

Expropriation of Land Act

(Act No. 219 of June 9, 1951)

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Chapter I General Provisions

(Purpose of this Act)

Article 1 The purpose of this Act is to stipulate requirements for, procedures for, and effects of the expropriation or use of land required for undertakings for public interest, and compensation for related incurred losses, as well as promoting the public interest taking into account private property, thereby contributing to the appropriate and reasonable use of national territory.

(Expropriation or Use of Land)

Article 2 If land is needed for the purpose of undertakings for public interest, and it is appropriate and reasonable to use that land for such a purpose, the land may be expropriated or used under the provisions of this Act.

(Undertakings for Public Interest for Which Land May be Expropriated or Used)

Article 3 An undertaking for public interest for which land may be expropriated or used must be for any of the following:

- (i) roads under the Road Act (Act No. 180 of 1952), general motorways and dedicated motorways under the Road Transportation Act (Act No. 183 of 1951) (limited to those used for motor carrier services open to general passengers under the same Act or for motor carrier services for hire to groups of general passengers under the Motor Truck Transportation Business Act (Act No. 83 of 1989)), or off-street parking lots under the Parking Lot Act (Act No. 106 of 1957);
- (ii) rivers to which the River Act (Act No. 167 of 1964) applies, or applies *mutatis mutandis*, or other rivers in the public interest, or embankments, revetments, dams, waterways, reservoirs, and other facilities installed at the rivers for the purpose of flood control or water utilization;

- (iii) erosion control facilities under the Erosion Control Act (Act No. 29 of 1897), or facilities for erosion control to which the same Act applies mutatis mutandis;
- (iii)-2 landslide prevention facilities or heap collapse prevention facilities installed by the national or prefectural government under the Landslide Prevention Act (Act No. 30 of 1958);
- (iii)-3 steep slope collapse prevention facilities installed by the national or prefectural government under the Act on Prevention of Disasters Caused by Steep Slope Collapses (Act No. 57 of 1969);
- (iv) facilities used for canals under the Canal Act (Act No. 16 of 1913);
- (v) agricultural roads, irrigation channels, drainage channels, sea embankments, storage reservoirs for irrigation or prevention of disasters to agricultural crops, or shelterbelts, or any other equivalent facilities installed by the national or local governments, land improvement districts (including land improvement district unions; the same applies hereinafter), or the Japan Oil, Gas and Metals National Corporation;
- (vi) irrigation and drainage pumps or facilities used for groundwater sources installed in association with the execution of borrow material projects or land improvement projects executed by the national or prefectural government, or land improvement districts under the Land Improvement Act (Act No. 195 of 1949);
- (vii) facilities used for general demand met by railway companies or cableway companies in the course of their business under the Railway Business Act (Act No. 92 of 1986);
- (vii)-2 facilities used for railways or rail tracks installed by the Japan Railway Construction, Transport and Technology Agency;
- (viii) facilities used for rail tracks under the Act on Rail Tracks (Act No. 76 of 1921) or trackless trains to which the same Act applies mutatis mutandis;
- (viii)-2 facilities used for petroleum pipeline businesses under the Petroleum Pipeline Act (Act No. 105 of 1972);
- (ix) facilities used for motor carrier services open to general passengers (limited to those transporting general passengers by automobiles regularly operating on fixed routes) under the Road Transportation Act or motor carrier services for hire to groups of general passengers (limited to those engaged in special loading motor truck transportation) under the Motor Truck Transportation Act;
- (ix)-2 facilities used for transportation terminal operations with a license under Article 3 of the Transportation Terminal Act (Act No. 136 of 1959);
- (x) port facilities under the Port and Harbor Act (Act No. 218 of 1950) or fishery port facilities under the Act on the Development of Fishing Ports and Grounds (Act No. 137 of 1950);

- (x)-2 coastal conservation facilities under the Coast Act (Act No. 101 of 1956);
- (x)-3 tsunami defense facilities under the Act on Regional Development for Tsunami Disaster Prevention (Act No. 123 of 2011);
- (xi) navigation aids under the Navigation Aid Act (Act No. 99 of 1949) or hydrographic survey markers under the Act on Services Related to Waterways (Act No. 102 of 1950);
- (xii) aerodromes or air navigation facilities for public use under the Civil Aeronautics Act (Act No. 231 of 1952);
- (xiii) facilities used for observation or notification of meteorological, hydrographic, or geotechnical phenomena, flood, or any other similar phenomena;
- (xiii)-2 facilities used by Japan Post Co., Ltd., for services set forth in Article 4, paragraph (1), item (i), of the Japan Post Co., Ltd. Act (Act No. 100 of 2005);
- (xiv) measuring devices of the direction or quality of radio waves installed by the national government for radio wave monitoring;
- (xv) telecommunications facilities installed by the national or local government;
- (xv)-2 facilities used by approved telecommunications carriers under Article 120, paragraph (1), of the Telecommunications Business Act (Act No. 86 of 1984) for approved telecommunications businesses provided for in the same paragraph (excluding those that may use land, etc., pursuant to the same Act);
- (xvi) broadcasting equipment used for basic broadcasting by basic broadcasters or suppliers for basic broadcasting stations under the Broadcasting Act (Act No. 132 of 1950);
- (xvii) electric facilities used for general electricity transmission and distribution businesses, electricity transmission businesses, specified electricity transmission and distribution businesses, or electricity generation businesses under the Electricity Business Act (Act No. 170 of 1964);
- (xvii)-2 gas facilities under the Gas Business Act (Act No. 51 of 1954);
- (xviii) facilities used for water utility businesses or water supply businesses under the Water Supply Act (Act No. 177 of 1957), industrial water supply businesses under the Industrial Water Supply Business Act (Act No. 84 of 1958), or public sewerage systems, regional sewerage systems, or urban storm drainage systems under the Sewerage Act (Act No. 79 of 1958);
- (xix) facilities for firefighting installed by municipalities under the Fire Service Act (Act No. 186 of 1948);
- (xx) facilities used for flood control by prefectures or flood control management entities under the Flood Control Act (Act No. 193 of 1949);
- (xxi) schools provided for in Article 1 of the School Education Act (Act No. 26 of 1947), or other equivalent facilities for education or academic research;

- (xxii) community halls or museums under the Social Education Act (Act No. 207 of 1949) (excluding facilities equivalent to community halls provided for in Article 42 of the same Act), or libraries under the Library Act (Act No. 118 of 1950) (excluding facilities equivalent to libraries provided for in Article 29 of the same Act);
- (xxiii) facilities used for social welfare services under the Social Welfare Act (Act No. 45 of 1951) or offenders rehabilitation services under the Offenders Rehabilitation Services Act (Act No. 86 of 1995), or public human resources development facilities or polytechnic universities under the Human Resources Development Promotion Act (Act No. 64 of 1969);
- (xxiv) hospitals, sanatoriums, clinics or birthing centers, health centers under the Community Health Act (Act No. 101 of 1947) or public medical institutions under the Medical Care Act (Act No. 205 of 1948), or quarantine stations established by the national or local government, National Hospital Organization, National Cancer Center, National Cerebral and Cardiovascular Center, National Center of Neurology and Psychiatry, National Center for Global Health and Medicine, National Center for Child Health and Development, National Center for Geriatrics and Gerontology, Health Insurance Societies or National Federation of Health Insurance Societies, National Health Insurance Societies or National Health Insurance Organizations, National Public Service Personnel Mutual Aid Associations or Federation of National Public Service Personnel Mutual Aid Associations, or Mutual Aid Associations of Local Government Officials or National Federation of Mutual Aid Associations for Municipal Personnel;
- (xxv) crematoria under the Graveyards and Burials Act (Act No. 48 of 1948);
- (xxvi) slaughterhouses under the Slaughterhouse Act (Act No. 114 of 1953), or rendering plants or handling plants for dead animals under the Rendering Plant Control Act (Act No. 140 of 1948);
- (xxvii) domestic waste disposal facilities, industrial waste disposal facilities, or other waste disposal facilities (limited to those for disposing of (and recycling) waste) under the Waste Management and Public Cleansing Act (Act No. 137 of 1970) installed by local governments or waste disposal centers provided for in Article 15-5, paragraph (1) of the same Act, and public restrooms installed by local governments;
- (xxvii)-2 treatment facilities installed by the national government for contaminated waste under the Act on Special Measures Concerning the Handling of Environmental Pollution by Radioactive Materials Discharged by the Nuclear Power Plant Accident Associated with the Tohoku District Off the Pacific Ocean Earthquake That Occurred on 11 March 2011 (Act No. 110 of 2011);
- (xxviii) central wholesale markets and local wholesale markets under the

- Wholesale Market Act (Act No. 35 of 1971);
- (xxix) park projects under the Natural Parks Act (Act No. 161 of 1957);
- (xxix)-2 conservation projects for wilderness areas and conservation projects for nature conservation areas under the Nature Conservation Act (Act No. 85 of 1972);
- (xxx) housing facilities with 50 or more dwellings per housing estate which are city planning areas provided for in Article 4, paragraph (2), of the City Planning Act (Act No. 100 of 1968), operated by the national or local government, Urban Renaissance Agency, or local housing corporations for lease or sale to persons who need their own dwellings in category 1 low-rise exclusive residential districts, category 2 low-rise exclusive residential districts, category 1 medium-to-high-rise exclusive residential districts, category 2 medium-to-high-rise exclusive residential districts, category 1 residential districts, category 2 residential districts, or quasi-residential districts provided for in Chapter II of the same Act;
- (xxxii) government buildings, factories, research institutes, laboratories, or other facilities installed by the national or local government directly used for its administration or services;
- (xxxiii) parks, green spaces, open spaces, playgrounds, graveyards, markets, or facilities for public use installed by the national or local government;
- (xxxiii) facilities used by the Japan Atomic Energy Agency for the operations set forth in Article 17, paragraph (1), items (i) through (iii) of the Japan Atomic Energy Agency Act (Act No. 155 of 2004);
- (xxxiv) water resource development facilities and Aichi Toyokawa water supply facilities installed by the Japan Water Agency under the Japan Water Agency Act (Act No. 182 of 2002);
- (xxxiv)-2 facilities used by the Japan Aerospace Exploration Agency for the operations set forth in Article 18, paragraph (1), items (i) through (iv), of the Japan Aerospace Exploration Agency Act (Act No. 161 of 2002);
- (xxxiv)-3 facilities used by the National Cancer Center, National Cerebral and Cardiovascular Center, National Center of Neurology and Psychiatry, National Center for Global Health and Medicine, National Center for Child Health and Development, or National Center for Geriatrics and Gerontology for the operations set forth in Article 13, paragraph (1), items (i); Article 14, item (i); Article 15, item (i) or (iii); Article 16, item (i) or (iii); Article 17, item (i); or Article 18, item (i) or (ii), of the Act on National Research and Development Agencies that Conduct Research related to Advanced and Specialized Medical Care (Act No. 93 of 2008); or
- (xxxv) passages, bridges, railways, rail tracks, cableways, electric lines, waterways, ponds or wells, dumping sites for earth and stones, material yards, stations or accommodation for officials who are required to be

stationed full-time at a location in the course of duties, or other facilities indispensable for any of the undertakings for public interest set forth in the preceding items.

(Restrictions on Land Available for Expropriation or Use)

Article 4 There must be special necessity to expropriate or use land for any undertaking for public interest which this or any other Act provides for.

(Expropriation or Use of Rights)

Article 5 (1) In order to use land available for any undertaking for public interest provided for in any of the items of Article 3, if it is necessary and reasonable to extinguish or limit any rights to the land set forth in the following items, these rights may be expropriated or used under the provisions of this Act:

(i) right of superficies, farming right, servitude, quarrying right, pledge, mortgage, right of loan for use or lease, and any right other than ownership to the land;

(ii) mining right; and

(iii) right to avail hot springs.

(2) In order to use standing trees, buildings, and other articles fixed to land, together with the land available for any undertaking for public interest provided for in any of the items of Article 3, if it is necessary and reasonable to extinguish or limit any rights other than ownership to these articles, these rights may be expropriated or used under the provisions of this Act.

(3) In order to use land, river sites, seabeds or streams, sea water, and other water available for any undertaking for public interest provided for in any of the items of Article 3, if it is necessary and reasonable to extinguish or limit any fishery right or common piscary therein (at the site of a river or seabed which is part of a landfill or reclaimed land, if the land is developed by the relevant landfill or reclaimed land), and any other rights to use these river sites, the seabed or streams, sea water, and other water, these rights may be expropriated or used under the provisions of this Act.

(Expropriation or Use of Standing Trees and Buildings)

Article 6 If it is necessary and reasonable to use standing trees, buildings, and other articles fixed on land, together with the land available for any undertaking for public interest provided for in any of the items of Article 3, these articles may be expropriated or used under the provisions of this Act.

(Expropriation of Earth and Stones, and Gravel)

Article 7 If it is necessary and reasonable to use earth and stones and gravel

attached to land available for any undertaking for public interest provided for in any of the items of Article 3, these articles may be expropriated under the provisions of this Act.

(Definitions)

- Article 8 (1) The term "Expropriator" as used in this Act means a person handling any undertaking for public interest provided for in any of the items of Article 3, who is required to expropriate or use land, rights set forth in Article 5, or standing trees, buildings, and other articles fixed on land set forth in Article 6, or expropriate earth and stones, and gravel provided for in the preceding article.
- (2) The term "Landowner" as used in this Act means an owner of land to be expropriated or used.
- (3) The term "Interested Person" as used in this Act means a person who, if land is expropriated or used under the provisions of Article 2, holds any right of superficies, farming right, servitude, quarrying right, pledge, mortgage, right of loan for use or lease, or any right other than ownership to the relevant land and has any ownership or other right to articles on the land; who, if any rights set forth in Article 5 are expropriated or used under the provisions of the same article, has any pledge, mortgage, right of loan for use or lease, or other right to the relevant rights; who, if any standing trees, buildings, and other articles fixed on land set forth in Article 6 are expropriated or used under the provisions of the same article, holds any right other than ownership to the relevant articles; or who, if any earth and stones, and gravel are expropriated under the provisions of Article 7, holds any right other than ownership to land, to which the relevant earth and stones, and gravel are attached, and has any ownership or other right to articles on the land; provided, however, that any person who acquires new rights after public notice of approval of the undertaking for public interest under the provisions of Article 26, paragraph (1), (including mutatis mutandis application under Article 138, paragraph (1)) is not be included as an Interested Person, except successors to the existing rights.
- (4) In this Act, persons who hold any rights other than ownership to land or articles is to include those who hold any rights under a provisional registration or a right of redemption already registered, and attaching creditors already registered and provisionally attaching creditors already registered over the relevant land or articles, or over any rights other than ownership to the relevant land or articles.
- (5) The provisions of the preceding paragraph apply mutatis mutandis to those who hold any mining rights, fishery rights, or have a common of piscary. In this case, the terms "provisional registration" and "already registered" in the

same paragraph are deemed to be replaced with "provisional enrollment" and with "already enrolled," respectively.

(Succession to Rights and Obligations of an Expropriator)

Article 9 If an undertaking for public interest is succeeded to because of a merger or other cause, the rights and obligations held by the previous Expropriator under the provisions of this Act are transferred to a person who has succeeded to the relevant undertaking for public interest.

(Succession to Undertakings)

Article 10 If there are any changes to a Expropriator, Landowner, or Interested Person, the procedures and other actions conducted by the previous Expropriator, Landowner, or Interested Person under the provisions of this Act or any order under this Act also apply to a new Expropriator, Landowner, or Interested Person.

(Management of Acquired Land)

Article 10-2 (1) Expropriator must manage land acquired for the purpose of the undertaking for public interest listed in public notice under the provisions of Article 26, paragraph (1), properly to ensure the public interest.

(2) Expropriator must, if they use or have others use the land specified in the preceding paragraph for structures or other facilities for any purpose other than undertakings for public interest specified in the same paragraph, give due consideration to not harming the surrounding environment of the relevant land.

Chapter II Preparation of Undertakings for Public Interest

(Right of Entry for Preparation of Undertakings for Public Interest)

Article 11 (1) If it is necessary to enter and survey or investigate land possessed by others for the preparation of undertakings for public interest set forth in any of the items of Article 3, Expropriator must submit a written application, which indicates the type of undertaking for public interest, and the area of the land and the period of intended entry, to the prefectural governor who has jurisdiction over the relevant area, and must obtain permission for entry; provided, however, that if the Expropriator is the national or local government, it is sufficient to notify the prefectural governor in advance of the type of undertaking for public interest, and the area of land and period of intended entry without obtaining permission.

(2) Prefectural governors are to grant permission for entry, unless the undertaking for public interest under application for permission for entry

under the main clause of the preceding paragraph is not any of those set forth in the items of Article 3, or unless the area of the land and the period of intended entry exceed the extent necessary for the preparation of the relevant undertaking for public interest.

- (3) Any Expropriator to whom permission is granted by a prefectural governor under the provisions of the preceding paragraph, or who has notified a prefectural governor under the provisions of the proviso to paragraph (1), may personally enter, or have a person ordered or delegated by the Expropriator to enter the land.
- (4) A prefectural governor must, when they have granted permission under the provisions of paragraph (2), given notification under the provisions of the proviso to paragraph (1), immediately notify the possessor of the relevant land of the name of the Expropriator, the type of undertaking for public interest, and the area of the land and the period of entry intended by the Expropriator, or issue public notice of these matters.

(Notice of Entry)

Article 12 (1) Any person who intends to enter land possessed by another under the provisions of paragraph (3) of the preceding article must notify the mayor of the municipality of the date and time, and place thereof, at least five days prior to the date of intended entry.

- (2) The mayor of a municipality must, upon receiving notice under the provisions of the preceding paragraph, immediately notify the possessor of the relevant land, or issue public notice to that effect.
- (3) Any person who intends to enter residential land or land enclosed by hedges, fences, or the like, under the provisions of paragraph (3) of the preceding article, must notify the possessor thereof in advance.
- (4) No person may enter residential land or land enclosed by hedges, fences, or the like before between sunset and sunrise.

(Acceptance of Entry)

Article 13 No possessor of land may refuse or obstruct entry under the provisions of Article 11, paragraph (3), unless there are reasonable grounds for doing so.

(Removal of Obstructions and Prospecting Sites)

Article 14 (1) When entering and surveying or investigating land possessed by others for the preparation of any undertaking for public interest set forth in any of the items of Article 3, if any Expropriator or a person ordered or delegated by the Expropriator intends to cut plants or remove hedges, fences, or the like (hereinafter referred to as "obstructions") that may cause

obstruction, or intends to perform prospecting or drilling on relevant land or remove obstructions in connection therewith (hereinafter referred to as "prospecting") out of absolute necessity, and cannot obtain the consent of owners and possessors of the relevant obstructions or the relevant land, they may remove those obstructions with the permission of the mayor of the municipality who has jurisdiction over the location of the relevant obstructions, or conduct prospecting on the relevant land with the permission of the prefectural governor who has jurisdiction over that land. In this case, the mayor of the municipality who intends to grant permission must give the owners and possessors of obstructions, or the prefectural governor who intends to grant permission must give the owners and possessors of land, an opportunity to state their opinions in advance.

- (2) Any person who intends to remove obstructions or conduct prospecting on land under the provisions of the preceding paragraph must notify the owners and possessors of the relevant obstructions or the relevant land, at least three days prior to the date of intended removal or the date of intended prospecting.
- (3) If it is difficult to obtain prior consent of owners and possessors because obstructions are located in a forest, wilderness area, or other similar land, and no significant damage occurs to obstructions, an Expropriator or a person ordered or delegated by the Expropriator may, notwithstanding the provisions of the preceding two paragraphs, immediately remove obstructions with the permission of the mayor of the municipality who has jurisdiction over the location of the relevant obstructions. In this case, after removing the obstructions, a notice to that effect must be, without delay, given to the owners and possessors.
- (4) The provisions of the preceding paragraph do not apply to removal of obstructions in connection with prospecting or drilling on the land under the provisions of paragraph (1).

(Carrying Identification Cards)

- Article 15 (1) Any person who intends to enter land possessed by others pursuant to the provisions of Article 11, paragraph (3), must carry an identification card and a permit from the prefectural governor (unless the Expropriator is the national or local government).
- (2) Any person who intends to remove obstructions or perform prospecting, etc., on land under the provisions of the preceding article must carry an identification card and a permit of the mayor of the municipality or the prefectural governor.
 - (3) An identification card or permit referred to in the preceding two paragraphs must be presented if requested by owners, possessors, or other interested parties of land or obstructions.

