

● Overview of the Act for Partial Amendment of the *Kenchikushi* Law (Act No. 92 of 2014)

The *Kenchikushi* Law is amended based on the Joint Proposal for Ensuring Proper Execution of Design and Construction Administration Services and Full Disclosure to Building Owners, prepared by three leading associations in the field of building design.* The new measures include the requirement for a written contract for buildings with a floor area greater than 300 m², the clarification of the duties of *Kanri Kenchikushi*, and the mandatory presentation of the *Kenchikushi* license certificate.

* Japan Federation of Architects and Building Engineers Associations, Japan Association of Architectural Firms, and The Japan Institute of Architects

Rationale for amendment

The current building-related legal framework does not specify the contractual obligations of a *Kenchikushi* office performing design and related services, and this has led to an increase in the number and duration of building-related disputes. In addition, there has been a rise in the number of scams involving *Kenchikushi* imposters.

Given this, it is necessary to ensure proper execution of services for design and construction administration of buildings and full disclosure to building owners and other parties.



【 Date of promulgation: June 27, 2014
Date of enforcement: June 25, 2015 】

Overview of amendment

■ Proper execution of design and related services

- (1) Requirement for a written contract if the total floor area of a building exceeds 300 m² **【Article 22-3-3】**
- (2) Prohibition of subcontracting of a service as a whole if the total floor area of a building exceeds 300 m² **【Article 24-3】**
- (3) Duty to use best efforts to sign a contract that complies with the remuneration standards established by the Minister of Land, Infrastructure, Transport and Tourism **【Article 22-3-4】**
- (4) Duty to use best efforts to sign a liability insurance contract for design and related services **【Article 24-9】**

■ Proper execution of design and related services by clarifying duties of *Kanri Kenchikushi*

- (1) Clarification of the duties of a *Kanri Kenchikushi* as follows **【Article 24】**:
 - Selection of projects to be undertaken
 - Assignment of services
 - Selection of business partners
 - Management of professionals at *Kenchikushi* office
- (2) Duty of the founder of *Kenchikushi* office to respect the opinion of a *Kanri Kenchikushi* **【Article 24】**

■ Full disclosure of information including license certificates

- (1) Mandatory presentation of *Kenchikushi* license certificate when requested by a building owner **【Article 19-2】**
- (2) Clarification of procedure for updating a *Kenchikushi* license certificate when there are changes in the information in the license certificate (e.g., periodic training courses taken, ID photo) **【Article 5, Article 10-2-2】**

■ Proper execution of services pertaining to MEP systems

Inclusion of a definition of Building Mechanical and Electrical Engineer (BMEE) in the Law and a new requirement to use best efforts to consult a BMEE on MEPs in a building with a floor area exceeding 2,000 m² **【Article 2, Article 18】**

■ Other revisions

- (1) A *Kenchikushi* office founder's membership in an organized crime group is now among the reasons for disqualification or revocation pertaining to the *Kenchikushi* office. **【Article 23-4】**
- (2) Establishment of a new authority of the Minister of Land, Infrastructure, Transport and Tourism and prefectural governors to conduct investigations against *Kenchikushi*. **【Article 10-2】**
- (3) Duty to report a personnel change of *Kenchikushi* employed at *Kenchikushi* offices (within three months). **【Article 23-5】**