

Act on Special Measures for Facilitating the Use of Land With an Unknown Owner

(Act No. 49 of June 13, 2018)

Table of Contents

Chapter I General Provisions (Articles 1 and 2)

Chapter II Basic Policy (Articles 3 through 5)

Chapter III Special Measures for Facilitating Use of Land with an Unknown Owner and Ensuring its Proper Management

Section 1 Measures for Implementing a Community Welfare Promotion Project

Subsection 1 Preparation for Implementing a Community Welfare Promotion Project (Articles 6 through 9)

Subsection 2 Use of Specified Land with an Unknown Owner by Ruling (Articles 10 through 26)

Section 2 Special Provisions of the Expropriation of Land Act Concerning Expropriation or Use of Specified Land with an Unknown Owner

Subsection 1 Special Provisions Concerning the Expropriation or Use of Specified Land with an Unknown Owner for a Project Eligible for Expropriation (Articles 27 through 36)

Subsection 2 Special Provisions Concerning Expropriation or Use of Specified Land with an Unknown Owner for a City Planning Project (Article 37)

Section 3 Measures for Proper Management of Land with an Unknown Owner (Articles 38 through 41)

Section 4 Special Provisions of the Civil Code Concerning Management of Land with an Unknown Owner (Article 42)

Chapter IV Special Measures for Effectively Searching for Landowners

Section 1 Use and Provision of Information Regarding Landowners (Article 43)

Section 2 Special Provisions of the Real Property Registration Act Regarding Inheritance of Registration or Other Matters Regarding Specified Unregistered Land (Article 44)

Chapter V Plans Concerning Measures for Dealing with Land with an Unknown Owner (Articles 45 and 46)

Chapter VI Corporation for Promoting Facilitation of Using Land with an Unknown Owner (Articles 47 through 52)

Chapter VII Miscellaneous Provisions (Articles 53 through 60)

Chapter VIII Penal Provisions (Articles 61 through 63)

Supplementary Provisions

Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to provide for the formulation of basic policy by the Minister of Land, Infrastructure, Transport and Tourism and the Minister of Justice, measures for implementing community welfare promotion projects, special provisions for the Expropriation of Land Act (Act No. 219 of 1951) regarding the expropriating or using land with an unknown owner, the use and provision of information regarding landowners, and other special measures, in order to facilitate use of land with an unknown owner, ensure its proper management, and search for the landowner effectively, in view of the increase in land with an unknown owner, due to changes in social and economic conditions, thereby contributing to the proper and reasonable use of national land.

(Definitions)

- Article 2 (1) The term "land with an unknown owner" as used in this Act means a parcel of land for which the owner cannot be partly or completely confirmed, even after a search has been conducted by a method specified by Cabinet Order, by which that search is considered to have been done with reasonable effort.
- (2) The term "specified land with an unknown owner" as used in this Act means land with an unknown owner on which there are no buildings (excluding buildings with simplified structures specified by Cabinet Order which are smaller in scale than that specified by Cabinet Order such as storage sheds, and buildings falling under the criteria specified by Cabinet Order as buildings that are difficult to use, and are expected to definitely not be used in the future, in consideration of the state of damage, corrosion, and other deterioration of the buildings, the number of years which elapsed from the time of construction, and other circumstances (referred to below as "simplified or non-used buildings")) and which is not used for business or any other special purpose.
- (3) The term "community welfare promotion project" as used in this Act means any of the following projects that are carried out in order to enhance the common welfare or convenience of local residents and other persons:
- (i) a project concerning the development of roads under the Road Act (Act No. 180 of 1952), off-street parking lots under the Parking Lot Act (Act No. 106 of 1957), and other facilities for general traffic;
 - (ii) a project concerning the development of schools or other equivalent educational facilities under the School Education Act (Act No. 26 of 1947);
 - (iii) a project concerning the development of community halls under the Social

- Education Act (Act No. 207 of 1949) (including facilities similar to the community halls prescribed in Article 42 of the Social Education Act) or libraries under the Library Act (Act No. 118 of 1950) (including facilities similar to the libraries prescribed in Article 29 of the Library Act);
- (iv) a project concerning the development of facilities used for social welfare services under the Social Welfare Act (Act No. 45 of 1951);
 - (v) a project concerning the development of hospitals, sanatoriums, clinics, or birthing centers;
 - (vi) a project concerning the development of parks, green areas, open spaces, or playgrounds;
 - (vii) a project concerning the development of houses (limited to houses used by disaster victims) to be carried out within a municipality area where a disaster occurred as prescribed in Article 2, paragraph (1) of the Disaster Relief Act (Act No. 118 of 1947), to which the Disaster Relief Act has been applied upon the disaster (limited to a disaster for which three years have not elapsed from the day of the disaster occurring; the same applies in (a) of the following item);
 - (viii) a project concerning the development of a purchasing facility, cultural facility, or other facilities that contribute to promoting the common welfare or convenience of local residents and other persons specified by Cabinet Order, which is carried out within the following areas:
 - (a) the municipality area where a disaster occurred as prescribed in Article 2, paragraph (1) of the Disaster Relief Act, to which the Disaster Relief Act has been applied at the time of the disaster;
 - (b) an area where facilities of the same type as the relevant facility are in extremely short supply in the surrounding area;
 - (ix) a project concerning the development of storage warehouses, emergency electricity supply facilities (meaning emergency electricity or heat supply facilities), and other facilities specified by Cabinet Order as those to be used for the implementation of disaster countermeasures;
 - (x) a project concerning the development of a renewable energy power generation facility under the Act on Special Measures Concerning Promotion of Use of Electricity from Renewable Energy Sources (Act No. 108 of 2011) that conforms to the requirements specified by Cabinet Order as contributing to promoting the common welfare and convenience of local residents and other persons;
 - (xi) in addition to the projects stated in the preceding items, a project concerning the development of the facilities stated in the items of Article 3 of the Expropriation of Land Act that are specified by Cabinet Order as contributing to promoting the common welfare and convenience of local residents and other persons; and

- (xii) projects concerning the development of passages, material yards, and other facilities indispensable for the projects stated in the preceding items.
- (4) The term "specified unregistered land" as used in this Act means land for which registration of inheritance or other matters (meaning a registration of transfer of ownership by inheritance or other registration of ownership; the same applies below) has not been made after the death of a registered owner, and for which it is necessary to search for a person who can become the registered owner of the land, in order to properly select an area to implement a project concerning the facilities stated in the items of Article 3 of the Expropriation of Land Act (referred to as a "project eligible for expropriation" in Article 27, paragraph (1) and Article 43, paragraph (1)) and to smoothly carry out other projects that are in the public interest.

Chapter II Basic Policy

(Basic Policy)

- Article 3 (1) The Minister of Land, Infrastructure, Transport and Tourism and the Minister of Justice must establish basic policy (referred to below as "basic policy") for facilitating the use of land with an unknown owner, ensuring its proper management, and effectively searching for owners of land (referred to below as "facilitating the use of land with an unknown owner").
- (2) Basic policy is to prescribe the following:
- (i) the significance and basic direction of facilitating the use of land with an unknown owner;
 - (ii) basic matters concerning measures for facilitating the use of land with an unknown owner;
 - (iii) basic matters concerning community welfare promotion projects that use specified land with an unknown owner;
 - (iv) basic matters concerning the promotion of registration of inheritance or other matters regarding specified unregistered land;
 - (v) basic matters concerning the preparation of a plan concerning measures for dealing with the problem of land with an unknown owner as prescribed in Article 45, paragraph (1);
 - (vi) in addition to what is stated in the preceding items, important matters concerning facilitation of the use of land with an unknown owner.
- (3) When the Minister of Land, Infrastructure, Transport and Tourism and the Minister of Justice intend to formulate basic policy, they must consult with the head of the related administrative organization.
- (4) When the Minister of Land, Infrastructure, Transport and Tourism and the Minister of Justice have established basic policy, they must publicize them without delay.

- (5) The provisions of the preceding two paragraphs apply mutatis mutandis to changes to basic policy.

(Responsibilities of the National Government)

- Article 4 (1) The national government is responsible for comprehensively formulating and implementing measures to facilitate the use of land with an unknown owner.
- (2) The national government must endeavor to collect and provide information or offer other support as necessary for the efforts made by local governments and other persons to facilitate the use of land with an unknown owner.
- (3) The national government must endeavor to broaden nationwide understanding regarding facilitation of the use of land with an unknown owner through public relations activities, awareness-raising activities, and other activities.

(Responsibilities of Local Governments)

- Article 5 (1) A local governments is responsible for formulating and implementing measures for facilitating the use of land with an unknown owner, in accordance with the actual conditions in local government areas, based on an appropriate division of roles with the national government.
- (2) A municipality must endeavor to take measures based on this Act and other necessary measures so that the facilitation of the use of land with an unknown owner within its area is appropriately implemented.
- (3) A prefectural government must endeavor to liaise and coordinate among the municipalities so that the responsibilities of the municipalities stated in the preceding paragraph are fulfilled, and provide the municipalities with advice and other assistance from a broader perspective than the boundaries of the municipalities.

Chapter III Special Measures for Facilitating the Use of Land with an Unknown Owner and Ensuring its Proper Management

Section 1 Measures for Implementing a Community Welfare Promotion Project

Subsection 1 Preparation for Implementing a Community Welfare Promotion Project

(Entry into Specified Land with an Unknown Owner)

- Article 6 If it is necessary for a person intending to implement a community welfare promotion project to enter another person's land or any structure on the land such as simplified or non-used buildings (this land is limited to specified land with an unknown owner; the same applies in paragraph (1) of

the following Article and Article 8, paragraph (1)) in order to conduct a survey or investigation in preparation for the project, that person may enter the land or structure or have a different person who is ordered or delegated by that person enter the land or structure to the extent necessary; provided, however, that this is limited to cases in which that person has obtained permission in advance from the prefectural governor with jurisdiction over the location of the land, as provided for by Order of the Ministry of Land, Infrastructure, Transport and Tourism, if that person does not fall under the national or local government.

