

LANDSLIDE PREVENTION LAW

(31 March 1958, Law No.30)

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Chapter I General Provisions

(Purpose)

Article 1 Purpose of this Law is to prevent landslide and collapse of slagheap, with an aim to eliminate or mitigate the disaster caused by landslide and collapse of slagheap, and thereby to contribute to land conservation and stabilization of people's life.

(Definition)

Article 2 The term "landslide" in this Law shall mean such phenomena that a part of land may slide due to groundwater etc. or may move following the slide.

2 The term "slagheap" in this Law shall mean a hill which has been formed by illuviation of rubbles of coal or lignite, existing on the day of enforcement of this Law, except for the one for which holder of mining industry right or person deemed to be holder of the said right shall be responsible for the necessary measures subject to the provisions of Article 4 or Article 26 of Mining Security Law (1949, Law No.70).

3 The term "facilities for landslide prevention" in this Law shall mean drainage facilities, retaining wall, dam and other facilities for prevention of landslide within such landslide-threatened area as may be designated subject to the provision of the next Article.

4 The term "landslide prevention works" in this Law shall mean construction or improvement of facilities for landslide prevention or other works for landslide prevention within such landslide-threatened area as may be designated subject to the provision of the next Article.

(Designation of Landslide-threatened Areas)

Article 3 The Competent Minister may, when he/she deems it necessary to attain the purpose of this Law, designate, considering opinions from the prefectural governor concerned, a landslide area (that is, an area where landslide is occurring or is having high potentiality of landslide occurrence; hereinafter the same) and a part of its adjacent area where slide of the landslide area may be furthered or caused or may have high potentiality of furtherance or

causing thereof (hereinafter referred to as “landslide area” comprehensively) with close reference to public interests, as landslide-threatened area.

2 The designation subject to the preceding Paragraph shall be of the minimum necessity to attain the purpose of this Law.

3 The Competent Minister shall, when he/she makes designation subject to the provision of Paragraph 1, give public notice on the said landslide-threatened area and notify prefectural governor concerned to that effect, as may be provided for in Competent Ministry Ordinance. The same shall apply in case of its abolishment.

4 Designation and abolishment of landslide-threatened area shall come into force by the publication subject to the provision of the preceding Paragraph.

(Designation of Slagheap Collapse-threatened Area)

Article 4 The Competent Minister may, when he/she deems it necessary to attain the purpose of this Law, designate, considering opinions from prefectural governor concerned an area where slagheap exists with close reference to public interests, as slagheap collapse-threatened area.

2 The provisions of the preceding Article Paragraph 2 through 4 shall apply mutatis mutandis to the designation subject to the provision of the preceding Paragraph. In this case, “the said landslide-threatened area” in the provision of the preceding Article Paragraph 3 shall read “the said slagheap collapse-threatened area”, and “landslide-threatened area” in the provision of the preceding Article Paragraph 4 shall read “slagheap collapse-threatened area”.

(Investigations)

Article 5 Designation subject to the provision of Article 3 Paragraph 1 shall be made on field investigations, according to the necessity, of topography, geology, precipitation, surface water or groundwater or sliding situations of land in the said landslide area.

(Entry into Lands for Investigations)

Article 6 The Competent Minister as well as his/her appointee or entrustee may, in case of inevitable necessity for investigations subject to the provision of the preceding Article, enter a land occupied by another person, or make temporary use of another person’s land, wherein no specific use purpose exists, as material depository or work site.

2 Any person who intends to enter a land occupied by another person subject to the provision of the preceding Paragraph shall notify thereon beforehand to the occupant of the

said land, unless it is difficult to notify beforehand.

3 Any person who intends to enter a land of building site or a land enclosed by hedge, fence or other structures in another person's occupation according to the provision of the preceding paragraph shall, beforehand on entering, inform thereon to the possessor of the said land.

4 No entry shall be made into such land as stipulated in the provision of Paragraph 1 before sunrise and after sunset, except in case consent of the occupant has been obtained.

5 Any person who intends to enter a land occupied by another person stipulated in the provision of Paragraph 1 shall bear his/her identification card, and shall show it on request of the party concerned.

6 Any person who intends to make temporary use of another person's land, wherein no specific use purpose exists, for material depository or work site stipulated in the provision of Paragraph 1 shall notify thereon to the occupant and owner of the said land beforehand, and hear their opinions.

7 The occupant or owner of the land shall not refuse or obstruct the entry or temporary use subject to the provision of Paragraph 1, unless he/she has justifiable reason.

8 In case a person suffers a loss owing to the entry or temporary use subject to the provision of Paragraph 1, the State shall compensate him/her for the loss which may ordinarily be incurred.

9 The State and the person who has incurred loss shall hold consultation on the compensation subject to the provision of the preceding Paragraph.

10 In the case no agreement has been reached by consultation subject to the provision of the preceding Paragraph, the State shall render an amount of money by its own estimation to the person who has incurred loss. In this case, any person dissatisfied with the amount of money may apply for ruling to the expropriation committee, within 30 days from the day of rendering, subject to the provision of Article 94 Paragraph 2 of the Expropriation Law (1951, Law No.219), as may be provided for in Government Ordinance.

