

Order for Enforcement of the Basic Act on Disaster Management

(Cabinet Order No. 288 of July 9, 1962)

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

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Chapter I General Provisions

(Causes Provided for by Cabinet Order)

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

(Report to the Diet)

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

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

to the provisions of Article 2 of the Diet Act.

Chapter II National Disaster Management Council

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

Article 3 (1) The fixed number of members of the National Disaster Management Council (hereinafter referred to as "members" in this Article and the following Article) is 27 or less.

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

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

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

(5) Members and expert advisors are to be part-time.

(Expert Examination Committee of the National Disaster Management Council)

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

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

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

(General Affairs of the National Disaster Management Council)

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

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

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

Chapter III Local Disaster Management Councils

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

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

- (i) the prefectural disaster management council is to assign an executive secretary;
- (ii) the executive secretary is to be appointed by the prefectural governor from among the officials of the organs to which the members of the prefectural disaster management council belong;
- (iii) the executive secretary is to assist members and expert advisors on the function under the jurisdiction of the prefectural disaster management council;
- (iv) the prefectural disaster management council may establish a committee pursuant to the provisions of the council;
- (v) the members and expert advisors who should belong to a committee are to be appointed by the chairperson;
- (vi) the committee has a chairperson who is appointed by the chairperson of the prefectural disaster management council from among the members;
- (vii) the chairperson of a committee is to manage the affairs of the committee;
- (viii) in case the chairperson of a committee is incapacitated, a committee member named by them in advance is to perform their duties on their behalf;
- (ix) beyond what is provided for in each of the preceding items, necessary matters related to the business and operation of the prefectural disaster management council are decided by the chairperson in consultation with the prefectural disaster management council.

Article 8 (Deleted)

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

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

- (2) A person appointed through consultation by the relevant prefecture from among the chairperson or members of the relevant prefectural disaster management council serves as the chairperson.
- (3) The chairperson directs and supervises the affairs of the council.
- (4) In case the chairperson is incapacitated, a member named by the chairperson

in advance performs this person's duties on this person's behalf.

- (5) Persons appointed by the governor of the relevant prefecture from among the chairperson or members of the relevant prefectural disaster management council pursuant to the constitution of the joint committee of the relevant prefectural disaster management council serve as the members.
- (6) Beyond what is provided for in each of the preceding paragraphs, necessary matters related to the organization and operation of the joint committee of the prefectural disaster management council are prescribed by the constitution of the joint committee of the relevant prefectural disaster management council.
- (7) The provisions in each of the preceding paragraphs are applied mutatis mutandis to the organization of the joint committee of a municipal disaster management council.

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

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

- (i) name of the joint committee of local disaster management councils
- (ii) prefecture or municipality that will establish the joint committee of local disaster management councils
- (iii) area related to the multi-prefectural mutual area disaster management plan or multi-municipal mutual area disaster management plan
- (iv) organization of the joint committee of local disaster management councils
- (v) method to pay the expenses of the joint committee of local disaster management councils

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

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

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

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

- (2) When a prefecture or a municipality which has established a joint committee of local disaster management councils pursuant to the provisions of Article 17, paragraph (1) of the Act has changed the constitution of the joint committee or has abolished the relevant joint committee, it must notify the Prime Minister in the case of a joint committee of prefectural disaster management councils, and must notify the prefectural governor in the case of a joint committee of municipal disaster management councils.
- (3) The provisions of the preceding Article are applied mutatis mutandis to the case where a prefecture or a municipality which has established a joint committee of local disaster management councils pursuant to the provisions of Article 17, paragraph (1) of the Act has changed the constitution of the joint committee or has abolished the relevant joint committee.

Articles 13 and 14 Deleted

Chapter IV Dispatch of Officials in Time of a Disaster

(Procedures for Requesting Dispatch of Officials)

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

- (i) reasons for requesting dispatch of officials
- (ii) number of officials requested to be dispatched broken down by work category
- (iii) period required for dispatch of officials
- (iv) salary and other working conditions of officials to be dispatched
- (v) beyond what is set forth in each of the preceding items, necessary matters pertaining to the dispatch of officials

(Procedures for Requesting Arrangements for Dispatch of Officials)

Article 16 When the prefectural governor, etc. or the mayor or a municipality, etc. intends to make a request for arrangements for dispatch of officials to the Prime Minister or the prefectural governor pursuant to the provisions of Article 30, paragraph (1) or paragraph (2) of the Act, that person must do so by

documents describing the matters set forth in each of the following items:

- (i) reason for requesting arrangements for dispatch of officials
- (ii) number of officials for which arrangements for dispatch is requested broken down by work category
- (iii) period required for dispatch of officials
- (iv) salary and other working conditions of officials to be dispatched
- (v) beyond what is set forth in each of the preceding items, necessary matters pertaining to arrangements for dispatch of officials

(Status of Dispatched Officials)

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

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

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

(4) The prefectural governor, etc. or the mayor of a municipality, etc. of the prefecture or the municipality which has received dispatched officials may not demote, suspend, or dismiss dispatched officials against their will, notwithstanding the provisions of Article 28, paragraph (1) or (2) of the Local Public Service Act.

(5) The prefectural governor, etc. or the mayor of a municipality, etc. of the prefecture or the municipality which has received dispatched officials may not subject dispatched officials to disciplinary action such as admonition, reduction in pay, suspension from duty, or dismissal, notwithstanding the provisions of Article 29, paragraph (1) of the Local Public Service Act.

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

(7) Regarding the application of the provisions of Article 82, paragraph (1), item (i) of the National Public Service Act to dispatched officials, the term "this Act, the National Public Service Ethics Act or orders issued pursuant to these Acts

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

- (8) When the term of their dispatch is over or they have lost the status as officials of the designated administrative organ, the designated local administrative organ, or the designated public corporation which dispatched them, dispatched officials also lose the status as officials of the prefecture or the municipality which received them.