(Obstacle Removal)

- Article 7 (1) If a person entering another person's land or a structure to conduct a survey or investigation pursuant to the provisions of the preceding Article intends to remove or clear a plant, hedge, fence, or another structure that is an obstacle (referred to below as "an obstacle") due to unavoidable necessity (this action is referred to below as "removing or clearing") when carrying out that survey or investigation, the person may remove or clear the obstacle by obtaining permission of the prefectural governor who has jurisdiction over the location of the obstacle, as provided for by Order of the Ministry of Land, Infrastructure, Transport and Tourism. In this case, when the prefectural governor intends to grant the permission, the prefectural governor must give the confirmed owner of the obstacle (meaning the person who is the known owner; the same applies below) an opportunity to state their opinion.
- (2) A person intending to remove or clear an obstacle pursuant to the provisions of the preceding paragraph must give public notice to that effect no later than fifteen days before the date on which the person intends to remove or clear the obstacle, and must give notice to that effect to the confirmed owner of the obstacle no later than three days before the date on which the person intends to remove or clear that obstacle, as provided for by Order of the Ministry of Land, Infrastructure, Transport and Tourism.
- (3) Notwithstanding the provisions of the preceding two paragraphs, if removing or clearing an obstacle does not significantly alter its current situation, a person intending to remove or clear the obstacle pursuant to the provisions of paragraph (1) may remove or clear the obstacle after obtaining permission of the prefectural governor who has jurisdiction over the location of the obstacle, as provided for by Order of the Ministry of Land, Infrastructure, Transport and Tourism. In this case, the person must give public notice and also give notice to the confirmed owner of the obstacle without delay after removing or clearing the obstacle, as provided for by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Carrying Identification Cards)

- Article 8 (1) A person intending to enter another person's land or structure pursuant to the provisions of Article 6 must carry an identification card (or an identification card and a document certifying that the permission under the proviso to that Article has been obtained, if the person does not fall under the national or local government).
- (2) A person intending to remove or clear an obstacle pursuant to the provisions of paragraph (1) or (3) of the preceding Article must carry an identification card and a document certifying that they have obtained permission under paragraph (1) or (3) of that Article.
- (3) The identification card or document referred to in the preceding two paragraphs must be presented at the request of any related person.

(Compensation for Losses)

- Article 9 (1) If a person intending to implement a community welfare promotion project has caused a loss to another person by taking an action pursuant to the provisions of Article 6 or Article 7, paragraph (1) or (3), the person must compensate the other person suffering a loss for any losses that would ordinarily arise.
- (2) A person causing a loss under the preceding paragraph and a person suffering that loss must consult with each other regarding compensation for it.
- (3) If an agreement is not reached in the consultation under the preceding paragraph, a person causing a loss or person suffering that loss may apply to the expropriation committee for an administrative determination under Article 94, paragraph (2) of the Compulsory Purchase of Land Act.

Subsection 2 Use of Specified Land with an Unknown Owner by Ruling

(Application for a Ruling)

- Article 10 (1) If a person implementing a community welfare promotion project (referred to below as the "project operator") intends to use specified land with an unknown owner within the area where the project is to be implemented (referred to below as the "project area"), the project operator may apply to the prefectural governor who has jurisdiction over the location of the specified land with an unknown owner for a ruling concerning the acquisition of the following rights (referred to below as "land usage rights or other rights"):
- (i) rights to use the relevant specified land with an unknown owner (referred to below as the "land usage rights");
- (ii) ownership of a property with an unknown owner, located in the relevant specified land with an unknown owner (the property mentioned above means a property for which the owner cannot be partly or completely confirmed

even after a search has been conducted by a method specified by Cabinet Order, by which that search is considered to be done with reasonable efforts; the same applies in paragraph (3), item (ii)) (the ownership mentioned above is referred to as "ownership of a property" in item (vii) of the following paragraph), or right to use that property (this right is referred to as the "property usage rights" in item (viii) of that paragraph).

(2) A project operator intending to apply for a ruling under the preceding paragraph (referred to below as an "application for a ruling" in this Subsection) must submit a written application for that ruling stating the following matters to the prefectural governor, pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism:

- (i) the name and address of the project operator;
- (ii) the project category (meaning the project category stated in the items of Article 2, paragraph (3));
- (iii) the project area;
- (iv) the reasons for filing the application for a ruling;
- (v) the location, parcel number, land category, and parcel area of the specified land with an unknown owner subject to the land usage rights (simply referred to below as the "specified land with an unknown owner" in this Subsection (excluding paragraph (1), item (ii) of the following Article));
- (vi) circumstances regarding specified land with an unknown owner, under which it is impossible to confirm its owner partly or completely;
- (vii) the effective date of land usage rights or other rights (or in the case of ownership of a property, the time of acquisition of that ownership; the same applies in Article 13, paragraph (2), item (ii) and Article 24);
- (viii) the duration of the land or property usage rights (meaning the land usage rights or property usage rights; the same applies below).

(3) The following documents must be attached to the written application for the ruling stated in the preceding paragraph:

- (i) a written project plan stating the following matters:
 - (a) the type, location, size, structure, and conditions of use of the facilities to be developed through the project;
 - (b) the project area;
 - (c) a plan concerning the acquisition of ownership or other rights concerning land located within the project area other than specified land with an unknown owner and property on that land (referred to as the "rights acquisition plan" in paragraph (1), item (v) of the following Article);
 - (d) a funding plan;
 - (e) the details of the measures to restore the specified land with an unknown owner to its original state after the expiration of the duration of the land or property usage rights;

- (f) other matters specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism;
 - (ii) a written estimate regarding the compensation amount including the following matters:
 - (a) the area of specified land with an unknown owner (if a unit of land including specified land with an unknown owner is to be divided, including the total area of the unit of land);
 - (b) the type and quantity of property with an unknown owner that is located on specified land with an unknown owner;
 - (c) the names and addresses of all confirmed owners regarding specified land or property with an unknown owner (meaning specified land with an unknown owner or property with an unknown owner that is located on that specified land; the same applies below in this Subsection);
 - (d) the names and addresses of all confirmed right-holders of specified land or property with an unknown owner (meaning persons holding rights other than ownership to the land or property on that land and excluding those who cannot be confirmed even after a search has been conducted by a method specified by Cabinet Order, by which that search is considered to be done with reasonable effort; the same applies in paragraph (5) of the following Article and Article 17, paragraph (1)) and the category and details of their rights;
 - (e) the estimated amount of compensation and breakdown for losses to be incurred by the real owner or right-holder regarding specified land with an unknown owner (meaning a person who has ownership or other rights regarding specified land or property with an unknown owner; the same applies in this Subsection) through the acquisition of land usage rights or other rights, and the timing of compensation payment;
 - (iii) if there are restrictions under laws and regulations on the use of the project area, a written opinion from the head of the administrative organization with authority over the enforcement of those laws and regulations;
 - (iv) if permission, authorization, or any other disposition of the head of the administrative organization is necessary for the implementation of the project, a document certifying that the disposition has been made or a written opinion of the head of that administrative organization; and
 - (v) other documents specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.
- (4) The written opinion referred to in items (iii) and (iv) of the preceding paragraph is not required to be attached if the project operator is unable to obtain that written opinion within three weeks from the day on which the project operator requested that opinion. In this case, a document making a

prima facie showing regarding the reasons why the project operator was unable to obtain that written opinion must be attached.

- (5) If a project operator intends to file an application for a ruling, the project operator must endeavor to take necessary measures in advance to reflect the opinions of residents concerning the details of the project connected to the application by holding a council meeting or by other methods specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Public Notice and Public Inspection)

Article 11 (1) If an application for a ruling has been filed, the prefectural governor must confirm whether the project connected to the application for a ruling fall under all of the requirements stated in the following items:

- (i) the project falls under the category of a community welfare promotion project and contributes to proper and reasonable use of the land;
 - (ii) the land subject to land usage rights falls under the category of the specified land with an unknown owner;
 - (iii) the duration of the land or property usage rights does not exceed the period necessary for the implementation of the community welfare promotion project;
 - (iv) the conditions of use for the facilities developed through project are appropriate from the perspective of promoting their fair and proper use;
 - (v) the rights acquisition plan and the financial plan are appropriate for reliably running the project;
 - (vi) the measures for restoring the land referred to in item (ii) to its original state after the expiration of the duration of land or property usage rights are expected to be taken properly and reliably;
 - (vii) the project operator has sufficient will and ability to run the project; and
 - (viii) the project is in accordance with basic policy in other aspects.
- (2) If the prefectural governor intends to make a confirmation under the preceding paragraph, the governor must hear the opinions of the mayors of the related municipalities in advance, from the viewpoint of improving the common welfare and convenience of local residents and other persons.
- (3) If the prefectural governor intends to make a confirmation under paragraph (1) but no written opinion has been attached under paragraph (4) of the preceding Article, or the governor finds it to be necessary to make the confirmation for any other reason, the governor must seek the opinion of the head of the related administrative organization regarding the implementation of the project connected to the application for a ruling.
- (4) If the prefectural governor finds that the project connected to the application for a ruling falls under all of the requirements stated in the items of paragraph (1) as a result of the confirmation under that paragraph, the governor must

give public notice of the following matters and make the written application for a ruling as stated in paragraph (2) of the preceding Article and the documents stated in the items of paragraph (3) of that Article that are attached to the written application available for public inspection for two months from the date of the public notice, as provided for in the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism:

- (i) the application for a ruling has been filed;
 - (ii) the location, parcel number, and land category regarding the specified land with an unknown owner;
 - (iii) the person stated in the following sub-item (a) or (b) should submit the matters specified in that sub-item to the prefectural governor within the period of public inspection, together with a document certifying their authority, pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism:
 - (a) a person who holds ownership or any other rights regarding the specified land with an unknown owner or property located on that specified land and who has an objection to the matters stated in the written application for the ruling stated in paragraph (2) of the preceding Article, the written project plan stated in paragraph (3), item (i) of that Article or the written estimate regarding the compensation amount stated in item (ii) of that paragraph (excluding the matters stated in paragraph (2), items (i) and (vi) of that Article in the written application for a ruling): the details of the objection and its reasons;
 - (b) an owner who is not listed as the confirmed owner in the written estimate regarding the compensation amount referred to in paragraph (3), item (ii) of the preceding Article (excluding the person stated in (a)) in relation to the specified land with an unknown owner: a statement that the person is the real owner of that specified land;
 - (iv) other matters specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.
- (5) If the prefectural governor intends to give public notice under the preceding paragraph, the governor must give a notice in advance to the confirmed owners and confirmed right-holders who are listed in the written estimate regarding the compensation amount referred to in paragraph (3), item (ii) of the preceding Article in relation to the specified land or property with an unknown owner, stating that an application for a ruling has been filed, pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Dismissal of an Application for a Ruling)

Article 12 (1) If the prefectural governor finds that the project connected to an

application for a ruling does not fall under one of the requirements stated in the items of that paragraph as a result of the confirmation under paragraph (1) of the preceding Article, the prefectural governor must dismiss the application for a ruling.

