

Land and Building Investigator Act

(Act No. 228 of July 31, 1950)

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Chapter I General Provisions

(Purpose)

Article 1 The purpose of this act is to provide a system for land and building investigators, to facilitate the appropriate delivery of their services, and thereby contribute to implementing smooth registration procedures pertaining to the description of real property and to clarifying citizens' rights pertaining to real property.

(Duties)

Article 2 A land and building investigator (hereinafter referred to as "Investigator") must always maintain dignity, be well informed about laws and regulations related to the Investigator's services and about the business practice, and perform Investigator's services in a fair and sincere manner.

(Services)

Article 3 (1) An Investigator engages in the business of handling the following processes at the request of others:

(i) investigation or survey or measurement of land or building, which is

- necessary for registering a description of real property;
- (ii) representation regarding application procedures for registration pertaining to the description of a real property or procedures to request an examination pertaining thereto;
 - (iii) creation of documents or electronic or magnetic records (meaning records prepared in an electronic form, magnetic form or any other form that cannot be recognized by human senses, and which are provided for use in information processing by computers; the same applies in item (v)) to be submitted or provided to the relevant Legal Affairs Bureau or District Legal Affairs Bureau with respect to application procedures for a registration pertaining to the description of real property or procedures for requesting an examination pertaining thereto;
 - (iv) representation in the procedures for parcel boundary demarcation (meaning procedures for parcel boundary demarcation or procedures for requesting an examination pertaining to the dismissal of an application of the parcel boundary demarcation under the provisions of Chapter VI, Section II of the Real Property Registration Act (Act No. 123 of 2004); the same applies in the following item);
 - (v) creation of a document or an electronic or magnetic record to be submitted or provided to the relevant Legal Affairs Bureau or District Legal Affairs Bureau with respect to procedures for parcel boundary demarcation;
 - (vi) consultation on processes listed in the preceding items;
 - (vii) representation in private dispute resolution procedures (meaning alternative dispute resolution procedures (meaning a procedure to seek a resolution for parties of the dispute who intend to resolve a civil dispute without using litigation proceedings, with the involvement of a fair third party) by which a private business arranges settlement under a contract with the parties to the dispute with respect to a civil dispute which the parties may settle, at the request of both parties to the dispute) pertaining to a dispute over civil processes resulting from the fact that a parcel boundary of land (meaning a parcel boundary provided for in Article 123, item (i) of the Real Property Registration Act; the same applies to Article 25, item (ii)) is not clear at the site that is implemented by the person designated by the Minister of Justice as a group that is found to be capable of performing the services of the dispute resolution fairly and appropriately; and
 - (viii) consultation on the processes listed in the preceding item.
- (2) The services provided for in items (vii) and (viii) of the preceding paragraph (hereinafter referred to as the "Services Related to Representation of Clients in Private Dispute Resolution Procedures") may be performed only by an Investigator who meets all of the following items. In this case, the services provided for in item (vii) of the paragraph may be performed only for the case

that an attorney has undertaken by the same client:

- (i) a person who completed courses in training that is implemented by a corporation provided for by Ministry of Justice Order with respect to the Services Related to Representation of Clients in Private Dispute Resolution Procedures and that is designated by the Minister of Justice;
 - (ii) a person who is certified by the Minister of Justice to have an ability necessary for performing the Services Related to Representation of Clients in Private Dispute Resolution Procedures based on an application by the person provided for in the preceding item; and
 - (iii) a person who is a member of the Land and Building Investigators Association (hereinafter referred to as the "Investigators Association").
- (3) The Minister of Justice gives the designation set forth in item (i) of the preceding paragraph solely for the training that is found to meet all of the following items:
- (i) content of the training fulfills the standards provided for by Ministry of Justice Order as training sufficient to acquiring the ability necessary to perform the Services Related to Representation of Clients in Private Dispute Resolution Procedures;
 - (ii) a plan pertaining to implementing the training is appropriate for proper and reliable implementation; and
 - (iii) the corporation implementing the training has sufficient expertise and financial standing to implement the plan set forth in the preceding item properly and reliably.
- (4) To the extent necessary for ensuring proper and reliable implementation of the training set forth in paragraph (2), item (i), the Minister of Justice may request that the corporation implementing the training submit the necessary information or materials or may give a necessary order to the corporation with respect to the training.
- (5) When an Investigator intends to obtain a certification under the provisions of paragraph (2), item (ii), the Investigator must pay fees pursuant to the provisions of Cabinet Order.

(Qualification)

Article 4 A person who falls under any of the following items is qualified to be an Investigator:

- (i) a person who has passed the land and building investigator examination; or
- (ii) a person who has engaged in processes of registration pertaining to a description of real property at the relevant Legal Affairs Bureau or District Legal Affairs Bureau for ten years or longer in total and who is found by the Minister of Justice to have the knowledge and skills necessary for performing the services provided for in items (i) through (vi) of the preceding Article,

paragraph (1).

(Grounds for Ineligibility)

Article 5 A person listed in the following items is not ineligible to become an Investigator:

- (i) a person who has been sentenced to a term of imprisonment or more and for whom a period of three years has not elapsed since the person served out the sentence or ceased to be subject to the sentence;
- (ii) any minor, adult ward, or a person under curatorship;
- (iii) a person who has been declared bankrupt and whose civil rights have not been restored;
- (iv) a public employee who has been discharged for disciplinary reasons and for whom a period of three years has not elapsed from the date of the disposition;
- (v) a person who was prohibited from performing services pursuant to the provisions of Article 42 and for whom a period of three years has not elapsed from the day of the disposition;
- (vi) a person who was removed from the list of registered Investigators pursuant to the provisions of Article 52, item (ii) of the Survey Act (Act No. 188 of 1949) and for whom a period of three years has not elapsed from the day of the disposition;
- (vii) a person whose license has been revoked pursuant to the provisions of Article 10 of the Act on Architects and Building Engineers (Act No. 202 of 1950) and for whom a period of three years has not elapsed from the date of the disposition; or
- (viii) a person who was prohibited from performing services pursuant to the provisions of Article 47 of the Judicial Scrivener Act (Act No. 197 of 1950) and for whom a period of three years has not elapsed from the day of the disposition.

Chapter II Land and Building Investigator Examination

(Method and Content of Examination)

Article 6 (1) The Minister of Justice must conduct the land and building investigator examination once or more every year.

- (2) The examination set forth in the preceding paragraph is implemented by the method of written examination and oral examination.
- (3) The written examination is given as to the knowledge and skills pertaining to the following matters that are necessary for registration of real properties as to their description:
 - (i) Investigation and survey or measurement of lands and buildings; and

- (ii) Procedures for application and requesting an examination.
- (4) An oral examination is given to those who have passed the written examination as to their knowledge pertaining to the matters listed in item (ii) of the preceding paragraph.
- (5) The person listed in the following items is exempted from the examination specified in those items respectively by submitting an application for exemption:
 - (i) a person who is qualified to be a land surveyor or assistant land surveyor, or a first-class architect or second-class architect: a written examination on the matters listed in item (i) of paragraph (3);
 - (ii) a person who has passed a written examination: a written examination for the next examination set forth in paragraph (1) and a written examination provided for in the preceding item of the examination set forth in paragraph (1) to be implemented thereafter; and
 - (iii) a person who is an examinee of a written examination and who is certified by the Minister of Justice as having knowledge and skills equivalent to or more than a person who passed a written examination pertaining to the matters listed in item (i) of paragraph (3) (excluding a person listed in the preceding item): a written examination provided for in item (i) in the examination set forth in paragraph (1) to be implemented thereafter.
- (6) The Minister of Justice must hear opinions of the Minister of Land, Infrastructure, Transport and Tourism with respect to implementation of the examination set forth in paragraph (1).
- (7) A person who intends to take the examination set forth in paragraph (1) must pay the examination fees pursuant to the provisions of Cabinet Order.

(Land and Building Investigator Examination Committee Members)

- Article 7 (1) Land and building investigator examination committee members are assigned in the Ministry of Justice in order to have them prepare questions for the examination set forth in paragraph (1) of the preceding Article and grade them.
- (2) Land and building investigator examination committee members are appointed by the Minister of Justice for each examination from among persons with the relevant knowledge and experience necessary for implementing the examination set forth in paragraph (1) of the preceding Article.
 - (3) Beyond what is provided for in the preceding two paragraphs, the necessary matters pertaining to land and building investigator examination committee members are provided for by Cabinet Order.

