

# Hot Spring Act

(Act No. 125 of July 10, 1948)

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## Chapter I General Provisions

### (Purpose)

Article 1 The purpose of this Act is to protect hot springs, prevent disasters caused by flammable natural gas resulting from the extraction or use of hot springs, and ensure the proper use of hot springs, thereby contributing to the enhancement of public welfare.

### (Definitions)

- Article 2 (1) The term "hot spring" as used in this Act refers to hot water, mineral water, water vapor, and other gases gushing out from underground (excluding natural gas whose primary component is hydrocarbons), that have temperature or substances listed in the appended table.
- (2) The term "hot spring source" as used in this Act means hot springs that have not yet been extracted.

## Chapter II Protection of Hot Springs

### (Permission to Drill Land)

- Article 3 (1) A person intending to drill land for the purpose of making a hot spring gush out must apply to the prefectural governor and obtain the permission pursuant to the provisions of the Order of the Ministry of the Environment.
- (2) A person seeking the permission referred to in the preceding paragraph must be entitled to use the land necessary for drilling.

(Criteria for Permission)

Article 4 (1) When an application has been filed for the permission referred to in paragraph (1) of the preceding Article, the prefectural governor must grant the permission, unless the application falls under any of the following items:

- (i) when it is found that the drilling related to the application affects the amount, temperature, or composition of a hot spring;
  - (ii) when the site, structure, and equipment of the facilities for the drilling related to the application, as well as the method of drilling, are found not to conform to the technical standards specified by the Order of the Ministry of the Environment concerning the prevention of disasters caused by flammable natural gas resulting from drilling;
  - (iii) beyond what is referred to in the preceding two items, when it is found that the drilling related to the application is likely to harm public interest;
  - (iv) when the applicant has been sentenced to a fine or a more severe punishment pursuant to the provisions of this Act, and two years have not elapsed since the day the applicant finished serving the sentence or ceased to be subject to its enforcement;
  - (v) when the applicant's permission referred to in paragraph (1) of the preceding Article has been revoked pursuant to the provisions of Article 9, paragraph (1) (limited to the part related to items (iii) and (iv)), and two years have not elapsed since the date of revocation; or
  - (vi) when the applicant is a corporation and any of its officers falls under any of the preceding two items.
- (2) When a prefectural governor does not grant the permission referred to in paragraph (1) of the preceding Article, the prefectural governor must notify the applicant to that effect with the reason for it in writing without delay.
- (3) Conditions necessary for the protection of hot springs, the prevention of disasters caused by flammable natural gas, and other matters in public interest may be attached to the permission referred to in paragraph (1) of the preceding Article, and these conditions may be changed.

(Validity Period of Permission)

Article 5 (1) The validity period of the permission referred to in Article 3, paragraph (1) is two years from the date of the permission.

- (2) When the drilling construction related to the permission referred to in Article 3, paragraph (1) is not expected to be completed within the validity period of the permission due to disasters or other unavoidable circumstances, the prefectural governor may renew the validity period once for up to two years, upon application by the person that obtained the permission, pursuant to the provisions of the Order of the Ministry of the Environment.

(Merger and Split of Corporations That Have Obtained Permission to Drill Land)

Article 6 (1) In the case of a merger of corporations that have obtained the permission referred to in Article 3, paragraph (1) (excluding the situation where a corporation that has obtained the permission referred to in the same paragraph continues to exist after merging with a corporation that has not obtained the permission), or in the case of a split of corporations that have obtained the permission (limited to situations where the entire drilling business related to the permission is succeeded), if the approval of the prefectural governor has been obtained for the merger or split, the corporation that continues to exist after the merger, the corporation established by the merger, or the corporation that succeeds to the entire business through the split is to succeed to the status of the person that obtained the permission referred to in the same paragraph.

(2) The provisions of Article 4, paragraph (1) (limited to the part related to items (iv) through (vi)) and paragraph (2) apply mutatis mutandis to the approval referred to in the preceding paragraph.

In this case, the term "the applicant" in paragraph (1) of the same Article is deemed to be replaced with "the corporation surviving the merger, the corporation established by the merger, or the corporation succeeding to the entire drilling business related to the permission through the split".

(Inheritance of Rights to Drill Land by a Person That Obtained Permission)

Article 7 (1) If a person who obtained the permission referred to in Article 3, paragraph (1) dies, and the heir (if there are two or more heirs and an heir who is to succeed to the drilling business related to the permission has been selected with the consent of all the heirs, that person; the same applies below in this Article) intends to continue the drilling business related to the permission, the heir must file an application to, and obtain the approval from, the prefectural governor within sixty days after the death of the decedent.

(2) If an heir applies for the approval referred to in the preceding paragraph, the permission referred to in Article 3, paragraph (1) which has been granted to the decedent is deemed to have been granted to the heir from the day of the death of the decedent until the day on which the heir obtains the approval or receives notice of non-approval.

(3) The provisions of Article 4, paragraph (1) (limited to the part related to items (iv) and (v)) and paragraph (2) apply mutatis mutandis to the approval referred to in paragraph (1).

(4) An heir who has obtained the approval referred to in paragraph (1) succeeds to the status of the person that has obtained the permission referred to in Article 3, paragraph (1) in relation to the decedent.

(Changes in Drilling Facilities)

Article 7-2 (1) When a person that has obtained the permission referred to in Article 3, paragraph (1) intends to make a significant change to the site, structure, or equipment of the drilling facilities or the method of drilling, as specified by the Order of the Ministry of the Environment, in order to prevent disasters caused by flammable natural gas, the person must apply to the prefectural governor and obtain the permission pursuant to the provisions of the Order of the Ministry of the Environment.

