

# Fire Service Act

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# FIRE SERVICE ACT

(Act No. 186, July 24, 1948)

## Amendments

- |      |                            |      |                            |
|------|----------------------------|------|----------------------------|
| (1)  | Act No. 193, June 4, 1949  | (33) | Act No. 83, Dec. 10, 1983  |
| (2)  | Act No. 186, May 17, 1950  | (34) | Act No. 102, Dec. 24, 1985 |
| (3)  | Act No. 201, May 24, 1950  | (35) | Act No. 20, Apr. 15, 1986  |
| (4)  | Act No. 258, July 31, 1952 | (36) | Act No. 109, Dec. 26, 1986 |
| (5)  | Act No. 293, Aug. 1, 1952  | (37) | Act No. 55, May 24, 1988   |
| (6)  | Act No. 163, June 8, 1954  | (38) | Act No. 89, Nov. 12, 1993  |
| (7)  | Act No. 107, May 21, 1956  | (39) | Act No. 37, June 22, 1994  |
| (8)  | Act No. 141, June 11, 1956 | (40) | Act No. 100, June 12, 1998 |
| (9)  | Act No. 86, Apr. 1, 1959   | (41) | Act No. 101, June 12, 1998 |
| (10) | Act No. 156, Apr. 24, 1959 | (42) | Act No. 87, July 16, 1999  |
| (11) | Act No. 113, June 30, 1960 | (43) | Act No. 160, Dec. 22, 1999 |
| (12) | Act No. 117, July 2, 1960  | (44) | Act No. 163, Dec. 22, 1999 |
| (13) | Act No. 145, June 17, 1961 | (45) | Act No. 98, July 4, 2001   |
| (14) | Act No. 140, May 16, 1962  | (46) | Act No. 30, Apr. 26, 2002  |
| (15) | Act No. 161, Sep. 15, 1962 | (47) | Act No. 84, June 18, 2003  |
| (16) | Act No. 88, Apr. 15, 1963  | (48) | Act No. 65, June 2, 2004   |
| (17) | Act No. 90, Apr. 15, 1963  | (49) | Act No. 84, June 9, 2004   |
| (18) | Act No. 65, May 15, 1965   | (50) | Act No. 21, Mar. 31, 2005  |
| (19) | Act No. 80, July 25, 1967  | (51) | Act No. 87, July 26, 2005  |
| (20) | Act No. 95, June 10, 1968  | (52) | Act No. 22, Mar. 31, 2006  |
| (21) | Act No. 111, June 1, 1970  | (53) | Act No. 50, June 2, 2006   |
| (22) | Act No. 97, June 1, 1971   | (54) | Act No. 53, June 7, 2006   |
| (23) | Act No. 98, June 2, 1971   | (55) | Act No. 64, June 14, 2006  |
| (24) | Act No. 130, Dec. 31, 1971 | (56) | Act No. 93, June 22, 2007  |
| (25) | Act No. 94, June 23, 1972  | (57) | Act No. 41, May 28, 2008   |
| (26) | Act No. 64, June 1, 1974   | (58) | Act No. 34, May 1, 2009    |
| (27) | Act No. 84, Dec. 17, 1975  | (59) | Act No. 74, June 24, 2011  |
| (28) | Act No. 37, May 29, 1976   | (60) | Act No. 38, June 27, 2012  |
| (29) | Act No. 73, June 15, 1978  | (61) | Act No. 44, June 14, 2013  |
| (30) | Act No. 66, July 16, 1982  | (62) | Act No. 54, June 4, 2014   |
| (31) | Act No. 69, July 23, 1982  | (63) | Act No. 69, June 13, 2014  |
| (32) | Act No. 44, May 20, 1983   |      |                            |

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## Fire Service Act (Article 1~3)

### CHAPTER 1 GENERAL PROVISIONS

#### (Purpose)

**Article 1** The purpose of this Act is to maintain peace and order and promote public welfare by preventing, guarding against and controlling fire, protecting people's lives, persons and property from fire and minimizing the damage caused by fire, earthquakes or other disasters.

#### (Definition of Terms)

**Article 2** In this Act, the meanings of the terms listed in the following paragraphs shall be as prescribed respectively in these paragraphs.

- (2) The term "property under fire prevention measures" shall mean a forest, vessel or vehicle, ship moored at a dock or pier, building or any other structure or property belonging thereto.
- (3) The term "property under fire defense measures" shall mean a forest, vessel or vehicle, ship moored at a dock or pier, building or any other structure or object.
- (4) The term "person concerned" shall mean an owner, manager or possessor of a property under fire prevention measures or property under fire defense measures.
- (5) The term "place concerned" shall mean a place where a property under fire prevention measures or property under fire defense measures is located.
- (6) The term "vessel or vehicle" shall mean a ship, cutter, barge, tug boat or any other vessel to which the provision of Article 2, paragraph (1) shall not apply or a vehicle.
- (7) The term "hazardous materials" shall mean those materials listed in the Name of Item column of Appended Table 1 that have a property listed in the Property column of the said table in accordance with the category specified in the said table.
- (8) The term "firefighting team" shall mean a unit of firefighters or fire corps volunteers equipped with firefighting appliances or a prefectural aviation firefighting team prescribed in the provisions of Article 30 paragraph (3) of the Fire Defense Organization Act (Act No. 226 of 1947).
- (9) The term "ambulance service" shall mean the service of transporting (including the application of first aid treatment as necessary in an emergency until such time that an injured or sick person(s) is placed under a doctor's care) a person(s) to a medical institution (meaning a medical institution specified by an ordinance of the Ministry of Health, Labour and Welfare; the same shall apply in Chapter 7-2) or another place by an ambulance team among those people who are sick or have suffered an injury in an accident caused by a disaster or an accident which occurred outdoors or at a place with public access (hereinafter referred to as "an accident due to a disaster, etc." in this paragraph) or in an accident equivalent to an accident due to a disaster, etc. or for another reason prescribed by a cabinet order in a case prescribed by a cabinet order and who needs to be urgently transported to a medical institution.

### CHAPTER 2 PREVENTION OF FIRE

#### (Order to Remove Outdoor Obstacles to Fire Prevention or Firefighting)

**Article 3** The fire chief (the mayor of municipality where there is no fire defense headquarters; the same shall apply hereinafter except in Chapter VI and Article 35-3-2), fire station chief or other fire defense personnel may order those persons whose outdoor activities are considered hazardous from the viewpoint of fire prevention or the title-holding owner, manager or possessor of an object which is found to be hazardous from the viewpoint of fire prevention or an object which is found to likely obstruct fire extinguishing activities, evacuation and other fire defense activities to take the following necessary measures.

- (i) Prohibition, suspension or restriction of playing with fire, smoking, making a bonfire,

## Fire Service Act (Article 3~4)

- use of equipment or appliances using fire (limited to objects) or equipment or appliances (limited to objects) of which the use may cause a fire or similar activities or preparations for extinguishing fire when any of these activities is planned;
- (ii) Proper treatment of embers, hot ashes or fire sparks;
  - (iii) Removal or other disposition of hazardous materials or other combustible materials left unattended or retained without proper care; and
  - (iv) Clearance or removal of objects (except the objects in the preceding item) left unattended or retained without proper care.
- (2) When the fire chief or fire station chief cannot give the order to implement the necessary measures pursuant to the provisions of the preceding paragraph to the title-holding owner, manager or possessor of an object which is found to be detrimental to fire prevention or obstructive to fire extinguishing activities, evacuation and other fire defense activities because he/she cannot establish the identity of such person, he/she may allow the fire defense personnel [fire corps volunteers in a municipality where there is no fire defense headquarters; the same shall apply in paragraph (4) (including its application *mutatis mutandis* pursuant to the provisions of Article 5 paragraph (2) and Article 5-3 paragraph (5)) and item (iii) and item (iv) of the preceding paragraph] concerned implement the necessary measure prescribed in item (iii) or (iv) of the preceding paragraph at the expense of such person. In this case, when fire defense personnel remove the objects, the fire chief or fire station chief shall store the said objects.
- (3) The provisions of Article 64 paragraph (3) through (6) of the Basic Act on Disaster Control Measures (Act No. 223 of 1961) shall apply *mutatis mutandis* when the fire chief or fire station chief stores objects pursuant to the provisions of the preceding paragraph. In this case, the words "mayor of municipality" and "structures, etc." shall be deemed to be replaced by "fire chief or fire station chief" or "objects" respectively, and the phrase "the municipality which is under the control and jurisdiction of the said mayor of municipality" shall be deemed to be replaced by "the municipality to which the said fire chief or fire station chief belongs".
- (4) In the case where an order to implement necessary measures pursuant to the provisions of paragraph (1) is issued by the fire chief or fire station chief, if the person receiving the said order fails to implement the said measures, insufficiently implements the said measures or cannot possibly complete the said measures within the time limit specified for completion despite the said person implementing the said measures, the fire chief or fire station chief may allow the said fire defense personnel or a third party to implement the said measures as provided for in the Act on Substitute Execution by Administration (Act No. 43 of 1948).

### **(Order to Submit Information, Request for a Report and On-Site Inspection by Fire defense personnel)**

**Article 4** When it is necessary for fire prevention, the fire chief or fire station chief may order the person concerned to submit information or request him/her to make a report, allow fire defense personnel [personnel engaged in the fire service of a municipality or full-time fire corps volunteers in a municipality where there is no fire defense headquarters; the same shall apply hereinafter except in Article 5-3 paragraph (2)] to enter any place of work, factory, place with public access or any other place concerned and inspect the location, structure, equipment and condition of management of the property under fire defense measures or to question the person concerned; provided, however, they shall not enter a private dwelling without the consent of the person concerned or in the case where there is an especially urgent need to do so because of a great risk that a fire may break out.

- (2) On entering the place concerned pursuant to the provisions of paragraph (1), fire defense personnel shall carry an identification card prescribed by the mayor of municipality and

## **Fire Service Act (Article 4~5-2)**

show it to the person concerned when requested to do so.

- (3) On entering the place concerned pursuant to the provisions of paragraph (1), fire defense personnel shall not interfere with the business of the person concerned.
- (4) Fire defense personnel shall not unnecessarily disclose to others any secrets of the person concerned which they may come to know by inspecting or questioning after entry to the place concerned pursuant to the provisions of paragraph (1).

### **(On-Site Inspection by Fire Corps Volunteers)**

- Article 4-2** When there is a special need for fire prevention, the fire chief or fire station chief may designate the property under fire defense measures and the date or duration of inspection and allow fire corps volunteers (in the case of a municipality where there is no fire defense headquarters, limited to non-full-time fire corps volunteers only) under his/her jurisdiction to enter, inspect and question as prescribed in paragraph (1) of the preceding article.
- (2) The provisions of the proviso of the preceding article and paragraph (1) and paragraph (2) through 6 of the said article shall apply *mutatis mutandis* to the preceding paragraph.

### **(Order to Implement Fire Prevention Measures for Property under Fire Prevention Measures)**

- Article 5** When it is considered dangerous from the viewpoint of fire prevention, hindrance to fire service activities, including fire extinguishing and evacuation, danger to life in the event of a fire with regard to the location, structure, equipment or state of management of a property under fire prevention measures or necessary for fire prevention, the fire chief or fire station chief may order the title-holding person concerned (the person concerned and the contractor or site manager in the case in the case where an especially urgent need is recognized) to alter, relocate or remove or prohibit the said property under fire prevention measures or to suspend or discontinue the work for the said property or take other necessary measures; provided, however, this shall not apply to buildings or other structures of which the construction, extension, reconstruction or relocation is permitted or approved under other laws or regulations and no change has since occurred in the circumstances.
- (2) The provisions of Article 3 paragraph (4) shall apply *mutatis mutandis* when the implementation of necessary measures is ordered pursuant to the provisions of the preceding paragraph.
  - (3) When the fire chief or fire station chief issues an order pursuant to the provisions of paragraph (1), he/she shall publicly announce it by installing a signpost or other means prescribed by an ordinance of the Ministry of Internal Affairs and Communications.
  - (4) The signpost prescribed in the preceding paragraph may be installed to the property under fire prevention measures concerning the order issued pursuant to the provisions of paragraph (1) or at the place where the said property under fire prevention measures is located. In this case, the owner, manager or possessor of the said property under fire prevention measures or the place where the said property under fire prevention measures is located shall not refuse nor obstruct the installation of the said signpost.

### **(Order to Prohibit, Suspend or Restrict the Use of Property under Fire Prevention Measures)**

- Article 5-2** When the location, structure, equipment or state of management of a property under fire prevention measures falls under one of the following items, the fire chief or fire station chief may issue an order to the title-holding person concerned to prohibit, suspend or restrict the use of the said property under fire prevention measures.
- (i) In the case where it is recognised that the necessary measures are not implemented or not sufficiently implemented despite an order to implement such measures being issued pursuant to the provisions of paragraph (1) of the preceding paragraph, paragraph (1) of the following paragraph, Article 8 paragraph (3) or paragraph (4), Article 8-

## Fire Service Act (Article 5-2~5-3)

- 2 paragraph (5) or paragraph (6), Article 8-2-5 paragraph (3) or Article 17-4 paragraph (1) or paragraph (2) or that there is a danger from the viewpoint of fire prevention due to the impossibility of the said measures being completed within the time limit when there is a time limit for the implementation of the necessary measures, that fire extinguishing, evacuation or other fire service activities are believed to be obstructed or that there is a danger to life if a fire breaks out.
- (ii) In the case where it is recognised that the danger from the viewpoint of fire prevention, fire extinguishing, evacuation or other fire service activities or danger to life if a fire breaks out cannot be removed by an order issued pursuant to the provisions of paragraph (1) of the preceding article, paragraph (1) of the following article, Article 8 paragraph (3) or paragraph (4), Article 8-2 paragraph (5) or paragraph (6), Article 8-2-5 paragraph (3) or Article 17-4 paragraph (1) or paragraph (2).
- (2) The provisions of paragraph (3) and paragraph (4) of the preceding article shall apply *mutatis mutandis* to the order issued pursuant to the provision of the preceding paragraph.

### **(Order to Implement Measures for Fire Prevention at Property under Fire Prevention Measures or Removal of Obstacles to Fire Activities by Fire Defense Personnel)**

- Article 5-3** The fire chief, fire station chief and other fire defense personnel may issue an order to implement the necessary measures prescribed in each item of Article 3 paragraph (1) to a person acting dangerously from the viewpoint of fire prevention at a property under fire prevention measures or the title-holding owner, manager or possessor of an object which is considered dangerous for fire prevention or an object considered a hindrance to fire service activities, including fire extinguishing and evacuation (the owner, manager or possessor of the said object in question or the person concerned with the property under fire prevention measures in question in the case where there is an especially urgent need; the same shall apply in the following paragraph).
- (2) When the fire chief or fire station chief cannot give an order to implement the necessary measures pursuant to the provisions of the preceding paragraph to the title-holding owner, manager or possessor of an object which is considered detrimental to fire prevention or obstructive to fire extinguishing, evacuation and other fire service activities because he/she cannot establish the identity of the person concerned, he/she may allow the fire defense personnel concerned to implement the measures prescribed in Article 3 paragraph (1), item (iii) or item (iv) for the said object at the expense of the said person. In this case, a certain time limit shall be set and it must be publicly announced in advance that the said fire defense personnel shall implement the said measures if the said measures have not been implemented by the set time limit; provided, however, this requirement for public announcement shall not apply when there is an urgent need for the implementation of the said measures.
- (3) When the fire chief or fire station chief has implemented the measure of removing objects pursuant to the provisions of the preceding paragraph, he/she shall store the said objects.
- (4) The provisions of Article 64 paragraph (3) through (6) of the Basic Act on Disaster Control Measures shall apply *mutatis mutandis* when the fire chief or fire station chief stores objects pursuant to the provisions of the preceding paragraph. In this case, the words "mayor of municipality" and "structures, etc." shall be deemed to be replaced by "fire chief or fire station chief" or "objects" respectively, and the phrase "the municipality which is under the control and jurisdiction of the said mayor of municipality" shall be deemed to be replaced by "the municipality to which the said fire chief or fire station chief belongs".
- (5) The provisions of Article 3 paragraph (4) shall apply *mutatis mutandis* to a case where necessary measures are ordered pursuant to the provisions of paragraph (1) while the provisions of Article 5 paragraph (3) and paragraph (4) shall apply *mutatis mutandis* to an order issued pursuant to the provisions of paragraph (1).



## Fire Service Act (Article 5-4~7)

### (Period to Lodge an Appeal)

**Article 5-4** An application for review or presentation of an appeal against an order issued pursuant to the provisions of Article 5 paragraph (1), Article 5-2 paragraph (1) or paragraph (1) of the preceding article shall be made within 30 days of the day after the receipt of such an order pursuant to the main clause of Article 14 paragraph (1) or Article 45 of the Administrative Appeal Act (Act No. 160 of 1962)

### (Filing of an Appeal and Compensation for Loss)

**Article 6** An appeal for annulment of the order issued pursuant to the provision of Article 5 paragraph (1), Article 5-2 paragraph (1) or Article 5-3 paragraph (1) or a judgement or decision on the presentation of an appeal against such an order must be filed within 30 days of the day from the day of when such an order, judgement or decision is made; provided, however, this shall not apply when there is a justifiable reason.

- (2) In the case where a judicial decision is made to annul the order issued pursuant to the provision of Article 5 paragraph (1) or Article 5-2 paragraph (1), the loss incurred by such an order shall be compensated at the current price.
- (3) In the case where the location, structure, equipment or state of management of the property under fire prevention measures prescribed in Article 5 paragraph (1) or Article 5-2 paragraph (1) does not violate this Act or other based on this Act or other laws and regulations, the loss incurred by the order issued pursuant to the provision of the respective articles shall be compensated at the current price notwithstanding the provisions of the preceding paragraph.
- (4) The expenses necessary for compensation to be made pursuant to the preceding two paragraphs shall be borne by the municipality concerned.

### (Consent of Fire Chief or Fire Station Chief for Building Permission, etc.)

**Article 7** The administrative agency with authority to issue a permission, approval or confirmation for the construction, extension, reconstruction, relocation, repair, remodelling, change of intended usage or use of a building or a person entrusted by the agency or designated confirmation and inspection body [meaning the designated confirmation and inspection body prescribed in Article 77-21 paragraph (1) of the Building Standards Act (Act No. 201 of 1950); the same shall apply hereinafter in this article] which conducts the confirmation prescribed in Article 6-2 paragraph (1) of the said Act (including its application *mutatis mutandis* to Article 87 paragraph (1) of the said Act; the same shall apply hereinafter in this paragraph) may not issue such a permission, approval, confirmation or the confirmation prescribed in Article 6-2 paragraph (1) of the said Act without the consent of the competent fire chief or fire station chief for the construction site or location of the building concerned with the said permission, approval, confirmation or confirmation prescribed in Article 6-2 paragraph (1) of the said Act; provided, however, this shall not be applicable if the building subject to confirmation (including confirmation under the said paragraph of the said Act) is a dwelling (excluding for a tenement house, apartment house or other dwelling that is designated by a cabinet order) in an area outside a fire prevention district or quasi- fire prevention district prescribed in Article 8 paragraph (1), item (v) of the City Planning Act or if the building superintendent conducts the confirmation prescribed in Article 6 paragraph (1) of the Building Standards Act which is applied *mutatis mutandis* to Article 87-2 of the said Act.

- (2) When the fire chief or fire station chief receives a request for consent pursuant to the provisions of the preceding paragraph and finds the plan for the building does not violate the provisions of any laws, orders or ordinances based on laws [excluding the provisions of laws and regulations concerning the building standards to be enacted by a cabinet order prescribed in Article 6 paragraph (1) of the Building Standards Act as applied by replacing

## Fire Service Act (Article 7~8)

the relevant terms and words pursuant to the provisions of Article 6-3 paragraph (1), when the building superintendent or designated confirmation and inspection body receives a request for consent upon confirmation regarding construction, major repair (meaning the major repair prescribed in Article 2, item (xiv) of the Building Standards Act), major refurbishment (meaning the major refurbishment prescribed in Article 2, item (xv) of the said Act) or change of intended usage prescribed in Article 6-3 paragraph (1), item (i) or item (ii) pursuant to the provisions of Article 6 paragraph (4) or Article 6-2 paragraph (1) (including the application of these provisions *mutatis mutandis* pursuant to the provisions of Article 87 paragraph (1) of the said Act)] concerning the fire prevention of buildings, he/she shall afford such consent within three days of the request for consent when affected by Article 6, paragraph (1), item (iv) or within seven days of the request for consent in other cases and shall inform the fact to the administrative agency or person entrusted by it or the designated confirmation and inspection body. When the fire chief or fire station chief finds a reason not to be able to give consent, he/she shall inform the reason to the administrative agency or person entrusted by it or the designated confirmation and inspection body within such period.

- (3) The provisions of Article 68-20 paragraph (1) of the Building Standards Act (including the application of these provisions *mutatis mutandis* to Article 68-23 paragraph (2) of the said Act) shall apply *mutatis mutandis* to the examination to be conducted by the fire chief or fire station chief when he/she is requested for consent pursuant to the provisions of paragraph (1).

### (Fire Prevention Manager)

**Article 8** The person who holds a title to manage a school, hospital, factory, workplace, entertainment facility, department store (including a large retail store designated by a cabinet order as equal to a department store; the same shall apply hereinafter), multi-purpose property under fire prevention measures (property under fire prevention measures for two or more purposes prescribed by a cabinet order; the same shall apply hereinafter) or any other property under fire prevention measures where a large number of people enter, work or live and which are prescribed by an cabinet order shall appoint a fire prevention manager from among persons with the qualifications prescribed by a cabinet order and shall have him/her prepare a fire defense plan and perform other operations necessary for fire prevention management, including implementation of fire drills on fire extinguishing, fire reporting and evacuation, inspection and improvement of the equipment used for fire defense, water supply source for fire defense or facilities necessary for fire extinguishing activities, supervision of the use or handling of fire, maintenance of the structures and equipment required for evacuation or fire prevention, control the number of persons to be admitted, according to the said fire defense plan.

- (2) When the title-holding person referred to in the preceding paragraph appoints a fire prevention manager, he/she shall immediately notify the competent fire chief or fire station chief to that effect. This reporting obligation shall equally apply when he/she dismisses the fire prevention manager.
- (3) When the fire chief or fire station chief finds that the fire prevention manager in paragraph (1) has not been appointed, he/she may order the title-holding person referred to in the said paragraph to appoint a fire prevention manager pursuant to the provisions of the said paragraph.
- (4) When the fire chief or fire station chief finds that the operations necessary for fire prevention management to be performed at the property under fire prevention measures in paragraph (1) by the fire prevention manager in paragraph (1) is not performed pursuant to the provisions of laws and regulations or the fire defense plan referred to in the said paragraph, he/she may order the title-holding person referred to in the said paragraph to take the necessary measures so that the operations are performed pursuant to the provisions of laws and regulations or the fire defense plan.

## Fire Service Act (Article 8~8-2)

- (5) The provisions of Article 5 paragraph (3) and paragraph (4) shall apply *mutatis mutandis* to the orders prescribed in the two preceding paragraphs.

### (Fire Prevention Management Supervisor)

**Article 8-2** With regard to high-rise buildings (buildings higher than 31 meters; the same shall apply in the following article) and other property under fire prevention measures designated by a cabinet order for which the title for management is divided or underground malls (stores, offices and other similar facilities in an underground structure which are situated in succession along underground passages and the passages themselves; the same shall apply hereinafter) for which the title for management is divided, persons who hold the title to manage those high-rise buildings or underground malls which are designated by the fire chief or fire station chief shall designate a fire prevention manager to control the operations necessary for fire prevention management for the entire properties under fire prevention measures from among persons with the qualifications prescribed by a cabinet order (hereinafter referred to as "fire prevention management supervisor" in this Article) through consultations and shall have him/her prepare a fire defense plan for the entire properties under the fire prevention measures in question, conduct fire drills on fire extinguishing, fire reporting and evacuation according to the said fire defense plan, manage corridors, staircases, emergency exits and other facilities necessary for evacuation and perform other operations necessary for fire prevention management for the entire properties under fire prevention measures as prescribed by a cabinet order.

- (2) When the fire prevention management supervisor finds it necessary at the time of implementing operations necessary for fire prevention management pursuant to the provisions of the preceding paragraph for the entire properties under fire prevention measures in the said paragraph, he/she may instruct a fire prevention manager designated by a person possessing the title in the said paragraph for part of the property under fire prevention measures in question, which belongs to the said title, pursuant to the provisions of paragraph 1 of the preceding article to take the necessary measures to implement the said operations.
- (3) The fire defense plan prepared by a fire prevention manager prescribed in the preceding paragraph pursuant to the provisions of paragraph 1 of the preceding article shall confirm the fire defense plan prepared by the fire prevention management supervisor for the entire properties under fire prevention measures pursuant to the provisions of paragraph (1).
- (4) When the person holding the title in paragraph (1) designates a fire prevention management supervisor pursuant to the provisions of the said paragraph, he/she shall immediately notify the competent fire chief or fire station chief to that effect. This reporting obligation shall equally apply when he/she dismisses the fire prevention management supervisor.
- (5) When the fire chief or fire station chief finds that a fire prevention management supervisor has not been designated for the properties under fire prevention measures in paragraph (1), he/she may order the person holding the title in the said paragraph to designate a fire prevention management supervisor pursuant to the provisions of the said paragraph.
- (6) When the fire chief or fire station chief finds that the operations necessary for fire prevention management to be performed by the fire prevention management supervisor for the entire properties under fire prevention measures in paragraph (1) are not performed in accordance with the provisions of laws and regulations or the fire defense plan in the said paragraph, he/she may order the person holding the title in the said paragraph to take the necessary measures so that the said operations are performed in accordance with the provisions of the said laws and regulations or the fire defense plan in the said paragraph.
- (7) The provisions of Article 5 paragraph (3) and paragraph (4) shall apply *mutatis mutandis* to orders issued pursuant to the provisions of the preceding two paragraphs.

## **Fire Service Act (Article 8-2-2~8-2-3)**

### **(Inspection of Property under Fire Prevention Measures and Reporting)**

**Article 8-2-2** Persons who hold the title to manage properties under fire measures prescribed in a cabinet order in view of the necessity for fire prevention among the properties under fire prevention measures prescribed in Article 8 paragraph (1) shall regularly make a person with professional knowledge of fire prevention at properties under fire prevention measures and who has a qualification prescribed by an ordinance of the Ministry of Internal Affairs and Communications [hereinafter referred to as a “qualified inspector of property under fire prevention measures” in the following paragraph, paragraph (1) of the following article and Article 36 paragraph (4)] check whether or not the operations required for fire prevention management, installation and maintenance of equipment used for fire defense, supply of water for fire defense or other facilities required for fire extinguishing activities and other matters required for fire prevention [hereinafter referred to as “inspection items” in the following paragraph, paragraph (1) of the following article and Article 36 paragraph (4)] conform to the standards prescribed by an ordinance of the Ministry of Internal Affairs and Communications regarding the matters prescribed by the Act or orders based on the Act [hereinafter referred to as “inspection standards” in the following paragraph, paragraph (1) of the following article and Article 36 paragraph (4)] and report the inspection results to the fire chief or fire station chief; provided, however, these requirements shall not apply to items subject to inspection and reporting under the provisions of Article 17-3-3.

- (2) An indication showing the date of the inspection and other matters prescribed by an ordinance of the Ministry of Internal Affairs and Communications may be attached pursuant to an ordinance of the Ministry of Internal Affairs and Communications to a property under fire prevention measures of which the inspection items are recognised as conforming with the inspection standards by a qualified inspector of property under fire prevention measures as a result of the inspection prescribed in the preceding paragraph [in the case of a property under fire prevention measures of which the title for management is divided, inspection of the entire property under fire prevention measures (excluding those parts certified pursuant to the provisions of paragraph (1) of the following article) pursuant to the provisions of the preceding paragraph].
- (3) No-one shall attach an indication prescribed in the preceding paragraph excluding the case prescribed in the said paragraph or an indication which may be confused with the said indication to a property under fire prevention measures.
- (4) When an indication prescribed in paragraph (2) is attached not pursuant to the provisions of paragraph (2) or an indication which may be confused with an indication prescribed in the said paragraph to a property under fire prevention measures, the fire chief or fire station chief may order the title-holding person concerned with the said property under fire prevention measures to remove or place a cancellation mark to the indication in question.
- (5) The provisions of paragraph (1) shall not apply to properties under fire prevention measures which are certified under paragraph (1) of the following article.

### **(Exception to Inspection of Property under Fire Prevention Measures and Reporting)**

**Article 8-2-3** The fire chief or fire station chief may certify a property under fire prevention measures which is prescribed in paragraph (1) of the preceding article and which meets the following requirements as a property under fire prevention measures for which exemption from application of the provisions of the said paragraph should apply upon receipt of an application from the title-holding person for the management of the property under fire prevention measures in question.