(Pay of Dispatched Officials)

Article 18 (1) Dispatched officials may not receive the commuting allowance set forth in Article 12, paragraph (1), single transfer allowance set forth in Article 12-2, paragraphs (1) and (3), extraordinary services allowance set forth in Article 13, paragraph (1), overtime allowance set forth in Article 16, paragraph (1), holiday work allowance set forth in Article 17, night work allowance set forth in Article 18, night and day work allowance set forth in Article 19-2, paragraphs (1) and (2), managerial personnel special work allowance set forth in Article 19-3, paragraph (1) of the Act on Remuneration of Officials in the Regular Service Category (Act No. 95 of 1950), and travel expenses set forth in Article 3, paragraph (1) of the Act on Travel Expenses of National Public Officers (Act No. 114 of 1950) or allowances equivalent to these allowances to be paid to officials of the State or designated public corporations.

- (2) Dispatched officials may not receive the salary set forth in Article 204, paragraph (1), dependents allowance, area allowance, housing allowance, first pay adjustment allowance, allowance for service in special areas (including allowances similar to this allowance), managerial position allowance, end-of-year allowance, bonus, allowance for work in cold areas, and retirement allowance set forth in paragraph (2) of the same Article of the Local Autonomy Act (Act No. 67 of 1947), benefits under the mutual aid system set forth in Article 43, paragraph (1) and public servant disaster compensation set forth in Article 45, paragraph (1) of the Local Public Service Act, or the amount equivalent to the allowances to be paid to the officials of the prefecture or the municipality which has received dispatched officials.
- (3) Regarding the application of the provisions set forth below pertaining to dispatched officials (the provisions set forth in items (vi) and (vii) in the case of dispatched officials from a designated public corporation), the duties as officials of the prefecture or the municipality which has received dispatched officials are deemed as the duties of officials of the State or a designated public corporation.
- (i) Article 8, paragraphs (6) through (8) (including as applied mutatis mutandis pursuant to Article 5, paragraph (2) of the Act on Remuneration of Ministry of Defense Personnel (Act No. 266 of 1952)), Article 15, and Article 19-7, paragraph (1) of the Act on Remuneration of Officials in the Regular Service Category.
 - (ii) Article 7 of the Rules of the National Personnel Authority 9-7 (Payment of Remuneration)
 - (iii) Article 11, paragraph (2), Article 16, paragraph (2), Article 17, paragraph (1), Article 18, paragraph (3), and Article 18-2, paragraph (1) of the Act on Remuneration of Ministry of Defense Personnel
 - (iv) Article 8-3, paragraph (4) of the Order for Enforcement of the Act on Remuneration of Ministry of Defense Personnel (Cabinet Order No. 368 of 1952)
 - (v) Articles 1 and 5 of the Act on Allowance for National Public Officers' Work in Cold Areas (Act No. 200 of 1949)
 - (vi) Article 2, paragraph (1), Article 6-4, paragraph (1), and Article 7, paragraph (4) of the Act on National Public Officers' Retirement Allowance (Act No. 182 of 1953)
 - (vii) Article 2, paragraph (1) of the National Public Officers Mutual Aid Association Act (Act No. 128 of 1958)
- (4) Regarding the application of the provisions set forth below to dispatched officials (the provisions set forth in items (i), (iii), and (v) in the case of dispatched officials from a designated public corporation), the public duties as officials of the prefecture or the municipality which has received dispatched

officials are deemed as the public duties of officials of the State or a designated public corporation.

- (i) Article 10, Article 12, Article 12-2, paragraph (1), Article 13, paragraphs (1) and (8), Article 15, Article 18, and Article 22, paragraphs (1) and (2) of the Act on National Public Officers' Accident Compensation (Act No. 191 of 1951)
 - (ii) The provisions set forth in the preceding item, as applied mutatis mutandis pursuant to Article 27, paragraph (1) of the Act on Remuneration of Ministry of Defense Personnel
 - (iii) Article 5, paragraph (1), item (iv) of the Act on National Public Officers' Retirement Allowance
 - (iv) Article 28, paragraph (3) of the Act on Remuneration of Ministry of Defense Personnel
 - (v) Article 83, paragraphs (1), (2) and (4), Article 85, paragraph (2), and Article 89, paragraph (1) of the National Public Officers Mutual Aid Act
- (5) Regarding the salary of dispatched officials set forth in Article 4, paragraph (1) of the Act on National Public Officers' Accident Compensation (including as applied mutatis mutandis pursuant to Article 27, paragraph (1) of the Act on Remuneration of Ministry of Defense Personnel) and the remuneration set forth in Article 2, paragraph (1), item (v) of the Act on the National Public Officers Mutual Aid Association, the commuting allowance, single transfer allowance, extraordinary services allowance, overtime allowance, holiday work allowance, night work allowance, night and day work allowance, and managerial personnel special work allowance, or allowances equivalent to these allowances paid to dispatched officials pursuant to the provisions of laws and regulations by the prefecture or the municipality which has received dispatched officials are deemed as the commuting allowance, single transfer allowance, extraordinary services allowance, overtime allowance, holiday work allowance, night work allowance, night and day work allowance, and managerial personnel special work allowance, or allowances equivalent to these allowances paid to the dispatched officials by the State pursuant to the provisions of laws and regulations or paid to the dispatched officials by a designated public corporation.
- (6) Regarding the remote area allowance (including allowances similar to this allowance), overtime work allowance, night work allowance, holiday work allowance, and allowance for agriculture, forestry, and fisheries guidance and dissemination for dispatched officials set forth in Article 204, paragraph (2) of the Local Autonomy Act, or the salary which is the basis for calculation of the amount of payment equivalent to these allowances, to be paid to the officials of the prefecture or the municipality which has received dispatched officials, salary (including adjusted amount of salary), dependents allowance and area allowance, or the amount equivalent to these allowances to be paid to

dispatched officials by the State pursuant to the provisions of laws and regulations or to be paid to the dispatched officials by a designated public corporation are deemed as the salary, dependents allowance and area allowance, or the amount equivalent to these allowances to be paid to the dispatched officials by the prefecture or the municipality which has received dispatched officials pursuant to the provisions of laws and regulations.

