

Johkasou Act

(Tentative Translation)

Johkasou Act

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Chapter 1 General Provisions

(Purpose)

Article 1 The purpose of this Act is to stipulates systematized regulations for regulating the installation, operation and maintenance, desludging and manufacture of johkasou systems; establishing a registration system for johkasou construction vendor and an license system for johkasou construction business; establishing a qualification system for johkasou installation worker and johkasou Operator, by promoting appropriate night soil and gray water treatment by johkasou from the perspective of conservation of water quality in public water area, and preserving the living environment and improving public health.

(Definition)

Article 2 In this Act, the meanings of the terms set forth in the following items shall be as prescribed respectively in those items.

(i) Johkasou An equipment or facility that is used for treating night soil together with gray water (industrial wastewater, rain water and other special drainage are excluded, the same shall apply hereinafter) is connected to toilets, then discharge to other than the public sewerage (called sewage treatment system in follows) with a sewage treatment plant specified in Article 2 item 6 in Sewerage Act (Act No.79, 1958), and except the night soil treatment facility installed by municipality according to the plan specified in public sewerage and river-basin sewerage specified in Sewerage Act, and the

provisions of Article 6 paragraph 1 of Acts (Acts No. 137, 1970) of Waste Management and Public Cleansing Act.

(i)-2 Public Johkasou Among Johkasou installed in Johkasou-treatment promotion areas prescribed in the provisions of Article 12-4 paragraph1, and johkasou that were installed based on the installation plan of Article 12-5 paragraph1, which are those municipalities manage and municipalities manage based on the provisions of Article 12-6.

(ii) Johkasou construction Construction works that install johkasou or change its structure or size.

(iii) Operation and maintenance of johkasou Operations concerning to checking, maintaining and repairing a johkasou.

(iv) Johkasou desludging Desludging refers to the extraction of the sludge and scum accumulated in a Johkasou and the adjustment of the sludge in the tank as well as its cleaning, including that of the unit equipment and the auxiliary equipment.

(v) Johkasou manufacturer Corporate body that runs a business that manufactures certified type of Johkasou approved by Article 13 paragraph 1 or paragraph 2.

(vi) Johkasou construction business Business of doing johkasou construction.

(vii) Johkasou construction vendor Corporate body that runs johkasou construction business registered by Article 21 paragraph 1 or paragraph 3.

(viii) Johkasou desludging business The business of doing johkasou desludging.

(ix) Johkasou desludging vendor Corporate body that runs johkasou desludging as a business permitted by Article 35 paragraph 1.

(x) Johkasou Installation Worker Person has been awarded a Johkasou Installation Worker license by Article 42-1, and works as a supervisor of Johkasou construction.

(xi) Johkasou Operator Person who has been awarded a Johkasou Operator license by Article 45-1 and is engaged in the operation and maintenance of Johkasou under the name of Johkasou Operator.

(xii) Specified administration agency The specified administration agency prescribed in the main clause of Article 2 item 32 of Building Standards Act (Act No. 205, 1950). However, for municipalities or the area of special ward specified in Article 97-2 paragraph 1 of the Building Standards Act, it shall be the head of the special ward or the mayor where the building official is staffed to review buildings related to johkasou, or the governor.

(Night soil treatment by Johkasou)

Article 3 In addition to treated by sewage treatment system with final sewage treatment facility, or the night soil treatment facility pursuant to Article 8 of the Waste Management and Public Cleansing Act, no person shall discharge night soil to the public water area unless it is treated by johkasou.

(2) If it is not treated by johkasou, no person shall discharge domestic wastewater, which is generated by persons who use johkasou for treating night soil, into public water area.

(3) Persons who use a johkasou shall observe to the rule of using johkasou, the Ordinance of the Environment Ministry, to keep the johkasou in normal function.

Article 3-2 Except using a johkasou, no person shall install sanitary equipment that is connected to

toilets to treat night soil and discharge the wastewater to public water area except sewage treatment system (except public sewerage and river-basin sewerage specified in Sewerage Act, and the night soil treatment facility constructed by municipality according to the plan specified in the provisions of Article 6 item 1 of Acts of Waste Management and Public Cleansing Act.) However, this shall not apply that the equipment or facilities that treat night soil only discharged by persons in a predetermined treatment area in the provisions of Article 5 paragraph 1 item 5 of Sewerage Act prescribed in business plan of Article 4 paragraph 1 of Sewerage Act.

(2) With regard to the application of the regulations of this Act (except the preceding Article paragraph 2, preceding paragraph and Article 51), the equipment or facility prescribed in preceding proviso is deemed as johkasou.

(Standards Regarding Johkasou)

Article 4 The Minister of the Environment shall make johkasou technical standard for water quality of johkasou treated water discharging to public water area by an Ordinance.

(2) Structural standard for johkasou shall be established according to the Building Standard Act and the orders and regulations based on the Building Standard Act.

(3) The structural standard for johkasou shall be established in accordance with the johkasou technical standard of paragraph 1.

(4) The Minister of Land, Infrastructure, Transportation and Tourism shall discuss with the Minister of the Environment in advance when establishing or modifying the structural standard for johkasou.

(5) The technical standard for johkasou construction shall be enacted by Ordinance of the Ministry of Land, Infrastructure, Transportation and Tourism and the Ministry of the Environment.

(6) Prefecture may make special stipulation for the technical standard prescribed in the preceding paragraph by prefectural Ordinance when the prefecture finds that it is hard to prevent the troubles on maintaining living environment and public health by the technical standard prescribed in the preceding paragraph only in accordance with the regional characteristics, and water area conditions.

(7) The technical standard for johkasou operation and maintenance shall be enacted by Ordinance of the Ministry of the Environment.

(8) The technical standard for johkasou desludging shall be enacted by Ordinance of the Ministry of the Environment.

Chapter 2 Johkasou Installation

(Notification, Recommendation and Change Order of Installations)

Article 5 Person who intends to install johkasou, or change its size (except the immaterial alteration prescribed in Ordinance of the Ministry of Land, Infrastructure, Transportation and Tourism and the Ministry of the Environment, the same in Article 7 paragraph 1) shall notify the content to the governor (mayor of the municipality or head of special ward in the municipalities or special wards where health-care center is established, except paragraph 5, Article 7 paragraph 1, Article 12-4 paragraph 2, chapter 5, Article 48 paragraph 4, Article 49 paragraph 1 and Article 57, the same shall apply

hereinafter) and via the governor to specified administration agency according to Ordinance of the Ministry of Land, Infrastructure, Transportation and Tourism and the Ministry of the Environment. However, this shall not apply when the building official confirmation pursuant to the provisions of Article 6 paragraph 1 (including the cases where applied mutatis mutandis pursuant to Article 87 paragraph 1 of the Building Standards Act) of the Building Standards Act to be applied, or the building official to be notified according to the provision of Article 18 paragraph 2 of the Building Standards Act (including the cases where applied mutatis mutandis pursuant to Article 87 paragraph 1 of the Building Standards Act).

(2) In the case referred to the of notification preceding paragraph is received, when the governor of the prefecture find the installation or changing plan of johkasou pertaining to this notification need to be improved from the viewpoint of its operation/maintenance, cleaning, maintaining living environment and public health, he/she may give the reporter some necessary advice within 21 days from the date of the notification referred to in the same paragraph received (10 days in the case of the johkasou pertaining to the type approved according to the provisions of Article 13 paragraph 1 or paragraph 2). However, this shall not apply to the authority of specified administration agency in the following paragraph.

(3) In the case the notification of paragraph 1 received, when specified administration agency find the plan of johkasou construction or modification pertaining to this notification does not comply with the Building Standards Act for the structure of johkasou, and the orders and regulations based on the Building Standard Act, specified administration agency may order the reporter to change or demolish the plan of johkasou construction or modification pertaining to this notification.

(4) Person who submits a notification of paragraph 1 may not enter on johkasou construction pertaining to this notification unless the period in paragraph 2 passed. However, this shall not apply after receiving the notice of notification content is accepted as suitability from the governor and specified administration agency.

(5) Affairs (limited to the affairs on the notification for the prefecture governor) that are to be determined by municipalities or the special wards where health-care center is established, pursuant to the provisions of paragraph 1 shall be deemed to be the second entrusted business pursuant to Article 2, paragraph 9, item 1 of the Local Autonomy Act (Act No.67, 1947).

(Construction of Johkasou)

Article 6 Johkasou construction shall be done in accordance with technical standards for johkasou construction.

(Water Quality Inspection after Installation)

Article 7 For a newly installed johkasou, or a johkasou that was modified its structure or size, the owner, or the person who has the authority of managing the johkasou (hereinafter referred to as "johkasou manager" in following.), shall make the johkasou receive a water quality inspection by the designated inspection agency (hereinafter referred to as "designated inspection agency" in following.) that has been designated by the prefectural governor by Article 57 paragraph1, within the period designated by Ordinance of the Ministry of the Environment.

(2) The designated inspection agency shall submit a report to the governor promptly with issues designated by Ordinance of the Ministry of the Environment when operate the inspection on water quality of the preceding paragraph.

(Advice and Orders on Water Quality Inspection after Installation etc.)

Article 7-2 When the operation of the provisions specified in the preceding Article paragraph 1 was found necessary, the governor may give a necessary instruction and advice to johkasou manager to assure the water quality be inspected.

(2) When it was found to be necessary for living environment conservation and public health in the case that the provisions specified in the preceding Article paragraph 1 was not complied by johkasou manager, the governor may give the johkasou manager an advice to receive water quality inspection in the same paragraph during a specified period.

(3) When the measure pertaining to the advice has not been taken by the johkasou manager to be advised according to provisions of the preceding paragraph without just cause, the governor may order the johkasou manager to take measures pertaining to the advice within a specified period.

Chapter 3 Operation and Maintenance of Johkasou and Johkasou Desludging

(Operation and Maintenance)

Article 8 Operation and maintenance of johkasou shall be done in accordance with the technical standards for operation and maintenance of johkasou.

(Desludging)

Article 9 Johkasou desludging shall be done in accordance with the technical standards for johkasou desludging.

