

The Basic Act on Disaster Management is promulgated as set forth below.

## **Basic Act on Disaster Management**

(Act No. 223 of November 15, 1961)

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## Chapter I General Provisions

### (Purpose)

Article 1 The purpose of this Act is to protect the national land and the lives, bodies and properties of citizens from disasters by formulating basic principles, establishing a necessary system through the national and local governments and other public institutions, and clarifying where responsibilities lie concerning disaster management, as well as formulating a basic policy on necessary disaster control measures including formulation of disaster management plans, disaster management, emergency disaster control measures, disaster recovery efforts, and financial measures concerning disaster management, thus developing and promoting a comprehensive and systematic disaster management administration and contributing to the preservation of social order and security of the public welfare.

### (Definitions)

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

- (i) the term "disaster" means damage resulting from a storm, tornado, heavy rainfall, heavy snowfall, flood, slope failure, mudflow, high tide, earthquake, tsunami, eruption, landslide, or other abnormal natural phenomena, or a large fire or explosion or other causes provided for by Cabinet Order and similar to the above in the extent of damage they cause;
- (ii) the term "disaster management" means preventing a disaster preemptively, preventing expansion of damage after a disaster has occurred, and recovering from a disaster;
- (iii) the term "designated government organizations" means the following organs designated by the Prime Minister:
  - (a) the Cabinet Office, the Imperial Household Agency and organs prescribed in Article 49, paragraphs (1) and (2) of the Act for Establishment of the Cabinet Office (Act No. 89 of 1999), and organs prescribed in Article 3, paragraph (2) of the National Government Organization Act (Act No. 120 of 1948);
  - (b) organs prescribed in Articles 37 and 54 of the Act for Establishment of the Cabinet Office, in Article 16, paragraph (1) of the Imperial Household Agency Act (Act No. 70 of 1947), and in Article 8 of the National Government Organization Act;
  - (c) organs prescribed in Articles 39 and 55 of the Act for Establishment of the Cabinet Office, in Article 16, paragraph (2) of the Imperial Household Agency Act, and in Article 8-2 of the National Government Organization Act;

- (d) organs prescribed in Articles 40 and 56 of the Act for Establishment of the Cabinet Office and in Article 8-3 of the National Government Organization Act.
- (iv) the term "designated local government organizations" means local branch offices of designated government organizations (referring to local branch offices prescribed in Articles 43 and 57 of the Act for Establishment of the Cabinet Office (including as applied mutatis mutandis pursuant to Article 18, paragraph (1) of the Imperial Household Agency Act), Article 17, paragraph (1) of the Imperial Household Agency Act and Article 9 of the National Government Organization Act), and any other local government organizations of the State designated by the Prime Minister;
- (v) the term "designated public corporations" means incorporated administrative agencies (referring to incorporated administrative agencies prescribed in Article 2, paragraph (1) of the Act on General Rules for Incorporated Administrative Agency (Act No. 103 of 1999)), the Bank of Japan, the Japanese Red Cross Society, NHK (Japan Broadcasting Corporation), and any other public institutions and corporations engaged in public welfare undertakings such as providing electricity, gas, transportation and telecommunications services designated by the Prime Minister;
- (vi) the term "designated local public corporations" means local incorporated administrative agencies (referring to local incorporated administrative agencies prescribed in Article 2, paragraph (1) of the Local Incorporated Administrative Agency Act (Act No. 118 of 2003)), administrators of a port authority (referred to as "a Port Authority" in Article 82, paragraph (1)) prescribed in Article 4, paragraph (1) of the Port and Harbor Act (Act No. 218 of 1950), land improvement districts prescribed in Article 5, paragraph (1) of the Land Improvement Act (Act No. 195 of 1949), and other public facilities, and corporations engaged in public welfare undertakings such as providing electricity, gas, transportation and telecommunications services in the respective prefectures designated by the governor of the relevant prefecture;
- (vii) the term "disaster management plans" means a basic disaster management plan, a disaster management operation plan, and local disaster management plan;
- (viii) the term "basic disaster management plan" means a basic plan on disaster management formulated by the National Disaster Management Council;
- (ix) the term "disaster management operation plan" means a plan on disaster management prepared by the heads of designated government organizations (when the relevant designated government organizations are a committee prescribed in Article 49, paragraph (1) or (2) of the Act for Establishment of the Cabinet Office or Article 3, paragraph (2) of the National Government

Organization Act, an organ set forth in item (iii), sub-item (b), or an organ set forth in sub-item (d) of the same item that is based on a council system, the designated government organization; the same applies hereinafter excluding Article 12, paragraph (8), Article 28-3, paragraph (6), item (iii) and Article 28-6, paragraph (2)) or a designated public corporation (for the affairs or operations delegated by the heads of designated government organizations or designated public corporations, the heads of designated local government organizations or designated local public corporations which received the relevant delegation) with respect to the function or operations under their jurisdiction based on the basic disaster management plan;

- (x) the term "local disaster management plans" means disaster management plans concerning certain areas and comprises the following plans:
  - (a) prefectural area disaster management plan: formulated for an area of a prefecture by the prefectural disaster management council of the relevant prefecture;
  - (b) municipal area disaster management plan: formulated for an area of a municipality by the municipal disaster management council or mayor of the relevant municipality;
  - (c) cross-prefectural area disaster management plan: formulated by a joint committee of prefectural disaster management councils and relating to an area which covers the area of two or more prefectures, in whole or in part;
  - (d) cross-municipal area disaster management plan: formulated by a joint committee of municipal disaster management councils and relating to an area which covers the area of two or more municipalities, in whole or in part.

(Basic Principles)

Article 2-2 Disaster control measures must be taken with the basic principles of the following matters:

- (i) considering the natural characteristics of Japan, it is always assumed that a disaster may occur, taking into account Japan's changing population, industries and other social and economic conditions, and efforts are made to minimize damage and achieve a speedy recovery if a disaster occurs;
- (ii) while ensuring proper division of roles and mutual coordination and cooperation among the national and local governments and other public institutions, disaster management activities conducted voluntarily by each resident and those conducted voluntarily by voluntary disaster management organizations (which means voluntary disaster management organizations based on a spirit of mutual cooperation among residents; the same applies hereinafter) and other various actors in the area are promoted as well;
- (iii) measures for disaster preparedness are combined appropriately and

implemented in an integrated manner, and efforts are made continually to make improvements based on scientific knowledge and lessons learned from past disasters;

- (iv) even immediately after the occurrence of a disaster or during other times when it is difficult to gather necessary information, efforts are made to ascertain the status of the disaster as accurately as possible and distribute human resources, goods and other necessary resources appropriately based on the status, and thereby protect human lives and bodies as the first priority;
- (v) while striving not to hinder voluntary efforts by disaster victims, the victims are provided with appropriate aid according to the timing, taking into account the age, gender, existence of a disability, and other circumstances of the disaster victims;
- (vi) in the event of a disaster, efforts must be made promptly to restore facilities, aid victims and achieve recovery.

(Responsibilities of the State)

Article 3 (1) Based on the basic principles prescribed in the preceding article (hereinafter referred to as "Basic Principles") and in light of the mission of protecting the national land and lives, bodies and properties of citizens from disaster, the State have the responsibility to take all possible measures concerning disaster management by mobilizing all its organizations and functions.

- (2) To perform the responsibilities prescribed in the preceding paragraph, the State must formulate a plan on which disaster management, disaster emergency disaster control measures responses and disaster recovery efforts are to be based, implement the plan on the basis of laws and regulations, pursue the implementation of affairs or operations concerning disaster management handled by the bodies as local governments and designated public corporations and local public corporations, undertake the overall coordination of the implementation, and ensure that the burden of expenses related to a disaster is appropriate.
- (3) In carrying out the function under their jurisdiction, designated government organizations and designated local government organizations must cooperate with each other so that the responsibilities of the State prescribed in paragraph (1) can be fulfilled.
- (4) The heads of designated government organizations and designated local government organizations must provide recommendations, guidance, and advice to prefectures and municipalities or take other appropriate measures concerning the function under their jurisdiction so that the formulation and implementation of local disaster management plans of the prefectures and

municipalities under this Act can be performed smoothly.

(Responsibilities of the Prefecture)

Article 4 (1) Based on the Basic Principles and in the interest of protecting the area of a prefecture, the lives, bodies, and properties of its residents from disaster, the prefecture have the responsibility to formulate, with the cooperation of related organs and other local governments, a disaster management plan concerning an area of the relevant prefecture, implement the plan on the basis of laws and regulations, and at the same time, assist in the implementation of affairs or operations concerning disaster management handled by municipalities and designated local public corporations within the area, and undertake the overall coordination of the implementation.

(2) Organs of a prefecture must, in performing the function under their jurisdiction, mutually cooperate in order that responsibilities of the prefecture prescribed in the preceding paragraph may be fulfilled.

(Responsibilities of a Municipality)

Article 5 (1) Based on the Basic Principles and in the interest of protecting the area of a municipality, the lives, bodies, and properties of its residents from disaster, the municipality as a local government at the base have the responsibility to formulate, with the cooperation of related organs and other local governments, a disaster management plan concerning an area of the relevant municipality, and implement the plan on the basis of laws and regulations.

(2) The mayor of the municipality must, in order to fulfill responsibilities under the preceding paragraph, endeavor to employ to the highest degree all capacities of the municipality, by keeping the organization of fire-fighting organs, flood prevention units, etc., in good condition, by enhancing organizations related to disaster management, voluntary disaster management organizations, and other public groups within the area of the municipality, and by promoting voluntary disaster management activities among the residents.

(3) Fire-fighting organs, flood prevention units, and other organs of the municipality must, in performing the function under their jurisdiction, mutually cooperate in order that the responsibilities of the municipality prescribed in paragraph (1) can be fulfilled.

(Mutual Cooperation among Local governments)

Article 5-2 The local governments must endeavor to mutually cooperate when necessary to fulfill their responsibilities prescribed in Article 4, paragraph (1) and paragraph (1) of the preceding Article.

(Coordination among the State, Local Governments, and Volunteers)

Article 5-3 Considering the importance of the roles which disaster management activities by volunteers play at the time of a disaster, the State and local governments must respect their independence and endeavor to cooperate with volunteers.

(Responsibilities of Designated Public Corporations and Local Public Corporations)

Article 6 (1) Based on the Basic Principles, designated public corporations and designated local public corporations have the responsibility to formulate a disaster management plan concerning their respective operations and implement the plan on the basis of laws and regulations, and at the same time, to render cooperation in their respective activities to the prefecture or municipality in order that the State, the relevant prefecture, or the relevant municipality can smoothly formulate and implement their disaster management plans under this Act.

(2) Designated public corporations and designated local public corporations must contribute through their respective operations toward disaster management, in light of the fact that their operations are for the public good and interest.

(Responsibilities of Residents)

Article 7 (1) Based on the Basic Principles, public organizations, administrators of facilities important for disaster management, and other parties having responsibilities under laws and regulations for disaster management within the area of the local government must, as provided for by laws and regulations or under an area disaster management plan, fulfill their responsibilities in good faith.

(2) Based on the Basic Principles, persons engaged in the business of supplying goods or materials or providing services necessary for emergency disaster control measures or disaster recovery efforts must endeavor to continue these business activities even in the time of a disaster and, with respect to the relevant business activities, cooperate with the disaster management measures implemented by the national or local government.

(3) Beyond what is provided for in the preceding two paragraphs, based on the Basic Principles, local residents must endeavor to take measures to store goods of daily necessity such as food and drink and to prepare for disaster by themselves and contribute to disaster management by voluntarily participating in disaster reduction drills and any other disaster management activities and handing down lessons learned from past disasters, and any other challenges.

(Exercising of Care in the Interest of Disaster Management in Enforcing

Measures)

Article 8 (1) The national and local governments must exercise care so that all measures which they will carry out will contribute to preventing disaster which harms the national land and the lives, bodies, and properties of the citizens, both directly and indirectly.

(2) In the interest of preventing a disaster from occurring and of preventing the spread of a disaster that has occurred, the State and local governments must particularly endeavor to carry out the following matters:

(i) matters on scientific research on disaster and its prevention and putting its findings into practice;

(ii) matters on forest conservation, flood control, and other matters concerning conservation of the national land;

(iii) matters related to the fireproofing and strengthening of buildings and to the improvement of structures for disaster management in the cities in other forms;

(iv) matters on disaster management measures for the concentration of urban functions such as traffic, information communications, etc.

(v) matters on the establishment of facilities and organizations concerned with operations necessary for disaster management such as the observation, forecasting, and information gathering of meteorological phenomena, terrestrial phenomena, and hydrological phenomena, and facilities and organizations concerned with communication necessary for disaster management;

(vi) matters on the improvement of disaster forecasts and alarms;

(vii) matters on the improvement of methods for publicizing earthquake forecasting information (referring to earthquake forecasting information prescribed in Article 2, item (3) of the Act on Special Measures Concerning Countermeasures for Large-scale Earthquakes (Act No. 73 of 1978));

(viii) matters on international cooperation with respect to consolidation of a network of meteorological observation;

(ix) matters on international cooperation with respect to human control of typhoons, and other necessary research on disaster management, observation, and exchange of information;

(x) matters on measures for long-term disasters caused by volcanic phenomena, etc.;

(xi) matters on the establishment of facilities and organizations for flood prevention, fire-fighting, rescue, and other emergency disaster control measures;

(xii) matters on mutual support of local governments and conclusion of an agreement on wide-area temporary stay prescribed in Article 86-8, paragraph (1) and an agreement on ensuring the cooperation of private groups;



- (xiii) matters on the encouragement of the citizens to engage in voluntary disaster management activities such as fostering voluntary disaster management organizations, enhancing the environment for disaster management activities by volunteers, supporting activities to hand down lessons learned from past disasters, and others activities;
- (xiv) matters on ensuring the mental and physical health of disaster victims, securing places to reside, and any other protection of disaster victims;
- (xv) matters necessary for disaster management measures for the elderly, disabled persons, infants, and others requiring special care (hereinafter referred to as "persons requiring special care");
- (xvi) matters on the acceptance of disaster management assistance from other countries;
- (xvii) matters on the provision of accurate information to disaster victims and consultation from them;
- (xviii) matters on education and drills necessary for disaster management;
- (xix) matters on the dissemination of thought of disaster management.

(Government Measures and Report to the Diet)

Article 9 (1) The government must undertake legislative, fiscal, and financial measures necessary to achieve the purpose of this Act.

(2) The government must report each year to the Diet about its plans for disaster management together with the general situation of measures undertaken for disaster management, as provided for by Cabinet Order.

(Relation to Other Acts)

Article 10 Handling of affairs concerning disaster management is governed by the provisions of this Act, except as otherwise provided for by other laws.

## **Chapter II Organizations for Disaster Management**

### **Section 1 National Disaster Management Council**

(Establishment of a National Disaster Management Council and the Function under its Jurisdiction)

Article 11 (1) A National Disaster Management Council is established in the Cabinet Office.

(2) The National Disaster Management Council takes charge of the following affairs:

(i) formulation and promotion of implementation of a basic disaster management plan;

(ii) in response to consultation by the Prime Minister, deliberation of important matters relating to disaster management;

- (iii) relating to important matters prescribed in the preceding item, expression of opinions to the Prime Minister;
  - (iv) in response to a consultation on affairs administered by the Minister in charge of special mission prescribed in Article 9, paragraph (1) of the Act for Establishment of the Cabinet Office (limited to the minister who administers affairs relating to the matters set forth in Article 4, paragraph (1), item (xviii) or item (xix) of the same Act under orders pursuant to the provisions of the same paragraph, and who manages the affairs prescribed in paragraph (3) of the same Article relating to this; hereinafter referred to as the "Minister of State for Disaster Management" ), deliberation of important matters relating to disaster management;
  - (v) in response to important matters of the preceding item concerning affairs administered by the Minister of State for Disaster Management under orders, expression of opinions to the Minister of State for Disaster Management;
  - (vi) beyond what is provided for in each of the preceding items, other affairs assigned by laws and regulations to its authority.
- (3) The reply by the National Disaster Management Council in response to a consultation from the Minister of State for Disaster Management of the preceding paragraph, item (iv) is to be made to the Minister of State for Disaster Management who administers affairs concerning that consultation, and if the relevant Minister of State for Disaster Management is not appointed, it is to be made to the Prime Minister.
- (4) The Prime Minister must consult the National Disaster Management Council with respect to the following matters:
- (i) basic policy of disaster management;
  - (ii) major points in overall coordination of measures undertaken for disaster management;
  - (iii) outline of emergency measures temporarily required in the event of an extraordinary disaster;
  - (iv) declaration of a state of emergency disaster;
  - (v) other important matters relating to disaster management which the Prime Minister may find necessary.

(Organization of the National Disaster Management Council)

- Article 12 (1) The National Disaster Management Council is composed of a chairperson and members.
- (2) The Prime Minister serves as chairperson.
  - (3) The chairperson directs and supervises the affairs of the Council.
  - (4) In case of incapacity on the part of the chairperson, a member named by that chairperson in advance performs their duties on their behalf.
  - (5) The members are appointed from among the following:

- (i) the Minister of State for Disaster Management;
  - (ii) expert members appointed by the Prime Minister from among the Ministers of State (except for the Minister of State for Disaster Management), representative of designated public corporations, and persons with relevant knowledge and experience.
- (6) Expert advisors may be appointed to the Council in order to investigate matters requiring expert knowledge.
- (7) The Prime Minister appoints expert advisors from among officials of relevant government organizations or designated public corporations and persons with relevant knowledge and experience.
- (8) The National Disaster Management Council has executive secretaries, and the Prime Minister appoints them from among the officials of the Cabinet Secretariat or heads of designated government organizations (except for the Ministers of State) or their officials.
- (9) The executive secretary assists the chairperson and members with respect to the function under the jurisdiction of the Council.
- (10) Beyond what is provided for in each of the preceding paragraphs, necessary matters related to the organization and operation of the Council are prescribed by Cabinet Order.

(Request for Cooperation from Relevant Administrative Organs)

Article 13 (1) The National Disaster Management Council may, with respect to the function under its jurisdiction, demand the submission of materials, statement of opinions, explanations and other required cooperation from the heads of relevant government organizations and local government organizations, the head or any other executive agency of a local government, designated public corporations and designated local public corporations, and any other parties concerned.

(2) The National Disaster Management Council may provide necessary recommendations to local disaster management councils (which means prefectural disaster management councils or municipal disaster management councils; the same applies hereinafter) or the joint committee of local disaster management councils (which means the joint committee of prefectural disaster management councils or the joint committee of municipal disaster management councils; the same applies hereinafter) on performing the function under its jurisdiction.

## **Section 2 Local Disaster Management Councils**

(Establishment of a Prefectural Disaster Management Council and the Function under its Jurisdiction)

Article 14 (1) A prefectural disaster management council is established in a prefecture.

(2) A prefectural disaster management council takes charge of the following affairs:

- (i) formulation and promotion of implementation of a prefectural area disaster management plan;
- (ii) in response to consultation by the prefectural governor, deliberation of important matters relating to disaster management concerning an area of the relevant prefecture;
- (iii) relating to important matters prescribed in the preceding item, expression of opinions to the prefectural governor;
- (iv) in cases where a disaster involving an area of the relevant prefecture has occurred, liaison and coordination in matters of disaster recovery efforts concerning the disaster among the prefecture and relevant designated local government organizations, relevant municipalities, and relevant designated public corporations and designated local public corporations ;
- (v) beyond what is provided for in each of the preceding items, other affairs assigned to the council by law or Cabinet Order based on it.

(Organization of a Prefectural Disaster Management Council)

Article 15 (1) A prefectural disaster management council is composed of a chairperson and members.

(2) The prefectural governor serves as chairperson.

(3) The chairperson directs and supervises the affairs of the council.

(4) In case of incapacity on the part of the chairperson, a member named by that chairperson in advance performs their duties on their behalf.

(5) The members are appointed from among the following:

- (i) the head of a designated local government organization having jurisdiction over the area of the relevant prefecture in whole or in part, or officials named by that head;
- (ii) the Commanding General of the Ground Self-Defense Forces stationed in the relevant prefecture, or head of a unit or an organ named by the Commanding General;
- (iii) the superintendent of the board of education of the relevant prefecture;
- (iv) the chief of the Metropolitan Police or the chief of the relevant prefectural police concerned;
- (v) persons appointed by the prefectural governor from among officials of the relevant prefecture;
- (vi) persons appointed by the prefectural governor from among mayors of municipalities, and chiefs of fire-fighting organs operating within the area of the relevant prefecture;

- (vii) persons appointed by the relevant prefectural governor from among officers and officials of a designated public corporations or designated local public corporations operating within an area of the relevant prefecture;
  - (viii) persons appointed by the relevant prefectural governor from among persons consisting of voluntary disaster management organizations or persons with relevant knowledge and experience.
- (6) Expert advisors may be appointed to the council in order to investigate technical matters.
- (7) Expert advisors are appointed by the governor of the relevant prefecture from among officials of a relevant local government organization, the relevant prefecture, a municipality within the area of the relevant prefecture, or relevant designated public corporation and local public corporations or persons with relevant knowledge and experience.
- (8) Beyond what is provided for in each preceding paragraph, necessary matters related to the organization and operation of a prefectural disaster management council are prescribed by a prefectural ordinance based on standards provided for by Cabinet Order.

(A Municipal Disaster Management Council)

- Article 16 (1) A municipal disaster management council is established in municipality in order to formulate an area disaster management plan concerning an area of the relevant municipality and to promote its implementation, as well as to deliberate on important matters relating to disaster management concerning an area of the relevant municipality in response to consultation from a mayor of a municipality.
- (2) Beyond what is provided for in the preceding paragraph, municipalities may set forth a constitution under consultation and establish jointly a municipal disaster management council.
- (3) When a joint municipal disaster management council has been established pursuant to the provisions of the preceding paragraph, or when it is inappropriate or difficult to establish a municipal disaster management council, the municipality may choose not to establish it, notwithstanding the provisions of paragraph (1).
- (4) When the municipality has decided not to establish disaster management n council pursuant to the provisions of the preceding paragraph (except for the case where a joint municipal disaster management council has been established pursuant to the provisions of paragraph (2)), the municipality must promptly report to the prefectural governor to that effect.
- (5) When the prefectural governor has received a report under the preceding paragraph, that governor is to consult the prefectural disaster management council, and when found necessary, that governor may provide necessary

advice or recommendations to the municipality.

