

LAW FOR PREVENTION OF DISASTERS DUE TO COLLAPSE OF STEEP SLOPES

(1 July 1969, Law No.57)

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Chapter I General Provisions

(Purpose)

Article 1 Purpose of this Law is to take necessary measures for prevention of steep slope failure with an aim to protect people's lives from disaster caused by steep slope failure, and thereby to contribute to stabilization of people's life and land conservation.

(Definition)

Article 2 The term "steep slope" in this Law shall mean land with gradient of thirty degree or more.

2 The term "facility for prevention of steep slope failure" in this Law shall mean retaining wall, drainage facility and other facility for prevention of steep slope failure within such danger area of slope failure as may be designated subject to the provision of the next Article.

3 The term "slope failure prevention works" in this Law shall mean construction or improvement of facility for prevention of steep slope failure or other works for prevention of steep slope failure within such danger area as may be designated subject to the provision of the next Article.

(Designation of Danger Area of Slope Failure)

Article 3 Prefectural governor may, when he/she deems it necessary to attain the purpose of this Law, designate, considering opinions from heads of city, town and village (including head of special district; hereinafter the same) concerned, an area of land from among steep slope with potentiality of collapse by which considerable number of residents and other people may suffer injury and its adjacent land where the acts stipulated in the provision of any Items of Article 7 Paragraph 1 should be restricted so as not to foster or induce collapse of the said steep slope, as danger area of slope failure.

2 The designation subject to the preceding Paragraph shall be of the minimum necessity to attain the purpose of this Law.

3 Prefectural governor shall, when he/she makes designation subject to the provision of Paragraph 1,

give public notice on the said danger area of slope failure and notify heads of city, town and village concerned to that effect, as may be provided for in Ordinance of Ministry of Land, Infrastructure and Transport. The same shall apply in case of its abolishment.

4 Designation and abolishment of the danger area of slope failure shall come into force by the publication subject to the provision of the preceding Paragraph.

(Investigations)

Article 4 Designation subject to the provision of the preceding Article Paragraph 1 shall be made on field investigations, according to the necessity, of topography, geology, precipitation and other situations of land referred to the said designation.

(Entry into Lands for Investigations)

Article 5 Prefectural governor as well as his/her appointee or entrustee may, in case of inevitable necessity for investigations subject to the provision of the preceding Article, enter a land occupied by another person, or make temporary use of another person's land, wherein no specific use purpose exists, as material depository or work site.

2 Any person who intends to enter a land occupied by another person subject to the provision of the preceding Paragraph shall notify thereon beforehand to the occupant of the said land, unless it is difficult to notify beforehand.

3 Any person who intends to enter a land of building site or a land enclosed by hedge, fence or other structures in another person's occupation according to the provision of the preceding paragraph shall, beforehand on entering, inform thereon to the possessor of the said land.

4 No entry shall be made into such land as stipulated in the provision of the preceding Paragraph before sunrise and after sunset, except in case consent of the occupant has been obtained.

5 Any person who intends to enter a land occupied by another person stipulated in the provision of Paragraph 1 shall bear his/her identification card, and shall show it on request of the party concerned.

6 Any person who intends to make temporary use of another person's land, wherein no specific use purpose exists, for material depository or work site stipulated in the provision of Paragraph 1 shall notify thereon to the occupant and owner of the said land beforehand, and hear their opinions.

7 The occupant or owner of the land shall not refuse or obstruct the entry or temporary use subject to the provision of Paragraph 1, unless he/she has justifiable reason.

8 In case a person suffers a loss owing to the entry or temporary use subject to the provision of Paragraph 1, prefecture shall compensate him/her for the loss which may ordinarily be incurred.

9 Prefecture and the person who has incurred loss shall hold consultation on the compensation subject to

the provision of the preceding Paragraph.

10 In the case no agreement has been reached by consultation subject to the provision of the preceding Paragraph, prefecture shall render an amount of money by its own estimation to the person who has incurred loss. In this case, any person dissatisfied with the amount of money may apply for ruling to the expropriation committee, within 30 days from the day of rendering, subject to the provision of Article 94 Paragraph 2 of the Expropriation Law (1951, Law No.219), as may be provided for in Government Ordinance.

