

The Act on Issuance of Remission Payments Using Stolen and Misappropriated Property is hereby promulgated.

Act on Issuance of Remission Payments Using Stolen and Misappropriated Property (Tentative translation)

(Act No. 87 of June 21, 2006)

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(Purpose)

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

(Definitions)

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

- (i) "stolen or misappropriated property" means stolen or misappropriated property as provided in Article 13, paragraph (2) of the Act on Punishment of Organized Crime;
- (ii) "remission payment" means monies paid out of remission funds in an amount that is calculated pursuant to the provisions of Section 2 or Section 3 of the following Chapter based on the value of the property lost through a criminal act warranting remission;
- (iii) "remission funds" means the monies obtained through the realization or retrieval of stolen and misappropriated property that has been confiscated pursuant to the provisions of Article 13, paragraph (3) of the Act on Punishment of Organized Crime (or the monies themselves, if stolen or misappropriated property is in the form of monies); monies equivalent to the stolen and misappropriated property's value that has been forcibly collected pursuant to the provisions of Article 16, paragraph (2) of the Act on Punishment of Organized Crime; or monies obtained through the realization or retrieval of property transferred from abroad pursuant to the provisions of Article 36, paragraph (1) (or the monies themselves, if property transferred from abroad is in the form of monies), of which the public prosecutor is custodian;
- (iv) "criminal act warranting remission" means an eligible criminal act whose scope has been established pursuant to Article 5, paragraph (1) or Article 35, paragraph (1);
- (v) "stolen or misappropriated property or equivalent monies subject to foreign laws" means the property confiscated or monies equivalent to an amount forcibly collected pursuant to a judicial decision, order, or other disposition based on a foreign law or regulation (this excludes property confiscated in execution of a final and binding judicial decision that a Japanese court has rendered for the confiscation of stolen or misappropriated property under Article 13, paragraph (3) of the Act on Punishment of Organized Crime, and monies equivalent to an amount that has been forcibly collected in execution of a final and binding judicial decision that a Japanese court has rendered for the forcible collection of the value of stolen or misappropriated property under Article 16, paragraph (2) of the Act on Punishment of Organized Crime), which, if governed by Japanese laws and regulations, would mean property that a person has obtained through an eligible criminal act from a party incurring damages due to that act, property that a person has obtained based on the possession or handling of property obtained through such act, or

- monies representing the value of each such property;
- (vi) "property transferred from abroad" means stolen or misappropriated property or equivalent monies subject to foreign laws or monies obtained through the realization or retrieval thereof, which have been transferred from a foreign country;
 - (vii) "expenses" means the expenses required for a public notice or notification under the provisions of this Act, and other expenses specified by Ministry of Justice Order as expenses to be paid using remission funds;
 - (viii) "expenses and remuneration" means expenses and remuneration for the remission administrator provided for in Article 26, paragraph (1) (including as applied mutatis mutandis pursuant to Article 39).

Chapter II Issuance of Remission Payments

Section 1 General Rules

(Issuance of Remission Payments)

- Article 3 (1) The national government issues remission payments to persons sustaining damage through criminal acts warranting remission (this includes organizations without legal personality for which a representative or administrator has been designated) that have lost property due to those acts.
- (2) If a person as prescribed in the preceding paragraph (hereinafter referred to as an "eligible victim") becomes subject to a general succession, including inheritance, the national government issues remission payments to the general successor or other heir pursuant to the provisions of this Act.

(Persons That May Not Be Issued Remission Payments)

- Article 4 Notwithstanding the provisions of the preceding Article, a person falling under one of the following items may not be issued a remission payment:
- (i) an eligible victim that has lost property due to a criminal act warranting remission or the general successor thereof, if all of the damage corresponding to the value of property lost due to the criminal act warranting remission (or all of the damage corresponding to the person's share of the property, if the property is under the joint ownership of two or more persons; the same applies hereinafter in this Article; Article 9, paragraph (1), items (ii) and (iii); and Article 10, paragraph (2)) has been covered or compensated for (but only if that damage has been covered or compensated for by a person other than the eligible victim that lost the property due to the criminal act warranting remission or the general successor thereof);
 - (ii) a person that has committed a criminal act warranting remission or a person that has collaborated as an accomplice in such an act; a person that

has obtained an unlawful benefit in connection with a criminal act warranting remission; a person that has acted with an illegal purpose in connection with the loss of property due to a criminal act warranting remission; a person whose receipt of remission payments is otherwise inappropriate in terms of general social norms; or the general successor of an eligible victim falling under one of the foregoing categories of persons.

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

(Dispositions Establishing the Scope of Criminal Acts Warranting Remission)

Article 5 (1) Once a judicial decision to confiscate stolen or misappropriated property or to forcibly collect monies of an equivalent value becomes final and binding, the public prosecutor must establish the scope of the criminal acts warranting remission.

(2) For eligible criminal acts as follows, the public prosecutor is to establish the scope of the criminal acts warranting remission provided for in the preceding paragraph in consideration of circumstances such as the type of crime, when and how it was committed, who committed it, and how the stolen or misappropriated property was formed:

(i) an eligible criminal act constituting a fact that has been established as grounds for confiscating stolen or misappropriated property or for forcibly collecting monies of an equivalent value, and any eligible criminal act committed as part of a series of offenses connected to this;

(ii) an eligible criminal act due to which a party incurs damages, if a criminal act constituting a fact that has been established as grounds for confiscating stolen or misappropriated property or for forcibly collecting monies of an equivalent value has been committed in connection with the property obtained from the party that incurred damages due to that eligible criminal act, and any eligible criminal act committed as part of a series of offenses connected to this.

(3) Having divided criminal acts warranting remission into two or more scopes when establishing the scope of those acts pursuant to the provisions of the preceding two paragraphs, the public prosecutor is to divide the stolen or misappropriated property that has been indicated in the judicial decision for confiscation prescribed in paragraph (1) (or the amount of money obtained through the realization or retrieval of that stolen or misappropriated property, if one group of stolen or misappropriated property has been derived from property obtained from parties incurring damages due to eligible criminal acts that are part of differing scopes of criminal acts warranting remission, or has been formed out of property obtained based on the possession or handling of

property obtained through such eligible criminal acts, and that group of property cannot be divided into separate monetary amounts or quantities) or the monetary value of the stolen or misappropriated property that has been indicated in the judicial decision for forcible collection prescribed in that paragraph into groups corresponding to each of those scopes.

(Initiating Procedures to Restore Stolen or Misappropriated Property)

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

paragraph (2).