- (4) The form of an identification card and permit provided for in paragraphs (1) and (2) is prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

Chapter II-2 Resolution of Disputes on the Acquisition of Land

Section 1 Mediation

(Application for Mediation)

- Article 15-2 (1) If an agreement has not been reached between parties concerned for the acquisition of land, etc., to be used for any undertaking for public interest set forth in any of the items of Article 3, either one or both of the parties concerned may apply to the prefectural governor where the land, etc., disputed is located in writing for mediation by mediation committee members to resolve the relevant dispute; provided, however, that in relation to the relevant land, etc., this does not apply after public notice of approval of the undertaking for public interest under the provisions of Article 26, paragraph (1) (including mutatis mutandis application under Article 138, paragraph (1)).
- (2) If an application is made under the provisions of the preceding paragraph, the prefectural governor must refer the dispute for mediation by mediation committee members, unless the relevant dispute is found unsuitable for mediation.
- (3) When application is made under the provisions of paragraph (1) to two or more prefectural governors in relation to one undertaking for public interest, the prefectural governors concerned may, when they find it inappropriate to refer the dispute for mediation by mediation committee members of the respective prefectures, determine by mutual agreement the mediation committee members of the prefecture to which the dispute is to be referred.

(Mediation Committee Members)

Article 15-3 There must be five mediation committee members, with one member recommended by the expropriation committee from among its membership and persons with relevant knowledge and experience who are recommended by the expropriation committee who are to be appointed by the prefectural governor for each case.

(Discontinuance of Mediation)

Article 15-4 If public notice of approval of the undertaking for public interest in relation to disputed land, etc., under mediation is issued under the provisions of Article 26, paragraph (1), (including mutatis mutandis application under Article 138, paragraph (1)), mediation committee members are to discontinue the relevant mediation.

(Report and Dismissal of Mediation Committee Members)

Article 15-5 (1) When mediation is completed, or discontinued under the provisions of the preceding article or any other grounds, mediation committee members must, without delay, report the process and results thereof to the prefectural governor.

(2) Mediation committee members automatically resign once they have reported under the preceding paragraph.

(Procedures for Application for Mediation)

Article 15-6 Beyond the matters provided for in this Act, any proceedings for mediation application and other necessary matters for mediation are prescribed by Cabinet Order.

Section 2 Arbitration

(Application for Arbitration)

Article 15-7 (1) In the case presented in the main clause of Article 15-2, paragraph (1), if a relevant dispute relates only to compensation for the acquisition of land, etc., both of the parties concerned may apply in writing to the prefectural governor where the land, etc., disputed is located, for arbitration by arbitration committee members (hereinafter referred to simply as "arbitration") of the relevant dispute; provided, however, that in relation to the relevant land, etc., this does not apply after public notice of approval of the undertaking for public interest under the provisions of Article 26, paragraph (1), (including mutatis mutandis application under Article 138, paragraph (1)).

(2) The provisions of Article 15-2, paragraph (3), are to apply mutatis mutandis to the case presented in the preceding paragraph. In this case, the terms "mediation committee members" and "mediation" in paragraph (3) of the same article are deemed to be replaced with "arbitration committee members" and with "arbitration," respectively.

(3) During a period after application for arbitration under the provisions of paragraph (1), until an arbitral award is rendered, in relation to the ownership and other rights to land or articles to which the relevant application pertains, rights set forth in Article 5, or rights to expropriate earth and stones, and gravel provided for in Article 7, either an Expropriator or persons who hold these rights may not make an application or request under the provisions of Article 39, paragraph (1) or (2) (including mutatis mutandis application of these provisions under Article 138, paragraph (1)).

(Arbitration Committee Members)

Article 15-8 Arbitration committee members must consist of three persons recommended by the expropriation committee from among its membership who are appointed by the prefectural governor for each case.

(Submission of Materials)

Article 15-9 Arbitration committee members may, if they find it necessary in arbitration as proposed by a party, request the submission of materials in possession of the opposite party in relation to the relevant dispute.

(Entry and Investigation)

Article 15-10 (1) Arbitration committee members may, if they find it necessary in arbitration as proposed by a party, enter the land possessed by the opposite party or other places related to the relevant dispute, and investigate the facts constituting the grounds for that dispute.

(2) When conducting an investigation under the provisions of the preceding paragraph, arbitration committee members may assign one person from its membership to conduct the relevant investigation.

(Reporting and Dismissing Arbitration Committee Members)

Article 15-11 (1) When an investigation is conducted, arbitration committee members must, without delay, report the summary thereof to the prefectural governor.

(2) Arbitration committee members automatically resign once they have reported under the preceding paragraph.

(Mutatis Mutandis Application of the Arbitration Act)

Article 15-12 Unless otherwise provided for in this Act, the provisions of the Arbitration Act (Act No. 138 of 2003) apply mutatis mutandis to arbitration, considering arbitration committee members as arbitrators.

(Proceedings for Arbitration Application)

Article 15-13 Beyond the provisions in this Act, any proceedings for arbitration application, costs of arbitration proceedings, and other necessary matters for arbitration are prescribed by Cabinet Order.

Chapter III Approval of Undertakings for Public Interest

Section 1 Approval of Undertakings for Public Interest

(Explanation of Undertakings for Public Interest)

Article 15-14 An Expropriator must, when obtaining approval of an undertaking for public interest under the provisions of the following article, explain in

advance to persons, who have interest in the approval of the relevant undertaking for public interest, about the purpose and description of the undertaking for public interest by holding an explanatory meeting and taking other measures prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Approval of Undertakings for Public Interest)

Article 16 An Expropriator must obtain approval of the undertaking for public interest under the provisions of this Section, when expropriating or using land for a relevant undertaking for public interest or any undertaking for public interest related to those falling under any of the items of Article 3 (hereinafter referred to as a "related undertaking for public interest") as may be necessary in implementing the relevant undertaking for public interest.

(Agencies Issuing Approval of Undertakings for Public Interest)

Article 17 (1) For any undertaking for public interest set forth in any of the following items, the Minister of Land, Infrastructure, Transport and Tourism issues approval of that undertaking for public interest:

- (i) An undertaking where the national or prefectural government acts as the Expropriator;
- (ii) an undertaking to be implemented on land (hereinafter referred to as "land subject to undertakings for public interest") which covers two or more prefectures;
- (iii) an undertaking extending beyond one prefectural area or over the whole of an area of road, or any other undertaking for public interest set forth below:
 - (a) an undertaking for public interest for expressways implemented by companies under Article 2, paragraph (4), of the Act on Special Measures concerning Road Construction and Improvement (Act No. 7 of 1956);
 - (b) an undertaking for public interest related to facilities used by railway companies in the course of their business (excluding those routes related to the relevant undertakings for public interest, or other routes closely related to those routes in transportation by the relevant railway companies or other railway companies, to whom the relevant railway companies transfer or grant permission to use those routes and their railway tracks, which are within one prefectural area) under the Railway Business Act;
 - (c) an undertaking for public interest in relation to port facilities for international container hub ports, international hub ports, or major ports under the Port and Harbor Act;
 - (d) an undertaking for public interest in relation to aerodromes or air navigation facilities for public use under the Civil Aeronautics Act;
 - (e) an undertaking for public interest in relation to facilities used by

- approved telecommunications carriers under Article 120, paragraph (1), of the Telecommunications Business Act for approved telecommunications businesses provided for in the same paragraph (excluding those whose service areas are within a single prefecture);
- (f) an undertaking for public interest in relation to broadcasting equipment used by the Japan Broadcasting Corporation for broadcasting business;
 - (g) an undertaking for public interest in relation to electric facilities used for general electricity transmission and distribution (excluding those whose service areas are within a single prefecture), electricity transmission (excluding those whose recipients of electricity supply are general electricity transmission and distribution utilities with service areas that are within a single prefecture), specified electricity transmission and distribution businesses (excluding those whose service points are within a single prefecture), or electricity generation businesses (excluding those whose electric lines to be electrically connected to electric facilities used for relevant undertakings for public interest are within a single prefecture) under the Electricity Business Act; and
 - (h) an undertaking for public interest in relation to passages, bridges, railways, rail tracks, cableways, electric lines, waterways, ponds or wells, dumping sites for earth and stones, material yards, stations or accommodations for officials who are required to station full time in the course of duties, or other facilities indispensable for any of the undertakings for public interest set forth in items (a) through (g); and
 - (iv) an undertaking in relation to undertakings for public interest set forth in the preceding three paragraphs.
- (2) For any undertaking for public interest other than any of those set forth in the items of the preceding paragraph, the prefectural governor who has jurisdiction over the land subject to undertakings for public interest carries out approval of the undertaking for public interest.
- (3) The Minister of Land, Infrastructure, Transport and Tourism or a prefectural governor must endeavor to handle approval of undertakings for public interest within three months from the date of receipt of the application for approval of the undertaking for public interest under the provisions of the following article.

(Application Form for Approval of Undertakings for Public Interest)

Article 18 (1) An Expropriator must, when obtaining approval of an undertaking for public interest under the provisions of Article 16, submit a written application for approval of the undertaking for public interest indicating the following matters, in accordance with the form prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism, to the Minister of Land, Infrastructure, Transport and Tourism in the case presented in

paragraph (1) of the preceding article or Article 27, paragraph (1), or to the prefectural governor in the case presented in paragraph (2) of the preceding article:

- (i) name of the Expropriator;
 - (ii) type of undertaking for public interest;
 - (iii) land subject to undertakings for public interest by specifying whether it is expropriated or used; and
 - (iv) reasons for application for approval of the undertaking for public interest.
- (2) The following documents must be attached to the written application under the preceding paragraph in accordance with the forms prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism:
- (i) plan for the undertaking for public interest;
 - (ii) drawings showing the land subject to the undertaking for public interest and associated plans;
 - (iii) document certifying the necessity for the Expropriator to implement related undertakings for public interest;
 - (iv) records on the land, drawings, and written opinions of the land manager, if land provided for in Article 4 is located within the land subject to undertakings for public interest;
 - (v) written opinions of the administrative organ which has authority over the enforcement of relevant laws and regulations if there are restrictions on the use of land within the land subject to undertakings for public interest under the provisions of laws and regulations;
 - (vi) if issuing of a license, permit, or approval, etc., of the administrative organ is required in relation to the implementation of the undertaking for public interest, a document certifying that issuing has been made, or a written opinions of a relevant administrative organ; and
 - (vii) a document indicating the status of implementation of measures implemented under the provisions of Article 15-14.
- (3) An Expropriator which cannot obtain written opinions set forth in items (iv) through (vi) of the preceding paragraph within three weeks from the date of request for opinions, is not required to attach those documents. In this case, the Expropriator must attach a prima facie document showing when written opinions cannot be obtained.
- (4) Indication of land subject to undertakings for public interest provided for in paragraph (1), item (iii) and paragraph (2), item (ii) must be such that Landowners and Interested Persons can easily discern whether land under their rights is included in the land subject to undertakings for public interest.

(Correction and Dismissal of Application Forms for Approval of Undertakings for Public Interest)

Article 19 (1) If an application for approval of an undertaking for public interest and its attached documents under the provisions of the preceding article are not given in accordance with the forms prescribed by the same article or Order of the Ministry of Land, Infrastructure, Transport and Tourism under the same article, the Minister of Land, Infrastructure, Transport and Tourism or the prefectural governor must order the correction thereof by specifying a reasonable period. The same applies in the case of failure to pay the fees under the provisions of Article 125.

(2) Despite an order of correction made to an Expropriator under the provisions of the preceding paragraph, if the Expropriator fails to make the correction within the specified period, the Minister of Land, Infrastructure, Transport and Tourism or the prefectural governor must dismiss the application for approval of the undertaking for public interest.

(Requirements for Approval of Undertakings for Public Interest)

Article 20 The Minister of Land, Infrastructure, Transport and Tourism or a prefectural governor may, when the undertaking for public interest under application meets all of the following requirements, grant approval:

- (i) the undertaking for public interest is any of those set forth in the items of Article 3;
- (ii) the Expropriator is a person who has sufficient intention and capacity to implement the relevant undertaking for public interest;
- (iii) the undertaking for public interest plan contributes to appropriate and reasonable use of land; and
- (iv) expropriation or use of land is necessary for the public interest.

(Hearing of Opinions of Land Managers and Administrative Organs Concerned)

Article 21 (1) The Minister of Land, Infrastructure, Transport and Tourism or a prefectural governor must, when intending to dispose of an approval of the undertaking for public interest, if written opinions are not attached under the provisions of Article 18, paragraph (3) or otherwise it finds it necessary, request opinions of land managers of land provided for in Article 4 within the land subject to undertakings for public interest, or of the administrative organ or the head of its local branch office concerned with the implementation of the relevant undertaking for public interest; provided, however, that this does not apply to land managers, if the managers cannot be ascertained, or it is otherwise impossible to request their opinions.

(2) The administrative organ or the head of the local branch office concerned with the implementation of the relevant undertaking for public interest may state their opinions on the issuing of approval of the undertaking for public interest to the Minister of Land, Infrastructure, Transport and Tourism or the

prefectural governor.

(Hearing of Opinions of Persons with Expert Knowledge and Experience)

Article 22 The Minister of Land, Infrastructure, Transport and Tourism or a prefectural governor may, when intending to make an issuing in relation to approval of an undertaking for public interest, if it finds it necessary, request opinions of persons with expert knowledge or experience on plans for an undertaking for public interest under application.

(Public Hearings)

Article 23 (1) The Minister of Land, Infrastructure, Transport and Tourism or a prefectural governor must hold a public hearing to seek public opinions, when intending to make a issuing in relation to an approval of an undertaking for public interest, if a request is made by a person who has interest in the approval of the relevant undertaking for public interest to hold a public hearing pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism, within the period of public inspection under paragraph (2) of the following article, or otherwise it finds it necessary to do so.

(2) The Minister of Land, Infrastructure, Transport and Tourism or a prefectural governor must, when holding a public hearing under the provisions of the preceding paragraph, issue public notice of the name of the Expropriator, the type of undertaking for public interest and the land subject to undertakings for public interest, and the date and place of the public hearing.

(3) Matters necessary for the process of public hearings are prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Sending and Public Inspection of Applications for Approval of Undertakings for Public Interest)

Article 24 (1) The Minister of Land, Infrastructure, Transport and Tourism or a prefectural governor must, when intending to make an issuing in relation to an approval of the undertaking for public interest, unless it is obvious that the undertaking for public interest under application does not meet the requirements provided for in Article 20, send to the head of the municipality where the land subject to undertakings for public interest is located a copy of any portion of the application for approval of the undertaking for public interest and its attached documents in relation to the relevant municipality.

(2) The mayor of a municipality who has received documents provided for in the preceding paragraph must immediately issue public notice of the name of the Expropriator, the type of the undertaking for public interest, and the land subject to undertakings for public interest, and make the documents available

for public inspection for two weeks from the date of the public notice.

- (3) The Minister of Land, Infrastructure, Transport and Tourism must, when it has sent documents under the provisions of paragraph (1), immediately give notification to that effect and send to the prefectural governor who has jurisdiction over the land subject to undertakings for public interest, a copy of the application for approval of the undertaking for public interest and its attached documents.
- (4) If the mayor of a municipality fails to follow the procedures under the provisions of paragraph (2) within two weeks from the date of receipt of documents provided for in paragraph (1), the prefectural governor who has jurisdiction over the land subject to undertakings for public interest may, upon application by the Expropriator, follow these procedures on behalf of the relevant mayor of the municipality.
- (5) The prefectural governor must, when intending to follow the procedures on behalf of the mayor of a municipality under the provisions of the preceding paragraph, notify the mayor of the municipality to that effect in advance.
- (6) After receipt of the notice of the prefectural governor under the provisions of the preceding paragraph, the mayor of the municipality may not follow the procedures provided for in paragraph (2) in relation to the relevant case.

(Submission of Written Opinions of Interested Parties)

- Article 25 (1) If public notice is issued under the provisions of paragraph (2) of the preceding article, a person who has interest in approval of the undertaking for public interest may submit written opinions to the prefectural governor within the period of public inspection under the same paragraph.
- (2) The prefectural governor must, when it has received written opinions under the provisions of the preceding paragraph in relation to an issuing of an approval intended by the Minister of Land, Infrastructure, Transport and Tourism, immediately send the written opinions to the Minister of Land, Infrastructure, Transport and Tourism, and if no written opinions are submitted within the period provided for in paragraph (2) of the preceding article, the prefectural governor must immediately report to the Minister of Land, Infrastructure, Transport and Tourism to that effect.

(Hearing of Opinions of the Panel on Infrastructure Development)

- Article 25-2 (1) The Minister of Land, Infrastructure, Transport and Tourism must, when intending to make an issuing in relation to an approval of the undertaking for public interest, hear in advance the opinions of the Panel on Infrastructure Development, and respect these opinions; provided, however, that this does not apply, if no written opinions (limited to those containing opinions sustaining objection to approval of the undertaking for public interest,

in the case where the Minister of Land, Infrastructure, Transport and Tourism intends to grant approval of the undertaking for public interest, or those containing opinions sustaining approval of the undertaking for public interest, in the case where the Minister of Land, Infrastructure, Transport and Tourism intends to refuse approval of the undertaking for public interest) are submitted under the provisions of paragraph (1) of the preceding article, within the period of public inspection under Article 24, paragraph (2).

- (2) A prefectural governor must, when intending to make an issuing in relation to an approval of an undertaking for public interest, hear in advance the opinions of a council or other council system organization provided for in Article 34-7, paragraph (1), and respect these opinions; provided, however, that this does not apply, if no written opinions (limited to those containing opinions sustaining objection to approval of the undertaking for public interest, in the case where the prefectural governor intends to grant approval of the undertaking for public interest, or those containing opinions sustaining approval of the undertaking for public interest, in the case where the prefectural governor intends to refuse approval of the undertaking for public interest) are submitted under the provisions of paragraph (1) of the preceding article, within the period of public inspection under Article 24, paragraph (2).

(Public Notice of Approval of Undertakings for Public Interest)

Article 26 (1) The Minister of Land, Infrastructure, Transport and Tourism or a prefectural governor must, when it has granted approval of an undertaking for public interest under the provisions of Article 20, notify without delay the Expropriator in writing to that effect, and issue public notice stating the name of the Expropriator, the type of the undertaking for public interest, the land subject to undertakings for public interest, the grounds for approval of the undertaking for public interest, and the place of public inspection of drawings provided for in the following article, in the Official Gazette if issued by the Minister of Land, Infrastructure, Transport and Tourism, or in accordance with the method specified by the prefectural governor if issued by the prefectural governor.

- (2) A prefectural governor must, when it has issued public notice under the provisions of the preceding paragraph, immediately report to the Minister of Land, Infrastructure, Transport and Tourism to that effect.
- (3) The Minister of Land, Infrastructure, Transport and Tourism must, when it has issued public notice under the provisions of paragraph (1), immediately report to the prefectural governor to that effect.
- (4) Approval of an undertaking for public interest becomes effective as of the date of the public notice under the provisions of paragraph (1).

(Long-term Public Inspection of Drawings Showing Land Subject to Undertakings for Public Interest)

- Article 26-2 (1) The Minister of Land, Infrastructure, Transport and Tourism or a prefectural governor must, when it has granted approval of an undertaking for public interest under the provisions of Article 20, immediately give notification the head of the municipality where the land subject to undertakings for public interest is located to that effect.
- (2) The mayor of a municipality must, when it has received notice under the preceding paragraph, immediately make the drawings showing the land subject to undertakings for public interest, which are sent under the provisions of Article 24, paragraph (1), available for public inspection until the date when the approval of the undertaking for public interest ceases to be effective, or the date of notification under the provisions of Article 30, paragraph (2) or (3) as applied mutatis mutandis pursuant to Article 30-2.
- (3) The provisions of Article 24, paragraphs (4) and (5) apply mutatis mutandis to the case where the mayor of a municipality fails to follow the procedures under the provisions of the preceding paragraph within two weeks from the date of receipt of notice under paragraph (1).

(Special Provisions for Organizations to Issue Approval of Undertakings for Public Interest)

- Article 27 (1) An Expropriator may, if it falls under any of the following items, apply to the Minister of Land, Infrastructure, Transport and Tourism for approval of an undertaking for public interest. In this case, the Expropriator must notify the prefectural governor to that effect:
- (i) refusal of approval of an undertaking for public interest by a prefectural governor; or
- (ii) failure to make an issuing in relation to an approval of an undertaking for public interest by a prefectural governor within three months from the date of receipt of the application for approval of the undertaking for public interest under the provisions of Article 18.
- (2) The Minister of Land, Infrastructure, Transport and Tourism must, when it has received an application under the provisions of item (i) of the preceding paragraph, hear in advance the opinions of the Environmental Dispute Coordinating Committee, and make an issuing in relation to an approval of the undertaking for public interest on its own authority.
- (3) The Minister of Land, Infrastructure, Transport and Tourism may, when it has received an application under the provisions of paragraph (1), item (ii), hear in advance the opinions of the prefectural governor, and instruct the prefectural governor to make an issuing in relation to an approval of the undertaking for public interest by specifying a reasonable period.