- (i) Three years have elapsed since the time when the applicant started the management of the property under fire prevention measures in question.
- (ii) The said property under fire prevention measures does not fall under any of the follow-

## Fire Service Act (Article 8-2-3)

- ing sub-items.
- (a) An order pursuant to the provisions of Article 5 paragraph (1), Article 5-2 paragraph (1), Article 5-3 paragraph (1), Article 8 paragraph (3) or paragraph (4), Article 8-2-5 paragraph (3) or Article 17-4 paragraph (1) or paragraph (2) has been issued in the last three years (limited to the case where the location, structure, equipment or state of management of the property under fire prevention measures in question violates the Act, an order based on the Act or any other laws and regulations) or there is presently a reason for such an order to be issued.
  - (b) Cancellation as prescribed in paragraph (6) has been made in the last three years or there is presently a reason for such cancellation to be made.
  - (c) There has been an occasion in the last three years of the inspection or reporting pursuant to the provisions of paragraph (1) of the preceding article not being conducted despite the provisions of the said paragraph or of false reporting regarding the reporting prescribed in the said paragraph.
  - (d) There has been an occasion in the last three years of an inspection item(s) not conforming to the inspection standards as a result of an inspection performed by a qualified inspector of property under fire prevention measures pursuant to the provisions of paragraph (1) of the preceding article.
- (iii) In addition to those prescribed in the preceding item, the property under fire prevention measures in question is deemed to meet the standards to be prescribed by an ordinance of the Ministry of Internal Affairs and Communications as the situation of observance of the Act or an order based on the Act has been excellent.
- (2) An applicant shall apply for inspection to the fire chief or fire station chief by attaching a document describing the location and other items prescribed by an ordinance of the Ministry of Internal Affairs and Communications of the property under fire prevention measures for which certification is requested pursuant to the provisions of the preceding paragraph as prescribed by an ordinance of the Ministry of Internal Affairs and Communications.
  - (3) When the fire chief or fire station chief certifies pursuant to the provisions of paragraph (1) or decides not to certify, he/she shall inform the applicant to that effect as prescribed by an ordinance of the Ministry of Internal Affairs and Communications.
  - (4) When a property under fire prevention measures certified under the provisions of paragraph (1) falls under any of the following items, the certification in question shall become invalid.
    - (i) Three years have elapsed since the time of the certification in question [when the notification prescribed in the preceding paragraph is made in the case where an application is made for the property under fire prevention measures in question prior to the elapse of three years since the certification in question pursuant to the provisions of paragraph (2)].
    - (ii) The title-holding person for the management of the property under fire prevention measures in question has changed.
  - (5) When the title-holding person for the management of a property under fire prevention measures which is certified pursuant to the provisions of paragraph (1) has changed, the title-holding person prior to the said change shall notify the fire chief or the fire station chief as prescribed by an ordinance of the Ministry of Internal Affairs and Communications.
  - (6) In the case of a property under fire prevention measures certified under the provisions of paragraph (1), the fire chief or fire station chief shall cancel the said certification when the said property under fire prevention measures falls under any of the following items.
    - (i) When it becomes known that the said certification was obtained by a false statement or any other unlawful means.
    - (ii) When an order is issued pursuant to the provisions of Article 5 paragraph (1), Article 5-2 paragraph (1), Article 5-3 paragraph (1), Article 8 paragraph (3) or paragraph (4), Arti-

## Fire Service Act (Article 8-2-3~8-3)

cle 8-2-5 paragraph (3) or Article 17-4 paragraph 1 or paragraph (2) (limited to the case where the location, structure, equipment or state of management of the property under fire prevention measures in question violates the Act, an order based on the Act or any other laws and regulations).

- (iii) When the provisions of paragraph (1), item (iii) no longer apply.
- (7) An indication showing the date of certification and other matters prescribed by an ordinance of the Ministry of Internal Affairs and Communications may be attached in accordance with an ordinance of the Ministry of Internal Affairs and Communications to a property under fire prevention measures certified under the provisions of paragraph (1) (in the case of properties under fire prevention measures of which the title for management is divided, only those which are entirely certified under the provisions of the said paragraph).
- (8) The provisions of paragraph (3) and paragraph (4) of the preceding article shall apply *mutatis mutandis* to an indication prescribed in the preceding paragraph.

### (Management of Facilities Required for Escape)

**Article 8-2-4** The title-holding person for the management of a school, hospital, factory, workplace, entertainment facility, department store, hotel, restaurant, underground mall, multi-purpose property under fire prevention measures or any other property under fire prevention measures prescribed by a cabinet order shall manage such property so that no object obstructing evacuation is left unattended or placed in a disorderly manner at such facilities required for evacuation as corridors, staircases, emergency exits and others and that no object disrupting the closure of a fire door is left unattended or placed in a disorderly manner.

### (Fire Defense Organization for Self-Protection)

**Article 8-2-5** The title-holding person for the management of a property under fire prevention measures to which a large number of people have access among the properties under fire prevention measures referred to in Article 8 paragraph (1) and which is specified by a cabinet order as a large-scale property shall set up a fire defense organization for self-protection as prescribed by an ordinance of the Ministry of Internal Affairs and Communications at the said property for fire prevention measures.

- (2) When the title-holding person referred to in the preceding paragraph has set up a fire defense organization for self-protection pursuant to the provisions of the said paragraph, he/she shall immediately notify the current state of the staff of the fire defense organization for self-protection and other matters specified by an ordinance of the Ministry of Internal Affairs and Communications to the competent fire chief or fire station chief. The same shall apply when the person in question makes any changes to such matters.
- (3) When the fire chief or fire station chief finds that a fire defense organization for self-protection in paragraph (1) has not been set up, he/she may order the title-holding person referred to in the said paragraph to set up a fire defense organization for self-protection pursuant to the provisions of the said paragraph.
- (4) The provisions of Article 5 paragraph (3) and paragraph (4) shall apply *mutatis mutandis* to an order issued pursuant to the provisions of the preceding paragraph.

### (Flame Retarding Performance of Goods under the Flame Retardancy Requirements)

**Article 8-3** Goods under the flame retardancy requirements (stage curtains, curtains, plywood for use in an exhibition and similar items prescribed by a cabinet order; the same shall apply hereinafter) to be used in high-rise buildings or underground malls or theatres, cabarets, hotels, hospitals and other property under fire prevention measures prescribed by a cabinet order shall have flame retarding performance not lower than the level to be prescribed by a cabinet order.

## **Fire Service Act (Article 8-3~9-3)**

- (2) Indication of the flame retarding performance referred to in the preceding paragraph may be attached to goods under the flame retardancy requirements or materials thereof with flame retarding performance referred to in the said paragraph (hereinafter referred to as “flame retarding goods” in this article) pursuant to the provisions of an ordinance of the Ministry of Internal Affairs and Communications.
- (3) Except for the attachment of an indication to goods under the flame retardancy requirements or materials thereof pursuant to the provisions of the preceding paragraph or the attachment of an indication concerning the flame retarding performance of goods under the flame retardancy requirements or materials thereof pursuant to the provisions of the Industrial Standardization law (Act No. 185 of 1949) or other laws prescribed by a cabinet order as designated by an ordinance of the Ministry of Internal Affairs and Communications (hereinafter referred to as “designated indication” in this article), no person shall attach an indication referred to in the said paragraph or an indication that may be misunderstood as such an indication.
- (4) Flame retarding goods or materials thereof shall not be sold or displayed for sale as goods under the flame retardancy requirements unless the indication in paragraph (2) or a designated indication is attached.
- (5) When the persons concerned with property under fire prevention measures in paragraph (1) have goods under the flame retardancy requirements or materials thereof, which are to be used in such property under fire prevention measures, treated for flame retarding performance or curtains and other flame retardant materials made with fabric or other materials to which the indication in paragraph (2) or a designated indication is attached, they shall make it clear to the effect pursuant to the provisions of an ordinance of the Ministry of Internal Affairs and Communications.

### **(Control of Fire-Using Facilities, Tools, etc.)**

**Article 9** The location, structure and management of domestic furnaces, bathrooms and other fire-using equipment or equipment which potentially cause a fire when in use, the handling of portable cooking furnaces, kotatsu (feet warming device covered by a quilt) or other fire-using appliances or appliances which potentially cause a fire when in use and other matters necessary for fire prevention shall be prescribed by a municipal ordinance in accordance with the standards to be prescribed by a cabinet order.

### **(Home Disaster Prevention Equipment)**

**Article 9-2** A person concerned with a property under fire prevention measures serving a dwelling (excluding such parts serving a purpose other than a dwelling in the case of a property under fire prevention measures of which parts serve a purpose other than a dwelling; hereinafter referred to as “dwelling” in this article) shall install and maintain home disaster prevention equipment (machines, appliance or equipment contributing to the prevention of fire at a dwelling as prescribed by a cabinet order; the same shall apply hereinafter in this article) in accordance with the installation and maintenance standards for home disaster prevention equipment prescribed in the following paragraph.

- (2) The installation and maintenance standards for home disaster prevention equipment and other matters necessary for the prevention of fire at a dwelling shall be prescribed by a municipal ordinance in accordance with the standards to be prescribed by a cabinet order.

### **(Notice of Storage and Handling of Pressurized Acetylene Gas, etc.)**

**Article 9-3** A person who stores or handles pressurized acetylene gas, LPG or other materials which are liable to cause a serious obstruction to fire prevention or fire extinguishing activities and which are prescribed by a cabinet order shall notify the competent fire chief or

## Fire Service Act (Article 9-3~11)

fire station chief to that effect in advance; provided, however, the same shall not apply in the case where they are stored or handled on ships, automobiles, airplanes, railroads or tracks or other cases prescribed by a cabinet order.

- (2) The provisions of the preceding paragraph shall apply *mutatis mutandis* when the storage or handling referred to in the said paragraph is discontinued.

### **(Storage and Handling Standards for Hazardous Materials, etc. of Which Quantities are Less than Designated Quantities)**

**Article 9-4** The technical standards for the storage and handling of those hazardous materials of which the quantities are less than the quantities prescribed by a cabinet order in view of their hazard (hereinafter called “designated quantities”), straw products, excelsior and other materials prescribed by a cabinet order as those which allow fire to quickly spread once they catch fire or make fire extinguishing activities conspicuously difficult (hereinafter referred to as “designated inflammable goods”) and other materials equivalent to designated inflammable goods shall be prescribed by a municipal ordinance.

- (2) The technical standards for the location, structure and equipment of a place where hazardous materials of which the quantities are less than the designated quantities, designated inflammable goods and other materials equivalent to designated inflammable goods [excluding the technical standards for fire equipment, etc. prescribed in Article 17 paragraph (1)] are stored or handled shall be prescribed by a municipal ordinance.

## CHAPTER 3 HAZARDOUS MATERIALS

### **(Limitation of Storage and Handling of Hazardous Materials)**

**Article 10** Hazardous materials of more than the designated quantities shall not be stored except in storage facilities [including storage facilities fixed on vehicles where hazardous materials are stored or handled (hereinafter called “mobile tank storage facilities”); the same shall apply hereinafter] or handled at those places other than manufacturing, storage and handling facilities; provided, however, the same shall not apply when hazardous materials of more than the designated quantities are temporarily stored or handled for not more than ten days with the approval of the competent fire chief or fire station chief.

- (2) When two or more hazardous materials which are different in terms of the description or designated quantity listed in the Appended Table [referred to as only “item” in Article 11-4, paragraph (1)] are stored or handled at the same facility, the quantity of each hazardous material shall be divided by the respective designated quantity of the hazardous material and if the sum of the quotient exceeds 1, such facility shall be regarded as storing or handling a hazardous material of more than the designated quantity.
- (3) The storage and handling of hazardous materials at manufacturing, storage and handling facilities shall be conducted in accordance with the technical standards to be prescribed by a cabinet order.
- (4) The technical standards for the location, structure and equipment of manufacturing, storage and handling facilities shall be prescribed by a cabinet order.

### **(Establishment and Change of Manufacturing Facility)**

**Article 11** A person who intends to establish a manufacturing, storage or handling facility shall, pursuant to the provisions of a cabinet order, obtain the permission of the person prescribed in the following items for each manufacturing, storage or handling facility according to the classification of such facility. This requirement to obtain permission shall also apply to a person who intends to change the location, structure or equipment of a manufacturing,



## Fire Service Act (Article 11)

storage or handling facility.

- (i) A manufacturing, storage or handling facility [excluding a facility which handles the transfer of hazardous materials through a pipeline (hereinafter referred to as a “transfer facility”) as prescribed by a cabinet order] to be established in an area of a municipality which has fire defense headquarters and fire stations [called “a municipality with the fire defense headquarters, etc.” in following items (ii) and (iii)]: Mayor of the municipality concerned
  - (ii) A manufacturing, storage or handling facility (excluding a transfer facility) to be established in an area of municipality other than a municipality with the fire defense headquarters, etc.: Prefectural governor with jurisdiction over the said area
  - (iii) A transfer facility to be established solely in an area of a municipality with a fire defense headquarters, etc. referred to in item (i): Mayor of the municipality concerned
  - (iv) A transfer facility other than the transfer facility referred to in the preceding item: Prefectural governor with jurisdiction over the area where the said transfer facility is to be established (Minister of Internal Affairs and Communications when a transfer facility is to be established over the areas of two or more prefectures):
- (2) When the mayor of municipality, prefectural governor or Minister of Internal Affairs and Communications (called the “mayor of municipality, etc.” hereinafter in this chapter and the following chapter) prescribed in the preceding items corresponding to the manufacturing, storage or handling facilities classified in the said paragraphs receives an application for permission pursuant to the provisions of the preceding paragraph, he/she shall give permission when the location, structure and equipment of the manufacturing, storage or handling facility in question conform to the technical standards referred to in paragraph (4) of the preceding article and also when the storage and handling of hazardous materials at the manufacturing, storage or handling facility in question will not interfere with the maintenance of public safety or the prevention of the occurrence of disasters.
  - (3) When the Minister of Internal Affairs and Communications intends to give permission concerning a transfer facility pursuant to the provisions of paragraph (1), item (iv), he/she shall inform the prefectural governor concerned to that effect. In this case, the said prefectural governor may inform the Minister of Internal Affairs and Communications of his/her opinion regarding the said permission.
  - (4) The mayor of municipality concerned may inform the prefectural governor concerned or the Minister of Internal Affairs and Communications of his/her opinion regarding permission for a transfer facility under the provisions of paragraph (1), item (iv).
  - (5) When a person receiving permission pursuant to the provisions of paragraph (1) establishes a manufacturing, storage or handling facility or changes the location, structure and/or equipment of a manufacturing, storage or handling facility, he/she shall have the manufacturing, storage or handling facility inspected by the mayor of municipality, etc. at the time of its completion and he/she shall not use the facility until its location, structure and equipment are approved to conform to the technical standards referred to in paragraph (4) of the preceding article; provided, however, when he/she changes the location, structure or equipment of the manufacturing, storage or handling facility, if he/she has received the approval of the mayor of municipality, etc. for all or part of a section other than that involved in such change of the manufacturing, storage or handling facility, he/she may provisionally use the approved section even before the inspection at the time of completion.
  - (6) When a manufacturing, storage or handling facility is assigned or transferred, the assignee or transferee shall succeed to the status of the person received the permission pursuant to the provisions of paragraph (1). In this case, the person succeeding to the status of the person receiving permission pursuant to the provisions of the said paragraph shall immediately notify the mayor of municipality, etc. to that effect.

## **Fire Service Act (Article 11~11-3)**

- (7) When the mayor of municipality, etc. gives the permission prescribed in paragraph (1) (excluding the permission prescribed in the second sentence of the said paragraph concerning minor matters specified by an ordinance of the Ministry of Internal Affairs and Communications) concerning manufacturing, storage or handling facilities prescribed by a cabinet order, he/she shall report it to the National Public Safety Commission, prefectural public safety commission or the Commandant of the Japan Coast Guard to that effect as prescribed by a cabinet order.

### **(Inspection of Manufacturing Facility, etc. Prior to Completion Inspection)**

**Article 11-2** A person who has obtained permission to establish a manufacturing, storage or handling facility or to change the location, structure or equipment of such facility pursuant to the provisions of paragraph (1) of the preceding article shall, with regard to construction work related to the said permission and prescribed by the relevant cabinet order, have an inspection made by the mayor of municipality, etc. to check at every step of the construction work prescribed by a cabinet order if such items regarding the structure and equipment of the manufacturing, storage or handling facility prescribed by a cabinet order (hereinafter referred to as “specified items” in this article and the following article) conform to the technical standards referred to in Article 10, paragraph (4) before undergoing a completion inspection prescribed in paragraph (5) of the preceding article..

- (2) The person prescribed in the preceding paragraph cannot have the completion inspection prescribed in paragraph (5) of the preceding article regarding the work for the establishment of a manufacturing, storage or handling facility or change of its location, structure or equipment unless it has been approved by the inspection referred to in the preceding paragraph that the specified items conform to the technical standards referred to in Article 10, paragraph (4).
- (3) When the person prescribed in paragraph (1) undergoes a completion inspection prescribed in paragraph (5) of the preceding article regarding the work to establish a manufacturing, storage or handling facility pertaining to the specified items which have been judged in the inspection referred to in paragraph (1) to have conformed to the technical standards referred to in Article 10, paragraph (4) or to change the location, structure or equipment of such facility, he/she shall not be required to have a completion inspection prescribed in paragraph (5) of the preceding article with regard to the said specified items

### **(Hazardous Materials Safety Techniques Association)**

**Article 11-3** The mayor of municipality, etc. may entrust the matters under the following items to the Hazardous Materials Safety Techniques Association (Kikenbutsu Hoangijutsu Kyokai: KHK) [referred to as the “Association” in Article 14-3, paragraph (3)].

- (i) In the case referred to in Article 11, paragraph (2) where the storage facility pertaining to an application for permission pursuant to the provisions of paragraph (1) of the said article is an outdoor tank storage facility (a facility with an outdoor tank where a hazardous material is stored or handled; the same shall apply hereinafter) prescribed by a cabinet order: Examination to check whether those items, which relate to the structure and equipment of the said outdoor tank storage facility and which are prescribed by a cabinet order conform to the technical standards referred to in Article 10, paragraph (4) or not.
- (ii) In the case of paragraph (1) of the preceding article where the storage facility referred to in the said paragraph is an outdoor tank storage facility prescribed by a cabinet order: Examination to check whether the specified items prescribed by a cabinet order among the specified items pertaining to the said outdoor tank storage facility conform to the technical standards of Article 10, paragraph (4) or not.

## Fire Service Act (Article 11-4~11-5)

### (Notice of Change of Name, Quantity or Multiple of the Designated Quantity of Hazardous Materials to Store or Handle)

**Article 11-4** A person who intends to change an item, quantity or multiple of the designated quantity [quotient obtained by dividing the quantity of the hazardous materials stored or handled at a manufacturing, storage or handling facility by the designated quantity (in the case of two or more hazardous materials which are different in terms of the description or designated quantity being stored or handled, the sum of the quotient obtained by dividing the quantity of each hazardous material pertinent to the said storage or handling by the designated quantity for each hazardous material)] of a hazardous material which is stored or handled at the said manufacturing, storage or handling facility without changing the location, structure or equipment of such manufacturing, storage or handling facility shall notify the mayor of municipality, etc. to that effect not later than 10 days before he/she makes such change.

- (2) In the case of the preceding paragraph, among the hazardous materials listed in the item column of the Appended Table 1, those hazardous materials listed under Item (xi) of Category I, Item (viii) of Category II, Item (xii) of Category III, Item (xi) of Category V or Item (v) of Category VI shall be regarded as different hazardous materials if they contain different hazardous materials listed in the said item column.
- (3) The provisions of Article 11, paragraph (7) shall apply *mutatis mutandis* to the case where a notification in paragraph (1) is made in connection with a manufacturing, storage or handling facility prescribed in the said paragraph.

### (Order to Conform to Hazardous Materials Storage and Handling Standards)

**Article 11-5** When the mayor of municipality, etc. finds that the storage or handling of hazardous materials at a manufacturing, storage or handling facility (excluding mobile tank storage facilities) violates the provisions of Article 10, paragraph (3), he/she may order the owner, manager or possessor of the manufacturing, storage or handling facility to store or handle the hazardous materials in accordance with the technical standards referred to in the said paragraph.

- (2) The mayor of municipality [in the case of area of a municipality other than those where a fire defense headquarters or fire station is located, the prefectural governor with jurisdiction over the said area; the same shall apply in the following paragraph and paragraph (4)] may issue an order to a mobile tank storage facility located in the area under his/her jurisdiction to store or handle the hazardous materials in accordance with the technical standards of Article 10, paragraph (3) in the same manner as that prescribed in the provisions of the preceding paragraph.
- (3) When the mayor of municipality issues an order pursuant to the provisions of the preceding paragraph, he/she shall immediately notify the mayor of municipality, etc., in accordance an ordinance of the Ministry of Internal Affairs and Communications, who issued permission prescribed in Article 11 paragraph (1) with regard to the mobile tank storage facility pertaining to the said order.
- (4) When the mayor of municipality, etc. or mayor of municipality issues an order pursuant to the provisions of paragraph (1) or paragraph (2) respectively, he/she shall make a public announcement to that effect by means of setting up a signpost or other means prescribed by an ordinance of the Ministry of Internal Affairs and Communications.
- (5) The signpost prescribed in the preceding paragraph may be set up at the manufacturing, storage or handling facility pertaining to the order issued pursuant to the provisions of paragraph (1) or paragraph (2). In this case, the owner, manager or possessor of the manufacturing, storage or handling facility pertaining to the order issued pursuant to the provisions of paragraph (1) or paragraph (2) shall neither refuse nor obstruct the setting up of the said signpost.

## Fire Service Act (Article 12~12-3)

### **(Maintenance and Management of Manufacturing Facilities, etc.)**

**Article 12** The owner, manager or possessor of a manufacturing, storage or handling facility shall maintain it so that its location, structure and equipment conform to the technical standards in Article 10 paragraph (4).

- (2) When the mayor of municipality, etc. finds that the location, structure and equipment of a manufacturing, storage or handling facility do not conform to the technical standards in Article 10 paragraph (4), he/she may order the title-holding owner, manager or possessor of the manufacturing, storage or handling facility to repair, remodel or relocate it so that they will conform to the technical standards of the said paragraph.
- (3) The provisions of paragraph (4) and paragraph (5) of the preceding article shall apply *mutatis mutandis* to orders issued pursuant to the provisions of the preceding paragraph.

### **(Cancellation of Permission for Manufacturing Facilities, etc.)**

**Article 12-2** In the case where the owner, manager or possessor of a manufacturing, storage or handling facility falls under any of the following items, the mayor of municipality, etc. may cancel the permission afforded to the said manufacturing, storage or handling facility pursuant to Article 11 paragraph (1) or issue an order to him/her to suspend the use of the facility for a specified period.

- (i) In the case where the owner, manager or possessor changes the location, structure or equipment of the manufacturing, storage or handling facility without obtaining permission prescribed in the second part of Article 11 paragraph (1).
  - (ii) In the case where the owner, manager or possessor uses the manufacturing, storage or handling facility in violation of the provisions of Article 11 paragraph (5).
  - (iii) In the case where the owner, manager or possessor violates the order issued pursuant to the provision of paragraph (2) of the preceding article.
  - (iv) In the case where the owner, manager or possessor violates the provisions of Article 14-3 paragraph (1) or paragraph (2).
  - (v) In the case where the owner, manager or possessor violates the provisions of Article 14-3-2.
- (2) When the owner, manager or possessor of a manufacturing, storage or handling facility commits any one of the violations listed under the following items, the mayor of municipality, etc. may order him/her to suspend the use of the said manufacturing, storage or handling facility for a specified period.
- (i) In the case where the owner, manager or possessor violates the order issued pursuant to the provision of Article 11-5 paragraph (1) or paragraph (2).
  - (ii) In the case where the owner, manager or possessor violates the provisions of Article 12-7 paragraph (1).
  - (iii) In the case where the owner, manager or possessor violates the provisions of Article 13 paragraph (1).
  - (iv) In the case where the owner, manager or possessor violates the order issued pursuant to the provision of Article 13-24 paragraph (1).
- (3) The provisions of Article 11-5 paragraph (4) and paragraph (5) shall apply *mutatis mutandis* to an order issued pursuant to the provisions of the two preceding paragraphs.

### **(Suspension and Restriction of Use at Time of Emergency at Factory, etc.)**

**Article 12-3** When the mayor of municipality, etc. finds it urgently necessary for the purpose of maintaining public safety or preventing the occurrence of a disaster, he/she may order the owner, manager or possessor of a manufacturing, storage or handling facility to temporarily suspend the use of the said manufacturing, storage or handling facility or may restrict its use.

## **Fire Service Act (Article 12-3~13)**

- (2) The provisions of Article 11-5 paragraph (4) and paragraph (5) shall apply *mutatis mutandis* to an order issued pursuant to the provisions of the preceding paragraph.

### **(Request by Mayor of Municipality)**

**Article 12-4** When the mayor of municipality concerned considers that the establishment or maintenance of a transfer facility pertaining to the permission to be issued by the prefectural governor or Minister of Internal Affairs and Communications (hereinafter called "the prefectural governor, etc." in this article) pursuant to the provisions of Article 11, paragraph (1), item (iv) or the handling of hazardous materials at the said facility is liable to cause a disaster, he/she may request that the prefectural governor, etc. concerned take the necessary measures.

- (2) Upon receipt of the request referred to in the preceding item, the prefectural governor, etc. shall conduct the necessary investigation and if, as a result of this investigation, he finds it necessary, he/she shall take the measures prescribed in Article 11-5, paragraph (1), Article 12, paragraph (2) or paragraph (1) of the preceding article or any other necessary measures.
- (3) When the prefectural governor, etc. takes the measures set forth in the preceding paragraph, he/she shall immediately notify the matter to the mayor of municipality concerned.

### **(Consultation with Mayor of Municipality on Emergency Measures)**

**Article 12-5** The owner, manager or possessor of the transfer facility prescribed by a cabinet order shall consult with the mayor of municipality concerned in advance regarding the emergency measures to be taken in the case of the leakage of hazardous materials or other accidents at the facility creating a dangerous situation.

### **(Notification of Discontinued Use of Manufacturing Facility, etc.)**

**Article 12-6** When the owner, manager or possessor of a manufacturing, storage or handling facility has discontinued the use of the said manufacturing, storage or handling facility, he/she shall notify the mayor of municipality, etc. to that effect without delay.

### **(Person Controlling the Business Concerning the Safety of Hazardous Materials)**

**Article 12-7** A person who owns, manages or possesses a manufacturing, storage or handling facility prescribed by a cabinet order at the same place of business where hazardous materials of not less than the quantity prescribed by a cabinet order are stored or handled shall appoint a hazardous materials safety supervising manager and shall have him/her conduct the general management of operations relating to the safety of hazardous materials at the said place of business pursuant to the provisions of a cabinet order.

- (2) When a person who owns, manages or possesses a manufacturing, storage or handling facility appoints a hazardous materials safety supervising manager in accordance with the preceding paragraph, he/she shall immediately notify the matter to the mayor of municipality, etc. The same shall apply when he/she dismisses the said manager.

### **(Person Supervising the Safety of Hazardous Materials)**

**Article 13** The owner, manager or possessor of a manufacturing, storage or handling facility prescribed by a cabinet order shall appoint a hazardous materials safety supervisor from among those Class A hazardous materials engineers (persons possessing a Class A hazardous materials engineer's license; the same shall apply hereinafter) or Class B hazardous materials engineers (persons possessing a Class B hazardous materials engineer's license; the same shall apply hereinafter) with more than six months' practical experience of handling hazardous materials and shall have him/her supervise the safe handling of hazardous materials which he/she is qualified to handle in accordance with the cabinet order.

- (2) When the owner, manager or possessor of a manufacturing, storage or handling facility ap-

## **Fire Service Act (Article 13~13-3)**

points a hazardous materials safety supervisor pursuant to the provisions of the preceding paragraph, he/she shall notify to the mayor of municipality, etc. to that effect without delay. This obligation of notification shall equally apply when he/she dismisses the hazardous materials safety supervisor.

- (3) At a manufacturing, storage or handling facility, no person other than a hazardous material engineer (possessing either a Class A or Class B hazardous materials engineer's license; the same shall apply hereinafter) shall handle hazardous materials without the attendance of a Class A hazardous materials engineer or a Class B hazardous materials engineer.

### **(Hazardous Materials Engineer's Licenses)**

**Article 13-2** The Types of hazardous materials engineer's license shall be Class A hazardous materials engineer's license, Class B hazardous materials engineer's license and Class C hazardous materials engineer's license.

- (2) The types of hazardous materials which hazardous materials engineers can handle and those hazardous materials of which the handling shall be attended by a Class A hazardous materials engineer or a Class B hazardous materials engineer shall be prescribed by an ordinance of the Ministry of Internal Affairs and Communications according to the types of hazardous materials engineer's license prescribed in the preceding paragraph.
- (3) A hazardous materials engineer's license shall be issued by the prefectural governor to a person who has passed the examination for the hazardous materials engineer's license.
- (4) The prefectural governor may not issue a hazardous materials engineer's license to a person who falls under any of the following items.
  - (i) A person who has been ordered to return his/her hazardous materials engineer's license pursuant to the provisions of the following paragraph and one year inclusive has not elapsed since that day.
  - (ii) A person who has been sentenced to a fine or heavier penalty in violation of the provisions of this Act or orders based on this Act and two years inclusive have not passed since the day when its execution of the sentence was completed or became free from the execution of the sentence.
- (5) In the case of a hazardous materials engineer who violates the provisions of this Act or orders based on this Act, the prefectural governor may order him/her to return his/her hazardous materials engineer's license.
- (6) When the prefectural governor finds that a hazardous materials engineer who has been issued the hazardous materials engineer's license by the governor of another prefecture has violated the provisions of this Act or orders based on this Act, he/she shall notify the said governor of another prefecture to that effect.
- (7) In addition to the matters prescribed in each of the preceding paragraphs, those matters necessary for the renewal or reissue of hazardous materials engineer's licenses or any other matters related to hazardous materials engineer's license shall be prescribed by a cabinet order.

