

## Natural Parks Law (Extract)

Law No. 161 of June 1, 1957

Amended by Law No. 140 and No. 161 of 1962, No. 13, No. 61 and No. 140 of 1970, No. 88 of 1971, No. 52 and No. 85 of 1972, No. 73 of 1973, No. 87 of 1978, No. 26 of 1990, No. 92 of 1993, No. 87 and No. 160 of 1999, and No. 1 and No. 29 of 2002

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### Supplementary Provisions

## **Chapter I General Provisions**

(Purpose)

### **Article 1**

This Law shall aim at the protection of the places of natural scenic beauty and also, through the promoted utilization thereof, at the contribution to the health, recreation and culture of the people.

(Definitions)

### **Article 2**

In this Law, the terms mentioned in the following items shall be understood respectively as laid down in the items concerned:

- (1) Natural Parks shall mean National Parks, Quasi-national Parks and Prefectural Natural Parks.
- (2) National Parks shall mean the places of greatest natural scenic beauty [including natural scenic beauty of sea areas (hereinafter the same except Chapter 2, Section 4 and Article 61)], representing the model scenic beauties of our country, designated by the Minister of the Environment in accordance with the provision of paragraph 1 of Article 5.
- (3) Quasi-national Parks shall mean the places of great natural scenic beauty next to the National Parks, designated by the Minister of the Environment in accordance with the provision of paragraph 2 of Article 5.
- (4) Prefectural Natural Parks shall mean the places of great natural scenic beauty designated by the prefectures in accordance with the provision of Article 59.
- (5) Park Plans shall mean the planning concerning the regulation or facilities for the protection or utilization of the National Parks or Quasi-national Parks.
- (6) Park Works shall mean the works executed on the basis of the Park Plan pertaining to the facilities, prescribed by the Cabinet Order, for the protection or utilization of National Parks or Quasi-national Parks.

(Responsibility of the State etc.)

### **Article 3**

In accordance with the basic intent of environmental conservation prescribed in Articles 3 to 5 of the Basic Environmental Law (Law No. 91 of 1993), the State, local public bodies, park workers and visitors of the natural parks shall make effort respectively to protect the natural scenic beauty and promote appropriate utilization.

2. In light of the fact that the protection of fauna and flora in the natural parks is significant for conserving the scenic beauty of the natural parks, the State and local public bodies shall take measures for conserving the scenic beauty of the natural parks with the aim to ensure the diversity in the ecosystem and creature in the natural parks.

(Respect for Property Rights and Adjustment with Public Interests)

#### **Article 4**

At the time of the application of this Law, in addition to the provision of Article 3 of the Nature Conservation Law, the proprietary rights, mining rights and other property rights shall be respected and also the adjustment between the land development and other public interests shall be taken into consideration.

## **Chapter II National Parks and Quasi-National Parks**

### **Section 1 Designation**

(Designation)

#### **Article 5**

The National Parks shall be designated, with specification of their boundaries, by the Minister of the Environment after seeking the opinions of the prefectures concerned and the Central Environmental Council (hereinafter referred to as "Council").

2. The Quasi-national Parks shall be designated, with specification of their boundaries, by the Minister of the Environment, upon request of the prefecture concerned, after seeking the opinions of the Council.
3. In the case of the designation of the National Park or Quasi-national Park by the Minister of the Environment, the fact and the area thereof shall be announced in the official gazette.
4. The designation of the National Park or Quasi-national Park shall take effect on the public announcement under the preceding paragraph.

(Dissolution of Designation and Alteration of Area)

**Article 6**

The Minister of the Environment, when he intends to dissolve the designation of the National Park or alter the area thereof, shall seek the opinions of the prefectures concerned and the Council.

2. The Minister of the Environment, when he intends to dissolve the designation of the Quasi-national Park or alter the area thereof, shall seek the opinions of the prefecture concerned and the Council; provided that the expansion of its area shall be based upon request of the prefecture concerned.
3. The provisions of paragraphs 3 and 4 of the preceding article shall be applied correspondingly to the dissolution of the designation of the National Park or Quasi-national Park and the alternation of the area thereof.

**Section 2 Natural Park Plan and Natural Park Work**

(Decision upon Natural Park Plan and Natural Park Work)

**Article 7**

The Park Plan concerning the National Park shall be decided upon by the Minister of the Environment after seeking the opinions of the prefecture concerned and the Council.

2. The Park Work concerning the National Park shall be decided upon by the Minister of the Environment after seeking the opinions of the Council.
3. The Park Plan concerning the Quasi-national Park shall be decided upon by the Minister of the Environment upon request of the prefecture concerned after seeking the opinions of the Council.
4. The Park Work concerning the Quasi-national Park shall be decided upon by the governors of the prefectures concerned.
5. The Minister of the Environment, when he has decided upon the Park Plan or Park Work, shall announce the outline of the fact.
6. The governor of the prefecture concerned, when he has decided upon the Park Work,

shall announce the outline of the fact.

(Discontinuance and Alteration of Park Plan and Park Work)

**Article 8**

The Minister of the Environment, when he intends to discontinue or alter the Park Plan concerning the National Park, shall seek the opinions of the prefecture concerned and the Council.

2. The Minister of the Environment, when he intends to discontinue or alter the Park Work concerning the National Park, shall seek the opinions of the Council.
3. The Minister of the Environment, when he intends to discontinue or alter the Park Plan concerning the Quasi-national Park, shall seek the opinion of the prefecture concerned and the Council; provided that the additional Park Plan shall be based upon request of the prefecture.
4. The provision of paragraph 5 of the preceding article shall be applied correspondingly to the discontinuance or alteration of the Park Plan or Park Work by the Minister of the Environment, and the provision of paragraph 6 of the preceding article shall be applied correspondingly to the discontinuance or alteration of the Park Work by the governor of the prefecture concerned.

(Execution of Park Work of National Park)

**Article 9**

The Park Work concerning the National Park shall be executed by the State.

2. Local public bodies and other bodies prescribed by the Cabinet Order (hereinafter referred to as "the public bodies") may execute a part of the Park Work concerning the National Park after consulting with the Minister of the Environment and obtaining his consent therefrom.
3. Those other than the State and public bodies may execute a part of the Park Work concerning the National Park upon obtaining authorized concession from the Minister of the Environment.

(Execution of Park Work of Quasi-national Park)

#### **Article 10**

The Park Work concerning the Quasi-national Park shall be executed by the prefecture; provided that the State shall not be precluded from executing the works concerning roads or any other works as provided for by the Road Law, (Law No. 180 of 1952) or any other laws.

2. The public bodies other than the prefectures may execute a part of the Park Work concerning the Quasi-national Park after consulting with the governor of the prefecture concerned and obtaining consent therefrom.
3. Those other than the State and public bodies may execute a part of the Park Work concerning the Quasi-national Park upon obtaining authorized concession from the governor of the prefecture.

(Procedure of Consultation Etc.)

#### **Article 11**

As to the consultation under paragraph 2 of Article 9 and paragraph 2 of the preceding article, the procedure of authorization under paragraph 3 of Article 9 and paragraph 3 of the preceding article, and the execution of the Park Work with the consent or authorized concession under paragraph 2 of Article 9 and paragraph 2 of the preceding article, necessary matters shall be prescribed by the Cabinet Order.

(Maintenance of Cleanliness)

#### **Article 12**

The State and local public bodies shall, when deemed necessary, cooperate with the personnel responsible for the administration of the roads, picnic grounds, camping grounds, ski slopes, swimming areas, and other public use sites located in National and Quasi-national Parks in the maintenance of the cleanliness of such facilities.

### **Section 3 Protection and Utilization**

(Special Zone)

#### **Article 13**

The Minister of the Environment, in regard to the National Park and the governor of the prefecture concerned, in regard to the Quasi-national Park, may, for the purpose of preserving scenic beauty of the Park concerned, designate the Special Zone within its

boundary (excluding sea areas) in accordance with the Park Plan.