- (4) The Minister of Land, Infrastructure, Transport and Tourism may, if the prefectural governor fails make an issuing within the period specified under the provisions of the preceding paragraph, or if it finds it inappropriate to instruct the prefectural governor to make an issuing under the provisions of the same paragraph, notify in advance the prefectural governor and the Expropriator, of an issuing of approval of the undertaking for public interest on its own authority, and make an issuing in relation to an approval of the undertaking for public interest on its own authority.
- (5) After receipt of the notice of the Minister of Land, Infrastructure, Transport and Tourism under the provisions of the preceding paragraph, the prefectural governor may not make an issuing in relation to an approval of the undertaking for public interest in relation to the relevant case.
- (6) In the case of an issuing of approval of the undertaking for public interest made by the Minister of Land, Infrastructure, Transport and Tourism on its own authority under the provisions of paragraph (2) or (4), if there are any documents necessary to make an issuing in relation to an approval of the relevant undertaking for public interest, such as the minutes of a public hearing already held and written opinions already submitted by interested parties, the prefectural governor must immediately send these documents to the Minister of Land, Infrastructure, Transport and Tourism.
- (7) In the case of an issuing of approval of the undertaking for public interest made by the Minister of Land, Infrastructure, Transport and Tourism on its own authority under the provisions of paragraph (2) or (4), the Minister of Land, Infrastructure, Transport and Tourism may omit those procedures and other actions for an issuing of approval of the undertaking for public interest which are already completed by the prefectural governor.

(Refusal of Approval of an Undertaking for Public Interest)

Article 28 The Minister of Land, Infrastructure, Transport and Tourism or a prefectural governor must, when refusing approval of an undertaking for public interest, notify without delay the Expropriator in writing to that effect.

(Measures for the Dissemination of Information on Compensation)

Article 28-2 An Expropriator must, when public notice of approval of the undertaking for public interest is issued under the provisions of Article 26, paragraph (1), immediately take necessary measures to disseminate to Landowners and Interested Persons, information about compensation receivable by the Landowners and Interested Persons and other matters prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism, pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Conservation of Land)

Article 28-3 (1) After public notice of approval of the undertaking for public interest under the provisions of Article 26, paragraph (1), it is prohibited for any person to make a change in the characteristic of the land subject to undertakings for public interest in a manner specifically hindering the undertaking for public interest, without the permission of the prefectural governor.

(2) The prefectural governor is to grant permission under the provisions of the preceding paragraph, only if the consent of the Expropriator is obtained for the change in the characteristic of the land, or it is found necessary to change the characteristic of the land based on reasonable grounds, such as prevention of disaster.

(Lapse of Approval of Undertakings for Public Interest)

Article 29 (1) If an Expropriator fails to apply for a determination of expropriation or use of land under the provisions of Article 39, paragraph (1) within one year from the date of the public notice of approval of the undertaking for public interest under the provisions of Article 26, paragraph (1), the approval of the undertaking for public interest ceases to be effective, as of the day following the date of expiration of the term.

(2) The provisions of the preceding paragraph also apply when no application for administrative determination to vacate is filed under the provisions of Article 47-2, paragraph (3), within four years from the date of the public notice of approval of the undertaking for public interest under the provisions of Article 26, paragraph (1). In this case, a decision on commencement of determination proceedings and a determination of the acquisition of rights, which have already been made, are to be deemed to be rescinded.

(Discontinuance or Modification of Undertakings for Public Interest)

Article 30 (1) After public notice of approval of the undertaking for public interest under the provisions of Article 26, paragraph (1), if it is no longer necessary to expropriate or use land, because the Expropriator discontinues or modifies the whole or any part of the undertaking for public interest, the Expropriator must, without delay, notify the prefectural governor who has jurisdiction over the land subject to undertakings for public interest to that effect. In this case, the Expropriator must take necessary measures to disseminate information to that effect, pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(2) A prefectural governor must, when it has received notification under the provisions of the first sentence of the preceding paragraph, issue public notice

in accordance by the means specified by the prefectural governor and notify the head of the municipality where the land subject to undertakings for public interest is located of the discontinuance or modification of the whole or part of the undertaking for public interest, and immediately report to the Minister of Land, Infrastructure, Transport and Tourism to that effect.

- (3) Even if there is no notification under the provisions of the first sentence of the preceding paragraph, a prefectural governor must, when learning that it is no longer necessary to expropriate or use land, because the Expropriator discontinues or modifies the whole or any part of the undertaking for public interest, issue public notice, give notification, and report under the provisions of the preceding paragraph.
- (4) Approval of an undertaking for public interest ceases to be effective, as of the date of the public notice under the provisions of the preceding two paragraphs.

(Completion of Acquisition of Land)

Article 30-2 The provisions of the first sentence of paragraph (1) of the preceding article, and paragraphs (2) and (3) apply mutatis mutandis to the case where a Expropriator acquires necessary rights to all of the land within the land subject to undertakings for public interest; provided, however, that the Expropriator is not required to issue public notice and report under the provisions of paragraphs (2) and (3) of the same article.

Section 2 Deferring Procedures for the Expropriation or Use of Land

(Deferring Procedures)

Article 31 An Expropriator may reserve the procedures for expropriation or use of land of the whole or any part of the land subject to undertakings for public interest, after approval of the undertaking for public interest.

(Application Form for Deferring Procedures)

Article 32 (1) An Expropriator must, when intending to defer the procedures for expropriation or use of land under the provisions of the preceding article, submit a written application to that effect, indicating the extent of the land subject to undertakings for public interest for which the procedures are deferred, in accordance with the form prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism, simultaneously with the application for approval of the undertaking for public interest. In this case, the drawings showing the land subject to undertakings for public interest set forth in Article 18, paragraph (2), item (ii) must show the extent of the land subject to undertakings for public interest for which the procedures are reserved.

- (2) The provisions of Article 18, paragraph (4) apply mutatis mutandis to the

indication of the extent of the land subject to undertakings for public interest under the provisions of the preceding paragraph, and the provisions of the first sentence of Article 19, paragraph (1) and paragraph (2) thereof apply mutatis mutandis to correction of the application form provided for in the preceding paragraph. In this case, the terms "preceding article," "application for approval of the undertaking for public interest and its attached documents," and "same Article" in the first sentence of Article 19, paragraph (1) are deemed to be replaced with "Article 32, paragraph (1)," with "application and drawings," and with "same paragraph," respectively; and the term "application for approval of the undertaking for public interest" in Article 19, paragraph (2) is deemed to be replaced with "application."

(Public Notice of Deferring Procedures)

Article 33 The Minister of Land, Infrastructure, Transport and Tourism or a prefectural governor must, when application is made under paragraph (1) of the preceding article, issue a public notice announcing the deferring procedures for expropriation or use of land and stating the extent of the land subject to undertakings for public interest for which the procedures are reserved after approval of the undertaking for public interest, at the same time as public notice of the approval of the undertaking for public interest under the provisions of Article 26, paragraph (1).

(Application for Commencement of Procedures)

Article 34 An Expropriator must, when intending to commence the procedures for expropriation or use of land of the land for which the procedures are reserved, apply to the prefectural governor for the commencement of the procedures for expropriation or use of land, within three years from the date of the public notice of approval of the undertaking for public interest under the provisions of Article 26, paragraph (1).

(Application Form for the Commencement of Procedures)

Article 34-2 (1) An Expropriator must, when making an application under the provisions of the preceding article, submit to the prefectural governor who has jurisdiction over the relevant land, a written application, indicating the matters stated in the public notice under the provisions of Article 26, paragraph (1) and Article 33, and the land for which the procedures for expropriation or use of land are commenced, in accordance with the form prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism by attaching drawings showing the relevant land.

(2) The provisions of Article 18, paragraph (4) apply mutatis mutandis to the indication of the land under the provisions of the preceding paragraph, and the

provisions of the first sentence of Article 19, paragraph (1) and paragraph (2) thereof apply mutatis mutandis to correction of the application form provided for in the preceding paragraph. In this case, the terms "preceding article," "application for approval of the undertaking for public interest," "same article," and "the Minister of Land, Infrastructure, Transport and Tourism or the prefectural governor" in the first sentence of Article 19, paragraph (1) are deemed to be replaced with "Article 34-2, paragraph (1)," with "application," with "same paragraph," and with "the prefectural governor," respectively; and the term "the Minister of Land, Infrastructure, Transport and Tourism or the prefectural governor ... the application for approval of the undertaking for public interest" in Article 19, paragraph (2) is deemed to be replaced with "the prefectural governor ... the application."

(Public Notice of Commencement of Procedures for Expropriation or Use of Land)

Article 34-3 A prefectural governor must, when application is made under the provisions of Article 34, without delay issue public notice announcing the commencement of procedures for expropriation or use of land and stating the place of public inspection of drawings provided for in Article 34-4, in accordance by the means specified by the prefectural governor.

(Public Inspection of Drawings)

Article 34-4 (1) A prefectural governor must, when application is made under the provisions of Article 34, immediately send drawings provided for in Article 34-2, paragraph (1) to the head of the municipality where the relevant land is located.

(2) The mayor of a municipality must, when it has received drawings under the preceding paragraph, immediately make them available for public inspection, together with drawings provided for in Article 26-2, paragraph (2).

(3) The provisions of Article 24, paragraphs (4) and (5) apply mutatis mutandis to the case where the mayor of a municipality fails to follow the procedures under the provisions of the preceding paragraph within two weeks from the date of receipt of drawings under paragraph (1).

(Effect of Public Notice of Commencement of Procedures for Expropriation or Use of Land)

Article 34-5 The provisions of this Act apply mutatis mutandis to the land for which the procedures are reserved, considering the time of public notice of the commencement of procedures for expropriation or use of land under the provisions of Article 34-3, as a time of public notice of approval of the undertaking for public interest under the provisions of Article 26, paragraph

(1); provided, however, that this does not apply to the provisions of this Chapter (excluding Article 28-2 and Article 29, paragraph (1)); Article 92, paragraph (1); Article 100, paragraph (2); Article 106, paragraph (1); Article 116, paragraph (1); and Article 130, paragraph (1).

(Lapse of Approval of Undertakings for Public Interest)

Article 34-6 If an Expropriator fails to make an application under the provisions of Article 34, in relation to the land for which the procedures are reserved, within the period specified in the same article, the approval of the undertaking for public interest ceases to be effective, as of the day following the expiration date of the period.

Chapter III-2 Councils Whose Opinions are to Be Heard upon Issuing Approval of Undertakings for Public Interest by Prefectural Governors

Article 34-7 (1) Prefectures establish councils and other council system organizations (referred to as "councils, etc." in the following paragraph) to investigate and deliberate on matters under their authority pursuant to the provisions of this Act.

(2) Matters necessary for the organization and operations of councils, etc., are prescribed by prefectural Orders.

Chapter IV Procedures for the Expropriation or Use of Land **Section 1 Preparation of Records**

(Right to Investigate Land and Articles)

Article 35 (1) After public notice of approval of the undertaking for public interest under the provisions of Article 26, paragraph (1), an Expropriator or a person ordered or delegated by the Expropriator may enter and survey the relevant land or structures located thereon, or investigate the relevant land and articles on the relevant land or in structures, to prepare the undertaking for public interest, or to prepare land records and records of articles under the paragraph (1) of the following article.

(2) Any person who intends to enter land or structures under the provisions of the preceding paragraph must notify the possessor of the relevant land or structures of the date and time, and place thereof, at least three days prior to the date of intended entry.

(3) The provisions of Article 12, paragraphs (3) and (4), Article 13, and Article 15, paragraphs (1), (3), and (4) apply mutatis mutandis to the case presented in paragraph (1). In this case, the term "paragraph (3) of the preceding article" in Article 12, paragraph (3) or "Article 11, paragraph (3)" in Article 13 and Article

15, paragraph (1) is deemed to be replaced with "Article 35, paragraph (1);" the term "or land enclosed with hedges, fences, or the like" in Article 12, paragraphs (3) and (4) is deemed to be replaced with "or land or structures enclosed with hedges, fences, or the like;" the term "land" in paragraph (3) of Article 12, Article 13, and Article 15, paragraph (1) or "land or obstructions" in Article 15, paragraph (3) is deemed to be replaced with "land or structures;" and the term "identification card and a permit of the prefectural governor (unless the Expropriator is the national or local government)" in Article 15, paragraph (1), or "identification card or permit" in Article 15, paragraph (3) or "identification card and permit" in Article 15, paragraph (4) is deemed to be replaced with "identification card," respectively.

(Preparation of Land Records and Records of Articles)

- Article 36 (1) After public notice of approval of the undertaking for public interest under the provisions of Article 26, paragraph (1), an Expropriator must prepare land records and records of articles.
- (2) An Expropriator must, when preparing land records and records of articles under the provisions of the preceding paragraph, affix its signature and seal to those records, and have Landowners and Interested Persons (excluding those who cannot be identified by the Expropriator, if the Expropriator was not negligent in being unable to do so; hereinafter the same applies in this Section) to attend the preparation and affix their signature and seal to the land records and records of articles.
- (3) In the case presented in the preceding paragraph, any persons among the Landowners and Interested Persons, who raise an objection to the effect that entries in the land records and records of articles are not true and correct, may affix their signature and seal to the relevant records, with a supplementary note to that effect attached thereto.
- (4) In the case presented in paragraph (2), if, among the Landowners and Interested Persons, there are any persons who refuse to affix their signature and seal under the provisions of the same paragraph, who fail to affix their signature and seal under the provisions of the same paragraph due to any have attributable to them within a reasonable period, notwithstanding a request to do so, or who cannot affix their signature and seal under the provisions of the same paragraph, the Expropriator must request the attendance and the signature and seal of the head of the municipality. In this case, the mayor of the municipality may have an official of the relevant municipality to attend and affix its signature and seal.
- (5) In the case presented in the preceding paragraph, if the mayor of a municipality refuses to affix its signature and seal, the prefectural governor must, upon application by the Expropriator, appoint an observer from among

the officials of the relevant prefecture to affix its signature and seal.

- (6) The observers under the provisions of the preceding two paragraphs cannot be an Expropriator or Interested Person of the Expropriator, who falls under item (ii) or (iii) of Article 61, paragraph (1).

(Special Provisions on Procedures for Preparation of Land Records and Records of Articles)

Article 36-2 (1) An Expropriator may prepare the land records provided for in paragraph (1) of the preceding article or the records of articles provided for in the same paragraph, in the case set forth in item (i) or in the case set forth in item (ii), respectively, in accordance with the procedures provided for in the following paragraph through paragraph (7), instead of the procedures provided for in paragraphs (2) through (6) of the preceding article.

- (i) the number of Landowners of a parcel of land intended for expropriation or used, and Interested Persons who hold any rights to the relevant land (limited to those who, among these persons, are entitled to compensation estimates per person in an amount equal to or less than the amount specified by Cabinet Order as an amount significantly low compared to the average compensation per person, in relation to the determination of the acquisition of rights, for the last three years, excluding those who cannot be identified by the Expropriator, if the Expropriator was not negligent in being unable to do so) is expected to exceed one hundred; or
- (ii) the number of Interested Persons who hold any rights to articles on a parcel of land intended for expropriation or used (limited to those who are entitled to compensation estimates per person in an amount equal to or less than the amount specified by Cabinet Order as an amount significantly low compared to the average compensation per person, in relation to the administrative determination to vacate, for the last three years, excluding those who cannot be identified by the Expropriator, if the Expropriator was not negligent in being unable to do so) is expected to exceed one hundred.
- (2) An Expropriator must, when preparing land records or records of articles under the provisions of the preceding paragraph, affix its signature and seal to the land records or the records of articles, and submit a written proposal with a copy of the land records or the records of articles attached, to the head of the municipality where the parcel of land intended for expropriation or used is located, pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism.
- (3) The mayor of a municipality must, when it has received a written proposal provided for in the preceding paragraph, immediately issue public notice of the name of the Expropriator, the type of the undertaking for public interest, and the location of the land or articles to which the proposal pertains, and make

the documents available for public inspection for one month from the date of the public notice.

- (4) The provisions of Article 24, paragraphs (4) through (6) apply mutatis mutandis to the public notice and public inspection under the provisions of the preceding paragraph.
- (5) When public notice is issued under paragraph (3), an Expropriator must notify the Landowners and Interested Persons, whose name and address are given in the land records or the records of articles to which the public notice pertains, that public notice has been issued under the same paragraph. In this case, the relevant notification must be made within one week from the date of the public notice under the same paragraph.
- (6) Any Landowners and Interested Persons included in the land records or the records of articles to which the public notice under the provisions of paragraph (3) pertains, who raise an objection to the effect that entries in the land records or records of articles are not true and correct, may submit a written objection to that effect to the Expropriator, within the period of public inspection under the same paragraph, pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism.
- (7) An Expropriator must, when it has received a written objection provided for in the preceding paragraph, attach the relevant written objection to the land records or the records of articles to which the public notice under the provisions of paragraph (3) pertains.

(Entries in Land Records and Records of Articles)

Article 37 (1) Land records under Article 36, paragraph (1) must contain the following entries regarding the land intended for expropriation or used, and be attached with land survey plans.

- (i) location, parcel number, category, and parcel area of the land, and name and address of Landowners;
 - (ii) area of the land intended for expropriation or to be used;
 - (iii) name and address of Interested Persons who hold rights to the land, and type and description of their rights;
 - (iv) date of preparation of the records; and
 - (v) Other necessary matters.
- (2) Records of articles under Article 36, paragraph (1) must contain the following entries regarding the articles on the land intended for expropriation or to be used.
- (i) location, parcel number, and category of the land on which the articles are located;
 - (ii) type and volume of the articles, and name and address of the owners thereof;

- (iii) name and address of Interested Persons who hold rights to the articles, and type and description of their rights;
 - (iv) date of preparation of the records; and
 - (v) other necessary matters.
- (3) If the articles are buildings, beyond those matters set forth in the preceding paragraph, the type, structure, and floor area, etc., of the buildings must be entered, and land survey plans must be attached.
- (4) The form of the land records and records of articles are prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Preparation of Land Records and Records of Articles When There are Significant Difficulties in Land Surveying)

Article 37-2 When there are significant difficulties in land surveying or investigating under the provisions of Article 35, paragraph (1), because Landowners, Interested Persons, and other persons have refused or obstructed entry under the provisions of the same paragraph for the preparation of land records or records of articles under Article 36, paragraph (1) without reasonable cause, it is sufficient for an Expropriator to prepare the records, to the extent possible based on the information available by using other means. In this case, the records must contain a supplementary note to that effect.

(Effect of Land Records and Records of Articles)

Article 38 An Expropriator, Landowners, and Interested Persons may not raise any objection to the truth and correctness of the entries in the land records and records of articles prepared under the provisions of Article 36 to the preceding article, unless persons, who attached a supplementary note of objection under the provisions of Article 36, paragraph (3) and who submitted a written objection under the provisions of Article 36-2, paragraph (6), reiterate the objection stated therein; provided, however, that this does not apply when persons prove that any entries in the records are contrary to truth.

Section 2 Commencement of Determination Proceedings

(Application for Determination of Expropriation or Use of Land)

- Article 39 (1) An Expropriator may apply for a determination of expropriation or use of land to the expropriation committee of the prefecture where the land intended for expropriation or used is located, but within one year from the date of the public notice of approval of the undertaking for public interest under the provisions of Article 26, paragraph (1).
- (2) Landowners or Interested Persons who hold any rights to land (excluding those Interested Persons who hold statutory liens, pledgees, mortgagees,

attaching creditors, or provisionally attaching creditors) may request an Expropriator to apply under the provisions of the preceding paragraph, in relation to their rights to land; provided, however, that for grouped land, separate applications are not permitted, except an area of remaining land as a result of the relevant expropriation or use of land.

(3) Matters necessary for the procedures for application under the preceding paragraph are prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Application Form for Determination)

Article 40 (1) An Expropriator must, when applying for a determination by the expropriation committee under the provisions of the preceding article, submit to the expropriation committee a written application for determination, in accordance with the form prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism by attaching the following documents:

- (i) undertakings for public interest plans and drawings showing the land subject to undertakings for public interest and plans;
- (ii) documents indicating the following matters by municipality;
 - (a) location, parcel number, and category of the land intended for expropriation or used;
 - (b) area of the land intended for expropriation or used (including the area of all of that land, if the land is to be divided);
 - (c) means and period of use, if the land is to be used;
 - (d) name and address of Landowners and Interested Persons who hold rights to the land;
 - (e) estimation and its breakdown of compensation for loss of the land or rights other than ownership to land;
 - (f) time of the acquisition or extinction of rights; and
- (iii) land records under Article 36, paragraph (1) or a copy thereof.

(2) In relation to the matters set forth in item (ii), (d) of the preceding paragraph, those who cannot be identified by the Expropriator, if the Expropriator was not negligent in being unable to do so, are not required to be included in documents attached to an application under the provisions of the same article.

(Correction of Application Forms for Determination)

Article 41 The provisions of Article 19 apply mutatis mutandis to correction of the application form for determination and its attached documents provided for in the preceding article. In this case, the terms "preceding article," "application for approval of the undertaking for public interest," and "the Minister of Land, Infrastructure, Transport and Tourism or the prefectural governor" are deemed to be replaced with "Article 40," with "application for determination," and with

"the expropriation committee," respectively.