Chapter II Management Concerning Danger Area of Slope Failure

(Installation of Sign)

Article 6 Prefecture shall, when designation of danger area of slope failure has been made, install a sign to indicate thereon in the said danger area of slope failure, as may be provided for in Ordinance of Ministry of Land, Infrastructure and Transport.

(Restriction of Act)

Article 7 Acts listed below shall not be performed in danger area of slope failure without obtaining the permission of prefectural governor. However, this does not apply to the acts as emergency measures in urgent disaster, acts already started at the time of designation of the said danger area of slope failure and other acts as may be provided for in Government Ordinance.

- (1) Acts which let water flow or stagnate or other acts which enhance the infiltration of water
- (2) Construction or reconstruction of reservoir, canal or other facilities or structures other than facility for prevention of steep slope failure
- (3) Slope cutting, earth cutting, excavation or earth filling
- (4) Felling of standing tree or bamboo
- (5) Carrying-out of timber or bamboo by slip or drag
- (6) Extraction or accumulation of earth and stone
- (7) Other acts, besides the preceding Items, which are in danger of fostering or inducing steep slope failure as may be provided for in Government Ordinance

2 Prefectural governor may attach conditions necessary for prevention of steep slope failure to the permission subject to the provision of the preceding Paragraph.

3 Any person who has already started the acts listed in the provision of Paragraph 1 Items 1 through 7 (except for the acts to be performed as emergency measures in urgent disaster and other acts subject to the non-application clause of Paragraph 1 to be provided in Government Ordinance) shall, within fourteen days from the day of designation, notice it to prefectural governor.

4 The State or any local public body shall, on intending to perform the act necessary for the permission subject to the provision of Paragraph 1(hereinafter referred to as “restricted act”), suffice to effect it with prior consultation to prefectural governor.

(Supervisory Measures and Compensation for Loss)

Article 8 Prefectural governor may annul the permission subject to the provision of the preceding Article Paragraph 1 or change conditions thereof, or order to discontinue the restricted acts or to take other measures necessary for prevention of steep slope failure to the person who comes under any of the Items listed below.

- (1) Person who has violated the provision of the preceding Article Paragraph 1
- (2) Person who does not meet the conditions attached to the permission subject to the provision of the preceding Article Paragraph 1
- (3) Person who has obtained the permission subject to the provision of the preceding Article Paragraph 1 by fraud or some other illegal means

2 Prefectural governor may, when he/she cannot confirm the person to be ordered to take measures, without fault, in case he/she intends to order the necessary measures subject to the provision of the preceding Paragraph and it is deemed that negligence thereof may be considerably adverse to public interests, take the measures by him-/herself or make his/her appointee or entrustee to take them at the expense of the person. In this case, prefectural governor shall make public notice, fixing a time limit, to the effect that the measures shall be taken, and if not taken by the time limit, he/she or his/her appointee or entrustee shall take the measures.

(Conservation of Land, etc.)

Article 9 Owner, manager or occupant of land within a danger area of slope failure shall, with regards to the maintenance and management of the land, make efforts not to give rise to steep slope failure within the said danger area of slope failure.

2 A person who may be in danger of suffering damages by steep slope failure shall make efforts to take measures for elimination or mitigation of damages by the said steep slope failure.

3 Prefectural governor may, when he/she deems it necessary to prevent disaster by steep slope failure within a danger area of slope failure, recommend the person who may be in danger of suffering damages by the said steep slope failure and other person to take necessary measures such as execution of slope failure prevention works.

(Order of Improvement)

Article 10 In case where restricted act on a land within danger area of slope failure (as well as the act which had been performed before the designation of the said danger area of slope failure or the act which

has already been started on the day of the designation, and that, if the act would be performed after the said designation, the act shall come under the restricted act; hereinafter the same) is performed, and it is deemed that, as the slope failure prevention works necessary for prevention of steep slope failure following the said restricted act have not executed or are incomplete in no small scale, negligence thereof may be conspicuously in danger of steep slope failure, prefectural governor may order the owner, manager or occupant, fixing an appropriate grace term, to execute the slope failure prevention works, within the limit of necessity to eliminate or mitigate the conspicuous danger insofar as deemed to be appropriate from the viewpoints of land use, circumstances of resultant performance of the said restricted act and others.

