

## **Appendices**

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### **Nomination File of "Sado Island Gold Mines" for World Heritage Inscription**

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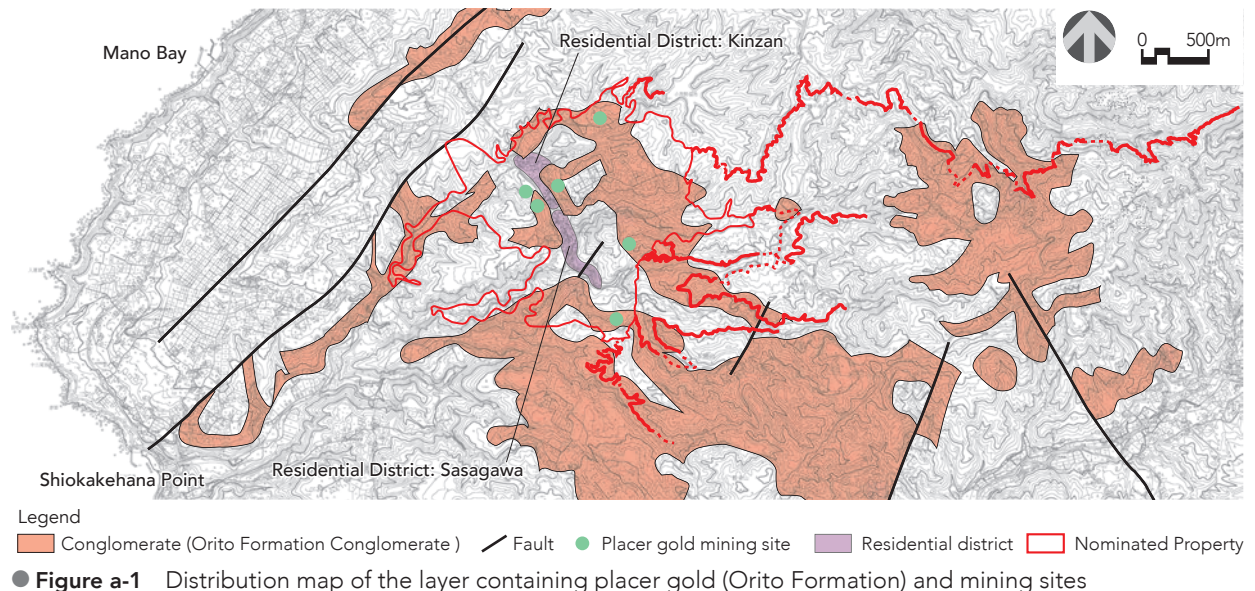
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## Appendix 2-1 Supplementary figures and photos

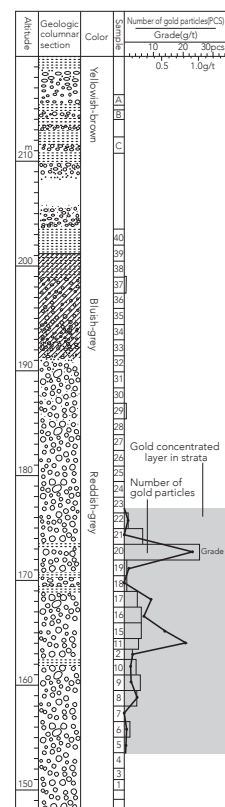
### a. Placer gold deposits in Nishimikawa Placer Gold Mine



Sedimentary placer gold deposits in the Nishimikawa Placer Gold Mine (hereinafter, Nishimikawa Area) are comprised of a deposit of weakly consolidated sediments formed with granular gold included in weathered volcanic ore deposits. These had been exposed on the surface, eroded and transported to the sea floor and deposited in sand or gravel and then subsequently geologically uplifted due to the formation of the Kosado Mountains.

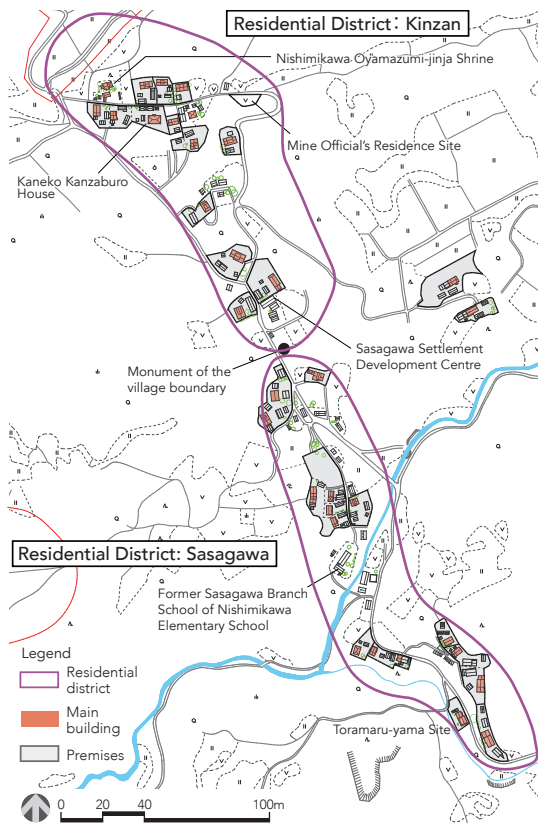
Placer gold deposits formed in this way are globally rare. Placer gold deposits in the Nishimikawa Area consist of gravel layers in the Orito Formation (15 million years old). The Orito Formation is distributed extensively all over Sado Island, and is as thick as about 70 metres in the vicinity of the Nishimikawa Area. Placer gold was distributed densely within a two-kilometre radius of where mining was carried out and the settlement consisting of two residential districts was located in the middle of the area [Figure a-1].

According to the geological survey in the Toramaru-yama Site (220 metres above sea level), a representative example in the Nishimikawa Area [Figure a-2], the layer containing placer gold concentrates is located at an altitude from 153 metres to 177 metres and contained an average grade of 0.23 gram per ton. The high-grade layer with an average grade of 0.44 gram per ton is at an altitude from 163 metres to 174 metres. Placer gold is not evenly distributed and it tends to concentrate about 50 metres right above the bedrock of the Orito Formation [Figure a-2].

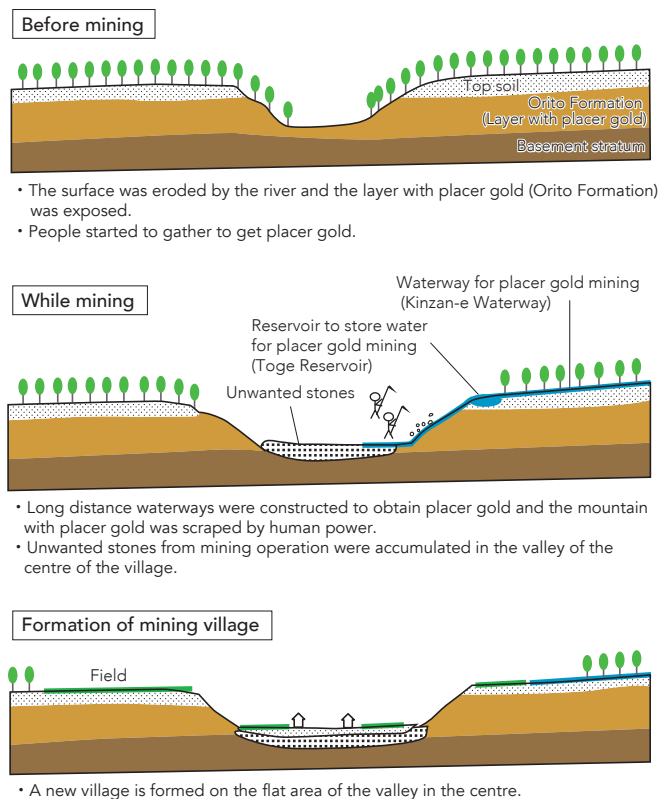


● **Figure a-2** Placer gold content included in the opencut in the Toramaru-yama Site

## b. Excavation survey on a settlement zone (Residential District: Kinzan) at Nishimikawa Placer Gold Mine



● **Figure b-1** Allotment of residential districts in the settlement zone and building layout in each premises area



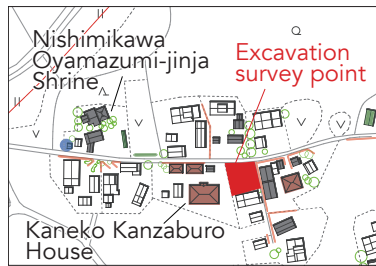
● **Figure b-2** Schematic diagram of the formation process of landscape in the Nishimikawa Placer Gold Mine (Cross sectional image)

The two residential districts in the Nishimikawa Area [Figure b-1] were established on narrow terraces (former mining site) along the streams formed after “Onagashi” (great flow) placer gold mining method, which was commenced around the beginning of the 17th century [Figure b-2].

Though many of the buildings in the residential districts have been renovated, they are characterised by the irregularity of shapes and the layout of the residential terraces. Those features have been maintained without any major alteration since the period of mining operation. According to the local tradition, it is said that the underground of the buildings was filled with unwanted stones because placer gold mining was carried out in the residential area and the settlements had been established on the former mining sites.

Excavation surveys in the Kinzan Residential District [Figure b-3] have uncovered a large amount of unwanted stones and races for placer gold mining buried under soil layers of embarkment for site development conducted around the 18th century [Figure b-4, Photos b-1 to 3]. The age of the unearthed ceramics [Photo b-4] indicates that the settlement is presumed to have been inhabited in the former mining sites around the 17th century, corroborating the local tradition.





● **Figure b-3** Location of excavation survey point within Residential District: Kinzan



● **Photo b-2** Cross-section of building pillar remains in the upper layer (the 18th century)



● **Photo b-1** State of archaeological remains (aerial photograph)



● **Photo b-3** Cross-section of waterway in the lower layer (the 17th century)



● **Photo b-4** Excavated pottery



● **Figure b-4** Excavation survey map of Residential District: Kinzan

## c. Surveys on Aikawa Gold and Silver Mine

### c1. Laser survey in Ogiriyama-mabu Tunnel Site

One of the exceptional technical features of this mine is the presence of a ventilation tunnel that runs alongside the main tunnel. The two tunnels are joined by carefully placed connection vents in multiple places to improve the flow of air within the tunnel, a facility which continues to function today. The main tunnel is approximately 1.5 metres wide and 1.8 metres high on average, a standard size for a tunnel for ore transportation, while a ventilation tunnel was excavated approximately 0.6 metres wide and a metre high on average, with the side communications of approximately 0.6 metres wide and 0.9 metres high [Photo c1-1]. The connection vents are placed generally every 20 to 30 metres and some of them are confirmed to have once been blocked by unwanted stones and clay in order to control the flow of the air [Photo c1-2]. A height difference of several tens of centimetres exists between the ground surface of the main tunnel and the ventilation tunnel. This is believed to have created a temperature difference to circulate air within the tunnels.

Within the tunnel, together with traces of excavation by hand with chisels, there are traces of extension works into some sections done with the use of rock drills and dynamite, showing the continuity of mining after the Edo Period until the 1920s. In some parts, the main and ventilation tunnels can be noticed to have become integrated due to collapse of the wall between them. It is said that work on the tunnel was commenced in 1634 by a mine proprietor named Mikata Yojiemon, finally reaching a vein 14 years later.

According to a laser survey with robotic investigation, the present structure matches that of pictures depicted in drawings and books about mining technology from the Edo Period [Figures c1-1, 2].

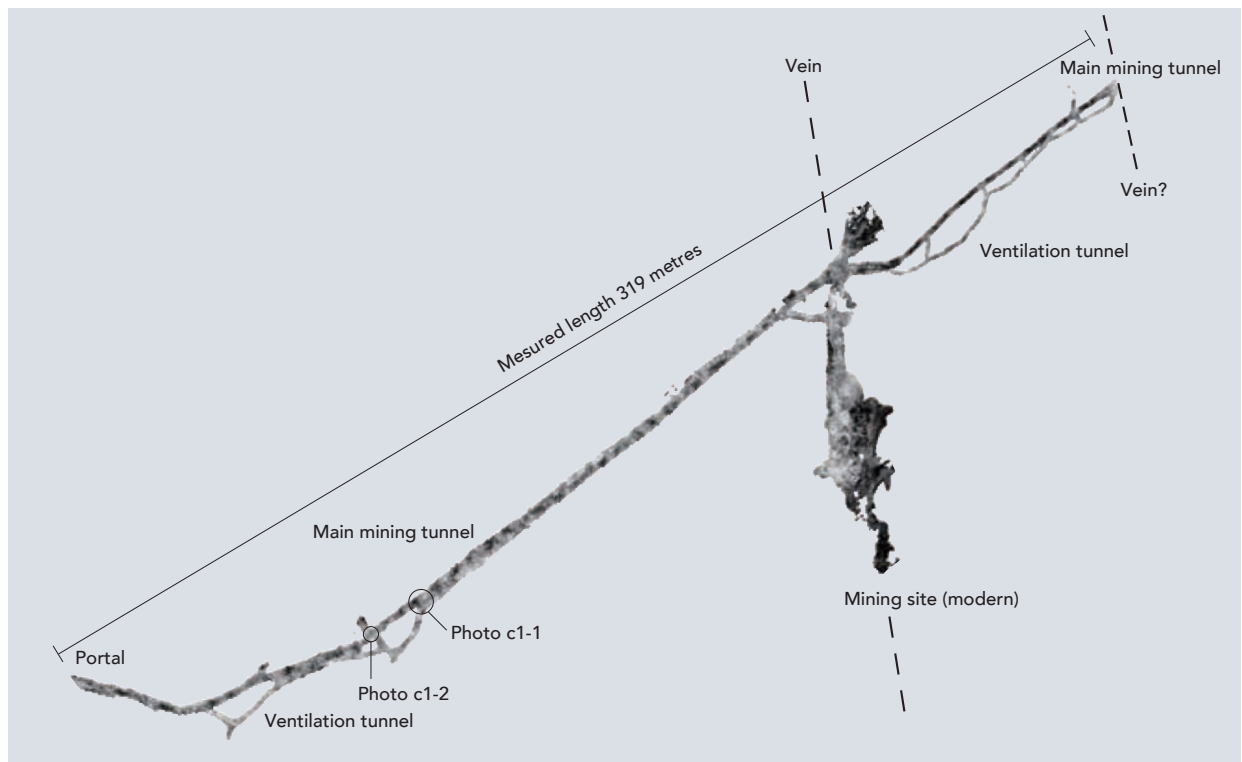
This is the only such tunnel identified within the Aikawa area, and such a tunnel with a parallel ventilation tunnel [Figure 25, on p. A2-54] has not been identified in any mines elsewhere in Japan.



● **Photo c1-1** Ventilation tunnel (right) and main tunnel (left)



● **Photo c1-2** Connection vent (blocked with waste rocks and clay except for the upper part)



● **Figure c1-1** Three-dimensional laser scanning survey drawing (two-dimensional map)



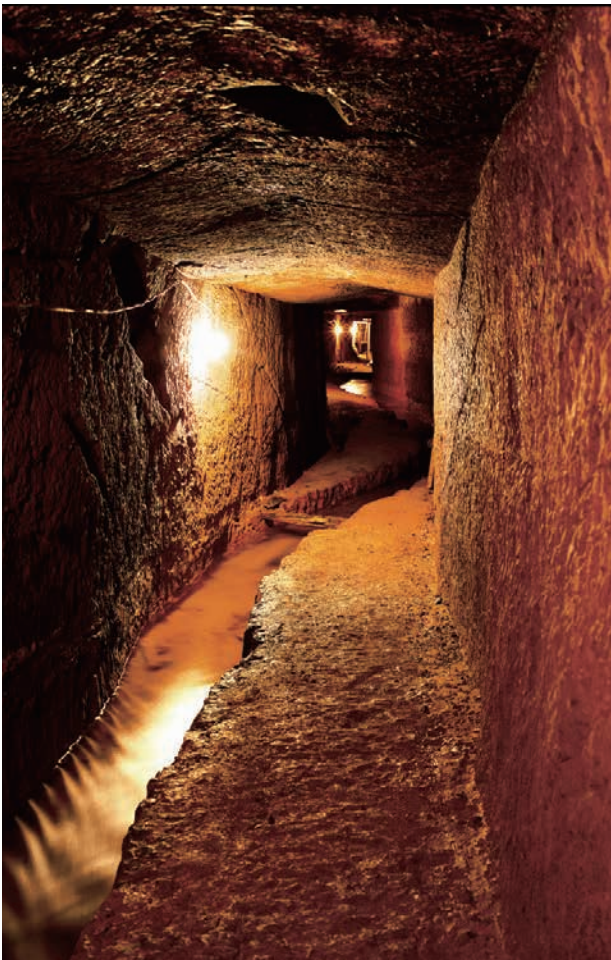
● **Figure c1-2** Comparison between surveying results and drawing map (broken line: location confirmed by surveying) ("Sashu Aikawa shikioka furikane ezu"(Sado Aikawa surveying map: 1696) [Property of Golden Sado Inc.]



## c2. Laser survey on Minamizawa Drainage Tunnel Site

Completed in 1696, the adit contains a deep drainage gutter and parallel access pathway and was the largest such tunnel within the Aikawa area. It is 922 metres long, 2.4 metres high, and 1.8 metres wide. As mining steadily progressed below sea level, the problem of groundwater flowing into mine workings became acute. In order to solve this problem, this tunnel was excavated with extra funding from the Tokugawa Shogunate [Photo c2-1]. While the entire tunnel was dug by hand, the construction period was shortened by dividing its course into three sections which were simultaneously dug out by pairs of approaching tunnels; a technique known as “Mukaebori” [Figure c2-1], a highly innovative method in Japan at the time. So-called “Nomikado” or cross-shaped markings were chiseled into the sides of the tunnel walls in order to calculate the distance excavated in each month [Photo c2-2]. These markings have been identified in 126 locations. Irregular distances between them are noticeable, providing an understanding of the excavation progress reflecting the bedrock conditions and difficulty levels of the construction method.

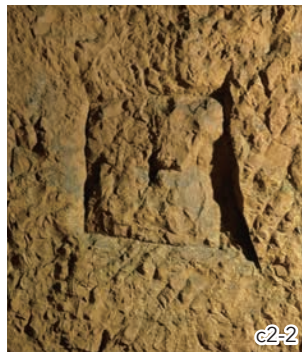
Laser investigation was conducted in a portion of the tunnel extending over approximately 390 metres, which covers a third of the whole site, except for the submerged and impassable sections upstream. It revealed the vestiges showing where the sections were successfully joined by accurate



● **Photo c2-1** Minamizawa Drainage Tunnel Site  
©Amano Takashi



● **Photo c2-3** Breakthrough point by mining from the both sides



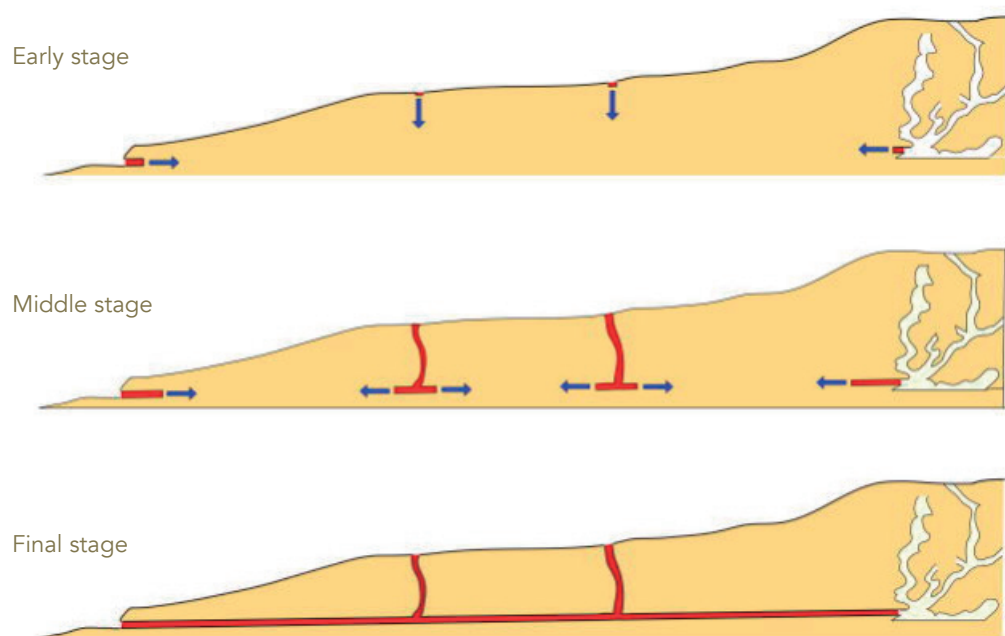
● **Photo c2-2** “Nomikado” (cross-shaped marking): chisel marks for surveying

● **Photo c2-4** “Kumonosu-kengiri” (cobweb-like pattern): patterns chiseled on the ceiling

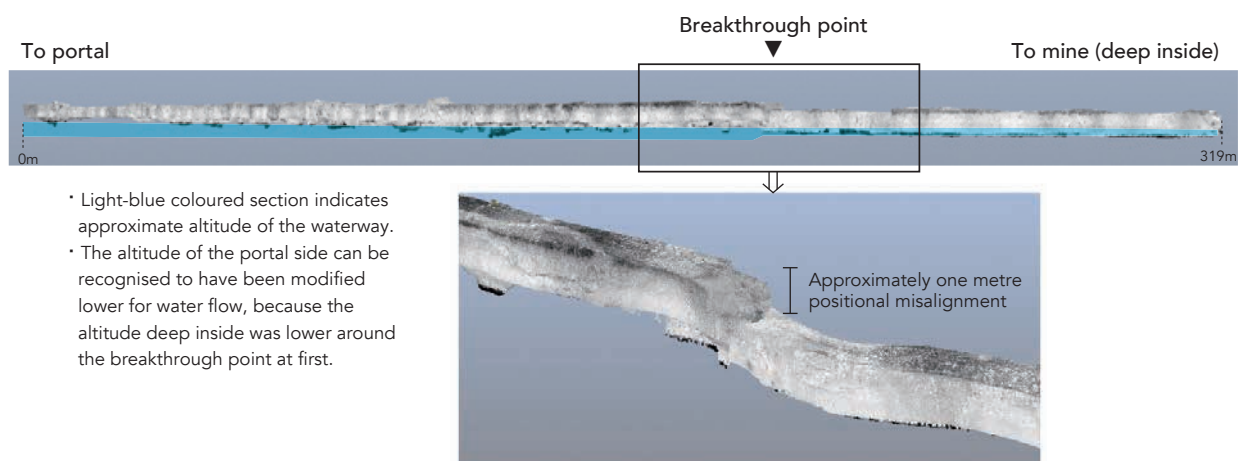


excavation, despite a vertical divergence of just one metre and a horizontal divergence of two metres [Photo c2-3, Figure c2-2]. This indicates the high standard of technology of the time in terms of the accuracy of surveying and excavation techniques. The tunnel illustrates a fine pentagonal shaped cross section with traces of elaborate and careful excavation by hand chisels visible on the tunnel walls. Intricate and decorative patterns were also chiseled on the ceiling presumably not for practical reasons but for displaying excavating skills [Photo c2-4]. Fundamentally, in most of the tunnel, its original cross section has remained since the tunnel was excavated, except for limited concrete reinforcement in the section near the portal built during the 20th century.

Even today this drainage tunnel continues to perform drainage functions, with its comparatively clean mine water flowing along the original outfall into the sea.



● **Figure c2-1** Cross-sectional diagram of the Minamizawa Drainage Tunnel Site "Mukaebori" (excavation from both ends)



● **Figure c2-2** Minamizawa Drainage Tunnel Site: three-dimensional laser scanning survey drawing

### c3. Excavation survey on Sado Magistrate's Office Site

During the Edo Period, the Office functioned as the seat of governance on Sado Island, the whole of which was put under the direct control of the Tokugawa Shogunate, and for mine management, and also included mining administration and key technical operations in ore-dressing, smelting and refining, and koban minting. It was strategically placed on the edge of the plateau, a natural stronghold bordered by mountain streams with a clear view of Aikawa Bay [Photo c3-1], which was advantageous for defense and surveillance. While no buildings remain, the scale and structure of the buildings and production facilities and also the management and production technologies adapted here are evidenced by archaeology and can be seen through the underground and unearthed vestiges, and historical materials [Figures c3-2, 3]. The Sado Magistrate's Office was destroyed by fire five times in the Edo Period, and each time it was reconstructed.

Sado City conducted excavation surveys on the layers of the lastly reconstructed building from the early 19th century (1996-2006). [Photos c3-2, 3, Figure c3-1] shows the remains identified by excavation survey: the remains of the office building [a] in the figure, the site of the magistrate's residence [b]; the remains of storehouses for the safekeeping of gold and silver [c]; the site of the residence of the Chief of Directors [d]; the remains of moats [e]; the remains of the main gate [f]; the remains of "Yoseseriba" (ore dressing plant) [g]; also underground remains including wells and waterways, which were confirmed to remain in place almost exactly as recorded at the time. The remains of "buried lead" stored for use in cupellation within the site was found and numerous lead ingots were unearthed [i, Photo c3-4]. At the site of the "Yoseseriba" (ore-dressing plant), much internal equipment and many features were found, including waterways, wells and wooden water tanks [Photos c3-5, 6].

As a result of excavating the southern part of survey area to see the status of the lower strata, numerous vestiges of a refinery [h] were found and are estimated to date to around the early 17th century when the magistrate's office was first established [Photo c3-7]. On the basis of the results of scientific analysis of the soil and other things within the site, these structures were confirmed to have involved the "cementation with salt" method used to separate gold and silver [Photo c3-8]. Unearthed relics include much pottery, and many stone mills and slugs related to ore-dressing and refining, and it featured the direct management of the production facilities as well as functioning as the administration office. Luxury pottery was prominent among the relics from the 17th century, at the peak of the mine operations [Photo c3-9]. Meanwhile, pottery for daily use became the mainstream of the artefacts of the 18th century, when production declined. It can be seen that changes in the lifestyle of the management class in accordance with the mining business.



● **Photo c3-1** Sado Magistrate's Office located on the edge of the plateau (from the northwest)



● **Photo c3-2** Reconstructed Sado Magistrate's Office (from the east)

Excavation surveys on structural remains and relics revealed that facilities were attached for ore-dressing, smelting, and refining operations. It also revealed that a dressing and smelting plant was set up in the late 18th century. These remains underpin the fact that the Sado Magistrate's Office was not merely a government facility but also an administrative and production facility directly engaged in practical work, such as the production of the gold and silver that was vital to its finances and power.

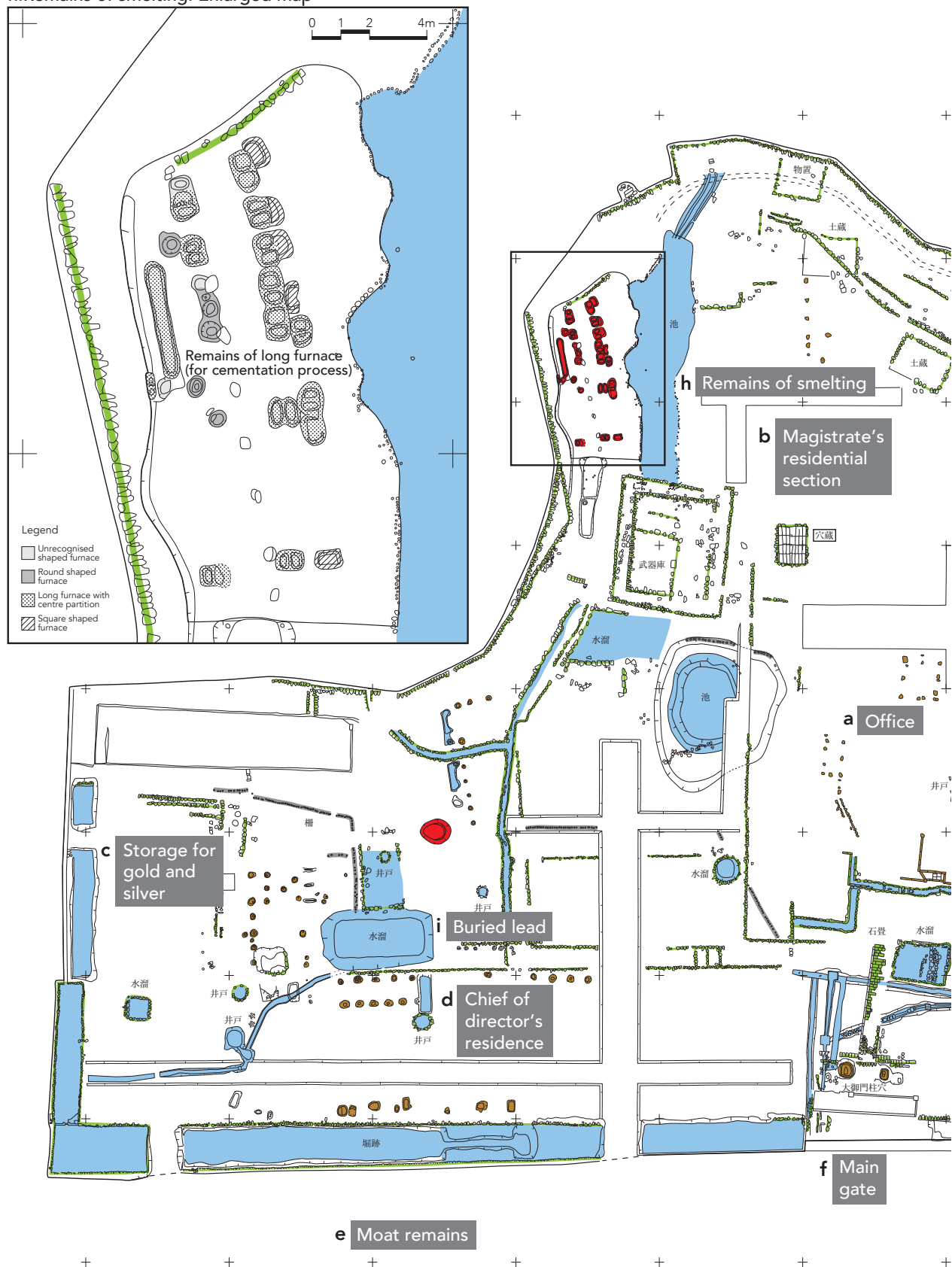
Presently using a combination of archaeological information gained from excavations and historical materials such as picture scrolls from the Edo Period, Sado City reconstructed the office building full size for interpretive and educational purposes and installed a guidance facility at the remains of the ore-dressing and smelting plant. These are open to the public and are used to illustrate the technical system and administration of the mines at the time of their use. Underground structural remains are given full archaeological protection under a one-metre covering of soil.



● **Photo c3-3** Panoramic view of excavation survey on Sado Magistrate's Office (aerial photo)

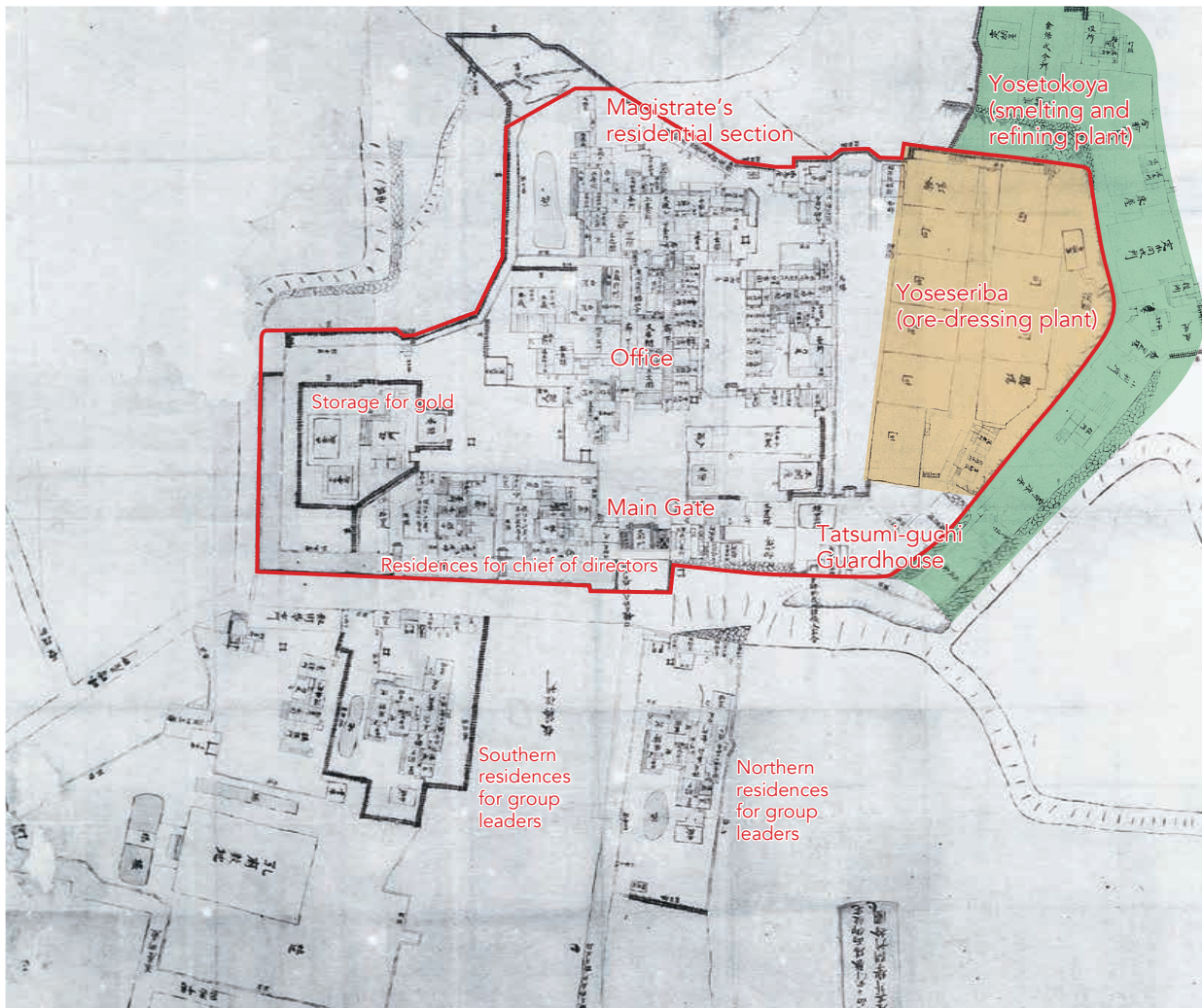


h. Remains of smelting: Enlarged map



● Figure c3-1 Excavation survey map of the Sado Magistrate's Office Site





● Figure c3-2 "Bugyosho ezu" (Drawing of the magistrate's office, 1830-1844)



● Figure c3-3 Drawing of the main gate of the Sado Magistrate's Office "Okamatsu Bugyo ryoko zu" (Magistrate Okamatsu's travel, 1859) [Property of Daian-ji Temple]





● **Photo c3-4** Excavated lead plates (ingots)



● **Photo c3-5** Excavation survey: yosseriba ore-dressing plant  
©Kanzaki Masaru

172 lead ingots to be used for cupellation (an average plate is 60-70 cm long, 30-40 cm wide, 4-5 cm thick and 40 kg heavy) were unearthed, which weighed 65 tons in total.



● **Photo c3-6** Excavation survey: yosseriba ore-dressing plant water tank



● **Photo c3-7** Remains of smelting at the Sado Magistrate's Office Site

The oblong furnace unearthed here has been identified as a furnace for cementation with salt depicted in picture scrolls, known as a "Naga-kama" (long furnace)



● **Photo c3-8** Remains of long furnace (furnace for cementation process)



● **Photo c3-9** Excavated pottery in the Sado Magistrate's Office Site  
©Ogawa Tadahiro

Much of the unearthed pottery was early Imari wares and Chinese ones like the ones unearthed in the residences for the feudal lords in Edo mainly in the 17th century, which indicates the importance of the Sado Magistrate's Office directly linked with the Tokugawa Shogunate, and the prosperity of the gold and silver mine.

#### **c4. Distribution and excavation surveys on Kami-Aikawa District**

The Kami-Aikawa District is located on a gentle mountain slope along the left bank of the Migisawa stream in the vicinity of the mining sites. It contains the remains of the early mining town in the Aikawa area within a 27-hectare area that extends 800 metres from east to west and 300 metres from north to south. On a slope with a height difference of approximately 100 metres between the west side and east side of the site, it can be observed that more systematic land development was conducted on a larger scale. This indicates that the Kami-Aikawa District used to be a principal residential district. It was formed over a period of time from the end of the 16th century and was at its peak as a settlement through the 17th century. Afterwards, the residential district declined until it was abolished after the Edo Period.

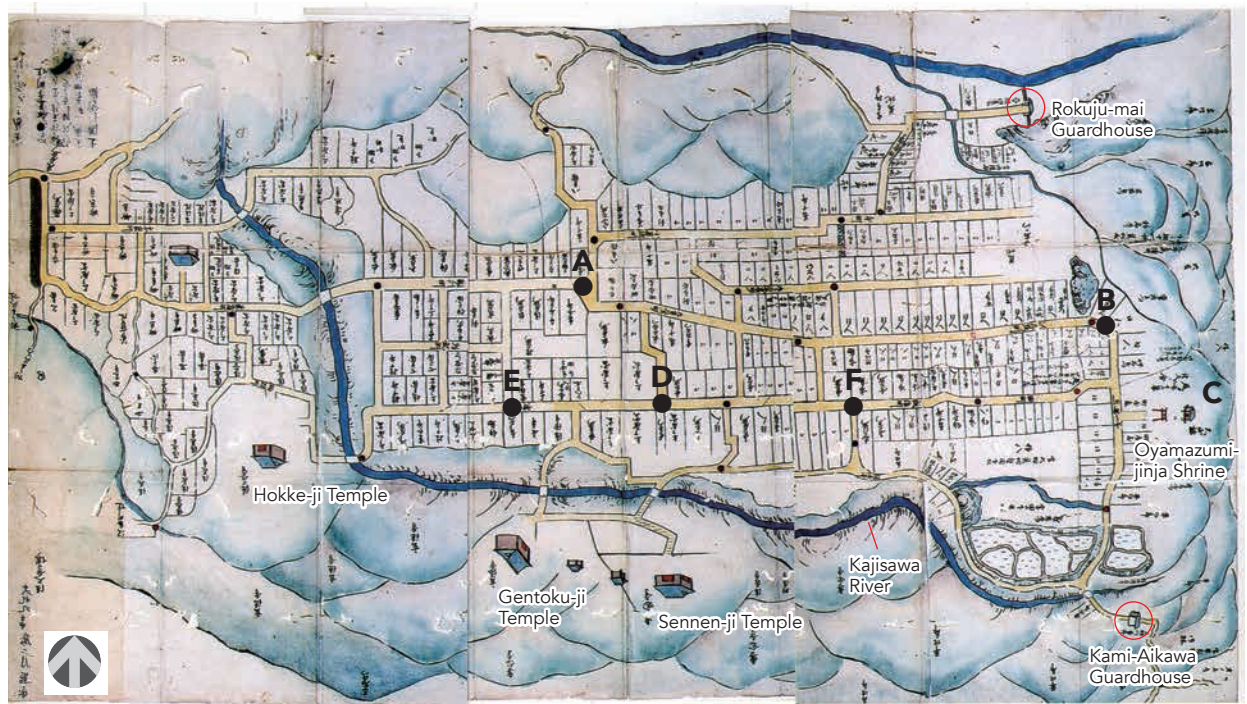
The “Kami-Aikawa ezu” (Kami-Aikawa Picture Map) depicting this district (1753) has been examined and compared with the excavation results. This reveals that the plan of the total mining settlement can be identified by the pictorial drawing, with the surviving site demonstrating high integrity and authenticity [Figure c4-1]. The results of various surveys have found surface structures, including stone steps, stone walls [Photo c4-1], and rectangular strip-shaped terraces [Photo c4-2] subdivided along two main roads [Figure c4-2, roads A-B and E-F]. Terrace-like lots of various sizes [Photo c4-3] can be noticed in the northern area closer to the mine [Figure c4-2, north of A-B] and have been detected to have similarities to those in the Tsurushi-Aramachi District, previously existing. With regard to faith, on the top of the eastern sloping grounds there was a precinct of the Oyamazumi-jinja Shrine Site [Figure c4-2, C, Photos c4-4, 5], and temples were placed in the southern hills (mountain ridges) [Figure c4-2, the lower section of the map]

From research it has been clarified that relics of production technology related to both dressing and smelting were found as well as remains such as ditches and holes for pillars, which indicate the existence of buildings. Figure c4-3 is a distribution map of the remains related to ore-dressing including the pits presumed to be the site for pounding [Photo c4-6], waterway remains [Photo c4-7], pounding stones and stone mills used to crush and grind ore [Photo c4-8], as well as tailings (unwanted stones) and quartz separated (unwanted sand from gravity concentration) [Photo c4-9]. They were distributed in great concentration close to water channels, and especially in the western section within the site, numerous remains of pits connected by waterways were found [Figure c4-5] together with stone mills and waste rocks concentrated around them [light blue part of the figure]. These remains have similarities to the ditches and pits confirmed in the excavation survey of the Tsurushi Silver Mine Local Magistrate’s Office and it is presumed that the same operation was conducted as those later in the Yoseseriba (Ore-dressing plant) wooden water tanks in the Sado Magistrate Office [Figure c4-6].

In addition, Figure c4-5 indicates the distribution of the remains related to smelting including furnaces [Photo c4-10], tuyeres and slags, which were dotted on the terraces close to the main road within the settlement [green part in the figure].

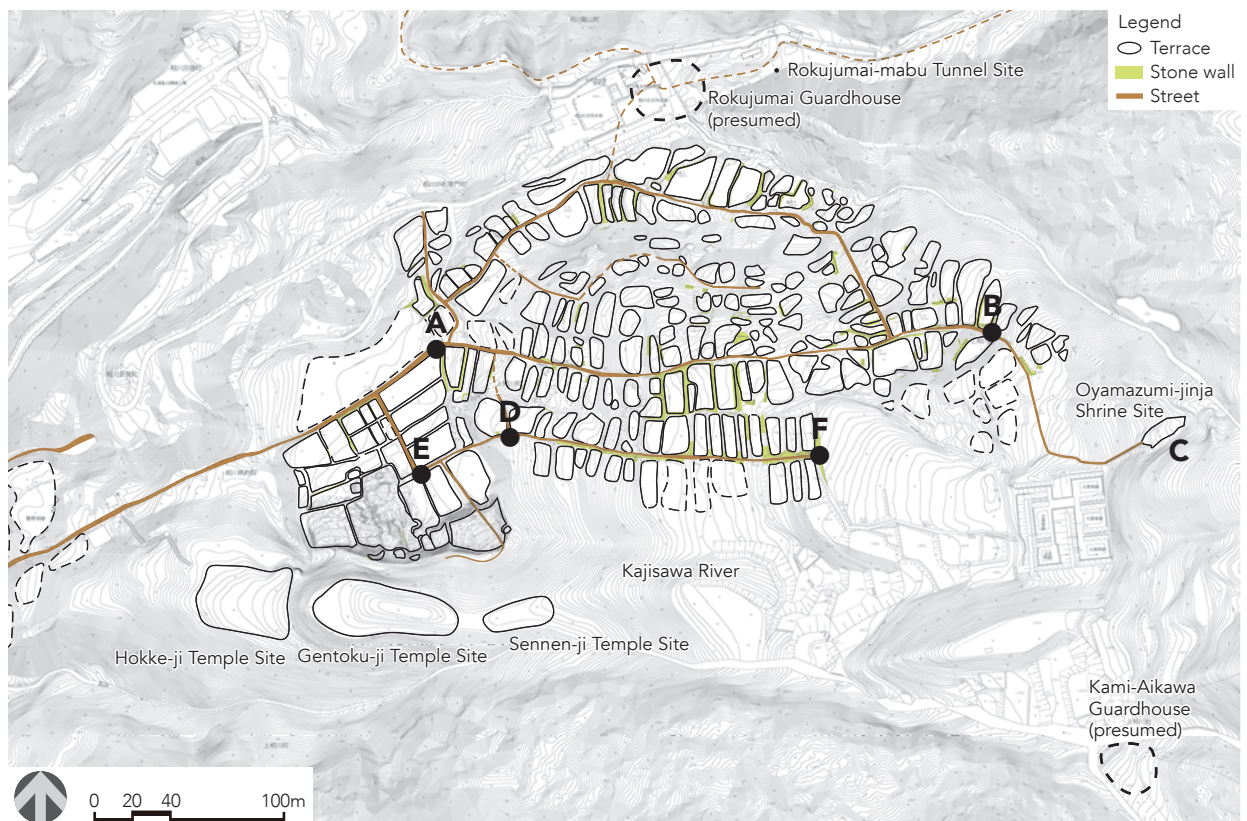
These remains related to ore-dressing and smelting were found in great concentration in several places, which reveal that technological processes were specialised and subdivided and each group of mining professionals formed its own residential district in which living and working were united in the same location. Artefacts unearthed by archeological excavations include Japanese and Chinese ceramics dating from the late 16th century (the time when the settlements were established) until the 17th century.





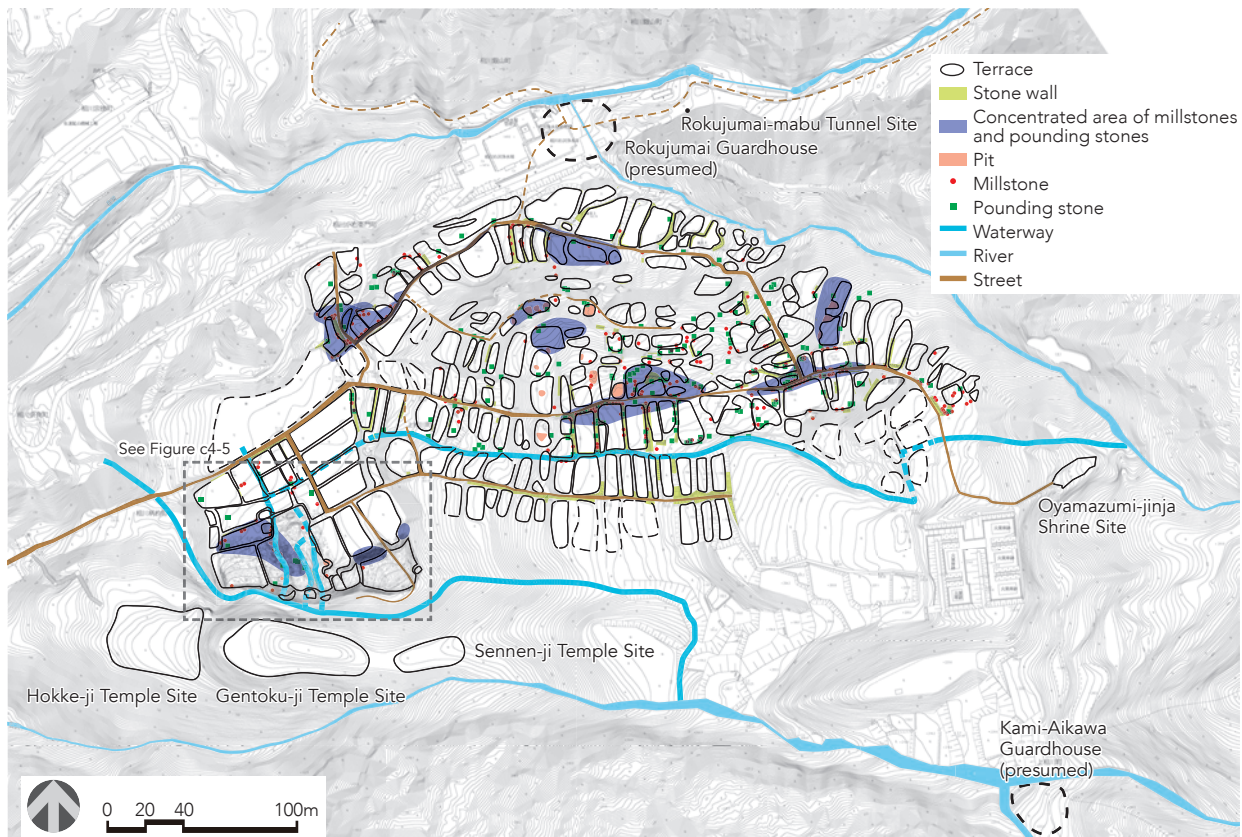
● **Figure c4-1** "Kami-Aikawa ezu" (plot plan of Kami-Aikawa: 1752, modified 1812) [Property of Aikawa Folk Museum]

\* A-F in Figures c4-1 and C4-2 indicate the same points as those shown in each map confirmed from the current state of the area

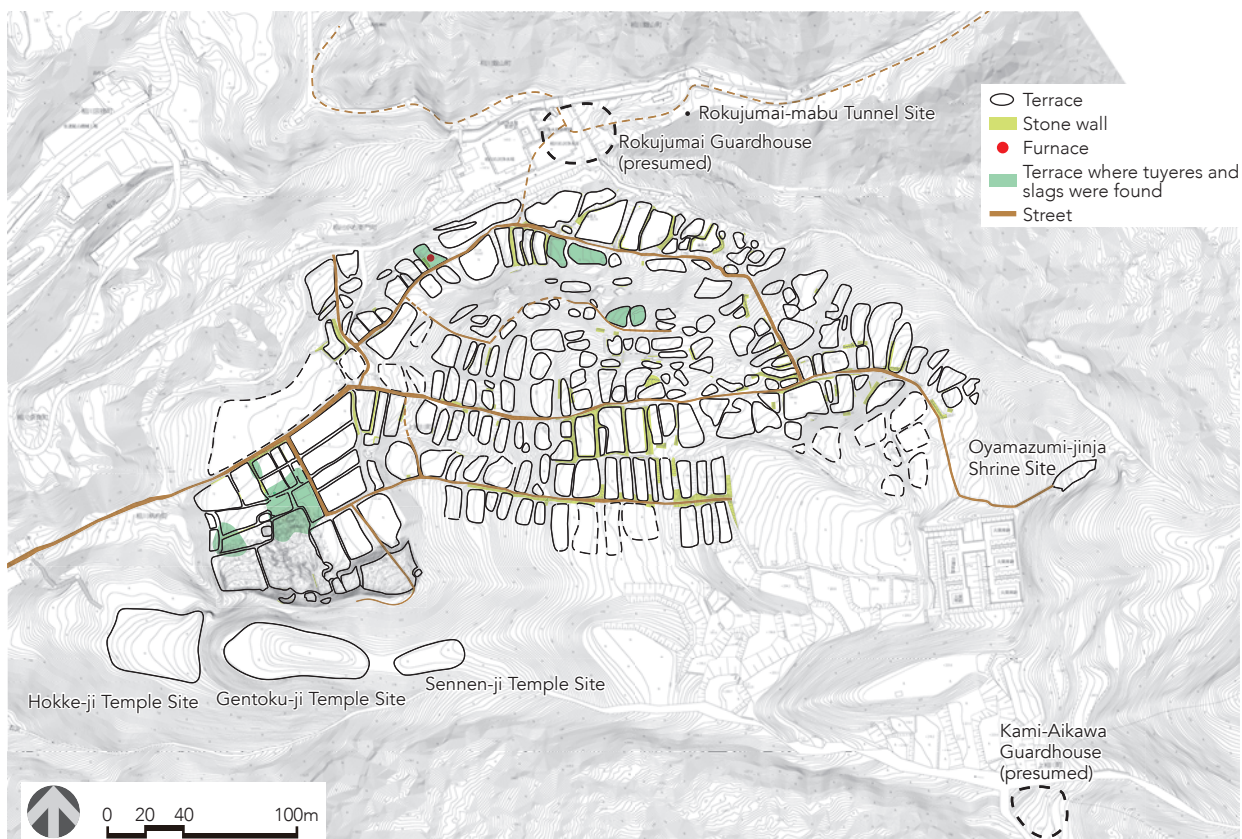


● **Figure c4-2** Distribution map of remains in the Kami-Aikawa District





● **Figure c4-3** Distribution map of remains related to ore-dressing



● **Figure c4-4** Distribution map of remains related to smelting





● **Figure c4-5** Western part of the Kami-Aikawa District (Tokoya-machi Ward): map of ore-dressing site, many pits of reservoirs connected with waterways



● **Figure c4-6** Ore-dressing plant in the Sado Magistrate's Office depicted in the picture scroll "Sado no kuni kinginzan shikioka kasegikata no zu" (Drawing of mining in Sado gold and silver mines (inside and outside))  
[Property of Niigata Prefectural Museum of History]



● **Photo c4-1** Stone wall (Yazaemon-machi Ward)



● **Photo c4-2** Terrace (Yazaemon-machi Ward)





● **Photo c4-3** Terrace (Hom-machi Ward)



● **Photo c4-4** Oyamazumi-jinja Shrine Site: stone steps (Yamanokami-machi Ward)



● **Photo c4-5** Oyamazumi-jinja Shrine Site (Yamanokami-machi Ward)



● **Photo c4-6** Pits (crushing site)



● **Photo c4-7** Waterway remains



● **Photo c4-8** Pounding stone/millstone



● **Photo c4-9** Layer of unwanted dirt (quartz) washed away in panning



● **Photo c4-10** Furnace remains



## c5. Excavation survey and survey of land allotment on Aikawa-Kamimachi Town

The town was built along the narrow spine of a mountain ridge, approximately 45 to 75 metres above sea level, stretching to the coast to the southwest of the mine. The Sado Magistrate's Office Site is located on the western edge of the ridge. From there the main road runs connecting the mines to the Kami-Teramachi District and the Kami-Aikawa District and, with this road as a central axis, towns were zoned with town streets [Photo c5-1, Figures c5-1, 2]. By making the most of the land on the narrow ridge such as by building stone walls and waterways, orderly land plotting of houses could be carried out within the towns.

Figure c5-3 shows the detailed survey results of land plotting in the central part of the area. It is carried out, creating an arrangement similar to that of Kyoto (an ancient capital of Japan) or castle towns throughout Japan, using narrow rectangular land lots, the short sides of which face onto the street. Although some lots are presumed to have been unified or divided, the excavation survey [Shaded part in Figure c5-3] confirmed the remains of stone walls, waterways and other features [Photo c5-3] with vestiges of land plotting identical at that time even in the divided lots and also in underground remains such as waterways along the main road [Figure c5-3, Photo c5-4]. The layout of the town and the relics from the Edo Period have been maintained overall in good condition. Millstones and pounding stones, once used in dressing ore during the Edo Period, were reused for building stone walls from the latter half of the 18th century and still remain everywhere in the towns, contributing to the formerly prosperous mining town's character [Photo c5-5].

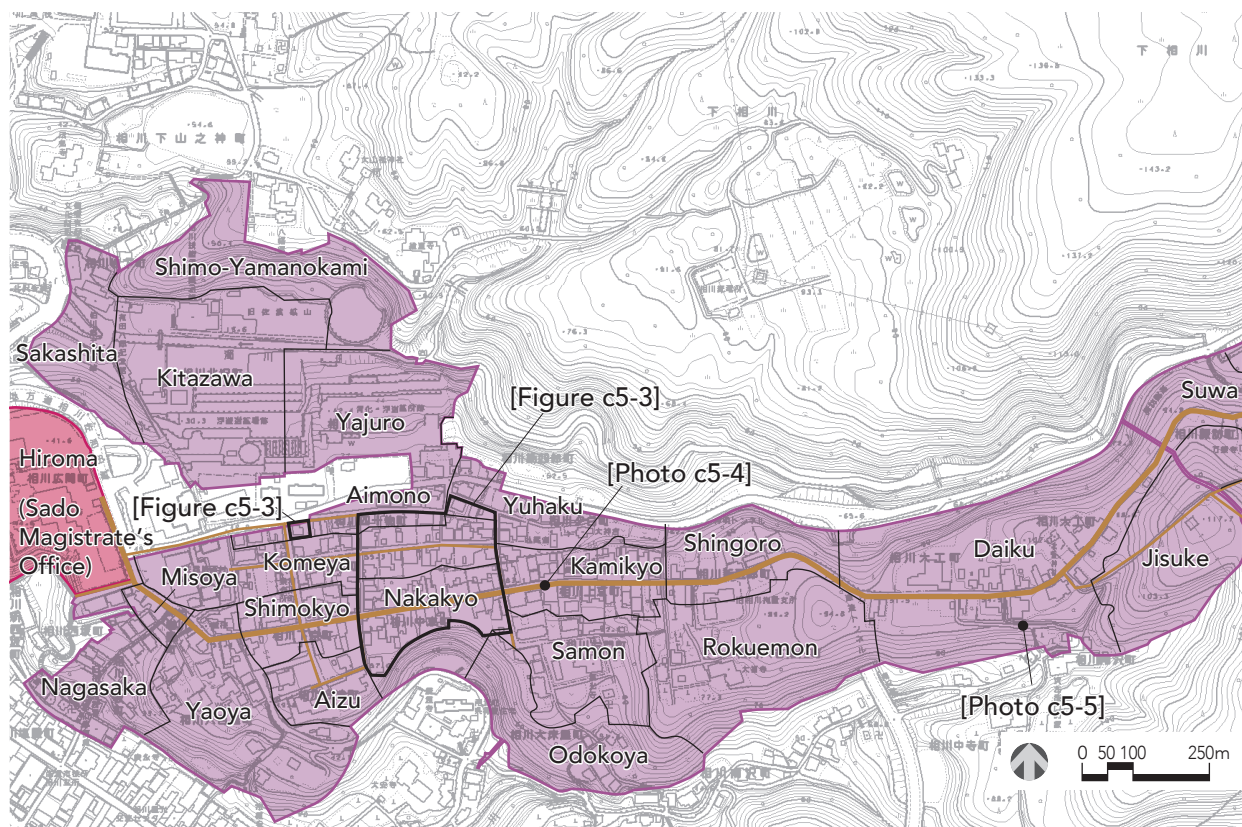


● **Photo c5-1** Aikawa-Kamimachi Town (from the west): in the centre of the picture is a main road connecting the magistrate's office and mines





● **Figure c5-1** Streets of the Aikawa-Kamimachi Town (Purple and red lines: boundary of the property) (Brown line: street)



● **Figure c5-2** Names of wards and streets in the Aikawa-Kamimachi Town





● **Figure c5-3** Current state of streets and allotments



● **Photo c5-3** Excavation survey (stone walls and waterways along boundaries of lots, from the northwest)



● **Photo c5-5** Millstones reused in a stone wall



● **Photo c5-4** Excavation survey (waterway remains by the roadside)

## Appendix 2-2 Detailed Information on Socio-technical System of History and Development

### 1. Historical Background of Formation of the Nominated Property

#### 1.1 Worldwide Movement and the Nominated Property from the 16th to the 19th century

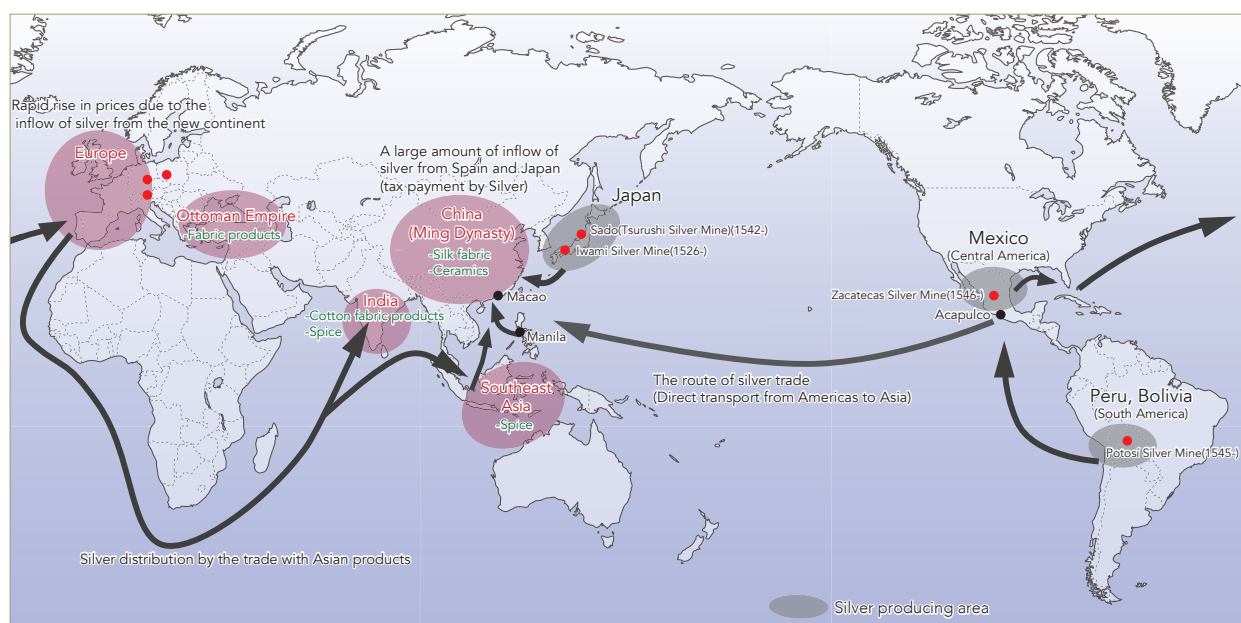
From the 16th century through to the 19th century, a period during which the nominated property experienced the greatest contribution to the proposed Outstanding Universal Value, worldwide trade was active and the globalisation of society and finance was promoted.

Japan was a gold producing place, introduced as “Zipangu, the land of gold”, in a book “The Travels of Marco Polo”, written by the Venetian merchant Marco Polo who had been appointed to posts in the Yuan dynasty in China in the beginning of the 14th century. The fervor for “the land of gold” among the Europeans is said to have become a key factor in the Age of Exploration in the late 15th century and activated East-West trade in quest of silver and spices as well as gold. The demand for precious metals, especially silver, as a medium of settlement for exchange was greatly increased.

Particularly in Western and Central Europe in the 16th century, the Renaissance caused rapid progress in science and technology and production efficiency was vigorously sought in the precious metals mining industry. Accordingly, the expertise of mechanical engineering and chemistry developed in the field of the mining industry.

In the American continents, where European countries advanced, new large-scale gold and silver mines were developed [Figure 1] and mining towns which had a European appearance were constructed by the dominant class with wealth derived from the prosperity of the mines.

In terms of economic history, the inflow of a large amount of silver to Europe resulted in an economic age known as the ‘Price Revolution’ due to a jump in prices. Accordingly, the power of feudal lords began to decline while new capital landlords and merchants began to gain power. This



● Figure 1 Development of silver mines and global circulation of silver in the 16th century





● **Figure 2** Bronx's map: "Nihon-zu" (Map of Japan: 1617, Italy)  
[Property of Public Interest Incorporation OAG German Institute of Oriental Studies]

caused a capital shift to investors in the mining industry. The pursuit of profits by investors was the driving force to reduce labour through the development and promotion of ever more efficient technology and to increase efficiency through the introduction of mechanical devices in the socio-technical system of production. This led to the Industrial Revolution in the 18th century.

On the other hand, in Japan, the demand for silver for trading soared and new technology for extracting silver from ore of the silver hard rock deposits was introduced. Accordingly, mining began at the Iwami Silver Mine and the Tsurushi Silver Mine in the nominated property. Silver produced in Japan was widely known in the world, and important silver mines in Japan including Iwami were described in the Bronx's map, compiled in Italy in 1617. In the map, the mention of the nominated property as 'Argenti fodine' (silver mine) in Latin can be found below 'Sando' (Sado) [Figure 2]. This shows that Sado had been recognised as an island of a silver mine. European countries such as Portugal and Spain paid attention to the existence of silver and came by sea to request trade with Japan. Initially, Japan was actively involved with foreign trade.

In the first half of the 17th century, however, the Tokugawa Shogunate switched to the so-called seclusion policy to restrict trade with all foreign countries except the Netherlands and China. The Shogunate also restricted the content of transactions and switched from the use of silver, which had continued to outflow, to gold to finance this trade.

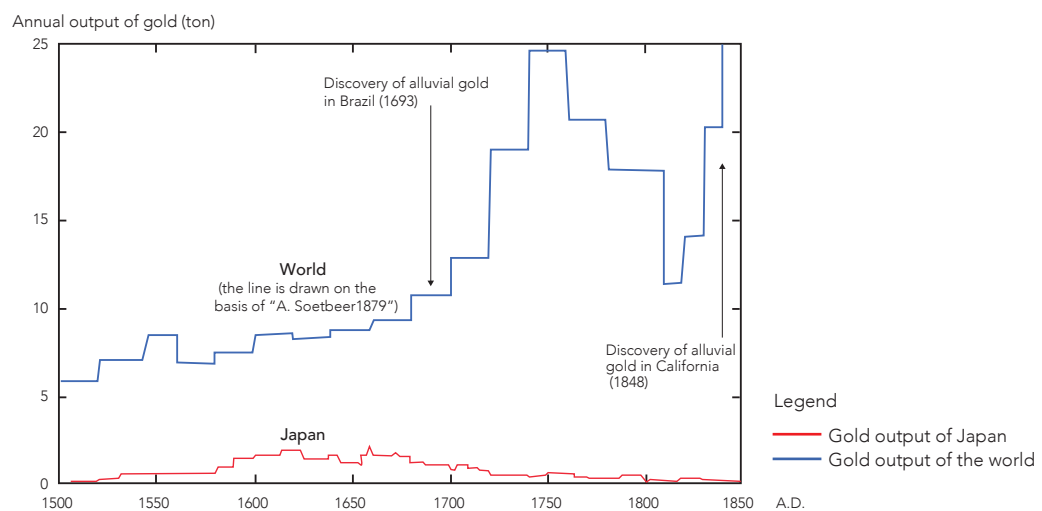
In this way, a large amount of "koban" gold coins were exported by ships of the Netherlands and used for the trade in Asian countries [Photo 1]. It is considered that the gold greatly contributed to settling the trade especially in India, where gold coins were issued and gold was treasured.



● **Photo 1** "Sado Koban" coin [Dutch National Numismatic Collection, Amsterdam] and the Dutch incuse

A large number of koban coins produced in the nominated property are believed to have been exported, and examples transported to the Netherlands without being reshaped or reminted on the way, as was done in India, still survive.

Japan became one of the top gold producers in the world in the 17th century [Figure 3]. The nominated property produced a great majority of the domestic gold output as the largest gold mine in Japan. It is estimated that the nominated property produced more than four tons of gold in the first two decades of the early 17th century. It was globally rare for a single producer to have such a high output during this time. It is considered that not only the Netherlands but also other European states paid attention to the Sado Island Gold Mines. This indicates the European perception of Sado as 'the island with gold mines'.



● **Figure 3** Transition of global output of gold (partially modified on the basis of "IZAWA.Eiji et al. (2014) *Gold Refining by Cementation with Salt at Sado in Early Seventeenth Century Japan*, *ISIJ International*, Vol. 54, No. 5, pp. 1098–1105")

## Column 1: Foreign trade policy by the Tokugawa Shogunate

Initially, the Tokugawa Shogunate adopted a positive policy of trading with foreign countries. However, from the 1610s to the 1640s, along with the ban of Christianity and Japanese sailing abroad, the Shogunate gradually tightened up the control on the relationships with foreign countries, which led Japan to implement the so-called seclusion policy for a long period. As the background factors of tightening the restriction of trading partners (the Netherlands and China) or control of the trading items, it is presumed that they intended to restrain the outflow of gold and silver, which were the material necessary for minting gold and silver for coins. Thereby the Shogunate would promote and develop the monetary system using gold, silver and copper coins and stabilise the economy.

Under the limitation and control of international trade by the Shogunate, they fixed the portals for international trade in 1641. Japanese people were allowed to have negotiations with a restricted number of foreign countries through the so-called “four portals” (Nagasaki, Tsushima, Satsuma, Ezo), a condition which was continued until the end of the Edo Period in the middle of the 19th century. Even under the seclusion policy, Japan was not in the situation of closing the country completely. Through the 17th century, Japan mainly imported goods such as raw silk and silk woven fabrics, while having nothing remarkable to export. What Dutch and Chinese ships brought out were mainly gold and silver, provided for settlement in the trade inside Asian countries and for the currency demand in China. Since the early days, such an outflow of precious metals from Japan had been a matter of concern.

After the 1660s, however, due to the increase of the import trade mainly by Chinese ships and the rise of prices, the outflow of silver increased while the output in domestic silver mines decreased. Accordingly, the Shogunate tried to restrain the outflow of precious metals by incrementally changing how to trade with foreign countries.

At around the same time, a substantial amount of silver from the American continents flowed into Europe and Asia. Accordingly, parity of gold and silver came to change drastically,



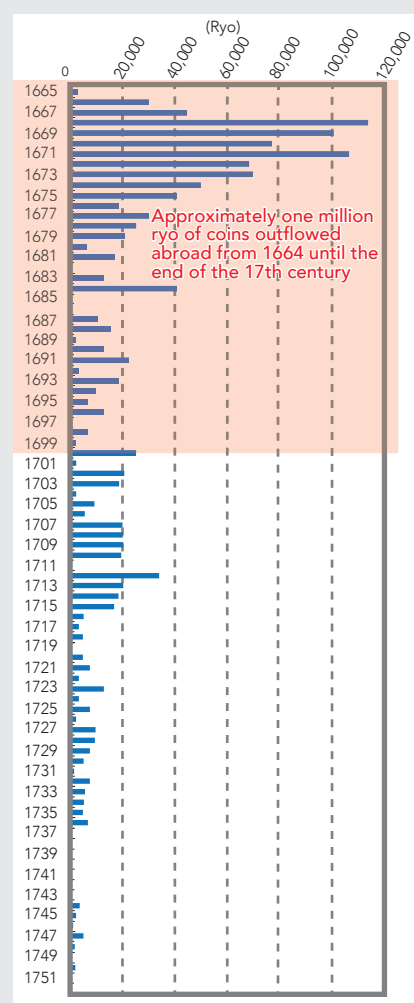
● Figure 4 “Koban” gold coins circulation through the Netherlands in the 17th century

which led to the fall in silver value and the rise in gold value in the Asian market. It was the Netherlands that was deeply involved in the outflow of gold produced in Japan including Sado. Zhèng Chénggōng occupied Taiwan, and the trade between the Netherlands and China ceased. In addition, as there was a demand for gold in the Coromandel district in India, the Netherlands came to require Japanese “koban” gold coins as the substitute of the gold obtained through the trade with China [Figure 4].

The Shogunate permitted exports of “koban” gold coins to the Netherlands in 1664 as part of the policy to control the outflow of silver. Since then, it is said that a large amount of koban had been brought out by ships of the Netherlands. The Dutch East India Company had reformed them into Pagota gold coins in the Coromandel district, exchanged the reformed coins with cotton from this district, and made substantial profit by export to the Netherlands. The outflow of “koban” gold coins from all of Japan, including Sado, in the case of payment to the Netherlands alone, reached approximately one million ryo in the last 35 years of the 17th century [Figure 5, Photo 1, p. A2-23]. It was the “Keicho koban” which were minted at the time that outflowed from Japan. In the 17th century, when Sado Island experienced its peak at that time, Sado produced as much as 1.38 million ryo of koban (equivalent to 21.1 ton of gold) and exported some of them.

In the late 17th century, the Shogunate reformed “koban” gold coins to try to stop their deterioration in finance. In 1695 they reduced the gold content from 86% to 57%. Moreover, the Shogunate ordered traders to export the degraded gold for the same price as before. For the Netherlands, koban coins had previously been a highly profitable product, but they were changed into a product with some loss. Later on, repetitive reforms of “koban” gold coins restrained their export, but this was nonetheless continued privately by the Dutch Trading Post officers until the middle of the 18th century. However, the export of “koban” gold coins was prohibited in 1763 and was not resumed until the end of the Edo Period (mid 19C).

On resumption of the trades with the other foreign countries in the middle of the 19th century, foreign silver (e.g. Mexican dollar silver coins) was brought into Japan due to the difference of the parity of gold and silver (international market: one to fifteen, Japanese market: one to five). In half a year between 1859 and 1860, 100 thousand to 500 thousand “koban” gold coins in total flowed out abroad. Finally, the unique financial management system, which was sustained by the Tokugawa Shogunate for a long period of time by storing gold and silver through maintaining limited exchange with foreign countries and by repeating coinage, came to an end.



● **Figure 5** The amount of exported “koban” gold coins (1665-1752) (made and revised based on a graph in “*Nichiran Bouekishi no Kenkyu*”, A Study of the Japan-Netherlands Trade, 2004, SUZUKI Yasuko)

## 1.2 Sado Island Gold Mines in Japanese History

From the late 16th century to the beginning of the 17th century, the period during which the nominated property began to develop rapidly, Japan emerged from a war-torn era in which local feudal lords had been in dispute for over 100 years. This time also saw the establishment of the whole state management system of the Tokugawa Shogunate. Local feudal lords competed to develop the mines in their territory in order to support their war expenditure and thus hold on to power. In addition to placer gold mining in the rivers, which had been the principal mining method since the middle of the eighth century, the technology for extracting gold and silver from the ores of hard-rock deposits was introduced from China or the Korean Peninsula in the first half of the 16th century. This led to the spread of ore mining across Japan and, accordingly, Japan entered into the period of full-scale mine development. The mining experts had their own networks and got information about the rise and fall of domestic mines and the technology of mining. Some mining experts changed mining centres frequently, which led to the spread of technology and mine development in various places across the country.

In this context, from the latter half of the 16th century, the full development of both placer and hard-rock deposits began respectively at the Nishimikawa Placer Gold Mine (hereinafter, Nishimikawa Area) and the Aikawa-Tsurushi Gold and Silver Mine (hereinafter, Aikawa-Tsurushi Area) in Sado. The movement of persons from various domestic mines, especially the Iwami Silver Mine, and the accompanying exchange of technology were of great importance in the establishment of the technical system and the social system in the nominated property.

On the other hand, this was the period when Japan met with innovation in mine development and reached a major financial turning point. In the early 17th century, the Tokugawa Shogunate attempted to stabilise the monetary economy by issuing currency which consisted of three metals: gold, silver and copper, establishing the exchange rate among the coins of these three metals and dissolving the situation in which monetary value was inconsistent depending on the region. Therefore, the Shogunate promoted the establishment of a robust financial foundation by directly managing the mines which were the source of metals for currency and monopolising the right of coinage. In Japan, domestic unified currency issuance had been ceased for a long time and copper coins imported from China had been used since the beginning of the 11th century. In the 16th century, gold and silver as well as coarse imitation coins circulated as the substitution for coins, and confusion occurred due to the difference in values and the exchange rate. The Shogunate recovered the system by issuing a state-controlled unified currency. On top of that, with regard to gold, because of its scarcity and value, the Shogunate placed the greatest importance on gold in the governmental system and economy: as a prize from the government to feudal lords and samurais, as the salary payment to samurai class, and the measure of large settlement amounts in business. The Shogunate conducted the trades with foreign countries exclusively, and came to use gold as the settlement for that trade.

In this way, the significance and value of gold became highly evaluated in the policy of the Shogunate. The nominated property, which boasted the largest output of gold in Japan at the time, was graded as the most significant mine and the Sado magistrate, a high-ranking officer of the government, managed the mine directly.



## 2. History of Gold Mines on Sado Island

### 2.1 Overview

Table 1 shows the chief events in the nominated property and the period when each area was developed. Below is the description centred in the Edo Period, from the 17th century to the mid-19th century, the period which gave rise to the circumstances that justify the proposed Outstanding Universal Value in the nominated property as a World Heritage site and when the unmechanised production on Sado Island was in operation. In the overview, however, a brief account of the history of the period before and after the Edo Period will also be given.

#### • Before the Late 16th Century: Before the Edo Period

The oldest record concerning gold production on Sado Island is in the “Tales of Times Now Past” compiled in the 12th century. The tales record the story in which a head of iron-sand miners from Noto Province mined gold on Sado Island, indicating that Sado Island had been known as an ‘island of gold’ to the people in Kyoto, the then state capital. In addition, Zeami, one of the greatest Noh playwrights, described Sado as ‘the golden isle’ in his book, “Tales from the Isle of Gold,” written in the middle of the 15th century. This suggests that the production of gold had been continuous. During this period, alluvial gold in secondary deposits was collected from riverbeds and shorelines with very primitive methods. It is presumed that the location was in the vicinity of the mouth of the Nishimikawa River which ran from the mountains around the Nishimikawa Area to the sea.

In the late 16th century, when Japan was in a protracted period of civil wars, local warlords proceeded with the development of mines within their territories to support their war expenditure. Even in Sado, the development of the Nishimikawa Area and the Tsurushi Silver Mine (hereinafter, Tsurushi area) in the Aikawa-Tsurushi Area was advanced by the local lords. The Tsurushi area was the first site of lode mining in Sado, where exploitation is believed to have started in 1542.

#### • From the Late 16th Century through to the Middle of the 19th Century: During the Edo Period (including the period just before the Edo Period)

In 1586, Toyotomi Hideyoshi, who held supremacy in Japan, appointed Uesugi Kagekatsu, a warlord of Echigo Province, to rule over the gold and silver mines on Sado Island. In 1589 Uesugi invaded Sado Island and soon began the development of its precious metal mines. He organised the technology and mining systems by assuming direct control over the Nishimikawa Area and the Tsurushi area in the Aikawa-Tsurushi Area.

In the Nishimikawa Area, in addition to the conventional method of obtaining placer gold from the river, a placer gold mining technology called the “Onagashi” (great flow) method was introduced in the vicinity of the mountains and valleys. The mountain stratum containing placer gold deposits was scraped and the gold was recovered by hydraulic methods. People in the settlement were mainly involved in this type of production.

