

# Japan Sewage Works Agency Act

(Act No. 41 of May 29, 1972)

## Table of Contents

Chapter I General Provisions (Article 1 to Article 7)
Chapter II Establishment (Article 8 to Article 12)
Chapter III Management (Article 13 to Article 25)
Chapter IV Business
Section 1 Scope of Business (Article 26 to Article 29)
Section 2 Specified Sewage Works (Article 30 to Article 36)
Chapter V Finance and Accounting (Article 37 to Article 48)
Chapter VI Supervision (Article 49 and Article 50)
Chapter VII Supplementary Provisions (Article 51 and Article 52)
Chapter VIII Penal Provisions (Article 53 to Article 55)

## Chapter I General Provisions

### (Purpose)

Article 1 The Japan Sewage Works Agency is to, at the request of organizations such as local governments, conduct construction work as well as the operation and maintenance of fundamental sewerage facilities, provide technical assistance related to sewerage systems, and promote the development of sewerage systems through activities such as training sewerage engineers, and the development and practical application of technology for sewerage systems, thereby aiming to contribute to the improvement of the living environment and preservation of water quality in areas of public waters.

### (Legal Personality)

Article 2 The Japan Sewage Works Agency (hereinafter referred to as the "Agency") is a corporation.

### (Number)

Article 3 Only one Agency is to be established.

### (Stated Capital)

Article 4 (1) The Agency's stated capital is the total amount contributed by local governments at the time of the Agency's establishment.

(2) The Agency may, when necessary, increase its capital with the authorization of the Minister of Land, Infrastructure, Transport and Tourism.

- (3) Local governments may make contributions to the Agency if the Agency increases its capital pursuant to the provisions of the preceding paragraph.
- (4) Local governments may designate property other than money as a contribution when making contributions to the Agency.
- (5) The value of property other than money as capital contribution pursuant to the provisions of the preceding paragraph is to be that which has been appraised by the members of the evaluation commission based on the market value at the date of contribution.
- (6) Necessary matters in relation to evaluation, including the members of the evaluation commission under the preceding paragraph, are to be provided for by Cabinet Order.

(Name)

- Article 5 (1) The Agency must use the characters "Nihon Gesuido Jigyodan" in its name.
- (2) No person other than the Agency may use the characters of Nihon Gesuido Jigyodan in their name.

(Registration)

- Article 6 (1) The Agency must register particulars pursuant to the provisions of Cabinet Order.
- (2) The particulars required to be registered pursuant to the provisions of the preceding paragraph may not be duly asserted against a third party until after their registration.

(Application Mutatis Mutandis of the Act on General Incorporated Associations and General Incorporated Foundations)

- Article 7 The provisions of Article 4 and Article 78 of the Act on General Incorporated Associations and General Incorporated Foundations (Act No. 48 of 2006) apply mutatis mutandis to the Agency.

## **Chapter II Establishment**

(Founders)

- Article 8 (1) In order to establish the Agency, fifteen or more of the prefectural governors recommended by nationwide associations of prefecture governors, mayors recommended by nationwide associations of mayors, town mayors or village mayors recommended by nationwide associations of town mayors or village mayors, and persons with relevant knowledge and experience related to sewerage systems or sewerage operations are to become the founders, prepare the articles of association, and obtain the authorization of the Minister of Land,

Infrastructure, Transport and Tourism.

- (2) The officers at the time of establishment must be designated in the articles of association.
- (3) When the Minister of Land, Infrastructure, Transport and Tourism has granted the authorization under paragraph (1), the Minister of Land, Infrastructure, Transport and Tourism must give public notice to that effect without delay.
- (4) The founders must, after having received the authorization set forth in paragraph (1), solicit capital contributions to the Agency from local governments.

#### Article 9 Deleted

(Authorization for Establishment)

- Article 10 (1) The founders must, after having finished with the solicitation prescribed in Article 8, paragraph (4), apply to the Minister of Land, Infrastructure, Transport and Tourism for authorization for establishment.
- (2) The founders must, after having received the authorization set forth in the preceding paragraph, request payment for capital contributions or provision of property to be contributed from the local governments that responded to the solicitation of capital contributions.

