

# **Act on the Use of Specific Public Facilities, etc. in Armed Attack Situations, etc.**

(Act No. 114 of June 18, 2004)

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## **Chapter I General Provisions**

### (Purpose)

Article 1 The purpose of this Act is to specify necessary matters such as the formulation of the guidelines concerning the use of specific public facilities, etc. in armed attack situations, etc. with the aim of promoting their comprehensive coordination and thereby implementing response measures, etc. appropriately and promptly.

### (Definitions)

Article 2 (1) The meanings of the terms "armed attack situations, etc." "armed attack," "designated administrative organ," "designated public institution," "the basic response plan" and "the chairperson of the Headquarters" in this Act are those of the relative terms defined in Article 1, Article 2 item (i), item (v) and item (vii) of the Article, Article 9, paragraph (1) and Article 11, paragraph (1) of the Act on the Peace and Independence of Japan and Maintenance of the Security of the Nation and the People in Armed Attack Situations, etc., and Survival-Threatening Situations (Act No. 79 of 2003; referred to below as "Armed Attack Situation Response Act").

(2) "Response measures, etc." in this Act means measures stated in Article 2, item (viii), (a), 1. and 2. of the Armed Attack Situation Response Act, necessary activities to be taken by the Armed Forces of the United States of America to repel an armed attack in accordance with the Treaty of Mutual Cooperation and Security between Japan and the United States of America, that are

implemented to conclude armed attack situations etc. depending on changes in situations during the period from the establishment of the basic response plan to the repeal of the plan, and necessary activities to repel an armed attack in corporation with the Self-Defense Forces and measures for protection of the people (measures for protection of the people as defined in Article 2, paragraph (3) of the Act Concerning the Measures for Protection of the People in Armed Attack Situations, etc. (Act No.112 of 2004); the same definition applies in Article 18, paragraph (1), item (i)), implemented by foreign armed forces (meaning foreign armed forces as defined in Article 2, paragraph (7) of the Act on Measures to be Taken by Japan in Response to Actions by the Armed Forces of the United States of America and Other Countries in Situations of Armed Attack, etc., and Situations of Threatening Japan's Survival(Act No.113 of 2004)).

- (3) " Specific public facilities, etc." in this Act means port facilities, airport facilities, roads, sea areas, airspace and radio waves.
- (4) "Port facilities" in this Act means port facilities as defined in the items of Article 2, paragraph (5) of the Port Act (Act No. 218 of 1950) (excluding ordinary property under the provisions of Article 3, paragraph (3) of the National Government Asset Act (Act No. 73 of 1948) or Article 238, paragraph (4) of the Local Autonomy Act (Act No. 67 of 1947)).
- (5) "Airport facilities" in this Act means the airport facilities stated in the items of Article 4, paragraph (1) of the Airport Act (Act No. 80 of 1956) and the Second class airport facilities prescribed in Article 5, paragraph (1) of the Act, and other aerodrome facilities for public use other than the relevant airport facilities and Second class airport facilities specified by Cabinet Order (including aerodromes established by the Self-Defense Forces of Japan and equipped with landing areas and other facilities that are designated for public use based on the provision of Article 56-4, paragraph (1) of the Civil Aeronautics Act (Act No. 231 of 1952)).
- (6) "Roads" in this Act means roads for general traffic use including roads as defined in Article 2, paragraph (1) of the Road Act (Act No. 180 of 1952) and roads for normal automobile traffic as defined in Article 2, paragraph (8) of the Road Transport Act (Act No. 183 of 1951).
- (7) "Radio Waves" in this Act means radio waves as defined in Article 2, item (i) of the Radio Act (Act No. 131 of 1950).

(Responsibilities of the Chairperson of the Headquarters)

Article 3 In light of the indispensability of ensuring smooth and effective use of specific public facilities, etc. for appropriate and prompt implementation of response measures, etc., the chairperson of the Headquarters is to appropriately perform overall coordination concerning the use of specific public

facilities, etc., while acquiring the understanding and cooperation of the people.