### **(Hazardous Materials Engineer's Qualification Examinations)**

**Article 13-3** Hazardous materials engineer's qualification examinations shall be conducted on knowledge and skills required for safe handling of hazardous materials.

- (2) The types of qualification examinations for hazardous materials engineers shall be the qualification examination for Class A hazardous materials engineers, the examination for Class B hazardous materials engineers and the qualification examination for Class C hazardous materials engineers.
- (3) The qualification examinations for hazardous materials engineers prescribed in the preceding paragraph shall be conducted for each type of qualification examination by the prefectural governor not fewer than once a year.

## **Fire Service Act (Article 13-3~13-6)**

- (4) A person who falls under any of the following items shall be eligible to take the qualification examination for Class A hazardous materials engineers.
  - (i) A person who has graduated from a university or college of technology under the School Education Act (Act No. 26 of 1947) by completing a major or course in chemistry or who is prescribed by an ordinance of the Ministry of Internal Affairs and Communications as the equivalent of such a person.
  - (ii) A person who has two or more years' practical experience of handling hazardous materials after receiving a Class B hazardous materials engineer's license.
- (5) In addition to the matters prescribed in each of the preceding paragraphs, the subjects of the qualification examinations for hazardous materials engineers, procedures for taking qualification examinations and other details of the qualification examinations shall be prescribed by an ordinance of the Ministry of Internal Affairs and Communications.

### **(Examiners for the Qualification Examination for Hazardous Materials Engineers)**

**Article 13-4** In the form of a prefectural ordinance, each prefecture may appoint examiners for the qualification examination for hazardous materials engineers to prepare questions for the qualification examinations, mark scores and conduct other qualification examination-related affairs.

- (2) The organization, term of office and other matters concerning examiners for the qualification examination for hazardous materials engineers in the preceding paragraph shall be prescribed by an ordinance of the prefecture in question.

### **(Entrustment of Hazardous Materials Engineer's Qualification Examination Affairs)**

**Article 13-5** The prefectural governor may entrusts a person designated by the Ministry of Internal Affairs and Communications to conduct the affairs concerning the implementation of qualification examinations for hazardous materials engineers (hereinafter called the "hazardous materials engineer's qualification examination affairs" in this chapter).

- (2) The designation prescribed in the preceding paragraph shall be made upon receipt of an application from a person intending to conduct the hazardous materials engineer's qualification examination affairs.
- (3) When the prefectural governor entrusts a person designated by the Minister of Internal Affairs and Communications to conduct the hazardous materials engineer's qualification examination affairs pursuant to the provisions of paragraph (1), he/she shall not conduct the hazardous materials engineer's qualification examination affairs.

### **(Requirements for Designation)**

**Article 13-6** The Minister of Internal Affairs and Communications shall not make a designation prescribed in paragraph (2) of the preceding article unless he/she approves that the application prescribed in paragraph (2) of the said article satisfies the following requirements.

- (i) The personnel, facilities, methods of performing the hazardous materials engineer's qualification examination affairs and other matters in the plan to conduct the hazardous materials engineer's qualification examination affairs are adequate for the proper and reliable execution of the hazardous materials engineer's qualification examination affairs.
- (ii) The applicant has the basic accounting and technical bases necessary for the proper and reliable execution of the plan to conduct the hazardous materials engineer's qualification examination affairs referred to in the preceding paragraph.
- (iii) If the applicant conducts businesses other than the hazardous materials engineer's qualification examination affairs, there is no likelihood for the hazardous materials engineer's qualification examination affairs to become unfair because of the other businesses.

## **Fire Service Act (Article 13-6~13-9)**

- (2) If the person making an application pursuant to the provisions of paragraph (2) of the preceding article falls under any one of the following items, the Minister of Internal Affairs and Communications shall not make the designation prescribed in paragraph (1) of the said article.
  - (i) The person is neither a general incorporated foundation nor a general incorporated association.
  - (ii) The person was sentenced to be punished for a violation of this Act and two years inclusive have not passed since the day when its execution of the sentence was completed or became free from the execution of the sentence.
  - (iii) The person's designated status was cancelled pursuant to the provisions of Article 13-18 paragraph (1) or paragraph (2) and two years inclusive have not yet elapsed since the said cancellation.
  - (iv) Any of the officers of the person falls under any of the following sub-items.
    - (a) An officer who falls under item (ii).
    - (b) An officer who has been dismissed by an order pursuant to the provisions of Article 13-9, paragraph (2) and two years inclusive have not yet elapsed since the said dismissal.

### **(Public Notice of Designation, etc.)**

**Article 13-7** When the Minister of Internal Affairs and Communications designates a person pursuant to the provisions of Article 13-5 paragraph (1), he/she shall publicly notify the name and the location of the principal office of the person granted the said designation and the date of the said designation.

- (2) When a person designated pursuant to the provisions of Article 13-5 paragraph (1) (hereinafter called a "designated examination body" in this chapter) intends to change its name or the location of its principal office, it shall notify the Minister of Internal Affairs and Communications to that effect no later than two weeks before the date of the intended change.
- (3) When the Minister of Internal Affairs and Communications receives a notice pursuant to the provisions of the preceding paragraph, he/she shall publicly notify to that effect.

### **(Public Notice of Entrustment, etc.)**

**Article 13-8** A prefectural governor who has decided to entrust a designated examination body to conduct the hazardous materials engineer's qualification examination affairs pursuant to the provisions of Article 13-5 paragraph (1) (hereinafter referred to as an "entrusting prefectural governor") shall report to the Minister of Internal Affairs and Communications to that effect and publicly notify the name of the designated examination body in question, the location of its principal office, the location of the office handling the said hazardous materials engineer's qualification examination affairs and the date on which he/she entrusted the said designated examination body to conduct the said hazardous materials engineer's qualification examination affairs.

- (2) When a designated examination body intends to change its name, the location of principal office or the location of the office handling the hazardous materials engineer's qualification examination affairs, it shall notify the entrusting prefectural governor (in the case of changing the office handling the hazardous materials engineer's qualification examination affairs, the relevant entrusting prefectural governor) to that effect no later than two weeks before the date of the intended change.
- (3) When the entrusting prefectural governor receives a notice pursuant to the provisions of the preceding paragraph, he/she shall publicly notify to that effect.

### **(Appointment and Dismissal of Officers)**

**Article 13-9** The appointment and dismissal of officers of a designated examination body shall not be valid unless approved by the Minister of Internal Affairs and Communications.



## **Fire Service Act (Article 13-9~13-13)**

- (2) When an officer of a designated examination body has committed an act in violation of this Act (including an order or disposition based on this Act) or the rules for the hazardous materials engineer's qualification examination affairs stipulated in Article 13-12 paragraph (1) or conducts an act that is extremely improper with regard to the hazardous materials engineer's qualification examination affairs, the Minister of Internal Affairs and Communications may order the designated examination body to dismiss the officer in question.

### **(Appointment of Examiners by Designated Examination Body)**

**Article 13-10** A designated examination body shall appoint examiners for the qualification examinations for hazardous materials engineers from those persons satisfying the relevant requirements prescribed by an ordinance of the Ministry of Internal Affairs and Communications and shall have them prepare questions for the qualification examinations and mark the examination scores.

- (2) When a designated examination body appoints or dismisses an examiner prescribed in the preceding paragraph, it shall notify the Minister of Internal Affairs and Communications to that effect without delay.
- (3) The provisions of paragraph (2) of the preceding article shall apply *mutatis mutandis* to the dismissal of an examiner for the qualification examinations for hazardous materials engineers referred to in paragraph (1).

### **(Non-Disclosure Obligation)**

**Article 13-11** Officers and other personnel of a designated examination body (including examiners for the qualification examinations for hazardous materials engineers referred to in paragraph (1) of the preceding article; the same shall apply in the following paragraph) or those who previously held such a position shall not disclose any secret which they have become party to in the course of the hazardous materials engineer's qualification examination affairs.

- (2) In the application of the Criminal Act (Act No. 45 of 1907) and other penal provisions, officers and other personnel of a designated examination body which are engaged in the hazardous materials engineer's qualification examination affairs shall be deemed to be personnel engaged in official duties as set forth by laws and regulations.

### **(Rules for the Hazardous Materials Engineer's Qualification Examination Affairs)**

**Article 13-12** A designated examination body shall prepare rules for the hazardous materials engineer's qualification examination affairs concerning matters relating to the execution of the hazardous materials engineer's qualification examination affairs as prescribed by an ordinance of the Ministry of Internal Affairs and Communications and shall have them approved by the Ministry of Internal Affairs and Communications. The same shall apply in the case where such a person intends to revise these rules.

- (2) When a designated examination body intends to revise the rules for the hazardous materials engineer's qualification examination affairs as prescribed in the second part of the preceding paragraph, it shall seek opinions from the entrusting prefectural governor.
- (3) When the Minister of Internal Affairs and Communications finds that the rules for the hazardous materials engineer's qualification examination affairs as approved pursuant to paragraph (1) have become inappropriate for the proper and reliable execution of the hazardous materials engineer's qualification examination affairs, he/she may order the designated examination body to revise the rules.

### **(Business Plan and Income and Expenditure Budget)**

**Article 13-13** For each business year, a designated examination body shall prepare a business plan and an income and expenditure budget and shall have them approved by the Minister

## **Fire Service Act (Article 13-13~13-16)**

of Internal Affairs and Communications before the beginning of the said business year [without delay from its designation in the case of a business year containing the date of designation pursuant to the provisions of Article 13-5, paragraph (1)]. The same shall apply in the case where such a person intends to revise the plan and/or budget.

- (2) When a designated examination body intends the preparation or change of the business plan and an income and expenditure budget, it shall seek opinions from the entrusting prefectural governor.
- (3) For each business year, a designated examination body shall prepare a business report and a statement of incomes and expenditures and shall submit them to the Minister of Internal Affairs and Communications and the entrusting prefectural governor within three months after the end of the said business year.

### **(Preparation and Safe-Keeping of Books)**

**Article 13-14** A designated examination body shall, as specified by an ordinance of the Ministry of Internal Affairs and Communications, prepare and safe-keep books recording those matters concerning the hazardous materials engineer's qualification examination affairs prescribed by an ordinance of the Ministry of Internal Affairs and Communications.

### **(Orders, etc. to Designated Examination Body)**

**Article 13-15** When the Minister of Internal Affairs and Communications finds it necessary for the proper execution of the hazardous materials engineer's qualification examination affairs, he/she may give orders which are necessary for supervision with regard to the hazardous materials engineer's qualification examination affairs to a designated examination body.

- (2) When an entrusting prefectural governor finds it necessary for the proper execution of the hazardous materials engineer's qualification examination affairs which he/she has decided to entrust to a designated examination body, he/she may direct the latter to take measures which are necessary for the proper execution of the said hazardous materials engineer's qualification examination affairs.

### **(Requirements for Designation)**

**Article 13-16** When the Minister of Internal Affairs and Communications finds it necessary for the proper execution of the hazardous materials engineer's qualification examination affairs, he/she may request a designated examination body to make a necessary report on the situation of the hazardous materials engineer's qualification examination affairs or have his/her official enter the office of the designated examination body to inspect the situation of the hazardous materials engineer's qualification examination affairs or the facilities, books, documents and other objects.

- (2) When an entrusting prefectural governor finds it necessary for the proper execution of the hazardous materials engineer's qualification examination affairs which he/she has decided to entrust to a designated examination body, he/she may request the latter to make a necessary report on the situation of the hazardous materials engineer's qualification examination affairs or have his/her personnel enter the office of the designated examination body, which handles the hazardous materials engineer's qualification examination affairs, to inspect the situation of the hazardous materials engineer's qualification examination affairs or the facilities, books, documents and other objects.
- (3) An official who conducts an on-site inspection pursuant to the provisions of the two preceding paragraphs shall carry a certificate for identification and shall present it at the request of a concerned person.
- (4) The authority to conduct an on-site inspection prescribed in the provisions of paragraph (1) and paragraph (2) shall not be construed as approved for a criminal investigation.

## Fire Service Act (Article 13-17~13-19)

### **(Suspension or Abolishment of Hazardous Materials Engineer's Qualification Examination Affairs Conducted by the Designated Examination Body)**

**Article 13-17** A designated examination body shall not suspend or abolish all or part of its hazardous materials engineer's qualification examination affairs unless it has obtained the permission of the Minister of Internal Affairs and Communications.

- (2) The Minister of Internal Affairs and Communications shall not give permission pursuant to the provisions of the preceding paragraph unless he/she finds that the proper and reliable execution of the hazardous materials engineer's qualification examination affairs is not impaired by the suspension or abolishment of all or part of the hazardous materials engineer's qualification examination affairs which is conducted by the designated examination body.
- (3) When the Minister of Internal Affairs and Communications intends to give permission pursuant to the provisions of paragraph (1), he/she shall seek opinions from the entrusting prefectural governor.
- (4) When the Minister of Internal Affairs and Communications gives permission pursuant to the provisions of paragraph (1), he/she shall notify the entrusting prefectural governor concerned and publicly notify to that effect.

### **(Cancellation or Suspension of Designation)**

**Article 13-18** When a designated examination body falls under any of the items of Article 13-6 paragraph (2) [excluding for item (iii)], the Minister of Internal Affairs and Communications shall cancel its designated status.

- (2) When a designated examination body falls under any of the following items, the Minister of Internal Affairs and Communications shall cancel its designated status or order it to suspend all or part of the hazardous materials engineer's qualification examination affairs for a specified period.
  - (i) When the designated examination body is found that it no longer satisfy the requirement of each item in Article 13-6 paragraph (1).
  - (ii) When the designated examination body has violated the provisions of Article 13-10 paragraph (1), Article 13-13 paragraph (1) or paragraph (3), Article 13-14 or paragraph (1) of the preceding article.
  - (iii) When the designated examination body has violated an order issued pursuant to the provisions of Article 13-9 paragraph (2) [including the case when it is applied *mutatis mutandis* to Article 13-10 paragraph (3)], Article 13-12 paragraph (3) or Article 13-15 paragraph (1).
  - (iv) When the designated examination body has conducted the hazardous materials engineer's qualification examination affairs in non-compliance with the rules for the hazardous materials engineer's qualification examination affairs which were approved pursuant to the provisions of Article 13-12 paragraph (1).
  - (v) When the designated examination body has obtained the designated status prescribed in Article 13-5 paragraph (1) by wrongful means.
- (3) When the Minister of Internal Affairs and Communications has cancelled the designated status pursuant to the provisions of the two preceding paragraphs or ordered the suspension of all or part of the hazardous materials engineer's qualification examination affairs pursuant to the provisions of the preceding paragraph, he/she shall notify the entrusting prefectural governor concerned and publicly notify to that effect.

### **(Notification, etc. Associated with Cancellation of Designation, etc.)**

**Article 13-19** When an entrusting prefectural governor intends to terminate the entrustment of the hazardous materials engineer's qualification examination affairs to a designated examination body, he/she shall inform the designated examination body in question no later

## **Fire Service Act (Article 13-19~13-23)**

than three months before the intended termination.

- (2) When an entrusting prefectural governor has terminated the entrustment of the hazardous materials engineer's qualification examination affairs to a designated examination body, he/she shall report to the Minister of Public Affairs and publicly notify to that effect.

### **(Hazardous Materials Engineer's Qualification Examination Affairs Conducted by the Entrusting Prefectural Governor)**

**Article 13-20** When a designated examination body suspends all or part of its hazardous materials engineer's qualification examination affairs pursuant to the provisions of Article 13-17 paragraph (1), the Minister of Internal Affairs and Communications orders a designated examination body to suspend all or part of its hazardous materials engineer's qualification examination affairs pursuant to the provisions of Article 13-18 paragraph (2) or the Minister of Internal Affairs and Communications finds it necessary in the case where it becomes difficult for a designated examination body to perform all or part of its hazardous materials engineer's qualification examination affairs because of a natural disaster or other reason, an entrusting prefectural governor shall conduct all or part of the said hazardous materials engineer's qualification examination affairs notwithstanding the provisions of Article 13-5 paragraph (3).

- (2) When an entrusting prefectural governor is required to conduct the hazardous materials engineer's qualification examination affairs pursuant to the provisions of the preceding paragraph or there is no more reason for an entrusting prefectural governor to conduct the hazardous materials engineer's qualification examination affairs pursuant to the provisions of the said paragraph, the Minister of Internal Affairs and Communications shall immediately notify the entrusting prefectural governor in question to that effect.
- (3) When an entrusting prefectural governor receives a notice pursuant to the provisions of the preceding paragraph, he/she shall publicly notify to that effect.

### **(Transfer of Hazardous Materials Engineer's Qualification Examination Affairs to the Entrusting Prefectural Governor)**

**Article 13-21** The transfer of the hazardous materials engineer's qualification examination affairs and other necessary matters shall be prescribed by an ordinance of the Ministry of Internal Affairs and Communications in the case where an entrusting prefectural governor is required to conduct the said hazardous materials engineer's qualification examination affairs pursuant to the provisions of paragraph (1) of the preceding article, the Minister of Internal Affairs and Communications has permitted the abolition of the said hazardous materials engineer's qualification examination affairs pursuant to Article 13-17 paragraph (1) or cancels the designated status pursuant to Article 13-18 paragraph (1) or paragraph (2) or an entrusting prefectural governor has decided to terminate the entrustment of the hazardous materials engineer's qualification examination affairs to a designated examination body.

### **(Appeal against a Disposition, etc.)**

**Article 13-22** An application for review under the Administrative Appeal Act may be filed with the Minister of Internal Affairs and Communications against a disposition made by a designated examination body or its inaction regarding the hazardous materials engineer's qualification examination affairs.

### **(Training Sessions for Hazardous Materials Engineers)**

**Article 13-23** Hazardous materials engineers who are engaged in the handling of hazardous materials at a manufacturing, storage or handling facility shall undergo training sessions on the safety of handling of hazardous materials, which are conducted by a prefectural governor (including the mayor of municipality or other organ designated by the Minister of Inter-

## Fire Service Act (Article 13-23~14-3)

nal Affairs and Communications) as prescribed by an ordinance of the Ministry of Internal Affairs and Communications.

### **(Dismissal of Hazardous Materials Safety Supervising Manager or Hazardous Materials Safety Supervisor)**

**Article 13-24** When a hazardous materials safety supervising manager or hazardous materials safety supervisor has violated the provisions of this Act or any order based on this Act or when the mayor of municipality, etc. finds that assignment of the respective duties to them may constitute a hindrance to the preservation of public safety or prevention of the occurrence of a disaster, he/she may order the owner, manager or possessor of a manufacturing, storage or handling facility prescribed in Article 12-7 paragraph (1) or Article 13 paragraph (1) to dismiss the hazardous materials safety supervising manager or hazardous materials safety supervisor in question.

- (2) The provisions of Article 11-5 paragraph (4) and paragraph (5) shall apply *mutatis mutandis* to an order issued pursuant to the provisions of the preceding paragraph.

### **(Hazardous Materials Facility Safety Officer)**

**Article 14** The owner, manager or possessor of a manufacturing, storage or handling facility prescribed by a cabinet order shall appoint a hazardous materials facility safety officer and make him/her perform the work to ensure the safety of the structure and equipment of the said manufacturing, storage or handling facility as provided for by an ordinance of the Ministry of Internal Affairs and Communications.

### **(Fire Prevention Rules)**

**Article 14-2** In order to prevent a fire at a manufacturing, storage or handling facility prescribed by a cabinet order, the owner, manager or possessor shall establish fire prevention rules for the matters prescribed by an ordinance of the Ministry of Internal Affairs and Communications and obtain their approval from the mayor of municipality, etc. The same shall apply when he/she intends to revise these fire prevention rules.

- (2) When the mayor of municipality, etc. finds that the fire prevention rules do not conform to the technical standards referred to in Article 10 paragraph (3) or that they are inadequate for the purpose of fire prevention, he/she shall not issue the approval prescribed in the preceding paragraph.
- (3) When the mayor of municipality, etc. finds it necessary for the purpose of fire prevention, he/she may give an order to revise the fire prevention rules.
- (4) The owner, manager or possessor of the manufacturing, storage or handling facility prescribed in paragraph (1) and employees thereof shall observe the fire prevention rules.
- (5) The provisions of Article 11-5 paragraph (4) and paragraph (5) shall apply *mutatis mutandis* to an order issued pursuant to the provisions of paragraph (3).

### **(Safety Inspection and Entrustment of Examination)**

**Article 14-3** The owner, manager or possessor of an outdoor tank storage facility or transfer facility prescribed by a cabinet order shall undergo safety inspection to be conducted by the mayor of municipality, etc. at an interval prescribed by a cabinet order to check if whether such matters concerning the structure and equipment of the outdoor tank storage facility or transfer facility prescribed by a cabinet order are maintained in accordance with the technical standards referred to in Article 10 paragraph (4) or not.

- (2) If uneven subsidence or any other conditions prescribed by a cabinet order occur to an outdoor tank storage facility prescribed by a cabinet order, the owner, manager or possessor of such outdoor tank storage facility shall receive safety inspection to be conducted by the

### **Fire Service Act (Article 14-3~16-3)**

mayor of municipality, etc. to check whether such matters concerning the structure and equipment of the outdoor tank storage facility prescribed by a cabinet order are maintained in accordance with the technical standards referred to in Article 10 paragraph (4) or not.

- (3) In the case of paragraph (1) (limited to the part pertaining to an outdoor storage tank facility) or the preceding paragraph, the mayor of municipality, etc. may entrust the Association to check whether such matters concerning the structure and equipment of an outdoor tank storage facility prescribed by a cabinet order are maintained in accordance with the technical standards referred to in Article 10 paragraph (4).

#### **(Regular Inspection of Manufacturing Facilities, etc.)**

**Article 14-3-2** The owner, manager or possessor of a manufacturing, storage or handling facility shall conduct the regular inspection of such manufacturing, storage or handling facility, prepare a record of inspection and keep it as prescribed by an ordinance of the Ministry of Internal Affairs and Communications.

#### **(Establishment of Fire Defense Organization for Self-Protection)**

**Article 14-4** A person who owns, manages or possesses a manufacturing, storage or handling facility prescribed by a cabinet order at the same place of business where hazardous materials of more than the quantity designated by a cabinet order are stored or handled shall establish a fire defense organization for self-protection at the said place of business as prescribed by a cabinet order.

#### **(Standards for Structure and Equipment of Projection Room)**

**Article 15** A projection room installed in a building or other structure where a film is regularly screened, using non-slow burning motion picture films shall have a structure and equipment in accordance with the technical standards to be prescribed by a cabinet order.

#### **(Transportation Standards for Hazardous Materials)**

**Article 16** The transportation of hazardous materials shall be conducted in accordance with the technical standards set forth by a cabinet order for containers, loading method and transportation method.

#### **(Transportation of Hazardous Materials)**

**Article 16-2** The transportation of hazardous materials by mobile tank storage facilities shall be conducted by a hazardous materials engineer on board, who is qualified to handle them.

- (2) The hazardous materials engineer referred to in the preceding paragraph shall observe the standards for the transportation of hazardous materials by mobile tank storage facilities prescribed by a cabinet order and shall pay close attention to ensuring the safety of the hazardous materials.
- (3) While the hazardous materials engineer rides the mobile tank storage facility transporting hazardous materials pursuant to the provisions of paragraph (1), he/she shall carry his hazardous materials engineer's license with him/her.

#### **(Emergency Measures in Case of Accident)**

**Article 16-3** In the case of spillage of hazardous materials or any other accident occurring at a manufacturing, storage or handling facility, the owner, manager or possessor thereof shall immediately prevent any further spillage and/or spread of the hazardous materials, remove the spilled hazardous materials or take other emergency measures to prevent the occurrence of a disaster.

- (2) The person finding the situation referred to in the preceding paragraph shall immediately

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report it to a fire station, place designated by the mayor of municipality, police station or coast guard to that effect.

- (3) When the mayor of municipality, etc. finds that the owner, manager or possessor of a manufacturing, storage (excluding a mobile tank storage facility) or handling facility has not taken the emergency measures prescribed in paragraph (1), he/she may order such person to take the said emergency measures.
- (4) The mayor of municipality [in an area of municipality other than that where a fire defense headquarters and a fire station(s) is established, the prefectural governor with jurisdiction over the said area; the same shall apply in the following paragraph and in Article 11-5 paragraph (4) which is applied *mutatis mutandis* to paragraph (6)] may order mobile tank storage facilities under his/her jurisdiction to take the emergency measures prescribed in paragraph (1) following the example set forth in the provisions of the preceding paragraph.
- (5) In the case where a municipal mayor, etc. or municipal mayor has ordered emergency measures pursuant to the provisions of paragraph (3) or the preceding paragraph respectively, if a person ordered to take emergency measures fails to implement the said measures or insufficiently implements the said measures or if there is no prospect of the said measures to be taken by the said person being completed by the time limit when a time limit is specified for the implementation of the said measures, the mayor of municipality, etc. or the mayor of municipality may make his/her official engaged in the fire service affairs or a third person take the said measures pursuant to the provisions of the Act on Substitute Execution by Administration.
- (6) The provisions of Article 11-5 paragraph (4) and paragraph (5) shall apply *mutatis mutandis* to an order issued pursuant to the provisions of paragraph (3) or paragraph (4).

### (Investigation of the Cause of Accidents such as Spillage of Hazardous Materials)

**Article 16-3-2** In the case where a spillage of hazardous materials or any other accident (excluding a fire; the same shall apply hereinafter in this article) at a manufacturing, storage or handling facility that could have caused a fire, the mayor of the municipality, etc. may investigate the cause of the said accident.

- (2) When it is necessary to conduct the investigation referred to in the preceding paragraph, the mayor of the municipality, etc. may order the owner, manager or possessor of the manufacturing, storage or handling facility where the said accident took place or any other places deemed to be closely related to the occurrence of the said accident to submit the necessary information materials or request the person concerned to submit a report or hand his/her officials engaged in the fire service affairs concerned to enter such place to inspect the conditions of the hazardous materials located there or the manufacturing, storage or handling facility or any other structure or object which is related to the said accident or ask questions of any related persons.
- (3) The provisions of the proviso of Article 4 paragraph (1) and paragraph (2) through paragraph (4) shall apply *mutatis mutandis* to the case referred to in the preceding paragraph.
- (4) When requested by the mayor of the municipality, etc. (excluding the Minister of Internal Affairs and Communications) who conducts an investigation pursuant to the provisions of paragraph (1), the Commissioner of the Fire and Disaster Management Agency may conduct an investigation set forth in the said paragraph. In this case, the provisions of the two preceding paragraphs shall apply *mutatis mutandis*.

### (Fee)

**Article 16-4** A person who intends to obtain permission for the establishment of or change to a transfer facility to be issued by the Minister of Internal Affairs and Communications, to undergo a completion inspection [including the obtainment of an approval set forth in the

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proviso of Article 11 paragraph (5)] or to receive a safety inspection shall pay a fee, the amount of which is prescribed by a cabinet order in consideration of the actual cost, to the State.

- (2) A person who intends to take training sessions on the safety of the handling of hazardous materials conducted by an agency designated by the Minister of Internal Affairs and Communications pursuant to the provisions of Article 13-23 other than the mayor of municipality (hereinafter referred to as “designated training agency” in this article) shall pay a fee, the amount of which is prescribed by a cabinet order in consideration of the actual cost, to the said designated training agency as prescribed by a cabinet order.
- (3) The fee paid to a designated training agency pursuant to the provisions of the preceding paragraph shall be treated as income of the said designated training agency.
- (4) When a prefectural collects fees for the hazardous materials engineer’s qualification examinations pursuant to the provisions of Article 227 of the Local Autonomy Act (Act No. 67 of 1947), he/she may, by means of specifying by a prefectural ordinance, make persons intending to take the said qualification examination to be conducted by a designated examination body pursuant to the provisions of Article 13-5 paragraph (1) pay the said fees to the designated examination body in question, making such fees the income of the said body.

### **(Questioning and Inspection, etc.)**

**Article 16-5** When the mayor of municipality, etc. finds it necessary for the prevention of fire in connection with the storage or handling of hazardous materials in addition to the cases prescribed in Article 16-3-2 paragraph (1) and paragraph (2), he/she may tell the owner, manager or possessor of any facility where hazardous materials of not less than the designated quantity (referred to as a “storage facility, etc.” hereinafter in this paragraph) are found to be stored or handled to submit information materials or request the person concerned to submit a report or to have his/her official engaged in the fire service affairs concerned to enter the storage facility, etc. to inspect the location, structure or equipment of such facilities and the storage or handling of hazardous materials at such facilities, to ask questions to the persons concerned or to remove the minimum necessary amounts of the hazardous materials or substances suspected to be hazardous materials for testing.

- (2) When a firefighter or police official finds it especially necessary for the prevention of fire in connection with the transportation of hazardous materials, he/she may stop a mobile tank storage facility on the move and requests the hazardous materials engineer on board the said mobile tank storage facility to show his/her hazardous materials engineer’s license. In this case, when a firefighter and a police official shall closely liaise with each other while performing their duties.
- (3) The provisions of Article 4, paragraph (2) through paragraph (4) shall apply *mutatis mutandis* to the two preceding paragraphs.

