Chapter 5 Miscellaneous Provisions

(Publication of court decisions)

Art. 31. Whenever any decisionof the Public Security Investigation Commission to take any action under Article 4 (1) or Article 6 shall be reversed by the court, the Director of the Public Security Investigation Board shall publish the gist of such fact in the Official Gazette.

(Report to Diet)

Art. 32. The Attorney General shall report to the Diet once a year through the Prime Minister on the enforcement of this Act concerning control of subversive organizations.

(Enforcement regulations)

Art. 33. Except for such matters as specifically laid down in this Act, detailed regulations necessary for the enforcement of this Act shall be made by the Attorney General's Office ordinance.

Chapter 6 Penalties

(Incitation to internal disturbance and other offences)

Art. 34. Whoever shall incite to the offence of internal disturbance as provided against in Article 77 of the Criminal Code or distribute or attempt to distribute, with intent to contribute for the realization of internal disturbance, any publication claiming the propriety or necessity of such

disturbance shall be imprisoned not more than seven years: Provided, however, that a person who shall surrender before such disturbance takes place shall not be liable to punishment.

(Conspiracy of riot for political purposes and othe r offences)

Art. 35. Whoever shall, as a means to promote, support or oppose any political doctrine or policy, conspire, attempt or incite to the offence referred to in Article 106 of the Criminal Code shall be liable to imprisonment at hard labor for a period not in excess of two years.

(Conspiracy of arson for political purposes and other offences)

Art. 36. Any person who, as a means to promote, support or oppose any political doctrine or policy, shall conspire, attempt or incite to the offence referred to in Article 108, 109 or 199 of the Criminal Code shall be liable to imprisonment at hard labor for a period not exceeding five years.

(Conspiracy of damage or destruction for political purposes and other offences)

Art. 37. Whoever shall, as a means to promote, support or oppose any political doctrine or policy, conspire, attempt or incite to any offence to damage, destroy or disable any facility of the State, any local public body or specific enterprise association referred to in Article 3 (1) (b) (i) shall be liable to imprisonment at hard labor for a period

not exceeding three years.

(Unapplicableness of provisions on offences subject to prosecution on complaint)

Art. 38. The provisions of Article 264 of the Criminal Code (about offences of causing damage or destruction to things subject to prosecution on complaint) shall not apply to the offence as referred to in Article 261 of said Code (damage or destruction to things) which shall be committed as a means to promote, support or oppose any political doctrine or policy .

(Incitation to armed mass interference for political purposes with exercise of official duties)

Art. 39. Any person who, as a means to promote, support or oppose any political doctrine or policy, shall incite to the committing, by carrying weapons and acting collectively, of the offence as mentioned in Article 95 of the Criminal Code against any such official in the service of the State or any local public body as referred to in Article 3 (1) (c) (i) who deals directly with public security shall be liable to imprisonment at hard labor for a period not exceeding one year.

(Violation of restriction on organization activity)

Art. 40. Whoever shall come under any one of the following classes shall be liable to imprisonment at hard labor for a period not exceeding three years or to a fine not in excess of thirty thousand yen:

not exceeding three years.

(Unapplicableness of provisions on offences subject to prosecution on complaint)

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(Violation of restriction on organization activity)

Art. 40. Whoever shall come under any one of the following classes shall be liable to imprisonment at hard labor for a period not exceeding three years or to a fine not in excess of thirty thousand yen:

(a) Officials or members of an organization which shall have violated any action under Article 4 (1) (a) who shall have taken part in such violationor who shall have participated in any gathering or mass procession involved in such violation;

(b) Officials or members of an organization against which the action as laid down in Article 4 (1) (b) has been taken who shall edit, print, distribute or have in their possession for the purpose of distribution, any official newspaper or magazine of the organization for which such action has been taken against the organization;

(c) Officials or members of an organization which shall have acted against any action under Article 4 (1) (c) who shall have taken part in such violation; and

(d) Persons who shall contravene any of the provisions of Article 5.

(Violation of prohibition of activity for organizations)

Art. 41. Whoever shall come under either of the following classes shall be liable to imprisonment at hard labor for a period not exceeding fiv e years or to a fine not exceeding fifty thousand yen:

(a) Persons who shall violate Article 7 (1); or

(b) Persons who shall contravene Article 8.

(Failure to appear and other offences)

Art. 42. (1) Any person who shall come under either of the following classes shall be liable to imprisonment at

hard labor for a period not exceeding six months or to a fine not exceeding fifty thousand yen:

(a) Persons who shall act against any action under Article 24 (1) by failing to appear or produce documents, papers or other articles, or by submitting any document containing any false statement ; or

(b) Persons who shall fail without any justifiable reason to make a statement to any question under Article 25 or who shall make a false statement or who shall refuse, evade or interfere with the inspection or examination as mentioned in the same article.

(2) The provisions of the preceding paragraph shall apply with regard to any exercise of the power as laid down in Article 24 or 25 by any such person to whom such power may be delegated under Article 26.

Supplementary Provisions

I. This Act shall become effective on the date on which the peace treaty with Japan will initially come into effect.

2. The following orders shall be rescinded:

(a) The Organizations Control Ordinance (Cabinet Ordinance No. 64 of 1949).

(b) The Ordinance covering the dissolution of the Foundation DAI NIPPON BUTOKU KAI (Home Ministry Ordinance No. 45 of 1946).

(c) The Ordinan e covering the dissolution of the Foundation MUSASHI JUTAKU KYOKAI (Home Ministry Ordinance No. 52 of 1946).

(d) The Ordinance covering the dissolution of the Foundation KYOJO KAI (Prime Minister's Office and Welfare Ministry Ordinance No. 1 of 1948).

(e) The Ordinance covering the restriction on retirement allowances, pensions and other equivalent benefits (Imperial Ordinance No. 116 of 1946).

3. Any of the penal provisions of the ordinances mentioned in 2 (a) to (d) shall remain applicable to acts performed against any of such ordinances before the enforcement of this Act.

Reasons for contemplated presentation of this legislative bill to Diet.

In view of the possible situationafter the effectivation of the Japanese peace treaty, it is essential to prevent the danger that may be brought forth by terroristic subversive activity, thereby making sure of public security.

Foreign Public Service Bill

Contents

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Supplementary Provisions

Chapter I. General Provisions

(Purpose of this Law)

Article 1. The purpose of this law is to prescribe, in accordance with the special character of the duty and responsibility of the foreign public service personnel, exceptions to the National Public Service Law (Law No. 120 of 1947) and other necessary matters, in regard to their position classification, appointment and dismissal, compensation, efficiency, guarantee, performance of duty, etc., and also to provide for the appointment of the Honorary Consul General, Honorary Consul, and other foreigners in the service of the Ministry of Foreign Affairs.

(Definition

(Definition of Foreign Public Service Personnel)

Article 2. The term "foreign public service" as used in this Law shall comprise the following personnel:

(1) Ambassador Extraordinary and Plenipotentiary (hereinafter referred to as "Ambassador");

(2) Envoy Extraordinary and Minister Plenipotentiary (hereinafter referred to as "Minister");

(3) Government Representative;

(4) Delegate;

(5) Deputy, adviser and suite of the Government Representative or Delegate;

(6) Foreign affairs personnel.

2. The term "Government Representative" as used in this Law means a person who has been invested with power to negotiate with a foreign Government for a specific purpose, or to participate or act in an international conference or international organ, representing the Japanese Government.

3. The term "Delegate" as used in this Law means a person who has been invested with power to negotiate with a foreign Government for a specific purpose, or to participate in an international conference, and to sign and seal a treaty.

4. The term "foreign affairs personnel" as used in this Law means those of the regular national public service personnel in the service of the Ministry Proper of the Ministry of Foreign Affairs who are

engaged

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2. The term "Government Representative" as used in this Law means a person who has been invested with power to negotiate with a foreign Government for a specific purpose, or to participate or act in an international conference or international organ, representing the Japanese Government.

3. The term "Delegate" as used in this Law means a person who has been invested with power to negotiate with a foreign Government for a specific purpose, or to participate in an international conference, and to sign and seal a treaty.

4. The term "foreign affairs personnel" as used in this Law means those of the regular national public service personnel in the service of the Ministry Proper of the Ministry of Foreign Affairs who are

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engaged in the diplomatic and consular affairs (including affairs which are directly related to such affairs) and their general auxiliary affairs and who are specified by Ministry of Foreign Affairs Ordirance, and all of the regular national public service personnel who are in the service of the diplomatic and consular offices abroad.

(Application of the National Public Service Law to the foreign affairs personnel)

Article 3. The provisions of the National Public Service Law and the laws and orders thereunder shall be applicable to the foreign affairs personnel, unless exceptions to them are provided for by this law.

(Application mutatis mutandis of the National Public Service Law, etc. to the Foreign Public Service Personnel in the Special Service)

Article 4. The provisions of Article 96 paragraph 1, Article 98 paragraph 1, Article 99, and Article 100 paragraph 1, of the National Public Service Law shall apply mutatis mutandis to the Ambassador and Minister, and to the Government Representative and Delegate and their deputy, adviser and suite. In this case, "employee" in those provisions shall read "the Ambassador or Minister, the Government Representative or Delegate, or the deputy, adviser or suite of the Government Representative or Delegate."

