

(Provisional Translation)

DISASTER COUNTERMEASURES BASIC ACT

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National Land Agency, Japan

DISASTER COUNTERMEASURES BASIC ACT (Act No. 223, November 15, 1961)

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Chapter I General Rules

(Objectives)

Art. 1. For the purpose of protecting the national territory, the life and limb of the citizens and their property, this Act shall have for its aim the establishment of a machinery working through the State and local governments and public corporations and the clarification of where responsibilities lie, and provide for the formulation of disaster prevention plans and basic policies relating to preventive and emergency measures and rehabilitation programs to deal with disaster, and other necessary measures as well as financial action, thus ensuring an effective and organized administration of comprehensive and systematic disaster prevention with a view toward the preservation of social order and the security of the public welfare.

(Definitions)

Art. 2. Terms employed in this Act shall be as defined below:

(1) Disaster means a storm, heavy rain, heavy snow, flood, high tide, earthquake, tsunami, or other unusual natural event, or a conflagration or explosion, or any other damage of similar extent from a cause to be prescribed by ordinance.

(2) Disaster prevention means activities intended to prevent a disaster from occurring, to stop the spread of a disaster that has occurred, and to effect rehabilitation after the disaster.

(3) Designated administrative organs means administrative organs of the State as defined under art. 3 para. 2 of the National Government Organization Act (Act No. 120, 1948) and organs defined under art. 8 para. 1 of the same Act, to be designated by the Prime Minister.

(4) Designated local administrative organs means branch offices of designated administrative organs in the prefectures (referring to branch offices provided under art. 9 of the National Government Organization Act) and other local administrative organs of the State designated by the Prime Minister.

(5) Designated public corporations means public corporations such as Nippon Telegraph and Telephone (NTT), the Bank of Japan, the Japanese Red Cross Society, Nippon Hoso Kyokai (NHK) and other corporations engaged in power, gas, transportation, communication and other public utility work, all designated by the Prime Minister.

(6) Designated local public corporations means the Harbor Bureau under art. 4 para. 1 of the Harbor Act (Act No. 218, 1950), Land Improvement Districts under art. 5 para. 1 of the Land Improvement Act

(Act No. 195, 1949), administrators of other public corporations operating in the area of a prefecture and engaged in power, gas, transportation, communication and other public utility work, all designated by the governor of the prefecture concerned.

(7) Disaster prevention plans means a basic disaster prevention plan, operational disaster prevention plans, and local disaster prevention plans.

(8) Basic disaster prevention plan means a plan drafted by the Central Disaster Prevention Council providing guidance for all disaster prevention planning.

(9) Operational disaster prevention plans means plans based on the basic disaster prevention plan and pertaining to business or operations of the drafting authority: the chief officer of a designated administrative organ (where the designated administrative organ is the committee under art. 3 para. 2 of the National Government Organization Act, the administrative organ itself; to be applicable hereunder except under art. 28-3 para. 6 and art. 28-6 para. 2) or a designated public corporation (with respect to business or operations delegated by the chief officer of a designated administrative organ or a designated public corporation, the chief officer of the designated local administrative organ or the designated local public corporation to whom or to which said delegation has been made).

(10) Local disaster prevention plans means disaster prevention plans relating to particular areas as listed below:

a. prefectural area disaster prevention plan: drafted by the prefectural disaster prevention council concerned and relating to an area of the prefecture.

b. city, town, or village area disaster prevention plan: drafted by the city, town, or village disaster prevention council concerned and relating to an area of the city, town or village.

c. prefectural designated area disaster prevention plan: drafted by a joint committee of prefectural disaster prevention councils and relating to an area which covers the area of two or more prefectures, in whole or in part.

d. city, town or village designated area disaster prevention plans: drafted by a joint committee of city, town or village disaster prevention councils and relating to an area which covers the area of two or more cities, towns or villages.

(Responsibilities of the State)

Art. 3. Inasmuch as the State has the mission of protecting its land, the life and limb of its citizens and

their property from disaster, it is responsible for bringing to bear on disaster prevention all of its organization and capacities to the fullest effect.

2. In order to carry out such responsibilities as provided under the preceding paragraph, the State shall draft a plan which will provide a basis for disaster prevention, emergency measures to deal with a disaster and rehabilitation after that disaster, and shall implement the plan by law. At the same time, the State shall ensure the performance of business or operations relating to disaster prevention to be undertaken by local governments, designated public corporations, and designated local public corporations and others, exercise overall coordination of said business or operations and seek to distribute fairly, adequately and properly financial burdens consequent upon disaster.

3. Designated national and local administrative organs shall, in performing their respective business, act in concert in order that the responsibilities of the State provided under para. 1 may be fulfilled.

4. The chief officer of either a designated national or local administrative organ shall, in the interests of an effective formulation and execution of a prefectural, or a city, town or village disaster prevention plan, provide recommendations, guidance, advice and other pertinent assistance to the appropriate prefecture, or city, town or village.

(Responsibilities of the prefecture)

Art. 4. In the interest of protecting the area of a prefecture, the life and limb of its residents and their property from disaster, the prefecture shall have the responsibility to formulate and implement, with the cooperation of agencies concerned and other local governments, a disaster prevention plan relating to its area, as prescribed by law, and at the same time, shall assist in the performance of business or operations related to disaster prevention of a city, town or village, and designated local administrative organs within the area, and shall exercise responsibility for overall coordination of such business or operations.

2. Agencies of a prefecture shall, in performing their business or operations, act in concert in order that responsibilities of the prefecture as provided under the preceding paragraph may be fulfilled.

(Responsibilities of a city, town or village)

Art. 5. In the interest of protecting the area of a city, town or village, the life and limb of its residents and their property from disaster, the city, town or village as a local government at the base shall have the responsibility to formulate, with the cooperation of related agencies and other local governments a disaster prevention plan pertaining to the area of said city, town or village, and to implement said plan as provided by law.

2. The mayor of the city or town or the head of the village shall, in order to fulfill responsibilities under the preceding paragraph, endeavor to employ to the highest degree all capacities of the city, town or village, by keeping the organization of fire fighting agencies, flood prevention units etc. in good condition, and by consolidating organizations related to disaster prevention of public groups within the area of the city, town or village and voluntary disaster prevention groups (referred to as "voluntary disaster prevention groups" in art. 8 para. 2) among the residents in a community spirit of mutual help.

3. Fire fighting agencies, flood prevention units and other agencies of the city, town or village shall, in performing their respective business, act in concert in order that the responsibilities of the city, town or village as prescribed under the preceding paragraph may be fulfilled.

(Mutual cooperation among local public corporations)

Art. 5-2. The local government can mutually cooperate when necessary to fully discharge their responsibilities as set forth in art. 4 para. 1 and para. 1 of the preceding article.

(Responsibilities of designated national and local public corporations)

Art. 6. Designated national and local public corporations shall have the responsibility to formulate a disaster prevention plan pertaining to their respective business and to implement it as prescribed by law, and at the same time, to render cooperation in their respective activities to the prefecture, city, town or village in order that the State, prefecture, city town or village may effectively formulate and implement their disaster prevention plans as provided by this Act.

2. Designated national and local public corporations are obligated to contribute through their respective businesses toward the cause of disaster prevention, in view of the fact that their business is for the public good.

(Responsibilities of residents and others)

Art. 7. Public organizations, administrators of establishments important in terms of disaster prevention, and other parties having responsibility under the Act for disaster prevention, are obligated, by law or under an appropriate area disaster prevention plan, to fulfill their responsibilities in good faith.

2. In addition to what is provided for in the preceding paragraph, residents of the area under local government are obligated to contribute toward the cause of disaster prevention by taking their own measures to prepare for disaster and by participating in voluntary disaster prevention groups etc.

(Exercising of care in the interest of disaster prevention in enforcing appropriate measures)

Art. 8. Both the State and the local government should exercise care so that all measures which they will carry out will contribute to preventing disaster which harms the land, the life and limb of the citizens and their property, be they specifically addressed to disaster or not.

2. In the interest of preventing a disaster from occurring and of blocking the spread of a disaster that has occurred, the local government as well as the State shall particularly endeavor to carry out matters listed below:

(1)relating to scientific research on disaster and its prevention and putting its findings into practice.

(2)relating to forest conservation, flood prevention and other matters concerning conservation of the land.

(3)relating to fireproofing of buildings and to the improvement of structures for prevention of disaster in the cities.

(4)relating to disaster prevention measures for traffic, information communications, and functions concentrated in urban areas.

(5)relating to efficient operation of establishments and organizations concerned with activities necessary for disaster prevention such as weather observation and flood and earthquake prediction, forecasting, information gathering and other activities, and establishments and organizations concerned with communication.

(6)relating to the improvement of forecasts and alarms.

(7)relating to the improvement of methods for publicizing earthquake forecasting information (refers to "earthquake forecasting information" as per art. 2 (3) of the Large-scale Earthquake Countermeasures Act [Act No. 713 of 1978]).

(8)relating to international cooperation with respect to consolidation of a network of weather observation.

(9)relating to international cooperation with respect to human control of typhoons, and other necessary research on disaster prevention, observation and exchange of information.

(10)relating to measures for long-term disasters from volcanic phenomena etc.

(11)relating to maintenance of efficient operation of establishments and organizations for flood prevention, fire fighting, rescue and relief, and other disaster emergency measures.

(12)relating to the conclusion of mutual aid agreements among local governments.

(13)relating to the encouragement of the people to engage in voluntary disaster prevention activities by fostering voluntary disaster prevention groups and enhancing the environment for disaster prevention activities by volunteers.

(14)relating to necessary disaster prevention measures for the elderly, the handicapped, infants and others requiring special care.

(15)relating to the acceptance of disaster prevention assistance from other countries.

(16)relating to the provision of accurate information to disaster victims.

(17)relating to education and drills necessary for disaster prevention.

(18)relating to the dissemination of ideas about the importance of disaster prevention.

3. The State and the local government shall endeavor, in time of a disaster, to effect rehabilitation of establishments, and rescue and relief for victims toward an early recovery from the disaster.

(Government measures and report to the Diet)

Art. 9. The Government shall undertake necessary measures in terms of legislation and finances in order to achieve the objectives of this Act.

2. The Government shall report each year to the Diet about its plans for disaster prevention together with a general account of measures undertaken for disaster prevention, as provided by ordinance.

(Relation to other Acts)

Art. 10. Masters concerning disaster prevention shall be disposed of by this Act except where specified by law otherwise.

Chapter II Organization for Disaster Prevention

Section I Central Disaster Prevention Council

(The Council and its business)

Art. 11. A Central Disaster Prevention Council Shall be established in the Office of the Prime Minister.

2. The Central Disaster Prevention Council shall be charge with the responsibilities listed below:

(1)formulation and implementation of a basic disaster prevention plan.

(2)formulation and implementation of a plan of emergency measures for a major disaster.

(3)in response to inquiry from the Prime Minister, deliberation of major matters relating to disaster prevention.

(4)in addition to what is listed above, other business assigned by law to its authority.

3. The Prime Minister is required to consult the Central Disaster Prevention Council with respect to the matters listed below:

(1)basic policy of disaster prevention.

(2)major points in overall coordination of measures undertaken for disaster prevention.

(3)outline of urgent measures of temporary nature for a major disaster.

(4)declaration of a state of emergency.

(5)other major matters which the Prime Minister may deem necessary for disaster prevention.

(Organization of the Central Disaster Prevention Council)

Art. 12. The Central Disaster Prevention Council shall be composed of a chairman and members.

2.The Prime Minister shall serve as chairman.

3. The chairman shall direct and supervise the affairs of the Council.

4. In case of incapacity on the part of the chairman, a member named by him in advance shall perform his duties on his behalf.

5. The chairman shall appoint the members from among ministers of state and persons with pertinent knowledge and experience.

6. Technical experts may be appointed to the Council in order to investigate matters requiring expert knowledge.

7. The Prime Minister shall appoint expert members from among officials of appropriate administrative organs or designated public corporations and persons with pertinent knowledge and experience.

8. A secretariat shall be established in the Central Disaster Prevention Council to transact the business of the Council.

9. The secretariat shall have a chief and members under him.

10. The secretariat shall manage its affairs under the direction of its chief.

11. In addition to what is listed above, necessary matters related to the organization and operation of the Council shall be decided upon by ordinance.

(Request for cooperation from appropriate administrative organs, etc.)