(Obligation of Johkasou Manager)

Article 10 Johkasou manager shall do operation and maintenance of johkasou and johkasou desludging once every year (the times specified in Ordinance of the Ministry of the Environment when specified by the Ordinance) according to the provision of Ordinance of the Ministry of the Environment. However, this shall not apply to the johkasou (except the johkasou that was resumed the use) pertaining to the notification of suspension of use based on the provisions of Article 11-2 paragraph 1.

(2) Johkasou manager shall employ a qualified johkasou technical supervisor designated by Ordinance of the Ministry of the Environment (hereinafter referred to as "johkasou technical supervisor) to manage the operation/maintenance and desludging technically when the johkasou exceeds the size specified by Cabinet Order. However, this shall not apply to a johkasou managed by a johkasou technical supervisor who is the johkasou manager of the johkasou.

(3) Johkasou manager may entrust the operation and maintenance of johkasou to a johkasou maintenance vendor that is registered in the case where registration of johkasou maintenance vendors by regulations according to the provisions of Article 48 paragraph 1 or a johkasou operator in the case that a registration system has not been established, and entrust the johkasou desludging to a johkasou desludging vendor.

Article 10-2 Johkasou manager shall submit a report that items as described in Ordinance of the Ministry of the Environment to the Prefectural governor within 30 days from the start of using the johkasou (on the day of the first notification based on the provisions of Article 12-11 in the case of Public Johkasou that was installed based on the installation plan of Article 12-5 paragraph 1).

(2) When the johkasou technical supervisor is altered, the johkasou manager of the johkasou that exceed the size designated by Cabinet Order prescribed in the preceding article paragraph 2, shall submit a report that describes the items designated by Ordinance of the Ministry of the Environment to the prefectural governor within 30 days from the day that the issue occurred.

(3) When the johkasou manager is altered, the new johkasou manager shall submit a report that describes the items designated by Ordinance of the Ministry of Environment to the prefectural governor within 30 days from the day that the issue occurred.

(Periodical Inspection)

Article 11 Johkasou manager shall make the johkasou receive a water quality inspection annually (or times designated by Ordinance of the Ministry of the Environment) by the designated inspection agency. However, this shall not apply to the johkasou (except the johkasou that was resumed the use) pertaining to the notification of suspension of use based on the provisions of the next Article paragraph 1.

(2) The provision of Article 7 paragraph 2 shall apply mutatis mutandis to water quality inspection prescribed in the main clause of the preceding paragraph.

(Notification of suspension of use)

Article 11-2 Johkasou manager may notify the prefectural governor the suspension of use of the johkasou when the johkasou is desludged for the suspension of use.

(2) When johkasou manager resume the use of the johkasou pertaining to the notification of suspension of use based on the provisions of the preceding paragraph or the johkasou manager knows the resume of use, the johkasou manager shall notify the prefectural governor the resume of use of such johkasou as provided for by Ordinance of the Ministry of the Environment on the day of the resume of use of the johkasou or within 30 days from the day that the johkasou manager knows the resume of use of such johkasou.

(Discontinuance Notification)

Article 11-3 When a johkasou has been discontinued to use, the johkasou manager shall submit a report to the governor within 30 days from the issue occurred according to Ordinance of the Ministry of the Environment.

(Order to Improvement of Operation and Maintenance and Desludging)

Article 12 When it was found to be necessary for living environment conservation and public health, the prefectural governor may give advice, instruction, or recommendation to the johkasou manager, the johkasou operation/maintenance vendor, the johkasou operator, the johkasou desludging vendor, or the johkasou technical supervisor to improve the operation and maintenance, desludging of the johkasou.

(2) When it was found that the operation and maintenance, and desludging have not been done according to the technical standard for operation and maintenance or the technical standard for desludging, the prefectural governor may give an order to the johkasou manager of the johkasou, and the johkasou maintenance vendor, or the johkasou operator, or the johkasou desludging vendor, or the johkasou technical supervisor, who is entrusted by the johkasou manager, to improve the operation and maintenance, desludging of johkasou, and may order the johkasou manager to stop using johkasou within specified 10 days period.

(Recommendation and Order to Periodical Inspection, etc.)

Article 12-2 When the enforcement of provisions specified in Article 11 paragraph 1 was found to be necessary, the governor may give a necessary instruction and advance to johkasou manager in assuring the water quality inspection prescribed in the main clause of the same paragraph.

(2) When it was found to be necessary for living environment conservation and public health in the case that the provisions prescribed in Article 11 paragraph 1 was not complied by johkasou manager, the governor may give the johkasou manager an advice to receive the water quality inspection prescribed in the main clause of the same paragraph during a specified period.

(3) When the measure pertaining to the advice has not been taken by the johkasou manager to be advised according to the provisions of the preceding paragraph without just cause, the governor may order the johkasou manager to take measures pertaining to the advice within a specified period.

(Responsibility of Minister of the Environment)

Article 12-3 Minister of the Environment shall endeavor to give necessary advice, provide information and other support to the governors with regard to the responsibility of the water quality inspection prescribed in the main clause of Article 11 paragraph 1 etc. and the implement of committee prescribed in this chapter

Chapter 3-2 Johkasou-treatment promotion area

Section 1 Designation of johkasou-treatment promotion area

Article 12-4 Among the area in such municipality (except the sewage-treatment area prescribed in Article 2 item 8 in Sewerage Act and the predetermined sewage-treatment area prescribed in Article 1 item 5 in the same Act.), municipalities may designate an area that is necessary for the particular promotion of appropriate treatment of night soil and gray water (referred to as "wastewater" in hereinafter) by johkasou from the viewpoint of natural, economic and social etc. conditions as johkasou-treatment promotion area.

(2) Municipalities shall discuss with the Minister of the Environment in advance when designating johkasou-treatment promotion area according to the provisions of the preceding paragraph.

(3) When municipalities made the designation under the provisions prescribed in paragraph 1, municipalities shall notify it according to the provisions of Ordinance of the Ministry of the Environment.

(4) The provisions of the preceding 2 paragraphs apply to the change or abolishment of johkasou-treatment promotion area.

Section 2 Public johkasou

(Installation etc.)

Article 12-5 When municipalities intend to install johkasou to treat wastewater accompanied by daily life of persons who live in the buildings located in johkasou-treatment promotion area (except the building that the State or local governments possess), the municipalities shall make a plan about the installation of johkasou (referred to as "installation plan" in hereinafter) according to Ordinance of the Minister of Land, Infrastructure, Transport and Tourism and the Minister of the Environment.

(2) In the installation plan, the following items shall be set.

(i) Installation place, type, size and capacity for each johkasou prescribed in the preceding paragraph

(ii) Scheduled date of installation for each johkasou prescribed in the preceding paragraph

(iii) Other matters prescribed in Ordinance of the Ministry of Land, Infrastructure, Transportation and Tourism and the Minister of the Environment

(3) When municipalities intend to make a plan about the installation plan, the municipalities shall obtain the consent of the owner who possesses the land in which such johkasou is installed and the owner who possess the building that the wastewater is treated by such johkasou for each johkasou prescribed in paragraph 1 in advance about the installation of such johkasou according to Ordinance of Minister of the Environment.

(4) In the case of making the installation plan, when municipalities discuss with the governor and specified administration agency and obtain the consent in advance according to Ordinance of Minister of the Environment, it shall be deemed as the notification prescribed in the provisions of Article 5 paragraph 1 and the notice prescribed in the same Article paragraph 4 proviso about the installation of the johkasou prescribed in paragraph 1 on the day of such consent.

(5) The provisions of the preceding 2 paragraphs apply to the change of installation plan.

Article 12-6 Municipalities may manage the johkasou in johkasou-treatment promotion area, which is possessed by a person except local governments according to Ordinance of Minister of the Environment.

(Announce of completion of installation etc.)

Article 12-7 When the installation of johkasou based on the installation plan is completed, municipalities shall announce it to the owner who possess the building that the wastewater is treated by such johkasou

(2) The announce under the preceding paragraph may be replaced with a public notice.

(Installation of drainage facilities etc.)

Article 12-8 When receiving the notice prescribed in the provisions of the preceding Article paragraph 1 or notifying prescribed in the provisions of the same Article paragraph 2, the owner of the building who obtain the consent prescribed in the provisions of Article 12-5 paragraph 3 and the heir and other general successor shall install drainage pipes and other drainage facilities necessary for discharging wastewater of such building to the public johkasou (referred to as "drainage facilities" in hereinafter) without delay. In this case, when a vault toilet is installed in the building, the vault toilet shall be converted to a flush toilet without delay (limit to the one whose drainage pipe is connected to the public johkasou. The same shall apply hereinafter)

(2) The renovation or repair of the drainage facilities installed under the provisions of the preceding paragraph shall be done by the person who shall install it prescribed in the provisions of the same paragraph, and the desludging and other management shall be done by the possessor of the building.

(3) Municipalities may make an order to the person who violates the provisions of paragraph 1 for the installation of drainage facilities or the convert of a vault toilet to a flush toilet during a specified period. However, this shall not apply to the case of that the building will be retired or removed in the near future, and that there are sufficient reasons like the difficulty in necessary financing.

(4) Municipalities shall endeavor the accommodation or mediation of necessary financing, the mediation of settlement in case of conflict among stakeholders about the facilities and their convert and other supports for the persons who install the drainage facilities under the provisions of paragraph 1 or converts vault toilets to flush toilets.

(5) The State shall endeavor the accommodation or mediation of necessary financing when municipalities do the accommodation in the preceding paragraph.

(Cooperation on installation of drainage facilities etc.)

Article 12-9 When it is difficult for persons who install drainage facilities pursuant to the provisions of paragraph 1 of the preceding Article to discharge sewage into a Public Johkasou unless using land or drainage facilities of other persons, such persons may install drainage facilities in the land of other persons or use drainage facilities that other persons have installed. In this case, such persons must choose a place or point and method that cause minimum damage to the land or the drainage facilities of other persons.

(2) A person who uses drainage facilities of other persons pursuant to the provisions of the preceding paragraph must bear the expenses required for installation, renovation, repair, and maintenance in proportion to the benefit the person enjoys.

(3) A person who may install drainage facilities on the land of other persons pursuant to the provisions of paragraph 1 or a person who maintains the drainage facilities pursuant to the provisions of paragraph 2 of the preceding Article may use the land of other persons if it is necessary to use the land for installations, reconstruction, repair, or maintenance of the drainage facilities. In such a case, the person must inform the possessors of the land to that effect in advance.

