

Provisional Translation

Disaster Relief Act (Japan)

(Law No. 108; October 18, 1947)

Revision History

� 1984: December 25 Law No. 87

The Disaster Relief Act is hereby promulgated.

Disaster Relief Act

Chapter 1: General Provisions

Article 1 The purpose of this Law is to protect victims of disaster and maintain social order by causing the Central Government to provide needed relief services on an emergency basis in cooperation with Local Public Entities and the Japan Red Cross, other entities, and the people of Japan.

(Partially amended in Law No. 109 of 1962.)

Article 2 Relief services under this law (“Relief Activities” hereinafter) shall be provided to persons who have been subject to disaster and actually require Relief Activities within the territory of a municipality (including a special district; for designated cities pursuant to the provisions of Article 252 -19 Paragraph 1 of the Local Government Act (Law No. 67 of 1947), the territory of the city or the territory of the wards within the city) that has been subject to a disaster of the magnitude specified by ordinance of the prefectural governor.

(Fully amended in Law No. 109 of 1962.)

Article 3 through Article 21 deleted.

(Law No. 109 of 1962.)

Chapter 2: Relief Activities

Article 22 The prefectural governor shall constantly endeavor to formulate required plans, establish powerful relief organizations, and provide for labor, facilities, equipment, supplies and funding to ensure fully effective Relief Activities.

(Partially amended in Law No. 109 of 1962.)

Article 23 The types of Relief Activities provided are as follows:

- 1) Provision of accommodations (including emergency temporary housing)
- 2) Distribution of cooked rice and other foods, supplies of drinking water;
- 3) Distribution and/or loan of clothing, bedding, and other basic necessities;
- 4) Medical and natal care;
- 5) Rescue of disaster victims;
- 6) Emergency repairs of housing subject to disaster;
- 7) Distribution and/or loan of funding, equipment, and materials required to maintain livelihoods;
- 8) Distribution of school supplies
- 9) Interment;
- 10) Other matters in addition to those in the preceding sub-paragraphs as specified by government ordinance.

2. Notwithstanding the provisions of the preceding paragraph, the prefectural governor may, when he deems necessary, provide Relief Activities in the form of pecuniary payments to persons requiring Relief Activities (or to persons performing interments in the case of interments).

3. Matters related to the extent, method, and period of Relief Activities shall be as set forth in government ordinance.

(Partially amended in Law No. 166 of 1953.)

Article 23-2 The heads of Designated Government Agencies (refers to Designated Government Agency pursuant to the provisions of Article 2 Paragraph 3 of the Disaster Countermeasures Basic Act (Law No. 223 of 1961); when the Designated Government Agency is a committee as defined in Article 3:2 of the Central Government Organizations Act (Law No. 120 of 1948) this shall refer to said Designated Government Agency, and so throughout) and the heads of Designated Local Government Agencies (refers to the head of a Designated Local Government Agency pursuant to

the provisions of Article 2 Paragraph 4 of the Disaster Countermeasures Basic Act, and so throughout) shall, when Relief Activities are deemed particularly necessary pursuant to the provisions of Operational Plans for Disaster Prevention (refers to Operational Plans for Disaster Prevention pursuant to the provisions of Article 9 of said act), order parties producing, shipping, selling, distributing, storing, or transporting supplies required for Relief Activities to store the supplies handled or may expropriate the supplies required for Relief Activities.

2. When making the dispositions provided for in the preceding paragraph, expropriation documents shall be provided.

3. When disposition has been made under the provisions of Paragraph 1, compensation shall be made for losses that would normally be incurred as a result of said disposition.

(Added in Law No. 109 of 1962.)

Article 23-3 If necessary in order to issue storage orders or make expropriation of supplies pursuant to Paragraph 1 of the preceding article, the head of the Designated Government Agency or head of the Designated Local Government Agency may cause his officers to conduct on-site inspections of the location at which supplies are to be stored or the location of the supplies.

2. The head of a Designated Government Agency or the head of a Designated Local Government Agency may require parties caused to store supplies under the provisions of Paragraph 1 of the preceding article to furnish necessary reports and may cause his officers to conduct on-site inspections of the location at which said supplies are stored.

