

# Professional Engineer Act

(Act No. 25 of April 27, 1983)

## Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to specify qualification of professional engineer etc., and to ensure the appropriateness of the business, so as to contribute to the improvement of science and technology and development of the national economy.

(Definition)

Article 2 (1) The term "Professional engineer" as used in this Act means a person who has obtained a registration under Article 32, paragraph (1) and conducts business (excluding business conduct which is restricted by any other Act) on matters of planning, research, design, analysis, testing, evaluation or guidance thereof, which require advanced and adaptive expertise in science and technology (excluding matters relating only to cultural science; the same applies hereinafter) using the name of professional engineer.

(2) The term "Associate professional engineer" as used in this Act means a person who obtained a registration under Article 32, paragraph (2) and assists a professional engineer with respect to the business prescribed in the preceding paragraph using the name of the associate professional engineer in order to acquire necessary skill to become a professional engineer.

(Disqualification Provisions)

Article 3 Any person who falls under any of the following provisions may not become a professional engineer or an associate professional engineer.

(i) any adult ward or person under curatorship.

(ii) any person who has been sentenced to imprisonment without work or severer punishment and has not yet passed two years from the date of completion of the execution of such punishment or the date on which such execution has been remitted.

(iii) any public employee who has been dismissed from public employee by disciplinary action and has not yet passed two years from the date of such punishment.

(iv) any person who has been sentenced to a fine in violation of the provisions of Article 57, paragraph (1) or (2) and has not yet passed two years from the date of completion of the execution of such punishment or from the date on

- which such execution has been remitted.
- (v) any person who has been subjected to rescission of their registration pursuant to the provisions of Article 36, paragraph (1), item (ii) or paragraph (2) and has not yet passed two years from the date of the rescission.
  - (vi) any person who has been subjected to prohibition of business pursuant to the provisions of Article 32, paragraph (3) of the Patent Attorney Act (Act No.49 of 2000), or who has been subjected to deletion of their registration pursuant to the provisions of Article 52, item (ii) of the Survey Act(Act No.188 of 1949), or who has been subjected to rescission of their license pursuant to the provisions of Article 10, paragraph (1) of the Act on Architects and Building Engineers (Act No.202 of 1950), or who has been subjected to a disposition of prohibition from engaging in business pursuant to the provisions of Article 13, paragraph (1), item (iii) of the Land and House Investigator Act (Act No.228 of 1950), and who has not yet passed two years from the date of such a disposition.

## **Chapter II Professional Engineer Examination**

(Stages of Professional Engineer Examinations)

- Article 4 (1) The professional engineer examinations are divided so as to be the first stage examination and the second stage examination, and these examinations are held according to each technical discipline specified by Order of the Ministry of Education, Culture, Sports, Science and Technology (hereinafter referred to as "technical discipline").
- (2) A person who has passed the first stage examination is qualified to become an associate professional engineer.
  - (3) A person who has passed the second stage examination is qualified to become a professional engineer.

(The First Stage Examination)

- Article 5 (1) The purpose of the first stage examination is to judge whether or not a person has the necessary fundamental knowledge covering throughout science and technology to become a professional engineer, the aptitude to observe the provisions of Chapter IV, and the necessary expert knowledge on the matter of the technical discipline to become an associate professional engineer.
- (2) A person who has the qualification specified by Order of the Ministry of Education, Culture, Sports, Science and Technology may be exempted from a part of the first stage examination pursuant to the provisions of Order of the Ministry of Education, Culture, Sports, Science and Technology.

(The Second Stage Examination)

Article 6 (1) The purpose of the second stage examination is to judge whether or not a person has the necessary expert knowledge and advanced expertise for specific technical discipline to become a professional engineer.

(2) A person who falls under any of the following provisions may take the second stage examination.

(i) a person, as an associate professional engineer, who has assisted a professional engineer for a period longer than that specified by Order of the Ministry of Education, Culture, Sports, Science and Technology.

(ii) in addition to those provided for in the preceding item, a person (limited to a person who has the qualification to become an associate professional engineer) who has engaged, for a period longer than that specified by Order of the Ministry of Education, Culture, Sports, Science and Technology, in business on matters of planning, research, design, analysis, testing, evaluation, or guidance thereof, which requires advanced and adaptive expertise in science and technology, under supervision by a person (limited to a person who falls under requirement specified by Order of the Ministry of Education, Culture, Sports, Science and Technology) who conducts the business stipulated herein.