(4) If a person who used land of other persons pursuant to the provisions of the preceding paragraph causes damage to other persons from the usage, such a person must compensate the relevant other persons for losses that would normally occur.

(Approval of installation of drainage facilities)

Article 12-10 A person who intends to install the drainage facilities that are necessary to discharge wastewater to Public Johkasou in the building except the one pertaining to the approval prescribed in the provisions of Article 12-5 paragraph 3 shall obtain the approval of municipalities according to Ordinance of Minister of the Environment in advance

(2) The provisions of the preceding two Articles apply to the person who is approved by the provisions of the preceding paragraph.

(Notification of Commencement of use)

Article 12-11 The possessor of the building that is installed the drainage facilities that are necessary to discharge wastewater to Public Johkasou shall notify municipalities to that effect according to Ordinance of Minister of the Environment in advance within 30 days from the date of commencement of use when commencing the use of the Public Johkasou pertaining to the building.

(Inspection of drainage facilities etc.)

Article 12-12 To maintain the function and structure of Public Johkasou, or to the extent necessary to make the quality of water discharged from Public Johkasou into public water areas etc. conform to the technical standards of Article 4, Paragraph 1, municipalities may allow its officials to enter the land or building of other persons and inspect the drainage facilities or any other items. However, that if the officials enter buildings used as residence of any person, consent of the person must be obtained.

(2) In the case of the provisions of the preceding paragraph, the officials must carry identification proving their status and present them to any person concerned when requested.

(3) The authority pursuant to the provisions of paragraph 1 must not be construed as that approved for the purpose of criminal investigation.

(Restrictions of Use)

Article 12-13 When municipalities execute construction concerning a Public Johkasou or if there is any other unavoidable reason, they may restrict use of the Public Johkasou.

(2) When municipalities intend to restrict use of Public Johkasou pursuant to the provisions of the preceding paragraph, it must take measures to notify persons concerned of the dates it intends to place restrictions on and the time if it intends to implement a time restriction.

(Fees)

Article 12-14 Municipalities may collect fees from persons using Public Johkasou pursuant to regulations of local government.

(2) The fees must be provided for pursuant to the following principles:

(i) The fees are adequate according to the wastewater amount, water quality, and modes of use.

(ii) The fees do not exceed their proper costs under efficient management;

(iii) The fees are clearly set as fixed rates or fixed amounts; and

(iv) Certain persons are not treated in an unfair and discriminatory manner.

(Entry into Other Person's Land)

Article 12-15 If there is unavoidable necessity for the purpose of investigation, measurement, or construction concerning Public Johkasou or maintenance of public sewage facility thereof, municipalities or any person that is ordered thereby or to whom the authority has been delegated may enter the land of other persons.

(2) If a person intends to enter other persons' land pursuant to the provisions of the preceding paragraph, they must notify possessors of the land to that effect in advance, provided, however, that this does not apply if it is difficult to notify in advance.

(3) If a person intends to enter residential land or land enclosed by a hedge or fence, etc., pursuant to the provisions of paragraph 1, the person must notify the possessor of the land prior to entry.

(4) Entry into the land provided for in the preceding paragraph before sunrise or after sunset must not be made, unless the possessor of the land has consented to this.

(5) A person that intends to enter other person's land pursuant to the provisions of paragraph 1 must carry an identification card and show it when requested by any person concerned.

(6) The possessor or owner of the land must not refuse or prevent entry under the provisions of paragraph 1 unless there is a justifiable reason.

(7) When entry or temporary use of land under the provisions of paragraph 1 causes losses to other persons, municipalities must compensate those persons for losses that would normally occur.

(Abolishment of use of drainage facilities)

Article 12-16 The owner of the building with necessary drainage facilities to discharge wastewater to Public Johkasou shall not abolish the use of the drainage facilities. However, that this does not apply in the case of demolition of the building or any other matters specified by Ordinance of the Ministry of the Environment

(2) When the use of drainage facilities is intended to be abolished, the owner of the building in the main clause of the preceding paragraph shall notify municipalities of it in advance according to Ordinance of the Ministry of the Environment in case of the provisions in the proviso of the same paragraph.

(Matters to be stipulated by the regulations)

Article 12-17 In addition to what is provided in this Law or order based on this law, necessary matters concerning to the installation and management of Public Johkasou may be stipulated by the regulation of municipalities.

Chapter 4 Approval of Johkasou Type

(Approval)

Article 13 A corporate body that intends to manufacture johkasou in factories shall receive the approval from the Minister of Land, Infrastructure, Transport and Tourism for the type of johkasou to be manufactured. However, it shall not apply to the case of test manufacturing.

(2) A corporate body that intends to manufacture johkasou in factories outside Japan for the export to Japan may receive the approval from the Minister of Land, Infrastructure, Transport and Tourism for the type of johkasou to be manufactured.

(Application for Approval)

Article 14 A corporate body that intends to receive the approval prescribed in Article 13 paragraph 1 or paragraph 2 shall submit application documents in which the following items noted to the Ministry of Land, Infrastructure, Transport and Tourism.

- (i) Name and address, in case of a corporation, the name of its representative(s).
- (ii) Factories location
- (iii) Other matters prescribed in Ordinance of the Ministry of Land, Infrastructure, Transportation and Tourism

(2) In the application documents prescribed in the preceding paragraph, the structure diagrams, specifications, calculation sheets and other documents stipulated by Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism shall be attached.

(3) Manufacturer of johkasou shall submit a report to the Minister of Land, Infrastructure, Transport and Tourism promptly when the matters prescribed in the each item of the paragraph 1 were altered.

(Standards of Approval)

Article 15 The Minister of Land, Infrastructure, Transport and Tourism shall issue the approval when the application for the type of johkasou prescribed in Article 13 paragraph 1 or paragraph 2 meets the structural standards for johkasou prescribed in the Building Standards Act and the related Orders by the Act.

(Renewal of Approval)

Article 16 The approval of Article 13 paragraph 1 or paragraph 2 is valid for 5 years, and it expires if a request for renewal is not made.

(Labels of Approval, etc.)

Article 17 Manufacturer of johkasou shall attach a label by the way prescribed in Ordinance of the ministry of land, infrastructure, transportation and tourism before the type of johkasou prescribed in this approval is sold (limited to the johkasou export to Japan for the type of johkasou prescribed in Article 13 paragraph 2).

(2) Except the case prescribed in the preceding paragraph, no person shall attach a label referred to in the same paragraph or a misleading label on johkasou.

(3) A corporate body that intends to import johkasou shall not import johkasou unless the johkasou is approved pursuant the Article 13 paragraph 2 and attach the label prescribed in the paragraph 1.

(Cancel of Approval)

Article 18 When it was found that the structural standards is changed for johkasou specified in Article 15, and the johkasou approved pursuant to Article 13 paragraph 1 or paragraph 2 does not meet the altered structural standards for johkasou, the Minister of Land, Infrastructure, Transport and Tourism shall cancel the approval.

(2) When a johkasou manufacturer that have received the approval prescribed in Article 13 paragraph 1 received the approval by wrongful means, or manufactured johkasou different from the approved type (except the case of test manufacturing), or violated the provisions prescribed in the preceding Article paragraph 1, the Minister of Land, Infrastructure, Transport and Tourism may cancel this approval.

(3) When a johkasou manufacturer that have received the approval prescribed in Article 13 paragraph 2 received the approval by wrongful means, or did not submit the notification according to the provisions prescribed in Article 14 paragraph 3, or submitted a false notification, or violated the provisions prescribed in the preceding Article paragraph 1, or did not submit the notification according to the provisions prescribed in Article 53 paragraph 1, or submitted a false report, the Minister of Land, Infrastructure, Transport and Tourism may cancel this approval.

(Notification to Minister of the Environment, etc.)

Article 19 When the approval prescribed in Article 13 paragraph 1 or paragraph 2, renewal of approval prescribed in Article 16 or the approval prescribed in the preceding Article paragraph 1, 2 or 3 regarding to the cancel, of approval were completed, the Minister of Land, Infrastructure, Transport and Tourism shall announce it to official gazette as well as notify it to the Minister of the Environment.

(Authorization of Ordinance of the Ministry of Land, Infrastructure, Transportation and Tourism)

Article 20 In addition to what is provided in this chapter, necessary matters concerning to the renewal of approval and other matters related to johkasou type approval shall be prescribed by Ordinance of the Ministry of Land, Infrastructure, Transportation and Tourism.

Chapter 5 Registration Pertaining to Johkasou Construction Business

(Registration)

Article 21 A corporate body that intends to join johkasou construction business shall receive the registration from the governor of the prefecture where the johkasou construction business will be started.

(2) Validity period of the registration prescribed in the preceding paragraph shall be five years.

(3) A corporate body that intends to join johkasou construction business continuously shall be received the renewal of registration after the validity period prescribed in the preceding paragraph.

(4) In the case that an application for renewal of registration is made, if the disposition on registration or registration refusal of such application is not completed by the expiration date of the validity period prescribed in the paragraph 2, the previous registration shall be effective after the expiration date of the registration.

(5) In the case of the preceding paragraph, the validity period of registration shall start from the day following the date of the expiration date of the validity period of the previous registration when the renewal has been registered.

(Application of Registration)

Article 22 A corporate body that intends to receive the registration prescribed in the preceding article paragraph 1 or paragraph 3 (referred to as "construction business applicant" in hereinafter) shall submit an application document in which the follow matters noted to the governor.

(i) Name and address, in case of a corporation: the name of its representative(s).

(ii) Name and address of business office

(iii) In case of a corporation, the name of its officer (employers who execute the business, directors, executive officer or related person. The same shall apply hereinafter).

(iv) Name of Johkasou Installation Worker prescribed in Article 29 paragraph 1, and the issued Number of Certification of Johkasou Installation Worker be issued to him.

(2) Application document requested in the preceding paragraph shall include a document that pledge the construction business applicant not being fallen under the items of Article 24 paragraph 1, and other document specified in other Ordinance of the Ministry of Land, Infrastructure, Transportation and Tourism.