- (2) If the prefectural governor has given a public notice under paragraph (4) of the preceding Article, and if a statement under item (iii), (a) of that paragraph has been made, or all of the persons stated in item (iii), (b) of that paragraph have made a statement under item (iii), (b) of that paragraph within the period of public inspection referred to in that paragraph, the prefectural governor must dismiss the application for a ruling subject to the public notice.
- (3) If the prefectural governor dismisses an application for a ruling pursuant to the provisions of the preceding two paragraphs, the prefectural governor must notify a project operator having filed the application for a ruling to that effect by indicating the reason for the dismissal without delay, pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Rulings)

- Article 13 (1) If the prefectural governor finds that it is necessary and appropriate for a project operator having filed an application for a ruling to acquire land usage rights or other rights in order to implement the project connected to the application, the prefectural governor must grant a ruling to approve the acquisition of those rights, to the extent necessary, except when the prefectural governor dismisses the application pursuant to the provisions of paragraph (1) or (2) of the preceding Article.
- (2) The ruling referred to in the preceding paragraph (simply referred to as the "ruling" in this Article through Article 18) must specify the following matters:
 - (i) the location, parcel number, land category, and area of the specified land with an unknown owner;
 - (ii) the effective date of land usage rights or other rights;
 - (iii) the duration of the land or property usage rights or other rights;
 - (iv) the amount of compensation for losses incurred by the real owner or right-holder regarding the specified land with an unknown owner, through the acquisition of the land usage rights or other rights and the timing of the payment.
 - (3) In a ruling, the matters stated in item (i) of the preceding paragraph must not be determined to exceed those stated in the application for a ruling, the duration referred to in item (iii) of that paragraph must be up to ten years (or twenty years, for the project stated in Article 2, paragraph (3), items (i), (vi), and (viii) through (x), which is specified by Cabinet Order as requiring long-term land use, taking into consideration the details of the relevant project and

other circumstances) and also within the period stated in the application, and the estimated amount of compensation stated in the application must be the minimum amount of compensation referred to in item (iv) of the preceding paragraph.

- (4) If the prefectural governor intends to issue a ruling, the governor must hear the opinions of the expropriation committee in advance regarding the matters stated in paragraph (2), item (iv) (limited to the matters relating to the amount of compensation stated in that item).
- (5) The expropriation committee may have its members or personnel who run its operations enter specified land with an unknown owner, connected to the application for a ruling or a simplified or non-used building or another structure on that specified land, and investigate its conditions, if the committee finds it necessary to express its opinions pursuant to the provisions of the preceding paragraph.
- (6) A committee member or personnel who conduct an on-site investigation pursuant to the provisions of the preceding paragraph must carry an identification card and present it on request by any related person.
- (7) The authority to conduct an on-site investigation under paragraph (5) must not be construed as being granted for criminal investigation purposes.

(Notice of a Ruling)

Article 14 If a prefectural governor has issued a ruling, the governor must give a notice in writing without delay, to the project operator having filed the application for that ruling, and the real owner or right-holder regarding the specified land with an unknown owner, stating a ruling has been issued, and the matters stated in the items of paragraph (2) of the preceding Article, and also give a public notice to that effect, pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Effect of the Ruling)

Article 15 If a public notice has been given pursuant to the provisions of the preceding Article regarding a ruling, a project operator having filed the application for that ruling acquires land usage rights or other rights, and the exercise of other rights concerning specified land or property with an unknown owner is restricted to the extent necessary for the use of that specified land or property, as provided for by the ruling.

(Compensation for Losses)

Article 16 (1) A project operator having filed an application for a ruling must compensate the losses incurred by the real owner or right-holder regarding the specified land with an unknown owner, as a result of the acquisition of the

relevant land usage rights, or other rights, pursuant to the provisions of the following paragraph until paragraph (6).

- (2) Compensation for any loss is to be made in money.
- (3) A compensation amount equivalent to the consideration for the acquisition of land usage rights or other rights is to be an appropriate amount determined in consideration of rent prices for similar land in the vicinity, or the same type of property in the vicinity and any other matters that are to be the basis for the calculation of the amount of compensation (or in the case of an amount of compensation for the acquisition of rights to use land or property, this amount is obtained by deducting an amount equivalent to the expenses required for the management of the specified land or property with an unknown owner from the appropriate amount mentioned above).
- (4) If the price of the remaining land decreases due to the use of part of the specified land with an unknown owner, or any other losses arise in relation to the remaining land, compensation must be provided for those losses.
- (5) If the use of a part of the specified land with an unknown owner makes it necessary to construct, reconstruct, extend, or repair passages, ditches, hedges, or any other structures on the remaining land, or to create an embankment or cutting on the land, the expenses incurred must be compensated.
- (6) In addition to compensation under the preceding three paragraphs, compensation must be made for losses normally incurred by the real owner or right-holder regarding the specified land with an unknown owner, through the acquisition of land usage rights or other rights.

(Deposit of Compensation)

Article 17 (1) A project operator having filed an application for a ruling must deposit the compensation specified in the ruling by the time of its payment, for the benefit of the real owner or right-holder who cannot be confirmed regarding specified land with an unknown owner (this real owner or right-owner includes the confirmed owner and the confirmed right-holder regarding the specified land or property with an unknown owner, if the proportion of the co-ownership interest is not clear regarding that specified land or property for which the project operator is to deposit the compensation).

- (2) The deposit of compensation under the preceding paragraph is to be made with an official depository in the area where the relevant specified land with an unknown owner is located.

(Lapse of a Ruling)

Article 18 If a project operator having filed an application for a ruling fails to deposit the compensation specified in the ruling by the time of its payment, the ruling ceases to be effective from that time onward.

(Extension of the Duration of Land Usage Rights)

- Article 19 (1) If a project operator having acquired land usage rights or other rights pursuant to the provisions of Article 15 (referred to below as a "licensee") intends to extend the duration of those rights as determined in the ruling referred to in Article 13, paragraph (1) (or renew the extended period again, if the duration of those rights has been extended pursuant to the provisions of Article 15 as applied mutatis mutandis pursuant to paragraph (4); the same applies in paragraph (3) and Article 24) and continues to use all or part of the land for which the land usage rights are established (meaning the land on which land usage rights have been acquired pursuant to the provisions of Article 15; the same applies below), the licensee may apply for a ruling for extension of the duration of the land usage rights or other rights, to the prefectural governor having jurisdiction over the location of that land, during three months from the date which is seven months before the expiration date of the duration.
- (2) The provisions of Article 10 (excluding paragraphs (1) and (5)) through Article 12 apply mutatis mutandis to an application for a ruling under the preceding paragraph. In this case, in the provisions stated in the left-hand column of the following table, the terms stated in the middle column of the same table are deemed to be replaced with the terms stated in the right-hand column of the same table, and any other necessary technical replacement of terms is specified by Cabinet Order.

Article 10, paragraph (2)	The following matters	The matters stated in items (i) through (vi) and item (viii);
Article 10, paragraph (2), item (v)	specified land with an unknown owner that is subject to land usage rights(simply referred to below in this subsection (excluding paragraph (1), item (ii) of the following Article) as "specified land with an unknown owner")	land for which land usage rights are established, as prescribed in Article 19, paragraph (1) (if a person intends to use part of the land, limited to the part of the land relating to the usage; simply referred to below as "land for which land usage rights are established")

Article 10, paragraph (2), item (vi); paragraph (3), item (i), (c) and (e); item (ii), (a) and (b); and Article 11, paragraph (4), items (ii) and (iii);	specified land with an unknown owner	land for which land usage rights are established
Article 10, paragraph (2), item (viii)	duration	the period for which the duration is extended and the extended duration
Article 10, paragraph (3), item (i), (e) and Article 11, paragraph (1), item (vi)	duration	duration after Extension
Article 10, paragraph (3), item (ii), (c) through (e) and Article 11, paragraph (5)	specified Land with an Unknown Owner	land for which land usage rights are established
Article 10, paragraph (3), item (ii), (c)	specified land with an unknown owner or property with an unknown owner that is located on that specified land	land for which land usage rights are established, or property with an unknown owner that is located on that land
Article 10, paragraph (3), item (ii), (e)	the acquisition of land usage rights or other rights	extending the duration of the land or property usage rights
	the real owner or right-holder regarding specified land with an unknown owner	the real owner or right-holder regarding land for which land usage rights are established
Article 11, paragraph (1), item (ii)	specified land with an unknown owner	land with an unknown owner
Article 11, paragraph (1), item (iii)	duration	period for which the duration is extended
Article 11, paragraph (4)	two Months	one Month

(3) If the prefectural governor finds that it is necessary and appropriate to extend the duration of the land usage rights or other rights held by the licensee having filed an application for a ruling under paragraph (1) in order to implement the project connected to the application, the prefectural governor must grant a ruling to approve the extension of that duration to the extent necessary, except when the prefectural governor dismisses the application pursuant to the provisions of Article 12, paragraph (1) or (2) as applied mutatis mutandis pursuant to the preceding paragraph.

(4) The provisions of Article 13 (excluding paragraph (1)) through the preceding

Article apply mutatis mutandis to the ruling referred to in the preceding paragraph. In this case, in the provisions stated in the left-hand column, the phrases stated in the middle column of the following table are deemed to be replaced with the phrases stated in the right-handed column of that table, and any other necessary technical replacement of terms are provided for by Cabinet Order.

(Installation of Signs)

- Article 20 (1) A licensee must set up a sign within an area of land for which land usage rights are established, indicating that the land is being used for a community welfare promotion project, pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism; provided, however, that if it is difficult to set up the sign within that area, the licensee may set it up in a conspicuous place within the project area.
- (2) It is prohibited for any person to relocate, remove, deface, or damage a sign that has been installed pursuant to the provisions of the preceding paragraph, without the agreement of the licensee.

(Succession of Status Based on a Ruling)

- Article 21 An heir, a corporation incorporated by merger or split, or any other general successor of a licensee (limited to a corporation succeeding to all of the project operated by the licensee, if that succession is caused by a split) succeeds to the status held by the licensee, based on the ruling under Article 13, paragraph (1) (including the ruling under Article 19, paragraph (3); simply referred to below as the "ruling" in this Subsection).

(Transfer of Rights)

- Article 22 (1) If a licensee intends to transfer all or part of the land usage rights or other rights, the licensee must obtain approval of the prefectural governor pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism. In this case, if the licensee intends to transfer all of those rights, the licensee must transfer all of their project, and if the licensee intends to transfer part of those rights, the licensee must also transfer the part of the project corresponding to the rights.
- (2) If the prefectural governor has granted the approval stated in the preceding paragraph, the governor must give public notice to that effect as provided for by Order of the Ministry of Land, Infrastructure, Transport and Tourism.
- (3) A person who has acquired all or part of the land usage rights or other rights connected to the approval referred to in paragraph (1) succeeds to the status held by the licensee, based on the ruling.

(Revocation of a Ruling)

Article 23 (1) If a licensee falls under one of the following items, the prefectural governor may revoke their ruling (including approval referred to in paragraph (1) of the preceding Article; the same applies in this Article):

- (i) if the licensee violates this Act or an order based on this Act;
 - (ii) if their project longer satisfies any of the requirements referred to in the items of Article 11, paragraph (1) (excluding item (ii) and including as applied *mutatis mutandis* pursuant to Article 19, paragraph (2)); or
 - (iii) if it is found that the licensee does not implemented the project in accordance with the project plan connected to the application for a ruling (including the application for a ruling under Article 19, paragraph (1)) without justifiable grounds.
- (2) If the prefectural governor revokes their ruling pursuant to the provisions of the preceding paragraph, the prefectural governor must give public notice to that effect as provided for by Order of the Ministry of Land, Infrastructure, Transport and Tourism.
- (3) A ruling ceases to be effective on or after the day on which the public notice under the preceding paragraph is given.

