

# Law for the Protection of Cultural Property

(Law No. 214, May 30, 1950)

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CHAPTER I General Rules (Articles 1 to 4)

CHAPTER II –deleted–

CHAPTER III Tangible Cultural Property

Section 1. Important Cultural Property

Subsection 1. Designation (Articles 27 to 29)

Subsection 2. Custody (Articles 30 to 34)

Subsection 3. Protection (Articles 34 *bis* to 47)

Subsection 4. Public Display (Articles 47 *bis* to 53)

Subsection 5. Investigation (Articles 54 to 55)

Subsection 6. Miscellaneous Provisions (Article 56)

Section 2. Registered Tangible Cultural Property (Articles 57 to 69)

Section 3. Tangible Cultural Property Other Than Important Cultural Property  
and Registered Tangible Cultural Property (Article 70)

CHAPTER IV Intangible Cultural Property (Articles 71 to 77)

CHAPTER V Folk Cultural Property (Articles 78 to 91)

CHAPTER VI Treasure Trove (Articles 92 to 108)

CHAPTER VII Historic Sites, Places of Scenic Beauty and Natural Monuments  
(Articles 109 to 133)

CHAPTER VIII Important Cultural Landscape (Articles 134 to 141)

CHAPTER IX Preserved District for a Group of Traditional Buildings  
(Articles 142 to 146)

CHAPTER X Protection of Conservation Techniques for Cultural Property  
(Articles 147 to 152)

CHAPTER XI Consultation with the Council for Cultural Affairs (Article 153)

CHAPTER XII Supplementary Rules

Section 1. Public Hearings and Statements of Disagreement (Articles 154 to 161)

Section 2. Special Provisions regarding the State (Articles 162 to 181)

Section 3. A Local Government and Its Board of Education (Articles 182 to 192)

## CHAPTER XIII Penal Rules (Articles 193 to 203)

### CHAPTER I GENERAL RULES

#### **Article 1: Purpose of the Present Law**

The purpose of the present law is to preserve and utilize cultural property objects so that the cultural quality of the nation can be enhanced, thereby contributing to the evolution of world culture.

#### **Article 2: Definition of Cultural Property**

“An object of cultural property” in the present law shall be as follows:

- (1) Buildings, pictures, sculptures, applied crafts, calligraphic works, classical books, ancient documents, and other tangible cultural products that are of significant historical or artistic value to Japan (including lands and other objects which are combined with these objects to create such value): archaeological and other historical resources of significant scientific value (hereinafter referred to as “Tangible Cultural Property”);
- (2) Drama, music, applied art, and other intangible cultural products that are of a significant historical or artistic value to Japan (hereinafter referred to as “Intangible Cultural Property”);
- (3) (i) Manners and customs related to food, clothing and housing, to occupations, to religious faiths, and to annual festivals, etc.: (ii) folk performing arts: (iii) folk skills: (iv) clothes, utensils, houses and other objects used therefor, which are indispensable to the understanding of changes in the mode of life of Japan (hereinafter referred to as “Folk Cultural Property”);
- (4) (i) Shell mounds, tumuli, sites of fortified capitals, sites of forts, sites of castles,

monument houses and other sites, which are of significant historical or scientific value to Japan: (ii) gardens, bridges, gorges, sea-shores, mountains, and other places of scenic beauty, which are of significant artistic or aesthetic value to Japan: (iii) animals (including their habitats, breeding areas and trails), plants (including their self-seeded areas), and geological features and minerals (including the areas where peculiar natural phenomena are recognizable), which are of significant scientific value to Japan (hereinafter referred to as “Monuments”);

(5) Landscape that has been created by people’s lives or occupations in their community as well as by the climate prevailing in such community, and which are indispensable to the understanding of the mode of life or occupation of Japan (hereinafter referred to as “Cultural Landscape”);

(6) Groups of traditional buildings of a high value, which form a certain historic configuration in combination with their environments (hereinafter referred to as a “Group of Traditional Buildings”);

2. The term “an object of ‘Important Cultural Property’” prescribed in the provisions of the present law (except for the provisions of Articles 27 to 29 inclusive, Article 37, Article 55 paragraph 1 Item (4), Article 153 paragraph 1 Item (1), Article 165, Article 171, and additional rules’ Article 3) shall include ‘National Treasure’.

3. The term “Historic Sites, Places of Scenic Beauty and Natural Monuments” prescribed in the provisions of the present law (except for the provisions of Article 109, Article 110, Article 112, Article 122, Article 131 paragraph 1 Item (4), Article 153 paragraph 1 Items (7) and (8), Article 165, and Article 171) shall include ‘Special Historic Sites, Places of Scenic Beauty and Natural Monuments’.

### **Article 3: Duty of the Government and Local Governments**

The Government and local governments shall, recognizing that cultural property

is indispensable to the correct understanding of the history and culture of Japan and that it forms a foundation for cultural development in the future, sincerely endeavor to achieve the purpose of the present law so that the preservation thereof may be properly secured.

#### **Article 4: Attitude of People and Owners**

The general people shall faithfully cooperate with such measures taken by the Government and local governments to achieve the purpose of the present law.

2. An owner of cultural property and other persons concerned therewith, being conscious that cultural property is a valuable national asset, shall preserve it with good care for the public and endeavor to promote its cultural utilization, such as by opening it to public viewing.

3. The Government and local governments shall respect the ownership and other property rights of the persons concerned in the enforcement of the present law.

### **CHAPTER II –deleted–**

Articles 5 to 26 inclusive were deleted.

### **CHAPTER III TANGIBLE CULTURAL PROPERTY**

#### **Section 1. ‘Important Cultural Property’**

## **Subsection 1. Designation**

### **Article 27: Designation**

The Minister of Education, Culture, Sports, Science and Technology may designate an important object of ‘Tangible Cultural Property’ as ‘Important Cultural Property’.

2. Among objects of ‘Important Cultural Property’, the Minister of Education, Culture, Sports, Science and Technology may designate as ‘National Treasure’ such objects of a high value from the viewpoint of world culture as are the irreplaceable treasures of the nation.

### **Article 28: Announcement, Notice and Issuance of Certificate of Designation**

Designation under the provision of the preceding Article shall be announced in the Official Gazette, and the owner of the said ‘National Treasure’ or the said object of ‘Important Cultural Property’ shall be informed thereof.

2. Designation under the provision of the preceding Article shall come into effect as from the day of announcement in the Official Gazette under the provision of the preceding paragraph; however, it shall come into effect for an owner of the said ‘National Treasure’ or the said object of ‘Important Cultural Property’ as from the time when the information-document prescribed in the same paragraph reaches the said owner.

3. Where designation under the provision of the preceding Article has been done, the Minister of Education, Culture, Sports, Science and Technology shall issue a certificate of designation to the owner of the said ‘National Treasure’ or the said object of ‘Important Cultural Property’.

4. The matters to be entered in the certificate of designation and other necessary

matters related to such certificate shall be determined by an ordinance of the Ministry of Education, Culture, Sports, Science and Technology (hereinafter referred to as “MEXT”).

5. Where the owner has received a certificate of designation as ‘National Treasure’ under the provision of paragraph 3, he shall return a certificate of designation as ‘Important Cultural Property’ that is now designated as ‘National Treasure’ to the Minister of Education, Culture, Sports, Science and Technology within thirty days.

#### **Article 29: Annulment**

Where ‘National Treasure’ or an object of ‘Important Cultural Property’ has lost its value as such, or where there is any other special reason, the Minister of Education, Culture, Sports, Science and Technology may annul such designation as ‘National Treasure’ or ‘Important Cultural Property’.

2. The annulment of designation under the provision of the preceding paragraph shall be announced in the Official Gazette, and the owner of the said ‘National Treasure’ or the said object of ‘Important Cultural Property’ shall be informed thereof.

3. The provision of the preceding Article paragraph 2 shall apply *mutatis mutandis* to the annulment of designation under the provision of paragraph 1.

4. Where an owner has received notice under paragraph 2, he shall return the certificate of designation to the Minister of Education, Culture, Sports, Science and Technology within thirty days.

5. Where designation as ‘National Treasure’ has been annulled under paragraph 1, but where the designation of the said object of ‘Tangible Cultural Property’ as

‘Important Cultural Property’ has not been annulled, the Minister of Education, Culture, Sports, Science and Technology shall issue to the owner a certificate of designation of the said object as ‘Important Cultural Property’ without delay.

## **Subsection 2. Management**

### **Article 30: Instruction on Management**

The Commissioner for Cultural Affairs may give appropriate instructions to an owner of an object of ‘Important Cultural Property’ regarding the management thereof.

### **Article 31: Owner's Duty of Management, and Responsible Manager**

An owner of an object of ‘Important Cultural Property’ shall undertake the management thereof under the present law as well as the MEXT ordinances and instructions of the Commissioner for Cultural Affairs as are issued thereunder.

2. In specific circumstances, an owner of an object of ‘Important Cultural Property’ may appoint an appropriate person on his behalf to be exclusively responsible for the management of the said object of ‘Important Cultural Property’ (hereinafter referred to as “a responsible manager” in the present section and in Chapter XII).

3. Where an owner of an object of ‘Important Cultural Property’ has appointed a responsible manager under the provision of the preceding paragraph, he shall inform the Commissioner for Cultural Affairs of the appointment in writing within twenty days, stating the matters stipulated by a MEXT ordinance with the joint signature of the responsible manager. The present provision shall also apply where a responsible manager has been released from the responsibility.

4. The provisions of the preceding Article and the present paragraph 1 shall apply *mutatis mutandis* to the responsible manager.

### **Article 32: Changes of an Owner or Responsible Manager**

Where an owner of an object of ‘Important Cultural Property’ changes, the new owner shall inform the Commissioner for Cultural Affairs of the change in writing within twenty days, stating the matters stipulated by a MEXT ordinance, attaching thereto the certificate of designation issued to the former owner.

2. Where an owner of an object of ‘Important Cultural Property’ has replaced a responsible manager, he shall inform the Commissioner for Cultural Affairs of the change in writing within twenty days, stating the matters stipulated by a MEXT ordinance, with the joint signature of the newly appointed manager. In this case, the provision of paragraph 3 in the preceding Article does not apply.

3. Where an owner or a manager of an object of ‘Important Cultural Property’ has changed his name, title or address, he shall inform the Commissioner for Cultural Affairs of the change(s) in writing within twenty days, stating the matters stipulated by a MEXT ordinance. Where the change has occurred in the name, title or address of the owner, he shall attach the certificate of designation to the information-document to be submitted.

### **Article 32 *bis*: Management by a Managerial Body**

Regarding an object of ‘Important Cultural Property’, where its owner is not traceable, or where it is obvious that a responsible management by an owner or a manager is extremely difficult or inappropriate, the Commissioner for Cultural Affairs may appoint an appropriate local government or any other appropriate juridical person and charge it with the management necessary for the preservation of the said object of ‘Important Cultural Property’ (including the management of such facilities, equipment or any other objects as are needed for the preservation of the said object of ‘Important Cultural Property’ and as belong

to or are managed by the owner of the said object of ‘Important Cultural Property’).

2. For an appointment under the provision of the preceding paragraph, the Commissioner for Cultural Affairs shall obtain the consent of the owner of the object of ‘Important Cultural Property’ in advance (excluding where the owner is not traceable) and of its occupant by title, as well as that of the local government or other juridical person to be appointed.

3. The appointment under the provision of paragraph 1 shall be announced in the Official Gazette, and the owner, occupant, local government or other juridical person prescribed in the preceding paragraph shall also be informed thereof.

4. The provision of Article 28 paragraph 2 shall apply *mutatis mutandis* to an appointment under the provision of paragraph 1.

5. The owner or occupant of an object of ‘Important Cultural Property’ shall not, without justifiable reasons, refuse, obstruct or evade management or measures necessary for such management by the local government or other juridical person appointed under the provision of paragraph 1 (hereinafter referred to as “a managerial body” in the present section and in Chapter XII).

6. The provisions of Article 30 and Article 31 paragraph 1 shall apply *mutatis mutandis* to a managerial body.

### **Article 32 *ter***

Where the reasons prescribed in the preceding Article paragraph 1 have ceased to exist or where there is any other special reason, the Commissioner for Cultural Affairs may annul the appointment of a managerial body.

2. The provisions of the preceding Article paragraph 3 and Article 28 paragraph 2

shall apply *mutatis mutandis* to the annulment under the provision of the preceding paragraph.

### **Article 32 *quater***

The expenses required for the management by a managerial body shall, unless otherwise prescribed in the present law, be borne by the said body.

2. The provision of the preceding paragraph does not exclude part of the expense required for such management being borne by an owner, in accordance with what may be agreed upon by a managerial body and the owner, within the limits of the material profit which the latter will enjoy as a result of the management by the former.

### **Article 33: Destruction and Damages**

Where all or part of an object of 'Important Cultural Property' has been destroyed, damaged, found missing or stolen, its owner (or responsible manager or managerial body, if such has been appointed) shall notify the Commissioner for Cultural Affairs of the fact in writing, stating the matters stipulated by a MEXT ordinance within ten days from the day when he discovers such fact.

### **Article 34: Change in Location**

Where the location of an object of 'Important Cultural Property' is to be changed, its owner (or responsible manager or managerial body, if such has been appointed) shall inform the Commissioner for Cultural Affairs thereof in writing, at least twenty days prior to the date on which the location is to be changed, stating the matters stipulated by a MEXT ordinance and attaching to the information-document a certificate of designation. However, in circumstances stipulated by a MEXT ordinance, it suffices not to advise thereof at all or not to

attach a certificate of designation to the information-document, or to inform thereof after the change of the location in accordance with that which such MEXT ordinance stipulates.

### **Subsection 3. Protection**

#### **Article 34 *bis*: Repairs**

The repairs of an object of ‘Important Cultural Property’ shall be implemented by its owner. However, it shall be conducted by a managerial body, if such has been appointed.

#### **Article 34 *ter*: Repairs by a Managerial Body**

Where a managerial body repairs an object of ‘Important Cultural Property’, it shall seek the opinion of an owner of the said object of ‘Important Cultural Property’ in advance (except where such an owner is not traceable) and of its occupant by title, regarding the method and the time of repairs.

2. The provisions of Article 32 *bis* paragraph 5 and Article 32 *quater* shall apply *mutatis mutandis* where a managerial body implements repairs.

#### **Article 35: Subsidy for Management or Repairs**

Where an owner of an object of ‘Important Cultural Property’ or its managerial body is unable to bear significant expenses required for the management or repairs of such property, or where any other special circumstances exist, the Government may grant a subsidy to the said owner or managerial body to cover part of such expenses.

2. Where a subsidy under the preceding paragraph is granted, the Commissioner for Cultural Affairs may, as a condition thereof, issue any necessary instructions

regarding the management or repairs.

3. Where the Commissioner for Cultural Affairs deems it necessary, he may direct and supervise the management or repairs of an object of 'Important Cultural Property' for which a subsidy is granted under paragraph 1.

### **Article 36: Order or Advice on Management**

Where the Commissioner for Cultural Affairs concludes that an object of 'Important Cultural Property' is in danger of destruction, damage or theft because of the incompetence of a person who is in charge of its management, or because an inappropriate management method is being utilized, he may order or advise the owner, responsible manager or managerial body of such property on the measures necessary for its management, such as appointment or change of the person in charge of such property, improvement in the management method, provision of fire prevention devices and other facilities for the preservation thereof.

2. The expense required for such measures as may be taken in conformity with the order or advice given under the provision of the preceding paragraph may be borne, in whole or in part, by the exchequer in accordance with the stipulations of a MEXT ordinance.

3. The provision of the preceding Article paragraph 3 shall apply *mutatis mutandis* to cases where all or part of the expenses are borne by the exchequer under the provision of the preceding paragraph.

### **Article 37: Order or Advice on Repairs**

Where 'National Treasure' is damaged, and the Commissioner for Cultural Affairs deems it necessary to repair it for the preservation thereof, he may give necessary orders or advice on such repairs to the owner or the responsible managerial body.

2. Where an object of 'Important Cultural Property' other than 'National Treasure' is damaged, and the Commissioner for Cultural Affairs deems it necessary to repair it for the preservation thereof, he may give necessary advice on such repairs to the owner or the responsible managerial body.

3. The expenses required for repairs implemented in conformity with the order or advice given under the provisions of the preceding two paragraphs may be borne, in whole or in part, by the exchequer in accordance with the stipulations of a MEXT ordinance.

4. The provision of Article 35 paragraph 3 shall apply *mutatis mutandis* where all or part of the expenses are borne by the exchequer under the provision of the preceding paragraph.

#### **Article 38: Implementation of Repairs of 'National Treasure' by the Commissioner for Cultural Affairs**

The Commissioner for Cultural Affairs himself may repair 'National Treasure' or take measures to prevent its destruction, damage or theft in either of the following cases:

- (i) where an owner, a responsible manager or a managerial body does not comply with orders given under the provisions of the preceding two Articles;
- (ii) where he deems it inappropriate to have the owner, the responsible manager or the managerial body repair or take measures to prevent destruction, damage or theft when 'National Treasure' has been damaged or when it is in danger of destruction, damage or theft.

2. Where the Commissioner for Cultural Affairs intends to repair or take measures under the provision of the preceding paragraph, he shall issue a writ to the owner, the responsible manager or the responsible managerial body in

advance, stating necessary matters such as the name of such 'National Treasure', the component of the repairs or measures, the date of commencement of the work and others matters deemed necessary, and give notice thereof to its occupant by title.

### **Article 39**

The Commissioner for Cultural Affairs shall, in repairing or taking measures under the provision of the preceding Article paragraph 1, appoint from among the staff members of the Agency for Cultural Affairs a person who shall be responsible for the implementation of such repairs or measures and for the management of the said 'National Treasure'.

2. Where a person who has been appointed as a responsible person under the provision of the preceding paragraph implements the said repairs or measures, he shall carry an identity card, show this on demand to the parties concerned, and duly respect the reasonable opinions of such parties.

3. The provision of Article 32 *bis* paragraph 5 shall apply *mutatis mutandis* to the implementation of the repairs and measures under the provision of the preceding Article paragraph 1.

### **Article 40**

The expenses required for the repairs or measures implemented under the provision of Article 38 paragraph 1 shall be borne by the exchequer.

2. The Commissioner for Cultural Affairs may, in accordance with the stipulations of a MEXT ordinance, charge the owner (or a managerial body, if such has been appointed) part of the expense required for the repairs or measures under the provision of Article 38 paragraph 1. However, the provision of paragraph 1 Item

(2) of the said article shall only apply in either of the following cases: where the causes which brought about the necessity for such repairs or measures are attributable to the owner, the responsible manager or a managerial body, or where the owner or a managerial body is capable of bearing part of such expenses.

3. The provisions of Articles 5 and 6 of the Administrative Subrogation Law (Law No. 43 of 1948) shall apply *mutatis mutandis* to the charging of expenses under the preceding paragraph.

#### **Article 41**

The State shall compensate a person who has suffered loss caused by the repairs or measures under the provision of Article 38 paragraph 1, for ordinary damages incidental thereto.

2. The amount of indemnity payable under the preceding paragraph shall be determined by the Commissioner 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 such amount by instituting litigation. However, the present provision does not apply in cases where three months have passed after receiving the notice of determination of the indemnity mentioned in the said paragraph.

4. In the event of litigation under the preceding paragraph, the State shall be the defendant.

#### **Article 42: Reimbursement in the Event of Alienation of an Object of 'Important Cultural Property' for Which a Subsidy Has Been Granted**

Where an owner, his heir, legatee or donee (including a second or subsequent heir,

legatee or donee; hereinafter the same applies in the present Article) (hereinafter referred to as “owner *et al.*” in the present Article) of an object of ‘Important Cultural Property’ at the time when the State granted subsidies under Article 35 paragraph 1, or bore expenses under Article 36 paragraph 2, Article 37 paragraph 3, or Article 40 paragraph 1, for the repairs of or measures to prevent destruction, damage or theft (hereinafter referred to as “repairs, etc.” in the present Article), has onerously alienated the said object of ‘Important Cultural Property’ after repairs with the subsidies or expenses concerned, he shall reimburse the exchequer, in accordance with the stipulations of a MEXT ordinance, the residual amount of the said subsidies or expenses as a whole (as for the expenses borne under the provision of Article 40 paragraph 1, the amount of such expenses is calculated by subtracting the amount of the money which was charged to the owner under the provision of the same Article paragraph 2; hereinafter the same applies in the present Article), subtracting the expenses owed by himself for repairs, etc. of the said object of ‘Important Cultural Property’ after implementing those repairs, etc. (hereinafter referred to as “the amount of reimbursement” in the present Article).

