

4 第1項の規定の適用については、自作農又はその世帯員であった者が第2条第6項に掲げる事由以外の事由によりその住所がその所有する農地のある市町村の区域内になくなり、その者の配偶者又はその者と住居及び生計を一にしていた二親等内の血族がその農地について引き続き耕作をしていて、且つ、その農地の所有者がその農地のある市町村の区域内に住所を有するに至る見込があると農業委員会が認めたものは、その住所がその市町村の区域内にあるものとみなす。

5 第1項の規定の適用については、小作地以外の農地又は小作採草放牧地以外の採草放牧地でその所有者又はその世帯員でない者が平穩に、且つ、公然と耕作又は養畜の事業に供しているものは、小作採草放牧地とみなす。

6 第1項の規定の適用については、次条第1項第5号及び第6号に掲げる小作地又は小作採草放牧地の面積は、その所有者の所有面積に算入しない。

(所有制限の例外)

第7条 左の各号の1に該当する小作地又は小作採草放牧地は、前条第1項の規定にかかわらず、所有することができる。

(1) 国又は地方公共団体が公用又は公共用に供している小作地又は小作採草放牧地

(2) 試験研究又は農事指導の目的に供するものとして、省令(則8)で定める手続に従い、都道府県知事の指定を受けた小作地又は小作採草放牧地

(3) 近く農地又は採草放牧地以外のものとするを相当とするものとして、省令(則9)で定める手続に従い、都道府県知事の指定を受けた小作地又は小作採草放牧地

- as the person who has his permanent residence within the limits of the city, town, or village concerned.
4. With regard to the application of the provisions of par. 1, in case the person who had been owner farmer or a household member thereof temporarily ceased, due to any other cause than those specified in Art. 2 par. 6, to have his permanent residence within the limits of the city, town, or village where are located the agricultural lands of his own, the cultivation of which lands is taken up by the spouse of the same person or by such a blood-relation in the first or second degree of relationship as lived hitherto under the same roof and shared the livelihood with the same person and the owner of which lands is considered by the Agricultural Commission as likely to resume his permanent residence within the limits of the city, town, or village where are located the same lands, it shall be deemed that the same permanent residence is located within the limits of the city, town, or village concerned.
 5. With regard to the application of the provisions of par. 1, such agricultural lands other than leased agricultural lands or such mowing and grazing lands other than leased mowing and grazing lands as are employed in all quietness and openly by the person other than the owner thereof or his household member for the purpose of cultivating or stock-raising business, the same shall be considered as leased agricultural lands or leased mowing and grazing lands.
 6. With regard to the application of the provisions of par. 1, the area of leased agricultural lands or of leased mowing and grazing lands referred to in par. 1 item (5) and item (6) of the following Article, shall be excluded from the area owned by the owner concerned.

(Exceptions to Restriction on Ownership)

Article 7. The leased agricultural lands or leased mowing and grazing lands which fall under any of the following items may be owned without regard to the provisions of par. 1 of the preceding Article:—

- (1) The leased agricultural lands or leased mowing and grazing lands actually employed by the State or any local public body for public or official purposes;
- (2) The leased agricultural lands or leased mowing and grazing lands which have been designated, through the procedure to be specified by Ministerial Ordinance, by the Governor of To, Do, Fu, or prefecture as those employed for purposes of experiment or researches or guidance of farming;
- (3) The leased agricultural lands or leased mowing and grazing lands which have been designated, through the procedure to be specified by Ministerial Ordinance, by the Governor of To, Do, Fu, or prefecture as those to be suitably converted into

- (4) 自作農又はその世帯員の死亡又は第2条第6項に掲げる事由によって自作地又は自作採草放牧地として耕作，採草又は家畜の放牧をすることができなくなったため，小作地又は小作採草放牧地として貸し付けられている土地であつて，自作農であつた者又はその世帯員が耕作，採草又は家畜の放牧をすることができるようになれば直ちにこれをすると農業委員会が認めたもの
- (5) 新開墾地，焼畑，切替畑等収獲の著しく不定な小作地で，省令（則10）で定める手続に従い，都道府県知事の指定を受けたもの
- (6) 第26条から第31条までの規定による利用権の設定により新たに小作採草放牧地となつた土地
- (7) 地割慣行のある小作地又は鉱山若しくは炭鉱附近の陥没のおそれがある小作地で，都道府県知事の承認を受けて農業委員会の指定したもの
- (8) その他省令（則11）で定める小作地又は小作採草放牧地

2 前項第2号，第3号及び第5号の指定は，有効期間を限り，又はその他の条件をつけてすることができる。（

（公示及び通知）

第8条 農業委員会は，前2条の規定により所有してはならない小作地又は小作採草放牧地があると認めるときには，左に掲げる事項を公示し，且つ，公示の日の翌日から起算して一箇月間，その事務所で，これらの事項を記載した書類を縦覧に供しなければならない。

- (1) その小作地又は小作採草放牧地の所有者の氏名又は名称及び住所
- (2) 第6条第1項第1号の規定により所有してはならない場合には，その小作地又は小作採草放牧地の所在，地番，地目及び面積，同項第2号の規定により所有してはならない場合には，その者がその市町村の区域内で所有するすべての小作地又は小作採草放牧地（前条第1項第5号及び第6号に掲げるものを除く。）の所在，地番，地目及び面積並びに所有

the lands other than agricultural or mowing and grazing lands in the near future ;

- (4) Those lands which are put out to lease as leased agricultural lands or leased mowing and grazing lands for the reason that the employment of the same as leased agricultural lands or leased mowing and grazing lands for purposes of cultivation, mowing, or grazing became impracticable due to the death of the owner farmer or of his household member or to any of the causes specified in Art. 2 par. 6, and which the Agricultural Commission considered as those which have been designated, through the procedure to be specified by Ministerial Ordinance, by the Governor of To, Do, Fu, or prefecture :
 - (6) The lands newly converted into leased mowing and grazing lands due to the establishment thereon of the right to utilization under the provisions of Art. 26 to Art. 31 inclusive ;
 - (7) Those leased agricultural lands, designated by the Agricultural Commission, after obtaining the approval of the Governor of To, Do, Fu, or prefecture, which are in the ownership of more than one person and are cultivated, according to the rural custom, by one or several of the owners concerned every other year or every few years, or in the case which such lands are divided into portions which are cultivated by each of the owners concerned and exchanged among themselves every year or every few years, and those leased agricultural lands, designated by the above procedure, which, being situated near a mine or coal mine, are exposed to the danger of subsidence.
 - (8) Other leased agricultural lands or leased mowing and grazing lands to be specified by Ministerial Ordinance.
2. In making the designation referred to in item (2), item (3), and item (5) of the preceding paragraph, the available period thereof may be specified and conditions imposed thereon.

(Public notice and notification)

Article 8. The Agricultural Commission, in case it deems that there are the leased agricultural lands or leased mowing and grazing lands which shall not be owned under the provisions of the preceding two Articles, must make public notice of the following matters and offer to public inspection the document specifying the following matters at its office during a month as computed from the day of public notice :—

- (1) Full name or designation and permanent residence of the owner of the leased agricultural lands or leased mowing and grazing lands concerned ;
- (2) In the case where the ownership is inadmissible under the provisions of Art. 6 par. 1 item (1), location, lot number, class, and area of the leased agricultural lands or leased mowing and grazing lands concerned, and in the case where

してはならない面積

(3) その他必要な事項

- 2 農業委員会は、前項の規定による公示をしたときは、遅滞なく、その土地の所有者に掲げる事項を通知しなければならない。この場合において、通知ができないときは、通知すべき事項を公示して通知に代えることができる。

(買 収)

第9条 前条第1項の規定により公示された小作地又は小作採草放牧地の所有者が、第6条第1項第1号に該当する旨の公示があったときはその公示に係る小作地又は小作採草放牧地を、同項第2号に該当する旨の公示があったときはその公示に係る小作地又は小作採草放牧地のうち所有してはならない面積に相当するものを、その公示の日から起算して一箇月以内に（その公示に係る小作地又は小作採草放牧地の所有者がその期間の満了前に農業委員会に対しその期間の満了の日の翌日から起算して二箇月をこえない期間内で期日を定め、その期日までその期間を延長すべきことを書類で申し入れたときは、その期日まで）他の者に譲渡しないときは、国がこれを買収する。但し、本文に規定する期間内に第3条第1項の規定による許可の申請があり、その期間経過後もこれに対する処分がないときは、これに対し不許可の処分があるまでは、この限りでない。

- 2 国は、第6条第1項第2号に該当するものとして前項の規定により小作地又は小作採草放牧地を買収する場合において、その分筆を避けるため特に必要があるときは、一反歩をこえない範囲内で、所有してはならない面積をこえる面積のものを買収することができる。

the ownership is inadmissible under the provisions of item (2) of the same paragraph, location, lot number, class, area, and the area whose ownership is inadmissible, of one and all the leased agricultural lands or leased mowing and grazing lands (except those specified in para. 1 item (5) and item (6) of the preceding Article) owned by the person concerned and located within the limits of the city, town, or village concerned;

(3) *Other necessary matters.*

2. In the case where the Agricultural Commission has made the public notice under the preceding paragraph, the same commission must notify without delay the owner of the lands concerned the matters specified in the same paragraph. In this case, provided it is incapable of thus notifying the owner, the public notice made of the matters to be notified may replace the notification to the owner concerned.

(Purchase)

Article 9. In the case where the owner of the leased agricultural lands or of leased mowing and grazing lands whereof the public notice has been made under the provisions of par. 1 of the preceding Article, failed to transfer to another person within a month as computed from the day of public notice concerned (or, in the case where the owner of the leased agricultural lands or of the leased mowing and grazing lands involved in the public notice concerned has, prior to the expiry of the term concerned, proposed to the Agricultural Commission to specify the date which shall fall on any day of the term concerning two months as computed from the day following the day of expiry of the term concerned and to prolong the term concerned until the date thus specified, by the same date) either the leased agricultural lands or leased moving and grazing lands involved in the same public notice when the public notice has been made to the effect that the same lands fall under Art. 6 par. 1 item (1) or the area equivalent to such a part of the leased agricultural lands or of the leased mowing and grazing lands involved in the same public notice as shall not be owned by the same owner when the public notice has been made to the effect that the same lands fall under item (2) of the same paragraph, the State shall purchase the same. However, the same shall not apply, in so far as the case is concerned where, although the permission referred to in Art. 3 par. 1 has been applied for within the term provided for in the text proper, no disposition has been made thereof even after the expiry of the said term, so long as the disposition thereof in the shape of disapproval shall be withheld.

