

76C-250-266

Draft Legislation

250-270 - Draft Legislation

FEC-250FEC RESTRICTEDFEC-25022 July 1947FAR EASTERN COMMISSION

FIRST SESSION OF JAPANESE NATIONAL DIET--
DRAFT LAW IMPLEMENTING THE JAPANESE CONSTITUTION:
BILL FOR PARTIAL AMENDMENTS OF THE PENAL (CRIMINAL) CODE
(Reference: Chapter 3, FEC-087/14)

Note by the Secretary General

1. The enclosure, entitled "Bill for Partial Amendments of the Penal (Criminal) Code," implementing Chapter 3 of the Japanese Constitution, has been received from the Supreme Commander for the Allied Powers and is circulated herewith by the United States Representative for the consideration of the Far Eastern Commission and referred to COMMITTEE NO. 3: CONSTITUTIONAL AND LEGAL REFORM.

2. The enclosed draft law has been introduced into the current (first) session of the "Japanese National Diet," was transmitted to Washington on the 11th of July 1947, and was received by the Far Eastern Commission Secretariat on the 22nd of July 1947. No information has been received to date concerning passage of the enclosed bill by the Japanese Diet.

3. The enclosure may be considered in conjunction with another implementing measure, the Law for Provisional Amendments of the Criminal Procedure Code (Law No. 76 of 1947), which was passed by the last (92nd) session of the "Japanese Imperial Diet" and appeared in draft form in FEC-101/47 and FEC-101/67 and in official form in the Japanese OFFICIAL GAZETTE No. 314 of 19 April 1947, pages 5-7.

4. The enclosure is a verbatim copy of the original draft law translation received from the Supreme Commander. The Japanese text of the enclosure will be circulated as soon as reproduction facilities permit.

NELSON T. JOHNSON
Secretary General

FEC-250

FEC RESTRICTEDE N C L O S U R EFIRST SESSION OF JAPANESE NATIONAL DIET--
DRAFT LAW IMPLEMENTING THE JAPANESE CONSTITUTION:
BILL FOR PARTIAL AMENDMENTS OF THE PENAL (CRIMINAL) CODE

Part of the Penal Code shall be amended as follows:

In Table of Contents, Book I, "Chapter 6, Prescription" shall read "Chapter 6, Prescription and Extinction of Punishments" and Book II "Chapter 1, Crimes Against the Imperial House" shall read "Chapter 1. - Deleted" and "Chapter 7a Crimes Against Peace and Order" shall be deleted.

In Article 1, Par. 1, "within the Empire" shall read "within the state of Japan" and in Par. 2 of the same Article "outside the Empire" and "ships of the Empire" shall read "outside the state of Japan" and "ships of the state of Japan" respectively.

In Article 2, "outside the Empire" shall read "outside the state of Japan," and in No. 3 of the same Article "to 89" shall read "82, 87 and 88," and No. 1 of the same Article shall be amended as follows:

1. - Deleted.

In Article 3, Par. 1, "outside the Empire" and "every Japanese subject" shall read "outside the state of Japan" and "any of the Japanese people" respectively, and Par. 2 of the same Article shall be deleted.

In Article 4, "outside the Empire" shall read "outside the state of Japan" and "of the Empire" shall read "of the state of Japan."

In Article 5, "may be" shall read "shall be."

In Article 20, "the preceding Article" shall read "Article 19."

In Article 25, "penal servitude or imprisonment for not exceeding two years" shall read "penal servitude or imprisonment for not exceeding three years or a fine not more than Yen 5000."

To Article 26, the following paragraph shall be added;

When a further crime has been committed within the period of suspension and a sentence of fine is received, the former sentence suspending the execution of punishment may be revoked.

In Book I, "Chapter 6 prescription" shall read "Chapter 6 Prescription and Extinction of Punishments."

In Book I, Chapter 6 next to Article 34 shall be added the following new Article;

Article 34a - When ten years have elapsed for any person against or for whom the execution of the former punishment was completed or remitted (by operation of law, prescription or amnesty) without his being sentenced to a fine or graver punishment, the sentence loses its effect.

When two years have elapsed for any person for whom the former punishment was remitted without his being sentenced to a fine or graver punishment, the sentence remitting the punishment loses its effect.

Article 55. - Deleted.

Article 58. - Deleted.

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In Book II, "Chapter I. Crimes Against the Imperial House" shall read "Chapter I. - Deleted."

Article 73 to 76. - Deleted.

Article 81. - Every person who conspired with any foreign state and thereby caused the said state to use force of arms against the state of Japan, shall be condemned to death.

Article 82. - Every person who, when a foreign state used force of arms against the state of Japan, has entered into the military service of the said state siding with it or has benefited it militarily shall be condemned to death or punished with penal servitude for life or not less than two years.

Articles 83 to 86. - Deleted.

In Article 87, "the preceding six Articles" shall read "Articles 81 and 82."

In Article 88 "to 86" shall read "and 82."

Article 89. - Deleted.

Articles 90 and 91. - Deleted.

In Article 105, "there shall be no punishment" shall read "the punishment may be remitted."

In Book II, "Chapter 7a Crimes Against Peace and Order" and Articles 105a to 105 c shall be deleted.

Article 131. - Deleted.

In Article 132, "this Chapter" shall read "Article 130."

In Article 174, "a minor fine" shall read "penal servitude not exceeding six months or a fine not exceeding Yen 500 or detention or a minor fine."

In Article 175, "a fine of not more than Yen 500 or" shall read "penal servitude not exceeding two years or a fine not more than Yen 5000 or."

Article 183. - Deleted.

In Article 193, "not exceeding six months" shall read "not exceeding two years."

In Article 194, "not exceeding seven years" shall read "not exceeding ten years."

In Article 195, Par. 1, "not exceeding three years" shall read "not exceeding seven years."

In Article 208, Par. 1, "not exceeding one year" and "not exceeding Yen 50" shall read "not exceeding two years" and "not more than Yen 500" respectively, and Par. 2 of the same Article shall be deleted.

To Article 211 shall be added the following provisions;

The same applies to the person who, by gross negligence has caused death or wound of another person.

In Article 222, Par. 1, "not exceeding one year" and "not exceeding Yen 100" shall read "not exceeding two years" and "not exceeding Yen 500" respectively.

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In Article 226, "out of the Empire" shall read "out of the state of Japan."

In Article 230, Par. 1, "not exceeding one year" and "not more than Yen 500" shall read "not exceeding three years" and "not more than Yen 1000" respectively.

Article 230a - When the act of Par. 1 of the preceding Article is deemed to have been committed in allegation of the facts having relation to the public interest and primarily for the public benefit, if, in inquiry into the facts, the truth thereof be established, the said act is not punishable.

In applying the provision of the preceding paragraph, the facts concerning a criminal act committed by a person who has not yet been prosecuted in relation thereto shall be deemed the facts having relation to the public interest.

When the act of Par. 1 of the preceding Article has been committed in allegation of the facts concerning a public official or a candidate for elective public office, if, in inquiry into the facts, the truth thereof be established, the said act is not punishable.

Article 231. - Deleted.

In Article 232, "this Chapter" shall read "Article 230" and to the same Article shall be added the following paragraph;

When a person who may make a complaint is the Emperor, Empress, Grand Empress Dowager, Empress Dowager or the Imperial Heir, the Prime Minister shall make it in his or her behalf or when such person is a Sovereign or President of a foreign power, the Representative thereof shall make it in his or her behalf.

In Article 244 and 257, "or members of the house" shall be deleted.

Supplementary Provisions

The date of enforcement of the present Law shall be fixed by Cabinet Order.

The amended provision of Article 26, Par. 2 shall not apply to the case where a person sentenced guilty with the suspension of the execution of punishment has committed further crime before the coming into force of the present Law.

The amended provision of Article 34a applies to the person against or for whom the punishment was sentenced or remitted before the coming into force of the present Law.

Irrespective of the amended provisions of Article 55, Article 208, Par. 2, latter part of Article 211, Articles 244 and 257, the acts committed before the coming into force of the present Law shall be subject to the provisions hitherto in force.

FEC-250/1FEC-RESTRICTEDFEC-250/117 August 1947FAR EASTERN COMMISSION

FIRST SESSION OF THE JAPANESE NATIONAL DIET
DRAFT LAW IMPLEMENTING THE JAPANESE CONSTITUTION:
JAPANESE TEXT OF A BILL FOR PARTIAL AMENDMENT OF THE
PENAL (CRIMINAL) CODE

(Reference: Chapter 3, FEC-087/14, FEC-250)

Note by the Secretary General

1. The enclosure, the Japanese text of a bill entitled "Bill for Partial Amendment of the Penal (Criminal) Code", implementing Chapter 3 of the Constitution, has been received from the Supreme Commander for the Allied Powers and is circulated herewith by the United States Representative for the consideration of the Far Eastern Commission and referred to COMMITTEE NO. 3: CONSTITUTIONAL AND LEGAL REFORM.

2. The English translation of the enclosure was circulated as FEC-250 of 22 July 1947.

3. Due to the limited number of copies available, only one copy of the enclosure can be furnished each delegation.

SAMUEL S. STRATTON
Acting Secretary General

FEC-250/1

FEC-250/1FEC-RESTRICTEDFEC-250/117 August 1947FAR EASTERN COMMISSION

FIRST SESSION OF THE JAPANESE NATIONAL DIET
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SAMUEL S. STRATTON
Acting Secretary General

FEC-250/1

に、「帝國臣民」を「日本國民」に改め、同
 條第二項を削る。
 第四條中「帝國外」を「日本國外」に改め、
 第五條中「日本國ノ」に改め、
 第五條中「免除スル」を「免除ス
 」。第二條中「前條」を「第十九條」に改め
 る。
 第二十五條中「二年以下」懲役又ハ禁錮
 を「三年以下」懲役若クハ禁錮又ハ五千圓以
 下ノ罰金」に改める。
 第二十六條に次の一項を加える。
 猶豫ノ期間内更ニ罪ヲ犯シ罰金ニ處セラレ
 タルトキハ刑ノ執行猶豫ノ言渡ヲ取消スコ

トヲ得
第編中「第六章 時効」を「第六章 刑ノ時効及

ヒ刑ノ消滅」に改める。

第一編第六章中第三十四條の次に次の一條

を加える。

第三十四條ノ二 刑ノ執行ヲ終リ又ハ其執行

ノ免除ヲ得タル者罰金以上ノ刑ニ處セラレ

ルコトナク^{シテ}二年ヲ經過シ^テルトキハ刑ノ言

渡ハ其效力ヲ失フ

刑ノ免除ノ言渡ヲ受ケタル者其言渡後罰金又ハ

ソレ以上ノ刑ニ處セラレルコトナク^{シテ}二年ヲ經過

シタルトキハ刑ノ免除ノ言渡ハ其效力ヲ失

フ

第五十五條 削除

第五十八條 削除
第一章 皇室ニ對スル罪ニモ「第一章

削除ニ改メル

第七十三條 乃至第七十六條 削除

第八十一條 外國ニ通謀シテ日本國ニ對シ武

力ヲ行使スルニ至ラシメタル者ハ死刑ニ處

ス 第八十二條 日本國ニ對シ外國ヨリ武力ノ行

使アリタルトキ之ニ與シテ其軍務ニ服シ其

他之ニ軍事上ノ利益ヲ與ヘタル者ハ死刑又

ハ無期若クハ二年以上ノ懲役ニ處ス

第八十三條 乃至第八十六條 削除

第八十七條 中「前六條」を「第八十一條及

第八十二條」ニ改メル

ト

第八十八條中「乃至第八十六條」を「及ヒ
 第八十二條」に改める。
 第八十九條 削除
 第九十條及ヒ第九十一條 削除
 第九十五條中「之ヲ罰セス」を「其刑ヲ免除
 スルコトヲ得」に改める。
 第二編第七章ノ二 安寧秩序ニ對スル罪」及ビ
 第一百五條ノ二乃至第一百五條ノ四を削る。
 第三十一條 削除
 第三十二條中「本章」を「第三百三十條」
 に改める。
 第七十四條中「科料」を「六月以下ノ懲
 役若クハ五百圓以下ノ罰金又ハ拘留若クハ科
 料」に改める。

第百七十五條中「五百圓以下ノ罰金又ハ」
を「二年以下ノ懲役又ハ五千圓以下ノ罰金若
クハ」に改める。

第百八十三條 削除

第百九十二條中「六月以下」を「二年以下」
に改める。

第百九十四條中「七年以下」を「十年以下」
に改める。

第百九十五條第一項中「三年以下」を「七
年以下」に改める。

第百九十八條第一項中「一年以下」を「二年
以下」に改める。

第百九十九條第二項を削る。

第百一十條に後段として次のように加える。
重大ナル過失ニ因リ人ヲ死傷ニ致シタル者

亦同シ
 第二百二十條第一項中「一年以下」を「二
 年以下」に、「五百圓以下」を「五百圓以下」
 に改める。
 第二百二十六條中「帝國外」を「日本國外」
 に改める。
 第二百三十條第一項中「一年以下」を「三
 年以下」に、「五百圓以下」を「千圓以下」
 に改める。
 第二百三十一條ノ二 前條第一項ノ行為公共ノ
 利害ニ關スル事實ニ係リ其目的專ラ公益ヲ
 圖ルニ出テタルモノト認ムルトキハ事實ノ
 眞否ヲ判斷シ眞實ナルユトノ證明アリタル
 トキハ之ヲ罰セス
 前項ノ規定ノ適用ニ付テハ未ダ公訴ノ提起

セラレサル人ノ犯罪行為ニ關スル事實ハ之
 ヲ公共ノ利害ニ關スル事實ト看做ス
 前條第一項ノ行為公務員又ハ公選ニ依ル公
 務員ノ候補者ニ關スル事實ニ係ルトキハ事
 實ノ真否ヲ判斷シ眞實ナルコトノ證明アリ
 タルトキハ之ヲ罰セス
 第二百三十一條 削除
 第二百三十二條中「本章」を「第二百三十
 條」に改め、同條に次の一項を加ふる。
 告訴ヲ爲スコトヲ得可キ者カ天皇、皇后、
 太皇太后、皇太后又ハ皇嗣ナルトキハ内閣
 總理大臣、外國ノ君主又ハ大統領ナルトキ
 ハ其國ノ代表者代リテ之ヲ行フ
 第二百四十四條及び第二百五十七條中「又
 ハ家族」を削る。

附則

この法律施行の期日は、政令でこれを定める。

第二十六條第二項の改正規定は、刑の執行に猶予の言渡を受けた者がこの法律施行前に更に罪を犯した場合については、これを適用しない。

第三十四條ノ二の改正規定は、この法律施行前に刑の言渡又は刑の免除の言渡を受けた者に、これを適用する。

この法律施行前の行為については、刑法第五十五條、第二百八條第二項、第二百一一條後段、第二百四條及び第二百五十七條の改正規定にかかわらず、なお従前の例による。

FEC-251FEC RESTRICTEDFEC-25122 July 1947FAR EASTERN COMMISSION

FIRST SESSION OF JAPANESE NATIONAL DIET--
DRAFT LAW IMPLEMENTING THE JAPANESE CONSTITUTION:
BILL AMENDING A PART OF LAW 54 OF 1947--LAW RELATING TO PROHIBITION
OF PRIVATE MONOPOLY AND METHODS OF PRESERVING FAIR TRADE
(Reference: Article 29, FEC-087/14, FEC-101/49)

Note by the Secretary General

1. The enclosure, entitled "Bill Amending a Part of Law 54 of 1947-- Law Relating to Prohibition of Private Monopoly and Methods of Preserving Fair Trade," implementing Article 29 of the Japanese Constitution, has been received from the Supreme Commander for the Allied Powers and is circulated herewith by the United States Representative for the consideration of the Far Eastern Commission and referred to COMMITTEE NO. 3: CONSTITUTIONAL AND LEGAL REFORM.