(Obligation to Restore to Original Condition)

Article 24 If the duration of the land usage rights or other rights expire, if a ruling ceases to be effective after the effective date of those rights pursuant to the provisions of Article 18 (including as applied *mutatis mutandis* pursuant to Article 19, paragraph (4)), or if a ruling is revoked pursuant to the provisions of paragraph (1) of the preceding Article, the licensee must restore the land for which the land usage rights are established to its original state and return the land; provided, however, that this does not apply if all of the confirmed owners have agreed not to restore the land to its original state.

(Order for Restoration)

Article 25 (1) The prefectural governor may order a person who has violated the preceding Article to restore the land for which land usage rights are established to its original state, within a reasonable period of time.

- (2) If the prefectural governor intends to order restoration of the land for which land usage rights have been established to its original state pursuant to the provisions of the preceding paragraph, and if, without negligence on their part, the governor is unable to confirm the person to whom the order of restoration should be given, and if leaving the violation unresolved is found to be extremely contrary to the public interest, the governor may carry out the restoration themselves, or have a person ordered or delegated by them carry out the restoration, at the expense of the person to whom the order of

restoration should be given. In this case, the prefectural governor must give public notice indicating that the restoration should be carried out within a reasonable period of time, and that if the restoration is not carried out within that time period, the prefectural governor themselves or a person ordered or delegated by them, will carry out that restoration.

- (3) A person intending to carry out the restoration of land for which land usage rights are established to its original state pursuant to the provisions of the preceding paragraph must carry an identification card and present it when requested by any related person.

(Reports and On-site Inspections)

Article 26 (1) A prefectural governor may have a licensee (including a project operator having filed an application for a ruling but having not obtained the land usage rights or other rights and a person who was a licensee; the same applies in this paragraph) make a report on their project, or have the personnel enter the office, the land for which the land usage rights are established, or any other place of the licensee, and inspect the state of its project or facilities, books, documents and other items regarding their project, or question the related persons, to the extent necessary for the enforcement of the provisions of this Subsection.

- (2) The provisions of Article 13, paragraphs (6) and (7) apply *mutatis mutandis* to the on-site inspection under the preceding paragraph.

Section 2 Special Provisions of the Expropriation of Land Act Concerning Expropriation or Use of Specified Land with an Unknown Owner
Subsection 1 Special Provisions Concerning the Expropriation or Use of Specified Land with an Unknown Owner for a Project Eligible for Expropriation

(Application for a Ruling)

Article 27 (1) If an expropriator (meaning an expropriator provided for in Article 8, paragraph (1) of the Expropriation of Land Act; the same applies below) intends to expropriate or use specified land with an unknown owner, located within an area subject to an undertaking for the public interest (meaning land subject to an undertaking for the public interest as provided for in Article 17, paragraph (1), item (ii) of that Act) in relation to a project eligible for expropriation, for which the expropriator has obtained approval under Article 20 of that Act, the expropriator may apply to the prefectural governor having jurisdiction over the location of the land, for a ruling for the expropriation or use of that land, within one year from the date of the public notice under Article 26, paragraph (1) of that Act (or within one year from the date of the

public notice under Article 34-3 of that Act, if the procedures for expropriating or using that land have been deferred pursuant to the provisions of Article 31 of that Act).

- (2) An expropriator intending to apply for a ruling under the preceding paragraph (referred to as an "application for a ruling" in this Subsection) must submit a written application for a ruling, stating the following matters, to the prefectural governor, as provided for by Order of the Ministry of Land, Infrastructure, Transport and Tourism:
- (i) the name and address of the expropriator;
 - (ii) the type of the project;
 - (iii) the location, parcel number, land category, and parcel area of the specified land with an unknown owner, which the expropriator intends to be expropriate or use (simply referred to as the "specified land with an unknown owner" in this Subsection (excluding the part other than those stated in the items of paragraph (1) of the following Article and Article 29, paragraph (1)));
 - (iv) circumstances regarding the specified land with an unknown owner, under which it is impossible to confirm its owner partly or completely;
 - (v) the time of acquiring or extinguishing the ownership or other rights concerning the specified land with an unknown owner;
 - (vi) the deadline for the delivery of the specified land with an unknown owner or property on that land (meaning specified land with an unknown owner or property on that specified land with an unknown owner; the same applies in item (ii), (c) of the following paragraph and Article 31, paragraph (3)) or the transfer of the property (referred to as the "deadline for delivery or transfer of the specified land with an unknown owner or property on that land" in Article 32, paragraph (2), item (iii)); and
 - (vii) the method and period of using the specified land with an unknown owner, if the expropriator intends to use that land.
- (3) The following documents must be attached to the written application for the ruling stated in the preceding paragraph:
- (i) a written project plan stating the matters specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism as equivalent to the matters to be stated in a written plan referred to in Article 40, paragraph (1), item (i) of the Expropriation of Land Act;
 - (ii) a written estimate regarding the compensation amount including the following matters:
 - (a) the area of the specified land with an unknown owner (if a unit of land including the specified land with an unknown owner is to be divided, including the total area of the unit of the land);
 - (b) the type and quantity of property located on the specified land with an

- unknown owner;
- (c) the names and addresses of all confirmed owners regarding the specified land with an unknown owner or property on the land;
- (d) the names and addresses of all confirmed persons relating to the specified land with an unknown owner (meaning related persons prescribed in Article 8, paragraph (3) of the Expropriation of Land Act (simply referred to as "related persons" in (e)) and excluding those who cannot be confirmed even after a search has been conducted by a method specified by Cabinet Order, by which that search is considered to be done with reasonable effort; the same applies in paragraph (2) of the following Article) and the category and details of their rights;
- (e) the estimated amount of compensation and breakdown for losses to be incurred by the real owner or related person regarding the specified land with an unknown owner (meaning an owner or their related person regarding the specified land with an unknown owner; the same applies below) through expropriation or use of the land; and
- (iii) other documents specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Public Notice and Public Inspection)

Article 28 (1) If an application for a ruling has been filed, the prefectural governor must give public notice of the following matters and make a written application for the ruling referred to in paragraph (2) of the preceding Article and the documents stated in the items of paragraph (3) of that Article that are attached to the application available for public inspection for two weeks from the date of that public notice, as provided for by Order of the Ministry of Land, Infrastructure, Transport and Tourism, except if the prefectural governor finds that the land that the expropriator intends to expropriate or use does not fall under specified land with an unknown owner, or otherwise finds the application for a ruling to be inappropriate:

- (i) the application for a ruling has been filed;
- (ii) the location, parcel number, and land category regarding the specified land with an unknown owner; and
- (iii) the person stated in the following sub-item (a) or (b) should submit the matters specified in that sub-item (a) or (b) to the prefectural governor within the period of public inspection, together with a document certifying their authority, pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism:
 - (a) the real owner or related person regarding the specified land with an unknown owner or a semi-interested person (meaning the semi-interested person prescribed in Article 43, paragraph (2) of the Expropriation of Land

Act) regarding that specified land who has an objection to the matters stated in the written application for a ruling stated in paragraph (2) of the preceding Article, or in the written estimate regarding the compensation amount stated in paragraph (3), item (ii) of that Article (excluding the matters stated in paragraph (2), items (i), (ii), and (iv) of that Article, in the written application for a ruling): the details of the objection and its reasons;

(b) an owner who is not listed as the confirmed owner in the written estimate regarding the compensation amount referred to in paragraph (3), item (ii) of the preceding Article (excluding a person stated in (a)) in relation to the specified land with an unknown owner: a statement that the person is the owner of that specified land;

(iv) other matters specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(2) If the prefectural governor intends to give public notice under the preceding paragraph, the governor must give a notice in advance to the confirmed owner and confirmed interested persons stated in the written estimate regarding the compensation amount referred to in paragraph (3), item (ii) of the preceding Article in relation to the specified land with an unknown owner, stating that an application for a ruling has been filed, pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Dismissal of an Application for a Ruling)

Article 29 (1) If an application for a ruling has been filed, and if the prefectural governor finds that the land that the expropriator intends to expropriate or use does not fall under the category of land with an unknown owner or otherwise finds the application for a ruling to be inappropriate, the prefectural governor must dismiss the application for a ruling.

(2) If the prefectural governor has given a public notice under paragraph (1) of the preceding Article, and if a statement under item (iii), (a) of that paragraph has been made, or all of the persons stated in item (iii), (b) of that paragraph have made a statement under item (iii), (b) of that paragraph, within the period of public inspection referred to in that paragraph, the prefectural governor must dismiss the application for a ruling subject to the public notice.

(3) If the prefectural governors dismisses an application for a ruling pursuant to the provisions of the preceding two paragraphs, the prefectural governor must notify an expropriator having filed the application to that effect, indicating the reasons for the dismissal without delay, pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Decision to Commence Ruling Proceedings)

- Article 30 (1) If an application for a ruling has been filed, the prefectural governor must decide to commence ruling procedures for the expropriation or use of the specified land with an unknown owner and give public notice to that effect, and must also commission the registry office having jurisdiction over the location of that land to register the commencement of those ruling procedures, in relation to that land and its land rights, pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism, without delay after the expiration of the period of public inspection referred to in Article 28, paragraph (1), except when the prefectural governor dismisses the application pursuant to the provisions of paragraph (1) or (2) of the preceding Article.
- (2) The provisions of Article 45-3 of the Expropriation of Land Act apply mutatis mutandis to the registration of the commencement of the ruling proceedings referred to in the preceding paragraph.
- (3) The provisions of Chapter III of the Administrative Procedure Act (Act No. 88 of 1993) do not apply to a decision to commence ruling proceedings under paragraph (1).

(Coordination with the Expropriation of Land Act)

- Article 31 (1) An application for a determination under Article 39, paragraph (1) of the Expropriation of Land Act may not be filed for specified land with an unknown owner connected to an application for a ruling, and an application for a ruling may not be filed for specified land with an unknown owner connected to an application for a determination under that paragraph.
- (2) The provisions of Article 29, paragraph (1) of the Expropriation of Land Act do not apply to specified land with an unknown owner connected to an application for a ruling.
- (3) Notwithstanding the provisions of Article 36, paragraph (1) of the Expropriation of Land Act, it is unnecessary to prepare land records and records of property referred to in that paragraph for specified land with an unknown owner or property on that land, connected to an application for a ruling.
- (4) If a request under Article 39, paragraph (2) of the Expropriation of Land Act is made before a public notice under Article 28, paragraph (1) is issued, for specified land with an unknown owner connected to an application for a ruling, the application for a ruling is deemed not to have been filed.
- (5) If a public notice has been given pursuant to the provisions of Article 28, paragraph (1) regarding an application for a ruling, a request under Article 39, paragraph (2) of the Expropriation of Land Act may not be made for the specified land with an unknown owner connected to the application for a ruling.
- (6) Regarding the application of the provisions of Article 29, paragraph (1) and Article 39, paragraph (1) of the Expropriation of Land Act to specified land

with an unknown owner connected to an application for a ruling in the case in which the application has been dismissed pursuant to the provisions of Article 29, paragraph (2) of this Act, the phrase "within one year" in these provisions of the Expropriation of Land Act is deemed to be replaced with "within one year excluding the specified period (meaning the period from the day on which an application for a ruling is filed pursuant to the provisions of Article 27, paragraph (1) of the Act on Special Measures Concerning the Facilitation of Use of Specified Land with an Unknown Owner (Act No. 49 of 2018) for specified land with an unknown owner (meaning the specified land with an unknown owner prescribed in Article 2, paragraph (2) of that Act) in relation to the relevant project to the day on which notice is given pursuant to the provisions of Article 29, paragraph (3) of that Act, regarding the disposition under paragraph (2) of that Act)".

