

# THE RIVER LAW

River Bureau, Ministry of Construction

JAPAN

## NOTE

This is an English translation of the River Law (as amended) as of 1 January 1980, March 1994 and September 1995.

The River Law is the legal foundation of the river management in Japan. At the same time, it is one of the most important basic laws in the water administration.

The River Law, commonly known as the old River Law, was first enacted and promulgated in 1896. This was one of the earliest comprehensive and modern river codes in the world. In 1964, the old River Law was replaced by a new one.

The new River Law (Law No.167 of 1964) was promulgated on July 10, 1964 and took effect on April 1, 1965. There have been several minor revisions since then. To implement this law, there are corresponding cabinet orders and regulations.

(I.T.)

**THE RIVER LAW (as amended)**  
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## Chapter I. General Provision

### Purposes

#### Article 1.

The purposes of this Law are to contribute to the land conservation and development of the country and thereby to maintain public security and promote public welfare, by administering rivers comprehensively to prevent occurrence of damage due to floods, high tides, etc., utilize rivers properly and maintain the normal functions of the river water.

#### Principles Governing River Administration, etc. Article 2.

A river is a property for public use, and its conservation, utilization and other forms of administration shall be properly performed so as to attain the purposes stated in the preceding article.

2 The water of a river cannot be made the subject of a private right.

#### River and River Administration Facility Article 3.

The term "river" as used in this Law means a Class A river or a Class B river and includes the river administration facilities for the river.

2 The term "river administration facility" as used in this Law means a dam, weir, sluice, levee, revetment, ground sill or other facility which has the function of increasing public benefits from the water of a river or of eliminating or decreasing public losses which may be caused by the water of a river. However, with regard to a facility built by a person other than the river administrator, the term applies only when the river administrator has obtained the consent of the person who, on the basis of his title, administers the facility concerned to making it a river administration facility.

#### Class A River

##### Article 4

The term "Class A river" as used in this Law means a river (involving public stream and water area; hereinafter the same) designated by the Minister of Construction which belongs to such a water system especially important from the standpoint of land conservation or national economy as is designated by Cabinet Order.

2 When the Minister of Construction intends to draft a plan for establishment, revision or abolition of Cabinet Order mentioned in the preceding paragraph, he shall first hear the opinions of the River Council and the prefectural governors concerned.

3 When the Minister of Construction intends to designate a river in accordance with the provision of Paragraph 1, he shall first consult with the heads of the administrative agencies concerned and hear the opinions of the River Council and the prefectural governors concerned.

4 When any of the prefectural governors concerned intends to state his opinion in accordance with the provisions of the preceding two paragraphs, he shall ask for the decision of the general assembly of the prefecture concerned.

5 When the Minister of Construction designates a river in accordance with the provision of Paragraph 1, he shall make public its name and section as well as the name of the water system to which it belongs, as may be provided for in detail by Ministry of Construction Ordinance.

6 For change or abolition of the designation of a Class A river the procedure for the designation of a river made under the provision of Paragraph 1 shall be followed.

### **Class B River**

#### Article 5.

The term "Class B river" as used in this Law means a river designated by the prefectural governor concerned which belongs to such a water system other than those designated by Cabinet Order under Paragraph 1 of the preceding article as has an important bearing on public interests.

2 When the prefectural governor intends to designate a river in accordance with the provision of the preceding paragraph, if the river concerned forms or crosses the boundary between the prefecture and another prefecture, he shall consult with the governor of the other prefecture.

3 When the prefectural governor designates a river in accordance with the provision of Paragraph 1, he shall make public its name and section as well as the name of the water system to which it belongs, as may be provided for in detail by Ministry of Construction Ordinance.

4 When the prefectural governor intends to designate a river in accordance with the provision of Paragraph 1, he shall first hear the opinions of the heads of the cities, towns and villages concerned.

5 When the head of any of the cities, towns or villages concerned intends to state his opinion in accordance with the provision of the preceding paragraph, he shall ask for the decision of the general assembly of the city, town or village concerned.

6 For change or abolition of the designation of a Class B river the procedure for the designation made under the provision of Paragraph 1 shall be followed.

7 When a Class B river is designated as a Class A river falling under Paragraph 1 of the preceding article. the designation under Paragraph 1 concerning the Class B river becomes null and void.

### **River Area**

#### Article 6

The term "river area" as used in this Law means an area given in one of the following items:

(1) Area of the land where the water of a river flows continuously and of the land where the topography, conditions of growth of vegetation and other conditions are similar to the conditions of the land where the water of a river flows continuously (including the land of the river-bank but excluding the land where such conditions exist temporarily owing to floods or other abnormal natural phenomena);

(2) Area of the land which is the site of a river administration facility;

(3) Of the area of the land on the waterside of the bank (including such land similar to it as may be designated by Cabinet Order and such retarding basin as may be designated by Cabinet Order), area designated by the river administrator as an area whose administration must be performed unifiedly with the area mentioned in item (1).

2 With regard to land containing levees which are river control facilities under the jurisdiction of river managers and which are of a standard structure that can withstand floods in which the flow exceeds the estimated flood discharge (hereinafter referred to as "high standard levees") even if the majority of land within the area of the levee is made available for normal use, river managers shall designate as special high standard levee zones those areas that can be made available for normal use.

3 When designating a zone under Paragraph 1-(3) or designating a special high standard levee zone, river managers must give public notice to this effect in accordance with provisions in Ministry of Construction Ordinances. The same shall apply in cases where the said designation is altered or cancelled.

4 When the river administrator intends to make or change the designation referred to in item (3) of Paragraph 1 with regard to a harbour area provided in the Harbour Law (Law No.218 of 1950) or a fishing port area provided for in the Fishing Port Law (Law No.137 of 1950), he shall consult with the harbour administrator or the Minister of Agriculture, Forestry and Fishery as the case may be.

### **River Administrator Article 7**

The term "river administrator" as used in this Law means a person who administers rivers in accordance with the provision of Article 9 Paragraph 1 or of Article 10.

### **River Works Article 8**

The term "river works" as used in this Law means works executed on a river in order to increase public benefits or eliminate or diminish public losses caused by the water of the river.

## **Chapter II. Administration of River**

### **Section 1. General Rules**

#### **Administration of Class A River**

##### **Article 9.**

The administration of a Class A river shall be performed by the Minister of Construction.

2 The Minister of Construction shall, with respect to a section he designates of a Class A river (hereinafter referred to as "designated section") have part of the administration performed by the prefectural governor governing the prefecture where the part concerned of the river is located, as may be provided for in detail by Cabinet Order.

3 When the Minister of Construction intends to designate a designated section, he shall, in advance, hear the opinion of the prefectural governor concerned. The same shall apply when he intends to change or cancel the designation.

4 When the Minister of Construction designates a designated section, he shall make public notification to that effect, as may be provided for in detail by Ministry of Construction Ordinance. The same shall apply when he changes or cancels the designation.

#### **Administration of Class B River Article 10.**

The administration of a Class B river shall be performed by the prefectural governor governing the prefecture where the river concerned is located.

### **Exception in Case of Administration of Class B River Forming or Crossing Boundary Article 11.**

With regard to the part of a Class B River forming or crossing the boundary between two or more prefectures, the prefectural governors concerned may, by consultation, fix a special method of administration.

- 2 When an agreement has been reached by consultation under the provision of the preceding paragraph, the prefectural governors concerned shall publish the contents of the agreement reached, as may be provided for in detail by Ministry of Construction Ordinance.
- 3 When the governor of one prefecture performs the administration of the part lying in the area of another prefecture on the basis of the agreement reached by consultation under the provision of Paragraph 1, he shall carry out the functions of the governor of the other prefecture in his place, as may be provided for in detail by Cabinet Order.

### **River Register Article 12**

A river administrator shall prepare a set of registers of the rivers he administers, and keep it in custody.

- 2 The set of registers shall comprise a register showing the present condition of the rivers and a register of water utilization.
- 3 The items to be entered in the registers and other necessary matters concerning their preparation and custody shall be provided for by Cabinet Order.
- 4 When the river administrator receives a request for permission of perusal of the river registers, he shall not refuse it unless there is a justifiable reason.

### **Structural Standards for River Control Facilities etc. Article 13.**

River control facilities, or river structures established with approval as stipulated in Article 26 Paragraph 1 must be structurally safe in consideration of water level, flow, topographical and geological conditions and other conditions affecting the river, and the dead load, water pressure and other anticipated loads.

- 2 Technical standards necessary for river control applicable to dams, levees and other major river control facilities or river structures established with approval as stipulated in Article 26 Paragraph 1 shall be stipulated in government ordinances.

(Paragraphs 1 & 2 amended by Law No 61 of 2 May 1991)

### **Regulations for Operation of River Administration Facilities Article 14.**

The river administrator shall, for such dams, weirs, sluices and other facilities involving operation, out of the river administration facilities he administers, as may be fixed by Cabinet Order; establish respective operation regulations, as may be provided for in detail by Cabinet

- 2 When the river administrator intends to establish or change operation regulations of the preceding paragraph, he shall, in advance, consult with the heads of the administrative agencies concerned and hear the opinions of the prefectural governors concerned, the opinions of the heads of cities, towns and villages concerned and the opinions of the persons fixed by Cabinet Order who bear a part of the expenses necessary for administering river administration facilities, as may be provided for in detail by Cabinet Order.

### **Consultation with Other River Administrators Article 15.**

If it is feared, when the river administrator intends to establish or change the operation regulations mentioned in Paragraph 1 of the preceding Article, or execute a river work, or take an official action in accordance with any of the provisions of Articles 23 through 29 (including the official action of Article 75 taken in connection with such action), that operation based on the operation regulations, or the river work concerned, or the work or other act connected with the official action concerned may have a marked effect on a river administered by another river administrator, the river administrator shall, in advance, consult with the other river administrator.

## **Section 2 River Works etc.**

### **Basic Plan of Work Execution Article 16.**

A river administrator shall, for the rivers he administers fix the design highwater discharge and other matters which will be the basis for executing river works of the rivers concerned (hereinafter referred to as "basic plan of work execution").

2 A basic plan of work execution shall be so fixed, in accordance with the standards that may be

1 established by Cabinet Order, and for each water system, as to ensure comprehensive

administration of the rivers in the water system, by taking into consideration the conditions of flood damage caused in the past, present status of utilization of water resources and their development and also by effecting coordination with the comprehensive national land development plan

3 In fixing a basic plan of work execution, the river administrator shall. with regard to areas where damage due to floods has been frequently caused owing to precipitation, topography, geology and other conditions, take special care to provide for measures to prevent or diminish such damage.

4 When the Minister of Construction intends to fix a basic plan of work execution, he shall first hear the opinion of the River Council.