(2) The provisions of Article 4, paragraph (1) (limited to the part related to item (ii)), paragraph (2), and paragraph (3) apply *mutatis mutandis* to the permission referred to in the preceding paragraph.

In this case, the term "for the protection of hot springs, the prevention of disasters caused by flammable natural gas, and other matters in public interest" in paragraph (3) of the same Article is deemed to be replaced with "for the prevention of disasters caused by flammable natural gas".

(Notification of Completion or Discontinuation of Construction)

Article 8 (1) When a person that has obtained the permission referred to in Article 3, paragraph (1) has completed or discontinued the drilling construction related to the permission, the person must give notice of this to the prefectural governor without delay, pursuant to the provisions of the Order of the Ministry of the Environment.

(2) When a notification under the provisions of the preceding paragraph has been filed, the permission referred to in Article 3, paragraph (1) ceases to be effective.

(3) When a person that has obtained the permission referred to in Article 3, paragraph (1) has completed or discontinued the drilling construction related to the permission, or when the permission referred to in the same paragraph has been revoked, the prefectural governor may order the person that has completed or discontinued the drilling, or whose permission has been revoked, to take necessary measures to prevent disasters caused by the flammable natural gas resulting from the drilling for two years from the date of the completion, discontinuance, or revocation.

(Revocation of Permission)

Article 9 (1) A prefectural governor may revoke the permission referred to in Article 3, paragraph (1) in the following cases:

(i) when the drilling related to the permission referred to in Article 3, paragraph (1) has come to fall under any of Article 4, paragraph (1), items (i) through (iii);

- (ii) when a person that has obtained the permission referred to in Article 3, paragraph (1) has come to fall under either Article 4, paragraph (1), item (iv) or item (vi);
  - (iii) when a person that has obtained the permission referred to in Article 3, paragraph (1) has violated the provisions of this Act, or an order or disposition based on the provisions of this Act; and
  - (iv) when a person that has obtained the permission referred to in Article 3, paragraph (1) has violated any of the conditions attached to the permission pursuant to the provisions of Article 4, paragraph (3) (including as applied *mutatis mutandis* pursuant to Article 7-2, paragraph (2)).
- (2) In the cases referred to in item (i), (iii), or (iv) of the preceding paragraph, the prefectural governor may order a person that has obtained the permission referred to in Article 3, paragraph (1) to take measures necessary for the protection of hot springs, the prevention of disasters caused by flammable natural gas, and other matters in public interest.

(Order for Emergency Measures)

Article 9-2 When a prefectural governor finds it urgently necessary to prevent disasters caused by flammable natural gas resulting from drilling of land for the purpose of making a hot spring gush out, the governor may order the person to conduct the drilling to take necessary measures to prevent such disasters or to suspend the drilling.

(Order for Restoration)

Article 10 (1) When the drilling related to the permission referred to in Article 3, paragraph (1) has been conducted, and the prefectural governor revokes the permission or no hot spring gushes out from the site where the drilling was conducted, the prefectural governor may order the person that obtained the permission to restore the original conditions.

The same applies to a person who has drilled land for the purpose of making a hot spring gush out without obtaining the permission referred to in the same paragraph.

(Permission for Additional Drilling or Installation of Powered Equipment)

Article 11 (1) A person intending to expand a hot spring channel or install powered equipment to increase the amount of a hot spring must apply to the prefectural governor and obtain the permission pursuant to the provisions of the Order of the Ministry of the Environment.

- (2) The provisions of Article 4, Article 5, Article 9, and the preceding Article apply *mutatis mutandis* to the permission for the additional drilling referred to in the preceding paragraph; the provisions of Article 6 through Article 8 apply

mutatis mutandis to a person that has obtained the permission for the additional drilling referred to in the same paragraph; and the provisions of Article 9-2 apply mutatis mutandis to the additional drilling of a hot spring channel.

In this case, the term "drilling" in Article 4, paragraph (1), items (i) through (iii), Article 5, paragraph (2), Article 6, Article 7, paragraph (1), Article 7-2, paragraph (1), Article 8, paragraphs (1) and (3), and Article 9, paragraph (1), item (i) is deemed to be replaced with "additional drilling"; the term "drilling" in Article 9-2 is deemed to be replaced with "additional drilling"; the phrases "when drilling has been conducted", "the drilling", and "a person who has drilled land for the purpose of making a hot spring gush out" in the preceding Article are deemed to be replaced with "when the additional drilling has been conducted", "the additional drilling", and "a person that has expanded a hot spring channel", respectively.

- (3) The provisions of Article 4 (excluding the part related to paragraph (1), item (ii)), Article 5, Article 9, and the preceding Article apply mutatis mutandis to the permission for installation of powered equipment referred to in paragraph (1), and the provisions of Article 6, Article 7, and Article 8, paragraphs (1) and (2) apply mutatis mutandis to a person that has obtained the permission for installation of powered equipment referred to in in paragraph (1).

In this case, the term "drilling" in Article 4, paragraph (1), items (i) and (iii), Article 5, paragraph (2), Article 6, Article 7, paragraph (1), Article 8, paragraph (1), and Article 9, paragraph (1), item (i) is deemed to be replaced with "installation of powered equipment , " the term "through item (iii)" in the same item is deemed to be replaced with "or item (iii)," the terms "when the drilling has been conducted," "the drilling," and "a person who drills land for the purpose of making a hot spring gush out" in the preceding Article are deemed to be replaced with "when installation of powered equipment has been conducted," "the installation of powered equipment," and "a person that installs powered equipment to increase the amount of a hot spring," respectively.

(Order on Restrictions on Extraction of Hot Springs)

Article 12 When a prefectural governor finds it necessary for the protection of a hot spring source, the governor may order a person that extracts hot springs from the hot spring source to restrict the extraction of hot springs.

