

- 2 When, in cases where it has turned out explicit that a land within the boundaries of said district is not benefited by the project of said land improvement district, any member thereof respecting said land makes an offer, said district must exclude said land from its boundaries.

(Dissolution)

Article 67. Any land improvement district shall be dissolved for any of the following reasons:

- (1) Resolution of a general meeting of the membership;
 - (2) Order by Court of dissolution as provided for in Art. 135;
 - (3) Amalgamation.
- 2 The dissolution of the land improvement district by resolution of a general meeting of the membership shall not come into effect unless it obtains approval of the governor of To, Do, Fu or prefecture.
 - 3 When the land improvement district has been dissolved for any of the reasons mentioned in par. 1 item (1) or (2), the governor of To, Do, Fu or prefecture must without delay give public notice of said dissolution.
 - 4 Any dissolution of the land improvement district cannot be made effective against a third person (exclusive of the members of said district), unless and until such public notice as prescribed in the preceding paragraph is given.

(Liquidator)

Article 68. In case a land improvement district has been dissolved, the directors shall become liquidators except when the dissolution is effected by amalgamation; provided that this shall not apply when liquidators have been elected from among other persons at a general meeting of the membership.

- 2 The provisions of Art. 18 par. 10 to 12 inclusive shall apply mutatis mutandis to the liquidators.

(Liquidator's Obligation to Investigate Assets)

Article 69. Immediately after assuming office the liquidator must investigate the actual conditions of assets belonging to a land improvement district, prepare an inventory thereof and a method of

(残余財産処分の制限)

第 70 条 清算人は、土地改良区の債務を弁済した後でなければ、その残余財産を処分することができない。

(清算人の決算報告義務)

第 71 条 清算義務が終ったときは、清算人は、遅滞なく、決算報告書を作り、これを総会に提出してその承認を求めなければならない。

(合併の議決)

第 72 条 土地改良区は、合併をしようとする場合には、総会においてその旨を議決しなければならない。

(吸収合併)

第 73 条 合併をする土地改良区の一方が合併後存続する場合には、その土地改良区は、関係各土地改良区の合併の議決書を添附して第 30 条第 2 項の規定による定款の変更の認可を申請しなければならない。

2 都道府県知事は、前項の認可をしたときは、遅滞なく、合併後存続する土地改良区については、第 30 条第 3 項の規定による公告、合併によって消滅する土地改良区については、解散の公告をしなければならない。

3 第 1 項に規定する合併は、前項の公告があるまでは、これをもって第三者（当該関係土地改良区の組合員を除く）に対抗することができない。

disposition of said assets, and submit the same to a general meeting of the membership for consent.

(Restriction on Disposition of Remaining Assets)

Article 70. The liquidator cannot dispose of the remaining assets of a land improvement district until after having paid all of its liabilities.

(Liquidator's Obligation for Statement of Settlement)

Article 71. When the affairs of liquidation have been completed, the liquidator must without delay prepare a statement on the settlement of accounts and submit the same to a general meeting of the membership for consent.

(Resolution of Amalgamation)

Article 72. In order that a land improvement district may effect amalgamation, a resolution authorizing it must be adopted at a general meeting of the membership.

(Amalgamation by Absorption)

Article 73. In case one of land improvement districts which are to be amalgamated continues to exist after amalgamation, said land improvement district must file a petition for approval for alterations in the Articles of District under the provision of Art. 30 par. 2, accompanied with written resolutions by respective districts concerned for said amalgamation.

- 2 Having made the approval mentioned in the preceding paragraph, the governor of To, Do, Fu or prefecture must without delay give public notice under the provision of Art. 30 par. 3, with respect to the land improvement district which continues to exist after said amalgamation, and public notice of dissolution with respect to the land improvement district which becomes extinct in consequence of said amalgamation.
- 3 Any amalgamation prescribed in par. 1 cannot be made effective against a third person (excluding the members of the districts concerned), unless and until the public notice mentioned in the preceding paragraph is given.

(新設合併)

第 74 条 合併によって土地改良区を設立しようとする場合には、関係各土地改良区の総会で組合員のうちから選挙した者が第 5 条第 1 項の認可の申請人となり、設立に必要な行為をしなければならない。

2 前項の場合において、第 7 条第 1 項の規定による申請をするには、関係各土地改良区の合併の議決書を添附しなければならない。

3 第 1 項の場合において、都道府県知事は、第 10 条第 1 項の認可をしたときは、遅滞なく、合併によって消滅する土地改良区については、解散の公告、合併によって設立した土地改良区については、同条第 3 項の規定による公告をしなければならない。

4 第 1 項に規定する合併は、前項の公告があるまでは、これをもって第三者(当該関係土地改良区の組合員を除く)に対抗することができない。

(合併による権利義務の承継)

第 75 条 合併後存続する土地改良区又は合併によって成立した土地改良区は、合併によって消滅した土地改良区の権利義務(その土地改良区がその行う事業に関し、行政庁の許可、認可その他の処分に基づいて有する権利義務を含む)を承継する。

(民法及び非訟事件手続法の準用)

第 76 条 土地改良区の解散及び清算には、民法第 73 条(清算法人)、第 75 条(裁判所による清算人の選任)、第 76 条(清算人の解任)、第 78 条から第 80 条まで(清算人の職務権

(New Organization by Amalgamation)

Article 74. In order that a land improvement district may be organized by amalgamation, such persons as have been elected from among the members of land improvement districts concerned at their respective general meetings of the membership must become petitioners for the approval mentioned in Art. 5 par. 1 to perform acts requisite for said organization.

- 2 When, in the case of the preceding paragraph, a petition is filed for approval in accordance with the provision of Art. 7 par. 1, written resolutions by respective districts concerned for said amalgamation must be attached thereto.
- 3 When, in the case of par. 1, the governor of To, Do, Fu or prefecture has made approval mentioned in Art. 10 par. 1, he must without delay give public notice of dissolution with respect to the land improvement district which becomes extinct in consequence of said amalgamation, and public notice under the provision of par. 3 of the same Article with respect to the land improvement district which has been completely organized by said amalgamation.
- 4 Any amalgamation prescribed in par. 1 cannot be made effective against a third person (excluding the members of the districts concerned), unless and until the public notice mentioned in the preceding paragraph is given.

(Succession to Rights and Obligations through Amalgamation)

Article 75. The land improvement district which continues to exist after amalgamation or the land improvement district which comes into existence in consequence of the amalgamation shall succeed to the rights and obligations of the land improvement districts which have ceased to exist in consequence of the amalgamation (including such rights and obligations as the last-mentioned districts have possessed under the permission, approval or any other disposition effected by the administrative agencies, in respect of a project carried out thereby).

(Application with Necessary Modifications of Civil Code and Non-Litigant Case Procedure Law)

Article 76. The provisions of Art. 73 (Liquidating Juridical Person),

限，債権申出の公告及び催告，期間後に申し出た債権），第 82 条（解散・清算の監督）及び第 83 条（清算終了の届出）並びに非訟事件手続法（明治 31 年法律第 14 号）第 35 条第 2 項（法人の解散・清算の監督の管轄），第 36 条（検査人の選任），第 37 条ノ 2（裁判所の選任した清算人・検査人の報酬），第 135 条ノ 25 第 2 項及び第 3 項（裁判所の監督上の調査等），第 136 条（清算事件の管轄），第 137 条（清算人の選任・解任の裁判）及び第 138 条（清算人不適格者）の規定を準用する。

第 5 款 土地改良区連合

（設立）

第 77 条 土地改良区は，その事業の一部を共同して行うため，土地改良区連合を設立することができる。

2 土地改良区は，土地改良区連合を設立しようとする場合には，省令の定めるところにより，定款，土地改良事業計画その他必要な事項を協議して定め，都道府県知事の認可を受けなければならない。

（名称独占）

第 78 条 土地改良区連合は，その名称中に土地改良区連合という文字を用いなければならない。

2 土地改良区連合でないものは，その名称中に土地改良区連合という文字を用いてはならない。

（定款）

Art. 75 (Election by Court of Liquidators), Art. 76 (Recall of Liquidators), Arts. 78 to 80 inclusive (Official Power of Liquidators, Public Notice and Peremptory Notice of Proposal of Credits, and Credits Which Have Been Proposed after the Termination of the Period), Art. 82 (Supervision over Dissolution and Liquidation) and Art. 83 (Due Notice of the Completion of Liquidation) of the Civil Code, as well as Art. 35 par. 2 (Jurisdiction of the Supervision over Dissolution and Liquidation of Juridical Person), Art. 36 (Election of Inspectors), Art. 37-(2) (Compensation to Liquidators and Inspectors Elected by Court), Art. 135-(25) pars. 2 and 3 (Investigation for Purpose of the Supervision of Court, etc.), Art. 136 (Jurisdiction of Liquidation Cases), Art. 137 (Justice on Election and Recall of Liquidators) and Art. 138 (Unqualified Liquidators of the Non-Litigant Case Procedure Law (Law No. 14 of 1898) shall apply mutatis mutandis to the dissolution and liquidation of the land improvement district.

Part 5 Union of Land Improvement Districts

(Organization)

Article 77. In order to execute a part or parts of the project jointly with another district, any land improvement district may organize a union of land improvement districts.

- 2 In case any land improvement district organize a union of them, said districts must, as provided for by Ministerial Ordinance, draw up and prepare a draft of the Articles of League of Districts, a land improvement project plan and other necessary particulars upon deliberation among them, and submit the same for approval to the governor of To, Do, Fu or prefecture.

(Monopoly of Official Name)

Article 78. The name of any union of land improvements districts must contain the words, Union of Land Improvement Districts.

- 2 The name of any other than a union of land improvement districts must not contain the words, Union of Land Improvement Districts.

(Articles of Union of Districts)

第 79 条 土地改良区連合の定款には、左に掲げる事項を記載しなければならない。

- (1) 名称及び認可番号
- (2) 所属土地改良区
- (3) 事業
- (4) 事務所の所在地
- (5) 経費の分担に関する事項
- (6) 役員の数、任期、職務の分担及び選挙に関する事項
- (7) 議員に関する事項
- (8) 事業年度
- (9) 公告の方法

2 事業年度については、省令で定める。

(総会の組織)

第 80 条 土地改良区連合の総会は、定款の定めるところにより、所属土地改良区がそれぞれの定款の定める手続に従い、その組合員のうちから選出する議員で組織する

2 土地改良区連合は、総代会を設けることができない。

(所属土地改良区の増減)

第 81 条 土地改良区連合は、その所属土地改良区の数を増減しようとする場合には、関係土地改良区の協議によって、省令の定めるところにより、定款、土地改良事業計画その他必要な事項を定め、都道府県知事の認可を受けなければならない。

(役員)

第 82 条 役員は、定款の定めるところにより、総会で選挙する。但し、土地改良区連合設立当時の役員は、第 74 条第 1 項の互選により選任する。

Article 79. The Articles of Union of Districts of any league of land improvement districts must contain the following affairs:

- (1) Official name and approval number;
- (2) Land improvement districts belonging to the union;
- (3) Project;
- (4) Location of the office;
- (5) Matters relating to share in the expenses;
- (6) Matters relating to fund number, tenure of office, division of duties and election of officers;
- (7) Matters relating to the membership of the general meeting of the union;
- (8) Business year;
- (9) Method to give public notice.

2 Business year shall be prescribed by Ministerial Ordinance.

(Formation of General Meeting)

Article 80. The general meeting of a union of land improvement districts shall, in accordance with the provisions of the Articles of Union of Districts, be formed by the members of the meeting who are selected, from among the members of respective districts belonging thereto in conformity with proceedings fixed by the respective Articles of Union of Districts.

2 No union of land improvement districts can establish the assembly of the representatives.

(Addition or Reduction of Districts Belonging to)

Article 81. In order that any union of land improvement districts may make any addition or reduction in respect of the districts belonging to, said union must, upon deliberation reached among all of land improvement districts concerned, as provided for by Ministerial Ordinance, prepare the Articles of Union of Districts, the land improvement project plan and other necessary matters and submit them for approval to the governor of To, Do, Fu or prefecture.

(Officers)

Article 82. The officers shall, as provided for by the Articles of Union of Districts, be elected at a general meeting of the membership;

2 土地改良区連合の理事の定数の少くとも5分の4、監事の定数の少くとも2分の1は、議員でなければならない。

(合併の禁止)

第83条 土地改良区連合は、合併をすることができない。

(土地改良区に関する規定の準用)

第84条 土地改良区連合については、この法律に特別の定のある場合を除いて、土地改良区に関する規定を準用する。

第2節 国又は都道府県の行う土地改良事業

(申請)

第85条 第3条に規定する資格を有する15人以上の者は、政令の定めるところにより、その資格に係る土地を含む一定の地域を定め、その地域について国又は都道府県が土地改良事業を行うべきことを、国が行うべきもの(以下「国営土地改良事業」という)にあっては農林大臣に、都道府県が行うべきもの(以下「都道府県営土地改良事業」という)にあっては、都道府県知事に、それぞれ申請することができる。

2 前項の者は、同項の規定による申請をするには、あらかじめ、省令の定めるところにより、同項の一定の地域について行うべき土地改良事業の計画の概要その他必要な事項を公告して、その地域内にある土地について第3条に規定する資格を有する者の3分の2以上の同意を得なければならない。

provided that the officers at the time of organization of a union of land improvement districts shall be selected and appointed by mutual election from among the persons mentioned in Art. 74 par.

- 2 Four-fifths at least of the fixed number of the directors and one-half at least of the fixed number of the auditors of a union of land improvement districts shall be composed of members of the meeting.

(Prohibition of Amalgamation)

Article 83. No union of land improvement districts can be amalgamated with another league.

(Application with Necessary Modifications of Provisions Regulating Land Improvement District)

Article 84. The provisions regulating the land improvement district shall apply mutatis mutandis to any union of land improvement districts except as otherwise provided for by this Law.

Section 2 Land Improvement Project Executed by State, or
To, Do, Fu or Prefecture

(Petition)

Article 85. Not less than fifteen persons with the qualification prescribed in Art. 3 may in accordance with the provisions of Cabinet Order, fixing certain boundaries of district embracing lands relating to said qualification, file a petition requesting that a land improvement project is to be executed by State, or To, Do, Fu or prefecture with respect to said district, with the Minister of Agriculture and Forestry in the case of such as to be executed by State (hereinafter referred to as "State-operated land improvement project"), or with the governor of To, Do, Fu or prefecture in the case of such as to be executed by To, Do, Fu or prefecture (hereinafter referred to as "prefecture-operated land improvement project") respectively.

- 2 In order to file the petition prescribed in the preceding paragraph, the person mentioned in the same paragraph must beforehand, as provided for by Ministerial Ordinance, give public notice of the outline of the plan for land improvement project to be executed with

- 3 第1項の規定による申請をするには、その申請書に前項の規定により公告した事項を記載した書面及び同意があったことを証する書面並びに当該地域につき、土地改良区又は土地改良区連合を設立すべきことを記載した書面を添附し、これを関係都道府県知事に提出しなければならない。

(申請の予備審査)

第86条 前条の規定による申請があった場合には、都道府県知事は(その申請に係る国営土地改良事業又は都道府県営土地改良事業の地域が2以上の都府県の区域にわたる場合にあっては、当該関係都道府県の知事とその協議により)、その申請に係る事項につき予備審査を行わなければならない。

- 2 前項の場合には、第6条第2項及び第3項までの規定を準用する。
- 3 都道府県知事は、前項において準用する第6条第2項の報告が提出されたときは、遅滞なく、その旨を公告し、10日以上相当の期間を定めてその報告及び前条第1項の規定による申請に係る土地改良事業の計画の概要その他必要な事項を記載した書面を縦覧に供しなければならない。
- 4 当該土地改良事業の利害関係人及び前条第1項の申請人は、前項の縦覧期間内に、都道府県知事に対し、同項の規定による縦覧に係る事項についての意見を提出することができる。

respect to certain boundaries of the district mentioned in the same paragraph and other necessary matters, and obtain the consent of two-thirds or more of the persons who have such qualification as prescribed in Art. 3 relating to lands within the boundaries of said district.

- 3 In order to make petition under the provision of par. 1, said petition must be presented to the governor To, Do, Fu or prefecture concerned, together with a document stating the matters of which public notice has been given in accordance with the provision of the preceding paragraph and document showing that the consent has been obtained, and a document stating that a land improvement district or a union of land improvement districts is to be organized with respect to the boundaries of said district.

(Preliminary Investigation of Petitions)

Article 86. In case any petition has been filed under the provision of the preceding Article, the governor of To, Do, Fu or prefecture (in case the boundaries of a district covered by the State-operated or prefecture-operated land improvement project bearing on said petition extend over the limits of two or more of To, Fu and prefectures, the governors of To, Fu and prefectures concerned, upon deliberation reached among them), must make a preliminary investigation respecting the matters bearing on said petition.