(iii) in addition to those provided for in the previous two items, a person (restricted to a person who has the qualification to become an associate professional engineer) who has engaged in business on the matters prescribed in the preceding item for a period longer than that specified by Order of the Ministry of Education, Culture, Sports, Science and Technology,

(3) A person who is qualified to become a professional engineer for specific technical discipline and who intends to take the second stage examination for a technical discipline, which is other than the relevant specific technical discipline, may be exempted from a part of the second stage examination pursuant to the provisions of Order of the Ministry of Education, Culture, Sports, Science and Technology.

(Conducting Professional Engineer Examinations)

Article 7 The Minister of Education, Culture, Sports, Science and Technology conducts the professional engineer examinations one or more times per year.

(Certificate of Passing)

Article 8 A person who has passed either the first stage professional engineer examination or the second stage professional engineer examination (referred to as "each examination" in Article 10, paragraph (1)) is given a certificate of success in the corresponding examination.

(Rescission of Passing)

Article 9 (1) The Minister of Education, Culture, Sports, Science and Technology may rescind the decision of passage or prohibit taking of the professional engineer examination for a person who has taken or attempted to take it by illicit means.

(2) The Minister of Education, Culture, Sports, Science and Technology may prohibit a person who has been subjected to a disposition under the preceding paragraph from taking the professional engineer examination for a period of up to two years.

(Examination Fee)

Article 10 (1) A person who intends to take each stage of professional engineer examinations must , as provided by Cabinet Order, pay an examination fee to the State(or to the designated examining body, for a person who intends to take each examination of the professional engineer examinations for which the designated examining body prescribed in paragraph (1) of the following Article conducts the examination works prescribed in the same paragraph) in an amount provided by Cabinet Order with consideration of actual cost.

(2) The examination fee paid to the designated examining body pursuant to the provisions of the preceding paragraph is an income to the designated examining body prescribed in the same paragraph.

(3) The examination fee under paragraph (1) is not be refunded even if the payer does not take the professional engineer examinations.

(Designation of the Designated Examining Body)

Article 11 (1) The Minister of Education, Culture, Sports, Science and Technology may, pursuant to the provisions of Order of the Ministry of Education, Culture, Sports, Science and Technology, make the designated agency (hereinafter referred to as "designated examining body") conduct the examination works with respect to implementation of the professional engineer examinations (hereinafter referred to as "examination works") .

(2) Designation of the designated examining body, pursuant to the provisions of Order of the Ministry of Education, Culture, Sports, Science and Technology, is made when an application is filed by an agency intends to conduct the examination works.

(3) The Minister of Education, Culture, Sports, Science and Technology must not designate the designated examining body unless there is no other agency which obtained the designation and the said application under the preceding paragraph is recognized as satisfying the following requirement.

(i) the plans for implementation of the examination works with respect to employees, equipment, method for implementation of the examination works

and other matters are appropriate for proper and certain implementation of the examination works.

(ii) accounting and technical foundations, which are necessary for proper and certain implementation of the plan for implementation of the examination works under the preceding item, is provided.

(4) The Minister of Education, Culture, Sports, Science and Technology must not designate the designated examining body in the case where the application under paragraph (2) falls under any of the following.

(i) the applicant agency is one other than a general incorporated association or a general incorporated foundation.

(ii) the applicant agency is likely to be unable to conduct the examination works fairly due to its other business.

(iii) the applicant agency has been rescinded the designation pursuant to the provisions of Article 24 and has not yet passed two years from the date of rescission.

(iv) any of the officers of the applicant agency falls under any of the following conditions.

(a) A person who has been sentenced to punishment in violation of this Act and has not yet passed two years from the date of completion of the execution or from the date on which such execution has been remitted.

(b) A person who has been dismissed by the order pursuant to the provisions of paragraph (2) of the following Article and has not yet passed two years from the date of such dismissal.

(Appointment and Dismissal of Officers in the Designated Examining Body)

Article 12 (1) The appointment and dismissal of officers in the designated examining body do not come into effect unless approval by the Minister of Education, Culture, Sports, Science and Technology is given.

(2) The Minister of Education, Culture, Sports, Science and Technology may order the dismissal of an officer of the designated examining body when the officer has acted in violation of this Act (including orders and punishments based on this Act) or the rules of the examination works prescribed in Article 14, paragraph (1), or has acted extremely inappropriately with respect to the examination works.