2. The amount of “the said subsidies or expenses” provided for in the preceding paragraph shall be the sum corresponding to these calculations: dividing the amount of the said subsidies or the expenses by the number of durable years, respectively, fixed by the Commissioner for Cultural Affairs regarding the object of ‘Important Cultural Property’ or its components subjected to such repairs, etc.; then multiplying that quotient by the number of residual years (discarding any fractional period of less than a year), *i.e.* such residual years being equal to the number of durable years minus the number of years that have passed since the time of the repairs, etc. until the time of alienation of the said property.

3. Where the value of the said object of ‘Important Cultural Property’ has declined considerably due to a cause not attributable to the owner *et al.*, or where he alienated the said object of ‘Important Cultural Property’ to the State, after

implementing the repairs, etc. for which the State granted subsidies or bore expenses, the Commissioner for Cultural Affairs may exempt all or part of the amount to be reimbursed.

4. Where the person in question fails to pay, before the deadline fixed by the Commissioner for Cultural Affairs, the amount of reimbursement for which he is held responsible, the State may collect it by following a suit of coercive collection of national tax. In this case, the priority ranking in collection shall be next to that of national and local taxes.

5. Where a person who is to pay the amount of reimbursement is the heir, legatee or donee, a sum equivalent to the balance between the amount of inheritance tax or donation tax prescribed in Item (1) and the amount prescribed in Item (2) shall be divided by the number of years prescribed in Item (3) and multiplied by the number of years prescribed in Item (4), and shall be deducted from the amount of reimbursement that he is liable to pay:

(1) The amount of inheritance tax or donation tax that he has already paid or that is due to be paid in acquiring an object of 'Important Cultural Property';

(2) The amount corresponding to that of inheritance tax or donation tax to be imposed upon him for the said object of 'Important Cultural Property' or its components, in calculating as taxation value the price obtained after deducting the said taxation value, is the total amount of the subsidies or the expenses under paragraph 1 for the repairs, etc. which have been performed prior to the time of such inheritance, bequest or donation, regarding the said object of 'Important Cultural Property' or its components;

(3) The number of residual years (discarding any fractional period of less than a year) obtained by deducting, out of the number of durable years fixed by the Commissioner for Cultural Affairs under paragraph 2 regarding the said object of 'Important Cultural Property' or its components, is the number of years that have passed since implementing the repairs, etc. until the time of inheritance, bequest or donation of the said object of 'Important Cultural Property';

(4) The number of residual durable years regarding the said object of ‘Important Cultural Property’ or its components prescribed in paragraph 2.

6. The provision of paragraph 2 shall apply *mutatis mutandis* to the amount of subsidies or expenses prescribed in paragraph 1, which is referred to in the preceding paragraph Item (2). In this case, “the time of alienation” in the same paragraph shall be read as “the time of inheritance, bequest or donation.”

7. In calculating the amount of capital gains through alienation under Article 33 paragraph 1 of the Income Tax Law (Law No. 33 of 1965) related to the alienation prescribed in the present Article paragraph 1, by a person who pays the amount of taxation under the provision of the same paragraph, the amount he pays under paragraph 1 shall be the expenses related to the alienation of property prescribed in that Article paragraph 3.

#### **Article 43: Restriction upon Alteration of the Status Quo**

Where any person intends to alter the status quo of an object of ‘Important Cultural Property’ or to take any action that affects its preservation, he shall obtain the permission of the Commissioner for Cultural Affairs. However, the present provision does not apply where an action such as altering the status quo is merely a measure of maintenance or an emergency measure to be taken in the event of an unforeseen disaster, or where the consequences occasioned by an action that may affect preservation are insignificant.

2. The extent of a measure of maintenance prescribed in the proviso of the preceding paragraph shall be stipulated by a MEXT ordinance.

3. In granting permission under paragraph 1, the Commissioner for Cultural Affairs may give any necessary instructions as a condition thereof regarding (i) altering the status quo or (ii) taking any action that affects preservation under the

same paragraph.

4. Where a person who has obtained permission under paragraph 1 has failed to observe the condition(s) of the permission prescribed in the preceding paragraph, the Commissioner for Cultural Affairs may order (i) the suspension of alteration of the status quo or (ii) taking any action to affect its preservation, for which the permission was granted, or revoke such permission.

5. The State shall compensate a person, who has suffered loss caused by the fact that he failed to obtain permission under paragraph 1 or that conditions were attached under paragraph 3 to the granted permission, for ordinary damages incidental thereto.

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

**Article 43 *bis*: Report on Repairs, etc.**

Where an object of 'Important Cultural Property' is to be repaired, its owner or its managerial body shall inform the Commissioner for Cultural Affairs thereof, in accordance with the stipulations of a MEXT ordinance, at least thirty days prior to the day when such repairs are to commence. However, the present provision does not apply where the permission shall be obtained under the provision of the preceding Article paragraph 1, and to other cases stipulated by a MEXT ordinance.

2. Where the Commissioner for Cultural Affairs deems it necessary for the protection of an object of 'Important Cultural Property', he may provide technical guidance and advice regarding the repairs of an object of 'Important Cultural Property' which have been notified of under the preceding paragraph.

#### **Article 44: Prohibition on Exportation**

Any object of 'Important Cultural Property' shall not be exported. However, the present provision does not apply where the Commissioner for Cultural Affairs has granted permission therefor in recognizing its special necessity for international exchange of culture or for other reasons.

#### **Article 45: Integrity of Surroundings**

Where the Commissioner for Cultural Affairs deems it necessary for the preservation of an object of 'Important Cultural Property', he may restrict or prohibit certain acts or order the provision of necessary facilities within an area designated by him.

2. The State shall compensate a person who has suffered loss caused by the final action under the provision of the preceding paragraph, for ordinary damages incidental thereto.

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

#### **Article 46: Offer for Sale to the State**

Any person who desires to onerously alienate an object of 'Important Cultural Property' shall, firstly, file in writing with the Commissioner for Cultural Affairs an offer of sale of the said property to the State, stating therein the person to whom it is to be alienated, the estimated remuneration for alienation (the estimated remuneration for alienation has to be calculated in money at the current price where it consists of things other than money; hereinafter the same applies) and any other matters stipulated by a MEXT ordinance.

2. The circumstances which motivate him to alienate to the said person may be stated in the written offer under the preceding paragraph.

3. Where the Commissioner for Cultural Affairs has determined that the circumstances stated under the provision of the preceding paragraph are reasonable, a notice shall be given, within thirty days of the said offer, that the State does not wish to buy the said object of 'Important Cultural Property'.

4. Where the Commissioner for Cultural Affairs has advised, within thirty days of the offer of sale filed under the provision of paragraph 1, that the State shall buy the said object of 'Important Cultural Property', a bargain shall be deemed to have been sealed at a price corresponding to the estimated remuneration for alienation stated in the offer sheet under the provision of paragraph 1.

5. The person prescribed in paragraph 1 shall not alienate the said object of 'Important Cultural Property' within the period specified in the preceding paragraph (or until the time, within that period, when the Commissioner for Cultural Affairs has advised that the State shall not buy the said object of 'Important Cultural Property').

#### **Article 46 *bis*: Subsidy for a Managerial Body to Buy**

Where a local government or another juridical person that is a managerial body deems it necessary to buy an object of 'Important Cultural Property' under its management (limited to buildings, other fixtures to land and land combined with them to be designated as 'Important Cultural Property') for better preservation thereof, the State may grant a subsidy to cover part of the expenses required to acquire the same.

2. The provisions of Article 35 paragraphs 2 and 3 and the provision of Article 42 shall apply *mutatis mutandis* to the case under the preceding paragraph.

#### **Article 47: Entrustment of Management, Repairs, or Technical Guidance**

An owner of an object of ‘Important Cultural Property’ (or a managerial body if such has been appointed) may entrust the Commissioner for Cultural Affairs with the management (except where a managerial body has been appointed) or repairs thereof on conditions fixed by the Commissioner.

2. Where the Commissioner for Cultural Affairs deems it necessary for the preservation of an object of ‘Important Cultural Property’, he may advise its owner (or a managerial body if such has been appointed), presenting him with conditions, to entrust him with the management (except where a managerial body has been appointed) or repairs thereof.

3. The provisions of Article 39 paragraphs 1 and 2 shall apply *mutatis mutandis* where the Commissioner for Cultural Affairs has been entrusted with management or repairs thereof under the preceding two paragraphs.

4. An owner, a responsible manager, or a managerial body of an object of ‘Important Cultural Property’ may request the Commissioner for Cultural Affairs, in accordance with the stipulations of a MEXT ordinance, for technical guidance regarding the management or repairs thereof.

#### **Subsection 4. Opening to Public Viewing**

##### **Article 47 bis: Opening to Public Viewing**

Opening to public viewing of an object of ‘Important Cultural Property’ shall be undertaken by its owner. However, it shall be undertaken by a managerial body if such has been appointed.

2. Notwithstanding the provision of the preceding paragraph, a person other than

the owner or a managerial body may make available for public viewing an object of 'Important Cultural Property' that the owner or managerial body agrees to display under the provisions of the present law.

3. In opening an object of 'Important Cultural Property' under its management for public viewing, a managerial body may collect viewing fees from visitors.

**Article 48: Opening to Public Viewing by the Commissioner for Cultural Affairs**

The Commissioner for Cultural Affairs may advise an owner (or a managerial body if such has been appointed) of an object of 'Important Cultural Property' to make it available, for a term not exceeding one year, for public viewing organized by the Commissioner in national museums (that is, museums established by the independent administrative institution National Institutes for Cultural Heritage; hereinafter the same applies in the present Article) or other facilities.

2. The Commissioner for Cultural Affairs may order an owner (a managerial body if such has been appointed) of an object of 'Important Cultural Property', for the management or repairs of which the exchequer has owed all or part of the expenses or granted subsidies, to make it available, for a term not exceeding one year, for public viewing organized by the Commissioner in national museums or other facilities.

3. Where the Commissioner for Cultural Affairs deems it necessary under the preceding paragraph, he may renew the term of display within a limited period not exceeding one year. However, such renewal shall not exceed a period of five consecutive years.

4. Where an order is issued under paragraph 2 or the term of display is renewed under the preceding paragraph, the owner or a managerial body of an object of 'Important Cultural Property' shall display it.

5. In cases other than those prescribed in the preceding four paragraphs where the Commissioner for Cultural Affairs deems it appropriate, he may accept the proposal made by an owner (a managerial body if such has been appointed) of an object of 'Important Cultural Property' to make it available for public viewing organized by the Commissioner in national museums or other facilities.

#### **Article 49**

Except for the case prescribed in Article 185, where an object of 'Important Cultural Property' is displayed under the provision of the preceding Article, the Commissioner for Cultural Affairs shall appoint from among the staff members of the Agency for Cultural Affairs a person who is to be responsible for the management thereof.

#### **Article 50**

The expense required for the display under the provision of Article 48 shall be owed by the exchequer in accordance with the standards set by a MEXT ordinance.

2. The Government shall, in accordance with the standards set by a MEXT ordinance, grant an allowance to the owner or a managerial body who has displayed it under the provision of Article 48.

#### **Article 51: Opening to Public Viewing by an Owner *et al.***

The Commissioner for Cultural Affairs may advise an owner or a managerial body of an object of 'Important Cultural Property' to open it to the public for a limited period not exceeding three months.

2. The Commissioner for Cultural Affairs may order an owner or a managerial body of an object of 'Important Cultural Property', for management, repairs or buying of that for which the exchequer has owed all or part of the expenses or granted subsidies, to open it to the public for a limited period not exceeding three months.

3. The provision of Article 48 paragraph 4 shall apply *mutatis mutandis* to circumstances governed by the preceding paragraph.

4. The Commissioner for Cultural Affairs may give necessary instructions to the owner or a managerial body of an object of 'Important Cultural Property' regarding the opening thereof to the public under the provisions of the three preceding paragraphs and the management thereof during such public viewing.

5. Where the owner, the responsible manager or the managerial body of an object of 'Important Cultural Property' fails to observe the instructions under the preceding paragraph, the Commissioner for Cultural Affairs may order the suspension or discontinuance of public viewing.

6. The expenses required to open such property to the public under the provisions of paragraphs 2 and 3 may, in accordance with the stipulations of a MEXT ordinance, be owed, in whole or in part, by the exchequer.

7. In cases other than those prescribed in the preceding paragraph, the expense required for an owner or a managerial body of an object of 'Important Cultural Property' to open it to public viewing shall be owed, in whole or in part, by the exchequer in accordance with the stipulations of a MEXT ordinance.

#### **Article 51 *bis***

Except for cases of public viewing under the preceding Article, the provisions of

the preceding Article paragraphs 4 and 5 shall apply *mutatis mutandis* where a report has been filed under the provision of Article 34 in order to move an object of 'Important Cultural Property' from its locality and make it available for public viewing.

#### **Article 52: Indemnification against Loss**

Where an object of 'Important Cultural Property' has been destroyed or damaged as a result of being displayed for public viewing under the provision of Article 48 or Article 51 paragraphs 1 to 3 inclusive, the State shall compensate its owner for ordinary damages incidental thereto. However, the present provision does not apply where the destruction or damage has resulted from a cause imputable to the owner, to the responsible manager, or to a managerial body.

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

#### **Article 53: Opening to Public Viewing by Any Person Other Than an Owner *et al.***

Where any person other than an owner and a managerial body of an object of 'Important Cultural Property' intends to make it available for public viewing in an exhibition or any other event organized by him, he shall obtain the permission of the Commissioner for Cultural Affairs therefor. However, the present provision does not apply in cases where an exhibition or any other event is to be organized by a national organ other than the Commissioner for Cultural Affairs or a local government at a museum or any other facility that has previously been approved by the Commissioner for Cultural Affairs (hereinafter referred to as "an approved exhibition facility" in the present paragraph), or where a person who has established an approved exhibition facility holds it at such approved exhibition facility.

2. Under the proviso of the preceding paragraph, a person holding an event prescribed in the same paragraph (except for the Commissioner for Cultural Affairs) shall inform the Commissioner for Cultural Affairs thereof in writing, stating the matters stipulated in a MEXT ordinance within 20 days as from of the day following the conclusion of the period during which he made an object of 'Important Cultural Property' available for public viewing.

3. In granting permission under paragraph 1, the Commissioner for Cultural Affairs may give, as a condition thereof, necessary instructions regarding the public viewing for which permission is to be granted and the management of the object of 'Important Cultural Property' to be exhibited.

4. Where any person who has obtained the permission under paragraph 1 fails to observe the conditions of the permission prescribed in the preceding paragraph, the Commissioner for Cultural Affairs may order the suspension of the public viewing, for which he has granted the permission, or revoke such permission.

## **Subsection 5. Investigation**

### **Article 54: Investigation for the Purpose of Preservation**

Where the Commissioner for Cultural Affairs deems it necessary, he may ask an owner, a responsible manager or a managerial body of an object of 'Important Cultural Property' to report on the status quo of the object of 'Important Cultural Property', or on the conditions of its management, repairs or the integrity of its surroundings.

### **Article 55**

In any of the following cases, in cases where the Commissioner for Cultural Affairs is unable to confirm the condition of a particular object of 'Important Cultural Property' notwithstanding all the information given in the report filed

under the preceding Article and where there appears to be no alternative way of obtaining confirmation thereof, he may appoint a person to investigate and have him enter the place where the said object exists and investigate the status quo thereof in situ or the conditions of its management, of its repairs or of the preservation of the integrity of its surroundings:

(1) where an application has been filed for permission to alter the status quo of an object of 'Important Cultural Property' or for taking any action that affects its preservation;

(2) where an object of 'Important Cultural Property' has been damaged or where the status quo or the location thereof has been changed;

(3) where there is a risk of destruction, damage or theft of an object of 'Important Cultural Property';

(4) where there is need to re-appraise the qualifications of 'National Treasure' or 'Important Cultural Property' because of special circumstances.

2. In entering the place and investigating under the preceding paragraph, a person who is engaged in such investigation shall carry with him his identity card, show it upon demand by the parties concerned, and duly respect the reasonable opinions of the latter.

3. The State shall compensate a person who has suffered loss caused by the investigation under the provision of paragraph 1 for ordinary damages incidental thereto.

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

## **Subsection 6. Miscellaneous Provisions**

### **Article 56: Succession to Rights and Obligations on the Change of an Owner *et al.***

Where an owner of an object of 'Important Cultural Property' changes, the new

owner shall succeed to the rights and obligations of the former owner that are established and imposed by the orders, recommendations, instructions, and other final actions by the Commissioner for Cultural Affairs issued, made or done regarding such an object of 'Important Cultural Property' under the present law.

2. In cases under the preceding paragraph, simultaneously with the delivery of such an object of 'Important Cultural Property' the former owner shall deliver to the new owner the certificate of designation thereof.

3. The provision of paragraph 1 shall apply *mutatis mutandis* to cases where a managerial body has been appointed or the appointment thereof has been revoked. However, in the event of appointment of a managerial body, the present provision shall not apply to the rights and obligations that belong to the owner exclusively.

## **Section 2. 'Registered Tangible Cultural Property'**

### **Article 57: Registration of 'Tangible Cultural Property'**

From among objects of 'Tangible Cultural Property' other than 'Important Cultural Property' (except those designated by a local government under the provision of Article 182 paragraph 2), the Minister of Education, Culture, Sports, Science and Technology may, in view of the value as cultural property, register in the Cultural Property Registry those objects especially in need of preservation and utilization measures.

2. In performing registrations under the preceding paragraph, the Minister of Education, Culture, Sports, Science and Technology shall hear opinions of the local government concerned in advance.

3. The matters to be entered in the Cultural Property Registry and other necessary issues regarding the Cultural Property Registry shall be stipulated by a

MEXT ordinance.

**Article 58: Announcement, Notice, and Issuance of a Certificate of Registration**

Registration under the provision of the preceding Article paragraph 1 shall be announced in the Official Gazette, and the owner of the said object of ‘Registered Tangible Cultural Property’ (hereinafter referred to as “Registered Tangible Cultural Property”) shall be informed thereof without delay.

2. Registration under the provision of the preceding Article paragraph 1 shall come into effect as from the day of announcement in the Official Gazette under the provision of the preceding paragraph. However, this shall come into effect for the owner of the said object of ‘Registered Tangible Cultural Property’ as from the time when the information-document under the provision of the same paragraph reaches the said owner.

3. Where registration under the provision of the preceding Article paragraph 1 has been done, the Minister of Education, Culture, Sports, Science and Technology shall issue a certificate of registration to the owner of the said object of ‘Registered Tangible Cultural Property’.

4. The matters to be entered in a certificate of registration and other necessary issues regarding a certificate shall be stipulated by a MEXT ordinance.

**Article 59: Annulment of Registration as ‘Registered Tangible Cultural Property’**

Where an object of ‘Registered Tangible Cultural Property’ has been designated as ‘Important Cultural Property’ under the provision of Article 27 paragraph 1, the Minister of Education, Culture, Sports, Science and Technology shall annul such registration.

2. Where a local government has designated an object of ‘Registered Tangible Cultural Property’ under the provision of Article 182 paragraph 2, the Minister of Education, Culture, Sports, Science and Technology shall annul such registration. However, the present provision does not apply to cases where it is still necessary to take measures for the preservation and utilization of the said object of ‘Registered Tangible Cultural Property’ and also the owner has consented thereto.

3. Where an object of ‘Registered Tangible Cultural Property’ does not require measures for preservation and utilization any longer, or where there is any other special reason, the Minister of Education, Culture, Sports, Science and Technology may annul such registration.

4. In the event of annulment of registration under the provisions of the two preceding paragraphs, this shall be announced in the Official Gazette without delay, and the owner of the said object of ‘Registered Tangible Cultural Property’ shall be informed thereof.

5. The provision of the preceding Article paragraph 2 shall apply *mutatis mutandis* to the annulment of registration under the provisions of paragraphs 1 to 3 inclusive.

6. Where an owner has received notice under paragraph 4, he shall return a certificate of registration to the Minister of Education, Culture, Sports, Science and Technology within thirty days.

#### **Article 60: Management of ‘Registered Tangible Cultural Property’**

The owner of an object of ‘Registered Tangible Cultural Property’ shall undertake the management thereof, under the present law and MEXT ordinances based thereon.