(Responsibilities of Port Facility Administrators)

Article 4 In light of the indispensability of ensuring smooth and effective use of port facilities and airport facilities for appropriate and prompt implementation of response measures, etc., port facility administrators and airport facility administrators are to appropriately manage port facilities and airport facilities in accordance with the guidelines for the use of these facilities, while promoting close cooperation with the chairperson of the Headquarters.

(Responsibilities of Designated Administrative Agencies)

Article 5 In addition to the provisions of the preceding Article, in light of the indispensability of ensuring smooth and effective use of specific public facilities, etc. for appropriate and prompt implementation of response measures, etc., designated administrative organs, local governments, designated public institutions and designated local public institutions (meaning designated local public institutions as defined in Article 2, paragraph (2) of the Act Concerning Measures for Protection of the People in Armed Attack Situations, etc.), when implementing response measures, etc., are to use the facilities or have the facilities used appropriately in accordance with the guideline for the use formulated by the chairperson of the Headquarters for respective specific public facilities, etc.

## **Chapter II Use of Port Facilities**

(Guidelines for the Use of Port Facilities)

Article 6 (1) The chairperson of the Headquarters may, in armed attack situations, etc., formulate the guidelines for the use of port facilities (referred to below as "guidelines for the use of port facilities" in this Article and the following Article) based on the basic response plan, in order to implement response measures, etc. appropriately and promptly.

(2) The guidelines for the use of port facilities are to provide basic matters that are necessary for appropriate and prompt implementation of response measures, etc. such as a summary of response measures, etc., to allow certain persons preferential use of port facilities in specific areas and the duration of that use.

(3) When the chairperson of the Headquarters formulates the guidelines for the use of port facilities, they must hear the opinions of the heads of the concerned local governments and other executive agencies, and designated public institutions.

(4) If the chairperson of Headquarters finds it is necessary to formulate the

guidelines for the use of port facilities, it may ask the heads of the concerned local governments and other executive agencies and designated public institutions to provide necessary information.

- (5) When the chairperson of the Headquarters has formulated the guidelines for the use of port facilities, they are to notify the heads of designated administrative organs concerned, the heads of the concerned local governments and other executive agencies and designated public institutions and is to issue public notice of the contents of the guidelines except for matters whose publication may expose the security of Japan to danger.
- (6) The chairperson of the Headquarters is to revise the guidelines for the use of port facilities in accordance with the changes in circumstances.
- (7) The provisions of paragraph (3) through paragraph (5) are to apply *mutatis mutandis* to cases where the guidelines for the use of port facilities are modified or repealed.

#### (Request for the Use of Port Facilities)

Article 7 (1) If the chairperson of the Headquarters finds it is especially necessary to allow certain persons preferential use of specific port facilities for appropriate and prompt implementation of response measures, etc., it may, based on the guidelines for the use of port facilities, make a request to port facility administrators of such specific port facilities to allow certain persons to preferentially use the whole or part of the specific port facilities by clarifying specific matters such as the name of the specific port facilities, descriptions of the response measures, etc. that require preferential use by certain persons, and the duration of that use.

- (2) Port facility administrators who receive the requests in the preceding paragraph may give their opinions to the chairperson of the Headquarters concerning the requests.

#### (Modification of Authorization for the Use of Port Facilities)

Article 8 (1) If port facility administrators allow persons to use specific port facilities under their control based on the requests in paragraph (1) of the preceding Article and find it necessary, they may modify or revoke authorization or any other disposition concerning the use of the specific port facilities.

- (2) If port facility administrators have modified or revoked authorizations or any other disposition concerning the use of the specific port facilities pursuant to the provisions of the preceding paragraph, and find it necessary to move vessels already on the berth, they may order the captains or any other persons responsible for the operation of those vessels (referred to as "captains, etc. of the vessels" in paragraph (4) of the following Article) to move those vessels.