Art. 13. The Central Disaster Prevention Council shall have the right, with respect to its business, to seek data, opinions and views and other necessary cooperation from the chief officer of an appropriate national or local administrative organ, that of a local government, any executive agency, or designated public corporation or designated local public corporation, or any other parties concerned.

2. The Central Disaster Prevention Council shall have the right to make recommendations or provide instructions in connection with the respective activities to local disaster prevention councils (referring to the disaster prevention council of a prefecture, city, town or village; applicable hereunder) or joint committees or local disaster prevention councils (referring to a joint committee of prefectural, city, town or village disaster prevention councils; applicable hereunder).

Section 2 Local Disaster Prevention Council

(Establishment of a prefectural disaster prevention council and its business)

Art. 14. A prefectural disaster prevention council shall be established in each prefecture.

2. A prefectural disaster prevention council shall be in charge of business covering the matters listed below:

(1) formulation and implementation of a prefectural area disaster prevention plan.

(2) collection of information about a disaster that has occurred involving the area of said prefecture.

(3) in time of a disaster involving the area of the prefecture, liaison and coordination in matters of emergency measures and rehabilitation programs among said prefecture and appropriate designated local administrative organs, the city town or village concerned, designated public corporations and designated local public corporations concerned.

(4) formulation and implementation of a plan for emergency measures in time of a major disaster.

(5) in addition to what is listed above, other business assigned to the council by law or an ordinance based on it.

(Organization of a prefectural disaster prevention council)

Art. 15. A prefectural disaster prevention council shall be composed of a chairman and its members.

2. The governor of the prefecture shall serve as chairman.

3. The chairman shall direct and supervise the affairs of the council.

4. When the chairman is incapacitated a member whom he has named in advance shall perform his duties on his behalf.

5. Members shall be appointed from among the following persons:

(1) the chief officer of a designated local administrative organ having jurisdiction over the area of the prefecture in whole or in part, or officials named by him.

(2) the Commanding Generals of Army Headquarters of the Self-Defense Forces having jurisdiction over the area of the prefecture, in whole or in part, or chief of a unit or an agency named by the Commanding Generals.

(3) the superintendent of a school board of the prefecture.

(4)the chief of the Metropolitan Police or the chief of the prefectural police concerned.

(5)appointees of the governor of the prefecture from among officials of the prefecture.

(6)appointees of the governor of the prefecture from among mayors of cities or towns, or heads of villages, and chiefs of fire fighting units operating within the area of the prefecture.

(7)appointees of the governor of the prefecture from among officers and members of a designated national or local public corporation operating within the area of the prefecture.

6. Expert members may be appointed to the council in order to investigate matters requiring expert knowledge.

7. Expert members shall be appointed by the governor of the prefecture from among members of an appropriate local administrative organ, of the prefecture, of a city, town or village within the area of the prefecture, of an appropriate designated national or local public corporation, or persons with pertinent knowledge and experience.

8. In addition to what is provided above other necessary matters with respect to the organization or operation or a prefectural disaster prevention council shall be decided by a prefectural ordinance based on standards provided by ordinance. (City, town, or village disaster prevention council)

(A city, town or village disaster prevention council)

Art. 16. A city, town or village disaster prevention council shall be established in each city, town or village in order to formulate an area disaster prevention council involving the area of the city, town or village, and to implement it.

2. In addition to what is provided in the preceding paragraph, cities, towns or villages may by mutual agreement establish jointly a city, town or village disaster prevention council.

3. When such a joint city, town, or village disaster prevention council has been established or when duly approved by the governor of the prefecture, as provided by ordinance, the city, town or village may dispense with a separate disaster prevention council, the provisions of paragraph 1 notwithstanding.

4. When the governor of the prefecture intends to give approval as provided under the preceding paragraph, he is required to consult the prefectural disaster prevention council.

5. The organization and business of a city, town or village disaster prevention council shall be decided following the model of the prefectural disaster prevention council by an ordinance of the city, town or village (in the case of a city, town or village council established as provided under para. 2, by agreement).

(Joint committee of local disaster prevention councils)

Art. 17. When it is deemed necessary and efficacious among prefectures or among cities, towns or villages to formulate a disaster prevention plan for the designated area of the prefecture, city, town or village, in whole or in part, said prefectures, cities, towns or villages may by mutual agreement establish a joint committee of prefectural, city, town or village disaster prevention councils.

2. When such a joint committee of disaster prevention councils is formed, notification shall be forwarded to the Prime Minister in the case of a prefectural joint committee, and to the governor of the prefecture in the case of a city, town or village joint committee.

(Establishing a joint committee of prefectural disaster prevention councils)

Art. 18. When the Prime minister deems it necessary and efficacious to form a designated area prefectural disaster prevention plan covering the area of two or more prefectures, in whole or in part, he may, upon consultation with the Central Disaster Prevention Council, designate the area to be covered by such a plan, and instruct the appropriate prefectures to establish a joint committee of prefectural disaster prevention councils.

2. When the Prime Minister has designated such an area as provided under the preceding paragraph, he is required to make public this action.

3. When instructions have been given under paragraph 1, the prefectures so instructed are required to establish a joint committee of prefectural disaster prevention councils.

(Establishing a joint committee of city, town or village disaster prevention councils)

Art. 19. When the governor of a prefecture deems it necessary and efficacious to formulate a designated area disaster prevention plan covering the area of two or more cities, towns or villages, in whole or in part, he may, upon consultation with the prefectural disaster prevention council, designate the area to be covered by such a plan, and instruct the appropriate cities, towns or villages to establish a joint committee of city, town or village councils.

2. When the governor of a prefecture has designated such an area as provided under the preceding paragraph, he is required to make public this action.

3. When instructions have been given under paragraph 1, the cities, towns or villages so instructed are required to establish a joint committee of city, town or village disaster prevention councils.

(Matters for ordinance)

Art. 20. In addition to what is provided under the three preceding articles, necessary matters with respect to local disaster prevention councils shall be decided by ordinance.

(Request for cooperation from appropriate administrative organs)

Art. 21. The prefectural disaster prevention council and city, town or village disaster prevention council (including a joint committee of local disaster prevention councils; hereinafter referred to as "local disaster prevention councils, etc.") shall have the right, when deemed necessary in the performance of their business, to seek data, opinions and views and other necessary cooperation from the chief officer of an appropriate national or local administrative organ, that of a local government and other executive agency, a designated national or local public corporation, or other parties concerned.

(Relations between local disaster prevention councils, etc.)

Art. 22. Local disaster prevention councils etc. are obligated to cooperate in the performance of their respective business.

2. The prefectural disaster prevention council may provide the city, town or village disaster prevention councils with necessary recommendation or instructions with respect to the performance of their business.

(Headquarters for disaster control)

Art. 23. When a disaster has occurred or is likely to occur involving the area of a prefecture, city, town or village, the governor of the prefecture, the mayor of the city or town, or the head of the village may, if he deems it necessary, upon consultation with the local disaster prevention council, establish a headquarters for disaster control as provided under a prefectural or city, town or village area disaster prevention plan.

2. The headquarters for disaster control shall be headed by a chairman, and the governor of the prefecture, or the mayor of the city or town, or the head of the village shall serve as chairman at their respective levels.

3. The headquarters shall have a vice-chairman, headquarters members and other officials, to be

appointed by the prefectural governor or the mayor of the city or town or the head of the village from among officials of the prefecture, city, town or village, as appropriate.

4. The headquarters for disaster control operating in close coordination with the local disaster prevention council, shall implement preventive and emergency measures involving the area of the prefecture or the city, town or village, as appropriately as provided under the prefectural area disaster prevention plan, or the city, town or village area disaster prevention plan.

5. The governor of the prefecture, the mayor of the city or town, or the head of the village may, as provided for under a prefectural or city, town or village area disaster prevention plan establish a local headquarters for disaster control within the headquarters for disaster control as an organization to carry out locally within the disaster area part of the duties of the headquarters for disaster control.

6. The chairman of the prefectural headquarters for disaster control shall have the right to give to the prefectural police or the prefectural board of education necessary instructions in the implementation of preventive or emergency measures against disaster involving the area of the prefecture; likewise, the chairman of the city, town or village headquarters for disaster control shall have the right to instruct the board of education of that city, town or village.

7. In addition to what is provided above, other necessary matters of the headquarters for disaster control shall be decided by a prefectural, city, town or village ordinance.

Section 3 Headquarters for Major Disaster Control and Emergency Disaster Control

(Establishing the headquarters for major disaster control)

Art. 24. When a major disaster has occurred and if deemed necessary because of the dimensions of the disaster and other conditions, the Prime Minister may establish a headquarters for major disaster control on a temporary basis in the Office of the Prime Minister, the provisions of art. 8-3 of the National Government Organization Act notwithstanding.

2. When such a headquarters is established, the Prime Minister is required to make public its designation, area of jurisdiction, location, and term of establishment; when it is abolished he is required to make this action public.

(Organization of the headquarters)

Art. 25. The headquarters for major disaster control shall be headed by a chairman selected from

among the Cabinet ministers.

2. The chairman of the headquarters for major disaster control shall direct the affairs of the headquarters and supervise its staff.

3. A vice-chairman, headquarters members and other officials shall be installed in the headquarters.

4. The vice-chairman of the headquarters shall assist the chairman and perform duties on behalf of the chairman when he is incapacitated.

5. The vice-chairman of the headquarters, headquarters members and other officials shall be appointed by the Prime Minister from among officials of designated administrative organs, of chief officers or members of designated local administrative organs.

6. A local headquarters for major disaster control may be established within the headquarters for major disaster control as an organization to carry out locally within the area of jurisdiction of the headquarters for major disaster control part of the duties of the headquarters for major disaster control as designated by the chairman of the headquarters for major disaster control. In such cases, the provisions of art. 156 para. 6 of the Local Governments Act (Act No. 67 of 1947) shall not apply.

7. When a local headquarters for major disaster control is established under the provisions of the preceding paragraph, the Prime Minister shall inform the Diet thereof immediately.

8. The provisions of para. 2 of the preceding article shall apply to local headquarters for major disaster control.

9. The local headquarters for major disaster control shall have a headquarters chairman, headquarters officials, and other staff.

10. The chairman of the local headquarters for major disaster control shall have responsibility for the business of the local headquarters for major disaster control under the orders of the chairman of the headquarters for major disaster control.

11. The chairman, officials, and staff of the local headquarters for major disaster control shall be appointed by the chairman of the headquarters for major disaster control from among the vice chairmen, officials, and other staff of the headquarters for major disaster control.

(Business of the headquarters)

Art. 26. The headquarters for major disaster control shall be responsible for the following matters:

(1)relating to the overall coordination of emergency measures being taken under an appropriate disaster prevention plan within the area of its jurisdiction by the chief officer of a designated national or local administrative organ, the chief officer of a local government, or other executive agency, or a designated national or local public corporation.

(2)relating to the implementation of a plan for urgent measures in time of a major disaster.

(3)relating to business which is assigned under art. 28 to the authority of the chairman of the headquarters.

(4)in addition to what is listed above, any business that may be assigned to his authority by law.

(Delegation of authority of the chief officer of a designated administrative organ)

Art. 27. The chief officer of a designated administrative organ may, upon establishment of the headquarters for major disaster control, delegate his authority for emergency measures, in whole or in part, to members of the designated administrative organ, or the chief officer of a designated local administrative organ or its members, all of whom are headquarters members.

2. The chairman of the headquarters is required to make public any such delegation of authority he has made, as provided under the preceding paragraph.

(Authority of the chairman of the headquarters)

Art. 28. The chairman of the headquarters may exercise overall coordination of the exercise of authority, delegated under the preceding paragraph, by members of the headquarters within the area of jurisdiction of the headquarters for major disaster control.

2. When it is deemed particularly necessary in the interest of accurate and speedy implementation of emergency measures within the area of jurisdiction of the headquarters for major disaster control, the chairman of the headquarters may give necessary instructions to the chief officer of an appropriate designated local administrative organ, that of a local government, or any other executive agency, or a designated national or local public corporation.

3. When a local headquarters for major disaster control is established, the chairman of the headquarters

for major disaster control may delegate part of the authority vested in him in para. 2 above to the chairman of the local headquarters for major disaster control.

4. The chairman of the local headquarters for major disaster control shall immediately make it public when he has been delegated authority under the provisions of the preceding paragraph.

