住宅の品質確保の促進等に関する法律（暫定版）

Act on the Promotion of Housing Quality Assurance (Tentative translation)

（平成十一年六月二十三日法律第八十一号）

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第一章　総則

Chapter I General Provisions

（目的）

(Purpose)

第一条　この法律は、住宅の性能に関する表示基準及びこれに基づく評価の制度を設け、住宅に係る紛争の処理体制を整備するとともに、新築住宅の請負契約又は売買契約における瑕疵担保責任について特別の定めをすることにより、住宅の品質確保の促進、住宅購入者等の利益の保護及び住宅に係る紛争の迅速かつ適正な解決を図り、もって国民生活の安定向上と国民経済の健全な発展に寄与することを目的とする。

Article 1 The purpose of this Act is to promote the securing of housing quality, to protect the interests of home buyers, etc., and to achieve the prompt and proper resolution of disputes pertaining to housing by establishing standards for labeling of housing performance and an evaluation system based on these standards, and establishing a system for handling disputes on housing, as well as stipulating special provisions for defect warranty in liability of construction contracts or sales contracts for new housing, thereby contributing to the stabilization and improvement of the general welfare and lives of the citizens and to the sound development of the national economy.

（定義）

(Definitions)

第二条　この法律において「住宅」とは、人の居住の用に供する家屋又は家屋の部分（人の居住の用以外の用に供する家屋の部分との共用に供する部分を含む。）をいう。

Article 2 (1) The term "house" as used in this Act means a house or a part of a house used for human habitation (including a part used in common with a part of a house used for purposes other than human habitation).

２　この法律において「新築住宅」とは、新たに建設された住宅で、まだ人の居住の用に供したことのないもの（建設工事の完了の日から起算して一年を経過したものを除く。）をいう。

(2) The term "newly constructed house" as used in this Act means a newly constructed house that has not yet been used as a human dwelling (excluding a house for which one year has elapsed from the date of completion of construction work).

３　この法律において「日本住宅性能表示基準」とは、住宅の性能に関し表示すべき事項及びその表示の方法の基準であって、次条の規定により定められたものをいう。

(3) The term "Japanese Housing Performance Labeling Standards" as used in this Act means standards for matters to be indicated with regard to housing performance and the labeling method thereof, which are specified pursuant to the provisions of the following Article.

４　この法律において「住宅購入者等」とは、住宅の購入若しくは住宅の建設工事の注文をし、若しくはしようとする者又は購入され、若しくは建設された住宅に居住をし、若しくはしようとする者をいう。

(4) The term "home buyers, etc." as used in this Act means a person who makes or intends to make a purchase of a house or an order for construction work for a house, or a person who resides in or intends to reside in a house that has been purchased or constructed.

５　この法律において「瑕疵」とは、種類又は品質に関して契約の内容に適合しない状態をいう。

(5) The term "Defect" as used in this Act means a failure to conform to the terms of the contract in terms of type or quality.

第二章　日本住宅性能表示基準

Chapter II Japanese Housing Performance Labeling Standards

（日本住宅性能表示基準）

(Japanese Housing Performance Labeling Standards)

第三条　国土交通大臣及び内閣総理大臣は、住宅の性能に関する表示の適正化を図るため、日本住宅性能表示基準を定めなければならない。

Article 3 (1) The Minister of Land, Infrastructure, Transport and Tourism and the Prime Minister must establish the Japanese Housing Performance Labeling Standards in order to ensure proper labeling of housing performance.

２　日本住宅性能表示基準は、利害関係人の意向を適切に反映するように、かつ、その適用に当たって同様な条件の下にある者に対して不公正に差別を付することがないように定め、又は変更しなければならない。

(2) The Japan Housing Performance Labeling Standards must be established or changed so as to properly reflect the intentions of interested persons and so as not to unfairly discriminate against persons who are under similar conditions in applying the standards.

３　国土交通大臣又は内閣総理大臣は、日本住宅性能表示基準を定め、又は変更しようとする場合において、必要があると認めるときは、当該日本住宅性能表示基準又はその変更の案について、公聴会を開いて利害関係人の意見を聴くことができる。

(3) When the Minister of Land, Infrastructure, Transport and Tourism or the Prime Minister intends to establish or revise the Japanese Housing Performance Labeling Standards and finds it necessary, they may hold public hearings to hear the opinions of interested persons on the Japanese Housing Performance Labeling Standards or a draft of the revision thereof.

４　国土交通大臣及び内閣総理大臣は、日本住宅性能表示基準を定め、又は変更しようとするときは、国土交通大臣にあっては社会資本整備審議会の議決を、内閣総理大臣にあっては消費者委員会の議決を、それぞれ経なければならない。ただし、社会資本整備審議会又は消費者委員会が軽微な事項と認めるものについては、この限りでない。

(4) When the Minister of Land, Infrastructure, Transport and Tourism and the Prime Minister intend to establish or change the Japanese Housing Performance Labeling Standards, the Minister of Land, Infrastructure, Transport and Tourism must go through a resolution of the Social Infrastructure Development Council and the Prime Minister must go through a resolution of the Consumer Commission; provided, however, that this does not apply to matters that the Social Infrastructure Development Council or the Consumer Commission finds to be minor.

５　国土交通大臣及び内閣総理大臣は、日本住宅性能表示基準を定め、又は変更したときは、遅滞なく、これを告示しなければならない。

(5) When the Minister of Land, Infrastructure, Transport and Tourism and the Prime Minister have established or changed the Japanese Housing Performance Indication Standards, they must give public notice thereof without delay.

（評価方法基準）

(Evaluation Method Standards)

第三条の二　国土交通大臣は、日本住宅性能表示基準を定める場合には、併せて、日本住宅性能表示基準に従って表示すべき住宅の性能に関する評価（評価のための検査を含む。以下同じ。）の方法の基準（以下「評価方法基準」という。）を定めるものとする。

Article 3-2 (1) When establishing the Japanese Housing Performance Labeling Standards, the Minister of Land, Infrastructure, Transport and Tourism is to also establish standards for the evaluation method (including inspection for the purpose of evaluation; the same applies hereinafter) of housing performance to be indicated in accordance with the Japanese Housing Performance Labeling Standards (hereinafter referred to as the "Evaluation Method Standards ").

２　前条第二項から第五項までの規定は、評価方法基準について準用する。この場合において、同条第三項中「国土交通大臣又は内閣総理大臣」とあり、並びに同条第四項及び第五項中「国土交通大臣及び内閣総理大臣」とあるのは「国土交通大臣」と、同条第四項中「国土交通大臣にあっては社会資本整備審議会の議決を、内閣総理大臣にあっては消費者委員会の議決を、それぞれ」とあるのは「社会資本整備審議会の議決を」と、同項ただし書中「社会資本整備審議会又は消費者委員会」とあるのは「社会資本整備審議会」と読み替えるものとする。

(2) The provisions of paragraphs (2) through (5) of the preceding Article apply mutatis mutandis to the Evaluation Method Standards. In this case, the phrases "the Minister of Land, Infrastructure, Transport and Tourism or the Prime Minister" in paragraph (3) of the same Article and "the Minister of Land, Infrastructure, Transport and Tourism and the Prime Minister" in paragraphs (4) and (5) of the same Article are deemed to be replaced with "the Minister of Land, Infrastructure, Transport and Tourism"; the phrase "the Minister of Land, Infrastructure, Transport and Tourism may adopt a resolution of the Social Infrastructure Development Council, and the Prime Minister may adopt a resolution of the Consumer Commission" in paragraph (4) of the same Article is deemed to be replaced with "the Social Infrastructure Development Council may adopt a resolution"; and the phrase "the Social Infrastructure Development Council or the Consumer Commission" in the proviso to the same paragraph is deemed to be replaced with "the Social Infrastructure Development Council".

３　内閣総理大臣は、個人である住宅購入者等の利益の保護を図るため必要があると認めるときは、国土交通大臣に対し、評価方法基準の策定又は変更に関し、必要な意見を述べることができる。

(3) On finding it to be necessary to do so in order to protect the interests of home buyers, etc. who are individuals, the Prime Minister may state an opinion concerning the establishment of or changes to the Evaluation Method Standards to the Minister of Land, Infrastructure, Transport and Tourism.

（日本住宅性能表示基準の呼称の禁止）

(Prohibition of Naming under the Japanese Housing Performance Labeling Standards)

第四条　何人も、日本住宅性能表示基準でない住宅の性能の表示に関する基準について、日本住宅性能表示基準という名称又はこれと紛らわしい名称を用いてはならない。

Article 4 It is prohibited for any person to use the name "Japanese Housing Performance Labeling Standards" or any other confusingly similar name with regard to any standards for labeling the performance of housing that are not the Japanese Housing Performance Labeling Standards.

第三章　住宅性能評価

Chapter III Housing Performance Evaluation

第一節　住宅性能評価

Section 1 Housing Performance Evaluation

（住宅性能評価）

(Housing Performance Evaluation)

第五条　第七条から第十条までの規定の定めるところにより国土交通大臣の登録を受けた者（以下「登録住宅性能評価機関」という。）は、申請により、住宅性能評価（設計された住宅又は建設された住宅について、日本住宅性能表示基準に従って表示すべき性能に関し、評価方法基準（第五十八条第一項の特別評価方法認定を受けた方法を用いる場合における当該方法を含む。第三十一条第一項において同じ。）に従って評価することをいう。以下同じ。）を行い、国土交通省令・内閣府令で定める事項を記載し、国土交通省令・内閣府令で定める標章を付した評価書（以下「住宅性能評価書」という。）を交付することができる。

Article 5 (1) A person who has been registered by the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provisions of Articles 7 through 10 (hereinafter referred to as a "registered housing performance evaluation agency") may, upon application, conduct a housing performance evaluation (meaning an evaluation of a designed or constructed housing in accordance with the Evaluation Method Standards (including the special evaluation method certification set forth in Article 58, paragraph (1) is used; the same applies in Article 31, paragraph (1)) with regard to the performance to be indicated in accordance with the Japanese Housing Performance Labeling Standards; the same applies hereinafter) and issue an evaluation report that states the matters specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism and Cabinet Office Order and bears a mark specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism and Cabinet Office Order (hereinafter referred to as a "housing performance evaluation report").

２　前項の申請の手続その他住宅性能評価及び住宅性能評価書の交付に関し必要な事項は、国土交通省令・内閣府令で定める。

(2) Order of the Ministry of Land, Infrastructure, Transport and Tourism and Cabinet Office Order prescribe the procedures for the application referred to in the preceding paragraph and other necessary particulars concerning the housing performance evaluation and the issuance of a housing performance evaluation report.

３　何人も、第一項の場合を除き、住宅の性能に関する評価書、住宅の建設工事の請負契約若しくは売買契約に係る契約書又はこれらに添付する書類に、同項の標章又はこれと紛らわしい標章を付してはならない。

(3) Except in the case referred to in paragraph (1), it is prohibited for any person to affix the mark referred to in the same paragraph or a mark that is confusingly similar thereto to an evaluation report on housing performance, a contract for housing construction work, a sales contract, or any document that is to be attached thereto.

（住宅性能評価書等と契約内容）

(Housing Performance Evaluation Report and Contract Details)

第六条　住宅の建設工事の請負人は、設計された住宅に係る住宅性能評価書（以下「設計住宅性能評価書」という。）若しくはその写しを請負契約書に添付し、又は注文者に対し設計住宅性能評価書若しくはその写しを交付した場合においては、当該設計住宅性能評価書又はその写しに表示された性能を有する住宅の建設工事を行うことを契約したものとみなす。

Article 6 (1) If the contractor of construction work for a housing has attached the housing performance evaluation report pertaining to the designed housing (hereinafter referred to as the "design housing performance evaluation report") or a copy thereof to the contract for work, or has delivered the design housing performance evaluation report or a copy thereof to the orderer, the contractor is deemed to have contracted to carry out construction work for the housing with the performance indicated in the design housing performance evaluation report or the copy thereof.

２　新築住宅の建設工事の完了前に当該新築住宅の売買契約を締結した売主は、設計住宅性能評価書若しくはその写しを売買契約書に添付し、又は買主に対し設計住宅性能評価書若しくはその写しを交付した場合においては、当該設計住宅性能評価書又はその写しに表示された性能を有する新築住宅を引き渡すことを契約したものとみなす。

(2) If the seller who entered into a sales contract for a newly constructed housing prior to the completion of the construction work on the newly constructed housing has attached the design housing performance evaluation report or a copy thereof to the sales contract or has delivered the design housing performance evaluation report or a copy thereof to the buyer, the seller is deemed to have entered into a contract to deliver the newly constructed housing with the performance indicated in the design housing performance evaluation report or a copy thereof.

３　新築住宅の建設工事の完了後に当該新築住宅の売買契約を締結した売主は、建設された住宅に係る住宅性能評価書（以下「建設住宅性能評価書」という。）若しくはその写しを売買契約書に添付し、又は買主に対し建設住宅性能評価書若しくはその写しを交付した場合においては、当該建設住宅性能評価書又はその写しに表示された性能を有する新築住宅を引き渡すことを契約したものとみなす。

(3) If a seller who concludes a sales contract for a newly constructed housing after the construction work on the newly constructed housing is completed attaches a housing performance evaluation report pertaining to the constructed housing (hereinafter referred to as the "construction housing performance evaluation report") or a copy thereof to the sales contract or delivers a construction housing performance evaluation report or a copy thereof to the buyer, the seller is deemed to have concluded a contract to deliver a newly constructed housing with the performance indicated in the relevant construction housing performance evaluation report or a copy thereof.

４　前三項の規定は、請負人又は売主が、請負契約書又は売買契約書において反対の意思を表示しているときは、適用しない。

(4) The provisions of the preceding three paragraphs do not apply if the contractor or the seller manifests a contrary intention in the contract for work or the sales contract.

（長期優良住宅の普及の促進に関する法律の特例）

(Special Provisions for the Act on Promotion of Dissemination of Long-Term Excellent Housing)

第六条の二　長期優良住宅の普及の促進に関する法律（平成二十年法律第八十七号）第五条第一項から第七項までの規定による認定の申請（同法第八条第一項の規定による変更の認定の申請を含む。）をする者は、あらかじめ、国土交通省令で定めるところにより、登録住宅性能評価機関に対し、当該申請に係る住宅の構造及び設備が長期使用構造等（同法第二条第四項に規定する長期使用構造等をいう。以下この条において同じ。）であることの確認を行うことを求めることができる。

Article 6-2 (1) A person who files an application for certification pursuant to the provisions of Article 5, paragraphs (1) through (7) of the Act on Promotion of Dissemination of Long-Term Excellent Housing (Act No. 87 of 2008) (including an application for certification of changes pursuant to the provisions of Article 8, paragraph (1) of the same Act) may request a registered housing performance evaluation agency to confirm in advance, as provided for by Order of Order of the Ministry of Land, Infrastructure, Transport and Tourism, that the structure and equipment of the housing pertaining to the application are long-term use structures, etc. (meaning the long-term use structures, etc. prescribed in Article 2, paragraph (4) of the same Act; hereinafter the same applies in this Article).

２　第五条第一項の住宅性能評価の申請をする者は、前項の規定による求めを当該住宅性能評価の申請と併せてすることができる。

(2) A person who applies for a housing performance evaluation referred to in Article 5, paragraph (1) may make a request under the provisions of the preceding paragraph along with the relevant application for the housing performance evaluation.

３　第一項の規定による求めがあった場合（次項に規定する場合を除く。）は、登録住宅性能評価機関は、当該住宅の構造及び設備が長期使用構造等であるかどうかの確認を行い、国土交通省令で定めるところにより、その結果を記載した書面（第五項において「確認書」という。）を当該求めをした者に交付するものとする。

(3) In the case where a request has been made pursuant to the provisions of paragraph (1) (excluding the case prescribed in the following paragraph), a registered housing performance evaluation agency is to confirm whether or not the structure and equipment of the relevant house are long-term use structures, etc., and deliver a document stating the results of the confirmation (referred to as a "confirmation letter" in paragraph (5)) to the person who has made the request, as provided for by Order of Order of the Ministry of Land, Infrastructure, Transport and Tourism.

４　第二項の規定により住宅性能評価の申請と併せて第一項の規定による求めがあった場合は、登録住宅性能評価機関は、当該住宅の構造及び設備が長期使用構造等であるかどうかの確認を行い、国土交通省令で定めるところにより、その結果を住宅性能評価書に記載するものとする。

(4) When a request under the provisions of paragraph (1) is made along with an application for housing performance evaluation pursuant to the provisions of paragraph (2), a registered housing performance evaluation agency is to confirm whether or not the structure and equipment of the relevant house are long-term use structures, etc., and enter the results in the housing performance evaluation report as provided for by Order of the Order of the Ministry of Land, Infrastructure, Transport and Tourism.

５　前二項の規定によりその住宅の構造及び設備が長期使用構造等である旨が記載された確認書若しくは住宅性能評価書又はこれらの写しを、長期優良住宅の普及の促進に関する法律第五条第一項に規定する長期優良住宅建築等計画又は同条第六項に規定する長期優良住宅維持保全計画に添えて同条第一項から第七項までの規定による認定の申請（同法第八条第一項の規定による変更の認定の申請を含む。）をした場合においては、当該申請に係る長期優良住宅建築等計画又は長期優良住宅維持保全計画は、同法第六条第一項第一号（同法第八条第二項において準用する場合を含む。）に掲げる基準に適合しているものとみなす。

(5) If a person has filed an application for approval under Article 5, paragraphs (1) through (7) of the Act on Promotion of Dissemination of Long-Term Excellent Housing, pursuant to the provisions of the preceding two paragraphs, along with a long-term excellent housing construction plan as prescribed in paragraph (1) of the same Article or a long-term excellent housing maintenance plan as prescribed in paragraph (6) of the same Article, with a confirmation letter which listed that the structure and equipment of the house are of a long-term use structure, etc., or housing performance evaluation report or a copy thereof, the long-term excellent housing construction plan or long-term excellent housing maintenance plan pertaining to the relevant application is deemed to conform to the standards listed in Article 6, paragraph (1), item (i) of the same Act (including as applied mutatis mutandis pursuant to Article 8, paragraph (2) of the same Act).

第二節　登録住宅性能評価機関

Section 2 Registered Housing Performance Evaluation Agency

（登録）

(Registration)

第七条　第五条第一項の登録（第十三条を除き、以下この節において単に「登録」という。）は、同項に規定する業務（以下この節において「評価の業務」という。）を行おうとする者の申請により行う。

Article 7 (1) The registration set forth in Article 5, paragraph (1) (hereinafter simply referred to as the "registration" in this Section, except in Article 13) is made upon application by a person who intends to perform the operations prescribed in the same paragraph (hereinafter referred to as the "operations of evaluation" in this Section).

２　前項の申請は、国土交通省令で定めるところにより、評価の業務を行おうとする住宅の種類及び規模に応じ、次に掲げる住宅の種別ごとに国土交通省令で定める区分に従って行わなければならない。

(2) The application set forth in the preceding paragraph must be made, pursuant to the provisions of Order of Order of the Ministry of Land, Infrastructure, Transport and Tourism, in accordance with the classification specified by Order of Order of the Ministry of Land, Infrastructure, Transport and Tourism for each type of housing set forth in the following items, in accordance with the type and size of the housing for which the operation of evaluation is intended to be conducted:

一　建築士法（昭和二十五年法律第二百二号）第三条第一項第二号から第四号までに掲げる建築物である住宅

(i) The house that are buildings listed in Article 3, paragraph (1), items (ii) through (iv) of the Act on Architects and Building Engineers (Act No. 202 of 1950);

二　建築士法第三条の二第一項各号に掲げる建築物である住宅（前号に掲げる住宅を除く。）

(ii) The house that are buildings listed in the items of Article 3-2, paragraph (1) of the Act on Architects and Building Engineers (excluding houses listed in the preceding item);

三　前二号に掲げる住宅以外の住宅

(iii) The house other than that set forth in the preceding two items.

（欠格条項）

(Disqualification Provisions)

第八条　次の各号のいずれかに該当する者は、登録を受けることができない。

Article 8 A person who falls under any of the following items may not be registered:

一　未成年者

(i) a minor;

二　破産手続開始の決定を受けて復権を得ない者

(ii) a person subject to an order commencing bankruptcy proceedings that has not been discharged from bankruptcy;

三　禁錮以上の刑に処せられ、又はこの法律の規定により刑に処せられ、その執行を終わり、又は執行を受けることがなくなった日から起算して二年を経過しない者

(iii) a person that has been sentenced to imprisonment without work or a heavier punishment or has been sentenced pursuant to any provisions of this Act, if two years have not yet passed since the day on which the person finished serving that sentence or ceased to be subject to its enforcement;

四　第二十四条第一項又は第二項の規定により登録を取り消され、その取消しの日から起算して二年を経過しない者

(iv) a person whose registration has been rescinded pursuant to the provisions of Article 24, paragraph (1) or paragraph (2), if two years have not passed since the date of the rescission;

五　心身の故障により評価の業務を適正に行うことができない者として国土交通省令で定めるもの

(v) a person specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism as a person who is unable to properly perform the operations of evaluation due to a mental or physical disorder;

六　法人であって、その役員のうちに前各号のいずれかに該当する者があるもの

(vi) a corporation any of whose officers falls under any of the preceding items.

（登録基準等）

(Criteria for Registration)

第九条　国土交通大臣は、登録の申請をした者（以下この項において「登録申請者」という。）が次に掲げる基準のすべてに適合しているときは、その登録をしなければならない。

Article 9 (1) The Minister of Land, Infrastructure, Transport and Tourism must register a person who has applied for registration (hereinafter referred to as a "registration applicant" in this paragraph) if that person conforms to all of the following criteria:

一　第十三条の評価員（別表各号の上欄に掲げる住宅性能評価を行う住宅の区分に応じ、それぞれ当該各号の中欄に掲げる者に該当するものに限る。以下この号において同じ。）が住宅性能評価を実施し、その数が次のいずれにも適合するものであること。

(i) the housing performance evaluation is conducted by the appraisers referred to in Article 13 (limited to appraisers who fall under the persons set forth in the middle column of each item of the appended table, in accordance with the category of housing for which the housing performance evaluation sets forth in the left column of the relevant item are conducted; hereinafter the same applies in this item), and the number of appraisers conforms to all of the following:

イ　別表各号の上欄に掲げる住宅性能評価を行う住宅の区分ごとに、それぞれ当該各号の下欄に掲げる数（その数が二未満であるときは、二）以上であること。

(a) the number is not less than the number listed in the right-hand column of each item of the Appended Table for the respective categories of the house for which housing performance evaluation listed in the left-hand column of the relevant item are conducted (when the number is less than two, the number is two);

ロ　別表各号の上欄に掲げる住宅性能評価を行う住宅の区分の二以上にわたる住宅について住宅性能評価を行う場合にあっては、第十三条の評価員の総数が、それらの区分に応じそれぞれ当該各号の下欄に掲げる数を合計した数（その数が二未満であるときは、二）以上であること。

(b) if a housing performance evaluation is conducted for two or more categories of house for which a housing performance evaluation listed in the left-hand column of each item of the appended table is to be conducted, the total number of evaluators referred to in Article 13 is not less than the number obtained by adding up the numbers listed in the right-hand column of each item corresponding to those categories (when the number is less than two, two).