In the Aikawa-Tsurushi Area, surface mining and chase mining were conducted first in the Tsurushi area. In the latter half of the 16th century, mining technologies such as tunnel mining and the cupellation method of refining were introduced by engineers who migrated from the Iwami Silver Mine. In this way, the technology necessary for mining hard-rock deposits and the foundation of “technical system” such as a series of processes from mining to ore-dressing and smelting was established. Local magistrates were dispatched and the management of the mine was organised. A

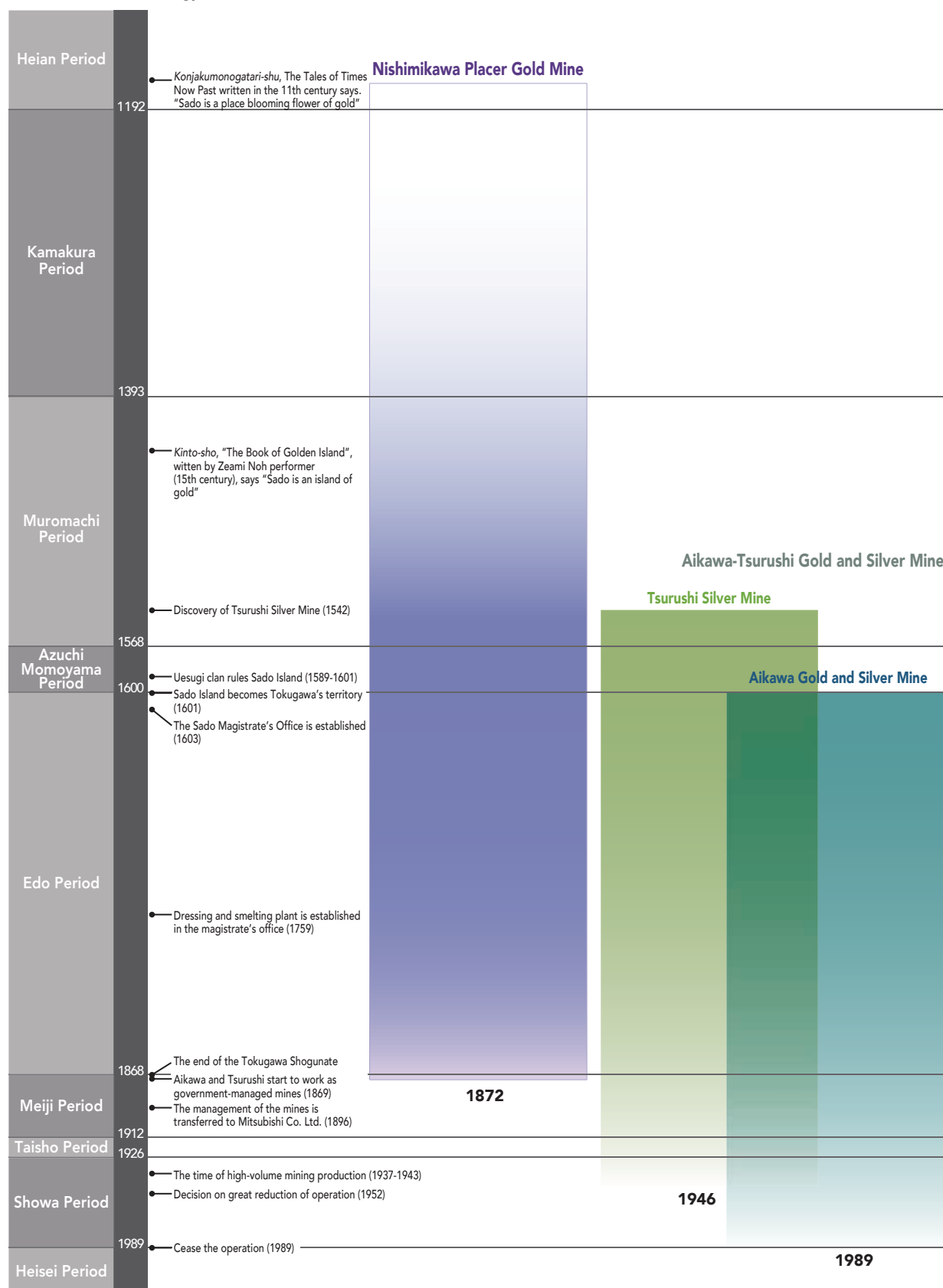
large number of mine proprietors, mining experts, and mine workers gathered from all over Japan to form a settlement (Tsurushi-Aramachi) adjacent to the Tsurushi Silver Mine Local Magistrate's Office.

In this way, a primary "social system" was established. Mining experts from the Tsurushi area who were searching for new lodes discovered the Aikawa Gold and Silver Mine (hereinafter, Aikawa area) in 1596. Tokugawa Ieyasu (the Tokugawa Shogun), who assumed hegemony after the Toyotomi clan, paid close attention to the significance of the gold and silver mines on Sado Island. The Shogunate placed the whole island of Sado under their direct control in 1601 and started to manage the Nishimikawa Area and the Aikawa-Tsurushi Area. The Shogunate also moved the centre of mining administration from Tsurushi to Aikawa when the Sado Magistrate's Office was constructed in 1603 on the tip of the plateau in view of both the coastal areas and the mine. A Sado magistrate was dispatched to manage the mines and the whole island. The Shogunate established the "technical system" suitable to the characteristics of deposits in the respective mines in the Nishimikawa Area and the Aikawa-Tsurushi Area, and the "social system" according to the technical system. The Shogunate not only established settlements as infrastructure for the technical system and social system (socio-technical system) but also coped with the situation of the rapid increase in population by systematically constructing streets and planning the land allotment along the ridge from the mine in the mountain area to the tip of the plateau where the magistrate's office was located. In this way, settlements (Kami-Aikawa and Aikawa-Kamimachi) were constructed to support the effective production of gold and silver.

The investment and welfare policy of the Shogunate, as well as faiths and festivals nurtured among the mining community played an important role in continuing the production activity for a long period.

The Shogunate broadly achieved financial stability based on gold and silver supplied from the mines of Sado. This greatly assisted the regime to sustain the long period of peace that spanned more than 250 years. However, during an approximate 80-year period from the latter half of the 18th century, no new veins were discovered, and the mines gradually declined. The Tokugawa Shogunate ended in 1868, and the management of the Sado Island Gold Mines was taken over by the newly established Meiji government.

● **Table 1** Chronology of the Sado Island Gold Mines





### • From the Middle of the 19th Century: After the Edo Period Onwards

In 1869, the Meiji government recognised the importance of gold and silver from the mines on Sado Island and promptly placed them all under state control. The Tsurushi area continued, as an operational branch of the Aikawa area, whereas the Nishimikawa Area ceased operation in 1872 due to a decline in output.

The Meiji government introduced cutting-edge technologies from the European countries to the mines on Sado Island, one after another, facilitated by foreign advisors and engineers. As a result, the mines were modernised and developed through mechanisation in the context of the Industrial Revolution brought to Japan. In a decade from 1885, one Japanese engineer after another who had studied abroad was appointed to the mines. Based on the technology, process, and system established during the Edo Period (17~19C), by adopting superior technologies from European countries, mechanisation of the mines steadily progressed. In the organisation of production by bureaucrats dispatched from the government, skilled workers who had been working since the Edo Period were hired as factory workers. In the field of mining, the miners' 'quarter-system,' in which the government entrusted the masters of quarters with all management of recruitment of mine workers, labour, and their welfare, was introduced. This system was originally derived from the custom in the Edo Period when mine proprietors operated the mine and managed workers.

In 1896, the mines on Sado Island were transferred from the state government to the Mitsubishi Limited Partnership. The mines sought technological innovation through continuous research and experiments for more efficient gold-and-silver production. Regarding the social system, the miners' quarter-system was dissolved and all mine workers came instead under direct contract by the company.

When the Sino-Japanese War broke out in 1937, gold production was stimulated under state policy and the company hired more mine workers. The annual amount of gold production reached 1.5 tons in 1940, the highest on record for the mines. However, as the war situation became more acute and imports from overseas became limited, the increasing production of war resources such as copper, lead, tin and zinc were prioritised above gold as the capital for trade. Accordingly, in 1943, Japanese gold and silver mines across the nation were obliged to close one after another. The mines barely avoided closure because of strategic copper production, and continued with meagre operations until the end of the war.

After the Second World War ended, gold and silver mining resumed at the mines, but the past prosperity could not be recovered. Unreasonable stimulation of production in wartime and the post-war obligatory delivery of facilities and equipment out of Sado were burdensome. The Tsurushi area, where copper mining had been conducted since the 18th century, met with the exhaustion of resources and ceased its operation in 1946. In 1953, the decision to implement a large production decrease at the mines was carried out. Ultimately, the mines on Sado Island were closed in 1989, and the production of no less than 78 tons of gold in 400 years came to the end.

## 2.2 Nishimikawa Placer Gold Mine in the Edo Period

### 2.2.1 Overview

Taking an overview of the technical systems, records state that the pre-Edo Period placer gold mining method employed from the 11th century to the 16th century was to sluice the sediments on the streambed and streambank. It is believed that the method was used intermittently and the scale and output was small. However, at the end of the 16th century, the “Onagashi” (great flow) placer gold mining method was introduced. This involved repeating a certain cycle of production processes while moving the mining sites successively throughout the deposit.

This system was continued for a long time. Currently, substantial archaeological evidence identified in the mining zone clearly indicates the use of the “Onagashi” placer gold mining method, further verified by the detailed series of processes illustrated and described in picture scrolls and technical books.

The establishment of the settlement zone dates back to before the 17th century, and the primitive form of two residential districts (Kinzan and Sasagawa) was formed in the northern and southern parts of the settlement, which had been the common lands for some villages which were located along the coast, and people began living there. After the beginning of the 17th century, when the technology of the “Onagashi” method was established, it is presumed that the residential districts then took the form that still exists in the present day. After the late 17th century, due to the decrease of placer gold mine output, those residential districts came to function as one settlement called the “Sasagawa-juhachimai-mura Village.” The mining work was done as a joint effort by the villagers (mine workers). The village head, Kaneko Kanzaburo took responsibility for managing the work and assembling the villagers. Officers dispatched from the Sado Magistrate’s Office were stationed to manage the concentrated placer gold and to invest in long-term development of the mines, for example the expansive construction of strategic operational water supplies. In the Nishimikawa Area, a number of records such as drawings, mine picture scrolls, and documents for the management of the mining sites and for reporting to the magistrate’s office, were created, many of which are still existing in the Kaneko Family household.

The comparison between the drawing maps from the 18th century and ones from the 19th century shows that as a result of mining activity, the landform around this area was greatly transformed.

Settlements were also constructed on the sites left after mining activity, the number of mining sites in operation decreased, and the notation of the rice fields increased instead, due to the decrease of output in the 19th century [Figures 6, 7].

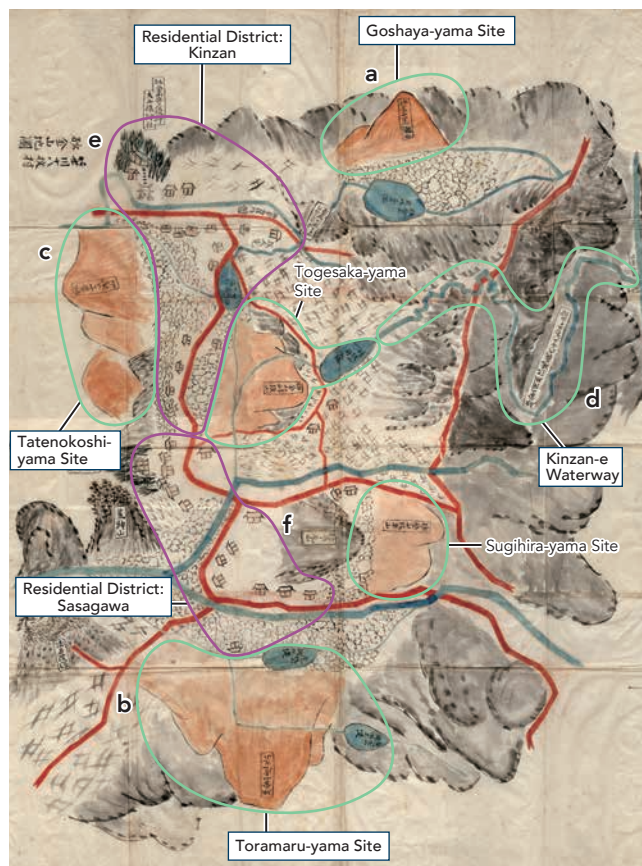


### In the middle of the 18th century

- Mining sites spreading out around the residential district as well as in remote areas
- They maintained the same scale of mining as in the peak from the 16th century to the beginning of the 17th century
- The reservoirs and waterways not in use at the time of drawing are painted in yellow
- Mining sites other than presently recognisable ones described in the figure below are painted in red

- Mining Sites (parts painted in red can be contrasted with the figure below)
  - a. Goshaya-yama Site
  - b. Toramaru-yama Site
  - c. Tatenokoshi-yama Site
  - d. Kinzan-e Waterway
- Residential Districts
  - e. Kinzan
  - f. Sasagawa

● **Figure 6** "Sasagawa Kinzan ezu" (picture map of Sasagawa mining area) [Property of Funazaki Library]



### In the middle of the 19th century

- The number of mining sites decreased.
- Depiction of rice field (brown) is recognisable. (gradual transition of labour into agriculture due to the decrease of output)
- The boundary of the residential districts remained the same during this period.

- Mining Sites
  - a. Goshaya-yama Site
  - b. Toramaru-yama Site
  - c. Tatenokoshi-yama Site
  - d. Kinzan-e Waterway
- Residential Districts
  - e. Kinzan
  - f. Sasagawa

● **Figure 7** "Sasagawa Juhachimai-mura sakinzan chizu" (map of placer gold mine in Sasagawa Juhachimai-mura Village) [Owned by the Kaneko Kanzaburo Family]

## 2.2.2 Technical System in Placer Deposits and a Series of Processes

### a) Mining Technology

#### Processes of the "Onagashi" Placer Gold Mining

The "Onagashi" (great flow) method, which characterises the Nishimikawa Area, was introduced as a technology distinctive to Sado at the end of the 16th century. A series of processes in the "Onagashi" was depicted in the "Sado Gold and Silver Mine Picture Scrolls" [Figure 8, Processes are explained based on the pictures from [a] to [g] in the figure].

- [a] Scrape off the side of the mountain and gather the scraped sediment in the water race built at the foot of the mountain.
- [b] Release the water from the reservoir and flush out the unwanted dirt with great force.
- [c] Remove the stones which the water cannot wash away.
- [d]/[e] Gather sand collected on the bottom of the race on Nekoda mat (a mat woven of straw and so on), and collect the minute sand by sifting through the mesh of the Nekoda mat.
- [f] Put the collected sand on the Yuriita panning board and catch placer gold with gravity concentration.
- [g] On the last day of each month, the collected placer gold is carried to the Mine Official's Office, where it was tallied and sealed. And then, the share for the Sado Magistrate's Office and mine workers is determined.

A series of these processes are said to have been carried out every month. Until about the 25th or 26th in each month, miners conducted the processes from [a] to [c] and concentrated the placer gold left in the bottom of the sluiceway by repeatedly removing unwanted stones and sand. After this, the processes from [d] to [f] were conducted in the rest of the month to recover the placer gold. The daily work was carried out from six in the morning to six in the evening. When the ground was dug away and water was released from the reservoirs, experts stood as guards and confirmed the safety of the site.





[a] Scrape off the side of the mountain containing gravels with placer gold and gather the scraped sediment in the race built at the foot of the mountain.



[b] Release the water from the reservoir on the gathered sediment and flush out the unwanted dirt with great force.



[c] Remove the stones which the water cannot wash away.



[d] Gather sand collected on the bottom of the race on Nekoda mat, (wash away unwanted dirt with the water force), and collect the minute sand by sifting through the mesh of the Nekoda mat.



[e] Dam the waterway and gather the dirt on the bedrock.



[f] Put dirt gathered in processes d and e on Yuriita, panning board and collect placer gold with gravity concentration.



[g] In the Mine Administration Office, tally and seal the collected placer gold on the 29th and the last day of every month, and decide the share for the Sado Magistrate's Office and mine workers by the month.

● **Figure 8** Mining Process in the Nishimikawa Placer Gold Mine "Sado kinzan no zu" Vol. 3 (Pictures of the Sado Gold Mine: the late Edo Period)  
[Property of Niigata Prefectural Museum of History]

### Landform Transformation by the "Onagashi"

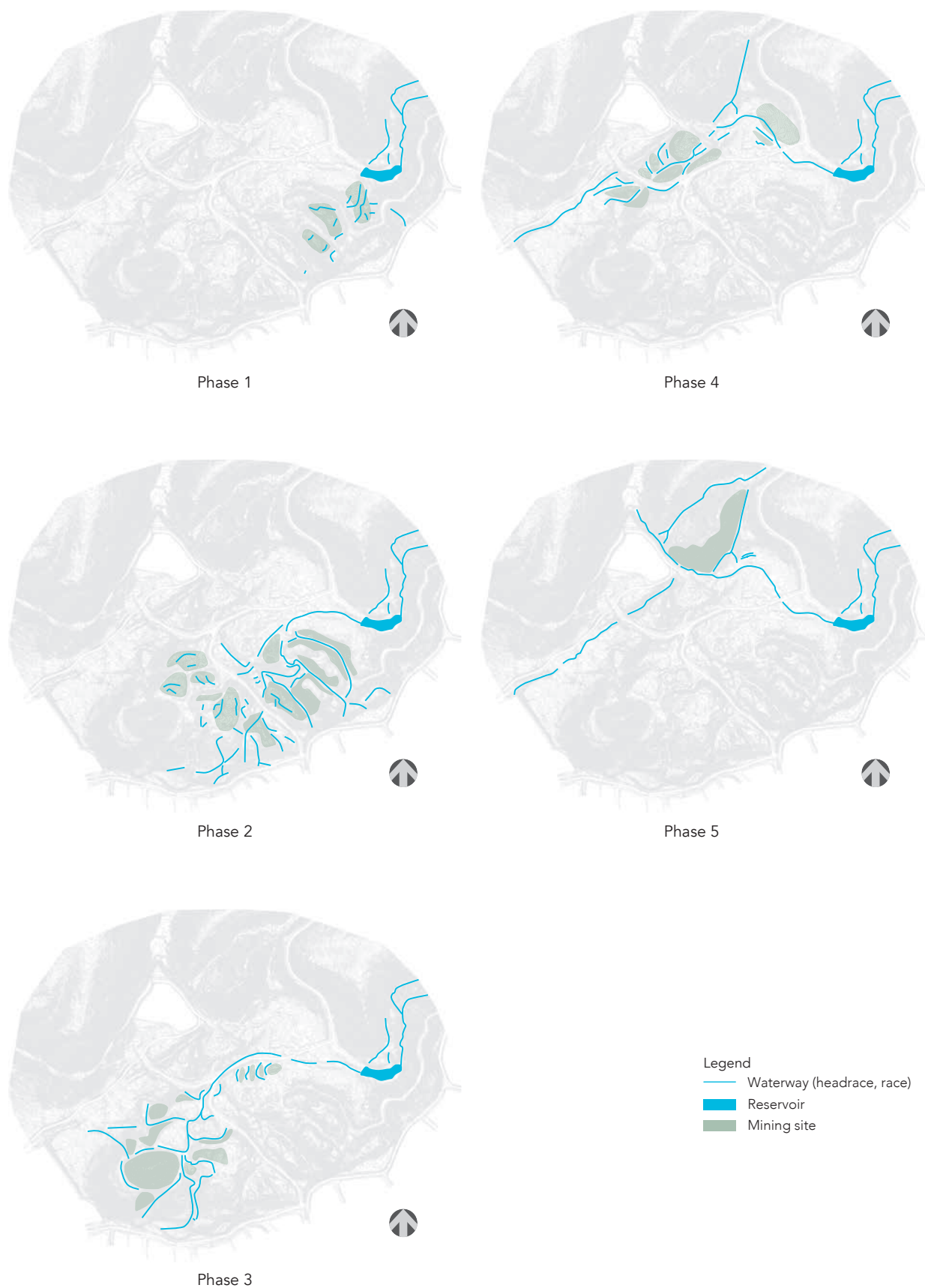
In the "Onagashi" (great flow) method, hollowing out the foot of the mountain created a unique topography and landscape, therefore it was depicted in the Edo Period (17C~19C) as a place of interest in an Ukiyo-e; a Japanese-style picture [Figure 9]. The mining site at the Goshaya-yama Site and red soil layers still found on the steep slopes of the Toramaru-yama Site, which are representative of the mining zone, indicate the clear transformation of topography after the operation of the "Onagashi". As can be seen in the Goshaya-yama Site, it is apparent that "Onagashi" technology was used throughout the Edo Period by successively relocating the mining sites and rerouting races, and continuing the use of the headraces and reservoirs [Figure 10]. The comparison between the drawing maps from the 18th century and ones from the 19th century shows that as a result of mining activity, the landform around this area was greatly transformed.

Settlements were also constructed on the sites left after mining activity, the number of mining sites in operation decreased, and the notation of the rice fields increased instead, due to the decrease of output in the 19th century [Figures 11, 12]



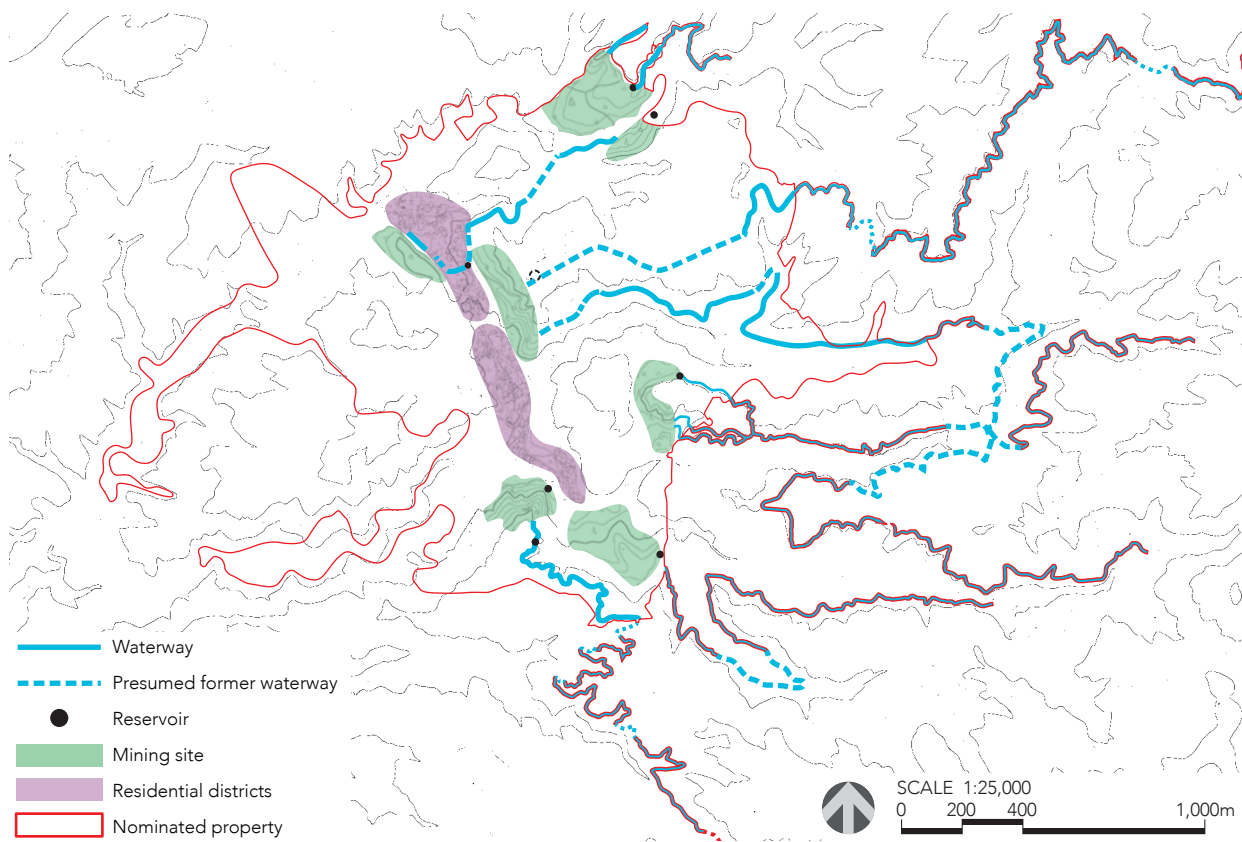
● Figure 9 "Shokoku rokujuhakkei Sado kana-yama"  
(68 scenes of Sado gold mines: Utagawa Hiroshige the second, the late 19th century)

[Property of National Diet Library]

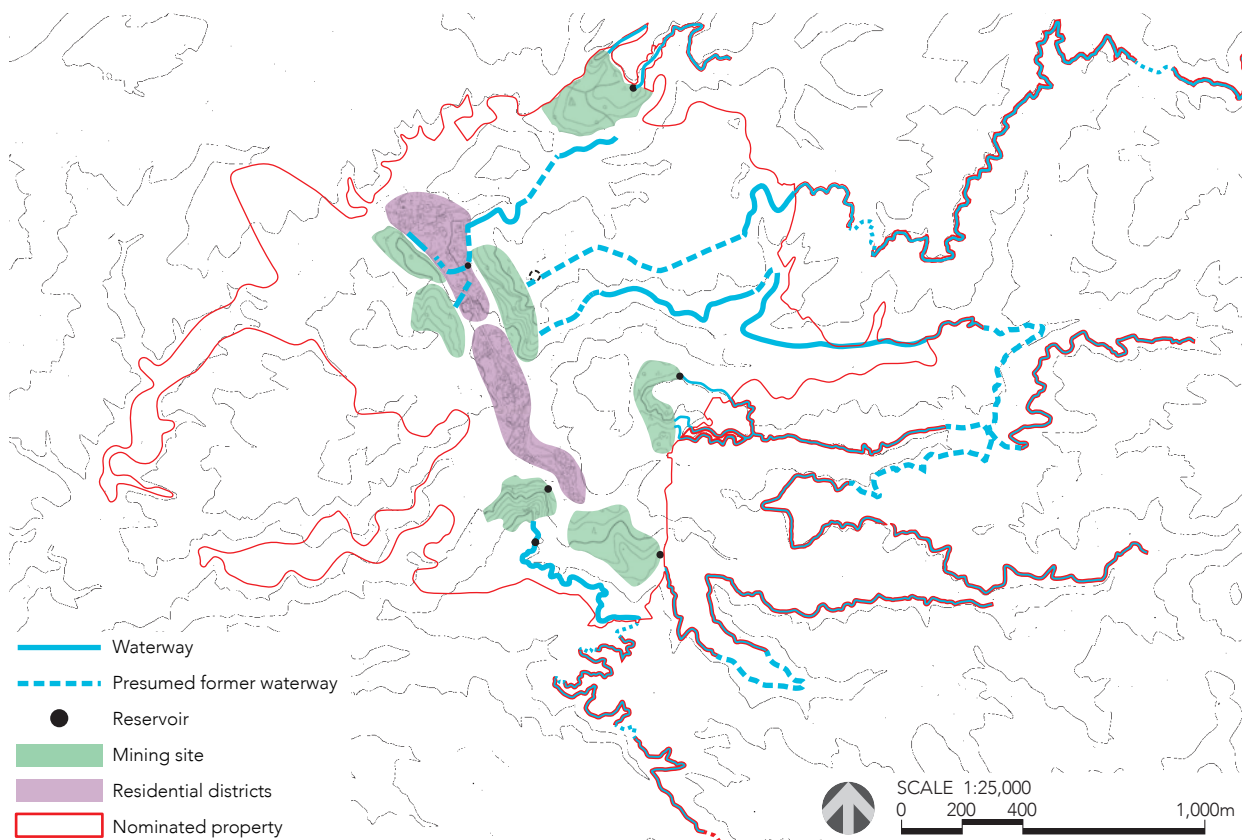


● **Figure 10** Transition of mining sites: Goshaya-yama Site





● **Figure 11** Nishimikawa Placer Gold Mine: the middle of the 18th century



● **Figure 12** Nishimikawa Placer Gold Mine: the middle of the 19th century



### Technologies on the Waterways

The huge quantity of water needed for “Onagashi” was drawn from extensive catchments and distant reservoirs through multiple waterways, constructed with a high level of surveying technology.

The total length of the waterways was as much as 60 kilometres. Among these waterways, the Kinzan-e Waterway was completed in the early 17th century by the distinguished mine proprietor Mikata Tajima who was also engaged in mining at the Tsurushi area and the Aikawa area. At a total length of approximately 12 kilometres, the Kizan-e Waterway demonstrates a high level of survey and water utilisation technology as the longest waterway in the nominated property. It is presumed to have been constructed by calculating the route and gradient with accurate surveying.

The drawings also demonstrate that measures were taken such as constructing wooden sluices in some parts where building waterways was difficult due to topographic features [Figure 13], and excavating a tunnel called “Kirinuki” to route water to the opposite side of the mountain [Figure 14].



● **Figure 13** The picture of “Toi” (wooden sluice to cross over streams and valleys) “Nishimikawa Sakinzan Suirō zu” (Drawing map depicting the location of waterways in the Nishimikawa Placer Gold Mine)

[Property of Nagaoka City Central Library]



● **Figure 14** Tunnel called “Kirinuki” (headrace in the Tatenokoshi-yama Site) “Nishimikawa Sakinzan Gofushin Tsukamatsuru Sumibiki” (Drawing map regarding public works by the government in the Nishimikawa Placer Gold Mine)

[Property of Nagaoka City Central Library]

### **2.2.3 Strategic Management by the Shogunate and Production Organisation in Placer Gold Mine**

#### **a) Management Incorporating the System of the Settlement**

The management system before the Edo Period is uncertain because the operations were intermittent and there are few records left. However, it is believed that mining was carried out by gaining permission on condition that money was paid to the feudal lords. Under the management of the Uesugi clan, at the end of the 16th century, it is said that the local magistrate managed the mine and three horse-loads of placer gold (one horse-load is equivalent to 135 kilograms) was paid to the Toyotomi clan through the Uesugi clan. When the Tokugawa clan seized hegemony after the Toyotomi clan in 1603, the mine was put under the management of the Sado Magistrate's Office. An official (Nishimikawa Mine Official) was dispatched for direct control of the mine and stationed to repair the waterways, re-develop the mining sites, manage the rice stipend to the settlement, and also to continue the capital investment for continuing the operation and recovering the output. Concerning operation, instead of the officials from the magistrate's office taking direct command, a mining village head, who was a representative of the villagers, was installed to act as an intermediary between officials and villagers (mine workers), and as a manager of the operation. From around the late Edo Period (mid-19C), generations of the Kaneko Kanzaburo family served successively as village heads, took responsibility for assembling the villagers, conducted negotiations with the government office, and managed the work of the "Onagashi" process.

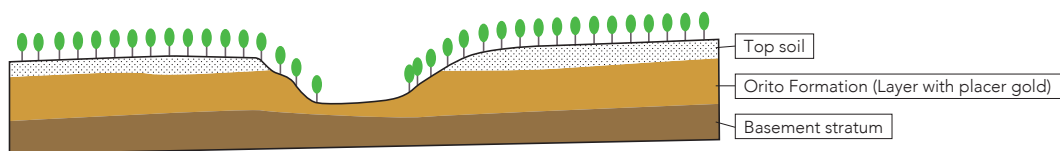
At the end of each month, the placer gold mined through the "Onagashi" method [See Figure 8 on p. A2-35] was tallied at the government office, where half of it was stored. The other half was used in exchange for silver to pay miners' wages - in pieces of stamped silver that could be used only on Sado - together with copper coins and rice. All gold was carried to the Sado Magistrate's Office and processed to "koban" coin and bullion through the process of smelting and refining. Eventually, the gold was sent to Edo (current Tokyo) from where the Tokugawa Shogunate governed.

Throughout the entire Edo Period (17 to mid-19C), placer gold mining had been carried out by the villagers in the settlement under the direct control of the Sado Magistrate's Office. Mining ended in 1872, as deposits became exhausted and unprofitable.

## b) Production Organisation by Villagers

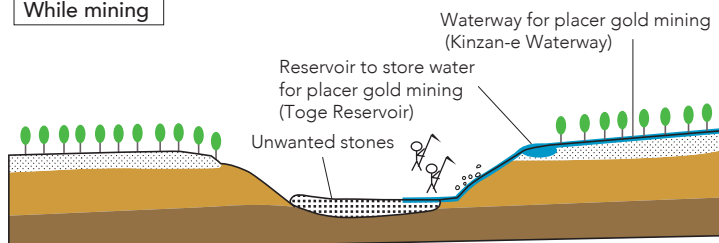
Regarding the settlement for villagers engaged in placer gold mining, it is estimated that its primitive form was established before the 17th century. In accordance with the full-scale development of placer gold mining, the residential district was formed on the flat land of a former placer gold mining site. The settlement for villagers engaged in placer gold mining was formed on the flat land of a former placer gold mining site [Figures 15, 16]. The settlement zone was largely divided into two residential districts: "Sasagawa" and "Kinzan." "Sasagawa" is an old residential district which has a tradition regarding the worship of Amitabha in the 14th and 15th century. On the other hand, "Kinzan"

Before mining



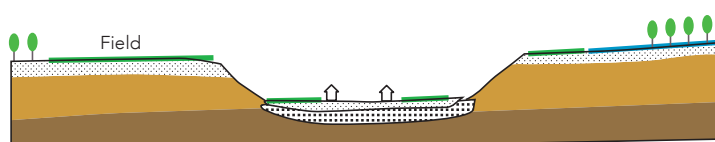
- The surface was eroded by the river and the layer with placer gold (Orito Formation) was exposed.
- People started to gather to get placer gold.

While mining



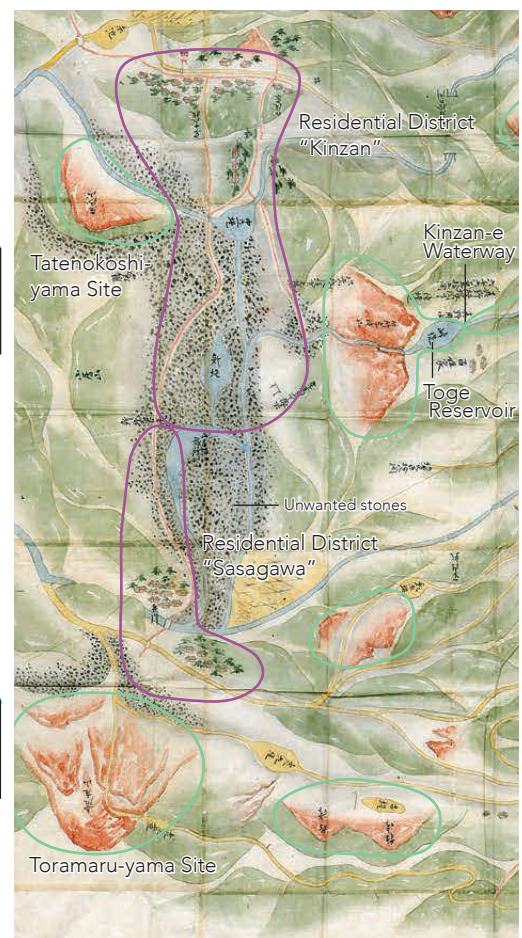
- Long distance waterways were constructed to obtain placer gold and the mountain with placer gold was scraped by human power.
- Unwanted stones from mining operation were accumulated in the valley of the centre of the village.

Formation of mining village



- A new village is formed on the flat area of the valley in the centre.

● **Figure 15** Schematic diagram of the formation process of landscape in the Nishimikawa Placer Gold Mine (Cross sectional image)



● **Figure 16** Residential districts and unwanted stones depicted in drawing "Sasagawa kinzan ezu" (Drawing map of the placer gold mine)  
[Property of Funazaki Library]



has a Mine Official's Residence Site related to management, the Kaneko Kanzaburo House or the residence of the mining village head, and the Nishimikawa Oyamazumi-jinja Shrine related to the culture derived from mining, as well as the residential district of the villagers. "Kinzan" used to be a centre of the residential district. By 1693, the miner groups were merged into one hamlet owing to the decrease of output. Since then, the structure of the village has continued without any significant alteration. Present inhabitants in the residential district are the descendants of the placer gold miners who were called Kanako, with many of them still taking the traditional name "Kaneko" ("descendants of gold").

Almost all households in the residential district were engaged in placer gold mining. The "Onagashi" was conducted by mainly male workers, while female workers were engaged in farming and making tools for mining. Villagers were assigned their own mining sites and each site had a group of five to six workers. Each group resided close to its mining site. It is presumed that they paved narrow mountain paths and went to each mining site through them. Therefore, the current residential districts leave the traces formed reflecting the unit in each mining site. This has been correlated with drawings from the Edo Period showing the current location of the settlement and the layout of each household [Figure 16]. Each settlement was formed along the road. However, in the mountains the settlements were located on limited terraces, and were formed utilising the terraces of former mining sites as the living place. Therefore, the irregularities of the roads, landforms and layouts of the buildings are significant structural features of these settlements.

Output decreased from the payment of approximately 15.4 kilograms of placer gold to the government in 1615, to 926 grams in 1818, and to 289 grams just before the closure of the mine in 1865. However, the scale of the village hardly changed in the 18th and 19th centuries. Records show that there were 45 households in 1763, and 60 mine workers mined here in 1766. Even a century later in 1868, 44 households still remained, which indicates that the number of houses had hardly changed.

The drawings depict the expansion of rice fields, which evidences the change in occupation from mining to farming and forestry in accordance with the decrease of placer gold output [Figure 7 on p. A2-33]. The expansion of farmland was implemented under the guidance of the Kaneko Kanzaburo family and the village was wholly retained and sustained without any population outflow by changing their occupation from mining to farming and forestry. This is how the residential districts, the farmlands and surrounding mining sites were inherited to the present.



## 2.2.4 Culture Derived from Mining

Faiths, rituals and festivals nurtured by the villagers (workers) in the Nishimikawa Area supported the villagers spiritually, which indicates the availability of public entertainment and the high standard of living derived from the prosperity of the placer gold mine, the main industry served by this settlement. Nishimikawa Oyamazumi-jinja Shrine enshrines a deity of mines. The Oyamazumi-jinja Shrine in the Kami-Aikawa District in the Aikawa area was constructed as a separate shrine of this shrine.

In the precinct of the Nishimikawa Oyamazumi-jinja Shrine, a highly authentic Noh play theatre [Photo 2] built in the late 1800s, still survives. Noh plays are expensive in terms of costumes and properties, which indicates that the “Noh play” brought in by Okubo Nagayasu, a Sado magistrate under the Tokugawa Shogunate, was popular among mine workers and nurtured by them.



● Photo 2 Noh play theatre

## 2.3 Aikawa-Tsurushi Gold and Silver Mine in the Edo Period

### 2.3.1 Overview

The transition of mining zones and settlement zones in the Aikawa-Tsurushi Area is described in the figures on pages A2-46 and 47 [Figures 17~20]. They also show the transition of the centre from the Tsurushi area to the Aikawa area, and of the scale from small to large.

The discovery and development of the lode deposits in the Tsurushi area just before the Edo Period, from the latter half to the end of the 16th century, was the introductory stage of technical system [Figure 17]. The Tsurushi area is characterised by relatively small-scale veins scattered on the ridges above the streams, so excavation was conducted at first by the method of chasing the veins exposed on the ground surface. In the late 16th century, silver output increased through the introduction of tunnel mining technology to excavate the veins underground, ore-dressing technology which utilises pounding stones and water, and an improved smelting technology involving cupellation with lead. The mine proprietors in the Tsurushi area searched for newer lodes in the vicinity and eventually discovered the Aikawa area, where the distribution of an extremely large-scale vein system was concentrated. This was discovered at the end of the 16th century [Figure 18].

The Aikawa area entered into a rapidly developing stage of technical system. In accordance with the size and depth of the lode deposit, the scale of mining increased, surface mining sites became very large, and the excavation in mabu tunnels attained great lengths and depths [Figure 19]. As early as the first half of the 17th century, the tunnels reached below sea level (it differed depending on the sites but was approximately -150 metres). In order to solve the various problems, new drainage technology and survey technology applied in tunnel excavation were introduced and improved.

Also, in the Aikawa area, gold and silver existed in the form of natural gold-silver alloy (electrum), which means a process of crushing ores into minute particles was required to extract gold. Therefore, the separation of gold and silver was an essential process. In ore-dressing, in addition to the existing crushing process, processes of grinding with stone mills of a unique shape and rock type (different for the base and top) as well as agitating, precipitating and concentrating with water were conducted. Also, in the smelting (and refining) process, various methods such as cementation, a gold and silver separation process using salt, as well as cupellation, were combined to make the process sophisticated and efficient. Efficiency was further improved by fixing the engineers or workers for each process and improving specialty, proficiency and productivity. The gold collecting rate was raised by increasingly working low-grade ores from deep underground and repeating the concentration process. This enabled Sado to continue producing a high output of high-quality gold.

The technical system which traced such transition processes was closely correlated with production organisation and may be seen reflected in the settlement structure. This demonstrates a step-change in the production system.

In the Tsurushi area, which was developed in the introductory stage, it is believed that mine proprietors (mine managers) led the engineers to operate mining activity and formed small-scale residential districts in the mining sites under the management of feudal lords and warlords (the Uesugi clan) [Figure 17]. In the full development phase in the Tsurushi area, the Tsurushi Silver Mine Local Magistrate's Office and residential district of Tsurushi-Aramachi were established [Figure 18].

The residential district was established on the irregularly-shaped terrace along the slope of the natural topography and did not have defined streets. However, a production facility related to ore-dressing and smelting was identified in a specific terrace, demonstrating clear division of labour in

the settlement.

In the beginning of the 17th century, a town was established in the Kami-Aikawa District [Figure 18] and streets and zoning gained a certain regularity. Irregular terraces also existed, which shows the transition of planning the residential district. In Kami-Aikawa, each group led by mine proprietors had a specific small area (a ward with the mine proprietor's name), and owned a production facility of ore-dressing and smelting in its own living area.

Thereafter, when the Tokugawa Shogunate established the Sado Magistrate's Office and began its direct management of the mine, the town with a new regular arrangement of streets and zoning spread and the places for living and working, where town distribution by occupations such as production and business was implemented, was developed in Aikawa-Kamimachi Town [Figure 19].

After the middle of the 18th century, workers who were involved in production were incorporated into the organisation of the magistrate's office and the working places for dressing and smelting in the residential district were integrated into the ore-dressing and smelting plants in the Sado Magistrate's Office. In this way, Aikawa-Kamimachi Town was changed into a place where people in various occupations lived next to each other in no specific spatial relation to their occupation [Figure 20].

Also, in the settlement zone, many temples were constructed by engineers and workers who migrated from across Japan. Faiths which were related to people working in the mines, together with their traditions such as festivals and rituals, were fostered. This helped to maintain the organisation of production and the revitalisation of local people.



### [In the middle of the 16th century]

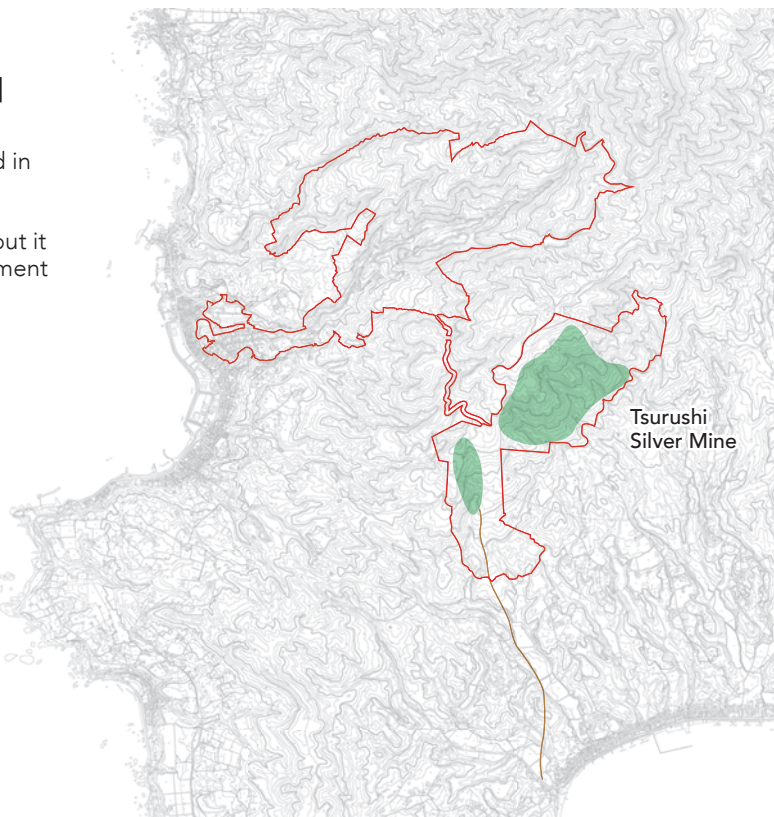
- Exploitation of silver deposits started in Tsurushi Silver Mine.
- Residential district is not identified, but it is supposed that a small-scale settlement was formed in the mining zone.

#### Legend

- Nominated property
- Mining zone (distribution area of mining sites)
- Pass (pass between Tsurushi and Aikawa was not yet established)



0 0.4 0.8 2km



● **Figure 17** Transition of mining zone and settlement zone in the Aikawa-Tsurushi Gold and Silver Mine No.1

### [From the late 16th century to the beginning of the 17th century]

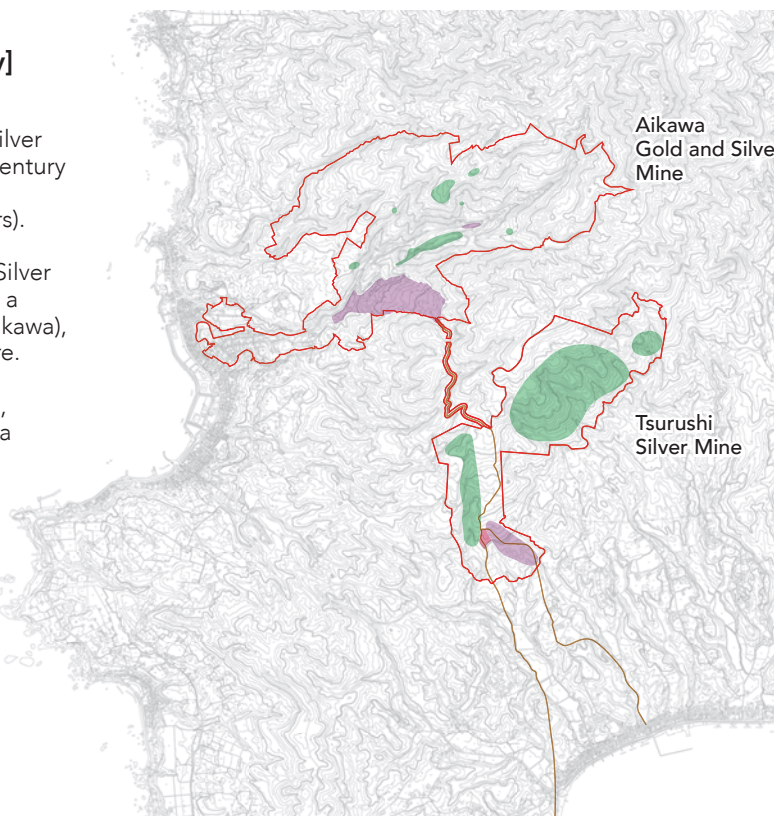
- Full-scale development of Tsurushi Silver Mine started in the end of the 16th century and residential districts were formed (Tsurushi-Aramachi District and others).
- As the development of the Tsurushi Silver Mine went higher into the mountain, a gold-silver vein was discovered (in Aikawa), and a large-scale mining started there.
- Through the development of Aikawa, the residential district of Kami-Aikawa was formed and the pass to connect Aikawa and Tsurushi was developed.

#### Legend

- Nominated property
- Mining zone (distribution area of mining sites)
- Settlement zone (residential district)
- Administrative facility
- Pass



0 0.4 0.8 2km



● **Figure 18** Transition of mining zone and settlement zone in the Aikawa-Tsurushi Gold and Silver Mine No.2



### [In the 17th century]

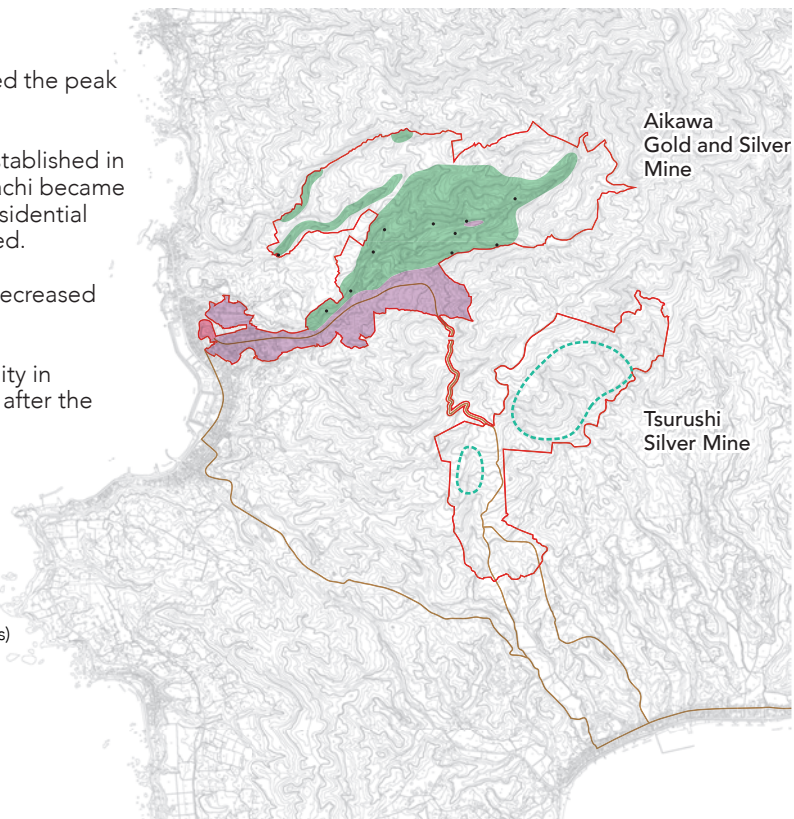
- Aikawa Gold and Silver Mine reached the peak of its prosperity.
- The Sado Magistrate's Office was established in Aikawa-Kamimachi. Aikawa-Kamimachi became the centre of mining production. Residential district was developed and expanded.
- The output in Tsurushi Silver Mine decreased and operation became intermittent.
- Settlements and administration facility in Tsurushi Silver Mine were abolished after the middle of the 17th century.

#### Legend

- Nominated property
- Mine (major mabu tunnel)
- Mining zone (distribution area of mining sites)
- Mining zone (approximate area of mining sites)
- Settlement zone (residential district)
- Administrative facility
- Pass



0 0.4 0.8 2km



● **Figure 19** Transition of mining zone and settlement zone in the Aikawa-Tsurushi Gold and Silver Mine No.3

### [From the 18th to 19th century]

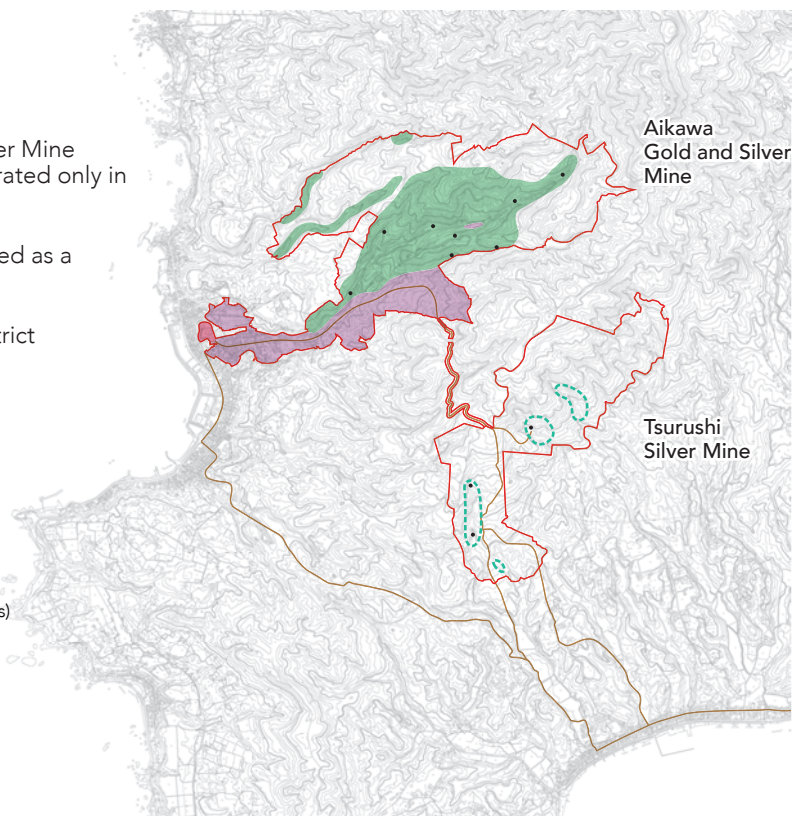
- The output in Aikawa Gold and Silver Mine decreased and mining was concentrated only in some specific major mabu tunnels.
- Tsurushi Silver Mine was re-developed as a copper mine intermittently.
- The population of Kami-Aikawa District decreased.

#### Legend

- Nominated property
- Mine (major mabu tunnel)
- Mining zone (distribution area of mining sites)
- Mining zone (approximate area of mining sites)
- Settlement zone (residential district)
- Administrative facility
- Pass



0 0.4 0.8 2km



● **Figure 20** Transition of mining zone and settlement zone in the Aikawa-Tsurushi Gold and Silver Mine No.4

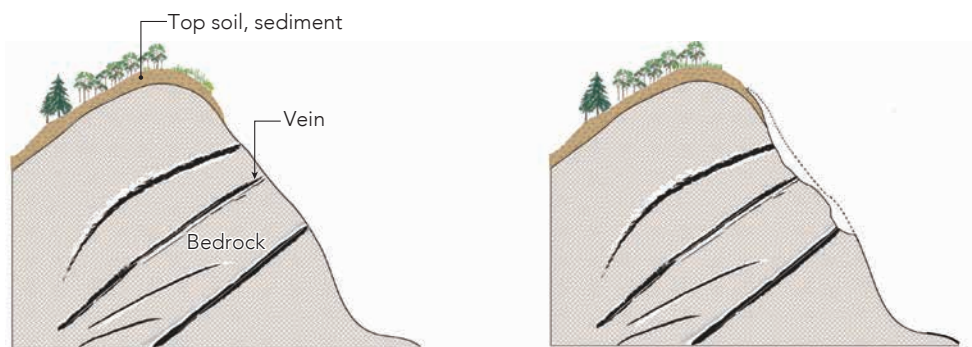
## 2.3.2 Technical System in Lode Deposits and a Series of Processes

### a) Mining Technology

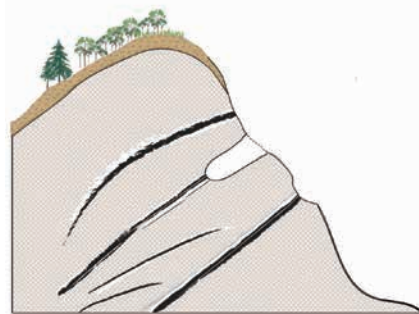
#### a-1) Development of Small-scale Veins (Introductory Stage)

Regarding mining technology in the Tsurushi area, it is believed that major mining methods which started in the middle of the 16th century [Figure 21] involved (A) surface mining and (B) chase mining, in which exposed veins along ridges and streams were prospected and exploited in the early phase of mining operations. Large crater-like surface mining remains are concentrated in the Hyakumaidaira Mining Zone of the Tsurushi area, which indicates that rich veins of silver ore outcropped throughout this area. The largest surface mining sites measure up to 16 metres along the strike of the vein, seven metres wide, and four metres deep. Around those remains, low-quality ores that were disposed of have been thickly piled up, which indicates that large-scale excavation was conducted here. According to the records, it is supported that “mai” was a unit used to measure the production of silver before the Edo Period (17C) and that the development of this area was commenced as far back as the mid-16th century, the earliest example of hard-rock silver mining in the island. In addition to Hyakumaidaira Mining Zone, more than 550 evidences of surface mining and chase mining sites are found in the overall property of the Tsurushi area, including the Byobusawa and Shidekisawa Mining Zone and the Otaki Mining Zone.

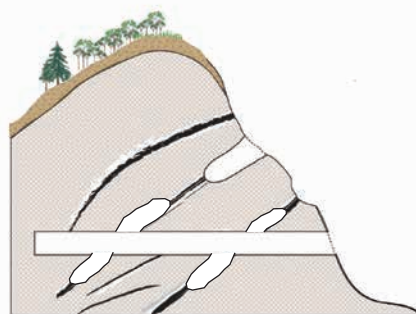
[Tear away topsoil, sediment and prospect for vein] [A. Surface Mining]



[B. Chase Mining]



[C. Tunnel Mining]



● **Figure 21** Types of mining methods  
(excerpted from “Iwami Silver Mine Site comprehensive report” vol.1 (1999))  
[Shimane Prefectural Board of Education]

As excavations using these methods went deeper, mining had to be discontinued as it became more difficult to drain water and to carry ore out of the workings. To solve these problems, in the end of the 16th century, (C) tunnel mining was introduced by engineers who were brought to the island from the Iwami Silver Mine (a World Heritage Site). This method includes estimating the extent and characteristics of veins guided by the surface exposures in mining sites, and by excavating horizontal tunnels (mabu tunnels) at right angles to the vein into the slopes or skirts of mountains extending below the ridges. This method simplified the task of draining water and carrying ore from the mining sites. It also made it possible to excavate deeper sections of the veins that had been unreachable by surface mining or by the chase mining method. It also enabled the simultaneous excavation of multiple veins, leading to a substantial increase in the efficiency of operations and the output. The “Honguchi-mabu Tunnel Site”, excavated in 1595, is believed to be the first example of tunnel mining on Sado Island. In the Tsurushi area, remains that characterise this specific technical system in the early period of the development of the hard-rock deposits remain in a good condition, compared not just with Sado, but with precious metal mines elsewhere in Japan. In the late 16th century, a smelting technology called the cupellation method was also introduced from Iwami. Therefore, Sado has many links with Iwami.

Terraces are identified in the vicinity of major portals, where a large number of tailings and low-grade ores are found. It is presumably because some parts of the ore-dressing processes, such as classification of ores or rough sorting, were conducted in the mining zone to lighten the burden of transporting the ores and thus to reduce costs. Ores were transported to the Tsurushi Silver Mine Local Magistrate’s Office and Tsurushi-Aramachi District to conduct ore-dressing and smelting processes, which clearly indicates that a series of processes were conducted in different places under a system of the division of labour.



## a-2) Development of Large-scale Veins (Developing Stage)

Silver production technology introduced to the Tsurushi area to suit the specific lode deposit provided a technological foundation for gold and silver production at the newly discovered and exceptionally rich Aikawa area. A large number of books of mining technology and mine picture scrolls [See Column 4 on pp. 88-90] related to the Aikawa area survive and depict the details of traditional unmechanised gold- and silver-producing technologies in the Edo Period (17 to 19C). Together with physical evidences, these provide a vivid understanding of contemporary technologies. Hereinafter, the technical system of gold production can be explained graphically mainly by using those precious drawings and mine picture scrolls.

### Exploitation

A large number of drawings demonstrate that the mine proprietors grasped the information precisely regarding the direction and depth of the gold and silver ore veins using high-level survey technology [Figure 22, veins drawn in white]. Also, systematic development of the direction and depth of excavation and the method of drainage was based on the two-dimensional records of the mabu tunnels converted from three-dimensional data [Figure 23]. Based on such highly precise information, many mabu tunnels were developed in the mine [Figure 24].

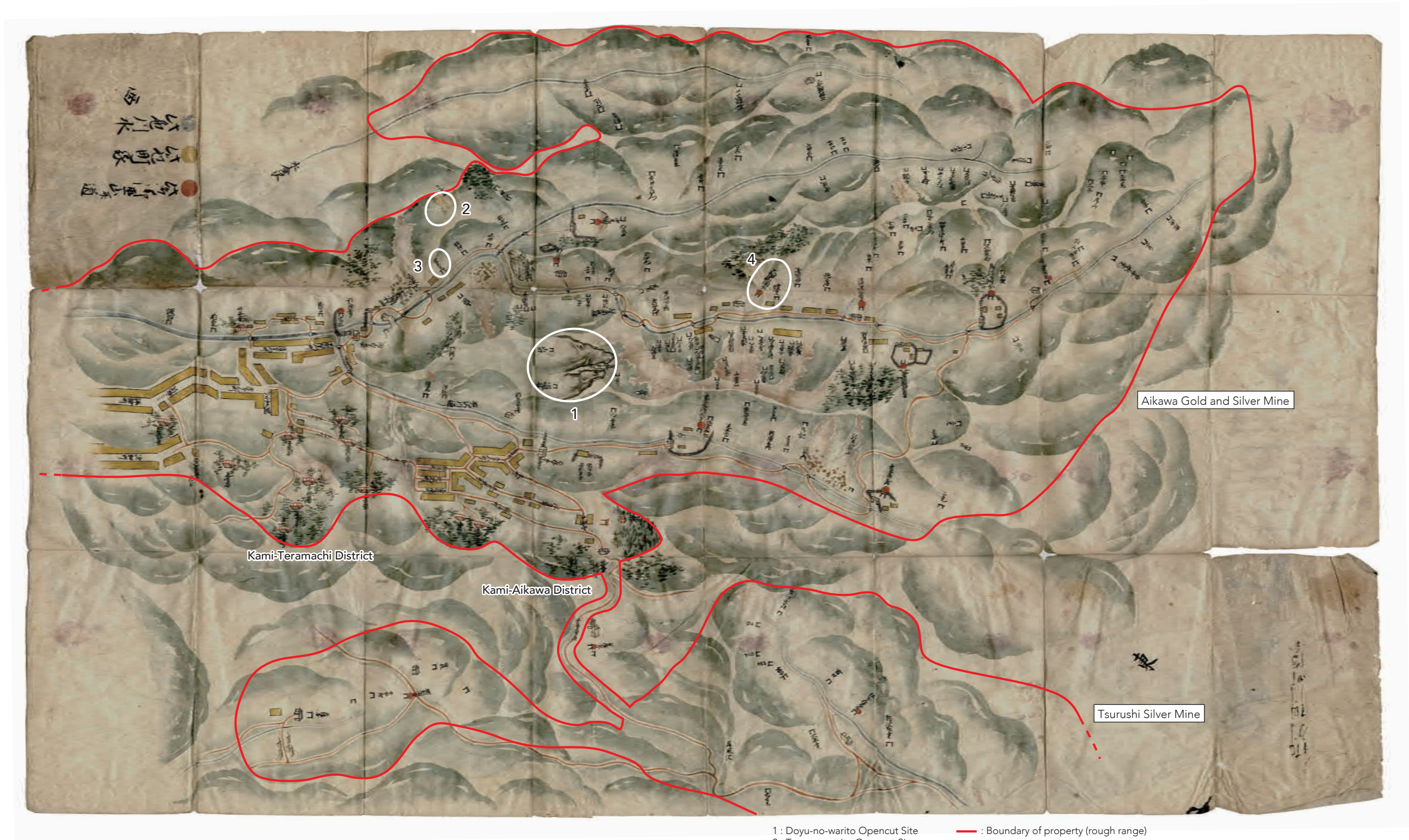


● **Figure 22** Distribution of veins (illustrated in white line): “Aikawa Ginzan tateai narabini Shingiriyama tatebasho ezu” (Drawing map of veins and newly developed places in the Aikawa Gold and Silver Mine: 1841) [Property of Funazaki Library]



● **Figure 23** Drawing depicting inside the tunnels “Nakao-mabu Shikinai ezu” (Drawing depicting inside of Nakao-mabu Tunnel) [Property of Nagaoka City Central Library]





● **Figure 24** "Ginzan oka ezu" (Picture of silver mines, document of the Nagai family, the middle of 18th century)

[Property of Sado City]



## Excavation

Even in the Aikawa area, which was developed after the Tsurushi area, surface mining was successively employed in its early stage. Thus, traces of exceptional large-scale surface mining may be seen in the Doyu-no-warito and the Tete-no-warito Opencut Sites. The Doyu-no-warito Opencut Site is a highly visible legacy of mining a rare bonanza which was exposed on the surface. It was excavated over a long period of time after the initial discovery. After the technology of tunnel mining was introduced, this new technology became the mainstream mining method in Aikawa. Since the ores of the Aikawa area are extremely hard bedrock, the work in tunnels is conversely said to have been safer as the structurally solid ground rarely collapsed. However, its excavation was extremely tough and proceeded on average only about 10 centimetres per day. The miners are said to have consumed one cold chisel in two days, so they used "Ueda-bashi," pliers-shaped original tools for holding the chisel, and were able to use the chisel safely as it was easier to use the chisel even if it got short [Figure 26 a, Photo 3].

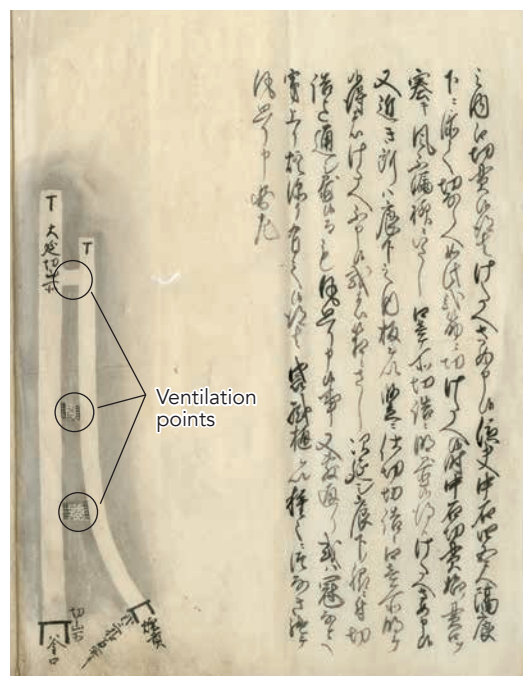
Mining work was subdivided and specialised in organised groups with the mine proprietors heading the operation. In some large mabu tunnels, a large number of miners worked. On-site managers called "Kanakano", who worked under the command of mine proprietors, employed "Kananori daiku", expert miners, to excavate ore. These miners were highly professional miners and skilled workers who were paid the highest wages among the various occupations. Nearly twice the number of such miners were called "Horiko", employed to carry out related functions such as carrying ore out from the mines, disposing of tailings, and delivering or sharpening cold chisels [Figure 26 a,b].

The Sado Magistrate's Office strictly managed the progress of work by sending the officers to the mine every month to conduct "Kengiri-aratame" (on-site inspection and survey) for examining the distance and specification of excavations in the tunnels (those which were invested in by the magistrate's office for drainage, transportation, exploitation and so on) [Figure 26 c]. The traces of these "Kengiri-aratame" were found in the tunnels as "Nomikado", chisel marks. Also, in places susceptible to collapse in mining zones, the workers under the command of the magistrate's office conducted "Yamadome", reinforcement of tunnels using timber. Safety management was appropriately conducted [Figure 26 d].



● **Photo 3** Cold chisel (above) "Ueda-bashi" (below) pincer-like tools for holding the cold chisels

While most average mabu tunnels in the Edo Period (17~19C) were barely large enough for a miner to work inside, the Sodayu-mabu Tunnel Site, excavated for obtaining output from the Aobanmyaku Vein, the largest and highest-quality vein within the Aikawa area, was a representative example of an “inclined mining tunnel,” with large-scale excavation, integrated manway, ore transport and effective drainage. The Ogiriyama-mabu Tunnel Site further demonstrates what innovative unmechanised mining technologies in Japan were like at that time. This was designed with a parallel ventilation tunnel that runs alongside the main tunnel, the two of which are connected in several places to improve air circulation. Some of the short connecting vents were modified by filling with tailings and clay in order to adjust the flow of the air into specific mining areas as mining progressed inside the tunnels. In a book on mining technology at the time, the mining method employing these types of parallel tunnels was described in detail [Figure 25]. Parallel tunnels like these are rarely found in Japan or in any European metal mines around the same period.



● **Figure 25** Ventilation tunnel depicted in a technical book “Kigin zan taigaisho” (Guide to mining technique) [Property of Sado Museum]

## Mining

Mining

Ore-Dressing

Smelting and Refining

Minting



Mining: Miners mine ore. Chisels and "Ueda-bashi" (pincers to hold the chisels) are used.



Transportation of ore: Workers carry the ore out of mining site.



Periodical progress reports: Check the status of progress in contract excavation of tunnels or drainage tunnels for other purposes except for exploitation. "Nomikado" and "Boji" stakes (see column 4) are depicted.



Drainage: Drain remaining water in tunnels using Archimedean screws.



Reinforcement: Reinforce tunnels using timber.



Drainage: Drain water with bucket.

※ See Appendix 2-3 p. A2-97

● **Figure 26** Mining technique shown in picture scroll (1) Mining, "Sado no kuni kanahori no maki" (Picture of gold production in Sado)  
[Property of Aikawa Folk Museum]



Also, “Tomi,” which was a fan device originally invented for sorting grains of rice from husks and dust using the wind, was used for sending air in to ventilate in the tunnel [Figure 27]. This device is not drawn in the picture scroll from the early 18th century shown in Figure 26, which infers that the device was not introduced until the late 18th century.



● **Figure 27** Air ventilation using winnowing fan “Sado no kuni kinginzan shikioka kasegikata no zu” (Picture of mining method in Sado gold and silver mines (inside and outside)) [Property of Niigata Prefectural Museum of History]

## Drainage

As mining steadily went deeper, groundwater became an issue and drainage was important in order to continue mining in the tunnels. Drainage work primarily depended on human power [Figure 26 e, f, See Column 2, on p. A2-58]. In the early days, it was mainly carried out with well buckets, but in order to improve the efficiency of drainage, drainage equipment such as Archimedean screws and Suppon-toi (piston-and-square cylinder pump for pumping water) was introduced. However, they had to make the mabu tunnels more spacious in order to install the equipment, and had to adjust gradients for water transport. They also encountered problems when the equipment broke down deep underground. Therefore, after trial and error, drainage with well buckets by human power was again employed. The work of draining water with well buckets was a heavy and arduous duty where labourers worked in alternating shifts in the constant lifting of water. In the early years, during the initial prosperous times, a lot of drainage workers came from inside the island as pieceworkers when they had no work to do on their farms. However, since there were fewer and fewer people on the island willing to do this hard and poorly-paid work, villages on the island were assigned to the drainage task. Further, the Tokugawa Shogunate enlisted ‘vagrants,’ without a registered address, to carry out this task. Vagrants were unregistered from the population register due to various factors and had to leave their registered home towns. They were increasing in number in big cities, which caused urban congestion. They were placed under the strict control of the Sado Magistrate’s Office. However, after diligently labouring for a certain period of time, they were to be released as commoners.

This traditional drainage method reached its limits and in order to improve efficiency, the Minamizawa Drainage Tunnel was excavated solely for centralised drainage at the end of the 17th century under direct control of the Shogunate. It was the longest in the Aikawa area, with a total length of 922 metres and a gradient of one in 100, indicating the high standard of tunnel-excavation technology in the accuracy of surveying skill, excavation techniques and so on [Figures 28, 29]. Surveys inside tunnels were conducted with the application of plane table surveying technology brought from the Netherlands combined with mathematics developed in Japan. Relative positions were precisely calculated by securing ropes between two points, measuring their length, direction and gradient. Equipment used by the then surveyor, Shizuno Yoemon, still exists. It attained a high



● **Figure 28** Location map of the Minamizawa Drainage Tunnel Site (red line) “Sashu Aikawa shikioka furikane ezu” (Sado Aikawa surveying map:1696) [Property of Golden Sado Inc.]



● **Figure 29** Cross-sectional view of the Minamizawa Drainage Tunnel Site “Sashu Aikawa soginzan shikioka kogefurikane ezu” (Sado Aikawa surveying cross-sectional map:1696) [Property of Golden Sado Inc.]

level of precision, including the 480-direction compass [Photo 4], sights, and other direction-reading devices, all of which were made in Japan. The tunnel was constructed by an arduous yet sophisticated process by dividing a near 922-metre course into three sections to be excavated from a pair of vertical shafts. This meant that they dug from six points at the same time. And yet with minimal divergence of just one metre, the sections were successfully joined. Drainage tunnels constructed in such a way (“Mukaebori”, excavated from six different points at the same time) are found nowhere else in Japan.



● **Photo 4** 480-direction compass in the Edo Period [Property of Sado City Board of Education]

## Column 2 - Drainage technology

Tunnel mining incurred a continuous battle with water, and drainage was one of the most important requirements for all operations within the tunnels. Drawings and picture scrolls reveal that a range of tools were introduced by the Sado Magistrate's Office for this purpose. Traditionally, well buckets [Figure 30, Photo 5] and "Suppon-toi" (piston-and-square cylinder pump) [Figure 31], which worked on the principle of a syringe, were used. In 1653, "Suisho-rin", so-called Archimedean screws [Figures 32, 33, Photos 6, 7], were introduced to improve the efficiency of drainage. The Archimedean screw, a drainage tube with its wooden spiral wing inside [Photo 7] turning and pushing water along, had been used in the West since ancient times. It was introduced to Sado by Suigaku Soho from Osaka, Japan. With the introduction of a Dutch-style water pump [Figure 34] in the late 18th century, the efficiency of drainage was improved even further. However, these tools were difficult to repair when broken. Consequently well buckets lifted by human power were again employed for drainage.

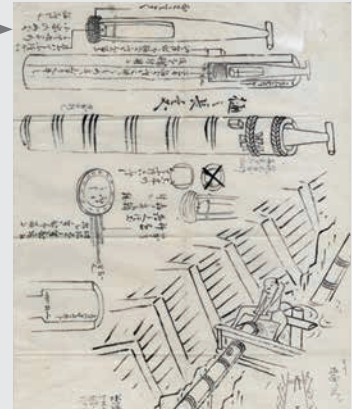




● **Figure 30** Well bucket, "Sado no kuni kanahori no maki" (Picture of gold production in Sado) [Property of Aikawa Folk Museum]



● **Photo 5** Pulley (left), bucket (right) in the Edo Period [Property of Aikawa Folk Museum]



● **Figure 31** Drain pipe, (mining-related document of the Mikata family) [Deposited property in Sado City Board of Education]



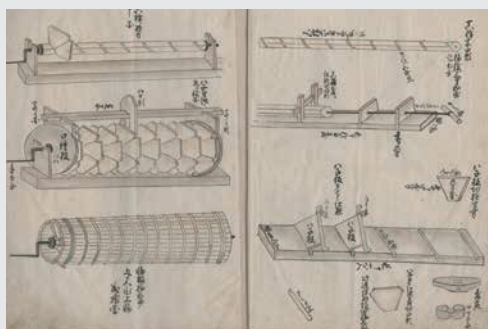
● **Photo 6** Archimedian screw [Property of Sado City]



● **Photo 7** Internal structure of Archimedian screw [Property of Aikawa folk museum]



● **Figure 33** Archimedian screws, "Sado no kuni kanahori no maki" (Picture of gold production in Sado) [Property of Aikawa Folk Museum]



● **Figure 32** "Kiginzan taigaisho" (Guide to mining technique in the Edo Period) [Property of Aikawa Folk Museum]



● **Figure 34** Dutch-style water pump, "Kinzan shikioka kasegikata zu" (Picture of mining method in mines (inside and outside)) [Property of Kyushu University Museum]

## **b) Ore-dressing Technology**

### **b-1) Introduction and Establishment of Technology (Introductory Stage)**

The oxidised silver ore of the Tsurushi area, which was developed in the early stage, were comparatively friable because it had been exposed to air and moisture near the surface of the ground for considerable time. Excavated ore was easily crushed with pounding stones. This was followed by grinding and gravity concentration using water. Excavation surveys uncovered many pits connected by water channels on the northwest side of the Tsurushi Silver Mine Local Magistrate's Office Site, evidence of the gravity concentration of silver ore following grinding.

### **b-2) Elaboration of Technology and Processes (Developing Stage)**

In the Aikawa area, several specialised processes were established to collect gold and silver from the extremely solid ore.

The work of dressing ore brought out of the tunnels was conducted by skilled women in a hut constructed in the vicinity of the portals [Figure 35, a]. The quality of dressed ore was verified and classified by officers from the magistrate's office and then transported to the dressing plant [Figure 35, b].

Ore was crushed into small pieces on the pounding stones with iron hammers [Figure 35, c], and then ground into sand-sized particles on a large stone mill [Figure 35, d]. This was then dressed by gravity concentration with Yuriita, a panning board [Figure 35, e], separated into gold and silver ores where applicable, and then sent for final concentration and smelting. The remaining ore sand was sifted with running water over a cotton fabric mat on a slightly tilted board, and the minute gold and silver sticking to the fabric was carefully collected from the sand [Figure 35, f]. Among those dressing processes of the Aikawa area, one of the distinguishing technological features is found in the stone mill used for grinding ore [Photo 8]. In order to mill the solid ore of the Aikawa area most effectively, different materials for the upper (runner stone) and the lower (bed stone) portions of the hand-grinding mills, which were unique to Sado Island, were individually selected. Each was taken as the most suitable material from different quarries, the Fukiage Quarry supplied spherulitic rhyolite for the upper stone, and the Katabe-Kanoura Quarry supplied granite conglomerate for the lower stone. Spherulitic rhyolite for the upper stones contains small but very hard quartz spherules which, as the mill is turned with a little water, grind the ore using the weight against the hard conglomerate of the lower stone to reduce it to a paste-like constituency.

## Ore-Dressing

Mining

Ore-Dressing

Smelting and Refining

Minting



a Ore selection: Select the ores (Female workers)



b Transportation



c Crushing ores: Place the ores on the pounding stones and crush them finely with hammers.



d Grinding: Grind the crushed ores with stone mill.



e Gravity concentration: Put the sand-like ore in a water tank and collect heavier gold and silver with panning board.



f "Neko-nagashi" (Wash in sluice): Lay a cotton cloth on the gently slanted sluice and pour the crushed ore and water over it to collect fine gold and silver that was left over from the dressing process.



● Photo 8 Upper millstone (left)  
Lower millstone (right)

※ See Appendix 2-3 p. A2-99・101

● Figure 35 Mining technique shown in picture scroll (2) Ore-Dressing, "Sado no kuni kanahori no maki"  
(Picture of gold production in Sado) [Property of Aikawa Folk Museum]



## **C) Smelting (Smelting and Refining) Technology**

### **C-1) Introduction of Smelting and Refining Technology for Precious Metals (Introductory Stage)**

Smelting in the Tsurushi area in the early stage was conducted mainly using cupellation technology with lead, which was introduced from the Iwami Silver Mine in the middle of the 16th century. Cupellation was an epoch-making technological means of extracting technology gold and silver first introduced into Japan from China and the Korean Peninsula to the Iwami Silver Mine. Silver production in Japan prior to the 16th century used to be derived from the extraction of silver from galena, an argentiferous lead sulphide. Introduction of the cupellation technology to the Iwami Silver Mine made it possible to extract silver from ore with great efficiency, thus increasing silver production substantially. In addition to Sado, this technology was also brought to the Ikuno Silver Mine (Hyogo Prefecture) and the In-nai Silver Mine (Akita Prefecture), enabling a dramatic increase in silver production in Japan. No detailed records of the technological processes in the Tsurushi area survive. However, according to the records in the Aikawa area, the cupellation process can be divided into two stages; “Smelting” and “Cupellation” [Figure 36 a,b]. Smelting creates argentiferous lead bullion (a silver-lead alloy) by putting silver ore and lead together in a furnace and melting them by making use of silver’s physical property of being easy to combine with lead [a]. At this stage, impurities such as iron and silicic acid contained in the ore are removed. The next stage, cupellation, is the process that separates silver from lead by heating argentiferous lead bullion in a furnace covered with bone ash [b]. This collection utilised the characteristic low melting point of lead which when oxidised is easily absorbed in ash, and the characteristic high melting point of silver which is not easily absorbed by the ash. This cupellation was also applied to the smelting of gold and silver, playing a fundamental role in the early stage of gold refining in Aikawa.

