

# 災害対策基本法施行令

## Order for Enforcement of Basic Act on Disaster Management

(昭和三十七年七月九日政令第二百八十八号)  
(Cabinet Order No. 288 of July 9, 1962)

内閣は、災害対策基本法（昭和三十六年法律第二百二十三号）の規定に基づき、この政令を制定する。

The Cabinet establishes this Cabinet Order pursuant to the provisions of Basic Act on Disaster Management (Act No. 223 of 1961).

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**第一章 総則**

**Chapter I General Provisions**

(政令で定める原因)

(Causes Provided for by Cabinet Order)

第一条 災害対策基本法（以下「法」という。）第二条第一号の政令で定める原因は、放射性物質の大量の放出、多数の者の遭難を伴う船舶の沈没その他の大規模な事故とする。

Article 1 The causes provided for by Cabinet Order of Article 2, item (i) of Basic Act on Disaster Management (hereinafter referred to as "the Act") are to be the massive release of radioactive materials, sinking of a ship resulting in many victims or any other large-scale accidents.

(国会に対する報告)

(Report to the Diet)

第二条 法第九条第二項の規定による防災に関する計画の報告は、毎会計年度において実施すべき防災に関する計画について、国会法（昭和二十二年法律第七十九号）第二条の規定により当該会計年度の四月一日の属する年の一月中に召集されることが常例とされる国会の常会において、これを行うものとする。

Article 2 (1) The report on disaster management plan under Article 9, paragraph (2) of the Act is to be made at an ordinary session in the Diet which is usually convened during January of the year to which April 1 of the fiscal year belongs pursuant to the provisions of Article 2 of the Diet Act (Act No. 79 of 1947) pertaining to the plan on disaster management to be implemented in every fiscal year.

2 法第九条第二項の規定による防災に関して採った措置の概況の報告は、毎会計年度において採った措置について、国会法第二条の規定により当該会計年度の三月三十一日の属する年の翌年の一月中に召集されることが常例とされる国会の常会において、これを行うものとする。

(2) The report on the outline of measures taken pertaining to disaster management under Article 9, paragraph (2) of the Act is to be made at an ordinary session in the Diet which is usually convened during January of the year following the year to which March 31 of the fiscal year belongs pursuant to the provisions of Article 2 of the Diet Act.

## 第二章 中央防災会議

### Chapter II National Disaster Management Council

(中央防災会議の委員及び専門委員)

(Members and Expert Advisors of the National Disaster Management Council)

第三条 中央防災会議の委員（以下この条及び次条において「委員」という。）の定数は、二十六人以内とする。

Article 3 (1) The fixed number of members of the National Disaster Management Council (hereinafter referred to as "Members" in this Article and the following

Article) is 26 or less.

2 学識経験のある者のうちから任命される委員の任期は、二年とする。ただし、補欠の委員の任期は、その前任者の残任期間とする。

(2) The term of office of the Members appointed from among persons with relevant knowledge and experience is to be two years; provided, however, that the term of office of a member who fills a vacancy is to be the remaining term of their predecessor.

3 前項の委員は、再任されることができる。

(3) The Members of the preceding paragraph may be re-appointed.

4 中央防災会議の専門委員（以下この条及び次条において「専門委員」という。）は、その者の任命に係る当該専門の事項に関する調査が終了したときは、解任されるものとする。

(4) The expert advisors of the National Disaster Management Council (hereinafter referred to as "Expert Advisors" in this Article and the following Article) is to be dismissed when the research related to the matters of the expertise concerning appointment of the persons has ended.

5 委員及び専門委員は、非常勤とする。

(5) Members and Expert Advisors are to be part-time.

（中央防災会議の専門調査会）

(Expert Examination Committee of the National Disaster Management Council)

第四条 中央防災会議は、その議決により、専門調査会を置くことができる。

Article 4 (1) The National Disaster Management Council may establish an expert examination committee by its resolution.

2 専門調査会に属すべき者は、専門委員のうちから、会長が指名する。ただし、会長は、必要があると認める場合は、専門調査会に属すべき者として委員を指名することができる。

(2) Those who should belong to the expert examination committee are appointed from among Expert Advisors by the chairperson; provided, however, that the chairperson finds it necessary to do so, they may appoint Members as persons who should belong to the expert examination committee.

3 専門調査会は、その設置に係る調査が終了したときは、廃止されるものとする。

(3) The expert examination committee is to be abolished when the research concerning its establishment has ended.

（中央防災会議の庶務）

(General Affairs of the National Disaster Management Council)

第五条 中央防災会議の庶務は、内閣府本府に置かれる政策統括官が処理する。

Article 5 The general affairs of the National Disaster Management Council are handled by the Director General for Policy Planning assigned in the Cabinet

Office.

(中央防災会議の議事の手続等)

(Procedures of the Business of the National Disaster Management Council)

第六条 前三条に定めるもののほか、中央防災会議の議事の手続その他中央防災会議の運営に関し必要な事項は、会長が中央防災会議に諮つて定める。

Article 6 Beyond what is provided for in the preceding three Articles, necessary matters related to the procedures, etc. of the business of the National Disaster Management Council and other operations of the National Disaster Management Council are decided by the chairperson in consultation with the National Disaster Management Council.

### 第三章 地方防災会議

#### Chapter III Local Disaster Management Councils

(都道府県防災会議の組織及び運営の基準)

(Standards of Organization and Operation of a Prefectural Disaster Management Council)

第七条 法第十五条第八項の政令で定める基準は、次の各号に掲げるとおりとする。

Article 7 The standards provided for by Cabinet Order pursuant to the provisions of Article 15, paragraph (8) of the Act are to be set forth in each of the following items:

一 都道府県防災会議に、幹事を置くものとする。

(i) the prefectural disaster management council is to assign an executive secretary;

二 幹事は、都道府県防災会議の委員の属する機関の職員のうちから、当該都道府県の知事が任命するものとする。

(ii) the executive secretary is to be appointed by the prefectural governor from among the officials of the organs to which the members of the prefectural disaster management council belong;

三 幹事は、都道府県防災会議の所掌事務について、委員及び専門委員を補佐するものとする。

(iii) the executive secretary is to assist members and expert advisors on the function under the jurisdiction of the prefectural disaster management council;

四 都道府県防災会議は、その定めるところにより、部会を置くことができるものとする。

(iv) the prefectural disaster management council may establish a committee pursuant to the provisions of the council;

五 部会に属すべき委員及び専門委員は、会長が指名するものとする。

(v) the members and expert advisors who should belong to a committee are to

- be appointed by the chairperson;
- 六 部会に部会長を置き、会長の指名する委員がこれに当たるものとする。  
(vi) the committee has a chairperson who is appointed by the chairperson of the prefectural disaster management council from among the members;
- 七 部会長は、部会の事務を掌理するものとする。  
(vii) the chairperson of a committee is to manage the affairs of the committee;
- 八 部会長に事故があるときは、部会に属する委員のうちから部会長があらかじめ指名する者がその職務を代理するものとする。  
(viii) in case of incapacity on the part of the chairperson of a committee, a committee member named by them in advance is to perform their duties on their behalf;
- 九 前各号に定めるもののほか、都道府県防災会議の議事その他都道府県防災会議の運営に関し必要な事項は、会長が都道府県防災会議にはかつて定めるものとする。  
(ix) beyond what is provided for in each of the preceding items, necessary matters related to the business and operation of the prefectural disaster management council are decided by the chairperson in consultation with the prefectural disaster management council.

## 第八条 削除

### Article 8 (Deleted)

(地方防災会議の協議会の組織及び運営)

### (Organization and Operation of a Joint Committee of Local Disaster Management Councils)

第九条 都道府県防災会議の協議会は、会長及び委員をもつて組織する。

Article 9 (1) A joint committee of a prefectural disaster management council is composed of a chairperson and its members.

2 会長は、関係都道府県防災会議の会長又は委員のうちから当該関係都道府県が協議により定める者をもつて充てる。

(2) A person appointed through consultation by the relevant prefecture from among the chairperson or members of the relevant prefectural disaster management council serves as the chairperson.

3 会長は、会務を総理する。

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

4 会長に事故があるときは、あらかじめその指名する委員がその職務を代理する。

(4) In case of incapacity on the part of the chairperson, a member named by the chairperson in advance performs this person's duties on this person's behalf.

5 委員は、関係都道府県防災会議の会長又は委員のうちから当該関係都道府県の知事が当該都道府県防災会議の協議会の規約の定めるところにより指名する者をもつて充てる。

(5) Persons appointed by the governor of the relevant prefecture from among the

chairperson or members of the relevant prefectural disaster management council pursuant to the constitution of the joint committee of the relevant prefectural disaster management council serve as the members.

6 前各項に定めるもののほか、都道府県防災会議の協議会の組織及び運営に関し必要な事項は、当該都道府県防災会議の協議会の規約で定める。

(6) Beyond what is provided for in each of the preceding paragraphs, necessary matters related to the organization and operation of the joint committee of the prefectural disaster management council are prescribed by the constitution of the joint committee of the relevant prefectural disaster management council.

7 前各項の規定は、市町村防災会議の協議会の組織について準用する。

(7) The provisions in each of the preceding paragraphs are applied mutatis mutandis to the organization of the joint committee of a municipal disaster management council.

(法第十七条第一項の地方防災会議の協議会の規約事項)

(Constitution of the Joint Committee of Local Disaster Management Councils Set Forth in Article 17, Paragraph (1) of the Act)

第十条 法第十七条第一項の地方防災会議の協議会の規約には、次の各号に掲げる事項について規定を設けなければならない。

Article 10 The constitution of the joint committee of local disaster management councils set forth in Article 17, paragraph (1) of the Act must establish the provisions on matters set forth in each of the following items:

一 地方防災会議の協議会の名称

(i) name of the joint committee of local disaster management councils

二 地方防災会議の協議会を設置する都道府県又は市町村

(ii) prefecture or municipality to establish the joint committee of local disaster management councils

三 都道府県相互間地域防災計画又は市町村相互間地域防災計画に係る地域

(iii) area related to cross-prefectural area disaster management plan or cross-municipal area disaster management plan

四 地方防災会議の協議会の組織

(iv) organization of the joint committee of local disaster management councils

五 地方防災会議の協議会の経費の支弁の方法

(v) method to pay the expenses of the joint committee of local disaster management councils

(法第十七条第一項の規定による地方防災会議の協議会の設置等の公示)

(Public Notice of Establishment of the Joint Committee of Local Disaster Management Councils under Article 17, Paragraph (1) of the Act)

第十一条 都道府県又は市町村は、法第十七条第一項の規定により地方防災会議の協議会を設置したときは、その旨及び当該協議会の規約を公示しなければならない。

Article 11 A prefecture or a municipality must, when it has established a joint committee of local disaster management councils pursuant to the provisions of Article 17, paragraph (1) of the Act, make a public notice to that effect and publicly notify the constitution of the relevant joint committee.

(法第十七条第一項の地方防災会議の協議会の規約の変更等)

(Change of the Constitution of the Joint Committee of Local Disaster

Management Councils Set Forth in Article 17, Paragraph (1) of the Act)

第十二条 法第十七条第一項の規定により地方防災会議の協議会を設置した都道府県又は市町村は、当該協議会の規約を変更し、又は当該協議会を廃止しようとするときは、協議によりこれを行なわなければならない。

Article 12 (1) A prefecture or a municipality which has established a joint committee of local disaster management councils pursuant to the provisions of Article 17, paragraph (1) of the Act must, when it intends to change the constitution of the relevant joint committee or abolish that joint committee, do so by consultation.

2 法第十七条第一項の規定により地方防災会議の協議会を設置した都道府県又は市町村は、当該協議会の規約を変更し、又は当該協議会を廃止したときは、都道府県防災会議の協議会にあつては内閣総理大臣に、市町村防災会議の協議会にあつては都道府県知事にそれぞれ届け出なければならない。

(2) A prefecture or a municipality which has established a joint committee of local disaster management councils pursuant to the provisions of Article 17, paragraph (1) of the Act must, when it has changed the constitution of the joint committee or has abolished the relevant joint committee, notify the Prime Minister in the case of a joint committee of prefectural disaster management councils, and the prefectural governor in the case of a joint committee of municipal disaster management councils.

3 前条の規定は、法第十七条第一項の規定により地方防災会議の協議会を設置した都道府県又は市町村が当該協議会の規約を変更し、又は当該協議会を廃止した場合について準用する。

(3) The provisions of the preceding Article are applied mutatis mutandis to the case where a prefecture or a municipality which has established a joint committee of local disaster management councils pursuant to the provisions of Article 17, paragraph (1) of the Act has changed the constitution of the joint committee or has abolished the relevant joint committee.

第十三条及び第十四条 削除

Articles 13 and 14 Deleted

#### 第四章 災害時における職員の派遣

#### Chapter IV Dispatch of Officials in Time of a Disaster

(職員の派遣の要請手続)

**(Procedures for Requesting Dispatch of Officials)**

第十五条 都道府県知事若しくは都道府県の委員会若しくは委員（以下「都道府県知事等」という。）又は市町村長若しくは市町村の委員会若しくは委員（以下「市町村長等」という。）は、法第二十九条第一項又は第二項の規定により指定行政機関、指定地方行政機関又は指定公共機関（同条第一項に規定する指定公共機関をいう。以下この章において同じ。）の職員の派遣を要請しようとするときは、次の各号に掲げる事項を記載した文書をもつてこれをしなければならない。

Article 15 The prefectural governor, or committee or committee members of a prefecture (hereinafter referred to as "Prefectural Governor, etc.") or the mayor, committee, or committee members of a municipality (hereinafter referred to as "Mayor of Municipality, etc.") must, when that person intends to request the dispatch of officials of a designated government organization or designated local government organization or a designated public corporation (referring to the designated public corporation prescribed in paragraph (1) of the same Article; hereinafter the same applies in this Chapter) pursuant to the provisions of Article 29, paragraph (1) or paragraph (2) of the Act, do so by documents describing the matters set forth in each of the following items:

一 派遣を要請する理由

(i) reasons for requesting dispatch of officials

二 派遣を要請する職員の職種別人員数

(ii) number of officials by kind of work for requesting dispatch of officials

三 派遣を必要とする期間

(iii) period required for dispatch of officials

四 派遣される職員の給与その他の勤務条件

(iv) salary and other working conditions of officials to be dispatched

五 前各号に掲げるもののほか、職員の派遣について必要な事項

(v) beyond what is set forth in each of the preceding items, necessary matters pertaining to the dispatch of officials

(職員の派遣のあつせんの要求手続)

**(Procedures for Requesting Arrangements for Dispatch of Officials)**

第十六条 都道府県知事等又は市町村長等は、法第三十条第一項又は第二項の規定により内閣総理大臣又は都道府県知事に対し職員の派遣についてあつせんを求めようとするときは、次の各号に掲げる事項を記載した文書をもつてこれをしなければならない。

Article 16 The Prefectural Governor, etc. or the Mayor or a Municipality, etc. must, when that person intends to request arrangements for dispatch of officials to the Prime Minister or the prefectural governor pursuant to the provisions of Article 30, paragraph (1) or paragraph (2) of the Act, do so by documents describing the matters set forth in each of the following items:



- 一 派遣のあつせんを求める理由  
(i) reason for requesting arrangements for dispatch of officials
- 二 派遣のあつせんを求める職員の職種別人員数  
(ii) number of officials by kind of work for requesting arrangements for dispatch of officials
- 三 派遣を必要とする期間  
(iii) period required for dispatch of officials
- 四 派遣される職員の給与その他の勤務条件  
(iv) salary and other working conditions of officials to be dispatched
- 五 前各号に掲げるもののほか、職員の派遣のあつせんについて必要な事項  
(v) beyond what is set forth in each of the preceding items, necessary matters pertaining to arrangements for dispatch of officials

(派遣職員の身分等)

(Status of Dispatched Officials)

第十七条 法第三十一条の規定により指定行政機関、指定地方行政機関又は指定公共機関から派遣される職員（以下この条及び次条において「派遣職員」という。）は、派遣を受けた都道府県又は市町村の職員の身分を併せ有することとなるものとする。

Article 17 (1) Officials to be dispatched from a designated national or local government organization or a designated public corporation pursuant to the provisions of Article 31 of the Act (hereinafter referred to as "Dispatched Officials" in this Article and the following Article) also have the status as officials of the prefecture or the municipality which has received Dispatched Officials.