### **(Order to Take Necessary Measure Regarding Hazardous Materials Stored without Permission, etc.)**

**Article 16-6** The mayor of municipality, etc. may order a person who stores or handles hazardous materials of more than the designated quantity without obtaining the approval in the proviso of Article 10 paragraph (1) or permission pursuant to the provisions of the first part of Article 11 paragraph (1) to remove the hazardous materials which are stored or handled or to take other necessary measures to prevent a disaster due to the hazardous materials.

- (2) The provisions of Article 11-5 paragraph (4) and paragraph (5) shall apply *mutatis mutandis* to an order under the provisions of the preceding paragraph while the provisions of Article 16-3 paragraph (5) shall apply *mutatis mutandis* to the case where an order to take the necessary measures is issued pursuant to the provisions of the preceding paragraph.



## **Fire Service Act (Article 16-7~16-11)**

### **(Change of Fire Authority and Effect of Administrative Disposition)**

**Article 16-7** When a change is made to the public agency having the authority prescribed in Article 11, Article 11-2, Article 11-4, Article 11-5 paragraph (1) and paragraph (2), Article 12 paragraph (2), Article 12-2 through Article 12-4, Article 12-6, Article 12-7 paragraph (2), Article 13 paragraph (2), Article 14-2 paragraph (1) and paragraph (3), Article 14-3, Article 16-3 paragraph (3) and paragraph (4) and the preceding article pertaining to (a) areas of municipalities where fire defense headquarters and fire stations are to be newly established or to be withdrawn due to the establishment of fire defense headquarters and fire stations or the abolition, creation, division or merger of or boundary changes of municipalities or (b) areas of municipalities pertaining to the said abolition, creation, division or merger of or boundary changes, special provisions pertaining to the application of the provisions of this chapter concerning the effect of the permission and any other dispositions made by or of notices received by the public agency prior to such change and other matters shall be prescribed by a cabinet order.

### **(Affairs Dealt by a Local Government)**

**Article 16-8** The Minister of Internal Affairs and Communications may entrust part of the affairs belonging to his/her authority prescribed in this chapter to a prefectural governor or the mayor of municipality pursuant to the provisions of a cabinet order.

### **(Instruction by the Minister at Time of Emergency)**

**Article 16-8-2** When the Minister of Internal Affairs and Communications finds it urgently necessary for the purpose of maintaining public safety or preventing the occurrence of a disaster, he/she may instruct a prefectural governor or mayor of municipality pursuant to the provisions of a cabinet order on how to administer the affairs to be prescribed by a cabinet order among the range of administrative affairs to be conducted by the prefectural governor or mayor of municipality pursuant to the provisions of this chapter or the preceding article.

### **(Exception to Application)**

**Article 16-9** The provisions of this chapter shall not apply to the storage, handling or transportation of hazardous materials by airplane, ship, railroad or track.

## **CHAPTER 3-2 HAZARDOUS MATERIALS SAFETY TECHNIQUES ASSOCIATION**

### *Section 1 General Provisions*

#### **(Purpose of the Hazardous Materials Safety Techniques Association)**

**Article 16-10** The purpose of the Hazardous Materials Safety Techniques Association is to examine outdoor storage tank facilities as entrusted by the mayor of municipality, etc. pursuant to the provisions of Article 11-3 or Article 14-3 paragraph (3) and to conduct testing, investigation and technical assistance, etc. concerning the safety of storage, handling or transportation (excluding those operations using an aircraft, ship, railroad or track; the same shall apply hereinafter in this chapter) of hazardous materials or designated inflammable goods (hereinafter called "hazardous materials, etc." in this chapter), thereby securing the safety of the storage, handling or transportation of hazardous materials, etc.

#### **(Organization of the Association)**

**Article 16-11** The Hazardous Materials Safety Techniques Association (hereinafter called "the Association" in this chapter) shall have the status of a juridical person.

## Fire Service Act (Article 16-12~16-18)

### (Restriction on Establishment)

**Article 16-12** Only one Association shall be formed.

### (Obligation and Restriction Concerning the Use of Name)

**Article 16-13** The Association shall use the characters representing the term “hazardous materials safety techniques association” in its name.

- (2) No body other than the Association shall use the characters representing the term “hazardous materials safety techniques association” in its name.

### (Registration)

**Article 16-14** The Association shall be registered pursuant to the provisions of a cabinet order.

- (2) The matters to be registered pursuant to the provisions of the preceding paragraph may not be asserted against a third person until after a registration being completed.

### (Application *Mutatis Mutandis* of the Provisions of Act on General Incorporated Associations and General Incorporated Foundations)

**Article 16-15** The provisions of Article 4 and Article 78 of the Act on General Incorporated Associations and General Incorporated Foundations (Act No.48 of 2006) shall apply *mutatis mutandis* to the Association.

## Section 2 Establishment

### (Conditions of Establishment)

**Article 16-16** In order to establish the Association, there shall be not less than 15 founders, consisting of a prefectural governor(s) recommended by a national federation of prefectural governors, a mayor(s) of a city (cities) recommended by a national federation of city mayors, a mayor(s) of town(s) and/or village(s) recommended by a national federation of mayors of towns and villages and a person(s) with knowledge and experience concerning the safety of storage, handling or transportation of hazardous materials, etc.

### (Application for Approval of Establishment)

**Article 16-17** The founders shall apply for the approval of the establishment of the Association by submitting the articles of incorporation and a business plan to the Minister of Internal Affairs and Communications.

- (2) The officers at the time of the establishment of the Association shall be specified by the articles of incorporation.
- (3) The matters to be written in the business plan referred to in paragraph (1) shall be prescribed by an ordinance of the Ministry of Internal Affairs and Communications.

### (Approval of Establishment)

**Article 16-18** When the Minister of Internal Affairs and Communications intends to approve the establishment of the Association, he/she shall examine whether or not the application pursuant to the provision of paragraph (1) of the preceding article confirms to each of the following items before granting the said approval.

- (i) The procedures followed for establishment, the contents of the articles of incorporation and the business plan conform to the provisions of the laws and regulations.
- (ii) No false statement is made in the articles of incorporation and the business plan.
- (iii) The plan to conduct operations concerning personnel, operational procedures and other matters is appropriate and the applicant is found to have sufficient accounting and technical bases to execute the plan without fail.

## **Fire Service Act (Article 16-18~16-24)**

- (iv) In addition to what is specified in the preceding items, the applicant is found to be able to conduct business operations soundly and will certainly contribute to securing the safety of storage, handling or transportation of hazardous materials, etc.

**Article 16-19** Deleted

### **(Transfer of Affairs)**

**Article 16-20** When the approval has been given for establishment pursuant to the provisions of 16-18, the founders shall transfer their affairs without delay to the person who is to become the president.

### **(Registration of Establishment)**

**Article 16-21** When the person who is to become the president has succeeded the affairs pursuant to the provisions of the preceding article, he/she shall make a registration for establishment without delay pursuant to the provisions of a cabinet order.

- (2) The Association shall be duly established when a registration for establishment is completed.

## *Section 3 Management*

### **(Articles of Incorporation)**

**Article 16-22** The articles of incorporation of the Association shall specify the following matters.

- (i) Purpose
  - (ii) Name
  - (iii) Location of the office
  - (iv) Set number, term of office and appointment method of officers and other matters concerning officers
  - (v) Matters concerning the board of councillors
  - (vi) Matters concerning the operations and their execution
  - (vii) Matters concerning finance and accounting
  - (viii) Matters concerning any amendment of the articles of incorporation
  - (ix) Methods of issuing a public notice
- (2) No amendment of the articles of incorporation shall be effective without obtaining the approval of the Minister of Internal Affairs and Communications.

### **(Officers)**

**Article 16-23** The Association shall have a president, directors and an auditor(s) as its officers.

### **(Duties of Officers)**

**Article 16-24** The president shall represent the Association and preside over its operations.

- (2) The directors shall assist, pursuant to the provisions of the articles of incorporation, the president in managing the operations of the Association, deputize for the president to exercise his/her duties when he/she is unable to perform his/her duties and perform his/her duties when the post of the president is vacant.
- (3) The auditor shall audit the operations of the Association.
- (4) The auditor may submit his/her opinions to the president or the Minister of Internal Affairs and Communications when they find such submission necessary based on the audit results.

## **Fire Service Act (Article 16-25~16-30-2)**

### **(Validity of Appointment and Dismissal of Officers)**

**Article 16-25** The appointment and dismissal of officers shall not be valid without obtaining the approval of the Minister of Internal Affairs and Communications.

### **(Ineligibility as Officer)**

**Article 16-26** A person falling under any of the following items may not become an officer.

- (i) An employee of the national government or a local government (excluding a part-time employee thereof).
- (ii) An owner, manager or possessor of a manufacturing, storage or handling facility, a contractor for the construction work of a manufacturing, storage or handling facility or an officer if such owner, manager, possessor or contractor is a juridical person (including a person with the same or higher authority or controlling power than an officer regardless of his/her job title).
- (iii) An officer of an association of business operators referred to in the preceding item (including a person with the same or higher authority or controlling power than an officer regardless of his/her job title).

### **(Dismissal of an Officer)**

**Article 16-27** When an officer has become to fall under any of the items of the preceding article, the Association shall dismiss such officer.

### **(Order to Dismiss an Officer)**

**Article 16-28** When an officer has committed an act violating this Act (including an order or disposition based on this Act), the articles of incorporation, the statement of operation procedures or the rules for the examination affairs prescribed in Article 16-37, paragraph (1) or a considerably improper act concerning the operations of the Association, the Minister of Internal Affairs and Communications may specify a period and order the Association to dismiss the said officer within the specified period.

- (2) If the Association has failed to dismiss an officer when he/she falls under any of the items of Article 16-26 or if the Association has failed to comply with the order issued pursuant to the provision of the preceding paragraph, the Minister of Internal Affairs and Communications may dismiss the officer in question.

### **(Detachment from a Profit-Making Organization, etc.)**

**Article 16-29** An officer shall neither become an officer of a profit-making organization nor engage himself/herself in a profit-making business; provided, however, this restriction shall not apply when he/she has obtained the relevant approval from the Minister of Internal Affairs and Communications.

### **(Restriction of Representing Power of the President)**

**Article 16-30** The president shall have no representation power with regard to matters where the interests of the Association and those of the president conflict with each other. In this case, the auditor shall represent the Association.

### **(Board of Councillors)**

**Article 16-30-2** The Association shall establish a board of councillors as an organ to deliberate on important matters concerning the administration of the Association.

- (2) The board of councillors shall consist of up to 10 members.
- (3) Members of the board of councillors shall be appointed by the president with the approval of the Minister of Internal Affairs and Communications from among persons recommended

## **Fire Service Act (Article 16-30-2~16-35)**

by a national federation of prefectural governors, persons recommended by a national federation of mayors of cities, persons recommended by a national federation of mayors of towns and villages and people with knowledge and experience concerning the safety of storage, handling or transportation of hazardous materials.

### **(Appointment of Staff Members)**

**Article 16-31** Staff members of the Association shall be appointed by the president.

### **(Obligation of Officers and Staff Members Not to Disclose Secrets)**

**Article 16-32** Officers and staff members of the Association and those who have previously held such positions shall neither disclose nor misappropriate any secrets to which they have become party to in the course of their duties.

### **(Statuses of Officers and Staff Members Liable to Penal Provisions)**

**Article 16-33** Officers and staff members of the Association shall be deemed to be personnel engaged in public service under laws and regulations with regard to the application of the Penal and other penal provisions.

## *Section 4 Operations*

### **(Operations of the Association)**

**Article 16-34** In order to achieve the purpose prescribed in Article 16-10, the Association shall conduct the following operations.

- (i) To examine outdoor storage tank facilities as entrusted by the mayor of municipality, etc. pursuant to the provisions of Article 11-3 or Article 14-3 paragraph (3).
  - (ii) To conduct tests, investigations or technical assistance as well as gathering and provision of information concerning the safety of storage, handling or transportation of hazardous materials, etc. and to gather and provide information.
  - (iii) To conduct education on the storage, handling or transportation of hazardous materials, etc.
  - (iv) To conduct operations which are incidental to the operations listed in the three preceding items.
  - (v) To perform the necessary operations to achieve the purpose described in Article 16-10 in addition to those listed in each of the preceding items.
- (2) When the Association intends to conduct the operations listed in item (v) of the preceding paragraph, it must obtain an approval of the Minister of Internal Affairs and Communications.
- (3) In addition to the operations in paragraph (1), the Association may, within the scope of not disrupting the smooth execution of the said operations, conduct such operations as an examination, testing, etc. utilising the machines and equipment or technology it owns for the purpose of performing operations concerning the safety of storage, handling or transportation of hazardous materials, etc. or other operations found to be appropriate for execution by the Association with the relevant approval of the Minister of Internal Affairs and Communications.

### **(Statement of Operational Procedures)**

**Article 16-35** The Association shall prepare a statement of operational procedures and shall have it approved by the Minister of Internal Affairs and Communications before commencing its operations. The same shall apply when the Association intends to amend the said statement of operational procedures.

## **Fire Service Act (Article 16-35~16-40)**

- (2) The matters to be written in the statement of operational procedures referred to in the preceding paragraph shall be prescribed by an ordinance of the Ministry of Internal Affairs and Communications.

### **(Contract for Entrustment of Examination)**

**Article 16-36** When the Association receives an application for a contract pertaining to the entrustment of an examination pertaining to an outdoor storage tank facility from the mayor of municipality, etc. pursuant to the provisions of Article 11-3 or Article 14-3 paragraph (3), it must not refuse such application without a justifiable reason.

- (2) When the contract referred to in the preceding paragraph is agreed, the Association shall conduct the examination referred to in the said paragraph pertaining to the said contract without delay.

### **(Rules for the Examination Affairs)**

**Article 16-37** The Association, before commencing the operations listed in Article 16-34 paragraph (1), item (i) (hereinafter called "outdoor tank storage facility examination affairs"), shall establish the rules for the execution of the outdoor tank storage facility examination affairs (hereinafter called "the rules for the outdoor tank storage examination affairs") and shall obtain the approval of the Minister of Internal Affairs and Communications. The same shall apply when the Association intends to change these rules.

- (2) When the Minister of Internal Affairs and Communications finds that the rules for the outdoor tank storage facility examination affairs approved by him/her have become inappropriate for the proper and reliable execution of the outdoor tank storage facility examination affairs, he/she may order the Association to change the rules for the examination affairs.
- (3) The matters to be specified by the rules for the outdoor tank storage facility examination affairs shall be prescribed by an ordinance of the Ministry of Internal Affairs and Communications.

### **(Inspector)**

**Article 16-38** When the Association conducts the outdoor tank storage facility examination affairs, it shall have a qualified person as prescribed by a cabinet order implement them.

- (2) A person who implements the outdoor tank storage facility examination affairs (hereinafter called an "inspector") shall faithfully perform his/her duties.
- (3) The Minister of Internal Affairs and Communications may order the Association to dismiss an inspector when the inspector concerned has violated this Act or an order based on this Act or the rules for the outdoor tank storage facility examination affairs or when the Minister of Internal Affairs and Communications finds that the assignment of duties related to the outdoor tank storage facility examination affairs to the inspector concerned may constitute a hindrance to the proper implementation of the outdoor tank storage facility examination affairs.

### **(Personal and Technical Assistance for Operations of the Association)**

**Article 16-39** The national government and local governments shall give necessary considerations to provide personal and technical assistance which is considered appropriate for the smooth management of the operations of the Association.

## ***Section 5 Finance and Accounting***

### **(Business Year)**

**Article 16-40** The business year of the Association shall begin on April 1 every year and end of March 31 of the following year.

## **Fire Service Act (Article 16-41~16-49)**

### **(Approval of Preparation and Revision of Budget and Business Plan)**

**Article 16-41** For each business year, the Association shall prepare the budget and business plan and obtain their approval of the Minister of Internal Affairs and Communications before the beginning of the said business year. The same requirement shall apply when the Association intends to revise the budget and/or business plan.

### **(Submission of Financial Statements)**

**Article 16-42** In each business year, the Association shall prepare an inventory of assets, balance sheet and profit and loss statement (referred to as “financial statements” in the following paragraph) and shall submit them to the Minister of Internal Affairs and Communications within three months of the end of the said business year.

- (2) When submitting the financial statements to the Minister of Internal Affairs and Communications pursuant to the provisions of the preceding paragraph, the Association shall attach thereto the business report for the said business year and the statement of accounts classified by budgetary items together with the written opinions of the auditors concerning the financial statements and statement of accounts.

**Articles 16-43 through 16-45** Deleted

### **(Delegation to an Ordinance of Ministry of Internal Affairs and Communications)**

**Article 16-46** In addition to what is prescribed in this Act, the necessary matters concerning the finance and accounting of the Association shall be prescribed by an ordinance of the Ministry of Internal Affairs and Communications.

## *Section 6 Supervision*

### **(Order to Supervise Operations)**

**Article 16-47** When the Minister of Internal Affairs and Communications finds it necessary for the enforcement of the provisions of this chapter, he/she may give the Association orders which are necessary to supervise the operations of the Association.

### **(Submission of Report and On-Site Inspection, etc.)**

**Article 16-48** When the Minister of Internal Affairs and Communications finds it necessary for the enforcement of the provisions of this chapter, he/she may make the Association report on its operations or allow his/her official to enter the Association’s offices or other places of business to inspect the conditions of the operations or books, documents and other necessary objects.

- (2) An officer who conducts the on-site inspection pursuant to the provisions of the preceding paragraph shall carry an identification card and show it to the person concerned.
- (3) The authority for the on-site inspection prescribed in paragraph (1) shall not be construed as approved for criminal investigation.

## *Section 7 Dissolution*

### **(Dissolution)**

**Article 16-49** The dissolution of the Association shall be prescribed by law separately from this Act.

## CHAPTER 4 FIRE DEFENSE EQUIPMENT , ETC.

### (Installation and Maintenance of Fire Defense Equipment, etc. and Exclusion from Application to Special Fire Defense Equipment, etc.)

**Article 17** Persons related to a school, hospital, factory, workplace, entertainment facility, department store, hotel, restaurant, underground mall, multi-purpose property under fire prevention measures or other property under fire prevention measures prescribed by a cabinet order shall install and maintain the equipment to be used for fire defense, water supply source for fire defense and other facilities necessary for fire extinguishing activities prescribed by a cabinet order (hereinafter called "fire defense equipment, etc.") in accordance with the technical standards to be prescribed by a cabinet order so that fire defense equipment, etc. offer the necessary performance required for fire extinguishing activities, evacuation and other fire service activities.

- (2) When a municipality finds that the purpose of fire prevention cannot be fully achieved solely by the provisions of a cabinet order concerning the technical standards for fire defense equipment, etc. referred to in the preceding paragraph or an order based on the said cabinet order because of the uniqueness of the local weather or climate, it may stipulate provisions in a municipal ordinance which differ from those of the cabinet order or an order based on the said cabinet order regarding the technical standards for fire defense equipment, etc. in the said paragraph.
- (3) When the persons concerned with the properties under fire prevention measures prescribed in paragraph (1) use special types of fire defense equipment, etc. and other equipment, etc. (hereinafter referred to as "special fire defense equipment, etc.") of which the performance is equal to or better than fire defense equipment, etc. and which is certified by the Minister of Internal Affairs and Communications for installation and maintenance according to a plan concerning the installation and maintenance of special fire defense equipment, etc. to be prepared by the said persons pursuant to the provisions of an ordinance of the Ministry of Internal Affairs and Communications (hereinafter referred to as "installation and maintenance plan for equipment, etc.") instead of fire defense equipment, etc. which must be installed and maintained in accordance with the technical standards based on a cabinet order prescribed in paragraph (1), an order based on the said cabinet order or a municipal ordinance to be introduced pursuant to the provisions of the preceding paragraph, the provisions of the two preceding paragraphs shall not apply to the fire defense equipment, etc. in question (limited to the case where certified special fire defense equipment, etc. is used instead of the said fire defense equipment, etc.).

### (Performance Evaluation)

**Article 17-2** A person intending to obtain a certification prescribed in paragraph (3) of the preceding article shall undergo performance evaluation (evaluation of the performance of special fire defense equipment, etc. to be installed and maintained in accordance with the installation and maintenance plan for the equipment, etc.; the same shall apply hereinafter in this article and Article 17-2-4) conducted by the Japan Fire Equipment Inspection Institute (hereinafter referred to as "the Institute" in this chapter) or a juridical person registered by the Minister of Internal Affairs and Communications.

- (2) A person intending to undergo performance evaluation shall submit an application form accompanied by the installation and maintenance plan for the equipment, etc. and other documents prescribed by an ordinance of the Ministry of Internal Affairs and Communications to the Institute or a juridical person registered under the provisions of the preceding paragraph.
- (3) Upon receipt of an application prescribed in the preceding paragraph, the Institute or a ju-



## Fire Service Act (Article 17-2~17-2-3)

ridical person registered under the provisions of paragraph (1) shall conduct the performance evaluation pertaining to the said application as prescribed by an ordinance of the Ministry of Internal Affairs and Communications and inform the results of the said performance evaluation (referred to as “the evaluation results” in paragraph (1) and paragraph (2) of the following article) to the person who filed the application prescribed in the preceding paragraph.

### (Application for Approval of Special Fire Defense Equipment, etc.)

**Article 17-2-2** When a person who is informed of the evaluation results prescribed in paragraph (3) of the preceding article [including the case where it is applied *mutatis mutandis* to Article 17-2-4 paragraph (3)] intends to obtain a certification prescribed in Article 17 paragraph (3), he/she shall submit an application form accompanied by the installation and maintenance plan for the equipment, etc. and a document stating the said evaluation results to the Minister of Internal Affairs and Communications as prescribed by an ordinance of the Ministry of Internal Affairs and Communications.

- (2) Upon receipt of an application prescribed in the preceding paragraph, the Minister of Internal Affairs and Communications shall examine both the installation and maintenance plan for the equipment, etc. and the document stating the evaluation results referred to in the said paragraph to determine whether or not the special fire defense equipment, etc. when installed and maintained in accordance with the installation and maintenance plan for the equipment, etc. concerned with the said application has an equal or better performance than the fire defense equipment, etc. which must be installed and maintained in accordance with the technical standards prescribed by a cabinet order referred to in Article 17 paragraph (1), an order based on the said cabinet order or the provisions of paragraph (2) of the said article, and shall certify the said special fire defense equipment, etc. pursuant to the provisions of paragraph (3) of the said article if the said special fire defense equipment, etc. is found to possess the said performance.
- (3) When the Minister of Internal Affairs and Communications intends to grant the certification pursuant to the provisions of the preceding paragraph, he/she shall inform the fire chief concerned or fire station chief concerned to that effect. In this case, the fire chief concerned or fire station chief concerned may submit his/her opinions on the said certification to the Minister of Internal Affairs and Communications.

### (Invalidation of Approval)

**Article 17-2-3** When the Minister of Internal Affairs and Communications finds that the special fire defense equipment, etc. certified under the provisions of Article 17 paragraph (3) falls under any of the following items, he/she may nullify the validity of the certification in question.

- (i) It is found that the certification in question or the approval in the following paragraph was obtained by deception or any other illegal means.
  - (ii) The installation or maintenance is deemed not to be in accordance with the installation and maintenance plan for the equipment, etc.
- (2) When a person who has obtained a certification under the provisions of Article 17 paragraph (3) intends to change either the special fire defense equipment, etc. concerned with the said certification or the installation and maintenance plan for the equipment, etc., he/she shall obtain an approval of the Ministry of Internal Affairs and Communications; provided, however, this requirement shall not apply to a minor change(s) prescribed by an ordinance of the Ministry of Internal Affairs and Communications.
  - (3) The provisions of the two preceding articles shall apply *mutatis mutandis* to cases of approval of the Minister of Internal Affairs and Communications pursuant to the provisions of the

## Fire Service Act (Article 17-2-3~17-2-5)

preceding paragraph.

- (4) When a person who has obtained a certification under the provisions of Article 17 paragraph (3) has made a minor change(s) prescribed by an ordinance of the Ministry of Internal Affairs and Communications referred to in the proviso of paragraph (2), he/she shall notify the fire chief or fire station chief to that effect as prescribed by an ordinance of the Ministry of Internal Affairs and Communications.

### (Performance Evaluation by Minister of Internal Affairs and Communications)

**Article 17-2-4** When the Minister of Internal Affairs and Communications finds that there is a special necessity in the case where the Institute or a juridical person registered under the provisions of Article 17-2 paragraph (1) is experiencing difficulties in conducting the operations concerning performance evaluation because of a total or partial loss of its function of conducting the said performance evaluation, he/she may conduct the said performance evaluation upon receipt of an application from a person intending to obtain the certification prescribed in Article 17 paragraph (3).

- (2) When the Minister of Internal Affairs and Communications intends to conduct whole or part of the performance evaluation pursuant to the provisions of the preceding paragraph by himself/herself, he/she shall publicly notify in advance the period in which the said performance evaluation will be conducted.
- (3) The provisions of Article 17-2 paragraph (2) and paragraph (3) shall apply *mutatis mutandis* to the case where the Minister of Internal Affairs and Communications conducts the performance evaluation pursuant to the provisions of paragraph (1).
- (4) A person intending to undergo the performance evaluation to be conducted by the Minister of Internal Affairs and Communications pursuant to the provisions of paragraph (1), he/she shall pay a fee, the amount of which is prescribed by a cabinet order in consideration of the actual expense, to the State.

### (Exception to Application)

**Article 17-2-5** In enforcing or applying the provisions of a cabinet order concerning the technical standards for fire defense equipment, etc. in Article 17 paragraph (1) or orders based on the said cabinet order or a municipal ordinance pursuant to the provisions of paragraph (2) of the said article, when the fire defense equipment, etc. in paragraph (1) of the said article (excluding fire extinguishers, escape equipment and others prescribed by a cabinet order; the same shall apply hereinafter in this article and the following article) in an existing property under fire prevention measures or fire defense equipment, etc. pertaining to the property under fire prevention measures referred to in the said paragraph of the said article which is under construction, extension, reconstruction, relocation, repair or remodelling do not conform to these provisions, these provisions shall not apply to the said fire defense equipment, etc. In this case, the previous provisions concerning the said technical standards for the fire defense equipment, etc. shall apply.

- (2) The provisions of the preceding paragraph shall not apply to such fire defense equipment, etc. which falls under any of the following items.
  - (i) Fire defense equipment, etc. in Article 17 paragraph (1) in a property under fire prevention measures which violates the provisions of the said paragraph of the said article when the provisions of a new cabinet order concerning the technical standards for fire defense equipment, etc. in Article 17 of paragraph (1) or an order based on the said cabinet order or a municipal ordinance are applied after their revisions by any law or regulation which is to revise the said cabinet order, an order based on the said cabinet order or an ordinance based on the provisions of paragraph (2) of the said article (including the case where a cabinet order or an order based on the said cabinet order or a mu-

## **Fire Service Act (Article 17-2-5~17-3)**

municipal ordinance corresponding to the cabinet order or the order based on the cabinet order or the municipal ordinance is enacted to coincide the repeal of the latter) because the said fire defense equipment, etc. does not conform to the former provisions that correspond to the revised provisions.

- (ii) Fire defense equipment, etc. in a property under fire prevention measures referred to in Article 17 paragraph (1) pertaining to the extension, reconstruction, major repair or remodelling prescribed by a cabinet order which commenced after the enforcement or application of the provisions of a cabinet order concerning the technical standards for fire defense equipment, etc. in Article 17 paragraph (1) or an order based on the said cabinet order or a municipal ordinance based on the provisions of paragraph (2) of the said article.
- (iii) Fire defense equipment, etc. in a property under fire prevention measures referred to in Article 17 paragraph (1) which comes to conform to the provisions of a cabinet order concerning the technical standards for fire defense equipment, etc. in Article 17 paragraph (1) or an order based on the said cabinet order or a municipal ordinance based on the provisions of paragraph (2) of the said article.
- (iv) In addition to the fire defense equipment, etc. listed in the three preceding items, fire defense equipment, etc. in the existing fire defense equipment in a department store, hotel, hospital, underground mall and multi-purpose property under fire prevention measures (limited to that prescribed by a cabinet order) or any other property under fire prevention measures referred to Article 17 paragraph (1) which is designated by a cabinet order as a place where a large number of people enter (hereinafter referred to as "specified property under fire prevention measures") or fire prevention equipment, etc. pertaining to specified property under fire prevention measures which is under new construction, extension, reconstruction, relocation, repair or remodelling at the time of the enforcement or application of the provisions of a cabinet order concerning the technical standards for fire defense equipment, etc. in Article 17 paragraph (1) or an order based on the said cabinet order or a municipal ordinance based on the provisions of paragraph (2) of the said article.

### **(Special Cases for Change of Intended Usage)**

**Article 17-3** In addition to the cases prescribed in the preceding article, when the fire defense equipment, etc. in the property under fire prevention measures referred to in Article 17 paragraph (1) comes not to conform to the provisions of a cabinet order concerning the technical standards for fire defense equipment, etc. referred to in the said paragraph of the said article or an order based on the said cabinet order or a municipal ordinance based on the provisions of paragraph (2) of the said article because of a change of intended usage made to the property under fire prevention measures, the said provisions shall not apply to the said fire defense equipment, etc. In this case, the provisions concerning the technical standards for fire defense equipment, etc. in the said property under fire prevention measures prior to its change of intended usage shall apply.