(Approval of Business Plan)

Article 13 (1) The designated examining body must prepare year-on-year a business plan and a budget for income and expenditure, and must obtain approval by the Minister of Education, Culture, Sports, Science and Technology prior to the each start of business year. The same applies to the case where the designated examining body intends to make change on these.

- (2) The designated examining body must prepare a business report and a settlement of income and expenditure for the business year within three months of the end of the business year, and must submit those to the Minister of Education, Culture, Sports, Science and Technology.

(Rules of Administration on Examination Works)

Article 14 (1) The designated examining body must provide rules with respect to implementation of the examination works (hereinafter referred to as "rules of examination works") and obtain approval by the Minister of Education, Culture, Sports, Science and Technology prior to commencing the examination works. The same applies to the case where the designated examining body intends to make change thereon.

- (2) The matters to be provided in the rules of examination works are specified by Order of the Ministry of Education, Culture, Sports, Science and Technology.
- (3) The Minister of Education, Culture, Sports, Science and Technology may order the designated examining body to change the rules of examination works, when the Minister finds the approved rules of examination works under paragraph (1) are inappropriate for proper and certain implementation of the examination works.

(Professional Engineer Examiner in Designated Examining Body)

Article 15 (1) The designated examining body must make the professional engineer examiner (referred to as "examiner" in the following paragraph, paragraphs (4) and (5), and the following Article, and Article 18, paragraph (1)) prepare the examination questions and grade examination papers for the professional engineer examinations.

- (2) The examiner is appointed by the designated examining body for each execution of the professional engineer examinations from among the examiner candidates who have been selected by the Minister of Education, Culture, Sports, Science and Technology.
- (3) The Minister of Education, Culture, Sports, Science and Technology selects, for each execution of the professional engineer examination, the examiner candidates from among persons with relevant expertise necessary for execution of the professional engineer examinations, based on recommendation by the Council for Science and Technology.
- (4) The appointment and dismissal of the examiner do not come into effect without obtaining approval by the Minister of Education, Culture, Sports, Science and Technology.
- (5) The provisions of Article 12, paragraph (2) apply mutatis mutandis to the dismissal of the examiner.

(Prohibition of Unfair Acts)

Article 16 The examiner must maintain a strict attitude and must not act unfairly in preparing examination questions and in grading examination papers.

(Prohibition of Taking the Examination)

Article 17 (1) In the case where the designated examining body conducts the examination works, the designated examining body may prohibit a person who has attempted to take the professional engineer examinations by illicit means from taking the examination.

(2) In addition to the preceding paragraph, with respect to application of the provisions of Article 9 in the case where the designated examining body conducts the examination works, "rescind the decision of passage or prohibit taking of the professional engineer examination for a person who has taken or attempted to take it by illicit means" in paragraph (1) of the same Article, is deemed to replace with "rescind the decision of passage of the professional engineer examination for a person who has taken it by illicit means", and "the preceding paragraph" of paragraph (2) of the same Article is deemed to replace with "the preceding paragraph or Article 17, paragraph (1)".

(Duty of Confidentiality)

Article 18 (1) Officers or employees of the designated examining body (including the examiners; the same applies in the following paragraph) or persons who have taken such positions in the past must not divulge secret information gained through the examination works.

(2) Officers or employees who are engaging in the examination works of the designated examining body are deemed to be officials engaging in public service by the Acts with respect to the application of the Penal Code (Act No. 45 of 1907) or other penal provisions.

(Keeping Books)

Article 19 The designated examining body must keep and preserve, pursuant to the provisions of Order of the Ministry of Education, Culture, Sports, Science and Technology, books recording the matters with respect to the examination works which are specified by Order of the Ministry of Education, Culture, Sports, Science and Technology.

(Supervisory Orders)

Article 20 The Minister of Education, Culture, Sports, Science, and Technology may, when the Minister finds a necessity for enforcement of this Act, give the designated examining body a supervisory order which is necessary to supervise

the examination works.

(Reports)

Article 21 The Minister of Education, Culture, Sports, Science and Technology may, when the Minister finds a necessity for enforcement of this Act, to the limit of its necessity, make the designated examining body report to them pursuant to the provisions of Order of the Ministry of Education, Culture, Sports, Science and Technology.

(On-site Inspection)

Article 22 (1) The Ministry of Education, Culture, Sports, Science and Technology may, when the Minister finds a necessity for enforcement of this Act, to the limit of its necessity, make their official enter into the office of the designated examining body and inspect books, documents, and other necessary materials of the said designated examining body, or ask questions to the person concerned.