(Succession of Affairs)

- Article 11 The founders must, on the day when capital contributions have been paid or property to be contributed have been provided, hand over the affairs of the Agency to the person who is to become the president of the Agency.

(Registration of Establishment)

- Article 12 (1) A person who is to become the president of the Agency must, when having succeeded to the affairs as prescribed in the preceding Article, complete the registration of establishment pursuant to the provisions of Cabinet Order without delay.
- (2) The Agency is formed by the registration of its establishment.

### **Chapter III Management**

(Articles of Association)

- Article 13 (1) The Agency must provide the following particulars in its articles of association:
- (i) its purpose;
  - (ii) its name;

- (iii) the location of its offices;
  - (iv) particulars concerning its amount of capital, contributions, and assets;
  - (v) the fixed number, term of office, and means of appointing its officers and other particulars concerning them;
  - (vi) particulars concerning councilors and the board of councilors;
  - (vii) particulars concerning its business and execution thereof;
  - (viii) particulars concerning finance and accounting;
  - (ix) particulars related to amendments to the articles of association; and
  - (x) the means of public notice.
- (2) An amendment to the articles of association does not come into effect without the authorization of the Minister of Land, Infrastructure, Transport and Tourism.

(Officers)

Article 14 The Agency has a president, vice presidents, directors, and auditors as its officers.

(Duties and Authority of Officers)

- Article 15 (1) The president represents the Agency and presides over its business.
- (2) The vice president represents the Agency, and, pursuant to the provisions of the articles of association, assists the president in administering the business of the Agency, acting on behalf of the president when they are unable to attend to their duties, and perform the duties of the president when the position is vacant.
- (3) The director must, pursuant to the provisions of the articles of association, assist the president and vice presidents in administering the business of the Agency, act on behalf of the president and vice presidents when they are unable to attend to their duties, and perform the duties of the president and vice presidents when the positions are vacant.
- (4) Auditors are to audit the Agency's business.
- (5) If an auditor finds it to be necessary based on the result of an audit, they may submit their opinion to the president or the Minister of Land, Infrastructure, Transport and Tourism.

(Disqualification of Officers)

- Article 16 A person who falls under any of the following items is ineligible to be an officer of the Agency, provided however that this does not apply when a person falling under item (i) is to become a part-time director:
- (i) an official of the government or a local government (excluding a part-time official);
  - (ii) a person engaged in the manufacture or sale of any product or in

- construction work who has a close interest in a transaction with the Agency, or an officer thereof if the aforementioned is a corporation (including any person whose actual scope of authority or control is equivalent to or greater than that of the officer irrespective of any title); and
- (iii) an officer of an organization of corporations listed in the preceding item (including any person whose actual scope of authority or control is equivalent to or greater than that of the officer irrespective of any title).

Article 17 When an officer comes to fall under any of the items of the preceding Article, the Agency must dismiss such officer.

(Appointment and Dismissal of Officers)

Article 18 (1) The appointment and dismissal of officers of the Agency do not come into effect without the authorization of the Minister of Land, Infrastructure, Transport and Tourism.

(2) Should any officer violate this Act, an order or disposition pursuant thereto, the articles of association, or the statement of operational procedures, or commit a particularly inappropriate act in relation to the business of the Agency, the Minister of Land, Infrastructure, Transport and Tourism may order the Agency to dismiss such officer, specifying a time limit for this.

(3) If the Agency does not dismiss an officer who has become ineligible under any of the items of Article 16 or does not obey an order pursuant to the provisions of the preceding paragraph, the Minister of Land, Infrastructure, Transport and Tourism may dismiss such officer.

(Prohibition of Concurrent Holding of Positions by Officers)

Article 19 No officer may become an officer of any profit-oriented association or engage in any for-profit business, provided, however, that this does not apply if they have obtained approval to do so from the Minister of Land, Infrastructure, Transport and Tourism.

(Restrictions on the Right of Representation)

Article 20 Neither the president nor any of the vice presidents has the right of representation with regard to any matter in which their interests and the interests of the Agency conflict. In such a case, auditors represent the Agency.

