

# Act on Architects and Building Engineers(Act No. 202, 1950) Final Amendment -- Act No. 69, 2022

## CHAPTER 1 GENERAL PROVISIONS

### (Purpose)

**Article 1.** The purpose of this Act is to provide the qualifications required of a professional engaged in design, construction administration, and related services pertaining to buildings and thereby to ensure that the proper services be provided to contribute to the improvement of building quality.

### (Definition of Terms)

**Article 2.** The term “Architect and Building Engineer (hereinafter referred to as “A&BE”)” as used in this act means 1st-class A&BE, 2nd-class A&BE or Wooden A&BE

2. The term, “1st-class A&BE” as used in this act means a person who is licensed by the Minister to engage in the services pertaining to buildings, including design and construction administration, with the title of 1st-class A&BE.

3. The term, “2nd-class A&BE” as used in this act means a person who is licensed by a prefectural governor to engage in the services pertaining to buildings, including design and construction administration, with the title of 2nd-class A&BE.

4. The term, “Wooden A&BE” as used in this act means a person who is licensed by a prefectural governor to engage in the services pertaining to wooden buildings, including design and construction administration, with the title of Wooden A&BE.

5. The term, “Building, Mechanical, and Electrical Engineer (hereinafter referred to as “BMEE”)” as used in this act means a person who has the qualifications established by the Minister with respect to the knowledge and skills related to MEP systems.

6. The term, “drawings/specifications” as used in this act mean drawings (excluding full-scale drawings and the like) and specifications required for building construction work, and “design” means the preparation of drawings/specifications under the responsibility of the person who prepared them.

7. The term, “structural design” as used in this act means the design pertaining to structures of buildings, including foundation framing plans and structural calculation documents (hereinafter referred to as “structural drawings/specifications”) as provided by MLIT Order, and “MEP design” means the design of drawings/specifications pertaining to MEP systems, including floor plans and structural details (refers to “MEP systems” provided in Article 2 item (3) of the Building Standards Act (Act No. 201, 1950 - recent amendment Act No. 114, 2006); the same hereinafter), as provided by MLIT Order (hereinafter referred to as “MEP drawings/specifications”).

*Regulation Article 1*

8. The term, “construction administration” as used in this act means the verifying of construction work with drawings/specifications and confirming whether or not the construction work is carried out in accordance with such drawings/specifications under the responsibility of a qualified person.

9. The terms, “major repair” and “major remodeling” as used in this act mean respectively repair and remodeling as provided in Article 2 items (14) and (15), respectively, of the Building Standards Act.

*Building Standards Act Article 2*

10. The terms, “total floor area”, “height”, and “number of stories” as used in this act mean figures calculated in accordance with Article 92 of the Building Standards Act. [to be enforced in 2025]

### (Professional responsibilities)

**Article 2-2.** An A&BE must always maintain the professional ethics and be thoroughly familiar with laws and regulations pertaining to the services of A&BE as well as the practice thereof, and provide services with fairness and integrity so as to contribute to the improvement of building quality.

### (Buildings design or construction administration engaged in only by 1st-class A&BE)

**Article 3.** Only a 1st-class A&BE may engage in the design or the construction administration of a new building as defined in each of the following items (excluding an emergency temporary building provided in Article 85, paragraph 1 or 2 of the Building Standards Act, with the same exclusion applying hereinafter in this Chapter):

*Building Standards Act Article 85*

- (1) A building used as a school, hospital, theater, movie theater, grandstand, public hall, assembly hall (excluding assembly hall without auditorium) or department store, with a total floor area exceeding 500 sq m;

- (2) A building or its parts of wooden construction, with a height exceeding 16 m or with 4 stories or more except basement; [to be enforced in 2025]
- (3) A building or its parts of reinforced concrete construction, steel construction, stone construction, brick construction, concrete block construction or plain concrete construction, with a total floor area exceeding 300 sq m or with a height exceeding 16 m or with 4 stories or more except basement; or, [to be enforced in 2025]
- (4) A building which a total floor area exceeds 1,000 sq m and which number of stories is two or more.

2. In cases where a building is subject to an addition, rebuilding, major repair or major remodeling, the parts of such an addition, rebuilding, major repair or remodeling are deemed to be new construction, and as such, the provisions of preceding paragraph apply.

**(Building design or construction administration engaged in only by a 1st-class A&BE or a 2nd-class A&BE)**

**Article 3-2.** Only a 1st-class A&BE or 2nd-class A&BE may engage in the design or the construction administration of a new building to which none of the items in paragraph 1 of the preceding Article applies but to which one of the following applies:

- (1) A building or its parts described in item (3) of paragraph 1 of the preceding Article with a total floor area exceeding 30 sq m; or,
- (2) A building which a total floor area exceeds 100 sq m (300 sq m for wooden construction) or which number of stories is three or more.

2. The provisions of paragraph 2 of the preceding Article apply to the preceding paragraph.

3. Notwithstanding the provisions of paragraph 1, a prefectural government may, if it is deemed necessary in the light of land conditions, under ordinance, define the total floor area different from that provided in each of the items of the paragraph (excluding that related to wooden buildings) by restricting of an area and/or the use of building.

**(Buildings design or construction administration engaged in only by a 1st-class A&BE, a 2nd-class A&BE or a Wooden A&BE)**

**Article 3-3.** Only a 1st-class A&BE, a 2nd-class A&BE or a Wooden A&BE may engage in the design or construction administration of a new wooden building with total floor area exceeding 100 sq m which is not listed in item (2) of paragraph 1 of the preceding Article.

2. The provisions of paragraph 2 of Article 3 and paragraph 3 of the preceding Article apply to the preceding paragraph. In this case, “total floor area different from that provided in each of the items of the paragraph (excluding that related to wooden buildings)” in paragraph 3 of Article 3-2 is deemed to replace with “total floor area different from that provided in paragraph 1 of the following Article”.

## **CHAPTER 2 LICENSES AND OTHER MATTERS <sup>(cc)</sup>**

**(A&BE license)**

**Article 4.** A person intending to become a 1st-class A&BE must obtain the license issued by the Minister.

2. Only a person who passed qualifying examination for 1st-class A&BE executed by the Minister and who satisfies any of the following is eligible to obtain 1st-class A&BE license certificate:

- (1) Completed architecture-related subjects designated by the Minister at a university (excluding a junior college) defined by the School Education Act (Act No. 26, 1947) or a university defined by the former College Act (Imperial Ordinance No. 388, 1918) and graduated from the university, and had two or more years of experience in building related practice as provided by MLIT Order (hereinafter referred as “building related practice”) after graduation.
- (2) Completed architecture-related subjects designated by the Minister at a junior college (limited to three-year colleges, and including three-year early course of a professional college) defined by the School Education Act and graduated from the junior college (excluding those who graduated from an evening program of such a college), and has three or more years of experience in building-related practice after graduation;

*MLIT Notification No. 741, 2008*

- (3) Completed architecture-related subjects designated by the Minister at a junior college or a college of technology defined by the School Education Act or from a vocational training school defined by the former Vocational Training School Act (Imperial Ordinance No. 61, 1903) and graduated from the institution, and has four or more years of experience in building-related practice after graduation (excluding those identified in the preceding item);

*MLIT Notification No. 742, 2008*

- (4) Has four or more years of design and other practical experience provided by MLIT Order as a 2nd-class A&BE or, <sup>(cc)</sup>

- (5) Deemed by the Minister to possess knowledge and skills equal or superior to those of persons identified in the preceding two items.
3. A person intending to become a 2nd-class A&BE or a Wooden A&BE must obtain the license issued by the prefectural governor.
4. Only a person who passed qualifying examination for 2nd-class A&BE or Wooden A&BE executed by the prefectural governor from whom the person intend to obtain the license and who satisfies any of the following is eligible to obtain 2nd-class A&BE license certificate or Wooden A&BE license certificate:
- (1) Completed architecture-related subjects designated by the Minister at a university, a college of technology, a high school or secondary education school defined by the School Education Act, a university defined by the former College Act, a vocational training school defined by the former Vocational Training School Act, or a middle school defined by the former Middle School Act and graduated from the institution (including; completed the subject and completed early course of a professional college defined by the Act)
  - (2) Completed architecture-related subjects designated by the Minister at a high school or secondary education school defined by the School Education Act or a middle school defined by the former Middle School Act (Imperial Ordinance No. 36, 1943) and graduated from the school, and has three or more years of experience in building-related practice after graduation;
- MLIT Notification No. 744, 2008*
- (3) Deemed by a prefectural governor to possess knowledge and skills equal or superior to those of persons identified in the preceding item; or,
  - (4) Has seven or more years of experience in building-related practice.
5. A person who has obtained a foreign architect license may obtain a 1st-class A&BE license or 2nd-class A&BE license or a Wooden A&BE license notwithstanding the provision of paragraph 2 or the preceding paragraph if the Minister deems the person possesses qualifications equal or superior to those of the 1st-class A&BE or if a prefectural governor deems the person possesses qualifications equal or superior to those of the 2nd-class A&BE or Wooden A&BE.

**(Registration of license)**

- Article 5.** The 1st-class A&BE or 2nd-class A&BE or Wooden A&BE license is to be awarded after the registration of the individual in the register of 1st-class A&BE, the register of 2nd-class A&BE or the register of Wooden A&BE, respectively.
2. The Minister, upon granting 1st-class A&BE license, and a prefectural governor, upon granting 2nd-class A&BE or Wooden A&BE license, issues a 1st-class A&BE license certificate and a 2nd-class A&BE license certificate or Wooden A&BE license certificate, respectively.
3. When matters described in 1st-class A&BE license certificate or 2nd-class A&BE license certificate or Wooden A&BE license certificate are changed a 1st-class A&BE may apply renewal of 1st-class A&BE license certificate to the Minister, and a 2nd-class A&BE or a Wooden A&BE may apply renewal of 2nd-class A&BE license certificate or a Wooden A&BE license to the prefectural governor who issued the license certificate
4. When a 1st-class A&BE or 2nd-class A&BE or a Wooden A&BE has had the license revoked pursuant to the provisions of Article 9, paragraph 1 or 2 or Article 10, paragraph 1, the 1st-class A&BE must without delay, return the license certificate to the Minister and the 2nd-class A&BE or Wooden A&BE must, in the same manner, return the license certificate to the prefectural governor who issued the license certificate.
5. A person intending to obtain a 1st-class A&BE license must pay a registration and license tax to the national government as provided by the Registration and License Tax Act (Act No. 35, 1967).
6. A person intending to have the 1st-class A&BE license certificate renewed or reissued must pay a fee fixed by Cabinet Order based on estimated actual expenses to the national government.

*Order Article 1*

**(Notification of address)**

- Article 5-2.** Within 30 days after the issuance of a license certificate, a 1st-class A&BE must notify the Minister of the matters provided by MLIT Order such as the address, and a 2nd-class A&BE or Wooden A&BE must notify the governor of the prefecture where the license was issued and where the A&BE lives of the same matters.

*Regulation Article 8*

2. When there are changes in the matters notified in accordance with the MLIT Order referred to in the preceding paragraph, a 1st-class A&BE, 2nd-class A&BE, or Wooden A&BE must submit a notification to that effect within 30 days after the changes. A 1st-class A&BE

must provide a notification to the Minister, and a 2nd-class A&BE or Wooden A&BE must notify the prefectural governor of the where the license was issued and where the A&BE lives (in case of a change in address from one prefecture to another, notify the governor of the prefecture where the A&BE lived previously).

3. In addition to the preceding paragraph, a 2nd-class A&BE or Wooden A&BE must, when the A&BE moves from one prefecture to another, notify the governor of the prefecture to which the A&BE moved of the matters provided by MLIT Order referred to in paragraph 1 within the period provided in the preceding paragraph.

#### **(Register)**

**Article 6.** The register of 1st-class A&BE must be kept at MLIT, and the registers of 2nd-class A&BE and of Wooden A&BE must be kept at each prefectural government.

2. The Minister and a prefectural governor must offer the register of the 1st-class A&BE and the registers of 2nd-class A&BE and of Wooden A&BE for public access, respectively.

#### **(Reasons for absolute disqualification)**

**Article 7.** 1st-class A&BE, 2nd-class A&BE or Wooden A&BE license must not be granted to:

- (1) A minor;
- (2) A person sentenced to imprisonment or a more severe penalty and for whom five years have yet to elapse from the date when execution of the sentence was completed or the sentence ceased to be executed;
- (3) A person fined for violating this Act or for committing a crime in connection with building construction and for whom five years have yet to elapse from the date when execution of the sentence was completed or the sentence ceased to be executed;
- (4) A person whose license was revoked pursuant to the provisions of Article 9, paragraph 1 item (4) or Article 10, paragraph 1 and for whom five years have yet to elapse from the date of revocation; or,
- (5) A person ordered to suspend services pursuant to the provisions of Article 10, paragraph 1 and whose license was revoked during the suspension term pursuant to the provisions of Article 9, paragraph 1, item (1) and for whom the term has yet to elapse.

#### **(Reasons for possible disqualification)**

**Article 8.** 1st-class A&BE, 2nd-class A&BE or Wooden A&BE license may not be granted to a person who has been:

- (1) Sentenced to imprisonment or a more severe penalty (excluding one for whom the provisions of item (2) of the preceding Article apply); or,
- (2) Fined for violating this Act or for committing a crime in connection with building construction (excluding the one for whom the provisions of item (3) of the preceding Article apply).
- (3) Specified by the MLIT order as being incapable of properly implementing the business of a 1st-class A&BE, a 2nd-class A&BE or a Wooden A&BE

#### **(Notification of death or absolute disqualification)**

**Article 8-2.** If any of the following becomes applicable to a 1st-class A&BE, 2nd-class A&BE or Wooden A&BE, the person identified in each of the following must, within 30 days of the date of the event, provide a notification to that effect to the Minister in the case of a 1st-class A&BE, or to the prefectural governor who granted the license in the case of a 2nd-class A&BE or a Wooden A&BE (in the case of item (1), the date the heir becomes aware of the fact):

- (1) A&BE has died: the heir;
- (2) Article 7 item (2) or (3) applies: self; or,
- (3) When the case has come to fall under the case specified by the MLIT order where the A&BE etc. is incapable of properly implementing the business of a 1st-class A&BE, a 2nd-class A&BE or a Wooden A&BE: self, the legal representative, the relatives living together

#### **(Revocation of license)**

**Article 9.** The Minister or the prefectural governor who granted the A&BE license must revoke the license when any of the following applies to a 1st-class A&BE, 2nd-class A&BE or Wooden A&BE:

- (1) The license holder applies for revocation of the license;

- (2) A notification provided in the preceding Article (excluding the part pertaining to item (3), the same in the next item) has been submitted;
- (3) It is discovered that the provisions of the preceding Article item (1) or (2) apply even though no notification provided in the preceding Article has been submitted;
- (4) It is discovered that a person has been granted a license based on false or dishonest representation; or,
- (5) The passing of the qualifying examination for 1st-class A&BE, 2nd-class A&BE, or Wooden A&BE is revoked pursuant to the provisions of Article 13-2, paragraph 1 or paragraph 2.

