

JAPAN - Act on the Protection of Cultural Properties

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CHAPTER I General Provisions

(Purpose of this Law)

Article 1. The purpose of this Law is to preserve and utilize cultural properties, so that the culture of the Japanese people may be furthered and a contribution be made to the evolution of world culture.

(Definition of Cultural Properties)

Article 2. "Cultural properties" in this Law shall be the following:

(1) Buildings, pictures, sculptures, applied arts, calligraphic works, classical books, ancient documents, and other tangible cultural products, which possess a high historical and/or artistic value in and for this country (including lands and other objects which are combined with them altogether to embody such value), archaeological specimens and other historical materials of high scientific value (hereinafter referred to as "tangible cultural properties");

(2) Art and skill employed in drama, music and applied arts, and other intangible cultural products, which possess a high historical and/or artistic value in and for this country (hereinafter referred to as "intangible cultural properties");

(3) Manners and customs related to food, clothing and housing, to occupations, religious faiths, festivals, etc., to folk-entertainments and clothes, implements, houses and other objects used therefor, which are indispensable for the understanding of changes in our people's modes of life (hereinafter referred to as "folk-cultural properties");

(4) Shell mounds, ancient tombs, sites of palaces, sites of forts or castles, monumental dwelling houses, and other sites, which possess a high historical and/or scientific value in and for this country; gardens, bridges, gorges, sea-shores, mountains, and other places of scenic beauty, which possess a high value from the point of view of art or

visual appreciation in and for this country; and animals (including their habitats, breeding places and summer and winter resorts), plants (including their habitats), and geological features and minerals (including the grounds where peculiar natural phenomena are seen), which possess a high scientific value in and for this country (hereinafter referred to as "monuments");

(5) Groups of historic buildings of high value which form a certain antique beauty in combination with their environs (hereinafter referred to as "groups of historic buildings);

2. The term "important cultural properties" used in the provisions of this Law (excepting the provisions of Article 27 to 29 inclusive, Article 37, Article 55 paragraph 1 item (4), Article 84-2 paragraph 1 item (1), Article 88, Article 94 and Article 115) shall be construed as including national treasures.

3. The term "historic sites, places of scenic beauty and/or natural monuments" used in the provisions of this Law (excepting the provisions of Article 69, Article 70, Article 71, Article 77, Article 83 paragraph 1 items (4), Article 84-2 paragraph 1 items (5) and (6), Article 88 and Article 94), shall be construed as including special historic sites, places of scenic beauty and/or natural monuments.

(Duty of the Government and Local Public Bodies)

Article 3. The Government and the local public bodies shall, recognizing that the cultural properties of the country are indispensable to the correct understanding of its history, culture, etc., and that they form a foundation for its cultural development for the future, make efforts to ensure that the purport of this Law is thoroughly understood by the public, so that such properties may be duly preserved.

(Attitude of the People, Owners, etc.)

Article 4. The people in general shall faithfully cooperate in the measures taken by the Government and the local public bodies for the attainment of the purpose of this Law.

2. The owners of cultural properties and other persons concerned shall preserve such properties with good care and utilize them for cultural purposes by opening them to the public or by other means, in full consciousness that cultural properties are valuable national possessions.

3. In the execution of this Law, the Government and the local public bodies shall respect the ownership and other property rights of the persons concerned.

CHAPTER II Deleted.

Articles from 5 to 26 inclusive. Deleted.

CHAPTER III Tangible Cultural Properties

Section 1. Important Cultural Properties

Subsection 1. Designation

(Designation)

Article 27. The Minister of Education may designate important items of tangible cultural properties as important cultural properties.

2. From among the important cultural properties, the Minister of Education may designate as national treasures those properties which are of especially high value from the viewpoint of world culture and which are the matchless treasures of the nation.

(Announcement, Notice and Issuance of Certificate of Designation)

Article 28. Designation under the provision of the preceding Article shall be made by an announcement in the Official Gazette and also by the issuance of a notice thereof to the owner of the national treasure or the important cultural property concerned.

2. Designation under the provision of the preceding Article shall come into effect as from the day of its announcement in the Official Gazette made in accordance with the provision of the preceding paragraph; however, it shall come into effect for the owner of the national treasure or the important cultural property concerned as from the time when the notice provided for in the same paragraph reached the said owner.

3. When the designation under the provision of the preceding Article has been made, the Minister of Education shall issue a certificate of designation to the owner of the national treasure or the important cultural property concerned.

4. The items to be entered in the certificate of designation and other necessary matters relative to such certificate shall be determined by the Ministry of Education Ordinance.

5. When the owner has received the certificate of designation of the national treasure in accordance with the provision of paragraph 3, he/she shall return to the Minister of Education within thirty (30) days the certificate of designation of the important cultural property which has now been designated as a national treasure.

(Annulment)

Article 29. In case a national treasure or an important cultural property has lost its value as such or in case there is any other special reason, the Minister of Education may annul the designation of such national treasure or important cultural property.

2. The annulment of designation under the provision of the preceding paragraph shall be made by an announcement in the Official Gazette and also by the issuance of a notice thereof to the owner of the national treasure or the important cultural property concerned.

3. To the annulment of designation under the provision of paragraph 1, the provision of paragraph 2 of the preceding Article shall apply mutatis mutandis.

4. When the owner has received the notice under paragraph 2, he/she shall return to the Minister of Education the certificate of designation within thirty (30) days.

5. In cases where the designation of a national treasure has been annulled under paragraph 1, but where the designation of the same tangible property as an important cultural property has not been annulled, the Minister of Education shall issue to the owner without delay a certificate designating the same property as an important cultural property.

Subsection 2. Custody

(Instruction respecting Method of Custody)

Article 30. The Commissioner of the Agency for Cultural Affairs may give necessary instructions to the owner of an important cultural property with respect to the custody thereof.

(Owner's Duty of Custody, and Custodian)

Article 31. The owner of an important cultural property shall undertake the custody thereof, in accordance with this Law, as well as the Ministry of Education Ordinances and the instructions of the Commissioner of the Agency for Cultural Affairs, issued thereunder.

2. The owner of an important cultural property may, when there exist special reasons, appoint an appropriate person to be responsible on his/her behalf for the custody of the same property (hereinafter in this Section and in Chapter IV referred to as "the custodian").

3. When the owner of an important cultural property has appointed a custodian in accordance with the provision of the preceding paragraph, such owner shall report in writing within twenty (20) days the appointment to the Commissioner of the Agency for Cultural Affairs, stating the matters prescribed by the Ministry of Education Ordinance, under joint signature with the custodian so appointed. This provision shall also apply to the cases where the custodian has been released of the responsibility.

4. The provisions of the preceding Article and paragraph 1 of this Article shall apply mutatis mutandis to the custodian.

(Changes of Owner or Custodian)

Article 32. When the owner of an important cultural property has been changed, the new owner shall report in writing within twenty (20) days the changes to the Commissioner of the Agency for Cultural Affairs, stating the matters prescribed by the Ministry of Education Ordinance, attaching to the report the certificate of designation issued to the former owner.

2. The owner of an important cultural property shall, when he/she has changed the custodian, report in writing within twenty (20) days the change to the Commissioner of the Agency for Cultural Affairs, stating the matters prescribed by the Ministry of Education Ordinance, under joint signature with the newly appointed custodian. In this case the provision of paragraph 3 of the preceding Article shall not apply.

3. The owner or the custodian of an important cultural property shall, when he/she has changed his/her name, title or address, report in writing within twenty (20) days the change to the Commissioner of the Agency for Cultural Affairs, stating the matters prescribed by the Ministry of Education Ordinance. When the change has occurred in the name, title or address of the owner, he/she shall attach the certificate of designation to the report to be submitted.

(Custody by Custodial Body)

Article 32-2. With regard to an important cultural property, in cases where its owner is not traceable, or where it is obvious that the custody by the owner or the custodian is extremely difficult or inadequate, the Commissioner of the Agency for Cultural Affairs may appoint an appropriate local public body or any other appropriate juridical person and charge it with the conduct of custody necessary for the preservation of such important cultural property (including the safe-keeping of such facilities, equipments or any other objects as are needed for its preservation and are owned by or in the custody of the owner of the said important cultural property).

2. In order to make an appointment under the provision of the preceding paragraph, the Commissioner of the Agency for Cultural Affairs shall in advance obtain the consent of the owner of the important cultural property concerned (excluding the case where the owner is not traceable) and of its possessor/occupant by title, as well as that

of the local public body or other juridical person to be appointed.

3. The appointment under the provision of paragraph 1 shall be made by an announcement in the Official Gazette and also by the issuance of an notice thereof to the owner, the possessor/occupant and the local public body or other juridical person, prescribed in the preceding paragraph.

4. To the appointment under the provision of paragraph 1 the provision of Article 28 paragraph 2 shall apply mutatis mutandis.

5. The owner or the possessor/occupant of an important cultural property shall not, without justifiable reasons, refuse, interfere with or evade the act of custody or the execution of measures necessary for the custody by the local public body or other juridical person appointed in accordance with the provision of paragraph 1 (hereinafter in this Section and Chapter IV referred to as the "custodial body").

6. The provisions of Article 30 and Article 31 paragraph 1 shall apply mutatis mutandis to the custodial body.

Article 32-3. In cases where the reasons provided for in paragraph 1 of the preceding Article have become extinct or where there is any other special reasons, the Commissioner of the Agency for Cultural Affairs may annul the appointment of the custodial body.

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

Article 32-4. The expenses required for the custody by the custodial body shall, unless otherwise provided for in this Law, be borne by the said body.

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

(Destruction, Damage, etc.)

Article 33. When whole or part of an important cultural property has been destroyed, damaged, found missing or stolen, the owner (or the custodial or the custodial body, if such has been appointed) shall report it in writing to the Commissioner of the Agency for Cultural Affairs within ten (10) days of the knowledge of the fact, stating the matters prescribed by the Ministry of Education Ordinance.

(Change of Location)

Article 34. When the location of an important cultural property is to be changed, the owner (or the custodian or the custodial body, if such has been appointed) shall report it in writing to the Commissioner of the Agency for Cultural Affairs at least twenty (20) days prior to the date on which the location is to be changed, stating the matters prescribed by the Ministry of Education Ordinance and attaching to the report the certificate of designation.

However, in cases provided for by the Ministry of Education Ordinance, it may be unnecessary to report it at all or to attach the certificate of designation to the report, or it may suffice to file an ex post facto report in accordance with the provisions of the Ministry of Education Ordinance.

Subsection 3. Protection

(Repair)

Article 34-2. The repair of an important cultural property shall be conducted by its owner. It shall, however, be conducted by the custodial body, if such has been appointed.

(Repair by Custodial Body)

Article 34-3. In case the custodial body conducts the repair of the important cultural property in its custody, the said body shall in advance hear the opinions of the owner of the said property (except for the cases where the owner is not traceable) and of its possessor/occupant by title in regard to the method and the time of the repair.

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

(Subsidy for Custody or Repair)

Article 35. In cases where the owner of an important cultural property or its custodial body is unable to bear the large expenses required for the custody or repair of such property, or where there exist any other special circumstances, the Government may grant a subsidy to the said owner or custodial body so as to cover part of such expenses.

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

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

(Order or Advice on Custody)

Article 36. When the Commissioner of the Agency for Cultural Affairs concludes that the important cultural property is in danger of destruction, damage or theft because of the incompetence of the person who is in charge of its custody, or of the inappropriate method of custody, he/she may order or advise the owner, custodian or custodial body of such property with respect to the measures necessary for its custody, such as the appointment or change of the person in charge of its custody, the improvement of the method of custody, the provision of fire prevention and other facilities for its preservation.

2. The expenses required for such measures as may be taken 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 National Treasury in accordance with what may be provided for by the Ministry of Education Ordinance.

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

(Order or Advice on Repair)

Article 37. When a national treasure is damaged, and the Commissioner of the Agency for Cultural Affairs deems it necessary to repair it in view of its proper preservation, he/she may give necessary order or advice on its repairs to the owner or the custodial body concerned.

2. In cases where an important cultural property other than a national treasure is damaged, and the Commissioner of the Agency for Cultural Affairs deems it necessary to repair it in view of its proper preservation, he/she may give necessary advice on its repair to the owner or the custodial body concerned.

3. The expenses required for the repair conducted 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 National Treasury in accordance with what may be provided for by the Ministry of Education Ordinance.

4. The provision of Article 35 paragraph 3 shall apply *mutatis mutandis* to the cases where whole or part of the expenses is borne by the National Treasury in accordance with the provision of the preceding paragraph.

(Execution of Repair, etc. of National Treasure by the Commissioner of the Agency for Cultural Affairs)

Article 38. The Commissioner of the Agency for Cultural Affairs himself/herself may, in either of the following cases, undertake the repair of national treasures or take preventive measures against their destruction, damage or theft:

(1) When the owner, the custodian or the custodial body does not comply with the order given in accordance with the provision of the preceding two Articles;

(2) When, in cases where the national treasure has been damaged or where it is in danger of destruction, damage or theft, it is deemed unadvisable to have the repair undertaken or the preventive measures against destruction, damage or theft taken by the owner, the custodian or the custodial body.

2. When the Commissioner of the Agency for Cultural Affairs intends to undertake the repair or take measures under the provisions of the preceding paragraph, he/she shall in advance issue a writ to the owner, the custodian or the custodial body concerned stating the necessary items such as the name of the national treasure in question, the substance of the repair or measures, the date of commencement of the work and others, and at the same time give notice thereof to its possessor/occupant by title.

Article 39. The Commissioner of the Agency for Cultural Affairs shall, in undertaking the repair or measures under the provision of paragraph 1 of the preceding Article, appoint from among the staff members of the Agency for Cultural Affairs a person or persons who are to be responsible for the execution of the said repair or measures and for the custody of the national treasure concerned.

2. The person or persons who have been appointed as responsible persons under the provision of the preceding paragraph shall, when they execute the said repair or measures, carry with them their identity cards, show them upon demand to the parties concerned, and duly respect the reasonable opinions of such parties.

3. To the execution of the repair and measures under the provision of paragraph 1 of the preceding Article, the provision of Article 32-2 paragraph 5 shall apply *mutatis mutandis*.

Article 40. The expenses required for the repairs or measures executed under the provision of Article 38 paragraph 1 shall be defrayed from the National Treasury.

2. The Commissioner of the Agency for Cultural Affairs may, in accordance with what may be provided for by the Ministry of Education Ordinance, charge the owner (or the custodial body, if such has been appointed) part of the expenses required for the repair or measures executed under the provision of Article 38 paragraph 1; however, this shall apply exclusively to either of the cases, falling under paragraph 1 item (2) of the same Article, where the immediate causes which brought about the necessity of such repair or measures rest with the owner, the custodian or the custodial body, or where the owner or the custodial body is capable of bearing part of such expenses.

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

Article 41. The State shall indemnify the person or persons, who have suffered a loss in the repairs or measures executed under the provision of Article 38 paragraph 1, for the ordinary damage incidental thereto.

2. The amount of indemnity payable under the preceding paragraph shall be determined by the Commissioner of the Agency for Cultural Affairs.

3. Any person who is not satisfied with the amount of the indemnity payable under the preceding paragraph may demand an increase in the amount by litigation; however, this shall not apply when three (3) months have passed after receiving the notice of determination of the indemnity mentioned in the same paragraph.

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

(Reimbursement in case of Assignment of Important Cultural Property for which Subsidy, etc. has been granted)

Article 42. In case the then owner of the important cultural property for which the State has granted subsidies under Article 35 paragraph 1 or borne expenses under Article 36 paragraph 2, Article 37 paragraph 3 or Article 40 paragraph 1, for the repairs or preventive measures against destruction, damage or theft (hereinafter in this Article referred to as "repairs, etc."), his/her heir, legatee or donee (including the second or subsequent heir, legatee or donee; hereinafter the same in this Article) (hereinafter in this Article referred to as "owner, etc.") has assigned the said important cultural property for a consideration after performance of the repairs, etc. for which the State granted subsidies or borne expenses, he/she shall reimburse the National Treasury in accordance with what may be provided for by the Ministry of Education Ordinance the total amount of the said subsidies or expenses defrayed by the State (as for the expenses borne by the National Treasury under the provision of Article 40 paragraph 1, the amount of such expenses less what amount of money as was charged to the owner in accordance with the provision of paragraph 2 of the same Article; hereinafter the same in this Article) minus the sum spent by himself/herself for repairs, etc. of the said cultural property since the performance of the said repairs, etc. (hereinafter in this Article referred to as "the amount of reimbursement").

2. "The amount of subsidies or expenses defrayed by the State" provided for in the preceding paragraph shall be the sum corresponding to that which is arrived at by dividing the amount of the subsidies or the expenses defrayed by the State by the number of durable years fixed individually by the Commissioner of the Agency for Cultural Affairs in regard to the important cultural property or its parts subjected to such repairs, etc. and then by multiplying the quotient by the number of residual years (discarding the fractional period less than a year) which is obtained by deducting from such number of years that have passed since the time of the repairs, etc. until the time of assignment of the same property.

3. In case the value of such important cultural property has fallen off considerably through a cause not imputable to the owner, etc., or in case he/she has assigned the said important cultural property to the State, after the performance of the repairs, etc. for which the State granted subsidies or bore expenses, the Commissioner of the Agency for Cultural Affairs may exempt whole or part of the amount of reimbursement.

4. In case the person in question fails to pay off within the time limit fixed by the Commissioner of the Agency for Cultural Affairs the amount of reimbursement for which he/she is held due, the State may collect it following suit of coercive collection of national tax. In this case, the order of priority in collection shall be next to national and local taxes.

5. In case the person who is to pay the amount of reimbursement is the heir, legatee or donee, the sum corresponding to the quotient, obtained by dividing the sum equivalent to the balance between the amount of inheritance tax or donation tax provided for in item (1) and the amount provided for in item (2), by the number of years provided for in item (3), multiplied by the number of years provided for in item (4), shall be deducted from the amount of reimbursement he/she is to be charged:

(1) The amount of inheritance tax or donation tax the person concerned has already paid or is obliged to pay in acquiring the important cultural property concerned;

(2) The amount corresponding to that of inheritance tax or donation tax which is supposed to be imposed upon the person concerned for the important cultural property or its parts in question which is or are included in the value of assessment used as a basis of calculation of the tax under the preceding item, when worked out on the bases of the same value of assessment less the total amount of the subsidies or the expenses, mentioned in paragraph 1, defrayed by the State for the repairs, etc. which have been carried out prior to the time of such inheritance, bequest or donation in regard to the said important cultural property or its parts in question;

(3) The number of residual years (discarding the fractional period less than a year) obtained by deducting from the number of durable years fixed by the Commissioner of the Agency for Cultural Affairs concerning the important cultural property or its parts in question, in accordance with the provision of paragraph 2, the number of years that have passed since the time of performance of such repairs, etc. until the time of inheritance, bequest or donation of

the property concerned;

(4) The number of residual durable years of the important cultural property or its parts in question, provided for in paragraph 2.

6. With respect to the amount of subsidies or expenses defrayed by the State as provided for in paragraph 1, which is referred to in item (2) of the preceding paragraph, the provision of paragraph 2 shall apply *mutatis mutandis*. In this case, "the time of assignment" in the same paragraph shall read "the time of inheritance, bequest or donation."

7. In the assessment of the amount of capital gains under Article 33 paragraph 1 of the Income Tax Law (Law No. 33 of 1965) relative to the assignment provided for in paragraph 1 of this Article by the person who pays the amount of reimbursement according to the provision of the same paragraph, the amount he/she reimburses thereunder shall be taken as the expenses related to the assignment as provided for in Article 33 paragraph 3 of the same Law.

(Restriction on Alteration of Existing State)

Article 43. In case any person intends to alter the existing state of an important cultural property or to do an act affecting its preservation, he/she shall obtain the permission of the Commissioner of the Agency for Cultural Affairs; however, this shall not apply to the cases where such act as altering the existing state is merely a measure of maintenance or an emergency measure to be taken in the event of an unforeseen disaster, or to the case where the consequences to be entailed by the act which may affect preservation is only trifling.

2. The extent of the measure of maintenance referred to in the proviso to the preceding paragraph shall be established by the Ministry of Education Ordinance.

3. In giving the permission under paragraph 1, the Commissioner of the Agency for Cultural Affairs may give necessary instructions as a condition thereof regarding the alteration of the existing state or the act affecting the preservation under the same paragraph.

4. In case the person who has received the permission under paragraph 1 has failed to observe the condition of the permission provided for in the preceding paragraph, the Commissioner of the Agency for Cultural Affairs may order the suspension of the act of altering the existing state or of the act affecting the preservation, for which the permission has been given, or cancel the permission.

5. The State shall indemnify the person or persons who have suffered a loss from the fact that they failed to obtain the permission under paragraph 1 or that the permission given was attached with conditions under paragraph 3, for the ordinary damage incidental thereto.

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

(Report on Repairs, etc.)