3. When entering premises pursuant to Paragraph 2, prior notice shall be given to the manager of said premises.

4. When officers enter into premises pursuant to Paragraph 1 and Paragraph 2, they shall carry documents attesting to their identity and position.

(Added in Law No. 109 of 1962.)

Article 24 The prefectural governor may, when deemed particularly necessary for Relief Activities, cause persons engaged in medical services, civil engineering and construction services, or transportation services to engage in activities related to Relief Activities; or when necessary to implement an order of the competent minister pursuant to the provisions of Article 31 may cause persons engaged in medical services or civil engineering and construction services to engage in activities related to Relief Activities.

2. The head of the District Transport Bureau (including the head of the District Maritime Administration Department) may, when necessary in order for the prefectural governor to implement an order of the competent minister pursuant to the provisions of Article 31, cause parties engaged in transportation services to engage in activities related to Relief Activities.

3. The scope of persons engaged in medical services, civil engineering and construction services, and/or transportation services as set forth in Paragraph 1 and Paragraph 2 shall be as determined by government ordinance.

4. The provisions of Article 23-2 Paragraph 2 shall apply mutatis mutandis to Paragraph 1 and Paragraph 2.

5. When persons are caused to engage in Relief Activities pursuant to Paragraph 1 and Paragraph 2, they shall be reimbursed for actual expenses incurred.

(Partially amended in Law No. 157 of 1949, Law No. 109 of 1962, Law No. 85 of 1980, and Law No. 25 of 1984.)

Article 25 The prefectural governor may cause persons requiring Relief Activities and nearby persons to cooperate in activities related to Relief Activities.

Article 26 When there is a particular need in order to conduct Relief Activities or when there is a need in order to implement an order of the competent minister pursuant to the provisions of Article 31, the prefectural governor may control hospitals, clinics, inns, and other facilities as set forth in government ordinance, may use land, buildings, or supplies, may order parties engaged in the business of producing, shipping, selling, distributing, storing, or transporting supplies to store the supplies handled, or may expropriate supplies.

2. The provisions of Article 23-2 Paragraph 2 and Paragraph 3 shall apply mutatis mutandis to the cases set forth in the preceding paragraph.

(Partially amended in Law No. 109 of 1962.)

Article 27 If necessary for the control of facilities, use of land, buildings, or supplies, ordering of storage of supplies, or expropriation of supplies pursuant to the provisions of Paragraph 1 of the preceding article, the prefectural governor may cause his officers and employees to conduct on-site inspections of the facilities, land, buildings, location of supplies, or location where supplies are to be stored.

2. The prefectural governor may require parties caused to store supplies pursuant to Paragraph 1 of the preceding article to furnish necessary reports, and may cause his officers and employees to conduct on-site inspections of the locations where supplies have been stored.

3. When entering premises pursuant to Paragraph 2, prior notice shall be given to the manager of the facilities, land, building, or premises.

4. When officers or employees enter into premises pursuant to Paragraph 1 and Paragraph 2, they shall carry documents attesting to their identity and position.

Article 28 The Minister of Health and Welfare, prefectural governor, head of municipality (including the district mayor for special districts, and so throughout) to whom a part of the authority of the prefectural governor to implement Relief Activities has been delegated pursuant to the provisions of Article 30, or persons ordered by them may, in the event that an emergency disaster occurs and there is an actual need for emergency Relief Activities, claim priority use of telecommunications equipment provided for their businesses by telecommunications carriers as defined in Article 2 Paragraph 5 of the Telecommunications Business Act (Law No. 86 of 1984), or may use cable communications equipment or wireless communications equipment installed by parties listed in Article 3 Paragraph 4:3 of the Cable Communications Act (Law No. 96 of 1953) for the purpose of emergency communications related to said services.

(Fully amended in Law No. 166 of 1953; partially amended in Law No. 109 of 1962 and Law No. 87 of 1984.)

Article 29 Should persons caused to engage in Relief Activities pursuant to the provisions of Article 24 and Article 25 suffer injury, illness, or death as a result of said activities, they shall be paid allowances as set forth in government ordinance.

