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## Act No. 270 of 1949 Private Schools Act

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## Chapter I General Provisions

### (Purpose of This Act)

Article 1 The purpose of this Act is to promote the sound development of Private Schools by taking account of their characteristic features, putting a high value on their autonomy, and enhancing their public nature.

### (Definitions)

Article 2 (1) The term "School" as used in this Act means a school as prescribed in Article 1 of the School Education Act (Act No. 26 of 1947) or an accredited child care center under the scheme of Advancing Kindergarten and Day-care Center as prescribed in Article 2, Paragraph (7) of the Act on Advancement of Comprehensive Service Related to Education, Child Care, etc. of Preschool Children (Act No. 77 of 2006) (hereinafter referred to as a "combined-type accredited child-care center.")

(2) The term "Specialized Training College" as used in this Act means a specialized training college as prescribed in Article 124 of the School Education Act, and the term "Miscellaneous School" as used in this Act means a miscellaneous school prescribed in Article 134, paragraph (1) of said Act.

(3) The term "Private School" as used in this Act means a School established by an Incorporated Educational Institution.

Article 3 The term "Incorporated Educational Institution" as used in this Act means a corporation formed for the purpose of establishing a Private School pursuant to the provisions of this Act.

### (Competent Authority)

Article 4 The term "Competent Authority" as used in this Act means the Minister of Education, Culture, Sports, Science and Technology with respect to the entities listed in items (i), (iii), and (v), and the prefectural governor with respect to the entities listed in items (ii) and (iv) (or, with respect to a combined-type accredited child-care center located in a designated city under Article 252-19, paragraph (1) of the Local Autonomy Act (Act No. 67 of 1947) or a core city under Article 252-22, paragraph (1) of said Act (hereinafter referred to as a "designated city, etc."), the mayor of such designated city, etc.)

(i) private universities and private colleges of technology;

- (ii) Private Schools other than the Private Schools listed in the preceding item, and private Specialized Training Colleges and private Miscellaneous Schools;
- (iii) Incorporated Educational Institutions that establish the Private Schools set forth in item (i);
- (iv) Incorporated Educational Institutions that establish the Private Schools set forth in item (ii), and the corporations set forth in Article 64, paragraph (4); and
- (v) Incorporated Educational Institutions that establish both Private Schools set forth in item (i) and Private Schools, private Specialized Training Colleges, or private Miscellaneous Schools set forth in item (ii).

## Chapter II Educational Administration Concerning Private Schools

(Exceptions to the School Education Act)

Article 5 The provisions of Article 14 of the School Education Act shall not apply to Private Schools (excluding combined-type accredited child-care centers; the same shall apply in Article 8, paragraph(1).)

(Submission of Written Reports)

Article 6 The Competent Authority may request a Private School to submit any necessary written report concerning educational surveys, statistics, and other matters.

Article 7 Deleted

(Consultation with Private School Councils, etc.)

Article 8 (1) Where a prefectural governor carries out the particulars prescribed in Article 4, paragraph (1) or Article 13, paragraph (1) of the School Education Act with regard to a Private School other than a private university or private college of technology, said governor must in advance hear the opinion of the Private School Council.

(2) Where the Minister of Education, Culture, Sports, Science and Technology carries out the particulars prescribed in Article 4, paragraph (1) or Article 13, paragraph (1) of the School Education Act (excluding the particulars that are subject to consultation pursuant to the provisions of Article 95 of said Act) with

regard to a private university or private college of technology, said minister must in advance hear the opinion of the council, etc. prescribed in Article 95 of said Act.

(Private School Councils)

Article 9 (1) Each prefecture shall have in place a Private School Council for deliberating on the matters placed under the authority of the council pursuant to the provisions of this Act.

(2) A Private School Council may make proposals to the Prefectural Governor with regard to important matters concerning Private Schools other than private universities and private colleges of technology, as well as private Specialized Training Colleges and private Miscellaneous Schools.

(Council Members)

Article 10 (1) Private School Councils shall be composed of the number of members as specified by the Prefectural Governor.

(2) Council members shall be appointed by the Prefectural Governor from among persons with relevant knowledge and experience in education.

Article 11 Deleted

(Term of Office of Council Members)

Article 12 (1) The term of office of members of a Private School Council shall be four years; provided, however, that the term of office of a Council member appointed to fill a vacancy which has become open shall be the remaining term of said appointee's predecessor.

(2) Council members may be reappointed.

(Chairperson)

Article 13 (1) A Private School Council shall have a Chairperson.

(2) The Chairperson shall be appointed by the Prefectural Governor, as elected from among the Council members by their respective votes.

(3) The Chairperson shall preside over the affairs of the Private School Council.

(Dismissal of Council Members)

Article 14 When the Prefectural Governor finds that a member of the Private School Council is incapable of properly performing duties due to mental or physical disorder, or that a member no longer meets the qualification required of a Council member, the Governor may dismiss such member, following deliberations at the Private School Council.

(Restriction on Participation in Voting for Decisions)

Article 15 Members of Private School Councils may not participate in voting for decisions on cases relating to their own personal affairs, or those of their spouse or a relative within the third degree of kinship, or cases relating to the Schools, Specialized Training Colleges, Miscellaneous Schools, or Incorporated Educational Institutions or the corporations set forth in Article 64, paragraph (4), in which they have an interest; provided, however, that this shall not preclude such members from attending meetings and making statements.

(Reimbursement of Expenses to Council Members)

Article 16 (1) Members of Private School Councils may receive reimbursement for expenses required in performing their duties.

(2) The expenses set forth in the preceding paragraph shall be paid by the prefecture.

(3) The amount of reimbursement for expenses and the means of payment thereof must be specified by prefectural ordinance.

(Details of Operations)

Article 17 Excluding what is provided for in this Act, the proceedings in meetings of a Private School Council and other necessary particulars concerning the operation of the Council shall be specified by said Private School Council, upon obtaining approval from the Prefectural Governor.

Article 18 Deleted

Article 19 Deleted

Article 20 Deleted

Article 21 Deleted

Article 22 Deleted

Article 23 Deleted

### Chapter III Incorporated Educational Institutions

#### Section 1 General Rules

(Responsibilities of Incorporated Educational Institution)

Article 24 An Incorporated Educational Institution shall enhance its operational base on its own and make efforts to improve the quality of education provided by Private Schools that it establishes and to ensure the transparency of the operation thereof.

(Assets)

Article 25 (1) An Incorporated Educational Institution must own the facilities and equipment required for Private Schools that it establishes, or the funds required therefor, as well as the assets necessary for managing the Private Schools that it establishes.

(2) The standards for the facilities and equipment required for the Private Schools as prescribed in the preceding paragraph shall be as provided for in a separate act.

(For-Profit Business)

Article 26 (1) An Incorporated Educational Institution may conduct business for profit in order to appropriate the profit arising therefrom to the management of the Private Schools that it establishes, so long as this does not impede on education at the Private Schools.

(2) The types of the business set forth in the preceding paragraph shall be specified by the Competent Authority, after hearing the opinion of the Private School Council or the council, etc. prescribed in Article 95 of the School Education Act (hereinafter referred to as the "Private School Council, etc."). The Competent Authority must give public notice of such types of business.

(3) Accounting for the business set forth in paragraph (1) shall be separated from accounting for the management of any Private School that the

Incorporated Educational Institution establishes, and the account of that business must be managed as a special account.

(Prohibition of Offering Special Advantage)

Article 26-2 When conducting its business, an Incorporated Educational Institution must not offer any special advantage to its directors, auditors, councilors, personnel (including the principal, teachers, and other personnel of a Private School established by the Incorporated Educational Institution; the same shall apply hereinafter) and other persons concerned of the Incorporated Educational Institution specified by Cabinet Order.

(Address)

Article 27 The domicile of an Incorporated Educational Institution shall be at the location of its principal office.

(Registration)

Article 28 (1) An Incorporated Educational Institution must be registered pursuant to Cabinet Order.

(2) The particulars that must be registered pursuant to the provision of the preceding paragraph may not be duly asserted against a third party until after they are registered.

(Application Mutatis Mutandis of Provisions of the General Association and Foundation Act)

Article 29 The provisions of Article 78 of the Act on General Incorporated Associations and General Incorporated Foundations (Act No. 48 of 2006; hereinafter referred to as the "General Association and Foundation Act") shall apply mutatis mutandis to Incorporated Educational Institutions. In this case, the term "Representative Director" in said Article shall be deemed to be replaced with "President."

## Section 2 Establishment

(Application)

Article 30 (1) A person who intends to establish an Incorporated Educational Institution must specify at least the following particulars in the Articles of

Endowment, the purpose of which is to establish such institution, and apply for authorization from the Competent Authority with regard to the Articles of Endowment, in accordance with the procedure specified by Ordinance of the Ministry of Education, Culture, Sports, Science and Technology:

- (i) the purpose;
- (ii) the name;
- (iii) the name of the Private School established by the institution, and if the Private School will have courses, university faculties, graduate Schools, graduate School departments, university departments or divisions, the names or types thereof (in cases where a Private High School (including the second half of a course of study at a Private School for secondary education) will have in place a regional correspondence course (meaning the regional correspondence course prescribed in Article 54, paragraph (3) of the School Education Act (including cases where applied mutatis mutandis pursuant to Article 70, paragraph (1) of said Act)), including a statement to that effect);
- (iv) the location of its office(s);
- (v) the number of, term of office, and means of appointment and dismissal of officers, and other provisions concerning officers;
- (vi) the provisions concerning the Board of Directors;
- (vii) the provisions concerning Councilors and the Board of Councilors;
- (viii) the provisions concerning assets and accounting;
- (ix) if it carries out business for profit, the type of business and other provisions concerning said business;
- (x) the provisions concerning dissolution;
- (xi) the provisions concerning amendments to the Articles of Endowment; and
- (xii) the means of giving public notice.

(2) Officers of an Incorporated Educational Institution at the time of its establishment must be designated in the Articles of Endowment.

(3) Where a provision concerning a person to whom residual assets shall belong is to be included in the particulars set forth in paragraph (1), item (x), such person must be appointed from among Incorporated Educational Institutions or other persons engaged in educational business.

(Authorization)



Article 31 (1) Where an application is filed pursuant to the provisions of paragraph (1) of the preceding Article, the Competent Authority must decide whether or not to authorize the Articles of Endowment, after examining particulars such as whether or not the assets of the Incorporated Educational Institution that has filed the application satisfy the requirements set forth in Article 25, and whether or not the contents of the Articles of Endowment comply with the provisions of laws and regulations.

(2) Before the Competent Authority authorizes the Articles of Endowment pursuant to the provisions of the preceding paragraph, said authority must hear the opinion of the Private Schools Council, etc.

(Supplementation of Articles of Endowment)

Article 32 (1) Where a person who intends to form an Incorporated Educational Institution dies without specifying the particulars listed in the items of Article 30, paragraph (1) except for its purpose and the particulars concerning its assets, the Competent Authority must specify these particulars at the request of any interested person.

(2) The provision of paragraph (2) of the preceding Article shall apply mutatis mutandis to the case referred to in the preceding paragraph.

(Time of Establishment)

Article 33 An Incorporated Educational Institution shall be established by making a registration of incorporation at the location of its principal office as provided for by Cabinet Order.

(Holding and Inspection of Articles of Endowment)

Article 33-2 An Incorporated Educational Institution shall keep the Articles of Endowment at each office and must provide them for inspection upon request, except where there are justifiable grounds not to do so.

(Preparation and Holding of Inventory of Assets)

Article 33-3 An Incorporated Educational Institution must prepare an inventory of assets at the time of its establishment, and always keep said inventory at its principal office.

(Application Mutatis Mutandis of Provisions of the General Association and Foundation Act)

Article 34 The provisions of Articles 158 and 164 of the General Association and Foundation Act shall apply mutatis mutandis to the establishment of an Incorporated Educational Institution. In this case, the term "contribution of property" in these Articles shall be deemed to be replaced with "Articles of Endowment," and the term "the property" in Article 164 of said Act shall be deemed to be replaced with "the endowed property."