Chapter III Registration

(Registration with Land and Building Investigator Registry)

Article 8 (1) If a person who is qualified to become an Investigator intends to become an investigator, the person must have the person's name, date of birth, office location, the Land and Building Investigators Association to which the person belongs, and other matters provided for by Ministry of Justice Order registered in the land and building investigator registry maintained in the Japan Federation of Land and Building Investigators Associations (hereinafter referred to as the "Federation of Investigators Associations").

(2) The Federation of Investigators Associations carries out the registration in the land and building investigator registry.

(Application for Registration)

Article 9 (1) A person who intends to be registered as set forth in paragraph (1) of the preceding Article must submit a registration application to the Federation of Investigators Associations via the Investigators Association that has been established within the administrative district of the relevant Legal Affairs Bureau or District Legal Affairs Bureau having administrative jurisdiction over the place where the person intends to establish the person's office.

(2) The matters to be registered pursuant to the provisions of paragraph (1) of the preceding Article and other matters provided for by Minister of Justice Order must be indicated in the registration application form set forth in the preceding paragraph and a document verifying that the person is qualified to be an Investigator must be attached to the registration application form.

(Refusal of Registration)

Article 10 (1) When the Federation of Investigators Associations finds that the person who filed an application for registration pursuant to the provisions of paragraph (1) of the preceding Article is not qualified to be an Investigator or that the person falls under any of the following items, the Federation of Investigators Associations must refuse the registration. In such a case, when the Federation of Associations intends to refuse the registration on the grounds that the applicant falls under item (i) or item (ii), the refusal must be made based on the resolution of the registration screening board provided for in Article 62:

- (i) when the applicant does not go through procedures for admission pursuant to the provisions of Article 52, paragraph (1);
- (ii) when the applicant cannot perform the services of an Investigator due to physical or mental weakness; or
- (iii) when the applicant is likely to harm the trust or dignity of Investigators and lacks fitness as an Investigator in light of the duties of Investigators.

(2) When the Federation of Investigators Associations intends to refuse the registration on the grounds that the applicant falls under item (ii) or item (iii) of the preceding paragraph, the Federation of Investigators Associations must notify the applicant to that effect in advance in order to give the applicant an opportunity to explain personally or through a legal representative within a reasonable period of time.

(Notification on Registration)

Article 11 When the Federation of Investigators Associations receives an application for registration pursuant to the provisions of Article 9, paragraph (1), the Federation of Investigators Associations must notify the applicant in writing to the effect that the registration has been made or that the registration has been refused by stating the reason for refusal.

(Request for Administrative Review When the Registration is Refused)

Article 12 (1) If a person who is refused registration pursuant to the provisions of Article 10, paragraph (1) has an objection against the disposition, the person may request an administrative review pursuant to the Administrative Appeal Act (Act No. 160 of 1962) with the Minister of Justice.

(2) When a person has applied for the registration pursuant to the provisions of Article 9, paragraph (1) and no disposition has been made on the application even after a period of three months has elapsed from the date of the application, the person may deem that the registration has been refused and request the administrative review set forth in the preceding paragraph with the Minister of Justice.

(3) If the request for examination pursuant to the provisions of the preceding two paragraphs is meritorious, the Minister of Justice must order the Federation of Investigators Associations to give an appropriate disposition.

(Registration of Change of Investigators Association to which an Investigator Belongs)

Article 13 (1) When an Investigator intends to relocate Investigator's office within the administrative district of another relevant Legal Affairs Bureau or District Legal Affairs Bureau, the Investigator must file an application for registration of change of the Investigators Association, to which the Investigator belongs, to the Federation of Investigators Associations via the Investigators Association established in the administrative district.

(2) When an Investigator files an application for the registration of change set forth in the preceding paragraph, the Investigator must notify the Federation of Investigators Associations to which the Investigator currently belongs to that effect.

- (3) When the person who filed an application set forth in paragraph (1) has not followed the procedures for admission pursuant to the provisions of Article 52, paragraph (1), the Federation of Investigators Associations must refuse the registration of change.
- (4) The provisions of the preceding two Articles apply mutatis mutandis to the application for the registration of change set forth in paragraph (1).

(Notification of Change of Registered Matters)

Article 14 When a change occurs to the items of information that has been registered in the land and building Investigator registry (excluding the change of Investigators Association to which the investigator belongs), the Investigator must notify the Federation of Investigators Associations to that effect without delay via the Investigators Association to which the Investigator belongs.

(Revocation of Registration)

- Article 15 (1) If an Investigator should fall under any of the following, the Federation of Investigators Associations must revoke the registration:
- (i) when an Investigator discontinues the services;
 - (ii) when an Investigator dies;
 - (iii) when an Investigator is found not to possess the qualifications to be an Investigator; and
 - (iv) when an Investigator comes to fall under any of the sections of Article 5.
- (2) When an Investigator comes to fall under any of the items of the preceding paragraph, the Investigator, the legal representative, or the heir must notify the Federation of Investigators Associations via the Investigators Association to which the Investigator belongs or has belonged to that effect.

Article 16 (1) If an Investigator should fall under any of the following, the Federation of Investigators Associations may revoke the registration:

- (i) when the Investigator has failed to provide the services for two consecutive years or more; or
 - (ii) when the investigator cannot perform the services due to physical or mental weakness.
- (2) When the registration is cancelled pursuant to the provisions of the preceding paragraph, the Federation of Investigators Associations must notify the Investigator in writing to that effect and of the grounds.
- (3) The provisions of the second sentence of Article 10, paragraph (1) apply mutatis mutandis to the revocation of registration pursuant to the provisions of paragraph (1).

(Application Mutatis Mutandis of Provisions Pertaining to Refusal of

Registration)

Article 17 The provisions of Article 2, paragraph (1) and paragraph (3) apply mutatis mutandis to the revocation of registration pursuant to the provisions of Article 15, paragraph (1) or paragraph (1) of the preceding Article.

(Public Notice of Registration and of Revocation of Registration)

Article 18 Upon registering or revoking the registration of an Investigator, the Federation of Investigators Associations must give public notice to that effect in an official gazette without delay.

(Report on Registration Processing)

Article 19 If it is necessary, the Minister of Justice may request or advise that the Federation of Investigators Associations make a report or submit materials with respect to the registration processing.

Chapter IV Obligations of Land and Building Investigators

(Office)

Article 20 An Investigator must establish an office in accordance with the standards provided for by Ministry of Justice Order.

(Books and Documents)

Article 21 An Investigator must maintain books pertaining to services and preserve relevant documents pursuant to the provisions of Ministry of Justice Order.

(Obligation to Accept a Request)

Article 22 An Investigator must not reject a client's job request (excluding requests pertaining to the services provided for in Article 3, paragraph (1), item (iv) and item (vi) (limited to the part pertaining to item (iv)) and Services Related to Representation to Representation of Clients in Private Dispute Resolution Procedures), unless there are justifiable reasons.

(Cases where an Investigator Cannot Perform Services)

Article 22-2 (1) An Investigator must not perform services related to cases which the Investigator handled as a public officer while performing official duties or as an arbitrator in arbitration procedures.

(2) An Investigator must not perform the services (hereinafter referred to as the "Services Related to Representation of Clients in Parcel Boundary Demarcation Procedures") provided for in Article 3, paragraph (1), items (iv) through (vi) (limited to the part pertaining to item (iv) and item (v)) with respect to the

following cases; provided, however, that this does not apply to the cases listed in item (iii) and (vii) if the client for the case that the Investigator has undertaken agrees:

- (i) a case in which the Investigator provided support to the other party after consultation, or accepted the other party as the Investigator's client, as a case pertaining to Services Related to Representation of Clients in Parcel Boundary Demarcation Procedures or Services Related to Representation of Clients in Private Dispute Resolution Procedures;
- (ii) a case in which an Investigator consulted with the other party as a case pertaining to Services Related to Representation of Clients in Parcel Boundary Demarcation Procedures or Services Related to Representation of Clients in Private Dispute Resolution Procedures, and where the extent and method of the consultation is found to be based on a relationship of mutual trust;
- (iii) a case requested by the other party as a client of another case (excluding cases which have been undertaken as a case pertaining to services provided for in Article 3, paragraph (1), item (v); the same applies in item (vii)) in which an Investigator has undertaken as the case pertaining to the Services Related to Representation of Clients in Parcel Boundary Demarcation Procedures or Services Related to Representation of Clients in Private Dispute Resolution Procedures;
- (iv) during the period when the Investigator engaged in services as an Investigator who is a member or an employee of an Investigator Corporation (meaning the Investigator Corporation provided for in Article 26; the same applies hereinafter in this Article), a case in which the Investigator Corporation provided support to the other party after consultations or accepted the other party as the client of the Investigator Corporation as a case pertaining to Services Related to Representation of Clients in Parcel Boundary Demarcation Procedures or Services Related to Representation of Clients in Private Dispute Resolution Procedures and the Investigator was personally involved;
- (v) during the period when an Investigator engaged in services as an Investigator who is a member or employee of an Investigator Corporation, a case in which the Investigator Corporation consulted with the other party as the case pertaining to the Services Related to Representation of Clients in Parcel Boundary Demarcation Procedures or Services Related to Representation of Clients in Private Dispute Resolution Procedures, and where the extent and method of the consultation is found to be based on a relationship of mutual trust and the investigator was personally involved;
- (vi) in cases where the Investigator is an employee of an Investigator Corporation, a case in which the Investigator Corporation has undertaken

with the other party as a case pertaining to the Services Related to Representation of Clients in Private Dispute Resolution Procedures or Services Related to Representation of Clients in Parcel Boundary Demarcation Procedures; and

(vii) in cases where an Investigator is an employee of an Investigator Corporation, a case requested by the other party as a client of another case (limited to cases in which the Investigator is involved personally) in which the Investigator Corporation has undertaken as a case pertaining to Services Related to Representation of Clients in Private Dispute Resolution Procedures or Services Related to Representation of Clients in Parcel Boundary Demarcation Procedures.

(3) The Investigator provided for in Article 3, paragraph (2) must not engage in Services Related to Representation of Clients in Private Dispute Resolution Procedures with respect to the cases listed in items of the preceding paragraph and the cases listed in the following; provided, however, that this does not apply to the cases listed in item (iii) and item (vii) of the paragraph and the case listed in item (ii) if consented to by the client whom the Investigator is representing:

(i) in cases where an Investigator is an employee of an Investigator Corporation (excluding the Investigator Corporations whose purpose is to perform Services Related to Representation of Clients in Private Dispute Resolution Procedures; the same applies in the following item), a case which the Investigator Corporation has undertaken from the adversary as a case pertaining to the Services Related to Representation of Clients in Parcel Boundary Demarcation Procedures; or

(ii) in cases where the Investigator is an employee of an Investigator Corporation, any unrelated cases requested by the adversary in the case in which the Investigator Corporation has undertaken Services Related to Parcel Boundary Demarcation Procedures (limited to cases in which the Investigator is involved personally and excluding cases which have been undertaken as a case pertaining to the services provided for in Article 3, paragraph (1), item (v)).

(Prohibition of False Investigation and Survey or Measurement)

Article 23 An Investigator must not perform false investigation or survey or measurement in providing services.

(Duty to Comply with the Association Rules)

Article 24 An Investigator must observe the rules of the Association of Investigators and the Federation of Investigators Associations, to which the Investigator belongs.

(Obligation of Confidentiality)

Article 24-2 A person, who is or has been an Investigator and had access to secrets while handling a case in performing professional services, must not divulge any such secrets without justifiable reasons.

(Training)

Article 25 (1) An Investigator must receive training implemented by the Investigators Association to which the Investigator belongs and the Federation of Investigators Associations and must endeavor to improve professional qualifications.

(2) An Investigator must endeavor to deepen knowledge with respect to customs pertaining to the method to clarify the parcel boundary demarcation of land in the area where the Investigator engages in the services and other services of the Investigator.

Chapter V Land and Building Investigator Corporation

(Incorporation)

Article 26 An Investigator may establish a land and building investigator corporation (meaning a corporation incorporated jointly by Investigators for the purpose of performing services of Investigators; hereinafter referred to as the "Investigator Corporation") pursuant to the provisions of this Chapter.

(Name)

Article 27 An Investigator Corporation must use the characters "土地家屋調査士法人" with a pronunciation of "tochikaoku-chousashi" and with a literal meaning of "land and building investigator corporation" in its name.

(Eligibility for Membership)

Article 28 (1) Any member of an Investigator Corporation must be an Investigator.

(2) A person listed in the following cannot become a member of an Investigator Corporation:

(i) a person who has been subject to a suspension of services pursuant to the provisions of Article 42 and for whom the period of the suspension of service has not elapsed;

(ii) in cases where an Investigator Corporation has been administratively dissolved or had its entire operation suspended pursuant to the provisions of Article 43, paragraph (1), any person who was a member of the Investigator Corporation within the preceding thirty days of the disposition and for whom

- a period of three years (in cases where the Investigator Corporation was subject to suspension of all of the services, the period of the suspension of all of the services) has not elapsed since the date of the dissolution or suspension; or
- (iii) a person who is not a member of any Investigators Association.

(Scope of Service)

Article 29 (1) An Investigator Corporation may perform the following services pursuant to the provisions of its articles of incorporation in addition to performing the services provided for in Article 3, paragraph (1), items (i) through (vi):

(i) all or part of the services provided for by Ministry of Justice Order as the services that all Investigators may perform based on laws and regulations, etc.; and

(ii) Services Related to Representation of Clients in Private Dispute Resolution Procedure.

(2) The Services Related to Representation of Clients in Private Dispute Resolution Procedures may be performed only by an Investigator Corporation (limited to an Investigator Corporation that is a member of Investigators Association) in which an Investigator provided for in the provisions of Article 3, paragraph (2) exists among its members.

(Registration)

Article 30 (1) An Investigator Corporation must undertake its registration pursuant to the provisions of Cabinet Order.

(2) The matters that must be registered pursuant to the provisions of the preceding paragraph cannot be asserted against a third party until after they have been registered.

(Procedure for Incorporation)

Article 31 (1) In order to incorporate an Investigator Corporation, Investigators who intend to become the members must jointly provide articles of incorporation.

(2) The provisions of Article 30, paragraph (1) of the Companies Act (Act No. 86 of 2005) apply mutatis mutandis to articles of incorporation of the Investigator Corporation.

(3) Articles of incorporation must state at least the following matters:

(i) purpose;

(ii) name;

(iii) location of principle office and secondary office, if any;

(iv) name and address of members; and

(v) matters pertaining to capital contributions by its members.

(Time of Establishment)

Article 32 An Investigator Corporation is established by the registration of incorporation at the location of its principle office.

(Notification of Incorporation)

Article 33 When an Investigator Corporation is incorporated, the Investigators Association that has been established in the administrative district of the relevant Legal Affairs Bureau or District Legal Affairs Bureau having administrative jurisdiction over the location of its principal office (hereinafter referred to as the "Investigators Association in the Location of Principal Office") and Federation of Investigators Associations along with a certificate of registered matters and copy of articles of incorporation must be notified of the fact within two weeks of the day of incorporation.

(Change to Articles of Incorporation)

Article 34 (1) Unless otherwise provided for by the articles of incorporation, an Investigator Corporation may change its articles of incorporation by the consent of all its members.

(2) Upon changing its articles of incorporation, the Investigator Corporation must notify the Investigators Association in the location of its Principal Office and the Federation of Investigators Associations of the matters pertaining to the change within two weeks from the day of the change.

(Execution of Services)

Article 35 (1) All the members of an Investigator Corporation have rights and obligations to execute the services.

(2) With respect to Services Related to Representation of Clients in Private Dispute Resolution Procedures for an Investigator Corporation whose purpose is to perform the Services Related to Representation of Clients in Private Dispute Resolution Procedures, notwithstanding the provisions of the preceding paragraph, only a member who is an Investigator as provided for in Article 3, paragraph (2) (hereinafter referred to as the "Special Member") has the right and obligation to execute the services.

(Representative of Corporation)

Article 35-2 (1) Every member of an Investigator Corporation each represents the Investigator Corporation; provided, however, that it does not preclude designating a person who especially represents the Investigator Corporation among the members by the articles of incorporation or the consent of all its

members.