(Prime Minister's Measures Concerning the Use of Port Facilities)

- Article 9 (1) If the use of specific port facilities based on the requests referred to in Article 7, paragraph (1) cannot be secured and the Prime Minister finds that use is especially necessary for the protection of the lives, bodies or property of the people, or for repelling an armed attack, it may, in response to the request from the chairperson of the Headquarters, give instructions to the port facility administrators of the specific port facilities to secure the required use.
- (2) The provisions of the preceding Article apply *mutatis mutandis* if the port facility administrators, in compliance with the instructions under the preceding paragraph, allow use of the specific port facilities under their control.
- (3) If the required use cannot be secured even through the instructions referred to in paragraph (1), or if the Prime Minister finds it is especially necessary for the protection of the lives, bodies or property of the people, or for repelling an armed attack and that urgency is required in view of a given situation, the Prime Minister may, in response to the request from the chairperson of the Headquarters, direct the Minister of Land, Infrastructure, Transport and Tourism to authorize or conduct any other disposition, or modify or revoke authorization or any other disposition concerning the use of those specific port facilities after notifying the relevant port facility administrators.
- (4) If the Prime Minister finds it is necessary to move the vessels already on the berth when they have had the Minister of Land, Infrastructure, Transport and Tourism authorize or conduct any other disposition, or modify or revoke authorization or any other disposition concerning the use of the specific port facilities pursuant to the provisions of the preceding paragraph, it may direct the Minister of Land, Infrastructure, Transport and Tourism to order the captains, etc. of the vessels to move those vessels.

### **Chapter III Use of Airport Facilities**

(Guidelines for the Use of Airport Facilities)

- Article 10 (1) The chairperson of the Headquarters may, in armed attack situations, etc., formulate the guidelines for the use of airport facilities (referred to below as "guidelines for the use of airport facilities" in this Article and the following Article) based on the basic response plan in order to implement response measures, etc. appropriately and promptly.
- (2) The provisions of Article 6, paragraph (2) through paragraph (7) apply *mutatis mutandis* to the guidelines for the use of airport facilities. In this case, the term "port facilities in specific areas" in paragraph (2) of that Article is deemed to be replaced with "airport facilities in specific areas."

(Application Mutatis Mutandis)

Article 11 The provisions of Article 7 through Article 9 apply mutatis mutandis to cases of securing the use of specific airport facilities. In this case, the words and phrases stated in the middle column of the following table in the provisions stated in the left column in that table are deemed to be replaced with the words and phrases in the right column of that table.

Article 7, paragraph (1)	the guidelines for the use of port facilities	the guidelines for the use of airport facilities
	port facility administrators	facility administrators
Article 7, paragraph (2)	preceding paragraph	Article 7, paragraph (1) , as applied mutatis mutandis pursuant to Article 11
Article 7, paragraph (2), Article 9, paragraph (2) and paragraph (3)	port facility administrators	airport facility administrators (except for the Minister of Land, Infrastructure, Transport and Tourism and the Minister of Defense)
Article 8, paragraph (1) and paragraph (2)	port facility administrators	airport facility administrators
Article 8, paragraph (1)	paragraph (1) of the preceding Article	Article 7, paragraph (1) , as applied mutatis mutandis pursuant to Article 11
	modify or revoke authorization or any other dispositions	give necessary instructions, impose conditions or modify
Article 8, paragraph (2)	preceding paragraph	Article 8, paragraph (1) , as applied mutatis mutandis pursuant to Article 11
	modify or revoke authorization or any other dispositions	give necessary instructions, impose conditions or modify
Article 8, paragraph (2) and Article 9, paragraph (4)	the vessels already on the berth	the aircraft already in the airports