二　登録申請者が、業として、住宅を設計し若しくは販売し、住宅の販売を代理し若しくは媒介し、又は新築住宅の建設工事を請け負う者（以下「住宅関連事業者」という。）に支配されているものとして次のいずれかに該当するものでないこと。

(ii) the registration applicant does not fall under any of the following sub-items as a region controlled by a person who, in the course of trade, designs or sells houses, acts as an agent or intermediary for the sale of house, or undertakes construction work of newly constructed house (hereinafter referred to as a "housing-related business operator"):

イ　登録申請者が株式会社である場合にあっては、住宅関連事業者がその親法人（会社法（平成十七年法律第八十六号）第八百七十九条第一項に規定する親法人をいう。以下同じ。）であること。

(a) if registration applicant is a stock company, the housing-related business operator is its parent corporation (meaning a parent corporation as prescribed in Article 879, paragraph (1) of the Companies Act (Act No. 86 of 2005); the same applies hereinafter);

ロ　登録申請者の役員（持分会社（会社法第五百七十五条第一項に規定する持分会社をいう。以下同じ。）にあっては、業務を執行する社員）に占める住宅関連事業者の役員又は職員（過去二年間に当該住宅関連事業者の役員又は職員であった者を含む。）の割合が二分の一を超えていること。

(b) that more than half of the officers of registration applicant (in the case of membership companies (meaning membership companies as prescribed in Article 575, paragraph (1) of the Companies Act; the same applies hereinafter), officers in charge of executing business) are officers or employees of a housing-related business operator (including those who were officers or employees of the relevant housing-related business operator in the past two years);

ハ　登録申請者（法人にあっては、その代表権を有する役員）が、住宅関連事業者の役員又は職員（過去二年間に当該住宅関連事業者の役員又は職員であった者を含む。）であること。

(c) a registration applicant (in the case of a corporation, its representative officer) is an officer or employee of a housing-related business operator (including a person who was an officer or employee of the relevant housing-related business operator in the past two years);

三　評価の業務を適正に行うために評価の業務を行う部門に専任の管理者が置かれていること。

(iii) a full-time manager has been assigned to the section in charge of carrying out the operations of evaluation in order to properly carry out the operations of evaluation;

四　債務超過の状態にないこと。

(iv) it is not state of insolvency.

２　登録は、登録住宅性能評価機関登録簿に次に掲げる事項を記載してするものとする。

(2) The registration is to be made by entering the following matters in the registry of registered housing performance evaluation agencies:

一　登録年月日及び登録番号

(i) the date of registration and registration number;

二　登録住宅性能評価機関の氏名又は名称及び住所並びに法人にあっては、その代表者の氏名

(ii) the name and address of the registered housing performance evaluation agency and, in the case of a corporation, the name of its representative;

三　登録の区分

(iii) the classification of registration;

四　登録住宅性能評価機関が評価の業務を行う事務所の所在地

(iv) the location of the office where the registered housing performance evaluation agency conducts the evaluation operations;

五　第十三条の評価員の氏名

(v) the name of the appraiser referred to in Article 13;

六　前各号に掲げるもののほか、国土交通省令で定める事項

(vi) beyond what is set forth in the preceding items, the particulars specified by Order of the Order of the Ministry of Land, Infrastructure, Transport and Tourism.

（登録の公示等）

(Public Notice of Registration)

第十条　国土交通大臣は、登録をしたときは、前条第二項第二号から第五号までに掲げる事項その他国土交通省令で定める事項を公示しなければならない。

Article 10 (1) When the Minister of Land, Infrastructure, Transport and Tourism has made a registration, the Minister must publicly notify the information set forth in paragraph (2), items (ii) through (v) of the preceding Article and other information specified by Order of the Order of the Ministry of Land, Infrastructure, Transport and Tourism.

２　登録住宅性能評価機関は、前条第二項第二号又は第四号から第六号までに掲げる事項を変更しようとするときは、変更しようとする日の二週間前までに、その旨を国土交通大臣に届け出なければならない。

(2) If a registered housing performance evaluation agency seeks to change a particular set forth in paragraph (2), item (ii) or items (iv) through (vi) of the preceding Article, it must notify the Minister of Land, Infrastructure, Transport and Tourism of this no later than two weeks prior to the date on which it seeks to make the change.

３　国土交通大臣は、前項の規定による届出があったときは、その旨を公示しなければならない。

(3) If a notification under the provisions of the preceding paragraph is filed, the Minister of Land, Infrastructure, Transport and Tourism must issue public notice of this.

（登録の更新）

(Renewal of Registration)

第十一条　登録は、五年以上十年以内において政令で定める期間ごとにその更新を受けなければ、その期間の経過によって、その効力を失う。

Article 11 (1) A registration ceases to be effective upon the expiration of a period of not less than five years but not more than ten years to be specified by Cabinet Order unless it is renewed by the end of every such period.

２　第七条から第九条までの規定は、前項の登録の更新の場合について準用する。

(2) The provisions of Articles 7 through 9 apply mutatis mutandis to the renewal of a registration as referred to in the preceding paragraph.

（承継）

(Succession)

第十二条　登録住宅性能評価機関が当該登録に係る事業の全部を譲渡し、又は登録住宅性能評価機関について相続、合併若しくは分割（当該登録に係る事業の全部を承継させるものに限る。）があったときは、その事業の全部を譲り受けた者又は相続人（相続人が二人以上ある場合において、その全員の同意により当該事業を承継すべき相続人を選定したときは、その者。以下この項及び第三十七条において同じ。）、合併後存続する法人若しくは合併により設立した法人若しくは分割によりその事業の全部を承継した法人は、その登録住宅性能評価機関の地位を承継する。ただし、当該事業の全部を譲り受けた者又は相続人、合併後存続する法人若しくは合併により設立した法人若しくは分割により当該事業の全部を承継した法人が第八条各号のいずれかに該当するときは、この限りでない。

Article 12 (1) When a registered housing performance evaluation agency transfers the whole of the business pertaining to the registration, or when inheritance, a merger, or a split (limited to those in which the whole of the business pertaining to the relevant registration is succeeded to) of a registered housing performance evaluation agency occurs, a person who acquires the whole of the business or an heir (when there are two or more heirs and an heir who is to succeed to the relevant business is selected by their unanimous consent, that person; hereinafter the same applies in this paragraph and Article 37), a corporation surviving a merger, a corporation established by a merger, or a corporation succeeding to the whole of the relevant business by a split succeeds to the status of the registered housing performance evaluation agency; provided, however, that this does not apply when a person who acquires the whole of the business or an heir, a corporation surviving a merger, a corporation established by a merger, or a corporation succeeding to the whole of the relevant business by a split falls under any of the items of Article 8.

２　前項の規定により登録住宅性能評価機関の地位を承継した者は、遅滞なく、国土交通省令で定めるところにより、その旨を国土交通大臣に届け出なければならない。

(2) A person who has succeeded to the status of a registered housing performance evaluation agency pursuant to the provisions of the preceding paragraph must notify the Minister of Land, Infrastructure, Transport and Tourism to that effect without delay as provided for by Order of Order of the Ministry of Land, Infrastructure, Transport and Tourism.

（評価員）

(Appraiser)

第十三条　登録住宅性能評価機関は、別表各号の上欄に掲げる住宅性能評価を行う住宅の区分に応じ、それぞれ当該各号の中欄に掲げる者に該当する者であって、第二十五条から第二十七条までの規定の定めるところにより国土交通大臣の登録を受けた者（以下「登録講習機関」という。）が行う講習の課程を修了したもののうちから評価員を選任しなければならない。

Article 13 A registered housing performance evaluation agency must appoint appraisers from among the persons who fall under the person set forth in the middle column of each item of the Appended Tables according to the category of house for which a housing performance evaluation is conducted as set forth in the left column of the relevant item and who have completed the course of training offered by a person registered by the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provisions of Articles 25 through 27 (hereinafter referred to as a "registered training course agency").

（秘密保持義務）

(Duty of Confidentiality)

第十四条　登録住宅性能評価機関（その者が法人である場合にあっては、その役員）及びその職員（評価員を含む。）並びにこれらの者であった者は、評価の業務（第六条の二第三項又は第四項に規定する確認の業務を含む。以下この節において同じ。）に関して知り得た秘密を漏らし、又は自己の利益のために使用してはならない。

Article 14 It is prohibited for a registered housing performance evaluation agency (or its officer, if the agency is a corporation), its employee (including an appraiser), or a person that used to be one of these persons to divulge any secret learned in the course of the operations of the evaluation (including the confirmation operations prescribed in Article 6-2, paragraph (3) or paragraph (4); hereinafter the same applies in this Section) or use the same for the person's own interest.

（評価の業務の義務）

(Obligation to Operation of Evaluation)

第十五条　登録住宅性能評価機関は、評価の業務を行うべきことを求められたときは、正当な理由がある場合を除き、遅滞なく、評価の業務を行わなければならない。

Article 15 (1) When a registered housing performance evaluation agency is requested to conduct operation of evaluation, it must conduct the operation of evaluation without delay, except in cases where there are justifiable grounds.

２　登録住宅性能評価機関は、公正に、かつ、国土交通省令で定める基準に適合する方法により評価の業務を行わなければならない。

(2) A registered housing performance evaluation agency must conduct the operation of evaluation in a fair manner and by a method that conforms to the standards specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

（評価業務規程）

(Rules for Operation of Evaluation)

第十六条　登録住宅性能評価機関は、評価の業務に関する規程（以下この節において「評価業務規程」という。）を定め、評価の業務の開始前に、国土交通大臣に届け出なければならない。これを変更しようとするときも、同様とする。

Article 16 (1) A registered housing performance evaluation agency must establish rules concerning the operation of evaluation (hereinafter referred to as "rules for operation of evaluation" in this Section) and notify the Minister of Land, Infrastructure, Transport and Tourism of the rules before commencing the operation of evaluation. The same applies when the registered housing performance evaluation agency intends to change the rules.

２　評価業務規程には、評価の業務の実施の方法、評価の業務に関する料金その他の国土交通省令で定める事項を定めておかなければならない。

(2) The rules for operation of evaluation must provide for the method of implementing the operation of evaluation, the fees for the operation of evaluation, and other matters specified by the Order of the Ministry of Land, Infrastructure, Transport and Tourism.

３　国土交通大臣は、第一項の規定による届出のあった評価業務規程が、この章の規定に従って評価の業務を公正かつ適確に実施する上で不適当であり、又は不適当となったと認めるときは、その評価業務規程を変更すべきことを命ずることができる。

(3) If the Minister of Land, Infrastructure, Transport and Tourism finds that the rules for operation of evaluation notified under the provisions of paragraph (1) are or have become inappropriate for the fair and appropriate implementation of the operation of evaluation in accordance with the provisions of this Chapter, the Prime Minister may order the registered housing performance evaluation agency to change the rules for operation of evaluation.

（登録の区分等の掲示等）

(Posting of Categories of Registration)

第十七条　登録住宅性能評価機関は、国土交通省令で定めるところにより、登録の区分その他国土交通省令で定める事項について、その事務所において公衆に見やすいように掲示するとともに、電気通信回線に接続して行う自動公衆送信（公衆によって直接受信されることを目的として公衆からの求めに応じ自動的に送信を行うことをいい、放送又は有線放送に該当するものを除く。第六十六条第四項において同じ。）により公衆の閲覧に供しなければならない。

Article 17 Pursuant to the provisions of Order of Order of the Ministry of Land, Infrastructure, Transport and Tourism, a registered housing performance evaluation agency must post the classification of registrations and other matters specified by Order of Order of the Ministry of Land, Infrastructure, Transport and Tourism at its office in a manner readily recognizable by the public, and must make them available for public inspection through automatic public transmission (meaning automatic transmission upon request from the public for the purpose of direct reception by the public, and excluding those falling under broadcasting or wire-broadcasting; the same applies in Article 66, paragraph (4)) conducted by connecting to a telecommunications line.

（財務諸表等の備付け及び閲覧等）

(Keeping and Inspection of Financial Statements)

第十八条　登録住宅性能評価機関は、毎事業年度経過後三月以内に、その事業年度の財産目録、貸借対照表及び損益計算書又は収支計算書並びに事業報告書（その作成に代えて電磁的記録（電子的方式、磁気的方式その他の人の知覚によっては認識することができない方式で作られる記録であって、電子計算機による情報処理の用に供されるものをいう。以下この条において同じ。）の作成がされている場合における当該電磁的記録を含む。以下「財務諸表等」という。）を作成し、五年間事務所に備えて置かなければならない。

Article 18 (1) Within three months after the end of each business year, a registered housing performance evaluation agency must prepare an inventory of assets, balance sheets and profit and loss statement, or income and expenditure statements, and business reports for the business year (including electronic or magnetic records (meaning records used in data processing by computer that are created in electronic form, magnetic form, or any other form that cannot be perceived by the human senses; hereinafter the same applies in this Article), if electronic or magnetic records are prepared instead of those documents; hereinafter referred to as "financial statements, etc."), and keep them at its office for five years.

２　利害関係人は、登録住宅性能評価機関の業務時間内は、いつでも、次に掲げる請求をすることができる。ただし、第二号又は第四号の請求をするには、登録住宅性能評価機関の定めた費用を支払わなければならない。

(2) An interested person may make the following requests at any time during the business hours of the registered housing performance evaluation agency; provided, however, that when making a request as referred to in item (ii) or item (iv), the interested person must pay the expenses specified by the registered housing performance evaluation agency:

一　財務諸表等が書面をもって作成されているときは、当該書面の閲覧又は謄写の請求

(i) when Financial Statements, etc. are prepared in the form of documents, a request for public inspection or copying of the relevant documents;

二　前号の書面の謄本又は抄本の請求

(ii) a request for a transcript or extract of the documents set forth in the preceding item;

三　財務諸表等が電磁的記録をもって作成されているときは、当該電磁的記録に記録された事項を国土交通省令で定める方法により表示したものの閲覧又は謄写の請求

(iii) when Financial Statements, etc. are prepared in the form of Electronic or Magnetic Records, a request for public inspection or copying of anything that displays the matters recorded in the relevant Electronic or Magnetic Records by a method specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism;

四　前号の電磁的記録に記録された事項を電磁的方法であって国土交通省令で定めるものにより提供することの請求又は当該事項を記載した書面の交付の請求

(iv) a request to be provided with the particulars recorded in the electronic or magnetic records set forth in the preceding item by the electronic or magnetic means specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism, or a request to be issued a document stating the particulars.

（帳簿の備付け等）

(Keeping of Books)

第十九条　登録住宅性能評価機関は、国土交通省令で定めるところにより、評価の業務に関する事項で国土交通省令で定めるものを記載した帳簿を備え付け、これを保存しなければならない。

Article 19 (1) As provided for by Order of Order of the Ministry of Land, Infrastructure, Transport and Tourism, a registered housing performance evaluation agency must keep and preserve books in which matters concerning the operation of evaluation that are specified by Order of Order of the Ministry of Land, Infrastructure, Transport and Tourism are entered.

２　前項に定めるもののほか、登録住宅性能評価機関は、国土交通省令で定めるところにより、評価の業務に関する書類で国土交通省令で定めるものを保存しなければならない。

(2) Beyond what is provided for in the preceding paragraph, a registered housing performance evaluation agency, pursuant to the provisions of Order of Order of the Ministry of Land, Infrastructure, Transport and Tourism, must preserve the documents related to the operation of evaluation which are specified by Order of Order of the Ministry of Land, Infrastructure, Transport and Tourism.

（適合命令）

(order to comply)

第二十条　国土交通大臣は、登録住宅性能評価機関が第九条第一項各号のいずれかに適合しなくなったと認めるときは、その登録住宅性能評価機関に対し、これらの規定に適合するため必要な措置をとるべきことを命ずることができる。

Article 20 When the Minister of Land, Infrastructure, Transport and Tourism finds that a registered housing performance evaluation agency has become noncompliant with any of the items of Article 9, paragraph (1), the minister may order the registered housing performance evaluation agency to take necessary measures for compliance with those provisions.

（改善命令）

(Order for Improvement)

第二十一条　国土交通大臣は、登録住宅性能評価機関が第十五条の規定に違反していると認めるときは、その登録住宅性能評価機関に対し、評価の業務を行うべきこと又は評価の業務の方法その他の業務の方法の改善に関し必要な措置をとるべきことを命ずることができる。

Article 21 When the Minister of Land, Infrastructure, Transport and Tourism finds that a registered housing performance evaluation agency violates the provisions of Article 15, the minister may order the registered housing performance evaluation agency to conduct the operation of evaluation or to take necessary measures to improve the operation of evaluation method or other operation methods.

（報告、検査等）

(Reports, Inspections)

第二十二条　国土交通大臣は、評価の業務の公正かつ適確な実施を確保するため必要があると認めるときは、登録住宅性能評価機関に対し評価の業務若しくは経理の状況に関し必要な報告を求め、又はその職員に、登録住宅性能評価機関の事務所に立ち入り、評価の業務の状況若しくは設備、帳簿、書類その他の物件を検査させ、若しくは関係者に質問させることができる。

Article 22 (1) On finding it to be necessary to do so in order to ensure the fair and proper implementation of operation of evaluation, the Minister of Land, Infrastructure, Transport and Tourism may ask a registered housing performance evaluation agency to make the necessary reports on the state of the evaluation or accounting, and may have the relevant officials enter the office of a registered housing performance evaluation agency and inspect the state of the evaluation or its facilities, books, documents, and other objects or question the relevant persons.

２　前項の規定により立入検査をする職員は、その身分を示す証明書を携帯し、関係者に提示しなければならない。

(2) An official who conducts an on-site inspection pursuant to the provisions of the preceding paragraph must carry an identification card and present it to the relevant persons.

３　第一項の規定による権限は、犯罪捜査のために認められたものと解釈してはならない。

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

（評価の業務の休廃止等）

(Suspension or Abolition of Operation of Evaluation)

第二十三条　登録住宅性能評価機関は、評価の業務の全部又は一部を休止し、又は廃止しようとするときは、国土交通省令で定めるところにより、あらかじめ、その旨を国土交通大臣に届け出なければならない。

Article 23 (1) If a registered housing performance evaluation agency intends to suspend or discontinue all or part of the operation of evaluation, it must notify the Minister of Land, Infrastructure, Transport and Tourism to that effect in advance as provided for by Order of Order of the Ministry of Land, Infrastructure, Transport and Tourism.

２　前項の規定により評価の業務の全部を廃止しようとする届出があったときは、当該届出に係る登録は、その効力を失う。

(2) When a notification has been made to discontinue all of the operation of evaluation pursuant to the provisions of the preceding paragraph, the registration pertaining to the notification ceases to be effective.

３　国土交通大臣は、第一項の規定による届出があったときは、その旨を公示しなければならない。

(3) If a notification under the provisions of paragraph (1) is filed, the Minister of Land, Infrastructure, Transport and Tourism must issue public notice of this.

（登録の取消し等）

(Rescission of Registration)

第二十四条　国土交通大臣は、登録住宅性能評価機関が第八条各号（第四号を除く。）のいずれかに該当するに至ったときは、その登録を取り消さなければならない。

Article 24 (1) If a registered housing performance evaluation agency has come to fall under any of the items of Article 8 (excluding item (iv)), the Minister of Land, Infrastructure, Transport and Tourism must rescind its registration.

２　国土交通大臣は、登録住宅性能評価機関が次の各号のいずれかに該当するときは、その登録を取り消し、又は期間を定めて評価の業務の全部若しくは一部の停止を命ずることができる。

(2) If a registered housing performance evaluation agency falls under any of the following items, the Minister of Land, Infrastructure, Transport and Tourism may revoke its registration or order the suspension of the operation of evaluation in whole or in part for a fixed period:

一　第十条第二項、第十二条第二項、第十七条、第十八条第一項、第十九条、前条第一項又は第七十一条第二項の規定に違反したとき。

(i) when the registered housing performance evaluation agency has violated the provisions of Article 10, paragraph (2), Article 12, paragraph (2), Article 17, Article 18, paragraph (1), Article 19, paragraph (1) of the preceding Article, or Article 71, paragraph (2);

二　第十六条第一項の規定による届出のあった評価業務規程によらないで評価の業務を行ったとき。

(ii) if the registered housing performance evaluation agency has conducted the operation of evaluation without complying with the rules for operation of evaluation for which a notification was filed pursuant to the provisions of Article 16, paragraph (1);

三　正当な理由がないのに第十八条第二項各号の請求を拒んだとき。

(iii) when the registered housing performance evaluation agency has refused the requests set forth in the items of Article 18, paragraph (2) without justifiable grounds;

四　第十六条第三項、第二十条又は第二十一条の規定による命令に違反したとき。

(iv) when the registered housing performance evaluation agency has violated an order under the provisions of Article 16, paragraph (3), Article 20, or Article 21;

五　第八十七条第四項の規定による負担金の納付をしないとき。

(v) the registered housing performance evaluation agency fails to make a payment of dues under Article 87, paragraph (4);

六　評価の業務に関し著しく不適当な行為をしたとき、又はその業務に従事する評価員若しくは法人にあってはその役員が、評価の業務に関し著しく不適当な行為をしたとき。

(vi) when the registered housing performance evaluation agency has committed an extremely inappropriate act in relation to the operation of evaluation, or the appraiser or, in the case of a corporation, its officer who engages in the operation, has committed an extremely inappropriate act in relation to the operation of evaluation;

七　不正な手段により登録を受けたとき。

(vii) it has been registered by wrongful means.

３　国土交通大臣は、前二項の規定により登録を取り消し、又は前項の規定により評価の業務の全部若しくは一部の停止を命じたときは、その旨を公示しなければならない。

(3) If the Minister of Land, Infrastructure, Transport and Tourism has revoked the registration pursuant to the provisions of the preceding two paragraphs or ordered the suspension of all or part of the operation of evaluation pursuant to the provisions of the preceding paragraph, the Minister must issue a public notice to that effect.

第三節　登録講習機関

Section 3 Registered Training Course Agency

（登録）

(Registration)

第二十五条　第十三条の登録（以下この節において単に「登録」という。）は、同条の講習の実施に関する業務（以下「講習の業務」という。）を行おうとする者の申請により行う。

Article 25 (1) The registration set forth in Article 13 (hereinafter simply referred to as "registration" in this Section) is made upon application by a person who intends to engage in operations related to the implementation of training course set forth in the same Article (hereinafter referred to as "operation of training course").