- 2 The provisions of Art. 6 pars. 2 and 3 inclusive shall apply mutatis mutandis to the case of the preceding paragraph.
- 3 The governor of To, Do, Fu or prefecture, having received the report mentioned in Art. 6 par. 2 which applies mutatis mutandis under the preceding paragraph, must without delay give public notice thereof and show said report and the outline of the land improvement project plan bearing on the petition under the provision of par. 1 of the preceding Article and other documents stating necessary matters to public inspection fixing a reasonable period of not less than ten days.
- 4 Any person interested in said land improvement project and any petitioner in par. 1 of the preceding Article may render opinions on matters bearing on the public inspection under the provision of the same paragraph to the governor of To, Do, Fu or prefecture within the period of public inspection provided for in the preceding paragraph.

5 都道府県知事は、第2項において準用する第6条第2項の報告に基き、前項の意見を参しやくして、前条第1項の規定による申請に係る土地改良事業の適否を決定し、その旨を当該申請人に通知しなければならない。

6 都道府県知事は、農林大臣に対する申請に係る事項につき前項の規定により適当とする旨の決定をしたときは、遅滞なく、その申請に係る書類を添附して、その旨を農林大臣に進達しなければならない。

(国営土地改良事業計画及び都道府県営土地改良事業計画)

第87条 農林大臣が前条第6項の規定による進達があつた場合においてその進達に係る事項を相当と認めるとき、又は都道府県知事が同条第5項の規定により適当とする旨の決定をしたときは、農林大臣又は都道府県知事は(その決定に係る都道府県営土地改良事業の地域が2以上の都府県の区域にわたる場合にあっては、当該関係都府県の知事がその協議により)、それぞれ、その進達又は決定に係る国営土地改良事業又は都道府県営土地改良事業を行うため、土地改良事業計画を定めなければならない。

2 前項の場合には、第8条第2項及び第3項の規定を準用する。

3 農林大臣又は都道府県知事は、第1項の規定により土地改良事業計画を定めるときは、その旨を公告し、20日以上相当の期間を定めて当該土地改良事業計画書の写を縦覧に供しなければならない。

- 5 Taking the opinions mentioned in the preceding paragraph into consideration based upon the report mentioned in Art. 6 par. 2 which applies mutatis mutandis under par. 2, the governor of To, Do, Fu or prefecture must determine whether or not a land improvement project preferred to be the petitioners mentioned in par. 1 of the preceding Article is proper and reasonable and notify thereof to said petitioners.
- 6 The governor of To, Do, Fu or prefecture, having determined that the matters bearing on the petition to the Minister of Agriculture and Forestry are deemed proper and reasonable in accordance with the provision of the preceding paragraph, must forward the notification thereof to the Minister of Agriculture and Forestry together with documents pertinent to said petition without delay.

(State-Operated Land Improvement Project Plan and Prefecture-Operated Land Improvement Project Plan)

Article 87. When, in cases where the notification has been forwarded under the provision of par. 6 of the preceding Article, the Minister of Agriculture and Forestry deems the Matters bearing on said Notification forwarded proper and reasonable, or when the governor of To, Do, Fu or prefecture has made determination that the matters are deemed proper and reasonable under the provision of par. 5 of the same Article, said Minister or said governor (in case the boundaries of a district covered by the prefecture-operated land improvement project bearing on said determination extend over the limits of two or more To, Fu and prefectures, the governors of To, Fu, and prefectures concerned, upon deliberation reached among them) must prepare a land improvement project plan in order to carry out State-operated land improvement project or prefecture-operated land improvement project, which is referred to in said notification forwarded or said determination, respectively.

- 2 The provisions of Art. 8 pars. 2 and 3 shall apply mutatis mutandis to the cases of the preceding paragraph.
- 3 On fixing a land improvement project plan under the provision of par. 1, the Minister of Agriculture and Forestry or the governor of To, Do, Fu or prefecture must give public notice thereof and show a copy of said written land improvement project plan to public inspection fixing a reasonable period of not less than twenty days.

4 当該事業の利害関係人は、当該土地改良事業計画に対して異議があるときは、それぞれ、農林大臣又は都道府県知事にこれを申し立てることができる。但し、前項に規定する縦覧期間満了後 10 日を経過したときは、この限りでない。

5 前項の規定による申立を受けたときは、農林大臣又は都道府県知事は（その申立に係る都道府県営土地改良事業の地域が 2 以上の都府県の区域にわたる場合にあっては、当該関係都道府県知事はその協議により）、第 8 条第 2 項に掲げる技術者の意見を聞いて、第 3 項に規定する縦覧期間満了後 60 日以内にこれを決定しなければならない。

6 国又は都道府県は、第 4 項の異議の申立がないとき、又は異議の申立があつた場合においてそのすべてについて前項の規定による決定があつたときでなければ、当該土地改良事業計画による工事に着手してはならない。

（申請によらない土地改良事業）

第 87 条の 2 国又は都道府県は、第 85 条第 1 項の規定による申請によって行ふ土地改良事業の外、土地改良事業計画を定めて左に掲げる土地改良事業を行うことができる。

(1) 農地法第 61 条各号に掲げる土地（農地法施行法（昭和 27 年法律第 230 号）第 6 条第 1 項の規定により、農地法第 44 条第 1 項の規定によって買収したものとみなされる土地を含む。）についての第 2 条第 2 項第 3 号に掲げる事業

(2) 第 2 条第 2 項第 4 号に掲げる事業

2 国又は都道府県は、前項の規定により土地改良事業を行う場合において、同項の事業に附帯して、その事業の施行に係る土地の近傍の土地について第 2 条第 2 項第 1 号又は第 3 号に掲げる事業を行うことにより、土地改良事業の効率が著しく高められ、且つ、その土地における農業経営の合理化に寄与することが明らかであるときは、第 85 条第 1 項の規定による申請がない場合でも、その土地について、土地改良事業計画を定め、これらの事業を行うことができる。

- 4 If any person interested in said land improvement project is dissatisfied with said land improvement project plan, he may file an objection with the Minister of Agriculture and Forestry or the governor of To, Do, Fu or prefecture respectively; provided, however, that this shall not apply when ten days have elapsed after the expiration of the period of public inspection provided for in the preceding paragraph.
- 5 Having received the objection provided for in the preceding paragraph, the Minister of Agriculture and Forestry or the governor of To, Do, Fu or prefecture (in case the boundaries of a district covered by the prefecture-operated land improvement project bearing on said objection extend over the limits of two or more of To, Fu and prefectures, the governors of To, Fu and prefectures concerned, upon deliberation reached among them) must determine said objection based on opinions of the engineers mentioned in Art. 8 par. 2 within sixty days after the expiration of the period of public inspection provided for in par. 3.
- 6 The State, or To Do, Fu or prefecture must not start the construction work based on said land improvement project plan except when no objection is filed under the provision of par. 4, or when all the objections, if filed, have been determined under the provision of the preceding paragraph.

(Land Improvement Project Needing No Petition)

Article 87-(2). Besides land improvement projects carried out by filing a petition under the provision of Art. 85 par. 1, the State, or To, Do, Fu or prefecture, having fixed a land improvement project plan, may undertake any land improvement project mentioned below.

(1) Projects mentioned in Art. 2 par. 2 item (3) relating to lands mentioned in each item of Art. 61 of the Agricultural Land Law (including lands which are deemed to have been purchased in accordance with the provision of Art. 44 par. 1 of the Agricultural Land Law, as prescribed by Art. 6 par. 1 of the Enforcement Law for Agricultural Land Law (Law No. 330 of 1952);

(2) Projects mentioned in Art. 2 par. 2 item (3).

- 2 When it is obvious, in cases where a land improvement project is undertaken in accordance with the provision of the preceding paragraph, that the execution of the project mentioned in Art. 2 par. 2 item (1)

3 前項の規定により土地改良事業計画を定めるには、農林大臣又は都道府県知事は、あらかじめ、省令の定めるところにより、当該土地改良事業計画の要領その他必要な事項を公告して、その事業の施行に係る地域内にある土地について第3条に規定する資格を有する者の3分の2以上の同意を得なければならない。

4 第2項の場合には、第8条第2項及び第三項並びに前条第3項から第6項までの規定を準用する。

(計画の変更)

第87条の3 農林大臣又は都道府県知事は、国営土地改良事業又は都道府県営土地改良事業の計画(前条第1項の規定により定めたものを除く。)につき省令で定める重要な部分を変更しようとする場合には、あらかじめ、省令の定めるところにより、土地改良事業計画の変更の要領その他必要な事項を公告して、土地改良事業の施行に係る地域(当該地域が土地改良事業計画の変更により拡張される場合には、その拡張後の地域)内にある土地について第3条に規定する資格を有する者の3分の2以上の同意を得なければならない。

or (3), which is incidental to the project of the preceding paragraph, relating to lands near the area covered by the said project will cause the efficiency of a land improvement project to be raised markedly, and will contribute to the rationalization of farm management on said lands, the State, or To, Do, Fu or prefecture may fix a land improvement project plan regarding said lands and undertake these projects even in cases where no petition is filed under the provision of Art. 85 par. 1.

- 3 In order to fix a land improvement project plan in accordance with the provision of the preceding paragraph the Minister of Agriculture and Forestry, or the governor of To, Do, Fu or prefecture must beforehand, as prescribed by Ministerial Ordinance, give public notice of the essential points of said land improvement project plan and other necessary matters and obtain the consent of two-thirds or more of the persons who have such qualification as mentioned in Art. 3 relating to land within the boundaries of a district pertinent to the execution of said project.
- 4 The provisions of Art. 8 pars. 2 and 3 and pars. 3 to 6 inclusive of the preceding Article shall apply mutatis mutandis to the cases of paragraph 2.

(Change of Plan)

Article 87-(3). In cases where any change is intended to be made of important parts prescribed by Ministerial Ordinance with regard to the State-operated or prefecture-operated land improvement project plan (excluding that fixed under the provision of par. 1 of the preceding Article), the Minister of Agriculture and Forestry, or the governor of To, Do, Fu, or prefecture must beforehand, as prescribed by Ministerial Ordinance, make public notice of the essential points of the change of the land improvement project plan and other necessary matters and obtain the consent of two-thirds or more of the persons who have such qualification as mentioned in Art. 3 relating to lands within the boundaries of a district pertinent to the execution of the land improvement project (in case said boundaries are extended owing to the change of the land improvement project plan, the extended boundaries).

2 前項の場合には、第8条第2項及び第3項並びに第87条第3項から第6項までの規定を準用する。

3 第1項の規定による計画の変更が当該土地改良事業の利害関係人の権利又は利益を侵害するおそれがないことが明らかである場合には、農林大臣又は都道府県知事は、前項において準用する第87条第3項から第5項までに規定する手続を省略することができる。

(急施の場合)

第88条 第85条から前条までに規定するものの外、災害のため急速に第2条第2項第5号に掲げる土地改良事業を行う必要がある場合には、国又は都道府県は、応急工事計画を定めてその事業を行うことができる。

(工事の委任)

第89条 農林大臣は、政令の定めるところにより、国営土地改良事業の工事の一部を都道府県知事に行わせることができる。

(国営事業の負担金)

第90条 国は、政令の定めるところにより、国営土地改良事業の施行に係る地域の全部又は一部をその区域内に包括する都道府県に、その事業に要する費用の一部を負担させることができる。

2 前項の都道府県は、政令の定めるところにより、国営土地改良事業によって利益を受ける者でその事業の施行に係る地域内にある土地につき第3条に規定する資格を有するものその他農林大臣の指定するものから、その者の受ける利益を限度として、前項の規定による負担金の全部又は一部を徴収することができる。

- 2 The provisions of Art. 8 pars. 2 and 3 and pars. 3 to 6 inclusive of Art. 87 shall apply mutatis mutandis to the cases mentioned in the preceding paragraph.
- 3 In cases where it is obvious that the change of the plan under the provision of par. 1 does not threaten to interfere with rights and benefits of persons interested in the land improvement project concerned, the Minister of Agriculture and Forestry, or the governor of To, Do, Fu or prefecture may omit the procedure provided for in Art. 87 pars. 3 to 5 inclusive which apply mutatis mutandis under the preceding paragraph.

(Case of Urgent Execution)

Article 88. In case, besides the land improvement projects provided for in Art. 85 to the preceding Article inclusive, the urgent execution of such land improvement project as mentioned in Art. 2 par. 2 item (5) is needful owing to disaster, the State, or To, Do, Fu or prefecture may, by fixing the emergency construction work plan, undertake said project.

(Entrusting of Work)

Article 89. The Minister of Agriculture and Forestry may, as provided for by Cabinet Order, cause the governor of To, Do, Fu or prefecture to undertake a part of the construction work of State-operated land improvement project.

(Allotment of Expenses for State-Operated Project)

Article 90. The State may, as provided for by Cabinet Order, cause To, Do, Fu or prefecture which covers the whole or a part of the boundaries of the district where State-operated land improvement project is executed, to bear a part of the expenses for said project.

- 2 To, Do, Fu or prefecture mentioned in the preceding paragraph may, as provided for by Cabinet Order, collect the whole or a part of such share as prescribed in the preceding paragraph, to that extent which the persons below are benefited, from persons holding such qualification as mentioned State-operated land improvement project is undertaken, or other persons designated by the Minister of Agriculture and Forestry, who are either enjoying profits through said project.

- 3 前項に掲げる者が国営土地改良事業の施行に係る地域の全部又は一部を地区とする土地改良区の組合員である場合には、都道府県は、その者に対する負担金に代えて、その土地改良区からこれに相当する額の金銭を徴収することができる。
- 4 前2項の場合において、第87条の2第1項又は第88条の規定による国営土地改良事業に係る負担金の徴収については、都道府県は、その徴収を受けるべき者の3分の2以上の同意を得なければならない。
- 5 第2項又は第3項の処分を受けた者は、その処分について異議があるときは、前項に規定する場合を除いて、都道府県知事にこれを申し立てることができる。但し、その処分を受けた日から20日を経過したときは、この限りでない。
- 6 都道府県知事は、前項の規定による異議の申立を受けたときは、同項に規定する期間満了後50日以内にこれを決定しなければならない。
- 7 第2項及び第3項の負担金は、地方税の滞納処分の例によって、これを徴収することができる。但し、先取特権の順位は、府県税に次ぐものとする。

(都道府県営土地改良事業の分担金)

第91条 都道府県は、政令の定めるところにより、都道府県営土地改良事業によって利益を受ける者でその事業の施行に係る地域内にある土地につき第3条に規定する資格を有するものその他農林大臣の指定するものから、地方自治法(昭和22年法律第67号)第207条の分担金を徴収することができる。この場合には、前条第3項及び第4項の規定を準用する。

- 3 In case the persons mentioned in the preceding paragraph are members of a land improvement district which covers the whole or a part of the boundaries of the district where State-operated land improvement project is undertaken, To, Do, Fu or prefecture may collect, instead of shares from said persons, a sum of money equivalent thereto from said land improvement district.
- 4 In the cases of the preceding two paragraphs, with regard to the collection of shares relative to State-operated land improvement project under the provision of Art. 87-(2) par. 1 or Art. 88, To, Do, Fu or prefecture must obtain consent of two-thirds or more of the persons subject to said collection.
- 5 In case any person subjected to the action mentioned in par. 2 or 3 is dissatisfied with the same action, he may present an objection to the governor of To, Do, Fu or prefecture; provided, however, that this shall not apply when twenty days have elapsed after the day of such action.
- 6 The governor of To, Do, Fu or prefecture, having received the objection under the provision of the preceding paragraph, must determine said objection within fifty days after the expiration of the period prescribed by the same paragraph.
- 7 The share in the expenses mentioned in pars. 2 and 3 may be collected as in the case of disposition of failure to pay local taxes; its preferential right, however, shall come next to prefectural taxes in order of priority.

(Allotment of Expenses for Prefecture-Operated Land Improvement Project)

Article 91. To, Do, Fu or prefecture may, as provided for by Cabinet Order, collect the allotment mentioned in Art. 217 of the local Autonomy Law (Law No. 67 of 1947) from persons holding such qualification as mentioned in Art. 3 relating to lands within the boundaries of the district where prefecture-operated land improvement project is undertaken, or other persons designated by the Minister of Agriculture and Forestry, who are either benefited by said project. In this case the provisions of pars. 3 and 4 of the preceding Article shall apply *mutatis mutandis*.