2. The provisions of paragraphs 3 and 4 of Article 5 shall be applied correspondingly to the designation of the Special Zone and dissolution of its designation, and to the alteration of its boundary. In this case, the "Minister of the Environment" mentioned in paragraph 3 of the same article shall read as the "Minister of the Environment and the governor of the prefecture concerned," and "official gazette" in the same paragraph shall read as "official gazette or prefectural official report", respectively.

3. Within the Special Zone (with the exception of the Special Protection Zone; hereinafter the same in this article), the activities coming under any of the following items shall not be carried out without the permission of the Minister of the Environment in case of the National Park and that of the governor of the prefecture in case of the Quasi-national Park; provided that the activity, that has already been under way at the time of the designation of the Special Zone concerned or the expansion of its boundary, (except the work mentioned in item 5 below), or the activity mentioned in item 5, that has already been under way at the time of the designation of the lakes, marshes or swamps prescribed in the same item, or the activity mentioned in item 7, that has already been under way at the time of the designation of the materials prescribed in the same item, or the activity carried out as the emergency measure in case of disaster shall be excepted from this provision.

(1) Constructing, reconstructing or extending structures.

(2) Felling trees and bamboos.

(3) Mining minerals or extracting soil and stones.

(4) Causing increase or decrease of the water-level or quantity of water of rivers, lakes, marshes, swamps and wetlands etc.

(5) Discharging polluted or waste water through the sewage disposal facilities into the lakes, marshes or swamps and wetlands designated by the Minister of the Environment or within a distance of one kilometer from there discharging the same through the sewage disposal facilities into the water running into the designated lakes marshes or swamps and wetlands etc.

(6) Putting up or setting up advertisements or those similar to them, or showing of advertisements or those similar to them on the structures and the like.

(7) Accumulating or storing soil and stones or other materials designated by the Minister of the Environment in the open air.

(8) Reclaiming the surface of water or reclaiming by drainage.

- (9) Clearing land or changing the feature of land.
  - (10) Collecting or damaging alpine plants or other plants designated by the Minister of the Environment.
  - (11) Capturing or killing or wounding animals in mountains, or animals designated by the Minister of the Environment (hereinafter, the "Designated Animals" in this item), or collecting or damaging eggs of the Designated Animals.
  - (12) Altering the colors of roofs, surface of walls, fences and walls, bridges, steel towers, water-pipes or those similar to them.
  - (13) Entering into wetlands or similar areas designated by the Minister of the Environment during the period designated according to such areas.
  - (14) Using horses, vehicles or power-driven vessels, or landing of airplanes in areas designated by the Minister of the Environment other than roads, plazas, paddies, fields, pastures or housing lots.
  - (15) Any activity other than those mentioned in the preceding items which may affect the scenic beauty of the Special Zone and is prescribed by the Cabinet Order.
4. Neither the Minister of the Environment nor the governor of the prefecture concerned shall grant the permission prescribed in the preceding paragraph if any activity mentioned in the items of the preceding paragraph fails to comply with the standards prescribed by the environmental ministerial ordinance.
  5. When the governor of the prefecture concerned intends to grant the permission prescribed in paragraph 3 of this article for the Quasi-national Park, if the activity concerning the permission falls under an activity prescribed in the environmental ministerial ordinance in view of its impact on the scenic beauty of the Quasi-national Park concerned and other circumstances, he shall consult with the Minister of the Environment and obtain consent therefrom.
  6. One, who has already started the activity mentioned in any of the items of paragraph 3 (except the activity mentioned in item 5 of the same paragraph) within the Special Zone at the time of the designation of the Special Protection Zone concerned or the expansion thereof, or the activity mentioned in item 5 of the same paragraph within the Special Zone at the time of the designation of the lakes, marshes or moist grasslands prescribed in the same item, or the activity mentioned in item 7 of the same paragraph at the time of the designation of the materials prescribed in the same item, shall notify the Minister of the Environment in the case of the National Park or



the governor of the prefecture concerned in the case of the Quasi-national Park to that effect within three months counting from the day of such designation or expansion of the boundary.

7. One, who has already started the activity mentioned in any of the items of paragraph 3 within the Special Zone as the necessary emergency measure for the exceptional disaster, shall notify the Minister of the Environment in the case of the National Park or the governor of the prefecture concerned in the case of the Quasi-national Park to that effect within 14 days counting from the day of the activity carried out.
8. One, who intends to plant trees and bamboos or pasture livestock within the Special Zone, shall previously notify the Minister of the Environment in the case of the National Park or the governor of the prefecture concerned in the case of the Quasi-national Park to that effect.
9. To the activities mentioned in any of the following items, the provisions of paragraph 3 and the preceding 3 paragraphs shall not be applied:
  - (1) Activity carried out as the execution of the Park Works.
  - (2) Activity carried out within the Scenic Landscape Preservation Area, which is to be prescribed in paragraph 1 of article 31 based on the Scenic Landscape Preservation Agreement executed under item 1 of the same paragraph, in accordance with the matters mentioned in item 2 or 3 of the same paragraph.
  - (3) Ordinary administrative activity, simple activity or other activities prescribed by the environmental ministerial ordinance.

(Special Protection Zone)

#### **Article 14**

The Minister of the Environment, in regard to the National Park and the governor of the prefecture concerned, in regard to the Quasi-national Park, when specially necessary for the preservation of the landscapes of the Park, may designate the Special Protection Zone within the Special Zone in accordance with the Park Plan.

2. The provisions of paragraphs 3 and 4 of Article 5 shall be applied accordingly to the designation of the Special Protection Zone and dissolution of the designation thereof, and to the alteration of the boundary thereof. In this case, the "Minister of the Environment" mentioned in paragraph 3 of the same article shall read as the

"Minister of the Environment or the governor of the prefecture concerned", and "official gazette" in the same paragraph shall read as "official gazette or prefectural official report", respectively.

3. Within the Special Protection Zone the following activities shall not be carried out without the permission of the Minister of the Environment in the case of the National Park and without that of the governor of the prefecture concerned in the case of the Quasi-national Park; provided that the activity, that has already been under way at the time of the designation of the Special Protection Zone concerned or the expansion of its boundary, (except the activity mentioned in item 5 or paragraph 3 of the preceding article), or the activity mentioned in item 5, that has already been under way at the time of the designation of the lakes, marshes or swamps and wetlands prescribed in the same item, or the activity carried out as the emergency measure in case of disaster shall be excepted from this provision.

- (1) Any Activity mentioned in the items 1 to 6, 8, 9, 12 and 13 of paragraph 3 of the preceding article.
- (2) Damaging trees and bamboos.
- (3) Planting trees and bamboos.
- (4) Pasturing livestock.
- (5) Accumulating or storing things in the open air.
- (6) Setting fire or making fire.
- (7) Collecting or damaging plants other than trees and bamboos, or collecting fallen leaves or fallen branches.
- (8) Capturing, killing or wounding animals, or collecting or damaging their eggs.
- (9) Using horses, vehicles or power-driven vessels, or landing airplanes in areas other than roads or plazas.
- (10) Any activity other than those mentioned in the preceding items which may affect the landscapes of the Special Protection Zone and is prescribed by the Cabinet Order.

4. Neither the Minister of the Environment nor the governor of the prefecture concerned shall grant the permission prescribed in the preceding paragraph if any activity mentioned in the items of the preceding paragraph fails to comply with the standards prescribed by the environmental ministerial ordinance.

5. When the governor of the prefecture concerned intends to grant the permission prescribed in paragraph 3 of this article for the Quasi-national Park, if the activity

concerning the permission falls under an activity prescribed in the environmental ministerial ordinance in view of its impact on the landscape of the Quasi-national Park concerned and other circumstances, he shall consult with the Minister of the Environment and obtain consent therefrom.