(Consultation with the Minister of the Environment)

Article 13 (1) When a prefectural governor makes a disposition under the provisions of Article 3, paragraph (1), or Article 11, paragraph (1), and there is a risk of affecting the amount, temperature, or composition of a hot spring in

an adjacent prefecture, the governor must consult with the Minister of the Environment in advance.

- (2) When a consultation is held under the provisions of the preceding paragraph, the Minister of the Environment must hear the opinions of the stakeholders of the affected prefectures.

(Order to Take Measures against a Person That Has Drilled Land for Other Purposes)

Article 14 (1) When the amount, temperature, or composition of a hot spring is significantly affected by drilling land for a purpose other than making a hot spring gush out, and a prefectural governor finds it necessary for public interest, the governor may order the person who drilled the land to take necessary measures to prevent such effects.

- (2) When a prefectural governor intends to order a person that has drilled land with the permission or approval of another administrative agency based on the provisions of laws and regulations to take measures referred to in the preceding paragraph, the prefectural governor must consult with the administrative agency in advance.

### **Chapter III Prevention of Disasters Resulting from the Extraction of Hot Springs**

(Permission for Extraction of Hot Springs)

Article 14-2 (1) A person intending to engage in the extraction of hot springs from a hot spring source as a business must apply to the prefectural governor and obtain the permission for each site of hot spring extraction pursuant to the provisions of the Order of the Ministry of the Environment.

However, this does not apply if a person that has received the confirmation referred to in Article 14-5, paragraph (1) extracts hot springs at the site of hot spring extraction specified in that confirmation.

- (2) When an application has been filed for the permission referred to in the preceding paragraph, the prefectural governor must grant the permission referred to in that paragraph, unless the application falls under any of the following items:
- (i) when the site, structure, and equipment of the facilities for the extraction of hot springs related to the application and the method of the extraction are found not to conform to the technical standards specified by the Order of the Ministry of the Environment concerning the prevention of disasters caused by flammable natural gas resulting from the extraction;
  - (ii) when the applicant has been sentenced to a fine or a more severe punishment pursuant to the provisions of this Act, and two years have not

elapsed since the day the applicant finished serving the sentence or ceased to be subject to its enforcement;

(iii) when the applicant's permission referred to in the preceding paragraph has been revoked pursuant to the provisions of Article 14-9, paragraph (1) (limited to the part related to items (iii) and (iv)), and two years have not elapsed since the date of the revocation; or

(iv) when the applicant is a corporation and any of its officers falls under any of the preceding two items.

(3) The provisions of Article 4, paragraphs (2) and (3) apply mutatis mutandis to the permission referred to in paragraph (1).

In this case, the term "for the protection of hot springs, the prevention of disasters caused by flammable natural gas, and other matters in public interest" in paragraph (3) of the same Article is deemed to be replaced with "for the prevention of disasters caused by flammable natural gas".

#### (Merger and Split of a Corporation That Has Obtained Permission to Extract Hot Springs)

Article 14-3 (1) In the case of a merger of corporations that have obtained the permission referred to in paragraph (1) of the preceding Article (excluding the situation where a corporation that has obtained the permission under the same paragraph continues to exist after merging with a corporation that has not obtained the permission), or in the case of a split of corporations that have obtained the permission (limited to situations where the entire business of extracting hot springs related to the permission is succeeded), if the merger or split has been approved by the prefectural governor, the corporation that continues to exist after the merger, the corporation established by the merger, or the corporation that succeeds to the entire business through the split is to succeed to the status of the person that obtained the permission referred to in the same paragraph.

(2) The provisions of Article 4, paragraph (2) and paragraph (2) of the preceding Article (limited to the part related to items (ii) through (iv)) apply mutatis mutandis to the approval referred to in the preceding paragraph.

In this case, the term "the applicant" in paragraph (2) of the same Article is deemed to be replaced with "the corporation surviving the merger, the corporation established by the merger, or the corporation succeeding in the entire business of extracting hot springs related to the permission through the split".

#### (Inheritance of Rights to Extract Hot Springs by a Person That Obtained Permission)

Article 14-4 (1) If a person who has obtained the permission referred to in



Article 14-2, paragraph (1) dies, and the heir (if there are two or more heirs and the heir who is to succeed to the business of extracting hot springs related to the permission has been selected with the consent of all the heirs, that person; the same applies below in this Article) intends to continue to conduct the extraction of hot springs related to the permission in the course of business, the heir must file an application to the prefectural governor within sixty days after the death of the decedent and obtain the approval of the prefectural governor.

- (2) If an heir applies for the approval referred to in the preceding paragraph, the permission referred to in Article 14-2, paragraph (1) which has been granted to the decedent is deemed to have been granted to the heir from the date of the death of the decedent until the date on which the heir obtains the approval or receives notice of non-approval.
- (3) The provisions of Article 4, paragraph (2) and Article 14-2, paragraph (2) (limited to the part related to items (ii) and (iii)) apply *mutatis mutandis* to the approval referred to in paragraph (1).
- (4) An heir who has obtained the approval referred to in paragraph (1) succeeds to the status of the person that has obtained the permission referred to in Article 14-2, paragraph (1) in relation to the decedent.

#### (Confirmation of Concentration of Flammable Natural Gas)

Article 14-5 (1) A person intending to extract hot springs from a hot spring source in the course of business may receive the confirmation from the prefectural governor, pursuant to the provisions of the Order of the Ministry of the Environment, that the concentration of flammable natural gas at the site of hot spring extraction does not exceed the standards specified by the Order of the Ministry of the Environment as not requiring measures to prevent disasters caused by flammable natural gas.