2. With the exception of the matters provided for in the preceding paragraph, the appointment and dismissal and other matters concerning the status, and matters concerning the performance of duty, of the Ambassador and Minister, Government Representative and Delegate, and

the

the deputy, adviser and suite of the Government Representative or Delegate, shall be subject to the provisions of this law.

Chapter II. Position Classification

(Allocation of Positions of Foreign Affairs Personnel)

Article 5. The class allocation of positions provided for in Article 31 of the National Public Service Law shall be made by the Minister of Foreign Affairs in the case of the foreign affairs personnel, regardless of the provisions of Article 12 of the Law concerning the Position-Classification Plan for the National Public Service (Law No. 180 of 1950)

2. Matters necessary for the class allocation of the positions of the foreign affairs personnel shall be provided for by Cabinet Order.

(Official Titles of Foreign Affairs Personnel)

Article 6. The foreign affairs personnel (excluding the Administrative Vice-Minister for Foreign Affairs) may, in addition to their organizational titles, use the titles of Councillor, First Secretary, Second Secretary, Third Secretary, and Diplomatic Attache, Consul General, Consul, Vice-Consul, and Consular Attache, and First Attache, Second Attache, Third Attache, and Assistant Attache, and Chancellor, as official titles used in accordance with international usage for official convenience.

2. The Minister for Foreign Affairs may, if he deems it especially necessary in accordance with international usage, give foreign affairs personnel other official titles than those mentioned in the preceding paragraph.

paragraph, regardless of the provisions of the same paragraph.

3. In addition to those provided for in the preceding paragraph, necessary matters concerning official titles shall be provided for by Ministry of Foreign Affairs Ordinance.

Chapter III. Appointment and Dismissal

(Causes for Disqualification of Foreign Public Service Personnel)

Article 7. In addition to those provided for in Article 38 of the National Public Service Law, persons who have no nationality, or who have foreign nationality, or those who have such persons as their spouses, cannot become foreign public service personnel.

2. The foreign public service personnel shall, when they have become unable to be foreign public service personnel in accordance with the provisions of the preceding paragraph, ipso facto lose their positions, except in cases provided for by Ministry of Foreign Affairs Ordinance.

(Appointment and Dismissal of Ambassador and Minister)

Article 8. The appointment and dismissal of the Ambassador and Minister shall be made by the Cabinet upon the proposal of the Minister for Foreign Affairs and shall be attested by the Emperor.

2. The appointment and dismissal of the Government Representative and Delegate and their deputy, adviser and suite shall be made by the Cabinet upon the proposal of the Minister for Foreign Affairs.

(Attestation of Credentials, etc.)

Article 9. The credentials, letter of recall, and full powers, of the Ambassador and Minister, and the commission of the consular officials,

shall

shall be attested by the Emperor.

(Appointment of Foreign Affairs Personnel by Selection)

Article 10. The Minister for Foreign Affairs may, as provided for by Ministry of Foreign Affairs Ordinance and after hearing the opinion of the Foreign Office Personnel Council (hereinafter referred to as "Council"), appoint foreign service personnel by selection, in order to cause them to be engaged exclusively in those diplomatic and consular affairs which concern financial affairs, commercial affairs, agricultural affairs, labor, etc., or those which require special technique, or if there is special necessity.

2. The term of office of the foreign affairs personnel who are appointed to be engaged exclusively in those diplomatic and consular affairs which concern financial affairs, commercial affairs, agricultural affairs, labor, etc. in accordance with the provisions of the preceding paragraph shall be determined by the Minister for Foreign Affairs not to exceed four years. Provided that the term of office may be extended not to exceed another four years after hearing the opinion of the Council, in the case of those persons for whom the Minister for Foreign Affairs deems it necessary upon the expiration of their term of office.

(Promotion of Foreign Affairs Personnel)

Article 11. The promotion of the foreign affairs personnel shall be made by examination or selection as provided for by Ministry of Foreign

Affairs

Affairs Ordinance.

(Waiting of Ambassador and Minister)

Article 12. The Ambassadors and Ministers who are heads of the diplomatic and consular offices abroad and the Ambassadors and Ministers who are otherwise in the service of such offices shall be placed on the waiting list when they have been relieved of service in such offices concerned, until they are newly ordered to serve in such offices or until they are sent abroad to deal with special affairs.

2. The Ambassadors or Ministers on the waiting list shall be relieved of office when the period of their waiting has passed one year.

3. The Ambassadors or Ministers on the waiting list may be engaged in the affairs of the Ministry Proper of the Ministry of Foreign Affairs if there is special necessity.

4. The Ambassadors or Ministers on the waiting list shall not differ from the Ambassadors or Ministers who are not on the waiting list in regard to the application of this Law, except in the cases provided for in the preceding two paragraphs.

Chapter IV. Compensation

(Compensation of Foreign Public Service Personnel in the service of Diplomatic and Consular Offices Abroad)

Article 13. The compensation of the foreign public service personnel in the service of the diplomatic and consular offices abroad shall be paid in accordance with the Law concerning Compensation of Foreign

Public

Public Service Personnel in the service of Diplomatic and Consular Offices Abroad (Law No. of 1952).

Chapter V. Efficiency

(Evaluation of Performance of Work)

Article 14. Necessary matters concerning the evaluation of the performance of work of the foreign affairs personnel and its records shall be provided for by Ministry of Foreign Affairs Ordinance.

(Training)

Article 15. The Minister for Foreign Affairs must, as provided for by Ministry of Foreign Affairs Ordinance, give the foreign affairs personnel an opportunity to receive training at the Foreign Service Training Institute or elsewhere including foreign countries.

(Inspection)

Article 16. The Minister for Foreign Affairs may send a person deemed appropriate among the foreign public service personnel as inspector, in order to cause him to inspect whether the affairs of the diplomatic and consular offices abroad are being executed properly.

2. The inspector must report in writing the result of inspection to the Minister for Foreign Affairs without delay.

3. The Minister for Foreign Affairs shall, when he has received the report mentioned in the preceding paragraph, take such actions as he deems necessary on the basis of the report.

4. In addition to those provided for in the preceding three paragraphs, necessary matters concerning inspection shall be provided for by Ministry of Foreign Affairs Ordinance.

Chapter VI Guarantee

(Request for Administrative Action on Working Conditions)

Article 17. The foreign affairs personnel must, when they intend to request that an appropriate administrative action be taken by the Minister for Foreign Affairs, so request the Council, regadless of the provisions of Article 86 of the National Public Service Law.

2. The provisions of Article 87 and Article 88 of the National Public Service Law shall apply mutatis mutandis to the review and evaluation of the case involved in the request mentioned in the preceding paragraph and the action to be taken as a result of evaluation. In this case, in Article 87, "the preceding Article" shall read "Article 17 paragraph 1 of the Foreign Public Service Law", and "person's" shall read "foreign Affairs personnel"; in the same Article and Article 88, "Authority" shall read "Foreign Office Personnel Council"; and in Article 88, "head of an employing agency of government" shall read "Minister for Foreign Affairs".

3. In addition to those provided for in the preceding two paragraphs, necessary matters concerning the procedures of the review of the request for an administrative action on working conditions shall be provided for by Ministry of Foreign Affairs Ordinance.

Article 18. The foreign affairs personnel may, if they have objection to the evaluation of the Council in accordance with the provisions of the preceding Article, request the review of the National Personnel Authority.

2. The provisions of Article 87 and Article 88 of the National Public Service Law shall apply mutatis mutandis to the review and evaluation of the case involved in the request mentioned in the preceding paragraph and the action to be taken as a ~~result~~ result of evaluation. In this case, in Article 87, "the preceding Article" shall read "Article 18 paragraph 1 of the Foreign Public Service Law", and "persons" shall read "foreign affairs personnel"; and in Article 88, "head of employing agency of government" shall read "Minister for Foreign Affairs".

(Review concerning Disciplinary Action)

Article 19. The request for review concerning the action in cases where foreign affairs personnel have been subjected to a disciplinary action for the reason that they have prejudiced the important interests of the State by divulging a diplomatic secret must be made to the Minister for Foreign Affairs, regardless of the provisions of Article 90 of the National Public Service Law.

Article 20. The Minister for Foreign Affairs must, when he has received the request provided for in the preceding Article, immediately refer the case to the Council for investigation.

2. In cases where the Council investigates a case in accordance with the provisions of the preceding paragraph, it must conduct oral examination if requested by the member of the foreign affairs personnel who has been subjected to the action.

3. Oral examination shall not be open to the public.

4. The member of the foreign affairs personnel who has been subjected to the action may be present at all oral examinations, make a statement, cause a witness to be present, and submit papers, records, and all other relevant facts and data.

Article 21. The Minister for Foreign Affairs must evaluate the case on the basis of the result of the Council's investigation provided for in the preceding Article and approve, revise or cancel the action concerned in accordance with his evaluation. In this case, when he has revised or cancelled the action, he must indemnify the compensation which the member of the foreign affairs personnel has lost on account of the action.

Article 22. In addition to those provided for in the preceding three Articles, necessary matters concerning the procedures of the review concerning a disciplinary action shall be provided for by Ministry of Foreign Affairs Ordinance.

