

Order for Enforcement of the Hot Spring Act

(Cabinet Order No. 25 of March 9, 1984)

The Cabinet hereby enacts this Cabinet Order based on the provisions of Article 18-2, paragraph (1) and Article 18-3 of the Hot Spring Act (Act No. 125 of 1948).

(Period for Undergoing a Composition Analysis of Hot Spring)

Article 1 The period specified by Cabinet Order referred to in Article 18, paragraph (3) of the Hot Spring Act (referred to below as the "Act") is to be within ten years from the date of the previous composition analysis of hot spring.

(Processing of Affairs by the Mayor of a City Specified by Cabinet Order)

Article 2 Among the affairs that fall under the authority of the prefectural governor pursuant to the provisions of Chapter IV, Article 33, paragraph (1) (limited to the part related to the disposition under the provisions of Article 31, paragraph (2) of the Act), Article 34 (excluding the part related to the collection of reports from a person who drills land for the purpose of making a hot spring gush out), or Article 35, paragraph (1) (excluding the part related to an on-site inspection of the site of drilling construction of land for the purpose of making a hot spring gush out) of the Act, the following affairs are to be performed by the mayor of a city specified by Cabinet Order referred to in Article 5, paragraph (1) of the Community Health Act (Act No. 101 of 1947) (referred to below as a "city with a health center") and the mayor of a special ward. In this case, the provisions concerning the prefectural governor related to the affairs prescribed in the first sentence of the Act apply to the mayor of a city with a health center and the mayor of a special ward as provisions concerning the mayor of a city with a health center and the mayor of a special ward:

- (i) affairs concerning the permission under the provisions of Article 15, paragraph (1) of the Act;
- (ii) affairs concerning the addition or change of conditions on the permission under the provisions of Article 4, paragraph (3) of the Act, as applied mutatis mutandis pursuant to Article 15, paragraph (4) of the Act;
- (iii) affairs concerning approval under the provisions of Article 16, paragraph (1) and Article 17, paragraph (1) of the Act;
- (iv) affairs concerning the acceptance of notifications under the provisions of Article 18, paragraph (4) of the Act;

- (v) affairs concerning orders under the provisions of Article 18, paragraph (5) and Article 31, paragraph (2) of the Act;
- (vi) affairs concerning revocation of the permission under the provisions of Article 31, paragraph (1) of the Act;
- (vii) affairs concerning hearings conducted pursuant to the provisions of Article 33, paragraph (1) of the Act (limited to those related to orders under the provisions of Article 31, paragraph (2) of the Act);
- (viii) affairs concerning the collection of reports under the provisions of Article 34 of the Act (excluding those concerning a person who drills land for the purpose of making a hot spring gush out, and limited to those carried out from the viewpoint of public health);
- (ix) affairs concerning on-site inspections under the provisions of Article 35, paragraph (1) of the Act (excluding those to be conducted at the site of drilling construction of land for the purpose of making a hot spring gush out and limited to those to be conducted from the viewpoint of public health).

Supplementary Provisions

(Effective Date)

- (1) This Cabinet Order comes into effect on April 1, 1984.

(Transitional Measures)

- (2) Dispositions on permission, etc. or any other acts carried out by a prefectural governor before the enforcement of this Cabinet Order or applications for permission and other acts directed to a prefectural governor at the time of the enforcement of this Cabinet Order, which relate to the affairs to be managed and conducted by the mayor of a city specified by this Cabinet Order on and after the date of enforcement of this Cabinet Order, are deemed, after the date of enforcement of this Cabinet Order, to be dispositions on the permission, etc. or any other acts conducted by the mayor of a city specified by this Cabinet Order or applications for the permission and other acts directed to the mayor of a city specified by this Cabinet Order.

Supplementary Provisions [Cabinet Order No. 43 of March 23, 1988]

This Cabinet Order comes into effect on April 1, 1988.

Supplementary Provisions [Cabinet Order No. 43 of March 16, 1994]

(Effective Date)

- (1) This Cabinet Order comes into effect on April 1, 1994.

(Transitional Measures)

- (2) Dispositions on permission, etc. or any other acts conducted by the Governor of Okayama Prefecture before the enforcement of this Cabinet Order or applications for permission and other acts directed to the Governor of Okayama Prefecture at the time of the enforcement of this Cabinet Order that are related to the affairs to be managed and conducted by the mayor of Okayama City on and after the date of enforcement of this Cabinet Order are deemed to be dispositions on permission, etc. or any other acts by the mayor of Okayama City or applications for permission and other acts that are directed to the mayor of Okayama City on and after the date of enforcement of this Cabinet Order.

**Supplementary Provisions [Cabinet Order No. 303 of September 19, 1994
Extract] [Extract]**

(Effective Date)

Article 1 This Cabinet Order comes into effect on the date of enforcement of the Administrative Procedure Act (October 1, 1994).

Supplementary Provisions [Cabinet Order No. 27 of March 6, 1996]

(Effective Date)

- (1) This Cabinet Order comes into effect on April 1, 1996.

(Transitional Measures)

- (2) Dispositions on permission, etc. or any other acts that the Tochigi Prefectural Governor or the Governor of Toyama Prefecture has conducted before the enforcement of this Cabinet Order, or applications for permission and other acts directed to the Tochigi Prefectural Governor or the Governor of Toyama Prefecture has conducted at the time of the enforcement of this Cabinet Order, which are related to the affairs to be managed and conducted by the mayor of Utsunomiya City or the mayor of Toyama City on and after the date of enforcement of this Cabinet Order, are deemed to be dispositions on permission, etc. or any other acts that the mayor of Utsunomiya City or the mayor of Toyama City has conducted or applications for permission and other acts directed to the mayor of Utsunomiya City or the mayor of Toyama City on and after the date of enforcement of this Cabinet Order.