Article 43-2. In case any important cultural property is to be repaired, its owner or its custodial body shall report it to the Commissioner of the Agency for Cultural Affairs in writing in accordance with what may be provided for by the Ministry of Education Ordinance, at least thirty (30) days prior to the date on which such repair is to be started; however, this shall not apply to the cases where the permission must needs be applied for in accordance with the provision of paragraph 1 of the preceding Article and to those other cases as provided for by the Ministry of Education Ordinance.

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

(Prohibition of Exportation)

Article 44. Any important cultural property shall not be exported; this shall not apply, however, in case the Commissioner of the Agency for Cultural Affairs has given permission therefor in recognition of its special necessity from the viewpoint of international exchange of culture or from other considerations.

(Integrity of Surroundings)

Article 45. The Commissioner of the Agency for Cultural Affairs may, when he/she deems it necessary for the preservation of the important cultural property, restrict or prohibit certain kinds of acts or order the provision of necessary facilities, within an area designated by him/her.

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

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

(Offer of Sale to the State)

Article 46. Any person who desires to assign an important cultural property for a consideration shall beforehand file in writing with the Commissioner of the Agency for Cultural Affairs an offer of sale of the said property to the State, stating therein the name of the assignee, the estimated value of the consideration (the value has to be calculated in

money at the current price in case the consideration stipulated consists in things other than money; hereinafter the same) and any other matters prescribed by the Ministry of Education Ordinance.

2. The circumstances surrounding wanting to make assignation to the said assignee may be listed in the written offer of the preceding paragraph.

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

4. When the Commissioner of the Agency for Cultural Affairs has, within thirty (30) days from the offer of sale filed under the provision of paragraph 1, given notice that the State will buy the said important cultural property, a bargain shall be deemed to have been closed at a price corresponding to the estimated value of the consideration stated in the paper referred to in paragraph 1.

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

(Subsidy for Purchase by Custodial Body)

Article 46-2. In case the local public body or other juridical person which is a custodial body is to purchase an important cultural property in its custody (exclusively building, other fixture to land, and the land which combined with such fixture is covered by the designation as the said important cultural property) in view of its positive necessity for the purpose of ensuring the preservation thereof, the State may grant a subsidy to cover part of the expenses required for the said purchase.

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

(Trust of Custody or Repair, or Technical Guidance)

Article 47. The owner of the important cultural property (or the custodial body if such has been appointed) may entrust the Commissioner of the Agency for Cultural Affairs with the custody (excluding the cases where the custodial body has been appointed) or repair thereof on the conditions determined by the same Commissioner.

2. The Commissioner of the Agency for Cultural Affairs may, in case he/she deems it necessary for the preservation of the important cultural property, advise its owner (or the custodial body if such has been appointed), presenting him/her conditions, to entrust the same Commissioner with the custody (excluding the cases where the custodial body has been appointed) or repair of such property.

3. The provisions of Article 39 paragraphs 1 and 2 shall apply *mutatis mutandis* to the cases where the Commissioner of the Agency for Cultural Affairs has been entrusted with the custody or repair of the important cultural property in accordance with the preceding two paragraphs.

4. The owner, custodian, or custodial body of the important cultural property may request the Commissioner of the Agency for Cultural Affairs, in accordance with what may be provided for by the Ministry of Education Ordinance, for technical guidance respecting the custody or repair of the important cultural property concerned.

Subsection 4. Opening to the Public

(Opening to the Public)

Article 47-2. Opening to the public of the important cultural property shall be undertaken by its owner; however, it shall be undertaken by the custodial body, if such has been appointed.

2. Notwithstanding the provision of the preceding paragraph, a person or persons other than the owner and the custodial body may throw open to public viewing, organized under the provisions of this Law, the important cultural property which the owner or the custodial body concerned agree to display.

3. The custodial body may collect admission fees from the visitors in opening to the public the important cultural property in its custody.

(Opening to the Public by the Commissioner of the Agency for Cultural Affairs)

Article 48. The Commissioner of the Agency for Cultural Affairs may advise the owner (the custodial body if such has been appointed) of the important cultural property to display the property for a term not exceeding one year at the public viewing to be held by the same Commissioner at the National Museums or other institutions.

2. The Commissioner of the Agency for Cultural Affairs may order the owner (the custodial body if such has been appointed) of the important cultural property, for the custody or repair of which the National Treasury has defrayed whole or part of the expenses or granted subsidies, to display the property for a term not exceeding one year at the public viewing to be held by the same Commissioner at the National Museums or other institutions.

3. When the Commissioner of the Agency for Cultural Affairs deems it necessary in the cases under the preceding paragraph, he/she may renew the term of display for a limited period not exceeding one year; however, such renewal

shall in no case exceed a period of five consecutive years.

4. When an order is issued under paragraph 2 or the period of display is renewed under the preceding paragraph, the owner or the custodial body of the important cultural property concerned must so display it.

5. Other than the cases provided for in the preceding four paragraphs, the Commissioner of the Agency for Cultural Affairs may, if he/she deems it appropriate, accept the proposal made by the owner (the custodial body if such has been appointed) of the important cultural property to display such property at the public viewing to be held by the same Commissioner at the National Museums or other institutions.

Article 49. Excepting the cases provided for in Article 100, the Commissioner of the Agency for Cultural Affairs shall, when important cultural properties are displayed in accordance with the provisions of the preceding Article, appoint from among the staff members of the Agency for Cultural Affairs a person or persons who are to be responsible for the custody of such properties.

Article 50. Expenses required for the display under the provision of Article 48 shall be defrayed from the National Treasury in accordance with the standards prescribed by the Ministry of Education Ordinance.

2. The Government shall, in accordance with the standards prescribed by the Ministry of Education Ordinance, give compensation to the owner or the custodial body of the property which has been displayed under the provisions of Article 48.

(Opening to the Public by the Owner, etc.)

Article 51. The Commissioner of the Agency for Cultural Affairs may advise the owner or the custodial body of the important cultural property to open such property to the public for a limited period not exceeding three (3) months.

2. The Commissioner of the Agency for Cultural Affairs may order the owner or the custodial body of the important cultural property, for the custody, repair or purchase of which the National Treasury has defrayed whole or part of the expenses or granted subsidies, to open such property to the public for a limited period not exceeding three (3) months.

3. The provision of Article 48 paragraph 4 shall apply mutatis mutandis to the cases under the preceding paragraph.

4. The Commissioner of the Agency for Cultural Affairs may give necessary instructions to the owner or the custodial body of the important cultural property concerning the opening to the public of such property to be made under the provisions of the preceding three (3) paragraphs and the custody thereof during such public viewing.

5. In case the owner, the custodian or the custodial body of the important cultural property fails to observe the instructions mentioned in the preceding paragraph, the Commissioner of the Agency for Cultural Affairs may order the suspension or discontinuance of the act of such public viewing.

6. The expenses required for opening such property to the public under the provisions of paragraphs 2 and 3 may, in accordance with what may be provided for by the Ministry of Education Ordinance, be defrayed in whole or in part from the National Treasury.

7. Other than the case provided for in the previous paragraph, expenses required by the owner or the custodial body of the important cultural property for the opening of the said property shall be wholly or partially defrayed from the National Treasury in accordance with what may be provided for by the Ministry of Education Ordinance.

Article 51-2. Except for the occasions of public viewing under the preceding Article, in the cases where a report has been filed in accordance with the provision of Article 34 with a view to moving the important cultural property from its domicile to some other place where it will be shown to the public, the provisions of paragraphs 4 and 5 of the preceding Article shall apply mutatis mutandis.

(Indemnification for Loss)

Article 52. In case an important cultural property has been destroyed or damaged as a result of its display or Public viewing conducted in accordance with the provisions of Article 48 or Article 51 paragraphs 1 to 3 inclusive, the State shall indemnify its owner for the ordinary damage incidental to it; however, this provision shall not apply in case the destruction or damage has resulted from a cause imputable to the owner, to the custodial or to the custodial body.

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

(Opening to the Public by Person other than Owner, etc.)

Article 53. When any person other than the owner and the custodial body of the important cultural property intends to show such property to the public at an exhibition or on any other public occasion to be held under his/her own auspices, such person shall obtain the permission of the Commissioner of the Agency for Cultural Affairs therefor; however, this shall not apply in case such exhibition or other event is to be held under the auspices of a State agency other than the Commissioner of the Agency for Cultural Affairs or of a local public body at a museum or other similar institution which has previously been approved by the Commissioner of the Agency for Cultural Affairs

(hereinafter in this paragraph referred to as "public approved institutions"), or when the person who has established a public approved institution holds such an event at the said public approved institution.

2. In the proviso of the preceding paragraph, a person holding an event stipulated in that paragraph (except for the Commissioner of the Agency for Cultural Affairs) shall, within 20 days from the day following the conclusion of the public display of that important cultural property, give written notice of the items stipulated in the Ministry of Education Ordinance to the Commissioner of the Agency for Cultural Affairs.

3. In giving permission under paragraph 1, the Commissioner of the Agency for Cultural Affairs may give as a condition thereof necessary instructions with respect to the public viewing for which permission is to be given and to the custody of the important cultural property to be on display.

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

Subsection 5. Investigation

(Investigation for the Purpose of Preservation)

Article 54. The Commissioner of the Agency for Cultural Affairs may, when he/she deems it necessary, ask the owner, custodian or custodial body of an important cultural property to report on the existing state of such property, or on the conditions of its custody, of its repairs or of the preservation of the integrity of its surroundings.

Article 55. In any of the following cases, when the Commissioner of the Agency for Cultural Affairs is unable to confirm the conditions of a particular important cultural property in spite of all the information given in the report filed under the preceding Article and when there appears to be no alternative way for the confirmation thereof, he/she may appoint a person or persons to conduct an investigation, and cause them to enter the place where the said property exists and conduct an on-the-spot investigation in regard to the existing state of the property or the conditions of its custody, of its repairs or of the preservation of the integrity of its surroundings:

(1) Where application has been filed for the permission for alteration of the existing state of the important cultural property or for the act affecting its preservation;

(2) Where the important cultural property has been damaged or where there has been a change in its existing state or its location;

(3) Where there is a fear of destruction, damage or theft of the important cultural property;

(4) Where there is necessity of revaluing the qualifications of a cultural property classified as national treasure or important cultural property because of special circumstances.

2. In the event of any investigation to be conducted by entering the place under the preceding paragraph, the person or persons who are to engage in such investigation shall carry with them their identity cards, show them upon demand to the parties concerned, and duly respect the reasonable opinions of such parties.

3. The State shall indemnify the person or persons who have suffered a loss in the investigation conducted in accordance with the provision of paragraph 1 for the ordinary damage incidental thereto.

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

Subsection 6. Miscellaneous Provisions

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

Article 56. In case the owner of an important cultural property has changed, the new owner shall with reference to the said property succeed to the rights and obligations of the former owner established by the orders, advices, instructions and other dispositions of the Commissioner of the Agency for Cultural Affairs issued or made under this Law.

2. In the cases under the preceding paragraph, the former owner shall deliver to the new owner the certificate of designation concerned simultaneously with the delivery of such important cultural property.

3. To the case where a custodial body has been appointed or the appointment thereof has been annulled, the provision of paragraph 1 shall apply mutatis mutandis; in case of the appointment of the custodial body, however, this provision shall not apply to the rights and obligations which should belong exclusively to the owner.

Section 2. Registered Tangible Cultural Properties

(Registration of Tangible Cultural Property)

Article 56-2. Among tangible cultural properties other than important cultural properties (excluding those designated by local public bodies under the provisions of Article 98-2) which are buildings, the Minister of Education can, in view of the value of those cultural properties, register those which are in particular need of preservation and utilization measures in the Cultural Property Original Register.

2. When undertaking registrations under the preceding paragraph, the Minister of Education shall obtain the

opinions of pertinent local public bodies in advance.

3. The items to be registered in the Cultural Property Original Register and other necessary matters relative to the Cultural Property Original Register shall be determined by the Ministry of Education Ordinance.

(Announcement, Notice and Issuance of Certificate of Designation)

Article 56-2-2 Registration under the provision of paragraph 1 of the preceding Article shall be made by an announcement in the Official Gazette and also by the issuance of a notice thereof to the owner of the tangible cultural property concerned (hereinafter referred to as the "registered tangible cultural property").

2. Registration under the provision of paragraph 1 of the preceding Article shall come into effect as from the day of its announcement in the Official Gazette made in accordance with the provision of the preceding paragraph; however, it shall come into effect for the owner of the registered tangible cultural property concerned as from the time when the notice provided for in the same paragraph reached the said owner.

3. When the registration under the provision of paragraph 1 of the preceding Article has been made, the Minister of Education shall issue a certificate of registration to the owner of the registered tangible cultural property concerned.

4. The items to be entered in the certificate of registration and other necessary matters relative to such certificate shall be determined by the Ministry of Education Ordinance.

(Annulment of Registrations of Registered Tangible Cultural Property)

Article 56-2-3. In case a registered tangible cultural property has been designated an important cultural property under the provision of Article 27-1, or when it has been designated by a local public body under the provision of Article 98-2, the Minister of Education shall annul that registration.

2. In case a registered tangible cultural property has lost its need of preservation and utilization measures or in case there is any other special reason, the Minister of Education may annul that registration.

3. In case of an annulment of registration under the provision of the two preceding paragraphs, prompt announcement to that effect shall be made in the Official Gazette and also notification shall be issued to the owner of the registered tangible cultural property concerned.

4. To the annulment of registration under the provision of paragraphs 1 and 2, the provision of paragraph 2 of the preceding Article shall apply mutatis mutandis.

5. When the owner has received the notice under paragraph 3, he shall return to the Minister of Education the certificate of registration within thirty (30) days.

(Custody of Registered Tangible Cultural Property)

Article 56-2-4. The owner of a registered tangible cultural properties shall undertake the custody thereof, in accordance with this Law as well as the Ministry of Education Ordinances based hereupon.

2. The owner of a registered tangible cultural property may, when there exist special reasons, appoint an appropriate person to the responsible on his behalf for the custody of the said property (hereinafter in this Section referred to as "the custodian").

3. With regard to a registered tangible cultural property, in cases where the owner is not traceable, or where it is obvious that the custody by the owner or the custodian is extremely difficult or inadequate, the Commissioner of the Agency for Cultural Affairs may appoint an appropriate local public body or any other appropriate juridical person (hereinafter in this Section referred to as "the custodial body") and charge it with the conduct of custody necessary for the preservation of the said registered tangible cultural property (including the safe-keeping of such facilities, equipment or any other items as are needed for its preservation and which are owned by or in the custody of the owner of the said registered tangible cultural property).

4. To the custody of the registered tangible cultural property, the provisions of Article 31-3, Article 32, Article 32-2 paragraphs 2 to 5 inclusive, Article 32-3 and Article 32-4 shall apply mutatis mutandis.

5. The provisions of paragraph 1 shall apply mutatis mutandis to the custodian or the custodial body of the registered tangible cultural property.

(Destruction or Damage of Registered Tangible Cultural Property)

Article 56-2-5. When the whole or part of a registered tangible cultural property has been destroyed or damaged, the owner (or the custodian or the custodial body, if such has been appointed) shall report it in writing to the Commissioner of the Agency for Cultural Affairs within ten (10) days of the knowledge of the fact, stating the matter prescribed by the Ministry of Education Ordinance.

(Repair of Registered Tangible Cultural Property)

Article 56-2-6. The repair of a registered tangible cultural property shall be done by its owner; however, it shall be done by the custodial body if such has been appointed.

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

(Notifications, etc. on Alterations to the Existing State of a Registered Tangible Cultural Property)

Article 56-2-7. In case any person intends to alter the existing state of a registered tangible cultural property, he shall, no later than thirty (30) days prior to the intended date of effecting said alteration, submit notification thereof, as determined by the Ministry of Education Ordinance, to the Commissioner of the Agency for Cultural Affairs; however, this shall not apply to cases where such act as altering the existing state is merely a maintenance measure or an emergency measure to be taken in the event of an unforeseen disaster, or to cases where the existing state must be altered in order to comply with orders under the provisions of other legal statutes.

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

3. When deemed to be necessary for the protection of a registered tangible cultural property, the Commissioner of the Agency for Cultural Affairs may give necessary instructions, advice, or remonstrance concerning alterations to the existing state of the said registered tangible cultural property pertaining to the notification of paragraph 1.

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

Article 56-2-8. The owner, custodian or custodial body of a registered tangible cultural property can ask the Commissioner of Agency for Cultural Affairs for technical guidance respecting the maintenance or repair of the registered tangible cultural property concerned, in accordance with what may be provided for by the Ministry of Education Ordinance.

(Public Opening of Registered Tangible Cultural Property)

Article 56-2-9. Opening to the public of the registered tangible cultural property shall be undertaken by its owner; however, it shall be undertaken by the custodial body, if such as been appointed.

2. Notwithstanding the provision of the preceding paragraph, a party other than the owner and the custodial body may open to the public the registered tangible cultural property with the agreement of the owner (or the custodial body, if there is one).

3. To the public opening of a registered tangible cultural property by the custodial body, the provisions of Article 47-2, paragraph 3 shall apply mutatis mutandis.

4. When deemed necessary in the utilization of a registered tangible cultural property, the Commissioner of the Agency for Cultural Affairs may give necessary guidance or advice to the owner or custodial body of the said registered tangible cultural property concerning its public opening or concerning its custody with respect to its public opening.

(Reporting on the Existing State of a Registered Tangible Cultural Property)

Article 56-2-10. When the Commissioner of the Agency for Cultural Affairs deems it necessary, he may ask the owner, custodial or custodial body of a registered tangible cultural property to report on the existing state of such property, or on the state of its custody or repair.

(Transfer of Certificate of Registration Accompanying Changes of Ownership)

Article 56-2-11. In case the owner of a registered tangible cultural property has changed, the former owner shall deliver to the new owner the certificate of registration concerned simultaneously with the delivery of the said registered tangible cultural property.

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

(Technical Guidance)

Article 56-2-12. The owner of any tangible cultural property other than important cultural properties and registered tangible cultural properties may, in accordance with what may be provided for by the Ministry of Education, ask the Commissioner of the Agency for Cultural Affairs for technical guidance in regard to the custody or repair of such tangible cultural property.

CHAPTER III-2 Intangible Cultural Properties

(Designation, etc. of Important Intangible Cultural Property)

Article 56-3. The Minister of Education may designate important items of intangible cultural properties as important intangible cultural properties.

2. The Minister of Education shall, in making the designation under the provision of the preceding paragraph, recognize the holder or holders who are the persons that represent the high standard of such important intangible cultural property, or the holding body which is composed mainly of the holders of such intangible cultural property and has its representative established by its own statute (hereinafter the same).

3. Designation under the provision of paragraph 1 shall be made by an announcement in the Official Gazette, and also by the issuance of a notice thereof to the person or the body to be recognized as the holder or the holding body, respectively, of the important intangible cultural property concerned (in case of a holding body, to its

representative).

4. Even after making the designation under the provision of paragraph 1, the Minister of Education may, if in his/her opinion there still is a person or a body eligible to the recognition as the holder or the holding body of a particular important intangible cultural property, make supplementary recognition as such.

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

(Annulment of Designation, etc. of Important Intangible Cultural Property)

Article 56-4. In case an important intangible cultural property has lost its value as such, or in case there is any other special reason, the Minister of Education may annul the designation of such important intangible cultural property.

2. In case a holder is deemed to have become inadequate to maintain such title for his/her mental or physical reasons, or in case a holding body is deemed to have become inadequate to maintain such title for the change of its constituent members, or in case there is any other special reason, the Minister of Education may annul the recognition concerned.

3. The annulment of the designation under the provision of paragraph 1 or of the recognition under that of the preceding paragraph shall be made by an announcement in the Official Gazette, and also by the issuance of a notice thereof to the holder or the holding body of the important intangible cultural property concerned.

4. When a holder has died or a holding body has been dissolved (including the cases of its having become extinct; the same shall apply in this Article and the following one) his/her or its recognition as such shall be deemed to have been annulled; and when all the holders have died, or all the holding bodies have been dissolved, the designation of the important intangible cultural property concerned shall be deemed to have been annulled. In these cases the Minister of Education shall announce the fact in the Official Gazette.

(Change of Name of Holder, etc.)

Article 56-5. When a holder has changed his/her name or address, when he/she has died, or when there is any of such reasons as are provided for by the Ministry of Education Ordinance, such holder or his/her heir shall report the fact to the Commissioner of the Agency for Cultural Affairs in writing within twenty (20) days of the day on which it took place (in case of a holder's death, the day on which his/her heir came to know the fact), stating the matters prescribed by the Ministry of Education Ordinance. When a holding body has changed its name, the address of its office, or its representative, or when there is any change among its constituent members, or when the body has been dissolved the same provision shall apply to its representative (in case of dissolution, it shall apply to the person who has been its representative).

(Preservation of Important Intangible Cultural Property)

Article 56-6. When the Commissioner of the Agency for Cultural Affairs deems it necessary for the preservation of a particular important intangible cultural property, he/she may himself/herself take any appropriate measures for its preservation, such as recording, training successors in the arts, etc., and the State may aid its holder, its holding body or a local public body, or any other person or persons deemed appropriate for taking care of its preservation by granting a subsidy to cover part of the expenses required for its preservation.