2. In purchasing leased agricultural lands or leased mowing and grazing lands under the provisions of the preceding paragraph as those falling under Art. 6 par. 1 item (2), the State, in case

3 第2項の規定による国の買収は、後3条に規定する手続に従ってするものとする。

(農業委員会の関係書類の進達)

第10条 農業委員会は、前条の規定により国が小作地又は小作採草放牧地を買収すべき場合には、遅滞なく、買収すべき小作地又は小作採草放牧地を定め、左に掲げる事項を記載した書類を都道府県知事に進達しなければならない。

- (1) その土地の所有者の氏名は名称及び住所
- (2) その土地の所在、地番、地目及び面積
- (3) その土地の上に先取特権、質権又は抵当権がある場合には、その権利の種類並びにその権利を有する者の氏名又は名称及び住所

2 農業委員会は、前項の書類を進達する場合において、買収すべき土地の上に先取特権、質権又は抵当権があるときは、その権利を有する者に対し、省令(則12)で定めるところにより対価の供託の要否を20日以内に都道府県知事に申し出るべき旨を通知しなければならない。

(買収令書の交付及び縦覧)

第11条 都道府県知事は、前条の規定により進達された書類に記載されたところに従い、遅滞なく(同条第2項の規定による通知をした場合には、同項の期間経過後遅滞なく)、左に掲げる事項を記載した買収令書を作成し、これをその土地の所有者に、その謄本をその農業委員会に交付しなければならない。

- (1) 前条第1項に掲げる事項
- (2) 買収の期日
- (3) 対価
- (4) 対価の支払の方法(次条第2項の規定により対価を供託する場合には、その旨)
- (5) その他必要な事項

it is especially necessary for dispensing with the partition into lots of the same lands, may purchase, within the limit of 0.1 chobu, the area in excess of the area whose ownership is inadmissible.

3. The purchase by the State under the permission of the preceding two paragraphs, shall be effected through the procedure provided for in the following three Articles.

(Submission from the Agricultural Commission of the relevant document)

Article 10. In the case where the State shall purchase leased agricultural lands or leased mowing and grazing lands under the provisions of the preceding Article, the Agricultural Commission must, without delay, specify the leased agricultural lands or leased mowing and grazing lands subject to the purchase, and submit the document specifying the following matters to the Governor of To, Do, Fu, or prefecture:—

- (1) Full name or designation and permanent residence of the owner of the lands concerned;
 - (2) Location, lot number, class, and area, of the lands concerned;
 - (3) In case there resides in the lands concerned the preferential right, the pledge, or the hypothec, the kind of the right concerned and the full name or designation and permanent residence of the rightful person concerned.
2. The Agricultural Commission, in case there resides in the lands subject to the purchase the preferential right, the pledge, or the preceding paragraph, notify, through the hypothec, must, when it submits the document referred to in the procedure to be specified by Ministerial Ordinance, the rightful person concerned to the effect that he shall declare himself for or against the deposition of the consideration to the Governor of To, Do, Fu, or prefecture.

(Delivery and public inspection of purchase writ)

Article 11. The Governor of To, Do, Fu, or prefecture must, with regard to those specified in the document submitted under the provisions of the preceding Article, form the purchase writ stating the following matters without delay (or, in the case where the notification under par. 2 of the same Article has been made, immediately after the lapse of the term specified in the same paragraph) and deliver the same to the owner of the lands and a duplicate thereof to the Agricultural Commission concerned:—

- (1) Matters specified in par. 1 of the preceding Article;
- (2) Purchase date;
- (3) Amount of consideration;
- (4) Payment method of consideration (in case the consideration is to be deposited under the provisions of par. 2 of the following Article, mention to that effect);
- (5) Other necessary matters.

2 都道府県知事は、前項の規定による買収令書の交付をすることができない場合には、その内容を公示して交付に代えることができる。

3 農業委員会は、買収令書の謄本の交付を受けたときは、遅滞なく、その旨を公示するとともに、その公示の日の翌日から起算して20日間、その事務所でこれを縦覧に供しななければならない。

(対価)

第12条 前条第1項第3号の対価は、政令(令2)で定めるところにより算出した額とする。

2 買収すべき土地の上に先取特権、質権又は抵当権がある場合には、その権利を有する者から第10条第2項の期間内に、その対価を供託しなくてもよい旨の申出があったときを除いて、国は、その対価を供託しなければならない。

3 国は、前項に規定する場合の外、左に掲げる場合にも対価を供託することができる。

(1) 対価の支払を受けるべき者が受領を拒み、又は受領することができない場合

(2) 対価の支払を受けるべき者を確知することができない場合

(3) 差押又は仮差押により対価支払の禁止を受けた場合

(効果)

第13条 国が買収令書に記載された買収の期日までに対価の支払又は供託をしたときは、その期日に、その土地の上にある先取特権、質権及び抵当権は、消滅し、その土地の所有権は、国が取得する。

2 前項の規定により消滅する先取特権、質権又は抵当権を有する者は、前条第2項若しくは第3項の規定により供託された対価に対してその権利を行うことができる。

3 国が買収令書に記載された買収の期日までに対価の支払又は供託をしないときは、その買収令書は、効力を失う。

4 第1項及び前項の規定の適用については、国が、会計法(昭和22年法律第35号)第21条第1項の規定により、対価の支払に必要な資金を日本銀行に交付して送金の手続をさせ、その旨をその土地の所有者に通知したときは、その通知が到達した時を国が対価の支払をした時とみなす。

2. The Governor of To, Do, Fu, or prefecture, in case he is unable to deliver the purchase writ as is provided for in the preceding paragraph, may make public notice of the contents involved in the delivery as a substitute for the same.
3. The Agricultural Commission, upon receipt of a duplicate of purchase writ delivered to it, must make public notice to that effect without delay and offer the same to public inspection at its office during twenty days as computed from the day following the day of public notice concerned.

(Consideration)

Article 12. The amount of consideration referred to in par. 1 item (3) of the preceding Article, shall be the one calculated under the provisions of Cabinet Order.

2. In so far as the case is concerned where there resides in the lands subject to the purchase the preferential right, the pledge, or the hypothec, the State must deposit the consideration concerned excepting the case where the rightful person concerned has notified, within the term referred to in Art. 10 par. 2, to the effect that the deposition of the consideration might be dispensed with.
3. The State may deposit the consideration in the following cases, in addition to the case provided for in the preceding paragraph:—
 - (1) The case where the person to whom the consideration is due either disclaims it or is incapable of receiving it;
 - (2) The case where the person to whom the consideration is due, is not ascertainable;
 - (3) The case where, because of the formal or the provisional seizure, the payment of the consideration has been forbidden.

(Legal validity)

Article 13. In case the State has either paid or deposited the consideration on or prior to the day of purchase specified in the purchase writ, on the same day shall be extinguished the preferential right, the pledge, and the hypothec, resident in the lands concerned, and the right of ownership in the lands concerned acquired by the State.

2. The person who holds the preferential right, the pledge, or the hypothec, to be extinguished under the provisions of the preceding paragraph, may exercise the same right against the consideration deposited under the provisions of par. 2 or par. 3 of the preceding Article.
3. In case the State neither pays nor deposits the consideration on or prior to the date of purchase specified in the purchase writ, the same purchase writ shall be invalidated.
4. With regard to the application of the provisions of par. 1 and the preceding paragraph, in case the State has, under the provisions of Art. 21 par. 1 of the Accounts Law (Law No. 35 of 1947), delivered the capital necessary for the payment of con-

(附帯施設の買収)

第 14 条 第 9 条の規定による買収をする場合において農業委員会がその買収される土地の農業上の利用のために特に必要があると認めるときは、国は、その買収される土地の所有者又はその世帯員の有する土地（農地及び採草放牧地を除く。）、立木、建物その他の工作物又は水の使用に関する権利をあわせて買収することができる。

2 第 10 条から前条までの規定は、前項の規定による買収をする場合に準用する。（令 3）
この場合において、第 10 条第 1 項中第 2 号は、「2 土地についてはその所在、地番、地目及び面積、立木についてはその樹種、数量及び所在の場所、工作物についてはその種類及び所在の場所、水の使用に関する権利についてはその内容」と読み替えるものとする。

(旧自作農創設特別措置法により売り渡した農地等の買収)

第 15 条 第 3 条第 2 項第 6 号に規定する農地又は採草放牧地をその所有者及びその世帯員以外の者が耕作又は養畜の事業に供したときは、第 3 条第 1 項の規定による許可を受けて貸し付けられた場合を除き、国がこれを買収する。

2 第 10 条から前条までの規定は、前項の規定による買収をする場合に準用する。

第 16 条 農地又は採草放牧地の所有者は、市町村農業委員会に対し、その所有する農地又は採草放牧地を国が買収すべき旨を申し出ることができる。

2 第 10 条から第 14 条までの規定は、前項の規定による申出があった場合に準用する。

(承継人に対する効力)

第 17 条 第 10 条第 2 項（第 14 条第 2 項、第 15 条第 2 項又は前条第 2 項で準用する場合を含む。）の規定による通知及び第 11 条（第 14 条第 2 項、第 15 条第 2 項又は前条第 2 項で準用する場合を含む。）の規定による買収令書の交付は、その通知又は交付を受けた者

sideration to the Bank of Japan and caused the same to go through the procedure for remittance, and notified the owner of the lands to that effect, the time of arrival of the notification concerned shall be considered as the time when the State paid the consideration concerned.

(State purchase of accessories to the lands subject to the purchase)

Article 14. In so far as the case is concerned where the purchase shall be made under the provisions of Art. 9, the State may, provided the Agricultural Commission deems it especially necessary for the utilization of the same lands subject to the purchase, purchase, together with the same lands subject to the purchase, the lands (excluding agricultural as well as mowing and grazing lands), standing timbers, buildings, other structures, or the right concerning water use, all in the ownership of either the owner of the same lands subject to the purchase or his household member.