- (6) The organization and the function under the jurisdiction of a municipal disaster management council are prescribed by an ordinance of the municipality (a constitution in the case of a municipal disaster management council established pursuant to the provisions of paragraph (2)) following the case of the organization of the prefectural disaster management council and the function under its jurisdiction.

(Joint Committee of Local Disaster Management Councils)

Article 17 (1) When it is found necessary and effective among prefectures or among municipalities to formulate an cross-prefectural or cross-municipal area disaster management plan for the area of the prefectures or municipalities, in whole or in part, the relevant prefectures or municipalities may set forth a constitution under consultation and establish a joint committee of prefectural or municipal disaster management councils.

- (2) When a joint committee has been established pursuant to the provisions of the preceding paragraph, the Prime Minister must be notified in the case of a joint committee of prefectural disaster management councils, and the prefectural governor must be notified in the case of a joint committee of municipal disaster management councils.

Articles 18 and 19 have been deleted.

(Delegation to Cabinet Order)

Article 20 Beyond what is provided for in Article 17, necessary matters related to a joint committee of local disaster management councils are prescribed by Cabinet Order.

(Request for Cooperation to Relevant Government Organizations)

Article 21 When the prefectural disaster management council and municipal disaster management council (including a joint committee of local disaster management councils; hereinafter referred to as "Local Disaster Management Councils, etc." in the following Article) find it necessary for the performance of the function under their jurisdiction, they may seek the provision of materials or information, expression of opinions or other necessary cooperation from the heads of relevant national and local government organizations, the head or any other executive agency of a local government, designated public corporations and local public corporations, and other parties concerned.

(Relations between Local Disaster Management Councils)

Article 22 (1) Local Disaster Management Councils, etc., must cooperate in the

performance of the function under their respective jurisdiction.

- (2) The prefectural disaster management council may provide necessary recommendations to the municipal disaster management councils with respect to the performance of the function under its jurisdiction.

(Prefectural Disaster Management Headquarters)

Article 23 (1) In cases where a disaster involving an area of a prefecture has occurred or is likely to occur, when the prefectural governor finds it necessary for the promotion of disaster management, the governor may establish a prefectural disaster management headquarters pursuant to the provisions of a prefectural area disaster management plan.

- (2) The prefectural disaster management headquarters are headed by a chairperson, and the prefectural governor serves as chairperson.
- (3) An assistant chairperson, headquarters members and other officials are assigned to the prefectural disaster management headquarters, and they are appointed by the relevant prefectural governor from among officials of the relevant prefecture.
- (4) The prefectural disaster management headquarters perform the following affairs pursuant to the provisions of the prefectural area disaster management plan:
  - (i) gathering of information relating to disaster involving an area of the relevant prefecture;
  - (ii) formulation of a policy to implement accurately and speedily disaster management and emergency disaster control measures concerning an area of the relevant prefecture, and implementation of disaster management and emergency disaster control measures in line with that policy;
  - (iii) concerning disaster management and emergency disaster control measures concerning an area of the relevant prefecture, liaison and coordination with the relevant prefecture, relevant designated local government organizations, relevant local governments, relevant designated public corporations and relevant designated local public corporations.
- (5) The prefectural governor may, pursuant to the provisions of a prefectural area disaster management plan, establish on-site prefectural disaster management headquarters for within the prefectural disaster management headquarters as an organization to carry out within the site of the disaster area part of the affairs of the relevant prefectural disaster management headquarters.
- (6) The chairperson of the prefectural disaster management headquarters may give to the prefectural police or the prefectural board of education necessary instructions, to the extent necessary for the implementation of disaster management or emergency disaster control measures concerning an area of the

relevant prefecture.

- (7) When the chairperson of the prefectural disaster management headquarters finds it necessary for the accurate and speedy implementation of disaster management and emergency disaster control measures concerning an area of the relevant prefecture, that chairperson may seek the provision of materials or information, expression of opinions or other necessary cooperation from the heads of relevant national and local government organizations, head or any other executive agency of a local government, designated public corporations and local public corporations, or other parties concerned.
- (8) Beyond what is provided for in each of the preceding paragraphs, other necessary matters of the prefectural disaster control headquarters are prescribed by a prefectural ordinance.

(Municipal Disaster Management Headquarters)

Article 23-2 (1) In cases where a disaster involving an area of a municipality has occurred or is likely to occur, when the mayor of a municipality finds it necessary for the promotion of disaster management, that mayor may establish municipal disaster management headquarters pursuant to the provisions of a municipal area disaster management plan.

- (2) The municipal disaster management headquarters are headed by a chairperson, and the mayor serves as chairperson.
- (3) An assistant chairperson, headquarters members and other officials are assigned to the municipal disaster management headquarters for, and they are appointed by the mayor of the relevant municipality from among officials of the relevant municipality or the chief of the Fire Department having jurisdiction over the area of the relevant municipality, or Fire Department staff members appointed by that chief.
- (4) The municipal disaster management headquarters perform the following affairs pursuant to the provisions of the municipal area disaster management plan. In this case, the municipal disaster management headquarters must endeavor to ensure coordination with relevant designated local government organizations, relevant local governments, relevant designated public corporations and relevant designated local public corporations if necessary.
  - (i) Gathering of information relating to disaster involving an area of the relevant municipality.
  - (ii) Formulation of a policy to implement accurately and speedily disaster management and emergency disaster control measures concerning an area of the relevant municipality, and implementation of disaster management and emergency disaster control measures in line with that policy.
- (5) The mayor of a municipality may, pursuant to the provisions of a municipal area disaster management plan, establish on-site municipal disaster



management headquarters for within the municipal disaster management headquarters as an organization to carry out within the site of the disaster area part of the affairs of the relevant municipal disaster management headquarters.

- (6) The chairperson of the municipal disaster management headquarters may give to the board of education of the relevant municipality necessary instructions, to the extent necessary for the implementation of disaster management or emergency disaster control measures concerning an area of the relevant municipality.
- (7) The provisions of paragraph (7) of the preceding Article apply mutatis mutandis to the chairperson of the municipal disaster management headquarters. In this case, the term "the relevant prefecture" in the same paragraph is deemed to be replaced with "the relevant municipality."
- (8) Beyond what is provided for in each of the preceding paragraphs, other necessary matters of the municipal disaster management headquarters are prescribed by a municipal ordinance.

### **Section 3 Major Disaster Management Headquarters and Extreme Disaster Management Headquarters**

(Establishment of Major Disaster Management Headquarters)

Article 24 (1) In cases where an extraordinary disaster has occurred, when the Prime Minister finds a special necessity to pursue emergency disaster control measures concerning that disaster because of the dimensions of that disaster and other conditions, the Prime Minister may temporarily establish Major Disaster Management Headquarters within the Cabinet Office, notwithstanding the provisions of Article 40, paragraph (2) of the Act for Establishment of the Cabinet Office.

- (2) When Major Disaster Management Headquarters are established, the Prime Minister must immediately and publicly notify its name, area of jurisdiction, location, and term of establishment of the headquarters; when it is abolished, the Prime Minister must immediately make a public notice to that effect.

(Organization of the Major Disaster Management Headquarters)

Article 25 (1) The Major Disaster Management Headquarters are headed by a chairperson, and the chairperson is appointed from among the Ministers of State.

- (2) The chairperson of the Major Disaster Management Headquarters directs the affairs of the headquarters and supervises its officials.
- (3) An assistant chairperson, headquarters members, and other officials are assigned to the Major Disaster Management Headquarters.

- (4) The assistant chairperson of the Major Disaster Management Headquarters supports the chairperson of the headquarters, and in case of incapacity on the part of the chairperson of the relevant headquarters, the relevant assistant chairperson performs duties on behalf of that chairperson. If there are two or more assistant chairpersons of the Major Disaster Management Headquarters, they perform their duties according to the order decided by the chairperson of the relevant headquarters in advance.
- (5) The assistant chairperson of the Major Disaster Management Headquarters, headquarters members, and other officials are appointed by the Prime Minister from among officials of the Cabinet Secretariat or designated government organizations, or heads or officials of designated local government organizations.
- (6) Major Disaster Management Headquarters may be established within the On-site Major Disaster Management Headquarters as an organization to carry out locally within the area of jurisdiction of the Major Disaster Management Headquarters part of the affairs of the Major Disaster Management Headquarters as designated by the chairperson of the Major Disaster Management Headquarters. In this case, the provisions of Article 156, paragraph (4) of the Local Autonomy Act (Act No. 67 of 1947) do not apply.
- (7) When On-site Major Disaster Management Headquarters are established pursuant to the provisions of the preceding paragraph, the Prime Minister must inform the Diet thereof.
- (8) The provisions of paragraph (2) of the preceding Article apply mutatis mutandis to the On-site Major Disaster Management Headquarters.
- (9) A headquarters chairperson, headquarters members, and other officials are assigned to the On-site Major Disaster Management Headquarters.
- (10) The chairperson of the On-site Major Disaster Management Headquarters administers the affairs of the On-site Major Disaster Management Headquarters under the orders of the chairperson of the Major Disaster Management Headquarters.
- (11) The chairperson, members, and other officials of the On-site Major Disaster Management Headquarters are appointed by the chairperson of the Major Disaster Management Headquarters from among the assistant chairpersons, members, and other officials of the Major Disaster Management Headquarters.

(Function under the Jurisdiction of the Major Disaster Management Headquarters)

Article 26 The Major Disaster Management Headquarters take charge of the following affairs:

- (i) matters on formulating a policy to implement emergency disaster control measures accurately and speedily;

- (ii) matters on the overall coordination of emergency disaster control measures being taken under an appropriate disaster management plan within the area of its jurisdiction by the heads of designated government organizations and designated local government organizations, the head or any other executive agency of a local government, and designated public corporations and designated local public corporations;
- (iii) matters on the implementation of emergency measures in time of an extraordinary disaster;
- (iv) matters on affairs which are assigned pursuant to the provisions of Article 28 to the authority of the chairperson of the Major Disaster Management Headquarters;
- (v) beyond what is provided for in each of the preceding items, any affairs that may be assigned to its authority by laws and regulations.

(Delegation of Authority of the Head of a Designated Government Organization)

Article 27 (1) When Major Disaster Management Headquarters are established, the head of a designated government organization may delegate their authority for emergency disaster control measures, in whole or in part, to officials of the designated government organization, or the head of the relevant designated local government organization, or its officials, all of whom are headquarters members.

- (2) When the head of a designated government organization has delegated authority under the preceding paragraph, that head must immediately make a public notice to that effect.

(Authority of the Chairperson of the Major Disaster Management Headquarters)

Article 28 (1) The chairperson of the Major Disaster Management Headquarters may coordinate the exercise of authority by officials to whom authority was delegated pursuant to the provisions of the preceding Article, within the area of jurisdiction of the Major Disaster Management Headquarters.

- (2) When the chairperson of the Major Disaster Management Headquarters finds it particularly necessary for the accurate and speedy implementation of emergency disaster control measures within the area of jurisdiction of the headquarters, that chairperson may give necessary instructions to the head of a relevant designated local government organization, the head or any other executive agency of a local government, and designated public corporations and designated local public corporations, to the extent necessary.
- (3) When the chairperson of the Major Disaster Management Headquarters finds it necessary for the accurate and speedy implementation of emergency disaster

control measures within the area of jurisdiction of the headquarters, that chairperson may seek the provision of materials or information, expression of opinions or other necessary cooperation from the head of a relevant government organization, that of a relevant local government organization, that or any other executive agency of a local government, and designated public corporations and designated public corporations, and any other parties concerned.

- (4) When On-site Major Disaster Management Headquarters are established, the chairperson of the Major Disaster Management Headquarters may delegate part of the authority vested in them under the preceding three paragraphs to the chairperson of the On-site Major Disaster Management Headquarters.
- (5) When the chairperson of the Major Disaster Management Headquarters has delegated authority under the preceding paragraph, that chairperson must immediately make a public notice to that effect.

(Establishment of Extreme Disaster Management Headquarters)

Article 28-2 (1) In cases where an extraordinary disaster of an extremely unusual or devastating nature has occurred, when the Prime Minister finds a special necessity to pursue emergency disaster control measures concerning that disaster, the Prime Minister may, notwithstanding the provisions of Article 40, paragraph (2) of the Act for Establishment of the Cabinet Office, temporarily establish Extreme Disaster Management Headquarters within the Cabinet Office after deliberation in a cabinet meeting.

- (2) The provisions of Article 24, paragraph (2) apply mutatis mutandis to the Extreme Disaster Management Headquarters.
- (3) In cases where Extreme Disaster Management Headquarters are established pursuant to the provisions of paragraph (1), when Major Disaster Management Headquarters concerning that disaster is already in existence, the relevant Major Disaster Management Headquarters are abolished and the headquarters for Extreme Disaster Management Headquarters succeed to the function under the jurisdiction of the relevant Major Disaster Management Headquarters.

(Organization of the Extreme Disaster Management Headquarters)

Article 28-3 (1) The Extreme Disaster Management Headquarters are headed by a chairperson, and the Prime Minister (or by a Minister of State to be designated in advance in case of incapacity on the part of the Prime Minister) serves as chairperson.

- (2) The chairperson of the Extreme Disaster Management Headquarters directs the affairs of the headquarters and supervises its officials.
- (3) An assistant chairperson, headquarters members, and other officials are assigned to the Extreme Disaster Management Headquarters.

- (4) The assistant chairperson of the Extreme Disaster Management Headquarters is appointed from among the Ministers of State.
- (5) The assistant chairperson of the Extreme Disaster Management Headquarters supports the chairperson of the relevant headquarters, and in case of incapacity on the part of the chairperson of the relevant headquarters, that assistant chairperson performs duties on behalf of that chairperson. If there are two or more assistant chairpersons of the Extreme Disaster Management Headquarters, they perform their duties according to the order decided by the chairperson of the relevant headquarters in advance.
- (6) The members of the Extreme Disaster Management Headquarters are appointed from among the following:
  - (i) all Ministers of State except for the chairperson and the assistant chairperson of the Extreme Disaster Management Headquarters;
  - (ii) Deputy Chief Cabinet Secretary for crisis management;
  - (iii) officers from among Vice-ministers or the heads of designated government organizations other than the Ministers of State as appointed by the Prime Minister.
- (7) The officials of the Extreme Disaster Management Headquarters other than the assistant chairperson and the headquarters members are appointed by the Prime Minister from among officials of the Cabinet Secretariat or designated government organizations, or heads or officials of designated local government organizations.
- (8) On-site Extreme Disaster Management Headquarters may be established within the Extreme Disaster Management Headquarters as an organization to carry out locally within the area of jurisdiction of the Extreme Disaster Management Headquarters part of the affairs of the Extreme Disaster Management Headquarters as designated by the chairperson of the Extreme Disaster Management Headquarters after deliberation in a cabinet meeting.
- (9) The provisions of Article 25, the second sentence of paragraph (6), paragraph (7), and paragraph (8) apply mutatis mutandis to the On-site Extreme Disaster Management Headquarters.
- (10) A chairperson, headquarters members, and other officials are assigned to the On-site Extreme Disaster Management Headquarters.
- (11) The chairperson of the On-site Extreme Disaster Management Headquarters administers the affairs of the On-site Extreme Disaster Management Headquarters under the orders of the chairperson of the Extreme Disaster Management Headquarters.
- (12) The chairperson, headquarters members, and other officials of the On-site Extreme Disaster Management Headquarters are appointed by the chairperson of the Extreme Disaster Management Headquarters from among the assistant chairpersons, members, and other officials of the Extreme Disaster

Management Headquarters.

(Function under the Jurisdiction of the Extreme Disaster Management Headquarters)

Article 28-4 The Extreme Disaster Management Headquarters take charge of the following affairs:

- (i) matters on formulating a policy to implement emergency disaster control measures accurately and speedily;
- (ii) matters on the overall coordination of emergency disaster control measures being taken under an appropriate disaster management plan within the area of its jurisdiction by the heads of designated government organizations and designated local government organizations, the head or any other executive agency of a local government, and designated public corporations and designated local public corporations;
- (iii) matters on the implementation of emergency measures in time of an extraordinary disaster;
- (iv) matters on affairs which are assigned pursuant to the provisions of the provisions of Article 28-6 to the authority of the chairperson of the Extreme Disaster Management Headquarters;
- (v) beyond what is provided for in each of the preceding items, any affairs that may be assigned to its authority by laws or regulations.

(Delegation of Authority of the Head of a Designated Government Organization)

Article 28-5 (1) When Extreme Disaster Management Headquarters are established, the head of a designated government organization may delegate authority necessary for emergency disaster control measures, in whole or in part, to the officials of the designated government organization who are officials of the Extreme Disaster Management Headquarters, or the head of a designated local government organization or its officials.

(2) When the head of a designated government organization has delegated authority under the preceding paragraph, that head must immediately make a public notice to that effect.

(Authority of the Chairperson of the Extreme Disaster Management Headquarters)

Article 28-6 (1) The chairperson of the Extreme Disaster Management Headquarters may coordinate the exercise of authority by officials to whom authority was delegated pursuant to the provisions of the preceding Article, within the area of jurisdiction of the Extreme Disaster Management Headquarters.

- (2) When the chairperson of the Extreme Disaster Management Headquarters finds it particularly necessary for the accurate and speedy implementation of emergency disaster control measures within the area of jurisdiction of the headquarters, that chairperson may give necessary instructions to the head of a relevant designated government organization, the head of a relevant designated local government organization, or, when authority has been delegated pursuant to the provisions of the preceding Article, to the officials of a designated government organization, the officials of a designated local government organization, the head or any other executive agency of a local government, and designated public corporation and designated local public corporation, to the extent necessary.
- (3) When the chairperson of the Extreme Disaster Management Headquarters finds it necessary for the accurate and speedy implementation of emergency disaster control measures within the area of jurisdiction of the headquarters, that chairperson may seek the provision of materials or information, expression of opinions or other necessary cooperation from the heads of relevant national and local government organizations, head or any other executive agency of a local government, or designated public corporations and designated public corporations and any other parties concerned.
- (4) The chairperson of the Extreme Disaster Management Headquarters may delegate all or part of the authority vested in them under the preceding three paragraphs to the assistant chairperson of the Extreme Disaster Management Headquarters.
- (5) When On-site Extreme Disaster Management Headquarters are established, the chairperson of the Extreme Disaster Management Headquarters may delegate part of the authority vested them under provisions of paragraphs (1) through (3) (excluding the authority to issue instructions to the head of relevant designated government organizations under paragraph (2)) to the chairperson of the On-site Extreme Disaster Management Headquarters.
- (6) When the chairperson of the Extreme Disaster Management Headquarters has delegated authority under the preceding two paragraphs, that chairperson must immediately make a public notice to that effect.

#### **Section 4 Dispatch of Officials in Time of a Disaster**

(Request for Dispatch of Officials)

Article 29 (1) When necessary for emergency disaster control measures or disaster recovery efforts, the prefectural governor or, the prefectural committee or its members (hereinafter referred to as "Prefectural Governor, etc.") may request, as provided for by Cabinet Order, the head of a designated government organization or the head of a designated local government

organization, or a designated public corporation (limited to an agency engaged in administrative execution prescribed in Article 2, paragraph (4) of the Act on Common Rules for Incorporated Administrative Agency; hereinafter the same applies in this Section) the dispatch of officials of the relevant organization, local organization or corporation.

- (2) When necessary for emergency disaster control measures or disaster recovery efforts, the mayor of a municipality, or municipal committees, or members of such a committee (hereinafter referred to as "Mayor of a Municipality, etc.") may request, as provided for by Cabinet Order, the head of a designated local government organization or a designated public corporation (limited to a public corporation designated by the Prime Minister for a specific area as particularly contributing to the emergency disaster control measures or disaster recovery efforts concerning an area of the relevant municipality, in consideration of the details of its operations and other circumstances; referred to as "Specified Public Corporation" in the following Article) the dispatch of officials of the relevant organization or corporation.
- (3) When the prefectural or municipal committee or its members intend to request the dispatch of officials pursuant to the provisions of the preceding two paragraphs, the relevant prefectural or municipal committee or its members must consult with the prefectural governor or the mayor of a municipality in advance.

(Arrangements for Dispatch of Officials)

- Article 30 (1) When necessary for emergency disaster control measures or disaster recovery efforts, the Prefectural Governor, etc. or the Mayor of a Municipality, etc. may ask the Prime Minister or the prefectural governor to make arrangements for the dispatch of officials by a designated government organization or designated local government organization or a designated public corporation, or by a designated local government organization or a Specified Public Corporation, respectively, as provided for by Cabinet Order.
- (2) When necessary for emergency disaster control measures or disaster recovery efforts, the Prefectural Governor, etc. or the Mayor of a Municipality, etc. may ask the Prime Minister or the prefectural governor to make arrangements for the dispatch of officials under Article 252-17 of the Local Autonomy Act, or the dispatch of officials under the same Article, or officials under Article 124, paragraph (1) of the Local Incorporated Administrative Agency Act (limited to officials of a specified local incorporated administrative agency prescribed in Article 2, paragraph (2) of the same Act, which is a designated local public corporation (referred to as "Specified Local Public Corporation" in the following Article)), respectively, as provided for by Cabinet Order.
- (3) The provisions of paragraph (3) of the preceding Article apply mutatis



mutandis when asking for arrangements pursuant to the provisions of the preceding two paragraphs.

(Obligation to Dispatch Officials)

Article 31 When a request or arrangements have been made under the preceding two Articles, the heads of designated government organizations and the head of designated local government organizations, the Prefectural Governor, etc., the Mayor of a Municipality, etc., a designated public corporation, and a Specified Local Public Corporation must dispatch the officials as are found qualified to the degree that so doing will not seriously hinder the performance of the function or operations under their jurisdiction.

(Status and Treatment of Dispatched Officials)

Article 32 (1) The prefecture or the municipality may provide disaster dispatch allowances as provided for by Cabinet Order to officials dispatched pursuant to the provisions of the preceding Article or other Acts in the interest of emergency disaster control measures or disaster recovery efforts.

(2) Beyond what is provided for in the preceding paragraph, necessary matters related to the status and treatment of officials dispatched from a designated government organization or designated local government organization, or a designated public corporation pursuant to the provisions of the preceding Article are prescribed by Cabinet Order.

(Presentation of Data on the Dispatched Officials)

Article 33 In the interest of smooth dispatch of officials under Article 31, the head of a designated government organization or the head of a designated local government organization, the prefectural governor, or a designated public corporation must present to the Prime Minister at regular intervals data indicating the number of officials by profession who have relevant skills, knowledge, or experience for emergency disaster control measures or disaster recovery efforts, and describing the degree of their skills, knowledge, or experience, and must exchange that data.

