

# **Act on Issuance of Remission Payments Using Stolen and Misappropriated Property (Chapter III Omitted)**

(Act No. 87 of June 21, 2006)

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## **Chapter I General Provisions**

(Purpose)

Article 1 The purpose of this Act is to help persons recover from property damage incurred due to criminal acts constituting the crimes set forth in the items of Article 13, paragraph (2) of the Act on Punishment of Organized Crime and Control of Criminal Proceeds (Act No. 136 of 1999; hereinafter referred to as the "Act on Punishment of Organized Crime") (hereinafter such a criminal act is referred to as an "Eligible Criminal Act"), by issuing them Remission Payments using confiscated Stolen and Misappropriated Property, property equivalent to the forcibly-collected value of Stolen and Misappropriated Property, and Property Transferred from Abroad.

(Definitions)

Article 2 In this Act, the meanings of the terms set forth in the following items are as prescribed in those items:

- (i) Stolen or Misappropriated Property means stolen or misappropriated property as provided in Article 13, paragraph (2) of the Act on Punishment of Organized Crime;
- (ii) Remission Payment means monies paid out of Remission Funds in an amount that is calculated pursuant to the provisions of Section 2 or Section 3 of the following Chapter based on the value of the property lost through a Criminal Act Warranting Remission;
- (iii) Remission Funds means the monies obtained through the realization or retrieval of Stolen and Misappropriated Property that has been confiscated pursuant to the provisions of Article 13, paragraph (3) of the Act on Punishment of Organized Crime (or the monies themselves, if Stolen or Misappropriated Property is in the form of monies); monies equivalent to the Stolen and Misappropriated Property's value that has been forcibly collected pursuant to the provisions of Article 16, paragraph (2) of the Act on Punishment of Organized Crime; or monies obtained through the realization or retrieval of Property Transferred from Abroad pursuant to the provisions of Article 36, paragraph (1) (or the monies themselves, if Property Transferred from Abroad is in the form of monies), of which the public prosecutor is custodian;
- (iv) Criminal Act Warranting Remission means an Eligible Criminal Act whose scope has been established pursuant to Article 5, paragraph (1) or Article 35, paragraph (1);
- (v) Stolen or Misappropriated Property or Equivalent Monies Subject to Foreign Laws means property that a person has obtained through conduct that would constitute an Eligible Criminal Act if governed by Japanese laws and regulations, from a party incurring damages due to that conduct, which property has been confiscated pursuant to a judicial decision, order, or other disposition based on a foreign law or regulation; property that a person has obtained based on the possession or handling of property obtained through such conduct and which has been confiscated pursuant to a judicial decision, order, or other disposition based on a foreign law or regulation; or monies representing the value of property that a person has obtained through such conduct, in an amount that has been forcibly collected pursuant to a judicial decision, order, or other disposition based on a foreign law or regulation (this excludes property confiscated in execution of a final and binding judicial decision that a Japanese court has rendered for the confiscation of Stolen or Misappropriated Property under Article 13, paragraph (3) of the Act on Punishment of Organized Crime and monies equivalent to an amount that has been forcibly collected in execution of a final and binding decision that a Japanese court has rendered for the forcible collection of the value of Stolen or Misappropriated Property under Article 16, paragraph (2) of the Act on

- Punishment of Organized Crime);
- (vi) Property Transferred from Abroad means Stolen or Misappropriated Property or Equivalent Monies Subject to Foreign Laws or monies obtained through the realization or retrieval thereof, which have been transferred from a foreign country;
  - (vii) Expenses means the expenses required for a public notice or notification under the provisions of this Act, and other expenses specified by Ministry of Justice Order as expenses to be paid using Remission Funds;
  - (viii) Expenses and Remuneration means Expenses and remuneration for the remission administrator provided for in Article 26, paragraph (1) (including as applied mutatis mutandis pursuant to Article 39).

## **Chapter II Issuance of Remission Payments**

### **Section 1 General Rules**

(Issuance of Remission Payments)

- Article 3 (1) The national government issues Remission Payments to persons sustaining damage through Criminal Acts Warranting Remission (this includes unincorporated entities that have made provisions for a representative or administrator) that have lost property due to those acts.
- (2) If a person as prescribed in the preceding paragraph (hereinafter referred to as an "Eligible Victim") becomes subject to a general succession, including inheritance, the national government issues Remission Payments to the general successor or other heir pursuant to this Act.

(Persons That May Not Be Issued Remission Payments)

- Article 4 Notwithstanding the provisions of the preceding Article, a person falling under one of the following items may not be issued a Remission Payment:
- (i) an Eligible Victim that has lost property due to a Criminal Act Warranting Remission or the general successor thereof, if all of the damage corresponding to the value of property lost due to the Criminal Act Warranting Remission (or all of the damage corresponding to the person's share of the property, if the property is under the joint ownership of two or more persons; the same applies hereinafter in this Article; Article 9, paragraph (1), item (ii) and item (iii); and Article 10, paragraph (2)) has been covered or compensated for (but only if that damage has been covered or compensated for by a person other than the Eligible Victim that lost the property due to the Criminal Act Warranting Remission or the general successor thereof);
  - (ii) a person committing a Criminal Act Warranting Remission or a person

collaborating as an accomplice in such an act; a person that has obtained an unlawful benefit in connection with a Criminal Act Warranting Remission; a person that has acted with an illegal purpose in connection with the loss of property due to a Criminal Act Warranting Remission; a person whose issuance of Remission Payments is otherwise inappropriate in terms of general social norms; or the general successor of an Eligible Victim that constitutes one of the foregoing categories of persons.