2. In specific circumstances, the owner of an object of ‘Registered Tangible Cultural Property’ may appoint an appropriate person to be responsible on his behalf for the management of the said object of ‘Registered Tangible Cultural Property’ (hereinafter referred to as “a responsible manager” in the present section).

3. Where a pertinent local government has reported on an object of ‘Registered Tangible Cultural Property’ that the owner is not traceable or that it is obvious that the management by its owner or responsible manager is extremely difficult or inappropriate, the Commissioner for Cultural Affairs may appoint an appropriate local government or any other appropriate juridical person as an entity (hereinafter referred to as “a managerial body” in the present section) to conduct the necessary management (including the safe-keeping of such facilities, equipment or any other means as are needed for its preservation and that are owned by or in the management of the owner of the said object of ‘Registered Tangible Cultural Property’) for the preservation of the said object of ‘Registered Tangible Cultural Property’.

4. The provisions of Article 31 paragraph 3, Article 32, Article 32 *bis* paragraphs 2 to 5 inclusive, Article 32 *ter*, and Article 32 *quater* shall apply *mutatis mutandis* to the management of an object of ‘Registered Tangible Cultural Property’.

5. The provision of paragraph 1 shall apply *mutatis mutandis* to a responsible manager or a managerial body of ‘Registered Tangible Cultural Property’.

#### **Article 61: Destruction or Damage of an Object of ‘Registered Tangible Cultural Property’**

Where all or part of an object of ‘Registered Tangible Cultural Property’ has been destroyed, damaged, lost, or stolen, its owner (or a responsible manager or a managerial body, if such has been appointed) shall notify the Commissioner for

Cultural Affairs thereof in writing, stating the matters stipulated by a MEXT ordinance within ten days as from the day when he has discovered such fact.

**Article 62: Change in the Location of an Object of ‘Registered Tangible Cultural Property’**

Where the location of an object of ‘Registered Tangible Cultural Property’ is to be changed, its owner (or its responsible manager or managerial body, if such has been appointed) shall inform the Commissioner for Cultural Affairs thereof in writing, at least twenty days prior to the date on which the location is to be changed, stating the matters stipulated by a MEXT ordinance and attaching to the report the certificate of registration. However, for cases stipulated by a MEXT ordinance, it does not require to inform thereof at all or to attach the certificate of registration to the information-document, or it suffices to inform thereof after the change in location in accordance with the stipulations of a MEXT ordinance.

**Article 63: Repairs of an Object of ‘Registered Tangible Cultural Property’**

The repairs of an object of ‘Registered Tangible Cultural Property’ shall be performed by its owner. However, this shall be done by a managerial body if such has been appointed.

2. The provisions of Article 32 *bis* paragraph 5, Article 32 *quater*, and Article 34 *ter* paragraph 1 shall apply *mutatis mutandis* where a managerial body performs the repairs.

**Article 64: Report, etc. on Alterations of the Status Quo of an Object of ‘Registered Tangible Cultural Property’**

Where any person intends to alter the status quo of an object of ‘Registered Tangible Cultural Property’, he shall notify the Commissioner for Cultural Affairs

thereof in accordance with the stipulations of a MEXT ordinance, at least thirty days prior to the date on which the status quo is to be changed. However, the present provision does not apply where alteration of the status quo is merely a maintenance measure or an emergency measure to be taken in the event of an unforeseen disaster, or where measures are taken based on an order that alters the status quo under the provisions of other legislation.

2. The scope of maintenance measures prescribed in the proviso of the previous paragraph shall be stipulated by a MEXT ordinance.

3. Where the Commissioner for Cultural Affairs deems it necessary for the protection of an object of 'Registered Tangible Cultural Property', he may give necessary instructions, advice, or recommendation regarding alterations of the status quo of the object of 'Registered Tangible Cultural Property' on which the information-document has been filed under paragraph 1.

**Article 65: Information-document of the Exportation of an Object of 'Registered Tangible Cultural Property'**

Where any person intends to export an object of 'Registered Tangible Cultural Property', he shall inform the Commissioner for Cultural Affairs thereof at least thirty days prior to the date of exportation in accordance with the stipulations of a MEXT ordinance.

2. Where the Commissioner for Cultural Affairs deems it necessary for the protection of an object of 'Registered Tangible Cultural Property', he may give necessary instructions, advice, or recommendations regarding exportation of the object of 'Registered Tangible Cultural Property' for which an information-document has been filed under the preceding paragraph.

**Article 66: Technical Guidance regarding the Management or Repairs of an Object of ‘Registered Tangible Cultural Property’**

An owner, manager or managerial body of an object of ‘Registered Tangible Cultural Property’ may ask the Commissioner for Cultural Affairs for technical guidance regarding the management or repairs thereof in accordance with the stipulations of a MEXT ordinance.

**Article 67: Opening to Public Viewing of an Object of ‘Registered Tangible Cultural Property’**

Opening to public viewing of an object of ‘Registered Tangible Cultural Property’ shall be undertaken by its owner. However, this shall be undertaken by the responsible managerial body, if such has been appointed.

2. Notwithstanding the provision of the preceding paragraph, a party other than an owner or responsible managerial body may open an object of ‘Registered Tangible Cultural Property’ for public viewing with the agreement of the owner thereof (or responsible managerial body, if such has been appointed).

3. The provision of Article 47 *bis* paragraph 3 shall apply *mutatis mutandis* to opening to public viewing of an object of ‘Registered Tangible Cultural Property’ undertaken by a managerial body.

4. Where the Commissioner for Cultural Affairs deems it necessary for the utilization of an object of ‘Registered Tangible Cultural Property’, he may give necessary guidance or advice to the owner or managerial body of an object of ‘Registered Tangible Cultural Property’ regarding its opening to public viewing and regarding its management during public viewing.

**Article 68: Report on the Status Quo of an Object of ‘Registered Tangible Cultural**

## **Property'**

Where the Commissioner for Cultural Affairs deems it necessary, he may ask an owner, a responsible manager, or a managerial body of an object of 'Registered Tangible Cultural Property' to report on the status quo thereof, or on the conditions of the management or repairs thereof.

### **Article 69: Delivery of the Certificate of Registration Accompanying a Change of Ownership**

Where the ownership of an object of 'Registered Tangible Cultural Property' has changed, the former owner shall deliver to the new owner the certificate of registration simultaneously with the delivery of the said object of 'Registered Tangible Cultural Property'.

### **Section 3. 'Tangible Cultural Property' Other Than 'Important Cultural Property' and 'Registered Tangible Cultural Property'**

#### **Article 70: Technical Guidance**

The owner of an object of 'Tangible Cultural Property', other than 'Important Cultural Property' and 'Registered Tangible Cultural Property', may, in accordance with the stipulations of a MEXT ordinance, ask the Commissioner for Cultural Affairs for technical guidance regarding the management or repairs of 'Tangible Cultural Property'.

## **CHAPTER IV INTANGIBLE CULTURAL PROPERTY**

## **Article 71: Designation as ‘Important Intangible Cultural Property’ and the Recognition Concerned**

The Minister of Education, Culture, Sports, Science and Technology may designate an important element of ‘Intangible Cultural Property’ as ‘Important Intangible Cultural Property’.

2. In performing the designation under the provision of the preceding paragraph, the Minister of Education, Culture, Sports, Science and Technology shall recognize a bearer or a bearing body (an entity which is composed mainly of bearers of ‘Intangible Cultural Property’ and has its own representative elected by its statute; hereinafter the same applies) of the said element of ‘Important Intangible Cultural Property’.

3. Designation under the provision of paragraph 1 shall be announced in the Official Gazette, and a person or a body to be recognized as the bearer or the bearing body of the said element of ‘Important Intangible Cultural Property’ (in the case of a bearing body, to its representative) shall be informed thereof.

4. Even after performing the designation under the provision of paragraph 1 the Minister of Education, Culture, Sports, Science and Technology may, if he considers there is still a person or a body eligible to be recognized as the bearer or the bearing body of the said element of ‘Important Intangible Cultural Property’, perform supplementary recognition thereof.

5. The provision of paragraph 3 shall apply *mutatis mutandis* to supplementary recognition under the provision of the preceding paragraph.

## **Article 72: Annulment of the Designation as ‘Important Intangible Cultural Property’ and of the Recognition Concerned**

Where an element of ‘Important Intangible Cultural Property’ has lost its value as

such, or where there is any other special reason, the Minister of Education, Culture, Sports, Science and Technology may annul the designation of the said element as ‘Important Intangible Cultural Property’.

2. Where a bearer is deemed to have become inadequate to act as such due to mental or physical reasons, or where a bearing body is deemed to have become inadequate to act as such due to a change in its constituent members, or where there is any other special reason, the Minister of Education, Culture, Sports, Science and Technology may annul the recognition thereof.

3. The annulment of the designation under the provision of paragraph 1 or of the recognition under that of the preceding paragraph shall be announced in the Official Gazette, and a bearer or a bearing body of the said element of ‘Important Intangible Cultural Property’ shall be informed thereof.

4. Where a bearer has died or a bearing body has been dissolved (including having become extinct; hereinafter the same applies in the present and the following Articles), his or its recognition as such shall be deemed to have been annulled; and where all the bearers have died, or all the holding bodies have been dissolved, the designation as ‘Important Intangible Cultural Property’ shall be deemed to have been annulled. In these cases, the Minister of Education, Culture, Sports, Science and Technology shall announce such fact in the Official Gazette.

### **Article 73: Changes of Name or Other Information of a Bearer**

Where a bearer has changed his name or address, where he is dead, or where there is any such reasons as are prescribed by a MEXT ordinance, such a bearer or his heir shall report the fact to the Commissioner for Cultural Affairs in writing within twenty days as from the day when this took place (in the event of a bearer's death, as from the day when his heir came to know the fact), stating the matters stipulated by a MEXT ordinance. Where a bearing body has changed its name, its

office address, or its representative, or where there is any change among its constituent members, or where the body has been dissolved, the same provision shall apply to its representative (in the event of dissolution, it shall apply to the person who has been its representative).

**Article 74: Preservation of an Element of ‘Important Intangible Cultural Property’**

Where the Commissioner for Cultural Affairs deems it necessary for the preservation of an element of ‘Important Intangible Cultural Property’, he may himself produce its record, train successors, and take any other appropriate measure for its preservation, and the State may grant a subsidy to cover part of the expenses required for its preservation to its bearer, its bearing body or a local government, or any other person deemed appropriate to take care of its preservation.

2. The provisions of Article 35 paragraphs 2 and 3 shall apply *mutatis mutandis* to subsidization under the provision of the preceding paragraph.

**Article 75: Opening to Public Viewing of an Element of ‘Important Intangible Cultural Property’**

The Commissioner for Cultural Affairs may advise a bearer or a bearing body of an element of ‘Important Intangible Cultural Property’ to open the said element for public viewing, and an owner of the records thereof to open such records for public viewing.

2. The provision of Article 51 paragraph 7 shall apply *mutatis mutandis* where a bearer or a bearing body of an element of ‘Important Intangible Cultural Property’ opens such an element to public viewing.

3. Where an owner of the records of an element of ‘Important Intangible Cultural

Property' opens such records to public viewing, the State may grant a subsidy to cover part of the expense required for the said opening.

**Article 76: Suggestions or Advice on the Preservation of an Element of 'Important Intangible Cultural Property'**

The Commissioner for Cultural Affairs may make suggestions or give advice that is necessary for the preservation of an element of 'Important Intangible Cultural Property' to its bearer or bearing body, or a local government or any other person who is deemed appropriate to take care of its preservation.

**Article 77: Production of the Record, etc. of an Element of 'Intangible Cultural Property' Other Than 'Important Intangible Cultural Property'**

The Commissioner for Cultural Affairs may himself, in selecting such an element of 'Intangible Cultural Property' as of special necessity, other than 'Important Intangible Cultural Property', produce the records thereof, preserve such records or open it to public viewing, and the State may grant a subsidy to an appropriate person to cover part of the expense required for opening the said element of 'Intangible Cultural Property' for public viewing, for recording it, or for preserving it.

2. The provisions of Article 35 paragraphs 2 and 3 shall apply *mutatis mutandis* to subsidization under the provision of the preceding paragraph.

CHAPTER V  
FOLK CULTURAL PROPERTY

**Article 78: Designation as ‘Important Tangible Folk Cultural Property’ and ‘Important Intangible Folk Cultural Property’**

The Minister of Education, Culture, Sports, Science and Technology may designate an especially important object of ‘Tangible Folk Cultural Property’ as ‘Important Tangible Folk Cultural Property’, and an especially important element of ‘Intangible Folk Cultural Property’ as ‘Important Intangible Folk Cultural Property’.

2. The provisions of Article 28 paragraphs 1 to 4 inclusive shall apply *mutatis mutandis* to the designation as ‘Important Tangible Folk Cultural Property’ under the provision of the preceding paragraph.

3. The designation as ‘Important Intangible Folk Cultural Property’ under the provision of paragraph 1 shall be announced in the Official Gazette.

**Article 79: Annulment of the Designation as ‘Important Tangible Folk Cultural Property’ and ‘Important Intangible Folk Cultural Property’**

Where an object of ‘Important Tangible Folk Cultural Property’ or an element of ‘Important Intangible Folk Cultural Property’ has lost its value as such, or where there is any other special reason, the Minister of Education, Culture, Sports, Science and Technology may annul the designation as ‘Important Tangible Folk Cultural Property’ or ‘Important Intangible Folk Cultural Property’.

2. The provisions of Article 29 paragraphs 2 to 4 inclusive shall apply *mutatis mutandis* to the annulment of the designation as ‘Important Tangible Folk Cultural Property’ under the provision of the preceding paragraph.

3. The annulment of the designation as ‘Important Intangible Folk Cultural Property’ under the provision of paragraph 1 shall be announced in the Official Gazette.

### **Article 80: Management of ‘Important Tangible Folk Cultural Property’**

The provisions of Articles 30 to 34 inclusive shall apply *mutatis mutandis* to a manager of ‘Important Tangible Folk Cultural Property’.

### **Article 81: Protection of ‘Important Tangible Folk Cultural Property’**

Any person who intends to alter the status quo of an object of ‘Important Tangible Folk Cultural Property’ or to take any action that affects its preservation shall report his intention to the Commissioner for Cultural Affairs in writing, in accordance with the stipulations of a MEXT ordinance, at least twenty days prior to the date on which such alteration of the status quo or taking of any action affecting its preservation is to be implemented. However, the present provision does not apply to cases stipulated by a MEXT ordinance.

2. Where the Commissioner for Cultural Affairs deems it necessary for the protection of ‘Important Tangible Folk Cultural Property’, he may give necessary instructions regarding the alteration of the status quo of or any act that affects the preservation of the said object of ‘Important Tangible Folk Cultural Property’ for which a report has been filed under the preceding paragraph.

### **Article 82**

Any person who intends to export an object of ‘Important Tangible Folk Cultural Property’ shall obtain the permission of the Commissioner for Cultural Affairs.

### **Article 83**

Articles 34 *bis* to 36 inclusive, Article 37 paragraphs 2 to 4 inclusive, Articles 42, 46, and 47 shall apply *mutatis mutandis* to the protection of ‘Important Tangible

Folk Cultural Property’.

**Article 84: Opening to Public Viewing of an Object of ‘Important Tangible Folk Cultural Property’**

Where any party other than an owner or a managerial body (*i.e.* a local government or any other juridical person appointed under the provision of Article 32 *bis* paragraph 1 which is applied *mutatis mutandis* in Article 80; hereinafter the same applies in the present Chapter and in Chapter XII.) of ‘Important Tangible Folk Cultural Property’ intends to make an object of ‘Important Tangible Folk Cultural Property’ available for public viewing at an exhibition or at any other event to be organized by him, he shall inform the Commissioner for Cultural Affairs thereof in writing at least thirty days prior to the commencement date of making it available for public viewing, stating the matters stipulated by a MEXT ordinance. However, where an exhibition or any other event is to be organized by a national organ other than the Commissioner for Cultural Affairs or by a local government at a museum or other similar facility that has previously been exempted from such information requirements by the Commissioner for Cultural Affairs (hereinafter referred to as “a facility exempted from an *ex ante* information-document for public viewing” in the present paragraph), or where an installer of ‘a facility that is exempted from an *ex ante* information-document for public viewing’ holds these events at such ‘a facility that is exempted from an *ex ante* information-document for public viewing’, it shall suffice if an *ex post* information-document is submitted within twenty days of the day after the final day of making an object of ‘Important Tangible Folk Cultural Property’ available for public viewing.

2. The provisions of Article 51 paragraphs 4 and 5 shall apply *mutatis mutandis* to public viewing for which an information-document has been filed under the main text of the preceding paragraph.

### **Article 85**

The provisions of Articles 47 *bis* to 52 inclusive shall apply *mutatis mutandis* to opening an object of ‘Important Tangible Folk Cultural Property’ for public viewing.

### **Article 86: Investigation into the Preservation of ‘Important Tangible Folk Cultural Property’ and Succession to Rights and Obligations of a Change of Owners and Others**

The provision of Article 54 shall apply *mutatis mutandis* to an investigation for the preservation of ‘Important Tangible Folk Cultural Property’, while the provision of Article 56 shall apply *mutatis mutandis* to the change of an owner of ‘Important Tangible Folk Cultural Property’, to the appointment of a managerial body for ‘Important Tangible Folk Cultural Property’, or to the annulment of the appointment thereof.

### **Article 87: Preservation of ‘Important Intangible Folk Cultural Property’**

Where the Commissioner for Cultural Affairs deems it necessary for the preservation of ‘Important Intangible Folk Cultural Property’, he may himself produce the record thereof and take any other appropriate measure for its preservation, and the State may grant a subsidy to cover part of the expenses required for its preservation to a local government or any other person deemed appropriate to take care of its preservation.

2. The provisions of Article 35 paragraphs 2 and 3 shall apply *mutatis mutandis* to the subsidization under the provision of the preceding paragraph.

### **Article 88: Opening to Public Viewing of Records of ‘Important Intangible Folk**

### **Cultural Property'**

The Commissioner for Cultural Affairs may advise an owner of the records of 'Important Intangible Folk Cultural Property' to open the said records for public viewing.

2. The provision of Article 75 paragraph 3 shall apply *mutatis mutandis* where an owner of the records of 'Important Intangible Folk Cultural Property' opens such records for public viewing.

### **Article 89: Suggestions or Advice on the Preservation of 'Important Intangible Folk Cultural Property'**

The Commissioner for Cultural Affairs may make suggestions or give advice necessary for the preservation of 'Important Intangible Folk Cultural Property' to a local government or any other person deemed appropriate to take care of its preservation.

### **Article 90: 'Registered Tangible Folk Cultural Property'**

From among objects of 'Tangible Folk Cultural Property' other than 'Important Tangible Folk Cultural Property' (except those designated by a local government under the provision of Article 182 paragraph 2), the Minister of Education, Culture, Sports, Science and Technology may, in view of the value as cultural property, register in the Cultural Property Registry those objects that are in special need of preservation and utilization measures.

2. The provisions of Article 57 paragraphs 2 to 3 inclusive shall apply *mutatis mutandis* to registration under the provision of the preceding paragraph.

3. The provisions in Chapter III Subsection 2 (except for the provision of Article 57) shall apply *mutatis mutandis* to an object of 'Tangible Folk Cultural Property'

(hereinafter referred to as “Registered Tangible Folk Cultural Property”) registered under the provisions of the two preceding paragraphs. In this case, the “thirty days” described in Article 64 paragraph 1 and Article 65 paragraph 1 shall be read as “twenty days” and “Where alteration of the status quo is merely a maintenance measure or an emergency measure to be taken in the event of an unforeseen disaster, or where measures are taken based on an order that alters the status quo under the provisions of other legislations” described in the proviso of Article 64 paragraph 1 shall be read as “Where a MEXT ordinance stipulates this.”

**Article 91: Production of the Record, etc. of ‘Intangible Folk Cultural Property’ Other Than ‘Important Intangible Folk Cultural Property’**

The provision of Article 77 shall apply *mutatis mutandis* to ‘Intangible Folk Cultural Property’ other than ‘Important Intangible Folk Cultural Property’.

## CHAPTER VI TREASURE TROVE

**Article 92: Information-documents, Instructions and Orders on Excavation for Investigation**

Any person who intends to excavate the land for investigation of an object of cultural property which is buried (hereinafter referred to as a “Treasure Trove”) shall inform the Commissioner for Cultural Affairs thereof in writing, at least thirty days prior to the date on which the excavation is to be embarked upon, stating the matters stipulated by a MEXT ordinance. However, the present provision does not apply to cases stipulated by a MEXT ordinance.