2 派遣職員は、派遣を受けた都道府県又は市町村の職員の定数の外に置くものとする。

(2) Dispatched Officials are counted outside of the fixed number of officials of the prefecture or the municipality which has received Dispatched Officials.

3 派遣職員の任用については、地方公務員法（昭和二十五年法律第二百六十一号）第十七条の二第一項及び第二項並びに第十八条から第二十二條までの規定は、適用しない。

(3) Regarding the appointment of Dispatched Officials, the provisions of Article 17-2, paragraphs (1) and (2) and Articles 18 through 22 of the Local Public Service Act (Act No. 261 of 1950) do not apply.

4 派遣を受けた都道府県又は市町村の都道府県知事等又は市町村長等は、地方公務員法第二十八条第一項又は第二項の規定にかかわらず、派遣職員をその意に反して降任し、休職し、又は免職することができない。

(4) The Prefectural Governor, etc. or the Mayor of a Municipality, etc. of the prefecture or the municipality which has received Dispatched Officials may not demote, suspend, or dismiss Dispatched Officials against their will, notwithstanding the provisions of Article 28, paragraph (1) or (2) of the Local Public Service Act.

5 派遣を受けた都道府県又は市町村の都道府県知事等又は市町村長等は、地方公務員法第二十九条第一項の規定にかかわらず、派遣職員に対し懲戒処分として戒告、減給、停職又は免職の処分をすることができない。

(5) The Prefectural Governor, etc. or the Mayor of a Municipality, etc. of the prefecture or the municipality which has received Dispatched Officials may not subject Dispatched Officials to disciplinary action such as admonition, reduction in pay, suspension from duty, or dismissal, notwithstanding the provisions of Article 29, paragraph (1) of the Local Public Service Act.

6 派遣職員に対する国家公務員法（昭和二十二年法律第二十号）第七十八条第一号及び第八十二条第一項第二号並びに自衛隊法（昭和二十九年法律第百六十五号）第四十二条第一号及び第四十六条第一項第一号の規定の適用については、派遣を受けた都道府県又は市町村の職員としての職務を国又は指定公共機関の職員としての職務とみなす。

(6) Regarding the application of the provisions of Article 78, item (i) and Article 82, paragraph (1), item (ii) of the National Public Service Act (Act No. 120 of 1947), and Article 42, item (i) and Article 46, paragraph (1), item (i) of the Self-Defense Act (Act No. 165 of 1954) to Dispatched Officials, the duties as officials of the prefecture or the municipality which has received Dispatched Officials are deemed as the duties of the officials of the State or a designated public corporation.

7 派遣職員に対する国家公務員法第八十二条第一項第一号の規定の適用については、同号中「この法律若しくは国家公務員倫理法又はこれらの法律に基づく命令（国家公務員倫理法第五条第三項の規定に基づく訓令及び同条第四項の規定に基づく規則を含む。）」とあるのは「この法律若しくは国家公務員倫理法若しくはこれらの法律に基づく命令（国家公務員倫理法第五条第三項の規定に基づく訓令及び同条第四項の規定に基づく規則を含む。）又は地方公務員法（昭和二十五年法律第二百六十一号）若しくは同法第五十七条に規定する特例を定めた法律若しくはこれらに基づく条例、派遣を受けた都道府県若しくは市町村の規則若しくは当該都道府県若しくは市町村の機関の定める規程」とし、派遣職員に対する自衛隊法第四十六条第一項第三号の規定の適用については、同号中「この法律若しくは自衛隊員倫理法（平成十一年法律第百三十号）又はこれらの法律に基づく命令」とあるのは「この法律若しくは自衛隊員倫理法（平成十一年法律第百三十号）若しくはこれらの法律に基づく命令又は地方公務員法（昭和二十五年法律第二百六十一号）若しくは同法第五十七条に規定する特例を定めた法律若しくはこれらに基づく条例、派遣を受けた都道府県若しくは市町村の規則若しくは当該都道府県若しくは市町村の機関の定める規程」とする。

(7) Regarding the application of the provisions of Article 82, paragraph (1), item (i) of the National Public Service Act to Dispatched Officials, the term "this Act, the National Public Service Ethics Act or orders issued pursuant to these Acts(including the official directives pursuant to the provisions of Article 5, paragraph (3) of the National Public Service Ethics Act, and the codes pursuant to the provisions of paragraph (4) of the same Article)" in the same

item is deemed to be replaced with "this Act, the National Public Service Ethics Act or orders issued pursuant to these Acts(including the official directives pursuant to the provisions of Article 5, paragraph (3) of the National Public Service Ethics Act, and the codes pursuant to the provisions of paragraph (4) of the same Article) or the Local Public Service Act (Act No. 261 of 1950), the Act specifying special provisions prescribed in Article 57 of the same Act, the Prefectural or Municipal Ordinance based on these Acts, regulations of the prefecture or the municipality which has received Dispatched Officials, or rules specified by the organs of the prefecture or municipality," and regarding the application of the provisions of Article 46, paragraph (1), item (iii) of the Self-Defense Forces Act to Dispatched Officials, the term "this Act, the Self-Defense Forces Personnel Ethics Act (Act No. 130 of 1999) or orders issued pursuant to these Acts" in the same item is deemed to be replaced with "this Act, the Self-Defense Forces Personnel Ethics Act (Act No. 130 of 1999) or orders issued pursuant to these Acts, the Local Public Service Act (Act No. 261 of 1950), the law specifying special provisions prescribed in Article 57 of the same Act, Prefectural/Municipal Ordinances based on these Acts, regulations of the prefecture or the municipality which has received Dispatched Officials, or rules specified by the organs of the relevant prefecture or municipality."

8 派遣職員は、派遣の期間が終了したとき、又は派遣をした指定行政機関、指定地方行政機関若しくは指定公共機関の職員の身分を失ったときは、同時に派遣を受けた都道府県又は市町村の職員の身分を失うものとする。

(8) Dispatched Officials, when the term of their dispatch is over or they have lost the status as officials of the designated government organization or local government organization or the designated public corporation which dispatched them, also lose the status as officials of the prefecture or the municipality which received them.

(派遣職員の給与等)

(Pay of Dispatched Officials)

第十八条 派遣職員は、一般職の職員の給与に関する法律（昭和二十五年法律第九十五号）第十二条第一項の通勤手当、同法第十二条の二第一項及び第三項の単身赴任手当、同法第十三条第一項の特殊勤務手当、同法第十六条第一項の超過勤務手当、同法第十七条の休日給、同法第十八条の夜勤手当、同法第十九条の二第一項及び第二項の宿日直手当、同法第十九条の三第一項の管理職員特別勤務手当並びに国家公務員等の旅費に関する法律（昭和二十五年法律第百十四号）第三条第一項の旅費又は国若しくは指定公共機関の職員に対して支給されるべきこれらに相当するものの支給を受けることができない。

Article 18 (1) Dispatched Officials may not receive the commuting allowance set forth in Article 12, paragraph (1), single transfer allowance set forth in Article

12-2, paragraphs (1) and (3), extraordinary services allowance set forth in Article 13, paragraph (1), overtime allowance set forth in Article 16, paragraph (1), holiday work allowance set forth in Article 17, night work allowance set forth in Article 18, night and day work allowance set forth in Article 19-2, paragraphs (1) and (2), and managerial personnel special work allowance set forth in Article 19-3, paragraph (1) of the Act on Remuneration of Officials in the Regular Service Category (Act No. 95 of 1950), and travel expenses set forth in Article 3, paragraph (1) of the Act on Travel Expenses of National Public Officers (Act No. 114 of 1950) or allowances equivalent to these allowances to be paid to officials of the State or designated public corporations.

2 派遣職員は、地方自治法（昭和二十二年法律第六十七号）第二百四条第一項の給料、同条第二項の扶養手当、地域手当、住居手当、初任給調整手当、特地勤務手当（これに準ずる手当を含む。）、管理職手当、期末手当、勤勉手当、寒冷地手当及び退職手当、地方公務員法第四十三条第一項の共済制度による給付並びに同法第四十五条第一項の公務災害補償又は派遣を受けた都道府県若しくは市町村の職員に対して支給されるべきこれらに相当するものの支給を受けることができない。

(2) Dispatched Officials may not receive the salary set forth in Article 204, paragraph (1), dependent allowance, area allowance, housing allowance, first pay adjustment allowance, allowance for service in special areas (including allowances similar to this allowance), managerial position allowance, end-of-year allowance, bonus, allowance for work in cold areas, and retirement allowance set forth in paragraph (2) of the same Article of the Local Autonomy Act (Act No. 67 of 1947), benefits under the mutual aid system set forth in Article 43, paragraph (1) and public servant disaster compensation set forth in Article 45, paragraph (1) of the Local Public Service Act, or the amount equivalent to the allowances to be paid to the officials of the prefecture or the municipality which has received Dispatched Officials.

3 派遣職員に対する次に掲げる規定（指定公共機関からの派遣職員にあつては、第六号及び第七号に掲げる規定）の適用については、派遣を受けた都道府県又は市町村の職員としての勤務を国又は指定公共機関の職員としての勤務とみなす。

(3) Regarding the application of the provisions set forth below pertaining to Dispatched Officials (the provisions set forth in items (vi) and (vii) in the case of Dispatched Officials from a designated public corporation), the duties as officials of the prefecture or the municipality which has received Dispatched Officials are deemed as the duties of officials of the State or a designated public corporation.

一 一般職の職員の給与に関する法律第八条第六項から第八項まで（防衛省の職員の給与等に関する法律（昭和二十七年法律第二百六十六号）第五条第二項において準用する場合を含む。）、第十五条及び第十九条の七第一項

(i) Article 8, paragraphs (6) through (8) (including as applied *mutatis mutandis* pursuant to Article 5, paragraph (2) of the Act on Remuneration of Ministry

- of Defense Personnel (Act No. 266 of 1952)), Article 15, and Article 19-7, paragraph (1) of the Act on Remuneration of Officials in the Regular Service Category.
- 二 人事院規則九一七（俸給等の支給）第七條
- (ii) Article 7 of the Rules of the National Personnel Authority 9-7 (Payment of Remuneration)
- 三 防衛省の職員の給与等に関する法律第十一条第二項、第十六条第二項、第十七条第一項、第十八条第三項及び第十八条の二第一項
- (iii) Article 11, paragraph (2), Article 16, paragraph (2), Article 17, paragraph (1), Article 18, paragraph (3), and Article 18-2, paragraph (1) of the Act on Remuneration, of Ministry of Defense Personnel
- 四 防衛省の職員の給与等に関する法律施行令（昭和二十七年政令第三百六十八号）第八条の三第四項
- (iv) Article 8-3, paragraph (4) of the Order for Enforcement of the Act on Remuneration of Ministry of Defense Personnel (Cabinet Order No. 368 of 1952)
- 五 国家公務員の寒冷地手当に関する法律（昭和二十四年法律第二百号）第一条及び第五条
- (v) Articles 1 and 5 of the Act on the Cold-district Allowance for National Public Officers (Act No. 200 of 1949)
- 六 国家公務員退職手当法（昭和二十八年法律第百八十二号）第二条第一項、第六条の四第一項及び第七条第四項
- (vi) Article 2, paragraph (1), Article 6-4, paragraph (1), and Article 7, paragraph (4) of the Act on National Public Officers' Retirement Allowance (Act No. 182 of 1953)
- 七 国家公務員共済組合法（昭和三十三年法律第百二十八号）第二条第一項
- (vii) Article 2, paragraph (1) of the National Public Officers Mutual Aid Association Act (Act No. 128 of 1958)
- 4 派遣職員に対する次に掲げる規定（指定公共機関からの派遣職員にあつては、第一号、第三号及び第五号に掲げる規定）の適用については、派遣を受けた都道府県又は市町村の公務を国又は指定公共機関の公務とみなす。
- (4) Regarding the application of the provisions set forth below to Dispatched Officials (the provisions set forth in items (i), (iii), and (v) in the case of Dispatched Officials from a designated public corporation), the public duties as officials of the prefecture or the municipality which has received Dispatched Officials are deemed as the public duties of officials of the State or a designated public corporation.
- 一 国家公務員災害補償法（昭和二十六年法律第百九十一号）第十条、第十二条、第十二条の二第一項、第十三条第一項及び第八項、第十五条、第十八条並びに第二十二條第一項及び第二項
- (i) Article 10, Article 12, Article 12-2, paragraph (1), Article 13, paragraphs (1)

- and (8), Article 15, Article 18, and Article 22, paragraphs (1) and (2) of the Act on National Public Officers' Accident Compensation (Act No. 191 of 1951)
- 二 防衛省の職員の給与等に関する法律第二十七条第一項において準用する前号に掲げる規定
- (ii) The provisions set forth in the preceding item, as applied mutatis mutandis pursuant to Article 27, paragraph (1) of the Act on Remuneration, etc. of Ministry of Defense Personnel
- 三 国家公務員退職手当法第五条第一項第四号
- (iii) Article 5, paragraph (1), item (iv) of the Act on National Public Officers' Retirement Allowance
- 四 防衛省の職員の給与等に関する法律第二十八条第三項
- (iv) Article 28, paragraph (3) of the Act on Remuneration of Ministry of Defense Personnel
- 五 国家公務員共済組合法第八十三条第一項、第二項及び第四項、第八十五条第二項並びに第八十九条第一項
- (v) Article 83, paragraphs (1), (2) and (4), Article 85, paragraph (2), and Article 89, paragraph (1) of the National Public Officers Mutual Aid Act
- 5 派遣職員の国家公務員災害補償法第四条第一項（防衛省の職員の給与等に関する法律第二十七条第一項において準用する場合を含む。）の給与及び国家公務員共済組合法第二条第一項第五号の報酬については、派遣を受けた都道府県又は市町村が法令の規定により当該派遣職員に対し支給した通勤手当、単身赴任手当、特殊勤務手当、時間外勤務手当、休日勤務手当、夜間勤務手当、宿日直手当及び管理職員特別勤務手当又はこれらに相当するものを、国が法令の規定により当該派遣職員に対し支給し、又は指定公共機関が当該派遣職員に対し支給した通勤手当、単身赴任手当、特殊勤務手当、超過勤務手当、休日給、夜勤手当、宿日直手当及び管理職員特別勤務手当又はこれらに相当するものとみなす。
- (5) Regarding the salary of Dispatched Officials set forth in Article 4, paragraph (1) of the Act on National Public Officers' Accident Compensation (including as applied mutatis mutandis pursuant to Article 27, paragraph (1) of the Act on Remuneration of Ministry of Defense Personnel) and the remuneration set forth in Article 2, paragraph (1), item (v) of the Act on the National Public Officers Mutual Aid Association, the commuting allowance, single transfer allowance, extraordinary services allowance, overtime allowance, holiday work allowance, night work allowance, night and day work allowance, and managerial personnel special work allowance, or allowances equivalent to these allowances paid to Dispatched Officials pursuant to the provisions of laws and regulations by the prefecture or the municipality which has received Dispatched Officials are deemed as the commuting allowance, single transfer allowance, extraordinary services allowance, overtime allowance, holiday work allowance, night work allowance, night and day work allowance, and managerial personnel special work allowance, or allowances equivalent to

these allowances paid to the Dispatched Officials by the State pursuant to the provisions of laws and regulations or paid to the Dispatched Officials by a designated public corporation.