２　第十条第一項及び第十一条の規定は登録に、第十条第二項及び第三項、第十二条、第十五条第二項、第十六条第一項及び第二項、第十八条、第十九条第一項並びに第二十条から第二十三条までの規定は登録講習機関について準用する。この場合において、次の表の上欄に掲げる規定中同表の中欄に掲げる字句は、それぞれ同表の下欄に掲げる字句に読み替えるものとする。

(2) The provisions of Article 10, paragraph (1) and Article 11 apply mutatis mutandis to registration, and the provisions of Article 10, paragraphs (2) and (3), Article 12, Article 15, paragraph (2), Article 16, paragraphs (1) and (2), Article 18, Article 19, paragraph (1), and Articles 20 through 23 apply mutatis mutandis to registered training course agency. In this case, in the provisions set forth in the left-hand column of the following table, the terms set forth in the middle column of the same table are deemed to be replaced with the terms set forth respectively in the right-hand column of the same table.

|  |  |  |
| --- | --- | --- |
| 第十条第一項Article 10, paragraph (1) | 前条第二項第二号から第五号までParagraph (2), items (ii) through (v) of the preceding Article | 第二十七条第二項第二号及び第三号Article 27, paragraph (2), items (ii) and (iii) |
| 第十条第二項Article 10, paragraph (2) | 前条第二項第二号又は第四号から第六号までParagraph (2), item (ii) or items (iv) through (vi) of the preceding Article | 第二十七条第二項第二号から第四号までArticle 27, paragraph (2), items (ii) through (iv) |
| 第十一条第二項Article 11, paragraph (2) | 第七条から第九条までArticles 7 through 9 | 第二十五条第一項、第二十六条及び第二十七条Article 25, paragraph (1), Article 26, and Article 27 |
| 第十二条第一項ただし書Proviso to Article 12, paragraph (1) | 第八条各号Items of Article 8 | 第二十六条各号Items of Article 26 |
| 第十五条第二項、第十六条第一項及び第二項、第十九条第一項、第二十二条第一項、第二十三条第一項及び第二項Article 15, paragraph (2), Article 16, paragraphs (1) and (2), Article 19, paragraph (1), Article 22, paragraph (1), Article 23, paragraphs (1) and (2) | 評価の業務Operation of evaluation | 講習の業務Operation of training course |
| 第十六条第一項及び第二項Article 16, paragraphs (1) and (2) | 評価業務規程Rules for operation of evaluation | 講習業務規程Rules for operation of training course |
| 第二十条Article 20 | 第九条第一項各号Each item of Article 9, paragraph (1) | 第二十七条第一項各号Each item of Article 27, paragraph (1) |
| 第二十一条Article 21 | 第十五条Article 15 | 第二十五条第二項において準用する第十五条第二項Article 15, paragraph (2) as applied mutatis mutandis pursuant to Article 25, paragraph (2) |
|  | 評価の業務を行うべきこと又は評価の業務The operation of evaluation to be done or the operation of evaluation | 同項の規定による講習の業務を行うべきこと又は講習の業務The operation of training course to be done pursuant to the provisions of the same paragraph or the operation of training course |
| 第二十二条第一項Article 22, paragraph (1) | 公正かつ適確なFair and appropriate | 適正なAppropriate |

（欠格条項）

(Disqualification Provisions)

第二十六条　次の各号のいずれかに該当する者は、登録を受けることができない。

Article 26 A person who falls under any of the following items may not be registered:

一　第八条第一号から第三号までに掲げる者

(i) a person set forth in Article 8, items (i) through (iii);

二　第二十八条第一項又は第二項の規定により登録を取り消され、その取消しの日から起算して二年を経過しない者

(ii) a person whose registration has been rescinded pursuant to the provisions of Article 28, paragraph (1) or paragraph (2), if two years have not passed since the date of the rescission;

三　心身の故障により講習の業務を適正に行うことができない者として国土交通省令で定めるもの

(iii) a person specified by the Order of the Ministry of Land, Infrastructure, Transport and Tourism as a person who is unable to properly perform the operation of training course due to a mental or physical disorder;

四　法人であって、その役員のうちに前三号のいずれかに該当する者があるもの

(iv) a corporation any of whose officers falls under any of the preceding three items.

（登録基準等）

(Criteria for Registration)

第二十七条　国土交通大臣は、登録の申請をした者（以下この項において「登録申請者」という。）が次に掲げる基準の全てに適合しているときは、その登録をしなければならない。この場合において、登録に関して必要な手続は、国土交通省令で定める。

Article 27 (1) The Minister of Land, Infrastructure, Transport and Tourism must register a person who has applied for registration (hereinafter referred to as a "registration applicant" in this paragraph) if that person conforms to all of the following criteria. In this case, necessary procedures for registration are specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism:

一　住宅性能評価に関する法律制度及び実務に関する科目について講習の業務を実施するものであること。

(i) it provides the operation of training course on subjects concerning the legal system and practice concerning housing performance evaluation;

二　前号の住宅性能評価に関する実務に関する科目にあっては、次のいずれかに該当する者が講師として講習の業務に従事するものであること。

(ii) with regard to the subjects concerning the practice of housing performance evaluation set forth in the preceding item, a person who falls under any of the following is to engage in the operation of training course as an instructor:

イ　建築士法第二条第二項に規定する一級建築士（以下「一級建築士」という。）であって、住宅性能評価について評価員として三年以上の実務の経験を有するもの

(a) a first class architect as prescribed in Article 2, paragraph (2) of the Act on Architects and Building Engineers (hereinafter referred to as a "first class architect") who has at least three years of practical experience in housing performance evaluation as an appraiser;

ロ　イに掲げる者と同等以上の知識及び経験を有する者

(b) a person who has the knowledge and experience equivalent to or greater than the person set forth in sub-item (a);

三　登録申請者が、住宅関連事業者又は登録住宅性能評価機関（以下この号において「住宅関連事業者等」という。）に支配されているものとして次のいずれかに該当するものでないこと。

(iii) the registration applicant does not fall under any of the following as a region controlled by a housing-related business operator or a registered housing performance evaluation agency (hereinafter referred to as a "housing-related business operator, etc." in this item):

イ　登録申請者が株式会社である場合にあっては、住宅関連事業者等がその親法人であること。

(a) if registration applicant is a stock company, its parent company is a housing-related business operator, etc.;

ロ　登録申請者の役員（持分会社にあっては、業務を執行する社員）に占める住宅関連事業者等の役員又は職員（過去二年間に当該住宅関連事業者等の役員又は職員であった者を含む。）の割合が二分の一を超えていること。

(b) that more than half of the officers of the registration applicant (in the case of membership company, officers in charge of executing business) are officers or employees of a housing-related business operator, etc. (including those who were officers or employees of the relevant housing-related business operator, etc. in the past two years);

ハ　登録申請者（法人にあっては、その代表権を有する役員）が、住宅関連事業者等の役員又は職員（過去二年間に当該住宅関連事業者等の役員又は職員であった者を含む。）であること。

(c) a registration applicant (in the case of a corporation, its representative officer) is an officer or employee of a housing-related business operator, etc. (including a person who was an officer or employee of the relevant housing-related business operator, etc. in the past two years).

四　債務超過の状態にないこと。

(iv) it is not state of insolvency.

２　登録は、登録講習機関登録簿に次に掲げる事項を記載してするものとする。

(2) The registration is to be made, with the following matters stated in the registry of the registered training course agency.

一　登録年月日及び登録番号

(i) the date of registration and registration number;

二　登録講習機関の氏名又は名称及び住所並びに法人にあっては、その代表者の氏名

(ii) the name and address of the registered training course agency, and in the case of a corporation, the name of its representative;

三　登録講習機関が講習の業務を行う事務所の所在地

(iii) the location of the office where the registered training course agency conducts the operation of training course;

四　前三号に掲げるもののほか、国土交通省令で定める事項

(iv) beyond what is set forth in the preceding three items, the particulars specified by Order of the Order of the Ministry of Land, Infrastructure, Transport and Tourism.

（登録の取消し等）

(Rescission of Registration)

第二十八条　国土交通大臣は、登録講習機関が第二十六条第一号、第三号又は第四号に該当するに至ったときは、その登録を取り消さなければならない。

Article 28 (1) If a registered training course agency has come to fall under Article 26, item (i), item (iii) or item (iv), the Minister of Land, Infrastructure, Transport and Tourism must revoke its registration.

２　国土交通大臣は、登録講習機関が次の各号のいずれかに該当するときは、その登録を取り消し、又は期間を定めて講習の業務の全部若しくは一部の停止を命ずることができる。

(2) If a registered training course agency falls under any of the following items, the Minister of Land, Infrastructure, Transport and Tourism may revoke its registration or order the suspension of all or part of its operation of training course for a fixed period of time:

一　第二十五条第二項において準用する第十条第二項、第十二条第二項、第十八条第一項、第十九条第一項又は第二十三条第一項の規定に違反したとき。

(i) a registered training course agency violates the provisions of Article 10, paragraph (2), Article 12, paragraph (2), Article 18, paragraph (1), Article 19, paragraph (1), or Article 23, paragraph (1) as applied mutatis mutandis pursuant to Article 25, paragraph (2);

二　第二十五条第二項において準用する第十六条第一項の規定による届出のあった講習業務規程によらないで講習の業務を行ったとき。

(ii) a registered training course agency has conducted operation of training course without complying with the rules for the operation of training course for which a notification was filed pursuant to the provisions of Article 16, paragraph (1), as applied mutatis mutandis pursuant to Article 25, paragraph (2);

三　正当な理由がないのに第二十五条第二項において準用する第十八条第二項各号の請求を拒んだとき。

(iii) a registered training course agency has refused the request made under the items of Article 18, paragraph (2) as applied mutatis mutandis pursuant to Article 25, paragraph (2), without justifiable grounds;

四　第二十五条第二項において準用する第二十条又は第二十一条の規定による命令に違反したとき。

(iv) a registered training course agency violates an order under the provisions of Article 20 or Article 21 as applied mutatis mutandis pursuant to Article 25, paragraph (2);

五　講習の業務に関し著しく不適当な行為をしたとき、又はその業務に従事する者若しくは法人にあってはその役員が、講習の業務に関し著しく不適当な行為をしたとき。

(v) a registered training course agency has committed an extremely inappropriate act in relation to the operation of training course, or a person engaged in the operation or, in the case of a corporation, its officer has committed an extremely inappropriate act in relation to the operation of training course;

六　不正な手段により登録を受けたとき。

(vi) a registered training course agency was registered by wrongful means.

３　第二十四条第三項の規定は、前二項の規定による登録の取消し又は前項の規定による講習の業務の停止について準用する。

(3) The provisions of Article 24, paragraph (3) apply mutatis mutandis to the rescission of registration under the provisions of the preceding two paragraphs or the suspension of the operation of training course under the provisions of the preceding paragraph.

（国土交通大臣による講習の業務の実施）

(Implementation of the Operation of Training Course by the Minister of Land, Infrastructure, Transport and Tourism)

第二十九条　国土交通大臣は、次の各号のいずれかに該当するときその他必要があると認めるときは、講習の業務の全部又は一部を自ら行うことができる。

Article 29 (1) The Minister of Land, Infrastructure, Transport and Tourism may personally conduct all or part of the operation of training course if any of the following items applies or if the Minister finds it necessary:

一　登録を受ける者がいないとき。

(i) when there is no person to be registered;

二　第二十五条第二項において準用する第二十三条第一項の規定による講習の業務の全部又は一部の休止又は廃止の届出があったとき。

(ii) when there has been a notification of suspension or discontinuation of all or part of the operation of training course pursuant to the provisions of Article 23, paragraph (1) as applied mutatis mutandis pursuant to Article 25, paragraph (2);

三　前条第一項若しくは第二項の規定により登録を取り消し、又は同項の規定により講習の業務の全部若しくは一部の停止を命じたとき。

(iii) where the Minister has rescinded a registration pursuant to paragraph (1) or paragraph (2) of the preceding Article, or ordered the suspension of all or part of the operation of training course pursuant to the provisions of the same paragraph;

四　登録講習機関が天災その他の事由により講習の業務の全部又は一部を実施することが困難となったとき。

(iv) when it has become difficult for the registered training course agency to implement all or part of the operation of training course due to a natural disaster or any other reason.

２　国土交通大臣は、前項の規定により講習の業務を行い、又は同項の規定により行っている講習の業務を行わないこととしようとするときは、あらかじめ、その旨を公示しなければならない。

(2) If the Minister of Land, Infrastructure, Transport and Tourism intends to provide the operation of training course pursuant to the provisions of the preceding paragraph or intends to do not the operation of training course provided pursuant to the provisions of the same paragraph, the Minister must issue a public notice to that effect in advance.

３　国土交通大臣が第一項の規定により講習の業務を行うこととした場合における講習の業務の引継ぎその他の必要な事項は、国土交通省令で定める。

(3) If the Minister of Land, Infrastructure, Transport and Tourism has decided to provide the operation of training course pursuant to the provisions of paragraph (1), the succession of operation of training course and other necessary particulars are specified by Order of the Order of the Ministry of Land, Infrastructure, Transport and Tourism.

（手数料）

(Fees)

第三十条　前条第一項の規定により国土交通大臣が行う講習を受けようとする者は、国土交通省令で定めるところにより、実費を勘案して国土交通省令で定める額の手数料を国に納めなければならない。

Article 30 A person who intends to participate in the training course conducted by the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provisions of paragraph (1) of the preceding Article must pay a fee to the State in an amount specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism in consideration of the actual cost as specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

第四章　住宅型式性能認定等

Chapter IV Housing Type Performance Certification, etc.

第一節　住宅型式性能認定等

Section 1 Housing Type Performance Certification, etc.

（住宅型式性能認定）

(Housing Type Performance Certification)

第三十一条　第四十四条から第四十六条までの規定の定めるところにより国土交通大臣の登録（第四十四条第二項第一号に掲げる業務の種別に係るものに限る。）を受けた者は、申請により、住宅型式性能認定（住宅又はその部分で国土交通大臣が定めるものの型式について評価方法基準に従って評価し、当該型式が日本住宅性能表示基準に従って表示すべき性能を有する旨を認定することをいい、当該登録を受けた者が外国にある事務所によりこれを行う者である場合にあっては、外国において事業を行う者の申請に基づくものに限る。以下同じ。）を行うことができる。

Article 31 (1) A person who has obtained a registration from the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provisions of Articles 44 through 46 (limited to a registration pertaining to the category of business listed in Article 44, paragraph (2), item (i)) may, upon application, conduct a housing type performance certification (meaning to certify to the effect that the type of a housing or a part thereof and the type specified by the Minister of Land, Infrastructure, Transport and Tourism is evaluated in accordance with the Evaluation Method Standards and the relevant type is endowed with the performance based on the Japanese Housing Performance Labeling Standards; in cases where a person who has obtained the registration conducts the certification in an office located in a foreign country, limited to a certification based on an application filed by a person who operates a business in the foreign country; the same applies hereinafter).

２　前項の申請の手続その他住宅型式性能認定に関し必要な事項は、国土交通省令で定める。

(2) The procedures for the application set forth in the preceding paragraph and other necessary matters concerning the housing type performance certification are specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

３　第一項の登録を受けた者は、住宅型式性能認定をしたときは、国土交通省令で定めるところにより、その旨を公示しなければならない。

(3) When a person registered under paragraph (1) grants a housing type performance certification, the person must issue a public notice to that effect pursuant to the provisions of Order of the Order of the Ministry of Land, Infrastructure, Transport and Tourism.

（住宅型式性能認定を受けた型式に係る住宅性能評価の特例）

(Special Provisions for Housing Performance Evaluation pertaining to the Type given the Housing Type Performance Certification)

第三十二条　住宅型式性能認定を受けた型式に適合する住宅又はその部分は、住宅性能評価において、当該住宅型式性能認定により認定された性能を有するものとみなす。

Article 32 In the housing performance evaluation, housing that conforms to the type for which the housing type performance certification has been granted or the part thereof is deemed to have the performance certified by the relevant housing type performance certification.

（型式住宅部分等製造者の認証）

(Certification for Manufacturer of a Part of Type of Housing, etc.)

第三十三条　第四十四条から第四十六条までの規定の定めるところにより国土交通大臣の登録（第四十四条第二項第二号に掲げる業務の種別に係るものに限る。）を受けた者は、申請により、規格化された型式の住宅の部分又は住宅で国土交通大臣が定めるもの（以下この節において「型式住宅部分等」という。）の製造又は新築（以下この節において単に「製造」という。）をする者について、当該型式住宅部分等の製造者としての認証（当該登録を受けた者が外国にある事務所によりこれを行う者である場合にあっては、外国において事業を行う者の申請に基づくものに限る。）を行うことができる。

Article 33 (1) A person who has obtained registration from the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provisions of Articles 44 through 46 (limited to the registration pertaining to the type of business listed in Article 44, paragraph (2), item (ii)) may, upon application, grant certification for a person who manufactures or new construction (hereinafter referred to simply as "manufacture" in this Section) a standardized type of a part of house or house specified by the Minister of Land, Infrastructure, Transport and Tourism (hereinafter referred to as "part of type of housing, etc." in this Section) as a manufacturer of the relevant a part of type of housing, etc. (if the person who has obtained the relevant registration conducts the certification in an office located in a foreign country, limited to certification based on an application filed by a person who operates a business in a foreign country).

２　前項の申請をしようとする者は、国土交通省令で定めるところにより、国土交通省令で定める事項を記載した申請書を提出して、これを行わなければならない。

(2) A person who intends to file the application set forth in the preceding paragraph must file an application form stating the matters specified 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, and implement this.

３　第一項の登録を受けた者は、同項の認証をしたときは、国土交通省令で定めるところにより、その旨を公示しなければならない。

(3) When a person who has obtained the registration set forth in paragraph (1) has granted the certification set forth in the same paragraph, the person must publicly notify to that effect pursuant to the provisions of Order of Order of the Ministry of Land, Infrastructure, Transport and Tourism.

（欠格条項）

(Disqualification Provisions)

第三十四条　次の各号のいずれかに該当する者は、前条第一項の認証を受けることができない。

Article 34 A person who falls under any of the following items may not obtain the certification referred to in paragraph (1) of the preceding Article:

一　この法律の規定により刑に処せられ、その執行を終わり、又は執行を受けることがなくなった日から起算して二年を経過しない者

(i) a person that has been sentenced pursuant to the provisions of this Act, if two years have not yet passed since the day on which the person finished serving that sentence or ceased to be subject to its enforcement;

二　第四十三条第一項又は第二項の規定により標章を付することを禁止され、その禁止の処分を受けた日から起算して二年を経過しない者

(ii) a person that has been prohibited from affixing a mark pursuant to the provisions of Article 43, paragraph (1) or (2), if two years have not passed since the day on which the person became subject to the prohibition;

三　前条第一項の認証が第五十三条第三項の規定により効力を失い、同項の規定による公示の日から起算して二年を経過しない者

(iii) a person whose certification as referred to in paragraph (1) of the preceding Article has ceased to be effective pursuant to the provisions of Article 53, paragraph (3), if two years have not yet passed since the date of the public notice under Article 53, paragraph (3).

四　法人であって、その役員のうちに前三号のいずれかに該当する者があるもの

(iv) a corporation any of whose officers falls under any of the preceding three items.

（認証の基準）

(Standards for Certification)

第三十五条　第三十三条第一項の登録を受けた者は、同項の申請が次に掲げる基準に適合していると認めるときは、同項の認証をしなければならない。

Article 35 If a person who has obtained the registration set forth in Article 33, paragraph (1) finds that the application set forth in the same paragraph conforms to the following standards, the person must grant the certification set forth in the same paragraph:

一　申請に係る型式住宅部分等の型式が住宅型式性能認定を受けたものであること。

(i) the type related to the application which the part of a type of housing, etc. is filed has obtained the housing type performance certification;

二　申請に係る型式住宅部分等の製造設備、検査設備、検査方法、品質管理方法その他品質保持に必要な技術的生産条件が国土交通大臣が定める技術的基準に適合していると認められること。

(ii) the manufacturing facilities, inspection facilities, inspection methods, quality control methods, and other technical production conditions necessary to maintain the qualities of the part of a type of house, etc. pertaining to the application are found to conform to the technical standards specified by the Minister of Land, Infrastructure, Transport and Tourism.

（認証の更新）

(Renewal of Certification)

第三十六条　第三十三条第一項の認証は、五年以上十年以内において政令で定める期間ごとにその更新を受けなければ、その期間の経過によって、その効力を失う。

Article 36 (1) The certification referred to in Article 33, paragraph (1) ceases to be effective upon the expiration of a period of not less than five years but not more than ten years to be specified by Cabinet Order unless it is renewed by the end of every such period.

２　第三十三条第二項及び前二条の規定は、前項の認証の更新の場合について準用する。

(2) The provisions of Article 33, paragraph (2) and the preceding two Articles apply mutatis mutandis to the renewal of the certification set forth in the preceding paragraph.

（承継）

(Succession)

第三十七条　第三十三条第一項の認証を受けた者（以下「認証型式住宅部分等製造者」という。）が当該認証に係る型式住宅部分等の製造の事業の全部を譲渡し、又は認証型式住宅部分等製造者について相続、合併若しくは分割（当該認証に係る型式住宅部分等の製造の事業の全部を承継させるものに限る。）があったときは、その事業の全部を譲り受けた者又は相続人、合併後存続する法人若しくは合併により設立した法人若しくは分割によりその事業の全部を承継した法人は、その認証型式住宅部分等製造者の地位を承継する。ただし、当該事業の全部を譲り受けた者又は相続人、合併後存続する法人若しくは合併により設立した法人若しくは分割により当該事業の全部を承継した法人が第三十四条各号のいずれかに該当するときは、この限りでない。

Article 37 When a person who has obtained the certification referred to in Article 33, paragraph (1) (hereinafter referred to as " manufacturer of the certified part of type of housing, etc.") transfers the whole of the business of manufacturing of the part of type of housing, etc. pertaining to the certification, or when inheritance, merger or split (limited to those cases in which the whole of the business of manufacturing of the part of type of housing, etc. pertaining to the certification is succeeded to) has occurred with respect to the manufacturer of the certified part of type of housing, etc., the transferee of the whole of the business, the heir, the corporation surviving after the merger or the corporation newly established upon the merger, or the corporation who has succeeded to the whole of the business upon the split succeeds to the status of the manufacturer of the certified part of type of housing, etc.; provided, however, that this does not apply if the transferee of the whole of the business, the heir, the corporation surviving after the merger or the corporation newly established upon the merger, or the corporation who has succeeded to the whole of the business upon the split falls under any of the items of Article 34.

（型式適合義務等）

(Obligation of Type Compliance)

第三十八条　認証型式住宅部分等製造者は、その認証型式住宅部分等の製造をするときは、当該型式住宅部分等がその認証に係る型式に適合するようにしなければならない。ただし、本邦において外国に輸出するため当該型式住宅部分等の製造をする場合、試験的に当該型式住宅部分等の製造をする場合その他の国土交通省令で定める場合は、この限りでない。

Article 38 (1) A manufacturer of the certified part of type of housing, etc. must, in manufacturing of the part of type of housing, etc. pertaining to the certification, ensure that the relevant the part of type of housing, etc. conforms to the type pertaining to the certification; provided, however, that this does not apply to the case where the relevant the part of type of housing, etc. is manufactured in Japan for the purpose of export to a foreign country, the case where the relevant the part of type of housing, etc. is manufactured on a pilot production basis, or any other case specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

２　認証型式住宅部分等製造者は、国土交通省令で定めるところにより、製造をする当該認証に係る型式住宅部分等について検査を行い、その検査記録を作成し、これを保存しなければならない。

(2) A manufacturer of the certified part of type of housing, etc. must inspect the part of type of housing, etc. regarding the relevant certification to be manufactured pursuant to the provisions of Order of Order of the Ministry of Land, Infrastructure, Transport and Tourism, and must prepare and keep the inspection records.