Chapter VII Performance of Duty

(Home-coming on Furlough)

Article 23. The Minister for Foreign Affairs may permit those of the

the foreign public service personnel in the service of diplomatic and consular offices abroad who have been in continuous service at one or more of such offices for a period exceeding four years (with the addition of one month for every month of service in the case of those diplomatic and consular offices abroad which are at unhealthy places and other similar areas designated by the Minister for Foreign Affairs) once to return to Japan for rest (hereinafter referred to as "home-coming on furlough) for a period not to exceed two months (excluding the period required for the trip from the place of service to Japan and back).

2. In cases where there exist special circumstances, the period of home-coming on furlough may be made the period which is added a period not to exceed two months to the period provided for in the preceding paragraph.

3. Home-coming on furlough provided for in paragraph 1 shall be a vacation with pay.

4. In addition to those provided for in the preceding three paragraphs, necessary matters concerning home-coming on furlough shall be provided for by Ministry of Foreign Affairs Ordinance.

Chapter VIII Appointment of Honorary Consul General, Honorary Consul, and Foreigner

(Appointment of Honorary Consul General and Honorary Consul)

Article 24. The Minister for Foreign Affairs may appoint an Honorary

Honorary Consul General or Honorary Consul, after heaving the opinion of the Counsil.

(Employment of Foreigner)

Article 25. The Minister for Foreign Affairs may employ a foreigner to serve in the Ministry Proper of the Ministry of Foreign Affairs, after heaving the opinion of the Council.

2. The head of a diplomatic or consular office abroad may employ a foreigner to serve in such office, after obtaining the permission of the Minister for Foreign Affairs.

Chapter IX Miscellaneous Provisions

(Ministry of Foreign Affairs Ordinance)

Article 26. The Minister for Foreign Affairs must, when he establishes, amends or abolishes the Ministry of Foreign Affairs Ordinances provided for in Article 10 paragraph 1, Article 11, Article 14, Article 15, Article 16 paragraph 4, Article 17 paragraph 3, Article 22, and Article 23 paragraph 4, submit the matter to the Council.

(Penal Provisions)

Article 27. A person who, in violation of the provisions of Article 100 paragraph 1 of the National Public Service law applied mutatis mutandis in Article 4, has divulged a secret, and a person who has attempted, ordered, wilfully permitted, instigated or assisted the acts mentioned in the same paragraph shall be punished.

punished with penal servitude for not more than one year or a fine of not more than thirty thousand yen.

(Offences Abroad)

Article 23, Those penal provisions of the National Public Service Law which are applicable to the foreign public service personnel and the provisions of the preceding Article shall also apply to persons who have committed abroad any of the offences mentioned in the respective Articles.

Supplementary Provisions

1. This Law shall be enforced as from the date of the first coming into force of the Treaty of Peace with Japan (or as from April 1, 1952, if the treaty has not come into force by that date). Provided that the provisions of paragraph 5 shall be enforced as from the date of promulgation of this Law.

2. The provisions of Article 19 to Article 22 inclusive shall apply mutatis mutandis to those national public service personnel in the general service serving in the Ministry Proper of the Ministry of Foreign Affairs who are not the foreign public service personnel. In this case, "foreign affairs personnel" in Article 19, Article 20 paragraphs 2 and 4, and Article 21, shall read "national public service personnel in the regular service serving in the Ministry Proper of the Ministry of Foreign Affairs who are not the foregin affairs personnel".

3. The National Public Service Law shall partially be amended as follows:

Article 2 paragraph 3 item 11 shal be amended as follows:

11. Ambassadors and Ministers, Government Representatives and Delegates, and the departies, advisers and suites of Government Representatives and Delegates.

4. The Government Employees' Accident Compensation Law shall partially be amended as follows:

The following one Article shall be added next to Article 20:

(Exceptions for Personnel in the service of Diplomatic and Consular Offices Abroad, etc.)

Article 20 - II. In regard to the cases where it is necessary to make exceptions concerning the compensation for the personnel in the service of the diplomatic and consular offices abroad of the personnel who are traveling aborad on official duty, exceptions may be made by rules of the National Personnel Authority. Provided that such exceptions must be in conformity with the purpose of the provisions of this chapter.

5. The Ministry of Foreign Affairs Establishment Law (Law No. 283 of 1951) shall partially be amended as follows:

In Article 14, "Foreign Service Training Institute" shall be amended to "Foreign Office Personnel Council Foreign Service Training Institute".

The following one Article shall be added next to Article 14:

Article 14-II

Article 14-II. The Foreign Office Personnel Council (hereafter referred to as "Council") shall take charge of matters placed within its power in accordance with the Foreign Public Service Law (law No. of 1952) and other laws and orders.

2. The Council may, besides following the provisions of the preceding paragraph, submit to the Minister for Foreign Affairs from time to time necessary data concerning the compensation and other working conditions of the foreign public service personnel, and may return its opinion in response to inquing by the Minister for Foreign Affairs.

3. The Council shall be organized by five members.

4. The members shall be appointed by the Minister for Foreign Affairs, one from among the foreign public service personnel, one from among the personnel of the National Personnel Authority, and three from among the learned and experienced persons.

5. In addition to those provided for in the preceding paragraphs, necessary matters concerning the Council shall be provided for by Cabinet Order. In Article 26, "The National Public Service Law (law No. 120 of 1947)" shall be amended to "the Foreign Public Service Law (law No. of 1952) and the National Public Service Law (law No. 120 of 1947)".

Foreign Public Service Bill

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Supplementary Provisions

Chapter I. General Provisions

(Purpose of this Law)

Article 1. The purpose of this Law is to prescribe, in accordance with the special character of the duty and responsibility of the foreign public service personnel, exceptions to the National Public Service Law (Law No. 120 of 1947) and other necessary matters, in regard to their position classification, appointment and dismissal, compensation, efficiency, guarantee, performance of duty, etc., and also to provide for the appointment of the Honorary Consul General, Honorary Consul, and other foreigners in the service of the Ministry of Foreign Affairs.

(Definition

(Definition of Foreign Public Service Personnel)

Article 2. The term "foreign public service" as used in this Law shall comprise the following personnel:

(1) Ambassador Extraordinary and Plenipotentiary (hereinafter referred to as "Ambassador");

(2) Envoy Extraordinary and Minister Plenipotentiary (hereinafter referred to as "Minister");

(3) Government Representative;

(4) Delegate;

(5) Deputy, adviser and suite of the Government Representative or Delegate;

(6) Foreign affairs personnel.

2. The term "Government Representative" as used in this Law means a person who has been invested with power to negotiate with a foreign Government for a specific purpose, or to participate or act in an international conference or international organ, representing the Japanese Government.

3. The term "Delegate" as used in this Law means a person who has been invested with power to negotiate with a foreign Government for a specific purpose, or to participate in an international conference, and to sign and seal a treaty.

4. The term "foreign affairs personnel" as used in this Law means those of the regular national public service personnel in the service of the Ministry Proper of the Ministry of Foreign Affairs who are

engaged

engaged in the diplomatic and consular affairs (including affairs which are directly related to such affairs) and their general auxiliary affairs and who are specified by Ministry of Foreign Affairs Ordinance, and all of the regular national public service personnel who are in the service of the diplomatic and consular offices abroad.

(Application of the National Public Service Law to the foreign affairs personnel)

Article 3. The provisions of the National Public Service Law and the laws and orders thereunder shall be applicable to the foreign affairs personnel, unless exceptions to them are provided for by this Law.

(Application mutatis mutandis of the National Public Service Law, etc. to the Foreign Public Service Personnel in the Special Service)

Article 4. The provisions of Article 96 paragraph 1, Article 98 paragraph 1, Article 99, and Article 100 paragraph 1, of the National Public Service Law shall apply mutatis mutandis to the Ambassador and Minister, and to the Government Representative and Delegate and their deputy, adviser and suite. In this case, "employee" in those provisions shall read "the Ambassador or Minister, the Government Representative or Delegate, or the deputy, adviser or suite of the Government Representative or Delegate."

2. With the exception of the matters provided for in the preceding paragraph, the appointment and dismissal and other matters concerning the status, and matters concerning the performance of duty, of the Ambassador and Minister, Government Representative and Delegate, and

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the deputy, adviser and suite of the Government Representative or Delegate, shall be subject to the provisions of this Law.

Chapter II. Position Classification

(Allocation of Positions of Foreign Affairs Personnel)

Article 5. The class allocation of positions provided for in Article 31 of the National Public Service Law shall be made by the Minister of Foreign Affairs in the case of the foreign affairs personnel, regardless of the provisions of Article 12 of the Law concerning the Position-Classification Plan for the National Public Service (Law No. 180 of 1950)

2. Matters necessary for the class allocation of the positions of the foreign affairs personnel shall be provided for by Cabinet Order.

(Official Titles of Foreign Affairs Personnel)

Article 6. The foreign affairs personnel (excluding the Administrative Vice-Minister for Foreign Affairs) may, in addition to their organizational titles, use the titles of Councillor, First Secretary, Second Secretary, Third Secretary, and Diplomatic Attache, Consul General, Consul, Vice-Consul, and Consular Attache, and First Attache, Second Attache, Third Attache, and Assistant Attache, and Chancellor, as official titles used in accordance with international usage for official convenience.