- (2) The provisions of Article 4, paragraph (2) apply *mutatis mutandis* to the confirmation referred to in the preceding paragraph.
- (3) A prefectural governor must revoke the confirmation referred to in paragraph (1) in the following cases:
  - (i) when the person that received the confirmation referred to in paragraph (1) received it by wrongful means; and
  - (ii) when it is found that the concentration of the flammable natural gas at the site of hot spring extraction, as related to the confirmation referred to in paragraph (1), exceeds the standards specified by the Order of the Ministry of the Environment mentioned in the same paragraph.

#### (Succession to the Status of a Person That Has Received Confirmation)

Article 14-6 (1) When a person that has received the confirmation referred to in

paragraph (1) of the preceding Article transfers the entire hot spring extraction business related to the confirmation, or if such a person becomes subject to inheritance, a merger (excluding the situation where a corporation that has received the confirmation referred to in the same paragraph survives after margining with a corporation that has not received the confirmation), or a split (limited to situations where the entire hot spring extraction business related to the confirmation is succeeded), a person that acquires the entire business, an heir (if there are two or more heirs, and an heir who is to succeed to the hot spring extraction business related to the confirmation is selected with the consent of all the heirs, the selected heir), a corporation surviving a merger, a corporation established by the merger, or a corporation succeeding to the entire business through the split is to succeed to the status of the person that received the confirmation referred to in the same paragraph.

- (2) A person that has succeeded in the status of the person that has received the confirmation referred to in paragraph (1) of the preceding Article pursuant to the provisions of the preceding paragraph must give notice to the prefectural governor to that effect without delay, with a document proving that fact.

(Change of Facilities for Extracting Hot Springs)

Article 14-7 (1) When a person that has obtained the permission referred to in Article 14-2, paragraph (1) intends to make a significant change to the site, structure, or equipment of the facilities for extracting hot springs or the method of extraction specified by the Order of the Ministry of the Environment in order to prevent disasters caused by flammable natural gas, the person must apply to the prefectural governor and obtain the permission pursuant to the provisions of the Order of the Ministry of the Environment.

- (2) The provisions of Article 14-2, paragraph (2) (limited to the part related to item (i)) and Article 4, paragraphs (2) and (3) as applied mutatis mutandis pursuant to paragraph (3) of the same Article apply mutatis mutandis to the permission referred to in the preceding paragraph.

(Notification of Discontinuance of the Business of Extracting Hot Springs)

Article 14-8 (1) When a person that has obtained the permission referred to in Article 14-2, paragraph (1) or received the confirmation referred to in Article 14-5, paragraph (1) discontinues the hot spring extraction business related to that permission or confirmation, the person must give notice of this to the prefectural governor without delay, pursuant to the provisions of the Order of the Ministry of the Environment.

- (2) When a notification under the provisions of the preceding paragraph has been filed, the permission referred to in Article 14-2, paragraph (1) or the confirmation referred to in Article 14-5, paragraph (1) ceases to be effective.

- (3) When a person that has obtained the permission referred to in Article 14-2, paragraph (1) or the confirmation referred to in Article 14-5, paragraph (1) discontinues the hot spring extraction business related to that permission or confirmation, or when a prefectural governor revokes the permission referred to in Article 14-2, paragraph (1), the governor may order the person that discontinued the extraction or whose permission has been revoked to take necessary measures to prevent disasters caused by the flammable natural gas generated by the person's extraction of hot springs for two years from the date of discontinuation or revocation.

(Revocation of Permission)

Article 14-9 (1) A prefectural governor may revoke the permission referred to in Article 14-2, paragraph (1) in the following cases:

- (i) when the extraction of hot springs related to the permission referred to in Article 14-2, paragraph (1) has come to fall under paragraph (2), item (i) of the same Article;
  - (ii) when a person that has obtained the permission referred to in Article 14-2, paragraph (1) has come to fall under either item (ii) or item (iv) of paragraph (2) of the same Article;
  - (iii) when a person that has obtained the permission referred to in Article 14-2, paragraph (1) has violated the provisions of this Act, or an order or disposition based on the provisions of this Act; and
  - (iv) when a person that has obtained the permission referred to in Article 14-2, paragraph (1) violated any of the conditions attached to the permission pursuant to the provisions of Article 4, paragraph (3) (including as applied mutatis mutandis pursuant to Article 14-7, paragraph (2)) as applied mutatis mutandis pursuant to Article 14-2, paragraph (3).
- (2) In the cases referred to in item (i), (iii), or (iv) of the preceding paragraph, the prefectural governor may order the person that has obtained the permission referred to in Article 14-2, paragraph (1) to take necessary measures to prevent disasters caused by flammable natural gas.

(Order for Emergency Measures)

Article 14-10 When a prefectural governor finds it urgently necessary to prevent disasters caused by the flammable natural gas resulting from the extraction of hot springs, the governor may order the person to conduct the extraction to take necessary measures to prevent such disasters or to suspend the extraction.

## **Chapter IV Use of Hot Springs**

(Permission to Use of Hot Springs)

- Article 15 (1) A person intending to use a hot spring for public bathing or drinking must apply to the prefectural governor and obtain the permission pursuant to the provisions of the Order of the Ministry of the Environment.
- (2) A person that falls under any of the following items may not obtain the permission referred to in the preceding paragraph:
- (i) a person that has been sentenced to a fine or a more severe punishment pursuant to the provisions of this Act, and two years have not elapsed since the day the person finished serving the sentence or ceased to be subject to its enforcement;
  - (ii) a person whose permission referred to in the preceding paragraph has been revoked pursuant to the provisions of Article 31, paragraph (1) (limited to the part related to items (iii) and (iv)), and two years have not elapsed since the date of revocation; or
  - (iii) a corporation, any of whose officers fall under any of the preceding two items.
- (3) When a prefectural governor finds that the composition of a hot spring is harmful to health, the governor may refuse to grant the permission referred to in paragraph (1).
- (4) The provisions of Article 4, paragraphs (2) and (3) apply mutatis mutandis to the permission referred to in paragraph (1).