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

(Opening to the Public of Important Intangible Cultural Property)

Article 56-7. The Commissioner of the Agency for Cultural Affairs may advise the holder or the holding body of the important intangible cultural property to open the said property to the public, or the owner of the records of the important intangible cultural property to open such records to the public.

2. In case the holder or the holding body of the important intangible cultural property opens such property to the public, the provision of Article 51 paragraph 7 shall apply *mutatis mutandis*.

3. In case the owner of the records of the important intangible cultural property opens such records to the public, the State may grant a subsidy to cover part of the expenses required for the said opening.

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

(Suggestion or Advice on Preservation of Important Intangible Cultural Property)

Article 56-8. The Commissioner of the Agency for Cultural Affairs may give suggestions or advice necessary for the preservation of the important intangible cultural property to its holder or holding body, or a local public body or any other person who is deemed to be appropriate for taking care of its preservation.

(Recording, etc. of Intangible Cultural Property other than Important Intangible Cultural Property)

Article 56-9. The Commissioner of the Agency for Cultural Affairs may, selecting such items of the intangible cultural property as of special necessity, other than the important intangible cultural property, take himself records thereof, preserve such records or open the same to the public, and the State may subsidize an appropriate person to

cover part of the expense required for opening such intangible cultural property to the public, or recording it, preserving such records or opening the same to the public.

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

CHAPTER III-3 Folk-cultural Properties

(Designation of Important Tangible Folk-cultural Property and Important Intangible Folk-cultural Property)

Article 56-10. The Minister of Education may designate especially important items of tangible folk-cultural properties as important tangible folk-cultural properties, and especially important items of intangible folk-cultural properties as important intangible folk-cultural properties.

2. To the designation of the important tangible folk-cultural property under the provision of the preceding paragraph the provisions of Article 28 paragraphs 1 to 4 inclusive shall apply mutatis mutandis.

3. The designation of the important intangible folk-cultural property under the provision of paragraph 1 shall be made by an announcement in the Official Gazette.

(Annulment of Designation of Tangible Folk-cultural Property and Important Intangible Folk-cultural Property)

Article 56-11. In case any important tangible folk-cultural property or important intangible folk-cultural property has lost its value as such, or in case there is any other special reason, the Minister of Education may annul the designation of such important tangible folk-cultural property or important intangible folk-cultural property.

2. To the annulment of designation of the important tangible folk-cultural property under the provision of the preceding paragraph the provisions of Article 29 paragraphs 2 to 4 inclusive shall apply mutatis mutandis.

3. The annulment of designation of the important intangible folk-cultural property under the provision of paragraph 1 shall be made by an announcement in the Official Gazette.

(Custody of Important Tangible Folk-cultural Property)

Article 56-12. To the custody of important tangible folk-cultural property the provisions of Articles 30 to 34 inclusive shall apply mutatis mutandis.

(Protection of Important Tangible Folk-cultural Property)

Article 56-13. Any person who intends to alter the existing state of a particular important tangible folk-cultural property or to do an act affecting its preservation or to export it shall report it to the Commissioner of the Agency for Cultural Affairs in writing in accordance with what may be provided for by the Ministry of Education Ordinance at least twenty (20) days prior to the day on which such alteration, or act or exportation is to be effected; however, this shall not apply to the cases prescribed by the Ministry of Education Ordinance.

2. In case the Commissioner of the Agency for Cultural Affairs deems it necessary for the protection of the important tangible folk-cultural property give necessary instructions with regard to the alteration of the existing state of such folk-cultural property or the act affecting the preservation of the said property or its exportation, for which report has been filed under the preceding paragraph.

Article 56-14. To the protection of the important tangible folk-cultural property the provisions of Articles 34-2 to 36 inclusive, Article 37 paragraphs 2 to 4 inclusive, and Articles 42, 46 and 47 shall apply mutatis mutandis.

(Opening to the Public of Important Tangible Folk-Cultural Property)

Article 56-15. In case any party other than the owner or the custodial body of the important tangible folk-cultural property, or local public body or any other juridical person appointed in accordance with the provision of Article 32-2 paragraph 1, applying mutatis mutandis under Article 56-12 (hereinafter the same in this Chapter and in Chapter VI), intends to open such important tangible folk-cultural property to the public at an exhibition or at any other public occasion to be held under his/her own auspices, such person shall report it to the Commissioner of the Agency for Cultural Affairs in writing at least thirty (30) days prior to the date of commencement of such public viewing, stating the matters prescribed by the Ministry of Education Ordinance; however, ex post facto notification within 20 days from the day after the final day of the public opening shall suffice in case such exhibition or other event is to be held under the auspices of a State agency other than the Commissioner of the Agency for Cultural Affairs or of a local public body at a museum or other similar institution which has previously been exempted of such notification requirements by the Commissioner of the Agency for Cultural Affairs (hereinafter in this paragraph referred to as "opening advance notification exempted institutions"), or when the person who has established an opening advance notification exempted institution holds such an event at the said opening advance notification exempted institution.

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

Article 56-16. The provisions of Articles 47-2 to 52 inclusive shall apply mutatis mutandis to the opening to the public of the important tangible folk-cultural property.

(Investigation for Preservation of Important Tangible Folk-cultural Property and Succession to Rights and Obligations on Changes of Owner, etc.)

Article 56-17. To the investigation for the purpose of preservation of the important tangible folk-cultural property the provision of Article 54, and to the change of the owner of the important tangible folk-cultural property, to the appointment of a custodial body for such folk-cultural property or to the annulment of such appointment the provisions of Article 56 shall apply mutatis mutandis, respectively.

(Preservation of Important Intangible Folk-cultural Property)

Article 56-18. When the Commissioner of the Agency for Cultural Affairs deems it necessary for the preservation of the important intangible folk-cultural property, he/she may himself/herself undertake recording and other appropriate measures for the preservation thereof, and the State may aid a local public body or any other person deemed appropriate for taking care of its preservation by granting a subsidy to cover part of the expenses required for such 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.

(Opening to the Public of Records of Important Intangible Folk-cultural Property)

Article 56-19. The Commissioner of the Agency for Cultural Affairs may advise the owner of the records of the important intangible folk-cultural property to open the said records to the public.

2. To the case where the owner of the records of the important intangible folk-cultural property opens such records to the public, the provisions of Article 56-7 paragraph 3 shall apply mutatis mutandis.

3. The provision of Article 70-2 shall apply mutatis mutandis to the disposition to be made under the provision of paragraph 1 by the Commissioner of the Agency for Cultural Affairs or by the Board of Education of the To, Do, Fu or Ken (Prefectures), or by the designated city of Article 252-19-1 of the Local Public Body Law (Law No. 67 of 1947) or the core city of Article 252-22-1 of the same law (hereinafter referred to as "designated cities, etc."), to which the competence of the said Commissioner has been delegated.

(Suggestion or Advice on Preservation of Important Intangible Folk-cultural Property)

Article 56-20. The Commissioner of the Agency for Cultural Affairs may give suggestions or advice necessary for the preservation of important intangible folk-cultural property to a local public body or any other person who is deemed to be appropriate for taking care of its preservation.

(Recording, etc. of Intangible Folk-cultural Property Other Than Important Intangible Folk-cultural Property)

Article 56-21. The provisions of Article 56-9 shall apply mutatis mutandis to intangible folk-cultural property other than the important intangible folk-cultural property.

CHAPTER IV Buried Cultural Property

(Report, Instruction and Order on Excavation for Investigation)

Article 57. Any person who intends to excavate the land for the purpose of investigation of cultural properties which are buried underground (hereinafter referred to as "buried cultural property") shall report it to the Commissioner of the Agency for Cultural Affairs in writing at least thirty (30) days prior to the day on which the said excavation is to be commenced, stating the matters prescribed by the Ministry of Education Ordinance; however, this shall not apply to the cases prescribed by the Ministry of Education Ordinance.

2. The Commissioner of the Agency for Cultural Affairs may, when he/she deems it positively necessary for the protection of the buried cultural property, instruct necessary matters with regard to the excavation reported in accordance with the preceding paragraph and demand the submission of the reports thereof, or may prohibit the excavation or order its suspension or discontinuance.

(Report and Instruction on Excavation for Construction Working)

Article 57-2. In case any site well-known to contain buried cultural property such as shell mounds, ancient tombs or others (hereinafter referred to as "the well-known archaeological and/or historical subsoil") is to be dug up in the course of construction working or for any other purposes than the investigation of the buried cultural property, the provision of paragraph 1 of the preceding Article shall apply mutatis mutandis. (In this case, "thirty (30) days prior to" in the same paragraph shall read "sixty (60) days prior to.")

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

(Special Provisions regarding Excavation Conducted by State Organs etc.)

Article 57-3. To the case where State organs, local public bodies, or juridical persons established by the State or

local public bodies and prescribed by the Cabinet Order (hereinafter generically referred to as "State organs, etc." in this Article and in Article 57-6) intend to excavate the well-known archaeological and/or historical subsoil for the purpose provided for in paragraph 1 of the preceding Article, the provisions of the said Article shall not apply, but when the said State organs, etc. formulate a plan of operation related to the said excavation, they shall inform in advance the Commissioner of the Agency for Cultural Affairs to that effect.

2. The Commissioner of the Agency for Cultural Affairs may, when he/she received the information under the preceding paragraph and found it positively necessary to do so for the protection of the buried cultural property, give notice to the State organ, etc. to the effect that the latter shall consult him/her regarding the formulation of the said plan of operation and its enforcement.

3. The State organ, etc. which have received the notice under the preceding paragraph shall consult the Commissioner of the Agency for Cultural Affairs on the formulation of the said plan of operation and its enforcement.

4. In case the Commissioner of the Agency for Cultural Affairs has received the information under paragraph 1, other than the cases under the preceding two paragraphs, he/she may give such advice as necessary for the protection of the buried cultural property regarding the enforcement of the plan of operation which has been informed of.

5. In the case under the preceding four paragraphs, if the said State organs, etc. are the heads of the Ministries of Agencies (to be taken as the heads of the Ministries of Agencies referred to in Article 4 paragraph 2 of the State Property Law (Law No. 73 of 1938); hereinafter the same) such notice, consultation or advice as provided for in these paragraphs shall go from the Minister of Education.

(Information to the Public of Archaeological and/or Historical Subsoil)

Article 57-4. The State and local public bodies shall attend to the complete documentation and other measures needed to keep the public fully and correctly informed of the well-known archaeological and/or historical subsoil.

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

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

Article 57-5. When the owner or the possessor/occupant of the land has discovered what is recognizable as shell mound, swelling site, ancient tomb and other remains through the chance finds of unearthed articles, etc., excepting the case of discovery on the occasion of investigation exercised under the provision of Article 57 paragraph 1, he/she shall, without altering the existing state of such remains, report the fact without delay to the Commissioner of the Agency for Cultural Affairs in writing stating the matters prescribed by the Ministry of Education Ordinance. In case it is necessary to take emergency measures for the prevention of extraordinary disaster, however, he/she may alter the existing state of such remains within the normal limits of the emergency measures.

2. In case the Commissioner of the Agency for Cultural Affairs received the report under the preceding paragraph and recognizes the reported remains important, and deems it necessary to conduct an investigation for the purpose of their protection, he/she may order the owner or the possessor/occupant of the land to suspend or prohibit him/her to do within a prescribed term and area, the act which may lead to the alteration of their existing state. The term, however, shall not exceed three (3) months.

3. In case the Commissioner of the Agency for Cultural Affairs intends to issue the order under the preceding paragraph, he/she shall in advance hear the opinions of the local public body concerned.

4. The order under paragraph 2 shall be issued within one (1) month of the day of reporting under paragraph 1.

5. In the case under paragraph 2, when the investigation is not completed within the term prescribed in the same paragraph and is needed to be carried on, the Commissioner of the Agency for Cultural Affairs may extend once for all the term of investigation in regard to all or part of the area set out in the said order. The term of the same order, however, shall not exceed six (6) consecutive months including the original term specified under the same paragraph.

6. The term under paragraph 2 and the preceding paragraph shall be so calculated as to cover the period of time starting from the day on which the report under paragraph 1 is received until and including the day on which the order under paragraph 2 is issued.

7. The Commissioner of the Agency for Cultural Affairs may, even when the report under paragraph 1 has not been received, take measures as provided for in paragraphs 2 and 5.

8. Upon receipt of the report under paragraph 1, the Commissioner of the Agency for Cultural Affairs may, excepting the case where he/she has taken measures under paragraph 2, give instructions necessary for the protection of the said remains. Except for the case where he/she has taken measures under paragraph 2 in accordance with the provision of the preceding paragraph, the same shall apply to the case where he/she has not received the report under paragraph 1.

9. The State shall indemnify the person or persons who have suffered a loss owing to the order issued under

paragraph 2, for the ordinary damage incidental thereto.

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

(Special Provisions regarding Discovery of Remains by State Organs, etc.)

Article 57-6. When State organs, etc. have made a discovery as provided for in paragraph 1 of the preceding Article, the provisions of the same Article shall not apply, but, excepting the case where they have made a discovery on the occasion of investigation exercised under the provision of Article 57 paragraph 1 or Article 98-2 paragraph 1, they shall, without altering the existing state of the remains, inform the Commissioner of the Agency for Cultural Affairs to that effect without delay. In case they take emergency measures necessary for preventing extraordinary disasters, however, they may alter the existing state of the remains within the limits of such emergency measures.

2. In the cases where the Commissioner of the Agency for Cultural Affairs has received the information under the preceding paragraph, if he/she recognizes the remains informed as important and if he/she deems it necessary to investigate them for the purpose of their protection, he/she may notify the said State organs, etc. to the effect that they should apply to him/her for consultation regarding their investigation, preservation, etc.

3. The State organs, etc. which have received the notice under the preceding paragraph shall consult with the Commissioner of the Agency for Cultural Affairs.

4. In case the Commissioner of the Agency for Cultural Affairs has received the information under paragraph 1, excepting the cases under the preceding two paragraphs, he/she may give necessary advice for the protection of the said remains.

5. To the cases under the preceding four paragraphs, the provision of Article 57-3 paragraph 5 shall apply mutatis mutandis.

(Execution of Excavation by the Commissioner of the Agency for Cultural Affairs)

Article 58. The Commissioner of the Agency for Cultural Affairs may undertake the excavation of any land to investigate the buried cultural property for which investigation by the State is deemed necessary in view of its exceptionally high value from the point of view of history or science as well as for the technical difficulty it will entail.

2. In case the Commissioner of the Agency for Cultural Affairs intends to undertake excavation in accordance with the provision of the preceding paragraph, he/she shall in advance issue to the owner and the possessor/occupant by title of the land a writ stating the purpose and the method of excavation, the date of its commencement, and other necessary matters.

3. To the cases under paragraph 1, the provisions of Article 39 (including the provision of Article 32-2 paragraph 5 applying mutatis mutandis under paragraph 3 of the same Article) and Article 41 shall apply mutatis mutandis.

Article 59. When any cultural property has been discovered by the excavation carried out in accordance with paragraph 1 of the preceding Article, the Commissioner of the Agency for Cultural Affairs shall return the said property to its owner if the owner is known, but in case the owner is not traceable it shall suffice for him/her to notify the chief of the police station of the discovery, irrespective of the provision of Article 1 paragraph 1 of the Lost Property Law (Law No. 87 of 1899) applying mutatis mutandis under Article 13 of the same Law.

2. The chief of the police station shall, upon receiving the notice referred to in the preceding paragraph, issue promptly a public notice with regard to the said cultural property in accordance with the provision of Article 1 paragraph 2 of the Lost Property Law applying mutatis mutandis under Article 13 of the same Law.

(Presentation)

Article 60. In case an unearthed object placed as such before the chief of the police station in accordance with the provision of Article 1 paragraph 1 of the Lost Property Law applying mutatis mutandis under Article 13 of the same Law is recognizable as a cultural property, the said object shall be presented to the Commissioner of the Agency for Cultural Affairs without delay by the chief of the police station; however, this shall not apply where the owner thereof has been traced.

(Judgement)

Article 61. When an object has been presented to the Commissioner of the Agency for Cultural Affairs in accordance with the provision of the preceding Article, he/she shall judge whether the object is really a cultural property or not.

2. The Commissioner of the Agency for Cultural Affairs shall, upon finding the said object to be a cultural property, notify the chief of the police station thereof or shall, in a contrary case, send back the object to the chief of the police station.

(Delivery)

Article 62. When the owner of the cultural property mentioned in Article 59 paragraph 1 or paragraph 2 of the

preceding Article has asked the chief of the police station to return the cultural property to himself/herself, the Commissioner of the Agency for Cultural Affairs shall deliver the object to the chief of the police station concerned. (Reversion to National Treasury and Compensation)

Article 63. In case the owner of the cultural property mentioned in Article 59 paragraph 1 or Article 61 paragraph 2 is not traceable, the ownership thereof shall revert to the National Treasury. In this case the Commissioner of the Agency for Cultural Affairs shall so inform the finder of the said cultural property and the owner of the land where it was found, and shall pay them a compensation corresponding to the value of the object.

2. When the finder and the owner of the land referred to in the preceding paragraph are different persons, the compensation under the same paragraph shall be given them half and half.

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

(Transfer, etc.)

Article 64. The Government may, unless it is necessary for the State to retain for itself the cultural property reverted to the National Treasury in accordance with the provision of paragraph 1 of the preceding Article for the purpose of its preservation or in view of its utility, transfer the said property to the finder thereof or to the owner of the land where it was found, within the limits of the value corresponding to the amount of the compensation to be received by the said person in accordance with the provisions of the preceding Article.

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

3. The Government may, unless it is necessary for the State to retain for itself the cultural property reverted to the National Treasury in accordance with the provision of paragraph 1 of the preceding Article for the purpose of its preservation or in view of its utility, transfer the said property without consideration, or to assign it at a price lower than the current price, to the local public body which has jurisdiction over the land where the said cultural property was found, in case application is filed therefor.

(Application of the Lost Property Law)

Article 65. Unless otherwise provided for by this Law, the provision of Article 13 of the Lost Property Law shall apply to the buried cultural property.

Article 66 to Article 68 inclusive. Deleted.

CHAPTER V Historic Sites, Places of Scenic Beauty and/or Natural Monuments

(Designation)

Article 69. The Minister of Education may designate important items of monuments as historic sites, places of scenic beauty, or natural monuments (hereinafter collectively referred to as "historic sites, places of scenic beauty and/or natural monument").

2. Of the historic sites, places of scenic beauty and/or natural monuments designated as such in accordance with the provision of the preceding paragraph, the Minister of Education may designate those which are particularly important as special historic sites, special places of scenic beauty, or special natural monuments (hereinafter collectively referred to as "special historic sites, places of scenic beauty and/or natural monument").

3. The designation under the preceding two paragraphs shall be made by an announcement in the Official Gazette and also by the issuance of a notice thereof to the owner and the possessor/occupant by title of the special historic site, place of scenic beauty and/or natural monument concerned or of the historic site, place of scenic beauty and/or natural monument concerned.

4. In case there are too many persons to be given the notice individually in accordance with the provision of the preceding paragraph, the Minister of Education may, in place of the notice provided for in the same paragraph, put up a notice of the matters to be communicated to them on the notice board of the public office or of any similar establishment of the city, town or village where the special historic site, place of scenic beauty and/or natural monument concerned or the historic site, place of scenic beauty and/or natural monument concerned is located. In this case the notice mentioned in the preceding paragraph shall be deemed as having reached the addressees thereof when two weeks have elapsed from the day on which the notice was first exhibited.

5. The designation under the provision of paragraph 1 or paragraph 2 shall come into effect as from the day of announcement in the Official Gazette under the provision of paragraph 3. However, for the owner or the possessor/occupant by title of the special historic site, place of scenic beauty and/or natural monument concerned or of the historic site, place of scenic beauty and/or natural monument concerned, it shall come into effect as from the time when the notice under the provision of paragraph 3 has reached him/her or when it is deemed to have reached

him/her in accordance with the provision of the preceding paragraph.

6. The Minister of Education shall, in designating the historic site, place of scenic beauty and/or natural monument, ask the opinion of the Director General of the Environment Agency, if the area to be covered by the designation possesses a high value from the point of view of the protection of natural environment.

(Provisional Designation)

Article 70. Prior to the designation under the provision of paragraph 1 of the preceding Article, if the Board of Education of To, Do, Fu or Ken (Prefectures) deems it urgently necessary, it may make provisional designation of the historic site, place of scenic beauty and/or natural monument.

2. When the Board of Education of To, Do, Fu or Ken (Prefectures) has made the provisional designation under the provision of the preceding paragraph, it shall report the fact to the Minister of Education without delay

3. To the provisional designation under the provision of paragraph 1 the provisions of paragraphs 3 to 5 inclusive of the preceding Article shall apply mutatis mutandis.

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

Article 70-2. In making the designation under the provision of Article 69 paragraph 1 or paragraph 2 or in making the provisional designation under the provision of paragraph 1 of the preceding Article, the Minister of Education or the Board of Education of To, Do, Fu or Ken (Prefectures) shall respect in particular the ownership, the mining right and other property rights of the parties concerned, and at the same time pay attention to the coordination with land development and other kinds of public interests.