**Section 2 Procedures to Restore Stolen or Misappropriated Property**  
**Subsection 1 Initiation of Procedures**

(Dispositions Establishing the Scope of Criminal Acts Warranting Remission)

- Article 5 (1) Once a judicial decision to confiscate Stolen or Misappropriated Property or to forcibly collect monies of an equivalent value becomes final and binding, the public prosecutor must establish the scope of the Criminal Acts Warranting Remission.
- (2) For Eligible Criminal Acts as follows, the public prosecutor is to establish the scope of the Criminal Acts Warranting Remission provided for in the preceding paragraph in consideration of circumstances such as the type of crime, when and how it was committed, who committed it, and how the Stolen or Misappropriated Property was formed:
- (i) an Eligible Criminal Act constituting a fact that has been established as grounds for confiscating Stolen or Misappropriated Property or for forcibly collecting monies of an equivalent value, and any Eligible Criminal Act committed as part of a series of offenses connected to this;
  - (ii) an Eligible Criminal Act due to which a party incurs damages, if a criminal act constituting a fact that has been established as grounds for confiscating Stolen or Misappropriated Property or for forcibly collecting monies of an equivalent value has been committed in connection with the property obtained from the party that incurred damages due to that Eligible Criminal Act, and any Eligible Criminal Act committed as part of a series of offenses connected to this.
- (3) Having divided Criminal Acts Warranting Remission into two or more scopes when establishing the scope of those acts pursuant to the provisions of the preceding two paragraphs, the public prosecutor is to divide the Stolen or Misappropriated Property that has been indicated in the judicial decision for confiscation prescribed in paragraph (1) (or the amount of money obtained through the realization or retrieval of that Stolen or Misappropriated Property, if one group of Stolen or Misappropriated Property has been derived from property obtained from parties incurring damages due to Eligible Criminal Acts that are part of differing scopes of Criminal Acts Warranting Remission,

or has been formed out of property obtained based on the possession or handling of property obtained through such Eligible Criminal Acts, and that group of property cannot be divided into separate monetary amounts or quantities) or the monetary value of the Stolen or Misappropriated Property that has been indicated in the judicial decision for forcible collection prescribed in that paragraph into groups corresponding to each of those scopes.

(Initiating Procedures to Restore Stolen or Misappropriated Property)

- Article 6 (1) Without delay after coming into custody of the Stolen or Misappropriated Property or the monetary value thereof that has been indicated in a judicial decision as provided in paragraph (1) of the preceding Article, as Remission Funds, the public prosecutor is to decide to initiate the procedures for issuing Remission Payments out of those Remission Funds (hereinafter referred to as "Procedures to Restore Stolen or Misappropriated Property"); provided, however, that this does not apply if the public prosecutor finds that the Remission Funds existing at that time are insufficient to pay for the Expenses and Remuneration that the Procedures to Restore Stolen or Misappropriated Property would necessitate, or if the public prosecutor otherwise finds that it is inappropriate to initiate Procedures to Restore Stolen or Misappropriated Property at that time.
- (2) Notwithstanding the main clause of the preceding paragraph, on finding it to be particularly necessary to do so in order to have property that has been confiscated in execution of a judicial decision as prescribed in paragraph (1) of the preceding Article, monies obtained through its realization or retrieval, or monies equivalent to the amount that has been forcibly collected in execution of such a judicial decision transferred from a foreign country, the public prosecutor may decide to initiate Procedures to Restore Stolen or Misappropriated Property before coming into custody of the relevant property or monies as Remission Funds.
- (3) In a case as provided in paragraph (3) of the preceding Article, the public prosecutor is to reach a decision as referred to in one of the two preceding paragraphs for each of the scopes of Criminal Acts Warranting Remission.
- (4) If the scope of a Criminal Act Warranting Remission that has been established pursuant to paragraph (1) of the preceding Article is the same for two or more final and binding judicial decisions to confiscate Stolen or Misappropriated Property or to forcibly collect monies of an equivalent value, the public prosecutor may deem the Stolen or Misappropriated Property or equivalent value indicated in those judicial decisions (other than any such property or equivalent value of property for which Procedures to Restore Stolen or Misappropriated Property have already been initiated) to be the Stolen or Misappropriated Property or equivalent value indicated in a single judicial

decision in order to reach a decision as referred to in paragraph (1) or paragraph (2).

(Public Notice)

Article 7 (1) On deciding to initiate Procedures to Restore Stolen or Misappropriated Property, the public prosecutor must immediately issue public notice of the following information (other than the information set forth in item (iv), if Procedures to Restore Stolen or Misappropriated Property have been initiated pursuant to the provisions of paragraph (2) of the preceding Article) by publishing that information in the Official Gazette:

- (i) that the public prosecutor has initiated Procedures to Restore Stolen or Misappropriated Property;
  - (ii) the public prosecutors' office to which the public prosecutor carrying out the Procedures to Restore Stolen or Misappropriated Property is assigned;
  - (iii) the scopes of the Criminal Acts Warranting Remission;
  - (iv) the amount of Remission Funds existing at the time of the decision to initiate Procedures to Restore Stolen or Misappropriated Property;
  - (v) the period for applying for remission;
  - (vi) the information that Ministry of Justice Order prescribes.
- (2) The period for applying for remission set forth in item (v) of the preceding paragraph must be at least thirty days long, counting from the day after the date that the public notice under the provisions of that paragraph is issued.
- (3) The public prosecutor must notify any known Eligible Victim or general successor thereof of the information required to be given in a public notice pursuant to the provisions of paragraph (1); provided, however, that this does not apply to a person that is clearly not entitled to a Remission Payment.
- (4) Beyond what is provided in the preceding three paragraphs, Ministry of Justice Order prescribes the necessary particulars concerning public notices under the provisions of paragraph (1) and notifications under the provisions of the preceding paragraph.

(Non-Initiation of Procedures to Restore Stolen or Misappropriated Property)

Article 8 (1) On finding there to be no prospect of coming into custody of sufficient Remission Funds to pay the Expenses and Remuneration that Procedures to Restore Stolen or Misappropriated Property would necessitate, the public prosecutor is to decide not to initiate Procedures to Restore Stolen or Misappropriated Property.

- (2) Having decided as referred to in the preceding paragraph, the public prosecutor must issue public notice of this pursuant to Ministry of Justice Order.

## Subsection 2 Applying for Remission; Determinations

### (Applying for Remission)

Article 9 (1) A person seeking a Remission Payment must file an application with the public prosecutor pursuant to Ministry of Justice Order within the period for applying for remission, attaching materials sufficient to establish a prima facie showing of the information set forth in item (i) and item (ii) to a written application that gives the following information:

- (i) facts serving as the basis for showing that the applicant is an Eligible Victim or the general successor thereof;
- (ii) the value of the property lost through the Criminal Act Warranting Remission;
- (iii) the amount subject to exclusion (meaning the sum total of the amounts of coverage and compensation, if damage equivalent to the value of the property lost due to the Criminal Act Warranting Remission has been covered or compensated for (but only if that damage has been covered or compensated for by a person other than the Eligible Victim that lost the property due to the Criminal Act Warranting Remission or the general successor thereof); the same applies hereinafter);
- (iv) the information that Ministry of Justice Order prescribes.