- (2) The provisions in the preceding paragraph shall not apply to fire defense equipment, etc. which falls under any of the following items.
  - (i) Fire defense equipment, etc. in a property under fire prevention measures referred to in Article 17 paragraph (1) which violates the provisions of paragraph (1) of the said article when a change of intended usage is made to the said property under fire prevention measures because the said fire defense equipment, etc. does not conform to the provisions of a cabinet order concerning the technical standards for the fire defense equipment, etc. referred to in the said paragraph of the said article or an order based on the said cabinet order or a municipal ordinance based on the provisions of paragraph (2) of

### **Fire Service Act (Article 17-3~17-3-3)**

- the said article pertaining to the fire defense equipment, etc. in the said property under fire prevention measures prior to a change of intended usage thereof.
- (ii) Fire defense equipment, etc. in a property under fire prevention measures referred to in Article 17 paragraph (1) to which the extension, reconstruction, major repair or remodelling work prescribed in a cabinet order has commenced after a change of intended usage of the said property under fire prevention measures.
  - (iii) Fire defense equipment, etc. in a property under fire prevention measures referred to in Article 17 paragraph (1) which comes to conform to the provisions of a cabinet order concerning the technical standards for fire defense equipment, etc. in the said paragraph of the said article or an order based on the said cabinet order or a municipal ordinance based on the provisions of paragraph (2) of the said article.
  - (iv) In addition to the fire defense equipment, etc. listed in the three preceding items, the fire defense equipment, etc. in a specified property under fire prevention measures in the case where the intended usage of a property under fire prevention measures prescribed in Article 17 paragraph (1) has become the intended usage of a specified property under fire prevention measures after a change of intended usage.

#### **(Inspection of Fire Defense Equipment, etc. or Special Fire Defense Equipment, etc.)**

**Article 17-3-2** When a person related to a specified property under fire prevention measures or other property designated by a cabinet order among the property under fire prevention measures in Article 17 paragraph (1) installs fire defense equipment, etc. or special fire defense equipment, etc. (excluding those specified by a cabinet order) which must be installed in accordance with the technical standards to be prescribed by a cabinet order referred to in the said paragraph or orders based on the said cabinet order or a municipal ordinance based on the provisions of paragraph (2) of the said article (in the case of application of the provisions of the first part of Article 17-2-5 paragraph (1) or those of the first part of paragraph (1) of the preceding article, the technical standards to be applied respectively pursuant to the provisions of the second part of Article 17-2-5 paragraph (1) or those of the second part of paragraph (1) of the preceding article; hereinafter referred to as “the technical standards for equipment, etc.”) or in accordance with the installation and maintenance plan for equipment, etc., he/she shall notify the fire chief or fire station chief to that effect and receive an inspection pursuant to the provisions of an ordinance of the Ministry of Internal Affairs and Communications.

#### **(Inspection of and Reporting on Fire Defense Equipment, etc. or Special Fire Defense Equipment, etc.)**

**Article 17-3-3** A person related to the property under fire prevention measures prescribed in Article 17 paragraph (1) (excluding those prescribed by a cabinet order) shall, as prescribed in the relevant provisions of an ordinance of the Ministry of Internal Affairs and Communications, make a person who has a fire defense equipment officer’s license or a person who has a qualification specified by an ordinance of the Minister of Internal Affairs and Communications periodically conduct the inspection of the fire defense equipment, etc. or the special fire defense equipment, etc. [or the functions of the fire defense equipment, etc. or the special fire defense equipment, etc. in a property under fire prevention measures prescribed in Article 8-2-2 paragraph (1)] of the said property under fire prevention measures if such property is prescribed by a cabinet order or conduct such inspection himself/herself in the case of property under fire prevention measures which is not prescribed by the said cabinet order and shall make the said person or himself/herself report the inspection results to either the fire chief or fire station chief.

## Fire Service Act (Article 17-4~17-8)

### (Order to Install and Maintain Fire Defense Equipment, etc. or Special Fire Defense Equipment, etc.)

**Article 17-4** When the fire chief or fire station chief finds that fire defense equipment, etc. in the property under fire prevention measures in Article 17 paragraph (1) is not installed or maintained in accordance with the technical standards for equipment, etc., he/she may order the title-holding person concerned with the said property under fire prevention measures to install the fire defense equipment, etc. in accordance with the said technical standards for equipment, etc. or take the necessary measures required for its maintenance.

- (2) When the fire chief or fire station chief finds that the special fire defense equipment, etc. certified under Article 17 paragraph (3) at a property under fire prevention measures in paragraph (1) of the said article is not installed or maintained in accordance with the installation and maintenance plan for equipment, etc., he/she may order the title-holding person concerned with the said property under fire prevention measures to install the special fire defense equipment, etc. in accordance with the said installation and maintenance plan for equipment, etc., or to take the necessary measures for its maintenance.
- (3) The provisions of Article 5 paragraph (3) and paragraph (4) shall apply *mutatis mutandis* to orders issued pursuant to the provisions of the two preceding paragraphs.

### (Fire Defense Equipment Officer)

**Article 17-5** A person who has not been issued with a fire defense equipment officer's license shall not conduct those types of work prescribed by a cabinet order among the range of work (limited to the work pertaining to installation) relating to fire defense equipment, etc. or special fire defense equipment, etc. or the improvement work listed below.

- (i) Fire defense equipment, etc. which must be installed in accordance with the technical standards prescribed in Article 10 paragraph (4) or the technical standards for equipment, etc.
- (ii) Special fire defense equipment, etc. which must be installed in accordance with the installation and maintenance plan for equipment, etc.

### (Types of Fire Defense Equipment Officer's License)

**Article 17-6** The types of fire defense equipment officer's license shall be a Class A fire defense equipment officer's license and a Class B fire defense equipment officer's license.

- (2) The types of installation or improvement work which a person who has been issued with a Class A fire defense equipment officer's license (hereinafter referred to as "a Class A fire defense equipment officer") can perform and the types of improvement work which a person who has been issued with a Class B fire defense equipment officer's license (hereinafter referred to as "a Class B fire defense equipment officer") can perform shall be prescribed by an ordinance of the Ministry of Internal Affairs and Communications according to the types of fire defense equipment officer's license.

### (Authority to Issue the Fire Defense Equipment Officer's License)

**Article 17-7** A fire defense equipment officer's license shall be issued by the prefectural governor to a person who has passed the fire defense equipment officer's qualification examination.

- (2) The provisions of Article 13-2 paragraph (4) through paragraph (7) shall apply *mutatis mutandis* to fire defense equipment officer's licenses.

### (Fire Defense Equipment Officer's Qualification Examination)

**Article 17-8** The fire defense equipment officer's qualification examination shall be conducted on the necessary knowledge and skills concerning the installation and maintenance of fire

## Fire Service Act (Article 17-8~17-9)

defense equipment, etc. or special fire defense equipment, etc. (hereinafter referred to as “the subject equipment for installation or improvement work” in this chapter).

- (2) The types of fire defense equipment officer’s qualification examination shall be the Class A fire defense equipment officer’s qualification examination and the Class B fire defense equipment officer’s qualification examination.
- (3) The fire defense equipment officer’s qualification examination prescribed in the preceding paragraph shall be conducted once or more times a year for each type of fire defense equipment officer’s qualification examination by the prefectural governor.
- (4) No person other than those who fall under any of the following items shall be eligible for the Class A fire defense equipment officer’s qualification examination.
  - (i) A person who has graduated from a university, college of technology, high school or secondary school under the School Education Act by completing a major or course in mechanical engineering, electrical engineering, industrial chemistry, civil engineering or architecture.
  - (ii) A person who has more than two years’ practical experience of the improvement of the subject equipment for installation or improvement work (limited to that prescribed by a cabinet order pursuant to the provisions of Article 17-5) after receiving the Class B fire defense equipment officer’s license.
  - (iii) A person specified by an ordinance of the Ministry of Internal Affairs and Communications as a person equivalent to any of the persons listed in the two preceding items.
- (5) In addition to the matters prescribed in each of the preceding paragraphs, the examination subjects, procedures to take the examinations and other details concerning the implementation of the fire defense equipment officer’s qualification examination shall be prescribed by an ordinance of the Ministry of Internal Affairs and Communications.

### (Entrustment of Fire Defense Equipment Officer’s Qualification Examination Affairs)

**Article 17-9** A prefectural governor may make a body which is designated by the Minister of Internal Affairs and Communications conduct the affairs relating to the implementation of fire defense equipment officer’s qualification examinations.

- (2) The designation pursuant to the provisions of the preceding paragraph shall be made upon application by a body which intends to conduct the affairs relating to the implementation of fire defense equipment officer’s qualification examinations.
- (3) When a prefectural governor makes a body which is designated by the Minister of Internal Affairs and Communications conduct the affairs relating to the implementation of fire defense equipment officer’s qualification examinations pursuant to the provisions of the preceding paragraph, he/she shall not conduct the affairs relating to the implementation of fire defense equipment officer’s qualification examinations.
- (4) The provisions of Article 13-6 shall be applied *mutatis mutandis* to the designation pursuant to the provisions of paragraph (1), the provisions of Article 13-7, Article 13-9 through Article 13-18 and Article 13-22 to a body designated pursuant to the provisions of the said paragraph, the provisions of Article 13-8, Article 13-19 and Article 13-20 to the prefectural governor who has decided to make a body which is designated by the Minister of Internal Affairs and Communications conduct the affairs relating to the implementation of fire defense equipment officer’s qualification examinations pursuant to the provisions of the said paragraph, and the provisions of Article 13-21 to the transfer of the affairs relating to the fire defense equipment officer’s qualification examinations and other necessary matters respectively. In these cases, the words “hazardous materials engineer’s qualification examination affairs” in these provisions shall be deemed to be replaced by “affairs relating to the implementation of fire defense equipment officer’s qualification examinations”, “paragraph (2) of the preceding article” in Article 13-6 by “Article 17-9 paragraph (2)”, “Article 13-5 paragraph

## **Fire Service Act (Article 17-9~17-14)**

(1)" in Article 13-7 paragraph (1) and paragraph (2) and Article 13-8 paragraph (1) by "Article 17-9 paragraph (1)", "examiners for the qualification examinations for hazardous materials engineers" in Article 13-10 and Article 13-11 paragraph (1) by "examiners for the fire defense equipment officer's qualification examinations", "Article 13-5 paragraph (1)" in Article 13-13 paragraph (1) and Article 13-18 paragraph (2) item (v) by "Article 17-9 paragraph (1)" and "Article 13-5 paragraph (3)" in Article 13-20 paragraph (1) by "Article 17-9 paragraph (3)" respectively.

### **(Training Sessions for Fire Defense Equipment Officers)**

**Article 17-10** Fire defense equipment officers shall undergo training sessions on the installation or improvement of the subject equipment for installation or improvement work conducted by the prefectural governor (including the mayor of municipality or other agencies designated by the Minister of Internal Affairs and Communications) in accordance with an ordinance of the Ministry of Internal Affairs and Communications.

### **(Fee)**

**Article 17-11** A person who intends to undergo training sessions on the installation or improvement of the subject equipment for installation or improvement work to be conducted by a body which is designated by the Minister of Internal Affairs and Communications pursuant to the provisions of the preceding paragraph but which is not the mayor of municipality (hereinafter referred to as "a designated training body" in this article), he/she shall pay a fee, the amount of which is prescribed by a cabinet order in consideration of the actual expense, to the said designated training body.

- (2) The fee paid to a designated training body pursuant to the preceding paragraph shall become the income of the designated training body.
- (3) When the prefectural government collects the fee regarding the examination for fire equipment engineers pursuant to the provisions of Article 227 of the Local Government Act, it may make such a person intending to take the examination for fire equipment engineers to be conducted by a body designated under the Provisions of Article 17-9 paragraph (1) (hereinafter referred to as "a designated qualification examination body" in this paragraph) pay the said fee to the said designated qualification examination body as prescribed by a prefectural ordinance, making the said fee the income of the said body.

### **(Duties of Fire Defense Equipment Officers)**

**Article 17-12** Fire defense equipment officers shall faithfully perform their duties and shall endeavour to improve the quality of the subject equipment for installation or improvement work.

### **(Obligation to Carry a Fire Defense Equipment Officer's License Card)**

**Article 17-13** A fire defense equipment officer shall carry a fire defense equipment officer's license card during the execution of his/her duties.

### **(Notification of Installation Work)**

**Article 17-14** When a Class A fire defense equipment officer intends to perform the work prescribed by a cabinet order pursuant to the provisions of Article 17-5, he/she shall notify the type(s) of the subject equipment for installation or improvement work, site of the work and other necessary matters to the fire chief or fire station chief pursuant to the provisions of an ordinance of the Ministry of Internal Affairs and Communications no later than 10 days before the commencement of the work.

## Fire Service Act (Article 18~21-2)

### (Prohibition of Indiscriminate Use of Fire Defense Facilities)

**Article 18** No person shall indiscriminately use, damage or remove or interfere with the legitimate use of a fire alarm system, fire hydrant, water storage facility used for fire defense or watchtower or alarm bell tower used for fire defence.

- (2) No person shall indiscriminately use the fire defense signals prescribed by an ordinance of the Ministry of Internal Affairs and Communications or similar signals.

**Article 19** Deleted

### (Standards for Water Sources for Fire Defense and Obligation to Install Fire Water Source Facilities)

**Article 20** The standards for water sources necessary for fire defense shall be recommended by the Fire and Disaster Management Agency.

- (2) Fire water source facilities necessary for fire defense shall be installed, maintained and managed by the relevant municipality. However, water service lines shall be installed, maintained and managed by the administrator of the said water service lines.

### (Designated Fire Water Sources)

**Article 21** The fire chief or fire station chief may designate ponds, fountains, wells, water cisterns and other water sources available for fire defense as fire water sources with the consent of their owner, administrator or possessor, and maintain them in serviceable conditions all the time.

- (2) The fire chief or fire station chief shall erect, as prescribed by an ordinance of the Ministry of Internal Affairs and Communications, signs at the designated fire water sources pursuant to the provisions of the preceding paragraph.
- (3) A person who intends to change or remove a fire water source in paragraph (1) or make its conditions unserviceable shall notify the matter in advance to the competent fire chief or fire station chief.

## CHAPTER 4-2 INSPECTION, ETC. OF A MACHINE, APPLIANCE, ETC. USED FOR FIRE DEFENSE

### *Section 1 Inspection of a Machine, Appliance, etc. Subject to Inspection*

#### (Inspection)

**Article 21-2** Among machines or appliances or equipment, fire extinguishing agents or fire retardant paints, fire retardant liquids and other retardants (hereinafter referred to as a “machine, appliance, etc. used for fire defense”), those prescribed by a cabinet order, which may seriously hinder acts of preventing fire, guarding against fire, extinguishing fire or rescuing human lives, etc. when they do not have a certain shape, structure, materials, constituents and performance (hereinafter referred to as the “shape, etc.”) and the advance inspection of which is considered necessary to ensure their possession of the said shape, etc. in view of their usage (hereinafter referred to as a “machine, appliance, etc. subject to inspection”) shall be inspected pursuant to the provisions of this section.

- (2) The term “type approval” in this section means approval that the shape, etc. pertaining to the type of a machine, appliance, etc. subject to inspection conforms to the technical standards pertaining to a machine, appliance, etc. subject to inspection as prescribed by an ordinance of the Ministry of Internal Affairs and Communications.
- (3) The term “type conformity inspection” in this section means the inspection performed by



## Fire Service Act (Article 21-2~21-5)

the method prescribed by an ordinance of the Ministry of Internal Affairs and Communications to check whether or not the shape, etc. of a machine, appliance, etc. subject to inspection conforms to the shape, etc. pertaining to the type of a machine, appliance, etc. subject to inspection which has been granted type approval.

- (4) No machine, appliance, etc. subject to inspection shall be neither sold nor displayed for sale unless an indication under the provisions of Article 21-9 paragraph (1) (including the case where it is applied *mutatis mutandis* to Article 21-11 paragraph (3)); the same shall apply hereinafter in this paragraph) is attached, and machine, appliance or equipment used for fire defense among machines, appliances, etc. subject to inspection shall not be used for work pertaining to a contract for their installation, change or repair unless an indication under the provisions of Article 21-9 paragraph (1) is attached.

### (Type Approval)

**Article 21-3** A person who intends to obtain type approval shall have the test pertaining to a machine, appliance, etc. subject to inspection to be conducted by the Japan Fire Equipment Inspection Institute (hereinafter referred to as “the Institute” in this section) or a juridical person registered by the Minister of Internal Affairs and Communications.

- (2) A person who intends to have the test under the preceding paragraph shall, as prescribed by an ordinance of the Ministry of Internal Affairs and Communications, submit an application form to the Institute or a juridical person registered pursuant to the provisions of the said paragraph accompanied by a sample of a machine, appliance, etc. subject to inspection and documents as prescribed by an ordinance of the Ministry of Internal Affairs and Communications.
- (3) Upon receipt of the application referred to in the preceding paragraph, the Institute or a juridical person registered pursuant to the provisions of paragraph (1) shall test a machine, appliance, etc. subject to inspection pertaining to the said application based on the technical standards prescribed in paragraph (2) of the preceding article, and notify the test results and its own opinions on these results to the person who made the application set forth in the preceding paragraph as prescribed by an ordinance of the Ministry of Internal Affairs and Communications.

### (Application for Type Approval)

**Article 21-4** When a person who has been notified of the test results under paragraph (3) of the preceding article [including the case where it is applied *mutatis mutandis* to Article 21-11 paragraph (3)] intends to obtain type approval, he/she shall submit an application form to the Minister of Internal Affairs and Communications accompanied by the documents describing the results of the said test and opinions as prescribed by an ordinance of the Ministry of Internal Affairs and Communications.

- (2) Upon receipt of an application under the preceding paragraph, the Minister of Internal Affairs and Communications shall use the document describing the test results and opinions to examine whether or not the shape, etc. pertaining to the type of a machine, appliance, etc. subject to inspection pertaining to the said application conforms to the technical standards prescribed in Article 21-2 paragraph (2) and, shall grant type approval with regard to the said type if the said shape, etc. conforms to the technical standards prescribed in the said paragraph.
- (3) When the Minister of Internal Affairs and Communications grants type approval pursuant to the provisions of the preceding paragraph, he/she shall notify the person who made the application under paragraph (1) and also publicly notify to that effect.

### (Nullification of Type Approval Pertaining to Change of the Technical Standards)

**Article 21-5** When the Minister of Internal Affairs and Communications finds that the shape, etc. pertaining to the type of a machine, appliance, etc. subject to inspection for which type

## Fire Service Act (Article 21-5~21-8)

approval has already been granted does not conform to the technical standards prescribed in Article 21-2 paragraph (2) after a revision of the said technical standards prescribed in the said paragraph, he/she shall immediately nullify the effect of the said type approval or shall nullify the effect of the said type approval after a certain period of time.

- (2) When the Minister of Internal Affairs and Communications nullifies the effect of the type approval pursuant to the provisions of the preceding paragraph or when he/she decides to nullify the effect of the type approval after a certain period of time, he/she shall publicly notify to that effect and also notify the person who obtained the type approval in question.
- (3) The disposition made under the provisions of paragraph (1) shall become effective following the public notification made under the provisions of the preceding paragraph.

### (Nullification of Type Approval Dishonestly Obtained)

**Article 21-6** When a person who has obtained type approval falls under any of the following items, the Minister of Internal Affairs and Communications may nullify the effect of the said type approval.

- (i) A person who has obtained the said type approval by dishonest means.
  - (ii) A person who has, without justifiable reason, failed to make an application for type conformity inspection of a machine, appliance, etc. subject to inspection for which the said type approval was granted within two years of the day receiving the notification of the granting of that said type approval or who has failed to make such application for two consecutive years or more.
- (2) The provisions of paragraph (2) of the preceding article shall apply *mutatis mutandis* to the nullification of effect of the type approval pursuant to the provisions of the preceding paragraph, and the provisions of paragraph (3) of the said article shall apply *mutatis mutandis* to the effectuation of a disposition under the provisions of the preceding paragraph.

### (Application Procedure for Type Conformity Inspection)

**Article 21-7** When a person who has obtained type approval pursuant to the provisions of Article 21-4 paragraph (2) intends to make a machine, appliance, etc. subject to inspection pertaining to the said type approval undergo the type conformity inspection, he/she shall, as prescribed by an ordinance of the Ministry of Internal Affairs and Communications, apply to the Institute or a registered juridical person which has conducted the test for a machine, appliance, etc. subject to inspection pertaining to the said type approval among the registered juridical persons under the provisions of Article 21-3 paragraph (1).

### (Passing of Type Conformity Inspection)

**Article 21-8** Upon receipt of an application under the preceding article, the Institute or a registered juridical person under the provisions of Article 21-3 paragraph (1) shall conduct the type conformity inspection of a machine, appliance, etc. subject to inspection pertaining to the said application and, if the shape, etc. of a machine, appliance, etc. subject to inspection pertaining to the said application conforms to that of a machine, appliance, etc. subject to inspection of which the type is approved pursuant to the provisions of Article 21-4 paragraph (2), the Institute or a registered juridical person shall make a machine, appliance, etc. subject to inspection pertaining to the said application pass the type conformity inspection.

- (2) The Institute or a registered juridical person under the provisions of Article 21-3 paragraph (1) may cancel the decision to pass a machine, appliance, etc. subject to inspection which has passed the type conformity inspection referred to in the preceding paragraph by dishonest means.
- (3) When having cancelled a decision to pass pursuant to the provisions of the preceding paragraph, the Institute or a registered juridical person under the provisions of Article 21-3 pa-

## Fire Service Act (Article 12-8~21-11)

paragraph (1) shall report to the Minister of Internal Affairs and Communications together with the reasons for cancellation without delay and publicly notify to that effect and shall also notify the person who had undergone the type conformity inspection pertaining to a machine, appliance, etc. subject to inspection for which the said decision to pass had been cancelled.

### (Indication of Passing)

**Article 21-9** The Institute or a registered juridical person under the provisions of Article 21-3 paragraph (1) shall, as prescribed by an ordinance of the Ministry of Internal Affairs and Communications, attach an indication that the type of a machine, appliance, etc. subject to inspection has obtained type approval pursuant to the provisions of Article 21-4 paragraph (2) and that the said machine, appliance, etc. subject to inspection has also passed the type conformity inspection pursuant to the provisions of paragraph (1) of the preceding article to a machine, appliance, etc. subject to inspection which has passed the type conformity inspection pursuant to the provisions of paragraph.(1) of the preceding article.

- (2) Except in those cases referred to in the preceding paragraph, no person shall attach an indication referred to in the said paragraph or an indication that may be confused with indication referred to in the said paragraph to a machine, appliance, etc. used for fire defense.

### (Effect of Nullification of Type Approval)

**Article 21-10** When the effect of type approval has been nullified due to a disposition to nullify the effect of type approval under the provisions of Article 21-5 paragraph (1), expiration of the period prescribed in the said paragraph or a disposition under the provisions of Article 21-6 paragraph (1), the effect of pass in the type conformity inspection already conducted by the Institute or a registered juridical person under the provisions of Article 21-3 paragraph (1) in relation to a machine, appliance, etc. subject to inspection pertaining to the said type approval shall be nullified.

### (Inspection by Minister of Internal Affairs and Communications)

**Article 21-11** In the case where the Institute or a registered juridical person under the provisions of Article 21-3 paragraph (1) finds it difficult to conduct operations relating to the testing or type conformity inspection of a machine, appliance, etc. subject to inspection because it has lost whole or part of the functions to conduct such testing or type conformity inspection, if the Minister of Internal Affairs and Communications finds it especially necessary, he/she may conduct the testing of a machine, appliance, etc. subject to inspection based on an application by a person who intends to obtain the type approval or type conformity inspection of a machine, appliance, etc. subject to inspection based on the application by a person who has obtained the type approval and intends to have type conformity inspection.

- (2) When the Minister of Internal Affairs and Communications conducts the test or type conformity inspection pursuant to the provisions of the preceding paragraph, he/she shall publicly notify in advance the type of a machine, appliance, etc. subject to inspection which will receive the said test or type conformity inspection and the period in which the said test or type conformity inspection is to be conducted.
- (3) The provisions of Article 21-3 paragraph (2) and paragraph (3) shall apply *mutatis mutandis* to the case where the Minister of Internal Affairs and Communications conducts the test pursuant to the provisions of paragraph (1), the provisions of Article 21-7, Article 21-8 and Article 21-9 shall apply *mutatis mutandis* to the case where the Minister of Internal Affairs and Communications conducts the type conformity inspection of a machine, appliance, etc. subject to inspection pursuant to the provisions of the said paragraph and the provisions of the preceding article shall apply *mutatis mutandis* to the effect of pass in the type conformity inspection conducted by the Minister of Internal Affairs and Communications pursuant to

## Fire Service Act (Article 21-11~21-14)

the provisions of the said paragraph.

- (4) The Institute shall not be able to conduct the test or type conformity inspection for the type of a machine, appliance, etc. subject to inspection publicly notified pursuant to the provisions of paragraph (2) during the period publicly notified pursuant to the provisions of the said paragraph.

### (Removal of Indication or Cancellation Mark)

**Article 21-12** When any machine, appliance, etc. subject to inspection for which the decision to make it pass the type conformity inspection is cancelled pursuant to the provisions of Article 21-8 paragraph (2) (including the case where it is applied *mutatis mutandis* to paragraph (3) of the preceding article) or of which the effect of pass in the type conformity inspection has been lost pursuant to the provision of Article 21-10 (including the case where it is applied *mutatis mutandis* to paragraph (3) of the preceding article) among machines, appliances, etc. subject to inspection for which the indication pursuant to the provisions of Article 21-9 paragraph (1) is attached or any machine, appliance, etc. used for fire defense to which the indication under the Article 21-9 paragraph (1) (including the case where it is applied *mutatis mutandis* to paragraph (3) of the preceding article; the same shall apply hereinafter in this article) is attached without complying with the provisions of the said paragraph or to which an indication which may be confused with the indication referred to in the said paragraph is attached is found to be stored at an office, place of business or warehouse of a person engaged in the business of selling a machine, appliance, etc. used for fire defense or a contractor for the work pertaining to installation, change or repair of a machine, appliance, etc. used for fire defense or similar equipment (hereinafter referred to as the "dealer, etc."), the Minister of Internal Affairs and Communications may have his/her official to remove the said indication or place a cancellation mark on it.

### (Order to Recall a Machine, Appliance, etc. Used for Fire Defense Failed in Inspection)

**Article 21-13** When the Minister of Internal Affairs and Communications finds it especially necessary for the purpose of preventing the occurrence of a serious hindrance in the case where he/she finds that such a serious hindrance to the acts of preventing fire, guarding against fire, extinguishing fire or rescuing human lives, etc. could occur due to a reason listed under each of the following items, he/she may order the dealer, etc. prescribed in each of the said items to take the necessary measures to prevent the occurrence of a serious hindrance to the acts of preventing fire, guarding against fire, extinguishing fire or rescuing human lives, etc. due to the lack of a certain shape, etc. on the part of a machine, appliance, etc. subject to inspection, including the recall of the said machine, appliance, etc. subject to inspection.

- (i) In violation of the provisions of Article 21-2 paragraph (4), the dealer, etc. has sold a machine, appliance, etc. subject to inspection or has used machine, appliance or equipment used for fire defense among machines, appliances, etc. subject to inspection for work pertaining to a contract for installation, change or repair.
- (ii) The decision to make a machine, appliance, etc. subject to inspection sold by the dealer, etc. or machine, appliance or equipment used for fire defense among machines, appliances, etc. subject to inspection used by the dealer, etc. for work pertaining to a contract for installation, change or repair has been cancelled pursuant to the provision of Article 21-8 paragraph (2) [including the case where it is applied *mutatis mutandis* to Article 21-11 paragraph (3)].

### (Request for a Report, Inspection and Questioning)

**Article 21-14** Within the limit necessary to exercise the authority under the provisions of the two preceding articles, the Minister of Internal Affairs and Communications may have the

## **Fire Service Act (Article 21-14~21-16-3)**

dealer, etc. submit a report concerning the latter's business or have his/her official enter an office, place of business or warehouse of the dealer, etc. to inspect a machine, appliance, etc. used for fire defense, books, documents and other objects or to question the persons concerned.

- (2) When making an entry pursuant to the provisions of the preceding paragraph, the official referred to in the preceding paragraph shall present his/her identification card to the persons concerned.
- (3) The authority for the on-site inspection pursuant to the provisions of paragraph (1) shall not be construed as approved for criminal investigation.

### **(Fee)**

**Article 21-15** A person who intends to have the test or type conformity inspection conducted by the Minister of Internal Affairs and Communications pursuant to the provisions of Article 21-11 paragraph (1) shall pay a fee, the amount of which is prescribed by a cabinet order in consideration of the actual expense, as prescribed by a cabinet order.

- (2) The fee in the preceding paragraph pertaining to the test or type conformity inspection conducted by the Minister of Internal Affairs and Communications shall become the revenue of the national treasury.

### **(Application for Review)**

**Article 21-16** A person who is dissatisfied with the disposition concerning the type conformity inspection conducted by the Institute or a registered juridical person under the provisions of Article 21-3 paragraph (1) may make an application for review to the Minister of Internal Affairs and Communications under the Administrative Appeal Act.