6 派遣職員の地方自治法第二百四条第二項のへき地手当（これに準ずる手当を含む。）、時間外勤務手当、夜間勤務手当、休日勤務手当及び農林漁業普及指導手当又は派遣を受けた都道府県若しくは市町村の職員に対して支給されるこれらに相当するものの支給額の算定の基礎となる給与については、国が法令の規定により当該派遣職員に対し支給し、又は指定公共機関が当該派遣職員に対し支給する俸給（俸給の調整額を含む。）、扶養手当及び地域手当又はこれらに相当するものを、派遣を受けた都道府県若しくは市町村が法令の規定により当該派遣職員に対し支給すべき給料、扶養手当及び地域手当又はこれらに相当するものとみなす。

(6) Regarding the remote area allowance (including allowances similar to this allowance), overtime work allowance, night work allowance, holiday work allowance, and allowance for agriculture, forestry, and fisheries guidance and dissemination for Dispatched Officials set forth in Article 204, paragraph (2) of the Local Autonomy Act, or the salary which is the basis for calculation of the amount of payment equivalent to these allowances, to be paid to the officials of the prefecture or the municipality which has received Dispatched Officials, salary (including adjusted amount of salary), dependent allowance and area allowance, or the amount equivalent to these allowances to be paid to Dispatched Officials by the State pursuant to the provisions of laws and regulations or to be paid to the Dispatched Officials by a designated public corporation are deemed as the salary, dependent allowance and area allowance, or the amount equivalent to these allowances to be paid to the Dispatched Officials by the prefecture or the municipality which has received Dispatched Officials pursuant to the provisions of laws and regulations.

7 派遣職員に対する一般職の職員の給与に関する法律第十一条の三から第十一条の七までの地域手当、同法第十三条の二第一項の特地勤務手当、同法第十四条第一項及び第二項の特地勤務手当に準ずる手当並びに国家公務員の寒冷地手当に関する法律第一条の寒冷地手当又はこれらに相当するものの支給については、国の職員としての勤務に係る地域の支給地域の区分又は官署の級別区分に応じ、これを行うものとする。

(7) Regarding payment to Dispatched Officials of area allowance set forth in Article 11-3 through Article 11-7, allowance for service in special areas set forth in Article 13-2, paragraph (1), allowance similar to the allowance for service in special areas set forth in Article 14, paragraphs (1) and (2) of the Act on Remuneration of Officials in the Regular Service Category, and allowance for work in cold areas set forth in Article 1 of the Act on Allowance for National Public Officers' Work in Cold Areas, or allowances similar to these allowances, the payment is to be made according to the division of payment area of the area related to work as officials of the State or class division of government offices.

8 国又は指定公共機関が派遣職員に対して支給した一般職の職員の給与に関する法律

第五条第一項の俸給、同法第十条の二第一項の俸給の特別調整額、同法第十条の三第一項の本府省業務調整手当、同法第十条の四第一項及び第二項の初任給調整手当、同法第十条の五第一項の専門スタッフ職調整手当、同法第十一条第一項の扶養手当、同法第十一条の三から第十一条の七までの地域手当、同法第十一条の八第一項及び第三項の広域異動手当、同法第十一条の九第一項の研究員調整手当、同法第十一条の十第一項の住居手当、同法第十三条の二第一項の特地勤務手当、同法第十四条第一項及び第二項の特地勤務手当に準ずる手当、同法第十九条の四第一項の期末手当並びに同法第十九条の七第一項の勤勉手当の支給額、国家公務員の寒冷地手当に関する法律第一条の寒冷地手当の支給額並びに国家公務員災害補償法第九条各号に規定する公務災害補償に要する費用又はこれらに相当するもの並びに国又は指定公共機関が負担した国家公務員共済組合法第九十九条第二項第一号から第三号までに規定する負担金及び厚生年金保険法（昭和二十九年法律第百十五号）第八十二条第一項の保険料のうち派遣職員に係る額については、派遣を受けた都道府県又は市町村がこれを負担するものとする。

- (8) Regarding salary set forth in Article 5, paragraph (1), special adjusted amount of salary set forth in Article 10-2, paragraph (1), government department operation adjustment allowance set forth in Article 10-3, paragraph (1), first salary adjustment allowance set forth in Article 10-4, paragraphs (1) and (2), professional staff adjustment allowance set forth in Article 10-5, paragraph (1), dependent allowance set forth in Article 11, paragraph (1), area allowance set forth in Articles 11-3 through 11-7, wide-area transfer allowance set forth in Article 11-8, paragraphs (1) and (3), research staff adjustment allowance set forth in Article 11-9, paragraph (1), housing allowance set forth in Article 11-10, paragraph (1), allowance for service in special areas set forth in Article 13-2, paragraph (1), allowance similar to the allowance for service in special areas set forth in Article 14, paragraphs (1) and (2), year-end allowance set forth in Article 19-4, paragraph (1), and bonus set forth in Article 19-7, paragraph (1) of the Act on Remuneration of Officials in the Regular Service Category, amount of payment of allowance for work in cold areas set forth in Article 1 of the Act on Allowance for National Public Officers' Work in Cold Areas, expenses required for compensation for accidents in the line of public duty prescribed in each item of Article 9 of the Act on the National Public Officers' Accident Compensation or the amount equivalent to these expenses, which are paid to Dispatched Officials by the State or the designated public corporation, and the amount related to Dispatched Officials out of contributions prescribed in Article 99, paragraph (2), items (i) through (iii) of the Act on the National Public Officers Mutual Aid Association and the insurance premium set forth in Article 82, paragraph (1) of the Employees' Pension Insurance Act (Act No. 115 of 1954), which are borne by the State or the designated public institution, the payment is to be borne by the prefecture or the municipality which has received Dispatched Officials.



(災害派遣手当)

(Disaster Relief Operation Allowance)

第十九条 法第三十二条第一項の災害派遣手当は、災害応急対策又は災害復旧のため派遣された職員が住所又は居所を離れて派遣を受けた都道府県又は市町村の区域に滞在することを要する場合に限り、総務大臣が定める基準に従い、当該都道府県又は市町村の条例で定める額を支給するものとする。

Article 19 The disaster relief operation allowance set forth in Article 32, paragraph (1) of the Act is to be paid only when officials who were dispatched for emergency disaster control measures or disaster recovery efforts need to stay away from their domicile or residence in the area of the prefecture or the municipality which has received Dispatched Officials, in the amount pursuant to the provisions of the ordinances of the relevant prefecture or municipality according to the standards specified by the Minister of Internal Affairs and Communications.

## 第五章 政令で定める計画

### Chapter V Plan Provided for by Cabinet Order

(政令で定める計画)

(Plan Provided for by Cabinet Order)

第二十条 法第三十八条第十三号の政令で定める計画は、次に掲げるものとする。

Article 20 (1) The plan provided for by Cabinet Order set forth in Article 38, item (xiii) of the Act, is to be as set forth below:

一 北海道開発法（昭和二十五年法律第二百二十六号）第二条第一項に規定する北海道総合開発計画

(i) Comprehensive Development plan of Hokkaido prescribed in Article 2, paragraph (1) of the Hokkaido Development Act (Act No. 126 of 1950)

二 漁港漁場整備法（昭和二十五年法律第三百七号）第六条の三第一項に規定する漁港漁場整備長期計画並びに同法第十九条第一項及び第十九条の三第一項に規定する特定漁港漁場整備事業計画

(ii) long-term plan for developing fishing ports and grounds prescribed in Article 6-3, paragraph (1) and plan for developing specific fishing ports and grounds prescribed in Article 19, paragraph (1) and Article 19-3, paragraph (1) of the Act on Development of Fishing Ports and Grounds (Act No. 137 of 1950)

2 法第四十一条第八号の政令で定める計画は、次に掲げるものとする。

(2) The plan provided for by Cabinet Order set forth in Article 41, item (viii) of the Act, is to be as set forth below:

一 漁港漁場整備法第十七条第一項に規定する特定漁港漁場整備事業計画

(i) plan for developing specific fishing ports and grounds prescribed in Article

- 17, paragraph (1) of the Act on Development of Fishing Ports and Grounds  
 二 奄美群島振興開発特別措置法（昭和二十九年法律第百八十九号）第五条第一項に規定する奄美群島振興開発計画
- (ii) plan for promoting and developing the Amami Islands prescribed in Article 5, paragraph (1) of the Act on Special Measures for the Amami Islands Promotion and Development (Act No. 189 of 1954)
- 三 小笠原諸島振興開発特別措置法（昭和四十四年法律第七十九号）第六条第一項に規定する小笠原諸島振興開発計画
- (iii) plan for promoting and developing the Ogasawara Islands prescribed in Article 6, paragraph (1) of the Act on Special Measures for the Ogasawara Islands Promotion and Development (Act No. 79 of 1969)
- 四 沖縄振興特別措置法（平成十四年法律第十四号）第四条第一項に規定する沖縄振興計画
- (iv) plan for promoting Okinawa prescribed in Article 4, paragraph (1) of the Act on Special Measures for Promotion of Okinawa (Act No. 14 of 2002)

## 第五章の二 災害予防

### Chapter V-2 Disaster Management

(防災訓練のための交通の禁止又は制限の手続)

(Procedures to Ban or Restrict Transportation for Disaster Reduction Drill)

第二十条の二 都道府県公安委員会（以下「公安委員会」という。）は、法第四十八条第二項の規定により歩行者又は車両の道路における通行を禁止し、又は制限するときは、その禁止又は制限の対象、区域等（区域又は道路の区間をいう。第四項及び第三十二条において同じ。）及び期間を記載した内閣府令で定める様式の標示を内閣府令で定める場所に設置してこれを行わなければならない。ただし、標示を設置して行うことが困難であると認めるときは、公安委員会の管理に属する都道府県警察の警察官の現場における指示により、これを行うことができる。

Article 20-2 (1) The prefectural public safety commission (hereinafter referred to as "Public Safety Commission") must, when it bans or restricts pedestrian or vehicular passage over a road pursuant to the provisions of Article 48, paragraph (2) of the Act, establish a sign describing the target, zones, etc. (which means zones or sections of roads; the same applies in paragraph (4) and Article 32) and the period of its ban or restriction in the form as specified by Cabinet Office Order at a place as specified by Cabinet Office Order; provided, however, that the Public Safety Commission finds it difficult to do so by installing a sign, the Commission may do so under on-site instructions of police officers of the prefectural police department under the jurisdiction of the Commission.

- 2 前項の規定による交通の禁止又は制限を行う場合において、必要があると認めるときは、公安委員会は、適当な回り道を明示して一般の交通に支障のないようにしなけ

ればならない。

(2) When a traffic ban or restriction under the preceding paragraph is implemented, and the Public Safety Commission finds it necessary to do so, it must avoid hindrance of general traffic by indicating a proper detour.

3 公安委員会は、法第四十八条第二項の規定により歩行者又は車両の道路における通行を禁止し、又は制限するときは、あらかじめ当該道路の管理者の意見を聴かなければならない。

(3) The Public Safety Commission must, when it bans or restricts pedestrian or vehicular passage over a road pursuant to the provisions of Article 48, paragraph (2) of the Act, hear the opinions of the administrator of the relevant road.

4 公安委員会は、法第四十八条第二項の規定により歩行者又は車両の道路における通行を禁止し、又は制限するときは、あらかじめ関係公安委員会に禁止又は制限の対象、区域等及び期間を通知しなければならない。

(4) The Public Safety Commission must, when it bans or restricts pedestrian or vehicular passage over a road pursuant to the provisions of Article 48, paragraph (2) of the Act, notify relevant Public Safety Commissions in advance of the target, zones, etc., and period of its ban or restriction.

5 公安委員会は、法第四十八条第二項の規定により歩行者又は車両の道路における通行を禁止し、又は制限しようとする場合において、必要があると認めるときは、あらかじめその禁止又は制限に関する広報を行わなければならない。

(5) In cases where the Public Safety Commission intends to ban or restrict pedestrian or vehicular passage pursuant to the provisions of Article 48, paragraph (2) of the Act, when it finds it necessary to do so, it must make an announcement concerning its ban or restriction in advance.

(指定緊急避難場所の基準)

(Standards of Designated Emergency Evacuation Sites)

第二十条の三 法第四十九条の四第一項の政令で定める基準は、次のとおりとする。

Article 20-3 The standards provided for by Cabinet Order set forth in Article 49-4, paragraph (1) of the Act, are to be as below:

一 災害が発生し、又は発生するおそれがある場合において居住者、滞在者その他の者（次号ロ及び第二十条の六第一号において「居住者等」という。）に開放されることその他その管理の方法が内閣府令で定める基準に適合するものであること。

(i) the sites are open to residents, visitors, and any other persons (referred to as "Residents, etc." in the following (b) of the following item and Article 20-6, item (i)) when a disaster occurs or is likely to occur and the method of managing them meet the standards as specified by Cabinet Office Order;

二 次条に規定する種類の異常な現象（地震を除く。）が発生した場合において人の生命又は身体に危険が及ぶおそれがないと認められる土地の区域（第二十条の五において「安全区域」という。）内にあるものであること。ただし、次に掲げる基準

に適合する施設については、この限りでない。

- (ii) the sites are within the zone of land that is considered not to cause a risk for the life or body of people (referred to as "Safety Zone" in Article 20-5) when an extraordinary kind of phenomenon (except for an earthquake) prescribed in the following Article occurs; provided, however, that this does not apply to facilities which meet the standards set forth below:

イ 当該異常な現象に対して安全な構造のものとして内閣府令で定める技術的基準に適合するものであること。

- (a) the facilities meet technical standards as specified by Cabinet Office

Order as a safe structure against the relevant extraordinary phenomenon;

ロ 洪水、高潮、津波その他これらに類する異常な現象の種類で次条第七号の内閣府令で定めるもの（以下このロにおいて「洪水等」という。）が発生し、又は発生するおそれがある場合に使用する施設にあつては、想定される洪水等の水位以上の高さに居住者等の受入れの用に供すべき屋上その他の部分（以下このロ及び第二十条の五において「居住者等受入用部分」という。）が配置され、かつ、当該居住者等受入用部分までの避難上有効な階段その他の経路があること。

- (b) the facilities to be used when flood, high tide, tsunami, or any other extraordinary phenomenon similar to these kinds specified by Cabinet Office Order set forth in the following Article, item (vii) (hereinafter referred to as "Flooding, etc." in this (b)) occurs or is likely to occur have roofs and other portions to be provided for the use of Residents, etc. at a higher height than the water level of envisioned Flooding, etc. (hereinafter referred to as "Portion for the Use of Residents, etc." in this (b) and Article 20-5) and have effective steps and other routes for evacuation to the Portion for the Use of Residents, etc.