(Establishment of headquarters for emergency disaster control)

Art. 28-2. Should a special need be recognized when pursuing emergency disaster response measures in the event of an extremely unusual or devastating disaster, the Prime Minister may, notwithstanding the provisions of art. 8-3 of the National Government Organizations Act, establish on an ad hoc basis and with cabinet approval a headquarters for emergency disaster control within the Prime Minister's Office.

2. The provisions of art. 24 para. 2 shall apply to the headquarters for emergency disaster control.

3. Should a headquarters for major disaster control already be in existence at the time a headquarters for emergency disaster control is established under the provisions of para. 1 above, said headquarters for major disaster control shall be abolished and the headquarters for emergency disaster control shall succeed to the duties and responsibilities of said headquarters for major disaster control.

(Organization of the headquarters for emergency disaster control)

Art. 28-3. The chief officer of the headquarters for emergency disaster control shall be the chairman of the headquarters for emergency disaster control, and this position shall be filled by the Prime Minister (or by another minister of state to be designated in advance in the event that the Prime Minister is incapacitated).

2. The chairman of the headquarters for emergency disaster control shall direct the affairs of the headquarters and supervise its staff.

3. A vice-chairman, headquarters members and other officials shall be installed in the headquarters for emergency disaster control.

4. The vice-chairman of the headquarters for emergency disaster control shall be a minister of state.

5. The vice-chairman of the headquarters for emergency disaster control shall assist the chairman and perform duties on behalf of the chairman when he is incapacitated.

6. The members of the headquarters for emergency disaster control other than the chairman and

vice-chairman shall all be appointed by the Prime Minister from among the ministers of state or the chief officers of other non-ministerial government agencies.

7. The staff of the headquarters for emergency disaster control other than the chairman and the headquarters members shall be appointed by the Prime Minister from among the staff of designated government agencies and/or the chief officers and staff of designated local government agencies.

8. A local headquarters for emergency disaster control within the headquarters for emergency disaster control may, with the approval of the cabinet, be established within the headquarters for emergency disaster control as an organization to carry out locally within the area of jurisdiction of the headquarters for emergency disaster control part of the duties of the headquarters for emergency disaster control as designated by the chairman of the headquarters for major disaster control.

9. The provisions of art. 26 para. 6 second sentence, para. 7 and para. 8 shall apply to the local headquarters for emergency disaster control.

10. A chairman, headquarters members and other officials shall be installed in the local headquarters for emergency disaster control.

11. The chairman of the local headquarters for emergency disaster control shall have responsibility for the business of the local headquarters for emergency disaster control under the orders of the chairman of the headquarters for emergency disaster control.

12. The chairman, officials, and staff of the local headquarters for emergency disaster control shall be appointed by the chairman of the headquarters for emergency disaster control from among the vice chairmen, officials, and other staff of the headquarters for emergency disaster control.

(Business of the headquarters for emergency disaster control)

Art. 28-4. The headquarters for emergency disaster control shall be responsible for the following matters:

(1) relating to the overall coordination of emergency measures being taken under an appropriate disaster prevention plan within the area of its jurisdiction by the chief officer of a designated national or local administrative organ, the chief officer of a local government, or other executive agency, or a designated national or local public corporation.

(2) relating to the implementation of a plan for urgent measures in time of a major disaster.

(3)relating to business which is assigned under art. 28-6 to the authority of the chairman of the headquarters.

(4)in addition to what is listed above, any business that may be assigned to his authority by law.

(Delegation of authority of the chief officer of a designated administrative organ)

Art. 28-5.The chief officer of a designated administrative organ may, upon establishment of the headquarters for emergency disaster control, delegate his authority for emergency measures, in whole or in part, to the staff of the headquarters for emergency disaster control who are members of the designated administrative organ, or the chief officer of a designated local administrative organ or its staff.

2. The chairman of the headquarters is required to make public any such delegation of authority he has made, as provided under the preceding paragraph.

(Authority of the chairman of the headquarters)

Art. 28-6.The chairman of the headquarters for emergency disaster control may exercise overall coordination of the exercise of authority, delegated under the preceding article, by members of the headquarters within the area of its jurisdiction.

2. When it is deemed particularly necessary in the interest of accurate and speedy implementation of emergency measures within the area of jurisdiction, the chairman of the headquarters for emergency disaster control may give necessary instructions to the chief officer of an appropriate designated administrative organ, the chief officer of an appropriate designated local administrative organ, or, when authority has been delegated to him under the provisions of the preceding article, to the staff of a designated administrative organ, the staff of designated local administrative organ, the chief officer of a public corporation or to any other executive agency, or a designated national or local public corporation.

3. The chairman of the headquarters for emergency disaster control may delegate all or a part of the authority set forth in para. 2 above to the vice-chairman of the headquarters for emergency disaster control.

4. Should a local headquarters for emergency disaster control be established, the chairman of the headquarters for emergency disaster control may delegate part of the authority set forth under para. 1 and para. 2 above (excluding the authority to issue instructions to he chief of designated administrative organs) to the chairman of the local headquarters for emergency disaster control.

5. The chairman of the headquarters for emergency disaster control is required to make public immediately any such delegation of authority he has made, as provided under the preceding paragraph.

Section 4 Dispatch of Officials in Time of Disaster

(Request for dispatch of officials)

Art. 29. The governor of a prefecture, the prefectural committee or its members (hereinafter referred to as "prefectural governor and others") may, if necessary for emergency measures of rehabilitation efforts, request, as provided by ordinance, from the chief officer of a designated national or local administrative organ the dispatch of officials of respective organs.

2. The mayor of a city or town or the head of a village, or its respective committees, or members of such a committee (hereinafter referred to as "mayor of a city, town or the head of a village and others") may, if necessary for emergency measures or rehabilitation efforts, request, as provided by ordinance from the chief officer of a designated local administrative organ the dispatch of its officials.

3. In making such a request, as provided under the two preceding paragraphs, the prefectural, city, town or village committee or its members are required to consult in advance with the prefectural governor, or the mayor of the city or town, or the head of the village.

(Intercession for dispatch of officials)

Art. 30. The governor of a prefecture and others, or the mayor of a city or town or the head of a village and others may, if necessary for emergency measures or rehabilitation efforts, seek the intercession of the Prime Minister or the governor of another prefecture for the dispatch of officials by a designated national or local administrative organ, as provided by ordinance.

2. The governor of a prefecture and others or the mayor of a city or town or the head of a village may, if necessary for emergency measures or rehabilitation efforts, seek the intercession of the Prime Minister or the governor of another prefecture, as appropriate, for the dispatch of officials provided under art. 252 (17) of the Local Governments Act, as provided by ordinance.

3. The provisions of art. 29 para. 3 shall, where and as necessary, apply to a request provided under the two preceding paragraphs.

(Obligation to dispatch officials)

Art. 31. When a request for dispatch of officials or a request for intercession has been made under the

two preceding articles, the chief officer of a designated national or local administrative organ, the governor of a prefecture and others or the mayor of a city or town or the head of a village shall be obligated to dispatch such officials as are deemed qualified to the degree that so doing will not seriously hinder the performance of their respective business.

(Status and treatment of dispatched officials)

Art. 32. The prefecture, or the city, town or village may provide allowances as provided by ordinance to officials dispatched under the preceding article or by other Act in the interest of emergency measures or rehabilitation efforts.

2. In addition to what is provided under the preceding paragraph, necessary matters with regard to the status and treatment of officials dispatched from a designated national or local administrative organ shall be decided by ordinance.

(Presentation of data on the dispatch of officials etc.)

Art. 33. In the interest of efficient dispatch of officials as provided under art. 31, the chief officer of a national or local administrative organ or the governor of a prefecture shall forward to the Prime Minister at regular intervals data indicating the number of officials by profession who have pertinent skills, knowledge or experience for disaster emergency measures or rehabilitation efforts, and describing the degree of their skills, knowledge or experience, and shall exchange such data.

Chapter III Disaster prevention Plan

(Formulation and release of a basic disaster prevention plan)

Art. 34. The Central Disaster Prevention Council shall formulate a basic disaster prevention plan, which shall be reviewed each year in the light of research findings, conditions of disasters that have occurred, and the effect of emergency measures taken, and revise it if deemed necessary.

2. When the Central Disaster Prevention Council has formulated or revised a basic disaster prevention plan as provided under the preceding paragraph, it shall promptly report it to the Prime Minister, inform the chief officers of designated administrative organs, governors of prefectures, and designated public corporations, and release to the public an outline of the plan or revision.

Art. 35. A basic disaster prevention plan shall provide for the following matters:

(1) a long-term comprehensive plan for disaster prevention.

(2) matters to be stressed in operational disaster prevention plans and local disaster prevention plans.

(3) in addition to what is listed above, other matters which the Central Disaster Prevention Council may deem necessary in setting standards in the drafting of operational or area disaster prevention plans.

2. Data listed below shall be attached to the basic disaster prevention plan:

(1) the conditions of the land together with the weather situation

(2) a status report in outline of establishments and facilities necessary for disaster prevention

(3) information on personnel engaged in disaster prevention activities

(4) availability of supplies necessary for disaster prevention

(5) transportation and communication necessary for disaster prevention

(6) in addition to what is listed above, other matters which the Central Disaster Prevention Council may deem necessary for disaster prevention.

(Operational disaster prevention plan of a designated administrative organ)

Art. 36. The chief officer of a designated administrative organ shall formulate an operational disaster prevention plan, based on the basic disaster prevention plan, pertaining to the business under his jurisdiction, shall review it every year, and shall revise it when deemed necessary.

2. When the chief officer of a designated administrative organ has formulated or revised an operational disaster prevention plan as provided under the preceding paragraph, he shall speedily report it to the Prime Minister, inform the governor of the appropriate prefecture and designated public corporation, and release to the public an outline of the plan or revision.

3. The provision of art. 21 shall apply, where and as necessary, to the formulation or revision of an operational disaster prevention plan by the chief officer of a designated administrative organ as provided under para. 1.

Art. 37. An operational disaster prevention plan shall provide for the following matters:

(1)measures to be undertaken for disaster prevention pertaining to the business of a designated administrative organ

(2)in addition to what is listed above, matters which will serve as standards for the formulation of an area disaster prevention plan pertaining to the business concerned.

2. In formulating and implementing an operational disaster prevention plan, the chief officer of a designated administrative organ shall coordinate it with operational plans formulated by the chief officers of other designated administrative organs so that all operational plans will be formulated and implemented as an integrated whole.

(Relation to plans under other Acts)

Art. 38. The portion bearing on disaster prevention in any plan related to disaster prevention, listed below, which is prepared by the chief officer of a designated administrative organ as provided under other Acts, may not be inconsistent with or in conflict with the basic disaster plan or any operational disaster prevention plan:

(1)any national development plan provided under art 2 para. 3 of the Comprehensive Land Development Act (Act No. 205, 1950)

(2)any national forestry plan provided under art. 4 para. 1 of the Forestry Act (Act No. 249, 1951)

(3)any operational plan for prevention of disaster provided under art. 3 para. 1 of the Act on the Extraordinary Measures for Disaster Prevention and Development in Special Soil Areas (Act No. 96, 1952)

(4)any basic power development plan provided under art. 3 para. 1 of the Power Development Promotion Act (Act No. 283, 1952)

(5)any plan for re-arrangement of forest preserves provided under art. 2 para. 1 of the Act on the Extraordinary Measures for Re-arranging Forest Preserves (Act No. 84, 1954)

(6)any consolidation plan for the capital city area under art. 2 para. 2 of the capital City Area Consolidation Act (Act No. 83, 1956)

(7)any basic plan for the construction of multiple purpose dams provided under art. 4 para. 1 of the Multiple purpose Dams Act (Act No. 35, 1957)

(8)any five-year disaster prevention plan provided under art. 2 para. 2 of the Act Concerning Special Measures for Disaster Prevention in Areas Vulnerable to Typhoon (Act No. 72, 1958)

(9)any forest conservation plan and any flood control plan provided under art. 3 para. 1 of the Act Concerning Urgent Measures for Forest Conservation and Flood Control (Act No. 21, 1960)

(10)any basic plan for areas of heavy snow provided under art. 3 para. 1 of the Act Concerning Special Measures for Areas of Heavy Snow (Act No. 73, 1962)

(11)any Kinki region development plan under art. 2 para. 2 of the Kinki Region Development Act (Act No. 129 of 1963)

(12)any Chubu region development plan under art. 2 para. 2 of the Chubu Region Development Act (Act No. 102 of 1966)

(13)any plan for removing spilled oil under art. 43-2 para. 1 of the Act Concerning Prevention of Marine Pollution and Maritime Disasters (Act No. 136 of 1970)

(14)in addition to what is listed above, any other plan provided by ordinance.