(Sending and Public Inspection of Application for Determination)

- Article 42 (1) The expropriation committee must, when it has accepted an application for determination and its attached documents under the provisions of Article 40, paragraph (1), send a copy of portions thereof related to the respective municipalities to the mayor of the relevant municipality, respectively, and notify the Landowners and Interested Persons included in the attached documents that application for a determination has been made, unless the application for determination is dismissed under the provisions of Article 19, paragraph (2) as applied *mutatis mutandis* pursuant to the preceding article.
- (2) The mayor of a municipality must, when it has received documents provided for in the preceding paragraph, immediately issue public notice to the effect that application for a determination is made and of the matters set forth in Article 40, paragraph (1), item (ii), (a), and make the documents available for public inspection for two weeks from the date of the public notice.
- (3) The mayor of a municipality must, when it has issued public notice under the provisions of the preceding paragraph, report without delay the date of the public notice to the expropriation committee.
- (4) The provisions of Article 24, paragraphs (4) through (6) apply *mutatis mutandis* to the case where the mayor of a municipality fails to follow the procedures under the provisions of paragraph (2) within two weeks from the date of receipt of documents under paragraph (1). In this case, the term "land subject to undertakings for public interest" in paragraph (4) of the same article is deemed to be replaced with "land to which the application for determination pertains."
- (5) A prefectural governor may request the expropriation committee to send documents which must be made available for public inspection under the provisions of paragraph (2), in accordance with the provisions of the preceding paragraph.
- (6) A prefectural governor must, when it has issued public notice under the provisions of paragraph (2), in accordance with the provisions of paragraph (4), report without delay the date of the public notice to the expropriation committee.

(Submission of Written Opinions of Landowners and Interested Persons)

- Article 43 (1) When public notice is issued under the provisions of paragraph (2) of the preceding article, Landowners and Interested Persons may submit written opinions to the expropriation committee, within the period of public inspection under the same article; provided, however, that even if written

opinions are submitted after the expiration of the period of public inspection, the expropriation committee may, if it finds that there are reasonable grounds, accept the relevant written opinions.

- (2) When public notice is issued under the provisions of paragraph (2) of the preceding article, persons who made provisional issuing of the land to which the public notice pertains and rights thereto, and other persons whose rights may be prejudiced by the determination of compensation for loss (hereinafter referred to as "semi-Interested Persons") may submit to the expropriation committee their written opinions on compensation for loss, to the extent their rights are affected, until the end of the proceedings of the expropriation committee.
- (3) Landowners, Interested Persons, and semi-Interested Persons may not include any complaint against approval of the undertaking for public interest and other matters, which are irrelevant to the proceedings of the expropriation committee, in their written opinions under the provisions of the preceding two paragraphs.
- (4) In the case of mutatis mutandis application of the provisions of Article 63, paragraph (1) to the case where any matters irrelevant to the proceedings of the expropriation committee provided for in the preceding paragraph are included in written opinions under the provisions of paragraph (1) or (2), those matters are deemed never to have been included.

(Special Provisions for Applications for Determinations)

- Article 44 (1) If a request is made under the provisions of Article 39, paragraph (2) before the preparation of land records under Article 36, paragraph (1), notwithstanding the provisions of Article 40, paragraph (1), it is sufficient that documents under item (ii) of the same paragraph contain the matters set forth in items (a), (c), and (f) of the same item and the name and address of the Landowners and Interested Persons recorded on the register, and it is not required to attach the documents set forth in item (iii) of the same paragraph.
- (2) An Expropriator must, when applying for a determination by omitting a part of attached documents under the provisions of the preceding paragraph, supply the omitted part of the attached documents under the provisions of Article 40, paragraph (1), pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism, promptly after the preparation of land records under Article 36, paragraph (1). In this case, the provisions of the preceding two articles apply, considering that an application for determination and its attached documents under the provisions of the same paragraph are accepted by the expropriation committee at the time of the supply.

(Public Notice of Applications for Determinations)

Article 45 (1) When an application for a determination is made by omitting a part of attached documents under the provisions of paragraph (1) of the preceding article, the expropriation committee must notify the head of the municipality where the land to which the application pertains is located and the Landowners and Interested Persons included in the attached documents that application for a determination has been made, unless the application for determination is dismissed under the provisions of Article 19, paragraph (2) as applied mutatis mutandis pursuant to Article 41.

(2) The mayor of a municipality must, when it has received notice under the preceding paragraph, immediately issue two weeks public notice to the effect that application for a determination is made in relation to the land to which the notice pertains.

(3) The provisions of Article 42, paragraphs (3), (4), and (6) apply mutatis mutandis to public notice under the provisions of the preceding paragraph. In this case, the term "receipt of documents" in paragraph (4) of the same article is deemed to be replaced with "receipt of notice."

(Decisions on the Commencement of Determination Proceedings and Requests for Registration of Commencement of Determination Proceedings)

Article 45-2 After the expiration of the period of public notice under the provisions of paragraph (2) of the preceding article when application for a determination is made by omitting a part of attached documents under the provisions of Article 44, paragraph (1), or after the expiration of the period of public inspection under the provisions of Article 42, paragraph (2) when application for a determination is made without omission thereof, the expropriation committee must, without delay, decide on commencement of determination proceedings and issue public notice to that effect, pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism, and request the registry with jurisdiction over the land to which the application pertains, to register the commencement of determination of expropriation or use of land (hereinafter referred to simply as "registration of commencement of determination proceedings") in relation to the land and rights thereto.

(Effect of the Registration of Commencement of Determination Proceedings)

Article 45-3 (1) After registration of commencement of determination proceedings, any person who has succeeded to the right to which the relevant registration pertains, who has made a provisional registration or registration of special agreements on redemption on the rights to which the relevant registration pertains, or who has executed a seizure or provisional seizure, or executed a provisional issuing of the right to which the relevant registration

pertains may not assert against the Expropriator the relevant succession, the right under provisional registration or right of redemption, or the relevant issuing; provided, however, that this does not apply to succession to the right by an heir or other general successor, and by a person who has acquired the right through issuing of delinquency under the National Tax Collection Act (Act No. 147 of 1959) (including issuing of delinquency executed with reference to the same Act; hereinafter referred to simply as "issuing of delinquency"), compulsory execution, or auction for exercise of security right under the same Act (including auction executed with reference to the same Act; hereinafter referred to simply as "auction") for the exercise of the right of redemption registered before the relevant registration of commencement of determination proceedings, or the execution of the seizure or provisional seizure registered before the relevant registration of commencement of determination proceedings.

- (2) Prior to registration of commencement of determination proceedings, a seizure, execution of provisional seizure, transfer, or creation of a pledge is prohibited on the right to claim compensation for loss due to expropriation or use of land. Also, after registration of commencement of determination proceedings, the same applies to the right to claim compensation for loss of rights (including pledges, mortgages, and other rights to be extinguished through issuing of delinquency, compulsory execution, or auction for the relevant seizure or execution of provisional seizure) to which the relevant registration pertains and on which a seizure or provisional seizure has been executed prior to the registration.

(Commencement of Proceedings)

Article 46 (1) The expropriation committee must commence proceedings without delay, after the expiration of the period of public inspection under the provisions of Article 42, paragraph (2).

- (2) The expropriation committee must, when commencing proceedings, notify in advance the Expropriator, the Landowners and Interested Persons included in attached documents to the application for determination under the provisions of Article 40, paragraph (1), and those who submitted their written opinions under the provisions of Article 43 and the proviso to Article 87, of the date and place of the proceedings.

- (3) The expropriation committee must endeavor to facilitate proceedings, and avoid delay in determination.

Section 3 Claims for the Payment of Compensation

(Claims for the Payment of Compensation)

Article 46-2 (1) Landowners or Interested Persons who hold any rights to land

(excluding those Interested Persons who hold statutory liens, pledgees, mortgagees, attaching creditors, or provisionally attaching creditors) may make a claim against a Expropriator to pay compensation (excluding those provided for in Article 76, paragraph (3)) for land or any rights other than ownership to land, after public notice of approval of the undertaking for public interest under the provisions of Article 26, paragraph (1), even before a determination is made under the provisions of Article 48, paragraph (1). The provisions of the proviso to paragraph (2) and paragraph (3) of Article 39 apply mutatis mutandis to this case.

- (2) A claim for the payment of compensation under the provisions of the preceding paragraph must be made concurrently with a request under the provisions of Article 39, paragraph (2); provided, however, that this does not apply when an Expropriator has already applied for a determination of expropriation or use of land under the provisions of paragraph (1) of the same article, or other Landowners or Interested Persons have already made a request under the provisions of paragraph (2) of the same article.
- (3) Claims for the payment of compensation under the provisions of paragraph (1) may not be made for any rights (including rights to be extinguished through issuing of delinquency, compulsory execution, or auction for a relevant seizure or execution of provisional seizure), on which a seizure or provisional seizure has been executed before registration of commencement of determination proceedings. A claim for the payment of compensation made before the execution of a seizure or provisional seizure under the provisions of the same paragraph ceases to be effective, if registration of commencement of determination proceedings is made after the execution of a seizure or provisional seizure on the rights, for which the claim for the payment of compensation is made under the provisions of paragraph (1).

(Claims for the Payment of Compensation for Expropriation of Remaining Land)

Article 46-3 A claim for the payment of compensation under the provisions of paragraph (1) of the preceding article is subject to a claim for expropriation under the provisions of Article 76, paragraph (1) or Article 81, paragraph (1), and may be made only if necessary procedures to claim expropriation under the provisions of Article 87 are completed in advance.

(Payment of Compensation Based on Estimations)

Article 46-4 (1) An Expropriator must, when it has received a claim for the payment of compensation under the provisions of Article 46-2, paragraph (1), must pay compensation within two months based on its estimation, pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and

Tourism; provided, however, that if registration of commencement of determination proceedings is not made, it is sufficient to make the payment within one week from the date of the registration thereof.

- (2) The provisions of paragraph (2) (except item (iii)) and the second sentence of paragraph (4) of Article 95, paragraphs (1) and (3) of Article 99, and Article 104 apply mutatis mutandis to compensation payable under the provisions of the preceding paragraph. In this case, the terms "time of the acquisition of rights" in Article 95, paragraph (2), and "expropriated or used" and "as a result of expropriation or use of land for that purpose" in Article 104 are deemed to be replaced with "time limit for payment under the provisions of Article 46-4, paragraph (1)," and with "for which a claim for the payment of compensation is made under the provisions of Article 46-2, paragraph (1)" and with "under the provisions of Article 46-4, paragraph (1)," respectively.
- (3) An Expropriator must notify any person, who may exercise the right under the provisions of Article 104 as applied mutatis mutandis pursuant to the preceding paragraph, in advance of payment of compensation under the provisions of paragraph (1) to that effect.
- (4) If the original copy of a written determination of the acquisition of rights is served to the Expropriator before the time limit for payment under the provisions of paragraph (1), a claim for the payment of compensation under the provisions of Article 46-2, paragraph (1) ceases to be effective.

Section 4 Administrative Determination

(Determination of Dismissal)

Article 47 If any application for a determination of expropriation or use of land falls under any of the following items, or otherwise violates the provisions of this Act, the expropriation committee must dismiss the application by means of a determination.

- (i) the undertaking for public interest under application is different from the undertaking for public interest set forth in public notice under the provisions of Article 26, paragraph (1); or
- (ii) the undertaking for public interest plan is significantly different from the plan set forth in the undertaking for public interest plan attached to the application for approval of the undertaking for public interest under the provisions of Article 18, paragraph (2), item (i).

(Determination of Expropriation or Use of Land)

Article 47-2 (1) The expropriation committee must make a determination of expropriation or use of land, unless the application is dismissed under the provisions of the preceding article.

- (2) A determination of expropriation or use of land is a determination of the acquisition of rights and an administrative determination to vacate.
- (3) An administrative determination to vacate is made by means of an application by an Expropriator, Landowner, or Interested Person.
- (4) An administrative determination to vacate is made concurrently with a determination of the acquisition of rights, or after a determination of the acquisition of rights; provided, however, that this does not preclude the commencement of proceedings necessary for an administrative determination to vacate before a determination of the acquisition of rights.

(Application for an Administrative Determination to Vacate)

Article 47-3 (1) An Expropriator must, when making application for an administrative determination to vacate, or when application for an administrative determination to vacate is made by any Landowner or Interested Person, submit to the expropriation committee the following documents, in accordance with the form prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

- (i) documents indicating the following matters by municipality;
 - (a) location, parcel number, and category of the land,
 - (b) type and volume of the articles on the land (including the volume of all the articles, if the articles are to be divided),
 - (c) name and address of Landowners and Interested Persons,
 - (d) estimation and its breakdown of Compensation for Loss other than those set forth in for Article 40, paragraph (1), item (ii), (e), and
 - (e) time limit for delivery of the land or articles, or time limit for relocation of the articles.
 - (ii) records of articles under Article 36, paragraph (1) or a copy thereof.
- (2) The provisions of Article 40, paragraph (2) apply mutatis mutandis to the indication of the matters set forth in item (i), (c) of the preceding paragraph.
 - (3) In the case presented in Article 37-2, it is sufficient to indicate the matters set forth in (b) to be included in the documents under paragraph (1), item (i), to the extent possible based on the information available by using any method other than the method provided for in Article 35, paragraph (1). In this case, the documents must contain a supplementary note to that effect.
 - (4) If the contents of the documents set forth in paragraph (1), item (ii), which were previously prepared, are found significantly different from the current conditions, an Expropriator is required to prepare and submit documents anew, together with the previous documents.
 - (5) The provisions of the first sentence of Article 19, paragraph (1) apply mutatis mutandis to correction of the documents provided for in the paragraph (1). In this case, the terms "preceding article," "application for approval of the

undertaking for public interest and its attached documents," "the same article," and "the Minister of Land, Infrastructure, Transport and Tourism or the prefectural governor" are deemed to be replaced with "Article 47-3, paragraphs (1) through (4)," with "documents," with "these provisions," and with "the expropriation committee," respectively.

- (6) Beyond the matters provided for in paragraph (1) to the preceding paragraph, any matters necessary for the procedures for application for an administrative determination to vacate is prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Sending and Public Inspection of Documents)

Article 47-4 (1) The expropriation committee must, when it has accepted documents under paragraph (1) of the preceding article, send a copy of portions thereof related to the respective municipalities to the mayor of the relevant municipality, respectively, and notify the Landowners and Interested Persons included in the documents that application for an administrative determination to vacate has been made.

- (2) The provisions of Article 42, paragraphs (2) through (6) and Article 43 apply mutatis mutandis to public inspection of the documents received by the mayor of a municipality under the provisions of the preceding paragraph, and submission of written opinions by Landowners, Interested Persons, and semi-Interested Persons. In this case, the terms "preceding paragraph" and "Article 40, paragraph (1), item (ii), (a)" in Article 42, paragraph (2) are deemed to be replaced with "Article 47-3, paragraph (1)" and with "item (i), (a) of the same paragraph," respectively.

(Determination of Acquisition of Rights)

Article 48 (1) The following matters must be determined during determination of the acquisition of rights:

- (i) area of the land to be expropriated, or area of the land to be used and means and period of use;
- (ii) compensation for loss of the land or rights other than ownership to land;
- (iii) time of the acquisition or extinction of rights (hereinafter referred to as "time of the acquisition of rights"); and
- (iv) other matters provided for in this Act.

- (2) The expropriation committee must make a determination on the matters set forth in item (i) of the preceding paragraph, within the scope of the application by the Expropriator with attached documents to an application for determination under the provisions of Article 40, paragraph (1), and to the extent necessary for the undertaking for public interest; provided, however, that if a claim is made under the provisions of Article 76, paragraph (1) or

Article 81, paragraph (1), the determination may be made within the scope of the claim.

- (3) The expropriation committee may not make a determination on the matter set forth in paragraph (1), item (ii), beyond the scope of the application by the Expropriator, Landowners, Interested Persons, and semi-Interested Persons, with attached documents to the application for determination under the provisions of Article 40, paragraph (1), and written opinions under the provisions of Article 43, Article 63, paragraph (2) or the proviso to Article 87 or written opinions submitted under the provisions of Article 65, paragraph (1), item (i).
- (4) The expropriation committee must make a determination on the matter set forth in paragraph (1), item (ii), beyond complying with the provisions of the preceding paragraph, specifying the name and address of the Landowners and Interested Persons to receive the relevant compensation; provided, however, that if the name and address of the Landowners and Interested Persons cannot be ascertained, this does not apply to the relevant matter.
- (5) The expropriation committee must make a determination on the matter set forth in paragraph (1), item (ii), beyond complying with the provisions of the preceding two paragraphs, considering that, if there is a dispute over rights other than ownership to land and the existence of the rights is not concluded by the time of determination, there exist the rights in question. In this case, compensation receivable by Landowners must be also determined for the case when the rights other than ownership to the land are concluded not to exist after the determination.

(Administrative Determination to Vacate)

Article 49 (1) The following matters must be determined in an administrative determination to vacate:

- (i) compensation for loss, other than that set forth in paragraph (1), item (ii) of the preceding article;
 - (ii) time limit for delivery of land or articles, or time limit for relocation of articles (hereinafter referred to as "time limit for vacation"); and
 - (iii) other matters provided for in this Act.
- (2) The provisions of paragraphs (3) through (5) of the preceding article apply mutatis mutandis to the matter set forth in item (i) of the preceding paragraph.

(Settlement)

Article 50 (1) The expropriation committee may recommend settlement to Expropriator, Landowners, and Interested Persons, at any time during proceedings.

- (2) When a settlement is reached among the Expropriator and all of the

Landowners and Interested Persons in relation to the whole or part of the land intended for expropriation or use, of all the matters set forth in the items of Article 48, paragraph (1) or the items of paragraph (1) of the preceding article, and the contents of the settlement conform to the provisions of Chapter VII, the expropriation committee may draw up a record of settlement, upon application by the Expropriator, Landowners, and Interested Persons.

- (3) A record of settlement under the preceding paragraph must contain all of the matters set forth in the items of Article 48, paragraph (1) or the items of paragraph (1) of the preceding article, and the chairperson and members, who participated in drawing up the record of settlement, of the expropriation committee, and the Expropriator, Landowners, and Interested Persons must affix their signature and seal thereto.
- (4) The original copy of a record of settlement must bear the seal of the expropriation committee, and be served to the Expropriator, Landowners, and Interested Persons.
- (5) For the purposes of application of this Act, if a record of settlement is drawn up under the provisions of paragraph (3), a determination of the acquisition of rights or an administrative determination to vacate is deemed to be made. In this case, the Expropriator, Landowners, and Interested Persons may not dispute the effect or contents of the settlement.

Chapter V Expropriation Committee

Section 1 Organization and Authority of Expropriation Committees

(Establishment)

- Article 51 (1) Expropriation committees is established to exercise the authority under this Act, under the jurisdiction of prefectural governors.
- (2) Expropriation committees exercise their authority independently.

(Organization and Membership)

- Article 52 (1) The expropriation committee is to be composed of seven members.
- (2) The expropriation committee must have at least two reserve members, specifying their rank to assume the office.
 - (3) Members and reserve members are appointed by the prefectural governor, from among persons who have excellent experience and knowledge of law, economy, or administration, and are capable of making fair judgments concerning the public welfare, with the consent of the prefectural assembly.
 - (4) Members and reserve members may not concurrently act as a member of the council of a local government or the head or a full-time employee of a local government, or an employee who holds a part-time post provided for in Article 28-5, paragraph (1) of the Local Public Service Act (Act No. 261 of 1950).

- (5) If the term of office of a member or reserve member has expired or a vacancy thereof occurs and the prefectural governor cannot obtain the consent of the prefectural assembly due to the closing or dissolution thereof, the prefectural governor may, notwithstanding the provisions of paragraph (3), appoint a member and reserve member without the consent of the prefectural assembly.
- (6) In the case presented in the preceding paragraph, the approval thereof must be obtained at the first assembly after the appointment. In this case, if the approval cannot be obtained from the assembly, the prefectural governor must dismiss the member and reserve member.
- (7) Members and reserve members serve on a part-time basis; provided, however, that members of the expropriation committee of any prefecture specified by Cabinet Order may serve on a full-time basis, pursuant to the provisions of Cabinet Order.

(Term of Office of Members)

- Article 53 (1) The term of office of members and reserve members is three years.
- (2) If a vacancy of a member occurs, a reserve member of a higher rank is to assume the office.
 - (3) The term of office of a member under the provisions of the preceding paragraph is the remaining term of the predecessor.
 - (4) Members and reserve members may be reappointed.

(Disqualification of Members)

- Article 54 Any person who falls under any of the following items may not become a member or reserve member:
- (i) a bankrupt whose rights have not been restored; or
 - (ii) a person who has been sentenced to imprisonment without work or heavier punishment, and who has not completed the execution of the sentence or to whom the sentence still applies.

(Guarantee of Status)

- Article 55 (1) Members and reserve members may not be dismissed against their will during their term of office, unless they fall under any of the following items:
- (i) they are found to be unable to perform their duties because of a mental or physical disorder, under resolution of the expropriation committee; or
 - (ii) they are found to have committed a violation of obligations in the course of duties or other misconduct unfit for a member, under resolution of the expropriation committee.
- (2) If a member or reserve member falls under any of the items of the preceding paragraph, the prefectural governor must dismiss the member and reserve

member.

- (3) Any member or reserve member, who has come to fall under any of the items of the preceding article, is to automatically lose office.