2. The enclosed draft law has been introduced into the current (first) session of the "Japanese National Diet," was transmitted to Washington by the Supreme Commander on the 11th of July, and was received by the Far Eastern Commission Secretariat on the 22nd of July 1947. No information has been received to date concerning passage of the enclosed bill by the Japanese Diet.

3. Law No. 54 of 1947--Law Relating to Prohibition of Private Monopoly and Methods of Preserving Fair Trade--appeared in official form in the Japanese OFFICIAL GAZETTE No. 309 of April 14, 1947, pages 1-11. The English text of that measure, while being considered in draft form by the last (92nd) session of the "Japanese Imperial Diet," was circulated as FEC-101/49.

4. The enclosure is a verbatim copy of the original draft law translation received from the Supreme Commander. The Japanese text of the enclosure will be circulated as soon as reproduction facilities permit.

NELSON T. JOHNSON
Secretary General

FEC-251

FEC RESTRICTEDENCLOSURE

FIRST SESSION OF JAPANESE NATIONAL DIET--
DRAFT LAW IMPLEMENTING THE JAPANESE CONSTITUTION:
BILL AMENDING A PART OF LAW 54 OF 1947--LAW RELATING TO PROHIBITION
OF PRIVATE MONOPOLY AND METHODS OF PRESERVING FAIR TRADE

A part of Law No. 54 of 1947--Law Relating to Prohibition of Private Monopoly and Methods of Preserving Fair Trade--shall be amended as follows:

The term "Commissioner" or "Commissioners" as provided for in Article 28, Paragraph 2 of Article 29, Paragraph 3 of Article 29, Paragraph 1 to Paragraph 3 inclusive of Article 30, Article 31 and Article 32 shall be amended to read as "the Chairman or a Commissioner" or "the Chairman and the Commissioners."

The term "seven (7) Commissioners" as provided for in Paragraph 1 of Article 29 shall be amended to read as "the Chairman and six (6) Commissioners" and the following paragraph shall be inserted after Paragraph 2 so that Paragraph 3 shall become Paragraph 4:

"The appointment and dismissal of the Chairman shall require attestation of the Emperor."

The term "a Commissioner who has been appointed to fill a vacancy" as provided for in Paragraph 1 of Article 30 shall be amended to read as "the Chairman who has been appointed to fill a vacancy or a Commissioner appointed accordingly."

Paragraph 1 of Article 33 shall be deleted.

The term "two (2) years for two (2) Commissioners" shall be amended to read as "two (2) years for one (1) Commissioner."

Supplementary Provisions

This Law shall be enforced from the day of its promulgation.

FEC-251/1FEC-RESTRICTEDFEC-251/119 August 1947FAR EASTERN COMMISSION

FIRST SESSION OF JAPANESE NATIONAL DIET
DRAFT LAW IMPLEMENTING THE JAPANESE CONSTITUTION
JAPANESE TEXT OF A PART OF LAW 54 of 1947 -- LAW RELATING TO
PROHIBITION OF PRIVATE MONOPOLY AND METHODS OF PRESERVING FAIR TRADE
(Reference: Article 29, FEC-087/14, FEC-101/49, FEC-251)

Note by the Secretary General

1. The enclosure, the Japanese text of a draft law entitled "Bill Amending a Part of Law 54 of 1947 -- Law Relating to the Prohibition of Private Monopoly and Methods of Preserving Fair Trade," implementing Article 29 of the Constitution, has been received from the Supreme Commander for the Allied Powers and is circulated herewith by the United States Representative for the consideration of the Far Eastern Commission and referred to COMMITTEE NO. 3: CONSTITUTIONAL AND LEGAL REFORM.

2. The English translation of the enclosure was circulated as FEC-251 of 22 July 1947.

3. Due to the limited number of copies available, only one copy of the enclosure can be furnished each delegation.

SAMUEL S. STRATTON
Acting Secretary General

FEC-251/1

Bill number of report...
Law number of report...
with methods of...

政令第 号

昭和二十二年法律第五十四号（私的独占の禁止及び公正取引の確保に関する法律）の一部を改正する法律

昭和二十二年法律第五十四号（私的独占の禁止及び公正取引の確保に関する法律）の一部を次のように改正する。

第二十八條、第三十一條及び第三十二條中「委員長及び委員」を「委員長及び委員」に改め、

第二十九條第一項中「委員七人」を「委員長及び委員六人」に改め、

第二項及び第三項中「委員」を「委員長及び委員」に改め、

第三項中「委員」を「委員長及び委員」に改め、

第四項中「委員」を「委員長及び委員」に改め、

第五項中「委員」を「委員長及び委員」に改め、

第六項中「委員」を「委員長及び委員」に改め、

第七項中「委員」を「委員長及び委員」に改め、

第八項中「委員」を「委員長及び委員」に改め、

第九項中「委員」を「委員長及び委員」に改め、

第十項中「委員」を「委員長及び委員」に改め、

CAD IMS
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附 則
この法律は公布の日から、これを施行する。
内閣総理大臣は、この法律施行の際現に公正取引委員会の委員
の職にある者のうち一人を、委員長に任命することかできる。

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FEC-251/2FEC-RESTRICTEDFEC-251/229 June 1949FAR EASTERN COMMISSIONAMENDMENTS TO THE LAW RELATING TO THE PROHIBITION OF PRIVATE
MONOPOLY AND METHODS OF PRESERVING FAIR TRADE
(References: MI-064/1, FEC-251)Note by the Secretary General

1. The enclosure, the final text of amendments to the Law Relating to the prohibition of Private Monopoly and Methods of Preserving Fair Trade, has been received from the Supreme Commander for the Allied Powers and is circulated for the information of the Far Eastern Commission.
2. The enclosure is the text of the amendments as passed by the fifth session of the National Diet. The enclosure was approved by the Lower House on 13 May and by the Upper House on 20 May 1949.
3. The text of the Law for the Prohibition of Private Monopoly and Methods of Preserving Fair Trade, as passed by the 92nd session of the Imperial Diet, was circulated as Appendix "H" of MI-064/1. A draft text of a previous amendment, passed by the first session of the National Diet, was circulated as FEC-251.

NELSON T. JOHNSON
Secretary General

FEC-251/2

E N C L O S U R EAMENDMENTS TO THE LAW RELATING TO THE PROHIBITION OF PRIVATE MONOPOLY AND METHODS OF PRESERVING FAIR TRADE

A part of Law No. 54 of 1947, Law Relating to Prohibition of Private Monopoly and Methods of Preserving Fair Trade, shall be amended as follows:

ARTICLE 2. Paragraph 2 of this Article shall be amended as follows:

The term "competition" as used in this Law shall mean situations in which two (2) or more entrepreneurs do or may, within the normal scope of their business activities in Japan and without undertaking any significant change in their business facilities or practices in Japan, engage in any one (1) of the following acts:

- (1) supplying the same or similar goods or services to the same customers or consumers;
- (2) receiving supply of the same or similar goods or services from the same supplier.

Provided that such acts as provided for in Item 2 above shall not be included in "competition" as provided for by Chapter IV.

ARTICLE 6. This Article shall be amended as follows:

No entrepreneur shall participate in an international agreement or an international contract which contains therein any matter coming under any one (1) of the Items of Paragraph 1 of Article 4 with a foreign entrepreneur or participate in an agreement or contract any foreign trade which contains therein any matter coming under any one (1) of the Items of said Paragraph of said Article with a domestic entrepreneur.

The provisions of the preceding paragraph shall not apply in case the effects of such agreement or contract on competition in any particular field of international or domestic trade is negligible.

Every entrepreneur shall, when he has participated in an international agreement or an international contract (including such agreement or contract coming under the provisions of the preceding paragraph) with a foreign entrepreneur or when he has participated in an agreement or contract on foreign trade (including such agreement or contract coming under the provisions of the preceding paragraph) with a domestic entrepreneur, file a report of said fact, together with a copy of said agreement or contract (in case of an oral agreement or contract, a statement setting forth therein the contents thereof), with the Fair Trade Commission within thirty (30) days of the day of execution or participation in said agreement or contract in accordance with the provision of such rules and regulations of the Fair Trade Commission as it may establish.

The provisions of the preceding paragraph shall not apply to an agreement or contract relating to a single and only a single commercial transaction (excluding such transaction where the delivery of the object exceeds one (1) year) or to an agreement or contract which merely provides for the establishment of power of attorney on matters relating to commercial transactions (excluding such which provides for conditions that restrain the business activities of the other party or parties).

ARTICLE 7. This Article shall be amended as follows:

The Fair Trade Commission may, in case there exists any act which violates the provisions of Article 3, Paragraph 1 of Article 4, Article 5 or Paragraph 1 or Paragraph 3 of Article 6, order the entrepreneur concerned, in accordance with the procedures as provided for in Section 2 of Chapter VIII, to file reports, or to cease such act, to transfer a part of his business or to take any other necessary measure to eliminate such acts in violation of said provisions.

ARTICLE 9. This Article shall be amended as follows:

The establishment of a holding company is hereby prohibited.

No company (including a foreign company) shall become or operate a holding company in Japan.

The term "holding company" as used in the preceding two (2) paragraphs shall mean a company whose principal business is to own stocks (including partnership shares; hereinafter the same) in another domestic company or companies for the purpose of controlling the business activities of such other company or companies in Japan by means of such ownership of stocks.

In case a company (including a foreign company) which is not a holding company as provided for by the preceding paragraph and whose principal business is to own stocks in another domestic company or companies extends a significant influence over the business activities of such other company or companies in Japan by means of its ownership of stocks in such other company or companies, said company shall, with regard to application of the provisions of Paragraph 2, be deemed to be a holding company.

ARTICLE 10. This Article shall be amended as follows:

No company (including a foreign company) shall acquire or own, directly or indirectly, stocks or debentures in a domestic company or in two (2) or more domestic companies in case such acquisition or ownership may result in a substantial lessening of competition between any of such companies or may result in a substantial restraint of competition in any particular field of trade, or in case such acquisition or ownership is obtained through fair methods of competition.

No company (including a foreign company) whose business is other than financial (the definition of which shall be banking, trust, insurance, mutual financing or securities business; hereinafter the same) shall acquire or own stocks or debentures of another domestic company engaged in competition with it in Japan.

With regard to application of the provisions of the preceding paragraph, it shall not be construed that a company whose business is other than financial (including a foreign company and hereinafter to be referred to in this paragraph as the parent company) is in competition with its subsidiary company (the same shall apply with regard to construction in Article 13 as well as Paragraph 2 and Paragraph 3 of Article 14). The term "subsidiary company" as used in this case shall mean a domestic company which comes under each of the following items:

1. A company which stands, with regard to the principal part of its business activities, in close and continuous relation with and is subsidiary to the parent company with respect to the supply of raw materials, semi-finished products, accessory parts, by-products, waste material or goods or other economic benefits (excluding

funds) necessary for its business activities or with respect to the utilization of patent invention or model utility;

2. A company a substantial portion of whose issued stocks are owned or are to be owned by the parent company;
3. A company which is not engaged in competition in Japan with the parent company at the time of or immediately prior to acquisition of stocks by said parent company.

Every domestic company whose business is other than financial and whose total assets (as of its final balance sheet and excluding unpaid-up stocks, unpaid-up partnership shares or claim rights against unpaid-up fixed funds; hereinafter the same) exceeds five million (5,000,000) yen and every foreign company whose business is other than financial shall, in case it owns stocks or debentures of another domestic company (with regard to a security trust of stocks or debentures, including such cases wherein the trustor is the beneficiary; provided that, with regard to stocks, the foregoing shall apply only when the trustor exercises the voting right), file a report of all such stocks or debentures owned or entrusted by it as of the first of April and the first of October of each year with the Fair Trade Commission within thirty (30) days of said dates in accordance with such rules and regulations of the Fair Trade Commission as it may establish.

ARTICLE 11. This Article shall be amended as follows:

No company (including a foreign company; hereinafter the same for this Article) whose business is financial shall acquire or own stocks of another domestic company which operates in the same field of financial business and which is engaged in competition with it in Japan.

No company whose business is financial shall acquire or own stocks of another domestic company if by so doing it owns in excess of five per centum (5%) of the total issue on stock of said company.

The provisions of the preceding two (2) paragraphs shall not apply to such a case coming under any one (1) of the following Items:

1. In case of acquisition or ownership of stocks by a company engaged in the securities business in the normal course of its business;
2. In case of ownership of stocks by a company other than one engaged in the securities business and whose business is financial by under-writing for the purpose of public sale;
3. In case of acquisition or ownership of stocks by acceptance of a security trust whereas the trustor is the beneficiary;

Provided that the foregoing shall apply only when the trustor exercises the voting right.

The provisions of paragraph 2 shall not apply to the acquisition of stocks of another domestic company by a company whose business is financial as a result of the enforcement of bona fide liens or of receipt of payment in kind.

In such cases as provided for by Item 1 or Item 2 of Paragraph 3 or by the preceding paragraphs, when ownership of such stocks in excess of a period of one (1) year from the date of acquisition is contemplated, prior approval of the Fair Trade Commission shall be obtained in accordance with such rules and regulations of the Fair Trade Commission as it may establish. In this case approval of the Fair Trade Commission shall be granted upon condition that the company whose business is financial shall carry out an expeditious disposal of said stocks.

ARTICLE 12. This Article shall be deleted in whole.

ARTICLE 13. This Article shall be amended as follows:

No Officer or employee (referring to a person other than an officer in regular employment of a company in its business) of a company (including a foreign company) shall hold concurrently a position as an officer in another domestic company engaged in competition with it in Japan.