## **Section 2 Indication, etc. of a Machine, Appliance, etc. Subject to Voluntary Indication**

### **(Restriction on Indication, etc. of a Machine, Appliance, etc. Subject to Voluntary Indication)**

**Article 21-16-2** Among machines, appliances, etc. used for fire defense other than a machine, appliance, etc. subject to inspection, those which may seriously hinder the prevention of fire, guarding against fire, extinguishing of fire or rescuing of human lives when they do not possess a certain shape, etc. and which are prescribed by a cabinet order (hereinafter referred to as a "machine, appliance, etc. subject to voluntary indication") shall not be sold or displayed for sale unless they have an indication set forth in the provisions of paragraph (1) of the following article and, machine, appliance or equipment used for fire defense among machines, appliances, etc. subject to voluntary indication shall not be used for work pertaining to a contract for installation, change or repair unless an indication prescribed in the provisions of the said paragraph is attached to them.

### **(Indication of Conformity to Technical Standards)**

**Article 21-16-3** A person who is by profession a manufacturer or importer of a machine, appliance, etc. subject to voluntary indication shall conduct an inspection using a method specified by an ordinance of the Minister of Internal Affairs and Communications to determine whether or not the shape, etc. of a machine, appliance, etc. subject to voluntary indication conforms to the technical standards prescribed by an ordinance of the Ministry of Internal Affairs and Communications pertaining to a machine, appliance, etc. subject to voluntary indication and, may attach an indication indicating the conformity to the said technical standards if the shape, etc. is found to conform to the said technical standards to be prescribed by an ordinance of the Ministry of Internal Affairs and Communications .

- (2) No person shall attach the indication referred to in the preceding paragraph to a machine, ap-

## **Fire Service Act (Article 21-16-3~21-16-7)**

pliance, etc. used for fire defense except the case prescribed in the preceding paragraph or attach an indication which may be confused with indication referred to in the said paragraph.

- (3) A person who is by profession a manufacturer or importer of a machine, appliance, etc. subject to voluntary indication shall prepare records pertaining to the inspection of a machine, appliance, etc. subject to voluntary indication in paragraph (1) and store them.

### **(Obligation to Notify the Minister of Internal Affairs and Communications)**

**Article 21-16-4** When a person who is by profession a manufacturer or importer of a machine, appliance, etc. subject to voluntary indication intends to attach the indication in paragraph (1) of the preceding article to the said machine, appliance, etc. subject to voluntary indication, he/she shall notify the matters listed below to the Minister of Internal Affairs and Communications in advance as specified by an ordinance of the Ministry of Internal Affairs and Communications.

- (i) His/her name and address, and in the case of a juridical, the name of its representative.
  - (ii) Types of the said machine, appliance, etc. subject to voluntary indication and other matters prescribed by an ordinance of the Ministry of Internal Affairs and Communications.
- (2) When a change is made to the matter listed in each item of the preceding paragraph or the business of manufacturing or importing a machine, appliance, etc. subject to voluntary indication is abolished, the person who made the notification pursuant to the provisions of the preceding paragraph shall notify the Minister of Internal Affairs and Communications to that effect without delay as specified by an ordinance of the Ministry of Internal Affairs and Communications.

### **(Removal of Indication)**

**Article 21-16-5** Among machines, appliances, etc. used for fire defense to which the indication prescribed in Article 21-16-3 paragraph (1) is attached without following the provisions of the said paragraph or which has an indication which may be confused with that prescribed in the said paragraph, the Minister of Internal Affairs and Communications may order the dealer, etc. to remove the indication or to place a cancellation mark on such fire equipment, etc. which is stored in the office, place of business or warehouse of the dealer, etc.

### **(Order to Recall a Machine, Appliance, etc. Subject to Voluntary Indication Not Conforming to the Standards)**

**Article 21-16-6** When the Minister of Internal Affairs and Communications finds it especially necessary for the purpose of preventing the occurrence of a serious hindrance in the case where he/she finds that such serious hindrance to the acts of preventing fire, guarding against fire, extinguishing fire or rescuing human lives, etc. could occur due to the sale of a machine, appliance, etc. subject to voluntary indication or the use of machine, appliance or equipment used for fire defense among machines, appliances, etc. subject to voluntary indication for work pertaining to a contract for installation, change or repair by the dealer, etc. in violation of the provisions of Article 21-16-2, he/she may order the said dealer, etc. to take the necessary measures to prevent the occurrence of a serious hindrance to the acts of preventing fire, guarding against fire, extinguishing fire or rescuing human lives, etc. due to the lack of a certain shape, etc. on the part of a machine, appliance, etc. subject to voluntary indication, including the recall of the said machine, appliance, etc. subject to voluntary indication.

### **(Request for a Report, On-Site Inspection and Questioning)**

**Article 21-16-7** Within the limit necessary to exercise the authority under the provisions of the two preceding articles, the Minister of Internal Affairs and Communications may have the dealer, etc. submit a report concerning the latter's business or have his/her official enter an

## **Fire Service Act (Article 21-16-7~21-21)**

office, place of business or warehouse of the dealer, etc. to inspect a machine, appliance, etc. used for fire defense, books, documents and other objects or to question the persons concerned.

- (2) When making an entry pursuant to the provisions of the preceding paragraph, the official referred to in the preceding paragraph shall present his/her identification card to the persons concerned.
- (3) The authority for the on-site inspection pursuant to the provisions of paragraph (1) shall not be construed as approved for criminal investigation.

### **CHAPTER 4-3 JAPAN FIRE EQUIPMENT INSPECTION INSTITUTE, ETC.**

#### *Section 1 Japan Fire Equipment Inspection Institute*

##### *Sub-Section 1 General Provisions*

#### **(Purpose of the Japan Fire Equipment Inspection Institute)**

**Article 21-17** The purpose of the Japan Fire Equipment Inspection Institute is to conduct the testing and type conformity inspection (type conformity inspection prescribed in Article 21-2 paragraph (2): the same shall apply hereinafter) of a machine, appliance, etc. subject to inspection, evaluation of the performance of special fire defense equipment, etc., research, investigation, testing, etc. concerning a machine, appliance, etc. used for fire defense., thereby contributing to alleviation of damage caused by a fire or other disaster.

#### **(Organization of the Institute)**

**Article 21-18** The Japan Fire Equipment Inspection Institute (hereinafter referred to as “the Institute” in this section) shall be a juridical person.

#### **(Office)**

**Article 21-19** The Institute shall establish its principal office in Tokyo.

- (2) The Institute shall establish branch offices in the necessary places.

#### **(Articles of Incorporation)**

**Article 21-20** The articles of incorporation of the Institute shall specify the following matters.

- (i) Purpose
  - (ii) Name
  - (iii) Location of the office
  - (iv) Set number, term of office and appointment method of officers and other matters concerning officers
  - (v) Matters concerning the board of councillors
  - (vi) Matters concerning the operations and their execution
  - (vii) Matters concerning finance and accounting
  - (viii) Matters concerning any amendment of the articles of incorporation
  - (ix) Methods of issuing a public notice
- (2) The prepared or amended articles of incorporation shall not be effective without obtaining the approval of the Minister of Internal Affairs and Communications.

#### **(Registration)**

**Article 21-21** The Institute shall be registered pursuant to the provisions of a cabinet order.

- (2) The matters to be registered pursuant to the provisions of the preceding paragraph may not

## **Fire Service Act (Article 21-21~21-29)**

be asserted against a third person until after a registration being completed.

### **(Monopoly of Name)**

**Article 21-22** No person other than the Institute shall use the name “Japanese Fire Equipment Inspection Institute”.

### **(Application *Mutatis Mutandis* of the Provisions of Act on General Incorporated Associations and General Incorporated Foundations)**

**Article 21-23** The provisions of Article 4 and Article 78 of the Act on General Incorporated Associations and General Incorporated Foundations shall apply *mutatis mutandis* to the Institute.

### ***Sub-Section 2 Officers***

#### **(Officers)**

**Article 21-24** The Institute shall have a president, directors and an auditor(s) as its officers.

#### **(Duties of Officers)**

**Article 21-25** The president shall represent the Institute and preside over its operations.

- (2) The directors shall assist, as specified by the president, the president in managing the operations of the Association, deputize for the president to exercise his/her duties when he/she is unable to perform his/her duties and perform his/her duties when the post of the president is vacant.
- (3) The auditor shall audit the operations of the Association.
- (4) The auditor may submit his/her opinions to the president or the Minister of Internal Affairs and Communications when they find such submission necessary based on the audit results.

#### **(Validity of Appointment and Dismissal of Officers)**

**Article 21-26** The election and dismissal of officers shall not be effective without obtaining the approval of the Minister of Internal Affairs and Communications.

#### **(Ineligibility as Officer)**

**Article 21-27** A person falling under any of the following items is ineligible for the post of officer.

- (i) An employee of the government or a local government (excluding a part-time employee thereof)
- (ii) Dealers, etc. or, if the person concerned is a juridical person, an officer thereof (including a person with the same or higher authority or controlling power than an officer regardless of his/her job title).
- (iii) An officer of an association of dealers, etc. (including a person with the same or higher authority or controlling power than an officer regardless of his/her job title).

#### **(Dismissal of an Officer)**

**Article 21-28** When an officer has become to fall under any of the items of the preceding article, the Institute shall dismiss such officer.

#### **(Order to Dismiss an Officer)**

**Article 21-29** When an officer has committed an act violating this Act (including an order or disposition based on this Act), the articles of incorporation or the statement of operation procedures or a considerably improper act concerning the operations of the Institute, the Minister of Internal Affairs and Communications may specify a period and order the Insti-



## **Fire Service Act (Article 21-29~21-36)**

tute to dismiss the said officer within the specified period.

- (2) If the Institute has failed to dismiss an officer when he/she falls under any of the items of Article 21-27 or if the Institute has failed to comply with the order issued pursuant to the provision of the preceding paragraph, the Minister of Internal Affairs and Communications may dismiss the officer in question.

### **(Detachment from a Profit-Making Organization, etc.)**

**Article 21-30** An officer shall neither become an officer of a profit-making organization nor engaged in a profit-making business; provided, however, this restriction shall not apply to a part-time officer who has obtained the approval of the Minister of Internal Affairs and Communications.

### **(Restriction of Representative Power of the President)**

**Article 21-31** The president shall have no representation power with regard to matters where the interests of the Association and those of the president conflict with each other. In this case, the auditor shall represent the Association.

### **(Appointment of an Agent)**

**Article 21-32** The president may appoint an agent with the authority to perform all judicial or non-judicial acts concerning the operations of secondary offices of the Institute from among the directors or staff members of the Institute.

### **(Board of councillors)**

**Article 21-32-2** The Association shall establish a board of councillors as an organ to deliberate on important matters concerning the administration of the Association.

- (2) The board of councillors shall consist of up to 10 members.
- (3) Members of the board of councillors shall be appointed by the president with the approval of the Minister of Internal Affairs and Communications from among persons with the necessary knowledge and experience for the proper operation of the Institute.

### **(Appointment of Staff Members)**

**Article 21-33** Staff members of the Institute shall be appointed by the president.

### **(Obligation Not to Disclose Secrets)**

**Article 21-34** Officers and staff members of the Association and those who have previously held such positions shall neither disclose nor misappropriate any secrets to which they have become party to in the course of their duties.

### **(Statuses of Officers and Staff Members Liable to Penal Provisions)**

**Article 21-35** Officers and staff members of the Association shall be deemed to be personnel engaged in public service under laws and regulations with regard to the application of the Penal and other penal provisions.

## ***Sub-Section 3 Operations***

### **(Operations of the Institute)**

**Article 21-36** In order to achieve the purpose prescribed in Article 21-17, the Institute shall conduct the following operations.

- (i) To conduct testing of a machine, appliance, etc. subject to inspection pursuant to the provisions of Article 21-3.

## **Fire Service Act (Article 21-36~21-40)**

- (ii) To conduct type conformity inspections pursuant to the provisions of Article 21-8.
  - (iii) To evaluate the performance of special fire defense equipment, etc. pursuant to the provisions of Article 17-2 paragraph (1).
  - (iv) To submit its opinions on technical matters regarding a machine, appliance, etc. subject to inspection to the Minister of Internal Affairs and Communications.
  - (v) To conduct research, investigations and tests concerning a machine, appliance, etc. used for fire defense
  - (vi) To appraise a machine, appliance, etc. used for fire defense upon request
  - (vii) To conduct operations which are incidental to the operations listed in each of the preceding items
  - (viii) To perform the necessary operations to achieve the purpose described in Article 21-17 in addition to those listed in each of the preceding items
- (2) When the Association intends to conduct the operations listed in item (viii) of the preceding paragraph, it must obtain an approval of the Minister of Internal Affairs and Communications.
- (3) In addition to the operations in paragraph (1), the Association may, within the scope of not disrupting the smooth execution of the said operations, conduct such operations as research, investigation, testing, etc. utilising the machines and equipment or technology it owns for the purpose of performing operations referred in the said paragraph with the relevant approval of the Minister of Internal Affairs and Communications.

### **(Statement of Operational Procedures)**

**Article 21-37** At the time of commencing its operations, the Institute shall prepare a statement of operational procedures and shall have it approved by the Minister of Internal Affairs and Communications. The same shall apply when the Institute intends to amend the said statement of operational procedures.

- (2) The matters to be written in the statement of operational procedures referred to in the preceding paragraph shall be prescribed by an ordinance of the Ministry of Internal Affairs and Communications.

### ***Sub-Section 4 Finance and Accounting***

#### **(Business Year)**

**Article 21-38** The business year of the Institute shall begin on April 1 every year and end on March 31 of the following year.

#### **(Approval of Preparation or Revision of Budget and Business Plan)**

**Article 21-39** For each business year, the Institute shall prepare the budget and business plan and obtain their approval of the Minister of Internal Affairs and Communications before the beginning of the said business year. The same requirement shall apply when the Institute intends to revise the budget and/or business plan.

#### **(Submission of Financial Statements)**

**Article 21-40** In each business year, the Institute shall prepare an inventory of assets, balance sheet and profit and loss statement (referred to as "financial statements" in the following paragraph) and shall submit them to the Minister of Internal Affairs and Communications within three months of the end of the said business year.

- (2) When submitting the financial statements to the Minister of Internal Affairs and Communications pursuant to the provisions of the preceding paragraph, the Institute shall attach thereto the business report for the said business year and the statement of accounts classified by budgetary items together with the written opinions of the auditors concerning the finan-

## **Fire Service Act (Article 21-40~21-45)**

cial statements and statement of accounts.

### **(Delegation to an Ordinance of Ministry of Internal Affairs and Communications)**

**Article 21-41** In addition to what is prescribed in this Act, the necessary matters concerning the finance and accounting of the Institute shall be prescribed by an ordinance of the Ministry of Internal Affairs and Communications.

### *Sub-Section 5 Supervision*

### **(Order of the Minister of Internal Affairs and Communications to Supervise Operations)**

**Article 21-42** The Institute shall be supervised by the Minister of Internal Affairs and Communications.

- (2) When the Minister of Internal Affairs and Communications finds it necessary for the enforcement of the provisions of this chapter, he/she may give the Institute orders which are necessary to supervise the operations of the Institute.

### **(Request for a Report and On-Site Inspection, etc.)**

**Article 21-43** When the Minister of Internal Affairs and Communications finds it necessary for the enforcement of the provisions of this chapter, he/she may make the Institute report on its operations or allow his/her official to enter the Institute's offices or other places of business to inspect the conditions of the operations or books, documents and other necessary objects.

- (2) An officer who conducts the on-site inspection pursuant to the provisions of the preceding paragraph shall carry an identification card and show it to the person concerned.
- (3) The authority for the on-site inspection prescribed in paragraph (1) shall not be construed as approved for criminal investigation.

### *Sub-Section 6 Miscellaneous Provisions*

### **(Dissolution of the Institute)**

**Article 21-44** The dissolution of the Institute shall be prescribed by law separately from this Act.

## *Section 2 Registered Inspection Body*

### **(Registration)**

**Article 21-45** A registration pursuant to the provisions of Article 17-2 paragraph (1) or Article 21-3 paragraph (1) (hereinafter referred to as simply "a registration" in this section) shall be made for each category of operation listed below following an application by a juridical person who intends to conduct the evaluation of the performance of special fire defense equipment, etc. and the testing and type conformity inspection of a machine, appliance, etc. subject to inspection (hereinafter referred to as "inspection, etc." in this section).

- (i) Operation of evaluating the performance of special fire defense equipment, etc.
- (ii) Operation of testing and type conformity inspection of a machine, appliance, etc. subject to inspection pertaining to fire extinguishing
- (iii) Operation of testing and type conformity inspection of a machine, appliance, etc. subject to inspection pertaining to fire detection and warning (excluding those listed in the preceding item)
- (iv) Operation of testing and type conformity inspection of a machine, appliance, etc. subject to inspection pertaining to rescuing of human lives and other machines, appliances, etc. subject to inspection (excluding those listed in the two preceding items)

## Fire Service Act (Article 21-46)

### (Registration Conditions)

**Article 21-46** The Minister of Internal Affairs and Communications shall register a body which has applied for a registration pursuant to the provisions of the preceding article (hereinafter referred to as a “registration applicant” in this paragraph), if the registration applicant satisfies the conditions listed in the following requirements. In this case, the necessary procedure for a registration shall be prescribed by an ordinance of the Ministry of Internal Affairs and Communications.

- (i) A registration applicant employs a person who conforms to the conditions listed in the second column of Appended Table 2 in correspondence with the relevant type of operation listed in the first column of the said table.
- (ii) A registration applicant possesses the machine, appliance or other equipment listed in the second column of Appended Table 3 in correspondence with the relevant type of operation listed in the first column of the said table.
- (iii) A registration applicant does not fall under any of the following sub-items as a body controlled by a business operator which designs, manufactures, processes, sells or displays for the purpose of selling special fire defense equipment, etc. which is required to undergo performance evaluation pursuant to the provisions of Article 17-2 paragraph (1) or a machine, appliance, etc. subject to inspection which is required to undergo testing pursuant to the provisions of Article 21-3 paragraph (1) (hereinafter referred to as a “business operator” in this item and Article 21-52 paragraph (3)).
  - (a) In the case of the registration applicant being a business corporation, the business operator is its parent juridical person [parent juridical person prescribed in Article 879 paragraph (1) of the Companies Act (Act No. 86 of 2005)].
  - (b) More than half of the officers [in the case of a membership company (meaning a membership company prescribed in Article 575 paragraph (1)), members executing business operations] of the registration applicant are officers or staff members of the business operator (including those who have been officers or staff members of the said business operator in the previous two years).
  - (c) The officer with representative power for the registration applicant is an officer or staff member (including a person who has been an officer or staff member of the business operator in question in the previous two years) of the business operator.
- (iv) A registration applicant does conform to the following criteria which are necessary for the proper execution of such operations as an inspection, etc.
  - (a) Assignment of a full-time manager in the department performing such operations as an inspection, etc. for each category of operation listed in each of the preceding article
  - (b) Preparation of documents concerning the management and assurance of the accuracy of such operations as an inspection, etc.
  - (c) Establishment of a department specialized in the management and assurance of the accuracy of such operations as an inspection, etc. in accordance with what are stated in the documents listed in sub-item (b)
- (2) When a juridical person making an application under the provisions of the preceding article falls under one of the following items, the Minister of Internal Affairs and Communications shall not register the said juridical person.
  - (i) A juridical person where the juridical person itself or its officer was punished for violation of this Act or an order based on this Act and two years inclusive have not passed since the day when its execution of the sentence was completed or became free from the execution of the sentence
  - (ii) A juridical person of which the registration was cancelled under the provisions of Article 21-57 paragraph (1) or paragraph (2) and two years inclusive have not yet elapsed since the date of the cancellation

## Fire Service Act (Article 21-46~21-51)

- (iii) A juridical person of which an officer conducting the operations was the officer who conducted the operations of the said juridical person within thirty days prior to the cancellation of the latter's registration under the provisions of Article 21-57 paragraph (1) or paragraph (2) and two years have not yet elapsed since the date of the cancellation
- (3) A registration shall be made by entering the following items in the registry of registered inspection bodies.
  - (i) Date of a registration and the registration number
  - (ii) Name of the juridical person registered, name of its representative and location of the principal office
  - (iii) Category of operation registered
  - (iv) Location of the office where an inspection, etc. is conducted

### (Renewal of a Registration)

- Article 21-47** The effect of registration shall be lost unless renewal is made at an interval of not less than three years to be prescribed by a cabinet order because of the elapse of such period.
- (2) A juridical person intending to renew its registration shall, as prescribed by a cabinet order, pay a fee, the amount of which is prescribed by a cabinet order in consideration of the actual expense, to the State.
  - (3) The provisions of the two preceding articles shall apply *mutatis mutandis* to the renewal of a registration referred to paragraph (1).

### (Public Notification)

- Article 21-48** When the Minister of Internal Affairs and Communications has made a registration, he/she shall publicly notify the matters listed in each of the items of Article 21-46 paragraph (3).
- (2) When a registered juridical person (hereinafter referred to as a "registered inspection body") intends to change the matters listed in Article 21-46 paragraph (3), item (ii) and item (iv), it must notify the Minister of Internal Affairs and Communications to that effect no later than two weeks prior to the day of the intended change.
  - (3) When the Minister of Internal Affairs and Communications receives a notification pursuant to the provisions of the preceding paragraph, the Minister shall publicly notify to that effect.

### (Inspection)

- Article 21-49** When a registered inspection body is requested to conduct an inspection, etc., it must conduct the inspection, etc. without delay except when there is a justifiable reason.
- (2) A registered inspection body shall conduct the inspection, etc. fairly using a method which conforms to the technical standards to be specified by an ordinance of the Ministry of Internal Affairs and Communications.

### (Obligation of Officers and Staff Members Not to Disclose Secrets)

- Article 21-50** Officers and staff members of a registered inspection body and those who have previously held such positions shall neither disclose nor misappropriate any secrets to which they have become party to in the course of their duties.
- (2) Officers and staff members of a registered inspection body who are engaged in such operations as an inspection, etc. shall be deemed to be personnel engaged in public service in the application of the penal provisions of the Criminal Act and other laws and regulations.

### (Operational Rules)

- Article 21-51** A registered inspection body shall establish operational rules for matters, including the method of conducting inspection, etc. and the fee for inspection, etc., concerning

## **Fire Service Act (Article 21-51~21-54)**

the implementation of such operations as an inspection, etc. prescribed in an ordinance of the Ministry of Internal Affairs and Communications and shall obtain the approval of the Minister of Internal Affairs and Communications. This requirement shall also apply when a registered inspection body intends to revise any rule for these matters.

- (2) When the Minister of Internal Affairs and Communications finds that the operational rules approved by him/her pursuant to the provisions of the preceding paragraph have become inappropriate for the proper and reliable execution of such operations as an inspection, etc., he/she may order the registered inspection body to change the operational rules.

### **(Approval of Preparation or Revision of Business Plan and Income and Expenditure Budget)**

**Article 21-52** For each business year, a registered inspection body shall prepare a business plan and an income and expenditure budget and shall have them approved by the Minister of Internal Affairs and Communications before the beginning of the said business year (without delay from its registration in the case of a business year containing the date of registration). The same shall apply in the case where such a person intends to revise the plan and/or budget.

- (2) Within three months of the end of each business year, a registered inspection body shall prepare an inventory, balance sheet and profit and loss statement or statement of income and expenditure and a business report for the said business year [including electromagnetic records in the case where electromagnetic records (records prepared by an electronic method, a magnetic method or others, which cannot be recognised by human senses, for the purpose of information processing by a computer; the same shall apply hereinafter in this article) have been prepared in place of these documents; hereinafter referred to as “financial statements, etc.” in the following paragraph and Article 46-3] and submit them to the Minister of Internal Affairs and Communications and keep them at the office for five years.
- (3) A business operator or any other interested person shall be entitled to make a request listed in each of the following items during the business hours of a registered inspection body; provided, however, for a request under item (ii) or item (iv), the fee set forth by the registered inspection body must be paid.
  - (i) Request for perusal or copies when financial statements, etc. are prepared as documents.
  - (ii) Request for duplicates or extracts of the documents referred to in the preceding item.
  - (iii) Request for perusal or copies of media showing the matters recorded in the electromagnetic records using a method prescribed by an ordinance of the Ministry of Internal Affairs and Communications when financial statements, etc. are prepared as electromagnetic records.
  - (iv) Request for the provision of the matters recorded in the electromagnetic records referred to in the preceding item in a form of an electromagnetic method prescribed by an ordinance of the Ministry of Internal Affairs and Communications or the issue of documents stating the matters in question.

### **(Preparation and Safe-Keeping of Books)**

**Article 21-53** A registered inspection body shall, as specified by an ordinance of the Ministry of Internal Affairs and Communications, prepare and safe-keep books recording those matters concerning such operations as an inspection, etc. prescribed by an ordinance of the Ministry of Internal Affairs and Communications.

### **(Order to Take Necessary Measures)**

**Article 21-54** When the Minister of Internal Affairs and Communications finds that a registered inspection body does no longer conform to any of the items of Article 21-46 paragraph

## **Fire Service Act (Article 21-54~21-57)**

- (1), he/she may order the said registered inspection body to take the necessary measures to make it to conform to these provisions.
- (2) When the Minister of Internal Affairs and Communications finds that a registered inspection body is in violation of the provisions of Article 21-49, he/she may order the said registered inspection body to conduct an inspection, etc. or to take the necessary measures concerning the improvement of the method of the said inspection, etc. and other operational methods.

### **(Request for a Report and On-Site Inspection)**

**Article 21-55** When the Minister of Internal Affairs and Communications finds it necessary for the appropriate implementation of such operations as an inspection, etc., he/she may request a registered inspection body to submit a necessary report concerning such operations as an inspection, etc. or allow his/her official to enter the office of the said registered inspection body to inspect the situation of such operations as an inspection, etc. or equipment, books, documents and other necessary objects.

- (2) An officer who conducts the on-site inspection pursuant to the provisions of the preceding paragraph shall carry an identification card and show it to the person concerned.
- (3) The authority for the on-site inspection prescribed in paragraph (1) shall not be construed as approved for criminal investigation.

### **(Suspension or Abolition of Operations)**

**Article 21-56** A registered inspection body shall neither suspend nor abolish all or any part of such operations as an inspection, etc. without a prior permission of the Minister of Internal Affairs and Communications.

- (2) When the Minister of Internal Affairs and Communications gives permission referred to in the preceding paragraph, he/she shall publicly notify to that effect.

### **(Cancellation of Registration and Discontinuation of Operations)**

**Article 21-57** When a registered inspection body has become to fall under Article 21-46 paragraph (2), item (i) or item (iii), the Minister of Internal Affairs and Communications shall cancel its registered status.

- (2) When a registered inspection falls under any of the following items, the Minister of Internal Affairs and Communications may cancel its registered status or issue an order to stop all or part of such operations as an inspection, etc. for a specified period.
  - (i) When a registered inspection body has violated the provisions of Article 17-2 through Article 17-2-4, Section 1 of the preceding chapter or this section.
  - (ii) When a registered inspection body is deemed no longer to satisfy the conditions set forth in the items of Article 21-46 paragraph (1).
  - (iii) When a registered inspection body has violated an order based on the provisions of Article 21-51 paragraph (2) or Article 21-54.
  - (iv) When a registered inspection body has conducted such operations as an inspection, etc. not in accordance with the operational rules approved pursuant to the provisions of Article 21-51 paragraph (1).
  - (v) When a registered inspection body has refused a request pursuant to the provisions of items of Article 21-52 paragraph (3) without a justifiable reason.
  - (vi) When a registered inspection body has obtained the registration by wrongful means.
- (3) When the Minister of Internal Affairs and Communications has cancelled the registration pursuant to the provisions of the two preceding paragraphs or has issued an order to discontinue all or part of such operations as an inspection, etc. pursuant to the provisions of the preceding paragraph, he/she shall publicly notify to that effect.

## CHAPTER 5 GUARDING AGAINST FIRE

### (Informing of Meteorological Conditions and Issue of Fire Warning)

**Article 22** When the Director General of the Japanese Meteorological Agency, director of a district meteorological observatory, Director of the Okinawa District Meteorological Observatory, director of a local meteorological observatory or head of a weather station finds that the meteorological conditions in an area are dangerous for the prevention of fire, he/she shall immediately inform the prefectural governor with jurisdiction for the area in question of the meteorological conditions.

- (2) Upon receipt of the information prescribed in the preceding paragraph, the prefectural governor shall immediately inform the same to the mayor of municipality.
- (3) Upon receipt of the information referred to in the preceding paragraph or when the meteorological conditions are considered dangerous for the prevention of fire, the mayor of municipality may issue a fire warning.
- (4) When a fire warning has been issued pursuant to the provisions of the preceding paragraph, the people in the area of the municipality concerned shall observe the provisions restricting the use of fire prescribed by a municipal ordinance until the fire warning has been cancelled.

### (Restrictions on Bonfires and Smoking)

**Article 23** When the mayor of municipality finds it especially necessary for the purpose of guarding against fire, he/she may restrict bonfires and smoking in a certain area for a specified period.