(Implementation of Registration, Delivery of Registry of Johkasou Construction Vendor Copy)

Article 23 Except the case of registration is refused according to the provisions provided by the following article paragraph 1, the governor shall register the matters listed in the items of the preceding article paragraph 1, date of registration, and the registration number to the registry of johkasou construction vendor without delay, when the application documents have been submitted according to the provisions prescribed in the preceding article.

(2) The governor shall notify the construction business applicant immediately when the registration under the provisions prescribed in the preceding paragraph is completed.

(3) Any person may request the governor to deliver a copy of the registry of johkasou construction vendors that have been registered as johkasou construction vendor, and to permit him/her accessing the registry.

(Disclaimer of Registration)

Article 24 When the construction business applicant is a person who falls under any of the following items, or when the applicant or the important matters of its attachment has false description, lack of the description of important matters, the governor shall refuse the registration.

(i) A person who has been sentenced to a fine or a severer punishment for the violation of this Act, or a disposition based on this Act where two years have not yet elapsed from the date that the execution of the sentence has been completed or the sentence has become no longer applicable.

(ii) A person who had the registration under the Article 32 paragraph 2 has been rescinded, and for whom two years have not yet elapsed from the date of construction rescission.

(iii) In the case that the johkasou construction vendor is a corporation and the registration has been rescinded pursuant to the provisions of Article 32 paragraph 2, a person who was an officer of the said johkasou construction vendor within 30 days prior to the date of said disposition where two years have not yet elapsed from the date of said disposition.

(iv) A person who has been ordered to stop business according to the provisions of Article 32 paragraph 2, and the stopping period does not pass.

(v) Minors who does not have the same competence as an adult in carrying out business pertaining to johkasou construction business and whose legal representative falls under any of the preceding items.

(vi) A corporation that any of whose officers is a person falls under any of the preceding items.

(vii) A person who is lack of matters prescribed in Article 21 paragraph 1.

(2) The governor shall reveal the reason and notify it to the construction business applicant immediately when the registration is refused under the provisions prescribed in the preceding paragraph.

(Notification of Alteration)

Article 25 When the matters that fall under any of items of Article 22 paragraph 1 have been changed, the johkasou construction vendor shall notify it to the governor within 30 days from the date of alteration.

(2) The provision prescribed in Article 22 paragraph 2 shall apply mutatis mutandis to the notification pursuant to the provisions prescribed in the preceding paragraph, and notification pursuant to the provision prescribed in Article 23 paragraph 1 and paragraph 2, and the preceding article.

(Notification of Close Down)

Article 26 In the case that the johkasou construction vendor falls under any of the following items, the person set forth in the following items shall notify it to the governor within 30 days.

(i) In the case of death: the heir

(ii) In the case of a dissolution of corporation in a merger: person who was the officer.

(iii) In the case of the corporation has been dissolved by a decision on the commencement of bankruptcy proceedings: the bankruptcy trustee.

(iv) In the case of the corporation has been dissolved by the cause other than a decision on the commencement of bankruptcy proceedings: Liquidators.

(v) In the case of termination of johkasou construction business: a person of johkasou construction vendor or a corporation officer of johkasou construction vendor.

(Cancellation of Registration)

Article 27 When a notification pursuant to the provisions prescribed in the preceding article is made (including the case of the fact of no notification pursuant to the provisions in the same article but falls under any items in the same article was found), or the registration is no longer valid, the governor shall cancel the registration of this johkasou construction vendor from the registry of johkasou construction vendor.

(2) The provisions prescribed in Article 24 paragraph 2 shall apply mutatis mutandis to the case that the registration was canceled in according the provisions prescribed in the preceding paragraph.

(Measures of Johkasou Construction in the Event of Registration Cancellation)

Article 28 In the case of that the registration of johkasou construction vendor has been cancelled, the person who was a johkasou construction vendor or the general successor may continue to carry out the johkasou construction pertaining to the contract that concluded before the registration cancellation in according to the provisions prescribed in the preceding article. In this case, the person who was a johkasou construction vendor or the general successor shall notify it to the contractee of this johkasou construction without delay after the cancellation of registration.

(2) Notwithstanding the provisions prescribed in the preceding paragraph, the governor may make an order to forbid the construction of this johkasou in the case where it is found necessary for the public interest.

(3) A corporation that carries out johkasou construction continuously under the provisions of paragraph 1 shall be a johkasou construction vendor within the purpose to finish this johkasou construction.

(4) The contractee of johkasou construction may cancel the contract of johkasou construction within 30 days from the date of the notice under the provisions prescribed in the paragraph 1.

(Setting of Johkasou Installation Worker)

Article 29 Johkasou construction vendor shall employ Johkasou Installation Worker at each business office.

(2) When the business office does not meet the provisions prescribed in the preceding paragraph, johkasou construction vendor shall take necessary measures to meet the provision set forth in the same paragraph in two weeks.

(3) When the johkasou construction is operated, the johkasou construction vendor shall make a Johkasou Installation Worker to supervise it in the field, or the johkasou construction vendor with the certification supervises the johkasou construction by himself. However, this shall not apply to the case of that the johkasou construction is operated by these prescribed in this paragraph.

(4) Johkasou Installation Worker shall carry the license of johkasou installation worker specified by Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism with him when he performs his duties.

(Posting of Signs)

Article 30 Johkasou construction vendor shall display a sign in which the name, registration number and any other matters specified by Ordinance of the Ministry of Land, Infrastructure, Transportation and Tourism are described in a place that easily visible in each business office and johkasou construction field pursuant to the provisions of Ordinance of the Ministry of Land, Infrastructure, Transportation and Tourism.

(Preparation of the Account Book)

Article 31 Johkasou construction vendor shall prepare books at each business office and describe the matters relating to the business specified by Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism under his duties and preserve it pursuant to the provisions of Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

(Order, Cancellation of Registration, Business Suspension, etc.)

Article 32 When it was found to be necessary for living environment conservation and public health, the governor may give the necessary order to johkasou construction vendors for their johkasou construction

2 When a johkasou construction vendor falls under any of the following items, the governor may cancel the registration, or order to stop all or a part of the business during the period within 6 months.

- (i) When it has been registered under Article 21 paragraph 1 or paragraph 3 by wrongful means.
- (ii) When it falls under any items of Article 24 paragraph 1, item (i), item (iii) or items from (v) to (vii).
- (iii) When it fails to notify or makes a false notification pursuant to the provisions prescribed in Article 25 paragraph 1.
- (iv) When it fails to follow orders described in the preceding paragraph, and the circumstances are especially serious.

(3) The provisions of Article 24 paragraph 2 apply mutatis mutandis to the case where a disposition under the preceding paragraph has been given.

(Special Provisions Relating to Construction Vendors)

Article 33 The provisions prescribed in articles from Article 21 to 28 and the preceding paragraph do not apply to the construction vendors specified in Article 2 paragraph 3 of the Construction Business Act (Act No. 100, 1949), which have received the license of civil engineering work business, building work business or plumbing business listed in the right column of the appended table 1 of the same Act.

(2) Except the provision described in the preceding paragraph, the corporate body specified in the same paragraph that run johkasou construction business shall be deemed as a registered johkasou construction vendor by Article 21 paragraph 1, and shall be applied to the provisions of this Act.

(3) A corporate body specified in the paragraph 1 shall notify the governor to that without delay pursuant to the provisions of Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism when the johkasou construction business started. The same shall apply when it has been changed or the johkasou construction business has been abrogated for the matters pertaining to the notification.

(4) The registration under Article 21 paragraph 1 and paragraph 3 pertaining to the corporate body shall lose its effect when the johkasou construction vendor became a construction vendor as specified in the paragraph 1.

(Authorization of Ordinance of the Ministry of Land, Infrastructure, Transportation and Tourism)

Article 34 In addition to what is specified in this chapter, any necessary matters concerning the form of registry of johkasou construction vendor and other registration of johkasou construction vendor shall be specified by Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

(2) The Minister of Land, Infrastructure, Transportation and Tourism shall discuss with the Minister of the Environment in advance when establishing or modifying Ordinance of the Ministry of Land, Infrastructure, Transportation and Tourism.

Chapter 6 Permission for Johkasou Desludging Business

(Permission)

Article 35 A corporate body that intends to join johkasou desludging business shall get the approval from the mayor of the municipality where the johkasou desludging business will start.

(2) The permission set forth in the preceding paragraph may set a time limit and set necessary conditions for living environment conservation and public health.

(3) A corporate body that intends to receive the permission prescribed in paragraph 1 (hereinafter referred to as "desludging business applicant") shall submit application documents and attachment specified by Ordinance of the Ministry of the Environment to the mayor of the municipality.

(4) In the case of the disposition of permission or non-permission prescribed in paragraph 1 has been done, the mayor of the municipality shall notify it to the desludging business applicant immediately.

(Standards of Permission)

Article 36 The mayor of the municipality shall not give the permission set forth in the preceding article paragraph 1, unless the mayor has found that the application for the permission in the same paragraph conformed to all of the following items.

- (i) The facility provided for the business operations and the competence of the desludging business applicant shall comply with the technical standard specified by Ordinance of the Ministry of the Environment.
- (ii) The desludging business applicant shall not fall under any of the following items.
- (a) A person who has been sentenced to a fine or a severer punishment for the violation of this Act or a disposition based on this Act where two years have not yet elapsed from the date that the execution of the sentence has been completed or the sentence has become no longer applicable.
- (b) A person whose permission under Article 41 paragraph 2 has been rescinded, and for whom two years have not yet elapsed from the date of rescission.
- (c) In the case that the johkasou desludging vendor is a corporation and the permission has been rescinded pursuant to the provisions of Article 41 paragraph 2, a person who was an officer of the said johkasou desludging vendor within 30 days prior to the date of said disposition and two years have not yet elapsed from the date of the said disposition.
- (d) A person who has been ordered to suspend business in according to the provisions of Article 41 paragraph 2, and the suspension period have not yet elapsed.
- (e) A person for whom there are sufficient reasons to find that he/she is likely to engage in practices which are illegal or dishonest in carrying out these operations.
- (f) A person who has been sentenced to a fine or severer punishment for violation of any disposition based on the provisions prescribed in Article 7 paragraph 1 or paragraph 6, or Article 7-2 paragraph 1 or Article 16 (limit to the provisions pertaining to general waste), or the provisions prescribed in Article 7-3 of Waste Management and Public Cleansing Act before the expiration of a period of two years from the person served out the sentence or ceased to be subject to the sentence.
- (g) A person whose permission under Article 7-4 of Waste Management and Public Cleansing Act has been rescinded, and for whom two years have not yet elapsed from the date of rescission.
- (h) In the case that a person who received the permission of Article 7 paragraph 1 or paragraph 6 of Waste Management and Public Cleansing Act and collect, transport or disposal of general waste as a business (hereinafter referred to a "general waste treatment vendor") and is a corporation, and the permission has been rescinded pursuant to the provisions of Article 7-4, a person who was an officer of the said johkasou desludging vendor within 30 days prior to the date of said disposition and two years have not yet elapsed from the date of said disposition.
- (i) Minors who does not has the same competence as an adult in carrying out the business pertaining to johkasou desludging business and whose legal representative falls under any of the preceding items from (a) to (h).
- (j) A corporation body that any of whose officers falls under any of the preceding items from (a) to (j).