(Chairperson)

Article 56 (1) The expropriation committee is to have a chairperson.

- (2) The chairperson is elected by and from among committee members.
- (3) The chairperson represents the expropriation committee, and presides over committee meetings and other affairs.
- (4) If the chairperson is unable to perform the duties, a member elected in advance from among the membership performs the duties on behalf of the chairperson.

(Remuneration)

Article 57 Members and reserve members receive remuneration, pursuant to the provisions of prefectural Orders.

(Organization of Administrative Affairs of the Expropriation Committee)

Article 58 (1) The expropriation committee have necessary staff to organize the administrative affairs of the expropriation committee.

- (2) Staff under the preceding paragraph is appointed by the prefectural governor from among the employees of the relevant prefecture, with the consent of the chairperson.
- (3) The prefectural governor may, notwithstanding the provisions of paragraph (1), organize the administrative affairs of the expropriation committee within its designated internal organization of the relevant prefecture.

(Handling of Actions for Judicial Review)

Article 58-2 The expropriation committee represents the relevant prefecture in any action for issuing (meaning issuing provided for in Article 3, paragraph (2) of the Administrative Case Litigation Act (Act No. 139 of 1962); hereinafter the same applies in this article) by the expropriation committee, or issuing under the provisions of Article 64 by the chairperson or the designated member under the provisions of Article 60-2, paragraph (2), which is brought against the prefecture under the provisions of Article 11, paragraph (1) of the same Act (including mutatis mutandis application under Article 38, paragraph (1) of the same Act (including mutatis mutandis application under Article 43, paragraph (2) of the same Act) or mutatis mutandis application under Article 43, paragraph (1) of the same Act).

(Operations of the Expropriation Committee)

Article 59 Beyond the matters provided in this Act or Orders under this Act, any matters necessary for meetings and other operations of the expropriation committee are decided by the expropriation committee.

Section 2 Expropriation Committee Meetings and Proceedings

(Meetings and Resolutions)

Article 60 (1) Meetings of the expropriation committee are convened by the Chairperson.

- (2) The expropriation committee may not hold a meeting and adopt a resolution, unless the chairperson and at least three other members are present.
- (3) Decisions of the expropriation committee are made by a majority vote of the members present. In the case of a tie, the chairperson has a casting vote.
- (4) In the case of resolution by the expropriation committee under the provisions of the items of Article 55, paragraph (1), notwithstanding the provisions of the preceding paragraph, there must be a unanimous resolution of all the members except the member concerned.

(Delegation of Administrative Affairs of the Expropriation Committee)

Article 60-2 (1) The expropriation committee may, if it finds it necessary, delegate a part of administrative affairs for proceedings or investigation (excluding determination and decisions) to a member.

- (2) A member delegated by the expropriation committee or under the provisions of the preceding paragraph (hereinafter referred to as the "designated member") may, if they find it necessary, have the staff for organizing administrative affairs of the expropriation committee conduct the administrative affairs provided for in Article 65, paragraph (1), item (iii).

(Disqualification of Members)

Article 61 (1) Any person who falls under any of the following items may not participate as a member in meetings or proceedings of the expropriation committee, or adopt resolutions:

- (i) Expropriators, Landowners, and Interested Persons;
- (ii) spouse, relative within the fourth degree of kinship, cohabiting relative, agent, curator, and assistant of an Expropriator, Landowner, and Interested Person; or
- (iii) if a stock company, general partnership company, limited partnership company, limited liability company, or other corporation is an Expropriator, Landowner, and Interested Person, a director, executive officer, and auditor of the stock company; member of the general partnership company; member with unlimited liability and member with limited liability who executes the

business of the limited partnership company; member who executes the business of the limited liability company; and director, auditor, and other person who has equivalent duties and powers of the other corporation.

- (2) If the number of members is decreased by application of the provisions of the preceding paragraph to one or more members, and the expropriation committee cannot hold a meeting and conduct proceedings, or adopt a resolution, reserve members is appointed by the chairperson in the order of rank to temporarily fill the vacancies.

(Proceedings Open to the Public)

Article 62 All proceedings of the expropriation committee are open to the public; provided, however, that proceedings may not be open to the public, if expropriation committee finds that the fairness of the proceedings may be prejudiced, or otherwise finds it necessary for the public interest.

(Right to State Opinions)

Article 63 (1) Expropriators, Landowners, and Interested Persons may submit written opinions or orally state opinions on the matters contained in attached documents to an application for determination submitted under the provisions of Article 40, paragraph (1), or written opinions submitted or accepted under the provisions of Article 43, paragraph (1), during proceedings of the expropriation committee but only when explaining these matters, unless they are ordered to submit written opinions under the provisions of Article 65, paragraph (1), item (i), or the provisions of paragraph (2) thereof apply.

- (2) Expropriators, Landowners, and Interested Persons may submit written opinions or orally state opinions on matters such as compensation for loss, anew during proceedings of the expropriation committee.

(3) Expropriators, Landowners, and Interested Persons may not include written opinions or orally state opinions on any complaint against approval of the undertaking for public interest and other matters, which are irrelevant to the proceedings of the expropriation committee, under the provisions of the preceding two paragraphs.

(4) Expropriators, Landowners, and Interested Persons may apply to submit materials to the expropriation committee, to conduct necessary hearing from persons of reference, to order an appraisal from appraisers, or to conduct on-the-spot investigation of land or articles, in order to prove the matters applied for in attached documents to an application for determination under the provisions of Article 40, paragraph (1) or written opinions under the provisions of Article 43, paragraph (1), or the subject matters of opinions submitted in written opinions or stated orally under the provisions of paragraph (1) or (2).

(5) Expropriators, Landowners, and Interested Persons may apply to conduct

hearing personally from persons of reference or appraisers who are ordered to attend during proceedings by issuing of the expropriation committee under the provisions of Article 65, paragraph (1).

(Control of Proceedings by the Chairperson or Designated Member)

Article 64 (1) The chairperson or a designated member controls procedures in proceedings of the expropriation committee.

- (2) The chairperson or a designated member may restrict statements of opinions, applications, hearing, or other acts of an Expropriator, Landowners, or Interested Persons, if they overlap with previously stated opinions or applications, deal with matters irrelevant to the case to which the application for determination pertains, or are otherwise found to be inappropriate.
- (3) The chairperson or a designated member may make an order to eject any person who obstructs the fair conducting of expropriation committee proceedings.

(Authority for Proceedings or Investigation)

Article 65 (1) The expropriation committee may, if it finds that an application under the provisions of Article 63, paragraph (4) is appropriate, or otherwise finds it necessary for the procedures or investigation, make the following issuings:

- (i) order an Expropriator, Landowner, or Interested Person or persons of reference to attend for hearing, or to submit written opinions or materials;
 - (ii) order appraisers to attend for appraisal; and
 - (iii) investigate land or articles on the spot.
- (2) In the case of an appraisal of the value of land or buildings, or rights other than ownership thereto, by appraisers under the provisions of item (ii) of the preceding paragraph, at least one of the appraisers must be a real estate appraiser.
 - (3) In the case of an on-the-spot investigation of land or articles by members or staff under the provisions of Article 60-2, they must carry their own identification card, and present it if requested by owners, possessors, or other interested parties of land or articles.
 - (4) The form of an identification card provided for in the preceding paragraph is prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism.
 - (5) Any appraiser provided for in the paragraph (1), item (ii) must not be a person who falls under any of the items of Article 61, paragraph (1).
 - (6) Travel expenses and allowances are paid to appraisers or persons of reference under the provisions of paragraph (1), pursuant to the provisions of Orders.

(Representative Parties)

- Article 65-2 (1) A number of Landowners or Interested Persons who share common interests may select up to three persons who act for all of them as a party (hereinafter referred to as a "representative party") in proceedings of the expropriation committee.
- (2) Landowners or Interested Persons (hereinafter referred to as "selectors") who have selected a representative party may cancel or change the selection.
- (3) Any selection under the provisions of paragraph (1) and cancellation and change of the selection must be proved in writing.
- (4) A representative party may individually perform any act for other selectors relating to proceedings of the expropriation committee.
- (5) If a representative party is selected, no selectors other than the representative director may perform the act under the provisions of the preceding paragraph, except through the representative party.
- (6) Even if two or more representative parties are selected, it is sufficient that notice or other actions by the expropriation committee to selectors are made to any one of the representative parties.
- (7) When there are an extremely large number of Landowners or Interested Persons who share common interests, the expropriation committee may, if it finds it necessary to facilitate proceedings, recommend to Landowners or Interested Persons the selection of a representative party under the provisions of paragraph (1).

(Meetings for Determination)

- Article 66 (1) Meetings for expropriation committee determinations are not open to the public.
- (2) The determination is made in writing. A written determination must contain a supplementary note on the grounds and the date of effect thereof, and the chairperson and the members who participated in the meetings must affix their signature and seal thereto.
- (3) The original copy of a written determination must bear the seal of the expropriation committee, and be served to the Expropriators, Landowners, and Interested Persons.

Article 67 Deleted

Chapter VI Compensation for Losses

Section 1 Compensation for Losses Due to the Expropriation or Use of Land

(Persons to Compensate for Losses)

Article 68 An Expropriator must compensate for losses incurred by Landowners and Interested Persons due to expropriation or use of land.

(Principle of Individual Payment)

Article 69 Compensation for losses must be made individually to each Landowner and Interested Person; provided, however, that this does not apply when it is difficult to estimate losses for each person.

(Method of Compensation for Losses)

Article 70 Losses are compensated for monetarily; provided however, that this does not apply when a determination of compensation by providing substitute land or by other means is made by the expropriation committee under the provisions of Articles 82 through 86.

(Amount of Compensation for Land)

Article 71 The amount of compensation for land to be expropriated or rights other than ownership to the land is obtained by multiplying a fair value at the time of public notice of approval of the undertaking for public interest, calculated by taking into account the market value, etc., of similar neighboring land, by the adjustment factor corresponding to fluctuation in prices for the period until the time of determination of the acquisition of rights.

Article 72 The provisions of the preceding article apply mutatis mutandis to the amount of compensation for the land to be used or rights other than ownership to the land. In this case, the term "the market value, etc., of similar neighboring land" in the same article is deemed to be replaced with "the land rent and lease rent of the land and similar neighboring land."

(Period for Calculating Other Compensation)

Article 73 Unless otherwise established in this Section, compensation for loss must be calculated based on the value at the time of administrative determination to vacate.

(Compensation for Remaining Land)

Article 74 (1) If any part of grouped land belonging to one Landowner is expropriated or used, thereby reducing the value of the remaining land, the loss attributable to the remaining land must be compensated for.

(2) The amount of compensation for the remaining land or rights other than ownership to the remaining land under the provisions of the preceding paragraph is calculated with reference to Articles 71 and 72.

(Compensation for Construction Costs)

Article 75 If any part of grouped land belonging to one Landowner is expropriated or used, thereby requiring the construction, reconstruction, addition, or repair of passages, ditches, hedges, fences, and other structures, or excavation or embankment work on the remaining land, the necessary costs thereof must be compensated for.

(Claim to Expropriate Remaining Land)

Article 76 (1) If any part of grouped land belonging to one Landowner is expropriated or used, thereby making it extremely difficult to use the remaining land for the original intended purpose, Landowners may make a claim for expropriation of all of that land.

(2) An Interested Person who holds any rights to remaining land, or articles thereon, to which a claim is made for expropriation under the provisions of the preceding paragraph, may make a claim against the expropriation committee for continuation of the existing rights, as long as there is no special hindrance to the execution of business of the Expropriator, and no prejudice to rights of other Interested Persons.

(3) For rights other than ownership to land, to which a claim is made for expropriation under the provisions of paragraph (1), notwithstanding the provisions of Article 71, compensation at a fair value must be made at the time of determination of the acquisition of rights, calculated by taking into account the market value, etc., of similar neighboring land.

(Compensation for Relocation Costs)

Article 77 If there are articles on the land to be expropriated or used, the articles must be relocated and the relocation costs of the articles must be compensated for. In this case, if the articles are to be divided, thereby making it extremely difficult to use the articles for their original intended purpose unless all the articles are relocated, owners may make a claim for the cost of relocation of all the articles.

(Claim to Expropriation When There are Difficulties in Relocation)

Article 78 In the case presented in the preceding article, if there are significant difficulties in relocating articles, or relocation makes it extremely difficult to use the articles for their original intended purpose, owners may make a claim for expropriation of the articles.

(Claims for Expropriation in Cases of Excess Costs for Relocation)

Article 79 In the case presented in Article 77, if the cost of relocation exceeds that of purchasing equivalent articles for relocation, an Expropriator may

make a claim for expropriation of those articles.

(Compensation for Articles)

Article 80 In the case of expropriation of articles under the provisions of the preceding two articles, compensation must be made for the articles to be expropriated at a fair value, taking into account the market value, etc., of similar neighboring articles.

(Compensation for Use Where There are Difficulties in Restoration)

Article 80-2 (1) In the case of use of land, if the means of use produces a change in the characteristic of the land, thereby making it difficult to restore the land to its original state, the resulting loss must be compensated for.

(2) The amount of compensation for land or rights other than ownership to the land under the provisions of the preceding paragraph is calculated with reference to Article 71.

(Claims for Expropriation Instead of Use of Land)

Article 81 (1) In the case of use of land, when the period of use exceeds three years, or the method of use produces a change in the characteristic of the land, or there are buildings owned by Landowners on the land to be used, Landowners may make a claim for expropriation of the land; provided however, that this does not apply to the use of space or underground space, which does not obstruct normal use of the land.

(2) An Interested Person who holds any rights to land, to which a claim is made for expropriation under the provisions of the preceding paragraph, may make a claim against the expropriation committee for continuation of the existing rights.

(3) With respect to any rights for which a claim has been made under the provisions of the preceding paragraph, the Expropriator is deemed to have applied for a determination on the exercise of rights, and a determination is to be made concurrently with that under the provisions of paragraph (1).

(Compensation with Substitute Land)

Article 82 (1) Landowners or Interested Persons (excluding those Interested Persons who hold statutory liens, pledgees, mortgagees, and those who are included as Interested Persons under the provisions of Article 8, paragraph (4); hereinafter the same applies in this article and Article 83) may, in lieu of all or part of the monetary compensation for land to be expropriated or rights other than ownership to the land, demand compensation for loss from the expropriation committee with land or rights other than ownership to land (hereinafter collectively referred to as "substitute land").

- (2) If a Landowner or Interested Person makes a demand under the provisions of the preceding paragraph, by designating specific land owned by an Expropriator, the expropriation committee may, if it finds the demand reasonable and no hindrance to the execution of the undertaking for public interest or business of the Expropriator due to the transfer of the substitute land, determine compensation for loss with substitute land in determination of the acquisition of rights.
- (3) If a Landowner or Interested Person makes a demand under the provisions of paragraph (1), without designating land or by designating land not owned by an Expropriator, the expropriation committee may, if it finds the demand reasonable, recommend to the Expropriator the provision of substitute land.
- (4) If a Landowner or Interested Person gives consent to the substitute land that the Expropriator intends to provide following recommendation under the provisions of the preceding paragraph, the expropriation committee may determine compensation for loss with substitute land.
- (5) If a recommendation is made under the provisions of paragraph (3), an Expropriator which is a national or local public entity may, if land owned by the national or local government is not provided, or not determined to be provided for government use or public use, and it finds the land appropriate for substitute land, apply to the expropriation committee for arrangements for the transfer.
- (6) When an application is made under the provisions of the preceding paragraph, the expropriation committee may, if it finds the application reasonable, recommend to the national or local government the transfer of the land found to be appropriate for substitute land.
- (7) Substitute land to be provided by an Expropriator must correspond to the previous land or rights other than ownership to land, taking into account comprehensively the category, parcel area, soil texture, water use, and description of rights in relation to the land.

(Development of Agricultural Land)

- Article 83 (1) A Landowner or Interested Person may, when making a demand under the provisions of paragraph (1) of the preceding article, for the purposes of the provisions of paragraph (7) of the same article and if the land to be expropriated is intended for cultivation, make a demand concurrently with the demand to the expropriation committee to the effect that the Expropriator may develop substitute land for agricultural purposes, to the extent of monetary compensation for land to be expropriated or rights other than ownership to the land.
- (2) The expropriation committee may, if it finds a demand under the provisions of the preceding paragraph reasonable, determine compensation for loss with

development of agricultural land, together with compensation for loss with substitute land, by specifying the details of construction and the time to complete the construction in determination of the acquisition of rights.

- (3) In the case presented in the preceding paragraph, when an Expropriator is any person other than the national government, the expropriation committee may, if it finds it necessary, concurrently make a determination to the effect that the Expropriator must provide security for development of agricultural land.
- (4) Security provided for in the preceding paragraph is provided by depositing money or securities deemed reasonable by the expropriation committee.
- (5) If an Expropriator fails to complete construction on time, Landowners or Interested Persons acquire all or part of the security under the provisions of the preceding paragraph, with the confirmation from the expropriation committee. In this case, the Expropriator is exempt from the obligation of compensation for loss with development of agricultural land, with the confirmation from the expropriation committee.
- (6) An Expropriator may, upon completion of the construction, recover the security under the provisions of paragraph (4), with the confirmation of the expropriation committee.
- (7) Procedures for the acquisition or recovery of the security under the provisions of the preceding two paragraphs are prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Compensation with Substitution in Construction)

- Article 84 (1) In the case presented in Article 75, an Expropriator, Landowner, or Interested Person may make a demand to the expropriation committee to the effect that, in lieu of all or part of the monetary compensation, the Expropriator conducts the construction.
- (2) The expropriation committee may, if it finds a demand under the provisions of the preceding paragraph reasonable, determine compensation for loss with substitution in construction, by specifying the details of construction and the time to complete the construction in an administrative determination to vacate.
 - (3) The provisions of paragraphs (3) through (7) of the preceding article apply mutatis mutandis to the case presented in the preceding paragraph. In this case, the term "development of agricultural land" in paragraphs (3) and (5) of the same article is deemed to be replaced with "substitution in construction."

(Compensation with Substitution in Relocation)

- Article 85 (1) In the case presented in Article 77, an Expropriator or owner of articles may make a demand to the expropriation committee to the effect that, in lieu of compensation for the cost of relocation, the Expropriator must

relocate the relevant articles.

- (2) The expropriation committee may, if it finds a demand under the provisions of the preceding paragraph reasonable, determine compensation for loss with substitution in relocation in an administrative determination to vacate.

(Development of Residential Land)

Article 86 (1) When intending to relocate a building under the provisions of Article 77, if the land onto which the building is relocated is land other than residential land, a Landowner or Interested Person may make a demand to the expropriation committee to the effect that, in lieu of part of the compensation for loss under the provisions of Articles 71, 72, 74, 80-2, and 88, the Expropriator may develop residential land.

- (2) The expropriation committee may, if it finds a demand under the provisions of the preceding paragraph reasonable, determine compensation for loss with development of residential land, by specifying the details of construction in determination of the acquisition of rights or administrative determination to vacate.

(Means of Making Claims and Demands)

Article 87 A claim under the provisions of Article 76, paragraphs (1) and (2); Articles 77 through 79; and Article 81, paragraphs (1) and (2); and a demand under the provisions of Article 82, paragraphs (1); Article 83, paragraph (1); Articles 84, paragraph (1); Article 85, paragraph (1); and paragraph (1) of the preceding article must be made by means of written opinions under the provisions of Article 43, paragraph (1) (including mutatis mutandis application under Article 47-4, paragraph (2)) or Article 63, paragraph (2), or written opinions submitted under the provisions of Article 65, paragraph (1), item (i); provided, however, that a claim under the provisions of Article 76, paragraph (1) and Article 81, paragraph (1) may be made by submitting written opinions on the claim to the expropriation committee, even before the period of public inspection under Article 43.

(Compensation for Loss Ordinarily Incurred)

Article 88 Beyond compensation for loss under the provisions of Articles 71, 72, 74, 75, 77, 80, and 80-2, compensation must be made for payment for separation from farming, operating loss, rental loss from building relocation, and other loss from expropriation or use of land, ordinarily incurred by Landowners or Interested Persons.

(Detailed Matters on Compensation for Loss)

Article 88-2 Detailed matters necessary for the application of the provisions of

Articles 71, 72, 74, 75, 77, 80, and 80-2 are prescribed by Cabinet Order.

(Restrictions on Compensation for Loss)

Article 89 (1) Landowners or Interested Persons have no claim for compensation for loss, in relation to any changes in the characteristic of land, construction, reconstruction, addition, or major repair of structures, or additional installation of articles after public notice of approval of the undertaking for public interest under the provisions of Article 26, paragraph (1), unless prior approval therefor is obtained from a prefectural governor.

(2) If it is found that changes in the characteristic of land, construction, reconstruction, addition, or major repair of structures, or additional installation of articles are intended exclusively for the purpose of increasing compensation, a prefectural governor must not grant approval under the provisions of the preceding paragraph.

(3) In relation to changes in the characteristics of land, if permission is granted to a Landowner or Interested Person under the provisions of Article 28-3, paragraph (1), the approval under the provisions of paragraph (1) is deemed to be granted.