（特別な標章等）

(Special Marks)

第三十九条　認証型式住宅部分等製造者は、その認証に係る型式住宅部分等の製造をしたときは、これに当該型式住宅部分等が認証型式住宅部分等製造者が製造をした型式住宅部分等であることを示す国土交通省令で定める方式による特別な標章を付することができる。ただし、第四十三条第一項又は第二項の規定により、その標章を付することを禁止されたときは、この限りでない。

Article 39 (1) When a manufacturer of the certified part of type of housing, etc. has manufactured the part of type of housing, etc. pertaining to the certification, the manufacturer may affix a special mark in accordance with the method specified by the Order of Order of the Ministry of Land, Infrastructure, Transport and Tourism to indicate that the relevant part of type of housing, etc. is the part of type of housing, etc. manufactured by manufacturer of the certified part of type of housing, etc.; provided, however, that this does not apply if the manufacturer of the certified part of type of housing, etc. is prohibited from affixing the mark pursuant to the provisions of Article 43, paragraph (1) or (2).

２　何人も、前項の規定により同項の標章を付する場合を除くほか、住宅の部分又は住宅に、同項の標章又はこれと紛らわしい標章を付してはならない。

(2) It is prohibited for any person to affix a mark as referred to in the preceding paragraph or a mark that is confusingly similar thereto to any part of a house or to a house, unless a mark as referred to in the preceding paragraph is affixed pursuant to the provisions of that paragraph.

（認証型式住宅部分等に係る住宅性能評価の特例）

(Special Provisions for Housing Performance Evaluation pertaining to Certified Part of Type of Housing, etc.)

第四十条　認証型式住宅部分等製造者が製造をするその認証に係る型式住宅部分等（以下この節において「認証型式住宅部分等」という。）は、設計された住宅に係る住宅性能評価において、その認証に係る型式に適合するものとみなす。

Article 40 (1) A certified part of type of housing, etc. manufactured by a manufacturer of the certified part of type of housing, etc. (hereinafter referred to as " certified part of type of housing, etc." in this Section) is deemed to conform to the certified type in the housing performance evaluation for the designed house.

２　住宅の部分である認証型式住宅部分等で前条第一項の標章を付したもの及び住宅である認証型式住宅部分等でその新築の工事が国土交通省令で定めるところにより建築士である工事監理者（建築士法第二条第八項に規定する工事監理をする者をいう。）によって設計図書（同法第二条第六項に規定する設計図書をいう。）のとおり実施されたことが確認されたものは、建設された住宅に係る住宅性能評価において、その認証に係る型式に適合するものとみなす。

(2) A certified part of type of housing, etc. which is a part of a house and on which a mark set forth in paragraph (1) of the preceding Article is affixed and a certified part of type of housing, etc. which is a house whose construction work of new construction has been confirmed by a construction supervisor who is an architect (meaning a person who conducts construction supervision as prescribed in Article 2, paragraph (8) of the Act on Architects and Building Engineers) as specified by Order of Order of the Ministry of Land, Infrastructure, Transport and Tourism to have been carried out in accordance with the design drawings and documents (meaning the design drawings and documents prescribed in Article 2, paragraph (6) of the same Act) is deemed to conform to the certified type in the housing performance evaluation of the constructed house.

（認証の失効）

(Expiration of Certification)

第四十一条　第三十三条第一項の認証は、当該認証に係る住宅型式性能認定が第五十三条第二項の規定により効力を失ったときは、その効力を失う。

Article 41 The certification referred to in Article 33, paragraph (1) ceases to be effective when the housing type performance certification pertaining to the certification ceases to be effective pursuant to the provisions of Article 53, paragraph (2).

（報告、検査等）

(Reports, Inspections)

第四十二条　国土交通大臣は、第三十七条、第三十八条、第三十九条第二項並びに次条第一項及び第二項の規定の施行に必要な限度において、認証型式住宅部分等製造者に対しその業務に関し必要な報告を求め、又はその職員に、認証型式住宅部分等製造者の工場、営業所、事務所、倉庫その他の事業場に立ち入り、認証型式住宅部分等の製造設備若しくは検査設備、帳簿、書類その他の物件を検査させ、若しくは関係者に質問させることができる。

Article 42 (1) The Minister of Land, Infrastructure, Transport and Tourism may, to the extent necessary for the enforcement of the provisions of Article 37, Article 38, Article 39, paragraph (2), and paragraphs (1) and (2) of the following Article, request a manufacturer of the certified part of type of housing, etc. to make necessary reports on its business, or have officials of the Ministry of Economy, Trade and Industry enter the factories, business offices, administrative offices, warehouses or other workplaces of a manufacturer of the certified part of type of housing, etc. and inspect the manufacturing equipment or inspection equipment, books, documents or other items of the certified part of type of housing, etc. or question the persons concerned.

２　前項の規定により立入検査をする職員は、その身分を示す証明書を携帯し、関係者に提示しなければならない。

(2) An official who conducts an on-site inspection pursuant to the provisions of the preceding paragraph must carry an identification card and present it to the relevant persons.

３　第一項の規定による権限は、犯罪捜査のために認められたものと解釈してはならない。

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

（標章の禁止）

(Prohibition of Marks)

第四十三条　国土交通大臣は、認証型式住宅部分等製造者（外国において本邦に輸出される型式住宅部分等の製造をするもの（以下「認証外国型式住宅部分等製造者」という。）を除く。以下この項において同じ。）が次の各号のいずれかに該当するときは、当該認証型式住宅部分等製造者に対し、二年以内の期間を定めて、当該認証型式住宅部分等に第三十九条第一項の標章を付することを禁止することができる。

Article 43 (1) The Minister of Land, Infrastructure, Transport and Tourism may prohibit a manufacturer of the certified part of type of housing, etc. (excluding a manufacturer who manufactures a certified part of type of housing, etc. in a foreign country to be exported to Japan (hereinafter referred to as a "certified foreign manufacturer of the certified part of type of housing, etc. "); hereinafter the same applies in this paragraph) from affixing the mark set forth in Article 39, paragraph (1) on certified part of type of housing, etc., for a specified period not exceeding two years, if the manufacturer falls under any of the following items:

一　認証型式住宅部分等の製造設備、検査設備、検査方法、品質管理方法その他品質保持に必要な技術的生産条件が第三十五条第二号の国土交通大臣が定める技術的基準に適合していない場合において、住宅購入者等の利益を保護するため特に必要があると認めるとき。

(i) when the manufacturing facilities, inspection facilities, inspection methods, quality control methods, or other technical production conditions necessary for maintaining the quality of the certified part of type of housing, etc. do not conform to the technical standards specified by the Minister of Land, Infrastructure, Transport and Tourism as set forth in Article 35, item (ii), and the minister finds it particularly necessary for protecting the interests of home buyers, etc.;

二　第三十八条又は第七十一条第二項の規定に違反したとき。

(ii) when the person has violated the provisions of Article 38 or Article 71, paragraph (2);

三　不正な手段により認証を受けたとき。

(iii) when the manufacturer of the certified part of type of housing, etc. has obtained certification by wrongful means.

２　国土交通大臣は、認証外国型式住宅部分等製造者が次の各号のいずれかに該当するときは、当該認証外国型式住宅部分等製造者に対し、二年以内の期間を定めて、当該認証型式住宅部分等に第三十九条第一項の標章を付することを禁止することができる。

(2) The Minister of Land, Infrastructure, Transport and Tourism may prohibit a certified foreign manufacturer of the certified part of type of housing, etc. from affixing the mark set forth in Article 39, paragraph (1) on the certified part of type of housing, etc. for a period specified by the Minister of Health, Labour and Welfare not exceeding two years, if the certified foreign manufacturer of the certified part of type of housing, etc. falls under any of the following:

一　前項各号のいずれかに該当するとき。

(i) when the certified foreign manufacturer of the certified part of type of housing, etc. falls under any of the items of the preceding paragraph;

二　前条第一項の規定による報告をせず、又は虚偽の報告をしたとき。

(ii) if a person has failed to make a report under the provisions of paragraph (1) of the preceding Article or has made a false report;

三　前条第一項の規定による検査を拒み、妨げ、若しくは忌避し、又は同項の規定による質問に対して答弁をせず、又は虚偽の答弁をしたとき。

(iii) refusing, obstructing, or evading an inspection under the provisions of paragraph (1) of the preceding Article, or failing to answer or giving a false answer to a question under the provisions of that paragraph;

四　第四項の規定による費用の負担をしないとき。

(iv) when the certified foreign manufacturer of the certified part of type of housing, etc. fails to bear the costs under the provisions of paragraph (4).

３　国土交通大臣は、前二項の規定により標章を付することを禁止したときは、国土交通省令で定めるところにより、その旨を公示しなければならない。この場合において、第四十条の規定は、当該認証型式住宅部分等については、適用しない。

(3) If the Minister of Land, Infrastructure, Transport and Tourism prohibits a registered the certified foreign manufacturer of the certified part of type of housing, etc. from affixing a mark pursuant to the provisions of the preceding two paragraphs, the Minister must issue a public notice to that effect pursuant to the provisions of Order of Order of the Ministry of Land, Infrastructure, Transport and Tourism. In this case, the provisions of Article 40 do not apply to the relevant certified part of type of housing, etc.

４　前条第一項の規定による認証外国型式住宅部分等製造者に対する検査に要する費用（政令で定めるものに限る。）は、当該認証外国型式住宅部分等製造者の負担とする。

(4) The expenses required for the inspection of the certified foreign manufacturer of the certified part of type of housing, etc. pursuant to the provisions of paragraph (1) of the preceding Article (limited to those specified by Cabinet Order) are borne by the certified foreign manufacturer of the certified part of type of housing, etc.

第二節　登録住宅型式性能認定等機関

Section 2 Registered Housing Type Performance Certification, etc. Agency

（登録）

(Registration)

第四十四条　第三十一条第一項又は第三十三条第一項の登録（以下この節において単に「登録」という。）は、それぞれ住宅型式性能認定及び第三十一条第三項の規定による公示又は第三十三条第一項の認証、同条第三項の規定による公示及び第三十六条第一項の認証の更新（以下この節において「認定等」という。）の業務を行おうとする者の申請により行う。

Article 44 (1) The registration referred to in Article 31, paragraph (1) or Article 33, paragraph (1) (hereinafter referred to simply as "registration" in this Section) is made upon application by a person who intends to perform the operations of the housing type performance certification and public notice pursuant to the provisions of Article 31, paragraph (3) or certification referred to in Article 33, paragraph (1), public notice pursuant to the provisions of paragraph (3) of the same Article, and renewal of certification referred to in Article 36, paragraph (1) (hereinafter referred to as "certification, etc." in this Section), respectively.

２　前項の申請は、国土交通省令で定めるところにより、次に掲げる業務の種別ごとに国土交通大臣が定める区分に従って行わなければならない。

(2) The application referred to in the preceding paragraph must be filed in accordance with the classifications specified by the Minister of Land, Infrastructure, Transport and Tourism for each of the following business categories, pursuant to the provisions of Order of Order of the Ministry of Land, Infrastructure, Transport and Tourism:

一　住宅型式性能認定及び第三十一条第三項の規定による公示

(i) the housing type performance certification and public notice pursuant to the provisions of Article 31, paragraph (3);

二　第三十三条第一項の認証、同条第三項の規定による公示及び第三十六条第一項の認証の更新

(ii) the certification referred to in Article 33, paragraph (1), the public notice under the provisions of paragraph (3) of that Article, and the renewal of the certification referred to in Article 36, paragraph (1).

３　第十条第一項及び第十一条の規定は登録に、第十条第二項及び第三項、第十二条、第十五条、第十八条、第十九条、第二十二条並びに第二十三条の規定は登録を受けた者（以下「登録住宅型式性能認定等機関」という。）について準用する。この場合において、次の表の上欄に掲げる規定中同表の中欄に掲げる字句は、それぞれ同表の下欄に掲げる字句に読み替えるものとする。

(3) The provisions of Article 10, paragraph (1) and Article 11 apply mutatis mutandis to registration, and the provisions of Article 10, paragraphs (2) and (3), Article 12, Article 15, Article 18, Article 19, Article 22, and Article 23 apply mutatis mutandis to a person who has obtained registration (hereinafter referred to as a "registered housing type performance certification, etc. agency"). In this case, the terms and phrases listed in the middle column of the following table in the provisions listed in the left column of the same table are deemed to be replaced with the terms and phrases listed in the right column of the same table.

|  |  |  |
| --- | --- | --- |
| 第十条第一項及び第二項Article 10, paragraphs (1) and (2) | 前条第二項第二号Paragraph (2), item (ii) of the preceding Article | 第四十六条第二項第二号Article 46, paragraph (2), item (ii) |
| 第十一条第二項Article 11, paragraph (2) | 第七条から第九条までArticles 7 through 9 | 第四十四条第一項及び第二項、第四十五条並びに第四十六条Article 44, paragraphs (1) and (2), Article 45, and Article 46 |
| 第十二条第一項ただし書Proviso to Article 12, paragraph (1) | 第八条各号Items of Article 8 | 第四十五条各号Items of Article 45 |
| 第十五条、第十九条、第二十二条第一項、第二十三条第一項及び第二項Article 15, Article 19, Article 22, paragraph (1), Article 23, paragraphs (1) and (2) | 評価の業務Operation of Evaluation | 認定等の業務Operation of Certification, etc. |

（欠格条項）

(Disqualification Provisions)

第四十五条　次の各号のいずれかに該当する者は、登録を受けることができない。

Article 45 A person who falls under any of the following items may not be registered.

一　第八条第一号から第三号までに掲げる者

(i) a person set forth in Article 8, items (i) through (iii);

二　第五十五条第一項から第三項までの規定により登録を取り消され、その取消しの日から起算して二年を経過しない者

(ii) a person whose registration has been rescinded pursuant to the provisions of Article 55, paragraphs (1) through (3), if two years have not yet passed since the date of the rescission;

三　心身の故障により認定等の業務を適正に行うことができない者として国土交通省令で定めるもの

(iii) a person specified by Order of Order of the Ministry of Land, Infrastructure, Transport and Tourism as a person who is unable to properly engage in the operation of certification, etc. due to a mental or physical disorder.

四　法人であって、その役員のうちに前三号のいずれかに該当する者があるもの

(iv) a corporation any of whose officers falls under any of the preceding three items.

（登録基準等）

(Criteria for Registration)

第四十六条　国土交通大臣は、登録の申請をした者（以下この項において「登録申請者」という。）が次に掲げる基準のすべてに適合しているときは、その登録をしなければならない。

Article 46 (1) The Minister of Land, Infrastructure, Transport and Tourism must register a person who has applied for registration (hereinafter referred to as a "registration applicant" in this paragraph) if that person conforms to all of the following criteria:

一　次条の認定員（第四十四条第二項第一号に掲げる業務の種別に係る登録を受けようとする場合にあっては次条第一号イからニまでのいずれかに該当するもの、第四十四条第二項第二号に掲げる業務の種別に係る登録を受けようとする場合にあっては次条第二号イからハまでのいずれかに該当するものに限る。）が認定等の業務を実施し、その数が三以上であること。

(i) certification examiners under the following Article (limited to those who fall under any of item (i), (a) through (d) of the following Article in the case of seeking registration for the category of business set forth in Article 44, paragraph (2), item (i), and those who fall under any of item (ii), (a) through (c) of the following Article in the case of seeking registration for the category of business set forth in Article 44, paragraph (2), item (ii)) conduct certification, etc. operations, and the number of certification examiners is three or more;

二　登録申請者が、住宅関連事業者に支配されているものとして次のいずれかに該当するものでないこと。

(ii) the registration applicant does not fall under any of the following sub-items as a region controlled by a housing-related business operator:

イ　登録申請者が株式会社である場合にあっては、住宅関連事業者がその親法人であること。

(a) if the registration applicant is a stock company, a housing-related business operator is its parent corporation;

ロ　登録申請者の役員（持分会社にあっては、業務を執行する社員）に占める住宅関連事業者の役員又は職員（過去二年間に当該住宅関連事業者の役員又は職員であった者を含む。）の割合が二分の一を超えていること。

(b) that more than half of the officers of the registration applicant (in the case of membership companies, officers who execute the business) are officers or employees of a housing-related business operator (including those who were officers or employees of the relevant housing-related business operator in the past two years);

ハ　登録申請者（法人にあっては、その代表権を有する役員）が、住宅関連事業者の役員又は職員（過去二年間に当該住宅関連事業者の役員又は職員であった者を含む。）であること。

(c) a registration applicant (in the case of a corporation, its representative officer) is an officer or employee of a housing-related business operator (including a person who was an officer or employee of the relevant housing-related business operator in the past two years);

三　認定等の業務を適正に行うために認定等の業務を行う部門に専任の管理者が置かれていること。

(iii) a full-time manager has been assigned to the section in charge of carrying out the operations of certification, etc. in order to properly carry out the operations of certification, etc.

四　債務超過の状態にないこと。

(iv) it is not state of insolvency.

２　登録は、登録住宅型式性能認定等機関登録簿に次に掲げる事項を記載してするものとする。

(2) The registration is to be made by entering the following matters in the registry of the registered housing type performance certification, etc. agency.

一　登録年月日及び登録番号

(i) the date of registration and registration number;

二　登録住宅型式性能認定等機関の氏名又は名称及び住所並びに法人にあっては、その代表者の氏名

(ii) the name and address of the registered housing type performance certification, etc. agency and, in the case of a corporation, the name of its representative;

三　登録の区分

(iii) the classification of registration;

四　登録住宅型式性能認定等機関が認定等の業務を行う事務所の所在地

(iv) the location of the office where the registered housing type performance certification, etc. agency conducts the operations of certification, etc.;

五　次条の認定員の氏名

(v) the name of the certification examiner set forth in the following Article.

六　前各号に掲げるもののほか、国土交通省令で定める事項

(vi) beyond what is set forth in the preceding items, the particulars specified by Order of the Order of the Ministry of Land, Infrastructure, Transport and Tourism.

（認定員）

(Certification Examiner)

第四十七条　登録住宅型式性能認定等機関は、次の各号に掲げる業務の種別に応じ、それぞれ当該各号に定める者のうちから認定員を選任しなければならない。

Article 47 A registered housing type performance certification, etc. agency must appoint an certification examiner from among the persons specified in the following items in accordance with the type of work listed in the respective items:

一　第四十四条第二項第一号に掲げる業務　次のイからニまでのいずれかに該当する者

(i) business specified in Article 44, paragraph (2), item (i): a person who falls under any of the following (a) through (d):

イ　学校教育法（昭和二十二年法律第二十六号）に基づく大学において建築学、機械工学、電気工学又は衛生工学を担当する教授若しくは准教授の職にあり、又はこれらの職にあった者

(a) a person who is serving or served as a professor or associate professor in charge of architecture, mechanical engineering, electrical engineering or health engineering at a university under the School Education Act (Act No. 26 of 1947);

ロ　建築、機械、電気又は衛生に関する分野の試験研究機関において十年以上試験研究の業務に従事した経験を有する者

(b) a person who has 10 years or more of experience of being engaged in test and research at a test and research institute in a field related to architecture, machinery, electricity, or health;

ハ　一級建築士であって、第七条第二項第一号に掲げる住宅に係る住宅性能評価について評価員として五年以上の実務の経験を有するもの

(c) a first class architect who has five or more years of practical experience as an appraiser in housing performance evaluation for the housing set forth in Article 7, paragraph (2), item (i);

ニ　イからハまでに掲げる者と同等以上の知識及び経験を有する者

(d) a person who has the knowledge and experience equivalent to or greater than the persons set forth in (a) through (c);

二　第四十四条第二項第二号に掲げる業務　次のイからハまでのいずれかに該当する者

(ii) operations listed in Article 44, paragraph (2), item (ii): a person who falls under any of the following (a) through (c):

イ　前号イ又はロのいずれかに該当する者

(a) a person that falls under either (a) or (b) of the preceding item;

ロ　建築材料又は建築物の部分の製造、検査又は品質管理の業務（工場その他これに類する場所において行われるものに限る。）についてこれらの業務を行う部門の管理者として五年以上の実務の経験を有する者

(b) a person who has at least five years' practical experience as a manager of the section in charge of manufacturing, inspecting or quality control services for building materials or parts of buildings (limited to those conducted in a factory or any other place similar thereto);

ハ　イ又はロに掲げる者と同等以上の知識及び経験を有する者

(c) a person who has knowledge and experience equal to or greater than the persons set forth in (a) or (b).

（秘密保持義務）

(Duty of Confidentiality)

第四十八条　登録住宅型式性能認定等機関（外国にある事務所により認定等の業務を行うもの（以下「登録外国住宅型式性能認定等機関」という。）を除く。）（その者が法人である場合にあっては、その役員）及びその職員（認定員を含む。）並びにこれらの者であった者は、認定等の業務に関して知り得た秘密を漏らし、又は自己の利益のために使用してはならない。

Article 48 It is prohibited for a registered housing type performance certification, etc. agency (excluding one that conducts certification, etc. at an office located in a foreign country (hereinafter referred to as a "registered foreign housing type performance certification, etc. agency")) (or, if that person is a corporation, its officer), its employee (including certification examiners), or a person that used to be one of these persons to divulge any secret learned in the course of certification, etc. or use it for the person's own interest.

（認定等業務規程）

(Rules for Operation of Certification, etc.)

第四十九条　登録住宅型式性能認定等機関は、認定等の業務に関する規程（以下この節において「認定等業務規程」という。）を定め、認定等の業務の開始前に、国土交通大臣に届け出なければならない。これを変更しようとするときも、同様とする。

Article 49 (1) A registered housing type performance certification, etc. agency must formulate the operation of certification, etc. (hereinafter referred to as the "rules for operation of certification, etc." in this Section) and notify the Minister of Land, Infrastructure, Transport and Tourism of the rules before commencing the operation of certification, etc.. The same applies when it intends to change the rules for operation of certification, etc..

２　認定等業務規程には、認定等の業務の実施の方法、認定等の業務に関する料金その他の国土交通省令で定める事項を定めておかなければならない。

(2) The rules for operation of certification, etc. must provide for the means of implementing operation of certification, etc., fees for operation of certification, etc., and other particulars specified by Order of the Order of the Ministry of Land, Infrastructure, Transport and Tourism.

３　国土交通大臣は、第一項の規定による届出のあった認定等業務規程が、この章の規定に従って認定等の業務を公正かつ適確に実施する上で不適当であり、又は不適当となったと認めるときは、登録住宅型式性能認定等機関（登録外国住宅型式性能認定等機関を除く。）に対し、その認定等業務規程を変更すべきことを命ずることができる。

(3) If the Minister of Land, Infrastructure, Transport and Tourism finds that the rules for operation of certification, etc. notified pursuant to the provisions of paragraph (1) are or have become inappropriate for conducting the operation of certification, etc. fairly and properly in accordance with the provisions of this Chapter, the Minister may order a registered housing type performance certification, etc. agency (excluding a registered foreign housing type performance certification, etc. agency) to change its rules for operation of certification, etc..

（適合命令）

(Order to Comply)

第五十条　国土交通大臣は、登録住宅型式性能認定等機関（登録外国住宅型式性能認定等機関を除く。）が第四十六条第一項各号のいずれかに適合しなくなったと認めるときは、その登録住宅型式性能認定等機関に対し、これらの規定に適合するため必要な措置をとるべきことを命ずることができる。

Article 50 When the Minister of Land, Infrastructure, Transport and Tourism finds that a registered housing type performance certification, etc. agency (excluding a registered foreign housing type performance certification, etc. agency) has become noncompliant with any of the items of Article 46, paragraph (1), the Minister may order the registered housing type performance certification, etc. agency to take necessary measures to comply with those provisions.