2. Where the Commissioner for Cultural Affairs deems it especially necessary for the protection of Treasure Trove, he may instruct the submission of necessary matters and a report regarding the excavation for which notification has been filed under the preceding paragraph and order the prohibition, suspension, or discontinuance of that excavation.

### **Article 93: Information-documents and Instructions on Excavation for Civil Engineering Work**

The provision of the preceding Article paragraph 1 shall apply *mutatis mutandis* where a site that is well-known as a shell mound, a tumulus, or any other land containing Treasure Trove (hereinafter referred to as “the Well-Known Land of Treasure Trove”) is to be dug up for civil engineering work or any purpose other than investigation of Treasure Trove. In this case, the “thirty days” described in the same paragraph shall be read as “sixty days.”

2. Regarding the digging for which an information-document has been filed under the preceding Article paragraph 1 applied *mutatis mutandis* in the preceding paragraph, in cases where the Commissioner for Cultural Affairs deems it especially necessary for the protection of Treasure Trove, he may give instructions on the implementation of an excavation investigation and any other necessary matters, to produce the record of Treasure Trove prior to such digging.

### **Article 94: Special Rules on an Excavation Conducted by National Agencies**

The provision of the preceding Article shall not apply where a national organ, a local government, or a juridical person established by the State or a local government and prescribed by a cabinet order (hereinafter generically referred to as “national agencies” in the present Article and in Article 97) intends to excavate the well-known land of Treasure Trove for the purpose prescribed in the preceding Article paragraph 1; where such national organs formulate a project document

regarding such an excavation, they shall inform the Commissioner for Cultural Affairs to that effect in advance.

2. Where the Commissioner for Cultural Affairs receives an information-document under the preceding paragraph and deems it especially necessary for the protection of Treasure Trove, he may inform national agencies to the effect that the latter shall consult him about the formulation of such a project document and its implementation.

3. Upon receiving an information-document under the preceding paragraph, the national agencies shall consult the Commissioner for Cultural Affairs about the formulation of their project document and its implementation.

4. Where the Commissioner for Cultural Affairs has received an information-document under paragraph 1, except for cases under the preceding two paragraphs, he may give the advice necessary for the protection of Treasure Trove regarding the implementation of such a project document for which an information-document has been filed.

5. In cases under the preceding four paragraphs, if such national agencies are the heads of Ministries and/or Agencies (*i.e.* the heads of the Ministries and/or Agencies prescribed in Article 4 paragraph 2 of the State Property Law (Law No. 73 of 1948); hereinafter the same applies), such information-document, consultation, or advice prescribed in these paragraphs shall be done through the Minister of Education, Culture, Sports, Science and Technology.

#### **Article 95: Thorough Spreading of Information about the Well-Known Land of Treasure Trove**

Regarding the Well-Known Land of Treasure Trove, the State and a local government shall endeavor to complete the documentation and to take other

measures necessary for thoroughly spreading information about the Well-Known Land of Treasure Trove.

2. The State may give instruction, advice or other assistance deemed necessary for the measures taken by a local government under the preceding paragraph.

**Article 96: Information-document, Order of Suspension and Other Matters regarding the Discovery of Remains**

Where an owner or an occupant of land has discovered what is recognizable as a shell mound, a dwelling site, a tumulus and other remains, such as through the discovery of unearthened articles, except for discovery on the occasion of investigation under the provision of Article 92 paragraph 1, he shall, without altering the status quo of such remains, notify the Commissioner for Cultural Affairs of the fact in writing, without delay, stating the matters stipulated by a MEXT ordinance. However, where it is necessary to take emergency measures because of an extraordinary disaster, he may alter the status quo of such remains to the necessary extent.

2. Where the Commissioner for Cultural Affairs has received notification under the preceding paragraph and recognizes that the remains concerned are important, and deems it necessary to perform an investigation for purposes of their protection, he may order the owner or the occupant of land to suspend or prohibit taking, within a fixed term and area, any action that may lead to the alteration of their status quo. However, such term shall not exceed three months.

3. Where the Commissioner for Cultural Affairs intends to issue an order under the preceding paragraph, he shall hear the opinions of the local government concerned in advance.

4. The order under paragraph 2 shall be issued within one month of the day of

notification under paragraph 1.

5. Where the investigation under paragraph 2 is not completed within the term fixed in the same paragraph and needs to be continued, the Commissioner for Cultural Affairs may extend the term of investigation in all or part of the area prescribed in such an order. However, the term of such an order shall not exceed six consecutive months including the original term prescribed in the same paragraph.

6. In calculating the term under paragraph 2 and the preceding paragraph, it shall include the period as from the day of notification under paragraph 1 to the day when the order under paragraph 2 has been issued.

7. Even where notification under paragraph 1 has not been received, the Commissioner for Cultural Affairs may take the measures prescribed in paragraphs 2 and 5.

8. Where the Commissioner for Cultural Affairs has received notification under paragraph 1, he may give instructions that are necessary for the protection of such remains, except in cases where he has taken measures under paragraph 2. Except where he has taken measures under paragraph 2 under the provision of the preceding paragraph, the same shall apply where he has not received notification under paragraph 1.

9. The State shall compensate a person, who has suffered a loss caused by an order under paragraph 2, for ordinary damages incidental thereto.

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

### **Article 97: Special Rules for Discovery of Remains by National Agencies**

Where national agencies have discovered something under the preceding Article paragraph 1, the provision of the same Article shall not apply; national agencies shall, without altering the status quo, inform the Commissioner for Cultural Affairs to that effect without delay except where they have discovered something on the occasion of investigation under the provision of Article 92 paragraph 1 or Article 99 paragraph 1. However, where they take emergency measures necessary because of extraordinary disasters, they may alter the status quo to the necessary extent.

2. Where the Commissioner for Cultural Affairs has received an information-document under the preceding paragraph and recognizes those informed remains as important, and deems it necessary to perform investigations for the purpose of their protection, he may inform such national agencies to the effect that they should apply to him for consultation regarding their investigation, preservation, etc.

3. The national agencies that have received an information-document under the preceding paragraph shall consult the Commissioner for Cultural Affairs.

4. Where the Commissioner for Cultural Affairs has received an information-document under paragraph 1, he may give the necessary advice for the protection of such remains, except for cases under the preceding two paragraphs.

5. The provision of Article 94 paragraph 5 shall apply *mutatis mutandis* to cases under each of the preceding paragraphs.

### **Article 98: Implementation of Excavation by the Commissioner for Cultural Affairs**

The Commissioner for Cultural Affairs may implement the excavation of land to investigate Treasure Trove for which investigation by the State is deemed necessary because of its exceptionally high value from the viewpoint of history or science, and also because of the technical difficulty that the investigation entails.

2. Where the Commissioner for Cultural Affairs intends to implement an excavation under the provision of the preceding paragraph, he shall issue to an owner and an occupant by title of such land a writ stating the purpose, method, date of commencement of the excavation, and other necessary matters in advance.

3. The provisions of Article 39 (including the provision of Article 32 *bis* paragraph 5 applied *mutatis mutandis* in the same Article paragraph 3) and Article 41 shall apply *mutatis mutandis* to cases under paragraph 1.

#### **Article 99: Implementation of Excavations by a Local Government**

Where a local government deems it necessary to investigate Treasure Trove, it may implement the excavation of land recognized as containing Treasure Trove, except where the Commissioner for Cultural Affairs implements an excavation under the provision of the preceding Article paragraph 1.

2. Where a local government intends implementing an excavation under the provision of the preceding paragraph, a board of education shall consult the head of the Ministry or Agency concerned in advance, or any other national organ about the purpose, method and date of commencement of the excavation, and any other matters deemed necessary if the land where an excavation is to be implemented belongs to the State or is occupied by a national organ.

3. A local government may ask an undertaker for his cooperation regarding the excavation under paragraph 1.

4. The Commissioner for Cultural Affairs may give a local government guidance and advice necessary for the excavation under paragraph 1.

5. The State may grant the local government a subsidy to cover part of the expense required for the excavation under paragraph 1.

#### **Article 100: Return or Information-document, etc.**

Where an object of cultural property has been discovered during an excavation under Article 98 paragraph 1, the Commissioner for Cultural Affairs shall return the said object to its owner if known, but if the owner is not traceable, it suffices for him to inform the chief of a police station of that effect, notwithstanding the provision of Article 4 paragraph 1 of the Lost Property Law (Law No. 73 of 2006).

2. Where a board of education within To-Do-Fu-Ken (prefectures), or within a designated city defined in Article 252 *undevicies* paragraph 1 of the Local Autonomy Law (Law No. 67 of 1947) or within a core city as defined in Article 252 *vicies bis* paragraph 1 of the same Law (designated cities and core cities are hereinafter referred to as “designated cities, etc.”) discovers cultural property as a result of an excavation under the preceding Article paragraph 1, the provision of the previous paragraph shall apply *mutatis mutandis* to such a board of education.

3. Where the chief of a police station receives an information-document under paragraph 1 (including cases in the preceding paragraph to which paragraph 1 applies *mutatis mutandis*), he shall promptly issue, under the provision of Article 7 paragraph 1 of the Lost Property Law, a public notice regarding such cultural property.

#### **Article 101: Handover**

Where recognizable as an object of cultural property is an unearthed object that is placed before the chief of a police station as a buried object under the provision of Article 4 paragraph 1 of the Lost Property Law, the chief of such a police station shall hand over the object to a board of education within To-Do-Fu-Ken (prefectures) that have jurisdiction over the land where the said object was discovered. (If that land falls within the boundaries of a designated city, etc., it shall be a board of education within such a designated city, etc. The same shall apply in the following Articles.) However, the present provision does not apply where the owner thereof is known.

#### **Article 102: Appraisal**

Where an object has been handed over to a board of education within To-Do-Fu-Ken (prefectures) under the provision of the preceding Article, the board of education shall appraise whether the object qualifies as Cultural Property.

2. Where a board of education within To-Do-Fu-Ken (prefectures) recognizes the said object as Cultural Property as a result of the appraisal under the preceding paragraph, it shall inform the chief of a police station to that effect; where it does not, it shall return the said object to the chief of a police station.

#### **Article 103: Delivery**

Where an owner of an object of cultural property prescribed in Article 100 paragraph 1 or 2 or one prescribed in the preceding Article paragraph 2 has demanded that the chief of a police station return it to him, the Commissioner for Cultural Affairs, or boards of education within To-Do-Fu-Ken (prefectures) or of the designated city, etc. shall deliver it to such a chief of a police station.

#### **Article 104: Belonging to the Exchequer and Reward**

The ownership of an object prescribed in Article 100 paragraph 1 or one prescribed in Article 102 paragraph 2 (limited to those discovered as a result of excavations implemented by national agencies or the independent administrative institution National Institutes for Cultural Heritage in order to investigate Treasure Trove), the owner of which is unknown, shall belong to the exchequer. In this case, the Commissioner for Cultural Affairs shall inform the owner of the land where the said object of cultural property was found to that effect and shall provide him with a reward corresponding to one half of the value of that object.

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

#### **Article 105: Belonging to To-Do-Fu-Ken (Prefectures) and Reward**

The ownership of an object prescribed in Article 100 paragraph 2 or one prescribed in Article 102 paragraph 2 (except those prescribed in the preceding Article paragraph 1), the owner of which is unknown, belongs to To-Do-Fu-Ken (prefectures) that have jurisdiction over the land where the said object of cultural property was discovered. In this case a board of education within such To-Do-Fu-Ken (prefectures) shall inform the finder of the said object of cultural property and the owner of the land where the said object was found to that effect and shall provide them with a reward corresponding to the value of that object.

2. Where the finder and the landowner prescribed in the preceding paragraph differ, compensation under the preceding paragraph shall be paid equally to both parties.

3. The amount of compensation under paragraph 1 shall be fixed by the board of education of such To-Do-Fu-Ken (prefectures).

4. The provision of Article 41 paragraph 3 shall apply *mutatis mutandis* to the amount of compensation under the preceding paragraph.

5. To-Do-Fu-Ken (prefectures) shall be a defendant in a lawsuit filed under the provision of Article 41 paragraph 3 which is applied *mutatis mutandis* in the preceding paragraph.

### **Article 106: Alienation**

The Government may, unless it is necessary for the State to retain an object of cultural property belonging to the exchequer under the provision of Article 104 paragraph 1 for itself for the purpose of the preservation thereof or from the viewpoint of its utility, alienate the said object to the owner of the land on which it was found, within the limit of the value corresponding to the amount of compensation to be received by that owner under the provision of the same Article.

2. Under the provision of the preceding paragraph the amount of money corresponding to the value of the alienated object of cultural property shall be deducted from the amount of compensation prescribed in Article 104.

3. The Government may, unless it is necessary for the State to retain an object of cultural property belonging to the exchequer under the provision of Article 104 paragraph 1 for itself for the purpose of the preservation thereof or from the viewpoint of its utility, alienate the said object or alienate it at a price lower than the current price, to the independent administrative institution National Institutes for Cultural Heritage or to the local government that has jurisdiction over the land where the said object was found, based upon its application.

### **Article 107**

A board of education within To-Do-Fu-Ken (prefectures) may, unless it is necessary for such To-Do-Fu-Ken (prefectures) to retain for itself an object of cultural property belonging to it under the provision of Article 105 paragraph 1 for the purpose of its preservation or from the viewpoint of its utility, alienate it to the finder of the said object of cultural property and the owner of the land where the said object was found within the limit of the value corresponding to the amount of compensation to be received by that person under the provision of the same Article.

2. Under the provision of the preceding paragraph the amount of money corresponding to the value of the alienated object of cultural property shall be deducted from the amount of compensation prescribed in Article 105.

#### **Article 108: Application of the Lost Property Law**

Unless otherwise prescribed by the present law, the Lost Property Law shall apply to Treasure Trove.

## CHAPTER VII HISTORIC SITES, PLACES OF SCENIC BEAUTY AND NATURAL MONUMENTS

#### **Article 109: Designation**

The Minister of Education, Culture, Sports, Science and Technology may designate an important one among monuments as ‘Historic Site’, ‘Place of Scenic Beauty’ or ‘Natural Monument’ (hereinafter collectively referred to as “Historic Sites, Places of Scenic Beauty and Natural Monuments”).

2. The Minister of Education, Culture, Sports, Science and Technology may designate particularly important ones, among ‘Historic Sites, Places of Scenic Beauty or Natural Monuments’ designated under the provision of the preceding paragraph, as ‘Special Historic Site’, ‘Special Place of Scenic Beauty’, or ‘Special Natural Monument’ (hereinafter collectively referred to as “Special Historic Sites, Places of Scenic Beauty and Natural Monuments”).

3. The designation under the preceding two paragraphs shall be announced in the Official Gazette, and an owner and an occupant by title of such ‘Special Historic Sites, Places of Scenic Beauty and Natural Monuments’ or such ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’ shall be informed thereof.

4. Where there are too many addressees to be individually informed under the provision of the preceding paragraph, the Minister of Education, Culture, Sports, Science and Technology may, instead of informing them as prescribed in the same paragraph, put up a notice of matters to be informed on a notice board in an office or any other similar facility in a city (including special wards; hereinafter the same applies), town, or village where such ‘Special Historic Sites, Places of Scenic Beauty or Natural Monuments’ or such ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’ are located. In this case the information-document prescribed in the preceding paragraph shall be deemed to have reached those addressees after two weeks have passed since the day on which the notice was first exhibited.

5. Designation under the provision of paragraph 1 or 2 shall come into effect as from the day of announcement in the Official Gazette under the provision of paragraph 3. However, for an owner or an occupant by title of ‘Special Historic Sites, Places of Scenic Beauty and Natural Monuments’ or of ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’, it shall come into effect as from the time when the information-document under the provision of paragraph 3 has reached him or when it is deemed to have reached him under the provision of the

preceding paragraph.

6. Where the Minister of Education, Culture, Sports, Science and Technology designates a place of scenic beauty or a natural monument, he shall consult the Minister of the Environment if such monuments to be designated possess a high value for the protection of the natural environment.

#### **Article 110: Interim Designation**

Prior to designation under the provision of the preceding Article paragraph 1, if a board of education within To-Do-Fu-Ken (prefectures) recognizes an imminent necessity, it may make an interim designation of 'Historic Sites, Places of Scenic Beauty and Natural Monuments'.

2. Where the board of education within To-Do-Fu-Ken (prefectures) has made an interim designation under the provision of the preceding paragraph, it shall report the fact to the Minister of Education, Culture, Sports, Science and Technology without delay.

3. The provisions of the preceding Article paragraphs 3 to 5 inclusive shall apply *mutatis mutandis* to an interim designation under the provision of paragraph 1.

#### **Article 111: Respect for Ownership, etc. and Coordination with Other Public Interests**

In making a designation under the provision of Article 109 paragraph 1 or 2, or an interim designation under the provision of the preceding Article paragraph 1, the Minister of Education, Culture, Sports, Science and Technology or a board of education within To-Do-Fu-Ken (prefectures) shall, in particular, respect ownership, mining rights and other property rights of the parties concerned, and at the same time pay due attention to coordination with land development and

other public interests.

2. Where the Minister of Education, Culture, Sports, Science and Technology deems it necessary, he may express his opinions to the Minister of the Environment on the protection and maintenance of the natural environment that relates to Places of Scenic Beauty or Natural Monuments. Where the Commissioner for Cultural Affairs expresses his opinion in this case, he shall do so through the Minister of Education, Culture, Sports, Science and Technology.

3. Where the Minister of the Environment deems it necessary, he may express his opinions on the preservation or utilization of Places of Scenic Beauty or Natural Monuments of a high value from the viewpoint of the protection of the natural environment to the Minister of Education, Culture, Sports, Science and Technology, or to the Commissioner for Cultural Affairs through the Minister of Education, Culture, Sports, Science and Technology.

#### **Article 112: Annulment of Designation**

Where ‘Special Historic Sites, Places of Scenic Beauty and Natural Monuments’, or ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’ have lost their value as such, or where there is any other special reason, the Minister of Education, Culture, Sports, Science and Technology or a board of education within To-Do-Fu-Ken (prefectures) may annul the designation or interim designation thereof.

2. Where designation under the provision of Article 109 paragraph 1 has been done for ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’ for which an interim designation had been done under the provision of Article 110 paragraph 1, or where no designation under the same provision has been done within two years as from the day when such an interim designation had been done, such an interim designation shall become null and void.

3. Where the Minister of Education, Culture, Sports, Science and Technology deems it inappropriate, he may annul any interim designation under the provision of Article 110 paragraph 1.

4. The provisions of Article 109 paragraphs 3 to 5 inclusive shall apply *mutatis mutandis* to the annulment of designation or interim designation under the provision of paragraph 1 or of the preceding paragraph.

#### **Article 113: Management and Restoration by a Managerial Body**

Where an owner of ‘Historic Sites, Places of Scenic Beauty, and Natural Monuments’ does not exist or is not traceable, or where it is apparently recognizable that the management by its responsible manager appointed by an owner or under the provision of Article 109 paragraph 2 is extremely difficult or inappropriate, the Commissioner for Cultural Affairs may appoint an appropriate local government or any other juridical person and charge it with the management and restoration necessary for the preservation of the said ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’ (including the management and restoration of such facilities, equipment and other objects under the ownership or management of the owner of the said ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’, as are necessary for the preservation thereof).

2. In order to make an appointment under the provision of the preceding paragraph, the Commissioner for Cultural Affairs shall obtain the consent of a local government or any other juridical person to be appointed in advance.

3. The appointment under the provision of paragraph 1 shall be announced in the Official Gazette, and an owner and an occupant by title of the said ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’ as well as a local government or

other juridical person to be appointed shall be informed thereof.

4. The provisions of Article 109 paragraphs 4 and 5 shall apply *mutatis mutandis* to appointment under the provision of paragraph 1.

#### **Article 114**

Where the reasons prescribed in the preceding Article paragraph 1 have become obsolete or where there is any other special reason, the Commissioner for Cultural Affairs may annul the appointment of a managerial body.

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

#### **Article 115**

A local government and any other juridical person appointed under the provision of Article 113 paragraph 1 (hereinafter referred to as “a managerial body” in the present Chapter and Chapter XII) shall set up signs, explanation boards, boundary indicators, fences and other facilities necessary for the management of ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’ according to the standards set by a MEXT ordinance.