### **River Works Carried Out by Municipal Heads Article 16-2.**

Notwithstanding the provisions of Articles 9 and 10, a municipal head may carry out river works or river maintenance on Class A and B rivers within designated areas after consultation with the responsible river manager. This does not apply in cases stipulated by government ordinance as being inappropriate for river control on such grounds as the purpose of the works, the degree of impact on the river, or the size of the population of the municipality.

2 When carrying out river works or river maintenance on the basis of the consultation stipulated in the preceding paragraph, and when the said river works or river maintenance has been completed, the municipal head must give public notice to this effect in accordance with the provisions in the Ministry of Construction Ordinances.

3 When carrying out river works or river maintenance on the basis of the consultation as prescribed in Paragraph 1, the municipal head shall exercise the powers of the river manager on behalf of the river manager in accordance with the provisions in government ordinances

(This article added by Law No.34 of May 1987)

### **Consultation on Works etc. of Structure for Joint Use Article 17.**

In case a river administration facility and a facility or structure intended for a purpose other than river administration (hereinafter referred to as "non-river-administration facility") are built as one structure, the river administrator and the administrator of the non-river-administration facility may, upon consultation, fix a special administration method and perform the works, maintenance and operation of the structure which is the river administration facility and the non-river-administration facility according to the fixed method.

2 In case the administrator of the non-river-administration facility performs works, maintenance or operation of the river administration facility in accordance with consultation prescribed in the preceding paragraph, the river administrator shall make public notification to that effect as may be provided for in detail by Ministry of Construction Ordinance.

#### **Execution of Work by Person Who Has Necessitated Such Work Article 18.**

With regard to a work other than a river work (hereinafter referred to as "other work") and such river work as may be necessitated by the act of damaging a river or an act causing necessity of changing the present condition of a river (hereinafter referred to as "other act"), the river administrator may have such works executed by the executor of the other work concerned or by the person who performed the other act concerned as the case may be.

#### **Execution of Appurtenant Work Article 19.**

With regard to such other work as has been necessitated by a river work or such other work as has become necessary in order to execute a river work, the river administrator may execute such work together with the river work concerned.

#### **River Works Carried Out by Persons Other Than the River Manager Article 20.**

In addition to the cases stipulated in Article 11, Article 16-2 Paragraph 1, Article 17 Paragraph I and Article 18, persons other than river managers may carry out river works or river maintenance with the approval of the responsible river manager in accordance with the provisions in government ordinances. However, approval of the responsible river manager is not required for minor or simple river works or maintenance stipulated in government ordinances

(This article amended by Law No.34 of May 1987)

#### **Compensation for Loss Caused by Execution of Work Article 21.**

Except in a case to which the provisions of Article 93 Paragraph 1 of the Land Expropriation Law (Law No.219 of 1951) applies, when it is deemed unavoidably necessary, as the result of execution of a river work, 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 bordering on the river concerned, the river administrator (in case the river work concerned is one executed by a person other than the river administrator, that person; hereinafter the same in this article) shall pay in compensation a part or the whole of the expenses for such work on the request of the person to whom execution of the work is necessary (hereinafter in this article referred to as "person who has incurred loss"). In such case, the river administrator or the person who has incurred loss may request that the river administrator executed the work concerned as a substitute for the whole or a part of the compensation money.

2 The compensation for loss under the provision of the preceding paragraph cannot be demanded after one year has elapsed from the day on which the river work was completed.

- 3 With regard to the compensation under the provision of Paragraph 1, it is necessary that the river administrator and the person who has incurred loss should hold a consultation on it.
- 4 If no agreement can be reached by consultation under the provision of the preceding paragraph, the river administrator or the person who has incurred loss may apply to the Expropriation Committee for a decision under the provision of Article 94 of the Land Expropriation Law as may be provided for in detail by Cabinet Order.

#### **Emergency Measures at Time of Flood etc. Article 22.**

In case danger from floods, high tides, etc. impends, if it is of urgent necessity to take steps to prevent a flood disaster or minimize damage which may be caused by it, the river administrator may, at the site, use the required land, use or compulsorily purchase earth and stone, trees and bamboos or other materials. use rolling stock and other vehicles or tools, and dispose of structures or other obstacles.

In case it is urgently necessary in taking any of the steps provided for in the preceding paragraph, the river administrator may make persons living in the neighborhood or persons at the site engage in the work which the step involves.

- 3 In case any person incurs a loss caused by compulsory purchase, use or disposal provided for in Paragraph 1, the river administrator shall compensate him for such loss as would ordinarily be incurred.
- 4 With regard to the compensation for loss provided for in the preceding paragraph, it is necessary that the river administrator and the person who has incurred the loss should hold a consultation on it.
- 5 In case no agreement can be reached by consultation under the provision of the preceding paragraph, the river administrator shall pay the person who has incurred the loss an amount of money fixed according to his own estimation. In such case, if the person is dissatisfied with the amount, he may, within thirty days from the day he receives payment of the compensation money, apply to the Expropriation Committee for a decision under the provision of Article 94 of the Land Expropriation Law as may be provided for in detail by Cabinet Order.
- 6 In the event that a person engaged in the work stipulated in Paragraph 2 dies as a result of the said work, or dies or becomes disabled owing to an injury sustained or an illness contracted as a result of the said work, the river manager must pay compensation to the person or the person's bereaved family or dependents for the loss or injury as stipulated in government ordinances. (Paragraph 6 amended by Law No.66 of July 1982)

#### **Measures to Restore High Standard Levees on Third Party Land Article 22-2.**

In the case where a high standard levee within a special high standard levee zone is damaged or there is a risk of the levee's being damaged, and the damage or potential damage is judged to cause significant 'hindrance to river control, the river manager or a person directed or authorized by the river manager may adopt measures to restore the high standard levee on third party land to the extent necessary to remove the hindrance, or other measures such as ground repair necessary to restore or preserve the high standard levee and removal of any objects that are causing or have the potential to cause hindrance (hereinafter referred to as "restoration measures").

- 2 In the case where a river manager or appointed proxy intends to adopt restoration measures on third party land under the provisions of the preceding paragraph, the river manager or appointed proxy must notify and consult with the owner and occupant of the said land beforehand.

3 When the river manager or appointed proxy acting under Paragraph 1 enters land occupied by a third party, the river manager or appointed proxy must act in accordance with the provisions of Article 89 Paragraphs 2-5 in addition to the provisions of the preceding paragraph.

4 The owner or occupant of the land may not reject or obstruct restoration measures carried out under the provisions of Paragraph 1 without justifiable reason.

5 In the event that a person suffers a loss as a result of restoration measures carried out under the provisions of Paragraph 1, the person must be compensated for such losses as would ordinarily arise.

6 The provisions of Paragraphs 4 and 5 of the preceding article shall apply mutatis mutandis to compensation for loss under the provisions of the preceding paragraph.

(This article added by Law No.61 of 2 May 1991)

### **Section 3. Use of Rivers and Regulations Concerning Rivers**

#### **Subsection 1. General Rules**

#### **Permission for Use of River Water Article 23.**

Any person who intends to use the water of a river shall obtain the permission of the river administrator as may be provided for in detail by Ministry of Construction Ordinance.

#### **Permission for Occupancy of Land Article 24.**

Any person who intends to occupy land within a river area (excluding land administered by a person other than the river administrator on the basis of his title; hereinafter the same in the following article) shall obtain the permission of the river administrator as may be provided for in detail by Ministry of Construction Ordinance.

#### **Permission for Taking Earth, Stone, etc. Article 25.**

Any person who intends to take earth and stone (including sand; hereinafter the same) from the land within a river area shall obtain the permission of the river administrator as may be provided for in detail by Ministry of Construction Ordinance. The same shall apply to any person who intends to take such products of a river other than earth and stone as may be designated by Cabinet Order from the land within a river area.

#### **Permission for Construction etc. of Structures Article 26.**

Any person who intends to construct, reconstruct or remove a structure on the land within a river area shall obtain the permission of the river administrator as may be provided for in detail by Ministry of Construction Ordinance. The same shall apply to any person who intends to construct, reconstruct or remove a structure for storing the water of a river in the sea near the estuary or making it stagnate there.

2 Notwithstanding the provisions of the preceding paragraph, the following actions on land in special high standard levee zones do not require approval as stipulated in the preceding paragraph.

(1) Construction or reconstruction of structures stipulated in government ordinances as structures that pose no risk of diminishing the functions of foundation piles and other high standard levees against water permeation.

(2) Construction or reconstruction of above-ground structures or underground structures to a depth stipulated in government ordinances other than those stipulated in the preceding sub-paragraph, spillways, drainage canals and other water channel facilities, and ponds and other water storage facilities that pose a risk of water seepage.

(3) Removal of above-ground structures or underground structures to depth stipulated in government ordinances and immediate filling in of the land where the structures were established.

3 In the case where an application for approval has been lodged as stipulated in Paragraph 1 or discussions have been held as stipulated in Article 95 regarding the construction, reconstruction or removal of a structure on land in a special high standard levee zone, the river manager must approve the application or settle the discussions provided the construction, reconstruction or removal of the structure related to the application or discussions does not pose a risk of impeding the effectiveness of the area as a high standard levee.

"Paragraphs 2 & 3 added by Law No.61 of 2 May 1991)

### **Approval for Land Excavation etc. Article 27.**

A person who seeks to excavate, bank or cut or carry out any other act that alters the shape of land in river zones (excluding acts approved under Paragraph 1 of the preceding article) or seeks to plant or cut trees on land in river zones must obtain approval from the river manager in accordance with provisions in Ministry of Construction Ordinances. This does not apply in the case of minor or simple acts stipulated in government ordinances.

2 Notwithstanding the provisions of the preceding paragraph, approval as stipulated in the preceding paragraph is not required for the following acts on land in special high standard levee [ones].

(1) Land excavation for the purpose of the work stipulated in Paragraph 2 Subparagraph (1) of the preceding article, or land excavation to a depth stipulated in government ordinances where the land is to be filled in immediately after excavation.

(2) Banking

(3) Acts which will change the shape of the land other than excavation, banking and cutting. (4) Planting or cutting trees.

3 In case it is deemed that a river administration facility of a structure constructed by obtaining the permission of the preceding article will be damaged by land excavation, banking or cutting on the land within the river area and cause a serious hindrance to river administration, the river administrator shall not give the permission of the preceding paragraph or enter into the agreement referred to in Article 95 with respect to specified land within the river area which includes the site of the river administration facility concerned or of the structure concerned.

4 The river administrator shall notify the public of the area referred to in the preceding paragraph as may be provided for in detail by Ministry of Construction Ordinance.

5 The provision of Paragraph 3 of the preceding article shall apply mutatis mutandis in the case where an application for approval has been lodged as stipulated in Paragraph 1 or discussions have been held as stipulated in Article 95 regarding the excavation or cutting of land in a special high standard levee zone.