（改善命令）

(Order for Improvement)

第五十一条　国土交通大臣は、登録住宅型式性能認定等機関（登録外国住宅型式性能認定等機関を除く。）が第四十四条第三項において準用する第十五条の規定に違反していると認めるときは、その登録住宅型式性能認定等機関に対し、認定等の業務を行うべきこと又は認定等の業務の方法その他の業務の方法の改善に関し必要な措置をとるべきことを命ずることができる。

Article 51 When the Minister of Land, Infrastructure, Transport and Tourism finds that a registered housing type performance certification, etc. agency (excluding a registered foreign housing type performance certification, etc. agency) violates the provisions of Article 15 as applied mutatis mutandis pursuant to Article 44, paragraph (3), the Minister may order the registered housing type performance certification, etc. agency to conduct the operation of certification, etc. or take necessary measures to improve the method of operation of certification, etc. or other operation methods.

（登録外国住宅型式性能認定等機関への準用）

(Mutatis Mutandis Application to Registered Foreign Housing Type Performance Certification, etc. Agency)

第五十二条　第四十九条第三項及び前二条の規定は、登録外国住宅型式性能認定等機関について準用する。この場合において、これらの規定中「命ずる」とあるのは、「請求する」と読み替えるものとする。

Article 52 The provisions of Article 49, paragraph (3) and the preceding two Articles apply mutatis mutandis to the registered foreign housing type performance certification, etc. agency. In this case, the term "order" in these provisions is deemed to be replaced with "request".

（国土交通大臣への報告等）

(Report to the Minister of Land, Infrastructure, Transport and Tourism)

第五十三条　登録住宅型式性能認定等機関は、住宅型式性能認定、第三十三条第一項の認証又は第三十六条第一項の認証の更新をしたときは、国土交通省令で定めるところにより、国土交通大臣に報告しなければならない。

Article 53 (1) When a registered housing type performance certification, etc. agency conducts the housing type performance certification or a certification referred to in Article 33, paragraph (1) or renews a certification referred to in Article 36, paragraph (1), it must report to the Minister of Land, Infrastructure, Transport and Tourism as provided for by Order of Order of the Ministry of Land, Infrastructure, Transport and Tourism.

２　国土交通大臣は、住宅型式性能認定を受けた型式が日本住宅性能表示基準に従って表示すべき性能を有していないと認めるときは、国土交通省令で定めるところにより、その旨を、当該住宅型式性能認定の申請者及び当該住宅型式性能認定を行った登録住宅型式性能認定等機関に通知するとともに、公示しなければならない。この場合において、当該住宅型式性能認定は、その効力を失う。

(2) If the Minister of Land, Infrastructure, Transport and Tourism finds that the type for which a the housing type performance certification has been granted does not fulfill the function to be indicated in accordance with the Japanese Housing Performance Indication Standards, the Minister must notify the applicants for the housing type performance certification and the registered housing type performance certification, etc. agency that conducted the housing type performance certification to that effect and issue a public notice, as provided for by Order of Order of the Ministry of Land, Infrastructure, Transport and Tourism. In this case, the housing type performance certification ceases to be effective.

３　国土交通大臣は、認証型式住宅部分等製造者が第三十四条第一号又は第四号に該当するに至ったときは、国土交通省令で定めるところにより、その旨を、当該認証型式住宅部分等製造者及び当該認証を行った登録住宅型式性能認定等機関に通知するとともに、公示しなければならない。この場合において、当該認証は、その効力を失う。

(3) If a manufacturer of the certified part of type of housing, etc. has come to fall under Article 34, item (i) or item (iv), the Minister of Land, Infrastructure, Transport and Tourism must, as provided for by Order of Order of the Ministry of Land, Infrastructure, Transport and Tourism, notify the manufacturer of the certified part of type of housing, etc. and the registered housing type performance certification, etc. agency that issued the certification to that effect and publicly notify it. In this case, the certification ceases to be effective.

（認定等についての申請及び国土交通大臣の命令）

(Application for Certification, etc. and Order of the Minister of Land, Infrastructure, Transport and Tourism)

第五十四条　住宅型式性能認定又は第三十三条第一項の認証を申請した者は、その申請に係る型式又は型式住宅部分等の製造をする者について、登録住宅型式性能認定等機関（登録外国住宅型式性能認定等機関を除く。以下この項及び次項において同じ。）が認定等の業務を行わない場合又は登録住宅型式性能認定等機関の認定等の結果に異議のある場合は、国土交通大臣に対し、登録住宅型式性能認定等機関が認定等の業務を行うこと又は改めて認定等の業務を行うことを命ずべきことを申請することができる。

Article 54 (1) A person who has applied for the housing type performance certification or the certification referred to in Article 33, paragraph (1) may, regarding the person who manufactures a type or a part of type of housing, etc. related to the application, when the registered housing type performance certification, etc. agency (excluding the registered foreign housing type performance certification, etc. agency; hereinafter the same applies in this paragraph and the following paragraph) does not conduct the operation of certification, etc. or when the person has objections to the results of the certification, etc. conducted by the registered housing type performance certification, etc. agency, file an application with the Minister of Land, Infrastructure, Transport and Tourism to order the registered housing type performance certification, etc. agency to conduct the operation of certification, etc. or to re-conduct the operation of certification, etc..

２　国土交通大臣は、前項の申請があった場合において、当該申請に係る登録住宅型式性能認定等機関が第四十四条第三項において準用する第十五条の規定に違反していると認めるときは、当該登録住宅型式性能認定等機関に対し、第五十一条の規定による命令をするものとする。

(2) If an application as referred to in the preceding paragraph has been filed and the Minister of Land, Infrastructure, Transport and Tourism finds that the registered housing type performance certification, etc. agency to which the application pertains violates the provisions of Article 15 as applied mutatis mutandis pursuant to Article 44, paragraph (3), the Minister is to issue an order under the provisions of Article 51 to the registered housing type performance certification, etc. agency.

３　国土交通大臣は、前項の場合において、第五十一条の規定による命令をし、又は命令をしないことの決定をしたときは、遅滞なく、当該申請をした者に通知するものとする。

(3) In the case referred to in the preceding paragraph, when the Minister of Land, Infrastructure, Transport and Tourism has issued an order under the provisions of Article 51 or has decided not to issue an order, the Minister is to notify the person who filed the relevant application to that effect without delay.

４　前三項の規定は、登録外国住宅型式性能認定等機関について準用する。この場合において、第一項中「命ずべき」とあるのは「請求すべき」と、前二項中「命令」とあるのは「請求」と読み替えるものとする。

(4) The provisions of the preceding three paragraphs apply mutatis mutandis to the registered foreign housing type performance certification, etc. agency. In this case, the term "order" in paragraph (1) is deemed to be replaced with "request," and the term "order" in the preceding two paragraphs is deemed to be replaced with "request".

（登録の取消し等）

(Rescission, etc. of Registration)

第五十五条　国土交通大臣は、登録住宅型式性能認定等機関が第四十五条第一号、第三号又は第四号に該当するに至ったときは、その登録を取り消さなければならない。

Article 55 (1) If a registered housing type performance certification, etc. agency has come to fall under Article 45, item (i), item (iii) or item (iv), the Minister of Land, Infrastructure, Transport and Tourism must revoke its registration.

２　国土交通大臣は、登録住宅型式性能認定等機関（登録外国住宅型式性能認定等機関を除く。）が次の各号のいずれかに該当するときは、その登録を取り消し、又は期間を定めて認定等の業務の全部若しくは一部の停止を命ずることができる。

(2) If a registered housing type performance certification, etc. agency (excluding a registered foreign housing type performance certification, etc. agency) falls under any of the following items, the Minister of Land, Infrastructure, Transport and Tourism may revoke its registration or order the suspension of all or part of the operation of certification, etc. for a fixed period:

一　第四十四条第三項において準用する第十条第二項、第十二条第二項、第十八条第一項、第十九条若しくは第二十三条第一項、第三十一条第三項、第三十三条第三項、第五十三条第一項又は第七十一条第二項の規定に違反したとき。

(i) the person violates the provisions of Article 10, paragraph (2) as applied mutatis mutandis pursuant to Article 44, paragraph (3); Article 12, paragraph (2); Article 18, paragraph (1); Article 19; Article 23, paragraph (1); Article 31, paragraph (3); Article 33, paragraph (3); Article 53, paragraph (1); or Article 71, paragraph (2);

二　第四十九条第一項の規定による届出のあった認定等業務規程によらないで認定等の業務を行ったとき。

(ii) when it has conducted the operation of certification, etc. without complying with the rules for operation of certification, etc. for which a notification was filed pursuant to the provisions of Article 49, paragraph (1);

三　正当な理由がないのに第四十四条第三項において準用する第十八条第二項各号の請求を拒んだとき。

(iii) where the registered housing type performance certification, etc. agency has refused the request made under the items of Article 18, paragraph (2), as applied mutatis mutandis pursuant to Article 44, paragraph (3), without justifiable grounds;

四　第四十九条第三項、第五十条又は第五十一条の規定による命令に違反したとき。

(iv) when the registered housing type performance certification, etc. agency has violated an order under the provisions of Article 49, paragraph (3), Article 50, or Article 51;

五　認定等の業務に関し著しく不適当な行為をしたとき、又はその業務に従事する認定員若しくは法人にあってはその役員が、認定等の業務に関し著しく不適当な行為をしたとき。

(v) if the registered housing type performance certification, etc. agency engages in an extremely inappropriate act in connection with certification and the operation of certification, etc., or if the certification examiner or, in the case of a corporation, its officer who engages in the operation of certification, etc. engages in an extremely inappropriate act in connection with the operation of certification, etc..

六　不正な手段により登録を受けたとき。

(vi) when the registered housing type performance certification, etc. agency was registered by wrongful means.

３　国土交通大臣は、登録外国住宅型式性能認定等機関が次の各号のいずれかに該当するときは、その登録を取り消すことができる。

(3) If a registered foreign housing type performance certification, etc. agency falls under any of the following items, the Minister of Land, Infrastructure, Transport and Tourism may revoke its registration:

一　前項第一号から第三号まで、第五号又は第六号のいずれかに該当するとき。

(i) when the registered foreign housing type performance certification, etc. agency falls under any of items (i) through (iii), (v) or (vi) of the preceding paragraph;

二　第五十二条において準用する第四十九条第三項、第五十条又は第五十一条の規定による請求に応じなかったとき。

(ii) when the registered foreign housing type performance certification, etc. agency has failed to respond to a request made under the provisions of Article 49, paragraph (3), Article 50 or Article 51 as applied mutatis mutandis pursuant to Article 52;

三　国土交通大臣が、登録外国住宅型式性能認定等機関が前二号のいずれかに該当すると認めて、期間を定めて認定等の業務の全部又は一部の停止の請求をした場合において、その請求に応じなかったとき。

(iii) in cases where the Minister of Land, Infrastructure, Transport and Tourism finds that a registered foreign housing type performance certification, etc. agency falls under any of the preceding two items and requests to suspend the whole or part of the operation of certification, etc. for a period specified by the Minister of Land, Infrastructure, Transport and Tourism, and the registered foreign housing type performance certification, etc. agency fails to respond to the request;

四　第四十四条第三項において準用する第二十二条第一項の規定による報告をせず、又は虚偽の報告をしたとき。

(iv) failing to make a report under the provisions of Article 22, paragraph (1), as applied mutatis mutandis pursuant to Article 44, paragraph (3), or making a false report;

五　第四十四条第三項において準用する第二十二条第一項の規定による検査を拒み、妨げ、若しくは忌避し、又は同項の規定による質問に対して答弁をせず、若しくは虚偽の答弁をしたとき。

(v) refusing, obstructing, or evading an inspection under the provisions of Article 22, paragraph (1), as applied mutatis mutandis pursuant to Article 44, paragraph (3), or failing to answer or falsely answering a question under the provisions of that paragraph;

六　第五項の規定による費用の負担をしないとき。

(vi) The registered foreign housing type performance certification, etc. agency fails to bear the costs under the provisions of paragraph (5).

４　第二十四条第三項の規定は、前三項の規定による登録の取消し又は第二項の規定による認定等の業務の停止について準用する。

(4) The provisions of Article 24, paragraph (3) apply mutatis mutandis to the rescission of a registration under the provisions of the preceding three paragraphs or the suspension of the operation of certification, etc. under the provisions of paragraph (2).

５　第四十四条第三項において準用する第二十二条第一項の規定による登録外国住宅型式性能認定等機関に対する検査に要する費用（政令で定めるものに限る。）は、当該登録外国住宅型式性能認定等機関の負担とする。

(5) The expenses required for the inspection of a registered foreign housing type performance certification, etc. agency pursuant to the provisions of Article 22, paragraph (1) as applied mutatis mutandis pursuant to Article 44, paragraph (3) (limited to those specified by Cabinet Order) are borne by the relevant registered foreign housing type performance certification, etc. agency.

（国土交通大臣による認定等の実施）

(Implementation of the Operation of Certification, etc. by the Minister of Land, Infrastructure, Transport and Tourism)

第五十六条　国土交通大臣は、次の各号のいずれかに該当するときその他必要があると認めるときは、認定等の業務の全部又は一部を自ら行うことができる。

Article 56 (1) If the Minister of Land, Infrastructure, Transport and Tourism falls under any of the following items or finds it to be necessary for any other reasons, the Minister may personally perform all or part of the operation of certification, etc..

一　登録を受ける者がいないとき。

(i) when there is no person to be registered;

二　第四十四条第三項において準用する第二十三条第一項の規定により登録住宅型式性能認定等機関（登録外国住宅型式性能認定等機関を除く。以下この項において同じ。）から認定等の業務の全部又は一部の休止又は廃止の届出があったとき。

(ii) when the registered housing type performance certification, etc. agency (excluding the registered foreign housing type performance certification, etc. agency.; hereinafter the same applies in this paragraph) has notified the suspension or discontinuation of all or part of the operation of certification, etc. pursuant to the provisions of Article 23, paragraph (1), as applied mutatis mutandis pursuant to Article 44, paragraph (3);

三　前条第一項若しくは第二項の規定により登録を取り消し、又は同項の規定により認定等の業務の全部若しくは一部の停止を命じたとき。

(iii) the Minister of Land, Infrastructure, Transport and Tourism revokes a registration pursuant to the provisions of paragraph (1) or paragraph (2) of the preceding Article or orders the suspension of all or part of the operation of certification, etc. pursuant to the provisions of the same paragraph;

四　登録住宅型式性能認定等機関が天災その他の事由により認定等の業務の全部又は一部を実施することが困難となったとき。

(iv) if it has become difficult for the registered housing type performance certification, etc. agency to conduct all or part of the operation of certification, etc. due to a natural disaster or other reasons.

２　国土交通大臣は、前項の規定により認定等の業務を行い、又は同項の規定により行っている認定等の業務を行わないこととしようとするときは、あらかじめ、その旨を公示しなければならない。

(2) If the Minister of Land, Infrastructure, Transport and Tourism intends to engage in the operation of certification, etc. pursuant to the provisions of the preceding paragraph or to discontinue the operation of certification, etc. that the Minister has been engaging in pursuant to the provisions of that paragraph, the Minister must issue public notice of this in advance.

３　国土交通大臣が第一項の規定により認定等の業務を行うこととした場合における認定等の業務の引継ぎその他の必要な事項は、国土交通省令で定める。

(3) If the Minister of Land, Infrastructure, Transport and Tourism has decided to conduct the operation of certification, etc. pursuant to the provisions of paragraph (1), the succession of the operation of certification, etc. and other necessary particulars are specified by Order of Order of the Ministry of Land, Infrastructure, Transport and Tourism.

（手数料）

(Fees)

第五十七条　前条第一項の規定により国土交通大臣が行う認定等の申請をしようとする者は、国土交通省令で定めるところにより、実費を勘案して国土交通省令で定める額の手数料を国に納めなければならない。

Article 57 A person who intends to apply for certification, etc. conducted by the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provisions of paragraph (1) of the preceding Article must pay a fee to the national government in an amount specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism in consideration of the actual costs as specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

第五章　特別評価方法認定

Chapter V Special Evaluation Method Certification

第一節　特別評価方法認定

Section 1 Special Evaluation Method Certification

（特別評価方法認定）

(Special Evaluation Method Certification)

第五十八条　国土交通大臣は、申請により、特別評価方法認定（日本住宅性能表示基準に従って表示すべき性能に関し、評価方法基準に従った方法に代えて、特別の建築材料若しくは構造方法に応じて又は特別の試験方法若しくは計算方法を用いて評価する方法を認定することをいう。以下同じ。）をすることができる。

Article 58 (1) The Minister of Land, Infrastructure, Transport and Tourism may, upon application, grant special evaluation method certification (meaning certification of a method of evaluating the performance to be indicated in accordance with the Japanese Housing Performance Indication Standards, in accordance with special building materials or structural methods, or by using special testing methods or calculation methods, in lieu of the method in accordance with the Evaluation Method Standards; the same applies hereinafter).

２　前項の申請をしようとする者は、国土交通省令で定めるところにより、国土交通省令で定める事項を記載した申請書を提出して、これを行わなければならない。

(2) A person who intends to file the application set forth in the preceding paragraph must file an application form stating the matters specified 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, and implement this.

３　国土交通大臣は、特別評価方法認定をし、又は特別評価方法認定を取り消したときは、その旨を公示しなければならない。

(3) If the Minister of Land, Infrastructure, Transport and Tourism grants special evaluation method certification or revokes special evaluation method certification, the Minister of Land, Infrastructure, Transport and Tourism must give public notice to that effect.

（審査のための試験）

(Examination Test)

第五十九条　国土交通大臣は、特別評価方法認定のための審査に当たっては、審査に係る特別の建築材料若しくは構造方法又は特別の試験方法若しくは計算方法に関する試験、分析又は測定（以下単に「試験」という。）であって、第六十一条から第六十三条までの規定の定めるところにより国土交通大臣の登録を受けた者（以下「登録試験機関」という。）が行うもの（当該登録試験機関が外国にある事務所により試験を行う者である場合にあっては、外国において事業を行う者の申請に基づくものに限る。）に基づきこれを行うものとする。

Article 59 (1) In conducting an examination for the special evaluation method certification, the Minister of Land, Infrastructure, Transport and Tourism is to conduct the examination based on tests, analyses, or measurements (hereinafter simply referred to as "test") concerning special building materials or structural methods, or special testing methods or calculation methods, which are conducted by a person registered by the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provisions of Articles 61 through 63 (hereinafter referred to as the "registered testing agency") (if the registered testing agency conducts the test at an office located in a foreign country, limited to those based on an application filed by a person who operates a business in the foreign country).

２　特別評価方法認定の申請をしようとする者は、登録試験機関が作成した当該申請に係る特別の建築材料若しくは構造方法又は特別の試験方法若しくは計算方法に関する試験の結果の証明書を前条第二項の申請書に添えて、これをしなければならない。この場合において、国土交通大臣は、当該証明書に基づき特別評価方法認定のための審査を行うものとする。

(2) A person who intends to apply for special evaluation method certification must submit the written application referred to in paragraph (2) of the preceding Article together with certificates of the results of tests on special building materials or structural methods, or special testing methods or calculation methods pertaining to the application, which have been prepared by a registered testing agency. In this case, the Minister of Land, Infrastructure, Transport and Tourism is to conduct the examination for the special evaluation method certification based on the certificates.

（手数料）

(Fees)

第六十条　特別評価方法認定の申請をしようとする者は、国土交通省令で定めるところにより、実費を勘案して国土交通省令で定める額の手数料を国に納めなければならない。

Article 60 A person who intends to apply for special evaluation method certification must pay a fee to the national government in an amount specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism in consideration of the actual costs, as specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

第二節　登録試験機関

Section 2 Registered Testing Agency

（登録）

(Registration)

第六十一条　第五十九条第一項の登録（以下この節において単に「登録」という。）は、特別評価方法認定のための審査に必要な試験を行おうとする者の申請により行う。

Article 61 (1) The registration set forth in Article 59, paragraph (1) (hereinafter simply referred to as the "registration" in this Section) is made upon application by a person who intends to conduct a test necessary for the examination for the special evaluation method certification.

２　前項の申請は、国土交通省令で定めるところにより、国土交通大臣が定める区分に従って行わなければならない。

(2) The application referred to in the preceding paragraph must be filed in accordance with the categories specified by the Minister of Land, Infrastructure, Transport and Tourism, pursuant to the provisions of Order of the Order of the Ministry of Land, Infrastructure, Transport and Tourism.

３　第十条第一項及び第十一条の規定は登録に、第十条第二項及び第三項、第十二条、第十五条、第十八条、第十九条、第二十二条、第二十三条、第四十八条から第五十一条まで、第五十四条第一項から第三項まで並びに第五十六条の規定は登録試験機関に、第五十二条及び第五十四条第四項の規定は外国にある事務所により試験を行う登録試験機関（以下「登録外国試験機関」という。）に、第五十七条の規定はこの項において準用する第五十六条第一項の規定により国土交通大臣の行う試験について準用する。この場合において、次の表の上欄に掲げる規定中同表の中欄に掲げる字句は、それぞれ同表の下欄に掲げる字句に読み替えるものとする。

(3) The provisions of Article 10, paragraph (1) and Article 11 apply mutatis mutandis to registration; the provisions of Article 10, paragraphs (2) and (3), Article 12, Article 15, Article 18, Article 19, Article 22, Article 23, Articles 48 through 51, Article 54, paragraphs (1) through (3), and Article 56 apply mutatis mutandis to a registered testing agency; the provisions of Article 52 and Article 54, paragraph (4) apply mutatis mutandis to a registered testing agency that conducts a test at an office located in a foreign country (hereinafter referred to as a "registered foreign testing agency"); and the provisions of Article 57 apply mutatis mutandis to testing conducted by the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provisions of Article 56, paragraph (1) as applied mutatis mutandis pursuant to this paragraph. In this case, the terms listed in the middle column of the following table, found in the provisions listed in the left column of the same table, are deemed to be replaced with the terms listed in the right column of the same table.

|  |  |  |
| --- | --- | --- |
| 第十条第一項及び第二項Article 10, paragraphs (1) and (2) | 前条第二項第二号Paragraph (2), item (ii) of the preceding Article | 第六十三条第二項第二号Article 63, paragraph (2), item (ii) |
| 第十一条第二項Article 11, paragraph (2) | 第七条から第九条までArticles 7 through 9 | 第六十一条第一項及び第二項、第六十二条並びに第六十三条Article 61, paragraphs (1) and (2), Article 62, and Article 63 |
| 第十二条第一項ただし書Proviso to Article 12, paragraph (1) | 第八条各号Items of Article 8 | 第六十二条各号Each item of Article 62 |
| 第十五条、第十九条、第二十二条第一項、第二十三条第一項及び第二項Article 15, Article 19, Article 22, paragraph (1), Article 23, paragraphs (1) and (2) | 評価の業務Operation of Evaluation | 試験の業務Operation of Testing |
| 第四十八条、第四十九条、第五十一条、第五十四条第一項、第五十六条、第五十七条Article 48, Article 49, Article 51, Article 54, paragraph (1), Article 56, Article 57 | 認定等のCertification, etc. | 試験のTest |
| 第四十八条、第四十九条第三項、第五十条、第五十一条、第五十四条第一項、第五十六条第一項第二号Article 48, Article 49, paragraph (3), Article 50, Article 51, Article 54, paragraph (1), Article 56, paragraph (1), item (ii) | 登録外国住宅型式性能認定等機関Registered Foreign Housing Type Performance Certification, etc. Agency | 登録外国試験機関Registered Foreign Testing Agency |
| 第四十八条Article 48 | 認定員Certification Examiner | 第六十四条の試験員Examiner under Article 64 |
| 第四十九条Article 49 | 認定等業務規程Rules for Operation of Certification, etc. | 試験業務規程Rules for Operation of Testing |
| 第五十条Article 50 | 第四十六条第一項各号Each item of Article 46, paragraph (1) | 第六十三条第一項各号Each item of Article 63, paragraph (1) |
| 第五十一条、第五十四条第二項、第五十六条第一項第二号Article 51, Article 54, paragraph (2), Article 56, paragraph (1), item (ii) | 第四十四条第三項Article 44, paragraph (3) | 第六十一条第三項Article 61, paragraph (3) |
| 第五十四条第一項Article 54, paragraph (1) | 住宅型式性能認定又は第三十三条第一項の認証Housing Type Performance certification or certification set forth in Article 33, paragraph (1) | 特別評価方法認定のための審査に必要な試験Tests Necessary for Special Evaluation Method Certification |
|  | 型式又は型式住宅部分等の製造をする者A person who manufactures a type or a part of type of housing, etc. | 特別の建築材料若しくは構造方法又は特別の試験方法若しくは計算方法Special building materials or structural methods or special testing methods or calculation methods |
| 第五十六条第一項第三号Article 56, paragraph (1), item (iii) | 前条第一項Paragraph (1) of the preceding Article | 第六十五条第一項Article 65, paragraph (1) |

（欠格条項）

(Disqualification Provisions)

第六十二条　次の各号のいずれかに該当する者は、登録を受けることができない。

Article 62 A person who falls under any of the following items may not be registered.