(Operational disaster prevention plans of designated public corporations)

Art. 39. A designated public corporation shall formulate an operational disaster prevention plan, based on the basic disaster prevention plan, relating to the corporation's business, review its operational plan every year, and revise it when deemed necessary.

2. When a designated public corporation has formulated or revised an operational disaster prevention plan provided under the preceding paragraph, the corporation shall report it promptly to the Prime Minister through the competent Minister, inform the governors of appropriate prefectures, and release to the public an outline of its plan or revision.

3. The provisions of art. 21 shall apply, where and as necessary, to the formulation or revision of an operational disaster prevention plan by a designated public corporation as provided under paragraph 1.

(Prefectural area disaster prevention plan)

Art. 40. A prefectural disaster prevention council shall formulate an area disaster prevention plan involving the area of the prefecture, based on the basic disaster prevention plan, and shall review the area plan every year, and revise it when deemed necessary. In such cases, the prefectural area disaster

prevention plan may not be in conflict with any appropriate operational disaster prevention plan.

2. A prefectural area disaster prevention plan shall provide for the matters listed below:

(1) general outline of business or operations relating to disaster prevention involving the area of the prefecture and falling under the purview of a designated local administrative organ having jurisdiction over the area of the prefecture, in whole or in part, the prefecture, and the cities, towns and villages within the area of the prefecture, a designated national or local public corporation, and administrators of public organizations or establishments within the area of the prefecture concerned.

(2) plans by category of operations within the area of the prefecture: creation or improvement of disaster prevention establishments, investigation and research, education, drills and other preventive measures, collection and transmission of information, issuance and transmission of forecasts and alarms evacuation, fire fighting, flood prevention, rescue, sanitation, other emergency measures and rehabilitation efforts.

(3) plans for coordination, stockpiling, procurement, distribution, shipment, communication with reference to labor, establishments, equipment, materials, funds etc. required for measures relating to disaster prevention involving the area of the prefecture, as provided under the preceding item.

(4) in addition to what is listed in the preceding items, matters which the prefectural disaster prevention council may deem necessary for disaster prevention involving the prefectural area.

3. When the prefectural disaster prevention council wishes to formulate a prefectural area disaster prevention plan or revise it provided under paragraph 1, the council is required to consult in advance with the Prime Minister, who in turn shall consult the Central Disaster Prevention Council.

4. When the prefectural disaster prevention council has formulated or revised its prefectural area disaster prevention plan provided under paragraph 1, the council is required to release a summary of said plan or revision.

Art. 41. The portion bearing on disaster prevention in any plan for disaster prevention or related to disaster prevention may not in any way in conflict with the basic disaster prevention plan, any appropriate operational disaster prevention plan, or any prefectural area disaster prevention plan:

(1) a prefectural flood prevention plan provided under art. 7 para. 1 and para. 2 of the Flood Prevention Act (Act No. 193, 1949) and a flood prevention plan of a designated control agency provided under art. 25 of said Act.

(2)plans provided under art. 2 of the Multiple purpose Land Development Act: any prefectural multiple purpose development plan under para. 4, any local multiple purpose development plan under para. 5, and a multiple purpose development plan for special areas under para. 6.

(3)any offshore island development plan provided under art. 3 para. 1 of the offshore Islands Development Act (Act No. 72. 1953).

(4)any basic plan for improvement of establishments to preserve coastal areas provided under art. 23 para. 1 of the Coastal Area Act (Act No. 101, 1956).

(5)any basis construction plan for prevention of landslides provided under art. 9 of the Landslide Prevention Act (Act No. 30, 1958).

(6)any evacuation facilities urgent development plan provided under art. 3 para. 1 of the Act concerning Development of Evacuation Facilities in Environs of Active Volcano (Act No. 61, 1973), any disaster prevention farming facilities development plan provided under art. 8 para. 1 of the same Act, any disaster prevention forestry facilities development plan provided under art. 8 para. 2 of the same Act, and any disaster prevention fishing facilities development plan provided under art. 8 para. 3 of the same Act.

(7)any emergency project for urgent improvement of earthquake countermeasures provided under art. 2 para. 1 of the Act Concerning the Special Fiscal Measures for the Project for Urgent Improvement of Earthquake Countermeasures in Areas under Intensified Measures Against Earthquake Disaster (Act. No. 63 of 1980).

(8)in addition to those listed above, any plan as provided by ordinance.

(City, town or village area disaster prevention plan)

Art. 42. A city, town or village disaster prevention council (for a city, town or village without a disaster prevention council, the mayor of the city or town, or the head of the village; applicable herein under) shall formulate an area disaster prevention plan involving the area of the city, town or village, based on the basic disaster prevention plan, and shall review the area plan every year, and shall revise it when deemed necessary. In so doing, the city, town or village area disaster prevention plan may not conflict with any appropriate operational disaster prevention plan or any prefectural area disaster prevention plan of the prefecture comprising said city, town or village.

2. A city, town or village area disaster prevention plan shall provide for the matters listed below:

(1) general outline of business or operations relating to disaster prevention involving the area of the city, town or village and falling under the purview of the city, town or village concerned and of the administrators of public organizations or important establishments for disaster prevention within the area.

(2) plans by category of operations within the area of the city, town or village: creation or improvement of disaster prevention establishments, investigation and research, education, drills and other preventive measures, collection and transmission of information, issuance and transmission of forecasts and alarms, evacuation, fire fighting, flood prevention, rescue, sanitation and other emergency measures and rehabilitation efforts.

(3) plans for coordination, stockpiling, procurement, distribution, shipment, communication with reference to labor, establishments, equipment, materials, funds etc. required for measures relating to disaster prevention involving the area of the city, town or village, as provided under the preceding item.

(4) in addition to what is listed in the preceding items, matters which the city, town village disaster prevention council may deem necessary for disaster prevention involving the area of the city, town or village.

3. When the city, town or village disaster prevention council intends to formulate or revise its area disaster prevention plan provided under paragraph 1, the council is required to consult in advance with the governor of the prefecture, who shall in turn consult with the prefectural disaster prevention council.

4. When the city, town or village disaster prevention council has formulated or revised its area disaster prevention plan provided under paragraph 1, the council is required to release a summary of said plan or revision.

5. The provisions of art. 21 shall apply, where and as necessary, to the formulation or revision of a city, town or village disaster prevention plan by the mayor of the city or town or the head of the village, as provided under paragraph one.

(Prefectural disaster prevention plan for a designated area)

Art. 43. The joint committee of prefectural disaster prevention councils shall formulate a prefectural plan for a designated area and review the plan annually, and revise it when deemed necessary. In this case, the prefectural plan for the designated area may not conflict with any operational disaster prevention plan.

2. Matters to be provided for in the prefectural plan for a designated area shall be such as the Central Disaster Prevention Council shall be designated from among the matters listed in the items under art. 40 para. 2.

3. The provisions of art. 40 para. 3 shall be applied, where and as necessary, to the formulation and revision of the prefectural disaster prevention plan for a designated area by a joint committee of prefectural disaster prevention councils.

4. When the joint committee of prefectural disaster prevention councils has formulated a prefectural disaster prevention plan, the joint committee is required to make public a summary of the plan or revision.

(City, town or village disaster prevention plan for a designated area)

Art. 44. The joint committee of city, town or village disaster prevention councils shall formulate a city, town or village disaster prevention plan for a designated area, review the plan annually, and revise it when deemed necessary. In this case, the plan may not conflict with any operational disaster prevention plan or any prefectural area disaster prevention plan of the prefecture which comprises said city, town or village.

2. Matters to be provided for in the city, town or village disaster prevention plan for a designated area shall be designated by the prefectural disaster prevention council from among the matters listed in the items under art. 42, para. 2.

3. The provisions of art. 42 para. 3 shall be applied, where and as necessary, to the formulation or revision of a disaster prevention plan for a designated area of a city, town or village by the joint committee of city, town or village disaster prevention councils.

4. When the joint committee of city, town or village disaster prevention councils has formulated or revised its disaster prevention plan for the designated area, as provided under the preceding paragraph, the committee is required to release a summary of said plan or revision.

(Request, etc. in implementing designated area disaster prevention plans)

Art. 45. When deemed necessary in the interest of accurate and effective implementation of a designated area disaster prevention plan, the chairman of a local disaster prevention council or the representative of a joint committee of local disaster prevention councils may make necessary requests or recommendations or provide instructions with regard to any business or operations within the scope

of the plan and under purview of the parties listed below: in the case of the prefectural disaster prevention council or the joint committee of prefectural councils, to the chief officer of a designated local administrative organ in charge of the area of that prefecture, in whole or in part, the prefecture, the mayor of a city, town, or the head of a village in that prefecture, any other executive agency, designated local public corporations, any public organization, administrators of establishments important in disaster prevention, and other parties concerned within the area; in the case of a city, town or village disaster prevention council or a joint committee of city, town or village disaster prevention councils, to the mayor of a city or town or the head of a village, any other executive agency, public organizations, administrators of establishments important in disaster prevention, or other parties concerned within the area.

2. The chairman of a local disaster prevention council or the representative of a joint committee of local disaster prevention councils may ask for a report or data on the implementation of an area disaster prevention plan: in the case of the prefectural disaster prevention council or its joint committee, from the chief officer of a designated local administrative organ in charge of the area of the prefecture, in whole or in part, the mayor of a city or town, or the head of a village and any other executive agency, designated local public corporations, public organizations, administrators of establishments important in disaster prevention, or other parties concerned within the area; in the case of the city, town or village disaster prevention council or its joint committee, from the mayor of the city or town, or the head of the village, any other executive agency, public organizations, administrators of establishments important in disaster prevention, or other parties concerned within the area.

Chapter IV Prevention of Disasters

(Prevention of disasters and responsibility for its implementation)

Art. 46. Prevention of disasters shall be performed for the purpose of preventing any disaster ahead of time in matters listed below:

(1) keeping in good condition of organizations concerned with disaster prevention

(2) drills for disaster prevention

(3) stockpiling, replenishing and inspection of materials and supplies for disaster prevention

(4) maintenance and inspection of establishments and equipment for disaster prevention

(5) in addition to the matters listed in the preceding items, other matters concerning improvement of

such conditions as will hinder the implementation of emergency measures in time of a disaster.

2. Chief officers of designated national or local administrative organs, local governments, any other executive agency, designated national or local public corporations, and any other parties responsible by law for the implementation of disaster prevention are required, by law or under a disaster prevention plan, to carry out disaster prevention.

(Responsibility for maintaining organizations for disaster prevention)

Art. 47. The chief officer of a designated national or local administrative organ, any other executive agency, a designated national or local public corporation, and the administrator of an establishment important for disaster prevention (hereinafter referred to as "Those responsible for disaster prevention"), acting by law or under an appropriate disaster prevention plan, within the purview of their respective responsibilities, shall strive to keep in good condition and improving organizations necessary for anticipating, forecasting or speedily transmitting information on disaster.

2. In addition to what is provided for under the preceding paragraph, those responsible for disaster prevention, acting by law or under an appropriate disaster prevention plan, in the interest of accurate and effective implementation of the disaster prevention plan, shall keep in good condition and improving organizations related to disaster prevention and set standards for the assignment of officials and for the performance of their duties for disaster prevention.

(Responsibility for disaster prevention drills)

Art. 48. Those responsible for disaster prevention shall, as prescribed by law or an appropriate disaster prevention plan, perform disaster prevention drills, severally or in concert with others responsible for disaster prevention.

2. The prefectural public safety commission shall, when deemed to be particularly necessary to effectively implementing the disaster prevention drills set forth in the preceding paragraph, designate districts or sections of road for which pedestrian and/or vehicular passage is banned or restricted provided this is done in accordance with all applicable government ordinances and only to the extent that is necessary for implementing the disaster prevention drill.

3. The officials and other personnel of organizations to which those responsible for disaster prevention belong, and employees of those responsible for disaster prevention and other personnel are required to participate in disaster prevention drills set forth in para. 1 as provided under an appropriate disaster prevention plan and as determined by those responsible for disaster prevention.

4. When those responsible for disaster prevention wish to carry out disaster prevention drill as set forth in para. 1, they may seek the cooperation of the local residents and other organizations concerned, private or public.