In this case, the term "for the protection of hot springs, the prevention of disasters caused by flammable natural gas, and other matters in public interest" in paragraph (3) of the same Article is deemed to be replaced with "for public health".

#### (Merger and Split of a Corporation That Has Obtained Permission to Use Hot Springs)

- Article 16 (1) In the case of a merger of corporations that have obtained the permission referred to in paragraph (1) of the preceding Article (excluding the situation where a corporation that has obtained the permission referred to in the same paragraph continues to exist after merging with a corporation that has not obtained the permission), or in the case of a split (limited to situations where the entire business of providing hot springs related to the permission for public bathing or drinking is succeeded), if the approval of the prefectural governor has been obtained for the merger or split, the corporation that continues to exist after the merger, the corporation established by the merger, or the corporation that succeeds to the entire business through the split is to succeed to the status of the person that has obtained the permission referred to in the same paragraph.
- (2) The provisions of Article 4, paragraph (2) and paragraph (2) of the preceding Article apply mutatis mutandis to the approval referred to in the preceding

paragraph.

In this case, the phrase "a person that falls under any of the following items" in paragraph (2) of the same Article is deemed to be replaced with "if the corporation surviving a merger, the corporation established by the merger, or the corporation succeeding to the entire business of providing hot springs for public bathing or drinking through the split falls under any of the following items".

#### (Inheritance of Rights to Use Hot Springs by a Person That Obtained Permission)

Article 17 (1) If a person who obtained the permission referred to in Article 15, paragraph (1) dies, and the heir (if there are two or more heirs and the heir who is to succeed to the business of providing hot springs related to the permission for public bathing or drinking is selected with the consent of all the heirs, that person; the same applies below in this Article) intends to continue the business of providing hot springs related to the permission for public bathing or drinking, the heir must apply to the prefectural governor within sixty days after the death of the decedent and obtain the approval of the prefectural governor.

(2) If an heir applies for the approval referred to in the preceding paragraph, the permission referred to in Article 15, paragraph (1) which has been granted to the decedent is deemed to have been granted to the heir from the date of the death of the decedent until the date on which the heir obtains the approval or receives notice of non-approval.

(3) The provisions of Article 4, paragraph (2) and Article 15, paragraph (2) (excluding the part related to item (iii)) apply *mutatis mutandis* to the approval referred to in paragraph (1).

(4) An heir who has obtained the approval referred to in paragraph (1), succeeds to the status of the person that has obtained the permission referred to in Article 15, paragraph (1) in relation to the decedent.

#### (Posting Compositions and Additional Information of Hot Springs)

Article 18 (1) A person that provides hot springs for public bathing or drinking must make a posting of the following information at the place that can be seen most easily in the facility, pursuant to the provisions of the Order of the Ministry of the Environment:

(i) compositions of a hot spring;

(ii) contraindications;

(iii) precautions concerning bathing or drinking; and

(iv) beyond what is referred to in the preceding three items, any additional information specified by the Order of the Ministry of the Environment as

necessary for bathing or drinking.

- (2) The posting under the provisions of the preceding paragraph must be made based on the results of the composition analysis of hot spring (meaning an analysis and inspection of the compositions of the hot springs conducted for that posting; the same applies below) conducted by a person that has obtained the registration under paragraph (1) of the following Article (below referred to as "registered analytical facility").
- (3) A person that provides hot springs for public bathing or drinking must undergo a composition analysis of hot spring referred to in the preceding paragraph for each period specified by Cabinet Order, and must change the content of the posting under the provisions of paragraph (1) based on the results within 30 days from the day on which the person received the notification of the results.
- (4) When a person that provides hot springs for public bathing or drinking intends to make a posting under the provisions of paragraph (1) or change the content of the posting, the person must give notice of the content of the posting to the prefectural governor in advance, pursuant to the provisions of the Order of the Ministry of the Environment.
- (5) When a prefectural governor finds it to be necessary to protect the health of persons who bathe in a facility as referred to in paragraph (1) or persons who consume a hot spring beverage as referred to in that paragraph, the governor may order the person to change the content of the posting that has been filed under the provisions of the preceding paragraph.

(Registration of a Person That Conducts Composition Analysis of Hot Spring)

- Article 19 (1) A person intending to conduct a composition analysis of hot spring must have the facility where the analysis is conducted (below referred to as "analytical facility") registered by the governor of the prefecture in which the facility is located.
- (2) A person seeking the registration referred to in the preceding paragraph must submit a written application to the prefectural governor, stating the following matters:
    - (i) the name or title and address of the applicant, and the name of the representative if the applicant is a corporation;
    - (ii) the name and location of the analytical facility;
    - (iii) the name and specifications of the appliances, machines, or equipment used for a composition analysis of hot spring; and
    - (iv) any other information specified by the Order of the Ministry of the Environment.
  - (3) When a prefectural governor finds that the application for the registration referred to in paragraph (1) conforms to all of the following items, the governor

must register the matters referred to in items (i) and (ii) of the preceding paragraph, along with the date of the registration and the registration number, in the registry of registered analytical facilities:

- (i) the matters referred to in item (iii) of the preceding paragraph conform to the standards specified by the Order of the Ministry of the Environment as sufficient to properly conduct a composition analysis of hot spring; and
  - (ii) the applicant has a sufficient financial basis to properly and reliably conduct a composition analysis of hot spring.
- (4) A person that falls under any of the following items may not be registered as referred to in paragraph (1):
- (i) a person that has been sentenced to a fine or a more severe punishment pursuant to the provisions of this Act, and two years have not elapsed since the day the person finished serving the sentence or ceased to be subject to its enforcement;
  - (ii) a person whose registration has been revoked pursuant to the provisions of Article 25 (excluding the part related to item (iii)), and two years have not elapsed since the date of the revocation; or
  - (iii) a corporation, any of whose officers fall under any of the preceding two items.
- (5) When a prefectural governor has made a registration as referred to in paragraph (1), the governor must notify the applicant to that effect in writing without delay, and when a prefectural governor has refused the registration, the governor must notify the applicant to that effect with the reasons for it in writing without delay.