2. The Minister or the prefectural governor who granted the A&BE license may revoke the license when any of the following applies to a 1st-class A&BE, 2nd-class A&BE or Wooden A&BE:

- (1) A notification provided in the preceding article (only the part pertaining to item (3)) is submitted;
- (2) It is discovered that the provisions of the preceding Article item (3) apply even though no notification provided in the preceding Article has been submitted

3. The Minister or the prefectural governor must, after revoking a license under the preceding two Articles, give public notice to that effect under the MLIT Order.

*Regulation Article 6-2*

**(Disciplinary measures)**

**Article 10.** The Minister or the prefectural governor who granted the A&BE license may issue an admonition, order a suspension of services for a period of one year or less, or revoke the license of the person, if a 1st-class A&BE, 2nd-class A&BE or Wooden A&BE:

- (1) Violates this Act, other laws related to building construction, orders or ordinances based thereon; or,
- (2) Acts in bad faith with respect to the services. (m)(bb)

2. Before the Minister or a prefectural governor orders a suspension of services under the preceding paragraph, a hearing must be conducted, regardless of the category of procedures for testimony provided in Article 13, paragraph 1 of the Administrative Procedures Act (Act No. 88, 1993).

3. The person who conducts the hearing concerning the disciplinary actions under paragraph 1 must summon and consult witnesses, whenever deemed necessary.

4. Before the Minister or a prefectural governor orders a suspension of services or revokes a license under paragraph 1, the Minister must obtain the consent of the Central Review Council for A&BE, and the prefectural governor must obtain the consent of the concerned Prefectural Review Council for A&BE.

5. The Minister or a prefectural governor must, when taking a disciplinary action pursuant to the provisions of paragraph 1, give public notice to that effect under the MLIT Order.

*Regulation Article 6-3*

6. The Minister or a prefectural governor must pay expenses provided by Cabinet Order, including travel costs and daily allowances, to a witnesses the Minister summons under paragraph 3.

*Order Article 5*

**(Report and inspection)**

Article 10-2 When the Minister deems necessary for the proper and certain execution of business of A&BE, the Minister may require the 1st-class A&BE to submit a report, or to have the staff members to enter the A&BE office or other places related to the business to conduct an on-site inspection of documents and other materials, and to question concerned people.

2. When the prefectural governor deems necessary for the proper and certain execution of business of A&BE, the governor may require the 2nd-class A&BE or Wooden A&BE to submit a report, or to have the staff members to enter the A&BE office or other places related to the business to conduct an on-site inspection of documents and other materials, and to question concerned people/

3. In the case of an on-site inspection under the preceding two paragraphs, the staff members must carry their identification cards and present them when requested by persons concerned.

(cc)

4. The authority to conduct an on-site inspection under paragraph 1 or paragraph 2 must not be interpreted as the authority to conduct a criminal investigation.

**(Issuance of Structural Design 1st-class A&BE certificate or MEP Design 1st-class A&BE certificate)**

**Article 10-3.** A 1st-class A&BE who satisfies one of the following may apply for issuance of a Structural Design 1st-class A&BE certificate to the Minister:

- (1) After engaging in the services of structural design for five years or more as a 1st-class A&BE, completed the training program (limited to the training programs listed under the “Training Program” column in row (1) of Annexed Table 1) administered by a party to which the Minister granted registration pursuant to the provisions of Articles 10-22 to Article 10-25 (hereinafter in this Chapter referred to as “Registered Training Organization”) within one year prior to application; or,
- (2) Deemed by the Minister to possess knowledge and skills pertaining to structural design equal or superior to those of the 1st-class A&BE described in the preceding item.

2. A 1st-class A&BE who satisfies one of the following may apply for issuance of a MEP Design 1st-class A&BE certificate to the Minister:

- (1) After engaging in the services of MEP design for five years or more as a 1st-class A&BE, completed the training program (limited to the training programs listed under the “Training Program” column in row (2) of Annexed Table 1) administered by a Registered Training Organization within one year prior to application; or,
- (2) Deemed by the Minister to possess knowledge and skills pertaining to MEP design equal or superior to those of the 1st-class A&BE described in the preceding item.

3. When the Minister receives an application for issuance of a Structural Design 1st-class A&BE certificate or an MEP Design 1st-class A&BE certificate under the preceding two paragraphs, the Minister must issue the same without delay. (cc)

4. When a 1st-class A&BE who has obtained a Structural Design 1st-class A&BE certificate or an MEP Design 1st-class A&BE certificate (hereinafter referred to as “Structural Design 1st-class A&BE” or “MEP Design 1st-class A&BE”, respectively) may request the Minister to renew the Structural Design 1st-class A&BE certificate or MEP Design 1st-class A&BE certificate when the matters etc. described in the Structural Design 1st-class A&BE certificate or MEP Design 1st-class A&BE certificate.

5. When a 1st-class A&BE who has obtained a Structural Design 1st-class A&BE certificate or an MEP Design 1st-class A&BE certificate has had the license revoked pursuant to the provisions of Article 9, paragraph 1 or paragraph 1 of the preceding Article, the A&BE must without delay, return the Structural Design 1st-class A&BE certificate or MEP Design 1st-class A&BE certificate to the Minister. (cc)

6. A 1st-class A&BE intending to have the Structural Design 1st-class A&BE certificate or the MEP Design 1st-class A&BE certificate issued, renewed, or reissued must pay a fee fixed by Cabinet Order based on estimated actual expenses to the national government.

*Order Article 2*

(Designation of Centrally-Designated Registration Organization)

**Article 10-4.** The Minister may designate a party (hereinafter referred to as “Centrally-Designated Registration Organization”) and have it conduct affairs related to the registration of the 1st-class A&BE, make the register of 1st-class A&BE available for public access and issue the Structural Design 1st-class A&BE certificate and the MEP Design 1st-class A&BE certificate (hereinafter referred to as “affairs related to the registration of 1st-class A&BE”).

*Ministerial Order concerning Centrally-Designated Registration Organization and Other Organizations based on the Act*

2. The Centrally-Designated Registration Organization must be designated upon application from a party intending to conduct affairs related to the registration of 1st-class A&BE.

**(Designation requirements)**

**Article 10-5.** The Minister must not designate the Centrally-Designated Registration Organization unless no other party has been designated as the Centrally- Designated Registration Organization, and the Minister concludes that the application described in paragraph 2 of the preceding Article satisfies the following requirements:

- (1) Plans for conducting affairs related to the registration of 1st-class A&BE, including the specifics on the staff, facilities and methods of administration, are appropriate for the proper and certain execution of affairs related to the registration of 1st-class A&BE;

- (2) Financial resources and technical capabilities are sufficient for the proper and certain implementation of the plans for conducting affairs related to the registration of 1st-class A&BE described in the preceding item; and,
  - (3) If the applicant engages in services other than affairs related to the registration of 1st-class A&BE, the performance of such services must not interfere with fair execution of affairs related to the registration of 1st-class A&BE.
2. The Minister must not designate an applicant pursuant to the provisions of paragraph 2 of the preceding Article as the Centrally-Designated Registration Organization if the party:
- (1) Is other than a general incorporated association or general incorporated foundation;
  - (2) Has been penalized for violating this Act, and two years have yet to elapse from the date when execution of the sentence was completed or the sentence ceased to be executed;
  - (3) Has had its designation pursuant to the provisions of Article 10-16, paragraph 1 or 2, and two years have yet to elapse from the date of revocation; or,
  - (4) Has an executive:
    - (a) To whom item (2) above applies; or,
    - (b) Who was dismissed under the order issued pursuant to the provisions of Article 10-7, paragraph 2 and for whom two years have yet to elapse since the date of revocation.

**(Public notice of designation and other matters)**

**Article 10-6.** When the Minister designates the Centrally-Designated Registration Organization, the Minister must give public notice announcing the name and address of the Centrally-Designated Registration Organization, the location of the office conducting affairs related to the registration of 1st-class A&BE, and the date on which affairs related to the registration of 1st-class A&BE will start.

2. When the Centrally-Designated Registration Organization intends to change its address, name or the location of the office conducting affairs related to the registration of 1st-class A&BE, it must submit a notification to that effect to the Minister at least two weeks before the day on which it intends to make such change.

3. When a notification under the preceding paragraph is submitted, the Minister must give public notice to that effect.

**(Appointment and dismissal of executives)**

**Article 10-7.** The appointment and dismissal of executives of the Centrally-Designated Registration Organization does not take effect unless the Minister gives approval.

2. The Minister may give orders to the Centrally-Designated Registration Organization to dismiss an executive if the executive engages in a conduct in violation of this Act (including failure to comply with orders or disciplinary actions based on this Act) or the operational rules for affairs related to registration provided in Article 10-9, paragraph 1, or acts in a materially inappropriate manner in connection with affairs related to the registration of 1st-class A&BE.

**(Obligation to maintain confidentiality and application of penal provisions)**

**Article 10-8.** Incumbent and former executives or employees of the Centrally-Designated Registration Organization must not leak confidential information they acquire about affairs related to the registration of 1st-class A&BE.

2. Executives and staff of the Centrally-Designated Registration Organization conducting affairs related to the registration of 1st-class A&BE are legally regarded as staff members engaged in public services when penal provisions such as Penal Code (Act No. 45, 1907) apply.

**(Operational rules for affairs related to registration)**

**Article 10-9.** Prior to commencing affairs related to the registration of 1st-class A&BE, the Centrally-Designated Registration Organization must establish operational rules concerning affairs related to the registration of 1st-class A&BE (hereinafter in this Chapter referred to as “operational rules for affairs related to registration”) and obtain approval of the Minister. The same applies to changes in the operational rules.

2. Matters that should be provided in the operational rules for affairs related to registration including the methods of conducting affairs related to the registration of 1st-class A&BE are provided by MLIT Order.

3. The Minister may order the Centrally-Designated Registration Organization to change the operational rules for affairs related to registration if the Minister concludes that the operational rules for affairs related to registration approved under paragraph 1 are no longer suitable for the proper and certain execution of affairs related to the registration of 1st-class A&BE.

**(Business plans and other documents)**

**Article 10-10.** The Centrally-Designated Registration Organization must prepare a business plan and a budget for income and expenditure for each fiscal year and obtain the approval of the Minister prior to the beginning of the fiscal year (or immediately after designation for the fiscal year in which the designation takes effect). The same applies to changes in the business plan or the budget.

2. The Centrally-Designated Registration Organization must prepare a business report and a fiscal report for each fiscal year and submit these reports to the Minister within three months after the end of the fiscal year.

**(Record-keeping)**

**Article 10-11.** The Centrally-Designated Registration Organization must, under the MLIT Order, prepare and keep a record of affairs related to the registration of 1st-class A&BE as provided by MLIT Order.

**(Supervision and orders)**

**Article 10-12.** The Minister may give orders to the Centrally-Designated Registration Organization on affairs related to the registration of 1st-class A&BE, if the Minister deems necessary in order to ensure the proper and certain execution of affairs related to the registration of 1st-class A&BE.

**(Reports and inspections)**

**Article 10-13.** When the Minister deems necessary for the proper and certain execution of affairs related to the registration of 1st-class A&BE, the Minister may require the Centrally-Designated Registration Organization to submit a report on its affairs related to the registration of 1st-class A&BE, or to have the staff members to enter the office of the organization to conduct an on-site inspection of the state of affairs related to the registration of 1st-class A&BE or an inspection of properties, including facilities, books, and documents and to question concerned people.

2. In the case of an on-site inspection under the preceding paragraph, provisions of Article 10-2 item (3) and (4) apply.

**(Inquiry)**

**Article 10-14.** The Centrally-Designated Registration Organization may make inquiries to the Minister regarding matters necessary for the proper execution of affairs related to the registration of 1st-class A&BE. In this case, the Minister must take necessary actions to the Centrally-Designated Registration Organization, including making a reply to the inquiry.

**(Suspension and discontinuation of affairs related to the registration of 1st-class A&BE)**

**Article 10-15.** The Centrally-Designated Registration Organization must not suspend or discontinue all or part of affairs related to the registration of 1st-class A&BE without obtaining prior approval of the Minister.

2. When the Minister approves the discontinuation of all affairs related to the registration of 1st-class A&BE under the preceding paragraph, the designation pertaining to the approval is no longer in effect.

3. The Minister must give public notice of the approval provided in paragraph 1.

**(Revocation or suspension of designation)**

**Article 10-16.** The Minister must revoke the designation of the Centrally-Designated Registration Organization when any of the items under Article 10-5, paragraph 2 (excluding item (3)) applies.

2. The Minister may revoke the designation of the Centrally-Designated Registration Organization or order a suspension of all or part of affairs related to the registration of 1st-class A&BE for a fixed period if any of the following applies:

- (1) The Minister concludes that the organization does not comply to any of the requirements pursuant to the provisions of Article 10-5, paragraph 1;
- (2) The organization violates the provisions of Article 10-6, paragraph 2, Article 10-10, Article 10-11, or paragraph 1 of the preceding Article;
- (3) The organization violates the provisions of Article 10-7, paragraph 2, Article 10-9, paragraph 3 or Article 10-12;
- (4) The organization conducts affairs related to the registration of 1st-class A&BE contrary to the operational rules for affairs related to registration approved pursuant to the provisions of Article 10-9, paragraph 1;
- (5) Any one of the executives of the organization acts in a materially inappropriate manner in connection with affairs related to the registration of 1st-class A&BE; or,



(6) The organization has been designated as the Centrally-Designated Registration Organization through wrongful means.

3. When the Minister revokes designation under paragraph 1 or 2, or orders a suspension of all or part of affairs related to the registration of 1st-class A&BE under the preceding paragraph, the Minister must give public notice to that effect.

**(Affairs related to the registration of 1st-class A&BE by the Minister)**

**Article 10-17.** When the Minister designates the Centrally-Designated Registration Organization, the Minister does not conduct affairs related to the registration of 1st-class A&BE.

2. Notwithstanding the preceding paragraph, the Minister conducts all or part of affairs related to the registration of 1st-class A&BE when:

- (1) The Centrally-Designated Registration Organization suspends all or part of affairs related to the registration of 1st-class A&BE pursuant to the provisions of Article 10-15, paragraph 1;
- (2) The Centrally-Designated Registration Organization is ordered to suspend all or part of affairs related to the registration of 1st-class A&BE pursuant to the provisions of paragraph 2 of the preceding Article; or,
- (3) The Minister deems it necessary to do so in cases where it has become difficult for the Centrally-Designated Registration Organization to conduct all or part of affairs related to the registration of 1st-class A&BE because of natural disasters or other factors.