### **C-2) Sophisticated and Subdivided Production Process for Refining Gold**

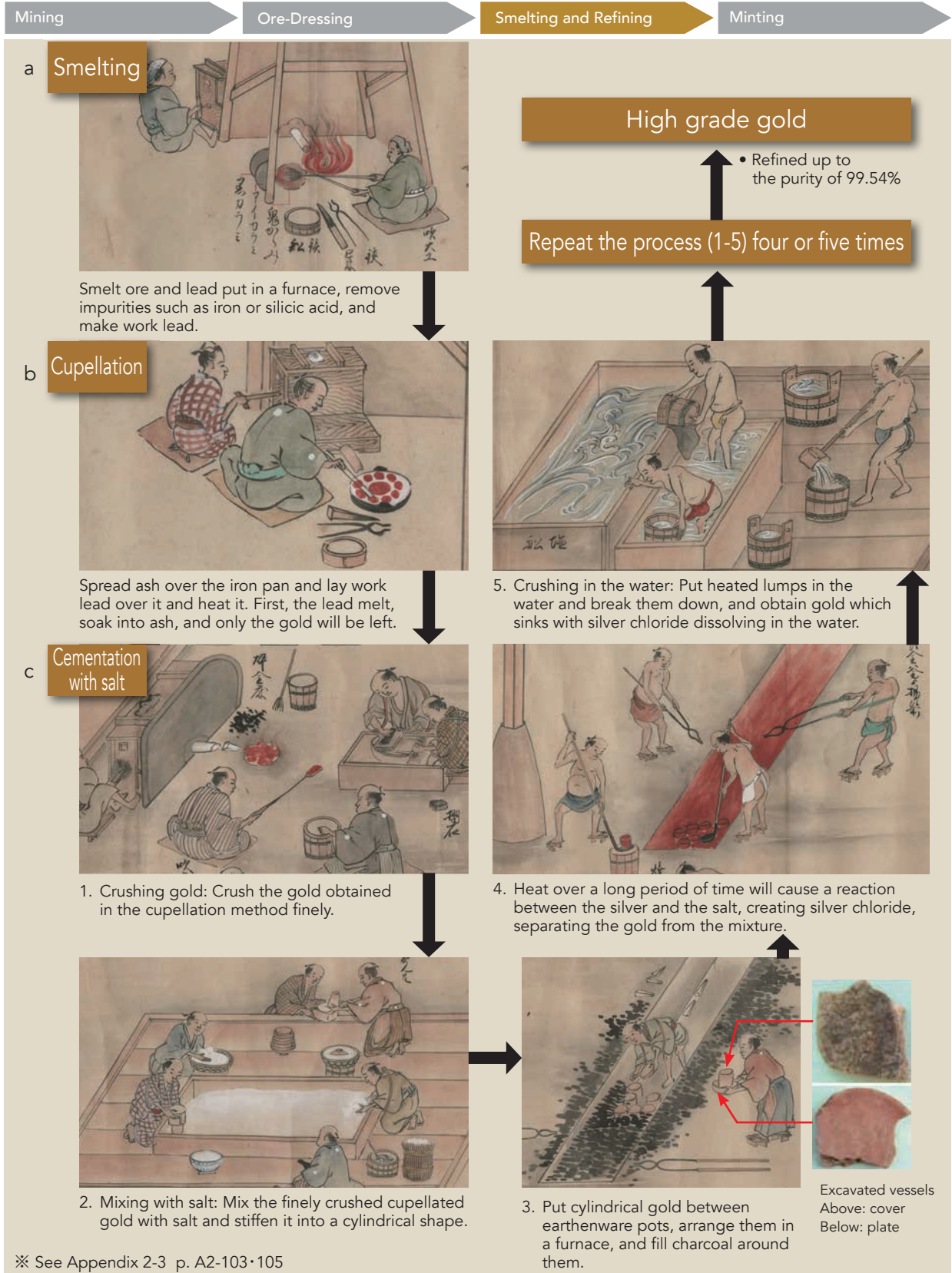
#### **[Smelting and Refining]**

Gold ore mined at the Aikawa area contained approximately 40 percent silver. In order to obtain purer gold from the gold-silver alloys collected via cupellation, new technologies to separate gold from silver were essential. Two methods, “cementation with sulphur” and “cementation with salt”, were employed on Sado Island, and they were sometimes combined and carried out repeatedly to refine the gold.

“Cementation with sulphur” was used to increase the purity of gold, specifically for silver-gold alloys containing a high ratio of silver and minute amounts of gold. By adding sulphur, and turning silver into silver sulphate, the purity of gold can be increased up to approximately 40 percent from its original state of only a few percent. However, archaeological remains for this process have not yet been discovered.

“Cementation with salt”, was technology used to purify gold-silver alloys containing a relatively high percentage of gold. Globally rare archaeological evidence of refining furnaces for purifying gold in the cementation process have been excavated at the archaeological site of the Sado Magistrate’s Office. In addition, historical records are available, such as picture scrolls and documents on technical matters.

## Smelting and Refining



\* The numbers in the drawings correspond to those in the text on page A2-64

● **Figure 36** Mining technique shown in picture scroll (3) Smelting and Refining, "Sado no kuni kanahori no maki" (Picture of gold production in Sado) [Property of Aikawa Folk Museum]

They clarify how refining was conducted at that time and how the remnants functioned and may be interpreted.

This method was used to increase the purity of gold by adding salt, turning the silver into silver chloride, and removing it. Below is the description of the process according to the numbers in the drawing: [Figure 36 c]

- 1 Crush the gold-silver alloys obtained through the cupellation process into grains of 0.1-1 millimetre.
- 2 Mix the alloys which are broken up to be generally the same grain size with salt containing bittern. Then, push them onto earthenware pots, shaping them into the shape of a cylinder.
- 3 Place those cylinder-shaped lumps between earthenware pots inside the rectangular furnace, and fill charcoal around them.
- 4 Heating for approximately eight hours over charcoal makes silver and salt react with each other and change into silver chloride. As a result, gold is separated from silver.
- 5 Cool the hardened lump in water, take off the earthenware, break apart the lump, and wash them by stamping on them while continually changing the water.

In this process, silver chloride is washed away by the water and then collected and mixed with lead and put through the cupellation process.

Wash the remaining gold in hot water, mix it with salt once more, and repeat the cementation process.

By repeating this cementation process four or five times, the purity of gold was raised to 99.54%. Gold with a purity of over 99 % was produced in the Aikawa area. This was as pure as gold produced by mechanised smelting and chemicals conducted in Western Europe. These processes at Sado, together with mining and dressing, were conducted by specialised workers.

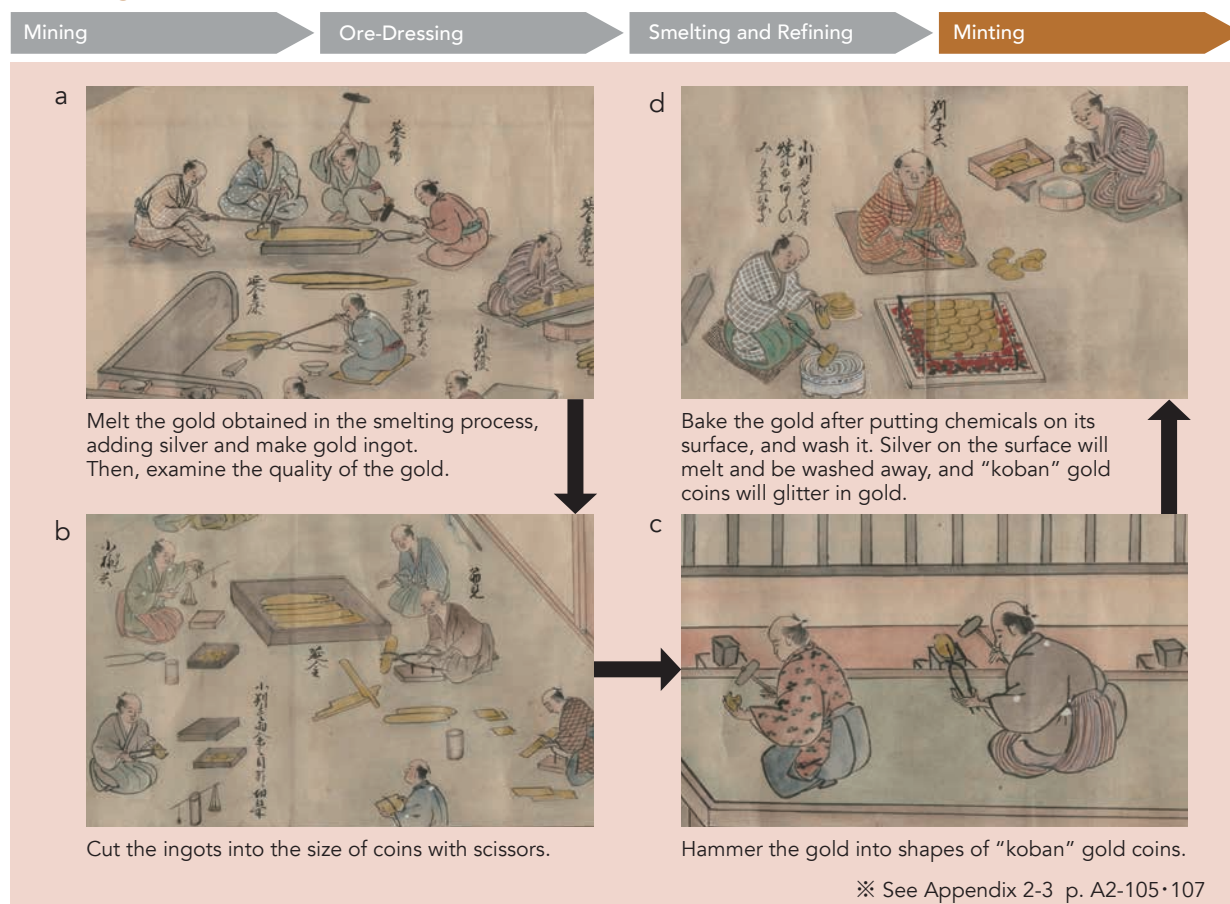


## [Minting]

"Koban" gold coins [Photo 1 on p.A2-23] were minted in the Sado Magistrate's Office under license of the Shogunate, each procedure of which was illustrated in mine picture scrolls [Figure 37]. Sado's gold and silver mines would reach their highest stage of development during the tenure of magistrate Shizume Ichizaemon (1618-27 in office), with the opening of mining tunnels and increases in gold output. In 1621, Shizume built a mint in Aikawa to commence the minting of "koban" gold coins on Sado Island. This led to the integration of socio-technical system of gold production conducted consistently at a single mine, encompassing the entire production process from the extraction of ore through to the minting of coins. Pure gold alone was too soft to be used for "koban" gold coins, so silver was added.

Since the ratio of gold and silver in "koban" gold coins fluctuated according to financial policy of the government, the original technique of "irotsuke" was developed in Sado to remove constituent silver from the surface of "koban" gold coins. This was used to complete the final process of "koban" minting to produce "koban" gold coins with a warm and lustrous golden colour [Figure 37 d]. Specialists in the production of the "koban" gold coins were sent to Sado from Kinza (mint) in Edo, and various procedures for minting were conducted at the Goto's Office (mint office in Sado) adjacent to the Sado Magistrate's Office such as testing for quality, shaping into ovals, marking with an incuse, and "irotsuke".

## Minting



● **Figure 37** Mining technique shown in picture scroll (4) Minting, "Sado no kuni kanahori no maki" (Picture of gold production in Sado)  
[Property of Aikawa Folk Museum]

### 2.3.3 Strategic Management by the Shogunate and Production Organisation in Hard-rock Lode Mines

#### 2.3.3.1 Management under the Sado Magistrate's Office

##### a) Development and Product Organisation by private sectors (Introductory Stage)

In the early stage of development, merchants with capital strength and those with special techniques took charge of mine development under permission subject to payment to feudal lords. In the late 16th century, when the Aikawa-Tsurushi Area was dramatically developed, specialisation of skilled workers and of mining specialists proceeded in a series of processes such as exploration, surveying, mining, dressing, and smelting. Among such specialists, those with instruction and management skills became mining engineers, holding a management role of mine proprietors in charge of other miners. At the beginning of the 17th century, during prosperous times for the Sado Island Gold Mines, Okubo Nagayasu, the Sado Magistrate, invited 36 experienced mine proprietors from the Iwami Silver Mine and the Toi Gold Mine and managed the mine entrusting them with "Ojiki-yama" to

make them compete in their skills and profits. Accordingly, some of them became extremely wealthy through the development of gold and silver mining, taking residences in Edo and making huge donations to temples. Some influential mine proprietors merged, such as Mikata Tajima [Figure 38], who received an audience with Tokugawa Ieyasu, the first Tokugawa shogun. Mikata was concerned with the Aikawa area, the Tsurushi area and the Nishimikawa Area. However, he was concerned not only with Sado but with the management of a number of large-scale mines in Japan such as the Iwami Silver Mine and the Tada Silver and Copper Mine. Mine proprietors and the officers of the Sado Magistrate's Office recorded in drawings the various technologies and material necessary for mine development, the distribution of mabu tunnels, and conditions in the tunnels [see Column 4, on pp. A2-88~90]. They also had a network with mines nationwide, and it is believed that they exchanged information on mining technologies and mine management.

Thereafter, in the Aikawa area, occupations were specialised and the mine proprietors, who had directed the whole production process, came to specialise in actual mining processes. Accordingly, the name of "Yamashi," mine proprietors, meant "directors of mining". Regarding the processes of ore-dressing and smelting, specialised workers called "Kaishi" smelters emerged and the groups led by mine proprietors and smelters supported a series of processes through the Edo Period.



● Figure 38 Portrait of Mikata Tajima  
[Privately owned]

## b) Capital Investment and Management by the Tokugawa Shogunate (Developing Stage)

The gold and silver mines in Sado were vital for supporting the finances of the Tokugawa Shogunate from the beginning of the Edo Period (beginning of the 17th century). The Sado Magistrate's Office was constructed as the centre of management, and gold was produced in the Aikawa-Tsurushi Area and the Nishimikawa Area under its direct management.

The Sado Magistrate's Office was the centre of mine management on Sado Island during the Edo Period. Here existed the only domestic mines where refining gold and minting "koban" gold coins were permitted. Placer gold and all gold and silver ore was transported to Aikawa. Following dressing, smelting and refining, gold and silver bullion and "koban" gold coins were stored in the magistrate's office.

Refined gold and silver bullion, together with "koban" gold coins, were regularly (once or a few times a year) transported by ship from Ogi Port, then unloaded at Izumozaki on the mainland, which was under the direct control of the Shogunate at that time. Then, they were transported by land routes under heavy guard to gold and silver storehouses of the Finance Magistrate in Edo, the then-capital city, where they became a crucial source of revenue for the Shogunate [Figures 39, 40].

The magistrate's office strictly managed the amount of ore and the output of gold and silver, and directly took responsibility to enhance labour conditions such as improving headraces and drainage tunnels and maintaining them [see a-2) Development of Large-scale Veins (Developing Stage), Drainage, on pp. A2-56~57]. The office also encouraged the long-term continuous production through the improvement of the production technology and production processes, not by intervening directly in the actual operation but by gathering skilled workers from all over Japan, by leaving discretion to the mining experts and workers on site, and by treating them according to their skill and level of proficiency.

Also, a system for stable supply of the materials and for cost reduction of purchasing materials was adopted such as dispatching their officials outside of the island to make cost-effective purchases of large quantities of necessary materials for production including iron for materials of mining tool and lead, salt and charcoal for smelting and refining on Sado and providing them to mine proprietors and smelters or selling at lower prices. In the Edo Period, as an important anchorage site for maritime traffic, Sado Island was advantageous for long-range transport of people and materials by ship.

As the whole island was placed under the direct control of the magistrate's office, even other settlements not engaged in mining supported the mines, and also a system was established to



● Figure 39 Route for gold and materials transportation



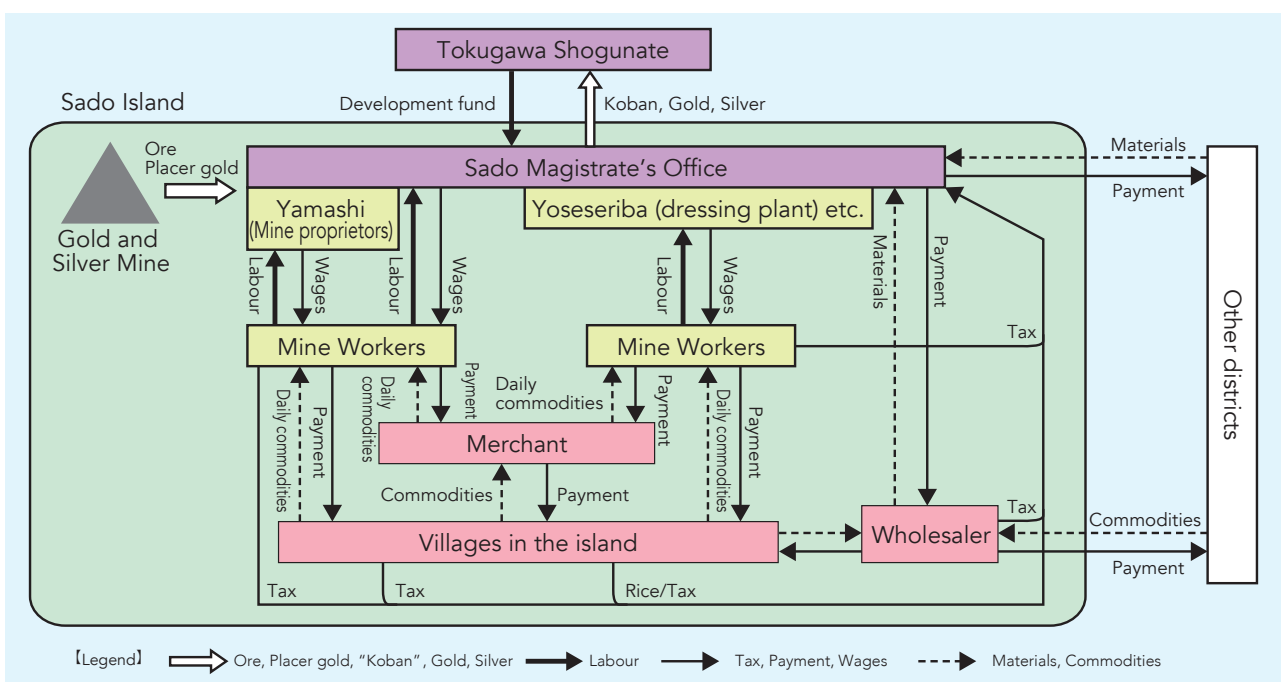
collect all of the gold and silver output to the magistrate's office. To ensure a sufficient supply of food such as rice or fish to mines with a large population, development of rice fields, promotion of dry-field agriculture, expansion of fishery output by introducing new fishing methods and other measures were taken for enhancement of the living environment.

Regarding commodity distribution within the island, the office further minted pieces of stamped silver that were valid for payment only on Sado Island. The office thus facilitated a monetary economy with other places in mainland Japan.

The management of mines by the Sado Magistrate's Office was changed according to the output. The costs for mining gold and silver were covered by a range of taxes collected on the island (tithes), although large improvement works connected with the mines - such as the excavation of the Minamizawa Drainage Tunnel - were conducted with extra funding from the Tokugawa Shogunate. After the middle of the Edo Period (18th century), when output declined, the higher-cost mining tunnels were shifted to the direct control of the Sado Magistrate's Office, and mining was entrusted to the mine proprietors so as not to impose an extra burden on them. The smelters obtained ore by successful bid at the Sado Magistrate's Office or purchased it directly from mine proprietors. They then carried out ore processing within their own plant. Under this system, all of Sado's gold and silver output was purchased by the Sado Magistrate's Office.

After the latter half of the 18th century, due to the further decrease in output, mine management became almost directly controlled by the Sado Magistrate's Office. Some mine proprietors became officials, receiving rice as salary from the Sado Magistrate's Office. Also, regarding the smelters' factories for ore-dressing, smelting and refining which used to be scattered in the residential district, smelters were gathered together and they worked in the newly established "Yosseriba" (ore-dressing plant) and "Yosedokoya" (smelting and refining plant) in the magistrate's office area. The Sado Magistrate's Office managed the whole series of processes from mining and ore-dressing to smelting.

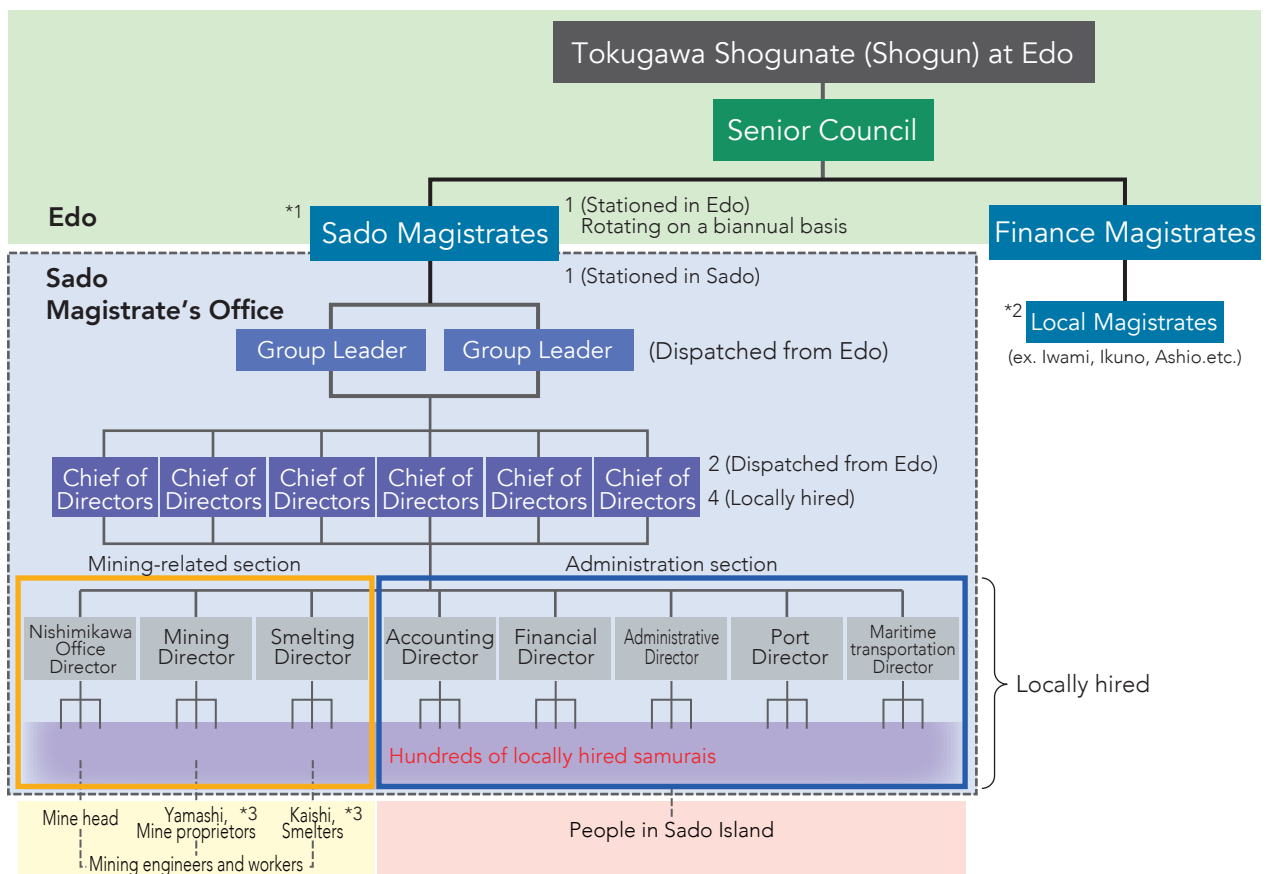
The magistrate of Sado, who managed the mine, was considered an important position and was placed on the same level as the Finance Magistrate who was responsible for handling the finances of



● **Figure 40** Administration of the Sado Gold and Silver Mines (since the middle of 18th century)

the Tokugawa Shogunate. And federal government officials who were direct vassals of the Shogun were dispatched from Edo to the office to fill the roles of magistrate [Figure 41]. Regarding the constitution of the officials' birthplaces, many of them, except for the leaders and (some) chiefs of directors accompanied by the magistrate from Edo, were locally-hired samurais. Their ancestors had arrived on the island from all over Japan in the early Edo Period (beginning of the 17th century) during a very prosperous phase of the mines and now resided in Aikawa [See Column 3, on p.A2-70].

The function of the Sado Magistrate's Office was roughly divided into two sections, one dealing with mine management and the other with the governance of the whole island. In the mine management division there were three sections: one concerned with the Nishimikawa Placer Gold Mine, another with actual mining and the other with smelting. In addition to the administration office building and the magistrate's residence, the site included various facilities related to the mine such as storehouses for the safekeeping of gold and silver carried to the central government, storehouses for oil, and storehouses for lead used in the smelting of gold and silver. In 1621, due to the commencement of the minting of "koban" gold coins (oval shaped gold coins), the Goto Office (the mint office) was established at the site for quality control. In 1759, a dressing and smelting plant was constructed on the site. In this way, the Sado Magistrate's Office featured the direct management of the production facilities as well as functioning as the administration office.



\*1 : "Sado Magistrate" was one of "the Magistrates of Distant Places" who were dispatched in the important places under direct control of the shogun. Magistrates of Distant Places were placed in Nagasaki, Kyoto, Osaka and so on, including Sado and directly managed them as the financially and politically important cities.

\*2 : It was "Local Magistrates" under Finance Magistrates who managed the less important areas under direct control. At other mines than Sado, "Local Magistrates" were usually placed to manage the mines.

\*3 : Mine proprietors functioned as officials in the magistrate's office and smelters were placed centrally under the control of the magistrate's office. Thus, they were incorporated as part of organisation in the magistrate's office.

● **Figure 41** Organisation incorporated chart of the Sado Magistrate's Office

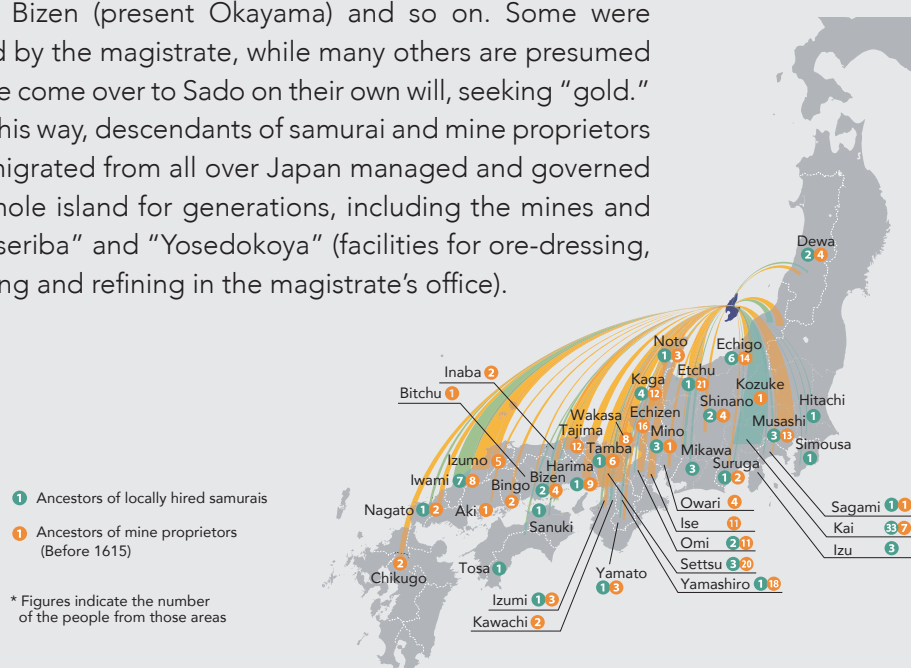
### Column 3: People Gathered in Sado from All Over Japan (Birthplaces of locally-hired officers and mine proprietors in Sado)

In accordance with the full development of the mine, a large number of mining experts and workers gathered in Sado Island from all over Japan. Taking the examples of mine proprietors and locally-hired officers, of which there are abundant surviving records, an analysis of their birthplaces was carried out [Figure 42].

The analysis indicates that a number of samurai and mine proprietors migrated from all over Japan from the end of the 16th century to the first half of the 17th century, when the Aikawa area was developed vigorously. In the Sado Magistrate's Office, they required the locally-hired officers to report their ancestors' birthplaces, years of entering the service, hereditary stipends, official titles, lands gifted by the lord, and places of their family temples and so on. The reported information was recorded in the authenticated history document compiled in the magistrate's office. As for the birthplaces of mine proprietors or their ancestors, they held the records in the Sado Magistrate's Office. Therefore, the classified total was calculated on the basis of the family names or those records.

According to the records, the distribution of birthplaces varied depending on the difference of the times and the policies. In the period of the control of Uesugi (a lord in Echigo province) in the late 16th century, there were many samurai from Echigo (present Niigata). In the period of the first Sado Magistrate Okubo Nagayasu's control at the beginning of the 17th century, there were many samurais and mine proprietors from Kai (present Yamanashi), where Okubo was born and gold mines were vigorously developed. Following that there were officials from the Iwami Silver Mine who were requested to come over to Sado by Okubo. In the peak period, mine proprietors migrated from various places: Kai, Echigo, Yamato (present Nara), Bizen (present Okayama) and so on. Some were invited by the magistrate, while many others are presumed to have come over to Sado on their own will, seeking "gold."

In this way, descendants of samurai and mine proprietors who migrated from all over Japan managed and governed the whole island for generations, including the mines and "Yoseseriba" and "Yosedokoya" (facilities for ore-dressing, smelting and refining in the magistrate's office).



● **Figure 42** Birthplaces of the ancestors of locally hired Samurai in Sado and those of the mine proprietors



## 2.3.4 Establishment and Development of the Production Organisation on Lode Deposits

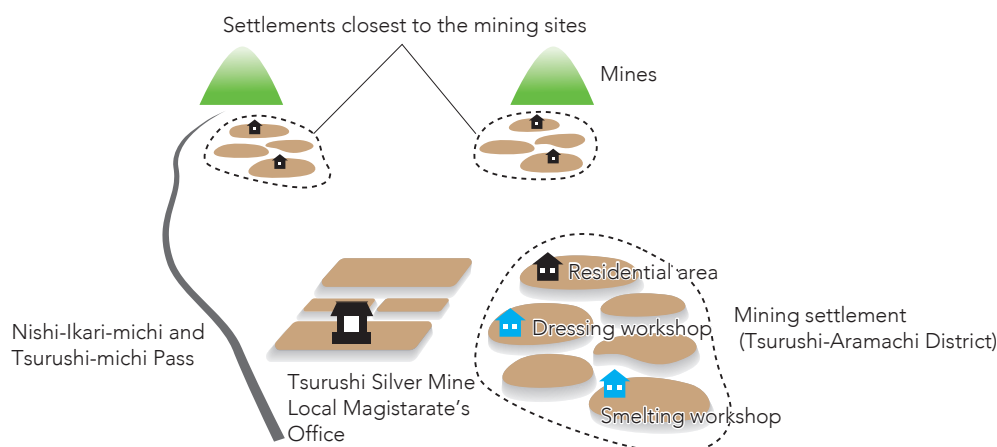
### a) Organisation and Primary Division of Labour (Introductory Stage)

In the Tsurushi area, the largest mine area on Sado in the 16th century, due to the rapid increase of mine workers that followed the prosperity of the mines, it appears that the residential districts gradually expanded by adding irregularly shaped terraces which utilised the topography without any major alteration of the landform [Figure 43]. Small-scale terraces can be recognised as remains of settlement sites in the immediate vicinity of mining sites. It is presumed that development was being advanced through the movement of people and materials coming and going via the Nishi-Ikari-michi and Tsurushi-michi Pass with the local magistrate's residence and the Tsurushi-Aramachi District as its base.

In the Tsurushi Silver Mine Local Magistrate's Office Site and the Tsurushi-Aramachi District, which has no definite streets, relics or artefacts of workshops related to ore-dressing or smelting can be identified on specific terraces [Figure 45]. This indicates that production was carried out systematically under the management of the local magistrate and a primary system of labour division was established. The existence of the settlement called 'Aramachi' and the local magistrate's office site was recorded in a drawing depicted in 1858 [Figure 44]. It has been recorded that ore-dressing plants and smelting plants were established within the settlement. This supports the information in the archaeological survey.

In the settlements of other mines in Japan in the 16th century, when domestic hard-rock deposits were developed on a large scale, a situation similar to that of the Tsurushi area can be seen. It is believed that the reason was that the prosperity of the mines made people want to rush to the mines and, accordingly, residential districts spread rapidly. Records say that a large number of people gathered in the Tsurushi area from all over Japan and the mine entered its most prosperous period. Physical evidence on site supports such records.

Tsurushi Silver Mine [The late 16th century - the early 17th century]



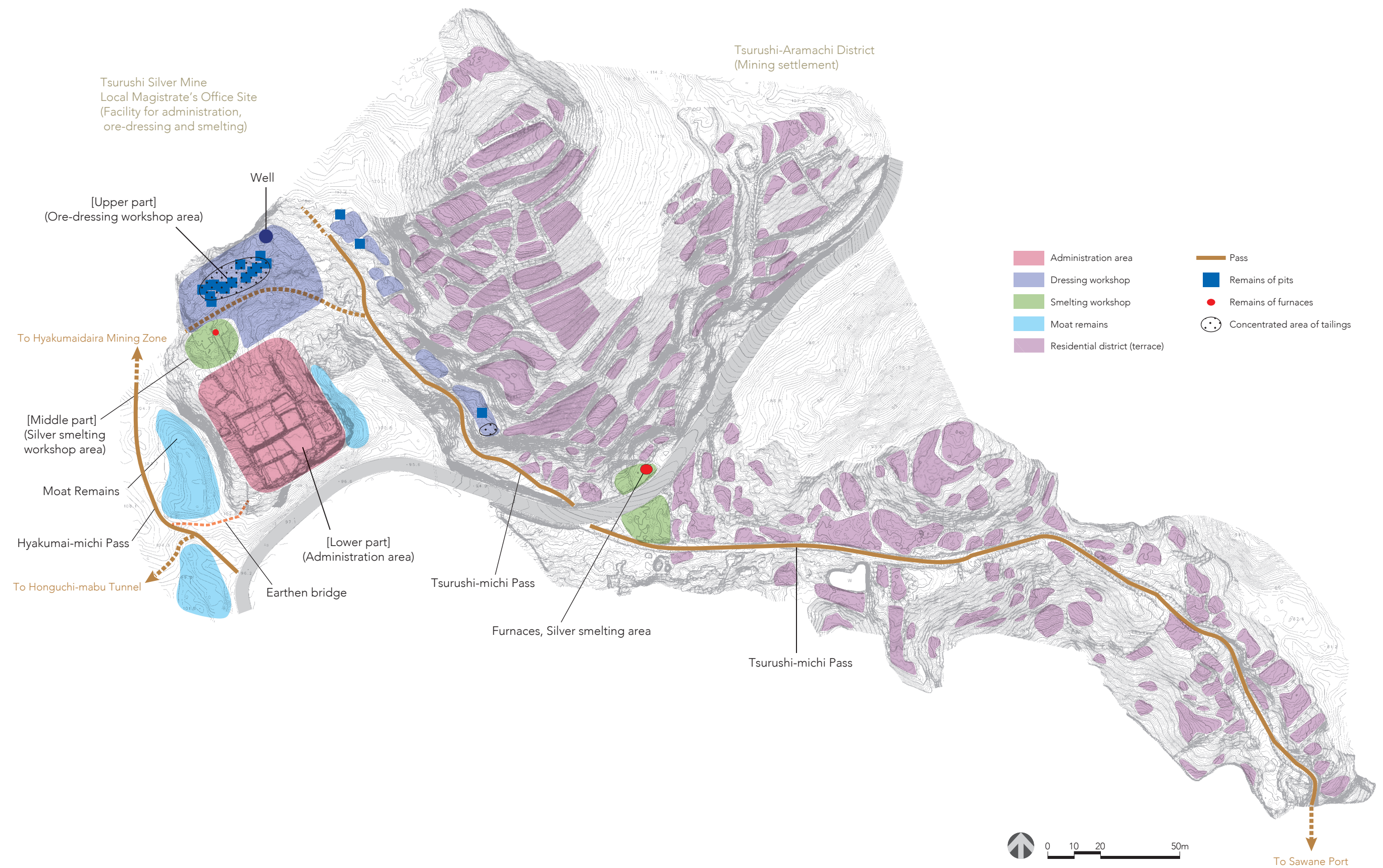
● Figure 43 Settlement zone in the Tsurushi Silver Mine (conceptual diagram)



- 1 The Local Magistrate's Office, Mining Site
- 2 A note says "There were terraces with townhouses. This area is said to have been Aramachi."
- 3 Honguchi-mabu Tunnel

● **Figure 44** "Tsurushi Honguchi wakiyori okawari mokuromi sumibiki" (Area map of the Tsurushi Honguchi-mabu Tunnel, document of the Mikata family: 1858)  
 [Deposited property in Sado City Board of Education]



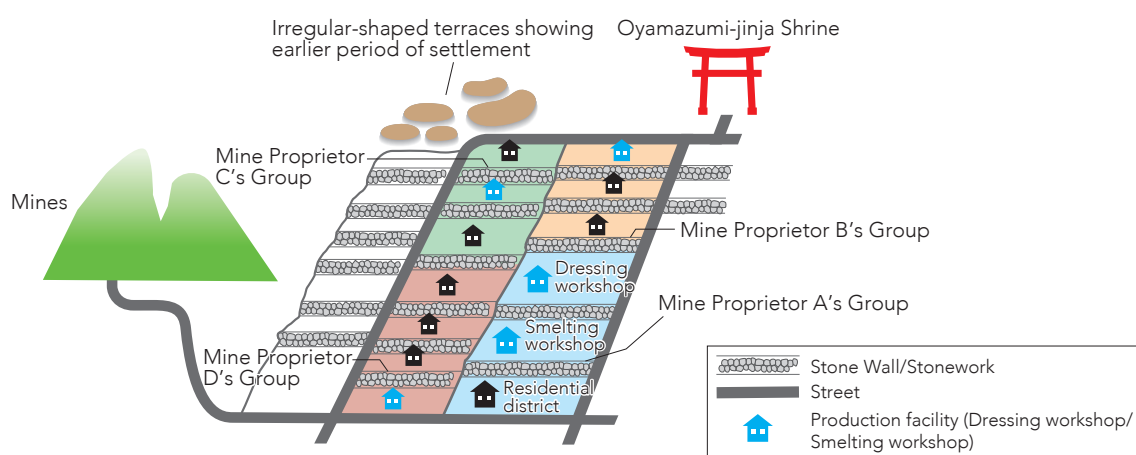


● **Figure 45** Map of remains distribution and area function (presumed): Tsurushi Silver Mine Local Magistrate's Office Site and Tsurushi-Aramachi District



## b) Subdivision and Specialisation of Each Process (Primary Stage of the Development)

In the early 17th century, according to the records in the magistrate's office, when the development base was moved to the Aikawa area, one mine proprietor after another entered the mine accompanied by specialist groups from all over Japan [See Column 3, on p.A2-70]. In the primary period of development, mine proprietors, as supervisors of the whole operation, managed all of the technical experts and workers who were in charge of mining, ore-dressing, smelting and refining. The Kami-Aikawa District was the residential district for those mine proprietor groups and was constructed on the slopes of the hills which were close to the mining areas such as the Doyu-no-warito Opencut Site and the Rokuju-mai-mabu Tunnel Site. The place shows the production organisation from the remnants and artefacts indicating the early settlement structure, and also shows the structure of the better-planned established mining town which had evolved from the Tsurushi-Aramachi District to a further advanced stage [Figure 46].



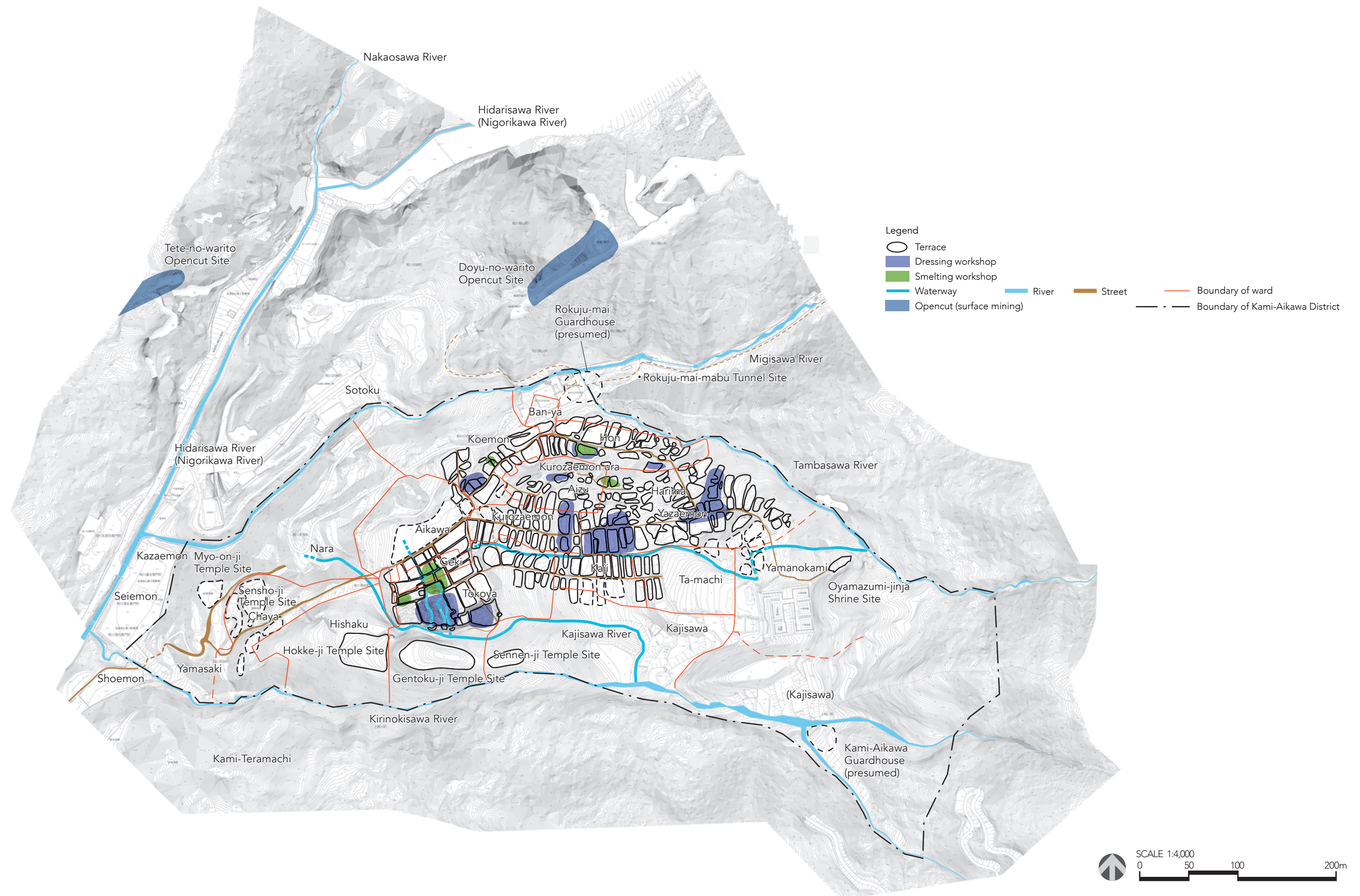
● **Figure 46** Settlement zone in the Aikawa Gold and Silver Mine: Kami-Aikawa District (conceptual diagram)

According to a diary record called "Umezu Masakage Nikki," specialist groups led by mine proprietors formed each village in Sado. The record also says that many old ward names in the Kami-Aikawa District derive from the proprietors' names in the village at that time [Figure 47]. According to the cadastral register of 1694, there existed very small to large terraces that constituted the town of Kami-Aikawa. The scale of each mine proprietor's group also had an influence on the formation of town districts.

The size and form of the terrace-like flat sites, with rectangular lots arranged alongside two parallel main roads running through the town [Figure 47 Brown part], were restricted by the natural topography. However, it is inferred that the town was formed under a clear planning policy. On the slopes on the northern side, such as Kurozaemon-machi Ward and Harima-machi Ward, irregularly shaped terraces can also be seen which are similar to those in the Tsurushi-Aramachi District. Therefore, it was considered a transitional period, from the viewpoint of planning the residential district.

According to a distribution survey of the artefacts, there used to be certain areas where relics related to both dressing and smelting, such as stone mills, pounding stones, tuyere and slags, were found in concentration. This reveals that each settlement for the groups organised by the mine proprietors had working places for dressing and smelting. The residential districts of each group integrated workplaces for ore-dressing, smelting and refining.

The ore obtained in mining sites was sorted according to the grade and weighed at guardhouses placed at portals of each mining tunnel. Following these procedures, the ore was carried to the workshops of each group for ore processing. The route for traffic between the mining zone and the settlement zone was predetermined and access to the mining sites was strictly controlled by the magistrate's office especially for the prevention of unauthorised removal of gold, silver and ores. The drawings show that guardhouses were placed in the Kami-Aikawa District, and the approximate locations can be identified at the sites [Figure 47]. Other guardhouses were placed at important points for access to mines: the Kami-Aikawa Guardhouse at the Aikawa-side starting point of the pass (Nishi-Ikari-michi and Tsurushi-michi Pass) connecting with the Tsurushi area, and the Rokuju-mai Guardhouse on the import boundary between the mining sites and residential districts.

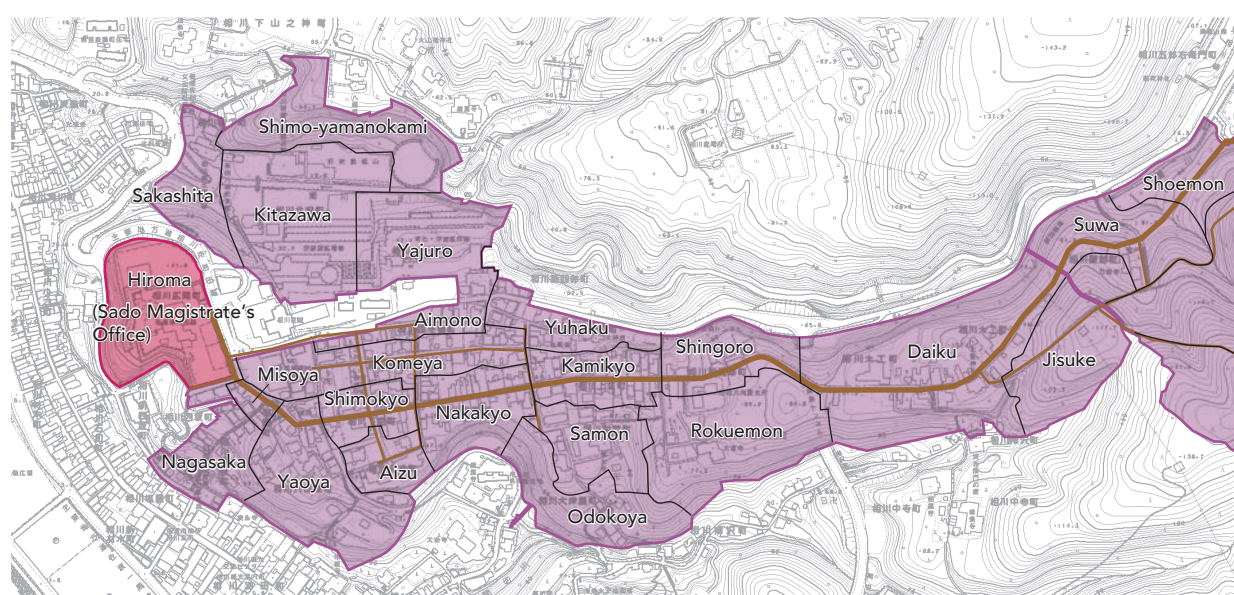




### c) Specialised Occupation Groups (Developing Stage)

In 1603, Okubo Nagayasu, magistrate in Sado, established the magistrate's office in Aikawa in order to realise systematic management of the mine. At the same time, he also built a main road connecting the Sado Magistrate's Office and the mines along the ridge and developed the residential district of Aikawa-Kamimachi with highly standardised and systematic land allotment along the road [Figures 48, 51]. The place for working and living, which was arranged by occupation such as management, production and business, was developed by creating terraces and terraced lands on the slope of the ridge and building high retaining walls with stones to expand the area available for use. This was to facilitate an increased output of gold and silver, more efficient management of the mine including the expansion of production systems, and to provide accommodation for a surging population.

In the vicinity of the Sado Magistrate's Office, standing side by side along the road, were officials' residences and wholesalers and shops which supported the mine management, dealing with various products. A group led by mine proprietors resided in the vicinity of Ainoyama and the Kami-Aikawa District and in the area along the Hidarisawa-River as well as on the plateau of Aikawa-Kamimachi. The miners who were retained by the Sado Magistrate's Office resided in "Daiku-machi Ward" (literally miners' town). A town was formed in which workshops and residential places for each gold production process (according to the occupation) were arranged. For example, dressing work that required water was conducted in "Kitazawa-machi Ward" along the Nigorikawa River, and smelting work in "Odokoya-machi Ward" (literally smelters town) in the Aikawa-Kamimachi Town [Figure 48]. A residential district mainly for merchants and people who were involved in the transportation of materials and goods developed in the "Shitamachi (Downtown) District", as it was located on the coastal area and that made it easy for small ships to load and unload the material goods. People living in this district supported the production activity and daily lives of people working in the mine by supplying material goods.



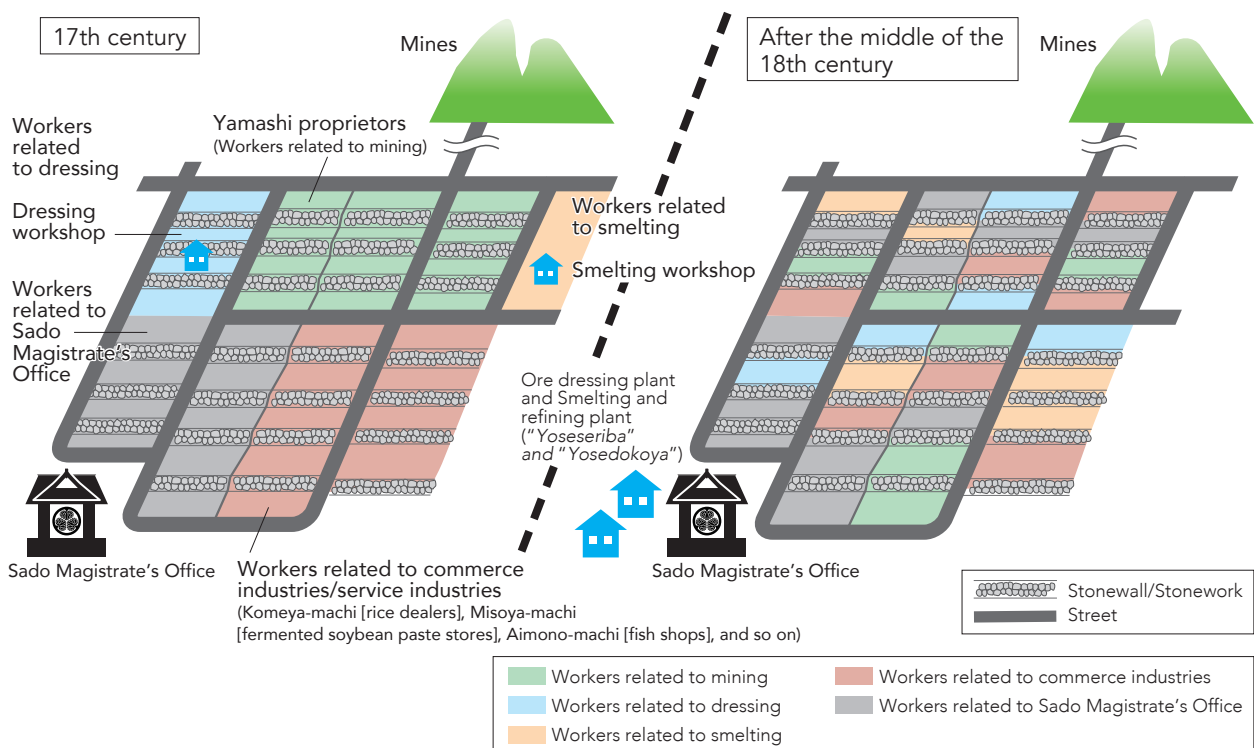
● Figure 48 Streets and names of wards: Aikawa-Kamimachi Town

The town of Aikawa, a small fishing village before the development of the Aikawa area, grew into a mining town with a population of up to 50,000 people to support the mining industry. This scale was comparable at the time to one of the big cities such as Nagasaki, which was developed as one of the portals for foreign trade under the management of a Nagasaki Magistrate dispatched by the Tokugawa Shogunate, in the same manner as for Sado. The level of prosperity in the town is recorded in a book about manners and customs [Figure 49] and further revealed by the fact that in the year 1649, when prosperity in the early 17th century declined, 89 wards and 2,172 houses were on record.

In 1759, facilities distributed throughout the town related to ore-dressing and smelting were amalgamated and centralised in working plants established inside the Sado Magistrate's Office. In consequence, residences for samurais around the Sado Magistrate's Office were relocated around the town. Former town zoning ceased and the town became one where people in various statuses and occupations lived next to each other in disorganised fashion [Figure 50].



● **Figure 49** The townscape of the Aikawa-Kamimachi in the Edo Period "Tempo nenkan Aikawa junikagetsu" (Quarterly journal of Aikawa in 1830-1843) [Property of Funazaki Library]



● **Figure 50** Transition of the settlement structure: Aikawa-Kamimachi Town (conceptual diagram)





● **Figure 51** Settlements in the Aikawa Gold and Silver Mine depicted in “Aikawa machi ezu” (Picture map of Aikawa town, document of the Nagai family)

[Property of Sado City]

- Legend
- Main street \*The street depicted in the map is highlighted in orange colour.
  - Administration facility
  - Settlement zone
  - Mining zone

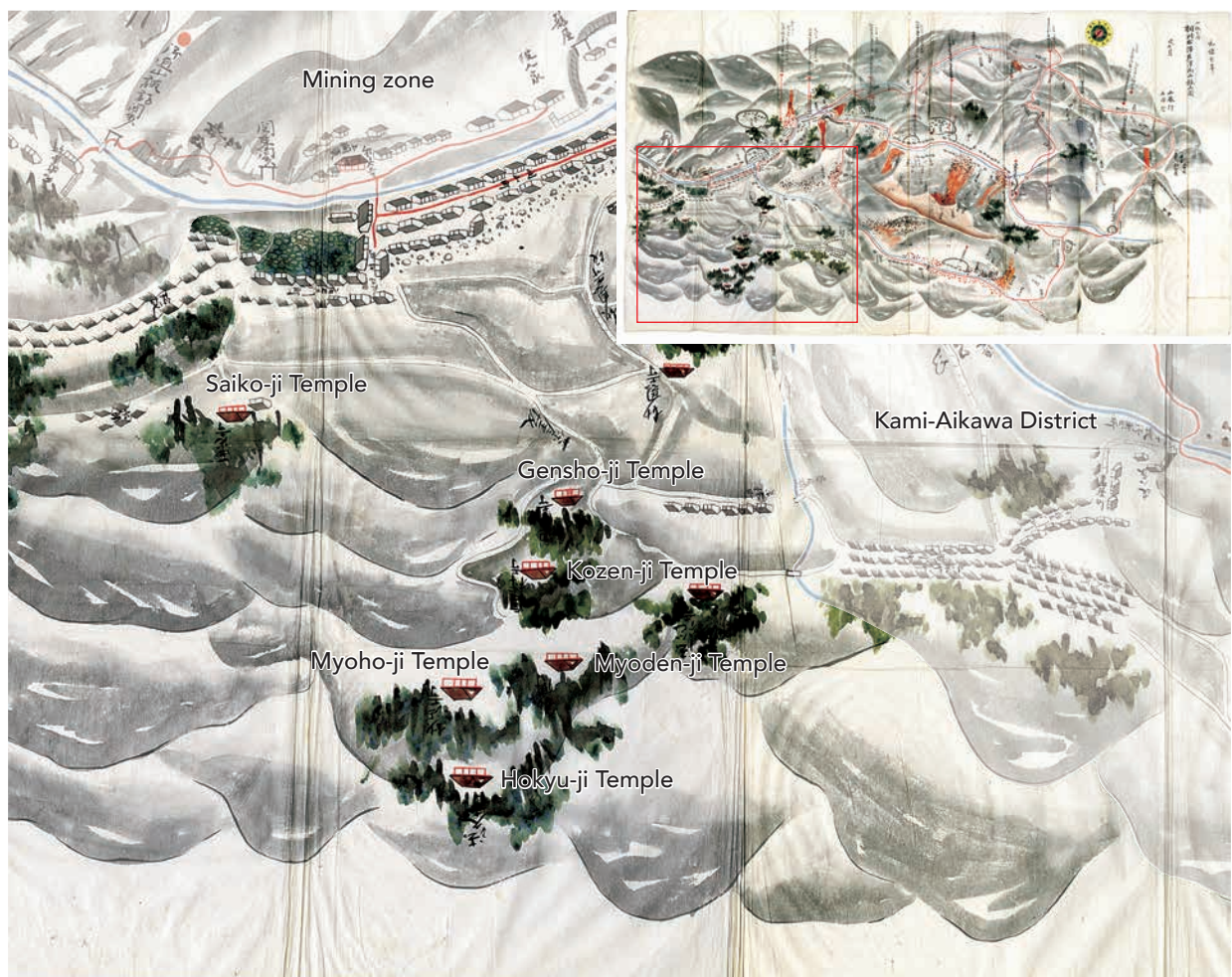


## 2.3.5 Culture derived from Mining

### a) Faiths of Mine Workers (Temples and Shrines)

The Kami-Teramachi (literally upper-temple town) District was a mining town with many temples formed adjacent to the Kami-Aikawa District [Figure 52]. Temples were constructed on slopes along the ridges higher than the residential districts. In addition to the terraces where temples and graveyards are located, there are some terraces with scattered millstones which are presumed to have been the residential district. It is believed that the residential districts for mine workers coexisted in the area which consisted mainly of temples.

Gravestones and temple records indicate that a large number of people migrated to the Aikawa area from all over Japan. During the flourishing of the mine after the 17th century, over 100 temples of various Buddhist denominations were constructed by these immigrants. The Sado Magistrate's Office put temples together in a specific district and formed temple towns called Upper-, Middle- and Lower-Teramachi (Temple towns). Many of these temples were established by priests accompanying mine proprietors who collectively migrated from all over Japan in the early period of mine development. The temples functioned not only for Buddhist services but also as public meeting facilities for each community. Temples played an important role in sustaining the organisation and



● **Figure 52** Kami-Teramachi District depicted in an old drawing map: "Migisawa Hidarisawa mukaiyama ginzan zu" (Map of silver mines around Migisawa and Hidarisawa Rivers, 1694) [Property of Golden Sado Inc.]

smooth activity of production as well as serving as the workers' spiritual homes.

In the Aikawa area, the Oyamazumi-jinja Shrine enshrined a deity who was believed to control the mining industry and protect the mountain, thus it was worshipped for the miners' prosperity. It is illustrated in some drawings that they prayed for the safety of mining operation by enshrining the deity above the portals of the mining tunnels [Figure 56 on p. A2-86]. The Oyamazumi-jinja Shrine in the Kami-Aikawa District was constructed in 1601 as a shrine separate from the Nishimikawa Oyamazumi-jinja Shrine. The shrine was located at the highest point of the residential district so as to look out over the mine and residential district. The Sado Magistrate's Office generously patronised the temples and shrines by bearing the repair cost of the buildings. On the festival days, the "Kagura" Dance (sacred music and dance), Noh plays, and the traditional performance "Yawaragi" were performed [Figure 53, Photo 9]. "Yawaragi" (literally Softening) was a song performed to pray for soothing the deity of the mine and for softening the hard veins of gold and silver. It was also a festive song to appreciate the high-quality gold-and-silver ore.



● **Figure 53** "Yawaragi" depicted in a drawing "Sado kinzan iwai ezu" (Picture of celebration in Sado gold mine)  
[Property of National Museum of Nature and Science]



● **Photo 9** Shinto ritual "Yawaragi (Horai)" passed down to the present



## b) Performing Arts and Public Entertainments in which Mine Workers were Involved

The Noh play, which was brought in by Okubo Nagayasu, Sado magistrate, in the early 17th century, was originally popular among the samurai class. However, it became a local public entertainment, with popularity spreading among mine workers, townsfolk and farmers as public entertainment along with Shinto rituals. As many as 35 Noh play theatres together with their shrines still exist on the island, including the Nishimikawa Oyamazumi-jinja Shrine in the Nishimikawa Area. It is known that Aikawa also had some Noh play theatres and the scene of a performance was depicted on a votive tablet [Figure 54]. Noh required a large amount of money for stage properties and costumes, and the scene of Noh spreading as a local public entertainment cannot be seen in any other parts in Japan. It is unique to Sado Island and it is believed that the prosperity of mines and the financial foundation made this possible.

The festival of the Uto-jinja Shrine in Aikawa is believed to have begun in the middle of the 17th century, the peak period of Sado gold mining. The festival seemed to be partly influenced by the Gion Festival in Kyoto. The “Ondeko Dance”, which originated from the miners dancing with chisels in their hands, was performed. The festival of Uto-jinja Shrine, which is held on the 19th of October every year, has been managed by each town in Aikawa with a parade in the town including in the vicinity of the Sado Magistrate’s Office. It has been passed down to this generation as the largest festival on Sado Island [Figure 55, Photo 10]. Sumo was wrestled as a Shinto ritual, but it spread to local people and became part of the environment of miners’ entertainment [Figure 56]. Such public entertainment and recreation provided occasions where the bonds and interactions of the working



● **Figure 54** Noh-performance many local people enjoyed (votive picture tablet of Noh-performance “Shichi-fukujin” (Seven Deities of Good Fortune))

[Property of Aikawa Oyamazumi-jinja Shrine]





● **Figure 55** Festival at the Uto-jinja Shrine "Aikawa junikagetsu"  
(Quarterly journal of Aikawa) [Property of Funazaki Library]



● **Photo 10** Present festival at the Uto-jinja Shrine



● **Figure 56** Public entertainment (people enjoying sumo wrestling) "Kinzan horiko no zu" (Picture of mining workers in gold mines)  
[Property of Sado City]



"Oyamazumi"  
The deity was enshrined above a portal



● **Figure 57** Scenes of a mining town (street vendors, women carrying mine props, children) "Sado no kuni kinginzan shiki oka kasegikata no zu" (Picture of mining method in Sado gold and silver mines (inside and outside))  
[Property of Niigata Prefectural Museum of History]

groups from all over Japan were strengthened and the people were vitalised. This played an important role in capturing the hearts of the public and sustaining the organisation within the mining industry. Accordingly, the Sado Magistrate's Office supported and patronised the mining communities by allowing people to hold various events and funding them.

Mine picture scrolls ordered by the magistrate's office are significant documents in terms of passing down not only the technology in the mines but also the culture and customs of the mining town. These vividly depict the ordinary daily scenery, people's fashion, and even the transition of hairstyles in the mining towns [Figure 57].

## Column 4 Historical documents related to the Sado Island Gold Mines

The gold and silver mines comprising the nominated property were managed by the Tokugawa Shogunate due to their significance. Therefore, in the shape of the reports to the Shogunate from the Sado Magistrate's Office, a large amount of records were written or drawn in Sado and many of them have been preserved in good condition. The contents of the chronological records (records of the magistrate's office on the events in the mines and Sado Island written chronologically), the books on mining technology, mine picture scrolls and drawings represent the detailed records of management by the Sado Magistrate's Office, the mining technology and process introduced, the town allotment, and so on. These records are essential to understand how the traditional mining business in Sado Island was operated before mechanisation and modernisation [Photo 11], greatly contributing to the interpretation of the archaeological remains and relics on site.

"Sado Gold and Silver Mine Picture Scrolls" (Mine picture scroll) depict mainly a series of processes of mining, ore-dressing, smelting, refining, and minting "koban" gold coins in the Aikawa area, together with the process of the "Onagashi" (great flow) in the Nishimikawa Area. The first picture scroll was drawn in the early 18th century, under Tokugawa Yoshimune, the eighth shogun of the Tokugawa Shogunate. Until the end of the Shogunate, it was customary for professional painters hired by the Sado Magistrate's Office to illustrate a scroll every time the magistrates or group leaders (assistants for magistrates) changed. These documents were drawn for the purpose of a clear explanation of the complex work procedures and sometimes became gifts when the magistrates went back to the capital, Edo. The picture scrolls drawn in this way include copies, approximately to 150 known in and outside Japan. They are precious material that document the evolution in technology and work procedure at specific places, much of which can be correlated with archaeological evidence today.

In Europe, only a few pictures and figures were included in important historical materials which show mining, smelting and refining before the 16th century. Mining instructions such as "De re Metallica" were written during the first half of the 16th century when mechanical devices began to be introduced and they do not indicate earlier mining techniques which are mainly unmechanised ones. The records by a foreign engineer who visited Japan in the late 19th century right after the opening of the country to the world introduce the traditional mining techniques used in Japan in the Edo Period as clues for knowledge of the unmechanised techniques already lost in Europe. Especially, the content of "Sado Gold and Silver Mine Picture Scrolls" depict the processes in traditional



● **Photo 11** Above: numerous existing picture scrolls of the Sado Gold and Silver Mines Below: a picture scroll: "Sado kinginzan shikioka kasegikata no zu" (the picture of mining method in the Sado Gold and Silver Mines (inside and outside))

\*See Appendix 2-3 Picture scrolls depicting mining on Sado  
[Property of Niigata Prefectural Museum of History]



mining, the operation and tasks of miners, the means of smelting, the shape of furnaces, the types of tools, and so on through detailed figures and instructions. Many scrolls were collected and taken to European countries by foreign advisors who came to Japan from the end of the Tokugawa Shogunate.

It is known that cementation with salt, which was depicted in the mine picture scrolls, was conducted in many European regions from ancient times to medieval times. However, it is only in Sardis, Turkey, in the third century BCE, and in the Sado Magistrate's Office Site, that archaeological excavation survey revealed the physical evidence.

More than 50 technical documents on the mines in Sado Island have been identified, and this number is far above those of the other mines in and outside Japan. The books on mining technology, describing the process of ore-dressing, smelting and "koban" gold coin minting, are mutually complementary to those above-mentioned "Sado Gold and Silver Mine Picture Scrolls" as precious historical documents which depict the mining technology in the mines.

"Kinginzan Taigaisho" is one of the technical books on mining in Sado and is believed to have been compiled before the mid-18th century. This book mainly instructs on mining, but a characteristic feature of this book is the coloured-illustrations of the distribution of ore or veins in the mines, the classification of each ore, the structure of "Suisho-rin", an Archimedes pump for drainage, and so on. This book is one of the most noteworthy documents among a number of technical books on the Sado Island Gold Mines.

Figure 58 is a picture depicting the distribution of ore and veins in the mines. The right part shows the assumption that miners dig horizontal tunnels from the surface of the mountainside to the veins deep in the mine and also illustrates the changes in the feature of the rocks on approaching the veins. The left part illustrates the distribution of the veins which vertically go deeper inside the mine. There is no other known example of this type of technical book in Japan that illustrates detailed conditions in the ground in this manner.

Figure 59 illustrates how to distinguish the grades of each type of ore. The upper row shows gold ore, the middle row silver ore, and the lower row other ores including copper. Grades increase from left to right.

Figure 60 describes the types or lengths of "Kengiri" (planned supporting tunnels for purposes other than mining, such as for exploitation, communication, drainage, ventilation and so forth). The lower part illustrates the cross section of the types or lengths of "Kengiri", and the upper part illustrates the plane figure showing the relations between "Nomikado", chisel marks for "Kengiri-aratame" (See Figure 26, c on p. A2-55) which indicated the mining progress (seen in the Minamizawa Drainage Tunnel Site and the



● Figure 58 Classification by features of bedrock



● Figure 59 A picture of how to classify ore grade

Ogiri-yama-mabu Tunnel Site) and “Boji” stakes. A “Nomikado” is a chiseled mark to show confirmation that mining was following the terms of the contract, and a “Boji” stake is a wooden stake put under the “Nomikado” with the dates when the mining began and ended. Pictures like this cannot be seen in any other parts of the world. The “Kengiri” was managed under a recruitment bidding system offered across Aikawa town by the officials in charge of mining in the Sado Magistrate’s Office. The Sado Magistrate’s Office implemented “Kengiri-aratame” once a month to examine if the distance or specification of the tunnels followed the content of the bid. In case the distance was shorter than what was called for in the bid contract, the miners were requested to dig the fixed amount by the following month and, if a longer distance was achieved, they were paid some extra wages. It is revealed that “Kengiri-aratame” was strictly controlled by the Sado Magistrate’s Office.

Figure 61 is a diagram of the network of drainage tunnels in the mine. It shows that an effective drainage system was established by conducting drainage with well buckets by human power at the deepest points of the tunnels or shafts, drainage with “Suisho-rin” in the middle part, and drainage with wooden sluices near the portals.

Figure 62 shows the mining tools which were utilised in the mines. The ores and bedrock in the Aikawa area were extremely hard, therefore, “Ueda-bashi”, pincer-like tools utilised to hold the cold chisels not to hurt the miners’ hands, and iron lanterns with dishes, which were used to light up the tunnels, are depicted. Both of these mining tools are unique to the Aikawa area.

In this way, the nominated property is a rare and precious world-class example that combines exceptional archeological remains of mining technology with well-preserved and highly authentic illustrated historical data.



● Figure 60 Management of excavation progress (above: standard points) and cross sections of mining tunnels (below)



● Figure 61 Conceptual diagram of drainage network



● Figure 62 Tools for mining

## **Appendix 2-3 Picture scrolls depicting mining on Sado**

### **1. Summary of the “Scrolls of Gold and Silver Mines on Sado Island” (mining picture scrolls)**

In Japan, a number of mines were under development from the 16th to 19th century. Accordingly, picture scrolls have been handed down that depict processes to operate major precious-metal mines in the Edo Period, including the nominated property and the Iwami Silver Mine. More than one hundred scrolls depicting the nominated property still exist both in and outside Japan, far outnumber those depicting any other mines. In contrast, ten scrolls or fewer are associated respectively with other Japanese mines. These picture scrolls are crucial for understanding the mining technologies, especially from the time of unmechanised mining, as they serve as explanatory materials in visual forms, as well as provide sufficient information.

#### **Scrolls of Gold and Silver Mines on Sado Island**

In general picture scrolls, stories and the like are drawn, combining texts and illustrations, on long roll of Japanese traditional handmade paper measuring 30 centimetres by around 10 to 30 metres. The reader unwinds each scroll little by little, revealing the story with scenes changing.

“Scrolls of Gold and Silver Mines on Sado Island” were first drawn in the 1730s to be submitted to the Tokugawa Shogunate. Subsequently, it became customary to have picture scrolls made and presented by artists in the service of the magistrates of Sado whenever Sado Magistrates and their aides, group leaders, changed. The picture scrolls were easily understandable explanatory materials for the Sado Magistrates and group leaders, who were dispatched from Edo, the capital at that time, to understand complex processes of technical system. It is said that they took the picture scroll as a memento back with them when they left the position. For about 130 years from the 1730s to the end of the Edo Period (the mid-19th century), one hundred of magistrates took office, which can be presumably the main reason why a number of “Scrolls of Gold and Silver Mines on Sado Island” were made and many of them still exist. Some of other mines made their own mining picture scrolls based on the compositions of the Scrolls of Gold and Silver Mines on Sado Island, adding their actual mining operation, which show that they had a deep impact on mining picture scrolls drawn in other mines.

The scroll illustrates a series of the processes of actual technologies which were used on Sado Island. The scenes are depicted orderly from the right to the left to be read as scroll is unwound, according to the actual procedure: beginning from mining inside tunnels, dressing ores which were mined and carried out of the tunnels, smelting and refining with complex techniques, and minting “koban” gold coins. In order to draw many people in the scroll paper with a narrow height, each scene is depicted in a panoramic view. In addition, to describe the inside of the buildings, roofs or ceilings are omitted intentionally.

The scrolls were successively made not of the completely same contents but by adding partial modification in accordance with introduction of new techniques and transition of processes at each time. A comparison of picture scrolls drawn at different times provides an understanding on transition of techniques and processes. The daily lives and culture are also reflected on the description, such as what merchant houses in the mining towns were like, what the people’s hairstyles were or how they were dressed and so on.



### **Scrolls of Gold and Silver Mines on Sado Island were taken abroad**

The picture scrolls were taken abroad by Philipp Franz von Siebold, a German physician in the service of Dutch trading house in Japan and by foreign advisors employed by the Japanese government from the end of the Edo Period to the beginning of the Meiji Period (in the late 19th century). As far as known, those picture scrolls are confirmed to exist in Germany, Britain, Ireland, and the US (Todd 1998, Mathias 2013a).

Gowland William (1842–1922), a British metallurgist who had been to Japan, and Emil Treptow (1854–1935), a professor of Bergakademie Freiberg who researched Japanese mining picture scrolls even without experience of visiting Japan, were the first to focus on the Japanese mining picture scrolls as important clues for restoration of ancient missing processes of mining and smelting in Europe as well as valuable antiquities. In Europe, there are no pictures depicting mining and metallurgy in the era of unmechanised industry before the 16th century. Even in the renowned book, “De re Metallica” written by Georgius Agricola in the mid-16th century, technologies which had already begun to be mechanised are only described, and it is impossible to know the development process of technologies before those in the book. Thus, the picture scrolls drawn on Sado Island were highly valued as supplementary knowledge sources of the technologies which could not be traced back any more at the time in Europe and were needed to correctly understand mining at that time (Mathias 2013a, 2013b).

### **Significance and importance of the “Scrolls of Gold and Silver Mines on Sado Island”**

Under the management and administration by the Tokugawa Shogunate, production was sustained for a long time, and accordingly the specific mining technologies and culture were successively drawn in detail for over one hundred years. Far outnumbering those of other mines, the picture scrolls drawn in Sado Island would presumably show evidence that mines in Sado were especially valued by the government at the time.

In addition, they provide the significant clues to verify the usage and function of artefacts and features found in excavation surveys. They are quite rare historical materials globally that serve as sources of such extensive information.

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2. "Sashu Kinginzan no zu" (Picture of Gold and Silver Mines in Sado; Nishimikawa Placer Gold Mine)

Scrape off the side of the mountain and gather the scraped sediment in the water race.



Black part: a pile of unwanted stone

Blacksmith shack: piled-up stone structure



Remove stones and gravels left at the bottom of waterways after the "Onagashi" process.

Build "Yana" (simple piled-up stone structure) in waterways taking up the whole width of the river not to get all of gravel washed away, and release the water from the reservoir with great force and flush the unwanted dirt away. By repeating this process, gravel containing placer gold is stored in the waterway.



To the upper row of Page A2-95

After deviating the flow of the waterway, dig deeply into the bedrock to gather earth and sand.

Sand left on the bottom of waterways is gathered and piled up on "Nekoda" mat (straw mat), where unwanted dirt is washed away by stream and sand is caught in the meshes. Placer gold contained in the sand is separated through the gravity concentration process using "Yuriita" (panning board).





Excavate tunnels in the mountain to dig out earth and stones containing placer gold.

Separate placer gold contained in the collected dirt through the gravity concentration process using "Yuriita" (panning board) in water.



Collect sand caught in the meshes of "Nekoda" mat, which contains placer gold.

Pile up excavated dirt from tunnels on "Nekoda" mats in rows, and unwanted dirt is washed away with water flow.



On the 29th of each month, the placer gold mined in a month is tallied and shares to the Sado Magistrate's Office and mine workers are decided. The workers are paid with pieces of stamped silver (valid only in Sado).

Sand caught on "Nekoda" mat is transferred on Yuriita, panning board, to collect placer gold through the gravity concentration process.



3. "Sado no kuni kanahori no maki" (Picture of Gold Production in Sado; Aikawa Gold and Silver Mine)



Doyu-no-warito Opencut

"Kengiri-aratame": examining mining progress



Water drainage using pulley and well bucket

Water drainage using well bucket

Miners getting up and down an inclined mining tunnel

Transport of ore by miners

Reinforcement of mining tunnel

Excavation towards upper part



Horizontal excavation

Water drainage using Archimedean screws

To the upper row of Page A2-99



Blacksmith shack: Tools such as cold chisels are fixed.

From the lower row of PageA2-97



Sort hut: Mined ores are sorted out by women.

What things done around a portal

Sort hut



Yotsudome-bansho Guardhouse: Workers, materials and ores in and out are checked.

Sort hut



Screening hut: Discarded ores from a sort hut which might include low-quality gold and silver ingredient are collected.

Yotsudome-bansho Guardhouse: Workers, materials and ores in and out are checked.



Ore yard for payment to the shogunate

From the lower row of Page A2-99



Ainoyama-bansho Guardhouse: Entry and exit are checked.

Distribution of ores: Ores are divided into shares for payment to the Shogunate and for mine proprietors.

Shops in a mining town: Shops selling tools such as strainers and straw bags, a liquor shop for sake (refined alcohol)



Town people: Those vending fish, those transporting timber for reinforcement or oil to the mines

Town people: Those transporting charcoal to the mines, children playing with dogs

Ores are transported to ore-dressing workshops on cow's back.

Grinding crushed ores in rotary stone mills



"Neko-nagashi"  
(Wash in sluice)

Sand-like ore ground into finer muddy powder is stirred in a tub. The precipitation is put in the processes of gravity concentration.

Crushing ores



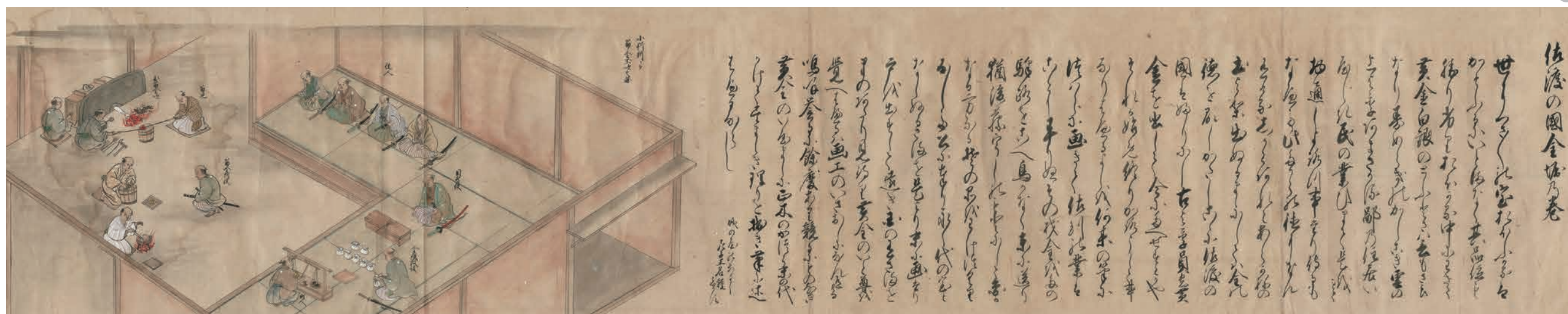


Lead is added to make work lead (lead containing gold and silver).

Gold and silver are extracted through the cupellation processes.

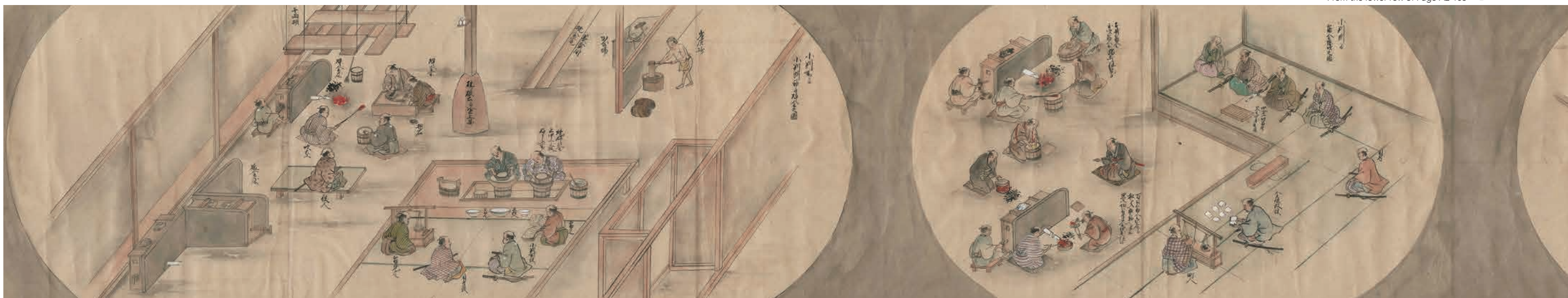


Adding lead and sulfur, the alloy is heated to remove silver on the surface. Gold is left at the bottom of a furnace.  
→ Gold and silver are extracted through the cupellation processes.