Article 8, paragraph (2)	the captains or any other persons responsible for the operation of those vessels (referred to as "captains, etc. of the vessels" in paragraph (4) of the following Article)	the captains or any other persons responsible for the operation of those aircraft (referred to as "captains, etc. of the aircraft" in Article 9, paragraph (4) , as applied mutatis mutandis pursuant to Article 11)
Article 8, paragraph (2) and Article 9, paragraph (4)	move those vessels	move those aircraft
Article 9, paragraph (1)	Article 7, paragraph 1	Article 7, paragraph (1) , as applied mutatis mutandis pursuant to Article 11
	port facility administrators	facility administrators (except for the Minister of Land, Infrastructure, Transport and Tourism and the Minister of Defense)
Article 9, paragraph (2)	preceding Article	Article 8 , as applied mutatis mutandis pursuant to Article 11
	preceding paragraph	Article 9, paragraph (1) , as applied mutatis mutandis pursuant to Article 11
Article 9, paragraph (3)	paragraph 1	Article 9, paragraph (1) , as applied mutatis mutandis pursuant to Article 11
	authorize or conduct any other dispositions, or modify or revoke e authorization or any other dispositions	give necessary instruction, impose conditions or modify
Article 9, paragraph (4)	preceding paragraph	Article 9, paragraph (3) , as applied mutatis mutandis pursuant to Article 11
	authorize or conduct any other dispositions, or modify or revoke authorization or any other dispositions	give necessary instruction, impose conditions or modify
	captains etc. of the vessels	captains etc. of the aircraft

## **Chapter IV Use of Roads**

(Guidelines for the Use of Roads)

- Article 12 (1) In Armed Attack Situations, etc., the chairperson of the Headquarters may formulate the guidelines for the use of roads (referred to below as "guidelines for the use of roads" in this Article) based on the basic response plan in order to implement response measures, etc. appropriately and promptly.
- (2) The provisions of Article 6, paragraph (2) through paragraph (7) apply *mutatis mutandis* to the guidelines for the use of roads. In this case, the term "port facilities in specific areas" in paragraph (2) of that Article is deemed to be replaced with "roads in specific areas."

## **Chapter V Use of Sea Areas**

(Guidelines for the Use of Sea Areas)

- Article 13 (1) The chairperson of the Headquarters may, in armed attack situations, etc., formulate the guidelines for the use of sea areas (referred to below as "guidelines for the use of sea areas" in this Article and the following Article and Article 21) based on the basic response plan in order to implement response measures, etc. appropriately and promptly.
- (2) The provisions of Article 6, paragraph (2) through paragraph (7) apply *mutatis mutandis* to the guidelines for the use of sea areas. In this case, the term "port facilities in specific areas" in paragraph (2) of the Article is deemed to be replaced with "specific sea areas."

(Restriction of Vessel in Navigation etc.)

- Article 14 (1) Based on the guidelines for the use of sea areas, the Commandant of the Japan Coast Guard may restrict vessel traffic by notifying a certain range or period of time in specific sea areas to limit the vessels allowed to navigate the specific sea areas or the periods in which they are allowed to do so in order to secure the safety of vessels in navigation; provided, however, that if it is urgently necessary to limit vessels or periods allowed for navigation and if there is no time to conduct notification of the specific sea areas, the Commandant may restrict vessel traffic in some other appropriate way.
- (2) The Commandant of the Japan Coast Guard must promptly provide crew members of vessels with the contents of the guidelines for the use of sea areas and information on the disposition referred to in the preceding paragraph.

## **Chapter VI Use of Airspace**

(Guidelines for the Use of Airspace)

- Article 15 (1) In armed attack situations, etc., the chairperson of the Headquarters may formulate the guidelines for the use of airspace (referred to below as "guidelines for the use of airspace" in this Article and the following Article) based on the basic response plan in order to implement response measures, etc. appropriately and promptly.
- (2) The provisions of Article 6, paragraph (2) through paragraph (7) apply *mutatis mutandis* to the guidelines for the use of airspace. In this case, the term "port facilities in specific areas" in paragraph (2) of the Article is deemed to be replaced with "specific airspace."

(Aircraft Flight Restriction)

- Article 16 Based on the guidelines for the use of airspace, The Minister of Land, Infrastructure, Transport and Tourism must appropriately implement measures under Article 80, Article 96 and Article 99 of the Civil Aeronautics Act in order to secure the safety of aircraft traffic.

## **Chapter VII Use of Radio Waves**

(Guidelines for the Use of Radio Waves)

- Article 17 (1) In armed attack situations, etc., the chairperson of the Headquarters may formulate the guidelines for the use of radio waves (referred to below as "guidelines for the use of radio waves" in this Article and the following Article) based on the basic response plan in order to implement response measures, etc. appropriately and promptly.
- (2) The provisions of Article 6, paragraph (2) through paragraph (7) apply *mutatis mutandis* to the guidelines for the use of radio waves. In this case, the term "port facilities in specific areas" in paragraph (2) of the Article is deemed to be replaced with "specific radio waves."