(Public Notice)

Article 7 (1) On deciding to initiate procedures to restore stolen or misappropriated property, the public prosecutor must immediately issue public notice of the following information (other than the information set forth in item (iv), if procedures to restore stolen or misappropriated property have been initiated pursuant to the provisions of paragraph (2) of the preceding Article) by publishing that information in the official gazette:

- (i) that the public prosecutor has initiated procedures to restore stolen or misappropriated property;
 - (ii) the public prosecutors office to which the public prosecutor carrying out the procedures to restore stolen or misappropriated property is assigned;
 - (iii) the scopes of the criminal acts warranting remission;
 - (iv) the amount of remission funds existing at the time of the decision to initiate procedures to restore stolen or misappropriated property;
 - (v) the period for applying for remission; and
 - (vi) the information that Ministry of Justice Order prescribes.
- (2) The period for applying for remission set forth in item (v) of the preceding paragraph must be at least 30 days long, counting from the day following the date that the public notice under the provisions of that paragraph is issued.
- (3) The public prosecutor must notify any known eligible victim or general successor thereof of the information required to be given in a public notice pursuant to the provisions of paragraph (1); provided, however, that this does not apply to a person that is clearly not entitled to a remission payment.
- (4) Beyond what is provided for in the preceding three paragraphs, Ministry of Justice Order prescribes the necessary particulars concerning public notices under the provisions of paragraph (1) and notifications under the provisions of the preceding paragraph.

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

Article 8 (1) Upon finding there to be no prospect of coming into custody of sufficient remission funds to pay the expenses and remuneration that procedures to restore stolen or misappropriated property would necessitate, the public prosecutor is to decide not to initiate procedures to restore stolen or misappropriated property.

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

Subsection 2 Applying for Remission; Rulings

(Applying for Remission)

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

(i) facts serving as the basis for showing that the applicant is an eligible victim or the general successor thereof;

(ii) the value of the property lost through the criminal act warranting remission;

(iii) the amount subject to exclusion (meaning the sum total of the amounts of coverage and compensation, if damage equivalent to the value of the property lost due to the criminal act warranting remission has been covered or compensated for (but only if that damage has been covered or compensated for by a person other than the eligible victim that lost the property due to the criminal act warranting remission or the general successor thereof); the same applies hereinafter); and

(iv) the information that Ministry of Justice Order prescribes.

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

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

(Rulings)

Article 10 (1) If an application as under paragraph (1) of the preceding Article has been filed, without delay once the period for applying for remission has passed (or once the disposition establishing the scope of the criminal act warranting remission under Article 5, paragraph (1) has been finalized, if it

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

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

Article 11 (1) The public prosecutor must reach a ruling to dismiss an

application for issuance of a remission payment without prejudice if the application is filed after the period for applying for remission has passed (or after 60 days have passed since the day of the general succession, for an application as under Article 9, paragraph (2)), or if the application is otherwise unlawful and cannot be corrected.

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

(Format for Rulings)

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

- (2) The public prosecutor must serve a certified copy of a written ruling upon an applicant.

- (3) Notwithstanding the provisions of the preceding paragraph, if the whereabouts of the person who is to be served with a certified copy of a written ruling are unknown or it is otherwise not possible to serve a certified copy of a written ruling upon that person, the public prosecutor may retain a certified copy of the written ruling and, in lieu of serving it as under that paragraph, post a notice in the space for the posting of notices by the public prosecutors office to which the public prosecutor is assigned, indicating that the public prosecutor will issue a certified copy of the written ruling to the person who is to be served with it at any time. In this case, the certified copy of the written ruling is deemed to be served as under that paragraph once two weeks have passed after the date that the notice is first posted.

(Preparation of a Ruling Table)

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

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

Subsection 3 Issuance of Payments

(Issuance of Payments)

Article 14 (1) The public prosecutor must issue remission payments to persons subject to a ruling of eligibility without delay once a ruling under the provisions of Article 10 or Article 11, a decision on the remuneration of the remission administrator under the provisions of Article 26, paragraph (1), and the amount of expenses that procedures to restore stolen or misappropriated property require are finalized for all applications (or once the public prosecutor comes into custody of the stolen or misappropriated property or its value as prescribed in paragraph (1) of that Article as remission funds, if procedures to restore stolen or misappropriated property have been initiated pursuant to Article 6, paragraph (2), but at the time that the aforementioned ruling, decision, and expenses are finalized, the public prosecutor has not yet come into custody of the stolen or misappropriated property or its value as remission funds).

(2) If the aggregate total of the amounts of criminal damages set as part of a ruling of eligibility (referred to as the "total amount of criminal damages" hereinafter in this paragraph and in Article 16, paragraph (2)) exceeds the amount arrived at when the amount of expenses and remuneration that procedures to restore stolen or misappropriated property will necessitate is deducted from remission funds, the amounts of remission payments to be issued pursuant to the preceding paragraph are the amounts arrived at when the difference resulting from that calculation is multiplied by the percentages of the total amount of criminal damages which represent the amounts of criminal damages set for the persons subject to that ruling of eligibility (with the products rounded down to the nearest one yen); and in other cases, the amounts of remission payments to be issued pursuant to the preceding paragraph are the amounts of criminal damages.

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

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

(Payment Issuance Prior to Finalization of Rulings)

Article 15 (1) Even if part of a ruling, decision on remuneration, or amount of expenses provided for in paragraph (1) of the preceding Article is not finalized,

the public prosecutor may issue a remission payment to a person subject to a ruling of eligibility (but only one whose ruling of eligibility has been finalized) in an amount that the public prosecutor finds to be appropriate up to an amount that is clearly found not to harm the interests of persons that are expected to be eligible for issuance of remission payments.

- (2) If remission payments have been issued pursuant to the provisions of the preceding paragraph, once the ruling, decision on remuneration, and amount of expenses provided for in paragraph (1) of the preceding Article have all been finalized, the public prosecutor must issue remission payments without delay to the persons subject to the ruling of eligibility, in the amounts arrived at when the amounts of the remission payments that have been issued pursuant to the provisions of the preceding paragraph are deducted from the amounts of remission payments that must be issued as calculated pursuant to paragraph (2) of the preceding Article.
- (3) The provisions of paragraphs (3) and (4) of the preceding Article apply *mutatis mutandis* to remission payments issued pursuant to the provisions of the preceding paragraph. In this case, the phrase "pursuant to the provisions of paragraph (1)" in paragraph (3) of that Article is deemed to be replaced with "pursuant to the provisions of paragraph (1) (and the amounts of remission payments issued pursuant to the provisions of paragraph (1) of the following Article)".