6. One, who has already started the activity mentioned in any of the items of paragraph 3 (except the activity mentioned in item 5 of the same paragraph) within the Special Protection Zone at the time of the designation of the Special Protection Zone concerned or the expansion thereof, or the activity mentioned in item 5 of the same paragraph within the Special Protection Zone at the time of the designation of the lakes, marshes or swamps and wetlands prescribed in the same item, or the work mentioned in item 7 of the same paragraph at the time of the designation of the materials prescribed in the same item, shall notify the Minister of the Environment in the case of the National Park, or the governor of the prefecture concerned in the case of the Quasi-national Park to that effect within three months counting from the day of such designation or expansion of the boundary.
7. One, who has carried out the activity mentioned in any of the items of paragraph 3 within the Special Protection Zone as the necessary emergency measure for the exceptional disaster, shall notify the Minister of the Environment in the case of the National Park or the governor of the prefecture concerned in the case of the Quasi-national Park to that effect within 14 days counting from the day of the same work carried out.
8. To the activities mentioned in the following items, the provisions of paragraph 3 and the preceding two paragraphs shall not be applied:
  - (1) Activity carried out as the execution of the Park Works.
  - (2) Activity carried out within the Scenic Landscape Preservation Area, which is to be prescribed in paragraph 1 of Article 31 based on the Landscape Preservation Agreement executed under paragraph 1 of the same article, in accordance with the matters mentioned in item 2 or 3 of the same paragraph.
  - (3) Ordinary administrative activity, simple activity or other activities prescribed by the environmental ministerial ordinance.

(Regulated Utilization Area)

## **Article 15**

The Minister of the Environment, in regard to the National Park, and the governor of the prefecture concerned, in regard to the Quasi-national Park, when specially necessary for the preservation of the scenic beauty or landscape of the Park concerned and proper use thereof, may designate the Regulated Utilization Area within the Special Zone in accordance with the Park Plan.

2. The provisions of paragraphs 3 and 4 of Article 5 shall be applied correspondingly to the designation of the Regulated Utilization Area and dissolution of the designation thereof, and to the alteration of the boundary thereof. In this case, the "Minister of the Environment" mentioned in paragraph 3 of the same article shall read as the "Minister of the Environment and the governor of the prefecture concerned", and "official gazette" in the same paragraph shall read as "official gazette or prefectural official report", respectively.
3. No one shall enter the Regulated Utilization Area within a period designated by the Minister of the Environment without the approval prescribed in paragraph 1 of the following article except the entries mentioned in the following items:
  - (1) Entry in order to carry out the activity with the permission of paragraph 3 of Article 13 or paragraph 3 of the preceding article (including the activity concerning the consultation prescribed in the latter part of paragraph 1 of Article 56), or the activity notified as prescribed in paragraph 6 or 8 of Article 13 or paragraph 6 of the preceding article (including the activity concerning the notice prescribed in paragraph 3 of Article 56).
  - (2) Entry in order to carry out the necessary emergency measure in case of disaster.
  - (3) Entry in order to execute the Park Work.
  - (4) Entry in order to carry out the activity within the Scenic Landscape Preservation Area, which is prescribed in paragraph 1 of Article 31 based on the Scenic Landscape Preservation agreement executed under paragraph 1 of the same article, in accordance with the matters mentioned in item 2 or 3 of the same paragraph.
  - (5) Entry in order to carry out ordinary administrative work, simple activity or other activities that are prescribed by the environmental ministerial ordinance.
  - (6) Any other entry than those mentioned in each item above that is acknowledged as inevitable and approved by the Minister of the Environment or the governor of the prefecture concerned.

(Approval of Entry)

## **Article 16**

The user of the National Park or Quasi-national Park, when attempting to enter the Regulated Utilization Area within the period prescribed in paragraph 3 of the preceding article, shall obtain the approval from the Minister of the Environment in the case of the National Park or the governor of the prefecture concerned in the case of the Quasi-national Park with respect to the compliance with the requirements of the following items:

- (1) Entry in order to use the National Park or Quasi-national Park.
  - (2) Compliance with the standards prescribed by the environmental ministerial ordinance that requires the entry not to affect the preservation of the scenic beauty or landscape and proper use of the Park concerned.
2. The user who intends to obtain the approval of the preceding paragraph shall, as prescribed in the environmental ministerial ordinance, apply for the approval to the Minister of the Environment in the case of the National Park or the governor of the prefecture concerned in the case of the Quasi-national Park.
  3. The Minister of the Environment or the governor of the prefecture concerned shall grant the approval of paragraph 1 when he acknowledges that the entry for which the approval is applied as prescribed in paragraph 1 complies with the requirements of each item of the same paragraph.
  4. The Minister of the Environment or the governor of the prefecture concerned shall issue an entry approval certificate as prescribed in the environmental ministerial ordinance upon granting the authorization under paragraph 1.
  5. If one who has been granted the authorization of paragraph 1 has lost or destroyed the entry approval certificate under the preceding paragraph, the one may, as prescribed in the environmental ministerial ordinance, apply for reissuance of the certificate concerned to the Minister of the Environment in the case of the National Park or the governor of the prefecture concerned in the case of the Quasi-national Park.
  6. When entering the Regulated Utilization Area concerned, one who has been granted the approval of paragraph 1 shall carry the entry approval certificate prescribed in paragraph 4.

(Designated Approval Institution)

**Article 17**

The Minister of the Environment and the governor of the prefecture concerned may cause their nominee (the "Designated Approval Institution") to perform all or part of their affairs prescribed in the preceding article (the "Approval-related Affairs") with respect to National Park in the case of the Minister of the Environment or Quasi-national Park in the case of the governor of the prefecture concerned.

2. Designation of the Approval Institution (hereinafter referred to as "Designation" up to Article 21) shall be made upon application by one who intends to perform the approval-related affairs.

3. No one who falls under any of the following items shall be given the Designation:

- (1) Minor, ward who is of age, or quasi-incompetent person.
- (2) One, who is bankrupt and unable to recover legal status.
- (3) One, who has been sentenced to a punishment not lighter than imprisonment, or has undergone the execution of the punishment sentenced under this Law or the Nature Conservation Law or ceased to undergo such execution during the latest two years.
- (4) One whose Designation has been cancelled under paragraph 2 or 3 of Article 21 during the latest two years.
- (5) Legal entity any director of which falls under any of the preceding items.

4. In the event of the Designation, the Minister of the Environment or the governor of the prefecture concerned shall not perform the designated Approval-related Affairs concerning the Regulated Utilization Area.

5. In the event of the Designation, the Minister of the Environment or the governor of the prefecture concerned shall announce the Designation in the official gazette or prefectural official report, respectively.

6. With respect to application of the preceding article in the event of the Approval by the Designated Approval Institution, "from the Minister of the Environment in the case of the National Park or the governor of the prefecture concerned in the case of the Quasi-national Park" in paragraph 1 of the same article, "to the Minister of the Environment in the case of the National Park or the governor of the prefecture

concerned in the case of the Quasi-national Park" in paragraphs 2 and 5 of the same article, and "the Minister of the Environment or the governor of the prefecture concerned" in paragraphs 3 and 4 of the same article shall read as the "Designated Approval Institution."

(Standards for Designation)

**Article 18**

The Minister of the Environment or the governor of the prefecture concerned shall not make the Designation unless there are no other Designated Approval Institutions for the Regulated Utilization Area concerning the application in paragraph 2 of the preceding article and the application concerned complies with the following standards:

- (1) The plan for implementing the approval-related affairs shall be appropriate for accurate implementation thereof with respect to the matters concerning personnel, method of implementing the affairs concerned, etc.
- (2) The applicant shall be provided with the accounting and technical bases that are enough to accurately practice the plan for implementing the approval-related affairs under the preceding paragraph.
- (3) When the applicant is engaged in business other than the approval-related affairs, there shall not be any possibility that the engagement in such business affects the fair implementation of the approval-related affairs.
- (4) The applicant shall be provided with the standards for fair and accurate implementation of the approval-related affairs other than those prescribed in the foregoing three items.

(Matters to be Observed by Designated Authorization Institution)

**Article 19**

The Designated Approval Institution shall prescribe the rules for implementing the approval-related affairs before starting the affairs in accordance with the environmental ministerial ordinance concerned and obtain approval for such rules including amendments thereto from the Minister of the Environment or the governor of the prefecture concerned.

