

Enforcement Order of Poultry Slaughtering Business Control and Poultry Meat Inspection Act

(Cabinet Order No. 52 of March 25, 1991)

The Cabinet hereby enacts this Cabinet Order pursuant to the provisions of Article 16, paragraphs (1) and (4), Article 17, paragraph (1), item (vii), Article 39, and Article 43 of the Poultry Slaughtering Business Control and Poultry Meat Inspection Act (Act No. 70 of 1990).

(Registration of Training Institutes)

Article 1 When registering a training institute stated in Article 12, paragraph (5), item (iii) of the Poultry Slaughtering Business Control and Poultry Meat Inspection Act (referred to below as "the Act"), the prefectural governor is to follow the criteria specified by Order of the Ministry of Health, Labour and Welfare with regard to the matters such as the qualification for enrollment, training term, and course subjects.

(Application for Registration)

Article 2 When intending to register a training institute under Article 12, paragraph (5), item (iii) of the Act, the establisher of the institute must submit a written application to the prefectural governor that governs the location of the institute pursuant to Order of the Ministry of Health, Labour and Welfare.

(Notification of Changes)

Article 3 When there has been any changes to the matters specified by Order of the Ministry of Health, Labour and Welfare, the establisher of a training institute registered under Article 12, paragraph (5), item (iii) of the Act (referred to below as a "registered training institute") must notify the prefectural governor that governs the location of the institute of the change within one month from the date of change.

(Collection of Reports)

Article 4 When considered necessary for a registered training institute, the prefectural governor may require its establisher to submit a report.

(Revocation of Registration)

Article 5 When a prefectural governor finds that a registered training institute no longer conforms to the criteria specified by Order of the Ministry of Health, Labour and Welfare prescribed in Article 1 or when the prefectural governor

has received an application filed under the provisions of the following Article, the prefectural governor may revoke the institute's registration.

(Application for Revocation of Registration)

Article 6 When intending to seek the revocation of the registration of a training institute by the prefectural governor, the establisher of the registered training institute must submit a written application to the prefectural governor that governs the location of the institute pursuant to Order of the Ministry of Health, Labour and Welfare.

(Public Notice)

Article 7 In any of the following cases, the prefectural governor must issue a public notice to that effect:

- (i) when the prefectural governor has granted registration referred to in Article 12, paragraph (5), item (iii) of the Act;
- (ii) when there has been a notification under the provisions of Article 3 (limited to a notification related to those specified by Order of the Ministry of Health, Labour and Welfare); or
- (iii) when the prefectural governor has revoked the registration referred to in Article 12, paragraph (5), item (iii) of the Act, pursuant to the provisions of Article 5.

(Registration of Training Sessions)

Article 8 When intending to register a training session registered under Article 12, paragraph (5), item (iv) of the Act, the organizer of the training session must apply for registration with the prefectural governor of the location where the training session will be conducted, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

(Disqualification Clause)

Article 9 A person falling under any of the following items may not obtain registration of a training session referred to in Article 12, paragraph (5), item (iv) of the Act:

- (i) a person who has been sentenced to a fine or severer punishment for violating this Act or any disposition under it, and for which two years have not yet elapsed since the day on which the person served out the sentence or ceased to be subject to the sentence;
- (ii) a person whose registration has been revoked pursuant to the provisions of Article 17 and for which two years have not yet elapsed since the day of revocation; or
- (iii) a corporation for which any of its officers engaged in its business fall under

any of the preceding two items.

(Criteria for Registration)

Article 10 When an organizer of a training session for which application for registration has been filed pursuant to the provisions of Article 8 organizes a training session pursuant to Order of the Ministry of Health, Labour and Welfare as referred to in Article 12, paragraph (7) of the Act, the prefectural governor must register the training session.

(Obligation to Implement Training Sessions)

Article 11 (1) The organizer of a training session registered under Article 12, paragraph (5), item (iv) of the Act (referred to below as a "registered training session") must formulate a plan for the implementation of the registered training session and implement the training session in accordance with the plan, unless there are legitimate grounds.

(2) The organizer of a registered training session must organize the registered training session in a manner that is fair and complies with the criteria specified by Order of the Ministry of Health, Labour and Welfare.