(Appointment of Agents)

Article 21 The president may appoint an agent with the authority to undertake all judicial and extrajudicial acts involved in a portion of the business of the Agency from among the directors or employees of the Agency.

(Board of Councilors)

Article 22 (1) The Agency has a board of councilors.

(2) The board of councilors is composed of a number of councilors as specified in the articles of association.

(3) The councilors are appointed by the president with the authorization of the Minister of Land, Infrastructure, Transport and Tourism from among the heads of the local governments that have contributed to the Agency, the prefectural governors recommended by nationwide associations of prefectural governors, the mayors recommended by nationwide association of mayors, the town mayors or village mayors recommended by nationwide associations of town mayors or village mayors, and the persons with relevant knowledge and experience related to sewerage systems or sewerage operations.

(Authority of the Board of Councilors)

Article 23 (1) The following issues are subject to resolutions by the board of councilors:

(i) amendments to the articles of association;

(ii) appointment and dismissal of officers;

(iii) preparation of and amendments to the statement of operational procedures;

(iv) budget and settlement of accounts;

(v) establishment of or amendments to the business plan; and

(vi) any other matters specified in the articles of association.

(2) The board of councilors, in response to a consultation by the president, studies and deliberates on matters that are important for the operation of the Agency's business in addition to dealing with the matters prescribed in the preceding paragraph.

(Appointment of Employees)

Article 24 Agency employees are appointed by the president.

(Status of Officers and Employees as Public Employees)

Article 25 Officers and employees of the Agency are, pursuant to laws and regulations, deemed as officials engaged in public service with regard to the application of the Criminal Code (Act No. 45 of 1907) and other penal provisions.

## **Chapter IV Business**

### **Section 1 Scope of Business**

(Scope of Business)

Article 26 (1) In order to achieve the purpose set forth in Article 1, the Agency conducts the following business activities:

- (i) conducting construction work on sewage treatment plants and trunk sewers directly connected thereto, treatment facilities other than sewage treatment plants, and pump facilities (hereinafter referred to as "Sewage Treatment Plants, etc.") under the entrustment of local governments;
- (ii) conducting the following construction work on sewers under the entrustment of local governments, beyond what is listed in the preceding item:
  - (a) construction work that, in the cases of the occurrence of flood damage (referring to the flood damage as defined in Article 2, item (ix) of the Sewerage Act (Act No. 79 of 1958)), is to be conducted with particular urgency to prevent the recurrence of a disaster; and
  - (b) construction work that requires sophisticated technology or for which it is deemed appropriate to use sophisticated mechanical power.
- (iii) conducting Specified Sewage Works pursuant to the provisions of the following Section;
- (iv) designing sewerage systems including their installation, supervising and managing sewage works, and operating and maintaining sewage treatment plants, treatment facilities other than sewage treatment plants, pump facilities, pipes and drains, and rainwater storage facility under agreement (referring to the rainwater storage facility under agreement as defined in Article 25-5, paragraph (1), item (i) of the Sewerage Act), under the entrustment of local governments;
- (v) conducting maintenance and repair works of sewerage system facilities under agreement (referring to the sewerage system facilities under agreement as defined in Article 15-2, item (i) of the Sewerage Act) under the agreement for maintenance and repair in times of disaster (referring to the agreement for maintenance and repair in times of disaster as defined in Article 15-2 of the same Act (including cases where applied mutatis mutandis pursuant to Article 25-18 and Article 31 of the same Act; hereinafter the same applies in this item); hereinafter the same applies in paragraph (2) of the following Article);
- (vi) formulating plans and executing projects related to the development of sewerage systems, and providing technical assistance related to the operation and maintenance of sewerage systems, under the entrustment of local governments;
- (vii) fostering and training persons in charge of technology related to sewerage systems, and conducting technical examinations of persons who engage in the design of sewerage systems including their installation, supervision and management of sewage works, or operation and maintenance of sewerage