2. The provisions of Art. 10 to the preceding Article inclusive shall apply mutatis mutandis in the case where the purchase shall be made under the provisions of the preceding paragraph. In this case, item (2) of Art. 10 par. 1 shall read "(2) with regard to land: location, lot number, class, and area thereof; with regard to standing timbers: kind, volume, and location thereof; with regard to structures: kind and location thereof; with regard to the right concerning water use: contents thereof."

(Purchase of agricultural lands and others resold under the former Owner-farmer Establishment Special Measures Law)

Article 15. In the case where the agricultural lands or mowing and grazing lands provided for in Art. 3 par. 2 item (6) have been employed for the cultivating or stock-raising business by the person other than the owner thereof and his household member, the State shall purchase the same excepting the case where the same have been put out to lease after the permission under the provisions of Art. 3 par. 1 has been obtained therefor.

2. The provisions of Art. 10 to the preceding Article inclusive shall apply mutatis mutandis in the case where the purchase under the provisions of the preceding paragraph shall be made.

(Application for State purchase of lands)

Article 16. The owner of agricultural lands or of mowing and grazing lands may notify the Agricultural Commission to the effect that the State shall purchase the agricultural lands or mowing and grazing lands in his ownership.

2. The provisions of Art. 10 to Art. 14 inclusive shall apply mutatis mutandis in the case where the notification provided for in the preceding paragraph has been made.

(Legal validity against the successor)

Article 17. Both the notification under the provisions of Art. 10 par. 2 (including the case where the same apply mutatis mutandis under Art. 14 par. 2, Art. 15 par. 2 or par. 2 of the preceding Article)

の承継人に対してもその効力を有する。

第3節 利用関係の調整

(農地又は採草放牧地の賃貸借の対抗力)

第18条 農地又は採草放牧地の賃貸借は、その登記がなくても、農地又は採草放牧地の引渡があつたときは、これをもってその後その農地又は採草放牧地について物権を取得した第三者に対抗することができる。

2 民法(明治29年法律第89号)第566条第1項及び第3項(用益的権利による制限がある場合の売主の担保責任)の規定は、登記をしてない賃貸借の目的である農地又は採草放牧地が売買の目的物である場合に準用する。

3 民法第533条(同時履行の抗弁権)の規定は、前項の場合に準用する。

(農地又は採草放牧地の賃貸借の更新)

第19条 農地又は採草放牧地の賃貸借について期間の定がある場合において、その当事者が、その期間の満了の1年前から6箇月前まで(賃貸人又はその世帯員の死亡又は第2条第6項

and the delivery of purchase writ under the provisions of Art. 11 (including the case where the same apply mutatis mutandis under Art. 14 par. 2, Art. 15 par. 2 or par. 2 of the preceding Article), shall hold good against the successor to the person in receipt of the notification or the purchase writ concerned,

Section 3. Adjustment of utilization situation

(Legal validity of lease of agricultural or mowing and grazing lands)

Article 18. The lease of agricultural or mowing and grazing lands, ever after the delivery of the same agricultural or mowing and grazing lands is effected and even in case no registration of the same lands is effected, may, on the strength of the same delivery, be set against the third party who subsequently acquired the real right in the agricultural lands or mowing and grazing concerned.

2. The provisions of Art. 566 par. 1 and par. 3 of the Civil Code (Law No. 89 of 1896) shall apply mutatis mutandis in the case where the agricultural or mowing and grazing lands against which the lease is exercised but which are not registered as such, constitute the substance of sale.

3. The provisions of Art. 533 of the Civil Code shall apply mutatis mutandis in the case referred to in the preceding paragraph.

re Art. 566 of the Civil Code :

In the case where the superficies, emphyteusis, servitude, lien, or pledge resides in the thing wherefor the transaction concerned shall be effected and where, moreover, the buyer is not aware of the same fact, the said buyer may dissolve the contract concerned, provided the same fact prevents him from achieving the purpose wherefor he has entered into the contract concerned. In cases other than the one thus provided for he is entitled only to demand the compensation against the damage concerned.

(Paragraph 2 omitted)

3. In the cases provided for in the preceding two paragraphs the dissolution of contract or the demand for compensation against damage, must be made within a year as computed from the day whereon the buyer concerned has come to know of the fact concerned.

re Art. 533 par. 2 of the Civil Code :

Either of the parties to bilateral contract may refuse to discharge his obligations until and unless the other party to the contract concerned discharges his own obligations. However, the same shall not apply in the case where the obligations of the other party is not as yet due.

(Specific case of renewal of lease of agricultural or mowing and grazing lands)

Article 19. In the case where, after the available period of lease of agricultural or mowing and grazing lands has been specified,

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、一時賃貸をしたことが明らかなる場合は、その期間の満了の6箇月前から1箇月前まで)の間に、相手方に対して更親をしない旨の通知をしないときは、従前の賃貸借と同一の条件で更に賃貸借をしたものとみなす。

(農地又は採草放牧地の賃貸借の解約等の制限)

第20条 農地又は採草放牧地の賃貸借の当事者は、省令(則14)で定めるところにより都道府県知事の許可を受けなければ、賃貸借の解除をし、解約の申入をし、合意による解約をし、又は賃貸借の更新をしない旨の通知をしなくてはならない。但し、合意による解約が民事調停法による農事調停によって行われる場合は、この限りでない。

2 前項の許可は、左に掲げる場合でなければしてはならない。

(1) 賃貸人が信義に反した行為をした場合

(2) その農地又は採草放牧地を農地又は採草放牧地以外のものにすることを相当とする場合

(3) 賃借人の生計、賃貸人の経営能力等を考慮し、賃貸人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を相当とする場合

(4) その他正当の事由がある場合

3 都道府県知事が、第1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。

4 第1項の許可は、条件をつけてすることができる。

5 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。

6 前条又は民法第617条(解約の申入)若しくは第618条(解約権の留保)の規定と異なる小作条件でこれらの規定による場合に比して賃借人に不利なものは、定めないとみなす。

one of the parties concerned fails to notify the other party to the effect that he shall not renew the lease within the space of six months to a year prior to the expiry of the available period of lease (or within the space of a month to six months prior to the expiry of the available period of lease in the case where the temporary lease of the lands concerned was evidently made due either to the death of the lessor or of his household member or to the cause specified in each of the items of Art. 2 par. 6, which death or cause incapacitated the lessor or the household member concerned from following the cultivation, mowing, or grazing), the lease concerned shall be deemed to have been renewed under the same conditions as those hitherto governing the same lease.

(Restriction placed on dissolution and others of lease of agricultural or mowing and grazing lands)

Article 20. Any party to the lease of agricultural or mowing and grazing lands, unless he has obtained the permission of the Governor of To, Do, Fu or prefecture under the provisions of the Ministerial Ordinance, shall not terminate the lease, propose to terminate the same, dissolve the same through mutual agreement, nor notify the other party to the effect that the lease shall not be renewed. However, the same shall not apply in the case where the dissolution of lease through mutual agreement shall be effected through the agricultural arbitration under the Civil Arbitration Law.

1. The permission referred to in the preceding paragraph shall be withheld except in the case specified in each of the following items:—
 - (1) The case where the lessee acted against good faith;
 - (2) The case where it is deemed reasonable to convert the agricultural or mowing and grazing lands concerned into lands other than agricultural or mowing and grazing lands;
 - (3) The case where it is deemed reasonable for the lessor, in consideration of the living of the lessee and the managerial ability of the lessor, to employ the agricultural or mowing and grazing lands concerned for his cultivating or stock-raising business.
 - (4) The case wherefor there is a proper cause.
3. The Governor of To, Do, Fu or prefecture, in granting the permission under the provisions of par. 1, must hear in advance the opinion thereon of the Prefectural Agriculture Conference.
4. In granting the permission under par. 1, conditions may be imposed on the same.
5. Any act performed without obtaining therefor the permission referred to in par. 1, shall carry no effect.
6. Such conditions of the farm tenancy disagreeing with those under the provisions of the preceding Article or in Art. 617 or Art. 618 of the Civil Code as prove prejudicial, relative to the case governed by the same provisions, against the lessee concerned,

7 農地又は採草放牧地の賃貸借につけた解除条件又は不確定期限は、つけないものとみなす。

(小作料の最高額)

第 21 条 農業委員会は、小作農の経営を安定させることを旨とし、省令で定める基準に基づき、都道府県知事の許可を受けて、農地ごとに小作料の最高額を定めなければならない。

2 農業委員会は、前項の額を定めたときは、これを公示しなければならない。

3 第 1 項の基準が変更されたときは、同項の規定により農業委員会が定めた額は、変更後の基準の従前の基準に対する比率に応じて変更されたものとみなす。

(小作料の定額金納)

第 22 条 小作料を定める契約では、その額は、前条第 1 項の規定により農業委員会が定めた額をこえない範囲の定額の金銭で定めなければならない。

2 前項の規定に違反する契約については、前条第 1 項の規定により農業委員会が定めた額を小作料の額と定めたものとみなす。

(小作料の支払又受領の制限)

第 23 条 小作料は、金銭以外のものでも支払い、若しくは受領し、又は第 21 条第 1 項の規定により農業委員会が定めた額をこえて支払い、若しくは受領してはならない。

the same conditions shall be considered as not to have been agreed upon.

7. Either the conditions imposed on the dissolution, or the indefinite available period, of the lease of agricultural or mowing and grazing lands, shall be considered as not to have been agreed upon.

re Art. 617 par. 2 of the Civil Code :

With respect to the lease of the lands the yield of which is harvested in the specific period, the proposal for the dissolution of the same lease must be made after the same harvesting period and prior to the commencement of the next cultivation.

re Art. 618 of the Civil Code :

In the case where, although the parties concerned have specified the available period of lease, one or each of the same parties has reserved the right to dissolve the lease concerned within the same period, the provisions of the preceding Article shall apply *mutatis mutandis*.

