The provisions of Article 104, paragraph 3 shall apply with the necessary modifications to the notification mentioned in the preceding paragraph.

Section XV. Alteration of Name

Article 107. If the surname is required to be altered by reason of imperative cause, the person who appears first in the family-register and the spouse thereof shall, upon obtaining the leave of the Court of Domestic Relations, give a notification to that effect.

A person who wishes to alter the (given) name by reason of reasonable cause shall, upon obtaining the leave of the Court of Domestic Relations, give a notification to that effect.

Section XVI. Transfer of Registered Locality and Establishment of a Family-Register

Article 108. If it is desired to transfer the registered locality, the person who appears first in the family-register and the spouse thereof shall give a notification to that effect, stating in the written notification the new locality of registration.

In cases where the registered locality is transferred to a place within other City, Town or Village, a copy of the family-register made up for the family shall be annexed to the written notification of the aforesaid matter.

Article 109. Any notification of transfer of the registered locality may be given in the district which includes the locality where to the transfer is effected.

Article 110. Any person for whom there exists no family-register shall give a notification of the establishment of such family-register with leave

of the Court of Domestic Relations within ten days from the day on which such leave was granted.

The written notification of the aforesaid matter shall state the date on which the leave for such establishment was granted, in addition to the particulars enumerated in Article 13.

Article 111. The provisions of the preceding Article shall apply with the necessary modifications in cases where a notification of the establishment of the family-register is to be given by virtue of a final and conclusive judgment. In this case, a copy of such judgment shall be annexed to the written notification.

Article 112. Any notification of the establishment of family-register may be given in the district within which such family-register is to be established.

Chapter V. Rectification of Family-Registers

Article 113. If it is found that a statement in a family-register is legally not permissable or there is any mistake or omission in respect of the statement, any person interested may apply for the rectification of the statement, with leave of the Court of Domestic Relations.

Article 114. If it is found that an act which is to become effective upon the notification thereof is null and void, after the registration in respect of such act has been effected in a family-register, the person who has given the notification or to whom the matter notified occurred may apply for the rectification of such registration with leave of the Court of Domestic Relations.

Article 115. If a judicial decision granting any of the leaves mentioned in the preceding two Articles has been rendered, the rectification of the registration in the family-register in accordance with such decision shall be applied for, within one month and with the annexation of a copy of the decision.

Article 116. Where rectification of registration in a family-register is to be effected by virtue of a final and conclusive judgment, the person who had instituted the action on which the judgment was rendered shall, within one month of its becoming final and conclusive, apply for the rectification, annexing a copy of such judgment.

Where a Public Procurator had instituted the aforesaid action, he shall demand for the rectification without delay after the judgment becomes final and conclusive.

Article 117. The provisions of Article 25, paragraph 1, Articles 27 to 32, 34 to 39 and 45 to 48 (in every case both inclusive) shall apply with the necessary modifications to an application for rectification of registration in a family-register.

Chapter VI. Miscellaneous Provisions

Article 118. Any person who, in respect of a matter concerning registration of a family, is discontented with a disposition taken by a City mayor, Town headman or Village headman may raise a complaint against it to the Court of Domestic Relations.

Article 119. The leave mentioned in Article 107, Article 110, paragraph 1, Article 113 or Article 114 and the complaint mentioned in the preceding

Article shall be deemed to be the matters enumerated in (A) of Article 9, paragraph 1 of the Law of Adjudgment of Domestic Matters with regard to application of that Law.

Article 120. Any person who, without reasonable cause, fails to give any notification or application which he is bound to give within a fixed time shall be liable to an administrative fine not exceeding five hundred yen.

Article 121. Any person who, in cases where, in accordance with the provisions of paragraph 1 or 2 of Article 44 (including the case where this Article is applicable with the necessary modifications under Article 117), a City mayor, Town headman or Village headman has given a peremptory notice to give a notification or to present an application within a period of time fixed by him, without reasonable cause fails to give the notification or present the application within such time shall be liable to an administrative fine not exceeding one thousand yen.

Article 122. Any City mayor, Town headman or Village headman shall be liable to an administrative fine not exceeding one thousand yen in any of the following cases:

1. If, without reasonable cause, he fails to accept any notification or application;
2. If he neglects to effect any registration in a Family-Register;
3. If, without reasonable cause, he refuses to permit the inspection of Family-Registration Book Struck-off Family-Registration Book or the written notification and other papers received;
4. If, without reasonable cause, he fails to deliver any copy of

or any abstract from a family-register or struck-off family-register, any certificate mentioned in Article 10, paragraph 1 including the case where this Article is applicable with the necessary modifications in Article 10, paragraph 1 or any of the certificates mentioned in Article 48, paragraph 1 or 2 (including the case where this Article is applicable with the necessary modifications in Article 117);

5. If he otherwise neglects to perform any of his duties with respect to any matter concerning family-registration.

Article 123. A judicial decision imposing an administrative fine shall be rendered by the Summary Court.

Article 124. Any person who gives a false notification in respect of a matter which need not be registered in a family-register shall be liable to imprisonment with hard labour for a term not exceeding one year or a fine not exceeding one thousand yen. The same shall apply also to any person who gives a false notification in respect of a matter relating to a person who has not Japanese nationality.