### **Chapter III Disaster Management Plan**

(Formulation and Release of a Basic Disaster Management Plan)

Article 34 (1) The National Disaster Management Council must formulate a basic disaster management plan, which must be reviewed each year in the light of the findings of scientific research pertaining to disasters and disaster management, conditions of disasters that have occurred, and the effect of emergency disaster control measures taken against the disasters, and revise it

when found necessary.

- (2) When the National Disaster Management Council has formulated or revised a basic disaster management plan pursuant to the provisions of the preceding paragraph, it must promptly report it to the Prime Minister, notify the heads of designated government organizations, prefectural governors, and designated public corporations, and release to the public an outline of the plan or revision.

Article 35 (1) A basic disaster management plan is to provide for the matters set forth in each of the following items:

- (i) a long-term comprehensive plan for disaster management ;
  - (ii) matters to be stressed in disaster management operation plans and area disaster management plans;
  - (iii) beyond what is set forth in each of the preceding items, other matters which the National Disaster Management Council may find necessary as standards in formulating disaster management operation plans or area disaster management plans.
- (2) Data related to the following matters must be attached to the basic disaster management plan:
    - (i) the general conditions of the national land and the meteorological situation;
    - (ii) the general condition of maintenance of facilities and equipment necessary for disaster management;
    - (iii) status of personnel engaged in disaster management operations;
    - (iv) status of supply and demand of goods necessary for disaster management;
    - (v) status of transportation and communication necessary for disaster management;
    - (vi) beyond what is provided for in each of the preceding items, other matters which the National Disaster Management Council may find necessary for disaster management.

(Disaster Management Operation Plan of a Designated Government Organization)

Article 36 (1) The head of a designated government organization must formulate a disaster management operation plan pertaining to the function under their jurisdiction, review it every year, and revise it when found necessary, in accordance with the basic disaster management plan.

- (2) When the head of a designated government organization has formulated or revised a disaster management operation plan pursuant to the provisions of the preceding paragraph, that head must promptly report it to the Prime Minister, notify the prefectural governor and relevant designated public corporation and release to the public an outline of the plan or revision.
- (3) The provisions of Article 21 apply mutatis mutandis to the formulation or

revision of a disaster management operation plan by the head of a designated government organization pursuant to the provisions of paragraph (1).

Article 37 (1) A disaster management operation plan is to provide for the following matters:

- (i) measures to be undertaken for disaster management pertaining to the function under the jurisdiction;
  - (ii) beyond what is set forth in the preceding item, matters which will serve as standards in formulating an area disaster management plan pertaining to the function under the jurisdiction.
- (2) In formulating and implementing a disaster management operation plan, the head of a designated government organization must coordinate it with disaster management operation plans formulated by the heads of other designated government organizations, and endeavor to have all disaster management operation plans formulated and implemented in an integrated and organic manner.

(Relation to Plans under Other Laws and Regulations)

Article 38 The portion concerning disaster management in any plan related to disaster management, listed below, which is formulated by the head of a designated government organization as provided for under other laws and regulations, may not be inconsistent with or in conflict with the basic disaster management plan or any disaster management operation plan:

- (i) a national development plan prescribed in Article 2, paragraph (1) of the National Spatial Planning Act (Act No. 205 of 1950);
- (ii) a national forestry plan prescribed in Article 4, paragraph (1) of the Forest Act (Act No. 249 of 1951) and forest development and conservation business plan prescribed in paragraph (5) of the same Article;
- (iii) a business plan for disaster management prescribed in Article 3, paragraph (1) of the Act on Temporary Measures concerning Disaster Management and Development in Special Soil Areas (Act No. 96 of 1952);
- (iv) a plan for development of forest reserves prescribed in Article 2, paragraph (1) of the Act on Temporary Measures for Development of Forest Reserves (Act No. 84 of 1954);
- (v) a development plan for the capital region prescribed in Article 2, paragraph (2) of the National Capital Region Development Act (Act No. 83 of 1956);
- (vi) a basic plan for the construction of multipurpose dams prescribed in Article 4, paragraph (1) of the Act on Specified Multipurpose Dams (Act No. 35 of 1957);
- (vii) a five-year disaster prevention business plan prescribed in Article 2, paragraph (2) of the Act on Special Measures concerning Disaster Prevention

- in Areas Frequently Struck by Typhoons (Act No. 72 of 1958);
- (viii) a basic plan for areas of heavy snow prescribed in Article 3, paragraph (1) of the Act on Special Measures concerning Countermeasures for Areas of Heavy Snow (Act No. 73 of 1962);
  - (ix) a Kinki region development plan prescribed in Article 2, paragraph (2) of the Kinki Region Development Act (Act No. 129 of 1963);
  - (x) a Chubu region development plan prescribed in Article 2, paragraph (2) of the Chubu Region Development Act (Act No. 102 of 1966);
  - (xi) a plan for the removal of discharged oil, etc. prescribed in Article 43-5, paragraph (1) of the Act on Prevention of Maritime Pollution and Maritime Disaster (Act No. 136 of 1970);
  - (xii) a priority plan for social infrastructure development prescribed in Article 2, paragraph (1) of the Act on Priority Plan for Social Infrastructure Development (Act No. 20 of 2003);
  - (xiii) beyond what is set forth in each of the preceding items, any other plan provided for by Cabinet Order.

(Disaster Management Operation Plans of Designated Public Corporations)

- Article 39 (1) A designated public corporation must, with respect to its operations, formulate a disaster management operation plan, review it every year, and revise it when found necessary, in accordance with the basic disaster management plan.
- (2) When a designated public corporation has formulated or revised a disaster management operation plan pursuant to the provisions of the preceding paragraph, the corporation must promptly report it to the Prime Minister through the competent Minister having jurisdiction over the relevant designated public corporation, notify the governors of relevant prefectures, and release to the public an outline of the plan or revision.
  - (3) The provisions of Article 21 apply mutatis mutandis to the formulation or revision of a disaster management operation plan by a designated public corporation pursuant to the provisions of paragraph (1).

(Prefectural Area Disaster Management Plan)

- Article 40 (1) The prefectural disaster management council must formulate a prefectural area disaster management plan concerning an area of the relevant prefecture, review it every year, and revise it when found necessary, in accordance with the basic disaster management plan. In this case, the relevant prefectural area disaster management plan must not conflict with the disaster management operation plan.
- (2) A prefectural area disaster management plan is to provide for the following matters in general:

- (i) general outline of affairs or operations relating to disaster management concerning an area of the relevant prefecture to be handled by a designated local government organization having jurisdiction over the area of the prefecture, in whole or in part, the relevant prefecture, the municipalities within the area of the relevant prefecture, a designated national or local public corporations, and public organizations or administrators of facilities important for disaster management within the area of the relevant prefecture concerned (referred to as "Jurisdictional Designated Local Government Organization, etc." in the following paragraph);
  - (ii) plans by category of operations concerning an area of the relevant prefecture: creation or improvement of disaster management facilities, investigation and research for disaster management, education, drills, and other preventive measures, gathering and transmission of information, issuance and transmission of forecasts and alarms related to disaster, evacuation, fire-fighting, flood prevention, rescue, aid, sanitation, and other emergency disaster control measures and disaster recovery efforts;
  - (iii) plans for coordination, stockpiling, procurement, distribution, transportation, and communication with reference to labor, facilities, equipment, goods, funds, etc., required for measures set forth in the preceding item, relating to disaster involving an area of the relevant prefecture.
- (3) In deciding the prefectural area disaster management plan, the prefectural disaster management council gives due consideration to the need for the Jurisdictional Designated Local Administrative Organization, etc. to receive support from others smoothly or support others in the event of a disaster.
- (4) When the prefectural disaster management council has formulated or revised its prefectural area disaster management plan pursuant to the provisions of paragraph (1), the council must promptly report it to the Prime Minister and release to the public an outline of that plan or revision.
- (5) When the Prime Minister has received a report on the prefectural area disaster management plan pursuant to the provisions of the preceding paragraph, the Prime Minister is to consult the National Disaster Management Council and, when found necessary, may provide necessary advice or recommendations to the relevant prefectural disaster management council.

Article 41 A plan related to disaster management or the portion bearing on disaster management in any plan related to disaster management listed below, which is formulated or deliberated on by the prefecture as provided for under other laws and regulations, may not be inconsistent with or in conflict with the basic disaster management plan, any disaster management operation plan, or any prefectural area disaster management plan:

- (i) a prefectural flood prevention plan prescribed in Article 7, paragraphs (1) and (6) of the Flood Control Act (Act No. 193 of 1949) and a flood prevention plan of a designated control agency prescribed in Article 33, paragraph (1) of the Act;
- (ii) a remote island development plan prescribed in Article 4, paragraph (1) of the Remote Islands Development Act (Act No. 72 of 1953);
- (iii) a basic plan for preservation of coastal areas provided for under Article 2-3, paragraph (1) of the Coast Act (Act No. 101 of 1956);
- (iv) a basic construction plan for prevention of landslides prescribed in Article 9 of the Landslide Prevention Act (Act No. 30 of 1958);
- (v) an evacuation facilities emergency development plan prescribed in Article 14, paragraph (1) of the Act on Special Measures for Active Volcanoes (Act No. 61 of 1973), any disaster management agricultural business facilities development plan prescribed in Article 19, paragraph (1) of the same Act, any disaster management forestry business facilities development plan prescribed in paragraph (2) of the same Article, and any disaster management fishing business facilities development plan prescribed in paragraph (3) of the same Article;
- (vi) an emergency plan for urgent improvement project for earthquake countermeasures prescribed in Article 2, paragraph (1) of the Act on Special Fiscal Measures concerning Urgent Improvement Project for Earthquake Countermeasures in Areas under Intensified Measures against Earthquake Disaster (Act. No. 63 of 1980);
- (vii) a plan to promote peninsulas prescribed in Article 3, paragraph (1) of the Act on Promotion of Peninsulas (Act No. 63 of 1985);
- (viii) beyond what is set forth in each of the preceding items, any other plan provided for by Cabinet Order.

(Municipal Area Disaster Management Plan)

- Article 42 (1) The municipal disaster management council (in a municipality where a municipal disaster management council is not established, the mayor of that municipality; hereinafter the same applies in this Article) must formulate a municipal area disaster management plan concerning an area of the relevant municipality, review it every year, and revise it when found necessary in accordance with the basic disaster management plan. In this case, the relevant municipal area disaster management plan must not conflict with the disaster management operation plan or the prefectural area disaster management plan of the prefecture including the relevant municipality.
- (2) A municipal area disaster management plan is to provide for the following matters in general:
- (i) general outline of affairs or operations relating to disaster management

concerning an area of the relevant municipality to be handled by the relevant municipality and public organizations or the administrators of facilities important for disaster management within the area of the relevant municipality (referred to as "the relevant Municipality, etc." in paragraph (4));

- (ii) plans by category of operations concerning an area of the relevant municipality: creation or improvement of disaster management facilities, investigation and research for disaster management, education, drills, and other preventive measures, gathering and transmission of information, issuance and transmission of forecasts and alarms related to disaster, evacuation, fire-fighting, flood prevention, rescue, aid, sanitation, and other emergency disaster control measures and disaster recovery efforts;
  - (iii) plans for coordination, stockpiling, procurement, distribution, transportation, and communication with reference to labor, facilities, equipment, goods, funds, etc., required for measures relating to disaster involving an area of the relevant municipality, as set forth in the preceding item.
- (3) The municipal area disaster management plan, beyond what is provided for in each item of the preceding paragraph, may establish plans for a disaster reduction drill to be implemented jointly with residents of a certain district within the municipality and companies which have business places at the relevant district (hereinafter referred to as "District Residents, etc." in this paragraph and the following Article), storage of goods and materials required for disaster management activities by District Residents, etc., mutual support by District Residents, etc. in the event of a disaster, and other disaster management activities in the area (referred to as "District Disaster Management Plan" in the same Article).
- (4) In deciding the municipal area disaster management plan, the municipal disaster management council is to consider so that the Municipality, etc. may receive support from others smoothly or may support others in the event of a disaster.
- (5) When the municipal disaster management council has formulated or revised a municipal area disaster management plan pursuant to the provisions of paragraph (1), the council must promptly report it to the prefectural governor and release to the public an outline of that plan or revision.
- (6) When the prefectural governor has received a report on the municipal area disaster management plan pursuant to the provisions of the preceding paragraph, that governor is to consult the prefectural disaster management council and, when found necessary, may provide necessary advice or recommendations to that municipal disaster management council.
- (7) The provisions of Article 21 apply mutatis mutandis to the formulation or

revision of a municipal area disaster management plan by the mayor of a municipality, pursuant to the provisions of paragraph (1).

- Article 42-2 (1) District Residents, etc. may jointly propose to the municipal disaster management council to add the District Disaster Management Plan to the municipal area disaster management plan. In this case, the draft plan of the District Disaster Management Plan concerning that proposal must be attached.
- (2) The proposal under the preceding paragraph (hereinafter referred to as "Plan Proposal" in this Article), provided the content of the draft plan of the District Disaster Management Plan concerning that Plan Proposal does not conflict with the municipal area disaster management plan, is to be made as provided for by Cabinet Office Order.
- (3) The municipal disaster management council must, when a Plan Proposal is made, judge without delay whether it is necessary to add the District Disaster Management Plan to the municipal area disaster management plan based on the relevant Plan Proposal, and when found necessary, that council must add the District Disaster Management Plan to the municipal area disaster management plan.
- (4) When the municipal disaster management council, as a result of judgment of the preceding paragraph pursuant to the provisions of the preceding paragraph, decides that it is not necessary to add the District Disaster Management Plan to the municipal area disaster management plan based on the relevant Plan Proposal, that council must notify without delay District Residents, etc. who made the relevant Plan Proposal to that effect and the reason therefor.
- (5) In cases where the District Disaster Management Plan is to be added to the municipal area disaster management plan, District Residents, etc. related to the relevant District Disaster Management Plan must endeavor to implement disaster management activities in accordance with the relevant District Disaster Management Plan.

(Cross-prefectural Area Disaster Management Plan)

- Article 43 (1) The joint committee of prefectural disaster management councils must formulate a cross-prefectural area disaster management plan concerning that area, review it every year, and revise it when found necessary in accordance with the basic disaster management plan. In this case, that cross-prefectural area disaster management plan must not conflict with the disaster management operation plan.
- (2) A cross-prefectural area disaster management plan is to provide for all or some of the matters set forth in each items of Article 40, paragraph (2).
- (3) The provisions of Article 40, paragraphs (3) through (5) apply mutatis



mutandis to the cross-prefectural area disaster management plan. In this case, the term "prefectural disaster management council" in these provisions is deemed to be replaced with "joint committee of prefectural disaster management councils."

(Cross-municipal Area Disaster Management Plan)

- Article 44 (1) The joint committee of municipal disaster management councils must formulate a cross-municipal area disaster management plan concerning that area, review it every year, and revise it when found necessary in accordance with the basic disaster management plan. In this case, the relevant cross-municipal area disaster management plan must not conflict with the disaster management operation plan or the prefectural area disaster management plan of the prefecture including the relevant municipality.
- (2) A cross-municipal area disaster management plan is to provide for all or some of the matters set forth in each items of Article 42, paragraph (2).
- (3) The provisions of Article 42, paragraphs (4) through (6) inclusive apply mutatis mutandis to the cross-municipal area disaster management plan. In this case, the term "municipal disaster management council" in these provisions is deemed to be replaced with "joint committee of municipal disaster management councils."

(Request in Implementing Area Disaster Management Plans)

- Article 45 (1) When the chairperson of a local disaster management council or the representative of a joint committee of local disaster management councils finds it necessary for the accurate and smooth implementation of an area disaster management plan, that chairperson may make necessary requests or recommendations or provide instructions with respect to any affairs or operations that the parties listed below must handle in accordance with the disaster management plan: in the case of the prefectural disaster management council or a joint committee of prefectural disaster management councils, to the head of a designated local government organization having jurisdiction over the area of that prefecture, in whole or in part, the governor or any other executive agency of the prefecture, the mayors or any other executive agencies of municipalities in that prefecture, designated local public corporations, any public organization, and administrators of facilities important for disaster management, and other parties concerned within the area; in the case of a municipal disaster management council or a joint committee of municipal disaster management councils, to the mayor and any other executive agency of the municipality, any public organizations within the area of the municipality, and administrators of facilities important for disaster management, and other parties concerned.

(2) The chairperson of a local disaster management councils or the representative of a joint committee of local disaster management councils may ask for a report or data on the implementation status of an area disaster management plan: in the case of the prefectural disaster management council or a joint committee of prefectural disaster management councils, to the head of a designated local government organization the prefecture, the mayors or any other executive agencies of municipalities in that prefecture, designated local public corporations, any public organization, having jurisdiction over the area of that prefecture in whole or in part, and administrators of facilities important for disaster management, and other parties concerned within the area; in the case of a municipal disaster management council or a joint committee of municipal disaster management councils, to the mayor or any other executive agency of the municipality, any public organization within the area of the municipality, and administrators of facilities important for disaster management, or other parties concerned.

## **Chapter IV Disaster Management**

### **Section 1 Common Rules**

(Disaster Management and Responsibility for its Implementation)

Article 46 (1) Disaster management is to be performed in order to preemptively prevent the occurrence or spread of any disaster with respect to the following matters:

- (i) matters on maintaining organizations for disaster management;
- (ii) matters on education and drills for disaster management n;
- (iii) matters on stockpiling, preparation, and inspection of goods and materials for disaster management;
- (iv) matters on maintenance and inspection of facilities and equipment for disaster management;
- (v) matters on measures to be taken in advance to implement mutual support smoothly and to ensure cooperation from private groups in the event of a disaster;
- (vi) matters on measures to be taken in advance to protect the life or body of Persons Requiring Special Care from disaster;
- (vii) beyond what is provided for in each of the preceding items, other matters concerning improvement of conditions that will hinder the implementation of emergency disaster control measures in the event of a disaster.

(2) Heads of designated government organization and designated local government organizations, heads or any other executive agencies of local governments, designated public corporations and local public corporations, and any other parties responsible pursuant to the provisions of laws and

regulations for the implementation of disaster management must, as provided for by laws and regulations or under a disaster management plan, carry out disaster management.

(Responsibility for Maintaining Organizations for Disaster Management)

- Article 47 (1) The heads of designated government organizations and designated local government organizations, the head or any other executive agency of a local government, designated public corporation and designated local public corporations, any public organization, and administrators of facilities important for disaster management (hereinafter referred to as "Persons Responsible for Disaster Management " in this Chapter), as provided for by laws and regulations or under a disaster management plan, must each endeavor to maintain and continually improve organizations necessary for anticipating and forecasting disaster or speedily transmitting information on disaster, with respect to the function or operations under their jurisdiction.
- (2) Beyond what is provided for in the preceding paragraph, Persons Responsible for Disaster Management, as provided for by laws and regulations or under a disaster management plan, in the interest of accurate and smooth implementation of a disaster management operation plan or area disaster management plan, must maintain organizations for disaster management and set standards for the assignment and service of officials engaged in affairs and operations concerning disaster management.

(Implementation of Disaster Management Education)

- Article 47-2 (1) Persons Responsible for Disaster Management must, as provided for by laws and regulations or under a disaster management plan, endeavor to perform disaster prevention education with respect to the function or operations under their jurisdiction, severally or in concert with other Persons Responsible for Disaster Management.
- (2) When Persons Responsible for Disaster Management intend to carry out a disaster management education prescribed in the preceding paragraph, they may seek the cooperation of education organs and other private or public groups concerned.

(Duty of Disaster Reduction Drill)

- Article 48 (1) Persons Responsible for Disaster Management must, as provided for by laws and regulations or under a disaster management plan, perform disaster reduction drills, severally or in concert with other Persons Responsible for Disaster Management.
- (2) When the prefectural public safety commission finds it particularly necessary for the effective implementation of the disaster reduction drills prescribed in

the preceding paragraph, it can designate zones or sections of road for which pedestrian and/or vehicular passage is banned or restricted, as provided for by Cabinet Order, to the extent that is necessary for implementing the disaster reduction drill.

- (3) The officials and other employees of organizations to which Persons Responsible for Disaster Management belong and employees and other workers for Persons Responsible for Disaster Management must participate in disaster reduction drills prescribed in paragraph (1) as provided for under a disaster management plan and as determined by Persons Responsible for Disaster Management.
- (4) When Persons Responsible for Disaster Management intend to carry out disaster reduction drills as set forth in paragraph (1), they may seek the cooperation of the local residents and other private or public groups concerned.

(Responsibility for Stockpiling Goods and Materials Necessary for Disaster Management)

Article 49 Persons Responsible for Disaster Management must, as provided for by laws and regulations or under a disaster management plan, stockpile, prepare, or inspect goods and materials necessary for emergency disaster control measures or disaster recovery efforts concerning the function or operations under their jurisdiction, and maintain or inspect facilities and equipment for disaster management under their control.

(Necessary Measures to Implement Smooth and Mutual Support)

Article 49-2 Persons Responsible for Disaster Management must: as provided for by laws and regulations or under a disaster management plan, with respect to the function or operations under their jurisdiction, and in order to prepare for situations where they must receive support from others or support others in implementing emergency disaster control measures or disaster recovery efforts, endeavor to take measures necessary to receive support from others or support others smoothly, such as concluding a mutual support agreement or implementing joint disaster reduction drills.

(Necessary Measures to Obtain Cooperation from Material Suppliers)

Article 49-3 Persons Responsible for Disaster Management must: as provided for by laws and regulations or under a disaster management plan, with respect to the function or operations under their jurisdiction, and in order to prepare for situations where it is necessary to obtain cooperation from goods suppliers, etc. (which means those who supply or provide goods or materials or services necessary for emergency disaster control measures or disaster recovery efforts, or private groups who conduct activities related to emergency disaster control

measures or disaster recovery efforts; hereinafter the same applies in this Article) in implementing emergency disaster control measures or disaster recovery efforts, endeavor to take necessary measures such as concluding an agreement or obtain cooperation from goods suppliers, etc..