11 The form of the identification card subject to the provision of Paragraph 5 and other necessary matters on certificate shall be provided for in Competent Ministry Ordinance.

Chapter II Management Concerning Landslide-threatened Area

(Management of Landslide-threatened Area)

Article 7 Management of landslide-threatened area such as execution of landslide prevention works shall be done by prefectural governor having jurisdiction over the prefecture where the said landslide-threatened area exists.

(Installation of Sign)

Article 8 Prefectural governor shall, when he/she has been notified on designation of landslide-threatened area subject to the provision of Article 3 Paragraph 3, install a sign to indicate thereon in the said land-slide-threatened area, as may be provided for in Competent Ministry Ordinance.

(Basic Plan of Landslide Prevention Works)

Article 9 Prefectural governor shall, when he/she has been notified on designation of landslide-threatened area subject to the provision of Article 3 Paragraph 3, make a basic plan concerning landslide prevention works for the said landslide-threatened area, considering opinions from cities, towns and villages concerned, as may be provided for in Competent Ministry Ordinance, and submit it to the Competent Minister. The same shall apply in the case of its alteration.

(Direct Works by the Competent Minister)

Article 10 In case where the Competent Minister finds landslide prevention works particularly important for the conservation of land in any cases listed below, he/she may execute the said landslide prevention works on behalf of prefectural governor; provided, however, the Competent Minister shall consider opinions from prefectural governor beforehand.

- (1) In case the scale of landslide prevention works may be particularly large.
- (2) In case the landslide prevention works may require high technology.
- (3) In case the landslide prevention works may need to be executed using high capability of machinery.
- (4) In case the landslide prevention works may extend over the boundary of prefectures.

2 The Competent Minister shall, when he/she executes landslide prevention works subject to the provision of the preceding Paragraph, exercise the powers on behalf of prefectural governor, as may be provided for in Government Ordinance.

3 The Competent Minister shall, when he/she executes landslide prevention works subject to Paragraph 1, give public notice, as may be provided for in Competent Ministry Ordinance.

(Works to be Executed by a Person Other Than the Competent Minister or Prefectural Governor)

Article 11 In case where a person other than the Competent Minister or prefectural governor intends to execute landslide prevention works, he/she shall obtain the approval of prefectural governor on design and implementation plan beforehand.

2 With regards to the State or local public bodies, the demand under the provision of the preceding Paragraph shall suffice to effect it with consultation with prefectural governor on design and implementation plan concerning landslide prevention works.

3 Prefectural governor may impose conditions necessary for prevention of landslide to the approval subject to the provision of Paragraph 1.

(Criteria of Construction etc.)

Article 12 The sorts, arrangements, structures and scales of facilities for landslide prevention and the relocation of stream, removal of landslide block and other works for landslide prevention must be efficient and appropriate according to the cause, mechanism and scale of landslide in the said landslide-threatened area.

2 Facilities for landslide prevention must be constructed in observance of the Items listed below.

(1) Drainage facilities must be capable of removing the surface water and groundwater to be the cause of landslide swiftly from the landslide-threatened area, as stipulated below.

(a) As for removal of surface water, open drain, box culvert, conduit, conduit tube or drainage tunnel must be used.

(b) As for removal of groundwater, conduit, borehole for drainage, drainage tunnel, drainage well, underground cutoff wall, open drain, culvert or conduit tube must be used.

(2) Retaining wall, pile and earth retaining must be of safe structure against landslide pressure.

(3) Dam, groundsill, revetment, training dike and spur dike must particularly be fit for the scale of landslide and for the prevention of erosion by flowing water.

(Execution of Works as Joint Use Structure)

Article 13 Prefectural governor may, in case where facilities for land-slide prevention under his/her jurisdiction have joint utility with sabo facilities stipulated in the provision of Article 1 of the Sabo Law (1897, Law No.29), facilities of prevention project stipulated in the provision of Article 41 Paragraph 3 of the Forest Law (1951, Law No.249), irrigation and drainage facilities and other facilities or structures (hereinafter referred to as "other structure" comprehensively) upon consultation with administrator of the said other structure, let the

administrator execute the works concerning the said facilities for landslide prevention or to maintain the said facilities for landslide prevention.

(Execution of Works by Person Who Has Necessitated Such Works)

Article 14 Prefectural governor may, with regards to works other than landslide prevention works under his/her jurisdiction (hereinafter referred to as "other works") or landslide prevention works which may be obliged him/her to execute through other act having necessitated landslide prevention works (hereinafter referred to as "other act"), order such works to be executed by the undertaker of the other works or the person who performed the other act.

2 In case where the other works come under river works (that is, the river works in a river to which the River Law (1964, Law No.167) may be applied or applied mutatis mutandis; hereinafter the same) or works concerning road (that is, the road which may be stipulated in Road Law (1952, Law No.180); hereinafter the same) under the provision of the preceding Paragraph, Article 19 of the River Law or Article 23 Paragraph 1 of the Road Law shall be applied to the said landslide prevention works.

(Execution of Appurtenant Works)

Article 15 Prefectural governor may, with regards to other works necessitated by landslide prevention works or other works necessitated for execution of landslide prevention works, execute such works together with the said landslide prevention works.