### Section 3 Management

#### Subsection 1 Officers and Board of Directors

(Officers)

Article 35 (1) An Incorporated Educational Institution must have five or more directors and two or more auditors as its officers.

(2) One of the directors shall be the President, as provided for in the Articles of Endowment.

(Relationship between Incorporated Educational Institutions and Officers)

Article 35-2 The relationship between an Incorporated Educational Institution and its officers shall be governed by the applicable provisions on mandate.

(Board of Directors)

Article 36 (1) Incorporated Educational Institutions shall have in place a Board of Directors comprising its directors.

(2) The Board of Directors shall decide on the business of the Incorporated Educational Institution and supervise the directors' execution of their duties.

(3) A meeting of the Board of Directors shall be convened by the President. When a director (excluding the President) requests a meeting of the Board of Directors to be convened as provided for in the Articles of Endowment, the President must convene such meeting.

(4) The Board of Directors shall have a Chairperson, and the President shall serve in this capacity.

(5) The Board of Directors may not hold meetings or make any decisions unless a majority of the directors are present.

(6) Unless otherwise provided for in the Articles of Endowment, decisions of the Board of Directors shall be effected by a majority of the directors present, and in case of a tie in votes, the Chairperson shall make the decision.

(7) Directors who have a special interest in the proceedings of a meeting of the Board of Directors may not participate in the vote.

(Duties, etc. of Officers)

Article 37 (1) The President shall represent the Incorporated Educational Institution and preside over its business.

(2) The directors (excluding the President) shall, as provided for in the Articles of Endowment, represent the Incorporated Educational Institution, administer the business of the Incorporated Educational Institution by assisting the President, perform the duties of the President when the President is unable to attend to personal duties, and perform the duties of the President when said post is vacant.

(3) The duties of auditors shall be as follows:

- (i) to audit the business of the Incorporated Educational Institution;
- (ii) to audit the status of the property of the Incorporated Educational Institution;
- (iii) to audit the performance of the duties by the directors;
- (iv) to prepare an audit report on the status of the business or property of the Incorporated Educational Institution, or the performance of the duties by the directors every fiscal year, and submit the report to the Board of Directors and the Board of Councilors within two months from the end of the fiscal year;
- (v) to report to the Competent Authority or report to the Board of Directors and the Board of Councilors on any misconduct or any material fact in violation of laws and regulations or the Articles of Endowment in connection with the business or property of the Incorporated Educational Institution, which is found as a result of the audit under the provisions of items (i), (ii), or (iii);
- (vi) to request the President to convene a meeting of the Board of Directors or a meeting of the Board of Councilors, if it is necessary in order to make a report as set forth in the preceding item; and
- (vii) to attend the meetings of the Board of Directors and state their opinion on the status of the business or property of the Incorporated Educational Institution, or the performance of the duties by the directors.

(4) An auditor who made a request under the item (vi) of the preceding paragraph may convene a meeting of the Board of Directors or a meeting of the Board of Councilors if a notice to convene a meeting of the Board of Directors or a meeting of the Board of Councilors to be held on a day within two weeks from the date on which the request was made is not given within five days from the date on which the request was made.

(Appointment of Officers)

Article 38 (1) Persons who may be directors shall be those listed in the following items:

- (i) the Principal of a Private School (including the head of a private university or a private kindergarten; the same shall apply hereinafter) established by the Incorporated Educational Institution;
- (ii) persons appointed, as provided for in the Articles of Endowment, from among the councilors of the Incorporated Educational Institution (including those designated in the Articles of Endowment; the same shall apply in the following item and Article 44, paragraph (1)); and
- (iii) in addition to the persons prescribed in the preceding two items, persons appointed as provided for in the Articles of Endowment.

(2) Notwithstanding the provision of item (i) of the preceding paragraph, in cases where the Incorporated Educational Institution establishes two or more Private Schools, one or more of the Principals thereof may be appointed as a director, as provided for in the Articles of Endowment.

(3) The directors under paragraph (1), items (i) and (ii) shall lose their position as a director when they leave their position as the Principal or a Councilor.

(4) Auditors shall be appointed by the President, upon obtaining the consent of the Board of Councilors.

(5) The directors and the auditors must respectively include a person who is not an officer or personnel of the Incorporated Educational Institution at the time of being appointed.

(6) In the case of reappointment of an officer, for the purpose of applying the provision of the preceding paragraph on condition that the officer was not an officer or personnel of the Incorporated Educational Institution at the time of being appointed for the first time, the officer shall be deemed to be a person who is not an officer or personnel of the Incorporated Educational Institution at the time of being reappointed.

(7) The officers must not include the spouse of any officer or more than one relative within the third degree of kinship of any officer.

(8) The following persons may not become officers:

- (i) a person falling under any of items of Article 9 of the School Education Act; or
- (ii) a person who has been deemed incapable of performing his/her duties due to mental or physical disorder pursuant to Ordinance of the Ministry of Education, Culture, Sports, Science and Technology.

(Prohibition of Concurrent Holding of Positions by Officers)

Article 39 An auditor must not concurrently hold the position of director, councilor, or personnel of the Incorporated Educational Institution.

(Filling of Vacancies in Officer Positions)

Article 40 If the positions of more than one-fifth of the number of directors or auditors becomes vacant, they must be filled within one month.

(Duty of Faith)

Article 40-2 Directors must faithfully perform their duties for the Incorporated Educational Institution in compliance with laws and regulations, and the Articles of Endowment.

(Delegation of Director's Authority)

Article 40-3 Directors may delegate their authority on a specified act to another person unless such delegation is prohibited by the Articles of Endowment.

(Provisional Directors)

Article 40-4 Where there is any vacancy in a position as a director, and if any damage is likely to occur due to a delay in affairs, the Competent Authority must appoint a provisional director at the request of any interested person or by said Competent Authority's own authority.

(Application Mutatis Mutandis of Provisions of the General Association and Foundation Act)

Article 40-5 The provisions of Article 80 of the General Association and Foundation Act shall apply mutatis mutandis to a director or a person

performing the duties of the President who is appointed by an order of provisional disposition provided for in Article 56 of the Civil Provisional Remedies Act (Act No. 91 of 1989) and the provisions of Article 82, Article 84, Article 85 and Article 92, paragraph (2) of the General Association and Foundation Act shall apply mutatis mutandis to directors, and the provisions of Article 103 and Article 106 of the General Association and Foundation Act shall apply mutatis mutandis to auditors. In this case, the term “the Representative Director” in Article 82 of the General Association and Foundation Act shall be deemed to be replaced with “the President”; the term “the meeting of the General Assembly” in Article 84, paragraph (1) of said Act shall be deemed to be replaced with “the Board of Directors”; the term “members (an auditor in a general incorporated association with auditor(s))” in Article 85 of said Act shall be deemed to be replaced with “auditors” and the term “the Articles of Incorporation” in Article 103, paragraph (1) of said Act shall be deemed to be replaced with “the Articles of Endowment.”

## Subsection 2 Councilors and Board of Councilors

(Board of Councilors)

Article 41 (1) An Incorporated Educational Institution shall have in place a Board of Councilors.

(2) The Board of Councilors shall be composed of councilors, the number of which shall be more than double the number of directors.

(3) A meeting of the Board of Councilors shall be convened by the President.

(4) The Board of Councilors shall have a Chairperson.

(5) Where the President receives a request to convene a meeting of the Board of Councilors, made by one-third or more of the total number of councilors, indicating items to be placed on the agenda, the President must convene the meeting within twenty days from the day on which the request was made.

(6) The Board of Councilors may not hold meetings or make any decisions unless a majority of the councilors are present.

(7) Decisions of the Board of Councilors shall be effected by a majority of the councilors present, and in case of a voting tie, the Chairperson shall make the decision.

(8) In the case referred to in the preceding paragraph, the Chairperson may not participate in the vote as a councilor.

(9) Notwithstanding the provision of paragraph (7), a resolution provided for in Article 113, paragraph (1) of the General Association and Foundation Act as applied mutatis mutandis by replacing the relevant terms and phrases pursuant to Article 44-2, paragraph (4) shall be made by at least a two-thirds majority of the councilors who may participate in the vote.

(10) Councilors who have a special interest in the proceedings of a meeting of the Board of Councilors under paragraph (7) and the preceding paragraph may not participate in the vote.

Article 42 (1) With regard to the following particulars, the President must hear the opinion of the Board of Councilors in advance:

- (i) budgets and business plans under Article 45-2, paragraph (1);
- (ii) medium-term business plans under Article 45-2, paragraph (2)
- (iii) matters concerning borrowings (excluding temporary borrowings that will be repaid with the revenue gained during the relevant fiscal year) and the disposition of important assets;
- (iv) the standards for paying the remuneration, etc. (remuneration, bonus, other property benefits received as a consideration of performance of duties, and retirement allowance; the same shall apply hereinafter) for officers;
- (v) amendments to the Articles of Endowment;
- (vi) mergers;
- (vii) dissolution for any of the causes listed in Article 50, paragraph (1), item (i) (excluding cases where a resolution of the Board of Councilors is required) and item (iii) of said paragraph;
- (viii) important particulars concerning for-profit business; and
- (ix) other important particulars concerning the business of the Incorporated Educational Institution, specified in the Articles of Endowment.

(2) The particulars listed in the items of the preceding paragraphs may be designated in the Articles of Endowment as particulars that require a resolution of the Board of Councilors.

Article 43 The Board of Councilors may state its opinion to officers, give advice in response to their enquiries, or require reports from officers with regard to the status of the business or property of the Incorporated Educational Institution or the status of the officers' performance of their duties.

(Appointment of Councilors)

Article 44 (1) Persons who may be councilors shall be those listed in the following items:

- (i) persons appointed, as provided for in the Articles of Endowment, from among the personnel of the Incorporated Educational Institution;
- (ii) persons appointed, as provided for in the Articles of Endowment, from among graduates from a Private School established by the Incorporated Educational Institution, aged 25 or over; and
- (iii) in addition to the persons prescribed in each of the preceding items, persons appointed as provided for in the Articles of Endowment.

(2) The councilors prescribed in item (i) of the preceding paragraph shall lose their position as councilors when they leave their position as personnel.

### Subsection 3 Liability for Damages of Officers

(Liability for Damages of Officers to Incorporated Educational Institution)

Article 44-2 (1) If an officer fails to perform his/her duties, he/she shall be liable to compensate the Incorporated Educational Institution for damage arising therefrom.

(2) If a director, in violation of Article 84, paragraph (1) of the General Association and Foundation Act as applied mutatis mutandis pursuant to Article 40-5, engages in a business transaction provided for in item (i) of said paragraph, the amount of profit gained by the director or a third party through said transaction is assumed to be the amount of damage set forth in the preceding paragraph.

(3) Where the Incorporated Educational Institution suffers damage arising from a business transaction provided for in Article 84, paragraph (1), item (ii) or item (iii) of the General Association and Foundation Act as applied mutatis mutandis pursuant to Article 40-5, the director listed below shall be assumed to have failed to perform his/her duties:

- (i) the director provided for in Article 84, paragraph (1) of the General Association and Foundation Act as applied mutatis mutandis pursuant to Article 40-5;
- (ii) the director who made a decision that the Incorporated Educational Institution should engage in said business transaction; or



(iii) directors who voted in favor of the resolution of the Board of Directors to approve said business transaction.

(4) The provisions from Article 112 to Article 116 of the General Association and Foundation Act shall apply mutatis mutandis to the liability under paragraph (1). In this case, among terms or phrases in these provisions, the term “all members” shall be deemed to be replaced with “all councilors”; the term “officers, etc.” shall be deemed to be replaced to “officers”; the term “the General Assembly” shall be deemed to be replaced with “the Board of Councilors”; the term of “the applicable Ordinance of the Ministry of Justice” shall be deemed to be replaced with “the applicable Ordinance of the Ministry of Education, Culture, Sports, Science and Technology”; the term “Representative Director” shall be deemed to be replaced with “President”; the term “employee” shall be deemed to be replaced with “personnel”; the term “auditor, or financial auditor” shall be deemed to be replaced with “auditor”; and the term “the Articles of Incorporation” shall be deemed to be replaced with “the Articles of Endowment”. In addition to this, each term or phrase listed in the middle column of the table below that appears in the provisions of the General Association and Foundation Act listed in the upper column of the same table shall be deemed to be replaced with the corresponding term or phrase listed in the lower column of the same table.