(Responsibility for stockpiling materials and supplies necessary for disaster prevention)

Art. 49. Those responsible for disaster prevention are required, by law or under an appropriate disaster prevention plan, to stockpile materials and supplies necessary for emergency measures or rehabilitation work related to disaster prevention within the scope of their respective business, replenish such materials and supplies with proper inspection, and keep in good order establishments and equipment for disaster prevention under their control.

Chapter V Disaster Emergency Measures

Section 1 General Rules

(Emergency measures and responsibility for their implementation)

Art. 50. Emergency measures for disaster shall be taken with respect to the matters listed below for the purpose of anticipating a disaster when there is danger of occurrence, or of conducting emergency rescue work when a disaster has occurred so as to prevent the spread of the disaster:

(1)matters related to the issuance and transmission of alarm, recommendations or orders for evacuation.

(2)matters related to emergency measures, such as fire fighting, flood prevention.

(3)matters related to rescue, relief and protection of disaster victims.

(4)matters related to emergency instruction of children and school children affected by disaster.

(5)matters related to temporary restoration of establishments and equipment.

(6)matters related to cleanup, epidemic control, public health and sanitation.

(7)matters related to crime prevention, traffic control, and the preservation of social order.

(8)matters related to emergency transport.

(9) any additional matters related to measures for prevention of disaster or for the spread of disaster.

2. The chief officer of a designated national or local administrative organ, that of a local government, any other executive agency, a designated national or local public corporation, or any other parties responsible, by law, for implementing emergency measures for disaster are required to carry out such measures, as prescribed by law or under an appropriate disaster prevention plan.

(Information gathering and transmission)

Art. 51. The chief officer of a designated national or local administrative organ, that of a local government, any other executive agency, a designated national or local public corporation, any public organization, and administrators of establishments important for disaster prevention (hereinafter referred to as "those responsible for disaster emergency measures") are required to strive for information gathering and transmission related to disaster, as prescribed by law or under an appropriate disaster prevention plan.

(Signals)

Art. 52. The kind, nature, pattern or method of signal employed in the issuance and transmission of an alarm, warning, recommendations or orders for evacuation, shall be determined by the Office of the Prime Minister except where specified by other Act.

2. No person shall be permitted to employ a signals provided under the preceding paragraph or similar signals for other than legitimate purposes.

(Report on conditions of disaster)

Art. 53. When a disaster has occurred in the area of a city, town or a village, the mayor of the city or town or the head of the village shall, as provided by ordinance, report promptly to the governor of the prefecture (or to the Prime Minister when it is not possible to report to the governor of the prefecture) on conditions of disaster and provide an outline of the measures taken.

2. When a disaster has occurred in the area of a prefecture, the governor of the prefecture shall, as provided by ordinance, report to the Prime Minister on conditions of disaster and provide an outline of the measures taken.

3. The representative of a designated public corporation shall, when a disaster has occurred pertaining to its business, report, as provided by ordinance, promptly to the Prime Minister on conditions of disaster and provide an outline of the measures taken.

4. The chief officer of a designated administrative organ shall, when a disaster has occurred pertaining to its business, report, as provided by ordinance, promptly to the Prime Minister on conditions of disaster and provide an outline of the measures taken.

5. When the disaster to be reported on under the provisions of paragraphs 1-4 above is deemed a major disaster, the mayor of the city or town, head of the village, representative of the designated public corporation, or chief officer of the designated administrative organ shall be particularly vigilant in gathering information needed to gauge the scale of the disaster.

6. When he has received reports under the provisions of paragraphs 1-4 above, the Prime Minister shall notify the Central Disaster Prevention Council of the matters in said report.

Section 2 Transmission of Alarms, etc.

(Discoverer's responsibility to report)

Art. 54. Any person having detected an unusual event which may lead to a disaster shall notify without delay the mayor of the city or town or the head of the village, the police or maritime safety officials.

2. Every person is required to cooperate so that the notification under the preceding paragraph may reach appropriate authorities as rapidly as possible.

3. The police or maritime safety officials shall, upon receipt of the notification under para. 1, promptly forward it to the mayor of the city or town or the head of the village.

4. The mayor of the city or town or the head of the village shall, upon receipt of the notification under para. 1 or 3, forward it to the Meteorological Agency or other appropriate agencies, under an appropriate area disaster plan.

(Prefectural governor's notification, etc.)

Art. 55. When the governor of a prefecture has received from the Meteorological Agency or any other agency of the State a forecast or an alarm of a disaster as provided by law, or when he has issued an alarm pertaining to a disaster, he shall, by law or under an appropriate area disaster prevention plan, make necessary communications or requests to the chief officers of designated local administrative organs, designated local public corporations, the mayor of the city or town, or the head of the village concerned, and other parties concerned in regard to the impending disaster and measures being considered.

(Mayor's transmission of alarm and warning, etc.)

Art. 56. When the mayor of a city or town or the head of a village has received a forecast or an alarm of a disaster as provided by law, or when he has learned of a forecast or an alarm of disaster on his own, or when he has by law himself issued an alarm on his own, or when he has received notification under art. 55, he is required, under an appropriate area disaster prevention plan, to transmit said forecast, alarm or matters pertaining to the notification to appropriate agencies, the local residents, and any other public or private organization concerned. In so doing he may, when deemed necessary, also make pertinent communication or warning with respect to the impending disaster and the measures being considered to deal with it.

(Priority use of communication facilities, etc.)

Art. 57. In cases where notification, request, transmission or alarm under the two preceding articles requires urgency when there is a specific need, the governor of a prefecture, the mayor of a city or town, or the head of a village may, by ordinance unless otherwise provided by law, request broadcast thereof on a priority basis from the electrical communications businesses set forth in art. 2 para. 5 of the Electric Communications Act (Act No. 86 of 1984) over electrical communications facilities used by them for business purposes, and/or may request broadcast thereof using the cable electrical communications facilities or radio facilities installed by parties listed in art. 3 para. 4 (3) of the Cable Electric Communications Act (Act No. 96 of 1953), or broadcast by the broadcasters set forth in art. 2 para. 3-2 of the Broadcasting Act (Act. no. 132 of 1950). In the last case, "broadcasters" excludes "consigned broadcasters" as defined in art. 3-4 of the Broadcasting Act; should broadcast be requested of broadcasters, they may also be requested to cause "consigned broadcasters" as defined in art. 3-5 of the Broadcasting Act to make said broadcast on consignment.

Section 3 Precautionary Steps and Evacuation

(Mayor's orders for action, etc.)

Art. 58. When a disaster is believed imminent, the mayor of a city or town, or the head of a village shall, by law or under an appropriate area disaster prevention plan, order a fire fighting unit or a flood prevention unit to prepare for action or to act, or ask those responsible for emergency measures for disaster to make preparations for taking such measures as alerting or mobilizing police or maritime safety officials.

(Mayor's precautionary steps, etc.)

Art. 59. When a disaster is believed imminent or when a disaster has occurred, the mayor of a city or

town, or the head of a village may order the occupant, owner, or administrator of an establishment or materials which would be likely to spread the disaster to remove for safekeeping or any other necessary disposition the said establishment or materials to the extent it is necessary to prevent the spread of the disaster.

2. The chief of a local police station, or the chief of a maritime safety regional headquarters as provided by ordinance (hereinafter to as "chief of a police station and others") may, at the request of the mayor of the city or town, or the head of the village, issue orders provided under the preceding paragraph. When such orders have been issued, the chief of a police station and others shall immediately notify the mayor of the city or town or the head of the village.

(Mayor's orders for evacuation)

Art. 60. In the interest of protecting life and limb from disaster or of preventing the spread of a disaster when it has occurred or is believed imminent, the mayor of the city or town or the head of the village may, when deemed necessary, make recommendations to the local residents, temporary residents and others of an area concerned to evacuate, or may, when deemed urgent, give instructions to these persons to evacuate for safety.

2. When the mayor of a city or town or the head of a village makes recommendations or give instructions for evacuation under the provisions of the preceding paragraph, he may, if deemed necessary, specify a point to which evacuees will proceed.

3. When the mayor of a city or town, or the head of a village has recommended or instructed evacuation for safety under the paragraph 1, or when he has specified the point to which the evacuees will proceed, he shall report promptly to the governor of the prefecture.

4. When there is no longer the need for evacuation, the mayor of the city or town or the head of the village shall immediately make public the fact. The provisions of the preceding paragraph shall apply to this case, where and as necessary.

5. When a disaster occurs in the territory of the prefecture and a city, town, or village is unable to perform all or the majority of its duties because of the disaster, the governor of the prefecture shall implement on behalf of the mayor of the city or town or head of the village all or a part of the measures to be implemented by the mayor of the city or town or head of the village in accordance with the provisions of para. 1, para. 2, and para. 4 above.

6. The governor of the prefecture must make it public when he begins and ceases to perform the duties of the mayor of the city or town or head of the village under the provisions of the preceding paragraph.

7. Necessary matters related to the performance by the governor of the prefecture of duties on behalf of the mayor of the city or town or head of the village under the provisions of para. 5 above shall be set forth in government ordinance.

(Orders for evacuation by police and others)

Art. 61. In cases provided for under the first paragraph of the preceding article, when the mayor of the city or town or the head of the village is found unable to order evacuation for safety under said paragraph, or when there has been a request from the mayor or the head, the police or maritime safety officials may order the evacuation for the safety of the residents, temporary residents or other persons in an area for which evacuation is deemed necessary. The provisions of para. 2 of the preceding article applies to this case, where and as necessary.

2. When the police or maritime safety officials have ordered evacuation for safety under the provisions of the preceding paragraph, they shall report this fact immediately to the mayor of the city or town or the head of the village.

3. The provisions of paras. 3 and 4 of the preceding article shall apply to the mayor of a city or town or the head of the village who has received a report under the preceding paragraph, where and as necessary.

Section 4 Emergency Measures

(Emergency measures at the city, town or village level)

Art. 62. When a disaster has occurred or is imminent in the area of a city or town or a village, the mayor of the city or town or the head of the village shall, by law or under an appropriate area disaster prevention plan, promptly implement necessary emergency measures to prevent disaster or the spread of a disaster (hereinafter referred to as "emergency measures") such as fire fighting, flood prevention, rescue, etc.

2. When a disaster has occurred or is imminent in the area of a city or town or village, the committee of said city, town or village or its members, any public organization in that area, administrators of such establishments as are important for disaster prevention, and other parties responsible for the implementation of emergency measures shall, under an appropriate area disaster prevention plan, implement emergency measures as pertains to their respective business or operations under the direction of the mayor of the city or town or the head of the village, and also shall cooperate in the implementation of such emergency measures as the city, town or village may undertake.

(Right to establish a restricted area in a city, town or village)

Art. 63. When a disaster has occurred or is imminent, the mayor of the city or town, or the head of the village may, when deemed necessary to prevent danger to life or limb, establish a restricted area to which access shall be restricted or prohibited to any persons other than those engaged in emergency measures, or may order any persons other than those so engaged to leave the area.

2. In cases described in the preceding paragraph, if the mayor of the city or town or the head of the village, or officials performing duties provided under that paragraph on his behalf are not on the scene, or if they request, police or maritime safety officials may perform the duties on their behalf. When such duties have been performed on behalf of the mayor of the city or town or the head of the village, the police or maritime safety officials shall immediately report their action to the mayor or the head of the village.

3. The provisions of para. 1 above shall apply to the carrying out of the duties of self-defense force troops set forth in art. 83 para. 2 of the Self Defense Force Act (Act No. 165 of 1954) when said troops are dispatched in accordance with art. 8 of said Act provided that neither the mayor of the city or town or head of the village nor anyone able to exercise the authority of the mayor of the city or town or head of the village as set forth in para. 1 above is present. Should self defense officers take measures under the provisions of para. 1 above, they shall immediately inform the mayor of the city or town or head of the village thereof.

(Requisitioning for emergency official use)

Art. 64. When a disaster has occurred involving the area of a city or town or village, or is imminent, the mayor of the city or town or the head of the village may, if deemed urgently necessary in the interest of implementing emergency measures, employ for temporary use any plot, building or any other structure belonging to any person within the area, use or requisition materials such as earth, stone, bamboo, lumber, etc. as provided by ordinance.

