

The Licensed Cooks Act is hereby promulgated.

## **Licensed Cooks Act**

(Act No. 147 of May 10, 1958)

(Purpose)

Article 1 The purpose of this Act is to promote the streamlined development of cooking techniques by improving the quality of those who are engaged in cooking services by specifying qualifications, etc. for licensed cooks, thereby contributing to the improvement of diets of the public.

(Definitions)

Article 2 The term "Licensed Cook" as used in this Act means a person who has been granted a license by a prefectural governor as a person who may engage in cooking services using the title Licensed Cook.

(License of Cooks)

Article 3 (1) A Licensed Cook's license shall be granted by a prefectural governor to a person who falls under either of the following items on the basis of an application for said license being filed by such person:

- (i) A person prescribed by Article 57 (Entrance Requirements of Senior High Schools) of the School Education Act (Act No. 26 of 1947) who has gained the knowledge and skills required of a Licensed Cook concerning cooking, nutrition and hygiene at a training school for Licensed Cooks designated by the Minister of Health, Labour and Welfare for one year or longer; or
- (ii) A person prescribed by Article 57 of the School Education Act who has passed an examination for Licensed Cooks after engaging in cooking services for two years or longer at an establishment or business in which food and drink are cooked or prepared and served to a large number of people, and which is specified by Ordinance of the Ministry of Health, Labour and Welfare.

(2) A part of the affairs within the authority of the Minister of Health, Labour and Welfare with regard to the designation of the training school for Licensed Cooks set forth in item (i) of the preceding paragraph may be conducted by a prefectural governor, as specified by Cabinet Order.

(Examination for Licensed Cooks)

Article 3-2 (1) Examinations for Licensed Cooks shall be implemented by prefectural governors according to the standards prescribed by the Minister of

Health, Labour and Welfare for examining necessary knowledge and skills concerning cooking, nutrition and hygiene.

- (2) Prefectural governors may delegate all or part of the affairs concerning the implementation of an examination for Licensed Cooks (hereinafter referred to as "Examination Affairs"), as specified by Ordinance of the Ministry of Health, Labour and Welfare, to a general incorporated association or general incorporated foundation designated by the Minister of Health, Labour and Welfare in advance, as one acknowledged as capable of conducting said Examination Affairs appropriately and reliably (hereinafter referred to as the "Designated Examining Body").
- (3) An officer or employee of the Designated Examining Body or a person who previously held either of such positions must not divulge any confidential information that has come to said person's knowledge in relation to Examination Affairs.
- (4) An officer or employee of the Designated Examining Body engaged in Examination Affairs shall be deemed as an official engaged in public services under the laws and regulations with regard to the application of the Penal Code (Act No. 45 of 1907) and other penal provisions.
- (5) In cases where examination fees are collected for the examination for Licensed Cooks pursuant to the provision of Article 227 of the Local Autonomy Act (Act No. 67 of 1947), the prefectural government may, as specified by Prefectural Ordinance, require that a person intending to take an examination for Licensed Cooks held by a Designated Examining Body pursuant to the provision of paragraph (2) pay such fees to the Designated Examining Body, thereby treating the fees so paid as its income.

(Absolute Grounds for Disqualification)

Article 4 The license prescribed by Article 3 shall not be granted to a person who falls under item (ii) of Article 6 and for whom one year has not elapsed after becoming subject to a disposition to revoke the license pursuant to the provision thereof.

(Relative Grounds for Disqualification)

Article 4-2 The license prescribed by Article 3 might not be granted to a person who falls under either of the following items:

- (i) A person who is addicted to narcotics, opium, cannabis or stimulants; or
- (ii) A person who has been sentenced to a criminal fine or more severe punishment.

(Registry of Licensed Cooks, Registration and Delivery of Certificates)

Article 5 (1) Each prefecture shall keep a registry of Licensed Cooks, and

register particulars concerning licenses.

- (2) Licensure of Licensed Cooks shall be done via registration in the registry of Licensed Cooks.
- (3) Each prefectural governor shall issue a Licensed Cook certificate when a license has been granted.

(Notification)

Article 5-2 (1) Licensed Cooks engaged in cooking services at establishments or businesses in which food and drink are cooked or prepared and served to a large number of people and which are specified by Ordinance of the Ministry of Health, Labour and Welfare must give notification of their names, addresses and other particulars specified by Ordinance of the Ministry of Health, Labour and Welfare as they stand on December 31 of every second year specified by Ordinance of the Ministry of Health, Labour and Welfare to the prefectural governor of the region in which said Licensed Cook works, on or prior to January 15 of the following year.