### (Establishment of an Area to be Guarded against Fire)

**Article 23-2** When the fire chief or fire station chief finds that the accidental spillage, scattering or outflow of gas, gunpowder or a hazardous material is likely to cause a fire, which in turn is likely to cause severe damage to human life or assets once it takes place, he/she may set up a fire risk alert area, prohibit the use of fire in the area, order people other than those who are specified by an ordinance of the Ministry of Internal Affairs and Communications to leave the area or prohibit or restrict their entry to the area.

- (2) In the case of the preceding paragraph, when the fire chief or fire station chief or firefighter or fire corps volunteer entrusted by the fire chief or fire station chief to exercise their authority prescribed in the said paragraph is not at the scene or when requested by the fire chief or fire station chief, the police station chief may exercise the authority in the said paragraph. In this case, when the police station chief exercises the said authority, he/she shall immediately notify the fire chief or fire station chief to that effect.

## CHAPTER 6 FIRE EXTINGUISHING ACTIVITIES

### (Reporting of a Fire)

**Article 24** A person who has discovered a fire shall report it to the fire station or a place designated by the mayor of municipality without delay.

- (2) Everyone shall cooperate so that the report referred to in the preceding paragraph will reach its destination as fast as possible.

### (Responsibility to Engage in Emergency Fire Extinguishing Activities, etc.)

**Article 25** When a fire occurs, the persons concerned with the property under fire defense measures in question or other person prescribed by an ordinance of the Ministry of Internal Affairs and Communications shall engage in fire extinguishing activities or prevention of the spread of fire or rescuing of human lives until the arrival of a firefighting team at the scene



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of the fire.

- (2) In the case of the preceding paragraph, people near the scene of the fire shall cooperate with the persons listed in the preceding paragraph in fire extinguishing activities or prevention of the spread of fire or rescuing of human lives.
- (3) At the scene of a fire, firefighters or fire corps volunteer may request the persons concerned with the property under fire defense measures in question or other persons prescribed by an ordinance of the Ministry of Internal Affairs and Communications to provide information on the structure of the said property under fire defense measures, whether there are persons who require rescuing and other matters necessary for fire extinguishing activities or prevention of the spread of fire or rescuing of human lives.

### **(Traffic Priority of Fire Engines and Other Matters)**

**Article 26** When fire engines are proceeding to the scene of a fire, all other vehicles, horses and pedestrians shall give way.

- (2) The traffic priority of fire engines shall be governed by the provisions of Article 40, Article 41-2 paragraph (1) and paragraph (2) and Article 75-6 paragraph (2) of the Road Traffic Act (Act No. 105 of 1960).
- (3) Fire engines may use their siren when proceeding to the scene of a fire or when there is a special need to do so for fire drills and the use of siren has been publicly notified.
- (4) On returning to the fire station, etc. or on other occasions, fire engines shall use their bell or horn and follow the general traffic rules.

### **(Right of Firefighting Teams to Enter Non-Public Passages, etc.)**

**Article 27** When there is an urgent need to reach the scene of a fire, firefighting teams may enter passages other than public thoroughfares or vacant lots and water surfaces which are not open to the public.

### **(Establishment of Fire Defense Alert Areas, etc.)**

**Article 28** At the scene of a fire, a firefighter or fire corps volunteer may establish a fire defense alert area, order persons other than those prescribed by an ordinance of the Ministry of Internal Affairs and Communications to leave the said area or prohibit or restrict entry to the said area.

- (2) When there are no firefighters or fire corps volunteers at the scene of a fire or when there is a request by a firefighter or fire corps volunteer, police officials may exercise the authority of firefighters or fire corps volunteers prescribed in the preceding paragraph.
- (3) When a fire defense alert area is being established under the command of a senior fire officer, police officials are obliged to assist the work to establish such area.

### **(Emergency Measures during Fire Extinguishing Activities and Other Matters)**

**Article 29** When it is necessary for extinguishing of a fire or prevention of the spread of fire or rescuing of human lives, firefighters or fire corps volunteers may use, dispose of or restrict the use of the properties under fire defense measures in which a fire is about to break out or has broken out and the land on which the said properties stand.

- (2) When the fire chief, fire station chief or chief of a fire corps in a municipality without a fire defense headquarters finds it unavoidable for the prevention of the spread of fire based on a rational judgement of the force of the fire, meteorological conditions and other surrounding circumstances, he/she may use, dispose of or restrict the use of the properties under fire defense measures which may be exposed to the spreading fire and the land on which the said properties stand.
- (3) When the fire chief, fire station chief or chief of a fire corps in a municipality without a fire

## Fire Service Act (Article 29~33)

defense headquarters finds that there is an urgent need for extinguishing of a fire or prevention of the spread of fire or rescuing of human lives, he/she may use, dispose or restrict the use of the properties under fire defense measures and land other than the properties under fire defense measures and land prescribed in the preceding two paragraphs. In this case, when persons who have suffered damage due to such operation have requested for compensation for the loss, the loss shall be compensated at the current price.

- (4) The expenses necessary for the compensation prescribed in the preceding paragraph shall be borne by the municipality concerned.
- (5) In the case where there is an urgent need, firefighters or fire corps volunteers may have persons in the vicinity of a fire scene engage in fire extinguishing or the prevention of the spread of fire or rescuing of human lives or other firefighting activities.

### (Emergency Water Sources)

**Article 30** When there is an urgent need to maintain the supply of water to the scene of a fire, the fire chief, fire station chief or chief of a fire corps in a municipality without a fire defense headquarters may use the available water sources or open or close the gates or sluices of irrigation channels or sluice valves of water service lines.

- (2) The fire chief, fire station chief or chief of a fire corps in a municipality without a fire defense headquarters may conclude a prior agreement with the owner, manager or possessor of water sources with regard to their use and management in the event of a fire.

### (Application *Mutatis Mutandis* and Rewording)

**Article 30-2** The provisions of Article 25 paragraph (3), Article 28 paragraph (1) and paragraph (2) and Article 29 paragraph (1) and paragraph (5) shall apply *mutatis mutandis* to assistance provided by the prefecture for the fire services of municipalities pursuant to the provisions of Article 30 paragraph (1) of the Fire Defense Organization Act. In this case, the phrase “firefighters or fire corps volunteers” in these provisions shall be deemed to be replaced by “firefighters or fire corps volunteers or prefectural officials belonging to an aviation firefighting team”.

## CHAPTER 7 INVESTIGATION OF FIRE

### (Investigation into Caused of Fire, etc.)

**Article 31** In addition to fire extinguishing activities proper, the fire chief or fire station chief shall undertake an investigation into the causes of fire and damage inflicted by the fire and fire extinguishing activities.

### (Questioning of Persons Concerned and Request for a Report by Public Agencies)

**Article 32** When it is necessary to conduct an investigation pursuant to the provisions of the preceding article, the fire chief or fire station chief may question the persons concerned or demand a person who manufactured or imported the product which is suspected to be the cause of a fire to submit necessary information materials or a report.

- (2) The fire chief or fire station chief may request the relevant public agencies to report on the necessary matters concerning the investigation prescribed in the preceding article.

### (Investigation of Assets Damaged by Fire)

**Article 33** The fire chief or fire station chief and an agent approved by the insurance company concerned may conduct an investigation of assets damaged or destroyed by the fire in order to determine the cause of the fire and the extent of the damage.

## **Fire Service Act (Article 34~35-3-2)**

### **(Order to Submit Information and Report and Inspection of Damage, etc.)**

**Article 34** When it is necessary to conduct an investigation pursuant to the provisions of the preceding article, the fire chief or fire station chief may order the persons concerned to submit the necessary information materials or a report or have his/her fire defense personnel concerned enter the place concerned to inspect the conditions of the assets damaged or destroyed by the fire.

- (2) The provisions of the proviso of Article 4 paragraph (1) and of paragraph (2) through paragraph (4) of the said article shall apply *mutatis mutandis* to the preceding paragraph.

### **(Investigation of Cause of Fire When Arson or Negligence is Suspected and Cooperation for Criminal Investigation)**

**Article 35** When arson or negligence is suspected to have caused a fire, the principal responsibility and authority to investigate the cause of the fire shall rest with the fire chief or fire station chief.

- (2) When the fire chief or fire station chief finds that the crime of arson or crime of causing a fire by negligence has been committed, he/she shall immediately inform the competent police station and endeavour to collect and preserve the necessary evidence and, upon receipt of a recommendation made by the Fire and Disaster Management Agency to cooperate in the criminal investigation of the crime of arson or causing a fire by negligence, he/she shall follow the said recommendation.

### **(Questioning of Suspects and Investigation of Evidence)**

**Article 35-2** When a person suspected of the crime of arson or causing fire by negligence has been arrested by the police or evidence has been seized by the police, the fire chief or fire station chief may question the suspect or investigate the evidence in order to conduct the investigation set forth in paragraph (1) of the preceding article until the case is referred to a public prosecutor.

- (2) The questioning or investigation referred to in the preceding paragraph shall not cause any interference with the investigation by police officials.

### **(Investigation of Cause of Fire by a Prefectural Governor)**

**Article 35-3** In the area of a municipality without a fire defense headquarters, the prefectural governor with jurisdiction for the said area may investigate the cause of a fire pursuant to the provisions of Article 31 and Article 33 only when he/she is requested to do so by the mayor of municipality in question or when he/she finds it especially necessary to do so.

- (2) The provisions of Article 32 and Article 34 through the preceding article shall apply *mutatis mutandis* to the case referred to in the preceding paragraph. In this case, the words "fire defense personnel concerned" in Article 34 paragraph (1) shall be deemed to be replaced by "officials engaged in the fire service affairs of the prefecture in question" and "fire chief or fire station chief" in Article 35 paragraph (1) shall be deemed to be replaced by "in addition to the mayor of municipality, the prefectural governor".

### **(Investigation of Cause of Fire by the Commissioner of the Fire and Disaster Management Agency)**

**Article 35-3-2** The Commissioner of the FDMA may conduct an investigation of the cause of a fire pursuant to the provisions of Article 31 or Article 33 only when he/she is requested to do so by a fire chief or prefectural governor who investigates the cause of a fire pursuant to the provisions of paragraph (1) of the preceding article or when he/she find such investigation especially necessary.

- (2) The provisions of Article 32, Article 34, Article 35 paragraph (1) and paragraph (2) (exclud-

## Fire Service Act (Article 35-3-2~35-5)

ing the part pertaining to a recommendation) and Article 35-2 shall apply *mutatis mutandis* to the case referred to in the preceding paragraph. In this case, the words “fire defense personnel concerned” in Article 34 paragraph (1) shall be deemed to be replaced by “officials of the Fire and Disaster Management Agency”, the words “fire chief or fire station chief” in Article 35 paragraph (1) shall be deemed to be replaced by “in addition to either the fire chief or fire station chief, the Commissioner of the FDMA for the area of a municipality where the fire defense headquarters is located, the Commissioner of the FDMA in addition to the mayor of municipality and the prefectural governor in the case where the prefectural governor conducts an investigation of the cause of a fire pursuant to the provisions of Article 35-3 paragraph (3) in an area other than the area in question or the Commissioner of the FDMA in addition to the mayor of municipality in the case where the prefectural governor does not conduct an investigation of the cause of a fire notwithstanding the provisions of the said paragraph in an area other than the said area”.

### **(Relationship with Criminal Investigation and Mutual Cooperation between Fire Services and Police)**

**Article 35-4** The provisions of this chapter shall not relieve the police from the responsibility of investigating crimes (including the crime of arson and crime of causing a fire by negligence) and arresting suspects (including suspects of the crimes of arson and crime of causing a fire by negligence).

- (2) Firefighters and police officials shall cooperate with one another for the common purpose of eradicating arson and fires caused by negligence.

## **CHAPTER 7-2 AMBULANCE SERVICE**

### **(Implementation Standards Concerning Transportation by an Ambulance)**

**Article 35-5** A prefecture shall prescribe the standards concerning the operation of transporting an injured or sick person (an injured or sick person prescribed in Article 2 paragraph (9), the same shall apply hereinafter in this chapter) to ensure the speedy as well as appropriate operation of transporting an injured or sick person as the ambulance service of a fire department (hereinafter referred to as “the transportation of an injured or sick person” in this chapter) and the acceptor of the said injured or sick person by a medical institution (hereinafter referred to as “the acceptance of an injured or sick person” in this chapter).

- (2) In the operational standards, the matters listed in the following shall be prescribed for the area of a prefecture or each area which is prescribed after the division of an area of the prefecture in question in consideration of the system to provide medical care.
  - (i) Standards to classify medical institutions to ensure the provision of appropriate medical care according to the physical, mental and other state of an injured or sick person (hereinafter referred to as “the state of an injured or sick person” in this paragraph)
  - (ii) Categories of medical institutions which are classified based on the standards listed in the preceding item and names of medical institutions corresponding to the said categories
  - (iii) Standards to confirm the state of an injured or sick person by a fire department
  - (iv) Standards to select a medical institution to which a fire department intends to transport an injured or sick person
  - (v) Standards to convey the state of an injured or sick person to a medical institution to which a fire department intends to transport an injured or sick person
  - (vi) In addition to those listed in the two preceding items, standards to form an agreement between a fire department and medical institution concerning the acceptance of an in-

## Fire Service Act (Article 35-5~35-9)

- jured or sick person and other matters contributing to securing a medical institution conducting the acceptance of an injured or sick person
- (vii) In addition to those listed in each of the preceding items, matters which are found to be necessary by a prefecture with regard to the operation of transporting an injured or sick person and accepting an injured or sick person
  - (3) The operational standards shall be prescribed based on medical knowledge and in such a manner that they are in harmony with a medical care plan prescribed in Article 30-4 paragraph (1) of the Medical Care Act (Act No. 205 of 1948).
  - (4) When prescribing the operational standards, a prefecture shall listen to the opinions of the committee prescribed in Article 35-9 paragraph (1) in advance.
  - (5) When a prefecture has prescribed the operational standards, it shall publicly announce their contents without delay.
  - (6) The provisions of the three preceding paragraphs shall apply *mutatis mutandis* to any revision of the operational standards.

### (Obligations of the State)

**Article 35-6** The Minister of Internal Affairs and Communications and the Minister of Health, Labour and Welfare shall provide the necessary information, advice and other forms of assistance concerning the formulation or revision of the operational standards for prefectures.

### (Compliance with the Operational Standards, etc.)

**Article 35-7** A fire department shall comply with the operational standards for the transportation of an injured or sick person.

- (2) A medical institution shall endeavour to respect the operational standards for the acceptance of an injured or sick person.

### (Establishment of the Committee)

**Article 35-8** A prefecture shall organize a committee to conduct consultations concerning the operational standards and liaising as well as coordination pertaining to the implementation of the transportation of an injured or sick person and the acceptance of an injured or sick person based on the operational standards (hereinafter referred to as “the Committee” in this article).

- (2) The Committee shall be composed of the members listed below.
  - (i) Staff member(s) of the fire department
  - (ii) Manager(s) of a medical institution(s) or a doctor(s) designated by the said manager(s)
  - (iii) Person(s) recommended by an association of persons with the relevant knowledge and experience regarding medical care
  - (iv) Staff member(s) of the prefecture
  - (v) Person(s) with the relevant knowledge and experiences and others found to be necessary by the prefecture
- (3) When the Committee finds it necessary, it may request the relevant administrative organs to cooperate in the form of providing information materials, expressing opinions and providing explanations, etc.
- (4) The Committee may state its opinions to the prefecture governor on necessary matters regarding the operational standards and implementation of the transportation of an injured or sick person and the acceptance of an injured or sick person.

### (Prefectural Ambulance Service, etc.)

**Article 35-9** When the prefectural governor finds that traffic accidents frequently occur at a road section pertaining to an area of a municipality without an ambulance service, he/she may request another municipality with an ambulance service to provide the ambulance

## Fire Service Act (Article 35-9~36)

which will be required by the said traffic accidents, after having listened to the opinions of the municipalities concerned. In this case, the requested municipality may provide the ambulance service pertaining to the said request.

- (2) The prefectural government shall provide the ambulance service in those sections of national expressways and national roads, which are prescribed in a cabinet order as sections where an ambulance service is especially necessary to deal with traffic accidents, within areas of municipalities without an ambulance service, after having listened to the opinions of the municipalities without the ambulance service in question. In this case, the staff members engaged in the ambulance service in question shall be deemed to be fire defense personnel in the application of the Local Public Service Act (Act No. 261 of 1950).

### **(Request for Cooperation, etc.)**

**Article 35-10** In the case of an urgent need, an ambulance team member may request persons at the vicinity of a scene where an injured or sick person is found to cooperate with ambulance service.

- (2) In implementing the ambulance service, ambulance team members shall maintain a close liaison with police officials.

### **(Application *Mutatis Mutandis*)**

**Article 35-11** The provisions of Article 27 shall apply *mutatis mutandis* to ambulance teams. In this case, "reach the scene of a fire," shall be deemed to be replaced by "provide the ambulance service".

- (2) The provisions of Article 39 of the Fire Organization Act shall apply *mutatis mutandis* to the case where the prefectural governor provides the ambulance service pursuant to the provisions of Article 35-9 paragraph (2). In this case, "municipality", "fire defense" and "mayor of municipality" in Article 39 of the said Act shall be deemed to be replaced by "municipality and the prefecture", "the ambulance service operations" and "the mayor of municipality and the prefectural governor" respectively.

### **(Entrustment to a Cabinet Order)**

**Article 35-12** In addition to what are prescribed in this chapter, the necessary matters concerning the standards for the composition and equipment of ambulance teams and other matters necessary for the handling of the ambulance service shall be prescribed by a cabinet order.

## CHAPTER 8 MISCELLANEOUS PROVISIONS

### **(Enquiries to Relevant Public Agencies)**

**Article 35-13** The Minister of Internal Affairs and Communications, prefectural governor, mayor of municipality, fire chief or fire station chief may make an enquiry to or request for cooperation from the relevant public agencies with regard to administrative affairs based on the provisions of this Act except as otherwise specially provided by other acts

### **(Disaster Prevention Manager)**

**Article 36** The provisions of Article 8 through Article 8-2-3 shall apply *mutatis mutandis* to those specified by a cabinet order as buildings or other structures which are necessary for the alleviation of damage by a disaster prescribed by a cabinet order other than fire. In this case, the words in the second column of the following table under the provision of the first column of the said table shall be deemed to be replaced by the words listed in the third column of the said table respectively.

### Fire Service Act (Article 36)

Article 8 Paragraph (1)	qualifications prescribed by a cabinet order	knowledge concerning the alleviation of damage by a fire or any other disaster and also with the qualifications prescribed by a cabinet order
	fire prevention manager	disaster prevention manager
	fire prevention management, including implementation of fire drills on fire extinguishing, fire reporting and evacuation, inspection and improvement of the equipment used for fire defence, water supply source for fire defence or facilities necessary for fire extinguishing activities, supervision of the use or handling of fire, maintenance of the structures and equipment required for evacuation or fire prevention, control of the number of persons to be admitted	necessary for fire disaster prevention management, including the implementation of a drill on evacuation
Article 8 paragraph (2) and paragraph (3)	fire prevention manager	disaster prevention manager
Article 8 paragraph (4)	fire prevention manager	disaster prevention manager
	for fire prevention management	for disaster prevention management
Article 8-2 paragraph (1)	qualifications prescribed by a cabinet order	knowledge concerning the alleviation of damage by a fire or any other disaster and also with the qualifications prescribed by a cabinet order
	for fire prevention management	for disaster prevention management
	fire prevention manager	disaster prevention manager
	fire prevention management supervisor	disaster prevention management supervisor
Article 8-2 paragraph (2)	conduct fire drills on fire extinguishing, fire reporting and evacuation	conduct a drill on evacuation
	Fire prevention management supervisor	Disaster prevention management supervisor
	for fire prevention management	for disaster prevention management
Article 8-2 paragraph (3)	fire prevention manager	disaster prevention manager
	fire prevention manager prescribed	disaster prevention manager prescribed
Article 8-2 paragraph (4) and paragraph (5)	fire prevention management supervisor	disaster prevention management supervisor
	fire prevention management supervisor	disaster prevention management supervisor
Article 8-2 paragraph (6)	fire prevention management supervisor	disaster prevention management supervisor
	for fire prevention management	for disaster prevention management
Article 8-2-2 paragraph (1)	of fire prevention at	of alleviation of damage caused by disasters prescribed by a cabinet order other than fire at
	qualified inspector of property under fire prevention measures	qualified inspector for disaster prevention management
	for fire prevention management	for disaster prevention management
	installation and maintenance of equipment used for fire defence, supply of water for fire defence or other facilities required for fire extinguishing activities and other matters required for fire prevention	and other matters necessary for the alleviation of damage caused by disasters prescribed by a cabinet order other than fire

### Fire Service Act (Article 36)

Article 8-2-2 paragraph (2)	qualified inspector of property under fire prevention measures	qualified inspector for disaster prevention management
Article 8-2-3 paragraph (1) item (ii)-(a)	or Article 17-4 paragraph (1) or paragraph (2)	, Article 17-4 paragraph (1) or paragraph (2) or Article 8 paragraph (3) or paragraph (4) which is applied <i>mutatis mutandis</i> to Article 36 paragraph (1)
Article 8-2-3 paragraph (1) item (ii)-(d)	qualified inspector of property under fire prevention measures	qualified inspector for disaster prevention management
Article 8-2-3 paragraph (6) item (ii)	or Article 17-4 paragraph (1) or paragraph (2)	, Article 17-4 paragraph (1) or paragraph (2) or Article (8) paragraph (3) or paragraph (4) which is applied <i>mutatis mutandis</i> to Article 36 paragraph (1)

- (2) With regard to a building or other structure prescribed in the preceding paragraph which is also a property under fire prevention measures as set forth in Article 8-2 paragraph (1), a person who holds the title to manage such a building or other structure shall, notwithstanding the provisions of the said paragraph, have a disaster prevention manager as prescribed in paragraph (1) of the said article which is applied *mutatis mutandis* by replacing the relevant words under the preceding paragraph conduct operations which are necessary for fire prevention management and which should be conducted by a fire prevention manager referred to in Article 8 paragraph (1).
- (3) With regard to a building or other structure prescribed in paragraph (1) which is also a property under fire prevention measures as set forth in Article 8-2 paragraph (1), a person who holds the title to manage such a building or other structure shall, notwithstanding the provisions of the said paragraph, have a fire prevention management supervisor as prescribed in paragraph (1) of the said article which are applied *mutatis mutandis* by replacing the relevant words under paragraph (1) conduct operations which are necessary for fire prevention management for the whole of the said property under fire prevention measures and which should be conducted by a fire prevention management supervisor referred to in Article 8-2 paragraph (1).
- (4) With regard to a building or other structure prescribed in paragraph (1) which is also a property under fire prevention measures as set forth in Article 8-2-2 paragraph 1, an indication stating the date of inspection and other matters specified by an ordinance of the Ministry of Internal Affairs and Communications may be attached, notwithstanding the provisions of paragraph (2) of the said article and of paragraph (2) of the said article which are applied *mutatis mutandis* to paragraph (1), to the said building or other structure as prescribed by an ordinance of the Ministry of Internal Affairs and Communications only when both an inspection under the provisions of paragraph (1) of the said article and an inspection under the provisions of paragraph (1) of the said article which are applied *mutatis mutandis* to paragraph (1) [with regard to a building or other structure of which the title for management is divided, both an inspection under the provisions of Article 8-2-2 paragraph (1) and an inspection under the provisions of paragraph (1) of the said article which are applied *mutatis mutandis* to paragraph (1) for the whole of the said building or other structure (excluding the part(s) certified under the provisions of paragraph (1) of the said article which are applied *mutatis mutandis* to Article 8-2-3 paragraph (1) or paragraph 1)] are conducted and, as a result of these inspections, the matters subject to these inspections are found by a qualified inspector of property under fire prevention measures and a qualified inspector for disaster prevention management to conform to the respective inspection standards.
- (5) With regard to a building or other structure prescribed in paragraph (1) which is also a property under fire prevention measures as set forth in Article 8-2-2 paragraph (1), an indi-



## Fire Service Act (Article 36~36-3)

cation stating the date of inspection and other matters specified by an ordinance of the Ministry of Internal Affairs and Communications may be attached, notwithstanding the provisions of Article 8-2-3 paragraph (2) and paragraph (2) of the said article which is applied *mutatis mutandis* to paragraph (1), to the said property under fire prevention measures as prescribed by an ordinance of the Ministry of Internal Affairs and Communications only when both certification under the provisions of paragraph (1) of the said article and certification under the provisions of paragraph (1) of the said article which are applied *mutatis mutandis* to paragraph (1) [with regard to a building or other structure of which the title for management is divided, limited to the case where the whole of the said building or other structure is certified under the provisions of Article 8-2-3 paragraph (1) and also under the provisions of Article 8-2-3 paragraph (1) which is applied *mutatis mutandis* to paragraph (1)].

- (6) The provisions of Article 8-2-2 paragraph (3) and paragraph (4) shall apply *mutatis mutandis* to the indications referred to in the two preceding paragraphs.
- (7) In the case where a fire defense organization for self-protection referred to in Article 8-2-5 paragraph (1) has been set up for a building or other structure, the said fire defense organization for self-protection shall conduct the necessary operation for the alleviation of damage caused by a fire or other disaster.
- (8) The provisions of Article 25 paragraph (3), Article 28 paragraph (1) and paragraph (2) and Article 29 paragraph (1) and paragraph (5) which are applied *mutatis mutandis* to Article 18 paragraph (2), Article 22 and Article 24 through Article 29 and Article 30-2 shall apply *mutatis mutandis* to other disasters except flood disasters.

### (Deployment of a Rescue Team)

**Article 36-2** A municipality shall deploy a firefighting team equipped with the necessary special rescue equipment to save human lives pursuant to the provisions of this act in accordance with the standards specified by an ordinance of the Ministry of Internal Affairs and Communications in consideration of the population and other conditions.

### (Application *Mutatis Mutandis*)

**Article 36-2-2** The provisions of Article 27 and Article 30 shall apply *mutatis mutandis* when a warning declaration prescribed in Article 2, item (xiii) of the Act on Special Measures Concerning Countermeasures for Large Earthquakes (Act No. 73 of 1978) is issued. In this case, the words “the scene of a fire” in Article 27 shall be deemed to be replaced by “the place where human lives and assets are found to be highly vulnerable to damage (excluding damage by flood disasters) if an earthquake pertaining to the earthquake prediction information prescribed in Article 2, item (iii) of the Act Concerning Special Measures Concerning Countermeasures for Large Earthquake takes place” and the words “the scene of a fire” in Article 30 paragraph (1) shall be deemed to be replaced by “the place which is highly vulnerable to the occurrence of a fire if an earthquake pertaining to the earthquake prediction information prescribed in Article 2, item (iii) of the Act Concerning Special Measures to Combat Large Earthquake takes place”.

### (Compensation for Damage)

**Article 36-3** In the case where a person who has been engaged in fire extinguishing activities, the prevention of the spread of fire, rescuing of human lives or other firefighting activities pursuant to the provisions of Article 25 paragraph (2) [including its application *mutatis mutandis* to Article 36 paragraph (viii)], Article 29 paragraph (5) [including its application *mutatis mutandis* to Article 30-2 and Article 36 paragraph (viii)] or a person who has cooperated with the ambulance service provided by a municipality pursuant to the provisions of Article 35-7 paragraph (1) has died or become injured, sick or disabled, the municipality shall com-

## Fire Service Act (Article 36-3~39-2)

pensate, pursuant to the provisions of a municipal ordinance following the criteria to be prescribed by a cabinet order, for damage which the person in question or his/her bereaved family has suffered due to such engagement or cooperation.

- (2) In the case of a property under fire defense measures which is a building or other structure consisting of several structurally independent parts which may be used as dwellings, shops, offices, warehouses or for other purposes of use as building (hereinafter referred to as the "proprietary area" in this article) and in the case of a fire in a proprietary part, when a person, excepting the people listed in the following items, who has engaged in fire extinguishing activities, the prevention of the spread of fire or rescuing of human lives has died or become injured, sick or disabled because of such engagement pursuant to the provisions of Article 25 paragraph (1), compensation referred to in the preceding paragraph shall apply.
  - (i) The owner, manager or possessor of a part of the proprietary area where the fire occurred or other person prescribed by an ordinance of the Ministry of Internal Affairs and Communications
  - (ii) In the case where a person referred to in item (i) above serves each part of the proprietary area where a fire broke out and parts other than the said each part for dwelling, shop, office, warehouse or other purposes of building us as an integral unit prescribed by an ordinance of the Ministry of Internal Affairs and Communications, the owner, manager or possessor of each part of the proprietary area which has been served as an integral unit for the said usage or person prescribed by an ordinance of the Ministry of Internal Affairs and Communications (excluding the persons listed in the preceding item)
- (3) The provisions of paragraph (1) shall apply *mutatis mutandis* to those who have cooperated with the ambulance service provided by a prefecture.

### (Interim Measures)

**Article 36-4** In the case where a cabinet order or an ordinance of the Ministry of Internal Affairs and Communications is to be enacted, revised or repealed pursuant to the provisions of this Act, the necessary interim measures (including interim measures concerning penal provisions) may be prescribed by a cabinet order or an ordinance of the Ministry of Internal Affairs and Communications within the scope rationally judged necessary in view of such enactment, revision or repeal.

### (Special Cases for Special Wards)

**Article 37** In areas of special wards, "municipality", "mayor of municipality" and "municipal ordinance" shall be deemed to be replaced by "Tokyo", "Governor of Tokyo" and "metropolitan ordinance of Tokyo".