三 地震が発生し、又は発生するおそれがある場合に使用する施設又は場所にあつては、次に掲げる基準のいずれかに適合するものであること。

- (iii) the facilities or sites to be used at the time when an earthquake occurs or is likely to occur meet either of the standards set forth below:

イ 当該施設が地震に対して安全な構造のものとして内閣府令で定める技術的基準に適合するものであること。

- (a) the facilities meet technical standards as specified by Cabinet Office

Order as a safe structure against earthquakes;

ロ 当該場所又はその周辺に地震が発生した場合において人の生命又は身体に危険を及ぼすおそれのある建築物、工作物その他の物が無いこと。

- (b) there is no building, structure, or other thing at or near the relevant sites which may risk the life or body of people when an earthquake occurs.

(政令で定める異常な現象の種類)

(Kinds of Extraordinary Phenomena as Provided for by Cabinet Order)

第二十条の四 法第四十九条の四第一項の政令で定める異常な現象の種類は、次に掲げ

るものとする。

Article 20-4 The kinds of extraordinary phenomena provided for by Cabinet Order set forth in Article 49-4, paragraph (1) of the Act, are to be as set forth below:

一 洪水

(i) flood

二 崖崩れ、土石流及び地滑り

(ii) slope failure, mudflow, and landslide

三 高潮

(iii) high tide

四 地震

(iv) earthquake

五 津波

(v) tsunami

六 大規模な火事

(vi) large fire

七 前各号に掲げるもののほか、内閣府令で定める異常な現象の種類

(vii) beyond what is provided for in each of the preceding items, any kind of extraordinary phenomena as specified by Cabinet Office Order

(指定緊急避難場所の重要な変更)

(Major Change in Designated Emergency Evacuation Sites)

第二十条の五 法第四十九条の五の政令で定める重要な変更は、次に掲げるものとする。

Article 20-5 The major changes provided for by Cabinet Order set forth in Article 49-5 of the Act, are to be as set forth below:

一 指定緊急避難場所（安全区域外にある第二十条の三第二号ロに規定する施設であるものにあつては、居住者等受入用部分）の総面積の十分の一以上の面積の増減を伴う変更

(i) change accompanied by an increase or decrease in area of more than 1/10 of the total area of designated emergency evacuation sites (in the case of facilities prescribed in Article 20-3, item (ii), (b) outside the Safety Zone, the Portion for the Use of Residents, etc.);

二 指定緊急避難場所（地震が発生し、又は発生するおそれがある場合に使用するものを除く。）であつて安全区域外にあるものにあつては、次に掲げる変更

(ii) in the case of designated emergency evacuation sites (except for sites to be used at the time when an earthquake occurs or is likely to occur) outside the Safety Zone, the changes set forth below:

イ 改築又は増築による当該指定緊急避難場所の構造耐力上主要な部分（建築基準法施行令（昭和二十五年政令第三百三十八号）第一条第三号に規定する構造耐力上主要な部分をいう。次号において同じ。）の変更

(a) change due to reconstruction or extension in a main portion for structural

durability of the relevant designated emergency evacuation sites (referring to the main portion for structural durability prescribed in Article 1, item (iii) of the Order for Enforcement of the Building Standards Act (Cabinet Order No. 338 of 1950; the same applies in the following item) ;

ロ 当該指定緊急避難場所（第二十条の三第二号ロに規定する施設であるものに限る。）の居住者等受入用部分までの避難上有効な階段その他の経路の廃止

(b) abolishment of effective steps and other routes for evacuation to the Portion for the Use of Residents, etc. in the relevant designated emergency evacuation sites (limited to the sites which are the facilities prescribed in Article 20-3, item (ii), (b)).

三 地震が発生し、又は発生するおそれがある場合に使用する指定緊急避難場所（施設であるものに限る。）にあつては、改築又は増築による当該指定緊急避難場所の構造耐力上主要な部分の変更

(iii) in the case of designated emergency evacuation sites (limited to facilities) to be used at the time when an earthquake occurs or is likely to occur, change due to reconstruction or extension in a main portion for structural durability of the designated emergency evacuation sites.

(指定避難所の基準)

(Standards of Designated Shelters)

第二十条の六 法第四十九条の七第一項の政令で定める基準は、次のとおりとする。

Article 20-6 The standards provided for by Cabinet Order set forth in Article 49-7, paragraph (1) of the Act are to be as below:

一 避難のための立退きを行つた居住者等又は被災者（次号及び次条において「被災者等」という。）を滞在させるために必要かつ適切な規模のものであること。

(i) the facilities are of the necessary and proper size for Residents, etc. who have evacuated for refuge or disaster victims (referred to as "Disaster Victims, etc." in the following item and the following Article) to stay in;

二 速やかに、被災者等を受け入れ、又は生活関連物資を被災者等に配布することが可能な構造又は設備を有するものであること。

(ii) the facilities have the structure or equipment which enable prompt acceptance of Disaster Victims, etc. or distribution of living-related goods to Disaster Victims, etc.;

三 想定される災害による影響が比較的少ない場所にあるものであること。

(iii) the facilities are located at places where the envisioned impact of a disaster is relatively small;

四 車両その他の運搬手段による輸送が比較的容易な場所にあるものであること。

(iv) the facilities are located at places which are relatively easy to access for means of transportation such as vehicles, etc.;

五 主として高齢者、障害者、乳幼児その他の特に配慮を要する者（以下この号において「要配慮者」という。）を滞在させることが想定されるものにあつては、要配

慮者の円滑な利用の確保、要配慮者が相談し、又は助言その他の支援を受けることができる体制の整備その他の要配慮者の良好な生活環境の確保に資する事項について内閣府令で定める基準に適合するものであること。

(v) in the case of facilities where mainly elderly, disabled persons, infants, and other persons requiring special care (hereinafter referred to as "Persons Requiring Special Care" in this item) are expected to stay, the matters contributing to ensuring smooth use by Persons Requiring Special Care, preparing a system where Persons Requiring Consideration may consult or receive advice or other support, and securing a good living environment for Persons Requiring Special Care meet the standards as specified by Cabinet Office Order.

(指定避難所の重要な変更)

(Major Change in Designated Shelters)

第二十条の七 法第四十九条の七第二項において準用する法第四十九条の五の政令で定める重要な変更は、指定避難所の被災者等の滞在の用に供すべき部分の総面積の十分の一以上の面積の増減を伴う変更とする。

Article 20-7 The major change provided for by Cabinet Order set forth in Article 49-5 of the Act, as applied mutatis mutandis pursuant to Article 49-7, paragraph (2) of the Act, is to be a change accompanied by an increase or decrease in area of more than 1/10 of the total area of the portion to be provided for Disaster Victims, etc. to stay at the Designated Shelters.

## 第六章 災害応急対策

### Chapter VI Emergency Disaster Control Measures

(被害状況等の報告)

(Report on Conditions of Disaster)

第二十一条 法第五十三条第一項から第四項までに規定する災害の状況及びこれに対してとられた措置の概要の報告は、災害が発生した時から当該災害に対する応急措置が完了するまでの間、次の各号に掲げる事項について、内閣府令で定めるところにより、行なうものとする。

Article 21 The report on the condition of a disaster and on the outline of the measures taken for the relevant disaster prescribed in Article 53, paragraphs (1) through (4) of the Act is to be made as provided for by Cabinet Office Order pertaining to the matters set forth in each of the following items from the time when a disaster occurred until emergency measures for the disaster are completed:

一 災害の原因

(i) cause of the disaster

二 災害が発生した日時

(ii) date and time when the disaster occurred

三 災害が発生した場所又は地域

(iii) place or area where the disaster occurred

四 被害の程度

(iv) degree of damage

五 災害に対しとられた措置

(v) measures taken for the disaster

六 その他必要な事項

(vi) other necessary matters

(通信設備の優先利用等)

**(Priority Use of Communications Facilities)**

第二十二條 都道府県知事又は市町村長は、法第五十七條（法第六十一條の三において準用する場合を含む。次條において同じ。）の規定により電気通信設備を優先的に利用し、若しくは有線電気通信設備若しくは無線設備を使用し、又は基幹放送事業者に放送を行うことを求め、若しくは次條に規定する事業活動を行う者にインターネットを利用した情報の提供を行うことを求めるときは、あらかじめ電気通信役務を提供する者、有線電気通信法（昭和二十八年法律第九十六号）第三条第四項第四号に掲げる者、放送法（昭和二十五年法律第百三十二号）第二条第二十三号に規定する基幹放送事業者又は次條に規定する事業活動を行う者と協議して定めた手続により、これを行わなければならない。

Article 22 The prefectural governor or the mayor of a municipality must, when the governor or mayor uses telecommunications facilities preferentially, uses wire telecommunications facilities or radio facilities, requests key broadcasters to broadcast, or requests persons engaged in business activities prescribed in the following Article to provide information using the Internet pursuant to the provisions of Article 57 (including as applied mutatis mutandis pursuant to Article 61-3 of the Act; the same applies in the following Article), do so by procedures as specified by consultation in advance with the persons who provide telecommunication services, the persons set forth in Article 3, paragraph (4), item (iv) of the Cable Electric Communications Act (Act No. 96 of 1953), main broadcasters prescribed in Article 2, item (xxiii) of the Broadcasting Act (Act No. 132 of 1950), or business operators prescribed in the following Article.

(政令で定める事業活動)

**(Business Activities Provided for by Cabinet Order)**

第二十二條の二 法第五十七條の政令で定める事業活動は、情報通信業に属する事業のうちインターネットの利用者が容易に検索することができるように体系的に構成された情報の提供をインターネットを利用して行うものに係る事業活動とする。

Article 22-2 Business activities provided for by Cabinet Order set forth in Article



57 of the Act are to be those concerning businesses that belong to the information and telecommunication industry and provide systematically constructed information using the Internet so that Internet users may easily conduct searches.

(政令で定める管区海上保安本部の事務所)

(Office of Regional Coast Guard Headquarters as Provided for by Cabinet Order)

第二十三条 法第五十九条第二項及び第六十四条第十項の政令で定める管区海上保安本部の事務所は、その管轄区域及び所掌事務を勘案して内閣府令で定める事務所とする。

Article 23 The office of Regional Coast Guard Headquarters provided for by Cabinet Order set forth in Article 59, paragraph (2) and Article 64, paragraph (10) of the Act is to be the office as specified by Cabinet Office Order considering its jurisdictional district and the function under its jurisdiction.

(都道府県知事による避難の指示等の代行の手續)

(Procedures for Giving Evacuation Instructions by Prefectural Governor on Behalf of Mayor of Municipality)

第二十三条の二 法第六十条第六項の規定による市町村長の事務の代行をした都道府県知事は、当該市町村がその大部分の事務を行うことができることとなつたと認めるときは、速やかに、当該代行に係る事務を当該市町村長に引き継がなければならない。

Article 23-2 (1) The prefectural governor who implemented affairs on behalf of the mayor of a municipality under Article 60, paragraph (6) of the Act must, when they find that the relevant municipality has become capable of implementing most of its affairs, promptly hand over the affairs concerning the handling to that mayor.

2 前項に規定するもののほか、都道府県知事は、法第六十条第六項の規定による市町村長の事務の代行を終了したときは、速やかに、その旨及び代行した措置を当該市町村長に通知しなければならない。

(2) Beyond what is provided for in the preceding paragraph, the prefectural governor must, upon completing the implementation of affairs on behalf of the mayor of a municipality under Article 60, paragraph (6) of the Act, promptly notify the mayor to that effect and the measures taken on behalf of the relevant mayor.

(応急公用負担の手續)

(Requisitioning for Emergency Official Use)

第二十四条 市町村長又は警察官、海上保安官若しくは自衛隊法第八十三条第二項の規定により派遣を命ぜられた同法第八条に規定する部隊等の自衛官は、法第六十四条第一項（同条第八項において準用する場合を含む。）又は同条第七項において準用する法第六十三条第二項の規定により他人の土地、建物その他の工作物を一時使用し、又

は土石、竹木その他の物件を使用し、若しくは収用したときは、速やかに、当該土地、建物その他の工作物又は土石、竹木その他の物件（以下この条において「土地建物等」という。）の占有者、所有者その他当該土地建物等について権原を有する者（以下この条において「占有者等」という。）に対し、当該土地建物等の名称又は種類、形状、数量、所在した場所、当該処分に係る期間又は期日その他必要な事項（以下この条において「名称又は種類等」という。）を通知しなければならない。この場合において、当該土地建物等の占有者等の氏名及び住所を知ることができないときは、当該土地建物等の名称又は種類等を、当該市町村の事務所又は当該土地建物等の所在した場所を管轄する警察署若しくは管区海上保安本部の事務所で内閣府令で定めるもの若しくは当該土地建物等の所在した場所の直近にある自衛隊法第八条に規定する部隊等の長（内閣府令で定める者に限る。）の勤務官署に掲示しなければならない。

**Article 24** The mayor of a municipality or police, coast guard officers or Self-Defense Forces personnel of the units, etc. prescribed in Article 8 of the Self-Defense Forces Act which are ordered to be dispatched pursuant to the provisions of Article 83, paragraph (2) of the same Act must, when they use temporarily land, buildings, and any other structure belonging to other persons, or stones, bamboos and wood, or other objects (hereinafter referred to as "Land and Buildings, etc." in this Article) or expropriate them pursuant to the provisions of Article 64, paragraph (1) of the Act (including as applied mutatis mutandis pursuant to paragraph (8) of the same Article), or pursuant to the provisions of Article 63, paragraph (2) of the Act, as applied mutatis mutandis pursuant to paragraph (7) of the same Article, promptly notify occupants, owners, and any other title holders of the Land and Buildings, etc. (hereinafter referred to as "Occupants, etc." in this Article) of the name, kind, shape, quantity, and location of the Land and Buildings, etc., period or date related to the disposition, and any other necessary matters (hereinafter referred to as "Name or Kind, etc." in this Article). In this case, if the names and addresses of Occupants, etc. of the Land and Buildings, etc. are not known, the Name or Kind, etc. of the Land and Buildings, etc. must be posted at the offices of the municipality, the police stations which control the places where the Land and Buildings, etc. exist, or the offices of Regional Coast Guard Headquarters as specified by Cabinet Office Order, or the office close to the place where the Land and Buildings, etc. are located and where the commanding officers of the units (limited to the persons as specified by Cabinet Office Order) prescribed in Article 8 of the Self-Defense Forces Act are stationed.