- systems, pursuant to the provisions of Cabinet Order;
- (viii) conducting research, investigations, and testing for the development and practical application of technology related to sewerage systems and pretreatment facilities, and disseminating the results thereof;
  - (ix) conducting business activities incidental to those listed in the preceding items;
  - (x) conducting construction work on Sewage Treatment Plants, etc., designing sewerage systems including their installation, supervising and managing sewage works, and providing technical assistance related to the maintenance and control of sewerage systems, under the entrustment of corporations established pursuant to special Acts, as far as such activities will not hinder the performance of the business activities listed in the preceding items; and
  - (xi) conducting business activities necessary for the achievement of the purpose of Article 1, beyond what is listed in the preceding items.
- (2) When accepting the entrustment of the business activities provided for in item (i) of the preceding paragraph, the Agency is to, unless there are special reasons, give priority to Sewage Treatment Plants, etc. that are required to cause the water quality of the areas of public waters where the environmental water quality standards (referring to the environmental water quality standards as defined in Article 2-2, paragraph (1) of the Sewerage Act; hereinafter the same applies in this paragraph) is stipulated to conform to such environmental water quality standards.
- (3) When intending to conduct the business activities listed in paragraph (1), item (xi), the Agency must obtain the authorization of the Minister of Land, Infrastructure, Transport and Tourism.

(Exclusion from Application of Article 22 of the Sewerage Act)

- Article 27 (1) The provisions of Article 22 of the Sewerage Act (including cases where applied *mutatis mutandis* pursuant to Article 25-18 of the same Act) does not apply in the case where a Public Sewerage System Administrator (referring to the Public Sewerage System Administrator as defined in Article 4, paragraph (1) of the same Act; hereinafter the same applies) or a Regional Sewerage System Administrator (referring to the Regional Sewerage System Administrator as defined in Article 25-11, paragraph (1) of the same Act; hereinafter the same applies) entrusts the Agency with the design including its installation, supervision and management of construction works, or operation and maintenance of a public sewerage system or a regional sewerage system.
- (2) The provisions of Article 22, paragraph (2) of the Sewerage Act (including cases where applied *mutatis mutandis* pursuant to Article 25-18 of the same Act) does not apply when, in the event that a Public Sewerage System Administrator or a Regional Sewerage System Administrator concludes with



the Agency an agreement concerning maintenance and repair in times of disaster, the Agency maintains and manages the public sewerage system or the regional sewerage system based on the agreement concerning maintenance and repair in times of disaster.

(Statement of Operational Procedures)

Article 28 (1) On commencing any business activity, the Agency must prepare the statement of operational procedures and obtain authorization therefor from the Minister of Land, Infrastructure, Transport and Tourism. The same applies when the Agency intends to amend such statement.

(2) Matters to be stated in the statement of operational procedures set forth in the preceding paragraph are prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Considerations of the National Government and Local Governments)

Article 29 The national government and local governments are to give necessary consideration to activities such as providing the Agency with the personnel and technical assistance that they find to be appropriate, in order to ensure smooth business operations of the Agency.

## **Section 2 Specified Sewage Works**

(Conducting Specified Sewage Works on Behalf of Others)

Article 30 (1) When the Agency receives a request from a local government that is a public sewage system administrator, a Regional Sewerage System Administrator, or an Urban Storm Drainage System Administrator (referring to the Urban Storm Drainage System Administrator as defined in Article 27, paragraph (1) of the Sewerage Act; the same applies in Article 36; and for such local government, hereinafter referred to as the "Sewerage System Administration Organization") and when, considering the system for conducting construction works of the Sewage Treatment Plants, etc., or the trunk sewers referred to in Article 26, paragraph (1), item (ii), (a) or (b) hereof (in the following Article and Article 33, referred to as the "Specified Sewerage System"), by the Sewerage System Administration Organization (hereinafter referred to as "Specified Sewage Works") and other conditions including the region, the Agency deems it appropriate to conduct the Specified Sewage Works on behalf of the Sewerage System Administration Organization, the Agency may conduct the Specified Sewage Works, notwithstanding the provisions of Article 3, Article 25-10, and Article 26 of the same Act.