(2) If an Eligible Victim that has filed an application under the provisions of the preceding paragraph becomes subject to a general succession before a determination as under the following Article or Article 11 is finalized in connection with that application, the general successor of the Eligible Victim may file an application for issuance of a Remission Payment even after the period for applying for remission has passed, but only within the 60 days after the date of the general succession. To do so, the general successor must attach materials sufficient to establish a prima facie showing of the information set forth in item (i) and item (ii) of the preceding paragraph to a written application as prescribed in that paragraph, and submit this to the public prosecutor pursuant to Ministry of Justice Order.

(3) Except when undertaking a process through a statutory agent, a person seeking to act through an agent in applying for remission as under the preceding two paragraphs or in undertaking any other process under this Act must use an attorney (or a legal professional corporation) as that agent.

### (Determinations)

Article 10 (1) If an application as under paragraph (1) of the preceding Article has been filed, without delay once the period for applying for remission has passed (or once the disposition on the scope of the Criminal Act Warranting Remission under Article 5, paragraph (1) has been finalized, if it has not been

finalized by that time), the public prosecutor must reach a determination as to whether the applicant is a person entitled to be issued a Remission Payment. If an application as under paragraph (2) of the preceding Article has been filed, the same applies once 60 days have passed after the day of the general succession connected with that application (or once the disposition on the scope of the Criminal Act Warranting Remission under Article 5, paragraph (1) has been finalized, if it has not been finalized by that time).

- (2) In reaching a determination that an applicant is a person entitled to be issued a Remission Payment (hereinafter referred to as a "Determination of Eligibility"), the public prosecutor must set the amount of criminal damages (meaning an amount that the public prosecutor sets by deducting the amount subject to exclusion from the value of the property lost through the Criminal Act Warranting Remission; the same applies hereinafter). When doing so, if two or more persons falling under a category of persons set forth in one of the following items are subject to a Determination of Eligibility, the amount of criminal damages for each such person is the amount specified in the item:
- (i) Eligible Victims that have lost the same property due to the same Criminal Act Warranting Remission, and their general successors: the amount arrived at when the amount that the public prosecutor sets by deducting the amount subject to exclusion from the value of that property is divided by the number of Eligible Victims and their general successors (if the same Eligible Victim has two or more general successors, they are deemed to be one person) (for each of the two or more general successors that have succeeded the same Eligible Victim, this means the amount arrived at by further dividing the quotient so calculated by the number of general successors);
  - (ii) general successors of the same Eligible Victim, other than as set forth in the preceding item: the amount arrived at when the amount that the public prosecutor sets by deducting the amount subject to exclusion from the value of the property that the Eligible Victim has lost through the Criminal Act Warranting Remission is divided by the number of general successors.
- (3) Notwithstanding the second clause of the preceding paragraph, in a case as prescribed in that clause, if some of the persons subject to a Determination of Eligibility have agreed as to what percent of the Remission Payment each person is to be issued, the amount of criminal damages issued to the persons that have agreed to this is the amount arrived at when the parts of the amount calculated pursuant to that clause which would be issued to each of those persons are added together and the total is multiplied by the percentages of the Remission Payment that each person named in the agreement is to be issued.

Article 11 (1) The public prosecutor must reach a determination denying an application for issuance of a Remission Payment if it is filed after the period

for applying for remission has passed (or after 60 days have passed since the day of the general succession, for an application as under Article 9, paragraph (2)), or if it is otherwise unlawful and cannot be corrected.

- (2) The public prosecutor must reach a determination denying an application if the applicant fails to comply when ordered to submit a report, document, or other item under Article 28, paragraph (1) or to appear as under that paragraph, without a legitimate reason for failing to do so.

(Format for Determinations)

Article 12 (1) A public prosecutor issuing a determination under the preceding two Articles must do so in writing and attach the reason for the determination to the written document, causing the name and seal thereof to be affixed thereto.

- (2) The public prosecutor must deliver a certified copy of a written determination to an applicant.
- (3) Notwithstanding the provisions of the preceding paragraph, if the whereabouts of the person that a certified copy of a written determination must be delivered to are unknown or it is otherwise not possible to deliver a certified copy of a written determination to that person, the public prosecutor may retain a certified copy of the written determination and, in lieu of delivering it as under that paragraph, post a notice in the space for the posting of notices by the public prosecutors' office to which the public prosecutor is assigned, indicating that the public prosecutor will issue a certified copy of the written determination to the person that it must be delivered to at any time. In such a case, the certified copy of the written determination is deemed to be delivered as under that paragraph once two weeks have passed after the date that the notice is first posted.

(Preparation of a Determination Table)

Article 13 Having reached a determination under Article 10 or Article 11, the public prosecutor must prepare a determination table giving the following information and keep it at the public prosecutors' office to which the public prosecutor is assigned in order to provide it for the applicant's inspection:

- (i) the name of the persons subject to the Determination of Eligibility and the amount of criminal damages set as part of the Determination of Eligibility (or an indication that no person is subject to a Determination of Eligibility, if this is the case);
- (ii) the information that Ministry of Justice Order prescribes.

### **Subsection 3 Issuance of Payments**

(Issuance of Payments)

Article 14 (1) The public prosecutor must issue Remission Payments to persons subject to a Determination of Eligibility without delay once a determination under the provisions of Article 10 or Article 11, a decision on the remuneration of the remission administrator under the provisions of Article 26, paragraph (1), and the amount of expenses that Procedures to Restore Stolen or Misappropriated Property require are finalized (or once the public prosecutor comes into custody of the Stolen or Misappropriated Property or its value as prescribed in paragraph (1) of that Article as Remission Funds, if Procedures to Restore Stolen or Misappropriated Property have been initiated pursuant to Article 6, paragraph (2), but at the time that the aforementioned determination, decision, and expenses are finalized, the public prosecutor has not yet come into custody of the Stolen or Misappropriated Property or its value as Remission Funds).

(2) If the aggregate total of the amounts of criminal damages set as part of a Determination of Eligibility (referred to as the "total amount of criminal damages" hereinafter in this paragraph and in Article 16, paragraph (2)) exceeds the amount arrived at when the amount of Expenses and Remuneration that Procedures to Restore Stolen or Misappropriated Property will necessitate is deducted from Remission Funds, the amounts of Remission Payments to be issued pursuant to the preceding paragraph are the amounts arrived at when the difference resulting from that calculation is multiplied by the percentages of the total amount of criminal damages which represent the amounts of criminal damages set for the persons subject to that Determination of Eligibility (with the products rounded down to the nearest one yen); and in other cases, the amounts of Remission Payments to be issued pursuant to the preceding paragraph are the amounts of criminal damages.

(3) The public prosecutor must enter the amounts of Remission Payments issued pursuant to the provisions of paragraph (1) in the determination table, and must issue public notice of this pursuant to Ministry of Justice Order.