Article 125. The matters concerning written notification or thought necessary for the transaction of business concerning family-register shall be provided by ordinance in addition to those prescribed by this law.

Supplementary Provisions

Article 126. This Law shall come into force as from January 1, the 23rd year of Showa (1948).

Article 127. In the purview of these Supplementary Provisions, the

new Law shall mean the Family Registration Law after amendment, the old Law, the present Family Registration Law; the new Civil Code, the Law for Partial Amendment of the Civil Code which shall come into force as from the same day of this Law's coming into; the old Civil Code; the present Civil Code; and the Emergent Measures Law, the Law No. 74 of the 22nd year of Showa.

Article 128. The family-registers made up in accordance with the provisions of the old Law shall be deemed to have been made up in accordance with the provisions of the new Law. However, if ten years shall have elapsed as from coming into force of this Law, the family-registers made up in accordance with the provisions of the old Law shall be revised under the new Law pursuant to the provisions specified by ordinance.

The registered locality selected pursuant to the old Law shall be deemed to have been selected pursuant to the new Law.

Article 129. In respect of the case to which the old Civil Code, is applicable, the provisions of the old Law shall remain applicable even after coming into force of the new Law.

Article 130. The provisions of the new Law shall be applicable even in cases where a registration is to be made in a family-register or a new family-register is to be made up by reason of a notification given or other cause occurred before coming into force of the new Law.

Article 131. In cases where a new family-register is made up for any person who is registered in the family-register mentioned in Article 128, paragraph 1, any child who is registered in the family-register mentioned in the said paragraph and has assumed continuously the same name as such person shall be entered in the new family-register; provided, however, that this

shall not apply to cases where such child has the spouse or a child registered in the same family-register.

In cases of the preceding paragraph, if a new registered locality is established in a city, town or village where the former registered locality existed, the provisions of Article 30, paragraph 2 shall not apply.

Article 132. The provisions of Article 9, paragraph 1, and Article 99 of the new Law shall apply with the necessary modifications in case the former surname is resumed in accordance with the provisions of Article 12 of the Supplementary Provisions of the new Civil Code.

Article 133. A person registered in the family-register mentioned in Article 128, paragraph 1 who has the spouse cannot separate from the present family-register unless in company with such spouse.

Article 134. If an agreement determining as to who shall exercise the parental power has been arrived at in accordance with the provisions of the former part of Article 6, paragraph 2 of the Emergent Measures Law after coming into force of the Emergent Measures Law and before coming into force of the new Law, the parent having parental power shall give a notification to that effect, annexing a writing which proves such agreement, within ten days from the day of coming into force of the new Law. In this case, Article 38, paragraph 1, proviso and Article 39 shall apply with the necessary modifications.

If a judgment mentioned in any of the latter part of paragraph 2 and paragraph 3 of Article 6 of the Emergent Measures Law has become final and conclusive after coming into force of the Emergent Measures Law and before coming into force of the new Law, the parent having parental power shall

give a notification to that effect, annexing a copy of such judgment, within ten days from the day of coming into force of the new Law. The written notification of such matter shall state the date on which the judgment became final and conclusive.

Article 135. The provisions of Article 78 of the new Law shall apply with the necessary modifications to a person who wishes to determine the parent having parental power by agreement in accordance with the provisions of Article 14, paragraph 1 of the Supplementary Provisions of the new Civil Code. The provisions of Article 65 of the new Law shall apply with the necessary modifications to the parent having parental power in cases where the judgment prescribed in any of paragraphs 2 and 3 of Article 14 of the Supplementary Provisions of the new Civil Code has become final and conclusive.

Article 136. A person who is a supervisor of guardian at the time of coming into force of the new Law shall, within ten days from the coming into force of the new Law, give a notification prescribed in the provisions of Article 81 or 82 of the new Law which are applicable with the necessary modifications under Article 85 of the new Law.

Article 137. If a notification of transfer of registered locality has been given with regard to family-register mentioned in Article 128, paragraph 1, the family-register shall be made up pursuant to the former family-register notwithstanding the provisions of the new Law.

Article 138. The following law and ordinances shall be abrogated:

The proclamation of Dajokan, No. 235, the 5th year of Meiji (1872) (Ordinance concerning Alteration of Surname and Name).

The proclamation of Dajokan, No. 118, the 6th year of Meiji (1873)

(Ordinance concerning the use of character applied to the posthumous name and name of past Emperors or Empresses).

Law No. 4, the 15th year of Showa (1939) (Law concerning notification of family-register by means of commission or by mail).

Order of Ministry of Justice No. 47, the 21st year of Showa (1945) (Order concerning notification of birth, death and others).

In respect of the commission of notification made before coming into force of this Law, the Law No. 4 of the 15th year of Showa shall remain effective. In this case the confirmation mentioned in Article 1, paragraph 1 of that Law shall be made by the Court of Domestic Relations.

The provisions of Article 119 of the new Law shall apply with the necessary modifications to confirmation mentioned in the preceding paragraph.

Article 139. The Law concerning the registration of one's residence shall partly be amended as follows:

In Article 2, paragraph 2, "Articles 5 and 6" shall read "and Article 4".