(2) When the Agency conducts Specified Sewage Works pursuant to the provisions of the preceding paragraph, the Agency must, on behalf of the

Sewerage System Administration Organization, exercise part of its authority, pursuant to the provisions of Cabinet Order.

- (3) When a Sewerage System Administration Organization intends to make a request pursuant to the provisions of paragraph (1), the Sewerage System Administration Organization must obtain a resolution of its assembly in advance.
- (4) When the Agency intends to conduct Specified Sewage Works pursuant to the provisions of paragraph (1), the Agency must give public notice to that effect in advance pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism.
- (5) When the Agency has completed all or part of the Specified Sewage Works as prescribed in paragraph (1), the Agency must give public notice to that effect pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Hearings of Opinions of the Agency)

Article 31 When, with respect to a Specified Sewerage System for which the Agency conducts Specified Sewage Works pursuant to the provisions of the preceding Article, the Sewerage System Administration Organization intends to make an amendment to the implementation plan of the public sewerage system referred to in Article 4, paragraph (6) of the Sewerage Act, the implementation plan of the regional sewerage system referred to in Article 25-11, paragraph (7) of the same Act, or the particulars to be publicly notified pursuant to the provisions of Article 27, paragraph (1) of the same Act, the Sewerage System Administration Organization must hear the opinion of the Agency in advance.

(Discontinuance of Specified Sewage Works)

- Article 32 (1) The Agency may not discontinue the Specified Sewage Works unless it obtains the consent of the Sewerage System Administration Organization.
- (2) The provisions of Article 30, paragraph (5) apply mutatis mutandis to cases where the Agency discontinues the Specified Sewage Works.
  - (3) When the Agency discontinues the Specified Sewage Works, the Agency is to determine, through consultation with the Sewerage System Administration Organization, the burden of the costs required for the Specified Sewage Works.

(Vesting of Rights to Specified Sewerage Systems and Land Provided for Use Thereof)

Article 33 The rights acquired by the Agency pertaining to the Specified Sewerage System for which public notice of the completion of Specified Sewage

Works is given pursuant to the provisions of Article 30, paragraph (5), and the land provided for use thereof is to, as of the day following the day of the public notice, be vested in the Sewerage System Administration Organization that manages the Specified Sewerage System.

(Burden of or Subsidies for Costs)

Article 34 (1) When the Agency conducts Specified Sewage Works pursuant to the provisions of Article 30, it is deemed that, with respect to the burden of the costs required for the conducting of the Specified Sewage Works and the government subsidies for the costs, the Sewerage System Administration Organization conducts the Specified Sewage Works.

(2) The contributions or subsidies to be granted by the national government to the Sewerage System Administration Organization pursuant to the provisions of the preceding paragraph are to be granted to the Agency.

(3) In the case set forth in the preceding paragraph, with regard to the application of the Act on Regulation of Execution of Budget Pertaining to Subsidies (Act No. 179 of 1955), the Agency is deemed to be the subsidized company, etc. as defined in Article 2, paragraph (3) of the same Act.

(4) The Sewerage System Administration Organization set forth in paragraph (1) must pay the Agency the amount calculated by deducting from the amount of the costs set forth in the same paragraph the amount of contributions or subsidies set forth in paragraph (2).

(5) The scope of the costs set forth in paragraph (1), the means of payment pursuant to the provisions of the preceding paragraph, and other necessary particulars concerning the costs are specified by Cabinet Order.

(Requests for Examination)

Article 35 A person who is dissatisfied with the disposition issued by the Agency on behalf of the Sewerage System Administration Organization pursuant to the provisions of Article 30, paragraph (2) or inaction thereof may file a request for examination to the Minister of Land, Infrastructure, Transport and Tourism. In such a case, with regard to the application of the provisions of Article 25, paragraph (2) and paragraph (3), Article 46, paragraph (1) and paragraph (2), Article 47, and Article 49, paragraph (3) of the Administrative Appeal Act (Act No. 68 of 2014), the Minister of Land, Infrastructure, Transport and Tourism is deemed to be the higher administrative agency of the Agency.