(4) Notwithstanding the provisions of paragraph (1), if the whereabouts of a person entitled to be issued a Remission Payment are unknown or if it is not possible to issue the person a Remission Payment for other reasons, the public prosecutor is to act as the custodian of monies equivalent to the Remission Payment until the end of the period provided for in Article 31, paragraph (1). In such a case, the monies of which the public prosecutor is the custodian are not to be included in Remission Funds as concerns the application of the provisions of Article 26 and Article 34, paragraph (1).

(Payment Issuance Prior to Finalization of Determinations)

Article 15 (1) Even if part of a determination, decision on remuneration, or

amount of expenses provided for in paragraph (1) of the preceding Article is not finalized, the public prosecutor may issue a Remission Payment to a person subject to a Determination of Eligibility (but only one whose Determination of Eligibility has been finalized) in an amount that the public prosecutor finds to be appropriate and up to an amount that it is found to be clear will not harm the interests of persons that are expected to be eligible for issuance of Remission Payments.

(2) If Remission Payments have been issued pursuant to the provisions of the preceding paragraph, once the determination, decision on remuneration, and amount of expenses provided for in paragraph (1) of the preceding Article have all been finalized, the public prosecutor must issue Remission Payments without delay to the persons subject to the Determination of Eligibility, in the amounts arrived at when the amounts of the Remission Payments that have been issued pursuant to the provisions of the preceding paragraph are deducted from the amounts of Remission Payments that must be issued as calculated pursuant to paragraph (2) of the preceding Article.

(3) The provisions of paragraph (3) and paragraph (4) of the preceding Article apply mutatis mutandis to Remission Payments issued pursuant to the provisions of the preceding paragraph. In such a case, the phrase "pursuant to the provisions of paragraph (1)" in paragraph (3) of that Article is deemed to be replaced with "pursuant to the provisions of paragraph (1) (and the amounts of Remission Payments issued pursuant to the provisions of paragraph (1) of the following Article)".

(Issuance of Additional Payments)

Article 16 (1) If the public prosecutor comes into custody of new Remission Funds in connection with Procedures to Restore Stolen or Misappropriated Property after the determination, decision on remuneration, and amount of expenses prescribed in Article 14, paragraph (1) have been finalized and after the public prosecutor has issued or become the custodian of Remission Payments (meaning that the public prosecutor has issued a Remission Payment under that paragraph; paragraph (1) or paragraph (2) of the preceding Article; or this paragraph; or become the custodian of monies equivalent to a Remission Payment under the first clause of Article 14, paragraph (4) (including as applied mutatis mutandis pursuant to paragraph (3) of the preceding Article and paragraph (3) of this Article; the same applies hereinafter in this paragraph); the same applies in Article 18 and in Article 21, paragraph (1), items (i) through (iii)) for all of the persons subject to a Determination of Eligibility, and if the amount of the Remission Payments that have already been issued (this includes any monies equivalent to Remission Payments of which the public prosecutor has come into custody pursuant to the

provisions of the first sentence of Article 14, paragraph (4); referred to as "remission payments already issued" in the following paragraph) falls short of the amount of criminal damages, the public prosecutor must issue Remission Payments to persons subject to the Determination of Eligibility using the new Remission Funds of which the public prosecutor has come into custody; provided, however, that this does not apply if the public prosecutor finds that the Remission Funds existing at that time are insufficient to cover the Expenses and Remuneration that the issuance of those payments would necessitate, or if the public prosecutor finds that it is otherwise inappropriate to issue Remission Payments at that time.

- (2) If the total remaining amount of criminal damages (meaning the amount arrived at when the sum total of the amounts of remission payments already issued are deducted from the total amount of criminal damages; the same applies hereinafter in this paragraph) exceeds the amount arrived at when the amount of Expenses and Remuneration (other than any amount of Expenses and Remuneration that has been deducted in the calculation of remission payments already issued) is deducted from the Remission Funds prescribed in the preceding paragraph, the amounts of Remission Payments to be issued pursuant to the provisions of the preceding paragraph are the amounts arrived at when the difference resulting from that calculation is multiplied by the percentages of the total remaining amount of criminal damages which represent the remaining amounts of criminal damages (meaning the amounts arrived at when the amounts of remission payments already issued are deducted from the amounts of criminal damages; the same applies hereinafter in this paragraph) owed to the persons subject to the Determination of Eligibility (with the products rounded down to the nearest one yen); and in other cases, the amounts of Remission Payments to be issued pursuant to the provisions of the preceding paragraph are the remaining amounts of criminal damages.
- (3) The provisions of Article 14, paragraph (3) and paragraph (4) apply mutatis mutandis to Remission Payments to be issued pursuant to the provisions of paragraph (1).

(Issuance of Remission Payments to General Successors Following Finalization of Determinations of Eligibility)

Article 17 (1) If a person whose Determination of Eligibility has been finalized becomes subject to a general succession and any of the Remission Payments to be issued to that person have not yet been issued, the public prosecutor must issue the unissued Remission Payments to a general successor of that person that files a notification within 60 days of the date of the general succession. In such a case, the general successor must submit a written notification to the

public prosecutor pursuant to Ministry of Justice Order.

- (2) The amount of Remission Payments to be issued to a general successor in the event that there are two or more general successors filing notifications pursuant to the provisions of the preceding paragraph, is the amount arrived at when the amount of the unissued Remission Payments prescribed in paragraph is divided by the number of general successors (with the quotient rounded down to the nearest one yen); provided, however, that if some of the general successors have agreed as to what percent of the amount of Remission Payments each person is to be issued, the amount of Remission Payments issued to the persons that have agreed to this is the amount arrived at when the parts of the amount calculated pursuant to the main clause of this paragraph that would be issued to each of those persons are added together and the total is multiplied by the percentages of the Remission Payment that each person named in the agreement is to be issued (with the products rounded down to the nearest one yen).

