

Law on the independent administrative institution
National Institutes for Cultural Heritage
(Law No. 178 of the year 1999 December 22nd)

Last amendment: Law No. 7 of the year 2007 March 30

*tentative translation

- Chapter 1 General Rules (article 1 to 5)
- Chapter 2 Trustee and Staff (article 6 to 11)
- Chapter 3 Service (article 12 to 14)
- Chapter 4 Miscellaneous Rules (article 15 to 16)
- Chapter 5 Penal Rules (article 17 to 18)

CHAPTER 1 GENERAL RULES

Article 1: Purpose

The present law is to define the name, objectives and scopes of service of the independent administrative institution National Institutes for Cultural Heritage.

Article 2: Name

Independent Administrative Institution National Institutes for Cultural Heritage is the name of an independent administrative institution defined in Article 2 paragraph 1 of the General Law on Independent Administrative Institution (Law No. 103 of the year 1999, hereinafter the law) and the present law.

Article 3: Aims of the Institutes

Independent Administrative Institution National Institutes for Cultural Heritage, hereinafter the Institutes, aims at the preservation and utilization of objects of cultural property as invaluable national assets; it shall install museums, collect and hold objects of tangible cultural property defined in Article 2 paragraph 1 Item (i) of the Law on the protection of cultural property (Law No. 214 of the year 1950), make them available to the public viewing, and implement researches and studies on cultural property defined in the same paragraph.

Article 4: Office

The institute shall locate the main office in Tokyo.

Article 5: Finance

The financial resources of the Institutions is the sum of governmental investment prescribed in Article 5 paragraph 2 of the Annex hereto and Article 3 paragraph 1 of the Annex to the Law (Law No. 7 of the year 2007) on the partial amendment of the

Law on the independent administrative institution National Institutes for Cultural Heritage.

2. The Government may, wherever necessary, make an additional investment in the Institutes within the amount fixed in the budget.

3. The Government may, wherever necessary, notwithstanding the previous paragraph, make an additional investment of lands, buildings, other fixtures to the land, and fittings annexed to the building (referred to "land etc." in paragraph 5) in the Institutes.

4. Upon the investment of the Government prescribed in the two previous paragraphs, the Institutes shall increase in its capital stock based on the amount of that investment.

5. The value of land etc., of which the Government makes investment in conformity with the provision of paragraph 3, is the price estimated by an evaluating committee according to the market price as of investment.

6. An evaluating committee and the other matters necessary to the evaluation in the previous paragraph are fixed by a cabinet order.

CHAPTER 2 ADMINISTRATORS and STAFF

Article 6: Administrator

Administrators of the Institutes are the trustee in chief as a head of trustees and two audits.

2. No more than three trustees may become administrators of the Institutes.

Article 7: Functions and powers of a trustee

A trustee assists the trustee in chief and manages the service of the Institute as prescribed by the trustee in chief.

2. Administrators prescribed in Article 19 paragraph 2 of the General Law are those trustees. In case of no trustee installed, however, they are those auditors.

3. Under the proviso in the previous paragraph an audit shall not perform its own functions as long as he acts for the trustee in chief subject to Article 19 paragraph 2 of the General Law.

Article 8: Term of office of an administrator

The trustee in chief and other trustees have a four-year term while an audit has a two-year term.

Article 9: Special provisions to a disqualification cause of an administrator

Notwithstanding the provision of Article 22 of the General Law, a public officer in education who is defined in a cabinet order may become a part-time trustee or audit.

2. In applying the Article 23 paragraph 1 of the General Law which prescribes the dismissal of a part-time trustee and audit of the Institutes, “the previous article” described in the said paragraph shall be read as “the previous article and Article 9 paragraph 1 of the Law on the independent administrative institution National Institutes for Cultural Heritage (Law No. 178 of the year 1999).”

Article 10: Obligation of confidentiality of an administrator and staff

An administrator and staff of the Institutes shall not leak the secret which is known to them through the service listed in Article 12 paragraph 1 Item (v) and (vi). After leaving office, the said obligation remains upon them.

Article 11: Status of an administrator and staff

An administrator and staff of the Institutes are regarded by laws and orders as public officers punishable by the Criminal Code and other penal rules.