- (2) With respect to Services Related to Representation of Clients in Private Dispute Resolution Procedures of an Investigator Corporation whose purpose is to perform the Services Related to Representation of Clients in Private Dispute Resolution Procedures notwithstanding the provisions of the main clause of the preceding paragraph, each specified member alone represents the Investigator Corporation; provided, however, that it does not preclude designating a person who especially represents the Investigator Corporation for the Services Related to Representation of Clients in Private Dispute Resolution Procedures among the special members by consent of all its special members.
- (3) A member representing an Investigator Corporation pursuant to the provisions of paragraph (1) has a right to perform any juridical or extrajudicial acts pertaining to the services (excluding the Services Related to Representation of Clients in Private Dispute Resolution Procedures set forth in the preceding paragraph) of the Investigator Corporation.
- (4) The restriction on the authority set forth in the preceding paragraph may not be asserted against a third party in good faith.
- (5) A member representing an Investigator Corporation pursuant to the provisions set forth in paragraph (1) may authorize another person to take a specific action on behalf of the member only if the delegation is not prohibited by the articles of incorporation.

(Responsibility of Members)

- Article 35-3 (1) If an Investigator Corporation is unable to pay off its debts with its own assets, then its members are jointly and severally held liable for the repayment.
- (2) The provisions set forth in the preceding paragraph also apply to the cases where compulsory execution against the assets of an Investigator Corporation has not been effective.
 - (3) The provisions of the preceding paragraph do not apply if a member proves that the Investigator Corporation has sufficient resource upon which the execution can easily be achieved.
 - (4) If an Investigator Corporation, whose purpose is to perform Services Related to Representation of Clients in Private Dispute Resolution Procedures, cannot fully satisfy its liabilities to a client with its own assets with respect to the Services Related to Representation of Clients in Private Dispute Resolution Procedures, notwithstanding the provisions of paragraph (1), Special Members (including Special Members who have withdrawn from the Investigator Corporation; the same apply hereinafter in this Article) are jointly and severally liable for the repayment; provided, however, that this does not apply to a Special Member who withdrew from the Investigator Corporation if the

Special Member proves that the liabilities arose due to grounds accruing after the Special Member's withdrawal.

(5) If the compulsory execution against the assets of an Investigator Corporation with respect to the liabilities provided for in the main clause of the preceding paragraph is not successful, notwithstanding the provisions of paragraph (2) and paragraph (3), the provisions set forth in the preceding paragraph apply, excluding cases where Special Members prove that the Investigator Corporation has sufficient resource upon which the execution can easily be achieved.

(6) The provisions of Article 612 of the Companies Act apply mutatis mutandis to the withdrawal of a member of an Investigator Corporation; provided, however, that this does not apply to the liabilities provided for in the main clause of paragraph (4).

(Liabilities of a Person Whose Actions Having Caused Others'
Misunderstanding as if the Person were a Member)

Article 35-4 If a person who is not a member of an Investigator Corporation acted as if the person were a member of the Investigator Corporation causing misunderstanding, the person who is not a member of the Investigator Corporation has the same liabilities as a member of the Investigator Corporation to any person who transacted with the Investigator Corporation based on the misunderstanding.

(Permanent Assignment of Members)

Article 36 An Investigator Corporation must permanently assign to its office a member who is a member of the Investigators Association incorporated within the administrative district of the relevant Legal Affairs Bureau or District Legal Affairs Bureau having administrative jurisdiction over the location of the office.

(Handling of the Services Related to Representation of Clients in Private
Dispute Resolution Procedures)

Article 36-2 An Investigator Corporation whose purpose is to perform Services Related to Representation of Clients in Private Dispute Resolution Procedures cannot handle the Services Related to Representation of Clients in Private Dispute Resolution Procedures at an office in which a Special Member is not permanently assigned.

(Restriction on Services with respect to Specific Cases)

Article 36-3 (1) An Investigator Corporation must not perform the Services Related to Representation of Clients in Parcel Boundary Demarcation

Procedures with respect to the following cases; provided, however, that this does not apply to the cases listed in item (iii) if a client of the case which the Investigator Corporation has taken on has consented to it:

- (i) a case in which an Investigator corporation provided support to the adversary after consultation, or accepted to represent the adversary as the Investigator corporation's client as a case pertaining to Services Related to Representation of Clients in Private Dispute Resolution Procedures or Services Related to Representation of Clients in Parcel Boundary Demarcation Procedures;
 - (ii) a case in which an Investigator corporation consulted with the adversary as a case pertaining to Services Related to Representation of Clients in Parcel Boundary Demarcation Procedures or Services Related to Representation of Clients in Private Dispute Resolution Procedures and where the extent and method of the consultation is found to be based on a relationship of mutual trust;
 - (iii) a case requested by the adversary in another case in which an Investigator Corporation has taken on as a case pertaining to Services Related to Representation of Clients in Parcel Boundary Demarcation Procedures or Services Related to Representation of Clients in Private Dispute Resolution Procedures (excluding cases which have been taken on as services provided for in Article 3, paragraph (1), item (v));
 - (iv) a case which an employee of an Investigator Corporation has taken on from the adversary as a case pertaining to Services Related to Representation of Clients in Parcel Boundary Demarcation Procedures or Services Related to Representation of Clients in Private Dispute Resolution Procedures;
 - (v) the cases provided for in Article 22-2, paragraph (1); or a case in which a majority of the members of an Investigator Corporation must not perform Services Related to Representation of Clients in Parcel Boundary Demarcation Procedures or Services Related to Representation of Clients in Private Dispute Resolution Procedures as cases listed in paragraph (2), items (i) through (v) of the Article or cases listed in paragraph (2), items (i) through (v) of the Article as provided for in paragraph (3) of the Article;
 - (vi) for an Investigator Corporation whose purpose is other than to perform Services Related to Representation of Clients in Private Dispute Resolution Procedures, a case in which a member who is an Investigator provided for in Article 3, paragraph (2) has taken on from the adversary as a case pertaining to Services Related to Representation of Clients in Private Dispute Resolution Procedures.
- (2) An Investigator Corporation whose purpose is to perform Services Related to Representation of Clients in Private Dispute Resolution Procedures must not perform the Services Related to Representation of Clients in Private Dispute

Resolution Procedures with respect to the following cases:

- (i) the cases listed in items (i) through (iv) of the preceding paragraph; and
- (ii) the cases provided for in Article 22-2, paragraph (1); or a case in which the majority of Special Members must not perform the Services Related to Representation of Clients in Parcel Boundary Demarcation Procedures or Services Related to Representation of Clients in Private Dispute Resolution Procedures as the cases listed in paragraph (2), items (i) through (v) of the Article or the cases listed in paragraph (2), item (i) through (v) of the Article as provided for in paragraph (3) of the Article.

(Non-Competition by Members)

- Article 37 (1) A member of an Investigator Corporation must not perform services which fall within the scope of the services of the Investigator Corporation for self-interest or for a third party, or become a member of another Investigator Corporation.
- (2) When a member of an Investigator Corporation performs a service which falls within the scope of the services of the Investigator Corporation for self-interest or for a third party in violation of the provisions of the preceding paragraph, the amount of gain which the member or the third party obtained from the service is presumed to be the amount of damage caused to the Investigator Corporation.

(Statutory Withdrawal)

- Article 38 A member of an Investigator Corporation withdraws from the Investigator Corporation on the following grounds:
- (i) revocation of the Investigator registration;
 - (ii) occurrence of grounds provided for in articles of incorporation;
 - (iii) consent of all members;
 - (iv) any of the items of Article 28, paragraph (2) occurred; or
 - (v) expulsion.

(Dissolution)

- Article 39 (1) An Investigator Corporation is dissolved on the following grounds:
- (i) occurrence of the grounds provided for in the articles of incorporation;
 - (ii) consent of all members;
 - (iii) merger with another Investigator Corporation;
 - (iv) order of commencement of bankruptcy proceedings;
 - (v) a judicial decision ordering dissolution; or
 - (vi) the disposition of dissolution pursuant to the provisions of Article 43, paragraph (1), item (iii).
- (2) An Investigator Corporation is dissolved if it comes to have only one member

and has continued since that time not to have two or more members for a continued period of six months upon the passage of the six months, beyond cases pursuant to the provisions of the preceding paragraph.

- (3) When an Investigator Corporation is dissolved on grounds other than the grounds set forth in paragraph (1), item (iii), the Investigator Corporation must notify the Investigators Association in the location of its Principal Office and the Federation of Investigators Associations to that effect within two weeks of the day of the dissolution.
- (4) liquidators of an Investigator Corporation must be an Investigator.

(Supervision by the Court)

Article 39-2 (1) The dissolution and liquidation of an Investigator Corporation is subject to supervision by a court.