(3) The organizer of a registered training session must submit a plan formulated pursuant to the provisions of paragraph (1) to the prefectural governor of the location where the training session will be conducted, before organizing the session. The same applies to any change to be made to the plan.

(Notification of Changes)

Article 12 The organizer of a registered training session must notify the prefectural governor of the location where the registered training session will be conducted of any planned change to the matters specified by Order of the Ministry of Health, Labour and Welfare by two weeks before the date of the planned change.

(Suspension or Discontinuation of Training Session Activities)

Article 13 When intending to suspend or discontinue the whole or part of the activities related to a registered training session, the organizer of the registered training session must submit the notification to that effect to the prefectural governor of the location where the registered training session will be conducted pursuant to Order of the Ministry of Health, Labour and Welfare.

(Keeping and Inspection of Financial Statements)

Article 14 (1) The organizer of a registered training session must prepare an inventory of assets, balance sheet, and profit and loss statement or income and expenditure statement, as well as a business report (including electromagnetic

records (referring to records used in computerized information processing which are created in an electronic form, magnetic form, or any other form that cannot be perceived by the human senses; the same applies below in this Article) if electronic or magnetic records are kept instead of those paper documents; referred to as "financial statements, etc." in the following paragraph) and must keep them at the office, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

- (2) Any person who intends to participate in a registered training session and other interested parties may file a request specified below at any time within the business hours of the organizer of the registered training session; provided, however, that the requesting person must pay fees set by the organizer of the registered training session in order to file a request under item (ii) or item (iv):
- (i) when financial statements, etc., are prepared in paper documents; a request for the inspection or copying of the documents;
 - (ii) a request for a certified copy or extract of the documents in the preceding item;
 - (iii) when financial statements, etc., are prepared in electronic or magnetic records; a request for the inspection or copying of the information recorded in those electronic or magnetic records displayed in means specified by Order of the Ministry of Health, Labour and Welfare; or
 - (iv) a request to be provided with the information recorded in an electronic or magnetic record stated in the preceding item by an electronic or magnetic means specified by Order of the Ministry of Health, Labour and Welfare, or a request to be issued a document stating that information.

(Order for Compliance)

Article 15 When an organizer of a registered training session is found to be no longer organizing a registered training session pursuant to Order of the Ministry of Health, Labour and Welfare as referred to in Article 12, paragraph (7) of the Act, the prefectural governor may order the organizer of the relevant registered training session to take necessary measures for organizing registered training sessions pursuant to Order of the Ministry of Health, Labour and Welfare as referred to in that paragraph.

(Order for Improvement)

Article 16 When an organizer of a registered training session is found to be violating the provisions of Article 11, the prefectural governor may order the organizer of the registered training session to conduct the registered session or to take necessary measures to improve the operational methods such as the implementation method of the registered training session.

(Revocation of Registration)

Article 17 When an organizer of a training session falls under any of the following items, the prefectural governor may revoke its registration or order the suspension of the whole or part of the activities related to the registered training session for a specified time period:

- (i) when the organizer has come to fall under Article 9, item (i) or (iii);
- (ii) when the organizer has violated the provisions in Articles 11 through 13, Article 14, paragraph (1), or the following Article;
- (iii) when the organizer has refused a request under the provisions in the items of Article 14, paragraph (2) without legitimate grounds;
- (iv) when the organizer has violated an order under the provisions of the preceding two Articles; or
- (v) when the organizer has obtained registration referred to in Article 12, paragraph (5), item (iv) of the Act through wrongful means.

(Entries in the Books)

Article 18 The organizer of a registered training session must keep books in which matters concerning the registered training session specified by Order of the Ministry of Health, Labour and Welfare must be recorded, and retain these books, pursuant to Order of the Ministry of Health, Labour and Welfare.

(Collection of Reports)

Article 19 A prefectural governor may have the organizers of registered training sessions report the conditions of activities related to the registered training sessions or their accounting status, to the extent necessary for the enforcement of the Act and this Cabinet Order.

(On-site Inspection)

Article 20 (1) A prefectural governor may have the employees enter the sites of operations of the organizers of registered training sessions to inspect the status of business activities, or the books, documents, and other properties, to the extent necessary for the enforcement of the Act and this Cabinet Order.