(Issuance of Additional Payments)

Article 16 (1) If the public prosecutor comes into custody of new remission funds in connection with procedures to restore stolen or misappropriated property after the ruling, decision on remuneration, and amount of expenses prescribed in Article 14, paragraph (1) have been finalized and after the public prosecutor has issued or become the custodian of remission payments (meaning that the public prosecutor has issued a remission payment under that paragraph; paragraph (1) or paragraph (2) of the preceding Article; or this paragraph; or become the custodian of monies equivalent to a remission payment under the first sentence of Article 14, paragraph (4) (including as applied *mutatis mutandis* pursuant to paragraph (3) of the preceding Article and paragraph (3) of this Article; the same applies hereinafter in this paragraph); the same applies in Article 18 and in Article 21, paragraph (1), items (i) through (iii)) for all of the persons subject to a ruling of eligibility (this includes the case when the public prosecutor comes into custody of new remission funds after the conclusion of the procedures to restore stolen or misappropriated property), and if the amount of the remission payments that have already been issued (this includes any monies equivalent to remission payments of which the public prosecutor has come into custody pursuant to the provisions of the first

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

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

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

- Article 17 (1) If a person whose ruling of eligibility has been finalized becomes subject to a general succession and any of the remission payments to be issued to that person have not yet been issued, the public prosecutor must issue the unissued remission payments to a general successor of that person that files a notification within 60 days of the date of the general succession. In this case, the general successor must submit a written notification to the public prosecutor pursuant to the provisions of Ministry of Justice Order.
- (2) The amount of remission payments to be issued to a general successor in the event that there are two or more general successors filing notifications

pursuant to the provisions of the preceding paragraph, is the amount arrived at when the amount of the unissued remission payments prescribed in paragraph is divided by the number of general successors (with the quotient rounded down to the nearest one yen); provided, however, that if some of the general successors have agreed as to what percent of the amount of remission payments each person is to be issued, the amount of remission payments issued to the persons that have agreed to this is the amount arrived at when the parts of the amount calculated pursuant to the main clause of this paragraph that would be issued to each of those persons are added together and the total is multiplied by the percentages of the remission payment that each person named in the agreement is to be issued (with the products rounded down to the nearest one yen).

Subsection 4 Special Issuance Procedures

(Special Issuance Procedures)

Article 18 In a situation falling under one of the following items in procedures under the preceding three subsections, the public prosecutor is to decide without delay to initiate procedures for using the surplus remission funds (meaning remission funds that are in surplus after the conclusion of procedures during which the public prosecutor has issued or become the custodian of remission payments; the same applies hereinafter) to issue remission payments to persons that have not filed applications for issuance of remission payments within the period for applying for remission in those procedures (or within 60 days after the day of the general succession, for an application as under Article 9, paragraph (2)), or to general successors as prescribed in paragraph (1) of the preceding Article that have not filed notifications as referred to in that paragraph (hereinafter procedures for using surplus remission funds in this way are referred to as "special issuance procedures"); provided, however, that this does not apply if the public prosecutor finds that the surplus remission funds expected at that time would be insufficient to pay for the expenses and remuneration that the special issuance procedures would necessitate, or if the public prosecutor otherwise finds it to be inappropriate to initiate special issuance procedures at that time:

- (i) if there have been no applications as under Article 9, paragraph (1); and
- (ii) once the ruling, decision on remuneration, and amount of expenses prescribed in Article 14, paragraph (1) have been finalized, if the situation falls under either (a) or (b), as follows:
 - (a) there is no person that is subject to a ruling of eligibility under Article 10;
 - or
 - (b) the public prosecutor finds it to be clear that there will still be a surplus

of remission funds even if the public prosecutor issues or becomes custodian of remission payments for all of the persons subject to a ruling of eligibility as under Article 10.

(Public Notices)

Article 19 (1) Having decided to initiate special issuance procedures, the public prosecutor must immediately issue public notice of the following information and of the information set forth in Article 7, paragraph (1), items (ii) and (iii) of which the public prosecutor has issued public notice during procedures under the preceding three subsections, by publishing it in the official gazette pursuant to the provisions of Ministry of Justice Order:

- (i) that the public prosecutor has initiated special issuance procedures;
 - (ii) the amount of the surplus remission funds (or the amount expected as surplus remission funds, if this amount has not been finalized at the time of the decision);
 - (iii) the period for applying for special remission (meaning the period for applying for remission under special issuance procedures; the same applies hereinafter); and
 - (iv) the information that Ministry of Justice Order prescribes.
- (2) The period for applying for special remission set forth in item (iii) of the preceding paragraph must be at least 30 days long, counting from the day following the date that the public notice under that paragraph is issued.
- (3) The public prosecutor must notify any known eligible victim or general successor thereof of the information required to be given in a public notice pursuant to the provisions of paragraph (1); provided, however, that this does not apply to a person that clearly is not entitled to a remission payment nor to a person that has already been notified pursuant to the provisions of the main clause of Article 7, paragraph (3).
- (4) Beyond what is provided for in the preceding three paragraphs, Ministry of Justice Order prescribes the necessary particulars concerning public notices under paragraph (1) and notifications under the preceding paragraph.

(Mutatis Mutandis Application)

Article 20 The provisions of the preceding two subsections apply mutatis mutandis to special issuance procedures. In this case, the term "period for applying for remission" in Article 9, paragraphs (1) and (2), Article 10, paragraph (1), and Article 11, paragraph (1) is deemed to be replaced with "period for applying for special remission"; the phrase "(or once the disposition establishing the scope of the criminal act warranting remission under Article 5, paragraph (1) has been finalized, if it has not been finalized by that time)" in Article 10, paragraph (1) is deemed to be deleted; and the term "remission

funds" in Article 14, paragraphs (2) and (4) is deemed to be replaced with "surplus remission funds".

Subsection 5 Conclusion of Procedures

Article 21 (1) The public prosecutor is to decide to conclude procedures to restore stolen or misappropriated property in a case that falls under one of the following items:

- (i) procedures to restore stolen or misappropriated property have been initiated pursuant to the provisions set forth in either of (a) or (b), as follows, and the situation falls under the grounds provided for therein before the public prosecutor issues or becomes the custodian of remission payments:
 - (a) Article 6, paragraph (1): the public prosecutor finds that remission funds are insufficient to pay for the expenses and remuneration that procedures to restore stolen or misappropriated property would necessitate, and there is no prospect of the public prosecutor coming into custody of new remission funds; or
 - (b) Article 6, paragraph (2): the public prosecutor finds there to be no prospect of coming into custody of sufficient remission funds to pay for the expenses and remuneration that procedures to restore stolen or misappropriated property would necessitate.
- (ii) the public prosecutor has issued or become the custodian of remission payments, there is no surplus of remission funds, and there is no prospect of the public prosecutor coming into custody of new remission funds;
- (iii) the public prosecutor has issued or become the custodian of remission funds and there are surplus remission funds, but the public prosecutor finds that the surplus remission funds are insufficient to pay for the expenses and remuneration that the special issuance procedures would necessitate or finds it to be otherwise inappropriate to initiate special issuance procedures;
- (iv) special issuance procedures have been initiated but there have been no applications under Article 9, paragraph (1) as applied mutatis mutandis pursuant to the preceding Article;
- (v) the ruling under Article 10 or Article 11 as applied mutatis mutandis pursuant to the preceding Article, the decision on remuneration for a remission administrator under Article 26, paragraph (1) in those procedures, and the amount of expenses that the procedures will necessitate have been finalized for all applications in special issuances procedures, but the situation falls under one of (a) through (c), as follows:
 - (a) there is no person that is subject to the ruling of eligibility under Article 10, as applied mutatis mutandis pursuant to the preceding Article;
 - (b) the public prosecutor has specially issued or become the custodian of