2 In the case stipulated in the provision of the preceding Paragraph, where it is evident that the conspicuous danger of steep slope failure stipulated in the provision of the same Paragraph has been caused by the act of a person other than owner, manager or occupant of the land on which the said restricted act was performed, and it is deemed appropriate to have the person having performed the act execute the whole or a part of the works subject to the provision of the same Paragraph, and that, there is no objection against it from the owner, manager or occupant of the land where the said restricted act has been performed, prefectural governor may order the person who performed the act to execute the whole or a part of the works subject to the provision of the same Paragraph.

3 The preceding two Paragraphs shall not apply to the person stipulated in the provision of any Item in Article 8 Paragraph 1.

4 The provision of Article 8 Paragraph 2 shall apply to the person stipulated in the provision of Paragraph 1 or 2.

(On-the-spot Inspection)

Article 11 Prefectural governor as well as his/her appointee or entrustee may, in case it is necessary for enforcement of his/her powers subject to the provisions of Article 7 Paragraph 1, Article 8 Paragraph 1 or the preceding Article Paragraph 1 or 2, enter the land and inspect the situations of the land or slope failure prevention works or restricted acts on the said land.

2 Article 5 Paragraph 5 shall be applied mutatis mutandis to the case stipulated in the provision of the preceding Paragraph.

3 The power of entry and inspection subject to the provision of Paragraph 1 shall not be construed as meaning the power vested for criminal investigation.

(Slope Failure Prevention Works Executed by Prefecture)

Article 12 Prefecture shall execute such slope failure prevention works as may be difficult or inappropriate for execution by the owner, manager or occupant of the steep slope land or by the person who may be in danger of suffering damages by the said steep slope failure, except for the works necessary for

prevention of steep slope failure following the restricted act.

2 The provision of the preceding Paragraph shall not apply to the land designated subject to the provision of Article 2 of the Sabo Law (1897, Law No.29), the preservation forest designated subject to the provisions of Article 25 Paragraph 1 or Article 25-2 Paragraph 1 or 2 of the Forest Law (1950, Law No.249), except for the preservation forest designated subject to the provision of Article 25 Paragraph 2 of the same Law by the application mutatis mutandis of the latter part of Paragraph 1 or the latter part of Paragraph 2 of Article 25-2 of the same Law, or the district equipped with preservation facility designated subject to the provision of Article 41 of the same Law, or the landslide-threatened area designated subject to the provision of Article 3 Paragraph 1 of the Landslide Prevention Law or the slagheap collapse-threatened area designated subject to the provision of Article 4 Paragraph 1 of the same Law.

3 Prefectural governor shall, when he/she intends to execute slope failure prevention works subject to the provision of Paragraph 1 (hereinafter referred to as “works by prefecture”) within fishing port area stipulated in the provision of Article 2 of the Fishing Port And Fishing Ground Arrangement Law (1950, Law No.137) (except for water area), area adjacent to port area stipulated in the provision of Article 37 Paragraph 1 of the Port Law (1950, Law No.218) or seacoast conservation area stipulated in the provision of Article 3 Paragraph 1 of the Seacoast Law (1956, Law No.101), consult with fishing port administrator, port administrator or seacoast administrator beforehand. However, this does not apply to the case where consultation with port administrator or seacoast administrator shall be necessary, subject to the provisions of Article 37 Paragraphs 1 and 3 of the Port Law or Article 10 Paragraph 2 of the Seacoast Law.

(Works Executed by Person Other Than Prefecture)

Article 13 In case a person other than the State or local public bodies intends to execute slope failure prevention works, he/she shall notify it to prefectural governor beforehand, as may be provided for in Ordinance of Ministry of Land, Infrastructure and Transport.

2 The State or local public bodies shall, when they intend to execute slope failure prevention works, notify it to prefectural governor beforehand.