2. Where there has been any change in the name, block number, category or acreage of land within the designated area of ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’, a managerial body shall notify the Commissioner for Cultural Affairs to that effect in accordance with the stipulations of a MEXT ordinance.

3. Where a managerial body implements restoration, it shall hear opinions of an

owner (except where the owner is not traceable) and an occupant by title of 'Historic Sites, Places of Scenic Beauty and Natural Monuments' in advance on the method and time of restoration.

4. An owner or an occupant of 'Historic Sites, Places of Scenic Beauty and Natural Monuments' shall not refuse, impede, or evade the management, restoration, or measures necessary for such management or restoration implemented by a managerial body without justifiable reasons.

#### **Article 116**

A managerial body shall bear the expenses required for the management and restoration implemented by itself, unless otherwise prescribed by the present law.

2. Notwithstanding the provision of the preceding paragraph, an owner may bear part of the expenses required for the management or restoration upon agreement between a managerial body and an owner, within the limit of profits that the latter enjoys as a result of management or restoration implemented by the former.

3. A managerial body may collect admission fees from visitors to 'Historic Sites, Places of Scenic Beauty and Natural Monuments' during its term of management.

#### **Article 117**

A managerial body shall compensate a person who has suffered loss caused by the manager or restoration it implemented, for ordinary damages incidental thereto.

2. The amount of indemnity under the preceding paragraph shall be determined by a managerial body (or if a managerial body is a local government, the board of education within such a local government).

3. The provision of Article 41 paragraph 3 shall apply *mutatis mutandis* to the amount of indemnity under the provision of the preceding paragraph.

4. A managerial body shall be a defendant in a lawsuit under the provision of Article 41 paragraph 3 when applied *mutatis mutandis* in the preceding paragraph.

### **Article 118**

The provisions of Article 30, Article 31 paragraph 1, and Article 33 shall apply *mutatis mutandis* to the management implemented by a managerial body; the provisions of Articles 35 and 47 to the management and restoration implemented by a managerial body; the provision of Article 56 paragraph 3, to cases where a managerial body has been appointed, or where such appointment has been annulled.

### **Article 119: Management and Restoration by an Owner**

Except where a managerial body has been appointed, the owner of 'Historic Sites, Places of Scenic Beauty and Natural Monuments' shall be responsible for the management and restoration thereof.

2. An owner in charge of the management of 'Historic Sites, Places of Scenic Beauty and Natural Monuments' under the provision of the preceding paragraph may appoint an appropriate person to be responsible on his behalf for the management of the said 'Historic Sites, Places of Scenic Beauty and Natural Monuments' in specific circumstances (hereinafter referred to as "a responsible manager" in the present Chapter and Chapter XII). The provision of Article 31 paragraph 3 shall apply *mutatis mutandis* in this case.

## **Article 120**

The provisions of Article 30, Article 31 paragraph 1, Article 32, Article 33, and Article 115 paragraphs 1 and 2 (paragraph 2 is not applicable if a managerial body has been appointed) shall apply *mutatis mutandis* to management by an owner; the provisions of Articles 35 and 47 to management and restoration by an owner; the provision of Article 56 paragraph 1 to the succession to rights and obligations upon a change in ownership; the provisions of Article 30, Article 31 paragraph 1, Article 32 paragraph 3, Article 33, Article 47 paragraph 4, and Article 115 paragraph 2 to management by a responsible manager.

## **Article 121: Order or Advice on Management**

Where the Commissioner for Cultural Affairs concludes that ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’ is in danger of destruction, damage, decay, or theft because of inappropriate management, he may (i) order a managerial body, an owner or a responsible manager thereof to improve its management methods, to install facilities for preservation and to take any other measure necessary for proper management thereof, or (ii) offer them appropriate advice.

2. The provisions of Article 36 paragraphs 2 and 3 shall apply *mutatis mutandis* to cases under the preceding paragraph.

## **Article 122: Order or Advice on Restoration**

Where ‘Special Historic Sites, Places of Scenic Beauty and Natural Monuments’ is damaged or in a state of decay and the Commissioner for Cultural Affairs deems it necessary for its preservation, he may give any necessary orders or advice on its restoration to a managerial body or an owner thereof.

2. Where ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’ other

than ‘Special Historic Sites, Places of Scenic Beauty and Natural Monuments’ is damaged or in a state of decay and the Commissioner for Cultural Affairs deems it necessary for its preservation, he may give necessary advice on its restoration to a managerial body or to an owner thereof.

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

**Article 123: Implementation of Restoration, etc. of Special Historic Sites, Places of Scenic Beauty or Natural Monuments by the Commissioner for Cultural Affairs**

The Commissioner for Cultural Affairs may himself implement the restoration of ‘Special Historic Sites, Places of Scenic Beauty and Natural Monuments’ or take measures to prevent its destruction, damage, decay or theft, in either of the following cases:

(1) where a managerial body, an owner or a responsible manager does not observe the orders given under the provisions of the preceding two Articles;

(2) where ‘Special Historic Sites, Places of Scenic Beauty and Natural Monuments’ is damaged or in a state of decay, or in danger of destruction, damage, decay or theft, and where The Commissioner for Cultural Affairs deems it inappropriate to have a managerial body, an owner or a responsible manager thereof restore or take measures to prevent its destruction, damage, decay, or theft.

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

**Article 124: Reimbursement for Alienation of ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’ for Which a Subsidy Has Been Granted**

The provision of Article 42 shall apply *mutatis mutandis* to ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’ for which a subsidy has been granted

by the State for restoration or measures to prevent its destruction, damage, decay or theft under the provision of Article 35 paragraph 1 when applied *mutatis mutandis* in Article 118 and Article 120, or for which all or part of the expenses were owed under the provision of Article 36 paragraph 2, when applied *mutatis mutandis* by Article 121 paragraph 2, under Article 37 paragraph 3, when applied *mutatis mutandis* in Article 122 paragraph 3, or under Article 40 paragraph 1, when applied *mutatis mutandis* in the preceding Article paragraph 2.

### **Article 125: Restriction upon Alteration of the Status Quo and Order of Restitutio in Integrum**

Where any person intends to take action to alter the status quo of ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’ or any action that affects its preservation, he must obtain the permission of the Commissioner for Cultural Affairs. However, the present provision does not apply where such act of altering the status quo is merely a measure for maintaining the *status quo* of an entity or an emergency measure necessary for the prevention of extraordinary disasters; or where the influence of any act that may affect its preservation is insignificant.

2. The extent of a measure to maintain the status quo provided for in the proviso to the preceding paragraph shall be stipulated by a MEXT ordinance.

3. The provision of Article 43 paragraph 3 shall apply *mutatis mutandis* to the delivery of permission prescribed in paragraph 1, while that of Article 43 paragraph 4 shall apply to a person who has obtained such permission under paragraph 1.

4. The provision of Article 111 paragraph 1 shall apply *mutatis mutandis* to final actions under the provision of paragraph 1.

5. The State shall compensate a person who has suffered loss caused by the fact

that he failed to obtain permission under paragraph 1 or that the permission was subject to conditions under Article 43 paragraph 3, when applied *mutatis mutandis* in paragraph 3, for ordinary damages incidental thereto.

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

7. Where any person has done anything to alter the status quo or to affect the preservation of 'Historic Sites, Places of Scenic Beauty and Natural Monuments' without obtaining permission under the provision of paragraph 1 or without observing the conditions of permission under Article 43 paragraph 3, when applied *mutatis mutandis* in paragraph 3, the Commissioner for Cultural Affairs may order him to restore it to its original state. In this case, the Commissioner for Cultural Affairs may give necessary instructions for such recovery.

#### **Article 126: Informing the Administrative Agency Concerned**

Regarding an act for which a permission should be obtained under the provision of the preceding Article paragraph 1, and the conduct subject to other permission, authorization, or any other final action, depending on a cabinet order under the provisions of other laws or orders, an administrative agency with competence for a final action under such other laws or orders or a person to whom such competence has been entrusted shall inform the Commissioner for Cultural Affairs (or a board of education within To-Do-Fu-Ken (prefectures) or a city if Article 184 paragraph 1, provides that a board of education within To-Do-Fu-Ken (prefectures) or a city shall exercise competence for permission under the provision of the preceding Article paragraph 1) to that effect in accordance with what the cabinet order prescribed where it takes such a final action.

#### **Article 127: Notification of Restoration**

Where ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’ is to be restored, its managerial body or owner shall notify the Commissioner for Cultural Affairs thereof at least thirty days prior to the commencement date of such restoration, in accordance with the stipulations of a MEXT ordinance. However, the present provision does not apply to cases where permission is to be obtained under the provision of Article 125 paragraph 1 and to other cases stipulated by a MEXT ordinance.

2. Where the Commissioner for Cultural Affairs deems it necessary for the protection of ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’, he may give technical guidance and advice on the restoration of the ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’, for which notification is filed under the preceding paragraph.

#### **Article 128: Integrity of the Surroundings**

Where the Commissioner for Cultural Affairs deems it necessary for the preservation of ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’, he may restrict or prohibit certain acts within a delimited area or order the installation of any necessary facilities in such area.

2. The State shall compensate a person who has suffered loss caused by the final action under the preceding paragraph, for ordinary damages incidental thereto.

3. The provision of Article 125 paragraph 7 shall apply *mutatis mutandis* to a person who has contravened the restrictions or prohibitions under paragraph 1, while the provisions of Article 41 paragraphs 2 to 4 inclusive shall apply to cases under the preceding paragraph.

#### **Article 129: Subsidy for a Managerial Body to Buy**

Where a local government or other juridical person that is a managerial body deems it necessary to buy the land, buildings or other fixtures to the land involved in the designation as 'Historic Sites, Places of Scenic Beauty and Natural Monuments' for the preservation of a designated entity that is under its management, the State may grant a subsidy to cover part of the expenses required to buy the same.

2. The provisions of Article 35 paragraphs 2 and 3, and Article 42 shall apply *mutatis mutandis* to cases under the preceding paragraph.

#### **Article 130: Investigation for Preservation**

Where the Commissioner for Cultural Affairs deems it necessary, he may ask a managerial body, an owner or a responsible manager to file a report (i) on the status quo of 'Historic Sites, Places of Scenic Beauty and Natural Monuments' or (ii) on the conditions of its management, of its restoration, or of the integrity of its surroundings.

#### **Article 131**

In any of the following cases, where the Commissioner for Cultural Affairs is still unable to confirm the condition of 'Historic Sites, Places of Scenic Beauty and Natural Monuments' notwithstanding the report filed under the preceding Article, and where there appears to be no alternative way for confirmation thereof, he may appoint a person who is in charge of the investigation and have him enter upon the land where the 'Historic Sites, Places of Scenic Beauty and Natural Monuments' is located or its adjoining area, investigate on the spot the status quo or the conditions of its management, of its restoration, or of the integrity of its surroundings, excavate the land, remove obstacles, or take any other measures necessary for such investigation. However, he shall not oblige him to take such measures as may result in considerable damage to the owner or the occupant or

any other parties with an interest in such land:

- (1) where application has been filed for approval of the alteration of the status quo or of any action to affect the preservation of ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’;
- (2) where ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’ is damaged or in a state of decay;
- (3) where ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’ is in danger of destruction, damage, decay or theft;
- (4) where special circumstances necessitate re-investigating the value of ‘Special Historic Sites, Places of Scenic Beauty and Natural Monuments’ or of ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’ as such.

2. The State shall compensate a person who has suffered loss caused by the investigation or measures under the provision of the preceding paragraph, for ordinary damages incidental thereto.

3. The provision of Article 55 paragraph 2 shall apply *mutatis mutandis* to cases of entering upon the land for investigation under the provision of paragraph 1, and those of Article 41 paragraphs 2 to 4 inclusive to cases under the preceding paragraph.

### **Article 132: Registered Monuments**

From among monuments (except those designated by a local government under the provision of Article 182 paragraph 2) other than ‘Historic Sites, Places of Scenic Beauty or Natural Monuments’ (including those of interim designation by a board of education within To-Do-Fu-Ken (prefectures) under the provision of Article 110 paragraph 1), the Minister of Education, Culture, Sports, Science and Technology may, in view of the value as cultural property, register in the Cultural Property Registry those monuments for which it is especially necessary to take preservation and utilization measures.

2. The provisions of Article 57 paragraphs 2 to 3 inclusive, Article 109 paragraphs 3 to 5 inclusive, and Article 111 paragraph 1 shall apply *mutatis mutandis* to registration under the preceding paragraph.

### **Article 133**

The provisions of Article 59 paragraphs 1 to 5 inclusive, Article 64, Article 68, Article 111 paragraphs 2 and 3, and Articles 113 to 120 inclusive shall apply *mutatis mutandis* to monuments registered under the provision of the preceding paragraph (hereinafter referred to as “registered monuments”).

In these cases, “in cases where ... has been designated as ‘Important Cultural Property’ under the provision of Article 27 paragraph 1” described in Article 59 paragraph 1 shall be read as “where ... has been designated as Historical Sites, Places of Scenic Beauty or Natural Monuments under the provision of Article 109 paragraph 1 (including an interim designation by a board of education within To-Do-Fu-Ken (prefectures) under the provision of Article 110 paragraph 1)”;

“an owner ... shall be informed thereof” described in the same Article paragraph 4 shall be read as “an owner and an occupant by title ... shall be informed thereof. However, in cases where there are too many addressees to be individually informed, the Minister of Education, Culture, Sports, Science and Technology may, instead of thus informing them, put up a notice of matters to be informed on a notice board in an office or any other similar facility in a city, town, or village where such registered monument is located. In this case, the information shall be deemed to have reached those addressees when two weeks have passed since the day when the notice was first exhibited”;

“the provision of the preceding Article paragraph 2 shall apply *mutatis mutandis* to the annulment of registration” described in the same Article paragraph 5 shall be read as “annulments shall come into effect as from the day of its announcement

in the Official Gazette under the provision of the preceding paragraph. However, it shall come into effect for an owner or an occupant by title of the said Registered Monument as from the time when the information under the provision of the preceding paragraph has reached or is deemed to have reached them”;

“where it is apparently recognizable that ... is inappropriate” described in Article 113 paragraph 1 shall be read as “where the local government concerned reports to the effect that it is apparent that ... is inappropriate, the Commissioner for Cultural shall hear the opinion of the local government concerned”;

“Article 30 and Article 31 paragraph 1” described in Article 118 and Article 120” shall be read as “Article 31 paragraph 1,” and “shall apply *mutatis mutandis* to” shall be read as “shall apply *mutatis mutandis* to ... In this case, ‘under ... as well as those MEXT ordinances and instructions of the Commissioner for Cultural Affairs as issued thereunder’ described in Article 31 paragraph 1 shall be read as ‘under ... as well as those MEXT ordinances as issued thereunder’”;

“the provisions of Articles 35 and 47 to ... ; the provision of Article 56 paragraph 3, to cases where a managerial body has been appointed or where such appointment has been annulled.” described in Article 118 shall be read as “Article 47 paragraph 4”;

“the provisions of Articles 35 and 47 to ... ; the provision of Article 56 paragraph 1, to the succession to rights and obligations upon a change in ownership” described in Article 120 shall be read as “Article 47 paragraph 4.”

## CHAPTER VIII

### IMPORTANT CULTURAL LANDSCAPE

### **Article 134: Selection of ‘Important Cultural Landscape’**

Based on a request from To-Do-Fu-Ken (prefectures) or a municipality, *i.e.* a city, town or village, the Minister of Education, Culture, Sports, Science, and Technology may select as ‘Important Cultural Landscape’ an especially important location from among those located within a landscape planning zone prescribed in Article 8 paragraph 2 Item 1 of the Landscape Law (Law No. 110, 2004) or within a landscape area prescribed in Article 61 paragraph 1 of the same Law, either of which has been established by such To-Do-Fu-Ken (prefectures) or a municipality, and for the preservation of which necessary measures have been taken by them in accordance with a standard set by a MEXT ordinance.

2. The provisions of Article 109 paragraphs 3 to 5 inclusive shall apply *mutatis mutandis* to the selection under the provision of the previous Article.

In this case, “an occupant by title” described in the same Article paragraph 3 shall be read as “an occupant by title and To-Do-Fu-Ken (prefectures) or a municipality which has filed a request under the provision of Article 134 paragraph 1.”

### **Article 135: Annulment of the Selection of ‘Important Cultural Landscape’**

Where ‘Important Cultural Landscape’ has lost its value or where there is any other special reason, the Minister of Education, Culture, Science, Sports and Technology may annul the selection.

2. The provision of the preceding Article paragraph 2 shall apply *mutatis mutandis* to cases under the preceding paragraphs.

### **Article 136: Destruction or Damage**

Where ‘Important Cultural Landscape’ has been, in whole or in part, destroyed or damaged, an owner or an occupant by title (hereinafter, referred to as “owner *et*

*al.*” in the present Chapter) shall notify the Commissioner for Cultural Affairs thereof in writing, stating the matters stipulated by a MEXT ordinance within ten days from the day on which he has discovered that fact. However, the present provision does not apply to cases stipulated by a MEXT ordinance as not posing a grave obstacle to the preservation of ‘Important Cultural Landscape’.

#### **Article 137: Recommendation or Order on Management**

Where the Commissioner for Cultural Affairs recognizes that ‘Important Cultural Landscape’ is at risk of destruction or damage because of inappropriate management, he may recommend an improvement in management methods or any other measure necessary for management, to an owner *et al.*

2. Where the owner *et al.* who have received the recommendation under the provision of the previous paragraph neglect without justification to take any measure for the recommendation, the Commissioner for Cultural Affairs may, wherever especially necessary, order that owner *et al.* to take measures to fulfill the recommendation.

3. Where the Commissioner for Cultural Affairs makes recommendations under the provision of paragraph 1 or orders under the provision of the preceding paragraph, he shall hear the opinion of To-Do-Fu-Ken (prefectures) or a municipality that has filed the request under the provision of Article 134 paragraph 1 in advance for the said ‘Important Cultural Landscape’.

4. The provisions of Article 36 paragraphs 2 and 3 shall apply *mutatis mutandis* to cases under paragraphs 1 and 2.

#### **Article 138: Reimbursement for Alienation of ‘Important Cultural Landscape’ for Which the State Has Borne Expenses**

The provision of Article 42 shall apply *mutatis mutandis* to ‘Important Cultural Landscape’ for which the State has borne expenses under the provision of Article 36 paragraph 2, when applied *mutatis mutandis* in the previous Article paragraph 4, regarding measures to prevent destruction or damage.

#### **Article 139: Notification of Alteration to the Status Quo**

A person who intends to alter the status quo of or takes any action that affects the preservation of ‘Important Cultural Landscape’ shall notify the Commissioner for Cultural Affairs thereof, in accordance with the stipulations of a MEXT ordinance, within 30 days prior to taking such actions that alter the status quo or affect the preservation. However, the present provision does not apply to cases where alteration of the status quo is merely a maintenance measure or an emergency measure taken in the event of disaster; where a measure is taken because of orders under the provisions of other legal ordinances containing alterations of the status quo; where such effect of action that affects the preservation is insignificant.

2. The extent of a maintenance measure prescribed in the proviso of the preceding paragraph shall be stipulated by a MEXT ordinance.

3. Where the Commissioner for Cultural Affairs deems it necessary for the protection of ‘Important Cultural Landscape’, he may give guidance, advice, or recommendations necessary for such actions to alter the status quo of or to affect the preservation of ‘Important Cultural Landscape’ for which a report has been filed under paragraph 1.

#### **Article 140: Report on the Status Quo**

Where the Commissioner for Cultural Affairs deems it necessary, he may demand from an owner *et al.* a report on the status quo, or the management or restoration

conditions of ‘Important Cultural Landscape’.

#### **Article 141: Coordination with Other Public Interests**

When selecting from the provision of Article 134 paragraph 1, the Minister of Education, Culture, Sports, Science, and Technology shall especially respect ownership rights, mining rights, and other property rights of those involved and also pay due attention to coordination with land development and other public interests and to the balance with agriculture, forestry, fishery and other local industries.

2. Where the Minister of Education, Culture, Science, Sports and Technology recommends under the provision of Article 137 paragraph 1, orders under the provision of the same Article paragraph 2 or recommends under the provision of Article 139 paragraph 3, he shall consult with the heads of the Ministries and Agencies concerned in advance, in accordance with that which a cabinet order provides, from the viewpoint of coordinating with land development and other public interests and keeping the balance with agriculture, forestry, fishery and other local industries, taking into account the features of ‘Important Cultural Landscape’.