(Notification of Alteration)

Article 37 If there is any change to the description of application documents and the attachments specified in Article 35 paragraph 3, johkasou desludging vendor shall notify it to the mayor of the municipal within 30 days from the date of the change according to the provisions of Ordinance of the Ministry of the Environment.

(Notification of Closedown, etc.)

Article 38 In the case that johkasou desludging vendor falls under any of the following items, the person set forth in the following items shall notify that to the governor within 30 days.

(i) In the case of death: the heir

(ii) In the case of a dissolution of corporation in a merger: a person who was a officer

(iii) In the case of the corporation has been dissolved by a decision on the commencement of bankruptcy proceedings: bankruptcy trustee

(iv) In the case of the corporation has been dissolved by the cause other than a decision on the commencement of bankruptcy proceedings: Liquidators

(v) In the case of termination of johkasou construction business: a person of johkasou desludging vendor or a corporation officer of johkasou desludging business

(Posting of Signs)

Article 39 Johkasou desludging vendor shall display a sign in which the name, registration number and any other matters specified by Ordinance of the Ministry of the Environment are described in a place that is easily visible to the general public in each of business office pursuant to the provisions of Ordinance of the Ministry of the Environment.

(Preparation of the Account Book)

Article 40 Johkasou desludging vendor shall prepare books at each business office and describe the matters relating to the business specified by Ordinance of the Ministry of the Environment under his duties and preserve it pursuant to the provisions of Ordinance of the Ministry of the Environment.

(Order, Cancellation of Permission, Business Suspension, etc.)

Article 41 When it was found to be necessary for living environment conservation and public health, the mayor of the municipality may give the necessary order to this johkasou desludging vendor for johkasou desludging.

(2) When the facilities provided for the business operations of johkasou desludging vendor or the competence of the johkasou desludging vendor does not meet the standards specified in Article 36 item 1 or the johkasou desludging vendor falls under any of following items, the the mayor of the municipality may rescind the permission, or order the johkasou desludging vendor to suspend all or part of its business operations within six months.

(i) When violated the order specified in the provisions prescribed in Article 12 paragraph 2.

(ii) When it has been permitted under Article 35 paragraph 1 by wrongful means.

- (iii) When it falls under any of items (i) to (iii), or (v) to (x) of Article 36 item 2.
 - (iv) When it fails to notify or makes a false notification pursuant to the provisions prescribed in Article 37.
 - (v) When it fails to follow an order prescribed in the preceding paragraph, and the circumstances are especially serious.
- (3) The provisions prescribed in Article 35 paragraph 4 apply mutatis mutandis to the case where a disposition under the preceding paragraph has been given.

Chapter 7 Johkasou Installation Worker

(Certification of Johkasou Installation Worker)

Article 42 Certification of Johkasou Installation Worker shall be issued to a person who falls under any of the following items by the Minister of Land, Infrastructure, Transport and Tourism.

- (i) Person who has passed the johkasou installation worker examination.
- (ii) Person who has completed a training courses concerning necessary knowledge and skills for johkasou construction (hereinafter referred to as " training " in this Chapter), which are administered by Ordinance of the Minister of Land, Infrastructure, Transport and Tourism and Minister of the Environment and conducted by a designated institution (hereinafter referred to as a "designated training institution"), after the examination pertaining to piping construction management based on Article 27 of Construction Business Act had been passed.

(2) The Minister of Land, Infrastructure, Transport and Tourism shall not issue the Certification of Johkasou Installation Worker to the person who falls under any of the following items.

- (i) Person who had been ordered to return the certification of Johkasou Installation Worker in accordance with the provision in the following paragraph and one year have not yet elapsed from the date of the said order.
- (ii) Person who has been sentenced to a fine or a severer punishment for the violation of this Act or a disposition based on this Act where two years have not yet elapsed from the date on which the execution of the sentence has been completed or the sentence has become no longer applicable.

(3) The Minister of Land, Infrastructure, Transport and Tourism may order the johkasou installation worker to return the certification of johkasou installation worker when he/she has violated this act, or received a disposition based on this Act.

(4) The matters necessary for the issue, reissue, rewrite and return of certification of johkasou installation worker shall be specified in Ordinance of the Ministry of Land, Infrastructure, Transportation and Tourism.

(Johkasou Installation Worker Examination)

Article 43 Johkasou installation worker examination shall be conducted with the knowledge and skills necessary for johkasou construction.

(2) Johkasou installation worker examination shall be conducted by the Minister of Land, Infrastructure, Transport and Tourism.

(3) Committee for johkasou installation worker examination shall be established in the Ministry of Land, Infrastructure, Transport and Tourism for operating the business affairs concerning the johkasou installation worker examination. However, this shall not apply where all affairs to be conducted by an institution that has been designated pursuant to the following paragraph.

(4) Minister of Land, Infrastructure, Transport and Tourism may entrust an institution that has been designated by Minister of Land, Infrastructure, Transport and Tourism and Minister of the Environment (hereinafter referred to as a "designated examination institution") to conduct whole or part of the business affairs concerning the johkasou installation worker examination (hereinafter referred to as "examination affairs" in this chapter).

(5) Committee for johkasou installation worker examination and other any persons who have been in charge of affairs relevant implementation of johkasou installation worker examination shall keep a strict attitude and shall not act unfairly in implementing the said affairs.

(6) When any wrongful behaviors concerning the johkasou installation worker examination were found, the Minister of Land, Infrastructure, Transport and Tourism may disqualify the person who conducted the wrongful behavior from taking the examination, invalidate the said examination.

(7) Minister of Land, Infrastructure, Transport and Tourism may prohibit the person who has been subject to a disposition under the preceding paragraph from taking the johkasou installation worker examination for a fixed period of time.

(Designation of Designated Examination Institution)

Article 43-2 Designation of the designated examination institution shall be made when an application is filed by an institution that intends to conduct the examination affairs pursuant to the provisions prescribed in Ordinance of the competent ministry,

(2) The competent minister shall not designate a designated examination institution unless there is not an existing designated examination institution in according to the provisions prescribed in the preceding article paragraph 4 elsewhere, and when the minister finds that the application in preceding paragraph meets the following requirements.

(i) The implementation plan of examination affairs, including the employees, facilities, methods of implementing the examination affairs, and other matters are appropriate for the proper and reliable implementation of examination affairs.

(ii) Accounting and technical foundations, which are necessary for proper and reliable implementation of the implementation plan of the examination affairs under the preceding item, are provided.

(3) The competent minister shall not designate a designated examination institution when the application under the paragraph 1 falls under any of the following items.

(i) The applicant is not a corporate body established in accordance with the provisions prescribed in Article 34 of the Civil Code (Act No. 89, 1896).

(ii) The applicant is likely to be unable to conduct the examination works fairly due to its other business.

(iii) The applicant has been rescinded the designation pursuant to the provision prescribed in Article 43-12 and has yet to elapse two years from the date of rescission.

(iv) Any of the officers of the applicant falls under any of the following conditions.

(a) A person who has been punished for violation of this Act, before the expiration of a period of two years since the person served out the sentence or ceased to be subject to the sentence.

(b) A person who has been dismissed by the order pursuant to next article paragraph 2, and has yet to elapse two years from the date of such dismissal.

(Appointment and Dismissal of Officers in the Designated Examination Institution)

Article 43-3 Appointments and dismissals of officers of designated examination institution shall not become effective unless they are authorized by the competent minister.

(2) When an officer of designated examination institution commits an act in violation of this Act (including orders or dispositions pursuant to this Act), or the rules on examination affairs specified in Article 43-5 paragraph 1 or an extremely inappropriate act with regard to the examination affairs, the competent minister may order the designated examination institution to dismiss the said officer.

(Approval of Business Plan, etc.)

Article 43-4 The designated examination institution shall create a business plan and a budget statement every business year, and shall obtain authorization from the competent minister before the commencement of the relevant business year (with regard to a business year which includes the date of designation under Article 43 paragraph 4, without delay after the designation). The same shall apply when the designated examination institution intends to change them.

(2) The designated examination institution shall create and submit to the competent minister a business report and the settlement of accounts for that business year within three months after the end of each business year.

(Rules on Examination Affairs)

Article 43-5 The designated examination institution shall prescribe the rules concerning implementation of examination affairs (hereinafter referred to as "Rules on Examination Affairs" in this Chapter) before commencement of examination affairs and obtain the approval from the competent minister. The same shall apply when the designated examination institution intends to change them.

(2) The matters to be prescribed by the Rules on Examination Affairs shall be specified by Ordinance of the competent ministry.

(3) The competent minister may order the designated examination institution to alter them when the minister finds that the Rules on Examination Affairs approved under the paragraph 1 have become inappropriate for proper and reliable implementation of the examination affairs.

(Committee for Johkasou Installation Worker Examination of Designated Examination Institution)

Article 43-6 The designated examination institution shall make the Committee for Johkasou Installation Worker Examination (referred to as "the examination committee" in this paragraph and Article 43-8 paragraph 1) to create the examination questions and grade examination papers for the johkasou installation worker examination.