### **Prohibition and Restriction of and Permission for Floating Down Trees and Bamboos etc. Article 28.**

Floating trees and bamboos down a river and the passage of boats and rafts on a river may be prohibited or restricted, or obtaining permission of the river administrator for such acts may be made obligatory, to the extent necessary for river administration, by Cabinet Order in case of a Class A river and by prefectural regulations in case of a Class B river.

**Prohibition and Restriction of and Permission for Act Affecting River Water Which is Likely to Hinder River Administration  
Article 29.**

Unless provided for in any of the Articles from 23 through the preceding article, acts which are likely to hinder river administration by affecting the course, cleanliness, discharge, width, depth, etc. of the water of a river may be prohibited or restricted, or obtaining permission of the river administrator for such acts may be made obligatory, by Cabinet Order.

2 Concerning Class B rivers, such act stipulated in the preceding paragraph as may be fixed by Cabinet Order may be prohibited or restricted or obtaining permission of the river administrator for such acts may be made obligatory, by prefectural regulations.

**Restrictions on the Use of Approved Structures Article 30.**

A person who constructs or reconstructs a dam or other structure stipulated in government ordinances with approval as stipulated in Article 26 Paragraph 1 may use the said structure only after it has been subject to and passed a completion check by the river manager.

2 Concerning Class B rivers, such act stipulated in the preceding paragraph as may be fixed by Cabinet Order may be prohibited or restricted or obtaining permission of the river administrator for such acts may be made obligatory, by prefectural regulations.

**Restoration Orders etc. Article 31.**

In the event that a person who has established a structure with approval as stipulated in Article 26 Paragraph 1 discontinues the use of the said structure, the person must immediately give notice to that effect to the river manager.

2 When the river administrator who has received the notification of the preceding paragraph deems it necessary for river administration, he may order removal of the structure built with the permission concerned, restoration of the river to the original state and taking of other measures necessary for river administration.

**Collection of Charges for Use of River Water etc. Article 32.**

The prefectural governor may collect charges for use of river water, charges for occupancy of land, charges for taking earth and stone and charges for taking other river products (hereinafter

referred to as " charges for use of river water etc.") from the persons who have received the permission of Article 23, Article 24 or Article 25 with respect to the rivers located in the area of the prefecture concerned.

2 The standards for the amounts of the charges for use of river water etc. and the necessary matters concerning their collection shall be fixed by Cabinet Order.

3 The charges for use of river water etc. shall be made a revenue of the prefecture concerned.

4 When the Minister of Construction has given the permission of Article 23, Article 24 or Article 25, he shall without delay make notification of the permission concerned and the matters involved to the prefectural governor who governs the prefecture where the river which the permission concerns is located. The same shall apply to the case where an official action under the provision of Article 75 has been made with respect to the permission concerned.

#### **Succession to Status Authorized by Permission Article 33.**

The heir, juridical person established by merger or other general business successor succeeding to the business of a person who obtained the permission of Article 23, Article 24, Article 25. Article 26 or Article 27 shall succeed to the status under the permission of any of the said articles held by the person succeeded to.

2 A person whom a structure, land or trees that have received approval under Article 26 Paragraph 1 or Article 27 Paragraph 1, or land on which a structure is to be constructed or trees are to be planted with the said approval (hereinafter referred to as "approved structure etc.") is transferred from the person who obtained the said approval shall succeed to the rights and privileges afforded by the said approval that were held by the person who obtained the said approval. This shall also apply with respect to a person who obtains the right to use an approved structure etc. through lease or other means from the person who obtained the said approval.

3 Any person who has succeeded to a status in accordance with the provisions of the preceding two paragraphs shall notify the river administrator to that effect within thirty days from the day of succession.

#### **Transfer of Right Article 34.**

No right based on the permission of Article 23, Article 24 or Article 25 shall be transferred without obtaining the approval of the river administrator.

2 A person who has obtained by transfer a right based on the permission referred to in the preceding paragraph shall succeed to such status based on the permission as was held by the transferrer.

#### **Consultation with Heads of Concerned Administrative Organizations Article 35.**

In the case where there is an application for approval as stipulated in Article 23, Article 24 or Article 26 Paragraph 1, or authorization as stipulated in Paragraph 1 of the preceding article with regard to water use (exclusive use of flowing water, or construction or reconstruction of a structure stipulated in Article 26 Paragraph 1 for the exclusive use of flowing water; hereinafter the same), the Minister of Construction must consult with the heads of concerned administrative organizations when dealing with the application with the exception of the case where the application is in regard to the exclusive use of flowing water stipulated in government ordinances. This shall also apply when the Minister of Construction deals with applications for approval under these provisions in accordance with the provisions of Article 75, or deals with an application lodged by a prefectural governor under Article 79 Paragraph 2 Subparagraph(4).

2 When the Minister of Construction intends to give the permission of Article 27 Paragraph 1, if there is an enterprise which will be markedly affected by the act for which the permission is given, he shall consult with the head of the administrative organ having supervision over the enterprise concerned.

#### **Consultation with Heads of Concerned Local Public Bodies Article 36.**

When dealing with an application for approval as stipulated in Article 23, Article 24 or Article 26 Paragraph 1, or authorization as stipulate l in Article 34 Paragraph 1 with regard to water use, the Minister of Construction must first consult with the concerned prefectural governor with the exception of the case where the application

is in regard to the exclusive use of flowing water stipulated in government ordinances. This shall also apply when the Minister of Construction deals with applications for approval under these provisions in accordance with the provisions of Article 75.

2 When giving approval under Article 23 or Article 26 Paragraph 1 for water use regarding Class B rivers stipulated in government ordinances, prefectural governors must first consult with heads of concerned municipalities.

3 When the Minister of Construction intends to give the permission of Article 27 Paragraph 1, if the permission is concerned with an act fixed by Cabinet Order, he shall, in advance, hear the opinion of the Prefectural governor concerned.

### **Execution of Construction Work on Structures by River Managers**

#### **Article 37.**

River managers may undertake work on an approved structure personally when entrusted with the work by a person who has obtained approval under the provisions of Article 26 Paragraph

(This article amended by Law No.61 of 2 May 1991)

### **Subsection 2. Water Use Adjustment**

#### **Notification Upon Receipt of Application for Water Use Article 38.**

In the case where there is an application for approval as stipulated in Article 23 or Article 26 Paragraph 1 with regard to water use, the river manager must, in accordance with the provisions in Ministry of Construction Ordinances, give notification to persons who have obtained approval under the provisions of Article 23 through to Article 29 and persons who hold rights with regard to the river as stipulated in government ordinances (hereinafter referred to as "concerned river user") of the name of the applicant, the purpose of water use and other items stipulated in Ministry of Construction Ordinances, except in the case where the application is to be rejected. This does not apply in respect of persons who will clearly not suffer any loss as a result of the said water use and persons who assent to the said water use.

(This article amended by Law No.61 of 2 May 1991)

#### **Submission of Opinion by Interested River User Article 39.**

When an interested river user has received the notification of the preceding article, he may submit to the river administrator his opinion concerning the water utilization by making clear the loss he would incur owing to the water utilization, as may be provided for in detail by Ministry of Construction Ordinance.

#### **Criteria for Approval of Water Use When There Is an Objection from a Concerned River User**

#### **Article 40**

In the case where a river manager seeks to grant approval as stipulated in Article 23 or Article 26 Paragraph 1 with regard to water use and in the event that concerned river users who will suffer loss as a result of the water use related to the said approval lodge an objection as stipulated in the preceding article, the river manager must not grant approval unless one of the following sub-paragraphs is applicable, except in the case where all concerned river users assent to the said water use

- (1) When the public benefit from the undertaking related to the said water use is significantly greater than the benefit from the undertaking related to the river use by the concerned river users.
- (2) When it is judged that there will be no hindrance to the undertaking related to the river use by the concerned river users if the necessary facilities to prevent loss (hereinafter referred to "loss prevention facilities") are established.

2 In the case where a river manager judges that Sub-paragraph (1) of the preceding paragraph is applicable and seeks to grant approval as stipulated in Article 23 or Article 26 Paragraph 1 with regard to water use, the Minister of Construction must first consult with the River Council.

(Paragraphs 1 & 2 amended by Law No.61 of 2 May 1991)

#### **Compensation for Loss Related to Approval for Water Use Article 41.**

In the event that a person suffers loss as a result of approval as stipulated in Article 23 or Article 26 Paragraph 1 with regard to water use, the person who received the said approval for water use must pay compensation for the loss. (This article amended by Law No.61 of 2 May 1991)

#### **Consultation etc. on Compensation for Loss Article 42.**

With regard to such compensation for loss under the provision of the preceding article as concerns an interested river user, it is necessary that the person who obtained the permission for water utilization and the interested river user should hold a consultation on it.

- 2 In case no agreement can be reached by consultation under the provision of the preceding paragraph, the parties concerned may ask for a ruling by the river administrator as may be provided for in detail by Cabinet Order.
- 3 In the case of giving the ruling of the preceding paragraph, the river administrator may, if a request is made by the interested river user that a loss preventive facility be set up to compensate for the loss and he, hearing the opinion of the person who obtained the permission for water utilization, deems that the request is reasonable, give the ruling that the person who obtained the permission for water utilization set up the loss preventive facility, by fixing the function, scale, structure, place of setting up, etc. of the loss preventive facility.
- 4 When the river administrator intends to give the ruling of Paragraph 2, he shall first hear the opinion of the expropriation committee of the prefecture in which is located the land where the interested river user is to use the river.
- 5 Any person who is dissatisfied with the ruling of Paragraph 2 may, within sixty days computed from the day the ruling was given, require its alteration by means of a lawsuit.
- 6 In the lawsuit of the preceding paragraph, the other party concerned shall be made the defendant.
- 7 Institution of a lawsuit under the provision of Paragraph 5 shall not prevent water utilization or execution of the water utilization project.

#### **Restriction of Storing and Taking River Water Article 43.**

No person who has obtained the permission for water utilization shall store or take river water until after he compensates the **person who has submitted his** opinion under the provision of Article 39 for the loss for which the agreement has been reached by consultation under the provision of Paragraph I of the preceding article or for which the ruling of Paragraph 2 of the same article has been made (in case the loss compensation is to be made by establishing a loss preventive facility, until after he establishes it and obtains the approval of the river administrator). However, the same shall not apply to a loss of an interested river user who submitted his opinion under the provision of Article 39 concerning which the river administrator has given a ruling that amount of loss cannot be fixed before storing or taking river water or concerning which he has decided that the loss preventive facility may be established after the storing or taking of river water for which the water utilization permission has been given because the loss preventive facility cannot be built until after the structure covered by the water utilization permission has been built or because special circumstances involving the kind, structure, etc. of the loss preventive facility make it inevitable, or to a loss incurred by an interested river user who has consented to the storing or taking of river water for which the water utilization permission has been given.