2. The Minister for Foreign Affairs may, if he deems it especially necessary in accordance with international usage, give foreign affairs personnel other official titles than those mentioned in the preceding paragraph,

paragraph, regardless of the provisions of the same paragraph.

3. In addition to those provided for in the preceding paragraph, necessary matters concerning official titles shall be provided for by Ministry of Foreign Affairs Ordinance.

Chapter III. Appointment and Dismissal

(Causes for Disqualification of Foreign Public Service Personnel)

Article 7. In addition to those provided for in Article 38 of the National Public Service Law, persons who have no nationality, or who have foreign nationality, or those who have such persons as their spouses, cannot become foreign public service personnel.

2. The foreign public service personnel shall, when they have become unable to be foreign public service personnel in accordance with the provisions of the preceding paragraph, ipso facto lose their positions, except in cases provided for by Ministry of Foreign Affairs Ordinance.

(Appointment and Dismissal of Ambassador and Minister)

Article 8. The appointment and dismissal of the Ambassador and Minister shall be made by the Cabinet upon the proposal of the Minister for Foreign Affairs and shall be attested by the Emperor.

2. The appointment and dismissal of the Government Representative and Delegate and their deputy, adviser and suite shall be made by the Cabinet upon the proposal of the Minister for Foreign Affairs.

(Attestation of Credentials, etc.)

Article 9. The credentials, letter of recall, and full powers, of the Ambassador and Minister, and the commission of the consular officials,

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shall be attested by the Emperor.

(Appointment of Foreign Affairs Personnel by Selection)

Article 10. The Minister for Foreign Affairs may, as provided for by Ministry of Foreign Affairs Ordinance and after hearing the opinion of the Foreign Office Personnel Council (hereinafter referred to as "Council"), appoint foreign service personnel by selection, in order to cause them to be engaged exclusively in those diplomatic and consular affairs which concern financial affairs, commercial affairs, agricultural affairs, labor, etc., or those which require special technique, or if there is special necessity.

2. The term of office of the foreign affairs personnel who are appointed to be engaged exclusively in those diplomatic and consular affairs which concern financial affairs, commercial affairs, agricultural affairs, labor, etc. in accordance with the provisions of the preceding paragraph shall be determined by the Minister for Foreign Affairs not to exceed four years. Provided that the term of office may be extended not to exceed another four years after hearing the opinion of the Council, in the case of those persons for whom the Minister for Foreign Affairs deems it necessary upon the expiration of their term of office.

(Promotion of Foreign Affairs Personnel)

Article 11. The promotion of the foreign affairs personnel shall be made by examination or selection as provided for by Ministry of Foreign

Affairs

Affairs Ordinance.

(Waiting of Ambassador and Minister)

Article 12. The Ambassadors and Ministers who are heads of the diplomatic and consular offices abroad and the Ambassadors and Ministers who are otherwise in the service of such offices shall be placed on the waiting list when they have been relieved of service in such offices concerned, until they are newly ordered to serve in such offices or until they are sent abroad to deal with special affairs.

2. The Ambassadors or Ministers on the waiting list shall be relieved of office when the period of their waiting has passed one year.

3. The Ambassadors or Ministers on the waiting list may be engaged in the affairs of the Ministry Proper of the Ministry of Foreign Affairs if there is special necessity.

4. The Ambassadors or Ministers on the waiting list shall not differ from the Ambassadors or Ministers who are not on the waiting list in regard to the application of this Law, except in the cases provided for in the preceding two paragraphs.

Chapter IV. Compensation

(Compensation of Foreign Public Service Personnel in the service of Diplomatic and Consular Offices Abroad)

Article 13. The compensation of the foreign public service personnel in the service of the diplomatic and consular offices abroad shall be paid in accordance with the Law concerning Compensation of Foreign

Public

Public Service Personnel in the service of Diplomatic and Consular Offices Abroad (Law No. of 1952).

Chapter V. Efficiency

(Evaluation of Performance of Work)

Article 14. Necessary matters concerning the evaluation of the performance of work of the foreign affairs personnel and its records shall be provided for by Ministry of Foreign Affairs Ordinance.

(Training)

Article 15. The Minister for Foreign Affairs must, as provided for by Ministry of Foreign Affairs Ordinance, give the foreign affairs personnel an opportunity to receive training at the Foreign Service Training Institute or elsewhere including foreign countries.

(Inspection)

Article 16. The Minister for Foreign Affairs may send a person deemed appropriate among the foreign public service personnel as inspector, in order to cause him to inspect whether the affairs of the diplomatic and consular offices abroad are being executed properly.

2. The inspector must report in writing the result of inspection to the Minister for Foreign Affairs without delay.

3. The Minister for Foreign Affairs shall, when he has received the report mentioned in the preceding paragraph, take such actions as he deems necessary on the basis of the report.

4. In addition to those provided for in the preceding three paragraphs, necessary matters concerning inspection shall be provided for by Ministry of Foreign Affairs Ordinance.

Chapter VI Guarantee

(Request for Administrative Action on Working Conditions)

Article 17. The foreign affairs personnel must, when they intend to request that an appropriate administrative action be taken by the Minister for Foreign Affairs, so request the Council, regadless of the provisions of Article 86 of the National Public Service Law.

2. The provisions of Article 87 and Article 88 of the National Public Service Law shall apply mutatis mutandis to the review and evaluation of the case involved in the request mentioned in the preceding paragraph and the action to be taken as a result of evaluation. In this case, in Article 87, "the preceding Article" shall read "Article 17 paragraph 1 of the Foreign Public Service Law", and "person's" shall read "foreign Affairs personnal"; in the same Article and Article 88, "Authority" shall read "Foreign Office Personnal Council"; and in Article 88, "head of an employing agency of government" shall read "Minister for Foreign Affairs".

3. In addition to those provided for in the preceding two paragraphs, necessary matters concerning the procedures of the review of the request for an administrative action on working conditions shall be provided for by Ministry of Foreign Affairs Ordinance.

Article 18.

Article 18. The foreign affairs personnel may, if they have objection to the evaluation of the Council in accordance with the provisions of the preceding Article, request the review of the National Personnel Authority.

2. The provisions of Article 87 and Article 88 of the National Public Service Law shall apply mutatis mutandis to the review and evaluation of the case involved in the request mentioned in the preceding paragraph and the action to be taken as a ~~recent~~ result of evaluation. In this case, in Article 87, "the preceding Article" shall read "Article 18 paragraph 1 of the Foreign Public Service Law", and "persons" shall read "foreign affairs personnel"; and in Article 88, "head of employing agency of government" shall read "Minister for Foreign Affairs".

(Review concerning Disciplinary Action)

Article 19. The request for review concerning the action in cases where foreign affairs personnel have been subjected to a disciplinary action for the reason that they have prejudiced the important interests of the State by divulging a diplomatic secret must be made to the Minister for Foreign Affairs, regardless of the provisions of Article 90 of the National Public Service Law.

Article 20. The Minister for Foreign Affairs must, when he has received the request provided for in the preceding Article, immediately refer the case to the Council for investigation.

2. In cases where the Council investigates a case in accordance with the provisions of the preceding paragraph, it must conduct oral examination if requested by the member of the foreign affairs personnel who has been subjected to the action.

3. Oral examination shall not be open to the public.

4. The member of the foreign affairs personnel who has been subjected to the action may be present at all oral examinations, make a statement, cause a witness to be present, and submit papers, records, and all other relevant facts and data.

Article 21. The Minister for Foreign Affairs must evaluate the case on the basis of the result of the Council's investigation provided for in the preceding Article and approve, revise or cancel the action concerned in accordance with his evaluation. In this case, when he has revised or cancelled the action, he must indemnify the compensation which the member of the foreign affairs personnel has lost on account of the action.

Article 22. In addition to those provided for in the preceding three Articles, necessary matters concerning the procedures of the review concerning a disciplinary action shall be provided for by Ministry of Foreign Affairs Ordinance.

Chapter VII Performance of Duty

(Home-coming on Furlough)

Article 23. The Minister for Foreign Affairs may permit those of

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the foreign public service personnel in the service of diplomatic and consular offices abroad who have been in continuous service at one or more of such offices for a period exceeding four years (with the addition of one month for every month of service in the case of those diplomatic and consular offices abroad which are at unhealthy places and other similar areas designated by the Minister for Foreign Affairs) once to return to Japan for rest (hereinafter referred to as "home-coming on furlough) for a period not to exceed two months (excluding the period required for the trip from the place of service to Japan and back).

2. In cases where there exist special circumstances, the period of home-coming on furlough may be made the period which is added a period not to exceed two months to the period provided for in the preceding paragraph.

3. Home-coming on furlough provided for in paragraph 1 shall be a vacation with pay.

4. In addition to those provided for in the preceding three paragraphs, necessary matters concerning home-coming on furlough shall be provided for by Ministry of Foreign Affairs Ordinance.

Chapter VIII Appointment of Honorary Consul General, Honorary Consul, and Foreigner

(Appointment of Honorary Consul General and Honorary Consul)

Article 24. The Minister for Foreign Affairs may appoint an

Honorary

Honorary Consul General or Honorary Consul, after heaving the opinion of the Council.