2 In the case where the other works come under river works, works concerning road or sabo works (that is, the sabo works under Sabo Law; hereinafter the same) subject to the provision of preceding Paragraph, Article 18 of the River Law, Article 22 Paragraph 1 of the Road Law or Article 8 of the Sabo Law shall be applied.

(Entry into Lands)

Article 16 Prefectural governor as well as his/her official appointed or his/her trustee may, insofar as inevitably necessary for investigations or survey of landslide-threatened area, or for landslide prevention works, enter a land occupied by another person, or make temporary use of another person's land, wherein no specific use purpose exists, as material depository or work site.

2 Article 6 Paragraph 2 through 11 shall be applied mutatis mutandis in the case of entry into the land occupied by another person or temporary use of another person's land. In this case, "the State" in the provisions of Paragraph 8 through 10 of the same Article shall read "prefecture under the jurisdiction of prefectural governor".

(Compensation for Loss Caused by Landslide Prevention Works)

Article 17 Except in the case to which the provision of Article 93 Paragraph 1 of the Land Expropriation Law (1951, Law No.219) applies, when it is deemed inevitably necessary, as a result that prefectural governor has executed landslide prevention works, to build, extend, repair or move a pathway, ditch, fence, palisade or some other facility or structure, or to execute banking or cutting on the land, prefecture under the jurisdiction of the said prefecture shall pay in compensation the whole or a part of the expenses for such works, on the request of the person for whom execution of the works are necessary (hereinafter in this Article referred to as “person who has incurred loss”). In this case, prefecture under the jurisdiction of the said prefectural governor or the person who has incurred loss may request that prefectural governor execute the said works as substitute for the whole or a part or the compensational money.

2 The compensation for the loss subject to the provision of the preceding Paragraph may not be demanded after one year has elapsed from the day of completion of the said landslide prevention works.

3 With regards to the compensation subject to the provision of Paragraph 1, prefecture under the jurisdiction of the said prefectural governor and the person who has incurred loss shall hold consultation on it.

4 In case where no agreement has been reached by consultation subject to the provision of the preceding Paragraph, prefecture under the jurisdiction of the said prefectural governor or the person who has incurred loss may apply to the expropriation committee for a decision subject to the provision of Article 94 of the Expropriation Law, as may be provided for in Government Ordinance.

(Restrictions of Acts)

Article 18 Any person who intends to perform one of the acts listed below in landslide-threatened area shall obtain the permission of prefectural governor.

- (1) Acts which increase groundwater by inducing or stagnating groundwater, acts which obstruct the function of drainage facilities of groundwater or other acts which obstruct the drainage of groundwater (except for minor acts as may be provided for in Government Ordinance)
- (2) Acts which let surface water flow or stagnate or other acts which enhance the infiltration of surface water (except for minor acts as may be provided for in Government Ordinance)
- (3) Slope cutting or earth cutting as may be provided for in Government Ordinance
- (4) Construction or improvement of reservoir, irrigation or drainage canal or other facilities or structures other than the facilities for landslide prevention, as may be provided for in Government Ordinance (hereinafter referred to as “other facilities”)

(5) Other acts, besides the preceding Items, which obstruct landslide prevention, or foster or induce landslide, as may be provided for in Government Ordinance

2 Prefectural governor may not issue the permission, in case a demand for permission has been submitted and he/she deems the act relevant to the demand for permission to be substantially obstructing landslide prevention or to be substantially fostering landslide.

3 Prefectural governor may attach conditions necessary for prevention of landslide to the permission subject to the provision of Paragraph 1.

(Transitory Measures)

Article 19 Any person who, on the basis of his/her competency, has constructed other facilities (including the case under construction) on the day of designation of landslide-threatened area subject to the provision of Article 3 in the said landslide-threatened area shall be deemed to have obtained the permission subject to the provision of the preceding Article Paragraph 1 on the same condition as before. The same shall apply to a person who, on the basis of his/her competency, is doing an act coming under any of the provisions of the preceding Article Paragraph 1, Items 1, 2, 3 and 5 on the day of designation of landslide-threatened area subject to the provision of Article 3 in the said landslide-threatened area.

(Exceptions of Permission)

Article 20 Any person who has obtained the permission subject to the provisions of Article 34 Paragraph 2 of the Forest Law (including the case to be applied mutatis mutandis in the provision of Article 44 of the same Law) or the permission of Article 4 of the Sabo Law (including the case to be applied mutatis mutandis in the same Law) need not obtain the permission subject to the provision of Article 18 Paragraph 1 with regards to the act relevant to the said permission.

2 The State or any local public body shall, on intending to perform the act stipulated in any one of Items of Article 18 Paragraph 1, suffice to effect it with prior consultation to prefectural governor.

(Supervisory Measures and Compensation for Loss)

Article 21 Prefectural governor may annul the permission or change conditions thereof, or order the person who comes under any of the Items listed below to discontinue the act, to reconstruct, relocate or remove other facilities, to construct facilities necessary for prevention of landslide or to restore the original state.