## CHAPTER 9 PENAL PROVISIONS

### (Penal Provisions)

**Article 38** A person who has indiscriminately damaged or removed a fire watchtower or an alarm bell tower in violation of the provisions of Article 18 paragraph (1) shall be sentenced to imprisonment with work of not more than seven years.

**Article 39** A person who has indiscriminately damaged or removed a fire alarm system, fire hydrant or water storage facility used for fire defense in violation of the provisions of Article 18 paragraph (1) shall be sentenced to imprisonment with work of not more than five years.

**Article 39-2** A person who has created a fire hazard due to the spillage, drainage, discharge

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or scattering of a hazardous material from a manufacturing, storage or handling facility shall be sentenced to imprisonment with work of not more than three years or a fine of not more than 3,000,000 yen; provided, however, he/she shall not be punished if no public hazard has occurred.

- (2) A person who has committed the crime referred to in the preceding paragraph causing death or injury of another person(s) shall be sentenced to imprisonment with work of not more than seven years or a fine of not more than 5,000,000 yen.

**Article 39-2-2** A person who has violated an order issued pursuant to the provisions of Article 5-2 paragraph (1) shall be sentenced to imprisonment with work of not more than three years or a fine of not more than 3,000,000 yen.

- (2) A person who has committed the crime prescribed in the preceding paragraph may be subject to cumulative imposition of imprisonment with work and a fine depending on the circumstances.

**Article 39-3** A person who has created a fire hazard due to the spillage, drainage, discharge or scattering of a hazardous material from a manufacturing, storage or handling facility through negligence with regard to the necessary precautions for business operations shall be sentenced to imprisonment with or without work of not more than two years or a fine of not more than 2,000,000 yen; provided, however, he/she shall not be punished if no public hazard has occurred.

- (2) A person who has committed the crime referred to in the preceding paragraph causing death or injury of another person(s) shall be sentenced to imprisonment with work or confinement of not more than five years or a fine of not more than 3,000,000 yen.

**Article 39-3-2** A person who has violated an order issued pursuant to the provisions of Article 5 paragraph (1) shall be sentenced to imprisonment with work of not more than two years or a fine of not more than 2,000,000 yen.

- (2) A person who has committed the crime prescribed in the preceding paragraph may be subject to cumulative imposition of imprisonment with work and a fine depending on the circumstances.

**Article 40** A person who falls under any of the following items shall be sentenced to imprisonment with work of not more than two years or a fine of not more than 1,000,000 yen.

- (i) A person who has intentionally interfered with the passing of a fire engine as prescribed in the provisions of Article 26 paragraph (1)
  - (ii) A person who has interfered with the activities of fire corps volunteers of fire extinguishing or guarding and protecting in disasters other than flood disasters or providing aid
  - (iii) A person who has interfered with the activities of persons engaged in fire extinguishing, prevention of the spread of fire or rescuing of human lives pursuant to the provisions of Article 25 [including application *mutatis mutandis* to Article 36 paragraph (viii)] or Article 29 paragraph (5) [including application *mutatis mutandis* to Article 30-2 and Article 36 paragraph (viii)].
- (2) A person who has committed the crime prescribed in the preceding paragraph may be subject to cumulative imposition of imprisonment with work and a fine depending on the circumstances; provided, however, the same shall not apply when there are proper provisions under the Penal Code.
  - (3) A person who has committed the crime prescribed in paragraph (1) causing death or injury of another person (s) shall be dealt with by either this Act or the Penal Code whichever imposes the heavier punishment.

## Fire Service Act (Article 41~41-6)

- Article 41** A person who falls under any of the following items shall be sentenced to imprisonment with work of not more than one year or a fine of not more than 1,000,000 yen.
- (i) A person who has violated an order issued pursuant to the provisions of Article 5-3 paragraph (1)
  - (ii) A person who has violated an order issued pursuant to the provisions of Article 8 paragraph (4) [including the case where it is applied *mutatis mutandis* to Article 36 paragraph (1)]
  - (iii) A person who has violated the provisions of Article 10 paragraph (1)
  - (iv) A person who has violated the provisions of Article 15
  - (v) A person who has failed to install fire defense equipment, etc. or special fire defense equipment, etc. in violation of an order issued pursuant to the provisions of Article 17-4 paragraph (1) or paragraph (2)
  - (vi) A person who has violated the provisions of Article 21-2 paragraph (4), Article 21-9 paragraph (2) [including the case where it is applied *mutatis mutandis* to Article 21-11 paragraph (3)], Article 21-16-2 or Article 21-16-3 paragraph (2)
  - (vii) A person who has violated an order issued pursuant to the provisions of Article 21-13 or Article 21-16-6
- (2) A person who has committed the crime prescribed in the preceding paragraph may be subject to cumulative imposition of imprisonment with work and a fine depending on the circumstances.

**Article 41-2** A person who has violated the provisions of Article 13-11 paragraph (1) [including the case where it is applied *mutatis mutandis* to Article 17-9 paragraph (4)] shall be sentenced to imprisonment with work of not more than one year or a fine of not more than 1,000,000 yen.

**Article 41-3** When an officer or staff member of a body which is designated pursuant to the provisions of Article 13-5 paragraph (1) or Article 17-9 paragraph (1) has violated an order to suspend the affairs concerning the hazardous materials engineer's qualification examination or fire defense equipment officer's qualification examination pursuant to the provisions of Article 13-18 paragraph (2) [including the case where it is applied *mutatis mutandis* to Article 17-9 paragraph (4)], he/she shall be sentenced to imprisonment with work of not more than one year or a fine of not more than 1,000,000 yen.

**Article 41-4** A person who has violated the provisions of Article 16-32 or Article 21-34 shall be sentenced to imprisonment with work of not more than one year or a fine of not more than 1,000,000 yen.

**Article 41-5** A person who has violated the provisions of Article 21-50 paragraph (1) shall be sentenced to imprisonment with work of not more than one year or a fine of not more than 1,000,000 yen.

**Article 41-6** When an officer(s) or staff member(s) of a juridical person which is registered under the provisions of Article 17-2 paragraph (1) or Article 21-3 paragraph (1) has violated an order issued under the provision of Article 21-57 paragraph (2) to suspend the operations of evaluating the performance of special fire defense equipment, etc. and of conducting the testing and type conformity inspection of a machine, appliance, etc. subject to inspection, he/she shall be sentenced to imprisonment with work of not more than one year or a fine of not more than 1,000,000 yen.

## Fire Service Act (Article 42~43-2)

**Article 42** A person who falls under any of the following items shall be sentenced to imprisonment with work of not more than six months or a fine of not more than 500,000 yen.

- (i) A person who has violated an order issued pursuant to the provisions of Article 8 paragraph (3) [including the case where it is applied *mutatis mutandis* to Article 36 paragraph (1)]
  - (ii) A person who has violated the provisions of Article 11 paragraph (1)
  - (iii) A person who has violated the provisions of Article 11 paragraph (5)
  - (iv) A person who has violated an order issued pursuant to the provisions of Article 12-2 paragraph (1) or paragraph (2)
  - (v) A person who has violated an order or disposition issued pursuant to the provisions of Article 12-3 paragraph (1)
  - (vi) A person who has conducted a business without designating a hazardous materials safety supervisor in violation of the provisions of Article 13 paragraph (1)
  - (vii) A person who has violated the provisions of Article 13 paragraph (3)
  - (viii) A person who has stored or handled hazardous materials in violation of the provisions of Article 14-2 paragraph (1) or has violated an order issued pursuant to the provisions of paragraph (3) of the said article
  - (ix) A person who has violated an order issued pursuant to the provisions of Article 16-3 paragraph (3) or paragraph (4)
  - (x) A person who has violated the provisions of Article 17-5
  - (xi) A person who has failed to provide information without a justifiable reason or who provides false information when requested to provide information pursuant to the provisions of Article 25 paragraph (3) [including its application *mutatis mutandis* to Article 30-2 and Article 36 paragraph (8)]
- (2) A person who has committed the crime prescribed in the preceding paragraph may be subject to cumulative imposition of imprisonment with work and a fine depending on the circumstances.

**Article 43** A person who falls under any of the following items shall be sentenced to imprisonment with work of not more than three months or a fine of not more than 300,000 yen.

- (i) A person who has violated the provisions of Article 10 paragraph (3)
  - (ii) A person who has violated the provisions of Article 16
  - (iii) A person who has violated the provisions of Article 16-2 paragraph (1)
- (2) A person who has committed the crime prescribed in the preceding paragraph may be subject to cumulative imposition of imprisonment with work and a fine depending on the circumstances.

**Article 43-2** When an officer or staff member of a body which is designated under the provisions of Article 13-5 paragraph (1) or Article 17-9 paragraph (1) has committed one of the following offences, he/she shall be sentenced to a fine of not more than 300,000 yen.

- (i) Failure to provide books, to make entries in books, to make correct entries in books or to keep books safely in violation of the provisions of Article 13-14 [including its application *mutatis mutandis* to Article 17-9 paragraph (4)]
- (ii) Failure to provide a report or to make a proper report when a report is requested pursuant to the provisions of Article 13-16 paragraph (1) or paragraph (2) [including its application *mutatis mutandis* to Article 17-9 paragraph (4)] or refusal of, obstruction to or avoidance of the entry or inspection prescribed in the same provisions
- (iii) Discontinuation of the entire affairs concerning the implementation of the hazardous materials engineer's examination or fire defense equipment officer's qualification examination without obtaining an approval pursuant to the provisions of Article 13-17 para-

## Fire Service Act (Article 43-2~44)

graph (1) [including its application *mutatis mutandis* to Article 17-9 paragraph (4)]

**Article 43-3** When an officer or staff member of the Hazardous Materials Safety Techniques Association or Japan Fire Equipment Inspection Institute has failed to submit a report despite being requested to do so pursuant to the provisions of Article 16-48 paragraph (1) or Article 21-43 paragraph (1) or has submitted a false report or has refused, disrupted or avoided an entry or inspection pursuant to these paragraphs, he/she shall be sentenced to a fine of not more than 300,000 yen.

**Article 43-4** A person who has failed to prepare records pertaining to the inspection, has prepared a false records or has failed to keep records in violation of the provisions of Article 21-16-3 paragraph (3) shall be sentenced to a fine of not more than 300,000 yen.

**Article 43-5** An officer or staff member of a juridical person which is registered under the provisions of Article 17-2 paragraph (1) or Article 21-3 paragraph (1) has committed a violation under any of the following items, he/she shall be sentenced to a fine of not more than 300,000 yen.

- (i) Failure to provide books, to make entries in books, to make correct entries in books or to keep books safely in violation of the provisions of Article 21-53
- (ii) Failure to provide a report or to make a proper report when a report is requested under the provisions of Article 21-55 paragraph (1) or refusal of, disruption to or avoidance of the entry or inspection prescribed in the provisions of the said paragraph
- (iii) Discontinuation of the entire operations concerning the evaluation of the performance of special fire defense equipment, etc. and the testing and type conformity inspection of a machine, appliance, etc. subject to inspection without obtaining an approval under the provisions of Article 21-56 paragraph (1)

**Article 44** A person who falls under one of the following items shall be sentenced to a fine of not more than 300,000 yen or misdemeanour detention.

- (i) A person who has failed to observe an order issued pursuant to the provision of Article 3 paragraph (1)
- (ii) A person who has failed to submit information materials or a report when requested to do so report pursuant to the provisions of Article 4, Article 16-3-2 paragraph (2) (including the case where it is applied *mutatis mutandis* to paragraph (4) of the said article), Article 16-5 paragraph (1) or Article 34 paragraph (1) [including the case where it is applied *mutatis mutandis* to Article 35-3 paragraph (2) and Article 35-3-2 paragraph (2)] or has submitted false information materials or a false report or has refused, disrupted or avoided the entry, inspection or confiscation prescribed in the same provisions
- (iii) A person who has violated the provisions of Article 8-2-2 paragraph (3) [including the case where it is applied *mutatis mutandis* to Article 8-2-3 paragraph (8) (including the case where it is applied *mutatis mutandis* to Article 36 paragraph (1)) and Article 36 paragraph (1) and paragraph (6)] or Article 8-3-3
- (iv) A person who has refused, disrupted or avoided the inspection pursuant to the provisions of Article 14-3 paragraph (1) or paragraph (2) or Article 17-3-2
- (v) A person who has failed to prepare a record of inspections, prepared a false record of inspections or failed to keep a record of inspections pursuant to the provisions of Article 14-3-2
- (vi) A person who has violated the provisions of Article 16-2 paragraph (3)
- (vii) A person who has failed to observe an order to stop or a request for the presentation of his/her license by a firefighter or police official pursuant to the provisions of Article 16-

## Fire Service Act (Article 44)

- 5 paragraph (2)
- (viii) A person who has failed to notify pursuant to the provisions of Article 8 paragraph (2) [including the case where it is applied *mutatis mutandis* to Article 36 paragraph (1)], Article 9-3 paragraph (1) [including the case where it is applied *mutatis mutandis* to paragraph (2) of the said article), Article 11 paragraph (6), Article 11-4 paragraph (1), Article 12-6, Article 12-7 paragraph (2), Article 13 paragraph (2), Article 17-3-2 or Article 17-14
  - (ix) A person who has violated an order issued pursuant to the provision of Article 13-2 paragraph (5) [including the case where it is applied *mutatis mutandis* to Article 17-7 paragraph (2)]
  - (x) A person who has submitted a false report, without a justifiable reason, of the occurrence of the situation prescribed in Article 16-3 paragraph (1) to a fire station, place designated by the mayor of municipality, police station or coast guard pursuant to the provisions of Article 16-3 paragraph (2)
  - (xi) A person who has failed to report pursuant to the provisions of Article 8-2-2 paragraph (1) [including the case where it is applied *mutatis mutandis* to Article 36 paragraph (1)] or Article 17-3-3 or who has submitted a false report or who has submitted a false report
  - (xii) A person who has failed to take the necessary measures for the maintenance of fire defense equipment, etc. or special fire defense equipment, etc. in violation of an order issued pursuant to the provision of Article 17-4 paragraph (1) or paragraph (2)
  - (xiii) A person who has indiscriminately used a fire alarm system, fire hydrant, water storage facility used for fire defense or watchtower or alarm bell tower used for fire defence. or who has obstructed their proper use in violation of the provisions of Article 18 paragraph (1)
  - (xiv) A person who has violated the provisions of Article 18 paragraph (2)
  - (xv) A person who has rendered the conditions of a water source for fire defense unserviceable without reporting pursuant to the provisions of Article 21 paragraph (3)
  - (xvi) A person who has failed to submit a report or has submitted a false report when a report is requested pursuant to the provisions of Article 21-14 paragraph (1) or Article 21-16-7 paragraph (1) or who has refused, disrupted or avoided the entry or inspection prescribed in the same provisions
  - (xvii) A person who has violated an order issued pursuant to the provisions of Article 8-2-2 paragraph (4) ) [including the case where it is applied *mutatis mutandis* to Article 8-2-3 paragraph (8) (including the case where it is applied *mutatis mutandis* to Article 36 paragraph (1)) and Article 36 paragraph (1) and paragraph (6)] and Article 21-16-5
  - (xviii) A person who has violated the restriction pursuant to the provisions of Article 22 paragraph (4) or Article 23
  - (xix) A person who has failed to observe the prohibition of the use of fire, an order to leave or the prohibition or restriction of entry pursuant to the provisions of Article 23-2
  - (xx) A person who has submitted, without a justifiable reason, a false report of a fire or a false report pertaining to an injured or sick person referred to in Article 2 paragraph (9) to a fire station or place designated by the mayor of municipality pursuant to the provisions of Article 24 [including the case where it is applied *mutatis mutandis* to Article 36 paragraph (8)]
  - (xxi) A person who has failed to observe an order to leave or the prohibition or restriction of entry pursuant to the provisions of Article 28 paragraph (1) or paragraph (2) (including the case where it is applied *mutatis mutandis* to Article 30-2 and Article 36 paragraph (8))
  - (xxii) A person who has failed to submit information materials or a report when requested to do so report pursuant to the provisions of Article 35-3 paragraph (1) [including the case where it is applied *mutatis mutandis* to 35-3 paragraph (2) and Article 35-3-2 paragraph (2)] or has submitted false information materials or a false report

## Fire Service Act (Article 44~46-5)

- (xxiii) A person who has refused the post-fire investigation of damage pursuant to the provisions of Article 33.

### (Dual Liability)

**Article 45** When the representative of a juridical person or an agent, employee or other worker of a juridical person or an individual has violated the provisions listed in each of the following items in connection with the business of the said juridical person or individual, not only the offender shall be punished but also the said juridical person shall be punished by fine prescribed in the said each item while an individual shall be punished by fine prescribed in the respective article.

- (i) Article 39-2-2 paragraph (1), Article 39-3-2 paragraph (1) or Article 41 paragraph (1) item (vii): fine of not more than 100,000,000 yen
- (ii) Article 41 paragraph (1) item (ii) or item (v): fine of not more than 30,000,000 yen
- (iii) Article 39-2 paragraph (1) or paragraph (2), Article 39-3 paragraph (1) or paragraph (2), Article 41 paragraph (1) (excluding item (iii), item(v) and item (vii) of the said paragraph), Article 42 paragraph (1) (excluding item (vii) and item (x) of the said paragraph), Article 43 paragraph (1), Article 43-4 or item (i), item (iii), item (xi), item (xii) or item (xxii) of the preceding article: fine prescribed in the respective article

### (Establishment of Penal Provisions by Municipal Ordinance)

**Article 46** It may be provided for by a municipal ordinance pursuant to the provisions of Article 9-4 that any person who has violated the said ordinance shall be sentenced to a fine of not more than 300,000 yen.

**Article 46-2** When an officer or staff member of the Hazardous Materials Safety Techniques Association or Japan Fire Equipment Inspection Institute has committed a violation under any of the following items, he/she shall be sentenced to a civil fine of not more than 200,000 yen

- (i) Failure to obtain the approval or authorization of the Minister of Internal Affairs and Communications in the case that such approval or authorization is necessary under this Act.
- (ii) Failure to register in violation of the provisions of a cabinet order prescribed in Article 16-14 paragraph (1) or Article 21-21 paragraph (1)
- (iii) Performance of operations other than those prescribed in Article 16-34 paragraph (1) and paragraph (3) or Article 21-36 paragraph (1) and paragraph (3)
- (iv) Violation of an order of the Minister of Internal Affairs and Communications issued pursuant to the provisions of Article 16-47 or Article 21-42 paragraph (2)

**Article 46-3** A person who has failed to provide financial statements, etc. or to enter items which must be entered in financial statements, etc., or has made false entries in violation of the provisions of Article 21-52 paragraph (2) or who has refused a request pursuant to the provisions of each item of paragraph (3) of the said article without a justifiable reason shall be sentenced to a civil fine of not more than 200,000 yen.

**Article 46-4** A person who has violated the provisions of Article 16-13 paragraph (2) or Article 21-22 shall be sentenced to a civil fine of not more than 100,000 yen.

**Article 46-5** A person who has failed to make a notification pursuant to the provisions of Article 8-2-3 paragraph (5) [including the case where it is applied *mutatis mutandis* to Article 36 paragraph (1)], Article 17-2-3 paragraph (4) or Article 21-16-4 paragraph (1) or paragraph (2) shall be sentenced to a civil fine of not more than 50,000 yen.



## Fire Service Act (Appended Table 1)

### APPENDED TABLE 1

(Re: Article 2, Article 10 and Article 11-4)

Category	Property	Item
Category I	Oxidizing Solids	<ol style="list-style-type: none"> <li>1. Chlorates</li> <li>2. Perchlorates</li> <li>3. Inorganic peroxides</li> <li>4. Chlorites</li> <li>5. Bromates</li> <li>6. Nitrates</li> <li>7. Iodates</li> <li>8. Permanganates</li> <li>9. Dichromates</li> <li>10. Other substances specified by a cabinet order</li> <li>11. Substances containing any of those listed in the preceding items</li> </ol>
Category II	Combustible Solids	<ol style="list-style-type: none"> <li>1. Phosphorus sulphide</li> <li>2. Red phosphorus</li> <li>3. Sulphur</li> <li>4. Iron powders</li> <li>5. Metal powders</li> <li>6. Magnesium</li> <li>7. Other substances specified by a cabinet order</li> <li>8. Substances containing any of those listed in the preceding items</li> <li>9. Inflammable solids</li> </ol>
Category III	Spontaneously Combustible Substances and Water-Prohibitive Substances	<ol style="list-style-type: none"> <li>1. Potassium</li> <li>2. Sodium</li> <li>3. Alkyl aluminium</li> <li>4. Alkyl lithium</li> <li>5. Yellow phosphorus</li> <li>6. Alkali metals (excluding potassium and sodium) and alkaline earth metals</li> <li>7. Organic metallic compounds (excluding alkyl aluminium and alkyl lithium)</li> <li>8. Metal hydroxides</li> <li>9. Metal phosphides</li> <li>10. Carbides of calcium or aluminium</li> <li>11. Other substances specified by a cabinet order</li> <li>12. Substances containing any of those listed in the preceding items</li> </ol>
Category IV	Inflammable Liquids	<ol style="list-style-type: none"> <li>1. Special inflammables</li> <li>2. Class I petroleums</li> <li>3. Alcohols</li> <li>4. Class II petroleums</li> <li>5. Class III petroleums</li> <li>6. Class IV petroleums</li> <li>7. Animal fats and vegetable oils</li> </ol>
Category V	Self-Reactive Substances	<ol style="list-style-type: none"> <li>1. Organic peroxides</li> <li>2. Nitrate ester</li> <li>3. Nitro compounds</li> <li>4. Nitroso compounds</li> <li>5. Azo compounds</li> <li>6. Diazo compounds</li> <li>7. Hydrazine derivatives</li> <li>8. Hydroxylamine</li> <li>9. Hydroxylamine salts</li> <li>10. Other substances specified by a cabinet order</li> <li>11. Substances containing any of those listed in the preceding items</li> </ol>

## Fire Service Act (Appended Table 1)

Category	Property	Item
Category VI	Oxidizing Liquids	1. Perchloric acid 2. Hydrogen peroxide 3. Nitric acid 4. Other substances specified by a cabinet order 5. Substances containing any of those listed in the preceding items

### Notes

- (i) Oxidizing solids mean solids [substances other than liquids (substances forming liquids at a temperature of 20°C at 1 atmospheric pressure or substances which are liquefied at a temperature exceeding 20°C but not higher than 40°C; the same shall apply hereinafter) or gases (substances forming gases at a temperature of 20°C at 1 atmospheric pressure); the same shall apply hereinafter] which show the properties which are specified by a cabinet order in tests specified by a cabinet order to determine the potential hazards of oxidizing power or which show the properties which are specified by a cabinet order in tests specified by a cabinet order to determine the sensitivity to impacts.
- (ii) Combustible solids mean solids which show the properties specified by a cabinet order in tests specified by a cabinet order to determine the hazards of ignition from flame or solids which show inflammability in tests specified by a cabinet order to determine the hazards of flashing.
- (iii) Iron powders mean powders of iron, excluding those which are specified by an ordinance of the Ministry of Internal Affairs and Communications in consideration of grain size, etc.
- (iv) Phosphorus sulphide, red phosphorus, sulphur and iron powder are deemed to show the properties specified in Item 2 of the Notes.
- (v) Metal powders mean powders of metals other than alkali metals, alkali earth metals, iron and magnesium, excluding those which are specified by an ordinance of the Ministry of Internal Affairs and Communications in consideration of grain size, etc.
- (vi) Of magnesium and the substances listed in Item 8 of Category II which contain magnesium, those which are specified by an ordinance of the Ministry of Internal Affairs and Communications in consideration of the shape, etc. are excluded.
- (vii) Inflammable solids mean solid alcohols and others of which the flash points are below 40°C at 1 atmospheric pressure.
- (viii) Spontaneously combustible substances and water-prohibitive substances mean solids or liquids which show the properties specified by a cabinet order in tests specified by a cabinet order to determine the hazards of ignition in air or those which ignite in contact with water or those which show the properties specified by a cabinet order in tests specified by a cabinet order to determine the hazards of generating combustible gases.
- (ix) Potassium, sodium, alkyl aluminium, alkyl lithium and yellow phosphorus are deemed to show the properties specified in the preceding item.
- (x) Inflammable liquids means liquids (in the case of Class III petroleum, Class IV petroleum and animal fats and vegetable oils, limited to those which are liquids at a temperature of 20°C at 1 atmospheric pressure) which show inflammability in tests specified by a cabinet order to determine the hazards of inflammability.
- (xi) Special inflammable materials mean diethyl ether, carbon disulphide and other substances of which the ignition point is 100°C or lower or of which the flash point is minus 20°C or lower or of which the boiling point is 40°C or lower at 1 atmospheric pressure.
- (xii) Class I petroleum mean acetone, gasoline and others of which the flash point is below 21°C at 1 atmospheric pressure.

## Fire Service Act (Appended Table 1)

- (xiii) Alcohols mean saturated monohydric alcohols (including denatured alcohols) of which 1 molecule is composed of 1 to 3 carbon atoms, excluding those specified by an ordinance of the Ministry of Internal Affairs and Communications in consideration of the composition, etc.
- (xiv) Class II petroleums mean heating oil, gas oil and others of which the flash point is 21°C or higher but lower than 70°C at 1 atmospheric pressure, excluding paints and other products specified by an ordinance of the Ministry of Internal Affairs and Communications in consideration of the composition ,etc.
- (xv) Class III petroleums mean heavy oil, creosote oil and others of which the flash point is 70°C or higher but less than 200°C at 1 atmospheric pressure, excluding paints and other products specified by an ordinance of the Ministry of Internal Affairs and Communications in consideration of the composition ,etc.
- (xvi) Class IV petroleums mean gear oil, cylinder oil and others of which the flash point is 200°C or higher but less than 250°C at 1 atmospheric pressure, excluding paints and other products specified by an ordinance of the Ministry of Internal Affairs and Communications in consideration of the composition ,etc.
- (xvii) Animal fats and vegetable oils mean fats extracted from fats of meat, etc. of animals or oils extracted from vegetable seeds or sarcocarps, of which the flash point is less than 250°C at 1 atmospheric pressure, excluding those which are stored and kept as specified by an ordinance of the Ministry of Internal Affairs and Communications.
- (xviii) Self-reactive materials are solids or liquids which show the properties specified by a cabinet order in tests specified by a cabinet order to determine the hazards of explosion or those which show the properties specified by a cabinet order in tests specified by a cabinet order to determine the intensity of thermolysis.
- (xix) With regard to the substances listed in Item (ix) of Category V, those which contain inert solids and which are specified by an ordinance of the Ministry of Internal Affairs and Communications among substances containing organic peroxides are excluded.
- (xx) Oxidizing liquids mean liquids which show the properties specified by a cabinet order in tests specified by a cabinet order to determine the potential hazards of oxidizing power.
- (xxi) The names of substances which have 2 or more of the properties indicated in the property column of this table shall be specified by an ordinance of the Ministry of Internal Affairs and Communications.

## Fire Service Act (Appended Table 2~3)

### APPENDED TABLE 2

(Re: Article 21-46)

Operation under Article 21-45 item (i)	<ul style="list-style-type: none"> <li>(i) A person who has graduated from a university or college under the School Education Act by completing a major or course in mechanical engineering, electrical engineering or industrial chemistry, or a person whose scholastic ability is equivalent to or superior than that of the afore-mentioned person</li> <li>(ii) A person qualified as a fire defense equipment officer</li> <li>(iii) A person qualifies as a first class architect as prescribed in the provisions of Article 2 paragraph (2) of the Architect Act (Act No.202 of 1950)</li> <li>(iv) A person with the practical experience in examination or inspection pertaining to fire prevention for three years or longer</li> </ul>
Operations under Article 21-45 item (ii) through item (iv)	A person who has graduated from a university or college under the School Education Act by completing a major or course in mechanical engineering, electrical engineering or industrial chemistry, or a person whose scholastic ability is equivalent to or superior than that of the afore-mentioned person

### APPENDED TABLE 3

(Re: Article 21-46)

Operation under Article 21-45 item (i)	(i) wood crib drying device
	(ii) heat distribution measuring device
	(iii) smoke density distribution measuring device
	(iv) aerial current distribution measuring device
	(v) carbon monoxide concentration distribution measuring device
	(vi) load cell
	(vii) smoke exhaust and purification device
Operation under Article 21-45 item (ii)	(i) wood crib drying device
	(ii) enclosed-type sprinkler head sensitivity testing device
	(iii) water sprinkling distribution measuring device
	(iv) pressure testing machine
	(v) high pressure and large volume testing pump
	(vi) fire-extinguishing foam generator
	(vii) gas chromatograph
	(viii) antiweatherability testing machine
	(ix) smoke exhaust and purification device
Operation under Article 21-45 item (iii)	(i) sensor sensitivity testing device
	(ii) spectrum analyzer
	(iii) iteration testing machine
	(iv) ambient temperature testing machine
	(v) shock voltage testing machine
	(vi) vibration testing machine
	(vii) impact testing machine
	(viii) etching testing machine
	(ix) humidity testing machine
	(x) dust testing machine
Operation under Article 21-45 item (iv)	(i) tensile strength testing device
	(ii) compressive strength testing device
	(iii) neutral salt spray testing machine

**FIRE SERVICE ACT**

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