- (2) Prefectural governors may delegate all or part of the affairs concerning the receipt of notification prescribed in the preceding paragraph (hereinafter referred to as the "Notification Receipt Affairs"), as specified by Ordinance of the Ministry of Health, Labour and Welfare, to a general incorporated association or general incorporated foundation designated by such prefectural governor in advance as one acknowledged as being capable of conducting the Notification Receipt Affairs appropriately and reliably (hereinafter referred to as the "Designated Notification Receiving Body").
- (3) An officer or employee of a Designated Notification Receiving Body or a person who previously held either of such positions must not divulge any particulars related to the notifications made pursuant to the provision of paragraph (1) that has come to said person's knowledge in relation to Notification Receipt Affairs.

(Revocation of License)

Article 6 If a Licensed Cook falls under either of the following items, a prefectural governor may revoke said Cook's license:

- (i) When said Licensed Cook comes to fall under either item of Article 4-2; or
- (ii) When food poisoning or other serious hygiene-related incident in relation to cooking services is caused by any reason attributable to said Licensed Cook.

(Delegation to Cabinet Order)

Article 7 In addition to what is provided for in this Act, matters important for licensure and registration of Licensed Cooks, training schools for Licensed Cooks, the designated examining bodies and the examining affairs conducted

by such bodies, and for the designated notification receiving bodies, shall be specified by Cabinet Order.

(Restrictions on Use of Title)

Article 8 No person other than a Licensed Cook may use the title Licensed Cook or any other confusingly similar title.

(Retaining of Licensed Cooks)

Article 8-2 Establishers or operators of establishments or businesses in which food and drink are cooked or prepared and served to a large number of people and which is specified by Ordinance of the Ministry of Health, Labour and Welfare, must endeavor to employ Licensed Cooks at all of such establishments or business establishments in order to have such Licensed Cooks engage in cooking services thereat.

(Inspection of Cooking Techniques)

Article 8-3 (1) The Minister of Health, Labour and Welfare may conduct an inspection of cooking techniques in order to contribute to the improvement of the quality of Licensed Cooks.

(2) The Minister of Health, Labour and Welfare may delegate the affairs concerning the examination of cooking techniques prescribed in the preceding paragraph, which are specified by Ordinance of the Ministry of Health, Labour and Welfare, to an organization which they designate.

(3) Particulars necessary for the inspection of cooking techniques prescribed by paragraph (1) shall be specified by Ordinance of the Ministry of Health, Labour and Welfare.

(Licensed Cooks Associations)

Article 9 (1) Licensed Cooks may form Licensed Cooks associations for the purpose of contributing to the improvement of the quality of Licensed Cooks and the development of rational cooking techniques.

(2) Licensed Cooks associations shall provide guidance to and act as a liaison among Licensed Cooks, conduct research on cooking techniques, promote the welfare of Licensed Cooks and provide other services necessary for achieving the purposes prescribed in the preceding paragraph.

(3) Two or more Licensed Cooks associations may form a federation which acts as a liaison between or among the associations and coordinates their undertakings.

(Delegation of Authority)

Article 9-2 (1) The authority of the Minister of Health, Labour and Welfare

provided for in this Act may be delegated to the Director-General of a Regional Bureau of Health and Welfare, as specified by Ordinance of the Ministry of Health, Labour and Welfare.

- (2) The authority delegated to the Director-General of a Regional Bureau of Health and Welfare pursuant to the provision of the preceding paragraph may be delegated to the Director-General of a Regional Branch Bureau of Health and Welfare, as specified by Ordinance of the Ministry of Health, Labour and Welfare.

(Penal Provisions)

Article 10 Persons violating the provision of paragraph (3) of Article 3-2 shall be punished by imprisonment with required labor for not more than one year, or a fine of not more than one million yen.

Article 11 Persons violating the provision of Article 8 shall be punished by a fine of not more than 300,000 yen.

### **Supplementary Provisions**

(Effective Date)

- (1) This Act shall come into effect from the day specified by Cabinet Order within a period not exceeding six months from the date of promulgation.