(1) Person who has violated the provision of Article 18 Paragraph 1

(2) Person who does not meet the conditions attached to the permission subject to the

provision of Article 18 Paragraph 1

(3) Person who has obtained the permission subject to the provision of Article 18 Paragraph 1 by fraud or some other illegal means

2 In any of the following cases, prefectural governor may take any measures prescribed in the preceding Paragraph or order the necessary measures prescribed in the same Paragraph against the person who has obtained the permission subject to the provision of Article 18 Paragraph 1.

(1) In case inevitable necessity has emerged for landslide prevention works.

(2) In case considerable hindrance has emerged from landslide prevention viewpoint.

(3) In case inevitable necessity has emerged from a reason of public interest other than the reason of landslide prevention viewpoint.

3 Prefecture under the jurisdiction of prefectural governor shall compensate the person who has incurred such loss as would ordinarily arise by the measures or orders subject to the provision of the preceding Paragraph.

4 Provisions of Article 6 Paragraph 9 and 10 shall apply mutatis mutandis to the compensation subject to the provision of the preceding Paragraph. In this case, "the State" in the provisions of the same Article Paragraphs 9 and 10 shall read "prefecture under the jurisdiction of prefectural governor".

5 In case where loss to be compensated subject to the provision of Paragraph 3 is due to the measures or orders subject to the provision of Item (3) of Paragraph 2, prefecture under the jurisdiction of prefectural governor may make the person who has brought about the cause for compensation pay the said compensational money.

(Supervision Concerning Facilities for Landslide Prevention Managed by the Person Other Than Prefectural Governor)

Article 22 Prefectural governor may, when he/she deems it necessary for execution of his/her duty, request the manager of facilities for landslide prevention other than prefectural governor to submit reports or materials, or make his/her officials enter and inspect the said facilities for landslide prevention.

2 Person who enters and inspects subject to the provision of the preceding Paragraph shall bear his/her identification card, and shall show it on request of the party concerned.

3 The power of entry and inspection subject to the provision of Paragraph 1 shall not be construed as meaning the power vested for criminal investigation.

4 The form of identification card subject to Paragraph 2 and other necessary matters on certificate shall be provided for in Competent Ministry Ordinance.

(Order of Measures)

Article 23 In case where facilities for landslide prevention managed by any person other than prefectural governor and where the said facilities for landslide prevention come under any of the Items listed below, prefectural governor may order the manager to take measures of improvement, repair or other measures necessary for management of the said facilities for landslide prevention.

- (1) When the works have been executed in violation of the provision of Article 11 Paragraph 1.
- (2) When the works have been executed in violation of the conditions attached to the approval subject to the provision of Article 11 Paragraph 1.
- (3) When the works have been executed under the approval subject to the provision of Article 11 Paragraph 1 through fraud or other illegal means.

2 Prefectural governor may, when he/she deems that facilities managed by a person other than prefectural governor have become out of conformity to the provision of Article 12 and that there may be considerable hindrance from landslide prevention viewpoint, order the manager to take measures stipulated in the provision of the preceding Paragraph, even if the said facilities for landslide prevention may not come under any of Items stipulated in the provision of preceding Paragraph.

3 Prefecture under the jurisdiction of prefectural governor shall compensate the person who has incurred such loss as may ordinarily arise due to the order subject to the provision of the preceding Paragraph.

4 Provisions of Article 6 Paragraphs 9 and 10 shall apply mutatis mutandis to compensation subject to the provision of the preceding Paragraph. In this case, "the State" in the provisions of the same Article Paragraphs 9 and 10 shall read "prefecture under the jurisdiction of prefectural governor".

5 The preceding three Paragraphs shall not apply to the facilities for landslide prevention managed by the State or local public bodies.

(Related Project Plan)

Article 24 Prefectural governor may, when he/she deems it necessary for elimination or mitigation of damages by landslide, taking the basic plan concerning landslide prevention into consideration, draw an outline of plan prescribing the matters listed below, as may be provided in Competent Ministry Ordinance (hereinafter referred to as "related project plan"), then show it to the heads of cities, towns and villages, and recommend them to draw related

project plans in the said cities, towns and villages.

- (1) Matters concerning relocation or removal of building or other facility or structure, or construction of building or other facility or structure substituting for building or other facility or structure to be removed
- (2) Matters concerning arrangement or conservation of farmland
- (3) Matters concerning arrangement of farm road, irrigation and drainage facilities or reservoir
- (4) Matters listed above which may be necessary out of the landslide-threatened area in direct connection with the matters listed in the preceding three Items

2 The heads of cities, towns and villages shall, when they intend to draw related project plans in compliance to the recommendation subject to the provision of the preceding Paragraph, consider opinions from interested parties or bodies consisted of them on the matters of the said plans beforehand. The same shall apply in the case of their alteration.

3 In the case provided in the first part of the preceding Paragraph, the heads of cities, towns and villages shall consult with prefectural governor beforehand. The same shall apply in the case of alteration.

4 The heads of cities, towns and villages shall, when they have drawn or altered the related project plans, make them public, as may be provided in Competent Ministry Ordinance.

(Instruction of Evacuation)

Article 25 Prefectural governor or his/her appointed official may, when considerable danger due to landslide is deemed to be impending, instruct residents within an area as large as he/she deems necessary to evacuate for refuge. In this case, prefectural governor or his/her appointed official shall immediately notice it to the chief of police station who has jurisdiction over the said area.