3. When the Minister is to conduct affairs related to the registration of 1st-class A&BE under the preceding paragraph, or to discontinue the affairs related to the registration of 1st-class A&BE, the Minister must give prior public notice to that effect.

4. When the Minister approves discontinuation of affairs related to the registration of 1st-class A&BE under Article 10-15, paragraph 1 or revokes designation under paragraph 1 or 2 of the preceding Article, and the Minister is to conduct affairs related to the registration of 1st-class A&BE under paragraph 2, all the necessary matters, including the procedure for taking over the affairs, are provided by MLIT Order.

**(Request for review)**

**Article 10-18.** A party who disagrees with the disciplinary action or nonfeasance by the Centrally-Designated Registration Organization concerning affairs related to the registration of 1st-class A&BE may submit a request for review to the Minister. In this case the Minister is deemed the senior administrative agency of Centrally-Designated Registration Organization under these provisions of Article 25, paragraph 2 and 3, Article 46, paragraph 1 and 2, Article 47, Article 49, paragraph 3) of the Administrative Complaint Review Act (Act No. 60, 2014).

**(Application of provisions when the Centrally-Designated Registration Organization conducts affairs related to the registration of 1st-class A&BE)**

**Article 10-19.** When the Centrally-Designated Registration Organization conducts affairs related to the registration of 1st-class A&BE, Article 5, paragraphs 2 to 4 and 6, Article 5-2, paragraph 1, Article 6 and Article 10-3 are read as follows: under these provisions (excluding Article 5, paragraph 2, Article 5-2, paragraph 1 and all items in Article 10-2, paragraph 1 and item (2) in paragraph 2), “the Minister” or “MLIT” is deemed to replace with “the Centrally-Designated Registration Organization” and “to the national government” is deemed to replace with “to the Centrally-Designated Registration Organization”; in Article 5, paragraph 2, “the Minister” is deemed to replace with “the Centrally-Designated Registration Organization (refers to the Centrally-Designated Registration Organization provided in Article 10-4, paragraph 1; the same hereinafter)” and “granting 1st-class A&BE license” is deemed to replace with “registering in the register of 1st-class A&BE under the preceding paragraph”. (cc)

2. A person intending to register pursuant to the provisions of Article 5, paragraph 1 when the Centrally-Designated Registration Organization conducts affairs related to the registration of 1st-class A&BE must pay a fee fixed by Cabinet Order based on estimated actual expenses to the Centrally-Designated Registration Organization. (cc)

*Order Article 3*

3. Fees paid to the Centrally-Designated Registration Organization pursuant to the provisions of Article 5, paragraph 5 and Article 10-2, paragraph 5 applied mutatis mutandis under the provisions of paragraph 1, and pursuant to the provisions of the preceding paragraph are considered as income of the Centrally-Designated Registration Organization.

**(Prefecturally-Designated Registration Organization)**

**Article 10-20.** A prefectural governor may designate a party (hereinafter referred to as “Prefecturally-Designated Registration Organization”) and have it conduct affairs related to the registration of 2nd-class A&BE and Wooden A&BE and make the registers of 2nd-class A&BE and Wooden A&BE available for public access (hereinafter referred to as “affairs related to the registration of 2nd-class A&BE and Wooden A&BE”).

2. A Prefecturally-Designated Registration Organization is designated upon application from a party intending to conduct affairs related to the registration of 2nd-class A&BE and Wooden A&BE.

3. The provisions of Article 10-5 to Article 10-18 apply mutatis mutandis to a Prefecturally-Designated Registration Organization. In this case, “the Minister” is deemed to replace with “a prefectural governor”, “affairs related to the registration of 1st-class A&BE” is deemed to replace with “affairs related to the registration of 2nd-class A&BE and Wooden A&BE”, and “operational rules for affairs related to registration” is deemed to replace with “operational rules for registration” in the provisions (excluding the provisions of Article 10-5, paragraph 1 item (1)). In Article 10-5, paragraph 1, “no other party” is deemed to replace with “no other party in the prefecture concerned”, and in the Article, “paragraph 2 of the preceding Article” is deemed to replace with “Article 10-20, paragraph 2”. In item (1) of Article 10-5, paragraph 1, “conducting affairs related to the registration of the 1st-class A&BE” is deemed to replace with “conducting affairs related to the registration of 2nd-class A&BE and Wooden A&BE (refers to affairs related to the registration of 2nd-class A&BE and Wooden A&BE provided in Article 10-20, paragraph 1; hereinafter the same)” and “affairs related to the registration of 1st-class A&BE” is deemed to replace with “affairs related to the registration of 2nd-class A&BE and Wooden A&BE”. In Article 10-7, paragraph 2, “with orders” is deemed to replace with “with orders, regulations,”.

**(Application of provisions when Prefecturally-Designated Registration Organization conducts affairs related to the registration of 2nd-class A&BE and Wooden A&BE)**

**Article 10-21.** When a Prefecturally-Designated Registration Organization conducts affairs related to the registration of 2nd-class A&BE and Wooden A&BE, Article 5, paragraphs 2 to 4, Article 5-2, paragraph 1 and Article 6 are read as follows: under these provisions (excluding Article 5, paragraph 2 and Article 5-2, paragraph 1), “prefectural governor” is deemed to replace with “Prefecturally-Designated Registration Organization”; in Article 5, paragraph 2, “prefectural governor” is deemed to replace with “Prefecturally-Designated Registration Organization (the Prefecturally-Designated Registration Organization as provided in Article 10-20, paragraph 1; the same hereinafter)”, and “upon granting 2nd-class A&BE or Wooden A&BE license” is deemed to replace with “upon registering in the register of 2nd-class A&BE or the register of Wooden A&BE pursuant to the provisions of the preceding paragraph”; in Article 6, paragraph 1, “prefectural government” is deemed to replace with “Prefecturally-Designated Registration Organization”.

2. In cases where a prefectural government collects fees for registration of the 2nd-class A&BE or the Wooden A&BE, or for the renewal or reissuance of the 2nd-class A&BE license certificate or the Wooden A&BE license certificate under Article 227 of the Local Autonomy Act (Act No. 67, 1947), it may, under ordinances, require anyone who intends to register as a 2nd-class A&BE or Wooden A&BE, or intends to renew or reissue the 2nd-class A&BE or Wooden A&BE license certificate through the relevant Prefecturally-Designated Registration Organization under the preceding Article, to pay such fees to the organization and allow them to be considered as its income.

**(Registration of training organization for the Structural Design 1st-class A&BE or the MEP Design 1st-class A&BE)**

**Article 10-22.** Registration pursuant to the provisions of Article 10-3, paragraph 1 item (1) (hereinafter in this Chapter, excluding Article 11, referred to simply as “registration”) is made for each category of training programs listed under the “Training Program” column in each row of Annexed Table 1 upon application from an party intending to conduct affairs related to these training programs (hereinafter in this Chapter referred to as “affairs related to training programs”).

**(Disqualification provisions)**

**Article 10-23.** A party to whom any of the following applies is not eligible for registration: (

- (1) A minor;
- (2) A person undergoing bankruptcy proceedings and is yet to be rehabilitated; (cc)
- (3) A person sentenced to imprisonment or a more severe penalty, or penalized under this Act, and for whom two years have yet to elapse from the date when execution of the sentence was completed or the sentence ceased to be executed;
- (4) A party whose registration was revoked pursuant to the provisions of Article 10-36, paragraph 1 or paragraph 2 and for whom two years have yet to elapse from the date of revocation; or,
- (5) A person designated by MLIT Order as unable to properly perform training program due to mental or physical disability.
- (6) A corporation in which any of the preceding conditions applies to any of its executives.

**(Registration requirements, etc.)**

**Article 10-24.** The Minister must register a party applying for registration (referred to as “registration applicant” in item (2) herein) if the party satisfies all of the following requirements. All procedural matters necessary for registration are provided by MLIT Order:

- (1) The affairs related to training programs are to have instructors who satisfy the requirements in each respective row under the “Instructor” column for each respective subject listed under the “Subject” column, which corresponds to the categories of training programs listed under the “Training Program” column in each row of Annexed Table 1;
- (2) The registration applicant does not, as its business, engage in design, construction administration, the sale of buildings or agent services or mediation of such sales, or the contracting of building construction work (hereinafter in this item referred to as “construction-related business operator”), and is not deemed to be under the control of a construction-related business operator as identified by each of the following:

- (a) In cases where a registration applicant is a stock company, a construction-related business operator owns more than 50% of voting rights of all shareholders (excluding those shareholders who do not have voting rights on all matters to be decided by the resolutions of a general shareholders' meeting);
- (b) The percentage of construction-related business operators, their executives or staff (including those who were executives or staff of a construction-related business operator in the past two years) constituting the executives of the registration applicant (in the case of a membership company provided in Article 575, paragraph 1 of the Companies Act (Act No. 86, 2005), partners engaged in business operations) exceeds 50%; or,
- (c) The registration applicant (in the case of a corporation, an executive with the right to represent the company) is an executive or staff of a construction-related business operator (including one who was an executive or employee of a construction-related business operator in the past two years).

and,

- (3) The registration applicant's liabilities do not exceed its assets.

2. Registration is made by recording the following in the registry of Registered Training Organizations:

- (1) Registration date and registration number;
- (2) Name of the Registered Training Organization and its address, and if the applicant is a corporation, the name of its representative;
- (3) Registration category;
- (4) The location of the office where the Registered Training Organization conducts affairs related to training programs; and,
- (5) Anything else related to the Registered Training Organization provided by MLIT Order, other than those listed in the preceding items. (

**(Public notice of registration)**

**Article 10-25.** When the Minister registers a Registered Training Organization, the Minister must give public notice of that listed in items (2) to (4) of paragraph 2 of the preceding Article and any other matters provided by MLIT Order.

2. When a Registered Training Organization intends to change the matters listed in any of item (2), (4) or (5) of paragraph 2 of the preceding Article, it must submit a notification to that effect to the Minister at least two weeks before the day on which it intends to make such change.

3. When a notification under the preceding paragraph is submitted, the Minister must give public notice to that effect.

**(Renewal of registration)**

**Article 10-26.** The registration will no longer be in effect if it is not renewed before the end of each fixed period of between five to ten years provided by Cabinet Order.

*Order Article 6*

2. The provisions of Article 10-22 to 10-24 apply mutatis mutandis for the renewal of registration pursuant to the provisions of the preceding paragraph.

**(Succession)**

**Article 10-27.** When a Registered Training Organization assigns all business related to the subject registration, or when there is an inheritance, merger or split of the Registered Training Organization (limited to cases where all business related to the subject registration is assigned), the position as Registered Training Organization passes to the heir or the party who takes over all business (in the case of two or more heirs, the one selected to succeed the subject business upon consent of all heirs; the same hereinafter in this paragraph), the corporation that remains after a merger or that is newly established by a merger, or the corporation that succeeds all of the business through a split. An exception is made when any of the conditions listed in Article 10-23 apply to the heir or person that succeeds all the subject business, the corporation surviving the merger or that is newly established by the merger or the corporation that succeeded all the business through the split.

2. The party that has succeeded the position as the Registered Training Organization pursuant to the provisions of the preceding paragraph must submit, without delay, a notification to that effect to the Minister under the MLIT Order.

**(Duties when conducting affairs related to training programs)**

**Article 10-28.** The Registered Training Organization must conduct affairs related to training programs with fairness, using a method in conformity with the requirements provided by MLIT Order.

### **(Operational rules for training programs)**

**Article 10-29.** Prior to commencing affairs related to training programs, the Registered Training Organization must establish operational rules for affairs related to training programs (hereinafter in this Chapter referred to as “operational rules for training programs”) and provide a notification to the Minister. The same applies when changing the operational rules.

2. The operational rules for training programs must provide for the matters provided by MLIT Order, including methods of conducting affairs related to training programs and fees pertaining to affairs related to training programs.

### **(Preparation and access to financial statements)**

**Article 10-30.** A Registered Training Organization must, within three months after the end of each fiscal year, prepare an inventory of assets, a balance sheet, a profit and loss statement or a statement of revenues and expenditures, and a business report (includes electromagnetic records (any record that is produced by electronic, magnetic, or any other means unrecognizable by human perception and that is used for data processing by a computer; the same applies hereinafter in this Article); hereinafter referred to as “financial statements etc.”), and keep them at its office for five years.

2. Stakeholders may make any of the following requests at any time during the business hours of the Registered Training Organization. When making requests listed in item (2) or (4), however, stakeholders must pay a fee fixed by the Registered Training Organization.

- (1) When financial statements etc. are prepared in writing, access of the subject documents or copying of the same;
- (2) A true copy or extract of the documents in the preceding item;
- (3) When financial statements etc. are prepared in electromagnetic records, access or copying of information recorded in the electromagnetic records displayed in a format provided by MLIT Order; or,
- (4) Provision of information recorded in the electromagnetic records under the preceding item through electromagnetic means provided by MLIT Order or through the issuance of documents containing the information.

### **(Record-keeping)**

**Article 10-31.** The Registered Training Organization must, under the MLIT Order, prepare and keep a record of affairs related to training programs as provided by MLIT Order.

### **(Orders for compliance)**

**Article 10-32.** When the Minister concludes that a Registered Training Organization no longer complies with any of the items in Article 10-24, paragraph 1, the Minister may order the Registered Training Organization to take necessary measures to comply with the applicable provisions.

### **(Order for improvement)**

**Article 10-33.** When the Minister concludes that a Registered Training Organization has violated the provisions of Article 10-28, the Minister may order the Registered Training Organization to conduct affairs related to training programs in compliance with the Article or to take necessary actions to improve the methods of conducting affairs including the affairs related to training programs.

### **(Reports and inspections)**

**Article 10-34.** When the Minister deems necessary for the proper execution of affairs related to training programs, the Minister may require a Registered Training Organization to submit a report on its affairs related to training programs or accounting, or to have the staff members to enter the office of the Registered Training Organization to conduct an on-site inspection of the state of affairs related to training programs or properties, including facilities, books, and documents, and to question concerned people.

2. The provisions of Article 10-2, paragraphs 3 and 4 apply mutatis mutandis to on-site inspections conducted pursuant to the provisions of the preceding paragraph.

### **(Suspension and discontinuation of affairs related to training programs)**

**Article 10-35.** When suspending or discontinuing all or part of affairs related to training programs, the Registered Training Organization must submit a notification thereof in advance to the Minister as provided by MLIT Order.

2. When the Minister receives a notification of the discontinuation of all affairs related to training programs under the preceding paragraph, the registration of the Registered Training Organization is deemed no longer in effect.

3. When a notification under paragraph 1 is submitted, the Minister must give public notice to that effect.

**(Revocation or suspension)**

**Article 10-36.** The Minister must revoke the registration of a Registered Training Organization when it falls under any of the items of Article 10-23 (excluding item (1) and item (4)).