(Prohibition of Set-off Against Business Profits)

Article 90 If any part of grouped land belonging to one Landowner is expropriated or used, thereby increasing the value of the remaining land, and otherwise generating profit on the remaining land, from the implementation of the undertaking for public interest for which the relevant land is expropriated or used, compensation due to expropriation or use of land may not be set off against the profit.

(Special Provisions for Persons Claiming Compensation)

Article 90-2 In relation to land or rights other than ownership to land, for which a claim for the payment of compensation is made under the provisions of Article 46-2, paragraph (1), the term "the time of determination of the acquisition of rights" in Article 71 is replaced with "the time limit for payment under the provisions of Article 46-4, paragraph (1)."

(Determination of Difference and Additional Money)

Article 90-3 (1) If a claim for the payment of compensation is made under the provisions of Article 46-2, paragraph (1), the expropriation committee must determine the following matters during determination of the acquisition of rights:

(i) the amount of value at the time limit for payment under the provisions of Article 46-4, paragraph (1), obtained by adjusting the amount already paid

by the Expropriator as compensation for land or rights other than ownership to the land based on an adjustment factor calculated with reference to the adjustment factor provided for in Article 71, depending on the time of payment;

- (ii) the balance of the compensation payable by the Expropriator and its creditor, or refund receivable by the Expropriator and its debtor, if there is any excess or deficiency in the amount of the compensation calculated under the provisions of Article 71, as applied mutatis mutandis pursuant to the provisions of the preceding article, compared to the amount provided for in the preceding item; and
 - (iii) additional charge on delay in payment of the compensation.
- (2) The amount of additional charge set forth in item (iii) of the preceding paragraph is an amount calculated on the unpaid amount for a delay in payment under the provisions of Article 46-4, paragraph (1) for the number of days of the period of delay in payment (or the period until the time of determination for the unpaid amount until the time of determination), in accordance with the provisions of the following items:
- (i) period for which the unpaid amount for a delay is 20 percent or more of the amount of compensation under the provisions of the preceding article:
Annual rate of 18.25 percent;
 - (ii) period for which the unpaid amount for a delay is 10 percent or more, but less than 20 percent of the amount of compensation under the provisions of the preceding article: Annual rate of 11 percent; or
 - (iii) period for which the unpaid amount for a delay is less than 10 percent of the amount of compensation under the provisions of the preceding article:
Annual rate of 6.25 percent.

(Determination of Penalty Charges)

Article 90-4 If an Expropriator fails to apply for a determination of expropriation or use of land within two weeks from the date of request under the provisions of Article 39, paragraph (2), the expropriation committee must make a determination, during determination of the acquisition of rights, to the effect that the Expropriator must pay to Landowners and Interested Persons who hold rights other than ownership to land, a penalty charge calculated on the amount of compensation receivable by those persons, at an annual rate of 18.25 percent based on the number of days of the period of failure to apply for a determination.

**Section 2 Compensation for Losses Due to Land Surveys and
Discontinuance of Undertakings for Public Interest**

(Compensation for Loss Due to Land Surveys and Investigations)

Article 91 (1) Any losses arising from entering and land surveying, and investigating land or structures, removing obstructions, or performing prospecting, etc., on land under the provisions of Article 11, paragraph (3), Article 14, or Article 35, paragraph (1) must be compensated for by

Expropriator to those who have incurred the losses.

(2) A claim for compensation for loss under the provisions of the preceding paragraph may not be made after the expiration of one year from the date on which the losses are identified.

(Compensation for Loss Due to Discontinuance or Modification of Undertakings for Public Interest)

Article 92 (1) After public notice of approval of the undertaking for public interest under the provisions of Article 26, paragraph (1), if an Expropriator discontinues or modifies the whole or any part of the undertaking for public interest, and thereby resulting in lapse of approval of the undertaking for public interest under the provisions of Article 29 or 34-6, or lapse of determination under the provisions of Article 100, any losses incurred therefrom by Landowners or Interested Persons must be compensated for by Expropriator.

(2) The provisions of paragraph (2) of the preceding article apply mutatis mutandis to the case presented in the preceding paragraph.

(Compensation for Loss on Land Other Than Land Expropriated or Used)

Article 93 (1) When land is expropriated or used (including a use under the provisions of Article 122, paragraph (1) or Article 123, paragraph (1)) for an undertaking for public interest, if it is found necessary to construct, reconstruct, add, or repair passages, ditches, hedges, fences, and other structures, or perform excavation or embankment work on the relevant land or the remaining land, an Expropriator must, if claimed by those who need that work, compensate for all or part of the necessary costs thereof. In this case, the Expropriator or those who need that work may, in lieu of all or part of the monetary compensation, demand that the Expropriator perform the relevant work.

(2) A claim for compensation for loss under the provisions of the preceding paragraph may not be made after the expiration of one year from the date of completion of the works for the undertaking for public interest.

(Determination Proceedings for Compensation of Loss Under the Preceding Three Articles)

Article 94 (1) Compensation for loss under the provisions of the preceding three

articles must be determined by agreement of an Expropriator and those who have incurred losses (including those who need works under the provisions of paragraph (1) of the preceding article; hereinafter the same applies in this article).

- (2) If an agreement is not reached under the provisions of the preceding paragraph, an Expropriator or those who have incurred loss may apply for a determination by the expropriation committee.
- (3) A person who intends to apply for a determination under the provisions of the preceding paragraph must submit to the expropriation committee a written application for determination indicating the following matters, in accordance with the form prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism, to the Minister of Land, Infrastructure, Transport and Tourism:
 - (i) name and address of the applicant for determination;
 - (ii) name and address of the opposite parties;
 - (iii) type of the undertaking for public interest;
 - (iv) facts of losses;
 - (v) estimation and breakdown of compensation for loss; and
 - (vi) process for agreement.
- (4) The provisions of Article 19 apply mutatis mutandis to correction of the application form for determination provided for in the preceding paragraph. In this case, the terms "preceding article," "application for approval of the undertaking for public interest," and "the Minister of Land, Infrastructure, Transport and Tourism or the prefectural governor" are deemed to be replaced with "Article 94, paragraph (3)," with "application for determination," and with "the expropriation committee," respectively.
- (5) The expropriation committee must, when it has accepted an application for determination under the provisions of paragraph (3), notify in advance the applicant for determination under the provisions of paragraph (3) and the opposite parties described in the application for determination, of the date and place of the proceedings, and commence the proceedings, unless the application for determination is dismissed under the provisions of Article 19, paragraph (2) as applied mutatis mutandis pursuant to the preceding paragraph.
- (6) The provisions of Article 50, and Chapter V, Section 2 (excluding Article 63, paragraph (1)) apply mutatis mutandis to the case where the expropriation committee conducts the proceedings under the provisions of the preceding paragraph. In this case, the terms "Expropriator, Landowners, and Interested Persons" in Article 50; Article 61, paragraph (1); Article 63, paragraphs (2) through (5); Article 64, paragraph (2); and Article 66, paragraph (3) and "the Expropriator and all of the Landowners and Interested Persons in relation to the whole or part of the land intended for expropriation or use" in Article 50,

paragraph (2) are deemed to be replaced with "applicant for determination and the opposite parties;" the term "all of the matters set forth in the items of Article 48, paragraph (1) or the items of paragraph (1) of the preceding article" in Article 50, paragraphs (2) and (3) is deemed to be replaced with "compensation for loss and the time for compensation;" the term "a determination of the acquisition of rights or an administrative determination to vacate" in Article 50, paragraph (5) is deemed to be replaced with "a determination under the provisions of Article 94, paragraph (8);" the term "the preceding two paragraphs" in Article 63, paragraph (3) is deemed to be replaced with "the preceding paragraph;" the term "the matters applied for in attached documents to an application for determination under the provisions of Article 40, paragraph (1) or written opinions under the provisions of Article 43, paragraph (1), or ... paragraph (1) or (2)" in Article 63, paragraph (4) is deemed to be replaced with "the matters applied for in the application for determination under the provisions of Article 94, paragraph (3), or ... paragraph (2);" the term "Expropriator, Landowners, or Interested Persons" in Article 65, paragraph (1), item (i) is deemed to be replaced with "applicant for determination or its opposite parties;" and the term "Landowners or Interested Persons" in Article 65-2, paragraphs (1), (2), and (7) is deemed to be replaced with "applicant for determination or its opposite parties (excluding those who are Expropriators)," respectively.

- (7) If any application for a determination under the provisions of paragraph (2) violates the provisions of this Act, the expropriation committee must dismiss the application by means of a determination.
- (8) The expropriation committee must, unless dismissing the application under the provisions of the preceding paragraph, determine compensation for loss and the time for compensation. In this case, the expropriation committee may not make a determination as to compensation for loss, beyond the scope of the application by the applicant for determination and the opposite parties, with the written application for determination, or written opinions under the provisions of Article 63, paragraph (2) as applied *mutatis mutandis* pursuant to paragraph (6), or written opinions submitted under the provisions of Article 65, paragraph (1), item (i) as applied *mutatis mutandis* pursuant to paragraph (6).
- (9) Any person who has a complaint against determination under the provisions of the preceding paragraph must, notwithstanding the provisions of Article 133, paragraph (2), file an action with a court with jurisdiction over the location of the land on which the loss occurred, within sixty days from the date of service of the original copy of the written determination.
- (10) If no action is filed under the provisions of the preceding paragraph, a determination made under the provisions of paragraph (8) is, in relation to

compulsory execution, be deemed to be a title of obligation set forth in Article 22, paragraph (5), of the Civil Execution Act (Act No. 4 of 1979).

- (11) A certificate of execution with regard to a title of obligation under the provisions of the preceding paragraph is granted by the chairperson of the expropriation committee. The same applies to the service of transcripts of the certificate of execution and the document pursuant to the second sentence of Article 29 of the Civil Execution Act.
- (12) A decision on objections concerning the granting of a certificate of execution under the provisions of the preceding paragraph is rendered by the district court with jurisdiction over the location of the expropriation committee.

Chapter VII Effect of Expropriation or Use of Land

(Paying-out or Deposit of Compensation for Determination of Acquisition of Rights)

- Article 95 (1) An Expropriator must by the time of the acquisition of rights specified in a determination of the acquisition of rights, pay out compensation, additional charges, and penalty charges (hereinafter referred to as "compensation, etc.") for an administrative determination to vacate, transfer and deliver substitute land, or develop residential land in relation to the determination of the acquisition of rights under the provisions of Article 86, paragraph (2).
- (2) Notwithstanding the provisions of the preceding paragraph, an Expropriator may by the time of the acquisition of rights, deposit compensation, etc., in the following cases:
- (i) a person that is to receive compensation, etc., refuses to receive, or cannot receive compensation, etc.;
 - (ii) an Expropriator cannot identify, and the Expropriator was not negligent in being unable to do so, a person to receive compensation, etc.;
 - (iii) an Expropriator has a complaint against the amount of compensation, etc., determined by the expropriation committee; and
 - (iv) an Expropriator is prohibited from paying out compensation, etc., due to a seizure or provisional seizure.
- (3) In the case presented in item (iii) of the preceding paragraph, an Expropriator must, if claimed by a person to receive compensation, etc., pay out the amount of its estimate and deposit the difference with the amount of compensation, etc., by determination.
- (4) If a determination is made under the provisions of Article 48, paragraph (5), notwithstanding the provisions of paragraph (1), an Expropriator must by the time of the acquisition of rights deposit compensation, etc., for rights considered to exist in the determination (in the highest amount of

compensations, etc., for the rights, if two or more rights that cannot coexist are considered to exist in the relevant determination). The same applies to compensation, etc., for rights, on which a provisional registration or registration of special agreements on redemption is made before registration of commencement of determination proceedings.

- (5) Notwithstanding the provisions of paragraph (1), an Expropriator may by the time of the acquisition of rights deposit substitute land in the following cases:
- (i) a person to receive substitute land refuses to receive, or cannot receive the transfer or delivery of substitute land; and
 - (ii) an Expropriator is prohibited from transferring or delivering substitute land by seizure or provisional seizure.
- (6) An Expropriator must, by the time for completion of the construction specified in a determination develop agricultural land in relation to the determination of the acquisition of rights under the provisions of Article 83, paragraph (2).

(Measures in Cases of Seizure or Provisional Seizure)

Article 96 (1) If a determination of the acquisition of rights or an administrative determination to vacate (limited to a claim under the provisions of Article 78 or 79 in the case of administrative determination to vacate) is made on rights on which a seizure has been executed before registration of commencement of determination proceedings (including statutory liens, pledges, mortgages, and other rights to be extinguished in realization procedures through the relevant seizure; hereinafter referred to simply as "rights subject to seizure"), notwithstanding the provisions of the preceding article, an Expropriator must by the time of the acquisition of rights or the time limit for vacation pay out compensation, etc., for the rights subject to seizure to an institution to implement a liquidation distribution as a result of the relevant seizure; provided, however, that this does not apply after payment of the price through compulsory execution or auction, or payment of the purchase price through a disposition of delinquency.

- (2) Money paid out to an institution to implement a liquidating distribution under the provisions of the preceding paragraph is deemed, in relation to distribution, to be the price through compulsory execution or auction, or the purchase price through issuing of delinquency (or a portion thereof in the case of determination of use); in the case of determination of expropriation, if the paying-out occurs before the arrival of the time limit for a demand for liquidating distribution for compulsory execution or auction, the time limit for a demand for liquidating distribution is deemed to arrive at the time of the paying-out.
- (3) If the paying-out provided for in the main clause of paragraph (1) occurs before payment after the issuance of an order of permission of sale for

compulsory execution or auction, or before payment after an order of sale through issuing of delinquency, the issuance of the order of permission of sale or the order of sale ceases to be effective.

- (4) If an Expropriator has a complaint against the amount of compensation, etc., determined by the expropriation committee, the Expropriator must, when paying out under the provisions of paragraph (1), notify an institution to implement a liquidating distribution provided for in the same paragraph of the amount of its estimate.
- (5) The provisions of paragraph (1) and the preceding paragraph apply mutatis mutandis to paying out compensation, etc., for rights on which a provisional seizure has been executed before registration of commencement of determination proceedings.
- (6) When a judgment of order requiring an Expropriator to pay compensation, etc., for rights set forth in paragraph (1) or the preceding paragraph has become final and binding, the payment of compensation, etc., is made in the same manner as for compensation, etc., under the provisions of paragraph (1). In this case, when an Expropriator pays out compensation, etc., to an institution to implement a liquidating distribution, payment under the judgment to order payment of compensation, etc., is deemed to be made.
- (7) In relation to a paying-out of the compensation, etc., to the court, and compulsory execution, execution of provisional seizure, or auction when the paying-out is made under the provisions of paragraph (1) or the preceding two paragraphs, special provisions for the Civil Execution Act or the Civil Provisional Remedies Act (Act No. 91 of 1989) and other necessary matters may be prescribed by Supreme Court Rules, and in relation to a paying-out of the compensation, etc., to an institution to implement a liquidating distribution other than the court and issuing of delinquency when the paying-out is made under the provisions of paragraph (1) or the preceding two paragraphs, special provisions for the National Tax Collection Act and other necessary matters may be prescribed by Cabinet Order.

(Paying-out or Depositing Compensation for Administrative Determinations to Vacate)

- Article 97 (1) An Expropriator must by the time limit for vacation specified in an administrative determination to vacate, pay out compensation for an administrative determination to vacate, substitute relocation of articles under the provisions of Article 85, paragraph (2), or develop residential land under the provisions of Article 86, paragraph (2).
- (2) The provisions of Article 95, paragraphs (2) through (4) and paragraph (6) apply mutatis mutandis to the case set forth in the preceding paragraph. In this case, the term "the time of the acquisition of rights" in paragraph (2) of the

same article is deemed to be replaced with "the time limit for vacation;" the terms "Article 48, paragraph (5)" and "the time of the acquisition of rights" in paragraph (4) of the same article are deemed to be replaced with "Article 48, paragraph (5) as applied mutatis mutandis pursuant to Article 49, paragraph (2)" and with "the time limit for vacation," respectively; and the term "develop agricultural land in relation to the determination of the acquisition of rights under the provisions of Article 83, paragraph (2)" in paragraph (6) of the same article is deemed to be replaced with "substitute construction in relation to the administrative determination to vacate under the provisions of Article 84, paragraph (2)," respectively.

(Depositing Security)

Article 98 Money or securities must be deposited by the time of the acquisition of rights or the time limit for vacation, in relation to the determination of the acquisition of rights or administrative determination to vacate, under the provisions of Article 83, paragraph (4) (including mutatis mutandis application under Article 84, paragraph (3); hereinafter the same applies in Article 99).

(Method of Depositing)

Article 99 (1) Money or securities under the provisions of Article 83, paragraph (4) and Article 95, paragraphs (2) through (4) must be deposited to an official depository in the area where the land intended for expropriation or use is located.

(2) The provisions of Article 495, paragraph (2) of the Civil Code (Act No. 89 of 1896) and Articles 94 and 98 of the Non-Contentious Cases Procedures Act (Act No. 51 of 2011) apply mutatis mutandis to the deposit of substitute land under the provisions of Article 95, paragraph (5).

(3) An Expropriator must, when making a deposit under the provisions of the preceding two paragraphs, notify persons that are to acquire compensation, etc. without delay, substitute land, or security (or Landowners and Interested Persons, if the deposit is made under the provisions of Article 95, paragraph (4)) to that effect.

(Lapse of Determination of Expropriation or Use of Land)

Article 100 (1) If an Expropriator fails to pay out or deposit compensation, etc., for determination of the acquisition of rights, transfer and delivery or deposit substitute land, provide developed residential land under the provisions of Article 86, paragraph (2), or deposit money or securities under the provisions of Article 83, paragraph (4), by the time of the acquisition of rights specified in a determination of the acquisition of rights, the determination of the acquisition of rights ceases to be effective, and a decision on commencement of

determination proceedings is deemed to be rescinded.

- (2) If an Expropriator fails to pay out or deposit compensation for an administrative determination to vacate, provide substitution in relocation of articles under the provisions of Article 85, paragraph (2), provide developed residential land under the provisions of Article 86, paragraph (2), or deposit money or securities under the provisions of Article 83, paragraph (4) as applied mutatis mutandis pursuant to Article 84, paragraph (3), by the time limit for vacation specified in an administrative determination to vacate, the administrative determination to vacate ceases to be effective. In this case, if less than four years have passed since public notice of approval of the undertaking for public interest under the provisions of Article 26, paragraph (1), an application for administrative determination to vacate may be made only prior to the expiration of the period, and if the period has passed, a decision on commencement of determination proceedings and a determination of the acquisition of rights is deemed to be rescinded.

Article 100-2 (1) In relation to application of the provisions of paragraph (1) of the preceding article, if an Expropriator delivers all of the compensation, etc., to be paid out by the time of the acquisition of rights specified in a determination of the acquisition of rights, in cash or check, etc., (bank cashier's check or other means of payment specified in Order of the Ministry of Land, Infrastructure, Transport and Tourism to have a certainty of the payment equivalent to bank cashier's check; the same applies in the following paragraph), in the form of registered mail (limited to those handled in accordance with a method specified by the Minister of Land, Infrastructure, Transport and Tourism; hereinafter the same applies in the following paragraph) or any other correspondence delivery services under Article 2, paragraph (2), of the Act on Correspondence Delivery by Private Companies (Act No. 99 of 2002) provided by a general correspondence delivery operator under paragraph (6) of the same article or a specified correspondence delivery operator under paragraph (9) of the same article, which are specified by the Minister of Land, Infrastructure, Transport and Tourism as equivalent to registered mail (hereinafter referred to as "registered mail, etc.," in the following paragraph), addressed to the address (limited to domestic addresses) of a person to receive compensation, etc., by the time before a certain period specified by Cabinet Order, considering a period normally required to deliver domestic mail counting from the relevant time of the acquisition of rights, all of the relevant compensation, etc., is deemed to be paid out by the relevant time of the acquisition of rights.

- (2) In relation to application of the provisions of paragraph (2) of the preceding article, if an Expropriator delivers all of the compensation to be paid out by the

time limit for vacation specified in an administrative determination to vacate, in cash or check, etc., in the form of registered mail, etc., addressed to the address (limited to domestic addresses) of a person to receive compensation by the time before a certain period specified by Cabinet Order provided for in the preceding paragraph, counting from the relevant time limit for vacation, all of the relevant compensation is deemed to be paid out by the relevant time limit for vacation.

- (3) The provisions of Article 94, paragraphs (10) through (12) apply *mutatis mutandis*, in the case set forth in the preceding two paragraphs, to the case where a person to receive compensation, etc., has not received it, after the lapse of the time of the acquisition of rights specified in a determination of the acquisition of rights or the time limit for vacation specified in an administrative determination to vacate. In this case, the term "If no action is filed under the provisions of the preceding paragraph, a determination made under the provisions of paragraph (8)" in paragraph (10) of the same article is deemed to be replaced with "a determination of the acquisition of rights or an administrative determination to vacate."