- (2) The court may conduct any inspection which may be necessary for the supervision set forth in the preceding paragraph, by the court's own authority.
- (3) The court supervising the dissolution and liquidation of an Investigator Corporation may seek opinions of or commission an investigation to the Minister of Justice.
- (4) The Minister of Justice may state its opinion to the court provided for in the preceding paragraph.

(Administrative Jurisdiction of Cases Pertaining to the Supervision of Dissolution and Liquidation)

Article 39-3 Cases pertaining to the supervision of the dissolution and liquidation of an Investigator Corporation is subject to the administrative jurisdiction of a district court having administrative jurisdiction over the location of the Principal Office of the Investigator Corporation.

(Appointment of Inspector)

Article 39-4 (1) The court may appoint an inspector to conduct necessary investigations for the supervision of the dissolution and liquidation of an Investigator Corporation.

- (2) No objection may be raised against the judicial decision to appoint an inspector set forth in the preceding paragraph.
- (3) When the court has appointed an inspector as set forth in paragraph (1), the court may specify the amount of compensation to be paid by the Investigator Corporation to the inspector. In this case, the court must hear the statements of the Investigator Corporation and inspector.

(Merger)

Article 40 (1) An Investigator Corporation may merge with other Investigator

Corporations upon the consent of all its members.

- (2) The merger becomes effective by the registration thereof made by the Investigator Corporation surviving after the merger or the Investigator Corporation to be incorporated by the merger at the location of its Principal Office.
- (3) When an Investigator Corporation has merged, the Investigator Corporation must notify the Investigators Association in the location of its Principal Office and Federation of Investigators Associations to that effect within two weeks of the day of the merger along with a certificate of registered matters (in case of an Investigator Corporation to be incorporated by the merger, a certificate of registered matters and a copy of the articles of incorporation).
- (4) The Investigator Corporation surviving after the merger or the Investigator Corporation incorporated by the merger assumes the rights and obligations of the Investigator Corporation extinguished by the merger.

(Objection by Creditors)

Article 40-2 (1) The creditors of a merging Investigator Corporation may raise objections to the merger with the Investigator Corporation.

- (2) A merging Investigator Corporation must give public notice of the following matters in the official gazette and give notice thereof separately to each known creditor; provided, however, that the period of time set forth in item (iii) may not be less than one month:
 - (i) the fact that the Investigator Corporation will merge;
 - (ii) the name and address of the Principal Office of an Investigator Corporation to be extinguished by the merger, and the Investigator Corporation surviving after the merger or the Investigator Corporation to be incorporated by the merger; and
 - (iii) the fact that the creditors may raise objections within a certain period of time.
- (3) Notwithstanding the provisions of the preceding paragraph, if the merging Investigator Corporation gives the public notice set forth in the same paragraph by the methods listed in Article 939, paragraph (1), item (ii) or item (iii) of the Companies Act in accordance with the provisions of the articles of incorporation under the provision of paragraph (1) of the Article of the Companies Act as applied mutatis mutandis in paragraph (6) of this Article, beyond a public notice on the official gazette, it is not necessary to give the separate notice under the preceding paragraph.
- (4) If creditors have not raised any objections within the period set forth in paragraph (2), item (iii), the creditors are deemed to have approved the merger.
- (5) In cases where creditors have raised objections within the period set forth in paragraph (2), item (iii), the merging Investigator Corporation must repay or

provide adequate security to said creditors, or entrust adequate assets to a trust company, etc. (meaning trust companies and financial institutions that engage in trust business (referring to financial institutions approved under Article 1, paragraph (1) of the Act on the Concurrent Undertaking of Trust Business by Financial Institutions (Act No. 43 of 1943))) for the purpose of allowing the creditors to be repaid; provided, however, that this does not apply if the merger is not likely to harm the creditors.

- (6) The provisions of Article 939, paragraph (1) (limited to the part pertaining to items (ii) and (iii)) and paragraph (3); Article 940, paragraph (1) (limited to the part pertaining to item (iii)) and paragraph (3); Article 941; Article 946; Article 947; Article 951, paragraph (2); Article 953; and Article 955 of the Companies Act apply mutatis mutandis to cases where an Investigator Corporation makes a public notice under the provision of paragraph (2). In this case, the term "method of public notice" as used in Article 939 paragraphs (1) and (3) of the Act is deemed to be replaced with "method of public notice of the merger," and the term "trade name" as used in Article 946, paragraph (3) of the Act is deemed to be replaced with "name" respectively.

(Action Seeking Invalidation of Merger)

Article 40-3 The provisions of Article 828, paragraph (1) (limited to the part pertaining to items (vii) and (viii)) and paragraph (2) (limited to the part pertaining to items (vii) and (viii)); Article 834 (limited to the part pertaining to items (vii) and (viii)); Article 835, paragraph (1); Article 836, paragraphs (2) and (3); Articles 837 through 839; Article 843 (except for paragraph (1), items (iii) and (iv) and proviso to paragraph (2)); and Article 846 of the Companies Act apply mutatis mutandis to actions seeking invalidation of the merger of an Investigator Corporation; and the provisions of Article 868, paragraph (6); Article 870, paragraph (2) (limited to the part pertaining to item (vi)); Article 870-2; main clause of Article 871; Article 872 (limited to the part pertaining to item (v); Article 872-2; main clause of Article 873; Article 875, and Article 876 of the Act apply mutatis mutandis to the petitions set forth in Article 843, paragraph (4) of the Act as applied mutatis mutandis pursuant to this Article respectively.

(Mutatis Mutandis Application of the Act on General Incorporated Association and the General Incorporated Foundation and the Companies Act)

Article 41 (1) The provisions of Article 2, Articles 20 through 22, and Article 24 apply mutatis mutandis to an Investigator Corporation.

- (2) The provisions of Article 4 of the Act on General Incorporated Association and General Incorporated Foundation (Act No. 48 of 2006) and Articles 600, Articles 614 through 619, Article 621, and Article 622 of the Companies Act

apply mutatis mutandis to an Investigator Corporation; the provisions of Articles 581 and 582; Article 585, paragraphs (1) and (4); Articles 586, 593, 595, 596, 601, 605, and 606; Article 609, paragraphs (1) and (2); Article 611 (except for the proviso to paragraph (1)); and Article 613 of the Companies Act apply mutatis mutandis to members of an Investigator Corporation; and the provisions of Articles 859 through 862 of the Companies Act apply mutatis mutandis to the expulsion and actions seeking extinguishment of a right to execute services and the authority of representation of members of an Investigator Corporation respectively. In this case, the term "trade name" as used in Article 613 of the Companies Act is deemed to be replaced with "name"; the term "Article 594, paragraph (1) (including cases where the provisions are applied mutatis mutandis in Article 598, paragraph (2))" as used in Article 859, item (ii) of the Companies Act is deemed to be replaced with "Article 37, paragraph (1) of the Land and Building Investigator Act (Act No. 228 of 1950)" respectively.

(3) The provisions of Article 644 (except for item (iii)); Articles 645 through 649; Article 650, paragraphs (1) and (2); Article 651, paragraphs (1) and (2) (except for the part pertaining to mutatis mutandis application of Article 594 of the Companies Act); Articles 652 and 653; Articles 655 through 659; Articles 662 through 664; Articles 666 through 673; Articles 675, 863, and 864; Article 868, paragraph (1); Article 869; Article 870, paragraph (1) (limited to the part pertaining to items (i) and (ii)); Article 871; Article 872 (limited to the part pertaining to items (iv)); Article 874 (limited to the part pertaining to items (i) and (iv)); Article 875; and Article 876 of the Companies Act apply mutatis mutandis to the dissolution and liquidation of an Investigator Corporations. In this case, the term "Article 641, item (v)" as used in Article 644, item (i) of the Companies Act is deemed to be replaced with "Article 19, paragraph (1), item (iii) of the Land and Building Investigator Act"; the term "Article 641, item (iv) or item (vii)" as used in Article 647, paragraph (3) of the Companies Act is deemed to be replaced with "Article 39, paragraph (1), item (v) or item (vi), or paragraph (2) of the Land and Building Investigator Act"; the term "Article 641, items (i) through (iii)" as used in Article 668, paragraph (1) and Article 669 of the Companies Act is deemed to be replaced with "Article 39, paragraph (1), item (i) or item (ii) of the Land and Building Investigator Act"; the term "Article 939, paragraph (1)" as used in Article 670, paragraph (3) of the Companies Act is deemed to be replaced with "Article 939, paragraph (1) as applied mutatis mutandis in Article 40-2, paragraph (6) of the Land and Building Investigator Act"; and the term "Article 580" as used in Article 673, paragraph (1) of the Companies Act is deemed to be replaced with "Article 35-3 of the Land and Building Investigator Act" respectively.