3. The State may subsidize part of the expenses required for measures taken by To-Do-Fu-Ken (prefectures) or a municipality for the management, repairs, or restoration of assets deemed especially necessary for the preservation of ‘Important Cultural Landscape’.

## **CHAPTER IX**

## A PRESERVED DISTRICT FOR A GROUP OF TRADITIONAL BUILDINGS

### **Article 142: Preserved District for a Group of Traditional Buildings**

The term “Preserved District for a Group of Traditional Buildings” in the present Chapter shall mean a district determined by a municipality, *i.e.* a city, a town or a village, under the provision of the following Article paragraph 1 or 2, in order to preserve a group of traditional buildings and its environment which create value in combination with such buildings.

### **Article 143: Determination and Protection of a Preserved District for a Group of Traditional Buildings**

A municipality may determine in its city plan a ‘Preserved District for a Group of Traditional Buildings’ within a city planning area or a quasi-city planning area designated under the provision of Article 5 or Article 5 *bis* of the City Planning Law (Law No. 100 of 1968). In this case, in order to preserve such a district, a municipality may in their own regulations determine necessary control of the alteration of the status quo in accordance with the standards fixed by a cabinet order and also determine any other necessary measures for such preservation.

2. A municipality may in their own regulations determine a ‘Preserved District for a Group of Traditional Buildings’ in a district other than city planning areas or quasi-city planning areas under the preceding paragraph. In this case, the provision of the latter part of the preceding paragraph shall apply *mutatis mutandis*.

3. Where under Article 19 paragraph 3, of the City Planning Law the governor of a municipality assents to the city plan, including a ‘Preserved District for a Group of Traditional Buildings’ under paragraph 1, he shall hear the opinion of such a

board of education within To-Do-Fu-Ken (prefectures) in advance.

4. Where a municipality has determined or revoked a 'Preserved District for a Group of Traditional Buildings', or has enacted, revised or abolished their own regulations, it shall report this fact to the Commissioner for Cultural Affairs.

5. The Commissioner for Cultural Affairs or a board of education within To-Do-Fu-Ken (prefectures) may give a municipality guidance or advice necessary for the preservation of a 'Preserved District for a Group of Traditional Buildings'.

**Article 144: Selection of an 'Important Preserved District for a Group of Traditional Buildings'**

The Minister of Education, Culture, Sports, Science and Technology may, according to an application filed by a municipality, select all or part of a 'Preserved District for a Group of Traditional Buildings' that possess an especially high value to Japan as an 'Important Preserved District for a Group of Traditional Buildings'.

2. The selection under the provision of the preceding paragraph shall be announced in the Official Gazette, and the municipality concerned shall be informed thereof.

**Article 145: Annulment of Classification**

Where an 'Important Preserved District for a Group of Traditional Buildings' has lost its value as such, or where there is any other special reason, the Minister of Education, Culture, Sports, Science and Technology may annul the classification thereof.

2. The provision of the preceding Article paragraph 2 shall apply *mutatis*

*mutandis* to cases under the preceding paragraph.

**Article 146: Subsidy for Management, etc.**

The State may grant a subsidy to cover part of the expenses required for measures taken by a municipality in order to manage, repair, improve, or restore such assets as deemed especially necessary to preserve buildings located within an ‘Important Preserved District for a Group of Traditional Buildings’ and its environment in combination with a group of traditional buildings, both of which are for the preservation of that district.

## CHAPTER X

### PROTECTION OF PRESERVATION TECHNIQUES FOR CULTURAL PROPERTY

**Article 147: Selection of Preservation Technique**

The Minister of Education, Culture, Sports, Science and Technology may select such preservation techniques as are traditional techniques or craftsmanship that are indispensable to the preservation of cultural property and for which preservation measures shall be taken.

2. In making the selection under the provision of the preceding paragraph, the Minister of Education, Culture, Sports, Science and Technology shall recognize a bearer or a preservation body (*i.e.* a body (including a foundation) that primarily aims at preserving ‘Selected Preservation Techniques’ and has its representative or manager appointed by their own statutes; hereinafter, the same applies) of the ‘Selected Preservation Techniques’.

3. The recognition related to one selected preservation technique under the provision of the preceding paragraph may cover both a bearer and a preservation body.

4. The provisions of Article 71 paragraphs 3 to 5 inclusive shall apply *mutatis mutandis* to the selection under the provision of paragraph 1 and the recognition under the provisions of the preceding two paragraphs.

#### **Article 148: Annulment of Selection or Recognition**

Where it is no longer necessary to preserve the ‘Selected Preservation Techniques’ or where there is any other special reason, the Minister of Education, Culture, Sports, Science and Technology may annul the designation concerned.

2. Where a bearer is deemed to have become inadequate to maintain such title due to his mental or physical problems, where a preservation body is deemed to have become inadequate to maintain such title, or where there is any other special reason, the Minister of Education, Culture, Sports, Science and Technology may annul the recognition of the bearer or the preservation body.

3. The provision of Article 72 paragraph 3 shall apply *mutatis mutandis* to cases under the preceding two paragraphs.

4. Where all bearers have died and if the recognition under the preceding Article paragraph 2, was performed only of those bearers, where all holding bodies have been dissolved (including their dissolution; hereinafter, the same applies in the present paragraph) if recognition under the same paragraph has been performed only of those holding bodies, or where all bearers have died and all preservation bodies have been dissolved, if the recognition under the same paragraph has been made of both those bearers and those preservation bodies together, the selection of the ‘Selected Preservation Techniques’ shall be deemed to have been annulled.

In these cases, the Minister of Education, Culture, Sports, Science and Technology shall announce such fact in the Official Gazette.

**Article 149: Change of Name or Other Details of a Bearer**

The provision of Article 73 shall apply *mutatis mutandis* to a bearer and a preservation body. In this case, “the representative” described in the latter part of the same Article shall be read as “the representative or manager.”

**Article 150: Preservation of the ‘Selected Preservation Techniques’**

Where the Commissioner for Cultural Affairs deems it necessary to preserve ‘Selected Preservation Techniques’, he may produce a record of that technique himself, train successors, or take any other appropriate measure necessary for the preservation thereof.

**Article 151: Opening to Public Viewing of the Record of the ‘Selected Preservation Techniques’**

The provision of Article 88 shall apply *mutatis mutandis* to an owner of the record of the ‘Selected Preservation Techniques’.

**Article 152: Assistance with the Preservation of the ‘Selected Preservation Techniques’**

The State may give guidance, advice or any other necessary assistance to a bearer or a preservation body of the ‘Selected Preservation Techniques’, to a local government, or to those who are considered appropriate for undertaking its preservation.

## CHAPTER XI

### CONSULTATION TO THE COUNCIL FOR CULTURAL AFFAIRS

#### Article 153

The Minister of Education, Culture, Sports, Science and Technology shall consult the Council for Cultural Affairs about the following matters in advance:

- (1) designation as ‘National Treasure’ or ‘Important Cultural Property’, and annulment of such designation;
- (2) registration of an object of ‘Registered Tangible Cultural Property’, and annulment of such registration (except annulment of registration under the provision of Article 59 paragraph 1 or 2);
- (3) designation of a element as ‘Important Intangible Cultural Property’, and annulment of such designation;
- (4) recognition of a bearer or a bearing body of an element of ‘Important Intangible Cultural Property’, and annulment of such recognition;
- (5) designation of an object as ‘Important Tangible Folk Cultural Property’ or an element as ‘Important Intangible Folk Cultural Property’, and annulment of such designation;
- (6) registration of an object of ‘Registered Tangible Folk Cultural Property’, and annulment of such registration (except annulment of registration under the provision of Article 59 paragraph 1 or 2, when applied *mutatis mutandis* in Article 90 paragraph 3);
- (7) designation of ‘Special Historic Sites, Places of Scenic Beauty and Natural Monuments’ or ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’, and annulment of such designation;
- (8) interim designation of an entity as ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’, and annulment of such an interim designation;
- (9) registration of a registered monument, and annulment of that registration (except annulment of registration under the provision of Article 59 paragraph 1 or

2, when applied *mutatis mutandis* in Article 133);

(10) selection of ‘Important Cultural Landscape’, and annulment of such selection;

(11) selection of an ‘Important Preserved District for a Group of Traditional Buildings’, and annulment of such selection;

(12) selection of a preservation technique, and annulment of such selection;

(13) recognition of a bearer or a preserving body of a preservation technique, and annulment of such recognition.

2. The Commissioner for Cultural Affairs shall consult the Council for Cultural Affairs about the following matters in advance:

(1) orders on the management of an object of ‘Important Cultural Property’ or the repairs of ‘National Treasure’;

(2) repairs of ‘National Treasure’ or taking measures to prevent its destruction, damage or theft, by the Commissioner for Cultural Affairs;

(3) permission for the alteration of the status quo of or for any action that affects the preservation of an object of ‘Important Cultural Property’;

(4) orders on the restriction, prohibition or necessary facilities for the integrity of the surroundings of an object of ‘Important Cultural Property’;

(5) buying of an object of ‘Important Cultural Property’ by the State;

(6) choosing from among elements of ‘Intangible Cultural Property’ other than ‘Important Intangible Cultural Property’, the record of which the Commissioner for Cultural Affairs shall produce or subsidize;

(7) orders on the management of an object of ‘Important Tangible Folk Cultural Property’;

(8) buying an object of ‘Important Tangible Folk Cultural Property’;

(9) choosing from among elements of ‘Intangible Folk Cultural Property’ other than ‘Important Intangible Folk Cultural Property’, the record of which the Commissioner for Cultural Affairs shall produce or subsidize;

(10) extension of the terms of order on the suspension or prohibition of such action as to alter the status quo of remains;

(11) implementation of excavation by the Commissioner for Cultural Affairs in

order to investigate Treasure Trove;

(12) orders on the management of ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’, or on restoration of ‘Special Historic Sites, Places of Scenic Beauty and Natural Monuments’;

(13) implementation by the Commissioner for Cultural Affairs of the restoration or measures to prevent destruction, damage, decay or theft of ‘Special Historic Sites, Places of Scenic Beauty and Natural Monuments’;

(14) permission for the alteration of the status quo of or for any action that affects the preservation of ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’;

(15) orders on the restriction, prohibition or necessary facilities for the integrity of the surroundings of ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’;

(16) orders on the *restitutio in integrum* where permission for the alteration of the status quo of or for any act that affects the preservation of ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’ is not obtained or the conditions of such permission are not observed, or where a restriction or prohibition for the integrity of surroundings of ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’ is violated;

(17) orders on the maintenance of ‘Important Cultural Landscape’;

(18) proposals for the establishment, revision or annulment of a cabinet order under Article 184 paragraph 1 (limited to matters related to the administrative tasks listed in the same Article paragraph 2 *Item (2)*).

## CHAPTER XII

### SUPPLEMENTARY RULES

#### Section 1. Adjudicative Hearing, Hearing of Opinions, and Statement of

## Dissatisfaction

### Article 154: Special Rules on an Adjudicative Hearing

Where the Commissioner for Cultural Affairs (a board of education within To-Do-Fu-Ken (prefectures) or within a municipality where the latter undertakes administrative tasks under Article 184 paragraph 1, which fall within the competence of the Commissioner for Cultural Affairs: the same applies in the following paragraphs and the following Articles) intends to implement a final action regarding the following Items, he shall hold an adjudicative hearing, notwithstanding the types of procedures for allegations under the provision of Article 13 paragraph 1, of the Administrative Procedures Law (Law No. 88 of 1993).

- (1) Restrictions, prohibitions or orders to be issued to a particular person under the provision of Article 45 paragraph 1 or Article 128 paragraph 1;
- (2) Orders on the discontinuance of public viewing under the provision of Article 51 paragraph 5 (including cases that are applied *mutatis mutandis* under Article 51 *bis* (including where Article 85 is applied *mutatis mutandis*), Article 84 paragraph 2, and Article 85);
- (3) Orders on the prohibition or discontinuance of excavation under the provision of Article 92 paragraph 2;
- (4) Orders on the suspension or prohibition under Article 96 paragraph 2, of an investigation under the same paragraph, or an extension of the terms of these orders under the provision of the same Article paragraph 5;
- (5) Orders on the *restitutio in integrum* under the provision of Article 125 paragraph 7 (including where Article 128 paragraph 3 is applied *mutatis mutandis*).

2. Where the Commissioner for Cultural Affairs intends to hold an adjudicative hearing under the preceding paragraph or an adjudicative hearing on the annulment of permission under the provision of Article 43 paragraph 4 (including where Article 125 paragraph 3 is applied *mutatis mutandis*) or Article 53

paragraph 4, he shall issue a notice under the provision of Article 15 paragraph 1 of the Administrative Procedures Law at least ten days before the date of such an adjudicative hearing and at the same time shall announce to the public the contents of such a final action and the date and place of such an adjudicative hearing.

3. Deliberations on the date of an adjudicative hearing under the preceding paragraph shall be open to the public.

### **Article 155: Hearing of Opinions**

Where the Commissioner for Cultural Affairs intends to take measures for the Items listed below, he shall hold a hearing of opinions with the attendance of the parties concerned, or their proxies;

(1) Implementation of repairs, restoration or measures under the provision of Article 38 paragraph 1 or Article 123 paragraph 1;

(2) Implementation of an on-site investigation or measures necessary for investigation under the provision of Article 55 paragraph 1 or Article 131 paragraph 1;

(3) Implementation of excavations under the provision of Article 98 paragraph 1.

2. Where the Commissioner for Cultural Affairs intends to hold a hearing of opinions under the preceding paragraph, he shall inform the parties concerned of the reasons for the measures to be listed in the Items of the same paragraph, the contents of such measures, and the date and place of such hearing of opinions at least ten days before the date of such hearing of opinions and at the same time shall announce to the public the contents of such measures and of the date and place of such hearing of opinions.

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 a hearing of opinions under paragraph 1 without justification, the Commissioner for Cultural Affairs may take the measures listed in the Items of the same paragraph without holding such hearing of opinions.

#### **Article 156: Hearing of Opinions in the Process of a Statement of Dissatisfaction**

Adjudication or decisions (except adjudication or decisions of rejection) upon a request for review of the statement of dissatisfaction regarding the final actions listed as follows shall be made only after an open hearing of opinions with the attendance of the person requesting such review or stating of dissatisfaction by participants or their proxies within thirty days of the day when such request for review or a statement of dissatisfaction has been received;

(1) Permission or rejection of a demand for permission for the alteration of the status quo or for an act affecting the preservation thereof under the provision of Article 43 paragraph 1 or Article 125 paragraph 1;

(2) Appointment of a managerial body under the provision of Article 113 paragraph 1 (including cases where these are applied *mutatis mutandis* in Article 133).

2. A person holding a public hearing under the preceding paragraph shall inform the person requesting review, a protestant and participants of the date and place of the hearing of opinions at least ten days before the date of such hearing of opinions, and at the same time announce to the public a summary of the case and the date and place of such hearing of opinions.

#### **Article 157: Participation**

Where, in addition to the person requesting review or stating dissatisfaction and

participants or their proxies, those who have an interest in such a final action desire to participate in a hearing of opinions under paragraph 1 of the preceding Article and to express their opinion on that occasion, they shall apply in writing, stating the matters stipulated by a MEXT ordinance, to the person holding the said hearing of opinions and obtain permission from him.

**Article 158: Presentation of Evidence, etc.**

On an occasion of a hearing of opinions under the provision of Article 156 paragraph 1, a person requesting review or stating dissatisfaction, participants, or any person who participates in a hearing of opinions under the provision of the preceding Article or their proxies shall be given an opportunity to present evidence and express their opinions on the case.

**Article 159: Consultation prior to an Adjudication or Decision**

An adjudication or decision (except those of rejection) on requests for review or on a statement of dissatisfaction regarding coordination with the mining or stone-quarrying industry shall be held after consulting the Environmental Disputes Coordination Commission in advance.

2. Heads of the administrative organs concerned may give their opinions on a case for which a request for review or a statement of dissatisfaction has been filed.

**Article 160: Procedures**

Other than those fixed by Article 156 to the preceding Article inclusive and by the Administrative Appeal Law (Law No. 160 of 1962), procedures for a request for review or a statement of dissatisfaction shall be stipulated by a MEXT ordinance.

**Article 161: Relationship between a Statement of Dissatisfaction and a Lawsuit**

A lawsuit for overturning the final actions listed in each Item of Article 156 paragraph 1 shall not be instituted unless an adjudication or a decision has been reached on a request for review or a statement of dissatisfaction regarding such a final action.

**Section 2. Special Rules Applicable to the State**

**Article 162: Special Rules Applicable to the State**

In applying the provisions of the present law to the State or a national organ, a special rule contained in the present section shall have priority.

**Article 163: A Special Rule Applicable to the State on ‘Important Cultural Property’, etc.**

Where an object of ‘Important Cultural Property’, an element of ‘Important Tangible Folk Cultural Property’, ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’, or ‘Important Cultural Landscape’ belongs to the State under the National Property Law, it shall be managed by the Minister of Education, Culture, Sports, Science and Technology. However, in cases where any such property is an administrative one as prescribed in Article 3 paragraph 2, of the same Law under the management of a person other than the Minister of Education, Culture, Sports, Science and Technology, or where there is any special reason to place such property under the management 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 management of a head of the Ministry or Agency concerned or under the management of the Minister of Education, Culture, Sports, Science and Technology shall be solved in consultation with the Minister of Education, Culture, Sports, Science and Technology, a head of the Ministry or Agency concerned and the Minister of

Finance.

#### **Article 164**

Where an administrative or attachment transfer is to be done between accounting units belonging to different jurisdictions of an object of ‘Important Cultural Property’, an element of ‘Important Tangible Folk Cultural Property’, ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’, or ‘Important Cultural Landscape’ in order to place such property under the management of the Minister of Education, Culture, Sports, Science and Technology under the provision of the preceding Article, it shall be so arranged without compensation notwithstanding the provision of Article 15 of the National Property Law.

#### **Article 165**

Where an object of ‘Tangible Cultural Property’ or ‘Tangible Folk Cultural Property’ belonging to the State has been designated as ‘National Treasure’, ‘Important Cultural Property’ or ‘Important Tangible Folk Cultural Property’, the information-document or a certificate of designation to be issued to its owner under the provision of Article 28 paragraph 1 or 3 (including where this is applied *mutatis mutandis* in Article 78 paragraph 2) shall be done by a head of the Ministry or Agency in charge of the management of the said object of ‘Tangible Cultural Property’ or ‘Tangible Folk Cultural Property’. In this case, the head of the Ministry or Agency concerned who has received a certificate of designation as ‘National Treasure’ shall return to the Minister of Education, Culture, Sports, Science and Technology without delay a certificate of designation as ‘Important Cultural Property’ previously issued for the object that is currently designated as ‘National Treasure’.

2. Where the designation as ‘National Treasure’, ‘Important Cultural Property’ or ‘Important Tangible Folk Cultural Property’ of those belonging to the State has

been annulled, the information-document or a certificate of designation to be issued to its owner under the provision of Article 29 paragraph 2 (including cases where it is applied *mutatis mutandis* in Article 79 paragraph 2) or 5 shall be issued to the head of the Ministry or Agency in charge of the management 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 return the certificate of designation to the Minister of Education, Culture, Sports, Science and Technology without delay.

3. Where designation or an interim designation has been made of that which belongs to or is occupied by the State as 'Special Historic Sites, Places of Scenic Beauty and Natural Monuments' or 'Historic Sites, Places of Scenic Beauty and Natural Monuments' or where such designation or an interim designation has been annulled, the information-document to be issued to an owner or an occupant under the provision of Article 109 paragraph 3 (including cases where this is applied *mutatis mutandis* in Article 110 paragraph 3 and Article 112 paragraph 4) shall be issued to the head of the Ministry or Agency in charge of the management of the entity for which the designation or the interim designation, or the annulment of designation or interim designation, is made.

4. Where that selected as 'Important Cultural Landscape' belongs to or is occupied by the State or where the selection is annulled, the information-document to be issued to an owner or an occupant under the provision of Article 109 paragraph 3 which is applied *mutatis mutandis* in Article 134 paragraph 2 (including cases where it is applied *mutatis mutandis* in Article 135 paragraph 2) shall be issued to the head of the Ministry or Agency in charge of the management of the said 'Important Cultural Landscape'.

## **Article 166**

The head of the Ministry or Agency in charge of the management of an object of

‘Important Cultural Property’, an object of ‘Important Tangible Folk Cultural Property’, ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’, or ‘Important Cultural Landscape’ shall manage such property under the present law and in accordance with a MEXT ordinance issued or given thereunder and the advice of the Commissioner for Cultural Affairs.