(Maximum amount of farm rent)

Article 21. The Agricultural Commission shall, with a view to contributing to the stabilization of tenant farming, must determine per agricultural land the maximum amount of farm rent on the basis of the standard specified by the Ministerial Ordinance and by obtaining therefor the authorization of the Governor of To, Do, Fu or prefecture.

2. The Agricultural Commission, in case it has determined the amount under the preceding paragraph, must make public notice thereof.
3. In case the standard amount referred to in par. 1 has been altered, the amount determined by the Agricultural Commission under the provisions of the same paragraph, shall be considered as to have been altered agreeably to the proportion which the altered standard holds to the former standard amount.

(Payment in cash of specific amount of farm rent)

Article 22. The contract which determines the amount of farm rent shall expressly state the specific amount of cash which shall not exceed the amount determined by the Agricultural Commission under the provisions of par. 1 of the preceding Article.

2. With regard to the contract which contravenes the provisions of the preceding paragraph, it shall be deemed that the amount determined by the Agricultural Commission under the provisions of par. 1 of the preceding Article has been adopted as the amount of farm rent concerned.

(Restrictions placed on payment or receipt of farm rent.)

Article 23. With regard to farm rent, neither the payment nor the receipt thereof in anything other than cash shall be permitted, and neither the payment nor the receipt thereof in excess of the amount determined by the Agricultural Commission under the provisions of Art. 21 par. 1 shall be permitted

2 どのような名目によるのであっても、前項の規定による制限を免かれる行為をしてはならない。

(小作料の減額請求権)

第 24 条 小作料の額が、田にあっては、収穫された米の価額の二割五分、畑にあっては、収穫された主作物の価額の一割五分をこえるときは、小作農は、その農地の所有者又は賃貸人に対し、その割合に相当する額になるまで小作料の減額を請求することができる。

(契約の文書化)

第 25 条 農地又は採草放牧地の賃貸借契約については、当事者は、書面によりその存続期間、小作料の額及び支払条件その他その契約並びにこれに附随する契約の内容を明らかにするとともに、その写を農業委員会に提出しなければならない。

(利用権設定に関する承認)

第 26 条 耕作の事業を行う者は、左に掲げる事項を目的とする土地又は立木についての使用収益の権利(以下「利用権」という。)を取得する必要があるときは、省令(則 15)で定める手続に従い、農業委員会の承認を受け、土地又は立木の所有者その他これらに関し権利を有する者に対し、利用権の設定に関する協議を求めることができる。

- (1) 自家用の新炭とするための原木の採取
- (2) 自家用の燃料とするための枝、落葉等の採取
- (3) 自家用の肥料、飼料又は敷料とするための草又は落葉の採取
- (4) 耕作の事業に附随して飼育する家畜の放牧

2 前項第 1 号に掲げる事項を目的とする利用権の設定については、農業委員会は、左に掲げる場合に限り、同項の承認をすることができる。

- (1) 耕作の事業を行う者が従来慣行又は契約により原木の採取をしていた土地について利用権を設定しようとする場合

2. Any act evasive of the restrictions imposed by the provisions of the preceding paragraph, under what designation soever, shall be prohibited.

(Claim to reduction of farm rent)

Article 24. In the case where the amount of farm rent exceeds, with respect to paddy fields, 25 per cent of value of the rice obtained from the same paddy fields, and with respect to ordinary fields, 15 per cent of the value of the principal crop obtained from the same fields, the tenant farmer concerned may demand the owner or the lessor of the agricultural lands concerned for reduction of farm rent to the extent that the amount thereof shall be equivalent to the percentage concerned.

(Documentation of lease contract)

Article 25. With respect to the lease contract of agricultural or mowing and grazing lands, the parties concerned must expressly state in a document the available term thereof, the amount and the conditions binding the payment of farm rent, together with the contents of the same contract as well as the contents of the contract accessory thereto, and submit a duplicate of the same document to the Agricultural Commission.

(Approval involved in the establishment of the right to utilization)

Article 26. In case it shall be necessary for the person following the cultivating business to acquire in lands or standing timbers the right to profitable use (hereinafter called "the right to utilization") the purpose thereof consists in the following matters, the same person may, through the procedure to be specified by Ministerial Ordinance, after obtaining therefor the approval of the Agricultural Commission, ask the owner of lands or standing timbers or any other person who holds the right in the said lands or standing timbers to negotiate with him on the establishment of the right to utilization:

- (1) Gathering of wood to serve as material of firewood or charcoal for home consumption;
- (2) Gathering of branches, felled branches, and others to serve as fuel for home consumption;
- (3) Gathering of such grasses or fallen leaves as shall serve as manure, animal feed, or litter, for home consumption;
- (4) Grazing of animals fed accessorially to cultivating business.

2. With regard to the establishment of the right to utilization the purpose whereof consists in the matters specified in item (1) of the preceding paragraph, the Agricultural Commission may give the approval under the same paragraph exclusively in any one of the following cases:—

- (1) The case where it is intended to establish the right to utilization on the lands where the person following the cultivating business has been gathering material wood in accordance with the usage or the contract concerned;

(2) 耕作の事業を行う者が従来慣行又は契約により原木の採取をしていた土地についてその採取をすることができなくなった場合において、これに代るべき土地に利用権を設定しようとする場合

(3) 他の耕作の事業を行う者が慣行又は契約により原木の採取をしている土地について利用権を設定しようとする場合

3 農業委員会は、第1項の規定による承認の申請があったときは、その申請に係る協議の相手方その他省令(則16)で定める者の意見を聞かなければならない。

4 農業委員会は、第1項の承認をしたときは、遅滞なく、その旨をその承認に係る協議の相手方に通知するとともに、これを公示しなければならない。

5 第1項の規定は、国有林野法(昭和26年法律246号)による国有林野には、適用しない。

(裁定の申請)

第27条 前条第1項の協議がととのわず、又は協議をすることができないときは、同項の承認を受けた者は、その承認を受けた日から起算して二箇月以内に、省令(則17)で定める手続に従い、その利用権の設定に関し農業委員会に裁定を申請することができる。

(意見書の提出)

第28条 農業委員会は、前条の規定による申請があったときは、省令(則18)で定める事項を公示するとともに、その申請に係る利用権設定の相手方にこれを通知し、2週間を下らない期間を指定して意見書を提出する機会を与えなければならない。

2 農業委員会は、前項の期間経過後二箇月以内に裁定をしなければならない。

(採定)

第29条 利用権を設定すべき旨の採定においては、左に掲げる事項を定めなければならない。

(1) 利用権を設定すべき土地の所在、地番、地目及び面積又は立木の所在、樹種及び数量

- (2) The case where, in so far as the case is concerned where the person following the cultivating business has become unable to gather material wood on the land where he used to gather the same in accordance with the usage or the contract concerned, it is intended to establish the right to utilization on the prospective substitute land;
- (3) The case where it is intended to establish the right to utilization on the lands where another person following the cultivating business is gathering material wood in accordance with the usage or the contract concerned.
3. The Agricultural Commission, upon receipt of the application for approval under par. 1, must hear the opinion thereon of the other party to the negotiations involved in the application concerned or of the other person to be specified by Ministerial Ordinance.
4. The Agricultural Commission, immediately after it has given the approval referred to in par. 1, must notify the other party to the negotiations involved in the approval concerned to that effect and, at the same time, must make public notice thereof.
5. The provisions of par. 1 shall not apply to the national forests under the National Forest Law (Law No. 246 of 1951).

(Application for ruling)

Article 27. Either in the case where the negotiations referred to in par. 1 of the preceding Article miscarried or in the case where the negotiations prove impracticable, the person who obtained the approval referred to in the same paragraph may, through the procedure to be specified by Ministerial Ordinance, apply to the Agricultural Commission for its ruling on the establishment of the right to utilization concerned.

(Written opinion to be submitted)

Article 28. Upon receipt of the application under the provisions of the preceding Article the Agricultural Commission must make public notice of the matters to be specified by Ministerial Ordinance and notify the other to the establishment of the right to utilization involved in the application concerned thereof, and at the same time, by specifying the term covering not less than a fortnight, must offer the opportunity to file the written opinion.

2. The Agricultural Commission must give its ruling within two months after the lapse of the term referred to in the preceding paragraph.

(Ruling)

Article 29. The ruling given to the effect that the right to utilization shall be established, must specify the following matters:

- (1) Location, lot number, class, and area of the lands, or the location, kind and volume of standing timbers, in which the right to utilization shall be established;

- (2) 利用権の内容
- (3) 利用権の始期及び存続期間
- (4) 対価
- (5) 対価の支払の方法

2 前項の裁定は、同項第1号から第3号までの事項については、申請の範囲をこえてはならない。

第30条 農業委員会は、裁定をしたときは、遅滞なく、省令(則19)で定める手続に従い、その旨をその裁定の申請者及び第28条第1項の通知をした者に通知するとともに、これを公示しなければならない。第85条第1項第3号の規定による訴願に対する裁決によって裁定の内容が変更されたときもまた同様とする。

2 利用権を設定すべき旨の裁定について前項の公示があったときは、その裁定の定めるところにより、当事者間に協議がととのったものとみなす。

3 民法第272条但書(永小作権の譲渡又は賃貸の禁止)及び第612条(賃借権の譲渡又は転貸の禁止)の規定は、前項の場合には、適用しない。

(市町村等の利用権設定)

第31条 第26条から前条までの規定は、市町村又は農業協同組合が耕作の事業を行う者のために第26条第1項に掲げる事項を目的とする土地又は立木の利用権を取得する必要があると認められた場合に準用する。

- (2) Contents of the right to utilization;
 - (3) Date of initiation and available period of the right to utilization;
 - (4) Amount of consideration;
 - (5) Payment method of consideration.
2. The ruling referred to in the preceding paragraph shall not over-reach the scope of the application concerned in so far as the matters specified in item (1) to item (3) inclusive of the same paragraphs are concerned.

Article 30. The Agricultural Commission, immediately after giving its ruling, must through the procedure to be specified by Ministerial Ordinance, notify both the person who applied for the ruling concerned and the person to whom the notification has been made under Art. 28 par. 1, and, at the same time, must make public notice thereof. It shall be the same in the case where the decision given on the petition made under the provisions of Art. 85 par. 1, item (3) has altered the contents of the ruling.