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

the designated public corporation, the payment is to be borne by the prefecture or the municipality which has received dispatched officials.

(Disaster Dispatch Allowance)

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

Chapter V Plan Provided for by Cabinet Order

(Plan Provided for by Cabinet Order)

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

- (i) Comprehensive Development Plan of Hokkaido prescribed in Article 2, paragraph (1) of the Hokkaido Development Act (Act No. 126 of 1950)
 - (ii) long-term plan for developing fishing ports and grounds prescribed in Article 6-3, paragraph (1) and plan for developing specific fishing ports and grounds prescribed in Article 19, paragraph (1) and Article 19-3, paragraph (1) of the Act on Development of Fishing Ports and Grounds (Act No. 137 of 1950)
- (2) The plan provided for by Cabinet Order set forth in Article 41, item (viii) of the Act, is to be as set forth below:
- (i) plan for developing specific fishing ports and grounds prescribed in Article 17, paragraph (1) of the Act on Development of Fishing Ports and Grounds
 - (ii) plan for promoting and developing the Amami Islands prescribed in Article 5, paragraph (1) of the Act on Special Measures for the Amami Islands Promotion and Development (Act No. 189 of 1954)
 - (iii) plan for promoting and developing the Ogasawara Islands prescribed in Article 6, paragraph (1) of the Act on Special Measures for the Ogasawara Islands Promotion and Development (Act No. 79 of 1969)
 - (iv) plan for promoting Okinawa prescribed in Article 4, paragraph (1) of the Act on Special Measures for Promotion of Okinawa (Act No. 14 of 2002)

Chapter V-2 Disaster Management

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

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

(2) When a traffic ban or restriction under the preceding paragraph is implemented, if the public safety commission finds it necessary, it must avoid hindrance of general traffic by indicating a proper detour.

(3) When the public safety commission bans or restricts pedestrian or vehicular passage over a road pursuant to the provisions of Article 48, paragraph (2) of the Act, it must hear the opinions of the administrator of the relevant road.

(4) When the public safety commission bans or restricts pedestrian or vehicular passage over a road pursuant to the provisions of Article 48, paragraph (2) of the Act, it must notify relevant public safety commissions in advance of the target, zones, etc., and period of its ban or restriction.

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

(Standards of Designated Emergency Evacuation Sites)

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

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

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

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

Order as a safe structure against the relevant extraordinary phenomenon;

(b) the facilities to be used when floods, high tides, tsunamis, or any other

extraordinary phenomenon similar to these specified by Cabinet Office Order set forth in the following Article, item (vii) (hereinafter referred to as "flooding, etc." in this (b)) occur or are likely to occur have roofs and other portions to be provided for the use of residents, etc. situated at a higher height than the water level of envisioned flooding, etc. (hereinafter referred to as "portion for the use of residents, etc." in this (b) and Article 20-5) and have usable steps and other routes for evacuation to the portion for the use of residents, etc.

- (iii) the facilities or sites to be used at the time when an earthquake occurs or is likely to occur meet either of the standards set forth below:
 - (a) the facilities meet technical standards as specified by Cabinet Office Order as a safe structure against earthquakes;
 - (b) there is no building, structure, or other thing at or near the relevant sites which may risk the lives or bodies of people when an earthquake occurs.

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

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

- (i) floods
- (ii) slope failures, mudflows, and landslides
- (iii) high tides
- (iv) earthquakes
- (v) tsunamis
- (vi) large-scale fires
- (vii) beyond what is provided for in each of the preceding items, any kind of extraordinary phenomena as specified by Cabinet Office Order

(Major Change in Designated Emergency Evacuation Sites)

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

- (i) change accompanied by an increase or decrease in area of more than 1/10 of the total area of designated emergency evacuation sites (in the case of facilities prescribed in Article 20-3, item (ii), (b) outside the safety zone, the portion for the use of residents, etc.);
- (ii) in the case of designated emergency evacuation sites (except for sites to be used at the time when an earthquake occurs or is likely to occur) outside the safety zone, the changes set forth below:
 - (a) change due to reconstruction or extension in the main section for the structural durability of the relevant designated emergency evacuation sites (referring to the main section for structural durability prescribed in Article

- 1, item (iii) of the Order for Enforcement of the Building Standards Act (Cabinet Order No. 338 of 1950; the same applies in the following item);
- (b) abolishment of usable steps and other routes for evacuation to the portion for the use of residents, etc. in the relevant designated emergency evacuation sites (limited to the sites which are the facilities prescribed in Article 20-3, item (ii), (b)).
- (iii) in the case of designated emergency evacuation sites (limited to facilities) to be used at the time when an earthquake occurs or is likely to occur, change due to reconstruction or extension in the main section for the structural durability of the designated emergency evacuation sites.