2. The Minister of Education or the Commissioner of the Agency for Cultural Affairs may, if it is deemed necessary for the protection and improvement of natural environment related to the place of scenic beauty or natural monument, express his/her opinions to the Director General of the Environment Agency.

(Annulment of Designation)

Article 71. When a special historic site, place of scenic beauty and/or natural monument, or a historic site, place of scenic beauty and/or natural monument has lost its value as such or when there is any other special reason, the Minister of Education or the Board of Education of To, Do, Fu or Ken (Prefectures) may annul the designation or the provisional designation thereof.

2. When the designation referred to in Article 69 paragraph 1 was made of such a historic site, place of scenic beauty and/or natural monument as was provisionally designated under the provision of Article 70 paragraph 1, or when no designation under the same provision was made of the same property within two years from the day of such provisional designation, the said provisional designation shall become null and void.

3. The Minister of Education may annul any provisional designation made under the provision of Article 70 paragraph 1, if he/she deems such designation inappropriate.

4. The provisions of Article 69 paragraphs 3 to 5 inclusive shall apply mutatis mutandis to the annulment of the designation or the provisional designation to be made under the provision of paragraph 1 or of the preceding paragraph.

(Custody and Restoration by Custodial Body)

Article 71-2. In the cases where the owner of the historic site, place of scenic beauty and/or natural monument does not exist or is not traceable, or where the custody thereof by its owner or by the person appointed in accordance with the provision of Article 74 paragraph 2 to be responsible for the conduct of its custody is obviously deemed extremely difficult or inappropriate, the Commissioner of the Agency for Cultural Affairs may appoint a suitable local public body or any other suitable juridical person and charge it with the conduct of custody and restoration necessary for the preservation of the historic site, place of scenic beauty and/or natural monument concerned (including the custody and restoration of such facilities, equipments and other matters under the ownership or in the custody of the owner of the historic site, place of scenic beauty and/or natural monument concerned as are necessary for the preservation thereof).

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

3. The appointment under the provision of paragraph 1 shall be made by an announcement in the Official Gazette, and also by the issuance of a notice thereof to the owner and the possessor/occupant by title of the historic site, place scenic beauty and/or natural monument concerned, as well as to the local public body or other juridical person to be appointed.

4. To the appointment under the provision of paragraph 1 the provisions of Article 69 paragraphs 4 and 5 shall apply mutatis mutandis.

Article 71-3. In the cases where the reasons referred to in paragraph 1 of the preceding Article have become extinct or where there is any other special reason, the Commissioner of the Agency for Cultural Affairs may annul the

appointment of the custodial body.

2. To the annulment under the provision of the preceding paragraph the provisions of paragraph 3 of the preceding Article and Article 69 paragraphs 4 and 5 shall apply mutatis mutandis.

Article 72. The local public body and any other juridical person appointed under the provision of Article 71-2 paragraph 1 (hereinafter in this Chapter and Chapter IV referred to as the "custodial body") shall in accordance with the standards established by the Minister of Education Ordinance set up signs, explanation boards, landmarks, fences and other facilities necessary for the custody of the historic site, place of scenic beauty and/or natural monument concerned.

2. When, in regard to the land within the designated area of the historic site, place of scenic beauty and/or natural monument, there has been any change in the name of town, lot number, category or acreage, the custodial body concerned shall report it to the Commissioner of the Agency for Cultural Affairs in accordance with what may be provided for by the Ministry of Education Ordinance.

3. In case the custodial body undertakes restoration, it shall in advance hear the opinions of the owner (exclusive of the case where the owner is not traceable) and the possessor/occupant of the historic site, place of scenic beauty and/or natural monument concerned in regard to the method and the time of the restoration.

4. The owner or the possessor/occupant of the historic site, place of scenic beauty and/or natural monument shall not, without justifiable reasons, refuse, interfere with or evade the acts of custody or restoration, or the measures necessary for the execution of such acts, undertaken by the custodial body.

Article 72-2. The expenses required for the custody and the restoration undertaken by the custodial body shall be borne by the same body, unless otherwise provided for by this Law.

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

3. The custodial body may collect admission-fees from the visitors to the historic site, place of scenic beauty and/or natural monument in its custody.

Article 73. As for the person or persons who have suffered a loss owing to the act of custody or restoration performed by the custodial body, the body concerned shall indemnify them for the ordinary damages incidental thereto.

2. The amount of the indemnity under the preceding paragraph shall be determined by the custodial body (or, when the custodial body is a local public body, the Board of Education of the same body).

3. As regards the amount of the indemnity under the provision of the preceding paragraph, the provision of Article 41 paragraph 3 shall apply mutatis mutandis.

4. In case of litigation under the provision of Article 41 paragraph 3 applying mutatis mutandis in the preceding paragraph, the custodial body shall be the dependent.

Article 73-2. To the custody undertaken by the custodial body the provisions of Article 30, Article 31 paragraph 1 and Article 33, to the custody and the restoration undertaken by the custodial body the provisions of Articles 35 and 47, and to the cases where the custodial body has been appointed or where such appointment has been annulled the provision of Article 56 paragraph 3 shall apply mutatis mutandis, respectively.

(Custody and Restoration by Owner)

Article 74. Excepting the case where a custodial body has been appointed, the owner of the historic site, place of scenic beauty and/or natural monument shall be responsible for the custody and the restoration thereof.

2. The owner who undertakes the custody of the historic site, place of scenic beauty and/or natural monument under the provision of the preceding paragraph may, if there is any special reason, appoint an appropriate person to be responsible on his/her behalf for the conduct of the custody of the same property (hereinafter in this Chapter and Chapter 4 referred to as the "custodian"). In this case the provision of Article 31 paragraph 3 shall apply mutatis mutandis.

Article 75. To the custody by the owner the provisions of Article 30, Article 31 paragraph 1, Article 32, Article 33 and Article 72 paragraphs 1 and 2 (as for Article 72 paragraph 2, exclusive of the cases where the custodial body has been appointed), to the custody and the restoration by the owner the provisions of Article 35 and 47, to the succession to rights and obligations upon change of the owner the provision of Article 56 paragraph 1, and to the custody by the custodian the provisions of Article 30, Article 31 paragraph 1, Article 32 paragraph 3, Article 33, Article 47 paragraph 4 and Article 72 paragraph 2 shall apply mutatis mutandis, respectively.

(Order or Advice on Custody)

Article 76. In case the Commissioner of the Agency for Cultural Affairs concludes that a historic site, place of scenic beauty and/or natural monument is in danger of destruction, damage, decay or theft because of its

inappropriate custody, he/she may order or advise the custodial body, the owner or the custodian thereof, with respect to the improvement of the method of custody, provision of facilities for preservation and any other measures necessary for its custody.

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

(Order or Advice on Restoration)

Article 77. In the cases where a special historic site, place of scenic beauty and/or natural monument is damaged or in decay and the Commissioner of the Agency for Cultural Affairs deems it necessary for its preservation, he/she may give any necessary order or advice about its restoration to the custodial body or the owner thereof.

2. In the cases where a historic site, place of scenic beauty and/or natural monument, other than the special historic site, place of scenic beauty and/or natural monument, is damaged or in decay and the Commissioner of the Agency for Cultural Affairs deems it necessary for its preservation, he/she may give any necessary advice about its restoration to the custodial body or to the owner thereof.

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

(Execution of Restoration, etc. of Special Historic Site, Place of Scenic Beauty and/or Natural Monument by the Commissioner of the Agency for Cultural Affairs)

Article 78. The Commissioner of the Agency for Cultural Affairs may himself/herself execute the restoration of the special historic site, place of scenic beauty and/or natural monument, or take preventive measures against its destruction, damage, decay or theft, in either of the following cases:

(1) Where the custodial body, owner or custodian does not comply with the orders given in accordance with the provisions of the preceding two Articles;

(2) Where any special historic site, place of scenic beauty and/or natural monument is damaged or in decay, or in danger of destruction, damage, decay or theft, and where it is deemed inappropriate to make the custodial body, the owner or the custodian thereof execute its restoration or take preventive measures against 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 the cases under the preceding paragraph.

(Reimbursement in case of Assignment of Historic Site, Place of Scenic Beauty and/or Natural Monument for which a Subsidy was granted, etc.)

Article 79. With respect to the historic site, place of scenic beauty and/or natural monument for which a subsidy has been granted by the State for its restoration or for the conduct of preventive measures against its destruction, damage, decay or theft in accordance with the provision of Article 35 paragraph 1 applying mutatis mutandis under Article 73-2 and Article 75, or for which whole or part of the expenses required for such action have been defrayed by the State in accordance with the provision of Article 36 paragraph 2 applying mutatis mutandis under Article 76 paragraph 2, in accordance with Article 37 paragraph 3 applying mutatis mutandis under Article 77 paragraph 3 or in accordance with Article 40 paragraph 1 applying mutatis mutandis under paragraph 2 of the preceding Article, the provision of Article 42 shall apply mutatis mutandis.

(Restriction on Alteration, etc. of Existing State and Order for Recovery to Original State)

Article 80. In case any person intends to do an act altering the existing state of a historic site, place of scenic beauty and/or natural monument or an act affecting the preservation thereof, he/she must obtain the permission of the Commissioner of the Agency for Cultural Affairs; however, this shall not apply to the case where such act as altering the existing state is merely a measure for maintaining the existing state of the property or an emergency measure necessary for the prevention of extraordinary disasters or where the influence of the act which may affect its preservation is only negligible.

2. The coverage of the measures for maintaining the existing state mentioned in the proviso to the preceding paragraph shall be established by the Ministry of Education Ordinance.

3. The provision of Article 43 paragraph 3 shall apply mutatis mutandis to the issuance of permission provided for in paragraph 1, and that of Article 43 paragraph 4 to the person who has obtained such permission.

4. The provision of Article 70-2 shall apply mutatis mutandis to the disposition to be made under the provision of paragraph 1 by the Commissioner of the Agency for Cultural Affairs or by the Board of Education of To, Do, Fu or Ken (Prefectures) to which the competence of the said Commissioner has been delegated.

5. The State shall indemnify the person who has suffered a loss owing to the fact that he/she failed to receive the permission under paragraph 1 or that the permission given was attached with conditions under Article 43 paragraph 3 applying mutatis mutandis under paragraph 3, for the ordinary damage incidental thereto.

6. The provisions of Article 41 paragraphs 2 to 4 inclusive shall apply mutatis mutandis to the case under the

preceding paragraph.

7. In case any person has done an act altering the existing state or affecting the preservation of a historic site, place of scenic beauty and/or natural monument without obtaining the permission under the provision of paragraph 1 or without complying with the conditions of the permission given under Article 43 paragraph 3 applying mutatis mutandis under paragraph 3, the Commissioner of the Agency for Cultural Affairs may order him/her to recover is original state. In this case the Commissioner of the Agency for Cultural Affairs may give necessary instructions regarding such recovery.

(Notice by the Administrative Agency Concerned)

Article 80-2. In case of an act for which permission should be obtained under the provision of paragraph 1 of the preceding Article, and the conduct of which is subjected to permission, authorization or other disposition prescribed by the Cabinet Order under the provisions of other laws or orders, the administrative agency which has the competence for such dispositions under the said other laws or orders, or the person to whom the said competence has been delegated, shall in making the disposition give a notice to the Commissioner of the Agency for Cultural Affairs (or to the Board of Education of the To, Do, Fu or Ken (Prefectures) or the designated city, etc., when the competence for permission under the provision of paragraph 1 of the same Article is delegated thereto) in accordance with what may be provided for by the Cabinet Order.

(Report, etc. on Restoration)

Article 80-3. In case a historic site, place of scenic beauty and/or natural monument is to be restored, the custodial body or the owner thereof shall report it to the Commissioner of the Agency for Cultural Affairs at least thirty (30) days prior to the date of commencement of such work, in accordance with what may be prescribed by the Ministry of Education Ordinance; this shall not apply, however, to the cases where the permission must be obtained in accordance with the provision of Article 80 paragraph 1 and to those other cases prescribed by the Ministry of Education Ordinance.

2. In case the Commissioner of the Agency for Cultural Affairs deems it necessary for the protection of the historic site, place of scenic beauty and/or natural monument, he/she may give technical guidance and advice in regard to the restoration of the historic site, place of scenic beauty and/or natural monument reported in accordance with the preceding paragraph.

(Integrity of Surroundings)

Article 81. The Commissioner of the Agency for Cultural Affairs may, if he/she deems it necessary for ensuring the preservation of the historic site, place of scenic beauty and/or natural monument, restrict or prohibit certain kinds of act within a prescribed area or may order the provision of necessary facilities in such area.

2. The State shall indemnify the person or persons, who have suffered a loss owing to the disposition mentioned in the preceding paragraph, for the ordinary damage incidental thereto.

3. To the person who has disobeyed the restriction or prohibition provided for in paragraph 1 the provision of Article 80 paragraph 7, and to the case under the preceding paragraph the provisions of Article 41 paragraphs 2 to 4 inclusive shall apply mutatis mutandis, respectively.

(Subsidy for Purchase by Custodial Body)

Article 81-2. In case a local public body or other juridical person that is a custodial body deems it positively necessary to purchase the land or buildings or other fixtures to land involved in the designation as historic site, place of scenic beauty and/or natural monument, for the purpose of ensuring the preservation of such designated property which is under its custody, the State may grant a subsidy to cover part of the expenses required for the purchase.

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

(Investigation for the Purpose of Preservation)

Article 82. The Commissioner of the Agency for Cultural Affairs may, when he/she deems it necessary, ask the custodial body, the owner or the custodian to file reports on the existing state of the historic site, place of scenic beauty and/or natural monument, or on the conditions of its custody, of its restoration or of the preservation of the integrity of its surroundings.

Article 83. In any of the following cases, when the Commissioner of the Agency for Cultural Affairs is unable to confirm the conditions of a historic site, place of scenic beauty and/or natural monument in spite of all the information given in the report filed under the preceding Article, and when there appears to be no alternative way for the confirmation thereof, he/she may appoint a person or persons who are to conduct investigation, and cause them to enter the land where the historic site, place of scenic beauty and/or natural monument to be investigated exists or the area adjoining and carry out an investigation on the spot as to its existing state or the conditions of its custody, of its restoration or of the preservation of the integrity of its surroundings, as well as excavation, removal of

obstacles or any other measures necessary for the purpose of such investigation; however, he/she shall not cause the said person or persons to take such steps as may result in considerable damage to the owner or the possessor/occupant of such land or to any other interested parties:

- (1) Where application has been filed for approval of alteration of the existing state or of actions affecting the preservation of a historic site, place of scenic beauty and/or natural monument;
- (2) Where a historic site, place of scenic beauty and/or natural monument is damaged or in decay;
- (3) Where a historic site, place of scenic beauty and/or natural monument is in danger of destruction, damage, decay or theft;
- (4) Where special circumstances necessitate the re-investigation of the value of a special historic site, place of scenic beauty and/or natural monument or of a historic site, place of scenic beauty and/or natural monument as such.

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

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

CHAPTER V-2 Preservation Districts for Groups of Historic Buildings

(Preservation Districts for Groups of Historic Buildings)

Article 83-2. The term "preservation districts for groups of historic buildings" in this Chapter shall mean the districts determined by cities, towns or villages in accordance with the provisions of paragraph 1 or 2 of the following Article, for the purpose of preserving groups of historic buildings and the environs which build up a value in combination with such buildings.

(Determination and Protection of Preservation Districts for Groups of Historic Buildings)

Article 83-3. Municipalities may establish the preservation districts for groups of historic buildings in their city plans within the city planning areas designated under the provision of Article 5 of the City Planning Law (Law No. 100 of 1968). In this case the municipalities may, for the purpose of ensuring the preservation of the said districts, determine by their own regulations necessary matter concerning the control on the alteration of the existing state in view of the standards prescribed by the Cabinet Order, and also determine any other necessary measures for the said preservation.

2. The municipalities may in the districts other than the city planning areas under the preceding paragraph, establish the preservation districts for groups of historic buildings in accordance with their own regulations. In this case, the provision of the latter part of the preceding paragraph shall apply mutatis mutandis.

3. In case the governor of a municipality approves the city plan in regard to the preservation districts for groups of historic buildings under paragraph 1 in accordance with the City Planning Law, he/she shall in advance hear the opinions of the Board of Education of To, Do, Fu or Ken (Prefectures) concerned.

4. In case the municipalities have established or cancelled the preservation districts for groups of historic buildings, or has enacted, revised or abolished their own regulations, they shall report the fact to the Commissioner of the Agency for Cultural Affairs.

5. The Commissioner of the Agency for Cultural Affairs or the Board of Education of To, Do, Fu or Ken (Prefectures) may give municipalities guidance or advice necessary for the preservation of the preservation districts for groups of historic buildings.

(Classification of Important Preservation Districts for Group of Historic Buildings)

Article 83-4. The Minister of Education may, according to the application filed by municipalities, classify whole or part of the preservation districts for groups of historic buildings which possess an especially high value in and for this country as important preservation districts for groups of historic buildings.

2. The classification under the provision of the preceding paragraph shall be made by an announcement in the Official Gazette, and also by the issuance of a notice thereof to the municipalities which have filed the application.

(Annulment of Classification)

Article 83-5. When any important preservation district for groups of historic buildings has lost its value as such, or when there is any other special reason, the Minister of Education may annul the classification thereof.

2. To the cases under the preceding paragraph the provision of paragraph 2 of the preceding Article shall apply mutatis mutandis.

(Subsidy for Custody, etc.)

Article 83-6. The State may, for the preservation of the important preservation district for groups of historic buildings, grant a subsidy to cover part of the expenses required for such measures as may be taken by municipalities for the custody, repair, enhancement, or restoration of the buildings and such objects as are deemed positively necessary for the preservation of their environs which are inseparably combined with the groups of historic buildings within the said district.

CHAPTER V-3 Protection of Traditional Techniques for Conservation of Cultural Properties

(Designation of Traditional Conservation Technique, etc.)

Article 83-7. The Minister of Education may designate as traditional conservation techniques those traditional techniques or craftsmanship which is indispensable for the conservation of cultural properties and must be preserved with positive measures.

2. In making the designation under the provision of the preceding paragraph, the Minister of Education shall recognize the holder or holders of the traditional conservation technique concerned who represent the high standard of such technique, or its preservation body or bodies (including juridical persons) which primarily aim at the preservation of such technique and have their representatives or managers established by their own statutes; hereinafter the same).

3. The recognition relative to a particular designated traditional conservation technique under the provisions of the preceding paragraph may cover both the holders and the preservation bodies.

4. To the designation under the provision of paragraph 1 and the recognition under the provisions of the preceding two paragraphs the provisions of Article 56-3 paragraphs 3 to 5 inclusive shall apply mutatis mutandis.

(Annulment of Designation, etc.)

Article 83-8. The Minister of Education may, when it is no longer necessary to take positive measures for the preservation of a designated traditional conservation technique or when there is any other special reason, annul the designation concerned.

2. In case a holder is deemed to have become inadequate to maintain such title for his/her mental or physical reasons, or in case a preservation body is deemed to have become inadequate to maintain such title or when there is any other special reason, the Minister of Education may annul his/her or its recognition as holder or preservation body, respectively.

3. The provision of Article 56-4 paragraph 3 shall apply mutatis mutandis to the cases under the preceding two paragraphs.

4. In case the recognition under paragraph 2 of the preceding Article has been made only of the holders and all of them have died, or in case the recognition under the same paragraph has been made only of the holding bodies and all of them have been dissolved (including their extinction; hereinafter the same in this paragraph), or in case the said recognition has covered both the holders and the preservation bodies and all of the holders have died and all of the preservation bodies have also been dissolved, the designation as the designated traditional conservation technique shall be deemed to have been annulled. In such cases, the Minister of Education shall announce the fact in the Official Gazette.

(Change of Name of Holder, etc.)

Article 83-9. The provision of Article 56-5 shall mutatis mutandis to the holder and the preservation body. In this case, "the representative" in the latter part of the same Article shall read "the representative or the manager."

(Preservation of Designated Traditional Conservation Technique)

Article 83-10. When it is deemed necessary to do so for the preservation of the designated traditional conservation technique, the Commissioner of the Agency for Cultural Affairs may himself/herself take record of technique, or take any appropriate measures for what is deemed necessary for the preservation thereof, including training of successors in the art.

(Opening to the Public of Records of Designated Traditional Conservation Technique)

Article 83-11. The provisions of Article 56-19 shall apply mutatis mutandis to the owner of the records of the designated traditional conservation technique.

(Assistance for Preservation of Designated Traditional Conservation Technique)

Article 83-12. The State may give guidance, advice or other assistance which is deemed necessary to the holder or preservation body of the designated traditional conservation technique, or to those who are considered appropriate for undertaking its preservation, such as a local public body.

CHAPTER V-4 The Council for the Protection of Cultural Properties

(Establishment and Functions)

Article 84. The Ministry of Education shall have the Council for the Protection of Cultural Properties.