2. When once the public notice referred to in the preceding paragraph is made of the ruling given to the effect that the right to utilization shall be established, it shall be deemed that the agreement has been arrived at through the negotiations between the parties concerned in accordance with the decision given through the ruling.
3. The provisions of the proviso to Art. 272 and of Art. 612 of the Civil Code shall not apply in the case referred to in the preceding paragraph.

re Art. 272 of the Civil Code:

The emphyteuta may either transfer his right to other person or put out to lease during the available period of the same right the lands concerned so that the cultivation or grazing may be pursued thereon. However, the same shall not apply in the case where the transference or the lease concerned shall be prohibited by the act in the shape of establishment.

re Art. 612 of the Civil Code:

Unless the lessor consents thereto the lessee shall neither transfer the right concerned nor sublet the thing taken on lease to other person.

In case the lessee has, without regard to the provisions of the preceding paragraph, allowed the third party either to use or to make profit out of the thing taken on lease the lessor may terminate the contract concerned.

(Establishment of the right to utilization by city, town, village, or agricultural co-operative)

Article 31. The provisions of Art. 26 to the preceding Article inclusive shall apply mutatis mutandis in the case where the city, town, village, or agricultural co-operative association deems that it

(利用権の保護)

第 32 条 耕作の事業を行う者が第 26 条第 1 項に掲げる事項を行うことを目的とする有償の契約については、第 18 条から第 20 条まで及び第 25 条の規定を準用する。

第 4 節 競売及び公売の特例

(競売の特例)

第 33 条 民事訴訟法(明治 23 年法律第 29 号)又は競売法(明治 31 年法律第 15 号)による競売手続の開始決定のあった農地又は採草放牧地について、競売期日、再競売期日又は入札期日において許すべき競売価額の申出がないときは、その競売を申し立てた者は、省令(則 20)で定める手続に従い、農林大臣に対し、国がその土地を買い取るべき旨を申し出ることができる。

2 農林大臣は、前項の申出があったときは、左に掲げる場合を除いて、次の競売期日、再競売期日又は入札期日までに、裁判所に対し、その土地を第 12 条第 1 項の政令で定めるところにより算出した額で買い取る旨を申し入れなければならない。

(1) 最低競売価額又は最低入札価額が第 12 条第 1 項の政令で定めるところにより算出した額をこえる場合

(2) 国が競落人となれば、その土地の上にある留置権、先取特権、質権又は抵当権で担保される債権を弁済する必要がある場合

(3) 売却条件が国に不利になるように変更されている場合

3 前項の申入があったときは、国は、民事訴訟法又は競売法による最高価競買人又は最高価入札人となったものとみなす。この場合の競買価額又は入札価額は、第 12 条第 1 項の政令で定めるところにより算出した額とする。

is necessary for the person following the cultivating business to acquire the right to utilization in the lands or standing timbers the purpose whereof consists in the matters specified in each of the items of Art. 26 par. 1.

(Legal protection of the right to utilization)

Article 32. With regard to the onerous contract the purpose whereof consists in the performance by the person following the cultivating business of the matter specified in Art. 26 par. 1, the provisions of Art. 18 to Art. 20 inclusive and of Art. 25, shall apply mutatis mutandis.

Section 4. Exception to auction and public sale

(Exception to auction)

Article 33. As far as the case is concerned where, with respect to the agricultural or mowing and grazing lands concerning which it has been determined to concert measures for opinion the auction under the Code of Civil Procedure (Law No. 29 of 1890) or the Auction Law (Law No. 15 of 1896), no acceptable auction price is made on the day of auction, the day of re-auction, or the day of the bid the person who proposed the auction concerned may, through the procedure to be specified by the Ministerial Ordinance, inform the Minister of Agriculture and Forestry to the effect that the State shall purchase the lands concerned.

2. Upon receipt of the information referred to in the preceding paragraph, the Minister of Agriculture and Forestry must, except in the following cases, propose to the judicial court for the purchase of the lands concerned against the payment of the amount calculated out under the provisions of the Cabinet Order referred to in Art. 12 par. 1 on or prior to the following day of the auction or of the reauction or of the bid :

(1) The case where the bottom auction price or the bottom bid exceeds the amount calculated out under the provisions of the Cabinet Order referred to in Art. 12 par. 1 ;

(2) The case where, when the State turns out the successful bidder, it becomes necessary for it to compensate for the credit secured on the line, the preferential right, the pledge, or the hypothec, residing in the lands concerned ;

(3) The case where the conditions binding the sale have been altered to the prejudice of the State.

3. In the case where the proposal under the preceding paragraph has been made the State shall be deemed to have become the successful bidder at the highest price under the Code of Civil Procedure or the Auction Law. In this case the auction price or the bid shall be the amount calculated out under the provisions of the Cabinet Order referred to in Article 12 par. 1.

(公売の特例)

第 34 条 国税徴収法(明治 30 年法律第 21 号)による滞納処分(その他の法令により同法の滞納処分の例による場合を含む。)により公売に付された農地又は採草放牧地について買受人がない場合に、滞納処分を行う行政庁が、省令(則 21)で定める手続に従い、農林大臣に対し、国がその土地を第 12 条第 1 項の政令で定めるところにより算出した額で買い取るべき旨の申出をしたときは、農林大臣は、前条第 2 項第 2 号及び第 3 号に掲げる場合を除いて、その行政庁に対し、その土地を買い取る旨を申し入れなければならない。

2 前項の申入があつたときは、国は、公売により買受人となつたものとみなす。

(農業委員会への通知)

第 35 条 農林大臣は、第 33 条又は前条の規定により国が農地又は採草放牧地を取得したときは、農業委員会に対し、その旨を通知しなければならない。

第 5 節 国からの売渡

(農地、採草放牧地等の売渡の相手方)

第 36 条 国は、第 9 条第 1 項若しくは第 2 項若しくは第 15 条第 1 項の規定により買取し、又は第 16 条第 1 項の規定に基く申出により買取した農地及び採草放牧地、所管換又は所属替を受けて第 78 条第 1 項の規定により農林大臣が管理する農地及び採草放牧地のうち農林大臣が定めるもの並びに第 33 条又は第 34 条の規定により国が取得した農地及び採草放牧地を、この節に規定する手続に従い、左に掲げる者に売渡す。但し、第 80 条の規定により売り払い、又は所管換若しくは所属替をする場合は、この限りでない。

- (1) その土地が小作地又は小作採草放牧地(次号に掲げるものを除く。)である場合には、その土地につき耕作文又は養畜の事業を行っている者(耕作又は養畜の事業を行っていた者又はその世帯員の死亡又は第 2 条第 6 項に掲げる事由によって耕作又は養畜の事業を行

(Exception to public sale)

Article 34. In the case where no purchaser is available as regards the agricultural or mowing and grazing lands put up for sale owing to the disposal of arrears under the National Tax Collection Law (Law No. 21 of 1897) (including the case where the precedent of the disposal of arrears under the same Law, shall be followed under other laws and ordinances), when the administrative agency in charge of the disposal of arrears has, through the procedure to be specified by the Ministerial Ordinance, proposed to the Minister of Agriculture and Forestry to the effect that the State shall purchase the lands concerned against the payment of the amount calculated out under the provisions of the Cabinet Order referred to in Art. 12 par. 1, the Minister of Agriculture and Forestry must, except in the cases specified in item (2) and item (3) of par. 2 of the preceding Article, propose to the administrative agency concerned to the effect that he shall purchase the lands concerned.

2. When the proposal referred to in the preceding paragraph has been made, it shall be deemed that the State has become the purchaser of the lands concerned through public sale.

(Notification to the Agricultural Commission of the State purchase of lands)

Article 35. The Minister of Agriculture and Forestry, in case the State has acquired agricultural or mowing and grazing lands under the provisions of Art. 33 or of the preceding Article, must notify the Agricultural Commission thereof.

Section 5. Resale by the State

(The other party to resale of agricultural or mowing and grazing lands)

Article 36. The State shall resell, through the procedure provided for in this Section, to the person specified in each of the following items the agricultural as well as mowing and grazing lands which it has purchased either under the provisions of Art. 9 par. 1 or par. 2 or of Art. 15 par. 1 or agreeably to the proposal made under the provisions of Art. 16 par. 1, and such part of the agricultural as well as mowing and grazing lands which the Minister of Agriculture and Forestry, to whom the administration thereof or the competence thereover has been transferred, manages under the provisions of Art. 78 par. 1 as shall be specified by the same Minister, and the agricultural as well as mowing and grazing lands which it has acquired under the provisions of Art. 33 or of Art. 34. However, the same shall not apply in the case where the sale, the transfer of the administration or of the competence shall be effected under the provisions of Art. 80:

- (1) In the case where the lands concerned are leased agricultural lands or leased mowing and grazing lands (excepting those specified in the following item), the person who actually fol-

うことができなくなったため、その土地を貸し付けている場合において、その貸主が耕作又は養畜の事業を行うことができるようになれば直ちにその事業を行うと農業委員会が認められた場合にあっては、その貸主)で自作農として農業に精進する見込があるもの

(2) その土地が共同利用することが適当な採草放牧地である場合には、地方公共団体又は農業協同組合

(3) 前2号以外の場合には、自作農として農業に精進する見込がある者で農業委員会が適当と認めたもの

2 前項の規定により売り渡すべき農地又は採草放牧地について、その農業上の利用のため第14条第1項の規定によりあわせて買収した土地、立木、建物その他の工作又は水の使用に関する権利(以下「附帯施設」という。)があるときは、これをその農地又は採草放牧地の売渡を受ける者にあわせて売り渡す。

(買受の申込)

第37条 前条第1項の農地又は採草放牧地を買い受けようとする者は、省令(則22)で定める買受申込書を市町村農業委員会に提出しなければならない。

(農業委員会の関係書類の進達)

第38条 農業委員会は、第36条第1項各号の1に該当する者から前条の買受申込書の提出があったときは、これに基き、左に掲げる事項を記載した書類を都道府県知事に進達しなければならない。

(1) 売渡の相手方の氏名又は名称及び住所

(2) 売り渡すべき農地又は採草放牧地の所在、地番、地目及び面積

(3) 売り渡すべき附帯施設があるときは、土地について所在、地番、地目及び面積、立木についてはその樹種、数量及び所在の場所、工作物についてはその種類及び所在の場所、水の使用に関する権利についてはその内容

allows the cultivating or stock-raising business on the lands concerned (or, in so far as the case is concerned where the lands concerned are put to lease inasmuch as the cultivating or stock-raising business has become impossible due either to the death of the person who followed the cultivating or stock-raising business or of his household member or to any of the causes specified in Art. 2 par. 6, in the case where the Agricultural Commission deems it certain that the lessor concerned shall resume the cultivating or stock-raising business so soon as he can afford to follow the same business, the same lessor) and who is likely to devote himself to farming as owner farmer ;

(2) In the case where the lands concerned constitute mowing and grazing lands adapted for joint use, the local public body or the agricultural cooperative association ;

(3) In cases other than those specified in the preceding two items the person likely to devote himself to farming as owner farmer and deemed to be suitable by the Agricultural Commission.