In Article 3, "an Imperial Ordinance" shall read "a Cabinet Order".

In Article 4, paragraph 2, "five yen" shall read "two hundred yen".

In Article 4, paragraph 2, "Article 179" shall read "Article 125".

Article 140. In application of provisions relating to administrative fine imposed against any act which has been done before coming into force of the present Law, the provisions hitherto in force shall be complied with.

Article 141. With respect to a case of administrative fine which is pending a Court at the time of coming into force of the present Law, the provisions hitherto in force shall be complied with.

Article 142. Before coming into force of Law concerning Establishment

of Attorney-General, "the Attorney-General" in Articles 11 and 28, paragraph 1 of the present Law shall read "the Minister of Justice".

Article 143. The sum of the fees referred to in Article 5, paragraph 2 may be ruled by Cabinet Orders until the time when it is subject to the application of provisions of Article 3 of the Finance Law, Law No. 34 of 1947.

LAW FOR OATH AND TESTIMONY OF WITNESSES IN THE DIET
(Law No. 225, December 23, 1947)

Article 1. When a request is made by either of the Houses to appear or to produce papers as witness for deliberation of a bill and others or for investigation concerning national administration, any person must comply with the request except in cases where this law provides otherwise.

Article 2. The President of either House or the chairman of a committee thereof or the chairman of a joint examination meeting of both Houses shall, when requests testimony of a witness who has appeared, put him on oath prior thereto except in cases where this law provides otherwise.

Article 3. Oath shall be made by causing a witness to read a written oath and to affix his signature and seal thereto.

The written oath must have a statement to the effect that the witness will swear to tell the truth according to conscience and to conceal or add nothing.

Article 4. A witness may decline to make oath or give testimony or produce papers only in such cases as fall under the provisions of Article 280 (excepting Item 3) and Article 281 (excepting Item 1 and Item 3 of Paragraph 1) of the Code of Civil Procedure.

The provisions of Article 282 of the Code of Civil Procedure shall apply mutatis mutandis to the cases of the preceding paragraph.

Article 5. In case a witness who has appeared is or was a public official (other than a member of the Diet who is not a State

Minister) and the person or the public office concerned makes a statement, regarding a fact which he came to know, to the effect that the matter concerns official secret, either House or a committee thereof or a joint examination meeting of both Houses may not demand of him to give testimony or produce papers unless a consent of the public office or supervising authorities thereof is obtained.

A refusal of such consent by the public office concerned or supervising authorities thereof must be accompanied by an explanation of the reasons therefor. If these reasons are acceptable to the House, committee or joint examination meeting which has summoned the witness, he need not testify or produce papers.

In case that the reason of the preceding paragraph are unacceptable, the House, committee or joint examination meeting concerned may further request a Cabinet statement to the effect that such testimony or production of such papers would adversely affect vital national interests. If such a statement is given, the witness need not testify or produce papers.

Unless a Cabinet statement is not issued within ten days of the request of the preceding paragraph, the witness must testify or produce papers as previously requested.

Article 6. When a witness who made oath in accordance with this law gives a false statement, he shall be punished with penal servitude for not less than three months nor more than ten years.

When the person who has committed the crime provided for in the preceding paragraph makes a confession prior to the conclusion of

the deliberation or investigation of the House, committee or joint examination meeting of both Houses before which he has appeared, and prior to discovery of the commission of the crime, his punishment may either be mitigated or remitted.

Article 7. When a person who has been summoned as a witness by either House fails to appear or to produce the required papers without justifiable reasons or, having appeared, refuses to make oath or to give testimony without a justifiable reason, he shall be punished with imprisonment for not more than one year or fine not exceeding ten thousand yen.

The person who has committed the crime of the preceding paragraph may be punished with both imprisonment and fine according to circumstances.

Article 8. Either House or a committee thereof or a joint examination meeting of both Houses must charge to the Public Prosecutors Office a witness who is deemed to have committed a crime under the preceding two articles. However, when the witness who has given a false testimony makes a confession prior to the conclusion of the deliberation or investigation of the House, committee or joint examination meeting before which he has appeared, and prior to discovery of the commission of the crime, the House concerned may decide not to indict the witness. In the case of testimony taken before a joint examination meeting, such decision shall be made by both Houses.

Supplementary Provision:

This Law shall come into force on and after the day of its promulgation.

H: 34

LAW ABOLISHING THE HOME MINISTRY
(Law No. 238, December 26, 1947)

The Ministry for Home Affairs shall be abolished as of December 31, 1947. For this purpose, the following Imperial Ordinances shall be repealed:

Imperial Ordinance concerning the Regulations governing the Organization of the Ministry for Home Affairs.

Imperial Ordinance concerning the Regulations governing the Temporary Establishment of the Investigation Bureau in the Ministry for Home Affairs.

Imperial Ordinance concerning the Regulations governing the Organization of the Reconstruction Board.

Imperial Ordinance concerning the Regulations governing the Temporary Establishment of the Special Construction Bureau in the Reconstruction Board.

Supplementary Provisions:

Functions which will remain as the responsibility of the Ministry for Home Affairs at the date of its abolition shall be handled by an office of Domestic Affairs belonging to the jurisdiction of the Prime Minister.