(Standards of Designated Shelters)

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

- (i) the facilities are of the necessary and proper size for the stay of residents, etc. who have evacuated for refuge or disaster victims (referred to as "disaster victims, etc." in the following item and the following Article);
- (ii) the facilities have the structure or equipment which enable prompt acceptance of disaster victims, etc. or distribution of daily living-related goods to disaster victims, etc.;
- (iii) the facilities are located at places where the envisioned impact of a disaster is relatively small;
- (iv) the facilities are located at places which are relatively easy to access by means of transportation such as vehicles, etc.;
- (v) in the case of facilities where mainly elderly, disabled persons, infants, and other persons requiring special care (hereinafter referred to as "persons requiring special care" in this item) are expected to stay, the matters contributing to ensuring smooth use by persons requiring special care, preparing a system where Persons Requiring Consideration may consult or receive advice or other support, and securing a good living environment for persons requiring special care meet the standards as specified by Cabinet Office Order.

(Major Change in Designated Shelters)

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

Chapter VI Emergency Disaster Control Measures

(Report on Conditions of Disaster)

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

- (i) cause of the disaster
- (ii) date and time when the disaster occurred
- (iii) place or area where the disaster occurred
- (iv) degree of damage
- (v) measures taken for the disaster
- (vi) other necessary matters

(Priority Use of Communications Facilities)

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

(Business Activities Provided for by Cabinet Order)

Article 22-2 Business activities provided for by Cabinet Order set forth in Article 57 of the Act are to be those concerning businesses that belong to the information and telecommunication industry and provide systematically constructed information using the Internet so that Internet users may easily conduct searches.

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

Article 23 The office of regional coast guard headquarters provided for by Cabinet Order set forth in Article 59, paragraph (2) and Article 64, paragraph

(10) of the Act is to be the office as specified by Cabinet Office Order considering its jurisdictional district and the function under its jurisdiction.

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

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

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

(Requisitioning for Emergency Official Use)

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

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

- Article 25 the matters provided for by Cabinet Order set forth in Article 64, paragraph (3) of the Act are to be as set forth in each of the following items:
- (i) name or kind, shape and quantity of structures or objects taken into custody (hereinafter referred to as "structures, etc." in this Article through Article 27, and Article 30)
 - (ii) place where the structures, etc. taken into custody were located and the date and time when the structures, etc. were removed
 - (iii) date and time when the structures, etc. were taken into custody and the place where they are taken into custody
 - (iv) beyond what is provided for in each of the preceding items, the matters found necessary to return the structures, etc. taken into custody

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

- Article 26 (1) The public notice under Article 64, paragraph (3) of the Act must be made by the methods set forth in each of the following items:
- (i) the matters set forth in each item of the preceding Article will be posted at the offices of the municipality for 14 days from the day the structures were taken into custody;
 - (ii) even if the period of public notice of the preceding item has expired, and if the names and addresses of occupants, owners, and any other title holders of the structures, etc. are not known, the outline of the public notice will be posted in the municipal paper or newspapers.
- (2) Beyond public notice by methods prescribed in the preceding paragraph, the mayor of a municipality must prepare a list of the structures, etc. taken into custody in the offices of the relevant municipality and must make it freely viewable by parties concerned.

(Procedures to Sell Structures Taken into Custody)

- Article 27 (1) The sale of the structures, etc. taken into custody under Article 64, paragraph (4) of the Act must be made by competitive bidding; provided, however that for those which fall under any of the following items, sale may be made by a discretionary contract:
- (i) structures, etc. which may remarkably decrease in value if not sold promptly;
 - (ii) structures, etc. which do not attract any bidder even after being put up for competitive bidding;
 - (iii) beyond what is provided for in the preceding two items, structures, etc. which are found inappropriate for competitive bidding.
- (2) When the mayor of a municipality intends to choose general competitive

bidding out of competitive bidding under the main clause of the preceding paragraph, the mayor must publicly notify the name or kind, shape, quantity, and any other necessary matters of the structures, etc. at least five days in advance from the day prior to the bidding date.

- (3) When the mayor of a municipality intends to choose designated competitive bidding out of competitive bidding under the main clause of paragraph (1), the mayor must appoint at least three bidders whenever possible and notify them of the name or kind, shape, quantity, and any other necessary matters of the structures, etc. in advance.
- (4) When the mayor of a municipality intends to choose a discretionary contract under the proviso of paragraph (1), the mayor must obtain a quote from at least two persons whenever possible.

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

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

- (i) the scope of affairs of the municipality or affairs under the authority of the mayor of a municipality, etc. to be delegated (hereinafter referred to as "delegated affairs" in this paragraph), and methods of managing and executing the delegated affairs
 - (ii) method of payment of expenses required for the delegated affairs
 - (iii) beyond what is provided for in each of the preceding items, necessary matters concerning the delegated affairs
- (2) When the relevant local governments intend to change affairs concerning the delegation or abolish delegation of the affairs, they must do so by consultation pursuant to the examples of the provisions of the preceding paragraph.
 - (3) When the relevant local governments delegate affairs, change the affairs concerning the delegation, or abolish the delegation of the affairs, they must make a public notice to that effect, publicly notify the matters set forth in each item of paragraph (1) in cases where they delegated affairs or changed the affairs concerning the delegation, and notify the Minister of Internal Affairs and Communications in the case of a prefecture and the prefectural governor in the case of a municipality, respectively.
 - (4) When there was delegation of affairs set forth in paragraph (1) or change in affairs concerning the delegation or abolishment of the delegation of affairs set forth in paragraph (2), the head of a relevant local government must promptly report to that effect to the council.

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

- Article 29 (1) When the prefectural governor finds it necessary to have a part of the affairs under their authority conducted by the mayor of a municipality pursuant to the provisions of Article 71, paragraph (2) of the Act, the governor is to notify the mayor of a municipality of the affairs and the period during which the relevant affairs are to be conducted. In this case, the relevant mayor of a municipality must conduct the relevant affairs during the period.
- (2) When the prefectural governor has notified under the first sentence of the preceding paragraph, the governor must immediately make a public notice to that effect.