Article 113, paragraph (1), item (ii)	selected by a resolution of the Council as a director who administers the business operations of the General Incorporated Association	selected as a director who administer the business of the Incorporated Educational Institution by assisting the President as provided for in the Articles of Endowment
Article 114, paragraph (1)	agreement by a majority of directors (except the director who carries said liability) (in a general incorporated association with a council, by resolution of the Council)	agreement by the Board of Directors
Article 114, paragraph (2)	, to cases where agreement by directors is to be obtained	, and to cases where a proposal pertaining to the exemption from

	pertaining to the exemption from liability (limited to the directors' exemption from liability) based on provisions in the Articles of Incorporation pursuant to the provisions of the same paragraph, and to cases where a proposal pertaining to the exemption of that liability is to be submitted to the Council	liability (limited to the directors' exemption from liability) based on provisions in the Articles of Endowment pursuant to the provisions of the same paragraph is to be submitted to the Board of Directors
Article 114, paragraph (3)	when agreeing (in a general incorporated association with a council, when the Council resolves) members	agreement by the Board of Directors councilors
Article 114, paragraph (4)	the voting rights of all the members	councilors
Article 115, paragraph (1)	selected by a resolution of the Council as a director who administers the business operations of the General Incorporated Association  , an auditor or a financial auditor	selected as a director who administer the business of the Incorporated Educational Institution by assisting the President as provided for in the Articles of Endowment  , or an auditor or a financial auditor
Article 115, paragraph (4)	Article 111, paragraph (1)	Article 44-2, paragraph (1) of the Private Schools Act
Article 116, paragraph (1)	Article 84, paragraph (1), item (ii)	Article 84, paragraph (1), item (ii) as applied mutatis mutandis pursuant to Article 40-5 of the Private Schools Act

(Liability for Damages of Officers to Third Parties)

Article 44-3 (1) If an officer has acted in bad faith or with gross negligence in the performance of his/her duties, said officer shall be liable to compensate third parties for damages resulting therefrom.

(2) The provision of the preceding paragraph shall also apply if any of the persons listed in the items below commit the acts identified in said items; provided, however, that this shall not apply if the relevant person proves that he/she did not fail to exercise due care when performing said act:

- (i) director: any of the acts listed below:
  - (a) making of a false entry with respect to critical matters to be entered in an inventory of assets, balance sheets, income and expenditure account statements, and business reports as provided for in Article 47, paragraph (1);
  - (b) making a false registration; or
  - (c) giving a false public notice
- (ii) auditor: making a false entry with respect to critical matters to be entered in an auditing report as provided for in Article 37, paragraph (3), item (iv).

(Joint and Several Liability of Officers)

Article 44-4 In cases where an officer assumes the liability for compensation for damages caused to an Incorporated Educational Institution or a third party, and other officers are also held liable for compensating for the damages, these persons are deemed to be joint and several obligors.

Subsection 4 Authorization for Amendments to Articles of Endowment

Article 45 (1) Amendments to the Articles of Endowment (excluding those relating to the particulars specified by Ordinance of the Ministry of Education, Culture, Sports, Science and Technology) shall not take effect unless authorized by the Competent Authority.

(2) When an Incorporated Educational Institution has amended its Articles of Endowment with respect to any of the particulars specified by Ordinance of the Ministry of Education, Culture, Sports, Science and Technology set forth in the preceding paragraph, it must notify the Competent Authority of such fact without delay.

Subsection 5 Budgets, Business Plans, and Medium-term Business Plans

(Budgets, Business Plans, and Medium-term Business Plans)

Article 45-2 (1) An Incorporated Educational Institution must prepare budgets and business plans for every fiscal year.

(2) An Incorporated Educational Institution whose Competent Authority is the Minister of Education, Culture, Sports, Science and Technology must prepare a medium-term business plan.

(3) Where it prepares business plans under paragraph (1) and a medium-term business plan under the preceding paragraph, the Incorporated Educational Institution whose Competent Authority is the Minister of Education, Culture, Sports, Science and Technology must formulate them based on the results of the evaluation and accreditation set forth in Article 109, paragraph (2) of the School Education Act (including cases as applied mutatis mutandis pursuant to Article 123 of said Act.)

(Reports of Settlement of Accounts, etc. to Board of Councilors)

Article 46 The President must report on the settlement of accounts and business results to the Board of Councilors and seek its opinion within two months from the end of every fiscal year.

(The Holding and Inspection of an Inventory of Assets, etc.)

Article 47 (1) An Incorporated educational Institution must, as provided for in Ordinance of the Ministry of Education, Culture, Sports, Science and Technology, prepare an inventory of assets, balance sheets, income and expenditure account statements, business reports, and a list of officers, etc. (which means a list including names and addresses of directors, auditors and councilors; the same shall apply in the paragraphs (2) and (3) hereof) within two months from the end of every fiscal year.

(2) An Incorporated Educational Institution shall keep the documents set forth in the preceding paragraph and the audit report set forth in Article 37, paragraph (3), item (iv) and the standards for paying the remuneration, etc. for officers (hereinafter referred to as "inventory of assets, etc.") at each office for five years from the date of preparation thereof and must provide them for inspection upon request (with respect to the inventory of assets, etc. (excluding the list of officers, etc.) of an Incorporated Educational Institution whose Competent Authority is the Prefectural Governor, only upon request of a person enrolled at a Private School established by the Incorporated Educational Institution or any

other interested person), except where there are justifiable grounds not to do so.

(3) Notwithstanding the provision of the preceding paragraph, an Incorporated Educational Institution may provide a list of officers, etc. for inspection after deleting the part stating addresses of individuals when receiving a request for inspection under said paragraph.

(Remuneration, etc.)

Article 48 (1) An Incorporated Educational Institution must, as provided for in Ordinance of the Ministry of Education, Culture, Sports, Science and Technology, determine the standards for paying the remuneration, etc. for its officers taking into consideration the remuneration for officers and the salary for workers at private businesses and the financial situation of the Incorporated Educational Institution so that the remuneration, etc. for its officers will not be unduly high.

(2) An Incorporated Educational Institution shall pay the remunerations for its officers in accordance with the standards for paying the remuneration, etc. determined pursuant to the provision of the preceding paragraph.

(Fiscal Year)

Article 49 The fiscal year of an Incorporated Educational Institution shall commence on April 1 each year, and end on March 31 of the following year.

#### Section 4 Dissolution

(Causes for Dissolution)

Article 50 (1) An Incorporated Educational Institution shall be dissolved through any of the following:

- (i) consent of two-thirds or more of the directors, and in addition, a resolution of the Board of Councilors if such resolution is required in the Articles of Endowment;
- (ii) the occurrence of any of the causes of dissolution provided for in the Articles of Endowment;
- (iii) the impossibility of achieving the business which is the objective of the institution;

- (iv) a merger with an Incorporated Educational Institution or a corporation set forth in Article 64, paragraph (4);
- (v) an order of commencement of bankruptcy proceedings; or
- (vi) a dissolution order issued by the Competent Authority under the provision of Article 62, paragraph (1).

(2) The dissolution for the causes listed in items (i) and (iii) of the preceding paragraph shall not take effect unless authorized or certified by the Competent Authority.

(3) The provision of Article 31, paragraph (2) shall apply mutatis mutandis to cases of authorizing or certifying dissolution as set forth in the preceding paragraph.

(4) In the case of dissolution for the causes set forth in paragraph (1), item (ii) or item (v), the liquidator must notify the Competent Authority of such fact.

(Commencement of Bankruptcy Proceedings against Incorporated Educational Institution)

Article 50-2 (1) Where an Incorporated Educational Institution is unable to pay its debts in full out of its property, the court shall, upon the petition of one of its directors or creditors or by the court's own authority, issue an order of commencement of bankruptcy proceedings.

(2) In the case prescribed in the preceding paragraph, a director must file a petition for commencement of bankruptcy proceedings immediately.

(Capacity of Incorporated Educational Institution in Liquidation)

Article 50-3 A dissolved Incorporated Educational Institution shall be deemed to continue to exist in as much as the task of liquidation is concerned, until the completion of the liquidation.

(Liquidator)

Article 50-4 (1) When an Incorporated Educational Institution is dissolved, its director(s) shall be the liquidator(s), except in the case of dissolution based on an order of commencement of bankruptcy proceedings and an order of dissolution pursuant to the provision of Article 62, paragraph (1); provided, however, that this shall not apply if the Articles of Endowment provide otherwise.

(2) Where an Incorporated Educational Institution is dissolved by an order of dissolution pursuant to the provision of Article 62, paragraph (1), the Competent Authority shall appoint a liquidator at the request of any interested person or by its own authority.

(Appointment of Liquidators by Court)

Article 50-5 If there is no person who is to be a liquidator pursuant to the provisions of the preceding Article, or if any damage is likely to occur due to the vacancy in the position of a liquidator, the court may appoint a liquidator at the request of any interested person or public prosecutor, or by its own authority.

(Dismissal of Liquidators)

Article 50-6 The court may dismiss a liquidator at the request of any interested person or public prosecutor, or by its own authority if there are material grounds to do so.

(Notification of Liquidator)

Article 50-7 A liquidator who assumes office during the course of liquidation must notify the Competent Authority of said liquidator's name and address.

(Duties and the Authority of Liquidators)

Article 50-8 (1) The duties of a liquidator shall be as follows:

- (i) conclusion of the current business;
- (ii) collection of debts and performance of obligations; and
- (iii) delivery of residual assets.

(2) A liquidator may perform any act in order to perform the duties listed in the items of the preceding paragraph.

(Demand of Filing of Claims, etc.)

Article 50-9 (1) Liquidators must, within two months from the day of assuming office and by giving public notice on at least three occasions, demand that the creditors file their claims within a stated period. In this case, such stated period may not be shorter than two months.

(2) The public notice set forth in the preceding paragraph must include a supplementary note that any claim of a creditor shall be excluded from the

liquidation process unless said creditor files the claim within the stated period; provided, however, that the liquidator may not exclude any known creditor.

(3) Liquidators must make an individual demand to each known creditor regarding the filing of claims.

(4) The public notice set forth in paragraph (1) shall be effected by publication in the Official Gazette.

(Filing of Claims after the Lapsing of the Stated Period)

Article 50-10 Any creditor who files a claim after the lapse of the period set forth in paragraph (1) of the preceding Article is entitled to make a claim only with regard to the assets which, after all of the debts of the Incorporated Educational Institution have been paid in full, are not yet delivered to the persons with vested rights.

(Commencement of Bankruptcy Proceedings against Incorporated Educational Institution in Liquidation)

Article 50-11 (1) When it has become apparent during the liquidation process that the assets of an Incorporated Educational Institution are not sufficient to pay all of its debts in full, a liquidator must immediately file a petition for commencement of bankruptcy proceedings and give public notice of such fact.

(2) Where an Incorporated Educational Institution in liquidation was given an order of commencement of bankruptcy proceedings, if the liquidator has transferred the administration of the relevant procedure to a bankruptcy trustee, the liquidator shall be deemed to have completed said liquidator's duties.

(3) In the case prescribed in the preceding paragraph, if the Incorporated Educational Institution in liquidation has already paid any money to the creditors or delivered any assets to the persons with vested rights, a bankruptcy trustee may retrieve such money or assets.

(4) The public notice under the provisions of paragraph (1) shall be effected by publication in the Official Gazette.

(Remuneration for Liquidators Appointed by Court)

Article 50-12 Where the court has appointed a liquidator pursuant to the provisions of Article 50-5, the court may determine the amount of remuneration to be paid by the Incorporated Educational Institution to the liquidator. In this case, the court must hear the opinion of such liquidator and the auditors.



(Supervision by Court)

Article 50-13 (1) The dissolution and liquidation of an Incorporated Educational Institution shall be subject to supervision by the court.

(2) The court may, by its own authority, conduct any inspection necessary for the supervision set forth in the preceding paragraph at any time.