2. The Minister may revoke the registration of the Registered Training Organization or order a suspension of all or part of affairs related to training programs for a fixed period if the organization:

- (1) Violates the provisions of Article 10-25, paragraph 2, Article 10-27, paragraph 2, Article 10-30, paragraph 1, Article 10-31, or paragraph 1 of the preceding Article;
- (2) Conducts the affairs related to training programs not in accordance with the operational rules for training programs submitted pursuant to the provisions of Article 10-29, paragraph 1;
- (3) Refuses a request listed in the items of Article 10-30, paragraph 2 without any justifiable reason;
- (4) Violates an order provided in Article 10-32 or 10-33;
- (5) Acts in a materially inappropriate manner in connection to affairs related to training programs, or when a person engaging in the affairs, or an executive in the case of a corporation, acts in a materially inappropriate manner in connection with affairs related to training programs; or,
- (6) Has registered through wrongful means.

3. When the Minister revokes registration under paragraph 1 or 2, or orders a suspension of all or part of affairs related to training programs under the preceding paragraph, the Minister must give public notice to that effect.

**(Execution of affairs related to training programs by the Minister)**

**Article 10-37.** The Minister may conduct all or part of affairs related to training programs when the Minister deems necessary or when any of the following applies:

- (1) No party is registered;
- (2) The Minister receives a notification of suspension or discontinuation of all or part of affairs related to training programs pursuant to the provisions of Article 10-35, paragraph 1;
- (3) The Minister orders revocation of registration pursuant to the provisions of paragraph 1 or 2 of the preceding Article or suspension of all or part of affairs related to training programs pursuant to the provisions of paragraph 2 of the Article; or,
- (4) It has become difficult for a Registered Training Organization to conduct all or part of affairs related to training programs because of natural disasters or other factors.

2. When the Minister is to conduct affairs related to training programs under the preceding paragraph, or to discontinue the affairs related to training programs, the Minister must give prior public notice to that effect.

3. When the Minister is to conduct affairs related to training programs under paragraph 1, all the necessary matters, including the procedure for taking over the affairs, are provided by MLIT Order.

**(Fees)**

**Article 10-38.** A person intending to take the training program administered by the Minister under paragraph 1 of the preceding Article must pay a fee fixed by Cabinet Order based on estimated actual expenses to the national government.

**(Application of MLIT Order and regulations of prefectural governments) <sup>(cc)</sup>**

**Article 11.** In addition to this Chapter, the followings are provided by MLIT Order: application for 1st-class A&BE license; correction and deletion of the registration; notification of address and other matters; issuance, renewal, reissuance and return of the license certificate of 1st-class A&BE; any other matters required in relation to the 1st-class A&BE license; registration pursuant to the provisions of Article 10-2, paragraph 1 item (1); training programs and the Registered Training Organization provided in the item (1) and paragraph 2 item (1) of the Article; and any other matters required in relation to the issuance, renewal, reissuance and return of the Structural Design 1st-class A&BE certificate and the MEP Design 1st-class A&BE certificate.

*Regulation Article 1-2 to Article 9*

2. In addition to this Chapter, the followings are provided in the regulations of the prefectural government: application for the 2nd-class A&BE and Wooden A&BE licenses; correction and deletion of the registration and notification of address and other matters; issuance, renewal, reissuance, and return of the license certificates of 2nd-class A&BE and Wooden A&BE; and any other matters required in relation to the licenses certificates of 2nd-class A&BE and Wooden A&BE.

## CHAPTER 3 QUALIFYING EXAMINATIONS

### (Contents of qualifying examinations)

**Article 12.** The qualifying examinations for 1st-class and 2nd-class A&BE is conducted to determine whether the applicant possesses the knowledge and skills necessary for design and construction administration.

2. The qualifying examination for Wooden A&BE is conducted to determine whether the applicant possesses the knowledge and skills necessary for design and construction administration of small wooden buildings.

### (Holding of qualifying examinations)

**Article 13.** The qualifying examination for 1st-class A&BE is held by the Minister at least once a year and the qualifying examinations for 2nd-class A&BE and Wooden A&BE are held by each prefectural governor at least once a year.

### (Revocation of the passing of the qualifying examination)

**Article 13-2.** The Minister may revoke the decision on the passing of the qualifying examination for 1st-class A&BE against a person who has taken the examination by wrongful means or may prohibit a person who attempts to take a qualifying examination by wrongful means from taking the examination. A prefectural governor may, in same manner, revoke the decision on the passing of the qualifying examination for 2nd-class A&BE or Wooden A&BE or may prohibit a person from taking the examination.

2. The Centrally-Designated Examination Organization provided in Article 15-2, paragraph 1 may exercise the authority of the Minister under the preceding paragraph, and the Prefecturally-Designated Examination Organization provided in Article 15-6, paragraph 1 may exercise the authority of the prefectural governor under the preceding paragraph.

3. The Minister may prohibit a person who was subject to a disciplinary action provided in the preceding two paragraphs from taking the qualifying examination for 1st-class A&BE for a fixed period of three years or less, and similarly a prefectural governor may prevent such a person from taking the qualifying examination for 2nd-class A&BE or Wooden A&BE for a fixed period of three years or less.

### (Eligibility for qualifying examination for 1st-class A&BE)

**Article 14.** Only a person who satisfies any of the following is eligible for the qualifying examination for 1st-class A&BE:

- (1) Completed architecture-related subjects designated by the Minister at a university or college of technology defined by the School Education Act or a university defined by the former College Act and graduated from the university (including completed the subject and completed early course of a professional college defined by the Act);

*MLIT Notification No. 740, 2008 / Regulation Article 10*

*MLIT Notification No. 742, 2008*

- (2) 2nd-class A&BE; or,

*Regulation Article 10*

- (3) Deemed by the Minister to possess knowledge and skills equal or superior to those of persons identified in the preceding two items.

*MLIT Notification No. 745, 2008*

### (Eligibility for qualifying examination for 2nd-class A&BE or Wooden A&BE)

**Article 15.** Only a person who satisfies any of the following is eligible for the qualifying examination for 2nd-class A&BE or Wooden A&BE:

- (1) Completed architecture-related subjects designated by the Minister at a university, a college of technology, a high school or secondary education school defined by the School Education Act, a university defined by the former College Act, a vocational training school defined by the former Vocational Training School Act, or a middle school defined by the former Middle School Act and graduated from the institution;

*MLIT Notification No. 743, 2008*

- (2) Deemed by a prefectural governor to possess knowledge and skills equal or superior to those of persons identified in the preceding item; or,

- (3) Has seven or more years of experience in building-related practice.

### **(Designation of Centrally-Designated Examination Organization)**

**Article 15-2.** The Minister may designate a party (hereinafter referred to as “Centrally-Designated Examination Organization”) and have it conduct affairs related to the qualifying examination for 1st-class A&BE (hereinafter referred to as “affairs related to the qualifying examination for 1st-class A&BE”).

2. The Centrally-Designated Examination Organization is designated upon application from a party intending to conduct affairs related to the qualifying examination for 1st-class A&BE.

3. The Minister must consult the Central Review Council for A&BE prior to designating a Centrally-Designated Examination Organization.

### **(Examination committee members)**

**Article 15-3.** The Centrally-Designated Examination Organization must have its examination committee members prepare examination questions and grade examination papers.

2. Examination committee members referred to in the preceding paragraph are appointed from among A&BE. In the event of unavoidable circumstances, a person with relevant knowledge and experience without the A&BE title may be appointed. However, the number of such persons must not exceed half the total number of examination committee members.

3. The Centrally-Designated Examination Organization must, without delay, notify the Minister of the appointment or dismissal of examination committee members referred to in paragraph 1.

### **(Prohibition of misconduct)**

**Article 15-4.** The examination committee members referred to in paragraph 1 of the preceding Article must work in a fair and strict manner to avoid any misconduct when preparing examination questions or grading examination papers.

### **(Application)**

**Article 15-5.** The provisions of Articles 10-5 to Article 10-13 and Articles 10-15 to Article 10-18 apply mutatis mutandis to the Centrally-Designated Examination Organization. In this case, “affairs related to the registration of 1st-class A&BE” is deemed to replace with “affairs related to the qualifying examination for 1st-class A&BE”, “executive” is deemed to replace with “executive (including examination committee members referred to in Article 15-3, paragraph 1)”, and “operational rules for affairs related to registration” is deemed to replace with “operational rules for examination affairs”, in these provisions (excluding Article 10-5, paragraph 1 item (1) and paragraph 2 item (4), and Article 10-7, paragraph 1). In Article 10-5, “paragraph 2 of the preceding Article” is deemed to replace with “Article 15-2, paragraph 2”. In Article 10-5, paragraph 1 item (1), “conducting affairs related to the registration of 1st-class A&BE” is deemed to replace with “conducting affairs related to the qualifying examination for 1st-class A&BE (affairs related to the qualifying examination for 1st-class A&BE as provided in Article 15-2, paragraph 1; hereinafter the same)” and “affairs related to the registration of 1st-class A&BE” is deemed to replace with “affairs related to the qualifying examination for 1st-class A&BE”. In Article 10-16, paragraph 2 item (2), “Article 10-11, or paragraph 1 of the preceding Article” is deemed to replace with “Article 10-11, paragraph 1 of the preceding Article, or Article 15-3”.

2. The provisions of Article 15-2, paragraph 3 apply mutatis mutandis to approvals, orders and disciplinary actions pursuant to the provisions of Article 10-9, paragraph 1 or paragraph 3, or Article 10-16, paragraph 2 applied mutatis mutandis under the preceding paragraph.

### **(Prefecturally-Designated Examination Organization)**

**Article 15-6.** A prefectural governor may designate a party (hereinafter referred to as “Prefecturally-Designated Examination Organization”) and have it conduct affairs related to administration of the qualifying examinations for 2nd-class A&BE and Wooden A&BE (hereinafter referred to as “affairs related to the qualifying examinations for 2nd-class A&BE and Wooden A&BE”).

2. A Prefecturally-Designated Examination Organization is designated upon application from a party intending to conduct affairs related to the qualifying examinations for 2nd-class A&BE and Wooden A&BE.

3. The provisions of Articles 10-5 to Article 10-13, Articles 10-15 to Article 10-18, Article 15-2, paragraph 3, Article 15-3, Article 15-4, and Article 15-5, paragraph 2 apply mutatis mutandis to a Prefecturally-Designated Examination Organization. In this case, “the Minister” is deemed to replace with “the prefectural governor”, “affairs related to the registration of 1st-class A&BE” is deemed to replace with “affairs related to the qualifying examinations for 2nd-class A&BE and Wooden A&BE”, “executive” is deemed to replace with “executive (including examination committee members under Article 15-3, paragraph 1 applied under Article 15-6, paragraph 3)”, and “operational rules for affairs related to registration” is deemed to replace with “operational rules for examination affairs” in these provisions (excluding Article 10-5, paragraph 1 item (1) and paragraph 2 item (4), and Article 10-7, paragraph 1). In Article 10-5, paragraph 1, “no other party” is deemed to replace with “no other party in the prefecture concerned”. In the Article, “paragraph 2 of the preceding Article” is deemed to replace with “Article 15-6, paragraph 2”. In Article 10-5, paragraph 1 item (1), “conducting affairs related to the registration of 1st-class A&BE” is deemed to replace with “conducting affairs related to the qualifying examination for 2nd-class A&BE (refers to affairs related to the qualifying examinations for 2nd-class A&BE and Wooden A&BE provided in Article 15-6, paragraph 1; the same applies hereinafter)”, and “affairs related to the registration of 1st-class A&BE” is deemed to replace with “affairs related to the qualifying examinations for 2nd-class A&BE and Wooden A&BE”. In Article 10-7, paragraph 1, “the Minister” is deemed to replace with “the prefectural governor”, and in Article 10-7, paragraph 2, “comply with orders” is deemed to replace with “comply with orders, regulations”. In Article 10-16, paragraph 2 item (2), “Article 10-11 or paragraph 1 of the preceding Article” is deemed to replace with “Article 10-11, paragraph 1 of the preceding Article, or Article 15-3 applied under Article 15-6, paragraph 3”. In Article 15-2, paragraph 3, “the Central Review Council for A&BE” is deemed to

replace with “the Prefectural Review Council for A&BE”. In Article 15-5, paragraph 2, “the preceding Article” is deemed to replace with “paragraph 3 of the following Article”.

**(Examination fees)**

**Article 16.** A person intending to take a qualifying examination for 1st-class A&BE must pay an examination fee fixed by Cabinet Order based on estimated actual expenses to the national government (or to the Centrally-Designated Examination Organization when a person intends to take a qualifying examination conducted by the Organization) under the Cabinet Order.

*Order Article 4*

2. Examination fees paid to the Centrally-Designated Examination Organization under the preceding paragraph are considered as income of the Centrally-Designated Examination Organization.

3. In cases where a prefectural government collects fees for the qualifying examinations for 2nd-class A&BE and Wooden A&BE under Article 227 of the Local Autonomy Act, it may, under ordinances, require anyone who intends to take the qualifying examinations for 2nd-class A&BE or Wooden A&BE held by the Prefecturally-Designated Examination Organization under the preceding Article to pay such fees to the organization and allow them to be considered as its income.

**(Application of MLIT Order and regulations of the prefectural governments) (v)(cc)**

**Article 17.** In addition to this Chapter, the followings are provided by MLIT Order: subjects to be examined; examination procedures; any other matters required in relation to the qualifying examination for 1st-class A&BE; and the required standard for the qualifying examinations for 2nd-class A&BE and Wooden A&BE.

*Regulation Article 10 to 17*

2. In addition to this Chapter, the followings are provided in the regulations of the prefectural government: subjects to be examined; examination procedures; any other matters required in relation to the qualifying examinations for 2nd-class A&BE and Wooden A&BE.

## **CHAPTER 4 SERVICES**

**(Design and construction administration) (**

**Article 18.** When performing design, an A&BE must make the building conform to the building standards provided in laws, regulations and ordinances.

*Building Standards Act / Building Standards Act Enforcement Order /  
Building Standards Act Enforcement Regulation*

2. When performing design, an A&BE must make every effort to explain the particulars of the design to its client as appropriate.

3. When an A&BE engages in construction administration and concludes that the construction work is not being implemented in accordance with the drawings/specifications, the A&BE must immediately warn the executor of the construction work of the problem, order that the work be executed in accordance with the drawings/specifications, and notify the building owner if the executor does not comply.

4. An A&BE must endeavor to listen to opinions of BMEE when the A&BE engage in the design or the construction administration of a building the total floor area of which exceeds 2,000 m<sup>2</sup>. However, when Structural design 1st-class A&BE engages in the design, this provision is not applied to the design.