(Employment of Foreigner)

Article 25. The Minister for Foreign Affairs may employ a foreigner to serve in the Ministry Proper of the Ministry of Foreign Affairs, after heaving the opinion of the Council.

2. The head of a diplomatic or consular office abroad may employ a foreigner to serve in such office, after obtaining the permission of the Minister for Foreign Affairs.

Chapter IX Miscellaneous Provisions

(Ministry of Foreign Affairs Ordinance)

Article 26. The Minister for Foreign Affairs must, when he establishes, amends or abolishes the Ministry of Foreign Affairs Ordinances provided for in Article 10 paragraph 1, Article 11, Article 14, Article 15, Article 16 paragraph 4, Article 17 paragraph 3, Article 22, and Article 23 paragraph 4, submit the matter to the Council.

(Penal Provisions)

Article 27. A person who, in violation of the provisions of Article 100 paragraph 1 of the National Public Service Law applied mutatis mutandis in Article 4, has divulged a secret, and a person who has attempted, ordered, wilfully permitted, instigated or assisted the acts mentioned in the same paragraph shall be

punished

punished with penal servitude for not more than one year or a fine of not more than thirty thousand yen.

(Offences Abroad)

Article 28. These penal provisions of the National Public Service Law which are applicable to the foreign public service personnel and the provisions of the preceding Article shall also apply to persons who have committed aborad any of the offences mentioned in the respective Articles.

Supplementary Provisions

1. This Law shall be enforced as from the date of the first coming into force of the Treaty of Peace with Japan (or as from April 1, 1952, if the treaty has not come into force by that date). Provided that the provisions of paragraph 5 shall be enforced as from the date of promulgation of this Law.

2. The provisions of Article 19 to Article 22 inclusive shall apply mutatis mutandis to those national public service personnel in the general service serving in the Ministry Proper of the Ministry of Foreign Affairs who are not the foreign public service personnel. In this case, "foreign affairs personnel" in Article 19, Article 20 paragraphs 2 and 4, and Article 21, shall read "national public service personnel in the regular service serving in the Ministry Proper of the Ministry of Foreign Affairs who are not the foregin affairs personnel".

3. The National Public Service Law shall partially be amended as follows:

Article 2 paragraph 3 item II shal be amended as follows:

II. Ambassadors and Ministers, Government Representatives and Delegates, and the departies, advisers and suites of Government Representatives and Delegates.

4. The Government Employees' Accident Compensation Law shall partially be amended as follows:

The following one Article shall be added next to Article 20:

(Exceptions for Personnel in the service of Diplomatic and Consular Offices Abroad, etc.)

Article 20 - II. In regard to the cases where it is necessary to make exceptions concerning the compensation for the personnel in the service of the diplomatic and consular offices abroad or the personnel who are traveling aborad on official duty, exceptions may be made by rules of the National Personnel Authority. Provided that such exceptions must be in conformity with the purpost of the provisions of this chapter.

5. The Ministry of Foreign Affairs Establishment Law (Law No. 283 of 1951) shall partially be amended as follows:

In Article 14, "Foreign Service Training Institute" shall be amended to "Foreign Office Personnal Council Foreign Service Training Institute".

The following one Article shall be added next to Article 14:

Article 14-II

Article 14-II. The Foreign Office Personnel Council (hereafter referred to as "Council") shall take charge of matters placed within its power in accordance with the Foreign Public Service Law (law No. of 1952) and other laws and orders.

2. The Council may, besides following the provisions of the preceding paragraph, submit to the Minister for Foreign Affairs from time to time necessary data concerning the compensation and other working conditions of the foreign public service personnel, and may return its opinion in response to inquing by the Minister for Foreign Affairs.

3. The Council shall be organized by five members.

4. The members shall be appointed by the Minister for Foreign Affairs, one from among the foreign public service personnel, one from among the personnel of the National Personnel Authority, and three from among the learned and experienced persons.

5. In addition to those provided for in the preceding paragraphs, necessary matters concerning the Council shall be provided for by Cabinet Order. In Article 26, "the National Public Service Law (Law No. 120 of 1947)" shall be amended to "the Foreign Public Service Law (Law No. of 1952) and the National Public Service Law (Law No. 120 of 1947)".

Bill for the Pension Association
for the Personnel of Towns and Villages

(Purpose of this Law)

Article 1. The purpose of this Law is to promote the welfare of the personnel of towns and villages by providing for the organization to deal with the affairs concerning the retirement annuities and retirement grants for the personnel of towns and villages and the method of management thereof in line with the spirit of the Local Public Service Law (Law No. 261 of 1950).

(Establishment of the Pension Association for the Personnel of Towns and Villages)

Article 2. Towns and villages must establish, in each area of To, Do, Fu or prefecture, the partial-affairs-association (hereinafter to be referred to as the "pension association for the personnel of towns and villages") mentioned in the provisions of Article 284 of the Local Autonomy Law (Law No. 67 of 1947) to deal jointly with the affairs concerning the retirement annuities and retirement grants of the personnel.

(Articles of the Pension Association for the Personnel of Towns and Villages)

Article 3. In the articles of the pension association for the personnel of towns and villages, the provisions besides such ones as enumerated in each item of Article 287 paragraph 1 of the Local Autonomy Law, relating to the coverage and qualification of those who receive the benefit from the

association and the kind and the amount of the benefit, shall be made.

2. The Local Autonomy Agency may provide for the model articles concerning the affairs mentioned in the preceding paragraph and represent those to the pension associations for the personnel of towns and villages.

Article 4. When it intends to amend its articles, the pension association for the personnel of towns and villages must, through the resolution of the assembly of association, obtain the permission of the governor of To, Do, Fu or prefecture.

(Share of the Expenditure)

Article 5. The expenditure necessary for the benefit of the pension association for the personnel of towns and villages shall be shared by towns and villages and the personnel thereof.

(Principle concerning the Calculation of Funds for Benefit and the Administration of Estate)

Article 6. The calculation of funds necessary for the benefit of the pension association for the personnel of towns and villages and the administration of estate thereof must be on the basis of the sound actuarial computation.

(Federation of Pension Associations for the Personnel of Towns and Villages)

Article 7. The pension associations for the personnel of towns and villages may, for the purpose of making an improvement and a progress of their affairs, set up the Federation of Pension Associations for the Personnel of Towns and Villages (hereinafter to be referred to as "the Federation").

2. The Federation may have the following works to accomplish the purpose mentioned in the preceding paragraph:

(1) To submit the technical and professional knowledge, data, etc. concerning the affairs of the pension association for the personnel of towns and villages to the association;

(2) To investigate and study on actuarial computation concerning the calculation of funds necessary for the benefit of the pension association for the personnel of towns and villages and the administration of estate thereof;

(3) To direct the affairs of the association so that the calculation of funds necessary for the benefit of the pension association for the personnel of towns and villages and the administration of estate thereof may be operated in accordance with the principle provided for in the preceding Article;

(4) Any other work that is necessary to accomplish its purpose.

3. The Federation shall be a juridical person.

4. The Federation must, in the Articles of Association, provide for the following matters and obtain the approval of the Prime Minister:

(1) Name;

(2) Business;

(3) Location of the office;

(4) Matters concerning the joining and secession;

(5) Matters concerning officers;

(6) Matters concerning the sharing of expenditure and the accounting;

(7) Any other necessary matters.

5. The Articles of Association shall not be changed without the approval of the Prime Minister.

6. The Federation shall be formed on the date day when the approval mentioned in paragraph 4 is obtained.

7. There shall be directors and superintendents in the Federation.

8. The provisions of Article 52 paragraph 2, Articles 53 to 55 inclusive, Article 59 and Article 67 of the Civil Code (Law No. 89 of 1896) shall apply mutatis mutandis to the Federation.

(Treatment of the Whole-affairs-association, Office-affairs-association and Partial-affairs-association of Towns and Villages)

Article 8. In the case of the application of this Law, the whole-affairs-association, office-affairs-association and partial-affairs-association shall be deemed to be a town or village.

(Relation between this Law and the Local Autonomy Law)

Article 9. As to the pension association for the personnel of towns and villages, the provisions of the Local Autonomy Law shall apply, except for cases specially provided for by this Law.

Supplementary Provisions:

1. This Law shall come into force as from April 1, 1952.

2. Those partial-affairs-associations in accordance with the provision of Article 284 of the Local Autonomy Law which deal actually with the affairs concerning the retirement annuities and retirement grants for towns and villages at the time of the coming into force of this Law shall be deemed to be the pension associations for the personnel of towns and villages under this Law. In such case, the association concerned must take necessary changes of articles within six months commencing on the day of the enforcement of this Law.

3. The Income Tax Law (Law No. 27 of 1947) shall be partially amended as follows:

In Article 3 item (12), "national public service mutual aid associations and Federation thereof" shall be amended as ",national public service mutual aid associations and Federation thereof, and Federation of the Pension Associations for the Personnel of Towns and Villages".

4. The Corporation Tax Law (Law No. 28 of 1947) shall be partially amended as follows:

In Article 5 item (4), ",Government Employees Mutual Aid Associations and Federation thereof" shall be amended as ",Government Employees Mutual Aid Association and Federation thereof, and Federation of the Pension Associations for the Personnel of Towns and Villages".