(Transitional Provisions)

- (2) Persons who are Licensed Cooks at the time of enforcement of this Act and whose license has been granted by a prefectural governor shall be deemed to have received the license prescribed by paragraph (1) of Article 3 for only three years after the enforcement of this Act.
- (3) Persons who have completed a higher course at a national elementary school under the old National School Ordinance (Imperial Ordinance No. 148 of 1941), persons who have completed a course for two years at a secondary school under the old Secondary School Ordinance (Imperial Ordinance No. 36 of 1943) or persons who are deemed as having scholastic ability equivalent or superior to the foregoing persons as specified by Ordinance of the Ministry of Health, Labour and Welfare shall be deemed, until otherwise provided for by law, as a person prescribed by Article 57 of the School Education Act with regard to the application of the provision of paragraph (1) of Article 3.

### **Supplementary Provisions [Act No. 89 of June 20, 1981]**

This Act shall come into effect as of the date of promulgation.

**Supplementary Provisions [Act No. 109 of December 26, 1986] [Extract]**

(Effective Date)

Article 1 This Act shall come into effect as of the date of promulgation; provided, however, that the provisions listed in the following items shall come into effect on the day specified therein respectively:

(i) and (ii) : Omitted.

(iii) The provision of Article 8, the provision of Article 3 of the Supplementary Provisions, the provision of Article 10 of the Supplementary Provisions (excluding the provision for revising item (lvi), Article 6 of the Act for Establishment of the Ministry of Health and Welfare) and the provision of Article 14 of the Supplementary Provisions: October 1, 1987

(Transitional Measures upon Partial Revision of the Licensed Cooks Act)

Article 3 (1) Notwithstanding the provision of paragraph (1), Article 3 of the Licensed Cooks Act after the revision by the provision of Article 8 (hereinafter in this Article referred to as the "New Act"), the prefectural governor may grant the license prescribed by such paragraph to a person who falls under item (ii), paragraph (1), Article 3 of the Licensed Cooks Act prior to the revision by the provision of Article 8 (hereinafter in this Article referred to as the "Former Act") at the time of enforcement of the provision of such Article or a person who is prescribed by paragraph (3) of the Supplementary Provisions of the Former Act.

(2) Persons who have passed the examination set forth in item (iii), paragraph (1), Article 3 of the Former Act prior to the enforcement of the provision of Article 8 shall be deemed to have passed the examination for Licensed Cooks set forth in item (ii), paragraph (1), Article 3 of the New Act.

(Transitional Measures Concerning Other Dispositions, Applications, etc.)

Article 6 With respect to dispositions to grant a license or permission and other acts made or conducted prior to the enforcement of this Act (or the respective provisions listed in the items of Article 1 of the Supplementary Provisions; hereinafter the same shall apply in this Article and Article 8 of the Supplementary Provisions), pursuant to the provisions of the respective Acts prior to the revision (hereinafter referred to as the "Dispositions and Other Acts" in this Article), or applications for a license or permission and other acts which have been made or conducted at the time of enforcement of this Act, pursuant to the provisions of the respective Acts prior to the revision (hereinafter referred to as "Applications and Other Acts" in this Article), if administrative affairs pertaining to these acts come under the jurisdiction of

different persons on the date of enforcement of this Act, these acts, except those prescribed by Article 2 through the preceding Article in the Supplementary Provisions or by the provisions of the respective revised Acts (including the orders thereunder) concerning transitional measures, shall be deemed, with regard to the application of the respective revised Acts on and after the date of enforcement of this Act, to be the Dispositions and Other Acts or the Applications and Other Acts made or conducted pursuant to the corresponding provisions of the respective revised Acts.

(Transitional Measures Concerning Penal Provisions)

Article 8 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act as well as acts committed after the enforcement of the provision of Article 4 in cases where the provisions then in force are to remain applicable pursuant to the provision of paragraph (1), Article 2 of the Supplementary Provisions, said provisions then in force shall remain applicable.

**Supplementary Provisions [Act No. 60 of June 14, 1993]**

This Act shall come into effect as from the date of promulgation.

**Supplementary Provisions [Act No. 74 of June 18, 1993] [Extract]**

(Effective Date)

Article 1 This Act shall come into effect as of the day specified by Cabinet Order within a period not exceeding one year from the date of promulgation.

**Supplementary Provisions [Act No. 89 of November 12, 1993] [Extract]**

(Effective Date)

Article 1 This Act shall come into effect as of the date of enforcement of the Administrative Procedure Act (Act No. 88 of 1993).

(Transitional Measures for Adverse Dispositions Following Consultation, etc.)