(Application of the Sewerage Act)

Article 36 The Agency, which, on behalf of the Public Sewerage System Administrator, the Regional Sewerage System Administrator, or the Urban Storm Drainage System Administrator, exercises its authority pursuant to the

provisions of Article 30, paragraph (2), is with regard to the application of the provisions of Chapter 5 of the Sewerage Act, deemed to be the Public Sewerage System Administrator, the Regional Sewerage System Administrator, or the Urban Storm Drainage System Administrator .

## **Chapter V Finance and Accounting**

(Business Year)

Article 37 The business year of the Agency begins on April 1 each year and ends on March 31 of the following year.

(Authorization for Budgets)

Article 38 For each business year, the Agency must prepare a budget and business plan, and obtain the authorization of the Minister of Land, Infrastructure, Transport and Tourism for the same before the start of that business year. The same applies if the Agency intends to amend them.

(Financial Statements)

Article 39 (1) For each business year, the Agency is to prepare an inventory of assets, a balance sheet, and a profit and loss statement (hereinafter referred to as the "Financial Statements") and must submit them to the Minister of Land, Infrastructure, Transport and Tourism within three months of the end of that business year.

(2) When the Agency submits the Financial Statements to the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provisions of the preceding paragraph, it must attach to the Financial Statements the statement of accounts based on the budget classifications for that business year, and the written opinion of the auditor in respect of Financial Statements and the statement of accounts.

(Sending Documents)

Article 40 When the Agency receives the authorization prescribed in Article 38 or submits documents pursuant to the provisions of paragraph (1) of the preceding Article, the Agency must send the documents related to the budget and business plan pertaining to the authorization, or the Financial Statements pertaining to the submission to the local government that made capital contributions to the Agency.

(Handling Profits and Losses)

Article 41 (1) For each business year, the Agency must, when it is found in the profit and loss calculation in that business year that profit has arisen, offset

any loss carried over from the previous business year, and if there is any surplus even after offsetting the loss, the Agency must keep this surplus amount as reserve funds.

- (2) For each business year, the Agency must, when it is found in the profit and loss calculation in that business year that losses have been incurred, record the losses by reducing the amount of the reserve funds under the provisions of the preceding paragraph, and if there is a shortfall, the Agency must dispose of the amount of the shortfall as a loss carried forward.

#### (Debts and Sewage Bonds)

Article 42 (1) The Agency may borrow long-term debts or short-term debts, or issue sewage bonds, after obtaining the authorization of the Minister of Land, Infrastructure, Transport and Tourism.

- (2) Short-term debts pursuant to the provisions of the preceding paragraph must be reimbursed within the relevant business year, provided, however, that when the short-term debts cannot be reimbursed due to a lack of funds, only the amount that cannot be reimbursed may be refinanced, after obtaining the authorization of the Minister of Land, Infrastructure, Transport and Tourism.
- (3) Short-term debts that are refinanced pursuant to the proviso of the preceding paragraph must be reimbursed within one year.
- (4) A creditor holding sewage bonds pursuant to the provisions of paragraph (1) has the right to receive payment of the creditor's own claim in preference to other creditors with regard to the property of the Agency.
- (5) The order of the statutory lien as set forth in the preceding paragraph is to be in the first subordinate position of priority to a general statutory lien pursuant to the provisions of the Civil Code (Act No. 89 of 1896).
- (6) The Agency may entrust a bank or trust company with the whole or a portion of affairs concerning issuance of sewage bonds after obtaining the authorization of the Minister of Land, Infrastructure, Transport and Tourism.
- (7) The provisions of Article 705, paragraph (1) and paragraph (2), and Article 709 of the Companies Act (Act No. 86 of 2005) applies mutatis mutandis to the bank or trust company that has been entrusted with the affairs pursuant to the provisions of the preceding paragraph.
- (8) Beyond what is prescribed in paragraph (1) and paragraph (4) through the preceding paragraph, necessary matters concerning sewage bonds are provided for by Cabinet Order.

#### (Reimbursement Plans)

Article 43 The Agency must create a reimbursement plan for its long-term debts and sewage bonds in each business year, and receive the authorization of the Minister of Land, Infrastructure, Transport and Tourism.