(Acquisition, Extinction, and Restrictions on Rights)

Article 101 (1) In the case of expropriation of land, an Expropriator acquires ownership rights to relevant land at the time of the acquisition of rights specified in a determination of the acquisition of rights, where other rights to the relevant land, and rights under a provisional registration and a right of redemption to the relevant land or to rights other than ownership to the relevant land is extinguished, and the execution of a seizure or provisional seizure, or execution of a provisional issuing of the relevant land or rights other than ownership to the relevant land ceases to be effective; provided, however, that this does not apply to rights of which the continuation is confirmed by the determination of a claim under the provisions of Article 76, paragraph (2) or Article 81, paragraph (2).

- (2) In the case of use of land, an Expropriator acquires rights to use relevant land at the time of the acquisition of rights specified in a determination of the acquisition of rights, as specified in the determination, where other rights to the relevant land may not be exercised during the period of use; provided, however, that this does not apply to rights not obstructing the use of the relevant land in accordance by the means validated by determination.
- (3) The main clause of paragraph (1) applies *mutatis mutandis* to the case where articles are expropriated under the provisions of Article 78 or 79. In this case, the term "the time of the acquisition of rights specified in a determination of the acquisition of rights" in the same paragraph is deemed to be replaced with "the time limit for vacation specified in an administrative determination to

vacate."

(Continued Possession)

Article 101-2 When an Expropriator acquires ownership rights to relevant land under the provisions of paragraph (1) of the preceding article, any person who possesses the relevant land, or a successor thereto, under its right extinguished under the provisions of the same paragraph may continue to possess the land, in accordance with the existing use by the time limit for vacation specified in an administrative determination to vacate; provided, however, that this does not preclude the application of the provisions of Articles 28-3 and 89.

(Delivery of Land or Articles, or Relocation of Articles)

Article 102 If an administrative determination to vacate is made, any person who possesses relevant land or articles on the relevant land must deliver the land or articles to an Expropriator, or relocate the articles by the time limit for vacation specified in an administrative determination to vacate.

(Substitution and Substitute Execution in Delivery of Land or Articles, or Relocation of Articles)

Article 102-2 (1) In the case presented in the preceding article, the mayor of a municipality must, if claimed by an Expropriator, deliver land or articles, or relocate articles, on behalf of a person who is to deliver the land or articles, or to relocate the articles, in the case of any of the following items:

- (i) a person who is to deliver land or articles, or relocate articles cannot perform its obligation because of grounds not attributable to the person; or
- (ii) an Expropriator cannot identify, and the Expropriator was not negligent in being unable to do so, a person who is to deliver land or articles, or relocate articles.

(2) In the case presented in the preceding article, if a person who is to deliver land or articles, or relocate articles, fails to perform its obligation, or performs its obligation insufficiently, or is expected to fulfill its obligation by the time limit for vacating, a prefectural governor may, if claimed by an Expropriator, perform an obligation of an obligor itself, or have a third party to perform the obligation, under the provisions of the Act on Substitute Execution by Administration (Act No. 43 of 1948). The same applies to the case where a person who is to relocate articles refuses to be provided with substitution in relocation of articles, in relation to the administrative determination to vacate, under the provisions of Article 85, paragraph (2).

(3) In the case presented in the first sentence of the preceding paragraph, a prefectural governor may, upon prior notice to the obligor and the Expropriator,

receive compensation for an administrative determination to vacate to be received by the obligor from the Expropriator, on behalf of the obligor, in an amount not exceeding the costs required for the relevant substitute execution to cover these costs.

- (4) For the purposes of application of this Act, if an Expropriator has paid all or part of the monetary compensation to a prefectural governor under the provisions of the preceding paragraph, the Expropriator is deemed to have paid compensation for an administrative determination to vacate to Landowners or Interested Persons, to the extent of the amount paid by the Expropriator to the prefectural governor.
- (5) In the case presented in the second sentence of paragraph (2), the costs required to relocate articles is, notwithstanding the provisions of Article 2 of the Act on Substitute Execution by Administration, collected from the Expropriator, and if the Expropriator has paid the costs thereof, the Expropriator is deemed to provide compensation with substitution in relocation.

(Risk of Loss)

Article 103 After a determination of the acquisition of rights or an administrative determination to vacate is made, if land to be expropriated or used, or articles to be expropriated are lost or damaged because of grounds not attributable to Landowners or Interested Persons, the loss or damage resulting from the loss is borne by an Expropriator.

(Security Property and Compensation or Substitute Land)

Article 104 If the subject matter of a statutory lien, pledge, or mortgage is expropriated or used, these rights may be exercised on compensation, etc., or substitute land to be received by the obligor from the expropriation or use of land of the subject matter; provided, however, that a seizure must be filed before the paying-out or delivery thereof.

(Title of Obligation for Amount Refundable to the Expropriator)

Article 104-2 The provisions of Article 94, paragraphs (10) through (12) apply mutatis mutandis to the case where no action is filed, during determination of the acquisition of rights, under the provisions of Article 133, paragraphs (2) and (3), regarding the portion of the refund receivable by the Expropriator described in Article 90-3, paragraph (1), item (ii). In this case, the term "determination made under the provisions of paragraph (8)" in Article 94, paragraph (10) is deemed to be replaced with "determination made on the portion of the refund receivable by the Expropriator under the provisions of Article 90-3, paragraph (1), item (ii)."

(Obligations to Return and Restore)

- Article 105 (1) In the case of use of land, when the period of use is expired, or the use is no longer necessary because of discontinuance or modification of the undertaking for public interest, or any other reason, an Expropriator must, without delay, return the land to the Landowners or their successors.
- (2) In the case presented in the preceding paragraph, an Expropriator must, if claimed by the Landowners, restore the land to its original state; provided, however, that this does not apply if the relevant land is subject to compensation under the provisions of Article 80-2, paragraph (1).

(Right to Purchase)

- Article 106 (1) If all or part of the land expropriated by an Expropriator is no longer needed because of discontinuance or modification of the undertaking for public interest, or any other reason, within twenty years from the date of the public notice of approval of the undertaking for public interest under the provisions of Article 26, paragraph (1), or all of the land expropriated is not used for the undertaking for public interest after the expiration of ten years from the date of the public notice of approval of the undertaking for public interest, persons who are Landowners at the time of the acquisition of the rights specified in a determination of the acquisition of rights or their universal successors (hereinafter collectively referred to as "right-to-purchase holders") may purchase the land by providing the current owners of the land for expropriation (hereinafter referred to as "current owners of the expropriated land") with an amount equal to the compensation paid by the Expropriator for the portion of the land no longer needed by the Expropriator or the land not used for the undertaking for public interest, and the rights other than ownership to the relevant land, within five years from the time when the relevant land is no longer needed, or within twenty years from the date of the public notice of approval of the undertaking for public interest, whichever is later; provided, however, that the remaining land expropriated under the provisions of Article 76, paragraph (1) may not be purchased, until the portion of the land that is expropriated with the remaining land and connected to the remaining land is no longer needed.
- (2) The provisions of the preceding paragraph do not apply if a Landowner has received compensation for loss with substitute land under the provisions of Article 82, for the whole or part of the land expropriated.
- (3) In the case presented in paragraph (1), if the land price has risen sharply compared to the time of the acquisition of rights specified in a determination of the acquisition of rights, current owners of the expropriated land may make a claim for increase in the amount specified in the same paragraph by filing an action.

(4) Right-to-purchase holders provided for in paragraph (1) may assert against a third party, if the expropriation is registered pursuant to the provisions of the Real Property Registration Act (Act No. 123 of 2004).

(Extinction of Right to Purchase)

Article 107 (1) If there is land no longer needed, or land not used for the undertaking for public interest, provided for in paragraph (1) of the preceding article, an Expropriator (or a person who conducts a relevant related undertaking for public interest, if the land is expropriated for the related undertaking for public interest; hereinafter the same applies in this paragraph) must, without delay, notify right-to-purchase holders to the effect; provided, however, that if an Expropriator cannot identify, and the Expropriator was not negligent in being unable to do so, right-to-purchase holders, the Expropriator must issue public notice of information, at least three times at intervals of one month, in local newspapers in the area where the land is located.

(2) Right-to-purchase holders may not exercise their right to purchase, notwithstanding the provisions of paragraph (1) of the preceding article, after the expiration of six months from the date of receipt of the notice or the date of the third public notice under the provisions of the preceding paragraph.

Chapter VIII Special Procedures in Relation to the Expropriation or Use of Land

Section 1 Deleted

Articles 108 through 115 Deleted

Section 2 Confirmation of Agreements

(Application for Confirmation of Agreement)

Article 116 (1) If an agreement is reached among the Expropriator and all of the Landowners and Interested Persons on the acquisition or extinction of rights to the whole or part of the land subject to undertakings for public interest, the Expropriator may, with the consent of the relevant Landowners and Interested Persons, apply for a confirmation of the agreement to the expropriation committee of the prefecture where the relevant land is located, limited to the period after the date of the public notice of approval of the undertaking for public interest under the provisions of Article 26, paragraph (1) until the application for determination of expropriation or use of land.

(2) An Expropriator must, when applying under the provisions of the preceding paragraph, submit to the expropriation committee, a written application for

confirmation indicating the following matters, in accordance with the form prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism to the Minister of Land, Infrastructure, Transport and Tourism by attaching a document showing that the consent is obtained from the Landowners and Interested Persons:

- (i) location, parcel number, and category of the land to which an agreement is reached;
- (ii) name and address of the Landowners and Interested Persons of the land set forth in the preceding item;
- (iii) type and description of the rights to be acquired or extinguished by the agreement;
- (iv) time to acquire or extinguish the rights, and time limit for delivery of the land or articles, or relocation of articles; and
- (v) compensation.

(Correction of Application Forms for Confirmation)

Article 117 The provisions of Article 19 apply mutatis mutandis to correction of the application form for confirmation provided for in paragraph (2) of the preceding article. In this case, the terms "preceding article," "application for approval of the undertaking for public interest," and "the Minister of Land, Infrastructure, Transport and Tourism or the prefectural governor" are deemed to be replaced with "Article 116, paragraph (2)," with "application for confirmation," and with "the expropriation committee," respectively.

(Confirmation of Agreement)

Article 118 (1) The expropriation committee must, when it has accepted an application for confirmation under the provisions of Article 116, paragraph (2), send a copy of portions thereof related to the respective municipalities to the mayor of the relevant municipality, respectively, unless the application for confirmation is dismissed under the provisions of Article 19, paragraph (2) as applied mutatis mutandis pursuant to the preceding article.

- (2) The mayor of a municipality must, when it has received documents provided for in the preceding paragraph, immediately issue public notice to the effect that an application for confirmation is made, and make the documents available for public inspection for two weeks from the date of the public notice.
- (3) The mayor of a municipality must, when it has issued public notice under the provisions of the preceding paragraph, report without delay the date of the public notice to the expropriation committee.
- (4) When public notice is issued under the provisions of paragraph (2), an interested party may submit an objection in writing to the expropriation committee, regarding the effect and contents of the agreement, within the

period of public inspection under the same paragraph.

- (5) The expropriation committee must confirm the matters set forth in the items of Article 116, paragraph (2), if the application for confirmation of the agreement under the provisions of Article 116 is not in violation of the provisions of laws and regulations, and no objection is submitted under the provisions of the preceding paragraph, or it is obvious that, if any objection is submitted, the objection is in violation of the provisions of the same paragraph, or is not justified, and the contents of the agreement comply with the provisions of Chapter VII.

(Refusal of Confirmation)

Article 119 When an application for confirmation of agreement is made under the provisions of Article 116, the expropriation committee must refuse confirmation, if the application fails to comply with the provisions of paragraph (5) of the preceding article; provided, however, that the relevant obligation concerns only part of the land under application and does not affect the remaining part, the expropriation committee must confirm the non-affected part.

(Method of Confirmation and Service of Written Confirmation)

Article 120 The provisions of Article 66 apply mutatis mutandis to confirmation under the provisions of Article 118, paragraph (5) or the proviso to the preceding article, or refusal of confirmation under the main clause of the preceding article. In this case, the terms "determination," "written determination," and "the Expropriator, Landowners, and Interested Persons" are deemed to be replaced with "confirmation or refusal of confirmation," with "written confirmation and written refusal of confirmation," and with "the Expropriator, Landowners, Interested Persons, and interested party who submitted an objection under the provisions of Article 118, paragraph (4)," respectively.

(Effect of Confirmation)

Article 121 For the purposes of application of this Act, if confirmation is made under the provisions of Article 118, paragraph (5) or the proviso to Article 119, a determination of the acquisition of rights and an administrative determination to vacate is deemed to be made concurrently. In this case, the Expropriator, Landowners, and Interested Persons may not dispute the effect or contents of the agreement.

Section 3 Use of Land for Urgent Undertakings for Public Interest

(Use of Land in Cases of Extraordinary Disaster)

Article 122 (1) In case of extraordinary disasters, if it is necessary to implement an undertaking for public interest provided for in any of the items of Article 3, in an especially urgent manner, to maintain the public safety, an Expropriator may, with the permission of the mayor of the municipality for the type of the undertaking for public interest, the area of the land intended to be used, and the means and period of use, immediately use the land of others; provided, however, that it is sufficient that the administrative organ or the head of its local branch office concerned with the implementation of the relevant undertaking for public interest, if the Expropriator is the national government, or the prefectural governor, if the Expropriator is a prefecture, notifies the mayor of the municipality of the type of the undertaking for public interest, the area of the land intended to be used, and the means and period of use, without obtaining the permission.

(2) The area of the land to be used, and the method and period of use under the provisions of the preceding paragraph do not exceed the extent found necessary and unavoidable to maintain the public safety.

(3) The mayor of a municipality must, when it has granted permission under the main clause of paragraph (1), or is notified under the provisions of the proviso to the same paragraph, immediately give notification the owners and possessors of the relevant land, of the name of the Expropriator, the type of the undertaking for public interest, and the area of the land intended to be used, and the means and period of use.

(4) The period of use under the provisions of paragraph (1) does not exceed six months from the date of permission (or the date of notification, in the case presented in the proviso of the same paragraph).

(Use of Land for Urgent Undertakings for Public Interest)

Article 123 (1) In case of the need of urgent implementation of the undertaking for public interest under application for determination under the provisions of Article 39, if implementation of the undertaking for public interest is delayed because of a delay in an administrative determination to vacate, and thereby making it difficult to prevent disasters and otherwise significantly hinder the public interest, the expropriation committee may, upon application by the Expropriator, immediately permit the use of the relevant land by specifying the area of the land and means of use, and requiring the Expropriator to provide security.

(2) The period of use under the provisions of the preceding paragraph is six months. The permission for the period of use may not be renewed.

(3) The expropriation committee must, when it has granted permission under the provisions of paragraph (1), immediately give notification to the owners and

possessors of the land, of the name of the Expropriator, the type of the undertaking for public interest, and the area of the land intended to be used, and the means of and period of use.

- (4) In the case presented in paragraph (1), an Expropriator must, if claimed by Landowners and Interested Persons, pay out the amount of its estimated compensation for loss.
- (5) After permission for use is granted under the provisions of paragraph (1), notwithstanding the provisions of paragraph (2), the permission for use under the provisions of paragraph (1) ceases to be effective, at the time limit for vacation specified in an administrative determination to vacate, if the administrative determination to vacate is made, or at the time of determination of dismissal, if the determination is made under the provisions of Article 47.
- (6) The provisions of Article 83, paragraphs (4) through (7) apply mutatis mutandis to security to be provided under the provisions of paragraph (1) and the acquisition and recovery thereof. In this case, the terms "preceding paragraph" in paragraph (4) of the same article, "complete construction" and "completion of the construction" in paragraphs (5) and (6) of the same article, and "compensation for loss with development of agricultural land" in paragraph (5) of the same article are deemed to be replaced with "Article 123, paragraph (1)," with "pay compensation" and "payment of compensation," and with "compensation for loss," respectively.

(Compensation for Loss Due to Use under the Preceding Two Paragraphs)

- Article 124 (1) If an Expropriator has been granted permission for use of land under the provisions of Article 122, paragraph (1), or has notified the mayor of a municipality, in the case of expiration of the period of use under the provisions of paragraph (2) of the preceding article, or in the case of lapse of the permission for use under the provisions of paragraph (5) of the same article, the Expropriator must compensate losses arising from the use of the land, pursuant to the provisions of Chapter VI, Section 1 (excluding Articles 72 and 73, Article 74, paragraph (2), Articles 78 and 79, Article 80-2, paragraph (2), and Article 81). In this case, compensation for losses must be calculated based on the market value at the time of use (or the market value at the time of use, calculated by taking into account the land rent and lease rent of the land and similar neighboring land, for the amount of compensation for the land or rights other than ownership to the land).
- (2) The provisions of Article 94 (excluding paragraph (6)) apply mutatis mutandis to the case presented in the preceding paragraph. In this case, the terms "the preceding three articles" in paragraph (1) of the same article, and "paragraph (6)" in paragraph (8) of the same article are deemed to be replaced with "Article

124, paragraph (1)," and with "paragraph (6) as applied mutatis mutandis pursuant to Article 124, paragraph (3)," respectively.

- (3) The provisions of Article 94, paragraph (6) apply mutatis mutandis to the case where the expropriation committee conducts the proceedings under the provisions of Article 94, paragraph (5) as applied mutatis mutandis pursuant to the preceding paragraph. In this case, the term "Article 94" is deemed to be replaced with "Article 94 as applied mutatis mutandis pursuant to Article 124, paragraph (2)."

Chapter IX Incurring Fees and Costs

(Fees)

Article 125 (1) A person who applies to the Minister of Land, Infrastructure, Transport and Tourism for approval of the undertaking for public interest under the provisions of Article 18 must pay the national government fees in an amount prescribed by Cabinet Order by taking into account the actual costs; provided, however, that this does not apply if the person is the national government or a prefecture.

- (2) The amount of fees must, when collected by a prefecture from persons described below, be prescribed by prefectural Orders based on any of the following bases: the amount prescribed by Cabinet Order by taking into account the nature of the administrative affairs, to the extent of the actual costs, for those who described in item (i) or (iv); the amount prescribed by Cabinet Order by taking into account the actual costs, for those who described in item (ii); and the amount prescribed by Cabinet Order according to the estimates for compensation for loss by taking into account the nature of the administrative affairs, to the extent of the actual costs, for those who are described in item (iii) or (v), respectively.
- (i) Expropriators who apply for mediation or arbitration under the provisions of Article 15-2, paragraph (1) or Article 15-7, paragraph (1);
 - (ii) persons who apply to a prefectural governor for approval of the undertaking for public interest under the provisions of Article 18;
 - (iii) persons who apply for a determination of expropriation or use of land, compensation for loss under the provisions of Article 39, paragraph (1) or Article 94, paragraph (2) (including mutatis mutandis application under paragraph (2) of the preceding article);
 - (iv) persons who apply for a confirmation of agreement by the expropriation committee under the provisions of Article 116; or
 - (v) persons who seek a determination by the expropriation committee under the provisions of other acts.

(Incurring Costs Necessary for Arbitration Proceedings)

Article 125-2 Necessary costs of any of the arbitration proceedings that are conducted based on an application by a party concerned under the provisions of Article 15-7, paragraph (1) is borne by the party who made the application.

(Burden of Travel Expenses and Allowances for Appraisers)

Article 126 Travel expenses and allowances for appraisers and persons of reference under the provisions of Article 65, paragraph (6), (including mutatis mutandis application under Article 94, paragraph (6), or under Article 94, paragraph (6) as applied mutatis mutandis pursuant to Article 124, paragraph (3)) are borne by Expropriator.

(Burden and Collection of Proceedings, Performance of Obligations, and Other Costs)

Article 127 Costs necessary for Expropriators, Landowners, and Interested Persons to conduct procedures or other actions, or perform obligations under the provisions of this Act or any order under this Act (excluding Article 96, paragraph (7)) must be borne by themselves.

Article 128 (1) The mayor of a municipality is to collect the costs necessary for the mayor of the municipality to deliver land or articles, or to relocate articles under the provisions of Article 102-2, paragraph (1), from the persons who are to deliver the land or the articles, or to relocate the articles under the provisions of Article 102.

(2) The provisions of Article 102-2, paragraphs (3) and (4) apply mutatis mutandis to the collection of costs by the mayor of a municipality under the provisions of the preceding article. In this case, the terms "the first sentence of the preceding paragraph" and "costs required for the relevant substitute execution" in paragraph (3) of the same article are deemed to be replaced with "Article 128, paragraph (1)" and with "costs necessary for the mayor of the municipality to deliver land or articles, or to relocate articles under the provisions of paragraph (1)," respectively; and the term "a prefectural governor" in the same paragraph and paragraph (4) of the same article is deemed to be replaced with "the mayor of a municipality."

(3) The mayor of a municipality is to, if it cannot, or it finds it inappropriate to collect the costs provided for in paragraph (1), under the provisions of Article 102-2, paragraph (3) as applied mutatis mutandis pursuant to the preceding paragraph, require the persons provided for in paragraph (1) to pay the costs, after giving notice of the amount payable and the due date and place for payment.

(4) If a person, who has received a notice under the preceding paragraph, fails to

pay the full amount payable under the provisions of the same paragraph even after the due date specified in the notice under the provisions of the same paragraph, the mayor of a municipality must demand payment by means of a demand letter specifying the due date for payment.