### **Article 167**

The head of the Ministry or Agency concerned shall inform the Commissioner for Cultural Affairs through the Minister of Education, Culture, Sports, Science and Technology of the following matters:

- (1) where an object of ‘Important Cultural Property’, an object of ‘Important Tangible Folk Cultural Property’, or ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’ has been newly acquired;
- (2) where an administrative or attachment transfer of an object of ‘Important Cultural Property’, an object of ‘Important Tangible Folk Cultural Property’, or ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’ is done;
- (3) where an object of ‘Important Cultural Property’, an object of ‘Important Tangible Folk Cultural Property’, ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’, or ‘Important Cultural Landscape’ under the jurisdiction of the Ministry or Agency concerned has been, in whole or in part, destroyed, damaged, has deteriorated in condition, or has been lost or stolen;
- (4) where the location of an object of ‘Important Cultural Property’ or an object of ‘Important Tangible Folk Cultural Property’ under the jurisdiction of the Ministry or Agency concerned is to be changed;
- (5) where an object of ‘Important Cultural Property’ or ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’ under the jurisdiction of the Ministry or Agency concerned is to be repaired or restored (except for cases where consent of the Commissioner for Cultural Affairs is to be obtained under the provision of the following Article paragraph 1 Item (1) or any other cases stipulated by a MEXT ordinance);

(6) where the status quo of an object of ‘Important Tangible Folk Cultural Property’ or ‘Important Cultural Landscape’ under the jurisdiction of the Ministry or Agency concerned is to be changed or any act that affects the preservation thereof is to be taken;

(7) where there has been any change in the location, lot number, category or acreage of a land within the designated area of ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’ under the jurisdiction of the Ministry or Agency concerned.

2. The provision of Article 32 paragraph 1 (including cases where it is applied *mutatis mutandis* in Article 80 and Article 120) is applicable to the notice under the preceding paragraph Items (1) and (2); the provisions of Article 33 (including cases where this is applied *mutatis mutandis* in Article 80 and Article 120) and Article 136 to the notice under the preceding paragraph Item (3); the provision of Article 34 (including cases where this is applied *mutatis mutandis* in Article 80) to the notice under the preceding paragraph Item (4); the provisions of Article 43 *bis* paragraph 1 and Article 127 paragraph 1 to the information under the preceding paragraph Item (5); the provisions of Article 81 paragraph 1 and Article 139 paragraph 1 to the information under the preceding paragraph Item (6); the provision of Article 115 paragraph 2 to the notice under the preceding paragraph Item (7).

3. The Commissioner for Cultural Affairs may give necessary advice on matters regarding the notice under paragraph 1 Items (5) or (6).

### **Article 168**

The head of the Ministry or Agency concerned shall obtain the consent of the Commissioner for Cultural Affairs through the Minister of Education, Culture, Sports, Science and Technology in advance in the following cases:

(1) where he intends to alter the status quo of an object of ‘Important Cultural

Property' or 'Historic Sites, Places of Scenic Beauty and Natural Monuments', or to perform any act that affects the preservation thereof;

(2) where he intends to export an object of 'Important Cultural Property' or 'Important Tangible Folk Cultural Property' under his jurisdiction;

(3) where he intends to loan, exchange, sell, transfer, or perform any other final action on an object of 'Important Cultural Property' or an object of 'Important Tangible Folk Cultural Property' or 'Historic Sites, Places of Scenic Beauty and Natural Monuments' under his jurisdiction.

2. Where any national organs, other than a head of Ministry or Agency concerned, intends to alter the status quo of an object of 'Important Cultural Property' or 'Historic Sites, Places of Scenic Beauty and Natural Monuments', or to perform any action that affects the preservation thereof, it shall obtain the consent of the Commissioner for Cultural Affairs in advance.

3. The proviso to Article 43 paragraph 1, the provision of the same Article paragraph 2, the proviso to Article 125 paragraph 1, and the provision of the same Article paragraph 2 shall apply *mutatis mutandis* to cases under paragraph 1 Item (1) and the preceding paragraph.

4. In giving his consent to the measures prescribed in paragraph 1 Item (1) or paragraph 2, the Commissioner for Cultural Affairs may give necessary advice regarding those measures as a condition to such consent.

5. The head of the Ministry or Agency concerned or any other national organs shall pay due respect to the advice of the Commissioner for Cultural Affairs under the provision of the preceding paragraph.

## **Article 169**

Where the Commissioner for Cultural Affairs deems it necessary, he may give

necessary advice to the head of the Ministry or Agency concerned through the Minister of Education, Culture, Sports, Science and Technology regarding the following matters:

- (1) the method of management of an object of 'Important Cultural Property', an object of 'Important Tangible Folk Cultural Property', or 'Historic Sites, Places of Scenic Beauty and Natural Monuments' under his jurisdiction;
- (2) repairs, restoration or measures to prevent destruction, damage, deterioration or theft of an object of 'Important Cultural Property' or an object of 'Important Tangible Folk Cultural Property', 'Historic Sites, Places of Scenic Beauty and Natural Monuments', or 'Important Cultural Landscape' under his jurisdiction;
- (3) the facilities necessary for the integrity of the surroundings of an object of 'Important Cultural Property' or of 'Historic Sites, Places of Scenic Beauty and Natural Monuments';
- (4) displaying or opening to public viewing of an object of 'Important Cultural Property' or 'Important Tangible Folk Cultural Property' under his jurisdiction.

2. The provision of the preceding Article paragraph 5 shall apply *mutatis mutandis* to the advice under the preceding paragraph.

3. The proportional rate of the expense required for the repairs, restoration or measures prescribed in Item (2) or the facilities prescribed in Item (3) of paragraph 1 to be undertaken or done on the advice of the Commissioner for Cultural Affairs 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 case listed in the following Items, the Commissioner for Cultural Affairs may repair, restore, or take measures to prevent the destruction, damage, deterioration or theft of 'National Treasure' or 'Special Historic Sites, Places of

Scenic Beauty and Natural Monuments' belonging to the State. In this case, if an object of cultural property belongs to the head of the Ministry or Agency concerned other than the Minister of Education, Culture, Sports, Science and Technology, the Commissioner for Cultural Affairs shall consult, through the Minister of Education, Culture, Sports, Science and Technology, the head of the Ministry or Agency in charge of the said object of cultural property in advance about the nature of repairs, restoration or measures, the date of commencement of the work, and other necessary matters; if the said object of cultural property is under the jurisdiction of the Minister of Education, Culture, Sports, Science and Technology, the Commissioner for Cultural Affairs shall secure his approval, unless otherwise stipulated by the Minister of Education, Culture, Sports, Science and Technology.

(1) where a head of the Ministry or Agency concerned fails to comply with the advice of the Commissioner for Cultural Affairs on the repairs, restoration or measures prescribed in the preceding Article paragraph 1 Item (2);

(2) where the Commissioner for Cultural Affairs deems it inappropriate to have the head of the Ministry or Agency concerned repair, restore or undertake measures on the occasion that 'National Treasure', or 'Special Historic Sites, Places of Scenic Beauty and Natural Monuments' is damaged or has decayed or that it is in danger of destruction, damage, decay or theft.

### **Article 171**

Where the Minister of Education, Culture, Sports, Science and Technology designates that which belongs to the State as 'National Treasure', 'Important Cultural Property', 'Important Tangible Folk Cultural Property', 'Special Historic Sites, Places of Scenic Beauty and Natural Monuments', or 'Historic Sites, Places of Scenic Beauty and Natural Monuments', or selects it as 'Important Cultural Landscape', or where he deems it necessary in order to confirm the condition of 'National Treasure', an object of 'Important Cultural Property', an object of 'Important Tangible Folk Cultural Property', 'Special Historic Sites, Places of

Scenic Beauty and Natural Monuments’, or ‘Important Cultural Landscape’, any of which belongs to the State, he may demand that the head of the Ministry or Agency concerned issues a report necessary for investigation, or may appoint a person and have him implement an on-site investigation, except in cases regarding an object of ‘Important Tangible Folk Cultural Property’ or ‘Important Cultural Landscape’.

### **Article 172**

Where the Commissioner for Cultural Affairs deems it especially necessary in order to preserve an object of ‘Important Cultural Property’ or an object of ‘Important Tangible Folk Cultural Property’ or ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’, any of which belongs to the State, he may appoint an appropriate local government or any other juridical person and have it implement the necessary management for the preservation of such cultural property (including the management of such facilities, equipment or any other objects belonging to or in the management of the State as are necessary for the preservation of such cultural property).

2. In making appointments under the provision of the preceding paragraph, the Commissioner for Cultural Affairs shall obtain the consent of a head of the Ministry or Agency in charge of the management of such cultural property in advance, through the Minister of Education, Culture, Sports, Science and Technology, as well as that of a local government or any other juridical person to be appointed as such.

3. The provisions of Article 32 *bis* paragraphs 3 and 4 shall apply *mutatis mutandis* to appointments under the provision of paragraph 1.

4. Any profit raised from the management under the provision of paragraph 1 shall revert to the local government or any other juridical person concerned.

5. Where a local government or any other juridical person manages under the provision of paragraph 1, the provisions of Article 30, Article 31 paragraph 1, Article 32 *quater* paragraph 1, Article 33, Article 34, Article 35, Article 36, Article 47 *bis* paragraph 3, and Article 54 shall apply *mutatis mutandis* to the management of an object of ‘Important Cultural Property’ or ‘Important Tangible Folk Cultural Property’; those of Article 30, Article 31 paragraph 1, Article 33, Article 35, Article 115 paragraphs 1 and 2, Article 116 paragraphs 1 and 3, Article 121, and Article 130 to the management of ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’.

#### **Article 173**

The provision of Article 32 *ter* shall apply *mutatis mutandis* to the annulment of appointment under the provision of the preceding Article paragraph 1.

#### **Article 174**

Where the Commissioner for Cultural Affairs deems it particularly necessary to protect an object of ‘Important Cultural Property’ or an object of ‘Important Tangible Folk Cultural Property’ or ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’, he may have a local government or other juridical person appointed to be responsible for such management under the provision of Article 172 paragraph 1 for the repairs or restoration of such cultural property.

2. The provision of Article 172 paragraph 2 shall apply *mutatis mutandis* to cases where he has a local government or any other juridical person implement repairs or restoration under the provision of the preceding paragraph.

3. Where a local government or any other juridical person implements out repairs or restoration under the provision of paragraph 1, the provisions of Article 32

*quater* paragraph 1 and Article 35 shall apply *mutatis mutandis* to the repairs or restoration of an object of ‘Important Cultural Property’ or ‘Important Tangible Folk Cultural Property’; those of Article 35, Article 116 paragraph 1 and Article 117 to the repairs or restoration of ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’.

#### **Article 175**

A local government appointed under the provision of Article 172 paragraph 1 may use, to the necessary extent of management, without compensation, the land or buildings that are covered by the designation as ‘Important Cultural Property’, ‘Important Tangible Folk Cultural Property’ or ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’ of that which belongs to the State and is under the management of the local government.

2. The provisions of Article 22 paragraphs 2 and 3 of the National Property Law shall apply *mutatis mutandis* where the land or buildings may be used under the provision of the preceding paragraph.

#### **Article 176**

Where the Commissioner for Cultural Affairs intends to implement an excavation under the provision of Article 98 paragraph 1, and where the land on which such excavation is to be implemented belongs to the State or is occupied by a national organ, he shall consult, through the Minister of Education, Culture, Sports, Science and Technology, the head of the Ministry or Agency in advance about the purpose, method and date of commencement of the excavation and any other matters deemed necessary. However, in cases where the head of the Ministry or Agency concerned is the Minister of Education, Culture, Sports, Science and Technology, his approval shall be secured.

### **Article 177**

The Commissioner for Cultural Affairs shall manage any cultural property that has reverted to the exchequer under the provision of Article 104 paragraph 1. However, in cases where it is appropriate to have another organ manage it for the preservation or from the viewpoint of utility thereof, he shall transfer it to the management of such an organ.

### **Article 178: Special Rules Applicable to the State regarding an Object of ‘Registered Tangible Cultural Property’**

Where that which belongs to the State is registered as ‘Tangible Cultural Property’ or ‘Tangible Folk Cultural Property’ under the provision of Article 57 paragraph 1 or Article 90 paragraph 1, the information-document or certificate of registration to be issued to an owner under the provision of Article 58 paragraph 1 or 3 (including cases where this is applied *mutatis mutandis* in Article 90 paragraph 3) shall be issued to a head of the Ministry or Agency in charge of the management of the said object of ‘Registered Tangible Cultural Property’ or ‘Registered Tangible Folk Cultural Property’.

2. Where the registration of an object of ‘Registered Tangible Cultural Property’ or ‘Registered Tangible Folk Cultural Property’ belonging to the State is annulled under the provisions of Article 59 paragraphs 1 to 3 inclusive (including cases where this is applied *mutatis mutandis* in Article 90 paragraph 3), the information-document issued to its owner under Article 59 paragraph 4 (including cases where it is applied *mutatis mutandis* in Article 90 paragraph 3) shall be addressed to a head of the Ministry or Agency in charge of the management of the said object of ‘Registered Tangible Cultural Property’ or ‘Registered Tangible Folk Cultural Property’. In this case, such a head of the Ministry or Agency concerned shall return the certificate of designation to the Minister of Education, Culture, Sports, Science and Technology without delay.

3. Where a monument belonging to or occupied by the State is registered under the provision of Article 132 paragraph 1, or where such registration is annulled under the provisions of Article 59 paragraphs 1 to 3 inclusive which are applied *mutatis mutandis* in Article 133, the notice to its owner or occupant under the provision of Article 109 paragraph 3 which is applied *mutatis mutandis* in Article 132 paragraph 2 or of Article 59 paragraph 4 which is applied *mutatis mutandis* and read as prescribed in Article 133 shall be addressed to the head of the Ministry or Agency in charge of the management of the said registered monument.

#### **Article 179**

The head of the Ministry or Agency concerned shall inform the Commissioner for Cultural Affairs of the following cases through the Minister of Education, Culture, Sports, Science and Technology:

- (1) where an object of 'Registered Tangible Cultural Property' or 'Registered Tangible Folk Cultural Property' or a registered monument has been acquired;
- (2) where there has been an administrative or attachment transfer of an object of 'Registered Tangible Cultural Property' or 'Registered Tangible Folk Cultural Property' or a registered monument;
- (3) where an object of 'Registered Tangible Cultural Property' or 'Registered Tangible Folk Cultural Property' or a registered monument under the jurisdiction of the Ministry or Agency has been, in whole or in part, destroyed or damaged, has deteriorated in condition or has been lost or stolen;
- (4) where an object of '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 status quo of an object of 'Registered Tangible Cultural Property' or 'Registered Tangible Folk Cultural Property' or a registered monument is to be altered;

(6) where an object of ‘Registered Tangible Cultural Property’ or ‘Registered Tangible Folk Cultural Property’ under the jurisdiction of the Ministry or Agency is to be exported;

(7) where there is any change in the location, address, category or acreage of land on which a registered monument under the jurisdiction of the Ministry or Agency is located.

2. Where any national organ other than a head of a Ministry or Agency intends to alter the status quo of an object of ‘Registered Tangible Cultural Property’ or ‘Registered Tangible Folk Cultural Property’ or a registered monument, it shall inform the Commissioner for Cultural Affairs thereof.

3. The provision of Article 32 paragraph 1 shall apply *mutatis mutandis* to the informing under paragraph 1 Items (1) and (2); those of Article 33 and Article 61 (including cases where it is applied *mutatis mutandis* in Article 90 paragraph 3) to the informing under paragraph 1 Item (3); that of Article 62 (including cases where it is applied *mutatis mutandis* to Article 90 paragraph 3) to the informing under paragraph 1 Item (4); that of Article 64 paragraph 1 (including cases where it is applied *mutatis mutandis* to Article 90 paragraph 3 and Article 133) to the informing under paragraph 1 Item (5) and the preceding paragraph; that of Article 65 paragraph 1 (including cases where it is applied *mutatis mutandis* to Article 90 paragraph 3) to the informing under paragraph 1 Item (6); that of Article 115 paragraph 2 to the informing under paragraph 1 Item (7).

4. The proviso of Article 64 paragraph 1 and the provision of paragraph 2 shall apply *mutatis mutandis* to alteration of the status quo under paragraph 1 Item (5) and paragraph 2.

5. Where the Commissioner for Cultural Affairs deems it necessary for the protection of an object of ‘Registered Tangible Cultural Property’ or ‘Registered Tangible Folk Cultural Property’ or a registered monument, he may, through the

Minister of Education, Culture, Sports, Science and Technology, state his opinion to the head of the Ministry or Agency concerned, or to national organs other than the heads of the Ministries and Agencies on the alteration of the status quo under paragraph 1 Item (5) and paragraph 2.

#### **Article 180**

Where the Minister of Education, Culture, Sports, Science and Technology deems it necessary in order to confirm the condition of an object of ‘Registered Tangible Cultural Property’ or Registered Folk Cultural Property or a registered monument belonging to the State, he may demand a report from the head of the Ministry or Agency concerned, for investigation.

#### **Article 181**

The provisions of Article 60 paragraphs 3 to 5 inclusive shall apply to an object of ‘Registered Tangible Cultural Property’ or ‘Registered Tangible Folk Cultural Property’ belonging to the State, while that of Article 63 paragraph 2 or of Article 67 paragraph 3 (including cases where it is applied *mutatis mutandis* to Article 90 paragraph 3) shall not.

2. The provisions of Articles 113 to 118 inclusive which are applied *mutatis mutandis* in Article 133 shall not apply to a registered monument belonging to the State.

### **Section 3. A Local Government and Its Board of Education**

#### **Article 182: Affairs of a Local Government**

A local government may subsidize the expenses required for the management, repairs, restoration and opening to public viewing, as well as the preservation and

utilization of an object of cultural property.

2. A local government may, in accordance with its own regulations, designate an important object of cultural property that is located within its own administrative boundaries, other than ‘Important Cultural Property’, ‘Important Intangible Cultural Property’, ‘Important Tangible Folk Cultural Property’, ‘Important Intangible Folk Cultural Property’ or ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’, and take the necessary measures for its preservation and utilization.

3. Where a local government has enacted, revised or abolished its own regulations prescribed in the preceding paragraph, or where it has under the same paragraph designated an object of cultural property or annulled such designation, its board of education shall report it to the Commissioner for Cultural Affairs in accordance with the stipulations of a MEXT ordinance.

#### **Article 183: Consideration for a Local Bond**

For a local bond to be issued by a local government in order to devote expenses required for the implementation of a project aimed at the preservation and utilization of an object of cultural property, appropriate consideration shall be given, within laws and regulations, insofar as the financial affairs and the financial conditions of such a local government permit.

#### **Article 184: Affairs Administered by a Board of Education within To-Do-Fu-Ken (Prefectures) or within a Municipality**

All or part of the following affairs under the competence of the Commissioner for Cultural Affairs may, with the stipulation of a cabinet order, be administered by a board of education within To-Do-Fu-Ken (prefectures) or a municipality:

(1) Direction and supervision under the provision of Article 35 paragraph 3 {including cases where this is applied *mutatis mutandis* in 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 where this paragraph applies *mutatis mutandis* under Article 83 and Article 122 paragraph 3), Article 46 *bis* paragraph 2, Article 74 paragraph 2, Article 77 paragraph 2 (including cases where this paragraph applies *mutatis mutandis* in Article 91), Article 83, Article 87 paragraph 2, Article 118, Article 120, Article 129 paragraph 2, Article 172 paragraph 5 and Article 174 paragraph 3};

(2) Permission for the alteration of the status quo or for any act to affect the preservation, cancellation of such permission, and order on the suspension of such alteration or act under the provision of Article 43 or Article 125 (except for permission for major alterations to the status quo or for any act that seriously affects the preservation, and cancellation of such permission);

(3) Orders on the suspension of public viewing under the provision of Article 51 paragraph 5 (including cases where this provision is applied *mutatis mutandis* in Article 51 *bis* (including cases where this Article is applied *mutatis mutandis* in Article 85), Article 84 paragraph 2, and Article 85);

(4) Permission for public viewing, cancellation of that permission, or orders on the

suspension of public viewing under the provisions of Article 53 paragraphs 1, 3 and 4;

(5) Investigation or implementation of measures necessary therefor under the provision of Article 54 (including cases where this provision is applied *mutatis mutandis* in Article 86 and Article 172 paragraph 5), Article 55, Article 130 (including cases where this provision is applied *mutatis mutandis* in Article 172 paragraph 5), or Article 131;

(6) Acceptance of an information-document accepted under Article 92 paragraph 1 (including cases where it is applied *mutatis mutandis* in Article 93 paragraph 1);

instructions and orders under Article 92 paragraph 2;

instructions under Article 93 paragraph 2;

acceptance of the information-document under Article 94 paragraph 1;

informing under the same Article paragraph 2;

consultation under the same Article paragraph 3;

advice under the same Article paragraph 4;

acceptance of notice under Article 96 paragraph 1;

orders under the same Article paragraphs 2 and 7;

hearing of opinions under the same Article paragraph 3;

extension of the term under the same Article paragraphs 5 and 7;

instructions under the same Article paragraph 8;

acceptance of the information-document under Article 97 paragraph 1;

informing under the same Article paragraph 2;

consultation under the same Article paragraph 3;

advice under the same Article paragraph 4.