2. The Designated Approval Institution shall formulate a business plan and an income and expenditure budget for each fiscal year before the beginning of the fiscal year concerned (immediately after the Designation, for the fiscal year to which the date of Designation belongs), and obtain approval for such plan and budget including

amendments thereto from the Minister of the Environment or the governor of the prefecture concerned.

3. The Designated Approval Institution shall formulate an annual report and statements of account of the fiscal year concerned within three months after the end of each fiscal year, and submit them to the Minister of the Environment or the governor of the prefecture concerned.
4. The Designated Approval Institution shall not suspend or discontinue all or part of the approval-related affairs concerned without the permission of the Minister of the Environment or the governor of the prefecture concerned.
5. When the Designated Approval Institution suspends all or part of the approval-related affairs with the permission of the preceding paragraph, or is unable to implement all or part of the Affairs concerned due to a natural disaster or any other event, the Minister of the Environment or the governor of the prefecture concerned, when deemed necessary, shall implement all or part of the approval-related affairs concerned.
6. When the Minister of the Environment or the governor of the prefecture concerned implements all or part of the approval-related affairs under the preceding paragraph, or when the Designated Approval Institution discontinues all or part of the approval-related affairs concerned with the permission of paragraph 4, or when the Minister of the Environment or the governor of the prefecture concerned cancels the Designation under paragraph 2 or 3 of Article 21, necessary matters including transfer of the approval-related affairs shall be prescribed by the environmental ministerial ordinance.

(Duty of Confidentiality Etc.)

#### **Article 20**

The Designated Approval Institution (directors when the Institution is a legal entity), its personnel and the former Designated Approval Institution shall not leak out the confidential information that has come to their knowledge in the course of implementing the approval-related affairs, or shall not use such information for their personal benefits.



2. The Designated Approval Institution and its personnel who engage in the approval-related affairs shall be deemed as the personnel who engage in official duties under law with respect to application of the Criminal Law (Law No. 45 of 1907) and other penal regulations.

(Order of supervision concerning Designated Approval Institution)

**Article 21**

The Minister of the Environment or the governor of the prefecture concerned may issue orders necessary for supervision to the Designated Approval Institution concerning the approval-related affairs to the extent required for enforcement of the provisions from Articles 16 to 23.

2. The Minister of the Environment or the governor of the prefecture concerned shall cancel the Designation if the Designated Approval Institution falls under any of the items (except item 4) of paragraph 3 of Article 17.
3. The Minister of the Environment or the governor of the prefecture concerned may cancel the Designation if the Designated Approval Institution infringes upon the provision of Article 19, implements the approval-related affairs not under paragraph 1 of the same article, violates the order issued under paragraph 1, or is otherwise considered unable to implement the approval-related affairs properly and accurately.
4. The provision of paragraph 5 of Article 17 shall be applied correspondingly to the cancellation of the Designation under the preceding two paragraphs.

(Collection of Reports and Spot Inspection)

**Article 22**

The Minister of the Environment or the governor of the prefecture concerned may, to the extent required for enforcement of the provisions from Articles 16 to 23, ask the Designated Approval Institution to report on the approval-related affairs concerned, or cause their officials to enter the offices of the Designated Approval Institution to inspect relevant articles such as accounting books and documents or have the interested party ask relevant questions.

2. The personnel provided for in the preceding paragraph shall carry the identification papers and present them upon request.

3. The powers under paragraph 1 shall not be understood as those approved of for criminal investigations.

(Charges)

**Article 23**

One, who intends to obtain the approval under paragraph 1 of Article 16 or receive reissuance of the entry approval certificate to National Parks under paragraph 5 of the same article shall pay to the State (the Designated Approval Institution when it performs the approval-related affairs) the charge prescribed in the Cabinet Order in consideration of actual expenses.

2. When the prefecture concerned collects the charge for the approval based on the provision of Article 227 of the Local Autonomy Law (Law No. 67 of 1947) under paragraph 1 of Article 16 or reissuance of the entry approval certificate under paragraph 5 of the same article, it may cause one who intends to receive the approval or reissuance of the entry approval certificate by the Designated Approval Institution under Article 17 to pay the charge concerned to the Designated Approval Institution concerned in accordance with the municipal bylaw.

3. Charges paid to the Designated Approval Institution under the preceding two paragraphs shall belong to the income of the Institution concerned.

(Marine Park Areas)

**Article 24**

The Minister of the Environment, in regard to the National Park, and the governor of the prefecture concerned, in regard to the Quasi-national Park, may, for the purpose of preserving the marine landscape of the Park concerned, designate Marine Park Areas within its boundary in accordance with the Park Plan.

2. The provisions of paragraphs 3 and 4 of Article 5 shall apply correspondingly to the designation of such Marine Park Areas, the dissolution of such designation, and any changes in the boundaries of such areas. In this case, the "Minister of the Environment" stated in paragraph 3 of the same article shall read as "the Minister of the Environment or the governor of the prefecture concerned", and "official gazette" in the same paragraph shall read as "official gazette or prefectural official report",

respectively.

3. Within the Marine Park Areas, the activities coming under any of the following items shall not be carried out without the permission of the Minister of the Environment in the case of National Parks and the permission of the Minister of the Environment in case of the National Park and that of the governor of the prefecture in case of the Quasi-national Parks; provided that the activity, that has already under way at the time of the designation of the Marine Park Area concerned or the expansion of its boundary, or the activity carried out as the emergency measure in case of disaster, or the activities mentioned in item 1, 4 and 5 shall be excepted from this provision which are necessary for fishery operations such as setting up of fishing gear.

- (1) Activities mentioned in the items 1, 3 and 6 of paragraph 3 of Article 13.
- (2) Capturing, killing or wounding, gathering, or damaging tropical fish, coral, seaweed, or plants and animal life similar to them that has been designated for each National or Quasi-national Park by the Minister of the Environment with the consent of the Minister of the Agriculture and Forestry.
- (3) Reclaiming the surface of the sea or reclaiming by drainage.
- (4) Changing the feature of the seabed.
- (5) Mooring.
- (6) Discharging polluted or waste water through the sewage disposal facilities.

4. Neither the Minister of the Environment nor the governor of the prefecture concerned shall grant the permission prescribed in the preceding paragraph if any activity mentioned in items of the preceding paragraph fails to comply with the standards prescribed by the environmental ministerial ordinance.

5. When the governor of the prefecture concerned intends to grant the permission prescribed in paragraph 3 of this article for the Quasi-national Park, if the activity concerning the permission falls under an activity prescribed in the environmental ministerial ordinance in view of its impact on marine landscape of the Quasi-national Park concerned and other circumstances, he shall consult the Minister of the Environment and obtain consent therefrom.

6. One, who has already started the activity mentioned in any of the items of paragraph 3 within the Marine Park Areas at the time of the designation of the Marine Park Area or the expansion thereof, shall notify the Minister of the Environment in the

case of the National Park or the governor of the prefecture concerned in the case of the Quasi-national Park to that effect within three months counting from the day of such designation or expansion of the boundary.

7. One, who has undertaken any of the activities mentioned in any of the items of paragraph 3 as the necessary emergency measures for exceptional disaster within the Marine Park Area shall notify the Minister of the Environment in the case of the National Park or the governor of the prefecture concerned in the case of the Quasi-national Park to that effect within 14 days counting from the day of the activity carried out.

8. To the activities mentioned in any of the following items, the provisions of paragraph 3 and the preceding two paragraphs shall not apply be applied.

(1) Activity carried out as the execution of Park Works.

(2) Ordinary administrative activity and simple activity or other, that are prescribed by the environmental ministerial ordinance.

(Conditions)

#### **Article 25**

To the permissions under paragraph 3 of Article 13, paragraph 3 of Article 14, item 6, paragraph 3 of Article 15 and paragraph 3 of the preceding article, conditions may be attached within the limits necessary for the protection of the scenic beauty or spectacular sight of the National Park or Quasi-national Park.