#### (Notification of Changes)

Article 20 When the matters referred to in the items of paragraph (2) of the preceding Article have been changed (excluding minor changes specified by the Order of the Ministry of the Environment), a registered analytical facility must give notice of this to the prefectural governor without delay.

#### (Notification of Discontinuation)

Article 21 (1) When a registered analytical facility discontinues the operation of composition analysis of hot spring, it must give notice of this to the prefectural governor without delay.

- (2) When a notification under the provisions of preceding paragraph has been filed, the registration of the registered analytical facility ceases to be effective.

#### (Cancellation of Registration)

Article 22 When a registration ceases to be effective pursuant to the provisions of paragraph (2) of the preceding Article, or if a registration is revoked

pursuant to the provisions of Article 25, the prefectural governor must cancel the registration of the registered analytical facility.

(Inspection of Registry of Registered Analytical Facilities)

Article 23 A prefectural governor must make the registry of registered analytical facilities available for public inspection.

(Sign of Registered Analytical Facilities)

Article 24 A registered analytical facility must, as specified by the Order of the Ministry of the Environment, make a posting a sign in the format specified by Order, at a place that can be seen most easily to the public at each of its offices and analytical facilities.

(Revocation of Registration)

Article 25 When a registered analytical facility falls under any of the following items, the prefectural governor may revoke its registration:

- (i) when there has been a violation of the provisions of Article 19, paragraphs (1) and (2), Article 20, Article 21, paragraph (1), the preceding Article, the following Article, and Article 27, and the provisions of an order based on these provisions;
- (ii) when it no longer conforms to the requirements referred to in the items of Article 19, paragraph (3);
- (iii) when it has come to fall under either Article 19, paragraph (4), item (i) or item (iii); or
- (iv) when it has been registered as referred to in Article 19, paragraph (1) by wrongful means.

(Delegation of Authority to the Order of the Ministry of the Environment)

Article 26 Beyond what is prescribed in Article 19 through the preceding Article, the procedures for registration, the form of the registry of registered analytical facilities, and other necessary matters concerning the registration of a registered analytical facility are specified by the Order of the Ministry of the Environment.

(Obligation to Comply with Requests for Composition Analysis of Hot Spring)

Article 27 A registered analytical facility must not refuse a request for composition analysis of hot spring without justifiable grounds.

(Collection of Reports and On-site Inspections)

Article 28 (1) A prefectural governor may, to the extent necessary for ensuring the proper implementation of composition analysis of hot spring, request a



person to conduct a composition analysis of hot spring to submit necessary reports concerning the analysis, or authorize the prefecture's officials to enter the person's office or analytical facility to inspect instruments, machines, equipment, books, documents, and any other objects used in the analysis, or to question the relevant persons.

- (2) An official who conducts an on-site inspection pursuant to the provisions of the preceding paragraph must carry an identification card and present it to the relevant persons.
- (3) The authority to conduct an on-site inspection under the provisions of paragraph (1) must not be construed as being granted for the purpose of a criminal investigation.

#### (Designation of Areas)

Article 29 The Minister of the Environment may designate areas necessary for the development of hot spring facilities (meaning facilities where hot springs are used for public bathing or drinking, facilities where hot springs are used for industrial purposes, and other facilities where hot springs are used; the same applies below) and for the improvement of the environment, to promote public use of hot spring.

#### (Instructions for Improvement)

Article 30 When the Minister of the Environment or a prefectural governor finds it particularly necessary to promote public use of hot spring within the area designated pursuant to the provisions of the preceding Article, they may issue necessary instructions to the managers of hot spring facilities regarding the improvement of the facilities or their management methods, pursuant to the provisions of the Order of the Ministry of the Environment.

#### (Revocation of Permission)

Article 31 (1) A prefectural governor may revoke the permission referred to in Article 15, paragraph (1) in the following cases:

- (i) when a prefectural governor finds it necessary for public health;
- (ii) when a person that has obtained the permission referred to in Article 15, paragraph (1) has come to fall under either item (i) or item (iii) of paragraph (2) of the same Article;
- (iii) when a person that has obtained the permission referred to in Article 15, paragraph (1) has violated the provisions of this Act, or an order or disposition based on the provisions of this Act; or
- (iv) when a person that has obtained the permission referred to in Article 15, paragraph (1) violated any of the conditions attached to the permission pursuant to the provisions of Article 4, paragraph (3) as applied mutatis

mutandis pursuant to Article 15, paragraph (4).

- (2) In the cases referred to in item (i), (iii), or (iv) of the preceding paragraph, the prefectural governor may order a person that extracts hot springs from a hot spring source or the administrator of a hot spring facility to restrict the use of the hot springs or take measures to prevent harm.