2. The Council for the Protection of Cultural Properties (hereinafter referred to in this Chapter as the "Council") shall, when consulted by the Minister of Education or the Commissioner of the Agency for Cultural Affairs, investigate and deliberate on important matters concerning the preservation and utilization of cultural properties, as well as make proposals to the Minister of Education or the Commissioner of the Agency for Cultural Affairs concerning such matters.

(Consultation with the Council)

Article 84-2. The Minister of Education shall in advance consult the Council with reference to the following matters:

(1) Designation of national treasures or important cultural properties, and annulment of such designation; (1-2) Registration of registered tangible cultural properties, and annulment of such registrations (excluding annulment of registrations under the provision of Article 56-2-3 paragraph 1);

(2) Designation of important intangible cultural properties, and annulment of such designations;

(3) Recognition of holders or holding bodies of important intangible cultural properties, and annulment of such recognition;

(4) Designation of important tangible folk-cultural properties or important intangible folk-cultural properties and annulment of such designation;

(5) Designation of special historic sites, places of scenic beauty and/or natural monuments, or of historic sites, places of scenic beauty and/or natural monument, and annulment of such designation;

(6) Annulment of the provisional designation of historic sites, places of scenic beauty and/or natural monuments;

(7) Classification to important preservation districts for groups of historic buildings, and annulment of such classification;

(8) Designation of traditional conservation technique, and annulment of such designation;

(9) Recognition of holders or preservation bodies of designated traditional conservation techniques, and annulment of such recognition.

2. The Commissioner of the Agency for Cultural Affairs shall in advance consult the Council with reference to the following matters:

(1) Orders concerning the custody of important cultural properties or the repair of national treasures;

(2) Execution by the Commissioner of the Agency for Cultural Affairs of the repair of national treasures or of preventive measures against their destruction, damage or theft;

(3) Permission for alteration of the existing state or acts affecting the preservation of important cultural properties;

(4) Restriction or prohibition of acts, or orders for the provision of necessary facilities, as may be required for the maintenance of the integrity of surroundings of important cultural properties.

(5) Purchase of important cultural properties by the State;

(6) Selection of intangible cultural properties other than important intangible cultural properties, of which the Commissioner of the Agency for Cultural Affairs should prepare records or for the recording, etc. of which subsidies should be granted;

(7) Orders concerning the custody of important tangible folk-cultural properties;

(8) Purchase of important tangible folk-cultural properties;

(9) Selection of intangible folk-cultural properties other than important intangible folk-cultural properties, of which the Commissioner of the Agency for Cultural Affairs should prepare records or for the recording, etc. of which subsidies should be granted;

(9-2) Extension of the term of orders for suspension or for prohibition of act altering the existing state of remains;

(10) Execution of excavation by the Commissioner of the Agency for cultural Affairs for the purpose of investigating buried cultural properties;

(11) Orders concerning the custody of historic sites, places of scenic beauty and/or natural monuments, or concerning the restoration of special historic sites, places of scenic beauty and/or natural monuments;

(12) Execution by the Commissioner of the Agency for Cultural Affairs of restoration or of preventive measures against destruction, damage, decay or theft of special historic sites, places of scenic beauty and/or natural monuments;

(13) Permission for alteration of the existing state of historic sites, places of scenic beauty and/or natural monuments

or for acts affecting the preservation thereof;

(14) Restriction or prohibition of acts, or orders for provision of necessary facilities, as may be required for the maintenance of the integrity of surroundings of historic sites, places of scenic beauty and/or natural monuments;

(15) Orders for the recovery of original state of historic sites, places of scenic beauty and/or natural monuments, to be issued in the cases where any acts have been made without permission for alteration of the existing state or for acts affecting the preservation thereof, or not in compliance with the conditions of such permission, or where the restriction or prohibition of acts for maintenance of the integrity of their surroundings has been disobeyed;

(16) Delegation to the Boards of Education of To, Do, Fu or Ken (Prefectures) or of the designated city, etc. of the competence to give permission for alteration of the existing state of important cultural properties or for acts affecting the preservation thereof, or for alteration of the existing state of historic sites, places of scenic beauty and/or natural monuments or for acts affecting the preservation thereof, or to cancel such permission.

(Members, etc.)

Article 84-3. The Council shall be composed of five (5) members who have been appointed by the Minister of Education, with the approval of the Cabinet, from among those who have wide and eminent views on and knowledge of culture.

2. When it is necessary for the investigation of and deliberation on professional matters, the Council may have an expert member or members and a temporary expert member or members.

(Transfer to Cabinet Order)

Article 84-4. In addition to what have been provided for in this Chapter, matters relating to the internal organization of the Council, affairs under its jurisdiction, its members and other personnel shall be determined by the Cabinet Order.

CHAPTER VI Additional Provisions

Section 1. Public Hearings and Protests

(Special Cases of Public Hearings)

Article 85. When the Commissioner of the Agency for Cultural Affairs intends to make dispositions or take measures mentioned in the following items, he/she shall hold a public hearing, regardless of the classification of the procedures for the voicing of opinions stipulated in Article 13, paragraph 1 of the Administrative Procedures Law (Law No. 88 of 1993).

(1) Restriction, prohibition or order to be issued to particular persons under the provisions of Article 45 paragraph 1 or Article 81 paragraph 1;

(2) Order for discontinuance of public viewing under the provisions of Article 51 paragraph 5 (including cases where Article 51-2 [including cases where Article 56-16 applies mutatis mutandis], Article 56-15 paragraph 2 and Article 56-16 apply mutatis mutandis);

(3) Prohibition of or order for discontinuance of excavation under the provision of Article 57 paragraph 2;

(4) Order for suspension or for prohibition under Article 57-5 paragraph 2 for the conduct of investigation mentioned in the same paragraph or extension of the term of such order under the provision of paragraph 5 of the same Article;

(5) Order for restoration to the status quo under the stipulations of Article 80 paragraph 7 (including cases where Article 81 paragraph 3 applies mutatis mutandis);

2. When the Commissioner of the Agency for Cultural Affairs intends to hold a public hearing under the preceding paragraph or a public hearing related to the cancellation of permission under the provisions of Article 43 paragraph 4 (including cases where Article 80 paragraph 3 applies mutatis mutandis) or those of Article 53 paragraph 4, he/she shall give notice in accordance with the provision of Article 15 paragraph 1 of the Administrative Procedures Law, and at the same time shall make a public announcement concerning the substance of the disposition and the date and place of the public hearing, at least ten (10) days in advance.

3. Deliberations on the date for the public hearing under the preceding paragraph shall be held publicly.

(Hearing of Opinions)

Article 85-2. When the Commissioner of the Agency for Cultural Affairs intends to make dispositions or take measures mentioned in the following items, he/she shall hold a public hearing by the requesting the attendance of the parties concerned or their proxies:

- (1) Execution of repairs, restoration or measures under the provision of Article 38 paragraph 1 or Article 78 paragraph 1;
 - (2) Execution of an invasive inspection or measures necessary for inspection under the provisions of Article 55 paragraph 1 or Article 83 paragraph 1;
 - (3) Execution of excavation under the provisions of Article 58 paragraph 1.
2. When the Commissioner of the Agency for Cultural Affairs intends to hold a public hearing under the preceding paragraph, he/she shall notify the parties concerned of the reasons for the disposition or measure to be made or taken under the relevant items of the same paragraph, the substance of each disposition or measure, and the date and place of the public hearing, at least ten (10) days in advance, and at the same time shall make a public announcement of such substance of disposition or measure and of the date and place of the said public hearing.
3. At the public hearing under paragraph 1, the parties concerned or their proxies may express opinions or give explanations, and produce evidences, in behalf of themselves or of the principals.
4. In case the parties concerned or their proxies failed to attend the public hearing under paragraph 1 without a justifiable reason, the Commissioner of the Agency for Cultural Affairs may effect the disposition or measure mentioned in each of the items of paragraph 1 without holding any public hearing.

(Public Hearing in Case of Procedures for Protest)

Article 85-3. In case a protest has been filed with the Commissioner of the Agency for Cultural Affairs against either of the dispositions mentioned below, except in cases where the protest is to be rejected, he/she shall, within thirty (30) days of receiving the written protest, open a public hearing, requesting the attendance of the protestant(s) and participants, or any proxies thereof:

- (1) Permission or rejection of demand for permission for the alteration of existing state or for an act affecting the preservation thereof under the provision of Article 43 paragraph 1 or Article 80 paragraph 1;
 - (2) Appointment of the custodial body under the provision of Article 71-2 paragraph 1.
2. In holding a public hearing, the Commissioner of the Agency for Cultural Affairs shall notify the protestant(s) and any participants of the date and place of the public hearing at least ten (10) days in advance, while making at the same time a public announcement of the gist of the case and of the date and place of the said public hearing.

(Participation)

Article 85-4. In addition to the protestant(s), participant(s) and any proxies thereof, any interested party to the disposition in question who desires to express his/her opinion on the occasion of the public hearing under paragraph 1 of the preceding Article shall make written application for permission to the Commissioner of the Agency for Cultural Affairs, stating the matters prescribed by the Ministry of Education Ordinance.

(Presentation of Evidence, etc.)

Article 85-5. On the occasion of the public hearing opened under the provision of Article 85-3 paragraph 1, the protestant(s), the participant(s) and the person(s) participating in the said public hearing in accordance with the provision of the preceding Article, or the proxies of thereof, must be given the opportunity to present evidences and to express opinions in regard to the case concerned.

(Consultation, etc. preceding Final Decision)

Article 85-6. When the case of the protest involves certain coordination with the mining or stone-quarrying industry, the Commissioner of the Agency for Cultural Affairs shall, except in the case of rejecting the protest, give his/her final decision after consulting with the Environmental Disputes Coordination Commission.

2. Heads of respective administrative organs concerned may give their opinions in regard to the case of the protest.

(Procedures)

Article 85-7. Other than those provided for in the preceding four Articles and in the Administrative Appeal Law (Law No. 160 of 1962), procedures with respect to a protest shall be prescribed by the Ministry of Education Ordinance.

(Relation between Protest and Lawsuit)

Article 85-8. A lawsuit for cancellation of such disposition as mentioned in each of the items of Article 85-3 paragraph 1 shall not be instituted unless decision is reached as to the protest raised against the disposition in question.

Section 2. Special Provisions regarding the State

(Special Provisions regarding the State in Connection with Important Cultural Properties, etc.)

Article 86. In applying the provisions of the present Law to the State or State organs, special provisions contained in this Section shall have the priority.

Article 87. When the important cultural property, important folk-cultural property or historic site, place of scenic beauty and/or natural monument is the State property which is provided for by the State Property Law (Law No. 73 of 1948), it shall be subjected to the custody of the Minister of Education; however, when any such property is the administrative property prescribed in Article 3 paragraph 2 of the same Law in the custody of a person other than the Minister of Education, or when there is any special reason to place such a property in the custody of a person other than the Minister of Education, the question whether the said property should be placed in the custody of the head of the Ministry or Agency concerned or in the custody of the Minister of Education shall be determined through the consultation of the Minister of Education, the head of the Ministry or Agency concerned and the Minister of Finance.

Article 87-2. When the transfer of jurisdiction or administrative control is to be made between the accounting units belonging to different jurisdictions respecting an important cultural property, important tangible folk-cultural property, or historic site, place of scenic beauty and/or natural monument, for the purpose of placing the said property in the custody of the Minister of Education in accordance with the provision of the preceding Article, it shall be so arranged without compensation notwithstanding the provision of Article 15 of the State Property Law.

Article 88. When any tangible cultural property or tangible folk-cultural property belonging to the State has been designated as national treasure or important cultural property or important tangible folk-cultural property, the notice or the certificate of designation to be issued to its owner under the provision of Article 28 paragraph 1 or paragraph 3 (including the cases where the same provisions apply mutatis mutandis under Article 56-10 paragraph 2) shall be issued to the head of the Ministry or Agency in charge of the custody of the tangible cultural property or the tangible folk-cultural property concerned. In this case, the head of the Ministry or Agency who has received the certificate of designation of national treasure shall send back to the Minister of Education without delay the certificate of designation of important cultural property previously issued for the same property that has now been designated as national treasure.

2. When the designation of a national treasure, important cultural property or important tangible folk-cultural property belonging to the State has been annulled, the notice or the certificate of designation to its owner under the provision of Article 29 paragraph 2 (including the cases where the same applies mutatis mutandis under Article 56-11 paragraph 2) or paragraph 5 shall be issued to the head of the Ministry or Agency in charge of the custody of such national treasure, important cultural property or important tangible folk-cultural property. In this case, the head of the Ministry or Agency concerned shall send back the certificate of designation to the Minister of Education without delay.

3. When the property owned or occupied by the State has been designated or provisionally designated as special historic site, place of scenic beauty and/or natural monument or as historic site, place of scenic beauty and/or natural monument, or when such designation or provisional designation has been annulled, the notice to be issued to the owner or the possessor/occupant under the provision of Article 69 paragraph 3 (including the cases where the same applies mutatis mutandis under Article 70 paragraph 3 and Article 71 paragraph 4) shall be issued to the head of the Ministry or Agency in charge of the custody of such property.

Article 89. The head of the Ministry or Agency in charge of the custody of an important cultural property, important tangible folk-cultural property or historic site, place of scenic beauty and/or natural monument shall exercise the custody of such property in accordance with this Law, and with the Ministry of Education Ordinance and at the advice of the Commissioner of the Agency for Cultural Affairs, issued or given thereunder.

Article 90. The head of the Ministry or Agency concerned shall give a notice to the Commissioner of the Agency for Cultural Affairs through the Minister of Education in any of the following cases:

- (1) Where any important cultural property, important tangible folk-cultural property, or historic site, place of scenic beauty and/or natural monument has been newly acquired;
- (2) Where there has been the transfer of jurisdiction or of administrative control respecting any important cultural property, important tangible folk-cultural property, or historic site, place of scenic beauty and/or natural monument;
- (3) Where any important cultural property, important tangible folk-cultural property, or historic site, place of scenic

beauty and/or natural monument, under the jurisdiction of the Ministry or Agency concerned has been entirely or partially destroyed, damaged, or decayed, or has been lost or stolen;

(4) Where the location of any important cultural property or important tangible folk-cultural property, under the jurisdiction of the Ministry or Agency concerned, is to be changed;

(5) Where any important cultural property or historic site, place of scenic beauty and/or natural monument, under the jurisdiction of the Ministry or Agency concerned, is to be repaired or restored (excluding the case where consent of the Commissioner of the Agency for Cultural Affairs must be applied for in accordance with the provision of a paragraph 1 item (1) of the following Article, or any other cases provided for by the Ministry of Education Ordinance);

(6) Where the existing state of any important tangible folk-cultural property under the jurisdiction of the Ministry or Agency concerned is to be changed or an act affecting the preservation thereof is to be taken, or where such property is to be exported;

(7) Where in regard to the land within the designated area of any historic site, place of scenic beauty and/or natural monument under the jurisdiction of the Ministry or Agency concerned, there has been a change in the name of town, lot number, category or acreage.

2. In cases where notices are to be filed under the respective items of the preceding paragraph, the following provision shall apply mutatis mutandis: the provision of Article 32 paragraph 1 and those of Article 56-12 and Article 75 under which Article 32 paragraph 1 applies mutatis mutandis, when notices are to be filed under items (1) and (2) of the preceding paragraph; the provision of Article 33 and those of Article 56-12 and Article 75 under which Article 33 applies mutatis mutandis, when notices are to be filed under item (3) of the preceding paragraph; the provision of Article 34 and that of Article 56-12 under which Article 34 applies mutatis mutandis, when notices are to be filed under item (4) of the preceding paragraph; the provisions of Article 43-2 paragraph 1 and Article 80-3 paragraph 1 when notices are to be filed under item (5) of the preceding paragraph; the provision of Article 56-13 paragraph 1, when notices are to be filed under item (6) of the preceding paragraph; and the provision of Article 72 paragraph 2, when notices are to be filed under item (7) of the preceding paragraph.

3. The Commissioner of the Agency for Cultural Affairs may give necessary advice on the matters notified under paragraph 1 item (5) or (6).

Article 91. The head of the Ministry or Agency concerned shall obtain in advance the consent of the Commissioner of the Agency for Cultural Affairs through the Minister of Education, in any of the following cases;

(1) Where he/she intends to alter the existing state of the important cultural property or of the historic site, place of scenic beauty and/or natural monument, or to do any act affecting the preservation thereof;

(2) Where he/she intends to export any important cultural property under his/her jurisdiction;

(3) Where he/she intends to loan, exchange, sell, transfer, or otherwise dispose of the important cultural property, important tangible folk-cultural property or historic site, place of scenic beauty and/or natural monument under his/her jurisdiction.

2. When any of the State organs other than the head of the Ministry or Agency intends to alter the existing state of the important cultural property or of the historic site, place of scenic beauty and/or natural monument, or to do any act affecting the preservation thereof it shall obtain in advance the consent of the Commissioner of the Agency for Cultural Affairs.

3. In the case coming under paragraph 1 item (1) and the preceding paragraph, the proviso to Article 43 paragraph 1 and the provision of paragraph 2 of the same Article, as well as the proviso to Article 80 paragraph 1 and the provision of paragraph 2 of the same Article shall apply mutatis mutandis.

4. The Commissioner of the Agency for Cultural Affairs shall, in giving consent regarding the steps provided for in paragraph 1 item (1) or paragraph 2, give necessary advice thereon as a condition to such consent.

5. The head of the Ministry or Agency concerned or any other State organ shall duly respect the advice of the Commissioner of the Agency for Cultural Affairs given under the provision of the preceding paragraph.

Article 92. The Commissioner of the Agency for Cultural Affairs may, when he/she deems it necessary, give appropriate advice to the head of the Ministry or Agency through the Minister of Education, respecting the following matters:

(1) Method of custody of the important cultural property, important tangible folk-cultural property, or historic site, place of scenic beauty and/or natural monument, under his/her jurisdiction;

(2) Repair or restoration or preventive measures against destruction, damage, decay or theft of the important cultural property, important tangible folk-cultural property, or historic site, place of scenic beauty and/or natural monument, under his/her jurisdiction;

(3) Provision of facilities necessary for the preservation of the integrity of surroundings of the important cultural

property or of the historic site, place of scenic beauty and/or natural monument;

(4) Display or opening to the public of the important cultural property or the important tangible folk-cultural property under his/her jurisdiction.

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

3. With respect to the share of expenses required for the repairs, restoration or measures mentioned in paragraph 1 item (2) or for the provision of facilities mentioned in item (3) of the same paragraph to be undertaken or made on the advice of the Commissioner of the Agency for Cultural Affairs given under the same paragraph, the Minister of Education and the head of the Ministry or Agency concerned shall decide by consultation between themselves.

Article 93. In any of the cases given in the following items, the Commissioner of the Agency for Cultural Affairs may himself/herself conduct repairs or restoration, or take preventive measures against destruction, damage, decay or theft, respecting the national treasure or the special historic site, place of scenic beauty and/or natural monument belonging to the State. If, in this case, however, the cultural property in question is under the jurisdiction of the head of the Ministry or Agency, other than the Minister of Education, the Commissioner of the Agency for Cultural Affairs shall consult in advance, through the Minister of Education, the head of the Ministry or Agency taking custody of the said property respecting the substance of the repairs, restoration or measures, the date of commencement of the work, and other necessary matters; and if the said property is under the jurisdiction of the Minister of Education, the Commissioner of the Agency for Cultural Affairs shall secure his/her approval, unless otherwise regulated by the Minister of Education.

(1) Where the head of the Ministry or Agency concerned fails to comply with the advice of the Commissioner of the Agency for Cultural Affairs, given in regard to the repairs, restoration or measures as provided for in paragraph 1 item (2) of the preceding Article;

(2) Where it is not deemed appropriate to have the said repairs or restoration or measures undertaken by the head of the Ministry or Agency concerned, in the case where the national treasure, or the special historic site, place of scenic beauty and/or natural monument is damaged or in decay, or where there is a fear that such property may be destroyed or damaged, fall into decay, or may be stolen.

Article 94. In case the Minister of Education deems it necessary for the purpose of designating a State property as national treasure, as important cultural property, as important tangible folk-cultural property, as special historic site, place of scenic beauty and/or natural monument, or as historic site, place of scenic beauty and/or natural monument, or for the purpose of clearly grasping the conditions of the State property designated as such, he/she may demand of the head of the Ministry or Agency concerned a report necessary for the investigation, or may, except for the case regarding the important tangible folk-cultural property, appoint a person or persons who are to conduct the investigation and let them carry it out on the spot.

Article 95. In case the Commissioner of the Agency for Cultural Affairs deems it positively necessary for the purpose of preservation of the State property designated as an important cultural property, as an important tangible folk-cultural property or as a historic site, place of scenic beauty and/or natural monument, he/she may appoint an appropriate local public body or any other appropriate juridical person and charge it with the conduct of custody necessary for the preservation of such cultural property (including the care of such facilities, equipments or any other objects in the ownership or custody of the State as are needed for the preservation of the said cultural property).