## **Section 2 Designation of Designated Emergency Evacuation Site and Designated Shelter**

(Designation of Designated Emergency Evacuation Site)

- Article 49-4 (1) When the mayor of a municipality finds it necessary, considering comprehensively the situations such as the condition of disaster management facilities, topography, geology, and others, the mayor must designate facilities or sites meeting the standards provided for by Cabinet Order as designated emergency evacuation site for each extraordinary phenomena of flood, tsunami, etc. provided for by Cabinet Order in order to ensure evacuation for smooth and speedy refuge when a disaster occurs or is likely to occur.
- (2) When the mayor of a municipality intends to designate a designated emergency evacuation site pursuant to the provisions of the preceding paragraph, the mayor must obtain the approval of the administrators of the designated emergency evacuation site (excluding the municipality; the same applies to the following Article).
- (3) When the mayor of a municipality has designated the site under paragraph (1), the mayor must notify the prefectural governor and make a public notice to that effect.

(Notification of Designated Emergency Evacuation Site)

Article 49-5 When the administrators of the designated emergency evacuation site intend to abolish the relevant designated emergency evacuation site or rebuild them or make major changes provided for by Cabinet Order to the designated emergency evacuation site, they must notify the mayor of a municipality as provided for by Cabinet Office Order.

(Revocation of Designation)

- Article 49-6 (1) When the mayor of a municipality finds that the relevant designated emergency evacuation site is abolished or does not meet the standards provided for by Cabinet Order prescribed in Article 49-4, paragraph (1), that mayor is to revoke the designation under the same paragraph.
- (2) When the mayor of a municipality has revoked the site under Article 49-4, paragraph (1), pursuant to the provisions of the preceding paragraph, the mayor must notify the prefectural governor and make a public notice to that effect.

(Designation of Designated Shelter)

- Article 49-7 (1) Considering the condition of a presumed disaster, the condition of the population and any other conditions, the mayor of a municipality must designate public facilities and any other facilities meeting the standards provided for by Cabinet Order as designated shelters in order to secure proper shelter when a disaster occurs (which means temporary facilities where residents, visiting persons, etc. who evacuated for refuge (hereinafter referred to as "Residents, etc.") may stay for the necessary period for refuge or residents who have difficulty securing their living places by themselves due to the disaster (hereinafter referred to as "Affected Residents") and any other disaster victims may stay temporarily; the same applies hereinafter).
- (2) The provisions of Article 49-4, paragraphs (2) and (3) and the preceding two Articles apply mutatis mutandis to designated shelter. In this case, the term "the preceding paragraph" in Article 49-4, paragraph (2), and the term "paragraph (1)" in the same Article, paragraph (3) are deemed to be replaced with "Article 49-7, paragraph (1)," and the term "Article 49-4, paragraph (1)" in the preceding Article with "the following Article, paragraph (1)."
- (3) When the prefectural governor receives a notification under Article 49-4, paragraph (3) or the preceding Article, paragraph (2), as applied mutatis mutandis to the preceding paragraph, the governor must report to the Prime Minister to that effect.

(Relationship between Designated emergency Evacuation Site and Designated Shelter)

Article 49-8 Designated emergency evacuation sites may serve as designated shelter, and vice versa.

(Measures to Fully Inform Residents of Circumstances)

Article 49-9 The mayor of a municipality must endeavor to take necessary measures, including distribution of printed materials, to fully inform Residents, etc. of necessary matters to ensure evacuation for smooth refuge such as how to transmit information on disaster, designated emergency evacuation sites and evacuation roads and any other evacuation routes as provided for by Cabinet Office Order in order to contribute to evacuation for smooth refuge of Residents, etc.

### **Section 3 Preparation of Lists of Residents in Need of Assistance in Evacuation**

(Preparation of Lists of Residents in Need of Assistance in Evacuation)

Article 49-10 (1) The mayor of a municipality must endeavor to grasp the persons who will have difficulty evacuating by themselves and need support in particular to ensure a smooth and speedy evacuation when a disaster has occurred or is likely to occur (hereinafter referred to as "Residents in Need of Assistance in Evacuation ") out of Persons Requiring Special Care who reside in the municipality, and must prepare lists of people (hereinafter referred to as "Lists of Residents in Need of Assistance in Evacuation " in this Article and the following Article, paragraph (1)) which are the basis for implementing necessary measures (hereinafter referred to as "Evacuation Support, etc.") to support the evacuation of or confirm the safety of Residents in Need of Assistance in Evacuation or to protect from disaster the life or body of Residents in Need of Assistance in Evacuation pursuant to the provisions of the area disaster management plan.

(2) The Lists of Residents in Need of Assistance in Evacuation are to describe or record the following matters related to Residents in Need of Assistance in Evacuation:

(i) full name;

(ii) date of birth;

(iii) sex;

(iv) domicile or residence;

(v) telephone number or other contact address;

(vi) reasons for requiring Evacuation Support, etc.;

(vii) beyond what is provided for in each of the preceding items, other matters which the mayor of a municipality may find necessary for implementation of Evacuation Support, etc.

(3) The mayor of a municipality may use, within the office, the names of Persons Requiring Special Care and any other information on people requiring consideration which the mayor holds to the extent necessary to prepare the Lists of Residents in Need of Assistance in Evacuation under paragraph (1) for other purposes than those of use identified in holding the information.

(4) When the mayor of a municipality finds it necessary for preparing the Lists of Residents in Need of Assistance in Evacuation under paragraph (1), the mayor may request the governors of relevant prefectures and others to provide information on Persons Requiring Special Care.

(Use and Provision of Information on the Name Lists)

Article 49-11 (1) The mayor of a municipality may use, within the office, the information (hereinafter referred to as "Information on the Name Lists") described or recorded in the Lists of Residents in Need of Assistance in Evacuation prepared pursuant to the provisions of the preceding Article, paragraph (1) to the extent necessary for implementation of Evacuation

Support, etc. for other purposes than those of use identified in holding the information.

- (2) The mayor of a municipality is to give Information on the Name Lists to fire-fighting organs, prefectural police, welfare commissioners prescribed in the Welfare Commissioners Act (Act No. 198 of 1948), municipal social welfare councils prescribed in Article 109, paragraph (1) of the Social Welfare Act (Act No. 45 of 1951), voluntary disaster management organizations and any other persons engaged in implementation of Evacuation Support, etc. (referred to as "Evacuation Supporters" in the following paragraph) in order to prepare for the occurrence of a disaster, to the extent necessary for implementation of Evacuation Support, etc. and pursuant to the provisions of the area disaster management plan; provided, however, that except as otherwise provided by the ordinance of the municipality, the municipality is unable to obtain the approval of the person (which means a particular person identified by the Information on the Name Lists; the same applies to the following paragraph) regarding the provisions of Information on the Name Lists, this does not apply.
- (3) In cases where a disaster has occurred or is likely to occur, when the mayor of a municipality finds it particularly necessary for protecting from disaster the life or body of Residents in Need of Assistance in Evacuation, the mayor may provide Evacuation Supporters and any other persons with Information on the Name Lists to the extent necessary for implementation of Evacuation Support, etc. In this case, it is not required to obtain the approval of the person regarding the provision of Information on the Name Lists.

(Consideration when Information on the Name Lists Is Provided)

Article 49-12 When the mayor of a municipality provides Information on the Name Lists pursuant to the provisions of the preceding Article, paragraph (2) or paragraph (3), pursuant to the provisions of the area disaster management plan, the mayor must endeavor to request the receivers of Information on the Name Lists to take necessary measures to prevent Information on the Name Lists from being disclosed and take other necessary measures to protect the rights and interests of Residents in Need of Assistance in Evacuation and third parties related to the Information on the Name Lists.

(Duty of Confidentiality)

Article 49-13 Those who receive Information on the Name Lists pursuant to the provisions of Article 49-11, paragraph (2) or paragraph (3) (if those are a corporation, their officers), their officials, or any other persons who are engaged in Evacuation Support, etc. by using the Information on the Name Lists must not disclose to a third party any secret which they came to know about Residents in Need of Assistance in Evacuation related to Information on



the Name Lists without just cause.

## **Chapter V Emergency Disaster Control Measures**

### **Section 1 Common Rules**

(Emergency Disaster Control Measures and Responsibility for Their  
Implementation)

Article 50 (1) Emergency disaster control measures are to be performed with respect to the following matters, when a disaster occurs or is likely to occur, for the purpose of preventing a disaster or preventing the spread of the disaster, or of conducting emergency rescue work :

- (i) matters on the issuance and transmission of alarm, and recommendations or instructions for evacuation;
- (ii) matters on emergency measures, such as fire-fighting and flood prevention;
- (iii) matters on rescue, aid, and protection of disaster victims;
- (iv) matters on emergency education of children and school children affected by disaster;
- (v) matters on emergency restoration of facilities and equipment;
- (vi) matters on protection of the living environment and public health such as treatment and cleanup of waste, epidemic control and others;
- (vii) matters on the preservation of social order at disaster areas such as crime prevention, traffic control and others;
- (viii) matters on ensuring emergency transport;
- (ix) beyond what is provided for in each of the preceding items, any matters related to measures for prevention of the occurrence or spread of disaster.

(2) The heads of designated government organizations and the head of a designated local government organizations, the head or any other executive agency of a local government, designated public corporations and designated local public corporations, and any other parties responsible, by laws and regulations, for implementing emergency disaster control measures must carry out the measures, as provided for by laws and regulations or under a disaster management plan, exercising full care to ensure the safety of those engaged in emergency disaster control measures.

(Gathering and Transmission of Information)

Article 51 (1) The heads of designated government organizations and the head of a designated local government organizations, the head or any other executive agency of a local government, designated public corporations and designated local public corporations, any public organization, and administrators of facilities important for disaster management (hereinafter referred to as "Persons Responsible for Emergency Disaster Control Measures") must

endeavor to gather and transmit information related to disasters, as provided for by laws and regulations or under a disaster management plan.

(2) Persons Responsible for Emergency Disaster Control Measures, in gathering and transmitting information on disaster prescribed in the preceding paragraph, must endeavor to use geospatial information (referring to geospatial information prescribed in Article 2, paragraph (1) of the Basic Act on the Advancement of Utilizing Geospatial Information (Act No. 63 of 2007)).

(3) Persons Responsible for Emergency Disaster Control Measures must endeavor to share information on disasters and implement emergency disaster control measures in mutual coordination.

(Full Information for Citizens)

Article 51-2 In cases where an extraordinary disaster has occurred or is likely to occur, when the Prime Minister finds it urgently necessary for evacuation, the Minister must take measures to let citizens know the presumed condition of the disaster and the measures to be taken for the disaster as provided for by laws and regulations or under a disaster management plan.

(Signals for Disaster Management)

Article 52 (1) The kind, nature, pattern, or method of signal employed in the issuance and transmission of an alarm, warning, recommendations or instructions for evacuation, are prescribed by Cabinet Office Order except as otherwise provided for by other laws and regulations.

(2) No person may be permitted to employ a signal prescribed in the preceding paragraph or similar signals without good reason.

(Report on Conditions of Disaster)

Article 53 (1) The municipality must, when a disaster has occurred in the area of the municipality, as provided for by Cabinet Order, promptly report to the prefectural governor (or to the Prime Minister when it is not possible to report to the prefectural governor) on conditions of the disaster and provide an outline of the measures taken.

(2) The prefecture must, when a disaster has occurred in the area of the prefecture, as provided for by Cabinet Order, promptly report to the Prime Minister on conditions of the disaster and provide an outline of the measures taken.

(3) When a disaster involving the operations of a designated public corporation has occurred, its representative must, as provided for by Cabinet Order, report promptly to the Prime Minister on conditions of the disaster and provide an outline of the measures taken.

(4) When a disaster involving the function under the jurisdiction of a designated

government organization has occurred, its head must, as provided for by Cabinet Order, report promptly to the Prime Minister on conditions of the disaster and provide an outline of the measures taken.

- (5) When a disaster concerning the report under provisions of paragraphs (1) through (4) is found to be an extraordinary disaster, the municipality, the prefecture, representative of the designated public corporation, or the head of the designated government organization must make efforts to gathering information needed to gauge the scale of the disaster.
- (6) In cases where a disaster has occurred within the area of a municipality, when the municipality is unable to make a report under paragraph (1) due to the occurrence of the disaster, the prefecture must make efforts to gathering information on the disaster.
- (7) In cases where a disaster has occurred within the area of a prefecture, when the prefecture is unable to make a report under paragraph (2) due to the occurrence of the disaster, the head of the designated government organization must make efforts to gathering information on the disaster involving the function under the head's jurisdiction.
- (8) When the Prime Minister has received reports under provisions of paragraphs (1) through (4), the Prime Minister is to notify the National Disaster Management Council of the matters concerning the report.

## **Section 2 Transmission of Alarms**

(Discoverer's Duty to Notify)

- Article 54 (1) Any person having detected an unusual event which is likely to lead to a disaster must notify without delay the mayor of a municipality, the police, or coast guard officers to that effect.
- (2) Every person must cooperate so that the notification prescribed in the preceding paragraph may reach appropriate authorities most speedily.
  - (3) The police or coast guard officers must, upon receipt of the notification under paragraph (1), promptly notify the mayor of a municipality to that effect.
  - (4) The mayor of a municipality must, upon receipt of the notification prescribed in paragraph (1) or the preceding paragraph, promptly notify the Japan Meteorological Agency or any other related organs to that effect pursuant to the provisions of the area disaster management plan.

(Prefectural Governor's Notification)

- Article 55 When the prefectural governor has received from the Meteorological Agency or any other agency of the State a notification of a forecast or an alarm of a disaster pursuant to the provisions of laws and regulations, or when that governor has issued an alarm pertaining to a disaster, that governor is to, as

provided for by laws and regulations or under an area disaster management plan, make necessary notification or requests to the heads of relevant designated local government organizations, designated local public corporations, the mayor of a municipality concerned, and other parties concerned in regard to the anticipated condition of the disaster and measures to be taken in response.

(Mayor's Transmission of Alarm and Warning)

- Article 56 (1) When the mayor of a municipality has received a notification of a forecast or an alarm of a disaster as provided for by laws and regulations, when the mayor has learned of a forecast or an alarm of a disaster on their own, when the mayor has issued an alarm pertaining to a disaster as provided for by laws and regulations, or when the mayor has received the notification prescribed in the preceding Article, the mayor must transmit the matters concerning the forecast, alarm, or notification to related organs, residents, and any other related public or private groups pursuant to the provisions of the area disaster management plan. In this case, when found necessary, the mayor may issue a necessary notification or alarm to residents and any other public or private groups in regard to the anticipated condition of the disaster and measures to be taken in response to prepare for evacuation for refuge.
- (2) The mayor of a municipality must, in issuing a necessary notification or alarm pursuant to the provisions of the preceding paragraph, pay special attention to evacuation for smooth refuge if Persons Requiring Special Care are recommended or instructed to evacuate for refuge under Article 60, paragraph (1).

(Priority Use of Communications Facilities for the Transmission of Alarm)

- Article 57 In cases where a notification, request, transmission, or alarm under the preceding two Articles requires urgency, when there is a special necessity for its communication, the prefectural governor or the mayor of a municipality may, as provided for by Cabinet Order except as otherwise provided for by other laws, use preferentially the telecommunications facilities that the telecommunications carriers prescribed in Article 2, item (v) of the Telecommunications Business Act (Act No. 86 of 1984) use for business purposes, use the wire telecommunications facilities or radio facilities installed by persons set forth in Article 3, paragraph (4), item (iv) of the Wire Telecommunications Act (Act No. 96 of 1953), request broadcast thereof the key broadcasters prescribed in Article 2, item (xxiii) of the Broadcast Act (Act. No. 132 of 1950) to broadcast, or request persons engaged in business activities provided for by Cabinet Order concerning the provision of information using the Internet to provide information using the Internet.

### **Section 3 Precautionary Measures and Evacuation**

(Mayor's Orders for Action)

Article 58 When a disaster is likely to occur, the mayor of a municipality must, as provided for by laws and regulations or under the municipal area disaster management plan, instruct a fire-fighting organ or a flood prevention unit to prepare for action or order it to mobilize, or request or seek Persons Responsible for Emergency Disaster Control Measures to prepare to take such necessary measures as mobilizing fire-fighting officials (except for the municipal officials), police or coast guard officers.

(Mayor's Precautionary Steps)

Article 59 (1) When a disaster is likely to occur, the mayor of a municipality may instruct the occupant, owner, or administrator of equipment or an object which is found likely to spread the disaster if it occurred to remove, safekeep, or take any other necessary measures for the equipment or object to the extent it is necessary to prevent the spread of the disaster.

(2) The district director of a police station, or the chief of an office of Regional Coast Guard Headquarters provided for by Cabinet Order (hereinafter referred to as "District Director of a Police Station and Others" in this paragraph and Articles 64 and 66) may, at the request of the mayor of a municipality, issue orders prescribed in the preceding paragraph. In this case, when the orders prescribed in the same paragraph have been issued, the District Director of a Police Station and Others must immediately notify the mayor of a municipality to that effect.

(Mayor's Orders for Evacuation)

Article 60 (1) In cases where a disaster has occurred or is likely to occur, when the mayor of a municipality finds it particularly necessary for protecting people's lives and bodies from disaster or for preventing the spread of a disaster, the mayor may make recommendations to evacuate for refuge to the Residents, etc. of an area where found necessary, or may, when found urgent, give instructions to evacuate for refuge to these persons.

(2) In cases where the mayor of a municipality finds it necessary for making recommendations or giving instructions for evacuation to take refuge pursuant to the provisions of the preceding paragraph, the mayor may instruct designated emergency evacuation site or other evacuation site as points to refuge.

(3) In cases where a disaster has occurred or is imminent, when the mayor of a municipality finds that evacuation for refuge is likely to put the life or body of

people at risk, the mayor may instruct refuge inside a building or other measures to ensure safety for evacuation inside a building (hereinafter referred to as "Measures to Ensure Safety Including Refuge Inside a Building") to the Residents, etc. in the area where finds it is necessary the measures.

- (4) When the mayor of a municipality, pursuant to the provisions of paragraph (1), has recommended or instructed evacuation for refuge, has specified the point to refuge, or, pursuant to the provisions of the preceding paragraph, has instructed Measures to Ensure Safety Including Refuge Inside a Building, the mayor must promptly report to the prefectural governor to that effect.
- (5) When there is no longer the need for evacuation, the mayor of a municipality must immediately make a public notice to that effect. The provisions of the preceding paragraph apply *mutatis mutandis* to this case.
- (6) In cases where a disaster involving an area of the prefecture has occurred, when a municipality is unable to perform all or the majority of its affairs because of the occurrence of the disaster, the prefectural governor must implement on behalf of the mayor of a municipality all or a part of the measures to be implemented by the mayor of a municipality pursuant to the provisions of paragraphs (1) through (3) and the first sentence of the preceding paragraph.
- (7) When the prefectural governor has begun or completed the implementation of affairs on behalf of the mayor of a municipality pursuant to the provisions of the preceding paragraph, the governor must make a public notice to that effect.
- (8) Necessary matters related to the prefectural governor in acting on behalf of the mayor of a municipality under paragraph (6) are prescribed by Cabinet Order.

(Orders for Evacuation by Police Officers)

- Article 61 (1) In the case referred to in the paragraph (1) or (3) of the preceding Article, when the mayor of a municipality finds it is unable to instruct evacuation for refuge or Measures to Ensure Safety Including Refuge Inside a Building prescribed in paragraph (1) of the same Article, or when there has been a request from the mayor, the police or coast guard officers may instruct evacuation for refuge or Measures to Ensure Safety Including Refuge Inside a Building to the Residents, etc. in an area where find necessary.
- (2) The provisions of the preceding Article, paragraph (2) apply *mutatis mutandis* to the case where the police or coast guard officers instruct the evacuation for refuge pursuant to the provisions of the preceding paragraph.
  - (3) When the police or coast guard officers have instructed evacuation for refuge or Measures to Ensure Safety Including Refuge Inside a Building pursuant to the provisions of paragraph (1), they must immediately notify the mayor of a municipality to that effect.

(4) The provisions of paragraphs (4) and (5) of the preceding Article apply mutatis mutandis to the mayor of a municipality who has received a notification prescribed in the preceding paragraph.

(Requisitioning by the Head of a Designated Government Organization)

Article 61-2 In cases where the mayor of a municipality finds it necessary to recommend or instruct evacuation for refuge pursuant to the provisions of Article 60, paragraph (1), or instruct Measures to Ensure Safety Including Refuge Inside a Building pursuant to the provisions of the same Article, paragraph (3), the mayor may request the head of the designated government organization, the head of the designated local government organization, or the prefectural governor to give advice on the recommendation or instructions. In this case, the head of the designated government organization, the head of the designated local government organization, or the prefectural governor who are requested to give advice is to give necessary advice related to the function under their jurisdiction.

(Priority Use of Communication Facilities)

Article 61-3 The provisions of Article 57 apply mutatis mutandis to the case where the mayor of a municipality recommends or instructs evacuation for refuge pursuant to the provisions of Article 60, paragraph (1), or instructs Measures to Ensure Safety Including Refuge Inside a Building pursuant to the provisions of the same Article, paragraph (3) (including the case where the prefectural governor conducts affairs on behalf of the mayor of a municipality pursuant to the provisions of the same Article, paragraph (6)).

## **Section 4 Emergency Measures**

(Emergency Measures of a Municipality)

Article 62 (1) When a disaster involving an area of a municipality has occurred or is imminent, the mayor of a municipality must, as provided for by laws and regulations or under an area disaster management plan, promptly implement fire-fighting, flood prevention, rescue and other necessary emergency measures to prevent disaster or the spread of a disaster (hereinafter referred to as "Emergency Measures").

(2) When a disaster involving an area of a municipality has occurred or is imminent, the committee of the municipality or its members, any public organization in that area, administrators of facilities important for disaster management, and other parties responsible for the implementation of Emergency Measures as provided for by laws and regulations must, pursuant to the provisions of an area disaster management plan, implement Emergency

Measures concerning the function or operations under their jurisdiction under the jurisdiction of the mayor of a municipality, and also must cooperate in the implementation of Emergency Measures undertaken by the mayor of a municipality.