(3) The court may appoint an inspector to conduct any investigation necessary for the supervision set forth in paragraph (1).

(4) The provision of the preceding Article shall apply mutatis mutandis to cases where the court appoints an inspector pursuant to the provision of the preceding paragraph. In this case, the phrase "liquidator and the auditors" in said Article shall be deemed to be replaced with "Incorporated Educational Institution and the inspector."

(5) The court supervising the dissolution and liquidation of an Incorporated Educational Institution may seek the opinion of, or commission investigations from the Competent Authority.

(6) The Competent Authority may state opinions to the court prescribed in the preceding paragraph.

(Notification of Completion of Liquidation)

Article 50-14 When liquidation is completed, the liquidator must notify the Competent Authority of such fact.

(Jurisdiction over Cases Relating to Supervision of Dissolution and Liquidation, etc.)

Article 50-15 Cases relating to the supervision of dissolution and liquidation of an Incorporated Educational Institution and to the liquidator shall be subject to the jurisdiction of the district court that has jurisdiction over the location of the principal office of the Incorporated Educational Institution.

Article 50-16 Deleted

(Restriction on Appeals)

Article 50-17 No appeal may be entered against a judicial decision on the appointment of a liquidator or inspector.

(Ownership of Residual Assets)

Article 51 (1) Except in cases of dissolution as a result of a merger or based on an order of commencement of bankruptcy proceedings, the residual assets of a dissolved Incorporated Educational Institution shall be vested in the person to whom they should belong, as provided for in the Articles of Endowment, at the time of notification of the completion of liquidation to the Competent Authority.

(2) Any assets that are not disposed of pursuant to the provision of the preceding paragraph shall be vested in the national treasury.

(3) The State may assign or lend without compensation any assets (excluding money) that have been vested in the national treasury pursuant to the provision of the preceding paragraph to Incorporated Educational Institutions for the purpose of assisting Private School education; provided, however, that the State may also disburse money equivalent to the value of such assets as subsidies.

(4) With regard to the assistance set forth in the preceding paragraph, the provisions of Article 11 through Article 13 of the Act on Subsidies for Private Schools (Act No. 61 of 1975) shall apply.

(5) Where the assets that have been vested in the national treasury pursuant to the provision of paragraph (2) are money, the State shall take the measure as set forth in the proviso to paragraph (3) with regard to the amount of such assets.

(6) The assets (excluding money) that have been vested in the national treasury pursuant to the provision of paragraph (2) shall be subject to the authority of the Minister of Education, Culture, Sports, Science and Technology, and the disposition set forth in the main clause of paragraph (3) shall be made by the Minister of Education, Culture, Sports, Science and Technology; provided, however, that when the measure set forth in the proviso to paragraph (3) has been taken, the Minister of Education, Culture, Sports, Science and Technology must hand over the assets to the Minister of Finance.

(Merger Procedures)

Article 52 (1) When an Incorporated Educational Institution intends to implement a merger, the merger shall require the consent of two-thirds or more of the directors; provided, however, that the merger must also require a

resolution of the Board of Councilors if such resolution is required in the Articles of Endowment.

(2) A merger shall not take effect unless authorized by the Competent Authority.

Article 53 (1) When authorization of the Competent Authority has been granted as prescribed in paragraph (2) of the preceding Article, the Incorporated Educational Institution must prepare an inventory of assets and balance sheets within two weeks from the date of notice of such authorization.

(2) The Incorporated Educational Institution shall, within the period set forth in the preceding paragraph, give public notice to its creditors that they should make an objection within a stated period if they have any such objection, and must give an individual notice to that effect to each known creditor; provided, however, that such stated period may not be shorter than two months.

Article 54 (1) If no creditors have made any objection to a merger within the stated period set forth in paragraph (2) of the preceding Article, they shall be deemed to have approved the merger.

(2) If any creditor has stated an objection, the Incorporated Educational Institution must pay its debt or provide suitable collateral to the creditor, or deposit suitable property with a trust company or a financial institution engaged in the trust business for the purpose of allowing that creditor to receive payment for the debt; provided, however, that this shall not apply if the merger is unlikely to be detrimental to the creditor.

Article 55 When forming an Incorporated Educational Institution through a merger, creation of the Articles of Endowment and other affairs concerning the establishment of the Incorporated Educational Institution must be performed jointly by the persons appointed by the respective Incorporated Educational Institutions or the corporations set forth in Article 64, paragraph (4).

(Effect of Mergers)

Article 56 An Incorporated Educational Institution surviving a merger or an Incorporated Educational Institution formed as a result of a merger shall succeed to the rights and obligations of the Incorporated Educational Institution or the corporation set forth in Article 64, paragraph (4), which ceases to exist as a result of the merger (including the rights and obligations held by such

Incorporated Educational Institution or corporation set forth in Article 64, paragraph (4) in connection with its business and based on the authorization or any other disposition by the Competent Authority ).

(Time of Mergers)

Article 57 A merger of an Incorporated Educational Institution shall take effect when it is registered, as provided for by Cabinet Order, at the location of the principal office of the Incorporated Educational Institution surviving the merger or the Incorporated Educational Institution formed as a result of the merger.

Article 58 Deleted

## Section 5 Assistance and Supervision

(Assistance)

Article 59 Where the State or a local public entity finds it necessary for the promotion of education, it may provide Incorporated Educational Institutions with the necessary assistance concerning Private School education, as separately provided for by law.

(Administrative Orders, etc.)

Article 60 (1) When the Competent Authority finds that an Incorporated Educational Institution has violated laws and regulations or a decision of the Competent Authority rendered pursuant to laws and regulations or the Articles of Endowment, or that operation thereof is seriously inappropriate, the Competent Authority may order the Incorporated Educational Institution to discontinue the violation, to improve the operation, or to take other necessary measures within a period specified by the Competent Authority.

(2) Where the Competent Authority intends to issue an administrative order under the provision of the preceding paragraph, it must hear the opinion of the Private Schools Council, etc. in advance.

(3) Where the Competent Authority intends to issue an administrative order under the provision of paragraph (1), the Competent Authority must, by the means of notice under the provisions of Article 30 of the Administrative Procedure Act (Act No. 88 of 1993), give notice to the effect that the granting of the opportunity for explanation may be requested from the Private Schools

Council, etc. instead of from the Competent Authority, as well as notice of the date and place of the meeting of the Private Schools Council, etc. to be attended to offer the explanation, and the place and deadline for submitting a written explanation under the provision of paragraph (5) when submitting the written explanation.

(4) When the Incorporated Educational Institution has requested the opportunity for explanation to be granted by the Private Schools Council, etc., the Private Schools Council, etc. must grant the opportunity for explanation on behalf of the Competent Authority.

(5) The Incorporated Educational Institution shall offer the explanation under the provision of the preceding paragraph by attending a meeting of the Private Schools Council, etc., except where it has sought to offer it by submitting a written explanation.

(6) The provisions of Article 29, paragraph (2) of the Administrative Procedure Act and Article 31 of said Act (limited to the part concerning the application *mutatis mutandis* of Article 16 of said Act) shall apply *mutatis mutandis* to the opportunity for explanation to be granted by the Private Schools Council, etc. pursuant to the provision of paragraph (4). In this case, the term "administrative agency" in Article 16, paragraph (4) of said Act as applied *mutatis mutandis* pursuant to Article 31 of said Act shall be deemed to be replaced with "Private Schools Council, etc. set forth in Article 26, paragraph (2) of the Private Schools Act."

(7) Where the Private Schools Council, etc. grants the opportunity for explanation pursuant to the provision of paragraph (4), the provisions of Chapter III of the Administrative Procedure Act (excluding Articles 12 and 14) shall not apply.

(8) No appeal may be entered against an administrative order under the provision of paragraph (1).

(9) When an Incorporated Educational Institution fails to obey the administrative order under the paragraph (1), the Competent Authority may recommend the Incorporated Educational Institution to dismiss its officers.

(10) When the Competent Authority intends to make recommendation pursuant to the provision of the preceding paragraph, it must grant the opportunity for explanation to directors of the Incorporated Educational Institution or the officer thereof subject to dismissal and hear the opinion of the Private Schools Council, etc. in advance.

(11) The provisions of Chapter III, Section 3 of the Administrative Procedure Act and the provisions from paragraphs (3) to (6) shall apply mutatis mutandis to the explanation pursuant to the provision of the preceding paragraph.

(Suspension of For-Profit Business)

Article 61 (1) When the Competent Authority finds that an Incorporated Educational Institution which conducts for-profit business pursuant to the provision of Article 26, paragraph (1) falls under any of the grounds listed in the following items, said authority may order the Incorporated Educational Institution to suspend said business:

- (i) the Incorporated Educational Institution conducts any business other than the business specified by the Articles of Endowment;
- (ii) the Incorporated Educational Institution uses profit arising from the for-profit business for any purpose other than the purpose of managing a Private School that it establishes; or
- (iii) the continuation of the for-profit business impedes education at a Private School established by the Incorporated Educational Institution.

(2) The provisions of paragraphs (2) to (8) of the preceding Article shall apply mutatis mutandis to the suspension order pursuant to the provisions of the preceding paragraph.

(Orders for Dissolution)

Article 62 (1) Where an Incorporated Educational Institution has violated any provisions of laws and regulations or any disposition rendered by the Competent Authority under provisions of laws and regulations, the Competent Authority may order the dissolution of the Incorporated Educational Institution, only if the Competent Authority is unable to achieve the purpose of supervision by any other means.

(2) Where the Competent Authority intends to issue a dissolution order under the provisions of the preceding paragraph, the Competent Authority must hear the opinion of the Private Schools Council, etc. in advance.

(3) Where the Competent Authority intends to issue a dissolution order under the provision of paragraph (1), the Competent Authority must, by the means of notice under the provisions of Article 15, paragraph (1) of the Administrative Procedure Act, give notice to the effect that a hearing of opinions by the Private Schools Council, etc. may be requested in lieu of requesting a hearing by the

Competent Authority, as well as notice of the date and place of the hearing of opinions, and the name and location of the organ that has jurisdiction over the affairs concerning the hearing of opinions. In this case, the Competent Authority shall inform the Incorporated Educational Institution of the following particulars:

- (i) that the Incorporated Educational Institution may attend a meeting of the Private Schools Council, etc. on the date of the hearing of opinions, and state its opinions and submit any articles of evidence, or submit a written statement and documentary evidence or articles of evidence in lieu of attending a meeting of the Private Schools Council, etc. on the date of the hearing of opinions; and
- (ii) that the Incorporated Educational Institution may request the Competent Authority to provide for inspection the materials that prove the fact constituting the grounds for the dissolution order under the provision of paragraph (1), until the hearing of opinions is concluded.

(4) When the Incorporated Educational Institution requests the hearing of opinions by the Private Schools Council, etc., the Private Schools Council, etc. must conduct the hearing of opinions on behalf of the Competent Authority.

(5) The provisions of Chapter III, Section 2 of the Administrative Procedure Act (excluding Articles 15, 19, 26, and 28) shall apply mutatis mutandis to the hearing of opinions conducted by the Private Schools Council, etc. pursuant to the provision of the preceding paragraph. In this case: the term "administrative agencies" in Article 15, paragraph (3) of said Act, the phrase "Persons who preside over hearings pursuant to the provisions of Article 19 (hereinafter referred to as 'presiding officials')" in Article 17, paragraph (1) of said Act, and the term "presiding official" in Articles 20 through 25 of said Act and in Article 27, paragraph (1) of said Act, as applied mutatis mutandis pursuant to Article 16, paragraph (4) of said Act (including the cases where applied mutatis mutandis pursuant to Article 17, paragraph (3) of said Act), Article 20, paragraph (6) of said Act, and Article 22, paragraph (3) of said Act (including the cases where applied mutatis mutandis pursuant to Article 25 of said Act), shall be deemed to be replaced with "Private Schools Council, etc. set forth in Article 26, paragraph (2) of the Private Schools Act"; and the phrase "may order" and the phrase "this case" in Article 25 of said Act shall be deemed to be replaced with "may request" and "the case where the Private Schools Council, etc. set forth in Article 26, paragraph (2) of the Private Schools Act reopens a hearing of opinions".