*Act Article 2 paragraph 7*

**(Alternation of design)**

**Article 19.** When a 1st-class A&BE, 2nd-class A&BE or Wooden A&BE intends to make partial changes in the drawings/specifications made by another 1st-class A&BE, 2nd-class A&BE or Wooden A&BE, the A&BE must first obtain approval from the 1st-class A&BE, 2nd-class A&BE or Wooden A&BE. However, when there are any reasons for not being able to obtain such approval or when such approval is not obtained, the partial changes in the drawings/specifications may be made at the responsibility of the A&BE who makes the changes.

**(Presentation of A&BE license certificate)**

**Article 19-2.** A 1st-class A&BE, a 2nd-class A&BE, or Wooden A&BE must present 1st-class A&BE license certificate, a



2nd-class A&BE license certificate, or Wooden A&BE license certificate when requested by the consigner of design etc. provided in Article 23 paragraph 1 (including a person who intend to consign).

**(Signing required for offering services)**

**Article 20.** When a 1st-class A&BE, 2nd-class A&BE or Wooden A&BE has performed design, the A&BE must mark the title of 1st-class A&BE, 2nd-class A&BE or Wooden A&BE on its drawings/specifications, sign, and put the seal to such documents. The same applies to changes in drawings/specifications.

2. When a 1st-class A&BE, 2nd-class A&BE or Wooden A&BE confirms the safety of a building through structural calculations, the A&BE must, without delay, issue a certificate to that effect to the client of the design, under the MLIT Order, except, when the provisions of paragraph 1 or 2 of the following Article apply.

*Regulation Article 17-14-2*

3. Upon completion of the construction administration, an A&BE must immediately report on the results thereof in writing to the building owner as provided by MLIT Order.

*Act Article 2 paragraph 7 / Regulation Article 17-15*

4. In lieu of making the written report provided in the preceding paragraph, the A&BE may, under the Cabinet Order and with the approval of the building owner, report such results by using information and communications technology, including an electronic data processing system, provided by MLIT Order. In this case, the A&BE is deemed to have reported the results in writing.

*Order Article 7 / Regulation Article 17-16*

5. When an A&BE performs design or construction administration of MEP systems of buildings, including large-scale buildings, and consults a BMEE, the A&BE must state that fact in the drawings/specifications provided in paragraph 1 or in the report provided in paragraph 3 (the report data if the report is made by the method provided in the first sentence of the preceding paragraph).

*Regulation Article 17-18*

**(Special provisions for structural design)**

**Article 20-2.** When a Structural Design 1st-class A&BE performs the structural design of a building provided in Article 3, paragraph 1 and subject to item (1) or (2) of Article 20, paragraph 1 of the Building Standards Act, the A&BE must, in addition to meeting paragraph 1 of the preceding Article, mark the title of Structural Design 1st-class A&BE on the structural drawings/specifications. The same applies to partial changes in structural drawings/specifications.

2. When a 1st-class A&BE other than a Structural Design 1st-class A&BE prepares the structural design of a building referred to the preceding paragraph, the A&BE must, under the MLIT Order, obtain confirmation from a Structural Design 1st-class A&BE that the building based on the structural design conforms to the provisions of Article 20, paragraph 1 of the Building Standards Act (limited to item (1) or item (2)) and the provisions of orders based on this Article (hereinafter referred to as "structure-related provisions"). The same applies to partial changes in structural drawings/specifications.

*Regulation Article 17-17-2*

3. A Structural Design 1st-class A&BE must, when fulfilling a request for confirmation under the preceding paragraph, state whether the A&BE was able to confirm the compliance of the building to the structure-related provisions, mark the title of Structural Design 1st-class A&BE, sign on the applicable structural drawings/specifications.

4. A Structural Design 1st-class A&BE must present the Structural Design 1st-class A&BE certificate when requested by the 1st-class A&BE who asked for confirmation under paragraph 2.

**(Special provisions for MEP design)**

**Article 20-3.** When an MEP Design 1st-class A&BE performs the MEP design of a building which floor area exceeds 5,000 sq m in total and the number of stories is three or more, the A&BE must, in addition to meeting the provisions of Article 20, paragraph 1, mark the title of MEP Design 1st-class A&BE on the MEP drawings/specifications. The same applies to partial changes in MEP drawings/specifications.

2. When a 1st-class A&BE other than an MEP Design 1st-class A&BE prepares the MEP design of a building referred to the preceding paragraph, the A&BE must, under the MLIT Order, obtain from confirmation an MEP Design 1st-class A&BE that the building based on the MEP design conforms to the provisions of Article 28, paragraph 3, Article 28-2, item (3) (limited to the provisions for ventilation systems), Articles 32 to 34, Article 35 (limited to the provisions for fire extinguishing systems, such as fire hydrant systems, sprinkler systems, and water tanks, smoke exhaust systems, and emergency lighting systems) and Article 36 (limited to the provision for installation and construction of fire extinguishing systems, lightning protection systems and plumbing systems, including water supply and drainage systems, as well as construction of chimneys and conveying systems) of the Building Standards Act and the provisions of orders based on these

articles (all of these provisions are collectively referred to as “MEP-related provisions”). The same applies to partial changes in MEP drawings/specifications.

*Regulation Article 17-17-3*

3. An MEP Design 1st-class A&BE must, when fulfilling a request for confirmation under the preceding paragraph, state whether the A&BE was able to confirm the compliance of the building to the MEP-related provisions, mark the title of MEP Design 1st-class A&BE, sign on the applicable MEP drawings/specifications.

4. An MEP Design 1st-class A&BE must present the MEP Design 1st-class A&BE certificate when requested by the 1st-class A&BE who asked for confirmation under paragraph 2.

**(Other services)**

**Article 21.** In addition to design (including confirmation provided in Article 20-2, paragraph 2 or paragraph 2 of the preceding Article; the same applies to Article 22 and Article 23, paragraph 1) and construction administration, an A&BE may engage in services, including affairs related to building construction contracts, supervision of building construction work, inspection and assessment or appraisal of buildings, or agent services of procedures required by laws and regulations or ordinances related to building construction (limited to services pertaining to wooden buildings for Wooden A&BE). This does not apply, when the provision of the services is restricted by other laws.

**(Prohibition of name-lending to a non-A&BE or others)**

**Article 21-2.** An A&BE must not lend the name to a person who violates:

- (1) The provisions of Article 3, paragraph 1 (including cases where the provisions apply under paragraph 2 of the Article; the same applies to items (6) to (8) of Article 26, paragraph 2), Article 3-2, paragraph 1 (including cases where the provisions apply under Article 3, paragraph 2 applied mutatis mutandis under Article 3-2, paragraph 2; the same applies to items (6) to (8) of Article 26, paragraph 2), Article 3-3, paragraph 1 (including cases where the provisions apply under Article 3, paragraph 2 applied mutatis mutandis under Article 3-3, paragraph 2; the same applies in Article 26, paragraph 2 item (8)) or Article 34; or,
- (2) The ordinance issued under Article 3-2, paragraph 3 (including cases where the provision is applied mutatis mutandis under Article 3-3, paragraph 2).

**(Prohibition of instructions to violate laws)**

**Article 21-3.** An A&BE must not give instructions, provide consultation, or offer similar services in connection with activities that violate this Act, any other laws on building construction, or orders and ordinances based on such laws, including building construction that does not conform to the building standards provided in the Building Standards Act.

**(Prohibition of acts causing loss of credibility)**

**Article 21-4.** An A&BE must not engage in conduct that harms the credibility or professional ethics of A&BE.

**(Maintenance and improvement of knowledge and skills)**

**Article 22.** An A&BE must make every effort to maintain and improve the knowledge and skills necessary for design and construction administration.

2. The Minister and prefectural governors take measures to encourage A&BE to maintain and improve their knowledge and skills necessary for design and construction administration, including provision of necessary information and materials.

**(Periodic training programs)**

**Article 22-2.** An A&BE, corresponding to the A&BE type, must take the following training program administered by a party to which the Minister has granted registration pursuant to the provisions of paragraph 1 of the following Article and the provisions of Articles 10-23 to 10-25 applied mutatis mutandis under paragraph 2 of the following Article (referred to as “Registered Training Organization” in the following Article) at intervals of between three and five years as provided by MLIT Order:

*Regulation Article 17-36*

- (1) 1st-class A&BE (limited to those who are employed by an A&BE office provided in Article 23, paragraph 1): Training program listed under the “Training Program” column in row (1) of Annexed Table 2;
- (2) 2nd-class A&BE (limited to those who are employed by an A&BE office provided in Article 23, paragraph 1): Training program listed under the “Training Program” column in row (2) of Annexed Table 2;

- (3) Wooden A&BE (limited to those who are employed by an A&BE office provided in Article 23, paragraph 1): Training program listed under the “Training Program” column in row (3) of Annexed Table 2;
- (4) Structural Design 1st-class A&BE: Training program listed under the “Training Program” column in row (4) of Annexed Table 2; or,
- (5) MEP Design 1st-class A&BE: Training program listed under the “Training Program” column in row (5) of Annexed Table 2.

**(Registration of a training organization administering periodic training programs)**

**Article 22-3.** The registration provided in the preceding Article is made for each category of training programs listed under the “Training Program” column in each row of Annexed Table 2 by an applicant intending to conduct affairs related to such training programs.

2. The provisions of Article 10-23, Article 10-24, Article 10-25, paragraph 1 and Article 10-26 apply mutatis mutandis to the registration provided in the preceding Article, and the provisions of Article 10-25, paragraphs 2 and 3 and Articles 10-27 to Article 10-38 apply mutatis mutandis to the Registered Training Organization. In this case, “affairs related to training programs” in Article 10-23 item (5) is deemed to replace with “affairs related to training programs provided in Article 22-2 (hereinafter referred to as “affairs related to training programs”) and “the ‘Training Program’ column in each row of Annexed Table 1” in Article 10-24, paragraph 1 item (1) is deemed to replace with “the ‘Training Program’ column in each row of Annexed Table 2”.

3. All matters necessary for the registration, training programs and Registered Training Organizations described in the preceding Article are provided by MLIT Order.

## **CHAPTER 4-2 Design Contract etc.**

**(Principle of design contract etc.)**

**Article 22-3-2.** Parties of contract to perform design or construction administration (hereinafter referred to as “design contract” and “construction administration contract”, respectively) must conclude a fair contract based on an agreement on an equal status and must perform it in good faith.

**(Contents of the contract pertaining to a building with a total floor area exceeding 300 m2)**

**Article 22-3-3.** Parties of a design contract or construction administration contract pertaining to a building with a total floor area exceeding 300 m2 must, in accordance with the purpose of the preceding article, describe the matter of the following items, sign the name or affix the name and put the seal, and issue the documents mutually upon conclusion of the contract.

- (1) For a design contract: types of drawings/specifications to be prepared;
- (2) For a construction administration contract: the method of verifying the construction work against the drawings/specifications and how the progress of the construction administration will be reported;
- (3) Names of the A&BE who will be engaged in the design or the construction administration and their classification as 1st-class A&BE, 2nd-class A&BE or Wooden A&BE and, when applicable, whether they are Structural Design 1st-class A&BE or MEP Design 1st-class A&BE;
- (4) Amount of remuneration and the term of payment;
- (5) Matters pertaining to the cancellation of the contract; and,
- (6) Matters provided by MLIT Order, in addition to those listed in the preceding items.

2. When there are changes in the matters listed in each item of the preceding paragraph of contents of a design contract or construction administration contract, parties of a design contract or a construction administration contract pertaining to a building with a total floor area exceeding 300 m2 must, describe the changes, sign the name or affix the name and put the seal, and issue the documents mutually.

3. In the case extension, reconstruction, major repair, or major redecoration is implemented, deeming it new construction of the part of the extension, reconstruction, major repair or major redecoration, provisions of the preceding two paragraph applies.

4. Parties of a design contract or a construction administration contract may, under the MLIT Order, instead of issuance of documents provided in preceding paragraph, provide matters described in the documents by means utilizing information-communication technology provided by MLIT order such as means utilizing electronic data processing system when acquire the approval of the counterparty of the contract. In this case, parties of the contract are deemed to have issued the documents.

5. In the case where parties of a design contract or a construction administration contract issue the documents mutually pursuant to the provisions of paragraph 1, pursuant to the provisions of Article 24-8, paragraph 1 does not apply.

**(Appropriate remuneration)**

**Article 22-3-4.** Those who intend to conclude a design contract, or a construction administration contract must endeavor to conclude a design contract or a construction administration contract in accordance with the standards for remuneration provided in Article 25.

## CHAPTER 5 A&BE Association and Federation of A&BE Association

### (A&BE Association and Federation of A&BE Association)

**Article 22-4.** A general incorporated association that uses the words “A&BE Association (“*Kenchikushi Kai*” in Japanese)” in its name (excluding those provided in the following paragraph) must, as its objectives, conduct training programs in building technology for A&BE, provide guidance for its members, and conduct affairs related to communication, in order to contribute to the maintenance of the professional ethics of A&BE and to advancement and improvement of their services, and must provide in its articles of incorporation that its members be A&BE.

2. A general incorporated association that uses the words “Federation of A&BE Association (“*Kenchikushi Kai Rengokai*” in Japanese)” in its name must, as its objectives, conduct training programs in building technology for A&BE, provide guidance for its members, and conduct affairs related to communication, in order to contribute to the maintenance of the professional ethics of A&BE and to advancement and improvement of their services, and must provide in its articles of incorporation that its members be the general incorporated associations provided in the preceding paragraph (hereinafter in this Article referred to as “A&BE Association”).

3. The provisions in the articles of incorporation provided in the preceding two paragraphs must not be changed.

4. When an A&BE Association *Kai* or general incorporated association provided in paragraph 2 (hereinafter in this Article referred to as “Federation of A&BE Association”) is incorporated, it must submit a notification to that effect within two weeks from the date of incorporation together with its certificate of registered matters and a copy of its articles of incorporation to the prefectural governor having jurisdiction over the location of its main office, for A&BE Associations, or to the Minister, for Federation of A&BE Association.

5. A&BE Associations and the Federation of A&BE Association must provide A&BE with training programs in building technology for improving their knowledge and skills necessary for performing their services.

6. The Minister may request a report on necessary matters or provide necessary guidance, advice or recommendations to Federation of A&BE Association, and a prefectural governor may take the same action to the A&BE Association whose main office is in the jurisdiction, in order to contribute to the maintenance of the professional ethics of A&BE and to advancement and improvement of their services.

## CHAPTER 6 A&BE OFFICE

### (Registration)

**Article 23.** A 1st-class A&BE, 2nd-class A&BE, Wooden A&BE or any party who employs such must establish a 1st-class A&BE office, 2nd-class A&BE office, or Wooden A&BE office and register it with the prefectural governor when the A&BE etc. intends to engage, upon request from others in return for remuneration, in the business of offering design, construction administration, affairs related to building construction contracts, supervision of building construction work, inspection and assessment or appraisal of buildings, or agent services of procedures required by laws and regulations or ordinances related to building construction (hereinafter referred to as “design and related services”). For Wooden A&BE or anyone who employs Wooden A&BE (excluding those who employ 1st-class A&BE or 2nd-class A&BE in addition to Wooden A&BE), the services are limited to wooden buildings.