(権利関係の調整)

第 92 条 国営土地改良事業又は都道府県営土地改良事業を行った場合には、第 59 条、第 62 条及び第 65 条の規定を準用する。この場合において、第 62 条第 1 項中「組合員」とあるのは、「第 90 条第 2 項の負担金又は第 91 条の分担金を負担した者(第 90 条第 3 項又は第 91 条後段の規定により徴収される金銭に充てるため土地改良区が第 36 条第 1 項の規定により賦課徴収する金銭を負担した組合員を含む)」と読み替える。

(かんがい排水施設等の国又は都道府県への移管)

第 93 条 国は、土地改良区その他の者が、省令の定めるところにより、その所有し、又は管理するかんがい排水施設を国において管理すべきことを申し出た場合において、その申出を相当と認めるときは、その施設を管理することができる。

2 都道府県は、土地改良区その他の者が、省令の定めるところにより、その所有し、又は管理するかんがい排水施設又は埋立地若しくは干拓地の堤を都道府県において管理すべきことを申し出た場合において、その申出を相当と認めるときは、その施設又は堤を管理することができる。

(国有土地物件の管理及び処分)

第 94 条 左に掲げるものであって普通財産であるものは、農林大臣が管理し、又は処分する。

(1) 国営土地改良事業によって生じた工作物その他の物件又は水の使用に関する権利

(2) 土地収用法(昭和 26 年法律第 219 号)第 3 条第 5 号、第 6 号又は第 33 条に規定する事業で、国営土地改良事業として行う事業のために、国が同法により収用し、又は使用した土地、権利又は立木、工作物その他の物件

(Regulation of Right-Relations)

Article 92. The provisions of Art. 59, Art. 62 and Art. 65 shall apply mutatis mutandis in case State-operated land improvement project or prefecture-operated land improvement project has been undertaken. In this case, under Art. 62 par. 1, "a member" shall read "a person who has borne share mentioned in Art. 90 par. 2 or allotment mentioned in Art. 91 (including any member who has paid money to be levied and collected, under the provision of Art. 36 par. 1, by a land improvement district in order to meet a sum of money to be collected under the provisions of Art. 90 par. 3 and the latter part of Art. 91)".

(Transfer of Irrigation or Drainage Facilities, etc., to State, or To, Do, Fu or Prefecture)

Article 93. In cases where any land improvement district or any other person has proposed, as provided for by Ministerial Ordinance, that irrigation or drainage facilities possessed or maintained by said district or person are to be maintained and administered by State, the latter may maintain and administer said facilities if said proposal is deemed proper and reasonable.

- 2 In cases where any land improvement district or any other person has proposed, as provided for by Ministerial Ordinance, that irrigation or drainage facilities or levees on land reclaimed by dumping or by drainage are to be maintained and administered by To, Do, Fu or prefecture, the latter may maintain and administer said facilities or levees, if said proposal is deemed proper and reasonable.

(Administration and Disposition of State-Owned Land and Things)

Article 94. The Minister of Agriculture and Forestry shall administer or dispose of any property which comes under the following items and belongs to the ordinary property:

- (1) Structures or other things or right to the use of waters which have been created in consequence of State-operated land improvement project;
- (2) Lands, rights or growing trees, structures or other things which have been expropriated or used by the State in accordance with the land Expropriation Law (Law No. 219 of 1951) for the purpose of the project prescribed by Art. 3 item (5), (6) or (33) of the

(3) 国有の土地，権利又は立木，工作物その他の物件で，政令の定めるところにより，国営土地改良事業の用に供すべきものと決定されたもの

2 農林大臣は，前項各号に掲げるものを，都道府県，市町村又は土地改良区その他農林大臣の指定する者に管理させることができる。

3 第1項各号に掲げるものの管理又は処分及び前項の規定による管理の委託について必要な事項は，政令で定める。

第3節 農業協同組合の行う土地改良事業又は数人が共同して行う土地改良事業

(事業の開始等)

第95条 農業協同組合若しくは農業協同組合連合会が土地改良事業を行おうとする場合，又は第3条に規定する資格を有する者数人が共同して土地改良事業を行う場合には，省令の定めるところにより，都道府県知事の認可を受けなければならない。

2 農業協同組合若しくは農業協同組合連合会が土地改良事業を行おうとする場合又は第3条に規定する資格を有する者数人が共同して土地改良事業を行おうとする場合には，省令の定めるところにより，（農業協同組合又は農業協同組合連合会にあっては総会の議決を経て，）規約及び土地改良事業の計画の概要を定め，その土地改良事業の施行に係る地域内にある土地につき所有権，地上権，永小作権，質権，賃借権又は使用貸借による権利を有するすべての者の同意を得なければならない。

- same law, which is undertaken as State-operated project;
- (3) State-owned lands, rights or growing trees, structures or other things which have been, as provided for by Cabinet Order, determined to be employed for purpose of State-operated Land improvement project.
- 2 The Minister of Agriculture and Forestry may entrust To, Do, Fu, prefecture, city, town, village, or a land improvement district and other persons designated by the Minister of Agriculture and Forestry with the maintenance and administration of those which are mentioned in each item of the preceding paragraph.
- 3 Matters required for the maintenance and administration or the disposition of those which are mentioned in each item of par. 1 and the entrusting of maintenance and administration prescribed in the preceding paragraph, shall be provided for by Cabinet Order.

Section 3 Land Improvement Project Undertaken by Agricultural Co-operative Association or Land Improvement Project Jointly Undertaken by Several Persons

(Starting of Project, etc.)

- Article 95. In case any agricultural co-operative association or any union of agricultural co-operative associations undertakes a land improvement project or in case several persons who have such qualification as provided for in Art. 3 jointly undertake a land improvement project, said association, league or persons must, as prescribed by Ministerial Ordinance, obtain approval from the governor or To, Do, Fu or prefecture.
- 2 In case any agricultural co-operative association or any union of agricultural co-operative associations intend to undertake a land improvement project or in case several persons who have such qualification as provided for in Art. 3 intend to jointly undertake a land improvement project, said association, union or persons must, as prescribed by Ministerial Ordinance (in the case of a agricultural co-operative association or union of agricultural co-operative associations, through resolution of a general meeting of the membership) fix beforehand the by-laws and the outline of a land improvement plan and obtain the consent of all the persons holding ownership,

- 3 第1項の場合には、第6条から第9条まで及び第10条第1項の規定を準用する。
- 4 都道府県知事は、前項において準用する第10条第1項の認可をしたときは、遅滞なくその旨を公告しなければならない。
- 5 規約又は土地改良事業計画の決定は、前項の規定による公告があるまでは、これをもって第三者（当該農業協同組合の組合員、当該農業協同組合連合会を直接又は間接に構成する者及び第2項の同意をした者を除く。）に対抗することができない。

（土地改良区に関する規定の準用）

第96条 前条の規定により行い土地改良事業には、第46条、第47条、第50条、第51条、第52条第1項から第3項まで及び第6項から第8項まで、第53条から第55条まで並びに第57条の規定を準用する。この場合において、これらの規定中「土地改良区」とあるのは、「農業協同組合、農業協同組合連合会又は数人共同して土地改良事業を行つる者」と、第52条第3項中「所有権、地上権、永小作権、質権、賃貸権又は使用賃借による権利を有するすべての者で組織する会議の議決を経なければならない。」とあるのは、「所有権、地上権、永小作権、質権、賃借権又は使用賃借による権利を有するすべての者の同意を得なければならない。」と読み替える。

第4節 市町村の行い土地改良事業

（市町村の行い土地改良事業）

superficies, permanent tenancy, pledge, lease or loan-for-use relating to lands located within an area subject to the execution of said land improvement project.

- 3 The provisions of Art. 6 to Art. 9 inclusive and Art. 10 par. 1 shall apply mutatis mutandis to the case mentioned in par. 1.
- 4 Having given the approval mentioned in Art. 10 par. 1 which applies mutatis mutandis under the preceding paragraph, the governor of To, Do, Fu or prefecture must give public notice thereof without delay.
- 5 Any fixing of by-laws or a land improvement project plan cannot be made effective against a third person (excluding the members of the agricultural co-operative association concerned, the persons constituting directly or indirectly the union of agricultural co-operative associations concerned, and the persons who have made consent as mentioned in par. 2), unless and until public notice is given under the provision of the preceding paragraph.

(Application with Necessary Modifications of Provision concerning Land Improvement District)

Article 96. The provisions of Art. 46, Art. 47, Art. 50, Art. 51, Art. 52 pars. 1 to 3 inclusive and pars. 6 to 8 inclusive, Arts. 53 to 55 inclusive and Art. 57 shall apply mutatis mutandis to land improvement project to be executed in accordance with the provisions of the preceding Article. In this case, in these provisions "land improvement district," and in Art. 52 par. 3, "must pass through the resolution of a meeting organized by all the persons holding ownership, superficies, permanent tenancy, pledge, lease or loan-for-use" shall read "agricultural co-operative association, union of agricultural co-operative associations or several persons who jointly undertake a land improvement project" and "must obtain the consent of all the persons holding ownership, superficies, permanent tenancy, pledge, lease a loan-for-use" respectively.

Section 4 Land Improvement Project Undertaken by
City, Town or Village

(Projects by City, Town or Village)

第 96 条の 2 市町村は、土地改良事業を行う場合には、都道府県知事の認可を受けなければならない。

2 市町村は、土地改良事業を行おうとする場合には、当該市町村の議会の議決を経て、土地改良事業計画の概要を定め、当該事業計画の概要その他必要な事項を公告して、その事業の施行に係る地域内にある土地につき第 3 条に規定する資格を有する者の 3 分の 2 以上の同意を得、且つ、当該土地改良事業の施行に係る地域の全部又は一部をその地区の全部又は一部とする土地改良区があるときは、その土地改良区の同意をも得なければならない。

3 前項の場合には、第 6 条から第 9 条まで及び第 10 条第 1 項の規定を準用する。

4 都道府県知事は、前項において準用する第 6 条第 4 項の規定により決定をする場合（当該市町村が行おうとする土地改良事業がかんがい排水施設、農業用道路その他農地の保全又は利用上必要な施設の管理のみを内容とするものであるときは、前項において準用する第 8 条第 1 項の規定により決定をする場合）において、当該土地改良事業の施行に係る地域の全部又はその一部をその地区の全部又は一部とする農業協同組合であつて土地改良事業をその事業とするものがあるときは、あらかじめ、その意見をきかなければならない。）

5 都道府県知事は、第 3 項において準用する第 10 条第 1 項の認可をしたときは、遅滞なくその旨を公告しなければならない。

第 96 条の 3 前条の規定により行ふ土地改良事業には、第 36 条、第 46 条から第 55 条ま

Article 96-(2). A city, town or village must, in case it undertakes a land improvement project, obtain the approval of the governor of To, Do, Fu or prefecture.

- 2 In cases where a city, town or village intends to undertake a land improvement project, it must fix an outline of land improvement project plan through resolution of the Assembly of said city, town or village, give public notice of said outline of land improvement project and other necessary matters, thus obtain the consent of two-thirds or more of the persons who have such qualification as mentioned in Art. 3 relating to lands within the boundaries of the district pertinent to the execution of said project and obtain the consent of a land improvement district in case the whole or a part of said district covers the whole or a part of the boundaries of district pertinent to the execution of said land improvement project.
- 3 The provisions of Art. 6 to Art. 9 inclusive and Art. 10 par. 1 shall apply mutatis mutandis to the cases mentioned in the preceding paragraph.
- 4 In cases where the governor of To, Do, Fu or prefecture makes determination in accordance with the provision of Art. 6 par. 4 which applies mutatis mutandis under the preceding paragraph (where he makes determination in accordance with the provision of Art. 8 par. 1 which applies mutatis mutandis under the preceding paragraph; when a land improvement project that the city, town or village concerned intends to undertake comprises only the maintenance of irrigation or drainage facilities, agricultural roads, and other facilities required for the conservation of utilization of agricultural land), said governor must beforehand request the opinion of an agricultural co-operative association, the whole or a part of the boundaries of which consists of the whole or a part of an area pertinent to the execution of the land improvement project concerned and which undertakes a land improvement project.
- 5 Having given the approval mentioned in Art 10 par. 1 which applies mutatis mutandis under par. 3, the governor of To, Do, Fu or prefecture must give public notice thereof without delay.

Article 96-(3). The provisions of Art. 36, Arts. 46 to 55 inclusive and

で及び第 58 条から第 65 条までの規定を準用する。この場合において、これらの規定中「定款」とあるのは「条例」と、「組合員」とあるのは、「市町村の行う土地改良事業の施行に係る地域内にある土地につき第 3 条の資格を有する者」と、「総会」とあるのは「当該市町村の議会」と読み替える。

第 3 章 農業委員会、土地改良区又は農業協同組合の行う交換分合

(農業委員会の交換分合計画の決定手続)

第 97 条 権原に基き耕作の業務を営む者 2 人以上が、省令の定めるところにより、これらの者が耕作の目的に供している農地を含む一定の農地を定め、その農地について所有権、地上権、永小作権、質権、賃借権又は使用貸借による権利を有する者の 2 分の 1 以上の同意を得てその一定の農地に関し第 2 条第 2 項第 6 号に掲げる事業(以下「交換分合」という)を行うべきことを請求した場合において、その農地が 1 の市町村の区域(農業委員会法第 2 条第 2 項の規定により 2 以上の農業委員会が置かれている市町村については、当該農業委員会の区域。本項及び次項において同じ。)内にある場合にあっては当該農業委員会が、その農地が 2 以上の市町村の区域にわたる場合にあっては当該関係農業委員会がその協議により、その請求を相当と認めるときは、その農地に関し交換分合を行うため交換分合計画を定める。

Arts. 58 to 65 inclusive shall apply mutatis mutandis to the land improvement project undertaken in accordance with the provision of the receding Article. In this case, "Articles of District," "members" and "a general meeting (of the membership)" in these provisions shall read "by-law of city, town or village," "persons who have such qualification as mentioned in Art. 3 relating to lands within the boundaries of the district pertinent to the execution of a land improvement project undertaken by a city, town or village" and "the assembly of the city, town or village concerned" respectively.

Chapter III Consolidation and Exchange Performed by
Agricultural Commission, Land Improvement District
or Agricultural Co-operative Association

(Procedure to Determine Plan for Consolidation and Exchange by
Agricultural Land Commission)

Article 97. In cases where two or more persons engaging in the business of cultivation based on a title, have, as provided for by Ministerial Ordinance, fixed certain areas of agricultural lands embracing such agricultural lands that they are using for the purpose of cultivation, and requested that the project mentioned in Art. 3 par. 2 item (6) (hereinafter referred to as "consolidation and exchange") with respect to said certain areas of agricultural lands is to be performed, with consent obtained from not less than one half of the persons with ownership, superficies, permanent tenancy, pledge, lease or loan-for-use relative to said agricultural land, and where said areas are situated within the limits of one city, town or village (with regard to a city, town or village where two or more agricultural commissions are set up in accordance with the provision of Art. 2 par. 2 of the Law concerning Agricultural Commission, etc., the boundaries of the district of said commission; the same in this and the following paragraphs), and on the other hand, where said areas extend over the limits of two or more cities, towns and villages, the agricultural commissions concerned, upon deliberation reached among them shall, if said request is deemed proper and reasonable, respectively fix a plan for consolidation and exchange so as to perform such action with respect to said agricultural lands.