(Mayor's Right to Establish a Restricted Area)

- Article 63 (1) In cases where a disaster has occurred or is imminent, when the mayor of a municipality finds it particularly necessary for preventing danger to people's lives or bodies, the mayor may establish a restricted area and restrict or prohibit any persons other than those engaged in emergency disaster control measures from entering that area, or may order them to leave that area.
- (2) In the case referred to in the preceding paragraph, if the mayor of a municipality or officials of the municipality exercising the authority of the mayor prescribed in the same paragraph delegated by them are not on the site, or if a request is made by them, police or coast guard officers may exercise the authority of the mayor prescribed in the same paragraph. In this case, when the police or coast guard officers have exercised the authority of the mayor of a municipality prescribed in the same paragraph, they must immediately notify the mayor of a municipality to that effect.
- (3) Provided that neither the mayor of a municipality nor anyone able to exercise the authority of the mayor of a municipality prescribed in paragraph (1) above is present, the provisions of paragraph (1) above apply mutatis mutandis to the performance of the duties of Self-Defense Force personnel of units that are prescribed in Article 8 of the Self-Defense Forces Act (Act No. 165 of 1954) and dispatched pursuant to the provisions of Article 83, paragraph (2) of the same Act (hereinafter referred to as "SDF Personnel of Units under Disaster Relief Operation"). In this case, when SDF Personnel of Units under Disaster Relief Operation have taken measures prescribed in the provisions of paragraph (1) above, they must immediately notify the mayor of a municipality to that effect.
- (4) The provisions of Article 61-2 apply mutatis mutandis to the case when attempting to establish a restricted area pursuant to the provisions of paragraph (1).

(Requisitioning for Emergency Official Use)

- Article 64 (1) In cases where a disaster involving an area of a municipality has occurred or is imminent, when the mayor of a municipality finds it urgently necessary for implementing Emergency Measures, the mayor may use temporarily the land, building, or any other structure belonging to other person within the area of the municipality, use or expropriate stone, bamboo and wood, or other object, as provided for by Cabinet Order.
- (2) In cases where a disaster involving an area of a municipality has occurred or



- is imminent, when the mayor of a municipality finds it urgently necessary for implementing Emergency Measures, the mayor may remove any structure or objects on the site affected by the disaster and which may hinder the execution of Emergency Measures (hereinafter referred to as "Structures, etc." in this Article) or take other necessary measures. In this case, when the mayor removes Structures, etc., the mayor must keep them under their custody.
- (3) When the mayor of a municipality has kept Structures, etc. into their custody, pursuant to the provisions of the second sentence of the preceding paragraph, the mayor must, as provided for by Cabinet Order, publicly notify the matters provided for by Cabinet Order in order to return the Structures, etc., to the occupant, owner, or any persons having title to Structures, etc. (hereinafter referred to as "Occupants, etc." in this Article).
- (4) When there is a risk of Structures, etc., which have been kept in custody pursuant to the provisions of the second sentence of paragraph (2), being destroyed, lost, or damaged, or when their custody would incur undue cost or effort, the mayor of a municipality may, as provided for by Cabinet Order, sell the Structures, etc., and hold the sales proceeds.
- (5) Costs of custody of Structures, etc., their sale, public notices in connection with them, etc., prescribed in the preceding three paragraphs, are charged against the Occupants, etc. to whom the relevant Structures, etc., are returned, and as regards the collection of the expenses, Articles 5 and 6 of the Act on Substitute Execution by Administration (Act No. 43 of 1948) apply *mutatis mutandis*.
- (6) When the Structures, etc., which have been kept in custody pursuant to the provisions of the second sentence of paragraph (2) (including sales proceeds under paragraph (4); hereinafter the same applies in this paragraph), are not returned after six months from the date of the public notice prescribed in paragraph (3), the ownership of the relevant Structures, etc., reverts to the municipality under the control of the mayor.
- (7) The provisions of paragraph (2) of the preceding Article apply *mutatis mutandis* to cases under paragraph (1) and the first sentence of paragraph (2).
- (8) Provided that neither the mayor of a municipality nor anyone able to exercise the authority of the mayor of a municipality prescribed in paragraph (1) or the first sentence of paragraph (2) above is present, the provisions of paragraph (1) and the first sentence of paragraph (2) above apply *mutatis mutandis* to the performance of the duties of SDF Personnel of Units under Disaster Relief Operation. In this case, when SDF Personnel of Units under Disaster Relief Operation have taken measures prescribed in the provisions of paragraph (1) or the first sentence of paragraph (2) above, they must immediately notify the mayor of a municipality to that effect.
- (9) When the police, coast guard officers or the SDF Personnel of Units under

Disaster Relief Operation have removed Structures, etc., pursuant to the provisions of paragraph (2) of the preceding Article as applied mutatis mutandis pursuant to paragraph (7) or the first sentence of paragraph (2) as applied mutatis mutandis pursuant to the preceding paragraph, they must present the relevant Structures, etc., to the District Director of a Police Station and Others having jurisdiction over the original location of the Structures, etc., or to the head of the units prescribed in Article 8 of the Self-Defense Forces Act and provided for by Cabinet Office Order (hereinafter referred to as "SDF Units Commanding Officer" in this Article). In this case, the District Director of a Police Station and Others, or SDF Units Commanding Officer must keep the relevant Structures, etc., in custody.

- (10) The custody of Structures, etc., by the District Director of a Police Station and Others, or SDF Units Commanding Officer pursuant to the provisions of the preceding paragraph is governed by the provisions of paragraphs (3) through (6); provided, however, that the ownership of Structures, etc., which are not returned after six months from the date of public notice governed by paragraph (3) reverts to the prefecture to which the police station belongs if the relevant Structures, etc., are under the custody of the District Director of a Police Station and Others, and to the State if they are under the custody of the head of the office of the Regional Coast Guard Headquarters provided for by Cabinet Order or the SDF Units Commanding Officer.

Article 65 (1) In cases where a disaster involving an area of a municipality has occurred or is imminent, when the mayor of a municipality finds it urgently necessary for implementing Emergency Measures, that mayor may cause any residents of the area of the municipality or any persons who are on the site where Emergency Measures should be taken to engage in operations under the relevant Emergency Measures.

- (2) The provisions of Article 63, paragraph (2) apply mutatis mutandis to the preceding paragraph.
- (3) Provided that neither the mayor of a municipality nor anyone able to exercise the authority of the mayor of a municipality prescribed in the same paragraph is present, the provisions of paragraph (1) above apply mutatis mutandis to the performance of the duties of SDF Personnel of Units under Disaster Relief Operation. In this case, when SDF Personnel of Units under Disaster Relief Operation have taken measures prescribed in the provisions of the same paragraph, they must immediately notify the mayor of a municipality to that effect.

(Special Provisions for Disposition for Flotsam in Time of a Disaster)

Article 66 (1) In cases where a disaster has occurred, when the District Director

of a Police Station and Others have removed flotsam or submerged goods prescribed in Article 29, paragraph (1) of the Sea Casualties Rescue Act (Act No. 95 of 1899), they may keep the objects in custody, notwithstanding the provisions of the same paragraph.

- (2) The provisions of Chapter II of the Sea Casualties Rescue Act apply *mutatis mutandis* to cases in which the District Director of a Police Station and Others have taken into custody flotsam or submerged goods pursuant to the provisions of the preceding paragraph.

(Request for Support from Other Mayor of a municipality)

Article 67 (1) In cases where a disaster has occurred involving an area of a municipality, when the Mayor of a municipality, etc. finds it necessary for implementing emergency disaster control measures, the mayor, etc. may ask support from other Mayor of a municipality, etc. In this case, the Mayor of a municipality, etc. whose support has been asked for implementing Emergency Measures may not refuse support except for just cause.

- (2) Those who render the support prescribed in the preceding paragraph are to act under the direction of the Mayor of a municipality, etc. who have requested support, insofar as the implementation of emergency disaster control measures is concerned.

(Request for Support from Prefectural Governor)

Article 68 In cases where a disaster involving an area of a municipality has occurred, when the Mayor of a municipality, etc. finds it necessary for implementing emergency disaster control measures, the mayor may ask for support or request implementation of emergency disaster control measures from the Prefectural Governor, etc.. In this case, the Prefectural Governor, etc. asked for support or requested to implement emergency disaster control measures may not refuse support or implementation of emergency disaster control measures except for just cause.

(Request to Call up Disaster Relief Operation)

Article 68-2 (1) In cases where a disaster involving an area of a municipality has occurred or is imminent, when the mayor of a municipality finds it necessary for implementing Emergency Measures, the mayor may ask the prefectural governor to issue a call under Article 83, paragraph (1) of the Self-Defense Forces Act (referred to as "Call" in the following paragraph). In this case, the mayor of a municipality may notify the Minister of Defense or the person designated by the Minister to that effect and the conditions of the disaster involving an area of the municipality.

- (2) When unable to ask prescribed in the preceding paragraph, the mayor of a

municipality may notify the Minister of Defense or a person designated by the Minister to that effect and the conditions of the disaster involving an area of the municipality. In this case, the Minister of Defense or the person designated by the Minister, having been notified as described above and in light of the condition, finding there to be particular urgency and no time to wait for a Call, may dispatch the units prescribed in Article 8 of the Self-Defense Forces Act for the protection of life and property without waiting for a Call.

- (3) When the mayor of a municipality has made the notification set forth in the preceding two paragraphs, the mayor must promptly notify the prefectural governor to that effect.

(Special Provisions for Procedure for Delegation of Affairs in Time of a Disaster)

Article 69 In cases where a disaster involving an area of a municipality has occurred, when the municipality finds it necessary for implementing Emergency Measures, notwithstanding the provisions of Articles 252-14 and 252-15 of the Local Autonomy Act, as provided for by Cabinet Order, it may delegate its affairs or part of the affairs under the authority of the Mayor of a municipality, etc. to another local government and cause the head or any other executive agency of the local government to manage and execute them.

(Emergency Measures at the Prefectural Level)

Article 70 (1) When a disaster involving an area of a prefecture has occurred or is imminent, the prefectural governor must, as provided for by laws and regulations or under an area disaster management plan, implement promptly Emergency Measures concerning the function under their jurisdiction. In this case, the prefectural governor must endeavor to ensure that Emergency Measures taken by municipalities within its area are carried out accurately and smoothly.

- (2) When a disaster involving an area of a prefecture has occurred or is imminent, the committee of the prefecture or its members must, pursuant to the provisions of laws and regulations or an area disaster management plan, implement the Emergency Measures concerning the function under their jurisdiction, under the jurisdiction of the prefectural governor.

- (3) In the case referred to in the paragraph (1), when a prefectural governor finds it necessary for implementing Emergency Measures for ensuring accurate and smooth implementation of Emergency Measures taken by municipalities within its area, the governor may request or ask the head of a designated government organization or designated local government organization, any other executive agency of the prefecture, or a designated public corporations or designated local public corporations to implement Emergency Measures. In this case, the

head of a designated government organization or designated local government organization requested to implement Emergency Measures may not refuse the implementation of Emergency Measures except for just cause.

(Governor's Orders to Work in Emergency Measures)

- Article 71 (1) In cases where a disaster involving an area of a prefecture has occurred, when the prefectural governor finds it particularly necessary for implementing Emergency Measures set forth in Article 50, paragraph (1), items (iv) through (ix), in accordance with the provisions of Articles 7 through 10 of the Disaster Relief Act (Act No. 118 of 1947), the governor may issue orders for work, cooperation, or custody, or administer, use or requisition any facility, land, house, or goods, or cause their officials to enter and inspect any facility, land, house, or any place where the goods are located or held in custody, or to ask for a report from person who has been assigned the custody of the goods.
- (2) Part of the function under the authority of the prefectural governor under the preceding paragraph may, as provided for by Cabinet Order, be delegated to the mayor of a municipality concerned.

(Governor's Orders)

- Article 72 (1) When a prefectural governor finds it particularly necessary for ensuring accurate and smooth implementation of Emergency Measures at the municipal level within the area of a prefecture, governor may give necessary instructions with respect to the implementation of Emergency Measures to the mayor of a municipality, or instruct to support for mayors of other municipalities.
- (2) When a prefectural governor finds it particularly necessary for ensuring accurate and smooth implementation of emergency disaster control measures (Emergency Measures are excluded; hereinafter the same applies in this paragraph) at the municipal level within the area of a prefecture, the governor may ask the mayor of a municipality to implement emergency disaster control measures or to support mayors of other municipalities.
- (3) Those who render the support concerning instructions or requests from the prefectural governor under the preceding two paragraphs are to act under the direction of the mayor of a municipality receiving the support insofar as the implementation of emergency disaster control measures is concerned.

(Execution of Emergency Measures by a Prefectural Governor)

- Article 73 (1) In cases where a disaster involving an area of a prefecture has occurred, when a municipality is unable to perform all or the majority of its affairs because of the occurrence of the disaster, the prefectural governor must

implement on behalf of the mayor of a municipality all or a part of the Emergency Measures to be implemented by the mayor of a municipality pursuant to the provisions of Article 63, paragraph (1), Article 64, paragraphs (1) and (2), and Article 65, paragraph (1).

- (2) When the prefectural governor has begun or completed the implementation of affairs on behalf of the mayor of a municipality pursuant to the provisions of the preceding paragraph, the governor must make a public notice to that effect.
- (3) Necessary matters related to the prefectural governor in acting on behalf of the mayor of a municipality under paragraph (1) are prescribed by Cabinet Order.

(Request for Support from Prefectural Governor)

Article 74 (1) In cases where a disaster involving an area of a prefecture has occurred, when a Prefectural Governor, etc. finds it necessary for implementing emergency disaster control measures, that person may ask support from other Prefectural Governor, etc. In this case, the Prefectural Governor, etc. whose support has been asked for implementing Emergency Measures may not refuse the support except for just cause.

- (2) Those who render the support prescribed in the preceding paragraph are to act under the direction of the Prefectural Governor, etc. who have requested the support, insofar as the implementation of emergency disaster control measures is concerned. In this case, as regards the police officers, they are to exercise their authority, under the control of the public safety commission of the prefecture that asked the support.

(Request for Support by the Prime Minister)

Article 74-2 (1) In cases where a disaster involving an area of a prefecture has occurred, when the prefectural governor finds that support concerning emergency disaster control measures is not implemented smoothly only by the instructions under Article 72, paragraph (1), or the request under same Article paragraph (2) or the preceding Article paragraph (1), the governor may request the Prime Minister to ask the governors of other prefectures to support the prefectural governor where the disaster has occurred (hereinafter referred to as "Governor of the Prefecture where the Disaster Has Occurred" in this Article) or the mayor of the municipality where the disaster has occurred (hereinafter referred to as "Mayor of the Municipality where the Disaster Has Occurred" in this Article).

- (2) In cases where a request has been made under the preceding paragraph, when the Prime Minister finds it particularly necessary for ensuring that emergency disaster control measures to be taken by the Governor of the Prefecture where the Disaster Has Occurred and the Mayor of the Municipality

where the Disaster Has Occurred are implemented accurately and smoothly, the minister may ask prefectural governors other than the Governor of the Prefecture where the Disaster Has Occurred to support the Governor of the Prefecture where the Disaster Has Occurred or the Mayor of the Municipality where the Disaster Has Occurred.

- (3) In cases where a disaster has occurred, when the Prime Minister finds that it is particularly necessary for ensuring that emergency disaster control measures to be taken by the Governor of the Prefecture where the Disaster Has Occurred and the Mayor of the Municipality where the Disaster Has Occurred are implemented accurately and smoothly, the minister may, if it is found particularly urgent in light of the situation and there is no time to wait for the request under paragraph (1), ask prefectural governors other than the Governor of the Prefecture where the Disaster Has Occurred to support the Governor of the Prefecture where the Disaster Has Occurred or the Mayor of the Municipality where the Disaster Has Occurred without waiting for the request. In this case, the Prime Minister is to promptly notify the relevant Governor of the Prefecture where the Disaster Has Occurred to that effect.
- (4) In cases where support will be provided in response to the request by the Prime Minister under the preceding two paragraphs, when prefectural governors other than the Governor of the Prefecture where the Disaster Has Occurred find it particularly necessary for ensuring that emergency disaster control measures to be taken by the Mayor of the Municipality where the Disaster Has Occurred are implemented accurately and smoothly, they may request the mayors of municipalities within the areas of the prefectures to support the Mayor of the Municipality where the Disaster Has Occurred.
- (5) Those who render the support concerning a request from the Prime Minister under paragraphs (2) and (3) are to act under the direction of the prefectural governor receiving the support insofar as the implementation of emergency disaster control measures is concerned.
- (6) Those who render the support concerning a request from the governor under paragraph (4) are to act under the direction of the mayor of a municipality receiving the support insofar as the implementation of emergency disaster control measures is concerned.

(Requisitioning by the Head of a Designated Government Organization)

Article 74-3 Beyond what is provided for in Article 70, paragraph (3), in cases where a disaster involving an area of a prefecture has occurred, when the prefectural governor finds it necessary for implementing emergency disaster control measures, the governor may ask support from the head of the designated government organization or the head of a designated local government organization or request them to implement emergency disaster

control measures. In this case, the head of the designated government organization or the head of the designated local government organization asked to support or requested to implement emergency disaster control measures may not refuse support or implementation of emergency disaster control measures except for just cause.

(Special Provisions for Procedure for Delegation of Affairs in Time of a Disaster)

Article 75 In cases where a disaster involving an area of a prefecture has occurred, when the prefecture finds it necessary for implementing Emergency Measures, notwithstanding the provisions of Article 252-14 and Article 252-15 of the Local Autonomy Act, as provided for by Cabinet Order, it may delegate the affairs or part of the affairs under the authority of the Prefectural Governor, etc. to another prefecture so as to cause the Prefectural Governor, etc. to direct and execute the affairs,.

(Traffic Restrictions in Time of a Disaster)

Article 76 (1) In cases where a disaster involving an area of a prefecture or adjoining or nearby prefectures has occurred or is imminent, when the prefectural public safety commission finds it urgently necessary for accurate and smooth emergency disaster control measures, it may, as provided for by Cabinet Order, designate sections of road (zones or sections of roads in the locale where the disaster has occurred or is imminent, and in nearby areas) and ban or restrict vehicular traffic in those sections excluding emergency vehicles (referring to "emergency automobiles" as set forth in Article 39, paragraph (1) of the Road Traffic Act (Act No. 105 of 1960) or other vehicles for which there is a particular need to ensure passage in order for accurate and smooth implementation of emergency disaster control measures and which are provided for by Cabinet Order; the same applies hereinafter).

(2) When the ban or restriction of vehicular traffic under the preceding paragraph (hereinafter referred to as "Traffic Ban, etc.") has been issued, the prefectural public safety commission issuing the Traffic Ban, etc. and prefectural public safety commissions with jurisdictions adjoining or nearby the relevant prefectural public safety commission that issued the Traffic Ban, etc. must immediately take measures to inform persons within the area of their prefectures of the zones or sections of roads related to the Traffic Ban, etc. (referred to as "Traffic Ban zone, etc." in paragraph (4) of the following Article and in Article 76-3, paragraph (1)) and any other necessary matters.

Article 76-2 (1) When Traffic Ban, etc. concerning a section of road are in effect, the drivers of vehicles subject to the Traffic Ban, etc. in the section of road



must promptly move the vehicles to a place outside of the section of road. In this case, if it is difficult to promptly move the relevant vehicles to places outside the section of road, drivers must wherever possible park their vehicles along the left-hand side of the road or in some other such manner so as not to be an obstruction of the passage of emergency vehicles.

- (2) When Traffic Ban, etc. concerning an zone are in effect, the drivers of vehicles subject to the Traffic Ban, etc. in that zone must promptly move the vehicles to a place outside of that zone. In this case, if it is difficult to promptly move the vehicles to places outside the zone, drivers must wherever possible park their vehicles along the left-hand side of the road or in some other such manner so as not to be an obstruction of the passage of emergency vehicles.
- (3) The provisions of Chapter III, Section 9, and Article 75-8 of the Road Traffic Act do not apply to parking under the preceding two paragraphs.
- (4) Notwithstanding the provisions of paragraphs (1) and (2) above, when the driver of a vehicle in Traffic Ban Zone, etc. receive instructions from a police officer, the driver must move or park their vehicles as instructed.
- (5) The bans and restrictions on vehicular traffic under paragraph (1) of the preceding Article do not apply to moving or parking vehicles under paragraph (1), (2), or preceding paragraph.

Article 76-3 (1) Police officers may, when they find that vehicles or other objects in Traffic Ban Zone, etc. are likely to impede the passage of emergency vehicles and thereby extremely hinder the implementation of emergency disaster control measures, order the occupant, owner, or manager of the vehicles or other objects to move the vehicles or other objects to a nearby place off the road or to take other necessary measures so as to ensure the smooth passage of emergency vehicles in the Traffic Ban Zone, etc.

- (2) In cases referred to in the preceding paragraph in which the person ordered to take the measures under the same paragraph does not take the measures or the person to be ordered is not present at the site and cannot be ordered to take the measures, the police officer may take the relevant measures. In this case, the police officer may, to the extent unavoidable in taking the measures, damage the vehicle or other objects related to the measures.
- (3) The provisions of the preceding two paragraphs apply mutatis mutandis to the performance of duties by SDF Personnel of Units under Disaster Relief Operation provided that there is no police officer there. In this case, the term "passage of emergency vehicles and" in paragraph (1) is deemed to be replaced with "passage of Self-Defense Forces emergency vehicles (which means emergency vehicles used by the Self-Defense Forces and being operated in order to implement emergency disaster control measures; hereinafter the same applies in this paragraph) and," and the term "smooth passage of emergency

- vehicles" with "smooth passage of Self-Defense Forces emergency vehicles."
- (4) The provisions of paragraphs (1) and (2) apply mutatis mutandis to the performance of duties of fire-fighting officials provided that there is no police officer there. In this case, the term "passage of emergency vehicles and" in paragraph (1) is deemed to be replaced with "passage of fire department emergency vehicles (which means emergency vehicles used by fire-fighting organs and being operated in order to implement emergency disaster control measures; hereinafter the same applies in to this paragraph) and," and the term "smooth passage of emergency vehicles" with "smooth passage of fire department emergency vehicles."
- (5) The bans and restrictions on vehicular traffic under Article 76, paragraph (1) and the provisions of paragraphs (1), (2), and (4) of the preceding Article do not apply to measures that are taken in accordance with orders given under paragraph (1) (including as applied mutatis mutandis pursuant to the preceding two paragraphs) or measures that are taken pursuant to the provisions of paragraph (2) above (including as applied mutatis mutandis pursuant to the preceding two paragraphs).
- (6) When SDF Personnel of Units under Disaster Relief Operation or fire-fighting officials issue orders under paragraph (1) as applied mutatis mutandis pursuant to paragraph (3) or paragraph (4) or take measures under paragraph (2) as applied mutatis mutandis pursuant to paragraph (3) or paragraph (4), they must immediately notify this action to the district director of police station with jurisdiction over the place in which the orders were issued or the measures taken.