(Register of Landslide-threatened Area)

Article 26 Prefectural governor shall prepare the register of landslide-threatened area, and shall keep it.

2 Prefectural governor shall not, when he/she receives a request for perusal of the register of landslide-threatened area, refuse it unless there is justifiable reason.

3 The items to be entered in the register of landslide-threatened area and other necessary matters concerning preparation and custody thereof shall be provided for in Competent Ministry Ordinance.

Chapter III Expenses Concerning Landslide-threatened Area

(Cost Sharing Principle for Management of Landslide-threatened Area)

Article 27 The expenses necessary for the management of landslide-threatened area, such as execution of landslide prevention works and installation of sign, shall be borne by prefecture under the jurisdiction of prefectural governor who manages the said landslide-threatened area, unless otherwise provided for in this Law or any other laws.

(Cost Sharing for Direct Works by the Competent Minister)

Article 28 The expenses necessary for execution of landslide prevention works by the Competent Minister subject to the provision of Article 10 Paragraph 1, insofar as may be executed in a mountain stream (including its direct downstream in mountainous area; hereinafter the same) or with an aim to prevent direct discharge of sediment into mountain stream together with the former, shall be borne by the State for two thirds and by prefecture for one third.

2 The expenses necessary for execution of landslide prevention works by the Competent Minister subject to the provision of Article 10 Paragraph 1, other than the ones stipulated in the preceding Paragraph, shall be borne by the State and prefecture each for half.

3 In the cases provided for in the preceding two Paragraphs, when other prefecture may be considerably benefited by the said landslide prevention works, the Competent Minister may make the other prefecture benefited considerably bear a part of expenses to be borne by the prefecture under the jurisdiction of prefectural governor who manages the said landslide-threatened area, within the limit of the benefit to be gained, as may be provided for in Government Ordinance.

4 The Competent Minister shall, when he/she intends to make the other prefecture benefited considerably bear a part of expenses, consider opinions from the said prefecture beforehand.

(Cost Sharing of Landslide Prevention Works Executed by Prefectural Governor)

Article 29 The State shall bear the half of the expenses necessary for landslide prevention works executed by prefectural governor. However, the cost sharing of the State shall be two thirds for the landslide prevention works executed in a mountain stream and with an aim to prevent direct discharge of sediment into mountain stream together with the former, insofar as they may come under emergency landslide disaster prevention works which may be executed to meet with dangerous situation of collapse etc. by a disaster, and 5.5/10 for the landslide prevention works executed to prevent recurrent disaster and falling out of emergency landslide disaster prevention works which may be executed to meet with

dangerous situation of collapse etc. by disaster.

(Cost Sharing of Benefited Prefecture)

Article 30 In case where the other prefecture may benefit considerably by landslide prevention works executed by prefectural governor, the said prefectural governor may, consulting with governor of the other prefecture, make the other prefecture benefited considerably bear a part of expenses to be borne by the prefecture under the jurisdiction of the said prefectural governor, within the limit of the benefit to be gained, as may be provided for in Government Ordinance.

(Cost Sharing of Cities, Towns and Villages)

Article 31 With regards to the expenses which prefecture may bear subject to the provisions of the preceding four Articles, insofar as its landslide prevention works or its maintenance of facilities for landslide prevention may contribute to the benefits of cities, towns or villages within a boundary of the said prefecture, the prefecture may, with-in the limit of the benefit to be gained by the said works or maintenance, make the said cities, towns and villages bear a part of expenses necessary for the works or maintenance.

2 The amount of expenses to be shared by cities, towns and villages subject to the provision of the preceding Paragraph, concerning expenses subject to the provision of the same Paragraph shall, after considering opinions from the said cities, towns and villages, be fixed asking for the decision of the general assembly of the said prefecture.

(Payment of Shares)

Article 32 In case where the Competent Minister executes landslide prevention works, the works shall be executed with expenditure of total amount of expenses from the national budget; and then, prefecture under the jurisdiction of prefectural governor who manages the said landslide-threatened area, as well as the other prefecture which shall bear the shares, shall pay the shares subject to the provisions of Article 28 Paragraph 1 or 2 into the National Treasury, as may be provided for in Government Ordinance.

(Expenses for Joint Use Structure)

Article 33 In case where facilities for landslide prevention managed by prefectural governor have joint utility with other structure, shares of expenses necessary for management of the said facilities for landslide prevention shall be fixed by consultation between the said prefectural governor and the manager of the said other structure.

(Cost Sharing by a Person Necessitating Works)

Article 34 With regards to the expenses of landslide prevention works necessitated for him-/herself by other works or other act, prefectural governor shall make the person bearing

expenses of other works or other act bear the whole or a part the expenses, within the limit of the expenses necessitated.

2 In the case stipulated in the provision of the preceding Paragraph, where the other works come under river works or works concerning road, Article 68 of the River Law or Article 59 Paragraphs 1 and 3 of the Road Law shall be applied to the said expenses of landslide prevention works.