一　第八条第一号から第三号までに掲げる者

(i) a person set forth in Article 8, items (i) through (iii);

二　第六十五条第一項から第三項までの規定により登録を取り消され、その取消しの日から起算して二年を経過しない者

(ii) a person whose registration has been rescinded pursuant to the provisions of Article 65, paragraphs (1) through (3), if two years have not yet passed since the date of rescission;

三　心身の故障により試験の業務を適正に行うことができない者として国土交通省令で定めるもの

(iii) a person who is specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism as a person who is unable to properly perform the operation of testing due to a mental or physical disorder.

四　法人であって、その役員のうちに前三号のいずれかに該当する者があるもの

(iv) a corporation any of whose officers falls under any of the preceding three items.

（登録基準等）

(Criteria for Registration)

第六十三条　国土交通大臣は、登録の申請をした者（以下この項において「登録申請者」という。）が次に掲げる基準のすべてに適合しているときは、その登録をしなければならない。

Article 63 (1) The Minister of Land, Infrastructure, Transport and Tourism must register a person who has applied for registration (hereinafter referred to as a "registration applicant" in this paragraph) if that person conforms to all of the following criteria:

一　次条の試験員が試験を実施し、その数が三以上であること。

(i) the test is conducted by examiners referred to in the following Article, and the number of examiners is three or more;

二　登録申請者が、住宅関連事業者に支配されているものとして次のいずれかに該当するものでないこと。

(ii) the registration applicant does not fall under any of the following sub-items as a region controlled by a housing-related business operator:

イ　登録申請者が株式会社である場合にあっては、住宅関連事業者がその親法人であること。

(a) if the registration applicant is a stock company, a housing-related business operator is its parent corporation;

ロ　登録申請者の役員（持分会社にあっては、業務を執行する社員）に占める住宅関連事業者の役員又は職員（過去二年間に当該住宅関連事業者の役員又は職員であった者を含む。）の割合が二分の一を超えていること。

(b) that more than half of the officers of the registration applicant (in the case of membership companies, officers who execute the business) are officers or employees of a housing-related business operator (including those who were officers or employees of the relevant housing-related business operator in the past two years);

ハ　登録申請者（法人にあっては、その代表権を有する役員）が、住宅関連事業者の役員又は職員（過去二年間に当該住宅関連事業者の役員又は職員であった者を含む。）であること。

(c) a registration applicant (in the case of a corporation, its representative officer) is an officer or employee of a housing-related business operator (including a person who was an officer or employee of the relevant housing-related business operator in the past two years);

三　試験の業務を適正に行うために試験の業務を行う部門に専任の管理者が置かれていること。

(iii) a full-time manager has been assigned to the section in charge of the operation of testing in order to properly conduct the operation of testing.

四　債務超過の状態にないこと。

(iv) it is not state of insolvency.

２　登録は、登録試験機関登録簿に次に掲げる事項を記載してするものとする。

(2) The registration is to be made, with the following matters stated in the registry of the registered testing agency.

一　登録年月日及び登録番号

(i) the date of registration and registration number;

二　登録試験機関の氏名又は名称及び住所並びに法人にあっては、その代表者の氏名

(ii) the name and address of the registered testing agency, and in the case of a corporation, the name of its representative;

三　登録の区分

(iii) the classification of registration;

四　登録試験機関が試験の業務を行う事務所の所在地

(iv) the location of the office where the registered testing agency will conduct the operation of testing;

五　次条の試験員の氏名

(v) the names of examiners referred to in the following Article.

六　前各号に掲げるもののほか、国土交通省令で定める事項

(vi) beyond what is set forth in the preceding items, the particulars specified by Order of the Order of the Ministry of Land, Infrastructure, Transport and Tourism.

（試験員）

(Examiners)

第六十四条　登録試験機関は、次に掲げる者のうちから試験員を選任しなければならない。

Article 64 A registered testing agency must appoint examiners from among the following persons:

一　学校教育法に基づく大学において建築学、機械工学、電気工学又は衛生工学を担当する教授若しくは准教授の職にあり、又はこれらの職にあった者

(i) a person who is serving or served as a professor or associate professor in charge of architecture, mechanical engineering, electrical engineering or health engineering at a university under the School Education Act;

二　建築、機械、電気又は衛生に関する分野の試験研究機関において十年以上試験研究の業務に従事した経験を有する者

(ii) a person who has 10 years or more of experience of being engaged in test and research operations at a test and research institute in a field related to architecture, machinery, electricity, or health;

三　前二号に掲げる者と同等以上の知識及び経験を有する者

(iii) a person who has the knowledge and experience equivalent to or greater than the persons set forth in the preceding two items.

（登録の取消し等）

(Rescission of Registration)

第六十五条　国土交通大臣は、登録試験機関が第六十二条第一号、第三号又は第四号に該当するに至ったときは、その登録を取り消さなければならない。

Article 65 (1) If a registered testing agency falls under Article 62, item (i), item (iii), or item (iv), the Minister of Land, Infrastructure, Transport and Tourism must revoke its registration.

２　国土交通大臣は、登録試験機関（登録外国試験機関を除く。）が次の各号のいずれかに該当するときは、その登録を取り消し、又は期間を定めて試験の業務の全部若しくは一部の停止を命ずることができる。

(2) If an registered testing agency (excluding a registered foreign testing agency) falls under any of the following items, the Minister of Land, Infrastructure, Transport and Tourism may revoke the registration or order the registered foreign testing agency to suspend all or part of the operation of testing for a fixed period:

一　第六十一条第三項において準用する第十条第二項、第十二条第二項、第十八条第一項、第十九条若しくは第二十三条第一項又は第七十一条第二項の規定に違反したとき。

(i) a person violates the provisions of Article 10, paragraph (2) as applied mutatis mutandis pursuant to Article 61, paragraph (3); Article 12, paragraph (2); Article 18, paragraph (1); Article 19; Article 23, paragraph (1); or Article 71, paragraph (2);

二　第六十一条第三項において準用する第四十九条第一項の規定による届出のあった試験業務規程によらないで試験を行ったとき。

(ii) when a registered testing agency has conducted an test without complying with the rules for operation of testing for which a notification was submitted pursuant to the provisions of Article 49, paragraph (1), as applied mutatis mutandis pursuant to Article 61, paragraph (3);

三　正当な理由がないのに第六十一条第三項において準用する第十八条第二項各号の請求を拒んだとき。

(iii) where the registered testing agency has refused the request made under the items of Article 18, paragraph (2) as applied mutatis mutandis pursuant to Article 61, paragraph (3), without justifiable grounds;

四　第六十一条第三項において準用する第四十九条第三項、第五十条又は第五十一条の規定による命令に違反したとき。

(iv) the registered testing agency violates an order under the provisions of Article 49, paragraph (3), Article 50, or Article 51 as applied mutatis mutandis pursuant to Article 61, paragraph (3);

五　試験の業務に関し著しく不適当な行為をしたとき、又はその業務に従事する試験員若しくは法人にあってはその役員が、試験の業務に関し著しく不適当な行為をしたとき。

(v) when the person has committed an extremely inappropriate act in relation to the operation of testing, or the examiner or, in the case of a corporation, its officer who is engaged in the operation of testing has committed an extremely inappropriate act in relation to the operation of testing;

六　不正な手段により登録を受けたとき。

(vi) when the registered testing agency was registered by wrongful means.

３　国土交通大臣は、登録外国試験機関が次の各号のいずれかに該当するときは、その登録を取り消すことができる。

(3) If a registered foreign testing agency falls under any of the following items, the Minister of Land, Infrastructure, Transport and Tourism may revoke its registration.

一　前項第一号から第三号まで、第五号又は第六号のいずれかに該当するとき。

(i) when the registered foreign testing agency falls under any of items (i) through (iii), (v) or (vi) of the preceding paragraph;

二　第六十一条第三項において準用する第五十二条において準用する第四十九条第三項、第五十条又は第五十一条の規定による請求に応じなかったとき。

(ii) when the registered foreign testing agency has failed to respond to a request made under the provisions of Article 49, paragraph (3), Article 50 or Article 51 as applied mutatis mutandis pursuant to Article 52 as applied mutatis mutandis pursuant to Article 61, paragraph (3);

三　国土交通大臣が、登録外国試験機関が前二号のいずれかに該当すると認めて、期間を定めて試験の業務の全部又は一部の停止の請求をした場合において、その請求に応じなかったとき。

(iii) if the Minister of Land, Infrastructure, Transport and Tourism finds that a registered foreign testing agency falls under any of the preceding two items and requests the registered foreign testing agency to suspend all or part of its operation of testing for a fixed period of time, and the registered foreign testing agency fails to respond to the request;

四　第六十一条第三項において準用する第二十二条第一項の規定による報告をせず、又は虚偽の報告をしたとき。

(iv) when the registered foreign testing agency has failed to make a report under the provisions of Article 22, paragraph (1) as applied mutatis mutandis pursuant to Article 61, paragraph (3) or has made a false report;

五　第六十一条第三項において準用する第二十二条第一項の規定による検査を拒み、妨げ、若しくは忌避し、又は同項の規定による質問に対して答弁をせず、若しくは虚偽の答弁をしたとき。

(v) refusing, obstructing, or evading an inspection under the provisions of Article 22, paragraph (1), as applied mutatis mutandis pursuant to Article 61, paragraph (3), or failing to answer or falsely answering a question under the provisions of that paragraph.

六　第五項の規定による費用の負担をしないとき。

(vi) The registered foreign testing agency fails to bear the costs under the provisions of paragraph (5).

４　第二十四条第三項の規定は、前三項の規定による登録の取消し又は第二項の規定による試験の業務の停止について準用する。

(4) The provisions of Article 24, paragraph (3) apply mutatis mutandis to the rescission of registration pursuant to the provisions of the preceding three paragraphs or suspension of the operation of testing pursuant to the provisions of paragraph (2).

５　第六十一条第三項において準用する第二十二条第一項の規定による登録外国試験機関に対する検査に要する費用（政令で定めるものに限る。）は、当該登録外国試験機関の負担とする。

(5) The expenses required for the inspection of a registered foreign testing agency under Article 22, paragraph (1) as applied mutatis mutandis pursuant to Article 61, paragraph (3) (limited to those specified by Cabinet Order) are borne by the relevant registered foreign testing agency.

第六章　住宅に係る紛争の処理体制

Chapter VI System for Handling Disputes on Housing

第一節　指定住宅紛争処理機関

Section 1 Designated Housing Dispute Resolution Agency

（指定住宅紛争処理機関の指定等）

(Designation of a Designated Housing Dispute Resolution Agency)

第六十六条　国土交通大臣は、弁護士会又は一般社団法人若しくは一般財団法人であって、次条第一項に規定する業務（以下この章において「紛争処理の業務」という。）を公正かつ適確に行うことができると認められるものを、その申請により、紛争処理の業務を行う者として指定することができる。

Article 66 (1) At the application of a bar association, general incorporated association, or general incorporated foundation that is found to be able to fairly and properly perform the services prescribed in paragraph (1) of the following Article (hereinafter referred to as "operation of dispute resolution" in this Chapter), the Minister of Land, Infrastructure, Transport and Tourism may designate that corporation as a person that performs the operation of dispute resolution.

２　国土交通大臣は、前項の規定による指定（以下この節において単に「指定」という。）をしたときは、指定を受けた者（以下「指定住宅紛争処理機関」という。）の名称及び住所並びに紛争処理の業務を行う事務所の所在地を公示しなければならない。

(2) Having made a designation under the provisions of the preceding paragraph (hereinafter simply referred to as a "designation" in this Section), the Minister of Land, Infrastructure, Transport and Tourism must issue public notice of the name and address of the person that has obtained the designation (hereinafter referred to as the "designated housing dispute resolution agency") and the location of the office where it will carry out the operation of dispute resolution.

３　第十条第二項及び第三項並びに第二十三条の規定は、指定住宅紛争処理機関について準用する。この場合において、第十条第二項中「前条第二項第二号又は第四号から第六号までに掲げる事項」とあるのは「その名称若しくは住所又は紛争処理の業務を行う事務所の所在地」と、第二十三条第一項及び第二項中「評価の業務」とあるのは「紛争処理の業務」と、同項中「登録」とあるのは「指定」と読み替えるものとする。

(3) The provisions of Article 10, paragraphs (2) and (3) and Article 23 apply mutatis mutandis to a designated housing dispute resolution agency. In this case, the term "the particulars set forth in paragraph (2), item (ii) or items (iv) through (vi) of the preceding Article" in Article 10, paragraph (2) is deemed to be replaced with "its name or address or the location of the office where the operation of dispute resolution is carried out," the term "operation of evaluation" in Article 23, paragraphs (1) and (2) is deemed to be replaced with "operation of dispute resolution," and the term "registration" in the same paragraph is deemed to be replaced with "designation".

４　指定住宅紛争処理機関は、国土交通省令で定めるところにより、指定住宅紛争処理機関である旨について、その事務所において公衆に見やすいように掲示するとともに、電気通信回線に接続して行う自動公衆送信により公衆の閲覧に供しなければならない。

(4) A designated housing dispute resolution agency, pursuant to the provisions of Order of Order of the Ministry of Land, Infrastructure, Transport and Tourism, must post a notice indicating that it is a designated housing dispute resolution agency at its office in a manner readily recognizable by the public, and must make this available for public inspection through automatic public transmission conducted by connecting to the telecommunications line.

５　第三項において読み替えて準用する第二十三条第一項の規定により紛争処理の業務の全部を廃止しようとする届出をした者は、当該届出の日に次条第一項に規定する紛争のあっせん又は調停の業務を行っていたときは、当該届出の日から二週間以内に、当該あっせん又は調停に係る当該紛争の当事者に対し、当該届出をした旨及び第三項において読み替えて準用する第二十三条第二項の規定により指定がその効力を失った旨を通知しなければならない。

(5) If a person that has made a notification seeking to discontinue all of its operation of dispute resolution pursuant to the provisions of Article 23, paragraph (1) as applied mutatis mutandis pursuant to paragraph (3) following the deemed replacement of terms has been engaging in the operations of mediation or conciliation for a dispute provided for in paragraph (1) of the following Article as of the date of the notification, the person must notify the parties to the dispute in connection with the mediation or conciliation that it has made the notification and that the designation has ceased to be effective pursuant to the provisions of Article 23, paragraph (2) as applied mutatis mutandis pursuant to paragraph (3) following the deemed replacement of terms, within two weeks from the date of the notification.

（業務）

(Operations)

第六十七条　指定住宅紛争処理機関は、建設住宅性能評価書が交付された住宅（以下この章において「評価住宅」という。）の建設工事の請負契約又は売買契約に関する紛争（以下この節において「紛争」という。）の当事者の双方又は一方からの申請により、当該紛争のあっせん、調停及び仲裁（以下この章において「住宅紛争処理」という。）の業務を行うものとする。

Article 67 (1) A designated housing dispute resolution agency is to provide operations of mediation, conciliation, and arbitration (hereinafter referred to as "housing dispute resolution" in this Chapter) for a dispute concerning a contract for construction work or a sales contract (hereinafter referred to as "dispute" in this Section) for housing for which a construction housing performance evaluation report has been issued (hereinafter referred to as "evaluated housing" in this Chapter), in response to an application from either or both of the parties to the dispute.

２　前項の申請の手続は、国土交通省令で定める。

(2) The procedures for the application set forth in the preceding paragraph are specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

（紛争処理委員）

(Dispute Resolution Committee Members)

第六十八条　指定住宅紛争処理機関は、人格が高潔で識見の高い者のうちから、国土交通省令で定める数以上の紛争処理委員を選任しなければならない。

Article 68 (1) A designated housing dispute resolution agency must appoint at least the number of dispute resolution committee members specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism from among persons of the highest moral character and insight.

２　指定住宅紛争処理機関は、住宅紛争処理を行うときは、前項の規定により選任した紛争処理委員のうちから、事件ごとに、指定住宅紛争処理機関の長が指名する者に住宅紛争処理を実施させなければならない。この場合において、指定住宅紛争処理機関の長は、当該事件に関し当事者と利害関係を有することその他住宅紛争処理の公正を妨げるべき事情がある紛争処理委員については、当該事件の紛争処理委員に指名してはならない。

(2) When a designated housing dispute resolution agency conducts housing dispute resolution, it must have a person that the head of the designated housing dispute resolution agency appoints for each case from among the dispute resolution committee members appointed pursuant to the provisions of the preceding paragraph implement housing dispute resolution. In this case, the head of the designated housing dispute resolution agency must not appoint a dispute resolution committee member who has an interest in a party to the case or who otherwise has circumstances that could hinder the fairness of housing dispute resolution, as a dispute resolution committee member for the case.

３　前項の規定により指名される紛争処理委員のうち少なくとも一人は、弁護士でなければならない。

(3) At least one of the dispute resolution committee members appointed pursuant to the provisions of the preceding paragraph must be an attorney.

（秘密保持義務等）

(Duty of Confidentiality)

第六十九条　指定住宅紛争処理機関の紛争処理委員並びにその役員及び職員並びにこれらの職にあった者は、紛争処理の業務に関して知り得た秘密を漏らし、又は自己の利益のために使用してはならない。

Article 69 (1) It is prohibited for a dispute resolution committee member of a designated housing dispute resolution agency, their officer or employee, or a person that has held one of these positions to divulge confidential information learned in the operation of dispute resolution or to use that information for personal benefit.

２　指定住宅紛争処理機関の紛争処理委員並びにその役員及び職員で紛争処理の業務に従事する者は、刑法（明治四十年法律第四十五号）その他の罰則の適用については、法令により公務に従事する職員とみなす。

(2) With regard to the application of the Penal Code (Act No. 45 of 1907) and other penal provisions, dispute resolution committee member of a designated housing dispute resolution agency and their officers and employees engaged in the operation of dispute resolution is deemed to be officials engaged in public service pursuant to laws and regulations.

（紛争処理の業務の義務）

(Duty to Provide Operation of Dispute Resolution)

第七十条　指定住宅紛争処理機関は、紛争処理の業務を行うべきことを求められたときは、正当な理由がある場合を除き、遅滞なく、紛争処理の業務を行わなければならない。

Article 70 When a designated housing dispute resolution agency is requested to provide the operation of dispute resolution, it must provide the operation of dispute resolution without delay, except when there are justifiable grounds for not doing so.

（説明又は資料提出の請求）

(Request for Explanation or Submission of Materials)

第七十一条　指定住宅紛争処理機関は、紛争処理の業務の実施に必要な限度において、登録住宅性能評価機関、認証型式住宅部分等製造者、登録住宅型式性能認定等機関又は登録試験機関（次項において「登録住宅性能評価機関等」という。）に対して、第八十二条第一項の規定による指定を受けた者を経由して、文書若しくは口頭による説明又は資料の提出を求めることができる。

Article 71 (1) A designated housing dispute resolution agency may request a registered housing performance evaluation agency, a manufacturer of the certified part of type of housing, etc., a registered housing type performance certification, etc. agency, or a registered testing agency (referred to as a "registered housing performance evaluation agency,, etc." in the following paragraph) to provide a written or oral explanation or submit materials to the extent necessary for the implementation of dispute resolution services, via a person who has been designated pursuant to the provisions of Article 82, paragraph (1).

２　登録住宅性能評価機関等は、前項の規定による求めがあったときは、正当な理由がない限り、これを拒んではならない。

(2) If a request under the preceding paragraph has been made, a registered housing performance evaluation agency, etc. must not refuse the request without justifiable grounds.

（住宅紛争処理の手続の非公開）

(Non-disclosure of Procedures for Housing Dispute Resolution)

第七十二条　指定住宅紛争処理機関が行う住宅紛争処理の手続は、公開しない。ただし、指定住宅紛争処理機関は、相当と認める者に傍聴を許すことができる。

Article 72 The procedures for housing dispute resolution carried out by a designated housing dispute resolution agency are not open to the public; provided, however, that the designated housing dispute resolution agency may permit a person whom it considers to be appropriate to attend.

（申請手数料）

(Application Fee)

第七十三条　住宅紛争処理の申請をする者は、国土交通省令で定めるところにより、実費を超えない範囲内において国土交通省令で定める額の申請手数料を指定住宅紛争処理機関に納めなければならない。

Article 73 (1) A person who files an application for housing dispute resolution, as provided for by Order of Order of the Ministry of Land, Infrastructure, Transport and Tourism, must pay an application fee to the designated housing dispute resolution agency n in an amount specified by Order of Order of the Ministry of Land, Infrastructure, Transport and Tourism within an amount not exceeding the actual costs.

２　前項の規定により指定住宅紛争処理機関に納められた申請手数料は、指定住宅紛争処理機関の収入とする。

(2) The application fee paid to the designated housing dispute resolution agency pursuant to the provisions of the preceding paragraph is the income of the designated housing dispute resolution agency.

（時効の完成猶予）

(Postponement of Expiry of Prescription)

第七十三条の二　あっせん又は調停に係る紛争についてあっせん又は調停による解決の見込みがないことを理由に指定住宅紛争処理機関により当該あっせん又は調停が打ち切られた場合において、当該あっせん又は調停の申請をした当該紛争の当事者がその旨の通知を受けた日から一月以内に当該あっせん又は調停の目的となった請求について訴えを提起したときは、時効の完成猶予に関しては、当該あっせん又は調停の申請の時に、訴えの提起があったものとみなす。

Article 73-2 (1) In cases where a dispute pertaining to mediation or conciliation has been discontinued by a designated housing dispute resolution agency on the grounds that there is no prospect of the dispute being resolved through mediation or conciliation, when the party to the dispute that filed the application for mediation or conciliation files an action on the claim that was the subject matter of the mediation or conciliation within one month from the day on which the party received the notice to that effect, with regard to the postponement of expiry of prescription period, the action is deemed to have been filed at the time of the application for mediation or conciliation.