ARTICLE 14. This Article shall be amended as follows:

No natural, non-juridical or juridical person other than a company (including a foreign company) shall acquire or own, directly or indirectly, stocks or debentures of a domestic company or in two (2) or more domestic companies in case such acquisition or ownership may result in a substantial lessening of competition between any of such companies or may result in a substantial restraint of competition in any particular field of trade, or in case such acquisition or ownership is obtained through unfair methods of competition.

Every natural, non-juridical or juridical person other than a company (including a foreign company) shall, in case it comes to own stocks of two (2) or more domestic companies engaged in competition with one another in Japan in excess of ten per centum (10%) of the total issue of stock of any one (1) of said companies, file a report of such stocks with the Fair Trade Commission within thirty (30) days of the day of acquisition of such stocks in accordance with such rules and regulations of the Fair Trade Commission as it may establish.

No officer of a company (including a foreign company) shall acquire or own stocks of another domestic company engaged in competition with it in Japan.

Notwithstanding the provisions of the preceding paragraph, an officer of a company (including foreign company) may, in case he owns stocks of another domestic company which is engaged in competition in Japan with the company in which he assumed position as an officer, continue ownership of such stocks for a period of thirty (30) days of the day of his assuming position as an officer.

The Fair Trade Commission may, upon application and when it determines that special circumstances justify the approval of such application, extend the period of time as provided for by the preceding paragraph upon condition of an expeditious disposal. In such cases the running of the thirty (30) days period shall be illegible until said application is either approved or rejected.*

ARTICLE 15. This Article shall be amended as follows:

No domestic company shall effect a merger in any one (1) of the following cases:

*FEC Secretariat Note: A literal translation from the Japanese text of this sentence reads, "In such cases the period from the day of application to the day of its approval or rejection shall not be included in the thirty-day period."

1. In case undue substantial disparities in bargaining power will arise due to the merger;
2. In case a substantial restraint of competition in any particular field of trade may be caused by the merger;
3. In case the merger has been coerced by unfair methods of competition.

Every domestic company shall, when contemplating becoming a party to a merger, file previously a report with the Fair Trade Commission in accordance with such rules and regulations of the Fair Trade Commission as it may establish.

No domestic company shall, in such a case as coming under the preceding paragraph, effect a merger for a period of thirty (30) days from the day of receipt of said report; provided that the Fair Trade Commission may, in case it determines that a suspicion exists whereby said merger may come under any one (1) of the Items of Paragraph 1, extend said period of time, with the consent of the merging companies, for an additional period of time not to exceed sixty (60) days in accordance with such rules and regulations of the Fair Trade Commission as it may establish.

The Fair Trade Commission shall, in case it issues a notice to open proceedings of hearing or a recommendation for the taking of necessary measures with regard to said merger pursuant to the provisions of Article 17-2, issue such notice to open proceedings of hearing or recommendation within such thirty (30) day period of time as provided for in the preceding paragraph or such extended period of time as provided for in the proviso of the preceding paragraph; provided that the foregoing shall not apply in case a false statement with regard to important matters exists in such report as provided for in Paragraph 2.

Nothing contained in the preceding paragraph shall be construed to prevent the Fair Trade Commission from opening proceedings of a hearing or issuing a recommendation for the taking of necessary measures pursuant to the provisions of Article 7, paragraph 1 of Article 8 or Article 20.

ARTICLE 16. This Article shall be amended as follows:

The provisions of the preceding Article shall apply mutatis mutandis to an act of a company (including a foreign company; hereinafter the same for this Article) coming under any one (1) of the following Items:

1. receive transfer of the whole or substantial part of the business in Japan of another company;
2. receive transfer of the whole or substantial part of the fixed business assets in Japan of another company;
3. lease the whole or substantial part of the business in Japan of another company;
4. receive entrustment of management of the whole or substantial part of the business in Japan of another company;
5. enter into a contract which provides for a joint profit and loss account for business in Japan with another company.

ARTICLE 17-2. The following Article shall be newly inserted:

In case there exists any act in violation of the provisions of Paragraph 1, Paragraph 2 or Paragraph 4 of Article 10, Paragraph 1 or Paragraph 2 of Article 11, Paragraph 1 of Article 15 (including such cases where said provisions are applied mutatis mutandis in Article 16) or those of the preceding Article, the Fair Trade Commission may order the entrepreneur concerned to file a report, or to dispose the whole or a part of his stocks or debentures, to transfer a part of his business or to take any other measures necessary for eliminating such violation.

In case there exists any act in violation of the provisions of Paragraph 1 or Paragraph 2 of Article 9, Article 13, Paragraph 1, Paragraph 2 or Paragraph 3 of Article 14 or those of the preceding Article, the Fair Trade Commission may order the violator to file a report, or to dispose of the whole or part of his stocks, to resign from his position as an officer in a company or to take any other measure necessary for eliminating such violation.

Eliminating measures as provided for in the preceding two (2) Paragraphs shall be carried out in accordance with the procedures as provided for by Section 2 of Chapter VIII. In this case, the terms "entrepreneur" or "said entrepreneur" as provided for in Section 2 of Chapter VIII shall, with respect to application of the provisions of the preceding paragraph, be read as "violator" or "said violator".

ARTICLE 18. The term "Paragraph 1 of Article 15" as used in this Article shall be amended to read as "Paragraph 2 and Paragraph 3 of Article 15".

ARTICLE 26. The term "Paragraph 3 of Article 48 or Article 54" as used in Paragraph 1 of this Article shall be amended to read as "Paragraph 3 of Article 48, Article 53-3 or Article 54".

ARTICLE 35. The term "Criminal offenses" as used in Paragraph 4 of this Article shall be amended to read as "cases".

ARTICLE 48. Paragraph 1 of this Article shall be amended as follows:

The Fair Trade Commission may, when it deems that an entrepreneur has violated the provisions of Article 3, Paragraph 1 of Article 4, Article 5, Paragraph 1 or Paragraph 3 of Article 6, paragraph 1 or paragraph 2 of Article 9, paragraph 1, paragraph 2 or paragraph 4 of Article 10, paragraph 1 or paragraph 2 of Article 11, Article 13, paragraph 1, paragraph 2 or paragraph 3 of Article 14, paragraph 1 of Article 15 (including such cases where said provisions are applied mutatis mutandis in Article 16) or Article 17, that an entrepreneur has employed unfair methods of competition in violation of the provisions of Article 19, or when it deems that undue substantial disparities in bargaining power exist, recommend said entrepreneur to take suitable measures.

ARTICLE 51-2. The following Article shall be newly inserted:

The Fair Trade Commission may, after commencing proceedings of hearing, delegate a part of the proceedings of hearing (excluding the decision) in addition to such measures as provided for in Items of paragraph 1 of Article 46 to such staff personnel of the Fair Trade Commission as provided for by separate order in accordance with the provisions of the rules and regulations of the Fair Trade Commission.

ARTICLE 52. Paragraph 1 of this Article shall be amended by inserting the term "Article 17-2" after the term "paragraph 1 of Article 8".

ARTICLE 53-2. The following Article shall be newly inserted:

The provisions of Article 143 through Article 147 inclusive, Article 149, Article 154 through Article 156 inclusive, Article 165 and Article 166 of the Criminal Litigation Law shall be applied mutatis mutandis to the procedure whereby the Fair Trade Commission, in a hearing, examines witness or orders an expert to give expert testimony.

In such cases as provided for by the preceding paragraph, the terms "court", "court witness", "question" and "defendant" shall be read respectively as "the Fair Trade Commission", "Witness", "examine" and "entrepreneur".

ARTICLE 53-3. The following new Article shall be inserted:

The Fair Trade Commission may, when an entrepreneur, after commencement of proceedings of hearing, admits such facts as charged in the notice to open proceedings of hearing as well as application of law thereto and when he has filed with the Fair Trade Commission a written statement setting forth his desire to receive a decision without resorting to subsequent procedure of hearing and has filed a proposed plan which provides for concrete measures to be taken by said entrepreneur for the purpose of eliminating the said act or acts in violation or the said undue substantial disparities in bargaining power, render a decision on the lines of said proposed plan providing for concrete measures without resorting to subsequent procedure of hearing in case it deems it proper.

ARTICLE 54. This Article shall be amended as follows:

The Fair Trade Commission shall, when it is deemed after a hearing that a violation of the provisions of Article 3, Paragraph 1 of Article 4, Article 5, Paragraph 1 or Paragraph 3 of Article 6, Paragraph 1 or Paragraph 2 of Article 9, Paragraph 1, Paragraph 2 or Paragraph 4 of Article 10, Paragraph 1 or Paragraph 2 of Article 11, Article 13, Paragraph 1, Paragraph 2 or Paragraph 3 of Article 14, Paragraph 1 of Article 15 (including such cases where said provisions are applied mutatis mutandis in Article 16) or Article 17 exists, that unfair methods of competition have been employed in violation of the provisions of Article 19, or that undue substantial disparities in bargaining power exist, order by decision said entrepreneur to take such measures as provided for by Article 7, Paragraph 1 of Article 8, Article 17-2 or Article 20.

ARTICLE 65. Paragraph 1 of this Article shall be amended as follows:

The Fair Trade Commission shall, when it receives an application for permission or approval in accordance with the provisions of Paragraph 5 of Article 11 and when it deems said application to be groundless, dismiss said application by decision.

ARTICLE 67. Paragraph 1 of this Article shall be amended as follows:

The Court may, if deemed of urgent necessity, upon complaint of the Fair Trade Commission, order an entrepreneur temporarily to cease in act or acts, to suspend the execution of voting rights or to cease execution of duties as an officer of a company whenever suspicion of a violation of the provisions of Article 3, Paragraph 1 of Article 4, Article 5,

Paragraph 1 of Article 6, Paragraph 1 or Paragraph 2 of Article 9, Paragraph 1 or Paragraph 2 of Article 10, Paragraph 1, Paragraph 2 or Paragraph 5 of Article 11, Article 13, Paragraph 1 or Paragraph 3 of Article 14, Paragraph 1 of Article 15 (including such cases where said provisions are applied mutatis mutandis in Article 16) or Article 17 exist, or may revoke or modify said order. It may also order the foregoing measures with regard to an act or acts suspected of employing unfair methods of competition in violation of the provisions of Article 19.

ARTICLE 69. The term "after opening proceedings of hearing" shall be inserted after the term "the Fair Trade Commission", as used in this Article, and the term "the original" shall be deleted.

ARTICLE 76. This Article shall be amended as follows:

The Fair Trade Commission may, with respect to its internal rules, procedure for handling cases, reports, applications for approvals and other matters, establish necessary rules and regulations.

ARTICLE 85. The term "Article 89 and Article 90" as used in Item 3 of this Article shall be amended to read as "Article 89 through Article 91 inclusive".

ARTICLE 89. The term "fifty thousand (50,000) yen" as used in this Article shall be amended to read as "five hundred thousand (500,000) yen".

ARTICLE 90. The term "thirty thousand (30,000) yen" as used in this Article shall be amended to read as "three hundred thousand (300,000) yen", and the term "Paragraph 3 of Article 48 or Article 54" as provided for in Item 4 of this Article shall be amended to read as "Paragraph 3 of Article 48, Article 53-3 or Article 54".

ARTICLE 91. This Article shall be amended as follows:

Any person or party coming under any one (1) of the following Items shall be punished by penal servitude for not more than one (1) year or by a fine not more than two hundred thousand (200,000) yen:

1. One who, in violation of the provisions of Paragraph 1 of Article 9, establishes a holding company, or who violates the provisions of Paragraph 2 of said Article;
2. One who, in violation of the provisions of the former part of Paragraph 1 or Paragraph 2 of Article 10, acquires or owns stocks or debentures;
3. One who, in violation of the provisions of Paragraph 1 or Paragraph 2 of Article 11, acquires or owns stocks, or who, in violation of the provisions of Paragraph 5 of said Article, owns stocks;
4. One who, in violation of the provisions of Article 13, assumes a position as an officer of company;
5. One who, in violation of the provisions of the former part of Paragraph 1 or Paragraph 3 of Article 14, acquires or owns stocks or debentures;
6. One who has violated the provisions of Article 17.

ARTICLE 91-2. The following new Article shall be inserted:

Any person or party coming under any one (1) of the following Items shall be punished by a fine not more than two hundred thousand (200,000) yen:

1. One who, in violation of the provisions of Paragraph 3 of Article 6, fails to file a report or has filed a false report;
2. One who, in violation of the provisions of Paragraph 4 of Article 10, fails to file a report or has filed a false report;
3. One who, in violation of the provisions of Paragraph 2 of Article 14, fails to file a report or has filed a false report;
4. One who, in violation of the provisions of Paragraph 2 of Article 15 (including such case where said provisions are applied mutatis mutandis in Article 16), fails to file a report or has filed a false report;
5. One who, in violation of the provisions of Paragraph 3 of Article 15, has registered establishment or change due to the merger;
6. One who, in violation of the provisions of Paragraph 3 of Article 15 which is applied mutatis mutandis in Article 16, has carried out an act coming under any one (1) of the Items of Article 16.

ARTICLE 92. The term "the preceding three (3) Articles" as used in this Article shall be amended to read as "Article 89 through Article 91 inclusive".

ARTICLE 92-2. The following new Article shall be inserted:

Any witness or expert who has sworn pursuant to the provisions of Article 53-2 and who gives false testimony or false expert testimony shall be punished by a penal servitude for not less than three (3) months and not more than ten (10) years.

In case an offender of such crime as provided for in the preceding paragraph confesses his crime prior to the termination of proceedings of hearing and prior to the discovery of such crime, the punishment for said crime may be lightened or it may be exempted.

ARTICLE 93. The term "five thousand (5,000) yen" as used in this Article shall be amended to read as "fifty thousand (50,000) yen".

ARTICLE 94. The term "one thousand (1,000) yen" as used in this Article shall be amended to read as "ten thousand (10,000) yen".

ARTICLE 94-2. The following new Article shall be inserted:

Any person or party coming under any one (1) of the following Items shall be punished by a fine not more than five thousand (5,000) yen:

1. One who, in violation of measures taken by the Fair Trade Commission in accordance with the provisions of Article 40, fails to appear, fails to submit reports, information or data, or has submitted false reports, information or data;
2. One who, in violation of measures taken against the parties concerned with the case and witnesses in accordance with the provisions of Item 1 of Paragraph 1 or Paragraph 2 of Article 46, fails to appear, fails to give testimony, has given false testimony, or fails to submit reports or has submitted false reports;
3. One who, in violation of measures taken against an expert in accordance with the provisions of Item 2 of Paragraph 1 or Paragraph 2 of Article 46, fails to appear, fails to give expert testimony or has given false expert testimony;
4. One who, in violation of measures taken against a holder of a thing in accordance with the provisions of Item 3 of Paragraph 1 or of Paragraph 2 of Article 46, fails to submit such thing.