(Expenses for Appurtenant Works)

Article 35 With regards to expenses of other works necessitated by the landslide prevention works which prefectural governor executes, or of other works necessitated for his/her execution of the landslide prevention works, prefecture under the jurisdiction of the said prefectural governor shall, within the limit of amount to be expended for the works necessitated, bear the whole or a part of the expenses, except for the case where there are special conditions attached to the permission subject to the provision of Article 18 Paragraph 1 and the case where consultation subject to the provision of Article 20 Paragraph 2 may be held.

2 In the case stipulated in the provision of the preceding Paragraph, where the other works come under river works, works concerning road or sabo works, Article 67 of the River Law, Article 58 Paragraph 1 of the Road Law or Article 16 of the Sabo Law shall be applied to the other works.

3 In case where the landslide prevention works stipulated in the provision of Paragraph 1 have been necessitated for the other works or the other act, prefectural governor may, within the limit of amount to be expended for the works necessitated, make the person bearing expenses of other works or other act to have become the cause bear the whole or a part of the expenses necessary for the other works subject to the provision of Paragraph 1.

(Cost Sharing by Beneficiaries)

Article 36 Prefectural governor may, in case where any person may be considerably benefited by landslide prevention works of his/her execution, make the person bear a part of expenses of the said works, within the limit of the benefit to be gained.

2 The scope of persons from whom the shares may be collected and the means of collecting the shares in the case stipulated in the preceding Paragraph shall be fixed by bylaw of prefecture under the jurisdiction of the said prefectural governor.

(Notification of Amounts of Shares and Payment Procedure)

Article 37 Necessary matters concerning shares subject to the preceding three Articles,

including notification of amounts of the shares and procedure for their payment, shall be fixed in Government Ordinance.

(Compulsory Collection)

Article 38 In case a person fails to pay the shares subject to the pro-visions of Article 33, Article 34 Paragraph 1, Article 35 Paragraph 3 and Article 36 Paragraph 1 (hereinafter referred to as “shares” comprehensively), prefectural governor shall urge the payment by a letter of reminder designating the time limit to be paid.

2 Prefectural governor may, in the case stipulated in the preceding Paragraph, collect fee on arrears as may be provided for in Competent Ministry Ordinance; however, the fee on arrears shall be fixed so as not to exceed the limit of amount calculated by the multiplier rate of 14.5 per cent per year.

3 In case a person who received the urging notification subject to the provision of Paragraph 1 fails to pay the amount of money to be obliged by the date of time limit designated, prefectural governor may collect the shares and the fee on arrears subject to the provisions of the preceding two Paragraphs, following the examples of recovering national taxes. In this case, the order of preferential right for the recovery of shares and fee on arrears shall be next to the national taxes and local taxes.

4 The fee on arrears shall be preferential to the shares.

5 The right to collect shares and fee on arrears shall lapse by prescription, if not exercised for five years.

(Vesting of Income)

Article 39 Shares and fee on arrears subject to the provision of the preceding Article Paragraph 2 shall be vested in prefecture under the jurisdiction of the said prefectural governor.

(Expenses to Perform Obligations)

Article 40 The expenses necessary for performing the obligations pursuant to this Law or dispositions subject to this Law shall be borne by the said obligee, unless otherwise provided for in this Law.

Chapter IV Management Concerning Slagheap Collapse-threatened Area etc.

(Management of Slagheap Collapse-threatened Area)

Article 41 Management of slagheap collapse-threatened area, such as execution of slagheap collapse prevention works, shall be done by prefectural governor having jurisdiction over the prefecture where the said slagheap collapse-threatened area exists.

(Restrictions of Acts)

Article 42 Any person who intends to perform one of the acts listed below in slagheap collapse-threatened area shall obtain the permission of prefectural governor.

- (1) Deforestation of stumpage (except for thinning, selective cutting and other minor acts as may be provided for in Government Ordinance) or extraction of tree roots
- (2) Carrying-out of timbers by slip or drag
- (3) Slope cutting or earth cutting
- (4) Extraction or accumulation of earth and stone
- (5) Excavation or mining of coal or other minerals, which may be detrimental to slagheap collapse prevention or foster or induce slagheap collapse
- (6) Other acts, besides the preceding Items, which may be obstructive to slagheap collapse prevention, or foster or induce slagheap collapse, as may be provided for in Government Ordinance

2 The provisions of Article 18 Paragraphs 2 and 3 shall be applied mutatis mutandis to the permission subject to the provision of the preceding Paragraph. In this case, the term "landslide" in the provision of the same Article Paragraphs 2 and 3 shall read "slagheap collapse".

(Transitory Measures)

Article 43 Any person who, on the basis of his/her competency, is doing such acts as stipulated in any Item of the preceding Article Paragraph 1 on the day of designation of slagheap collapse-threatened area shall be deemed to have obtained the permission subject to the provision of the same Article Paragraph 1 on the same condition as before.

(Cost Sharing Principle for Management of Slagheap Collapse-threatened Area)

Article 44 The expenses necessary for the management of slagheap collapse-threatened area, such as execution of slagheap collapse prevention works, shall be borne by prefecture under the jurisdiction of prefectural governor who manages the said slagheap collapse-threatened area, unless otherwise provided for in this Law or any other laws.