Article 76-4 (1) When the prefectural public safety commission finds it necessary for the implementation of Traffic Ban, etc., it may request the Road Management Body, etc. to issue designation or orders under Article 76-6, paragraph (1), etc., or to take measures under paragraph (3) or paragraph (4) of the same Article, with respect to the section of road where the Traffic Ban, etc. will be implemented.

- (2) "Road Management Body, etc." prescribed in the preceding paragraph means Road Management Body (referring to, for national expressways prescribed in Article 4, paragraph (1) of the National Expressway Act (Act No. 79 of 1957), the Minister of Land, Infrastructure and Transportation, and, for other roads, the Road Management Body prescribed in Article 18, paragraph (1) of the Road Act (Act No. 180 of 1952); the same applies hereinafter), Port Management Body (which means port management body prescribed in Article 2, paragraph (1) of the Port and Harbor Act and limited to who manage the roads prescribed in paragraph (5), item (iv) of the same Article (includes roads as considered roads prescribed in the same item pursuant to the provisions of paragraph (6)

of the same Article; the same applies in Article 76-7, paragraph (2))), or Fishing Port Management Body (which means local government decided pursuant to the provisions of Article 25 of the Act on Development of Fishing Ports and Grounds (Act No. 137 of 1950) and limited to who manage the roads prescribed in Article 3, item (ii)(a) of the same Act (includes roads as considered roads prescribed in (a) of the same item pursuant to the provisions of Article 40, paragraph (1) or paragraph (2) of the same Act; the same applies in Article 76-7, paragraph (3))).

- (3) For application of the provisions of paragraph (1) in case of a request under the same paragraph for a section of a Company Managed Expressway (referring to an expressway prescribed in Article 2, paragraph (2) of the Act on Expressway Company Limited (Act No. 99 of 2004) which the company prescribed in Article 2, paragraph (4) of the Act on Special Measures concerning Road Construction and Improvement (Act No. 7 of 1956) (referred to as the "Company" in Article 76, paragraphs (6) and (7)) maintains, repairs, and implements disaster recovery efforts. The same applies in Article 76, paragraph (6)), the term "Road Management Body, etc." in the same paragraph is deemed to be replaced with "The Japan Expressway Holding and Debt Repayment Agency (hereinafter referred to as "Agency" in this paragraph)", and the term "Article 76-6, paragraph (1)" is deemed to be replaced with "paragraph (1) of the same Article which the Agency conducts on behalf of the Road Management Body of a Company Managed Expressway pursuant to the provisions of Article 76-6, paragraph (5)".
- (4) For application of the provisions of paragraph (1) in the case of a request under the same paragraph for a section of Public Institution Managed roads (which means roads that Local Road Public Institution (referring to Local Road Public Institution prescribed in Article 1 of the Act on Local Road Public Institution (Act No. 82 of 1970); the same applies hereinafter) maintains, repairs, and implements disaster recovery efforts pursuant to the provisions of Article 14 of the Act on Special Measures concerning Road Construction, and maintains, repairs, and implements disaster recovery efforts under the permission of Article 15, paragraph (1) of the same Act; the same applies in Article 76-6, paragraphs (8) and (9)), the term "Road Management Body, etc." in the same paragraph is deemed to be replaced with "Local Road Public Institution (referring to Local Road Public Institution prescribed in paragraph (4); hereinafter the same applies in this paragraph)", and the term "Article 76-6, paragraph (1)" is deemed to be replaced with "paragraph (1) of the same Article which the Local Road Public Institution conducts on behalf of the Road Management Body of a Public Institution Managed Road pursuant to the provisions of Article 76-6, paragraph (8)."

Article 76-5 When the national public safety commission finds it particularly necessary for the accurate and smooth implementation of emergency disaster control measures, it may issue instructions to relevant prefectural public safety commissions regarding Traffic Ban, etc. as provided for by Cabinet Order.

(Movement of Vehicles in Case of Disaster)

Article 76-6 (1) In cases where a disaster has occurred involving an area of the prefecture where roads under the management of the Road Management Body, etc. prescribed in Article 76-4, paragraph (2) (hereinafter referred to as "Road Management Body, etc." in this Article) exist or adjoining or nearby prefectures, when passage of vehicles on the road is suspended or extremely congested, vehicles or other objects are likely to impede the passage of emergency vehicles and thereby extremely hinder the implementation of emergency disaster control measures, and it is found urgently necessary to ensure the passage of emergency vehicles, as provided for by Cabinet Order, the Road Management Body, etc. may designate the section of the roads under its management and order the occupant, owner, or manager of the vehicles or other objects (referred to as "Occupant of Vehicles, etc." in item (iii) of paragraph (3)) to move the vehicles or other objects to a nearby places off the road or to take other necessary measures so as to ensure the passage of emergency vehicles at the designated section of the roads.

(2) When a road section has been designated under the preceding paragraph, the Road Management Body, etc. must immediately take measures to inform persons within the designated road section (hereinafter referred to as "Designated Road Section" in this paragraph) of the Designated Road Section.

(3) For the following cases, the Road Management Body, etc. may take the measures under paragraph (1) by itself. In this case, the Road Management Body, etc. may, to the extent unavoidable in taking the measures, damage the vehicles and other objects related to the measures.

(i) In case the person who is ordered to take measures under paragraph (1) does not take the measures.

(ii) In case the Road Management Body, etc. is unable to order measures to be taken under paragraph (1) because the person to be ordered under the same paragraph is not present at the site.

(iii) In case the Road Management Body, etc. finds that it is unable to make Occupant of Vehicles, etc. take measures under paragraph (1) considering road conditions or other circumstances and decides not to give an order under the same paragraph.

(4) The Road Management Body, etc. may, when found unavoidably necessary to do so to take measures under paragraph (1) or the preceding paragraph, use

the land belonging to other persons temporarily or dispose of bamboos and woods, or other objects to the extent necessary.

- (5) The Japan Expressway Holding and Debt Repayment Agency (hereinafter referred to as "Agency") is to use the authority under paragraph (1) through the preceding paragraph on behalf of the Road Management Body of Company Managed Expressway.
- (6) In cases where the Agency has used the authority on behalf of the Road Management Body of Company Managed Expressway pursuant to the provisions of the preceding paragraph, the Agency must notify the Company to that effect without delay.
- (7) When the Agency intends to outsource a part of affairs concerning the authority to use on behalf of the Road Management Body of Company Managed Expressway pursuant to the provisions of paragraph (5), the Agency must, in order to ensure smooth and efficient implementation of the outsourced affairs, consult with the Company in advance, and decide the content of the affairs to be outsourced and the method of bearing the expenses required for it.
- (8) The Local Road Public Institution is to use the authority under paragraph (1) through (4) on behalf of the Road Management Body of Public Institution Managed roads.
- (9) The authority which the Agency uses pursuant to the provisions of paragraph (5) on behalf of the Road Management Body of Company Managed Expressway may be used up to the expiry date of the collection period of the fee to be announced pursuant to the provisions of Article 25, paragraph (1) of the Act on Special Measures concerning Road Construction and Improvement. The same applies in the case where the Local Road Public Institution uses the authority on behalf of the Road Management Body of Public Institution Managed roads pursuant to the provisions of the preceding paragraph.

Article 76-7 (1) The Minister of Land, Infrastructure, Transport and Tourism, pertaining to other national roads (referring to general national roads set forth in Article 3, item (ii) of the Road Act), than designated sections prescribed in Article 13, paragraph (1) of the same Act prefectural roads (referring to prefectural roads set forth in Article 3, item (iii) of the same Act), and municipal roads (referring to municipal roads set forth in Article 3, item (iv) of the same Act; hereinafter the same applies in this paragraph) and the prefectural governor, pertaining to other municipal roads than city roads of a designated city prescribed in Article 252-19, paragraph (1) of the Local Autonomy Act, may, when found particularly necessary for ensuring the passage of emergency vehicles and to implement emergency disaster control measures accurately and smoothly, instruct each Road Management Body of the roads to issue a designation or order under paragraph (1) of the preceding

Article or take measures under paragraph (3) or paragraph (4) of the same Article, as provided for by Cabinet Order.

- (2) When the Minister of Land, Infrastructure, Transport and Tourism, pertaining to roads managed by a Port Management Body, finds it particularly necessary for ensuring the passage of emergency vehicles and to implement emergency disaster control measures accurately and smoothly, the minister may instruct the Port Management Body to issue a designation or order under paragraph (1) of the preceding Article or take measures under paragraph (3) or paragraph (4) of the same Article, as provided for by Cabinet Order.
- (3) When the Minister of Agriculture, Forestry and Fisheries, pertaining to roads managed by a Fishing Port Management Body, finds it particularly necessary for ensuring the passage of emergency vehicles and to implement emergency disaster control measures accurately and smoothly, the minister may instruct the Fishing Port Management Body to issue a designation or order under paragraph (1) of the preceding Article or take measures under paragraph (3) or paragraph (4) of the same Article as provided for by Cabinet Order.

Article 76-8 All or a part of the authority of the Minister of Land, Infrastructure, Transport and Tourism who is the Road Management Body prescribed in Article 76-6 and the authority of the Minister of Land, Infrastructure and Transport prescribed in paragraphs (1) and (2) of the preceding Article may be delegated to the Regional Development Bureau Director General or Hokkaido Development Bureau Director General as provided for by Cabinet Order.

(Emergency Measures by the Head of a Designated Government Organization)

- Article 77 (1) When a disaster has occurred or is imminent, the heads of designated government organizations and the head of a designated local government organizations must, as provided for by laws and regulations or under a disaster management plan, implement promptly the Emergency Measures concerning the function under their jurisdiction and to take necessary measures in the interest of accurate and smooth implementation of Emergency Measures taken by prefecture or municipality.
- (2) In cases referred to in the preceding paragraph, when the heads of designated government organizations and the head of a designated local government organizations find it necessary for implementing Emergency Measures, they may request or instruct the prefectural governor, the mayor of a municipality, or a designated public corporations or designated local public corporations to implement Emergency Measures.

(Requisitioning by the Head of a Designated Government Organization)

Article 78 (1) In cases where a disaster has occurred, when the heads of

designated government organizations and the head of designated local government organizations find it particularly necessary for implementing Emergency Measures pertaining to matters set forth in Article 50, paragraph (1), items (iv) through (ix), they may, pursuant to the provisions of a disaster management operation plan, order the persons engaged in the business of production, collection, sales, distribution, storage, or transportation of the goods necessary for Emergency Measures to store goods that they deal with, or may expropriate the goods as are necessary for Emergency Measures.

- (2) When the heads of designated government organizations and the head of designated local government organizations find it necessary for ordering the storage of goods or expropriation of goods pursuant to the provisions of the preceding paragraph, they may cause their officials to enter and inspect the place where the goods are stored or located.
- (3) The heads of designated government organizations and the head of designated local government organizations may, ask for a necessary report from persons who have goods in their custody pursuant to the provisions of paragraph (1), or cause their officials to enter and inspect the place where these goods are stored.

(Emergency Measures by the Head of a Designated Government Organization)

Article 78-2 (1) The head of a designated government organization or the head of a designated local government organization must, when the municipality and the prefecture including the municipality find that they are unable to perform all or the majority of their affairs because of the occurrence of a disaster, implement on behalf of the mayor of the municipality all or a part of the Emergency Measures to be implemented by the mayor of the municipality pursuant to the provisions of Article 64, paragraphs (1) and (2), and Article 65, paragraph (1), as provided for by laws and regulations or under a disaster management plan.

- (2) When the head of a designated government organization or the head of a designated local government organization has begun or completed the implementation of affairs on behalf of the mayor of a municipality pursuant to the provisions of the preceding paragraph, the head must make a public notice to that effect.
- (3) Necessary matters related to the head of a designated government organization or the head of a designated local government organization in acting on behalf of the mayor of a municipality under paragraph (1) are prescribed by Cabinet Order.

(Priority Use of Communications Facilities)

Article 79 In cases where a disaster has occurred, when there is an urgent and special necessity to make necessary communications in implementing

Emergency Measures, the head of a designated government organization or the head of a designated local government organization, the prefectural governor, or the mayor of a municipality may, except as otherwise provided for by other laws, use on a priority basis telecommunications facilities used for business purposes by the telecommunications carriers prescribed in Article 2, item (v) of the Telecommunications Business Act, or use wire telecommunications facilities or radio facilities installed by persons set forth in Article 3, paragraph (4), item (iv) of the Wire Telecommunications Act.

(Emergency Measures by Designated Public Corporations)

Article 80 (1) When a disaster has occurred or is imminent, designated public corporation and designated local public corporation must, as provided for by laws and regulations or under a disaster management plan, implement promptly Emergency Measures concerning function under its jurisdiction and take necessary measures in the interest of an accurate and smooth implementation of Emergency Measures by the head of a designated local government organization, the Prefectural Governor, etc., and the Mayor of a municipality, etc.

(2) When designated public corporations and designated local public corporations find it particularly necessary for implementing Emergency Measures concerning function under their jurisdiction, they may, as provided for by laws and regulations or under a disaster management plan, ask for support from the head of a designated government organization or the head of a designated local government organization, a prefectural governor, or the mayor of a municipality to secure labor, facilities, equipment, or goods. In the cases, the head of the designated government organization or the head of a designated local government organization, the prefectural governor, or the mayor of a municipality asked for support may not refuse support except for just cause.

(Serving of Requisition Orders)

Article 81 (1) The prefectural governor, the mayor of a municipality, or the head of a designated government organization or the head of a designated local government organization must each serve a requisition order before making a disposition under Article 71 or Article 78, paragraph (1).

(2) The matters set forth in each of the following items must be entered in a requisition order prescribed in the preceding paragraph:

- (i) the name and address of the person who receive the requisition order (for a corporation, its designation and the address of its main office);
- (ii) legal provisions justifying the relevant disposition;
- (iii) as to orders for work, the kind of operation to be engaged in, its location, and duration; as to orders for custody, the kind and amount of goods to be



held in custody, the place of custody, and duration; as to administration, use, or requisition of facilities, etc., the location of the facility, etc., to be administered, used, or requisitioned, and the duration or deadline concerning the relevant disposition.

- (3) Beyond what is provided for in the preceding two paragraphs, the form of requisition orders and other necessary matters concerning them are prescribed by Cabinet Order.

(Compensation for Loss)

Article 82 (1) When disposition under Article 64, paragraph (1) (including as applied mutatis mutandis pursuant to paragraph (8) of the same Article); Article 63, paragraph (2), as applied mutatis mutandis to the cases set forth in Article 64, paragraph (1), pursuant to Article 64, paragraph (7); Article 71; the second sentence of Article 76-3, paragraph (2) (including as applied mutatis mutandis pursuant to paragraphs (3) and (4) of the same Article); the second sentence of Article 76-6, paragraph (3), or paragraph (4) of the same Article; or Article 78, paragraph (1) is taken, the State and Local Public Body (including a Port Authority) must compensate for losses generally caused by the relevant disposition.

- (2) When disposition under Article 76-6, the second sentence of paragraph (3) or paragraph (4) is taken pursuant to the provisions of paragraph (5) or paragraph (8) of the same Article, notwithstanding the provisions of the preceding paragraph, the Agency or Local Road Public Institution must compensate for losses generally caused by the relevant disposition.

- (3) The prefecture must, based on standards provided for by Cabinet Order, to compensate for actual costs incurred by persons who have engaged in work under an order for work in Emergency Measures under Article 71.

(Requirements with Respect to Entry)

Article 83 (1) In cases where an official of a prefecture or a municipality makes an entry (into a place) pursuant to the provisions of Article 71, or in cases where an official of a designated government organization or designated local government organization makes an entry pursuant to the provisions of Article 78, paragraph (2) or (3), the official must notify the administrator of the place to that effect in advance.

- (2) In the case referred to in the preceding paragraph, the official must carry a proof of identification, and must present it at the request of parties concerned.

(Compensation for Persons Engaged in the Work of Emergency Measures)

Article 84 (1) In cases where the mayor of a municipality, a police officer, a coast guard officer, or a SDF Personnel of Units under Disaster Relief Operation has,

under Article 65, paragraph (1) (including as applied mutatis mutandis pursuant to paragraph (3) of the same Article) or pursuant to the provisions of Article 63, paragraph (2) as applied mutatis mutandis pursuant to Article 65, paragraph (2), caused residents of the area of the municipality or persons on the site where an emergency measure should be taken to work in operations of Emergency Measures, when a person who has engaged in the operations has died, been injured, or become ill, or disabled as a result of the operations, the municipality must, based on the standards provided for by Cabinet Order and as provided for by its ordinance, compensate the person, their surviving family, or their dependents, for the loss sustained.

(2) When a person who has engaged in the operations of Emergency Measures by an order for work under Article 71 has died, been injured, has become ill, or disabled as a result of the operations, the prefecture must, based on the standards provided for by Cabinet Order and as provided for by its ordinance, compensate the person, their surviving family, or their dependents for the loss sustained.

(Reduction or Release of Public Assessments for Disaster Victims)

Article 85 (1) The State may, as provided for separately by law, reduce, exempt, defer, or take other necessary measures with regard to national taxes or other assessments collected by the State from disaster victims.

(2) A local government may, as provided for separately by law or by its ordinance, reduce, exempt, defer, or take other necessary measures with regard to local taxes or other assessments collected by the local government from disaster victims.

(Special Provisions for Loaning National Property)

Article 86 (1) In cases where the State, finding it necessary for implementing Emergency Measures in the event of a disaster, lends national property or other articles of State ownership, or allows them to be used, as provided for separately by law, the consideration for the loan or the use may be made free of charge or fixed at a rate lower than the market value.

(3) If a local government, finding it necessary for implementing Emergency Measures in the event of a disaster, lends property or articles under its ownership, or allows them to be used, as provided for separately by law, the consideration for the loan or the use may, be made free of charge or fixed at a rate lower than the market value.

(Special Provisions concerning Shelter)

Article 86-2 (1) In the event of a remarkably extraordinary and severe disaster, for which shelter or emergency temporary houses (hereinafter referred to as

"Shelter, etc." in this Article) are remarkably insufficient and it is found particularly necessary to provide disaster victims with houses speedily, that disaster is to be designated by Cabinet Order.

(2) When designation under the preceding paragraph is made, the provisions of Article 17 of the Fire Service Act (Act No. 186 of 1948) do not apply to the Shelter, etc. which the head of the local government establishes in the areas and during the period provided for by Cabinet Order.

(3) Notwithstanding the provisions of the preceding paragraph, the head of the local government must specify, according to mutatis mutandis application of the Fire Service Act, the standards concerning the installation and maintenance of equipment for fire-fighting related to Shelter, etc. prescribed in the same paragraph, fire-fighting water, and facilities necessary for fire-fighting activities, prevent disaster at the Shelter, etc. and take necessary measures to ensure public safety.

(Special Provisions concerning Temporary Medical Facilities)

Article 86-3 (1) In the event of a remarkably extraordinary and severe disaster, for which temporary medical facilities related to the relevant disaster (which means temporary facilities for conducting medical care for disaster victims; hereinafter the same applies in this Article) are remarkably insufficient and it is found particularly necessary to provide disaster victims with medical care speedily, that disaster is to be designated by Cabinet Order.

(2) When designation under the preceding paragraph is made, the provisions of Chapter 4 of the Medical Care Act (Act No. 205 of 1948) do not apply to the temporary medical facilities which the head of the local government establishes in the areas and during the period provided for by Cabinet Order.

(3) If designation under paragraph (1) is made, the provisions of paragraphs (2) and (3) of the preceding Article apply mutatis mutandis to temporary medical facilities prescribed in the preceding paragraph.

(Special Provisions for Burial and Cremation)

Article 86-4 (1) In the event of a remarkably extraordinary and severe disaster, for which it is found urgently necessary for preventing harm in public hygiene from occurring due to difficulty in smoothly conducting burial or cremation caused by the disaster, that disaster is designated by Cabinet Order.

(2) When a designation under the preceding paragraph is made, the Minister of Health, Labour and Welfare may, as provided for by Cabinet Order and only for a period specified by the minister, specify special provisions for procedures prescribed in Articles 5 and 14 of the Act on Cemetery and Burial Services (Act No. 48 of 1948).

(Special Provisions for Waste Treatment)

Article 86-5 (1) In the event of a remarkably extraordinary and severe disaster, for which a measure to prevent it from deteriorating the living environment is found particularly necessary, that disaster is to be designated by Cabinet Order.

(2) When a designation under the preceding paragraph is made, the Minister of Environment is to, in order to treat waste (referring to waste prescribed in Article 2, paragraph (1) of the Waste Management and Public Cleansing Act (Act No. 137 of 1970 and hereinafter referred to as "Waste Management Act" in this Article); hereinafter the same applies in this Article (hereinafter referred to as "Designated Disaster Waste" in this Article)) caused by the disaster so designated smoothly and speedily, specify a basic guideline on the treatment of Designated Disaster Waste (hereinafter referred to as "Treatment Guideline" in this Article) based on the basic policy prescribed in Article 5-2, paragraph (1) of the Waste Management Act, and release to the public it.

(3) The Treatment Guideline specifies the following matters:

(i) basic direction of the treatment of Designated Disaster Waste;

(ii) matters concerning proper roles and ensuring mutual coordination and cooperation of the State, local governments, companies and any other relevant persons concerning treatment of Designated Disaster Waste; and

(iii) beyond what is provided for in the preceding two items, necessary matters concerning ensuring smooth and speedy treatment of Designated Disaster Waste.

(4) When the designation under paragraph (1) is made, the Minister of Environment may designate the area where the treatment of waste must be made speedily as a special area for waste treatment by specifying a period.

(5) When the Minister has designated a special area for waste treatment pursuant to the provisions of the preceding paragraph, the Minister of Environment is to specify the standards on the collection, transport, and treatment (including recycling; hereinafter the same applies in this Article) of waste to be applied to the special area for waste treatment and the standards when the collection, transport, and treatment of waste is outsourced to other persons than the municipality. In this case, these standards (hereinafter referred to as "Special Standards on Waste Treatment" in this Article) are regarded as the standards prescribed in Article 6-2, paragraphs (2) and (3), Article 12, paragraph (1), and Article 12-2, paragraph (1) of the Waste Management Act.