5. The Local Tax Law (Law No. 226 of 1950) shall be partially amended as follows:

In Article 296, "Federation of Pension Associations for Personnel of Towns and Villages," shall be added next to "Federation of National Health Insurance Organizations,", and in Article 743 item (4), ",as well as national health insurance enterprises of National Health Insurance Association, juridical person conducting the business of national health insurance and Federation of National Health Insurance Organizations" shall be amended as ",and national health insurance enterprises of National Health Insurance Association, juridical person conducting the business of national health insurance and Federation of National Health Insurance Organizations, as well as enterprises conducted by Federation of Pension Association for Personnel of Towns and Villages".

Reason

In order to promote the welfare of the personnel of towns and villages, it is necessary to consolidate the system concerning retirement annuities and retirement grants. This is the reason to submit this Bill.

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Bill for the Pension Association for the Personnel of Towns and Villages

(Purpose of this Law)

Article 1. The purpose of this Law is to promote the welfare of the personnel of towns and villages by providing for the organization to deal with the affairs concerning the retirement annuities and retirement grants for the personnel of towns and villages and the method of management thereof in line with the spirit of the Local Public Service Law (Law No. 261 of 1950).

(Establishment of the Pension Association for the Personnel of Towns and Villages)

Article 2. Towns and villages must establish, in each area of To, Do, Fu or prefecture, the partial-affairs-association (hereinafter ~~to be~~ referred to as the "pension association for the personnel of towns and villages") mentioned in ~~the provicion of~~ Article 284 of the Local Autonomy Law (Law No. 67 of 1947) to deal jointly with the affairs concerning the retirement annuities and retirement grants of the personnel.

(Articles of the Pension Association for the Personnel of Towns and Villages)

Article 3. In the articles of the pension association for the personnel of towns and villages, the provisions ~~besides such ones as enumerated in each item of article 287 paragraph 1 of the Local Autonomy Law,~~ relating to the coverage and qualification of those who receive the benefit from the

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association and the kind and the amount of the benefit, shall be made.

2. The Local Autonomy Agency may provide for the model articles concerning the affairs mentioned in the preceding paragraph and represent those to the pension associations for the personnel of towns and villages.

Article 4. When it intends to amend its articles, the pension association for the personnel of towns and villages must, through the resolution of the assembly of association, obtain the permission of the governor of To, Do, Fu or prefecture.

(Share of the Expenditure)

Article 5. The expenditure necessary for the benefit of the pension association for the personnel of towns and villages shall be shared by towns and villages and the personnel thereof.

(Principle concerning the Calculation of Funds for Benefit and the Administration of Estate)

Article 6. The calculation of funds necessary for the benefit of the pension association for the personnel of towns and villages and the administration of estate thereof must be on the basis of the sound actuarial computation.

(Federation of Pension Associations for the Personnel of Towns and Villages)

Article 7. The pension associations for the personnel of towns and villages may, for the purpose of making an improvement and a progress of their affairs, set up the Federation of Pension Associations for the Personnel of Towns and Villages (hereinafter ~~to be~~ referred to as "the Federation").

2. The Federation may have the following works to accomplish the purpose mentioned in the preceding paragraph:

(1) To submit the technical and professional knowledge, data, etc. concerning the affairs of the pension association for the personnel of towns and villages to the association;

(2) To investigate and study on actuarial computation concerning the calculation of funds necessary for the benefit of the pension association for the personnel of towns and villages and the administration of estate thereof;

(3) To direct the affairs of the association so that the calculation of funds necessary for the benefit of the pension association for the personnel of towns and villages and the administration of estate thereof may be operated in accordance with the principle provided for in the preceding Article;

(4) Any other work that is necessary to accomplish its purpose.

3. The Federation shall be a juridical person.

4. The Federation must, in the Articles of Association, provide for the following matters and obtain the approval ~~ment~~ of the Prime Minister:

(1) Name;

(2) Business;

(3) Location of the office;

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(3) To direct the affairs of the association so that the calculation of funds necessary for the benefit of the pension association for the personnel of towns and villages and the administration of estate thereof may be operated in accordance with the principle provided for in the preceding Article;

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(4) Matters concerning the joining and secession;

(5) Matters concerning officers;

(6) Matters concerning the sharing of expenditure and the accounting;

(7) Any other necessary matters.

5. The Articles of Association shall not be changed without the approval of the Prime Minister.

6. The Federation shall be formed on the day when the approval mentioned in paragraph 4 is obtained.

7. There shall be directors and superintendents in the Federation.

8. The provisions of Article 52 paragraph 2, Articles 53 to 55 inclusive, Article 59 and Article 67 of the Civil Code (Law No. 89 of 1896) shall apply mutatis mutandis to the Federation.

(Treatment of the Whole-affairs-association, Office-affairs-association and Partial-affairs-association of Towns and Villages)

Article 8. In the case of the application of this Law, the whole-affairs-association, office-affairs-association and partial-affairs-association shall be deemed to be a town or village.

(Relation between this Law and the Local Autonomy Law)

Article 9. As to the pension association for the personnel of towns and villages, the provisions of the Local Autonomy Law shall apply, except for cases specially provided for by this Law.

Supplementary Provisions:

1. This Law shall come into force as from April 1, 1952.

2. Those partial-affairs-associations in accordance with the provision of Article 284 of the Local Autonomy Law which deal actually with the affairs concerning the retirement annuities and retirement grants for towns and villages at the time of the coming into force of this Law shall be deemed to be the pension associations for the personnel of towns and villages under this Law. In such case, the association concerned must take necessary changes of articles within six months commencing on the day of the enforcement of this Law.

3. The Income Tax Law (Law No. 27 of 1947) shall be partially amended as follows:

In Article 3 item (12), "national public service mutual aid associations and Federation thereof" shall be amended as ",national public service mutual aid associations and Federation thereof, and Federation of the Pension Associations for the Personnel of Towns and Villages".

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5. The Local Tax Law (Law No. 226 of 1950) shall be partially amended as follows:

In Article 296, "Federation of Pension Associations for Personnel of Towns and Villages," shall be added next to "Federation of National Health Insurance Organizations,", and in Article 743 item (4), ",as well as national health insurance enterprises of National Health Insurance Association, juridical person conducting the business of national health insurance and Federation of National Health Insurance Organizations" shall be amended as ",and national health insurance enterprises of National Health Insurance Association, juridical person conducting the business of national health insurance and Federation of National Health Insurance Organizations, as well as enterprises conducted by Federation of Pension Association for Personnel of Towns and Villages".

Reason

In order to promote the welfare of the personnel of towns and villages, it is necessary to consolidate the system concerning retirement annuities and retirement grants. This is the reason to submit this Bill.

LOCAL PUBLIC ENTERPRISE BILL

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Contents

Chapter I General Provisions

Chapter II Organization

Chapter III Financial Affairs

Chapter IV In-service Status of the Personnel

Chapter V Sundry Rules

Supplementary Provisions

Chapter I General Provisions

(Purpose of this Law)

Article 1. The purpose of this law is to establish the fundamental principle of the organization, the financial affairs of the enterprise conducted by the local public body, the in-service status of the personnel engaged therein and the other matters concerning the conduct of the enterprise, and to contribute thereby to the development of local autonomy.

(Fundamental Principle of Conduct)

Article 2. The enterprise conducted by the local public body shall be so conducted that ~~it~~ the enterprise at any time exerts itself for securing the economic management on the one hand, the promotion of the public welfare on the other attainment of which is its main purpose.

(Formation of Fundamental Project of Conduct)

Article 3. A local public body shall establish the fundamental project of the enterprise conducted upon obtaining the resolution of the assembly, in accordance with the fundamental principle provided for in the preceding article.

(Enactment and Enforcement of Laws, Orders and Others concerning Enterprise conducted by Local Public Body)

Article 4. Laws and orders, and bylaws, regulations and other rules concerning the enterprise conducted by the local public body shall be consistent with the fundamental principle provided for in Article 2.

(Scope of Enterprise subject to this Law)

Article 5. This law shall be applied to such services (including the business attached thereto) as are enumerated in the left side of the following list and as the number of the personnel in full-time service in the service engaged is the one correspondingly enumerated in the right side of the following list or more (hereinafter to be referred to as "the local public enterprise"), among the enterprises conducted by the local public body.

Water works enterprise.	50 persons
Tram way enterprise	100 persons
Automobile enterprise	100 persons
Private railway enterprise. . . .	100 persons
Electric enterprise	30 persons
Gas enterprise.	30 persons

2. The local public body may apply the whole or a part of the provisions of this law to other enterprises conducted than the local public enterprise, in accordance with the provisions of cabinet order.

(Relation between this Law and other Laws)

Article 6. This law shall provide the exception to the Local Autonomy Law (Law No. 67 of 1947), the Local Finance Law (Law No. 109 of 1947) and the Local Public Service Law (Law No. 261 of 1950), with respect to the local public enterprise.

2. This law shall provide the exception to the Water-works Regulation (Law No. 9 of 1890), the Tramway Law (Law No. 76

of 1921), the Road Transportation Law (Law No. 183 of 1951), the Private Railway Law (Law No. 52 of 1919) and the public Enterprise Ordinance (Cabinet Order No. 343 of 1950), with respect to the local public enterprise.