(Application Mutatis Mutandis)

Article 45 The provisions of Article 8, Articles 13 through 17, Article 20, Article 21, Article

26, Articles 29 through 31 and Articles 33 through 40 shall apply mutatis mutandis to management and expenses concerning slagheap collapse-threatened area. In this case, “landslide-threatened area subject to the provision of Article 3 Paragraph 3” and “in the said landslide-threatened area” in the provision of Article 8 shall read “slagheap collapse-threatened area subject to the provision of Article 3 Paragraph 3 by application mutatis mutandis in the provision of Article 4 Paragraph 2” and “in the said slagheap collapse-threatened area” respectively; “landslide-threatened area” and “landslide prevention works” in the provision of Article 16 Paragraph 1 shall read “slagheap collapse-threatened area” and “landslide collapse prevention works” respectively; “Article 34 Paragraph 2 of Forestry Law (including the case to be applied mutatis mutandis in the provision of Article 44 of the same Law)” and “Article 18 Paragraph 1” in the provision of Article 20 shall read “Article 34 Paragraph 1 or 2 of Forestry Law (including the case to be applied mutatis mutandis in the provision of Article 44 of the same Law)” and “Article 42 Paragraph 1” respectively; and “Article 18 Paragraph 1” in the provisions of Article 21 Paragraphs 1 and 2 and Article 35 Paragraph 1 shall read “Article 42 Paragraph 1”.

2 In addition to the provision of latter part of the preceding Paragraph, technical modifications in reading necessary for application mutatis mutandis of the provision of the preceding Paragraph shall be fix-ed in Government Ordinance.

Chapter V Miscellaneous Provisions

(Subsidy to the Person Who Executed the Project Based On Related Project Plan)

Article 46 In case where prefecture has granted subsidy to cities, towns or villages or other person who executed the project stipulated in the provision of Article 24 Paragraph 1 Items 2 through 4 (except for such matters coming under Paragraph 1 Item 1 as stipulated in Item 1), the State may grant subsidy to the said prefecture up to half of the expenses needed for the said project within the limit of the budgetary appropriation.

(Loan Rendering for Persons Who Relocate Houses by The Government Housing Loan Corporation etc.)

Article 47 In case any person, who owns or leases, or resides in, a building with residential part on the basis of the related project plan referring to relocation or removal, drawn or altered subject to the pro-vision of Article 24 Paragraph 1, intends to relocate or remove the said building so as to construct a building substituting for it, or to acquire land or leasehold incident to relocation of the said building or construction of a building substituting for the said building, within two years from the day of publication of the said related project plan in order to resides by him/herself in it or to rent it for another person, may be rendered loan from The Government Housing Loan Corporation or the Okinawa Development Finance

Corporation, subject to the provisions of the Government Housing Loan Corporation Law (1950, Law No.156) or the Okinawa Development Finance Corporation Law (1972, Law No.31), necessary for relocation of the said building or construction of a building substituting for the said building or acquirement of land or leasehold incident to relocation of the said building or construction of a building substituting for the said building.

(Consultation with Fishing Port Administrator or Port Administrator)

Article 48 The Competent Minister or prefectural governor shall, when he/she intends to execute landslide prevention works within an area (except for water area) of fishing port area subject to the provision of Article 2 of the Fishing Port And Fishing Ground Arrangement Law (1950, Law No.137), consult with fishing port administrator beforehand.

2 The Competent Minister or prefectural governor shall, when he/she in-tends to execute landslide prevention works within an area adjacent to port area subject to the provision of Article 37 Paragraph 1 of the Port Law (1950, Law No.218), except for the acts stipulated in any Item of the same Paragraph, consult with port administrator beforehand.

(Collection of Reports)

Article 49 The Competent Minister may, when he/she deems it necessary concerning enforcement of this Law, request from prefectural governor to submit reports or materials.

(Application for Ruling)

Article 50 Any person who is dissatisfied with a disposition mentioned in any Items listed below may, if the reason for complaint is connected with a mining, stone quarrying or gravel collection enterprise, apply for ruling to the Environmental Dispute Coordination Commission. In this case, no complaint can be filed under the Administrative Complaint Investigation Law (1962, Law No.160).

- (1) Approval subject to the provision of Article 11 Paragraph 1
- (2) Order of execution of works subject to the provision of Article 14 Paragraph 1 (including the case applied mutatis mutandis in the provision of Article 45 Paragraph 1)
- (3) Permission subject to the provision of Article 18 Paragraph 1
- (4) Disposition or order of necessary measures subject to the provisions of Article 21 Paragraphs 1 or 2 (including the case applied mutatis mutandis in the provision of Article 45 Paragraph 1)
- (5) Order of necessary measures subject to the provisions of Article 23 Paragraph 1 or 2

2 The provision of Article 18 of the Administrative Complaint Investigation Law shall apply mutatis mutandis to the case where the disposing agency concerned has erroneously instructed that request for examination or raising of objection may be made concerning either of the Items list-ed in the preceding Paragraph.

(The Competent Minister etc.)