(2) The designated examination institution shall appoint the examination committee from among the persons who meet the requirements specified by Ordinance of the competent ministry.

(3) When the examination committee has been appointed, the designated examination institution shall notify the competent minister to that effect. The same shall apply where any examination committee has been changed.

(4) The provision prescribed in Article 43-3 paragraph 2 shall apply mutatis mutandis to the dismissal of the examination committee.

(Prohibition of Examination, etc.)

Article 43-7 In the case where the designated examination institution conducts the examination works, the designated examination institution may prohibit the person from taking the examination, who has attempted to take the johkasou installation worker examinations by illicit means.

(2) In addition to the provision prescribed in the preceding paragraph, with regard to the application of the Article 43 paragraph 6 and paragraph 7 where the designated examination institution is conducting examination affairs, shall be deemed "prohibit it from the examination, or that examination in paragraph 6 of the said article" as " that examination", and " the preceding paragraph" in the said article paragraph 7 as " preceding paragraph or Article 43-7 paragraph 1 ".

(Secrecy Obligations, etc.)

Article 43-8 An officer or employee of the designated examination institution (including the examination committee; the same shall apply in the following paragraph) or a person who used to be such an officer or employee shall not divulge any secret coming to his/her knowledge with regard to the examination affairs.

(2) With regard to application of the Penal Code (Act No. 45, 1907) and other penal provisions, an officer or employee of the designated examination institution engaged in the examination affairs shall be deemed to be an official engaged in the public services pursuant to Acts and regulations.

(Preparation of the Account Book, etc.)

Article 43-9 The designated examination institution shall maintain books, enter therein the matters concerning examination affairs as specified by Ordinance of the competent ministry, and preserve them pursuant to the provisions of Ordinance of the competent ministry.

(Supervision Order)

Article 43-10 When it is found to be necessary in enforcement of this Act, the competent minister may issue an order requiring for supervision over the examination affairs to the designated examination institution.

(Suspension and Abolition of Examination Affairs)

Article 43-11 The designated examination institution shall not suspend or abolish whole or part of the examination affairs without obtaining permission by the competent minister.

(Rescission of Designation, etc.)

Article 43-12 When the designated examination institution has come to fall under any of the items of Article 43-2, paragraph 3 (excluding item 3), the competent minister shall rescind the designation.

(2) When the designated examination institution has come under any of the following items, the competent minister may revoke the said designation or order the whole or part of the examination affairs for a fixed period.

(i) When the designated examination institution is found not to meet the requirements specified in items of Article 43-2 paragraph 2.

(ii) When the designated examination institution has violated an order pursuant to the provisions prescribed in Article 43-3 paragraph 2 (including the cases where it is applied mutatis mutandis pursuant to Article 43-6 paragraph 4), Article 43-5 paragraph 3 or Article 43-10.

(iii) When the designated examination institution has violated the provisions prescribed in Article 43-4, Article 43-6 paragraph 1 to 3 or the provisions prescribed in the preceding article.

(iv) When the designated examination institution conducted the examination affairs without conforming to the Rules on Examination Affairs approved pursuant to the provisions prescribed in Article 43-5 paragraph 1.

(v) When the designated examination institution has violated the conditions prescribed in the next article paragraph 1.

(Conditions for Designation, etc.)

Article 43-13 The designation, approval or permission pursuant to the provisions prescribed in Article 43 paragraph 4, Article 43-3 paragraph 1, Article 43-4 paragraph 1, Article 43-5 paragraph 1 or Article 43-11 may be set condition thereon and the condition may be changed.

(2) The conditions under the preceding paragraph shall be within its minimum necessity for attempting certain implementation of matters with respect to the said designation, approval or permission, and shall not impose unreasonable obligations on those who are subject to the said designation, approval or permission.

(Appeal against Disposition Made by Designated Examination Institution)

Article 43-14 With respect to dispositions concerning the examination affairs executed by the designated examination institution (excluding dispositions concerning the results of johkasou installation worker examination) or to the forbearance of such an action, may request an examination by the competent minister pursuant to Administrative Complaint Review Act (Act No. 160, 1962).

(Execution of Examination Affairs by the Minister of Land, Infrastructure, Transport and Tourism)

Article 43-15 When designating a designated examination institution, the Minister of Land, Infrastructure, Transport and Tourism does not conduct the examination affairs.

(2) When the designated examination institution has suspended the whole or part of the examination affairs with the permission under the provisions prescribed in Article 43-11, and when the designated examination institution has been ordered to suspend the whole or part of the examination affairs under the provisions prescribed in Article 43-12 of paragraph 2, or in case it has become difficult by the natural disaster or by other causes for the designated examination institution to carry out the examination affairs, the Minister of Land, Infrastructure, Transport and Tourism shall carry out the whole or part of the examination affairs when he/she finds its necessary.

(Public Notice)

Article 43-16 In the event of the following, the competent minister shall make a public announcement to that effect in the official gazette.

- (i) When he/she has made a designation pursuant to the provisions prescribed in Article 43 paragraph 4.
- (ii) When he/she has given a permission pursuant to the provisions prescribed in Article 43-11.
- (iii) When he/she has rescinded the designation or has ordered to suspend the whole or part of the examination affairs pursuant to the provisions prescribed in Article 43-12.
- (iv) When the Minister of Land, Infrastructure, Transport and Tourism has conducted whole or part of the examination affairs, or ceases to administer the whole or part of the examination affairs that he/she has conducted by the Minister of Land, Infrastructure, Transport and Tourism in according to the provisions prescribed in the preceding article paragraph 2.

(The Competent Ministry Mandate)

Article 43-17 In addition to the matters specified in Article 43 to the preceding article, the examination subjects of johkasou installation worker examination, the examination procedures, and other necessary matters for execution of johkasou installation worker examination, the necessary matters for the designated examination institution and for the examination affairs shall be specified by Ordinance of the competent ministry.

(Designation of Designated Training Institution)

Article 43-18 Designation of designated training institution shall be made when an application is filed by an institution that intends to conduct the training pursuant to the provisions of Ordinance of the competent ministry,.

(2) The competent minister shall not designate a designated training institution unless the application under the preceding paragraph meets the following requirements.

- (i) The training implementation plan, including the employees, facilities, methods of training implementation, and other matters are appropriate for the proper and reliable implementation of training.

(ii) Accounting and technical foundations, which are necessary for proper and reliable implementation of the training implementation plan under the preceding item, are provided.

(3) The competent minister shall not designate a designated training institution when the application under the paragraph 1 falls under any of the following items.

(i) The applicant is not a corporate body established in accordance with the provisions of Article 34 of the Civil Code.

(ii) The applicant is likely to be unable to conduct the training fairly due to the business other than training business by him/her (hereinafter referred to as "training business" in this chapter).

(iii) The applicant has been rescinded the designation pursuant to the provisions prescribed in Article 43-25 and has yet to elapse two years from the date of rescission.

(iv) Any of the officers of the applicant who has been punished for violation of this Act, before the expiration of a period of two years since the person served out the sentence or ceased to be subject to the sentence.

(Approval of Business Plan, etc.)

Article 43-19 The designated training institution shall create a business plan and a budget statement every business year, and shall obtain authorization from the competent minister before the commencement of the relevant business year (with regard to a business year which includes the date of designation under Article 42 paragraph 1 item 2 without delay after the designation). The same shall apply when the designated training institution intends to change them.

(2) The designated training institution shall create and submit to the competent minister a business report and the settlement of accounts for that business year within three months after the end of each business year.

(Rules on Training Business)

Article 43-20 The designated training institution shall prescribe the rules on implementation of training business (hereinafter referred to as "Rules on Training Business" in the chapter) before the commencement of training business and obtain approval from the competent minister. The same shall apply when the designated training institution intends to change them.

(2) The matters to be prescribed by the Rules on Training Business shall be specified by Ordinance of the competent ministry.

(3) The competent minister may order the designated training institution to alter them when the minister finds that Rules on Training Business approved under the paragraph 1 have become inappropriate for proper and reliable implementation of the training business.

(Status of Officers and Employees)

Article 43-21 With regard to the application of the Penal Code and other penal provisions, the officer or employee of the designated training institution engaged in the training business shall be deemed to be an official engaged in the public services pursuant to acts and regulations.

(Preparation of the Account Book, etc.)

Article 43-22 The designated training institution shall maintain books, enter therein the matters concerning training business as specified by Ordinance of the competent ministry, and preserve them pursuant to the provisions of Ordinance of the competent ministry.

(Supervision Order)

Article 43-23 When it is found to be necessary in enforcement of this Act, the competent minister may issue an order requiring for supervision over the training business to the designated training institution .

(Suspension and Abolition of Training Business)

Article 43-24 The designated training institution shall not suspend or abolish whole or a part of the training business unless obtaining the permission by the competent minister.

(Rescission, etc. of Designation)

Article 43-25 When the designated training institution has come to fall under any of the items of Article 43-18, paragraph 3 (excluding item 3), the competent minister shall rescind its designation.

(2) When the designated training institution has come under any of the following items, the competent minister may revoke the said designation or order to suspend the whole or part of the training business for a fixed period.

(i) When the designated training institution is found not to meet the requirements specified in the items of Article 43-2 paragraph 18.

(ii) When the designated training institution has violated the provisions of Article 43-19, or the provisions of the preceding article.

(iii) When the designated training institution conducted the training business without conforming to the training business rules approved pursuant to the provisions prescribed in Article 43-20 paragraph 1.

(iv) When the designated training institution has violated the order pursuant to the provision prescribed in Article 43-20 paragraph 3 or Article 43-23.

(v) When the designated training institution has violated the conditions prescribed in the next Article paragraph 1.

(Conditions for Designation, etc.)

Article 43-26 The designation, approval or permission pursuant to the provisions prescribed in Article 42 paragraph 1 item 2, Article 43-19 paragraph 1, Article 43-20 paragraph 1 or Article 43-24 may be set condition thereon and the conditions may be changed.

(2) The conditions under the preceding paragraph shall be within its minimum necessity for attempting certain implementation of matters with respect to the said designation, approval or permission, and shall not impose unreasonable obligations on those who are subject to the said designation, approval or permission.

(Public Notice)

Article 43-27 In the event of the following, the competent minister shall make a public announcement to that effect in the official gazette.