(2) The said official who conducts the on-site inspection pursuant to the provisions of the preceding paragraph must carry an identification card and produce it to the people concerned when requested.

(3) The authority prescribed in paragraph (1) must not be construed as being approved for a criminal investigation.

(Suspension or Abolition of Examination Works)

Article 23 The designated examining body must not suspend or abolish whole or part of the examination works without obtaining permission by the Minister of Education, Culture, Sports, Science and Technology.

(Rescission of Designation)

Article 24 (1) The Minister of Education, Culture, Sports, Science and Technology must rescind the designation of the designated examining body agency when the designated examining body falls under any of the provisions of each item in Article 11, paragraph (4) (except item (iii); hereinafter the same applies in this paragraph). In this case, "applicant agency" in each item of paragraph (4) of the same Article is deemed to be replaced with "designated examining body".

(2) The Minister of Education, Culture, Sports, Science and Technology may rescind the designation of the designated examining body or order to suspend whole or a part of the examination works by specifying a period within two years.

(i) when the designated examining body is found to be not satisfying any requirements set forth in the respective items of Article 11, paragraph (3).



- (ii) when the designated examining body has violated the order pursuant to the provisions of Article 12, paragraph (2) (including as applied mutatis mutandis pursuant to Article 15, paragraph (5)), Article 14, paragraph (3), or Article 20.
- (iii) when the designated examining body has violated the provisions of Article 13, Article 15, paragraph (1) or (2), or the preceding Article.
- (iv) when the designated examining body has conducted the examination works without complying with the rules of examination works which were approved under Article 14, paragraph (1).
- (v) When the designated examining body has violated the condition of paragraph (1) of the following Article.

(Conditions for Designation)

- Article 25 (1) The designation, approval or permission pursuant to the provisions in this Chapter may be set condition thereon and the condition may be changed.
- (2) The conditions under the preceding paragraph are within its minimum necessity for attempting certain implementation of matters with respect to the relevant designation, approval or permission, and must not impose unreasonable obligations on those who are subject to the relevant designation, approval or permission.

(Special Provisions for Hearing)

- Article 26 (1) The proceeding on the date of a hearing with respect to the disposition pursuant to the provisions of Article 24 must be open to the public.
- (2) The chairperson of the hearing under the preceding paragraph must permit a request for participation in the proceeding of the relevant hearing made by interested parties related to the relevant disposition pursuant to the provisions of the Administrative Procedure Act (Act No. 88 of 1993) Article 17, paragraph (1).

(Appeal Against the Disposition, Conducted by the Designated Examining Body)

- Article 27 A person who is dissatisfied with the disposition or inaction with respect to the examination works conducted by the designated examining body, may request for administrative review to the Minister of Education, Culture, Sports, Science and Technology pursuant to the Administrative Complaint Review Act (Act No. 160 of 1962).

(Implementation of Examination Works, by the Minister of Education, Culture, Sports, Science and Technology)

- Article 28 (1) The Minister of Education, Culture, Sports, Science and

Technology is not to conduct the examination works when the Minister has designated a designated examining body.

- (2) The Minister of Education, Culture, Sports, Science and Technology is to conduct whole or part of the examination works by themselves, when the designated examining body suspends whole or part of the examination works by obtaining permission pursuant to the provisions of Article 23, or when the Minister ordered the designated examining body to suspend whole or part of the examination works pursuant to the provisions of Article 24, paragraph (2), or when the Minister finds necessity to conduct whole or part of the examination works by themselves in case that the designated examining body faces difficulties to conduct whole or part of the examination works due to a natural disaster or other reasons.

Article 29 (1) In cases when the Minister of Education, Culture, Sports, Science and Technology conducts whole or part of the examination works by themselves, the Minister makes the professional engineer examiner (hereinafter referred to as "examiner" from the following paragraph to paragraph (5)) prepare the examination questions and grade examination papers for the professional engineer examinations.

- (2) The fixed number of examiners is specified by Cabinet Order.
- (3) The examiner is appointed by the Minister of Education, Culture, Sports, Science and Technology from among the persons with relevant expertise necessary for execution of the professional engineer examinations, based on recommendation by the Council for Science and Technology.
- (4) The examiner works part-time.
- (5) The provisions of Article 16 apply mutatis mutandis to the examiner.

(Public Notice)

Article 30 The Minister of Education, Culture, Sports, Science and Technology must make a public notice in the Official Gazette in the following cases.