(6) The Private Schools Council, etc. must state its opinion as prescribed in paragraph (2) after giving due consideration to the contents of the record set forth in Article 24, paragraph (1) of the Administrative Procedure Act as applied mutatis mutandis pursuant to the preceding paragraph and the written report set forth in paragraph (3) of said Article.

(7) Where the Private Schools Council, etc. conducts a hearing of opinions pursuant to the provision of paragraph (4), the provisions of Chapter III of the Administrative Procedure Act (excluding Articles 12 and 14) shall not apply.

(8) No appeal may be entered against a dissolution order under the provision of paragraph (1).

#### (Report and Inspection)

Article 63 (1) To the extent necessary for the enforcement of this Act, the Competent Authority may have an Incorporated Educational Institution report the status of its business or assets, or have a personnel of the Competent Authority enter an office or other facilities of the Incorporated Educational Institution to inspect the status of its business or assets, or books, documents, and other objects.

(2) A personnel who conducts an on-site inspection pursuant to the provision of the preceding paragraph shall carry his/her identification certificate and present it to persons concerned.

(3) The authority to conduct the on-site inspection pursuant to the provision of paragraph (1) shall not be construed as being granted for criminal investigation.

#### (Publication of Information)

Article 63-2 An Incorporated Educational Institution whose Competent Authority is the Minister of Education, Culture, Sports, Science and Technology must, as provided for in Ordinance of the Ministry of Education, Culture, Sports, Science and Technology, publicize the matters provided for in each of the items below for the categories of cases listed respectively therein without delay:

- (i) when receiving the authorization pursuant to Article 30, paragraph (1) or Article 45, paragraph (1), or submitting a notification pursuant to the provisions of paragraph (2) of said Article: the content of the Articles of Endowment;
- (ii) when preparing an audit report provided for in Article 37, paragraph (3), item (iv): the content of said audit report;



- (iii) when preparing documents provided for in Article 47, paragraph (1): among the documents under said paragraph, the content specified by Ordinance of the Ministry of Education, Culture, Sports, Science and Technology; and
- (iv) when determining the standards for paying the remuneration, etc. for officers pursuant to Article 48, paragraph (1): said standards for paying the remuneration, etc.

#### Chapter IV      Miscellaneous Provisions

(Private Specialized Training Colleges, etc.)

Article 64 (1) The provisions of Article 5, Article 6, and Article 8, paragraph (1) shall apply mutatis mutandis to private Specialized Training Colleges and private Miscellaneous Schools. In this case, the phrase "the matters prescribed in Article 4, paragraph (1) or Article 13, paragraph (1) of the School Education Act" in Article 8, paragraph (1) as applied mutatis mutandis to private Specialized Training Colleges shall be deemed to be replaced with "the authority of the Prefectural Governor set forth in Article 130, paragraph (1) of the School Education Act or the authority of the Prefectural Governor set forth in Article 13, paragraph (1) of said Act as applied mutatis mutandis pursuant to Article 133, paragraph (1) of said Act," and the phrase "Article 4, paragraph (1) of the School Education Act" as applied mutatis mutandis to private Miscellaneous Schools shall be deemed to be replaced with "Article 4, paragraph (1) of the School Education Act as applied mutatis mutandis by replacing the relevant terms and phrases pursuant to Article 134, paragraph (2) of said Act."

(2) An Incorporated Educational Institution may establish a Specialized Training Colleges or Miscellaneous School in addition to an ordinary School.

(3) When applying the provisions of Chapter III to an Incorporated Educational Institution that establishes a Specialized Training Colleges or Miscellaneous School pursuant to the provision of the preceding paragraph, Private Schools as set forth in the provisions of said Chapter shall include private Specialized Training Colleges or private Miscellaneous Schools.

(4) A person who intends to establish a Specialized Training College or Miscellaneous School may form a corporation whose purpose is limited to establishing a Specialized Training College or Miscellaneous School.

(5) The provisions of Chapter III (including the penal provisions concerning said Chapter) shall apply mutatis mutandis to the corporation set forth in the preceding paragraph. In this case, the term "Private School" in the provisions of said Chapter shall be deemed to be replaced with "private Specialized Training Colleges or private Miscellaneous School."

(6) Where an Incorporated Educational Institution or a corporation set forth in paragraph (4) has made the necessary amendments to its Articles of Endowment as provided for in the Articles of Endowment and obtained authorization from the Competent Authority for such amendments, the former may become a corporation set forth in paragraph (4) or the latter may become an Incorporated Educational Institution.

(7) The provisions of Articles 31 and 33 (including cases where applied mutatis mutandis pursuant to paragraph (5)) shall apply mutatis mutandis to the case referred to in the preceding paragraph.

(Prohibition of the Use of Misleading Names)

Article 65 No person other than an Incorporated Educational Institution shall use the phrase "Incorporated Educational Institution" in such person's name; provided, however, that this shall not apply to the corporation set forth in Article 64, paragraph (4).

(Provisions for Enforcement)

Article 65-2 Excluding what is provided for in this Act, any necessary matters concerning the enforcement of this Act that should be handled by the Prefectural Governor shall be specified by Cabinet Order, and other matters shall be specified by Ordinance of the Ministry of Education, Culture, Sports, Science and Technology.

(Category of Affairs)

Article 65-3 The affairs that are to be handled by the Prefectural Governor pursuant to the provisions of Article 26, paragraph (2) (including cases where applied mutatis mutandis pursuant to Article 64, paragraph (5)), Article 31, paragraph (1) (including cases where applied mutatis mutandis pursuant to Article 64, paragraphs (5) and (7)) and paragraph (2) (including cases where applied mutatis mutandis pursuant to Article 32, paragraph (2), Article 50, paragraph (3), and Article 64, paragraphs (5) and (7)), Article 32, paragraph (1)

(including cases where applied mutatis mutandis pursuant to Article 64, paragraph (5)), Article 37, paragraph (3) (limited to the part pertaining item (v), including cases where applied mutatis mutandis pursuant to Article 64, paragraph (5)), Article 40-4 (including the cases where applied mutatis mutandis pursuant to Article 64, paragraph (5)), Article 45 (including cases where applied mutatis mutandis pursuant to Article 64, paragraph (5)), Article 50, paragraph (2) (including cases where applied mutatis mutandis pursuant to Article 64, paragraph (5)) and paragraph (4) (including cases where applied mutatis mutandis pursuant to Article 64, paragraph (5)), Article 50-4, paragraph (2) (including cases where applied mutatis mutandis pursuant to Article 64, paragraph (5)), Article 50-7 (including cases where applied mutatis mutandis pursuant to Article 64, paragraph (5)), Article 50-13, paragraph (5) (including cases where applied mutatis mutandis pursuant to Article 64, paragraph (5)) and paragraph (6) (including cases where applied mutatis mutandis pursuant to Article 64, paragraph (5)), Article 50-14 (including cases where applied mutatis mutandis pursuant to Article 64, paragraph (5)), Article 52, paragraph (2) (including cases where applied mutatis mutandis pursuant to Article 64, paragraph (5)), Article 60, paragraph (1) (including cases where applied mutatis mutandis pursuant to Article 64, paragraph (5)), paragraph (2) (including cases where applied mutatis mutandis pursuant to Article 61, paragraph (2) and Article 64, paragraph (5)), paragraph (3) (including cases where applied mutatis mutandis pursuant to Article 60, paragraph (11), Article 61, paragraph (2), and Article 64, paragraph (5)), paragraph (9) (including cases where applied mutatis mutandis pursuant to Article 64, paragraph (5)), and paragraph (10) (including cases where applied mutatis mutandis pursuant to Article 64, paragraph (5)), Article 61, paragraph (1) (including cases where applied mutatis mutandis pursuant to Article 64, paragraph (5)), Article 62, paragraphs (1) through (3) (including cases where applied mutatis mutandis pursuant to Article 64, paragraph (5)), and Article 63, paragraph (1) (including cases where applied mutatis mutandis pursuant to Article 64, paragraph (5)) shall be Item (i) statutory entrusted affairs defined in Article 2, paragraph (9), item (i) of the Local Autonomy Act.

(Transitional Measures)

Article 65-4 When enacting, revising, or repealing an order under the provisions of this Act, any required transitional measures (including the

transitional measures concerning penal provisions) may be specified by such order to the extent that is judged to be reasonably necessary for the enactment, revision, or repeal.

## Chapter V Penal Provisions

Article 66 In any of the cases listed in the following items, the director, auditor, or liquidator of an Incorporated Educational Institution shall be punished by a non-criminal fine of up to 200,000 yen:

- (i) when failing to register pursuant to the provisions of Cabinet Order under this Act;
- (ii) when failing to keep the Articles of Endowment pursuant to the provision of Article 33-2;
- (iii) when refusing to allow the inspection of the Articles of Endowment without justifiable grounds, in violation of the provision of Article 33-2;
- (iv) when failing to keep an inventory of assets under the provision of Article 33-3, or failing to enter the details that should be entered or making a false entry therein;
- (v) when failing to make a notification or making a false notification, in violation of the provision of Article 45, paragraph (2);
- (vi) when failing to keep an inventory of assets, etc. or failing to enter the details that should be stated or making a false entry in an inventory of assets, etc., in violation of the provision of Article 47, paragraph (2);
- (vii) when refusing to allow the inspection of the inventory of assets, etc. without justifiable grounds, in violation of the provision of Article 47, paragraph (2);
- (viii) when failing to file a petition for commencement of bankruptcy proceedings under the provision of Article 50-2, paragraph (2) or Article 50-11, paragraph (1);
- (ix) when failing to give public notice under the provision of Article 50-9, paragraph (1) or Article 50-11, paragraph (1) or giving a false public notice;
- (x) when violating the provision of Article 53 or Article 54, paragraph (2);
- (xi) when conducting the business in violation of the order issued under the provision of Article 61, paragraph (1); or

- (xii) when failing to make a report pursuant to the provision of Article 63, paragraph (1), or making a false report, or having refused, hindered, or evaded the inspection in accordance with said paragraph.

Article 67 A person who violates the provisions of Article 65 shall be punished by a non-criminal fine of up to 100,000 yen.

#### Supplementary Provisions(Extract)

(1) This Act shall come into force as from the day on which three months have elapsed from the date of promulgation.

(2) An incorporated foundation organized based on the Civil Code that has established a Private School (including Private Schools surviving pursuant to the provisions of Article 3 of the Supplementary Provisions of the School Education Act) or a Private School which is an incorporated foundation organized based on the Civil Code that has survived pursuant to the provisions of Article 3 of the Supplementary Provisions of the School Education Act at the time of enforcement of this Act (hereinafter referred to as “Incorporated Foundation”) may convert to an Incorporated Educational Institution within one year from the effective date of this Act.

(3) When an Incorporated Foundation intends to convert to an Incorporated Educational Institution pursuant to the provision of the preceding paragraph, the Incorporated Foundation must amend its Articles of Endowment as necessary for the entity conversion in accordance therewith and obtain an approval from the Competent Authority. In this case, the Incorporated Foundation may amend its Articles of Endowment pursuant to the procedure established by its directors upon obtaining an approval of the Competent Authority even when there is no provision to amend the Articles of Endowment therein.

(4) The entity conversion to an Incorporated Educational Institution under the preceding paragraph shall take effect upon registration of its establishment at the location of its principal office.

(5) Necessary matters concerning the registration pursuant to the provision of the preceding paragraph shall be set forth by Cabinet Order.

(6) An Incorporated Foundation organized based on the Civil Code and surviving at the time of enforcement of this Act that has established

Miscellaneous Schools only may convert to the corporation set forth in Article 64, paragraph (4) within the period set forth in paragraph (2).

(7) The provisions of paragraphs (3) to (5) shall apply mutatis mutandis to the case referred to in the preceding paragraph.

(8) The terms "Private School", "Private High School", and "Private University" in the provisions of Article 4 and Article 9, paragraph (2) shall include private schools, private high schools, and private universities (including university preparatory courses) that survive pursuant to the provisions of Article 3 of the Supplementary Provisions of the School Education Act, respectively.