2. In making appointment under the provision of the preceding paragraph, the Commissioner of the Agency for Cultural Affairs shall obtain in advance the consent of the head of the Ministry or Agency in charge of the custody of the cultural property concerned, through the Minister of Education, as well as that of the local public body or any other juridical person to be appointed as such.

3. To the appointment under the provision of paragraph 1 the provisions of Article 32-2 paragraphs 3 and 4 shall apply *mutatis mutandis*.

4. Any profit raised from the exercise of the custody under the provision of paragraph 1 shall revert to the local public body or any other juridical person concerned.

5. In regard to the custody undertaken by the local public body or any other juridical person in accordance with the provision of paragraph 1, the following provisions shall apply *mutatis mutandis* as follows: the provisions of Article 30, Article 31 paragraph 1, Article 32-4 paragraph 1, Articles 33, 34, 35 and 36, Article 47-2 paragraph 3 and Article 54 to the custody of the important cultural property or of the important tangible folk-cultural property; and those of Article 30, Article 31 paragraph 1, Articles 33 and 35, Article 72 paragraphs 1 and 2, Article 72-2

paragraphs 1 and 3, Article 76 and Article 82 to the custody of the historic site, place of scenic beauty and/or natural monument.

Article 95-2. To the annulment of the appointment under the provision of paragraph 1 of the preceding Article the provision of Article 32-3 shall apply mutatis mutandis.

Article 95-3. In case the Commissioner of the Agency for Cultural Affairs deems it positively necessary for the purpose of protection of important cultural property, important tangible folk-cultural property, or historic site, place of scenic beauty and/or natural monument, he/she may make the local public body or any other juridical person appointed to conduct custody under the provision of Article 95 paragraph 1 undertake the repair or restoration of the cultural property concerned.

2. In case the local public body or any other juridical person is made to undertake the repair or restoration under the provision of the preceding paragraph, the provision of Article 95 paragraph 2 shall apply mutatis mutandis.

3. In regard to the execution of repair or restoration by the local public body or any other juridical person under the provision of paragraph 1, the following provisions shall apply mutatis mutandis as specified below: the provisions of Article 32-4 paragraph 1 and Article 35 to the repair or restoration of the important cultural property or of the important tangible folk-cultural property, and those of Article 35, Article 72-2 paragraph 1 and Article 73 to that of the historic site, place of scenic beauty and/or natural monument.

Article 95-4. The local public body appointed under the provision of Article 95 paragraph 1 may use without compensation the land or the building which is covered by the designation of the important cultural property, important tangible folk-cultural property or historic site, place of scenic beauty and/or natural monument, belonging to the State ownership, within the limits of its custodial necessity.

2. The provisions of Article 22 paragraphs 2 and 3 of the State property Law shall apply mutatis mutandis to the case where the land or building may be used under the provision of the preceding paragraph.

Article 96. When the Commissioner of the Agency for Cultural Affairs intends to execute himself/herself an excavation under the provision of Article 58 paragraph 1, if the land where the said excavation is to take place is owned by the State or occupied by any organ of the State, he/she shall consult in advance, through the Minister of Education, the head of the Ministry or Agency concerned with respect to the purpose, method and date of commencement of the excavation, and any other matters deemed necessary; however, if the head of the Ministry or Agency concerned is the Minister of Education, his/her approval shall be secured.

Article 97. The Commissioner of the Agency for Cultural Affairs shall keep in custody the cultural property which has reverted to the National Treasury under the provisions of Article 63; however, the objects which had better be placed in the custody of any other organ for the purpose of its preservation or in view of its utility shall be transferred to the custody of such more appropriate organ.

(Special Provisions Regarding the State in Connection with Registered Tangible Cultural Properties)

Article 97-2. When registered tangible cultural properties belonging to the State which are buildings have been registered in accordance with the provision of Article 56-2 paragraph 1, the notice or the certificate of registration to be issued to the owner under the provisions of Article 56-2-2 paragraph 1 or 3 shall be issued to the head of the Ministry or Agency in charge of the custody of the registered tangible cultural property concerned.

2. When the registration of a registered tangible cultural property belonging to the State has been annulled under the provisions of Article 56-2-3 paragraph 1 or 2, the notification to be given to its owner under paragraph 3 of the same Article shall be made to the head of the Ministry or Agency in charge of the custody of the registered tangible cultural property concerned. In this case, the head of the Ministry or Agency concerned shall send back the certificate of designation to the Minister of Education without delay.

Article 97-3. The head of the Ministry or Agency in concerned shall give notice to the Commissioner of the Agency of Cultural Affairs through the Minister of Education in the following cases:

- (1) Where a registered tangible cultural property has been acquired;
- (2) Where there has been a transfer of jurisdiction or of administrative control with respect to any registered tangible cultural property;
- (3) Where a registered tangible cultural property under the jurisdiction of the Ministry or Agency has been entirely or partially destroyed or damaged;
- (4) Where the existing status of a registered tangible cultural property is to be altered;

2. When any State organ other than the heads of the Ministries and Agencies intends to alter the existing state of a registered tangible cultural property, it must notify the Commissioner of the Agency for Cultural Affairs.

3. The proviso of Article 32 paragraph 1 shall apply mutatis mutandis to notifications under paragraph 1 items (1)

and (2), and likewise the proviso of 56-2-5 to notifications under paragraph 1 item (3), and the proviso of 56-2-7 paragraph 1 to notifications under paragraph 1 item (4) and the preceding paragraph.

4. The proviso of Article 56-2-7 paragraph 1 and the provisions of paragraph 2 shall apply mutatis mutandis to alterations to the existing state under paragraph 1 item (4) and paragraph 2.

5. When deemed necessary for the protection of a registered tangible cultural property, the Commissioner of the Agency for Cultural Affairs can, through the Minister of Education, state his opinion to the head of the Ministry or Agency concerned, or to State organs other than the heads of the Ministries and Agencies, concerning alterations to the existing state under paragraph 1 item (4) and paragraph 2.

Article 97-4. When it is deemed necessary to confirm the status of a registered tangible cultural property belonging to the State, the Minister of Education can demand of the head of the Ministry or Agency concerned a report necessary for that investigation.

Article 97-5. To registered tangible cultural properties belonging to the State, the provisions of Article 56-2-4 paragraphs 3 to 5 inclusive, of Article 56-2-6 paragraph 2, and of Article 56-2-9 paragraph 3 shall not apply.

Section 3. Local Public Bodies and Boards of Education

(Functions of Local Public Body)

Article 98. Local public bodies may issue subsidies in regard to the expenses required for the preservation and utilization of cultural properties, including their custody, repair, restoration and public viewing.

2. Any local public body may, in accordance with its own regulations, designate important items of cultural properties which are located within its own administrative limits and that which are not designated by the State as important cultural properties, the important intangible cultural properties, important tangible folk-cultural properties, important intangible folk-cultural properties or historic sites, places of scenic beauty and/or natural monuments, and take necessary measures for their preservation and utilization.

3. In case a local public body has enacted, revised or abolished its own regulations mentioned in the preceding paragraph, or in case it has designated cultural properties or annulled such designation, its Board of Education shall report the fact to the Commissioner of the Agency for Cultural Affairs in accordance with the Ministry of Education Ordinance.

Article 98-2. When local public bodies deem it necessary to investigate the buried cultural property, they may, excepting those which the Commissioner of the Agency for Cultural Affairs undertakes to excavate in accordance with the provision of Article 58 paragraph 1, undertake to excavate the land considered to contain buried cultural properties.

2. In cases where a local public body intends to undertake excavation in accordance with the provision of the preceding paragraph, if the land where it is to be undertaken belongs to the State ownership or occupied by a State organ, responsible Board of Education shall consult in advance the head of the Ministry or Agency concerned or any other State organ with respect to the purpose, method and date of commencement of the excavation, and any other matters deemed necessary.

3. The local public body may ask the undertaker for his/her cooperation in regard to the excavation carried out in accordance with paragraph 1.

4. The Commissioner of the Agency for Cultural Affairs may give the local public body necessary guidance and advice concerning the excavation carried out under paragraph 1.

5. The State may grant the local public body a subsidy to cover part of the expenses required for the excavation carried out under paragraph 1.

Article 98-3. In case the Board of Education of a To, Do, Fu or Ken (Prefecture) or of a designated city, etc. has discovered a cultural property through an excavation carried out in accordance with the provision of paragraph 1 of the preceding Article, the provisions of Article 59 and Article 62 shall apply mutatis mutandis. In this case, "Article 59 paragraph 1 or paragraph 2 of the preceding Article" mentioned in Article 62 shall read "Article 59 paragraph 1 which applies mutatis mutandis under Article 98-3 paragraph 1."

2. As for the application of the provision of Article 63 under the preceding paragraph, "Article 59 paragraph 1 or Article 61 paragraph 2" mentioned in Article 63 paragraph 1 shall be taken as "Article 59 paragraph 1 which applies mutatis mutandis under Article 98-3 paragraph 1."

(Consideration with Respect to Local Bond)

Article 98-4. With respect to local bonds to be issued by local public bodies as a means of raising necessary funds for carrying out undertakings for the sake of preservation and utilization of cultural properties, appropriate consideration shall be given, within the limits of laws and regulations, and as far as the financial situation and the

financial conditions of the said local public bodies permit.

(Delegation of Competence)

Article 99. When deemed necessary, the Commissioner of the Agency for Cultural Affairs may delegate to the Boards of Education of To, Do, Fu or Ken (Prefectures), or of designated cities, etc., part of his/her competence as listed below:

- (1) Direction and supervision under the provision of Article 35 paragraph 3 (including the cases where this paragraph applies mutatis mutandis under Article 36 paragraph 3 [including the cases where this paragraph applies mutatis mutandis under Article 56-14, Article 76 paragraph 2 (including the cases where the latter paragraph applies mutatis mutandis under Article 95 paragraph 5) and Article 95 paragraph 5], Article 37 paragraph 4 [including the case where this paragraph applies mutatis mutandis under Article 56-14 and Article 77 paragraph 3], Article 46-2 paragraph 2, Article 56-6 paragraph 2, Article 56-9 paragraph 2 [including the cases where this paragraph applies mutatis mutandis under Article 56-21], Article 56-14, Article 56-18 paragraph 2, Article 73-2, Article 75, Article 81-2 paragraph 2, Article 95 paragraph 5 and Article 95-3 paragraph 3);
- (2) Permission for the alteration of the existing state or for the acts affecting preservation, cancellation of such permission, and order for suspension of such alteration or acts, under the provision of Article 43 or Article 80 (excluding permission for gross alteration of the existing state or for acts seriously affecting preservation, and cancellation of such permission);
- (3) Order for suspension of public viewing under the provision of Article 51 paragraph 5, Article 51-2 (including the cases where this Article applies mutatis mutandis under Article 56-16), Article 56-15 paragraph 2 and Article 56-16;
- (4) Permission for public viewing, cancellation thereof and order for suspension of such act, under the provisions of Article 53 paragraphs 1, 3 and 4.
- (5) Investigation or execution of measures necessary there of under the provisions of Article 54 (including the cases where the same Article applies mutatis mutandis under Article 56-17 and Article 95 paragraph 5), Article 55, Article 82 (including the cases where this Article applies mutatis mutandis under Article 95 paragraph 5), or Article 83;
- (6) Order for the suspension of the act of excavation under the provision of Article 57 paragraph 2.

2. In case the Boards of Education of To, Do, Fu or Ken (Prefectures), or of designated cities, etc., by virtue of the competence delegated to them under the provision of the preceding paragraph, cancel the permission under item (2) or (4) of the same paragraph, or in case they execute investigation by entry into land or take measures necessary therefor under item (5) of the same paragraph, the provisions of Article 85 shall apply mutatis mutandis, respectively.

With respect to such acts as provided for in the preceding paragraph, out of those of the execution of the public authority including the disposition which the Boards of Education of To, Do, Fu or Ken (Prefectures), or of designated cities, etc., have made by virtue of the competence delegated under the provision of paragraph 1, no one can address an appeal of dissatisfaction under the Administrative Appeal Law.

4. The provisions of Articles 85-3 to 85-7 inclusive shall apply mutatis mutandis to the procedure for appeal to the Commissioner of the Agency for Cultural Affairs for examination on the acts of execution of the public authority including the dispositions made by the Boards of Education of To, Do, Fu or Ken (Prefectures), or of designated cities, etc., and the provision of Article 85-8 to the appeal for annulment of the dispositions provided for in Article 85-3 paragraph 1 item (1) which were made by the Boards of Education of To, Do, Fu or Ken (Prefectures), or of designated cities, etc.

(Delegation of Custody of Important Cultural Properties on Display)

Article 100. When deemed necessary, the Commissioner of the Agency for Cultural Affairs may delegate to the Boards of Education of To, Do, Fu or Ken (Prefectures), or of designated cities, etc., the duties relating to the custody of the important cultural properties or important tangible folk-cultural properties displayed under the provisions of Article 48 (including the cases where this Article applies mutatis mutandis under Article 56-16).

2. The Boards of Education of To, Do, Fu or Ken (Prefectures), or of designated cities, etc., to which the duties referred to in the preceding paragraph have been delegated, shall appoint from among their personnel persons who are to undertake the custody of the important cultural properties or important tangible folk-cultural properties in question.

(Delegation of Judgement of Objects Presented as Buried Objects)

Article 100-2. When deemed necessary, the Commissioner of the Agency for Cultural Affairs shall delegate to the Boards of Education of To, Do, Fu or Ken (Prefectures), or of designated cities, etc., the duties of judgement

provided for in Article 61 paragraph 1, of notification and sending back the object, provided for in paragraph 2 of the same Article and of deliver provided for in Article 62 (exclusively the delivery of the cultural property prescribed in Article 62 paragraph 2).

2. When duties are delegated under the provision of the preceding paragraph, the presentation of the object by the chief of the station under Article 60 shall be made to the prefectural or municipal Board of Education to which such duties are delegated.

(Trust of Execution of Repairs, etc.)

Article 101. With respect to repairs of the national treasure or preventive measures against its destruction, damage or theft provided for in Article 38 paragraph 1 or in Article 93, excavation of buried cultural property provided for in Article 58 paragraph 1, restoration of the special historic site, place of scenic beauty and/or natural monument or preventive measures against its destruction, damage, decay or theft provided for in Article 78 paragraph 1 or in Article 93, the Commissioner of the Agency for Cultural Affairs may, when he/she deems it necessary, entrust the Boards of Education of To, Do, Fu or Ken (Prefectures) with the execution of the whole or a part of such affairs.

2. In case the Boards of Education of To, Do, Fu or Ken (Prefectures) act by virtue of the trust provided for in the preceding paragraph, the following provisions shall apply mutatis mutandis respectively: the provisions of Article 39, when whole or part of the repairs or measures mentioned in Article 38 paragraph 1 is to be executed; the provisions of Article 39 applying mutatis mutandis under Article 58 paragraph 3, when whole or part of the excavation mentioned in Article 58 paragraph 1 is to be executed; the provisions of Article 39 applying mutatis mutandis under Article 78 paragraph 2, when whole or part of the restoration or measures mentioned in Article 78 paragraph 1 is to be executed.

(Acceptance of Trust of Custody, etc. of Important Cultural Property or Technical Guidance thereon)

Article 102. Upon request of the owner (the custodial body, if such has been appointed) Or of the custodian, the board of Education of To, Do, Fu or Ken (Prefecture) may, with previous approval by the Commissioner of the Agency for Cultural Affairs, accept the trust of custody (excluding the cases where a custodial body has been appointed), repair or restoration of the important cultural property, of important tangible folk-cultural property or of historic site, place of scenic beauty and/or natural monument, or give technical guidance thereon.

2. The provisions of Article 39 paragraphs 1 and 2 shall apply mutatis mutandis, when the Board of Education of To, Do, Fu or Ken (Prefecture) accepts the trust of custody, repair or restoration under the preceding paragraph.

(Channel for Presentation of Papers, etc.)

Article 103. Reports and other papers, as well as objects, to be submitted to the Minister of Education or to the Commissioner of the Agency for Cultural Affairs under the provisions of this Law with regard to the cultural property, shall go through the Board of Education of To, Do, Fu or Ken (Prefecture) concerned.

2. The Board of Education of To, Do, Fu or Ken (Prefecture), upon receiving the papers and objects mentioned in the preceding paragraph, shall forward them to the Minister of Education or to the Commissioner of the Agency for Cultural Affairs together with the statement of its own opinions thereon.

3. Notification of order, advice, instruction and any other kinds of disposition to be issued by the Minister of Education or the Commissioner of the Agency for Cultural Affairs under the provisions of this Law with regard to cultural property, shall go through the Board of Education of To, Do, Fu or Ken (Prefecture) concerned; this shall not apply, however, in cases of extreme urgency.

4. The act of reporting, proposal, or returning of the certificate of designation to the Minister of Education or to the Commissioner of the Agency for Cultural Affairs as provided for by this Law shall be deemed as complete at the time when such report or other document or the certificate of designation has reached the Board of Education of To, Do, Fu or Ken (Prefecture) which it is to go through in accordance with the provision of paragraph 1.

(Direction, Supervision and Payment of Expenses)

Article 104. The Commissioner of the Agency for Cultural Affairs may direct and supervise the Boards of Education of To, Do, Fu or Ken (Prefectures), or of designated cities, etc., with respect to the duties which the said Commissioner makes such Boards perform.

2. The expenses which the Boards of Education of To, Do, Fu or Ken (Prefectures), or of designated cities, etc., require for carrying out the duties mentioned in the provisions of Articles 99 to 101 inclusive shall be borne by the National Treasury.

(Presentation of Opinions to the Minister of Education or the Commissioner of the Agency for Cultural Affairs)

Article 104-2. The Boards of Education of To, Do, Fu or Ken (Prefectures), or of municipalities (including municipal federations and special districts; hereinafter the same in this Section), may present their opinions to the Minister of Education or to the Commissioner of the Agency for Cultural Affairs concerning the preservation and utilization of the cultural properties which are located within their administrative districts.

(Regional Cultural Properties Protection Council)

Article 105. Any prefectural or municipal Board of Education may, in accordance with its own regulations, have a Regional Cultural Properties Protection Council.

2. The Regional Cultural Properties Council shall, upon inquiry of the prefectural or municipal Board of Education concerned, investigate and deliberate important matters concerning the preservation and utilization of cultural properties as well as make proposals to the said Board of Education with respect to such matters.

3. Particulars concerning the organization and management of Regional Cultural Properties Protection Council shall be determined by the regulations of the prefecture or municipality concerned.

(Specialist-Members for Cultural Property Protection)

Article 105-2. The Board of Education of To, Do, Fu or Ken (Prefecture) may have specialist-members for cultural property protection.

2. The specialist-members for cultural property protection shall from time to time make inspection tours of cultural properties, give guidance and advice to their owners and other related persons in regard to the protection of cultural properties and also undertake educational activities for community people on the spirit of the protection of cultural properties.

3. The specialist-members for cultural property protection shall serve on a part-time basis.

CHAPTER VII Penal Provisions

(Criminal Penalties)

Article 106. Any person who has, in contravention of the provision of Article 44, exported any important cultural property without obtaining the permission of the Commissioner of the Agency for Cultural Affairs shall be liable to imprisonment, with or without hard labor, for a term not exceeding five (5) years or to a fine not exceeding one million (1,000,000) yen.

Article 107. Any person who has damaged, discarded or secreted any important cultural property shall be liable to imprisonment, with or without hard labor, for a term not exceeding five (5) years or to a fine not exceeding three hundred thousand (300,000) yen.

2. If the person mentioned in the preceding paragraph happens to be the owner of the important cultural property in question, he/she shall be liable to imprisonment, with or without hard labor, for a term not exceeding two (2) years or to a fine of minor fine not exceeding two hundred thousand (200,000) yen.

Article 107-2. Any person who has altered the existing state of a historic site, place of scenic beauty and/or natural monument, or by practicing any act affecting its preservation destroyed it, damaged it or brought it to decay, shall be liable to imprisonment, with or without hard labor, for a term not exceeding five (5) years or to fine not exceeding three hundred thousand (300,000) yen.

2. If the person mentioned in the preceding paragraph happens to be the owner of the historic site, place of scenic beauty and/or natural monument in question, he/she shall be liable to imprisonment, with or without hard labor, for a term not exceeding two (2) years or to a fine or minor fine not exceeding two hundred thousand (200,000) yen.

Article 107-3. The person who comes under any of the following items shall be liable to a fine not exceeding two hundred thousand (200,000) yen.

(1) Any person who has, in violation of the provisions of Article 43 or Article 80, altered the existing state of or done an act affecting the preservation of any important cultural property or any historic site, place of scenic beauty and/or natural monument with obtaining the permission of the Commissioner of the Agency for Cultural Affairs or the Board of Education of To, Do, Fu or Ken (Prefecture) or designated city, etc., to which the Commissioner of the Agency for Cultural Affairs had delegated his competence, or without complying with the conditions of such permission, or failed to obey the order of the said Commissioner or Board of Education issued to the violator to suspend the act of altering the existing state or affecting preservation;

(2) Any person who has, in contravention of the provision of Article 57-5 paragraph 2, failed to obey the order of suspension or prohibition of the act which may lead to the alteration of the existing state issued by the Commissioner of the Agency for Cultural Affairs.