#### **Subsection 4 Special Issuance Procedures**

(Special Issuance Procedures)

- Article 18 In a situation falling under one of the following items in procedures under the preceding three subsections, the public prosecutor is to decide without delay to initiate procedures for using the surplus remission funds (meaning Remission Funds that are in surplus after the end of procedures during which the public prosecutor has issued or become the custodian of Remission Payments; the same applies hereinafter) to issue Remission Payments to persons that have not filed applications for issuance of Remission Payments within the period for applying for remission in those procedures (or within 60 days after the day of the general succession, for an application as under Article 9, paragraph (2)), or to general successors as prescribed in paragraph (1) of the preceding Article that have not filed notifications as referred to in that paragraph (hereinafter procedures for using surplus remission funds in this way are referred to as "Special Issuance Procedures"); provided, however, that this does not apply if the public prosecutor finds that the surplus remission funds expected at that time would be insufficient to pay for the Expenses and Remuneration that the Special Issuance Procedures would necessitate, or if the public prosecutor otherwise finds it to be inappropriate to initiate Special Issuance Procedures at that time:
- (i) if there have been no applications as under Article 9, paragraph (1);
  - (ii) once the determination, decision on remuneration, and amount of expenses prescribed in Article 14, paragraph (1) have been finalized, if the situation falls under either (a) or (b), as follows:

- (a) there is no person that is subject to a Determination of Eligibility under Article 10;
- (b) the public prosecutor finds it to be clear that there will still be a surplus of Remission Funds even if the public prosecutor issues or becomes custodian of Remission Payments for all of the persons subject to a Determination of Eligibility as under Article 10.

(Public Notices)

Article 19 (1) Having decided to initiate Special Issuance Procedures, the public prosecutor must immediately issue public notice of the following information and of the information set forth in Article 7, paragraph (1), item (ii) and item (iii) of which the public prosecutor has issued public notice during procedures under the preceding three subsections, by publishing it in the Official Gazette pursuant to Ministry of Justice Order:

- (i) that the public prosecutor has initiated Special Issuance Procedures;
  - (ii) the amount of the surplus remission funds (or the amount expected as surplus remission funds, if this amount has not been finalized at the time of the decision);
  - (iii) the period for applying for special remission (meaning the period for applying for remission under Special Issuance Procedures; the same applies hereinafter);
  - (iv) the information that Ministry of Justice Order prescribes.
- (2) The period for applying for special remission set forth in item (iii) of the preceding paragraph must be at least thirty days long, counting from the day after the date that the public notice under that paragraph is issued.
- (3) The public prosecutor must notify any known Eligible Victim or general successor thereof of the information required to be given in a public notice pursuant to the provisions of paragraph (1); provided, however, that this does not apply to a person that clearly is not entitled to a Remission Payment nor to a person that has already been notified pursuant to the provisions of the main clause of Article 7, paragraph (3).
- (4) Beyond what is prescribed in the preceding three paragraphs, Ministry of Justice Order provides for the necessary particulars concerning public notices under paragraph (1) and notifications under the preceding paragraph.

(Mutatis Mutandis Application)

Article 20 The provisions of the preceding two subsections apply mutatis mutandis to Special Issuance Procedures. In such a case, the term "period for applying for remission" in Article 9, paragraph (1) and paragraph (2); Article 10, paragraph (1); and Article 11, paragraph (1) is deemed to be replaced with "period for applying for special remission"; the phrase "(or once the disposition

on the scope of the Criminal Act Warranting Remission under Article 5, paragraph (1) has been finalized, if it has not been finalized by that time)" in Article 10, paragraph (1) is deemed to be deleted; and the term "Remission Funds" in Article 14, paragraph (2) and paragraph (4) is deemed to be replaced with "surplus remission funds".

### **Subsection 5 Conclusion of Procedures**

Article 21 (1) The public prosecutor is to decide to conclude Procedures to Restore Stolen or Misappropriated Property in a case that falls under one of the following items:

- (i) Procedures to Restore Stolen or Misappropriated Property have been initiated pursuant to the provisions set forth in either of (a) or (b), as follows, and the situation falls under the grounds provided for therein before the public prosecutor issues or becomes the custodian of Remission Payments:
  - (a) Article 6, paragraph (1): the public prosecutor finds that Remission Funds are insufficient to pay for the Expenses and Remuneration that Procedures to Restore Stolen or Misappropriated Property would necessitate, and there is no prospect of the public prosecutor coming into custody of new Remission Funds;
  - (b) Article 6, paragraph (2): the public prosecutor finds there to be no prospect of coming into custody of sufficient Remission Funds to pay for the Expenses and Remuneration that Procedures to Restore Stolen or Misappropriated Property would necessitate.
- (ii) the public prosecutor has issued or become the custodian of Remission Payments, there is no surplus of Remission Funds, and there is no prospect of the public prosecutor coming into custody of new Remission Funds;
- (iii) the public prosecutor has issued or become the custodian of Remission Funds and there are surplus remission funds, but the public prosecutor finds that the surplus remission funds are insufficient to pay for the Expenses and Remuneration that the Special Issuance Procedures would necessitate or finds it to be otherwise inappropriate to initiate Special Issuance Procedures;
- (iv) Special Issuance Procedures have been initiated but no there have been no applications under Article 9, paragraph (1) as applied mutatis mutandis pursuant to the preceding Article;
- (v) the determination under Article 10 or Article 11 as applied mutatis mutandis pursuant to the preceding Article, the decision on remuneration for a remission administrator under Article 26, paragraph (1) in those procedures, and the amount of expenses that the procedures will necessitate have been finalized for all applications in Special Issuances Procedures, but the situation falls under one of (a) through (c), as follows:

- (a) there is no person that is subject to the Determination of Eligibility under Article 10, as applied mutatis mutandis pursuant to the preceding Article;
  - (b) the public prosecutor has specially issued or become the custodian of Remission Payments (meaning that the public prosecutor has issued Remission Payments under Article 14, paragraph (1); Article 15, paragraph (1) or paragraph (2); or Article 16, paragraph (1), as applied mutatis mutandis pursuant to the preceding Article; or become the custodian of monies equivalent to Remission Payments under the first sentence of Article 14, paragraph (4) as applied mutatis mutandis pursuant to the preceding Article (including as applied mutatis mutandis pursuant to Article 15, paragraph (3) and Article 16, paragraph (3)); the same applies hereinafter) for all of the persons subject to a Determination of Eligibility under Article 10 as applied mutatis mutandis pursuant to the preceding Article (but only if the amount of Remission Payments that the public prosecutor has specially issued or become the custodian of have reached the amount of criminal damages);
  - (c) the public prosecutor has specially issued or become the custodian of Remission Payments for all of the persons subject to a Determination of Eligibility under Article 10 as applied mutatis mutandis pursuant to the preceding Article, and there is no prospect of the public prosecutor coming into custody of new Remission Funds, in a case other than as set forth in (b).
  - (vi) the public prosecutor finds that Remission Funds are insufficient to pay for the Expenses and Remuneration that Procedures to Restore Stolen or Misappropriated Property would necessitate, and there is no prospect of the public prosecutor coming into custody of new Remission Funds, in a case other than as set forth in the preceding items.
- (2) Having decided to end Procedures to Restore Stolen or Misappropriated Property pursuant to the provisions of the preceding paragraph, the public prosecutor must issue public notice of this pursuant to Ministry of Justice Order.