2. When a disaster has occurred involving the area of a city, town or village, or is imminent, the mayor of the city or town or the head of the village may, if deemed urgently necessary in the interest of implementing emergency measures, remove or otherwise dispose of any structure or materials on the scene affected by the disaster and which may hinder the execution of emergency measures (hereinafter referred to as "structures, etc."). In this case, when structures etc. have been removed, the mayor of the head of the village concerned is required to keep them under his custody.

3. When the mayor of the city or town or the head of the village has taken into custody structures etc. under the preceding paragraph, he shall by ordinance make public matters concerning the return of said

structures etc. to the occupant, owner or any persons having title to them (hereinafter referred to as "occupants and others").

4. When there is the danger of structures etc. which have been placed into custody under para. 2 being destroyed, lost or damaged, or when their custody would incur undue cost or effort, the mayor of the city or town or the head of the village may by ordinance sell such structures etc. and hold the sales proceeds.

5. Costs of custody of structures etc., their sale, making public notices in connection with them, etc. under para. 3, shall be charged against the occupants and others, and as regards the collection of such expenses, arts. 5 and 6 of the Act Concerning Execution by Proxy of Administrative Matters (Act No. 43, 1948) shall apply, where and as necessary.

6. When the mayor of the city or town or the head of the village finds that he is unable to return structures etc. which have been held in custody under para. 2 (including sales proceeds under para. 4; to be applicable herein under) the ownership of said structures etc. shall, at the end of six months from the date of public notice provided under para. 3, revert to the city, town or village concerned.

7. The provisions of art. 63 para. 2 shall, where and as necessary, apply to cases under art. 63 para. 1 and the first half of para. 2.

8. The provisions of para. 1 and the first part of para. 2 above shall apply to the carrying out of the duties of self-defense force troops dispatched for disaster relief provided that neither the mayor of the city or town or head of the village nor anyone able to exercise the authority of the mayor of the city or town or head of the village as set forth in para. 1 and the first part of para. 2 above is present. Should self defense officers dispatched for disaster relief take measures under the provisions of para. 1 and the first part of para. 2 above, they shall immediately inform the mayor of the city or town or head of the village thereof.

9. When structures etc. have been removed under the provisions of para. 2 of the preceding article as applied to para. 7 above or the preceding paragraph, the police or maritime safety officials or the self defense troops dispatched for disaster relief shall present said structures etc. to the chief of the police station and others having jurisdiction over the original location of said structures etc. or to the chief officer of the troops as set forth in art. 8 of the Self Defense Force Act and designated by the Prime Minister ("self defense troop chief officer" for the remainder of this article) and the chief of police or self defense troop chief officer in turn are required to keep them in custody.

10. As regards the custody of structures etc. by the chief of police or self defense troop chief officer under the preceding paragraph, the provisions of paras. 3 through 6 shall also apply. However, if

structures etc. cannot be returned at the end of six months from the date of public notice under para. 3, their ownership shall revert to the prefecture to which the police station belongs if said structures etc. are under police custody, and to the national government if they are under the custody of the maritime safety regional headquarters or the self defense troop chief officer.

Art. 65. When a disaster involving the area of a city, town or village has occurred or is imminent, the mayor of the city or town or the head of the village may, when deemed urgently necessary to carry out emergency measures, cause any local residents or any persons who are on the scene to engage in operations under such emergency measures.

2. The provisions of art. 63 para. 2 shall, where and as necessary, apply to the preceding paragraph.

3. The provisions of para. 1 above shall apply to the carrying out of the duties of self-defense force troops dispatched for disaster relief provided that neither the mayor of the city or town or head of the village nor anyone able to exercise the authority of the mayor of the city or town or head of the village as set forth in para. 1 above is present. Should self defense officers dispatched for disaster relief take measures under the provisions of para. 1, they shall immediately inform the mayor of the city or town or head of the village thereof.

(Special cases of disposition for flotsam in time of a disaster)

Art. 66. When flotsam or submerged goods as provided under art. 29 para. 1 of the Sea Casualties Rescue Act (Act No. 95, 1899) have been removed, the chief of the police station and others may keep such objects in custody, the provisions of said paragraph notwithstanding.

2. The provisions of chapter II of the Sea Casualties Rescue Act shall, where and as necessary, apply to cases in which the chief of the police and others have taken into custody flotsam or submerged goods under the preceding paragraph.

(Request for support from other cities, towns or villages)

Art. 67. When a disaster has occurred involving the area of a city, town or village, the mayor of the city or town or the head of the village may, if deemed necessary in implementing emergency measures, seek support from the mayors of other cities or towns or the heads of other villages. In such cases, the mayor of the city or town or the head of the village so requested may not refuse support except for legitimate reasons.

2. Those who render such support under the preceding paragraph shall be under the direction of the mayor of the city or town or the head of the village and others who have requested support so far as the

implementation of emergency measures is concerned.

(Request for support etc. from prefectural governors and others)

Art. 68. When a disaster has occurred involving the area of a city, town or village, the mayor of the city or town or the head of the village may, if deemed necessary in implementing emergency measures, request support or implementation of emergency measures from the governor of the prefecture.

2. The provisions of the latter part of para. 1 of art. 67 shall apply, where and as necessary, in cases under the preceding paragraph.

(Request to call up self defense force troops for disaster relief)

Art. 68-2. The mayor of the city or town or head of the village may, when a disaster occurs or threatens to occur in the territory of the city, town, or village and it is deemed necessary to implement emergency measures, request the governor of the prefecture to issue a call as set forth in art. 83 para. 1 of the Self Defense Force Act ("call" or "call up" in the next paragraph).

2. When unable to issue the request set forth in the preceding paragraph, the mayor of the city or town or head of the village may inform the director-general of the Defense Agency or a person to be designated by him of his inability to issue the request and the disaster conditions in the territory of the city, town or village. In such cases, the director-general of the Defense Agency or the person designated by him, having been informed as described above and in light of the information received, deeming there to be particular urgency and no time to wait for a call-up, may dispatch the troops set forth in art. 8 of the Self Defense Force Act for the protection of life and property without waiting for a call.

3. When he has made the notifications described in the preceding paragraph, the mayor of the city or town or head of the village shall inform the governor of the prefecture thereof with all due haste.

(Special cases of procedure for delegation of business in time of a disaster)

Art. 69. When a disaster has occurred involving the area of a city, town or village, the mayor of the city or town or the head of the village may, if deemed necessary in implementing emergency measures, delegate by ordinance its business or part of the business under the purview of the mayor of the city or town or the head of the village to another local government and cause the chief officer of said local government or any other executive agency to carry it out, the provisions of art. 252 para. 14 and art. 252 para. 15 of the Local Autonomy Act notwithstanding.

(Emergency measures at the prefectural level)

Art. 70. When a disaster has occurred involving the area of a prefecture or appears imminent, the governor of the prefecture shall, by law or under an appropriate area disaster prevention plan, implement promptly such emergency measures as fall under his purview. In such cases, the governor of the prefecture is also required to see that emergency measures at the level of cities, towns and villages within the area are carried out correctly and effectively.

2. When a disaster has occurred involving the area of a prefecture or appears imminent, the committee of the prefecture or its members shall, by law or under an appropriate area disaster prevention plan, implement such emergency measures as pertain to its business under the direction of the governor.

3. When it is deemed necessary in the interest of implementing emergency measures under para. 1 or of ensuring a correct and effective implementation of emergency measures at the city, town or village level within the area, the governor of the prefecture may request the implementation of emergency measures by the chief officer of a designated national or local administrative organ, or by any other executive agency of said prefecture, or by a designated national or local public corporation.

(Governor's orders to work in emergency measures)

Art. 71. When a disaster has occurred involving the area of a prefecture, the governor of the prefecture may, if deemed necessary in implementing emergency measures under art. 50 para. 1 (4) through (9), invoke the provisions of arts. 24 through 27 of the Disaster Relief Act (Act No. 118, 1947) and issue orders for work, cooperation or custody, so that he may administer, employ or requisition any establishment, land, house or materials, or cause his officials to enter and inspect any establishment, land, house of materials, or any place where such materials are held in custody, or to ask for a report from individuals who have been assigned the custody of such materials.

2. Part of the authority of the governor of a prefecture under the preceding paragraph may by ordinance be delegated to the mayor of the city or town or the head of the village concerned.

(Governor's orders)

Art. 72. When it is deemed specifically necessary in the interest of implementing correctly and effectively emergency measures at the city, town or village level in a prefecture, the governor of the prefecture may give necessary orders with respect to the implementation of emergency measures or with respect to support for mayors of other cities or towns or heads of other villages.

2. Those who engage in support under orders from the governor under the preceding paragraph shall

act under the direction of the mayor of the city or town or the head of a village receiving support insofar as the implementation of emergency measures is concerned.

(Execution of emergency measures on behalf of a prefectural governor)

Art. 73. In time of a disaster involving the area of a prefecture, when the city or town or village finds that it is unable to conduct its business or the bulk of it as a result of the disaster, the governor of the prefecture shall act on its behalf to implement, in whole or in part, such emergency measures as the mayor of the city or town or the head of the village shall carry out under art. 63 para. 1, art. 64 paras. 1 and 2, and art. 65 para. 1.

2. When the governor of a prefecture has begun or completed the conduct of business on behalf of the mayor of a city, or town or the head of a village under the provisions of the preceding paragraph, he shall make public this action.

3. Other necessary matters for the governor of a prefecture in acting on behalf of the mayor of a city or town or the head of a village under para. 1 shall be provided by ordinance.

(Request for support from another prefectural governor)

Art. 74. When the governor of a prefecture deems it necessary in time of a disaster involving the area of the prefecture, he may seek support from other prefectural governors, who in turn may not refuse support except for legitimate reasons.

2. Those engaged in support under the preceding paragraph shall act under the direction of the prefectural governor who has requested support, insofar as the implementation of emergency measures is concerned. As regards the police, they shall perform duties of the public safety commission of said prefecture under that commission's direction.

(Special cases of delegation of business in time of a disaster)

Art. 75. When it is deemed necessary in implementing emergency measures in time of a disaster involving the area of a prefecture, the governor of said prefecture may by ordinance delegate the business, or part of the business, under his purview to another prefectural governor so as to cause the latter to direct and execute said business, the provisions of art. 252-14 and art. 252-15 of the Local Government Law notwithstanding.

(Traffic restrictions in time of disaster)

Art. 76 When deemed urgently necessary by the prefectural public safety commission for accurate and smooth emergency disaster response measures because of a disaster that has occurred or is likely to occur within the prefecture or adjoining or nearby prefectures, the public safety commission may, by ordinance, designate sections of road (districts and sections of roads in the locale where the disaster has occurred or is likely to occur, and in nearby areas) as banned from or restricted to vehicular traffic other than emergency vehicles ("emergency automobiles" as defined in art. 39 para.1 of the Road Traffic Act [Act No. 105 of 1960] or other vehicles for which there is a particular need to assure passage in order for emergency disaster response measures to be implemented in an accurate and smooth manner and which are designated by government ordinance, and so in the next article and art. 76-3 as well).

2. In the event that vehicular traffic is banned or restricted as set forth in the preceding paragraph ("traffic ban(s)" for the remainder of this article, para. 1 and para. 2 of the next article, and art. 76-4), the prefectural public safety commission issuing the traffic ban and prefectural public safety commissions with jurisdictions adjoining or nearby the prefectural public safety commission that issued the traffic ban shall immediately take measures to inform parties within the territory of their prefectures of the areas and roadways for which the traffic ban is in effect ("traffic ban zone(s)" in the next paragraph and in art. 76-3) and any other necessary information.

Art. 76-2. When a traffic ban is in effect for a section of road, the drivers of vehicles subject to the traffic ban in that section of road shall quickly move said vehicles to a place outside of said section of road. In such cases, if it is difficult to quickly move said vehicles to places outside said section of road, drivers shall wherever possible park their vehicles along the left-hand side of the road or in some other such manner so as not to be an impediment to the passage of emergency vehicles.

2. When a traffic ban is in effect for an area, the drivers of vehicles subject to the traffic ban in that area shall quickly move said vehicles to a place outside of said area. In such cases, if it is difficult to quickly move said vehicles to places outside said area, drivers shall wherever possible park their vehicles along the left-hand side of the road or in some other such manner so as not to be an impediment to the passage of emergency vehicles.

3. The provisions of chap. 3 sec. 9, and art. 75 para. 8 of the Road Traffic Act shall not apply for parking under the provisions of para. 2 above.

4. Notwithstanding the provisions of para. 1 and para. 2 above, should the driver of a vehicle in a traffic ban zone receive instructions from a police officer, the driver shall move or park his car as instructed.