- (i) when the Minister has made the designation pursuant to the provisions of Article 11, paragraph (1).
- (ii) when the Minister has given permission pursuant to the provisions of Article 23.
- (iii) when the Minister has rescinded the designation or has ordered to suspend whole or part of the examination works pursuant to the provisions of Article 24.
- (iv) when the Minister conducts whole or part of the examination works pursuant to the provisions of Article 28, paragraph (2), or when the Minister does not to conduct whole or part of the examination works which the Minister has conducted by themselves.

(Details of Professional Engineer Examinations)

Article 31 In addition to the subjects so specified in this Chapter, the examination subjects, the examination procedures, succession of the examination works, other necessary matters for the professional engineer examinations and the designated examining body are specified by Order of the Ministry of Education, Culture, Sports, Science and Technology.

### **Chapter II-2 Special Provisions Concerning Qualification of Professional Engineer, etc.**

Article 31-2 (1) A person who has a foreign qualification in science and technology, which is equivalent or more than a professional engineer (Japan) and the qualification is certified by Order of the Ministry of Education, Culture, Sports, Science and Technology, and who is recognized by the Minister of Education, Culture, Sports, Science and Technology to have considerable knowledge and ability to conduct business in Japan regarding any professional engineer technical disciplines based on Japanese laws and regulations, is qualified to become a professional engineer notwithstanding the provisions of Article 4, paragraph (3).

(2) A person, who has completed a course on science and technology in university or other educational institution, and the said completion of the course is recognized by the Minister of Education, Culture, Sports, Science and Technology as being equivalent to the success in the first stage of professional engineer examination is qualified to become an associate professional engineer notwithstanding the provisions of Article 4, paragraph (2).

### **Chapter III Registration of Professional Engineer, etc.**

(Registration)

Article 32 (1) If a person who has qualified to become a professional engineer intends to become a professional engineer, the person must obtain a registration in the professional engineer's registry with name, date of birth, office's name and address, name of the technical discipline passed in the second stage examination (in the case of a person having qualification to become a professional engineer pursuant to the provisions of paragraph (1) of the preceding Article, name of the technical discipline which is recognized by the Minister of Education, Culture, Sports, Science and Technology pursuant to the provisions of the same paragraph) and other particulars specified by Order of the Ministry of Education, Culture, Sports, Science and Technology.

(2) If a person who has qualified to become an associate professional engineer

intends to become an associate professional engineer, the person must appoint a professional engineer to assist (whose technical discipline is the same as that of the first stage examination in which the person passed (or the technical discipline as the course corresponding to that set forth in the same paragraph designated by the Minister of Education, Culture, Sports, Science and Technology for a person having qualification to become an associate professional engineer pursuant to the provisions of paragraph (2) of the preceding Article; hereinafter the same applies in this paragraph)) and must obtain a registration in the associate professional engineer's registry with name, date of birth, name of the technical discipline passed in the first stage examination, name of the professional engineer to assist, office's name and address of the relevant professional engineer and other particulars specified by Order of the Ministry of Education, Culture, Sports, Science and Technology.

(3) When an associate professional engineer obtained a registration as a professional engineer pursuant to the provisions in the paragraph (1), their registration as an associate professional engineer ceases to be effective.

(Professional Engineer's Registry and Associate Professional Engineer's Registry)

Article 33 The professional engineer's register and the associate professional engineer's register are kept in the Ministry of Education, Culture, Sports, Science and Technology.

(Registration Certificate for Professional Engineers and Associate Professional Engineers)

Article 34 (1) The Minister of Education, Culture, Sports, Science and Technology, when the Minister registered a professional engineer or an associate professional engineer, issues respectively a registration certificate for professional engineer or a registration certificate for associate professional engineer (hereinafter collectively referred to as " registration certificate ") to the applicant.

(2) The following matters must be shown on the registration certificate.

- (i) date of registration and number of registration
- (ii) name
- (iii) date of birth
- (iv) name of the registered technical discipline

(Notification of Changes on Registration Matters)

Article 35 (1) A professional engineer or an associate professional engineer, when their registered matters change, must notify the Minister of Education, Culture, Sports, Science and Technology without delay.

- (2) A professional engineer or an associate professional engineer, when notifying pursuant to the provisions of the preceding paragraph and if there has been a change in the matters shown on the registration certificate, the professional engineer or an associate professional engineer must submit the notification together with the registration certificate to make the certificate corrected.

(Rescission of Registration)

Article 36 (1) The Minister of Education, Culture, Sports, Science and Technology must rescind the registration in cases when a professional engineer or an associate professional engineer falls under any of the following.