- remission payments (meaning that the public prosecutor has issued remission payments under Article 14, paragraph (1); Article 15, paragraph (1) or paragraph (2); or Article 16, paragraph (1), as applied mutatis mutandis pursuant to the preceding Article; or become the custodian of monies equivalent to remission payments under the first sentence of Article 14, paragraph (4) as applied mutatis mutandis pursuant to the preceding Article (including as applied mutatis mutandis pursuant to Article 15, paragraph (3) and Article 16, paragraph (3)); the same applies hereinafter) for all of the persons subject to a ruling of eligibility under Article 10 as applied mutatis mutandis pursuant to the preceding Article (but only if the amount of remission payments that the public prosecutor has specially issued or become the custodian of have reached the amount of criminal damages); and
- (c) the public prosecutor has specially issued or become the custodian of remission payments for all of the persons subject to a ruling of eligibility under Article 10 as applied mutatis mutandis pursuant to the preceding Article, and there is no prospect of the public prosecutor coming into custody of new remission funds, in a case other than as set forth in (b); and
 - (vi) the public prosecutor finds that remission funds are insufficient to pay for the expenses and remuneration that procedures to restore stolen or misappropriated property would necessitate, and there is no prospect of the public prosecutor coming into custody of new remission funds, in a case other than as set forth in the preceding items.
- (2) Having decided to conclude procedures to restore stolen or misappropriated property pursuant to the provisions of the preceding paragraph, the public prosecutor must issue public notice of this pursuant to the provisions of Ministry of Justice Order.

Subsection 6 Remission Administrators

(Appointment of Remission Administrators)

- Article 22 (1) The public prosecutor may appoint one or multiple attorneys (including legal professional corporations and attorney at law/registered foreign lawyer joint corporation) as remission administrators and have them perform all or some of the following administrative processes:
- (i) administrative processes involved in the notification under Article 7, paragraph (3) or Article 19, paragraph (3);
 - (ii) administrative processes involved in the examination for reaching rulings under Article 10 or Article 11 (including where these provisions are applied mutatis mutandis pursuant to Article 20);
 - (iii) administrative processes involved in the preparation of ruling tables under

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

(Duties of Remission Administrators)

- Article 23 (1) A remission administrator must perform the administrative processes involved in remission in a fair and sincere manner.
- (2) Upon finding it to be necessary to do so in order to ensure the proper and reliable handling of administrative processes involved in remission, the public prosecutor may have a remission administrator report on an administrative process.
- (3) Upon finding that the handling of an administrative process involved in remission violates laws or regulations or upon finding that its handling lacks propriety, the public prosecutor may direct a remission administrator to take the necessary measures to rectify the violation or improve the handling of that administrative process.
- (4) If a remission administrator fails to take the measures referred to in the preceding paragraph or if there are other material grounds for doing so, the public prosecutor may dismiss the remission administrator.
- (5) The provisions of Article 36-3 of the Administrative Procedure Act (Act No. 88 of 1993) do not apply to the direction under the provisions of paragraph (3).

(Use of Case Records)

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

(2) Upon finding it to be necessary to do so in order for the remission administrator to perform an administrative process involved in remission and upon finding it to be appropriate to do so, the public prosecutor may allow the remission administrator to use a case record (other than one referred to in the preceding paragraph) associated with court proceedings that are connected to the criminal act warranting remission.

(Reporting on Results of Administrative Processes)

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

(Remuneration of Remission Administrators)

Article 26 (1) A remission administrator may be paid in advance for expenses and receive the remuneration fixed by the public prosecutor, out of remission funds.

(2) The provisions of Article 12, paragraphs (1) and (2) apply mutatis mutandis to a decision on the remuneration under the preceding paragraph. In this case, in paragraph (2) of that Article, the term "written ruling" is deemed to be replaced with "written decision on remuneration" and the term "applicant" is deemed to be replaced with "remission administrator".

(3) Having decided on the remuneration under paragraph (1), the public prosecutor must enter the amount of remuneration in the ruling table.

(Duty of Confidentiality of Remission Administrators)

Article 27 (1) A current or former remission administrator (or, if a remission administrator is a legal professional corporation or attorney at law/registered foreign lawyer joint corporation, an attorney who is its member or employee and who performs the administrative processes involved in remission; the same applies hereinafter in this Article) must not divulge any secret learned in connection with the administrative processes involved in remission.

(2) A remission administrator is deemed to be an official engaged in public service pursuant to laws and regulations, as regards the application of the Penal Code (Act No. 45 of 1907) and other penal provisions.

Subsection 7 Miscellaneous Provisions

(Investigations)

Article 28 (1) Upon finding that it is necessary to do so in order to perform administrative processes in procedures to restore stolen or misappropriated

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

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

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

Article 29 Once remission payments are issued to a person, the person's right to claim compensation for damages and other claims connected to the criminal act warranting remission is extinguished to the extent of the amount issued.

(Collection of Wrongful Gains)

Article 30 (1) If a person is issued remission payments due to deception or other wrongful means in procedures to restore stolen or misappropriated property, the public prosecutor may collect from that person all or part of an amount of money representing the amount of the remission payments that the person has been issued, in accordance with regulations that govern measures to collect national tax arrears.

- (2) Statutory liens involving monies to be collected under the preceding paragraph follow national and local taxes in order of priority.
- (3) Monies collected pursuant to the provisions of paragraph (1) are deemed to be new remission funds of which the public prosecutor has come into custody at the time of their collection, as regards the issuance of remission payments pursuant to Subsection 3 and Subsection 4 in procedures to restore stolen or misappropriated property.

(Extinguishment of Rights)

Article 31 (1) In procedures to restore stolen or misappropriated property, the right to be issued a remission payment is extinguished if it is not exercised within six months of the time of the public notice under Article 14, paragraph (3) (including as applied mutatis mutandis pursuant to Article 15, paragraph (3) and Article 16, paragraph (3) (including where these provisions are applied mutatis mutandis pursuant to Article 20) and Article 20).

- (2) Monies held (meaning monies of which the public prosecutor acts as custodian pursuant to the provisions of the second sentence of Article 14, paragraph (4) (including as applied mutatis mutandis pursuant to Article 15, paragraph (3)

and Article 16, paragraph (3) (including where these provisions are applied mutatis mutandis pursuant to Article 20) and Article 20)) which are connected with the right extinguished pursuant to the provisions of the preceding paragraph are deemed to be new remission funds of which the public prosecutor has come into custody at the time of the extinguishment, as regards the issuance of remission payments pursuant to the provisions of Subsection 3 and Subsection 4 in procedures to restore stolen or misappropriated property.

(Protection of the Right to Be Issued Remission Payments)

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

(Free Certification of Information in Family Registers)

Article 33 The mayor of a municipality (this includes the mayor of a special ward; and in a designated city as referred to in Article 252-19, paragraph (1) of the Local Autonomy Act (Act No. 67 of 1947), refers to the mayor of the ward or mayor of the consolidated ward) may, at no cost, certify information in the family register of an eligible victim, the general successor thereof, or the general successor of a person that is subject to a finalized ruling of eligibility, pursuant to the provisions of Municipal Ordinance (or special ward ordinance), for the public prosecutor, the remission administrator, or a person seeking to be issued a remission payment.