Article 107-4. The person who comes under any of the following items shall be liable to a fine not exceeding ten thousand (10,000) yen;

(1) Any person who has refused or interfered with the execution of repair or of any measure for the prevention of destruction, damage or theft of a national treasure, in contravention of the provision of Article 32-2 paragraph 5 applying mutatis mutandis under Article 39 paragraph 3 (including the cases where this paragraph applies mutatis mutandis under Article 101 paragraph 2);

(2) Any person who has refused or interfered with the execution of excavation, in contravention of the provision of Article 32-2 paragraph 5 applying mutatis mutandis under Article 39 paragraph 3 which applies mutatis mutandis under Article 58 paragraph 3 (including the cases where this paragraph applies mutatis mutandis under Article 101 paragraph 2);

(3) Any person who has refused or interfered with the execution of restoration or of any measure for the prevention of destruction, damage decay or theft of the special historic site, place of scenic beauty and/or natural monument, in contravention of the provision of Article 32-2 paragraph 5 applying mutatis mutandis under Article 39 paragraph 3 which applies mutatis mutandis under Article 78 paragraph 2 (including the cases where this paragraph applies mutatis mutandis under Article 101 paragraph 2);

Article 107-5. In case the representative of a juridical person, or the proxy, a servant or any other employee of a juridical person or of a natural person has committed any of the offenses mentioned in the preceding five Articles, in regard to the performance of duties or custody of property for which such juridical or natural person concerned by the same particular Article.

(Administrative Penalties)

Article 108. If a person appointed as responsible for the execution of custody, repairs or restoration of any important cultural property, important tangible folk-cultural property or historic site, place of scenic beauty and/or natural monument, in accordance with the provision of Article 39 paragraph 1 (including the cases where this paragraph applies mutatis mutandis under Article 47 paragraph 3 (including the cases where the latter applies mutatis mutandis under Article 56-14, Article 78 paragraph 2, Article 101 paragraph 2 or Article 102 paragraph 2), Article 49 (including the cases where this paragraph applies mutatis mutandis under Article 56-16), or Article 100 paragraph 2, has destroyed, damaged or brought to decay the same property or has it stolen, by negligence or serious fault in duty, he/she shall be liable to a non-criminal fine not exceeding three hundred thousand (300,000) yen.

Article 109. The person who comes under any of the following items shall be liable to a non-criminal fine not exceeding three hundred thousand (300,000) yen:

(1) Any person who has failed to obey without justifiable reasons such order of the Commissioner of the Agency for Cultural Affairs as may be issued under Article 36 paragraph 1 (including the cases where this paragraph applies mutatis mutandis under Article 56-14 and Article 95 paragraph 5) or Article 37 paragraph 1 pertaining to the custody of an important cultural property or an important tangible folk-cultural property, or to the repair of a national treasure;

(2) Any person who has failed to obey without justifiable reasons such order of the Commissioner of the Agency for Cultural Affairs as may be issued under the provision of Article 76 paragraph 1 (including the cases where this paragraph applies mutatis mutandis under Article 95 paragraph 5) or Article 77 paragraph 1 pertaining to the custody of a historic site, place of scenic beauty and/or natural monument, or to the restoration of a special historic site, place of scenic beauty and/or natural monument.

Article 110. Any person who comes under any of the following items shall be liable to a non-criminal fine not exceeding one hundred thousand (100,000) yen:

(1) Any person who has, without justifiable reasons, disobeyed the restriction, prohibition or the order for provision of facilities issued under Article 45 paragraph 1;

(2) Any person who, in contravention of the provisions of Article 46 (including the cases where this Article applies mutatis mutandis under Article 56-14), has failed to make the Commissioner of the Agency for Cultural Affairs an offer of sale to the State or after making the said offer to him/her has transferred the important cultural property or important tangible folk-cultural property in question to any other party than the State within the period prescribed in paragraph 3 of the same Article (including the cases where this paragraph applies mutatis mutandis under Article 56-14), or has given false statements in making the offer of sales under paragraph 1 of the same Article (including the cases where this paragraph applies mutatis mutandis under Article 56-14) or in making an application for approval referred to in the proviso to the same paragraph (including the cases where this paragraph applies mutatis mutandis under Article 56-14);

- (3) Any person who has failed to display or open the property concerned to the public, in contravention of the provision of Article 48 paragraph 4 (including the cases where this paragraph applies mutatis mutandis under Article 51 paragraph 3 [including the cases where the latter paragraph applies mutatis mutandis under Article 56-16], or who has, in violation of the provision of Article 51 paragraph 5, Article 51-2 [including the case where this Article applies mutatis mutandis under Article 56-16], Article 56-15 paragraph 2 and Article 56-16), failed to obey the order for suspension or discontinuance of such public viewing, which was issued by the Commissioner of the Agency for Cultural Affairs or by the Board of Education of To, Do, Fu or Ken (Prefecture) or designated city, etc. concerned to which the said Commissioner had delegated his/her competence;
- (4) Any person who has in violation of the provisions of Article 53 paragraphs 1, 3 or 4, opened any important cultural property to the public without obtaining the permission of the Commissioner of the Agency for Cultural Affairs or of the Board of Education of To, Do, Fu or Ken (Prefecture) or designated city, etc. to which the said Commissioner has delegated his competence, or without complying with the conditions of such permission, or failed to obey the order of the said Commissioner or Board of Education for the suspension of such public viewing;
- (5) Any person who has, in violation of the provisions of Article 54 (including the cases where this Article applies mutatis mutandis under Article 56-17 and Article 95 paragraph 5), Article 55, Article 56-2-10, Article 82 (including the cases where the latter Article applies mutatis mutandis under Article 95 paragraph 5), or Article 83, failed to submit a report or submitted a false report, or has refused, interfered with or evaded the responsible officials' on-the-spot investigation by entry into land or the execution of measure necessary for such investigation;
- (6) Any person who has, in violation of the provision of Article 57 paragraph 2, failed to obey the prohibition or the order for suspension or discontinuance of the act of excavation issued by the Commissioner of the Agency for Cultural Affairs or the Board of Education of To, Do, Fu or Ken (Prefecture) or designated city, etc. to which the said Commissioner has delegated his competence;
- (7) Any person who has, without justifiable reasons, disobeyed the restriction, prohibition or order for provision of facilities issued under the provision of Article 81 paragraph 1.

Article 111. The person who comes under any of the following items shall be liable to a non-criminal fine not exceeding fifty thousand (50,000) yen:

- (1) Any person who has failed to return to the Minister of Education the certificate of designation of an important cultural property or of an important tangible folk-cultural property, or to hand it over to the new owner of the property concerned in violation of the provision of Article 28 paragraph 5, Article 29 paragraph 4 (including the cases where this paragraph applies mutatis mutandis under Article 56-11 paragraph 2), Article 56 paragraph 2 (including the cases where this paragraph applied mutatis mutandis under Article 56-17), Article 56-2-3 paragraph 5 or Article 56-2-11;
- (2) Any person who has failed to report or who has submitted a false report in violation of the provision of Article 31 paragraph 3 (including the cases where this paragraph applies mutatis mutandis under Article 56-2-4 paragraph 4, Article 56-12 and Article 74 paragraph 2), Article 32 (including the cases where this Article applies mutatis mutandis under Article 56-2-4 paragraph 4, Article 56-12 and Article 75), Article 33 (including the cases where this Article applies mutatis mutandis under Article 56-12, Article 73-2, Article 75 and Article 95 paragraph 5), Article 34 (including the cases where this paragraph applies mutatis mutandis under Article 56-12 and Article 95 paragraph 5), Article 43-2 paragraph 1, Article 56-2-5, Article 56-2-7 paragraph 1, Article 56-5, Article 56-13 paragraph 1, the body text of Article 56-15 Paragraph 1, Article 57 paragraph 1, Article 57-5 paragraph 1, Article 72 paragraph 2 (including the cases where this paragraph applies mutatis mutandis under Article 75 and Article 95 paragraph 5), or Article 80-3 paragraph 1;
- (3) Any person who has refused, interfered with, or evaded the execution of custody, repair or restoration of or measure necessary for such action, in violation of the provision of Article 32-2 paragraph 5 (including the cases where this paragraph applies mutatis mutandis under Article 34-3 paragraph 2 [including the cases where the latter applies mutatis mutandis under Article 56-14], Article 56-2-4 paragraph 4, Article 56-2-6 paragraph 2, and under Article 56-12) or Article 72 paragraph 4.

Article 112. Deleted.

Supplementary Provisions

(Date of Enforcement)

Article 113. The date of the enforcement of this Law shall be provided for by Cabinet Order within a period not exceeding three (3) months from the day of its promulgation. (The same Law came into force from the 29th of August, 1950, by the Cabinet Order No. 276 of August, 1950).

(Abolition of Relevant Laws and Orders)

Article 114. The following Laws, Imperial Ordinances and Cabinet Orders are hereby abolished:

National Treasures Preservation Law (Law No. 17 of 1929);

Law concerning the Preservation of Important Objects of Art, etc. (Law No. 43 of 1933);

Law for the Preservation of Historic Sites, Places of Scenic Beauty and Natural Monuments (Law No. 44 of 1919);

Ordinance for the Enforcement of the National Treasures Preservation Law (Imperial Ordinance No. 210 of 1929);

Ordinance for the Enforcement of the Law for the Preservation of Historic Sites, Places of Scenic Beauty and Natural Monuments (Imperial Ordinance No. 499 of 1919);

Regulations governing the Organization of the National Treasures Preservation Society (Imperial Ordinance No. 211 of 1929);

Order for the Important Art Objects, etc. Research Council (Cabinet Order No. 251 of 1949);

Order for the Research Council on Historic Sites, Places of Scenic Beauty and Natural Monuments (Cabinet Order No. 252 of 1949).

(Transitional Provisions consequential upon Abolition of Laws and Orders)

Article 115. The designation of national treasures made prior to the enforcement of this Law under the provision of Article 1 of the National Treasures Preservation Law (excluding the cases where the annulment thereof has been made pursuant to Article 11 paragraph 1 of the same Law) shall be deemed as the designation of important cultural properties under Article 27 paragraph 1 of this Law, and the permission given pursuant to Article 3 or 4 of that Law shall be deemed as the permission under Article 43 or 44 of this Law.

2. With respect to the destruction or damage of national treasures which may have occurred prior to the enforcement of this Law, the orders which were given in accordance with Article 7 paragraph 1 of the National Treasures Preservation Law prior to the enforcement of this Law, and the subsidies which were granted in accordance with the former part of Article 15 of the same Law prior to the enforcement of this Law, the provisions of Articles 7 to 10 inclusive, the latter part of Article 15, and Article 24 of that Law shall continue to be in force. In this case, "the competent Ministers" in Article 9 paragraph 2 of that same Law shall read "the National Commission for Protection of Cultural Properties."

3. With regard to the punishment of acts committed prior to the enforcement of this Law, the provisions of the National Treasures Preservation Law, excepting Articles 6 and 23 shall continue to be in force.

4. Any person who owns, at the time of the enforcement of this Law, any national treasure designated under Article 1 of the National Treasures Preservation Law, shall report to the Commission stating particulars prescribed by the Regulations of the Commission, within three (3) months from the time of the enforcement of this Law.

5. When the report mentioned in the preceding paragraph has been filed, the Commission shall issue to the owner concerned a certificate of designation of important cultural property prescribed in Article 28 of this Law.

6. Any person who, in contravention of the provision of paragraph 4, has failed to report or has filed a false report shall be liable to a non-criminal fine not exceeding five thousand (5,000) yen.

7. The head of the Ministry of Agency having control, at the time of the enforcement of this Law, over any national treasure designated under Article 1 of the National Treasures Preservation Law shall, within three (3) months from the time of the enforcement of this Law, notify the Commission in writing, stating particulars prescribed by the Regulations of the Commission; however, this shall not apply if otherwise provided for by the Regulations of the Commission.

8. When the notification has been made according to the preceding paragraph, the Commission shall issue to the head of the Ministry or Agency concerned a certificate of designation of important cultural property prescribed in Article 28 of this Law.

Article 116. With respect to the objects classified under the provision of Article 2 paragraph 1 of the Law concerning the Preservation of Important Objects of Art, etc. up to the time of the enforcement of this Law, the old Law shall continue to be in force for the time being. In this case, the affairs concerning the operation of that Law shall be conducted by the Commissioner of the Agency for Cultural Affairs, and "the national treasures" occurring therein shall read "the important cultural properties under the provisions of the Law for the Protection of Cultural Properties," "the competent Minister" reading "the Commissioner of the Agency for Cultural Affairs" and "designate the same objects as national treasures in accordance with Article 1 of the National Treasures Preservation Law" reading "the preceding Article."

2. The Council for the Protection of Cultural Properties shall, in response to the consultation instituted by the Commissioner of the Agency for Cultural Affairs, undertake for the time being investigation and deliberation

respecting the permission of exportation under Article 1 of the Law concerning the Preservation of Important Objects of Art, etc., and matters concerning the annulment of recognition under Article 2 of the same Law, and other important matters concerning the preservation of important objects of art, etc., and shall submit to the said Commissioner such proposals as may be deemed necessary with reference to these matters.

3. With respect to the operation of the Law concerning the Preservation of Important Object of Art, etc., the provisions of Article 103 of the present Law shall for the time being apply mutatis mutandis.

Article 117. The designation of historic sites, places of scenic beauty and/or natural monuments made prior to the enforcement of this Law, in accordance with the provision of Article 1 paragraph 1 of the Law for the Preservation of Historic Sites, Places of Scenic Beauty and Natural Monuments (excepting the cases where the designation has been annulled) shall be regarded as the designation made in accordance with the provision of Article 69 paragraph 1 of this Law, the provisional designation made in accordance with the provision of Article 1 paragraph 2 of the said old Law (excepting the cases where the designation has been annulled) shall be regarded as the provisional designation made in accordance with the provision of Article 70 paragraph 1 of this Law, and the permission given in accordance with the provision of Article 3 of the said old Law shall be regarded as the permission given in accordance with the provision of Article 80 paragraph 1 of this Law.

2. With respect to the orders issued or the dispositions made prior to the enforcement of this Law, in accordance with the provision of Article 4 paragraph 1 of the Law for the Preservation of Historic Sites, Places of Scenic Beauty and Natural Monuments, the provision of Article 4 of the said Law and of Article 4 of the Ordinance for the Enforcement of the said Law shall continue to be in force. In this case, "the Minister of Education" Occurring in Article 4 of the said Ordinance shall read "the National Commission for Protection of Cultural Properties."

3. As to the punishment for acts committed prior to the enforcement of this Law, the Law for the Preservation of Historic Sites, Places of Scenic Beauty and Natural Monuments shall continue to be in force.

(Appointment of the First Members)

Article 118. As to the appointment of the first members of the Commission, only in the case where the Diet stands prorogued or where the House of Representatives stands dissolved, an ex post facto approval of the both Houses of the Diet at the first session convened thereafter shall suffice notwithstanding the provision of Article 9 paragraph 1.

2. The Minister of Education shall, when he/she is unable to obtain the ex post facto approval of the both Houses under the provision of the preceding paragraph, remove such members from their office.

(Convocation of the First Meeting of the Commission)

Article 119. The First meeting of the Commission under this Law shall be convened by the Minister of Education, notwithstanding the provision of Article 14.

(Term of Office of the First Members)

Article 120. The term of office of the Commission members appointed first in accordance with this Law, other than the Chairperson and a member who is to act for him/her, shall be one year for one member and two years for the other two.

2. The term of office of such members under the application of the provision of the preceding paragraph shall be decided by lot.

(Partial Amendment of the National Organization Law)

Article 121. The National Government Organization Law shall be partially amended as follows:

(Omitted.)

(Partial Amendment of the Ministry of Education Establishment Law)

Article 122. The Ministry of Education Establishment Law shall be partially amended as follows:

(Omitted.)

(Partial Amendment of the Law concerning the Fixed Number of Personnel of Government Organs)

Article 123. The law concerning the Fixed Number of Personnel of Government Organs shall be partially amended as follows:

(Omitted.)

(Former National Museums)

Article 124. Unless otherwise provided for by Laws (including orders thereunder) the former National Museums

and the personnel thereof (excepting the Research Institutes of Art and personnel thereof) shall be the National Museums and the personnel thereof under this Law and the Research Institutes of Art attached to the former National Museums and the personnel thereof shall be the Research Institutes and the personnel thereof under this Law, and shall retain their respective identities.

2. The Tokyo National Research Institute of Cultural Properties under this Law shall be able to use the name of "Research Institute of Art," with respect to the researches and studies equivalent to those managed by the Research Institutes of Art attached to the former National Museums. (Partial Amendment of the Law concerning Compensation for Public Service Personnel in the Special Government Service)

Article 125. The Law concerning Compensation for Public Service Personnel in the Special Government Service shall be partially amended as follows:

(Omitted.)

(Partial Amendment of the Lost Property Law)

Article 126. The Lost Property Law shall be partially amended as follows:

(Omitted.)

(Partial Amendment of the National Property Law)

Article 127. The National Property Law shall be partially amended as follows:

(Omitted.)

(Partial Amendment of the Outdoor Advertisement Law)

Article 128. The Outdoor Advertisement Law (Law No. 189 of 1949) shall be partially amended as follows:

(Omitted.)

(Partial Amendment of the Board of Education Law)

Article 129. The Board of Education Law (Law No. 170 of 1948) shall be partially amended as follows:

(Omitted.)

(Partial Amendment of the Net Fortune Tax Law)

Article 130. The Net Fortune Tax Law (Law No. 174 of 1950) shall be partially amended as follows:

(Omitted.)

Supplementary Provisions

(Law No. 318, December 24, 1951)

(Extract)

1. The Law shall come into force as from the day of its promulgation. However, the revised provisions of Articles 20, 22, 23 and Article 124 paragraph 2 as well as the provision of paragraph 3 of the Supplementary Provisions shall come into force as from April 1, 1952.

2. With regard to the application of the penal provisions to the acts committed prior to the enforcement of this Law, the provisions of Article 34 of the Law for the Protection of Cultural Properties before the amendment shall continue to be in force.

Supplementary Provisions

(Law No. 272, July 31, 1952)

(Extract)

(Date of Enforcement)

1. This Law shall come into force as from August 1, 1952. The provision of paragraph 3 of the Supplementary Provisions, however, shall come into force as from the day of its promulgation.

(Transitional Provisions concerning Personnel of Branch Office of Tokyo National Museum)

2. Those who are the personnel of the branch office of the Tokyo National Museum at the time of the enforcement of this Law shall be the personnel of the Nara National Museum under the same conditions of service unless an official announcement of appointment is otherwise issued.

Supplementary Provisions

(Law No. 194, August 10, 1953)

(Extract)

1. This Law shall come into force as from the day of its promulgation.

Supplementary Provisions

(Law No. 213, August 15, 1953)

(Extract)

1. This Law shall come into force as from September 1, 1953.

(Omitted hereinafter.)

2. The permission, approval and other dispositions or application, report and other proceedings made under the

provisions of former laws and orders prior to the enforcement of this Law shall be deemed as the dispositions or proceedings made under the corresponding provisions respectively after the revision.

3. The organs or the personnel established under the provisions of the former laws and orders at the time of enforcement of this Law shall be deemed as established under the corresponding provisions respectively after the revision.

Supplementary Provisions

(Law No. 131, May 29, 1954)

(Extract)

1. This Law shall come into force as from July 1, 1954.

2. The provisional designation of a historic site, place of scenic beauty and/or natural monument made prior to the enforcement of this Law shall, notwithstanding the provision of Article 71 paragraph 2 of the Law for the Protection of Cultural Properties after the revision under this Law (hereinafter referred to as "the new Law") become null and void, when the designation has been made under the provision of Article 69 paragraph 1 of the new Law or when no designation under the same provision has been made of the same property within three years of the day of enforcement of this Law.

3. Any person dissatisfied with such disposition as the permission or rejection for the alteration of the existing state, etc. made within six (6) months before the enforcement of this Law under the provision of Article 43 paragraph 1 or Article 80 paragraph 1 of the former Law for the Protection of Cultural Properties prior to the revision under this Law or with the restriction, prohibition or order issued to particular persons under the provision of Article 45 paragraph 1 or Article 81 paragraph 1 of the same former Law may place a protest before the Commission within thirty (30) days of the day of enforcement of this Law. In this case, the provisions of Article 85-2 paragraphs 2 and 3 and Articles 85-3 to 85-9 inclusive shall apply mutatis mutandis.

4. With regard to the application of penal provisions for the acts conducted before the enforcement of this Law the precedent shall be followed.

5. The Cabinet Order concerning the Designation, etc. of Bodies for the Conduct of Custody of the Historic Site, Place of Scenic Beauty and/or Natural Monument (Cabinet Order 289 of 1953) shall be deleted.