- 2 With respect to the case of the preceding paragraph, the person who has obtained the water utilization permission may deposit the compensation money in any one of the following cases: (1) When the person who is to receive the compensation money has refused to receive it or cannot receive it.
  - (2) When it is not known to the person who has obtained the water utilization permission through no fault of his own who is the person to receive the compensation money;
  - (3) When the person who has obtained the water utilization permission is dissatisfied with the ruling made by the river administrator;
  - (4) When the person who has obtained the water utilization permission has been prohibited from paying the compensation money in consequence of attachment or provisional attachment.
- 3 With reference to the case of item (3) of the preceding paragraph, if demanded by the person who is to receive the compensation money, the person who has obtained the water utilization permission shall pay the amount of money fixed according to his own estimation and deposit the difference between the amount of compensation money according to the ruling and its amount.
- 4 The deposit under the provision of Paragraph 2 shall be made in a deposit office near the place of water use.
- 5 When the person permitted to use water has made the deposit under the provision of Paragraph 2, he shall without delay notify the person who is to receive the compensation money to that effect.
- 6 When the person permitted to use water has made the deposit under the provision of Paragraph 2, he shall without delay submit a report to that effect to the river administrator with a copy of the deposit paper stating the receipt of the deposit attached thereto.

### **Subsection 3. Special Provisions Relative to Dams**

#### **Maintenance of Existing Function of River Article 44.**

In the case where the condition of a river changes as a result of the construction of a dam and the former functions of the river are diminished during a flood, the person who constructed the dam (dam which is constructed with approval as stipulated in Article 26 Paragraph 1 in order to store or intake the flowing water of the river and which has a height from the foundation to the crest of at least 15 metres; hereinafter the same) must establish facilities necessary to maintain the said functions in accordance with the directions of the river manager, or adopt alternative measures.

2 The standards for the instructions of the river administrator referred to in the preceding paragraph shall be fixed by Cabinet Order.

**Observation of Water Stage, Discharge, etc. Article 45.**

A person who owns a water utilization dam fixed by Cabinet Order shall construct observation facilities and observe the water stage, discharge and precipitation in accordance with the standards which may be fixed by Cabinet Order.

**Report of Condition of Dam Operation etc. Article 46.**

When a flood occurs or when it is apprehended that a flood may occur, the owner of a water utilization dam referred to in the preceding article shall report the results of observation under the provision of the same article and the condition of operating the dam to the river administrator and the prefectural governor, as may be provided for in detail by Cabinet Order.

2 The owner of a water utilization dam referred to in the preceding article shall have reporting facilities necessary for making the report of the preceding paragraph promptly and correctly in accordance with the standards which may be fixed by Cabinet Order.

**Regulations for Dam Operation Article 47.**

When the owner of a water utilization dam intends to use the dam for the purpose of storing or taking river water, he shall establish regulations for operating it and obtain the approval of the river administrator concerning the regulations, as may be provided for in detail by Cabinet Order. The same shall apply in case he intends to revise the regulations.

2 When the river administrator intends to give approval to regulations referred to in the preceding paragraph for a water utilization dam fixed by Cabinet Order, he shall first hear the opinion of the prefectural governor concerned.

3 Operation of a water utilization dam shall be conducted in accordance with the regulations for operating it approved under Paragraph 1

4 In case the river administrator deems that, owing to works connected with a water utilization dam or a change of river condition or under a special circumstance involving the river, the regulations for operating it may hinder the administration of the river, he may order a change of the regulations.

**Measures for Prevention of Harm Article 48.**

Whenever the owner of a water utilization dam deems that the operation of the dam will cause a considerable change in the condition of the river water and so it is necessary for prevention of the resulting harm, he shall in advance report the fact to the prefectural governor concerned, the heads of the cities, towns and villages concerned and the heads of the police stations concerned and take necessary steps to make it known to the public, as may be provided for in detail by Cabinet Order.

**Preparation of Record etc. Article 49.**

The owner of a water utilization dam shall prepare a record of the operation of the dam whenever a flood occurs, keep it, and, when demanded to submit it by the river administrator, submit it without delay to the river administrator, as may be provided for in detail by Ministry of Construction Ordinance.

### **Appointment of Engineer as Chief Superintendent Article 50.**

In case the owner of a water utilization dam uses the dam for the purpose of storing or taking

river water, he shall appoint as chief superintendent an engineer possessing the qualifications fixed by Cabinet Order for proper execution of the maintenance, operation and other administration of the dam.

2 When the owner of a water utilization dam has appointed the chief superintendent in accordance with the provision of the preceding paragraph, he shall make a report to the river administrator on the matters fixed by Ministry of Construction Ordinance concerning the chief superintendent.

### **Special Rule for Water Utilization Dam Used Concurrently as River Administration Facility Article 51.**

In the case where a facility is used as a water utilization dam and as a river administration facility concurrently, when the river administrator undertakes the charge of the maintenance and operation of the facility on the basis of the agreement reached by the consultation of Article 17 Paragraph 1, special provisions may be made by Cabinet Order concerning the application of the provisions of this subsection.

## **Subsection 4. Steps to Be Taken in Emergency**

### **Instructions for Flood Control**

#### **Article 52. .**

In case a disaster has been caused or there is a strong probability that a disaster will be caused by floods, if the river administrator deems it of urgent necessity for preventing or minimizing the disaster, he may instruct the owner of the water utilization dam that he should, on the basis of overall consideration of the conditions of the rivers belonging to the water system, take necessary steps in connection with the operation of the dam to prevent or minimize the disaster.

### **Coordination of Uses of Water in Case of Drought Article 53.**

In case an abnormal drought makes it difficult to adequately use the river water for the permitted utilization purposes, the persons who have obtained permissions to use the water shall consult with one another.

2 In making consultation according to the preceding paragraph, each person concerned shall respect the uses of the others.

3 In case no agreement is reached in consultation according to Paragraph 1, the river administrator may, when it is requested by the parties concerned or when he deems it would seriously harm the public benefit unless an urgent coordination of the uses of water is effected, he may make necessary intermediation or arbitration with respect to the coordination among the water uses.

## **Section 4. River Conservancy Area**

### **River Conservancy Area Article 54.**

When the river administrator deems it necessary for the conservancy of the river-banks or river administration facilities, he may designate an area adjacent to the river area (excluding areas designated under the provision of Article 58-2 Paragraph 1; the same shall apply to Paragraph 3) as a river conservancy area.

2 When the Minister of Construction intends to designate a river conservancy area, he shall in advance hear the opinion of the prefectural governor concerned. The same shall apply in case he intends to change or abolish it.

3 The designation of a river conservancy area shall be made only for the minimum area necessary for conservancy of the river-bank or river administration facility, and shall not be made beyond 50 meters from the boundary of the river area. In case, however, it is absolutely necessary according to the conditions of the topography, geology, etc., the designation may be made beyond 50 meters.

4 When the river administrator designates a river conservancy area, he shall notify the public to that effect as may be provided for in detail by Ministry of Construction Ordinance. The same shall apply in case of changing or abolishing a river conservancy area.

#### **Restriction of Acts within River Conservancy Area Article 55.**

Any person who intends to do an act falling under any one of the following items shall obtain the permission of the river administrator as may be provided for in detail by Ministry of Construction Ordinance. However, the same shall not apply to the case involving an act fixed by Cabinet Order.

(1) Excavation of land, banking, cutting or other act which changes the configuration of land; (2) Construction or reconstruction of a structure.

2 The provision of Article 33 shall apply mutatis mutandis to the heir, juridical person established by merger or other general business successor succeeding to the business of a person who obtained the permission of the preceding paragraph, to the person who takes over from a person who obtained the permission of the preceding paragraph the land or structure regarding which the permission was obtained or the land on which the structure regarding which the permission was obtained is to be built (hereinafter in this paragraph referred to as "land etc. regarding which the permission was obtained ") and to the person who, by lease or any other means, obtains the right to use the land etc. regarding which the permission was obtained from a person who obtained the permission concerned.

### **Section 5. Projected River Area**

#### **Projected River Area Article 56.**

In case the river administrator deems it necessary for execution of any river works, he may designate as a projected river area any stretch of land which is to be included in the river area (excluding areas designated under the provision of Article 58-2 Paragraph 1) by execution of the river works.

2 The designation of a projected river area shall not be made until after the date when the execution of the river works has become definite in view of the work execution plan.

3 When the river administrator designates a projected river area, he shall notify the public to that effect, as may be provided for in detail by Cabinet Order. The same shall apply in case he changes or cancels a designation made.

#### **Restriction of Acts within Projected River Area Article 57.**

A person who intends to do any of the acts mentioned in the following items shall obtain the permission of the river administrator as may be provided for in detail by Ministry of Construction Ordinance. However, the same shall not apply to the case of an act fixed by Cabinet Order.

(1) Excavation of land, banking, cutting or other act which changes the configuration of land; (2) Construction or reconstruction of a structure.

2 In case a person suffers a loss caused by the restriction of his act according to the provision of the preceding paragraph, the river administrator shall compensate him for such loss as would ordinarily be incurred.

3 The provisions of Article 22 Paragraph 4 and 5 shall apply mutatis mutandis to the compensation of losses according to the provision of the preceding paragraph, and that of Article 33 shall apply mutatis mutandis to the heir, juridical person established by merger or other general business successor succeeding to the business of a person who obtained the permission of Paragraph 1, to the person who takes over from the person who obtained the permission referred to in Paragraph 1 the land or structure regarding which the permission was obtained or the land on which the structure regarding which the permission was obtained is to be build (hereinafter referred to in this paragraph as "land etc. regarding which the permission was obtained "3 and to the person who, by lease or any other means, obtains the right to use the land etc. regarding which the permission was obtained from a person who obtained the permission of Paragraph 1.

### **Projected River Area the Title to Which Has Been Obtained by River Administrator Article 58.**

After the river administrator has obtained the title to the land of the projected river area, the land shall be regarded as land within the river area even before the land becomes the river area as far as the application of this Law is concerned. However, the penal provisions shall apply only in cases where there is provision to that effect.

## **Chapter II-2. Three-Dimensional River Zone**

### **Three-Dimensional River Zone Article 58-2.**

Notwithstanding the provision of Article 6 Paragraph 1, when the river administrator deems it necessary for proper and rational land use under existing conditions of a river area including river administration facilities that are constructed underground, contained in other structures, or designed as a space to store flood water and that are made up of columns or walls and artificial ground supported by them, the river administrator may designate that river area including a clearly defined aboveground and underground space as a three-dimensional river zone.

2 When the river administrator designates a river zone as defined in the preceding paragraph (hereafter in this chapter and in item (3) of Article 106 referred to as a "three-dimensional river zone"), he shall notify the public to that effect as may be provided for in Cabinet Order. The same shall apply in case he changes or cancels a designation made.