- 2 前項の規定による請求がない場合においても、特に必要があると認めるときは、交換分合すべき農地が1の市町村の区域内にある場合にあっては当該農業委員会が、その農地が2以上の市町村の区域にわたる場合にあっては当該関係農業委員会がその協議により、省令の定めるところにより、交換分合を行うべき農地及び交換分合計面の概要を公告し、その農地について前項に掲げる権利を有する者の2分の1以上の同意を得て、その農地につき交換分合計面を定めることができる。

- 3 前2項の規定により農業委員会又は関係農業委員会が交換分合計面を定めるには、その交換分合計面により交換分合すべき農地についての第1項に掲げる権利を有する者の3分の2以上の同意がなければならない。

- 4 前項の場合において、当該農地の全部又は一部が土地改良区の地区内にあるときは、その土地改良区の意見をきかなければならない。

- 5 農業委員会又は関係農業委員会が、第1項の規定による申請を受けた日から6箇月以内に、その請求のあった交換分合計面を定めない場合には、その請求をした者は、その期間経過後60日以内に、都道府県知事に対して、その農業委員会又は関係農業委員会にその交換分合計面を定めるよう指示すべき旨を請求することができる。

- 6 都道府県知事は、前項の規定による請求を受けた場合には、都道府県農業会議の意見を聞き、その請求のあった農地の全部又は一部に関し交換分合計面を定めることを不相当と認めるときを除いて、その請求を受けた日から30日以内に前項の規定による指示をしなければならない。

- 2 Even though no request prescribed in the preceding paragraph is presented, in case agricultural lands subject to consolidation and exchanges are located within the limits of one city, town or village, the Agricultural Commission concerned, while in case such agricultural lands extend over the limits of two or more of cities, towns and villages the Agricultural Commissions concerned, upon deliberation reached among them, may, if deemed particularly necessary, respectively fix a plan for consolidation and exchange with respect to said agricultural lands, after said Commission or Commissions concerned have given public notice, in accordance with the provisions of Ministerial Ordinance, of the agricultural lands subject to consolidation and exchange and of the outline or the plan thereof, and also have obtained consent from not less than one half of the persons holding such rights as mentioned in the preceding paragraph with respect to said agricultural lands.
- 3 In order that the Agricultural Commission or the Agricultural Commissions concerned may fix a plan for consolidation and exchange in accordance with the provisions of the preceding two paragraphs, it or they must obtain consent from two-thirds or more of the persons owning such rights as mentioned in par. 1 in respect to agricultural lands subject to consolidation and exchange in accordance with the plan therefor.
- 4 In the case of the preceding paragraph, if the whole or a part of said agricultural lands is situated within the boundaries of a land improvement district, the opinion of said district must be asked for as well.
- 5 In case the Agricultural Commission or the Agricultural Commissions concerned have not fixed a plan for consolidation and exchange requested within six months after the request prescribed in par. 1 was received the persons who so requested may, within sixty days after the expiration of the period, request the governor of To, Do, Fu or prefecture to make suggestion that the Agricultural Commission or the Agricultural Commissions concerned are to fix a plan for said consolidation and exchange.
- 6 On receiving the request prescribed in the preceding paragraph, the governor of To, Do, Fu or prefecture must, asking for the opinion of the Agricultural conference of To, Do, Fu or prefecture, make suggestion under the provision of the same paragraph within thirty days from the

第 98 条 農業委員会又は関係農業委員会は、前項の規定により交換分合計画を定めるときは、遅滞なくその旨を公告し、且つ、30 日間交換分合計画を縦覧に供しなければならない。

2 農業委員会又は関係農業委員会は、前項の規定による公告をしたときは、当該交換分合計画により交換分合すべき農地についての所有権、地上権、永小作権、地役権、先取特権、質権、抵当権、質借権又は使用貸借による権利を有する者（その農地のある市町村の区域内に住所を有する者を除く。）に対して、その旨を通知しなければならない。

3 前項に掲げる権利を有する者は、当該交換分合計画に対して異議があるときは、農業委員会又は関係農業委員会にこれを申し立てることができる。但し、第 1 項に規定する縦覧期間を経過したときは、この限りでない。

4 農業委員会又は関係農業委員会は、前項の規定による申立を受けるときは、第 1 項に規定する縦覧期間満了後 60 日以内にこれを決定しなければならない。

5 前項の規定による決定に対して不服がある申立人は、都道府県知事に訴願をすることができる。但し、その決定後 10 日を経過したときは、この限りでない。

6 都道府県知事は、前項の訴願を受理したときは、同項但書に規定する期間満了後 60 日以内にこれを裁決しなければならない。

7 第 3 項の異議の申立がないとき、異議の申立があった場合においてそのすべてについて第 4 項の規定による決定があり、且つ、第 5 項の訴願の提起がなかったとき、又は訴願の提起

day when he received the request, except when it deems it improper to fix a plan for consolidation and exchange respecting the whole or a part of the agricultural lands, wherefor said request has been made.

Article 98. Having fixed a plan for consolidation and exchange in accordance with the provision of the preceding paragraph, the Agricultural Commission or the Agricultural Commissions concerned must give public notice thereof without delay and show a copy of the written plan for consolidation and exchange to public inspection for thirty days.

- 2 The Agricultural Commission or the Agricultural Commissions concerned must when it or they have given public notice under the provision of the preceding paragraph, notify it to the persons (excluding persons resident within the limits of the city, town or village where said agricultural lands are situated) holding ownership, superficies, permanent tenancy, easement, preferential right, pledge, hypothec, lease or loan-for-use relating to agricultural lands subject to consolidation and exchange in accordance with the plan therefor.
- 3 Any person holding any right mentioned in the preceding paragraph may, if he is not satisfied with said plan for consolidation and exchange, file an objection with the Agricultural Commission or the Agricultural Commissions concerned; provided, however, that this shall not apply after the period of public inspection prescribed in par. 1 has expired.
- 4 The Agricultural Commission or the Agricultural Commissions concerned must, when it or they have received the objection prescribed in the preceding paragraph, decide it within sixty days after the expiration of the period of public inspection prescribed in par. 1.
- 5 If any person is not satisfied with the decision prescribed in the preceding paragraph, he may appeal to the governor of To, Do, Fu or prefecture; provided, however, that this shall not apply when ten days have elapsed after the decision is made.
- 6 Having accepted the appeal prescribed in the preceding paragraph, the governor of To, Do, Fu or prefecture must make determination within sixty days after the expiration of the period prescribed in the provide to the same paragraph.
- 7 When no objection mentioned in par. 3 is filed, or when all the objections, if filed, are determined under the provision of par. 4 and no appeal

がなかったとき、又は訴願の提起があった場合においてすべてについて前項の規定による裁決があったときは、農業委員会又は関係農業委員会は、遅滞なく当該交換分合計画について都道府県知事の認可を受けなければならない。

8 都道府県知事は、第6項の裁決又は前項の認可をするには、都道府県農業会議の意見を聞かなければならない。

9 都道府県知事は、第7項の認可をしたときは、遅滞なくその旨を公告しなければならない。

10 第1項、第2項又は第4項の場合において、関係農業委員会が公告、縦覧又は通知をするには、そのすべてがこれを行わなければならないが、異議の決定をするには、そのすべてが協議してこれをしなければならない。

(土地改良区の交換分合計画の決定手続)

第99条 土地改良区は、交換分合を行おうとする場合には、交換分合計画を定め、都道府県知事の認可を受けなければならない。

2 前項の規定により交換分合計画を定める場合には、第52条第3項から第5項までの規定を準用する。

3 第1項の認可を申請するには、その申請書に関係農業委員会の同意書を添附しなければならない。但し、同意を求めた日から30日以内にその同意が得られない場合には、その事由を記載した書面を添附すればよい。

4 前項但書の場合において、第1項の認可をしようとするときは、都道府県知事は、関係農業委員会の意見をきかなければならない。

5 都道府県知事は、第1項の認可の申請を相当と認める場合には、遅滞なく申請の旨を公告し、且つ、30日間交換分合計画書の写を縦覧に供ししなければならない。

mentioned in par 5 is filed or when all the appeals, if filed, are determined under the provision of the preceding paragraph, the Agricultural Commission or the Agricultural Commissions concerned must, without delay, obtain the approval for said plan for consolidation and exchange from the governor of To, Do, Fu or prefecture.

- 8 In order to make determination under par. 6 or give the approval under the preceding paragraph the governor of To, Do, Fu or prefecture must ask for the opinion of the Agricultural Conference of To, Do, Fu or prefecture.
- 9 Having issued the approval mentioned in par. 7, the governor of To, Do, Fu or prefecture must give public notice thereof without delay.
- 10 In the case of par. 1, par. 2 or par. 4, with regard to public notice, public inspection or notification, the Agricultural Commissions concerned must all do it; and with regard to decisions upon objections, all of them must do it upon deliberation reached among them.

(Procedure to Determine Plan for Consolidation and Exchange by Land Improvement District)

Article 99. In case any land improvement district intends to perform consolidation and exchange, it must fix a plan therefor and file the same for approval with the governor of To, Do, Fu or prefecture.

- 2 The provisions of Art. 52 pars. 3 to 5 inclusive shall apply mutatis mutandis to cases where the plan for consolidation and exchange prescribed in the preceding paragraph is fixed.
- 3 The petition for approval mentioned in par. 1 must be accompanied with a written consent of the Agricultural Commissions concerned. In case, however, any written consent cannot be obtained within thirty days from the time of request for the same, it is necessary to attach a notification stating such reason.
- 4 In such case as mentioned in the proviso to the preceding paragraph, the governor of To, Do, Fu or prefecture must, when intending to issue the approval mentioned in par. 1, request the opinion of the Agricultural Commissions concerned.
- 5 The governor of To, Do, Fu or prefecture must, if he deems proper the petition for approval mentioned in par. 1, give public notice of the

- 6 前項の規定による公告があつたときは、当該交換分合計画により交換分合すべき農地についての前条第2項に掲げる権利を有する者（その農地のある市町村の区域内に住所を有する者を除く）に対して、その旨を通知しなければならない。
- 7 前項の権利を有する者は、当該交換分合計画に対して異議があるときは、都道府県知事にこれを申し立てることができる。但し、第5項に規定する縦覧期間を経過したときは、この限りでない。
- 8 都道府県知事は、前項の規定による申立を受けたときは、第5項の縦覧期間満了後60日以内にこれを決定しなければならない。
- 9 都道府県知事は、前項の規定による決定をするには、都道府県農業会議の意見をきかなければならない。
- 10 都道府県知事は、第7項の異議の申立がないとき、又は異議の申立があつた場合においてそのすべてについて第8項の規定による決定があつたときでなければ、第1項の認可をすることができない。
- 11 都道府県知事は、第1項の認可をしたときは、遅滞なくその旨を公告しなければならない。

（農業協同組合の交換分合計画の決定手続）

第100条 農業協同組合は、交換分合を行おうとする場合には、総会の議決を経て交換分合計画を定め、その交換分合計画により交換分合すべき農地について第97条第1項に掲げる権利を有する者の同意を得て、都道府県知事の認可を受けなければならない。

same without delay and show a copy of the written plan for consolidation and exchange to public inspection for thirty days.

- 6 When the public notice under the provision of the preceding paragraph has been given, the notification thereof must be served on persons (excluding persons resident within the limits of the city, town or village where the agricultural lands are situated) holding rights mentioned in par. 2 of the preceding Article, relating to lands subject to consolidation and exchange in accordance with the plan therefor.
- 7 When any person who holds right mentioned in the preceding paragraph is not satisfied with said plan for consolidation and exchange, he may file an objection with the governor of To, Do, Fu or prefecture; provided, however, that this shall not apply when the period of public inspection prescribed in par. 5 has expired.
- 8 On receiving objections prescribed in the preceding paragraph, the governor of To, Do, Fu or prefecture must determine the same within sixty days after the period of public inspection prescribed in par. 5 has expired.
- 9 When making determination prescribed in the preceding paragraph, the governor of To, Do, Fu or prefecture must ask for the opinion of the Agricultural Conference of To, Do, Fu or prefecture.
- 10 The governor of To, Do, Fu or prefecture must give any approval prescribed in par. 1, except when no objection mentioned in par. 7 is filed, or unless and until all the objections, if filed, have been determined under the provision of par. 8.
- 11 Having issued the approval mentioned on par. 1, the governor of To, Do, Fu or prefecture must give public notice thereof without delay.

(Procedure to Fix Plan for Consolidation and Exchange by Agricultural Co-operative Association)

Article 100. In order to perform consolidation and exchange, any agricultural co-operative association must, fixing a plan for consolidation and exchange through a resolution at a general meeting of the membership, file said plan for approval with the governor of To, Do, Fu or prefecture, with the consent of the person holding such rights as mentioned in Art. 97 par. 1 relative to agricultural lands subject to consolidation and exchange in conformity with said plan

2 前項の場合には、前条第3項から第11項までの規定を準用する。

(交換分合計画の定め方)

第101条 交換分合計画は、耕作者の農業経営の合理化に資するように定めなければならない。

2 処分の制限がある農地であつて省令で定めるもの及び地上権、永小作権又は賃借権が設定された農地であつて当該権利が差押、仮差押又は仮処分の目的となっているものに関しては、交換分合計画を定めることができない。

第102条 農地の所有権についての交換分合については、交換分合計画において、交換分合により所有者が取得すべき農地及び失うべき農地並びに所有権の移転の時期を定めなければならない。

2 前項の場合において、所有者の取得すべきすべての農地と失うべきすべての農地とは、地目、地積、土性、水利、傾斜、温度等を、省令の定めるところにより、総合的に勘案して、おおむね同等でなければならない。但し、その者の同意を得た場合には、この限りでない。

3 第1項の場合には、所有者が取得すべきすべての農地は、その地積及び価格において、その者が失うべきすべての農地に比べて2割以上の増減があつてはならない。但し、その者の同意を得た場合には、この限りでない。

4 第2項の場合において、所有者が取得すべき農地と失うべき農地とが地目、地積、土性、水利、傾斜、温度等により相殺することができない部分がある場合には、金銭による清算をするものとし、その額並びに支払の方法及び時期を定めなければならない。

therefor.

- 2 The provisions of pars. 3 to 11 inclusive of the preceding Article shall apply mutatis mutandis to the case of the preceding paragraph.

(How to Fix a Plan for Consolidation and Exchange)

Article 101. A plan for consolidation and exchange must be fixed so as to assist in the reasonable farm-management of cultivators.

- 2 No plan for consolidation and exchange can be fixed with respect to agricultural lands, subject to administrative measures, which are provided for by Ministerial Ordinance, and agricultural lands whereon superficies, permanent tenancy or lease has been created and of which the right forms the object of attachment, provisional attachment or provisional disposition.

Article 102. With regard to consolidation and exchange of ownerships in agricultural lands, agricultural lands which are to be acquired and lost by the owners according to said consolidation and exchange and also the time of transfer of ownerships must be fixed in the plan for consolidation and exchange.

- 2 In the case of the preceding paragraph all the agricultural lands which are to be acquired and lost by the owners must be equivalent to each other by taking all elements such as classification of land, area, soil type, water conditions, slope, temperature, etc. into consideration in accordance with the provisions of Ministerial Ordinance. However, this shall not apply when the consent of the parties has been obtained.
- 3 In the case of par. 1, all the agricultural lands which the owners are to acquire must not be more or less by over twenty per cent in area and value than all the agricultural lands which they are to lose; provided, however, that this shall not apply when the consent has been given by said owner.
- 4 In the case of par. 2, any portion which cannot be counterbalanced respecting classification of land, area, soil type, water conditions, slope, temperature, etc. between agricultural lands which are to be acquired by the owners and those which are to be lost by them must, if exists, be liquidated in money; and the sum, method and time of payment must be fixed.

第103条 前条第1項の場合において、所有者が失うべき農地につき先取特権、質権又は抵当権があるときは、これらの権利に代るべき先取特権、質権又は抵当権を設定すべき農地並びにこれらの権利の設定の時期及び存続期間その他の条件を定めなければならない。

2 前項の場合には、当該権利を設定すべき農地は、所有者が所有し、又は取得すべき農地であつて、その価格がその設定すべき権利に照応する現在の権利の目的となっている農地の価格と同等以上のものでなければならない。

3 第1項の場合において、当該所有者が前条第4項の規定による清算金を取得すべきとは、前項の規定にかかわらず、当該権利を設定すべき農地は、その清算金の限度内において、その設定すべき権利に照応する現在の権利の目的となっている農地の価格より低い価格の農地でよい。この場合には、これらの価格の差額に相当する現在の権利の及ぶべき清算金の額を定めなければならない。

4 第1項の場合には、設定すべき権利の存続期間は、その権利に照応する現在の権利の残存期間とし、その他の条件は、現在の権利の条件によらなければならない。

第104条 第102条第1項の場合において、所有者が失うべき農地につき地上権、永小作権、賃借権又は使用貸借による権利があるときは、これらの権利に代るべき地上権、永小作権、賃借権又は使用貸借による権利を設定すべき農地並びにこれらの権利の設定の時期及び存続期間、対価その他の条件を定めなければならない。

2 前項の場合には、第102条第2項から第4項まで及び前条の規定を準用する。

Article 103. In the case of par. 1 of the preceding Article, when preferential right, pledge or hypothec is made on agricultural land which the owner is to lose, there must be fixed the agricultural land whereon preferential right, pledge or hypothec substitutive for the foregoing right, is to be created, as well as the time of creation and the continuance period of said right, and other terms.

2 In the case of the preceding paragraph, agricultural land whereon said right is to be created must be that which is owned or to be acquired by the owner, and its value must be not less than that of agricultural land which actually forms an object of the existing right corresponding to said right to be created.

3 In the case of par. 1, when said owner is to acquire the liquidation money prescribed in par. 4 of the preceding Article, the agricultural land whereon said right is to be created may, irrespective of the provision of the preceding paragraph, be one whose value is, within the limits of the sum of such liquidation money, less than that of agricultural land which actually forms an object of the existing right corresponding to said right to be created. In this case there must be fixed such amount of liquidation money subject to the effect of the existing right that is a portion equivalent to the difference between those values.

