

# Mining Act

(Act No. 289 of December 20, 1950)

## Chapter I General Provisions

### (Purpose)

Article 1 The purpose of this Act is to provide for the basic system of mining to contribute improvement of public welfare by developing mineral resources in a reasonable manner.

### (Power of the State)

Article 2 The State has the power to grant the right to mine and acquire minerals that are yet to be mined.

### (Applicable Minerals)

Article 3 (1) The term "mineral" as used in the following Articles of this Act shall mean gold ore, silver ore, copper ore, lead ore, bismuth ore, tin ore, antimony ore, mercury ore, zinc ore, iron ore, iron sulfide ore, chrome iron ore, manganese ore, tungsten ore, molybdenum ore, arsenic ore, nickel ore, cobalt ore, uranium ore, thorium ore, phosphate ore, graphite, coal, lignite, oil, asphalt, combustible natural gas, sulfur, gypsum, barites, alunite, fluorine, asbestos, limestone, dolomite, silica, feldspar, agalmatolite, talc, fireclay (limited to those that have fire resistance of Seger cone number 31 or higher; the same shall apply hereinafter), and placer (alluvial gold, iron sand, stream tin and other metallic ores that constitute alluvial deposits; the same shall apply herein after).

(2) Those that are wastes or slag of the minerals mentioned in the preceding paragraph and that are not separable from land shall be deemed to be minerals.

### (Mining)

Article 4 The term "mining" as used in this Act shall mean prospecting and digging of minerals, and consequent dressing, smelting and other relevant businesses.

### (Mining Right)

Article 5 The term "mining right" as used in this Act shall mean the right to mine the registered minerals and other minerals that occur in the same type of mineral deposit in the area of certain land registered (hereinafter referred to as "mining area"), and acquire them.

(Mining Lease Right)

Article 6 The term "mining lease right" as used in this Act shall mean the right to mine the minerals as the subject to the mining right in mining areas of others based on act of creation, and acquire them.

(Mining and Acquisition of Minerals)

Article 7 Those minerals that are yet to be mined shall not be mined unless it is allowed by mining rights; provided, however, that this shall not apply to the cases listed in the following items:

- (i) Combustible natural gas is used merely by a family for private use but not for profit.
- (ii) Limestone, dolomite and fireclay, which are not the subject to mining rights, are used merely by a family for private use but not for profit.

(Ownership of Separated Minerals)

Article 8 (1) In mining areas, the minerals in Article 5, which are separated from land not by mining rights or mining lease rights, shall be owned by those who have the mining rights thereof or the mining lease rights thereof, except for the case listed in item (1) of the preceding Article.

(2) The minerals separated from land outside mining areas shall be ownerless movables.

(Succession of Right and Duty)

Article 9 The rights and duties of those who have mining rights or mining lease rights prescribed by this Act shall be transferred with mining rights or mining lease rights.

(Succession of Effect of Act)

Article 10 The procedures and other acts conducted according to the provision of this Act shall remain in force for those who receive the creation of mining rights, those who become holders of mining lease rights (those who have applied for the creation of mining rights; the same shall apply hereinafter) and successors of holders of mining rights, mining lease rights, land and relevant persons.

## **Chapter II Mining Right**

(Type)

Article 11 Mining rights shall be prospecting rights and digging rights.

(Nature)

Article 12 Mining rights shall be deemed as real rights, and provisions related to real properties shall be applied mutatis mutandis to them unless otherwise provided for in this Act.

Article 13 Mining rights shall be the subjects of inheritance and other general succession, assignment, disposition for failure to pay, execution, provisional seizure and provisional disposition, but shall not be the subjects of rights. However, digging rights may be the subjects of mortgages and mining lease rights.

(Mining Areas and Area Thereof)

Article 14 (1) Boundaries of mining areas shall be established by straight lines, and bounds shall be directly below the boundaries on the surface of the Earth.

(2) An area of a mining area of coal, oil, asphalt and combustible natural gas shall not be less than 15 hectares, that of limestone, dolomite, silica, feldspar, agalmatolite, talc and fireclay shall not be less than one hectare, and that of other minerals shall not be less than three hectares. However, this shall not apply to placers.

(3) An area of a mining area shall not exceed 350 hectares. However, this shall not apply to an unavoidable case for reasonable development of minerals.

(Restriction on Mining Areas)

Article 15 (1) In areas where the Environmental Dispute Coordination Commission finds it not appropriate to mine minerals in contrast with public interests in general, agriculture, forestry and other industries, and the creation of mining right of specified minerals is prohibited (hereinafter referred to as "mining prohibition area"), no mining area can be established for the specified minerals.

(2) In the case of prohibition pursuant to the provision of the preceding paragraph, if the Environmental Dispute Coordination Commission finds that mining of the minerals specified by the preceding paragraph in a mining prohibition area has become substantially adverse to public welfare, the commission may recommend that the Director of Regional Bureau of Economy, Trade and Industry should dispose of the mining right of which the subject is such minerals that occur in the mining prohibition area, pursuant to the provision of Article 53.

Article 16 (1) More than two mining rights shall not be created in the same area; provided, however, that this shall not apply to the case where subjects are minerals that occur in different types of ore deposits or the case specified in

Article 46.

(2) In the case specified in the proviso in the preceding paragraph, the rights of holders of mining rights are mutually restricted.

(Qualification of Holder of Mining Right)

Article 17 Mining rights shall be held only by the people of Japan or juridical persons of Japan. However, this shall not apply unless otherwise provided for in the treaty concerned.

(Duration of Prospecting Right and Extension Thereof)

Article 18 (1) The duration of prospecting right shall be two years from the date of registration.

(2) The period prescribed in the preceding paragraph may be extended twice (or thrice in case of oil mining) by the application filed by the holder of prospecting right at the expiration of the period.

(3) The period extended each time pursuant to the provision of the preceding paragraph shall be two years.

(4) The application prescribed in paragraph (2) above shall be filed pursuant to the procedures prescribed by the Ordinance of the Ministry of Economy, Trade and Industry within a period from the day six months before the expiration of duration to the day three months before the expiration of duration.

Article 19 The Director of Regional Bureau of Economy, Trade and Industry shall permit extension only in the case where a holder of prospecting right falls under any of the following items when the application prescribed in paragraph (2) of the preceding Article is filed:

(i) It is found that the fact of exploration conducted in good faith is obvious.

(ii) It is found necessary to further continue exploration to determine the conditions of ore deposits.

(iii) The mine-lot tax on the prospecting right, for which the application for extension of duration is filed, is not actually delinquent in payment (except for delinquency due to natural disasters and other unavoidable circumstances; the same shall apply hereinafter).

Article 20 If the application prescribed in paragraph (2) of Article 18 is filed, the prospecting right shall be deemed to remain effective until the application is refused or the extension is registered, even after the expiration of duration thereof.

(Application for Creation)

Article 21 (1) Those who intend to create mining rights shall file their

applications with the Director of Regional Bureau of Economy, Trade and Industry for permission.

- (2) Those who intend to file applications pursuant to the provision of the preceding paragraph shall submit the applications, with references made to the following matters, to the Director of Regional Bureau of Economy, Trade and Industry with the map of the area under application in compliance with the procedures prescribed by the Ordinance of the Ministry of Economy, Trade and Industry and by the first-class mail matter with certification of time of acceptance or other methods prescribed by the Ordinance thereof.
  - (i) Address of the area of application
  - (ii) Area of the application area
  - (iii) Name of the mineral to be mined
  - (iv) Name and address
- (3) When more than two types of minerals are mined in the same area, an application for each type of mineral shall be filed pursuant to the provision of paragraph (1). However, this shall not apply when more than two types of minerals that occur in the same type of ore deposit are mined.

#### (Description of Ore Deposit)

- Article 22 (1) Those who intend to create digging rights shall submit the description of ore deposit, which describes the location, strike, pitch, thickness and other conditions of the ore deposit of the mineral to be mined in the area of application, at the same time with the application prescribed in paragraph (1) of the preceding Article.
- (2) The description of ore deposit prescribed in the preceding paragraph shall contain the scope and condition of mining pollution to be expected, in addition to what is provided for in the preceding paragraph.

#### (Joint Applicant for Mining)

- Article 23 (1) Two or more persons who have jointly applied for creation of mining rights (hereinafter referred to as "joint applicant for mining") shall designate one of them as their representative pursuant to the procedures prescribed by the Ordinance of the Ministry of Economy, Trade and Industry, and notify the Director of Regional Bureau of Economy, Trade and Industry of the representative.
- (2) If the notification prescribed in the preceding paragraph is not made, the Director of Regional Bureau of Economy, Trade and Industry shall designate such representative.
  - (3) The change of the representative designated pursuant to the provision of paragraph (2) above shall not become effective unless the Director of Regional Bureau of Economy, Trade is notified of such change.

- (4) The representative shall represent his/her joint applicant(s) for mining to the State.
- (5) The joint applicant(s) for mining shall be deemed to have concluded a partnership agreement.

(Consultation with Prefectural Governor)

Article 24 The Director of Regional Bureau of Economy, Trade and Industry shall consult with the governor of the prefecture concerned (or a competent administrative organ concerning nationally-owned land) when an application for creation of mining right is filed.

(Written Opinion of Landowner)

- Article 25 (1) When an application for creation of digging right for a mineral that occurs close to the surface of the Earth such as limestone, dolomite, fireclay, placer and others, and when mining of such mineral is found to interfere with utilization of land, the Director of Regional Bureau of Economy, Trade and Industry shall notify the landowner of the land (except for nationally-owned land) involved in the area where an application for creation of digging right is filed (hereinafter referred to as "digging application area") of such application, and give him/her an opportunity to submit a written opinion within a reasonable period of time.
- (2) The Director of Regional Bureau of Economy, Trade and Industry may order those who have filed the application prescribed in the preceding paragraph to submit within a reasonable period of time a document that includes the name and address of the landowner of the land involved in the digging application area.

(Facility Design Specifications)

Article 26 The Director of Regional Bureau of Economy, Trade and Industry may order applicants for mining to submit within a reasonable period time design specifications of facilities for business, when he/she finds it necessary to investigate the methods to prevent mining pollution.

(Right of Priority)

- Article 27 (1) When the areas of land where applications for creation of mining rights are filed (hereinafter referred to as "mining application area") are overlapped, the person whose date of sending his/her application is earlier shall have the right of priority concerning the creation of mining right for the overlapped area of land.
- (2) When the areas of land where applications for creation of prospecting rights are filed (hereinafter referred to as "prospecting application area") are located

in the same land area where application for creation of digging rights (hereinafter referred to as "digging applicant") are filed, and the applicants sent their applications on the same day, the digging applicant shall have the right or priority concerning the land area concerned.

- (3) When prospecting application areas or digging application areas are overlapped, and the applicants sent their applications on the same day, the Director of Regional Bureau of Economy, Trade and Industry shall decide who has the right of priority by fair lot.

(Date and Time of Digging Application)

Article 28 (1) When those who have filed applications for creation of prospecting rights (hereinafter referred to as "prospecting applicant") have filed applications for creation of digging rights for the minerals that redundantly occur in the same type of ore deposit where the minerals of prospecting application areas occur, it shall be deemed that the applications for creation of prospecting rights have not been filed and that the applications for creation of digging rights have been filed on the date and time of sending applications for creation of prospecting rights. However, this shall not apply to the case specified in paragraph (2) of the preceding Article.

- (2) The provision of the main clause of the preceding paragraph shall be applied mutatis mutandis to the case where digging applicants have filed the applications for creation of prospecting rights for the minerals that redundantly occur in the same type of ore deposit where the minerals of digging application areas occur. However, this shall not apply to the case where the holders of prospecting rights have filed applications for creation of digging rights redundantly in the same mining area and have filed applications again for creation of prospecting rights after extinction of their prospecting rights.

- (3) The provision of paragraphs (1) and (2) above shall not apply to applications that are filed after the time limit in the case where orders are given pursuant to the provisions of paragraph (1) of Article 37, paragraph (1) of Article 38 or paragraph (1) of Article 39.

(Non-permission)

Article 29 When prospecting application areas overlap the mining areas where the minerals as the subject of application occur in the same type of ore deposit at the time of sending applications, the Director of Regional Bureau of Economy, Trade and Industry shall not permit such applications for the overlapped areas.

Article 30 When digging application areas overlap the mining areas of others or

digging areas of their own where the minerals as the subject of application occur in the same type of ore deposit at the time of sending applications, the Director of Regional Bureau of Economy, Trade and Industry shall not permit such applications for the overlapped areas.

Article 31 When digging application areas overlap the prospecting areas of their own where the minerals as the subject of application occur in the same type of ore deposit at the time of sending applications, and it is found still necessary to prospect the overlapped areas or the payment of mine-lot taxes on the prospecting areas is in arrears, the Director of Regional Bureau of Economy, Trade and Industry shall not permit such applications for the overlapped areas.

Article 32 When prospecting rights have become extinct before the expiration of their duration or prospecting areas have decreased, and applications for creation of prospecting rights for the minerals that occur in the same type of ore deposit where the minerals as the subject of the prospecting rights occur are filed within 60 days from the day of extinction of prospecting rights or decrease of prospecting areas (if the period of prospecting rights to remain is less than 60 days, such remaining period shall be applied), the Director of Regional Bureau of Economy, Trade and Industry shall not permit such applications for the areas that fall under the mining areas where the prospecting rights have become extinct or the prospecting areas that have decreased.

Article 32-2 When digging rights are rescinded pursuant to the provision of Article 55 and the applications for creation of mining rights for the minerals that occur in the same ore deposit where the minerals as the subject of the digging rights occur are filed within 60 days from the day of rescission, the Director of Regional Bureau of Economy, Trade and Industry shall not permit such applications for the areas that fall under the areas where the digging rights have been rescinded.

Article 33 When prohibition prescribed in paragraph (1) of Article 15 is cancelled and the applications for creation of mining rights for the minerals of which the prohibition is cancelled are filed within 30 days from the day of cancellation, the Director of Regional Bureau of Economy, Trade and Industry shall not permit such applications for the areas that fall under the areas where such prohibition has been cancelled.