2. The registration provided in the preceding paragraph is valid for five years from the date of registration.

3. A party intending to continue to offer design and related services as a business upon request from others in return for remuneration must renew the A&BE office registration before the expiration of registration pursuant to the provisions of paragraph 1.

*Regulation Article 18*

### (Application for registration)

**Article 23-2.** A party intending to apply for registration of the A&BE office pursuant to the provisions of paragraph 1 or paragraph 3 of the preceding Article (hereinafter referred to as “registration applicant”) must submit a registration application form containing the following, to the prefectural governor who has jurisdiction over the area where the A&BE office is located:

- (1) Name and location of the A&BE office;
- (2) Classification: 1st-class A&BE office, 2nd-class A&BE office, or Wooden A&BE office;
- (3) Name of the individual when the registration applicant is an individual, or name of the corporation and its executives (partners engaged in business operations, directors, officers, or the equivalent thereof; hereinafter the same in this Chapter) when the registration applicant is a corporation;

- (4) Name of the Managing A&BE provided in Article 24, paragraph 2, and the classification as 1st-class A&BE, 2nd-class A&BE or Wooden A&BE;
- (5) Name of the A&BE belonging to the A&BE office and the classification as 1st-class A&BE, 2nd-class A&BE or Wooden A&BE; and,
- (6) Besides matters listed in preceding items, matters provided by MLIT Order

**(Implementation of registration)**

**Article 23-3.** When a prefectural governor receives an application for registration under the preceding Article, the governor must, without delay, register the matters provided in each item of the preceding Article, together with the date of registration, the registration number and other matters provided by MLIT Order in the 1st-class A&BE office registry, the 2nd-class A&BE office registry or the Wooden A&BE office registry (hereinafter referred to as “registry”), respectively, excluding cases where the governor refuses registration under the following Article.

*Regulation Article 20-2*

2. Upon registration pursuant to the provisions of the preceding paragraph, the prefectural governor must immediately notify the registration applicant to that effect.

**(Refusal of registration)**

**Article 23-4.** A prefectural governor must refuse registration if a registration applicant makes false representation regarding material matters in the application form, fails to present material facts in the form, or is found to be:

- (1) A person undergoing bankruptcy proceedings and is yet to be rehabilitated;
- (2) A person who falls under any of Article 7, item (2) to item (4);
- (3) A party whose A&BE office registration was revoked pursuant to the provisions of Article 26, paragraph 1 or 2 and for whom five years have yet to elapse from the date of revocation. (If it is a corporation whose registration was revoked, a person who had been an executive of the corporation within one year prior to the date on which the cause of the revocation took place and for whom five years have yet to elapse from the date of the revocation);
- (4) A party who was ordered to close an A&BE office pursuant to the provisions of Article 26, paragraph 2, and whose closure period has yet to expire. (If it is a corporation whose office was ordered to close, a person who had been an executive of the corporation within one year prior to the date on which the cause of the closure order took place, and whose closure period has yet to expire);
- (5) A member of an organized crime group provided in Article 2, item (6) of Act on Prevention of Unjustifiable acts by Organized Crime Groups (Act 77, 1991) or a person who was a member of an organized crime group provided in the item and for whom five years have yet to elapse from the date when the person ceased to be a member. (referred as “A member of an organized crime group etc.”);
- (6) A person designated by MLIT Order as unable to properly perform business of A&BE office due to mental or physical disability;
- (7) A minor who does not have the competence equal to an adult regarding the conduct of business and whose legal representative (in the case where legal representatives is a corporation, executives of the corporation are included) falls under any of the preceding items;
- (8) A corporation any of whose executives falls under any of item (1) to item (6);
- (9) A person whose business activity is controlled by members of an organized crime group etc.; or,
- (10) A party who fails to meet the requirements for an A&BE office provided in Article 24, paragraphs 1 and paragraph 2

2. A prefectural governor may refuse registration if the registration applicant is found to be:

- (1) A person who falls under Article 8 item (1) or item (2);
- (2) A minor who does not have the competence equal to an adult regarding the conduct of business and whose legal representative (in the case where legal representatives is a corporation, executives of the corporation are included) falls under the preceding item; or,
- (3) A corporation any of whose executives falls under item (1)

3. When a prefectural governor refuses registration under the two preceding paragraphs, the prefectural governor must, without delay, notify the registration applicant to that effect in writing with the reasons for refusal.

**(Notification of changes)**

**Article 23-5.** When there are changes in the matters listed in item (1), items (3), and item (4) to (6) of Article 23-2, a party whose A&BE office is registered pursuant to the provisions of Article 23-3, paragraph 1 (hereinafter referred to as “founder of an A&BE office”) must submit a notification to that effect to the prefectural governor within two weeks after the changes.

2. When there are changes in the matters listed in item (5) of Article 23-2, a founder of an A&BE office must submit a notification to that effect to the prefectural governor within three months after the changes.

3. The provisions of Article 23-3, paragraph 1 and the preceding Article apply mutatis mutandis in cases where a notification of changes pursuant to the provisions of the preceding two paragraphs is submitted.

**(Report on design and related services)**

**Article 23-6** As provided by MLIT Order, a founder of an A&BE office must prepare a report on design and related services that contains the following information for each fiscal year and submit it within three months after the end of each fiscal year to the prefectural governor who granted the registration to the A&BE office:

- (1) Outline of the record of services provided by the A&BE office during the fiscal year;
- (2) Names of A&BE who are employed by the A&BE office;
- (3) Record of the services provided by the A&BE identified in the preceding item during the fiscal year (limited to the services provided through the A&BE office); and,
- (4) Matters provided by MLIT Order, in addition to those listed in the preceding items.

*Regulation Article 20-3*

**(Notification of discontinuation of services)**

**Article 23-7.** If any of the following becomes applicable to a founder of an A&BE office, the party identified in each of the following must, within 30 days of the date of the event, provide a notification to that effect to the prefectural governor who granted the registration to the A&BE office (in the case of item (2), the date the heir becomes aware of the fact):

- (1) The registered A&BE office discontinues services: the founder of the A&BE office;
- (2) A founder of an A&BE office has died: the heir;
- (3) A decision is made to commence bankruptcy proceedings: the bankruptcy trustee;
- (4) The incorporated A&BE office is dissolved due to a merger: the executive representing the dissolved corporation; or,
- (5) The incorporated A&BE office is dissolved by a decision to commence bankruptcy proceedings or for reasons other than a merger: the liquidator.

**(Deletion of registration)**

**Article 23-8.** A prefectural governor must delete the registration of an A&BE office from the registry if any of the following applies:

- (1) A notification under the preceding Article is submitted;
- (2) An application for renewal of registration is not submitted at the expiration of the registration pursuant to the provisions of Article 23, paragraph 1; or,
- (3) Registration is revoked pursuant to the provisions of Article 26, paragraph 1 or paragraph 2.

2. The provisions of Article 23-3, paragraph 2 apply mutatis mutandis in cases where the registration is deleted pursuant to the provisions of the preceding paragraph.

**(Access to registry)**

**Article 23-9.** A prefectural governor must make available the following documents for public access:

- (1) Registry;
- (2) Reports on design and related services submitted pursuant to the provisions of Article 23-6; and,

(3) Other documents related to A&BE offices provided by MLIT Order.

*Regulation Article 20-4*

**(Prohibition of providing services without registration)**

**Article 23-10.** An A&BE must not engage in the business of design and related services in return for remuneration upon request from others without registration pursuant to the provisions of Article 23-3, paragraph 1.

2. No party may employ an A&BE and engage in the business of design and related services in return for remuneration upon request from others without registration pursuant to the provisions of Article 23-3, paragraph 1.

**(Management of A&BE offices)**

Article 24. A founder of an A&BE office must ensure that the 1st-class A&BE office, 2nd-class A&BE office or Wooden A&BE office has a 1st-class A&BE, 2nd-class A&BE or Wooden A&BE respectively who is hired exclusively to manage the 1st-class A&BE 2nd-class A&BE or Wooden A&BE office.

2. An A&BE who is placed to manage an A&BE office under the preceding paragraph (hereinafter referred to as “Managing A&BE”) must have engaged in the services, including design provided by MLIT Order, as an A&BE for a minimum of three years and subsequently have completed the training program listed under the “Training Program” column of Annexed Table 3 administered by a party to which the Minister granted registration (hereinafter in this Chapter referred to as “Registered Training Organization”) pursuant to the provisions of Article 26-5, paragraph 1 and the provisions of Articles 10-23 to Article 10-25 applied mutatis mutandis under Article 26-5, paragraph 2.

*Regulation Article 20-5*

3. A Managing A&BE must oversee the technical matters below related to the services of an A&BE office.

- (1) Setting of acceptable workload, difficulty level and necessary period in accordance with business contents
- (2) Selection and assignment of A&BE and other engineers who is put in charge of business to be entrusted
- (3) Drafting of partnership with other A&BE offices and business scope of the partner.
- (4) Supervising A&BE and other engineers belonging to the A&BE office and securing appropriate business execution.

4. If A Managing A&BE is not a founder of the A&BE office, the Managing A&BE must provide the input to the founder of the A&BE office as required, to ensure the smooth and proper operation of services from the technical point of view.

5. A founder of the office must respect the input in the preceding paragraph.

**(Prohibition of name-lending)**

**Article 24-2.** A founder of an A&BE office must not let others conduct the business of the A&BE office under the name.

**(Restriction of subcontracting)**

**Article 24-3.** A founder of an A&BE office must not subcontract the services of design or construction administration that the founder has been contracted, even with the permission of the client to do so, to any party other than a founder of an A&BE office.

2. A founder of an A&BE office must not subcontract to a founder of another A&BE office the entire services of design or construction administration that the founder has been contracted, even with the permission of the client to do so (limited to construction work of new buildings with the total floor area exceeding 300 m2).

*Order Article 8*

**(Record-keeping and safekeeping of documents)**

**Article 24-4.** A founder of an A&BE office must, under MLIT Order, prepare and keep a record related to the services provided by the office as provided by MLIT Order.

*Regulation Article 21*

2. In addition to the record provided in the preceding paragraph, a founder of an A&BE office must, under the MLIT Order, keep the drawings and documents related to its services as provided by MLIT Order.

*Regulation Article 21*

**(Display of signage)**

**Article 24-5.** A founder of an A&BE office must display signage as provided by MLIT Order at a conspicuous place in the A&BE office so that the public can readily see it.

*Regulation Article 22*

**(Access to documents)**

**Article 24-6.** A founder of an A&BE office must, under the MLIT Order, keep the following documents in its office and, allow any person intending to enter into a contract for design and related services to have access upon request:

- (1) Documents describing the record of services provided by the A&BE office;
- (2) Documents listing the names of the A&BE who are employed by the office and the record of their services;
- (3) Evidential documents such as an insurance policy for securing an amount of money deemed necessary to compensate for damage that may be incurred as a result of design and related services, if any; and,
- (4) Other documents provided by MLIT Order pertaining to the services and finances of the A&BE office.

*Regulation Article 22-2*

**(Explanation of material matters)**

**Article 24-7.** When a founder of an A&BE office enters into a design contract or construction administration contract with a building owner, the founder must have Managing A&BE or other A&BE who is employed by the A&BE office (referred to as “Managing A&BE or other A&BE” in the next paragraph and paragraph 3) deliver in writing and explain, in advance, to the building owner the following matters regarding the particulars of the design contract or construction administration contract and its implementation:

- (1) For a design contract: types of drawings/specifications to be prepared;
- (2) For a construction administration contract: the method of verifying the construction work against the drawings/specifications and how the progress of the construction administration will be reported;
- (3) Names of the A&BE who will be engaged in the design or the construction administration and their classification as 1st-class A&BE, 2nd-class A&BE or Wooden A&BE and, when applicable, whether they are Structural Design 1st-class A&BE or MEP Design 1st-class A&BE;
- (4) Amount of remuneration and the term of payment;
- (5) Matters pertaining to the cancellation of the contract; and,
- (6) Matters provided by MLIT Order, in addition to those listed in the preceding items.

*Regulation Article 22-2-2*

2. When giving an explanation under the preceding paragraph, the Managing A&BE or other A&BE, must present to the building owner the 1st-class A&BE license certificate, 2nd-class A&BE license certificate, or Wooden A&BE license certificate.

3. A Managing A&BE or other A&BE may, under the MLIT Order, instead of issuance of documents provided in preceding paragraph, provide matters described in the documents by means utilizing information-communication technology provided by MLIT order such as means utilizing electronic data processing system when acquire the approval of the client. In this case, A Managing A&BE or other A&BE is deemed to have issued the documents.

**(Issuance of documents)**

**Article 24-8.** Upon conclusion of a design contract or construction administration contract, a founder of an A&BE office must, under the MLIT Order, issue documents describing the following to the client without delay:

- (1) Matters listed in the items in paragraph 1 of Article 22-3-3; and
- (2) Particulars of the design contract or construction administration contract and matters related to its implementation as provided by MLIT Order, in addition to those listed in the preceding item.

*Regulation Article 22-3*



2. A founder of an A&BE office may, under the MLIT Order, instead of issuance of documents provided in preceding paragraph, provide matters described in the documents by means utilizing information-communication technology provided by MLIT order such as means utilizing electronic data processing system when acquire the approval of the client. In this case, the founder of an A&BE office is deemed to have issued the documents.

**(Conclusion of insurance contract etc.)**

**Article 24-9.** A founder of an A&BE office must endeavor to conclude an insurance or take other measures to secure the necessary of money to compensate for damages incurred related to design or related service.

**(Remuneration for services)**

**Article 25.** The Minister may, with the consent of the Central Review Council for A&BEs, establish the standards for remuneration on which a founder of an A&BE office may base invoices for the services, and recommend the standards.

*MLIT Notification No. 15, 2009*

**(Supervisory and disciplinary actions)**

**Article 26.** A prefectural governor must revoke the registration of an A&BE office in cases where:

- (1) The A&BE office is registered pursuant to the provisions of Article 23-3, paragraph 1 based on false or dishonest representation;
- (2) A founder of an A&BE office falls under Any of Article 23-4, paragraph 1 item (1), item (2), item (5), item (6), or item(7) (excluding the part concerning a minor defined under item (7) whose legal representative (in the case the legal representative is a corporation, the executives are included) falls under item (4) of the paragraph), item (8) (excluding the part concerning a corporation any of whose executives falls under item (4) of the paragraph) item (9) or item (10); or,
- (3) A notification pursuant to the provisions of Article 23-7 is not submitted, and any of the fact listed in the items of the Article is evident.