Such organization and personnel of the Ministry for Home Affairs as may be needed for the conduct of the business mentioned in the preceding paragraph may be transferred as provided for by Cabinet Order.

The post of the head of the Office of Domestic Affairs may be filled by a Minister of State.

The Office of Domestic Affairs shall be of temporary character and will cease to function and exist when its functions have been transferred to other agencies or eliminated as provided by law.

The Office of Domestic Affairs may not exist in any event more than 90 days as from the day of its establishment.

H: 35

THE MARITIME SAFETY AUTHORITIES BILL

CHAPTER I

ORGANIZATION

Article 1. For the purpose of insuring Maritime Safety and preventing, detecting and suppressing violations of laws of the Japanese Government in harbors, bays, sounds, and coastal waters on the high seas adjacent to Japan, there shall, by virtue of this Law, be established as a separate agency, under the jurisdiction of the Minister of Transportation, the Maritime Safety Board.

The area of a port in the mouth of a river shall be established by separate law.

Article 2. The Maritime Safety Board shall perform the functions concerning the enforcement of laws and orders pertaining to safety of vessels, the qualifications and minimum number as to manning of ship's officers, assistance to vessels in distress, investigation of marine disasters, pilots, prevention and suppression of crime at sea, detection and arrest of criminals at sea, service concerning waterways and navigational aids, other businesses of insuring maritime safety and the businesses concerning matters subsidiary thereto.

Those functions heretofore under the jurisdiction of the Secretariat of the Minister of Transportation, Director-General's Secretariat of the General Maritime Bureau, Maritime Transport Bureau, Ship Bureau, Seamen Bureau, Commissioners of Marine Courts of Inquiry, Lighthouse Bureau, Hydrographic Bureau of those functions of other administrative authorities which are mentioned in the preceding paragraph shall be placed under the

jurisdiction of the Maritime Safety Board.

Article 3. All personnel serving on or under the Maritime Safety Board shall be appointed, promoted, disciplined, dismissed and otherwise managed under and in conformity with the provisions of the National Public Service Law.

The total personnel of the Maritime Safety Board shall not exceed 10,000. persons.

Article 4. The vessels of the Maritime Safety Board shall be vessels suitable in construction, equipment and ability for the maintenance of navigational aids, the prevention of smuggling, the rendering of assistance to distressed mariners and the preservation of life and property from shipwreck.

The vessels shall not exceed one hundred and twenty-five (125) in number, harbor craft excluded, nor 50,000 gross tons total tonnage; provided further: that no vessel shall individually exceed 1,500 gross tons displacement nor be capable of exceeding fifteen knots in speed.

Vessels of the Maritime Safety Board shall be distinctively marked and numbered and shall fly the Japanese national ensign and a distinguishing Maritime Safety Board flag.

Article 5. There shall be established in the Maritime Safety Board the Director-General's Secretariat, the Safety Bureau, the Hydrographic Bureau and the Lighthouse Bureau.

Article 6. The Director-General's Secretariat shall perform the following functions:

1. Matters concerning the appointment, dismissal, status, discipline, refinement and training of Maritime Safety Board personnel;

2. Matters concerning the custody of the official seals of the Director-General and of the Maritime Safety Board;

3. Matters concerning investigation, planning, general examination and coordination pertaining to the service under its jurisdiction;

4. Matters concerning the receipt, forwarding, compilation and custody of official documents;

5. Matters concerning the furnishing of statistical reports;

6. Matters concerning the estimate of expenditure and income, settlement, accounting and audit of accounts;

7. Matters concerning the government-owned properties and articles, except those which fall under the jurisdiction of each Bureau of the Maritime Safety Board.

Article 7. The Safety Bureau shall perform the following functions:

1. Matters concerning the rules of sailing and signals for navigation of vessels;

2. Matters concerning the enforcement of the laws and orders pertaining to the safety of ships at sea; and matters concerning the qualification and the authorized minimum fixed number of officers required on board;

3. Matters concerning the removal of menace to navigation;

4. Matters concerning the salvage of human life, cargo and vessel from shipwreck and the necessary assistance in case of natural calamities, accidents and other events where relief is required;

5. Matters concerning the investigation of maritime disasters;

6. Matters concerning the application for trial, and the execution

of decisions of Marine Courts of Inquiry;

7. Matters concerning the supervision over those, other than maritime authorities, engaged in the services to rescue human life and properties at sea, and to clear obstacles against the navigation of vessels;

8. Matters concerning the supervision necessary for keeping safety at sea for those engaged in maritime transportation business for passengers or cargoes;

9. Matters concerning the supervision over pilots and pilot business;

10. Matters concerning the patrol of coastal waters;

11. Matters concerning prevention and suppression of criminal cases such as smuggling, illegal entry, etc.;

12. Matters concerning the search for, and arrest of, criminals at sea;

13. Matters concerning the prevention and suppression of riots and disturbances at sea;

14. Matters concerning supervision and operation of base facilities, communication facilities and vessels to be used by the Maritime Safety Board; matters of providing water transportation for the customs, quarantine and other administrative authorities in the performance of their official duties;

15. Matters concerning the cooperation, mutual assistance and liaison service between maritime safety authorities and the National Rural Police and Police of Cities, Towns and Villages inclusive (hereinafter referred to as the police authorities), customs, quarantine stations or other administrative authorities concerned.