(9) Where an Incorporated Foundation that converted to an Incorporated Educational Institution pursuant to the provision of paragraph (2) has established a private school surviving pursuant to the provisions of Article 3 of the Supplementary Provisions of the School Education Act or is a private school surviving pursuant to the provisions of said Article, the Incorporated Educational Institution may continue to operate the school.

(10) When the provisions of Chapter III are applied to an Incorporated Educational Institution that establishes a School under the preceding paragraph pursuant thereto, Private Schools as set forth in the provisions of said Chapter shall include the schools under the preceding paragraph.

(11) With regard to the facilities and equipment that an Incorporated Educational Institution or the corporation set forth in Article 64, paragraph (4) must have, notwithstanding the provision of Article 25, paragraph (2) (including cases as applied mutatis mutandis pursuant to Article 64, paragraph (5)), the provisions then in force shall remain applicable until an act otherwise stipulating the facilities and equipment of schools is established and enforced.

(12) The term "Private Schools" used in the provisions of Article 4, item (ii), Article 6, Article 9, paragraph (2) and Article 59 shall include, for the time being, private schools other than Incorporated Educational Institutions (meaning a private school established by a person other than an Incorporated Educational Institution pursuant to the provision of Article 6 of the Supplementary Provisions of the School Education Act; the same shall apply in this paragraph), combined-type accredited child-care centers other than Incorporated Educational Institutions (meaning a deemed combined-type accredited child-care center established by a person who establishes a deemed combined-type accredited child-care center provided for in Article 3, paragraph (2) of the Supplementary Provisions of the Act for Partial Revision of the Act on Advancement of

Comprehensive Service Related to Education, Child Care, etc. of Preschool Children (Act No. 66 of 2012; hereinafter referred to as the “Partially Revised Accredited Child-care Center Act in this paragraph) excluding an Incorporated Educational Institution or a social welfare corporation (meaning a social welfare corporation provided for in Article 22 of the Social Welfare Act (Act No. 45 of 1951); the same shall apply in this paragraph) and a combined-type accredited child-care center established pursuant to the provision of Article 4, paragraph (1) of the Supplementary Provisions of the Partially Revised Accredited Child-care Center Act; the same shall apply in this paragraph), and combined-type accredited child-care centers established by social welfare corporations; the term “Private Schools” used in the provisions of Article 5 and Article 8, paragraph (1) shall include, for the time being, private schools other than Incorporated Educational Institutions; and the term “Incorporated Educational Institutions” used in the provision of Article 59 shall include, for the time being, a person who established a private school other than an Incorporated Educational Institution, a person who established a combined-type accredited child-care center other than an Incorporated Educational Institution, and a social welfare corporation that establishes a combined-type accredited child-care center.

Supplementary Provisions (Act No. 79 of March 31, 1950) (Extract)

(1) This Act shall come into force on April 1, 1950.

Supplementary Provisions (Act No. 103 of April 19, 1950) (Extract)

(1) This Act shall come into force as from the date of promulgation and shall apply as from April 1, 1950.

Supplementary Provisions (Act No. 167 of August 5, 1953)

This Act shall come into force as from the date of promulgation.

Supplementary Provisions (Act No. 213 of August 15, 1953) (Extract)

(1) This Act shall come into force on September 1, 1953.

Supplementary Provisions (Act No. 159 of June 3, 1954) (Extract)

(1) This Act shall come into force as from the effective date of the Act for Partial Revision of the School Teacher's License Act (Act No. 158 of 1954).

Supplementary Provisions (Act No. 145 of June 17, 1961)

This Act shall come into force as from the effective date of the Act for Partial Revision of the School Education Act (Act No. 144 of 1961).

Supplementary Provisions (Act No. 166 of October 31, 1961) (Extract)

(Effective Date)

(1) This Act shall come into force as from the date of promulgation.

Supplementary Provisions (Act No. 161 of September 15, 1962) (Extract)

(1) This Act shall come into force on October 1, 1962.

(2) The provisions revised by this Act shall also apply to the dispositions by an administrative agency taken before this Act comes into effect, the inaction by an administrative agency pertaining to an application filed before this Act comes into effect, or other matters that have arisen before this Act comes into effect, except as otherwise provided for in the Supplementary Provisions; provided, however, that those provisions shall not preclude the effect that has arisen pursuant to the provisions prior to the revision by this Act.

(3) With regard to a petition, application for examination, objection, or other appeals (hereinafter referred to as the "Petitions, etc.") filed prior to the enforcement of this Act, the provisions then in force shall remain applicable even after this Act comes into effect. The same shall apply to the Petitions, etc. filed in the case of further dissatisfaction with determination, decision, or other dispositions on the Petitions, etc. (hereinafter referred to as the "Determinations, etc."), that have been made before this Act comes into effect, or the Determinations, etc. made after this Act comes into effect with regard to the Petitions, etc. filed before this Act comes into effect.

(4) The Petitions, etc. prescribed in the preceding paragraph that relate to a disposition on which an appeal may be filed pursuant to the Administrative



Appeal Act after this Act comes into effect shall be deemed to be appeals pursuant to the Administrative Appeal Act with regard to the application of the Acts other than said Act.

(5) No appeal pursuant to the Administrative Appeal Act may be entered against the Determinations, etc. on an application for examination, an objection, or other appeals filed after this Act comes into effect pursuant to the provision of paragraph (3).

(6) With regard to a disposition imposed by an administrative agency before this Act comes into effect, on which the Petitions, etc. may be filed pursuant to the provisions prior to the revision by this Act and for which the statute of limitations has not been set, the statute of limitations for filing an appeal pursuant to the Administrative Appeal Act shall be counted from the day when this Act comes into effect.

(8) With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

(9) In addition to the matters provided for in the preceding eight paragraphs, necessary transitional measures concerning the enforcement of this Act shall be provided for by Cabinet Order.

Supplementary Provisions (Act No. 110 of June 19, 1964) (Extract)

(Effective Date)

(1) This Act shall come into force as from the date of promulgation.

Supplementary Provisions (Act No. 94 of June 10, 1968) (Extract)

(Effective Date)

(1) This Act shall come into force as from the date of promulgation. provided, however, that the provisions from Articles 3 to 5 and the provisions of paragraphs (3) and (4) of the Supplementary Provisions shall come into force as from the day specified by Cabinet Order within a period not exceeding three months from the date of promulgation.

Supplementary Provisions (Act No. 69 of May 18, 1970) (Extract)

(Effective Date)

Article 1 This Act shall come into force as from the date of promulgation. provided, however, that the provisions from Articles 11 to 24 of the Supplementary Provisions shall come into force as from the day specified by Cabinet Order within a period not exceeding four months from the date of promulgation.

Supplementary Provisions (Act No. 59 of July 11, 1975) (Extract)

(Effective Date)

Article 1 This Act shall come into force as from the day on which six months have elapsed from the date of promulgation.

Supplementary Provisions (Act No. 60 of July 11, 1975)

This Act shall come into force as from the day on which one month has elapsed from the date of promulgation.

Supplementary Provisions (Act No. 61 of July 11, 1975) (Extract)

(Effective Date)

Article 1 This Act shall come into force on April 1, 1976.

(Transitional Measures upon Partial Revision of the Private Schools Act)

Article 5 An Incorporated Educational Institution must determine, by its Articles of Endowment, names and types of existing departments in a high school or university owned by it at the time of enforcement of this Act, as promptly as possible. In this case, no approval for amendments to the Articles of Endowment from the Competent Authority is necessary.

Article 6 With regard to a person who receives the grant of subsidy prior to enforcement of this Act pursuant to the provision of Article 59, paragraph 1 of the Private Schools Act prior to the revision by the Article 3 of the Supplementary Provisions (referred to as the "Old Act" in this Article and the following Article) based on the provision of Article 17 of the Supplementary Provisions of the Old Act, the provision of said paragraph shall apply by replacing the phrase "the provisions of Article 9 or Article 10 based on the

provision of paragraph (1)” in Article 2, paragraph (5) of the Supplementary Provisions with the phrase “the provisions of Article 59, paragraph (1) of the Private Schools Act prior to the revision by the provision of Article 3 of the Supplementary Provisions based on the provision of Article 17 of the Supplementary Provisions of the Private Schools Act prior to the revision.”

Article 7 With regards to assistance provided based on the provisions of Article 59 of the Old Act (including the provisions of Article 59 of the Old Act based on the provisions of Article 17 of the Supplementary Provisions of the Old Act) prior to the enforcement of this Act, the provisions then in force shall remain applicable except for those provided for in the preceding Article.

Supplementary Provisions (Act No. 25 of May 25, 1976) (Extract)

(Effective Date)

(1) This Act shall come into force as from the day specified by Cabinet Order within a period not exceeding three months from the date of promulgation.

(Transitional Measures upon Partial Revision of the Private Schools Act)

(5) An Incorporated Educational Institution must determine, by its Articles of Endowment, names and types of existing departments in a graduate school owned by it at the time of enforcement of this Act, as promptly as possible. In this case, no approval for amendments to the Articles of Endowment from the Competent Authority is necessary.

Supplementary Provisions (Act No. 55 of May 23, 1978) (Extract)

(Effective Date, etc.)

(1) This Act shall come into force as from the date of promulgation.

(Transitional Measures)

(4) Those who are members of the Private University Council at the time of enforcement of this Act shall remain in office of the member of the Private University Council until the day on which the term of office expires.

Supplementary Provisions (Act No. 78 of December 2, 1983)

(1) This Act (excluding Article 1) shall come into force on July 1, 1984.

(2) Transitional measures necessary for organizations, etc. which have been established under the provisions of laws as of the day preceding the effective date of this Act and those which shall be established under the provisions of the National Government Organization Act or the provisions of Cabinet Order based on the provisions of a related Act revised by this Act (hereinafter referred to as "Related Cabinet Order") on or after the effective date of this Act, and other transitional measures necessary for the establishment or revision or abolition of Related Cabinet Order in accordance with the enforcement of this Act may be specified by Cabinet Order.

Supplementary Provisions (Act No. 88 of September 10, 1987) (Extract)

(Effective Date)

(1) This Act shall come into force as from the date of promulgation.

Supplementary Provisions (Act No. 79 of May 21, 1991) (Extract)

(Effective Date)

Article 1 This Act shall come into force as from the date of promulgation.

Supplementary Provisions (Act No. 89 of November 12, 1993) (Extract)

(Effective Date)

Article 1 This Act shall come into force as from the effective date of the Administrative Procedure Act (Act No. 88 of 1993).

(Transitional Measures Concerning Adverse Dispositions Following Appeal, etc.)

Article 2 In cases where, based on laws and regulations prior to the revision by this Act, an inquiry or any other request was made to a council or other collegiate organization to take procedures for presenting opinions, such as procedures for a hearing or the grant of opportunities for explanation as prescribed in Article 13 of the Administrative Procedures Act, the provisions then in force shall remain applicable to procedures for adverse dispositions

pertaining to said inquiry or other request, notwithstanding the provisions of related Acts revised by this Act.

(Transitional Measures upon Partial Revision of the Private Schools Act)

Article 4 Where, prior to enforcement of the provisions of Article 77, a notice is given pursuant to the provision of Article 63, paragraph (1) of the Private Schools Act prior to the revision by said provisions, with regard to suspension of for-profit business and the procedure for dissolution orders of the Incorporated Educational Institution concerned with the notice, the provisions then in force shall remain applicable, notwithstanding the provisions of said Act revised pursuant to the provisions of Article 77.

(Transitional Measures Concerning Penal Provisions)

Article 13 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

(Transitional Measures upon Adjustment of Provisions pertaining to Hearing)

Article 14 Any hearing, questioning, hearing session (excluding those pertaining to adverse dispositions) or any proceeding thereof, which has been initiated in accordance with the provisions of the Act before the enforcement of this Act, shall be deemed to have been initiated in accordance with the equivalent provisions of the relative Acts revised by this Act.

(Delegation to Cabinet Order)

Article 15 In addition to the matters provided for from Article 2 to the preceding Article of the Supplementary Provisions, necessary transitional measures concerning the enforcement of this Act shall be provided for by Cabinet Order.