２　第六十六条第三項において読み替えて準用する第二十三条第二項の規定により指定がその効力を失い、かつ、当該指定がその効力を失った日にあっせん又は調停が実施されていた紛争がある場合において、当該あっせん又は調停の申請をした当該紛争の当事者が第六十六条第五項の規定による通知を受けた日又は当該指定がその効力を失ったことを知った日のいずれか早い日から一月以内に当該あっせん又は調停の目的となった請求について訴えを提起したときも、前項と同様とする。

(2) The provisions of the preceding paragraph also apply if a designation ceases to be effective pursuant to the provisions of Article 23, paragraph (2) as applied mutatis mutandis pursuant to Article 66, paragraph (3) following the deemed replacement of terms and there is a dispute for which mediation or conciliation was being implemented on the day on which the designation ceased to be effective, and the party to the dispute that filed the application for the mediation or conciliation files an action on the claim that was the subject of the mediation or conciliation within one month from the day on which the party received the notice under the provisions of Article 66, paragraph (5) or within one month from the day on which the party came to know that the designation ceased to be effective, whichever comes earlier.

３　指定が第八十条第一項の規定により取り消され、かつ、その取消しの処分の日にあっせん又は調停が実施されていた紛争がある場合において、当該あっせん又は調停の申請をした当該紛争の当事者が同条第三項の規定による通知を受けた日又は当該処分を知った日のいずれか早い日から一月以内に当該あっせん又は調停の目的となった請求について訴えを提起したときも、第一項と同様とする。

(3) The provisions of paragraph (1) also apply if a designation has been rescinded pursuant to the provisions of Article 80, paragraph (1) and there is a dispute for which mediation or conciliation was being implemented as of the day of the disposition of the rescission, and the party to the dispute that filed the application for the mediation or conciliation files an action on the claim that was the subject of the mediation or conciliation within one month from the day on which the party received the notice under the provisions of paragraph (3) of that Article or the day on which the party came to know of the disposition, whichever comes earlier.

（訴訟手続の中止）

(Suspension of Litigation Proceedings)

第七十三条の三　紛争について当該紛争の当事者間に訴訟が係属する場合において、次の各号に掲げる事由のいずれかに該当し、かつ、当該紛争の当事者の共同の申立てがあるときは、受訴裁判所は、四月以内の期間を定めて訴訟手続を中止する旨の決定をすることができる。

Article 73-3 (1) If litigation is pending with regard to a dispute between the parties to the dispute, and if any of the grounds set forth in the following items apply and the parties to the dispute file a joint petition, court in charge of the case may decide to suspend litigation proceedings for a fixed period of no longer than four months:

一　当該紛争について、当該紛争の当事者間において指定住宅紛争処理機関によるあっせん又は調停が実施されていること。

(i) with regard to the relevant dispute, mediation or conciliation has been implemented by a designated housing dispute resolution agency between the parties to the relevant dispute;

二　前号に掲げる事由のほか、当該紛争の当事者間に指定住宅紛争処理機関によるあっせん又は調停によって当該紛争の解決を図る旨の合意があること。

(ii) in addition to the grounds set forth in the preceding item, there is an agreement between the parties to the dispute to resolve the dispute through mediation or conciliation by a designated housing dispute resolution agency.

２　受訴裁判所は、いつでも前項の決定を取り消すことができる。

(2) Court in charge of the case may rescind the decision referred to in the preceding paragraph at any time.

３　第一項の申立てを却下する決定及び前項の規定により第一項の決定を取り消す決定に対しては、不服を申し立てることができない。

(3) No appeal may be entered against a decision dismissing the petition referred to in paragraph (1) or a decision rescinding the decision referred to in paragraph (1) pursuant to the provisions of the preceding paragraph.

（技術的基準）

(Technical Standards)

第七十四条　国土交通大臣は、指定住宅紛争処理機関による住宅に係る紛争の迅速かつ適正な解決に資するため、住宅紛争処理の参考となるべき技術的基準を定めることができる。

Article 74 The Minister of Land, Infrastructure, Transport and Tourism may establish technical standards that are to serve as a reference for housing dispute resolution, in order to contribute to the prompt and appropriate resolution of disputes related to housing by a designated housing dispute resolution agency.

（指定住宅紛争処理機関の指定の申請の命令）

(Order to Apply for Designation of a Designated Housing Dispute Resolution Agency)

第七十五条　国土交通大臣は、指定住宅紛争処理機関の指定の申請がなく、又は指定を受けた指定住宅紛争処理機関のみでは紛争処理の業務が適当かつ十分に行われないと認めるときは、第八十二条第一項の規定により指定した者に対し、指定住宅紛争処理機関の指定を申請すべきことを命ずることができる。

Article 75 If no application for the designation of a designated housing dispute resolution agency has been filed or if the Minister of Land, Infrastructure, Transport and Tourism finds that the designated housing dispute resolution agency that has obtained the designation is not capable of performing the operation of dispute resolution appropriately and sufficiently on its own, the Minister may order the person designated pursuant to the provisions of Article 82, paragraph (1) to file an application for the designation of a designated housing dispute resolution agency.

（事業計画等）

(Business Plan)

第七十六条　指定住宅紛争処理機関は、毎事業年度、紛争処理の業務に係る事業計画及び収支予算を作成し、当該事業年度の開始前に（指定を受けた日の属する事業年度にあっては、その指定を受けた後遅滞なく）、国土交通大臣に提出しなければならない。これを変更しようとするときも、同様とする。

Article 76 (1) A designated housing dispute resolution agency must prepare a business plan and an income and expenditure budget for the operation of dispute resolution each business year, and must submit them to the Minister of Land, Infrastructure, Transport and Tourism prior to the commencement of the relevant business year (in the business year to which the date of designation belongs, without delay after the designation). The same applies when the designated housing dispute resolution agency intends to change them.

２　指定住宅紛争処理機関は、毎事業年度、紛争処理の業務に係る事業報告書及び収支決算書を作成し、当該事業年度経過後三月以内に、国土交通大臣に提出しなければならない。

(2) A designated housing dispute resolution agency must prepare a business report and statement of accounts for the operation of dispute resolution each business year and submit them to the Minister of Land, Infrastructure, Transport and Tourism within three months after the end of the relevant business year.

（区分経理）

(Separate Accounting)

第七十七条　指定住宅紛争処理機関は、国土交通省令で定めるところにより、紛争処理の業務に係る経理とその他の業務に係る経理とを区分して整理しなければならない。

Article 77 Pursuant to the provisions of Order of Order of the Ministry of Land, Infrastructure, Transport and Tourism, a designated housing dispute resolution agency must separate the accounting for the operation of dispute resolution from the accounting for other operations.

（報告徴収）

(Collection of Reports)

第七十八条　国土交通大臣は、紛争処理の業務の適正な運営を確保するため必要があると認めるときは、指定住宅紛争処理機関に対し、紛争処理の業務に関し必要な報告を求めることができる。

Article 78 On finding it to be necessary to do so in order to ensure the proper management of operation of dispute resolution, the Minister of Land, Infrastructure, Transport and Tourism may request a designated housing dispute resolution agency to make the necessary reports on the operation of dispute resolution.

（業務改善命令）

(Operation Improvement Orders)

第七十九条　国土交通大臣は、紛争処理の業務の運営に関し改善が必要であると認めるときは、指定住宅紛争処理機関に対し、その改善に必要な措置をとるべきことを命ずることができる。

Article 79 If the Minister of Land, Infrastructure, Transport and Tourism finds it necessary to improve the management of operation of dispute resolution, the Minister may order a designated housing dispute resolution agency to take measures necessary for the improvement.

（指定の取消し等）

(Rescission of Designation)

第八十条　国土交通大臣は、指定住宅紛争処理機関が次の各号のいずれかに該当するときは、その指定を取り消し、又は期間を定めて紛争処理の業務の全部若しくは一部の停止を命ずることができる。

Article 80 (1) When a designated housing dispute resolution agency falls under any of the following items, the Minister of Land, Infrastructure, Transport and Tourism may rescind its designation or order the designated housing dispute resolution agency to suspend all or part of its operation of dispute resolution within a specified period:

一　第六十六条第三項において準用する第十条第二項若しくは第二十三条第一項、第六十六条第四項、第六十八条、第七十条、第七十二条、第七十六条又は第七十七条の規定に違反したとき。

(i) the designated housing dispute resolution agency violates the provisions of Article 10, paragraph (2) or Article 23, paragraph (1), Article 66, paragraph (4), Article 68, Article 70, Article 72, Article 76, or Article 77 as applied mutatis mutandis pursuant to Article 66, paragraph (3);

二　第七十八条の規定による報告をせず、又は虚偽の報告をしたとき。

(ii) a designated housing dispute resolution agency fails to make a report under the provisions of Article 78 or makes a false report;

三　前条又はこの項の規定による命令に違反したとき。

(iii) the designated housing dispute resolution agency violates an order under the provisions of the preceding Article or this paragraph;

四　紛争処理の業務を公正かつ適確に行うことができないと認めるとき。

(iv) it is found to be unable to perform the operation of dispute resolution in a fair and appropriate manner;

五　不正な手段により指定を受けたとき。

(v) when the designated housing dispute resolution agency has obtained the designation by wrongful means.

２　国土交通大臣は、前項の規定により指定を取り消し、又は紛争処理の業務の全部若しくは一部の停止を命じたときは、その旨を公示しなければならない。

(2) Having revoked a designation or ordered the suspension of all or a part of the operation of dispute resolution pursuant to the provisions of the preceding paragraph, the Minister of Land, Infrastructure, Transport and Tourism must issue public notice of this.

３　第一項の規定により指定の取消しの処分を受けた者は、当該処分の日から二週間以内に、当該処分の日にあっせん又は調停が実施されていた紛争の当事者に対し、当該処分があった旨を通知しなければならない。

(3) A person whose designation has been rescinded pursuant to the provisions of paragraph (1) must, within two weeks from the date of the disposition, notify the parties to the dispute for which mediation or conciliation was being implemented as of the date of the disposition to the effect that the disposition was made.

（国土交通省令への委任）

(Delegation to Order of the Ministry of Land, Infrastructure, Transport and Tourism)

第八十一条　この法律に規定するもののほか、住宅紛争処理の手続及びこれに要する費用に関し必要な事項は、国土交通省令で定める。

Article 81 Beyond what is provided for in this Act, necessary particulars concerning the procedures for housing dispute resolution and the expenses required therefor are specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

第二節　住宅紛争処理支援センター

Section 2 Housing Dispute Resolution Support Center

（住宅紛争処理支援センター）

(Housing Dispute Resolution Support Center)

第八十二条　国土交通大臣は、指定住宅紛争処理機関の行う紛争処理の業務の支援その他住宅購入者等の利益の保護及び住宅に係る紛争の迅速かつ適正な解決を図ることを目的とする一般財団法人であって、次条第一項に規定する業務（以下この節において「支援等の業務」という。）に関し次に掲げる基準に適合すると認められるものを、その申請により、全国に一を限って、住宅紛争処理支援センター（以下「センター」という。）として指定することができる。

Article 82 (1) The Minister of Land, Infrastructure, Transport and Tourism may designate only one general incorporated foundation in Japan as the housing dispute resolution support center (hereinafter referred to as the "center"), at the application of a general incorporated foundation whose purpose is to support the operation of dispute resolution carried out by a designated housing dispute resolution agency or otherwise protect the interests of home buyers, etc. or to promote the prompt and proper resolution of disputes related to housing, which is found to conform to the following standards with regard to the operations prescribed in paragraph (1) of the following Article (hereinafter referred to as "operation of support, etc." in this Section):

一　職員、支援等の業務の実施の方法その他の事項についての支援等の業務の実施に関する計画が、支援等の業務の適確な実施のために適切なものであること。

(i) the applicant's plan for implementing the operation of support, etc., which covers personnel, means of implementing the operation of support, etc. and other particulars, is appropriate for properly implementing the operation of support, etc.;

二　前号の支援等の業務の実施に関する計画を適確に実施するに足りる経理的及び技術的な基礎を有するものであること。

(ii) the applicant has a sufficient financial and technical basis to properly implement the plan for conducting the operation of support, etc. set forth in the preceding item;

三　役員又は職員の構成が、支援等の業務の公正な実施に支障を及ぼすおそれがないものであること。

(iii) the composition of its officers or employees is unlikely to hinder the fair implementation of the operation of support, etc.;

四　支援等の業務以外の業務を行っている場合には、その業務を行うことによって支援等の業務の公正な実施に支障を及ぼすおそれがないものであること。

(iv) if the applicant is engaged in operations other than the operation of support, etc, the applicant's engagement in those operations is unlikely to hinder the fair implementation of the operation of support, etc.;

五　前各号に定めるもののほか、支援等の業務を公正かつ適確に行うことができるものであること。

(v) beyond what is provided for in the preceding items, the corporation is capable of conducting the operation of support, etc. in a fair and appropriate manner.

２　国土交通大臣は、前項の規定による指定（以下この節において単に「指定」という。）をしたときは、センターの名称及び住所並びに支援等の業務を行う事務所の所在地を公示しなければならない。

(2) When the Minister of Land, Infrastructure, Transport and Tourism makes a designation under the provisions of the preceding paragraph (hereinafter simply referred to as a "designation" in this Section), the Minister must issue a public notice of the name and address of the center and the location of the office where the operation of support, etc. are performed.

３　第十条第二項及び第三項、第十九条、第二十二条並びに第六十九条の規定は、センターについて準用する。この場合において、次の表の上欄に掲げる規定中同表の中欄に掲げる字句は、それぞれ同表の下欄に掲げる字句に読み替えるものとする。

(3) The provisions of Article 10, paragraphs (2) and (3), Article 19, Article 22, and Article 69 apply mutatis mutandis to the center. In this case, in the provisions set forth in the left-hand column of the following table, the terms set forth in the middle column of the same table are deemed to be replaced with the terms set forth respectively in the right-hand column of the same table.

|  |  |  |
| --- | --- | --- |
| 第十条第二項Article 10, paragraph (2) | 前条第二項第二号又は第四号から第六号までに掲げる事項The matters set forth in paragraph (2), items (ii) or (iv) to (vi) of the preceding Article; | その名称若しくは住所又は支援等の業務を行う事務所の所在地Its name or address, or the location of the office where the operation of support, etc. is to be provided |
| 第十九条、第二十二条第一項Article 19, Article 22, paragraph (1) | 評価の業務Operation of Evaluation | 支援等の業務Operation of Support, etc. |
| 第六十九条Article 69 | 紛争処理委員並びにその役員Dispute resolution committee members and their officers | 役員Officers |
|  | 紛争処理の業務Operation of Dispute Resolution | 支援等の業務Operation of Support, etc. |

（業務）

(Operations)

第八十三条　センターは、次に掲げる業務を行うものとする。

Article 83 (1) The Center is to perform the following operations:

一　指定住宅紛争処理機関に対して紛争処理の業務の実施に要する費用を助成すること。

(i) providing a designated housing dispute resolution agency with subsidies for the costs required for implementing of the operation of dispute resolution;

二　住宅紛争処理に関する情報及び資料の収集及び整理をし、並びにこれらを指定住宅紛争処理機関に対し提供すること。

(ii) collecting and organizing information and materials on housing dispute resolution and providing them to the designated housing dispute resolution agency;

三　住宅紛争処理に関する調査及び研究を行うこと。

(iii) conducting research and study on housing dispute resolution;

四　指定住宅紛争処理機関の紛争処理委員又はその職員に対する研修を行うこと。

(iv) providing training to dispute resolution committee members of a designated housing dispute resolution agency or their employees;

五　指定住宅紛争処理機関の行う紛争処理の業務について、連絡調整を図ること。

(v) to liaise and coordinate with respect to the operation of dispute resolution provided by the designated housing dispute resolution agency;

六　評価住宅の建設工事の請負契約又は売買契約に関する相談、助言及び苦情の処理を行うこと。

(vi) providing consultation, advice, and handling complaints related to contracts for construction work or sales contracts for evaluated housing;

七　評価住宅以外の住宅の建設工事の請負契約又は売買契約に関する相談、助言及び苦情の処理を行うこと。

(vii) providing consultation, advice, and handling complaints related to contracts for construction work or sales contracts for housing other than evaluated housing subject to assessment;

八　住宅の瑕疵の発生の防止に関する調査及び研究を行うこと。

(viii) carrying out investigations and research on the prevention of housing defect;

九　前各号に掲げるもののほか、住宅購入者等の利益の保護及び住宅に係る紛争の迅速かつ適正な解決を図るために必要な業務を行うこと。

(ix) beyond what is set forth in the preceding items, conduct operations necessary for the protection of the interests of home buyers, etc. and the prompt and proper resolution of disputes related to housing.

２　前項第一号に規定する費用の助成に関する手続、基準その他必要な事項は、国土交通省令で定める。

(2) The procedures, standards and any other necessary matters concerning the subsidies for expenses prescribed in item (i) of the preceding paragraph are specified by Order of Order of the Ministry of Land, Infrastructure, Transport and Tourism.

（支援等業務規程）

(Rules for Operation of Support, etc.)

第八十四条　センターは、支援等の業務に関する規程（以下この節において「支援等業務規程」という。）を定め、支援等の業務の開始前に、国土交通大臣の認可を受けなければならない。これを変更しようとするときも、同様とする。

Article 84 (1) The Center must establish rules concerning the operation of support, etc. (hereinafter referred to as the "rules for operation of support, etc." in this Section) and obtain approval from the Minister of Land, Infrastructure, Transport and Tourism before commencing the operation of support, etc.. The same applies when the Center intends to change the rules for operation of support, etc..

２　支援等業務規程には、支援等の業務の実施の方法その他の国土交通省令で定める事項を定めておかなければならない。

(2) The rules for operation of support, etc. must provide for the means of implementing the operation of support, etc. and other particulars specified by the Order of the Ministry of Land, Infrastructure, Transport and Tourism.

３　国土交通大臣は、第一項の認可をした支援等業務規程が、この節の規定に従って支援等の業務を公正かつ適確に実施する上で不適当となったと認めるときは、その支援等業務規程を変更すべきことを命ずることができる。

(3) If the Minister of Land, Infrastructure, Transport and Tourism finds that the rules for operation of support, etc. approved under paragraph (1) have become inappropriate for conducting the operation of support, etc. fairly and properly in accordance with the provisions of this Section, the Minister may order the approved the rules for operation of support, etc. to be changed.

（役員の選任及び解任）

(Appointment and Dismissal of Officers)

第八十五条　センターの支援等の業務に従事する役員の選任及び解任は、国土交通大臣の認可を受けなければ、その効力を生じない。

Article 85 (1) The appointment and dismissal of officers engaged in the Center's operation of support, etc. do not become effective without the approval of the Minister of Land, Infrastructure, Transport and Tourism.

２　国土交通大臣は、センターの支援等の業務に従事する役員が、前条第一項の認可を受けた支援等業務規程に違反したとき、支援等の業務に関し著しく不適当な行為をしたとき、又はその在任によりセンターが第八十二条第一項第三号に掲げる基準に適合しなくなったときは、センターに対し、その役員を解任すべきことを命ずることができる。

(2) The Minister of Land, Infrastructure, Transport and Tourism may order the Center to dismiss an officer engaged in the Center's operation of support, etc., if the officer violates the rules for operation of support, etc. approved under paragraph (1) of the preceding Article, commits an extremely inappropriate act in relation to the Center's operation of support, etc., or if the Center no longer conforms to the standards listed in Article 82, paragraph (1), item (iii) due to the officer's holding the position.

（事業計画等）

(Business Plan, etc.)

第八十六条　センターは、毎事業年度、支援等の業務に係る事業計画及び収支予算を作成し、当該事業年度の開始前に（指定を受けた日の属する事業年度にあっては、その指定を受けた後遅滞なく）、国土交通大臣の認可を受けなければならない。これを変更しようとするときも、同様とする。

Article 86 (1) The Center must prepare a business plan and an income and expenditure budget for operation of support, etc. each business year, and must obtain the approval of the Minister of Land, Infrastructure, Transport and Tourism prior to the commencement of the relevant business year (in the business year to which the date of designation belongs, without delay after the designation). The same applies when the Center intends to change the business plan and budget.

２　センターは、毎事業年度、支援等の業務に係る事業報告書及び収支決算書を作成し、当該事業年度経過後三月以内に、国土交通大臣に提出しなければならない。

(2) The Center must prepare a project report and an income and expenditure statement pertaining to the operation of support, etc. for each project year and submit them to the Minister of Land, Infrastructure, Transport and Tourism within three months after the end of the relevant project year.

（負担金の徴収）

(Collection of Contributions)

第八十七条　センターは、第八十三条第一項第一号から第六号までの業務（以下この節において「評価住宅関係業務」という。）の実施に必要な経費に充てるため、登録住宅性能評価機関から負担金を徴収することができる。

Article 87 (1) The center may collect contributions from a registered housing performance evaluation agency in order to allocate them to the expenses necessary for conducting the operations set forth in Article 83, paragraph (1), items (i) through (vi) (hereinafter referred to as "operations related to housing subject to evaluation" in this Section).

２　センターは、毎事業年度、前項の負担金の額及び徴収方法について、国土交通大臣の認可を受けなければならない。

(2) Each fiscal year, the center must obtain the approval of the Minister of Land, Infrastructure, Transport and Tourism with regard to the amount and method of collection of the contributions referred to in the preceding paragraph.

３　センターは、前項の認可を受けたときは、登録住宅性能評価機関に対し、負担金の額、納付期限及び納付方法を通知しなければならない。

(3) Having obtained the approval referred to in the preceding paragraph, the center must notify the registered housing performance evaluation agency of the amount, due date, and method of payment of the dues.

４　登録住宅性能評価機関は、前項の通知に従い、センターに対し、負担金を納付しなければならない。

(4) A registered housing performance evaluation agency must pay dues to the center in accordance with the notice referred to in the preceding paragraph.

（区分経理）

(Separate Accounting)

第八十八条　センターは、国土交通省令で定めるところにより、評価住宅関係業務に係る経理とその他の業務に係る経理とを区分して整理しなければならない。

Article 88 Pursuant to the provisions of Order of Order of the Ministry of Land, Infrastructure, Transport and Tourism, the center must separate the accounting for operations related to housing subject to evaluation from the accounting for other operations.

（監督命令）

(Supervision Orders)

第八十九条　国土交通大臣は、支援等の業務の公正かつ適確な実施を確保するため必要があると認めるときは、センターに対し、支援等の業務に関し監督上必要な命令をすることができる。

Article 89 If the Minister of Land, Infrastructure, Transport and Tourism finds it necessary to do so in order to ensure the fair and proper implementation of the operation of support, etc., the Minister may issue to the center an order necessary for the supervision of the operation of support, etc.

（支援等の業務の休廃止等）

(Suspension or Abolition of Operation of Support, etc.)