Article 34 When mining application areas overlap the mining areas of others where the minerals as the subject of application occur in different ore deposits

or are adjacent to the mining areas of others where the minerals as the subject of application occur in the same type of ore deposit, and mining of such minerals in the mining application areas is found to significantly interfere with mining of others, the Director of Regional Bureau of Economy, Trade and Industry shall not permit such applications for such areas.

Article 35 When the mining of minerals in mining application areas is found to have no economic value, be harmful to health, destroy facilities for public use or any facility equivalent to the above, disrupt the protection of cultural properties, parks or hot spring resources, or impair the interests of agriculture, forestry and other industries, and be extremely adverse to public welfare, the Director of Regional Bureau of Economy, Trade and Industry shall not permit such applications for such areas.

(Increase or Decrease of Mining Application Areas)

Article 36 (1) Mining applicants may file applications for increase or decrease of mining application areas.

(2) The provisions of Articles 21 and 22, and those from Articles 24 to 35 shall apply mutatis mutandis to the applications prescribed in the preceding paragraph.

(Order to Increase or Decrease Digging Application Areas)

Article 37 (1) When the location and shape of a digging application area are different from that of an ore deposit and it is found that the ore deposit cannot be completely developed unless the location and shape of the digging application area are changed, the Director of Regional Bureau of Economy, Trade and Industry may give an order to increase or decrease the digging application area to make the location and shape thereof agree with that of the ore deposit.

(2) It shall be deemed that an application for increase or decrease of digging application areas, which is filed pursuant to the order prescribed in the provision of the preceding paragraph within 30 days from the day of arrival of the order, was filed on the day of sending the application for creation of digging right. However, this shall not apply to the area that is already a mining area of others or the area where an application of others for mining right is allowed to be filed.

(3) When a digging applicant does not file his/her application for increase or decrease of digging application areas within 30 days from the day of arrival of the order prescribed in paragraph (1) above, the Director of Regional Bureau of Economy, Trade and Industry shall not permit his/her application for creation of digging right.

(Application Order)

Article 38 (1) When it is found that the occurrence of minerals in a prospecting application area is obvious and the prospecting application area is appropriate for creation of digging right in consideration of the amount, quality and others of minerals, the Director of Regional Bureau of Economy, Trade and Industry may give an order to file an application for creation of digging right.

(2) When a prospecting applicant does not file his/her application for creation of digging right within 30 days from the day of arrival of the order pursuant to the provision of the preceding paragraph, the Director of Regional Bureau of Economy, Trade and Industry shall not permit his/her application for creation of prospecting right.

Article 39 (1) When it is found that the occurrence of minerals in a digging application area is not obvious and the area must be prospected in advance, the Director of Regional Bureau of Economy, Trade and Industry may give an order to file an application for creation of prospecting right.

(2) When a digging applicant does not file his/her application for creation of prospecting right within 30 days from the day of arrival of the order pursuant to the provision of the preceding paragraph, the Director of Regional Bureau of Economy, Trade and Industry shall not permit his/her application for creation of digging right.

(Procedures for Order)

Article 40 (1) The Director of Regional Bureau of Economy, Trade and Industry shall, when he/she intends to give an order pursuant to the provisions of paragraph (1) of Article 37, paragraph (1) of Article 38 or paragraph (1) of the preceding Article, request the attendance of the mining applicant and publicly hear his/her opinions.

(2) The Director of Regional Bureau of Economy, Trade and Industry shall, when he/she intends to hear opinions pursuant to the provision of the preceding paragraph, notify the mining applicant of the gist of matters in question and the date and place of hearing of opinions by one week prior to the hearing, and also publicly notify them.

(3) When opinions are heard pursuant to the provision of paragraph (1) above, the evidence of the matters in question shall be presented to the mining applicant and interested parties, and the opportunities to state their opinions shall be given to them.

(Change of Name of Mining Applicant)

Article 41 The name of mining applicant may be changed.

Article 42 (1) The change of the name of mining applicant shall not become effective unless it is notified to the Director of Regional Bureau of Economy, Trade and Industry according to the procedures prescribed by the Ordinance of the Ministry of Economy, Trade and Industry, except for the case of withdrawal of a joint applicant for mining due to inheritance and other general succession or his/her death.

(2) When the name of mining applicant is changed because of withdrawal of a joint applicant for mining due to inheritance and other general succession or his/her death, such change shall be notified without delay to the Director of Regional Bureau of Economy, Trade and Industry according to the procedures prescribed by the Ordinance of the Ministry of Economy, Trade and Industry.

(Invalidation of Permission)

Article 43 If a mining applicant does not pay the registration and license tax pursuant to the procedures prescribed by the Ordinance of the Ministry of Economy, Trade and Industry within 30 days from the day of receipt of permission notice to file an application for creation of mining right, the permission becomes invalid.

(Joint Holder of Mining Right)

Article 44 (1) Those who jointly hold a mining right (hereinafter referred to as "joint holder of mining right") shall designate one of them as their representative pursuant to the Ordinance of the Ministry of Economy, Trade and Industry and notify the Director of Regional Bureau of Economy, Trade and Industry of the representative.

(2) If the notification pursuant to the preceding paragraph is not made, the Director of Regional Bureau of Economy, Trade and Industry shall designate such representative.

(3) The change of the representative mentioned in paragraph (2) above shall not become effective unless the Director of Regional Bureau of Economy, Trade is notified of such change.

(4) The representative shall represent his/her joint holder(s) of mining right to the State.

(5) The joint holder(s) of mining right shall be deemed to have concluded a partnership agreement.

(Increase or Decrease of Mining Areas)

Article 45 (1) Holders of mining right may file applications for increase or decrease of mining areas.

(2) As for digging rights mortgaged, holders of digging right may not file

applications for decrease of mining areas unless they are approved by mortgagees in advance.

- (3) The provisions of Articles 21 and 22, Articles 24 to 35, and Article 43 shall apply mutatis mutandis to the applications prescribed in paragraph (1) above.

(Increase of Boring Areas)

Article 46 (1) In the case where digging areas are adjacent to mining areas of others where the minerals as the subject of digging areas occur in the same type of ore deposit, if the ore deposit cannot be completely developed unless a heading is driven to the adjacent mining area due to the location and shape of ore deposit, an application for increase of mining areas may be filed by obtaining the approval of the holder of mining right and mortgagee of the adjacent mining area and specifying the ore deposit. In this case, the holder of mining right and mortgagee may not refuse to give such approval without any justifiable grounds.

- (2) As for the application prescribed in the preceding paragraph, the provision of paragraph (2) of Article 22, and those from Articles 24 to 35 shall not apply mutatis mutandis notwithstanding the provision of paragraph (3) of the preceding Article.

Article 47 (1) A holder of digging right may file an application for a decision by the Director of Regional Bureau of Economy, Trade and Industry, if the approval prescribed in paragraph (1) of the preceding Article cannot be obtained.

- (2) The Director of Regional Bureau of Economy, Trade and Industry shall, when he/she has received an application for a decision pursuant to the preceding paragraph, deliver copies of the application to the holder of mining right and mortgagee of the adjacent mining area, and request the attendance of the parties concerned and publicly hear their opinions.

- (3) The Director of Regional Bureau of Economy, Trade and Industry shall, when he/she intends to hear opinions pursuant to the provision of the preceding paragraph, notify the parties concerned of the gist of matters in question and the date and place of hearing of opinions one week prior to the hearing, and also publicly notify them.

- (4) When opinions are heard pursuant to the provision of paragraph (2) above, the evidence of the matters in question shall be presented to the parties concerned and interested parties, and the opportunities to state their opinions shall be given to them.

- (5) The Director of Regional Bureau of Economy, Trade and Industry shall, when he/she has made the decision prescribed in paragraph (1) above, deliver the transcripts of the decision to the parties concerned.

- (6) When the decision is made pursuant to the preceding paragraph, it shall be deemed that the holder of mining right and mortgagee of the adjacent mining area have given their approval.

(Order to Increase or Decrease of Mining Areas)

Article 48 (1) When the location and shape of a mining area are different from that of an ore deposit and it is found that the ore deposit cannot be completely developed unless the location and shape of the mining area are changed, the Director of Regional Bureau of Economy, Trade and Industry may give an order to increase or decrease the mining area to make the location and shape thereof agree with that of the ore deposit.

- (2) The provision of paragraph (2) of Article 37 shall apply mutatis mutandis to the case specified in the preceding paragraph.
- (3) The Director of Regional Bureau of Economy, Trade and Industry shall, when he/she intends to give an order pursuant to the provision of paragraph (1) above, conduct a hearing notwithstanding the classification of procedures for statement of opinions as prescribed in paragraph (1) of Article 13 of the Administrative Procedure Act (Act No. 88 of 1993).
- (4) The Director of Regional Bureau of Economy, Trade and Industry shall, when he/she intends to conduct the hearing prescribed in the preceding paragraph, notify the hearing pursuant to paragraph (1) of Article 15 of the Administrative Procedure Act, and publicly notify the gist of matters in question, date and place of the hearing one week prior to the hearing.
- (5) The proceedings on the day of hearing prescribed in paragraph (3) above shall be conducted and opened to the public.
- (6) If interested parties in such disposition request for their participation in the procedures for the hearing pursuant to paragraph (1) of Article 17 of the Administrative Procedure Act, the chairperson of the hearing prescribed in paragraph (3) above shall permit their participation.

(Digging Application Order)

Article 49 (1) When it is found that the occurrence of minerals in a prospecting area is obvious and the prospecting area is appropriate for creation of digging right in consideration of the amount, quality and others of minerals, the Director of Regional Bureau of Economy, Trade and Industry may give an order to file an application for creation of digging right.

- (2) The Director of Regional Bureau of Economy, Trade and Industry shall, when he/she intends to give an order pursuant to the provision of the preceding paragraph, conduct a hearing notwithstanding the classification of procedures for statement of opinions pursuant to paragraph (1) of Article 13 of the Administrative Procedure Act.

(3) The provisions of paragraphs (4) to (6) of the preceding Article shall apply mutatis mutandis to the hearing to be conducted pursuant the order prescribed in the provision of paragraph (1) above.

(Split and Merger of Mining Areas)

Article 50 (1) Holders of digging right may file applications for split of mining areas or merger of mining areas of minerals that occur in the same type of ore deposit.

(2) Holders of digging right may file applications to split a mining area and merge it with another mining area of minerals that occur in the same type of ore deposit, or split part of more than two mining areas of minerals that occur in the same type of ore deposit and merge them into one mining area.

(3) The provisions of Article 21 and 43 shall apply mutatis mutandis to the application prescribed in paragraph (2) above.

Article 51 As for digging rights on which a mortgage is created, holders of digging right may not file applications prescribed in paragraph (1) or (2) of the preceding Article unless they have been given approval by mortgagees and have concluded agreements with them on the order of mortgage in advance.

(Rescission and Other Dispositions)

Article 52 The Director of Regional Bureau of Economy, Trade and Industry shall, when he/she has permitted by mistake an application for creation of mining right, increase or decrease of mining areas, or split or merger of mining areas, make dispositions to correct the mistake such as rescission or change of such mining right.

Article 53 When the mining of minerals is found to be harmful to health, destroy facilities for public use or any facility equivalent to the above, hinder the protection of cultural properties, parks or hot spring resources, or impair the interests of agriculture, forestry and other industries, and be extremely adverse to public welfare, the Director of Regional Bureau of Economy, Trade and Industry shall make dispositions to decrease such part of the mining area or rescind the mining right thereof.

Article 53-2 (1) The State shall compensate holders of mining right (holders of mining right and holders of mining lease right in the case where mining lease rights are created in the part of the mining area decreased as disposition or mining rights are rescinded) for losses caused by decrease of mining areas or rescission of mining right as the disposition prescribed in the provision of the preceding Article.

- (2) The losses to be compensated for by the provision of the preceding paragraph shall be the losses that should be usually caused by the decrease of mining areas or rescission of mining right pursuant to the provision of the preceding Article.
- (3) If there is any person who significantly benefits by the decrease of mining areas or rescission of mining right pursuant to the provision of the preceding Article, the Director of Regional Bureau of Economy, Trade and Industry shall have such person pay part or all of the compensation prescribed in the provision of paragraph (1) above to the extent that the person benefits.
- (4) The amount of compensation prescribed in the provision of paragraph (1) above and that of payment prescribed in the provision of the preceding paragraph shall be decided by the Director of Regional Bureau of Economy, Trade and Industry by hearing opinions of the Local Mining Council and receiving approval of the Minister of Economy, Trade and Industry.
- (5) Any person who has an objection to the decision set forth in the preceding paragraph may request an increase of compensation or a decrease of the payment by filing an action within six months from the day when he/she knows the decision.
- (6) In the action prescribed in the preceding paragraph, the State shall be the defendant.
- (7) When mining areas are reduced as a disposition pursuant to the provision of the preceding Article or a mortgage is arranged on rescinded digging right, the State shall deposit the compensation, except for the case where approval is given by the mortgagee.
- (8) The mortgagee in the preceding paragraph may exercise his/her right on the compensation deposited pursuant to the provision of the preceding paragraph.

Article 54 If mining of minerals significantly interferes with mining of others, the Director of Regional Bureau of Economy, Trade and Industry may decrease such part of mining areas as a disposition or rescind the mining right, if he/she finds that there is no other way to eliminate such interference.

Article 55 If holders of mining rights fall under any of the following items, the Director of Regional Bureau of Economy, Trade and Industry may rescind their mining rights:

- (i) They do not start their business in violation of paragraph (1) or (2) of Article 62, or they continue to suspend their business for one year or longer in violation of paragraph (3) thereof;
- (ii) They conduct mining without any operation plan;
- (iii) They do not comply with the order in the provision of paragraph (1) of Article 48 or paragraph (1) of Article 49;

- (iv) They do not comply with the order in the provision of Article 120;
- (v) They do not comply with the order in the provisions of paragraph (2) of Article 33, Article 34 or Article 35 of the Mine Safety Act (Act No. 70 of 1949).

Article 56 (1) The Director of Regional Bureau of Economy, Trade and Industry shall, when he/she intends to decrease mining areas pursuant to the provision of Article 53 or 54, conduct a hearing notwithstanding the classification of procedures for statement of opinions as prescribed in paragraph (1) of Article 13 of the Administrative Procedure Act.