2. A prefectural governor may issue an admonition to a founder of an A&BE office, order the closure of an A&BE office for a period of one year or less, or revoke the registration of an A&BE office if any of the following applies;

- (1) A founder of an A&BE office violates any of the provisions of article 22-3-3, paragraph (1) to (4), or article 24-2 to article 24-8;
- (2) A founder of an A&BE office falls under any of the items in Article 23-4, paragraph 2;
- (3) A founder of an A&BE office fails to submit a notification of changes pursuant to the provisions of Article 23-5, paragraph 1 or paragraph 2, or submits a false notification;
- (4) The Managing A&BE is subject to a disciplinary action pursuant to the provisions of Article 10, paragraph 1;
- (5) An A&BE who is employed by an A&BE office is subject to a disciplinary action pursuant to the provisions of Article 10, paragraph 1 for the acts in conducting the services of the A&BE office;
- (6) A 2nd-class A&BE or Wooden A&BE who is a Managing A&BE engages in design of buildings or construction administration in violation of the provisions of Article 3, paragraph 1, Article 3-2, paragraph 1, or of an ordinance issued pursuant to the provisions of Article 3-2, paragraph 3;
- (7) A 2nd-class A&BE or Wooden A&BE who is employed by an A&BE office engages in design of buildings or construction administration service as a business of the A&BE office in violation of the provisions of Article 3, paragraph 1, Article 3-2, paragraph 1, or of an ordinance issued pursuant to the provisions of Article 3-2, paragraph 3;
- (8) A person who is employed by an A&BE office but who is not an A&BE engages in design of buildings or construction administration as a business of the A&BE office in violation of to the provisions of Article 3, paragraph 1, Article 3-2, paragraph 1, Article 3-3, paragraph 1, or of an ordinance issued pursuant to the provisions of Article 3-2, paragraph 3 (including cases where the provisions of Article 3-2, paragraph 3 apply mutatis mutandis under Article 3-3, paragraph 2 with necessary changes);
- (9) A founder of an A&BE office or the Managing A&BE thereof does not comply with the disciplinary actions taken by the prefectural governor under this Act; or,
- (10) A founder of an A&BE office engages in other misconduct in connection with the services of the A&BE office than those actions listed in the preceding items.

3. Before a prefectural governor orders the closure of an A&BE office under the preceding paragraph, a hearing must be conducted, regardless of the category of procedures for testimony provided in Article 13, paragraph 1 of the Administrative Procedure Act.

4. The provisions of Article 10, paragraph 3, paragraph 4 and paragraph 6 apply mutatis mutandis to cases where a prefectural governor revokes the registration of an A&BE office pursuant to the provisions of paragraph 1 or paragraph 2, or orders the closure of an A&BE office pursuant to the provisions of paragraph 2. Paragraph 5 of the Article apply mutatis mutandis to cases where a prefectural governor takes a disciplinary action pursuant to the provisions of paragraph 1 or paragraph 2.

#### **(Reports and inspections)**

**Article 26-2.** A prefectural governor may, besides the provision of Article 10-2, paragraph 2, if the governor deems it necessary for enforcement of this Act, require a founder of an A&BE office or the Managing A&BE thereof to submit a report or to have the staff members conduct an on-site inspection of properties, including drawings and documents, in the A&BE office.

2. The provisions of Article 10-2, paragraphs 3 and paragraph 4 apply mutatis mutandis to the on-site inspection under the preceding paragraph.

#### **(Designation of A&BE Office Registration Organization)**

**Article 26-3.** A prefectural governor may designate a party (hereinafter referred to as “Designated A&BE Office Registration Organization”) and have it conduct affairs related to the registration of A&BE offices and make available for public access the registry and documents described in Article 23-9 item (3) (limited to the documents provided by MLIT Order) (hereinafter referred to as “affairs related to the registration of A&BE offices”).

2. The Designated A&BE Office Registration Organization is designated upon application from a party intending to conduct affairs related to the registration of A&BE offices.

3. The provisions of Articles 10-5 to 10-18 apply mutatis mutandis to the Designated A&BE Office Registration Organization. In this case, “the Minister” is deemed to replace with “the prefectural governor” and “affairs related to the registration of 1st-class A&BE” is deemed to replace with “affairs related to the registration of A&BE offices” in the provisions (excluding Article 10-5, paragraph 1 item (1)). In Article 10-5, paragraph 1, “no other party” is deemed to replace with “no other party in the prefecture concerned”. In Article 10-5, “paragraph 2 of the preceding Article” is deemed to replace with “Article 26-3, paragraph 2”. In Article 10-5, paragraph 1 item (1), “conducting affairs related to the registration of 1st-class A&BE” is deemed to replace with “conducting affairs related to the registration of A&BE offices (refers to affairs related to the registration of A&BE offices provided in Article 26-3, paragraph 1; the same applies hereinafter)” and “affairs related to the registration of 1st-class A&BE” is deemed to replace with “affairs related to the registration of A&BE offices”.

#### **(Applications of provisions when Designated A&BE Office Registration Organization conducts affairs related to the registration of A&BE offices)**

**Article 26-4.** When the Designated A&BE Office Registration Organization conducts affairs related to the registration of A&BE offices, Article 23, paragraph 1 and paragraph 2, Articles 23-2 to 23-4, Article 23-5, paragraph 1, Article 23-7, Article 23-8, paragraph 1 and Article 23-9 are read as follows: under these provisions (excluding Article 23, paragraph 1, Article 23-2 and Article 23-9), “prefectural governor” is deemed to replace with “Designated A&BE Office Registration Organization”; in Article 23, paragraph 1, “prefectural governor” is deemed to replace with “Designated A&BE Office Registration Organization (refers to Designated A&BE Office Registration Organization provided in Article 26-3, paragraph 1; the same applies hereinafter)”; in Article 23-2, “the prefectural governor” is deemed to replace with “a party designated by the prefectural governor under Article 26-3, paragraph 1”; in article 23-8 item (3), “Registration is revoked” is deemed to replace with “Registration is revoked by the prefectural governor”; in Article 23-9, “the following documents” is deemed to replace with “the following documents (excluding the registry and the documents provided by MLIT Order under Article 26-3, paragraph 1)”.

2. In cases where the prefectural government collects fees for registration of an A&BE office under Article 227 of the Local Autonomy Act, it may, under ordinances, require any party who intends to register an A&BE office through the Designated A&BE Office Registration Organization under the preceding Article to pay such fees to the organization and allow them to be considered as its income.

#### **(Registration of Managing A&BE training organization)**

**Article 26-5.** The registration pursuant to the provisions of Article 24, paragraph 2 (simply referred to as the “registration” in the following paragraph) is made upon application by a party intending to conduct affairs related to the execution of the training programs provided in paragraph 2 of the Article.

2. The provisions of Article 10-23, Article 10-24, Article 10-25, paragraph 1 and Article 10-26 apply mutatis mutandis to the registration. The provisions of Article 10-25, paragraphs 2 and paragraph 3, and Articles 10-27 to Article 10-38 apply mutatis mutandis to the Registered Training Organization. In this case, in Article 10-23 “affairs related to training programs” is deemed to replace with “affairs related to the execution of training programs provided in Article 24, paragraph 2 (hereinafter referred to as “affairs related to training programs”)”. In Article 10-24, paragraph 1 item (1), “the ‘Training program’ column in each row of Annexed Table 1” is deemed to replace with “the ‘Training program’ column in each row of Annexed Table 3”. In paragraph 2 of the Article, “following” is deemed to replace with “following matters (excluding the matters concerning the registration category)”.

#### **(Application of MLIT Order) <sup>(v)</sup>**

**Article 27.** In addition to this Chapter, any matters required in relation to the registration of A&BE offices, the registration and training programs and the Registered Training Organization under Article 24, paragraph 2 are provided by MLIT Order.

## **CHAPTER 7 Association of A&BE offices AND Federation of associations of A&BE offices**

### **(Association of A&BE offices and Federation of associations of A&BE offices)**

**Article 27-2.** A general incorporated association that uses the words “association of A&BE offices (*“Kenchikushi Jimusho Kyokai”* in Japanese)” in its name (excluding those provided in the following paragraph) must, as its objectives, ensure the proper operation of services of A&BE offices and protect the interests of building owners who signs a contract of design and related services with a founder of an A&BE office (hereinafter simply referred to as “building owner”) and must provide in its articles of incorporation that its members be founders of A&BE offices (hereinafter in this Chapter referred to as “association member”).

2. A general incorporated association that uses the words “federation of associations of A&BE offices (*“Kenchikushi Jimusho Kyokai Rengokai”* in Japanese)” in its name must, as its objectives, ensure the proper operation of services of A&BE offices and protect the interest of building owners, and must provide in its articles of incorporation that its members be federation of associations of A&BE offices (referred to as “federation member” in paragraph 6).

3. In order to fulfill their objectives, the general incorporated association provided in paragraph 1 (hereinafter referred to as “association of A&BE offices”) and the general incorporated association provided in the preceding paragraph (hereinafter referred to as “federation of associations of A&BE offices”) perform the following services:

- (1) To give founders of A&BE offices guidance, recommendations, and other services in regard to their business, which are necessary for protection of the interests of building owners, including preparation of proper contracts pertaining to design and related services;
- (2) To resolve complaints made by stakeholders, including building owners, regarding the services of A&BE offices;
- (3) To provide founders of A&BE offices with training in their business operations and to provide A&BE who are employed by A&BE offices with training in design and related services; and,
- (4) Any other services required to fulfill their objectives, in addition to those listed in the preceding items.

4. The provisions in the articles of incorporation provided in paragraphs 1 and paragraph 2 must not be changed.

5. Upon incorporation of an association of A&BE offices or federation of associations of A&BE office, a notification to that effect together with its certificate of registered matters and a copy of its articles of incorporation must be submitted to the prefectural governor having jurisdiction over the location of its main office, in the case of the association of A&BE offices, and to the Minister, in the case of the federation of associations of A&BE office, within two weeks of the date of incorporation.

6. Associations of A&BE offices and federation of associations of A&BE office must offer their register of association members and register of federation members, respectively, for public access.

7. Associations of A&BE offices and federation of associations of A&BE office must provide training in the operation of the services of A&BE offices to founders of A&BE offices for the purpose of ensuring the proper operation of their services and provide training in design and related services to A&BE who are employed by A&BE offices.

8. The Minister may request a report on necessary matters or provide necessary guidance, advice, or recommendations to federation of associations of A&BE office and the prefectural governor, to the association of A&BE offices whose main office is in the jurisdiction.

### **(Membership)**

**Article 27-3.** When a founder of an A&BE office intends to become a member of an association of A&BE offices the association of A&BE offices must not refuse the application without any justifiable reason or impose undue conditions upon approval of the memberships.

### **(Restriction on the use of names)**

**Article 27-4.** No party that is not an association of A&BE offices or a federation of associations of A&BE office may use the words “association of A&BE offices (*“Kenchikushi Jimusho Kyokai”* in Japanese)” or “federation of associations of A&BE office (*“Kenchikushi Jimusho Kyokai Rengokai”* in Japanese)” in its name.

2. No party that is not an association member may use the words “a member of association of A&BE offices (*“Kenchikushi Jimusho Kyokai Kaiin”* in Japanese)” in its name.

### **(Resolution of complaints) (dd)**

**Article 27-5.** When an association of A&BE offices receives a request for resolution of a complaint pertaining to the services of an A&BE office from a concerned party including a building owner, it must respond to the request, provide necessary advice and investigate the circumstances related to the complaint, as well as notify the founder of the A&BE office of the nature of the complaint and demand its prompt resolution.

2. The association of A&BE offices may request the founder of the A&BE office to provide an explanation either in writing or orally, or to submit materials, if it deems that such is necessary for the resolution of the complaint related to the request under the preceding paragraph.

3. An association member must not refuse a request made by the association of A&BE offices under the preceding paragraph without any justifiable reason.

## **CHAPTER 8 REVIEW COUNCIL FOR A&BE**

### **(Review Council for A&BE)**

**Article 28.** The Central Review Council for A&BE within the MLIT and a Prefectural Review Council for A&BE in each prefecture are established to conduct affairs related to the qualifying examinations for 1st-class A&BE, 2nd-class A&BE, and Wooden A&BE (excluding those affairs conducted by the Centrally-Designated Examination Organization or a Prefecturally-Designated Examination Organization) and to carry out their duties within their own jurisdiction under this Act.

### **(Organization of Review Council for A&BE)**

**Article 29.** Each Prefectural Review Council for A&BE consists of members, and The Central Review Council for A&BE consists of no more than ten members.

2. Excluding cases where the Centrally-Designated Examination Organization or a Prefecturally-Designated Examination Organization conducts affairs related to the qualifying examination for 1st-class A&BE or affairs related to the qualifying examinations for 2nd-class A&BE and Wooden A&BE, examination committee members are appointed within the Central Review Council for 1st-class A&BE and within each Prefectural Review Council for 2nd-class A&BE and Wooden A&BE, respectively in order to prepare examination questions and grade the examination papers.

3. Council members and examination committee members referred to in the preceding paragraph are appointed from among A&BE by the Minister for the Central Review Council for A&BE, and by the prefectural governor for each Prefectural Review Council for A&BE. In the event of unavoidable circumstances, a person with relevant knowledge and experience without the A&BE title may be appointed. However, the number of such members must not exceed half the total number of council members or examination committee members, respectively.

### **(Term of office of council members)**

**Article 30.** The term of office of council members is two years (in case of members of Prefectural Review Council for A&BE, if the term decided by an ordinance as longer than two years and not longer than three years, the term decided by the ordinance), except for members filling vacancies, in which case they serve for the remaining term of their predecessors.

2. Council members referred to in the preceding paragraph may be reappointed.

3. The examination committee members referred to in paragraph 2 of the preceding Article are dismissed upon completion of the preparation of examination questions and the grading of examination papers for which they have been appointed.

### **(Chairman)**

**Article 31.** The Central Review Council for A&BE and Prefectural Review Council for A&BE have a chairperson respectively who is elected from among the members.

2. The chairperson presides over affairs of the council.

3. When the chairperson becomes unable to perform the duties, a member who is elected in advance from among the members substitutes.

### **(Prohibition of misconduct)**

**Article 32.** Council members and examination committee members referred to in Article 29, paragraph 2 must work in a fair and strict manner so as to avoid any misconduct when conducting their affairs.

### **(Application of Cabinet Order)**

**Article 33.** In addition to the matters provided in this Chapter, any necessary matters in relation to the Central Review Council for A&BE and Prefectural Review Councils for A&BE are provided by Cabinet Order.

*Order Articles 9 to 13*

## **CHAPTER 9 MISCELLANEOUS PROVISIONS**

**(Prohibition of the use of titles)**

**Article 34.** A person who does not hold the A&BE title must not use the title of A&BE or other misleading titles.

2. A 2nd-class A&BE must not use the title of 1st-class A&BE or other misleading titles.

3. A Wooden A&BE must not use the title of 1st-class A&BE or 2nd-class A&BE or other misleading titles.

**(Delegation of authority)**

**Article 35.** The authority granted to the Minister under this Act may be delegated in part to the Director-General of a Regional Development Bureau and to the Director-General of Hokkaido Regional Development Bureau under the MLIT Order.