Supplementary Provisions (Act No. 72 of June 6, 1997)

(Effective Date)

(1) This Act shall come into force as from the effective date of the Act for Partial Revision of the Commercial Code, etc. (Act No. 71 of 1997).

(Transitional Measures)

(2) With regard to a merger pertaining to a merger contract concluded prior to the enforcement of this Act, the provisions then in force shall remain applicable even after the enforcement of this Act.

(Transitional Measures Concerning Application of Penal Provisions)

(3) With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, and to acts committed subsequent to the enforcement of this Act where the provisions then in force shall remain applicable pursuant to the provision of the preceding paragraph, the provisions then in force shall remain applicable.

Supplementary Provisions (Act No. 101 of June 12, 1998) (Extract)

(Effective Date)

Article 1 This Act shall come into force on April 1, 1999.

Supplementary Provisions (Act No. 87 of July 16, 1999) (Extract)

(Effective Date)

Article 1 This Act shall come into force on April 1, 2000; provided, however, that the provisions listed in the following items shall come into force as from the day prescribed respectively in those items:

- (i) The provisions for the revision in Article 1 to add five articles, the section title, and two subsections and the titles thereof following Article 250 of the Local Government Act (limited, however, to the part concerning Article 250-9, paragraph 1 of said Act (limited, however, to the part concerning the requirement of consent of both Houses)), the provisions in Article 40 to revise paragraph 9 and paragraph 10 of the Supplementary Provisions of the Natural Parks Act (limited, however, to the part concerning paragraph 10 of the Supplementary Provisions of said Act), the provisions of Article 244 (excluding, however, the part concerning the provision to revise Article 14-3 of the Agricultural Improvement and Promotion Act), and the provisions of Article 472 (excluding, however, the part concerning the provisions to revise Article 6, Article 8, and Article 17 of the Act on Special Provisions Concerning Merger of Municipalities), and the provisions of

Article 7, Article 10, Article 12, proviso of Article 59, Article 60, paragraph 4 and paragraph 5, Article 73, Article 77, Article 157, paragraphs 4 to 6, Article 160, Article 163, Article 164, and Article 202 of the Supplementary Provisions: the date of promulgation.

(Affairs of the State, etc.)

Article 159 In addition, under the provisions of respective Acts prior to the revision by this Act, after the enforcement of this Act, any affair of the State, other local governments, or other local public organizations (such affairs are referred to as a "affairs of the State, etc." in Article 161 of the Supplementary Provisions) which has been managed or executed, in accordance with the Act or Cabinet Order thereof by an organizations of a local government before the enforcement of this Act, shall, after the enforcement of this Act, be disposed of in accordance with the Act or Cabinet Order thereof by the local government as its affairs.

(Transitional Measures concerning Disposition, Application, etc.)

Article 160 (1) With regard to the application of respective revised acts on or after the date of enforcement of this Act, permissions given and other dispositions imposed or other acts committed pursuant to the provisions of respective acts prior to the revision before the enforcement of this Act (with regard to the provisions listed in the items of Article 1 of the Supplementary Provisions, the respective provisions; hereinafter the same shall apply in this Article and Article 163 of the Supplementary Provisions) (hereinafter referred to as the "Dispositions and Other Acts" in this Article), or applications for permission, etc. filed or other acts committed pursuant to the provisions of respective acts prior to the revision at the time of the enforcement of this Act (hereinafter referred to as the "Applications and Other Acts" in this Article), for which the administrative matters are to be conducted by a different person on the date of enforcement of this Act, shall be deemed to be the Dispositions and Other Acts or the Applications and Other Acts committed pursuant to the corresponding provisions of the respective revised acts, except those prescribed in the provisions from Article 2 to the preceding Article of the Supplementary Provisions and in the provisions concerning transitional measures in the respective revised acts (including orders based thereon).

(2) Any matter required to be reported, notified, submitted, etc. to the State or local governments in accordance with the provisions of respective Acts before the revision before the enforcement of this Act which has not yet been so reported, notified, submitted, etc. before the enforcement date of this Act, shall, unless otherwise stipulated in this Act or any Cabinet Order thereof, be regarded as not having been reported, notified, submitted, etc. to the State or equivalent organizations of local governments in accordance with the equivalent provisions of respective Acts after the revision, and shall be subject to the application of the provisions of respective Acts revised by this Act.

(Transitional Measures concerning Appeals)

Article 161 (1) Any appeal under the Administrative Appeal Act concerning a disposition pertaining to affairs of the State, etc. which has been made before the effective date by an administrative agency (hereinafter in this Article referred to as a "disposing agency") with its higher agency defined in the Administrative Appeal Act (hereinafter in this Article referred to as a "higher government agency") before the effective date, shall be subject to the application of the Administrative Appeal Act by regarding that such disposing agency shall continue to have such higher administrative agency on or after the effective date. In this case, an administrative agency to be regarded as the higher government agency of such disposing agency shall be the administrative agency which has been the higher government agency of such disposing agency before the effective date.

(2) In the case of the preceding paragraph, if an administrative agency to be regarded as a higher government agency is an organization of local governments, any affair required to be disposed in accordance with the provisions of the Administrative Appeal Act shall be regarded as Item (i) statutory entrusted affairs defined in Article 2, paragraph (9), item (i) of the new Local Government Act.

(Transitional Measures concerning Fees)

Article 162 With regard to any fees which should have been paid in accordance with the provisions of respective Acts (including any order thereof) prior to the revision by this Act before the effective date, unless otherwise stipulated in this Act or any Cabinet Order thereof, the provisions then in force shall remain applicable.



(Transitional Measures Concerning Penal Provisions)

Article 163 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 164 (1) In addition to the matters provided for in the Supplementary Provisions, necessary transitional measures pertaining to the enforcement of this Act (including transitional measures concerning penal provisions) shall be provided for by Cabinet Order.

(2) Necessary matters concerning the application of the provisions of Article 18, Article 51 and Article 184 of the Supplementary Provisions shall be provided for by Cabinet Order.

(Review)

Article 250 With regard to Item (i) statutory entrusted affairs defined in Article 2, paragraph (9), item (i) of the New Local Autonomy Act, establishment of new affairs shall be avoided to the greatest possible extent, and the affairs listed in Appended Table 1 of the New Local Autonomy Act and affairs as provided by Cabinet Order based on the New Local Autonomy Act shall be reviewed from the viewpoint of their promotion of decentralization, and shall be revised as appropriate.

Article 251 The State shall, in order to enable local governments to execute their affairs and services voluntarily and independently, examine how to secure adequate sources of local tax revenue based on the sharing of roles between the State and local governments taking into account the prevailing economic trends, and take the necessary measures based on the examination results.

Article 252 With a view to securing the convenience of insured persons and others and increasing the efficiency of administrative processing, etc., the State shall review the administrative processing systems for social insurance, the working situation of personnel engaged therein, and other matters, in line with reforms of the medical insurance system, the pension system, and others, and if it finds necessary, take required measures based on the results of the review.

## Supplementary Provisions (Act No. 102 of July 16, 1999) (Extract)

### (Effective Date)

Article 1 This Act shall come into force as from the effective date of the Act for Partial Revision of the Cabinet Act (Act No. 88 of 1999); provided, however, that the provisions listed in the following items shall come into force as from the day prescribed respectively in those items:

- (i) Omitted
- (ii) The provisions of Article 10, paragraphs 1 and 5, Article 14, paragraph 3, Article 23, Article 28 and Article 30 of the Supplementary Provisions: the date of promulgation.

### (Succession of Status of Personnel)

Article 3 A person who, at the time of the enforcement of this Act, has been a personnel (excluding a chairperson, a head and a member of councils, etc. set forth in Article 8 of the National Government Organization Act (Act No. 120 of 1948), a member of the Central Disaster Prevention Council, the Chairperson and a member of the Japanese Industrial Standards Committee, and those specified as similar persons by Cabinet Order) of the prior and existing Prime Minister's Office, the Ministry of Justice, the Ministry of Foreign Affairs, the Ministry of Finance, the Ministry of Education, the Ministry of Health and Welfare, the Ministry of Agriculture, Forestry and Fisheries, the Ministry of International Trade and Industry, the Ministry of Transport, the Ministry of Posts and Telecommunications, the Ministry of Labor, the Ministry of Construction or the Ministry of Home Affairs (hereinafter referred to as a "Prior and Existing Ministry or Agency" in this Article) shall, unless an appointment is announced separately, become a relevant personnel of the Cabinet Office, the Ministry of Internal Affairs and Communications, the Ministry of Justice, the Ministry of Foreign Affairs, the Ministry of Finance, the Ministry of Education, Culture, Sports, Science and Technology, the Ministry of Health, Labour and Welfare, the Ministry of Agriculture, Forestry and Fisheries, the Ministry of Economy, Trade and Industry, the Ministry of Land, Infrastructure, Transport and Tourism, or the Ministry of the Environment after the enforcement of this Act (hereinafter referred to as a "New Ministry or Agency" in this Article) or a department or organization established thereunder, which is specified by Cabinet Order as the

New Ministry or Agency or the department or organization established thereunder, corresponding to the Prior and Existing Ministry or Agency or the department or organization established thereunder, to which said personnel belongs at the time of the enforcement of this Act, with the same working conditions.

(Transitional Measures Specified Separately)

Article 30 In addition to the matters provided for from Article 2 to the preceding Article, necessary transitional measures pertaining to the enforcement of this Act shall be separately provided for by law.

Supplementary Provisions (Act No. 160 of December 22, 1999) (Extract)

(Effective Date)

Article 1 This Act (excluding Articles 2 and 3) shall come into force on January 6, 2001; provided, however, that the provisions listed in the following items shall come into force as from the day prescribed respectively in those items:

- (i) The provisions of Article 995 (limited to a part concerning the provisions to revise the Supplementary Provisions of the Act for Partial Revision of the Act on the Regulation of Nuclear Source Material, Nuclear Fuel Material and Reactors), Article 1305, Article 1306, Article 1324, paragraph (2), Article 1326, paragraph (2) and Article 1344: the date of promulgation.

Supplementary Provisions (Act No. 105 of July 11, 2001) (Extract)

(Effective Date)

Article 1 This Act shall come into force as from the date of promulgation.

Supplementary Provisions (Act No. 1 of February 8, 2002) (Extract)

(Effective Date)

Article 1 This Act shall come into force as from the date of promulgation.

Supplementary Provisions (Act No. 118 of November 29, 2002) (Extract)

(Effective Date)

Article 1 This Act shall come into force on April 1, 2003.

(Transitional Measures upon Partial Revision of the Private Schools Act)

Article 5 (1) An application for an authorization for the amendment of the Articles of Endowment of an Incorporated Educational Institution that was made pursuant to the provision of Article 45 of the Private Schools Act prior to the revision at the time of enforcement of the provision of the preceding Article and that relates to the matters provided for by Ordinance of the Ministry of Education, Culture, Sports, Science and Technology under paragraph (1) of said Article of the Act as revised shall be deemed to be an application made pursuant to the provision of paragraph (2) of said Article as revised.

(2) With regard to the application of penal provisions to acts committed prior to the enforcement of the provisions of the preceding Article, the provisions then in force shall remain applicable.

Supplementary Provisions (Act No. 42 of May 12, 2004) (Extract)

(Effective Date)

Article 1 This Act shall come into force on April 1, 2005 (hereinafter referred to as the "Effective Date"); provided, however, that the provisions of Article 3 of the Supplementary Provisions shall come into force as from the date of promulgation.

(Transitional Measures)

Article 2 The provisions of Article 10, paragraph (2) of the Private Schools Act as revised (hereinafter referred to as the "New Act") shall apply to the appointment of members to be conducted on or after the effective date.

Article 3 An Incorporated Educational Institution established before the effective date that has not determined the matters listed in Article 30, paragraph (1), item (v) or (vi) of the New Act in its Articles of Endowment must determine these matters in its Articles of Endowment by March 31, 2006.

Article 4 The provisions of Article 37, paragraph (3) (limited to a part concerning item (iii)) of the New Act shall apply to an audit report for a fiscal year commencing on or after April 1, 2004.