(2) The provisions of paragraphs (4) to (6) of Article 48 shall apply mutatis mutandis to the hearings pertaining to dispositions prescribed in the provision of Article 53, 54 or the preceding Article.

(3) As for the application of the provision of paragraph (3) of Article 15 of Administrative Procedure Act in the case where the location of addressee subject to the disposition pursuant to the provision of Articles 53, 54 or the preceding Article is not identified, the expression "by posting the notice at the posting area of the office of the administrative agency" shall be deemed to be replaced with "by posting the notice at the posting area of city office or town/village office or any facility equivalent to the above, and also by publishing the fact and gist of notification in an official gazette, " and the expression "when two weeks has passed since the day of commencement of notification" shall be deemed to be replaced with "on the day when 14 days have passed since the day of commencement of notification or publication of notification on an official gazette, whichever is later. "

(Rescission of Digging Right and Mortgage)

Article 57 (1) The Director of Regional Bureau of Economy, Trade and Industry shall, when he/she has registered extinction of digging right due to rescission, immediately notify the mortgagee thereof.

(2) The mortgagee may apply for auction of digging right within 30 days from the day of arrival of notice prescribed in the provision of the preceding paragraph. However, this shall not apply to the case of rescission of digging right pursuant to the provisions of Articles 52, 53 and 54.

(3) It shall be deemed that the digging right remains effective within the scope of purpose of auction in the period prescribed in the preceding paragraph or until the day when the procedures for auction are completed.

(4) When a purchaser has paid the price, it shall be deemed that the rescission of digging right has not become effective.

(5) The proceeds from the auction shall be appropriated to the payment of cost of auction and that of obligation to the mortgagee, and the surplus shall belong to the national treasury.

(Waiver of Digging Right and Mortgage)

Article 58 The provision of the preceding Article shall apply mutatis mutandis to the case where the Director of Regional Bureau of Economy, Trade and Industry registers extinction of digging right due to waiver.

(Registration)

Article 59 (1) The following matters shall be registered with the mining registry:

(i) Creation and changes of mining right, extension of duration thereof, and restrictions on transfer, extinction and disposition thereof.

(ii) Withdrawal of joint holder of mining right.

(iii) Creation and changes of mortgage on digging right, and restrictions on transfer, extinction and disposition thereof.

(2) The registration made pursuant to the provision of the preceding paragraph shall replace a registry.

(3) The rules on registration shall be prescribed by the Cabinet Order.

(4) As for disposition concerning the registration made pursuant to the provision of paragraph (1) above, the provisions of Chapter 2 and Chapter 3 of the Administrative Procedure Act shall not apply.

(5) As for the mining registry, the provisions of the Act on Access to Information Held by Administrative Organs (Act No. 42 of 1999) shall not apply.

(6) As for the possessed personal information (i.e., the possessed personal information prescribed in the Act on the Protection of Personal Information Held by Administrative Organs (Act No. 58 of 2003)) recorded in the mining registry, the provisions of Chapter 4 thereof shall not apply.

(Effect of Registration)

Article 60 The matters listed in paragraph (1) of the preceding Article shall not become effective unless they are registered, except for the case of extinction of mining right as a result of withdrawal of joint holder of mining right due to inheritance, other general succession or death, extinction of mortgage due to extinction of obligation merged or secured, or expiration of duration.

(Change of Indication)

Article 61 The Director of Regional Bureau of Economy, Trade and Industry shall, when he/she finds that the name or land category, boundary or area of the location of mining area are different from those listed in the map of mining area, correct the map and register the changes made as to the mining right, and then notify the holder of mining right thereof.

(Obligation to Start Business)

- Article 62 (1) Holders of mining right shall start their business within six months from the day of registration of creation or transfer of mining right.
- (2) Holders of mining right shall specify the period, give the grounds and receive approval from the Director of Regional Bureau of Economy, Trade and Industry, if they cannot start their business within the period prescribed in the preceding paragraph because of unavoidable circumstances.
- (3) Holders of mining right shall specify the period, give the grounds and receive approval from the Director of Regional Bureau of Economy, Trade and Industry, if they intend to continue to suspend their business for one year or longer.
- (4) Holders of mining right shall, when they start their business that they suspended based on the approval prescribed in the provision of the preceding paragraph, notify the Director of Regional Bureau of Economy, Trade and Industry thereof without delay.

(Operation Plan)

- Article 63 (1) Holders of prospecting right shall formulate their operation plans pursuant to the procedures specified by the Ordinance of the Ministry of Economy, Trade and Industry before starting their businesses, and submit them to the Director of Regional Bureau of Economy, Trade and Industry. The same shall apply when operation plans are changed.
- (2) Holders of digging right shall formulate their operation plans pursuant to the procedures specified by the Ordinance of the Ministry of Economy, Trade and Industry before starting their businesses, and receive approval from the Director of Regional Bureau of Economy, Trade and Industry. The same shall apply when operation plans are changed.
- (3) When making approval prescribed in the provision of the preceding paragraph, the Director of Regional Bureau of Economy, Trade and Industry shall consult with the Director of Regional Industrial Safety and Inspection Department in advance.
- (4) Holders of mining right shall not conduct mining unless they make the notification pursuant to the provision of paragraph (1) above or comply with their operation plans that are approved pursuant to the provision of paragraph (2) above.

(Restrictions on Mining)

Article 64 Holders of mining right shall obtain consent of competent agencies or administrators when they mine minerals at places located within 50 meters both on the Earth's surface and underground from railroads, tracks, roads, waterworks, waterways, ports and harbors, rivers, lakes, swamps, ponds, bridges, banks, dams, irrigation and drainage facilities, parks, cemeteries, schools, hospitals, libraries, and other facilities and buildings for public use,

except for the case where they are permitted or approved under the provisions of other laws and regulations. However, such competent agencies or administrators may not refuse to give such approval without any justifiable grounds.

Article 64-2 (1) Holders of mining right may file an application for a decision by the Director of Regional Bureau of Economy, Trade and Industry, if they cannot obtain consent from administrators as prescribed in the preceding Article.

(2) The provisions of paragraphs (2) to (6) of Article 47 shall apply mutatis mutandis to the decision prescribed in the provision of the preceding paragraph.

(3) The Director of Regional Bureau of Economy, Trade and Industry shall, when he/she makes the decision prescribed in the provision of paragraph (1) above, receive approval from the Environmental Dispute Coordination Committee in advance.

#### (Mining in Overlapped Mining Areas)

Article 65 Those holders of digging right, who filed an application for an increase of mining areas that overlap adjacent mining areas pursuant to the provision of paragraph (1) of Article 46 and obtained the registration thereof, may not drive a heading through an ore deposit other than those ore deposits that are specified upon approval under paragraph (1) of Article 46 in the overlapped areas. However, this shall not apply after extinction of mining right of adjacent mining areas.

Article 66 (1) If mining areas of minerals that occur in different types of ore deposits are overlapped, the holder of mining right whose day of obtaining the registration of creation of mining right in the overlapped areas or that of changes thereof due to an increase of mining areas is later than that of the other holder of mining right, the holder may not mine any mineral in the overlapped areas unless he/she obtain consent from the other holder. However, the holder of mining right, whose day of obtaining the registration of creation of mining right or that of changes thereof due to an increase of mining areas is earlier than that of the other holder of mining right, may not refuse to give such approval without any justifiable grounds.

(2) If mining areas of minerals that occur in different types of ore deposits are overlapped, and the holders of mining right obtained the registration of creation of mining right in the overlapped areas or that of changes thereof due to an increase of mining areas on the same day, they may not mine any mineral in the overlapped areas unless one holder consults with and reaches agreement with the other holder.

- (3) If a holder of prospecting right files an application for creation of digging right for minerals that occur in the same type of ore deposit in an overlapped part of his/her prospecting area during the period of duration of his/her prospecting right and is given approval for it, it shall be deemed, concerning the application of the provisions of paragraphs (1) and (2) above, that the registration of creation of digging right or that of changes thereof due to an increase of digging areas was made on the day when the registration of creation of prospecting right or that of changes thereof due to an increase of prospecting areas was made only for the overlapped part.
- (4) If the consent prescribed in the provision of paragraph (1) above cannot be obtained, and the consultation prescribed in the provision of paragraph (2) cannot be done or any agreement cannot be reached, holders of mining right may file an application for a decision by the Director of Regional Bureau of Economy, Trade and Industry.
- (5) The provisions of paragraphs (2) to (6) of Article 47 shall apply mutatis mutandis to the decision prescribed in the provision of the preceding paragraph.

(Change of Type of Mineral)

Article 67 Holders of mining right shall, when they intend to mine other minerals in the same type of ore deposit of the minerals registered in their mining areas, notify the Director of Regional Bureau of Economy, Trade and Industry of their intention with written explanation and have occurrence of such minerals confirmed.

(Mining Office)

Article 68 When holders of mining right have started their businesses, they shall establish their mining offices without delay at the locations of their mining areas or in the vicinity thereof, and notify the Director of Regional Bureau of Economy, Trade and Industry of the locations and date of commencement of their business.

(Prospecting Schedule)

Article 69 Holders of prospecting right shall prepare their prospecting schedules pursuant to the procedures prescribed by the Ordinance of the Ministry of Economy, Trade and Industry, and keep them at their mining offices.

(Mine Survey Map of Interior of Pit and Mining Registry)

Article 70 Holders of digging right shall prepare their survey map of interior of pit and mining registries pursuant to the procedures prescribed by the Ordinance of the Ministry of Economy, Trade and Industry, and keep them at their mining offices.

### Chapter III Mining Lease Right

#### (Nature)

Article 71 Mining lease rights shall be deemed as real rights, and provisions related to real properties shall be applied mutatis mutandis to them unless otherwise provided for in this Act.

Article 72 Mining lease rights shall become the subjects of inheritance and other general succession but may not become the subject of any right.

#### (Mining Lease Area)

Article 73 The boundaries of area of mining lease right (hereinafter referred to as "mining lease area") shall be established by straight lines, and bounds shall be directly below the boundaries on the surface of the Earth.

#### (Creation of Right)

Article 74 Mining lease rights may be created for specific ore deposits as their subjects.

Article 75 Two or more mining lease rights may not be created in the same area of the same mining area. However, this shall not apply to the preceding Article.

#### (Duration and Extension Thereof)

Article 76 (1) The period of duration of mining lease right shall be ten years or shorter from the day of registration.

(2) The period prescribed in the provision of the preceding paragraph may be extended at the expiration thereof.

(3) The period that is extended pursuant to the provision of the preceding paragraph may not be longer than five years.

(4) Holders of mining lease right and holders of digging right shall, when they intend to extend the period of duration thereof pursuant to the provision of paragraph (2) above, apply with contracts to and receive approval from the Director of Regional Bureau of Economy, Trade and Industry pursuant to the procedures prescribed by the Ordinance of the Ministry of Economy, Trade and Industry.

#### (Application of Creation of Right)

Article 77 (1) Those who intend to become holders of mining lease right and holders of digging right shall, when they intend to create their mining lease rights, submit the applications, with references made to the following matters,

to the Director of Regional Bureau of Economy, Trade and Industry with the map of the area under application and the document of reasons to need the creation of mining lease right and the contract of creation pursuant to the procedures prescribed by the Ordinance of the Ministry of Economy, Trade and Industry, and receive approval from the Director of Regional Bureau of Economy, Trade and Industry.

- (i) Address of the area of application
  - (ii) Area of the application area
  - (iii) Name of the mineral to be mined
  - (iv) Registration number of digging right
  - (v) Ore deposit (if specified)
  - (vi) Duration
  - (vii) Mining lease charge and timing and method of payment thereof, if such charge shall be paid.
  - (viii) Name and address
- (2) When they intend to create mining lease rights for specific ore deposits as their subjects, they shall also submit their applications with maps of ore deposits and written explanation thereof, in addition to the documents prescribed in the preceding paragraph.
- (3) The Director of Regional Bureau of Economy, Trade and Industry may not approve any application filed pursuant to the provision of paragraph (1) above unless he/she finds it necessary to mine residual minerals and economically develop minerals in part of other mining areas.
- (4) If those who intend to become holders of mining lease right do not pay the registration and license tax pursuant to the procedures prescribed by the Ordinance of the Ministry of Economy, Trade and Industry within 30 days from the day when they received the notification of approval of creation of mining lease right, the approval shall cease to be effective.

(Increase or Decrease of Mining Lease Areas)

- Article 78 (1) Holders of mining lease right and holders of digging right may increase or decrease their mining lease areas.
- (2) The provision of the preceding Article shall apply mutatis mutandis to increase or decrease of mining lease areas.

(Succession of Effect of Act)

- Article 79 (1) When mining lease rights are created or mining lease areas are increased, the procedures and other acts taken by holders of digging right pursuant to the provision of this Act shall be effective for holders of mining lease right within the scope of mining lease right.
- (2) When mining lease rights become extinct or mining lease areas are decreased,

the procedures and other acts taken by holders of mining lease right pursuant to the provisions of this Act shall be effective for holders of digging right within the scope of digging right. However, this shall not apply to the case where mining lease rights become extinct due to extinction of digging rights.

(Change of Digging Right and Mining Lease Right)

Article 80 Holders of digging right shall, when they intend to file applications for decrease or split of mining lease areas, obtain the consent of holders of mining lease right in advance. The same shall apply to the waiver of digging right in the case of mining lease rights over digging rights.

(Request for Extinction)

Article 81 In the case where holders of mining lease right shall pay mining lease charges but they delay such payment, holders of digging right may demand the payment by specifying a period of three months or longer and may request extinction of mining lease rights of such holders, if they do not make such payment within the specified period.

(Waiver)

Article 82 When holders of mining lease right have to pay mining lease charges, they may not waive their mining lease rights unless they give a prior notice of waiver six months in advance or pay a six-month mining lease charge which is not due and payable. However, this shall not apply, if it becomes impossible to achieve the purpose of creation of mining lease right because of unavoidable circumstances such as natural disasters.