### **Subsection 6 Remission Administrators**

(Appointment of Remission Administrators)

- Article 22 (1) The public prosecutor may appoint one or multiple attorneys-at-law (including legal professional corporations) as remission administrators and have them perform all or some of the following administrative processes:
- (i) administrative processes involved in notification under Article 7, paragraph (3) or Article 19, paragraph (3);
  - (ii) administrative processes involved in examinations for reaching

- determinations under Article 10 and Article 11 (including as applied mutatis mutandis pursuant to Article 20);
- (iii) administrative processes involved in the preparation of determination tables under Article 13 (including as applied mutatis mutandis pursuant to Article 20) or entering information in determination tables as under Article 14, paragraph (3) (including as applied mutatis mutandis pursuant to Article 15, paragraph (3) and Article 16, paragraph (3) (including as applied mutatis mutandis pursuant to the provisions of Article 20) and Article 20) or Article 26, paragraph (3);
  - (iv) the administrative processes that Ministry of Justice Order prescribes (other than dispositions, decisions, and determinations as set forth in the items of Article 40, paragraph (1)).
- (2) Having appointed a remission administrator, the public prosecutor must issue public notice of the name of the remission administrators, the scope of the administrative processes involved in remission (meaning administrative processes that the public prosecutor has decided to have a remission administrator perform pursuant to the preceding paragraph; the same applies hereinafter), and other information that Ministry of Justice Order prescribes, pursuant to Ministry of Justice Order.

#### (Duties of Remission Administrators)

Article 23 (1) A remission administrator must perform the administrative processes involved in remission in a fair and sincere manner.

- (2) Upon finding it to be necessary to do so in order to ensure the proper and reliable handling of administrative processes involved in remission, the public prosecutor may have a remission administrator report on an administrative process.
- (3) Upon finding that the handling of an administrative process involved in remission violates a laws or regulations or upon finding that its handling lacks propriety, the public prosecutor may direct a remission administrator to take the necessary measures to rectify the violation or improve the handling of that administrative process.
- (4) If a remission administrator fails to take the measures referred to in the preceding paragraph or if there are other material grounds for doing so, the public prosecutor may dismiss the remission administrator.

#### (Use of Case Records)

Article 24 (1) Upon finding it to be necessary to do so in order for the remission administrator to carry out an administrative process involved in remission, the public prosecutor is to allow the remission administrator to use the case record from after the conclusion of a case under public prosecution that is connected

to the Criminal Act Warranting Remission.

- (2) On finding it to be necessary to do so in order for the remission administrator to carry out an administrative process involved in remission and on finding it to be appropriate to do so, the public prosecutor may allow the remission administrator to use a case record (other than one referred to in the preceding paragraph) associated with court proceedings that are connected to the Criminal Act Warranting Remission.

(Reporting on Results of Administrative Processes)

Article 25 A remission administrator carrying out an administrative process as set forth in Article 22, paragraph (1), item (ii) must report the results of this to the public prosecutor in writing without delay after completing the administrative process.

(Remuneration of Remission Administrators)

- Article 26 (1) A remission administrator may be paid in advance for expenses and receive the remuneration fixed by the public prosecutor, out of Remission Funds.
- (2) The provisions of Article 12, paragraph (1) and paragraph (2) apply mutatis mutandis to a decision on the remuneration under the preceding paragraph. In such a case, in paragraph (2) of that Article, the term "written determination" is deemed to be replaced with "written decision on remuneration" and the term "applicant" is deemed to be replaced with "remission administrator".
- (3) Having decided on the remuneration under paragraph (1), the public prosecutor must enter the amount of remuneration in the determination table.

(Duty of Confidentiality of Remission Administrators)

- Article 27 (1) A current or former remission administrator (or, if a remission administrator is a legal professional corporation, an attorney who is its member or employee and who performs the administrative processes involved in remission; the same applies hereinafter in this Article) must not divulge any secret learned in connection with the administrative processes involved in remission.
- (2) A remission administrator is deemed to be an official engaged in public service pursuant to laws and regulations, as regards the application of the Penal Code (Act No. 45 of 1907) and other penal provisions.

## **Subsection 7 Miscellaneous Provisions**

(Investigations)

Article 28 (1) Upon finding that it is necessary to do so in order to carry out

administrative processes in Procedures to Restore Stolen or Misappropriated Property, the public prosecutor may order an applicant or other relevant person to submit a report, document, or other item or to appear in person; and may make inquiries with a public office or a public or private organization, seeking reports containing the necessary information.

(2) On finding it to be necessary to do so in order to carry out administrative processes, a remission administrator may ask an applicant or other relevant person to submit a report, document, or other item or to appear in person; and may make inquiries with a public office or a public or private organization, seeking reports containing the necessary information.

(Relationship Between Remission Payments and the Right to Claim Compensation for Damages)

Article 29 Once Remission Payments are issued, the person they have been issued to forfeits the right to claim compensation for damages and other claims connected to the Criminal Act Warranting Remission, to the extent of the amount issued.

(Collection of Wrongful Gains)

Article 30 (1) If a person is issued Remission Payments due to deception or other wrongful means in Procedures to Restore Stolen or Misappropriated Property, the public prosecutor may use regulations that govern measures to collect national tax arrears to collect from that person all or part of an amount of money representing the amount of the Remission Payments that the person has been issued

(2) Statutory liens involving monies to be collected under the preceding paragraph follow national and local taxes in order of priority.

(3) Monies collected pursuant to the provisions of paragraph (1) are deemed to be new Remission Funds of which the public prosecutor has come into custody at the time of their collection, as regards the issuance of Remission Payments pursuant to Subsection 3 and Subsection 4 in Procedures to Restore Stolen or Misappropriated Property.

(Forfeiture of Rights)

Article 31 (1) In Procedures to Restore Stolen or Misappropriated Property, the right to be issued a Remission Payment is forfeited if it is not exercised within six months of the time of the public notice under Article 14, paragraph (3) (including as applied mutatis mutandis pursuant to Article 15, paragraph (3) and Article 16, paragraph (3) (including as applied mutatis mutandis pursuant to Article 20) and Article 20).