(i) When he/she has made a designation pursuant to the provisions prescribed in Article 42 paragraph 1 item 2.

(ii) When he/she has given permission pursuant to the provisions prescribed in Article 43-24.

(iii) When he/she has rescinded the designation or has ordered to suspend the whole or part of the training business pursuant to the provisions prescribed in Article 43-25.

(The Competent Minister, etc.)

Article 43-28 The competent ministers in this chapter shall be the Minister of the Environment, and the Minister of Land, Infrastructure, Transport and Tourism. However, the competent minister specified in Article 43-5, paragraph 1 and paragraph 3, Article 43-6 paragraph 3, Article 43-11 and Article 43-14 is the Minister of Land, Infrastructure, Transport and Tourism.

(2) The Ordinance of the competent ministry in this chapter is Ordinance of the Ministry of Land, Infrastructure, Transportation and Tourism and the Ministry of the Environment. However, the Ordinance of the competent ministry specified in Article 43-5 paragraph 2, Article 43-6 paragraph 2 and paragraph 3, Article 43-9 and Article 43-17 is Ordinance of the Ministry of Land, Infrastructure, Transportation and Tourism.

(3) The Minister of Land, Infrastructure, Transportation and Tourism shall discuss with the Minister of the Environment in advance when establishing or modifying Ordinance of the Ministry of Land, Infrastructure, Transportation and Tourism provided for the proviso of the preceding paragraph.

(Restriction on Use of the Name)

Article 44 Person shall not use a name as a johkasou installation worker or any name confusingly similar thereto unless he is a johkasou installation worker.

Chapter 8 Johkasou Operator

(Certification of Johkasou Operator)

Article 45 Certification of Johkasou Operator shall be issued to a person who falls under any of the following items by Minister of the Environment.

(i) Person who has passed the johkasou operator examination.

(ii) Person who has completed a training course concerning necessary knowledge and skills for operation and maintenance of johkasou (hereinafter referred to as "the training course" in this chapter) which are administered by Ordinance of Minister of the Environment and conducted by a designated institution (hereinafter referred to as a "designated training institution" in this chapter).

(2) The Minister of the Environment shall not issue the certification of Johkasou Operator to the person who falls under any of the following items.

(i) Person who had been ordered to return the certification of Johkasou Operator in accordance with the provisions prescribed in the following paragraph and one year has not yet elapsed from the date of the said order.

(ii) Person who has been sentenced to a fine or a severer punishment for the violation of this Act or a disposition based on this Act where two years have not yet elapsed from the day on which the execution of the sentence has been completed or the sentence has become no longer applicable.

(3) The Minister of the Environment may order the johkasou operator to return the certification of johkasou operator when he/she has violated this Act, or received a disposition based on this Act.

(4) The matters necessary for issue, reissue, rewrite and return of certification of johkasou operator shall be prescribed in Ordinance of the Ministry of the Environment.

(Johkasou Operator Examination)

Article 46 Johkasou operator examination shall be conducted with the knowledge and skills necessary for operation and maintenance of johkasou.

(2) The johkasou operator examination shall be conducted by the Minister of the Environment.

(3) Committee for johkasou operator examination shall be established in the Ministry of the Environment for operating the business affairs concerning the johkasou operator examination. However, this shall not apply where all affairs to be conducted by an institute that has been designated pursuant to the following paragraph.

(4) The Minister of the Environment may entrust an institute that has been designated by the Minister of the Environment (hereinafter referred to as a "designated examination institution") to conduct whole or a part of business affairs concerning the johkasou operator examination (hereinafter referred to as an "examination affairs" in this chapter).

(5) Committee for johkasou operator examination and other any persons who have been in charge of affairs relevant implementing of johkasou operator examination shall maintain a strict attitude and shall not act unfairly in implementing the said affairs.

(6) When any wrongful behaviors concerning the johkasou operator examination were found, the Minister of the Environment may disqualify the person who conducted the wrongful behavior from taking the examination, invalidate said examination.

(7) The Minister of the Environment may prohibit the person who has been subject to a disposition under the preceding paragraph from taking the johkasou operator examination for a fixed period of time.

(Application Mutatis Mutandis)

Article 46-2 The provisions prescribed in Article 43-2 shall be applied mutatis mutandis to the designation under the provisions prescribed in Article 46 paragraph 4, the provisions from Article 43-3 to Article 43-17 shall be applied mutatis mutandis to the designated examination institution, the provisions of Article 43-18 shall be applied mutatis mutandis to the designation under the provisions of Article 45 paragraph 1 item 2, the provisions from Article 43-19 to Article 43-27 shall be applied mutatis mutandis to the designated training institution. In this case, the term "committee for johkasou installation worker examination" in the header of Article 43-6 shall be replaced with "committee for johkasou operator examination"; the "johkasou installation worker examination" and "committee for johkasou installation worker examination" in paragraph 1 of said article shall be replaced with "johkasou operator examination" and "committee for johkasou operator examination"; the "johkasou installation worker examination" in Article 43-7 paragraph 1 and Article 43-14 shall be replaced with "johkasou operator examination"; the "Minister of Land, Infrastructure, Transport and Tourism" in Article 43-15 and Article 43-16 item 4 shall be replaced with "Minister of the Environment"; the "johkasou installation worker examination" in Article 43-17 shall be replaced with "johkasou operator examination", any other necessary technical change in interpretation shall be specified by a Cabinet Order.

(Competent Minister, etc.)

Article 46-3 The competent minister specified from Article 43-2 to Article 43-27 applied in the preceding article is the Minister of the Environment.

(2) The Ordinance of the competent ministry specified from Article 43-2 to Article 43-22 applied in the preceding article is Ordinance of the Ministry of the Environment.

(Restriction on Use of the Name)

Article 47 Person shall not use a name as Johkasou Operator or any names confusingly similar thereto unless he/she is a johkasou operator.

Chapter 9 Registration System of Johkasou Operation and Maintenance Vendors by Regulations

Article 48 Prefectural governments (municipalities or special wards where health-care center is established) may establish a registration system for registering vendor that intends to join the operation and maintenance business of johkasou by a prefectural regulation.

(2) The regulations prescribed in the preceding paragraph shall set forth the matters listed in any of the following items, in addition to the matters that are required for set registration system including requirements for registration, rescissions of registration etc.

(i) Matters concerning a validity period of registration within 5 years.

(ii) Matters concerning equipment to be provided.

(iii) Matters concerning the installation of johkasou operator and secure of opportunity of training to johkasou operator.

(iv) Matters concerning contact with johkasou deluding vendor.

(v) Matters concerning submission of a document that notes the area of maintenance business to be conducted.

(3) Johkasou maintenance vendors that have been received the registration in paragraph 1 shall make persons who have the certification of johkasou operator to engage in the operation and maintenance of johkasou.

(4) The Mayor of the Municipality (except the mayor of the municipality and the head of the special ward where health-care center is established) may offer to the governor to take the necessary measures when he/she finds it has illegal or inappropriate facts for the business of johkasou operation and maintenance vendors registered by paragraph 1.

Chapter 10 Miscellaneous Provisions

(Creating Ledger of Johkasou)

Article 49 The governor shall create Ledger of Johkasou for each johkasou in the prefectures (except the municipalities or the special wards where health-care center is established), and the municipalities or the special wards where health-care center is established shall create Ledger for each johkasou with the following matters.

(i) Location and lot number of land where johkasou installed and the name of johkasou manager

(ii) Status of implementation of inspection concerning water quality in the main clause of Article 7 paragraph 1 and Article 11 paragraph 1

(iii) Any other matters prescribed in Ordinance of the Ministry of the Environment.

(2) The governor may request the information on johkasou from the head of related local governments and other persons when it is found to be necessary to create Ledger of Johkasou.

(3) In addition to the provisions of the preceding 2 paragraphs, necessary matters pertaining to Ledger of Johkasou are to be prescribed in Ordinance of the Ministry of the Environment.

(Fees)

Article 50 Persons listed in the following shall pay the fees to the State (it shall be the designated examination institution in the case of the whole affairs related to implementation of examination is caused to the designated examination institution specified in Article 43 paragraph 4 or Article 46 paragraph 4, hereinafter referred to as a "designated examination institution" in the following paragraph).

(i) Person who intends to renew the approval set forth in Article 13 paragraph 1 or paragraph 2, or the approval set forth in Article 16.

(ii) Person who intends to receive issue, reissue or rewrite of certification of johkasou installation worker

(iii) Person who intends to take a johkasou installation worker examination

(iv) Person who intends to receive issue, reissue or rewrite of certification of johkasou operator

(v) Person who intends to take johkasou operator examination

(2) The examination fees paid to the designated examination institution pursuant to provisions under the preceding paragraph are the revenue of designated examination institution.

(Supporting of Johkasou Installation)

Article 51 The State or local governments shall endeavor to take necessary support or other necessary measures to johkasou construction when it is perceived as necessary.

(Using of Municipal Night Soil Treatment Facility)

Article 52 Municipalities shall endeavor to treat the collected sludge and scum that generated from johkasou in the area of this municipality by using the night soil treatment facility of this municipality.

(Report Collection and On-Site Inspections, etc.)

Article 53 The administrative agency may make persons listed following to report on its managed operation and maintenance of johkasou, johkasou desludging or business to the extent necessary for the enforcement of this Act.

- (i) Johkasou manager
- (ii) Johkasou manufacturer
- (iii) Johkasou construction vendor
- (iv) Johkasou desludging vendor
- (v) Johkasou maintenance vendors that have been entrusted with the business under the provisions prescribed in Article 10 paragraph 3 or johkasou operator.
- (vi) Designated inspection agencies
- (vii) Designated training institution specified in Article 42 paragraph 1 item 2 or Article 45 paragraph 1 item 2.
- (viii) Designated examination institution specified in Article 43 paragraph 4 or Article 46 paragraph 4.

(2) When it is found to be necessary in enforcement of this Act, the administrative agency may cause its employee to enter the office or workplace, the land or building with johkasou of person or organization listed in any items under the preceding paragraph inspect the status of services, or books, documents, and other Articles, or ask relevant persons questions. However, it shall obtain the approval of tenant in advance in the case to enter the housing.