(Rescission)

Article 83 (1) When holders of mining lease right fall under any of the following items, the Director of Regional Bureau of Economy, Trade and Industry may rescind their mining lease rights:

- (i) They do not start their businesses in violation of Article 86, or they continue to suspend their businesses for six months or longer;
- (ii) They conduct mining without any operation plan;
- (iii) They do not comply with the order prescribed in the provision of Article 120;
- (iv) They do not comply with the order prescribed in the provision of paragraph (2) of Article 33, Article 34 or 35 of Mine Safety Act.

(2) The provisions of paragraphs (4) to (6) of Article 48 shall apply mutatis mutandis to hearings to be held for rescission of mining lease rights pertaining to the provision of the preceding paragraph.

(Registration)

- Article 84 (1) The creation and change of mining lease right, extension of duration thereof, transfer and extinction thereof due to inheritance and other general succession shall be registered in the mining registry.
- (2) The registration made pursuant to the provision of the preceding paragraph shall replace a registry.
- (3) The rules on registration shall be prescribed by the Cabinet Order.
- (4) As for disposition concerning the registration made pursuant to the provision of paragraph (1) above, the provisions of Chapter 2 and Chapter 3 of the Administrative Procedure Act shall not apply.

(Effect of Registration)

- Article 85 The matters listed in paragraph (1) of the preceding Article shall not become effective unless they are registered, except for the case of extinction of mining lease right because of changes of mining lease right or extinction of digging right due to inheritance and other general succession, decrease of digging areas, expiration of duration, or extinction of mining lease right due to merger.

(Obligation to Start Business)

- Article 86 (1) Holders of mining lease right shall start their business within six months from the day of registration of creation or transfer of mining lease right.
- (2) Holders of mining lease right may not continue to suspend their business for six months or longer.

(Application, Mutatis Mutandis)

- Article 87 The provisions of Articles 17, 20, paragraphs (1) to (4) of Article 23, Article 26, paragraphs (1) to (4) of Article 44, Articles 52 to 54, paragraphs (1) and (2) of Article 56, Article 61, paragraphs (2) to (4) of Article 63, Article 64, Article 64-ii, Article 68 and Article 70 shall apply mutatis mutandis to mining lease rights and mining business by holders of mining lease rights.

## **Chapter IV Recommendation and Consultation**

(Exchange or Sale of Mining Right)

- Article 88 If the Director of Regional Bureau of Economy, Trade and Industry finds it possible to economically and efficiently develop ore deposits and promote public interest by having holders of mining right exchange or sell their mining rights in an area where mining areas of minerals that occur in the same type of ore deposits are complicated, he/she may give recommendations to

such holders of mining right concerning exchange or sale of their mining rights.

(Increase or Decrease of Mining Areas)

Article 89 (1) When the location and shape of a mining area are different from those of an ore deposit in the case where the digging areas of minerals that occur in the same type of ore deposit are adjacent to each other, and it is found that the ore deposit cannot be completely developed unless the location and shape of the mining area are changed, the Director of Regional Bureau of Economy, Trade and Industry may recommend that the holders of digging right concerned consult with each other about applications for mutual increase or decrease of their mining areas to make the location and shape thereof agree with that of the ore deposit.

(2) When the location and shape of a mining area are different from that of an ore deposit in the case where the digging areas of minerals that occur in the same type of ore deposit are adjacent to each other, and it is found that the ore deposit cannot be completely developed unless the location and shape of the mining area are changed, the holders of digging right concerned may consult with each other about applications for mutual increase or decrease of their mining areas to make the location and shape thereof agree with that of the ore deposit.

(3) As for the applications to be filed based on the consultation prescribed in the provision of paragraph (2) above, the provisions of Article 22 and Articles 24 to 35 shall not apply, notwithstanding the provision of paragraph (3) of Article 45.

(4) The applications to be filed based on the consultation prescribed in the provision of paragraph (1) or (2) above shall be filed by the parties concerned in their joint names.

(Application for Decision)

Article 90 If the consultation pursuant to the provision of paragraph (1) or (2) of the preceding Article cannot be done or any agreement cannot be reached, the parties concerned may file an application for a decision by the Director of Regional Bureau of Economy, Trade and Industry pursuant to the procedures prescribed by the Ordinance of the Ministry of Economy, Trade and Industry.

(Hearing of Opinions)

Article 91 (1) The Director of Regional Bureau of Economy, Trade and Industry shall, when he/she has received an application for a decision pursuant to the preceding paragraph, deliver copies of the application to the holder of digging right and mortgagee thereof and holder of mining lease right, and request the attendance of the parties concerned and publicly hear their opinions.

(2) The Director of Regional Bureau of Economy, Trade and Industry shall, when

he/she intends to hear opinions pursuant to the provision of the preceding paragraph, notify the parties concerned of the gist of matters in question and the date and place of hearing of opinions one week prior to the hearing, and also publicly notify them.

- (3) When opinions are heard pursuant to the provision of paragraph (1) above, the evidence of the matters in question shall be presented to the parties concerned and interested parties, and the opportunities to state their opinions shall be given to them.

(Prohibition of Disposition)

Article 92 When an application for decision is filed pursuant to the provision of Article 90, holders of digging right may not transfer or change their digging rights until a decision to refuse the application is made, until the decision ceases to be effective pursuant to the provision of Article 99, or until changes of digging rights are registered based on the decision.

(Decision)

Article 93 The Director of Regional Bureau of Economy, Trade and Industry shall specify the following matters and decide on mutual increase or decrease of mining areas:

- (i) Location of mining area
- (ii) Registration number of digging right
- (iii) Description of changes of digging right
- (iv) Price and timing and method of payment thereof

(Method of Decision)

Article 94 (1) The decision prescribed in the preceding paragraph shall be made in document form and the reason for the decision shall be accompanied.

- (2) The Director of Regional Bureau of Economy, Trade and Industry shall, when he/she has made a decision prescribed in the preceding Article, deliver the copies of the written decision to the parties concerned.

(Effect of Decision)

Article 95 (1) When a decision is made pursuant to the provision of Article 93, it shall be deemed that an agreement on mutual increase or decrease of mining areas has been reached between the parties concerned.

- (2) When an agreement is deemed to be reached pursuant to the provision of the preceding paragraph, one of the parties concerned may file an application independently for increase or decrease of mining areas notwithstanding the provision of paragraph (4) of Article 89.

(Increase or Decrease of Mining Areas and Mining Lease Right)

Article 96 (1) As for the areas where mining lease rights are created among digging areas, when a decrease of mining areas is registered based on the decision prescribed in Article 93, such mining lease rights shall remain effective over the digging rights of which mining areas have increased to the extent of the decrease of mining lease areas due to the decrease of mining areas.

(2) The Director of Regional Bureau of Economy, Trade and Industry shall specify the ratio of mining lease charges to be paid by holders of mining lease right to each holder of digging right upon decision when the mining lease right remains effective over two or more digging rights in the case where a decision on mutual increase or decrease of mining areas is made pursuant to the provision of Article 93.

(Action for Dissatisfaction with Price)

Article 97 (1) Those who are dissatisfied with prices among the decisions made pursuant to the provision of Article 93 may request to increase or decrease such prices by filing an action within six months from the day of receipt of transcripts of the written decision.

(2) In the action prescribed in the preceding paragraph, those who have applied for the decision pursuant to the provision of Article 90 or the holders of digging right concerned shall be the defendants.

(Deposit of Price)

Article 98 (1) In the following cases, those who pay prices shall deposit the prices:

(i) Those who receive prices refuse to receive them or are unable to receive them.

(ii) Actions for dissatisfaction with prices among decisions are taken.

(iii) There is a mortgage on the digging right concerned. However, this shall not apply if consent is obtained from the mortgagee.

(2) In the case specified in item (iii) of the preceding paragraph, the mortgagee may exercise his/her right over deposits.

(Invalidation of Decision)

Article 99 If those who pay prices do not pay or deposit all of the prices by the time for payment, which is specified by the decision made in accordance with Article 93, the decision shall cease to be effective.

(Change of Operation Plan)

Article 100 (1) If it is found that ore deposits of mining areas or mining lease

areas cannot be completely developed unless operation plans of holders of digging right or mining lease right are changed, the Director of Regional Bureau of Economy, Trade and Industry may recommend that such holders of digging right or mining lease right change their operation plans.

- (2) If holders of digging right or mining lease right do not change their operation plans within 60 days from the day when they are given the recommendation pursuant to the provision of the preceding paragraph, the Director of Regional Bureau of Economy, Trade and Industry may order them to change their operation plans.
- (3) The Director of Regional Bureau of Economy, Trade and Industry shall, when he/she gives the order pursuant to the provision of the preceding paragraph, conduct a hearing notwithstanding the classification of procedures for statement of opinions pursuant to the provision of paragraph (1) of Article 13 of the Administrative Procedure Act.
- (4) The provisions of paragraphs (4) to (6) of Article 48 shall apply mutatis mutandis to the hearing pertaining to the order prescribed in the provision of paragraph (2) above.
- (5) The Director of Regional Bureau of Economy, Trade and Industry shall consult with the Director of Regional Industrial Safety and Inspection Department to give the recommendation pursuant to the provision of paragraph (1) above or the order pursuant to the provision of paragraph (2) above.

## **Chapter V Use and Expropriation of Land**

(Entry into Land)

- Article 101 (1) When it is necessary for survey and on-the-spot investigation concerning mining, those who intend to create their mining rights or those who intend to become holders of mining lease right, mining applicants, and holders of mining right or mining lease right may enter into the land of others or fell obtrusive bamboos and trees with permission of the Director of Regional Bureau of Economy, Trade and Industry.
- (2) When applications for the permission prescribed in the preceding paragraph are filed, the Director of Regional Bureau of Economy, Trade and Industry shall notify owners and possessors of land and owners of bamboos and trees therein to that effect, and give them opportunities to submit their written opinions.
  - (3) When those who are given the permission prescribed in paragraph (1) above enter into the land of others or fell bamboos and trees, they shall notify owners and possessors of land and owners of bamboos and trees therein in advance.

Article 102 Those who intends to enter into the land of others or cut down bamboos and trees pursuant to the provision of the preceding Article shall carry the document that proves the permission given by the Director of Regional Bureau of Economy, Trade and Industry, and present it if requested by possessors of land or owners of bamboos and trees.

Article 103 Those who entered into the land of others or felled bamboos and trees pursuant to the provision of Article 101 shall compensate the losses by their entries and felling.

(Purpose of Use)

Article 104 When it is necessary and appropriate to use the land of others in their mining areas or mining lease areas or in the vicinity thereof for the following purposes, and it is very difficult to substitute the land with other land, holders of mining right or mining lease right may use the land of others:

- (i) Open a pit mouth or a well
- (ii) Mine minerals by open-pit mining
- (iii) Install machinery and facilities necessary for prospecting or mining of minerals
- (iv) Establish a yard to stock or dump timber, explosives, fuels, carbide and other important materials, minerals, soil and stone, slag or ashes
- (v) Install a facility for dressing or smelting
- (vi) Open a railroad, a track, a cableway, a pipeline for oil or combustible natural gas, a road, a waterway, a harbor, a channel, a pond or a well, or an electric facility
- (vii) Install a facility necessary for prevention of mining pollution or restoration
- (viii) Build an office for mining, accommodations for those who are engaged in mining, or a health and sanitation facility

(Purpose of Expropriation)

Article 105 Holders of digging right may expropriate the land of others in the case where the land of others is used for the following purposes in their mining areas or in the vicinity thereof, consequently the characteristics of the land are changed and restoration of the land to the original conditions is difficult but it is still necessary and appropriate to use the land for the purposes and it is very difficult to substitute the land with other land:

- (i) Open a pit mouth or a well
- (ii) Establish a yard to dump soil and stone or slag
- (iii) Install a facility for dressing or smelting
- (iv) Open a railroad, a track, a cableway, road, waterway, harbor, channel,

pond or well

(Permission and Public Notice)

Article 106 (1) Holders of mining right or mining lease right shall, when they intend to use or expropriate the land of others pursuant to the provisions of Articles 104 and 105 above, file applications with and receive permission from the Director of Regional Bureau of Economy, Trade and Industry pursuant to the procedures prescribed by the Ordinance of the Ministry of Economy, Trade and Industry.

(2) When applications are filed pursuant to the provision of the preceding paragraph, the Director of Regional Bureau of Economy, Trade and Industry shall consult with the governors of the prefectures concerned, request the attendance of holders of mining right or mining lease right, owners of land and those who have any right concerning the land, and publicly hear opinions thereof.

(3) The Director of Regional Bureau of Economy, Trade and Industry shall, when he/she intends to hear opinions pursuant to the provision of the preceding paragraph, notify the parties concerned of the gist of matters in question and the date and place of hearing of opinions by one week prior to the hearing, and also publicly notify them.

(4) When opinions are heard pursuant to the provision of paragraph (2) above, the evidence of the matters in question shall be presented to the parties concerned, and the opportunities to state their opinions shall be given to them.

(5) The Director of Regional Bureau of Economy, Trade and Industry shall, when he/she has given the permission prescribed in paragraph (1) above, publicly notice the following matters:

(i) Name and address of those who intend to use or expropriate the land

(ii) Purpose of use or expropriation

(iii) Location and area of the land to be used or expropriated

(iv) Place where the drawings that show the land to be used or expropriated are available for public inspection

(6) The Director of Regional Bureau of Economy, Trade and Industry shall, when he/she has given the permission prescribed in paragraph (1) above, immediately notify the mayors of municipalities where the land to be used or expropriated is located thereof by way of the governors of the prefectures concerned, and send them the drawings that represent the land.

(Reservation of Procedures for Use or Expropriation)

Article 106-2 (1) Holders of mining right or mining lease right may reserve the procedures for use or expropriation after the permission prescribed in paragraph (1) of the preceding Article is given concerning all or part of the

land that they intend to use or expropriate.

- (2) Holders of mining right or mining lease right shall, when they intend to reserve the procedures for use or expropriation pursuant to the provision of the preceding paragraph after the permission prescribed in paragraph (1) of the preceding Article is given, comply with the procedures prescribed by the Ordinance of the Ministry of Economy, Trade and Industry and submit a request for reservation with the application prescribed in paragraph (1) of the preceding Article.
- (3) When applications are filed pursuant to the provision of the preceding paragraph, the Director of Regional Bureau of Economy, Trade and Industry shall also publicly announce or notify the reservation of procedures for use or expropriation after the permission prescribed in paragraph (1) of the preceding Article is given, and the area of the land where such procedures are reserved, together with the public announcement or notification prescribed in the provision of paragraph (5) or (6) of the preceding Article.