(Ordinary Zone)

#### **Article 26**

One, who intends to undertake the activities coming under any of the following items within National or Quasi-national Parks other than Special Zones. or Marine Park Areas (hereinafter referred to as "Ordinary Zone") shall notify the Minister of the Environment in the case of National Parks or the governor of the prefecture concerned in the case of Quasi-national Parks of the matters prescribed by the environmental ministerial ordinance such as activity type, place, implementation method and scheduled date of commencement; provided that the activities mentioned in items 1, 3, 5 and 7 which are necessary for fishery operations such as setting up fishing gear shall be excepted from this provision.

(1) Constructing, reconstructing or extending structures, whose scales are beyond the

standards prescribed by the environmental ministerial ordinance (including reconstructing or extending in the case that the scale thereof is to be beyond the standards prescribed by the environmental ministerial ordinance after the completion of the reconstruction or extension concerned).

- (2) Causing increase or decrease of the water-levels or quantities of the rivers, lakes, marshes, swamps and wetlands within the Special Zone.
- (3) Putting up or setting up advertisements or those similar to them, or showing advertisements or those similar to them on the structures and the like.
- (4) Reclaiming the surface of the sea or reclaiming by drainage.
- (5) Mining minerals or extracting soil and stones within one kilometer of the Marine Park Area.
- (6) Changing the feature of the land.
- (7) Changing the feature of the seabed within one kilometer of the Marine Park Area.

2. The Minister of the Environment, in regard to the National Park and the governor of the prefecture, in regard to the Quasi-national Parks, may, for the purpose of preserving landscape of the Park concerned give orders, to the one who intends to undertake or has undertaken the activity mentioned in any of the items of the preceding paragraph in the Ordinary Zone, to prohibit or restrict such activity or to take necessary measure, within the limits necessary for the protection of the landscapes thereof.

3. One, who has made the notification under paragraph 1, the act under the preceding paragraph may be taken exclusively within 30 days counting from the day of the notification made.

4. The Minister of the Environment or the governor of the prefecture, when, with the notification made under paragraph 1, the on-the-spot survey is required or when there is any other rational reason against the measure under paragraph 2 to be made within the period of time under the preceding paragraph, may prolong the period of time under the preceding paragraph during the period of existence of such reason. In this case, one, who has made the notification under paragraph 1, shall be notified of the fact and reason why the period of time is prolonged.

5. One, who has made the notification under paragraph 1, shall not start activity notified of unless a period of 30 days passes after the date of such notification.

6. The Minister of the Environment, in regard to the National Parks and the governor of the prefecture concerned, in regard to the Quasi-national Parks, may reduce the period of the preceding paragraph if such reduction is deemed to cause no hindrance to the protection of landscape of such Parks.

7. To the activities mentioned in any of the following items, the provisions of paragraphs 1 and 2 shall not be applied.

- (1) Activity carried out for the execution of the Park Works.
- (2) Activity carried out within the Scenic Landscape Preservation Area, which is prescribed in paragraph 1 of Article 31 based on the Scenic Landscape Preservation Agreement executed under paragraph 1 of the same article, in accordance with the matters mentioned in item 2 or 3 of the same paragraph.
- (3) Ordinary administrative activity, simple activity or other activities prescribed by the environmental ministerial ordinance.
- (4) Works which have already started at the time of the designation of National Parks, Quasi-national Parks or Marine Park Areas or the expansion of the boundaries thereof.
- (5) Works carried out as the emergency measures necessary for exceptional disasters.

(Order of Suspension Etc.)

#### **Article 27**

The Minister of the Environment, in regard to the National Parks and the governor of the prefecture concerned, in regard to the Quasi-national Parks, when deemed necessary for the protection of the respective parks concerned, may give an order to suspend the work concerned to one who has violated the provisions to the permissions under paragraph 3 of Article, paragraph 3 of Article 14, paragraph 3 of Article 15, paragraph 3 of Article 24, or Article 25, or who has violated the measure under paragraph 2 of the preceding article, or give an order to restore to the original state within a reasonable period or, if such restoration is remarkably difficult, to take necessary measures as the substitute therefor, to the one or another who has succeeded to the rights of the land, buildings, other structures, from the one, both to the extent necessary for the protection concerned.

2. Upon attempting to issue an order to restore to the original state or take necessary measure as the substitute therefor (hereinafter referred to as "restoration to the

original state, etc."), if it is impossible due to the absence of negligence to clarify the one to which an order of the restoration to the original state, etc. the Minister of the Environment or the governor of the prefecture concerned may carry out or cause another who is ordered or entrusted thereby to carry out the restoration to the original state, etc. at the expense of the one concerned. In this case, the Minister of the Environment or the governor of the prefecture concerned shall in advance announce publicly to the effect that the restoration to the original state, etc. shall be carried out within a reasonable period and that if such restoration etc. is not carried out within such a period, the Minister of the Environment or the governor of the prefecture concerned or the one who is ordered or entrusted thereby shall carry out the restoration to the original state, etc.

3. The personnel attempting to carry out the restoration to the original state, etc. under the preceding paragraph shall carry the identification papers and present them upon request.

(Collection of Reports and Spot Inspection)

#### **Article 28**

The Minister of the Environment, in regard to the National Park, or the governor of the prefecture concerned, in regard to the Quasi-national Park, when deemed necessary for the protection of the Park concerned, may ask the report on the actual conditions of the work under way and other necessary matters from one who has been given the permission under the provision of paragraph 3 of Article 13, paragraph 3 of Article 14, item 6, paragraph 3 of Article 15, or paragraph 3 of Article 24, or one whose work has been restricted or ordered to take necessary measures under paragraph 2 of Article 26.

2. The Minister of the Environment, in regard to the National Park or the governor of the prefecture concerned, in regard to the Quasi-national Park, when deemed necessary for the measure taken in accordance with the provision of paragraph 3 of Article 13, paragraph 3 of Article 14, item 6, paragraph 3 of Article 15, paragraph 3 of Article 24, paragraph 1 of Article 26, may have their officials, within the limits necessary therefor, enter the lands or buildings within the boundary of the Park concerned, or inspect the practical state of the activity which is mentioned in any of the items paragraph 3 of Article 13, paragraph 3 of Article 14, item 6, paragraph 3 of Article 15, paragraph 3 of Article 24, paragraph 1 of Article 26, or investigate the effects of these activities upon the landscapes.

3. The personnel provided for in the preceding paragraph shall carry the identification papers and present them upon request.
4. The powers under paragraphs 1 and 2 shall not be understood as those approved of for criminal investigations.

(Facility Complex)

**Article 29**

Minister of the Environment, in regard to the National Park and the governor of the prefecture concerned, in regard to Quasi-national Park, may, for the purpose of consolidating in groups the facilities for the utilization of the Park, the former or designate the Facility Complex within its boundary in accordance with the Park Plan.

2. The provisions of paragraphs 3 and 4 of Article 5 shall be applied correspondingly to the designation and dissolution of the Facility Complex and to the alteration of its boundary. In this case, the "Minister of the Environment" mentioned in paragraph 3 of the same article shall read as the "Minister of the Environment or the governor of the prefecture concerned", and "official gazette" in the same paragraph shall read as "official gazette or prefectural official report", respectively.

(Regulation for Utilization)

**Article 30**

Within the Special Zone, Marine Park Areas or Facility Complex of the National and Quasi-national Parks, no one shall perform the activities mentioned in the following items:

- (1) Dumping refuse and other filth or waste or leaving them as they are in such manners as give remarkably unpleasant feelings to those utilizing the National Park or Quasi-national Park concerned.
  - (2) Letting remarkably offensive odors exhale, rendering out disturbing noises with loud speakers, radios, etc., occupying waywardly observation points, pavilions, etc., touting in such manners as cause one to feel sickening, or else causing annoyance remarkably to those utilizing the National Park or Quasi-national Park concerned.
2. The competent personnel of the State or of the prefecture, when anyone is found performing the activity mentioned in item 2 of the preceding article within the Special Zone or Facility Complex, may give instructions to stop the act.