**(Transitional measures)**

**Article 36.** In establishing, revising or repealing an order based on this Act, necessary transitional measures (including those concerning penal provisions) may be provided in such an order to the extent deemed to be reasonably necessary for such establishment, revision, or repeal.

## **CHARTER 10 PENAL PROVISIONS**

**Article 37.** A party may be punished with imprisonment of one year or less or a fine of one million yen or less if the party:

- (1) Uses the title of 1st-class A&BE, 2nd-class A&BE or Wooden A&BE in order to provide the services without obtaining a license as a 1st-class A&BE, 2nd-class A&BE or Wooden A&BE;
- (2) Is granted a license as a 1st-class A&BE, 2nd-class A&BE or Wooden A&BE based on false or dishonest statements;
- (3) Engages in design or construction administration in violation of the provisions of Article 3, paragraph 1 (including cases where the provisions apply under paragraph 2 of the Article), Article 3-2, paragraph 1 (including cases where the provisions apply pursuant to the provisions of Article 3, paragraph 2 applied mutatis mutandis under Article 3-2, paragraph 2), Article 3-3, paragraph 1 (including cases where the provisions apply pursuant to the provisions of Article 3, paragraph 2 applied mutatis mutandis under Article 3-3, paragraph 2), or Article 3-2, paragraph 3 (including cases where the provisions apply mutatis mutandis under Article 3-3, paragraph 2);
- (4) Violates an order for suspension of business pursuant to the provisions of Article 10, paragraph 1;
- (5) Violates an order for suspension of affairs related to training programs (refers to affairs related to training programs provided in Article 10-22, affairs related to training programs provided in Article 10-23 item (5) applied under Article 22-3, paragraph 2 with necessary changes and affairs related to training programs provided in Article 10-23 item (5) applied mutatis mutandis under Article 26-5, paragraph 2; the same applies in Article 40 item (8)) provided in Article 10-36, paragraph 2 (including cases where the provisions apply mutatis mutandis under Article 22-3, paragraph 2 and Article 26-5, paragraph 2);
- (6) Issues a certificate described in Article 20, paragraph 2 without confirming the safety of a building through structural calculations in violation of the paragraph;
- (7) Violates the provisions of Article 21-2;
- (8) Obtains registration provided in Article 23-3, paragraph 1 based on false or dishonest representation;
- (9) Violates the provisions of Article 23-10, paragraph 1 or paragraph 2;
- (10) Violates the provisions of Article 24, paragraph 1;
- (11) Has another party conduct the business of an A&BE office under its name in violation of the provisions of Article 24-2;
- (12) Violates an order for closure of the A&BE office pursuant to the provisions of Article 26, paragraph 2; or,
- (13) Leaks examination questions prior to an examination or engaged in misconduct when grading examinations in violation of the provisions of Article 32.

**Article 38.** A party may be punished with imprisonment of one year or less or a fine of one million yen or less if the party:

- (1) Violates the provisions of Article 10-8, paragraph 1 (including cases where the provisions apply mutatis mutandis under Article 10-20, paragraph 3, Article 15-5, paragraph 1, Article 15-6, paragraph 3, or Article 26-3, paragraph 3); or,
- (2) Engages in misconduct when grading examinations in violation of the provisions of Article 15-4 (including cases where the provisions apply mutatis mutandis under Article 15-6, paragraph 3).

**Article 39.** An executive or an employee of the Centrally-Designated Registration Organization, a Prefecturally-Designated Registration Organization, the Centrally-Designated Examination Organization, a Prefecturally-Designated Examination Organization, or the Designated A&BE Office Registration Organization (referred to in Article 4241 as “executive or staff of the Centrally-Designated Registration Organization and others”) who has violated an order for suspension of affairs related to the registration of 1st-class A&BE, affairs related to the registration of 2nd-class A&BE and Wooden A&BE, affairs related to the qualifying examinations for 1st-class A&BE, affairs related to the qualifying examinations for 2nd-class A&BE and Wooden A&BE, or affairs related to the registration of an A&BE office pursuant to the provisions of Article 10-16, paragraph 2 (including cases where the provisions apply mutatis mutandis under Article 10-20, paragraph 3, Article 15-5, paragraph 1, Article 15-6, paragraph 3, or Article 26-3, paragraph 3) is punished with imprisonment of one year or less, or a fine of one million yen or less.

**Article 40.** A party may be punished with a fine of three hundred thousand yen or less if the party:

- (1) Does not submit the report provided in Article 10-2, paragraph 1 or 2 is not submitted, or submits false report;
- (2) Refuses, hinders, or evades the inspection provided in Article 10-2, paragraph 1 or 2
- (3) Does not answer, or answer falsely the question provided in Article 10-2, paragraph 1 or 2
- (4) Fails to prepare and keep a record or makes no or false entries on the record in violation of the provisions of Article 10-31 (including cases where the provisions apply mutatis mutandis under Article 22-3, paragraph 2, or Article 26-5, paragraph 2);
- (5) Fails to submit a report or submits a false report provided in Article 10-34, paragraph 1 (including cases where the provisions apply mutatis mutandis under Article 22-3, paragraph 2 or Article 26-5, paragraph 2; the same hereinafter in this Article);
- (6) Refuses, obstructs or evades an on-site inspection provided in Article 10-34, paragraph 1;
- (7) Refuses to answer or gives a false answer to any of the questions provided in Article 10-34, paragraph 1;
- (8) Discontinues all affairs related to training programs or gives a false notification thereof without submission of a notification provided in Article 10-35, paragraph 1 (including cases where the provisions apply under Article 22-3, paragraph 2, or Article 26-5, paragraph 2);
- (9) Fails to submit a notification of changes or gives a false notification thereof provided in Article 23-5, paragraph 1 or paragraph 2;
- (10) Fails to submit a report on design and related services or submits a report on design and related services containing false entries in violation of the provisions of Article 23-6;
- (11) Fails to prepare and keep a record or makes no or false entries on the record in violation of the provisions of Article 24-4, paragraph 1;
- (12) Fails to keep the necessary drawings and documents in violation of the provisions of Article 24-4, paragraph 2;
- (13) Fails to display signage in violation of the provisions of Article 24-5;
- (14) Fails to keep documents or to allow a person intending to enter into a contract for design and related services to have access to those documents upon request in violation of the provisions of Article 24-6, or keeps documents containing false entries or allows a person intending to enter into a contract for design and related services to have access to such documents;
- (15) Fails to issue documents or has issued documents containing false entries in violation of the provisions of Article 24-8, paragraph 1;
- (16) Fails to submit a report provided in Article 26-2, paragraph 1 or submits a false report thereof, or refuses, obstructs, or evades an entry or on-site inspection provided in the paragraph;
- (17) Uses the words “a member of association of A&BE offices (“*Kenchikushi Jimusho Kyokai*” in Japanese)” in its name in violation of the provisions of Article 27-4, paragraph 2; or,
- (18) Violates the provisions of Article 34 (excluding those for whom the provisions of Article 37 item (1) apply).

**Article 41.** An executive or staff of the Centrally-Designated Registration Organization and others may be punished with a fine of three hundred thousand yen or less if the organization:

- (1) Fails to prepare and keep a record or makes no or false entries on the record in violation of Article 10-11 (including cases where the provisions apply mutatis mutandis under Article 10-20, paragraph 3, Article 15-5, paragraph 1, Article 15-6, paragraph 3, or Article 26-3, paragraph 3);

- (2) Fails to submit a report or submits a false report provided in Article 10-13, paragraph 1 (including cases where the provisions apply mutatis mutandis under Article 10-20, paragraph 3, Article 15-5, paragraph 1, Article 15-6, paragraph 3 or Article 26-3, paragraph 3 the same hereinafter in this Article);
- (3) Refuses, obstructs or evades an on-site inspection provided in Article 10-13, paragraph 1;
- (4) Refuses to answer or gives a false answer to questions provided in Article 10-13, paragraph 1; or,
- (5) Discontinues all affairs related to the registration of 1st-class A&BE, affairs related to the registration of 2nd-class A&BE and Wooden A&BE, affairs related to the qualifying examinations for 1st-class A&BE or affairs related to the qualifying examinations for 2nd-class A&BE and Wooden A&BE, or affairs related to the registration of A&BE offices without obtaining approval pursuant to the provisions of Article 10-15, paragraph 1 (including cases where the provisions apply mutatis mutandis under Article 10-20, paragraph 3, Article 15-5, paragraph 1, Article 15-6, paragraph 3 or Article 26-3, paragraph 3).

**Article 42.** If a representative of a corporation or a proxy, an employee, or another worker of a corporation or a person has committed a violation provided in Article 37 (excluding item (13)), or Article 40 in connection with the services of the corporation or the person, such corporation or person is punished with the fine provided in each of the Articles in addition to the punishment of the offender.

**Article 43.** A non-penal fine of one hundred thousand yen or less is imposed if a party:

- (1) Violates the provisions of Article 5, paragraph 4 (including cases where the provisions apply mutatis mutandis under Article 10-19, paragraph 1, or Article 10-21, paragraph 1), Article 8-2 (excluding item (3)), Article 10-3, paragraph 5 (including cases where the provisions apply mutatis mutandis under Article 10-19, paragraph 1), Article 23-7 (including cases where the provisions apply mutatis mutandis under Article 26-4, paragraph 1), or Article 24-7, paragraph 2;
- (2) Fails to submit a notification pursuant to the provisions of Article 10-27, paragraph 2 (including cases where the provisions apply mutatis mutandis under Article 22-3, paragraph 2, or Article 26-5, paragraph 2), or makes a false notification thereof;
- (3) Fails to keep financial statements etc. or to include necessary entries, makes false entries thereto in violation of the provisions of Article 10-30, paragraph 1 (including cases where the provisions apply mutatis mutandis under Article 22-3, paragraph 2, or Article 26-5, paragraph 2), or refuses to fulfill a request pursuant to the provisions of Article 10-30, paragraph 2 without any justifiable reason (including cases where the provisions apply mutatis mutandis under Article 22-3, paragraph 2, or Article 26-5, paragraph 2); or,
- (4) Uses the words “association of A&BE offices (“*Kenchikushi Jimusho Kyokai*” in Japanese)” or “federation of associations of A&BE office (“*Kenchikushi Jimusho Kyokai Rengokai*” in Japanese)” in its name in violation of the provisions of Article 27-4, paragraph 1.

**Annexed Table 1** (relates to Article 10-3, Article 10-22, and Article 10-24)

	<b>Training Program</b>	<b>Subject</b>	<b>Instructor</b>
(1)	Training Program for Structural Design 1st-class A&BE	(a) Structure-related provisions	(i) A person who holds or formerly held the post of professor or associate professor who teaches administrative laws at a university defined by the School Education Act (hereinafter referred to as “university”) (ii) A person who possesses knowledge and experience equal or superior to those of the person identified in (i)
		(b) Building structures	(i) A person who holds or formerly held the post of professor or associate professor who teaches architecture at a university (ii) A person who possesses knowledge and experience equal or superior to those of the person identified in (i)
(2)	Training Program for MEP Design 1st-class A&BE	(a) MEP-related provisions	(i) A person who holds or formerly held the post of professor or associate professor who teaches administrative laws at a university (ii) A person who possesses knowledge and experience equal or superior to those of the person identified in (i)
		(b) MEP systems	(i) A person who holds or formerly held the post of professor or associate professor who teaches architecture at a university (ii) A person who possesses knowledge and experience equal or superior to those of the person identified in (i)



**Annexed Table 2** (relates to Article 22-2 and Article 22-3)

	<b>Training Program</b>	<b>Subject</b>	<b>Instructor</b>
(1)	Periodic Training Program for 1st-class A&BE	(a) Laws and regulations pertaining to building construction	(i) A person who holds or formerly held the post of professor or associate professor who teaches administrative laws at a university (ii) A person who possesses knowledge and experience equal or superior to those of the person identified in (i)
		(b) Design and construction administration	(i) A person who holds or formerly held the post of professor or associate professor who teaches architecture at a university (ii) A person who possesses knowledge and experience equal or superior to those of the person identified in (i)
(2)	Periodic Training Program for 2nd-class A&BE	(a) Laws and regulations pertaining to building construction	(i) A person who holds or formerly held the post of professor or associate professor who teaches administrative laws at a university (ii) A person who possesses knowledge and experience equal or superior to those of the person identified in (i)
		(b) Design and construction administration of buildings (excluding buildings provided in Article 3)	(i) A person who holds or formerly held the post of professor or associate professor who teaches architecture at a university (ii) A person who possesses knowledge and experience equal or superior to those of the person identified in (i)
(3)	Periodic Training Program for Wooden A&BE	(a) Laws and regulations pertaining to construction of wooden buildings	(i) A person who holds or formerly held the post of professor or associate professor who teaches administrative laws at a university (ii) A person who possesses knowledge and experience equal or superior to those of the person identified in (i)
		(b) Design and construction administration of wooden buildings (excluding buildings provided in Article 3 and Article 3-2)	(i) A person who holds or formerly held the post of professor or associate professor who teaches architecture at a university (ii) A person who possesses knowledge and experience equal or superior to those of the person identified in (i)
(4)	Periodic Training Program for Structural Design 1st-class A&BE	(a) Structure-related provisions	(i) A person who holds or formerly held the post of professor or associate professor who teaches administrative laws at a university (ii) A person who possesses knowledge and experience equal or superior to those of the person identified in (i)
		(b) Structural design	(i) A person who holds or formerly held the post of professor or associate professor who teaches architecture at a university (ii) A person who possesses knowledge and experience equal or superior to those of the person identified in (i)

(5)	Periodic Training Program for MEP Design 1st-class A&BE	(a) MEP-related provisions	(i) A person who holds or formerly held the post of professor or associate professor who teaches administrative laws at a university (ii) A person who possesses knowledge and experience equal or superior to those of the person identified in (i)
		(b) MEP design	(i) A person who holds or formerly held the post of professor or associate professor who teaches architecture at a university (ii) A person who possesses knowledge and experience equal or superior to those of the person identified in (i)

**Annexed Table 3** (relates to Article 24 and Article 26-5)

<b>Training Program</b>	<b>Subject</b>	<b>Instructor</b>
Training Program for Managing A&BE	(a) Act on A&BE and other related laws and regulations	(i) A person who holds or formerly held the post of professor or associate professor who teaches administrative laws at a university (ii) A person who possesses knowledge and experience equal or superior to those of the person identified in (i)
	(b) Building quality assurance	(i) A Managing A&BE who has three or more years of practical experience as Managing A&BE (ii) A person who possesses knowledge and experience equal or superior to those of the person identified in (i)

**【Provisional translation as of January 2024】**

by T. JUMONJI under the supervision of S. KITAMURA

No native checking is performed.