(Application of the Compulsory Purchase of Land Act)

- Article 107 (1) As for the use or expropriation of land pursuant to the provision of Article 104 or 105, the provision of the Compulsory Purchase of Land Act (Act No. 219 of 1951) shall apply unless otherwise provided for in this Act.
- (2) As for the use or expropriation of land pursuant to the provision of Article 104 or 105, when permission is given or public notice is made pursuant to the provision of paragraph (1) or (5) of Article 106, the business shall be deemed to be certified pursuant to the provision of Article 20 of the Compulsory Purchase of Land Act or the certification of business shall be deemed to be publicly noticed pursuant to the provision of paragraph (1) of Article 26 of the said Act. The notice pursuant to the provision of paragraph (6) of Article 106 shall be deemed as the notice pursuant to the provision of paragraph (1) of Article 26-ii of the said Act. The drawings that are sent to mayors of municipalities pursuant to the provision of paragraph (6) of Article 106 shall be deemed as the drawings to be made available for public inspection pursuant to the provision of paragraph (2) of Article 26-ii of the said Act. The public notice pursuant to the provision of paragraph (3) of the preceding Article shall be deemed as the public notice pursuant to the provision of Article 33 of the said Act.
  - (3) The Director of Regional Bureau of Economy, Trade and Industry shall, when he/she has made the public notice pursuant to the provision of paragraph (5) of Article 106, send copies of the documents related to the permission of use or expropriation of land to the Environmental Dispute Coordination Commission or the Expropriation Commission when requested by these commissions notwithstanding the provisions of paragraphs (2) and (3) of the said Act.

(Use of Water)

Article 108 The provisions concerning the use and expropriation of land shall apply mutatis mutandis to the right of use of water.

## **Chapter VI Compensation for Mining Pollution**

### **Section 1 Obligation for Compensation**

(Obligation for Compensation)

Article 109 (1) If others are damaged by excavation of land to mine minerals, discharge of mine water or waste water, heaps of waste rock or slag, or discharge of metallurgical smoke, such damage shall be compensated by the holder of mining right in the mining area concerned at the time of occurrence of damage (or the holder of mining lease right, if a mining lease right is created in the mining area concerned). If the right of mining has already become extinct at the time of occurrence of damage, such damage shall be compensated by the holder of mining right in the mining area concerned at the time of extinction of the mining right (or the holder of mining lease right, if a mining lease right was created in the mining area concerned at the time of extinction of the mining right).

(2) In the case specified in the preceding paragraph, if damage is caused by the work conducted by holders of mining right or mining lease right in two or more mining areas or mining lease areas, each of the holders of mining right or mining lease right shall have the obligation to jointly and severally compensate for the damage. The same shall apply to the case where it cannot be known that the damage was caused by the work of which one of the holders of mining right or mining lease right in two or more mining areas or mining lease areas.

(3) In the case specified in paragraphs (1) and (2) above, if a mining right is transferred after occurrence of damage, the holders of the mining right at the time of and after occurrence of damage shall have the obligation to jointly and severally compensate for the damage. If a mining lease right was created after occurrence of damage, the holder of the mining right at the time of occurrence of damage and the person who became the holder of the mining lease right after occurrence of damage shall have the obligation to jointly and severally compensate for the damage.

(4) In the case where a holder of mining lease right shall compensate for damage pursuant to the provision of paragraph (1) or (2) above, the holder of mining right and the succeeding holder thereof in the mining area where the mining lease right was created at the time of occurrence of damage shall have the obligation to jointly and severally compensate for the damage. In the case where the mining right already became extinct at the time of occurrence of damage, the holder of mining right at the time of extinction of mining right

and the holder of mining lease right shall have the obligation to jointly and severally compensate for the damage.

- (5) As for the compensation prescribed in the provisions of paragraphs (1) to (4), the obligation of joint holders of mining right or joint holders of mining lease right (those who share a mining lease right) shall be joint and several.

(Share of Cost and Claim for Reimbursement)

Article 110 (1) As for the joint and several obligors prescribed in the provision of paragraph (2) of the preceding Article, it shall be presumed that the share of their cost is equal.

- (2) In the case specified in paragraph (3) of the preceding Article, if the obligation of compensation is fulfilled by those who accepted mining rights or those who became holders of mining lease right after occurrence of damage, they may claim reimbursement of cost from those who shall compensate for damage pursuant to the provision of paragraph (1) or (2) of the preceding Article. The same shall apply to the case where the obligation of compensation is fulfilled by holders of mining right in the case specified in paragraph (4) of the preceding Article.

(Compensation)

Article 111 (1) Damage shall be compensated in a fair and appropriate manner.

- (2) Damage shall be compensated by money. However, when the original state can be restored by not requiring an extremely large amount of cost relative to the amount of compensation, the aggrieved party may demand restoration.

- (3) If those who have obligation to compensate file their applications, the court may, when it finds appropriate, order restoration instead of monetary compensation notwithstanding the provision of the preceding paragraph.

(Standards of Compensation)

Article 112 (1) The Director of Regional Bureau of Economy, Trade and Industry may formulate fair and appropriate general standards concerning the scope and methods of compensation for damage upon consultation with the Local Mining Council and publicize such standards to contribute to prevention or solution of disputes over compensation for damage.

- (2) No one shall be bound by the standards prescribed in the preceding paragraph.

(Consideration for Compensation)

Article 113 If there is any cause attributable to an aggrieved party concerning occurrence of damage, the court may take such cause into consideration to specify the responsibility and scope of compensation for damage. The same

shall apply to the case where natural disasters and other force majeure occur.

(Schedule of Compensation for Damage)

Article 114 (1) In the case where the amount of compensation for damage is scheduled, if the amount is extremely inappropriate, the parties concerned may request to increase or decrease it.

(2) The payment of compensation scheduled for damage of land or buildings shall also become effective for those who acquired the right of the land or buildings thereafter, if the cause and description of the damage as the subject of compensation and the scope and amount of compensation are registered pursuant to the Cabinet Order.

(Extinctive Prescription)

Article 115 (1) The right to seek compensation for damage shall become extinct due to prescription if an aggrieved party does not make a claim for damages within three years from the day he/she knew the damage or the person who has the obligation to compensate for damage. The same shall apply when 20 years have passed since occurrence of damage.

(2) As for damage in progress, the period prescribed in the preceding paragraph shall commence from the day when the progress thereof ceases.

(Exclusion from Application)

Article 116 The provisions in this Chapter shall not apply to on-the-job injuries, diseases and deaths of those who are engaged in mining.

## **Section 2 Deposit of Security**

(Deposit)

Article 117 (1) Holders of mining right or mining lease right who intend to mine coal or lignite shall deposit a certain amount of money every year in proportion to the quantity of coal or lignite mined in the previous year pursuant to the procedures prescribed by the Ordinance of the Ministry of Economy, Trade and Industry to ensure the compensation for damage to be caused in the mining areas concerned or mining lease areas concerned.

(2) The amount of money to be deposited pursuant to the provision of the preceding paragraph shall be specified every year by the Director of Regional Bureau of Economy, Trade and Industry for each mining area or each mining lease area to the extent that the amount does not exceed 20 yen per ton of coal or lignite mined within the previous year.

(3) The Director of Regional Bureau of Economy, Trade and Industry may, when he/she finds it necessary to ensure the compensation for damage to be caused

in the mining areas concerned or mining lease areas concerned, order holders of mining right or mining lease right who intend to mine minerals other than coal and lignite to deposit the amount of money, which is specified to the extent that does not exceed one-hundredth of the values of minerals mined within the previous year in the mining areas concerned or mining lease areas concerned.

(4) The money to be deposited pursuant to the provision of paragraph (1) or the preceding paragraph may be substituted by the national government bonds equivalent to the amount thereof (including those of which the ownership of right is determined by the entries or records in the transfer account book pursuant to the provision of Act on Transfer of Bonds, etc. (Act No. 75 of 2001)).

Article 118 (1) As for the right to seek compensation for damage, an aggrieved party shall have the right with higher priority than others to receive the payment of the money deposited to ensure the compensation for damage to be caused in the mining areas concerned or mining lease areas concerned pursuant to the provision of the preceding Article.

(2) The procedures for execution of the right prescribed in the preceding paragraph shall be prescribed by the Cabinet Order.

(Recovery)

Article 119 In the following cases, holders of mining right or mining lease right or those who used to be holders of mining right or mining lease right may recover the money they deposited pursuant to the procedures prescribed by the Ordinance of the Ministry of Economy, Trade and Industry upon permission by the Director of Regional Bureau of Economy, Trade and Industry:

- (i) Damage in the mining area concerned or mining lease area concerned is compensated.
- (ii) No damage is caused ten years after extinction of mining right or extinction of mining lease right due to a decrease of mining areas.

(Suspension of Business)

Article 120 If those who are required to deposit money do not deposit money, the Director of Regional Bureau of Economy, Trade and Industry may order them to suspend their businesses.

(Transfer of Right)

Article 121 (1) When holders of mining right transfer their mining right, the right to the money they deposited shall be thereby transferred to transferees.

(2) When mining lease rights become extinct, the right to the money deposited shall be transferred to holders of mining right, except for the case of extinction of mining lease right due to extinction of mining right or a decrease of mining

areas.

### **Section 3 Mediation of Settlement**

(Application for Mediation of Settlement)

Article 122 If a dispute arises concerning compensation for mining pollution, the parties concerned may file an application with the Director of Regional Bureau of Economy, Trade and Industry for mediation of settlement pursuant to the procedures prescribed by the Ordinance of the Ministry of Economy, Trade and Industry.

(Preparation of List of Mediators)

Article 123 (1) The Director of Regional Bureau of Economy, Trade and Industry shall commission 15 or fewer candidates for mediators every year, and prepare a list thereof.

(2) The candidates for mediators prescribed in the preceding paragraph shall be commissioned from those who represent public interest in general and those who have knowledge and experience about mining, agriculture, forestry and other industries.

(Designation of Mediators)

Article 124 (1) The Director of Regional Bureau of Economy, Trade and Industry shall, when applications are filed pursuant to the provision of Article 122, designate five or fewer mediators from those who are mentioned in the list prescribed in paragraph (1) of the preceding Article.

(2) In the case specified in the preceding paragraph, if mining pollution involves agriculture, forestry or other industries, at least one of the mediators shall be designated from those who have the knowledge and experience of the industry concerned.

(Mission of Mediator)

Article 125 Mediators shall endeavor to investigate the realities of disputes in detail and have cases fairly solved.

Article 126 Deleted.

Article 127 Deleted.

Article 128 Deleted.

Article 129 Deleted.

Article 130 Deleted.

Article 131 Deleted.

Article 132 Deleted.

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Article 164 Deleted.

## **Chapter VI-2 The Local Mining Council**

(Establishment)

Article 165 The Local Mining Council shall be established in the Regional Bureau of Economy, Trade and Industry.

(Affairs Under the Jurisdiction)

Article 166 In response to consultation by the Director of Regional Bureau of Economy, Trade and Industry, the Local Mining Council shall study and deliberate the compensation pursuant to paragraph (1) of Article 53-ii, the amount of cost pursuant to paragraph (3) thereof, and the standards prescribed

in paragraph (1) of Article 112.

(Organization)

Article 167 (1) The Local Mining Council shall be organized with one chairperson and 20 or fewer members.

(2) The chairperson and members shall be appointed by the Director of Regional Bureau of Economy, Trade and Industry from personnel of relevant administrative organs and those who have relevant knowledge and experience of mining.

(Work)

Article 168 The chairperson and members shall work on a part-time basis.

(Chairperson)

Article 169 The chairperson shall govern affairs of the Local Mining Council.

(Procedures for Meetings, etc.)

Article 170 In addition to what are provided for in this Act, other matters that are necessary for procedures for meetings and operation of the Local Mining Council shall be specified by the Director of Regional Bureau of Economy, Trade and Industry.

## **Chapter VII Appeal**

(Commencement of Hearing of Opinions)

Article 171 When an application for examination of disposition by the Director of Regional Bureau of Economy, Trade and Industry pursuant to the provision of this Act or that of an order based on this Act is filed, the Minister of Economy, Trade and Industry shall commence hearing of opinions within 30 days from the day of reception of the application for examination, except for the case where such application is dismissed.

Article 172 (1) The Minister of Economy, Trade and Industry shall specify the date and place of hearing of opinions prescribed in the preceding Article, and notify the applicant for examination and the Director of Regional Bureau of Economy, Trade and Industry who did the disposition thereof.

(2) The Minister of Economy, Trade and Industry shall, when he/she made the notice pursuant to the provision of the preceding paragraph, publicly notify the gist of matters in question, and the date and place of hearing of opinions.

(Participation)

Article 173 In addition to the applicant for examination, those who intend to participate in the hearing prescribed in Article 171 and state their opinions shall file applications for participation as interested parties with the Minister of Economy, Trade and Industry accompanied with the documents that state the reason for interests and the gist of their arguments, and receive permission from the minister for participation.

(Presentation of Evidence, etc.)

Article 174 For the hearing prescribed in Article 171, the applicant for examination, the other party of the disposition concerned, and those who participate in the hearing pursuant to the provision of preceding Article shall be given opportunities to present evidence and state their opinions concerning the matters in question.

(Stay of Execution and Public Notice and Notification of Rescission)

Article 175 The Minister of Economy, Trade and Industry shall, when he/she has stayed execution of disposition pertaining to application for examination pursuant to the provision of Article 34 of Administrative Appeal Act (Act No. 160 of 1962), present a public notice thereof, and notify the applicant for examination, the other party of the disposition concerned and the Director of Regional Bureau of Economy, Trade and Industry who did the disposition thereof. The same shall apply to the case where stay of execution is rescinded pursuant to the provision of Article 35 of the said Act.

(Public Notice of Gist of Determination, etc.)

Article 176 (1) The Minister of Economy, Trade and Industry shall, when he/she has made a determination, publicly notify the gist thereof.  
(2) Transcripts of written determination shall also be sent to those who participated pursuant to the provision of Article 173.