3. The personnel provided for in the preceding paragraph shall carry identification papers and present them upon request.

#### **Section 4 Scenic Landscape Preservation Agreement**

(Conclusion of the Scenic Landscape Preservation Agreement, Etc.)

##### **Article 31**

The Minister of the Environment or local public bodies or the park management organization that is designated under paragraph 1 of Article 37 and performs the activity concerning management of the place of natural scenic beauty under the Scenic Landscape Preservation Agreement out of the activities mentioned in item 1 of Article 38 may, when deemed necessary to protect the place of natural scenic landscape within the National or Quasi-national Park, manage the place of natural scenic landscape within the boundary of the land concerned by executing an agreement providing for the following matters (the "Scenic Landscape Preservation Agreement") with the owner of land or trees and bamboos (referred to the "owner of land, etc." together with the following one) within the boundary (excluding sea areas) of the Park concerned or the one who owns the right to use and earn profits from such land or trees and bamboos (except when such right is clearly established for temporary facilities or other temporary use).

- (1) Area to be covered by the Scenic Landscape Preservation Agreement (the "Scenic Landscape Preservation Area").
- (2) Matters concerning methods for managing the place of natural scenic landscape within the Scenic Landscape Preservation Area.
- (3) Matters concerning development of the facilities concerned when improvement is necessary for the facilities required with respect to the protection of the place of natural scenic landscape within the Scenic Landscape Preservation Area.
- (4) Effective period of the Scenic Landscape Preservation Agreement.
- (5) Measures to be taken in the event of breach of the Scenic landscape preservation agreement.

2. The Scenic Landscape Preservation Agreement requires consent of all the owners of land, etc. within the Scenic Landscape Preservation Area.

3. Contents of the Scenic Landscape Preservation Agreement shall comply with the

following standards:

- (1) The Agreement shall be effective and appropriate for protection of the place of natural scenic landscape.
  - (2) The Agreement shall not unreasonably restrict the use of the land and trees and bamboos concerned.
  - (3) Matters mentioned in each item of paragraph 1 comply with the standards prescribed by the environmental ministerial ordinance.
4. When a local public body intends to execute the Scenic Landscape Preservation Agreement, it shall previously consult with the Minister of the Environment in the case of the National Park or the governor of the prefecture concerned in the case of the Quasi-national Park, and obtain consent therefrom, except when the prefecture intends to execute the Scenic Landscape Preservation Agreement on the land within its boundary with respect to the Quasi-national Park.
5. When the Park Management Organization mentioned in paragraph 1 intends to execute the Scenic Landscape Preservation Agreement, it shall previously obtain approval from the Minister of the Environment in the case of the National Park or the governor of the prefecture concerned in the case of the Quasi-national Park.

(Public Inspection of Scenic Landscape Preservation Agreement Etc.)

### **Article 32**

Upon attempting to execute the Scenic Landscape Preservation Agreement, or upon approving the application of Landscape Preservation Agreement under paragraph 5 of the preceding article, the Minister of the Environment, the local public body, or the governor of the prefecture concerned, shall publicly announce to that effect as prescribed in the environmental ministerial ordinance and provide the Scenic Landscape Preservation Agreement concerned for public inspection of the interest party for two weeks counting from the date of the announcement concerned.

2. In the event of public announcement under the preceding paragraph, those concerned may submit written opinions about the Scenic Landscape Preservation Agreement to the Minister of the Environment, the local public body, or the governor of the prefecture concerned by the date of expiration of the inspection period under the preceding paragraph.

(Approval of Scenic Landscape Preservation Agreement)

**Article 33**

The Minister of the Environment or the governor of the prefecture concerned shall grant the approval of the Scenic Landscape Preservation Agreement when the application made for the Agreement concerned under paragraph 5 of Article 31 falls under all the following items:

- (1) Application procedures are not in breach of relevant laws.
- (2) Contents of the Scenic Landscape Preservation Agreement comply with the standards mentioned in each item of paragraph 3 of Article 31.

(Official Announcement of Scenic Landscape Preservation Agreement Etc.)

**Article 34**

In the event of execution of the Scenic Landscape Preservation Agreement or approval under the preceding article, the Minister of the Environment, the local public body, or the governor of the prefecture concerned, as prescribed by the environmental ministerial ordinance, shall publicly announce such event, provide a copy of the Scenic Landscape Preservation Agreement concerned for public inspection, and expressly indicate the Scenic Landscape Preservation Area within its boundary.

(Alteration to Scenic landscape preservation agreement)

**Article 35**

The provisions of paragraphs 2 to 5 of Article 31 and preceding three articles shall be applied correspondingly to alterations to the matters prescribed in the Scenic Landscape Preservation Agreement.

(Effect of Scenic Landscape Preservation Agreement)

**Article 36**

The Scenic Landscape Preservation Agreement that has been publicly announced under Article 34 (including the cases when being correspondingly applied under the preceding article) shall remain in force for the one who becomes the owner of land etc. within the boundary of the Scenic Landscape Preservation Area concerned after such public announcement.

**Section 5 Park Management Organization**

(Designation)

### **Article 37**

The Minister of the Environment, in regard to the National Park and the governor of the prefecture concerned, in regard to the Quasi-national Park, respectively, may designate, as the Park Management Organization, a legal entity established for protection and proper use of the place of natural scenic landscape within the National or Quasi-national Park under Article 34 of the Civil Code (Law No. 89 of 1896), or a nonprofit organization under paragraph 2 of Article 2 of the Law to Promote Specified Nonprofit Activities (Law No. 7 of 1998), or other legal entity prescribed in the environmental ministerial ordinance, each of which is acknowledged as capable of performing properly and certainly the operations mentioned in the items of the following article.

2. In the event of designation under the preceding paragraph, the Minister of the Environment and the governor of the prefecture concerned shall announce the name and address of the Park Management Organization concerned and location of its offices in the official gazette or prefectural official report, respectively.
3. Upon attempting to change the name, address or location of the office, the Park Management Organization shall previously notify, to that effect, the Minister of the Environment in the case of the National Park or the governor of the prefecture concerned in the case of Quasi-national Park.
4. In the event of notification under the preceding paragraph, the Minister of the Environment or the governor of the prefecture concerned shall announce the matters concerning the notification in the official gazette or prefectural official report, respectively.

(Operations)

### **Article 38**

The Park Management Organization shall perform the following operations:

- (1) Management of the places of natural scenic beauty and other activities that contribute to preservation of natural scenic beauty under the Scenic Landscape Preservation Agreement.
- (2) Maintenance and management of the facilities within the National or Quasi-national Park including repairs.
- (3) Collection and presentation of information or materials concerning the protection of

the National or Quasi-national Park and promotion of their proper use.

- (4) Offer of appropriate advice and guidance concerning the protection of the National or Quasi-national Park and promotion of their proper use.
- (5) Study and research concerning the protection of the National or Quasi-national Park and promotion of their proper use.
- (6) Operations incidental to the aforementioned operations.

(Cooperation)

**Article 39**

The Park Management Organization shall perform the operations mentioned in item 1 of the preceding article in close cooperation with the Minister of the Environment and local public body concerned.

(Order for Improvement)

**Article 40**

When improvement in the management of the operation by the Park Management Organization is considered necessary, the Minister of the Environment or the governor of the prefecture concerned may order the Organization concerned to take measures necessary for such improvement.

(Cancellation of Designation Etc.)

**Article 41**

If the Park Management Organization violates the order under the preceding article, the Minister of the Environment or the governor of the prefecture concerned may cancel the designation of the Organization.

2. In the event of cancellation of the designation under the preceding paragraph, the Minister of the Environment or the governor of the prefecture concerned shall announce the event in the official gazette or prefectural official report, respectively.

(Presentation of Information Etc.)

**Article 42**

The State and local public bodies shall provide the Park Management Organizations with information, guidance and advice necessary for them to perform their operations.

**Section 6 Expenses**

(Expenses Necessary for Execution of Park Work)

**Article 43**

The expenses necessary for the execution of the Park Work shall be borne by the one who executes the Park Work concerned.