### **Three Dimensional River Conservancy Zone Article 58-3.**

When the river administrator deems it necessary for conservation river administration facilities in an area to be designated as a three-dimensional river zone, he may designate a clearly defined aboveground and underground space adjoining the three-dimensional river zone as a three-dimensional river conservancy zone.

2 When the Ministry of Construction intends to designate a three-dimensional river conservancy zone, he shall in advance hear the opinion of the prefectural governor concerned. The same shall apply when he intends to change or cancel a designation made.

3 The extent of any three-dimensional river conservancy zone shall be a minimal space required for conserving the river administration facilities involved.

4 When the river administrator designates a three-dimensional river conservancy zone, he shall notify the public to that effect as may be provided for in Cabinet Order. The same shall apply in case he changes or cancels a designation made.

5 Designation of a three-dimensional river conservancy zone including river administration facilities of Paragraph 1 of the preceding article in a designated river conservancy area shall nullify the designation of said river conservancy area.

**Restriction of Acts within Three-Dimensional River Conservancy Zone Article 58-4.**

A person who intends to do any of the acts listed below in a three-dimensional river conservancy zone, excluding those stipulated by Cabinet Order, shall obtain the permission of the river administrator as may be provided for by Ministry of Construction Ordinance.

(1) Excavation of land, banking, cutting or any other act which changes the configuration of land;

(2) Construction or reconstruction of a structure.

2 The provision of Article 33 shall apply mutatis mutandis to an heir, juridical person established by merger or other general business successor succeeding to the business of a person who obtained the permission of the preceding paragraph, to a person who takes over from a person who obtained the permission of the preceding paragraph the land or structure regarding which the permission was obtained or the land on which the structure regarding which the permission was obtained is to be built (hereinafter in this paragraph referred to as "land etc. regarding which the permission was obtained") and to a person who, by lease or any other means, obtains the right to use the land etc. regarding which the permission was obtained from a person who obtained the permission concerned.

**Projected Three-Dimensional River Zone Article 58-5.**

When the river administrator deems it necessary for execution of river works, he may designate as a projected three-dimensional river zone an aboveground or underground space to be designated as a three-dimensional river zone in connection with said river works.

2 The designation of a projected three-dimensional river zone shall not be made until after the date when the execution of the river works has become definite in view of the work execution plan.

3 When the river administrator designates a projected three-dimensional river zone, he shall notify the public to that effect as may be provided for by Cabinet Order. The same shall apply in case he changes or cancels a designation made.

4 Designation of a projected three-dimensional river zone including river administration facilities of Article 58-2 Paragraph 1 in a designated projected river area shall nullify the designation of said projected river area.

**Restriction of Acts within Projected Three-Dimensional River Zone Article 58-6.**

A person who intends to do any of the acts listed below in a projected three-dimensional river zone, excluding those stipulated by Cabinet Order, shall obtain the permission of the river administrator as may be provided for by Ministry of Construction Ordinance.

(1) Excavation of land, banking, cutting or any other act which changes the configuration of I and;

(2) Construction or reconstruction of a structure.

2 In the event that a person suffers loss as a result of the restriction of his act as stipulated in the preceding paragraph, the river administrator shall compensate him for such loss as would ordinarily be incurred.

3 The provisions of Article 22 Paragraphs 4 and 5 shall apply mutatis mutandis to the compensation of losses in accordance with the provision of the preceding paragraph, and the provision of Article 33 shall apply mutatis mutandis to an heir, juridical person established by merger or other general business successor succeeding to the business of a person who obtained the permission of Paragraph 1, to a person who takes over from the person who obtained the permission referred to in Paragraph 1 the land or structure regarding which the permission was obtained or the land on which the structure regarding which the permission was obtained is to be build (hereinafter referred to in this paragraph as "land etc. regarding which the permission was obtained") and to a person who, by lease or any other means, obtains the right to use the land etc. regarding which the permission was obtained from a person who obtained the permission of Paragraph 1.

### **Projected Three-Dimensional River Zone the Whose Title Has Been Obtained by River Administrator**

#### **Article 58-7.**

After the river administrator has obtained the title to the aboveground or underground space in the projected three-dimensional river zone, the space shall be regarded, even before the zone becomes a three-dimensional river area, as one within the three-dimensional river area for purposes of application of this Law. However, the penal provisions shall apply only in cases where there is a provision to that effect.

## **Chapter III. Expenses Connected with Rivers**

### **Principle of Bearing Expenses Necessary for River Administration Article 59.**

Unless otherwise provided for in this Law or any other law, the expenses necessary for administering a Class A river is borne by the national government and those necessary for administering a Class B river is borne by the prefecture where the Class B river is located.

### **Prefectural Share of Expenses for Administering Class A River Article 60.**

Half (one-third in case of improvement works) of the expenses necessary for administering a Class A river in a prefecture (excluding the expenses for administration of its designated part conducted by the prefectural governor in accordance with the provision of Article 9 Paragraph 2) shall be borne by the prefecture as may be provided for in detail by Cabinet Order.

2 The expenses necessary for administration of a designated part of a Class A river conducted by a prefectural governor according to the provision of Article 9 Paragraph 2 shall be borne by the prefecture governed by that prefectural governor. However, two-thirds of the expenses for the improvement works shall be borne by the national government, as may be provided for in detail by Cabinet Order.

### **Subsidization Concerning Expenses for Repairs of Designated Part of Class A River Article 61.**

The national government may grant a subsidy covering a part of the expenses for repairing such a part of a Class A river as has been designated according to the provision of Article 9 Paragraph 2 as the part whose repair works should be executed by the prefectural governor concerned, up to one-third of the expenses within the limit of the budgetary appropriation.

### **National Government Share of Costs of Managing Class B Rivers Article 62.**

Under the provisions of government ordinances, the national government shall meet up to but not exceeding one half of the cost of improving Class B rivers (excluding work carried out by municipal heads after consultation under the provisions of Article 16-2 Paragraph 1).

(This article amended by Law No.34 of May 1987)

### **Share of Expenses Imposed on Another Prefecture Article 63.**

In case a prefecture other than the prefecture which, in accordance with the provision of Article 60 Paragraph 1, bears a part of the expenses for river administration conducted by the Minister of Construction is benefited greatly by the river administration, the Minister of Construction may make the former prefecture bear a part of the expenses to be borne by the latter prefecture according to the provision of the said paragraph, within the limit of the benefit gained.

2 When the Minister of Construction intends to make the benefited prefecture bear a part of the expenses for river administration in accordance with the provision of the preceding paragraph, he shall bear beforehand the opinion of the prefectural governor governing the prefecture.

3 In case a prefecture other than the prefecture whose prefectural governor conducts river administration is benefited greatly by the river administration, the latter prefecture may make the benefited prefecture bear a part of the expenses for the administration borne by the latter prefecture, within the limit of the benefit gained.

4 When the prefectural governor intends to make the benefited prefecture bear a part of the expenses for the river administration in accordance with the provision of the preceding paragraph, he shall consult beforehand with the prefectural governor governing the benefited prefecture.

### **Payment of Share Article 64.**

The expenses to be borne by the prefecture in accordance with the provision of Article 60 Paragraph 1 and the expenses to be borne by the benefited prefecture in accordance with the provision of Paragraph 1 of the preceding article out of the expenses for administration of a Class A river conducted by the Minister of Construction shall be paid into the National Treasury, as may be provided for in detail by Cabinet Order.

2 The expenses to be borne by the national government in accordance with the provision of the latter half of Article 60 Paragraph 2 or the provision of Article 62 and the expenses to be borne by the benefited prefecture in accordance with the provision of Paragraph 3 of the preceding article out of the expenses for river administration conducted by the prefectural governor shall be paid to the prefecture governed by the prefectural governor, as may be provided for in detail by Cabinet Order.

**Exception regarding Expenses for Administration of Class B River Forming or Crossing Boundary Article 65.** In case a special administration method has been established by the prefectural governors concerned for such part of a Class B river as forms or crosses the boundary between two or more prefectures on the basis of the consultation according to the provision of Article 1 Paragraph 1. the prefectural governors concerned may, by agreement, fix the amounts of shares to be borne by the respective prefectures and method of bearing them.

### **Cost of River Works Carried Out Municipal Heads Article 65-2.**

The cost of river works or river maintenance carried out by a municipal head after consultation as stipulated in Article 16-2 Paragraph 1 shall be met by the municipality which is under the Jurisdiction of the said municipal head. In this case, of the said cost, the national government or the prefectural government shall meet a part of the cost of river improvement work in accordance with the provisions of government ordinances.

2 In the case where a prefecture other than the prefecture that meets a part of the cost of river improvement work stipulated in the latter part of the preceding paragraph receives considerable benefit from the said river improvement work, the prefecture which meets a part of the said improvement cost may request the prefecture that receives the said benefit to meet a part of the cost commensurate with the benefit received.

3 The provisions of Article 63 Paragraph 4 shall apply mutatis mutandis to the case stipulated in the preceding paragraph.

4 As provided by government ordinance, the cost that the national government and prefectural governments should meet under the provisions of the latter part of Paragraph 1 and the part of the cost which the prefecture that receives benefit from river improvement work should meet under the provisions of Paragraph 2 must be paid to the municipality that is meeting the cost of the work in accordance with the provisions of the first part of Paragraph 1. (This article added by Law No.34 of May 1987)

#### **Expenses for Structure for Joint Use Article 66.**

If a facility for river administration is intended to be used for a purpose other than river administration as well, the bearing or sharing of the expenses for administration is fixed by consultation between the river administrator (the Minister of Construction in case the bearer of the expenses is the national government in accordance with the provisions of Article 59 and the first part of Article 60 Paragraph 2, and the prefectural governor governing the prefecture in case the bearer is a prefecture; the same shall apply in the next article, Article 68, Article 70 and Article 70-2) and the administrator of the non-river-administration facility.

#### **Bearing of Expenses by Person Who Has Necessitated River Works Article 67.**

The river administrator shall make the whole or a part of the expenses for river works necessitated by some other works or other act be borne by the person who has necessitated the river works, within the limit of the expenses for the amount of works necessitated.

#### **Cost of Incidental Work Article 68.**

The person who is to meet the cost of river works must meet all or part of the cost of incidental work that has become necessary as a result of the river works or incidental work that is necessary for the implementation of the river works under the provisions of Article 59, Article 60 first part of Paragraph 2 and Article 65-2 first part of Paragraph 1 to the extent to which it is necessary. except in the case where it is otherwise specified in the provisos to the approval stipulated in Article 26 Paragraph 1 and in the case where it is otherwise specified in consultations held under the provisions of Article 95.

2 In case the river works referred to in the preceding paragraph have been necessitated by works other than river works or by some other set, the river administrator may make the person who is to bear the expenses for the other works or act which has necessitated the other works referred to in the said paragraph bear the whole or a part of the expenses, within the limit of the expenses for the amount of works necessitated.