- (i) in cases when the engineer has come to fall under any item of Article 3 (excluding item (v)).
  - (ii) in cases when the engineer has obtained registration based on false or unfair facts.
  - (iii) in cases when a person who has qualified as a professional engineer pursuant to the provisions of Article 31-2, paragraph (1) lost the qualification prescribed in the same paragraph in a foreign state.
- (2) In cases when a professional engineer or an associate professional engineer has violated the provisions in the following Chapter, the Minister of Education, Culture, Sports, Science and Technology may rescind the registration of the professional engineer or the associate professional engineer, or may order the suspension of use of the name of the professional engineer or the associate professional engineer specifying a period not exceeding two years.

Article 37 (1) The Minister of Education, Culture, Sports, Science and Technology may, when considering whether a professional engineer or an associate professional engineer has obtained their registration based on false or unfair facts or has violated the provisions of the following Chapter, conduct necessary investigation by authority.

- (2) The Minister of Education, Culture, Sports, Science and Technology is to, when orders to rescind the registration or to suspend the use of the name of professional engineer or associate professional engineer pursuant to the provisions of paragraph (1), item (ii) or paragraph (2) of the preceding Article, take the said action in consideration of opinion from the Council for Science and Technology after granting an opportunity for hearing or explanation to the said engineer.
- (3) The Minister of Education, Culture, Sports, Science and Technology may make their official take the following actions to conduct necessary investigation on the case pursuant to the provisions of paragraph (1).
- (i) to order the person concerned with a case or a witness to appear for hearing or ask for an opinion or a report from them.

- (ii) to order an expert witness to appear to request an opinion.
  - (iii) to make the owners of books, documents, and other materials, produce the relevant objects.
- (4) The witness or the expert witness, who was ordered to appear pursuant to the provisions of the preceding paragraph, may , as provided by Cabinet Order, claim payment for travel expenses, daily allowance, and other expenses.

(Deletion of Registration)

Article 38 The Minister of Education, Culture, Sports, Science and Technology must delete the registration of a professional engineer or an associate professional engineer when the registration ceases to be effective.

(Registration and License Tax and Registration Fee)

Article 39 (1) A person who intends to obtain the registration as a professional engineer pursuant to the provisions of Article 32, paragraph (1), or a person who intends to obtain the registration as an associate professional engineer pursuant to the provisions of paragraph (2) of the same Article, must pay the registration license tax pursuant to the provisions of the Registration and License Tax Act (Act No.35 of 1967).

- (2) A person who intends to obtain the registration as a professional engineer pursuant to the provisions of Article 32 paragraph (1), a person who intends to obtain the registration as an associate professional engineer pursuant to the provisions of paragraph (2) of the same Article, or a person who intends to make their certificate of registration, or a person who intends to obtain the correction of their registration certificate and who intends to obtain the reissue of their registration certificate pursuant to the provisions of Article 35, paragraph (2) must, as provided by Cabinet Order, pay the registration fee, in the amount specified by Cabinet Order in consideration of the actual cost to the State (or to the designated registration agency, in the case where the designated registration agency prescribed in paragraph (1) of the following Article conducts the registration works prescribed in the same paragraph).
- (3) The provisions of the preceding paragraph (limited to a portion pertaining to a person who intends to obtain the registration as a professional engineer and a person who intends to obtain the registration as an associate professional engineer) do not be apply to cases in which the Minister of Education, Culture, Sports, Science and Technology conducts the registration works prescribed in paragraph (1) of the following Article.
- (4) The registration fee paid in pursuant to the provisions of paragraph (2) to the designated registration agency which is prescribed in paragraph (1) of the following Article is an income for the designated registration agency.

(Designation of Designated Registration Agency)

Article 40 (1) The Minister of Education, Culture, Sports, Science and Technology may, pursuant to the provisions of Order of the Ministry of Education, Culture, Sports, Science and Technology, make the designated agency (hereinafter referred to as "designated registration agency") conduct the works with respect to implementation of the registration of professional engineer and associated professional engineer (hereinafter referred to as "registration works").

(2) Designation of a designated registration agency, pursuant to the provisions of Order of the Ministry of Education, Culture, Sports, Science and Technology, is made when an application is filed by an agency intends to conduct the registration works.

Article 41 With respect to application of the provisions of Article 33, Article 34, paragraph (1), Article 35, paragraph (1) and Article 38 in the case where the designated registration agency conducts the registration works, "Ministry of Education, Culture, Sports, Science and Technology" and "Minister of Education, Culture, Sports, Science and Technology" are deemed to be replaced with "designated registration agency".