CHAPTER 3 SERVICE

Article 12: Scopes of the service

For the achievement of the aims prescribed in Article 3 the Institutes shall perform the following services:

- (i) to install a museum;
- (ii) to collect and store an object of tangible cultural property and to make them available to the public viewing;
- (iii) to hold a lecture meeting related to the service of the previous Item, to publish, and to educate and diffuse in other ways;
- (iv) to make a museum prescribed in Item (i) available to a project aiming to preserve or utilize an object of cultural property;
- (v) to implement researches on and investigation into cultural property;
- (vi) to diffuse the products of the previous Item and to promote the application of them;
- (vii) to collect, organize and provide information and materials on cultural property;
- (viii) regarding the services prescribed in Item (ii), (iii), (v), (vi), (vii), to provide a training course for staff members of a local government, a museum, a research institute on cultural property and other comparable facilities (hereinafter referred to as a local government etc.);
- (ix) regarding the services in Item (ii), (iii), and from (v) to (vii) inclusive, to assist and advise upon the request from a local government etc.;
- (x) to implement those incidental to the services in each of the previous Items.

2. In addition to the services under the previous paragraph and without impeding them the Institutes may hold an exhibition or other events aiming to promote international cultural exchanges and make available to them a museum prescribed in Item (i) of the previous paragraph.

Article 13: Disposal of the reserve fund

In cases where the Institutes has the reserve fund prescribed in Article 44 paragraph 1 after liquidation under the provision of Article 44 paragraph 1 or 2 of the General Law regarding the project year at the end of the period for the mid-term objective (hereinafter in the present paragraph referred to as “the period for the mid-term objective”) prescribed in Article 29 paragraph 2 Item (i) of General Law, subject to the mid-term objective (the altered one if authorized as in the second sentence of the below-mentioned paragraph) authorized under Article 30 paragraph 1 of the General Law regarding the period for the mid-term objective next to such a period, the Institutes may allocate such amount as the Minister of Education, Culture, Sports, Science and Technology permits out of that reserve fund to the services prescribed in the previous article during such a next period for the mid-term objective.

2. In cases where the Minister of Education, Culture, Sports, Science and Technology grants authorization under the previous paragraph, he/she shall beforehand hear from the Council for the evaluation of independent administrative institutions as well as consult with the Minister of Finance.

3. In cases where the Institutes still has residue after subtracting the amount authorized under the first paragraph from the amount of the reserve fund prescribed in the same paragraph, it shall hand over the residue to the exchequer.

4. In addition to those matters prescribed in the previous three paragraphs, others necessary for the procedure to hand over and the disposal of the reserve fund shall be fixed by a cabinet order.

Article 14: Restriction upon disposal of objects of tangible cultural property

In cases where the Institutes alienates or pledges its own object of tangible cultural property (limited to such a valuable object as prescribed in Article 30 paragraph 2 Item (v) or Article 48 paragraph 1 of the General Law; hereinafter applicable in the present article), the Minister of Education, Culture, Sports, Science and Technology shall not grant authorization under Article 30 paragraph 1 and Article 48 paragraph 1 of the General Law unless such alienation or pledge admittedly helps the preservation and utilization of such an object of tangible cultural property.

CHAPTER 4 MISCELLANEOUS RULES

Article 15: Minister in charge etc.

The minister in charge, the ministry in charge, and the ministerial order in charge are respectively the Minister of Education, Culture, Sports, Science and Technology, MEXT, and the MEXT order.

Article 16: Special provisions to application of other laws

In applying Article 3 paragraph 1 of the Guns and Swords Control Law (Law No. 6 of

the year 1958), the Institutes is regarded as the Nation. In this case, “staff members” in the said paragraph Item (ii) and (ii) *bis* is equal to “administrators and staff members.”

2. In applying Article 7 paragraph 3 and Article 8 paragraph 8 of the Special Measures Law on the preservation of the historical climate in the ancient capital (Law No. 1 of the year 1966), the Institutes is regarded as a national organization.

CHAPTER 5 PENAL RULES

Article 17

Those who leak the confidential matters in violation of Article 10 shall be punished by imprisonment not exceeding one year or fine not exceeding five hundred thousand yen.

Article 18

In the following cases, an administrator of the Institutes who commits violation shall be punished by fine not exceeding two hundred thousand yen;

- (i) where he/she does jobs irrelevant to the services prescribed in Article 12:
- (ii) where he/she does not obtain the authorization of the Minister of Education, Culture, Sports, Science and Technology although it is mandatory under Article 13 paragraph 1.