Article 8. The Hydrographic Bureau shall perform the following functions:

1. Matters concerning the survey of waterways and meteorological observation at sea;

2. Matters concerning providing charts and directions for navigation and aviation;

3. Matters concerning the information of the matters necessary for keeping nautical safety;

4. Matters concerning the investigation and study of the matters provided for in each of the preceding items.

Article 9. The Lighthouse Bureau shall perform the following functions:

1. Matters concerning the establishment, maintenance and operation of lighthouses and other aids to navigation;

2. Matters concerning the meteorological observation with the apparatus for lighthouses and other navigational aids;

3. Matters concerning the supervision over those, other than maritime safety authorities, engaged in installation, maintenance, or operation of navigational aids, such as lighthouses, etc.

Article 10. The Maritime Safety Board shall have a Director-General. The Director-General of the Maritime Safety Board shall preside over the Board affairs and direct and control his subordinate personnel under the direction and supervision of the Minister of Transportation; provided that he shall be under the direction and supervision of the Competent Minister or the Attorney-General respectively regarding the business affairs under the jurisdiction of a Minister other than that of Transportation or the Attorney-General.

Article 11. Each Bureau of the Maritime Safety Board shall have a Director.

The Director of a Bureau shall, under the direction of the Director-General, preside over the Bureau affairs and direct and control the functions of each Section of the Bureau.

Article 12. The Minister of Transportation may establish Maritime Safety offices at the places deemed necessary and allot the functions of the Maritime Safety Board to such offices.

Article 13. The Director of the Hydrographic Bureau of the Maritime Safety Board may issue a hydrographic notification.

Article 14. Maritime Safety officials shall be stationed in the Maritime Safety Board by virtue of this Act and shall be caused to perform the functions specified in Article 7, Items 2 to 5 and Items 7 to 13 inclusive, and those concerning the inspection, maintenance and repair of lighthouses and other navigational aids, including hydrographic surveys.

Maritime Safety officials shall be appointed by the Minister of Transportation from among those personnel of the Maritime Safety Board who have been appointed in accordance with the provisions of Article 3 or Article 36 of this Act.

Article 15. Maritime Safety officials insofar as they are engaged pursuant to the authority contained in this act, in enforcing any law of Japan, shall be deemed, as far as their authorities are concerned, to be acting as agents of the particular executive department charged with the administration of the particular law and be subject to all the rules and regulations promulgated by such department with respect to the enforcement of that law.

Article 16. Whenever necessary for the performance of the functions referred to in Article 7, Item 4, or for the arrest of a criminal, a maritime safety official may call upon the persons nearby for cooperation.

Article 17. A Maritime Safety official, may, when necessary for the performance of his duties, direct a shipmaster or other persons in charge of a vessel to produce the ship's official papers; to visit and inspect the vessel for the purpose of ascertaining her identity, her sailing port; name of master; from what port or place she last sailed, for what port or place she is bound; the nature of her cargo, or that she is light or in ballast, if such be the case, and all other particulars concerning the vessel, her cargo, and any voyage that he may consider of importance; to question crew and passengers as may be necessary in the discharge of his duties.

When a Maritime Safety official visits and inspects a vessel or asks a question as mentioned in the preceding paragraph, he shall have a uniform on or carry with him a certificate testifying to his official position.

Article 18. A Maritime Safety official may, whenever deemed actually unavoidable from various circumstances for the performance of his duties, take any of the following measures, besides those specified in other laws and orders in regard to the performance of his functions.

1. To make a vessel stop proceeding, or to suspend her departure;

2. To make a vessel deviate from her pre-determined route or to make her sail to a port which he designates;

3. To make the crew, passengers, or other persons on board, disembark the vessel, or to restrict or prohibit their disembarkation;

4. To cause the cargo to be discharged, or to restrict or prohibit its discharge;

5. To restrict or prohibit the traffic between vessels or between a vessel and shore, when such vessel or vessels are under quarantine, undergoing investigation, are under seizure or constitute a menace to life.

Article 19. A Maritime Safety official may carry side-arms with him in order to perform his functions.

Article 20. A Maritime Safety official shall not use arms except in cases where the use is unavoidably necessary for the execution of his duties with particular reference to protecting his own or other persons life or body.

Article 21. The captain of the Port shall be appointed by the Minister of Transportation from among the personnel of the Maritime Safety Board who have been appointed pursuant to the provision of Article 3 or Article 36 of this Act.

The Captain of the Port shall handle the matters for the enforcement of the statutes concerning harbour regulations under the direction and supervision of the Director-General of the Maritime Safety Board.

Article 22. The Minister of Transportation shall appoint Commissioners for the Inquiry of Sea Casualties from among those personnel of the Maritime Safety Board who have been appointed in accordance with the provisions of Article 3 or Article 36.

Commissioners for the Inquiry of Sea Casualties shall perform the functions specified in Article 7, Item 6 under the direction and supervision of the Director-General, Maritime Safety Board.

Article 23. Operating Regulations for the government of the personnel of the Maritime Safety Board shall be established by the Minister of Transportation and shall conform to existing laws and regulations governing the status of National Public Servants.