2. In case there reside on or in the agricultural or mowing and grazing lands to be resold under the provisions of the preceding paragraph such lands, standing timbers, buildings, other structures, or the right concerning water use (hereinafter referred to as "the accessories") as have been purchased for purposes of agricultural or mowing and grazing lands concerned, together with the said lands under the provisions of Art. 14 par. 1, the same shall be likewise resold to the person to whom the agricultural or mowing and grazing lands concerned shall be resold.

(Application for purchase)

Article 37. The person who intends to purchase the agricultural or mowing and grazing lands referred to in par. 1 of the preceding Article, must file the written proposal for purchase to be specified by Ministerial Ordinance with the Agricultural Commission.

(Submission of the relevant document by the Agricultural Commission)

Article 38. The Agricultural Commission, in case the person who falls under each of the items of Art. 36 par. 1, has filed the written proposal for purchase under the preceding Article with it, must, thereupon, forward to the Governor of To, Do, Fu, or prefecture the document stating the following matters:—

(1) Full name or designation and permanent residence of the other party to resale ;

(1) Location, lot number, class, and area, of the agricultural or mowing and grazing lands to be resold ;

(3) In so far as the case is concerned where there are available the accessories to be resold, with regard to lands: location, lot number, class, and area, thereof; with regard to standing timbers: kind, volume, and location, thereof; with regard to the right concerning water use: the contents thereof.

(4) その他省令(則 23)で定める事項

(売渡通知書)

第 39 条 都道府県知事は、前条の規定により進達された書類に記載されたところに従い、左に掲げる事項を記載した売渡通知書を作成し、これを売渡の相手方に、その謄本をその農業委員会に交付しなければならない。

(1) 前条第 1 号から第 3 号までに掲げる事項

(2) 売渡の期日

(3) 対 価

(4) 対価の支払の方法

(5) その他必要な事項

2 前項第 3 号の対価は、第 12 条第 1 項(第 14 条第 2 項で準用する場合を含む。)の政令で定めるところにより算出した額とする。

3 第 11 条第 3 項の規定は、第 1 項の場合に準用する。

(効 果)

第 40 条 前条の規定による売渡通知書の交付があったときは、その通知書に記載された売渡の期日に、その農地若しくは採草放牧地の所有権又は附帯施設である土地、立木若しくは工作物の所有権若しくは水の使用に関する権利は、その売渡の相手方に移転する。

(対価の支払)

第 41 条 第 36 条の規定により売り渡した農地、採草放牧地及び附帯施設の対価の支払は、支払期間 30 年(据置期間を含む。)以内、年利五分五厘の均等年賦支払の方法によるものとする。但し、その農地、採草放牧地又は附帯施設を買い受ける者の申出があったときは、その対価の全部又は一部につき一時支払の方法によるものとする。(則 24)

(対価の徴収の委任)

第 42 条 国は、政令で定めるところにより、前条の対価の徴収を市町村にさせることができる。

2 市町村が避けられない災害によって前項の規定による徴収金を失ったときは、国は、省令で定めるところにより、その責任を免除することができる。

(4) Other matters to be specified in Ministerial Ordinance.

(Written notice of resale)

Article 39. The Governor of To, Do, Fu, or prefecture must, in accordance with the contents of the document forwarded to him under the provisions of the preceding Article, form the written notice of resale stating the following matters, and deliver the same to the other party to resale and a duplicate thereof to the Agricultural Commission concerned:—

- (1) Matters specified in item (1) to item (3) inclusive of the preceding Article;
 - (2) Date of resale;
 - (3) Amount of consideration;
 - (4) Payment method of consideration;
 - (5) Other necessary matters.
2. The amount of consideration referred to in item (3) of the preceding paragraph, shall be the one calculated out under the provisions of the Cabinet Order referred to in Art. 12 par. 1 (including the case where the same apply mutatis mutandis under Art. 14 par. 2).
3. The provisions of Art. 11 par. 3 shall apply mutatis mutandis in the case under par. 1.

(Legal effect of resale)

Article 40. In case the written notice of resale has been delivered under the provisions of the preceding Article, the right of ownership in the agricultural or mowing and grazing lands concerned, the right of ownership in those lands, standing timbers, or structures which are the accessories, or the right concerning water use, shall be transferred to the other party to the resale concerned on the date of resale specified in the same written notice.

(Payment of consideration)

Article 41. The payment of the consideration against the agricultural lands, mowing and grazing lands, and the accessories resold under the provisions of Art. 36, shall be effected through the method of annual instalment of equal amount, with the annual interest of 5.5% and covering thirty years or less (including the term wherein it shall remain unredeemed). However, in case the person who purchases the agricultural lands, mowing and grazing lands, or the accessories declares to that effect, the method of single payment shall be employed as regards the whole or a partial amount of the consideration concerned.

(Collection of consideration wherewith the city, town, or village may be entrusted)

Article 42. The State may, under the provisions of Cabinet Order, entrust the city, town, or village with the collection of the consideration referred to in the preceding Article.

2. In case the city, town, or village has lost, owing to some unavoidable calamity, the money collected under the provisions of

(督促、滞納処分等)

第 43 条 第 36 条の規定により売渡を受けた者がその指定された期日までにその対価を支払わなかったときは、国は、督促状により、期限を指定してその支払を督促しなければならない。

2 前項の督促状で指定された期限までに対価の支払がないときは、その期限満了の日の翌日から対価の支払の日までの日数に応じ、滞納額百円につき一日四銭の割合を乗じて計算した金額を延滞納金として徴収する。

3 第 1 項の対価及び前項の延滞金は、国税滞納処分の例により処分し、又は滞納者の居住地若しくは財産所在地の属する市町村に対してその処分を請求することができる。

4 国が前項の規定により市町村に対して処分を請求したときは、市町村は、市町村税の例によってこれを処分する。この場合には、国は、徴収金額の百分の四をその市町村に交付しなければならない。

5 第 41 条の対価及び第 2 項の延滞金の先取特権の順位は、国税及び地方税に次ぐものとする。

6 国税徴収法第 4 条ノ 1 (繰上徴収)、第 4 条ノ 9 (書類の送達)、第 4 条ノ 10 (公示送達) 及び第 9 条第 4 項から第 10 項まで (延滞加算税額の徴収) の規定は、第 41 条の対価の徴収について準用する。この場合において、これらの規定中「延滞加算税額」とあるのは、「延滞金額」と読み替えるものとする。

preceding paragraph, the State may, under the provisions of the Ministerial Ordinance, absolve the same from the responsibility therefor.

(Urgency for payment of consideration, forcible collection of consideration in arrears and others)

Article 43. In case the person against whom was effected the resale under the provisions of Art. 36, fails to pay the consideration concerned on or prior to the date designated, the State must, through the letter of urgency urge the same person for the payment concerned in specifying the term of payment.

2. In case the payment of the consideration is not effected within the term specified in the letter of urgency under the preceding paragraph, the amount of money calculated by multiplying the number of the days elapsed between the day following the day of expiry of the term concerned and the payment date of the consideration with four sen per day and per one hundred yen of the arrears, shall be collected as the fee for arrear.
3. The consideration under par. 1, and the fee for arrear under the preceding paragraph, may be disposed of after the instance of the measures for forcible collection of national tax in arrears or the disposal thereof asked to the city, town, or village whereto belongs whether the abode or the location of personal property of the defaulter concerned.
4. In case the State has asked the city, town, or village for the disposal under the provisions of the preceding paragraph, the city, town, or village concerned shall dispose thereof after the instance of the city, town, or village tax. In this case the State must deliver four per cent of the collected amount to the city, town, or village concerned.
5. The consideration under Article 41 and the fee for arrear under par. 2, shall be placed, as preferential right, next to national and local tax in the order of execution.
6. The provisions of Art. 4-(1) (governing the early collection), Art. 4-(9) (governing the service of documents), of Art. 4-(10) (governing the service by public notice), and of Art. 9 par. 4 to par. 10 inclusive (governing the collection of the amount of tax comprising fee for arrear), of the National Tax Collection Law, shall apply mutatis mutandis to the collection of consideration under Article 41. In this case "the amount of tax comprising fee for arrear" comprised in these provisions, shall read "the amount of fee for arrear."