(Rulings)

- Article 32 (1) The prefectural governor must make a ruling to approve the expropriation or use of specified land with an unknown owner, to the extent necessary for the expropriator having filed an application for a ruling to implement the project connected to the application, except when the governor dismisses the application pursuant to the provisions of Article 29, paragraph (1) or (2), or when the application falls under any of the following items:
- (i) if the project connected to the application for a ruling is different from the project for which a public notice has been given pursuant to the provisions of Article 26, paragraph (1) of the Expropriation of Land Act;
 - (ii) if the project plan connected to the application for a ruling is significantly different from the plan stated in the written plan attached to the written application for approval of an undertaking for public interest, pursuant to the provisions of Article 18, paragraph (2) of the Expropriation of Land Act.
- (2) The ruling stated in the preceding paragraph (simply referred to as the "ruling" in this Subsection) must specify the following matters:
- (i) the location, parcel number, land category, and parcel area of the specified land with an unknown owner;
 - (ii) the time of acquiring or extinguishing the ownership or other rights concerning the specified land with an unknown owner;
 - (iii) the deadline for the delivery or transfer of the specified land with an unknown owner or property on that land;
 - (iv) the method and period of using the specified land with an unknown owner, if the expropriator intends to use that land;
 - (v) the amount of compensation for losses to be incurred by the real owner or right-holder regarding the specified land with an unknown owner, through expropriation or use of the specified land with an unknown owner;

- (vi) if a written request or written demand under Article 35, paragraph (2) has been submitted, necessary matters concerning determining whether or not to accept the written request or demand and any other method concerning compensation for losses regarding the request or demand.
- (3) In a ruling, the matters stated in items (i) and (iv) of the preceding paragraph must not be determined to exceed those stated in the application for the ruling, and the estimated amount of compensation stated in the application must be the minimum amount of compensation referred to in item (v) of the preceding paragraph.
- (4) If the prefectural governor intends to issue a ruling, the governor must hear the opinions of the expropriation committee regarding the matters stated in paragraph (2), item (v).
- (5) The expropriation committee may have its members or personnel who run its operations enter the specified land with an unknown owner, connected to the application for a ruling or a simplified or non-used building or another structure on that specified land, and investigate its conditions, if the committee finds it necessary to express its opinions pursuant to the provisions of the preceding paragraph.
- (6) The provisions of Article 13, paragraphs (6) and (7) apply *mutatis mutandis* to an on-site investigation under the preceding paragraph.

(Notice of a Ruling)

Article 33 If a prefectural governor has issued a ruling, the governor must give a notice in writing without delay to the expropriator having filed the application for that ruling, and the real owner or right-holder who has been known regarding the specified land with an unknown owner, stating a ruling has been issued, and the matters stated in the items of paragraph (2) of the preceding Article, and also give a public notice to that effect, pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Effect of a Ruling)

Article 34 If a public notice has been given pursuant to the provisions of the preceding Article regarding a ruling, a determination of the acquisition of rights stated in Article 48, paragraph (1) of the Expropriation of Land Act and the administrative determination for eviction stated in Article 49, paragraph (1) of that Act are deemed to have been made concerning the specified land with an unknown owner connected to the ruling, and the provisions of Chapter VII of that Act apply.

(*Mutatis Mutandis* Application of the Expropriation of Land Act to Compensation for Losses)

Article 35 (1) The provisions of Chapter VI, Section 1 of the Expropriation of Land Act (excluding Article 76, the second sentence of Article 77, Article 78, Articles 81 through 83, Article 86, Article 87, and Articles 90-2 through 90-4) apply *mutatis mutandis* to compensation for losses as a result of expropriation or use of specified land with an unknown owner connected to a ruling, which are incurred by the real owner or related person regarding the specified land with an unknown owner. In this case, in the proviso to Article 70 of that Act, the term "Articles 82 through 86" is deemed to be replaced with "Article 84 or 85, as applied *mutatis mutandis* pursuant to Article 35, paragraph (1) of the Act on Special Measures Concerning the Facilitation of Use of Land with an Unknown Owner (Act No. 49 of 2018; referred to below as the "Act on Land with an Unknown Owner")", and the phrase "determination by the expropriation committee" is deemed to be replaced with a "ruling by the prefectural governor"; the term "determination of the acquisition of rights" in Article 71 of that Act and the terms "administrative determination to vacate" in Article 73, Article 84, paragraph (2), and Article 85, paragraph (2) of that Act are deemed to be replaced with the "ruling referred to in Article 32, paragraph (1) of the Act on Land with an unknown owner"; the term "the preceding two Articles" in Article 80 of that Act is deemed to be replaced with "the preceding Article, as applied *mutatis mutandis* pursuant to Article 35, paragraph (1) of the Act on Land with an Unknown Owner"; the term "expropriator, landowner, or interested person" in Article 84, paragraph (1) of that Act is deemed to be replaced with "expropriator"; the term "the expropriation committee" in that paragraph and paragraph (2) of that Article, and Article 83, paragraphs (3) through (6) of that Act as applied *mutatis mutandis* pursuant to paragraph (3) of that Article, and Article 85 of the that Act is deemed to be replaced with "prefectural governor"; the terms "determination" in Article 84, paragraph (2) of that Act, Article 83, paragraph (3) of that Act as applied *mutatis mutandis* pursuant to Article 84, paragraph (3) of that Act, and Article 85 of that Act is deemed to be replaced with "ruling"; the term "expropriator or property owner" in Article 85, paragraph (1) of that Act is deemed to be replaced with "expropriator"; and the necessary technical replacement of terms is prescribed by Cabinet Order.

(2) If an expropriator intends to make a request under Article 79 of the Expropriation of Land Act as applied *mutatis mutandis* pursuant to the preceding paragraph, or a demand under Article 84, paragraph (1) or Article 85, paragraph (1) of the that Act as applied *mutatis mutandis* pursuant to the preceding paragraph, the expropriator must submit a written request or demand, stating the details of the request or demand and other matters specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism together with the application for a ruling to the prefectural governor.

(On-Site Inspections)

- Article 36 (1) A prefectural governor may have the personnel enter specified land with an unknown owner, connected to an application for a ruling or a simplified or non-used building or another structure on that specified land, and investigate its conditions, to the extent necessary for the enforcement of the provisions of this Subsection.
- (2) The provisions of Article 13, paragraphs (6) and (7) apply *mutatis mutandis* to an on-site investigation under the preceding paragraph.

Subsection 2 Special Provisions Concerning Expropriation or Use of Specified Land with an Unknown Owner for a City Planning Project

- Article 37 (1) If a project executor (meaning the project executor prescribed in Article 4, paragraph (16) of the City Planning Act (Act No. 100 of 1968); the same applies in paragraph (3)) intends to expropriate or use specified land with an unknown owner located within the project site (meaning the project site prescribed in Article 60, paragraph (2), item (i) of that Act) in relation to a city planning project (meaning the city planning project prescribed in Article 4, paragraph (15) of that Act; the same applies in Article 43, paragraph (1) and Article 58, item (ii) of this Act) for which the project executor has approved approval under Article 59, paragraphs (1) through (4) of the City Planning Act, the project executor may file an application for a ruling on expropriation or use of the land, with the prefectural governor having jurisdiction over the location of the land.
- (2) The provisions of Article 27, paragraphs (2) and (3), Articles 28 through 30, and Article 31, paragraphs (1) and (3) through (5) apply *mutatis mutandis* to an application for a ruling under the preceding paragraph. In this case, the phrase "An expropriator" in Article 27, paragraph (2) is deemed to be replaced with "A project executor (meaning the project executor provided for in Article 4, paragraph (16) of the City Planning Act; the same applies below)"; the terms "expropriator" in item (i) of that paragraph, Article 28, paragraph (1), and Article 29, paragraphs (1) and (3) are deemed to be replaced with "project executor"; the terms "Expropriation of Land Act" in the provisions of Article 27, paragraph (3), item (i) and item (ii), (d), Article 28, paragraph (1), item (iii), (a), Article 30, paragraph (2), and Article 31, paragraph (1) and paragraphs (3) through (5) are deemed to be replaced with the "Expropriation of Land Act applied pursuant to the provisions of Article 69 of the City Planning Act"; and any other necessary technical replacement of terms is specified by Cabinet Order.
- (3) The prefectural governor must grant a ruling on the expropriation or use of

the specified land with an unknown owner to the extent necessary for the project executor having filed an application for a ruling under paragraph (1) (referred to as an "application for a ruling" in this paragraph) to implement the project connected to that application, except for when the prefectural governor dismisses the application pursuant to the provisions of Article 29, paragraph (1) or (2) as applied mutatis mutandis pursuant to the preceding paragraph or when the application falls under any of the following items:

- (i) if the project connected to the application for a ruling is different from the project for which a public notice has been given pursuant to the provisions of Article 62, paragraph (1) of the City Planning Act; or
 - (ii) if the project plan connected to the application for a ruling is significantly different from the plan referred to in Article 60, paragraph (1), item (iii) of the City Planning Act (as applied mutatis mutandis pursuant to Article 63, paragraph (2) of that Act).
- (4) The provisions of Article 32 (excluding paragraph (1)) through the preceding Article apply mutatis mutandis to the ruling referred to in the preceding paragraph. In this case, the term "expropriator" in Article 33 is deemed to be replaced with "project executor (meaning the project executor provided for in Article 4, paragraph (16) of the City Planning Act; the same applies below)"; the terms "Expropriation of Land Act" and "that Act" in Articles 34 and 35 are deemed to be replaced with "Expropriation of Land Act applied pursuant to the provisions of Article 69 of the City Planning Act"; the term "expropriator" in paragraph (1) of that Article is deemed to be replaced with "project executor"; the term "expropriator" in paragraph (2) of that Article is deemed to be replaced with "project executor"; and any other necessary technical replacement of terms is provided for by Cabinet Order.