Article 24. For the purpose of maintaining navigational aids, prevention of smuggling and assistance to distressed mariners the Director-General, Maritime Safety Board shall assign vessels to stations, and designate districts or coastal areas of which it is to be charged, as may be necessary.

Article 25. Nothing in this Act shall be construed so as to permit the Maritime Safety Board or its personnel to be trained or organized as a military establishment or to function as such.

CHAPTER II

MARITIME SAFETY COMMITTEE

Article 26. For the purpose of deliberating on the matters concerning the operation and improvement of the maritime safety system, Maritime Safety Committees shall be established in the Maritime Safety Board.

Maritime Safety Committees are divided into the Central Maritime Safety Committee and the Local Maritime Safety Committees.

The Central and Local Maritime Safety Committees may not only reply to the questions of the Director-General of the Maritime Safety Board but also express the opinion on the operation and improvement of the maritime safety system to the Director-General of the Maritime Safety Board.

CHAPTER III

MUTUAL AID

Article 27. The Maritime Safety Board and the police authorities, the Customs and other administrative authorities concerned shall maintain liaison and may, when deemed necessary for the prevention and suppression of crimes and search for, and arrest of criminals, consult and coordinate with each other and request each other to dispatch the personnel concerned or to render other necessary cooperation.

The Maritime Safety Board, the police authorities or the customs or other administrative authorities concerned who have been requested as mentioned in the preceding paragraph may comply with such request.

Article 28. In the case contemplated in the preceding Article, the personnel who have been dispatched shall be caused to come under the operational direction of the administrative authorities who have requested such dispatch.

CHAPTER IV

SUPPLEMENTARY PROVISIONS

Article 29. The Director-General of the Maritime Safety Board may delegate part of his functions and duties to some of the personnel under his jurisdiction.

Article 30. In cases where the Director-General of the Maritime Safety Board is unable to discharge his duties or where the post of the Director-General of the Maritime Safety Board has become vacant, other officials of the said Board shall temporarily perform the duties of the Director-General of the Maritime Safety Board in the order as shall be designated by the Minister of Transportation.

Article 31. A Maritime Safety official who has been appointed from

among second class secretaries or technical officials of the Ministry of Transportation shall be deemed equivalent to and have within his field of jurisdiction the powers and authority of a senior police official as provided for in Article 248 of the Criminal Procedure Code and a Maritime Safety Official who has been appointed from among third class secretaries or technical officials of the Ministry of Transportation shall be deemed equivalent to and have within his field of jurisdiction the powers and authority of a police official as provided for in Article 249 of the same Code.

Article 32. Officers and ratings of patrol boats shall be deemed equivalent to police officials in respect of the application of Article 4, para. 1 of the Labor Union Law and Article 38 of the Labor Relations Adjustment Law.

Article 33. Other than the provision of this Act, the classification of personnel of the Maritime Safety Board, their functions, the organization of the Maritime Safety Committee, the qualifications and term of office of the members of the Committee and other necessary matters concerning the personnel of the Maritime Safety Board and the Maritime Safety Committee shall be provided for by a Cabinet Order.

APPENDIX

Article 34. The date of the enforcement of this Act shall be fixed by a Cabinet Order; provided that the date shall not be after May 1, 1948.

Article 35. The Maritime Safety Board shall, for the time being, perform the functions concerning the custody of ex-naval vessels.

The functions mentioned in the preceding paragraph shall be under the jurisdiction of the Safety Bureau, Maritime Safety Board.

Article 36. Pending the establishment of rules of the National Personnel Authority concerning and its personnel, the appointment, promotion, discipline and dismissal of such personnel shall conform for the time being to existing laws and regulations.

Article 37. Nothing in this Act is to be construed as an authorization for the employment of additional personnel over and above those presently employed, to carry on the functions and activities enumerated in this Act until funds are provided in the budget.

Article 38. With specific regard to the lighthouse supply ship No. 18 NISHO-MARU (2005 gross tons) and the hydrographic survey ship SOYA (2207 gross tons) the gross tonnage for individual vessel may exceed 1,500 gross tons displacement for the life of these vessels only, notwithstanding the limitations established by paragraph 2 of article 3.

Article 39. The provisions of any law or ordinance existing at the time of enactment of this Act shall be null and void for the future, in so far as they are in conflict with the provisions of this Act, except any such laws or ordinances issued pursuant to instructions of the Supreme Commander of Allied Powers shall remain full force and effect.

Article 40. A part of the Imperial Ordinance governing the Organization of the Ministry of Transportation shall be amended as follows:

In Article 1, "other than the matters which are under the jurisdiction of the Maritime Safety Board" shall be added next to the "Minister of Transportation".

In Article 5, "(The matters under the jurisdiction of the General Maritime Bureau shall be excluded)" shall be deleted.

In Article 8, Item 1 "Waterways, aids to navigation and other matters concerning water transportation " shall read "Other matters concerning water transportation ". Item 4 of the same article shall be deleted and Item 5 of the same Article shall be Item 4.

Article 41. The following amendment shall be made to part of the Imperial Ordinance governing the Organization of the Maritime Bureau.