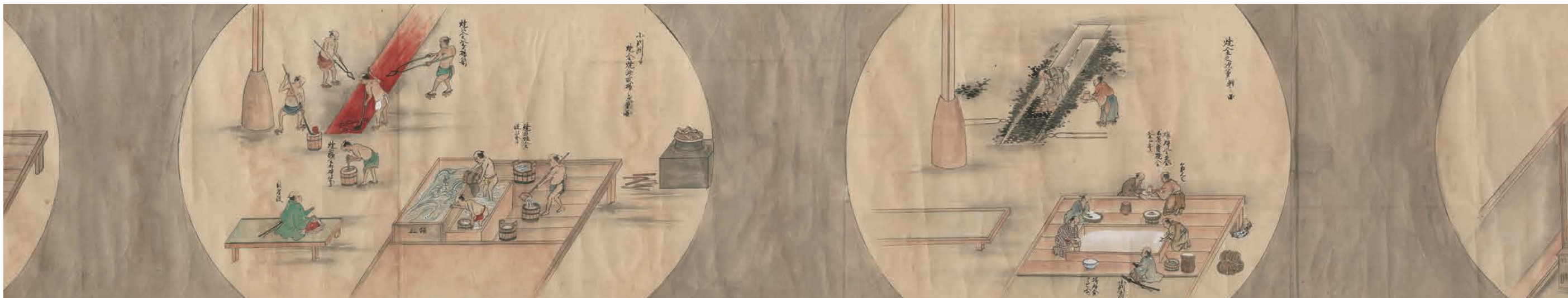
Silver-bearing gold is melted and crushed on an iron plate and wrapped every 500 momme (1,875g: 1momme =3.75g) in a bag.





Adding lead for easy crushing, the ingots are crushed on an iron plate and the particle size of gold is carefully sorted out with sieves.

100 momme (375g) of gold particles are taken out of a paper bag, adding lead to remove impurities, and forged into ingots. The remaining is wrapped again every 500 momme.



Cementation with salt: After heated in a long furnace, the lumps are washed well in the water. Silver chloride is dissolved from the lumps in the water, from which silver is to be extracted later in another process. The gold particles which have sunk to the bottom of the tub are collected.

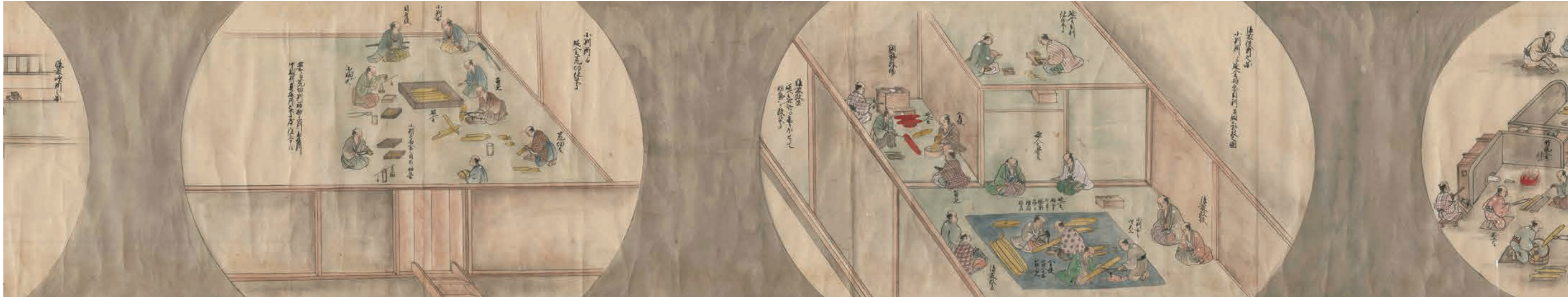
Preparation for the cementation process: The powder of the same sized particles and salt are mixed well. They are shaped in a cylindrical shape on earthenware and are set in furnace.



Ingot: Gold is melted at the rate of quality necessary for coin and poured into a mold to make coin ingot metal.

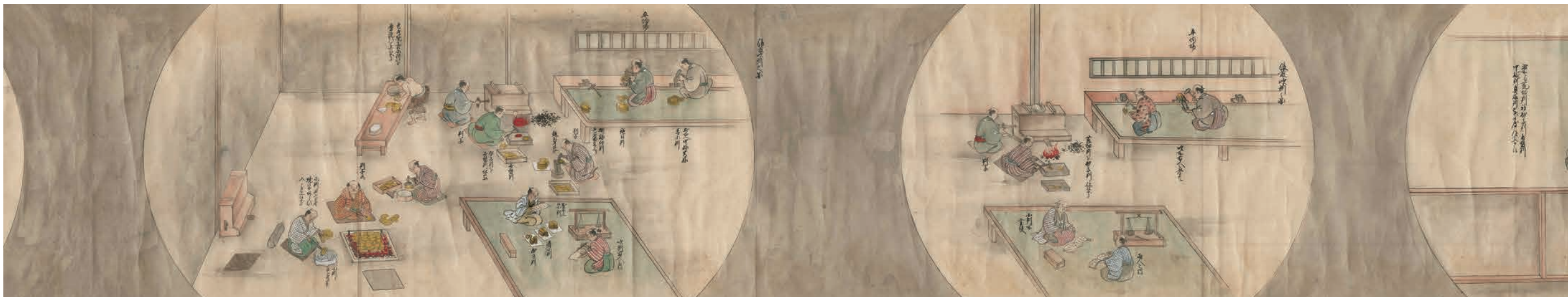
Cemented gold is washed by rubbing to remove salt content, again heated and melted to put together.





Gold ingots are cut roughly in the size of one unit of coin.

Gold ingots are hallmarked in the centre and their quality is examined.



After shaped by hammering, "koban" gold coins are grazed on the surface, burnt, washed in water and brushed into "koban" gold coins.

The roughly cut "koban" gold coins are shaped into oval "koban" gold coins.



Gold and silver contained in muddy water during the cementation process is gravity-concentrated and then separated through the cupellation process.





Placer gold mined in Nishimikawa Placer Gold Mine is also melted to put together.

## **Appendix 3**

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### **Supplementary information about the nominated property**

**3-1 Inventory of the component parts of the nominated property ..... A3-1**

**3-2 List of the official designation notices ..... A3-3**



### Appendices 3-1 Inventory of the component parts of the nominated property

ID	Name of the component part	Region / District	Coodinates of the central point		Area of nominated component Part (ha)	Owner	Manager
			Latitude	Longitude			
001	Nishimikawa Placer Gold Mine -main	Nishimikawa Area	N37° 54′ 35″	E138° 19′ 31″	273.3	Niigata Prefecture, Sado City, religious corporation, Mano office for land improvement zone, private owners	Sado City indivisuals
002	Kinzan-e Waterway a		N37° 55′ 23″	E138° 20′ 53″	2.7	Sado City, Mano office for land improvement zone, private owners	
003	Kinzan-e Waterway b		N37° 55′ 09″	E138° 21′ 25″	1.2	Niigata Prefecture, Sado City, Mano office for land improvement zone, private owners	
004	Kinzan-e Waterway c		N37° 55′ 17″	E138° 21′ 16″	0.5	Sado City, private owners	
005	Kinzan-e Waterway d		N37° 55′ 08″	E138° 19′ 30″	0.2	Sado City, private owners	
006	Kinzan-e Waterway e		N37° 55′ 05″	E138° 21′ 38″	0.2	Niigata Prefecture, private owners	
007	Kinzan-e Waterway f		N37° 55′ 03″	E138° 21′ 47″	0.1	Private owners	
008	Kinzan-e Waterway g		N37° 55′ 07″	E138° 21′ 59″	1.1	Sado City, private owners	
009	Kinzan-e Waterway h		N37° 55′ 11″	E138° 22′ 01″	0.2	Private owners	
010	Kinzan-e Waterway i		N37° 55′ 11″	E138° 22′ 04″	0.1	Private owners	
011	Kinzan-e Waterway j		N37° 55′ 11″	E138° 22′ 08″	0.1	Private owners	
012	Kinzan-e Waterway k		N37° 55′ 20″	E138° 22′ 56″	2.5	Public land of Mano, private owners	
013	Sugihira-yama Waterway		N37° 54′ 52″	E138° 20′ 44″	1.7	Sado City, private owners	
014	Chikugo-e Waterway a		N37° 54′ 35″	E138° 20′ 07″	1.4	Sado City, religious corporation, common land for Shitaguro-yama area, private owners	
015	Chikugo-e Waterway b		N37° 54′ 33″	E138° 20′ 24″	1.9	Sado City, private owners	
016	Utoge-yama Waterway		N37° 54′ 25″	E138° 20′ 03″	2.6	Niigata Prefecture, Sado City, religious corporation, common land for Shitaguro-yama area, private owners	
017	Toramaru-yama Waterway a		N37° 54′ 22″	E138° 19′ 44″	0.4	Private owners	
018	Toramaru-yama Waterway b		N37° 54′ 20″	E138° 19′ 42″	0.5	Private owners	
019	Toramaru-yama Waterway c		N37° 54′ 15″	E138° 19′ 36″	0.7	Private owners	
020	Toramaru-yama Waterway d		N37° 54′ 12″	E138° 19′ 39″	0.9	Sado City, private owners	
021	Aikawa-Tsurushi Gold and Silver Mine - Aikawa area	Aikawa-Tsurushi Area	N38° 02′ 27″	E138° 15′ 28″	289.2	National Government, Niigata Prefecture, Sado City, religious corporation, private owners (corporation, individuals), local residents’ association	Sado City Corporation (Golden Sado, Inc) indivisuals
022	Aikawa-Tsurushi Gold and Silver Mine - Tsurushi area		N38° 01′ 34″	E138° 15′ 57″	173.3	National Government, Sado City, prefectural agriculture and forestry public corporation, private owners (corporation, individuals), public land	
Total area (in hectares)					754.8		

**Appendices 3-2 List of the official designation notices**

Area	Name of Designation	Date of designation	Content	Category of Cultural heritage under the World Heritage Convention
Nishimikawa Area	Rural Landscape from Placer Gold Mining at Nishimikawa, Sado	21 September 2011	Selection as National Important Cultural Landscape under the LPCP	Site
		July 2023	Additional selection (scheduled)	
	Sado Gold and Silver Mine Site	7 October 2015	Additional designation as National Historic Site under the LPCP	
Aikawa-Tsurushi Area	Aikawa Mine Site	22 March 1958	Designation as Niigata Prefecture Historic Site	Site
	Sado Gold and Silver Mine Site	24 May 1994	Designation as National Historic Site under the LPCP	
		7 February 2011	Additional designation (Tsurushi Silver Mine), Name change	
		27 March 2013	Additional designation (Kami-Aikawa District)	
		6 October 2014	Additional designation (Kami-Teramachi District)	
		10 March 2015	Additional designation (mining zone)	
		11 October 2021	Additional designation (Nishi-ikari-michi and Tsurushi-michi Pass)	
	Cultural Landscape of the Mines and Mining Towns in Aikawa, Sado	7 October 2015	Selection as National Important Cultural Landscape under the LPCP	

\* LPCP stands for the Law for the Protection of Cultural Properties

## **Appendix 5**

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### **Laws and Regulations**



## **5-1 Laws related to management of the nominated property**

- a. Law for the Protection of Cultural Properties ..... A5-1

## **5-2 Laws and Regulations applied to the buffer zones**

- a. Landscape Act ..... A5-71
- b. Sado City Landscape Ordinance and Regulation for Enforcement of  
Sado City Landscape Ordinance ..... A5-109
- c. Sado City Outdoor Advertisement Ordinance and Regulation for Enforcement  
of Sado City Outdoor Advertisement Ordinance ..... A5-127

## 5-1 Laws related to management of the nominated property

### a. Law for the Protection of Cultural Properties (Law No. 214, 1950)

This is an unofficial translation. Only the original Japanese texts of laws and regulations have legal effect, and the translations are to be used solely as reference material to aid in the understanding of Japanese laws and regulations.

- Chapter I General Provisions (Article 1-Article 4)
- Chapter II Deleted
- Chapter III Tangible Cultural Properties
  - Section 1. Important Cultural Properties
    - Subsection 1. Designation (Article 27 – Article 29)
    - Subsection 2. Custody (Article 30-Article 34)
    - Subsection 3. Protection (Article 34-2- Article 47)
    - Subsection 4. Public Display (Article 47-2- Article 53)
    - Subsection 5. Preservation and Utilization Plan for Important Cultural Properties (Article 53-2- Article 53-8)
    - Subsection 6. Investigation (Article 54 – Article 55)
    - Subsection 7. Miscellaneous Provisions (Article 56)
  - Section 2. Registered Tangible Cultural Properties (Article 57 – Article 69)
  - Section 3. Tangible Cultural Properties other than Important Cultural Properties and Registered
- Chapter IV Intangible Cultural Properties **\*Omitted in this document**
  - Section 1. Important Intangible Cultural Properties (Article 71-Article 76-6)
  - Section 2. Registered Intangible Cultural Properties (Article 76-7-Article 76-17)
  - Section 3. Intangible Cultural Properties other than Important Intangible Cultural Properties and Registered Intangible Cultural Properties (Article 77)
- Chapter V Folk-cultural Properties (Article 78- Article 91) **\*Omitted in this document**
- Chapter VI Buried Cultural Properties (Article 92-Article 108)
- Chapter VII Historic Sites, Places of Scenic Beauty, and/or Natural Monuments (Article 109-Article 133-4)
- Chapter VIII Important Cultural Landscapes (Article 134- Article 141)
- Chapter IX Preservation Districts for Groups of Historic Buildings (Article 142 – Article 146)
- Chapter X Protection of Conservation Techniques for Cultural Properties (Article 147 – Article 152)
- Chapter XI Consultation with the Council for Cultural Affairs (Article 153)
- Chapter XII Additional Provisions
  - Section 1. Public Hearings and Statements of Disagreement (Article 154-Article 161)
  - Section 2. Special Provisions regarding the State (Article 162- Article 181)
  - Section 3. Local Public Bodies and Boards of Education (Article 182- Article 192)
  - Section 4. Support Organizations for Preservation and Utilization of Cultural Properties (Article 192-2- Article 192-6)
- Chapter XIII Penal Provisions (Article 193 – Article 203)
- Supplementary Provisions



## Chapter I General Provisions

(Purpose of this Law)

### Article 1

The purpose of this Law is to preserve and utilize cultural properties, so that the culture of the Japanese people may be furthered and a contribution be made to the evolution of world culture.

(Definition of Cultural Properties)

### Article 2

“Cultural properties” in this Law shall be the following:

- (1) Structures, pictures, sculptures, crafts, calligraphic works, classical books, ancient documents, and other tangible cultural products, which possess a high historical and/or artistic value for Japan (including land and other objects which, in combination with these items, form the value of the cultural property), archaeological artifacts and other historical materials of high scientific value (hereinafter referred to as “tangible cultural properties”);
- (2) Arts and skills employed in drama, music and craft techniques, and other intangible cultural products, which possess a high historical and/or artistic value for Japan (hereinafter referred to as “intangible cultural properties”);
- (3) Manners and customs related to food, clothing and housing, to occupations, religious faith, annual events, and other matters; folk performing arts, folk techniques, and apparel, tools and implements, houses and other objects used in connection with the foregoing, which are indispensable for the understanding of changes in the modes of life of the Japanese people (hereinafter referred to as “folk-cultural properties”);
- (4) Shell mounds, ancient tombs, sites of palaces, sites of forts or castles, former residences, and other sites, which possess a high historical and/or scientific value for Japan; gardens, bridges, gorges, sea-shores, mountains, and other places of scenic beauty, which possess a high scenic or artistic value for Japan; and animals (including their habitats, breeding places and summer and winter migration sites), plants (including their habitats), and geological features and minerals (including land where unique natural phenomena are found), which possess a high scientific value for Japan (hereinafter referred to as “monuments”);
- (5) Landscapes that have developed in association with the lifestyles and livelihoods of the people together with the local features, which are indispensable to the understanding of the lifestyles and livelihoods of the people of Japan (hereinafter known as “Cultural Landscapes”);
- (6) Groups of historical buildings of high value which form historical scenery in combination with their environs (hereinafter referred to as “groups of historical buildings”).

2. The term “Important Cultural Properties” used in the provisions of this Law (excepting the provisions of Article 27 to 29 inclusive, Article 37, Article 55 paragraph 1 item (4), Article 153 paragraph 1 item (1), Article 165, Article 171 and Supplementary Provisions Article 3) shall be construed as including National Treasures.

3. The term “Historic Sites, Places of Scenic Beauty, and/or Natural Monuments” used in the provisions of this Law (excepting the provisions of Article 109, Article 110, Article 112, Article 122, Article 131 paragraph 1 item (4), Article 153 paragraph 1 items (10) and (11), Article 165 and Article 171), shall be construed as including Special Historic Sites, Places of Scenic Beauty, and/or Natural Monuments.

(Duty of the Government and Local Public Bodies)

### Article 3

The Government and the local public bodies shall, recognizing that the cultural properties of the country are indispensable to the correct understanding of its history, and culture, and that they form a foundation for its cultural development for the future, make efforts to ensure that the purport of this Law is thoroughly understood by the public, so that such properties may be duly preserved.

(Duties of the Public, Owners, and others)

#### **Article 4**

The public shall faithfully cooperate with the measures taken by the Government and the local public bodies for the attainment of the purpose of this Law.

2. The owners of cultural properties and other persons concerned shall preserve such properties with good care and utilize them for cultural purposes, by making them available for public display, or by other means, in full consciousness that cultural properties are valuable national possessions.
3. In the execution of this Law, the Government and the local public bodies shall respect the ownership and other property rights of the persons concerned.

### **Chapter II Deleted.**

Articles from 5 to 26 inclusive. Deleted.

### **Chapter III Tangible Cultural Properties**

#### **Section 1. Important Cultural Properties**

##### **Subsection 1. Designation**

(Designation)

##### **Article 27**

The Minister of Education, Culture, Sports, Science and Technology may designate important items of tangible cultural properties as Important Cultural Properties.

2 From among the Important Cultural Properties, the Minister of Education, Culture, Sports, Science and Technology may designate as National Treasures those properties which are of especially high value from the viewpoint of world culture and which are irreplaceable treasures of the nation.

(Announcement, Notice and Issuance of Certificate of Designation)

##### **Article 28**

Designation under the provisions of the preceding Article shall be made by an announcement in the Official Gazette and also by the issuance of a notice thereof to the owner of the National Treasure or the Important Cultural Property concerned.

2. Designation under the provisions of the preceding Article shall come into effect as of the day of its announcement in the Official Gazette made in accordance with the provisions of the preceding paragraph; however, it shall come into effect for the owner of the National Treasure or the Important Cultural Property concerned as of the time when the notice provided for in the same paragraph reached the said owner.
3. When the designation under the provision of the preceding Article has been made, the Minister of Education, Culture, Sports, Science and Technology shall issue a certificate of designation to the owner of the National Treasure or the Important Cultural Property concerned.
4. The items to be entered in the certificate of designation and other necessary matters relative to such certificates shall be determined by ordinance of the Ministry of Education, Culture, Sports, Science and Technology (MEXT hereinafter).
5. When the owner has received the certificate of designation of the National Treasure in accordance with the provision of paragraph 3, he/she shall return to the Minister of Education, Culture, Sports, Science and Technology within thirty (30) days the certificate of designation of the Important Cultural Property which has now been designated as a National Treasure.

(Annulment)

##### **Article 29**

In case a National Treasure or an Important Cultural Property has lost its value as such or in case there is any other special reason, the Minister of Education, Culture, Sports, Science and Technology may



annul the designation of such National Treasure or Important Cultural Property.

2. The annulment of designation under the provisions of the preceding paragraph shall be made by an announcement in the Official Gazette and also by the issuance of a notice thereof to the owner of the National Treasure or the Important Cultural Property concerned.
3. To the annulment of designation under the provisions of paragraph 1, the provisions of paragraph 2 of the preceding Article shall apply mutatis mutandis.
4. When the owner has received the notice under paragraph 2, he/she shall return to the Minister of Education, Culture, Sports, Science and Technology the certificate of designation within thirty (30) days.
5. In cases where the designation of a National Treasure has been annulled under paragraph 1, but where the designation of the same tangible property as an Important Cultural Property has not been annulled, the Minister of Education, Culture, Sports, Science and Technology shall issue to the owner without delay a certificate designating the same property as an Important Cultural Property.

## **Subsection 2. Custody**

(Instruction regarding Method of Custody)

### **Article 30**

The Commissioner of the Agency for Cultural Affairs may give necessary instructions to the owner of an Important Cultural Property with respect to the custody thereof.

(Custody Duties of Owner, or Custodian)

### **Article 31**

The owner of an Important Cultural Property shall undertake the custody thereof, in accordance with this Law, as well as MEXT orders or instructions of the Commissioner of the Agency for Cultural Affairs issued there under.

2. The owner of an Important Cultural Property may, when it is necessary for the proper management of the Important Cultural Property, appoint a support organization for preservation and utilization of Cultural Properties prescribed in Article 192-2, paragraph 1 or any other appropriate person to be responsible on his/her behalf for the custody of the same property (hereinafter in this Section and in Article 187, paragraph 1, item (1) referred to as "custodian").
3. When the owner of an Important Cultural Property has appointed a custodian in accordance with the provisions of the preceding paragraph, such owner shall report in writing within twenty (20) days the appointment to the Commissioner of the Agency for Cultural Affairs, stating the matters prescribed by MEXT ordinance, under joint signature with the custodian so appointed. These provisions shall also apply to the cases where the custodian has been released of the responsibility.
4. The provisions of the preceding Article and paragraph 1 of this Article shall apply mutatis mutandis to the custodian.

(Changes of Owner or Custodian)

### **Article 32**

When the owner of an Important Cultural Property has been changed, the new owner shall report in writing within twenty (20) days the changes to the Commissioner of the Agency for Cultural Affairs, stating the matters prescribed by MEXT ordinance, attaching to the report the certificate of designation issued to the former owner.

2. The owner of an Important Cultural Property shall, when he/she has changed the custodian, report in writing within twenty (20) days the change to the Commissioner of the Agency for Cultural Affairs, stating the matters prescribed by MEXT ordinance, under joint signature with the newly appointed custodian. In this case the provisions of paragraph 3 of the preceding Article shall not apply.
3. The owner or the custodian of an Important Cultural Property shall, when he/she has changed his/her name, title or address, report in writing within twenty (20) days the change to the Commissioner

of the Agency for Cultural Affairs, stating the matters prescribed by MEXT ordinance. When the change has occurred in the name, title or address of the owner, he/she shall attach the certificate of designation to the report to be submitted.

(Custody by Custodial Body)

#### **Article 32-2**

With regard to an Important Cultural Property, in cases where its owner is not traceable, or where it is obvious that the custody by the owner or the custodian is extremely difficult or inadequate, the Commissioner of the Agency for Cultural Affairs may appoint an appropriate local public body or any other appropriate juridical person and charge it with the conduct of custody necessary for the preservation of such Important Cultural Property (including the custody of such facilities, equipment or any other objects as are needed for its preservation and are owned by or under the custody of the owner of the said Important Cultural Property).

2. In order to make an appointment under the provisions of the preceding paragraph, the Commissioner of the Agency for Cultural Affairs shall in advance obtain the consent of the owner of the Important Cultural Property concerned (excluding the case where the owner is not traceable) and of its possessor/occupant by title, as well as that of the local public body or other juridical person to be appointed.
3. The appointment under the provisions of paragraph 1 shall be made by an announcement in the Official Gazette and also by the issuance of a notice thereof to the owner, the possessor/occupant and the local public body or other juridical person, prescribed in the preceding paragraph.
4. To the appointment under the provision of paragraph 1 the provisions of Article 28 paragraph 2 shall apply *mutatis mutandis*.
5. The owner or the possessor/occupant of an Important Cultural Property shall not, without justifiable reasons, refuse, interfere with or evade the act of custody or the execution of measures necessary for the custody by the local public body or other juridical person appointed in accordance with the provisions of paragraph 1 (hereinafter in this Section and Article 187, paragraph 1, item (1) referred to as the "custodial body").
6. The provisions of Article 30 and Article 31 paragraph 1 shall apply *mutatis mutandis* to the custodial body.

#### **Article 32-3**

In cases where the reasons provided for in paragraph 1 of the preceding Article have ceased to exist or where there are any other special reasons, the Commissioner of the Agency for Cultural Affairs may annul the appointment of the custodial body.

The provisions of paragraph 3 of the preceding Article and of Article 28 paragraph 2 shall apply *mutatis mutandis* to the annulment under the provision of the preceding paragraph.

#### **Article 32-4**

The expenses required for the custody by the custodial body shall, unless otherwise provided for in this Law, be borne by the said body.

2. Notwithstanding the provision of the preceding paragraph, part of the expenses required for the custody may be borne by the owner, in accordance with what may be agreed upon by the custodial body and the owner, within the limits of the material profit which the latter will enjoy as a result of the custody conducted by the former.

(Destruction, Damage, etc.)

#### **Article 33**

When whole or part of an Important Cultural Property has been destroyed, damaged, lost or stolen, the owner (or the custodian or the custodial body, if such has been appointed) shall report it in writing to the Commissioner of the Agency for Cultural Affairs within ten (10) days of the knowledge of the fact, stating the matters prescribed by MEXT ordinance.

(Change of Location)

#### **Article 34**

When the location of an Important Cultural Property is to be changed, the owner (or the custodian or the custodial body, if such has been appointed) shall report it in writing to the Commissioner of the Agency for Cultural Affairs at least twenty (20) days prior to the date on which the location is to be changed, stating the matters prescribed by MEXT ordinance and attaching to the report the certificate of designation. However, in cases provided for by MEXT ordinance, it may be unnecessary to report it at all or to attach the certificate of designation to the report, or it may suffice to file an ex post facto report in accordance with the provisions of MEXT ordinance.

#### **Subsection 3. Protection**

(Repair)

##### **Article 34-2**

The repair of an Important Cultural Property shall be conducted by its owner. It shall, however, be conducted by the custodial body, if such has been appointed.

(Repair by Custodial Body)

##### **Article 34-3**

In case the custodial body conducts the repair of the Important Cultural Property under its custody, the said body shall in advance hear the opinions of the owner of the said property (except for the cases where the owner is not traceable) and of its possessor/occupant by title regarding the method and the time of the repair.

2. The provisions of Article 32-2 paragraph 5 and Article 32-4 shall apply mutatis mutandis in case the custodial body conducts such repair.

(Subsidy for Custody or Repair)

##### **Article 35**

In cases where the owner of an Important Cultural Property or its custodial body is unable to bear the large expenses required for the custody or repair of such property, or where there exist any other special circumstances, the Government may grant a subsidy to the said owner or custodial body so as to cover part of such expenses.

2. In cases where a subsidy under the preceding paragraph is granted, the Commissioner of the Agency for Cultural Affairs may, as a condition thereof, give instructions regarding matters necessary to the custody or repair.

3. The Commissioner of the Agency for Cultural Affairs may, if he/she deems it necessary, direct and supervise the custody or repair of the Important Cultural Property for which a subsidy is granted under the provisions of paragraph 1.

(Order or Advice on Custody)

##### **Article 36**

When the Commissioner of the Agency for Cultural Affairs concludes that the Important Cultural Property is in danger of destruction, damage or theft due to the incompetence of the person who is in charge of its custody, or to an inappropriate method of custody, he/she may order or advise the owner, custodian or custodial body of such property with respect to the measures necessary for its custody, such as the appointment or change of the person in charge of its custody, the improvement of the method of custody, the provision of fire prevention and other facilities for its preservation.

2. The expenses required for such measures as may be taken based on orders or advice given under the provisions of the preceding paragraph may be borne, in whole or in part, by the National Treasury in accordance with what may be provided for by MEXT ordinance.

3. The provision of paragraph 3 of the preceding Article shall apply mutatis mutandis to cases where whole or part of the expenses is borne by the National Treasury under the provision of the preceding paragraph.



(Orders or Advice on Repair)

#### **Article 37**

When a National Treasure is damaged, and the Commissioner of the Agency for Cultural Affairs deems it necessary to repair it in order to ensure its proper preservation, he/she may give necessary orders or advice on its repairs to the owner or the custodial body concerned.

2. In cases where an Important Cultural Property other than a National Treasure is damaged, and the Commissioner of the Agency for Cultural Affairs deems it necessary to repair it in order to ensure its proper preservation, he/she may give necessary advice on its repair to the owner or the custodial body concerned.
3. The expenses required for repairs conducted following orders or advice given under the provisions of the preceding two paragraphs may be borne in whole or in part by the National Treasury in accordance with what may be provided for by MEXT ordinance.
4. The provision of Article 35 paragraph 3 shall apply mutatis mutandis to the cases where whole or part of the expenses is borne by the National Treasury in accordance with the provisions of the preceding paragraph.

(Execution of Repairs of National Treasures by the Commissioner of the Agency for Cultural Affairs)

#### **Article 38**

The Commissioner of the Agency for Cultural Affairs may, in either of the following cases, undertake the repair of National Treasures or take preventive measures against their destruction, damage or theft:

- (1) When the owner, the custodian or the custodial body does not comply with the order given in accordance with the provision of the preceding two Articles;
  - (2) When, in cases where the National Treasure has been damaged or where it is in danger of destruction, damage or theft, it is deemed inadvisable to have the repair undertaken or the preventive measures against destruction, damage or theft taken by the owner, the custodian or the custodial body.
2. When the Commissioner of the Agency for Cultural Affairs intends to undertake repairs or take measures under the provisions of the preceding paragraph, he/she shall in advance issue a writ to the owner, the custodian or the custodial body concerned stating the necessary items such as the name of the National Treasure in question, the substance of the repairs or measures, the date of commencement of the work and other details, and at the same time give notice thereof to its possessor/occupant by title.

#### **Article 39**

The Commissioner of the Agency for Cultural Affairs shall, in carrying out repairs or measures according to the provisions of paragraph 1 of the preceding Article, appoint from among the staff members of the Agency for Cultural Affairs a person or persons who are to be responsible for the execution of the said repairs or measures and for the custody of the National Treasure concerned.

2. The person or persons who have been assigned responsibility under the provisions of the preceding paragraph shall, when they execute the said repairs or measures, carry with them their identity cards, show them upon demand to the parties concerned, and duly respect the reasonable opinions of such parties.
3. The provisions of Article 32-2 paragraph 5 shall apply mutatis mutandis to the execution of the repairs and measures under the provisions of paragraph 1 of the preceding Article.

#### **Article 40**

The expenses required for the repairs or measures executed under the provisions of Article 38 paragraph 1 shall be defrayed from the National Treasury.

2. The Commissioner of the Agency for Cultural Affairs may, in accordance with what may be provided for by MEXT ordinance, charge the owner (or the custodial body, if such has been appointed) part of the expenses required for the repairs or measures executed under the provisions of Article 38 paragraph 1; however, this shall apply exclusively to either of the cases, falling under paragraph 1

item (2) of the same Article, where the immediate causes which brought about the necessity of such repair or measures rest with the owner, the custodian or the custodial body, or where the owner or the custodial body is capable of bearing part of such expenses.

3. o the charging of expenses under the preceding paragraph, the provisions of Articles 5 and 6 of the Law for Administrative Execution by Proxy (Law No. 43 of 1948) shall apply mutatis mutandis.

#### **Article 41**

The State shall indemnify the person or persons, who have suffered a loss in the repairs or measures executed under the provision of Article 38 paragraph 1, for ordinary damage incidental thereto.

2. The amount of indemnity payable under the preceding paragraph shall be determined by the Commissioner of the Agency for Cultural Affairs.
3. Any person who is not satisfied with the amount of the indemnity payable under the preceding paragraph may demand an increase in the amount by litigation; however, this shall not apply when three (3) months have passed after receiving the notice of determination of the indemnity mentioned in the same paragraph.
4. In case of litigation under the preceding paragraph, the State shall be the defendant.

(Reimbursement in the case of assignment of Important Cultural Property for which subsidies have been granted)

#### **Article 42**

In case the then owner of an Important Cultural Property for which the State has granted subsidies under Article 35 paragraph 1 or borne expenses under Article 36 paragraph 2, Article 37 paragraph 3 or Article 40 paragraph 1, for the repairs or preventive measures against destruction, damage or theft (hereinafter in this Article referred to as "repairs, etc."), his/her heir, legatee or donee (including the second or subsequent heir, legatee or donee; hereinafter the same in this Article) (hereinafter in this Article referred to as "owner, etc.") has assigned the said Important Cultural Property for a consideration after performance of the repairs, etc. for which the State has granted subsidies or borne expenses, he/she shall reimburse the National Treasury in accordance with what may be provided for by MEXT ordinance the total amount of the said subsidies or expenses defrayed by the State (as for the expenses borne by the National Treasury under the provision of Article 40 paragraph 1, the amount of such expenses less the amount of money charged to the owner in accordance with the provision of paragraph 2 of the same Article; the same holds for the remainder of this Article) minus the sum spent by himself/herself for repairs, etc., of the said cultural property since the performance of the said repairs, etc., (hereinafter in this Article referred to as "the amount of reimbursement").

2. "The amount of subsidies or expenses defrayed by the State" provided for in the preceding paragraph shall be the sum corresponding to that which is arrived at by dividing the amount of the subsidies or the expenses defrayed by the State by the number of durable years (number of years the property is expected to last without need for repair) fixed individually by the Commissioner of the Agency for Cultural Affairs in regard to the Important Cultural Property or its parts subjected to such repairs, etc. and then by multiplying the quotient by the number of years not counting fractional periods of less than a year deducting from such number of years that have passed since the time of the repairs, etc. until the time of assignment of the same property.
3. In case the value of such Important Cultural Property has deteriorated considerably through a cause not imputable to the owner, etc., or in case he/she has assigned the said Important Cultural Property to the State, after the performance of the repairs, etc. for which the State granted subsidies or bore expenses, the Commissioner of the Agency for Cultural Affairs may exempt whole or part of the amount of reimbursement.
4. In case the person in question fails to pay within the time limit fixed by the Commissioner of the Agency for Cultural Affairs the amount of reimbursement due, the State may collect it following the procedure for enforced collection of national tax. In this case, the order of priority in collection shall be after national and local taxes.

5. In case the person who is to pay the amount of reimbursement is the heir, legatee or donee, the sum corresponding to the quotient obtained by dividing the sum equivalent to the difference between the amount of inheritance tax or donation tax provided for as follows in item (1) and the amount provided for in item (2), by the number of years provided for in item (3), multiplied by the number of years provided for in item (4), shall be deducted from the amount of reimbursement he/she is to be charged:
- (1) The amount of inheritance tax or donation tax the person concerned has already paid or is obliged to pay in acquiring the Important Cultural Property concerned;
  - (2) The amount corresponding to the inheritance tax or donation tax which is supposed to be imposed upon the person concerned for the Important Cultural Property or its parts in question which is or are included in the value of assessment used as a basis of calculation of the tax under the preceding item, when worked out on the basis of the same value of assessment less the total amount of the subsidies or the expenses, mentioned in paragraph 1, defrayed by the State for the repairs, etc. which have been carried out prior to the time of such inheritance, bequest or donation in regard to the said Important Cultural Property or its parts in question;
  - (3) The number of residual years (not counting fractional periods of less than a year) obtained by deducting from the number of durable years fixed by the Commissioner of the Agency for Cultural Affairs concerning the Important Cultural Property or its parts in question, in accordance with the provisions of paragraph 2, the number of years that have passed since the time of performance of such repairs, etc. until the time of inheritance, bequest or donation of the property concerned;
  - (4) The number of durable years remaining for the Important Cultural Property or its parts in question, provided for in paragraph 2.
6. With respect to the amount of subsidies or expenses defrayed by the State as provided for in paragraph 1, which is referred to in item (2) of the preceding paragraph, the provisions of paragraph 2 shall apply *mutatis mutandis*. In this case, "the time of assignment" in the same paragraph shall read "the time of inheritance, bequest or donation."
7. In the assessment of the amount of capital gains under Article 33 paragraph 1 of the Income Tax Law (Law No.33 of 1965) relative to the assignment provided for in paragraph 1 of this Article by the person who pays the amount of reimbursement according to the provisions of the same paragraph, the amount of reimbursement there under shall be taken as an expense related to assignment as provided for in Article 33 paragraph 3 of the same Law.

(Restriction on Alteration of Existing State)

#### **Article 43**

Any person who intends to alter the existing state of an Important Cultural Property or to perform an act affecting its preservation shall obtain the permission of the Commissioner of the Agency for Cultural Affairs; however, this shall not apply to cases where the act of altering the existing state is merely a maintenance measure or emergency measure taken in the event of disaster, or to cases where the effects of the act on preservation are negligible.

2. The scope of the maintenance measures referred to in the proviso to the preceding paragraph is stipulated by MEXT ordinance.
3. In giving permission as referred to in paragraph 1, the Commissioner of the Agency for Cultural Affairs may as a condition thereof give necessary instructions regarding altering the existing state or acts affecting preservation referred to in the same paragraph.
4. In case a person who has received permission under paragraph 1 has failed to observe the conditions of permission provided for in the preceding paragraph, the Commissioner of the Agency for Cultural Affairs may order the suspension of the act of altering the existing state or act affecting preservation, for which the permission has been given, or cancel the permission.
5. The State shall indemnify any person or persons who have suffered a loss from the fact that they failed to obtain permission under paragraph 1 or that the permission given was attached with



conditions under paragraph 3, for ordinary damage incidental thereto.

6. To the cases under the preceding paragraph the provisions of Article 41 paragraphs 2 to 4 inclusive shall apply mutatis mutandis.

(Report on Repairs, etc.)

#### **Article 43-2**

In case any Important Cultural Property is to be repaired, its owner or its custodial body shall report the fact to the Commissioner of the Agency for Cultural Affairs in writing in accordance with what may be provided for by MEXT ordinance, at least thirty (30) days prior to the date on which such repair is to be started; however, this shall not apply to cases where permission must be applied for in accordance with the provisions of paragraph 1 of the preceding Article and to other cases as provided for by MEXT ordinance.

2. Where the Commissioner of the Agency for Cultural Affairs deems it necessary for the protection of the Important Cultural Property, he/she may provide technical guidance and advice in regard to the repair of the Important Cultural Property which has been reported under the preceding paragraph.

(Prohibition of Exportation)

#### **Article 44**

Important Cultural Properties shall not be exported; this shall not apply, however, in cases where the Commissioner of the Agency for Cultural Affairs has given permission for exportation in recognition of special necessity from the viewpoint of international exchange of culture or from other considerations.

(Integrity of Surroundings)

#### **Article 45**

The Commissioner of the Agency for Cultural Affairs may, when he/she deems it necessary for the preservation of an Important Cultural Property, restrict or prohibit certain kinds of acts or order the provision of necessary facilities, within an area designated by him/her.

2. The State shall indemnify any person or persons who have suffered a loss from the dispositions taken in accordance with the provisions of the preceding paragraph for ordinary damage incidental thereto.

3. To the cases under the preceding paragraph the provisions of Article 41 paragraphs 2 to 4 inclusive shall apply mutatis mutandis

(Offer of Sale to the State)

#### **Article 46**

Any person who desires to assign an Important Cultural Property for a consideration shall beforehand file in writing with the Commissioner of the Agency for Cultural Affairs an offer of sale of the said property to the State, stating therein the name of the assignee, the estimated value of the consideration (in cases where the stipulated consideration is not money, its value must be estimated based on its worth in current prices; hereinafter the same) and any other matters prescribed by MEXT ordinance.

2. The reasons for wishing to assign the property to the said assignee may be listed in the written offer of the preceding paragraph.

3. When the Commissioner of the Agency for Cultural Affairs has determined that the reasons listed according to the provisions of the preceding paragraph are reasonable, then within thirty (30) days from the receipt of the said offer, notice shall be given that the said Important Cultural Property shall not be bought.

4. When the Commissioner of the Agency for Cultural Affairs has, within thirty (30) days from the offer of sale filed under the provisions of paragraph 1, given notice that the State will buy the said Important Cultural Property, the agreement to sell shall be deemed to have been concluded at a price corresponding to the estimated value of the consideration stated in the written offer referred to in paragraph 1.

5. The person stipulated in paragraph 1 shall not transfer the said Important Cultural Property within the period specified in the preceding paragraph (or until the time within that period when the Commissioner of the Agency for Cultural Affairs has given notification that the same Important Cultural Property will not be bought by the State).

(Subsidy for Purchase by Custodial Body)

#### **Article 46-2**

When the local public body or other juridical person which is a custodial body is to purchase an Important Cultural Property under its custody (limited to buildings, other fixtures on the land, or land in combination with such fixtures, which are covered by the designation as the said Important Cultural Property), the State may grant a subsidy to cover part of the expenses required for the said purchase in cases where it is deemed particularly necessary for the preservation of the property.

2. To cases under the preceding paragraph the provisions of Article 35 paragraphs 2 and 3 and the preceding paragraph shall apply mutatis mutandis.

(Entrustment of Custody or Repair, or Technical Guidance)

#### **Article 47**

The owner of the Important Cultural Property (or the custodial body if such has been appointed) may entrust the Commissioner of the Agency for Cultural Affairs with the custody (excluding cases where a custodial body has been appointed) or repair thereof on the conditions determined by the same Commissioner.

2. The Commissioner of the Agency for Cultural Affairs may, in case he/she deems it necessary for the preservation of the Important Cultural Property, present the owner with conditions and advise him or her (or the custodial body if such has been appointed) to entrust the same Commissioner with the custody (excluding the cases where the custodial body has been appointed) or repair of such property.
3. The provisions of Article 39 paragraphs 1 and 2 shall apply mutatis mutandis to cases where the Commissioner of the Agency for Cultural Affairs has been entrusted with the custody or repair of the Important Cultural Property in accordance with the preceding two paragraphs.
4. The owner, custodian, or custodial body of the Important Cultural Property may request the Commissioner of the Agency for Cultural Affairs, in accordance with what may be provided for by MEXT ordinance, for technical guidance respecting the custody or repair of the Important Cultural Property concerned.

### **Subsection 4. Public Display**

(Public Display)

#### **Article 47-2**

Public display of an Important Cultural Property shall be undertaken by its owner; however, in cases where a custodial body has been appointed, it shall be undertaken by that body.

2. Notwithstanding the provisions of the preceding paragraph, a person or persons other than the owner and the custodial body may make available for public display under the provisions of this Law any Important Cultural Property which the owner or the custodial body concerned agrees to display.
3. The custodial body may collect admission fees for public display of an Important Cultural Property under its custody

(Public Display by the Commissioner of the Agency for Cultural Affairs)

#### **Article 48**

The Commissioner of the Agency for Cultural Affairs may advise the owner (the custodial body if such has been appointed) of an Important Cultural Property to exhibit the property for a term not exceeding one year at a public display to be held by the same Commissioner at a National Museum (this refers to museums established by the National Museums (Independent Administrative Institutions) (the same shall apply hereinafter in this Article)) or other institution.

2. The Commissioner of the Agency for Cultural Affairs may order the owner (the custodial body if such has been appointed) of an Important Cultural Property, for the custody or repair of which the National Treasury has defrayed whole or part of the expenses or granted subsidies, to exhibit the property for a term not exceeding one year at the public display to be held by the same Commissioner at a National Museum or other institution.
3. When the Commissioner of the Agency for Cultural Affairs deems it necessary in the cases under the preceding paragraph, he/she may renew the term of display for a limited period not exceeding one year; however, such renewal shall in no case exceed a period of five consecutive years.
4. When an order is issued under paragraph 2 or the period of display is renewed under the preceding paragraph, the owner or the custodial body of the Important Cultural Property concerned must display it.
5. Other than the cases provided for in the preceding four paragraphs, the Commissioner of the Agency for Cultural Affairs may, if he/she deems it appropriate, accept a proposal made by the owner (or custodial body if such has been appointed) of an Important Cultural Property to exhibit such property at a public display to be held by the same Commissioner at a National Museum or other institution.

#### **Article 49**

Excepting cases provided for in Article 185, the Commissioner of the Agency for Cultural Affairs shall, when Important Cultural Properties are displayed in accordance with the provisions of the preceding Article, appoint from among the staff members of the Agency for Cultural Affairs a person or persons who are to be responsible for the custody of such properties.

#### **Article 50**

Expenses required for display under the provisions of Article 48 shall be defrayed from the National Treasury in accordance with the standards prescribed by MEXT ordinance.

2. The Government shall, in accordance with the standards prescribed by MEXT ordinance, compensate the owner or the custodial body of a property which has been displayed under the provisions of Article 48.

(Public Display by the Owner, etc.)

#### **Article 51**

The Commissioner of the Agency for Cultural Affairs may advise the owner or custodial body of an Important Cultural Property to make such property available for public display for a limited period not exceeding three (3) months.

2. The Commissioner of the Agency for Cultural Affairs may order the owner or the custodial body of an Important Cultural Property, for the custody, repair or purchase of which the National Treasury has defrayed whole or part of the expenses or granted subsidies, to make such property available for public display for a limited period not exceeding three (3) months.
3. The provisions of Article 48 paragraph 4 shall apply mutatis mutandis to cases falling under the preceding paragraph.
4. The Commissioner of the Agency for Cultural Affairs may give necessary instructions to the owner or custodial body of an Important Cultural Property concerning the public display of such property to be made under the provisions of the preceding three (3) paragraphs and the custody thereof during such public display.
5. In cases where the owner, the custodian or the custodial body of an Important Cultural Property fails to observe the instructions mentioned in the preceding paragraph, the Commissioner of the Agency for Cultural Affairs may order the suspension or discontinuance of such public display.
6. The expenses required for public display of such property under the provisions of paragraphs 2 and 3 may, in accordance with what may be provided for by MEXT ordinance, be defrayed in whole or in part from the National Treasury.
7. Other than cases provided for in the previous paragraph, expenses required by the owner or custodial body of an Important Cultural Property for the public display of said property shall be wholly or partially defrayed from the National Treasury in accordance with what may be provided



for by MEXT ordinance.

#### **Article 51-2**

Except for occasions of public display referred to in the preceding Article, in cases where a report has been filed in accordance with the provisions of Article 34 concerning moving the Important Cultural Property from its location to some other place where it will be shown to the public, the provisions of paragraphs 4 and 5 of the preceding Article shall apply mutatis mutandis.

(Indemnification for Loss)

#### **Article 52**

In case an Important Cultural Property has been destroyed or damaged as a result of its display or public viewing conducted in accordance with the provisions of Article 48 or Article 51 paragraphs 1 to 3 inclusive, the State shall indemnify its owner for any resulting ordinary damage; however, this provision shall not apply in cases where the destruction or damage has resulted from a cause imputable to the owner, to the custodian or to the custodial body.

2. The provisions of Article 41 paragraphs 2 to 4 inclusive shall apply mutatis mutandis to the cases under the preceding paragraph.

(Public Display by Persons other than Owner, etc.)

#### **Article 53**

When any person other than the owner or the custodial body of an Important Cultural Property intends to show such property to the public at an exhibition or on any other public occasion to be held under his/her own auspices, such person shall obtain the permission of the Commissioner of the Agency for Cultural Affairs; however, this shall not apply in cases where such exhibition or other event is to be held under the auspices of a government agency other than the Commissioner of the Agency for Cultural Affairs or of local public bodies at a museum or other similar institution which has previously been approved by the Commissioner of the Agency for Cultural Affairs (hereinafter referred to as "approved public institutions" for this paragraph), or when the person who has established an approved public institution holds such an event at the said approved public institution.

2. In the proviso of the preceding paragraph, a person holding an event stipulated in that paragraph (except for the Commissioner of the Agency for Cultural Affairs) shall, within 20 days from the day following the conclusion of the public display of that Important Cultural Property, give written notice of the items stipulated by MEXT ordinance to the Commissioner of the Agency for Cultural Affairs.

3. In giving permission under paragraph 1, the Commissioner of the Agency for Cultural Affairs may give as a condition thereof necessary instructions regarding the public display for which permission is to be given or regarding custody of the Important Cultural Property to be on display.

4. When any person who obtained permission under paragraph 1 has failed to observe the conditions of the permission provided for in the preceding paragraph, the Commissioner of the Agency for Cultural Affairs may order the suspension of the public display for which he/she has given permission.

### **Subsection 5 Preservation and Utilization Plan for Important Cultural Properties**

(Approval for Preservation and Utilization Plan for Important Cultural Properties)

#### **Article 53-2**

The owner (or the custodial body, if there is one) of an Important Cultural Property may prepare a plan for the preservation and utilization of the Important Cultural Property (hereinafter referred to as a "preservation and utilization plan for Important Cultural Properties") pursuant to the provisions of the MEXT Ordinance and apply for the approval by the Commissioner of the Agency for Cultural Affairs.

2. The preservation and utilization plan for Important Cultural Properties is to specify the following matters:

(1) The name and location of the referenced Important Cultural Property;

- (2) Details of specific measures to be taken for the preservation and utilization of the referenced Important Cultural Property;
  - (3) Planning period;
  - (4) Other matters specified by the MEXT Ordinance.
3. The matters set forth in item (2) of the preceding paragraph may specify the followings:
- (1) Matters on altering the existing state of the Important Cultural Property or on an act affecting its preservation;
  - (2) Matters pertaining to the repair of the referenced Important Cultural Property;
  - (3) Matters pertaining to a deposit contract for the purpose of public exhibition of the referenced Important Cultural Property (excluding buildings; the same applies in item (6) of the following paragraph).
4. When the Commissioner of the Agency for Cultural Affairs receives an application for approval under paragraph 1, and finds that the preservation and utilization plan for Important Cultural Properties conforms to all of the following items, the Commissioner is to approve the plan:
- (1) The implementation of the referenced preservation and utilization plan for Important Cultural Properties is considered to contribute to the preservation and utilization of the referenced property;
  - (2) The plan is expected to be carried out smoothly and certainly;
  - (3) When the general principles of the preservation and utilization of Cultural Properties prescribed in Article 183-2, paragraph 1, or the approved regional plan for the preservation and utilization of Cultural Properties prescribed in Article 183-5, paragraph 1 is provided; it shall be appropriate in light of them;
  - (4) If the matters set forth in item (1) of the preceding paragraph are specified in the referenced preservation and utilization plan for Important Cultural Properties, the content of the plan conforms to the standards prescribed by the MEXT Ordinance as those necessary to alter the existing state of the Important Cultural Property or to implement an act affecting its preservation appropriately;
  - (5) If the matters set forth in item (2) of the preceding paragraph are specified in the referenced preservation and utilization plan for Important Cultural Properties, the content of the plan is to conform to the standards prescribed by the MEXT Ordinance as those necessary for the appropriate repair of the Important Cultural Property;
  - (6) If the matters set forth in item (3) of the preceding paragraph are specified in the referenced preservation and utilization plan for Important Cultural Properties, the content of the referenced deposit contract is to conform to the standards prescribed by the MEXT Ordinance as necessary for the appropriate and reliable public display of the Important Cultural Property.
5. Granting the approval under the preceding paragraph, the Commissioner for Cultural Affairs shall notify the person who applied for the referenced approval to that effect without delay.
- (Changes in Approved Preservation and Utilization Plan for Important Cultural Properties)

#### **Article 53-3**

When intending to change the referenced approved preservation and utilization plan for Important Cultural Properties (excluding minor changes prescribed by the MEXT Ordinance), the owner or custodial body of an Important Cultural Property which obtained the approval under paragraph 4 of the preceding Article shall obtain the approval of the Commissioner of the Agency for Cultural Affairs.

2. The provisions of paragraphs 4 and 5 of the preceding Article apply mutatis mutandis to the approval referred in the preceding paragraph.

(Special Provisions for Permission for Altering the Existing State, etc.)

#### **Article 53-4**

When the preservation and utilization plan for Important Cultural Properties in which the matters set forth in Article 53-2, paragraph 3, item (1) are specified is approved under the same Article, paragraph

4 (including the approval of changes under paragraph 1 of the preceding Article; hereinafter the same applies in this Subsection and Article 153, paragraph 2, item (6)) and the plan requires the permission under Article 43, paragraph 1 in order to alter the existing state of the referenced property or to carry out an act affecting its preservation in accordance with the content of the specified matters; notwithstanding the provisions of the same paragraph, it is sufficient to notify the Commissioner of the Agency for Cultural Affairs to that effect pursuant to the provisions of the MEXT Ordinance after the completion of the alteration or of an act affecting the preservation without delay.

(Special Provisions for Notification of Repair)

#### **Article 53-5**

When the preservation and utilization plan for Important Cultural Properties in which the matters set forth in Article 53-2, paragraph 3, item (2) are specified is approved under the same Article, paragraph 4, and the notification under Article 43-2, paragraph 1 must be made in order to carry out the repair of the referenced property in accordance with the contents of the specified matters; notwithstanding the provisions of the same paragraph, it is sufficient to notify the Commissioner of the Agency for Cultural Affairs to that effect pursuant to the provisions of the MEXT Ordinance after the completion of the referenced repair without delay.

(Collection of Reports on the Implementation Status of the Approved Preservation and Utilization Plan for Important Cultural Properties)

#### **Article 53-6**

The Commissioner of the Agency for Cultural Affairs may request a report on the implementation status of the referenced approved preservation and utilization plan for Important Cultural Properties (or, in the case of any changes, the revised plan; referred to as an “approved preservation and utilization plan for Important Cultural Properties” in the following Article, paragraph 1 and Article 53-8) from the owner or custodial body of an Important Cultural Property approved as set forth in Article 53-2, paragraph 4.

(Rescission of Approval)

#### **Article 53-7**

When the Commissioner of the Agency for Cultural Affairs finds that the approved preservation and utilization plan for Important Cultural Properties no longer conforms to any of the items of paragraph 4 of Article 53-2, the Commissioner may rescind the approval.

2. When the Commissioner of the Agency for Cultural Affairs rescinds the approval pursuant to the provision of the preceding paragraph, the Commissioner shall notify the person who obtained the referenced approval to that effect without delay.

(Instruction or Advice to Owners etc.)

#### **Article 53-8**

A Board of Education (A head; in a local public body whose head manages and executes affairs concerning the protection of cultural properties pursuant to the provisions of the ordinance set forth in Article 23, paragraph 1 of the Act on the Organization and Operation of Local Education Administration [Act No. 162 of 1956] [hereinafter referred to as a “specified local public body”]; the same applies hereinafter, except for Article 183-8, paragraph 4; Article 190, paragraph 1; and Article 191, paragraph 1) of a Prefecture, city (including a special ward; the same applies hereinafter), town and village may provide necessary instruction or advice on the preparation of a preservation and utilization plan for Important Cultural Properties, and on the smooth and reliable implementation of an approved preservation and utilization plan for Important Cultural Properties at the request of the owner or custodial body of an Important Cultural Property.

2. The Commissioner of the Agency for Cultural Affairs shall endeavor to provide necessary instruction or advice on the preparation of the preservation and utilization plan for Important Cultural Properties, and on the smooth and reliable implementation of the approved preservation and utilization plan for Important Cultural Properties at the request of the owners or custodial body of the Important Cultural Property.



## **Subsection 6. Investigation**

(Investigation for the Purpose of Preservation)

### **Article 54**

The Commissioner of the Agency for Cultural Affairs may, when he/she deems it necessary, ask the owner, custodian or custodial body of an Important Cultural Property to report on the existing state of such property, or on the conditions of its custody, of its repairs or of the preservation of the integrity of its surroundings.

### **Article 55**

In any of the following cases, when the Commissioner of the Agency for Cultural Affairs is unable to confirm the condition of a particular Important Cultural Property in spite of all the information given in the report filed under the preceding Article and when there appears to be no alternative way to confirm its condition, he/she may appoint a person or persons to conduct an investigation, and have them enter the place where the said property is located, and conduct an on-site investigation in regard to the existing state of the property or the conditions of its custody, of its repairs or of the preservation of the integrity of its surroundings:

- (1) When application has been filed for permission for altering the existing state of an Important Cultural Property or for an act affecting its preservation;
  - (2) Where an Important Cultural Property has been damaged or where there has been a change in its existing state or its location;
  - (3) Where there is a fear of destruction, damage or theft of an Important Cultural Property;
  - (4) Where special circumstances make it necessary to reevaluate the qualifications of a cultural property classified as National Treasure or Important Cultural Property.
2. In the event that an on-site investigation is to be conducted according to the provisions of the preceding paragraph, the person or persons who are to conduct such an investigation shall carry with them their identity cards, show them upon demand to the parties concerned, and duly respect the reasonable opinions of such parties.
  3. The State shall indemnify the person or persons who have suffered a loss in connection with an investigation conducted in accordance with the provisions of paragraph 1 for ordinary damage incurred.
  4. The provisions of Article 41 paragraphs 2 to 4 inclusive shall apply mutatis mutandis to cases under the preceding paragraph.

## **Subsection 7. Miscellaneous Provisions**

(Succession to Rights and Obligations on Change of Owner, etc.)

### **Article 56**

In cases where the owner of an Important Cultural Property has changed, the new owner shall with reference to the said property succeed to the rights and obligations of the former owner established by the orders, advice, instructions and other dispositions of the Commissioner of the Agency for Cultural Affairs issued or made under this Law.

2. In cases falling under the preceding paragraph, the former owner shall deliver to the new owner the certificate of designation at the time of delivery of the Important Cultural Property.
3. To cases where a custodial body has been appointed or the appointment thereof has been annulled, the provisions of paragraph 1 shall apply mutatis mutandis; in cases of where a custodial body has been appointed, however, this provision shall not apply to the rights and obligations which should belong chiefly to the owner.

## Section 2. Registered Tangible Cultural Properties

(Registration of Tangible Cultural Properties)

### Article 57

Among tangible cultural properties other than Important Cultural Properties (excluding those designated by local public bodies under the provisions of Article 182) which are buildings, the Minister of Education, Culture, Sports, Science and Technology can, in view of the value of said cultural properties, register in the Cultural Property Original Register those which are in particular need of preservation and utilization measures.

2. When making registrations under the preceding paragraph, the Minister of Education, Culture, Sports, Science and Technology shall obtain in advance the opinions of local public bodies concerned; provided however, that this does not apply when the Tangible Cultural Property for which the registration is sought is pertaining to proposals for registration under Article 182-2, paragraph 1, Article 183-5, paragraph 1, or Article 16, paragraph 1 of Act on Promotion of Regional Cultural Tourism Centered on Cultural Tourism Facilities (Act No. 18 of 2020).

3. Items to be registered in the Cultural Property Original Register and other necessary matters concerning the Cultural Property Original Register shall be determined by MEXT ordinance.

(Announcement, Notice and Issuance of Certificate of Designation)

### Article 58

Registration under the provisions of paragraph 1 of the preceding Article shall be made by an announcement in the Official Gazette and also by the issuance of a notice thereof to the owner of the tangible cultural property concerned (hereinafter referred to as the "Registered Tangible Cultural Property").

2. Registration under the provisions of paragraph 1 of the preceding Article shall come into effect as of the day of its announcement in the Official Gazette made in accordance with the provisions of the preceding paragraph; however, it shall come into effect for the owner of the Registered Tangible Cultural Property concerned from the time when the notice provided for in the same paragraph reached the said owner.

3. When registration has been made under the provisions of paragraph 1 of the preceding Article, the Minister of Education, Culture, Sports, Science and Technology shall issue a certificate of registration to the owner of the Registered Tangible Cultural Property concerned.

4. Items to be entered in the certificate of registration and other necessary matters relative to such certificate shall be determined by MEXT ordinance.

(Annulment of Registrations of Registered Tangible Cultural Properties)

### Article 59

When a Registered Tangible Cultural Property has been designated an Important Cultural Property according to the provisions of Article 27, paragraph 1, the Minister of Education, Culture, Sports, Science and Technology shall annul the registration.

2. In cases where Registered Tangible Cultural Properties have been designated by local public bodies according to the provisions of Article 182 paragraph 2, the Minister of Education, Culture, Sports, Science, and Technology shall annul the registration. However, this shall not apply to cases where measures for the preservation and utilization of the relevant Registered Tangible Cultural Property are required and the owner is in agreement.

3. In cases where a Registered Tangible Cultural Property has lost its need of preservation and utilization measures or where there is any other special reason, the Minister of Education, Culture, Sports, Science and Technology may annul that registration.

4. In cases where registration has been annulled under the provisions of the preceding three paragraphs, prompt announcement to that effect shall be made in the Official Gazette and also notification shall be issued to the owner of the Registered Tangible Cultural Property concerned.

5. To annulment of registration under the provisions of paragraph 1 through paragraph 3, the provisions of paragraph 2 of the preceding Article shall apply, mutatis mutandis.
  6. When the owner has received notice under paragraph 4, he shall return the certificate of registration to the Minister of Education, Culture, Sports, Science and Technology within thirty (30) days.
- (Custody of Registered Tangible Cultural Properties)

#### **Article 60**

The owner of a Registered Tangible Cultural Property shall undertake the custody thereof, in accordance with this Law as well as MEXT ordinances based hereupon.

2. The owner of a Registered Tangible Cultural Property may, when it is necessary for the proper management of the referenced property, appoint a support organization for preservation and utilization of Cultural Properties prescribed in Article 192-2, paragraph 1 or any other appropriate person to be responsible on his behalf for the custody of the said property (hereinafter in this Section referred to as "the custodian").
3. With regard to Registered Tangible Cultural Properties, in cases where the owner is not traceable, or where it is obvious that the custody by the owner or the custodian is extremely difficult or inadequate, the Commissioner of the Agency for Cultural Affairs may appoint an appropriate local public body or any other appropriate juridical person (hereinafter in this Section referred to as "the custodial body") and charge it with the conduct of custody necessary for the preservation of the Registered Tangible Cultural Property in question (including the safe-keeping of such facilities, equipment or any other items as are needed for its preservation and which are owned by or under the custody of the owner of the said Registered Tangible Cultural Property).
4. To the custody of Registered Tangible Cultural Properties, the provisions of Article 31-3, Article 32, Article 32-2 paragraphs 2 to 5 inclusive, Article 32-3 and Article 32-4 shall apply mutatis mutandis.
5. The provisions of paragraph 1 shall apply mutatis mutandis to the custodian or the custodial body of the Registered Tangible Cultural Property.

(Destruction of or Damage to Registered Tangible Cultural Properties)

#### **Article 61**

When a Registered Tangible Cultural Property, in whole or in part, has been destroyed, damaged, lost, or stolen, the owner (or the custodian or the custodial body, if such has been appointed) shall report the matter in writing to the Commissioner of the Agency for Cultural Affairs within ten (10) days of the knowledge of the fact, stating the details prescribed by MEXT ordinance.

(Changes in Location of Registered Tangible Cultural Properties)

#### **Article 62**

When changing the location of a Registered Tangible Cultural Property, the owner of the Registered Tangible Cultural Property (or, the custodian or custodial body, where such exists) must notify in writing the Commissioner of the Agency for Cultural Affairs, including all the details required by MEXT Ordinance, accompanied by the Registration Certificate, no later than twenty days before the planned date of relocation. However, in cases specified by the MEXT Ordinance, the written notification, or the submission of the accompanying Registration Certificate, is not required; in addition, in cases where the relocation is carried out under regulations specified by MEXT Ordinance, the notification may be submitted after the fact.

(Repair of Registered Tangible Cultural Properties)

#### **Article 63**

The repair of a Registered Tangible Cultural Property shall be done by its owner; however, it shall be done by the custodial body if such has been appointed.

2. In case the custodial body does the repair, the provisions of Article 32-2 paragraph 5, Article 32-4 and Article 34-3 paragraph 1 shall apply mutatis mutandis.

(Notifications regarding Alterations to the Existing State of Registered Tangible Cultural Properties)

#### **Article 64**

In case any person intends to alter the existing state of a Registered Tangible Cultural Property, he



shall, no later than thirty (30) days prior to the intended date of effecting said alteration, submit notification thereof, as determined by MEXT ordinance, to the Commissioner of the Agency for Cultural Affairs; however, this shall not apply to cases where the act of altering the existing state is merely a maintenance measure or an emergency measure to be taken in the event of disaster, or to cases where the existing state must be altered in order to comply with orders under the provisions of other legal statutes.

2. The scope of maintenance measures in the proviso of the previous paragraph shall be determined by MEXT Ordinance.

3. When deemed to be necessary for the protection of a Registered Tangible Cultural Property, the Commissioner of the Agency for Cultural Affairs may give necessary instructions, advice, or recommendations concerning altering the existing state of the said Registered Tangible Cultural Property contained in the notification referred to in paragraph 1.

(Notification of Export of Registered Tangible Cultural Properties)

#### **Article 65**

Any person who intends to export a Registered Tangible Cultural Property must notify the Commissioner of the Agency for Cultural Affairs, according to the regulations of MEXT Ordinance, no later than thirty (30) days before the intended date of export.

2. The Commissioner of the Agency for Cultural Affairs may give necessary instructions, advice, or recommendations concerning the export of Registered Tangible Cultural Properties for which notification has been received under the previous paragraph.

(Technical Guidance Concerning Custody or Repair of Registered Tangible Cultural Properties)

#### **Article 66**

The owner, custodian or custodial body of a Registered Tangible Cultural Property can ask the Commissioner of Agency for Cultural Affairs for technical guidance respecting the maintenance or repair of the Registered Tangible Cultural Property concerned, in accordance with what may be provided for by MEXT ordinance.

(Public Display of Registered Tangible Cultural Properties)

#### **Article 67**

Public display of a Registered Tangible Cultural Property shall be undertaken by its owner; however, in cases where a custodial body has been appointed, it shall be undertaken by that body.

2. Notwithstanding the provisions of the preceding paragraph, a party other than the owner or custodial body may publicly display the Registered Tangible Cultural Property with the agreement of the owner (or custodial body).

3. To the public opening of a Registered Tangible Cultural Property by a custodial body, the provisions of Article 47-2, paragraph 3 shall apply mutatis mutandis.

4. When deemed necessary for the utilization of a Registered Tangible Cultural Property, the Commissioner of the Agency for Cultural Affairs may give necessary guidance or advice to the owner or custodial body of the said Registered Tangible Cultural Property concerning its public display or concerning its custody in connection with public display.

(Approval for Preservation and Utilization Plan for Registered Tangible Cultural Properties)

#### **Article 67-2**

The owner (or a custodial body, if there is one) of a Registered Tangible Cultural Property may prepare a plan for the preservation and utilization of the Registered Tangible Cultural Property (hereinafter referred to as a "preservation and utilization plan for Registered Tangible Cultural Properties") pursuant to the provisions of the MEXT Ordinance, and apply for the approval by the Commissioner of the Agency for Cultural Affairs.

2. The preservation and utilization plan for Registered Tangible Cultural Properties is to specify the following matters:

- (1) The name and location of the referenced Registered Tangible Cultural Property;
- (2) Details of specific measures to be taken for the preservation and utilization of the referenced

Registered Tangible Cultural Property;

(3) Planning period;

(4) Other matters specified by the MEXT Ordinance.

3. The matters set forth in item (2) of the preceding paragraph may specify the followings:

(1) Matters pertaining to the alternation of the existing state of the referenced Registered Tangible Cultural Property;

(2) Matters pertaining to a deposit contract for the purpose of public exhibition of the referenced Registered Tangible Cultural Property (excluding buildings; the same applies in item (5) of the following paragraph), which is of particularly outstanding historical, artistic, academic value from the viewpoint of world culture.

4. When the Commissioner of the Agency for Cultural Affairs receives an application for approval under paragraph 1, and finds that the preservation and utilization plan for Registered Tangible Cultural Properties conforms to all of the following items, the Commissioner is to approve the plan:

(1) The implementation of the referenced preservation and utilization plan for Registered Tangible Cultural Properties is considered to contribute to the preservation and utilization of the referenced property;

(2) The plan is expected to be carried out smoothly and certainly;

(3) When the general principles of the preservation and utilization of Cultural Properties prescribed in Article 183-2, paragraph 1, or the approved regional plan for the preservation and utilization of Cultural Properties prescribed in Article 183-5, paragraph 1 is provided; the plan is appropriate in light of them;

(4) If the matters set forth in item (1) of the preceding paragraph are specified in the referenced preservation and utilization plan for Registered Tangible Cultural Properties, the content of the plan conforms to the standards prescribed by the MEXT Ordinance as those necessary for the appropriate implementation of altering the existing state of the Registered Tangible Cultural Property;

(5) If the matters set forth in item (2) of the preceding paragraph are specified in the referenced preservation and utilization plan for Registered Tangible Cultural Properties, the content of the referenced deposit contract conforms to the standards prescribed by the MEXT Ordinance as necessary for the appropriate and reliable public display of the Registered Tangible Cultural Property.

5. Granting the approval under the preceding paragraph, the Commissioner of the Agency for Cultural Affairs shall notify the person who applied for the referenced approval to that effect without delay.

(Changes in Approved Preservation and Utilization Plan for Registered Tangible Cultural Properties)

#### **Article 67-3**

The owner or custodial body of a Registered Tangible Cultural Property which obtained the approval under paragraph 4 of the preceding Article shall obtain the approval of the Commissioner of the Agency for Cultural Affairs when intending to change the referenced approved preservation and utilization plan for Registered Tangible Cultural Properties (excluding minor changes prescribed by the MEXT Ordinance).

2. The provisions of paragraphs 4 and 5 of the preceding Article apply mutatis mutandis to the approval referred in the preceding paragraph.

(Special Provisions for Notification of Altering the Existing State)

#### **Article 67-4**

When the preservation and utilization plan for Registered Tangible Cultural Properties in which the matters set forth in Article 67-2, paragraph 3, item (1) are specified receives approval under the same Article, paragraph 4 (including the approval of changes under paragraph 1 of the preceding Article; hereinafter the same applies in this Section and Article 153, paragraph 2, item (7)), and the notification under Article 64, paragraph 1 must be made in order to carry out the alteration of the existing state

of the referenced property in accordance with the content of the specified matters; notwithstanding the provisions of the same paragraph, it is sufficient to notify the Commissioner of the Agency for Cultural Affairs to that effect pursuant to the provisions of the MEXT Ordinance after the completion of the act affecting the referenced alteration or preservation without delay.

(Collection of Reports on the Implementation Status of the Approved Preservation and Utilization Plan for Registered Tangible Cultural Properties)

#### **Article 67-5**

The Commissioner of the Agency for Cultural Affairs may request a report on the implementation status of the preservation and utilization plan for Registered Tangible Cultural Properties that received the relevant approval (or, in the case of any changes, the revised plan; referred to as an “approved preservation and utilization plan for Registered Tangible Cultural Properties” in the following Article, paragraph 1 and Article 67-7) from the owner or custodial body of a Registered Tangible Cultural Property which obtained the approval under Article 67-2, paragraph 4.

(Rescission of Approval)

#### **Article 67-6**

When the Commissioner of the Agency for Cultural Affairs finds that an approved preservation and utilization plan for Registered Tangible Cultural Properties no longer conforms to any of the items of paragraph 4 of Article 67-2, the Commissioner may rescind the approval.

2. When the Commissioner of the Agency for Cultural Affairs rescinds the approval pursuant to the provision of the preceding paragraph, the Commissioner shall notify the person who obtained the referenced approval to that effect without delay.

(Instruction or Advice to Owners etc.)

#### **Article 67-7**

A Board of Education of a prefecture and municipality may provide necessary instruction or advice on the preparation of a preservation and utilization plan for Registered Tangible Cultural Properties, and on the smooth and reliable implementation of an approved preservation and utilization plan for Registered Tangible Cultural Properties at the request of the owner or custodial body of a Registered Tangible Cultural Property.

2. The Commissioner of the Agency for Cultural Affairs shall endeavor to provide necessary instruction or advice on the preparation of the preservation and utilization plan for Registered Tangible Cultural Properties, and on the smooth and reliable implementation of the approved preservation and utilization plan for Registered Tangible Cultural Properties at the request of the owners or custodial body of the Registered Tangible Cultural Property.

(Reporting on the Existing State of Registered Tangible Cultural Properties)

#### **Article 68**

When the Commissioner of the Agency for Cultural Affairs deems it necessary, he may ask the owner, custodian or custodial body of a Registered Tangible Cultural Property to report on the existing state of such property, or on the state of its custody or repair.

(Transfer of Certificate of Registration Accompanying Change of Ownership)

#### **Article 69**

In cases where the owner of a Registered Tangible Cultural Property has changed, the former owner shall deliver to the new owner the certificate of registration at the time of delivery of the said Registered Tangible Cultural Property.

### **Section 3. Tangible Cultural Properties other than Important Cultural Properties and Registered Tangible Cultural Properties**

#### **Article 70**

The owner of any tangible cultural property other than Important Cultural Properties and Registered Tangible Cultural Properties may, in accordance with what may be provided for by the MEXT, ask the



Commissioner of the Agency for Cultural Affairs for technical guidance in regard to the custody or repair of such tangible cultural property.

## **Chapter IV Intangible Cultural Properties**

### **\*Omitted in this document**

Section 1. Important Intangible Cultural Properties

Section 2 Registered Intangible Cultural Properties

Section 3 Intangible Cultural Properties other than Important Intangible Cultural Properties and Registered Intangible Cultural Properties

## **Chapter V Folk-cultural Properties**

### **\*Omitted in this document**

## **Chapter VI Buried Cultural Properties**

(Reports, Instructions and Orders Concerning Excavation for the Purpose of Investigation)

### **Article 92**

Any person who intends to excavate the land for the purpose of investigation of cultural properties which are buried underground (hereinafter referred to as "Buried Cultural Properties") shall report to the Commissioner of the Agency for Cultural Affairs in writing at least thirty (30) days prior to the day on which the said excavation is to commence, stating the matters prescribed by MEXT ordinance; however, this shall not apply to the cases prescribed by MEXT ordinance.

2. When he/she deems it particularly necessary for the protection of Buried Cultural Property, the Commissioner of the Agency for Cultural Affairs may, with regard to excavations reported under the preceding paragraph, instruct that a report be submitted, or give other necessary instructions.

In addition, the Commissioner may order that the excavation be prohibited, stopped or suspended.

(Reports and Instructions Concerning Excavation for Construction Works)

### **Article 93**

In cases where any site generally known to contain Buried Cultural Property such as shell mounds, ancient tombs or others (hereinafter referred to as "the well-known archaeological and/or historical subsoil") is to be dug up in the course of construction works or for any other purposes than the investigation of the Buried Cultural Property the provision of paragraph 1 of the preceding Article shall apply mutatis mutandis, (In this case, "thirty (30) days prior to" in the same paragraph shall read "sixty (60) days prior to.")

2. The Commissioner of the Agency for Cultural Affairs may, when he/she deems it particularly necessary for the protection of Buried Cultural Property, give necessary instructions with regard to the excavation reported under paragraph 1 of the preceding Article applying mutatis mutandis under the preceding paragraph.

(Special Provisions regarding Excavation Conducted by National Government Organs)

### **Article 94**

In cases where national government organs, local public bodies, or juridical persons established by the national government or local public bodies and prescribed by Cabinet Order (hereinafter generically referred to as "national government organs," in this Article and in Article 97) intend to excavate the well-known archaeological and/or historical subsoil for purposes provided for in paragraph 1 of the preceding Article, the provisions of the said Article shall not apply, but when the said national government organs formulate a plan of operation related to the said excavation, they shall inform in advance the Commissioner of the Agency for Cultural Affairs to that effect.

2. The Commissioner of the Agency for Cultural Affairs may, when he/she has received information

under the preceding paragraph and found it particularly necessary to do so for the protection of the Buried Cultural Property, give notice to the national government organ to the effect that the latter shall consult him/her regarding the formulation of the said plan of operation and its enforcement.

3. The national government organ, which has received the notice under the preceding paragraph shall consult the Commissioner of the Agency for Cultural Affairs on the formulation of the said plan of operation and its enforcement.
4. When the Commissioner of the Agency for Cultural Affairs has received information under paragraph 1, other than in the cases under the preceding two paragraphs, he/she may give such advice as necessary for the protection of the Buried Cultural Property regarding the enforcement of the plan of operation of which he/she has been informed.
5. In cases falling under the preceding paragraphs, if the said national government organs are heads of the Ministries or Agencies (to be taken as the heads of the Ministries or Agencies referred to in Article 4 paragraph 2 of the State Property Law (Law No. 73 of 1938); hereinafter the same) such notice, consultation or advice as provided for in these paragraphs shall go from the Minister of Education, Culture, Sports, Science and Technology.

(Informing the Public regarding the Archaeological and/or Historical Subsoil)

#### **Article 95**

The State and local public bodies shall make every effort to ensure that complete documentation is kept, and other measures taken as needed to keep the public fully and correctly informed regarding the well-known archaeological and/or historical subsoil.

2. The State may give guidance, advice or other necessary assistance regarding the measures taken by local public bodies under the preceding paragraph.

(Report on Discovery of Remains, Order for Suspension, etc.)

#### **Article 96**

When the owner or the possessor/occupant of the land has discovered what is recognizable as a shell mound, dwelling site, ancient tomb and other remains through chance discoveries of unearthed articles, excepting the case of discovery on the occasion of investigation carried out under the provisions of Article 92 paragraph 1, he/she shall, without altering the existing state of such remains, report the fact without delay to the Commissioner of the Agency for Cultural Affairs in writing, stating the matters prescribed by MEXT ordinance. In cases where it is necessary to take emergency measures for the prevention of disaster, however, he/she may alter the existing state of such remains within the normal limits of emergency measures.

2. When the Commissioner of the Agency for Cultural Affairs receives a report under the preceding paragraph and recognizes the reported remains as important, and deems it necessary to conduct an investigation for the purpose of their protection, he/she may order the owner or the possessor/occupant of the land to suspend or prohibit him/her to perform within a prescribed term and area, any act which may lead to the alteration of the existing state of the remains. The term, however, shall not exceed three (3) months.
3. When the Commissioner of the Agency for Cultural Affairs intends to issue an order under the preceding paragraph, he/she shall in advance hear the opinions of the local public body concerned.
4. Orders under paragraph 2 shall be issued within one (1) month of the day a report was made under paragraph 1.
5. In cases under paragraph 2, when the investigation is not completed within the term prescribed in the same paragraph and needs to be carried on, the Commissioner of the Agency for Cultural Affairs may extend only once the term of investigation in regard to all or part of the area set out in the said order. The term of the same order, however, shall not exceed six (6) consecutive months including the original term specified under the same paragraph.
6. The term under paragraph 2 and the preceding paragraph shall be so calculated as to cover the period of time starting from the day on which the report under paragraph 1 is received until and

including the day on which the order under paragraph 2 is issued.

7. The Commissioner of the Agency for Cultural Affairs may, even when a report under paragraph 1 has not been received, take measures as provided for in paragraphs 2 and 5.
8. Upon receipt of a report under paragraph 1, the Commissioner of the Agency for Cultural Affairs may, excepting cases where he/she has taken measures under paragraph 2, give instructions necessary for the protection of the said remains. Except for cases where he/she has taken measures under paragraph 2 in accordance with the provision of the preceding paragraph, the same shall apply to cases where he/she has not received the report under paragraph 1.
9. The State shall indemnify any person or persons who have suffered a loss owing to orders issued under paragraph 2, for the ordinary damage incidental thereto.
10. To cases falling under the preceding paragraph the provisions of Article 41 paragraphs 2 to 4 inclusive shall apply *mutatis mutandis*.