(Criteria of Execution of Slope Failure Prevention Works)

Article 14 Slope failure prevention works must be efficient and appropriate according to the cause, mechanism and scale of steep slope failure in the danger area of slope failure.

2 Slope failure prevention works shall be executed in observance of the technical criteria as may be provided for by Government Ordinance.

(Exception of Application)

Article 15 The preceding two Articles shall not apply to the slope failure prevention works which come under the sabo works subject to the Sabo Law, works concerning prevention facility project subject to the

Forest Law, or landslide prevention works or slagheap collapse prevention works subject to the Landslide Prevention Law.

(Execution of Appurtenant Works)

Article 16 Prefecture may, with regards to works other than slope failure prevention works (hereinafter referred to as “other works”) necessitated by works by prefecture or other works necessitated for execution of works by prefecture, execute such works together with the said slope failure prevention works.

2 In the case stipulated in the provision of the preceding Paragraph, where the other works come under river works (that is, the river works in a river to which the River Law (1964, Law No.167) may be applied or applied mutatis mutandis; hereinafter the same) or works concerning road (that is, the road which may be stipulated in the Road Law (1952, Law No.180); hereinafter the same), the provision of the same Paragraph shall not be applied to the execution of the said other works.

(Entry into Land)

Article 17 Prefectural governor as well as his/her appointee or entrustee may, insofar as inevitably necessary for works by prefecture, enter a land occupied by another person, or make temporary use of another person's land, wherein no specific use purpose exists, as material depository or work site.

2 Article 5 Paragraph 2 through 10 shall be applied mutatis mutandis in the case stipulated in the provision of the preceding Paragraph.

(Compensation for Loss Caused by Slope Failure Prevention Works)

Article 18 Except in the case to which the provision of Article 93 Paragraph 1 of the Land Expropriation Law (1951, Law No.219) applies, when it is deemed inevitably necessary, as a result that prefectural governor has executed landslide prevention works, to build, extend, repair or move a pathway, ditch, fence, palisade or some other facility or structure, or to execute banking or cutting on the land, prefecture under the jurisdiction of the said prefecture shall pay in compensation the whole or a part of the expenses for such works, on the request of the person for whom execution of the works are necessary (hereinafter in this Article referred to as “person who has incurred loss”). In this case, prefecture under the jurisdiction of the said prefectural governor or the person who has incurred loss may request that prefectural governor execute the said works as substitute for the whole or a part or the compensational money.

2 The compensation for the loss subject to the provision of the preceding Paragraph may not be demanded after one year has elapsed from the day of completion of the said landslide prevention works.

3 With regards to the compensation subject to the provision of Paragraph 1, prefecture under the jurisdiction of the said prefectural governor and the person who has incurred loss shall hold consultation on it.

4 In case where no agreement has been reached by consultation subject to the provision of the preceding Paragraph, prefecture under the jurisdiction of the said prefectural governor or the person who has incurred loss may apply to the expropriation committee for a decision subject to the provision of Article 94 of the Expropriation Law, as may be provided for in Government Ordinance.

Article 19 (Deleted.)

(Directions of Minister of Land, Infrastructure and Transport)

Article 20 Minister of Land, Infrastructure and Transport may, when it is deemed of urgent necessity to prevent or mitigate disaster in case where the disaster due to steep slope failure has occurred or is afraid to occur, issue prefectural government the directions concerning the functions stipulated in the provisions of Article 3 Paragraphs 1 and 3, Article 7 Paragraphs 1, 2 and 4, Article 8 Paragraph 1, the same Article Paragraph 2 (including the case of application mutatis mutandis in Article 10 Paragraph 4), Article 9 Paragraph 3, Article 10 Paragraphs 1 and 2, Article 11 Paragraph 1 and Article 12 Paragraph 1.

Chapter III Expenses Concerning Danger Area of Slope Failure

(Subsidy to the Expenses Necessary for Works by Prefecture)

Article 21 The State may grant subsidy up to half of the expenses necessary for works by prefecture within the limit of budgetary appropriation, as may be provided for in Government Ordinance.