(4) The provisions of Article 824; Article 826; Article 868, paragraph (1); Article

870, paragraph (1) (limited to the part pertaining to item (x)), main clause of Article 871; Article 872 (limited to the part pertaining to item (iv)), main clause of Article 873; Article 875; Article 876; Article 904; and Article 937, paragraph (1) (limited to the part pertaining to item (iii) (b)) of the Companies Act apply mutatis mutandis to orders to dissolve an Investor Corporation; and the provisions of Article 825; Article 868, paragraph (1); Article 870, paragraph (1) (limited to the part pertaining to item (i)); Article 871; Article 872 (limited to the part pertaining to items (i) and (iv)); Article 873; Article 874 (limited to the part pertaining to items (ii) and (iii)); Article 875; Article 876; Article 905; and Article 906 of the Act apply mutatis mutandis to the preservation of assets of an Investigator Corporation when the petition set forth in Article 824, paragraph (1) of the Act as applied mutatis mutandis pursuant to this paragraph, has been filed respectively.

- (5) The provisions of Article 828, paragraph (1) (limited to the part pertaining to item (i)) and paragraph (2) (limited to the part pertaining to item (i)); Articles 834 (limited to the part pertaining to item (i)); Article 835, paragraph (1); Articles 837 through 839; and Article 846 of the Companies Act apply mutatis mutandis to actions seeking invalidation of the incorporation of an Investigator Corporation.
- (6) The provisions of Article 833, paragraph (2); Article 834 (limited to the part pertaining to item (xxi)); Article 835, paragraph (1); Article 837; Article 838; Article 846; and Article 937, paragraph (1) (limited to the part pertaining to item (i), (i)) of the Companies Act apply mutatis mutandis to actions seeking the dissolution of an Investigator Corporation.
- (7) With regard to the application of the provision of Article 16 of the Bankruptcy Act (Act No. 75 of 2004), an Investigator Corporation is deemed to be a general partnership company.

Chapter VI Disciplinary Action

(Disciplinary Actions against Investigators)

Article 42 If an Investigator violates this Act or Orders pursuant to this Act, the head of the relevant Legal Affairs Bureau or District Legal Affairs Bureau having administrative jurisdiction over the location of its office may reach any of the following dispositions on the Investigator:

- (i) admonition;
- (ii) suspension of services for two years or less; or
- (iii) prohibition on performing services.

(Disciplinary Actions against Investigator Corporations)

Article 43 (1) If an Investigator Corporation violates this Act or Orders issued

pursuant to this Act, the head of the relevant Legal Affairs Bureau or District Legal Affairs Bureau having administrative jurisdiction over the location of its Principal Office may reach the following dispositions on the Investigator Corporation:

(i) admonition;

(ii) suspension of all or part of services for two years for less; or

(iii) dissolution.

(2) If an Investigator Corporation violates this Act or Orders issued pursuant to this Act, the head (excluding the head provided for in the preceding paragraph) of the relevant Legal Affairs Bureau or District Legal Affairs Bureau having administrative jurisdiction over the location of its secondary office may reach the following dispositions on the Investigator Corporation; provided, however, that this applies only when the violation pertains to the secondary office:

(i) admonition; or

(ii) suspension of all or part of the services for two years for less with respect to the office of the Investigator Corporation located within the administrative district of the Legal Affairs Bureau or District Legal Affairs Bureau.

(Disciplinary Procedures)

Article 44 (1) Any person, who considers that a violation of this Act or of an order issued pursuant to this Act was committed by an Investigator or Investigator Corporation, may report to the head of the relevant Legal Affairs Bureau or District Legal Affairs Bureau having administrative jurisdiction over the location of the office of the Investigator or the Investigator Corporation and may seek to take appropriate measures therefor.

(2) If the report is made pursuant to the provisions of the preceding paragraph, the head of the relevant Legal Affairs Bureau or District Legal Affairs Bureau set forth in the paragraph must conduct necessary investigation on the alleged facts as reported.

(3) When the head of the relevant Legal Affairs Bureau or District Legal Affairs Bureau intends to reach the dispositions set forth in Article 42, item (ii) or paragraph (1), item (ii) or paragraph (2), item (ii) of the preceding Article, the head must conduct a hearing irrespective of the category of proceeding for hearing statements of opinion under the provisions of Article 13, paragraph (1) of the Administrative Procedure Act (Act No. 88 of 1993).

(4) The notification set forth in Article 15, paragraph (1) of the Administrative Procedure Act pertaining to the disposition provided for in the preceding paragraph or the disposition set forth in Article 42, item (iii) or paragraph (1), item (iii) of the preceding Article must be made prior to one week before the date of the hearing.

(5) The proceedings on the date of the hearing set forth in the preceding

paragraph must be open to the public if so requested by the Investigator or the Investigator Corporation.

(Restriction on Revocation of Registration)

Article 45 (1) When the head of the relevant Legal Affairs Bureau or District Legal Affairs Bureau intends to reach any of the dispositions listed in Article 42, item (ii) or item (iii) on an Investigator, the head must notify to that effect to the Federation of Investigators Associations immediately after sending the notification set forth in article 15, paragraph (1) of the Administrative Procedure Act or effecting a posting set forth in the first clause of paragraph (3) of the Article.

(2) When the Federation of Investigators Associations receives the notification set forth in the preceding paragraph with respect to an Investigator, the Federation may not revoke the registration under the provisions of article 15, paragraph (1), item (i) or items of Article 16, paragraph (1) with respect to the Investigator until the Federation receives a notification indicating the proceedings of the disposition listed in Article 42, item (ii) or item (iii) are completed from the head of the relevant Legal Affairs Bureau or District Legal Affairs Bureau.

(Public Notice of Disciplinary Disposition)

Article 46 When the head of the relevant Legal Affairs Bureau or District Legal Affairs Bureau imposes a disciplinary disposition pursuant to the provisions of Article 42 or Article 43, the head must make the fact public in the official gazette without delay.

Chapter VII Land and Building Investigator Association

(Establishment and Purpose)

Article 47 (1) Investigators must establish one Investigator Association in each administrative district of the relevant Legal Affairs Bureau or District Legal Affairs Bureau having administrative jurisdiction over the location of their offices by making Rules of Association.

(2) The purpose of the Investigator Association is to provide guidance to and communicate with the members in order to maintain the dignity of members and to promote the improvement and advancement of their services.

(3) The Investigator Association is a juridical person.

(4) The provisions of Article 4 and Article 78 of the Act on General Incorporated Associations and General Incorporated Foundations apply mutatis mutandis to Investigator Association.

(Rules of Association)

Article 48 The rules of association of an Investigator Association must indicate the following matters:

- (i) name and location of its office(s);
- (ii) provisions pertaining to officers;
- (iii) provisions pertaining to meetings;
- (iv) provisions pertaining to maintaining the dignity of members;
- (v) provisions pertaining to the performance of members;
- (vi) provisions pertaining to admission and withdrawal (including provisions pertaining to admission fee and other special payments related to the admission);
- (vii) provisions pertaining to the training of Investigators;
- (viii) provisions pertaining to mediation of disputes related to the services of the members;
- (ix) provisions pertaining to disclosure of information related to the Investigator Association and the members;
- (x) provisions pertaining to assets and accounting;
- (xi) provisions pertaining to membership fees; and
- (xii) provisions necessary for achieving the purpose of the Investigator Association.

(Approval of Rules of Association)

- Article 49 (1) Making or changing the rules of association of an Investigators Association requires approval of the Minister of Justice; provided, however, that this does not apply to changes to rules of association pertaining to the matters listed in item (i) and items (vii) through (xi) of the preceding Article.
- (2) In the case set forth in the preceding paragraph, the Minister of Justice must hear the opinions of the Federation of Investigators Associations and then reach a disposition whether or not to approve.

(Registration of Investigators Association)

- Article 50 (1) An Investigators Association must be registered pursuant to the provisions of Cabinet Order.
- (2) The matters that must be registered pursuant to the provisions of the preceding paragraph may not be asserted against a third party until after they have been registered.

(Officers of an Investigators Association)

- Article 51 (1) An Investigators Association must have a President, Vice President, and other officers as prescribed by the rules of association.
- (2) The President represents the Investigators Association and presides over its

business.