(Implementation of Emergency Measures by a Prefectural Governor)

- Article 30 (1) In cases where the prefectural governor has taken measures for the removal of structures, etc. and any other necessary measures under the first sentence of Article 64, paragraph (2) of the Act, on behalf of the mayor of a municipality pursuant to the provisions of Article 73, paragraph (1) of the Act, when the structures, etc. have been removed, the governor must take the structures, etc. into custody pursuant to the examples of the provisions of paragraphs (3) through (5) of the same Article.
- (2) When the prefectural governor who implemented affairs on behalf of the mayor of a municipality under Article 73, paragraph (1) of the Act finds that the relevant municipality has become capable of conducting most of its affairs, the governor must promptly hand over the affairs related to those implemented by the governor in the acting capacity to the relevant mayor.
- (3) Beyond what is provided for in the preceding paragraph, upon completing the implementation of affairs on behalf of the mayor of a municipality under Article 73, paragraph (1) of the Act, the prefectural governor must promptly notify the relevant mayor to that effect and the emergency measures taken on behalf of the relevant mayor.

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

- Article 31 (1) When the affairs of a prefecture or a part of the affairs under the authority of the prefectural governor, etc. are delegated to other prefectures pursuant to the provisions of Article 75 of the Act, relevant prefectures must specify the matters set forth in each of the following items by consultation and carry them out:
- (i) the scope of affairs of the prefecture or affairs under the authority of the prefectural governor, etc. to be delegated (hereinafter referred to as "delegated affairs" in this paragraph), and methods of managing and executing the delegated affairs
 - (ii) method of payment of expenses required for the delegated affairs

- (iii) beyond what is provided for in each of the preceding items, necessary matters concerning the delegated affairs
- (2) When the relevant prefectures intend to change affairs concerning the delegation or abolish delegation of the affairs, they must do so by consultation pursuant to the examples of the provisions of the preceding paragraph.
- (3) When the relevant prefectures have delegated affairs, changed the affairs concerning the delegation, or abolished the delegation of the affairs, they must make a public notice to that effect, publicly notify the matters set forth in each item of paragraph (1) in cases where they have delegated the affairs or changed the affairs concerning delegation, and notify the Minister of Internal Affairs and Communications.
- (4) When there was delegation of affairs set forth in paragraph (1) or change in affairs concerning the delegation or abolishment of the delegation of affairs set forth in paragraph (2), the governors of the relevant prefectures must promptly report to that effect to the council.

(Procedures of Traffic Restrictions in Time of Disaster)

- Article 32 (1) When it bans or restricts the passage of vehicles other than emergency vehicles over a road pursuant to the provisions of Article 76, paragraph (1) of the Act, the public safety commission must install a sign describing the target, zones, etc., and period of its ban and restrictions (if the period is not specified, the time of the beginning of the ban or restrictions; hereinafter the same applies in this Article) in the form as specified by Cabinet Office Order at a place as specified by Cabinet Office Order; provided however, that if the public safety commission has no time to install a sign due to urgency or finds it difficult to do so by establishing a sign, the commission may do so under on-site instructions of police officers of the prefectural police department under its jurisdiction.
- (2) When the public safety commission intends to ban or restrict the passage of vehicles other than emergency vehicles pursuant to the provisions of Article 76, paragraph (1) of the Act, it must notify the administrator of the road in advance of the target, zones, etc., period, and reasons for its ban or restriction. When the public safety commission has no time to notify the administrator of the relevant road in advance due to urgency, it must promptly notify them of these matters after the fact.
- (3) When the public safety commission has banned or restricted the passage of vehicles other than emergency vehicles pursuant to the provisions of Article 76, paragraph (1) of the Act, it must promptly notify relevant public safety commissions of the target, zones, etc., period, and reasons for its ban or restriction.

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

- (i) emergency motor vehicle set forth in Article 39, paragraph (1) of the Road Traffic Act (Act No. 105 of 1960)
- (ii) vehicles in service for the emergency transport of persons who are engaged in emergency disaster control measures or necessary goods for emergency disaster control measures, or for the implementation of any other emergency disaster control measures (except for those which fall under the preceding item)

Article 33 (1) Regarding vehicles set forth in item (ii) of the preceding Article, the prefectural governor or the public safety commission is to confirm that the vehicles are the vehicles to be used for implementing emergency disaster control measures of the same item according to the proposals of the users of the vehicles.

- (2) When the prefectural governor or the public safety commission makes the confirmation set forth in the preceding paragraphs, the governor or the commission is to issue a sign and a certificate in a form as specified by Cabinet Office Order for the user of the vehicle.
- (3) When the user displays the sign set forth in the preceding paragraph, the user is to display it at an easily-visible place in the front part of the vehicle and keep the certificate set forth in the same paragraph within the vehicle.
- (4) When an earthquake related to the warning declaration set forth in Article 9 of the Act on Special Measures Concerning Countermeasures for Large-Scale Earthquakes (Act No. 73 of 1978) has occurred, the confirmation under Article 12, paragraph (1) of the Order for Enforcement of the Act on Special Measures Concerning Countermeasures for Large-Scale Earthquakes (Cabinet Order No. 385 of 1978) is deemed as the confirmation under paragraph (1), and the sign and certificate issued pursuant to the provisions of paragraph (2) of the same Article are deemed as the sign and certificate issued pursuant to the provisions of paragraph (2).

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

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

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

- Article 33-3 (1) When the road management body or other person intends to designate a section of road pursuant to the provisions of Article 76-6, paragraph (1) of the Act, it must notify the public safety commission having jurisdiction over the area of the section of the road which it is going to designate and its reasons in advance. When it has no time to notify the public safety commission in advance due to urgency, it must promptly notify the public safety commission of these matters after the fact.
- (2) The order under Article 76-6, paragraph (1) of the Act is to be made in writing or verbally.