Article 2 If, prior to the enforcement of this Act, a consultation or other request has been made under the laws and regulations to a council or any other body with a council system, with regard to the implementation of procedures corresponding to hearings, the granting of an opportunity for explanation and other procedures for giving statement of opinion prescribed by Article 13 of the Administrative Procedure Act, the provisions then in force shall remain applicable with regard to the procedures for adverse dispositions related to

such consultation or other request, notwithstanding the provisions of the relevant Acts as revised by this Act.

(Transitional Measures Concerning Penal Provisions)

Article 13 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

(Transitional Measures upon Arrangement of Provisions on Hearings)

Article 14 Hearings (excluding those concerning adverse dispositions) implemented pursuant to the provisions of the Acts prior to the enforcement of this Act or procedures incidental thereto shall be deemed to have been implemented pursuant to the corresponding provisions of the relevant Acts as revised by this Act.

(Delegation to Cabinet Order)

Article 15 In addition to what is provided for in Article 2 through the preceding Article in the Supplementary Provisions, any necessary transitional measures for the enforcement of this Act shall be specified by Cabinet Order.

### **Supplementary Provisions [Act No. 87 of July 16, 1999] [Extract]**

(Effective Date)

Article 1 This Act shall come into effect as from April 1, 2000; provided, however, that the provisions listed in the following items shall come into effect on the day specified therein respectively:

- (i) The provision for revision in Article 1 to add five Articles, Section headings, two Subsections and Subsection headings after Article 250 of the Local Autonomy Act (limited to the portion pertaining to paragraph (1), Article 250-9 of such Act (limited to the portion pertaining to obtaining the consent of both Houses of the Diet)); the provision in Article 40 to revise paragraphs (9) and (10) of the Supplementary Provisions of the Natural Parks Act (limited to the portion pertaining to paragraph (10) of such Supplementary Provisions); the provision of Article 244 (excluding the portion pertaining to the provision to revise Article 14-3 of the Agricultural Improvement Promotion Act) and the provision of Article 472 (excluding the portion pertaining to the provisions to revise Article 6, Article 8 and Article 17 of the Act on Special Provisions of the Merger of Municipalities); and the provisions of Article 7, Article 10, Article 12, the proviso to Article 59, paragraphs (4) and (5) of Article 60, Article 73, Article 77, paragraphs (4) to (6) of Article 157, Article 160, Article 163, Article 164 and Article 202 of the



Supplementary Provisions: the date of promulgation

(Affairs of the State, etc.)

Article 159 In addition to what is provided for in the respective Acts prior to the revision by this Act, affairs of the State, other local governments and other public entities that shall be managed or executed by a local government organ in accordance with any Act or a Cabinet Order thereunder prior to the enforcement of this Act (hereinafter referred to as the "Affairs of the State, etc." in Article 161 of the Supplementary Provisions) shall be, after the enforcement of this Act, administered by the local government as its own affairs in accordance with the Act or the Cabinet Order thereunder.

(Transitional Measures Concerning Dispositions, Applications, etc.)

Article 160 (1) With respect to dispositions to grant a license or permission and other acts made or conducted prior to the enforcement of this Act (or the respective provisions listed in the items of Article 1 of the Supplementary Provisions; hereinafter the same shall apply in this Article and Article 163 of the Supplementary Provisions), pursuant to the provisions of the respective Acts prior to the revision (hereinafter referred to as the "Dispositions and Other Acts" in this Article), or applications for a license or permission and other acts which have been made or conducted at the time of enforcement of this Act, pursuant to the provisions of the respective Acts prior to the revision (hereinafter referred to as the "Applications and Other Acts" in this Article), if administrative affairs pertaining to these acts come under the jurisdiction of different persons on the date of enforcement of this Act, these acts, except those prescribed by Article 2 through the preceding Article in the Supplementary Provisions or by the provisions of the respective revised Acts (including the orders thereunder) concerning transitional measures, shall be deemed, with regard to the application of the respective revised Acts on and after the date of enforcement of this Act, as the Dispositions and Other Acts or the Applications and Other Acts made or conducted pursuant to the corresponding provisions of the respective revised Acts.