#### **Expenses for Works etc. Executed by a Person Other than River Administrator Article 69.**

The expenses for river works or river maintenance executed by a person other than the river administrator in accordance with the provision of Article 20 shall be borne by the person who is the executor of the river works or river maintenance.

#### **Sharing of Expenses by Beneficiaries Article 70.**

In case any persons are greatly benefited by river works, the river administrator may make them bear a part of the expenses for the river works, within the limit of the benefit accruing to them from the river works.

2 The scope of the persons from whom the shares according to the preceding paragraph are to be collected and the method of collecting the shares shall be fixed either by Cabinet Order (in case the shares are imposed by the Minister of Construction), or by bylaw of the prefecture which the prefectural governor concerned governs (in case they are imposed by a prefectural governor).

#### **Sharing of Expenses by Special River Water Users Article 70-2.**

The river administrator may make the persons who use river water by constructing or expanding their own facilities (hereinafter in this article to be called "special river water users") bear a part of the expenses necessary for the river works connecting two or more rivers in order to improve the state of river water, which eliminate and diminish public losses caused by the water of river, and which provide water to special river water users (excluding the river works which also constructs the river administration facilities to store the water of a river) and bear a part of the expenses necessary for administering river administration facilities set by the river works, within the limit of the benefit accruing to them from the river works.

2 When the river administrator intends to execute the river works of the preceding paragraph, he shall, in advance, consult with the heads of the administrative agencies concerned and hear the opinions of the prefectural governors concerned in case of a Class A river and the opinions of the heads of the cities, towns and villages concerned in case of a Class B river and obtain consent of the special river water users concerned to bearing the expenses necessary for the river works and for administering river administration facilities set by the river works, as may be provided for in detail by Cabinet Order.

3 In case of Paragraph 1, the method of calculating and returning shares shall be fixed by Cabinet Order. The method of collecting shares shall be fixed by Cabinet Order (in case the shares are imposed by the Minister of Construction), or by bylaw of the prefecture which the prefectural governor concerned governs (in case they are imposed by a prefectural governor).

4 The river works of Paragraph 1 shall be executed so that it might not damage the normal functions of the water of the river concerned.

#### **Notification of Amounts of Shares, Payment Procedure of Shares, etc. Article 71.**

Necessary matters concerning the shares according to the provision of Article 67, Article 68 Paragraph 2, Article 70 Paragraph 1 or Paragraph 1 of the preceding article including the notification of the amounts of shares and the procedure for their payment shall be fixed by Cabinet Order.

#### **Vesting of Shares Collected Article 72.**

The shares collected in accordance with the provision of Article 67, Article 68 Paragraph 2, Article 70 Paragraph 1 or Article 70-2 Paragraph 1 shall be vested either in the national government (in case they are imposed by the Minister of Construction) or in the prefecture which the prefectural governor governs (in case they are imposed by a prefectural governor).

## **Expenses for Performance of Duty**

### **Article 73.**

The expenses necessary for performing a duty imposed in accordance with the provisions of this Law or of Cabinet Order or prefectural bylaw based on this Law or a duty imposed by an official action based on such provisions shall be borne by the person bound by the duty unless otherwise provided for in this Law.

### **Compulsory Collection Article 74.**

In case a person fails to pay within the time-limit of payment the share, charge for use of river water, etc. (hereinafter referred to as "share etc.") to be paid in accordance with any of the provision of this Law, Cabinet Order or prefectural bylaw based on this Law or in accordance with an official action based on any of such provisions, the river administrator (the Minister of Construction in case the share etc. are to be included in the national revenues, or in case they are to be included in the revenues of a prefecture, the prefectural governor governing the prefecture; the same hereinafter in this article) shall urge the payment by designating a time limit.

- 2 In urging the payment in accordance with the provision of the preceding paragraph, the river administrator shall send a letter of reminder to the person under duty to make payment. The date of time limit to be designated in the letter of reminder shall be a day 20 days or more after the day when the letter of reminder is sent.
- 3 In case a person bound by the duty to make payment who has received a letter of reminder according to the provision of Paragraph 1 fails to pay the share etc. and the fee on arrears according to the provision of Paragraph 5 by the date of time limit, the river administrator may effect a disposition for the recovery of the share etc. in arrears following either the examples of recovering national taxes in arrears (in case the share etc. are to be included in the national revenues) or those of recovering local taxes in arrears (in case the share etc. are to be included in the revenues of a prefectures).
- 4 The order of priority of the recovery of the money to be collected according to the preceding paragraph shall be next to national taxes and local taxes; and the prescription shall follow the examples of that of national taxes.
- 5 In case the river administrator urged the payment in accordance with the provision of Paragraph 1, he may collect a fee on arrears calculated on the basis of the number of days counted from

the day following the date of time limit for payment to the day preceding the day when the whole amount of the share etc. is paid or the person's property is attached and at 14.5 per cent per year of the amount of the share etc. referred to in the said paragraph, as may be provided for in detail by Cabinet Order.

## **Chapter IV. Supervision Supervisory Disposition by River Administrator**

### **Article 75.**

In case a person to whom a permission or approval has been given in accordance with the provisions of this Law or of Cabinet Order or prefectural bylaw based on this Law is found to fall under any of the following items, the river administrator may annul the permission or approval, make some alteration to it, suspend its effect, change its conditions or attach new conditions to it, or order him to discontinue the works or other act, to reconstruct or remove the structure, to set up a facility or take a step necessary for eliminating or preventing the harm which has been caused or may be caused by the works or other act or by the structure or to restore the river to its original state:

- (1) Person who has violated any of the provisions of this Law or a Cabinet Order or prefectural bylaw issued on the basis of this Law or acted in contravention of a disposition made in accordance with such provisions; his general business successor or person who has taken over from him the structure etc. involved in the violation, or person who has obtained the right to use the structure etc. involved in the violation from the violator by lease or some other means;
- (2) Person who does not meet the conditions attached to the permission or approval given in accordance with the provisions of this Law or a Cabinet Order or prefectural bylaw issued on the basis of this Law;
- (3) Person who has obtained the permission or approval provided for in this Law or a Cabinet Order or prefectural bylaw issued on the basis of this Law by fraud or some other illegal means.

2 In any of the following cases, the river administrator may make any of the dispositions prescribed in the preceding paragraph against a person to whom the permission or approval according to this Law or a Cabinet Order or prefectural bylaw based on this Law was given:

- (1) In case the person concerned has failed, in connection with the works or act for which the permission or approval has been given or in connection with the operation of the project connected therewith, to obtain, when it is necessary under some other law or regulations, the permission, approval or some other official action by the administrative agency in charge, or in case the official action has been annulled or has become invalid;
- (2) In case the works or other act for **which the** permission or approval was given or the project involving such works or act has been discontinued either wholly or partly;
- (3) In case the works or other act for which the permission was given has come to be a great hindrance to river administration, as a result of a change in the river conditions caused by a flood, high tide or other natural phenomenon;
- (4) In case the disposition is unavoidable for execution of river works;
- (5) Apart from the case mentioned in the preceding item, in case the disposition is unavoidable for the public benefit.

3 In the event that the person to be ordered to take necessary corrective measures under the provisions of Paragraphs 1 and 2 (hereafter in this paragraph referred to as the "violator") cannot be determined in the absence of fault on the part of the river administrator, the river administrator may take said corrective measures himself at the expense of the violator, or order the person who gave an order or commission to the violator to take said corrective measures, provided that the river administrator shall make public notification in advance to the effect that the violator must carry out said corrective measures within a reasonable period of time specified by the river administrator and that if the violator fails to carry out the corrective measures, the river administrator will carry out the measures at the expense of the violator or have the person who gave an order or commission to the violator carry them out.

#### **Compensation for Loss Following Supervisory Action Taken by a River Manager Article 76.**

In the case where a river manager has taken action in accordance with the provisions of Paragraph 2 of the preceding article under the application of Sub-paragraphs 4 and 5 of Paragraph 2 of the preceding article, and in the event that a person suffers a loss as a result of the said action, the river manager must compensate the person for such losses as would ordinarily arise. This does not apply to the case where a person who obtains approval as stipulated in Article 23 or Article 26 Paragraph 1 with regard to water use pays compensation under the provisions of Article 41

2 The provision of Article 22 Paragraphs 4 and 5 shall apply mutatis mutandis to the case of compensating a loss in accordance with the provision of the preceding paragraph.

3 In case the loss to be compensated by the river administrator in accordance with the provision of Paragraph 1 has been caused by a disposition according to the provision of Paragraph 2 of the preceding article made on the ground that it fell under item (5) of the same paragraph, the river administrator may make the person who has brought about the cause for compensation pay the compensation money.

#### **Assistant River Administrators Article 77.**

The river administrator may appoint assistant river administrators from among his staff members and authorize them to act for him in ordering persons who have acted in contravention of any of the provisions of Article 20, Article 23 through 27, Article 30, Article 31 Paragraph 2, Article 55 Paragraph 1, Article 57 Paragraph 1, Article 58-4 Paragraph 1 or Article 58-6 Paragraph 1 or any of the provisions of a Cabinet Order or prefectural bylaw based on the provision of Article 28 or Article 29, or in contravention of a disposition made in accordance with any of the said provisions (including violators of a disposition made in accordance with the provisions of Article 75 Paragraph 1 or Paragraph 2 and violators of any condition attached to the permission or approval in accordance with the provision of Article 90 Paragraph 1) to take necessary steps to correct the contravention.

2 An assistant river administrator shall, in exercising his authority given him in accordance with the provision of the preceding paragraph, carry with him an identification card indicating his status and show it to the parties concerned.

3 The form of the identification card referred to in the preceding paragraph and necessary matters related thereto shall be provided for by Ministry of Construction Ordinance.

**Making Person Who Has Been Given Permission etc. Submit Report and Inspection by Entering Office etc. Article 78.** The Minister of Construction or the river administrator may, in case it is necessary for enforcing this Law, make a person who has been given permission or approval in accordance with any of the provisions of this Law or of a Cabinet Order or prefectural bylaw based on this Law submit a report which is necessary for river administration, or, within the limit necessary for exercising his powers under this Law, have his official enter the place for the works or other act for which the permission or approval was given or the office or workshop of the person to whom the permission or approval was given and inspect the actual situation of the works or other act, the structures, books, documents and other articles whose inspection is necessary.

2 An official who makes inspection by entering the office etc. in accordance with the provision of the preceding paragraph shall carry with him an identification card indicating his status and show it to the parties concerned.

3 The power to make inspection by entering the office etc. provided for in Paragraph 1 shall not be construed as meaning power vested for criminal investigation.

#### **Approval by Minister of Construction Article 79.**

When seeking to carry out river control of Class A rivers under the provisions of Article 9 Paragraph 2 as stipulated in government ordinances, prefectural governors must obtain the approval of the Minister of Construction.