(6) The persons who perform collection, transportation, and treatment of waste as a business at the special area for waste treatment under the commission of the local government may, notwithstanding the provisions of Article 7, paragraph (1) or paragraph (6), Article 14, paragraph (1) or paragraph (6), or

Article 14-4, paragraph (1) or paragraph (6) of the Waste Management Act, perform collection, transportation or treatment of waste related to the permission as a business without obtaining the approval under these provisions.

- (7) In the case referred to in the preceding paragraph, the head of a local government may, when the person who collects, transports, and treats the waste pursuant to the provisions of the same paragraph as a business collects, transports, and treats waste that does not meet the Special Standards on Waste Treatment, instruct the person to change the method of collection, transport, and treatment of the waste or take any other necessary measures.
- (8) When the Minister of Environment has designated a special area for waste treatment pursuant to the provisions of paragraph (4) or specified the Special Standards on Waste Treatment pursuant to the provisions of paragraph (5), the minister must make a public notice to that effect.
- (9) When the Minister of Environment receives a request from the mayor of a municipality within the special area for waste treatment and finds it necessary for treating the Designated Disaster Waste smoothly and speedily considering the following matters, the minister may collect, transport, and treat Designated Disaster Waste on behalf of the relevant municipality based on the Treatment Guideline within the scope of not hindering the implementation of the affairs.
  - (i) system of implementing the treatment of Designated Disaster Waste in the relevant municipality;
  - (ii) necessity of professional knowledge and technology concerning the treatment of the Designated Disaster Waste; and
  - (iii) importance of wide-area treatment of the relevant Designated Disaster Waste.
- (10) The provisions of paragraphs (6) and (7) apply mutatis mutandis to the case where the Minister of Environment who performs collection, transportation or treatment of Designated Disaster Waste pursuant to the provisions of the preceding paragraph outsources the collection, transportation, and treatment to others. In this case, the term "or paragraph (6), Article 14, paragraph (1) or paragraph (6), or Article 14-4, paragraph (1) or" in paragraph (6) is deemed to be replaced with "or."
- (11) The provisions of Article 19-4, paragraph (1) of the Waste Management Act do not apply to the Minister of Environment who has performed collection, transportation or treatment of the Designated Disaster Waste pursuant to the provisions of paragraph (9).
- (12) The expenses for the collection, transportation, and treatment of the Designated Disaster Waste which the Minister of Environment performs pursuant to the provisions of paragraph (9) are borne by the State. In this case,

the municipality of the same paragraph bears the amount of money calculated by deducting from the amount of the relevant expenses the amount equivalent to the amount of subsidy which the State should grant to the relevant municipality when the relevant municipality performs the collection, transportation, or treatment of that Designated Disaster Waste by itself.

(13) The State is to endeavor to take necessary financial measures concerning the expenses which the municipality bears pursuant to the provisions of the second sentence of the preceding paragraph.

## **Section 5 Protection of Disaster Victims**

### **Subsection 1 Preparation of Living Environment**

(Preparation of Living Environment at Shelter)

Article 86-6 Persons Responsible for Emergency Disaster Control Measures must, when a disaster has occurred, provide shelter without delay as provided for by laws and regulations or under a disaster management plan, endeavor to ensure the necessary safety and good living environment related to the shelter, distribute food, clothes, medicine, and any other living-related goods, provide health and medical services, and take any other necessary measures for preparing the living environment of disaster victims staying at the shelter.

(Consideration for Disaster Victims Staying at Other Places than Shelter)

Article 86-7 Persons Responsible for Emergency Disaster Control Measures must, for disaster victims who are unable to stay at a shelter due to unavoidable reasons as well, endeavor to distribute necessary living-related goods, provide health and medical services, provide information, and take necessary measures for preparing the living environment for those people.

### **Subsection 2 Wide-area Temporary Stay**

(Consultation of Wide-area Temporary Stay)

Article 86-8 (1) In cases where a disaster involving an area of a municipality has occurred, and it is difficult to protect the lives or bodies of Affected Residents from the disaster or to secure a place for them to live, when the mayor of the relevant municipality finds it necessary to provide the Affected Residents with a place to stay temporarily within the area of another municipality in the same prefecture (hereinafter referred to as "Wide-area Temporary Stay"), the mayor may consult with the mayor of that another municipality about the acceptance of the Affected Residents.

(2) When the mayor of a municipality intends to consult pursuant to the provisions of the preceding paragraph, the mayor must report to the

prefectural governor to that effect in advance; provided, however, that it is difficult to report it in advance, the mayor may report it without delay after the beginning of consultation.

- (3) In the case of paragraph (1), the mayor of a municipality who was consulted (hereinafter referred to as "Consulted Mayor" in this Article) is to accept Affected Residents except in the case of just cause for not accepting Affected Residents. In this case, the Consulted Mayor must provide accepted Affected Residents with shelter in order to use it for Wide-area Temporary Stay.
- (4) In the case of paragraph (1), the Consulted Mayor must decide a shelter to accept Affected Residents in the area of the municipality and immediately notify the person to manage the shelter and any other person designated by Cabinet Office Order of the details.
- (5) When the Consulted Mayor has made a decision under the preceding paragraph, the mayor must promptly notify the mayor who consulted pursuant to the provisions of paragraph (1) (hereinafter referred to as "Consulting Mayor" in this Article) of the details.
- (6) When the Consulting Mayor has received a notification under the preceding paragraph, the mayor must promptly make a public notice, notify the person designated by Cabinet Office Order, and report to the prefectural governor of the details.
- (7) In the case of paragraph (1), when the Consulting Mayor finds it no longer necessary to provide Wide-area Temporary Stay, the mayor must promptly notify the Consulted Mayor and the person designated by Cabinet Office Order of the preceding paragraph, make a public notice, and report to the prefectural governor to that effect.
- (8) When the Consulted Mayor has received a notification under the preceding paragraph, the mayor must promptly notify the person designated by Cabinet Office Order of paragraph (4) to that effect.

(Consultation of Wide-area Temporary Stay outside Prefecture)

Article 86-9 (1) In the case prescribed in paragraph (1) of the preceding Article, when the mayor of a municipality finds it necessary for Affected Residents to use temporary stay in the areas of other prefectures (hereinafter referred to as "Wide-area Temporary Stay outside Prefecture") after consulting with the prefectural governor, the mayor may request the prefectural governor to consult with the governors of that other prefectures about accepting Affected Residents.

- (2) The prefectural governor must, when a request under the preceding paragraph is made, consult with the governors of that other prefectures about accepting Affected Residents.
- (3) When the prefectural governor intends to consult pursuant to the provisions

of the preceding paragraph, the governor must report to the Prime Minister to that effect in advance; provided, however, that it is difficult to report in advance, the governor may report without delay after the beginning of consultation.

- (4) In the case of paragraph (2), the prefectural governor who was consulted (hereinafter referred to as "Consulted Governor" in this Article) must consult with the mayor of the related municipality concerning accepting Affected Residents.
- (5) In the case referred to in the preceding paragraph, the mayor of a municipality who was consulted (hereinafter referred to as "Consulted Mayor outside the Prefecture" in this Article) is to accept Affected Residents except in the case of just cause for not accepting Affected Residents. In this case, the Consulted Mayor outside the Prefecture must provide accepted Affected Residents with a shelter in order to use it for Wide-area Temporary Stay outside Prefecture.
- (6) In the case of paragraph (4), the Consulted Mayor outside the Prefecture must decide a shelter to accept Affected Residents in the area of the municipality and immediately notify the person to manage the relevant shelter and any other person designated by Cabinet Office Order of the details.
- (7) When the Consulted Mayor outside the Prefecture has made a decision under the preceding paragraph, the mayor must promptly report to the Consulted Governor of the details.
- (8) When the Consulted Governor has received a report under the preceding paragraph, the governor must promptly notify the governor who consulted pursuant to the provisions of paragraph (2) (hereinafter referred to as "Consulting Governor" in this Article) of the details.
- (9) When the Consulting Governor has received a notification under the preceding paragraph, the governor must promptly notify the mayor who requested to consult pursuant to the provisions of paragraph (1) (hereinafter referred to as "Consulting Mayor outside the Prefecture" in this Article) and report to the Prime Minister of the details.
- (10) When the Consulting Mayor outside the Prefecture has received a notification under the preceding paragraph, the mayor must promptly make a public notice and notify the person designated by Cabinet Office Order of the details.
- (11) In the case of paragraph (1), when the Consulting Mayor outside the Prefecture finds it no longer necessary to provide Wide-area Temporary Stay outside Prefecture, the mayor must promptly report to the Consulting Governor, make a public notice, and notify the person designated by Cabinet Office Order of the preceding paragraph to that effect.
- (12) When the Consulting Governor has received a report under the preceding



paragraph, the governor must promptly notify the Consulted Governor and report to the Prime Minister to that effect.

(13) When the Consulted Governor has received a notification under the preceding paragraph, the governor must promptly notify the Consulted Mayor outside the Prefecture to that effect.

(14) When the Consulted Mayor outside the Prefecture has received a notification under the preceding paragraph, the mayor must promptly notify the person designated by Cabinet Office Order of paragraph (6) to that effect.

(Execution of Consultation of Wide-area Temporary Stay by Prefectural Governor)

Article 86-10 (1) In cases where a disaster involving an area of a prefecture has occurred, the municipality is unable to perform all or the majority of its affairs because of the occurrence of the disaster, and it is difficult to protect the lives or bodies of Affected Residents from disaster or secure places to live, when Wide-area Temporary Stay is found necessary for the Affected Residents, the prefectural governor must implement on behalf of the mayor of the municipality all or a part of the measures to be implemented by the mayor of the relevant municipality pursuant to the provisions of Article 86-8, paragraph (1) and paragraphs (5) through (7) (except for the report under paragraphs (6) and (7) of the same Article).

(2) When the prefectural governor has begun or completed the implementation of affairs on behalf of the mayor of a municipality pursuant to the provisions of the preceding paragraph, the governor must make a public notice to that effect.

(3) Necessary matters related to the prefectural governor of in acting on behalf of the mayor of a municipality under paragraph (1) are prescribed by Cabinet Order.

(Special Provisions for Consultation of Wide-area Temporary Stay outside Prefecture)

Article 86-11 In cases where a disaster involving an area of a prefecture has occurred, the municipality is unable to perform all or the majority of its affairs because of the occurrence of the disaster, and it is difficult to protect the lives or bodies of Affected Residents from disaster or secure places to live, when Wide-area Temporary Stay outside Prefecture is found necessary for the Affected Residents, the prefectural governor may consult under Article 86-9, paragraph (2) even if the request under paragraph (1) of the same Article has not been made. In this case, the term "the mayor of a municipality who has requested to consult pursuant to the provisions of paragraph (1) (hereinafter referred to as "Consulting Mayor outside the Prefecture" in this Article)" in paragraph (9) of the same Article is deemed to be replaced with "the person as

announced and designated by Cabinet Office Order," the term "paragraph (1)" in paragraph (11) of the same Article with "first sentence of Article 86-11," the term "Consulting Mayor outside the Prefecture" with "Consulting Governor," the term "report it to the Consulting Governor and" with "notify the Consulted Prefectural Governor and the person as designated by Cabinet Office Order of paragraph (9) to be applied pursuant to the provisions of the second sentence of the same Article following the deemed replacement of terms, and," the term "notify the person designated by Cabinet Office Order of the preceding paragraph" with "report it to the Prime Minister," and the term "the preceding paragraph" in paragraph (13) of the same Article with "paragraph (11) to be applied pursuant to the provisions of the second sentence of Article 86-11 following the deemed replacement of terms," and the provisions of paragraphs (10) and (12) of the same Article do not apply.

(Advice by Prefectural Governor and Prime Minister)

Article 86-12 (1) The prefectural governor must, when asked by the mayor of a municipality, give advice about the other party of the consultation under Article 86-8, paragraph (1) and other matters concerning Wide-area Temporary Stay.

(2) The Prime Minister must, when asked by the prefectural governor, give advice about the other party of the consultation under Article 86-9, paragraph (2) and other matters concerning Wide-area Temporary Stay outside Prefecture or matters concerning Wide-area Temporary Stay.

(Execution of Consultation of Wide-area Temporary Stay by the Prime Minister)

Article 86-13 (1) In cases where the municipality and the prefecture including the municipality are unable to perform all or the majority of their affairs because of the occurrence of a disaster, and it is difficult to protect the lives or bodies of Affected Residents from the disaster or to secure places to live, when Wide-area Temporary Stay or Wide-area Temporary Stay outside Prefecture is found necessary for the Affected Residents, the Prime Minister must implement on behalf of the mayor of the municipality all or a part of the measures to be implemented by the mayor of a municipality pursuant to the provisions of Article 86-8, paragraph (1) and paragraphs (5) through (7), or to implement on behalf of the prefectural governor all or a part of the measures to be implemented by the prefectural governor pursuant to the provisions of Article 86-9, paragraphs (9) and (11) to be applied pursuant to the first sentence of Article 86-11, Article 86-9, paragraph (8), and the second sentence of Article 86-11 following the deemed replacement of terms (except for the report under Article 86, paragraphs (9) and (11) to be applied pursuant to the

provisions of the second sentence of Article 86-11 following the deemed replacement of terms).

- (2) When the Prime Minister has begun or completed the execution of the affairs of the mayor or the governor pursuant to the provisions of the preceding paragraph, the minister must make a public notice to that effect.
- (3) The necessary matters relating to the execution by the Prime Minister under paragraph (1) are prescribed by Cabinet Order.

### **Subsection 3 Transportation of Disaster Victims**

Article 86-14 (1) When the prefectural governor finds it urgently necessary for implementing the protection of disaster victims, the governor may request designated public corporation or designated local public corporation that are transportation business operators to transport disaster victims by specifying people to be transported, and the place and period for transportation.

- (2) The prefectural governor may, when designated public corporations or designated local public corporations will not meet the request under the preceding paragraph without any just cause, instruct the designated public corporations or designated local public corporations to transport disaster victims only when found particularly necessary for implementing the protection of disaster victims. In this case, the matters of the same paragraph must be stated in writing.

### **Subsection 4 Provision of Safety Information**

Article 86-15 (1) In cases where a disaster involving an area of a prefecture or municipality has occurred, when an inquiry information concerning the safety of disaster victims of the disaster (referred to as "Safety Information" in the following paragraph) is received, as provided for by Cabinet Office Order, the governor of the prefecture or the mayor of the municipality may reply to the inquiry.

- (2) The prefectural governor or the mayor of a municipality is to, when replying with the Safety Information pursuant to the provisions of the preceding paragraph, consider not violating unfairly the rights and benefits of disaster victims or third parties related to the Safety Information.
- (3) The prefectural governor or the mayor of a municipality may use internally the names of disaster victims and any other information on disaster victims held by them for other purposes than those identified in holding them to the extent necessary to reply properly under paragraph (1) or to prepare for proper implementation of the reply.
- (4) When the prefectural governor or the mayor of a municipality finds it

necessary for replying properly under paragraph (1) or for preparing to implement the reply properly, the governor or the mayor may ask the head of a relevant local government, fire-fighting organs, police of the prefecture, and any other persons to provide information on disaster victims.

## **Section 6 Supply and Transportation of Goods**

(Requests for Supply of Goods or Materials)

Article 86-16 (1) In cases where a disaster involving an area of the prefecture or municipality has occurred or is likely to occur, when their stored goods or materials are insufficient for implementing emergency disaster control measures, and it is found difficult to implement the emergency disaster control measures accurately and speedily, the prefectural governor may request or ask the head of the designated government organization or the head of the designated local government organization, and the mayor of a municipality may request or ask the prefectural governor, to take necessary measures for the supply of each of the necessary goods and materials.

(2) In cases where a disaster involving an area of a prefecture or municipality has occurred or is likely to occur, their stored goods and materials are found insufficient by the governor of the prefecture or the mayor of the municipality to implement emergency disaster control measures, and it is found difficult to implement the emergency disaster control measures accurately and speedily, when it is found urgent in light of the situation and there is no time to wait for the request or asking under the preceding paragraph, the head of the designated government organization, the head of the designated local government organization, or the prefectural governor may take necessary measures for the supply of necessary goods and materials without waiting for the request or asking.

(Mutual Cooperation on Supply of Stored Goods)

Article 86-17 The head of a designated government organization, the head of a designated local government organization, the head or any other executive agency of a local government, designated public corporations and designated local public corporations, public organizations, and administrators of facilities important for disaster management must, in cases where a disaster has occurred or is likely to occur, endeavor to cooperate mutually concerning the supply of their stored goods and materials.

(Transportation of Necessary Goods for Emergency Disaster Control Measures)

Article 86-18 (1) When found urgently necessary for implementing emergency disaster control measures, the head of the designated government organization

and the head of the designated local government organization may request the designated public corporations that are transportation business operators, and the prefectural governor may request the designated public corporations or the designated local public corporations that are transportation business operators, to transport necessary goods and materials (referred to as "Necessary Goods for Emergency Disaster Control Measures" in the following paragraph) for implementing the emergency disaster control measures by specifying goods or materials to be transported, and the place and period for transportation.

- (2) The head of the designated government organization, the head of the designated local government organization, or the prefectural governor may, when the designated public corporations or the designated local public corporations will not meet the request under the preceding paragraph without any just cause, instruct the designated public corporations or designated local public corporations to transport Necessary Goods for Emergency Disaster Control Measures only when found particularly necessary for implementing emergency disaster control measures. In this case, the matters of the same paragraph must be stated in writing.

## **Chapter VI Disaster Recovery Efforts**

(Responsibility for Disaster Recovery Efforts)

Article 87 The heads of designated government organization and designated local government organizations, the head or any other executive agency of a local government, designated public corporations and designated local public corporations, and other parties responsible for the implementation of disaster recovery efforts as provided for by laws and regulations must, as provided for by laws and regulations or under a disaster management plan, implement disaster recovery efforts.

(Determination of Expenses for a Disaster Recovery Project)

Article 88 (1) With respect to a disaster recovery project whose expenses are met by the State in part or in whole, or which is subsidized by the State, the determination of the amount of expenses for a disaster recovery project undertaken by the competent Minister involved in the project must be done appropriately and promptly on the basis of a report from the prefectural governor, other data presented by the local government, and results of on-site investigations.

- (2) In determining the amount of expenses for a disaster recovery project under the preceding paragraph, the competent Minister involved in the project must exercise full care to ensure smooth implementation of work pertaining to the establishment or renovation of a facility that must be pursued concurrently

with the disaster recovery project in the interest of preventing a recurrence of disaster.

(Report to the Disaster Management Council)

Article 89 When the competent Minister involved in a disaster recovery project has determined the amount of expenses for the disaster recovery project, or when the minister has established standards for the implementation of a disaster recovery project, the minister must, as provided for by Cabinet Order, report an outline of their action to the National Disaster Management Council

(Early Delivery of the State's Share of Expenses and/or Subsidies)

Article 90 When the State finds it necessary for a smooth implementation of a disaster recovery project undertaken by a local government or its organ, it is to grant local allocation tax early, and, as provided for by Cabinet Order, grant its share of expenses or subsidy concerning the relevant disaster recovery project or its subsidy early, or lend required funds or make financial arrangements.

## **Chapter VII Measures for Support of Disaster Victims**

(Issuance of Disaster Victim Certificate)

Article 90-2 (1) In cases where a disaster involving an area of a municipality has occurred, when an application has been made by the victims of the disaster, the mayor of the municipality must investigate without delay the condition of the damage to houses and other damage of the kinds which the mayor specifies, and issue a document certifying the degree of damage caused by the disaster (referred to as "Disaster Victim Certificate" in the following paragraph).

(2) In order to prepare for occurrence of disaster and secure a system for implementing the necessary work of issuing Disaster Victim Certificates, the mayor of a municipality must endeavor to train officials with specialized knowledge and experience of the investigation under the preceding paragraph, to ensure coordination between the municipality and other local governments or private groups, and to take any other necessary measures.

(Preparation of Disaster Victim Register)

Article 90-3 (1) In cases where a disaster involving an area of a municipality has occurred, when the mayor of the municipality finds it necessary for implementing support for disaster victims of the disaster comprehensively and effectively, the mayor may prepare a register which is the basis for implementing support for disaster victims (hereinafter referred to as "Disaster Victim Register" in this Article and paragraph (1) of the following Article).

- (2) The following matters concerning disaster victims are to be described or recorded on the Disaster Victim Register:
- (i) full name;
  - (ii) date of birth;
  - (iii) sex;
  - (iv) domicile or residence;
  - (v) condition of damage to houses and other damage of the kinds which the mayor of a municipality specifies;
  - (vi) condition of implementation of support;
  - (vii) in the case of Persons Requiring Special Care, to that effect and the reasons for falling under Persons Requiring Special Care; and
  - (viii) beyond what is provided for in each of the preceding items, matters as provided for by Cabinet Office Order.
- (3) The mayor of a municipality may use internally the names of disaster victims and any other information on disaster victims held by him for other purposes than those of use identified in holding the information, to the extent necessary to prepare the Disaster Victim Register under paragraph (1).
- (4) When the mayor of a municipality finds it necessary for preparing the Disaster Victim Register under paragraph (1), the mayor may ask the head of a relevant local government and any other person to provide information on disaster victims.

(Use and Provision of Information on Register)

- Article 90-4 (1) The mayor of a municipality may, when found applicable to any item listed below, use by himself or provide the information described or recorded in the Disaster Victim Register (hereinafter referred to as "Register Information" in this Article) prepared pursuant to the provisions of paragraph (1) of the preceding Article for other purposes than those of use as identified in holding it:
- (i) when the person (which means a particular individual identified by Register Information; hereinafter the same applies in this item) has given approval, or when the Register Information is provided to that person;
  - (ii) when the Register Information is used internally by the municipality to the extent necessary for implementing the support for disaster victims;
  - (iii) in the case of providing other local governments with the Register Information, when the person who receives the Register Information uses the provided Register Information to the extent necessary to implement the support for disaster victims.
- (2) The necessary matters concerning the provision of Register Information under the preceding paragraph (limited to the portion concerning item (i) or item (iii)) are prescribed by Cabinet Office Order.

## Chapter VIII Financial Measures

(Burden of Expenses for Disaster Management)

Article 91 Except as otherwise specified by laws and regulations or when a special action is undertaken within the limits of the budget, expenses for disaster management and emergency disaster control measures and other expenses for the implementation of this Act are to be borne by parties responsible for its implementation.