（工作物等を保管した場合の公示事項）

（Matters of Public Notice in Case of Taking Structures into Custody）

第二十五条 法第六十四条第三項の政令で定める事項は、次の各号に掲げるものとする。

**Article 25** the matters provided for by Cabinet Order set forth in Article 64, paragraph (3) of the Act are to be as set forth in each of the following items:

- 一 保管した工作物又は物件（以下この条から第二十七条まで及び第三十条において「工作物等」という。）の名称又は種類、形状及び数量  
(i) name or kind, shape and quantity of structures or objects taken into custody (hereinafter referred to as "Structures, etc." in this Article through Article 27, and Article 30)
- 二 保管した工作物等の所在した場所及びその工作物等を除去した日時  
(ii) place where the Structures, etc. taken into custody were located and the date and time when the Structures, etc. were removed
- 三 その工作物等の保管を始めた日時及び保管の場所  
(iii) date and time when the Structures, etc. were taken into custody and the place where they are taken into custody
- 四 前各号に掲げるもののほか、保管した工作物等を返還するため必要と認められる事項  
(iv) beyond what is provided for in each of the preceding items, the matters found necessary to return the Structures, etc. taken into custody

（工作物等を保管した場合の公示の方法）

**(Method of Public Notice in Case of Taking Structures into Custody)**

第二十六条 法第六十四条第三項の規定による公示は、次の各号に掲げる方法により行なわなければならない。

Article 26 (1) The public notice under Article 64, paragraph (3) of the Act must be made by the methods set forth in each of the following items:

一 前条各号に掲げる事項を、保管を始めた日から起算して十四日間、当該市町村の事務所に掲示すること。

(i) the matters set forth in each item of the preceding Article will be posted at the offices of the municipality for 14 days from the day when they were taken into custody;

二 前号の公示の期間が満了しても、なおその工作物等の占有者、所有者その他その工作物等について権原を有する者の氏名及び住所を知ることができないときは、その公示の要旨を市町村の公報又は新聞紙に掲載すること。

(ii) even if the period of public notice of the preceding item has expired, and if the names and addresses of occupants, owners, and any other title holders of the Structures, etc. are not known, the outline of the public notice will be posted in the municipal paper or newspapers.

2 市町村長は、前項に規定する方法による公示を行なうとともに、保管工作物等一覧簿を当該市町村の事務所に備え付け、かつ、これをいつでも関係者に自由に閲覧させなければならない。

(2) Beyond public notice by methods prescribed in the preceding paragraph, the mayor of a municipality must prepare a list of the Structures, etc. taken into custody in the offices of the relevant municipality and must make it freely viewable by parties concerned.

(保管した工作物等を売却する場合の手續)

**(Procedures to Sell Structures Taken into Custody)**

第二十七条 法第六十四条第四項の規定による保管した工作物等の売却は、競争入札に付して行なわなければならない。ただし、次の各号のいずれかに該当するものについては、随意契約により売却することができる。

Article 27 (1) The sale of the Structures, etc. taken into custody under Article 64, paragraph (4) of the Act must be made by competitive bidding; provided, however that for those which fall under any of the following items, sale may be made by a discretionary contract:

一 すみやかに売却しなければ価値が著しく減少するおそれのある工作物等

(i) Structures, etc. which may remarkably decrease in value if not sold promptly;

二 競争入札に付しても入札者がいない工作物等

(ii) Structures, etc. which do not attract any bidder even after being put up for competitive bidding;

三 前二号に掲げるもののほか、競争入札に付することが適当でないと認められる工作物等

(iii) beyond what is provided for in the preceding two items, Structures, etc. which are found inappropriate for competitive bidding.

2 市町村長は、前項本文の規定による競争入札のうち一般競争入札に付そうとするときは、その入札期日の前日から起算して少なくとも五日前までに、工作物等の名称又は種類、形状、数量その他必要な事項を公示しなければならない。

(2) The mayor of a municipality must, when they intend to choose general competitive bidding out of competitive bidding under the main clause of the preceding paragraph, publicly notify the name or kind, shape, quantity, and any other necessary matters of the Structures, etc. at least five days in advance from the day prior to the bidding date.

3 市町村長は、第一項本文の規定による競争入札のうち指名競争入札に付そうとするときは、なるべく三人以上の入札者を指定し、かつ、それらの者に工作物等の名称又は種類、形状、数量その他必要な事項をあらかじめ通知しなければならない。

(3) The mayor of a municipality must, when they intend to choose designated competitive bidding out of competitive bidding under the main clause of paragraph (1), appoint at least three bidders as much as possible and notify them of the name or kind, shape, quantity, and any other necessary matters of the Structures, etc. in advance.

4 市町村長は、第一項ただし書の規定による随意契約によろうとするときは、なるべく二人以上の者から見積書を徴さなければならない。

(4) The mayor of a municipality must, when they intend to choose a discretionary contract under the proviso of paragraph (1), obtain a quote from at least two persons as much as possible.

(災害時における市町村等の事務の委託の手續)

(Procedure for Delegation of Affairs of a Municipality in Time of a Disaster)

第二十八条 法第六十九条の規定により市町村の事務又は市町村長等の権限に属する事務の一部を他の地方公共団体に委託するときは、関係地方公共団体は、協議により次の各号に掲げる事項を定めてこれを行なわなければならない。

Article 28 (1) When the affairs of a municipality or a part of the affairs under the authority of the mayor of a municipality, etc. are delegated to other local governments pursuant to the provisions of Article 69 of the Act, relevant local governments must specify the matters set forth in each of the following items by consultation and do so:

一 委託する市町村の事務又は市町村長等の権限に属する事務（以下この項において「委託事務」という。）の範囲並びに委託事務の管理及び執行の方法

(i) the scope of affairs of the municipality or affairs under the authority of the mayor of a municipality, etc. to be delegated (hereinafter referred to as "Delegated Affairs" in this paragraph), and methods of managing and executing the Delegated Affairs

二 委託事務に要する経費の支弁の方法

(ii) method of payment of expenses required for the Delegated Affairs

三 前各号に掲げるもののほか、委託事務に関し必要な事項

(iii) beyond what is provided for in each of the preceding items, necessary matters concerning the Delegated Affairs

2 関係地方公共団体は、その委託に係る事務を変更し、又はその事務の委託を廃止しようとするときは、前項の規定の例により、協議してこれを行なわなければならない。

(2) The relevant local governments must, when they intend to change affairs concerning the delegation or abolish delegation of the affairs, do so by consultation pursuant to the examples of the provisions of the preceding paragraph.

3 関係地方公共団体は、事務を委託し、又はその委託に係る事務を変更し、若しくはその事務の委託を廃止したときは、その旨及び事務を委託し、又はその委託に係る事務を変更した場合にあつては第一項各号に掲げる事項を公示するとともに、都道府県にあつては総務大臣に、市町村にあつては都道府県知事にそれぞれ届け出なければならない。

(3) The relevant local governments must, when they delegate affairs, change the affairs concerning the delegation, or abolish the delegation of the affairs, make a public notice to that effect, publicly notify the matters set forth in each item of paragraph (1) in cases where they delegated affairs or changed the affairs concerning the delegation, and notify the Minister of Internal Affairs and Communications in the case of a prefecture and the prefectural governor in the case of a municipality, respectively.

4 関係地方公共団体の長は、第一項の事務の委託又は第二項の委託に係る事務の変更

若しくは事務の委託の廃止があつたときは、すみやかに、その旨を議会に報告しなければならない。

- (4) The head of a relevant local government must, when there was delegation of affairs set forth in paragraph (1) or change in affairs concerning the delegation or abolishment of the delegation of affairs set forth in paragraph (2), promptly report to that effect to the council.

(市町村長が事務を行うこととする必要がある場合の措置等)

(Measures when the Mayor of Municipality Needs to Conduct Affairs)

第二十九条 都道府県知事は、法第七十一条第二項の規定によりその権限に属する事務の一部を市町村長が行うこととする必要があると認めるときは、当該事務及び当該事務を行うこととする期間を市町村長に通知するものとする。この場合においては、当該市町村長は、当該期間において当該事務を行わなければならない。

Article 29 (1) When the prefectural governor finds it necessary to have a part of the affairs under their authority conducted by the mayor of a municipality pursuant to the provisions of Article 71, paragraph (2) of the Act, the governor is to notify the mayor of a municipality of the affairs and the period during which the relevant affairs are to be conducted. In this case, the relevant mayor of a municipality must conduct the relevant affairs during the period.

2 都道府県知事は、前項前段の規定による通知をしたときは、直ちに、その旨を公示しなければならない。

- (2) The prefectural governor must, when they have notified under the first sentence of the preceding paragraph, immediately make a public notice to that effect.

(都道府県知事による応急措置の代行)

(Implementation of Emergency Measures by a Prefectural Governor)

第三十条 都道府県知事は、法第七十三条第一項の規定により市町村長に代わつて法第六十四条第二項前段の規定による工作物等の除去その他必要な措置をとつた場合において、工作物等を除去したときは、同条第三項から第五項までの規定の例により、当該工作物等を保管しなければならない。

Article 30 (1) The prefectural governor must, in cases where they have taken measures for the removal of Structures, etc. and any other necessary measures under the first sentence of Article 64, paragraph (2) of the Act, on behalf of the mayor of a municipality pursuant to the provisions of Article 73, paragraph (1) of the Act, when they have removed the Structures, etc., take the Structures, etc. into custody pursuant to the examples of the provisions of paragraphs (3) through (5) of the same Article.

2 法第七十三条第一項の規定による市町村長の事務の代行をした都道府県知事は、当該市町村がその大部分の事務を行うことができることとなつたと認めるときは、速やかに、当該代行に係る事務を当該市町村長に引き継がなければならない。

(2) The prefectural governor who implemented affairs on behalf of the mayor of a municipality under Article 73, paragraph (1) of the Act must, when the governor finds that the relevant municipality has become capable of conducting most of its affairs, promptly hand over the affairs concerning the handling to the relevant mayor.

3 前項に規定するもののほか、都道府県知事は、法第七十三条第一項の規定による市町村長の事務の代行を終了したときは、すみやかに、その旨及び代行した応急措置を当該市町村長に通知しなければならない。

(3) Beyond what is provided for in the preceding paragraph, the prefectural governor must, upon completing the implementation of affairs on behalf of the mayor of a municipality under Article 73, paragraph (1) of the Act, promptly notify the relevant mayor to that effect and the emergency measures taken on behalf of the relevant mayor.

(災害時における都道府県等の事務の委託の手続)

(Procedure for Delegation of Affairs of the Prefecture in Time of a Disaster)

第三十一条 法第七十五条の規定により都道府県の実務又は都道府県知事等の権限に属する事務の一部を他の都道府県に委託するときは、関係都道府県は、協議により次の各号に掲げる事項を定めてこれを行なわなければならない。

Article 31 (1) When the affairs of a prefecture or a part of the affairs under the authority of the Prefectural Governor, etc. are delegated to other prefectures pursuant to the provisions of Article 75 of the Act, relevant prefectures must specify the matters set forth in each of the following items by consultation and do so:

一 委託する都道府県の実務又は都道府県知事等の権限に属する事務（以下この項において「委託事務」という。）の範囲並びに委託事務の管理及び執行の方法

(i) the scope of affairs of the prefecture or affairs under the authority of the Prefectural Governor, etc. to be delegated (hereinafter referred to as "Delegated Affairs" in this paragraph), and methods of managing and executing the Delegated Affairs

二 委託事務に要する経費の支弁の方法

(ii) method of payment of expenses required for the Delegated Affairs

三 前各号に掲げるもののほか、委託事務に関し必要な事項

(iii) beyond what is provided for in each of the preceding items, necessary matters concerning the Delegated Affairs

2 関係都道府県は、その委託に係る事務を変更し、又はその事務の委託を廃止しようとするときは、前項の規定の例により、協議してこれを行なわなければならない。

(2) The relevant prefectures must, when they intend to change affairs concerning the delegation or abolish delegation of the affairs, do so by consultation pursuant to the examples of the provisions of the preceding paragraph.

3 関係都道府県は、事務を委託し、又はその委託に係る事務を変更し、若しくはその

事務の委託を廃止したときは、その旨及び事務を委託し、又はその委託に係る事務を変更した場合にあつては第一項各号に掲げる事項を公示するとともに、総務大臣に届け出なければならない。

(3) The relevant prefectures must, when they have delegated affairs, changed the affairs concerning the delegation, or abolished the delegation of the affairs, make a public notice to that effect, publicly notify the matters set forth in each item of paragraph (1) in cases where they have delegated the affairs or changed the affairs concerning delegation, and notify the Minister of Internal Affairs and Communications.

4 関係都道府県の知事は、第一項の事務の委託又は第二項の委託に係る事務の変更若しくは事務の委託の廃止があつたときは、すみやかに、その旨を議会に報告しなければならない。

(4) The governors of the relevant prefectures must, when there was delegation of affairs set forth in paragraph (1) or change in affairs concerning the delegation or abolishment of the delegation of affairs set forth in paragraph (2), promptly report to that effect to the council.

(災害時における交通の規制の手続等)

(Procedures of Traffic Restrictions in Time of Disaster)

第三十二条 公安委員会は、法第七十六条第一項の規定により緊急通行車両以外の車両の道路における通行を禁止し、又は制限するときは、その禁止又は制限の対象、区域等及び期間（期間を定めないときは、禁止又は制限の始期とする。以下この条において同じ。）を記載した内閣府令で定める様式の標示を内閣府令で定める場所に設置してこれを行わなければならない。ただし、緊急を要するため標示を設置するいとまがないとき、又は標示を設置して行うことが困難であると認めるときは、公安委員会の管理に属する都道府県警察の警察官の現場における指示により、これを行うことができる。

Article 32 (1) The Public Safety Commission must, when it bans or restricts the passage of vehicles other than emergency vehicles over a road pursuant to the provisions of Article 76, paragraph (1) of the Act, establish a sign describing the target, zones, etc., and period of its ban and restriction (if the period is not specified, the time of the beginning of the ban or restriction; hereinafter the same applies in this Article) in the form as specified by Cabinet Office Order at a place as specified by Cabinet Office Order; provided however, that the Public Safety Commission has no time to install a sign due to urgency or finds it difficult to do so by establishing a sign, it may do so under on-site instructions of police officers of the prefectural police department under its jurisdiction.

2 公安委員会は、法第七十六条第一項の規定により緊急通行車両以外の車両の通行を禁止し、又は制限しようとするときは、あらかじめ、当該道路の管理者に禁止又は制限の対象、区域等、期間及び理由を通知しなければならない。緊急を要する場合で、あらかじめ、当該道路の管理者に通知するいとまがなかつたときは、事後において、



速やかにこれらの事項を通知しなければならない。

(2) The Public Safety Commission must, when it intends to ban or restrict the passage of vehicles other than emergency vehicles pursuant to the provisions of Article 76, paragraph (1) of the Act, notify the administrator of the road in advance of the target, zones, etc., period, and reasons for its ban or restriction. The Public Safety Commission must, when it has no time to notify the administrator of the relevant road in advance due to urgency, promptly notify them of these matters after the fact.