(Procedures for Hearing of Opinions)

Article 177 In addition to what are provided for in this Chapter, other procedures for the hearing prescribed in Article 171 shall be prescribed by the Ordinance of the Ministry of Economy, Trade and Industry.

(Application for Ruling)

Article 178 Those who have any objection against the following determinations may file applications for ruling with the Environmental Dispute Coordination Commission: permission prescribed in paragraph (1) of Article 21 (including the case where it applies mutatis mutandis to paragraph (3) of Article 45; the same shall apply hereinafter); non-permission prescribed in paragraph (1) of

Article 21 because the case falls under the provision of Article 35 (including the case where it applies mutatis mutandis to paragraph (3) of Article 45; the same shall apply hereinafter); disposition of decrease of mining areas or mining lease areas, or rescission of mining right or mining lease right pursuant to the provision of Article 53 (including the case where it applies mutatis mutandis to Article 87); and permission or non-permission prescribed in paragraph (1) of Article 106, or use or expropriation pursuant to the provision of the Compulsory Purchase of Land Act that is applied under the provision of paragraph (1) of Article 107. However, as for permission prescribed in paragraph (1) of Article 21, such applications may be filed only in the case where the provision of Article 35 is violated.

(Restrictions on Appeal)

Article 179 (1) In the case where an application for ruling may be filed pursuant to the provision of the preceding Article, no appeal may be raised pursuant to the Administrative Appeal Act.

(2) The provision of Article 18 of the Administrative Appeal Act shall apply mutatis mutandis to the case where the administrative agency ordering the disposition has instructed that applications for examination or objections may be filed because of its mistake concerning the disposition prescribed in the preceding Article.

(3) As for the application for examination of decisions pursuant to Article 93, any objection against values among such decision may not be the reason for the objection against the decision.

(4) As for the application for ruling on determinations concerning the use or expropriation of land pursuant to the provision of the Compulsory Purchase of Land Act that is applied in accordance with the provision of paragraph (1) of Article 107, any objection against compensation for loss shall not be the reason for the objection against the determination.

(Relations between Application for Examination and Action)

Article 180 An action for rescission of disposition pursuant to the provisions of this Act or those of an order based on this Act may not be filed before the determination about application for examination concerning the disposition concerned is made.

## **Chapter VIII Auxiliary Provisions**

(Fees)

Article 181 The following persons shall pay the amount of fees that are prescribed by the Cabinet Order in consideration of actual cost:

- (i) The persons who file applications for extension of duration of their prospecting rights pursuant to the provision of paragraph (2) of Article 18
- (ii) The persons who file applications for creation of mining rights pursuant to the provision of paragraph (1) of Article 21
- (iii) The persons who file applications for increase or decrease of mining application areas pursuant to the provision of paragraph (1) of Article 36
- (iv) The persons who notify changes of names of mining applicants pursuant to the provision of paragraph (1) of Article 42
- (v) The persons who notify changes of names of mining applicants pursuant to the provision of paragraph (2) of Article 42
- (vi) The persons who file applications for increase or decrease of mining areas pursuant to the provision of paragraph (1) of Article 45
- (vii) The persons who file applications for split or merger of digging areas pursuant to the provision of paragraph (1) or (2) of Article 50
- (viii) The persons who file applications for decisions pursuant to the provision of paragraph (4) of Article 66
- (ix) The persons who make notification pursuant to the provision of Article 67
- (x) The persons who file applications for extension of duration of their mining lease rights pursuant to the provision of paragraph (4) of Article 76
- (xi) The persons who file applications for approval of creation of mining lease rights pursuant to the provision of paragraph (1) of Article 77
- (xii) The persons who file applications for increase or decrease of mining lease areas pursuant to the provision of paragraph (1) of Article 78
- (xiii) The persons who file applications for decision pursuant to the provision of Article 90
- (xiv) The persons who file applications for approval of entry into land or felling of bamboos and trees pursuant to the provision of paragraph (1) of Article 101
- (xv) The persons who file applications for approval of use or expropriation of land pursuant to the provision of paragraph (1) of Article 106
- (xvi) The persons who make requests for on-the-spot investigation pursuant to the provision of paragraph (1) of Article 186

(Correction or Supplement)

Article 182 If applications and notification concerning mining do not come complete with documents and drawings, the Director of Regional Bureau of Economy, Trade and Industry may order correction or supplement thereof with a reasonable time limit.

(Notification of Attendance)

Article 183 The Director of Regional Bureau of Economy, Trade and Industry

may, when he/she finds it necessary to conduct on-the-spot investigation concerning applications for creation or changes of mining rights or mining lease rights or mining areas or mining lease areas, designate the personnel to be engaged in the investigation, matters for investigation, place of attendance, and date and time of investigation, and order mining applicants, those who intend to become holders of mining lease right, or holders of mining right or mining lease right to attend the investigation. If he/she is unable to designate the date and time of investigation, he/she shall specify a scheduled date, and order the personnel to be engaged in the investigation to designate the fixed date.

(Dismissal)

Article 184 The Director of Regional Bureau of Economy, Trade and Industry shall dismiss the applications for creation or changes of mining rights in the following cases:

- (i) In the case where the order pursuant to the provision of paragraph (2) of Article 25 is given, the applicant does not submit the documents pursuant to the provision thereof until the time limit specified by the provision thereof.
- (ii) In the case where the order pursuant to the provision of Article 26 is given, the applicant does not submit the design specifications pursuant to the provision thereof until the time limit specified in the provision thereof.
- (iii) In the case where the order pursuant to the provision of Article 182 is given, the applicant does not make any correction or supplement until the time limit specified in the provision thereof.
- (iv) In the case where the order pursuant to the preceding Article is given, the applicant is unable to clearly indicate the areas of applications for on-the-spot investigation or does not attend on the date and time specified in the provision thereof.

Article 185 Deleted.

(Investigation of Mining Areas, etc.)

- Article 186 (1) Holders of mining right or mining lease right and other interested parties in neighboring mining areas or mining lease areas may request the Director of Regional Bureau of Economy, Trade and Industry for on-the-spot investigation of mining areas or mining lease areas of others.
- (2) Those who intend to request the on-the-spot investigation prescribed in the preceding paragraph shall submit applications with written statement of reasons pursuant to the procedures prescribed by the Ordinance of the Ministry of Economy, Trade and Industry.
  - (3) Those who intend to request the on-the-spot investigation prescribed in

paragraph (1) above shall provide the laborers and commodities required for the investigation.

Article 187 Deleted.

(Public Notice)

Article 188 The Director of Regional Bureau of Economy, Trade and Industry shall, when he/she has conducted disposition pursuant to the provisions of this Act or that of an order based on this Act, publicly notify the gist thereof pursuant to the procedures prescribed by the Ordinance of the Ministry of Economy, Trade and Industry.

(Posting)

Article 189 When the Director of Regional Bureau of Economy, Trade and Industry notifies a disposition pursuant to the provision of paragraph (1) of Article 21 (including the case where it applies mutatis mutandis to paragraph (2) or Article 36, paragraph (3) of Article 45 or paragraph (3) of Article 50), Article 52, Article 55, paragraph (1) of Article 83 or Article 184, gives a notice pursuant to the provision of paragraph (1) of Article 25, paragraph (2) of Article 40, paragraph (3) of Article 47 (including the case where it applies mutatis mutandis to paragraph (2) of Article 64-ii or paragraph (5) of Article 66), paragraph (1) of Article 57, paragraph (2) of Article 91, paragraph (2) of Article 101 or paragraph (3) of Article 106, gives an order pursuant to the provision of paragraph (1) of Article 37, paragraph (1) of Article 38, paragraph (1) of Article 39, paragraph (1) of Article 48, paragraph (1) of Article 49, Article 182 or Article 183, or delivers transcripts of the written decision pursuant to the provision of paragraph (5) of Article 47 (including the case where it applies mutatis mutandis to paragraph (2) of Article 64-ii or paragraph (5) of Article 66) or paragraph (2) of Article 94, he/she shall post the description of such notice, such order and the transcripts of such written decision at the posting area of the offices of municipality or any facility equivalent to the above in the location of the address mentioned in the written application or mining registry in the case of mining applicant, holder of mining right or mortgagee or at the posting area of the offices of municipality or any facility equivalent to the above in the location of the digging application area in the case of land owner, if the other party or the location thereof is unknown, and publish such posting and the gist thereof in an official gazette. In this case, such notice, such order and the transcripts of such written decision shall be deemed to have reached the other party on the day 14 days after the day of commencement of posting or the day of publication in an official gazette, whichever is later.

(Compulsory Collection)

- Article 189-2 (1) If there is any person who does not pay the compensation prescribed in paragraph (3) of Article 53-ii, the Director of Regional Bureau of Economy, Trade and Industry shall specify the time limit and demand payment.
- (2) The Director of Regional Bureau of Economy, Trade and Industry shall, when he/she demands payment pursuant to the preceding paragraph, send a demand note. In this case, the time limit to be specified by the demand note shall be the day more than ten days later from the day when the demand note is sent out.
- (3) If the person who is demanded to pay the compensation pursuant to the provision of paragraph (1) does not pay the compensation demanded by the time limit specified, the Director of Regional Bureau of Economy, Trade and Industry shall dispose of such nonpayment by the same rules as disposition of national taxes in arrears.
- (4) The Director of Regional Bureau of Economy, Trade and Industry shall, when he/she has demanded payment pursuant to the provision of paragraph (1) above, collect an arrearage charge that is calculated based on the number of days from the day following the time limit of payment to the day before payment at a rate of 14.5% per year on the amount of the compensation demanded. However, this shall not apply if it is prescribed by the Ordinance of the Ministry of Economy, Trade and Industry.
- (5) The order of statutory lien of the compensation prescribed in paragraph (1) above and that of the arrearage charge prescribed in the preceding paragraph shall be after the national tax and local tax.
- (6) The provisions of Articles 12 and 14 of the Act on General Rules for National Taxes (Act No. 66 of 1962) shall apply mutatis mutandis to the delivery of documents concerning the compensation prescribed in paragraph (1) above and the arrearage charge prescribed in paragraph (4) above.

(Report and Inspection)

- Article 190 (1) The Minister of Economy, Trade and Industry and the Director of Regional Bureau of Economy, Trade and Industry may, to the extent necessary to enforce this Act, request reports from holders of mining right or mining lease right concerning the state of business thereof or have their officials enter the places of business or offices thereof and inspect the state of business and books and documents thereof.
- (2) The officials who enters and conducts inspections as prescribed in the preceding paragraph shall carry a certificate for identification and present it to the people concerned.
- (3) The authority of inspection prescribed in the provision of paragraph (1) above shall not be construed as the authority approved for criminal investigation.

## Chapter IX Penal Provisions

Article 191 (1) Any person who falls under any of the following items shall be punished by either imprisonment with work for not more than five years or a fine of not more than 500,000 yen, or by cumulative imposition thereof:

(i) A person who violates the provision of Article 7

(ii) A person who receives the permission prescribed by paragraph (1) of Article 21 by means of fraud and other unfair practice

(2) A person who invades and mines outside his/her mining area or mining lease area by accident shall be punished by a fine of not more than 200,000 yen.

Article 191-2 A person who knowingly transports, retains, acquires with or without compensation or mediates or arranges disposal of minerals pertaining to the offenses specified by item (i) of paragraph (1) of the preceding Article shall be punished by either imprisonment with work for not more than five years or a fine of not more than 500,000 yen, or by cumulative imposition thereof.

Article 192 Any person who falls under any of the following items shall be punished by either imprisonment with work for not more than one year or a fine of not more than 50,000 yen:

(i) A person who violates the provision of paragraph (4) of Article 63 (including the case where it applies mutatis mutandis to Article 87)

(ii) A person who, in violation of the provision of Article 64, mines minerals (including the case where it applies mutatis mutandis to Article 87)

(iii) A person who violates an order pursuant to paragraph (2) of Article 100

(iv) A person who does not cease his/her business in violation of an order pursuant to the provision of Article 120

Article 193 Any person who falls under any of the following items shall be punished by a fine of not more than 30,000 yen:

(i) A person who violates the provision of Article 69 or 70 (including the case where it applies mutatis mutandis to Article 87)

(ii) A person who, in violation of the provision of Article 102, does not carry documents or does not present them

(iii) A person who does not report pursuant to the provision of paragraph (1) of Article 190 or makes a false report

(iv) A person who refuses, precludes or avoids the inspection pursuant to the provision of paragraph (1) of Article 190

Article 194 When the representative of juridical person, agents of juridical

person or individuals, workers or other employees commit any of the violations specified in the preceding four Articles with regard to the business of the said juridical person or individual, not only the offender shall be punished but also the said juridical person or individual shall be punished by the fine prescribed in the respective Articles. However, if it is proven that the business is fully watched and supervised to prevent agents of juridical person or individuals, workers and other employees from committing such violation, this shall not apply to the said juridical person or individuals.

### **Supplementary Provisions**

- (1) The effective date of this Act shall be specified by the Cabinet Order within a period not exceeding six months from the date of promulgation.
- (2) The following acts shall be repealed:
  - The Mining Act (Act No. 45 of 1905)
  - The Placer Act (Act No. 13 of 1909)

### **Supplementary Provisions [Act No. 220 of June 9, 1951]**

This Act shall come into effect as from the day of enforcement of the new act.

### **Supplementary Provisions [Act No. 222 of June 9, 1951 Extract] [Extract]**

(Effective Date)

Article 1 This Act shall come into effect as from October 1, 1951.

(Former Conciliation Case)

Article 13 With regard to the conciliation cases received by the court prior to the enforcement of this Act, the provisions then in force shall remain applicable.

(Selection of Conciliation Committee Members, etc.)

Article 14 (1) It shall be deemed that the conciliation committee members who were selected under the provisions of the previous act prior to the enforcement of this Act are selected by the provisions thereof.

(2) It shall be deemed that the conciliation committee members who are selected under the provisions of this Act after the enforcement thereof are selected by the provisions thereof as to the application of the previous act.

(3) The provisions of paragraphs (1) and (2) above shall apply mutatis mutandis to the appointment of conciliation chief.