(Coordination of the Use of Radio Waves)

- Article 18 (1) If the Minister for Internal Affairs and Communications finds it is especially necessary to give preference for specific radio communications conducted by a radio station (radio station as defined in Article 2, item (v) of the Radio Act; the same applies below in this Article) among those conducted below stated in item (i) over the radio communications stated in items (i) or (ii) below conducted by another radio station, based on the guidelines for the use of radio waves, the Minister may take necessary measures for the radio stations conducting those specific radio communications, such as modification of the conditions of licenses issued under the provision of Article 104-2, paragraph (1) of the Radio Act and modification of conditions set by the Minister for Internal

Affairs and Communications under the provisions of Article 112, paragraph (3) of the Self-Defense Forces Act (Act No.165 of 1954).

- (i) radio communications necessary for implementing measures stated in Article 2, item (viii), (a), 2. or 3. of the Armed Attack Situation Response Act, or measures for protection of the people
  - (ii) radio communications stated in the items of paragraph (1) of Article 102-2 of the Radio Act (except for radio communications stated in the preceding item)
- (2) If the Minister for Internal Affairs and Communications has taken the necessary measures for radio stations conducting specific radio communications pursuant to the provisions of the preceding paragraph, the persons who conducted the specific communications through the radio stations must report the fact to the Minister for Internal Affairs and Communications without delay in order to contribute to maintaining orderly radio communications and ensuring proper operations of radio stations by the Minister for Internal Affairs and Communications.
- (3) Radio stations conducting radio communications stated in item (i) of paragraph (1), when the Minister for Internal Affairs and Communications has taken the necessary measures pursuant to the provisions of paragraph (1) for radio stations conducting specific radio communications, and except for when those specific radio communications are conducted by the radio station, must conduct operations in a manner that does not cause interference or any other disturbances harmful to the operation of other radio stations engaged in the radio communications stated in the items of the paragraph.
- (4) The provisions of Article 56 of the Radio Act do not apply to radio stations that conduct the radio communications stated in paragraph (1), item (i).

## **Chapter VIII Miscellaneous Provisions**

### **(Compensation for Loss)**

- Article 19 (1) If dispositions have been made pursuant to Article 8, paragraph (1) (including its application mutatis mutandis under Article 9 , paragraph (2) (including its application mutatis mutandis under Article 11) and Article 11) and Article 9, paragraph (3) (including its application mutatis mutandis under Article 11), in each case, the national government must compensate losses that could be normally caused through those dispositions.
- (2) Beyond what is provided for in the preceding paragraph, necessary matters regarding compensation for loss are to be provided by Cabinet Order.

### **(Penal Provisions)**

Article 20 Anyone who has conducted an act which violates the disposition made

by the Commandant of the Japan Coast Guard under the provisions of Article 14, paragraph (1) is subject to imprisonment of not more than three months or a fine of not more than three hundred thousand yen.

(Use of Specific Public Facilities in Emergency Response Situations)

Article 21 In order to ensure smooth and effective use of specific public facilities, etc. for appropriate and prompt response in emergency response situations (emergency response situations as defined in Article 22, paragraph (1) of the Armed Attack Situation Response Act), the national government is to take necessary measures appropriately such as the formulation of the guidelines for the use of specific public facilities, etc., in accordance with the provisions of Article 6, Article 7 (including its application mutatis mutandis under Article 11), Article 10, Article 12, Article 13, Article 14 paragraph (2) (limited to the part regarding the guidelines for the use of sea areas) and Article 15 through Article 17.

(Delegation to Cabinet Order)

Article 22 Beyond what is provided for in this Act, necessary matters for implementing this Act are to be provided by Cabinet Order.

### **Supplementary Provisions**

This Act comes into effect on the day prescribed by Cabinet Order within a period not exceeding three months from the date of promulgation.