ARTICLE 95. The term "Item 1 through Item 4 inclusive as well as Item 6 through Item 8 inclusive of Article 91" as used in Paragraph 1 of this Article shall be amended to read as "Item 1 through Item 3 inclusive as well as Item 5 or Item 6 of Article 91 and Article 91-2".

The following two (2) new paragraphs shall be inserted as paragraph 2 and paragraph 3 respectively:

In case the representative, administrator, agent or any other employee of non-judicial organization has, with regard to the business or activities or property of said organization, committed a violation as provided for by Article 89, Article 90, Item 1 or Item 5 of Article 91 or Item 1 or Item 3 of Article 91-2, not only shall the offender be punished but said non-judicial organization shall also be punished by such fines as provided for by the respective Articles.

In such cases as provided for in the preceding Paragraph, the representative or administrator shall represent the organization in the case concerned and, furthermore, the provisions of the Criminal Litigation Law on legal procedures where a judicial person is the defendant or suspect shall be applied mutatis mutandis.

ARTICLE 96. The term "Article 89 and Article 90" as used in Paragraph 1 of this Article shall be amended to read as "Article 89 through Article 91 inclusive".

ARTICLE 97. The term "Paragraph 3 of Article 48 or Article 54" as used in this Article shall be amended to read as "Paragraph 3 of Article 48, Article 53-3 or Article 54".

ARTICLE 99. This Article shall be deleted in whole.

ARTICLE 103. The following two (2) Paragraphs shall be newly inserted as Paragraph 2 and Paragraph 3 respectively:

The provisions of Paragraph 2 of Article 11 shall not apply to such cases where a company whose business is financial acquires or owns stocks of another domestic company whose business is other than financial in accordance with the provisions of the final reorganization plan as provided for by the Enterprise Reconstruction and Reorganization Law.

The provisions of Paragraph 5 of Article 11 shall apply mutatis mutandis to such cases as provided for in the preceding Paragraph.

ARTICLE 110-2. The following new article shall be inserted after Article 110:

Any person or party who, in violation of the provisions of Paragraph 5 of Article 11 as applied mutatis mutandis in Paragraph 3 of Article 103, owns stocks shall be punished by a penal servitude for not more than one (1) year or a criminal fine of not more than two hundred thousand (200,000) yen.

ARTICLE 112. The terms "Item 2 of the preceding Article" and "said Article" shall be amended respectively to read as "Article 110-2 or Item 2 of the preceding Article" and "said Articles".

SUPPLEMENTARY PROVISIONS

ARTICLE 1. This Law shall be enforced from the day of its promulgation.

ARTICLE 2. Measures to be taken with regard to stocks or debentures of another domestic company owned by a company (including a foreign company) whose business is other than financial at the time of enforcement of this Law in violation of the provisions of the amended Paragraph 2 of Article 10 shall be provided for by separate order.

In case a domestic company whose business is other than financial and whose total assets exceed five million (5,000,000) yen or a foreign company whose business is other than financial owns stocks or debentures of another domestic company as of 1st April 1949 (with regard to a security trust of stocks or debentures, including such cases where the trustor is the beneficiary; provided that, with respect to stocks, the foregoing shall apply only where the trustor exercises the voting right) said company shall, notwithstanding the provisions of the amended Paragraph 4 of Article 10, file a report of all such stocks or debentures owned or entrusted by it as of said date with the Fair Trade Commission by a date to be fixed by the rules and regulations of the Fair Trade Commission.

ARTICLE 3. Measures to be taken with regard to stocks owned at the time for enforcement of this Law in violation of the provisions of the amended Article 14 shall be provided for by separate order.

ARTICLE 4. Cabinet Orders to be issued pursuant to the provisions of Paragraph 1 of Article 2 or the preceding Article of the Supplementary Provisions may provide for penalties within the limit of a penal servitude for not more than one (1) year or a fine not more than fifty thousand (50,000) yen.

ARTICLE 5. Any person or party who, in violation of the provisions of Paragraph 2 of Article 2 of the Supplementary Provisions, fails to file a report or has filed a false report shall be punished by a fine not more than two hundred thousand (200,000) yen.

ARTICLE 6. In case a representative of a juridical person, or an agent, an employee or any other person in service of a juridical person commits a violation as provided for in the preceding Article with respect to the business or activities or property of said juridical person, not only shall the offender be punished but said juridical person shall also be punished by such fine as provided for in the preceding Article.

ARTICLE 7. The jurisdiction of cases in process of litigation prior to the enforcement of this Law shall be continued to be litigated pursuant to the old provisions even after enforcement of the provisions of the amended Item 3 of Article 85.

ARTICLE 8. Application of penalties against acts which has taken prior to the enforcement of this Law shall be made in accordance with the old penalties.

FEC-251/3FEC-RESTRICTEDFEC-251/37 July 1949FAR EASTERN COMMISSIONAMENDMENTS TO THE LAW FOR THE PROHIBITION OF PRIVATE
MONOPOLY AND METHODS OF PRESERVING FAIR TRADE
Japanese TextNote by the Secretary General

1. The enclosure, the final Japanese text of amendments to the Law for the Prohibition of Private Monopoly and Methods of Preserving Fair Trade, has been received from the Supreme Commander for the Allied Powers and is circulated for the information of the Far Eastern Commission.

2. The enclosure was passed by the House of Representatives on 13 May and by the House of Councillors on 20 May 1949.

3. An English translation of the enclosure was circulated as FEC-251/2 of 29 June 1949.

4. Due to the limited number available, only one copy of the enclosure can be furnished each delegation.

NELSON T. JOHNSON
Secretary General

FEC-251/3

ALLEN
PRIV.

第六條及び第七條を次のように改める。

第六條 事業者は、外國の事業者と第四條第一項各号の一に掲げる事項

を内容とする國際的協定若しくは國際的契約をし、又は國內の事業者と貿易について同條同項各号の一に掲げる事項を内容とする協定若しくは契約をしてはならない。

前項の規定は、國際取引又は國內取引の一定の分野における競争に對する当該協定又は契約の影響が問題とする程度に至らないものである場合には、これを適用しない。

事業者は、外國の事業者と國際的協定若しくは國際的契約（前項の規定に該當する協定若しくは契約を含む。）をし、又は國內の事業者と貿易についての協定若しくは契約（前項の規定に該當する協定若しくは契約を含む。）をしたときは、公正取引委員会規則の定めるところにより、当該協定又は契約の成立の日から三十日以内に、当該協定又は契約の写（口頭の協定又は契約である場合には、その内容を説明する文書）を添附して、その旨を公正取引委員会に届け出なければならぬ。

前項の規定は、一回限りの取引（目的物の授受の期間が一年を超す

前二項において持株会社とは、国内の他の会社の株式（社員の持分を含む。以下同じ。）を所有することによりその会社の事業活動を支配することを目的として、株式を所有することを主たる事業とする会社をいう。

前項の持株会社でない会社であつて、国内の他の会社の株式を所有することを主たる事業とするもの（外国会社を含む。）が、その会社の株式を所有することによりその会社の事業活動に著しい影響を與えた場合においては、第二項の適用については、これを持株会社とみなす。

第十條 会社（外国会社を含む。）は、直接たると間接たるとを問はず、国内の一又は二以上の他の会社の株式又は社債を取扱し、又は所有することにより、これらの会社間の競争を実質的に減殺することとなる場合又は一定の取引分野における競争を実質的に制限することとなる場合には、当該株式又は社債を取扱し、又は所有してはならない。又、不正な競争方法により、国内の他の会社の株式又は社債を取扱し、又は所有してはならない。

金融業（銀行業、信託業、保険業、無償業又は証券業をいう。以

るものを除く。）に關する協定又は契約及び取引上の代挿権を與えることのみを内容とする協定又は契約（相手方の事業活動を拘束する條件を含むものを除く。）には、これを適用しない。

第七條 第三條、第四條第一項、第五條又は前條第一項若しくは第三項の相定に違反する行爲があるときは、公正取引委員會は、第八章第三節に規定する手続に従い、事業者に対し、届出を命じ、又は当該行爲の差止、營業の一部の譲渡その他これらの規定に違反する行爲を排除するため必要措置を命ずることができらる。

第九條から第十六條までを次のように改める。

第九條 持株会社は、これを設立してはならない。

。 会社（外國会社を含む。）は、國內において持株会社となつてはならない。

前二項において持株会社とは、國內の他の会社の株式（社員の特分を含む。以下同じ。）を所有することによりその会社の事業活動を支配することを目的として、株式を所有することを主たる事業とする会社をいう。

し、親会社と子会社との関係に依りて、親会社に従属して業務を営むこととなることを認むることを要する。親会社と子会社との関係に依りて、親会社に従属して業務を営むこととなることを認むることを要する。親会社と子会社との関係に依りて、親会社に従属して業務を営むこととなることを認むることを要する。

二 親会社により株式の相当部分が所有されており、又は所有され

ることとなる会社

三 親会社により株式を取得される際又はその直前において、当該

親会社と関係において競争してはいない会社

金融業以外の事業を営むこととなる会社であつて、該会社（最終の貸借対照表により、且つ、未払込株金、未払込出資金又は未払込基金に對する請求権を除いたものとする。以下同じ。）が五百万円を超過するもの又は金融業以外の事業を営む外国会社は、國內の他の会社の株式又は社債を所有する場合（株式又は社債の有価証券信託において、自己を受託者とする場合を含む。但し、株式については、自己が議決権を行使する場合に限る。）には、公正取引委員会規則の定めるところにより、毎年四月一日現在及び十月一日現在においてその所有し、又は信託をしている株式又は社債に關する報告書をそれぞれ三十日以内の公正取引委員会に提出しなければならぬ。

第十一條 金融業を営む会社（外國会社を含む。以下本條において同

下同じ。）以外の事業を営む会社（外資会社を含む。）は、自己と国内において競争関係にある国内の他の会社の株式又は社債を取得し、又は所有してはならない。

前項の規定の適用については、金融業以外の事業を営む会社（外資会社を含む。）以下本項において親会社という。）ことの子会社との間には競争関係があるものと解してはならない（第十三條並びに第十四條第二項及び第三項の規定の適用についても同じ。）この場合において子会社とは、左の各号のすべてに該当する国内の会社をいう。

一 事業活動に必要な原材料、半製品、部品、副産物、廃物等の物資その他の経済上の利益（資金を除く。）の供給を受け、又は事業活動に必要な許可等若しくは専用新案を利用することに關し、親会社と当該事業活動の主要部分について継続的で緊密な関係にあることにより当該親会社に従属している会社

二 親会社により株式の相当部分が所有されており、又は所有されることとなる会社

三 親会社により株式を取得される際又はその直前において、当該

第二項のものを、
より、国内の他の会社の株式を取得する場合には、これを適用しない。

第三項第一号若しくは第二号又は前項の場合において、取得の日から一年を超えて株式を所有しようとするときは、公正取引委員会からの定めるところにより、あらかじめ公正取引委員会の認可を受けなければならぬ。この場合における公正取引委員会の認可は、合併を営む会社が当該株式をすみやかに処分することを条件としなければならぬ。

第十二條 倒産

第十三條 会社（外国会社を含む。）の役員又は従業員（兼務して会社の業務に従事する者であつて役員以外の者をいう。）は、その会社と国内において競争関係にある国内の他の会社の役員の地位を兼ねてはならない。

第十四條 会社（外国会社を含む。）以外の者は、直接たると間接たるとを問わず、国内の一又は二以上の会社の株式又は社債を取得し、又は所有することにより、これらの会社間の競争を実質的に排他するものとなる場合又は一定の取引分野における競争を実質的に制限することを

じ。一は、自己と国内において競争関係にある同種の金融業を営む國

内の他の会社の株式を取得し、又は所有してはならない。

金融業を営む会社は、国内の他の会社の株式総数の百分の五を超えてその会社の株式を所有することとならば、
又は所有してはならない。

前二項の規定は、左の各号の一に該当する場合には、これを適用しない。

一 証券業を営む会社が業務として株式を取得し、又は所有する場合
二 証券業以外の金融業を営む会社が買出のための引受によつて株式を所有する場合

三 委託者を受託者とする有価証券信託の引受によつて株式を取得し、又は所有する場合。但し、委託者が議決権を行使する場合に限る。
第二項の規定は、金融業を営む会社が担保権の行使又は代物弁済により、国内の他の会社の株式を取得する場合には、これを適用しない。

第五條 附則第二條第二項の規定に違反して報告書を提出せず、又は虚偽の報告書を提出した者は、二十万円以下の罰金に処する。

第六條 法人の代表者又は法人の代理人、使用人その他の従業者が、その法人の業務又は財産に関して、前條の違反行爲をしたときは、行爲者を罰する外、その法人に対しても、同條の罰金刑を科する。

第七條 この法律施行前に公訴の提起のあつた事件の管轄は、第八十五條第三号の改正規定施行後も、なお改正前の規定による。

第八條 この法律施行前にした行爲に対する罰則の適用については、なお従前の例による。

る場合においては、その就任の日から三十日以内は、前項の規定にかかわらず、これを所有することができらる。

公正取引委員会は、特別の事情があると認めるときは、申請により、すみやかに処分することを条件として、前項に規定する期間を延長することができらる。この場合において、申請をした日からその承認又は却下の日までの期間は、これを三十日の期間に算入しない。

第十五條 國內の会社は、左の各号の一に該当する場合には、合併を

してはならぬ。

一 当該合併によつて不当な事業能力の較差が生ずることとなる場合

二 当該合併によつて一定の取引分野における競争を實質的に制限することとなる場合

三 当該合併が不公正な競争方法によるものである場合

國內の会社は、合併をしようとする場合には、公正取引委員会規則の定めるところにより、あらかじめ公正取引委員会に届け出なければならぬ。

ととなる場合には、当該株式又は社債を取得し、又は所有してはならず、又、不公正な競争方法により國內の会社の株式又は社債を取得し、又は所有してはならない。

会社（外國会社を含む。）以外の者は、國內において相互に競争關係にある二以上の國內の会社の株式を所有する場合において、いずれか一の会社の株式をその総数の百分の十を超えて所有することとなるときは、公正取引委員会規則の定めるところにより、これらの株式に關する報告書をその所有することとなつた日から三十日以内に公正取引委員会に提出しなければならない。

会社（外國会社を含む。）の役員は、その会社と國內において競争關係にある國內の他の会社の株式を取得し、又は所有してはならない。

会社（外國会社を含む。）の役員は、その就任の際就任する会社と國內において競争關係にある國內の他の会社の株式を所有している場合においては、その就任の日から三十日以内は、前項の規定にかかわらず、これを所有することができらる。

