

Order for Enforcement of the Forest Pest Control Act

(Cabinet Order No. 87 of March 28, 1997)

The Cabinet hereby enacts this Cabinet Order to fully revise the Order for the Forest Pest Control Act (Cabinet Order No. 144 of 1976) pursuant to the provisions of Article 2, paragraph (1), item (iii) and paragraph (4), and Article 9 of the Forest Pest Control Act (Act No. 53 of 1950).

(Forest Pests Other than Weevils and Specified Borers)

Article 1 Pests provided by the Cabinet Order in Article 2, paragraph (1), item (iii) of the Forest Pest Control Act (hereinafter referred to as the "Act") are as follows:

- (i) borers that attach to and impede the growth of trees;
- (ii) pine caterpillars;
- (iii) pine needle gall midges;
- (iv) cryptomeria needle gall midges;
- (v) gypsy moths;
- (vi) cedar spider mites;
- (vii) chestnut gall wasps;
- (viii) field mice; and
- (ix) guignardia laricina.

(Forests with Highly Publically Beneficial Functionality)

Article 2 A specified forest provided by the Cabinet Order in Article 2, paragraph (4) of the Act is a specified forest that falls under the requirements set forth below (excluding specified forests designated as protected forests pursuant to the provisions of paragraph (1) or (2) of Article 25 or paragraph (1) or (2) of Article 25-2 of the Forest Act (Act No. 249 of 1951)):

- (i) The forest is found to have high functionality for land disaster prevention, water resource recharge, or environmental conservation; and
- (ii) In case of conversion to a forest consisting of tree species other than the specified tree species, the said specified forest is found to be difficult to secure the functionality that are set forth in the preceding item, in terms of the type of soil, growing conditions of trees, landscape of location, and so forth.

(Subsidies from the National Treasury)

Article 3 Government subsidies prescribed in Article 9 of the Act are provided,

for each fiscal year, with regard to the total of the following amounts for the costs required for measures concerning extermination or prevention of the spread of Forest Pests, etc. under the provisions of Article 4, paragraph (1) as applied mutatis mutandis pursuant to Article 5, paragraph (4) of the Act (excluding those pertaining to measures set forth in Article 3, paragraph (1), item (iii) of the Act), the costs required for dispositions made by forest pest control officials under the provisions of Article 7, paragraph (2) of the Act (excluding those pertaining to measures set forth in Article 3, paragraph (1), item (iii) of the Act; hereinafter the same applies in this Article) and the costs required for compensation for loss under the provisions of Article 8, paragraph (1) pertaining to orders under the provisions of paragraphs (1) to (3) of Article 5 of the Act (excluding those pertaining to measures set forth in items (iii) and (v) of Article 3, paragraph (1) of the Act), the instructions under the provisions of Article 7, paragraph (1) of the Act (excluding those pertaining to measures set forth in Article 3, paragraph (1), item (iii) of the Act) or dispositions made by forest pest control officials under the provisions of Article 7, paragraph (2) of the Act:

- (i) the amount equivalent to one-half of the amount incurred in purchase of pesticides, spraying of pesticides, incineration of trees, compensation and other expenses that are calculated in accordance with the standards specified by the Minister of Agriculture, Forestry and Fisheries by taking into account the type of forest pests, etc., details of pest control measures, and so forth (if a contribution under the provisions of Article 10 of the Act is available, the amount reached by deducting the amount of contribution from the amount of said expenses) (for measures set forth in Article 3, paragraph (1), item (iv) of the Act if said forest pests, etc. are field mice, one-third for areas other than Hokkaido and three-eighths for Hokkaido); and
- (ii) the amount equivalent to one-half of the amount of office costs that are calculated in accordance with the standards specified by the Minister of Agriculture, Forestry and Fisheries.

Supplementary Provisions [Extract]

(Effective Date)

Article 1 This Cabinet Order comes into effect as from April 1, 1997.

(Repeal of Cabinet Order on Specifying Forest Pests)

Article 2 The following Cabinet Orders are repealed:

- (i) Cabinet Order on Specifying Forest Pests (Cabinet Order No. 67 of 1952);
and
- (ii) Order for Enforcement of the Act on Special Measures against Damage

Caused by Weevils (Cabinet Order No. 100 of 1977).

(Transitional Measure)

Article 3 With regard to government subsidies for the costs required for on-site inspections conducted by forest pest control officials pursuant to the provisions of Article 6, paragraph (1) of the Forest Pest Control Act prior to the enforcement of this Cabinet Order, the provisions then in force remain applicable.

**Supplementary Provisions [Cabinet Order No. 416 of December 22, 1999
Extract] [Extract]**

(Effective Date)

Article 1 This Cabinet Order comes into effect as from April 1, 2000.

(Transitional Measures Concerning Penal Provisions)

Article 22 With regard to the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order, the provisions then in force remain applicable.