(Subsidy from State)

**Article 44**

The State may subsidize, within the limits of budgetary appropriation, part of the expenses necessary for the execution of the Park Work for the prefecture that executes the Park Work concerned, in accordance with that which is prescribed by the Cabinet Order.

(Charge to Local Public Body)

**Article 45**

In case that the State executes the Park Work concerning the National Park, when the execution of the Park Work concerned gives any special benefit to any local public body, the State may charge a part of the expenses necessary for the same execution to the same local public body within the limits of the benefits it receives.

2. In case that the State intends to charge a part of the expenses necessary for the execution of the Park Work to the local public body in accordance with the provision of the preceding article, the State shall seek the opinion of the local public body concerned.

(Charge to Beneficiary)

**Article 46**

The State or the local public body, in case that there is any one who receives special benefit through the execution of the Park Work, may charge a part of the expenses necessary for the execution of the Park Work concerned to the same one within the limits of the benefits he receives.

(Charge to Causes)

**Article 47**

The State or the local public body, in case that the execution of the Park Work is made necessary by any other construction or another's activity, may charge all or a part of the

expenses concerned, within the limits of the necessity for the execution of the Park Work, to one who bears the expenses of the construction or the activity which has made such a cause.

(Method of Collection of Shares, etc.)

#### **Article 48**

The method of the collection of the shares in accordance with the provisions of the preceding three articles and other necessary matters concerning the shares shall be prescribed by the Cabinet Order.

(Exception from Application)

#### **Article 49**

The provisions of this section shall not be applied to the works concerning the roads under the Road Law and other works that are provided for otherwise, in other Laws, concerning the expenses necessary for the execution thereof.

### **Section 7 Miscellaneous Provisions**

(On-the-spot Survey)

#### **Article 50**

If a spot survey is necessary, the Minister of the Environment, with respect to the designation of National or Quasi-national Park, decision on the Park Plan, execution of the Park Work, or decision on the Park Work on the National Park, and the governor of the prefecture concerned, with respect to designation of the Quasi-national Park or application for expansion of its area, decision on the Park Plan, application for additional Work, decision on the Park Work or execution of the Park Work, and the State organs other than the Minister of the Environment, with respect to execution of the Park Work, may respectively have their competent personnel enter the lands of others, set up land marks, survey the lands, fell or remove the trees and bamboos, or hedges or fences, etc. which pose an impediment, provided that, in case that any provision concerning the on-the-spot survey is found in the Road Law or other laws, its provision shall be preferentially obeyed.

2. The State organs or the governor of the prefecture, when they intend to have their competent personnel perform the activities in accordance with the provision of the preceding article, shall previously notify the fact to the owner (when the address of

the owner is unknown, the occupant thereof; hereinafter, the same) and occupant of the same land and the owner of the trees and bamboos or the hedges, fences, etc., and thus give them the opportunity for presenting their written opinions.

3. The personnel under paragraph 1 shall not enter the housing lot or the land enclosed with hedges, fences, etc., before sunrise and after sunset.
4. The personnel under paragraph 1 shall carry the identification papers and present them upon request.
5. The owner or occupant of the land or the owner of trees and bamboos or hedges or fences shall not deny or interfere with the entry or setting up of the land marks or other activities under paragraph 1, without any good reasons.

(Arbitration of Environmental Dispute Coordination Committee)

#### **Article 51**

One, who has been dealt with the measure by the Minister of the Environment or the governor of the prefecture under the provision of paragraph 3 of Article 13, paragraph 3 of Article 14, paragraph 3 of Article 24, or paragraph 2 of Article 26 has any complaint against it, may apply for the arbitration to the Environmental Dispute Coordination Committee, when the reason of his complaint is upon the coordination with mining, quarrying or gravel industries. In this case, the person can not make complaint in accordance with the Administration Complaint Examination Law (Law No. 160 of 1962).

2. Article 18 of the Administration Complaint Examination Law shall apply correspondingly, in case of the disposition of the preceding article, the disposition authority instructs erroneously that the person can claim re-examination or complaint.

(Loss Compensation)

#### **Article 52**

The State, in regard to the National Park and the governor of the prefecture, in regard to the Quasi-national Park, shall compensate for the loss that may occur under ordinary circumstances to one who suffers the loss due to inability to obtain the permission under paragraph 3 of Article 13, paragraph 3 of Article 14, or paragraph 3 of Article 24, or due



to the conditions attached to the permission under Article 25, or due to the disposition under paragraph 2 of Article 26.

2. One, who intends to claim the compensation in accordance with the preceding article, shall claim it to the Minister of the Environment, in regard to the State and the governor of the prefecture concerned, in regard to the prefecture.
3. The Minister of the Environment or the governor of the prefecture concerned, when he has received the claim in accordance with the provision of the preceding article, shall decide upon the sum of the compensation and notify it to the claimant concerned.
4. The State or the prefecture concerned shall compensate for the loss that may occur under ordinary circumstances to one who suffers the loss due to an activity of the competent personnel under paragraph 1 of Article 50.
5. The provisions of paragraphs 2 and 3 shall be applied correspondingly to the compensation of the loss under the provision of the preceding article in this case, the "Minister of the Environment" in paragraphs 2 and 3 shall read as the "competent minister who administers the affairs concerning the spot survey prescribed in paragraph 1 of Article 50".

(Institution of Appeal)

**Article 53**

One, who is dissatisfied with the decision under the provision of paragraph 8 of the preceding article (including the case of the corresponding application under paragraph 5 of the same article) may claim the increase of the sum of the compensation by the appeal within three months counting from the day of the notification received concerned.

2. In the complaint of the preceding paragraph, the State or the Prefectural Government shall be the defendant.

(Compulsory Collection of Shares)

**Article 54**

In case that any one, who does not pay the share to be paid to the State in accordance

with the provisions of this Law, is found, the Minister of the Environment shall press him for the payment of it with the time-limit of its payment by the demand note.

2. In the preceding case, the Minister of the Environment may impose the arrears as provided for by the environmental ministerial ordinance provided that the arrears shall be decided upon within the limits of the amount calculated at the rate of 14.5% per annum.

3. In case that the one, who has received the demand, does not pay the sum to be paid by the appointed time-limit, the Minister of the Environment may impose the share and the arrears provided for by the preceding two articles. In this case, the order of the share and arrears in the right of priority shall be next to those of the national tax and the local taxes.

4. The arrears shall be prior to the share.

(Consultation)

**Article 55**

The Minister of the Environment shall consult with the heads of the interested administrative organs when attempting to carry out the designation of the National Park or Quasi-national Park, expansion of the boundary thereof, decision upon or alteration of the Park Plan, or designation of the Special Zone, Special Protection Zone, Regulated Utilization Area or Marine Park Area, or expansion of the boundary thereof.

2. The governor of the prefecture concerned shall consult with the heads of the interested administrative organs when attempting to carry out the designation of the Special Zone, Special Protection Zone, Regulated Utilization Zone or Marine Park Zone within the Quasi-national Park or expansion of the boundary thereof.

3. The State organs other than the Minister of the Environment, when they intend to execute the Park Work concerning the National Park in accordance with the provision of paragraph 1 of Article 9, shall consult with the Minister of the Environment.

4. The State organs, when they intend to execute the Park Work concerning the Quasi-national Park in accordance with the provision of the proviso to paragraph 1 of Article 10, shall consult with the Minister of the Environment.

(Special Cases with State)

**Article 56**

As to the activity carried out by the State organs, the permission in accordance with the provision of paragraph 3 of Article 13, or paragraph 3 of Article 14, item 6, paragraph 3 of Article 15 or paragraph 3 of Article 24 shall not need to be obtained. In this case, the State organ concerned, when it intends to carry out the same activity, shall previously consult with the Minister of the Environment in the case of the National Park, or with the governor of the prefecture in the case of the Quasi-national Park.