第九十条　センターは、国土交通大臣の許可を受けなければ、支援等の業務の全部又は一部を休止し、又は廃止してはならない。

Article 90 (1) The Center must not suspend or discontinue all or part of the operation of support, etc. without obtaining the permission of the Minister of Land, Infrastructure, Transport and Tourism.

２　国土交通大臣が前項の規定により支援等の業務の全部の廃止を許可したときは、当該許可に係る指定は、その効力を失う。

(2) If the Minister of Land, Infrastructure, Transport and Tourism permits the discontinuation of all of operation of support, etc. pursuant to the provisions of the preceding paragraph, the designation pertaining to the permission ceases to be effective.

３　国土交通大臣は、第一項の許可をしたときは、その旨を公示しなければならない。

(3) Having granted the permission referred to in paragraph (1), the Minister of Land, Infrastructure, Transport and Tourism must issue public notice of this.

（指定の取消し等）

(Rescission of Designation)

第九十一条　国土交通大臣は、センターが次の各号のいずれかに該当するときは、その指定を取り消し、又は期間を定めて支援等の業務の全部若しくは一部の停止を命ずることができる。

Article 91 (1) If the center falls under any of the following items, the Minister of Land, Infrastructure, Transport and Tourism may revoke its designation or order the suspension of all or part of the operation of support, etc. for a fixed period of time:

一　第八十二条第三項において準用する第十条第二項若しくは第十九条、第八十六条、第八十八条又は前条第一項の規定に違反したとき。

(i) the center violates the provisions of Article 10, paragraph (2) as applied mutatis mutandis pursuant to Article 82, paragraph (3); Article 19; Article 86; Article 88; or paragraph (1) of the preceding Article;

二　第八十四条第一項の認可を受けた支援等業務規程によらないで支援等の業務を行ったとき。

(ii) when the center has conducted the operation of support, etc. not in accordance with the rules for operation of support, etc. approved under Article 84, paragraph (1);

三　第七十五条、第八十四条第三項、第八十五条第二項又は第八十九条の規定による命令に違反したとき。

(iii) when the center has violated an order under the provisions of Article 75, Article 84, paragraph (3), Article 85, paragraph (2), or Article 89;

四　第八十七条第二項の認可を受けず、又は認可を受けた事項に違反して負担金を徴収したとき。

(iv) the center fails to obtain the authorization referred to in Article 87, paragraph (2), or collects dues in violation of the particulars for which the person has obtained authorization;

五　第八十二条第一項各号に掲げる基準に適合していないと認めるとき。

(v) it is found not to conform to the standards set forth in the items of Article 82, paragraph (1);

六　センター又はその役員が、支援等の業務に関し著しく不適当な行為をしたとき。

(vi) if the center or its officer has committed an extremely inappropriate act in connection with the operation of support, etc.;

七　不正な手段により指定を受けたとき。

(vii) when the center has obtained the designation by wrongful means.

２　国土交通大臣は、前項の規定により指定を取り消し、又は支援等の業務の全部若しくは一部の停止を命じたときは、その旨を公示しなければならない。

(2) If the Minister of Land, Infrastructure, Transport and Tourism has rescinded a designation or ordered the suspension of all or part of the operation of support, etc. pursuant to the provisions of the preceding paragraph, the Minister must issue a public notice to that effect.

（指定を取り消した場合における経過措置）

(transitional measure when Designation is Rescinded)

第九十二条　前条第一項の規定により指定を取り消した場合において、国土交通大臣がその取消し後に新たにセンターを指定したときは、取消しに係るセンターの評価住宅関係業務に係る財産は、新たに指定を受けたセンターに帰属する。

Article 92 (1) If a designation is rescinded pursuant to the provisions of paragraph (1) of the preceding Article and the Minister of Land, Infrastructure, Transport and Tourism newly designates a center after the rescission, the assets pertaining to the operations related to housing subject to evaluation of the center pertaining to the rescission belong to the newly designated center.

２　前項に定めるもののほか、前条第一項の規定により指定を取り消した場合における評価住宅関係業務に係る財産の管理その他所要の経過措置（罰則に関する経過措置を含む。）は、合理的に必要と判断される範囲内において、政令で定める。

(2) Beyond what is provided for in the preceding paragraph, the management of assets pertaining to "operations related to housing subject to evaluation and other necessary transitional measure (including transitional measure concerning penal provisions) in the case of revocation of the designation pursuant to the provisions of paragraph (1) of the preceding Article are specified by Cabinet Order to the extent considered reasonably necessary.

（センターへの情報提供等）

(Provision of Information to the Center)

第九十三条　国土交通大臣は、センターに対し、支援等の業務の実施に関し必要な情報及び資料の提供又は指導及び助言を行うものとする。

Article 93 The Minister of Land, Infrastructure, Transport and Tourism is to provide the center with information and materials or with guidance and advice necessary for the implementation of the operation of support, etc.

第七章　瑕疵担保責任

Chapter VII Defect Warranty

（住宅の新築工事の請負人の瑕疵担保責任）

(Defect warranty liability of the contractor for construction of newly constructed house )

第九十四条　住宅を新築する建設工事の請負契約（以下「住宅新築請負契約」という。）においては、請負人は、注文者に引き渡した時から十年間、住宅のうち構造耐力上主要な部分又は雨水の浸入を防止する部分として政令で定めるもの（次条において「住宅の構造耐力上主要な部分等」という。）の瑕疵（構造耐力又は雨水の浸入に影響のないものを除く。次条において同じ。）について、民法（明治二十九年法律第八十九号）第四百十五条、第五百四十一条及び第五百四十二条並びに同法第五百五十九条において準用する同法第五百六十二条及び第五百六十三条に規定する担保の責任を負う。

Article 94 (1) Under a contract for construction work to construct a newly constructed house (hereinafter referred to as a "contract for construction of a newly constructed house"), the contractor may construct a contract for ten years from the time of the delivery to the orderer of the defect (excluding those that have no impact on structural strength or entry of rainwater; the same applies in the following Article) of main structural parts of the house or parts specified by Cabinet Order as parts to prevent rainwater from penetrating (referred to as the "main structural parts of the house, etc." in the following Article) is liable to provide security as prescribed in Article 415, Articles 541 and 542 of the Civil Act (Act No. 89 of 1896) and Article 559 of the same Act as applied mutatis mutandis in Articles 562 and 563 of the same Act.)

２　前項の規定に反する特約で注文者に不利なものは、無効とする。

(2) Any special provisions of a contract that run counter to the provisions of the preceding paragraph and that are disadvantageous to the orderer are void.

３　第一項の場合における民法第六百三十七条の規定の適用については、同条第一項中「前条本文に規定する」とあるのは「請負人が住宅の品質確保の促進等に関する法律（平成十一年法律第八十一号）第九十四条第一項に規定する瑕疵がある目的物を注文者に引き渡した」と、同項及び同条第二項中「不適合」とあるのは「瑕疵」とする。

(3) With regard to the application of the provisions of the Article 637 of the Civil Act in the case set forth in paragraph (1), the term "prescribed in the main clause of the preceding Article" in paragraph (1) of the same Article is deemed to be replaced with "the contractor has delivered the subject matter with the defect prescribed in Article 94, paragraph (1) of the Act on the Promotion of Housing Quality Assurance (Act No. 81 of 1999) to the orderer," and the term "non-conformity" in the same paragraph and paragraph (2) of the same Article is deemed to be replaced with "defect".

（新築住宅の売主の瑕疵担保責任）

(Seller of a Newly Constructed House for Defect Warranty)

第九十五条　新築住宅の売買契約においては、売主は、買主に引き渡した時（当該新築住宅が住宅新築請負契約に基づき請負人から当該売主に引き渡されたものである場合にあっては、その引渡しの時）から十年間、住宅の構造耐力上主要な部分等の瑕疵について、民法第四百十五条、第五百四十一条、第五百四十二条、第五百六十二条及び第五百六十三条に規定する担保の責任を負う。

Article 95 (1) Under a sales contract for a newly constructed house, the seller may take responsibility for the defect warranty of the main structural parts of the house, etc. for a period of ten years from the time of the delivery to the buyer (in cases where the newly constructed house has been delivered from the contractor to the seller based on a contract for the construction of a newly constructed house, the time of the delivery) assume responsibility for the security provided for in Article 415, Article 541, Article 542, Articles 562 and 563 of the Civil Code with respect to.

２　前項の規定に反する特約で買主に不利なものは、無効とする。

(2) Any special provisions of a contract that run counter to the provisions of the preceding paragraph and that are disadvantageous to the buyer are void.

３　第一項の場合における民法第五百六十六条の規定の適用については、同条中「種類又は品質に関して契約の内容に適合しない」とあるのは「住宅の品質確保の促進等に関する法律（平成十一年法律第八十一号）第九十五条第一項に規定する瑕疵がある」と、「不適合」とあるのは「瑕疵」とする。

(3) To apply the provisions of Article 566 of the Civil Act in a case as referred to in paragraph (1), the phrase "does not conform to the content of the contract in terms of type or quality" in that Article is deemed to be replaced with "contains a defect prescribed in Article 95, paragraph (1) of the Act on the Promotion of Housing Quality Assurance (Act No. 81 of 1999)" and the phrase "does not conform" is deemed to be replaced with "contains a defect".

（一時使用目的の住宅の適用除外）

(Exclusion from Application of House for Temporary Use)

第九十六条　前二条の規定は、一時使用のため建設されたことが明らかな住宅については、適用しない。

Article 96 The provisions of the preceding two Articles do not apply to the house that is clearly constructed for temporary use.

（瑕疵担保責任の期間の伸長等）

(Extension of the Period of Defect Warranty)

第九十七条　住宅新築請負契約又は新築住宅の売買契約においては、請負人が第九十四条第一項に規定する瑕疵その他の住宅の瑕疵について同項に規定する担保の責任を負うべき期間又は売主が第九十五条第一項に規定する瑕疵その他の住宅の瑕疵について同項に規定する担保の責任を負うべき期間は、注文者又は買主に引き渡した時から二十年以内とすることができる。

Article 97 In a contract for construction of a newly constructed house or a sales contract for a newly constructed house, the period during which the contractor shall be liable for the defect prescribed in Article 94, paragraph 1 or the seller shall be liable for the defect prescribed in Article 95, paragraph 1 or other defects of the house prescribed in the same paragraph shall be 20 years from the time of delivery to the orderer or the buyer.

第八章　雑則

Chapter VIII Miscellaneous Provisions

（国及び地方公共団体の措置）

(Measures by the National and Local Governments)

第九十八条　国及び地方公共団体は、住宅の品質確保の促進、住宅購入者等の利益の保護及び住宅に係る紛争の迅速かつ適正な解決を図るため、必要な情報及び資料の提供その他の措置を講ずるよう努めなければならない。

Article 98 The national and local governments must endeavor to provide necessary information and materials and take other measures in order to promote the quality assurance of housing, protect the interests of home buyers, etc., and achieve the prompt and proper resolution of disputes related to the house.

（内閣総理大臣への資料提供等）

(Provision of Materials to the Prime Minister)

第九十八条の二　内閣総理大臣は、住宅の性能に関する表示に関し、個人である住宅購入者等の利益の保護を図るため必要があると認めるときは、国土交通大臣に対し、資料の提供、説明その他必要な協力を求めることができる。

Article 98-2 When the Prime Minister finds it necessary for protecting the interests of home buyers, etc. who are individuals with regard to the labeling of the performance of the house, the Prime Minister may request the Minister of Land, Infrastructure, Transport and Tourism to provide materials, explanations and any other necessary cooperation.

（権限の委任）

(Delegation of Authority)

第九十九条　この法律に規定する国土交通大臣の権限は、国土交通省令で定めるところにより、その一部を地方整備局長又は北海道開発局長に委任することができる。

Article 99 (1) Part of the authority of the Minister of Land, Infrastructure, Transport and Tourism prescribed in this Act may be delegated to the Regional Development Bureau Director General or the Order of the Ministry of Land, Infrastructure, Transport and Tourism Regional Development Bureau Director General, pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism.

２　この法律に規定する内閣総理大臣の権限（政令で定めるものを除く。）は、消費者庁長官に委任する。

(2) The authority of the Prime Minister as prescribed in this Act (excluding what is specified by Cabinet Order) is delegated to the Minister of State for Consumer Affairs.

（経過措置）

(transitional measure)

第百条　この法律の規定に基づき命令を制定し、又は改廃する場合においては、その命令で、その制定又は改廃に伴い合理的に必要と判断される範囲内において、所要の経過措置（罰則に関する経過措置を含む。）を定めることができる。

Article 100 In the case of enacting, revising or abolishing an order pursuant to the provisions of this Act, necessary transitional measure (including transitional measure concerning penal provisions) may be specified by the order to the extent considered reasonably necessary for the enactment, revision or abolition.

第九章　罰則

Chapter IX Penal Provisions

第百一条　次の各号のいずれかに該当する者がその職務に関して賄賂を収受し、又は要求し、若しくは約束したときは、三年以下の懲役に処する。よって不正の行為をし、又は相当の行為をしないときは、七年以下の懲役に処する。

Article 101 (1) If a person who falls under any of the following items accepts, solicits or promises to accept a bribe in connection with their duties, the person is punished by imprisonment for not more than three years. If the person commits a wrongful act or fails to act appropriately as a result, the person is punished by imprisonment for not more than seven years:

一　登録住宅性能評価機関（その者が法人である場合にあっては、その役員）又はその職員（評価員を含む。）で第五条第一項に規定する業務（第六条の二第三項又は第四項に規定する業務を含む。）に従事する者

(i) a registered housing performance evaluation agency (if that agency is a corporation, its officers) or its employees (including appraisers ) who engage in the operations prescribed in Article 5, paragraph (1) (including the operations prescribed in Article 6-2, paragraph (3) or paragraph (4));

二　登録住宅型式性能認定等機関（その者が法人である場合にあっては、その役員）又はその職員（認定員を含む。）で第四十四条第一項に規定する業務に従事する者

(ii) a registered housing type performance certification, etc. agency (in the case where the agency is a corporation, its officers) or its employees (including certification examiners ) who engage in the business prescribed in Article 44, paragraph (1);

三　登録試験機関（その者が法人である場合にあっては、その役員）又はその職員（試験員を含む。）で第六十一条第一項に規定する業務に従事する者

(iii) a registered testing agency (or its officers, if it is a corporation) or its employees (including examiners) who are engaged in the operations prescribed in Article 61, paragraph (1).

２　前項各号に掲げる者であった者がその在職中に請託を受けて職務上不正の行為をし、又は相当の行為をしなかったことにつき賄賂を収受し、又は要求し、若しくは約束したときは、三年以下の懲役に処する。

(2) If a person who was any of the persons listed in the items of the preceding paragraph has accepted, solicited, or promised to accept a bribe for having acted illegally or having refrained from acting in the exercise of their duty in response to a request, the person is punished by imprisonment for not more than three years.

３　第一項各号に掲げる者がその職務に関し請託を受けて第三者に賄賂を供与させ、又はその供与を約束したときは、三年以下の懲役に処する。

(3) When any one of the persons listed in the items of paragraph (1) has caused or promised to cause a bribe to be given to a third party in response to a request in connection with their duties, such person is punished by imprisonment for not more than three years.

４　犯人又は情を知った第三者の収受した賄賂は、没収する。その全部又は一部を没収することができないときは、その価額を追徴する。

(4) A bribe accepted by an offender or by a third party with knowledge of the circumstances is confiscated. If all or part of the bribe cannot be confiscated, an equivalent value is collected.

第百二条　前条第一項から第三項までに規定する賄賂を供与し、又はその申込み若しくは約束をした者は、三年以下の懲役又は百万円以下の罰金に処する。

Article 102 (1) A person who gives, offers or promises to give a bribe prescribed in paragraphs (1) through (3) of the preceding article shall be punished by imprisonment with work for not more than three years or a fine of not more than one million yen.

２　前項の罪を犯した者が自首したときは、その刑を減軽し、又は免除することができる。

(2) When a person who has committed any of the crimes set forth in the preceding paragraph surrenders, the punishment may be reduced or such person may be exempted from punishment.

第百三条　次の各号のいずれかに該当する者は、一年以下の懲役又は百万円以下の罰金に処する。

Article 103 A person who falls under any of the following items is punished by imprisonment for not more than one year or a fine of not more than one million yen:

一　第四条の規定に違反した者

(i) a person who has violated the provisions of Article 4;

二　第五条第三項の規定に違反した者

(ii) a person who has violated the provisions of Article 5, paragraph (3).

第百四条　次の各号のいずれかに該当する者は、一年以下の懲役又は五十万円以下の罰金に処する。

Article 104 A person who falls under any of the following items is punished by imprisonment for not more than one year or a fine of not more than 500000 yen:

一　第十四条、第四十八条（第六十一条第三項において準用する場合を含む。）又は第六十九条第一項（第八十二条第三項において準用する場合を含む。）の規定に違反して、その職務に関して知り得た秘密を漏らし、又は自己の利益のために使用した者

(i) a person who has, in violation of the provisions of Article 14, Article 48 (including the cases where it is applied mutatis mutandis pursuant to Article 61, paragraph (3)) or Article 69, paragraph (1) (including the cases where it is applied mutatis mutandis pursuant to Article 82, paragraph (3)), disclosed to another person or used for their own interest any confidential information learned during the course of their duties;

二　第二十四条第二項、第二十八条第二項、第五十五条第二項、第六十五条第二項又は第九十一条第一項の規定による業務の停止の命令に違反した者

(ii) a person who has violated an order of suspension of operation under the provisions of Article 24, paragraph (2), Article 28, paragraph (2), Article 55, paragraph (2), Article 65, paragraph (2) or Article 91, paragraph (1).

第百五条　次の各号のいずれかに該当する者は、五十万円以下の罰金に処する。

Article 105 A person who falls under any of the following items is punished by a fine of not more than 500000 yen:

一　第三十八条第二項の規定に違反して、検査を行わず、検査記録を作成せず、虚偽の検査記録を作成し、又は検査記録を保存しなかった者

(i) a person who has, in violation of the provisions of Article 38, paragraph (2), failed to conduct an inspection, failed to prepare an inspection record, prepared a false inspection record, or failed to preserve an inspection record;

二　第三十九条第二項の規定に違反した者

(ii) a person who has violated the provisions of Article 39, paragraph (2).

第百六条　次の各号のいずれかに該当する者は、三十万円以下の罰金に処する。

Article 106 A person who falls under any of the following items is punished by a fine of not more than 300000 yen:

一　第十九条第一項（第二十五条第二項、第四十四条第三項、第六十一条第三項又は第八十二条第三項において準用する場合を含む。）の規定に違反して帳簿を備え付けず、帳簿に記載せず、若しくは帳簿に虚偽の記載をし、又は帳簿を保存しなかった者

(i) a person who has, in violation of the provisions of Article 19, paragraph (1) (including the cases where it is applied mutatis mutandis pursuant to Article 25, paragraph (2), Article 44, paragraph (3), Article 61, paragraph (3) or Article 82, paragraph (3)), failed to keep books, failed to state necessary matters in the books or made false statements in the books, or failed to preserve the books;

二　第十九条第二項（第四十四条第三項、第六十一条第三項又は第八十二条第三項において準用する場合を含む。）の規定に違反した者

(ii) a person that violates the provisions of Article 19, paragraph (2) (including as applied mutatis mutandis pursuant to Article 44, paragraph (3), Article 61, paragraph (3), or Article 82, paragraph (3));

三　第二十二条第一項（第二十五条第二項、第四十四条第三項、第六十一条第三項又は第八十二条第三項において準用する場合を含む。以下この条において同じ。）又は第四十二条第一項の規定による報告をせず、又は虚偽の報告をした者

(iii) a person that fails to make a report under Article 22, paragraph (1) (including as applied mutatis mutandis pursuant to Article 25, paragraph (2); Article 44, paragraph (3); Article 61, paragraph (3); or Article 82, paragraph (3); hereinafter the same applies in this Article) or Article 42, paragraph (1), or that makes a false report;

四　第二十二条第一項又は第四十二条第一項の規定による検査を拒み、妨げ、又は忌避した者

(iv) a person who has refused, obstructed or evaded the inspection under the provisions of Article 22, paragraph (1) or Article 42, paragraph (1);

五　第二十二条第一項又は第四十二条第一項の規定による質問に対して答弁せず、又は虚偽の答弁をした者

(v) a person who has failed to answer a question under the provisions of Article 22, paragraph (1) or Article 42, paragraph (1) or has made a false answer;

六　第二十三条第一項（第二十五条第二項、第四十四条第三項又は第六十一条第三項において準用する場合を含む。）の規定による届出をしないで業務の全部を廃止し、又は虚偽の届出をした者

(vi) a person that discontinues all of its operations without filing a notification under Article 23, paragraph (1) (including as applied mutatis mutandis pursuant to Article 25, paragraph (2); Article 44, paragraph (3); or Article 61, paragraph (3)), or that files a false notification;

七　第五十三条第一項の規定による報告をせず、又は虚偽の報告をした者

(vii) a person that fails to make a report under the provisions of Article 53, paragraph (1) or that makes a false report;

八　第九十条第一項の規定による許可を受けないで業務の全部を廃止した者

(viii) a person that discontinues all operations without obtaining permission under the provisions of Article 90, paragraph (1).

第百七条　法人の代表者又は法人若しくは人の代理人、使用人その他の従業者がその法人又は人の業務に関して第百三条から前条までの違反行為をした場合においては、その行為者を罰するほか、その法人又は人に対して各本条の罰金刑を科する。

Article 107 If the representative of a corporation or the agent, employee, or other worker of a corporation or individual commits a violation referred to in Article 103 through the preceding Article in connection with the business of the corporation or individual, in addition to the offender being subject to punishment, the corporation or individual is subject to the fine referred to in the relevant Article.

第百八条　次の各号のいずれかに該当する者は、二十万円以下の過料に処する。

Article 108 A person who falls under any of the following items is punished by a civil fine of not more than 200000 yen:

一　第十二条第二項（第二十五条第二項、第四十四条第三項又は第六十一条第三項において準用する場合を含む。）の規定による届出をせず、又は虚偽の届出をした者

(i) a person failing to file a notification under Article 12, paragraph (2) (including as applied mutatis mutandis pursuant to Article 25, paragraph (2); Article 44, paragraph (3); or Article 61, paragraph (3)) or filing a false notification;

二　第十八条第一項（第二十五条第二項、第四十四条第三項又は第六十一条第三項において準用する場合を含む。）の規定に違反して財務諸表等を備えて置かず、財務諸表等に記載すべき事項を記載せず、若しくは虚偽の記載をし、又は正当な理由がないのに第十八条第二項各号（第二十五条第二項、第四十四条第三項又は第六十一条第三項において準用する場合を含む。）の請求を拒んだ者

(ii) a person who has, in violation of the provisions of Article 18, paragraph (1) (including the cases where it is applied mutatis mutandis pursuant to Article 25, paragraph (2), Article 44, paragraph (3) or Article 61, paragraph (3)), failed to keep Financial Statements, etc., failed to state the necessary matters in the Financial Statements, etc. or made false statements, or refused the request made under the items of Article 18, paragraph (2) (including the cases where it is applied mutatis mutandis pursuant to Article 25, paragraph (2), Article 44, paragraph (3) or Article 61, paragraph (3)) without justifiable grounds.