(Application of Penal Provisions)

Article 15 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. 57 of July 9, 1953 Extract] [Extract]**

- (1) This Act shall come into force as from the day on which 30 days have elapsed from the day of promulgation. However, the provision of paragraph (3) of Supplementary Provisions shall apply from the first day when the Treaty of Peace with Japan becomes effective.
- (2) As for the application of the Labor Standards Act (Act No. 49 of 1947) and the Mine Safety Act (Act No. 70 of 1949), those who may continue to mine minerals pursuant to the provision of Article 4 of Act for Enforcement of the Mining Act (Act No. 290 of 1950) shall be deemed as the holders of mining right prescribed in paragraph (1) of Article 2 of Mine Safety Act, and the workplaces where they conduct the business of mining shall be deemed as the mines prescribed in paragraph (2) thereof, and those who are engaged in the business of mining at such workplaces shall be deemed as the mine workers prescribed in paragraph (3) thereof.

**Supplementary Provisions [Act No. 202 of August 13, 1953 Extract] [Extract]**

- (1) In this Act, the revised provisions in Articles 303, 307 and 310, paragraph (1) of Article 321-iv, paragraphs (1) and (2) of Article 321-v, and the provision of paragraph (9) of Supplementary Provisions shall come into force as from January 1, 1954, and other provisions (hereinafter referred to as "other provisions") shall come into force as from the day of promulgation. Of other provisions, those provisions other than the revised provisions in Articles 9, 10 and 15, item (xi) of Article 292, Articles 321-viii and 321-xiii, Article 742-ii, 776-ii and the provisions of Supplementary Provisions shall start applying to the local tax to be imposed for fiscal 1953 (the taxes involved in the corporate income tax imposed on the Central Society of Fishing Vessel Insurance Association and the enterprise tax on the businesses conducted by juridical persons to be paid in fiscal year in which January 1, 1953 was included).

**Supplementary Provisions [Act No. 39 of June 30, 1955 Extract] [Extract]**

- (1) This act shall come into force as from July 1, 1955.
- (13) The provisions of the Act listed in each item of the preceding paragraph after the revision pursuant to the preceding paragraph shall be applied to the

arrearage charges to be collected after the enforcement of this Act. However, with regard to all or part of such arrearage charges caused prior to the enforcement of this Act, the provisions then in force shall remain applicable.

### **Supplementary Provisions [Act No. 193 of December 19, 1955]**

(Effective Date)

Article 1 This Act shall come into force as from February 1, 1956.

(Mining of Uranium Ore and Thorium Ore)

Article 2 Any person or his/her successor who actually mines uranium ore or thorium ore prior to the enforcement of this Act may continue to mine them for three months from the day of enforcement of this Act as the provisions then in force shall remain applicable. In the case where such person or his/her successor files an application for creation of mining right for uranium ore or thorium ore in the digging area concerned, the same shall apply to such application area until the application is dismissed, a notice of non-permission is received, the permission ceases to be effective under the provisions of Article 43 of the Mining Act, or the creation of mining right is registered.

(Right of Priority)

Article 3 If a person or his/her successor who continues to mine uranium ore or thorium ore six months prior to the enforcement of this Act files an application for creation of mining right for uranium ore or thorium ore within three months from the day of enforcement of this Act, such person shall have the right of priority to other applications (except for the applications filed before the enforcement of this Act and the applications for creation of digging right filed by holders of prospecting right redundantly in their prospecting areas) in such digging area, notwithstanding the provision of Article 27 of the Mining Act, and the provisions of paragraph (2) of Article 14 and Articles 16, 29, 30 and 32 of the Mining Act shall not apply to such application.

Article 4 If any person or his/her successor who continues to possess the right of use of land for acquisition of uranium ore or thorium ore (except for the owner of land) files an application for creation of mining right for uranium ore or thorium ore within three months from the day of enforcement of this Act, such person shall have the right of priority to other applications (except for the applications filed pursuant to the provision of the preceding Article, the applications filed before the enforcement of this Act and the applications for creation of digging right filed by holders of prospecting right redundantly in their prospecting areas) in the area of land where such right can be exercised,

notwithstanding the provision of Article (27) of the Mining Act, and the provisions of paragraph (2) of Article 14 and Articles 16, 29, 30 and 32 of the Mining Act shall not apply to such application. However, if the application for creation of mining right for uranium ore or thorium ore in the area of such land as prescribed in the preceding Article is permitted, this shall not apply to the provisions of Articles 16, 29 and 30 of the said Act.

Article 5 If a landowner of land files an application for creation of mining right for uranium ore or thorium ore within three months from the day of enforcement of this Act, such person shall have the right of priority to other applications (except for the applications filed pursuant to the provisions of Article 3 and 4 above, the applications filed before the enforcement of this Act and the applications for creation of digging right filed by holders of prospecting right redundantly in their prospecting areas) in the area of land owned by him/her, notwithstanding the provision of Article 27 of Mining Act, and the provisions of paragraph (2) of Article 14 and Article 32 of the Mining Act shall not apply to such application.

(Applications for Overlapped Areas)

Article 6 (1) If a person, who filed an application for creation of prospecting right pursuant to the provision of Article 3 or 4 of Supplementary Provisions and obtained the registration of creation, files an application for digging right for uranium ore or thorium ore redundantly in his/her prospecting area, the provisions of Articles 16 and 30 of the Mining Act shall not apply to the overlapped area.

(2) If a person, who filed an application for creation of prospecting right pursuant to the provisions of Articles 3 to 5 above and obtained the registration of creation, files an application for creation of digging right for uranium ore or thorium ore in the area that includes all of the prospecting area, the provision of paragraph (2) of Article 14 of the Mining Act shall not apply.

Article 7 If a holder of prospecting right, who is in the digging area involved in the application for mining right pursuant to the provision of Article 3 or 4 of Supplementary Provisions or in the area of land where the right can be exercised, or in the prospecting area that overlaps the mining area where he/she filed an application for creation of mining right pursuant to the provision of Article 3 or 4 of Supplementary Provisions or that of paragraph (1) of the preceding Article and made registration of the said right and that is aimed at the minerals occurring in the same type of ore deposit as the subject of prospecting right, filed an application for creation of digging right for the minerals as the subject of prospecting right redundantly in the overlapped area,

the provisions of Articles 16 and 30 of the Mining Act shall not apply to the overlapped area.

(Mining Right, etc. in Overlapped Mining Area)

Article 8 (1) If the mining area of a holder of mining right overlaps the digging area involved in the application for creation of mining right pursuant to the provision of Article 3 or 4 of Supplementary Provisions or the mining area of the mining right of which the creation is registered by filing an application pursuant to the provision of Article 3 or 4 or paragraph (1) of Article 6, he/she may not mine and acquire uranium ore or thorium ore in the overlapped area, notwithstanding the provision of Article 5 of the Mining Act.

(2) In addition to the case prescribed by the preceding paragraph, a holder of mining right may not mine and acquire uranium ore or thorium ore that occurs in the same type of ore deposit of the mineral as subject of the mining right for three months from the day of enforcement of this Act, notwithstanding the provision of Article 5 of the Mining Act.

Article 9 As for a person who filed an application for creation of mining right pursuant to the provision of Article 3 or 4 or paragraph (1) of Article 6 of Supplementary Provisions and obtained the registration of creation, if his/her mining area overlaps other's mining area that is aimed at the minerals that occur in the same type of ore deposit as uranium ore or thorium ore, any mineral other than uranium ore or thorium ore may not be mined and acquired in the overlapped area notwithstanding the provision of Article 5 of the Mining Act.

(Consultation and Decision)

Article 10 (1) If a mining area, where an application for creation of mining right is filed pursuant to the provision of Article 3 or 4 or paragraph (1) of Article 6 of Supplementary Provisions and the creation is registered, overlaps another mining area, of which the mining right is aimed at minerals that occur in the same type of ore deposit as uranium ore or thorium ore, the holder of mining right, when he/she intends to mine minerals in the overlapped area, shall consult with the other holder of mining right.

(2) If the consultation prescribed in the preceding paragraph cannot be held and no agreement is reached, the holders of mining right involved in the consultation may file an application for decision of the Director of Regional Bureau of Economy, Trade and Industry.

(3) The provisions of paragraphs (2) to (6) of Article 47 of the Mining Act shall apply mutatis mutandis to the decision prescribed in the preceding paragraph.

(Compensation)

Article 11 (1) A landowner, who receives by contract or by practice compensation from those who mine uranium ore or thorium ore or those who have the right of use of land for uranium ore or thorium ore, may demand those who file an application for creation of mining right pursuant to the provision of Article 3 or 4 or paragraph (1) of Article 6 of Supplementary Provisions and obtain the creation to pay reasonable compensation for mining of uranium ore or thorium ore.

- (2) In the case specified in the preceding paragraph, the landowner may request a holder of mining right to provide a reasonable security with respect to compensation.
- (3) In the case specified in paragraphs (1) and (2) above, a holder of mining right may not refuse acceptance of such demand and request without justifiable grounds.
- (4) The landowner may, if he/she cannot obtain the acceptance prescribed in the preceding paragraph, file an application for decision of the Director of Regional Bureau of Economy, Trade and Industry.
- (5) The provisions of paragraphs (2) to (6) of Article 47 of the Mining Act shall apply mutatis mutandis to the decision prescribed in the preceding paragraph.

#### **Supplementary Provisions [Act No. 174 of December 12, 1958]**

This Act shall come into force as from the day on which 20 days have elapsed from the day of promulgation.

#### **Supplementary Provisions [Act No. 148 of April 20, 1959 Extract] [Extract]**

(Effective Date)

- (1) This Act shall come into force as from the day of enforcement of National Tax Collection Act (Act No. 147 of 1959).

(Transitional Measure for Revision of the Order of Statutory Lien of Public Dues)

- (7) The provisions of respective laws and regulations after the revisions pursuant to the provisions of Chapter 2 (limited to the part pertaining to the order of statutory lien of collected money) shall apply only to the case where dividends distribution procedure is commenced by the procedures for compulsory conversion into money as prescribed in item (xii) of Article (2) of the National Tax Collection Act. With regard to the order of statutory lien of collected money prescribed in relevant laws and regulations in the case of such

dividends distribution procedure was commenced prior to the enforcement of this Act, the provisions then in force shall remain applicable.

**Supplementary Provisions [Act No. 55 of March 31, 1962 Extract]  
[Extract]**

(Effective Date)

- (1) This Act shall come into force as from April 1, 1962.

**Supplementary Provisions [Act No. 67 of April 2, 1962 Extract] [Extract]**

(Effective Date)

- Article 1 This Act shall come into force as from April 1, 1962.

**Supplementary Provisions [Act No. 105 of May 4, 1962 Extract] [Extract]**

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

**Supplementary Provisions [Act No. 140 of May 16, 1962 Extract] [Extract]**

- (1) This Act shall come into force as from October 1, 1962.
- (2) Provisions after the revision prescribed by this Act shall apply to the matters caused prior to the enforcement of this Act, unless otherwise provided for in Supplementary Provisions thereof. However, any effect caused by the provisions prior to revision shall not be precluded.
- (3) With regard to actions actually pending prior to the enforcement of this Act, the provisions then in force shall remain applicable notwithstanding the provisions after the revision of this Act that prescribes that such actions may not be filed.
- (4) With regard to the jurisdictions of actions pending prior to the enforcement of this Act, the provisions then in force shall remain applicable notwithstanding the provisions after the revision of this Act that designate such jurisdictions as exclusive jurisdictions.
- (5) With regard to the time limit for filing an action concerning dispositions or determinations of which the time limit for filing an action as prescribed in the provisions before the revision of this Act was actually in progress prior to the enforcement of this Act, the provisions then in force shall remain applicable. However, this shall apply only to the case where the time limit for filing an action as prescribed in the provisions after the revision by this Act is shorter than the time limit for filing an action as prescribed in the provisions before

the revision by this Act.

- (6) With regard to party actions concerning dispositions or determinations made prior to the enforcement of this Act, the time limit for filing an action concerning the actions of which the time limit for filing an action is specified by the revision by this Act shall be commenced from the day of enforcement of this Act.
- (7) With regard to an action for rescission of disposition or determination actually pending prior to the enforcement of this Act, the provisions then in force shall remain applicable notwithstanding the provisions after the revision by this Act that designates one party of such legal relationship as a defendant. However, the court may allow such action to be changed to a party action upon decision by the request of plaintiff.
- (8) In the case specified in proviso of the preceding paragraph, the provisions of the second sentence of Article 18 and paragraphs (2) to (5) of Article 21 of the Administrative Case Litigation Act shall apply mutatis mutandis.

**Supplementary Provisions [Act No. 161 of September 15, 1962 Extract]  
[Extract]**

- (1) This Act shall come into force as from October 1, 1962.
- (2) Provisions after the revision by this Act shall apply to the disposition of administrative agencies before the enforcement of this Act, inaction of administrative agencies pertaining to applications filed before the enforcement thereof, and other matters caused before the enforcement thereof, except as otherwise provided by Supplementary Provisions thereof. However, the effect caused by provisions before the revision by this Act shall not be precluded.
- (3) With regard to the petitions, applications for examination, objections and other appeals (hereinafter referred to as "petitions, etc. ") filed prior to the enforcement of this Act, the provisions then in force shall remain applicable. The same shall apply to the determination, decision and other disposition (hereinafter referred to as "determination, etc. ") of petitions, etc., which were filed prior to the enforcement thereof, or petitions, etc. filed in the case of objection against judgment, etc. made after the enforcement thereof concerning the petitions, etc. filed prior to the enforcement thereof.
- (4) As for petitions, etc. prescribed in the preceding paragraph, the petitions pertaining to the disposition, against which appeals may be entered by the Administrative Appeal Act after the enforcement of this Act, shall be deemed as appeals entered by the Administrative Appeal Act for the application of acts other than the said Act.
- (5) As for determination, etc. of applications for examination, objections and other appeals to be filed after the enforcement of this Act pursuant to the

provision of paragraph (3) above, no appeal may be entered under the Administrative Appeal Act.