5. The bans and restrictions on vehicular traffic set forth in para. 1 of the preceding article shall not apply when moving or parking vehicles in accordance with the provisions of para. 1, para. 2, or para. 4 above.

Art. 76-3. Police officers may, when they deem it probable that vehicles or other property in traffic ban zones will impede the passage of emergency vehicles and thereby substantially hinder the implementation of emergency disaster response measures, order the occupant, owner, or manager of said vehicle or other property to move said vehicle or other property to a nearby place off of the road or to take other measures so as to ensure the smooth passage of emergency vehicles in the traffic ban zone.

2. In cases such as described in the preceding paragraph in which the party ordered to take the measures described in the preceding paragraph does not take said measures or the party to whom such an order would be issued is not present and cannot be ordered to take said measures, the police officer may take said measures himself. In such cases, the police office may, to the extent that is unavoidable in taking said measures, damage the vehicle or other property for which said measures are taken.

3. The provisions of para. 2 above shall apply to the execution of civil defense force duties by troops etc. dispatched for disaster relief provided that there is no police officer present. In such cases, the words "passage of self-defense force emergency vehicles (refers to emergency vehicles used by the self defense forces and being operated in order to implement emergency disaster response measures, and so throughout this paragraph)" shall be substituted for "passage of emergency vehicles," and the words "smooth passage of self defense force emergency vehicles" for "smooth passage of emergency vehicles" in para. 1 above.

4. The provisions of para. 1 and para. 2 shall apply to the execution of the duties of fire department personnel provided that there is no police office present. In such cases, the words "passage of fire department emergency vehicles (refers to emergency vehicles used by fire-fighting agencies and being operated in order to implement emergency disaster response measures, and so throughout this paragraph)" shall be substituted for "passage of emergency vehicles," and the words "smooth passage of fire department emergency vehicles" for "smooth passage of emergency vehicles" in para. 1 above.

5. The bans and restrictions on vehicular traffic set forth in art. 76 para. 1 and the provisions of para. 1, para. 2, and para. 4 of the preceding article shall not apply when taking measures ordered under the provisions of para. 1 above (including such cases as these provisions are applied in the previous two paragraphs) or when taking measures under the provisions of para. 2 above (including such cases as these provisions are applied in the previous two paragraphs).

6. Should self defense officers dispatched for disaster relief or fire department personnel issue orders

under the provisions of para. 3 or para. 4 above or take measures under the provisions of para. 2 above as applied to the situations set forth in para. 3 or para. 4 above, they shall immediately inform the chief of police with jurisdiction over the place in which said orders were issued or said measures taken thereof.

Art. 76-4. The national public safety commission may, when deemed particularly necessary for the accurate and smooth implementation of emergency disaster response measures, issue instructions to relevant prefectural public safety commissions regarding traffic bans as specified in government ordinances.

(Emergency measures by the chief officer of a designated administrative organ)

Art. 77. When a disaster has occurred or appears imminent, the chief officer of a designated administrative organ or of a designated local administrative organ is required, by law or under an appropriate disaster prevention plan, to implement promptly such emergency measures as pertain to business under his purview and to take necessary steps in the interest of a correct and effective implementation of emergency measures at the level of the prefecture, city, town or village.

2. In cases under the preceding paragraph, the chief officer of a designated national or local administrative organ may, if deemed necessary for implementing emergency measures, request or order the prefectural governor, the mayor of the city or town, or the head of the village, a designated national or local public corporation to implement emergency measures.

(Requisitioning by the chief officer of a designated administrative organ and others)

Art. 78. When in time of a disaster it is deemed especially necessary in the interest of implementing emergency measures pertaining to matters under art. 50 para. 1 (4) through (9), the chief officer of a designated national or local administrative organ may, under an appropriate operational disaster prevention plan, order the storage of materials necessary for emergency measures by individuals whose occupations are the production, collection, marking, storage or shipping of such materials; the administrative officers may also requisition such materials as are necessary for emergency measures.

2. When the chief officer of a designated national or local administrative organ deems it necessary in the course of ordering the storage of materials or requisitioning materials under the preceding paragraph, he may cause his officials to enter and inspect the place where said materials are stored or located.

3. The chief officer of a designated national or local administrative organ may, when deemed necessary, ask for a report from individuals who have materials in their custody under the preceding paragraph, or

cause his officials to enter and inspect the place where such materials are stored.

(Priority use of communication facilities)

Art. 79. When in time of a disaster it is particularly urgent to make necessary communications in implementing emergency measures, the chief officer of a designated national or local administrative organ, the prefectural governor, or the mayor of a city or town or the head of a village may, unless otherwise provided by law, use on a priority basis public electric communication facilities, or use facilities for electric communication or radio facilities installed by individuals under art. 3 para. 3 (3) of the Electric Communication Act.

(Emergency measures by designated public corporations and others)

Art. 80. When a disaster has occurred or appears imminent, a designated national or local public corporation shall by law or under an appropriate disaster prevention plan implement promptly emergency measures pertaining to business under its purview and shall take necessary steps in the interest of a correct and efficient implementation of emergency measures by the chief officer of a designated local administrative organ, a prefectural governor and others, or the mayor of a city or town or the head of a village and others.

2. When a designated national or local public corporation deems it particularly necessary in implementing emergency measures pertaining to business under its purview, it may by law or under an appropriate disaster prevention plan, ask for support from the officer of a designated national or local administrative organ, a prefectural governor, or the mayor of a city or town or the head of a village to ensure the availability of labor, establishments, equipment or materials. In such cases, the chief officer of the designated national or local administrative organ, the prefectural governor, or the mayor of the city or town or the head of the village whose support has been requested may not refuse support except for legitimate reasons.

(Serving of requisition orders)

Art. 81. When a prefectural governor, or the mayor of a city or town or the head of a village, or the chief officer of a designated national or local administrative organ wishes to take action under the provisions of art. 71 or art. 78 para. 1, he shall serve a requisition order before taking action.

2. The following matters shall be entered in a requisition order provided under the preceding paragraph:

(1)the name and address of the prospective recipient (for a corporation, its designation and the address

of its main office).

(2) legal provisions justifying such action.

(3) As to orders for work, the kind of activity to be engaged in, its location and duration; for orders of custody, the kind and amount of materials to be held in custody, the place of custody and duration; for administration, employment or requisition of establishments, the location of the establishment etc. to be administered, employed or requisitioned, and the duration of such action.

3. In addition to the provisions of the two preceding paragraphs, the form of requisition orders and other necessary matters concerning them shall be provided by ordinance.

(Compensation for loss, etc.)

Art. 82. When an action provided under art. 64 para. 1 (including such cases as these provisions apply to art. 64 para. 7) has been taken under the provision of art. 63 para. 2, art. 71, art. 76 para. 3 item 2 and all subsequent items (including cases in which these provisions apply to para. 3 and para. 4 of said article), or art. 78 para. 1, the central or local government concerned shall be responsible for compensation for any normal loss that may result from such action.

2. The governor of a prefecture is required, by standards to be set by ordinance, to compensate for actual costs incurred by persons who have engaged in work under an order for work in emergency measures under art. 71.

(Requirements with respect to entry)

Art. 83. When an official of prefecture, or a city or town, or a village makes an entry (into a place) under art. 71, or when a member of a designated national or local administrative organ makes an entry under art. 78 para. 2 or 3, the person shall notify the administrator of the place in advance.

2. In such case, the person shall bear a proof of identification, and shall present it at the request of parties concerned.

(Compensation for persons engaged in the work of emergency measures)

Art. 84. When the mayor or a city or town or the head of a village, or a police official or a maritime safety official or a self defense force member dispatched for disaster relief has, under art. 65 para. 1 (including such cases as these provisions apply to art 65 para. 3) or under art. 63 para. 2 as applied to art. 65 para. 2, caused residents of the area of the city, town or village concerned or persons on the

scene covered by an emergency measure to work in operations related to emergency measures, and when a person has died, been injured or become ill, or been crippled as a result of the work, the city, town or village shall, by its ordinance and according to standards set by its ordinance, compensate the person, his surviving family, or his dependents, for the loss sustained.

2. When a person who has engaged in the work of emergency measures by order of work under art. 71 has died, been injured, has become sick or disabled as a result, the prefecture shall, by its ordinance and by standards to be set by its ordinance, compensate the person concerned, his surviving family or his dependents for the loss sustained.

(Reduction and exemption of public assessments for disaster victims)

Art. 85. The State may, by other Act, allow reduction, exemption or deferment of national taxes and other assessments or take other necessary action for the benefit of disaster victims.

2. A local government may, by other Act or by its ordinance, allow disaster victims reduction, exemption or deferment of local taxes or other assessments imposed by local government, or take other necessary action.

(Special cases of loaning government property, etc.)

Art. 86. When the State, deeming it necessary in implementing emergency measures in time of a disaster, lends government property or other articles of government ownership, or allows them to be used, the consideration for the loan of property or the use of articles may, as specified by law, be made free of charge or fixed at a rate lower than the current rate.

2. When a local government, deeming it necessary in implementing emergency measures in time of a disaster, lends property or articles under its ownership, the consideration for the loan of property or the use of articles may, as specified by law, be gratuitous or fixed at a rate lower than the current rate.

Chapter VI Rehabilitation

(Responsibility for rehabilitation after a disaster)

Art. 87. The chief officer of a designated national or local administrative organ, the chief officer of a local government, any other executive agency, a designated national or local public corporation, and other parties responsible for the implementation of rehabilitation shall, by ordinance or under an appropriate disaster prevention plan, implement the work of rehabilitation after disaster.

(Fixing of rehabilitation expenses)

Art. 88. With respect to a rehabilitation program whose expenses are met by the Government, in part or in whole, or which is subsidized by the Government, the fixing of the amount which devolves upon the competent Minister shall be done appropriately and expeditiously on the basis of a report from the governor of the prefecture, data presented by other local governments, and results of on-site investigations.

2. In fixing the amount of expenses for a rehabilitation program under the preceding paragraph, the competent Minister shall exercise full care with respect to work pertaining to the creation or renovation of an establishment to be pursued concurrently with said rehabilitation program in the interest of preventing a recurrence of disaster.

(Report to the disaster prevention council)

Art. 89. When the competent Minister has fixed the amount of rehabilitation expenses, or when he has established standards for the implementation of a rehabilitation program, he shall by ordinance report a summary of his action to the Central Disaster Prevention Council.

(Early payment of Government's share of expenses or/and subsidies, etc.)

Art. 90. When the Government deems it necessary in the interest of an effective implementation of a rehabilitation program undertaken by a local government or its agency, the Government shall make an early delivery of tax transfer, and shall, by ordinance, make an early payment of its share of rehabilitation expenses or its subsidy, or finance required funds or intercede for advancing loans.

Chapter VII Financial Measures

(Financial responsibilities for disaster prevention, etc.)

Art. 91. Except as otherwise specified by ordinance or when a special action is undertaken within the limits of the budget, expenses for disaster prevention and emergency measures against disaster, and expenses for the implementation of this Act shall be borne by parties responsible for its implementation.

(Financial responsibilities for emergency action when other local governments have cooperated)

Art. 92. Any local government whose chief officer has received support from the chief officer of

another local government or its committee or any member of the committee under art. 67 para. 1, art. 68 para. 1, or art. 74 para. 1 (hereinafter referred to as "chief officer of a local government and others") shall be responsible for the expenses incurred by such support.

2. In case under the preceding paragraph, when the local government whose chief officer has received support is unable to defray the expenses incurred on time, it may ask the chief officer and others of the local government which has rendered support to advance the sum on a reimbursable basis.

(Prefecture assuming expenses for emergency measures taken at the city, town or village level)

Art. 93. Of the expenses, for emergency measures taken or for support rendered, incurred by the mayor of a city or town or the head of a village on instructions from the governor of the prefecture as provided by art. 72 para. 1, the portion which is deemed difficult or inappropriate to assess on the city, town or village under the chief officer who has received instructions for support and the city, town or village under the chief officer who has received the support, shall by ordinance, be borne, in whole or in part, by the prefecture concerned, exclusive of that part of the expenses which are to be charge against the State.

2. In cases under the preceding paragraph, the prefecture may ask the city, town or village concerned to advance the sum provided in said paragraph on a reimbursable basis.

(Government's share or subsidy toward expenses for emergency measures)

Art. 94. With respect to expenses for emergency measures pertaining to disaster prevention, the Government may, as specified by law or within the limits of its budget, bear a portion of said expenses or subsidize it.