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

- Article 33-5 (1) The authority of the Minister of Land, Infrastructure, Transport and Tourism, who is a road management body prescribed in Article 76-6, paragraphs (1) through (4) of the Act, and the authority of the Minister of Land, Infrastructure, Transport and Tourism prescribed in Article 76-7, paragraphs (1) and (2) of the Act, is delegated to the Regional Development Bureau Director General or Hokkaido Regional Development Bureau Director General. Provided, however, that the authority prescribed in paragraphs (1) and (2) of the same Article does not preclude the Minister of Land, Infrastructure, Transport and Tourism from exercising it.
- (2) The authority of the Minister of Land, Infrastructure, Transport and Tourism, who is a road management body prescribed in Article 33-3, paragraph (1), is delegated to the Regional Development Bureau Director General or Hokkaido

Regional Development Bureau Director General.

(Implementation of Emergency Measures by the Head of a Designated Administrative Organ)

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

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

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

(Requisition Change Order)

Article 34 (1) When the prefectural governor, the mayor of a municipality, the head of a designated administrative organ, or the head of a designated local administrative organ has changed or canceled the disposition concerning the requisition order after serving a requisition order pursuant to the provisions of Article 81, paragraph (1) of the Act, the person must promptly serve a requisition change order or requisition cancellation order.

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

(Standards of Actual Expense Compensation)

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

(i) Regarding doctors and any other person (hereinafter referred to as "doctors,

- etc." in this Article) set forth in Article 4, items (i) through (iv) of the Order for Enforcement of the Disaster Relief Act (Cabinet Order No. 225 of 1947), allowance is to be paid according to the time engaged in emergency measure operations (hereinafter referred to as "operations" in this Article).
- (ii) The amount of allowance to be paid under the preceding item is to be determined considering the salary of those persons equivalent to doctors, etc. who are full-time officials of the prefecture controlled by the prefectural governor who issued a work order concerning the operations, and who are engaged in the operations.
 - (iii) When doctors, etc. are engaged in the operations for more than eight hours a day, notwithstanding the provisions of item (i), a premium allowance for the time exceeding eight hours and, when they travel to engage in the operations by leaving their domicile or residence temporarily, travel expenses are to be paid respectively.
 - (iv) The amount of premium allowance or travel expenses to be paid under the preceding item is to be based on the amount of allowance to be paid under item (1), and be calculated according to the case of overtime allowance or travel expenses to be paid to those persons equivalent to doctors, etc. who are full-time officials of the prefecture controlled by the prefectural governor who issued a work order concerning the operations, and who are engaged in the relevant operations.
 - (v) The actual expense compensation to those companies and their workers set forth in Article 4, items (v) through (x) of the Order for Enforcement of the Disaster Relief Act is to be made by paying to the companies the expenses usually required for engaging in the operations.

(Standards of Damage Compensation)

- Article 36 (1) The standards of damage compensation prescribed in Article 84, paragraph (1) of the Act, follow the provisions as specified for damage compensation related to persons who engaged in firefighting work pursuant to the provisions of Article 25, paragraph (1) or (2) of the Fire Service Act (Act No. 186 of 1948) (including the cases where these provisions are applied mutatis mutandis pursuant to Article 36, paragraph (8) of the same Act) or paragraph (5) of Article 29 (including as applied mutatis mutandis pursuant to Article 30-2 and Article 36, paragraph (8) of the same Act), out of the Cabinet Order Specifying the Standards of Damage Compensation related to Part-time Firefighters (Cabinet Order No. 335 of 1956), persons who cooperated in ambulance service pursuant to the provisions of Article 35-10, paragraph (1) of the same Act, or persons who engaged in flood control pursuant to the provisions of Article 24 of the Flood Prevention Act (Act No. 193 of 1949).
- (2) The standards of damage compensation prescribed in Article 84, paragraph

(2) of the Act are to follow the provisions concerning assistance allowance of the Order for Enforcement of the Disaster Relief Act.

(Special Provisions for Procedures of Burial and Cremation)

Article 36-2 (1) , When the Minister of Health, Labour and Welfare specifies special provisions for the procedures prescribed in Articles 5 and 14 of the Act on Cemetery and Burial (Act No. 48 of 1948; hereinafter referred to as "Cemetery and Burial Act" in this Article) pursuant to the provisions of Article 86-4 of the Act, the Minister is to designate the area of the target.

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

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

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

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

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

(iii) the administrator of a cemetery or charnel house may have burned bones buried or store burned bones, when the administrator has received the

document set forth in item (i) with the matters prescribed in Article 16, paragraph (2) of the Cemetery and Burial Act stated by the administrator of a crematory,.

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

- Article 36-3 (1) When the prefectural governor who implemented affairs on behalf of the mayor of a municipality under Article 86-10, paragraph (1) of the Act finds that the municipality has become capable of conducting the majority of its affairs, the governor must promptly hand over the affairs concerning the handling to the mayor of a municipality.
- (2) Beyond what is provided for in the preceding paragraph, upon completing the implementation of affairs on behalf of a mayor of a municipality under Article 86-10, paragraph (1) of the Act, the prefectural governor must promptly notify the relevant mayor of a municipality to that effect and the measures taken on behalf of the relevant mayor of a municipality.