Article 5 The provisions of Article 38, paragraphs (4) to (6) of the New Act shall apply to the appointment of officers conducted on or after the effective date.

Article 6 The provisions of Article 42, paragraph (1) (limited to a part concerning item (ii)) of the New Act shall apply to a business plan whose commencing date falls on or after the effective date.

Article 7 The provisions of Article 46 of the New Act shall apply to the settlement of accounts and business results of a fiscal year commencing on or after April 1, 2004.

Article 8 (1) The provision of Article 47, paragraph (1) of the New Act shall apply to a business report for a fiscal year commencing on or after April 1, 2004.

(2) The provision of Article 47, paragraph (2) of the New Act shall apply to an inventory of assets, etc. provided for in said paragraph for a fiscal year commencing on or after April 1, 2004.

Supplementary Provisions (Act No. 76 of June 2, 2004) (Extract)

(Effective Date)

Article 1 This Act shall come into force as from the effective date of the Bankruptcy Act (Act No. 75 of 2004; referred to as the "New Bankruptcy Act" in paragraph (8) of the following Article of this Act and Article 3, paragraph (8), Article 5, paragraphs (8), (16) and (21), Article 8, paragraph (3) and Article 13 of the Supplementary Provisions).

(Delegation to Cabinet Order)

Article 14 In addition to the matters provided for from Article 2 to the preceding Article of the Supplementary Provisions, necessary transitional

measures concerning the enforcement of this Act shall be provided for by Cabinet Order.

Supplementary Provisions (Act No. 147 of December 1, 2004) (Extract)

(Effective Date)

Article 1 This Act shall come into force as from the day specified by Cabinet Order within a period not exceeding six months from the date of promulgation.

Supplementary Provisions (Act No. 154 of December 3, 2004) (Extract)

(Effective Date)

Article 1 This Act shall come into force as from the day specified by Cabinet Order within a period not exceeding six months from the date of promulgation (hereinafter referred to as the "Effective Date.")

(Effect of Dispositions, etc.)

Article 121 Those dispositions, procedures, or other acts carried out before the revision of the respective Acts prior to the revision (including any orders pursuant thereto; hereinafter the same shall apply in this Article), which are covered by the corresponding provisions of the respective Acts as revised, shall be deemed to have been carried out pursuant to such corresponding provisions of the respective Acts as revised, unless provided otherwise in the Supplementary Provisions.

(Transitional Measures Concerning Penal Provisions)

Article 122 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act and to acts committed subsequent to the enforcement of this Act where the provisions then in force shall remain applicable pursuant to the present Supplementary Provisions, the provisions then in force shall remain applicable.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 123 In addition to the matters provided for in the Supplementary Provisions, necessary transitional measures pertaining to the enforcement of this Act shall be provided for by Cabinet Order.

(Review)

Article 124 The State shall, within three years after the enforcement of this Act, review the status of the enforcement of this Act, and if it finds necessary, take required measures based on the results of the review.

Supplementary Provisions (Act No. 87 of July 26, 2005) (Extract)

This Act shall come into force as from the effective date of the Companies Act.

Supplementary Provisions (Act No. 50 of June 2, 2006) (Extract)

This Act shall come into force as from the effective date of the General Association and Foundation Act.

Supplementary Provisions (Act No. 96 of June 27, 2007) (Extract)

(Effective Date)

Article 1 This Act shall come into force as from the day specified by Cabinet Order within a period not exceeding six months from the date of promulgation.

Supplementary Provisions (Act No. 37 of May 2, 2011) (Extract)

(Effective Date)

Article 1 This Act shall come into force as from the date of promulgation.

Supplementary Provisions (Act No. 53 of May 25, 2011)

This Act shall come into force as from the effective date of the New Non-Contentious Cases Procedure Act.

Supplementary Provisions (Act No. 74 of June 24, 2011) (Extract)

(Effective Date)

Article 1 This Act shall come into force as from the day on which twenty days have elapsed from the date of promulgation.

Supplementary Provisions (Act No. 67 of August 22, 2012) (Extract)

This Act shall come into force as from the effective date of the Act on Child and Childcare Support; provided, however, that the provisions listed in the following items shall come into force as from the day prescribed respectively in those items:

- (i) The provisions of Article 25 and Article 73: the date of promulgation.

Supplementary Provisions (Act No. 44 of June 14, 2013) (Extract)

(Effective Date)

Article 1 This Act shall come into force as from the date of promulgation.

(Transitional Measures Concerning Penal Provisions)

Article 10 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act (in case of the provisions set forth in each item of Article 1 of the Supplementary Provisions, said provisions), the provisions then in force shall remain applicable.

(Delegation to Cabinet Order)

Article 11 In addition to the matters provided for in the Supplementary Provisions, necessary transitional measures concerning the enforcement of this Act (including transitional measures concerning penal provisions) shall be provided for by Cabinet Order.

Supplementary Provisions (Act No. 15 of April 2, 2014) (Extract)

(Effective Date)

- (1) This Act shall come into force as from the date of promulgation.

Supplementary Provisions (Act No. 69 of June 13, 2014) (Extract)

(Effective Date)

Article 1 This Act shall come into force as from the effective date of the Administrative Appeal Act (Act No. 68 of 2014).



(Principle of Transitional Measures)

Article 5 With regard to appeals against a disposition, or other act or omission of an administrative agency that relates to a disposition or other act made by the administrative agency prior to enforcement of this Act or to omission of the administrative agency against an application made prior to enforcement of this Act, the provisions then in force shall remain applicable except as otherwise provided for in the Supplementary Provisions.

(Transitional Measures Concerning Actions)

Article 6 (1) With regard to filing of appeals that, pursuant to the provisions of the Act prior to the revision by this Act, may not be filed until the ruling, decision, or other act by an administrative agency is made and with regard to which the period of filing expires without being filed prior to enforcement of this Act (if the appeal may not be filed until after the ruling, decision, or other act by the administrative agency against other appeal is made, including cases the period of filing expires without such other appeal being filed), the provisions then in force shall remain applicable.

(2) With regard to filing of an action for the revocation for a disposition or other act, for which an appeal is filed pursuant to the provision of the Act prior to the revision by this Act (including cases where the provisions then in force shall remain applicable pursuant to the provision of the preceding Article), and the action for revocation may not be filed until after the ruling against an application for examination is given pursuant to the provision of the Act as revised by this Act, the provisions then in force shall remain applicable.

(3) With regard to an action for revocation of a ruling, decision, or other act by an administrative agency against an appeal that was filed prior to enforcement of this Act, the provisions then in force shall remain applicable.

(Transitional Measures Concerning Penal Provisions)

Article 9 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, and to acts committed subsequent to the enforcement of this Act where the provisions then in force shall remain applicable pursuant to the provision of Article 5 and the preceding two Articles of the Supplementary Provisions, the provisions then in force shall remain applicable.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 10 In addition to the matters provided for from Article 5 to the preceding Article of the Supplementary Provisions, necessary transitional measures concerning the enforcement of this Act (including transitional measures concerning penal provisions) shall be provided for by Cabinet Order.

Supplementary Provisions (Act No. 11 of May 24, 2019) (Extract)

(Effective Date)

Article 1 This Act shall come into force on April 1, 2020; provided, however, that the provisions adding a new Article in the Supplementary Provisions of the Incorporated National Universities Act in Article 2 of this Act, the provisions revising Article 3 of the Act on the National Institution for Academic Degrees and Quality Enhancement of Higher Education and Article 16, paragraph (1) of said Act in Article 4, the following Article, and the provisions of Article 4, paragraphs (3) and (4), Articles 9, 11, and 12 of the Supplementary Provisions shall come into force as from the date of promulgation.

(Preparatory Measures upon Partial Revision of the Private Schools Act)

Article 9 Preparation of a medium-term business plan under Article 45-2, paragraph (2) of the Private Schools Act as revised by the provision of Article 3 (hereinafter referred to the "New Private Schools Act"), formulation of the standards for paying the remuneration, etc. for officers under Article 48, paragraph (1) of said Act as well as necessary procedures and other acts required therefor may be conducted before the effective date in accordance with the New Private Schools Act.

(Transitional Measures upon Partial Revision of the Private Schools Act)

Article 10 (1) The provisions of Article 37, paragraph (3) (limited to a part concerning item (iv)) of the New Private Schools Act shall apply to an audit report for a fiscal year commencing on or after April 1, 2019 and with regard to the audit report for a fiscal year commencing before said day, the provisions then in force shall remain applicable.

(2) The provisions of Article 42, paragraph (1) (limited to a part concerning item (ii)) of the New Private Schools Act shall apply to a medium-term business plan whose commencing date falls on or after the effective date.

(3) With regard to the liability of directors of an Incorporated Educational Institution who are in office at the time of enforcement of this Act based on their acts prior to enforcement of this Act, the provisions then in force shall remain applicable.

(4) The provisions of Article 45-2, paragraph (3) of the New Private Schools Act shall apply to a business plan and a medium-term business plan whose commencing date falls on or after the effective date.

(5) The provisions of Article 47 of the New Private Schools Act shall apply to an inventory of assets, etc. provided for in paragraph (2) of said Article for a fiscal year commencing on or after April 1, 2019 and with regard to an inventory of assets, etc. provided for in Article 47, paragraph (2) of the Private Schools Act prior to the revision for a fiscal year commencing before said day, the provisions then in force shall remain applicable.

(6) Notwithstanding the provisions of Article 50-4 of the New Private Schools Act, with regard to the appointment of a liquidator in case where an order to dissolve is made pursuant to the provision of Article 62, paragraph (1) of the Private Schools Act prior to the effective date, the provisions then in force shall remain applicable.

#### (Transitional Measures Concerning Penal Provisions)

Article 11 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act (in case of the provisions set forth in proviso of Article 1 of the Supplementary Provisions, said provisions), the provisions then in force shall remain applicable.

#### (Delegation of Other Transitional Measures to Cabinet Order)

Article 12 In addition to the matters provided for from Article 2 to the preceding Article of the Supplementary Provisions, necessary transitional measures concerning the enforcement of this Act shall be provided for by Cabinet Order.

#### (Review)

Article 13 Approximately five years after this Act comes into force, the State shall review the status of the enforcement of the New Private Schools Act, and if it finds necessary, take required measures based on the results of the review.

Supplementary Provisions (Act No. 37 of June 14, 2019) (Extract)

(Effective Date)

Article 1 This Act shall come into force as from the day on which three months have elapsed from the date of promulgation. provided, however, that the provisions listed in the following items shall come into force as from the day prescribed respectively in those items:

- (ii) The provisions of Articles 3, 4, and 5 (excluding the provisions to revise Article 19-2, paragraph (1) of the Act on the National Strategic Special Zones), Chapter II, Section 2 and Section 4, Article 41 (excluding the provisions to revise Article 252-28 of the Local Autonomy Act), Articles 42 to 48, 50, 54, 57, 60, 62, 66 to 69, 75 (excluding the provisions to revise Article 34-20 of the Child Welfare Act), Articles 76, 77, 79, 80, 82, 84, 87, 88, 90 (excluding the provisions to revise Article 30-19, paragraph (2), item (i) of the Human Resources Development Promotion Act), Articles 95, 96, 98 to 100, 104, 108, 109, 112, 113, 115, 116, 119, 121, 123, 133, 135, 138, 139, 161 to 163, 166, 169, 170, 172 (limited to the provisions to revise Article 29, paragraph (1), item (i) of the Act on Rational Use and Appropriate Management of Fluorocarbons) and Article 173, and Articles 16, 17, 20, 21 and 23 to 29 of the Supplementary Provisions: the day on which six months have elapsed from the date of promulgation.

(Transitional Measures concerning Acts, etc. by Administrative Agencies)

Article 2 With regard to dispositions and other acts by an administrative agency prior to the enforcement of this Act (with regard to the provisions listed in each item of the preceding Article, said provisions; the same shall apply in this Article and the following Article) based on the Act prior to the revision by this Act or the ordering provisions based thereon (limited to disqualification and other measures concerning limitation of rights) and effect of unemployment arising from said provisions, the provisions then in force shall remain applicable.