第3章 未墾地等の買収及び売渡

第1節 買収

(買収の対象)

第44条 国は、自作農を創設し、又は自作農の経営を安定させるため必要があるときは、第46条から第54条までの規定に従い、左に掲げるものを買収することができる。

- (1) 開発して農地とすることが適当な土地及びその土地について耕作の事業を行うべき自作農が採草放牧地、薪炭林、防風林、道路、水路、ため池、宅地等として利用する必要がある土地
- (2) 国が所有する前号に該当する土地に関する担保権以外の権利
- (3) 第1号に該当する土地附近の農地でこれらの土地とあわせて開発する必要があるもの
- (4) 第1号又は前号に該当する土地の上にある立木又は建物その他の工作物でこれらの土地の開発後の利用上必要なもの
- (5) 第1号又は第3号に該当する土地の開発後の利用上必要な水の使用に関する権利

2 前項第1号の規定により買収する土地は、傾斜、土性その他の条件が政令(令4.5)で定める基準に適合し、且つ、これを農業のために利用することが国土資源の利用に関する総合的な見地から適当であると認められるものでなければならない。

(国に対する買収の申出)

第45条 農業委員会又は農業協同組合は、都道府県知事に対し、前条第1項各号に掲げる土地、立木、工作物又は権利(以下「土地等」という。)を国が買収すべき旨を申し出ることができる。

(買収すべき土地等の調査)

第46条 都道府県知事は、第44条第1項第1号に該当する土地で自作農の創設又はその経営の安定の目的に供することを相当とするものがあると認めるときは、省令(則26)で定めるところにより、その土地の傾斜、土性等の自然的条件及びその土地に係る同項第3号から第5号まで(国が所有する土地については同項第2号から第5号まで)に掲げる土地等を調査しなければならない。

Chapter III. Purchase and Resale of Reclamation
Lands and others

Section 1. Purchase

(Specification of reclamation lands and others subject to purchase)

Article 44. In case it is necessary for establishing owner farmers or stabilizing the agricultural management of owner farmers, the State may, under the provisions of Art. 46 to Art. 54 inclusive, purchase those specified below :

- (1) Lands suitable to be developed into agricultural lands, and those lands whereof the owner farmer who shall follow the cultivating business thereon stands in need for utilizing the same as mowing and grazing lands, forest for firewood and charcoal, windbreak, road, canal, reservoir, residential lot, or others ;
- (2) Rights other than the hypothec which resides in those Stateowned lands which fall under the preceding item ;
- (3) Agricultural lands adjacent to the lands falling under item (1) and necessary to be developed together with the same lands ;
- (4) Standing timbers, buildings, or other structures located on the lands falling under item (1) or the preceding item and necessary for the utilization of the same lands subsequent to their development ;
- (5) Right concerning water use necessary for the utilization of the lands falling under item (1) or item (3) subsequent to their development.

2. The lands to be purchased under the provisions of item (1) of the preceding paragraph, must be those which, in point of declivity of lands, nature of soil, and other conditions, come up to the standard provided for in Cabinet Order, and whose utilization for agricultural purposes is deemed suitable from the all-round point of view of utilization of national resources.

(Application to the State for State purchase of lands and others)

Article 45. The Agricultural Commission or the agricultural cooperative association may apply to the Governor of To, Do, Fu, or prefecture to the effect that the State shall purchase the lands, standing timbers, structures, or right specified in each item of par. 1 of the preceding Article (hereinafter referred to as "the lands and others").

(Survey of the lands and others)

Article 46. The Governor of To, Do, Fu, or prefecture, in case he deems that there are available such lands falling under Art. 44 par. 1 item (1) as shall suitably serve the purpose of owner-farmer establishment or of stabilization of agricultural management of owner farmers, must, under the provisions of Ministerial Ordinance, survey such natural conditions as the declivity and the nature of soil the lands concerned as well as the lands and others specified in item (3) to item (5) inclusive (or, as regards the lands owned

(都道府県開拓審議会への諮問)

第 47 条 都道府県知事は、前条の規定による調査をしたときは、その調査に係る土地等を国が買収することの適否について、都道府県開拓審議会の意見を聞かなければならない。

(買収すべき土地の選定及び意見書の提出等)

第 48 条 都道府県知事は、前条の規定による諮問に対し、国が買収することが適当である旨の答申があったときは、左に掲げる事項を定め、これを公示するとともに、農業委員会に通知しなければならない。

(1) 土地についてはその区域、土地以外のものについてはその種類及び所在

(2) 土地の利用予定の概要

2 農業委員会は、前項の規定による通知を受けたときは、遅滞なく、その旨を公示するとともに、その公示の日の翌日から起算して 10 日間、その事務所で、その通知の内容を記載した書類を縦覧に供しなければならない。

3 農業委員会は、前項の規定による公示をしたときは、遅滞なく、その土地等の所有者にその旨を通知しなければならない。この場合において、通知ができないときは、その旨を公示して通知に代えることができる。

4 第 1 項の土地等の所有者、農業委員会その他その土地等の買収について意見がある者は、第 2 項の規定による公示の日の翌日から起算して 30 日以内に都道府県知事に意見書を提出することができる。

5 都道府県知事は、前項の規定による意見書の提出があったときは、その意見書の内容を都道府県開拓審議会に通知し、その土地等を国が買収することの適否について、同項の期間満了後、更に都道府県開拓審議会の意見を聞かなければならない。

6 都道府県知事は、前項の規定による諮問に対し、その土地等の全部又は一部について、これを国が買収することが不適當である旨の答申があったときは、その答申に従い、第 1 項の

by the State, those specified in item (2) to item (5) inclusive) with regard to the lands concerned.

(Opinion asked of the To, Do, Fu, or Prefectural Land Reclamation Deliberative Council)

Article 47. The Governor of To, Do, Fu, or prefecture, in case he has held the survey under the provisions of the preceding Article, must hear the opinion of the To, Do, Fu, or prefectural Land Reclamation Deliberative Council on the advisability or otherwise of the State purchase of the Lands and others involved in the survey concerned.

(Selection of the lands and others subject to purchase and filing of written opinion)

Article 48. The Governor of To, Do, Fu, or prefecture, upon receipt of the opinion, which he asked under the preceding Article, to the effect that the State purchase is suitable, must determine the following matters and make public notice thereof and, at the same time, notify the Agricultural Commission thereof:

- (1) As regards lands, area thereof; and, as regards those other than lands, the kind and location thereof;
- (2) Summary statement of prospective utilization of lands.
2. Upon receipt of the notification under the preceding paragraph, the Agricultural Commission must make public notice to that effect without delay and, at the same time, offer to public inspection the document standing the contents of the notification concerned at its office during ten days as computed from the day following the pay of public notice concerned.
3. The Agricultural Commission, in case it has made the public notice under the preceding paragraph, must notify without delay the owner of the lands and others concerned to that effect. In this case, provided it is incapable of thus notifying, the public notice made to that effect may replace the notification concerned.
4. The owner of the lands and others under par. 1, the Agricultural Commission, and any other person who entertains the opinion of his own on the purchase of the lands and others, may file his written opinion with the Governor of To, Do, Fu, or prefecture within thirty days as computed from the day following the day of public notice under par. 2.
5. The Governor of To, Do, Fu, or prefecture, in case the written opinion has been filed under the preceding paragraph, must notify the To, Do, Fu, or Prefectural Land Reclamation Deliberative Council the contents of the written opinion concerned and, after the expiry of the term under the same paragraph, once again hear the opinion of the To, Do, Fu, or Prefectural Land Reclamation Deliberative Council on the advisability or otherwise of the State purchase of the lands and others concerned.
6. The Governor of To, Do, Fu, or prefecture, upon receipt of the opinion, which he asked under the preceding paragraph, to

規定による公示を取り消し、又はこれを変更しなければならない。

(土地の形質の変更等の制限)

第 49 条 前条第 1 項の規定による公示があつたときは、その公示に係る土地の形質を変更し、又はその公示に係る立木若しくは工作物を取去し、若しくは損壊してはならない。但し、その公示の日から起算して 3 箇月を経過した場合及び省令(則 27)で定める場合は、この限りでない。

(買収令書の交付及び縦覧)

第 50 条 都道府県知事は第 48 条第 4 項の期間が満了したとき(その期間内に同項の規定による意見書の提出があつた場合には、同条第 5 項の規定による諮問に対し都道府県開拓審議会から国が買収することが適当である旨の答申があつたとき)は、その土地等につき左に掲げる事項を記載した買収令書を作成し、これをその土地等の所有者に、その謄本を農業委員会に交付しなければならない。

(1) 土地等の所有者の氏名又は名称及び住所

(2) 土地についてはその所在、地番、地目及び面積、立木についてはその樹種、数量及び所在の場所、工作物についてはその種類及び所在の場所、権利についてはその種類及び内容

(3) 買収の期日

(4) 対 価

(5) 対価の支払の方法(次条第 2 項の規定により対価を供託する場合には、その旨)

(6) その他必要な事項

2 都道府県知事は、前項の規定により買収令書を作成する場合において、買収すべき土地等の上に先取特権、質権又は抵当権があるときは、その権利を有する者に対し、省令(則 28)で定めるところにより、対価の供託の要否を 20 日以内に都道府県知事に申し出るべき旨を通知しなければならない。この場合には、買収令書及びその謄本の交付は、その期間経過後にしなければならない。

the effect that, as regards the whole or a part of the lands and others concerned, the State purchase thereof is unsuitable, must, agreeably to the same opinion, either cancel the public notice under par. 1 or alter the same.

(Restriction on alteration and others of the shape or quality of lands)

Article 49. In case the public notice has been made under par. 1 of the preceding Article, neither the shape or quality of the lands involved in the public notice concerned shall be altered nor the standing timbers or the structures involved in the same public notice removed or demolished. However, the same shall not apply in the case where three months have elapsed as computed from the day of public notice concerned and in the case to be specified by Ministerial Ordinance.

(Deliver and public inspection of purchase writ)

Article 50. The Governor of To, Do, Fu, or prefecture, upon the expiry of the term under Art. 48 par. 4 (or, in case the written opinion has been filed within the term concerned, upon receipt of the opinion, asked under par. 5 of the same Article, from the To, Do, Fu, or Prefectural Land Reclamation Deliberative Council to the effect that the State purchase concerned is suitable), must form, as regards the lands and others concerned, the writ of purchase stating the following matters and deliver the same to the owner of the lands and others concerned and a duplicate thereof to the Agricultural Commission:

- (1) Full name or designation and permanent residence of the owner of the lands and others;
- (2) With regard to lands; location, lot number, class, and area thereof; with regard to standing timbers: kind, volume, and location thereof; with regard to structures: kind and location thereof; with regard to rights: kind and contents thereof;
- (3) Purchase date;
- (4) Amount of consideration;
- (5) Payment method of consideration (in case consideration shall be deposited under the provisions of par. 2 of the following Article, mention to that effect);
- (6) Other necessary matters.