In Article 1, Item 1, "the matters concerning water transportation such as the matters concerning routes; provided that the matters concerning aids to navigation shall be excluded" shall read "other matters concerning water transportation; provided that the matters under the jurisdiction of the Maritime Safety Board shall be excluded". Item 2 of the same article shall be deleted. Item 3 shall be Item 2 and Item 4 shall be Item 3. Item 5 shall be deleted and Item 6 shall be Item 5.

Article 42. Part of the Sea Casualties Inquiry Law shall be amended as follows.

Articles 17 and 18 shall be deleted.

In Article 28, "those offices of the Maritime Safety Board as provided for in Article 12 of the Maritime Safety Authorities Law which exercise jurisdiction over the location (hereinafter referred to as the offices of the Maritime Safety Board)" shall be added next to "Local Marine Courts of Inquiry".

In Article 29, "the High Marine Court of Inquiry" shall read "the Safety Bureau, Maritime Safety Board".

In Article 30, "Local Marine Court of Inquiry" shall read "the office of the Maritime Safety Board".

In Article 54, "the High Marine Court of Inquiry" shall read "the Safety Bureau, Maritime Safety Board".

Article 58. The decision of the High Marine Court of Inquiry shall be executed by the Commissioner of the Safety Bureau, Maritime Safety Board and the decision of a Local Marine Court of Inquiry by the Commissioner of those offices of the Maritime Safety Board which exercise jurisdiction over the location of the competent Local Marine Court of Inquiry.

Article 45. Both the Imperial Ordinance governing the Organization of the Lighthouse Bureau and the Imperial Ordinance governing the Organization of the Hydrographic Bureau shall be repealed.

REASON

In view of the new situation after termination of the war, it is necessary to establish the maritime safety system for securing maritime safety and preventing, searching for and suppressing violation of laws. This is the reason why this bill has been submitted.

H: 36

LAW FOR ADMINISTRATIVE EXECUTION BY PROXY

(Law No. 43, promulgated on May 15, 1948)

Article 1. Matters connected with insuring the fulfilment of administrative obligations shall be determined by this law, unless otherwise provided for by other laws.

Article 2. In cases where, in regard to acts (to be limited to those which another person is capable of fulfilling on behalf of the principal) ordered directly by law (inclusive of orders, regulations and by-laws based on the delegation by law -- the same to apply hereinafter) or ordered by an administrative public office on the basis of law, a person who is under obligation does not fulfil such acts, and where it is deemed difficult to insure their fulfilment and such non-fulfilment, if left alone, is considered greatly prejudicial to the public interest, the competent administrative office may proceed to execute, on its own accord, the acts which should have been performed by the person under obligation or to cause a third party to perform such acts and collect the expenses therefor from the person under obligation.

Article 3. When the disposition as provided for in the preceding article (execution by proxy) is to be made, a reasonable term for the fulfilment of the liability involved shall be fixed and previous warning shall be given by means of written document to the effect that, in the event of any failure to carry it out before the expiration of the designated term, the execution by proxy shall be resorted to.

When the person under obligation, after the receipt of the warning mentioned in the preceding paragraph, fails to fulfil his liability before

the expiration of the designated term, the competent administrative office shall notify the person under obligation, of making such disposition, the name of the responsible person who is to be detailed for the execution by proxy, and the estimated amount of expenses necessary for the purpose.

In cases of emergency or imminent danger where there is urgent necessity for immediate performance of the act and there is no time to take the procedure prescribed in the two preceding paragraphs, the execution by proxy may be resorted to without going through the above procedure.

Article 4. The person responsible for execution who is detailed to the spot to carry out the execution by proxy shall carry on his person an identification card showing that he is such an individual responsible for execution, and shall be required to present it for inspection at any time on demand.

Article 5. With regard to the collection of expenses incurred in connection with the execution by proxy, the amount actually incurred and the date of payment shall be decided first, and the person under obligation shall be ordered to pay by means of a written document.

Article 6. The expensesincurred in connection with execution by proxy may be collected following the pattern of the law for the Collection of National Taxes.

In regard to the expenses incurred in connection with the execution by proxy, an administrative office may have a priority claim next to national taxes or the same priority with other cases of collecting of money by the local public entity concerned as the case may be, according to the classification of office expenses.

When the expenses incurred in connection with the execution by proxy have been collected, the amount collected shall revert to the revenue of national treasury or of local public entities according to the classification of such office expenses.

Article 7. Any person who has objections with regard to execution by proxy may make an administrative appeal or file objections with the administrative office concerned.

The term for filing objections as provided in the preceding paragraph, the effect of filing such objections and the decisions on them shall be the same as in the cases of administrative appeal as provided in the Law for Administrative Appeal.

The provisions of the preceding paragraph do not affect the right of appeal to courts.

Supplementary Provisions

The present law shall come into force after 30 days counting from the day of its promulgation.

The Administrative Execution Law is hereby abrogated.

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THE LAW FOR SPECIAL REGULATIONS CONCERNING THE PROCEDURE OF ADMINISTRATIVE LITIGATIONS

(Law No. 81 promulgated on July 1, 1948)

Article 1. In addition to the provisions of the present law, the Code of Civil Procedure shall apply to an action for annulment or alteration of illegal disposition made by an administrative office as well as other actions concerning public legal relations.