(Subsidies)

Article 44 The national government and local governments may provide the Agency with subsidies for part of the costs for business operations of the Agency, within the scope of the budget.

(Investment of Surplus Funds)

Article 45 The Agency may not invest surplus funds from its business other than by the following means:

- (i) acquiring securities designated by the Minister of Land, Infrastructure, Transport and Tourism;
- (ii) depositing surplus funds with banks or other financial institutions designated by the Minister of Land, Infrastructure, Transport and Tourism; and
- (iii) trusting with money financial institutions managing trust business (meaning the financial institutions that have obtained the authorization set forth in Article 1, paragraph (1) of the Act on Engagement in Trust Business Activities by Financial Institutions (Act No. 43 of 1943)).

(Limitations on the Disposal of Property)

Article 46 When the Agency intends to transfer, exchange, or provide as collateral any important property specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism, it must obtain the authorization of the Minister of Land, Infrastructure, Transport and Tourism.

(Audits by the Board of Audit of Japan)

Article 47 The Board of Audit of Japan may, when it finds it necessary, audit the accounts of the Agency for business activities conducted by the Agency accepting the entrustment of business for which subsidies are granted by the national government.

(Delegation to Order of the Ministry of Land, Infrastructure, Transport and Tourism)

Article 48 Beyond what is provided for in this Act, necessary particulars for the finance and accounting of the Agency are specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

## **Chapter VI Supervision**

(Supervision)

Article 49 (1) The Agency is to be supervised by the Minister of Land,

Infrastructure, Transport and Tourism.

- (2) The Minister of Land, Infrastructure, Transport and Tourism may, when they find it necessary for the enforcement of this Act, give the Agency orders necessary for the supervision of its business.

(Reports and Inspections)

Article 50 (1) The Minister of Land, Infrastructure, Transport and Tourism may, when they find it necessary for the enforcement of this Act, have the Agency report on its business or have their officials enter the offices of the Agency to inspect its books, documents, and other items.

- (2) When conducting an on-site inspection under the preceding paragraph, each official is to carry a certificate of identification and produce it to those concerned.

- (3) The authority for conducting on-site inspections as prescribed in paragraph (1) must not be construed as being approved for criminal investigations.

## **Chapter VII Supplementary Provisions**

(Dissolution)

Article 51 The dissolution of the Agency is to be prescribed separately by an Act.

(Application Mutatis Mutandis of Other Laws and Regulations)

Article 52 The Building Standards Act (Act No. 201 of 1950) and other laws and regulations specified by Cabinet Order apply mutatis mutandis to the Agency by deeming it to be a local government, pursuant to the provisions of Cabinet Order.

## **Chapter VIII Penal Provisions**

Article 53 In cases where an officer or employee of the Agency has failed to make a report as prescribed in Article 50, paragraph (1), made a false report, or refused, interfered with, or avoided an inspection as prescribed in the same paragraph, the officer or employee who has committed such violation is punished by a fine of not more than 300,000 yen.

Article 54 When falling under any of the following items, an officer of the Agency who commits such violation is punished by a non-penal fine of not more than 200,000 yen:

- (i) the Agency has failed to receive the authorization or approval of the Minister of Land, Infrastructure, Transport and Tourism in cases where it is required to receive such authorization or approval pursuant to the provisions

of this Act;

- (ii) the Agency has failed to register, in violation of a Cabinet Order as prescribed in Article 6, paragraph (1);
- (iii) the Agency has conducted any business activity other than the business activities prescribed in Article 26, paragraph (1);
- (iv) in violation of the provisions of Article 39, the Agency has failed to submit the Financial Statements, attach the documents to the Financial Statements to be attached thereto, or state the particulars to be stated in any of these documents, or has made a false statement in and submitted any of these documents;
- (v) the Agency has invested surplus funds from its business in violation of the provisions of Article 45; or
- (vi) the Agency has violated an order of the Minister of Land, Infrastructure, Transport and Tourism given pursuant to the provisions of Article 49, paragraph (2).

**Article 55** A person who has violated Article 5, paragraph (2) is punished by a non-penal fine of not more than 100,000 yen.