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

- Article 36-4 (1) In cases where the Prime Minister implemented affairs on behalf of a mayor of a municipality under Article 86-13, paragraph (1) of the Act, when the minister finds that the municipality has become capable of conducting the majority of its affairs, the minister must promptly hand over the affairs related to those implemented by the minister in the acting capacity to the relevant mayor of a municipality, and when the Minister finds that the prefecture covering the relevant municipality has become capable of conducting the majority of its affairs (except when they find that the relevant municipality has become capable of conducting the majority of its affairs), the Minister must promptly hand over the affairs related to those implemented by the Minister in the acting capacity to the relevant prefectural governor.
- (2) Beyond what is provided for in the preceding paragraph, upon completing the implementation of affairs on behalf of a mayor of a municipality under Article 86-13, paragraph (1) of the Act, the Prime Minister must promptly notify the mayor and the governor of the prefecture covering the relevant municipality to that effect and the measures taken on behalf of the relevant mayor.
- (3) In cases where the Prime Minister implemented affairs on behalf of a prefectural governor under Article 86-13, paragraph (1) of the Act, when the Minister finds that the relevant prefecture has become capable of conducting the majority of its affairs, the Minister must promptly hand over the affairs concerning the handling to the relevant prefectural governor.
- (4) Beyond what is provided for in the preceding paragraph, upon completing the

implementation of affairs on behalf of a prefectural governor under Article 86-13, paragraph (1) of the Act, the Prime Minister must promptly notify the prefectural governor and the mayor of a municipality related to the measures to that effect and the measures taken on behalf of the prefectural governor.

Chapter VII Disaster Recovery Efforts

(Report to the Disaster Management Council)

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

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

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

Chapter VIII Financial Measures

(Expenses Provided for by Cabinet Order)

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

- (i) out of emergency measures implemented within the area of a municipality or support implemented within the area of other municipalities by the mayor of the relevant municipality, mainly expenses which are usually required for emergency measures or support related to the interests of municipalities other than the municipality or municipalities other than those other municipalities (except for that municipality) and which are found inappropriate to be borne by the municipality or those other municipalities;
- (ii) expenses usually required for emergency measures implemented by the mayor of a municipality under Article 73, paragraph (1) of the Act, who has become unable to conduct all or the majority of affairs due to a disaster of extreme severity designated by Cabinet Order prescribed in Article 2,

paragraph (1) of the Act on Special Financial Support to Deal with Disasters of Extreme Severity (Act No. 150 of 1962) (hereinafter referred to as "disaster of extreme severity") or for support implemented by the mayors of other municipalities for the municipality, and which are found difficult to be borne by the municipality.

(Burden of the Prefecture)

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

(Expenses Provided for by Cabinet Order)

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

- (i) out of emergency measures taken by the head of a local government, the expenses which are usually required for emergency measures related to the interests of local governments other than the local government mainly controlled by the head of the local government and which are found inappropriate to be borne by the local government;
- (ii) the expenses which are usually required for emergency measures taken by the mayor of a municipality under Article 73, paragraph (1) of the Act that has become unable to conduct all or the majority of the affairs due to a disaster of extreme severity, and which are found difficult to be borne by the municipality.

(Subsidies of the State)

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

(Local Government Provided for by Cabinet Order)

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

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

government; and

- (ii) regarding a disaster of extreme severity which occurred between January 1 and December 31 of the year, a municipality where relief was conducted as prescribed in Article 4, paragraphs (1) through (3) of the Disaster Relief Act (Act No. 118 of 1947) was conducted, and for which out of the expenses required for relief in the area of the municipality, expenses paid by the prefecture (in the case of relief in the area of a city designated for relief implementation as prescribed in Article 2-2, paragraph (1) of the same Act, expenses paid by the city designated for relief implementation) exceed the amount equivalent to 1/100 of the amount of the standard tax revenue of the municipality.
- (2) The amount of the standard tax revenue set forth in the preceding paragraph is to be, in the case of a prefecture other than Tokyo Metropolis, the total of the amount equivalent to 100/75 of the base amount of income (the amount is to be that obtained by deducting the amount related to local volatile oil transfer tax, petroleum gas transfer tax, motor vehicle tonnage transfer tax, aviation fuel transfer tax, and forest environment transfer tax which are the basis of calculating the base amount of income from the base amount of income calculated pursuant to the provisions of Article 14 of the Local Allocation Tax Act (Act No. 211 of 1950)) used for the calculation of the amount of the ordinary allocation tax (if the Minister of Internal Affairs and Communications has changed the amount pursuant to the proviso of the same paragraph, the amount after the change) of the relevant fiscal year (which means the fiscal year in which the date of the disaster occurs) determined by the Minister of Internal Affairs and Communications pursuant to the provisions of the main clause of Article 10, paragraph (3) of the same Act, and the amount related to local volatile oil transfer tax, petroleum gas transfer tax, and motor vehicle tonnage transfer tax which are the basis of calculating the base amount of income; in the case of a municipality, the total of the amount equivalent to 100/75 of the base amount of income (the amount is to be that obtained by deducting the amount related to business office tax, light oil delivery tax grant, local volatile oil transfer tax, special tonnage transfer tax, petroleum gas transfer tax, motor vehicle tonnage transfer tax, aviation fuel transfer tax, and forest environment transfer tax which are the basis of calculating the base amount of income from the base amount of income calculated pursuant to the provisions of Article 14 of the same Act) used for calculation of the amount of the ordinary allocation tax, and the amount related to local volatile oil transfer tax and motor vehicle tonnage transfer tax which are the basis of calculating the base amount of income; and in the case of Tokyo Metropolis and special wards, the amount as specified by an Order of the Ministry of Internal Affairs and Communications as being equivalent to these.