(Special Provisions regarding Discovery of Remains by National Government and other Organs)

#### **Article 97**

When National Government and other organs have made a discovery as provided for in paragraph 1 of the preceding Article, the provisions of the same Article shall not apply, but, excepting cases where they have made a discovery on the occasion of investigation conducted under the provisions of Article 92 paragraph 1 or Article 99 paragraph 1, they shall, without altering the existing state of the remains, inform the Commissioner of the Agency for Cultural Affairs to that effect without delay. In cases where necessary emergency measures are taken for preventing disasters, however, the existing state of the remains may be altered within the limits of such emergency measures.

2. When the Commissioner of the Agency for Cultural Affairs has received information under the preceding paragraph, if he/she recognizes the reported remains as important and if he/she deems it necessary to investigate them for the purpose of their protection, he/she may notify the said State organs, to the effect that they should apply to him/her for consultation regarding their investigation, preservation, and so on, of the remains.
3. The State organs, which have received a notice under the preceding paragraph shall consult with the Commissioner of the Agency for Cultural Affairs.
4. In cases where the Commissioner of the Agency for Cultural Affairs has received information under paragraph 1, excepting cases falling under the preceding two paragraphs, he/she may give necessary advice for the protection of the said remains.
5. To cases falling under the preceding four paragraphs, the provisions of Article 94 paragraph 5 shall apply *mutatis mutandis*.

(Excavations Conducted by the Commissioner of the Agency for Cultural Affairs)

#### **Article 98**

The Commissioner of the Agency for Cultural Affairs may undertake the excavation of any land to investigate Buried Cultural Properties for which investigation by the State is deemed necessary due to the exceptionally high value of said properties from the point of view of history or science, and the technical difficulty involved in the excavation.

2. When the Commissioner of the Agency for Cultural Affairs intends to undertake excavation in accordance with the provisions of the preceding paragraph, he/she shall in advance issue to the owner and the possessor/ occupant by title of the land a writ stating the purpose and the method of excavation, the starting date, and other necessary matters.
3. To cases falling under paragraph 1, the provisions of Article 39 (including the provision of Article 32-2 paragraph 5 applying *mutatis mutandis* under paragraph 3 of the same Article) and Article 41 shall apply *mutatis mutandis*. (Excavations Conducted by Local public bodies)

#### **Article 99**

When local public bodies deem it necessary to investigate Buried Cultural Properties, they may undertake to excavate the land considered to contain Buried Cultural Properties, excepting cases where the Commissioner of the Agency for Cultural Affairs undertakes to excavate in accordance



with the provisions of paragraph 1 of the preceding Article.

2. In cases where local public bodies intend to undertake excavation in accordance with the provisions of the preceding paragraph, if the land where it is to be undertaken belongs to the national government or to a government organ, the Board of Education responsible shall consult in advance the head of the Ministry or Agency concerned or any other government organ with respect to the purpose, method and date of commencement of the excavation, and any other matters deemed necessary.
3. The local public bodies may ask for the cooperation of those carrying out the excavation in accordance with paragraph 1.
4. The Commissioner of the Agency for Cultural Affairs may give the local public bodies necessary guidance and advice concerning the excavation carried out under paragraph 1.
5. The State may grant the local public body a subsidy to cover part of the expenses required for the excavation carried out under paragraph 1.

(Return or Notification)

#### **Article 100**

When any cultural property has been discovered by an excavation carried out in accordance with Article 98 paragraph 1, the Commissioner of the Agency for Cultural Affairs shall return the said property to its owner if the owner is known, but in case the owner is not traceable it shall suffice for the Commissioner to notify the chief of the police station of the discovery, irrespective of the provisions of Article 1 paragraph 1 of the Lost Property Law (Law No. 87 of 1899) applying *mutatis mutandis* under Article 13 of the same Law.

2. When a Board of Education of a Prefecture, or of a designated city as defined in Article 252-19 paragraph 1 of the Local Autonomy Law (Law No. 67 of 1947) or of a core city as defined in Article 252-22 paragraph 1 of the same Law (designated cities and core cities are hereinafter referred to as "designated cities, etc.") discovers a cultural property as a result of an excavation performed in accordance with paragraph 1 of the preceding article, the provisions of the previous paragraph shall apply *mutatis mutandis* to the said Board of Education.
3. The chief of the police station shall, upon receiving the notice referred to in paragraph 1 (including cases in the preceding paragraph to which it applies *mutatis mutandis*), issue promptly a public notice with regard to said cultural property in accordance with the provisions of Article 1 paragraph 2 of the Lost Property Law, which applies *mutatis mutandis* in Article 13 of the same Law.

(Submission)

#### **Article 101**

When an unearthed object is presented as such to the chief of the police station in accordance with the provision of Article 1 paragraph 1 of the Lost Property Law applying *mutatis mutandis* under Article 13 of the same Law is recognizable as a cultural property, the said object shall be submitted to the Board of Education of the prefecture with jurisdiction over the land where the said object was discovered (When the said land falls within the boundaries of a designated city, etc., the Board of Education of the said designated city, etc. (the same shall apply in the following article)) without delay by the chief of the police station. However, this shall not apply where the owner thereof has been traced.

(Assessment)

#### **Article 102**

When an object has been presented to the Board of Education of a prefecture in accordance with the provisions of the preceding Article, the said Prefectural Board of Education shall judge whether the object is really a cultural property or not.

2. The Board of Education of the Prefecture shall, upon finding the said object to be a cultural property, notify the chief of the police station or, if the object is not recognized as a cultural property, the Board shall send it back to the chief of the police station.

(Delivery)

#### **Article 103**

When the owner of a cultural property as described in Article 100 paragraph 1 or paragraph 2 of the same Article, or a cultural property as described in paragraph 2 of the preceding Article has asked the chief of the police station to return the cultural property to himself/herself, the Commissioner of the Agency for Cultural Affairs, or the Board of Education of the Prefecture or of the designated city, etc., shall deliver the object to the chief of the police station concerned.

(Reversion to National Treasury and Compensation)

#### **Article 104**

In cases where the owner of a cultural property as described in Article 100 paragraph 1 or of a cultural property as described in Article 102 paragraph 2 (only objects discovered as a result of excavations carried out by State institutions, or National Museums (independent administrative institutions) or National Research Institutes for Cultural Properties (independent administrative institutions), for the study of Buried Cultural Property) is not traceable, the ownership thereof shall revert to the National Treasury. In this case the Commissioner of the Agency for Cultural Affairs shall so inform the owner of the land where the said cultural property was found and shall pay the owner of the land compensation corresponding to one half of the value of the object.

2. To cases falling under the preceding paragraph, the provisions of Article 41 paragraphs 2 to 4 inclusive shall apply mutatis mutandis.

3. To cases falling under the preceding two paragraphs the provisions of Article 41 paragraphs 2 to 4 inclusive shall apply mutatis mutandis.

(Reversion to a Prefecture and Compensation)

#### **Article 105**

In cases where the owner of a cultural property as described in Article 100 paragraph 2 or of a cultural property as described in Article 102 paragraph 2 (excluding objects mentioned in paragraph 1 of the preceding Article) is not traceable, the ownership thereof shall revert to the Prefecture with jurisdiction over the land where the said object was found. In such cases, the Board of Education of the said Prefecture shall so inform the finder of the said cultural property and the owner of the land where the said cultural property was found and shall pay them compensation corresponding to the value of the object.

2. When the finder and the landowner mentioned in the preceding paragraph differ, half of the compensation mentioned in the preceding paragraph shall be paid to each.

3. The amount of the compensation mentioned in paragraph 1 shall be determined by the Board of Education of the said Prefecture.

4. Article 41 paragraph 3 shall apply mutatis mutandis with regard to the amount of compensation called for by the preceding paragraph.

5. The prefecture shall be the defendant in any complaint based on the provisions of Article 41 paragraph 3, which apply mutatis mutandis in the preceding paragraph.

(Transfer)

#### **Article 106**

The Government may, unless it is necessary for the State to retain for itself the cultural property reverted to the National Treasury for the purpose of its preservation or in view of its utility in accordance with the provisions of Article 104 paragraph 1, transfer the said property to the owner of the land where it was found, within the limits of the value corresponding to the amount of the compensation to be received by the said person in accordance with the provisions of the same Article.

2. In the case mentioned in the preceding paragraph, the amount of money corresponding to the value of the transferred cultural property shall be deducted from the amount of the compensation provided for in Article 104.

3. The Government may, unless it is necessary for the State to retain for itself the cultural property reverted to the National Treasury for the purpose of its preservation or in view of its utility in

accordance with Article 104 paragraph 1, transfer the said property without consideration, or to assign it at a price lower than the current price, to a National Museum (independent administrative corporation) or National Research Institute for Cultural Properties (independent administrative corporation) or to the local authority which has jurisdiction over the land where the said cultural property was found, if an application is filed.

#### **Article 107**

The Board of Education of a Prefecture may, unless it is necessary for the said Prefecture to retain for itself the cultural property reverted to the said Prefecture in accordance with the provisions of Article 105 paragraph 1 for the purpose of its preservation or in view of its utility, transfer the said property to the finder or the owner of the land where it was found, within the limits of the value corresponding to the amount of the compensation to be received by the said person in accordance with the provisions of the same Article.

2. In the cases mentioned in the preceding paragraph, an amount of money corresponding to the value of the transferred cultural property shall be deducted from the amount of the compensation provided for in Article 105.

(Application of the Lost Property Law)

#### **Article 108**

Unless otherwise provided for by this Law, the provisions of Article 13 of the Lost Property Law shall apply to Buried Cultural Properties.

### **Chapter VII Historic Sites, Places of Scenic Beauty, and/or Natural Monuments**

(Designation)

#### **Article 109**

The Minister of Education, Culture, Sports, Science and Technology may designate important monuments as historic sites, places of scenic beauty, or natural monuments (hereinafter collectively referred to as "Historic Sites, Places of Scenic Beauty, and/or Natural Monuments").

2. Of the Historic Sites, Places of Scenic Beauty, and/or Natural Monuments designated as such in accordance with the provisions of the preceding paragraph, the Minister of Education, Culture, Sports, Science and Technology may designate those which are particularly important as special historic sites, special places of scenic beauty, or special natural monuments (hereinafter collectively referred to as "Special Historic Sites, Places of Scenic Beauty, and/or Natural Monuments").
3. Designation under the preceding two paragraphs shall be made by an announcement in the Official Gazette and also by the issuance of a notice thereof to the owner and the possessor or occupant by title of the Special Historic Site, Place of Scenic Beauty, and/or Natural Monument concerned or of the Historic Site, Place of Scenic Beauty, and/or Natural Monument concerned.
4. In case there are too many persons to be given the notice individually in accordance with the provisions of the preceding paragraph, the Minister of Education, Culture, Sports, Science and Technology may, in place of the notice provided for in the same paragraph, put up a notice of the matters to be communicated to them on the notice board of the public office or of any similar establishment of the city, town, or village where the Special Historic Site, Place of Scenic Beauty, and/or Natural Monument concerned or the Historic Site, Place of Scenic Beauty, and/or Natural Monument concerned is located. In this case the notice mentioned in the same paragraph shall be deemed as having reached the addressees thereof when two weeks have elapsed from the day on which the notice was first exhibited.
5. Designation under the provisions of paragraph 1 or paragraph 2 shall come into effect as of the day of announcement in the Official Gazette under the provisions of paragraph 3. However, for the owner or the possessor or occupant by title of the Special Historic Site, Place of Scenic Beauty, and/or Natural Monument concerned or of the Historic Site, Place of Scenic Beauty, and/or Natural Monument concerned, it shall come into effect as of the time when the notice under the provisions



of paragraph 3 has reached him/her or when it is deemed to have reached him/her in accordance with the provisions of the preceding paragraph.

6. The Minister of Education, Culture, Sports, Science and Technology shall, in designating a Historic Site, Place of Scenic Beauty, and/or Natural Monument, consult the Minister of the Environment, if the natural monument to be covered by the designation possesses a high value from the point of view of the protection of the natural environment.

(Provisional Designation)

#### **Article 110**

Prior to designation under the provisions of paragraph 1 of the preceding Article, if the Board of Education of the Prefecture deems it urgently necessary, it may make provisional designation of the Historic Site, Place of Scenic Beauty, and/or Natural Monument.

2. When the Board of Education of a Prefecture has made provisional designation under the provisions of the preceding paragraph, it shall report the fact to the Minister of Education, Culture, Sports, Science and Technology without delay.
3. To provisional designation under the provisions of paragraph 1 the provisions of paragraphs 3 to 5 inclusive of the preceding Article shall apply mutatis mutandis.

(Respect for Ownership, and Coordination with Other Public Interest)

#### **Article 111**

In making a designation under the provisions of Article 109 paragraph 1 or paragraph 2 or in making a provisional designation under the provisions of paragraph 1 of the preceding Article, the Minister of Education, Culture, Sports, Science and Technology or the Board of Education of Prefecture shall respect in particular the ownership, the mining rights and other property rights of the parties concerned, and at the same time take into account coordination with land development and other kinds of public interests.

2. The Minister of Education, Culture, Sports, Science and Technology may, if it is deemed necessary for the protection and improvement of the natural environment associated with the place of scenic beauty or natural monument, express his/her opinions to the Minister of the Environment. When the Commissioner of the Agency for Cultural Affairs expresses his/her opinion in such cases, he/she shall do so through the Minister of Education, Culture, Sports, Science and Technology
3. If the Minister of the Environment deems it necessary, from the perspective of protecting the natural environment, to express his/her opinion regarding the preservation or use of a place of scenic beauty or a natural monument, he/she may do so to the Minister of Education, Culture, Sports, Science and Technology, or to the Commissioner of the Agency for Cultural Affairs, through the Minister of Education, Culture, Sports, Science and Technology.

(Annulment of Designation)

#### **Article 112**

When a Special Historic Site, Place of Scenic Beauty, and/or Natural Monument, or a Historic Site, Place of Scenic Beauty, and/or Natural Monument has lost its value as such or when there is any other special reason, the Minister of Education, Culture, Sports, Science and Technology or the Board of Education of the Prefecture may annul the designation or the provisional designation thereof.

2. When such a Historic Site, Place of Scenic Beauty, and/or Natural Monument as was provisionally designated under the provisions of Article 110 paragraph 1, receives designation under Article 109 paragraph 1, or when no designation under the same provision has been made of the same property within two years from the day of provisional designation, the said provisional designation shall become null and void.
3. The Minister of Education, Culture, Sports, Science and Technology may annul any provisional designation made under the provisions of Article 110 paragraph 1, if he/she deems such designation inappropriate.
4. The provisions of Article 109 paragraphs 3 to 5 inclusive shall apply mutatis mutandis to the annulment of the designation or the provisional designation to be made under the provisions of

paragraph 1 or of the preceding paragraph.  
(Custody and Restoration by Custodial Body)

#### **Article 113**

In cases where the owner of the Historic Site, Place of Scenic Beauty, and/or Natural Monument does not exist or is not traceable, or where the custody thereof by its owner or by the person appointed in accordance with the provisions of Article 119 paragraph 2 to be responsible for its custody is clearly recognized to be inappropriate or difficult, the Commissioner of the Agency for Cultural Affairs may appoint a suitable local public body or any other suitable juridical person and charge it with the custody and restoration necessary for the preservation of the Historic Site, Place of Scenic Beauty, and/or Natural Monument concerned (including the custody and restoration of such facilities, equipment and other matters under the ownership or under the custody of the owner of the Historic Site, Place of Scenic Beauty, and/or Natural Monument concerned as are necessary for the preservation thereof).

2. In order to make an appointment under the provisions of the preceding paragraph, the Commissioner of the Agency for Cultural Affairs shall obtain in advance the consent of the local public body or any other juridical person to be appointed as such.
3. Appointments under the provisions of paragraph 1 shall be made by an announcement in the Official Gazette, and also by the issuance of a notice thereof to the owner and the possessor/occupant by title of the historic site, place of scenic beauty and/or natural monument concerned, as well as to the local public body or other juridical person to be appointed.
4. To appointments under the provisions of paragraph 1 the provisions of Article 109 paragraphs 4 and 5 shall apply mutatis mutandis.

#### **Article 114**

In cases where the reasons referred to in paragraph 1 of the preceding Article have become extinct or where there is any other special reason, the Commissioner of the Agency for Cultural Affairs may annul the appointment of the custodial body.

2. To annulment under the provisions of the preceding paragraph the provisions of paragraph 3 of the preceding Article and Article 109 paragraphs 4 and 5 shall apply mutatis mutandis.

#### **Article 115**

The local public body or any other juridical person appointed under the provisions of Article 113 paragraph 1 (hereinafter in this Chapter [excluding Article 133-2, paragraph 1] and Article 187, paragraph, item (3) referred to as the "custodial body") shall in accordance with the standards established by MEXT ordinance set up signs, explanation boards, border markers, fences and other facilities necessary for the custody of the Historic Site, Place of Scenic Beauty, and/or Natural Monument concerned.

2. When, in regard to the land within the designated area of the Historic Site, Place of Scenic Beauty, and/or Natural Monument, there has been any change in the name of the town, lot number, category or acreage, the custodial body concerned shall report it to the Commissioner of the Agency for Cultural Affairs in accordance with what may be provided for by MEXT ordinance.
3. In cases where the custodial body undertakes restoration, it shall in advance hear the opinions of the owner (excluding cases where the owner is not traceable) and the possessor/occupant of the Historic Site, Place of Scenic Beauty, and/or Natural Monument concerned with regard to the method and the time of the restoration.
4. The owner or the possessor/occupant of the Historic Site, Place of Scenic Beauty, and/or Natural Monument shall not, without justifiable reasons, refuse, interfere with or evade the acts of custody or restoration, or the measures necessary for the execution of such acts, undertaken by the custodial body.

#### **Article 116**

The expenses required for the custody and the restoration undertaken by the custodial body shall be borne by the same body, unless otherwise provided for by this Law.

2. Notwithstanding the provisions of the preceding paragraph, part of the expenses required for the custody or the restoration may be borne by the owner, in accordance with what may be agreed upon between the custodial body and the owner, within the limits of the material profit which the latter will enjoy as a result of the custody or the restoration conducted by the former.
3. The custodial body may collect admission-fees from the visitors to the Historic Site, Place of Scenic Beauty, and/or Natural Monument under its custody.

#### **Article 117**

As for the person or persons who have suffered a loss owing to the act of custody or restoration performed by the custodial body, the body concerned shall indemnify them for ordinary damage incidental thereto.

2. The amount of the indemnity under the preceding paragraph shall be determined by the custodial body (or, when the custodial body is a local public body, the Board of Education of the same body).
3. As regards the amount of the indemnity under the provisions of the preceding paragraph, the provisions of Article 41 paragraph 3 shall apply mutatis mutandis.
4. In cases of litigation under the provision of Article 41 paragraph 3 applying mutatis mutandis in the preceding paragraph, the custodial body shall be the defendant.

#### **Article 118**

To the following cases, the following provisions shall apply mutatis mutandis respectively: to custody undertaken by the custodial body, the provisions of Article 30, Article 31 paragraph 1 and Article 33; to custody and restoration undertaken by the custodial body, the provisions of Articles 35 and 47; and to cases where a custodial body has been appointed, or where such appointment has been annulled, the provisions of Article 56 paragraph 3.

(Custody and Restoration by Owner)

#### **Article 119**

Excepting cases where a custodial body has been appointed, the owner of the Historic Site, Place of Scenic Beauty, and/or Natural Monument shall be responsible for the custody and the restoration thereof.

2. The owner who undertakes the custody of the Historic Site, Place of Scenic Beauty, and/or Natural Monument under the provisions of the preceding paragraph may, if it is necessary for the proper management of the referenced property, appoint a support organization for preservation and utilization of Cultural Properties prescribed in Article 192-2, paragraph 1 or any other appropriate person to be responsible on his/her behalf for the custody of the same property (hereinafter in this Chapter and Article 187, paragraph 1, item (3) referred to as the "custodian"). In this case the provisions of Article 31 paragraph 3 shall apply mutatis mutandis.

#### **Article 120**

To the following cases, the following provisions shall apply mutatis mutandis , respectively: to custody by the owner, the provisions of Article 30, Article 31 paragraph 1, Article 32, Article 33 and Article 115 paragraphs 1 and 2 (for Article 115 paragraph 2 does not apply to cases where a custodial body has been appointed); to custody and restoration by the owner, the provisions of Article 35 and 47; to succession to rights and obligations upon change of owner, the provisions of Article 56 paragraph 1; and to custody by the custodian, the provisions of Article 30, Article 31 paragraph 1, Article 32 paragraph 3, Article 33, Article 47 paragraph 4 and Article 115 paragraph 2.

(Order or Advice Regarding Custody)

#### **Article 121**

In cases where the Commissioner of the Agency for Cultural Affairs concludes that a Historic Site, Place of Scenic Beauty, and/or Natural Monument is in danger of destruction, damage, deterioration or theft because of its inappropriate custody, he/she may order or advise the custodial body, the owner or the custodian thereof, with respect to the improvement of the method of custody, provision of facilities for preservation and any other measures necessary for its custody.

2. To cases under the preceding paragraph the provisions of Article 36 paragraphs 2 and 3 shall apply



mutatis mutandis.

(Order or Advice on Restoration)

#### **Article 122**

In cases where a Special Historic Site, Place of Scenic Beauty, and/or Natural Monument is damaged or deteriorating, and the Commissioner of the Agency for Cultural Affairs deems it necessary for its preservation, he/she may give any necessary order or advice about its restoration to the custodial body or the owner thereof.

2. In cases where a Historic Site, Place of Scenic Beauty, and/or Natural Monument, other than the Special Historic Site, Place of Scenic Beauty, and/or Natural Monument, is damaged or deteriorating, and the Commissioner of the Agency for Cultural Affairs deems it necessary for its preservation, he/she may give any necessary advice about its restoration to the custodial body or to the owner thereof.

3. The provisions of Article 37 paragraphs 3 and 4 shall apply mutatis mutandis to cases falling under the preceding two paragraphs.

(Restoration of Special Historic Sites, Places of Scenic Beauty, and/or Natural Monuments conducted by the Commissioner of the Agency for Cultural Affairs)

#### **Article 123**

The Commissioner of the Agency for Cultural Affairs may execute the restoration of a Special Historic Site, Place of Scenic Beauty, and/or Natural Monument, or take preventive measures against its destruction, damage, deterioration or theft, in any of the following cases:

- (1) Where the custodial body, owner or custodian does not comply with the orders given in accordance with the provisions of the preceding two Articles;
- (2) Where any Special Historic Site, Place of Scenic Beauty, and/or Natural Monument is damaged or deteriorating, or in danger of destruction, damage, deterioration or theft, and where it is deemed inappropriate to have the custodial body, the owner or the custodian thereof execute its restoration or take preventive measures against its destruction, damage, deterioration or theft.

2. The provisions of Article 38 paragraph 2 and Articles 39 to 41 inclusive shall apply mutatis mutandis to cases falling under the preceding paragraph.

(Reimbursement in the case of Assignment of Historic Sites, Places of Scenic Beauty, and/or Natural Monuments for which Subsidies were granted)

#### **Article 124**

With respect to any Historic Site, Place of Scenic Beauty, and/or Natural Monument for which a subsidy has been granted by the State for its restoration or for the conduct of preventive measures against its destruction, damage, deterioration or theft in accordance with the provisions of Article 35 paragraph 1 applying mutatis mutandis under Article 118 and Article 120, or for which whole or part of the expenses required for such action have been defrayed by the State in accordance with the provisions of Article 36 paragraph 2 applying mutatis mutandis under Article 121 paragraph 2, in accordance with Article 37 paragraph 3 applying mutatis mutandis under Article 122 paragraph 3, or in accordance with Article 40 paragraph 1 applying mutatis mutandis under paragraph 2 of the preceding Article, the provisions of Article 42 shall apply mutatis mutandis .

(Restrictions on Alteration of the Existing State and Orders for Return to Original State)

#### **Article 125**

In case any person intends to perform an act altering the existing state of a Historic Site, Place of Scenic Beauty, and/or Natural Monument or an act affecting the preservation thereof, he/she must obtain the permission of the Commissioner of the Agency for Cultural Affairs; however, this shall not apply to cases where the act of altering the existing state is merely a maintenance measure or emergency measure taken in the event of disaster, or to cases where the effects of the act on preservation are negligible.

2. The extent of measures for maintaining the existing state mentioned in the proviso to the preceding

paragraph shall be stipulated by MEXT ordinance.

3. The provisions of Article 43 paragraph 3 shall apply mutatis mutandis to the issuance of permission provided for in paragraph 1, and that of Article 43 paragraph 4 to the person who has obtained such permission.
4. The provisions of Article 111 paragraph 1 shall apply mutatis mutandis to dispositions to be made under the provisions of paragraph 1.
5. The State shall indemnify any person who has suffered a loss owing to the fact that he/she failed to receive permission under paragraph 1 or that the permission was given with conditions attached under Article 43 paragraph 3 applying mutatis mutandis under paragraph 3, for ordinary damage incidental thereto.
6. The provisions of Article 41 paragraphs 2 to 4 inclusive shall apply mutatis mutandis to cases under the preceding paragraph.
7. In cases where any person has performed an act altering the existing state or affecting the preservation of a Historic Site, Place of Scenic Beauty, and/or Natural Monument without obtaining permission under the provision of paragraph 1 or without complying with the conditions of the permission given under Article 43 paragraph 3 applying mutatis mutandis under paragraph 3, the Commissioner of the Agency for Cultural Affairs may order him/her to return it to its original state. In this case the Commissioner of the Agency for Cultural Affairs may give necessary instructions in connection with the return of the property to its original state.

(Notice by the Administrative Agency Concerned)

#### **Article 126**

In cases concerning acts for which permission should be obtained under the provision of paragraph 1 of the preceding Article, and the conduct of which is subjected to permission, authorization or other disposition prescribed by cabinet order under the provisions of other laws or orders, the administrative agency which has the competence for such dispositions under the said other laws or orders, or the person to whom the said competence has been delegated, shall in making the disposition give notice to the Commissioner of the Agency for Cultural Affairs (or to the Board of Education of the Prefecture or municipality when Article 184, paragraph 1 or Article 184-2, paragraph 1 provides that the Board of Education of the Prefecture or municipality will exercise the competence for permission provided under the provision of paragraph 1 of the preceding Article) in accordance with what may be provided by cabinet order.

(Report on Restoration)

#### **Article 127**

In cases where a Historic Site, Place of Scenic Beauty, and/or Natural Monument is to be restored, the custodial body or the owner thereof shall report to the Commissioner of the Agency for Cultural Affairs at least thirty (30) days prior to the date of commencement of such work, in accordance with what may be prescribed by MEXT ordinance; this shall not apply, however, to the cases where the permission must be obtained in accordance with the provisions of Article 125 paragraph 1 and to those other cases prescribed by MEXT ordinance.

2. In case the Commissioner of the Agency for Cultural Affairs deems it necessary for the protection of the Historic Site, Place of Scenic Beauty, and/or Natural Monument, he/she may give technical guidance and advice with regard to the restoration of the Historic Site, Place of Scenic Beauty, and/or Natural Monument reported in accordance with the preceding paragraph.

(Integrity of Surroundings)

#### **Article 128**

The Commissioner of the Agency for Cultural Affairs may, if he/she deems it necessary for ensuring the preservation of the Historic Site, Place of Scenic Beauty, and/or Natural Monument, restrict or prohibit certain kinds of act within a prescribed area or may order the provision of necessary facilities in such area.

2. The State shall indemnify any persons, who have suffered a loss owing to the disposition mentioned

in the preceding paragraph, for ordinary damage incidental thereto.

3. To the following cases, the following provisions shall apply mutatis mutandis respectively: to any person who has disobeyed the restrictions or prohibitions provided for in paragraph 1, the provisions of Article 125 paragraph 7; and to cases under the preceding paragraph, the provisions of Article 41 paragraphs 2 to 4 inclusive.

(Subsidy for Purchase by Custodial body)

#### **Article 129**

In case a local public body or other juridical person that is a custodial body deems it particularly necessary to purchase the land or buildings or other fixtures to land connected to the designation as Historic Site, Place of Scenic Beauty, and/or Natural Monument, for the purpose of ensuring the preservation of such designated property under its custody, the State may grant a subsidy to cover part of the expenses required for the purchase.

2. To cases under the preceding paragraph the provisions of Article 35 paragraphs 2 and 3 and Article 42 shall apply mutatis mutandis.

(Approval for Preservation and Utilization Plan for Historic Sites, Places of Scenic Beauty, and/or Natural Monuments)

#### **Article 129-2**

The custodial body or owner of a Historic Site, Place of Scenic Beauty, and/or Natural Monument may prepare a plan for the preservation and utilization of the Historic Site, Place of Scenic Beauty, and/or Natural Monument (hereinafter referred to as a "preservation and utilization plan for Historic Sites, Places of Scenic Beauty, and/or Natural Monuments") pursuant to the provisions of the MEXT Ordinance and apply for the approval by the Commissioner of the Agency for Cultural Affairs.

2. The preservation and utilization plan for Historic Sites, Places of Scenic Beauty, and/or Natural Monuments is to specify the following matters:

- (1) The name and location of the referenced Historic Site, Place of Scenic Beauty, and/or Natural Monument;
- (2) Details of specific measures to be taken for the preservation and utilization of the referenced Historic Site, Place of Scenic Beauty, and/or Natural Monument;
- (3) Planning period;
- (4) Other matters specified by the MEXT Ordinance.

3. The matters set forth in item (2) of the preceding paragraph may be specified relating to altering the existing state of the referenced Historic Site, Place of Scenic Beauty, and/or Natural Monument, or on an act affecting its preservation.

4. When the Commissioner of the Agency for Cultural Affairs receives an application for approval under paragraph 1, and finds that the preservation and utilization plan for Historic Sites, Places of Scenic Beauty, and/or Natural Monuments conforms to all of the following items; the Commissioner is to approve the plan:

- (1) The implementation of the referenced preservation and utilization plan for Historic Sites, Places of Scenic Beauty, and/or Natural Monuments is considered to contribute to the preservation and utilization of the referenced property;
- (2) The plan is expected to be carried out smoothly and certainly;
- (3) When the general principles of the preservation and utilization of Cultural Properties prescribed in Article 183-2, paragraph 1, or the approved regional plan for the preservation and utilization of Cultural Properties prescribed in Article 183-5, paragraph 1 is provided; the plan shall be appropriate in light of them;
- (4) If the matters prescribed in the preceding paragraph are specified in the referenced preservation and utilization plan for Historic Sites, Places of Scenic Beauty, and/or Natural Monuments, the content of the plan conforms to the standards prescribed by the MEXT Ordinance as those necessary to alter the existing state of the Historic Site, Place of Scenic Beauty, and/or Natural Monument, or to implement an act affecting its preservation appropriately.



5. Granting the approval under the preceding paragraph, the Commissioner of the Agency for Cultural Affairs shall notify the person who applied for the referenced approval to that effect without delay.

(Changes in Approved Preservation and Utilization Plan for Historic Sites, Places of Scenic Beauty, and/or Natural Monuments)

#### **Article 129-3**

The custodial body or owner of a Historic Site, Place of Scenic Beauty, and/or Natural Monument which obtained the approval under the preceding Article, paragraph 4 shall obtain the approval of the Commissioner of the Agency for Cultural Affairs, when intending to change the preservation and utilization plan for Historic Sites, Places of Scenic Beauty, and/or Natural Monuments that received the relevant approval (excluding minor changes prescribed by the MEXT Ordinance).

2. The provisions of paragraphs 4 and 5 of the preceding Article apply mutatis mutandis to the approval referred in the preceding paragraph.

(Special Provisions for Permission for Altering the Existing State, etc.)

#### **Article 129-4**

When the preservation and utilization plan for Historic Sites, Places of Scenic Beauty, and/or Natural Monuments in which the matters set forth in Article 129-2, paragraph 3 are specified receives approval under the same Article, paragraph 4 (including the approval of changes under the preceding Article, paragraph 1; hereinafter the same applies in this Section and Article 153, paragraph 2, item (25)), and the plan requires the permission under Article 125, paragraph 1 in order to alter the existing state of the referenced property or to carry out an act affecting its preservation in accordance with the content of the specified matters; notwithstanding the provisions of the same paragraph, it is sufficient to notify the Commissioner of the Agency for Cultural Affairs to that effect pursuant to the provisions of the MEXT Ordinance after the completion of the alteration or of an act affecting the preservation without delay.

(Collection of Reports on the Implementation Status of the Approved Preservation and Utilization Plan for Historic Sites, Places of Scenic Beauty, and/or Natural Monuments)

#### **Article 129-5**

The Commissioner of the Agency for Cultural Affairs may request a report on the implementation status of the preservation and utilization plan for Historic Sites, Places of Scenic Beauty, and/or Natural Monuments that received the relevant approval (in the case of any changes, the revised plan; referred to as an "approved preservation and utilization plan for Historic Sites, Places of Scenic Beauty, and/or Natural Monuments" in the following Article, paragraph 1 and Article 129-7) from the custodial body or owner of a Historic Site, Place of Scenic Beauty, and/or Natural Monument which obtained the approval under Article 129-2, paragraph 4.

(Rescission of Approval)

#### **Article 129-6**

When the Commissioner of the Agency for Cultural Affairs finds that the approved preservation and utilization plan for Historic Sites, Places of Scenic Beauty, and/or Natural Monuments no longer conforms to any of the items of paragraph 4 of Article 129-2; the Commissioner may rescind the approval.

2. When the Commissioner of the Agency for Cultural Affairs rescinds the approval pursuant to the provision of the preceding paragraph, the Commissioner shall notify the person who obtained the referenced approval to that effect without delay.

(Instruction or Advice to Custodial Bodies, etc.)

#### **Article 129-7**

A Board of Education of a prefecture and municipality may provide necessary instruction or advice on the preparation of a preservation and utilization plan for Historic Sites, Places of Scenic Beauty, and/or Natural Monuments, and on the smooth and reliable implementation of an approved preservation and utilization plan for Historic Sites, Places of Scenic Beauty, and/or Natural Monuments

at the request of the custodial body or owner of a Historic Site, Place of Scenic Beauty, and/or Natural Monument.

2. The Commissioner of the Agency for Cultural Affairs shall endeavor to provide necessary instruction or advice on the preservation and utilization plan for Historic Sites, Places of Scenic Beauty, and/or Natural Monuments, and on the smooth and reliable implementation of the approved preservation and utilization plan for Historic Sites, Places of Scenic Beauty, and/or Natural Monuments at the request of the custodial body or owner of the Historic Site, Place of Scenic Beauty, and/or Natural Monument.

(Investigation for the Purpose of Preservation)

#### **Article 130**

The Commissioner of the Agency for Cultural Affairs may, when he/she deems it necessary, ask the custodial body, the owner or the custodian to file reports on the Historic Site, Place of Scenic Beauty, and/or Natural Monument, regarding its existing state, custody, restoration, or preservation of the integrity of its surroundings.

#### **Article 131**

In any of the following cases, when the Commissioner of the Agency for Cultural Affairs is unable to confirm the condition of a Historic Site, Place of Scenic Beauty, and/or Natural Monument in spite of all the information given in the report filed under the preceding Article, and when there appears to be no alternative way for the confirmation thereof, he/she may appoint a person or persons to conduct an investigation, and have them enter the land where the Historic Site, Place of Scenic Beauty, and/or Natural Monument to be investigated is located, or the adjoining area, and carry out an on-site investigation as to its existing state, custody, restoration or preservation of the integrity of its surroundings, as well as excavation, removal of obstacles or any other measures necessary for the purpose of such investigation; however, he/she shall not have the said person or persons to take such steps as may result in considerable damage to the owner or the possessor/occupant of such land or to any other interested parties:

- (1) Where application has been filed for approval of alteration of the existing state, or approval of actions affecting the preservation of a Historic Site, Place of Scenic Beauty, and/or Natural Monument;
- (2) Where a Historic Site, Place of Scenic Beauty, and/or Natural Monument is damaged or deteriorating;
- (3) Where a Historic Site, Place of Scenic Beauty, and/or Natural Monument is in danger of destruction, damage, deterioration or theft;
- (4) Where special circumstances necessitate the re-investigation of the value of a property considered as a Special Historic Site, Place of Scenic Beauty, and/or Natural Monument or of a Historic Site, Place of Scenic Beauty, and/or Natural Monument.

2. The State shall indemnify the person or persons who have suffered a loss owing to the investigation or measures carried out in accordance with the provisions of the preceding paragraph, for ordinary damage incidental thereto.

3. The provisions of Article 55 paragraph 2 shall apply mutatis mutandis to cases where investigation is conducted by entering the land in accordance with the provisions of paragraph 1; and the provisions of Article 41 paragraphs 2 to 4 inclusive shall apply mutatis mutandis to cases under the preceding paragraph.

(Registered Monuments)

#### **Article 132**

The Minister of Education, Culture Science, Sports, and Technology may register on the Original Registry of Cultural Properties those monuments (excepting items designated by local public bodies according to the provisions of Article 182, paragraph 2) other than Historic Sites, Places of Scenic Beauty, and Natural Monuments (including items provisionally designated by prefectural Boards of Education according to the provisions of Article 110, paragraph 1) for which, considering their value,

measures for preservation and utilization are particularly necessary.

2. To registration made according to the provisions of the preceding paragraph, the provisions of Article 57, paragraph and paragraph 3, Article 109 paragraph 3 to paragraph 5, and Article 111, paragraph 1, shall apply mutatis mutandis.

### **Article 133**

To monuments registered according to the provisions of the preceding paragraph (hereinafter "Registered Monuments"), the provisions of Article 59, paragraph 1 to paragraph 5, Article 64, Article 68, Article 111 paragraph 2 and paragraph 3, and Article 113 to Article 120 shall apply mutatis mutandis. In these cases, the wording "when designated as Important Cultural Properties according to the provisions of Article 27, paragraph 1" in Article 59, paragraph 1 shall read "when designated as Historical Sites, Places of Scenic Beauty, or Natural Monuments, according to the provisions of Article 109, paragraph 1 (including provisional designations by prefectural Boards of Education according to the provisions of Article 110, paragraph 1)"; in paragraph 4 of the same article, "notification shall be issued to the owner" shall read "notification shall be issued to the owner, or the possessor or occupant by title. However, in cases where there are numerous persons to be notified, and where circumstances are such that individual notification would be difficult, the Minister of Education, Culture, Science, Sports and Technology, may post the information contained in the notification in the offices of the city, town, or village in which the relevant Registered Monument is located, or on a notice board in a corresponding facility. In this case, the notification shall be considered to have reached the persons to be notified when two weeks have passed since the first day of posting."; in paragraph 5 of the same article, "to annulment of registration The provisions of paragraph 2 of the previous article shall apply mutatis mutandis" shall read "Annulments shall take effect from the day of announcement in the Official Gazette as in the provisions of the previous paragraph. However, for the owner, or the possessor or occupant by title, it shall be valid as of the time when notification has been made according to the provisions of the preceding paragraph, or is considered to have been made according to the provisions of that paragraph"; in Article 113, paragraph 1, "cases...clearly recognized to be inappropriate" shall read "cases reported by regional public bodies to be inappropriate, the opinions of the regional public bodies involved shall be heard"; in Article 118 and Article 120, "Article 30, and Article 31, paragraph 1" shall read "Article 31, paragraph 1"; "shall apply mutatis mutandis" shall read "shall apply mutatis mutandis". In this case, in Article 31, paragraph 1, 'in accordance with this Law as well as MEXT ordinances and instructions of the Commissioner for Cultural Affairs issued there under' shall read 'in accordance with this Law as well as MEXT ordinances issued there under'; in Article 118, "the provisions of Article 35 and Article 47, and to cases where a custodial body has been appointed, or where such an appointment has been annulled, Article 56 paragraph 3" shall read "Article 47, paragraph 4"; in Article 120, "the provisions of Article 35 and Article 47, to the succession to rights and obligations upon change of owner...Article 56, paragraph 1" shall read "Article 47, paragraph 4".

(Approval for Preservation and Utilization Plan for Registered Monuments)

### **Article 133-2**

The custodial body (referring to the local public body or any other juridical person appointed pursuant to the provisions of Article 113, paragraph 1 in accordance with the provisions of Article 133, paragraph 1, applying mutatis mutandis pursuant to the preceding Article) or owner of a Registered Monument may prepare a plan for the preservation and utilization of the Registered Monument (hereinafter referred to as a "preservation and utilization plan for Registered Monuments") pursuant to the provisions of the MEXT Ordinance and apply for the approval by the Commissioner of the Agency for Cultural Affairs.

2. The preservation and utilization plan for Registered Monuments is to specify the following matters:

- (1) The name and location of the referenced Registered Monument;
- (2) Details of specific measures to be taken for the preservation and utilization of the referenced Registered Monument;



- (3) Planning period;
  - (4) Other matters specified by the MEXT Ordinance.
3. The matters set forth in item (2) of the preceding paragraph may be specified regarding the acts to affect the alternation of the existing state of the referenced Registered Monument.
4. When the Commissioner of the Agency for Cultural Affairs receives an application for approval under paragraph 1, and finds that the preservation and utilization plan for Registered Monuments conforms to all of the following items; the Commissioner is to approve the plan:
- (1) The implementation of the referenced preservation and utilization plan for Registered Monuments is considered to contribute to the preservation and utilization of the referenced property;
  - (2) The plan is expected to be carried out smoothly and certainly;
  - (3) When the general principles of the preservation and utilization of Cultural Properties prescribed in Article 183-2, paragraph 1, or the approved regional plan for the preservation and utilization of Cultural Properties prescribed in Article 183-5, paragraph 1 are provided; the plan is appropriate in light of them;
  - (4) If the matters set forth in the preceding paragraph are specified in the referenced preservation and utilization plan for Registered Monuments, the content of the plan is to conform to the standards prescribed by the MEXT Ordinance as those necessary for the appropriate implementation of altering the existing state of the Registered Monument.
5. Granting the approval under the preceding paragraph, the Commissioner of the Agency for Cultural Affairs shall notify the person who applied for the referenced approval to that effect without delay.

(Special Provisions for Notification of Altering the Existing State)

#### **Article 133-3**

When the preservation and utilization plan for Registered Monuments in which the matters prescribed in the preceding Article, paragraph 3 are specified receives approval under the same Article, paragraph 4 (including the approval of changes of Article 67-3, paragraph 1, as applied mutatis mutandis pursuant to the following Article; the same applies in Article 153, paragraph 2, item (26)) and the notification of Article 64, paragraph 1, as applied mutatis mutandis pursuant to Article 133 must be made in order to carry out the alteration of the existing state of the referenced Registered Monument in accordance with the content of the specified matters; notwithstanding the provisions of the same paragraph, it is sufficient to notify the Commissioner of the Agency for Cultural Affairs to that effect pursuant to the provisions of the MEXT Ordinance after the completion of the referenced alteration without delay.

(Application Mutatis Mutandis)

#### **Article 133-4**

The provisions of Articles 67-3 and 67-5 through 67-7 apply mutatis mutandis to a preservation and utilization plan for Registered Monuments. In this case, the phrase "the preceding Article, paragraph 4" in Article 67-3, paragraph 1 is deemed to be replaced with "Article 133-2, paragraph 4," the phrase "the preceding Article, paragraphs 4 and 5" in the same Article, paragraph 2 is deemed to be replaced with "Article 133-2, paragraphs 4 and 5," the phrase "Article 67-2, paragraph 4" in Article 67-5 is deemed to be replaced with "Article 133-2, paragraph 4," the phrase "each item of paragraph 4 of Article 67-2" in Article 67-6, paragraph 1 is deemed to be replaced with "each item of paragraph 4 of Article 133-2."

## **Chapter VIII Important Cultural Landscapes**

(Selection of Important Cultural Landscapes)

#### **Article 134**

Based on a request from a prefecture or municipality the Minister of Education, Culture, Sports,

Science, and Technology may select as Important Cultural Landscapes especially important items from among cultural landscapes located within Landscape Planning Areas stipulated under Article 8, paragraph 2, item 1, of the Landscape Law (Law No. 110, 2004), or within Landscape Districts stipulated under Article 61, paragraph 1, of the same law, established by the relevant prefecture or municipality, for the preservation of which necessary measures are taken by the relevant prefecture or municipality, according to standards set by MEXT ordinance.

2. To selections made under the provisions of the previous paragraph, the provisions of Article 109, paragraph 3 to paragraph 5 apply mutatis mutandis. In this case, in paragraph 3 of the same article, "the possessor or occupant by title" shall read "the possessor or occupant by title, or the prefecture or municipality who made the request according to the provisions of Article 134, paragraph 1."

(Annulment of Selection of Important Cultural Landscapes)

#### **Article 135**

Where an Important Cultural Landscape has lost its value, or where there are other special circumstances, the Minister of Education, Culture, Science, Sports and Technology may annul the selection.

2. To cases under the preceding paragraphs, the provisions of paragraph 2 of the preceding article apply mutatis mutandis.

(Destruction or Damage)

#### **Article 136**

When an Important Cultural Landscape has been partially or completely destroyed or damaged, the owner, or occupant or possessor by title (hereinafter in this chapter "owner, etc.") must report in writing all the details stipulated by MEXT ordinance no later than 10 days after becoming aware of the fact. However, this shall not apply to cases stipulated by MEXT ordinance as clearly posing no obstacle to the preservation of the Important Cultural Landscape.

(Recommendations or Orders regarding Custody)

#### **Article 137**

In cases where an Important Cultural Landscape is deemed to be at risk of destruction or damage due to inappropriate custody, the Commissioner for Cultural Affairs may recommend that the owner, etc. make improvements in custody, or take other measures necessary for custody.

2. In the case that an owner, etc. who received advice under the provisions of the previous paragraph, neglected, without justification, to take the recommended measures, the Commissioner for Cultural Affairs may, where it is deemed especially necessary, order the owner etc. in question, to take the recommended measures.
3. When the Commissioner for Cultural Affairs makes a recommendation according to the provisions of paragraph 1, or issues an order according to the provisions of the preceding paragraph, he or she must first hear the opinion of the prefecture or municipality that made the request under the provisions of Article 134, paragraph 1, concerning the Important Cultural Landscape in question.
4. To paragraph 1 and paragraph 2, the provisions of Article 36, paragraph 2 and paragraph 3 apply mutatis mutandis.

(Reimbursement in the case of Assignment of Important Cultural Landscapes for which costs have been incurred)

#### **Article 138**

To those Important Cultural Landscapes for which the country has incurred costs related to measures to prevent destruction or damage under the provisions of the preceding Article, paragraph 4, to which the provisions of Article 36, paragraph 2, apply mutatis mutandis, the provisions of Article 42 apply mutatis mutandis.

(Notification, etc., of Alteration to Existing State, etc.)

#### **Article 139**

Any person who intends to take action such as to alter the existing state, or affect the preservation of an Important Cultural Landscape must notify the Commissioner for Cultural Affairs, in accordance

with the stipulations of MEXT ordinance, no later than 30 days prior to taking the action altering the existing state or affecting the preservation. However, this does not apply to cases where the alteration is merely a maintenance measure, or emergency measure taken in the event of disaster, or in the case of measures taken based on orders under the provisions of other legal ordinances specifying an alteration, or where the effect of the action on preservation is negligible.

2. The extent of measures for maintaining the existing state mentioned in the proviso to the preceding paragraph shall be stipulated by MEXT ordinance.
3. When recognized as necessary for the protection of Important Cultural Landscapes, the Commissioner for Cultural Affairs may give direction, advice, or recommendations as necessary concerning actions altering the state of or affecting the preservation of Important Cultural Landscapes as reported under paragraph 1.

(Report on Existing State, etc.)

#### **Article 140**

When deemed necessary, the Commissioner for Cultural Affairs may demand from the owner, etc., a report on the existing state, custody, or state of restoration of an Important Cultural Landscape.

(Balance with Other Public Interests)

#### **Article 141**

When making selections according to the provisions of Article 134, paragraph 1, the Minister of Education, Culture, Sports, Science, and Technology shall respect in particular the ownership rights, mining rights, and other property rights of those involved; in addition, the balance with other public interests, including land development, along with regional industries such as agriculture, forestry, and fishing, must be taken into account.

2. When making recommendations according to the provisions of Article 137, paragraph 1, orders under the provisions of paragraph 2 of the same article, or recommendations according to the provisions of Article 139, paragraph 3, the Commissioner for Cultural Affairs shall first, taking into account the special features of the Important Cultural Landscape, and aiming at a balance with other public interests including land development as well as local industries, such as agriculture, forestry, and fishing, hold discussions with the heads of relevant ministries and agencies as stipulated by government ordinance.
3. The government may provide subsidies to cover part of the cost of measures taken by prefectures or municipalities for the custody, repair, landscaping or restoration of items deemed particularly necessary for the preservation of Important Cultural Landscapes.

## **Chapter IX Preservation Districts for Groups of Historic Buildings**

(Preservation Districts for Groups of Historic Buildings)

#### **Article 142**

The term "Preservation Districts for Groups of Historic Buildings" in this Chapter shall mean the districts determined by cities, towns or villages in accordance with the provisions of paragraph 1 or 2 of the following Article, for the purpose of preserving groups of historic buildings and the surroundings which, in combination with such buildings, form part of their value.

(Determination and Protection of Preservation Districts for Groups of Historic Buildings)

#### **Article 143**

Municipalities may establish Preservation Districts for Groups of Historic Buildings in their city plans within the city planning areas or quasi-city planning areas designated under the provisions of Article 5 or Article 5-2 of the City Planning Law (Law No. 100 of 1968). In such cases the municipalities may, for the purpose of ensuring the preservation of the said districts, determine by their own regulations necessary restrictions on the alteration of the existing State in view of the standards prescribed by cabinet order, and determine any other necessary measures for the said preservation.

2. The municipalities may in the districts other than the city planning areas or quasi-city planning



areas under the preceding paragraph, establish Preservation Districts for Groups of Historic Buildings in accordance with their own regulations. In this case, the provisions of the latter part of the preceding paragraph shall apply *mutatis mutandis*.

3. In cases where the municipalities have established or revoked the establishment of Preservation Districts for Groups of Historic Buildings, or have enacted, revised or abolished their own regulations, they shall report the fact to the Commissioner of the Agency for Cultural Affairs.
4. The Commissioner of the Agency for Cultural Affairs or the Board of Education of the prefecture may give municipalities guidance or advice necessary for the preservation of Preservation Districts for Groups of Historic Buildings.

(Classification of Important Preservation Districts for Group of Historic Buildings)

#### **Article 144**

The Minister of Education, Culture, Sports, Science and Technology may, according to the application filed by municipalities, classify whole or part of the Preservation Districts for Groups of Historic Buildings which possess an especially high value for Japan as Important Preservation Districts for Groups of Historic Buildings.

2. Classification under the provisions of the preceding paragraph shall be made by an announcement in the Official Gazette, and by the issuance of a notice thereof to the municipalities which have filed the application.

(Annulment of Selection)

#### **Article 145**

When any Important Preservation Districts for Groups of Historic Buildings has lost its value as such, or when there is any other special reason, the Minister of Education, Culture, Sports, Science and Technology may annul the classification thereof.

2. To the cases under the preceding paragraph the provisions of paragraph 2 of the preceding Article shall apply *mutatis mutandis*.

(Subsidy for Custody)

#### **Article 146**

The State may, for the preservation of Important Preservation Districts for Groups of Historic Buildings, grant a subsidy to cover part of the expenses required for such measures as may be taken by municipalities for the custody, repair, landscape enhancement, or restoration of the buildings and objects which form part of the surroundings of the site and as such are deemed particularly necessary for the preservation of the group of historic buildings within the said district.

## **Chapter X Protection of Conservation Techniques for Cultural Properties**

(Selection of Selected Conservation Techniques)

#### **Article 147**

The Minister of Education, Culture, Sports, Science and Technology may select as Selected Conservation Techniques traditional techniques or skills which are indispensable for the conservation of cultural properties and which require positive measures for their preservation.

2. In making selections under the provisions of the preceding paragraph, the Minister of Education, Culture, Sports, Science and Technology shall recognize the holder or holders of the Selected Conservation Techniques concerned, or their preservation bodies (bodies, including juridical persons, whose primary aim is the preservation of such techniques, and which have their representatives or directors established by their own statutes; hereinafter the same).
3. Recognition relative to particular Selected Conservation Techniques under the provisions of the preceding paragraph may apply jointly to holders and preservation bodies.
4. To selection under the provisions of paragraph 1, and recognition under the provisions of the preceding two paragraphs, the provisions of Article 71 paragraphs 3 and 4 inclusive shall apply *mutatis mutandis*.

(Annulment of Selections)

#### **Article 148**

The Minister of Education, Culture, Sports, Science and Technology may, when it is no longer necessary to take positive measures for the preservation of a Selected Conservation Technique or when there is any other special reason, annul the selection concerned.

2. In case a holder is deemed to have become inadequate to maintain such title for mental or physical reasons, or in case a preservation body is deemed to have become inadequate to maintain such title or when there is any other special reason, the Minister of Education, Culture, Sports, Science and Technology may annul his/her or its recognition as holder or preservation body.
3. The provisions of Article 72 paragraph 3 shall apply mutatis mutandis to cases under the preceding two paragraphs. 4. In cases where recognition under paragraph 2 of the preceding Article has been made only of holders and all of them have died, or in case the recognition under the same paragraph has been made only of holding bodies, and all of them have been dissolved (including cases where they have ceased to exist; hereinafter the same in this paragraph), or in cases where the said recognition covered both the holders and the preservation bodies and all of the holders have died and all of the preservation bodies have also been dissolved, the selection as a Selected Conservation Technique shall be deemed to have been annulled. In such cases, the Minister of Education, Culture, Sports, Science and Technology shall announce the fact in the Official Gazette.

(Change of Name of Holder)

#### **Article 149**

The provisions of Article 73 shall apply mutatis mutandis to the holder and the preservation body. In this case, "the representative" in the latter part of the same Article shall read "the representative or the custodian."

(Preservation of Selected Conservation Techniques)

#### **Article 150**

When it is deemed necessary to do so for the preservation of Selected Conservation Techniques, the Commissioner of the Agency for Cultural Affairs may have documentation produced of techniques, or take any appropriate measures for what is deemed necessary for the preservation thereof, including training of successors in the art.

(Public Display of or Access to Records of Selected Conservation Techniques)

#### **Article 151**

The provisions of Article 88 shall apply mutatis mutandis to owners of records of Selected Conservation Techniques.

(Assistance for Preservation of Selected Conservation Techniques)

#### **Article 152**

The State may give guidance, advice or other assistance which is deemed necessary to the holder or preservation body of a designated traditional conservation technique, or to those who are considered appropriate for undertaking its preservation, such as local public bodies.

### **Chapter XI Consultation with the Council for Cultural Affairs**

(Consultation with the Council for Cultural Affairs)

#### **Article 153**

The Minister of Education, Culture, Sports, Science and Technology shall in advance consult the Council for Cultural Affairs with reference to the following matters:

- (1) Designation of National Treasures or Important Cultural Properties, and annulment of such designation;
- (2) Registration of Registered Tangible Cultural Properties, and annulment of such registrations (excluding annulment of registrations under the provisions of Article 59 paragraph 1 and paragraph 2);

- (3) Designation of Important Intangible Cultural Properties, and annulment of such designations;
- (4) Recognition of holders or holding bodies of Important Intangible Cultural Properties, and annulment of such recognition;
- (5) Registration or annulment of registration of registered Intangible Cultural Properties (excluding annulment of registration according to the provisions of Article 76-8 paragraph 1 and paragraph 2.);
- (6) Recognition of holders or holding bodies of Registered Intangible Cultural Properties, and annulment of such recognition;
- (7) Designation of Important Tangible Folk-cultural Properties or Important Intangible Folk-cultural Properties and annulment of such designation;
- (8) Registration or annulment of registration of Registered Tangible Folk-Cultural Properties (excluding annulment of registration according to the provisions of Article 59 paragraph 1 and paragraph 2 applied mutatis mutandis to Article 90 paragraph 3.);
- (9) Registration or annulment of registration of Registered Intangible Folk-Cultural Properties (excluding annulment of registration according to the provisions of Article 90-6 paragraph 1 and paragraph 2.);
- (10) Designation of Special Historic Sites, Places of Scenic Beauty, and/or Natural Monuments, or of Historic Sites, Places of Scenic Beauty, and/or Natural Monuments, and annulment of such designation;
- (11) Annulment of the provisional designation of Historic Sites, Places of Scenic Beauty, and/or Natural Monuments;
- (12) Registration or annulment of registration of Registered Monuments (excluding annulment of registration according to the provisions of Article 59 paragraph 1 and paragraph 2 as applied mutatis mutandis to Article 133.);
- (13) Selection or annulment of selection of Important Cultural Landscapes;
- (14) Classification of Important Preservation districts for groups of historic buildings, and annulment of such classification;
- (15) Selection of Selected Conservation Techniques, and annulment of such selection;
- (16) Recognition of holders or preservation bodies of Selected Conservation Techniques, and annulment of such recognition.

2. The Commissioner of the Agency for Cultural Affairs shall in advance consult the Council for Cultural Affairs with reference to the following matters:

- (1) Orders concerning the custody of Important Cultural Properties or the repair of National Treasures;
- (2) Execution by the Commissioner of the Agency for Cultural Affairs of the repair of National Treasures or of preventive measures against their destruction, damage or theft;
- (3) Permission for alteration of the existing state or acts affecting the preservation of Important Cultural Properties;
- (4) Restriction or prohibition of acts, or orders for the provision of necessary facilities, as may be required for the maintenance of the integrity of surroundings of Important Cultural Properties;
- (5) Purchase of Important Cultural Properties by the State;
- (6) Approval for a preservation and utilization plan for Important Cultural Properties under Article 53-2, paragraph 4;
- (7) Approval for a preservation and utilization plan for Registered Tangible Cultural Properties under Article 67-2, paragraph 4;
- (8) Approval for a preservation and utilization plan for Important Intangible Cultural Properties under Article 76-2, paragraph 3;
- (9) Approval for a preservation and utilization plan for Registered Intangible Cultural Properties under Article 76-13, paragraph 3;
- (10) Selection of Intangible Cultural Properties other than Important Intangible Cultural Properties and Registered Intangible Cultural Properties, of which the Commissioner of the Agency for



Cultural Affairs should prepare documentation, or for the documentation of which subsidies should be granted;

- (11) Orders concerning the custody of Important Tangible Folk-cultural Properties;
- (12) Purchase of Important Tangible Folk-cultural Properties;
- (13) Approval for a preservation and utilization plan for Important Tangible Folk-cultural Properties under Article 85-2, paragraph 4;
- (14) Approval for a preservation and utilization plan for Important Intangible Folk-cultural Properties under Article 89-2, paragraph 3 (including the approval of changes of Article 76-3, paragraph 1, as applied mutatis mutandis pursuant to Article 89-3);
- (15) Approval for a preservation and utilization plan for Registered Tangible Folk-cultural Properties under Article 90-2, paragraph 4;
- (16) Approval for a preservation and utilization plan for Registered Intangible Folk-cultural Properties under Article 90-10, paragraph 3 (including the approval of changes of Article 76-14, paragraph 1, as applied mutatis mutandis pursuant to Article 90-11);
- (17) Selection of Intangible Folk-cultural Properties other than Important Intangible Folk-cultural Properties and Registered Intangible Folk-cultural Properties, of which the Commissioner of the Agency for Cultural Affairs should prepare documentation or for the documentation of which subsidies should be granted;
- (18) Extension of the term of orders for suspension or for prohibition of acts altering the existing state of remains;
- (19) Excavation conducted by the Commissioner of the Agency for Cultural Affairs for the purpose of investigating Buried Cultural Properties;
- (20) Orders concerning the custody of Historic Sites, Places of Scenic Beauty, and/or Natural Monuments, or concerning the restoration of Special Historic Sites, Places of Scenic Beauty, and/or Natural Monuments;
- (21) Execution by the Commissioner of the Agency for Cultural Affairs of restoration or of preventive measures against destruction, damage, deterioration or theft of Special Historic Sites, Places of Scenic Beauty, and/or Natural Monuments;
- (22) Permission for alteration of the existing state of Historic Sites, Places of Scenic Beauty, and/or Natural Monuments or for acts affecting the preservation thereof;
- (23) Restriction or prohibition of acts, or orders for provision of necessary facilities, as may be required for the maintenance of the integrity of surroundings of Historic Sites, Places of Scenic Beauty, and/or Natural Monuments;
- (24) Orders to return to their original state Historic Sites, Places of Scenic Beauty, and/or Natural Monuments, to be issued in the cases where any acts for alteration of the existing state or acts affecting the preservation thereof have been carried out without permission, or not in compliance with the conditions of such permission, or where the restriction or prohibition of acts for maintenance of the integrity of their surroundings has been disobeyed;
- (25) Approval for a preservation and utilization plan for Historic Sites, Places of Scenic Beauty, and/or Natural Monuments under Article 129-2, paragraph 4;
- (26) Approval for a preservation and utilization plan for Registered Monuments under Article 133-2, paragraph 4;
- (27) Orders concerning the custody of Important Cultural Landscapes;
- (28) Approval for under Article 183-3, paragraph 5 of the regional plan for the preservation and utilization of Cultural Properties prescribed in the same Article, paragraph 1 (including the approval of changes under Article 183-4, paragraph 1);
- (29) Proposal for the establishment, or revision or rescission of cabinet orders mentioned in Article 184 paragraph 1 (limited to matters related to the administrative tasks mentioned in item 2 of the same paragraph) or the Cabinet Order mentioned in Article 184-2, paragraph 1 (limited to the matters related to the administrative tasks mentioned in Article 184, paragraph 1, item 2).

## **Chapter XII Additional Provisions**

### **Section 1. Public Hearings and Statements of Disagreement**

(Special Cases of Public Hearings)

#### **Article 154**

When the Commissioner of the Agency for Cultural Affairs (when, in accordance with Article 184 paragraph 1, the Board of Education of a Prefecture or city will perform administrative tasks that fall under the purview of the Commissioner of the Agency for Cultural Affairs, the Board of Education of the said Prefecture or city) (the same applies to the following paragraph and the following Article) intends to make dispositions or take measures mentioned in the following items, he/she shall hold a public hearing, regardless of the classification of the procedures for the voicing of opinions stipulated in Article 13, paragraph 1 of the Administrative Procedures Law (Law No. 88 of 1993).

- (1) Restrictions, prohibitions or orders to be issued to particular persons under the provisions of Article 45 paragraph 1 or Article 128 paragraph 1;
  - (2) Orders for discontinuance of public viewing under the provisions of Article 51 paragraph 5 (including as applied mutatis mutandis pursuant to Article 51-2 (including as applied mutatis mutandis pursuant to Article 85), Article 84 paragraph 2 and Article 85);
  - (3) Prohibition of or order for discontinuance of excavation under the provisions of Article 92 paragraph 2;
  - (4) Orders for suspension or for prohibition under Article 96 paragraph 2 for the conduct of investigation mentioned in the same paragraph or extension of the term of such order under the provisions of paragraph 5 of the same Article;
  - (5) Orders for restoration to the original state according to the provisions of Article 125 paragraph 7 (including as applied mutatis mutandis pursuant to Article 128 paragraph 3).
2. When the Commissioner of the Agency for Cultural Affairs (when, in accordance with Article 184, paragraph 1 or Article 184-2, paragraph 1, the Board of Education of a prefecture or municipality perform administrative tasks that fall under the purview of the Commissioner of the Agency for Cultural Affairs, the Board of Education of the referenced prefecture or municipality; the same applies in the following Article) intends to hold a public hearing under the preceding paragraph or a public hearing related to the cancellation of permission under the provisions of Article 43 paragraph 4 (including as applied mutatis mutandis pursuant to Article 125 paragraph 3) or those of Article 53 paragraph 4, he/she shall give notice in accordance with the provisions of Article 15 paragraph 1 of the Administrative Procedures Law, and at the same time shall make a public announcement concerning the substance of the disposition and the date and place of the public hearing, at least ten (10) days in advance.
3. Deliberations on the date for the public hearing under the preceding paragraph shall be held publicly.

(Hearing of Opinions)

#### **Article 155**

When the Commissioner of the Agency for Cultural Affairs intends to make dispositions or take measures mentioned in the following items, he/she shall hold a public hearing by requesting the attendance of the parties concerned or their proxies:

- (1) Execution of repairs, restoration or measures under the provisions of Article 38 paragraph 1 or Article 123 paragraph 1;
  - (2) Execution of an on-site inspection or measures necessary for inspection under the provisions of Article 55 paragraph 1 or Article 131 paragraph 1;
  - (3) Execution of excavation under the provisions of Article 98 paragraph 1.
2. When the Commissioner of the Agency for Cultural Affairs intends to hold a public hearing under

the preceding paragraph, he/she shall notify the parties concerned of the reasons for the disposition or measure to be made or taken under the relevant items of the same paragraph, the substance of each disposition or measure, and the date and place of the public hearing, at least ten (10) days in advance, and at the same time shall make a public announcement of the substance of said disposition or measure and of the date and place of the said public hearing.

3. At the public hearing under paragraph 1, the parties concerned or their proxies may express opinions or give explanations, and produce evidence, on behalf of themselves or of the principals.
4. If the parties concerned or their proxies fail to attend the public hearing under paragraph 1 without a justifiable reason, the Commissioner of the Agency for Cultural Affairs may effect the disposition or measure mentioned in each of the items of paragraph 1 without holding any public hearing.

(Public Hearing in Case of Procedures for Statements of Disagreement)

#### **Article 156**

Adjudication or decisions (excepting adjudication or decisions that are rejections) on requests for investigations, or protest, regarding the dispositions mentioned below, must follow a public hearing by a review officer (referring to a review officer in accordance with the provisions of Article 11, paragraph 2 of the Administrative Complaint Review Act, or a reviewing agency [referring to a reviewing agency in accordance with the provisions of Article 9, paragraph 1 of the same Act; hereinafter the same applies in this Article] if it is the Board of Education of a prefecture or municipality; the same applies in the following paragraph and the following Article) requesting the attendance of the person(s) requesting the investigation, the protestant(s) and any participants, or any proxies thereof, held within thirty (30) days of receiving a request for investigation or a written disagreement.

- (1) Permission or rejection of demand for permission for the alteration of existing state or for an act affecting the preservation thereof under the provisions of Article 43 paragraph 1 or Article 125 paragraph 1.
  - (2) Appointment of a local public body or any other juridical person under the provisions of Article 113 paragraph 1 (including as applied mutatis mutandis pursuant to Article 133).
2. The review officer shall notify the person(s) concerned with proceedings (referring to persons concerned with proceedings in accordance with the provisions of Article 28 of the Administrative Complaint Review Act, or the requestors for review and the protestants if the reviewing agency is the Board of Education of a prefecture or municipality) of the date and place of the public hearing at least ten (10) days in advance, while making at the same time a public announcement of the substance of the case and of the date and place of the said public hearing.

(Participation)

#### **Article 157**

In addition to the person(s) requesting the investigation or protestant(s), participant(s) and any proxies thereof, any interested party to the disposition in question who desires to participate and to express his/her opinion on the occasion of the public hearing under paragraph 1 of the preceding Article shall make written application for permission to the person holding the said public hearing, stating the matters prescribed by MEXT ordinance.

(Presentation of Evidence, etc.)

#### **Article 158**

On the occasion of the public hearing held under the provisions of Article 156 paragraph 1, the person(s) requesting the investigation, the protestant(s), the participant(s) and the person(s) participating in the said public hearing in accordance with the provisions of the preceding Article, or the proxies of thereof, must be given the opportunity to present evidence and to express opinions in regard to the case concerned.

(Consultation Prior to Final Decision)

#### **Article 159**

Adjudication or decisions (excepting adjudication or decisions that are rejections) on requests for investigation, or on protests, involving coordination with the mining or stone-quarrying industry, shall



be handed down after consulting with the Environmental Disputes Coordination Commission.

2. Heads of respective administrative organs concerned may give their opinions in regard to the request for investigation, or the protest.

(Procedures)

#### **Article 160**

Other than those provided for in Article 156 to the preceding article and in the Administrative Appeal Law (Law No. 160 of 1962), procedures with respect to a request for investigation, or a protest, shall be prescribed by MEXT ordinance.

(Relation between Statement of Disagreement and Lawsuit)

#### **Article 161**

A lawsuit for cancellation of dispositions mentioned in each of the items of Article 156 paragraph 1 shall not be instituted unless an adjudication or decision is reached as to the request for investigation, or the protest, against the disposition in question.

## **Section 2. Special Provisions regarding the State**

(Special Provisions regarding the State)

#### **Article 162**

In applying the provisions of the present Law to the State or State organs, special provisions contained in this Section shall have priority.

(Special Provisions regarding the State in Connection with Important Cultural Properties, etc.)

#### **Article 163**

When an Important Cultural Property, Important Tangible Folk-cultural Property, Historic Site, Place of Scenic Beauty, and/or Natural Monument, or Important Cultural Landscape is State property according to the State Property Law (Law No. 73 of 1948), it shall be subjected to the custody of the Minister of Education, Culture, Sports, Science and Technology; however, when any such property is administrative property as prescribed in Article 3 paragraph 2 of the same Law under the custody of a person other than the Minister of Education, Culture, Sports, Science and Technology, or when there is any special reason to place such a property under the custody of a person other than the Minister of Education, Culture, Sports, Science and Technology, the question of whether the said property should be placed under the custody of the head of the Ministry or Agency concerned or under the custody of the Minister of Education, Culture, Sports, Science and Technology shall be determined in consultation with the Minister of Education, Culture, Sports, Science and Technology, the head of the Minister or Agency concerned and the Minister of Finance.

#### **Article 164**

When the transfer of jurisdiction or administrative control is to be made between accounting units belonging to different jurisdictions respecting an Important Cultural Property, Important Tangible Folk-cultural Property, Historic Site, Place of Scenic Beauty, and/or Natural Monument, or Important Cultural Landscape, for the purpose of placing the said property under the custody of the Minister of Education, Culture, Sports, Science and Technology in accordance with the provisions of the preceding Article, it shall be so arranged without compensation notwithstanding the provisions of Article 15 of the State Property Law.

#### **Article 165**

When any tangible cultural property or tangible folk-cultural property belonging to the State has been designated as a National Treasure, Important Cultural Property or Important Tangible Folk-cultural Property, the notice or the certificate of designation to be issued to its owner under the provisions of Article 28 paragraph 1 or paragraph 3 (including cases where the same provisions apply mutatis mutandis to Article 78 paragraph 2) shall be issued to the head of the Ministry or Agency in charge of the custody of the tangible cultural property or the tangible folk-cultural property concerned. In this case, the head of the Ministry or Agency who has received the certificate of

designation of National Treasure shall send back to the Minister of Education, Culture, Sports, Science and Technology without delay the certificate of designation of Important Cultural Property previously issued for the same property that has now been designated as a National Treasure.

2. When the designation of a National Treasure, Important Cultural Property or Important Tangible Folk-cultural Property belonging to the State has been annulled, the notice or the certificate of designation to be issued to its owner under the provisions of Article 29 paragraph 2 (including cases where the same applies *mutatis mutandis* under Article 79 paragraph 2) or paragraph 5 shall be issued to the head of the Ministry or Agency in charge of the custody of such National Treasure, Important Cultural Property or Important Tangible Folk-cultural Property. In this case, the head of the Ministry or Agency concerned shall send back the certificate of designation to the Minister of Education, Culture, Sports, Science and Technology without delay.
3. When the property owned or possessed by the State has been designated or provisionally designated as a Special Historic Site, Place of Scenic Beauty, and/or Natural Monument or as a Historic Site, Place of Scenic Beauty, and/or Natural Monument, or when such designation or provisional designation has been annulled, the notice to be issued to the owner or the possessor under the provisions of Article 109 paragraph 3 (including cases where the same applies *mutatis mutandis* under Article 110 paragraph 3 and Article 112 paragraph 4) shall be issued to the head of the Ministry or Agency in charge of the custody of such property.
4. When a property owned or possessed by the State is selected as an Important Cultural Landscape, or where such selection is annulled, the notice to be issued to the owner or the possessor under the provisions of Article 134, paragraph 2, to which the provisions of Article 109 paragraph 3 apply *mutatis mutandis* (including cases where the same applies *mutatis mutandis* to Article 135 paragraph 2) shall be made to the head of the Ministry or Agency having custody of the relevant Important Cultural Landscape.

#### **Article 166**

The head of the Ministry or Agency in charge of the custody of an Important Cultural Property, Important Tangible Folk-cultural Property, Historic Site, Place of Scenic Beauty, and/or Natural Monument, or Important Cultural Landscape, shall manage such property in accordance with this Law, and with MEXT Ordinance and the advice of the Commissioner of the Agency for Cultural Affairs, issued or given there under.

#### **Article 167**

The head of the Ministry or Agency concerned shall give notice to the Commissioner of the Agency for Cultural Affairs through the Minister of Education, Culture, Sports, Science and Technology in any of the following cases:

- (1) Where any Important Cultural Property, Important Tangible Folk-cultural Property, or Historic Site, Place of Scenic Beauty, and/or Natural Monument has been newly acquired;
- (2) Where there has been the transfer of jurisdiction or of administrative control respecting any Important Cultural Property, Important Tangible Folk-cultural Property, or Historic Site, Place of Scenic Beauty, and/or Natural Monument;
- (3) Where any Important Cultural Property, Important Tangible Folk-cultural Property, Historic Site, Place of Scenic Beauty, and/or Natural Monument, or Important Cultural Landscape under the jurisdiction of the Ministry or Agency concerned has been entirely or partially destroyed, damaged, has deteriorated in condition, or has been lost or stolen;
- (4) Where the location of any Important Cultural Property or Important Tangible Folk-cultural Property, under the jurisdiction of the Ministry or Agency concerned, is to be changed;
- (5) Where any Important Cultural Property or Historic Site, Place of Scenic Beauty, and/or Natural Monument, under the jurisdiction of the Ministry or Agency concerned, is to be repaired or restored (excluding the case where consent of the Commissioner of the Agency for Cultural Affairs must be applied for in accordance with the provisions of paragraph 1 item (1) of the following Article, or any other cases provided for by MEXT ordinance);

- (6) Where the existing state of any Important Tangible Folk-cultural Property, or any Important Cultural Landscape under the jurisdiction of the Ministry or Agency concerned is to be changed or an act affecting the preservation hereof is to be taken, or where such property is to be exported;
  - (7) Where in regard to the land within the designated area of any Historic Site, Place of Scenic Beauty, and/or Natural Monument under the jurisdiction of the Ministry or Agency concerned, there has been a change in the name of town, lot number, category or acreage.
2. In cases where notices are to be filed under the respective items of the preceding paragraph, the following provisions shall apply mutatis mutandis: the provisions of Article 32 paragraph 1 (including cases where Article 80 and Article 120 apply mutatis mutandis ) when notices are to be filed under items (1) and (2) of the preceding paragraph; the provisions of Article 33 (including cases where Article 80 and Article 120 apply mutatis mutandis ) when notices are to be filed under item (3) of the preceding paragraph; the provisions of Article 34 (including cases where Article 80 applies mutatis mutandis ) when notices are to be filed under item (4) of the preceding paragraph; the provisions of Article 43-2 paragraph 1 and Article 127 paragraph 1 when notices are to be filed under item (5) of the preceding paragraph; the provisions of Article 81 paragraph 1 and Article 139 paragraph 1, when notices are to be filed under item (6) of the preceding paragraph; and the provisions of Article 115 paragraph 2, when notices are to be filed under item (7) of the preceding paragraph.
  3. The Commissioner of the Agency for Cultural Affairs may give necessary advice on matters regarding which notification has been made under paragraph 1 item (5) or (6).

#### **Article 168**

The head of the Ministry or Agency concerned shall obtain in advance the consent of the Commissioner of the Agency for Cultural Affairs through the Minister of Education, Culture, Sports, Science and Technology, in any of the following cases:

- (1) Where he/she intends to alter the existing state of the Important Cultural Property or of the Historic Site, Place of Scenic Beauty, and/or Natural Monument, or to do any act affecting the preservation thereof;
  - (2) Where he/she intends to export any Important Cultural Property, or any Important Tangible Folk-cultural Property under his/her jurisdiction;
  - (3) Where he/she intends to loan, exchange, sell, transfer, or otherwise dispose of an Important Cultural Property, Important Tangible Folk-cultural Property or Historic Site, Place of Scenic Beauty, and/or Natural Monument under his/her jurisdiction.
2. When any of the State organs other than the head of the Ministry or Agency intend to alter the existing state of the Important Cultural Property or of the Historic Site, Place of Scenic Beauty, and/or Natural Monument, or to do any act affecting the preservation thereof it shall obtain in advance the consent of the Commissioner of the Agency for Cultural Affairs.
  3. In cases coming under paragraph 1 item (1) and the preceding paragraph, the proviso to Article 43 paragraph 1 and the provisions of paragraph 2 of the same Article, as well as the proviso to Article 125 paragraph 1 and the provisions of paragraph 2 of the same Article shall apply mutatis mutandis.
  4. The Commissioner of the Agency for Cultural Affairs shall, in giving consent regarding the steps provided for in paragraph 1 item (1) or paragraph 2, give necessary advice thereon as a condition to such consent.
  5. The head of the Ministry or Agency concerned or any other State organ shall duly respect the advice of the Commissioner of the Agency for Cultural Affairs given under the provisions of the preceding paragraph.

#### **Article 169**

The Commissioner of the Agency for Cultural Affairs may, when he/she deems it necessary, give appropriate advice to the head of the Ministry or Agency through the Minister of Education, Culture, Sports, Science and Technology, respecting the following matters:



- (1) Method of custody of the Important Cultural Property, Important Tangible Folk-cultural Property, or Historic Site, Place of Scenic Beauty, and/or Natural Monument, under his/her jurisdiction;
  - (2) Repair, restoration or preventive measures against destruction, damage, deterioration or theft of the Important Cultural Property, Important Tangible Folk-cultural Property, or Historic Site, Place of Scenic Beauty, and/or Natural Monument, or Important Cultural Landscape under his/her jurisdiction;
  - (3) Provision of facilities necessary for the preservation of the integrity of surroundings of the Important Cultural Property or of the Historic Site, Place of Scenic Beauty, and/or Natural Monument;
  - (4) Display or opening to the public of the Important Cultural Property or the Important Tangible Folk-cultural Property under his/her jurisdiction.
2. With respect to the advice under the preceding paragraph, the provisions of paragraph 5 of the preceding Article shall apply *mutatis mutandis*.
3. The share of expenses required for the repairs, restoration or measures mentioned in paragraph 1 item (2), or for the provision of facilities mentioned in item (3) of the same paragraph to be undertaken or made on the advice of the Commissioner of the Agency for Cultural Affairs given under the same paragraph, shall be decided by the Minister of Education, Culture, Sports, Science and Technology in consultation with the head of the Ministry or Agency concerned.

#### **Article 170**

In any of the cases given in the following items, the Commissioner of the Agency for Cultural Affairs may conduct repairs or restoration, or take preventive measures against destruction, damage, deterioration or theft, respecting National Treasures or the Special Historic Sites, Places of Scenic Beauty, and/or Natural Monuments belonging to the State. If, in this case, however, the cultural property in question is under the jurisdiction of the head of the Ministry or Agency, other than the Minister of Education, Culture, Sports, Science and Technology, the Commissioner of the Agency for Cultural Affairs shall consult in advance, through the Minister of Education, Culture, Sports, Science and Technology, the head of the Ministry or Agency responsible for the said property respecting the substance of the repairs, restoration or measures, the date of commencement of the work, and other necessary matters; and if the said property is under the jurisdiction of the Minister of Education, Culture, Sports, Science and Technology, the Commissioner of the Agency for Cultural Affairs shall secure his/her approval, unless otherwise regulated by the Minister of Education, Culture, Sports, Science and Technology.