- (3) The Vice President assists the President as directed by the President, represents the President in the event of an accident befalling the President, and performs the duties of the President when the office of President is vacant.

(Admission and Withdrawal of an Investigator)

Article 52 (1) A person who applies for the registration set forth in Article 9, paragraph (1) or to change the registration set forth in Article 13, paragraph (1) must follow procedures to be admitted to the Investigators Association, through which the application is to be submitted, at the same time as the application.

- (2) The person who follows the procedures for admission pursuant to the provisions of the preceding paragraph becomes a member of said Investigators Association at the time of the registration or the change to registration.
- (3) An Investigator, who filed an application for the change of registration set forth in Article 13, paragraph (1), withdraws from the Investigators Association to which the Investigator belonged, when the change is registered based on the application.

(Admission and Withdrawal of an Investigator Corporation)

Article 53 (1) An Investigator Corporation becomes a member of the Investigators Association in the location of its Principal Office when it is incorporated.

- (2) An Investigator Corporation withdraws from all Investigators Associations to which the Corporation belongs, when its liquidation is completed or when it becomes subject to an order of commencement of bankruptcy proceedings.
- (3) When a liquidation is completed, the liquidator of an Investigator Corporation must notify the Investigators Association in the location of the Principal Office and Federation of Investigators Associations along with a certificate of registered matters to that effect promptly after the completion of the liquidation registration.
- (4) When an Investigator Corporation establishes an office or relocate its office outside the administrative district of the relevant Legal Affairs Bureau or District Legal Affairs Bureau having administrative jurisdiction over the location of its office, the Investigator Corporation becomes a member of an Investigators Association established within the administrative district of the relevant Legal Affairs Bureau or District Legal Affairs Bureau having administrative jurisdiction over the location of the new office when the registration of the fact is completed at the new location of the office.
- (5) When an Investigator Corporation no longer has its office within the administrative district of the relevant Legal Affairs Bureau or District Legal

Affairs Bureau having administrative jurisdiction over the location of the office due to relocation or abolishment of the office, the Investigator Corporation withdraws from the Investigators Association established in the administrative district when the registration of the fact is registered at the former location of the office.

(6) An Investigator Corporation, after becoming a member of a new Investigators Association pursuant to the provisions of paragraph (4), must submit the fact with a certificate of registered matters and a copy of the articles of incorporation to the Investigators Association and the Federation of Investigators Associations within two weeks of the day of becoming a member of the New Investigators Association.

(7) An Investigator Corporation, after withdrawing from an Investigators Association pursuant to the provisions of paragraph (5), must notify the fact to the Investigators Association and the Federation of Investigators Associations within two weeks of the day of the withdrawal.

(Mediation of Disputes)

Article 54 An Investigators Association may mediate a dispute pertaining to the services of its members at the request of the members, parties, or other persons concerned.

(Obligation to Report to the Head of Legal Affairs Bureau)

Article 55 When an Investigators Association considers that its member has violated this Act or an Order based on this Act, the Investigators Association must report to that effect to the head of relevant Legal Affairs Bureau or District Legal Affairs Bureau having administrative jurisdiction over the location of the office of the Investigators Association.

(Warning)

Article 56 When an Investigators Association finds that its member is likely to violate this Act or an Order based on this Act, the Investigators Association may give a warning or recommend taking necessary measures to the member pursuant to the rules of the association.

Chapter VIII Japan Federation of Land and Building Investigators Associations

(Establishment and Purpose)

Article 57 (1) Investigators Associations in Japan must establish the Federation of Investigators Associations and provide rules of association.

(2) The purpose of the Federation of Investigators Associations is to provide

guidance to and communicate with Investigators Associations and their members and processes pertaining to the registration of Investigators in order to maintain the dignity of members and to promote the improvement and advancement of their services..

(Rules of Association)

Article 58 Rules of Association of the Federation of Investigators Associations must indicate the following matters:

- (i) the matters listed in Article 48, items (i), (vii), (x), and (xi);
- (ii) the matters listed in Article 48, items (ii) and (iii);
- (iii) provisions pertaining to the registration of Investigators;
- (iv) provisions pertaining to disclosure of information pertaining to the Federation of Investigators Associations; and
- (v) provisions necessary for achieving the purpose of the Federation of Investigators Associations.

(Approval of Rules of Association)

Article 59 Making or changing the rules of association of the Federation of Investigators Associations requires approval of the Minister of Justice; provided, however, that this does not apply to the change of rules of association pertaining to the matters listed in items (i) and (iv) of the preceding Article.

(Proposal)

Article 60 The Federation of Investigators Associations may make a proposal to the Minister of Justice or reply to the request for consultation with respect to the services or the system of Investigators or Investigator Corporations.

(Application Mutatis Mutandis of Provisions on Investigators Association)

Article 61 The provisions of Article 47, paragraphs (3) and (4), Article 50, and Article 51 apply mutatis mutandis to the Federation of Investigators Associations.

(Registration Screening Board)

Article 62 (1) The Federation of Investigators Associations has a registration screening board.

(2) The registration screening board conducts a deliberation on refusal of registration pursuant to the provisions of Article 10, paragraph (1), item (ii) or item (iii) or revocation of registration pursuant to the provisions of Article 16, paragraph (1) at the request of the Federation of Investigators Associations.

(3) The registration screening board is composed of the President and four board members.

- (4) The President is the President of the Federation of Investigators Associations.
- (5) The President commissions board members among Investigators, Ministry of Justice officials, and persons with relevant knowledge and experience with approval of the Minister of Justice.
- (6) The term of office of the board members is two years; provided, however, that the term of office of a member who filled a vacancy in the case where a vacancy has occurred is the remaining term of the predecessor.

Chapter IX Associations of Land and Building Investigators for Public Commissioned Registration

(Establishment and Organization)

Article 63 (1) A general incorporated association which uses the characters "公共嘱託登記土地家屋調査士協会" with a pronunciation of "koukyou -shokutaku-touki-tochi-kaoku-chousashi-kyoukai" and with a literal meaning of "Associations of Land and Building Investigators for Public Commissioned Registration" in its name may be incorporated only in cases where Investigators and Investigator Corporations, to which they belong, combine their specialized abilities and contribute to proper and prompt implementation of investigation or survey or measurement necessary for registration pertaining to the description of real property by a government agency, public office, a person who engages in business which becomes of public interest provided for by Cabinet Order (hereinafter collectively referred to as the "Public Agency, etc.") or commission or application of their registration and where it has articles of incorporation with the following content:

- (i) provided that a member must be an Investigator or Investigator Corporation having an office within the administrative district of the relevant Legal Affairs Bureau or District Legal Affairs Bureau having administrative jurisdiction over the location of its Principal Office;
 - (ii) provided that when an Investigator or Investigator Corporation set forth in the preceding paragraph intends to become a member, the Association may not refuse it without justifiable reasons; and
 - (iii) provided that a majority of directors must be members (including the members of an Investigator Corporation which is a member of the Association).
- (2) The provisions of rules of incorporation set forth in the preceding paragraph may not be changed.

(Notification of Incorporation)

Article 63-2 When the general incorporated association set forth in paragraph (1) of the preceding Article (hereinafter referred to as the "Association") is

incorporated, the Association must notify the head of the relevant Legal Affairs Bureau or District Legal Affairs Bureau having administrative jurisdiction over the location of its Principal Office and the Investigators Association established within the administrative district with a certificate of registered matters and a copy of the articles of incorporation to that effect within two weeks of the day of incorporation.

(Services)

Article 64 (1) The services of the Association are to engage in the processes listed in Article 3, paragraph (1), items (i) through (iii) (in cases of the processes listed in items (ii) and (iii) of the paragraph, limited to the processes pertaining to application procedures requiring the investigation or survey or measurement listed in item (i) of the paragraph) and the processes listed in item (vi) of the paragraph at the request of Public Agency, etc. in order to achieve the purpose provided for in Article 63, paragraph (1).

(2) The Association must not allow a person or an entity, who is not a member Investigator or an Investigator Corporation of an Investigators Association, to handle the processes provided for in the preceding paragraph related to the services.

(Supervision of Services of the Association)

Article 64-2 (1) The services of the Association are under the supervision of the head of relevant Legal Affairs Bureau or District Legal Affairs Bureau having administrative jurisdiction over the location of its Principal Office.