## **Chapter V Consultation and Hearing**

(Consultation with Councils and Other Council Organizations)

Article 32 When a prefectural governor intends to make a disposition under the provisions of Article 3, paragraph (1), Article 4, paragraph (1) (including as applied mutatis mutandis pursuant to Article 11, paragraph (2) or paragraph (3)), Article 9 (including as applied mutatis mutandis pursuant to the provisions of Article 11, paragraph (2) or paragraph (3)), Article 11, paragraph (1) or Article 12, the governor must hear the opinions of the council or other body with a council system established pursuant to the provisions of Article 51 of the Nature Conservation Act (Act No. 85 of 1972).

(Special Provisions on Hearings)

- Article 33 (1) When the prefectural governor intends to issue an order under the provision of Article 9, paragraph (2) (including as applied mutatis mutandis pursuant to Article 11, paragraph (2) or paragraph (3)); Article 12; Article 14-9, paragraph (2); or Article 31, paragraph (2), must conduct a hearing irrespective of the category of proceeding for hearing statements of opinion under the provision of Article 13, paragraph (1) of the Administrative Procedure Act (Act No. 88 of 1993).
- (2) Proceedings on the date of a hearing related to the disposition under the provisions of Article 9 (including as applied mutatis mutandis pursuant to Article 11, paragraph (2) or (3)), Article 12, Article 14-9 or Article 31 must be open to the public.

## **Chapter VI Miscellaneous Provisions**

(Collection of Reports)

Article 34 A prefectural governor may, to the extent necessary for the enforcement of this Act, request a person who drills land for the purpose of making a hot spring gush out to report on the implementation status of the drilling, the status of flammable natural gas generation, and other necessary matters. The governor also may request a person that extracts hot springs from a hot spring source or the manager of a hot spring facility to report on the implementation status of the extraction, the amount, temperature, composition,

or the status of usage of hot springs, the status of flammable natural gas generation, and other necessary matters.

(On-site Inspections)

Article 35 (1) A prefectural governor may, to the extent necessary for the enforcement of this Act, authorize their officials to enter the site of the drilling construction of land for the purpose of making a hot spring gush out, the site of hot spring extraction, or hot spring facilities, to inspect the status of drilling or hot spring extraction, the amount, temperature, composition, or the status of usage of hot springs, the status of the generation of flammable natural gas, or any relevant books, documents, or other items, and to question the relevant persons.

(2) The provisions of Article 28, paragraphs (2) and (3) apply mutatis mutandis to the on-site inspection under the provisions of the preceding paragraph.

(Relationship with the Mine Safety Act)

Article 35-2 (1) With regard to the application of the provisions of Article 4, paragraph (1), item (ii) and Article 11, paragraph (2) to the drilling of land or the additional drilling of a hot spring channel to be conducted for the purpose of making a hot spring gush out in mines referred to in Article 2, paragraph (2) of the Mining Safety Act (Act No. 70 of 1949) (limited to those where flammable natural gas is mined; referred to as "natural gas mines" in the following paragraph), the phrase "the site, structure, and equipment of the facilities for the drilling related to the application and the method of the drilling do not conform to the technical standards specified by the Order of the Ministry of the Environment concerning the prevention of disasters caused by flammable natural gas resulting from drilling" in the same item is deemed to be replaced with "the measures necessary to prevent harm to people in mines pursuant to the provisions of Article 5 of the Mining Safety Act (Act No. 70 of 1949) have not been taken," the phrases "Article 4," "through Article 8," "the same paragraph," "the provisions of Article 9-2 apply mutatis mutandis to the additional drilling of a hot spring channel," "Article 4, paragraph (1), items (i) through (iii)" and "Article 7-2, paragraph (1), Article 8, paragraphs (1) and (3)" in the same paragraph are deemed to be replaced with "Article 4, paragraph (1), items (i) and (iii)," "Article 8, paragraph (1)," and "the phrase 'drilling' in Article 9-2 is deemed to be replaced with 'additional drilling of a hot spring channel,' and the phrase 'the preceding Article' in the same paragraph is deemed to be replaced with 'the preceding Article.'".

(2) In natural gas mines, the provisions of Article 7-2, paragraph (3) of Article 8, Article 9-2 and Chapter III do not apply.

(Processing of Affairs by the Mayor of a City Specified by Cabinet Order)

Article 36 (1) Part of the duties under the authority of the prefectural governor, as specified in Chapter IV, Article 33, paragraph (1) (limited to the part related to the disposition under the provisions of Article 31, paragraph (2)), Article 34 (excluding the part related to the collection of reports from persons the site of the drilling construction of land for the purpose of making a hot spring gush out), or Article 35, paragraph (1) (excluding the part related to on-site inspections of the site of drilling construction of land for the purpose of making a hot spring gush out), may be conducted by the mayor of a city specified by Cabinet Order, as referred to in Article 5, paragraph (1) of the Community Health Act (Act No. 101 of 1947) (referred to as "city with a public health center" in the following paragraph) or by a special ward, as specified by Cabinet Order.

(2) The mayor of a city with a public health center or the mayor of a special ward of Tokyo must notify the prefectural governor of the matters concerning the duties prescribed in the preceding paragraph, as specified by the Order of the Ministry of the Environment.

(transitional measure)

Article 37 When enacting, revising or abolishing a Cabinet Order based on the provisions of this Act, necessary transitional measures (including transitional measures concerning penal provisions) may be specified by the Cabinet Order to the extent considered reasonably necessary for the enactment, revision or abolition.

## **Chapter VII Penal Provisions**

Article 38 (1) A person that falls under any of the following items is to be punished by imprisonment for not more than one year or a fine of not more than one million yen:

- (i) a person that, in violation of the provisions of Article 3, paragraph (1), has drilled land without obtaining the permission;
- (ii) a person that violates an order under the provisions of Article 9-2 (including as applied mutatis mutandis pursuant to Article 11, paragraph (2)) or Article 14-10;
- (iii) a person that, in violation of the provisions of Article 11, paragraph (1), has expanded a hot spring channel or installed powered equipment without permission; or
- (iv) a person that, in violation of the provisions of Article 14-2, paragraph (1), engages in the extraction of hot springs in the course of business without obtaining the permission.