Article 51 The Competent Minister, concerning the designation and management of landslide-threatened area and slagheap collapse-threatened area shall mean as follows:

- (1) The Minister of Land, Infrastructure and Transport: as for slide areas or slagheaps where the land designated subject to the provision of Article 2 of the Sabo Law (including the land to be treated as the same) exists;
- (2) The Minister of Agriculture, Forestry and Fishery: as for slide areas or slagheaps where the prevention forest designated subject to the provisions of Article 25 Paragraph 1 or Article 25-2 Paragraph 1 or 2, except for Article 25 Paragraph 2 in the cases application mutatis mutandis in Article 25-2 latter part of Paragraph 1 or latter part of Paragraph 2 of the same Law (including the forest to be treated as the same) exists;
- (3) From among slide areas or slagheaps not coming under the provisions of the preceding two Items;
 - (a) The Minister of Agriculture, Forestry and Fishery: as for slide areas or slagheaps where the area being executed of land improvement project subject to the provision of Article 2 Paragraph 2 of the Land Improvement Law (1949, Law No.195) or the area having been determined of land improvement project plan subject to the provisions of the same Law (including the area to be treated as the same) exists;
 - (b) The Minister of Land, Infrastructure and Transport: as for other areas not coming under (a).

2 The Competent Ministers concerned shall consult with each other with regards to the designation of landslide-threatened area or slagheap collapse-threatened area.

3 The Competent Ministry Ordinance in this Law shall mean ordinance issued by the Competent Minister.

(Delegation of Powers)

Article 51-2 A part of the powers of the Competent Minister stipulated in this Law may be delegated to the Director General of the Regional Branch Bureau, as may be provided for in Government Ordinance.

(Categories of Function)

Article 51-3 Functions for which prefecture shall be responsible by the provisions of Article 7, Article 8 (including the case of application mutatis mutandis in the provision of Article 45), Article 9, Article 11, Article 13 (including the case of application mutatis mutandis in the provision of Article 45), Article 14 Paragraph 1 (including the case of application mutatis mutandis in the provision of Article 45), Article 15 Paragraph 1 (including the case of application mutatis mutandis in the provision of Article 45), Article 16 Paragraph 1 (including the case of application mutatis mutandis in the provision of Article 45), Article 6 Paragraphs 2,

3, 5 and 6 by application mutatis mutandis of Article 16 Paragraph 2 (including the case of application mutatis mutandis in the provision of Article 45), Article 18 (including the case of application mutatis mutandis of the provision of Article 42 Paragraph 2), Article 20 Paragraph 2 (including the case of application mutatis mutandis in the provision of Article 45), Article 21 Paragraphs 1 and 2 (including the case of these applications mutatis mutandis in the provision of Article 45), Article 22 Paragraph 1, Article 23 Paragraphs 1 and 2, Article 24 Paragraphs 1 and 3, Article 25, Article 26 Paragraph 1 (including the case of application mutatis mutandis in the provision of Article 45), Article 30 (including the case of application mutatis mutandis in the provision of Article 45), Article 31 (including the case of application mutatis mutandis in the provision of Article 45), Article 33 (including the case of application mutatis mutandis in the provision of Article 45), Article 34 Paragraph 1 (including the case of application mutatis mutandis in the provision of Article 45), Article 35 Paragraph 3 (including the case of application mutatis mutandis in the provision of Article 45), Article 36 Paragraph 1 (including the case of application mutatis mutandis in the provision of Article 45), Article 38 Paragraphs 1 through 3 (including the case of application mutatis mutandis in the provision of Article 45), Article 41, Article 42 Paragraph 1 and Article 48 shall be Item 1 delegated functions subject to the provision of Article 2 Paragraph 9 Item 1 of the Local Autonomy Law (1947, Law No.67) (referred to as “Item 1 delegated functions” in the provision of the next Paragraph).

2 Functions for which prefecture shall be responsible concerning management of landslide-threatened area, such as execution of landslide prevention works, and management of slagheap collapse-threatened area, such as slagheap collapse prevention works, subject to the provisions of other laws and government ordinances pursuant to these laws shall be Item 1 delegated functions.

Chapter VI Penal Provisions

(Penal Provisions)

Article 52 A person who violated the provisions of Article 18 Paragraph 1 or Article 42 Paragraph 1 shall be punished with penal servitude for not more than one year or a fine of not more than one hundred thousand yen.

Article 53 A person to whom one of the following Items applies shall be punished with penal servitude for not more than six months or a fine of not more than fifty thousand yen.

(1) A person who rejected or obstructed the entry into or temporary use of land in violation of Article 6 Paragraph 7 (including the case of application mutatis mutandis in the provisions of Article 16 Paragraph 2 or Article 45)

- (2) A person who failed to submit reports or materials, or submitted false reports or materials, subject to the provision of Article 22 Paragraph 1
- (3) A person who rejected or evaded the on-the-spot inspection subject to the provision of Article 22 Paragraph 1

Article 54 A person who moved, dirtied or damaged the sign installed subject to the provision of Article 8 (including the case of application mutatis mutandis in the provision of Article 45) shall be punished with a fine of not more than ten thousand yen.

(Punishment of Either Persons)

Article 55 In case a representative of judicial person or an agent, a worker or any other employee of judicial person or natural person has violated the provisions of Article 52 or 53, not only the offender shall be punished, but also the judicial or natural person shall be punished with a fine stipulated in the corresponding Article.

Supplementary Provisions

- 1 This Law shall come into force as from 1 April 1958.
- 2 — (omitted... Transitory provision and special terms on provisional financing etc.)