Section 3 Measures for Proper Management of Land with an Unknown Owner

(Recommendations)

Article 38 (1) If the municipal mayor finds it necessary and appropriate in order to prevent the following occurrences from being caused by circumstances in which land with an unknown owner is mismanaged by that owner and is expected to with certainty remain mismanaged in the future (this land is referred to below as "mismanaged land with an unknown owner"), the mayor may recommend the confirmed owner to take measures necessary to prevent those occurrences in relation to the mismanaged land with an unknown owner (referred to as "disaster prevention measures" in the following Article and Article 40, paragraph (1)) to the extent necessary, within a specified period of time:

- (i) a disaster is caused in surrounding land due to a sediment discharge, landslide, or any other event within the mismanaged land with an unknown owner; or
 - (ii) significant deterioration is caused to the environment in the surrounding area of the mismanaged land with an unknown owner.
- (2) If the municipal mayor has made a recommendation pursuant to the provisions of the preceding paragraph, and if the mayor finds it necessary and appropriate in order to prevent the following occurrences from being caused by circumstances in which land adjacent to mismanaged land with an unknown owner connected to that recommendation has similar land category, terrain and other conditions, and is mismanaged in the same way as that mismanaged land (this adjacent land is referred to below as "mismanaged adjacent land"), the mayor may recommend the owner of the mismanaged adjacent land to take measures necessary to prevent those occurrences, to the extent necessary, within a specified period of time:
- (i) a disaster is caused in surrounding land due to a sediment discharge, landslide, or any other event within the mismanaged adjacent land and the mismanaged land with an unknown owner itself;
 - (ii) significant deterioration is caused to the environment in the surrounding area of the mismanaged adjacent land and the mismanaged land with an unknown owner itself.

(Order for Disaster Prevention Measures)

Article 39 If a confirmed owner subject to the recommendation referred to in paragraph (1) of the preceding Article fails to take disaster prevention measures stated in that recommendation without justifiable grounds, the municipal mayor may order that confirmed owner to take those disaster prevention measures, within a reasonable period of time; provided, however, that this does not apply if that confirmed owner does not have the co-ownership interest necessary for the implementation of those disaster prevention measures.

(Enforcement Through Substituted Performance)

Article 40 (1) In cases falling under any of the following items, if it is found extremely contrary to the public interest to neglect the situation for which disaster prevention measures are necessary in relation to mismanaged land with an unknown owner, the municipal mayor may take those disaster prevention measures themselves or have another person who is ordered or delegated by the mayor (that other person is referred to as a "measures implementer" in this paragraph) take those disaster prevention measures at the expense of the owner of that mismanaged land. In this case, if it is found

that item (i) or item (ii) applies, the municipal mayor must give public notice in advance indicating that those disaster prevention measures should be taken within a reasonable period of time, and that if the measures are not taken within that period, the mayor or measures implementer will take those measures:

- (i) there is no confirmed owner in relation to mismanaged land with an unknown owner;
 - (ii) the cases prescribed in the proviso to the preceding Article; or
 - (iii) the confirmed owner who has been ordered to take the disaster prevention measures pursuant to the provisions of the preceding Article fails to take, insufficiently takes, or is unlikely to take those measures within the period stated in the order.
- (2) The provisions of Articles 5 and 6 of the Act on Administrative Enforcement Through Substituted Performance (Act No. 43 of 1948) apply *mutatis mutandis* to the collection of costs to be borne pursuant to the provisions of the preceding paragraph.

(On-Site Inspections)

- Article 41 (1) The municipal mayor may have the personnel enter mismanaged land with an unknown owner or mismanaged adjacent land, and investigate its conditions, to the extent necessary for the enforcement of the provisions of this Section.
- (2) The provisions of Article 13, paragraphs (6) and (7) apply *mutatis mutandis* to an on-site investigation under the preceding paragraph.

Section 4 Special Provisions of the Civil Code Concerning Management of Land with an Unknown Owner

- Article 42 (1) The head of the national government's administrative organization or the head of a local government (referred to as the "head of the national government's administrative organization or a local government" in the following paragraph, paragraph (5) of this Article, and paragraphs (2) and (5) of the following Article) may request the family court to issue an order pursuant to the provisions of Article 25, paragraph (1) of the Civil Code (Act No. 89 of 1896) or appoint a liquidator for inherited property, pursuant to the provisions of Article 952, paragraph (1) of that Code, if they find it particularly necessary for the appropriate management of land with an unknown owner.
- (2) If the head of the national government's national administrative organization or a local government finds it particularly necessary for the appropriate management of land with an unknown owner, the head may request a district court to issue an order under Civil Code Article 264-2, paragraph (1).

- (3) If the municipal mayor finds it particularly necessary for preventing the following occurrences from being caused in relation to mismanaged land with an unknown owner, the mayor may request a district court to issue an order under the Civil Code Article 264-9, paragraph (1):
- (i) a disaster is caused in surrounding land by a sediment discharge, landslide, or any other event within the mismanaged land with an unknown owner; or
 - (ii) significant deterioration is caused to the environment in the surrounding area of the mismanaged land with an unknown owner.
- (4) If the municipal mayor finds it particularly necessary for preventing the following occurrences from being caused in relation to mismanaged adjacent land, the mayor may request a district court to issue an order under Article 264-9, paragraph (1) of the Civil Code:
- (i) a disaster is caused in surrounding land due to a sediment discharge, landslide, or any other event within the mismanaged adjacent land and the mismanaged land with an unknown owner; or
 - (ii) significant deterioration is caused to the environment in the surrounding area of the mismanaged adjacent land and the mismanaged land with an unknown owner itself.
- (5) If the head of the national government's administrative organization or a local government makes a request under paragraph (2) (or under the preceding three paragraphs, if the head is a municipal mayor), and the head finds it particularly necessary for the appropriate management of buildings on land connected to that request, the head may make an additional request to a district court for an order under Article 264-8, paragraph (1) or Article 264-14, paragraph (1) of the Civil Code, along with that request.

Chapter IV Special Measures for Effectively Searching for Landowners

Section 1 Use and Provision of Information Regarding Landowners

Article 43 (1) To the extent which is necessary for searching for landowners or other right-holders (meaning persons who have ownership or rights to land or property on that land; the same applies below), a prefectural governor or municipal mayor may allow information in their possession relating to the landowners or other right-holders (meaning information on persons who are considered to be the landowners or other right-holders, such as their names, addresses, and other information specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism; the same applies in this Article) to be used within their prefecture or municipality for purposes other than those limited when the governor or mayor obtained that information, if it is necessary to be aware of those owners or holders regarding land within an area in which the governor or mayor intends to implement community welfare

promotion projects, projects eligible for expropriation, or city planning projects (referred to below as "community welfare promotion projects or other projects") in order to prepare for the implementation of those projects, if it is necessary to be aware of those owners or holders regarding land connected to the recommendation which the governor or mayor intends to issue under Article 38, paragraph (1), in order to issue that recommendation, or if it is necessary to be aware of those owners or holders regarding land connected to the request which the governor or mayor intends to make under paragraphs (1) through (3) or paragraph (5) (excluding the part regarding paragraph (4)) of the preceding Article, in order to make that request.

- (2) To the extent which is necessary for searching for landowners or other right-holders, a prefectural governor or municipal mayor is to provide information relating to those landowners or other right-holders, if a person intending to implement community welfare promotion projects or other projects requests that information, on the grounds that the person needs to be aware of those owners or holders regarding land within an area where the community welfare promotion projects or other projects are to be implemented, in order to prepare for those projects, if another municipal mayor requests that information on the grounds that the other mayor needs to be aware of those owners or holders regarding land connected to the recommendation which the other mayor intends to issue under Article 38, paragraph (1), in order to issue that recommendation, or if the head of the national government's administrative organization or a local government requests that information, on the grounds that the head needs to be aware of those owners or holders regarding land connected to the request which the head intends to make under paragraphs (1) through (3) or paragraph (5) (excluding the part regarding paragraph (4)) of the preceding Article, in order to make that request.
- (3) In the case referred to in the preceding paragraph, if a prefectural governor or municipal mayor intends to provide information relating to landowners or other right-holders to persons other than the national or local governments, they must obtain the agreement of the person in question (meaning the specified individual identified by that information) in advance regarding the provision of that information.
- (4) The agreement referred to in the preceding paragraph is sufficient when sought from a person whose whereabouts are known.
- (5) To the extent which is necessary to search for landowners or other right-holders, the head of the national government's administrative organization or a local government may request a person having installed a structure on that land or other persons to provide information relating to those landowners or other right-holders, if the head needs to be aware of those owners or holders regarding land within an area where community welfare promotion projects or

other projects are to be implemented, in order to prepare for the implementation of those projects, if the head needs to be aware of those owners or holders regarding the land connected to the recommendation which the head intends to issue under Article 38, paragraph (1), in order to issue that recommendation, or if the head needs to be aware of those owners or holders regarding land connected to the request which the head intends to make under paragraphs (1) through (3) or paragraph (5) (excluding the part regarding paragraph (4)) of the preceding Article, in order to make that request.

Section 2 Special Provisions of the Real Property Registration Act Regarding Inheritance of Registration or Other Matters Regarding Specified Unregistered Land

- Article 44 (1) In response to a request from an expropriator or any other person who intends to implement a project for the public interest, if a registrar investigates whether or not a registered owner has died regarding land within an area where the project is to be implemented, and the register finds that the land falls under specified unregistered land and registration of inheritance or other matters has not been made regarding that land for a period exceeding the period specified by Cabinet Order, which is not less than ten years and not more than thirty years, from the death of that registered owner, after searching for a person who may become the registered owner of the relevant land, the registrar may make a supplementary note in the registration of ownership by their own authority, indicating that registration of inheritance or other matters has not been made for that land for a long period of time, after the death of the registered owner, and other matters prescribed by Order of the Ministry of Justice as necessary for confirming the results of that search.
- (2) If a registrar discovers a person who is able to be a registered owner regarding the relevant land through a search, pursuant to the provisions of the preceding paragraph, the registrar may recommend that person to file an application for registration of inheritance or other matters regarding that land. In this case, the registrar is to also provide necessary information for filing an application for registration of inheritance or other matters, except when the registrar finds it inappropriate.
- (3) A registrar may request the head of the relevant local government or any other person to provide information on the death of the registered owner of the land referred to in paragraph (1) and any other information concerning a person who may become the registered owner of that land, to the extent necessary for the enforcement of the provisions of the preceding two paragraphs.
- (4) Except for what is provided for in the preceding three paragraphs, matters

necessary for operation of registration regarding the supplementary note to be added to the registration of ownership under paragraph (1), such as the registry or the registration method, and matters necessary for the recommendation and notice under paragraph (2) are specified by Order of the Ministry of Justice.