3 公安委員会は、法第七十六条第一項の規定により緊急通行車両以外の車両の通行を禁止し、又は制限したときは、速やかに、関係公安委員会に禁止又は制限の対象、区域等、期間及び理由を通知しなければならない。

(3) The Public Safety Commission must, when it has banned or restricted the passage of vehicles other than emergency vehicles pursuant to the provisions of Article 76, paragraph (1) of the Act, promptly notify relevant Public Safety Commissions of the target, zones, etc., period, and reasons for its ban or restriction.

第三十二条の二 法第七十六条第一項の政令で定める車両は、次に掲げるもの（第二号に掲げる車両にあつては、次条第三項の規定により当該車両についての同条第一項の確認に係る標章が掲示されているものに限る。）とする。

Article 32-2 The vehicles provided for by Cabinet Order set forth in Article 76, paragraph (1) of the Act, are to be as set forth below (in the case of vehicles set forth in item (ii), limited to vehicles with a sign related to confirmation set forth in paragraph (1) of the same Article pertaining to the vehicle pursuant to the provisions of paragraph (3) of the following Article):

一 道路交通法（昭和三十五年法律第百五号）第三十九条第一項の緊急自動車

(i) emergency motor vehicle set forth in Article 39, paragraph (1) of the Road Traffic Act (Act No. 105 of 1960)

二 災害応急対策に従事する者又は災害応急対策に必要な物資の緊急輸送その他の災害応急対策を実施するため運転中の車両（前号に該当するものを除く。）

(ii) vehicles in service for the emergency transport of persons who are engaged in emergency disaster control measures or necessary goods for emergency disaster control measures, or for the implementation of any other emergency disaster control measures (except for those which fall under the preceding item)

第三十三条 都道府県知事又は公安委員会は、前条第二号に掲げる車両については、当該車両の使用者の申出により、当該車両が同号の災害応急対策を実施するための車両として使用されるものであることの確認を行うものとする。

Article 33 (1) Regarding vehicles set forth in item (ii) of the preceding Article, the prefectural governor or the Public Safety Commission is to confirm that the

vehicles are the vehicles to be used for implementing emergency disaster control measures of the same item according to the proposal of the user of the vehicle.

2 前項の確認をしたときは、都道府県知事又は公安委員会は、当該車両の使用者に対し、内閣府令で定める様式の標章及び証明書を交付するものとする。

(2) When the prefectural governor or the Public Safety Commission makes the confirmation set forth in the preceding paragraphs, the governor or the commission is to issue a sign and a certificate in a form as specified by Cabinet Office Order for the user of the vehicle.

3 前項の標章を掲示するときは、当該車両の前面の見やすい箇所にこれをするものとし、同項の証明書を当該車両に備え付けるものとする。

(3) When the user displays the sign set forth in the preceding paragraph, the user is to display it at an easily-visible place of the front part of the vehicle and keep the certificate set forth in the same paragraph within the vehicle.

4 大規模地震対策特別措置法（昭和五十三年法律第七十三号）第九条の警戒宣言に係る地震が発生した場合には、大規模地震対策特別措置法施行令（昭和五十三年政令第三百八十五号）第十二条第一項の規定による確認は第一項の規定による確認と、同条第二項の規定により交付された標章及び証明書は第二項の規定により交付された標章及び証明書とみなす。

(4) When an earthquake related to the warning set forth in Article 9 of the Act on Special Measures Concerning Countermeasures for Large-Scale Earthquakes (Act No. 73 of 1978) has occurred, the confirmation under Article 12, paragraph (1) of the Order for Enforcement of the Act on Special Measures Concerning Countermeasures for Large-Scale Earthquakes (Cabinet Order No. 385 of 1978) is deemed as the confirmation under paragraph (1), and the sign and certificate issued pursuant to the provisions of paragraph (2) of the same Article are deemed as the sign and certificate issued pursuant to the provisions of paragraph (2).

第三十三条の二 法第七十六条の五の規定による国家公安委員会の指示は、関係公安委員会による通行禁止等（法第七十六条第二項に規定する通行禁止等をいう。以下この条において同じ。）が斉一に行われていないことその他関係公安委員会による通行禁止等が適切に行われていないか、又は適切でない通行禁止等が行われようとしているため、災害応急対策が的確かつ円滑に行われていないとき、又は行われぬおそれがあるときに行うものとする。

Article 33-2 The instructions of the National Public Safety Commission, under Article 76-5 of the Act, are to be made when Traffic Ban, etc. (referring to Traffic Ban, etc. prescribed in Article 76, paragraph (2) of the Act; hereinafter the same applies in this Article) is not conducted uniformly by the relevant Public Safety Commissions, Traffic Ban, etc. is otherwise not conducted properly by the relevant Public Safety Commissions, or an inappropriate

Traffic Ban, etc. is about to be conducted, and therefore emergency disaster control measures are not, or may not be, taken accurately and smoothly.

(災害時における車両の移動等の手続等)

(Procedures for Movement of Vehicles in Case of a Disaster)

第三十三条の三 道路管理者等は、法第七十六条の六第一項の規定により道路の区間を指定しようとするときは、あらかじめ、当該地域を管轄する公安委員会に当該指定をしようとする道路の区間及びその理由を通知しなければならない。緊急を要する場合で、あらかじめ、当該公安委員会に通知するいとまがなかつたときは、事後において、速やかにこれらの事項を通知しなければならない。

Article 33-3 (1) The Road Management Body, etc. must, when they intend to designate a section of road pursuant to the provisions of Article 76-6, paragraph (1) of the Act, notify the Public Safety Commission having jurisdiction over the area of the section of the road which they are going to designate and its reasons in advance. They must, when they have no time to notify the Public Safety Commission in advance due to urgency, promptly notify it of these matters after the fact.

2 法第七十六条の六第一項の規定による命令は、書面又は口頭とするものとする。

(2) The order under Article 76-6, paragraph (1) of the Act is to be made in writing or verbally.

第三十三条の四 法第七十六条の七第一項の規定による国土交通大臣若しくは都道府県知事の指示、同条第二項の規定による国土交通大臣の指示又は同条第三項の規定による農林水産大臣の指示は、広域の見地から緊急通行車両の通行を確保すべき道路について関係道路管理者等による法第七十六条の六第一項の規定による指定が行われていないことその他関係道路管理者等による同項の規定による指定若しくは命令若しくは同条第三項若しくは第四項の規定による措置（以下この条において「指定等」という。）が適切に行われていないか、又は適切でない指定等が行われようとしているため、災害応急対策が的確かつ円滑に行われていないとき、又は行われぬおそれがあるときに行うものとする。

Article 33-4 The instructions of the Minister of Land, Infrastructure, Transport and Tourism or the prefectural governor under Article 76-7, paragraph (1) of the Act, the instructions of the Minister of Land, Infrastructure, Transport and Tourism under paragraph (2) of the same Article, or the instructions of the Minister of Agriculture, Forestry and Fisheries under paragraph (3) of the same Article are to be made when emergency disaster control measures are not, or may not be, taken accurately and smoothly, because, with regard to the roads for which passage of the emergency vehicles are to be ensured from a wide-area viewpoint, designation is not made by the relevant road administrator, etc. under Article 76-6, paragraph (1) of the Act, or the designation or order under the same paragraph or measures under paragraph

(3) or (4) of the same Article (hereinafter referred to as "Designation, etc." in this Article) are not properly made or taken by the relevant road administrator, etc., or an inappropriate Designation, etc. is about to be made.

第三十三条の五 法第七十六条の六第一項から第四項までに規定する道路管理者である国土交通大臣の権限並びに法第七十六条の七第一項及び第二項に規定する国土交通大臣の権限は、地方整備局長又は北海道開発局長に委任する。ただし、同条第一項及び第二項に規定する権限は、国土交通大臣が自ら行うことを妨げない。

Article 33-5 (1) The authority of the Minister of Land, Infrastructure, Transport and Tourism, who is a road administrator prescribed in Article 76-6, paragraphs (1) through (4) of the Act, and the authority of the Minister of Land, Infrastructure, Transport and Tourism prescribed in Article 76-7, paragraphs (1) and (2) of the Act, is delegated to the Regional Development Bureau Director General or Hokkaido Development Bureau Director General. The authority prescribed in paragraphs (1) and (2) of the same Article; provided, however, that this authority does not preclude the Minister of Land, Infrastructure, Transport and Tourism from exercising it.

2 第三十三条の三第一項に規定する道路管理者である国土交通大臣の権限は、地方整備局長又は北海道開発局長に委任する。

(2) The authority of the Minister of Land, Infrastructure, Transport and Tourism, who is a road administrator prescribed in Article 33-3, paragraph (1), is delegated to the Regional Development Bureau Director General or Hokkaido Development Bureau Director General.

(指定行政機関の長等による応急措置の代行)

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

第三十三条の六 指定行政機関の長又は指定地方行政機関の長は、法第七十八条の二第一項の規定により市町村長に代わつて法第六十四条第二項前段の規定による工作物等の除去その他必要な措置をとつた場合において、工作物等を除去したときは、同条第三項から第五項までの規定の例により、当該工作物等を保管しなければならない。

Article 33-6 (1) The head of a designated national or local government organization must, in cases where they have taken measures for the removal of Structures, etc. and any other necessary measures under the first sentence of Article 64, paragraph (2) of the Act, on behalf of the mayor of a municipality pursuant to the provisions of Article 78-2, paragraph (1) of the Act, when they have removed the Structures, etc., take the relevant Structures, etc. into custody pursuant to the example of the provisions of paragraphs (3) through (5) of the same Article.

2 法第七十八条の二第一項の規定による市町村長の事務の代行をした指定行政機関の長又は指定地方行政機関の長は、当該市町村がその大部分の事務を行うことができる

こととなつたと認めるときは、速やかに、当該代行に係る事務を当該市町村長に引き継がなければならない。

(2) The head of a designated national or local government organization who implemented affairs on behalf of the mayor of a municipality under Article 78-2, paragraph (1) of the Act must, when they find that the municipality has become capable of conducting the majority of its affairs, promptly hand over the affairs concerning the handling to the relevant mayor.

3 前項に規定するもののほか、指定行政機関の長又は指定地方行政機関の長は、法第七十八条の二第一項の規定による市町村長の事務の代行を終了したときは、速やかに、その旨及び代行した応急措置を当該市町村長及び当該市町村を包括する都道府県の知事に通知しなければならない。

(3) Beyond what is provided for in the preceding paragraph, the head of a designated national or local government organization must, upon completing the implementation of affairs on behalf of the mayor of a municipality under Article 78-2, paragraph (1) of the Act, promptly notify the mayor and the governor of the prefecture covering the municipality to that effect and the emergency measures taken on behalf of the relevant mayor.

(公用変更令書等)

(Requisition Change Order)

第三十四条 都道府県知事若しくは市町村長又は指定行政機関の長若しくは指定地方行政機関の長は、法第八十一条第一項の規定により公用令書を交付した後当該公用令書に係る処分を変更し、又は取り消したときは、すみやかに、公用変更令書又は公用取消令書を交付しなければならない。

Article 34 (1) The prefectural governor, or the mayor of a municipality, or the head of a designated national or local government organization, must, when they have changed or canceled the disposition concerning the requisition order after they have served a requisition order pursuant to the provisions of Article 81, paragraph (1) of the Act, promptly serve a requisition change order or requisition cancellation order.

2 公用令書、公用変更令書及び公用取消令書の様式は、内閣府令で定める。

(2) The form of a requisition order, requisition change order, and requisition cancellation order is specified by Cabinet Office Order.

(実費弁償の基準)

(Standards of Actual Expense Compensation)

第三十五条 法第八十二条第三項の政令で定める基準は、次の各号に掲げるとおりとする。

Article 35 The standards provided for by Cabinet Order pursuant to the provisions of Article 82, paragraph (3) of the Act are to be set forth in each of the following items.

- 一 災害救助法施行令（昭和二十二年政令第二百二十五号）第四条第一号から第四号までに掲げる医師その他の者（以下この条において「医師等」という。）に対しては、応急措置の業務（以下この条において「業務」という。）に従事した時間に応じ、手当を支給するものとする。
- (i) Regarding doctors and any other person (hereinafter referred to as "Doctors, etc." in this Article) set forth in Article 4, items (i) through (iv) of the Order for Enforcement of the Disaster Relief Act (Cabinet Order No. 225 of 1947), allowance is to be paid according to the time engaged in emergency measure operations (hereinafter referred to as "Operations" in this Article).
- 二 前号の手当の支給額は、当該業務に係る従事命令を発した都道府県知事の統轄する都道府県の常勤の職員で当該業務に従事した医師等に相当するものの給与を考慮して定めるものとする。
- (ii) The amount of allowance to be paid under the preceding item is to be determined considering the salary of those persons equivalent to Doctors, etc. who are full-time officials of the prefecture controlled by the prefectural governor who issued a work order concerning the Operations, and who are engaged in the Operations.
- 三 医師等が、一日につき八時間を超えて業務に従事したときは、第一号の規定にかかわらず、その八時間を超える時間につき割増手当を、業務に従事するため一時その住所又は居所を離れて旅行するときは、旅費を、それぞれ支給するものとする。
- (iii) When Doctors, etc. are engaged in the Operations for more than eight hours a day, notwithstanding the provisions of item (i), a premium allowance for the time exceeding eight hours and, when they travel to engage in the Operations by leaving their domicile or residence temporarily, travel expenses are to be paid respectively.
- 四 前号の割増手当又は旅費の支給額は、第一号の手当の支給額を基礎とし、当該業務に係る従事命令を発した都道府県知事の統轄する都道府県の常勤の職員で当該業務に従事した医師等に相当するものに支給される時間外勤務手当又は旅費の算定の例に準じて算定するものとする。
- (iv) The amount of premium allowance or travel expenses to be paid under the preceding item is to be based on the amount of allowance to be paid under item (1), and be calculated according to the case of overtime allowance or travel expenses to be paid to those persons equivalent to Doctors, etc. who are full-time officials of the prefecture controlled by the prefectural governor who issued a work order concerning the Operations, and who are engaged in the relevant Operations.
- 五 災害救助法施行令第四条第五号から第十号までに掲げる業者及びその従業者に対する実費弁償は、当該業務に従事するため通常要する費用を当該業者に支給して行うものとする。
- (v) The actual expense compensation to those companies and their workers set forth in Article 4, items (v) through (x) of the Order for Enforcement of the

Disaster Relief Act is to be made by paying to the companies the expenses usually required for engaging in the Operations.