(Transfer to the General Account)

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

(2) The preceding paragraph also applies if remission payments are issued pursuant to the provisions of Article 16, paragraph (1) (including as applied mutatis mutandis pursuant to Article 20) after procedures to restore stolen or misappropriated property have concluded, and if the public prosecutor is acting as the custodian of remission funds at the time their issuance is concluded.

Section 3 Procedures to Restore Property Transferred from Abroad

(Dispositions Establishing the Scope of Criminal Acts Warranting Remission)

Article 35 (1) If seeking to issue remission payments using property transferred from abroad, the public prosecutor must establish the scope of the criminal acts

warranting remission.

- (2) For eligible criminal acts as referred to in Article 2, item (v) which involve property transferred from abroad as referred to in that paragraph, and for any eligible criminal act committed as part of a series of offenses connected to this, the public prosecutor is to establish the scope of the criminal acts warranting remission provided for in the preceding paragraph in consideration of circumstances such as the type of crime, when and how it was committed, who committed it, and how the stolen or misappropriated property or equivalent monies subject to foreign laws was formed.
- (3) Having divided criminal acts warranting remission into two or more scopes when establishing the scope of those acts pursuant to the provisions of the preceding two paragraphs, the public prosecutor is to divide the property transferred from abroad referred to in paragraph (1) (or the amount of money obtained through the realization or retrieval of that property transferred from abroad, if one group of property transferred from abroad has been derived from property obtained from parties incurring damages due to eligible criminal acts that are part of differing scopes of criminal acts warranting remission, or has been formed out of property obtained based on the possession or handling of property obtained through such eligible criminal acts, and that group of property cannot be divided into separate monetary amounts or quantities) into groups corresponding to each of those scopes.

(Handling of Property Transferred from Abroad)

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

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

(Initiating Procedures to Restore Property Transferred from Abroad)

Article 37 (1) Without delay after coming into custody, as remission funds, of property transferred from abroad as referred to in Article 35, paragraph (1), having established the scope of criminal acts warranting remission pursuant to the provisions of that paragraph, the public prosecutor is to decide to initiate procedures for issuing restoration payments using those remission funds (hereinafter referred to as "procedures to restore property transferred from abroad"); provided, however, that this does not apply if the public prosecutor finds that the remission funds existing at that time are insufficient to pay for the expenses and remuneration that the procedures to restore property transferred from abroad would necessitate, or if the public prosecutor finds

that it is otherwise inappropriate to initiate procedures to restore property transferred from abroad at that time.

- (2) Notwithstanding the main clause of the preceding paragraph, upon finding that it is especially necessary to do so in order to have the stolen or misappropriated property or equivalent monies subject to foreign laws or monies obtained through its realization or retrieval transferred from a foreign country, the public prosecutor may decide to initiate procedures to restore property transferred from abroad before coming into custody of the relevant property or monies as remission funds.
- (3) In a case as provided in Article 35, paragraph (3), the public prosecutor is to decide as referred to in one of the two preceding paragraphs for each of the scopes of criminal acts warranting remission.
- (4) If the scope of a criminal act warranting remission that has been established pursuant to Article 35, paragraph (1) is the same for two or more groups of property transferred from abroad, the public prosecutor may deem that property (other than property transferred from abroad for which procedures to restore property transferred from abroad have already been initiated) to belong to a single group of property transferred from abroad in order to reach a decision as referred to in paragraph (1) or paragraph (2).
- (5) If the scope of a criminal act warranting remission that has been established pursuant to Article 35, paragraph (1) for property transferred from abroad is the same as the scope of a criminal act warranting remission that has been established pursuant to the provisions of Article 5, paragraph (1) in connection with a judicial decision to confiscate stolen or misappropriated property or to forcibly collect monies of an equivalent value, the public prosecutor may deem the property transferred from abroad (other than any such property for which procedures to restore property transferred from abroad have already been initiated) and the stolen or misappropriated property or its value (other than any such property or monies for which procedures to restore stolen or misappropriated property have already been initiated) to belong to a single group of property transferred from abroad in order to reach a decision as referred to in paragraph (1) or paragraph (2).

(Non-Initiation of Procedures to Restore Property Transferred from Abroad)

Article 38 (1) Upon finding there to be no prospect of coming into custody of sufficient remission funds to pay for the expenses and remuneration that procedures to restore property transferred from abroad would necessitate, the public prosecutor is to decide not to initiate procedures to restore property transferred from abroad.

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

Ministry of Justice Order.

(Mutatis Mutandis Application)

Article 39 The provisions of the preceding Section (except for Article 5, Article 6, and Article 8) apply mutatis mutandis to procedures to restore property transferred from abroad. In this case, the phrase "paragraph (2) of the preceding Article" in Article 7, paragraph (1) is deemed to be replaced with "Article 37, paragraph (2)"; the phrase "Article 5, paragraph (1)" in Article 10 and Article 20, paragraph (1) is deemed to be replaced with "Article 35, paragraph (1)"; the phrase "Article 6, paragraph (2)" in Article 14, paragraph (1), and Article 21, paragraph (1), item (i), (a) is deemed to be replaced with "Article 37, paragraph (2)"; the phrase "stolen or misappropriated property or its value" in Article 14, paragraph (1) is deemed to be replaced with "property transferred from abroad"; the phrase "Article 6, paragraph (1)" in Article 21, paragraph(1), item (i)(a) is deemed to be replaced with "Article 37, paragraph (1)"; the phrase "criminal act warranting remission." in Article 24, paragraph (2) is deemed to be replaced with "criminal act warranting remission, and records connected with a judicial decision, order, or other disposition involving property transferred from abroad, based on a foreign law or regulation."; and the phrase "Article 8, paragraph (1)" in Article 34, paragraph (1) is deemed to be replaced with "Article 38, paragraph (1)".

Chapter III Appeals

(Filing of Petition for Review with the Head of the Public Prosecutors Office)

Article 40 (1) A person who is dissatisfied with a disposition, decision, ruling, or any other act (hereinafter referred to as a "disposition, etc.") set forth in the following items may file a petition for review with the head of the public prosecutors office to which the public prosecutor who has made the relevant disposition, etc. is assigned, within 30 days from the day specified respectively in those items:

- (i) a disposition establishing the scope of criminal acts warranting remission under the provisions of Article 5, paragraph (1) or Article 35, paragraph (1): the day following the date that the public notice of the disposition is issued;
- (ii) a decision referred to in Article 8, paragraph (1), Article 21, paragraph (1) (including as applied mutatis mutandis pursuant to the preceding Article) or Article 38, paragraph (1): the day following the date that the public notice of the decision is issued;
- (iii) a ruling under the provisions of Article 10 or Article 11 (including where these provisions are applied mutatis mutandis pursuant to Article 20 (including as applied mutatis mutandis pursuant to the preceding Article)

- and the preceding Article): the day following the date that a certified copy of the written ruling is served;
- (iv) a decision on remuneration for a remission administrator under the provisions of Article 26, paragraph (1) (including as applied mutatis mutandis pursuant to the preceding Article): the day following the date that a certified copy of the written decision on remuneration is served; and
 - (v) beyond what is set forth in the preceding items, an act of a public prosecutor relevant to procedures under this Act, which is specified by Ministry of Justice Order: the day specified by Ministry of Justice Order.
- (2) Notwithstanding the provisions of the preceding paragraph, a petition for review may be filed even after the expiration of the 30-day period if there is a legitimate reason to do so.