- (1) Where the head of the Ministry or Agency concerned fails to comply with the advice of the Commissioner of the Agency for Cultural Affairs, given in regard to the repairs, restoration or measures as provided for in paragraph 1 item (2) of the preceding Article;
- (2) Where it is not deemed appropriate to have the said repairs or restoration or measures undertaken by the head of the Ministry or Agency concerned, in cases where the National Treasure, or the Special Historic Site, Place of Scenic Beauty, and/or Natural Monument is damaged or has deteriorated, or where there is a fear that such property may be destroyed or damaged, deteriorate, or be stolen.

#### **Article 170-2**

The head of the Ministry or Agency in charge of the custody of an Important Cultural Property, Important Tangible Folk-cultural Property, or Historic Site, Place of Scenic Beauty, and/or Natural Monument belonging to the State may prepare a preservation and utilization plan for Important Cultural Properties, the plan for Important Tangible Folk-cultural Properties, or the plan for Historic Sites, Places of Scenic Beauty, and/or Natural Monuments, and request the consent of the Commissioner of the Agency for Cultural Affairs through the Minister of Education, Culture, Sports, Science and Technology pursuant to the provisions of the MEXT Ordinance.

2. When the Commissioner of the Agency for Cultural Affairs receives the request under the preceding paragraph, and finds that the preservation and utilization plan for Important Cultural Properties,

the plan for Important Tangible Folk-cultural Properties, or the plan for Historic Sites, Places of Scenic Beauty, and/or Natural Monuments respectively conforms to all of the items of paragraph 4 of Article 53-2, the items of paragraph 4 of Article 85-2, or the items of paragraph 4 of Article 129-2; the Commissioner is to consent to the plan.

#### **Article 170-3**

The head of the Ministry or Agency who obtained the consent referred in the preceding Article, paragraph 2 must request the consent of the Commissioner of the Agency for Cultural Affairs through the Minister of Education, Culture, Sports, Science and Technology; when intending to change the preservation and utilization plan for Important Cultural Properties, the plan for Important Tangible Folk-cultural Properties, or the plan for Historic Sites, Places of Scenic Beauty, and/or Natural Monuments, with the relevant consent (excluding minor changes prescribed by the MEXT Ordinance).

2. The provisions of the preceding Article, paragraph 2 apply mutatis mutandis to the consent referred in the preceding paragraph.

#### **Article 170-4**

When the consent under Article 170-2, paragraph 2 (including the consent of changes of the preceding Article, paragraph 1; the same applies in the following Article and Article 170-6) is obtained regarding the preservation and utilization plan for Important Cultural Properties in which the matters prescribed in Article 53-2, paragraph 3, item (1) are specified, the plan for Important Tangible Folk-cultural Properties in which the matters prescribed in Article 85-2, paragraph 3 are specified, or the plan for Historic Sites, Places of Scenic Beauty, and/or Natural Monuments in which the matters prescribed in Article 129-2, paragraph 3 are specified; and when the notice under Article 167, paragraph 1 (limited to the part regarding item (6)) must be given or the consent under Article 168, paragraph 1 (limited to the part regarding item (1)) must be requested in order to alter the existing state of the referenced property or to carry out an act affecting its preservation in accordance with the content of the specified matters;. notwithstanding these provisions, it is sufficient to notify the Commissioner of the Agency for Cultural Affairs to that effect through the Minister of Education, Culture, Sports, Science and Technology pursuant to the provisions of the MEXT Ordinance after the completion of the alteration or of an act affecting the preservation without delay.

#### **Article 170-5**

When the preservation and utilization plan for Important Cultural Properties in which the matters set forth in Article 53-2, paragraph 3, item (2) are specified was approved under Article 170-2, paragraph 2, and the notice under Article 167, paragraph 1 (limited to the part regarding item (5)) must be made in order to carry out the repair of the referenced property in accordance with the contents of the specified matters; notwithstanding the provisions of the same paragraph, it is sufficient to notify the Commissioner of the Agency for Cultural Affairs to that effect through the Minister of Education, Culture, Sports, Science and Technology pursuant to the provisions of the MEXT Ordinance after the completion of the referenced repair without delay.

#### **Article 170-6**

The Minister of Education, Culture, Sports, Science and Technology may request a report on the implementation status of the preservation and utilization plan for Important Cultural Properties, the plan for Important Tangible Folk-cultural Properties, or the plan for Historic Sites, Places of Scenic Beauty, and/or Natural Monuments with the relevant consent (in the case of any changes in all the plans, the revised plans) from the head of the Ministry or Agency approved as set forth in Article 170-2, paragraph 2.

#### **Article 171**

Where the Minister of Education, Culture, Sports, Science and Technology deems it necessary for the purpose of designating a State property as National Treasure, Important Cultural Property, Important Tangible Folk-cultural Property, Special Historic Site, Place of Scenic Beauty, and/or Natural Monument, or Historic Site, Place of Scenic Beauty, and/or Natural Monument, or selecting a property as Important Cultural Landscape, or for the purpose of determining the condition of the State

property designated as such, he/she may demand of the head of the Ministry or Agency concerned a report necessary for the investigation, or may, except for cases regarding Important Tangible Folk-cultural Properties, or Important Cultural Landscapes, appoint a person or persons and have them carry out an on-site investigation.

#### **Article 172**

Where the Commissioner of the Agency for Cultural Affairs deems it particularly necessary for the purpose of preservation of State property designated as an Important Cultural Property, as an Important Tangible Folk-cultural Property or as a Historic Site, Place of Scenic Beauty, and/or Natural Monument, he/she may appoint an appropriate local public body or any other appropriate juridical person and charge it with the custody necessary for the preservation of such cultural property (including the maintenance of such facilities, equipment or any other objects in the ownership or custody of the State as are needed for the preservation of the said cultural property).

2. In making appointments under the provisions of the preceding paragraph, the Commissioner of the Agency for Cultural Affairs shall obtain in advance the consent of the head of the Ministry or Agency in charge of the custody of the cultural property concerned, through the Minister of Education, Culture, Sports, Science and Technology, as well as that of the local public body or any other juridical person to be appointed as such.
3. To appointments under the provisions of paragraph 1 the provisions of Article 32-2 paragraphs 3 and 4 shall apply *mutatis mutandis*.
4. Any profit raised from the exercise of custody under the provisions of paragraph 1 shall revert to the local public body or any other juridical person concerned.
5. In regard to custody undertaken by a local public body or any other juridical person in accordance with the provisions of paragraph 1, the following provisions shall apply *mutatis mutandis* as follows: the provisions of Article 30, Article 31 paragraph 1, Article 32-4 paragraph 1, Articles 33, 34, 35 and 36, Article 47-2 paragraph 3 and Article 54 to the custody of the Important Cultural Properties or of the Important Tangible Folk-cultural Properties; and those of Article 30, Article 31 paragraph 1, Articles 33 and 35, Article 115 paragraphs 1 and 2, Article 116 paragraphs 1 and 3, Article 121 and Article 130 to the custody of the Historic Sites, Places of Scenic Beauty, and/or Natural Monuments.

#### **Article 173**

To the annulment of appointments under the provisions of paragraph 1 of the preceding Article the provisions of Article 32-3 shall apply *mutatis mutandis*.

#### **Article 174**

Where the Commissioner of the Agency for Cultural Affairs deems it particularly necessary for the purpose of protection of Important Cultural Properties, Important Tangible Folk-cultural Properties, or Historic Sites, Places of Scenic Beauty, and/or Natural Monuments, he/she may have the local public body or any other juridical person appointed to be responsible for custody under the provisions of Article 172 paragraph 1 undertake the repair or restoration of the cultural property concerned.

2. In cases where the local public body or any other juridical person is charged with undertaking the repair or restoration under the provisions of the preceding paragraph, the provisions of Article 172 paragraph 2 shall apply *mutatis mutandis*.
3. In regard to the execution of repair or restoration by the local public body or any other juridical person under the provisions of paragraph 1, the following provisions shall apply *mutatis mutandis* as specified below: the provisions of Article 32-4 paragraph 1 and Article 35 to the repair or restoration of Important Cultural Property or of Important Tangible Folk-cultural Property, and those of Article 35, Article 116 paragraph 1 and Article 117 to repair or restoration of a Historic Site, Place of Scenic Beauty, and/or Natural Monument.

#### **Article 174-2**

To the preservation and utilization plan for Important Cultural Properties, the plan for Important Tangible Folk-cultural Properties, or the plan for Historic Sites, Places of Scenic Beauty, and/or Natural Monuments, which the local public body or any other juridical person appointed pursuant to the



provisions of Article 172, paragraph 1 prepares, the provisions of Articles 53-2 through 53-8, Articles 85-2 through 85-4, or Articles 129-2 through 129-7 apply mutatis mutandis respectively.

2. When intending to grant the approval under Article 53-2, paragraph 4, under Article 85-2, paragraph 4, or under Article 129-2, paragraph 4, applying mutatis mutandis pursuant to the preceding paragraph (including the approval of changes under Article 53-3, paragraph 1 applying mutatis mutandis pursuant to the preceding paragraph [including Article 85-4 as applied mutatis mutandis pursuant to the preceding paragraph], or under Article 129-3, paragraph 1); the Commissioner of the Agency for Cultural Affairs must consult in advance, through the Minister of Education, Culture, Sports, Science and Technology, the head of the Ministry or Agency in charge of the custody of the referenced Important Cultural Property, Important Tangible Folk-cultural Property, or Historic Site, Place of Scenic Beauty, and/or Natural Monument. However, when the referenced head of the Ministry or Agency is the Minister of Education, Culture, Sports, Science and Technology, the Commissioner shall secure his/her approval.

#### **Article 175**

The local public body appointed under the provisions of Article 172 paragraph 1 may use without compensation the land or the building which is covered by the designation of the Important Cultural Property, Important Tangible Folk-cultural Property or Historic Site, Place of Scenic Beauty, and/or Natural Monument, belonging to the State ownership, within the limits of administrative necessity.

2. The provisions of Article 22 paragraphs 2 and 3 of the State property Law shall apply mutatis mutandis to the case where the land or building may be used under the provisions of the preceding paragraph.

#### **Article 176**

When the Commissioner of the Agency for Cultural Affairs intends to carry out an excavation under the provisions of Article 98 paragraph 1, if the land where the said excavation is to take place is owned by the State or occupied by any organ of the State, he/she shall consult in advance, through the Minister of Education, Culture, Sports, Science and Technology, the head of the Ministry or Agency concerned with respect to the purpose, method and date of commencement of the excavation, and any other matters deemed necessary; however, if the head of the Ministry or Agency concerned is the Minister of Education, Culture, Sports, Science and Technology, his/her approval shall be secured.

#### **Article 177**

The Commissioner of the Agency for Cultural Affairs shall be responsible for custody of any cultural property which has reverted to the National Treasury under the provisions of Article 104 paragraph 1; however, any object which would be better placed under the custody of any other organ for the purpose of preservation or in view of utility shall be transferred to the custody of such more appropriate organ.

(Special Provisions Regarding the State in Connection with Registered Tangible Cultural Properties)

#### **Article 178**

When tangible cultural properties or tangible folk-cultural properties belonging to the State have been registered in accordance with the provisions of Article 57 paragraph 1 or Article 90 paragraph 1, the notice or the certificate of registration to be issued to the owner under the provisions of Article 58 paragraph 1 or 3 (including cases where these provisions apply mutatis mutandis to Article 90 paragraph 3) shall be issued to the head of the Ministry or Agency in charge of the custody of the Registered Tangible Cultural Property concerned.

2. When the registration of a Registered Tangible Cultural Property or Registered Tangible Folk-cultural Property belonging to the State has been annulled under the provisions of Article 59 paragraph 1 to 3 (including cases where these provisions apply mutatis mutandis to Article 90 paragraph 3), the notification to be given to its owner under Article 59 paragraph 4 (including application mutatis mutandis to Article 90 paragraph 3) shall be made to the head of the Ministry or Agency in charge of the custody of the Registered Tangible Cultural Property or Registered

Tangible Folk-cultural Property concerned. In this case, the head of the Ministry or Agency concerned shall send back the certificate of designation to the Minister of Education, Culture, Sports, Science and Technology without delay.

3. When a monument owned or possessed by the State is registered according to the provisions of Article 132 paragraph 1, or when such a registration is annulled according to the provisions of Article 59 paragraph 1 to paragraph 3 applied mutatis mutandis to Article 133, the notification to be issued to the owner or possessor according to the provisions of Article 109 paragraph 3 applied mutatis mutandis to Article 132 paragraph 2, or Article 59 paragraph 4 applied mutatis mutandis, with changes in wording, to Article 133, shall be issued to the head of the Ministry or Agency in charge of the custody of the relevant Registered Monument.

#### **Article 179**

The head of the Ministry or Agency concerned shall give notice to the Commissioner of the Agency of Cultural Affairs through the Minister of Education, Culture, Sports, Science and Technology in the following cases:

- (1) When a Registered Tangible Cultural Property, Registered Tangible Folk-cultural Property, or Registered Monument has been acquired;
  - (2) Where there has been a transfer of jurisdiction or of administrative control with respect to any Registered Tangible Cultural Property, Registered Tangible Folk-cultural Property, or Registered Monument;
  - (3) Where a Registered Tangible Cultural Property, Registered Tangible Folk-cultural Property, or Registered Monument under the jurisdiction of the Ministry or Agency has been entirely or partially destroyed or damaged, has deteriorated in condition, or been lost or stolen;
  - (4) When a Registered Tangible Cultural Property or Registered Tangible Folk-cultural Property under the jurisdiction of the Ministry or Agency is to be relocated;
  - (5) Where the existing state of a Registered Tangible Cultural Property is to be altered;
  - (6) When a Registered Tangible Cultural Property or Registered Tangible Folk-cultural Property under the jurisdiction of the Ministry or Agency is to be exported;
  - (7) For Registered Monuments under the jurisdiction of the Ministry or Agency, when there is to be any change in position of the land on which they are located, address, category of land or land acreage.
2. When any State organ other than the head of a Ministry or Agency intends to alter the existing state of a Registered Tangible Cultural Property, it must notify the Commissioner of the Agency for Cultural Affairs.
  3. The provisions of Article 32 paragraph 1 shall apply mutatis mutandis to notifications under paragraph 1 items (1) and (2), and likewise the provisions of Article 33 and Article 61 (including application mutatis mutandis to Article 90 paragraph 3) to notifications under paragraph 1 item (3), and the provisions of Article 62 (including application mutatis mutandis to Article 90 paragraph 3) to notifications under paragraph 1 item (4), the provisions of Article 64 paragraph 1 (including application mutatis mutandis to Article 90 paragraph 3 and Article 133) to notifications under paragraph 1 item 5 and the preceding paragraph, the provisions of Article 65 (including applications mutatis mutandis to Article 90 paragraph 3) to notifications under paragraph 1 item 6, and the provisions of Article 115 paragraph 2 to notifications under paragraph 1 item 7.
  4. The proviso of Article 64 paragraph 1 paragraph 1 and the provisions of paragraph 2 shall apply mutatis mutandis to alterations to the existing state under paragraph 1 item (5) and paragraph 2.
  5. When deemed necessary for the protection of a Registered Tangible Cultural Property, Registered Tangible Folk-cultural Property, or Registered Monument, the Commissioner of the Agency for Cultural Affairs can, through the Minister of Education, Culture, Sports, Science and Technology, state his opinion to the head of the Ministry or Agency concerned, or to State organs other than the heads of the Ministries and Agencies, concerning alterations to the existing state under paragraph 1 item (5) and paragraph 2.

#### **Article 179-2**

The head of the Ministry or Agency in charge of the custody of a Registered Tangible Cultural Property, Registered Tangible Folk-cultural Property, or Registered Monument, belonging to the State may prepare a preservation and utilization plan for Registered Tangible Cultural Properties, the plan for Registered Tangible Folk-cultural Properties, or the plan for Registered Monuments, and request the consent of the Commissioner of the Agency for Cultural Affairs through the Minister of Education, Culture, Sports, Science and Technology pursuant to the provisions of the MEXT Ordinance.

2. When the Commissioner of the Agency for Cultural Affairs receives the request under the preceding paragraph, and finds that the preservation and utilization plan for Registered Tangible Cultural Properties, the plan for Registered Tangible Folk-cultural Properties, or the plan for Registered Monuments respectively conforms to all of the items of paragraph 4 of Article 67-2, the items of paragraph 4 of Article 90-2, or the items of paragraph 4 of Article 133-2; the Commissioner is to consent to the plan.

#### **Article 179-3**

The head of the Ministry or Agency who obtained the consent referred in the preceding Article, paragraph 2 must request the consent of the Commissioner of the Agency for Cultural Affairs through the Minister of Education, Culture, Sports, Science and Technology; when intending to change the preservation and utilization plan for Registered Tangible Cultural Properties, the plan for Registered Tangible Folk-cultural Properties, or the plan for Registered Monuments, with the relevant consent (excluding minor changes prescribed by the MEXT Ordinance).

2. The provisions of paragraph 2 of the preceding Article apply mutatis mutandis to the consent referred in the preceding paragraph.

#### **Article 179-4**

When the consent under Article 179-2, paragraph 2 (including the consent of changes of the preceding Article, paragraph 1; the same applies in the following Article) is obtained regarding the preservation and utilization plan for Registered Tangible Cultural Properties in which the matters prescribed in Article 67-2, paragraph 3, item (1) are specified, the plan for Registered Tangible Folk-cultural Properties in which the matters prescribed in Article 90-2, paragraph 3 are specified, or the plan for Registered Monuments in which the matters prescribed in Article 133-2, paragraph 3 are specified; and when the notice under Article 179, paragraph 1 (limited to the part regarding item (5)) must be given in order to alter the existing state of the referenced property or to carry out an act affecting its preservation in accordance with the content of the specified matters; notwithstanding the provisions of the same paragraph, it is sufficient to notify the Commissioner of the Agency for Cultural Affairs to that effect through the Minister of Education, Culture, Sports, Science and Technology pursuant to the provisions of the MEXT Ordinance after the completion of the alteration or of an act affecting the preservation without delay.

#### **Article 179-5**

The Minister of Education, Culture, Sports, Science and Technology may request a report on the implementation status of the preservation and utilization plan for Registered Tangible Cultural Properties, the plan for Registered Tangible Folk-cultural Properties, or the plan for Registered Monuments with the relevant consent (in the case of any changes in all the plans, the revised plans) from the head of the Ministry or Agency approved as set forth in Article 179-2, paragraph 2.

#### **Article 180**

When it is deemed necessary to confirm the condition of a Registered Tangible Cultural Property, registered Folk-Cultural Property, or Registered Monument belonging to the State, the Minister of Education, Culture, Sports, Science and Technology can demand of the head of the Ministry or Agency concerned a report necessary for that investigation.

#### **Article 181**

To Registered Tangible Cultural Properties or registered folk-cultural properties belonging to the



State, the provisions of Article 60 paragraphs 3 to 5 inclusive, of Article 63 paragraph 2, and of Article 67 paragraph 3 shall not apply.

2. The provisions of Article 113 through Article 118 applied mutatis mutandis to Article 133, do not apply to Registered Monuments belonging to the State.

### **Section 3. Local Public Bodies and Boards of Education**

(Functions of Local Public Bodies)

#### **Article 182**

Local public bodies may grant subsidies for expenses required for preservation and utilization of cultural properties, including their custody, repair, restoration and public viewing.

2. Any local public body may, in accordance with its own regulations, designate important items of cultural properties other than Important Cultural Properties, Important Intangible Cultural Properties, Important Tangible Folk-cultural Properties, Important Intangible Folk-cultural Properties or Historic Sites, Places of Scenic Beauty, and/or Natural Monuments, which are located within its own administrative limits, and take necessary measures for their preservation and utilization.
3. Any local public body may, in accordance with its own regulations, register items of cultural properties other than Important Cultural Properties, Registered Tangible Cultural Properties, Important Intangible Cultural Properties, Registered Intangible Cultural Properties, Important Tangible Folk-cultural Properties, Important Intangible Folk-cultural Properties, Registered Tangible Folk-cultural Properties, Registered Intangible Folk-cultural Properties, Historic Sites, Places of Scenic Beauty, and/or Natural Monuments, or Registered Monuments which measures are necessary for preservation and utilization in view of their value as cultural properties and which are located within its own administrative limits (excluding the items designated under the provision of the preceding paragraph) on the registry of the cultural properties in the local public body concerned and take necessary measures for their preservation and utilization.
4. In case a local public body has enacted, revised or abolished its own regulations mentioned in the paragraph 2, or in case it has designated cultural properties mentioned in the same paragraph or annulled such designation, its Board of Education shall report the fact to the Commissioner of the Agency for Cultural Affairs in accordance with MEXT ordinance.

(Proposal for registration of cultural properties registered as provided in Article 182, paragraph 3)

#### **Article 182-2**

In case a prefectural or municipal Board of Education (limited to those that have a Local Cultural Properties Protection Council. The same shall apply hereinafter in this Article) considers it appropriate to register a cultural property that has been registered as provided in paragraph 3 of the preceding Article pursuant to the provisions of Article 57, paragraph 1, Article 76-7, paragraph 1, Article 90, paragraph 1, Article 90-5, paragraph 1 or Article 132, paragraph 1, the Board of Education may propose to the Minister of Education, Culture, Sports, Science and Technology that said cultural property be registered in the Registry of Cultural Properties pursuant to the provisions of Ordinance of the Ministry of Education, Culture, Sports, Science and Technology.

2. A prefectural or municipal Board of Education shall, when making a proposal pursuant to the provisions of the preceding paragraph, hear the opinions of the Local Cultural Properties Protection Council.
3. In the event that a proposal is made pursuant to the provision of paragraph 1, when the Minister of Education, Culture, Sports, Science and Technology has decided not to register the cultural property pertaining to said proposal pursuant to the provision of Article 57 paragraph 1, Article 76-7 paragraph 1, Article 90 paragraph 1, Article 90-5 paragraph 1 or Article 132 paragraph 1, he/she shall, without delay, notify the prefectural or municipal board of education that made said proposal to that effect and the reasons thereof.

(Consideration with Respect to Local Bonds)

#### **Article 183**

With respect to local bonds to be issued by local public bodies as a means of raising necessary funds for carrying out projects aimed at the preservation and utilization of cultural properties, appropriate consideration shall be given, within the limits of laws and regulations, and as far as the financial situation and the financial conditions of the said local public bodies permit.

(General Principles of the Preservation and Utilization of Cultural Properties)

#### **Article 183-2**

The Board of Education of a prefecture may establish a general principles of comprehensive measures for the preservation and utilization of cultural properties in the area of the prefecture (referred to as "general principles of the preservation and utilization of Cultural Properties" in the following paragraph and the following Article).

2. The Board of Education of a prefecture must establish the general principles of the preservation and utilization of Cultural Properties, or when changed, must endeavor to announce it and must send it to the Commissioner of the Agency for Cultural Affairs and the related municipalities without delay.

(Approval for the Regional Plan for the Preservation and Utilization of Cultural Properties)

#### **Article 183-3**

The Board of Education of a municipality (limited to a municipality with the Council for the Protection of Local Cultural Properties) may prepare a comprehensive plan for the preservation and utilization of cultural properties in the area of the municipality (hereinafter referred to as a "regional plan for the preservation and utilization of cultural properties" in this Section and Article 192-6, paragraph 1) and apply for the approval by the Commissioner of the Agency for Cultural Affairs, pursuant to the provisions of the MEXT Ordinance, solely or jointly, taking a general principles of the preservation and utilization of Cultural Properties into consideration if it is provided.

2. The regional plan for the preservation and utilization of Cultural Properties is to specify the following matters:
  - (1) Basic policy regarding the preservation and utilization of cultural properties in the area of the municipality;
  - (2) Details of measures to be taken for the preservation and utilization of cultural properties in the area of the municipality;
  - (3) Matters relating to an investigation to understand cultural properties in the area of the municipality;
  - (4) Planning period;
  - (5) Other matters specified by the MEXT Ordinance.
3. When intending to prepare a regional plan for the preservation and utilization of Cultural Properties, the Board of Education of a municipality shall in advance endeavor to take the measures necessary for reflecting the opinions of residents, such as holding public hearings, and shall hear the opinions of the Council for the Protection of Local Cultural Properties (or, in the case where the committee prescribed in Article 183-9, paragraph 1 is organized, the Council for the Protection of Local Cultural Properties and the referenced committee; the same applies in Article 183-5, paragraph 2).
4. When a historic scenery maintenance and improvement plan under Article 5, paragraph 1 of the Act on Maintenance and Improvement of Traditional Scenery in Certain Districts (Act No. 40 of 2008) is provided, the regional plan for the preservation and utilization of Cultural Properties must be in harmony with the historic scenery maintenance and improvement plan.
5. When the Commissioner of the Agency for Cultural Affairs receives an application for approval under paragraph 1, and finds that the regional plan for the preservation and utilization of cultural properties conforms to all of the following items, the Commissioner is to approve the plan:
  - (1) The implementation of the referenced regional plan for the preservation and utilization of Cultural Properties is considered to contribute to the preservation and utilization of the

- referenced property in the area of the municipality;
- (2) The plan is expected to be carried out smoothly and certainly;
  - (3) The plan is appropriate in light of general principles of the preservation and utilization of Cultural Properties if the general principles are provided.
6. When intending to grant the approval under the preceding paragraph, the Commissioner of the Agency for Cultural Affairs must consult the head of the relevant administrative organs in advance through the Minister of Education, Culture, Sports, Science and Technology.
  7. Granting the approval under paragraph 5, the Commissioner of the Agency for Cultural Affairs shall notify the Board of Education of the municipality which applied for the referenced approval to that effect without delay.
  8. Receiving the notice referred in the preceding paragraph, the Board of Education of the municipality must endeavor to announce the regional plan for the preservation and utilization of Cultural Properties pertaining to the relevant notice without delay.

(Changes in Approved Regional Plan for the Preservation and Utilization of Cultural Properties)

#### **Article 183-4**

The Board of Education of the municipality which obtained the approval under paragraph 5 of the preceding article (hereinafter referred to as an "approved municipality" in this Section and Article 192-6, paragraph 2) shall obtain the approval of the Commissioner of the Agency for Cultural Affairs; when intending to change the regional plans for the preservation and utilization of Cultural Properties that received the relevant approval (excluding minor changes prescribed by the MEXT Ordinance).

2. The provisions of paragraphs 3 through 8 of the preceding Article apply mutatis mutandis to the approval referred in the preceding paragraph.

(Proposal for Registration of Cultural Properties by The Board of Education of The Approved Municipality)

#### **Article 183-5**

The Board of Education of the approved municipality may propose registering in the Cultural Property Original Register the cultural properties; which are within the area of the approved municipality and are considered to be appropriate for registration pursuant to the provisions of Article 57, paragraph 1; Article 76-7, paragraph 1; Article 90, paragraph 1; Article 90-5, paragraph 1; or Article 132, paragraph 1, to the Minister of Education, Culture, Sports, Science and Technology pursuant to the provisions of the MEXT Ordinance; only within the planning period in the regional plan for the preservation and utilization of Cultural Properties (or, in the case of any changes, the revised plan; hereinafter referred to as an "approved regional plan for the preservation and utilization of Cultural Properties" in this Section and Article 192-6) that received the approval under Article 183-3, paragraph 5 (including the approval of changes under paragraph 1 of the preceding Article; the same applies in Article 183-7, paragraphs 1 and 2).

2. When intending to make proposals under the preceding paragraph, the Board of Education of the approved municipality shall hear in advance the opinions of the Council for the Protection of Local Cultural Properties.
3. When receiving the proposals under the paragraph 1, and deciding not to make registrations under Article 57, paragraph 1; Article 76-7, paragraph 1; Article 90, paragraph 1; Article 90-5, paragraph 1; or Article 132, paragraph 1; the Minister of Education, Culture, Sports, Science and Technology shall notify the effect and reasons to the Board of Education of the approved municipality which made the proposals.

(Collection of Reports on the Implementation Status of the Approved Regional Plan for the Preservation and Utilization of Cultural Properties)

#### **Article 183-6**

The Commissioner of the Agency for Cultural Affairs may request a report on the implementation status of the approved regional plan for the preservation and utilization of Cultural Properties from the Board of Education of the approved municipality.



(Rescission of Approval)

**Article 183-7**

When the Commissioner of the Agency for Cultural Affairs finds that the approved regional plan for the preservation and utilization of Cultural Properties no longer conforms to any of the items of paragraph 5 of Article 183-3, the Commissioner may rescind the approval.

2. When the Commissioner of the Agency for Cultural Affairs rescinds the approval pursuant to the provision of the preceding paragraph, the Commissioner shall notify the Board of Education of the municipality which obtained the referenced approval to that effect without delay.
3. Receiving the notice referred in the preceding paragraph, the Board of Education of the municipality must endeavor to announce without delay to that effect.

(Advice, etc. to Municipality)

**Article 183-8**

The Board of Education of a prefecture may provide necessary advice on the preparation of a regional plan for the preservation and utilization of Cultural Properties, and the smooth and reliable implementation of an approved regional plan for preservation and utilization of Cultural Properties to a municipality.

2. The national government shall endeavor to provide necessary instruction or advice on the preparation of the regional plan for the preservation and utilization of Cultural Properties, and the smooth and reliable implementation of the approved regional plan for preservation and utilization of Cultural Properties to a municipality.
3. The national government, a prefecture and a municipality must cooperate and coordinate with each other so as to promote the preparation of the regional plan for the preservation and utilization of Cultural Properties, and the smooth and reliable implementation of the approved regional plan for preservation and utilization of Cultural Properties.
4. The Board of Education and the head of a municipality must closely cooperate and coordinate with each other so as to promote the preparation of the regional plan for the preservation and utilization of Cultural Properties, and the smooth and reliable implementation of the approved regional plan for preservation and utilization of Cultural Properties.

(Committee)

**Article 183-9**

The Board of Education of a municipality may solely or jointly organize a committee (hereinafter referred to as a "committee" in this Article) to carry out liaison and coordination for the preparation of the regional plan for the preservation and utilization of Cultural Properties, and the smooth and reliable implementation of the approved regional plan for preservation and utilization of Cultural Properties.

2. The committee consists of the following persons:

- (1) The relevant municipality;
- (2) A prefecture that contains the region of the relevant municipality;
- (3) A support organization for preservation and utilization of Cultural Properties that the Board of Education of the relevant municipality appointed pursuant to provisions of Article 192-2, paragraph 1;
- (4) The owners of Cultural Properties, persons with relevant expertise, organizations related to commerce and industry, tourism-related organizations, and other persons recognized as necessary by the Board of Education of the municipality.

3. When finding it to be necessary to do so, the committee may request the relevant administrative organs to provide materials, present opinions, make explanations, or offer any other necessary cooperation.
4. Members of the committee must respect the results of the deliberations concerning the particulars agreed upon at meetings.
5. Beyond what is prescribed in the preceding paragraph, the committee determines necessary

particulars pertaining to the administration of the committee.

(Functions Performed by Prefectural or Municipal Boards of Education)

#### **Article 184**

The following functions belonging to the competencies of the Commissioner of the Agency for Cultural Affairs may, with the stipulation of a Cabinet Order, be exercised either in whole or in part by a Board of Education of a prefecture or city.

- (1) Direction and supervision under the provisions of Article 35 paragraph 3 (including cases where this paragraph applies mutatis mutandis under Article 36 paragraph 3 (including cases where this paragraph applies mutatis mutandis under Article 83, Article 121 paragraph 2 (including cases where the latter paragraph applies mutatis mutandis under Article 172 paragraph 5) and Article 172 paragraph 5), Article 37 paragraph 4 (including the case where this paragraph applies mutatis mutandis under Article 83 and Article 122 paragraph 3). Article 46-2 paragraph 2, Article 74 paragraph 2, Article 76-10, paragraph 2, Article 77 Paragraph 2 (including cases where this paragraph applies mutatis mutandis under Article 91), Article 83, Article 87 paragraph 2, Article 90-7, paragraph 2, Article 118, Article 120, Article 129 paragraph 2, Article 172 paragraph 5 and Article 174 paragraph 3);
  - (2) Permission for alteration of the existing state or for acts affecting preservation, cancellation of such permission, and orders for suspension of such alteration or acts, under the provisions of Article 43 or Article 125 (excluding permission for major alteration of the existing state, or for acts seriously affecting preservation, and cancellation of such permission);
  - (3) Orders for suspension of public viewing under the provisions of Article 51 paragraph 5 (Article 51-2 (including cases where this Article applies mutatis mutandis under Article 85)), Article 84 paragraph 2 and Article 85;
  - (4) Permission for public viewing, or cancellation, or orders for suspension thereof, under the provisions of Article 53 paragraphs 1, 3, and 4;
  - (5) Investigation or execution of measures necessary therefor under the provisions of Article 54 (including cases where the same Article applies mutatis mutandis under Article 86 and Article 172 paragraph 5), Article 55, Article 130 (including cases where this Article applies mutatis mutandis under Article 172 paragraph 5), or Article 131;
  - (6) Acceptance of reports submitted in accordance with Article 92 paragraph 1 (including application mutatis mutandis to Article 93 paragraph 1); instructions and orders in accordance with Article 92, paragraph 2; instructions in accordance with Article 93 paragraph 2; acceptance of notifications stipulated in Article 94 paragraph 1; notifications stipulated in paragraph 2 of the same article; discussions stipulated in paragraph 3 of the same Article; advice stipulated in paragraph 4 of the same Article; acceptance of reports stipulated in Article 96 paragraph 1; orders stipulated in paragraphs 2 and 7 of the same Article; hearing of opinions stipulated in paragraph 3 of the same Article; extensions of term stipulated in paragraphs 5 and 7 of the same Article; instructions stipulated in paragraph 8 of the same Article; acceptance of notifications stipulated in Article 97 paragraph 1; notifications stipulated in paragraph 2 of the same Article; discussions stipulated in paragraph 3 of the same Article; and advice stipulated in paragraph 4 of the same Article.
2. An appeal under the Administrative Appeal Law shall not be possible in response to investigations, or measures necessary for investigations, as stipulated in Article 55 or Article 131, and mentioned in paragraph 1 item 5, and performed by a prefectural or municipal Board of Education by virtue of the competence delegated to them under the preceding paragraph.
  3. When a prefectural or municipal Board of Education or city acts by virtue of the competence delegated under paragraph 1 to carry out, among the function given in item 6 of the same paragraph, any of the activities stipulated in Article 94 paragraph 1 to paragraph 4 inclusive, or in Article 97 paragraph 1 to paragraph 4 inclusive, neither the provisions of Article 94 paragraph 5, nor Article 97 paragraph 5, shall apply.
  4. When a municipal or prefectural Board of Education, performing the functions named in the

following list, under the competencies delegated under paragraph 1 (the said functions being limited to self-governance functions stipulated in Article 2 paragraph 8 of the Local Autonomy Law) causes damages, the prefecture or municipality shall indemnify the party suffering the damages, regardless of the stipulations of the said items, for ordinary damage incidental thereto.

- (1) Granting of permission to alter an existing state or carry out an act affecting preservation, as stipulated in Article 43 or in Article 125, and mentioned in paragraph 1 item 2 of this Article; Article 43 paragraph 5, or Article 125 paragraph 5.
  - (2) Performance of an investigation or measures necessary for an investigation, as stipulated in Article 55 or in Article 131, and mentioned in paragraph 1 item 5 of this Article; Article 55 paragraph 3 or Article 131 paragraph 2.
  - (3) Orders as stipulated in Article 96 paragraph 2, and mentioned in paragraph 1 item 6 of this Article, Article 96 paragraph 9.
5. The indemnity amount mentioned in the preceding paragraph shall be determined by the municipal or prefectural Board of Education.
6. Regarding the indemnity amount stipulated in the previous paragraph, the provisions of Article 41 paragraph 3 shall apply mutatis mutandis.
7. A municipality or prefecture shall be the defendant in a complaint based on the provisions of Article 41 paragraph 3, which applies mutatis mutandis in the preceding paragraph.
8. Requests for investigations regarding dispositions made by a municipal or prefectural Board of Education, by virtue of the competencies delegated under paragraph 1, or other exercises of public competencies related to item 1 statutorily delegated competencies stipulated under Article 2 paragraph 9 item 1 of the Local Autonomy Law shall be directed to the Commissioner of the Agency for Cultural Affairs.

#### **Article 184-2**

All of, or a portion of affairs, listed in Act 2, 4 or 5 in paragraph 1 of the previous Article, within the authority of the Commissioner of the Agency for Cultural Affairs and regarding certified municipality, , may be undertaken by the Board of Education of the relevant certified municipality only within the time limit of planned period for approved regional plan for the preservation and utilization of cultural properties, pursuant to a Cabinet order, within the scope required for the implementation of the relevant approved regional plan for the preservation and utilization of cultural properties.

2. Under the preceding paragraph, in the cases where the Board of Education of the relevant certified municipality implements the affairs prescribed in said paragraph, the provisions of paragraph 2, 4 (excluding the portion regarding paragraph 3) and paragraphs from 5 to 8, shall apply mutatis mutandis.
3. Dispositions such as permission and other acts (hereinafter referred to in this Article as the "Acts of Disposition, etc.") or applications for permission and other acts (hereinafter referred to in this Article as the "Acts of Application, etc.") regarding the said affairs, implemented prior to the date on which the Board of Education of the relevant certified municipality begins the affairs provided in the paragraph 1, shall be deemed to be the Acts of Disposition, etc. implemented by the Board of Education of the relevant certified municipality or the Acts of Application, etc. submitted to the Board of Education of the relevant certified municipality, on or after that day.
4. The Acts of Disposition, etc. or the Acts of Application, etc. regarding the relevant affairs carried out prior to the date on which the Board of Education of the relevant certified municipality completes the affairs provided in the paragraph 1 due to the termination of the planned period of approved regional plan for the preservation and utilization of cultural properties or other circumstances, shall be deemed to be the acts of disposition, etc. by the person who are supposed to carry out the said affairs or the acts of application, etc. to the said person after completion of the affairs, on and after the next day.

(Custody of Important Cultural Properties on Display)



### **Article 185**

When stipulated by a Cabinet Order, the Commissioner of the Agency for Cultural Affairs may decide to have the Board of Education of a prefecture or designated municipality perform all or a portion of the duties relating to the custody of the Important Cultural Properties or Important Tangible Folk-cultural Properties displayed under the provisions of Article 48 (including cases where this Article applies mutatis mutandis to Article 85)

2. A Board of Education of a prefecture or designated city performing the duties referred to in the preceding paragraph by virtue of the preceding paragraph shall appoint from among their personnel persons who are to undertake the custody of the Important Cultural Properties or Important Tangible Folk-cultural Properties in question.

(Trust of Execution of Repairs, etc.)

### **Article 186**

With respect to repairs of National Treasures or preventive measures against destruction, damage or theft provided for in Article 38 paragraph 1 or in Article 170, excavation of Buried Cultural Property provided for in Article 98 paragraph 1, restoration of Special Historic Sites, Places of Scenic Beauty, and/or Natural Monuments or preventive measures against destruction, damage, deterioration or theft provided for in Article 123 paragraph 1 or in Article 170, the Commissioner of the Agency for Cultural Affairs may, when he/she deems it necessary, entrust the municipal or prefectural Boards of Education with the execution of the whole or a part of such matters.

2. In cases where the municipal or prefectural Boards of Education act by virtue of the trust provided for in the preceding paragraph, the following provisions shall apply mutatis mutandis respectively: the provisions of Article 39, when all or part of the repairs or measures mentioned in Article 38 paragraph 1 are to be executed; the provisions of Article 39 applying mutatis mutandis under Article 98 paragraph 1, when all or part of the excavation mentioned in Article 98 paragraph 1 is to be executed; the provisions of Article 39 applying mutatis mutandis under Article 128 paragraph 1, when all or part of the restoration or measures mentioned in Article 78 paragraph 1 are to be executed.

(Acceptance of Trust of Custody of Important Cultural Property or Technical Guidance Thereon)

### **Article 187**

Upon request of the bodies in the following Acts, prefectural or municipal Board of Education may accept the trust of management, repair or restoration provided in the said Act, or give technical guidance thereon.

- 1) Owners of the Important Cultural Property (the managing body, if such has been appointed), or the custodian / custody or repair of the said Important Cultural Property (excluding cases where a custodial body has been appointed)

- 2) Owners of the Important Tangible Folk-cultural Property (the managing body, if such has been appointed), or the custodian(responsible for management, selected on the provision of Article 31 paragraph 2, applying mutatis mutandis under Article 80) / custody or repair of the said Important Tangible Folk-cultural Property (excluding cases where a custodial body has been appointed)

- 3) Owners of the Historic Site, Place of Scenic Beauty, and/or Natural Monument (the managing body, if such has been appointed), or the custodian / custody or restoration of the said Historic Site, Place of Scenic Beauty, and/or Natural Monument (excluding cases where a custodial body has been appointed)

2. The provisions of Article 39 paragraphs 1 and 2 shall apply mutatis mutandis, when the municipal or prefectural Board of Education accepts the trust of custody, repair or restoration under the preceding paragraph 1.

(Channel for Presentation of Papers, etc.)

### **Article 188**

Reports and other papers, as well as objects, to be submitted to the Minister of Education, Culture, Sports, Science and Technology or to the Commissioner of the Agency for Cultural Affairs under the

provisions of this Law with regard to the cultural property, shall go through the municipal or prefectural Board of Education concerned.

2. The municipal or prefectural Board of Education, upon receiving the papers and objects mentioned in the preceding paragraph, shall forward them to the Minister of Education, Culture, Sports, Science and Technology or to the Commissioner of the Agency for Cultural Affairs together with the statement of its own opinions thereon.

3. Notification of orders, advice, instructions and any other kinds of disposition to be issued by the Minister of Education, Culture, Sports, Science and Technology or the Commissioner of the Agency for Cultural Affairs under the provisions of this Law with regard to cultural property, shall go through the municipal or prefectural Board of Education; this shall not apply, however, in cases of extreme urgency.

(Presentation of Opinions to the Minister of Education, Culture, Sports, Science and Technology or the Commissioner of the Agency for Cultural Affairs)

#### **Article 189**

The Boards of Education of Prefectures, or of municipalities, may present their opinions to the Minister of Education, Culture, Sports, Science and Technology or to the Commissioner of the Agency for Cultural Affairs concerning the preservation and utilization of the cultural properties which are located within their administrative districts.

(Regional Cultural Properties Protection Council)

#### **Article 190**

Any municipal or prefectural Board of Education (excluding the case where the Board of Education is the specific local government) may, in accordance with its own regulations, have a Regional Cultural Properties Protection Council, comprised of the persons of excellent insight on Cultural Properties.

2. Any specific local government may, in accordance of its own regulations, have a Regional Cultural Properties Protection Council.

3. The Regional Cultural Properties Council shall, upon inquiry of the prefectural or municipal Board of Education concerned, investigate and deliberate important matters concerning the preservation and utilization of cultural properties as well as make proposals to the said Board of Education with respect to such matters.

4. Particulars concerning the organization and custody of the Regional Cultural Properties Protection Council shall be determined by the regulations of the prefecture or municipality concerned.

(Specialist-Members for Cultural Property Protection)

#### **Article 191**

The municipal or prefectural Board of Education (in cases where municipality or prefecture in question is a specific local government, the specific local government in question) may have specialist-members for cultural property protection.

2. The specialist-members for cultural property protection shall from time to time make inspection tours of cultural properties, give guidance and advice to their owners and other related persons in regard to the protection of cultural properties and also undertake educational activities for community people on the spirit of the protection of cultural properties.

3. The specialist-members for cultural property protection shall serve on a part-time basis.

(Classification of Duties)

#### **Article 192**

The functions that are to be performed by municipalities or prefectures, by virtue of Article 109 paragraph 3 and 4, which apply mutatis mutandis in Article 110 paragraph 1 and 2, Article 112 paragraph 1, Article 110 paragraph 3, and Article 112 paragraph 4, shall be item 1 statutorily delegated functions stipulated under Article 2 paragraph 9 item 1 of the Local Autonomy Law.

### **Section 4. Support organizations for Preservation and Utilization of Cultural properties**

(Designation of Support Organization for Preservation and Utilization of Cultural property)

#### **Article 192-2**

Municipal boards of education are specified as juridical person or other equivalent entity by the Ordinance of MEXT, and may designate a body which is found to be able to conduct in a proper and reliable manner the business prescribed in the next article as an Support Organization for Preservation and Utilization of Cultural property (hereinafter referred to as the "Support Organization ") in response to an application therefrom,

2. In case of designating pursuant to the provision of the preceding paragraph, municipal boards of education shall publicly notify the name, address and location of the office of said support organization.
3. The designated support organization shall, when intending to change the name, address, or the location of the office, notify the municipal boards of education of the change in advance.
4. The municipal boards of education shall, when there has been a notification under the provisions of the preceding paragraph, publicly notify the matters pertaining to said notification.

(Duties of support organizations)

#### **Article 192-3 Support organizations shall engage the duties in the following items.**

1. Preserving and utilizing cultural properties in the region of said local public entity (prefectural or municipal)
2. Providing assistance to a person who conducts a business of preservation and utilization of cultural properties in the regions of said local entity (prefectural or municipal) with provision of information, and consultation
3. Accepting the consignment of management, repair, restoration, and other measures necessary for preservation and utilization according to the request of the owners of cultural properties
4. Conducting an investigation in regard to preservation and utilization
5. In addition to what is provided for in the preceding items, conducting other duties necessary for preserving and utilizing cultural properties in the region of said local public entity (prefectural or municipal)

(Supervision, etc.)

#### **Article 192-4**

The municipal board of education may have the support organization submit a report on its certified duties, when it is considered necessary to do in order to ensure proper and reliable implementation of the duties listed in the preceding items.

2. When the municipal board of education finds that a support organization is not performing any of the duties listed in the preceding items properly and reliably, they may order the support organization to take measures necessary for the improvement of performance of such duties.
3. In the event that a support organization violates an order prescribed in the preceding items, the municipal board of education may cancel the designation pursuant to the provisions of Article 192, paragraph (2), item (1) of the said organization.
4. When the municipal board of education has canceled a designation pursuant to the provisions of the preceding item, it shall be a public notice to that effect.



(Provision of information, etc.)

#### **Article 192-5**

The national government and the local government concerned shall provide a support organization with information, guidance, or advice necessary for the performance of its duties.

(Proposal Pertaining to Formulation of a Regional Plan for Preservation and Utilization of Cultural Properties, etc.)

#### **Article 192-6**

A support organization may make a proposal for formulating a regional plan for preservation and utilization of cultural properties, or revising the regional plan for preservation and utilization of certificated cultural properties to the municipal board of education.

2. If there is a cultural property in the regions of said local entity (prefectural or municipal) which is considered appropriate to be registered, pursuant to the provision of Article 57, paragraph 1, Article 76-7, paragraph 1, Article 90, paragraph 1, Article 90-5, paragraph 1 or Article 132, paragraph 1, a support organization may request the certified municipal board of education to present a proposal specified pursuant to the provision of Article 183-5, paragraph (1) on the said cultural property, only within the period certified in the regional plan for preservation and utilization of certificated cultural properties, pursuant to the provisions of an Ordinance of MEXT.

### **Chapter XIII Penal Provisions**

(Criminal Penalties)

#### **Article 193**

Any person who has, in contravention of the provisions of Article 44, exported any Important Cultural Property without obtaining the permission of the Commissioner of the Agency for Cultural Affairs shall be liable to imprisonment or custodial sentence, imprisonment without hard labor, for a term not exceeding five (5) years or to a fine not exceeding one million (1,000,000) yen.

#### **Article 194**

Any person who has, in contravention of the provisions of Article 82 exported any Important Tangible Folk-cultural Property without obtaining the permission of the Commissioner of the Agency for Cultural Affairs shall be liable to imprisonment or custodial sentence, imprisonment without hard labor, for a term not exceeding three (3) years or to a fine not exceeding five hundred thousand (500,000) yen.

#### **Article 195**

Any person who has damaged, discarded or concealed any Important Cultural Property shall be liable to imprisonment, with or without hard labor, for a term not exceeding five (5) years or to a fine not exceeding one million (1,000,000) yen.

2. If the person mentioned in the preceding paragraph happens to be the owner of the Important Cultural Property in question, he/she shall be liable to imprisonment or custodial sentence, imprisonment without hard labor, for a term not exceeding two (2) years or to a fine or minor fine not exceeding five hundred thousand (500,000) yen.

#### **Article 196**

Any person who has altered the existing state of a Historic Site, Place of Scenic Beauty, and/or Natural Monument, or by committing any act affecting its preservation destroyed it, damaged it or caused it to deteriorate, shall be liable to imprisonment or custodial sentence, imprisonment without hard labor, for a term not exceeding five (5) years or to a fine not exceeding one million (1,000,000) yen.

2. If the person mentioned in the preceding paragraph happens to be the owner of the Historic Site, Place of Scenic Beauty, and/or Natural Monument in question, he/she shall be liable to imprisonment, with or without hard labor, for a term not exceeding two (2) years or to a fine or minor fine not exceeding five hundred thousand (500,000) yen.

#### **Article 197**

The person who comes under any of the following items shall be liable to a fine not exceeding five hundred thousand (500,000) yen.

- (1) Any person who has, in violation of the provisions of Article 43 or Article 125, altered the existing state of or committed an act affecting the preservation of any Important Cultural Property or any Historic Site, Place of Scenic Beauty, and/or Natural Monument without obtaining permission, or without complying with the conditions of such permission, or failed to obey an order issued to the violator to suspend an act of altering the existing state or affecting preservation;
- (2) Any person who has, in contravention of the provisions of Article 96 paragraph 2, failed to obey the order of suspension or prohibition of an act which may lead to alteration of the existing state.

#### **Article 198**

Persons coming under any of the following items shall be liable to a fine not exceeding three hundred thousand (300,000) yen;

- (1) Any person who has refused or interfered with the execution of repair or of any measure for the prevention of destruction, damage or theft of a National Treasure, in contravention of the provisions of Article 32-2 paragraph 5 applying mutatis mutandis under Article 39 paragraph 3 (including cases where this paragraph applies mutatis mutandis under Article 186 paragraph 2);
- (2) Any person who has refused or interfered with the execution of excavation, in contravention of the provisions of Article 32-2 paragraph 5 applying mutatis mutandis under Article 39 paragraph 3 which applies mutatis mutandis under Article 98 paragraph 3 (including cases where this paragraph applies mutatis mutandis under Article 186 paragraph 2);
- (3) Any person who has refused or interfered with the execution of restoration or of any measure for the prevention of destruction, damage, deterioration, or theft of a Special Historic Site, Place of Scenic Beauty, and/or Natural Monument, in contravention of the provisions of Article 32-2 paragraph 5 applying mutatis mutandis under Article 39 paragraph 3 which applies mutatis mutandis under Article 123 paragraph 2 (including cases where this paragraph applies mutatis mutandis under Article 186 paragraph 2).

#### **Article 199**

In case the representative of a juridical person, or the proxy, servant or any other employee of a juridical person or of a natural person has committed any of the offenses mentioned in Articles 193 through the preceding article, in regard to the performance of duties or custody of property, the person who committed the action will be punished, in addition to which, the juridical or natural person will be fined.

#### **Article 200**

If a person appointed as responsible for the execution of custody, repairs or restoration of any Important Cultural Property, Important Tangible Folk-cultural Property or Historic Site, Place of Scenic Beauty, and/or Natural Monument, in accordance with the provisions of Article 39 paragraph 1 (including cases where this paragraph applies mutatis mutandis under Article 47 paragraph 3 (including cases where the latter applies mutatis mutandis under Article 83, Article 123 paragraph 2, Article 186 paragraph 2 or Article 187 paragraph 2), Article 49 (including cases where this paragraph applies mutatis mutandis under Article 85), or Article 185 paragraph 2, has destroyed, damaged or led to the deterioration of the same property or allows it to be stolen, through negligence or serious fault in duty, he/she shall be liable to a non-criminal fine not exceeding three hundred thousand (300,000) yen.

#### **Article 201**

Any person to whom any of the following items applies shall be liable to a non-criminal fine not exceeding three hundred thousand (300,000) yen:

- (1) Any person who has failed to obey without justifiable reasons such orders of the Commissioner of the Agency for Cultural Affairs as may be issued under Article 36 paragraph 1 (including cases where this paragraph applies mutatis mutandis under Article 83 and Article 192 paragraph 5) or

Article 37 paragraph 1 pertaining to the custody of an Important Cultural Property or an Important Tangible Folk-cultural Property, or to the repair of a National Treasure;

- (2) Any person who has failed to obey without justifiable reasons such orders of the Commissioner of the Agency for Cultural Affairs as may be issued under the provisions of Article 121 paragraph 1 (including cases where this paragraph applies mutatis mutandis under Article 172 paragraph 5) or Article 122 paragraph 1 pertaining to the custody of a Historic Site, Place of Scenic Beauty, and/or Natural Monument, or to the restoration of a Special Historic Site, Place of Scenic Beauty, and/or Natural Monument.

## **Article 202**

Any person to whom any of the following items applies shall be liable to a non-criminal fine not exceeding one hundred thousand (100,000) yen:

- (1) Any person who has, without justifiable reasons, disobeyed the restrictions, prohibitions or orders for provision of facilities issued under Article 45 paragraph 1;
- (2) Any person who, in contravention of the provisions of Article 46 (including cases where this Article applies mutatis mutandis under Article 83), has failed to make the Commissioner of the Agency for Cultural Affairs an offer of sale to the State or after making the said offer to him/her has transferred the Important Cultural Property or Important Tangible Folk-cultural Property in question to any other party than the State within the period prescribed in Article 46 paragraph 5 (including cases where this paragraph applies mutatis mutandis under Article 83), or has given false statements in making an offer of sale under Article 46 paragraph 1 (including cases where this paragraph applies mutatis mutandis under Article 83);
- (3) Any person who has failed to display or open the property concerned to the public, in contravention of the provisions of Article 48 paragraph 4 (including cases where this paragraph applies mutatis mutandis under Article 51 paragraph 3 (including cases where the latter paragraph applies mutatis mutandis under Article 85)), and Article 85, or who has, in violation of the provisions of Article 51 paragraph 5 (including cases where this paragraph applies mutatis mutandis under Article 51-2 (including cases where this Article applies mutatis mutandis under Article 85), Article 84 paragraph 2 and Article 85), failed to obey the order for suspension or discontinuance of such public viewing;
- (4) Any person who has in violation of the provisions of Article 53 paragraphs 1, 3, or 4, opened any Important Cultural Property to the public without obtaining permission, or without complying with the conditions of such permission, or failed to obey an order for the suspension of such public viewing;
- (5) Any person who has, in violation of the provisions of Article 53-6 (including cases where this Article applies mutatis mutandis under Article 85-4 (including cases where this Article applies mutatis mutandis under Article 174-2 paragraph 1) and Article 174-2 paragraph 1), Article 54 (including cases where this Article applies mutatis mutandis under Article 86 and Article 172 paragraph 5), Article 55, Article 67-5 (including cases where this Article applies mutatis mutandis under Article 90-4 and Article 133), Article 68 (including cases where the Article applies mutatis mutandis under Article 90 paragraph 3 and Article 133), Article 76-4 (including application mutatis mutandis to Article 89-3), Article 76-15 (including application mutatis mutandis to Article 90-11), Article 129-5 (including application mutatis mutandis to Article 174-2, paragraph 1), or Article 130 (including application mutatis mutandis to Article 172 paragraph 5), Article 131 and Article 140, failed to submit a report or submitted a false report, or has refused, interfered with or evaded the responsible officials' on-site investigation or the execution of measures necessary for such investigation;
- (6) Any person who has, in violation of the provisions of Article 92 paragraph 2, failed to obey the prohibition or the order for suspension or discontinuance of an act of excavation;
- (7) Any person who has, without justifiable reasons, disobeyed restrictions, prohibitions or orders for provision of facilities issued under the provisions of Article 128 paragraph 1.



## Article 203

Any person to whom any of the following items applies shall be liable to a non-criminal fine not exceeding fifty thousand (50,000) yen:

- (1) Any person who has failed to return to the Minister of Education, Culture, Sports, Science and Technology the certificate of designation of an Important Cultural Property or of an Important Tangible Folk-cultural Property, or to hand it over to the new owner of the property concerned in violation of the provisions of Article 28 paragraph 5, Article 29 paragraph 4 (including cases where this paragraph applies mutatis mutandis under Article 79 paragraph 2), Article 56 paragraph 2 (including cases where this paragraph applies mutatis mutandis under Article 86), Article 59 paragraph 6 or Article 69 (including application mutatis mutandis to Article 90 paragraph 3);
- (2) Any person who has failed to report or who has submitted a false report in violation of the provisions of Article 31 paragraph 3 (including cases where this paragraph applies mutatis mutandis under Article 60 paragraph 4, (including application mutatis mutandis to Article 90 paragraph 3), Article 80, Article 119 paragraph 2 ((including cases where this Article applies mutatis mutandis under Article 133), Article 32 (including cases where this Article applies mutatis mutandis under Article 60 paragraph 4 (including application mutatis mutandis to Article 90 paragraph 3), Article 80, Article 120 (including application mutatis mutandis to Article 133)), Article 33 (including cases where this paragraph applies mutatis mutandis under Article 80 and Article 118, and Article 120 (including cases where these provisions apply mutatis mutandis under Article 133), and Article 172 paragraph 5), Article 34 (including application mutatis mutandis to Article 80, Article 172 paragraph 5), Article 43-2 paragraph 1, Article 53-4 and 53-5 (including cases where these provisions apply mutatis mutandis under Article 174-2 paragraph 1, Article 61 and Article 62 (including application mutatis mutandis to Article 90 paragraph 3), Article 64 paragraph 1 (including application mutatis mutandis to Article 90, paragraph 3 and Article 133), Article 65 paragraph 1, (including application mutatis mutandis to Article 90 paragraph 3), Article 67-4, Article 73, Article 76-9, Article 81 paragraph 1, the main text of Article 84 paragraph 1, Article 85-3 (including application mutatis mutandis to Article 174-1 paragraph 1), Article 90-3, Article 92 paragraph 1, Article 96 paragraph 1, Article 115 paragraph 2, (including application mutatis mutandis to Article 120, Article 133, and Article 172 paragraph 5), Article 127 paragraph 1, Article 129-4 (including application mutatis mutandis to Article 174-1 paragraph 1), Article 133-3, Article 136, Article 139 paragraph 1.
- (3) Any person who has refused, interfered with or evaded the execution of custody, repair or restoration, or measures necessary for such action, in violation of the provisions of Article 32-2 paragraph 5, (including application mutatis mutandis to Article 34-3 paragraph 2 (including application mutatis mutandis to Article 83), Article 60 paragraph 4, Article 63 paragraph 2, (including the case where these provisions apply mutatis mutandis under Article 90 paragraph 3) and Article 80), and Article 115 paragraph 4 (including application mutatis mutandis to Article 133).

## Supplementary Provisions

(Date of Enforcement)

### Article 1

The date of the enforcement of this Law shall be provided for by Cabinet Order within a period not exceeding three (3) months from the day of its promulgation.

(Abolition of Relevant Laws and Orders)

### Article 2

The following Laws, Imperial Ordinances and Cabinet Orders are hereby abolished: National Treasures Preservation Law (Law No. 17 of 1929); Law concerning the Preservation of Important

Objects of Art, etc. (Law No. 43 of 1933); Law for the Preservation of Historic Sites, Places of Scenic Beauty and Natural Monuments (Law No. 44 of 1919); Ordinance for the Enforcement of the National Treasures Preservation Law (Imperial Ordinance No. 210 of 1929); Ordinance for the Enforcement of the Law for the Preservation of Historic Sites, Places of Scenic Beauty and Natural Monuments (Imperial Ordinance No. 499 of 1919); Regulations governing the Organization of the National Treasures Preservation Society (Imperial Ordinance No.211 of 1929); Order for the Important Art Objects, etc. Research Council (Cabinet Order No. 251 of 1949); Order for the Research Council on Historic Sites, Places of Scenic Beauty and Natural Monuments (Cabinet Order No. 252 of 1949).

(Transitional Provisions consequential upon Abolition of Laws and Orders)

### **Article 3**

The designation of National Treasures made prior to the enforcement of this Law under the provisions of Article 1 of the National Treasures Preservation Law (excluding the cases where the annulment thereof has been made pursuant to Article 11 paragraph 1 of the same Law) shall be deemed as the designation of Important Cultural Properties under Article 27 paragraph 1 of this Law, and the permission given pursuant to Article 3 or 4 of that Law shall be deemed as permission under Article 43 or 44 of this Law.

2. With respect to the destruction or damage of National Treasures which may have occurred prior to the enforcement of this Law, orders which were given in accordance with Article 7 paragraph 1 of the National Treasures Preservation Law prior to the enforcement of this Law, and subsidies which were granted in accordance with the first part of Article 15 of the same Law prior to the enforcement of this Law, the provisions of Articles 7 to 10 inclusive, the latter part of Article 15, and Article 24 of that Law shall continue to be in force. In this case, "the competent Ministers" in Article 9 paragraph 2 of that same Law shall read "the National Commission for Protection of Cultural Properties."
3. With regard to the punishment of acts committed prior to the enforcement of this Law, the provisions of the National Treasures Preservation Law, excepting Articles 6 and 23 shall continue to be in force.
4. Any person who owns, at the time of the enforcement of this Law, any National Treasure designated under Article 1 of the National Treasures Preservation Law, shall report to the Commission stating particulars prescribed by the Regulations of the Commission, within three (3) months from the time of the enforcement of this Law.
5. When the report mentioned in the preceding paragraph has been filed, the Commission shall issue to the owner concerned a certificate of designation of Important Cultural Property as prescribed in Article 28 of this Law.
6. Any person who, in contravention of the provision of paragraph 4, has failed to report or has filed a false report shall be liable to a non-criminal fine not exceeding five thousand (5,000) yen.
7. The head of the Ministry or Agency having control, at the time of the enforcement of this Law, over any National Treasure designated under Article 1 of the National Treasures Preservation Law shall, within three (3) months from the time of the enforcement of this Law, notify the Commission in writing, stating particulars prescribed by the Regulations of the Commission; however, this shall not apply if otherwise provided for by the Regulations of the Commission.
8. When the notification has been made according to the preceding paragraph, the Commission shall issue to the head of the Ministry or Agency concerned a certificate of designation of Important Cultural Property as prescribed in Article 28 of this Law.

### **Article 4**

With respect to the objects classified under the provisions of Article 2 paragraph 1 of the Law concerning the Preservation of Important Objects of Art, etc. up to the time of the enforcement of this Law, the old Law shall continue to be in force for the time being. In this case, the affairs concerning the operation of that Law shall be conducted by the Commissioner of the Agency for Cultural Affairs and "the National Treasures" occurring therein shall read "the Important Cultural Properties under the provisions of the Law for the Protection of Cultural Properties" "the competent Minister" reading

“the Commissioner of the Agency for Cultural Affairs” and “designate the same objects as National Treasures in accordance with Article 1 of the National Treasures Preservation Law” reading “the preceding Article.”

2. The Council for Cultural Affairs shall, in response to the consultation instituted by the Commissioner of the Agency for Cultural Affairs, undertake for the time being investigations and deliberations respecting matters concerning the annulment of recognition under Article 2 paragraph 1 of the Law concerning the Preservation of Important Objects of Art, etc., and shall submit to the said Commissioner such proposals as may be deemed necessary with reference to these matters.
3. With respect to the operation of the Law concerning the Preservation of Important Objects of Art, etc., the provisions of Article 188 of the present Law shall for the time being apply mutatis mutandis.

#### **Article 5**

The designation of Historic Sites, Places of Scenic Beauty, and/or Natural Monuments made prior to the enforcement of this Law, in accordance with the provisions of Article 1 paragraph 1 of the Law for the Preservation of Historic Sites, Places of Scenic Beauty and Natural Monuments (excepting cases where the designation has been annulled) shall be regarded as designation made in accordance with the provisions of Article 90 paragraph 1 of this Law; provisional designation made in accordance with the provisions of Article 1 paragraph 2 of the said old Law (excepting cases where the designation has been annulled) shall be regarded as provisional designation made in accordance with the provisions of Article 110 paragraph 1 of this Law; and permission given in accordance with the provisions of Article 3 of the said old Law shall be regarded as permission given in accordance with the provisions of Article 125 paragraph 1 of this Law.

2. With respect to orders issued or dispositions made prior to the enforcement of this Law, in accordance with the provisions of Article 4 paragraph 1 of the Law for the Preservation of Historic Sites, Places of Scenic Beauty and Natural Monuments, the provisions of Article 4 of the said Law and of Article 4 of the Ordinance for the Enforcement of the said Law shall continue to be in force. In this case, “the Minister of Education, Culture, Sports, and Science” occurring in Article 4 of the said Ordinance shall read “the National Commission for Protection of Cultural Properties.”
3. For punishment of acts committed prior to the enforcement of this Law, the Law for the Preservation of Historic Sites, Places of Scenic Beauty and Natural Monuments shall continue to be in force.

(Former National Museums)

#### **Article 6**

Unless otherwise provided for by Laws (including orders thereunder) the former National Museums and the personnel thereof (excepting the Research Institutes of Art and personnel thereof) shall be the National Museums and the personnel thereof under this Law and the Research Institutes of Art attached to the former National Museums and the personnel thereof shall be the Research Institutes and the personnel thereof under this Law, and shall retain their respective identities.

2. The Tokyo National Research Institute of Cultural Properties under this Law shall be able to use the name of “Research Institute of Art,” with respect to the researches and studies equivalent to those managed by the Research Institutes of Art attached to the former National Museums.

(Interest-free National Subsidies)

#### **Article 7**

For those owners or custodial bodies of Important Cultural Properties eligible for subsidies under the provisions of Article 35, paragraph 1, the government shall loan at no interest part of the funds required for costs related to eligible items under Article 2, paragraph 1, item 2 of the Special Measures Law concerning the Promotion of Social Capital Adjustment Utilizing Revenues from Sales of Nippon Telegraph and Telephone Corporation Shares, within the limitations of the budget.

2. The term for repayment of government loans mentioned in the previous paragraph shall be no longer than five years, as established by cabinet order.
3. Matters other than those established under the preceding paragraph, the method of repayment for loans under the provisions of paragraph 1, extension of the term of repayment, or other matters



related to repayment, shall be established by cabinet order.

4. When the government extends a loan to the owners or custodial bodies of Important Cultural Properties according to the provisions of paragraph 1, an amount equivalent to the amount of the loan shall be granted as a subsidy for the custody of the Important Cultural Property which is the object of the loan in question; that subsidy shall be granted, in an amount equivalent to the amount loaned, when the loan is repaid.
5. In cases where the repayment date established based on the provisions of paragraph 1 and paragraph 3 for interest-free loans received by owners or custodial bodies of Important Cultural Properties under the provisions of paragraph 1 has been extended (excluding cases established by cabinet order), regarding application of the provisions of the preceding paragraph, that repayment shall be considered to have been done when the relevant repayment date arrives.
6. In cases where the government extends a no-interest loan based on the provisions of paragraph 1, the following provisions shall apply with the following changes in wording: in Article 35 paragraph 2, the word "grant" shall read "lend", "subsidy" shall read "loan", "custody or repair" shall read "custody", and in paragraph 3 of the same article, "grant" shall read "lend", "custody or repair" shall read "custody".

## **5-2 Laws and Regulations applied to the buffer zones**

### **a. Landscape Act (Act No. 110 of June 18, 2004)**

\*This is an unofficial translation. Only the original Japanese texts of laws and regulations have legal effect, and the translations are to be used solely as reference material to aid in the understanding of Japanese laws and regulations.

Chapter I General Provisions

Chapter II Landscape Plan and Measures Taken under the Plan

Section 1 Landscape Planning, Etc.

Section 2 Regulation of Acts, Etc.

Section 3 Structures of Landscape Importance, Etc.

Subsection 1 Designation of Structures of Landscape Importance, Etc.

Subsection 2 Designation of Trees of Landscape Importance, Etc.

Subsection 3 Management Agreement

Subsection 4 Miscellaneous Provisions

Section 4 Development of Public Facilities of Landscape Importance, Etc.

Section 5 Landscape-oriented Agricultural Promotion Area Improvement Plan, Etc.

Section 6 Special Provisions on the Natural Parks Act

Chapter III Landscape Districts, Etc.

Section 1 Landscape Districts

Subsection 1 City Plan for Landscape District

Subsection 2 Restrictions on Design Features of Buildings

Subsection 3 Restrictions on Structures, Etc.

Section 2 Quasi-landscape Districts

Section 3 Restrictions on Design Features of Buildings, Etc. in Areas Covered by District Plans, Etc.

Section 4 Miscellaneous Provisions

Chapter IV Landscape Agreement

Chapter V Landscape Management Organization

Chapter VI Miscellaneous Provisions

Chapter VII Penal Provisions

## Chapter I General Provisions

### Article 1 (Purpose)

The purpose of this Act is to build a beautiful and dignified land, create an attractive and comfortable living environment and realize vibrant communities with distinct personalities by taking comprehensive measures to develop good urban and rural landscapes such as formulating landscape plans, in order to improve the quality of life of the people of Japan and contribute to the growth of the national economy and sound development of society.

### Article 2 (Basic philosophy)

- (1) In view of the fact that good landscapes are essential for building a beautiful and dignified land and creating an attractive and comfortable living environment, every effort shall be made to create and conserve good landscapes so that the present and future generations of people can enjoy the benefits of landscapes as the common property of the people of Japan.
- (2) In view of the fact that a good landscape of an area is produced by the harmony between the nature, history and culture of the area and people's lifestyles and economic and other activities, effort shall be made to create and conserve good landscapes so as to promote land uses that help achieve such harmony under proper restraints.
- (3) In view of the fact that a good landscape of an area is closely related to peculiar characteristics of the area, effort shall be made to develop diverse landscapes so that the personality and characteristics of each area are enhanced, taking into consideration the opinions of the local residents.
- (4) In view of the fact that good landscapes play a significant role in promoting tourism and other interregional exchange, a concerted effort shall be made by local governments, businesses and local residents to enhance regional vitality.
- (5) Effort to develop good landscapes shall be made with the aim of not only conserving existing good landscapes but also creating good landscapes.

### Article 3 (Responsibilities of the national government)

- (1) The national government shall be responsible for formulating and implementing comprehensive measures to develop good landscapes in accordance with the basic philosophy prescribed in the foregoing article (hereinafter referred to as the "basic philosophy").
- (2) The national government shall endeavor to help people gain a deeper understanding of the basic philosophy through education and enlightenment measures concerning the development of good landscapes.

### Article 4 (Responsibilities of local governments)

Local governments shall be responsible for formulating and implementing measures to promote the development of good landscapes in accordance with the basic philosophy, taking into consideration the respective duties of the national and local governments.

### Article 5 (Responsibilities of businesses)

Businesses shall endeavor to develop good landscapes in their land use and other business activities in accordance with the basic philosophy and cooperate with the national and local governments in connection with the measures taken to develop good landscapes.

### Article 6 (Responsibilities of local residents)

Local residents shall not only endeavor to gain a deeper understanding of good landscapes and take active part in developing good landscapes in accordance with the basic philosophy, but also cooperate with the national and local governments in connection with the measures taken to develop good landscapes.

### Article 7 (Definitions, etc.)

- (1) The term "landscape administrative organization" as used in this Act shall mean an ordinance-designated city in the case of an area designated as an ordinance-designated city under Article



252-19 paragraph 1 of the Local Autonomy Act (Act No. 67 of 1947) (hereafter in this paragraph referred to as an "ordinance-designated city"), a core city in the case of an area designated as a core city under Article 252-22 paragraph 1 of said act (hereafter in this paragraph referred to as a "core city") or a prefecture in the case of an area other than the areas mentioned above provided, however, that said term refers to a municipality in the case of an area of a municipality whose head has consulted with and obtained the consent of the prefectural governor concerned in connection with the execution of any of the duties prescribed in Section 1 to Section 4 of Chapter II, in Chapter IV or in Chapter V of this Act on behalf of the prefectural governor.

- (2) The term "building" as used in this Act shall mean a building defined in Article 2 (i) of the Building Standard Act (Act No. 201 of 1950).
- (3) The term "outdoor advertisement" as used in this Act shall mean an outdoor advertisement defined in Article 2 paragraph 1 of the Outdoor Advertisement Act (Act No. 189 of 1949).
- (4) The term "public facility" as used in this Act shall mean a road, river, park, plaza, coast, port, fishing port or other public-use facility specified in a Cabinet Order.
- (5) The term "national park" as used in this Act shall mean a national park defined in Article 2 (ii) of the Natural Parks Act (Act No. 161 of 1957), and the term "quasi-natural park" shall mean a quasi-natural park defined in Article 2 (iii) of said act.
- (6) The term "city planning area" as used in this Act shall mean a city planning area defined in Article 4 paragraph 2 of the City Planning Act (Act No. 100 of 1968), and the term "quasi-city planning area" shall mean a quasi-city planning area defined in the same paragraph of said act.
- (7) Any municipality that acts as a landscape administrative organization under the proviso of paragraph 1 of this article shall give public notice to that effect in accordance with the provision of an ordinance of the Ministry of Land, Infrastructure and Transport, the Ministry of Agriculture, Forestry and Fisheries or the Ministry of the Environment at least thirty days prior to the day on which the municipality becomes a landscape administrative organization pursuant to said proviso.

## **Chapter II Landscape Plan and Measures Taken under the Plan**

### **Section 1 Landscape Planning, Etc.**

#### **Article 8 (Landscape plan)**

- (1) Every landscape administrative organization may formulate a plan for developing a good landscape (hereinafter referred to as a "landscape plan") for an area of land (including water surfaces; the same shall apply to the rest of this paragraph, Article 11, and paragraph 2 of Article 14) that falls under any of the categories listed below in a built-up area or settlement such as a city, a rural village or an area that integrally forms a landscape together with said area:
  - (i) an area of land where it is found that an existing good landscape needs to be conserved;
  - (ii) an area of land where it is found, judging from the standpoint of the nature, history, culture, etc. of the area, that a landscape suitable for the characteristics of the area needs to be developed;
  - (iii) an area that is a center of interregional exchange and where it is found that a landscape desirable for promoting such exchange needs to be developed;
  - (iv) an area of land where a project for the development of urban residential land or the construction or improvement of a building or its site will be or has been carried out and it is found that a new good landscape needs to be created; or
  - (v) an area of land where an undesirable landscape is likely to be produced, judging from the local land use trends.
- (2) Every landscape plan shall specify the following:
  - (i) the area covered by the landscape plan (hereinafter referred to as the "landscape planning

- area”);
- (ii) a policy for developing a good landscape in the landscape planning area;
  - (iii) matters related to restrictions on acts for developing good landscapes;
  - (iv) a policy for designating structures of landscape importance under paragraph 1 of Article 19 and trees of landscape importance under paragraph 1 of Article 28 (only in cases where structures or trees eligible for such designation are located in the landscape planning area concerned);
  - (v) any of the following items that is needed to develop a good landscape:
    - (a) matters concerning acts related to the display of an outdoor advertisement or the installation of an article for displaying an outdoor advertisement;
    - (b) matters related to the development of a road under the Road Act (Act No. 180 of 1952), a river under the River Act (Act No. 167 of 1964), an urban park under the Urban Parks Act (Act No. 79 of 1956), a coast related to a coastal conservation area, etc. (the same as a coastal conservation area, etc. as defined in Article 2 paragraph 3 of the Seacoast Act (Act No. 101 of 1956)), a port under the Port and Harbor Act (Act No. 218 of 1950), a fishing port under the Fishing Port and Fishing Grounds Act (Act No. 137 of 1950), a facility related to a park project under the Natural Parks Act (limited to a project implemented by the national government or a public body as defined in Article 9 paragraph 2 of said act) or any other public facility specified in a Cabinet Order (hereinafter referred to as a “designated public facility”) that is important for the development of a good landscape (hereinafter referred to as a “public facility of landscape importance”);
    - (c) any of the following criteria for a public facility of landscape importance that is necessary for the development of a good landscape:
      - 1. the permitting criteria of paragraph 1 or paragraph 3 of Article 32 of the Road Act;
      - 2. the permitting criteria of Article 24, Article 25, paragraph 1 of Article 26 or paragraph 1 of Article 27 of the River Act (including the cases in which these provisions are applied mutatis mutandis under Article 100 paragraph 1 of said act);
      - 3. the permitting criteria of Article 5 paragraph 1 of the Urban Parks Act or paragraph 1 or paragraph 3 of Article 6 of said act;
      - 4. the permitting criteria of paragraph 1 of Article 7, paragraph 1 of Article 8, Article 37-4 or Article 37-5 of the Seacoast Act;
      - 5. the permitting criteria of Article 37 paragraph 1 of the Port and Harbor Act; or
      - 6. the permitting criteria of Article 39 paragraph 1 of the Fishing Port and Fishing Grounds Act;
    - (d) basic matters related to the formulation of a landscape-oriented agricultural promotion area improvement plan; or
    - (e) criteria for permitting (limited to ones for acts specified in a Cabinet Order) under paragraph 3 of Article 13, paragraph 3 of Article 14 or paragraph 3 of Article 24 of the Natural Parks Act that are necessary for the development of a good landscape (limited to cases where the landscape planning area concerned includes a national or quasi-national park area).
  - (vi) other matters stipulated in an ordinance of the Ministry of Land, Infrastructure and Transport, the Ministry of Agriculture, Forestry and Fisheries or the Ministry of the Environment.
- (3) Concerning the matters related to restrictions on acts referred to in (iii) of the preceding paragraph, the following shall be specified in accordance with criteria prescribed in a Cabinet Order:
- (i) if an act that requires notification as stipulated in paragraph 1 of Article 16 needs to be specified in accordance with an ordinance referred to in paragraph 1 (iv) of Article 16, the act to be specified in such ordinance;
  - (ii) any of the following restrictions that is necessary as criteria for regulation or measures under

the provision of paragraph 3 or paragraph 6 of Article 16 or paragraph 1 of Article 17:

- (a) restrictions on the shape, color or other design features (hereinafter referred to as “design features”) of a building or structure (structure that is not a building; the same shall apply hereinafter);
  - (b) the maximum limit or minimum limit of the height of a building or structure;
  - (c) restrictions on a wall location or the minimum limit on the area of a building site; or
  - (d) restrictions for the development of a good landscape on each act that requires notification as prescribed in paragraph 1 of Article 16.
- (4) Every landscape plan shall be consistent with all plans formulated pursuant to the laws related to national land plans or regional plans including, but not limited to, the National Land Improvement Plan, Metropolitan Region Improvement Program, Kinki Region Improvement Plan, Chubu Region Development and Improvement Plan, Hokkaido Comprehensive Development Plan, Okinawa Development Plan and all national plans for facilities such as roads, rivers, railways, ports, airports, etc.
  - (5) Every landscape plan shall be consistent with the Basic Environment Plan (including the regional environmental pollution control program for the landscape planning area concerned if such program has been formulated) prescribed in Article 15 paragraph 1 of the Basic Environment Act (Act No. 91 of 1993).
  - (6) Every landscape plan formulated for a city planning area shall comply with the policy for the improvement, development and conservation of the city planning area as prescribed in Article 6-2 paragraph 1 of the City Planning Act.
  - (7) Every landscape plan formulated by a municipality acting as a landscape administrative organization shall conform to a basic construction scheme of the municipality formulated after municipal council deliberations. Every landscape plan formulated for a city planning area or a quasi-city planning area shall conform to a basic policy related to a city plan of the municipality concerned as prescribed in Article 18-2 paragraph 1 of the City Planning Act.
  - (8) The matters listed in paragraph 2 (v) (b) and (c) to be specified in a landscape plan shall conform to a policy or plan for the development or management of public facilities prescribed in a Cabinet Order according to the type of public facilities of landscape importance concerned.
  - (9) In every landscape plan that specifies the matters listed in paragraph 2 (v) (d), the part of the plan pertaining to the matters prescribed in an ordinance of the Ministry of Agriculture, Forestry and Fisheries out of the matters listed in (i), (ii) and (v) (d) of said paragraph and the matters listed in (iv) of said paragraph shall conform to the basic policy for agricultural promotion area improvement as prescribed in Article 4 paragraph 1 of the Act on the Development of Agricultural Promotion Areas (Act No. 58 of 1969). Every landscape plan formulated by a municipality acting as a landscape administrative organization shall conform to the agricultural promotion area improvement plan (which refers to an agricultural promotion area improvement plan formulated pursuant to the provision of Article 8 paragraph 1 of said act; the same shall apply hereinafter).
  - (10) The matters listed in paragraph 2 (v) (e) specified in a landscape plan shall conform to the park plan as prescribed in Article 2 (v) of the Natural Parks Act.