公正取引委員会は、特別の事情があるとき、申請により、すみやかに処分することを條件として、前項に規定する期間を

第十六條 前條の規定は、会社（外國会社を含む。以下本條において同じ。）が左の各号に掲げる行爲をする場合にこれを準用する。

- 一 他の会社の國內における營業の全部又は重要部分の讓受
- 二 他の会社の國內における營業上の固定資産の全部又は重要部分の讓受
- 三 他の会社の國內における營業の全部又は重要部分の質借
- 四 他の会社の國內における營業の全部又は重要部分についての經營の受任
- 五 他の会社と國內における營業上の損益全部を共通にする契約の締結

第十七條の次に次の一條を加える。

第十七條の二 第十條第一項、第二項若しくは第四項、第十一條第一項若しくは第二項、第十五條第一項（第十六條において準用する場合を含む。）又は前條の規定に違反する行爲があるときは、公正取引委員会は、事業者に対し、報告書の提出を命じ、又は株式若しくは社債の全部若しくは一部の処分、營業の一部の讓渡その他これらの規定に違反する行爲を排除するために必要な措置を命ずることが

前項の場合において、国内の会社は、届出受理の日から三十日を経過するまでは、合併をしてはならない。但し、公正取引委員会が、当該合併が第一項各号の一に該当する疑があると認める場合には、当該会社の同意を得て更に六十日を超えない期間を限り当該期間を延長することができる。

公正取引委員会は、第十七條の二の規定により当該合併に関し必要を措置を命ずるために審判開始決定をし、又は勧告する場合に、前項本文に規定する三十日の期間又は同項但書の規定により延長された期間内にこれをしなければならぬ。但し、第二項の届出に重要な事項につき虚偽の記載があつた場合には、この限りでない。

前項の規定は、公正取引委員会が、第七條、第八條第一項又は第二十條の規定により必要な措置を命ずるために審判開始決定をし、又は勧告することを妨げるものと解してはならない。

第十六條 前條の規定は、会社（外國会社を含む。以下本條において同じ。）が左の各号に掲げる行為をする場合にこれを準用する。

第十八條中「第十五條第一項」を「第十五條第二項及び第三項」に改める。

第二十六條第一項中「第四十八條第三項又は第五十四條」を「第四十八條第三項、第五十三條の三又は第五十四條」に改める。

第三十五條第四項中「犯罪」を「事件」に改める。

第四十八條第一項を次のように改める。

公正取引委員会は、事業者が、第三條、第四條第一項、第五條、第六條第一項若しくは第三項、第九條第一項若しくは第二項、第十條第一項、第二項若しくは第四項、第十一條第一項若しくは第二項、第十三條、第十四條第一項、第二項若しくは第三項、第十五條第一項（第十六條において準用する場合を含む。）若しくは第十七條の規定に違反する行為をしていると認められる場合、事業者が第十九條の規定に違反して不正な競争方法を用いていると認められる場合又は不当な事業能力の較差があると認められる場合には、当該事業者に対し、適当な措置をとるべきことを勧告することができる。

第五十一條の次に一條を加える。

第五十一條の二 公正取引委員会は、審判開始決定をした後、命令を以て

できる。

第九條第一項若しくは第二項、第十三條、第十四條第一項、第二項若しくは第三項又は前條の規定に違反する行為があるときは、公正取引委員会は、当該違反行為者に対し、報告書の提出を命じ、又は株式の全部若しくは一部の処分、会社の役員の評任その他これらの規定に違反する行為を排除するために必要な措置を命ずることができらる。

前二項に規定する排除措置は、第八章第二節に規定する手続に従つて、これをしたなければならない。この場合において、前項の規定の適用については第八章第二節の規定中事業者又は当該事業者とあるのは、それぞれ違反行為者又は当該違反行為者と読み替へるものとする。

第十八條中「第十五條第一項」を「第十五條第二項及び第三項」に改める。

第二十六條第一項中「第四十八條第三項又は第五十四條」を「第四十

第五十三條の三、公正取引委員会は、審判開始決定書記載の事実及び法律の適用を認めて、公正取引委員会に

対し、その後の審判手続を経ないで審決を受けたい旨を文書を以て申し出で、且つ、当該違反行為又は不当な事業能力の救済を排除するため自ら採るべき具体的措置に関する計画書を作成した場合には、適当と認めるときは、その後の審判手続を経ないで当該違反書記載の具体的な措置と同趣旨の審決をすることかできる。

第五十四條を次のように改める。

第五十四條 公正取引委員会は、審判手続を経た後、申請者が、第三條、第四條第一項、第五條、第六條第一項若しくは第三項、第九條第一項若しくは第二項、第十條第一項、第十一條第一項、第十二條第一項、第十三條、第十四條第一項、第十五條第一項、第十六條第一項、第十七條の規定に違反する行為をしていると認めるときは、事業能力の救済を以て当該事業能力の救済が認めらるる場合又は、事業能力の救済を以て当該事業能力の救済を命じなければならぬ。

定める公正取引委員会の職員をして、公正取引委員会規則の定めるところにより、第四十六條第一項各号の処分の外、その後の審判手続（審決を除く。）の一部を行わせることができる。

第五十二條第一項中「第八條第一項」の次に「、第十七條の二」を加える。

第五十三條の次に次の二條を加える。

第五十三條の二 刑事訴訟法第百四十三條から第百四十七條まで、第百四十九條、第百五十四條から第百五十六條まで、第百六十五條及び第百六十六條の規定は、公正取引委員会が、審判に際して、参考人を審訊し、又は鑑定人に鑑定を命ずる手続について、これを準用する。

前項の場合において、「被検所」とあるのは「公正取引委員会」と、「証人」とあるのは「参考人」と、「尋問」とあるのは「審訊」と、「被告人」とあるのは「事業者」とそれぞれ読み替へるものとする。

第五十三條の三 公正取引委員会は、審判開始決定をした後、事業者が、審判開始決定書記載の事実及び法律の適用を認め、公正取引委員会に

対し、その後の審判手続を経ないで解決を受けたい旨を文書を以て申し出て、且つ、当該違反行為又は不当な事業能力の救済を排除するため、

はその命令を取り消し、又はその命令を撤回し、又はその命令を執行し、又はその命令を執行しないこと、又はその命令を執行するに当たって、その命令の趣意に違反して不公正な競争方法を用いている疑のある行為についても、同様とする。

第六十九條中「公正取引委員会に対し、」の次に「審判開始決定後、」を加え、「正本、」を削る。

第七十六條を次のように改める。

第七十六條 公正取引委員会は、その内部規律・事件の処理手続及び届出認可申請その他の事項に關する必要な手続について規則を定めることができる。

第八十五條第三号中「第八十九條及び第九十條」を「第八十九條から第九十一條まで」に改める。

第八十九條中「五万円」を「五十万円」に改める。

第九十條中「三万円」を「三十万円」に、「第四十八條第三項又は第五十四條」を「第四十八條第三項・第五十三條の三又は第五十四條」に改める。

第九十一條を次のように改める。

第九十一條 左の各号の一に該当する者は、これを一年以下の懲役又は二十万円以下の罰金に処する。

第六十五條第一項を次のように改める。

公正取引委員会は、第十一條第五項の規定による認可の申請があつた場合において、当該申請を理由かかないと認めるときは、審決を以て、これを却下しななければならぬ。

第六十七條第一項を次のように改める。

裁判所は、緊急の必要があると認めるときは、公正取引委員会の申立により、事業者に対し、第三條、第四條第一項、第五條、第六條第一項、第九條第一項若しくは第二項、第十條第一項若しくは第二項、第十一條第一項、第二項若しくは第五項、第十三條、第十四條第一項若しくは第三項、第十五條第一項（第十六條において準用する場合を含む。）若しくは第十七條の規定に違反する疑のある場合における当該行爲、議決権の行使又は会社の役員業務の執行を一時停止するべきことを命じ、又はその命令を取り消し、若しくは変更することかできる。第十九條の規定に違反して不公正な競争方法を用いている疑のある行爲についても、同様とする。

者

二 第十條第四項の規定に違反して報告書を作成せず、又は虚偽の報告

書を作成し、又は虚偽の報告書を作成し、又は虚偽の報告書を作成し、

又は虚偽の報告書を作成し、又は虚偽の報告書を作成し、又は虚偽の報告書を作成し、

又は虚偽の報告書を作成し、又は虚偽の報告書を作成し、又は虚偽の報告書を作成し、

五 第十條第四項の規定に違反して台帳による設立又は支店等の登記を

した者

六 第十六條において準用する第十五條第三項の規定に違反して第十六條各号の一に該当する行為をした者

第九十二條中「前三條」を「第八十九條から第九十一條まで」に改め、同條の次に次の一條を加える。

第九十二條の二 第五十三條の二の規定により宣誓した参考人又は鑑定人が虚偽の陳述又は鑑定をしたときは、三月以上十年以下の懲役に処する

前項の罪を犯した者が、審判手続終了前であつて、且つ、犯罪の発覚する前に自白したときは、その刑を減輕又は免除することができる。

一 第九條第一項の規定に違反して株式会社を設立し、又は同條第二項の規定に違反した者

二 第十條第一項の規定に違反して株式又は社債を取得し、又は所定した者

三 第十條第二項の規定に違反して株式を取得し、又は所定した者

四 第十三條の規定に違反して役員を兼ねた者

五 第十四條第一項の規定に違反して株式又は社債を取得し、又は所定した者

六 第十七條の規定に違反した者

第九十一條の二 左の各号の一に該当する者は、これを二十万円以下の罰金に処する。

一 第六條第三項の規定に違反して届出をせず、又は虚偽の届出をした者

二 第十條第四項の規定に違反して報告書を作成せず、又は虚偽の報告

書を作成し、又は虚偽の報告書を作成した者

三 第十四條第一項の規定に違反して株式又は社債を取得し、又は所定した者

四 第十三條の規定に違反して役員を兼ねた者

五 第十七條の規定に違反した者

第九十一條の二 左の各号の一に該当する者は、これを二十万円以下の罰金に処する。

四 第四十

に對する処分を差戻して物件を提出しない者

第九十五條第一項中「第九十一條第一号から第四号まで、若しくは第六号から第八号まで」を「第九十一條第一号から第三号まで、第五号若しくは第六号、第九十一條の二」に改め、同じ條次の二項を加える。

法人でない団体の代表者、管理人、代理人、使用人その他の従業者かその団体の業務又は財産に關して、第八十九條、第九十條、第九十一條第一号若しくは第五号又は第九十一條の二第一号若しくは第三号の違反行爲をしたときは、行爲者を罰する外、その団体に対しても、各本條の罰金刑を科する。

前項の場合においては、代表者又は管理人が、その前記行爲につきその団体を代表する外、法人を被告人又は被疑者とする場合の訴訟行爲に關する刑事訴訟法の規定を準用する。

第九十六條第一項中「第八十九條及び第九十條」を「第八十九條から第九十一條まで」に改める。

第九十七條中「第四十八條第三項又は第五十四條」を「第四十八條第三項、第五十三條の三又は第五十四條」に改める。

第九十三條中「五千元」を「五万円」に改める。

第九十四條中「千元」を「一万円」に改める。

第九十四條の次に次の一條を加える。

第九十四條の二 左の各号の一に該当する者は、これを五千元以下の罰金に処する。

一 第四十條の規定による公正取引委員会の処分を違反して出頭せず、報告・情報若しくは資料を提出せず、又は虚偽の報告・情報若しくは資料を提出した者

二 第四十六條第一項第二号又は同條第二項の規定による事件関係人又は参考人に対する処分を違反して出頭せず、陳述をせず、虚偽の陳述をし、又は報告をせず、若しくは虚偽の報告をした者

三 第四十六條第一項第二号又は同條第二項の規定による鑑定人に対する処分を違反して出頭せず、鑑定をせず、又は虚偽の鑑定をした者

四 第四十六條第一項第三号又は同條第二項の規定による物件の所持者に対する処分を違反して物件を提出しない者

第九十五條第一項中「第九十一條第一号」を「第九十一條第一号及び第九十二條第一号」に改め、第六

第一條 この法律は、公布の日から施行する。

第二條 この法律施行の際、金融業以外の事業を営む会社（外国会社を含む。）が第十條第二項の改正規定に反して所有する国内の他の会社の株式又は社債の処置については、政令で定める。

2 金融業以外の事業を営む国内の会社であつてその総資産が五百万円をこえるもの又は金融業以外の事業を営む外国会社は、昭和二十四年四月一日現在において国内の他の会社の株式又は社債を所有している場合（株式又は社債の有價証券信託において、自己を受益者とする場合を含む。）但し、株式については、自己が議決権を行使する場合に限る。）には、第十條第四項の改正規定にかかわらず、同日現在においてその所有し、又は信託をしている株式又は社債に關する報告書を公正取引委員会規則で定める日までに、公正取引委員会に提出しなければならぬ。

第三條 この法律施行の際、第十四條の改正規定に反して所有されている株式の処置については、政令で定める。

第四條 附則第二條第一項又は前條の規定に基く政令には、一年以下の懲役又は五万円以下の罰金の範囲内で罰則の規定を設けることができる。

第九十九條を次のように改める。

第九十九條 削除

第百三條に次の二項を加える。

第十一條第二項の規定は、金融業を営む会社が企業再建整備法の規定による決定整備計画に基いて金融業以外の事業を営む国内の他の会社の株式を取得し、又は所有する場合には、これを適用しない。

第十一條第五項の規定は、前項の場合にこれを準用する。

第百十條の次に次の一條を加える。

第百十條の二 第百三條第三項において準用する第十一條第五項の規定に違反して株式を所有した者は、これを一年以下の懲役又は二十万円以下の罰金に処する。

第百十二條中「前條第二号」を「第百十條の二又は前條第二号」に、「同條」を「各本條」に改める。

附 則

第一條 この法律は、公布の日から施行する。

第二條 この法律施行の際、金融業以外の事業を営む会社（外国会社を含む）が前條第一項の改正規定に反して所有する国内の他の会社の株

FEC-252FEC-RESTRICTEDFEC-25229 July 1947FAR EASTERN COMMISSION

FIRST SESSION OF THE JAPANESE NATIONAL DIET--
DRAFT LAW IMPLEMENTING THE JAPANESE CONSTITUTION:
BILL REGARDING REGULATIONS FOR DIET LEGISLATIVE COMMITTEES
(Reference: Article 58, FEC-087/14,
FEC-101/5, FEC-101/6, FEC-101/21)

Note by the Secretary General

1. The enclosure, entitled "Bill Regarding Regulations for Diet Legislative Committees," implementing Article 58 of the Japanese Constitution, has been received from the Supreme Commander for the Allied Powers and is circulated herewith by the United States Representative for the consideration of the Far Eastern Commission and referred to COMMITTEE NO. 3: CONSTITUTIONAL AND LEGAL REFORM.

2. The enclosed draft law has been introduced into the current (first) session of the "Japanese National Diet," was transmitted to Washington by the Supreme Commander on the 16th of July, and was received by the Far Eastern Commission Secretariat on the 28th of July 1947. No information has been received to date concerning passage of the enclosed bill by the Japanese Diet.