4 In the case of par. 1, the continuance period of a right to be created shall be the remaining period of the existing right corresponding to said right, and other terms must depend on the terms of the existing right.

Article 104. In the case mentioned in Art. 102 par. 1, when superficies, permanent tenancy, lease or loan-for-use exists upon that agricultural land which the owner is to lose, there must be fixed the agricultural land whereon superficies, permanent tenancy, lease or loan-for-use substitutive for the foregoing right is to be created, the time of its creation and its continuance period, the consideration and other terms.

2 To the case of the preceding paragraph shall apply *mutatis mutandis* the provisions of Art. 102 pars. 2 to 4 inclusive and of the preceding Article.

第105条 第102条第1項の場合において、当該交換分合により地役権を設定する必要があると認められるときは、その地役権を設定すべき土地、地役権者並びにその地役権の設定の時期及び地役権の目的その他の条件を定め、現に地役権を有する者がその権利を行使する利益を受ける必要がなくなると認められるときは、その権利及び消滅の時期を定めなければならない。

(交換分合の効果)

第106条 第98条第9項又は第99条第11項(第100条第2項において準用する場合を含む。以下同じ)の規定による公告があったときは、その公告があった交換分合計画の定めるところにより、所有権が移転し、先取特権、質権、抵当権、地上権、永小作権、賃借権若しくは使用貸借による権利が設定され、又は地役権が設定され、若しくは消滅する。

2 前項の規定により先取特権、質権、抵当権、地上権、永小作権、賃借権又は使用貸借による権利が設定された場合には、これに照応する従前の権利は、これらの権利の設定された時において消滅する。但し、第103条第3項(第104条第2項において準用する場合を含む)の規定により先取特権、質権又は抵当権の及ぶべき額を定めた場合には、これらの権利は、この額の清算金については、なお存続するものとする。

(所有権以外の権利についての交換分合)

第107条 農地の地上権、永小作権、賃借権又は使用貸借による権利についての交換分合には、第102条から前条までの規定を準用する。

(清算金)

第108条 第98条第9項又は第99条第11項の規定による公告があったときは、農業委員会、土地改良区又は農業協力組合は、その公告があった交換分合計画の定めるところに従い清算

Article 105. In the case mentioned in Art. 102 par. 1, if the creation of easement is deemed needful according to said consolidation and exchange, the land whereon said easement is to be created, the easement holder, as well as the time of creation, the object of said easement and other terms must be fixed, and if it is deemed to become needless for a person actually holding easement to enjoy the benefit of exercising the same right, the same right and the time of its extinction must be fixed.

(Effect of Consolidation and Exchange)

Article 106. When public notice has been given under the provision of Art. 98 par. 9 or Art. 99 par. 11 (including cases whereto this applies mutatis mutandis under Art. 100 par. 2; hereinafter the same), according to what is fixed in the plan for consolidation and exchange whereof said public notice has been given, the ownership shall be transferred and preferential right, pledge, hypothec, superficies, permanent tenancy, lease or loan-for-use be created, or the easement be created or extinguished.

- 2 In case preferential right, pledge, hypothec, superficies, permanent tenancy, lease or loan-for-use had been created under the provision of the preceding paragraph, the original right corresponding to such right shall become extinct at the time of creation of the last-mentioned right. However, in case the amount subject to the effect of preferential right, pledge or hypothec has been fixed under the provision of Art. 103 par. 3 (including cases whereto this applies mutatis mutandis under Art. 104 par 2), any of those rights shall remain effective with respect to the sum liquidated for this amount.

(Consolidation and Exchange of Rights Other Than Ownership)

Article 107. As to consolidation and exchange with respect to superficies, permanent tenancy, lease or loan-for-use of agricultural land the provisions of Art. 102 to the preceding Article inclusive shall apply mutatis mutandis.

(Liquidation Money)

Article 108. When public notice has been given under the provision of Art. 98 par. 9 or Art. 99 par. 11, Agricultural Commission, the land improvement district or the agricultural co-operative association must

金を支払わなければならない。

- 2 前項の場合には、同項の者は、当該交換分合計画の定めるところに従い清算金を徴収することができる。
- 3 農業委員会は、市町村又は農業協同組合に対し、政令の定めるところにより、前2項の規定による清算金の支払及び徴収を委任することができる。

(農地の形質変更等の禁止)

第109条 第98条第9項又は第99条第11項の規定による公告があった後は、その公告があった交換分合計画において定める農地につき所有権その他の権利を有する者は、交換分合に支障を及ぼすおそれのない場合を除いて、都道府県知事の許可を受けなければ、その農地の形質を変更してはならない。

(旧自作農創設特別措置法等により売り渡した土地についての特例)

第110条 農地の所有権の交換分合により所有者が失うべき土地が農地法第3条第2項第6号に規定する土地であるときは、その交換分合によりその所有者が取得すべき土地でこれと地目、地積その他の条件が近似するものをその失うべき土地に代るべきものとして交換分合計画で定めなければならない。

- 2 前項の場合において、その交換分合計画の定めるところによりこれらの土地について所有権の移転があったときは、同項及び農地法第3条第2項第6号の規定の適用については、前項の規定により同号に規定する土地に代るべきものとして定められた土地を同号に規定する土地とみなす。

pay liquidation money as fixed in the plan for consolidation and exchange, whereof said public notice has been given.

- 2 In the case of the preceding paragraph, the person or body mentioned in the same paragraph may collect liquidation money as fixed in said plan for consolidation and exchange.
- 3 The Agricultural Commission may, in accordance with the provisions of Cabinet Order, entrust the payment and collection of liquidation money prescribed in the preceding two paragraphs to the agricultural co-operative association.

(Prohibition of Alteration of Form and Nature of Agricultural Land etc.)

Article 109. After the public notice prescribed in Art. 98 par. 9, Art. 99 par. 11 has been given, any person holding ownership or other right with respect to the agricultural land fixed in the plan for consolidation and exchange, whereof said public notice has been given, must not, except when there is no fear to obstruct the performance of such consolidation and exchange, alter the form and nature of said agricultural land unless permission is obtained from the governor of To, Do, Fu or prefecture.

(Special Provisions concerning Lands Sold under Law concerning the Special Measure for the Establishment of Owner Farmer, etc.)

Article 110. In cases where land which the owner is to lose according to the consolidation and exchange of ownerships of agricultural lands is the land prescribed by Art. 3 par. 2 item (6) of the Agricultural Land Law, it must be fixed in the plan for consolidation and exchange that land which said owner is to acquire according to said consolidation and exchange, and which is approximate thereto in classification of land and area, ought to be a substitute for the land that is to be lost.

- 2 In the case of the preceding paragraph, when any ownership in these lands has been transferred according to what is fixed in the plan for consolidation and exchange, with regard to the application of the provisions of the same paragraph as well as Art. 3 par. 2 item (6) and Art. 15 of the Agricultural Land Law, the land which has, in accordance with the provision of the preceding paragraph, been fixed as a substitute for the land provided for in the same item shall be deemed to be the land provided for in the same item.

- 3 交換分合計画に基く土地についての所有権の移転により、農地法第 61 条の規定により売り渡された土地を取得した者は、同法第 72 条の規定の適用については、同法第 61 条の規定による売渡を受けた者とみなす。

(農地以外の土地等の権利についての交換分合)

第 111 条 第 97 条から前条までの規定は、農地の集団化に伴って行い農地の利用上必要な土地に関する権利、農業用施設に関する権利及び水の使用に関する権利の交換分合について準用する。

第 4 章 補 則

(書類の送付に代る公告)

第 112 条 住所又は居所が知れない場合その他書類の送付をすることができない場合において、行政庁又は土地改良区がその送付に代えて公告をしたときは、その公告があった日に書類を発送したものとみなし、その公告があった日から 10 日を経過したときに相手方に到達したものとみなす。

(処分等の行為の承継人に対する効力)

第 113 条 この法律又はこの法律に基く命令の規定による処分、手続その他の行為は、土地改良事業に関係がある土地、物件又は権利につき所有権その他の権利を有する者の承継人に対しても、その効力を有する。

(分合筆手続の代行)

第 114 条 土地改良事業を行う者は、その事業を行うため土地を分筆し、又は合筆する必要がある場合には、その土地の所有者に代って土地台帳法(昭和 22 年法律第 30 号)第 26 条

3 Any person who has acquired the land that has been sold in accordance with the provision of Art. 61 of the Agricultural Land Law, according to the transfer of the ownership in a land based upon a plan for consolidation and exchange, shall be deemed to be one to whom said land has been sold under the provision of Art. 61 of the same Law with regard to the application of the provision of Art. 72 of the same Law.

(Consolidation and Exchange concerning Right to Any Land Other Than Agricultural Land, etc.)

Article 111. The provisions of Art. 97 to the preceding Article inclusive shall apply mutatis mutandis to the consolidation and exchange of rights to and in land, rights to and in agricultural facilities and rights to the use of waters, required for utilization of agricultural lands, which is made cooperating with the consolidation of said agricultural lands.

Chapter IV Additional Provisions

(Public Notice Substitutive for Serving Documents)

Article 112. If, in cases where it is impossible to serve documents because of unknown permanent domicile or place of residence of the other party or other causes, public notice has been given, instead of serving documents, by the administrative agencies or a land improvement district, said documents shall be deemed to have been dispatched on the day of said public notice, and to have reached the other party when ten days have elapsed after the day of said public notice.

(Effect on Successor of Action of Disposition, etc.)

Article 113. Any disposition made, procedure taken and other action conducted under the provisions of this Law or orders based on this Law shall be effective against a person, too, who succeeds to any holder of ownership or other rights relative to lands, things or rights with respect to a land improvement project.

(Taking by Proxy Procedure of Union or Partition of One Lot of Land)

Article 114. When it is necessary for persons who undertake a land improvement project to unite or partition a lot of land in order to carry out said project, said persons may go through the procedure prescribed in

に規定する手続をすることができる。

(登記の特例)

第115条 土地改良事業の施行に係る地域内にある不動産の登記については、政令で特例を定めることができる。

(他の登記の停止)

第116条 第52条第8項(第96条の3において準用する場合を含む。以下本条及び第131条において同じ)の規定による公告があった後は、土地改良事業の施行に係る地域内にある土地に関しては、その土地改良事業による登記をした後でなければ他の登記をすることができない。但し、登記の申請人が確定日附のある書類により同項の規定による公告前に登記原因の生じたことを証明した場合には、この限りでない。

(施行に係る地域を数区に分けた場合)

第117条 土地改良事業の施行に係る地域を数区に分けた場合には、その各々の区及びその区に係る土地改良事業は、第46条、第51条、第52条及び第55条(第96条の3においてこれらの規定を準用する場合を含む)の適用については、それぞれ、土地改良事業の施行に係る地域及びその地域に係る土地改良事業とみなす。

(測量、検査又は簿書の閲覧等の手続)

第118条 左に掲げる者は、土地改良事業に関し土地等の調査をするため必要がある場合には、あらかじめ土地の占有者に通知して、その必要の限度内において、他人の土地に立ち入って測量し、又は検査することができる。

Art. 26 of the land ledger Law (Law No. 30 of 1947) in behalf of the owner of said land.

(Special Provisions concerning Registration)

Article 115. As to the registration of immovables within the limits of a district where a land improvement project is undertaken, special provisions may be established by Cabinet Order.

(Suspension of Other Regulation)

Article 116. After public notice has been given as provided for in Art. 52 par. 8 (including cases whereto this applies mutatis mutandis under Art. 96 and Art. 96-(3), hereinafter the same in this Article and Art. 131), no other registrations can be made with respect to lands situated within the boundaries of a district where a land improvement project is executed, unless after all the registrations required have been made according to said land improvement project; provided that this shall not apply in case any petitioner has evidenced, by a document whereon the definite date is stamped, that the cause of the registration has happened prior to the public notice prescribed in the same paragraph.

(In case of Execution Area Being Divided)

Article 117. In case the area of a district where a land improvement project is undertaken have been segmented into several divisions, any one of them and a land improvement project belonging to the division shall, with regard to the application of Arts. 46, 51, 52 and 55 (including cases whereto these provisions apply mutatis mutandis in Art. 96 and Art. 96-(3), be regarded as the district where said land improvement project is undertaken and as the land improvement project belonging to said district respectively.

(Procedures Relating to Survey, Investigation or Inspection of Books, etc.)

Article 118. Any person or persons mentioned in the following items, may, if necessary for survey of land, etc. with respect to a land improvement project, enter upon another person's land to survey or investigate the same, within the limits of its necessity, after having given notice thereof in advance to the occupant of said land:

- (1) 国、都道府県又は市町村の職員
 - (2) 土地改良区の役職員
 - (3) 農業委員会の委員又はこれらの委員会の事務に従事する者
 - (4) 第5条、第8条又は第85条の規定による申請をしようとする者
- 2 前項第4号の者が同項の行為をするには、あらかじめ当該土地の所在地の市町村長の許可を受けなければならない。
- 3 第1項の規定による通知をすることができないか、又は困難である場合には、省令の定めるところにより、公告をもって通知に代えることができる。
- 4 第1項の場合には、同項第1号から第3号までの者はその身分を示す証票を、同項第4号の者は前項の許可を受けたことを証する書面を携帯し、当該土地の占有者の請求があったときは、これを呈示しなければならない。
- 5 第1項の場合には、同項第1号の国、都道府県若しくは市町村、第2号の土地改良区、第3号の農業委員会又は第4号の者は、同項に掲げる行為によって通常生ずべき損失を補償しなければならない。
- 6 第1項第1号から第3号までの者は、当該事業に関係のある土地を管轄する登記所、漁業免許に関する登録の所管庁又は市町村の事務所につき、無償でその事業に関し必要な簿書の閲覧若しくは謄写又はその謄本の交付を求めることができる。

(障害物の移転等)

第119条 国、都道府、県市町村又は土地改良区、土地改良事業の施行のため必要がある場合には、その必要の限度内において、その施行に係る地域内にある物件でその事業の障害となるものを移転し、除去し、又は取りこわすことができる。但し、これによって通常生ずべき損失を補償しなければならない。

- (1) Personnel of the State, or To, Do, Fu, or prefecture;
 - (2) Officers or personnel of the land improvement district;
 - (3) Members of, or persons handling the affairs of the Agricultural Commission;
 - (4) Any person or persons intending to file a petition under the provision of Art. 5, Art. 7 or Art. 85.
- 2 In order that the person mentioned in item (4) of the preceding paragraph may do the act mentioned in the same paragraph, he must receive the permission thereof beforehand from the mayor or head of the city, town or village within the limits of which said land is situated.
 - 3 In case any notice under the provision of par. 1 can not be given, public notice may, as prescribed by Ministerial Ordinance, be given in place of said notice.
 - 4 In the case of par. 1, the persons mentioned in item (1) to item (3) inclusive of the same paragraph must carry their identification cards with them, and the person mentioned in item (4) of the same paragraph, the certificate of permission mentioned in the preceding paragraph with him; and said identification card or certificate must be shown whenever the occupant of said land asks therefor.
 - 5 In the case of par. 1, the State, or To, Do, Fu or prefecture, or city, town or village in item (1), the land improvement district in item (2), the Agricultural Commission in item (3), or any person in item (4), of the same paragraph must indemnify any loss to be normally incurred by acts mentioned in the same paragraph.
 - 6 The persons mentioned in item (1) to item (3) inclusive of par. 1 may request, without compensation, the inspection of books necessary for the project, or the delivery of copies or certified copies of the same books, at the registry office having jurisdiction over the lands with respect to said project, the office in charge of precording licenses for fishery, or the office of city, town or village.

(Removal, etc. of Obstacles)

Article 119. The State, To, Do, Fu, prefecture or city town or village, or any land improvement district may, if necessary for the execution of a land improvement project, carry over, clear of or destroy, within the limits of its necessity; things which hinder said project within the

第120条 (削除)

(急迫の際の使用等)

第121条 国，都道府県，市町村又は土地改良区は，その管理するかんがい排水施設，農業用道路その他農地の保全又は利用上必要な施設（土地改良事業の工事中に係るものを含む）の風雪，出水又は高潮若しくは土砂の崩れによる急迫の災害を防ぐため必要があるときは，他人の土地を一時使用し，又はその土石竹木その他の現品を使用し，若しくは収用することができる。但し，時価によりその損失の全額を補償しなければならない。

(損失補償)

第122条 土地改良事業を行う者は，その事業の利害関係人がその事業によって通常受けるべき損失を補償しなければならない。

2 第10条第3項，第48条第5項（第95条の2第3項及び第96条の3において準用する場合を含む），第87条第3項（第87条の2第4項及び第87条の3第2項において準用する場合を含む），第95条第4項，第96条の2第5項，第98条第9項又は第99条第11項の規定による公告があった後において土地の形質を変更し，工作物の新築，改築若しくは修繕をし，又は物件を附加増置した場合には，これについての損失は，補償しなくてもよい。但し，都道府県知事の許可を受けてからこれらの行為をした場合には，この限りでない。

3 土地改良区の組合員は，第118条から前条までに規定する場合を除いては，その土地改良区の行う事業によって受けた損失の補償を請求することができない。但し，規約に特別の定めがある場合には，この限りでない。

boundaries of the district relating to said undertaking, provided that any loss normally to be incurred thereby must be indemnified.