**Article 9 (Planning procedure)**

- (1) When a landscape administrative organization intends to formulate a landscape plan, said landscape administrative organization shall in advance take measures necessary for reflecting the opinions of local residents, such as holding a public hearing.
- (2) When a landscape administrative organization intends to formulate a landscape plan, said landscape administrative organization shall in advance hear the opinion of a city planning council of the prefecture concerned (or a city planning council of the municipality concerned, if any) concerning the part of the plan related to a city planning area or quasi-city planning area.
- (3) When a prefecture acting as a landscape administrative organization intends to formulate a landscape plan, said prefecture shall in advance hear the opinion of the municipality concerned.



- (4) When a landscape administrative organization intends to determine any of the matters listed in paragraph 2 (v) (b) and (c) of the preceding article, said landscape administrative organization shall in advance consult with and obtain the consent of the manager (excluding landscape administrative organizations) of the public facility of landscape importance concerned pursuant to the provision of an ordinance of the Ministry of Land, Infrastructure and Transport, the Ministry of Agriculture, Forestry and Fisheries or the Ministry of the Environment.
- (5) When a landscape administrative organization intends to determine any of the matters listed in paragraph 2 (v) (e) of the preceding article as part of a landscape plan, said landscape administrative organization shall in advance consult with and obtain the consent of the manager of the national park or quasi-national park concerned (the Minister of the Environment in the case of a national park and the prefectural governor concerned in the case of a quasi-national park; the same shall apply hereinafter) concerning the matter or matters concerned.
- (6) When a landscape administrative organization has formulated a landscape plan, said landscape administrative organization shall give public notice to that effect and make the plan available for public inspection at the office of said landscape administrative organization concerned pursuant to the provision of an ordinance of the Ministry of Land, Infrastructure and Transport, the Ministry of Agriculture, Forestry and Fisheries or the Ministry of the Environment.
- (7) The provisions of the preceding paragraphs shall not preclude the landscape administrative organization from laying down necessary provisions in an ordinance concerning the matters (limited to those that do not violate the provisions of the preceding paragraphs) related to the procedure for formulating a landscape plan.
- (8) The provisions of the preceding paragraphs shall apply mutatis mutandis to any change in a landscape plan.

**Article 10 (Request by manager of specified public facilities)**

- (1) The manager of a specified public facility may request any landscape administrative organization that has formulated or intends to formulate a landscape plan to deem said specified public facility as a public facility of landscape importance and specify in said landscape plan the matters listed in Article 8 paragraph 2 (v) (b) or (c) for said specified public facility if it is located in the landscape planning area (or an area that is to become a landscape planning area under the landscape plan that the landscape administrative organization intends to formulate) for said landscape plan. In this case, the manager of such specified public facility shall attach to the request a draft of the part of the landscape plan related to said request.
- (2) The manager of a public facility of landscape importance specified in a landscape plan may request the landscape administrative organization concerned to make addition to or change the matters as listed in Article 8 paragraph 2 (v) (b) or (c) in said landscape plan. In this case, the provision of the second sentence in the preceding paragraph shall apply mutatis mutandis.
- (3) If a request as prescribed in either of the two preceding paragraphs has been made, the landscape administrative organization concerned shall respect such request.

**Article 11 (Proposal by local residents, etc.)**

- (1) A person who holds a right of ownership to a group of land areas as defined in Article 8 paragraph 1 that are suitable for a scheme for integrated development of a good landscape and that are not smaller than the size specified in a Cabinet Order or who holds a right of superficies or ground lease (excluding any right that has obviously been established for temporary use such as a right for the use of temporary facilities; hereinafter referred to as a "leasehold right") that satisfies the requirement for asserting building ownership against third parties to such group of lands (hereafter in this article referred to as a "landowner, etc.") may singly or jointly with others propose the formulation or alteration of a landscape plan to the landscape administrative organization concerned. In this case, the landowner, etc. submitting such proposal shall attach a draft landscape plan to the proposal.
- (2) All specified nonprofit corporations defined in Article 2 paragraph 2 of the Act on Promotion of

Specified Nonprofit Activities (Act No. 7 of 1998) and all juridical persons as prescribed in Article 34 of the Civil Code (Act No. 89 of 1896) established for the purpose of carrying out activities to promote community building efforts and all other organizations defined in an ordinance of a landscape administrative organization as equivalent organizations may propose to the landscape administrative organization concerned the formulation or alteration of a landscape plan for land areas referred to in the preceding paragraph. In this case, the provision of the second sentence of the preceding paragraph shall apply *mutatis mutandis*.

- (3) Every proposal as prescribed in the two preceding paragraphs (hereinafter referred to as a "planning proposal") shall be made as prescribed in an ordinance of the Ministry of Land, Infrastructure and Transport, the Ministry of Agriculture, Forestry and Fisheries or the Ministry of the Environment if the consent of two-thirds or more (limited to the case where the sum of the total area of the land owned by the persons who have consented and the total area of the land covered by the leasehold rights held by the persons who have consented is equal to or greater than two-thirds of the sum of the total area of land in the areas concerned and the total area of the land covered by the leasehold rights) of the landowners, etc. in the areas of land (excluding land that is owned by the national government or a local government and that is being used for a public facility; the same shall apply hereafter in this paragraph) covered by the draft landscape plan for which said planning proposal has been made has been obtained.

**Article 12** (Landscape administrative organization's judgment on planning proposal, etc.)

When a planning proposal has been made to a landscape administrative organization, said landscape administrative organization shall without delay judge whether or not a landscape plan needs to be formulated or altered in view of said planning proposal and, if the landscape administrative organization finds it necessary to formulate or alter a landscape plan as proposed, draw up a draft plan.

**Article 13** (Submission of draft plan based on planning proposal to prefectural city planning council, etc.)

When a landscape administrative organization intends to formulate or alter a landscape plan taking into consideration a planning proposal pursuant to the provision of the preceding article, if the formulation or alteration of such plan results in the realization of part of a draft landscape plan based on the planning proposal, said landscape administrative organization shall submit the draft landscape plan based on the planning proposal to a prefectural city planning council or a municipal city planning council that hears opinions about the landscape plan pursuant to paragraph 2 of Article 9.

**Article 14** (Measures to be taken when the formulation, etc. of landscape plan based on planning proposal is not made)

- (1) When a landscape administrative organization has judged pursuant to the provision of Article 12 that the formulation or alteration of a landscape plan based on a planning proposal is not necessary, said landscape administrative organization shall without delay notify the person who made said planning proposal of the reason for the judgment.
- (2) When a landscape administrative organization intends to make notification as prescribed in the preceding paragraph concerning land in a city planning area or quasi-city planning area, said landscape administrative organization shall in advance submit a draft landscape plan based on the planning proposal concerned to a prefectural city planning council (or a municipal city planning council if there is such a council in the municipality acting as the landscape administrative organization) and hear the opinion of the council.

**Article 15** (Landscape council)

- (1) A landscape administrative organization, the manager of a public facility of landscape importance specified in a landscape plan and a landscape management organization designated pursuant to the provision of paragraph 1 of Article 92 (and a municipality concerned if the landscape administrative organization concerned is a prefecture and the manager of a national park, etc. if a national park or quasi-national park area is included in the landscape planning area concerned;

hereafter in this paragraph referred to as “landscape administrative organizations, etc.”) may jointly form a landscape council (hereafter in this article referred to as the “council”) to hold deliberations necessary for the development of a good landscape in a landscape planning area. In this case, if the landscape administrative organizations, etc. find it necessary, they may include as council members a person or persons who are engaged in activities to promote the development of a good landscape including, but not limited to, relevant administrative organs, tourism-related organizations, commerce and industry-related organizations, agriculture-, forestry- and fisheries-related organizations, public utilities such as electric utilities, telecommunications carriers and railroad operators, and local residents.

- (2) If the council finds it necessary, the council may ask any relevant administrative organ or utility other than the council members for cooperation including, but not limited to, expressing opinions and making explanations.
- (3) All council members shall respect the matters agreed at a council meeting held for the purpose of deliberation as prescribed in the first sentence of paragraph 1.
- (4) All matters necessary for the operation of the council other than those prescribed in the three preceding paragraphs shall be determined by the council.

## **Section 2 Regulation of Acts, Etc.**

### **Article 16 (Notification, recommendation, etc.)**

- (1) Any person who intends to commit any of the following acts in a landscape planning area shall in advance notify the head of the landscape administrative organization concerned of the type of act, place, design or construction method, the scheduled date of commencement, and other matters specified in an ordinance of the Ministry of Land, Infrastructure and Transport pursuant to an ordinance of the Ministry of Land, Infrastructure and Transport (or, in the case of any of the acts listed in (iv), an ordinance of a landscape administrative organization; the same shall apply hereafter in this article).
  - (i) The construction, addition, reconstruction or relocation of a building, repair or remodeling that alters the appearance of a building, or color alteration (hereinafter referred to as “building, etc.”)
  - (ii) The construction, addition, reconstruction or relocation of a structure, repair or remodeling that alters the appearance of a structure, or color alteration (hereinafter referred to as “construction, etc.”)
  - (iii) Any of the acts of development referred to in Article 4 paragraph 12 of the City Planning Act and other acts specified in a Cabinet Order
  - (iv) Any of the acts other than those listed in the three preceding items that are specified in an ordinance of a landscape administrative organization in accordance with a landscape plan as acts that could adversely affect the development of a good landscape
- (2) If a person who has made notification as prescribed in the preceding paragraph intends to change any of the matters specified in an ordinance of the Ministry of Land, Infrastructure and Transport, said person shall in advance give notification to that effect to the head of the landscape administrative organization concerned.
- (3) In cases where notification as prescribed in the two preceding paragraphs has been made, if the head of the landscape administrative organization concerned finds that the notified act does not comply with any of the restrictions on said act specified in the landscape plan, the head of the landscape administrative organization may recommend to the person who made such notification that said person take necessary measures such as making changes in design in connection with said act.
- (4) The recommendation as prescribed in the preceding paragraph shall be made within thirty days from the date of notification pursuant to the provision of paragraph 1 or paragraph 2.



- (5) Notwithstanding the provision of the preceding paragraphs, neither a national organ nor a local government shall be required to make notification as prescribed in paragraph 1 of any act that said national organ or local government commits. In this case, when said national organ or local government intends to commit an act that requires notification as prescribed in said paragraph, said national organ or local government shall in advance give notice to that effect to the head of the landscape administrative organization concerned.
- (6) If the head of a landscape administrative organization finds it necessary for the development of a good landscape when notice as prescribed in the second sentence of the preceding paragraph has been given, the head of the landscape administrative organization may ask the national organ or local government concerned to discuss with the landscape administrative organization measures to be taken to comply with the restrictions on the planned act specified in the landscape plan.
- (7) The provisions of the preceding paragraphs shall not apply to the following acts:
- (i) ordinary acts of management, minor acts or other acts specified in a Cabinet Order;
  - (ii) acts committed as emergency measures needed in the event of an extraordinary disaster;
  - (iii) acts committed for a structure of landscape importance after obtaining permission as prescribed in paragraph 1 of Article 22;
  - (iv) acts committed for the development of a public facility of landscape importance for which the matters listed in paragraph 2 (v) (b) of Article 8 have been described in a landscape plan;
  - (v) acts carried out after obtaining permission (limited to one for which criteria are described in a landscape plan) as prescribed in paragraph 2 (v) (c) (1) through (6) of Article 8 in connection with a public facility of landscape importance;
  - (vi) acts of development defined in Article 15-2 paragraph 1 of the Act on Improvement of Agricultural Promotion Areas committed, after obtaining permission as prescribed in the same paragraph, in an agricultural land area (which refers to an agricultural land area defined in Article 8 paragraph 2 (i) of said law) in an area referred to in paragraph 2 (i) of article 55;
  - (vii) acts committed after obtaining permission (limited to one for which criteria are described in a landscape plan) as prescribed in paragraph 2 (v) (e) of Article 8;
  - (viii) the building, etc. of a building in a landscape district (referred to in the following item as a "landscape district") as prescribed in paragraph 1 of Article 61;
  - (ix) the construction, etc. of a structure in a landscape district in cases where restrictions are imposed under a landscape district structure restriction ordinance as defined in paragraph 2 of Article 72 for all restrictions on the construction of structures specified in a landscape plan;
  - (x) changes in the shape and use of a land lot, the construction, reconstruction or extension of a building, or any other acts specified in a Cabinet Order committed in a district plan, etc. (which refers to a district plan, etc. as defined in Article 4 paragraph 9 of the City Planning Act; the same shall apply hereinafter) area (limited to an area for which a district development plan (which refers to a district development plan as defined in Article 12-5 paragraph 2 (iii) of the same Act), a specified building district development plan (which refers to a specified building district development plan as defined in Article 32 paragraph 2 (ii) of the Act on Promotion of Development of Disaster Prevention Blocks in Built-up Areas (Act No. 49 of 1997); the same shall apply hereinafter), a disaster prevention block development plan (which refers to a disaster prevention block development plan as defined in Article 32 paragraph 2 (iii) of the same Act; the same shall apply hereinafter), a roadside development plan (which refers to a roadside development plan as defined in the Act on Development of Areas along Arterial Roads (Act No. 34 of 1980); the same shall apply hereinafter) or a rural settlement improvement plan (which refers to a rural settlement improvement plan as defined in Article 5 paragraph 3 of the Rural Settlement Improvement Act (Act No. 63 of 1987); the same shall apply hereinafter); and

- (xi) other acts specified in a Cabinet Order or an ordinance of a landscape administrative organization.

**Article 17** (Change order, etc.)

- (1) When the head of a landscape administrative organization finds it necessary for the development of a good landscape, he or she may order a person who intends to commit or has committed any specified to-be-notified act (which refers to any act specified in an ordinance of the landscape administrative organization concerned among the to-be-notified acts as listed in paragraph 1 (i) or (ii) of the preceding article; the same shall apply in paragraph 7 of this article and paragraph 1 of the following article) that does not comply with any of the restrictions on the design features of a building or structure as prescribed in a landscape plan to take necessary measures in connection with said act such as making design changes to the extent needed to make said act comply with said restrictions. In this case, the provision of paragraph 3 of the preceding article shall not apply.
- (2) The disposition as prescribed in the preceding paragraph to a person who has made notification as prescribed in paragraph 1 or paragraph 2 of the preceding article may be taken within thirty days from the day on which said notification was made.
- (3) If the design features of a building or structure or their part are required as an obligation under a law or regulation referred to in a Cabinet Order, the disposition as prescribed in paragraph 1 shall be such that it does not hamper the fulfillment of said obligation.
- (4) When notification as prescribed in paragraph 1 or paragraph 2 of the preceding article has been made, if it is necessary to conduct an on-site investigation or if there is a reasonable reason for being unable to take the action as prescribed in paragraph 1 within the period prescribed in paragraph 2, the head of the landscape administrative organization concerned may extend the period prescribed in paragraph 2 as long as said reason exists within a limit of ninety days. In this case, the head of the landscape administrative organization shall within said period notify the person who made notification as prescribed in paragraph 1 or paragraph 2 of the preceding article of the planned extension, the extension period and the reason for such extension.
- (5) The head of a landscape administrative organization may order a person who has violated any disposition as prescribed in paragraph 1 or a person who has succeeded to the right to the building or structure concerned from the person who has violated such disposition to take recovery measures to the extent needed to make the building or structure conform to the restrictions on its design features described in the landscape plan or, if the recovery of the original condition is extremely difficult, take necessary alternative measures within a specified reasonable period of time.
- (6) In cases where the head of a landscape administrative organization intends to issue an order to take recovery measures or necessary alternative measures pursuant to the provision of the preceding paragraph (hereafter in this article referred to as "recovery measures, etc."), if the person to be ordered to take such recovery measures, etc. cannot be ascertained without negligence, the head of the landscape administrative organization may, at the expense of that person, take the recovery measures, etc. or order or commission another person to take the recovery measures, etc. In this case, the head of the landscape administrative organization shall in advance give public notice that said recovery measures, etc. must be taken within a specified reasonable period and that if the recovery measures, etc. are not taken within that period, either the head of the landscape administrative organization or a person who has been ordered or commissioned by the head of the landscape administrative organization to take those measures will do so.
- (7) The head of a landscape administrative organization may either have the person who has been ordered to take necessary measures as prescribed in paragraph 1 report the progress of said measures and other necessary matters to the extent needed to enforce the provision of paragraph 1, or have an employee or employees of the landscape administrative organization

enter the site of the building concerned or the plot of land on which the structure concerned is located and inspect the progress of said measures or investigate the influence of the specified to-be-notified act on landscapes.

- (8) Any person who intends to take recovery measures, etc. pursuant to the provision of paragraph 6 and any person who conducts an on-site inspection or on-site investigation pursuant to the provision of the preceding paragraph shall carry a certificate of identification and produce it to the people concerned if so requested.
- (9) The authority for on-site inspection or on-site investigation under the provision of paragraph 7 shall not be construed as having been granted for the purpose of criminal investigation.

**Article 18** (Restrictions on commencement of acts)

- (1) Any person who has made notification as prescribed in paragraph 1 or paragraph 2 of Article 16 shall not commence the notified act (excluding acts related to pit excavation or other construction work specified in a Cabinet Order; the same shall apply in item iv of Article 102)) within thirty days (or, if the period for notification of a specified to-be-notified act as prescribed in paragraph 2 of the preceding article has been extended pursuant to the provision of paragraph 4 of the same article, that extended period) from the day on which the landscape administrative organization received said notification provided, however, that this shall not apply to any to-be-notified act that is committed under an order issued pursuant to paragraph 1 of Article 16.
- (2) If the head of a landscape administrative organization finds that a to-be-notified act as prescribed in paragraph 1 or paragraph 2 of Article 16 does not hamper the development of a good landscape, he or she may shorten the period as prescribed in the main clause of the preceding paragraph.

## **Section 3 Structures of Landscape Importance, Etc.**

### **Subsection 1 Designation of Structures of Landscape Importance, Etc.**

**Article 19** (Designation of structures of landscape importance)

- (1) The head of a landscape administrative organization may designate any structure (including land and other articles that form a single landscape together with the structure; the same shall apply hereafter in this section) that is important for the development of a good landscape in a landscape planning area and that satisfies the criteria specified in an ordinance of the Ministry of Land, Infrastructure and Transport as a structure of landscape importance in accordance with a policy for the designation of structures of landscape importance (referred to in paragraph 3 of the following article as the "designation policy") specified in a landscape plan.
- (2) When the head of a landscape administrative organization intends to make designation as prescribed in the preceding paragraph, he or she shall in advance hear the opinion of the owner (or all of the owners if there are two or more owners; the same shall apply in paragraph 2 of the following article and paragraph 1 of Article 21) of the structure concerned.
- (3) The provision of paragraph 1 shall not apply to a structure that has been designated or provisionally designated as a National Treasure, Important Cultural Property, Special Historic Site, Special Scenic Site, Special Natural Monument, Historic Site, Scenic Site or Natural Monument under the provisions of the Cultural Properties Protection Act (Act No. 214 of 1950).

**Article 20** (Proposal for designation of structures of landscape importance)

- (1) If the owner of a structure in a landscape planning area finds that said structure is important for the development of a good landscape and satisfies the criteria specified in an ordinance of the Ministry of Land, Infrastructure and Transport as prescribed in paragraph 1 of the preceding article, the owner of said structure may propose to the head of the landscape administrative organization concerned, pursuant to an ordinance of the Ministry of Land, Infrastructure and Transport, that said structure be designated as a structure of landscape importance. In this case, if said structure is co-owned by an owner or owners other than the owner who intends to propose



the designation of the structure, the owner who intends to propose such designation shall in advance obtain the consent of the other owner or owners regarding the proposal.

- (2) If a landscape management organization designated pursuant to the provision of paragraph 1 of Article 92 (hereafter in this section and Section 5 referred to as a "landscape management organization") finds that a structure in a landscape planning area is important for the development of a good landscape and satisfies the criteria specified in an ordinance of the Ministry of Land, Infrastructure and Transport as prescribed in paragraph 1 of the preceding article, the landscape management organization may, after obtaining the consent of the owner of said structure, propose to the head of the landscape administrative organization concerned that said structure be designated as a structure of landscape importance.
- (3) When the head of a landscape planning organization has judged, after evaluating the structure concerned with the proposal as prescribed in the two preceding paragraphs against the designation policy, the criteria specified in an ordinance of the Ministry of Land, Infrastructure and Transport, and other criteria, that said structure does not need to be designated as a structure of landscape importance, the head of the landscape administrative organization shall without delay notify the proposer of that judgment and the reason for the judgment.

**Article 21** (Notice of designation, etc.)

- (1) When the head of a landscape administrative organization has designated a structure of landscape importance pursuant to the provision of paragraph 1 of Article 19, he or she shall immediately notify the owner of said structure of landscape importance (or, if the designation is based on a proposal made pursuant to the provision of paragraph 2 of the preceding article, the owner of the structure of landscape importance and the landscape management organization concerned with said proposal) of the designation and other matters specified in an ordinance of the Ministry of Land, Infrastructure and Transport.
- (2) When a structure of landscape importance has been designated pursuant to the provision of paragraph 1 of Article 19, the head of the landscape administrative organization concerned shall without delay install a sign indicating the designation as prescribed in an ordinance or rule.

**Article 22** (Restrictions on changes in current conditions)

- (1) No person may extend, reconstruct, relocate or remove any structure of landscape importance; repair or remodel such structure to the extent of changing its appearance; or change the color of such structure without obtaining permission from the head of the landscape administrative organization concerned provided, however, that this provision shall not apply to ordinary acts of management, minor acts, other acts specified in a Cabinet Order and acts committed as emergency measures needed in the event of an extraordinary disaster.
- (2) In cases where an application for permission as prescribed in the preceding paragraph has been made, if the head of the landscape administrative organization concerned finds that the act for which such application has been made hampers the conservation of a good landscape involving the structure of landscape importance concerned, he or she shall not grant permission as prescribed in said paragraph.
- (3) In cases where an application for permission as prescribed in paragraph 1 has been made, if the head of the landscape administrative organization concerned finds it necessary for the conservation of a good landscape involving the structure of landscape importance concerned, he or she may attach conditions to the permission to be granted.
- (4) Notwithstanding the provision of paragraph 1, no state organ or local government shall be required to obtain permission as prescribed in said paragraph for any act. In this case, when a state organ or local government intends to carry out an act, the state organ or local government shall in advance consult with the head of the landscape administrative organization concerned.

**Article 23** (Recovery order, etc.)

- (1) In cases where a person has violated the provision of paragraph 1 of the preceding article or any of the conditions attached to permission as prescribed in paragraph 3 of the same article, the

head of the landscape administrative organization concerned may order said person or any person who has succeeded to the right to the structure of landscape importance concerned from said person to take recovery measures to the extent needed to conserve a good landscape involving the structure of landscape importance concerned or, if the recovery of the original condition is extremely difficult, take necessary alternative measures within a reasonable period of time specified by the head of the landscape administrative organization.

- (2) In cases where the head of a landscape administrative organization intends to issue an order to take recovery measures or necessary alternative measures pursuant to the provision of the preceding paragraph (hereafter in this article referred to as "recovery measures, etc."), if the person to be ordered to take said recovery measures, etc. cannot be ascertained without negligence, the head of the landscape administrative organization may, at the expense of that person, take the recovery measures, etc. or order or commission another person to take the recovery measures, etc. In this case, the head of the landscape administrative organization shall in advance give public notice that said recovery measures, etc. must be taken within a reasonable period specified by the head of the landscape administrative organization and that if the recovery measures, etc. are not taken within that period, either the head of the landscape administrative organization or the person who has been ordered or commissioned to take those measures will do so.
- (3) Any person who intends to take recovery measures, etc. pursuant to the provision of paragraph 6 shall carry a certificate of identification and produce it to the people concerned if so requested.

#### **Article 24 Compensation for loss**

- (1) The head of a landscape administrative organization shall compensate the owner of a structure of landscape importance that has suffered a loss because of being unable to obtain permission as prescribed in paragraph 1 of Article 22 for a loss that would ordinarily occurs in a similar case provided, however, that in cases where there is a law (including any order or ordinance under said law) other than this Act that requires, as a condition for committing the act for which application for such permission has been made, that permission or other disposition be received from an administrative organ (excluding any law that stipulates an obligation to compensate a person who has suffered a loss because of being unable to receive said permission or other disposition for said loss), if an application for such permission or other disposition has been or should be denied, this provision shall not apply to the act for which application for said permission has been made.
- (2) Compensation for any loss to be made pursuant to the provision of the preceding paragraph shall be discussed between the head of the landscape administrative organization concerned and the person who has suffered such loss.
- (3) If no agreement can be reached as a result of the discussion as prescribed in the preceding paragraph, the head of the landscape administrative organization concerned or the person who has suffered such loss may apply to the Expropriation Committee for determination under Article 94 paragraph 2 of the Land Expropriation Act (Act No. 219 of 1951).

#### **Article 25 (Management obligation of the owners of structures of landscape importance)**

- (1) The owners and managers of all structures of landscape importance shall manage those structures appropriately so as not to degrade good landscapes involving those structures.
- (2) All landscape administrative organizations may set by ordinance management standards necessary for the conservation of good landscapes involving structures of landscape importance.

#### **Article 26 (Orders or recommendations related to management)**

When the head of a landscape administrative organization finds that a structure of landscape importance is in danger of loss or damage because of inappropriate management of said structure or, in cases where an ordinance under the provision of paragraph 2 of the preceding article has been enacted, that the management of a structure of landscape importance is not being performed in accordance with said ordinance, the head of the landscape administrative organization may order or

recommend that the owner or manager of the structure of landscape importance concerned improve the management method or take other necessary management measures.

**Article 27 (Cancellation of designation)**

- (1) When a structure of landscape importance has become a structure as defined in paragraph 3 of Article 19 or when the reason for the designation of a structure of landscape importance has disappeared because of loss, damage or other cause, the head of the landscape administrative organization concerned shall without delay cancel the designation of the structure of landscape importance.
- (2) The head of a landscape administrative organization may cancel the designation of any structure of landscape importance if there is a special reason such as a reason involving the public interest.
- (3) The provision of paragraph 1 of Article 21 shall apply mutatis mutandis to the cancellation of the designation of a structure of landscape importance under the provisions of the two preceding paragraphs.

**Subsection 2 Designation of Trees of Landscape Importance, Etc.**

**Article 28 (Designation of trees of landscape importance)**

- (1) The head of a landscape administrative organization may designate any tree that is important for the development of a good landscape in a landscape planning area and satisfies the criteria specified in an ordinance of the Ministry of Land, Infrastructure and Transport (or, for a tree in an area outside a city planning area, an ordinance of the Ministry of Land, Infrastructure and Transport or the Ministry of Agriculture, Forestry and Fisheries; the same shall apply hereafter in this subsection) as a tree of landscape importance in accordance with a policy for the designation of trees of landscape importance (referred to in paragraph 3 of the following article as the "designation policy") specified in a landscape plan.
- (2) When the head of a landscape administrative organization intends to make designation as prescribed in the preceding paragraph, he or she shall in advance hear the opinion of the owner (or all of the owners if there are two or more owners; the same shall apply in paragraph 2 of the following article and paragraph 1 of Article 30) of the tree to be designated.
- (3) The provision of paragraph 1 shall not apply to a tree that has been designated or provisionally designated as a Special Historic Site, Special Scenic Site, Special Natural Monument, Historic Site, Scenic Site or Natural Monument under the provisions of the Cultural Properties Protection Act.

**Article 29 (Proposal for designation of trees of landscape importance)**

- (1) If the owner of a tree in a landscape planning area finds that said tree is important for the development of a good landscape and satisfies the criteria specified in the ordinance of the Ministry of Land, Infrastructure and Transport referred to in paragraph 1 of the preceding article, the owner of said tree may propose, pursuant to an ordinance of the Ministry of Land, Infrastructure and Transport, to the head of the landscape administrative organization concerned that said tree be designated as a tree of landscape importance. In this case, if said tree is co-owned by an owner or owners other than the owner who intends to propose the designation of the tree, the owner who intends to propose the designation shall in advance obtain the consent of the other owner or owners regarding the proposal.
- (2) If a landscape management organization finds that a tree in a landscape planning area is important for the development of a good landscape and satisfies the criteria specified in the ordinance of the Ministry of Land, Infrastructure and Transport referred to in paragraph 1 of the preceding article, the landscape management organization may, after obtaining the consent of the owner of said tree, propose to the head of the landscape administrative organization concerned that said tree be designated as a tree of landscape importance.
- (3) When the head of a landscape planning organization has judged, after evaluating the tree concerned with the proposal as prescribed in the two preceding paragraphs against the



designation policy, the criteria as specified in an ordinance of the Ministry of Land, Infrastructure and Transport, and other criteria, that said tree does not need to be designated as a tree of landscape importance, the head of the landscape administrative organization shall without delay notify the proposer of that judgment and the reason for the judgment.

**Article 30** (Notice of designation, etc.)

- (1) When the head of a landscape administrative organization has designated a tree of landscape importance pursuant to the provision of paragraph 1 of Article 28, he or she shall immediately notify the owner of said tree of landscape importance (or, if the designation is based on a proposal made pursuant to the provision of paragraph 2 of the preceding article, the owner of the tree of landscape importance and the landscape management organization concerned with said proposal) of the designation and other matters specified in an ordinance of the Ministry of Land, Infrastructure and Transport.
- (2) When a tree of landscape importance has been designated pursuant to the provision of paragraph 1 of Article 28, the head of the landscape administrative organization concerned shall without delay install a sign indicating the designation as prescribed in an ordinance or rule.

**Article 31** (Restrictions on changes in current conditions)

- (1) No person may cut or transplant any tree of landscape importance without obtaining permission from the head of the landscape administrative organization concerned provided, however, that this provision shall not apply to ordinary acts of management, minor acts, other acts specified in a Cabinet Order or acts committed as emergency measures needed in the event of an extraordinary disaster.
- (2) The provisions of paragraph 2 through paragraph 4 of Article 22 shall apply mutatis mutandis to permission as prescribed in the preceding paragraph. In this case, the term "structure of landscape importance" in paragraph 2 and paragraph 3 of said article shall be deemed to be replaced with "tree of landscape importance."

**Article 32** (Application mutatis mutandis of provisions regarding recovery order, etc.)

- (1) The provisions of Article 23 shall apply mutatis mutandis in cases where there is a person who has violated the provision of paragraph 1 of the preceding article or a person who has violated any of the conditions attached to permission granted under the provision of paragraph 3 of Article 22 applied mutatis mutandis under paragraph 2 of Article 31. In this case, the term "structure of landscape importance" in paragraph 1 of Article 23 shall be deemed to be replaced with "tree of landscape importance."
- (2) The provision of Article 24 shall apply mutatis mutandis to any loss suffered by the owner of a tree of landscape importance caused by the inability to obtain permission as prescribed in paragraph 1 of the preceding article.

**Article 33** (Management obligation of the owners of trees of landscape importance)

- (1) The owners and managers of all trees of landscape importance shall manage those trees appropriately so as not to degrade good landscapes involving those trees.
- (2) All landscape administrative organizations may set by ordinance management standards for the conservation of good landscapes involving trees of landscape importance.

**Article 34** (Orders or recommendations related to management)

When the head of a landscape administrative organization finds that a tree of landscape importance is in danger of loss or death because of inappropriate management of said tree or, in cases where an ordinance under the provision of paragraph 2 of the preceding article has been enacted, that the management of a tree of landscape importance is not being performed in accordance with said ordinance, the head of the landscape administrative organization may order or recommend that the owner or manager of the tree of landscape importance concerned improve the management method or take other necessary management measures.

**Article 35** (Cancellation of designation)

- (1) When a tree of landscape importance has become a tree as defined in paragraph 3 of Article 28

or when the reason for the designation of a tree of landscape importance has disappeared because of loss, death or other cause, the head of the landscape administrative organization concerned shall without delay cancel the designation of the tree of landscape importance.

- (2) The head of a landscape administrative organization may cancel the designation of any tree of landscape importance if there is a special reason such as a reason involving the public interest.
- (3) The provision of paragraph 1 of Article 30 shall apply mutatis mutandis to the cancellation of the designation of a tree of landscape importance pursuant to the provisions of the two preceding paragraphs.

### **Subsection 3 Management Agreement**

#### **Article 36** (Conclusion of management agreement, etc.)

- (1) When a landscape administrative organization or a landscape management organization finds it necessary for appropriate management of a structure of landscape importance or a tree of landscape importance, said landscape administrative organization or landscape management organization may conclude an agreement that stipulates the matters listed below with the owner (or all of the owners if there are two or more owners; the same shall apply in paragraph 1 of Article 42) of the structure of landscape importance or tree of landscape importance concerned and perform the management of said structure of landscape importance or tree of landscape importance accordingly.
  - (i) A structure of landscape importance for which the management agreement is concluded (hereinafter referred to as an "agreement structure") or a tree of landscape importance for which the management agreement is concluded (hereinafter referred to as an "agreement tree")
  - (ii) Matters pertaining to the method of management of an agreement structure or an agreement tree
  - (iii) The term of the management agreement
  - (iv) Measures to be taken in the event of violation of the management agreement
- (2) The content of a management agreement shall comply with both of the criteria listed in the following items:
  - (i) The management agreement must not unreasonably restrict the use of an agreement structure or agreement tree.
  - (ii) The matters listed in item (ii) through item (iv) of the preceding paragraph must comply with the criteria specified in an ordinance of the Ministry of Land, Infrastructure and Transport (or, for a management agreement for a tree in an area other than a city planning area, an ordinance of the Ministry of Land, Infrastructure and Transport or the Ministry of Agriculture, Forestry and Fisheries; the same shall apply hereafter in this subsection).
- (3) When a landscape management organization intends to conclude a management agreement, it shall in advance obtain the approval of the head of the landscape administrative organization concerned.

#### **Article 37** (Public inspection of management agreement, etc.)

- (1) When a landscape administrative organization or its head intends to conclude a management agreement or when an application for approval of a management agreement under the provision of paragraph 3 of the preceding article has been made, said landscape administrative organization or its head shall give public notice to that effect and make that management agreement available for inspection by the persons concerned for two weeks from the day of said public notice pursuant to an ordinance of the Ministry of Land, Infrastructure and Transport.
- (2) When public notice as prescribed in the preceding paragraph has been given, any of the persons concerned may submit to the landscape administrative organization concerned or its head a written opinion on said management agreement by the expiration date of the inspection period prescribed in the preceding paragraph.

**Article 38** (Approval for management agreement)

If an application for approval of a management agreement as prescribed in paragraph 3 of Article 36 falls under all of the following items, the head of the landscape administrative organization concerned shall approve said management agreement.

- (i) The application procedure does not violate any law or regulation.
- (ii) The content of the management agreement complies with both of the criteria listed in paragraph 2 of Article 36.

**Article 39** (Public notice of management agreement)

When a landscape administrative organization or its head has concluded a management agreement or has granted approval as prescribed in the preceding paragraph, the landscape administrative organization or its head shall give public notice to that effect and make a copy of said management agreement available for public inspection at the office of the landscape administrative organization as prescribed in an ordinance of the Ministry of Land, Infrastructure and Transport.

**Article 40** (Changes in management agreement)

The provisions of paragraph 2 and paragraph 3 of Article 36 and the three preceding articles shall apply mutatis mutandis to any change in the matters stipulated in a management agreement.

**Article 41** (Validity of management agreement)

Any management agreement of which public notice has been given as prescribed in Article 39 (including the cases where said article is applied mutatis mutandis) shall remain binding even on any person who has become the owner of the agreement structure or agreement tree concerned after such public notice was given.

**Article 42** (Special provisions on duties of green space management organization)

- (1) When a green space management organization that has been designated pursuant to the provision of Article 68 paragraph 1 of the Urban Green Space Act (Act No. 72 of 1973) and that performs the duty listed in Article 69 (i) (a) of said act (hereafter in this section referred to as a "green space management organization") finds it necessary for appropriate management of a tree of landscape importance, said green space management organization may conclude a management agreement with the owner of said tree of landscape importance and perform the management of said tree of landscape importance and attendant duties besides the duties listed in the items of said article.
- (2) In the case referred to in the preceding paragraph, the words "or the duties listed in (d) 1" shall be deemed to be replaced with "or the duties listed in (d) 1 or the duties prescribed in Article 42 paragraph 1 of the Landscape Act."
- (3) The provisions of paragraph 2 and paragraph 3 of Article 36 and the provisions of Article 37 through the preceding article shall apply mutatis mutandis in cases where a green space management organization performs any of the duties prescribed in the two preceding paragraphs.

**Subsection 4 Miscellaneous Provisions****Article 43** (Reporting in cases of ownership change)

In the event of a change of ownership to a structure of landscape importance or a tree of landscape importance, the new owner shall without delay notify the head of the landscape administrative organization concerned to that effect.

**Article 44** (Register)

- (1) The head of every landscape administrative organization shall prepare and keep a register of structures of landscape importance or trees of landscape importance.
- (2) All matters necessary for the preparation and keeping of a register as prescribed in the preceding paragraph shall be specified in an ordinance of the Ministry of Land, Infrastructure and Transport (or, for a register of trees of landscape importance that are not located in any city planning area, an ordinance of the Ministry of Land, Infrastructure and Transport or the Ministry of Agriculture,



Forestry and Fisheries).

**Article 45** (Collection of reports)

When the head of a landscape administrative organization finds it necessary, he or she may ask the owner of a structure of landscape importance or a tree of landscape importance to report the present state of said structure of landscape importance or tree of landscape importance.

**Article 46** (Advice or assistance)

The owner of a structure or landscape importance may ask a landscape administrative organization or a landscape management organization and the owner of a tree of landscape importance may ask a landscape administrative organization, a landscape management organization or a green space management organization to provide advice or assistance in connection with the management of said structure of landscape importance or tree of landscape importance.

## **Section 4 Development of Public Facilities of Landscape Importance, Etc.**

**Article 47** (Development of public facilities of landscape importance)

In cases where a landscape plan specifies matters pertaining to the development of a public facility of landscape importance as defined in paragraph 2 (v) (b) of Article 8, the development of said public facility of landscape importance shall be carried out in accordance with said landscape plan.

**Article 48** (Special provisions on the Act on Special Measures on Construction, Etc. of Common Cable Ducts)

For the purpose of the application of the provision of Article 3 of the Act on Special Measures on Construction, etc. of Common Cable Ducts (Act No. 39 of 1995) to a road as defined in the Road Act specified as a public facility of landscape importance in a landscape plan (hereinafter referred to as a "road of landscape importance"), the words "in order to ensure safe and smooth traffic flow and improve landscapes" in paragraph 1 of the same article shall be deemed to be replaced with "in order to improve landscapes and ensure safe and smooth traffic flow in accordance with a landscape plan (which refers to a landscape plan as defined in Article 8 paragraph 1 of the Landscape Act)"; "especially necessary" shall be deemed to be replaced with "necessary"; "the municipality concerned (excluding any municipality concerned in cases where the road administrator of the road to be designated is a municipality)" in paragraph 2 of the same article shall be deemed to be replaced with "the municipality concerned (excluding any municipality concerned in cases where the road administrator of the road to be designated is a municipality), the prefecture concerned (excluding any prefecture concerned in cases where the road administrator of the road to be designated is a prefecture and any prefecture that has made a request as prescribed in the following paragraph)"; and "municipality" in paragraph 3 of the same article shall be deemed to be replaced with "municipality or the prefecture acting as a landscape administrative organization."

**Article 49** (Special provisions on the Road Act)

For the purpose of the application of the provisions of Article 33, paragraph 2 of Article 36 and paragraph 1 of Article 87 of the Road Act to a road of landscape importance for which matters pertaining to the permission criteria as prescribed in paragraph 2 (v) (c) 1 of Article 8 are specified in a landscape plan, the words "criteria specified in a Cabinet Order" in Article 33 and paragraph 2 of Article 36 of the Road Act shall be deemed to be replaced with "criteria specified in a Cabinet Order and the permission criteria as prescribed in Article 8 paragraph 2 (v) (c) 1 of the Landscape Act specified in a landscape plan as defined in Article 8 paragraph 1 of the same act"; and the words "ensure smooth traffic flow" in Article 87 paragraph 1 of the Road Act shall be deemed to be replaced with "ensure smooth traffic flow or develop a good landscape."

**Article 50** (Special provisions on permission under the River Act)

When a river administrator (which refers to a river administrator as defined in Article 7 (including the case where same article is applied mutatis mutandis under in Article 100 paragraph 1 of the River Act) of the River Act) finds that an act that requires permission under Article 24, Article 25, paragraph 1 of

Article 26 or paragraph 1 of Article 27 of the River Act (including the cases where these provisions are applied mutatis mutandis under Article 100 paragraph 1 of the same law) in a river zone (which refers to a river zone as defined in Article 6 paragraph 1 (including the case where said paragraph is applied mutatis mutandis under paragraph 1 of Article 100) of the same law) of a river as defined in the River Act that is a public facility of landscape importance for which criteria for permission as prescribed in Article 8 paragraph 2 (v) (c) 2 hereof have been specified in a landscape plan (hereafter in this article referred to as a "river of landscape importance") does not comply with the criteria for permission under Article 8 paragraph 2 (v) (c) 2 hereof specified in said landscape plan, the river administrator shall not grant permission under these provisions for said act.

**Article 51** (Special provisions on permission under the Urban Parks Act, etc.)

- (1) When a park authority (which refers to a park authority as defined in Article 5 paragraph 1 of the Urban Parks Act) finds that an act that requires permission under Article 5 paragraph 1 of the Urban Parks Act at an urban park as defined in the same law that is a public facility of landscape importance for which criteria (limited to the criteria for permission under Article 5 paragraph 1 of the Urban Parks Act; the same shall apply hereafter in this paragraph) for permission as prescribed in Article 8 paragraph 2 (v) (c) 3 hereof have been specified in a landscape plan (hereafter in this article referred to as an "urban park of landscape importance") does not comply with any of the criteria for permission under Article 8 paragraph 2 (v) (c) 3 hereof specified in said landscape plan, the park authority shall not grant permission under Article 5 paragraph 1 of the Urban Parks Act.
- (2) For the purpose of the application of the provision of Article 7 of the Urban Parks Act to a park of landscape importance for which criteria (limited to criteria for permission as prescribed in Article 6 paragraph 1 or paragraph 3 of the Urban Parks Act) for permission under Article 8 paragraph 2 (v) (c) 3 hereof are specified in a landscape plan, the words "technical standards specified in a Cabinet Order" in Article 7 of the Urban Parks Act shall be deemed to be replaced with "technical standards specified in a Cabinet Order and criteria for permission as prescribed in Article 8 paragraph 2 (v) (c) 3 of the Landscape Act specified in a landscape plan as defined in Article 8 paragraph 1 of the same act."

**Article 52** (Special provisions on the Seacoast Act, etc.)

- (1) For the purpose of the application of the provisions of Article 7 paragraph 2 and Article 8 paragraph 2 of the Seacoast Act in connection with a coast related to a seacoast conservation area, etc. that is a public facility of landscape importance (referred to in the following paragraph as a "coast of landscape importance") for which criteria for permission under Article 8 paragraph 2 (v) (c) 4 hereof (limited to criteria related to permission under Article 7 paragraph 1 or Article 8 paragraph 1 of the Seacoast Act) are specified in a landscape plan, the words "is likely to seriously hamper coastal protection" in Article 7 paragraph 2 of the Seacoast Act shall be deemed to be replaced with "is likely to seriously hamper coastal protection or if said use does not comply with any of the criteria for permission under Article 8 paragraph 2 (v) (c) 4 of the Landscape Act (limited to criteria related to permission under the preceding paragraph) specified in a landscape plan as defined in Article 8 paragraph 1 of the same act"; the words "paragraph 2 of the preceding article in Article 8 paragraph 2 of the Seacoast Act" shall be deemed to be replaced with "paragraph 2 of the preceding article as applied mutatis mutandis pursuant to the provision of Article 52 paragraph 1 of the Landscape Act"; and the words "apply mutatis mutandis to permission under the preceding paragraph" shall be deemed to be replaced with "apply mutatis mutandis to permission under the preceding paragraph. In this case, the words 'criteria related to permission under the preceding paragraph' in paragraph 2 of the same article shall be deemed to be replaced with 'criteria related to permission under paragraph 1 of the following article.'"
- (2) When a coast authority (which refers to a coast authority as defined in Article 2 paragraph 3 of the Seacoast Act) finds that an act that requires permission under Article 37-4 or Article 37-5 of

the Seacoast Act in a public seacoast area (which refers to a public seacoast area as defined in Article 2 paragraph 2 of the Seacoast Act) of a coast of landscape importance for which criteria (limited to criteria related to permission under Article 37-4 or Article 37-5 of the Seacoast Act; the same shall apply hereafter in this paragraph) for permission under Article 8 paragraph 2 (v) (c) 4 hereof have been specified in a landscape plan does not comply with any of the criteria for permission under Article 8 paragraph 2 (v) (c) 4 hereof specified in said landscape plan, the coast authority shall not grant permission under these provisions.

**Article 53** (Special provisions on the Port and Harbor Act)

For the purpose of the application of the provision of Article 37 paragraph 2 of the Port and Harbor Act pertaining to ports and harbors that are public facilities of landscape importance for which criteria for permission under Article 8 paragraph 2 (v) (c) 5 hereof are specified in a landscape plan, the words "port or harbor, or materially impedes" in Article 37 paragraph 2 of the Port and Harbor Act shall be deemed to be replaced with "port or harbor or materially impedes"; and the words "development of a port or harbor" shall be deemed to be replaced with "development of a port or harbor, or does not comply with the criteria for permission as prescribed in Article 8 paragraph 2 (v) (c) 5 of the Landscape Act specified in a landscape plan as defined in Article 8 paragraph 1 of the same law."

**Article 54** (Special provisions on the Fishing Port and Fishing Grounds Act)

For the purpose of the application of the provisions of Article 39 paragraph 2 and paragraph 3 of the Fishing Port and Fishing Grounds Act pertaining to fishing ports under the same law that are public facilities of landscape importance for which criteria for permission under Article 8 paragraph 2 (v) (c) 6 hereof have been specified in a landscape plan, the words "project, materially impedes the use of a fishing port" in Article 39 paragraph 2 of the Fishing and Fishing Grounds Act shall be deemed to be replaced with "project or the use of a fishing port"; the words "development of a port or harbor" in the same paragraph shall be deemed to be replaced with "development of a port or harbor, or does not comply with the criteria for permission as prescribed in Article 8 paragraph 2 (v) (c) 5 of the Landscape Act specified in a landscape plan as defined in Article 8 paragraph 1 of the same law"; and the words "for the conservation of a fishing port" in paragraph 3 of the same law shall be deemed to be replaced with " for the conservation of a fishing port or the development of a good landscape."

## **Section 5 Landscape-oriented Agricultural Promotion Area Improvement Plan, Etc.**

**Article 55** (Landscape-oriented agricultural promotion area improvement plan)

- (1) When a municipality finds it necessary to carry out integrated development of agricultural land (which refers to agricultural land as defined in Article 3 paragraph 1 of the Act on Improvement of Agricultural Promotion Areas; the same shall apply hereinafter), agricultural facilities and other facilities suitable for the characteristics of that part of a landscape planning area under a landscape plan that specifies the basic matters as listed in Article 8 paragraph 2 (v) (d) hereof located in an agricultural promotion area (which refers to an area designated pursuant to the provision of Article 6 paragraph 1 of the Act on Improvement of Agricultural Promotion Areas) in order to implement an agricultural promotion area improvement plan and ensure favorable conditions for agriculture that are in harmony with the landscape, said municipality may formulate a landscape-oriented agricultural promotion area improvement plan.
- (2) Every landscape-oriented agricultural promotion area improvement plan shall specify the following:
  - (i) the area covered by the landscape-oriented agricultural promotion area improvement plan;
  - (ii) matters related to agricultural land use in harmony with the landscape of the area referred to in the preceding item; and
  - (iii) the matters listed in Article 8 paragraph 2 (ii), (ii-2) and (iv) of the Act on Improvement of



Agricultural Promotion Areas pertaining to the development of an agricultural promotion area in the area referred to in item (i).

- (3) Every landscape-oriented agricultural promotion area improvement plan shall be consistent with the landscape plan and the agricultural promotion area improvement plan, be in harmony with any of the plans referred to in Article 4 paragraph 3 of the Act on Improvement of Agricultural Promotion Areas, and cover in an integrated manner all matters necessary for comprehensive promotion of agriculture, taking into consideration the natural, economic and social conditions in the area referred to in item (i) of the preceding paragraph.
- (4) The provisions of the first sentence in Article 8 paragraph 4, Article 10 paragraph 2, Article 11 (excluding the second sentence in paragraph 9 and paragraph 12), Article 12, the first sentence in paragraph 1 of Article 13, and paragraph 4 of the same article of the Act on Improvement of Agricultural Promotion Areas shall apply mutatis mutandis to all landscape-oriented agricultural promotion area improvement plans. In this case, the words "in an agricultural land area covered by an agricultural land use plan included in an agricultural promotion area improvement plan" in Article 11 paragraph 3 of the same act shall be deemed to be replaced with "in the area referred to in Article 55 paragraph 2 (i) of the Landscape Act covered by a landscape-oriented agricultural promotion area improvement plan (which refers to a landscape-oriented agricultural promotion area improvement plan as prescribed in Article 55 paragraph 1 of the Landscape Act; the same shall apply hereinafter)"; the words "said agricultural land use plan" shall be deemed to be replaced with "said landscape-oriented agricultural promotion area improvement plan"; the words "the same paragraph" shall be deemed to be replaced with "paragraph 1"; and the words "agricultural land area" in Article 11 paragraph 10 of the Act on Improvement of Agricultural Promotion Areas shall be deemed to be replaced with "an area referred to in Article 55 paragraph 2 (i) of the Landscape Act"; the words "use said state-owned land as agricultural land, etc." in Article 11 paragraph 11 of the Act on Improvement of Agricultural Promotion Areas shall be deemed to be replaced with "use said state-owned land in accordance with a landscape-oriented agricultural promotion area improvement plan"; the words "basic policy for agricultural promotion area improvement" in the first sentence in Article 13 paragraph 1 of the same law shall be deemed to be replaced with "a landscape plan as defined in Article 8 paragraph 1 of the Landscape Act or an agricultural promotion area improvement plan"; the words "an agricultural promotion area, because of the result of a basic survey as prescribed in paragraph 1 of the preceding article or because" shall be deemed to be replaced with "an agricultural promotion area or because"; the words "agricultural promotion area improvement plan as prescribed in a Cabinet Order" shall be deemed to be replaced with "agricultural promotion area improvement plan"; and the words "Article 8 paragraph 4 and Article 11 (excluding paragraph 12)" shall be deemed to be replaced with "the first sentence in Article 8 paragraph 4 (excluding the second sentence in paragraph 9 and paragraph 12)."

**Article 56 (Recommendation on land use)**

- (1) In cases where a plot of land located in an area referred to in paragraph 2 (i) of the preceding article is not being used in accordance with a landscape-oriented agricultural promotion area improvement plan, if necessary for the implementation of said landscape-oriented agricultural promotion area improvement plan, the mayor of the municipality concerned may recommend to the owner of said plot of land or the person who is using and profiting from said plot of land based on title other than ownership that said owner or person use said plot of land in accordance with said landscape-oriented agricultural promotion area improvement plan.
- (2) In the case of a recommendation made pursuant to the provision of paragraph 2 of the preceding article, if the person to which a recommendation as prescribed in the preceding paragraph has been made does not or is not likely to follow said recommendation, the mayor of the municipality concerned may recommend to said person, in order to use said plot of land in accordance with a landscape-oriented agricultural promotion area improvement plan, that said person discuss

with a person who intends to acquire the ownership to said plot of land or the right to use and profit from said plot of land and who has been designated by said mayor the transfer of the ownership or the establishment or transfer of a right for the purpose of using or profiting from said plot of land.

**Article 57** (Special provisions on the Agricultural Land Act)

- (1) Notwithstanding the provisions of Article 3 paragraph 2 (limited to the provisions related to paragraph 2-2, paragraph 4, paragraph 5, paragraph 7 or paragraph 8) of the Agricultural Land Act (Act No. 229 of 1952), when a landscape management organization has been designated pursuant to the provision of said paragraph in the case referred to in paragraph 2 of the preceding article, if the person to which the recommendation referred to in paragraph 2 of the preceding paragraph was made intends, as agreed as a result of discussion pertaining to said recommendation, to establish a right by loan for use or a leasehold right for the landscape management organization concerned for the agricultural land or meadow (agricultural land or meadow as defined in Article 2 paragraph 1 of the Agricultural Land Act; the same shall apply hereinafter) for which said recommendation was made, an agriculture committee (or, in a municipality that does not have an agriculture committee as permitted under Article 3 paragraph 5 of the Act on Agriculture Committee, Etc. (Act No. 88 of 1951), the mayor of that municipality) or the governor of the prefecture concerned may grant permission as prescribed in Article 3 paragraph 1 of the Agricultural Land Act.
- (2) The provision of Article 6 paragraph 1 of the Agricultural Land Act shall not apply to any agricultural land for which a right by loan for use or a leasehold right has been established for a landscape management organization as agreed as a result of discussion pertaining to a recommendation as prescribed in paragraph 2 of the preceding article.
- (3) The provisions of the main clause of Article 19 and the main clause of paragraph 1, paragraph 7 and paragraph 8 of Article 20 of the Agricultural Land Act shall not apply to the lease of agricultural land or meadow for which a leasehold right has been established for a landscape management organization as agreed as a result of discussion pertaining to a recommendation as prescribed in paragraph 2 of the preceding article.

**Article 58** (Special provisions on the Act on Improvement of Agricultural Promotion Areas)

- (1) In cases where a prefectural governor intends to grant permission under Article 15-2 paragraph 1 of the Act on Improvement of Agricultural Promotion Areas and where the plot of land related to any of the acts of development as defined in the same paragraph is located in an area referred to in Article 55 paragraph 2 (i) hereof, if the prefectural governor finds that said act of development falls under any of the items in Article 15-2 paragraph 4 of the same law or if said act of development makes it difficult to use the land related to said act of development in accordance with a landscape-oriented agricultural promotion area improvement plan, said prefectural governor shall not grant permission for said act.
- (2) For the purpose of the application of the provision of Article 15-2 paragraph 5 of the Act on Improvement of Agricultural Promotion Areas pertaining to permission referred to in the preceding paragraph, the words "to ensure the use of the land related to said act of development and surrounding agricultural land for agriculture" shall be deemed to be replaced with "to ensure the use of the land related to said act of development and surrounding agricultural land for agriculture or in accordance with a landscape-oriented agricultural promotion area improvement plan formulated pursuant to the provision of Article 55 paragraph 1 of the Landscape Act."

**Article 59** (Changes in municipal forest improvement plan)

- (1) In the cases referred to in paragraph 2 and paragraph 3 of Article 10-6 of the Forest Act (Act No. 249 of 1951) or in cases where a municipality finds it appropriate to maintain and augment the public interest functions of a forest for which a regional forest plan has been formulated pursuant to the provision of Article 5 paragraph 1 of said law located in the area of the municipality, said

municipality may change part of a municipal forest improvement plan formulated pursuant to the provision of Article 10-5 paragraph 1 of said law.

- (2) Any change made as prescribed in the preceding paragraph shall be deemed to have been made pursuant to the provision of Article 10-6 paragraph 3 of the Forest Act.

## **Section 6 Special Provisions on the Natural Parks Act**

### **Article 60**

For the purpose of the application of the provisions of Article 13 paragraph 4, Article 14 paragraph 4 and Article 24 paragraph 4 of the Natural Parks Act in a landscape planning area covered by a landscape plan that specifies the matters listed in Article 8 paragraph 2 (v) (e) hereof, the words "the criteria specified in an ordinance of the Ministry of the Environment" shall be deemed to be replaced with "the criteria specified in an ordinance of the Ministry of the Environment and the criteria prescribed in Article 8 paragraph 2 (v) (e) of the Landscape Act specified in a landscape plan as defined in Article 8 paragraph 1 of the same law."

## **Chapter III Landscape Districts, Etc.**

### **Section 1 Landscape Districts**

#### **Subsection 1 City Plan for Landscape District**

##### **Article 61**

- (1) Every municipality may define a landscape district in a city plan in order to develop a good urban landscape in an area of land in a city planning area or a quasi-city planning area.
- (2) Every city plan pertaining to a landscape district shall specify the matters listed in Article 8 paragraph 3 (i) and (iii) of the City Planning Act, the matter listed in item i in this paragraph, and necessary matters among the matters listed in items ii to iv in this paragraph. In this case, in a landscape planning district covered by a landscape plan that specifies matters equivalent to those listed above, the city plan shall be formulated so that the development of a good landscape under said landscape plan is not hampered.
  - (i) Restrictions on design features of buildings
  - (ii) Maximum and minimum limits of the height of buildings
  - (iii) Restrictions on wall location
  - (iv) Minimum limit on the area of building sites

#### **Subsection 2 Restrictions on Design Features of Buildings**

##### **Article 62** (Restrictions on design features of buildings)

The design features of all buildings in a landscape district shall comply with the restrictions on design features of buildings specified in the city plan concerned provided, however, that this provision shall not apply to the design features of a building or its parts that are required by any other law or regulation specified in a Cabinet Order.

##### **Article 63** (Certification of plan)

- (1) Any person who intends to carry out the building, etc. of a building in a landscape district shall in advance submit a written application for certification of compliance of said plan with the provision of the preceding article to the mayor of the municipality concerned and obtain certification. The same shall apply in cases where a person who has obtained certification for a building plan intends to change the plan and carry out building, etc. accordingly.
- (2) In cases where a municipal mayor has received a written application as prescribed in the preceding paragraph, said municipal mayor shall examine the plan for the building for which



said application was submitted and, if said municipal mayor finds that said plan complies with the provision of the preceding article, he or she shall issue a certificate to the applicant within thirty days from the day the application was received.

- (3) In the case of examination as prescribed in the preceding paragraph, if the municipal mayor concerned finds that the plan for the building for which an application has been submitted does not comply with the provision of the preceding article or if there is a justifiable reason that compliance or noncompliance with said provision cannot be determined, said municipal mayor shall issue a written notice describing that result and the reason for that result to the applicant concerned within the period prescribed in said article.
- (4) Building, etc. work (excluding pit excavation and other construction work specified in a Cabinet Order; the same shall apply in Article 101 (iii)) for the building referred to in paragraph 2 shall not be executed until a certificate as prescribed in the same paragraph is received.
- (5) The formats of the written application as prescribed in paragraph 1, the certificate as prescribed in paragraph 2 and the written notice as prescribed in paragraph 3 shall be specified in an ordinance of the Ministry of Land, Infrastructure and Transport.

**Article 64** (Measures against illegal buildings)

- (1) If there is a building that violates the provision of Article 62, the municipal mayor concerned may order the building, etc. owner (which refers to a person who carries out the building, etc. of a building; the same shall apply hereinafter), the contractor for the building, etc. of the violating building (including all subcontractors concerned; the same shall apply hereafter in this chapter) or the site manager, or the owner, manager or occupant of the violating building to stop the execution of the construction work related to said building or take measures needed to correct the violation of said provision such as reconstructing, repairing or remodeling the violating building or altering the color of the violating building within a reasonable period specified by the municipal mayor concerned.
- (2) In the event of a disposition as prescribed in the preceding paragraph, the municipal mayor concerned shall give public notice to that effect by a method specified in an ordinance of the Ministry of Land, Infrastructure and Transport such as installing a sign.
- (3) The sign referred to in the preceding paragraph may be installed on the building concerned with the disposition as prescribed in paragraph 1 or at the site of said building. In this case, neither the owner nor the manager nor the occupant of the building concerned with the disposition as prescribed in said paragraph may refuse or prevent the installation of said sign.
- (4) In cases where a municipal mayor intends to issue an order to take necessary measures pursuant to the provision of paragraph 1, if the person to be ordered to take those measures cannot be ascertained without negligence and if it is found that leaving the violation uncorrected is likely to have material adverse effects on the public interest, said municipal mayor may, at the expense of said person, take those measures or order or commission another person to take those measures. In this case, said municipal mayor shall in advance give public notice that said measures must be taken within a specified reasonable period and that if said measures are not taken within that period, either the municipal mayor or the person who has been ordered or commissioned by the municipal mayor to take those measures will do so.
- (5) Any person who intends to take the measures as prescribed in the preceding paragraph shall carry a certificate of identification and produce it to the people concerned if so requested.

**Article 65** (Measures against designers, etc. of illegal buildings)

- (1) In the event of a disposition as prescribed in paragraph 1 of the preceding article, the municipal mayor concerned shall give notice, pursuant to an ordinance of the Ministry of Land, Infrastructure and Transport, of the name or trade name and domicile of the designer of the building concerned with the disposition, the construction supervisor (which refers to a construction supervisor as defined in Article 2 paragraph 6 of the Architects Act (Act No. 202 of 1950); the same shall apply hereinafter) or the construction contractor, or the real estate agent (which refers to a real estate

agent as defined in Article 2 paragraph 3 of the Building Lots and Buildings Transaction Business Act (Act No. 176 of 1952); the same shall apply hereinafter) engaged in the building lots and buildings transaction business (which refers to building lots and buildings transaction business as defined in Article 2 paragraph 2 of the same law; the same shall apply hereinafter) involving said building and other matters specified in an ordinance of the Ministry of Land, Infrastructure and Transport to the Minister of Land, Infrastructure and Transport or the prefectural governor who supervises these persons pursuant to the provisions of the Architects Act, the Construction Contractors Act (Act No. 100 of 1949) or the Building Lots and Buildings Transaction Business Act.

- (2) When the Minister of Land, Infrastructure and Transport or a prefectural governor has received notice as prescribed in the preceding paragraph, the Minister of Land, Infrastructure and Transport or the prefectural governor shall without delay take necessary measures such as suspending business under the Architects Act, the Construction Contractors Act or the Building Lots and Buildings Transaction Business Act against the person of which said notice was given and notify the municipal mayor who gave notice as prescribed in the same paragraph of the results of the measures taken.

**Article 66** (Special provisions on certification, etc. of buildings of national government or local governments)

- (1) The provisions of Article 63 through the preceding article shall apply neither to national government buildings nor local government buildings, and all national government buildings and local government buildings shall be governed by the provisions of the following paragraph and paragraph 5.
- (2) If the person who intends to carry out the building, etc. of any building in a landscape district is a national organ or a local government (hereafter in this article referred to as a "national organ, etc."), said national organ, etc. shall notify the municipal mayor concerned of the plan for said building construction before said construction begins.
- (3) When a municipal mayor has received notice as prescribed in the preceding paragraph, said municipal mayor shall, within thirty days from the day said notice was received, examine the plan for the building of which said notice was given for compliance with the provision of Article 62 and either issue a certificate to the notifying national organ etc. if said municipal mayor finds that said plan complies with said provision or, if the municipal mayor finds that said plan does not comply with said provision or if there is a justifiable reason that compliance or noncompliance with said provision cannot be determined, issue a written notice describing that result and the reason for that result to the notifying national organ, etc.
- (4) Building, etc. work (excluding pit excavation and other construction work specified in a Cabinet Order) for the building of which notice as prescribed in paragraph 2 has been made shall not be executed until a certificate as prescribed in the preceding paragraph is received.
- (5) If the national government or a local government finds that a building violates the provision of Article 62, the municipal mayor concerned shall immediately give notice to that effect to the national organ responsible for the management of said building and request that necessary measures as prescribed in Article 64 paragraph 1 be taken.

**Article 67** (Relationship with ordinances)

The provisions of paragraph 2 of Article 63 and paragraph 3 of the preceding article shall not preclude the stipulation of necessary provisions by ordinance unless a municipality violates any of the provisions of said paragraphs in connection with the certification examination procedure followed pursuant to these provisions.

**Article 68** (Indication of certificates at construction sites, etc.)

- (1) The constructor who executes the construction work for the building, etc. of a building in a landscape district shall indicate, as prescribed in an ordinance of the Ministry of Land, Infrastructure and Transport, at a prominent place the name or trade name of the building, etc.

owner, the designer (which refers to a person who has prepared design drawings and specifications at one's own responsibility; the same shall apply hereinafter), the constructor (which refers to a contractor for the construction of a building or a person who executes such construction work without entering into a contract; the same shall apply hereinafter) and the construction site manager, and the fact that the plan for said construction work has been certified as prescribed in Article 63 paragraph 2 and Article 66 paragraph 3 hereof.

- (2) The constructor who executes the construction work for the building, etc. of a building in a landscape district shall keep at the site of said construction work a copy of the plan for said construction work certified pursuant to the provisions of paragraph 2 of Article 63 and paragraph 3 of Article 66.

**Article 69 (Exclusion from application)**

- (1) The provisions of Article 62 through the preceding article shall not apply to any of the buildings listed below.
  - (i) A building designated as a structure of landscape importance pursuant to the provision of Article 19 paragraph 1
  - (ii) A building designated as a National Treasure, Important Cultural Property, Special Historic Site, Special Scenic Site, Special Natural Monument, Historic Site, Scenic Site or Natural Monument under the provisions of the Cultural Properties Protection Act
  - (iii) A building located in a traditional buildings preservation district as prescribed in Article 143 paragraph 1 of the Cultural Properties Protection Act
  - (iv) A building listed in paragraph 2 that is to be restored and whose restoration has been found inevitable by the mayor of the municipality concerned
  - (v) An addition to the buildings listed in the preceding items, any building that has been designated by municipal ordinance as a building that is not likely to hamper the development of a good landscape
- (2) If a building that is in existence or a building whose building, etc. work is in progress when a city plan for a landscape district is changed does not comply with the provision of Article 62 or has a part that does not comply with the provision of said article, the provisions of said article through the preceding article shall not apply to said building or said part of it.
- (3) The provision of the preceding paragraph shall not apply to a building or part of it that falls under any of the following items:
  - (i) a building or part of it that violates the provision of Article 62 before a city plan for a landscape district is changed;
  - (ii) a building whose extension, reconstruction or relocation was started after a city plan for a landscape district was formulated or changed; or
  - (iii) in cases where the repair or remodeling of a building that changes the appearance of the building or the alteration of the color of a building began after a city plan for a landscape district is formulated or changed, that part of the building that was repaired or remodeled or whose color was altered.

**Article 70 (Measures against buildings not in conformity with restrictions on design features)**

- (1) When a municipal mayor finds that the design features of a building to which the provisions of Article 62 through Article 68 do not apply under the provision of paragraph 2 of the preceding article materially hampers the development of a good landscape in a landscape district, said municipal mayor may, only if the consent of the council of the municipality concerned has been obtained, order the owner, the manager or the occupant of said building to take measures needed to comply with the design feature restrictions prescribed in the city plan concerned including, but not limited to, the reconstruction and remodeling of said building and color alteration within a specified period. In this case, the municipality shall compensate at market value for damage that would normally result from the measures taken under said order.
- (2) If a person who can receive compensation pursuant to the provision of the preceding paragraph



is dissatisfied with the amount of said compensation, he or she may, as prescribed in a Cabinet Order, seek adjudication by the Expropriation Committee as prescribed in Article 94 paragraph 2 of the Land Expropriation Act within one month from the day the notice of compensation decision was received.

**Article 71 (Reporting and on-site inspection)**

- (1) The mayor of any municipality may have the owner, manager or occupant of a building, the building, etc. owner, the designer, the construction supervisor or the constructor report on the building, etc. work for said building and the state of construction or have the municipality's employees enter the building site or the construction site and inspect the building, building materials and any other articles related to the construction work for the building.
- (2) All municipal employees who conduct on-site inspection as prescribed in the preceding paragraph shall carry a certificate of identification and produce it to the people concerned if so requested.
- (3) The authority for on-site inspection as prescribed in the preceding paragraph shall not be construed as having been granted for the purpose of criminal investigation.

**Subsection 3 Restrictions on Structures, Etc.**

**Article 72 (Restrictions on design features of structures)**

- (1) Every municipality may, pursuant to standards specified in a Cabinet Order, prescribe by ordinance restrictions on design features of a structure in a landscape district, the highest or lowest limit of the height of such structure, or restrictions on the construction or installation of structures (including structures that are not anchored to ground; the same shall apply in paragraph 4) in a wall setback area (which is an area of land between a line indicating the limit of a wall surface line and the site boundary line in cases where the limit of a wall surface line is specified in a city plan for said landscape district; the same shall apply in paragraph 4). In this case, in a landscape planning area covered by a landscape plan that specifies matters equivalent to these restrictions, such ordinance shall be formulated so as not to hamper the development of a good landscape under said landscape plan.
- (2) An ordinance specifying restrictions on design features of structures enacted pursuant to the first sentence of the preceding paragraph (hereinafter referred to as an "ordinance on restrictions on structures in landscape districts") may include provisions on the certification of plans by the mayor of the municipality concerned, measures to correct violations involving illegal structures, and other measures necessary for the enforcement of said ordinance in accordance with the provisions of Article 63, Article 64, Article 66, Article 68 and the preceding article.
- (3) The provision of the preceding paragraph shall not preclude the stipulation of necessary provisions in an ordinance on restrictions on structures in landscape districts on the procedure for examination for certification by a municipal mayor prescribed in said ordinance in accordance with the provisions of paragraph 2 of Article 63 and paragraph 3 of Article 66 unless such provisions in said ordinance violate the provisions of said articles.
- (4) An ordinance on restrictions on structures in landscape districts specifying the maximum limit or minimum limit of the height of a structure or restrictions on the construction or installation of a structure in a wall setback area may include provisions on measures to correct violations involving illegal structures and other measures necessary for the enforcement of the ordinance in accordance with the provisions of Article 64 and the preceding paragraph.
- (5) An ordinance on restrictions on structures in landscape districts may include a provision to the effect that when a municipal mayor has rendered a disposition equivalent to any of the dispositions prescribed in paragraph 1 of Article 64 pursuant to said ordinance, said municipal mayor shall give notice of the name or trade name and domicile of the contractor for the construction of the structure concerned with said disposition and other matters specified in an ordinance of the Ministry of Land, Infrastructure and Transport to the Minister of Land,

Infrastructure and Transport or the prefectural governor who is responsible for the supervision of said contractor pursuant to the provisions of the Construction Contractors Act.

- (6) When the Minister of Land, Infrastructure and Transport or a prefectural governor has received notice as prescribed in the preceding paragraph pursuant to the provision of an ordinance on restrictions on structures in landscape districts under the provision of the preceding paragraph, the Minister of Land, Infrastructure and Transport or the prefectural governor shall without delay take necessary measures such as suspending business under the Construction Contractors Act against the contractor of which said notice was given and notify the municipal mayor who gave said notice of the results of the measures taken.

**Article 73** (Restrictions on acts of development, etc.)

- (1) All municipal mayors may regulate by ordinance any of the acts of development defined in Article 4 paragraph 12 of the City Planning Act (referred to in the following section as “acts of development”) and other acts specified in a Cabinet Order as needed for the development of a good landscape in accordance with standards specified in a Cabinet Order.
- (2) The provision of Article 51 of the City Planning Act shall apply mutatis mutandis to dissatisfaction with any disposition rendered pursuant to an ordinance enacted under the preceding paragraph.

## **Section 2 Quasi-landscape Districts**

**Article 74** (Designation of quasi-landscape districts)

- (1) A municipality may designate an area in a landscape district that is located in neither a city planning area nor a quasi-city planning area and in which a considerable number of buildings have been built and a good landscape has actually been formed as a quasi-landscape district, in order to conserve the landscape.
- (2) When a municipality intends to designate a quasi-landscape district, said municipality shall in advance give public notice to that effect pursuant to the provision of an ordinance of the Ministry of Land, Infrastructure and Transport and make a proposal for the designation of said quasi-landscape district accompanied by a written reason for the proposed designation of said quasi-landscape district for public inspection for two weeks from the date of public notice.
- (3) In the case of a public notice as prescribed in the preceding paragraph, residents and stakeholders may by the expiration date of the public inspection period submit a written opinion on the proposal for the designation of a quasi-landscape district made available for public inspection.
- (4) When a municipality intends to designate a quasi-landscape district pursuant to the provision of paragraph 1, said municipality shall in advance consult with the prefectural governor concerned on the proposed designation by submitting a copy of all written opinions submitted pursuant to the provision of the preceding paragraph and obtain the consent of said prefectural governor.
- (5) The designation of a quasi-landscape district shall be made by giving public notice pursuant to the provision of an ordinance of the Ministry of Land, Infrastructure and Transport.
- (6) The provisions of the preceding paragraphs shall apply mutatis mutandis to any alteration of a quasi-landscape district.

**Article 75** (Regulation of acts in quasi-landscape districts)

- (1) Every municipality may enact an ordinance for the regulation (excluding the regulation of buildings made pursuant to the provision of Article 69 paragraph 2 of the Building Standard Act) of buildings or structures in a quasi-landscape district necessary for the conservation of a good landscape in accordance with criteria prescribed in a Cabinet Order pursuant to the regulation of those buildings and structures in a landscape district.
- (2) Every municipality may enact an ordinance for the regulation of acts of development and other acts in a quasi-landscape district specified in a Cabinet Order necessary for the conservation of a good landscape in accordance with criteria prescribed in a Cabinet Order.
- (3) The provision of Article 51 of the City Planning Act shall apply mutatis mutandis to dissatisfaction

with any disposition rendered pursuant to an ordinance enacted under the preceding paragraph.

### **Section 3 Restrictions on Design Features of Buildings, Etc. in Areas Covered by District Plans, Etc.**

#### **Article 76**

- (1) Every municipality may, in accordance with criteria prescribed in a Cabinet Order, enact an ordinance stipulating that all design features of buildings, etc. in an area covered by a district plan, etc. (limited to an area for which restrictions on design features of buildings or structures (hereafter in this article referred to as "buildings, etc.") have been stipulated under a district plan, district development plan, specified building district development plan, disaster prevention block development plan, roadside development plan or rural area development plan) shall comply with the restrictions on design features of buildings, etc. specified in said district plan, etc.
- (2) Restrictions under the provision of the preceding paragraph shall be imposed within the limit that is deemed to be reasonably necessary for the development of a good landscape appropriate to the characteristics of the area concerned, in consideration of factors such as the necessity of use of buildings, etc. and the state of land use in the area concerned.
- (3) An ordinance enacted pursuant to the provision of paragraph 1 (hereinafter referred to as an "ordinance on design features of district plans, etc.") may include provisions on the certification of plans by the mayor of the municipality concerned, measures to correct violations involving illegal buildings or illegal structures, and other measures necessary for the enforcement of said ordinance in accordance with the provisions of Article 63, Article 64, Article 66, Article 68 and Article 71.
- (4) The provision of the preceding paragraph shall not preclude the stipulation of necessary provisions in an ordinance on design features of district plans, etc. on the procedure for examination for certification by a municipal mayor prescribed in said ordinance in accordance with the provisions of paragraph 2 of Article 63 and paragraph 3 of Article 66 unless such provisions in said ordinance violate the provisions of said articles.
- (5) An ordinance on design features of district plans, etc. may include a provision to the effect that when a municipal mayor has rendered a disposition equivalent to any of the dispositions prescribed in paragraph 1 of Article 64 pursuant to said ordinance, said municipal mayor shall either give notice of the name or trade name and domicile of the designer of the building concerned with said disposition, the construction supervisor or the construction contractor, or the real estate agent engaged in the building lots and buildings transaction business involving the building concerned to the Minister of Land, Infrastructure and Transport or the prefectural governor who is responsible for the supervision of these persons pursuant to the provisions of the Architects Act, the Construction Contractors Act or the Building Lots and Buildings Transaction Business Act if said disposition concerns the building, etc. of a building, or give notice of the name or trade name and domicile of the contractor for the construction of the structure concerned with said disposition and other matters specified in an ordinance of the Ministry of Land, Infrastructure and Transport to the Minister of Land, Infrastructure and Transport or the prefectural governor who is responsible for the supervision of said contractor pursuant to the provisions of the Construction Contractors Act if said disposition concerns the construction, etc. of a structure.
- (6) When the Minister of Land, Infrastructure and Transport or a prefectural governor has received notice as prescribed in the preceding paragraph pursuant to the provision of an ordinance on design features of district plans, etc. under the provision of the preceding paragraph, the Minister of Land, Infrastructure and Transport or the prefectural governor shall without delay take necessary measures such as suspending business under the Architects Act, the Construction



Contractors Act or the Building Lots and Buildings Transaction Business Act against the person of which said notice was given and notify the municipal mayor who gave said notice of the results of the measures taken.

## **Section 4 Miscellaneous Provisions**

### **Article 77** (Relaxation of restrictions on temporary buildings or temporary structures)

- (1) In the event of an extraordinary disaster, in the area affected by said disaster and adjoining areas specified by the municipal mayor concerned, the provisions of this chapter shall not apply to emergency repair of buildings or structures damaged because of said disaster, the building, etc. of emergency temporary buildings falling under any of the items listed below, or the construction, etc. or installation of emergency temporary structures falling under any of the items listed below that is started within one month from the day of occurrence of said disaster.
  - (i) A building or structure whose building, etc., construction, etc. or installation is carried out by the national government, a local government or the Japanese Red Cross Society for the purpose of disaster relief
  - (ii) A building whose building, etc. is carried out by a person or persons affected by a disaster for his or her or their own use and whose total floor area is not greater than the value specified in a Cabinet Order
- (2) The provisions of this chapter shall not apply to emergency temporary buildings or emergency temporary structures, such as stations, post offices, and government and public offices, intended for uses necessary for the public interest for which building, etc., construction, etc. or installation work is carried out in the event of a disaster, or temporary buildings or temporary structures constructed or installed at construction sites for the purpose of construction work, such as offices, construction sheds and material yards.
- (3) In cases where a person who has carried out the building, etc. of an emergency temporary building or the construction, etc. of an emergency temporary structure referred to in the two preceding paragraphs intends to make said building or structure continue to exist for more than three months after completion of such construction work without being governed by the provisions of this chapter, said person shall obtain permission from the municipal mayor concerned before the day following three months after completion of said construction work provided, however, that in cases where an application for said permission has been made, if no disposition is rendered in response to such application before the day following the three-month period, said building or structure may exist without being governed by the provisions of this chapter until said disposition is rendered.
- (4) In cases where an application for permission as prescribed in the preceding paragraph has been made, if the municipal mayor concerned finds that the development of a good landscape is not materially hampered, he or she may grant permission for a period of up to two years.
- (5) In cases where an application for permission as prescribed in paragraph 1 has been made, if the municipal mayor concerned finds it necessary for the development of a good landscape, he or she may attach conditions to the permission to be granted.