3. The enclosure is a verbatim copy of the original draft law translation received from the Supreme Commander. The Japanese text of the enclosure will be circulated as soon as reproduction facilities permit.

NELSON T. JOHNSON
Secretary General

FEC-252

FEC-RESTRICTEDE N C L O S U R EFIRST SESSION OF THE JAPANESE NATIONAL DIET--
DRAFT LAW IMPLEMENTING THE JAPANESE CONSTITUTION:
BILL REGARDING REGULATIONS FOR DIET LEGISLATIVE COMMITTEES

Article 1. The Chairman of the committee shall be elected from among the members by means of an unsigned mutual voting, and the member who has obtained the largest number of votes shall be elected to the chairman. If there are two or more members who have obtained the same numbers of votes, election among them shall be settled by lot-drawing. If so desired by the committee, it may choose its own chairman by means of members' motion or some other method than the above-mentioned procedure.

Previous to election of the chairman, his business shall be conducted by the senior member.

Article 2. If all the members from either House have been replaced, the chairman of the committee shall be re-elected from among the whole committee by mutual voting.

Article 3. If the chairman desires to resign his office, acceptance or rejection of his resignation shall be decided by the committee.

Article 4. No member of the committee may resign his office without justifiable reasons.

If any member desires to resign, he shall submit his resignation with the statement of the reasons through the chairman to his House in order to obtain the latter's permission. But during the adjournment of the House, the Speaker or President may permit it.

Article 5. In case any membership of the committee falls vacant, the House to which it belongs shall elect a new member to fill the vacancy.

Article 6. A certain number of directors shall be appointed by the committee, and they shall be chosen by mutual election.

In the absence of the chairman, one of the directors shall do the chairman's business.

Article 7. The dates and hours of meetings of the committee shall be decided upon by the chairman.

If a majority of the members from either House jointly require a committee meeting to be held, the chairman shall comply with the demand.

Article 8. Meetings of the committee may be held even during the sittings of either House.

Article 9. Unless a majority of the members from each House do attend, the committee may not open a meeting or make out resolutions.

Article 10. In case the Committee votes the draft of the recommendations, it is required to be voted by not less than two third of the members attended.

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As to other proceedings, the majority of the member attended decide it. In case the numbers of votes of pro and con are even it is decided by what the chairman decides.

Article 11. The chairman shall regulate the proceedings of committee meetings and maintain order on those occasions.

Article 12. The chairman or his deputy may express his opinion at the sittings of either House or at the meetings of any committee of the House.

Article 13. The President of each House or the Chairman of any committee of the House may attend a meeting of the Joint Committee for Legislative Affairs and give expression to his opinion.

Article 14. If any member of either House desires, to attend a meeting of the Joint Committee to express his opinion, the latter may allow him to do so.

Article 15. The Committee may require any Minister of State or any Government delegate to attend its meetings.

Article 16. The Committee may demand the Cabinet or any Government or public office or any other similar institution to present to itself such reports or documents as are deemed necessary for the prosecution of its business.

Article 17. If the Committee desires to make a recommendation to either House or the Cabinet, it shall first pass a resolution for the purpose.

Article 18. When the Committee makes a recommendation about a proposal for new legislation to both Houses, it shall submit to the Presidents of the Houses the gist and reasons for the recommendation in writing.

Article 19. When the Committee makes recommendations to the Cabinet concerning laws, ordinances or regulations, the former shall present to the latter a written message embodying the gists of the recommendations and stating the reasons for them.

In the above-mentioned case the chairmen shall inform the Presidents of both Houses of the fact.

Article 20. When the Committee makes recommendations to both Houses for amendment of any law or rules concerning the National Diet, it shall present their Presidents with a document containing the draft of the proposed amendment and stating the gists and reasons for it.

Article 21. The Committee may require from the Cabinet a written report stating what the latter has done with the recommendations that were made by the Committee.

Article 22. The meeting of the Committee shall be closed to outsiders excepting members of the Houses.

Article 23. This Committee shall keep two copies of the minutes of its meetings recording therein the names of the attended members, the numbers of votes pro and con, and other important matters.

Article 24. Both copies of minutes of the Committee's meetings shall be signed by the chairman and the directors, and one of them shall be kept in each House.

FEC-RESTRICTED

Article 25. The minutes shall be printed and its copies distributed among all the members or both Houses. Provided that in case the Committee decided the part of the minutes of the secret meeting to be kept secret, the foregoing Clause is not applicable.

Article 26. In case any member of the Committee misbehaves himself to the degree of deserving penalty, the chairman shall report the matter to the President of the House, to which the said member belongs in order to have the matter properly dealt with by the latter.

Article 27. The secretary of each House administer the secretariat business of the Legislative Committee of the Houses.

✓ FEC-252/1FEC-RESTRICTEDFEC-252/18 August 1947FAR EASTERN COMMISSION

FIRST SESSION OF THE JAPANESE NATIONAL DIET--
JAPANESE DRAFT LAW IMPLEMENTING THE CONSTITUTION
BILL REGARDING REGULATIONS FOR DIET LEGISLATIVE COMMITTEES
(Reference: Article 58, FEC-087/14, FEC-101/5,
FEC-101/6, FEC-101/21, FEC-252)

Note by the Secretary General

1. The enclosure, the Japanese text of a bill entitled, "Bill Regarding Regulations for Diet Legislative Committees," implementing Article 58 of the Japanese Constitution, has been received from the Supreme Commander for the Allied Powers and is circulated herewith by the United States Representative for the consideration of the Far Eastern Commission and referred to COMMITTEE NO. 3: CONSTITUTIONAL AND LEGAL REFORM.

2. The English text of the enclosed bill has been circulated by the Secretariat as FEC-252 of the 29 July 1947. No information is currently available concerning the approval of the enclosure by the Japanese National Diet.

3. The limited number of available copies permits the circulation of only one copy of the enclosure to each delegation.

NELSON T. JOHNSON
Secretary General

FEC-252/1

Joint-House Laws & Regulations Committee
Regulations Bill
8 July, 1947

昭和二十二年七月八日提出
衆議院第四号

兩院法規委員會規程案

昭和二十二年七月八日

議院運営委員會 付託

議長 免職

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兩院法規委員会規程

第一條 兩院法規委員会の委員長の互選は、無名投票でこれを行い、投票の最多数を得た者を当選人とする。得票数が同じときは、くじで当選人を定める。但し、投票によらないで動議その他の方法で委員長を選任することができる。

委員長が選任されるまでは、年長者が、委員長の職務を行う。

第二條 兩院法規委員会は、いずれかの議院から選挙された委員がすべて改選されたときは、新にその委員長を互選しなければならない。

第三條 兩院法規委員会の委員長の辞任は、委員会がこれを決する。

第四條 兩院法規委員会の委員は、正当の理由がなければその任を辞することができない。

委員がその任を辞そうとするときは、理由を附し委員長を経由してその属する議院の許可を得なければならない。但し、閉会中は、議長がこれを許可することができる。

第五條 兩院法規委員会の委員が欠けたときは、その委員の属する議院は、その補欠選挙を行わなければならない。

第六條 兩院法規委員会に数人の理事を置き、その委員がこれを互選する。

委員長に事故があるときは、理事が委員長の職務を行う。

第七條 兩院法規委員会開会の日時は、委員長がこれを定める。

いずれかの議院から選挙された委員の半数以上が連名で要求したときは、委員長は、委員会を開かなければならない。

第八條 兩院法規委員会は、各議院の会議中でもこれを開くことができる。

第九條 兩院法規委員会は、各議院から選挙された委員の各、半数以上の出席がなければ、議事を開き議決することができない。

第十條 兩院法規委員会が勧告案を議決するには、出席委員の三分の二以上の多数によることを要する。

その他の議事については、出席委員の過半数でこれを決し、可否同数のときは、委員長の決するところによる。

第十一條 兩院法規委員会の委員長は、委員会の議事を整理し、秩序を保持する。

第十二條 兩院法規委員会の委員長又はその代理者は、各議院の会議又は委員会において意見を述べるこ

とができる。

第十三條 各議院の議長及び委員長は、兩院法規委員会に出席して意見を述べることができる。

第十四條 兩院法規委員会は、委員会に出席して意見を述べようとする議員があるときは、その意見を聴くことができる。

第十五條 兩院法規委員会は、國務大臣及び政府委員の出席を要求することができる。

第十六條 兩院法規委員会は、内閣、官公署その他に対し、必要な報告又は記録の提出を求めることができる。

第十七條 兩院法規委員会が、兩議院及び内閣に対して勧告しようとするときは、その決議を要する。

第十八條 兩院法規委員会が、新立法の提案に関して兩議院に勧告するときは、勧告の要旨及びその理由を文書で兩議院の議長に提出しなければならない。

第十九條 兩院法規委員会が、法律及び政令に関して内閣に勧告するときは、勧告の要旨及びその理由を文書で内閣に提出しなければならない。

前項の場合には、委員長からその旨を兩議院の議長に通知する。

第二十條 兩院法規委員會が、國會關係法規の改正について、兩議院に勧告するときは、勧告の要旨及びその理由を附し、案を具えて、文書でこれを兩議院の議長に提出しなければならない。

第二十一條 兩院法規委員會は、その勧告した事項の処理の経過について、内閣に対し報告書の提出を求めることができる。

第二十二條 兩院法規委員會は、兩議院の議員の外、傍聴を許さない。

第二十三條 兩院法規委員會は會議録二部を作り出席者の氏名、表決の數その他重要な事項を記載しなければならない。

第二十四條 兩院法規委員會の會議録には、委員長及び理事がこれに署名し、各議院に夫々一部を保存する。

第二十五條 兩院法規委員會の會議録は、これを印刷して兩議院の議員に配付する。但し、秘密會議の記録中特に秘密を要するものと委員會で決議した部分については、この限りでない。

第二十六條 兩院法規委員會において、懲罰事犯があるときは、委員長はこれをその委員の属する議院の議長に報告して、処分を求めなければならない。

第二十七條 兩院法規委員會の事務は、各議院の参事がこれを掌理する。

FEC-253FEC-RESTRICTEDFEC-25329 July 1947FAR EASTERN COMMISSION

FIRST SESSION OF THE JAPANESE NATIONAL DIET--
DRAFT LAW IMPLEMENTING THE JAPANESE CONSTITUTION:
BILL REGARDING REGULATIONS FOR JOINT INVESTIGATION MEETINGS
OF THE STANDING COMMITTEES OF BOTH HOUSES OF THE DIET
(References: Articles 58, 62, FEC-087/14,
FEC-101/5, FEC-101/6, FEC-101/21)

Note by the Secretary General

1. The enclosure, entitled "Bill Regarding Regulations for Joint Investigation Meetings of the Standing Committees of Both Houses of the Diet," implementing Articles, 58 and 62 of the Japanese Constitution, has been received from the Supreme Commander for the Allied Powers and is circulated herewith by the United States Representative for the consideration of the Far Eastern Commission and referred to COMMITTEE NO. 3: CONSTITUTIONAL AND LEGAL REFORM.

2. The enclosed draft law has been introduced into the current (first) session of the "Japanese National Diet," was transmitted to Washington by the Supreme Commander on the 16th of July, and was received by the Far Eastern Commission Secretariat on the 28th of July 1947. No information has been received to date concerning passage of the enclosed bill by the Japanese Diet.

3. The enclosure is a verbatim copy of the original draft law translation received from the Supreme Commander. The Japanese text of the enclosure will be circulated as soon as reproduction facilities permit.

NELSON T. JOHNSON
Secretary General

FEC-253

FEC-RESTRICTEDE N C L O S U R E

FIRST SESSION OF THE JAPANESE NATIONAL DIET--
DRAFT LAW IMPLEMENTING THE JAPANESE CONSTITUTION:
BILL REGARDING REGULATIONS FOR JOINT INVESTIGATION MEETINGS
OF THE STANDING COMMITTEES OF BOTH HOUSES OF THE DIET

Article 1. In case a decision has been made in the Standing Committee in the A House to hold a joint examination meeting with the Standing Committee in the B House, the Chairman of the Standing Committee in the A House shall ask the Chairman of the Standing Committee in the B House to hold it, by showing the subject for examination or investigation and its reasons.

When the request has been approved in the Standing Committee in the B House, the Chairman thereof shall notify it to the Chairman of the Standing Committee in the A House.

Article 2. As to the matter which shall undergo the process of the Joint Examination Meeting in accordance with the description of other law, the Speaker and President of both Houses, upon consultation, may request the Chairmen of the respective Standing Committees of both Houses to hold the meeting of the Joint Examination Meeting.

Article 3. A joint examination meeting shall be held, on the basis of the conference between the Chairmen of the respective Standing Committees in the two Houses, jointly by the Standing Committee members in the two Houses or the Committee members selected by the Standing Committee in each House.

In the case of selecting the Committee members in the preceding clause, the Chairman of the Standing Committee in each House or its directors shall be the members of the Joint Examination Meeting.

Article 4. The Chairman of the Joint Examination Meeting shall be selected after the Chairman of the Standing Committee in each House or its directors confer on the matter.

Article 5. The date and place of the first session of the Joint Examination Meeting shall be fixed after conference between the Chairmen of the Standing Committees in the two Houses; the date and place of its later sessions shall be fixed by the Joint Examination Meeting.

Article 6. The Joint Examination Meeting may demand the attendance of a proposer of bill, State Ministers and Government delegates through the President of the House, which its Chairman belongs to.

Article 7. Members of the Joint Examination Meeting freely question and express views on the bill in deliberation.

Article 8. On the bill put under deliberation in the Joint Examination Meeting, no vote shall be taken, except when there is a special stipulation by law.

Article 9. The Joint Examination Meeting may demand the attendance of a witness for the purpose of examination or investigation, through the President of the House, to which its Chairman belongs.

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Article 10. The speech by a witness shall not exceed the scope of evidence which is demanded of him.

In case the witness's speech has gone beyond the scope in the preceding Clause or his act or utterance was irrelevant, the President may prohibit his speech or order him out of the room.

Article 11. Joint Examination Meeting may demand, through the President of the House to which its Chairman belongs, the Cabinet, Government and public offices and others to present necessary reports or documents, for purposes of examination or investigation.

Article 12. The Joint Examination Meeting may hold a public hearing, for the purpose of deliberation on a subject.

Article 13. When a public hearing is to be held in the Joint Examination Meeting a resolution shall be passed on it in advance, upon the authorization of the Presidents of the respective Houses.

Article 14. When it has been decided to hold a public hearing in the Joint Examination Meeting, the Chairman shall report it to the Presidents of the two Houses, at the same time publicly notifying its date and the subject which is to be referred to public hearing.