Supplementary Provisions [Cabinet Order No. 60 of March 24, 1997]

(Effective Date)

- (1) This Cabinet Order comes into effect on April 1, 1997.

(Transitional Measures)

- (2) Dispositions on permission, etc. or any other acts carried out by the Governor of Akita Prefecture, the Governor of Fukushima Prefecture, or the Governor of Oita Prefecture before the enforcement of this Cabinet Order, or applications for permission and other acts directed to the Governor of Akita Prefecture, the Governor of Fukushima Prefecture, or the Governor of Oita Prefecture at the time of the enforcement of this Cabinet Order, which relate to affairs to be managed or conducted by the mayor of Akita City, the mayor of Koriyama City, or the mayor of Oita City on or after the date of enforcement of this Cabinet Order, are deemed, after that date, to be dispositions on permission, etc. or any other acts conducted by, or applications for permission and other acts directed to the mayor of Akita City, the mayor of Koriyama City, or the mayor of Oita City.

Supplementary Provisions [Cabinet Order No. 76 of March 27, 1998]

(Effective Date)

- (1) This Cabinet Order comes into effect on April 1, 1998.

(Transitional Measures)

- (2) Dispositions on permission, etc. or any other acts conducted by a prefectural governor before the enforcement of this Cabinet Order or applications for permission and other acts directed to a prefectural governor at the time of the enforcement of this Cabinet Order, which relate to the affairs to be managed and conducted by the mayor of Toyota City, Fukuyama City, Matsuyama City, Kochi City, or Miyazaki City on or after the date of enforcement of this Cabinet Order, are deemed, after that date, to be dispositions on permission, etc. or any other acts conducted by the mayor of the relevant city or applications for permission and other acts directed to the mayor of the relevant city.

Supplementary Provisions [Cabinet Order No. 73 of March 26, 1999]

(Effective Date)

- (1) This Cabinet Order comes into effect on April 1, 1999.

(Transitional Measures)

- (2) Dispositions on permission, etc. or any other acts conducted by a prefectural governor before the enforcement of this Cabinet Order or applications for

permission and other acts directed to a prefectural governor at the time of the enforcement of this Cabinet Order that are related to the affairs to be managed and conducted by the mayor of Iwaki City, Nagano City, Toyohashi City, or Takamatsu City on or after the date of enforcement of this Cabinet Order are deemed to be dispositions on permission, etc. or any other acts conducted by the mayors of these cities or applications for permission and other acts directed to the mayors of these cities on or after the date of enforcement of this Cabinet Order.

**Supplementary Provisions [Cabinet Order No. 387 of December 3, 1999
Extract] [Extract]**

(Effective Date)

Article 1 This Cabinet Order comes into effect on April 1, 2000.

Supplementary Provisions [Cabinet Order No. 29 of February 14, 2002]

This Cabinet Order comes into effect on the date on which the Act Partially Amending the Hot Spring Act comes into effect (April 1, 2002).

Supplementary Provisions [Cabinet Order No. 228 of July 20, 2007]

(Effective Date)

Article 1 This Cabinet Order comes into effect on the date on which the Act Partially Amending the Hot Spring Act (Act No. 31 of 2007; referred to below as the "Amendment Act") comes into effect (October 20, 2007).

(Transitional Measures Concerning Composition Analysis of Hot Spring)

Article 2 At the time this Cabinet Order comes into effect, if a posting under the provisions of Article 14, paragraph (1) of the Hot Spring Act before its amendment by the Amendment Act (referred to below as the "former Act") has been made without being based on the results of a composition analysis of hot spring as referred to in paragraph (2) of that Article undertaken by a registered analytical laboratory as referred to in that paragraph (including an analysis or inspection of the composition of a hot spring that is deemed, pursuant to the provisions of Article 2, paragraph (1) of the Supplementary Provisions of the Amendment Act, to be a composition analysis of hot spring as referred to in Article 14, paragraph (2) of the former Act undertaken by a registered analytical laboratory as referred to in that paragraph; referred to below as a "composition of hot spring analysis as referred to in the former Act") or has been made based on the results of a composition analysis of hot spring

as referred to in the former Act for which the date of the analysis or inspection is not clear, regarding the hot spring for which the relevant posting has been made, notwithstanding the provisions of Article 1 of the Order for Enforcement of the Hot Spring Act amended by this Cabinet Order after the enforcement of this Cabinet Order, the first period specified by Cabinet Order as referred to in Article 18, paragraph (3) of the Hot Spring Act in which the composition analysis referred to in Article 18, paragraph (2) of the Hot Spring Act before its amendment by the Amendment Act is to be conducted no later than December 31, 2009.

Supplementary Provisions [Cabinet Order No. 184 of May 21, 2008]

This Cabinet Order comes into effect on the date on which the Act Partially Amending the Hot Spring Act comes into effect (October 1, 2008).

Supplementary Provisions [Cabinet Order No. 364 of November 28, 2011]

This Cabinet Order comes into effect on April 1, 2012; provided, however, the provisions of Articles 4 and 6 comes into effect on the date on which the provisions stated in Article 1, item (i) of the Supplementary Provisions of the Act on the Revision, etc. of Related Acts to Promote Reform for Increasing Independence and Autonomy of Local Communities comes into effect (November 30, 2011).