(2) With regard to the matters for which reports, notification, submission or other procedures are required to be made or taken prior to the enforcement of this Act or with national or local government organs pursuant to the provisions of the respective Acts prior to the revision, and for which those procedures have not been taken prior to the date of enforcement of this Act, the provisions of the respective Acts as revised by this Act shall apply by regarding the same as the matters for which said reports, notification, submission or other procedures are required to be made or taken to or with the corresponding organs of national or local government pursuant to the corresponding

provisions of the respective revised Acts, and for which those procedures have not been taken, except as otherwise provided for in this Act or a Cabinet Order hereunder.

(Transitional Measures Concerning Appeals)

Article 161 (1) With regard to the appeals filed under the Administrative Appeal Act against dispositions regarding the Affairs of the State, etc. ordered prior to the date of enforcement by an administrative agency (hereinafter referred to as the "Administrative Agency Ordering the Disposition" in this Article) which is subordinate to a higher administrative agency prescribed by the Administrative Appeal Act (hereinafter referred to as the "Higher Administrative Agency" in this Article) prior to the date of enforcement, the provisions of the Administrative Appeal Act shall apply to the appeals filed against such dispositions by deeming that the Administrative Agency Ordering the Disposition is still subordinate to a Higher Administrative Agency after the date of enforcement. In this case, the administrative agency to be deemed as the Higher Administrative Agency of such Administrative Agency Ordering the Disposition shall be the administrative agency which was the Higher Administrative Agency of such Administrative Agency Ordering the Disposition prior to the date of enforcement.

(2) In the case of the preceding paragraph, if an administrative agency to be regarded as the Higher Administrative Agency is a local government organ, affairs required to be administered by such organ pursuant to the provisions of the Administrative Appeal Act shall be regarded as Type I statutory entrusted functions set forth in item (i), paragraph (9), Article 2 of the new Local Autonomy Act.

(Transitional Measures Concerning Fees)

Article 162 With regard to the fees which should have been paid pursuant to the provisions of the respective Acts (including the orders thereunder) prior to the revision by this Act prior to the date of enforcement, the provisions then in force shall remain applicable, except as otherwise specified in this Act or Cabinet Order hereunder.

(Transitional Measures Concerning Penal Provisions)

Article 163 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 164 In addition to what is provided for in these Supplementary

Provisions, the transitional measures necessary for the enforcement of this Act (including the transitional measures concerning the penal provisions) shall be specified by Cabinet Order.

(Review)

Article 250 With regard to Type I statutory entrusted functions set forth in item (i), paragraph (9), Article 2 of the new Local Autonomy Act, creation of new functions shall be avoided to the greatest extent possible, and the functions listed in Appended Table 1 of the new Local Autonomy Act and those specified by Cabinet Order under the new Local Autonomy Act shall be reviewed from the viewpoint of promoting decentralization, and revised as appropriate.

Article 251 The government shall, in order to enable local governments to execute their affairs and services voluntarily and independently, examine how to secure adequate sources of local tax revenue according to the sharing of roles between the national government and local governments taking into account the prevailing economic trends and other factors, and take necessary measures based on the results of such examination.

#### **Supplementary Provisions [Act No. 87 of June 29, 2001] [Extract]**

(Effective Date)

Article 1 This Act shall come into effect from the day specified by Cabinet Order within a period not exceeding one month from the date of promulgation.

(Review)

Article 2 After approximately five years from the enforcement of this Act, the government shall review the grounds for disqualification in the respective Acts after their revision by this Act as relate to persons with disabilities, taking into account the status of enforcement of the provisions concerning such grounds for disqualification, and shall take necessary measures based on the results of such review.

(Transitional Measures Concerning Relicensure)

Article 3 If a person's license has been revoked on the grounds for revocation of licensure provided for in the respective Acts prior to their revision by this Act, which are equivalent to the grounds for revocation that, pursuant to the respective Acts after their revision by this Act, allow for a person to be granted a relicensure (hereinafter referred to as the "Grounds for Revocation of Licensure Allowing Relicensure" in this Article), the provisions concerning relicensure in the respective Acts after their revision by this Act shall apply by deeming that

such person has had their license revoked on the Grounds for Revocation of Licensure Allowing Relicensure.

(Transitional Measures Concerning Penal Provisions)

Article 4 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

**Supplementary Provisions [Act No. 96 of June 27, 2007] [Extract]**

(Effective Date)

Article 1 This Act shall come into effect from the day specified by a Cabinet Order within a period not exceeding six months from the date of promulgation.

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

(Effective Date)

Article 1 This Act shall come into effect as from the day on which twenty days have elapsed from the date of promulgation.