- (3) In the case of occurrence of an extremely unusual and severe disaster, the local government provided for by Cabinet Order set forth in Article 102, paragraph (1) of the Act is to be the local government which the Minister of Internal Affairs and Communications designates as a local government which has or is likely to have particularly extreme difficulties in its financial operation due to the disaster, notwithstanding the provisions of paragraph (1),
- (4) The local government prescribed in paragraph (1) and the preceding paragraph is publicly notified by the Minister of Internal Affairs and Communications.
- (5) When local bonds under Article 102, paragraph (1) of the Act are undertaken by a fiscal loan fund, the fixed interest rate of the local bonds is to be based on the fixed interest rate of local bonds issued pursuant to the provisions of Article 5, item (iv) of the Local Government Finance Act (Act No. 109 of 1948) concerning underwriting of the fiscal loan fund in the fiscal year when the local bonds are issued.
- (6) When local bonds under Article 102, paragraph (1) of the Act are undertaken by a fiscal loan fund, the reimbursement of the local bonds is to be made in semi-annual installments within four years following the fiscal year when the relevant local bonds were issued (including the unredeemable period of one year or less).

(Disasters Provided for by Cabinet Order)

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

(Financial Institutions Provided for by Cabinet Order)

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

- (i) Japan Finance Organization for Municipalities
- (ii) Development Bank of Japan
- (iii) The Norinchukin Bank
- (iv) The Shoko Chukin Bank, Ltd.

Chapter IX Miscellaneous Provisions

(Delegation to Cabinet Office Order)

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

Supplementary Provisions

- (1) This Cabinet Order comes into effect as of the date of the enforcement of the Act (July 10, 1962).
- (2) Regarding application of the provisions of Article 3, paragraph (1) during the time until the Reconstruction Agency is abolished, the term "27 persons" in the same paragraph is deemed to be replaced with "28 persons".
- (3) Regarding application of the provisions of Article 3, paragraph (1) during the time when the Headquarters for the World Expo 2025 is in existence, notwithstanding the provisions of the preceding paragraph, the term "27 persons" in paragraph (1) of the same Article is deemed to be replaced with "29 persons".
- (4) Regarding application of the provisions of Article 3, paragraph (1) during the time when the Headquarters for the Promotion of the Tokyo Olympic and Paralympic Games is in existence, notwithstanding the provisions of the preceding two paragraphs, the term "27 persons" in paragraph (1) of the same Article is deemed to be replaced with "30 persons".
- (5) Until otherwise provided for by law, regarding application of the provisions of Article 43, paragraph (2) to the calculation of the amount of the standard tax revenue referred to in paragraph (1) of the same Article, in paragraph (2) of the same Article: the phrase "the base amount of income calculated pursuant to the provisions of Article 14 of the Local Allocation Tax Act (Act No. 211 of 1950)) used for the calculation of" is deemed to be replaced with "the base amount of income calculated pursuant to the provisions of Article 14 of the Local Allocation Tax Act (Act No. 211 of 1950) in the case where there is no application of the provisions of Article 7-2, paragraph (1) and Article 7-3, paragraph (1) of the Supplementary Provisions of the same Act plus the amount of per-income levy grant for separate taxation (referring to the grant related to per-income levy for separate taxation to be provided to designated cities pursuant to the provisions of Article 7-4 of the Supplementary Provisions of the Local Tax Act (Act No. 226 of 1950); hereinafter the same applies in this paragraph)) used for the calculation of"; the phrase "local volatile oil transfer tax, petroleum gas transfer tax, motor vehicle tonnage transfer tax, aviation fuel transfer tax, and forest environment transfer tax" is deemed to be replaced with "local volatile oil transfer tax, petroleum gas transfer tax, motor vehicle tonnage transfer tax, aviation fuel transfer tax, forest environment transfer tax and traffic safety measures special grant"; the phrase ", minus the amount related to the amount of per-income levy grant for separate taxation which is the basis of calculating the amount of base amount of income" is inserted before the phrase "; in the case of a municipality"; the phrase "in the case where there is no application of the provisions of Article 7-2, paragraph (2) and Article 7-3, paragraph (2) of the Supplementary Provisions of the same Act" is

inserted after the phrase "from the base amount of income calculated pursuant to the provisions of Article 14 of the Local Allocation Tax Act"; the phrase "special tonnage transfer tax, petroleum gas transfer tax, motor vehicle tonnage transfer tax, aviation fuel transfer tax, and forest environment transfer tax" is deemed to be replaced with "special tonnage transfer tax, petroleum gas transfer tax, motor vehicle tonnage transfer tax, aviation fuel transfer tax, forest environment transfer tax, traffic safety measures special grant and per-income levy grant for separate taxation"; and the phrase "and motor vehicle tonnage transfer tax" is deemed to be replaced with ", motor vehicle tonnage transfer tax and per-income levy grant for separate taxation".

- (6) Regarding application of the provisions of Article 43, paragraph (2) through the deemed replacement of terms pursuant to the provisions of the preceding paragraph to the calculation of the amount of the standard tax revenue referred to in paragraph (1) of the same Article in FY2017 and FY2018, in paragraph (2) of the same Article: the phrase "the same applies in this paragraph)" is deemed to be replaced with "the same applies in this paragraph) and special grant for prefectural inhabitants tax per-income levy (referring to the grant related to prefectural inhabitants tax per-income levy to be provided to designated cities pursuant to the provisions of Article 5, paragraph (7) of the Supplementary Provisions of the Act Partially Amending the Local Tax Act and the Aviation Fuel Transfer Tax Act (Act No. 2 of 2017); hereinafter the same applies in this paragraph)"; the phrase "per-income levy grant for separate taxation which is the basis of" is deemed to be replaced with "per-income levy grant for separate taxation and special grant for prefectural inhabitants tax per-income levy which are the basis of"; and the phrase "and per-income levy grant for separate taxation" is deemed to be replaced with ", per-income levy grant for separate taxation and special grant for prefectural inhabitants tax per-income levy."