Article 30 The prefectural governor may, if deemed necessary in order to conduct Relief Activities in a speedy manner, delegate a part of his authority for the implementation to Relief Activities to a head of municipality.

(Partially amended in Law No. 166 of 1953.)

Article 31 The competent minister may order the governors of other prefectures to provide support for Relief Activities engaged in by a prefectural governor.

Article 31-2 In light of its mission, the Japan Red Cross shall cooperate with Relief Activities.

2. The government may cause the Japan Red Cross, under the direction and supervision of the government, to provide communication and coordination services for cooperation for Relief Activities provided by organizations other than Local Public Entities and by individuals (excluding the cooperation set forth in Article 25).

(Added in Law No. 109 of 1962.)

Article 32 The prefectural governor may delegate to the Japan Red Cross matters required to implement or support Relief Activities.

Chapter 3: Costs

Article 33 Costs incurred for Relief Activities pursuant to the provisions of Article 23 (including costs required for clerical services related to Relief Activities) shall be paid by the prefecture in

which Relief Activities took place.

2. Reimbursement of actual expenses pursuant to the provisions of Article 24 Paragraph 5, payment of allowances pursuant to the provisions of Article 29, and costs of parties caused to engage in or cooperate with Relief Activities under business orders pursuant to the provisions of Article 24 Paragraph 1 or under cooperation orders pursuant to the provisions of Article 25 shall be borne by the prefecture governed by the prefectural governor issuing said business order or cooperation order; costs of parties caused to engage in Relief Activities under business orders pursuant to the provisions of Article 24 Paragraph 2 shall be borne by the prefecture governed by the prefectural governor making requests pursuant to said paragraph.

3. Costs incurred for compensation of losses pursuant to the mutatis mutandis application of the provisions of Article 23-2 Paragraph 3 in Article 26 Paragraph 2 shall be borne by the prefecture governed by the prefectural governor controlling, using, expropriating, or ordering storage.

(Partially amended in Law No. 168 of 1949, Law No. 166 of 1953, and Law No. 109 of 1962.)

Article 34 The prefecture shall compensate the Japan Red Cross for costs incurred in the implementation of matters delegated by the prefectural governor pursuant to the provisions of Article 32, said compensation to be the amount of the costs minus contributions received therefor and other relevant income.

(Partially amended in Law No. 166 of 1949.)

Article 35 The prefecture may claim compensation from another prefecture for the costs incurred for support provided to Relief Activities that took place in said other prefecture.

(Partially amended in Law No. 168 of 1949.)

Article 36 Should the total of the costs paid by the prefecture pursuant to the provisions of Article 33, the cost of compensation incurred by the prefecture pursuant to the provisions of Article 34 (excluding that which can be claimed pursuant to the provisions of the preceding article), and the costs incurred to pay claims for compensation pursuant to the provisions of the preceding article exceed an amount as set forth in government ordinance, and should said total amount be less than two percent of the revenue projection for the relevant fiscal year (“Revenue Projection” throughout this article) as calculated using the standard tax rate (the tax rate specified by the law when there is no standard tax rate specified for a local tax) in Article 1 Paragraph 1:5 of the Local Taxation Act (Law No. 226 of 1950) as the normal tax rate (excluding non-statutory normal taxes and so throughout) for said prefecture, the national treasury shall bear fifty percent of said total amount; should said total amount exceed two percent of the Revenue Projection, the national treasury shall bear a percentage as defined in the following classifications. The calculation of revenue projections shall be in accordance with the provisions of Article 14 of the Local Tax Allocation Act (Law No. 211 of 1950).

- 1) Fifty percent for the portion up to two percent of the Revenue Projection.
- 2) Eighty percent for the portion between two percent and four percent of the Revenue Projection.
- 3) Ninety percent for the portion in excess of four percent of the Revenue Projection.

(Fully amended in Law No. 109 of 1962.)

Article 37 Prefectures shall set aside reserves in a Disaster Relief Fund to provide funding for the payment of costs pursuant to the preceding paragraph.