Chapter II Organization

(Establishment of Superintendent)

Article 7. The local public body which conducts the local public enterprise shall have a superintendent in each enterprise mentioned in Article 5, paragraph 1, for the operation of the business of the local public enterprise under the direction and the supervision of the head of the local public body concerned; provided that, the local public body may dispense with a superintendent or may have a superintendent through two or more services.

2. The superintendent shall be appointed by the head of the local public body from among the personnel of the local public body concerned who have knowledge concerning the conduct of the local public enterprise. In this case, the part concerning the personnel in full-time service of the local public body in the provision of Article 141 paragraph 2 of the Local Autonomy Law which is applied mutatis mutandis in Article 166 paragraph 2 of the same law, shall not be applied.

(Position and Powers of Superintendent)

Article 8. Excepting the matters enumerated as follows, the superintendent shall operate the business of the local public enterprise and represent the local public body as to the operation of the business concerned; provided that, this shall not be applied where the provisions are made specially in laws and orders:

(1) to draw up a budget;

(2) to submit the bill in respect to any of such matters as are required to be decided by the assembly of the

local public body;

(3) to refer the settlement of accounts and instruments and papers to the inspection commissioners for examination and to submit the same to the approval of the assembly;

(4) to conclude the labour agreement;

(5) to impose an administrative fine in accordance with the provisions of Article 240 and Article 223, paragraph 2 and 3 of the Local Autonomy Law.

2. In the local public body which has no superintendent in accordance with the provision of the proviso of the preceding Article, paragraph 1, the powers of the superintendent shall be excercised by the head of the local public body.

(Summary of Affairs Taken Charge by Superintendent)

Article 9. The superintendent shall, as provided for in the preceding paragraph, generally take charge of such affairs as follows with respect to the operation of the business concerned:

(1) To create necessary section for the purpose of alloting the affairs which fall within his power;

(2) To regulate the affairs concerning the appointment and dismissal, compensation, work hours and other working conditions, disciplinary punishment, training and other treatment of the status of the personnel;

(3) To determine the operation program in accordance with fundamental project of the local public enterprise;

(4) To prepare the documents concerning an estimate of the budget and to forward it to the head of the local public body;

(5) To draw up the settlement of accounts and to forward it to the head of the local public body;

6. To acquire, manage and dispose property which shall be appropriated to the use of the enterprise concerned;

7. To make contracts;

8. To collect charges and other rents or fees;

9. To make temporary borrowing for the purpose of making defrayments within the budget;

10. To take charge of the revenue, expenditure and other affairs relating to the accounts;

11. To take custoday of instruments and afficial papers;

12. Except those prescribed in the preceding items, matters falling within his power in accordance with laws and orders, bylaws or regulations of the local public body concerned.

(Enterprise Management Rule)

Article 10. The superintendent may enact the management rule concerning the business(hereinafter to be referred to as "the enterprise management rule"),so long as such rule does not contravene any laws and orders or bylaws or regulations of local public body concerned or regulations enacted by the organ of it.

(Ban of Holding Office of Superintendent)

Article 11. Any person who falls under any of the follwing items shall not hold the office of the superintendent:

(1) Any person who deals commodities or contracts for construction works with the said local public body concerning the business of the said local public enterprise or any person who has done such acts within one year before the date on which

he has assumed the office;

(2) Any person who is an officer of juridical person dealing commodities or contracting for construction works with the said local public body concerning the business of the said local public enterprise or an officer of associations organizated by concerning the said business by person or juridical person who do such acts (including those having the same or more official or actual power as an officer) or any person who has been such officer within one year before the date on which he has assumed the office.

(Quarantee of Position)

Article 12. Except in cases where any superintendent falls under the provisions of any of the following items, he may not be changed the office against his will within three years from the date on which he has assumed the office; provided that, this shall not be applied to the case where he lacks the qualifications for fitness required for his position within six months from the date on which he has assumed the office.

(1) When he requires rests for a period exceeeding three months;

(2) When he makes a serious fault for which he is responsible.

(Deputy and Delegation)

Article 13. In the events of any absence or inability to perform his duties on the part of the superintendent, the senior personnel who has been designated by the enterprise management rule shall perform the duties of the superintendent.

2. The superintendent may delegate a portion of the affairs which fall within his powers to any personnel provided for in Article 15 or may cause him to administer the same temporarily

on his behalf.

(Organization for Administration of Affairs)

Article 14. The local public body which donducts the local public enterprise shall set up by bylaw necessary organizations for the administration of affairs which felt within the powers of the superintendent.

(Auxiliary Personnel)

Article 15. The personnel provided for in Article 172, paragraph 1 of the Local Autonomy Law who assists the superintendent to execute the affairs which fall within the powers of the superintedent shall be appointed or dismissed from office by the superintendent; provided that, with respect to appointment or dismissal of such key personnel provided for by bylaw, the consent of the head of the local public body concerned shall be obtained beforehand.

2. The superintendent shall direct and supervise the personnel mentioned in preceding paragraph.

(Relation between Superintendent and Head of Local Public Body)

Article 16. The directions and the supervisions toward the superintendent made by the head of the local public body shall be made usually with respect to matters prescribed in the following items:

(1) Matters concerning to the fundamental project for conduct of the local public enterprise;

(2) Among the matters concerning the operation of business of the local public enterprise such matters as are considered to have the important influence over the welfare of inhabitants of the local public body concerned;

(3) Matters considered necessary to facilitate the adjustment between the execution of the affairs which fall under the powers of other organs than the superintendent and the execution of business of the local public enterprise.

(3) Matters considered necessary to facilitate the adjustment between the execution of the affairs which fall under the powers of other organs than the superintendent and the execution of business of the local public enterprise.

Chapter III Financial Affairs

(Special Account)

Article 17. The financial management of the local public enterprise shall be carried out in each service enumerated in Article 5, paragraph 1 respectively by establishing a special account and the expenses required thereof shall be appropriated for by the revenues derived from the operation of the enterprise concerned; provided that, in the case of the local public body which conducts two or more services enumerated in paragraph 1 of the same Article, one special account may be established throughout two or more services upon obtaining the resolution of the assembly.

(Transferred Money from General Account or Other Special Account)

Article 18. In the case where there is a need with respect to the local public enterprise on account of the special cause such as the rehabilitation of disasters, the expense required for the enterprise concerned may, as provided for in the budget, be appropriated for by such receipts as transferred from the general account or other special account.

2. Such sum as are equivalent to the transferred money mentioned in the preceding paragraph shall, as provided for in the budget, be transferred, in the next business year or later, into the general account or other special account from which the said transferred money has been transferred; provided that, with respect to the transferred money due to payment from this special account to those which should have been paid from the general account or other special account or due to other special causes, the same may, upon obtaining the resolution of the assembly,

not be refunded into the general account or other special account from which the said transferred money has been transferred.

(Business Year)

Article 19. The business year of the local public enterprise shall be in accordance with the fiscal year of the local public body.

(Method of Accounting)

Article 20. With respect to the local public enterprise, the revenue and the expense shall be accounted based on the facts as taken place for the purpose of elucidating the managing achievement of the enterprise, and the increase, decrease and variation of the property, capital and debts shall be recorded and arranged in order on all such occasions for the purpose of elucidating the financial situation of the enterprise.

2. With respect to the property, capital and debts mentioned in the preceding paragraph, the details thereof shall be elucidated in accordance with the provisions of the cabinet order.

(Charge)

Article 21. The local public body may collect a charge for the service rendered by the local public enterprise.

2. The charge mentioned in the preceding paragraph shall be equitable and appropriate and, in fixing it, the adequate consideration must be given so that the balance of revenue and expenditure of the local public enterprise may be kept.

(Enterprise Loan)

Article 22. With respect to raising the local loan raised by the local public body for the purpose of appropriating for the fund required for construction, improvement and others of the local public enterprise (hereinafter to be referred to as "the enterprise loan"), the permission of the administrative office shall not be required.

(Enterprise Loan to which Period of Repayment is not annexed)

Article 23. The local public body may not annexed the period of repayment, with respect to such enterprise loan as is appropriated for the fund required for the construction of the local public enterprise. In this case, it may offer a special interest corresponding to the amount of the earned surplus funds in each business year of the local public enterprise concerned.

(Budget)

Article 24. The head of the local public body shall draw up a budget of the local public enterprise for each business year basing upon the estimate of the budget prepared by the superintendent of the local public enterprise concerned, and obtain the resolution of the assembly thereon prior to the beginning of the business year.

2. In the case where the shortage of expenses of the local public enterprise has occurred on account of the enlargement of the business, the superintendent may appropriate the amount equivalent to the increasing revenue to the expenses required directly for the business of the enterprise concerned. In

this case, without delay, the superintendent shall report the effect to the head of the local public body concerned, and the head of the local public body who has recieved the report shall report the effect to the assembly at the next meeting.

(Documents Relating to Financial Project)

Article 25. The head of the local public body shall, when he submits the budget of the local public enterprise to the assembly, submit together with it the documents relating to the executive program of the relevant budget, the operation program and fund program for the relevant business year and other referential matters to the financial projects, prepared by the superintendent of the local public enterprise concerned.