(3) The employee shall carry an identification card and present it to when the concerned person(s) requested in the case of the preceding paragraph.

(4) The authority under the paragraph 2 may not be interpreted as being granted for a criminal investigation.

(Council)

Article 54 For necessary discussion about promotion of appropriate wastewater treatment by johkasou, such as about the support to johkasou manager etc. in the area of the prefectures and municipalities, according to the Ordinance of the Ministry of the Environment, the prefectures and municipalities may organize a council (called "council" in the next paragraph and paragraph 3) that is consisted of such prefectures and cities, related local governments, johkasou manager, johkasou construction vendors, johkasou desludging vendors, johkasou operation and maintenance vendors registered by Article 48 paragraph 1, designated inspection agencies and other persons who such prefectures and cities are found to be necessary

(2) For the concluded matters in the council, the members of the council must respect the result of discussion.

(3) In addition to the provisions of the preceding 2 paragraphs, the necessary matters regarding the organization and operation of the council are to be prescribed by the council.

(Special Cases in the Method of Hearing)

Article 55 The deliberation pursuant to the disposition listed following for a hearing date shall be opened to the public.

(i) Rescission of approval under the provisions of Article 18 paragraph 1, paragraph 2 or paragraph 3

(ii) Rescission of registration of johkasou construction vendor under the provisions of Article 32 paragraph 2

(iii) Rescission of permission of johkasou desludging vendor under the provisions of Article 41 paragraph 2

(iv) Return order for certification of johkasou installation worker under the provisions of Article 42 paragraph 3

(v) Rescission of designation of designated examination institution under the provisions of Article 42-12 (including the case where applied mutatis mutandis pursuant to Article 46-2)

(vi) Rescission of designation for designated training institution under the provisions of Article 43-25 (including the case where applied mutatis mutandis pursuant to Article 46-2)

(vii) Return order for certification of johkasou operator under the provisions prescribed in Article 45 paragraph 3

(Delegation of Authority)

Article 56 The authority of the Minister of Land, Infrastructure, Transport and Tourism prescribed in this Act may be partially delegated to the directors of Regional Development Bureaus or the director of the Hokkaido Regional Development Bureau pursuant to the provision of Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

(2) The authority of the Minister of the Environment prescribed in this Act may be partially delegated to Director Generals of the Regional Environment Offices pursuant to the provision of Ordinance of the Ministry of the Environment.

(Designated Inspection Agencies)

Article 57 A designated inspection agency that executes the inspection described by the main clause of Article 7 paragraph 1 and Article 11 paragraph 1 shall be designated by the governor with its business areas in the prefecture.

(2) When making a designation mentioned in the preceding paragraph, the governor shall publicly notify the matters specified in Ordinance of the Ministry of the Environment in the gazette of this prefecture government.

(3) The necessary matters regarding designated inspection agency including the procedures for designation under the paragraph 1, shall be specified by Ordinance of the Ministry of the Environment.

(Transitional Measure)

Article 58 When an order is enacted, changed, or abolished based on the provisions of this Act, that order may establish necessary transitional measures (including the Transitional Measure regarding Penal Provisions) within the scope judged to be reasonably necessary in conjunction with its enactment, change or abolition.

Chapter 11 Penal Provisions

Article 59 Any person who falls under any of the following items shall be punished by imprisonment for not more than one year or a fine of not more than 1,500,000 yen.

(i) Person who has violated the provisions of Article 13 paragraph 1 to produce the johkasou other than the approved type.

(ii) Person who has violated the provisions of Article 17 paragraph 3 to import johkasou.

(iii) Person who runs johkasou construction business has not registered by Article 21 paragraph 1 or paragraph 3.

(iv) Person who has been registered under Article 21 paragraph 1 or paragraph 3 by wrongful means.

(v) Person who has violated the order pursuant to the provision of Article 32 paragraph 2 or Article 41 paragraph 2.

(vi) Person who runs johkasou desludging business has not been approved under Article 35 paragraph 1.

(vii) Person who has been approved under Article 35 paragraph 1 by wrongful means.

Article 60 Any person who violated the provision of Article 43-8 paragraph 1 (including the case where applied mutatis mutandis pursuant to Article 46-2) , divulged any secret of learned with regard to examination affairs (examination affairs specified in Article 43 paragraph 4 or Article 46 paragraph 4, the same shall apply hereinafter) shall be punished by imprisonment for not more than one year or a fine of not more than one million yen.

Article 61 When the order of suspension of examination affairs or training business (training business specified by item 2 of Article 43-18 paragraph 3 (including the case where applied mutatis mutandis pursuant to Article 46-2.) the same shall apply hereinafter) pursuant to the provisions prescribed in Article 43-12 paragraph 2 or Article 43-25 paragraph 2 (including the case where these provisions are

applied mutatis mutandis under Article 46-2) has been violated, the officers or employees of the designated examination institution or the designated training institution who have committed the violation shall be punished by imprisonment for not more than one year or a fine of not more than one million yen.

Article 62 Person who violated the order under the provision of Article 12 paragraph 2 shall be punished by imprisonment for not more than 6 months or a fine of not more than one million yen.

Article 63 Person who fall under any items of following shall be punished by imprisonment for not more than 6 months or a fine of not more than 500,000 yen.

(i) Person who fails to notify or makes a false notification pursuant to the provisions of Article 5 paragraph 1.

(ii) Person who violated the order under the provision of Article 5 paragraph 3.

Article 64 The persons who fall under any of the following items shall be punished by a fine of not more than 300,000 yen.

(i) Person who constructs johkasou in violation of the provisions of Article 5 paragraph 4.

(ii) Person who has not employed a technical supervisor in violation of the provisions of Article 10 paragraph 2.

(iii) Person who violated the provisions of Article 12-8 paragraph 3 (including cases where it is applied mutatis mutandis pursuant to Article 12-10 paragraph 2).

(iv) Person who installed drainage facilities without approval in violation of the provision of Article 12 -10 paragraph 1.

(v) Person who refused, obstructed or avoided inspections under the provisions of Article 12-12 paragraph 1.

(vi) Person who refused or obstructed entry of the land in violation of the provisions of Article 12-15 paragraph 6.

(vii) Person who abolished the use of drainage facilities in violation of the provisions of Article 12-16 paragraph 1.

(viii) Person who has not attach labels in violation of the provisions of Article 17 paragraph 1.

(ix) Person who has attached labels in violation of the provisions of Article 17 paragraph 2.

(x) Person who has not taken measures in violation of the provisions of Article 29 paragraph 2.

(xi) Person who has conducted johkasou construction in violation of the provisions of Article 29 paragraph 3.

(xii) Person who has failed to provide or maintain books, has failed to record on books, or has recorded false items in violation of the provisions of Article 31 or Article 40.

(xiii) Person who unfairly graded in violation of the provision of Article 43 paragraph 5 or Article 46 paragraph 5.

(xiv) Person who has violated the provision of Article 44 or Article 47.

(xv) Person who has failed to make a report under the provision of Article 53 paragraph 1 (excluding the portion pertaining to the item (vii) or (viii)), or has made a false report.

(xvi) Person who has refused, obstructed or avoided inspection pursuant to the provision of Article 53 paragraph 2 (excluding the portion pertaining to the person listed in the paragraph 1 item (vii) or (viii) of the said article) or failed to respond to questioning or made false answers by the provision prescribed in paragraph 2 of the said article.

Article 65 The officers or employees of the designated examination institution or the designated examination institution who have committed the violation shall be punished by a fine of not more than one 300,000 yen when it falls under any of the following items.

(i) When failed to provide or maintain books, or recorded false items, or not preserve books in violation of the provisions of Article 43-9 or 43-22 (including the case where these provisions are applied mutatis mutandis under Article 46-2.)

(ii) When abolished the whole of its examination affairs or training affairs without obtaining the permission under Article 43-11 or Article 43-24 (including the case where these provisions are applied mutatis mutandis under Article 46-2).

(iii) When failed to make a report under the provision of Article 53 paragraph 1 (limit to the portion related to item (vii) or (viii)), or made a false report.

(iv) When refused, obstructed or avoided inspection pursuant to the provision of Article 53 paragraph 2 (limit to the portion related to those listed in paragraph 1 item (vii) or (viii) of the said article) or failed to respond to questioning or made false answers by the provision prescribed in paragraph 2 of the said article.

Article 66 When the representative of a corporate body, or an agency, staff or other employee has committed acts violating any of the provisions of Article 59, Article 62, Article 63 and Article 64 (except the item 13) with regard to the business operations of the said corporate body or individual, not only the offender shall be punished but also the said corporate body or individual shall be punished by a fine prescribed in the respective articles.

Article 66-2 Person who violated orders under the provision of Article 7-2 paragraph 3 or Article 12-2 paragraph 3 shall be punished by a non-criminal fine of not more than 300,000 yen.

Article 67 Person who falls under any of the following items shall be punished by a non-criminal fine of not more than 200,000 yen.

(i) Person who failed to notify or made a false notification pursuant to the provisions prescribed in Article 14 paragraph 3, Article 25 paragraph 1, Article 26, Article 33 paragraph 3, Article 37 or Article 38.

(ii) Person who has not issued the notice under the provisions of the second sentence of Article 28 paragraph 1.

(iii) Person who failed to post a sign in violation of the provisions prescribed in Article 30 or Article 39.

(iv) Person who has not returned the certification johkasou installation worker or certification of johkasou operator in violation of the order under the provisions prescribed in Article 42 paragraph 3 or Article 45 paragraph 3 without just causes.

Article 68 Person who falls under any of the following items shall be punished by a non-criminal fine of not more than 50,000 yen.

(i) Person who has made a false notification in case of notification under the provisions of Article 11-2 paragraph 1.

(ii) Person who has failed to make the notification under the provisions of Article 11-2 paragraph 2, Article 11-3, Article 12-11 paragraph 11 or Article 12-16 paragraph 2, or has made a false notification.

Supplementary Provisions (Act No. 40, 19 June, 2019) Extract

(Effective Date)

Article 1 This Act shall come into effect as from the date to be specified by a Cabinet Order within a period not exceeding one year from the date of promulgation. However, the provisions listed in Supplementary Provisions Article 3 shall come into force from the date of promulgation.