(2) The employees conducting on-site inspection pursuant to the provisions of the preceding paragraph must carry their identification cards and present them to the relevant persons.

(3) The authority for on-site inspection under the provisions of paragraph (1) must not be construed as being granted for criminal investigation.

(Public Notice)

Article 21 In any of the following cases, the prefectural governor must issue a public notice to that effect:

- (i) when the prefectural governor has granted the registration referred to in Article 12, paragraph (5), item (iv) of the Act;
- (ii) when a notification is filed under the provisions of Article 12 or 13; or
- (iii) when the prefectural governor has revoked the registration of a registered training session or ordered the suspension of activities related to the registered training session, pursuant to the provisions of Article 17.

(Numbers Specified by Cabinet Order as Referred to in Article 16, paragraph (1) of the Act)

Article 22 The number specified by Cabinet Order as referred to in Article 16, paragraph (1) of the Act is to be 300,000 for the business year (from April 1 of the year to March 31 of the following year (if a poultry slaughterer (referring to a poultry slaughterer prescribed in Article 6, paragraph (1) of the Act; the same applies below) intends to obtain certification in January, February, or March, from April 1 of the year preceding that year to March 31 of that year)) that includes the date on which the poultry slaughterer intends to obtain certification under Article 16, paragraph (1) of the Act; provided, however, that if the poultry slaughterer obtains the license under Article 3 of the Act during the business year, the number is to be 25,000 multiplied by the number of months counting from the month which includes the date when the license is obtained, through to March of that business year (if the date when the license is obtained falls in March; the number of months is to be one).

(Numbers Specified by Cabinet Order as Referred to in Article 16, paragraph (4) of the Act)

Article 23 The number specified by Cabinet Order as referred to in Article 16, paragraph (4) of the Act is to be 300,000 for each business year (from April 1 of the year to March 31 of the following year) after the business year in which a poultry slaughterer obtains certification under paragraph (1) of the same Article (from April 1 of the year to March 31 of the following year (if a poultry slaughterer obtains certification in January, February, or March, from April 1 of the year preceding that year to March 31 of that year); referred to below as "business year of certification" in this Article) ; provided, however, that if the date on which a certified small-scale poultry slaughterer (referring to a certified small-scale poultry slaughterer prescribed in Article 16, paragraph (2) of the Act) obtains the license under Article 3 of the Act falls in the business year of certification, the number is to be 25,000 multiplied by the number of months counting from the month which includes the date when the license is obtained through to March of that business year (if the date when the date when the license is obtained falls in March; the number of months is to be one).

(Cases Specified by Cabinet Order as Referred to in Article 17, paragraph (1), item (vii) of the Act)

Article 24 The cases specified by Cabinet Order as referred to in Article 17, paragraph (1), item (vii) of the Act are to be the cases in which a food sanitation inspector removes a part of a poultry carcass, eviscerated poultry carcass, or poultry meat, etc. (referring to poultry carcass, eviscerated poultry carcass, or poultry meat, etc. prescribed in Article 2, items (ii) through (iv) of the Act; the same applies below) pursuant to the provisions of Article 28, paragraph (1) of the Food Sanitation Act (Act No. 233 of 1947), or the cases in which a livestock quarantine officer or a prefectural livestock health inspector collects and carries out a part of a poultry carcass, eviscerated poultry carcass, or amount of poultry meat, etc. pursuant to the provisions of Article 51, paragraph (1) of the Act on the Prevention of Infectious Diseases in Livestock (Act No. 166 of 1951).

(Qualification Specified by Cabinet Order as referred to in Article 39 of the Act)

Article 25 The qualification specified by Cabinet Order as referred to in Article 39 of the Act are to be for the persons who have a veterinarian license pursuant to the provisions of the Veterinarians Act (Act No. 186 of 1949).

Supplementary Provisions [Extract]

(Effective Date)

Article 1 This Cabinet Order comes into effect as of April 1, 1991; provided, however, that the provisions of Articles 2 and 3 and the provisions of Article 3 of the Supplementary Provisions come into effect as of April 1, 1992.