- (6) As for the disposition of administrative agencies before the enforcement of this Act, for which petitions, etc. may be filed pursuant to the provisions before the revision by this Act and of which the period of filing was not specified, the period during which appeals may be entered under the Administrative Appeal Act shall be commenced from the day of enforcement of this Act.
- (8) 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.
- (9) In addition to what is provided for in the preceding eight paragraphs, the transitional measures required for the enforcement of this Act shall be prescribed by the Cabinet Order.
- (10) If this Act and the Act Concerning Organization, etc. of Relevant Acts for Enforcement of Administrative Litigation Act (Act No. 140 of 1962) have the revised provisions concerning the same act, such act shall be revised first by this Act, and then revised by the Act Concerning Organization, etc. of Relevant Acts for Enforcement of Administrative Litigation Act.

**Supplementary Provisions [Act No. 36 of June 12, 1967 Extract] [Extract]**

- (1) This Act shall come into force as from the day of enforcement of the Registration and License Tax Act.

**Supplementary Provisions [Act No. 75 of July 21, 1967]**

This act (except for Article 1 thereof) shall come into force as from the day of enforcement of the revised act.

**Supplementary Provisions [Act No. 13 of April 1, 1970 Extract] [Extract]**

(Effective Date)

Article 1 This Act shall come into force as from the day of promulgation.

(Transitional Measures for Partial Revision of the Act on Temporary Measures concerning Interest Subsidies for Financing of Construction of Ocean-Going Ships)

Article 4 The provisions of the following acts after the revision pursuant to the provisions of Articles 6, 20 and 21 shall apply to the calculation of the amount of arrearage charges concerning the payment time limit prescribed in these provisions, which arrives on and after the day before the date of enforcement.

With regard to the calculation of the amount of arrearage charges concerning such payment time limit that arrived before the date, the provisions then in force shall remain applicable.

(i) and (ii) Omitted.

(iii) Paragraph (4) of Article 89-ii of Mining Act

**Supplementary Provisions [Act No. 52 of June 3, 1972 Extract] [Extract]**

(Effective Date, etc.)

Article 1 This Act shall come into force as from the day specified by the Cabinet Order within a period not exceeding 30 days from the date of promulgation.

(Transitional Measures on Disposition, etc. by Land Coordination Committee or Central Public Pollution Investigation Commission)

Article 16 (1) The disposition and other acts committed by the Land Coordination Committee and the Central Public Pollution Investigation Commission pursuant to the provisions of the acts before the revision by this Act prior to the enforcement thereof shall be deemed as the disposition and other acts committed by the Environmental Dispute Coordination Commission pursuant to reasonable provisions of this Act or other acts after the revision by this Act, except as otherwise provided by the Cabinet Order.

(2) The applications and other procedures actually filed with the Land Coordination Committee or the Central Public Pollution Investigation Commission pursuant to the provisions of the acts before the revision by this Act prior to the enforcement of this Act shall be deemed as the procedures filed with the Environmental Dispute Coordination Commission pursuant to reasonable provisions of this Act or other acts after the revision by this Act, except as otherwise provided by the Cabinet Order.

**Supplementary Provisions [Act No. 27 of April 24, 1978 Extract] [Extract]**

(Effective Date)

(1) This Act shall come into force from the day of promulgation. However, the revised provision of paragraph (1) of Article 11 of Act on Real Estate Appraising and Valuation in Article 1 of this Act, the provisions of Articles 2, 3, 5 and 6, the revised provision of paragraph (1) of Article 107 of the Patent Act in Article 19 of this Act, the revised provision of paragraph (1) of Article 31 of the Utility Model Act in Article 20 of this Act, the revised provisions of paragraphs (1) and (2) of Article 42 of the Design Act in Article 21 of this Act, the revised provisions of paragraphs (1) and (2) of Article 40 of the Trademark Act in Article 22 of this Act, the revised provision of paragraph (2) of Article 5

of the Guide Interpreter Act in Article 28 of this Act, and the provisions of Articles 29 and 30 shall come into force as from May 1, 1978.

**Supplementary Provisions [Act No. 5 of March 30, 1979 Extract] [Extract]**

(Effective Date)

- (1) This Act shall come into force as from the day of enforcement (October 1, 1980) of the Civil Execution Act (Act No. 4 of 1979).

(Transitional Measures)

- (2) With regard to the cases of civil execution, execution of enterprise mortgage and bankruptcy filed before the enforcement of this Act, the provisions then in force shall remain applicable.
- (3) The amount of fee or payment to be received by or the amount of expenses to be reimbursed to a court execution officer concerning the cases specified in the preceding paragraph shall be prescribed by the Rules of the Supreme Court notwithstanding the provision of this paragraph.

**Supplementary Provisions [Act No. 45 of May 19, 1981 Extract] [Extract]**

(Effective Date)

- (1) This Act shall come into force as from the day of promulgation.

**Supplementary Provisions [Act No. 23 of May 1, 1984 Extract] [Extract]**

(Effective Date)

- (1) This Act shall come into force as from the day on which 20 days have elapsed from the date of promulgation.

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

(Effective Date)

- Article 1 This Act shall come into force as from the day of enforcement of the Administrative Procedures Act (Act No. 88 of 1993).

(Transitional Measures on Adverse Disposition Resulting from Consultation, etc.)

- Article 2 In the case where the procedures for provision of opportunities for hearing or explanation pursuant to Article 13 of the Administrative Procedures Act and other procedures equivalent to the procedures for statement of

opinions are consulted with and requested to councils and other council system organs pursuant to laws and regulations prior to the enforcement of this Act, the provisions then in force shall remain applicable with regard to the procedures for adverse disposition resulted from such consultation and other requests notwithstanding the provisions of concerned acts revised by this Act.

(Transitional Measures on 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 on Reorganization of Provisions Concerning Hearings)

Article 14 It shall be deemed that the hearings or public hearings (excluding those pertaining to adverse disposition) held pursuant to the provisions of concerned acts prior to the enforcement of this Act or the procedures for them are conducted in accordance with the reasonable provisions of concerned acts revised by this Act.

(Delegation to Cabinet Order)

Article 15 In addition to what is provided for from Article 2 to the preceding Article of Supplementary Provisions, the transitional measures required for the enforcement of this Act shall be prescribed by the Cabinet Order.

**Supplementary Provisions [Act No. 105 of November 21, 1997 Extract]  
[Extract]**

(Effective Date)

(1) This Act shall come into force as from the day of promulgation.

**Supplementary Provisions [Act No. 44 of April 24, 1998 Extract] [Extract]**

(Effective Date)

Article 1 This Act shall come into force as from July 1, 1998.

**Supplementary Provisions [Act No. 43 of May 14, 1999 Extract] [Extract]**

(Effective Date)

Article 1 This Act shall come into force as from the day of enforcement of the Act on Access to Information Held by Administrative Organs (Act No. 42 of 1999, hereinafter referred to as "Information Disclosure Act").

**Supplementary Provisions [Act No. 102 of July 16, 1999 Extract]  
[Extract]**

(Effective Date)

Article 1 This Act shall come into force as from the day of enforcement of the Act on the Partial Revision of the Cabinet Act (Act No. 88 of 1999). However, the provisions listed in the following items shall come into force as from the day specified by each item concerned.

(ii) The provisions in paragraphs (1) and (5) of Article 10, paragraph (3) of Article 14 and Articles 23, 28 and 30 of Supplementary Provisions shall come into force as from the day of promulgation.

(Succession of Status of Officials)

Article 3 Persons who were actually the officials of the former Prime Minister's Office and former Ministries of Justice, Foreign Affairs, Finance, Education, Health and Welfare, Agriculture, Forestry and Fisheries, International Trade and Industry, Transport, Posts and Telecommunications, Labor, Construction, or Home Affairs (herein after referred in this Article as "Former Office and Ministries") before the enforcement of this Act (except for presidents, chairpersons and members of the councils, etc. specified by Article 8 of National Government Organization Act (Act No. 120 of 1948), the members of the Central Disaster Prevention Council, the chairperson and members of the Japanese Industrial Standards Committee, and other similar persons specified by the Cabinet Order) shall be reasonable officials of the organs that are prescribed by the Cabinet Order and are equivalent to Former Office and Ministries they formerly served among the Cabinet Office and Ministries of Internal Affairs and Communications, Justice, Foreign Affairs, Finance, Education, Culture, Sports, Science and Technology, Health, Labour and Welfare, Agriculture, Forestry and Fisheries, Economy, Trade and Industry, Land, Infrastructure, Transport and Tourism, and the Environment (herein after referred in this Article as "New Office and Ministries") after the enforcement of this Act or departments and bureaus formed in New Office and Ministries on the same working conditions unless other appointments are announced.

(Transitional Measures Prescribed Separately)

Article 30 In addition to what are provided for from Article 2 to the preceding Article, other transitional measures required for the enforcement of this Act shall be prescribed separately by other acts.

**Supplementary Provisions [Act No. 160 of December 22, 1999 Extract]**

**[Extract]**

(Effective Date)

Article 1 This Act (except for Articles 2 and 3) shall come into force as from January 6, 2001.

**Supplementary Provisions [Act No. 65 of June 12, 2002 Extract] [Extract]**

(Effective Date)

Article 1 This Act shall come into force as from January 6, 2003.

(Transitional Measures on Application of Penal Provisions)

Article 84 With regard to the application of penal provisions to acts committed after the enforcement of this Act in the case where the provisions then in force shall remain applicable pursuant to the provisions of Supplementary Provisions with regard to acts committed prior to the enforcement of this Act (or relevant provisions in the provisions listed in each item of Article 1 of Supplementary Provisions, and the same shall apply hereinafter in this Article), the provisions then in force remains applicable.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 85 In addition to what are provided for in Supplementary Provisions thereof, other transitional measures required for the enforcement of this Act shall be prescribed by the Cabinet Order.

(Review)

Article 86 When five years have passed since the enforcement of this Act, the government shall review the systems pertaining to protective trusts prescribed in paragraph (11) of Article 2 of the New Act on the Transfer of Corporate Bonds, etc. and clearing against for financial instruments prescribed in paragraph (29) of Article 2 of Financial Instruments Trading Act, taking into account the state of enforcement of the New Act on the Transfer of Corporate Bonds, etc., Financial Instruments Trading Act and changes in socioeconomic situations, and shall, when it finds it necessary, take necessary measures based on the results of review.

**Supplementary Provisions [Act No. 152 of December 13, 2002 Extract]  
[Extract]**

(Effective Date)

Article 1 This Act shall come into force as from the day of enforcement of the Act

on Use of Information and Communication Technology in Administrative Procedures, etc. (Act No. 151 of 2002).

(Transitional Measures on Application of 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.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 5 In addition to what are provided for in the preceding three Articles, other transitional measures required for the enforcement of this Act shall be prescribed by the Cabinet Order.

**Supplementary Provisions [Act No. 54 of May 30, 2003 Extract] [Extract]**

(Effective Date)

Article 1 This Act shall come into force as from April 1, 2004.

(Transitional Measures on Penal Provisions)

Article 38 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 39 In addition to what are provided for in this Act, other transitional measures required for the enforcement of this Act shall be prescribed by the Cabinet Order.

(Review)

Article 40 When five years have passed since the enforcement of this Act, the government shall review various financial systems after the revision by this Act, taking into account the state of the enforcement of the provisions revised by this Act and changes in socioeconomic situations, and shall, when it finds it necessary, take necessary measures based on the results of review.

**Supplementary Provisions [Act No. 61 of May 30, 2003 Extract] [Extract]**

(Effective Date)

Article 1 This Act shall come into force as from the day of enforcement of the Act on the Protection of Personal Information Held by Administrative Organs.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 4 In addition to what are provided for in the preceding two Articles, other transitional measures required for the enforcement of this Act shall be prescribed by the Cabinet Order.

**Supplementary Provisions [Act No. 88 of June 9, 2004 Extract] [Extract]**

(Effective Date)

Article 1 This Act shall come into force as from the day specified by the Cabinet Order (hereinafter referred to as "date of enforcement") within a period not exceeding five years from the date of promulgation.

(Transitional Measures on Penal Provisions)

Article 135 With regard to the application of penal provisions to acts committed after the enforcement of this Act in the case where the provisions then in force shall remain applicable pursuant to the provisions of Supplementary Provisions with regard to acts committed prior to the enforcement of this Act and the provisions are still effective, the provisions then in force shall remain applicable.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 136 In addition to what are provided for in Supplementary Provisions thereof, other transitional measures required for the enforcement of this Act shall be prescribed by the Cabinet Order.

(Review)

Article 137 When five years have passed since the enforcement of this Act, the government shall review settlement systems for stock transactions and others after the revision by this Act taking into account the state of the enforcement of the provisions revised by this Act and changes in socioeconomic situations, and shall, when it finds it necessary, take necessary measures based on the results of review.

**Supplementary Provisions [Act No. 84 of June 9, 2004 Extract] [Extract]**

(Effective Date)

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

(Review)

Article 50 When five years have passed since the enforcement of this Act, the

government shall review the state of enforcement of new acts and shall, when it finds it necessary, take necessary measures based on the results of review.

**Supplementary Provisions [Act No. 94 of June 9, 2004 Extract] [Extract]**

(Effective Date)

Article 1 This Act shall come into force as from April 1, 2005. However, the provisions of Articles 7 and 28 of Supplementary Provisions shall come into force as from the day of promulgation, and the provisions of paragraphs (1) to (5) and (9) to (11) of Article 4 thereof and those of Articles 5 and 7 thereof shall come into force as from October 1, 2004.

(Transitional Measures on Disposition, etc.)

Article 26 The disposition, procedures and other acts committed pursuant to the provisions of respective acts (including the orders based on such acts; the same shall apply hereinafter in this Article) before the revision prior to the enforcement of this Act, which are covered by reasonable provisions in the provisions of respective acts after the revision, shall be deemed to be committed by reasonable provisions of respective acts after the revision, except as otherwise provided by Supplementary Provisions thereof.

(Transitional Measures on Application of Penal Provision)

Article 27 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 to Cabinet Order)

Article 28 In addition to what are provided for in Supplementary Provisions thereof, other transitional measures required for the enforcement of this Act shall be prescribed by the Cabinet Order.

(Review)

Article 29 When five years have passed since the enforcement of this Act, the government shall review the provisions of the New Mine Safety Act taking into account the state of the enforcement of the New Mine Safety Act, and shall, when it finds it necessary, take necessary measures based on the results of review.