- (2) A person that has committed any of the crimes referred to in the preceding paragraph may be punished by both imprisonment and a fine, in accordance with the circumstances.

Article 39 A person that falls under any of the following items is to be punished by imprisonment for not more than six months or a fine of not more than 500,000 yen:

- (i) a person that has, in violation of the provisions of Article 7-2, paragraph (1) (including the cases where it is applied *mutatis mutandis* pursuant to Article 11, paragraph (2)), made a significant change to the site, structure, or equipment of facilities for drilling or additional drilling or the method of drilling or additional drilling without obtaining the permission;
- (ii) a person that violates an order under the provisions of Article 8, paragraph (3) (including as applied *mutatis mutandis* pursuant to Article 11, paragraph (2)); Article 9, paragraph (2); or Article 10 (including as applied *mutatis mutandis* pursuant to Article 11, paragraph (2) or paragraph (3)); Article 12, paragraph (1); Article 14-8, paragraph (3); Article 14-9, paragraph (2); or Article 31, paragraph (2);
- (iii) a person that has received the confirmation referred to in Article 14-5, paragraph (1) by wrongful means;
- (iv) a person that, in violation of the provisions of Article 14-7, paragraph (1), has made a significant change to the site, structure, or equipment of facilities for extracting hot spring or the method of extraction without obtaining the permission;
- (v) a person that has, in violation of the provisions of Article 15, paragraph (1), used a hot spring for public bathing or drinking without obtaining the permission;
- (vi) a person that has conducted a composition analysis of hot spring without obtaining the registration, in violation of the provisions of Article 19, paragraph (1); or
- (vii) a person that has been registered as referred to in Article 19, paragraph (1) by wrongful means.

Article 40 A person that has violated an order under the provisions of Article 18, paragraph (5) is to be punished by a fine of not more than 500,000 yen.

Article 41 A person that falls under any of the following items is to be punished by a fine of not more than 300,000 yen:

- (i) a person that fails to give notice under the provision of Article 8, paragraph (1) (including as applied *mutatis mutandis* pursuant to Article 11, paragraph (2) or (3)); Article 14-8, paragraph (1); Article 18, paragraph (4); or Article 20,

- or has given a false notice;
- (ii) a person that has failed to make a posting under the provisions of Article 18, paragraph (1) or has made a false posting;
- (iii) a person that has violated the provisions of Article 18, paragraph (2) (excluding a person that falls under the provisions of the preceding item);
- (iv) a person that has failed to undergo a composition analysis of hot spring or has failed to change the content of the posting, in violation of the provisions of Article 18, paragraph (3);
- (v) a person that has violated the provisions of Article 27;
- (vi) a person that fails to make a report under the provisions of Article 28, paragraph (1) or Article 34 or that makes a false report; or
- (vii) a person that has refused, obstructed or evaded an on-site inspection under the provisions of Article 28, paragraph (1) or Article 35, paragraph (1), or has not given a statement or has given a false statement in response to a question.

Article 42 If the representative of a corporation or the agent, employee, or other worker of a corporation or individual commits a violation referred to in Article 38 through the preceding Article in connection with the business of the corporation or individual, the offender is to be subject to punishment, and the corporation or individual is to be subject to the fine referred to in the relevant Article.

Article 43 A person that falls under any of the following items is to be punished by a civil fine of not more than 100,000 yen:

- (i) a person that has failed to give notice under the provisions of Article 14-6, paragraph (2) or Article 21, paragraph (1), or that has given a false notice; or
- (ii) a person that has violated the provisions of Article 24.

#### Appended Table

(i) Temperature (the temperature at the time of sampled from a hot spring source)	25 degrees Celsius or more
(ii) Substances (any one of those listed below)	Content (in 1 kg of sample)
Substance name	
Dissolved substances (excluding those of a gaseous nature)	Total amount of 1,000 mg or more
Free carbonic acid (CO <sub>2</sub> )	250 mg or more
Lithium ion (Li <sup>+</sup> )	1 mg or more
Strontium ion (Sr <sup>2+</sup> )	10 mg or more
Barium ion (Ba <sup>2+</sup> )	5 mg or more
Ferrous or ferric ion (Fe <sup>2+</sup> , Fe <sup>3+</sup> )	10 mg or more
Manganese ion (Mn <sup>2+</sup> )	10 mg or more
Hydrogen ion (H <sup>+</sup> )	1 mg or more

Bromine ion (Br <sup>-</sup> )	5 mg or more
Iodine ion (I <sup>-</sup> )	1 mg or more
Fluorine ion (F <sup>-</sup> )	2 mg or more
Hydroarsenate ion (HAsO <sub>4</sub> <sup>2-</sup> )	1.3 mg or more
Meta-arsenic (HAsO <sub>2</sub> )	1 mg or more
Total sulfur (S) [substances corresponding to HS <sup>-</sup> , S <sub>2</sub> O <sub>3</sub> <sup>2-</sup> and H <sub>2</sub> S]	1 mg or more
Metaboric acid (HBO <sub>2</sub> )	5 mg or more
Metasilicic acid (H <sub>2</sub> SiO <sub>3</sub> )	50 mg or more
Sodium bicarbonate (NaHCO <sub>3</sub> )	340 mg or more
Radon (Rn)	20×10 <sup>-10</sup> Ci or more
Radium salt (expressed as Ra concentration)	1×10 <sup>-8</sup> mg or more