(損害補償の基準)

(Standards of Damage Compensation)

第三十六条 法第八十四条第一項に規定する損害補償の基準は、非常勤消防団員等に係る損害補償の基準を定める政令（昭和三十一年政令第三百三十五号）中消防法（昭和二十三年法律第百八十六号）第二十五条第一項若しくは第二項（同法第三十六条において準用する場合を含む。）若しくは第二十九条第五項（同法第三十条の二及び第三十六条において準用する場合を含む。）の規定により消防作業に従事した者、同法第三十五条の十第一項の規定により救急業務に協力した者又は水防法（昭和二十四年法律第百九十三号）第二十四条の規定により水防に従事した者に係る損害補償の規定の定めるとおりとする。

Article 36 (1) The standards of damage compensation prescribed in Article 84, paragraph (1) of the Act, follow the provisions as specified for damage compensation related to persons who engaged in fire-fighting work pursuant to the provisions of Article 25, paragraph (1) or (2) of the Fire Service Act (Act No. 186 of 1948) (including as applied mutatis mutandis pursuant to Article 36 of the same Act) or paragraph (5) of Article 29 (including as applied mutatis mutandis pursuant to Article 30-2 and Article 36 of the same Act), out of the Cabinet Order Specifying the Standards of Damage Compensation related to Part-time Fire-Fighters (Cabinet Order No. 335 of 1956), persons who cooperated in ambulance service pursuant to the provisions of Article 35-10, paragraph (1) of the same Act, or persons who engaged in flood control pursuant to the provisions of Article 24 of the Flood Prevention Act (Act No. 193 of 1949).

2 法第八十四条第二項に規定する損害補償の基準は、災害救助法施行令中扶助金に係る規定の定めるとおりとする。

(2) The standards of damage compensation prescribed in Article 84, paragraph (2) of the Act are to follow the provisions concerning assistance allowance of the Order for Enforcement of the Disaster Relief Act.

(埋葬及び火葬の手続の特例)

(Special Provisions for Procedures of Burial and Cremation)

第三十六条の二 厚生労働大臣は、法第八十六条の四の規定により墓地、埋葬等に関する法律（昭和二十三年法律第四十八号。以下この条において「墓地埋葬法」という。）第五条及び第十四条に規定する手続の特例を定めるときは、その対象となる地域を指定するものとする。

Article 36-2 (1) , When The Minister of Health, Labour and Welfare specifies special provisions for the procedures prescribed in Articles 5 and 14 of the Act on Cemetery and Burial (Act No. 48 of 1948; hereinafter referred to as

"Cemetery and Burial Act" in this Article) pursuant to the provisions of Article 86-4 of the Act, the minister is to designate the area of the target.

2 厚生労働大臣は、その定める期間内に前項の規定により指定した地域において死亡した者の死体に係る墓地埋葬法第五条第一項の規定による埋葬又は火葬の許可について、同条第二項に規定する市町村長のほか、当該死体の現に存する地の市町村長その他の市町村長がこれを行うものとする事ができる。

(2) The Minister of Health, Labour and Welfare may, concerning the permission of burial or cremation under Article 5, paragraph (1) of the Cemetery and Burial Act concerning the body of a person who died in the designated area pursuant to the provisions of the preceding paragraph within the specified period specified by them, allow the mayor of a municipality of the area where the relevant body actually exists and any other mayor of a municipality beyond the mayor of a municipality prescribed in paragraph (2) of the same Article to make the permission.

3 厚生労働大臣は、第一項の規定により指定した地域において公衆衛生上の危害の発生を防止するため特に緊急の必要があると認めるときは、前項に規定する死体の埋葬又は火葬を行おうとする者について、厚生労働大臣が定める墓地又は火葬場において当該埋葬又は火葬を行うときに限り、墓地埋葬法第五条第一項の規定にかかわらず、同項の規定による許可を要しないものとする事ができる。

(3) When the Minister of Health, Labour and Welfare finds it urgently necessary in particular to prevent a risk to public health sanitation from occurring in the area designated pursuant to the provisions of paragraph (1), concerning the person who intends to conduct burial or cremation of a dead body prescribed in the preceding paragraph, as long as the relevant person conducts the burial or cremation at a cemetery or crematory designated by the Minister of Health, Labour and Wealth, they may allow that person to do so without the permission under the same paragraph notwithstanding the provisions of Article 5, paragraph (1) of the Cemetery and Burial Act.

4 厚生労働大臣は、前項の場合における墓地埋葬法第十四条に規定する手続については、次に定めるところにより、特例を定めるものとする。

(4) The Minister of Health, Labour and Welfare is to prescribe special provisions as specified below concerning the procedures prescribed in Article 14 of the Cemetery and Burial Act in the case of the preceding paragraph:

一 墓地埋葬法第十四条に規定する埋葬許可証又は火葬許可証に代わるべき書類として、死亡診断書、死体検案書その他当該死体に係る死亡の事実を証する書類を定めること。

(i) as a document which should be replaced by the burial permit or cremation permit prescribed in Article 14 of the Cemetery and Burial Act, a death certificate, a postmortem certificate, or any other document showing the fact of death concerning the relevant body is specified;

二 前項に規定する墓地又は火葬場の管理者は、前号の書類を受理したときは、市町



村長に対し、当該書類に記載された事項の確認を求めなければならず、当該市町村長がその確認をした後でなければ、埋葬をさせ、又は火葬を行ってはならないものとする。

(ii) the administrator of a cemetery or crematory prescribed in the preceding paragraph must, when they receive the document set forth in the preceding item, ask the mayor of a municipality to confirm the matters described in the document and must not allow the party concerned to bury or cremate the body before the relevant mayor of a municipality has confirmed it;

三 墓地又は納骨堂の管理者は、第一号の書類であつて、火葬場の管理者が墓地埋葬法第十六条第二項に規定する事項を記載したものを受理したときは、焼骨の埋蔵をさせ、又は焼骨の収蔵をすることができるものとする。

(iii) the administrator of a cemetery or charnel house may, when they have received the document set forth in item (i) with the matters prescribed in Article 16, paragraph (2) of the Cemetery and Burial Act stated by the administrator of a crematory, have burned bones buried or store burned bones.

(都道府県知事による広域一時滞在の協議等の代行の手續)

(Procedures for Implementation of Consultation regarding Wide-area Temporary Stay by Prefectural Governor)

第三十六条の三 法第八十六条の十第一項の規定による市町村長の事務の代行をした都道府県知事は、当該市町村がその大部分の事務を行うことができることとなつたと認めるときは、速やかに、当該代行に係る事務を当該市町村長に引き継がなければならない。

Article 36-3 (1) The prefectural governor who implemented affairs on behalf of the mayor of a municipality under Article 86-10, paragraph (1) of the Act, must, when the governor finds that the municipality has become capable of conducting the majority of its affairs, promptly hand over the affairs concerning the handling to the mayor of a municipality.

2 前項に規定するもののほか、都道府県知事は、法第八十六条の十第一項の規定による市町村長の事務の代行を終了したときは、速やかに、その旨及び代行した措置を当該市町村長に通知しなければならない。

(2) Beyond what is provided for in the preceding paragraph, the prefectural governor must, upon completing the implementation of affairs on behalf of a mayor of a municipality under Article 86-10, paragraph (1) of the Act, promptly notify the relevant mayor of a municipality to that effect and the measures taken on behalf of the relevant mayor of a municipality.

(内閣総理大臣による広域一時滞在の協議等の代行の手續)

(Procedures for Implementation of Consultation regarding Wide-area Temporary Stay by the Prime Minister)

第三十六条の四 内閣総理大臣は、法第八十六条の十三第一項の規定による市町村長の事務の代行をした場合において、当該市町村がその大部分の事務を行うことができることとなつたと認めるときは当該市町村長に、当該市町村を包括する都道府県がその大部分の事務を行うことができることとなつたと認めるとき（当該市町村がその大部分の事務を行うことができることとなつたと認めるときを除く。）は当該都道府県の知事に、速やかに、当該代行に係る事務を引き継がなければならない。

Article 36-4 (1) The Prime Minister must, in cases where they implemented affairs on behalf of a mayor of a municipality under Article 86-13, paragraph (1) of the Act, when they find that the municipality has become capable of conducting the majority of its affairs, promptly hand over the affairs concerning the handling to the relevant mayor of a municipality, and when they find that the prefecture covering the relevant municipality has become capable of conducting the majority of its affairs (except when they find that the relevant municipality has become capable of conducting the majority of its affairs), promptly hand over the affairs concerning the handling to the relevant prefectural governor.

2 前項に規定するもののほか、内閣総理大臣は、法第八十六条の十三第一項の規定による市町村長の事務の代行を終了したときは、速やかに、その旨及び代行した措置を当該市町村長及び当該市町村を包括する都道府県の知事に通知しなければならない。

(2) Beyond what is provided for in the preceding paragraph, the Prime Minister must, upon completing the implementation of affairs on behalf of a mayor of a municipality under Article 86-13, paragraph (1) of the Act, promptly notify the mayor and the governor of the prefecture covering the relevant municipality to that effect and the measures taken on behalf of the relevant mayor.

3 内閣総理大臣は、法第八十六条の十三第一項の規定による都道府県知事の手続の代行をした場合において、当該都道府県がその大部分の事務を行うことができることとなつたと認めるときは、速やかに、当該代行に係る事務を当該都道府県知事に引き継がなければならない。

(3) The Prime Minister must, in cases where they implemented affairs on behalf of a prefectural governor under Article 86-13, paragraph (1) of the Act, when they find that the relevant prefecture has become capable of conducting the majority of its affairs, promptly hand over the affairs concerning the handling to the relevant prefectural governor.

4 前項に規定するもののほか、内閣総理大臣は、法第八十六条の十三第一項の規定による都道府県知事の手続の代行を終了したときは、速やかに、その旨及び代行した措置を当該都道府県知事及び当該措置に係る市町村長に通知しなければならない。

(4) Beyond what is provided for in the preceding paragraph, the Prime Minister must, upon completing the implementation of affairs on behalf of a prefectural governor under Article 86-13, paragraph (1) of the Act, promptly notify the prefectural governor and the mayor of a municipality related to the measures to that effect and the measures taken on behalf of the prefectural governor.

## 第七章 災害復旧

### Chapter VII Disaster Recovery Efforts

(防災会議への報告)

(Report to the Disaster Management Council)

第三十七条 法第八十九条に規定する災害復旧事業費の概要及び災害復旧事業の実施に関する基準の概要の報告は、災害復旧事業費の決定を行なった日又は災害復旧事業の実施に関する基準を定めた日から二十日以内に、内閣府令で定める様式の文書により行なうものとする。

Article 37 The report on the outline of the amount of expenses for disaster recovery project and the outline of the standards for the implementation of a disaster recovery project prescribed in Article 89 of the Act, is to be made by a document of the form specified by Cabinet Office Order on the day when the amount of expenses for disaster recovery project is decided or within twenty days from the day when the standards for the implementation of a disaster recovery project are established.

(国の負担金又は補助金の早期交付等)

(Early Grant of the State's Share of Expenses or Subsidies)

第三十八条 国は、法第九十条の規定により、地方公共団体又はその機関が実施する災害復旧事業に係る国の負担金又は補助金を早期に交付しようとするときは、当該災害復旧事業の進捗状況、当該災害復旧事業に要する経費の支出時期及び当該地方公共団体の資金の状況等を勘案してこれを行なうものとする。

Article 38 When the State intends to make an early grant of its share of expenses or subsidies concerning a disaster recovery project to be undertaken by a local government or its organ pursuant to the provisions of Article 90 of the Act, the State is to do so in consideration of the state of progress of the disaster recovery project, the time of payment of expenses required for the disaster recovery project, and the financial condition, etc. of the local government.

## 第八章 財政金融措置

### Chapter VIII Financial Measures

(政令で定める費用)

(Expenses Provided for by Cabinet Order)

第三十九条 法第九十三条第一項の政令で定める費用は、次の各号に掲げるものとする。

Article 39 The expenses provided for by Cabinet Order set forth in Article 93, paragraph (1) of the Act are to be as set forth in each of the following items:

一 市町村長が当該市町村の区域内で実施した応急措置又は他の市町村の区域内で実

施した応援のうち、主として当該市町村以外の市町村又は当該他の市町村以外の市町村（当該市町村を除く。）の利害に関係がある応急措置又は応援のために通常要する費用で、当該市町村又は当該他の市町村に負担させることが不相当と認められるもの

- (i) out of emergency measures implemented within the area of a municipality or support implemented within the area of other municipalities by the mayor of the relevant municipality, mainly expenses which are usually required for emergency measures or support related to the interests of municipalities other than the municipality or municipalities other than that other municipalities (except for that municipality) and which are found inappropriate to be borne by the municipality or that other municipalities;
- 二 激甚災害に対処するための特別の財政援助等に関する法律（昭和三十七年法律第百五十号）第二条第一項に規定する政令で指定された激甚災害（以下「激甚災害」という。）のため全部又は大部分の事務を行なうことができなくなつた法第七十三条第一項の市町村の市町村長が実施した応急措置又は当該市町村に対して他の市町村の市町村長が実施した応援のために通常要する費用で、当該市町村に負担させることが困難と認められるもの
- (ii) expenses usually required for emergency measures implemented by the mayor of a municipality under Article 73, paragraph (1) of the Act, who has become unable to conduct all or the majority of affairs due to a disaster of extreme severity designated by Cabinet Order prescribed in Article 2, paragraph (1) of the Act on Special Financial Support to Deal with Disasters of Extreme Severity (Act No. 150 of 1962) (hereinafter referred to as "Disaster of Extreme Severity") or for support implemented by the mayors of other municipalities for the municipality, and which are found difficult to be borne by the municipality.

（都道府県の負担）

**(Burden of the Prefecture)**

第四十条 法第七十二条第一項の規定により指示した都道府県知事の統轄する都道府県は、前条第一号に掲げる費用のうち、市町村長が当該市町村の区域内で実施した応急措置のために要する費用についてはその三分の二を、市町村長が他の市町村の区域内で実施した応援のために要した費用及び前条第二号に掲げる費用についてはその全部をそれぞれ負担するものとする。

Article 40 The prefecture controlled by the prefectural governor who has given instructions pursuant to the provisions of Article 72, paragraph (1) of the Act is to bear two-thirds of the expenses required for emergency measures implemented by the mayor of a municipality within the area of the municipality out of the expenses set forth in item (i) of the preceding Article, and all of the expenses required for the support implemented by the mayor of a municipality within the area of other municipalities and the expenses set forth

in item (ii) of the preceding Article, respectively.

(政令で定める費用)

(Expenses Provided for by Cabinet Order)

第四十一条 法第九十五条の政令で定める費用は、次の各号に掲げる費用で、国が別に法令で定めるところにより、又は予算の範囲内においてその一部を負担し、又は補助することとしているもの以外のものとする。

Article 41 The expenses provided for by Cabinet Order of Article 95 of the Act are to be the expenses set forth in each of the following items and expenses other than those which are partially borne or subsidized by the State pursuant to the provisions as provided for separately by laws and regulations or within the limits of the budget:

一 地方公共団体の長が実施した応急措置のうち、主として当該地方公共団体の長の統轄する地方公共団体以外の地方公共団体の利害に関する応急措置のために通常要する費用で、当該地方公共団体に負担させることが不相当と認められるもの

(i) out of emergency measures taken by the head of a local government, the expenses which are usually required for emergency measures related to the interests of local governments other than the local government mainly controlled by the head of the local government and which are found inappropriate to be borne by the local government;

二 激甚災害のため全部又は大部分の事務を行なうことができなくなつた法第七十三条第一項の市町村の市町村長が実施した応急措置のため通常要する費用で、当該市町村に負担させることが困難と認められるもの

(ii) the expenses which are usually required for emergency measures taken by the mayor of a municipality under Article 73, paragraph (1) of the Act, which has become unable to conduct all or the majority of the affairs due to a Disaster of Extreme Severity, and which are found difficult to be borne by the municipality.