(Burden of Expenses for Emergency Disaster Control Measures when the Head of a Designated Government Organization or the Head of Other Local Government Has Cooperated)

Article 92 (1) Any local government whose head has received support from the head of a designated government organization or the head of a designated local government organization, the head of other local government, its committee, or any member of the committee pursuant to the provisions of Article 67, paragraph (1), Article 68, Article 74, paragraph (1), or Article 74-3 (hereinafter referred to as "Head of a Local Government, etc." in this Article) must bear the expenses incurred by the support.

(2) In a case referred to in the preceding paragraph, if the local government to which the Head of a Local Government, etc., belongs has received support does not have time to pay the expenses, the local government may ask the State or the local government to which the other Head of a Local Government, etc., who has rendered support belongs to temporarily cover the expenses on its behalf.

(Prefecture Assuming Expenses for Emergency Measures Taken by the Municipality)

Article 93 (1) Of the expenses incurred for Emergency Measures which the mayor of a municipality has implemented or expenses incurred for support that mayor has rendered based on instructions from the prefectural governor under Article 72, paragraph (1), the portion which is found difficult or inappropriate to assess on the municipality under the control of the mayor who has received the instructions or support and which is provided for by Cabinet Order, as provided for by Cabinet Order, is to be borne in whole or in part, by the prefecture under the control of the governor concerned, except for the expenses which are to be borne partly by the State pursuant to the provisions of the following Article.

(2) In a case referred to in the preceding paragraph, the prefecture may ask the relevant municipality to temporarily cover the expenses under the preceding paragraph on its behalf.



(State's Share or Subsidy toward Expenses for Emergency Disaster Control Measures)

Article 94 With respect to expenses required for emergency disaster control measures, the State may, as provided for separately by laws and regulations or within the limits of its budget, bear or subsidize the expenses, in whole or in part.

Article 95 Beyond what is provided for in the preceding Article, of the expenses incurred for Emergency Measures which the head of a local government has implemented based on instructions either from the chairperson of the Major Disaster Management Headquarters under Article 28, paragraph (2) or from the chairperson of the Extreme Disaster Management Headquarters under Article 28-6, paragraph (2), the portion which is found difficult or inappropriate to assess on the local government and which is provided for by Cabinet Order may, as provided for by Cabinet Order, be subsidized in whole or in part, by the State.

(State's Share and Subsidy for Expenses of Disaster Recovery Projects)

Article 96 With respect to expenses required for disaster recovery projects and other projects undertaken in relation to a disaster, the State may, as provided for separately by laws and regulations or within the limits of its budget, bear or subsidize them, in whole or in part.

(Sharing of Expenses for Emergency Measures and Disaster Recovery Efforts for a Disaster of Extreme Severity)

Article 97 In the event of a disaster that is extremely severe (hereinafter referred to as "Disaster of Extreme Severity"), the government is to, as provided for separately by law, take action so that Emergency Measures and disaster recovery efforts may proceed speedily and appropriately, and at the same time, enforce necessary policies in the interest of making equitable the burden of expenses on the local government, etc., whose area has sustained a Disaster of Extreme Severity and of arousing enthusiasm for rehabilitation in the disaster victims.

Article 98 With respect to the law prescribed in the preceding Article, it should be avoided, insofar as practicable, to enact such a law at the time of each Disaster of Extreme Severity, and the law must be so designed as to rationalize the system concerning the burden of the State consequent upon disaster, and serve smoothly to carry out measures against a Disaster of Extreme Severity described in the preceding Article.

Article 99 The law prescribed in Article 97 specifies the matters set forth in each of the following items:

- (i) standards for when special financial support and subsidies will be necessary as a measure for a Disaster of Extreme Severity;
- (ii) special financial support by the State to a local government in the interest of an appropriate implementation of recovery projects for a Disaster of Extreme Severity and other projects undertaken in relation to the disaster;
- (iii) special subsidies for victims resulting from the occurrence of a Disaster of Extreme Severity.

(Financial Measures by the State to Deal with a Disaster)

Article 100 (1) In order to deal with a disaster without adversely affecting an smooth management of national finances in the event of a disaster, the government must endeavor to take necessary financial measures.

(2) In order to achieve the objectives under the preceding paragraph, the government is to exercise full care with respect to the appropriation of reserve funds, and action for bearing deficits in the Treasury (referring to the action for bearing deficits in the Treasury prescribed in Article 15, paragraph (2) of the Public Finance Act (Act No. 34 of 1947)) and other measures.

(Local Government Disaster Control Funds)

Article 101 The local government must, as provided for separately by laws and regulations, establish a disaster control fund to be allocated for covering the emergency expenses for disaster control measures.

(Special Provisions for Issuing Bonds)

Article 102 (1) In the cases set forth in each of the following items, a local government provided for by Cabinet Order may issue local government bonds as a financial resource exclusively for the fiscal year of the occurrence of a disaster as provided for by Cabinet Order and any subsequent fiscal years provided for by Cabinet Order, notwithstanding the provisions of Article 5 of the Local Finances Act (Act No. 109 of 1948):

- (i) to cover a deficit in fiscal revenue arising as a result of reductions or releases of local taxes, royalties, fees, and other collections as provided for by Order of the Ministry of Internal Affairs and Communications in relation to the disaster, in the amount considered commensurate with the degree and extent of damage wrought by the disaster;
- (ii) to provide financial resources for the portion of expenses borne by the local government in the general account of expenses normally required for disaster management, emergency disaster control measures, or disaster recovery

efforts provided for by Order of the Ministry of Internal Affairs and Communications.

- (2) The State is to, insofar as its financial situation will allow, accept local government bonds provided for in the preceding paragraph by fiscal loan funds.
- (3) The fixed interest rate, method of redemption, and other necessary matters relating to local government bonds provided for under paragraph (1), for when the relevant local government bonds have been accepted with fiscal loan funds, are prescribed by Cabinet Order.

(Measures for Disaster Recovery Projects Not Subsidized by the State)

Article 103 The State and local governments may, as provided for separately by law, take special measures to provide financial resources for expenses of the disaster recovery projects, when the portion that is not accompanied by a State subsidy out of expenses for projects to recover from a Disaster of Extreme Severity is found too excessive to be borne by the local government.

(Loans for Disaster)

Article 104 When a disaster provided for by Cabinet Order has occurred, financial institutions related to the government and other equivalent financial institutions provided for by Cabinet Order provide special loans in connection with the disaster, and endeavor to extend the term of redemption or the period of deferment, convert old loans to new ones, lower interest rates if necessary, and take other measures pertinent to the circumstances.

## **Chapter IX State of Emergency Disaster**

(Declaration of a State of Emergency Disaster)

Article 105 (1) In cases where an extraordinary disaster has occurred, and the disaster is so abnormal and extremely severe that it has a serious impact on the State economy and public welfare, when the Prime Minister finds a special necessity to enforce emergency disaster control measures concerning the disaster, preserve the economic order of the State, and address other important issues concerning the disaster, the minister may declare a state of emergency disaster involving the whole or part of the affected area, after deliberation in a cabinet meeting.

- (2) Such a declaration provided for under the preceding paragraph must specify the area concerned, give an outline of the situation warranting such action, and set the date and time when the declaration takes effect.

(Approval of the Diet and Repeal of a Declaration)

Article 106 (1) When a state of emergency disaster has been declared pursuant

to the provisions of the preceding Article, the Prime Minister must submit the matter to the Diet for its approval for the declaration within twenty days from the day of declaration; provided, however, that when the Diet is in adjournment or the House of Representatives is in dissolution, the minister must promptly seek such approval in the Diet first convened thereafter.

- (2) When a resolution of disapproval has been made as in the case referred to in the preceding paragraph, when the Diet has voted to repeal the declaration of a state of emergency disaster, or when there is no longer the necessity for the declaration, the Prime Minister must promptly repeal the declaration.

(Establishment of Extreme Disaster Management Headquarters under a State of Emergency Disaster)

Article 107 When a state of emergency disaster has been declared under Article 105, the Prime Minister is to, unless Extreme Disaster Management Headquarters have already been established related to the disaster, establish Extreme Disaster Management Headquarters pursuant to the provisions of Article 28-2.

(Basic Policy on Measures)

Article 108 (1) When a state of emergency disaster has been declared under Article 105, the government is to specify the basic policy on measures to cope with the state of emergency disaster (hereinafter referred to as "Basic Policy on Measures" in this Article).

- (2) The matters as provided for in the Basic Policy on Measures are as below:
- (i) general policy concerning a state of emergency disaster;
  - (ii) important matters concerning emergency disaster control measures;
  - (iii) important matters concerning the preservation of economic order of the state;
  - (iv) beyond the matters set forth in the preceding two items, important matters concerning measures for important subjects concerning the disaster;
  - (v) important matters concerning the system of the government to carry out affairs accurately concerning the matters set forth in the three preceding items.
- (3) The Prime Minister must prepare the draft of the Basic Policy on Measures and seek a cabinet decision.
- (4) The Prime Minister must, when a cabinet decision prescribed in the preceding paragraph has been made, immediately and publicly notify the Basic Policy on Measures.
- (5) The Prime Minister represents the Cabinet in exercising control and supervision over the administrative branches based on the Basic Policy on Measures in coping with the state of emergency disaster.

- (6) The provisions of paragraphs (3) and (4) apply mutatis mutandis to changes in the Basic Policy on Measures.
- (7) The Basic Policy on Measures becomes null and void when the declaration of a state of emergency disaster has been abolished pursuant to the provisions of Article 106, paragraph (2).
- (8) When the Basic Policy on Measures has become null and void pursuant to the provisions of the preceding paragraph, the Prime Minister must immediately make a public notice to that effect.

(Announcement of Information)

Article 108-2 With respect to the disaster related to a declaration of a state of emergency disaster under Article 105, the Prime Minister must announce the condition of the disaster, the outline of measures taken for it, and any other information related to the disaster in a proper way such as by newspaper, broadcasting, and Internet.

(Request for Cooperation of Citizens)

- Article 108-3 (1) The Prime Minister may, when a declaration of a state of emergency disaster has been made under Article 105, ask citizens to cooperate with the State in not buying without reason goods that are closely related with the lives of the citizenry or important goods in the national economy, or in any other necessary matters within the extent necessary.
- (2) The citizens must, when having been asked to cooperate pursuant to the provisions of the preceding paragraph, endeavor to meet this.

(Special Provisions Accompanied by Declaration of a State of Emergency Disaster)

- Article 108-4 (1) When a declaration of a state of emergency disaster under Article 105 has been made, Cabinet Order to designate that disaster is deemed to have been specified pursuant to the provisions of Article 86-2, paragraph (1), Article 86-3, paragraph (1), Article 86-4, paragraph (1), and Article 86-5, paragraph (1), and the provisions of Article 86-2, paragraphs (2) and (3), Article 86-3, paragraphs (2) and (3), Article 86-4, paragraph (2), and Article 86-5, paragraphs (2) through (13) are applied. In this case, the term "the areas and during the period provided for by Cabinet Order" in Article 86-2, paragraph (2) and Article 86-3, paragraph (2) is deemed to be replaced with "the area of jurisdiction of the Extreme Disaster Management Headquarters related to that disaster and during the period from the time when a declaration of a state of emergency disaster related to that disaster has been made to the day designated by the Extreme Disaster Management Headquarters."
- (2) When Cabinet Order to designate the disaster is specified before a state of

emergency disaster under Article 105 has been declared, pursuant to one of the provisions of Article 86-2, paragraph (1), Article 86-3, paragraph (1), Article 86-4, paragraph (1), or Article 86-5, paragraph (1), the provisions of the preceding paragraph (limited to the portion concerning the Cabinet Order) do not apply.

Article 108-5 (1) When a declaration of state of emergency disaster under Article 105 has been made, that disaster is designated as a specific extraordinary disaster pursuant to the provisions of Article 2 of the Act Regarding Special Measures to Weigh the Preservation of Rights and Profits of the Victims of Specified Extraordinary Disasters (Act No. 85 of 1996 and hereinafter referred to as "Specified Extraordinary Disasters Act" in this Article), the day of occurrence of that disaster is designated as the day of occurrence of the specific extraordinary disaster, Cabinet Order to designate measures prescribed in Articles 3 through 6 of the Specified Extraordinary Disasters Act is deemed to have been issued as measures to be applied to that specific disaster, and the provisions of Articles 3 through 6 of the Specified Extraordinary Disasters Act (excluding Article 4, paragraph (1) of the Specified Extraordinary Disasters Act) are applied. In this case, the terms and phrases listed in the middle column of the following table out of the provisions of the Specified Disasters Act listed in the left-hand column of the same table are replaced with the terms and phrases listed in the right-hand column of the same table.

| Article 3,<br>paragraph (1) | Provided for by Cabinet<br>Order within the scope<br>not exceeding | Which passes  |
|-----------------------------|--|---|
| Article 3,<br>paragraph (4) | The date of extension is<br>specified                              | A declaration of a state of<br>emergency disaster under<br>Article 105 of the Basic Act on<br>Disaster Management (Act<br>No. 223 of 1961) has been<br>made |
| Article 4,<br>paragraph (2) | The date of exemption<br>is specified                              | A declaration of a state of<br>emergency disaster under<br>Article 105 of the Basic Act<br>on Disaster Management has<br>been made                          |
|                             | The date of exemption<br>arrives                                   | Four months pass from the<br>day of occurrence of the<br>specific extraordinary<br>disaster   |

|                          |   |   |
|--------------------------|---|---|
|                          | Specific duty that will arrive  | Specific duty that will arrive (which means the duty that will be due as provided for in laws and regulations after the day of occurrence of the specific extraordinary disaster; the same applies hereinafter) |
|                          | Responsibility  | Administrative and criminal responsibility concerning non-performance (including that concerning civil fine)  |
| Article 4, paragraph (3) | The date of exemption is specified  | A declaration of a state of emergency disaster under Article 105 of Basic Act on Disaster Management has been declared  |
|                          | The preceding two paragraphs  | The preceding paragraph   |
|                          | The date of exemption arrives   | Four months pass from the day of occurrence of the specific extraordinary disaster  |
|                          | The preceding paragraph   | The same paragraph  |
| Article 4, paragraph (4) | The preceding three paragraphs  | The preceding two paragraphs  |
| Article 5, paragraph (1) | Of execution designating measures provided for in this Article under Cabinet Order of Article 2, paragraph (1) or (2) | When a declaration of state of emergency disaster under Article 105 of Basic Act on Disaster Management has been made   |
|                          | Provided for by Cabinet Order within the scope not exceeding  | Which passes  |
| Article 5, paragraph (5) | Provided for by Cabinet Order prescribed in the provisions of the same paragraph                                      | When two years pass after the same day  |
| Article 6                | As provided for by Cabinet Order  | As publicly notified by the Minister of Justice   |
|                          | Provided for by Cabinet Order within the scope not exceeding  | Which passes  |
|                          | As provided for by the relevant Cabinet Order   | When one year passes from the day of occurrence of the specific extraordinary disaster  |

(2) When Cabinet Order to designate the relevant disaster as a specific extraordinary disaster is specified before a declaration of a state of emergency disaster under Article 105 has been made, pursuant to the provisions of Article 2, paragraph (1) of the Specified Extraordinary Disasters Act, the provisions of the preceding paragraph do not apply.

(Emergency Measures)

Article 109 (1) In cases where there is an urgent need to preserve the economic order of the State and to ensure the public welfare when confronted with a state of emergency disaster, when the Diet is in adjournment or the House of Representatives is in dissolution, and further, there is no time to determine to convoke an extraordinary session in the Diet or to convoke an emergency session of the House of Councilors for its action, the cabinet may enact Cabinet Order in order to take necessary measures on the matters set forth in each of the following items:

- (i) rationing or restriction or ban on the transfer or delivery of goods of daily necessity in critical shortage;
- (ii) determining a ceiling on prices of commodities, consideration for services, and other payments in the interest of emergency disaster control measures, disaster recovery efforts, and stable lives of the citizenry;
- (iii) deferment of monetary debts (exclusive of wages, compensation payments for disaster damage, payment of monetary debts involving labor relations, withdrawals from accounts in banks or financial institutions for the payment); extension of the duration of a creditor's rights.

(2) Cabinet Order enacted pursuant to the provisions of the preceding paragraph may provide that any person in violation of any provision of that Cabinet Order is liable to imprisonment for not more than two years or imprisonment of the same length without work, or a fine of not more than one hundred thousand yen, penal detention, a petty fine, or confiscation, or cumulative imposition of two or more penalties; that when a representative of a corporation, or any agent, employee, or other worker either of the corporation or an individual has acted in violation of any provision of that Cabinet Order with respect to the business of the corporation or the individual, the representative, agent, employee, or other worker are punished, and in addition, a fine, petty fine, or confiscation prescribed in this Article is imposed also on the corporation or the individual; and that where confiscation of objects cannot be enforced either in whole or in part, the monetary value of the objects is additionally collected.

(3) In cases where Cabinet Order enacted pursuant to the provisions of paragraph (1) is no longer required, the cabinet must immediately repeal it.

(4) The cabinet must, upon enactment of Cabinet Order pursuant to the provisions of paragraph (1), immediately determine to convoke an



extraordinary session of the Diet or to convoke an emergency session of the House of Councilors; it must further take measures to enact an Act to replace the Cabinet Order if the measures as taken are to be continued, and for other cases, it must seek approval for the Cabinet Order enacted.

- (5) Any Cabinet Order enacted pursuant to the provisions of paragraph (1), unless it has already been repealed or has expired, ceases to be effective, either at the same time as the implementation of an Act which may have been enacted at an extraordinary session of the Diet or at an emergency session of the House of Councilors to replace that Cabinet Order referred to in the preceding paragraph, or at the time of a decision which may have been taken at either session not to enact such an Act to replace the Cabinet Order.
- (6) Beyond the cases described in the preceding paragraph, any Cabinet Order enacted pursuant to the provisions of paragraph (1), unless it has already been repealed or has expired, ceases to be effective twenty days from the day of opening of an extraordinary session of the Diet provided for in paragraph (4) or upon the termination of the extraordinary session, whichever comes earlier, or ten days from the day of opening of an emergency session of the House of Councilors provided for in paragraph (4) or upon the termination of the emergency session, whichever comes earlier.
- (7) When Cabinet Order has ceased to be effective pursuant to the provisions of the preceding two paragraphs, the Cabinet must immediately make a public notice to that effect.
- (8) If penalties are provided for in Cabinet Order enacted pursuant to the provisions of paragraph (1), prior laws continue to govern in application of penalties to acts committed while the Cabinet Order remained in effect, even after the Cabinet Order has been repealed, has expired, or it has ceased to be effective pursuant to the provisions of either paragraph (5) or (6).

Article 109-2 (1) In cases where, when confronted with a state of emergency disaster, assistance from other countries concerning the relief of disaster victims cannot be accepted urgently and smoothly according to law, when the Diet is in adjournment or the House of Representatives is in dissolution, and further, there is no time to determine to convoke an extraordinary session in the Diet or to convoke an emergency session of the House of Councilors for its action, the Cabinet may enact Cabinet Order in order to take necessary measures to accept the assistance.

- (2) The provisions of paragraphs (3) through (7) of the preceding Article apply *mutatis mutandis* to the preceding paragraph.

## **Chapter X Miscellaneous Provisions**

(Application of this Act to a Special Ward)

Article 110 With regards to the application of this Act, a special ward is deemed to be a city.

(Distinguished Service Awards in Disaster Management)

Article 111 The Prime Minister and the competent Minister may, as provided for by Cabinet Office Order or Ministerial Order, award a person who has been recognized as having distinguished themselves by their services in the work of disaster management.

(Delegation to Cabinet Order)

Article 112 Beyond what is provided for in this Act, procedures for the implementation of this Act or other necessary matters related to this Act are prescribed by Cabinet Order.

## **Chapter XI Penal Provisions**

(Penal Provisions)

Article 113 Any person who falls under any of the following items is punished by imprisonment for not more than six months or a fine of not more than three hundred thousand yen:

- (i) a person who has failed to comply with an order for work, an order of cooperation or of custody issued by the prefectural governor (including the mayor of a municipality to whom part of affairs under the governor's authority has been delegated pursuant to the provisions of Article 71, paragraph (2)) under Article 71, paragraph (1);
- (ii) a person who has failed to comply with an order of custody issued by the head of a designated government organization or the head of a designated local government organization (including an official to whom authority has been delegated pursuant to the provisions of Article 27, paragraph (1) or Article 28-5, paragraph (1)) under Article 78, paragraph (1).

Article 114 A driver of a vehicle who has failed to comply with a restriction or ban placed by a prefectural public safety commission under Article 76, paragraph (1) is punished by imprisonment for not more than three months or a fine of not more than two hundred thousand yen.

Article 115 Any person who falls under any of the following items is punished by a fine of not more than two hundred thousand yen:

- (i) a person who has refused, interrupted, or avoided receiving a site inspection under Article 71, paragraph (1) (including the case where the person carries

out a part of the affairs belonging to the authority pursuant to the provisions of paragraph (2) of the same Article; hereinafter the same applies in this Article), Article 78, paragraph (2) (including the case where the person carries out a part of the affairs belonging to the authority pursuant to the provisions of Article 27, paragraph (1) or Article 28-5, paragraph (1)), or Article 78, paragraph (3) (including the case where the person carries out a part of the affairs belonging to the authority pursuant to the provisions of Article 27, paragraph (1) or Article 28-5, paragraph (1); hereinafter the same applies in this Article);

(ii) a person who has failed to make a report or has made a false report under Article 71, paragraph (1) or Article 78, paragraph (3).

Article 116 Any person who falls under any of the following items is punished by a fine of not more than one hundred thousand yen or penal detention:

(i) any person who has employed signals related to disaster management as provided for by Cabinet Office Order under Article 52, paragraph (1) without good reason, or has employed similar signals;

(ii) any person who has failed to comply with a ban, restriction, or order to leave enforced by the mayor of a municipality under Article 63, paragraph (1) (including a prefectural governor acting on behalf of the mayor of a municipality pursuant to the provisions of Article 73, paragraph (1)), or by the police or coast guard officers under Article 63, paragraph (2), or by SDF Personnel of Units under Disaster Relief Operation under Article 63, paragraph (1) as applied mutatis mutandis pursuant to Article 63, paragraph (3).

Article 117 When a representative of a corporation, or any agent, employee, or other worker either of the corporation or an individual has acted in violation of any provision of Article 113 or 115 with regards to the business of that corporation or individual, not only the offender is punished but also that corporate organization or individual is punished by the fine prescribed in the respective Articles.

### **Supplementary Provisions**

This Act is implemented on a date to be provided for by Cabinet Order, within a year from the date of its promulgation.