Article 2. In case where, in regard to illegal disposition made by an administrative office, the filing of a petition (Segan), request for screening, raising of objection or filing of complaint against that office (hereinafter simply called "petition") is authorized by law or ordinance, no action applying for annulment or alteration of such illegal disposition shall be brought in before a decision (Saiketsu), ruling (Kettei) or any other disposition thereupon (hereinafter simply called "decision") is rendered. However, such an action may be brought in before the decision upon the petition is rendered, in case where three months have passed since the filing of the petition or there is apprehension that heavy damages may be caused pending the decision upon the petition or there is any other due reason.

Article 3. In the action as mentioned in the preceding Article, the administrative office which made the disposition shall be the defendant, except the cases specified by other laws.

Article 4. The action as mentioned in Article 2 shall be under the exclusive jurisdiction of the Court within whose district the administrative office, which is the defendant, is located.

Article 5. The action as mentioned in Article 2 must be brought in within six months from the day on which the party concerned became cognizant that the disposition was made.

The period as mentioned in the preceding paragraph shall be a peremptory term.

An action as mentioned in Article 2 cannot be brought if one year has passed from the day on which such disposition was made, provided that the party concerned did not make a showing (Sonei) that he failed to bring the action within this period with due reason.

In case a petition was lodged against a disposition, the period as mentioned in the first paragraph shall be calculated from the day when the party concerned became cognizant that a decision was rendered upon the petition, and the period as mentioned in the preceding paragraph from the day when such decision was rendered.

The provisions of the first and third paragraphs are not applicable in cases as otherwise provided in other laws.

Article 6. The action as mentioned in Article 2 may be combined only with an action of claim for restitution, damage, or other claims which are related thereto (hereafter referred to as related claims).

In cases where the Court which has jurisdiction in the first instance over the action as mentioned in Article 2 is a High Court, it is necessary to get the consent of the defendant of the action brought in reference to related claims in order to combine the actions in accordance with the provisions of the preceding paragraph. When the defendant has made any pleading in respect to principal matters or made any statement in the preliminary

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proceedings, without giving objection, he shall be deemed to have given his consent to the combination of the actions.

Article 7. In cases where a plaintiff has brought an action as mentioned in Article 2 against an administrative office, mistaking it for another, he may, lite pendente, alter the defendant, provided that there was no wilful intention nor gross negligence on the part of the plaintiff.

When the defendant is altered under the provisions of the preceding paragraph, the action against the new defendant shall be deemed to have been brought in at the time when the criminal action has been brought, in so far as the term of bringing an action is concerned.

When the defendant is altered under the provisions of the first paragraph, the action against the old defendant shall be deemed to have been withdrawn.

Article 8. The Court may, if it deems necessary, cause, ex officio by a ruling, the administrative office or other third persons having interests in the result of the case, to intervene in the action.

The Court shall, before giving a ruling under the provisions of the preceding paragraph, hear the opinions of the parties and third persons.

Article 9. The Court may, ex officio, take evidence if it deems it necessary for the sake of public interests, provided that the opinions of the parties concerned shall be heard on the result of such taking of evidence.

Article 10. The execution of administrative dispositions shall not be suspended by reason of the bringing of the action as mentioned in Article 2.

When the Court admits urgent necessity to prevent the irreparable damages which may be caused by execution of such dispositions, in cases where an action as mentioned in Article 2 has been brought in, it may order, upon application or ex officio, by a ruling, the suspension of execution of dispositions. However, this shall not apply in case there is apprehension that the suspension of execution may inflict a material influence upon public interests or in case the Prime Minister raised an objection.

The objection in the preceding paragraph shall be made with the reason stated clearly.

The ruling as mentioned in the second paragraph may be given without oral proceedings, provided that the opinions of the parties concerned must be heard previously.

No complaint may be made against the ruling as mentioned in the second paragraph.

The Court may, at any time, revoke the ruling as mentioned in the second paragraph.

The provisions of the Code of Civil Procedure governing temporary disposition shall not apply to any disposition made by an administrative Office.

Article 11. In case the action as mentioned in Article 2 has been brought in, the Court may reject the claim, if it considers the annulment or alteration of the disposition as against public interests, despite its illegality, after taking into consideration all circumstances conceivable.

In the decision as prescribed in the preceding paragraph, the Court

must indicate clearly that the disposition is illegal, as well as the reason to reject the claim.

The provision mentioned in paragraph 1 shall not affect the claim for damage.

Article 12. A final judgement for a particular case shall have a binding power over the administrative office involved in that case.

Supplementary Provisions

The present law shall come into force as from the 15th of July, 1948.

The present law shall apply also to any matter which has arisen prior to the coming into force of the present law, without prejudice, however, to any effect which has arisen under the Code of Civil Procedure and the Law No. 75 of 1947.

No law enacted prior to March 1, 1947, shall be deemed to be included in the "other laws" as mentioned in the fifth paragraph of Article 5, with respect to the application of the provisions of the said paragraph.

The proviso of Article 8 of the Law No. 75 of 1947 shall continue to apply to the term as mentioned therein, which has begun before the enforcement of the present law.