Article 40-2 When a person has filed an application for a disposition, etc. with a public prosecutor pursuant to the provisions of this Act or Ministry of Justice Order based on this Act, but the public prosecutor takes no action (referred to as "inaction," which means that the public prosecutor does not make any disposition, etc. in response to an application under the provisions of this Act or Ministry of Justice Order based on this Act; the same applies hereinafter) although a reasonable period of time has passed after the filing of the application, the person may file a petition for review with regard to the inaction with the head of the public prosecutors office to which the public prosecutor relevant to the inaction is assigned.

(Submission of Written Petition for Review)

- Article 40-3 (1) A petition for review under the provisions of the preceding two Articles must be filed by submitting a written petition for review pursuant to the provisions of Ministry of Justice Order.
- (2) The following information must be stated in a written petition for review regarding a disposition, etc. set forth in the items of Article 40, paragraph (1):
- (i) the content of the disposition, etc. to which the petition for review pertains;
 - (ii) the object of and reason for the petition for review; and
 - (iii) the information that Ministry of Justice Order prescribes.
- (3) The following information must be stated in a written petition for review regarding the inaction prescribed in the preceding Article:
- (i) the content and date of filing of the application for the disposition, etc. to which the inaction pertains; and
 - (ii) the information that Ministry of Justice Order prescribes.

(Method of Proceedings)

Article 40-4 Proceedings of a petition for review are conducted by means of

documents.

(Notice to Another Applicant)

Article 41 If a petition for review filed with regard to a ruling set forth in Article 40, paragraph (1), item (iii) pertains to a ruling made in relation to another applicant, the head of the public prosecutors office must notify the other applicant of this and provide the same with the opportunity to submit a document stating their opinion.

(Determination)

Article 42 (1) With regard to a petition for review under the provisions of Article 40, paragraph (1), the head of a public prosecutors office must make a determination specified in the following items according to the categories set forth in the respective items:

- (i) if the petition for review has been filed after the expiration of the period prescribed in Article 40, paragraph (1) or is otherwise unlawful: a determination to dismiss the petition for review without prejudice;
- (ii) if there are no grounds for the petition for review: a determination to dismiss the petition for review with prejudice on the merits;
- (iii) if the disposition, etc. to which the petition for review pertains is not a de facto act, and there are grounds for the petition: a determination to revoke or alter the disposition, etc. set forth in the items of Article 40, paragraph (1) to which the petition for review pertains;
- (iv) when the head of the public prosecutors office revokes, pursuant to the provisions of the preceding item, a disposition, etc. that was made by a public prosecutor other than the head of the public prosecutors office to dismiss with or without prejudice an application filed under the provisions of this Act or Ministry of Justice Order based on this Act, and finds that a certain disposition, etc. should be made in response to that application: a determination to order the public prosecutor relevant to the disposition, etc. to make the disposition, etc.;
- (v) when the head of the public prosecutors office revokes, pursuant to the provisions of item (iii), a disposition, etc. that was made by the head of the public prosecutors office to dismiss with or without prejudice an application filed under the provisions of this Act or Ministry of Justice Order based on this Act, and finds that a certain disposition, etc. should be made in response to that application: a determination to make the disposition, etc.;
- (vi) if the disposition, etc. to which the petition for review pertains is a de facto act performed by a public prosecutor other than the head of the public prosecutors office, and there are grounds for the petition: a determination to declare that the de facto act is illegal or unjust and to order the public

prosecutor related to the de facto act to abolish or alter the de facto act; and (vii) if the disposition, etc. to which the petition for review pertains is a de facto act performed by the head of the public prosecutors office, and there are grounds for the petition: a determination to declare that the de facto act is illegal or unjust and to abolish or alter the de facto act.

(2) In the case referred to in item (iii), (vi), or (vii) of the preceding paragraph, the head of the public prosecutors office must not alter the relevant disposition, etc., order the alteration of the relevant de facto act, or alter the relevant de facto act in a manner disadvantageous to the petitioner for review.

Article 42-2 With regard to a petition for review under the provisions of Article 40-2, the head of a public prosecutors office must make a determination specified in the following items according to the categories set forth in the respective items:

- (i) if the petition for review has been filed before a reasonable period has passed after the filing of an application for the disposition, etc. to which the inaction pertains or is otherwise unlawful: a determination to dismiss the petition for review without prejudice;
- (ii) if there are no grounds for the petition for review: a determination to dismiss the petition for review with prejudice on the merits;
- (iii) if the inaction to which the petition for review pertains is the inaction of a public prosecutor other than the head of the public prosecutors office, and there are grounds for the petition: a determination to declare that the inaction is illegal or unjust and to order the public prosecutor relevant to the inaction to make the relevant disposition, etc. if the head of the public prosecutors office finds that a certain disposition, etc. should be made in response to the relevant application; and
- (iv) if the inaction to which the petition for review pertains is the inaction of the head of the public prosecutors office, and there are grounds for the petition: a determination to declare that the inaction is illegal or unjust and to make the relevant disposition, etc. if the head of the public prosecutors office finds that a certain disposition, etc. should be made in response to the relevant application.

(Mutatis Mutandis Application of Provisions Concerning Format for Rulings)

Article 43 The provisions of Article 12 apply mutatis mutandis to a determination on a petition for review specified in the items of Article 42, paragraph (1) and the items of the preceding Article. In this case: the term "public prosecutor" in Article 12 is deemed to be replaced with "head of the public prosecutors office"; the term "written ruling" in paragraphs (2) and (3) of that Article is deemed to be replaced with "written determination"; and the

term "applicant" in paragraph (2) of that Article is deemed to be replaced with "petitioner for review (if the petition for review has been filed with regard to a determination made in relation to another applicant: the petitioner for review and the other applicant)."

(Mutatis Mutandis Application of the Administrative Complaint Review Act)
 Article 44 The provisions of Articles 10 through 15, Article 18, paragraph (3), Article 21, Article 22, paragraphs (1) and (5), Article 23, Article 25, paragraphs (1), (2), and (4) through (7), Articles 26 through 28, Article 30, paragraphs (2) and (3), Articles 32 through 36, Article 38, paragraphs (1) through (5), Article 39, Article 51, paragraph (4), Article 52, paragraphs (1) through (3), and Article 53 of the Administrative Complaint Review Act (Act No. 68 of 2014) apply mutatis mutandis to a petition for review under the provisions of Article 40, paragraph (1), and Article 40-2. In this case, the terms set forth in the middle column of the following table which are used in the provisions of that Act set forth in the left-hand column of that table are respectively deemed to be replaced with the terms set forth in the right-hand column of that table.