2 A prefectural governor must obtain the approval of the Minister of Construction in the case where one of the following sub-paragraphs apply in respect of a Class B river under the jurisdiction of the prefectural governor.

(1) When the prefectural governor establishes a works implementation master plan.

(2) When the prefectural governor carries out river works stipulated in government ordinances. (3) When the prefectural governor holds consultations in accordance with the provisions of Article 16-2 Paragraph 1 with respect to river works stipulated in Article 16-2 Paragraph 1 and in government ordinances.

(4) When the prefectural governor takes action under the provisions of Article 23, Article 24, Article 26 Paragraph 1, Article 29, and Article 34 Paragraph 1 with regard to water use stipulated in government ordinances, or action stipulated in Article 75 in connection with this action.

## **Chapter V. River Council and Prefectural River Council Establishment and Functions of River Council**

### **Article 80.**

There shall be established in the Ministry of Construction a River Council (hereinafter referred to as the "Council").

2 The Council shall make investigation and deliberation on the matters placed under its jurisdiction by this Law, and, in addition, make investigation and deliberation on other important matters concerning rivers as the request of the Minister of Construction.

3 The Council may express its opinions to the administrative agencies concerned concerning the matters referred to in the preceding paragraph.

**Organization Article 81.** The Council shall consist of 30 members or less.

2 The members shall be appointed by the Minister of Construction from among persons of learning and experience and the heads of local public bodies.

3 The term of office of the members appointed from among persons of learning and experience shall be two years. However, the term of office of a member filling a vacancy shall be the remainder of the term of office of his predecessor.

4 The members shall be in part-time service.

### **Chairman**

#### **Article 82.**

The Council shall have a chairman, who shall be elected by mutual election of the members.

2 The chairman shall exercise general control over the duties of the Council.

3 In case the chairman is unable to attend to his duties, a member designated beforehand by the chairman shall stand proxy for him in doing his duties.

### **Special Member**

#### **Article 83.**

Ink case it is necessary for investigation and deliberation on the matters concerning a specified river. the Council may have special members.

2 The special members shall be appointed by the Minister of Construction from among persons who have profound knowledge and experience concerning the matters in question and the heads and members of the assemblies of the local public bodies having connection with the river.

3 The special members shall be released from office upon the completion of the investigation and deliberation on the matters in question.

4 The special members shall be in part-time service.

### **Panels**

#### **Article 84.**

The Council shall have necessary panels including the Water Use Coordination Panel.

2 Each panel shall have a chief of panel, who shall be appointed by the Chairman from among the members.

3 The members and special members to constitute a panel shall be nominated by the Chairman.

4 The Council may, as may be provided for by its regulations, regard a resolution of a panel as such of the Council.

#### **Matters to Be Fixed by Cabinet Order Article 85.**

The necessary matters concerning the organization and operation of the Council which are not stipulated in this chapter shall be fixed by Cabinet Order.

#### **Prefectural River Council Article 86.**

A prefecture may have a prefectural river council in order to have it make investigation and deliberation on important matters relative to the Class B rivers in the prefecture at the request of the prefectural governor, as may be provided for in detail by prefectural bylaw.

2 Necessary matters concerning a prefectural river council shall be fixed by bylaw of the prefecture.

## **Chapter VI. Miscellaneous Provisions**

#### **Transitory Measures Article 87.**

A person who, on the basis of the competency and as of the day of the designation of a Class A river, Class B river, river area, river conservancy area, projected river area, three-dimensional river conservancy zone or projected three-dimensional river zone is doing an act for which permission according to the provisions of this Law must be obtained or setting up a structure for which permission according to the provisions of this Law must be obtained shall be deemed to have obtained the permission according to this Law concerning the act or the

setting up of the structure on the same condition as before. The same shall apply to a person who, on the basis of the competency and as of the day of the enforcement of a Cabinet Order referred to in Article 25, Article 27 Paragraph 1, Article 55 Paragraph 1, Article 57 Paragraph 1, Article 58-4 Paragraph 1 or Article 58-6

Paragraph 1 or a Cabinet Order to amend or abolish such a Cabinet Order, is doing an act or setting up a structure for which it becomes necessary to obtain new permission as a result of the enforcement of the Cabinet Order.

**Notification by Person Deemed to Have Obtained Permission Article 88.**

Upon the designation referred to in the preceding article, those who are designated by Cabinet Order out of the persons who, according to the provision of the article, are deemed to have obtained the permission referred to in Article 23 through 27 shall notify the river administrator of the necessary matters as may be provided for in detail by Cabinet Order.

**Entry into Land etc. for Investigation, Works Execution, etc., and Other Provisions Article 89.**

The Minister of Construction, the prefectural governor concerned, or a person who has been given order or authorized by the Minister of Construction or the prefectural governor may, in case it is imperative for making investigation for designation of a Class A river, Class B river, river area, river conservancy area, projected river area, three-dimensional river conservancy zone or projected three-dimensional river zone or for performing river administration including river works and river maintenance, enter land occupied by another person or temporarily use as a material yard or workshop land of another person which is not being used for any specific use.

- 2 In case an official or other person intends to enter land occupied by another person in accordance with the provision of the preceding paragraph, he shall in advance notify the occupant to that effect. However, the same shall not apply in case it is difficult to make previous notification.
- 3 In case an official or other person intends to enter residential land or land enclosed by a fence, paling or the like in accordance with the provision of Paragraph 1, he shall inform the occupant of the land to that effect before entering it.
- 4 No entry shall be made into the land referred to in the preceding paragraph before sunrise or after sunset, except in case the consent of the occupant has been obtained.
- 5 An official or other person who intends to enter land in accordance with the provision of Paragraph 1 shall carry with him an identification card certifying his status and show it to the parties concerned.
- 6 In case an official or other person intends to temporarily use another person's land which is not being used for any specific use as a material yard or workshop, he shall in advance notify the occupant and owner of the land and hear their opinions
- 7 The occupant and the owner of the land shall not refuse or prevent the entry or temporary use of it according to the provision of Paragraph 1 unless he has a justifiable reason.
- 8 In case a person suffers a loss as a result of an act according to the provision of Paragraph 1, the Minister of Construction or the prefectural governor concerned shall compensate him for the loss which would ordinarily be incurred.
- 9 The provisions of Article 22 Paragraphs 4 and 5 shall apply mutatis mutandis to the compensations of loss according to the provision of the preceding paragraph.

**Conditions for Permission etc. Article 90.**

The river administrator may attach necessary conditions to the permission or approval according to any of the provisions of this Law, or of a Cabinet Order or prefectural bylaw based on this Law.

2 The conditions referred to in the preceding paragraph shall be limited to those of the minimum necessity and shall not impose any undue duty on the person to whom the permission or

approval is given.

#### **Administration of Disused River Site etc. Article 91.**

In case a river area has been changed or come to be disused, the land of the former river area and the river administration facilities in the area which it has become unnecessary to administer as river administration facilities (national land and national facilities only; hereinafter referred to as "disused river site etc.") shall be administered by the person who has been administering the river concerned, for a period not exceeding one year fixed by Cabinet Order.

2 A disused river site etc. shall not be regarded as a disused river side etc. in application of the provision of Article 106 of the Land Expropriation Law.

#### **Exchange of Disused River Site etc. Article 92.**

The person who administers a disused river site in accordance with the provision of Paragraph 1 of the preceding article may, within the period referred to in the said paragraph, exchange the disused river site etc. for land to be a new river area, as may be provided for in detail by Cabinet Order.

#### **Transfer of Disused River Site of Class B River Article 93.**

After the elapse of the term referred to in Article 91 Paragraph 1, the Minister of Construction may, upon consultation with the Minister of Finance, transfer the disused river site etc. of a Class B river which have not been exchanged as provided for in the preceding article to the prefecture where the disused river site etc. are located, unless it is necessary to keep them as national properties.

2 The party from which the purchase or repurchase may be made according to the provision of Article 106 of the Land Expropriation Law or Article 579 of the Civil Code (Law No.89 of 1896) shall be the prefecture to which the disused river site etc. have been transferred in accordance with the provision of the preceding paragraph.

#### **Expenses Relating to Disused River Site etc. Article 94.**

The expenses for the administration of a disused river site etc. during the period referred to in Article 91 Paragraph 1 or for the exchange of a disused river site etc. according to the provision of Article 92 shall be borne by either the national government (in the case of Class A river: except the designated sections) or the prefecture (in the case of a Class B river or a designated section of a Class A river), and the proceeds from the administration of disused river site shall be included in the revenue of the party that bears the expenses for administration.

#### **Special Rule Relative to Use of River etc. by National Government Article 95.**

With reference to the application of any of the provision of Article 20, Article 23 through 27, Article 30 Paragraph 2, Article 34 Paragraph 1, Article 47 Paragraph 1, Article 55 Paragraph 1, Article 57 Paragraph 1, Article 58-4 Paragraph 1 and Article 58-6 Paragraph 1 to a project executed by the national government and

the river administrator concerned shall be regarded as obtainment of the permission or approval according to the corresponding provision.

### **Special Rule Relative to Hokkaido Article 96.**

With regard to the rivers in Hokkaido, the bearing of expenses for river administration, the powers of the river administrator, the vesting of charges for use of river water etc. and other matters may be fixed separately by Cabinet Order regardless of the provision.

### **Raising of Complaint Article 97.**

No complaint under the administrative Complaint Reinvestigation Law (Law No.169 of 1952) shall be raised concerning a disposition or other exercise of public power according to the provision of Article 22 Paragraph 1 or 2.

2 Any person who is dissatisfied with a disposition made on behalf of the river administrator by the administrator of the non-river-administration facility on the basis of the agreement reached by consultation under the provision of Article 17 Paragraph 1 may make a request for examination either to the Minister of Construction and the Minister having jurisdiction over the facility (in case the administrator of the non-river-administration facility is the national government, a national organization, a prefecture or a prefectural governor) or to the prefectural governor concerned (in case he is not any of them). With regard to a disposition made by the administrator of the non-river-administration facility who is a prefecture, a city, town or village or other public body, he may make an objection as well.

3 A person who is dissatisfied with a disposition mentioned in any one of the following items may, if the reason for complaint is connected with coordination with a mining or stone quarrying enterprise, apply for ruling to the Environmental Disputes Coordination Commission. In this case, no complaint can be filed under the administrative Complaint Reinvestigation Law.

(1) Permission under any of the provisions of Article 24 through 27, Article 29, Article 55 Paragraph 1, Article 57 Paragraph 1, Article 58-4 Paragraph 1 or Article 58-6 Paragraph ] or not giving such permission;

(2) Disposition under the provision of Article 75 made in connection with a disposition under the provision of the preceding paragraph.

4 The provision of Article 18 of the Administrative Complaint Reinvestigation Law shall apply mutatis mutandis to cases where the disposing agency concerned has erroneously instructed that request for examination or raising of objection may be made, concerning either of the items given in the preceding paragraph.