(Expropriation or Use of Land, etc.)

Article 120. (Deleted.)

(Use, etc. in the Imminent Case)

Article 121. The State, To, Do, Fu, prefecture or city, town or village, or any land improvement district may, if it is necessary to prevent imminent damage caused by storm, snow, freshet, high tide or erosion of earth and sand to irrigation or drainage facilities, agricultural roads or any other facilities required for the conservation or utilization of agricultural land (including those under construction work of a land improvement project), which are administered and maintained by the same, make temporary use of another person's land, or use or expropriate earth, stones, bamboos, trees or other things; provided, however, that the total loss must be indemnified at the current price.

(Indemnification of Loss)

Article 122. Persons who undertake, a land improvement project must indemnify loss which persons interested in said project are normally to suffer owing to said project.

- 2 In case the form and nature of land are changed, structures are newly constructed, reconstructed or repaired, or things added, after public notice having been given under the provision of Art. 10 par. 3, Art. 48 par. 5 (including cases whereto this applies mutatis mutandis under Art. 95-(2) par. 3 and Art. 96-(3)), Art. 87 par. 3 (including cases whereto this applies mutatis mutandis under Art. 87-(2) par. 4 and Art. 87-(3) par. 2), Art. 95 par. 4, Art. 96-(2) par. 5, Art. 98 par. 9 or Art. 99 par. 11, any loss relating thereto need not be indemnified. However, this shall not apply when these acts have been done with the permission of the governor of To, Do, Fu or prefecture.
- 3 No member of a land improvement district can demand the indemnification of loss which he has suffered by the project executed by said land improvement district, excepting the cases which are provided for in Art. 118 to the preceding Article inclusive; provided, however, that this shall not apply as otherwise prescribed by the by-laws.

(補償金等の供託)

第123条 土地改良事業を行う者は、換地計画若しくは交換分合計画に定める清算金又は第119条若しくは前条の規定による補償金を支払う場合において、当該土地、物件又は権利につき先取特権、質権又は抵当権があるときは、その補償金又は清算金を供託しなければならない。但し、先取特権、質権又は抵当権を有する者から供託をしなくてもよい旨の申出があつた場合には、この限りでない。

2 前項の先取特権、質権又は抵当権を有する者は、同項の規定により供託された補償金又は清算金に対して、その権利を行うことができる。

(数都府県にわたる事項の処理)

第124条 土地改良事業の施行に係る地域又は土地改良区の地区が2以上の都府県にわたる場合には、この法律において都道府県知事の権限に属させた事項は、第85条から第87条までに規定するものを除いて、農林大臣が処理する。

(特別区等に対する規定の適用)

第125条 この法律中市町村又は市町村長に関する規定は、特別区のある地にあつては特別区又は特別区の区長に、地方自治法第155条第2項の市にあつては区又は区長に、全部事務組合又は役場事務組合のある地にあつては組合又は組合の管理者に、市町村農地委員会に関する規定は、地区農業委員会の設けられている市町村の地区にあつては地区農業委員会に適用する。

(都市計画区域の特例)

第125条の2 都道府県知事は、都市計画区域内の土地に係る第2条第2項第2号の土地改良事業に関し、土地改良事業計画又はその変更について審査する場合において、当該土地改良事業が道路その他の公共の用に供する施設を廃止し、変更し、その他都市計画又は現に施行され、若しくは将来施行されるべき土地区画整理事業に影響を及ぼすおそれがあるときは、当該土地改良事業計画又はその変更について、当該都道府県に設置された都市計画審議会及

(Deposition of Indemnity, etc.)

Article 123. If, in case where any person executing a land improvement project pays the liquidation money fixed in land-substituting schedule or plan for consolidation and exchange, or the indemnity prescribed in Art. 119 or the preceding Article, preferential right, pledge or hypothec is set up on said land, things or rights, he must deposit said indemnity or liquidation money. However, this shall not apply when a person holding preferential right, pledge or hypothec has proposed that no deposition is required.

- 2 The holder of the preferential right, pledge or hypothec mentioned in the preceding paragraph may exercise said right as against the indemnity or liquidation money deposited in accordance with the provision of the same paragraph.

(Handling of Matters Relating to Several Prefectures)

Article 124. In case the boundaries of a district where a land improvement project is undertaken, or the boundaries of a land improvement district extend over two or more of To, Fu and prefectures matters brought by this Law under the power of the governor of To, Do, Fu or prefecture, excepting those which are provided for in Art. 85 to Art. 87 inclusive, shall be handled by the Minister of Agriculture and Forestry.

(Application of Provisions to Special Ward, etc.)

Article 125. With the purview of this Law, the provisions concerning city, town or village, or the mayor or head thereof shall, in a locality where there is a special ward, apply to said ward or the head thereof; in a city mentioned in Art. 155 par. 2 of the Local Autonomy Law, to the Ward or the head thereof; and in a locality where there is a whole business association or public hall business association, to said association or the manager thereof.

(Special Provisions concerning Boundaries for City-Planning)

Article 125-(2). If, in cases where the governor of To, Do, Fu or prefecture examine a land improvement project plan or changes therein relating to the land improvement project mentioned in Art. 2 par. 2 item (2) regarding land within the boundaries of a district for city-planning, there is a fear that said land improvement project abolishes or changes rounds and other facilities employed for public use, or interfere with

び当該土地を施行地区に含む土地区画整理組合の意見を聞かなければならない。但し、政令で定める軽微な事項については、この限りでない。

(補助金の交付及び被補助者に対する監督)

第126条 国は、その予算の範囲内において、農地の改良、開発、保全又は集団化を行う者に対して補助金を交付することができる。

2 前項の補助金の交付を受けようとする者は、省令の定めるところにより、補助金の交付申請書を事業計画書、事業予算書その他必要な書類とともに農林大臣に提出しなければならない。

3 農林大臣は、前項の提出書類を審査し、適当と認めるときは、補助金の交付を決定するものとする。

第127条 農林大臣は、前条の規定による補助金の交付の目的を最もよく達成するため、補助金の交付を受ける者に対して、当該事業の施行に関し必要な指示を行い、当該事業の目的たる施設を検査し、報告書の提出を命じ、その他必要な処分をすることができる。

2 農林大臣は、前項に規定する者が補助金の交付の目的を達成し得ないと認められる場合には、その者に対して、補助金の全部若しくは一部を交付せず、その交付を停止し、又は交付した補助金の全部若しくは一部の返還を命ずることができる。

3 返還すべき補助金は、地方公共団体が返還するものを除いて、国税滞納処分の例によって徴収することができる。但し、先取特権の順位は、国税に次ぐものとする。

the city-planning or the land partition adjustment project that is now under way or to be carried out in future, said governor must ask for opinions about said land improvement project plan or changes therein from the city-planning council and the land partition adjustment association that covers said lands in the executed area thereof, which are established in said To, Do, Fu or prefecture; provided that this shall not apply to such minor matters as prescribed by Cabinet Order.

(Subsidy-Granting and Supervision of Those Who Are Subsidized)

Article 126. The State may, within the limits of the budget, grant subsidies to any persons who improve, develop, conserve or consolidate agricultural lands.

- 2 Any persons who intend to be granted the subsidies mentioned in the preceding paragraph must, as prescribed by Ministerial Ordinance, submit to the Minister of Agriculture and Forestry a petition for the granting of subsidy together with a written project plan, a written estimate for project and other necessary documents.
- 3 In case the Minister of Agriculture and Forestry deems such submitted, documents as mentioned in the preceding paragraph to be proper and reasonable as a result of investigation thereof, he shall determine the granting of subsidy.

Article 127. In order to fulfill the purpose of granting subsidy best under the provision of the preceding Article, the Minister of Agriculture and Forestry may make suggestions required for the execution of said project, inspect facilities constituting the object of said project, order the presentation of reports and take other necessary measures to and against persons who are granted subsidies.

- 2 In case the persons prescribed in the preceding paragraph are deemed not to be able to fulfill the purpose of granting subsidy, Minister of Agriculture and Forestry may abolish or suspend the granting of the whole or a part of the subsidy to said persons, or order them the repayment of the whole or a part of the subsidy already granted.
- 3 The subsidy to be repaid, except that to be repaid by a local public entities may be collected as in the case of disposition for arrears of national taxes; provided that its preferential right shall come next to that of national taxes in order of priority.

第128条 農林大臣は、都道府県に対するものを除いて、政令の定めるところにより、前2条の規定による権限の一部を都道府県知事に行わせることができる。

第129条 前3条に規定するものの外、補助金の交付に関し必要な事項は、政令で定める。

(異議の申立に関する期間の計算等)

第130条 この法律の規定による異議の申立の期間の計算をする場合には、郵便物の輸送に要した日数は、期間に算入しない。

2 異議の申立は、期間が経過した後においても、容認すべき事由があると認めるときは、なお受理することができる。

3 異議の申立又は裁定の申請に対する決定又は裁定は、文書をもってし、その理由を附してこれを当事者に交付しなければならない。

(権利変動の通知)

第131条 第52条第8項の規定による公告前において土地改良事業の施行に係る地域内にある土地につき権利の設定、移転、変更若しくは消滅又は処分の制限があったときは、その当事者は、遅滞なくその旨をその土地改良事業を行う者に通知しなければならない。

第5章 監督

(報告の徴収及び検査)

第132条 農林大臣又は都道府県知事は、土地改良区又は第95条の規定により数人共同して土地改良事業を行う者に法令、法令に基いてする行政庁の処分又は定款、規約、土地改良事業計画、換地計画若しくは交換分合計画を遵守させるために必要があると認めるときは、これらの者からその事業に関し報告を徴し、又はこれらの者の業務若しくは会計の状況を検査

Article 128. The Minister of Agriculture and Forestry may, as provided for by Cabinet Order, cause the governor of To, Do, Fu or prefecture to exercise part of the power under the provisions of the preceding two Articles, except such as against To, Do, Fu or prefecture.

Article 129. Matters required for the granting of subsidy, other than those provided for in the preceding three Articles, shall be provided for by Cabinet Order.

(Calculation of Period Regarding the Filing of Objections, etc.)

Article 130. With regard to the calculation of the period regarding the filing of objections under the provisions of this Law, the number of days required for conveyance of mail shall not be reckoned in said period.

- 2 Any objection may, if any admissible cause is deemed to exist, be received even after the expiration of the fixed period.
- 3 Any determination or ruling regarding objections or petitions for ruling must be delivered to the parties interested in writing with the reason attached thereto.

(Notice of Changes of Rights)

Article 131. In case prior to the public notice under the provision of Art. 52 par. 8, rights have been created transferred altered or extinguished, or the disposition has been restricted, with respect to lands situated within the boundaries of a district where a land improvement project is under taken, the party interested must without delay notify the person or persons who execute said land improvement project to that effect.

Chapter V Supervisions

(Collection and Inspection of Reports)

Article 132. If it is deemed necessary in order to cause a land improvement district or person who jointly undertake a land improvement project under Art. 95 to abide by Laws and orders, disposition taken thereunder by the administrative agencies, or the Articles of District, by-laws, land improvement project plan, land-substituting schedule or plan for

することができる。

(業務状況の検査)

第133条 土地改良区の組合員が、総組合員の10分の1以上の同意を得て、その土地改良区の事業又は会計が法令、法令に基いてする行政庁の処分又は定款、規約、土地改良事業計画、換地計画若しくは交換分合計画に違反する疑があることを理由として検査を請求した場合には、都道府県知事は、その土地改良区の事業又は会計の状況を検査しなければならない。

(違反行為に対する措置)

第134条 農林大臣又は都道府県知事は、前2条の規定による検査を行った場合において、当該土地改良区又は数人共同して土地改良事業を行う者の業務又は会計が法令、法令に基いてする行政庁の処分又は定款、規約、土地改良事業計画、換地計画若しくは交換分合計画に違反すると認めるときは、これらの者に対し必要な措置を採るべき旨を命ずることができる。

2 土地改良区が前項の命令に違反したときは、農林大臣又は都道府県知事は、当該土地改良区に対し、期間を指定して、その役員の一部又は全部の改選を命ずることができる。

3 土地改良区が前項の命令に違反したときは、農林大臣又は都道府県知事は、同項の命令に係る役員を解任することができる。

consolidation and exchange, the Minister of Agriculture and Forestry, or the governor of To, Do, Fu or prefecture may collect reports from said district or persons, or inspect the condition of its or their business or account affairs.

(Inspection of Business Condition)

Article 133. The governor of To, Do, Fu or prefecture must inspect the project or the condition of account affairs of any land improvement district, when a petition for inspection is presented by members of said district to him with the consent of one-tenth or more of the whole membership of said district, on the ground that the project or account affairs of said land improvement district are deemed to contravene laws and orders, disposition taken thereunder by the administrative agencies, or the Articles of District, by-laws, land improvement project plan, land substituting schedule or plan for consolidation and exchange.

(Measures against Offensive Acts)

Article 134. In case the Minister of Agriculture and Forestry or the governor of To, Do, Fu or prefecture deems, upon the inspection in conformity with the provision of the preceding two Articles, that the business or account affairs of the land improvement district or persons who jointly undertake a land improvement project contravene laws and orders, disposition taken thereunder by the administrative agencies, or the Articles of District, by-laws land improvement project plan, land-substituting schedule or plan for consolidation and exchange, said Minister or governor may issue to said district or persons an order that necessary measures are to be taken.

- 2 In case a land improvement district contravenes the order mentioned in the preceding paragraph, the Minister of Agriculture and Forestry or the governor of To, Do, Fu or prefecture may, designating a certain period, order said district to reelect some or all the officers thereof.
- 3 In case a land improvement district contravenes the order mentioned in the preceding paragraph, the Minister of Agriculture and Forestry or the governor of To, Do, Fu or prefecture may recall the officers bearing on the order in the preceding paragraph.

(解散を命ずる裁判)

第135条 土地改良区が第15条に規定する事業以外の事業を行ったときは、裁判所は、農林大臣又は都道府県知事の申立により、その土地改良区の解散を命ずることができる。

2 前項の規定による事件は、当該土地改良区の主たる事務所の所在地を管轄する地方裁判所の管轄とする。

3 第1項の場合における手続については、最高裁判所の定めるところによる。

(決議、選挙等の取消等)

第136条 土地改良区の組合員が、総組合員の10分の1以上の同意を得て、総会、総代会の招集手続若しくは議決の方法又は役員若しくは議員の選挙の方法が法令、法令に基いてする行政庁の処分又は定款若しくは規約に違反することを理由としてその議決又は選挙若しくは当選の取消を請求した場合において、都道府県知事は、その違反の事実があると認めるときは、その決議又は選挙若しくは当選を取り消すことができる。

2 前項の規定は、第48条第2項及び第52条第3項(第96条、第99条第2項及び第111条において準用する場合を含む)の会議に準用する。

第6章 罰 則

第137条 第109条(第111条において準用する場合を含む)の規定に違反した者は、1年以下の懲役又は10万円以下の罰金に処する。

第138条 左の各号の1に該当する者は、6月以下の懲役又は3万円以下の罰金に処する。

(1) 第118条第1項の規定により国又は都道府県の職員が行う測量又は検査を拒み、妨げ、

(Order by Court of Dissolution)

Article 135. When any land improvement district has executed any project other than provided for in Art. 15, the Court may order the dissolution of said land improvement district at the request of the Minister of Agriculture and Forestry or the governor of To, Do, Fu or prefecture.

- 2 The case prescribed in the preceding paragraph shall be under the jurisdiction of the local court having jurisdiction over the place where the main office of said land improvement district is located.
- 3 The procedure in the case of par. 1 shall be fixed by the Supreme Court.

(Cancellation of Resolution, Election, etc.)

Article 136. In cases where members of any land improvement district have, with the consent of one-tenth or more of the whole membership, filed a petition for the cancellation of resolution, or election or return on the ground that a preceeding to convene a general meeting of the membership or an assembly of the representatives of method of resolution or of election of officers or members of the meeting, contravenes laws and orders, disposition taken thereunder by the administrative agencies, or the Articles of District or by-laws, the governor of To, Do, Fu or prefecture may, if such contravention is deemed true, cancel said resolution, or election or return.