Provisions of the Administrative Complaint Review Act whose terms are to be replaced	Original terms	Terms to replace the original terms
Article 11, paragraph (2)	a person who has been designated pursuant to the provisions of Article 9, paragraph (1) (hereinafter referred to as a "review officer")	the head of a public prosecutors office with which a petition for review has been filed pursuant to the provisions of Article 40, paragraph (1) or Article 40-2 of the Act on Issuance of Remission Payments Using Stolen and Misappropriated Property (hereinafter referred to as the "reviewing agency")
Article 13, paragraphs (1) and (2), Article 28, Article 30, paragraphs (2) and (3), Article 32, paragraph (3), Articles 33 through 36, Article 38, paragraphs (1) through (3), and (5), and Article 39	review officer	reviewing agency

Article 14	written request for review prescribed in Article 19 or the written statement concerning the request for review prescribed in Article 21, paragraph (2)	written petition for review
Article 15, paragraph (6)	right	right (excluding the right to be issued a remission payment)
Article 18, paragraph (3)	written request for review prescribed in the following Article	written petition for review
	period of time prescribed in the preceding two paragraphs (hereinafter referred to as the "period for filing request for review")	period prescribed in Article 40, paragraph (1) of the Act on Issuance of Remission Payments Using Stolen and Misappropriated Property
Article 21, paragraph (1)	submit a written request for review to the administrative agency, etc. reaching the disposition or orally state the matters prescribed in Article 19, paragraphs (2) through (5) to the administrative agency, etc. reaching the disposition	submit a written petition for review
Article 21, paragraph (2)	written request for review or written statement concerning the request for review (meaning a document recording the details of the oral statement pursuant to the provisions of the second sentence of the preceding Article; the same applies in Article 29, paragraph (1) and Article 55)	written petition for review

Article 21, paragraph (3)	submitting the written request for review or orally stating the relevant matters to the Administrative Agency Reaching the disposition	submitting the written petition
Article 22, paragraph (1)	the written request for review to the Administrative Agency Reaching the disposition or the Administrative Agency to be the reviewing agency	the written petition for review to the Administrative Agency to be the reviewing agency
Article 22, paragraph (5)	written request for review, written request for re-investigation or written statement concerning the request for re-investigation	written petition for review
Article 23 (including the heading)	written request for review	written petition for review
Article 23	Article 19	Article 40-3 of the Act on Issuance of Remission Payments Using Stolen and Misappropriated Property
Article 25, paragraph (2)	reviewing agency that falls under the higher administrative agency of the Administrative Agency Reaching the disposition or the administrative agency reaching the disposition itself	reviewing agency
Article 25, paragraph (7)	When a petition for a stay of execution has been filed or a written opinion to suggest the necessity to order a stay of execution as prescribed in Article 40 has been submitted by a review officer	When a petition for a stay of execution has been filed
Article 30, paragraph (2)	hereinafter referred to as a "written opinion" except in Article 40 and Article 42, paragraph (1)	hereinafter referred to as a "written opinion"

Article 30, paragraph (3)	When a written counterargument has been submitted by a requestor for review, a review officer must send it to the intervenors and the administrative agency, etc. reaching the disposition, and when a written opinion has been submitted by an intervenor	When a written opinion has been submitted by an intervenor
	send it to the relevant requestor for review and the administrative agency, etc. reaching the disposition	send it to the relevant requestor for review
Article 28, paragraph (1)	Until the procedures for proceedings are concluded pursuant to the provisions of Article 41, paragraph (1) or (2), the relevant requestor for review or intervenor may	The requestor for review or intervenor may
	the documents set forth in the items of Article 29, paragraph (4), or the documents or other articles submitted pursuant to the provisions of Article 32, paragraph (1) or (2)	the documents or other articles submitted pursuant to the provisions of Article 32, paragraph (1) or (2)
	these documents	these documents
Article 51, paragraph (4)	intervenors and the administrative agency, etc. reaching the disposition (limited to the administrative agency, etc. reaching the disposition other than the reviewing agency)	intervenors

Article 52, paragraph (3)	disposition publicly noticed pursuant to the provisions of laws and regulations	disposition set forth in Article 40, paragraph (1), item (i) of the Act on Issuance of Remission Payments Using Stolen and Misappropriated Property or decision set forth in item (ii) of that paragraph
	publicize the fact that the relevant disposition has been revoked or altered	publicize the fact that the relevant disposition or decision has been revoked or altered

(Restriction on Request for Review)

Article 45 A request for review may not be filed with regard to a disposition, etc. set forth in the items of Article 40, paragraph (1) or the inaction prescribed in Article 40-2.

(Relationship with Litigation)

Article 46 An action for revocation of a disposition, etc. set forth in the items of Article 40, paragraph (1) may not be filed until after a determination on a petition for review regarding the disposition, etc. is made.

(Special Provisions for Litigation)

Article 47 (1) An action for revocation of a disposition, etc. set forth in the items of Article 40, paragraph (1) and an action for revocation of a determination specified in the items of Article 42, paragraph (1) regarding that disposition, etc. are subject to the exclusive jurisdiction of the district court that has jurisdiction over the location of the public prosecutors office to which the public prosecutor who has made the disposition, etc. is assigned.

(2) An action for revocation of a determination specified in the items of Article 42-2 regarding the inaction prescribed in Article 40-2 is subject to the exclusive jurisdiction of the district court that has jurisdiction over the location of the public prosecutors office to which the public prosecutor relevant to the inaction is assigned.

(3) An action for revocation of a disposition, etc. or determination prescribed in the preceding two paragraphs may not be filed when 30 days have passed from the day on which a certified copy of a written ruling is served pursuant to the provisions of Article 12, paragraph (2) as applied mutatis mutandis pursuant to Article 43.

(4) The period referred to in the preceding paragraph is an unextendable period.

(5) If the action prescribed in paragraph (1) is an action for revocation of a ruling

set forth in Article 40, paragraph (1), item (iii) made in relation to another applicant or for revocation of a determination specified in the items of Article 42, paragraph (1) regarding that ruling, the national government must give notice of suit to the other applicant without delay.

(Effect of an Application in Case of a Determination to Revoke Having Been Made)

Article 48 If a determination to revoke a disposition establishing the scope of criminal acts warranting remission under the provisions of Article 5, paragraph (1) or Article 35, paragraph (1) (hereinafter referred to as the "former disposition" in this Article) or a judgment to revoke the former disposition becomes final and binding, and another disposition establishing the scope of criminal acts warranting remission (hereinafter referred to as the "new disposition" in this Article) is made or a determination to alter the former disposition (hereinafter referred to as a "determination to alter" in this Article) becomes final and binding, an application or any other act (hereinafter referred to as an "application, etc." in this Article) performed by the applicant based on the former disposition or an investigation or any other act (hereinafter referred to as an "investigation, etc." in this Article) performed in relation to the applicant based on the former disposition is deemed to be an application, etc. performed by the applicant or an investigation, etc. performed in relation to the applicant based on the new disposition or the determination to alter.

