

Order for Enforcement of the Act on the Review and Regulation of the Use of Real Estate Surrounding Important Facilities and on Remote Territorial Islands

(Cabinet Order No. 308 of September 16, 2022)

Pursuant to the provisions of Article 2, paragraph (2), item (iii), Article 7, paragraph (1), Article 10, paragraph (3) and Article 13, paragraphs (1) and (2) of the Act on the Review and Regulation of the Use of Real Estate Surrounding Important Facilities and on Remote Territorial Islands (Act No. 84 of 2021), the Cabinet hereby enacts this Cabinet Order.

(Facilities for Supporting the Public)

Article 1 Facilities designated by Cabinet Order, as prescribed in Article 2, paragraph (2), item (iii) of the Act on the Review and Regulation of the Use of Real Estate Surrounding Important Facilities and on Remote Territorial Islands (hereinafter referred to as the "Act"), are the following facilities:

- (i) a refining facility as prescribed in Article 3, paragraph (2), item (ii) of the Act on the Regulation of Nuclear Source Material, Nuclear Fuel Material and Reactors (Act No. 166 of 1957), a fuel fabrication facility as prescribed in Article 13, paragraph (2), item (ii) of that Act, a power reactor facility as prescribed in Article 43-3-5, paragraph (2), item (v) of that Act, a spent fuel storage facility as prescribed in Article 43-4, paragraph (2), item (ii) of that Act, a reprocessing facility as prescribed in Article 44, paragraph (2), item (ii) of that Act, a waste burial facility as prescribed in Article 51-2, paragraph (2) of that Act, and a waste storage facility as prescribed in Article 51-2, paragraph (3), item (ii) of that Act; and
- (ii) an airport as prescribed in Article 2 of the Airport Act (Act No. 80 of 1956).

(Information on Users of Real Estate)

Article 2 Information designated by Cabinet Order, as prescribed in Article 7, paragraph (1) of the Act, is a registered domicile (in the case of a foreign national, their nationality, etc. (meaning the nationality, etc. as prescribed in Article 30-45 of the Residential Basic Book Act (Act No. 81 of 1967)), date of birth, contact information and sex.

(Procedure for Application for Administrative Determination by Expropriation Committee)

Article 3 A person who intends to apply for an administrative determination

under Article 94, paragraph (2) of the Expropriation of Land Act (Act No. 219 of 1951), pursuant to Article 10, paragraph (3) of the Act, must submit to the Expropriation Committee a written application for administrative determination stating the matters set forth in the items of paragraph (3) of that Article (excluding item (iii)), according to the form specified by Cabinet Office Order.

(Size of Real Estate Located in Special Monitored Areas Exempted from Requirement for Notification)

Article 4 The size of real estate specified by Cabinet Order, as prescribed in Article 13, paragraph (1) of the Act, is 200 square meters.

(Person Exempted from Requirement for Notification Concerning Special Monitored Areas)

Article 5 Persons designated by Cabinet Order, as prescribed in Article 13, paragraph (1) of the Act, are incorporated administrative agencies (meaning incorporated administrative agencies as prescribed in Article 2, paragraph (1) of the Act on General Rules for Incorporated Administrative Agencies (Act No. 103 of 1999)), national university corporations (meaning national university corporations as prescribed in Article 2, paragraph (1) of the National University Corporation Act (Act No. 112 of 2003)), inter-university research institute corporations (meaning inter-university research institute corporations as prescribed in Article 2, paragraph (3) of that Act), special public corporations (meaning corporations established expressly by Acts or established by a special act of establishment pursuant to the provisions of special Acts, that are governed by the provisions of Article 4, paragraph (1), item (viii) of the Act on Establishment of the Ministry of Internal Affairs and Communications (Act No. 91 of 1999), local incorporated administrative agencies (meaning local incorporated administrative agencies as prescribed in Article 2, paragraph (1) of the Local Incorporated Administrative Agency Act (Act No. 118 of 2003) and corporations set forth in the attached table.