Art. 95. In addition to the provisions under the preceding article, of the expenses incurred by the chief of a local government in implementing emergency measures on instructions either from the chairman of the headquarters for major disaster control under art. 28 para. 2 or from the chairman of the headquarters for emergency disaster control under art. 28-6 para. 2, any portion which is difficult or inappropriate to assess on that local government and which shall be provided by ordinance may, by ordinance, be subsidized, in whole or in part, by the Government.

(Government's share and subsidy for rehabilitation expenses)

Art. 96. With respect to expenses required for rehabilitation programs and other programs undertaken in relation to a disaster, the Government may, as specified by ordinance or within the limits of its budget, bear them, in whole or in part, or subsidize them.

(Sharing of expenses for emergency measures for a disaster of extreme severity rehabilitation)

Art. 97. In time of a disaster of extreme severity, the Government shall, as specified by law, take action so that emergency measures and rehabilitation efforts may proceed expeditiously and appropriately, and at the same time, shall, as specified by law, enforce policies in the interest of making equitable the burden of expenses on the local government etc. whose area has sustained the disaster and of arousing enthusiasm for rehabilitation.

Art. 98. With respect to the Act described in the preceding article, it should be avoided, insofar as practicable, to enact such a Act at the time of each disaster of extreme severity and the Act shall be so designed as to rationalize the system concerning assumption of the financial burden by the State consequent upon disaster, and serve efficiently to carry out measures against disasters of extreme severity described in the preceding article.

Art. 99. The Act provided under article 97 shall specify the matters listed below:

(1) standards by which special property assistance and auxiliary assistance against a disaster of extreme severity will be lent as a matter of policy.

(2) special financial support by the State to local government in the interest of an appropriate implementation of programs as well as rehabilitation programs as regards a disaster of extreme severity.

(3) special incentives for victims of a disaster of extreme severity.

(Financial measures by the State to deal with disaster damage)

Art. 100. In order to be able to deal with disaster damage without adversely affecting an efficient management of national finances, the Government shall strive to take necessary financial measures.

2. In order to achieve the objectives under the preceding paragraph, the Government shall exercise full care with respect to the appropriation of reserve funds, and action for bearing deficits in the Treasury (as the one under art. 15 para. 2 of the National Finances Act (Act No. 34, 1947)) and other measures.

(Local government disaster funds)

Art. 101. The local government shall, as specified by law, establish a disaster fund to meet emergency expenses for policy measures against disaster.

(Special cases of issuing bonds)

Art. 102. In the cases listed below, the local government may by ordinance issue local bonds as a financial resource exclusively for the year of the occurrence of a disaster as specified by ordinance, the provision of art. 5 of the Local Finances Act (Act No. 109, 1948) notwithstanding:

(1) in cases where there have been reductions and exemptions by a Ministry of Local Autonomy ordinance of local taxes, rents, fees and other collections, to cover a deficit in revenue in the amount considered commensurate with the degree and extent of damage wrought by said disaster.

(2) as a resource to cover that portion falling on the local government in the general account of expenses, as provided by a Ministry of Home Affairs ordinance, for prevention of disasters, emergency measures in time of a disaster, or rehabilitation after the disaster.

2. The Government shall, insofar as its financial situation will allow, accept local bonds provided in the preceding paragraph by a fund of the trust fund bureau or by reserves in the special account for postal life insurance and annuities (hereinafter referred to as "Government Funds").

3. When local bonds provided under para. 1 have been accepted with Government funds, the interest rate, method of redemption and other necessary matters shall be provided by ordinance.

(Measures for rehabilitation programs not subsidized by the State)

Art. 103. The State and the local government may, as specified by law, take special steps to contribute toward resources for expenses of rehabilitation programs, when the portion of expenses for rehabilitation involving a disaster of extreme severity is not met by Government subsidy and the resulting burden on the local government is deemed excessive.

(Loans for disaster)

Art. 104. When a disaster, as provided by ordinance, has occurred, banking facilities related to the Government and other banking facilities designated by ordinance shall provide special loans in connection with the disaster, and shall endeavor to extend the term of redemption or the period of deferment, convert old loans to new ones, and where necessary, lower interest rates and take other measures pertinent to the circumstances.

Chapter VIII State of Emergency

(Declaration of a state of emergency)

Art. 105. In time of an extraordinary disaster whose repercussions on the national economy and public welfare are serious and far-reaching, the Prime Minister may, when he deems it particularly necessary in the interest of enforcing emergency measures, declare a state of emergency involving the whole or part of the affected area, upon referring the matter to a Cabinet Conference.

2. Such a declaration provided under the preceding paragraph shall specify the area concerned, give a brief account of the situation warranting such action, and set the date and time when the declaration takes effect.

(Parliamentary concurrence and repeal of a declaration of a state of emergency)

Art. 106. When a state of emergency has been declared under the provisions of the preceding article, the Prime Minister shall put the matter before the Diet for its consent not later than twenty days from the date of declaration. However, when the Diet is in adjournment or the House of Representatives has been dissolved, he shall seek parliamentary consent at the earliest session of the Diet thereafter.

2. When there has been a resolution to refuse consent as provided under the preceding paragraph, or when the Diet has voted to repeal the declaration of a state of emergency, or when there is no longer the necessity for the declaration, the Prime Minister shall promptly revoke said declaration.

(Establishment of headquarters for emergency disaster control under a state of emergency)

Art. 107. When there has been declared a state of emergency under art. 105, the Prime Minister shall, if a headquarters for emergency disaster control has not already been established for said disaster, establish a headquarters for emergency disaster control with jurisdiction over the area covered by the declaration of a state of emergency under the provisions of art. 28-2.

Art. 108. (Deleted).

(Emergency measures)

Art. 109. In case of an urgent need to preserve the economic order of the nation and to ensure the public welfare when confronted with a situation of emergency as a result of disaster and when the Diet is in adjournment or the House of Representatives has been dissolved, and further, when the situation does not allow time to call the Diet in session or request an emergency session of the House of Counselors

for action, the Cabinet may enact an ordinance in order to take necessary steps on the matters listed below:

(1)rationing of materials of daily necessity in critical shortage; restriction or ban on their transfer or delivery.

(2)fixing a ceiling on prices of commodities, consideration for labor, fees for services in the interest of emergency measures, rehabilitation and a stable life for the citizens.

(3)deferment of monetary debts (exclusive of wages, compensation payments for disaster damage, payment of monetary debts involving labor relations, withdrawals from accounts in banks or backing facilities for such payment); extension of the duration of a creditor's rights.

2. An ordinance enacted under the preceding paragraph may provide that any person in violation of any provision of said ordinance shall be liable to imprisonment at hard labor for not more than two years or imprisonment of the same length without hard labor, or a fine of not more than one hundred thousand yen, detention, a police fine, or confiscation, or a combination of any two penalties; that when a representative of a corporation or individual, or any agent or other employee either of the corporation or the individual has acted in violation of any provision of said ordinance with respect to the business of the corporation or the individual, the representative, agent or other employee shall be punished, and in addition, a fine, a minor fine, or confiscation prescribed in this paragraph shall be imposed also on the corporation and the individual; and that where confiscation of goods cannot be enforced either in whole or in part, the monetary value of such items shall be additionally collected.

3. When an ordinance enacted under paragraph 1 is no longer required, the Cabinet shall immediately revoke it.

4. The Cabinet shall, upon enactment of an ordinance under paragraph 1, decide on the convocation of the Diet in extraordinary session or to seek an emergency session of the House of Counselors; it shall further take steps to enact a Act to replace said ordinance of such measures as taken under that ordinance are to be continued, and for other cases, it shall seek consent to the ordinance enacted.

5. Any ordinance enacted under paragraph 1, unless it has already been repealed or has expired, shall lapse, either with the implementation of a Act which may have been enacted at an extraordinary session of the Diet or at an emergency session of the House of Counselors to replace that ordinance, or with a decision which may have been taken at either session not to enact such a Act to replace said ordinance.

6. In addition to cases described in the preceding paragraph, an ordinance enacted under paragraph 1 shall, unless already repealed or unless it has expired, become null and void twenty days from the date

of opening of an extraordinary session of the Diet or of the termination of the extraordinary session, whichever is earlier, or ten days from the date of opening of an emergency session of the House of Counselors or of the termination of the emergency session, whichever is earlier.

7. When an ordinance has become null and void under the two preceding paragraphs, the Cabinet is required to make public this fact.

8. If penalties are provided for in an ordinance enacted under paragraph 1, application of penalties to acts committed while the ordinance remained in effect shall continue even after the ordinance has been repealed, or its effective period has ended or it has lost its effect under either paragraph 5 or paragraph 6.

Art. 109-2. When unable, during times of disaster, to quickly and smoothly accept assistance from other countries for the relief of disaster victims according to the Act, and the Diet is in adjournment or the House of Representatives has been dissolved, and further, when the situation does not allow time to call the Diet in session or request an emergency session of the House of Counselors for action, the Cabinet may enact an ordinance in order to take necessary steps to accept said assistance.

2. The provisions of paragraphs 3-7 of the preceding article shall apply to the preceding paragraph.

Chapter IX Miscellaneous

(Application of this Act to a special ward)

Art. 110. For purposes of application of this Act, a special ward shall be considered to be a city.

(Distinguished service awards in disaster prevention)

Art. 111. The competent Minister may, as decided by an ordinance of an appropriate Ministry, award a person who has been recognized as having distinguished himself by his services in the work of disaster prevention.

(Matters for an ordinance)

Art. 112. In addition to what is specified in this Act, procedures for the implementation of this Act or other necessary matters shall be provided by ordinance.

Chapter X Penal Provisions

(Penal provisions)

Art. 113. Any person falling under either one of the items below shall be liable to imprisonment at hard labor for not more than six months or a fine of not more than three hundred thousand yen:

(1) any person who has failed to comply with an order for work, an order of cooperation or of custody issued by the governor of a prefecture (including the mayor of a city or town or the head of a village to whom authority has been delegated under art. 71 para. 2) under the provision of art. 71 para. 1.

(2) any person who has failed to comply with an order of custody issued by the chief officer of a designated national or local administrative organ (including an official to whom authority has been delegated under art. 27 para. 1 or art. 28-5 para. 1) under the provision of art. 78 para. 1.

Art. 114. A driver of a vehicle who has failed to comply with a restriction or ban placed by a prefectural public safety commission under the provisions of art. 76 shall be liable to imprisonment at hard labor for not more than three months or a fine of not more than two hundred thousand yen.

Art. 115. Any person falling under either of the following items shall be liable to a fine of not more than two hundred thousand yen.

(1) any person who has refused, hindered or avoided an entry and inspection under art. 71 para. 1 (including cases where there was delegation of authority under para. 2 of said article; to be applicable hereunder in this article), art. 78 para. 2 (including cases of delegated authority under art. 27 para. 1 - also cases where the same paragraph is applied, as appropriate, to art. 108 para. 4), or art. 78 para. 3 (including cases of delegated authority under art. 27 para. 1 or art. 28-5 para. 1, to be applicable hereunder in this article).

(2) any person who has failed to make a report or has made a false report under the provision of art. 71 para. 1 or art. 78 para. 3.

Art. 116. Any person who falls under either of the two items below shall be liable to a fine of not more than one hundred thousand yen or detention:

(1) any person who has employed signals related to disaster prevention as provided by an ordinance of the Office of the Prime Minister under art. 52 para. 1 for other than legitimate purposes, or has employed similar signals.

(2)any person who has failed to comply with a ban, restriction or order for departure enforced by the mayor of a city or town or the head of a village under art. 63 para. 1 (including a prefectural governor acting on behalf of the mayor of a city or town or the head of a village under art. 73 para.. 1), or by the police maritime safety officials under art. 63 para. 2 or by members of self defense troops dispatched for disaster relief under the provisions of art. 63 para. 1 as applied to art. 63 para. 3.

Art. 117. When a representative of a corporation or individual, or any agent or other employee either of the corporation or the individual has acted in violation of any provision of article 113 or 115 as regards the business of the corporation or individual, the representative, agent or other employee shall be punished, and in addition, the corporation and the individual shall be liable to a fine under this article.

Supplementary Rule: This Act shall be implemented on a date to be fixed by ordinance, within a year from the day of its promulgation.

(Implemented on July 10, 1962, by ordinance no. 287, 1962)