- 2 The provision of the preceding paragraph shall apply mutatis mutandis to the meeting mentioned in Art. 52 par. 3 (including cases whereto this applies mutatis mutandis under Art. 96, Art. 99 par. 2 and Art. 111).

Chapter VI Penal Provisions

Article 137. Any person who has contravened the provision of Art. 109 (including cases whereto this applies mutatis mutandis under Art. 111) shall be liable to penal servitude not exceeding one year or a fine not exceeding one hundred thousand yen.

Article 138. Any person who falls under any of the categories mentioned in the following items shall be liable to penal servitude not exceeding six months or a fine not exceeding thirty thousand yen:

- (1) A person who has refused, obstructed or evaded survey or inspection

又は忌避した者

(2) 第119条の規定により国又は都道府県の職員が行う移転，除去又は取りこわしを拒み，妨げ，又は忌避した者

(3) 第127条第1項又は第133条の規定による検査を拒み，妨げ，又は忌避した者

(4) 第127条第1項又は第132条の規定による報告をせず，又は虚偽の報告をした者

第139条 土地改良事業の施行に関して設けた標識を移転し，汚損し，き損し，又は除去した者は，3万円以下の罰金に処する。

第140条 土地改良区の役員若しくは総代又は土地改良区連合の役員若しくは議員が，その職務に関して賄ろを収受し，又は要求し，若しくは約束したときは，3年以下の懲役に処する。よって不正の行為をし，又は相当の行為をしないときは，7年以下の懲役に処する。

2 前項に掲げる役員，総代又は議員であった者がその在職中に請託をうけて職務上不正な行為をし，又は相当の行為をしなかつたことに関し賄ろを収受し，要求し，又は約束したときは，3年以下の懲役に処する。

3 第1項に掲げる役員，総代又は議員がその職務に関し請託を受けて第3者に賄ろを供与させ，又はその供与を約束したときは，3年以下の懲役に処する。

4 犯人又は情を知つた第三者の収受した賄ろは，没収する。その全部又は一部を没収することができないときは，その価額を追徴する。

- which is carried on by personnel of the State, or To, Do, Fu or prefecture in accordance with the provision of Art. 118 par. 1;
- (2) A person who has refused, obstructed or evaded the transfer, removal or destroy which is carried on by personnel of the State, or To, Do, Fu or prefecture in accordance with the provision of Art. 119;
 - (3) A person who has refused, obstructed or evaded the inspection under the provision of Art. 127 par. 1 or Art. 133;
 - (4) A person who has, in violation of the provision of Art. 127 par. 1 or Art. 132, failed to make a report or made a false report.

Article 139. Any person who has moved, stained, broken or removed a sign set up for the purpose of executing a land improvement project shall be liable to a fine not exceeding thirty thousand yen.

Article 140. Any officer or any representative of a land improvement district, or any officer or any member of the meeting of a league of land improvement districts, who has taken, demanded or agreed to take a bribe with respect to his duties, shall be liable to penal servitude not exceeding three years; if any such person thereby commits and unjust act or fails to do an act which he ought to do, he shall be liable to penal servitude not exceeding seven years.

- 2 Any person who was officer, representative of member of the meeting, mentioned in the preceding paragraph, and who has taken, demanded or agreed to take a bribe with respect to his official performance of an unjust act or failure in performing a due act at another person's request while in office, shall be liable to penal servitude not exceeding three years.
- 3 Any officer, representative or member of the meeting, mentioned in par. 1, who has made a third person deliver or agree to deliver a bribe at the latter's request with respect to the former's duties, shall be liable to penal servitude not exceeding three years.
- 4 Bribes taken by an offender or a third person to whom the secret was confided shall be confiscated. In case such confiscation is impracticable in whole or in part, the value thereof shall be imposed upon the offender.

第141条 前条第1項から第3項までに掲げる者に対して賄賂を供与し、又はその申込若しくは約束をした者は、3年以下の懲役又は25万円以下の罰金に処する。

2 前条の罪を犯した者が自首したときは、その刑を減軽し、又は免除することができる。

第142条 法人の代表者又は法人若しくは人の代理人、使用人その他の従業員がその法人又は人の業務又は財産に関して第137条及び第138条に規定する違反行為をしたときは、行為者を罰する外、その法人又は人に対して各本来の罰金を科する。

第143条 左の場合においては、土地改良区又は土地改良区連合の理事若しくは監事又は清算人を3万円以下の過料に処する。

- (1) 第15条に規定する事業以外の事業を営んだとき。
- (2) 第41条第1項の規定に違反したとき。
- (3) 第69条又は第71条に掲げる書類に記載すべき事項を記載せず、又は不実の記載をしたとき。
- (4) 第70条の規定に違反して土地改良区の残余財産を分配したとき。
- (5) 第76条において準用する民法第79条の期間内に債権者に弁済をしたとき。
- (6) この法律の規定による公告をせず、又は不実の公告をしたとき。

第144条 下の場合においては、土地改良区又は土地改良区連合の理事若しくは監事又は清算人を1万円以下の過料に処する。

Article 141. Any person who has delivered, offered or agreed to offer a bribe to any of the persons mentioned in pars. 1 to 3 inclusive of the preceding article shall be liable to penal servitude not exceeding three years or a fine not exceeding two hundred and fifty thousand yen.

- 2 If any person who has committed any of the offences mentioned in the preceding Article makes voluntary confession prior to official cognizance being taken thereof, the punishment may either be reduced or remitted.

Article 142. In case a representative of a juridical person, or an agent, an employee or any other worker of a juridical person or a person acts in violation of the provisions of Art. 137 and Art. 138 with respect to the business or property of said juridical person or person, such juridical person or person shall, in addition to the punishment inflicted on the very person who has acted, be liable to a fine as provided for in each of the same Articles.

Article 143. Any director, auditor or liquidator of a land improvement district or a league of land improvement districts shall be liable to a non-criminal fine not exceeding thirty thousand yen in the following cases:

- (1) Where he has operated any project other than that prescribed in Art. 15;
- (2) Where he has violated the provision of Art. 41 par. 1;
- (3) Where he has failed to record any matter that ought to be recorded in the documents mentioned in Art. 69 or Art. 71, or recorded false matters therein;
- (4) Where he has, in violation of the provision of Art. 70, distributed the remaining assets of a land improvement district;
- (5) Where he has paid to creditors within the period mentioned in Art. 79 of the Civil Code mentioned in Art. 79 of the Civil Code which applies mutatis mutandis under Art. 76;
- (6) Where he has, in violation of the provisions of this Law, failed to give public notice or given public notice of false matters.

Article 144. Any director, auditor or liquidator of a land improvement district or a league of land improvement districts shall be liable to

- (1) 第 20 条の規定に違反したとき。
- (2) 第 25 条第 1 項, 第 26 条又は第 26 条の規定に違反したとき。
- (3) 第 29 条第 1 項の規定に違反して書簿を備えず, 若しくは保存せず, 又は同条第 2 項の規定による省令に違反してその書簿に記載すべき事項を記載せず, 若しくは不実の記載をしたとき。
- (4) 第 29 条第 3 項の規定に違反して書簿の閲覧を拒んだとき。
- (5) 第 134 条の規定による命令に違反したとき。

第 145 条 第 14 条第 2 項又は第 78 条第 2 項の規定に違反した者は, 5 千円以下の過料に処する。

附 則

この法律施行の期日は, 公布の日から起算して 60 日をこえない期間内において政令で定める。

内閣総理大臣	吉	田	茂
大 蔵 大 臣	池	田	勇 人
農 林 大 臣	森		幸 太 郎
建 設 大 臣	益	谷	秀 次

a non-criminal fine not exceeding ten thousand yen in the following cases:

- (1) Where he has contravened the provisions of Art. 20;
- (2) Where he has contravened the provision of Art. 25 par. 1, Art. 26 or Art. 27,
- (3) Where he has, in violation of the provision of Art. 29 par. 1, failed to keep or to preserve books, or in violation of the Ministerial Ordinance issued under the provision of par. 2 of the same Article, failed to record any matter that ought to be recorded in said books, or recorded false matters therein;
- (4) Where he has, in violation of the provision of Art. 29 par. 3, refused the inspection of books;
- (5) Where he has contravened any order issued under the provision of Art. 134.

Article 145. Any person who has contravened the provision of Art. 14 par. 2 or Art. 78 par. 2 shall be liable to a non-criminal fine not exceeding five thousand yen.

Supplementary Provision.

The enforcement date of this law shall be fixed by Cabinet Order within the period of not more than sixty days reckoning from the day of its promulgation.

Minister of Finance

IKEDA Hayato

Minister of Agriculture and Forestry

MORI Kotaro

Minister of Construction

MASUTANI Shuji

Prime Minister

YOSHIDA Shigeru

II. 農 地 法

II. AGRICULTURAL LAND LAW

農 地 法

（ 昭和 27 年 7 月 15 日
法律第 229 号
改正 昭和 32 年法律第 72 号 ）

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AGRICULTURAL LAND LAW

(Law No. 229 of 1952
Last Revision: Law No. 72 of 1957)

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第1章 総 則

(この法律の目的)

第1条 この法律は、農地はその耕作者みずからが所有することの権利を保護し、その他土地の農業上の利用関係を調整し、もって耕作者の地位の安定と農業生産力の増進とを図ることを目的とする。

(定 義)

第2条 この法律で「農地」とは、耕作の目的に供される土地をいい、「採草放牧地」とは、農地以外の土地で、主として耕作又は養畜の事業のための採草又は家畜の放牧の目的に供されるものをいう。

2 この法律で「自作地」とは、耕作の事業を行う者が所有権に基いてその事業に供している農地をいい、「小作地」とは、耕作の事業を行う者が所有権以外の権原に基いてその事業に供している農地をいう。

3 この法律で「自作採草放牧地」とは、耕作又は養畜の事業を行う者が所有権に基いてその事業に供している採草放牧地をいい、「小作採草放牧地」とは、耕作又は養畜の事業を行う者が所有権以外の権原に基いてその事業に供している採草放牧地をいう。

4 この法律で「自作農」とは、農地又は採草放牧地につき所有権に基いて耕作又は養畜の事業を行う個人をいい、「小作農」とは、農地又は採草放牧地につき所有権以外の権原に基いて耕作又は養畜の事業を行う個人をいう。

Chapter I. General Provisions

(Purpose of this Law)

Article 1. This Law, in recognition of the fact that agricultural lands shall be most appropriately owned by none other than the cultivators thereof, pursues the dual purpose of facilitating the acquisition of agricultural lands by cultivators and of protecting their rights, as well as the purpose of adjusting the relations between lands in point of their agricultural utility, with a view to contributing to the stabilization of the status of cultivators and to the promotion of agricultural productive capacity.

(Definition)

Article 2. Within the meaning of this Law, agricultural lands signify the land employed or capable of being employed for the purpose of cultivation, and mowing and grazing lands signify those lands other than agricultural ones, which, in the interests of cultivating or stock-raising business, are chiefly employed or capable of being chiefly employed for the purpose of mowing or grazing.

2. Within the meaning of this Law, owner-farmer lands signify the agricultural lands which the person following the cultivating business employs for the same business entitled thereto by the right of ownership therein, and leased agricultural lands signify the agricultural lands which the person following the cultivating business employs for the same business entitled thereto by any other right than the right of ownership.
3. Within the meaning of this Law, owner-farmer mowing and grazing lands signify the mowing and grazing lands which the person following the cultivating or stock-raising business employs for the same business entitled thereto by the right of ownership therein, and leased mowing and grazing lands signify the mowing and grazing lands which the person following the cultivating or stock-raising business employs for the same business entitled thereto by any other right than the right of ownership.
4. Within the meaning of this Law, owner farmer signifies the private person who, entitled thereto by the right of ownership, follows the cultivating or stock-raising business on agricultural or mowing and grazing lands, and tenant farmer signifies the private person who, entitled thereto by any other right than the right of ownership, follows the cultivating or stock-raising business on agricultural or mowing and grazing lands.

5 前者項の規定の適用については、耕作又は養畜の事業を行う者の世帯員が農地又は採草放牧地について有する所有権その他の権利は、その耕作又は養畜の事業を行う者が有するものとみなす。

6 この法律で「世帯員」とは、住居及び生計を一にする親族をいう。この場合において、世帯員のいずれかについて生じた左に掲げる事由により世帯員が一時住居又は生計を異にして、これらの者は、なお住居又は生計を一にするものとみなす。

(1) 疾病又は負傷による療養

(2) 就学

(3) 公選による公職への就任

(4) その他省令(則1)で定める理由

7 この法律で「小作料」とは、耕作の目的で農地につき地上権又は賃借権が設定されている場合の地代又は借賃(その地上権又は賃借権の設定に附随して、農地以外の土地について地上権若しくは賃借権又は建物その他の工作物についての賃借権が設定され、その地代又は借賃と農地の地代又は借賃とを分けることができない場合には、その農地以外の土地又は工作物の地代又は借賃を含む。)及び農地につき永小作権が設定されている場合の小作料をいう。

第2章 農地及び採草放牧地

第1節 権利移動及び転用の制限

(農地又は採草放牧地の権利移動の制限)

第3条 農地又は採草放牧地について所有権を移転し、又は地上権、永小作権、質権、使用貸借による権利、賃借権若しくはその他の使用及び収益を目的とする権利を設定し、若しくは移転する場合には、省令(則2)で定めるところにより、当事者が都道府県知事の許可(使用貸借による権利若しくは賃借権については、農業委員会の許可)を受けなければならない。

5. With regard to the application of the provisions of the preceding three paragraphs, the right of ownership or any other held by a household member of the person following the cultivating or stock raising business in agricultural or mowing and grazing lands, shall be deemed as the right held by the person following the cultivating or stock-raising business concerned.
6. Within the meaning of this Law, a household member signifies such a relative as lives under the same roof and makes a living with the said person. In this case, even when, for any of the following causes which affect the household member, the same household member temporarily ceased to live under the same roof or to make a living together, it shall be deemed that the same persons continue, as heretofore, to live under the same roof or to make a living together :—
 - (1) Medical treatment of illness or bodily injury or change of air for the treatment of the same;
 - (2) School attendance;
 - (3) Assumption of public duties through election;
 - (4) Any other cause to be specified by Ministerial Ordinance.
7. Within the meaning of this Law, farm rent signifies either the ground rent or the hire, in the case where the superficies or the lease is established in agricultural lands for purposes of cultivating the same (including the ground rent or the hire for lands other than agricultural ones or for structures in the case where, on the occasion of the establishment of the superficies or lease concerned, either the superficies or the lease is established in lands other than agricultural ones or the lease established in buildings or in other structures and where the same ground rent or hire is inseparable from the rent or hire for the agricultural lands concerned) and the farm rent in the case where the emphyteusis is established in agricultural lands for purposes of cultivating the same.