6. The local public body or any other body designated under Article 1 paragraph 1 of the Cabinet Order concerning the Designation, etc. of Bodies to take Custody of the Former Historic Site, Place of Scenic Beauty and/or National Monument, and the body who is a juridical person and has been recognized under the provision of paragraph 2 of the Supplementary Provisions to the same Order as a local public body or any other body designated under the provision of Article 1 paragraph 1 of the same Order shall be deemed as a local public body or any other juridical person designated under the provision of Article 71-2 paragraph 1 or Article 95 paragraph 1.

7. The body which is provided for in the preceding paragraph but is not a juridical person may, notwithstanding the provision of Article 71-2, Article 95 or Article 95-3 of the new Law, be charged during one year of the day of enforcement of this Law with the conduct of custody and restoration provided for in Article 71-2 paragraph 1, Article 95 paragraph 1 or Article 95-3 paragraph 1 of the new Law. In this case the provisions concerning a juridical person designated under the provision of Article 71-2 paragraph 1 or Article 95 paragraph 1 of the new Law shall apply mutatis mutandis.

Supplementary Provisions

(Law No. 148, June 12, 1956)

(Extract)

1. This Law shall come into force as from the day of the enforcement (September 1, 1956) of the Law concerning Partial Revision of the Local Autonomy Law (Law No. 147 of 1956).

2.

Supplementary Provisions

(Law No. 163, June 30, 1956)

(Extract)

(Date of Enforcement)

1. This Law shall come into force as from October 1, 1956. (Omitted hereinafter.)

Supplementary Provisions

(Law No. 86, April 25, 1958)

(Extract)

1. This Law shall come into force (Omitted.) as from the day of its promulgation.

Supplementary Provisions

(Law No. 148, April 20, 1959)

(Extract)

(Date of Enforcement)

1. This Law shall come into force as from the day of the enforcement (January 1, 1960) of the National Tax Collection Law (Law No. 147 of 1959).

Supplementary Provisions

(Law No. 111, June 2, 1961)

(Extract)

(Date of Enforcement)

1. This Law shall come into force as from the day of its promulgation and applicable as from April 1, 1951.

Supplementary Provisions

(Law No. 140, May 16, 1962)

(Extract)

1. This Law shall come into force as from October 1, 1962.

2. The provisions revised by this Law shall apply to such matters as taken place prior to the enforcement of this Law, unless otherwise provided for by these Supplementary Provisions; however, the effect taken under the provisions provided for prior to the revision by this Law shall be retained.

3. With regard to the lawsuits pending at the time of the enforcement of this Law the precedent shall be followed, notwithstanding the provisions revised by this Law which prescribes that the lawsuits in question shall not be instituted.

4. With regard to the jurisdiction over the lawsuits pending at the time of the enforcement of this Law, the precedent shall be followed notwithstanding the provisions revised by this Law which makes the jurisdiction concerned an exclusive jurisdiction.

5. With regard to the period of institution of a lawsuit for the disposition or the decision for with the period of a lawsuit is in progress at the time of the enforcement of this Law according to the provisions provided for prior to the revision under this Law, the precedent shall be followed; however, this shall apply exclusively to the case where the period of institution of a lawsuit under the provisions revised by this Law is shorter than that of institution of a lawsuit under the provisions provided for prior to the revision by this Law.

6. The period of institution of the lawsuit of parties for the disposition or the decision made prior to the enforcement of this Law, which is to be decided according to the revision by this Law, shall be counted as from the day of the enforcement of this Law.

7. With regard to the lawsuit for revocation of the disposition or the decision pending at the time of the enforcement of this law, the precedent shall be followed notwithstanding the provision revised by this Law that one of the parties related to the law concerned shall be a defendant; however the court concerned may permit by its decision to change the lawsuit in question into the lawsuit of parties.

8. In case of the proviso to the preceding paragraph, the provisions of the latter part of Article 18 and Article 21 paragraphs 2 to 5 inclusive of the Administrative Litigation Law shall apply mutatis mutandis.

Supplementary Provisions

(Law No. 161, September 15, 1962)

(Extract)

1. This Law shall come into force as from October 1, 1962.

2. The provisions revised by this Law shall apply, unless otherwise provided for by these Supplementary Provisions, to the dispositions made by the administrative agency prior to the enforcement of this Law, the forbearance of the administrative agency as to the application made prior to the enforcement of this Law and other matters taken place prior to the enforcement of this Law; however the effect taken under the provisions provided for prior to the revision by this Law shall be retained.

3. With regard to the petitions, the requests for examination, the protests, or other appeals of dissatisfaction (hereinafter referred to as "the petitions, etc.") filed prior to the enforcement of this Law, the precedent shall be followed even after the enforcement of this Law. With regard to the petitions, etc. of those who are dissatisfied with the judgements, decisions or other dispositions (hereinafter referred to as "the judgements, etc.") on the petitions,

etc. formed prior to the enforcement of this Law, or the judgements, etc. which are to be given after the enforcement of this Law on the petitions, etc. filed before the enforcement of this Law, the same shall apply.

4. The petitions, etc. provided for in the preceding paragraph, relating to the dispositions against which appeals of dissatisfaction may be instituted according to the Administrative Appeal Law after the enforcement of this Law, shall concerning the application of laws other than that Law, be deemed as the appeals of dissatisfaction instituted under the Administrative Appeal Law.

5. With regard to the judgement, etc. on the requests for examination, the protests or other appeals of dissatisfaction to be formed after the enforcement of this Law according to the provision of paragraph 3, no appeal of dissatisfaction can be instituted under the Administrative Appeal Law.

6. With regard to the dispositions which were made by the administrative agency prior to the enforcement of this Law and against which the petitions, etc. could be formed according to the provisions provided for prior to the revision of this Law and of which the period for institution was not decided, the period during which appeals of dissatisfaction can be instituted shall be counted as from the day of the enforcement of this Law.

8. With regard to the application of the penal provisions to such actions as conducted prior to the enforcement of this Law, the precedent shall be followed.

9. Other than those provided for in the preceding eight paragraph, transitional measures necessary for the enforcement of this Law shall be decided by the Cabinet Order.

10. In case where this Law and the Law for Adjustment of Laws concerned in Compliance with the Enforcement of the Law concerning Legal Procedure for Administrative Cases (Law No. 140 of 1952) have revised provisions relating to one and the same Law, the last one shall be revised first by this Law and then revised by the Law for Adjustment of Laws concerned in Compliance with the Enforcement of the Law concerning Legal Procedure for Administrative Cases.

Supplementary Provisions

(Law No. 36, March 31, 1965)

(Extract)

(Date of Enforcement)

Article 1. This Law shall come into force as from April 1, 1965. (Hereinafter omitted.)

(Principle in Transitional Measures in Compliance with Partial Amendment of Other Laws and Orders)

Article 5. The provisions of the laws and orders after the revision under the provisions of Chapter II shall, unless otherwise provided for, apply to the income tax after that for 1965 or to the corporation tax for a business year of juridical persons provided for in the provisions of such laws and orders which terminates after the day of the enforcement, and with regard to the income tax before that for 1964 or the corporation tax for a business year of the said juridical persons which terminated before the day of the enforcement, the precedent shall be followed.

(Commitment to Cabinet Order)

Article 15. Other than those provided for in the Article 1 to the preceding Article inclusive of the Supplementary Provisions, transitional measures necessary for the enforcement of this Law shall be decided by the Cabinet Order.

Supplementary Provisions

(Law No. 99, Jun 15, 1968)

(Extract)

(Date of Enforcement)

1. This Law shall come into force as from the day of its promulgation; however the provisions of Chapter VIII shall come into force as from August 1, 1968.

(Transitional Provisions)

2. Those who are the personnel of the Cultural Affairs Bureau of the Ministry of Education, the Secretariat of the National Commission for Protection of Cultural Properties, the Institutions under the jurisdiction of the Ministry of Education (excluding those which shall become corresponding organs under the jurisdiction of the Agency for Cultural Affairs) or the auxiliary organs to the National Commission for Protection of Cultural Properties (excluding the Council of Experts on Cultural Properties) shall be the corresponding personnel of the Agency for Cultural Affairs with equivalent conditions of service, unless otherwise orders be issued.

3. The permission, approval, designation and other dispositions or the notification and other proceedings which have been made or issued at the time of enforcement of this Law by the National Commission for Protection of Cultural Properties or by the Minister of Education in accordance with the provisions of the former Laws prior to the revision by this Law, such as the Law for the Protection of Cultural Properties, the Copyright Law, the Law concerning Intermediary Services with regard to the Copyright, the Law concerning Special Provisions of the Copyright Law in Consequence of the Enforcement of the Universal Copyright Convention, the Law regulating Possession of Swords and Firearms, or the National Theater Law shall be regarded as the dispositions and proceedings made or issued by the Minister of Education or the Commissioner of the Agency for Cultural Affairs in accordance with the corresponding provisions of the Laws revised by this Law.

4. The applications, report or other proceedings which have been made at the time of the enforcement of this Law by the National Commission for Protection of Cultural Properties or the Minister of Education in accordance with the provisions of the former Laws prior to the revision by this Law, such as the Law for the Protection of Cultural Properties, the Copyright Law, the Law concerning Intermediary Services with regard to the Copyright, the Law concerning Special Provisions of the Copyright Law in Consequence of the Enforcement of the Universal Copyright Convention, the Law regulating Possession of Swords and Firearms, or the National Theater Law shall be regarded as the proceedings taken by the Minister of Education or the Commissioner of the Agency for Cultural Affairs in accordance with the corresponding provisions of the Laws revised by this Law.

5. The Regulations of the National Commission for Protection of Cultural Properties which are in force at the time of the enforcement of this Law shall have the force as the Ministry of Education Ordinance.

Supplementary Provisions

(Law No. 88, May 31, 1971)

(Extract)

(Date of Enforcement)

Article 1. This Law shall come into force as from July 1, 1971.

(Omitted hereinafter.)

Supplementary Provisions

(Law No. 96, June 1, 1971)

(Extract)

(Date of Enforcement, etc.)

1. This Law shall come into force as from the day of its promulgation.

(Omitted hereinafter.)

(Transitional Measures)

16. The application of the penal provisions to the acts committed prior to the enforcement of this Law (With regard to the provisions prescribed under each item of paragraph 1 of the Supplementary Provisions, each of the said provisions) shall be same as heretofore.

Supplementary Provisions

(Law No. 52, June 3, 1972)

(Extract)

(Date of Enforcement, etc.)

Article 1. This Law shall come into force as from the day provided for by the Cabinet Order within a period not exceeding thirty (30) days from the day of its promulgation.

(Omitted hereinafter.)

(The same Law came into force as from the first of July, 1972, by the Cabinet Order No. 235 of June, 1972.)

Supplementary Provisions

(Law No. 49, July 1, 1975)

(Date of Enforcement)

1. This Law shall come into force three (3) months after its promulgation.

(Special Provisions regarding the Order for Suspension, etc. in Case of Discovery of Remains)

2. With regard to the application of the provisions of Article 57-5 of the Law for the Protection of Cultural Properties revised by this Law (hereinafter referred to as "the new Law") for the period of five years from the day of its enforcement, "three (3) months" in the proviso to paragraph 2 of the same Article shall read "six (6) months," and "six (6) months" in the proviso to paragraph 5 of the same Article shall read "nine (9) months." In this case the dispositions under paragraph 2 of the same Article which have been made prior to the day five (5) years after the day of its enforcement shall follow the precedent under the same Article given before the said day even after the said day.

(Transitional Measures)

3. With regard to the important intangible cultural property designated under the provision of Article 56-3 paragraph 1 of the Law for the Protection of Cultural Properties before amendment under this Law (hereinafter referred to as "the former Law") at the time of the enforcement of this Law, if the Minister of Education deems it necessary to recognize holding bodies under Article 56-3 paragraph 2 of the new Law instead of the holders who have been recognized under Article 56-3 paragraph 2 of the former Law, he/she shall annul the recognition of all the holders made under the provision of Article 56-3 paragraph 2 of the former Law within the period of one year after the enforcement of this Law and newly recognize the holding bodies under the provision of Article 56-3 paragraph 2 of the new Law. In this case the provisions of Article 56-3 paragraph 3 and Article 56-4 paragraph 3 of the new Law shall apply mutatis mutandis.

4. With regard to the application of the provisions of the new Law, the important material folk-culture which has been designated under the provision of Article 56-10 paragraph 1 of the former Law at the time of the enforcement of this Law shall be regarded, as the important tangible folk-cultural property designated under the provision of Article 56-10 paragraph 1 of the new Law. In this case, the certificate of designation of the important material folk-culture issued under the provision of Article 28 paragraph 3 of the former Law applying mutatis mutandis under Article 56-10 paragraph 2 of the former Law shall be regarded as the certificate of designation of the important tangible folk-cultural property issued under the provision of Article 28 paragraph 3 of the new Law applying mutatis mutandis under Article 56-10 paragraph 2 of the new Law.

5. With regard to the excavation reported prior to the enforcement of this Law under the provision of Article 57-2 paragraph 1 of the former Law, the precedent under Article 57-2 of the former Law shall be followed notwithstanding the provisions of Article 57-2 and Article 57-3 of the new Law.

6. In case of the application of the provision of Article 57-3 of the new Law to the State organs, etc. provided for in Article 57-3 paragraph 1 of the new Law which have formulated the plan of operation under the same paragraph prior to the enforcement of this Law (excluding those which have been reported under the provision of Article 57-2 paragraph 1 of the former Law concerning the execution of such plan of operation), "when the said State organs, etc. formulate the plan of operation related to the said excavation, they shall inform in advance" shall read "the said State organs, etc. shall after the enforcement of this Law inform without delay."

7. As to those which were reported as recognizable to be remains prior to the enforcement of this Law under the provision of Article 84 paragraph 1 of the former Law, the provisions of Article 84 of the former Law shall continue to be in force notwithstanding the provisions of Article 57-5 of the new Law (in case of the State organs, etc. provided for in Article 57-3 paragraph 1 of the new Law which cannot be taken as the head of the Ministry or Agency Provided for in Article 87 of the former Law, Article 57-6 of the new Law).

8. As to those which were notified prior to the enforcement of this Law as recognizable to be remains under the provision of Article 90 paragraph 1 item (8) of the former Law by the head of the Ministry or Agency provided for in Article 87 of the former Law, the provision of Article 90 paragraph 3 of the former Law applicable to the notice given under Article 90 paragraph 1 item (8) of the former Law shall continue to be in force notwithstanding the provision of Article 57-6 of the new Law.

9. The application of the penal provisions to the acts committed prior to the enforcement of this Law shall be same as heretofore.

10. Other than those provided for in the preceding seven paragraphs, transitional measures necessary for the enforcement of this Law shall be determined by the Cabinet Order.

(Partial Amendments to Relevant Laws)

11. The Ministry of Education Establishment Law (Law No. 146 of 1949) shall be partially amended as follows: (Omitted.)

12. The Outdoor Advertisement Law (Law No. 189 of 1949) shall be partially amended as follows:
(Omitted.)

13. The Building Standard Law (Law No. 201 of 1950) shall be partially amended as follows:
(Omitted.)

14. The Local Tax Law (Law No. 226 of 1950) shall be partially amended as follows:
(Omitted.)

15. The City Planning Law (Law No. 100 of 1968) shall be partially amended as follows:
(Omitted.)

Supplementary Provisions

(Law No. 78, December 2, 1983)

(Extract)

1. This Law (excepting Article 1) shall come into force as from July 1, 1984.

Supplementary Provisions

(Law No. 89, November 12, 1993)

(Extract)

(Date of Enforcement)

Article 1. This Law shall come into force as from the day of the promulgation (October 1, 1994) of the Administrative Procedures Law (Law No. 88 of 1993).

(Transitional Provisions Concerning Non-profit Dispositions into which Inquiries, etc. are Held)

Article 2. If, before the enforcement of this Law, there is a request by law for an inquiry or the like for which procedures should be implemented corresponding to the procedures for public hearings or to the procedures for granting opportunities to express opinions to deliberative councils and other parliamentary organs as stipulated by the Article 13 of the Administrative Procedures Law, with regard to non-profit disposition procedures related to the said request for an inquiry or the like, precedents under the former Law shall be followed notwithstanding the relevant provisions of the new Law.

(Transitional Provisions Concerning Penal Provisions)

Article 13. Precedents under the former Law shall be followed concerning the application of penal provisions to acts committed prior to the enforcement of this Law.

(Transitional Provisions for Arrangement of Stipulations Concerning Public Hearings)

Article 14. Prior to the enforcement of this Law, any audiences, inquiries or public hearings (excluding those related to non-profit dispositions) held according to law, as well as the procedures therefor, shall be regarded to have been conducted in accordance with the corresponding provision of the Laws revised by this Law.

(Cabinet Order Mandate)

Article 15. Other than those provided for in Supplementary Provision Article 2 through the preceding Article, transitional measures necessary for the enforcement of related laws shall be determined by Cabinet Order.

Supplementary Provisions

(Law No. 49, June 29, 1994)

(Extract)

(Date of Enforcement)

1. Among the Chapters of this Law, the stipulations of Chapter 1 and of the following paragraph shall come into force [ellipsis] as from the day of the promulgation (April 1, 1995) of the revised stipulations of Volume 2 Chapter 12 of the Local Government Act (Law No. 67 of 1947) among the Law Revising Part of the Local Government Act (Law No. 48 of 1994).

Supplementary Provisions

(Law No. 97, November 11, 1994)

(Extract)

(Date of Enforcement)

Article 1. This Law shall come into force as from the day of its promulgation. (Omitted hereinafter.)

(Transitional Provisions Accompanying Partial Revision of the Law for the Protection of Cultural Properties) Article 4. Prior to revision according to the stipulations of Article 4, offers for transfer under the stipulations of Article 46 paragraph 1 of the Law for the Protection of Cultural Properties (including cases where the same Law's Article 56-14 apply mutatis mutandis) as well as applications for approval under the stipulations of the proviso Article 46 paragraph 1 of the Law for the Protection of Cultural Properties (including cases where the same Law's Article 56-14 apply mutatis mutandis), which were made prior to enforcement of the stipulations of Article 4, shall follow precedents under the former Law, notwithstanding the stipulations of the Law for the Protection of Cultural Properties after revision according to the stipulations of Article 4.

(Transitional Provisions Concerning Penal Provisions)

Article 20. Concerning the application of penal provisions to acts committed prior to the enforcement of this Law as well as in cases where precedents under the former Law shall be followed concerning the application of penal provisions under [ellipsis] the stipulations of the Supplementary Provisions [ellipsis] Article 4 [ellipsis], to acts committed after the enforcement of the stipulations of Article 4 [ellipsis], the precedents under the former Law shall be followed.

(Cabinet Order Madate)

Article 21. Other than those provided for in Supplementary Provision Article 2 through the preceding Article, transitional measures necessary for the enforcement of this Law (including transitional measures concerning penal provisions) shall be determined by Cabinet Order.

Supplementary Provisions

(Act No. 66, June 12, 1996)

(Extract)

(Date of Enforcement)

1. This law shall come into force as from the day provided for by the Cabinet Order within a period not exceeding nine (9) months from the day of its promulgation.

(Transitional Measures Concerning Notifications on Public Viewing of Important Cultural Properties, etc.)

2. At the time this Law comes into force, persons who have received or who have applied for permission under the stipulations of Article 53 paragraph 1 of the Law for the Protection of Important Cultural Properties prior to revision (hereinafter referred to as "the former Law"), and who are establishers of a public viewing approved institution stipulated in the proviso of Article 53 paragraph 1 of the Law for the Protection of Important Cultural Properties after revision (hereinafter referred to as "the new Law"), and who hold exhibitions and/or other events at said public viewing approved institution, shall be regarded as having made notification according to the stipulations of paragraph 2 of the same Article.

3. Before this Law comes into force, State organs or local public bodies, other than the Commissioner of the Agency for Cultural Affairs, which have given notice under the stipulations of the proviso of Article 53 paragraph 1 of the former Law, and who hold exhibitions and/or other events at public viewing approved institutions stipulated in the proviso of Article 53 paragraph 1 of the new Law, shall be regarded as having made notification according to the stipulations of paragraph 2 of the same Article.

4. State organs or local public bodies, other than the Commissioner of the Agency for Cultural Affairs, which hold exhibitions and/or other events at a public viewing advance notification exempted institution under the stipulations of the proviso of Article 56-15 paragraph 1 of the new Law, or, among establishers of a public viewing advance notification exempted institution which hold these at said public viewing advance notification exempted institution, those which gave notice under the stipulations of Article 56-15 paragraph 1 of the former Law shall be regarded as having given notice under the stipulations of the proviso of Article 56-15 paragraph 1 of the new Law.

(Transitional Provisions Concerning Penal Provisions)

5. Precedents under the former Law shall be followed concerning the application of penal provisions to acts

committed prior to the enforcement of this Law.

(Deliberations)

6. If ten (10) years have passed since the enforcement of this Law, the Japanese government shall consider the Law's implementation status, the status of cultural properties to be protected under this Law, etc., and, adding deliberations concerning systems related to the registration of tangible cultural properties, shall take necessary measures based on the results thereof.