(Mutatis Mutandis Application)

Article 42 The provisions of Article 11, paragraph (3) and (4), from Article 12 to Article 14, from Article 18 to Article 28, and Article 30 apply mutatis mutandis to the designated registration agency. In this case, the term "designated examination agency" in these provisions is deemed to be replaced with "designated registration agency", the term "examination works" in these provisions is deemed to be replaced with "registration works", the term "rules of examination works" in these provisions is deemed to be replaced with "rules of registration works", the term "the preceding paragraph" in Article 11, paragraph (3) and "paragraph (2)" in paragraph (4) of the same Article are deemed to be replaced with "Article 40, paragraph (2)", the term "employees (including the examiner; the same applies in the following paragraph)" in Article 18, paragraph (1) is deemed to be replaced with "employees", the term "Article 12, paragraph (2) (including the cases where it is applied mutatis mutandis pursuant to Article 15, paragraph (5))" in Article 24, paragraph (2), item (ii) is deemed to be replaced with "Article 12, paragraph (2)", the term ", Article 15, paragraph (1) or (2), or the preceding Article" in item (iii) of the same paragraph are deemed to be replaced with "or the preceding Article", the term "this Chapter" in Article 25, paragraph (1) is deemed to be replaced with "Article 12, paragraph (1), Article 13, paragraph (1), Article 14, paragraph (1), Article 23 or Article 40, paragraph (1)", and the term "Article 11, paragraph

(1)" in Article 30, item (i) are deemed to be replaced with "Article 40, paragraph (1)".

(Details of Registration)

Article 43 In addition to the subjects specified in this Chapter, procedures for registration, deletion of registration, reissue and return of registration certificate succession of registration works and other necessary matters for registration of professional engineers and associate professional engineers and also for designated registration agency, are specified by Order of the Ministry of Education, Culture, Sports, Science and Technology.

**Chapter IV Obligation of Professional Engineer, etc.**

(Prohibition of Dishonorable Conduct)

Article 44 Any professional engineer or associate professional engineer must avoid conduct that discredits professional engineers or associate professional engineers, nor professional engineers and associate professional engineers as a whole.

(Duty of Confidentiality by Professional Engineers or Associate Professional Engineers)

Article 45 Any professional engineer or associate professional engineer must not divulge or misappropriate without justifiable grounds the confidential information that came to their knowledge with their business. The same applies even after the professional engineer or associate engineer has been relieved of professional engineer or associate professional engineer status.

(Responsibility of Professional Engineers or Associate Professional Engineers for Public Interest)

Article 45-2 Any professional engineer or associate professional engineer must endeavor not to harm public interest such as public safety, environment preservation, and the like, upon conducting their business.

(Obligation to Indicate Name for Professional Engineers)

Article 46 When a professional engineer indicates the name of a professional engineer with regard to their business, the professional engineer is to clearly indicate the technical discipline in which the professional engineer obtained registration, and must not indicate any name in which the professional engineer has not obtained registration.

(Limitation of Business for Associate Professional Engineers)



- Article 47 (1) Except for the case where an associate professional engineer assists a professional engineer for the business prescribed in Article 2, paragraph (1), the associate engineer must not conduct the relevant business indicating the name of the associate professional engineer.
- (2) The provisions of the preceding Article apply mutatis mutandis to indication of the name of the associate professional engineer with regard to the business of the professional engineer which the associate professional engineer assists.

(Responsibility to Improve the Capability of Professional Engineers)

Article 47-2 Professional engineers must at all times endeavor to improve their level of knowledge and skill with regard to their business, and endeavor to do self-improvement.

### **Chapter V Deletion**

Article 48 Deletion.

Article 49 Deletion.

Article 50 Deletion.

Article 51 Deletion.

Article 52 Deletion.

Article 53 Deletion.

### **Chapter VI Institution of Professional Engineers, Japan**

(Incorporation)

- Article 54 (1) The general incorporated association which uses such words as "Institution of Professional Engineers, Japan" in its name may be established, limited to the case that association is prescribed by articles of incorporation that stipulates its members are professional engineers, and the purpose of the association is to nationally-administrate matters relating to train professional engineers, give guidance and liaise with members, in order to contribute to maintain dignity, improvement of qualification and quality and upgrading business activities for nationwide professional engineers.
- (2) The provisions of articles of incorporation prescribed in the preceding paragraph may not be changed.