Chapter V Plans Concerning Measures for Dealing with Land with an Unknown Owner

(Plans Concerning Measures for Dealing with Land with an Unknown Owner)

- Article 45 (1) A municipality may formulate a plan concerning measures for facilitating the use of land with an unknown owner, based on basic policy (referred to below as a "plan concerning measures for dealing with the problem of land with an unknown owner"), either independently or jointly.
- (2) In general, the following matters are to be included in a plan concerning measures for dealing with the problem of land with an unknown owner:
- (i) basic policy concerning measures for facilitating the use of land with an unknown owner;
 - (ii) matters concerning measures to be taken to facilitate the use of land with an unknown owner, such as the provision of information or advice to persons who intend to implement community welfare promotion projects;
 - (iii) matters concerning measures to be taken for ensuring the appropriate management of land with an unknown owner, such as the provision of information or advice to a confirmed owner in relation to land with an unknown owner;
 - (iv) matters concerning measures to be implemented for the effective search for landowners or other right-holders regarding land within an area where community welfare promotion projects or other projects are to be implemented, or regarding other land;
 - (v) matters concerning measures to be taken to promote the proper use and management of underutilized land (meaning the underutilized land prescribed in Article 13, paragraph (4) of the Basic Land Act (Act No. 84 of 1989); the same applies in Article 48, item (vi)) and to reduce the occurrence of the problem of land with an unknown owner;
 - (vi) matters concerning the development of a system for facilitating the use of land with an unknown owner;
 - (vii) matters concerning dissemination and awareness-raising for facilitating the use of land with an unknown owner; and
 - (viii) in addition to what is stated in the preceding items, matters necessary for facilitating the use of land with an unknown owner.
- (3) If a municipality intends to formulate a plan concerning measures for dealing

with the problem of land with an unknown owner and the council prescribed in paragraph (1) of the following Article has been organized, the council must discuss the matters to be included in that plan.

- (4) If a municipality has prepared a plan concerning measures for dealing with the problem of land with an unknown owner, it must publicize the plan and send a copy of it to the prefecture without delay.
- (5) The provisions of the preceding two paragraphs apply mutatis mutandis to changes to a plan concerning measures for dealing with the problem of land with an unknown owner.
- (6) Within the limits of the budget, the national government may partly subsidize the expenses necessary for a municipality to conduct necessary projects or run necessary operations for facilitating the use of land with an unknown owner, based on its plan concerning measures for dealing with the problem of land with an unknown owner.

(Council regarding Measures for Dealing with the Problem of Land with an Unknown Owner)

Article 46 (1) A municipality may organize a council regarding measures for dealing with the problem of land with an unknown owner (referred to below as the "council" in this Article) either independently or jointly, in order to hold deliberations on the preparation of a plan concerning those measures and their amendments, or other necessary deliberations on measures for facilitating the use of land with an unknown owner.

- (2) The council is composed of the following persons:
 - (i) the municipality referred to in the preceding paragraph;
 - (ii) the promotion corporation prescribed in paragraph (1) of the following Article; and
 - (iii) a person who implements or intends to implement a community welfare promotion project or other project in the area within the municipality referred to in the preceding paragraph.
- (3) If a municipality that organizes a council pursuant to the provisions of paragraph (1) finds it necessary, the municipality may add the following persons as members to the council, in addition to the persons stated in the items of the preceding paragraph:
 - (i) relevant prefectures; and
 - (ii) a national relevant administrative organization, persons with relevant expertise, or any other person that the municipality finds to be necessary.
- (4) If the council finds it necessary, the council may request a relevant administrative organization other than its members to provide materials, express opinions, give explanations and provide other necessary cooperation.
- (5) Regarding any matters on which an agreement has been reached at the

- council, the members of the council must respect the results of that agreement.
- (6) Except for what is provided for in each of the preceding paragraphs, matters necessary for the operation of the council are determined by the council.

Chapter VI Corporation for Promoting Facilitation of Using Land with an Unknown Owner

(Designation of a Corporation for Promoting Facilitation of Using Land with an Unknown Owner)

- Article 47 (1) A municipal mayor may designate a corporation for promoting facilitation of using land with an unknown owner (referred to below as a "promotion corporation") upon receiving its application, if it is a corporation engaging in specified non-profit activities as prescribed in Article 2, paragraph (2) of the Act on Promotion of Specified Non-profit Activities (Act No. 7 of 1998), a general incorporated association, a general incorporated foundation, or a corporation having the purpose of engaging in activities of facilitating use of land with an unknown owner, and if it is found capable of properly and reliably providing the services stated in the items of the following Article.
- (2) If a municipal mayor has made a designation under the preceding paragraph, the mayor must issue public notice regarding the name, address, and location of the office or business office of the relevant promotion corporation.
- (3) If a promotion corporation changes its name, address, or the location of its office or business office, the promotion corporation must notify the relevant municipal mayor to that effect in advance.
- (4) If a notification under the preceding paragraph has been made, the municipal mayor must issue public notice regarding the matters stated in that relevant notification.

(Services of the Promotion Corporation)

Article 48 The promotion corporation is to provide the following services:

- (i) providing information, opportunities for consultation, and other assistance to any person who implements or intends to implement a community welfare promotion project or other projects;
- (ii) implementing or participating in a community welfare promotion project;
- (iii) providing information on methods of management of land with an unknown owner (including adjacent land with similar land category, terrain, and other conditions; the same applies below in this item), consultation opportunities, or other assistance necessary for proper management of that land to the owner;
- (iv) acquiring, managing, or transferring land as necessary for facilitating use of land with an unknown owner or for ensuring appropriate management of

- that land;
- (v) searching for landowners or other right-holders, based on an entrustment to do so, in relation to land within an area where a community welfare promotion project or other projects are to be implemented, or in relation to other land;
 - (vi) conducting necessary projects or running necessary operations for promoting the proper use and management of underutilized land and reducing the occurrence of the problem of land with an unknown owner;
 - (vii) conducting research and studies on facilitating the use of land with an unknown owner;
 - (viii) disseminating and raising public awareness about facilitating the use of land with an unknown owner; and
 - (ix) in addition to what is stated in the preceding items, conducting necessary projects or running necessary operations for facilitating the use of land with an unknown owner.

(Supervision)

- Article 49 (1) If a municipal mayor finds it necessary in order to ensure the proper and reliable provision of the services stated in the items of the preceding Article, the mayor may have a promotion corporation report on those services.
- (2) If a municipal mayor finds that a promotion corporation is not providing the services stated in the items of the preceding Article properly and reliably, the mayor may order the promotion corporation to take necessary measures to improve the management of its services.
- (3) If a promotion corporation has violated an order under the preceding paragraph, the municipal mayor may revoke the designation under Article 47, paragraph (1).
- (4) If a municipal mayor revokes a designation pursuant to the provisions of the preceding paragraph, the mayor must issue public notice to that effect.

(Provision of Information)

Article 50 The national government and relevant local governments are to provide a promotion corporation with information, guidance or any advice necessary for the provision of its services.

(Request to the Municipal Mayor)

Article 51 (1) If a promotion corporation finds it particularly necessary for the appropriate management of land with an unknown owner, or finds it particularly necessary for preventing the occurrences stated in the items of Article 42, paragraph (3) or (4) from being caused regarding mismanaged land

with an unknown owner or mismanaged adjacent land, the corporation may demand that the municipal mayor make a request under the items of that Article.

- (2) If a municipal mayor has received a demand under the preceding paragraph for making a request and finds it necessary, the mayor is to make that request pursuant to the provisions of the paragraphs of Article 42.
- (3) If a municipal mayor has received a demand under paragraph (1) for making a request, and the mayor determines that it is not necessary to make that request pursuant to the provisions of the paragraphs of Article 42, the mayor must notify the promotion corporation which made the demand, of that determination and the reason for not making that request without delay.

(Proposal by the Promotion Corporation to Prepare a Plan Concerning Measures for Dealing with the Problem of Land with an Unknown Owner)

Article 52 (1) If a promotion corporation finds it necessary for providing its services, it may propose to a municipality that it prepare or change its plan concerning measures for dealing with the problem of land with an unknown owner pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism. In this case, the promotion corporation must prepare and present a draft of that plan related to the proposal, in line with basic policy.

- (2) A municipality that has received a proposal under the preceding paragraph must notify the promotion corporation having made the proposal without delay, as to whether or not the municipality prepares or changes its plan concerning measures for dealing with the problem of land with an unknown owner based on the proposal. In this case, if the municipality decides not to prepare or change that plan, it must clarify the reason as to why not.

Chapter VII Miscellaneous Provisions

(Request for the Dispatch of Personnel)

Article 53 (1) A prefectural governor may demand that the Minister of Land, Infrastructure, Transport and Tourism dispatch their personnel, pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism, if it is necessary to have their personnel acquire relevant knowledge concerning the search for landowners or other right-holders, in order to prepare for the implementation of community welfare promotion projects or other projects.

- (2) In the following cases, a municipal mayor may demand that the Minister of Land, Infrastructure, Transport and Tourism dispatch the personnel, pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport

and Tourism:

- (i) if it is necessary to have the municipal personnel acquire relevant knowledge concerning the search for landowners or other right-holders, in order to prepare for the implementation of community welfare promotion projects or other projects, or to make appropriate recommendations under Article 38, paragraph (1); and
- (ii) if it is necessary for the preparation or change of their plan concerning measures for dealing with the problem of land with an unknown owner, or for preparation or conduct of projects or operations, to ensure the appropriate management of land with an unknown owner.

(Consideration for the Dispatch of Personnel)

Article 54 If the Minister of Land, Infrastructure, Transport and Tourism has received a demand under the paragraphs of the preceding Article, the Minister is to endeavor to dispatch personnel whom the Minister finds to be qualified, to the extent that it does not significantly obstruct the performance of the administrative functions or services under the Minister's jurisdiction.

(Assistance from Local Governments)

Article 55 At the request of a person intending to implement a community welfare promotion project or another person intending to use land with an unknown owner, a local government is to endeavor to make proposals concerning the method of use of land with an unknown owner, give advice concerning measures to clarify the boundaries of land with an unknown owner, help introduce those who have special knowledge and experience concerning land rights, or land valuation, and provide other assistance.

(Fees)

Article 56 Regarding the collection of fees concerning a person who has filed an application for a ruling pursuant to the provisions of Article 27, paragraph (1) or Article 37, paragraph (1), a prefecture must establish a prefectural ordinance on the basis that it will collect the amount specified by Cabinet Order within the scope of the actual costs, in accordance with the estimated amount of compensation for losses, in consideration of the nature of the administrative functions regarding that application.

(Delegation of Authority)

Article 57 The authority of the Minister of Land, Infrastructure, Transport and Tourism prescribed in this Act may be partly delegated to a director of a regional development bureau or the Director General of Hokkaido Development Bureau, pursuant to the provisions of Order of the Ministry of Land,

Infrastructure, Transport and Tourism.