Chapter II. Agricultural as well as Mowing and Grazing Lands

Section I. Restriction placed on transfer of rights in and non-agricultural use of agricultural land

(Restriction placed on transfer of rights in agricultural or mowing
and grazing lands)

Article 3. In the case where the right of ownership shall be transferred from, or the superficies, the emphyteusis, the pledge, the loan for use, the lease, or any other right exclusively concerned with use or usufruct shall be established in or transferred from, agricultural or mowing and grazing lands, the parties concerned must obtain, under the provisions of Ministerial Ordinance, the

但し、左の各号の1に該当する場合及び第5条第1項本文に規定する場合は、この限りでない。

(1) 第36条、第61条、第68条、第69条、第70条又は第80条の規定によってこれらの権利が設定され、又は移転される場合

(2) 第26条から第31条までの規定によって利用権が設定される場合

(3) これらの権利を取得する者が国又は都道府県である場合

(4) 土地改良法(昭和24年法律第195号)による交換分合によってこれらの権利が設定され、又は移転される場合

(5) 民事調停法(昭和26年法律第222号)による農事調停によってこれらの権利が設定され、又は移転される場合

(6) 土地収用法(昭和26年法律第219号)その他の法律によって農地若しくは採草放牧地又はこれらに関する権利が収用され、又は使用される場合

(7) 遺産の分割によりこれらの権利が取得される場合

(8) 他省令(則3)で定める場合

2 前項の許可は、左の各号の1に該当する場合には、することができない。但し、第3号から第5号までに掲げる場合において政令(令1)で定める相当の事由があるときは、この限りでない。

(1) 小作地又は小作採草放牧地につきその小作農及びその世帯員以外の者が所有権を取得しようとする場合

(2) 所有権、地上権、永小作権、質権、使用貸借による権利、貸借権若しくはその他の使用及び収益を目的とする権利を取得しようとする者及びその世帯員がその農地又は採草放牧地について耕作又は養畜の事業を行わないと認められる場合

(3) 前号に掲げる権利を取得しようとする者又はその世帯員が耕作の事業に供すべき農地の面積とこれらの者が所有する小作地の面積との合計が、その取得の結果、その取得しようとする権利に係る土地のある都道府県について別表で定める面積(都道府県知事が農林大臣の承認を受け、その都道府県の区域を二以上の区域に分けて各区域の面積をその平均が

permission of the Governor of To, Do, Fu, or prefecture (or, with regard to the loan for use or the lease, the permission of the Agricultural Commission). However, the same shall not apply in the case falling under any of the following items or in the case provided for in the text proper of Art. 5 par. 1:--

- (1) The case where any of the said rights shall be established or transferred under the provisions of Art. 36, Art. 61, Art. 68, Art. 69, Art. 70 or Art. 80;
 - (2) The case where the right to utilization shall be established under the provisions of Art. 26 to Art. 31 inclusive;
 - (3) The case where the prospective acquirer of any of the said right is the State, To, Do, Fu, or prefecture;
 - (4) The case where any of the said rights shall be established or transferred through the exchange, reallocation, or consolidation of lands under the Land Improvement Law (Law No. 195 of 1950);
 - (5) The case where the establishment or transfer of any of the rights shall be affected through the agricultural arbitration under the Civil Arbitration Law (Law No. 222 of 1951);
 - (6) The case where agricultural or mowing and grazing lands or the right effective thereagainst, shall be expropriated or employed or exercised under the Land Expropriation Law (Law No. 219 of 1951);
 - (7) The case where any of the said rights shall be acquired due to the partition of inheritance;
 - (8) Any other case to be specified by Ministerial Ordinance.
- 2 The permission referred to in the preceding paragraph shall be withheld in the case which falls under each of the following items. However, the same shall not apply, in so far as any of the cases specified in item (3) to item (5) inclusive is concerned, in the case where there is available the valid reason to be specified as such by Cabinet Order:--
- (1) The case where, with regard to leased agricultural lands or leased mowing and grazing lands, any other person than the tenant farmer thereof and his household member, intends to acquire the right of ownership therein;
 - (2) The case where both the prospective acquirer of the right of ownership, the superficies, the emphyteusis, the pledge, the loan for use, the lease, or any other right exclusively concerned with use or usufruct and his household member, may be considered as not following the cultivating of stock-raising business on the agricultural or mowing and grazing lands concerned.
 - (3) The case where the sum total of the area of agricultural lands to be employed for the cultivating business by both the prospective acquirer of any of the rights specified in the preceding item or his household member, comes, due to the

おおむね別表のその都道府県の面積と等しくなるように定め、これを公示したときは、その面積)をこえることとなる場合

(4) 第2号に掲げる権利を取得しようとする者又はその世帯員が耕作又は養畜の事業に供すべき採草放牧地の面積とこれらの者が所有する小作採草放牧地の面積との合計が、その取得の結果、その取得しようとする権利に係る土地のある都道府県について別表で定める面積(都道府県知事が農林大臣の承認を受け、その都道府県の区域を二以上の区域に分けて各区域の面積をその平均がおおむね別表のその都道府県の面積と等しくなるように定め、これを公示したときは、その面積)をこえることとなる場合

(5) 第2号に掲げる権利を取得しようとする者又はその世帯員が現に耕作の事業に供している農地の面積の合計及び現に耕作又は養畜の事業に供している採草放牧地の面積の合計が、いずれも、北海道では二町歩、都府県では三反歩(都道府県知事が農林大臣の承認を受け、その都道府県の区域の一部についてこれらの面積の範囲内で別段の面積を定め、これを公示したときは、その面積)に達しない場合

(6) 旧自作農創設特別措置法(昭和21年法律第43号)第16条第1項若しくは第2項(これらの規定を同法第29条第2項で準用する場合を含む。)同法第28条第3項若しくは第5項(これらの規定を同法第29条第2項及び第41条第4項で準用する場合を含む。)若しくは同法第41条第1項の規定により国から売り渡された農地若しくは採草放牧地、旧自作農創設特別措置法及び農地調整法の適用を受けるべき土地の譲渡に関する政

acquisition concerned, to exceed the area to be specified in the Annex Table with regard to the To, Do, Fu, or prefecture where the lands involved in the right to be acquired are located (or, in the case where the Governor of To, Do, Fu, or prefecture has, subject to the approval of the Minister of Agriculture and Forestry, divided the administrative area of the To, Do, Fu, or prefecture concerned into two or more limits and specified the area of each limits in such a way that the average thereof approximates the area of the To, Do, Fu, or prefecture concerned indicated in the Annex Table, and made public notice of the area thus specified, the same area) ;

(4) The case where the sum total of the area of mowing and grazing lands to be employed for the cultivating or stock-raising business by the prospective acquirer of any of the rights specified in item (2) or his household member and the area of leased mowing and grazing lands owned by them, comes, due to the acquisition concerned, to exceed the area to be specified in the Annex Table with regard to the To, Do, Fu, or prefecture where the lands involved in the right to be acquired are located (or, in the case where the Governor of To, Do, Fu, or prefecture has, subject to the approval of the Minister of Agriculture and Forestry, divided the administrative area of the To, Do, Fu, or prefecture concerned into two or more limits and specified the area of each limits in such a way that the average thereof approximates the area of the To, Do, Fu, or prefecture concerned indicated in the Annex Table, and made public notice of the area thus specified, the same area) ;

(5) The case where the sum total of the area of the agricultural lands actually employed for the cultivating business, and the sum total of the mowing and grazing lands actually employed for the cultivating or stock-raising business, by the prospective acquirer of any of the rights specified in item (2) or his household member, fail to come up, in Hokkaido, to 2.0 chobu, and in To, Fu, or prefecture to 0.3 chobu (or, in case the Governor of To, Do, Fu, or prefecture has, subject to the approval of the Minister of Agriculture and Forestry, specified, with regard to part of the administrative area of the To, Do, Fu, or prefecture concerned, another area within the extent of either of the said areas and made public notice thereof, the same area) ;

(6) The case where it is intended to establish the superficies the emphyteusis, the pledge, the loan for use, or the lease in these agricultural or mowing or grazing lands which were resold by the State under the provisions of Art. 16 par. 1 or par. 2 of the former Owner-farmer Establishment Special

令（昭和 25 年政令第 288 号）第 2 条第 1 項の規定により譲渡された農地若しくは採草放牧地又は第 36 条若しくは第 61 条の規定により売り渡された農地若しくは採草放牧地につき地上権、永小作権、質権、使用貸借による権利又は賃借権を設定しようとする場合（その土地の所有者又はその世帯員の死亡又は前条第 6 項に掲げる事由によりその土地について耕作、採草又は家畜の放牧をすることができないため、一時貸し付けようとする場合を除く。）

(7) 小作地又は小作採草放牧地について耕作又は養畜の事業を行う者がその小作地又は小作採草放牧地を貸し付け、又は質入れしようとする場合（その土地の小作農又はその世帯員の死亡又は前条第 6 項に掲げる事由によりその土地について耕作、採草又は家畜の放牧をすることができないため、一時貸し付けようとする場合を除く。）

(8) 第 2 号に掲げる権利を取得しようとする者又はその世帯員がその農地又は採草放牧地を耕作又は養畜の事業に供することにより農業生産が低下することが明らかである場合

3 第 1 項の許可は、条件をつけてすることができる。

4 第 1 項の許可を受けないでした行為は、その効力を生じない。

（農地の転用の制限）

第 4 条 農地を農地以外のものにする者は、省令（則四）で定める手続に従い、都道府県知事の許可（その者が同一の事業の目的に供するため 5 千坪をこえる農地を農地以外のものにする場合には、農林大臣の許可）を受けなければならない。但し、左の各号の 1 に該当する場合には、農林大臣の許可）を受けなければならない。但し、左の各号の 1 に該当する場合は、

Measures Law (Law No. 43, 1946) (including the case where the same provisions apply mutatis mutandis under Art. 29 par. 2 of the same Law) or under the provisions of Art. 28 par. 3 or par. 5 of the same Law (including the case where the same provisions apply mutatis mutandis under Art. 29 par. 2 and Art. 41 par. 4 of the same Law) or under the provisions of Art. 41 par. 1 of the same Law, or in the agricultural or mowing or grazing lands which were transferred under the provisions of Art. 2 par. 1 of the former Cabinet Order Governing the Transfer of Lands under the Owner-farmer Establishment Special Measures Law and Agricultural Land Adjustment Law (Cabinet Order No. 288 of 1950) or in the agricultural or mowing and grazing lands which were resold under the provisions of Art. 36 or Art. 61 of this Law (excluding the case where, inasmuch as the lands concerned cannot be employed for cultivation, mowing, or grazing owing either to the death of the owner of the lands concerned or that of his household member or to any of the causes specified in par. 6 of the preceding Article, it is intended to put out to lease the lands concerned);

- (7) The case where the person who follows the cultivating or stock raising business on leased agricultural lands or leased mowing and grazing lands, intends to put out to lease or put in pledge the same leased agricultural lands or leased mowing and grazing lands (excluding the case where, inasmuch as the lands concerned cannot be employed for cultivation, mowing, or grazing owing either to the death of the tenant farmer of the lands concerned or his household member or to any of the causes specified in par. 6 of the preceding Article, it is intended to put out to lease the lands concerned);
- (8) The case where the employment of the agricultural or mowing and grazing lands concerned for the cultivating or stock-raising business by the prospective acquirer of any of the rights specified in item (2) or his household member, shall evidently reduce the agricultural production of the lands concerned.

3. In granting the permission referred to in par. 1, conditions may be imposed on the same.

4. Any act performed in dispensing with the permission under par. 1, shall carry no effect.

(Restriction placed on non-agricultural use of agricultural lands)

Article 4. The person who shall convert agricultural lands into any other lands than agricultural ones, must, through the procedure to be specified by Ministerial Ordinance, obtain therefor the permission of the Governor of To, Do, Fu, or prefecture (or, in the case where the same person shall convert the agricultural

この限りでない。

- (1) 第7条第1項第3号に掲げる農地以外のものにする場合
 - (2) 次条第1項の許可に係る農地をその許可に係る目的に供する場合
 - (3) 国又は都道府県が農地を農地以外のものにする場合
 - (4) 土地収用法その他の法律によって収用し、又は使用した農地をその収用又は使用に係る目的に供する場合
 - (5) その他省令(則五)で定める場合
- 2 都道府県知事が、前項の規定により許可をしようとするときは、あらかじめ、都道府県農業会議の意見を聞かなければならない。
 - 3 第1項の許可は、条件をつけてすることができる。

(農地又は採草放牧地の転用のための権利移動の制限)

第5条 農地を農地以外のものにするため又は採草放牧地を採草放牧地以外のもの(農地を除く。)にするため、これらの土地について第3条第1項本文に掲げる権利を設定し、又は移転する場合には、省令(則六)で定めるところにより、当事者が都道府県知事の許可(これらの権利を取得する者が同一の事業の目的に供するため5千坪をこえる農地について権利を取得する場合には、農林大臣の許可)を受けなければならない。但し、左の各号の1に該当する場合は、この限りでない。

- (1) これらの権利を取得する者が国又は都道府県である場合
- (2) 土地収用法その他の法律によって農地若しくは採用放牧地又はこれらに関する権利が収用され、又は使用される場合

lands covering more than 5,000 tsubo into any other lands than agricultural ones in order to employ the same in the interests of one and the same business, the permission of the Minister of Agriculture and Forestry). However, the same shall not apply in the case which falls under any of the following items :

- (1) The case where it is intended to convert the agricultural lands specified in Art. 7 par. 1 item (3) into any other lands than agricultural ones ;
 - (2) The case where it is intended to employ the agricultural lands involved in the permission of par. 1 of the following Article for the purpose wherefor the permission concerned has been obtained ;
 - (3) The case where the State, To, Do, Fu, or prefecture intends to convert agricultural lands into any other lands than agricultural ones ;
 - (4) The case where it is intended to employ the agricultural lands expropriated or employed under the Land Expropriation Law or any other law for the purpose involved in the expropriation or employment concerned ;
 - (5) Any other case to be specified by Ministerial Ordinance.
2. The Governor of To, Do, Fu, or prefecture, in granting the permission under the provisions of the preceding paragraph, must hear in advance the opinion thereon of the Prefectural Agriculture Conference.
3. In granting the permission referred to in par. 1, condition may be imposed on the same.

(Restriction placed on the transfer, sought for employing agricultural or mowing and grazing lands for non-agricultural purpose)

Article 5. In the case where, for converting agricultural lands into any other lands than agricultural ones or mowing and grazing lands into any other lands than mowing and grazing ones (excluding agricultural ones), it is intended to establish in or transfer from the same lands any of the rights specified in the text proper of Art. 3 par. 1, the parties concerned must obtain therefor, under the provisions of the Ministerial Ordinance, the permission of the Governor of To, Do, Fu, or prefecture (or, in the case where the prospective acquirer of these rights intends to acquire the rights in the agricultural lands covering more than 5,000 tsubo to be employed in the interests of one and the same business, the permission of the Minister of Agriculture and Forestry). However, the same shall not apply in the case which falls under any of the following items :—

- (1) The case where the prospective acquirer of any of the rights concerned, is the State, To, Do, Fu, or prefecture ;
- (2) The case where, under the Land Expropriation Law or any other law, agricultural or mowing and grazing lands or

(3) その他省令(則七)で定める場合

2 第3条第3項及び第4項並びに前条第2項の規定は、前項の場合に準用する。

第2節 小作地等の所有の制限

(所有できない小作地及び小作採草放牧地)

第6条 国以外の者は、何人も左に掲げる小作地又は小作採草放牧地を所有してはならない。

(1) その所有者の住所のある市町村の区域(採草放牧地にあつては、これに隣接する市町村の区域を含む。以下この節で同様とする。)の外にある小作地又は小作採草放牧地

(2) その所有者の住所のある市町村の区域内にある小作地又は小作採草放牧地でその住所のある都道府県について別表で定める面積(都道府県知事が農林大臣の承認を受け、その都道府県の区域を二以上の区域に分けて各区域の面積をその平均がおおむね別表のその都道府県の面積と等しくなるように定め、これを公示したときは、その面積)をこえる面積のもの

2 前項の規定の適用については、小作地又は小作採草放牧地の所有者の世帯員が当該所有者の住所のある市町村の区域内で所有する小作地又は小作採草放牧地は、当該所有者が所有するものとみなす。

3 第1項の規定の適用については、小作地又は小作採草放牧地の所有者で第2条第6項に掲げる事由により、一時その住所がその所有する小作地又は小作採草放牧地のある市町村の区域内にないものは、その住所がその市町村の区域内にあるものとみなす。

the right concerned therewith, shall be expropriated or employed or exercised;

(3) Any other case to be specified by Ministerial Ordinance.

2. The provisions of Art. 3 pars. 3 and 4 as well as the provisions of par. 2 of the preceding Article shall apply *mutatis mutandis* in the case referred to in the preceding paragraph.

Section 2. Restriction on ownership of leased lands and others

(Leased agricultural lands and leased mowing and grazing lands which shall not be owned)

Article 6. None other than the State may own the leased agricultural lands or leased mowing and grazing lands specified below:—

- (1) Leased agricultural lands or leased mowing and grazing lands situated outside the limits of the city, town, or village where the permanent residence of the owner thereof is located (comprising, in the case of mowing and grazing lands, the limits of the adjacent city, town, or village; hereinafter the same in this Section);
- (2) Such leased agricultural lands or leased mowing and grazing lands situated within the limits of the city, town, or village where the permanent residence of the owner thereof is located as the area whereof exceeds the area to be specified in the Annex Table with regard to the To, Do, Fu, or prefecture where the same residence is located (or, in the case where the Governor of To, Do, Fu, or prefecture has, subject to the approval of the Minister of Agriculture and Forestry, divided the administrative area of the To, Do, Fu, or prefecture concerned into two or more limits and specified the area of each limits in such a way that the average thereof approximates the area of the To, Do, Fu, or prefecture concerned indicated in the Annex Table, and made public notice of the area thus specified, the same area);
2. With regard to the application of the provisions of the preceding paragraph, those leased agricultural lands or leased mowing and grazing lands which a household member of the owner of leased agricultural lands or of leased mowing and grazing lands owns within the limits of the city, town, or village where is situated the permanent residence of the owner concerned, shall be considered as those owned by the owner concerned.
3. With regard to the application of the provisions of par. 1, the owner of leased agricultural lands or of leased mowing and grazing lands who, due to any one of the causes specified in Art. 2 par. 6, has not, for the time being, his permanent residence within the limits of the city, town, or village where is located the leased agricultural lands or leased mowing and grazing lands of his own, the same owner shall be considered