Article 15. Persons who desire to hold a public hearing on an important case which has been put to the Joint Examination Meeting or who intend to be present at a public hearing of the Joint Examination Meeting to express their views, shall be required to previously submit in writing its reasons and their approval or disapproval of the case to the Joint Examination Meeting.

Article 16. Persons interested, scholars, men of experience, and others (who shall be called public speakers), the views of whom are intended to be heard in a public hearing, shall be definitely selected by the Joint Examination Meeting from among those who have submitted previous notice and others, the decision being notified to the persons selected.

In case there are supporters and opposers among these who have submitted previous notice, the public speakers shall be selected from both sides.

Article 17. When a public speaker desires to speak, it shall be required that he obtains the permission of the Chairman.

Article 18. The speech of a public speaker shall not exceed the scope of the case on which his views is demanded.

When a public speaker's speech has exceeded its proper scope or his speech and behavior have proved inappropriate, the Chairman may prohibit his speech or order him out of the room.

Article 19. A public speaker shall be allowed either to let his representative to set forth his views or to submit his views in writing, in case the agreement for it was given by the Joint Examination Meeting.

Article 20. When the Joint Examination Meeting has been closed, it shall be required that the Chairman of the Standing Committee in each House report the process and results of the deliberations to the Committee. However, the Committee may demand the report in writing.

FEC-RESTRICTED

Article 21. The Joint Examination Meeting shall prepare two copies of the minutes, signed by the Chairman of the Standing Committee of each House, each of the copies being kept by each House.

Article 22. The minutes of the Joint Examination Meeting shall be required to include the names of attendants, the number of votes, public hearings, witnesses, the dispatch of the members, the submission of reports or documents demanded, and other important matters.

Article 23. The minutes of the Joint Examination Meeting shall be printed and distributed to the members of both Houses. Provided that in case the Joint Examination Meeting decided the part of the minutes of the secret meeting to be kept secret, the foregoing clause is not applicable.

Article 24. In case there is a disciplinary offence in the Joint Examination Meeting, it shall be required that the Chairman demand its disposition by reporting it to the President of the House, to which the offending member belongs.

Article 25. The Secretary of each House administers the secretarial business of the Joint Examination Meeting.

FEC-253/1FEC-RESTRICTEDFEC-253/18 August 1947FAR EASTERN COMMISSION

FIRST SESSION OF THE JAPANESE NATIONAL DIET--
JAPANESE DRAFT LAW IMPLEMENTING THE CONSTITUTION:
BILL REGARDING REGULATIONS FOR JOINT INVESTIGATION MEETINGS
OF THE STANDING COMMITTEES OF BOTH HOUSES OF THE DIET
(Reference: Articles 58, 62, FEC-087/14, FEC-101/5,
FEC-101/6, FEC-101/21, FEC-253)

Note by the Secretary General

1. The enclosure, the Japanese text of a bill entitled, "Bill Regarding Regulations for Joint Investigation Meetings of the Standing Committees of Both Houses of the Diet," implementing Article 58 and 62 of the Japanese Constitution, has been received from the Supreme Commander for the Allied Powers and is circulated herewith by the United States Representative for the consideration of the Far Eastern Commission and referred to COMMITTEE NO. 3: CONSTITUTIONAL AND LEGAL REFORM.

2. The English text of the enclosed bill has been circulated by the Secretariat as FEC-253 of the 29 July 1947. No information is currently available concerning the approval of the enclosure by the Japanese National Diet.

3. The limited number of available copies permits the circulation of only one copy of the enclosure to each delegation.

NELSON T. JOHNSON
Secretary General

FEC-253/1

Standing Committee Combined Investigation
Committee Regulations Bill
8 July 1947

昭和二十二年七月八日提出
衆議院
第五号

常任委員会合同審査会規程案

昭和二十二年七月八日

議長 発議

議院運営委員会 付託

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12 Jul 10

常任委員会合同審査会規程

第一條 甲議院の常任委員会において、乙議院の常任委員会と合同審査会を開くことを決議したときは、甲議院の常任委員長は審査又は調査すべき件名及び理由を示して、乙議院の常任委員長に合同審査会を開くことを求めなければならない。

乙議院の常任委員会においてこれに同意したときは、その委員長から甲議院の常任委員長にその旨を通知する。

第二條 他の法律の定めるところにより、合同審査会の議を経なければならないものについては、両議院の議長が協議して、合同審査会の開会を両議院の常任委員長に求めることができる。

第三條 合同審査会は、両議院の常任委員長の協議に基いて、両議院の常任委員又は各議院の常任委員会で選定された委員が合同してこれを開く。

前項の委員を選定する場合には、各議院の常任委員長又は理事は必ず合同審査会の委員にならなければならない。

第四條 合同審査会の会長は、各議院の常任委員長又は理事が協議してこれに当る。

第五條 合同審査会の初会の日時及び場所は、兩議院の常任委員長が協議してこれを定め、その後の会議の日時及び場所は合同審査会がこれを定める。

第六條 合同審査会は、その会長の属する議院の議長を経由して、議案の発議者、國務大臣及び政府委員の出席を求めることができる。

第七條 合同審査会の委員は、議題について自由に質疑し、及び意見を述べることができる。

第八條 合同審査会は、その審査又は調査する事件については、法律に特別の定のある場合を除いては、表決をすることができない。

合同審査会が、その審査又は調査する事件について、表決をする場合は、各議院の常任委員の各、半数以上が出席していなければならない。

第九條 合同審査会は、その会長の属する議院の議長を経由して、審査又は調査のため証人の出頭を求めることができる。

第十條 証人の発言は、その証言を求められた範囲を超えてはならない。

証人の発言が前項の範囲を超え又は証人に不穏当な言動があつたときは、会長はその発言を禁止し又

は退場を命ずることができ。

第十一條 合同審査会は、その会長の属する議院の議長を経由して、審査又は調査のため、内閣官公署その他の他に対し、必要な報告又は記録の提出を求めることができる。

第十二條 合同審査会は、議案の審査のために公聴会を開くことができる。

第十三條 合同審査会において、公聴会を開こうとするときは、予め両議院の議長の承認を得た後、その決議をしなければならない。

第十四條 合同審査会において、公聴会を開くに決したときは、会長からその旨を両議院の議長に報告すると共に、その日時及び公聴会において意見を聴こうとする案件を公示する。

第十五條 合同審査会に付された重要な案件について、公聴会を開くことを希望する者、又は合同審査会の公聴会に出席して、意見を述べようとする者は、予め文書を以てその理由及び案件に対する賛否を合同審査会に申し出なければならない。

第十六條 公聴会において、その意見を聴こうとする利害関係者及び学識経験者等（これを公述人という。）は、予め申し出た者及びその他の者の中から合同審査会がこれを定めてその旨を本人に通知する。

予ゆ申し出た者の中に賛成者及び反対者があるときは、その両方から公選人を選ばなければならぬ。

第十七條 公選人が発言しようとするときは、会長の許可を受けなければならない。

第十八條 公選人の発言は、その意見を聴こうとする事件の範囲を超えてはならない。

公選人の発言がその範囲を超え、又は公選人に不適當な言動があつたときは、会長はその発言を禁止し又は退場を命ずることができる。

第十九條 公選人は、合同審査会の同意を得た場合には代理人をして意見を述べさせ又は文書で意見を提示することができる。

第二十條 合同審査会を終つたときは、各議院の常任委員長又は理事から審査の経過及び結果を委員会に報告しなければならない。但し委員会は、文書の報告を求めることができる。

第二十一條 合同審査会は、会議録二部を作り、兩議院の常任委員長（又はその代理者）がこれに署名して、各議院に夫々一部を保存する。

第二十二條 合同審査会の会議録には、出席者の氏名、表決の数、公聴会、証人、委員の派遣、報告又は

記録の提出の要求、その他重要な事項を記載しなければならない。

第二十三條 合同審査会の会議録は、これを印刷して両議院の議員に配付する。但し、秘密会議の記録中特に秘密を要するものと合同審査会で決議した部分については、この限りでない。

第二十四條 合同審査会において懲罰事犯があるときは、会長は、これをその委員の属する議院の議長に報告して処分を求めなければならない。

第二十五條 合同審査会の事務は、各議院の参事がこれを掌理する。

FEC-254FEC-RESTRICTEDFEC-25429 July 1947FAR EASTERN COMMISSION

FIRST SESSION OF THE JAPANESE NATIONAL DIET--
DRAFT LAW IMPLEMENTING THE JAPANESE CONSTITUTION:
BILL CONCERNING JOINT COMMITTEES OF THE HOUSES OF THE DIET
(Reference: Article 58, FEC-087/14,
FEC-101/5, FEC-101/6, FEC-101/21)

Note by the Secretary General

1. The enclosure, entitled "Bill Concerning Joint Committees of the Houses of the Diet," implementing Article 58 of the Japanese Constitution, has been received from the Supreme Commander for the Allied Powers and is circulated herewith by the United States Representative for the consideration of the Far Eastern Commission and referred to COMMITTEE NO. 3: CONSTITUTIONAL AND LEGAL REFORM.

2. The enclosed draft law has been introduced into the current (first) session of the "Japanese National Diet," was transmitted to Washington by the Supreme Commander on the 16th of July, and was received by the Far Eastern Commission Secretariat on the 28th of July 1947. No information has been received to date concerning passage of the enclosed bill by the Japanese Diet.

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NELSON T. JOHNSON
Secretary General

FEC-254

FEC-RESTRICTEDENCLOSUREFIRST SESSION OF THE JAPANESE NATIONAL DIET--
DRAFT LAW IMPLEMENTING THE JAPANESE CONSTITUTION:
BILL CONCERNING JOINT COMMITTEES OF THE HOUSES OF THE DIET

Article 1. When the opening of a Joint Committee of the House desired by the House A, such House shall make a request therefor to the House B by a written note stating the subject-matter and the reasons for such committee.

Article 2. The time and date for the first meeting of the committee shall be set by the Presidents of the both Houses on consultation, and the time and dates for the subsequent meetings shall be determined by the Committee.

Article 3. The meeting shall be held in the Joint Committee of the House room.

Article 4. The Chairman of the Joint Committee of the House adjust the proceedings of its meeting and maintain its order.

Article 5. The Joint Committee-men respectively of each Houses shall select a Vice-Chairman. The Vice-Chairman shall perform the function of the Chairman, in case the latter become incapable of his duty owing to some circumstances.

Article 6. In case both chairman and Vice-Chairman is absent or incapacitated, the Conferees of the members of the Joint Committee respectively of each House shall select a Chairman pro tempore to have the duty of the Chairman executed.

Article 7. When the Chairman of the Committee intends to participate in debates, the Vice-Chairman of the House concerned shall take the chair.

Article 8. The scope of the matters taken up in the Committee shall be confined to matters on which both Houses failed to agree and matters which would necessarily be affected by disagreement.

Article 9. A Joint Committee-man shall be allowed to have as many voices as he chooses on a self-same subject.

Article 10. When a decision is arrived at by the Committee, the Chairman of the Committee of each House shall render a written report of such decision to the House.

Article 11. The minutes of the proceedings of the Committee shall be prepared in duplicate and duly signed by the Chairman of the Committee of each House; and each House shall keep a copy thereof.

Article 12. The minutes shall record the names of the persons present, the proceedings of the Committee, the number of votes and the decision reached, and also other important matters.

Article 13. When and if a case of a disciplinary misconduct be perpetrated in the Committee, the Chairman of the Committee shall report the fact to the President of the House to which such perpetrator belongs and demand for necessary action to be taken by him.

Article 14. The affairs of the Committee shall be administered by the Secretaries respectively from each House.

FEC-254/1FEC-RESTRICTEDFEC-254/18 August 1947FAR EASTERN COMMISSION

FIRST SESSION OF THE JAPANESE NATIONAL DIET--
JAPANESE DRAFT LAW IMPLEMENTING THE CONSTITUTION:
BILL CONCERNING JOINT COMMITTEES OF THE HOUSES OF THE DIET
(Reference: Article 58, FEC-087/14, FEC-101/5
FEC-101/6, FEC-101/21, FEC-254)

Note by the Secretary General

1. The enclosure, the Japanese text of a bill entitled "Bill Concerning Joint Committees of the Houses of the Diet," implementing Article 58 of the Japanese Constitution, has been received from the Supreme Commander for the Allied Powers and is circulated herewith by the United States Representative for the consideration of the Far Eastern Commission and referred to COMMITTEE NO. 3: CONSTITUTIONAL AND LEGAL REFORM.

2. The English text of the enclosed bill has been circulated by the Secretariat as FEC-254 of the 29 July 1947. No information is currently available concerning the approval of the enclosure by the Japanese National Diet.

3. The limited number of available copies permits the circulation of only one copy of the enclosure to each delegation.

NELSON T. JOHNSON
Secretary General

FEC-254/1

*Regulations for Joint
Committee of the House*

昭和二十二年七月八日提出
衆議院 第三号

兩院協議會規程案

昭和二十二年七月八日

議院運営委員會 付託

議長 發議

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15 Jul 15

両院協議会規程

第一條 甲議院において、両院協議会を求めるときは、その件名及び理由を記し文書を以つてこれを乙議院に通知しなければならない。

第二條 協議会の初会の日時は、両議院の議長が協議してこれを定め、その後の会議の日時は、協議会がこれを定める。

第三條 協議会は、両院協議室においてこれを開く。

第四條 協議会の議長は、協議会の議事を整理し、秩序を保持する。

第五條 両議院の協議委員は、各副議長一人を選定する。議長に事故があるときは、副議長が、議長の職務を行う。

第六條 議長及び副議長に共に事故があるときは、その院の委員の中から、仮議長を選定して、議長の職務を行わせる。

第七條 協議会の議長が討論に加わらうとするときは、その院の副議長をして議長席に著かせなければならぬ。

第八條 協議会の議事は、兩議院の議決が異つた事項及び当然影響をうける事項の範圍を超えてはならぬ。

第九條 協議委員は、協議会において同一の事件について、何回でも発言することができる。

第十條 協議会において、成案を得たときは、各議院の協議委員議長は、各文書を以つてこれをその議院に報告しなければならない。

第十一條 協議会は、協議会議録二部を作り、兩議院の協議委員議長がこれに署名して、各議院に夫々一部を保存する。

第十二條 協議会議録には、出席者の氏名、議事、表決の数、成案その他重要な事項を記載しなければならない。

第十三條 協議会において、懲罰事犯があるときは、協議会の議長は、これをその委員の属する議院の議長に報告して、処分を求めなければならない。

第十四條 協議会の事務は、各議院の参事がこれを掌理する。

FEC-255FEC-RESTRICTEDFEC-25525 August 1947FAR EASTERN COMMISSION

FIRST SESSION OF JAPANESE NATIONAL DIET--
DRAFT LAW IMPLEMENTING THE JAPANESE CONSTITUTION:
BILL FOR PARTIAL AMENDMENT OF THE CIVIL CODE
(References: Chapter 3, FEC-087/14, FEC-101/40,
FEC-101/63)

Note by the Secretary General

1. The enclosure, "Bill for the Partial Amendment of the Civil Code", implementing Chapter 3 of the Japanese Constitution, has been received from the Supreme Commander for the Allied Powers and is circulated herewith by the United States Representative for the consideration of the Far Eastern Commission and referred to COMMITTEE NO. 3: CONSTITUTIONAL AND LEGAL REFORM.