### **Article 78** (Recommendation, advice or assistance of the Minister of the Land, Infrastructure and Transport and prefectural governors)

- (1) Every municipal mayor may seek necessary advice or assistance from the prefectural governor concerned or the Minister of Land, Infrastructure and Transport on the application of the provisions of this chapter.
- (2) The Minister of Land, Infrastructure and Transport and prefectural governors may provide municipal mayors with necessary recommendations or assistance concerning the application of the provisions of this chapter.

#### **Article 79** (Instructions to municipal mayors)

- (1) In cases where a municipal mayor has violated any of the provisions of this chapter or of the provisions of any order under those provisions or has failed to render any disposition under those provisions, when the Minister of Land, Infrastructure and Transport finds it necessary in connection with any building that is important for the national interest, the Minister of Land, Infrastructure and Transport may instruct said municipal mayor to take necessary measures within a period of time specified by said minister.
- (2) Unless there is a justifiable reason not to do so, all municipal mayors shall follow an instruction given by the Minister of Land, Infrastructure and Transport pursuant to the provision of the preceding paragraph.
- (3) If a municipal mayor does not follow an instruction as prescribed in paragraph 1 within a specified time limit without a justifiable reason, the Minister of Land, Infrastructure and Transport may take the necessary measures concerned with said instruction after obtaining confirmation about the lack of a justifiable reason from the Infrastructure Development Council.

#### **Article 80** (Inspection of documents)

Upon a request for inspection of any of the documents that concern certification as prescribed in paragraph 1 of Article 63 or a disposition under the provisions of this chapter and the provisions of any order or ordinance under said provisions and that have been specified in an ordinance of the Ministry of Land, Infrastructure and Transport, the municipal mayor concerned shall make such document available for inspection.

### **Chapter IV Landscape Agreement**

#### **Article 81** (Conclusion of landscape agreement)

- (1) The owners and leaseholders (or, in the case of land plots designated as provisional replotting areas pursuant to the provision of Article 98 paragraph 1 (including cases where said paragraph is applied mutatis mutandis under Article 83 of the Act on Special Measures for Facilitating Supply of Housing and Residential Land in Metropolitan Areas (Act No. 67 of 1975; hereinafter referred to as the "Metropolitan Housing, Etc. Supply Act"); the same shall apply hereafter in this chapter) of the Land Readjustment Act (Act No. 119 of 1954), the owners and leaseholders of land plots corresponding to said land plots; hereafter in this chapter referred to as "landowners, etc.") of a group of land plots (excluding land used for public facilities and land specified in a Cabinet Order) in a landscape district may conclude an agreement on the development of a good landscape in said area of land (hereinafter referred to as a "landscape agreement") by the agreement of all of the landowners, etc. concerned provided, however, that if there is a plot of land for which a leasehold right has been established in an area of land designated as a provisional replotting area, the landowners, etc. shall not be required to obtain the consent of the owner of said plot of land for which the leasehold right has been established.
- (2) Every landscape agreement shall stipulate the matters listed below.
  - (i) An area of land for which the landscape agreement is concluded (hereinafter referred to as a "landscape agreement area")
  - (ii) Necessary ones among the matters listed below
    - (a) Criteria related to design features of buildings
    - (b) Criteria related to building site, location, size, structure, intended use or equipment
    - (c) Criteria related to building location, size, structure, intended use or design features
    - (d) Matters related to the conservation or greening of woodlands, grasslands, etc.
    - (e) Criteria related to the display of outdoor advertisements and the installation of objects on which outdoor advertisements are placed
    - (f) Matters related to the conservation or use of agricultural land
    - (g) Other matters related to the development of good landscapes

- (iii) Effective period of landscape agreement
- (iv) Measures to be taken in case of violation of a landscape agreement
- (3) A landscape agreement may stipulate, in addition to the matters listed in the items of the preceding paragraph, any area of land adjacent to a landscape agreement area in a landscape planning area that landowners, etc. in said landscape agreement area are desirous of making part of the land in said landscape planning area so as to contribute to the development of a better landscape (hereinafter referred to as a "landscape planning area vicinity").
- (4) Every landscape agreement shall be approved by the head of the landscape administrative organization concerned.

**Article 82** (Public inspection of landscape agreement for application for approval, etc.)

- (1) When an application for approval of a landscape agreement under paragraph 4 of the preceding article has been made, the head of the landscape administrative organization concerned shall give public notice to that effect and make said landscape agreement available for inspection by the persons concerned for two weeks from the day of said public notice pursuant to an ordinance of the Ministry of Land, Infrastructure and Transport or the Ministry of Agriculture, Forestry and Fisheries.
- (2) When public notice as prescribed in the preceding paragraph has been given, any of the persons concerned may submit to the head of the landscape administrative organization concerned a written opinion on said landscape agreement.

**Article 83** (Approval for landscape agreement)

- (1) When an application for approval of a landscape agreement as prescribed in paragraph 4 of Article 81 falls under both of the following items, the head of the landscape administrative organization concerned shall approve said landscape agreement.
  - (i) The application procedure does not violate any law or regulation.
  - (ii) The use of land, buildings or structures is not unduly restricted.
  - (iii) The matters listed in the items of paragraph 2 of Article 81 (and, if a landscape agreement area vicinity is stipulated in said landscape agreement, matters related to said landscape agreement area vicinity) comply with the criteria specified in an ordinance of the Ministry of Land, Infrastructure and Transport.
- (2) When the head of a landscape administrative organization that is a municipality without a building official as defined in Article 4 paragraph 1 of the Building Standard Act intends to grant permission referred to in the preceding paragraph for a landscape agreement that stipulates the matters listed in Article 81 paragraph 2 (ii) (b) hereof, he or she shall consult with the prefectural governor concerned by submitting a copy of all written opinions submitted pursuant to the provision of paragraph 2 of the preceding article and obtain the consent of said prefectural governor.
- (3) When the head of a landscape administrative organization has granted permission under paragraph 1, he or she shall give public notice to that effect pursuant to an ordinance of the Ministry of Land, Infrastructure and Transport or the Ministry of Agriculture, Forestry and Fisheries, make a copy of the landscape agreement concerned available at the office of said landscape administrative organization for public inspection, and clearly indicate in the area concerned that said area is a landscape agreement area.

**Article 84** (Amendment of landscape agreement)

- (1) When landowners, etc. in a landscape planning area (excluding any person who is not bound by the landscape agreement concerned) intend to change any of the matters stipulated in a landscape agreement, said landowners, etc. shall stipulate to that effect by the agreement of all of the landowners, etc. and obtain the approval of the head of the landscape administrative organization concerned.
- (2) The provisions of the preceding two articles shall apply mutatis mutandis to permission for a change referred to in the preceding paragraph.



#### **Article 85 Exclusion from landscape agreement area**

- (1) If a leasehold right to all or part of a plot of land in a landscape agreement area (or, in the case of a plot of land designated as a provisional replotting area pursuant to the provision of Article 98 paragraph 1 of the Land Readjustment Act, the former plot of land corresponding to said plot of land) owned by a person who is not bound by said landscape agreement has disappeared, the plot of land for which said leasehold right was established (or, in the case of a former plot of land corresponding to a land plot designated as a provisional replotting area under said paragraph, the land plot designated as a provisional replotting area for said plot of land) shall be excluded from said landscape agreement area.
- (2) If a plot of land in a landscape agreement area designated as a provisional replotting area pursuant to the provision of Article 98 paragraph 1 of the Land Readjustment Act has not been stipulated as a provisional replotting area for a former plot of land corresponding to said plot of land in a provisional replotting plan referred to in Article 86 paragraph 1 of the same law or a provisional replotting plan referred to in Article 72 paragraph 1 of the Metropolitan Housing, Etc. Supply Act and if said plot of land has not been stipulated as a plot of land a part of which is to be given, as a share of co-owned land, to the owner of a former plot of land corresponding to said plot of land pursuant to the provision of Article 91 paragraph 3 of the Land Readjustment Act (including the case where said paragraph is applied mutatis mutandis under Article 82 of the Metropolitan Housing, Etc. Supply Act), said plot of land shall be excluded from the landscape agreement area concerned as of the end of the day of public notice as prescribed in Article 103 paragraph 4 of the Land Readjustment Act (including the case where said paragraph is applied mutatis mutandis under Article 83 of the Metropolitan Housing, Etc. Supply Act).
- (3) If a plot of land in a landscape agreement area has been excluded from said landscape agreement area pursuant to the provisions of the two preceding paragraphs, the owner of the leasehold right concerned or the landowner, etc. concerned with a former plot of land corresponding to the plot of land designated as the provisional replotting area concerned (excluding all persons who are not bound by said landscape agreement) shall without delay give notice to that effect to the head of the landscape administrative organization concerned.
- (4) The provision of paragraph 3 of Article 83 shall apply mutatis mutandis in cases where notice has been given pursuant to the preceding paragraph or in cases where the head of a landscape administrative organization has come to know that a plot of land in a landscape agreement area has been excluded in said landscape agreement area pursuant to the provision of paragraph 1 or paragraph 2.

#### **Article 86 (Effect of landscape agreement)**

Any landscape agreement for which public notice on approval as prescribed in paragraph 3 of Article 83 (including the case where said paragraph is applied mutatis mutandis under paragraph 2 of Article 84) has been given shall be effective against any person who has become a landowner, etc. (excluding any person who has succeeded to the ownership of land owned by a person who did not agree on the landscape agreement as prescribed in paragraph 1 of Article 81 or paragraph 1 of Article 84) in the landscape agreement area concerned after said public notice was given.

#### **Article 87 (Procedure for joining landscape agreement after public notice on approval, etc.)**

- (1) Any owner of land in a landscape agreement area (or, in the case of a plot of land designated as a provisional replotting area pursuant to the provision of Article 98 paragraph 1 of the Land Readjustment Act, an owner of a former plot of land corresponding to said plot of land) against whom the landscape agreement concerned is not effective may join said landscape agreement by indicating his or her intention in writing to the head of the landscape administrative organization concerned anytime after public notice of approval prescribed in paragraph 3 of Article 83 (including the case where said paragraph is applied mutatis mutandis under paragraph 2 of Article 84) is given.
- (2) Any of the landowners, etc. concerned with land in the area of a landscape agreement area

vicinity may join the landscape agreement concerned, by the agreement of all of the landowners, etc. concerned with said land, by indicating his or her intention in writing to the head of the landscape administrative organization concerned anytime after public notice of approval prescribed in paragraph 3 of Article 83 (including its application under paragraph 2 of Article 84) is given provided, however, that if there is a plot of land for which a leasehold right has been established in said land area (or, in the case of an area of land designated as a provisional replotting area under the provision of Article 98 paragraph 1 of the Land Readjustment Act, a former plot of land corresponding to said land area), the landowners, etc. shall not be required to obtain the consent of the owner of said plot of land for which the leasehold right has been established.

- (3) Any area of land concerned with a landowner, etc. who has indicated his or her intention referred to in the preceding paragraph in a landscape agreement area vicinity area shall become part of the landscape agreement area concerned after said intention is indicated.
- (4) The provision of paragraph 3 of Article 83 shall apply mutatis mutandis in cases where the indication of intention as prescribed in paragraph 1 or paragraph 2 has been made.
- (5) Every landscape agreement shall be effective against any person who, after public notice as prescribed in paragraph 3 of Article 83 applied mutatis mutandis in the preceding paragraph was given, became a landowner, etc. (excluding any person who has succeeded to the ownership of land previously owned by a person who did not give consent to the landscape agreement concerned under the provision of paragraph 2) of land in the landscape agreement area concerned that had been owned or held by lease by a person when he or she joined said landscape agreement (or, in the case of a plot of land designated as a provisional replotting area under the provision of Article 98 paragraph 1 of the Land Readjustment Act, a former plot of land corresponding to said plot of land).

**Article 88** (Termination of landscape agreement)

- (1) When landowners, etc. in a landscape agreement area (excluding persons against whom said landscape agreement is not effective) intend to terminate a landscape agreement for which approval as prescribed in paragraph 4 of Article 81 or paragraph 1 of Article 84 is obtained, said landowners, etc. shall make a decision to that effect by consent of a majority of said landowners, etc. and obtain the approval of the head of the landscape administrative organization concerned.
- (2) When the head of a landscape administrative organization has granted approval referred to in the preceding paragraph, he or she shall give public notice to that effect.

**Article 89** (Treatment of co-owners of land)

In cases where a plot of land or a leasehold right belongs to more than one person, for the purpose of application of the provisions of paragraph 1 of Article 81, paragraph 1 of Article 84, paragraph 1 and paragraph 2 of Article 87, and paragraph 1 of the preceding article, it shall be deemed that there is only one owner or land leaseholder.

**Article 90** (Establishment of landscape agreement by single owner)

- (1) When an owner of a group of plots of land (excluding any plot of land specified in a Cabinet Order as prescribed in paragraph 1 of Article 81) in a landscape planning area in cases where there is no landowner, etc. other than said owner finds it necessary for the development of a good landscape, he or she may enter into a landscape agreement for said area of land defined as a landscape agreement area.
- (2) The head of a landscape administrative organization shall approve a landscape agreement only when he or she finds that an application for approval of a landscape agreement as prescribed in the preceding paragraph falls under all of the items of paragraph 1 of Article 83 and that said landscape agreement is necessary for the development of a good landscape.
- (3) The provisions of paragraph 2 and paragraph 3 of Article 83 shall apply mutatis mutandis to approval under the provision of the preceding paragraph.
- (4) Any landscape agreement that has been approved as prescribed in paragraph 2 shall, when two

or more landowners, etc. of land in the landscape agreement area concerned have come into existence within three years from the day said approval was obtained, become a landscape agreement that has the same effect as that of a landscape agreement for which public notice of approval under the provision of paragraph 3 of Article 83 has been given.

**Article 91 (Position of lessees, etc.)**

- (1) In cases where any of the matters stipulated in a landscape agreement concerns the authority of a lessee of a building or structure, the lessee of said building or structure shall be deemed to be a landowner, etc., and the provisions of this chapter shall apply to said landscape agreement.
- (2) In cases where any matter pertaining to the conservation or use of agricultural land is stipulated in a landscape agreement, any person who holds a right for the purpose of use or profit-making such as a right of superficies, emphyteusis, pledge, right of ground lease or a right by loan for use shall be deemed to be a landowner, etc., and the provisions of this chapter shall apply to said agricultural land.

## **Chapter V Landscape Management Organization**

**Article 92 (Designation)**

- (1) The head of a landscape administrative organization may designate a juridical person as defined in Article 34 of the Civil Code or a specified nonprofit corporation as defined in Article 2 paragraph 2 of the Act on Promotion of Specified Nonprofit Activities that he or she finds capable of performing the duties as prescribed in the following article properly and reliably as a landscape management organization (hereinafter referred to as an "Organization") at the request of such juridical person or specified nonprofit corporation.
- (2) When the head of a landscape administrative organization has made designation as prescribed in the preceding paragraph, he or she shall give public notice of the name and domicile or office address of the Organization concerned.
- (3) When an Organization intends to alter its name, domicile or office address, said Organization shall in advance notify the head of the landscape administrative organization concerned to that effect.
- (4) When notification as prescribed in the preceding paragraph has been made, the head of the landscape administrative organization concerned shall give public notice of the matters pertaining to said notification.

**Article 93 (Duties of an Organization)**

Every Organization shall perform the duties listed below:

- (i) Providing assistance to a person who implements a project for the development of a good landscape such as dispatching persons who have knowledge about said project, providing information and providing consulting services
- (ii) Managing a structure of landscape importance or a tree of landscape importance in accordance with a management agreement
- (iii) Implementing or participating in a project related to a public facility such as a plaza for the development of a good landscape as an integral part of a structure of landscape importance or a project related to a public facility of landscape importance specified in a landscape plan
- (iv) Acquiring, managing and transferring a tract of land that can be utilized for a project referred to in the preceding paragraph and that is specified in a Cabinet Order
- (v) Performing commissioned agricultural work in order to use an area of land referred to in paragraph 2 (i) of Article 55 in accordance with a landscape-oriented agricultural promotion area improvement plan, and acquiring a right for said land and managing said land
- (vi) Conducting research and studies on the development of good landscapes
- (vii) Other duties and tasks necessary for promoting the development of good landscapes



**Article 94** (Special provisions on the Act on the Promotion of Increase of Public Land related to the duties of an Organization)

The provisions of Article 4 paragraph 1 of the Act on the Promotion of Increase of Public Land (Act No. 66 of 1972) shall not apply to any person who intends to transfer, for value, to an Organization a plot of land referred to in said paragraph for use for any of the duties listed in item (iv) of the preceding article.

**Article 95** (Supervision, etc.)

- (1) When the head of a landscape administrative organization finds it necessary for proper and reliable performance of the duties listed in the items of Article 93, he or she may have an Organization report on those duties.
- (2) When the head of a landscape administrative organization finds that an Organization is not performing the duties listed in the items of Article 93 properly and reliably, he or she may order the Organization to take measures necessary for the improvement of the performance of those duties.
- (3) In the event of violation by an Organization of an order as prescribed in the preceding paragraph, the head of the landscape administrative organization concerned may cancel the designation of said Organization under the provision of paragraph 1 of Article 92.
- (4) When the head of a landscape administrative organization has canceled a designation under the provision of the preceding paragraph, he or she shall give public notice to that effect.

**Article 96** (Provision of information, etc.)

The national government and the local government concerned shall provide an Organization with information, guidance or advice necessary for the performance of its duties.

## **Chapter VI Miscellaneous Provisions**

**Article 97** (Delegation of authority)

The authority of the Minister of Land, Infrastructure and Transport set forth in this Act may be delegated, in whole or in part, to the Director-General of a Regional Development Bureau or the Director-General of the Hokkaido Regional Development Bureau pursuant to an ordinance of the Ministry of Land, Infrastructure and Transport.

(Handling of landscape administrative affairs by municipalities)

**Article 98**

Municipalities other than Ordinance-designated cities and Designated Core Cities may handle landscape administrative affairs on behalf of the prefecture within the area of said municipality.

2. Municipal mayors handling landscape administrative affairs pursuant to the provisions of preceding paragraph shall consult the prefectural governor in advance regarding the handling of this affair.
3. Municipality whose mayor has consulted the prefectural governor pursuant to the provisions of preceding paragraph shall give public notice of the commencement of the handling of landscape administrative affairs at least 30 days prior to the date of commencement, as specified by Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, Ordinance of the Ministry of Agriculture, Forestry and Fisheries, and Ordinance of the Ministry of the Environment.

**Article 99** (Delegation to Cabinet Orders)

The matters necessary for the implementation of this Act, other than those prescribed in this Act, shall be prescribed in a Cabinet Order.

**Article 100** (Transitional measures)

In the case of enacting, revising or abolishing a Cabinet Order based on the provisions of this Act, such order may, to the extent deemed reasonably necessary for such enactment, revision or abolition, specify required transitional measures (including transitional measures concerning penal provisions).

## **Chapter VII Penal Provisions**

### **Article 101**

Any person who has violated an order of the head of a landscape administrative organization under the provision of paragraph 5 of Article 17 or an order of the mayor of a municipality under the provision of paragraph 1 of Article 64 shall be punished by imprisonment with work for not more than one year or a fine of not more than five hundred thousand yen.

### **Article 102**

Any person who falls under any of the following items shall be punished by a fine of not more than five hundred thousand yen:

- (i) a person who has violated an order of the head of a landscape administrative organization under the provision of paragraph 1 of Article 17 or a person who has violated an order of the mayor of a municipality under the provision of paragraph 1 of Article 70;
- (ii) a person who has failed to submit an application or has submitted a false application in violation of the provision of paragraph 1 of Article 63;
- (iii) a person who carried out the building, etc. of a building in violation of the provision of paragraph 4 of Article 63; or
- (iv) a person who has made an emergency temporary building or emergency temporary structure continue to exist in violation of the provision of paragraph 3 of Article 77.

### **Article 103**

Any person who falls under any of the following items shall be punished by a fine of not more than three hundred thousand yen:

- (i) a person who has failed to make notification or has made a false notification in violation of the provision of paragraph 1 or paragraph 2 of Article 16;
- (ii) a person who has failed to make a report under the provision of paragraph 7 of Article 17 or paragraph 1 of Article 70 or has made a false report;
- (iii) a person who has refused, impeded or evaded an on-site inspection or on-site investigation under paragraph 7 of Article 17 or an on-site inspection under paragraph 1 of Article 71;
- (iv) a person who has started an act related to notification in violation of the provision of paragraph 1 of Article 18;
- (v) a person who has committed an act in violation of the provision of paragraph 1 of Article 22 or paragraph 1 of Article 31;
- (vi) a person who has violated any of the conditions attached to permission under paragraph 3 of Article 22 (including the case where said paragraph is applied mutatis mutandis under paragraph 2 of Article 31);
- (vii) a person who has violated an order of the head of a landscape administrative organization under the provision of paragraph 1 of Article 23 (including the case where same paragraph is applied mutatis mutandis under paragraph 1 of Article 32); or
- (viii) a person who has, in violation of the provision of Article 68, failed to indicate the fact of certification or failed to keep a copy of the certified plan.

### **Article 104**

If the representative of a juridical person or an agent, an employee or any other worker of a juridical person or individual has committed an act in violation of any of the two preceding articles with regard to the business of said juridical person or individual, not only the offender but also said juridical person or individual shall be punished by the fine prescribed in the respective Articles.

### **Article 105**

Any person who has violated an order of the head of a landscape administrative organization under the provision of Article 26 or Article 34 shall be punished by a civil fine of not more than three hundred thousand yen.

**Article 106**

Any person who has failed to make a report as prescribed in Article 45 or has made a false report shall be punished by a civil fine of not more than two hundred thousand yen.

**Article 107**

Any person who has failed to make notification or has made a false report in violation of the provision of Article 43 shall be punished by a civil fine of not more than fifty thousand yen.

**Article 108**

Any ordinance based on the provision of paragraph 1 of Article 72, paragraph 1 of Article 73, paragraph 1 or paragraph 2 of Article 75, or paragraph 1 of Article 76 may include a provision to the effect that any person who has violated any of said provisions shall be punished by a fine of not more than five hundred thousand yen.

## **b. Sado City Landscape Ordinance and Regulation for Enforcement of Sado City Landscape Ordinance**

### **Sado City Landscape Ordinance**

(December 28, 2009, Ordinance No. 80)

(Purpose)

#### **Article 1**

The purpose of this Ordinance is to preserve and nurture harmonious landscapes with nature, history and culture of the City, and to pass on the landscapes which we can be attached to and proud of to the next generations, by clarifying the responsibilities of the City, citizens and business operators for landscape formation, and by providing for necessary matters concerning the enforcement of the Landscape Act (Act No. 110 of 2004; hereinafter referred to as "the Act") and other necessary matters for the formation of beautiful landscape.

(Definition)

#### **Article 2**

In this Ordinance, the definitions of the terms set forth in the following items shall be as specified respectively in those items:

- (i) the term "landscape formation" means conserving and creating good landscapes;
- (ii) the term "building" means a building provided in Article 2, item (i) of the Building Standards Act (Act No. 201 of 1950);
- (iii) the term "structure" means a structure other than the building provided in Article 2, item (i) of the Building Standards Act, which is specified by Regulation;
- (iv) the term "advertisement, etc." means outdoor advertisements provided in Article 2, paragraph (2) of the Outdoor Advertisement Act (Act No. 189 of 1949), and structures, etc. for solely posting or displaying them.

(Responsibilities of the City)

#### **Article 3**

- (1) The City shall formulate and implement comprehensive measures for landscape formation.
- (2) The City shall endeavor to reflect the opinions of citizens, etc. in formulating and implementing measures for landscape formation.
- (3) The City shall play a leading role in landscape formation in developing public facilities.
- (4) The City shall endeavor to raise awareness of landscape formation and support it so that citizens and business operators can deepen the understanding of landscape formation and actively promote it.
- (5) The City shall request the national government, prefectural governments, other local governments and public organizations, etc. to cooperate in landscape formation as needed.

(Responsibilities of citizens)

#### **Article 4**

Citizens shall recognize that they are the main actors of landscape formation, shall endeavor to develop landscapes considering regional characteristics, and shall cooperate in measures for landscape formation implemented by the City.

(Responsibilities of business operators)

#### **Article 5**

Business operators shall recognize that their economic activities have a strong influence on the landscape of the region, and shall cooperate in measures for landscape formation implemented by the city with the utmost consideration to landscape formation in doing economic activities.



(Landscape plan)

#### **Article 6**

- (1) The Mayor shall formulate a plan for the formation of good landscapes, which is provided in Article 8, paragraph (1) of the Act (hereinafter referred to as a "landscape plan"), in order to promote landscape formation comprehensively and systematically.
- (2) The Mayor may designate an area recognized to be important in promoting a plan in a landscape plan as a special area, and may provide for necessary matters concerning the formation of a good landscape in the area.
- (3) When changing a landscape plan, the Mayor shall hear the opinions of the Sado City Landscape Council in advance besides by the procedures provided in Article 9 of the Act.

(Organizations that can make a planning proposal)

#### **Article 7**

The organization specified by Ordinance of Article 11, paragraph (2) of the Act shall be the landscape promotion activity organization certified pursuant to the provisions of Article 23, paragraph (2).

(Procedures for not formulating a landscape plan based on a planning proposal)

#### **Article 8**

Before seeking to file a notification for not modifying a landscape plan pursuant to the provisions of Article 14, paragraph (1) of the Act, in addition to what is provided for in the preceding Article, paragraph (2), the Mayor shall submit the draft of the landscape plan based on the relevant planning proposal in Article 11, paragraph (3) of the Act to the Sado City Landscape Council in advance and shall hear its opinions.

(Actions requiring notification)

#### **Article 9**

- (1) The actions specified by Ordinance provided in Article 16, paragraph (1), Item (iv) of the Act shall be as follows:
  - (i) the accumulation of soil and stones, wastes, recyclable resources, and other objects outdoors;
  - (ii) the modification of the shape or character of land, such as collection of soil and stones, excavation of minerals, and others;
  - (iii) cutting trees, bamboos, etc. in forests within easy sight by the public from roads (excluding private roads) and other public places;
  - (iv) the land reclamation of a water area by landfill or drainage;
  - (v) vending machines which are installed or renewed in places facing national and prefectural roads;
- (2) The actions requiring notification in special areas shall be specified by Regulation.

(Actions not requiring notification)

#### **Article 10**

The actions specified by Ordinance provided for in Article 16, paragraph (7), item (xi) of the Act in the landscape planning area shall be as follows; however, as for in special areas the same shall be specified by Regulation:

- (i) the new construction, extension, reconstruction or relocation of a building (hereinafter referred to as "building, etc.") with a total area of less than 10 square meters;
- (ii) the repair or remodeling that alters the appearance of a building, or a color change (hereinafter referred to as "repair, etc."), where the part involved in the action is less than a quarter of the appearance;
- (iii) the new construction, extension, reconstruction or relocation (hereinafter referred to as "construction, etc.") of a structure (a chimney, a pillar [excluding an electric pole], an elevated water tank, a watchtower, a decorative tower, a memorial tower, a large-scale amusement facility, or those equivalents thereto; hereinafter referred to as a "structure A") with a height of less than 10 meters;

- (iv) the repair, etc. that alters the appearance of a structure A, where the part involved in the action is less than a quarter of the appearance;
- (v) the construction, etc. of a structure (a retaining wall, a railing, a fence or those equivalents thereto; hereinafter referred to as a "structure B") with a height of less than 1.5 meters or a length of less than 10 meters;
- (vi) the repair, etc. that alters the appearance of a structure B, where the part involved in the action is less than a quarter of the appearance;
- (vii) the construction, etc. of a structure (those used for electricity supply, telecommunications, etc.; hereinafter referred to as a "structure C") with a height of less than 15 meters;
- (viii) the repair, etc. that alters the appearance of a structure C, where the part involved in the action is less than a quarter of the appearance;
- (ix) the construction, etc. of a structure (a facility used for storage and processing of oil, gas, grain, feed, etc., a multi-story parking lot, a manufacturing facility such as a plant, a sanitation facility, a garbage incinerator, or those equivalents thereto; hereinafter referred to as a "structure D") with a construction area of less than 10 square meters;
- (x) the repairs, etc. that alters the appearance of a structure D, where the part involved in the action is less than a quarter of the appearance;
- (xi) the accumulation of soil and stones, wastes, recyclable resources, and other objects outdoors with a height of less than three meters and a land area relating to the accumulation of less than 300 square meters, and an accumulation period of less than 60 days;
- (xii) the modification of the shape or character of land, such as cultivation of land, collection of soil and stones, excavation of minerals and others; which is less than 1,000 square meters in area, or where the slopes or the retaining walls that arise as a result of the actions are less than three meters in height and less than 20 meters in length;
- (xiii) the logging of trees, bamboo, etc. in forests within easy sight by the public from roads (excluding private roads) and other public places, which is less than 1,000 square meters;
- (xiv) an action under ground level and underwater;
- (xv) the building, etc. and repair, etc. of a building or the construction, etc. and repair, etc. of a structure, which is not easily seen from roads (excluding private roads) and other public places;
- (xvi) the building, etc. of a building or the construction, etc. of a structure, which is temporarily required for construction works, a meeting, an event, etc. with an installation period of less than 60 days, etc.;
- (xvii) an action for agriculture, forestry or fishery;
- (xviii) an action set forth in Article 16, paragraph (1), item (iii) of the Act, which is less than 1,000 square meters;
- (xix) An action taken for an Important Cultural Property and a National Treasure in Article 27 of the Law for Protection of Cultural Properties (Act No. 214 of 1950) after the permission under Article 43 of the same Law; an action taken for a Historic Site, a Place of Scenic Beauty or a Natural Monument, and a Special Historic Site, a Special Place of Scenic Beauty or a Special Natural Monument in Article 109 of the same Law after the permission under Article 125 of the same Law; and an action taken for an Important Preservation District for a Group of Traditional Buildings in Article 144 of the same Law after the permission under Article 22 of the Sado City Shukunegi District Historic Landscape Ordinance (Sado City Ordinance No. 184 of 2004);
- (xx) an action taken for a Tangible Cultural Property designated by Niigata Prefecture in Article 5 of the Niigata Prefecture Cultural Properties Protection Ordinance (Niigata Prefectural Ordinance No. 33 of 1973) after the permission under Article 13 of the same Ordinance; and an action taken for a Natural Monument of Historic Site and Place of Scenic Beauty in Article 31 of the same Ordinance after the permission under Article 35 of the same Ordinance;

(xxi) in addition to what is set forth in the preceding items, any action which the Mayor recognizes that there is no risk of hindering the formation of good landscapes after hearing the opinions of the Sado City Landscape Council.

(Notification documents)

#### **Article 11**

The documents specified by ordinance in Article 1, paragraph (2), item (iv) of the Ordinance for Enforcement of the Landscape Act (Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism No. 100 of 2004), shall be as follows:

- (i) a drawing showing the location of the land where the action of Article 9, paragraph (1) is taken and the state of the surrounding area with a scale of 1/2500 or larger;
- (ii) a photograph showing the area of the land where the action is taken and the state of the surrounding area;
- (iii) a scheme drawing, or a drawing and specification clarifying the construction method;
- (iv) in addition to what is set forth in the preceding three items, any drawing and specification which the Mayor finds necessary.

(Specified action subject to notification)

#### **Article 12**

The specified action subject to notification under Article 17, paragraph (1) of the Act shall be the actions set forth in Article 16, paragraph (1), item (i) and (ii) of the Act.

(Completion of notification)

#### **Article 13**

When the action notified pursuant to the provisions of Article 16, paragraph (1) of the Act is completed, the notification to that effect shall be promptly filed with the Mayor.

(Advice and guidance)

#### **Article 14**

When the Mayor finds that the action notified pursuant to the provisions of Article 9 does not conform to the criteria for appropriately guiding landscape formation, the Mayor may advise or guide the person seeking to do the action to take necessary measures.

(Recommendation, etc.)

#### **Article 15**

- (1) When the Mayor intends to make a recommendation under Article 16, paragraph (3) of the Act or an order under Article 17, paragraph (1) of the Act and finds it necessary, the Mayor may hear the opinions of the Sado City Landscape Council.
- (2) If the person who receives the recommendation or order set forth in the preceding paragraph does not follow it, the Mayor may publicize that fact.
- (3) Before seeking to make a public announcement pursuant to the provisions of the preceding paragraph, the Mayor shall notify the person concerned with the public announcement of that fact and give the person an opportunity to state his/her opinions.

(Measures pertaining to a person without notification)

#### **Article 16**

- (1) The Mayor may request a report on the matters to be notified from the person who should file a notification under Article 16, paragraph (1) of the Act and begins an action without filing a notification or who filed a false notification.
- (2) If it is clarified that the action pertaining to the person who begins the action without filing a notification (hereinafter referred to as a "person without notification") does not conform to a restriction on the action specified in the landscape plan by the report in the preceding paragraph and the Mayor finds that this materially interferes with landscape formation, the Mayor may recommend or order the person without notification to take necessary measures in order to make the action conform to the restrictions on the action specified in the landscape plan.
- (3) The provisions of paragraph (1) of the preceding article shall apply mutatis mutandis to cases

where a recommendation or order under the preceding paragraph is to be made, and the provisions of paragraphs (2) and (3) of the same article shall apply mutatis mutandis to cases where the person who receives the recommendation or order under the preceding paragraph does not follow the recommendation or order.

(Designation, etc. of structures of landscape importance or trees of landscape importance)

#### **Article 17**

- (1) Before seeking to designate a structure of landscape importance (meaning a structure of landscape importance provided in Article 19, paragraph (1) of the Act; the same shall apply hereinafter) or a tree of landscape importance (meaning a tree of landscape importance provided in Article 28, paragraph (1) of the Act; the same shall apply hereinafter), the Mayor shall hear the opinions of the Sado City Landscape Council.
- (2) When the Mayor designates a structure of landscape importance or a tree of landscape importance, the Mayor shall give public notice to that effect. In this case, the Mayor shall immediately notify the owner of the structure of landscape importance or the owner of the tree of landscape importance to that effect, and shall install a sign indicating the designation without delay.
- (3) The provisions of the preceding paragraph shall apply mutatis mutandis when the designation of a structure of landscape importance or a tree of landscape importance is canceled pursuant to the provision of Article 27, paragraph (1) or (2) of the Act, or Article 35, paragraph (1) or (2) of the Act. In this case, "install a sign indicating this" in the preceding paragraph shall be read as "remove the sign indicating this".

(Criteria for management of structures of landscape importance or trees of landscape importance)

#### **Article 18**

- (1) The criteria specified by Ordinance provided in Article 25, paragraph (2) of the Act shall be as follows:
  - (i) to take necessary measures for disaster prevention;
  - (ii) to implement regular maintenance;
  - (iii) to take measures which the Mayor finds necessary for good landscape conservation other than what is set forth in the preceding two items.
- (2) The criteria specified by Ordinance provided in Article 33, paragraph (2) of the Act shall be as follows:
  - (i) to conduct pruning or other management in order to keep the shape of a tree of landscape importance;
  - (ii) to exterminate pests or to take other measures in order to prevent loss, death etc. of a tree of landscape importance;
  - (iii) to take measures which the Mayor finds necessary for good landscape conservation other than what is set forth in the preceding two items.

(Notification of loss, etc. of structures of landscape importance or trees of landscape importance)

#### **Article 19**

The owner of a structure of landscape importance or of a tree of landscape importance shall notify the Mayor without delay, if the structure of landscape importance or the tree of landscape importance is lost or damaged.

(Reporting on not filing a notification of loss, etc.)

#### **Article 20**

- (1) The Mayor may request the person who fails to file a notification or files a false notification under the preceding Article to report on the matters to be notified.
- (2) The Mayor may provide the person who reports on the preceding paragraph with necessary advice or guidance.
- (3) The Mayor may recommend the person who does not respond to the request for reporting under paragraph (1) to report.



(Request pertaining to open spaces, etc.)

#### **Article 21**

- (1) When the open space, building, structure and advertisement, etc. of the landscape planning area do not conform to the landscape plan pertaining to the area, or the Mayor finds that they extremely interfere with good landscapes, the Mayor may request the owner, occupant or manager to work for the use or management considering the formation of these good landscapes.
- (2) When the Mayor finds that environmental factors such as light, sound, smell, water quality and any other factors extremely interfere with landscapes, or that they are likely to interfere with them; the Mayor may request the causer to take necessary measures.
- (3) When requesting pursuant to the provisions of the preceding two paragraphs, the Mayor may hear the opinions of the Sado City Landscape Council as needed.

(Conclusion, etc. of a landscape agreement)

#### **Article 22**

- (1) Pursuant to the provisions of Article 81, paragraph (1) of the Act, the owners and leaseholders of the lands in the same paragraph may conclude an agreement concerning the necessary matters for landscape formation (hereinafter referred to as a "landscape agreement") each other.
- (2) The person seeking to obtain the approval of a landscape agreement shall apply to the Mayor pursuant to the provisions of Article 81, paragraph (4) of the Act.
- (3) As for the application set forth in the preceding paragraph, based on Article 83, paragraph (1) of the Act, the Mayor shall approve the application whose contents are found to contribute to landscape formation as a landscape agreement.
- (4) The person who concludes a landscape agreement shall promptly apply to the Mayor before seeking to do an alteration referred to in Article 84, paragraph (1) of the Act or a termination referred to in Article 88, paragraph (1) of the Act.
- (5) When an application for the alteration under the preceding paragraph is filed, the Mayor shall approve the application whose alteration is found to contribute to landscape formation.
- (6) When an application for the termination under paragraph (4) is filed, the Mayor may approve it.

(Certification of a landscape promotion activity organization)

#### **Article 23**

- (1) An organization which carries out voluntary activities that contribute to landscape formation within the landscape planning area may apply to the Mayor for the certification of a landscape promotion activity organization.
- (2) When the Mayor finds that the contents of the activity of the organization falls under all of the following items in the application under the preceding paragraph, the Mayor may certify it as a landscape promotion activity organization:
  - (i) to contribute to landscape formation;
  - (ii) to be possible to continue the activity for a certain period
  - (iii) not to be disadvantageous to citizens, etc.
- (3) For the certification of a landscape promotion activity organization pursuant to the provisions of the preceding paragraph, the Mayor shall hear the opinions of the Sado City Landscape Council in advance.
- (4) When the Mayor certifies a landscape promotion activity organization, the Mayor shall give public notice to that effect.

(Cancellation of certification of a landscape promotion activity organization)

#### **Article 24**

- (1) When the Mayor finds the landscape promotion activity organization fails to fall under any of the items of paragraph (2) of the preceding Article, the Mayor may cancel the certification.
- (2) When the Mayor cancels the certification under the preceding paragraph, the Mayor shall give public notice to that effect.

(Discontinuation of a landscape promotion activity organization)

#### **Article 25**

- (1) When discontinuing a landscape promotion activity organization, the notification to that effect shall be promptly filed with the Mayor.
- (2) When the notification under the preceding paragraph is filed, the Mayor shall give public notice to that effect.

(Designation of a landscape development organization)

#### **Article 26**

When the Mayor finds that the person that applies under Article 92, paragraph (1) of the Act (hereinafter referred to as an "applicant") is a juridical person that contributes to the promotion of landscape administration in the City and conforms to the criteria provided in Regulation, the Mayor may designate the applicant as a landscape development organization.

(Support)

#### **Article 27**

The Mayor may take necessary measures by providing subsidies to cover a part of the costs required for the action or by dispatching an expert to a person seeking to carry out an action which is found to contribute to landscape formation.

(Commendation)

#### **Article 28**

- (1) The Mayor may commend a person who is found to contribute to landscape formation.
- (2) Before seeking to hold a commendation under the preceding paragraph, the Mayor shall hear the opinions of the Sado City Landscape Council in advance.

(Installation of Council)

#### **Article 29**

- (1) Sado City Landscape Council (hereinafter referred to as the "Council") shall be established to investigate and deliberate matters relevant to landscape formation.
- (2) The Council may investigate and deliberate in response to a consultation by the Mayor, and may also state opinions to the Mayor regarding landscape formation.

(Operation, etc. of Council)

#### **Article 30**

Necessary matters concerning operation, etc. of the Council shall be provided separately by the Mayor.

(Delegation)

#### **Article 31**

Necessary matters concerning the enforcement of this Ordinance shall be provided separately by the Mayor.

### **Supplementary Provisions**

This Ordinance shall come into effect as of April 1, 2010.

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## **Regulation for Enforcement of Sado City Landscape Ordinance**

(Regulation No. 14, March 31, 2010)

(Outline)

### **Article 1**

This Regulation is to provide for necessary matters concerning the enforcement of the Landscape Act (Act No. 110 of 2004; hereinafter referred to as the "Act") and the Sado City Landscape Ordinance (Ordinance No. 80 of 2009, hereinafter referred to as the "Ordinance").

(Terms)

### **Article 2**

The terms used in this Regulation are the same as the terms used in the Ordinance.

(Structures except buildings)

### **Article 3**

The structures specified by Regulation provided for in Article 2, item (iii) of the Ordinance mean as follows:

- (i) a chimney, an exhaust pipe or those equivalents thereto;
- (ii) a reinforced concrete pole, an iron pole, a wooden pole or those equivalents thereto [excluding those falling under the support of item (vii)];
- (iii) an elevated water tank, a watchtower or those equivalents thereto;
- (iv) a decorative tower, a memorial tower or those equivalents thereto;
- (v) a large-scale amusement facility or those equivalents thereto;
- (vi) a retaining wall, a railing, a fence or those equivalents thereto;
- (vii) electric lines for electricity supply or lines for wire telecommunication (including their supports)
- (viii) a multi-story parking lot;
- (ix) an asphalt plant, a concrete plant or any other similar manufacturing facility;
- (x) a facility used for storage and processing of oil, gas, grain, feed or those equivalents thereto;
- (xi) a sanitation facility, a garbage incinerator, or any other similar treatment facility.

(Proposal by local residents, etc.)

### **Article 4**

- (1) The written proposal prescribed in Article 5 of the Ministerial Order on Landscape Administration Body and Landscape Plan (the Order of the Ministry of Agriculture, Forestry and Fisheries; the Ministry of Land, Infrastructure, Transport, and Tourism; and the Ministry of the Environment No. 1 of 2004; hereinafter referred to as the "Landscape Plan Ministerial Order") is to be based on a written proposal on a landscape plan (Form No. 1).
- (2) Beyond what is set forth in each item of Article 5 of the Landscape Plan Ministerial Order, the following documents are to be attached to the written proposal prescribed in the preceding paragraph:
  - (i) a drawing showing the area of land (hereinafter referred to as a "planning proposal area") subject to the draft of the landscape plan prescribed in Article 5, item (i) of the Landscape Plan Ministerial Order, with a scale of 1/2500 or larger;
  - (ii) the cadastral map, etc. within the planning proposal area;
  - (iii) the list of land owners, etc. within the planning proposal area;
  - (iv) the certificate of registered information of the land within the planning proposal area;
  - (v) beyond what is set forth in each of the preceding items, any documents which the Mayor finds necessary.
- (3) Beyond what is set forth in each item of Article 8, paragraph (2) and paragraph (3) of the Act, the draft of the landscape plan prescribed in Article 5, item (1) of the Landscape Plan Ministerial Order is to include the following contents:



- (i) the overview of the planning proposal area;
- (ii) actions subject to notification pertaining to planning proposal;
- (iii) beyond what is set forth in the preceding two items, any documents which the Mayor finds necessary.

(Measures to be taken for not formulating a landscape plan based on a planning proposal)

#### **Article 5**

The notice under Article 14, paragraph (1) of the Act is to be given by a written notice of non-adoption concerning the proposal for change in a landscape plan (Form No. 2).

(Notification of actions in landscape planning areas)

#### **Article 6**

- (1) The person who intends to file a notification pursuant to the provisions of Article 16, paragraph (1) or (2) of the Act must notify the Mayor with the documents set forth in each item of Article 1, paragraph (2) of the Regulation for Enforcement of the Landscape Act (the Order of the Ministry of Land, Infrastructure, Transport and Tourism No. 100 of 2004; hereinafter referred to as the "Ministerial Order") to the original and duplicate of a written notification of the action (change) in a landscape planning area (Form No. 3).
- (2) The person who filed a notification under the preceding paragraph must notify the Mayor in the form specified respectively in those items without delay when falling under any of the following items:
  - (i) when the person's name or the thing's name, or address is changed before the completion date of the action concerning the notification: a written notification of change in a name, etc. (Form No. 4);
  - (ii) when the action is canceled: a written notification for canceling action in a landscape planning area (Form No. 5).
- (3) If there is a notification under paragraph (1) and the Mayor finds that the action concerning the notification conforms to the restrictions on the action provided in the landscape plan, the Mayor is to notify the person who filed the notification to the effect by the duplicate of a written notification of action (change) in landscape planning area.

(Notification of actions in special areas and actions not requiring notification)

#### **Article 7**

- (1) In the Historic Landscape Area at Shukunegi, Sado City (meaning the district provided in Article 2 of the Sado City Shukunegi District Historic Landscape Ordinance (Sado City Ordinance No. 184 of 2004); hereinafter referred to as the "Shukunegi Special Area"); the Rural Landscape Area from Placer Gold Mining at Nishimikawa, Sado (meaning the area specified in the cultural landscape preservation plan; hereinafter referred to as the "Nishimikawa Special Area"); and Sado Gold and Silver Mine Landscape Conservation Area (meaning the buffer zone of the "the Sado Complex of Heritage Mines, Primarily Gold Mines" listed in the World Heritage Tentative List; hereinafter referred to as the "Sado Gold and Silver Mine Special Area"); which are designated as special areas; the actions specified by Regulation provided for in Article 9, paragraph (2) of the Ordinance are the actions set forth in Article 16, paragraph (1), items (i) through (iii) of the Act and each item of Article 9, paragraph (1) of the Ordinance.
- (2) In the Cultural Landscape Area of the Mines and Mining Towns at Aikawa, Sado (meaning the area specified in the cultural landscape preservation plan; hereinafter referred to as the "Aikawa Special Area"), which is designated as a special area, the actions specified by Regulation provided for in Article 9, paragraph (2) of the Ordinance are the installation or renewal of vending machines in places facing national roads, prefectural roads and city roads in addition to the actions set forth in Article 16, paragraph (1), items (i) through (iii) of the Act and Article 9, paragraph (1), items (i) through (iv) of the Ordinance.
- (3) In the Shukunegi Special Area, the actions specified by Regulation provided in the proviso to Article 10, paragraph (1) of the Ordinance are the actions set forth in each item of paragraph (1)

of the same Article.

- (4) In the Aikawa Special Area, the actions specified by Regulation provided in the proviso to Article 10, paragraph (1) of the Ordinance are the following actions:
- (i) the new construction, extension, reconstruction or relocation of a building (hereinafter referred to as "building, etc."), and the repair or remodeling that alters the appearance or a color of a building, (hereinafter referred to as "repair, etc.") with a total area of less than 10 square meters;
  - (ii) the new construction, extension, reconstruction or relocation (hereinafter referred to as "construction, etc."), and the repair, etc. that alters the appearance of a chimney, a pillar (excluding an electric pole), an elevated water tank, a watchtower, a decorative tower, a memorial tower, a large-scale amusement facility, or other similar structure with a height of less than 5 meters and a construction area of less than 10 square meters;
  - (iii) the construction, etc. and the repair, etc. that alters the appearance of a retaining wall, a railing, a fence or other similar structure, with a height of less than 1.5 meters and a length of less than 10 meters, and with a construction area of less than 10 square meters;
  - (iv) the construction, etc. and the repair, etc. that alters the appearance of a structure used for electricity supply, telecommunications, etc. with a height of less than 10 meters and a construction area of less than 10 square meters;
  - (v) the construction, etc. and the repair, etc. that alters the appearance of a facility used for storage and processing of oil, gas, grain, feed, etc., a multi-story parking lot, a manufacturing facility such as a plant, a sanitation facility, a garbage incinerator, or other similar structure with a height of less than 5 meters and a construction area of less than 10 square meters;
  - (vi) the accumulation of soil and stones, wastes, recyclable resources, and other objects outdoors with a height of less than 1.5 meters and a land area relating to the accumulation of less than 100 square meters, and an accumulation period of less than 60 days;
  - (vii) the modification of the shape or character of land, such as cultivation of land, collection of soil and stones, excavation of minerals and others which is less than 500 square meters in area, or where the slopes or the retaining walls that arise as a result of the modification of the shape or character of land are less than three meters in height and less than 20 meters in length;
  - (viii) the logging of trees, bamboos, etc. in forests easily seen by the public from roads (excluding private roads) and other public places, which is less than 300 square meters;
  - (ix) the installation or renewal of vending machines in places that do not face national roads, prefectural roads and city roads;
  - (x) an action underground and underwater;
  - (xi) the building, etc. and repair, etc. of a building or the construction, etc. and repair, etc. of a structure, which is not easily seen from roads (excluding private roads) and other public places;
  - (xii) the building, etc. of a building or the construction, etc. of a structure, which is necessary for temporal construction works, a meeting, an event, etc. with an installation period of less than 60 days;
  - (xiii) an action for agriculture, forestry or fishery;
  - (xiv) an action set forth in Article 16, paragraph (1), item (iii) of the Act, which is less than 1,000 square meters;
  - (xv) an action taken for an Important Cultural Property and a National Treasure in Article 27 of the Law for Protection of Cultural Properties (Law No. 214 of 1950) after the permission under Article 43 of the same Law; an action taken for a Historic Site, a Place of Scenic Beauty or a Natural Monument, and a Special Historic Site, a Special Place of Scenic Beauty or a Special Natural Monument in Article 109 of the same Law after the permission under Article 125 of the same Law; and an action taken for an Important Preservation District for a Group

of Traditional Buildings in Article 144 of the same Law after the permission under Article 22 of the Sado City Shukunegi District Historic Landscape Ordinance (Sado City Ordinance No. 184 of 2004);

(xvi) an action taken for a Tangible Cultural Property designated by Niigata Prefecture in Article 5 of the Niigata Prefecture Cultural Properties Protection Ordinance (Niigata Prefectural Ordinance No. 33 of 1973) after the permission under Article 13 of the same Ordinance; and an action taken for a Natural Monument of Historic Site and Place of Scenic Beauty in Article 31 of the same Ordinance after the permission under Article 35 of the same Ordinance;

(xvii) in addition to what is set forth in the preceding items, any action which the Mayor recognises that there is no risk of hindering the formation of good landscapes after hearing the opinions of the Sado City Landscape Council.

(5) In the Nishimikawa Special Area, and the Sado Gold and Silver Mine Special Area; the actions specified by Regulation provided in the proviso to Article 10, paragraph (1) of the Ordinance are the construction, etc. of a facility used for storage and processing of oil, gas, grain, feed, etc., a multi-story parking lot, a manufacturing facility such as a plant, a sanitation facility, a garbage incinerator, or other similar structure; with a height of less than 12 meters; and the repairs, etc. that alters the appearance; where the part involved in the action is less than a quarter of the appearance; in addition to the actions set forth in the same Article, paragraph (1), items (i) through (viii) and (xi) through (xxi).

(Partial amendment: Regulation No. 18 of 2015 and Regulation No. 35 of 2016)

(Notice pertaining to actions of national government organs, etc.)

#### **Article 8**

The notice under Article 16, paragraph (5) of the Act is to be notified to the Mayor with the documents set forth in each item of Article 1, paragraph (2) of the Ministerial Order to a written notice of action (change) in landscape planning area (Form No. 6).

(Notification accompanying completion of actions)

#### **Article 9**

The notification under Article 13 of the Ordinance must be notified to the Mayor with the photographs showing the situation after completion to a written notification of action completion in a landscape planning area (Form No. 7).

(Recommendation or order)

#### **Article 10**

Recommendations or orders prescribed in Article 16, paragraph (3) of the Act, or Article 17, paragraph (1) or (5) of the Act is to be based on the following forms:

- (i) a note of recommendation to the action in a landscape planning area (Form No. 8);
- (ii) a written order for change, etc. in the action in a landscape planning area (Form No. 9);
- (iii) a written order for restoration, etc. (Form No. 10).

(Notice accompanying order, etc. to change)

#### **Article 11**

The notice under Article 17, paragraph (4) of the Act is to be given by a written notice of the period extension (Form No. 11).

(Report accompanying order, etc. to change)

#### **Article 12**

The report prescribed in Article 17, paragraph (7) of the Act is by a written report on the progress (Form No. 12).

(Identification card)

#### **Article 13**

The certificate prescribed in Article 17, paragraph (8) of the Act and Article 23, paragraph (3) of the

Act is to be based on an identification card (Form No. 13).

(Shortening of limitation period for beginning an action)

#### **Article 14**

When shortening the period, pursuant to the provisions of Article 18 paragraph (2) of the Act, prescribed in the main clause of paragraph (1) of the same Article, the Mayor is to notify the person who filed a notification under Article 16, paragraph (1) or (2) of the Act by a written notice of shortening the limitation period for beginning an action (Form No. 14).

(Public announcement)

#### **Article 15**

(1) The public announcement under Article 15, paragraph (2) of the Ordinance is to be made by means of a public notice and publication in public relations, etc.

(2) The notice under Article 15, paragraph (3) of the Ordinance is to be given by a written notice of announcing name, etc. (Form No. 15).

(Proposal for the designation of structures of landscape importance or trees of landscape importance)

#### **Article 16**

(1) The written proposal prescribed in Article 7, paragraph (1) of the Ministerial Order (including as applied mutatis mutandis pursuant to paragraph (2) of the same Article) and Article 12, paragraph (1) of the Ministerial Order (including as applied mutatis mutandis pursuant to paragraph (2) of the same Article) is to be based on a written proposal for the designation of a structure of landscape importance, etc. (Form No. 16).

(2) As for a structure of landscape importance, the following documents are to be attached to the written proposal referred to in the preceding paragraph:

- (i) the cadastral map, etc. of the land which forms a good landscape together with the proposed structure;
- (ii) the list of owners, etc. of the proposed structure;
- (iii) the certificate of registered information on the building and land of the proposed structure;
- (iv) if the proposer is not the owner, what proves that the owner's consent is obtained;
- (v) beyond what is set forth in the preceding items, any documents which the Mayor finds necessary.

(3) As for a tree of landscape importance, the following documents are to be attached to the written proposal referred to in paragraph (1):

- (i) the cadastral map, etc. of the land where the proposed tree exists;
- (ii) the list of owners, etc. of land where the proposed tree exists;
- (iii) the certificate of registered information of the land where the proposed tree exists;
- (iv) if the proposer is not the owner, what proves that the owner's consent is obtained;
- (v) beyond what is set forth in the preceding items, any documents which the Mayor finds necessary.

(Notice of the designation of structures of landscape importance or trees of landscape importance)

#### **Article 17**

The notice under Article 21, paragraph (1) of the Act and Article 30, paragraph (1) of the Act is to be given by a written notice of the designation of a structure of landscape importance, etc. (Form No. 17).

(Notice when not designated as structures of landscape importance or trees of landscape importance)

#### **Article 18**

The notice under Article 20, paragraph (3) of the Act and Article 29, paragraph (3) of the Act is to be given by a written notice of the non-designation of a structure of landscape importance, etc. (Form No. 18).

(Signs indicating structures of landscape importance or trees of landscape importance)

#### **Article 19**

(1) The sign referred to in Article 21, paragraph (2) of the Act is to be based on the appended



sample 1.

- (2) The sign referred to in Article 30, paragraph (2) of the Act is to be based on the appended sample 2.
- (3) The Mayor is to install the signs referred to in the preceding two paragraphs on roads and other public places where they can be easily confirmed by the public.

(Application for the alteration of a current state of structures of landscape importance or trees of landscape importance)

#### **Article 20**

- (1) The person who intends to apply for permission referred to in Article 22, paragraph (1) of the Act and Article 31, paragraph (1) of the Act (hereinafter referred to as an "applicant" in this Article) must submit the original and duplicate of a written application for the permission for the alteration of a current state of a structure of landscape importance, etc. (Form No. 19) to the Mayor with the documents set forth in each item of Article 9, paragraph (2) of the Ministerial Order or in each item of Article 14, paragraph (2) of the Ministerial Order respectively.
- (2) If the written application is submitted pursuant to the provisions of the preceding paragraph and the Mayor permits it, the Mayor is to issue a permit for the alteration of a current state of a structure of landscape importance, etc. (Form No. 20) with the duplicate referred to in the preceding paragraph.
- (3) When not permitting the alteration of a current state pursuant to the provisions of Article 22, paragraph (2) of the Act (including as applied mutatis mutandis pursuant to Article 31, paragraph (2) of the Act), the Mayor is to notify the applicant of the effect and the reason by a written notice of the non-permission for the alteration of a current state of a structure of landscape importance, etc. (Form No. 21).

(Consultation by national government organs, etc. to alter the current state of a structure of landscape importance or a tree of landscape importance)

#### **Article 21**

- (1) The consultation under Article 22, paragraph (4) of the Act (including as applied mutatis mutandis pursuant to Article 31, paragraph (2) of the Act) is to be held by a written consultation on the alteration of a current state of a public structure of landscape importance, etc. (Form No. 22).
- (2) As for a structure of landscape importance, the documents set forth in each item of Article 9, paragraph (2) of the Ministerial Order is to be attached to the written consultation referred to in the preceding paragraph.
- (3) As for a tree of landscape importance, the documents set forth in each item of Article 14, paragraph (2) of the Ministerial Order is to be attached to the written consultation referred to in paragraph (1).

(Cancellation of the designation of structures of landscape importance or trees of landscape importance)

#### **Article 22**

The notice under Article 21, paragraph (1) of the Act, as applied mutatis mutandis pursuant to Article 27, paragraph (3) of the Act and under Article 30, paragraph (1) of the Act, as applied mutatis mutandis pursuant to Article 35, paragraph (3) of the Act is to be given by a written notice of the cancellation of the designation of a structure of landscape importance, etc. (Form No. 23).

(Notification in case of ownership change)

#### **Article 23**

The notification under Article 43 of the Act must be submitted by attaching the following documents to a written notification of ownership change in a structure of landscape importance, etc. (Form No. 24):

- (i) the certificate of registered information of the land concerning ownership change;
- (ii) the certificate of registered information of the building concerning ownership change (limited to the case of a structure of landscape importance);

- (iii) the cadastral map, etc. (limited to the cases involving parcel subdivision or parcel consolidation)
- (iv) beyond what is set forth in the preceding three items, any documents which the Mayor finds necessary.

(Register)

#### **Article 24**

The register prescribed in Article 44 of the Act is to be based on a register of structures of landscape importance (Form No. 25) for structures of landscape importance and on a register of structures of trees of Landscape Importance (Form No. 26) for a register of trees of landscape importance.

(Application for approval for a landscape agreement)

#### **Article 25**

- (1) The person who intends to apply for the approval under Article 81, paragraph (4) of the Act must submit a written application for the approval (alteration) for a landscape agreement (Form No. 27) by attaching the following documents:
  - (i) a copy of a written landscape agreement;
  - (ii) documents showing the area of the land which is the object of the landscape agreement;
  - (iii) documents showing the area of the land in the vicinity of the area under the landscape agreement (limited to the case where the vicinity of the area under the landscape agreement is specified);
  - (iv) beyond what is set forth in the preceding three items, any documents which the Mayor finds necessary.
- (2) The person who intends to obtain the approval for the alteration under Article 84, paragraph (1) of the Act must submit a written application for the approval (alteration) for a landscape agreement by attaching the following documents:
  - (i) a copy of a landscape agreement after the alteration
  - (ii) documents stating the reason for altering the landscape agreement;
  - (iii) documents showing the area of the land which is the object of the landscape agreement (limited to the case altering the area of the landscape agreement);
  - (iv) documents showing the area of the land in the vicinity of the area under the landscape agreement (limited to the case altering the vicinity of the area under the landscape agreement);
  - (v) beyond what is set forth in the preceding items, any documents which the Mayor finds necessary.
- (3) The Mayor is to notify the person who applies for the approval by a written notice of the approval for a landscape agreement (Form No. 28) when approving pursuant to the provisions of Article 83, paragraph (1) of the Act, and by a written notice of the disapproval for a landscape agreement (Form No. 29) when not approving respectively.
- (4) The person who intends to obtain the approval for the termination under Article 88, paragraph (1) of the Act must submit a written application for termination of the approval for a landscape agreement (Form No. 30).

(Application for certification of a landscape promotion activity organization)

#### **Article 26**

- (1) The person who intends to apply for certification pursuant to the provisions of Article 23, paragraph (1) of the Ordinance (hereinafter referred to as an "applicant" in this Article) must submit a written application for certification of a landscape promotion activity organization (Form No. 31) to the Mayor with the following documents:
  - (i) the constitution of a landscape promotion activity organization (hereinafter referred to as a "constitution");
  - (ii) documents stating the name and address of the representative and officers of a landscape promotion activity organization (hereinafter referred to as a "list of officers")

- (2) The Mayor is to notify the applicant by a written notice of the certification of a landscape promotion activity organization (Form No. 32) when approving pursuant to the provisions of Article 23, paragraph (2) of the Ordinance and by a written notice of the non-certification of a landscape promotion activity organization (Form No. 33) when not approving respectively.
- (3) When there is a change in the matters related to the application for certification under paragraph (1), a landscape promotion activity organization must notify the Mayor to the effect without delay by a written notification of change in the landscape promotion activity organization's name, etc. (Form No. 34) and the following documents:
  - (i) a constitution;
  - (ii) a list of officers.

(Notice of rescission of certification of a landscape promotion activity organization)

#### **Article 27**

When rescinding the certification pursuant to the provisions of Article 24, paragraph (1) of the Ordinance, the Mayor is to notify by a written notice of rescission of the certification of a landscape promotion activity organization (Form No. 35).

(Notification of discontinuation of a landscape promotion activity organization)

#### **Article 28**

The person who intends to file a notification pursuant to the provisions of Article 25, paragraph (1) of the Ordinance must submit a written notification of discontinuation of the certification of a landscape promotion activity organization (Form No. 36) to the Mayor.

(Application for the designation of a landscape development organization)

#### **Article 29**

- (1) The person who intends to apply pursuant to the provisions of Article 92, paragraph (1) of the Act (hereinafter referred to as an "applicant") must submit a written application for the designation of a landscape development organization (Form No. 37) with the following documents to the Mayor:
  - (i) articles of incorporation;
  - (ii) a certificate of registered information;
  - (iii) documents describing the organization and history of the corporation;
  - (iv) a business plan;
  - (v) a financial plan;
  - (vi) beyond what is set forth in the preceding items, any documents which the Mayor finds necessary.
- (2) The number of submitted copies of the drawings and specifications in the preceding paragraph is one for each of the original and duplicate.
- (3) The Mayor is to notify the applicant by a written notice of the designation of a landscape development organization (Form No. 38) when designating pursuant to the provisions of Article 26 of the Ordinance and by a written notice of the non-designation of a landscape development organization (Form No. 39) when not designating respectively.

(Criteria for the designation of a landscape development organization)

#### **Article 30**

The designation under Article 26 of the Ordinance is to be made by the following criteria:

- (i) the applicant under Article 92, paragraph (1) of the Act is a corporation that contributes to the promotion of landscape administration in the city;
- (ii) in performing the duties set forth in Article 93, item (i) or (vi) of the Act, it is recognized that the arrangement of necessary personnel, the collection and organization of data, and other necessary measures to properly perform the relevant duties are taken;
- (iii) in performing the duties set forth in Article 93, item (ii) of the Act, it is recognized that the applicant has the ability to manage structures or trees necessary to properly perform the relevant duties;

- (iv) in performing the duties set forth in Article 93, item (iii) or (iv) of the Act, it is recognized the applicant has financial resources, the ability to maintain and manage public facilities, and other abilities necessary to properly perform the relevant duties;
- (v) in performing the duties set forth in Article 93, item (v) of the Act, it is recognized the applicant conducts agricultural work or has the ability to manage the agricultural land and other abilities necessary to properly perform the relevant duties.

(Notification of change of a landscape development organization)

#### **Article 31**

- (1) When filing a notification pursuant to the provisions of Article 92, paragraph (3) of the Act, a written notification of change in a name, etc. (Form No. 40) must be submitted to the Mayor.
- (2) When seeking to change the contents of the duties, a written notification of duty change (Form No. 41) must be submitted to the Mayor. In this case, as for the number of copies of the documents attached to the written notification, the provisions of Article 29 shall apply mutatis mutandis.
- (3) When the application form of the preceding paragraph is submitted, the Mayor is promptly to examine it, and when approving the details of changes, the Mayor is to notify through the written notice provided in Article 29.

(Report on duties of a landscape development organization)

#### **Article 32**

A landscape development organization must promptly, after the end of each fiscal year, submit the written report, and income and expenditure statement regarding the duties of the relevant year, and the budget statement for the duties of the next fiscal year to the Mayor.

(Public notice pertaining to a landscape development organization)

#### **Article 33**

A public notice under Article 92, paragraph (2) or (4) of the Act, or under Article 95, paragraph (4) of the Act shall be made regarding the name, address and office location of the landscape development organization, as well as the contents of the duties.

(President and vice president of Council)

#### **Article 34**

- (1) The Sado City Landscape Council (hereinafter referred to as the "Council") has one president and one vice president who are elected from among its members.
- (2) The president represents the Council and presides over its affairs.
- (3) The vice president assists the president, and substitutes for the president if the president is unable to perform the duties or there is a position vacancy for the president.

(Council organization)

#### **Article 35**

The Council is organized by within 15 members commissioned by the mayor from among the following persons:

- (i) citizens;
- (ii) representatives of the citizens' groups;
- (iii) experts;
- (iv) members of the relevant organizations;
- (v) employees of the relevant administrative organs.

(The term of office of a Council member)

#### **Article 36**

The term of office of a Council member is two years and they may be reappointed; provided, however, that the term of office of a Council member chosen to fill a vacancy is the remaining term of office of the predecessor.



(Council meeting)

**Article 37**

- (1) A Council meeting (hereinafter referred to as a “meeting”) is called by the president, who becomes its chairperson.
- (2) The meeting may not be held without the attendance of a majority of the Council members.
- (3) Decisions of the meeting are effected by a majority of the Council members present, and by the chairperson in case of a tie.

(Hearing of opinions, etc.)

**Article 38**

When the president finds it necessary, the president may request the attendance of persons other than the Council members and hear their opinions or explanations.

(Opening of meeting to the public)

**Article 39**

- (1) The Council meeting is open to the public; provided, however, that it may be made closed to the public after the resolution of the Council.
- (2) When the president finds it necessary, the president may limit the number of the audience.

(Other)

**Article 40**

Beyond what is provided for in this Regulation, necessary matters are specified separately by the Mayor.

(Regulation No. 10 of 2017: former Article 41 advanced)

**Supplementary Provisions**

This Regulation comes into effect as of April 1, 2010.

**Supplementary Provisions** (Regulation No. 18 of April 1, 2015)

This Regulation comes into effect as of April 1, 2015.

**Supplementary Provisions** (Regulation No. 35 of July 22, 2016)

This Regulation comes into effect as of August 1, 2016.

**Supplementary Provisions** (Regulation No. 10 of March 31, 2017)

This Regulation comes into effect as of April 1, 2017.

## **c. Sado City Outdoor Advertisement Ordinance and Regulation for Enforcement of Sado City Outdoor Advertisement Ordinance**

### **Sado City Outdoor Advertisement Ordinance**

(Purpose)

#### **Article 1**

The purpose of this Ordinance is to enforce the necessary regulations on outdoor advertisements (hereinafter referred to as "advertisements") pursuant to the provision of the Outdoor Advertisement Act (Act No. 189 of 1949; hereinafter referred to as "Act"); accordingly, to form good landscapes, to maintain scenic beauties and to prevent harm to the public.

(The state of advertisements)

#### **Article 2**

The advertisements or the objects on which the advertisements are posted (hereinafter referred to as "posted objects") shall not be likely to damage the good landscapes or scenic beauties, or to cause harm to the public.

(Prohibited areas)

#### **Article 6**

In the following areas and places (hereinafter referred to as "prohibited areas, etc."), the displays or placements of advertisements, etc. are not permitted:

(6) the districts which the Mayor designates in the areas specified in the Sado City Landscape Plan (hereinafter referred to as "Landscape Plan") formulated pursuant to the provisions of Article 8, paragraph (1) of the Landscape Act.

(The advertisements, etc. that may be displayed or placed in prohibited objects, prohibited areas and permitted areas)

#### **Article 8**

The following advertisements, etc. may be displayed or placed in prohibited objects, and may be displayed or placed in prohibited areas, etc. and permitted areas, etc. notwithstanding the provision of the preceding three Articles:

- (1) the advertisements, etc. to be displayed or placed pursuant to the provisions of laws and regulations;
- (2) posters, boards, etc. or the objects to post these, which are used for election campaign under the Public Offices Election Act (Act No. 100 of 1950); or,
- (3) the advertisements that indicate the names of the donors, etc. on the facilities or objects which are designated by the Mayor and are necessary for the public interest and that conform to the standards provided by the Rule.

(The advertisements which may be displayed or placed in prohibited areas and permitted areas)

#### **Article 9**

The following advertisements, etc. may be displayed or placed in prohibited areas, etc. and permitted areas, etc. notwithstanding the provisions of Article 6 and 7:

- (1) the advertisements, etc. to be displayed or placed at one's own address, or place of business, business office or workshop in order to display one's own name, title, store name or trademark, or the content of one's own business or operation (hereinafter referred to as "advertisements, etc. for private use"), which conform to the standards provided by the Rule;
- (2) in addition to what are listed in the previous item, the advertisements, etc. to be displayed or placed on one's own managing lands or objects based on administrative need, which conform to the standards provided by the Rule;
- (3) the advertisements to be displayed on the board fences at construction sites and the other similar board fences, which conform to the standards provided by the Rule;

- (4) the advertisements, etc. to be temporarily displayed or placed for ceremonial occasions or festivals, etc.;
- (5) the advertisements, etc. to be displayed or placed on the premises of the venues for lectures, exhibitions, concerts, etc.;
- (6) the advertisements to be displayed on people, animals, vehicles, ships, etc.;
- (7) the advertisements to be displayed on public bulletin boards placed by local governments; or,
- (8) the advertisements etc. to be displayed or placed by the national government or local governments for public purposes (excluding what are listed in the preceding items; hereinafter referred as to "nation-related advertisements, etc."), which conform to the standards provided by the Rule.

(The advertisements that may be displayed or placed in prohibited areas, etc. with permission)

#### **Article 11**

The following advertisements, etc. may be displayed or placed in prohibited areas, etc. when the Mayor's permission is obtained pursuant to the Rule, notwithstanding the provision of Article 6:

- (1) the advertisements, etc. which are displayed or placed for signposts, guide map boards and other public purposes, or the advertisements, etc. which are intended to be used for the convenience of the public; or,
- (2) the advertisements, etc. to be displayed or placed at the corners, intersections, etc. of the general national highways and the prefectural roads in order to lead to the one's own residence, or business office, place of business or workshops, when the site of one's own residence, or business office, place of business or workshop not bordering general national highways and prefectural roads (excluding what are designated by the Mayor; the same shall apply hereinafter).

(Consultations pertaining to nation-related advertisements)

#### **Article 13**

The nation-related advertisements, etc. (excluding what conform to the standards provided by the Rule of Article 9, item (viii); the same shall apply in the next paragraph and paragraph (3) of the next Article) may be displayed or placed in prohibited areas, etc., notwithstanding the provisions of Article 6, when national government or local governments consult with the Mayor pursuant to the Rule and obtain his/her consent.

(Standards for permission)

#### **Article 14**

The standards for permission to display or place advertisement, etc. under this ordinance shall be provided by the Rule.

- 2 The Mayor may grant permission following discussion by Sado City Landscape Council (hereinafter referred to as the "Council") provided in Article 29 of Sado City Landscape Ordinance (Sado City Ordinance No.80 of 2009), when he/she finds it to be particularly unavoidable even if the displays or placements of the advertisements, etc. do not conform to the standards set forth in the preceding paragraph.
- 3 The Mayor shall provide separately the standards for the consent to the displays or placements of nation-related advertisements, etc. under paragraph (1) of the preceding Article, in accordance with the standards of paragraph (1).

## Regulation for Enforcement of Sado City Outdoor Advertisement Ordinance

### Appended table No. 1 (Related to the Ordinance Article 4)

The standards provided by the Rule of Article 8, item (iii) of the Ordinance (the standards for the necessary facilities, etc. for the public interest)

Category	Standards
The number of displays	One advertisement for each facility or each object
The Area of a display	(1) Within 0.5 square meters (2) Within 1/20 of the area of the contour inside of the facility or the object that is deemed as one plane when seen from the direction of display
Others	(1) Fluorescent paints and reflective paints must not be used. (2) Landscapes including colors must be orderly taken into consideration.

### Appended table No. 2 (Related to the Ordinance Article 5)

The standards provided by the Rule of Article 9, item (i) of the Ordinance (the standards for the advertisements, etc. for private use [excluding banners])

Category	The standards in prohibited areas, etc.	The standards in permitted areas, etc.
The number of displays or placements	Three or less for each business office or the like	Five or less for each business office or the like
The area of a display	Within 10 square meters in total; provided, however, that within five square meters per unit	Within 10 square meters in total
The width of protrusion to the road	Within one meter	Within one meter
The height of advertisements, etc. and the height to the top of advertisements, etc.	"Outdoor billboards", "outdoor advertising towers" and "protruding advertisements" The height must be 5 meters or less from the ground.	(1) "Outdoor billboards" and "outdoor advertising towers" (a) The case of "historic urban district" specified in the Sado City Landscape Plan (hereinafter referred as to "Landscape Plan") formulated pursuant to the provisions of Article 8, paragraph (1) of the Landscape Act (Act No. 110 of 2004): The height must be 10 meters or less from the ground. (b) Other cases: The height must be 15 meters or less from the ground. (2) "Rooftop advertisements" (a) In the case of "historic urban district" specified in the Landscape Plan: The height to the top of advertisements, etc. must be 12 meters or less from the ground and the height of advertisements must be 2/3 or less of the height from the ground to the places where the advertisements are placed. (b) Other cases: The height to the top of advertisements, etc. must be 35 meters or less from the ground, and the height of advertisements, etc. must be 10 meters or less and 2/3 or less of the height from the ground to the places where the advertisements, etc. are placed. (3) "Protruding advertisements" (a) In the case of "historical urban district" specified in the Landscape Plan: The height must be 12 meters or less from the ground. (b) Other cases: The height must be 24 meters or less from the ground.



The height to the bottom of advertisements, etc.	On the sidewalks: The height must be 2.5 meters or more from the ground. On the roadway and on the road with no distinction between the sidewalk and the roadway: The height must be 4.5 meters or more from the ground.	On the sidewalks: The height must be 2.5 meters or more from the ground. On roadways and on roads with no distinction between the sidewalk and the roadway: The height must be 4.5 meters or more from the ground.
Form and design	Form and design must be in harmony with the surrounding landscape.	
Colors	Saturation must be based on four or less, and the use of the other colors must be less than 10% of the advertising area.	
Others	(1) Displays or placements must be in the places except the rooftop. (2) Fluorescent paints and reflective paints must not be used. (3) The light source must be white and its likes and trending one or blinking one must not be used.	(1) Fluorescent paints and reflective paints must not be used. (2) Landscapes including colors must be orderly taken into consideration.

Note: "Business office, etc." means an address, or a place of business, a business office or a workshop.

**Appended table No. 3** (Related to the Ordinance Article 5)

The standards provided by the Rule of Article 9, item (i) of the Ordinance (the standards for the advertisements, etc. for private use [limited to banners])

Category	Standards
The number of displays or placements	10 or less for each address, or each place of business, each business office or each workshop
Size (except poles)	Two meters or less by one meter or less per unit
The area of a display	Within one square meter per unit
Others	(1) The advertisements, etc. must not protrude over the road. (2) The advertisements, etc. to be displayed or placed at one's own place of business, business office or workshop must be displayed or placed only during business hours. (3) Fluorescent paints and reflective paints must not be used. (4) Landscapes including colors must be orderly taken into consideration.

**Appended table No. 4** (Related to the Ordinance Article 5)

The standards provided by the Rule of Article 9, item (ii) of the Ordinance (the standards for the advertisements, etc. for administrative use)

Category	Standards
The number of displays or placements	Two or less for each owner-managed land or building
The area of a display	Within 10 square meters in total; provided, however, that within five square meters per unit in prohibited areas, etc.
Others	(1) Fluorescent paints and reflective paints must not be used. (2) Landscapes including colors must be orderly taken into consideration. (3) In prohibited areas, etc., color saturation must be based on four or less, and the use of the other colors must be less than 10% of the advertising area.

**Appended table No. 5** (Related to the Ordinance Article 5)

The standards provided by the Rule of Article 9, item (iii) of the Ordinance (the standards for the advertisements, etc. displayed on the board fences, etc. at construction sites)

Category	Standards
The display term	The advertisements must be displayed only during the construction term.
Others	(1) The advertisements must not be used for general promotion. (2) Fluorescent paints and reflective paints must not be used. (3) Landscapes including colors must be orderly taken into consideration.

**Appended table No. 6** (Related to the Ordinance Article 5)

The standards provided by the Rule of Article 9, item (viii) of the Ordinance (the standards for nation-related advertisements, etc.)

Category	Standards
The case of displays or placements in the government buildings and their sites of the national government or local governments	(1) Fluorescent paints and reflective paints must not be used. (2) Landscapes including colors must be orderly taken into consideration.
The case of displays or placements in the places except the buildings and their sites of the national government or local governments	(1) The area of a display must be within four square meters. (2) Fluorescent paints and reflective paints must not be used. (3) Landscapes including colors must be orderly taken into consideration.

**Appended table No. 9** (Related to the Ordinance Article 10)

The standards for permission under Article 14, paragraph (1) of the Ordinance (the standards for permission to display or place advertisements, etc. in prohibited areas, etc.)

Category	Standards
The advertisements, etc. listed in Article 11, item (i) of the Ordinance	(1) The area of a display must be within two square meters. (2) The advertisements must be harmonized with the surrounding landscape. (3) Fluorescent paints and reflective paints must not be used. (4) Color saturation is based on four or less, and the use of the other colors should be less than 10% of the advertisement area.
The advertisements, etc. listed in Article 11, item (ii) of the Ordinance	The outdoor billboards and outdoor advertising towers must conform to the following standards. (1) The number of displays or placements must be two or less for each address or each place of business, each business office or each workshop. (2) The area of a display must be within two square meters a side per unit and within four square meters in total; provided, however, that the advertisements, etc. which the plural business operators cooperate in displaying or placing, must meet all the following requirements: (a) within two square meters a side per one business operator and within four square meters in total; or, (b) within five square meters a side and within 10 square meters in total. (3) The height of advertisements, etc. must be three meters or less; provided, however, that it must be three meters or less based on the height of the road, when the height of the land which advertisements are fixed on is lower than the height of the road which the advertisements face. (4) Display or placement must be recognised to be necessary especially on business. (5) The design and placement location of the advertisements, etc. must be in harmony with the surrounding landscape. (6) The display is limited to the necessary words or charts for guidance, etc. (7) The traffic outlook, and the visibility of road signs and other advertisements, etc. must not be interfered. (8) The outdoor billboards and outdoor advertising towers must not protrude over the road. (9) Fluorescent paints and reflective paints must not be used. (10) Color saturation is based on four or less, and the use of the other colors should be less than 10% of the advertisement area. (11) The light source must be white and its likes and the trending or blinking thing must not be used.