(Notification of Incorporation)

Article 55 The general incorporated association of the preceding Article (hereinafter referred to as "Institution of Professional Engineers, Japan"), once incorporated, must notify the Minister of Education, Culture, Sports, Science and Technology to that effect within two weeks from the date of incorporation, together with the certificate of registered information and a copy of its articles incorporation.

(Supervision of Business of the Institution of Professional Engineers, Japan)

Article 55-2 (1) Business of the Institution of Professional Engineers, Japan is under supervision of the Minister of Education, Culture, Sports, Science and Technology.

(2) The Minister of Education, Culture, Sports, Science and Technology may, when the Minister finds necessity for securing proper implementation of the business of the Institution of Professional Engineers, Japan, anytime inspect the relevant business and properties of the Institution of Professional Engineers, Japan or give necessary order for the supervision of relevant business.

## **Chapter VII Miscellaneous Provisions**

(Reward to Business)

Article 56 A reward to a business of a professional engineer must be fair and proper.

(Restriction on Use of the Name)

Article 57 (1) Any person who is not a professional engineer must not use the name "professional engineer" or similar thereto.

(2) Any person who is not an associate professional engineer must not use the name "associate professional engineer" or similar thereto.

(Transitional Measure)

Article 58 In case of enacting, revising or abolishing an order pursuant to the provisions of this Act, necessary transitional measure (including transitional measures for the penal provisions) may be specified by the said order within the scope being interpreted as reasonably necessary along with the said enactment, revision or abolition.

## **Chapter VIII Penal Provisions**

Article 59 (1) Any person who has violated the provisions of Article 45 is

punishable by imprisonment with work for a term not more than one year or by a fine of not more than 500,000 yen.

(2) The prosecution of crime set forth in the preceding paragraph may be instituted only upon criminal complaint.

Article 60 Any person who has violated the provisions in Article 18, paragraph (1) (including as applied mutatis mutandis pursuant to Article 42) is punishable by imprisonment with work for a term not more than one year or by a fine of not more than 300,000 yen.

Article 61 Any officer or employee of the designated examining body or the designated registration agency who has violated an order of suspension of the examination works or registration works pursuant to the provisions in Article 24, paragraph (2) (including as applied mutatis mutandis pursuant to Article 42) is punishable by imprisonment with work for a term not more than one year or by a fine of not more than 300,000 yen.

Article 62 Any person who falls under one of following items is punishable by a fine of not more than 300,000 yen.

- (i) any person who has unfairly graded on the professional engineer examinations in violation of the provisions of Article 16 (including as applied mutatis mutandis pursuant to Article 29, paragraph (5)).
- (ii) any person who has been ordered to suspend the use of the name of professional engineer or the name of associate professional engineer pursuant to the provisions of Article 36, paragraph (2) and has used the name of professional engineer or associate professional engineer during the period when the relevant order was effective.
- (iii) any person who has violated the provisions of Article 57 (1) or (2).

Article 63 Any officer or employee of the designated examining body or the designated registration agency who falls under one of the following provisions by acting the said violation is punishable by a fine of not more than 200,000 yen.

- (i) when any officer or employee did not prepare the book, or did not write in the book, or wrote false record, or did not keep the book in violation of the provisions of Article 19 (including as applied mutatis mutandis pursuant to Article 42).
- (ii) when any officer or employee did not report or gave false report in violation of the provisions of Article 21 (including as applied mutatis mutandis pursuant to Article 42).
- (iii) when any officer or employee refused, or disturbed, or recused the entry or

inspection pursuant to the provisions of Article 22 (including as applied mutatis mutandis pursuant to Article 42), or did not give statement to the question, or gave false statement.

- (iv) when any officer or employee abolished all of the examination works or the registration works without obtaining the permission pursuant to the provisions of Article 23 (including as applied mutatis mutandis pursuant to Article 42).

Article 64 Any director, inspector or liquidator of the Institution of Professional Engineers, Japan who falls under one of the following items is punishable by a civil fine of not more than 500,000 yen.

- (i) when any director, secretary or liquidator did not notify incorporation or made a false notification in violation of the provisions of Article 55.
- (ii) when any director, secretary or liquidator refused, disturbed or challenged the inspection by the Minister of Education, Culture, Sports, Science and Technology pursuant to the provisions of Article 55-2, paragraph (2), or violated the order of supervision by the Minister, pursuant to the provisions of the same paragraph.