### **Delegation of Powers Article 98.**

A part of the powers of the Minister of Construction under this Law may be delegated to the Directors of the Regional Construction Bureaus or the Director of the Hokkaido Development Bureau, as may be provided for in detail by Cabinet Order.

### **Commitment of Business to Local Public Body Article 99**

The river administrator may, when he deems it especially necessary, commit the maintenance, operation and similar river administrative business of such river administration facilities as may be fixed by Cabinet Order to the local public body concerned.

### **Rivers to Which Provisions of This Law Apply Mutatis Mutandis Article 100.**

The provisions of this Law concerning Class B rivers (except the provision which may be designated by Cabinet Order) shall apply mutatis mutandis to a river designated by the head of a city, town or village, other than any of Class A rivers and Class B rivers. In this case, "the prefectural governor" in the provisions shall read "the head of the city, town or village"; "the prefecture" "the city town or village"; and "the Minister of Construction" "the prefectural governor."

2 Unless provided for in the preceding paragraph, technical modification in reading necessary for mutatis mutandis application of the provisions of this Law shall be fixed by Cabinet Order.

### **Leaving of Masters to Cabinet Order Article 101.**

Matters necessary for enforcement of this Law not provided for in this Law shall be fixed by Cabinet Order.

## **Chapter VII. Penal Provisions**

### **Article 102.**

A person to whom one of the following sub-paragraphs applies shall be punished with penal servitude for not more than one year or a fine of not more than five hundred thousand yen.

- (1) A person who used the flowing water of a river exclusively in violation of the provisions of Article 23.
- (2) A person who constructed, reconstructed or removed a structure in violation of the provisions of Article 26 Paragraph 1.
- (3) A person who excavated, banked or cut land or carried out any other act that altered the shape of land or planted or cut trees in violation of the provisions of Article 27 Paragraph

### **Article 103.**

A person to whom one of the following sub-paragraphs applies shall be punished with penal servitude for not more than six months or a fine of not more than three hundred thousand yen.

- (1) A person who rejected or obstructed restoration measures in violation of the provisions of Article 22-2 Paragraph 4.
- (2) A person who used a structure in violation of the provisions of Article 30 Paragraph 1.
- (3) A person who denied or obstructed the entry into or temporary use of land in violation of the provisions of Article 89 Paragraph 7. (This article amended by Law No.61 of 2 May 1991)

### **Article 104.**

A person who falls under any of the following items shall be punished with penal servitude for not more than three months or a fine of not more than two hundred thousand yen.

- (1) A person who violated the provision of Article 55 Paragraph 1 by taking any of the actions stipulated therein in a river conservancy area
- (2) A person who violated the provision of Article 58-4 Paragraph 1 by taking any of the actions stipulated therein in a three-dimensional river conservancy zone

**Article 105.**

A person to whom one of the following sub-paragraphs applies shall be punished with a fine of not more than three hundred thousand yen.

- (1) A person who failed to follow instructions issued under the provisions of Article 44 Paragraph 1.
- (2) A person who used a dam in order to store or intake the flowing water of a river without obtaining authorization under the operational regulations stipulated in Article 47 first part of Paragraph 1.
- (3) A person who operated a dam in violation of the provisions of Article 47 Paragraph 3.
- (4) A person who obtained approval under Article 23, Article 26 Paragraph 1, Article 27 Paragraph 1, Article 55 Paragraph 1 or Article 58-4 Paragraph 1 through fraud or other improper means.
- (5) A person who used a structure which had passed a completion check under the provisions of Article 30 Paragraph 1 on the basis of fraud or other improper means.

**Article 106.**

A person to whom one of the following sub-paragraphs applies shall be punished with a fine of not more than two hundred thousand yen.

- (1) A person who failed to draw up a record, refused to submit a record or submitted false records in violation of the provisions of Article 49.
- (2) A person who used a dam in order to store or intake the flowing water of a river without the placement of a chief managing engineer as stipulated in Article 50 Paragraph 1.
- (3) A person who constructed, reconstructed or removed a structure in violation of the provisions of Article 26 Paragraph 1 on land in a projected river area that is deemed to be in a river area according to the provisions of Article 58 or in aboveground or underground space in a projected three-dimensional river zone that is deemed to be in aboveground or underground space in a three-dimensional river zone according to the provisions of Article 26 Paragraph 1.
- (4) A person who excavated, banked or cut land or carried out any other act that altered the shape of land or planted or cut trees in violation of the provisions of Article 27 Paragraph 1 on land in a projected river area stipulated in the preceding sub-paragraph or in aboveground or underground space in a projected three-dimensional river zone stipulated in the same sub-paragraph.
- (5) A person who, in violation of the provisions of Article 30 Paragraph 1, used a structure that was constructed or reconstructed on land in a projected river area stipulated in Subparagraph (3) or in aboveground or underground space in a projected three-dimensional river zone stipulated in the same sub-paragraph.

(6) A person who failed to submit a report or submitted a false report or rejected or obstructed the test stipulated in Article 78 Paragraph 1 in violation of the provisions of the said paragraph.

(This article amended by Law No.61 of 2 May 1991)

#### **Article 107.**

In case the representative of a juridical person, or an agent or and employee of or any other person working for a juridical or natural person has violated any of the provision of Article 102 through 106 in connection with the business of the juridical or natural person, not only the offender shall be punished by the juridical or natural person shall also be punished with a fine prescribed in the corresponding article.

#### **Article 108.**

A person who failed to notify or made a false notification in violation of the provisions of Article 33 Paragraph 3 (including the cases where the said paragraph applies to Article 55 Paragraph 2, Article 57 Paragraph 3, Article 58-4 Paragraph 2 and Article 58-6 Paragraph 3) shall be punished with a fine of not more than fifty thousand yen.

#### **Article 109.**

Government ordinances or prefectural regulations established on the basis of the provisions of Article 28 or Article 29 Paragraph 1 or 2 may establish the necessary penalties.

2 The penalties stipulated in the preceding paragraph shall be penal servitude for not more than six months, a fine of not more than three hundred thousand yen, detention or a minor fine under government ordinances, and penal servitude for not more than three months, a fine of not more than two hundred thousand yen, detention or a minor fine under prefectural regulations.

### **Supplementary Provisions**

1 This Law shall come into force as from 1 April 1965. Provided that, the provisions of

Chapter 5 shall come into force as from the day of its promulgation.

- 2 With regard to the application of the provisions of Article 60 in fiscal 1985, the stipulation of "one-third" in Paragraph 1 of the said article shall be "four-tenths", and the stipulation of "two-thirds" in Paragraph 2 of the said article shall be "six-tenths"
- 3 With regard to the application of the provisions of Article 60 in fiscal 1986 and fiscal 1991 through to fiscal 1993, the stipulation of "one-third" in Paragraph 1 of the said article shall be "four-tenths", and the stipulation of "two-thirds" in Paragraph 2 of the said article shall be "five-point-five-tenths". Provided that, the same shall not apply from fiscal 1991 through to fiscal 1993 in the case where the provisions of the said article apply with regard to emergency river improvement works carried out to deal with a collapse of a levee or other hazardous situation.
- 4 With regard to the application of the provisions of Article 60 from fiscal 1987 through to fiscal 1990, the stipulation of "one-third" in Paragraph 1 of the said article shall be "four point-five-tenths" (four-tenths in respect of the cost of improvement works which is carried out to prevent a recurrence of a disaster and which is not emergency river improvement works stipulated in the proviso at Paragraph 4 of the Supplementary Provisions), and the stipulation of "two-thirds" in Paragraph 2 of the said article shall be "five-point-two-five-tenths" (five point-five-tenths in respect of the cost of improvement works which is carried out to prevent a

recurrence of a disaster and which is not emergency river improvement works stipulated in the proviso at Paragraph 4 of the Supplementary Provisions). Provided that, the same shall not apply in the case where the provisions of the said article apply with regard to emergency river improvement works carried out to deal with a collapse of a levee or other hazardous situation.

- 5 Until further notice, the national government may extend interest-free loans to local public bodies for river improvement works for which the government is to meet a part of the cost under the provisions of Article 60 latter part of Paragraph 2, Article 62, Article 65-2 latter part of Paragraph 1, or Article 96, and to which Article 2 Paragraph 1 Sub-paragraph 2 of the Special Measures Law Concerning the Promotion of Social Capital Development Utilizing Revenue from the Sale of Nippon Telegraph and Telephone Co. Ltd. Stock (Law No.86 of 1987; hereinafter referred to as "Social Capital Development Special Measures Law") applies, up to an amount equivalent to the amount which the national government is to meet under the provisions of Article 60 latter part of Paragraph 2, Article 62, Article 65-2 latter part of Paragraph 1, or Article 96 (with regard to the percentage of the national government share of cost under these provisions, in the case where there are legal provisions which set a different percentage from these provisions, the said provisions which set different percentages are included; hereinafter the same) within the limit of budgetary appropriation.
- 6 Until further notice, the national government may extend interest-free loans to local public bodies for a part of the cost or river works (excluding river improvement work and river repair work) concerning Class A or Class B rivers (rivers to which provisions pertaining to Class B rivers contained within this Law apply as stipulated in Article 100) to which Article 2 Paragraph 1 Sub-paragraph 2 of the Social Capital Development Special Measures Law applies, within the limit of budgetary appropriation.
- 7 The redemption period for the loans extended by the national government stipulated in the preceding two paragraphs shall be not more than twenty years (including a deferment period of not more than five years) and stipulated in government ordinances.
- 8 In addition to the provisions of the preceding paragraph, the redemption method, advancing the redemption period and other necessary matters concerning redemption of the loans stipulated in Paragraph 5 and 6 of these Supplementary Provisions shall be stipulated in government ordinances.
- 9 In the case where the national government extended a loan to a local public body under the provisions of Paragraph 5 of these Supplementary Provisions for river improvement works, the share of the cost to be met by the national government as stipulated in Article 60 latter part of Paragraph 2, Article 62, Article 65-2 latter part of Paragraph 1, or Article 96, shall be met by way of a transfer of an amount equivalent to the repayment amount at the time of redemption of the said loan.
- 10 In the case where the national government extended a loan to a local public body under the provisions of Paragraph 6 of these Supplementary Provisions for river works, the national government shall provide a subsidy of an amount equivalent to the said loan by way of a transfer of an amount equivalent to the repayment amount at the time of redemption of the said loan.
- 11 With regard to the application of the provisions of the preceding two paragraphs in the case where a local public body received an interest-free loan under the provisions of Paragraph 5 or 6 of these Supplementary Provisions and advanced the redemption period stipulated in Paragraph 7 and 8 of these Supplementary Provisions (excluding cases stipulated in government ordinances), the said redemption shall be deemed to have been carried out at the conclusion of the said redemption period.