2. No appeal under the Administrative Appeal Law shall be possible against on-the-spot investigations or measures necessary for investigations under Article 55 or Article 131, both of which are listed in the previous paragraph Item (5), implemented by a board of education within To-Do-Fu-Ken (prefectures) or a

municipality under the preceding paragraph.

3. Where a board of education within To-Do-Fu-Ken (prefectures) or a municipality administers under paragraph 1 the affairs under Article 94 paragraphs 1 to 4 inclusive or under Article 97 paragraphs 1 to 4 inclusive of those listed in the same paragraph Item (6), neither the provision of Article 94 paragraph 5 nor Article 97 paragraph 5 shall apply.

4. A board of education within To-Do-Fu-Ken (prefectures) or a municipality shall compensate, notwithstanding the texts in respective Items, a person who has suffered damages, for ordinary damages incidental to those affairs listed in the following Items (limited to self-governance affairs prescribed in Article 2 paragraph 8 of the Local Autonomy Law) which it administers under paragraph 1;

- (1) Granting permission for the alteration of the status quo or an act that affects the preservation under the provision of Article 43 or 125, listed in paragraph 1 Item (2): Article 43 paragraph 5 or Article 125 paragraph 5;
- (2) Implementing an investigation or measures necessary for an investigation under the provision of Article 55 or 131, listed in paragraph 1 Item (5): Article 55 paragraph 3 or Article 131 paragraph 2;
- (3) Orders under the provision of Article 96 paragraph 2, listed in paragraph 1 Item (6): the same Article paragraph 9.

5. The amount of compensation under the preceding paragraph shall be determined by a board of education within To-Do-Fu-Ken (prefectures) or a municipality.

6. The provision of Article 41 paragraph 3 shall be applied *mutatis mutandis* to the amount of compensation under the previous paragraph.

7. To-Do-Fu-Ken (prefectures) or a municipality shall be a defendant in litigation under the provision of Article 41 paragraph 3 which is applied *mutatis mutandis*

in the preceding paragraph.

8. Requests for an examination of Item-one statutory entrusted affairs as prescribed in Article 2 paragraph 9 Item (1) of the Local Autonomy Law, among final actions or any other exercise of official power by a board of education within To-Do-Fu-Ken (prefectures) or a municipality under the provision of paragraph 1, shall be made to the Commissioner for Cultural Affairs.

#### **Article 185: Management of ‘Important Cultural Property’ on Display**

The Commissioner for Cultural Affairs may, in accordance with the stipulations of a cabinet order, decide to have a board of education within To-Do-Fu-Ken (prefectures) or within a designated municipality implement all or part of the management affairs of an object of ‘Important Cultural Property’ or ‘Important Tangible Folk Cultural Property’ made available for public viewing under the provision of Article 48 (including cases where this provision is applied *mutatis mutandis* in Article 85).

2. Where a board of education within To-Do-Fu-Ken (prefectures) or within a designated municipality implements the management affairs under the previous paragraph, it shall appoint a person from among its staff members who shall be responsible for the management of the said object of ‘Important Cultural Property’ or ‘Important Tangible Folk Cultural Property’.

#### **Article 186: Entrustment of Implementing Repairs and Other Matters**

Where the Commissioner for Cultural Affairs deems it necessary, he may entrust a board of education within To-Do-Fu-Ken (prefectures) with all or part of implementing repairs to ‘National Treasure’ or taking measures to prevent destruction, damage or theft under the provision of Article 38 paragraph 1 or Article 170; of implementing an excavation under the provision of Article 98

paragraph 1; of implementing restoration of ‘Special Historic Sites, Places of Scenic Beauty and Natural Monuments’ or taking measures to prevent destruction, damage, decay or theft under the provision of Article 123 paragraph 1 or Article 170.

2. Where a board of education within To-Do-Fu-Ken (prefectures) or within a municipality is entrusted under the provision of the previous paragraph, the provision of Article 39 shall be applied *mutatis mutandis* to the case of, in whole or in part, implementing repairs or taking measures under the provision of Article 38 paragraph 1; the provision of Article 39 which is applied *mutatis mutandis* in Article 98 paragraph 3, to the case of, in whole or in part, implementing an excavation under the provision of the same Article paragraph 1; the provision of Article 39 which is applied *mutatis mutandis* in Article 123 paragraph 2, to the case of, in whole or in part, implementing repairs or restoration under the provision of the same Article paragraph 1.

**Article 187: Undertaking Entrustment of Management and Other Affairs of an Object of ‘Important Cultural Property’, etc. or Technical Guidance Thereon**

Upon request by an owner (a managerial body if such has been appointed) or by a responsible manager, a board of education within To-Do-Fu-Ken (prefectures) or within a municipality may undertake the entrustment of management (excluding cases where a managerial body has been appointed), repairs or restoration of an object of ‘Important Cultural Property’, an object of ‘Important Tangible Folk Cultural Property’ or ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’, or may give technical guidance thereon.

2. The provisions of Article 39 paragraphs 1 and 2 shall be applied *mutatis mutandis* to cases where a board of education within To-Do-Fu-Ken (prefectures) or within a municipality undertakes the entrustment of management, repairs or restoration under the preceding paragraph.

**Article 188: Channel for Submission of Papers and Other Matters**

Reports, other papers, and objects to be submitted to the Minister of Education, Culture, Sports, Science and Technology or to the Commissioner for Cultural Affairs regarding cultural property under the provisions of the present law shall go through a board of education within To-Do-Fu-Ken (prefectures).

2. Where a board of education within To-Do-Fu-Ken (prefectures) receives the papers and objects prescribed in the preceding paragraph, it shall forward them to the Minister of Education, Culture, Sports, Science and Technology or to the Commissioner for Cultural Affairs together with a statement of its own opinions thereon.

3. Orders, advice, instructions and any other notice of a final action to be issued by the Minister of Education, Culture, Sports, Science and Technology or the Commissioner for Cultural Affairs regarding cultural property under the provisions of the present law shall go through a board of education within To-Do-Fu-Ken (prefectures). However, the present provision shall not be applied in cases of extreme urgency.

**Article 189: Presentation of Opinions to the Minister of Education, Culture, Sports, Science and Technology or to the Commissioner for Cultural Affairs**

Boards of education within To-Do-Fu-Kun (prefectures) or within a municipality may present their opinions to the Minister of Education, Culture, Sports, Science and Technology or to the Commissioner for Cultural Affairs on the preservation and utilization of an object of cultural property located within their administrative boundaries.

### **Article 190: Local Council on Cultural Property Protection**

A board of education within To-Do-Fu-Ken (prefectures) or a municipality may, in accordance with its own regulations, install a local council on cultural property protection.

2. Upon the consultation of a board of education within To-Do-Fu-Ken (prefectures) or a municipality, a local council on protection of cultural property shall investigate and deliberate on important matters regarding the preservation and utilization of an object of cultural property, and also make proposals to the said board of education regarding these matters.

3. Particulars regarding the organization and administration of a local council on cultural property protection shall be stipulated by local regulations.

### **Article 191: Instructor in Cultural Property Protection**

A board of education within To-Do-Fu-Ken (prefectures) or within a municipality may have an instructor in cultural property protection.

2. An instructor in cultural property protection shall, whenever necessary, make inspection tours of an object of cultural property, give guidance and advice to their owners and other related persons regarding the protection of an object of cultural property and also disseminate information on the spirit of the protection of cultural property to inhabitants of a community.

3. An instructor in cultural property protection shall serve on a part-time basis.

### **Article 192: Classification of Affairs**

The affairs to be undertaken by To-Do-Fu-Ken (prefectures) under the provisions of Article 109 paragraphs 3 and 4 which are applied *mutatis mutandis* in Article

110 paragraphs 1 and 2, Article 112 paragraph 1, Article 110 paragraph 3, and Article 112 paragraph 4 shall be Item (1) of statutorily entrusted affairs provided for in Article 2 paragraph 9 Item (1) of the Local Autonomy Law.

## CHAPTER XIII PENAL RULES

### **Article 193**

Any person who has, in contravention of the provision of Article 44, exported an object of ‘Important Cultural Property’ without obtaining permission from the Commissioner for Cultural Affairs shall be subject to imprisonment with or without labor for a term not exceeding five years or to a fine not exceeding one million yen.

### **Article 194**

Any person who has, in contravention of the provision of Article 82, exported an object of ‘Important Tangible Folk Cultural Property’ without obtaining permission from the Commissioner for Cultural Affairs shall be subject to imprisonment with or without labor for a term not exceeding three years or to a fine not exceeding five hundred thousand yen.

### **Article 195**

Any person who has damaged, discarded or concealed an object of ‘Important Cultural Property’ shall be subject to imprisonment with or without labor for a term not exceeding five years or to a fine not exceeding three hundred thousand yen.

2. Where the person prescribed in the preceding paragraph happens to be the owner of the said object of 'Important Cultural Property', he shall be subject to imprisonment with or without labor for a term not exceeding two years or to a fine not exceeding two hundred thousand yen, or a minor fine.

### **Article 196**

Any person who has altered the status quo of 'Historic Sites, Places of Scenic Beauty and Natural Monuments', or committed an action that affects its preservation and has then destroyed, damaged or caused it to deteriorate shall be subject to imprisonment with or without labor for a term not exceeding five years or to a fine not exceeding three hundred thousand yen.

2. Where the person prescribed in the preceding paragraph happens to be the owner of the said entity of 'Historic Sites, Places of Scenic Beauty and Natural Monuments', he shall be subject to imprisonment with or without labor for a term not exceeding two years or to a fine not exceeding two hundred thousand yen, or a minor fine.

### **Article 197**

Any person who falls under either of the following Items shall be subject to a fine not exceeding two hundred thousand yen:

- (1) any person who has, in contravention of the provision of Article 43 or 125, altered the status quo of or committed an act that affects the preservation of an object of 'Important Cultural Property' or 'Historic Sites, Places of Scenic Beauty and Natural Monuments' without obtaining permission or without complying with the conditions of such permission; has failed to comply with an order on the suspension of any act to alter the status quo or to affect the preservation thereof;
- (2) any person who has, in contravention of the provision of Article 96 paragraph 2,

failed to comply with an order on the suspension or prohibition of any act resulting in the alteration of the status quo.

### **Article 198**

Any person who falls under either of the following Items shall be subject to a fine not exceeding ten thousand yen:

(1) any person who has, in contravention of the provision of Article 32 *bis* paragraph 5 which is applied *mutatis mutandis* in Article 39 paragraph 3 (including cases where this paragraph is applied *mutatis mutandis* in Article 186 paragraph 2), refused or interfered with implementing repairs or taking measures to prevent destruction, damage or theft of ‘National Treasure’;

(2) any person who has, in contravention of the provision of Article 32 *bis* paragraph 5 applied *mutatis mutandis* in Article 39 paragraph 3, which is applied *mutatis mutandis* in Article 98 paragraph 3 (including cases where this paragraph is applied *mutatis mutandis* in Article 186 paragraph 2), refused or interfered with the implementation of an excavation;

(3) any person who has, in contravention of the provision of Article 32 *bis* paragraph 5 applied *mutatis mutandis* in Article 39 paragraph 3, which is applied *mutatis mutandis* in Article 123 paragraph 2 (including cases where this paragraph is applied *mutatis mutandis* in Article 186 paragraph 2), refused or interfered with implementing restoration or taking measures to prevent the destruction, damage, decay or theft of ‘Special Historic Sites, Places of Scenic Beauty and Natural Monuments’.

### **Article 199**

Where a representative of a juridical person, or a proxy, a servant or any other employee of a juridical or natural person has committed any of the offences prescribed in Article 193 to the preceding Article inclusive, regarding the services or property management of the juridical or natural person, such an offender shall

be punished while the juridical or natural person shall be fined.

### **Article 200**

Where a person in charge of the implementation of the management, repairs or restoration of an object of ‘Important Cultural Property’, an object of ‘Important Tangible Folk Cultural Property’ or ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’ prescribed in Article 39 paragraph 1 (including cases where this paragraph is applied *mutatis mutandis* in Article 47 paragraph 3 (including cases where the latter is applied *mutatis mutandis* in Article 83), Article 123 paragraph 2, Article 186 paragraph 2 or Article 187 paragraph 2), Article 49 (including cases where this paragraph is applied *mutatis mutandis* in Article 85) or Article 185 paragraph 2, has resulted in the destruction, damage or deterioration of an object of ‘Important Cultural Property’, an object of ‘Important Tangible Folk Cultural Property’ or ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’ through negligence or serious dereliction of duty, he shall be subject to an administrative fine not exceeding three hundred thousand yen.

### **Article 201**

Any person who falls under either of the following Items shall be subject to an administrative fine not exceeding three hundred thousand yen:

- (1) any person who has failed to comply with, without justifiable reason, an order of the Commissioner for Cultural Affairs on the repairs of ‘National Treasure’ or on the management of an object of ‘Important Cultural Property’ or ‘Important Tangible Folk Cultural Property’ prescribed in Article 36 paragraph 1 (including cases where this paragraph is applied *mutatis mutandis* in Article 83 and Article 172 paragraph 5) or Article 37 paragraph 1;
- (2) any person who has failed to comply with, without justifiable reason, an order of the Commissioner for Cultural Affairs on the restoration of ‘Special Historic Sites, Places of Scenic Beauty and Natural Monuments’ or on the management

of 'Historic Sites, Places of Scenic Beauty and Natural Monuments' prescribed in Article 121 paragraph 1 (including cases where this paragraph is applied *mutatis mutandis* in Article 172 paragraph 5) or Article 122 paragraph 1;

(3) any person who has failed to comply with, without justifiable reason, an order of the Commissioner for Cultural Affairs on taking such measures as related to a recommendation regarding the management of 'Important Cultural Landscape' as prescribed in Article 137 paragraph 2.

## **Article 202**

Any person who falls under either of the following Items shall be subject to an administrative fine not exceeding one hundred thousand yen:

(1) any person who has failed to comply with, without justifiable reason, an order on the restrictions, prohibitions or facilities prescribed in Article 45 paragraph 1;

(2) any person who has, in contravention of the provision of Article 46 (including cases where this provision is applied *mutatis mutandis* in Article 83), failed to make an offer to the Commissioner for Cultural Affairs regarding a sale to the State; transferred an object of 'Important Cultural Property' or 'Important Tangible Folk Cultural Property' to any other party than the State within the period prescribed in Article 46 paragraph 5 (including cases where this paragraph is applied *mutatis mutandis* in Article 83) after making such offer; has made a false statement on an offer of sale under the provision of Article 46 paragraph 1 (including cases where this paragraph applies *mutatis mutandis* under Article 83);

(3) any person who has, in contravention of the provision of Article 48 paragraph 4 (including cases where this paragraph is applied *mutatis mutandis* in Article 51 paragraph 3 (including cases where the latter paragraph is applied *mutatis mutandis* in Article 85) and Article 85), failed to display or open to public viewing, or has, in contravention of the provision of Article 51 paragraph 5 (including cases where this paragraph is applied *mutatis mutandis* in Article 51 *bis* (including cases where this Article is applied *mutatis mutandis* in Article 85), Article 84

paragraph 2, and Article 85), failed to comply with an order on the suspension or discontinuance of public viewing;

(4) any person who has, in contravention of the provision of Article 53 paragraphs 1, 3, or 4, opened an object of 'Important Cultural Property' to public viewing, without obtaining permission or failing to comply with the conditions of such permission, or failed to comply with an order on the suspension of public viewing;

(5) any person who has, in contravention of the provision of Article 54 (including cases where this Article is applied *mutatis mutandis* in Article 86 and Article 172 paragraph 5), Article 55, Article 68 (including cases where the latter Article is applied *mutatis mutandis* in Article 90 paragraph 3 and Article 133), Article 130 (including cases where this Article is applied *mutatis mutandis* in Article 172 paragraph 5), Article 131, or Article 140, failed to submit a report or submitted a false report, or has refused, interfered with or evaded a responsible official's on-site investigation or the implementation of measures necessary for such investigation;

(6) any person who has, in contravention of the provision of Article 92 paragraph 2, failed to comply with an order on the prohibition, suspension or discontinuance of an excavation;

(7) any person who has, without justifiable reason, failed to comply with an order on the restrictions, prohibitions or facilities prescribed in Article 128 paragraph 1.

### **Article 203**

Any person who falls under either of the following Items shall be subject to an administrative fine not exceeding fifty thousand yen:

(1) Any person who has, in contravention of the provision of Article 28 paragraph 5, Article 29 paragraph 4 (including cases where this paragraph is applied *mutatis mutandis* in Article 79 paragraph 2), Article 56 paragraph 2 (including cases where this paragraph is applied *mutatis mutandis* in Article 86), Article 59 paragraph 6, or Article 69 (including cases where these paragraphs are applied *mutatis mutandis* in Article 90 paragraph 3), failed to return a certificate of

designation as ‘Important Cultural Property’ or ‘Important Tangible Folk Cultural Property’ or a certificate of registration of an object of ‘Registered Tangible Folk Cultural Property’ to the Minister of Education, Culture, Sports, Science and Technology or to a new owner of the said object;

(2) any person who has,

in contravention of the provision of Article 31 paragraph 3 (including cases where this paragraph is applied *mutatis mutandis* in Article 60 paragraph 4 (including cases where this is applied *mutatis mutandis* in Article 90 paragraph 3), Article 80, Article 119 paragraph 2 (including cases where this is applied *mutatis mutandis* in Article 133),

Article 32 (including cases where this Article is applied *mutatis mutandis* in Article 60 paragraph 4 (including cases where this is applied *mutatis mutandis* in Article 90 paragraph 3), Article 80, and Article 120 (including cases where this is applied *mutatis mutandis* in Article 133)),

Article 33 (including cases where this Article is applied *mutatis mutandis* in Article 80, Article 118 and Article 120 (including cases where these provisions are applied *mutatis mutandis* in Article 133) Article 172 paragraph 5),

Article 34 (including cases where this Article is applied *mutatis mutandis* in Article 80 and Article 172 paragraph 5),

Article 43 *bis* paragraph 1,

Article 61 and Article 62 (including cases where these Articles are applied *mutatis mutandis* in Article 90 paragraph 3),

Article 64 paragraph 1 (including cases where this paragraph is applied *mutatis mutandis* in Article 90 paragraph 3 and Article 133),

Article 65 paragraph 1 (including cases where this paragraph is applied *mutatis mutandis* in Article 90 paragraph 3),

Article 73,

Article 81 paragraph 1,

Article 84 paragraph 1 except for the proviso,

Article 92 paragraph 1,

Article 96 paragraph 1,  
Article 115 paragraph 2 (including cases where this paragraph is applied *mutatis mutandis* in Article 120, Article 133 and Article 172 paragraph 5),  
Article 127 paragraph 1,  
Article 136,  
or Article 139 paragraph 1,  
failed to submit a report or a false report;

(3) any person who has,  
in contravention of the provision of Article 32 *bis* paragraph 5 (including cases where this paragraph is applied *mutatis mutandis* in Article 34 *ter* paragraph 2 (including cases where this is applied *mutatis mutandis* in Article 83), Article 60 paragraph 4, Article 63 paragraph 2 (including cases where these paragraphs are applied *mutatis mutandis* in Article 90 paragraph 3) and Article 80), or Article 115 paragraph 4 (including cases where this paragraph is applied *mutatis mutandis* in Article 133), refused, interfered with or evaded the implementation of management, repairs or restoration, or measures necessary for these actions.