(Carrying foward of Budget)

Article 26. In the case where there is such amount as its liabilities for payment has not accurred within the business year out of the total amount of the expenses for the construction and improvement of the local public enterprise provided for in the budget, the superintendent may use the amount by carrying forward in the next business year. In this case, the superintendent shall report the program concerning the use of the amount carried for ward to the head of the local public body, and the head of the local public body who has recieved the report shall report the effect to the assembly at the next meeting.

(Affairs relating to Revenue and Expenditure and Custody of Cash)

Article 27. The affairs relating to revenue and expenditure concerning the business of the local public enterprise shall be executed by the superintendent.

2. The superintendent shall take custody of the cash concerning the business of the local public enterprise by means of depositing it in the bank designated by the head of the local public body concerned; provided that the superintendent may for himself take custody of the cash within the limit of such amount as determined by the head of the local public body concerned.

(Enterprise Accountant and Cashier) ~~officer~~

Article 28. The local public body which conducts the local public enterprise shall have enterprise accountants and cashier, for the purpose of taking charge of the affairs concerning revenue, expenditure and other affairs relating to the accounting with respect to the business of the local public enterprise concerned.

2. The enterprise accountant and cashier shall be appointed by the superintendent from among the personnel mentioned in Article 15.

3. The superintendent may delegate a portion of the affairs to the accountant mentioned in the preceding paragraph.

4. The enterprise accountant shall take charge of the affairs concerning revenue, expenditure and other affairs relating to the accounting under the directions of the superintendent.

5. The cashier shall take charge of the affairs concerning receipt and payment of cash under the direction of those over him.

(Temporary Borrowing)

Article ~~30~~ 29. The superintendent may make temporary borrowing for the purpose of making defrayments within the budget.

2. The temporary borrowing provided for in the preceding paragraph shall be repaid within the business year concerned; provide that, in the case where it is unable for the local public enterprise to repay on account of the shortage of the fund, it may be renewed within the limit of such amount as unable to be repaid.

3. The temporary borrowing renewed as provided for in the proviso of the preceding paragraph shall be repaid within one year.

(Settlement of Accounts)

Article 30. The superintendent shall prepare the settlement of accounts of the local public enterprise concerned within two months after each business year had expired, and forward the same to the head of the local public body concerned accompanied by the instruments, report of business in the business year concerned and other documents provided for in cabinet order.

2. In the case where the settlement of accounts and others are forwarded in accordance with the provisions of the preceding paragraph, the head of the local public body shall refer them to the inspection commissioners for examination, and submit the same as accompanied by the opinion thereon of the latter to the approval of the assembly convoked for the first time since the expiration of three months after the relevant business year at latest. In this case, the head of the local public body shall submit the documents forwarded by the superintendent in accordance with the provisions of the preceding paragraph together with it.

3. The settlement of accounts mentioned in paragraph 1 shall be the profit and loss statement, the surplus fund statement or

loss fund statement, the statement of account on disposal of surplus fund or the statement of account on disposal of loss fund and the balance sheet, and the forms thereof shall be provided for by cabinet order.

4. In the case where the designation of the assembly provided for in the provisions of Article 244, paragraph 2, of the Local Autonomy Law has been effected with respect to the local public enterprise, the presentation of the settlement of accounts and other instruments by the head of the local public body to the assembly in accordance with the provisions of paragraph 2, shall be deemed the presentation of the balance sheets and other necessary documents by the ~~chief~~ head of the ordinary local public body to the assembly in accordance with the provisions of the same paragraph of the same Article of the same law.

(Report of Condition of Accounting)

Article 31. The superintendent shall prepare the trial balance sheet and other documents necessary for the purpose of elucidating the condition of accounting of the enterprise concerned as of the end of each month, and submit the same to the head of the local public body concerned prior to the 10th of the next month.

(Disposition of Earned Surplus Fund)

Article 32. In the case where any earned surplus fund has occured after settling the account of the local public enterprise, such earned surplus fund shall be appropriated to cover the loss which has been carried forward from the previous business year if it be, and in case where balance still ramains,

an amount not less than one-twentieth of such balance shall be laid aside as a reserve fund.

2. Besides the cases provided for in the preceding paragraph, the matters concerning the disposal of the surplus fund shall, excepting the case otherwise prescribed by the budget, be determined upon obtaining the resolution of the assembly.

3. The reserve fund mentioned in paragraph 1, shall not be disposed, except for the purpose of appropriating for repayment to the enterprise loan and other expenses fixed by bylaws.

(Acquisition, Management and Disposition of Property)

Article 33. The superintendent shall aquire, manage and dispose of the property for exclusive use for the local public enterprise. However, the acquisition and disposition of the important property fixed by bylaws, shall be approved by the head of the local public body concerned.

(Contract)

Article 34. In the case where the local public body makes or enters into a contract for purchase sale, loan, hire, contract for work or other contract with respect to the business of the local public body, the local public body shall make contractor propose by means of general competitive bidding according to the public announcement, and conclude the contract with the person who has proposed with the lowest or the highest price, or the person with whom the fair conference has been made with respect to the price and other conditions among those who has proposed. This, however, shall not be applied to the cases provided for by laws and orders or bylaws.

(Delegation to Order)

Article 35. Besides the matters provided for by this chapter, necessary provisions relating to the financial affairs of the local public enterprise shall be provided for by orders.

Chapter IV In-service Status of the Personnel

(Relation with the Local Public Enterprise Labour Relations Law)

Article 36. With respect to the in-service status of the personnel other than the personnel who is upon the position of administration or supervision and the personnel who deals business of secrecy among those mentioned in Article 15 (hereinafter to be referred to as the "enterprise personnel"), unless otherwise provided for in this law, the provisions of the Local Public Enterprise Labour Relations Law (Law No. of 1952) shall apply.

(Position Classification)

Article 37. With respect to the enterprise personnel, the superintendent may put position clasifications into practice.

2. The superintendent shall classify the positions of the enterprise personnel in accordance with the kinds of duties and by the degrees of complexity of duties and responsibility involved.

3. In the local public body which has the personnel commission, the personnel commission may give technical advice to the superintendent with respect to the putting position classification into practice.

(Compensation)

Article 38. The compensation of the enterprise personnel shall be in accordance with their duties and responsibilities.

2. The compensation of the enterprise personnel shall be fixed by taking into consideration the cost of living, the compensation of the personnel of the National Government and local public body and the employees of private enterprises and other circumstances.

3. The kind and the amount of the compensation of the enterprise personnel shall be provided for by bylaws.

(Exclusion of Application of the Local Public Service Law)
Article 39. With respect to the enterprise personnel, the provisions of Article 5, Article 8 (excluding the provisions of paragraph 1, item 5 and item 8 and paragraph 3 and paragraph 4) Articles 23 to 26 inclusive, Article 36, Articles 46 to 56 inclusive and Article 58 of the Local Public Service Law shall not be applied.

Chapter V Sundry Rules

(Public Announcement of Conditions of Business)

Article 40. The superintendent shall, in accordance with the provisions of bylaws, submit documents elucidating the conditions of business of the local public enterprise concerned to the head of the local public body concerned at least twice or more in each business year. In this case, the head of the local public body shall make the same public to the inhabitants without delay.

(Relation between National Government and the Local Public Bodies which conduct the local public enterprise and others)

Article 41. In the case where the necessary mutual agreement is not made between the local public bodies with respect to the conduct of the local public enterprise and a proposal is made by the local public body concerned, the Prime Minister or the governor of To, Do, Fu or prefecture may make mediation or arbitration of recomendation necessary to conduct the local public enterprise in accordance with the provisions of cabinet order.

Supplementary Provisions:

(Date of the Coming into Force)

1. Date of the coming into force of this law shall be provided by cabinet order.

(Exceptions of raising the loan)

2. With respect to the enterprise loan, the provision of Article 250 of the Local Autonomy Law shall be applied for the time being, notwithstanding the provision of Article 22.

3. The property of the local public enterprise shall be reappreciated as provided for by orders for the purpose of establishing the fundation of just and fair write off for depreciation of property.

(Delegation to Cabinet Order)

4. Such procedure and other provisions as may be necessary with respect to the enforcement of this law, shall be provided for in cabinet order.

(Amendment to Laws concerned)

5. A part of the Local Autonomy Law shall be amended as follows.

In Article 2, paragraph 3, item 3 "street-car services, automobile services" shall read "tram way enterprise, automobile transportation enterprise" and "transportation systems" shall read "transportation enterprise", and in the provision of the same Article, the same paragraph, item 20

"rents," shall read "rents (including the charge),".

In Article 12, paragraph 1 and Article 74, paragraph 1, Article 96, paragraph 1, items 4 and 5, Article 149, item 6, Article 220, Article 221, Article 223, paragraph 1, 2 and 3, Article 224, paragraph 1, and Article 225, paragraph 1 "rents" shall read "rents (including the charge)".

Article 263 shall be amended as follows.

Article 263. The exceptions of the standards concerning the organization of the enterprise conducted by the ordinary local public body, and the treatment of the status of the personnel engaged therein, and the financial affairs and other management, shall be provided for in a separate law.

6. A part of the Local Public Service Law shall be amended as follows.

Paragraph 20 of supplementary provision shall be amended as follows.

20 Deleted.