2. In the event of the consultation concerning the Quasi-national Park under the preceding paragraph, the governor of the prefecture concerned, if the activity concerning the consultation falls under any of the activities prescribed by the environmental ministerial ordinance in view of its impact on the spectacular sights of the Quasi-national Park concerned and other circumstances, the governor shall consult with the Minister of the Environment and obtain consent therefrom.
3. The State organization, when it has carried out or intends to carry out the activity requiring to be notified in accordance with the provisions of paragraphs 6 to 8 of Article 13, paragraphs 6 and 7 of Article 14, paragraphs 6 and 7 of Article 24, or paragraph 1 of Article 26 shall notify the Minister of the Environment in the case of the National Park or the governor of the prefecture concerned in the case of the Quasi-national Park to that effect following the examples of notification in accordance with these provisions.
4. The Minister of the Environment or the governor of the prefecture, when deemed necessary for the protection of the landscapes of the park concerned on the receipt of the notification following the examples of reporting in accordance with the provision of paragraph 1 of Article 26, may seek conference with the State organ concerned on the measure to be taken for the protection of the landscapes.

(Classification of Affairs)

**Article 57**

Affairs to be dealt with by the prefecture concerned under paragraph 3 of Article 5, which is being correspondingly applied in paragraphs 1 and 2 of Article 13, paragraph 3 of Article 5, which is being correspondingly applied in paragraphs 1 and 2 of Article 14,

paragraph 3 of Article 5, which is being correspondingly applied in paragraphs 1 and 2 of Article 24, and paragraph 2 of Article 55 (excluding the provision concerning the Regulated Utilization Area) shall be deemed as the "Item 1 Legally Entrusted Affairs" prescribed in item 1, paragraph 9 of Article 2 of the Local Autonomy Law.

(Relationship with Wilderness Area)

#### **Article 58**

The Wilderness Area designated under paragraph 1 of Article 14 of the Nature Conservation Law shall be excluded from the area of the National or Quasi-national Park.

### **Chapter IV Penal Provisions**

#### **Article 69**

Any one, who has violated the order under the provision of paragraph 1 of Article 27, shall be punished with a penal servitude of not more than one year or a fine of not more than 1,000,000 yen.

#### **Article 70**

Any one, who comes under any of the following items, shall be punished with a penal servitude of not more than six months or a fine of not more than 500,000 yen:

- (1) One, who has violated the provision of paragraph 3 of Article 13, paragraph 3 of Article 14, paragraph 3 of Article 15 or paragraph 3 of Article 24
- (2) One, who has been authorized under paragraph 1 of Article 16 by falsification or other illegal means
- (3) One, who has violated the conditions attached to the permission in accordance with the provision of Article 25.

#### **Article 71**

Any one, who has violated the provision of paragraph 1 of Article 20, shall be punished with a penal servitude of not more than six months or a fine of not more than 500,000 yen.

#### **Article 72**

Any one, who has violated the measure taken under the provision of paragraph 2 of Article 26 or Article 40, shall be punished with a fine of not more than 500,000 yen.

### **Article 73**

Any one, who comes under any of the following items, shall be punished with a fine of not more than 300,000 yen:

- (1) One, who has been given reissuance of the entry approval certificate under paragraph 5 of Article 16 by falsification or other illegal means.
- (2) One, who has discontinued all the approval-related affairs without the permission under paragraph 4 of Article 19.
- (3) One, who has failed to report as prescribed in paragraph 1 of Article 22, or reported falsely, or refused, obstructed or evaded the spot inspection under the same paragraph, or made no statement or false statement in response to questions.
- (4) One, who has failed to make the notification under the provision of paragraph 1 of Article 26 or has made false notification.
- (5) One, who has violated the provision of paragraph 5 of Article 26.
- (6) One, who has failed to make the reporting under paragraph 1 of Article 28 or has made false reporting.
- (7) One, who has denied, prevented or evaded the entering inspection or entering survey under the provision of paragraph 2 of Article 28.
- (8) One, who has performed, without permission, the activities mentioned in item 1, paragraph 1 of Article 30 within the Special Zone, Marine Park Area or Facility Complex of the National Park or Quasi-national Park.
- (9) One, who has performed, without permission, the activities mentioned in item 2, paragraph 1 of the same article without obedience to the direction of the competent personnel under the provision of paragraph 2 of Article 30 within the Special Zone, Marine Park Area or Facility Complex of the National Park or Quasi-national Park.
- (10) One, who has denied or prevented the entry or setting up of land marks or other activities under the provision of paragraph 1 of the same article, violating the provision of paragraph 5 of Article 50.

### **Article 74**

When the representative of the juridical person or the juridical person, or the proxy of the individual, employee or other service worker has committed the offences under Article 69, Article 70, Article 72 or the preceding article in connection with the business of the some juridical person or individual, the same juridical person or individual, too, shall be punished respectively with the fines under the same articles, besides the punishment on the actual offender.

#### **Article 75**

Any one, who has entered without carrying the entry approval certificate, which violated the provision of paragraph 6 of Article 16, shall be punished with a fine of not more than 100,000 yen.

#### **Article 76**

Prefectural ordinance based upon the provision of Article 60, Article 62 or Article 63 may include the provision laid down for the punishments inflicted on the actual offender, respectively within the limits of not exceeding the extents of the punishments prescribed in any of the preceding articles, according to the modes of the same offences.

#### **Extract from the Supplementary Provisions**

(Date of Enforcement)

1. This Law shall come into force on October 1, 1957.

(Abolition of the National Parks Law)

2. The National Parks Act (Law No. 36 of 1931) shall be abolished.

(Affairs Dealt with by Prefectures)

9. Part of the affairs that belong to the authority of the Minister of the Environment as prescribed in this Law may be performed by the governors of the prefectures prescribed by the Cabinet Order for the time being as prescribed in the Cabinet Order.

10. When attempting to draft the Cabinet Order to prescribe the prefectures under the preceding paragraph, the Minister of the Environment shall draft it upon application by the governor of the prefecture concerned.

(Interest-free Loan by the State, etc.)

11. For the Park Work for which the State may subsidize the expense under Article 44, the State, for the time being, may provide interest-free loans to the prefecture concerned in the amount for which the State may provide within the budgetary limit as subsidy under Article 44 with respect to the funds to be used as expense for the matters mentioned in item 2, paragraph 1 of Article 2 of the Law concerning Special

Measures for Promoting Improvement of Social Infrastructure Using Proceeds from Sales of the Stock of Nippon Telegraph and Telephone Corporation (Law No. 86 of 1987).

12. The repayment period of the loans provided by the State under the preceding paragraph shall be prescribed by the Cabinet Order not exceeding five years (including a grace period not exceeding two years).
13. In addition to the preceding paragraph, matters necessary for redemption such as method and acceleration of the due date under paragraph 11 of the Supplementary Provisions shall be prescribed by the Cabinet Order.
14. When the loan is extended to a prefecture under paragraph 11 of the Supplementary Provisions, the State shall subsidize the Park Work concerning the loan extended in the amount equivalent to the amount of said loan in accordance with Article 44. This subsidy shall be implemented by delivering the amount equivalent to the total redemption of the loan concerned at the time of redemption thereof.
15. When redemption of the interest-free loan extended to a prefecture under paragraph 11 of the Supplementary Provisions is accelerated to a date prior to the due date prescribed in paragraphs 12 and 13 of the Supplementary Provisions (except when such redemption is prescribed by the Cabinet Order), with respect to application of the provision of the preceding paragraph, the redemption concerned shall be deemed to have been made at the due date for the redemption.

**Extract of the Supplementary Provisions(Law No. 29 dated April 24, 2002)**

(Date of Enforcement)

**Article 1**

This Law shall come into force on the date prescribed by the Cabinet Order not exceeding one year from the date of promulgation.

(Examination)

**Article 2**

The Government, when five years have passed since the enforcement of this Law, shall consider the state of enforcement of the National Parks Law, which is revised by this

Law, (hereinafter, the "New Law" in this article), and when considered necessary, shall examine the provisions of the New Law and take necessary measures based on results of such examination.