(Contracts Exempted from Requirement for Notification Concerning Special Monitored Areas)

Article 6 The contracts specified by Cabinet Order, as prescribed in Article 13, paragraph (1) of the Act, are the following contracts (including plans to conclude contracts).

- (i) a contract for transferring ownership in a land reclaimed from a public water body, for which permission under Article 27, paragraph (1) of the Public Water Body Reclamation Act (Act No. 57 of 1921) is required for transferring ownership (including a contract for the transfer of ownership in

a building located on the reclaimed land which is concluded upon the execution of that contract);

- (ii) a contract for the transfer or creation of rights concerning ownership of real estate to be made available for public notice of approval under Article 26, paragraph (1) of the Expropriation of Land Act (including the case where it is applied mutatis mutandis pursuant to Article 138, paragraph (1) of that Act; and this also includes a notice deemed as the public notice of approval pursuant to the provisions of the City Planning Act (Act No. 100 of 1968) and other Acts), as well as a contract for the transfer or creation of rights concerning ownership of real estate based on mediation as prescribed in Article 15-2 of the Expropriation of Land Act (including a contract for the transfer or creation of rights concerning ownership of a building located on the land that is executed upon the conclusion of that contract, if the authorization or mediation only relates to land);
- (iii) a contract for the transfer of ownership of cropland or meadow/pastureland as prescribed in Article 2, paragraph (1) of the Cropland Act (Act No. 229 of 1952), which requires permission relating to the transfer of ownership under Article 3, paragraph (1) of that Act or which is concluded in the case set forth in the items of that paragraph as specified by Cabinet Office Order.

(Causes for Submitting Notification after the Conclusion of Real Estate Transaction Contract in Special Monitored Area)

Article 7 The causes specified by Cabinet Order, as prescribed in Article 13, paragraph (2) of the Act, are as follows:

- (i) conciliation under the Civil Conciliation Act (Act No. 222 of 1951);
- (ii) settlement under the Code of Civil Procedure (Act No. 109 of 1996);
- (iii) conciliation under the Domestic Relations Case Procedure Act (Act No. 52 of 2011); and
- (iv) auction for disposition of delinquency, compulsory execution, or the enforcement of a security right (including an auction to be conducted in accordance with that rules).

Supplementary Provisions

(Effective Date)

- (1) This Cabinet Order comes into effect as of the date on which the Act comes into effect (September 20, 2022).

(Special Provision Relating to Contracts Exempted from Requirement for Notification Concerning Special Monitored Areas)

- (2) For the purpose of application of the provisions of Article 6, for the time being,

the term "or" in item (iii) of that Article reads "," and the phrase "as specified by Cabinet Office Order" reads "as specified by Cabinet Office Order, or which is concluded for the purpose of sale under Article 8, paragraph (2) of the Supplementary Provisions of the Act on Partial Amendment of the Cropland Act (Act No. 57 of 2009)."

(Partial Amendment to the Order for Enforcement of the Real Estate Brokerage Act)

(3) The Order for Enforcement of the Real Estate Brokerage Act (Cabinet Order No. 383 of 1964) is partially amended as follows:

The following item is added to Article 3, paragraph (1).

(lxiii) Article 13, paragraph (1) of the Act on the Review and Regulation of the Use of Real Estate Surrounding Important Facilities and on Remote Territorial Islands (Act No. 84 of 2021)

In Article 3, paragraph (2), the phrase "Article 4, paragraph (1) and Article 8 of the Act on Advancement of Expansion of Public Lands" is deleted, and the phrase "and the provisions of the Acts set forth in item (xxv) and (lxiii) of the preceding paragraph" is added below the phrase "the provisions of paragraph (5)."

Appended Table (Re: Article 5)

- (i) port authorities
- (ii) the National Association of Racing
- (iii) the Japan Finance Organization for Municipalities
- (iv) the Japan Agency for Local Authority Information Systems
- (v) the Fund for Local Government Employees' Accident Compensation
- (vi) regional public housing corporations
- (vii) the Local Tax Agency
- (viii) regional public road corporations
- (ix) land development corporations
- (x) the Japan Sewage Works Agency
- (xi) the Japan Legal Support Center