(2) Monies held (meaning monies of which the public prosecutor acts as custodian

pursuant to the provisions of the second sentence of Article 14, paragraph (4) (including as applied mutatis mutandis pursuant to Article 15, paragraph (3) and Article 16, paragraph (3) (including as applied mutatis mutandis pursuant to Article 20) and Article 20)) which are connected with the forfeiture of a right pursuant to the provisions of the preceding paragraph are deemed to be new Remission Funds of which the public prosecutor has come into custody at the time of the forfeiture, as regards the issuance of Remission Payments pursuant to the provisions of Subsection 3 and Subsection 4 in Procedures to Restore Stolen or Misappropriated Property.

(Protection of the Right to Be Issued Remission Payments)

Article 32 The right to be issued a Remission Payment may not be transferred, mortgaged, or seized; provided, however, that this does not apply in cases of seizure through measures to collect national tax arrears (or measures governed by the same regulations as these).

(Free Certification of Information in Family Registers)

Article 33 The mayor of a municipality (this includes the head of a special ward; and in a designated city as referred to in Article 252-19, paragraph (1) of the Local Autonomy Act (Act No. 67 of 1947), refers to the head of the ward) may, at no cost, certify information in the family register of an Eligible Victim, the general successor thereof, or the general successor of a person whose Determination of Eligibility has been finalized as provided by Municipal Ordinance (or special ward ordinance) for the public prosecutor, the remission administrator, or a person seeking to be issued a Remission Payment.

(Transfer to the General Account)

Article 34 (1) Once a decision as referred to in Article 8, paragraph (1) or Article 21, paragraph (1) is finalized, if the public prosecutor is acting as custodian of Remission Funds at the time the decision is finalized, the public prosecutor is to transfer these to the general account.

(2) The preceding paragraph also applies if Remission Payments are issued pursuant to the provisions of Article 16, paragraph (1) (including as applied mutatis mutandis pursuant to Article 20) after Procedures to Restore Stolen or Misappropriated Property have concluded, and if the public prosecutor is acting as the custodian of Remission Funds at the time their issuance is concluded.

### **Section 3 Procedures to Restore Property Transferred from Abroad**

(Dispositions Establishing the Scope of Criminal Acts Warranting Remission)

Article 35 (1) If seeking to issue Remission Payments using Property

Transferred from Abroad, the public prosecutor must establish the scope of the Criminal Acts Warranting Remission.

(2) For Eligible Criminal Acts as referred to in Article 2, item (v) which involve Property Transferred from Abroad as referred to in that paragraph, and for any Eligible Criminal Act committed as part of a series of offenses connected to this, the public prosecutor is to establish the scope of the Criminal Acts Warranting Remission provided for in the preceding paragraph in consideration of circumstances such as the type of crime, when and how it was committed, who committed it, and how the Stolen or Misappropriated Property or Equivalent Monies Subject to Foreign Laws was formed.

(3) Having divided Criminal Acts Warranting Remission into two or more scopes when establishing the scope of those acts pursuant to the provisions of the preceding two paragraphs, the public prosecutor is to divide the Property Transferred from Abroad referred to in paragraph (1) (or the amount of money obtained through the realization or retrieval of that Property Transferred from Abroad, if one group of Property Transferred from Abroad has been derived from property obtained from parties incurring damages due to Eligible Criminal Acts that are part of differing scopes of Criminal Acts Warranting Remission, or has been formed out of property obtained based on the possession or handling of property obtained through such Eligible Criminal Acts, and that group of property cannot be divided into separate monetary amounts or quantities) into groups corresponding to each of those scopes.

(Handling of Property Transferred from Abroad)

Article 36 (1) If Property Transferred from Abroad is property other than monies, the public prosecutor must realize or retrieve it.

(2) Notwithstanding the provisions of the preceding paragraph, if the value of Property Transferred from Abroad is extremely low and a sale of that property produces no purchaser or it is clear that there will be no purchaser even if that property is put up for sale, the property may be disposed of.

(Initiating Procedures to Restore Property Transferred from Abroad)

Article 37 (1) Without delay after coming into custody, as Remission Funds, of Property Transferred from Abroad as referred to in Article 35, paragraph (1), having established the scope of Criminal Acts Warranting Remission pursuant to the provisions of that paragraph, the public prosecutor is to decide to initiate procedures for issuing Restoration Payments using those Remission Funds (hereinafter referred to as "Procedures to Restore Property Transferred from Abroad"); provided, however, that this does not apply if the public prosecutor finds that the Remission Funds existing at that time are

insufficient to pay for the Expenses and Remuneration that the Procedures to Restore Property Transferred from Abroad would necessitate, or if the public prosecutor finds that it is otherwise inappropriate to initiate Procedures to Restore Property Transferred from Abroad at that time.

- (2) Notwithstanding the main clause of the preceding paragraph, upon finding that it is especially necessary to do so in order to have Stolen or Misappropriated Property or Equivalent Monies Subject to Foreign Laws or monies obtained through its realization or retrieval transferred from a foreign country, the public prosecutor may decide to initiate Procedures to Restore Property Transferred from Abroad before coming into custody of the relevant property or monies as Remission Funds.
- (3) In a case as provided in Article 35, paragraph (3), the public prosecutor is to decide as referred to in one of the two preceding paragraphs for each of the scopes of Criminal Acts Warranting Remission.
- (4) If the scope of a Criminal Act Warranting Remission that has been established pursuant to Article 35, paragraph (1) is the same for two or more groups of Property Transferred from Abroad, the public prosecutor may deem that property (other than Property Transferred from Abroad for which Procedures to Restore Property Transferred from Abroad have already been initiated) to belong to a single group of Property Transferred from Abroad in order to reach a decision as referred to in paragraph (1) or paragraph (2).
- (5) If the scope of a Criminal Act Warranting Remission that has been established pursuant to Article 35, paragraph (1) for Property Transferred from Abroad is the same as the scope of a Criminal Act Warranting Remission that has been established pursuant to the provisions of Article 5, paragraph (1) in connection with a judicial decision to confiscate Stolen or Misappropriated Property or to forcibly collect monies of an equivalent value, the public prosecutor may deem the Property Transferred from Abroad (other than any such property for which Procedures to Restore Property Transferred from Abroad have already been initiated) and the Stolen or Misappropriated Property or its value (other than any such property or monies for which Procedures to Restore Stolen or Misappropriated Property have already been initiated) to belong to a single group of Property Transferred from Abroad in order to reach a decision as referred to in paragraph (1) or paragraph (2).