- (5) If a person, who has received a demand letter under the preceding paragraph, fails to pay the amount payable under the provisions of paragraph (3) by the due date specified, the mayor of a municipality may collect the amount in the same matter as the issuing of national tax delinquency. In this case, a statutory lien in the collected money is next in priority to national and local taxes.

Chapter IX-2 Exclusion from Application of the Administrative Procedure Act

Article 128-2 The provisions of Chapters II and III of the Administrative Procedure Act (Act No. 88 of 1993) do not apply to issuing (including issuing made by the chairperson or a designated member under the provisions of Article 64) made by the expropriation committee under the provisions of this Act.

Chapter X Requests for Administrative Review and Litigation

(Request for Administrative Review of Determination of the Expropriation Committee)

Article 129 Any person who has a complaint against the determination by the expropriation committee may file a request for administrative review to the Minister of Land, Infrastructure, Transport and Tourism.

(Period for Filing a Request for an Administrative Review)

Article 130 (1) In relation to approval of the undertaking for public interest, the period for filing a request for administrative review provided for in the main clause of Article 18, paragraph (1), of the Administrative Appeal Act (Act No. 68 of 2014) is three months from the day following the date of the public notice of approval of the undertaking for public interest.

- (2) In relation to the determination by the expropriation committee, the period for filing a request for administrative review provided for in the main clause of Article 18, paragraph (1), of the Administrative Appeal Act is thirty days from the day following the date of service of the original copy of the written determination.

(Determination on Request for an Administrative Review)

Article 131 (1) Determination on a request for administrative review of an issuing of approval of the undertaking for public interest by the Minister of Land, Infrastructure, Transport and Tourism or a determination by the expropriation committee must be made after hearing opinions of the Environmental Disputes Coordination Commission.

(2) When a request for administrative review of an issuing of approval of the undertaking for public interest or an issuing by the expropriation committee is filed, the Minister of Land, Infrastructure, Transport and Tourism or a prefectural governor may, even if a procedure or other tort has been committed in the procedures leading to approval of the undertaking for public interest or determination, as long as it finds that the tort is minor and unlikely to affect the approval of the undertaking for public interest or determination, dismiss the relevant request for administrative review by means of the determination.

(Omission of Procedures for Approval of Undertakings for Public Interest or Determination of the Expropriation Committee)

Article 131-2 If approval of the undertaking for public interest or determination by the expropriation committee is rescinded by determination on a request for administrative review, the Minister of Land, Infrastructure, Transport and Tourism or a prefectural governor may, when intending to make a issuing in relation to an approval of the undertaking for public interest again, or the expropriation committee may, when intending to make a determination again, omit those procedures and other actions for approval of the undertaking for public interest or determination that are already completed, except those that are found to be in violation of the provisions of laws and regulations and thereby grounds for the relevant rescission.

(Restrictions on Request for Administrative Review)

Article 132 (1) A request for administrative review may not be filed for any of the following issuings:

- (i) refusal of approval of the undertaking for public interest made by a prefectural governor; or
- (ii) disposition under the provisions of Article 122, paragraph (1) or Article 123, paragraph (1).

(2) A request for administrative review of a determination by the expropriation committee may not be filed with a complaint against compensation for loss (including an additional charge under the provisions of Article 90-3 and a penalty charge under the provisions of Article 90-4; the same applies in the following article) as grounds for a complaint against the determination.

(Litigation)

Article 133 (1) Any action relating to a determination by the expropriation committee (except actions relating to compensation for loss under the following paragraph and paragraph (3)) must be filed within a non-extendable period of three months from the date of service of the original copy of the written determination.

(2) Any action relating to compensation for loss included in a determination by the expropriation committee must be filed within a non-extendable period of six months from the date of service of the original copy of the written determination.

(3) The defendant of an action under the provisions of the preceding paragraph must be either a Landowner or Interested Person, if the action is filed by an Expropriator, or an Expropriator, if the action is filed by a Landowner or Interested Person.

Article 134 An action filed under the provisions of paragraphs (2) and (3) of the preceding article do not suspend the proceedings of the undertaking for public interest and expropriation or use of land.

Chapter XI Miscellaneous Provisions

(Methods of Calculation of the Period for and Service of Notices and Documents)

Article 135 (1) The methods of calculation of period, except the method of calculation of period for filing a request for administrative review and action, under the provisions of this Act is governed by the Civil Code; provided, however, that Saturdays and December 29 through 31 is deemed to be other holidays under the provisions of Article 142 of the same Code, and if written applications, written opinions, or objections are delivered by mail or using correspondence delivery services under Article 2, paragraph (2), of the Act on Correspondence Delivery by Private Companies, provided by a general correspondence delivery operator under paragraph (6) of the same article or a specified correspondence delivery operator under paragraph (9) of the same article, the number of days required for the delivery are not included in the period.

(2) Matters necessary for the means of service of notice and documents under the provisions of this Act are prescribed by Cabinet Order.

(Agent)

Article 136 (1) Expropriators, Landowners, Interested Persons, and parties concerned under the provisions of Article 15-2, paragraph (1), and Article 15-7, paragraph (1), may appoint attorneys at law or other appropriate persons as

their agents for application for approval of the undertaking for public interest, application for determination, submission of written opinions, and procedures and other actions provided for in this Act.

- (2) The agents under the preceding paragraph must have a document certifying their power of attorney.
- (3) The expropriation committee may, if it finds it necessary to facilitate proceedings, limit the number of agents who may attend on the date of the proceedings, pursuant to the provisions of Cabinet Order.

(Obligation of Confidentiality)

Article 137 Members and reserve members of the expropriation committee, and mediation committee members, and arbitration committee members must not divulge any secret obtained during the course of their duties. The same applies even after their resignation thereof.

(Mutatis mutandis Application to Rights, Articles, Expropriation or Use of Land and Earth and Stones, and Gravel)

Article 138 (1) The provisions of Article 10, Chapters III and VI, Chapter V, Section 2, Chapter VI (excluding Articles 76 and 81), Chapter VII (excluding Articles 106 and 107), Chapters VIII through X, and Article 136 apply mutatis mutandis to the case where any rights set forth in Article 5 or any standing trees, buildings, and other articles fixed on land set forth in Article 6 are expropriated or used, or any earth and stones, and gravel are expropriated under Article 7; provided, however, that the relevant items under the following provisions of Chapters VI and VII do not apply in the following cases:

- (i) in the case where pledges or mortgages set forth in Article 5, paragraph (1), item (i), or rights set forth in item (ii) or (iii) of the same paragraph, or paragraph (2) or (3) of the same article, or standing trees, buildings, and other articles fixed on land set forth in Article 6 are expropriated or used: Articles 82 and 83;
 - (ii) in the case where earth and stones, and gravel are expropriated under Article 7: Articles 72, 80-2, 82, 83, 101 through 102-2, and 105.
- (2) The term "Landowner" in the provisions of this Act as applied mutatis mutandis pursuant to the preceding paragraph is deemed to be replaced with "relevant right holder(s)" in the case where the rights set forth in Article 5 is expropriated or used, or with "owners of the relevant articles" in the case where the standing trees, buildings, and other articles fixed on land set forth in Article 6 are expropriated or used, or with "owners of the land to which earth and stones, and gravel pertain" in the case where the earth and stones, and gravel are expropriated under Article 7, respectively; and in the cases set forth in the following items, replacement of terms in the provisions of this Act

as applied mutatis mutandis pursuant to the relevant items in the preceding paragraph is made as provided for in the relevant items:

(i) in the case where the rights set forth in Article 5 is expropriated or used:

The terms "change in the characteristic" in Article 28-3, paragraph (1) and "change in the characteristic of the land" in paragraph (2) of the same article are deemed to be replaced with "change in the characteristic of the land, the river site, the seabed, or water being the subject matter of the relevant right or in relation to the relevant right" in the case where the rights set forth in Article 5, paragraph (1) or (3) is expropriated or used, or "damage or removal of the standing trees, buildings, and other articles fixed on land being the subject matter of the relevant right" in the case where the standing trees, buildings, and other articles fixed on land set forth in paragraph (2) of the same article, respectively; the terms "land" in Article 37, paragraph (1), (excluding items (i) and (ii)) and "land" in item (i) of the same paragraph are deemed to be replaced with "land, the river site, the seabed, or water, or the standing trees, buildings, and other articles fixed on land being the subject matter of the relevant right or in relation to the relevant right;" the term "area of the land" in item (ii) of the same paragraph is deemed to be replaced with "type and description of the rights;" the term "an Expropriator acquires ownership rights to relevant land at the time of the acquisition of rights specified in a determination of the acquisition of rights" in Article 101, paragraph (1) is deemed to be replaced with "relevant rights is extinguished and an Expropriator is to acquire ownership rights to relevant articles at the time of the acquisition of rights specified in a determination of the acquisition of rights;" the term "an Expropriator acquires rights to use relevant land at the time of the acquisition of rights specified in a determination of the acquisition of rights, as specified in the determination" in paragraph (2) of the same article is deemed to be replaced with "relevant rights are restricted at the time of the acquisition of rights specified in a determination of the acquisition of rights, as specified in the determination;" the terms "lost or damaged" and "loss or damage" in Article 103 are deemed to be replaced with "extinguished or changed" and "extinction and change," respectively; and the term "acquire or extinguish" in Article 116, paragraph (1) and paragraph (2), items (iii) and (iv) is deemed to be replaced with "extinguish or restrict;" respectively.

(ii) in the case where the standing trees, buildings, and other articles fixed on land set forth in Article 6 are expropriated or used: The terms "change in the characteristic" in Article 28-3 is deemed to be replaced with "damage or removal;" and in the provisions of Article 37, paragraph (1), items (i) through (iii), the terms are deemed to be replaced with the terms provided for in paragraph (2), items (i) through (iii) of the same article.

(iii) in the case where the earth and stones, and gravel pertaining to the land are expropriated under Article 7: The term "change in the characteristic" in Article 28-3 is deemed to be replaced with "change in the characteristic of the land to which earth and stones, and gravel pertain;" the term "land" in Article 37, paragraph (1) (excluding items (i) and (ii)) is deemed to be replaced with "earth and stones, and gravel pertaining to the land;" the term "land" in item (i) of the same paragraph is deemed to be replaced with "land to which the earth and stones, and gravel pertain;" and the term "area of the land" in item (ii) of the same paragraph is deemed to be replaced with "type and volume of earth and stones, and gravel," respectively.

(3) Beyond the matters provided for in the preceding paragraph, necessary replacement of technical terms in mutatis mutandis application of the provisions of this Act under paragraph (1) is prescribed by Cabinet Order.

(Special Provisions on Effects in the Case of Expropriation of Earth and Stones, and Gravel)

Article 139 (1) In the case where earth and stones, and gravel are expropriated under Article 7, an Expropriator may acquire a right to collect the earth and stones, and gravel at the time of the acquisition of rights specified in a determination of the acquisition of rights, as specified in the determination, and may not exercise any other rights to the land to which the relevant earth and stones, and gravel pertain, to the extent of hindering the collection thereof.

(2) In the case presented in the preceding paragraph, owners of the land to which the earth and stones, and gravel pertain, and Interested Persons and other persons who hold rights to the relevant land must deliver the land to an Expropriator by the time limit for vacation specified in an administrative determination to vacate.

(Measures for Livelihood Rehabilitation)

Article 139-2 (1) Persons who lose the basis of their livelihood as a result of providing land, etc., needed for the implementation of the undertaking for public interest set forth in public notice under the provisions of Article 26, paragraph (1) (including mutatis mutandis application under Article 138, paragraph (1)) may apply through the Expropriator for the following measures for resettlement to be taken, together with compensation receivable:

- (i) for the acquisition of residential land, land suitable for development of agricultural land, or any other land;
- (ii) for the acquisition of residence, shops, or other buildings; and
- (iii) for employment placement, vocational guidance, or vocational training.

(2) An Expropriator must, upon application under the provisions of the preceding paragraph, endeavor to take measures applied for, as far as the circumstances

permit.

(Delegation of Authority)

Article 139-3 The authority of the Minister of Land, Infrastructure, Transport and Tourism under this Act may be partially delegated to the Regional Development Bureau Director General or the Hokkaido Development Bureau Director General, pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Classification of Administrative Affairs)

Article 139-4 Administrative affairs to be handled by local governments under the provisions of this Act are to include those set forth in item (i) below (limited to those related to undertakings for public interest set forth in the items of Article 17, paragraph (1) or undertakings for public interest approved by the Minister of Land, Infrastructure, Transport and Tourism with the approval of the undertakings for public interest under the provisions of Article 27, paragraph (2) or (4)), which are classified as Type 1 statutory entrusted functions provided for in Article 2, paragraph (9), item (i), of the Local Autonomy Act (Act No. 67 of 1947), and those set forth in item (ii) below (limited to those related to undertakings for public interest set forth in the items of Article 17, paragraph (2) (excluding undertakings for public interest approved by the Minister of Land, Infrastructure, Transport and Tourism with the approval of the undertakings for public interest under the provisions of Article 27, paragraph (2) or (4))), which are classified as Type 2 statutorily entrusted functions provided for in Article 2, paragraph (9), item (ii) of the same Act:

(i) administrative affairs to be handled by prefectures under the provisions of Article 11, paragraphs (1) and (4); Article 14, paragraph (1); Article 15-2, paragraphs (2) and (3) (including mutatis mutandis application under Article 15-7, paragraph (2)); Articles 15-3 through 15-5; Article 15-8 through 15-11; the Arbitration Act as applied mutatis mutandis pursuant to Article 15-2; Article 24, paragraphs (4) and (5) (including mutatis mutandis application of these provisions under Article 26-2, paragraph (3); Article 34-4, paragraph (3); Article 36-2, paragraph (4); and Article 42, paragraph (4) (including mutatis mutandis application under Article 45, paragraph (3) and Article 47-4, paragraph (2))); Article 25, paragraph (2); Article 28-3, paragraph (1); Article 30, paragraphs (2) and (3) (including mutatis mutandis application of these provisions under Article 30-2); the first sentence of paragraph (1) and paragraph (2) of Article 19 as applied mutatis mutandis pursuant to Article 34-2, paragraph (2); Article 34-3; Article 34-4, paragraph (1); Article 36, paragraph (5); Article 19 as applied mutatis mutandis pursuant to Article 41;

Article 42, paragraphs (1), (5), and (6) (including mutatis mutandis application of these provisions under Article 45, paragraph (3) and Article 47-4, paragraph (2)); Article 45, paragraph (1); Article 45-2; Article 46, paragraphs (1) and (2); Article 47; Article 47-2, paragraph (1); the first sentence of paragraph (1) of Article 19 as applied mutatis mutandis pursuant to Article 47-3, paragraph (5); Article 47-4, paragraph (1); Article 50, paragraphs (1), (2), and (4); Article 65, paragraph (1); Article 65-2, paragraph (7); Article 66, paragraph (3) (including mutatis mutandis application under Article 120); Article 81, paragraph (3); Article 82, paragraphs (2) through (4), and (6); Article 83, paragraph (2); Article 83, paragraphs (3) through (6) (including mutatis mutandis application of these provisions under Article 84, paragraph (3) and Article 123, paragraph (6)); Article 84, paragraph (2); Article 85, paragraph (2); Article 86, paragraph (2); Article 89, paragraph (1); Article 90-3, paragraph (1); Article 90-4; Article 94, paragraph (11) as applied mutatis mutandis pursuant to Article 100-2, paragraph (3); Article 102-2, paragraphs (2) and (3); Article 94, paragraph (11) as applied mutatis mutandis pursuant to Article 104-2; Article 19 as applied mutatis mutandis pursuant to Article 117; Article 118, paragraphs (1) and (5); Article 119; and Article 123, paragraphs (1) and (3) (including mutatis mutandis application of these provisions under Article 138, paragraph (1)); and

(ii) administrative affairs to be handled by prefectures under the provisions of Article 12, paragraph (2); Article 14, paragraphs (1) and (3); Article 24, paragraph (2); Article 26-2, paragraph (2); Article 34-4, paragraph (2); Article 36, paragraph (4); Article 36-2, paragraph (3); Article 42, paragraphs (2) and (3) (including mutatis mutandis application of these provisions under Article 45, paragraph (3) and Article 47-4, paragraph (2)); Article 45, paragraph (2); Article 102-2, paragraph (1); Article 118, paragraphs (2) and (3); Article 122, paragraphs (1) and (3); Article 128, paragraph (1); Article 102-2, paragraph (3) as applied mutatis mutandis pursuant to Article 128, paragraph (2); and Article 128, paragraphs (3) and (4) (including mutatis mutandis application of these provisions under Article 138, paragraph (1)).

(Special Provisions for Special Wards)

Article 140 Any provisions of this Act (excluding Article 3) applicable to municipalities or mayors of municipalities, in areas where the Tokyo special wards exist, apply to special wards or mayors of special wards, and in areas where in designated cities set forth in Article 252-19, paragraph (1), of the Local Autonomy Act, apply to designated-city wards or general wards, or mayors or general mayors.

(Delegation to Cabinet Order)

Article 140-2 Beyond the matters specifically provided for in this Act, procedures and other matters necessary for the enforcement of this Act is prescribed by Cabinet Order.

Chapter XII Penal Provisions

Article 141 Any person who falls under any of the following items is subject to imprisonment for not more than one year or a fine of not more than 500,000 yen:

- (i) any appraiser who makes a false appraisal, who has been ordered to appear in front of the expropriation committee, under the provisions of Article 65, paragraph (1), item (ii) (including mutatis mutandis application under Article 94, paragraph (6) (including mutatis mutandis application under Article 138, paragraph (1)); under Article 94, paragraph (6) as applied mutatis mutandis pursuant to Article 124, paragraph (3) (including mutatis mutandis application under Article 138, paragraph (1)); or under Article 138, paragraph (1); the same applies in Article 146, item (i)); or
- (ii) any person, who owes a duty of confidentiality under Article 137, divulges any secret obtained during the course of their duties;

Article 142 Any person who has violated the provisions of Article 28-3, paragraph (1) (including mutatis mutandis application under Article 138, paragraph (1) (limited to the case where the standing trees, buildings, and other articles fixed on land set forth in Article 6 are expropriated or used, or where the earth and stones, and gravel are expropriated under Article 7)) is subject to imprisonment for not more than six months or a fine of not more than 300,000 yen.

Article 143 Any person who falls under any of the following items is subject to a fine of not more than 500,000 yen:

- (i) in the case presented in Article 11, paragraph (1), any Expropriator who enters or has someone enter land, without obtaining the permission of the prefectural governor;
- (ii) any person who refuses or obstructs entry under the provisions of Article 11, paragraph (3), in violation of the provisions of Article 13 (including mutatis mutandis application under Article 35, paragraph (3), or under Article 35, paragraph (3) as applied mutatis mutandis pursuant to Article 138, paragraph (1)).
- (iii) in the case presented in Article 14, paragraph (1), any person who removes obstructions, without obtaining the permission of the mayor of the

- municipality, or person who performs prospecting, etc., without obtaining the permission of the prefectural governor;
- (iv) any person who fails to deliver land or articles, or relocate articles, in violation of the provisions of Article 102 (including mutatis mutandis application under Article 138, paragraph (1)); or
 - (v) any person who fails to deliver land, in violation of the provisions of Article 139, paragraph (2).

Article 144 Any person who refuses, obstructs, or evades an on-the-spot investigation, under the provisions of Article 65, paragraph (1), item (iii) (including mutatis mutandis application under Article 94, paragraph (6) (including mutatis mutandis application under Article 138, paragraph (1))); under Article 94, paragraph (6) as applied mutatis mutandis pursuant to Article 124, paragraph (3) (including mutatis mutandis application under Article 138, paragraph (1)); or under Article 138, paragraph (1)), is subject to a fine of not more than 300,000 yen.

Article 145 Any representative of a corporation, or any agent, employee, or other worker of a corporation or natural person commits any of the violations provided for in the preceding three articles with regard to the business of the corporation or natural person, not only the individual offender is punished, but also the corporation or natural person is subject to a fine provided for in the respective articles.

Article 146 Any person who falls under any of the following items is subject to a fine of not more than 100,000 yen:

- (i) any appraiser, who has been ordered to attend under the provisions of Article 65, paragraph (1), item (ii), fails to attend, or make no appraisal without reasonable grounds;
- (ii) any person, who has been ordered to attend under the provisions of Article 65, paragraph (1), item (i) (including mutatis mutandis application under Article 94, paragraph (6) (including mutatis mutandis application under Article 138, paragraph (1)); under Article 94, paragraph (6) as applied mutatis mutandis pursuant to Article 124, paragraph (3) (including mutatis mutandis application under Article 138, paragraph (1)); or under Article 138, paragraph (1); or mutatis mutandis application under Article 138, paragraph (1); the same applies in the following paragraph), fails to attend, makes no statement, or makes a false statement, without reasonable grounds; or
- (iii) any person, who is ordered to submit materials under the provisions of Article 65, paragraph (1), item (i), fails to submit materials, or submit false materials, without justifiable grounds for doing so.