(Expenses for Appurtenant Works)

Article 22 With regards to expenses of other works necessitated by the works by prefecture or of other works necessitated for execution of the works by prefecture, prefecture shall, within the limit of amount to be expended for the works necessitated, bear the whole or a part of the expenses, except for the case where there are special conditions attached to the permission subject to the provision of Article 7 Paragraph 1 and the case where consultation subject to the provision of the same Article Paragraph 4 may be held.

2 In the case stipulated in the provision of the preceding Paragraph, where the other works come under river works or works concerning road, the provision of the same Paragraph shall not be applied to the expenses of the said other works.

(Cost Sharing by Beneficiaries)

Article 23 Prefecture may, in case where any person may be considerably benefited by works by prefecture, make the person bear a part of expenses of the said works, within the limit of the benefit to be gained.

2 The scope of persons from whom the shares may be collected and the means of collecting the shares in the case stipulated in the preceding Paragraph shall be fixed by bylaw of prefecture.

Chapter IV Miscellaneous Provisions

(Loan Rendering for Persons Who Received Recommendation etc. by The Government Housing Loan Corporation etc.)

Article 24 With regards to the loan rendering to the persons who received recommendation or order subject to the provisions of Article 9 Para-graph 3 or Article 10 Paragraph 1 or 2, the provisions of the Government Housing Loan Corporation Law (1950, Law No.156) or the Okinawa Development Finance Corporation Law (1972, Law No.31) shall be applied.

(Gratuitous Lending of National Lands, etc.)

Article 25 National lands in the category of ordinary properties may, incase of rendering for the use of facility for prevention of steep slope failure to be constructed by works by prefecture, be gratuitously lent or conceded separately from the provisions of Article 22 or Article 28 of the National Property Law (1948, Law No.73).

(Collection of Reports)

Article 26 Prefectural governor may request from the owner, manager or occupant of land within danger area of slope failure, or the person who performs or has performed slope failure prevention works or restricted acts, necessary reports concerning enforcement of this Law.

(Delegation of Powers)

Article 26-2 A part of the powers of Minister of Land, Infrastructure and Transport stipulated in this Law may be delegated to the Director Generals of the Regional Development Bureaus or the Director General of Hokkaido Development Bureau, as may be provided for in Ordinance of Ministry of Land, Infrastructure and Transport.

Chapter V Penal Provisions

(Penal Provisions)

Article 27 A person who offended the order of prefectural governor pursuant to the provision of Article 18 Paragraph 1 shall be punished with penal servitude for not more than one year or a fine of not more than one hundred thousand yen.

Article 28 A person to whom one of the following Items applies shall be punished with penal servitude for not more than six months or a fine of not more than fifty thousand yen.

- (1) A person who violated the provision of Article 5 Paragraph 7 (including the case of application mutatis mutandis in the provision of Article 17 Paragraph 2)
- (2) A person who violated the provision of Article 7 Paragraph 1
- (3) A person who offended the order of prefectural governor pursuant to the provision of Article 10 Paragraph 1 or 2
- (4) A person who rejected or evaded the on-the-spot inspection subject to the provision of Article 11 Paragraph 1

Article 29 A person to whom one of the following Items applies shall be punished with a fine of not more than ten thousand yen.

- (1) A person who moved, dirtied or damaged the sign installed subject to the provision of Article 6
- (2) A person who failed to notice, or noticed falsely, subject to the provision of Article 7 Paragraph 3
- (3) A person who failed to submit reports, or submitted false reports, subject to the provision of Article 26

(Punishment of Either Persons)

Article 30 In case a representative of judicial person or an agent, a worker or any other employee of judicial person or natural person has violated the provisions of the preceding three Articles, not only the of-fender shall be punished, but also the judicial or natural person shall be punished with a fine stipulated in the corresponding Article.

Supplementary Provisions

1 This Law shall come into force on the day as may be provided for in Government Ordinance within the term not exceeding three months from the day of its promulgation.

(Enforced on 1 August 1969 by the provision of Government Ordinance, 1969, No.205)

2 — (omitted... Transitory provisions and special terms on provisional financing etc.)