(Non-Initiation of Procedures to Restore Property Transferred from Abroad)  
Article 38 (1) Upon finding there to be no prospect of coming into custody of sufficient Remission Funds to pay for the Expenses and Remuneration that Procedures to Restore Property Transferred from Abroad would necessitate, the public prosecutor is to decide not to initiate procedures to restore Property Transferred from Abroad.

(2) Having decided as referred to in the preceding paragraph, the public prosecutor must issue public notice of this pursuant to Ministry of Justice Order.

(Mutatis Mutandis Application)

Article 39 The provisions of the preceding Section (except for Article 5, Article 6, and Article 8) apply mutatis mutandis to Procedures to Restore Property Transferred from Abroad. In such a case, the phrase "paragraph (2) of the preceding Article" in Article 7, paragraph (1) is deemed to be replaced with "Article 37, paragraph (2)"; the phrase "Article 5, paragraph (1)" in Article 10 and Article 20, paragraph (1) is deemed to be replaced with "Article 35, paragraph (1)"; the phrase "Article 6, paragraph (2)" in Article 14, paragraph (1), and Article 21, paragraph (1), item (i), (a) is deemed to be replaced with "Article 37, paragraph (2)"; the phrase "Stolen or Misappropriated Property or its value" in Article 14, paragraph (1) is deemed to be replaced with "Property Transferred from Abroad"; the phrase "Article 6, paragraph (1)" in Article 21, paragraph(1), item (i)(a) is deemed to be replaced with "Article 37, paragraph (1)"; the phrase "Criminal Act Warranting Remission." in Article 24, paragraph (2) is deemed to be replaced with "Criminal Act Warranting Remission, and records connected with a judicial decision, order, or other disposition involving Property Transferred from Abroad, based on a foreign law or regulation."; and the phrase "Article 8, paragraph (1)" in Article 34, paragraph (1) is deemed to be replaced with "Article 38, paragraph (1)".

### **Chapter III**

Omitted

### **Chapter IV Miscellaneous Provisions**

(Entrustment to Ministry of Justice Order)

Article 49 Beyond what is provided for in this Act, Ministry of Justice Order prescribes the necessary particulars for bringing this Act into effect.

### **Chapter V Penal Provisions**

Article 50 A person violating the provisions of Article 27, paragraph (1) (including as applied mutatis mutandis pursuant to Article 39) is subject to imprisonment for not more than six months or a fine of not more than 500,000 yen.

Article 51 (1) A person falling under one of the following items is subject to a fine of not more than 500,000 yen:

- (i) a person submitting a written application or materials provided for in Article 9, paragraph (1) or paragraph (2) (including as applied mutatis mutandis pursuant to Article 20 (including as applied mutatis mutandis pursuant to Article 39) and Article 39) in which the person has included false information;
  - (ii) a person submitting a written notification provided for in Article 17, paragraph (1) (including as applied mutatis mutandis pursuant to Article 20 (including as applied mutatis mutandis pursuant to Article 39) and Article 39; the same applies hereinafter in this item) in which the person has included false information;
  - (iii) a person (but only an applicant or a person that has filed a notification pursuant to the provisions of Article 17, paragraph (1)) giving a false report or submitting a document in which the person has included false information, after having been ordered to submit a report or document pursuant to the provisions of Article 28, paragraph (1) (including as applied mutatis mutandis pursuant to Article 39) or after having been asked to submit a report or document pursuant to the provisions of Article 28, paragraph (2) (including as applied mutatis mutandis pursuant to Article 39).
- (2) If the representative or manager of a corporation (or of an unincorporated entity that has made provisions for a representative or administrator; the same applies hereinafter in this paragraph) or the agent, employee, or other worker of a corporation or individual commits a violation referred to in the preceding paragraph in connection with the business of the corporation or individual, in addition to the violator being subject to punishment, the corporation or individual is subject to the punishment referred to in that paragraph.
- (3) When the provisions of the preceding paragraph apply to an unincorporated entity, the representative or manager of the entity represents it in respect of procedural acts, and the provisions of laws on criminal proceedings that have a corporation as the defendant or a suspect apply mutatis mutandis.

### **Supplementary Provisions**

(Effective Date)

Article 1 This Act comes into effect as of the date that Cabinet Order prescribes, within a period not exceeding six months after the day of its promulgation; provided, however, that the provisions of paragraphs (1) through (3) of Article 3 of the Supplementary Provisions come into effect on the day calculated as marking 30 days' time since the day of promulgation.

## Article 2 Deleted

(Transitional Measures)

- Article 3 (1) On finding it to be particularly necessary to do so in order to have Stolen or Misappropriated Property or Equivalent Monies Subject to Foreign Laws or monies obtained through its realization or retrieval transferred from a foreign country, the public prosecutor may specify a scope for a Criminal Act Warranting Remission, appoint a remission administrator to carry out the administrative processes involved in remission, and take other necessary actions to initiate Procedures to Restore Property Transferred from Abroad even before the effective date of this Act, as governed by the provisions of Article 35 and by the provisions of Article 22, paragraph (1); Article 22, paragraphs (2) through (4); Article 24; and Article 28; as applied mutatis mutandis pursuant to the provisions of Article 39.
- (2) The provisions of Article 23, paragraph (1) and Article 27 as applied mutatis mutandis pursuant to the provisions of Article 39 apply mutatis mutandis to remission administrators appointed pursuant to the provisions of the preceding paragraph, and the provisions of Article 27, paragraph (1) as applied mutatis mutandis pursuant to the provisions of Article 39 apply mutatis mutandis to persons that were formerly remission administrators appointed pursuant to the provisions of the preceding paragraph.
- (3) A person violating the provisions of Article 27, paragraph (1) as applied mutatis mutandis pursuant to the provisions of Article 39 as applied mutatis mutandis pursuant to the provisions of the preceding paragraph is subject to imprisonment for not more than six months or a fine of not more than 500,000 yen.
- (4) A person that is a remission administrator appointed pursuant to the provisions of paragraph (1) at the time this Act comes into effect is deemed to have been appointed as a remission administrator pursuant to the provisions of Article 22, paragraph (1) as applied mutatis mutandis pursuant to the provisions of Article 39 on the date this Act comes into effect.
- (5) An action necessary to initiate Procedures to Restore Property Transferred from Abroad that has been taken pursuant to the provisions of paragraph (1) is deemed to be an action taken in those procedures pursuant to the provisions of this Act after this Act comes into effect.

## **Supplementary Provisions [Act No. 74 of June 24, 2011] [Extract]**

(Effective Date)

- Article 1 This Act comes into effect as of the date calculated as marking the passage of 20 days from the day of its promulgation.