2. The enclosed bill was approved by the Japanese Cabinet on 17 July 1947 for submission to the Japanese National Diet, where it is currently under consideration, according to information now available to the Secretariat. The enclosure was filed with the Far Eastern Commission Secretariat on 15 August 1947.

3. Any amendments to the enclosure will be circulated as they become available.

4. The Japanese text will not be circulated for the time being unless otherwise requested. A copy of the Japanese text is available for examination in Room 101 of the Commission Headquarters.

SAMUEL S. STRATTON
Acting Secretary General

FEC-255

FEC-RESTRICTEDENCLOSUREFIRST SESSION OF JAPANESE NATIONAL DIET--
DRAFT LAW IMPLEMENTING THE JAPANESE CONSTITUTION:
BILL FOR PARTIAL AMENDMENT OF THE CIVIL CODE

The Civil Code shall partly be amended as follows:

The provisions of Article 1 shall be retained as "Article 1-3", and in Book 1 before Chapter 1 there shall be inserted the following two Articles:

Article 1. - All of the private rights exist for the public welfare.

The exercise of rights and the performance of duties must be done truly with faithfulness.

Article 1-2. - This Code shall be construed from the standpoint of the individual dignity and the essential equality of the sexes.

In Article 7, "Court" shall read "Court of Domestic Relations", and "the head of the House" shall be deleted.

In Article 10 and Article 12, paragraph 2, "Court" shall read "Court of Domestic Relations".

Article 14 to 18. (Deleted).

In Article 19, paragraph 2, "to a husband or legal representative" shall read "to a legal representative in respect of an act within the scope of his authority", and the proviso of this paragraph shall be deleted, and in paragraph 4 of this Article, the words "or to a wife", "or the permission of the husband", "or the wife" and "or permission" shall be deleted.

In Articles 25 to 30 and Article 32, paragraph 1, "Court" shall read "Court of Domestic Relations".

In Article 97-2, paragraph 4, "Local Court" shall read "Summary Court".

Article 120, paragraph 2 shall be deleted.

In Article 124, paragraph 3, "husband or" shall be deleted.

Article 159, paragraph 2 shall be deleted.

Article 159-2. - In respect of the rights that one spouse has against the other, prescription shall not become complete for six months from the time of the dissolution of the marriage.

In Article 171 and 172, "bailiff (shittatsuri)" shall read "bailiff (shikkori)".

In Article 308, paragraph 2, "the members of the House" shall be deleted.

In Article 310, "and the members of the House" shall be deleted.

Article 450, paragraph 1, No. 3 shall be deleted and in the second paragraph of this Article "Nos. 2 and 3 shall read "No. 2".

FEC-RESTRICTED

Book IV and V shall be amended as follows:

THE CIVIL CODE
BOOK IV
RELATIVES

CHAPTER I. General Provisions

CHAPTER II. Marriage

Section I. Formation of Marriage

Sub-Section I. Requisites of Marriage

Sub-Section II. Nullity and Annulment of Marriage

Section II. Effect of Marriage

Section III. Matrimonial Property System

Sub-Section I. General Provisions

Sub-Section II. Legal Property System

Section IV. Divorce

Sub-Section I. Divorce by Agreement

Sub-Section II. Judicial Divorce

CHAPTER III.

Section I. Children of the Body

Section II. Adoption

Sub-Section I. Requisites for Adoption

Sub-Section II. Nullity and Annulment of Adoption

Sub-Section III. Effect of Adoption

Sub-Section IV. Dissolution of Adoptive Relation

CHAPTER IV. Parental Power

Section I. General Provisions

Section II. Effect of Parental Power

Section III. Loss of Parental Power

CHAPTER V. Guardianship

Section I. Commencement of Guardianship

Section II. Organs of Guardianship

Sub-Section I. Guardian

Sub-Section II. Supervisor of Guardianship

Section III. Functions of Guardianship

Section IV. Termination of Guardianship

FEC-RESTRICTED

Book IV and V shall be amended as follows:

THE CIVIL CODE
BOOK IV
RELATIVES

CHAPTER I. General Provisions

CHAPTER II. Marriage

Section I. Formation of Marriage

Sub-Section I. Requisites of Marriage

Sub-Section II. Nullity and Annulment of Marriage

Section II. Effect of Marriage

Section III. Matrimonial Property System

Sub-Section I. General Provisions

Sub-Section II. Legal Property System

Section IV. Divorce

Sub-Section I. Divorce by Agreement

Sub-Section II. Judicial Divorce

CHAPTER III.

Section I. Children of the Body

Section II. Adoption

Sub-Section I. Requisites for Adoption

Sub-Section II. Nullity and Annulment of Adoption

Sub-Section III. Effect of Adoption

Sub-Section IV. Dissolution of Adoptive Relation

CHAPTER IV. Parental Power

Section I. General Provisions

Section II. Effect of Parental Power

Section III. Loss of Parental Power

CHAPTER V. Guardianship

Section I. Commencement of Guardianship

Section II. Organs of Guardianship

Sub-Section I. Guardian

Sub-Section II. Supervisor of Guardianship

Section III. Functions of Guardianship

Section IV. Termination of Guardianship

FEC-RESTRICTED

CHAPTER VI. Support

BOOK V

SUCCESSION

CHAPTER I. General Provisions

CHAPTER II. Successors

CHAPTER III. Effect of Succession

Section I. General Provisions

Section II. Shares in a Succession

Section III. Partition of Estate

CHAPTER IV. Acceptance and Renunciation of Succession

Section I. General Provisions

Section II. Acceptance

Sub-Section I. Absolute Acceptance

Sub-Section II. Qualified Acceptance

Section III. Renunciation

CHAPTER V. Separation of Property

CHAPTER VI. Default of Successors

CHAPTER VII. Wills

Section I. General Provisions

Section II. Forms of Wills

Sub-Section I. Ordinary Forms

Sub-Section II. Special Forms

Section III. Effect of Wills

Section IV. Carrying Wills into Effect

Section V. Revocation of Wills

CHAPTER VIII. Legally Secured Portions.

THE CIVIL CODE

BOOK IV

RELATIVES

CHAPTER I

GENERAL PROVISIONS

ARTICLE 725

The persons mentioned below are relatives:

1. Relatives by blood up to the sixth degree of relationship;
2. Spouses;

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3. Relatives by affinity up to the third degree of relationship.

ARTICLE 726

The degree of relationship is determined by computing the number of generations between relatives.

As between collateral relatives the degree of relationship is determined by the number of generations ascending from one of them, or his or her spouse, to the common ancestor, and then descending from such ancestor to the other.

ARTICLE 727

As between an adopted child on the one hand and the parent by adoption and his or her relatives by blood on the other, there arises the same relationship as between relatives by blood as from the day of the adoption.

ARTICLE 728

The matrimonial relationship is terminated by divorce.

The same shall apply also if after the death of either husband or wife, the surviving spouse declares his or her intention to terminate the matrimonial relationship.

ARTICLE 729

The relationship between an adopted child, its spouse, its lineal descendants and their spouses on the one hand and the parent by adoption and his or her relatives by blood on the other is terminated by dissolution of the adoptive relation.

ARTICLE 730

Lineal relatives by blood and the relatives living together shall mutually cooperate.

CHAPTER II
MARRIAGESECTION I
FORMATION OF MARRIAGESUB-SECTION I
REQUISITES OF MARRIAGE

ARTICLE 731

A man may not marry until the completion of his full eighteen years of age, nor a woman until the completion of her full sixteen years of age.

ARTICLE 732

A person who has a spouse may not contract an additional marriage.

ARTICLE 733

A woman may not re-marry unless six months have elapsed from the day of the dissolution or annulment of her previous marriage.

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In case a woman is pregnant from before the dissolution or annulment of her previous marriage, the preceding paragraph shall cease to apply as from the day of her delivery.

ARTICLE 734

No marriage may be contracted between lineal relatives by blood, nor between collateral relatives by blood up to the third degree of relationship, except between an adopted child and any of the collateral relatives by blood on the side of the adoptive relatives.

ARTICLE 735

No marriage may be contracted between lineal relatives by affinity. The same shall apply after the relationship by affinity has ceased in accordance with the provisions of Art. 728.

ARTICLE 736

No marriage may be contracted between an adopted child, his or her spouse, his or her lineal descendants or their spouses on the one hand, and the parent by adoption or his or her lineal ascendants on the other, even after the relationship has ceased in accordance with the provisions of Art. 729.

ARTICLE 737

A minor child must obtain the consent both of his or her father and mother in order to marry.

If either the father or mother does not give the consent, the consent of the other parent only shall be sufficient. The same shall also apply, if either the father or mother is unknown, or is dead or is unable to declare his or her intention.

ARTICLE 738

A person adjudged incompetent need not obtain the consent of his guardian in order to marry. (Ed. Note: sic)

ARTICLE 739

A marriage becomes effective by notification thereof in accordance with the provisions of the law concerning registration of Families.

The notification mentioned in the preceding paragraph must be made by both the parties and two or more witnesses of full age either orally, or by a document signed by them.

ARTICLE 740

The notification of marriage may not be accepted unless the marriage does not contravene the provisions of Arts. 731 and 737 inclusive and para. 2 of the preceding Article, and of other laws or ordinances.

ARTICLE 741

In case Japanese subjects resident in a foreign country desire to contract a marriage between themselves, notification thereof may be made to the Japanese Ambassador, Minister or a Japanese Consul acting in that foreign country. In this case

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the provisions of the preceding two Articles shall apply with the necessary modifications.

SUB-SECTION II
MULLITY AND ANNULMENT OF MARRIAGE

ARTICLE 742

A marriage is void only in the following cases:

1. Where there is no intention to marry common to the parties owing to a mistake as to the identity of the person or through any other cause;

2. Where the parties do not make notification of the marriage; but if the notification only fails to fulfil the conditions prescribed in Art. 739, para. 2, the validity of the marriage shall not be affected thereby.

ARTICLE 743

A marriage cannot be annulled except in accordance with the provisions of Arts. 744 to 747 inclusive.

ARTICLE 744

In the case of a marriage contracted in contravention of the provisions of Arts. 731 to 736 inclusive an application may be made to the Court for its annulment by either party thereto, any of each party's relatives or a Public Procurator; but a Public Procurator may not make such an application after the death of either of the parties.

In the case of a marriage contracted in contravention of the provisions of Art. 732 or Art. 733 the spouse or the former spouse of the party may also apply for its annulment.

ARTICLE 745

No application may be made for the annulment of a marriage contracted in contravention of the provisions of Art. 731, if the person who was not of marriageable age has attained the requisite age.

A person married under the marriageable age may still apply for the annulment of the marriage during a period of three months from his attainment of the requisite age, unless he has ratified it after having attained the requisite age.

ARTICLE 746

No application may be made for the annulment of a marriage contracted in contravention of the provisions of Art. 733 after the lapse of six months from the day of the dissolution or annulment of the previous marriage nor in cases where the woman has become pregnant after her re-marriage.

ARTICLE 747

A person who has been induced by fraud or duress to contract a marriage may apply to the Court for the annulment of such marriage.

The right of annulment mentioned in the preceding paragraph shall be extinguished if three months have elapsed since the

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party discovered the fraud, or became free from the duress, or if he has effected a ratification.

ARTICLE 748

The annulment of a marriage shall have no retroactive effect.

In case any party who was unaware at the time of the marriage that a ground for its annulment existed has acquired property by reason of the marriage, he must return such property to the extent that he is still enriched thereby.

Any party who was aware at the time of the marriage that a ground for its annulment existed must return the whole benefit which he has acquired by reason of the marriage, and further if the other party acted in good faith, he shall be liable in damages to such party.

ARTICLE 749

The provisions of Arts. 766 to 769 inclusive shall apply with the necessary modifications to the annulment of a marriage.

SECTION II
EFFECT OF MARRIAGE

ARTICLE 750

Husband and wife assume the surname of the husband or wife in accordance with the agreement made at the time of the marriage.

ARTICLE 751

If either husband or wife has died, the surviving spouse may resume the surname assumed by her or him before the marriage.

The provisions of Article 769 shall apply with the necessary modifications to the case mentioned in preceding paragraph and Art. 728, para. 2.

ARTICLE 752

Husband and wife shall live together, and shall co-operate and aid each other.

ARTICLE 753

If a minor contracts a marriage, he or she shall be deemed, by reason thereof, to have attained majority.

ARTICLE 754

In case a contract is entered into between husband and wife, it may be avoided by either of them at any time during the subsistence of marriage; but the rights of third persons may not be prejudiced thereby.

SECTION III
MATRIMONIAL PROPERTY SYSTEMSUB-SECTION I
GENERAL PROVISIONS

FEC-RESTRICTED

ARTICLE 755

If a husband and wife have not, prior to the notification of marriage, entered into a contract which provides otherwise with respect to their property, their property relations shall be governed by the provisions of the next Sub-Section.

ARTICLE 756

If a husband and wife have entered into a contract which differs in its terms from the legal property system such contract cannot be set up against their successors in title or third persons unless it is registered prior to the notification of the marriage.

ARTICLE 757

If, in cases where aliens have entered into a contract which differs in its terms from the legal property system of the husband's country, they have subsequently to their marriage acquired Japanese nationality or established their permanent residence in Japan, the contract cannot be set up in Japan against their successors in title or third persons unless it has been registered within one year.

ARTICLE 758

Property relations between husband and wife can not be changed after the notification of marriage.

If, in cases where one spouse manages the property of the other, such property is imperilled by mismanagement, the other may apply to the Court of Domestic Relations to be allowed to undertake the management thereof himself

As respects property in co-ownership an application may be made for a partition thereof in addition to the application mentioned in the preceding paragraph.

ARTICLE 759

In case the manager has been changed or a partition of property in co-ownership has been effected, in accordance with the provisions of the preceding Article or as the result of a contract, such change or partition cannot be set up against the successors in title of the husband or of the wife or against third persons, unless it has been registered.

SUB-SECTION II
LEGAL PROPERTY SYSTEM

ARTICLE 760

Husband and wife shall share the expenses of the married life with each other, taking into account their property, income and all other circumstances.

ARTICLE 761

If, with respect to daily household matters, one spouse effects a juristic act with a third person, the other spouse shall be jointly and severally liable for the obligations arising therefrom. But, this shall not apply in cases where a previous notice to the effect that the other spouse will not assume the liability has been given to the third person.