Chapter IV Miscellaneous Provisions

(Delegation to Ministry of Justice Order)

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

Chapter V Penal Provisions

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

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

- (i) a person submitting a written application or materials provided for in Article 9, paragraph (1) or paragraph (2) (including as applied mutatis mutandis pursuant to Article 20 (including as applied mutatis mutandis

- pursuant to Article 39) and Article 39) in which the person has included false information;
- (ii) a person submitting a written notification provided for in Article 17, paragraph (1) (including as applied mutatis mutandis pursuant to Article 20 (including as applied mutatis mutandis pursuant to Article 39) and Article 39; the same applies hereinafter in this item) in which the person has included false information; and
 - (iii) a person (but only an applicant or a person that has filed a notification pursuant to the provisions of Article 17, paragraph (1)) giving a false report or submitting a document in which the person has included false information, after having been ordered to submit a report or document pursuant to the provisions of Article 28, paragraph (1) (including as applied mutatis mutandis pursuant to Article 39) or after having been asked to submit a report or document pursuant to the provisions of Article 28, paragraph (2) (including as applied mutatis mutandis pursuant to Article 39).
- (2) If the representative or administrator of a corporation (or of an organization without legal personality for which a representative or administrator has been designated; the same applies hereinafter in this paragraph) or the agent, employee, or other worker of a corporation or individual commits a violation referred to in the preceding paragraph in connection with the business of the corporation or individual, in addition to the violator being subject to punishment, the corporation or individual is subject to the punishment referred to in that paragraph.
- (3) When the provisions of the preceding paragraph apply to an organization without legal personality, the representative or administrator of the organization represents it in respect of procedural acts, and the provisions of laws on criminal proceedings applicable if a corporation is the accused or a suspect apply mutatis mutandis.

Supplementary Provisions

(Effective Date)

Article 1 (1) This Act comes into effect as of the date specified by Cabinet Order within a period not exceeding six months from the date of promulgation; provided, however, that the provisions of paragraphs (1) through (3) of Article 3 of the Supplementary Provisions come into effect as of the day on which 30 days have passed since the date of promulgation.

[Effective as of December 1, 2006, under Cabinet Order No. 322 of October 2006]

Article 2 Deleted [Act No. 74 of June 2011]

(Transitional Measures)

- Article 3 (1) Upon finding it to be particularly necessary to do so in order to have the stolen or misappropriated property or equivalent monies subject to foreign laws or monies obtained through its realization or retrieval transferred from a foreign country, the public prosecutor may establish a scope for a criminal act warranting remission, appoint a remission administrator to perform the administrative processes involved in remission, and take other necessary actions to initiate procedures to restore property transferred from abroad even before the effective date of this Act, as governed by the provisions of Article 35 and by the provisions of Article 22, paragraph (1), Article 22, paragraphs (2) through (4), Article 24, and Article 28 as applied mutatis mutandis pursuant to the provisions of Article 39.
- (2) The provisions of Article 23, paragraph (1) and Article 27 as applied mutatis mutandis pursuant to the provisions of Article 39 apply mutatis mutandis to remission administrators appointed pursuant to the provisions of the preceding paragraph, and the provisions of Article 27, paragraph (1) as applied mutatis mutandis pursuant to the provisions of Article 39 apply mutatis mutandis to persons that were formerly remission administrators appointed pursuant to the provisions of the preceding paragraph.
- (3) A person violating the provisions of Article 27, paragraph (1) as applied mutatis mutandis pursuant to the provisions of Article 39 as applied mutatis mutandis pursuant to the provisions of the preceding paragraph is punished by imprisonment for not more than six months or a fine of not more than 500,000 yen.
- (4) A person that is a remission administrator appointed pursuant to the provisions of paragraph (1) at the time this Act comes into effect is deemed to have been appointed as a remission administrator pursuant to the provisions of Article 22, paragraph (1) as applied mutatis mutandis pursuant to the provisions of Article 39 as of the date on which this Act comes into effect.
- (5) An action necessary to initiate procedures to restore property transferred from abroad that has been taken pursuant to the provisions of paragraph (1) is deemed to be an action taken in those procedures pursuant to the provisions of this Act after this Act comes into effect.

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

(Effective Date)

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

Supplementary Provisions [Act No. 42 of May 30, 2014] [Extract]

(Effective Date)

Article 1 (1) This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding two years from the date of promulgation.

[Omitted.]

[Effective as of April 1, 2016, under Cabinet Order No. 29 of January 2015]

Supplementary Provisions [Act No. 69 of June 13, 2014] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the date on which the Administrative Complaint Review Act (Act No. 68 of 2014) comes into effect (April 1, 2016).

(Principles of Transitional Measures)

Article 5 Unless otherwise provided for in these Supplementary Provisions, prior laws continue to govern administrative appeals on dispositions or other acts or inaction of administrative agencies which pertain to dispositions or other acts of administrative agencies made before this Act comes into effect or to inaction of administrative agencies based on applications made before this Act comes into effect.

(Transitional Measures Concerning Litigation)

Article 6 (1) Prior laws continue to govern the filing of an action with regard to matters for which an action may be filed only after a determination, decision or any other act is made by an administrative agency in relation to an administrative appeal pursuant to the provisions of laws prior to amendment by the provisions of this Act and for which the statutes of limitation for filing an action has expired before this Act comes into effect while no administrative appeal has been entered (if this administrative appeal may be entered only after a determination, decision or any other act is made by an administrative agency in relation to another administrative appeal, including matters for which the statute of limitations for filing an action has expired before this Act comes into effect while no other administrative appeal has been entered).

(2) Prior laws continue to govern the filing of an action for revocation of a disposition or any other act against which an objection has been filed pursuant to the provisions of laws prior to amendment by the provisions of this Act (including cases where prior laws continue to govern pursuant to the provisions of the preceding Article) and for which an action for revocation may be filed only after a determination on a request for review is made pursuant to the provisions of laws as amended by the provisions of this Act.

(3) Prior laws continue to govern an action for revocation of a determination, decision or any other act made by an administrative agency in relation to an administrative appeal, where the action has been filed before this Act comes into effect.

(Transitional Measures Concerning Penal Provisions)

Article 9 Prior laws continue to govern the application of penal provisions to acts committed before this Act comes into effect and to acts committed after this Act comes into effect but which, pursuant to the provisions of Article 5 and the two preceding Articles of the Supplementary Provisions is to continue to be governed by prior laws.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 10 Beyond what is provided for in Article 5 of the Supplementary Provisions through the preceding Article, Cabinet Order prescribes the necessary transitional measures concerning the enforcement of this Act (including transitional measures concerning penal provisions).

Supplementary Provisions [Act No. 70 of June 13, 2014] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2015.

Supplementary Provisions [Act No. 33 of May 29, 2020] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding two years and six months from the date of promulgation. [Omitted.]