(国の補助)

(Subsidies of the State)

第四十二条 国は、前条各号に掲げる費用については、非常災害対策本部長の指示に係る応急措置の内容その他の事情を勘案し、予算の範囲内において、その全部又は一部を補助することができる。

Article 42 Regarding the expenses set forth in each item of the preceding Article, the State considers the content of emergency measures concerning the instructions made by the chairperson of the headquarters for extraordinary disaster control and other circumstances, and may subsidize all or part of the expenses within the limits of the budget.

(政令で定める地方公共団体等)

(Local Government Provided for by Cabinet Order)

第四十三条 法第百二条第一項の政令で定める地方公共団体は、次の各号のいずれかに該当する地方公共団体で、法第百二条第一項第一号の徴収金の減免の額と同条同項第二号の災害予防、災害応急対策又は災害復旧に通常要する費用の額との合計額が、都道府県及び地方自治法第二百五十二条の十九第一項の市（以下この項において「指定都市」という。）にあつては一千万円、指定都市以外の市で人口（官報で公示された最近の国勢調査又はこれに準ずる人口調査の結果による人口によるものとし、当該公示の人口調査期日以後において市町村の廃置分合又は境界変更があつた場合における当該市の人口は、地方自治法施行令（昭和二十二年政令第十六号）第百七十七条の規定により都道府県知事の公示した人口によるものとする。以下この項において同じ。）三十万人以上のものにあつては五百万円、人口三十万人未満十万人以上の市にあつては三百万円、人口十万人未満五万人以上の市にあつては百五十万円、その他の市及び町村にあつては八十万円を超えるものとする。

Article 43 (1) The local government provided for by Cabinet Order set forth in Article 102, paragraph (1) of the Act is to be a local government which falls under any of the following items, and whose total of the amount of reduction or release of collected money under Article 102, paragraph (1), item (i) of the Act, and the amount of expenses usually required for disaster management, emergency disaster control measures, or disaster recovery efforts exceeds 10,000,000 yen in the case of a prefecture and the cities set forth in Article 252-19, paragraph (1) of the Local Autonomy Act (hereinafter referred to as "Designated Cities" in this paragraph), 5,000,000 yen in the case of cities other than Designated Cities with a population of 300,000 or more (the population is to be the one based on a recent national population census publicly notified in an official gazette or the result of a population survey similar to this census, and the population of a city which has been abolished or merged or whose borderline has been changed after the date of the population census of the public notice is to be the population publicly notified by the prefectural governor pursuant to the provisions of Article 177 of the Order for Enforcement of the Local Autonomy Act (Cabinet Order No. 16 of 1947); hereinafter the same applies in this paragraph), 3,000,000 yen in the case of a city with a population of not less than 100,000 but less than 300,000, 1,500,000 yen in the case of cities with a population of not less than 50,000 but less than 100,000, and 800,000 yen in the case of other cities or municipalities:

- 一 その年の一月一日から十二月三十一日までに発生した災害につき、公共土木施設災害復旧事業費国庫負担法（昭和二十六年法律第九十七号）第七条の規定により決定された事業費で激甚災害のため当該地方公共団体が施行する事業に係るもの又は国が施行し、当該地方公共団体がその費用の一部を負担する事業に係るもの、公立学校施設災害復旧費国庫負担法（昭和二十八年法律第二百四十七号）第三条の規定により国が負担する事業費で激甚災害のため当該地方公共団体が施行する事業に係るもの及び農林水産業施設災害復旧事業費国庫補助の暫定措置に関する法律（昭和

二十五年法律第百六十九号) 第三条の規定により国が補助する事業費で激甚災害のため当該地方公共団体の区域内で施行される事業に係るものの合計額が、当該地方公共団体の標準税収入額に相当する額を超える地方公共団体

(i) regarding a disaster which occurred between January 1 and December 31 of the year, a local government whose total amount of project expenses which are determined pursuant to the provisions of Article 7 of the Act on National Treasury's Sharing of Expenses for Project to Recover Public Civil Engineering Works Damaged by Disaster (Act No. 97 of 1951) and which are related to a project implemented by the local government due to a Disaster of Extreme Severity, or a project which is implemented by the State and whose expenses are partially borne by the local government; project expenses which are borne by the State pursuant to the provisions of Article 3 of the Act on National Treasury's Sharing of Expenses for Recovery of Public School Facilities Damaged by Disaster (Act No. 247 of 1953) and which are related to a project implemented by the local government due to a Disaster of Extreme Severity; and project expenses which are subsidized by the State pursuant to the provisions of Article 3 of the Act on Temporary Measures for Subsidies from National Treasury for Expenses for Project to Recover Facilities for Agriculture, Forestry and Fisheries Damaged by Disaster (Act No. 169 of 1950) and which are related to a project implemented within the area of the local government due to a Disaster of Extreme Severity, exceeds the amount equivalent to the amount of the standard tax revenue of the local government; and

二 その年の一月一日から十二月三十一日までに発生した激甚災害につき、災害救助法（昭和二十二年法律第百十八号）第四条第一項又は第二項に規定する救助が行われた市町村であつて、当該市町村の区域における救助に要した費用のうち都道府県が支弁したものが当該市町村の標準税収入額の百分の一に相当する額を超えるもの

(ii) regarding a Disaster of Extreme Severity which occurred between January 1 and December 31 of the year, a municipality where relief was conducted as prescribed in Article 4, paragraph (1) or (2) of the Disaster Relief Act (Act No. 118 of 1947) was conducted and whose expenses which the prefecture paid out of the expenses required for relief in the area of the municipality exceed the amount equivalent to 1/100 of the amount of the standard tax revenue of the municipality.

2 前項の標準税収入額は、道府県にあつては、地方交付税法（昭和二十五年法律第二百一十一号）第十条第三項本文の規定により総務大臣が決定した当該年度（災害の発生した日の属する会計年度をいう。）の普通交付税の額（同項ただし書の規定により総務大臣が当該額を変更した場合には、当該変更後の額とする。）の算定に用いられた基準財政収入額（同法附則第七条の二第一項及び第七条の三第一項の規定の適用がないものとした場合における同法第十四条の規定により算定した基準財政収入額から当該基準財政収入額の算定基礎となつた地方揮発油譲与税、石油ガス譲与税、航空機燃

料譲与税及び交通安全対策特別交付金に係る額を控除した額とする。)の七十五分の百に相当する額並びに当該基準財政収入額の算定基礎となつた地方揮発油譲与税及び石油ガス譲与税に係る額の合算額とし、市町村にあつては、当該普通交付税の額の算定に用いられた基準財政収入額(同法附則第七条の二第二項及び第七条の三第二項の規定の適用がないものとした場合における同法第十四条の規定により算定した基準財政収入額から当該基準財政収入額の算定基礎となつた事業所税、軽油引取税交付金、地方揮発油譲与税、特別とん譲与税、石油ガス譲与税、自動車重量譲与税、航空機燃料譲与税及び交通安全対策特別交付金に係る額を控除した額とする。)の七十五分の百に相当する額並びに当該基準財政収入額の算定基礎となつた地方揮発油譲与税及び自動車重量譲与税に係る額の合算額とし、都及び特別区にあつては、これらに準ずるものとして総務省令で定める額とする。

- (2) The amount of the standard tax revenue set forth in the preceding paragraph is to be, in the case of a prefecture other than Tokyo Metropolis, the total of the amount equivalent to 100/75 of the base amount of income (the amount is to be that obtained by deducting the amount related to local gasoline transfer tax, oil/gas transfer tax, aircraft fuel transfer tax, and traffic safety measures special grant which are the basis of calculating the base amount of income from the base amount of income calculated pursuant to the provisions of Article 14 of the Act, in the case where there is no application of the provisions of Article 7-2, paragraph (1) and Article 7-3, paragraph (1) of the Supplementary Provisions of the Act) used for the calculation of the amount of the ordinary allocation tax (if the Minister of Internal Affairs and Communications has changed the amount pursuant to the proviso of the same paragraph, the amount after the change) of the relevant fiscal year (which means the fiscal year in which the date of the disaster occurs) determined by the Minister of Internal Affairs and Communications pursuant to the provisions of the main clause of Article 10, paragraph (3) of the Local Allocation Tax Act (Act No. 211 of 1950), and the amount related to local gasoline transfer tax and oil/gas transfer tax which are the basis of calculating base amount of income; in the case of a municipality, the total of the amount equivalent to 100/75 of the base amount of income (the amount is to be that obtained by deducting the amount related to business office tax, light oil delivery tax grant, local gasoline transfer tax, special tonnage transfer tax, oil/gas transfer tax, motor vehicle tonnage transfer tax, aircraft fuel transfer tax, and traffic safety measures special grant which are the basis of calculating the base amount of income from the base amount of income calculated pursuant to the provisions of Article 14 of the Act, in the case where there is no application of the provisions of Article 7-2, paragraph (2) and Article 7-3, paragraph (2) of the Supplementary Provisions of the Act) used for calculation of the amount of the ordinary allocation tax, and the amount related to local gasoline transfer tax and vehicle tonnage transfer tax which are the basis of calculating the base amount of



income; and in the case of Tokyo Metropolis and special wards, the amount as specified by an Order of the Ministry of Internal Affairs and Communications as being equivalent to these.

3 著しく異常かつ激甚な非常災害が発生した場合における法第百二条第一項の政令で定める地方公共団体は、第一項の規定にかかわらず、当該災害によりその財政運営に特に著しい支障が生じ、又は生ずるおそれがあるものとして総務大臣が指定する地方公共団体とする。

(3) The local government provided for by Cabinet Order set forth in Article 102, paragraph (1) of the Act, in the case of occurrence of an extremely unusual and severe disaster is to be, notwithstanding the provisions of paragraph (1), the local government which the Minister of Internal Affairs and Communications designates as a local government which has or is likely to have particularly extreme difficulties in its financial operation due to the disaster.

4 第一項及び前項の地方公共団体は、総務大臣が告示する。

(4) The local government prescribed in paragraph (1) and the preceding paragraph is publicly notified by the Minister of Internal Affairs and Communications.

5 法第百二条第一項の規定による地方債を財政融資資金で引き受けた場合における当該地方債の利息の定率は、当該地方債を発行した年度における財政融資資金の引受けに係る地方財政法（昭和二十三年法律第九号）第五条第四号の規定によつて起こした地方債の利息の定率によるものとする。

(5) When local bonds under Article 102, paragraph (1) of the Act are undertaken by a fiscal loan fund, the fixed interest rate of the local bonds is to be based on the fixed interest rate of local bonds issued pursuant to the provisions of Article 5, item (iv) of the Local Finance Act (Act No. 109 of 1948) concerning underwriting of the fiscal loan fund in the fiscal year when the local bonds are issued.

6 法第百二条第一項の規定による地方債を財政融資資金で引き受けた場合における当該地方債の償還方法は、当該地方債を発行した年度以降四年以内の半年賦（うち一年以内の据置期間を含む。）によるものとする。

(6) The reimbursement of the local bonds, when local bonds under Article 102, paragraph (1) of the Act are undertaken by a fiscal loan fund, is to be made in semi-annual installments within four years following the fiscal year when the relevant local bonds were issued (including the unredeemable period of one year or less).

（政令で定める災害）

(Disasters Provided for by Cabinet Order)

第四十四条 法第百二条第一項及び第百四条の政令で定める災害は、激甚災害とする。

Article 44 The disasters provided for by Cabinet Order set forth in Article 102, paragraph (1) and Article 104 of the Act are to be Disasters of Extreme

Severity.

(政令で定める金融機関)

(Financial Institutions Provided for by Cabinet Order)

第四十五条 法第百四条の政令で定める金融機関は、次に掲げるものとする。

Article 45 The financial institutions provided for by Cabinet Order set forth in Article 104 of the Act are to be as set forth below.

一 地方公共団体金融機構

(i) Japan Finance Organization for Municipalities

二 株式会社日本政策投資銀行

(ii) the Development Bank of Japan

三 農林中央金庫

(iii) Norinchukin Bank

四 株式会社商工組合中央金庫

(iv) ShokoChukin Bank Limited.

## 第九章 雑則

### Chapter IX Miscellaneous Provisions

(内閣府令への委任)

(Delegation to Cabinet Office Order)

第四十六条 この政令に規定するもののほか、この政令の実施のための手続その他必要な事項は、内閣府令で定める。

Article 46 Beyond what is provided for in this Cabinet Order, any other necessary matters to implement this Cabinet Order will be specified by Cabinet Office Order.

## 附 則

### Supplementary Provisions

1 この政令は、法施行の日（昭和三十七年七月十日）から施行する。

(1) This Cabinet Order comes into effect as of the date of the enforcement of the Act (July 10, 1962).

2 東京オリンピック競技大会・東京パラリンピック競技大会推進本部が置かれている間における第三条第一項の規定の適用については、同項中「二十六人」とあるのは、「二十七人」とする。

(2) Regarding application of the provisions of Article 3, paragraph (1) during the time when the Headquarters for the Promotion of the Tokyo Olympic and Paralympic Games is established, the term "26" in the same paragraph is deemed to be replaced with "27."

3 復興庁が廃止されるまでの間における第三条第一項の規定の適用については、前項

の規定にかかわらず、同条第一項中「二十六人」とあるのは、「二十八人」とする。

(3) Regarding application of the provisions of Article 3, paragraph (1) during the time until the Reconstruction Agency is abolished, notwithstanding the provisions of the preceding paragraph, the term "26" in paragraph (1) of the same Article is deemed to be replaced with "28."

4 平成二十三年東北地方太平洋沖地震による災害についての第四十三条の規定の適用については、同条第一項中「次の各号のいずれかに該当する地方公共団体で」とあるのは「平成二十三年東北地方太平洋沖地震による災害により被害を受けた地方公共団体でその区域の全部又は一部が当該災害に際し災害救助法（昭和二十二年法律第百十八号）が適用された市町村の区域内にあるもののうち」と、同条第四項中「第一項及び前項」とあるのは「附則第四項の規定により読み替えて適用される第一項」と、同条第六項中「四年」とあるのは「十年」と、「一年」とあるのは「二年」とし、同条第三項の規定は、適用しない。

(4) Regarding the application of the provisions of Article 43 related to the disaster caused by the Great East Japan Earthquake of 2011, the term "a local government which falls under any of the following items" in paragraph (1) of the same Article is deemed to be replaced with "a local government which suffered damage from the disaster caused by the Great East Japan Earthquake of 2011 and which lies within the area of a municipality to whose area, all or part thereof, the Disaster Relief Act (Act No. 118 of 1947) was applied on the occasion of the disaster," the term "paragraph (1) and the preceding paragraph" in paragraph (4) of the same Article with "paragraph (1) to be applied by replacing the terms pursuant to the provisions of paragraph (4) of Supplementary Provisions," the term "four years" in paragraph (6) of the same Article with "ten years," and the term "one year" in paragraph (6) of the same Article with "two years," and the provisions of paragraph (3) of the same Article does not apply.