(Classification of Administrative Functions)

Article 58 Among the administrative functions to be handled by a prefecture pursuant to the provisions of this Act, the following administrative functions are to be handled by item (i) statutory entrusted functions as prescribed in Article 2, paragraph (9), item (i) of the Local Autonomy Act (Act No. 67 of 1947):

- (i) administrative functions prescribed in Article 28, Article 29, Article 30, paragraph (1), Article 32, paragraph (1), and Article 33 of this Act; prescribed in Article 84, paragraph (2), Article 85, paragraph (2), and Article 89, paragraph (1) of the Expropriation of Land Act as applied mutatis mutandis pursuant to Article 35, paragraph (1) of this Act; prescribed in Article 83, paragraphs (3) through (6) of that Act as applied mutatis mutandis pursuant to Article 84, paragraph (3) of that Act which is also applied mutatis mutandis pursuant to Article 35, paragraph (1) of this Act; and prescribed in Article 36, paragraph (1) of this Act (limited to administrative functions relating to the projects stated in the items of Article 17, paragraph (1) of that Act or projects that have been certified by the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provisions of Article 27, paragraph (2) or (4) of that Act);
- (ii) administrative functions prescribed in Article 28, Article 29, and Article 30, paragraph (1) as applied mutatis mutandis pursuant to Article 37, paragraph (2); prescribed in Article 37, paragraph (3); prescribed in Article 33 as applied mutatis mutandis pursuant to paragraph (4) of that Article; prescribed in Article 84, paragraph (2), Article 85, paragraph (2), and Article 89, paragraph (1) of the Expropriation of Land Act as applied mutatis mutandis pursuant to Article 35, paragraph (1) which is applied mutatis mutandis pursuant to Article 37, paragraph (4) of this Act; prescribed in Article 83, paragraphs (3) through (6) of that Act as applied mutatis mutandis pursuant to Article 84, paragraph (3) of that Act which is also applied mutatis mutandis pursuant to Article 35, paragraph (1) of this Act, which is also applied mutatis mutandis pursuant to Article 37, paragraph (4) of this Act; and prescribed in Article 36, paragraph (1) as applied mutatis mutandis pursuant to Article 37, paragraph (4) (limited to administrative functions relating to city planning projects for which the permission or approval of the Minister of Land, Infrastructure, Transport and Tourism has been obtained pursuant to the provisions of Article 59, paragraphs (1) through (3) of the City Planning Act.

(Delegation to Ministerial Order)

Article 59 Except for what is provided for in this Act, any matters necessary for the implementation of this Act are prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism or Order of the Ministry of Justice.

(Transitional Measures)

Article 60 When an order is enacted, revised or abolished pursuant to this Act, necessary transitional measures (including transitional measures concerning penal provisions) may be specified to the extent considered reasonably necessary for the enactment, revision or abolition of that order.

Chapter VIII Penal Provisions

Article 61 If a person has violated an order under Article 25, paragraph (1), the person who has committed the violation is subject to imprisonment not longer than one year, or a fine of not more than 300,000 yen.

Article 62 (1) In a case falling under one of the following items, the person committing the violation is subject to a fine of not more than 300,000 yen:

- (i) if a person refuses, obstructs, or evades an investigation under Article 13, paragraph (5) (including as applied mutatis mutandis pursuant to Article 19, paragraph (4)); Article 32, paragraph (5); Article 36, paragraph (1) (including as applied mutatis mutandis pursuant to Article 37, paragraph (4)); or Article 41, paragraph (1);
- (ii) if a person violates the provisions of Article 20, paragraph (1) or (2);
- (iii) if a person fails to make a report under Article 26, paragraph (1) or makes a false report; refuses, obstructs, or evades an inspection under that paragraph; or fails to answer, or gives a false answer to any question under that paragraph; or
- (iv) if a person violates an order under Article 39.

(2) The provisions of the preceding paragraph (limited to the part regarding item (ii) (limited to the part regarding Article 20, paragraph (2))) do not preclude the application of the Penal Code (Act No. 45 of 1907) or any other penal provisions.

Article 63 If a representative of a corporation or an agent, employee, or other worker of a corporation or individual commits a violation referred to in the preceding two Articles in connection with the business of the corporation or individual, in addition to the offender being subject to punishment, the corporation or individual is also subject to the fine referred to in those Articles.

Supplementary Provisions [Extract]

(Effective Date)

- (1) This Act comes into effect on the date specified by Cabinet Order within a period not exceeding six months from the date of promulgation; provided, however, that the provisions of Chapter III, Sections 1 and 2, Article 44, Article 46, and Chapter VI, and paragraph (3) of the Supplementary Provisions come into effect on the date specified by Cabinet Order within a period not exceeding one year from the date of promulgation.

(Review)

- (2) When three years have passed since the enforcement of this Act, the government is to review the status of enforcement of this Act, and take any necessary measures based on the results of that review if it finds it necessary.

Supplementary Provisions [Act No. 24 of April 28, 2021 Extract] [Extract]

(Effective Date)

Article 1 This Act comes into effect on the date specified by Cabinet Order, within a period not exceeding two years from the date of promulgation; provided, however, that the provisions stated in the following items come into effect on the dates specified in the respective items:

- (i) the provisions in Article 2 to amend Article 131, paragraph (5) of the Real Property Registration Act, and the provisions of Article 34 of the Supplementary Provisions: the date of promulgation.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 34 Except for what is provided for in these Supplementary Provisions, the transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.

Supplementary Provisions [Act No. 30 of May 10, 2021 Extract] [Extract]

(Effective Date)

Article 1 This Act comes into effect on the date specified by Cabinet Order, within a period not exceeding one month from the date of promulgation.

Supplementary Provisions [Act No. 37 of May 19, 2021 Extract] [Extract]

(Effective Date)

Article 1 This Act comes into effect on September 1, 2021; provided, however, that the provisions stated in the following items come into effect on the dates

prescribed in the respective items:

- (i) the provisions of Article 27 (limited to the provisions amending appended tables 1 through 5 of the Act on Basic Register of Residents), Article 45, Article 47, and Article 55 (limited to the provisions amending appended tables 1 and 2 of the Act on the Use of Numbers to Identify a Specific Individual in Administrative Procedures (excluding the provisions amending row 27 of that table)), and the provisions of Article 8, paragraph (1), Articles 59 through 63, Article 67, and Articles 71 through 73 of the Supplementary Provisions: the date of promulgation;
items (ii) through (vi) omitted;
- (vii) the provisions of Article 27 (limited to the provisions amending Article 24-2 of the Act on Basic Register of Residents and the provisions amending Article 30-15, paragraph (3) of the same Act), Article 48 (excluding the amending provisions that changes Article 71-2 of the Act on the Certification Services of Japan Agency for Local Authority Information Systems Regarding Electronic Signatures and Electronic User Certificates into Article 71-3 of that Act and adds one Article after Article 71 of that Act), Article 49, and Article 51; and Article 9 (excluding paragraph (3)), Article 10, Article 15, Article 18 (limited to the provisions amending Article 129 of the Family Register Act (limited to the part adding the phrase "an original copy of" before the phrase "the family register")), Article 22, Article 25, Article 26, Article 28, Article 29 (limited to the provisions amending Article 30-15, paragraph (3) of the Act on Basic Register of Residents), Article 39, Article 43, Article 47, Article 49, Article 54, Article 55 (limited to the provisions amending Article 35 of the Act on the Promotion of Cancer Registration (limited to the part deleting "(including an ordinance)")), Article 57, Article 66, and Article 70: the date specified by Cabinet Order for each provision within a period not exceeding two years from the date of promulgation.

(Transitional Measures Concerning Penal Provisions)

Article 71 Prior laws continue to govern regarding the application of penal provisions in the following cases: an act that has been committed before the enforcement of this Act (or the respective provisions stated in the items of Article 1 of the Supplementary Provisions; the same applies below in this Article): or an act that will be committed after the enforcement of this Act, in cases that are governed by prior laws pursuant to the Supplementary Provisions.

(Delegation to Cabinet Order)

Article 72 Except for what is provided in these Supplementary Provisions, transitional measures necessary for the enforcement of this Act (including

transitional measures concerning penal provisions) are specified by Cabinet Order.

Supplementary Provisions [Act No. 38 of May 9, 2022 Extract] [Extract]

(Effective Date)

Article 1 This Act comes into effect on the date specified by Cabinet Order within a period not exceeding six months from the date of promulgation; provided, however, that the provisions stated in the following items come into effect on the date specified in the respective items:

- (i) the provisions of Article 3 of the Supplementary Provisions: the date of promulgation;
- (ii) the provisions of Article 2: the effective date of the Act partially amending the Civil Code and Other Acts (Act No. 24 of 2021).

(Transitional Measures Concerning a Ruling Regarding Land with an Unknown Owner)

- Article 2 (1) The provisions of Article 2, paragraph (2) of the Act on Special Measures Concerning the Facilitation of the Use of Land With an Unknown Owner, after the amendment under Article 1 (referred to below as the "new Act" in this Article) apply to land with an unknown owner connected to an application for a ruling under Article 10, paragraph (1), Article 27, paragraph (1), or Article 37, paragraph (1) of the Act on Special Measures Concerning the Facilitation of the Use of Land With an Unknown Owner (referred to below as the "Act on Land with an Unknown Owner" in this Article), if that application has been filed on or after the effective date of this Act (referred to below as the "effective date" in this Article), while prior laws continue to govern land with an unknown owner connected to an application for a ruling the provisions mentioned above, if that application has been filed before the effective date.
- (2) The provisions of Article 11, paragraph (4) of the new Act (including as applied mutatis mutandis pursuant to Article 19, paragraph (2) of the new Act) apply to public inspection connected to an application for a ruling under Article 10, paragraph (1) of the Act on Land with an Unknown Owner or Article 19, paragraph (1) of the new Act if the application has been filed on or after the effective date, while prior laws continue to govern public inspection connected to an application for a ruling under Article 10, paragraph (1) of the Act on Land with an Unknown Owner if the application has been filed before the effective date.
- (3) The provisions of Article 13, paragraphs (2) and (3) and Article 16, paragraph (3) of the new Act (including as applied mutatis mutandis pursuant to Article 19, paragraph (4) of the new Act) apply to the matters specified in a ruling and

the amount of compensation stated in that ruling if an application for that ruling under Article 10, paragraph (1) of the Act on Land with an Unknown Owner or Article 19, paragraph (1) of the new Act has been filed on or after the effective date, while prior laws continue to govern the matters specified in a ruling and the amount of compensation stated in that ruling, if an application for that ruling under Article 10, paragraph (1) of the Act on Land with an Unknown Owner has been filed before the effective date.

- (4) The provisions of Article 17, paragraph (1) and Article 18 of the new Act (including as applied mutatis mutandis pursuant to Article 19, paragraph (4) of the new Act) apply to deposit of compensation connected to a ruling if an application for that ruling under Article 10, paragraph (1) of the Act on Land with an Unknown Owner or Article 19, paragraph (1) of the new Act has been filed on or after the effective date, while prior laws continue to govern deposit of compensation connected to a ruling if an application for that ruling under Article 10, paragraph (1) of the Act on Land with an Unknown Owner has been filed before the effective date.

(Delegation to Cabinet Order)

Article 3 Except for what is provided for in the preceding Article, transitional measures necessary for the enforcement of this Act (including transitional measures concerning penal provisions) are specified by Cabinet Order.

(Review)

Article 4 After approximately five years from the effective date of this Act, the government is to review the provisions amended by this Act, taking into account the status of enforcement of this Act and other factors, and take any necessary measures based on the results of their review if it finds it necessary.