(Transitional Measures Related to Numbers Specified by Cabinet Order as Referred to in Article 16, paragraph (1) of the Act)

Article 2 If a poultry slaughterer who has obtained a license under Article 3 of the Act from April 1, 1991 to March 31, 1992 intends to obtain certification under Article 16, paragraph (1) of the Act during the same period, the number specified by Cabinet Order as referred to in the same paragraph is to be 300,000 for the period from April 1, 1992 to March 31, 1993, notwithstanding the provisions of Article 1.

(Transitional Measures Related to Cases Specified by Cabinet Order as Referred to in Article 17, paragraph (1), item (vii) of the Act)

Article 3 From April 1, 1992 to March 31, 1994, "the cases where ... or" in Article 3 is to be replaced with "the cases where ...;" and "or the cases where ..." is to

be replaced with "the cases where ...; or the cases where a poultry slaughterer carries out a poultry carcass for the purpose of depositing the poultry carcass with a person who has obtained approval under Article 21, paragraph (1) of the Food Sanitation Act related to business stated in Article 5, item (xiv) of the Order for Enforcement of the Food Sanitation Act (Cabinet Order No. 229 of 1953), with the permission of the Minister of Health and Welfare."

(Transitional Measures Concerning Penal Provisions)

Article 5 Prior laws continue to govern the applicability of penal provisions to acts committed before the enforcement of this Cabinet Order.

Supplementary Provisions [Cabinet Order No. 381 of December 25, 1991]

This Cabinet Order comes into effect as of April 1, 1992.

Supplementary Provisions [Cabinet Order No. 223 of July 1, 1994]

This Cabinet Order comes into effect as of the date of promulgation.

**Supplementary Provisions [Cabinet Order No. 318 of November 20, 1996
Extract] [Extract]**

(Effective Date)

(1) This Cabinet Order comes into effect as of April 1, 1997.

**Supplementary Provisions [Cabinet Order No. 505 of December 10, 2003
Extract] [Extract]**

(Effective Date)

Article 1 This Cabinet Order comes into effect as of the date of enforcement of the provisions stated in Article 1, item (iii) of the Supplementary Provisions of the Act Partially Amending the Food Sanitation Act, etc. (referred to below as the "Amending Act") (February 27, 2004).

**Supplementary Provisions [Cabinet Order No. 189 of April 28, 2006
Extract] [Extract]**

(Effective Date)

Article 1 This Cabinet Order comes into effect as of the date of enforcement of the Companies Act (May 1, 2006).

**Supplementary Provisions [Cabinet Order No. 128 of March 31, 2015
Extract] [Extract]**

(Effective Date)

Article 1 This Cabinet Order comes into effect as of April 1, 2015;

(Transitional Measures Concerning Dispositions, Applications, and Other Actions)

Article 4 (1) Beyond what is provided for in Article 2, paragraph (1) and paragraph (1) of the preceding Article of the Supplementary Provisions, dispositions of approval, etc. or any other acts conducted before the date of enforcement pursuant to the provisions of the respective cabinet orders before amendment by this Cabinet Order (referred to below as "dispositions and other acts" in this paragraph) or applications for approval, etc. or any other acts already conducted at the time of the enforcement of this Cabinet Order pursuant to the provisions of the respective cabinet orders before the amendment by this Cabinet Order (referred to below as "applications and other acts" in this paragraph), for which persons who handle the administrative affairs related to these acts are different persons on the date of the enforcement, are deemed as dispositions and other acts or applications and other acts conducted pursuant to the corresponding provisions of the respective cabinet orders amended by this Cabinet Order, with regard to the application of the respective cabinet orders amended by this Cabinet Order on or after the date of enforcement.

(2) Beyond what is provided for in Article 2, paragraph (2) and paragraph (2) of the preceding Article of the Supplementary Provisions, matters for which procedures such as reporting and notification must be taken with a national or prefectural government organ before the date of enforcement pursuant to the provisions of the respective cabinet orders before amendment by this Cabinet Order, but for which the procedures have not been taken before the date of enforcement, are deemed to be matters for which procedures such as reporting and notification with the corresponding organ of the national or local governments must be taken pursuant to the corresponding provisions of respective cabinet orders amended by this Cabinet Order but for which the procedures have not been taken, and the provisions of the respective cabinet orders amended by this Cabinet Order apply.