(Partially amended in Law No. 168 of 1949.)

Article 38 The minimum amount in the prefecture's Disaster Relief Fund each year shall be five thousandths of the average annual final amount of normal tax revenue as set forth in Local Taxation Act for a three-year period for the year preceding the current fiscal year. Should the Disaster Relief Fund be below said minimum amount, the prefecture shall allocate an amount designated by government ordinance to the Fund during the current fiscal year.

2. Should the minimum amount in the Disaster Relief Fund as calculated under the provisions of the preceding article be less than five million yen, the minimum amount in the Disaster Relief Fund for the current fiscal year shall be five million yen.

(Partially amended in Law No. 166 of 1953.)

Article 39 All revenue generated by the Disaster Relief Fund shall be allocated to the Disaster Relief Fund.

Article 40 Should the amount borne by the national treasury pursuant to the provisions of Article 36 exceed the amount paid for costs pursuant to the provisions of said article from sources other than the Disaster Relief Fund, the amount of excess shall be allocated to the Disaster Relief Fund.

(Partially amended in Law No. 168 of 1949.)

Article 41 The Disaster Relief Fund shall be invested using the methods below:

- 1) Deposit with the Trust Fund Bureau or deposit with safe and certain banks.
- 2) Subscription or purchasing of Japanese government bonds, municipal bonds, hypothec debentures, or other safe and certain bonds.
- 3) Advanced purchasing of items to be distributed pursuant to the provisions of Article 23 Paragraph 1.

(Partially amended in 102 of 1951.)

Article 42 The cost of managing the Disaster Relief Fund may be paid from the Disaster Relief Fund.

Article 43 A prefecture that has allocated to its Disaster Relief Fund an amount in excess of the minimum amount pursuant to the provisions of Article 38 may, when municipalities (including special districts, and so throughout) within its territory have saved funds for disaster relief, subsidize said savings from its Disaster Relief Fund to the extent of the portion of the Disaster Relief Fund in excess of the minimum amount specified in said article.

(Partially amended in Law No. 166 of 1953 and Law No. 109 of 1962.)

Article 44 When the prefectural governor delegates a part of his authority for Relief Activities to the head of municipality pursuant to the provisions of Article 30, or when the prefecture does not have time to pay for the costs incurred in Relief Activities, the municipality in which persons requiring Relief Activities are located shall make provisional payment on behalf of the prefecture of the costs incurred in implementing Relief Activities.

(Partially amended in Law No. 168 of 1949.)

Chapter 4: Penal Provisions

Article 45 Persons meeting any of the following criteria shall be subject to imprisonment of no more than six months and a fine of no more than fifty thousand yen.

1) Persons who have failed to follow business orders pursuant to the provisions of Article 24 Paragraph 1 and Paragraph 2.

2) Persons who have failed to follow storage orders pursuant to the provisions of Article 23-2 Paragraph 1 and Article 26 Paragraph 1.

(Partially amended in Law No. 109 of 1962.)

Article 46 Persons who have received or caused others to receive Relief Activities by fraudulent or other illicit means shall be subject to imprisonment of no more than six months and a fine of no more than fifty thousand yen. When there are relevant provisions in the Criminal Code, said persons shall be subject to the Criminal Code.

(Partially amended in Law No. 109 of 1962.)

Article 47 Persons who have refused, impeded, or evaded an on-site inspection by relevant officers and/or employees pursuant to the provisions of Article 23-3 Paragraph 1 or Paragraph 2, or Article 27 Paragraph 1 or Paragraph 2; or persons who have failed to report pursuant to the

provisions of Article 27 Paragraph 2 or who have provided a false report shall be subject to a fine of no more than thirty thousand yen.

(Partially amended in Law No. 109 of 1962.)

Article 48 When the representative of an incorporated entity or the agent, servant, or employee of an incorporated entity or person engages in the violations set forth in Article 45 and/or the preceding article in relation to the business of said incorporated entity or person, the person performing the action shall be subject to penal provisions, and the incorporated entity or person shall also be subject to the fines set forth respectively in each article.