(2) When the head of the relevant Legal Affairs Bureau or District Legal Affairs Bureau set forth in the preceding paragraph finds it necessary for ensuring proper implementation of the services of the Association, the head may inspect the services and financial conditions of the Association or may give an order necessary for supervision pertaining to the services to the Association at any time.

(Application Mutatis Mutandis of the Provisions Pertaining to Investigators and Investigator Corporations)

Article 65 The provisions of Article 22 apply mutatis mutandis to the services of the Association and provisions of Article 43, Article 44, and Article 46 to Disciplinary Actions against the Association, respectively.

(Advice of Investigators Association)

Article 66 An Investigators Association may give necessary advice pertaining to the execution of its services to an Association of which a member is a member of the Investigators Association.

Chapter X Miscellaneous Provisions

(Delegation to Ministry of Justice Order)

Article 67 In addition to what is provided for in this Act, the matters necessary for the examination of Investigator, certification of qualification, registration, and execution of services, and incorporation of an Association and execution of services of an Association is provided for by Ministry of Justice Order.

(Regulation of Non-Investigators)

Article 68 (1) A person or an entity, who is not a member Investigator or Investigator Corporation of an Investigators Association (excluding the Association), may not engage in the business of performing the processes listed in Article 3, paragraph (1), items (i) through (v) (in cases of the processes listed in item (ii) and item (iii) of the paragraph, limited to the processes pertaining to application procedures requiring the investigation or survey or measurement listed in item (i) of the paragraph) or the processes listed in item (vi) of the paragraph pertaining to the processes ; provided, however, that this does not apply to cases where an attorney or a legal professional corporation engages in the processes listed in items (ii) through (v) of the paragraph (in cases of the processes listed in items (ii) and (iii) of the paragraph, limited to the processes pertaining to procedures for a request for examination for procedures of application requiring the investigation or survey or measurement listed in item (i) of the paragraph) or the processes listed in item (vi) of the paragraph pertaining to the processes or where a judicial scrivener provided for in Article 3, paragraph (2) of the Judicial Scrivener Act or a judicial scrivener corporation which is established to engage in the summary court legal representation business provided for in the paragraph, engage in the processes listed in Article 3, paragraph (1), item (iv) or item (v) (limited to the processes pertaining to the procedures for parcel boundary demarcation as provided for in Article 3, paragraph (1), item (viii) of the Act) or the processes listed in Article 3, paragraph (1), item (vi) pertaining to these processes .

(2) The Association may not engage in the business of performing the processes provided for in Article 64, paragraph (1) by exceeding the scope of its services.

(3) A person who is not an Investigator must not use the characters “土地家屋調査士”(with a pronunciation of “tochikaoku-chousashi” and with a literal meaning of ” Land and Building Investigator”) in its name or any other name that might be mistaken for it.

(4) An entity which is not an Investigator Corporation must not use the characters “土地家屋調査法人”(with a pronunciation of “tochikaoku-chousa-houjin” and with a literal meaning of ”Land and Building Investigator

- Corporation” in its name or any other name that might be mistaken for it.
- (5) An organization, which is not an Association must not take the use the characters “公共嘱託登記土地家屋調査士協会”(with a pronunciation of “koukyou-shokutaku-touki-tochikaoku-chousashi-kyoukai” and with a literal meaning of” Association of Land and Building Investigators for Public Commissioned Registration” in its name or any other name that might be mistaken for it.

Chapter XI Penal Provisions

Article 69 If a person who is not qualified to be an Investigator files a false application with respect to the qualification to the Federation of Investigators Associations and has it register the person on the land and building investigator registry, the person is subject to imprisonment with required labor for not more than one year or a fine of not more than one million yen.

Article 70 (1) Any person who violates the provisions of Article 22 is subject to a fine of not more than one million yen.

(2) If an Investigator Corporation violates the provisions of Article 22 as applied mutatis mutandis in Article 41, paragraph (1), the member(s) or employee(s) of the Investigator Corporation in violation is subject to a fine of not more than one million yen.

(3) If an Association violates the provisions of Article 22 as applied mutatis mutandis in Article 65, the director or official of the Association in violation is subject to a fine of not more than one million yen.

Article 71 A person who violates the provisions of Article 23 is subject to imprisonment with required labor for not more than one year or a fine of not more than one million yen.

Article 71-2 (1) A person who violates the provisions of Article 24-2 is subject to imprisonment with required labor for not more than six months or a fine of not more than 500,000 yen.

(2) The crimes set forth in the preceding paragraph may not be prosecuted without a criminal complaint.

Article 72 If an Association violates the provisions of Article 64, paragraph (2), the director or official of the Association who handled or had someone handle the processes provided for in the paragraph related to the violation is subject to imprisonment with required labor for not more than six months or a fine of not more than 500,000 yen.

Article 73 (1) A person who violates the provisions of Article 68, paragraph (1) is subject to imprisonment with required labor for not more than one year or a fine of not more than one million yen.

(2) If an Association violates the provisions of Article 68, paragraph (2), the director or official of the Association which committed the violation is subject to imprisonment with required labor for not more than one year or a fine of not more than one million yen.

Article 74 A person who falls under any of the following items is subject to a fine of not more than one million yen.

(i) a person who violates the provisions of Article 68, paragraph (3);

(ii) a person who violates the provisions of Article 68, paragraph (4); or

(iii) a person who violates the provisions of Article 68, paragraph (5).

Article 74-2 A person who fails to indicate or record the matters provided for by Ministry of Justice Order or makes a false indication or record in relation to the electronic public notice investigation provided for in the paragraph on the investigation record book, etc. as provided for in the paragraph, or fails to reserve the investigation record book, etc. in violation of the provisions of Article 955, paragraph (1) of the Companies Act as applied mutatis mutandis in Article 40-2, paragraph (6), is subject to a fine of not more than 300,000 yen.

Article 75 If a representative of a corporation or an agent, employee, or other workers of a corporation or an individual commits the violation set forth in Article 70, paragraph (2) or paragraph (3) or Article 72 through the preceding Article with respect to the services of the corporation or individual, the person who committed the violation is punishable as well as the corporation or the individual being subject to a fine thereunder.

Article 76 If an Investigators Association or the Federation of Investigators Associations fails to register in violation of Cabinet Order based on the provisions of Article 50, paragraph (1) (including cases where the provision is applied mutatis mutandis in Article 61), the representative of the Investigators Association or the Federation of Investigators Associations is subject to a non-criminal fine of not more than 300,000 yen.

Article 77 A person who falls under any of the following items is subject to a non-criminal fine of not more than one million yen:

(i) a person who fails to report, or makes a false report in violation of the provisions of Article 946, paragraph (3) of the Companies Act as applied mutatis mutandis in Article 40-2, paragraph (6) of this Act; or

- (ii) a person who refuses a request listed in the items of Article 951, paragraph (2) or items of Article 955, paragraph (2) of the Companies Act as applied mutatis mutandis in Article 40-2, paragraph (6) of this Act without justifiable reasons.

Article 78 If falling under any of the following items, a member or liquidator of an Investigator Corporation is subject to a non-criminal fine of not more than 300,000 yen.

- (i) in cases of failing to register in violation of the provisions of Cabinet Order based on this Act;
- (ii) in cases of a merger in violation of the provisions of Article 40-2, paragraph (2) or paragraph (5);
- (iii) in cases of failure to request an investigation set forth in the provisions of Article 941 of the Companies Act as applied mutatis mutandis in Article 40-2, paragraph (6) in violation of the provisions;
- (iv) in cases of failure to indicate or record the matters to be indicated or recorded, or of making a false indication or record in the accounting book set forth in articles of incorporation and Article 615, paragraph (1) of the Companies Act as applied mutatis mutandis in Article 41, paragraph (2) of this Act or in the balance sheet set forth in Article 617, paragraph (1) or paragraph (2) of the Companies Act as applied in Article 41, paragraph (2) of this Act;
- (v) in cases of failure to file a petition for commencement of bankruptcy proceedings in violation of the provisions of Article 656, paragraph (1) of the Companies Act as applied mutatis mutandis in Article 41, paragraph (3).
- (vi) in cases of distribution of assets in violation of the provisions of Article 664 of the Companies Act as applied mutatis mutandis in Article 41, paragraph (3) of this Act; or
- (vii) in cases of disposition of assets in violation of the provisions of Article 670, paragraph (2) or paragraph (5) of the Companies Act as applied mutatis mutandis in Article 41, paragraph (3) of this Act.