2. The Governor of To, Do, Fu or prefecture, in the case where he forms the writ of purchase under the provisions of the preceding paragraph, must, in case there resides in the lands and others subject to the purchase the preferential right, the pledge, or the hypothec, notify through the procedure to be specified in Ministerial Ordinance, the person who holds the right concerned to the effect that he shall declare to the Governor of To, Do, Fu, or prefecture his necessity for or dispensation with the deposition of the consideration concerned. In this case the delivery of the purchase writ and of the duplicate thereof, must be effected.

3 都道府県知事は、第1項の規定による買収令書の交付をすることができないときは、その内容を公示して交付に代えることができる。

4 農業委員会は、買収令書の謄本の交付を受けたときは、遅滞なく、その旨を公示するとともに、その公示の日の翌日から起算して20日間、その事務所でこれを縦覧に供しななければならない。

(対価)

第51条 前条第1項第4号の対価は政令(令6)で定めるところにより算出した額とする。

2 買収すべき土地等の上に先取特権、質権又は抵当権がある場合には、その権利を有する者から前条第2項の期間内に、その対価を供託しなくてもよい旨の申出があったときを除いて、国は、その対価を供託しなければならない。

3 国は、前項に規定する場合の外、左に掲げる場合にも対価を供託することができる。

- (1) 対価の支払を受けるべき者が受領を拒み、又は受領することができない場合
- (2) 対価の支払を受けるべき者を確知することができない場合
- (3) 差押又は仮差押により対価の支払の禁止を受けた場合

(効果)

第52条 国が買収令書に記載された買収の期日までに対価の支払は供託をしたときは、その期日に、その買収の目的となった第44条第1項第1号若しくは第3号の土地の所有権、同項第4号の立木若しくは工作物の所有権又は同項第5号の権利は、国が取得し、同項第2号の権利は、消滅する。

2 前項の規定により国が第44条第1項第1号若しくは第3号の土地又は同項第4号の立木若しくは工作物の所有権を取得したときは、その土地、立木又は工作物に関する所有権以外の権利は、その時に消滅する。

after the expiry of the term concerned.

3. The Governor of To, Do, Fu, or prefecture, in case he is unable to effect the delivery of the writ of purchase under the provisions of par. 1, may make public notice of the contents involved in the writ concerned as a substitute for the same.
4. The Agricultural Commission, upon receipt of the duplicate of writ of purchase delivered thereto, must make public notice thereof without delay and offer the same to public inspection at its office during twenty days as computed from the day following the day of public notification concerned.

(Consideration)

Article 51. The amount of consideration under par. 1 item (4) of the preceding Article, shall be the one calculated out under the provisions of Cabinet Order.

2. In so far as the case is concerned where there resides in the lands subject to the purchase the preferential right, the pledge, or the hypothec, the State must deposit the consideration concerned excepting the case where the rightful person concerned has notified, within the term referred to in par. 2 of the preceding Article, to the effect that the deposition of the consideration might be dispensed with.
3. The State may deposit the consideration in the following cases, in addition to the case provided for in the preceding paragraph :—
 - (1) The case where the person to whom the consideration is due either disclaims it or is incapable of receiving it ;
 - (2) The case where the person to whom the consideration is due, is not ascertainable ;
 - (3) The case where, because of the formal or the provisional seizure, the payment of the consideration has been forbidden.

(Legal validity)

Article 52. In case the State has paid or deposited the consideration by the date of purchase specified in the writ of purchase, the right of ownership in the lands under Art. 47 par. 1 item (1) or item (3), the right of ownership in the standing timbers or structures under item (4) of the same paragraph, or the right under item (5) of the same paragraph, all of which are involved in the purchase concerned, shall be acquired by the State on the date of purchase concerned, while the right under item (2) of the same paragraph shall be extinguished on the same date.

2. In the case where the State has acquired, under the provisions of the preceding paragraph, the right of ownership in the lands under Art. 44 Par. 1 item (1) or item (2) of in the standing timbers or structures under item (4) of the same paragraph, the right other than the right of ownership concerning the lands, standing timbers, or structures shall become extinct at the time concerned.

- 3 前項の規定により消滅する先取特権、質権又は抵当権を有する者は、前条第2項若しくは第3項の規定により供託された対価に対してその権利を行うことができる。
- 4 国が買収令書に記載された買収の期日までに対価の支払又は供託をしないときは、その買収令書は、効力を失う。
- 5 第13条第4項の規定は、第1項及び前項の場合に準用する。

(補償金の交付)

第53条 国は、前条第2項の規定により消滅した権利(先取特権、質権及び抵当権を除く。)でその土地等に係る第48条第1項の公示の時に存したものをその権利の消滅の時に有していた者に対し、政令(令7)で定めるところにより算出した額の補償金を交付する。

- 2 前項の規定による補償金の交付の手続は、省令(則29)で定める。

(電線路施設用地の特例)

第54条 第52条第1項の規定により国が取得した土地につきその取得の時に公益事業令(昭和25年政令第343号)により電気事業者又は同令附則第3項の規定によりなお効力を有する旧電気事業法(昭和6年法律第61号)第30条第2項の事業を営む者(以下「電気事業者」と総称する。)のために電線路の施設(電線の支持物を除く。以下この条で同様とする。)を目的とする地役権又は電線の支持物の設置を目的とする地上権、賃借権若しくは使用貸借による権利があるときは、第52条第2項の規定にかかわらず、これらの権利は、消滅しない。

- 2 第52条第1項の規定により国が取得した土地が、その取得の時に電気事業者が所有権、地上権、賃借権又は使用貸借による権利に基き電線路の施設の用に供していたものである場合には、その取得の時に、その電気事業者のためにその電線路の施設を目的として、その土地を承役地とし、その電線路に近接する発電所、変電所、開閉所又は電線の支持物の用地でその電気事業者が所有するものを要役地とする地役権が設定されたものとみなす。この場合において、従前の権利に存続期間の定があるときは、地役権の存続期間は、従前の権利の残

3. The person who holds the preferential right, the pledge, or the hypothec, to be extinguished under the provisions of the preceding paragraph, may exercise the same right against the consideration deposited under the provisions of par. 2 or par. 3 of the preceding Article.
4. In case the State neither pays nor deposits the consideration on or prior to the date of purchase specified in the purchase writ, the same purchase writ shall be invalidated.
5. With regard to the case under par. 1 and the preceding paragraph, the provisions of Art. 13 par. 4 shall apply mutatis mutandis.

(Delivery of compensation in money)

Article 53. The State shall deliver the compensation in money whose amount shall be calculated under the provisions of the Cabinet Order to the person who held, at the time of the extinction of the right concerned those rights (excepting the preferential right, the pledge, and the hypothec) extinguished under the provisions of par. 2 of the same Article and resident on the date of public notice under Art. 48 par. 1 involving the same lands and others.

2. The procedure for the delivery of compensation in money provided for in the preceding paragraph, shall be specified in the Ministerial Ordinance.

(Exceptional case of lands employed for installation of electric lines)

Article 54. In so far as the lands acquired by the State under the provisions of Art. 52 par. 1 are concerned, in case there resides therein on the date of acquisition concerned, in the interests of either the electric business enterpriser under the Order on public Utility (Cabinet Order No. 61 of 1950) or the person following the business under Art. 30 par. 2 of the former Electric Enterprise Law (Law No. 61 of 1931) which remain effective under the provisions of par. 3 of the Supplementary Provisions of the same Order (both hereinafter referred to as "the electric business enterpriser"), the right of servitude to be exercised for the installation of electric lines (excluding supports of electric wire: hereinafter the same in this Article, the superficies to be exercised for the establishment of supports of electric wire, the lease, or the loan for use, the same rights shall not be extinguished without regard to the provisions of Art. 52 par. 2.

2. In the case where the lands acquired by the State under the provisions of Art. 52 par. 1 are those employed, by virtue of the right of ownership, the superficies, the lease, or the loan for use, by the electric business enterpriser for the installation of electric lines, it shall be deemed that the right of servitude has been established on the date of acquisition concerned in the interests of the electric business enterpriser concerned and for the installation of electric lines concerned, with the lands concerned as

存期間とする。

- 3 前項の地役権は、承役地の所有者が工作物の設備その他電線路の妨げとなる行為をしないことを内容とする。
- 4 第2項の規定による地役権の設定は、その登記がなくても、その承役地が電線路の施設の用に供されている限り、その承役地の所有権を取得した者にこれをもって対抗することができる。
- 5 第2項の規定により地役権が設定された場合において、その設定の時にその要役地が抵当権の目的である工場財団、鉄道財団又は軌道財団に属しているときは、その地役権は、その抵当権の目的となるものとする。

(不用物件の収去)

第55条 国は、第44条の規定により買収した土地又は工作物の上にある物件の所有者又は占有者にその物件を収去すべき旨を命ずることができる。

2 前項の規定による命令は、都道府県知事が省令(則 30)で定める収去令書はその物件の所有者又は占有者に交付してしなければならない。

3 第1項の物件で第48条第1項の規定による公示の時にその土地又は工作物の上にあったものの所有者は、前項の規定による収去令書の交付があった場合において、収去後その物件を従来用いた目的に供することが著しく困難となるときは、省令(則 31)で定める手続に従い、国に対し、その買収を請求することができる。

4 第50条から第53条までの規定は、前項の規定による請求があった場合に準用する。この場合において、第50条第1項中「第48条第4項の期間が満了したとき(その期間内に同項の規定による意見書の提出があった場合には、同条第5項の規定による諮問に対し都道府県開拓審議会から国が買収することが適当である旨の答申があったとき)は、」とあるのは、「第55条第3項の規定による請求があったときは、」と読み替えるものとする。

the servient lands and the lands employed as sites of power plant, substation, switching station or supports of electric wire and owned by the electric business enterpriser concerned as the dominant lands. In this case, provided the available period has been specified as regards the former right the available period of the right of servitude shall be the rest of the available period of the former right.

3. The right of servitude under the preceding paragraph shall consist in the abstention of the owner of servient lands from any act which may interfere with the establishment of structures or with the installation of electric lines.
4. The establishment of the right of servitude under the provisions of par. 2 may, even in case no registration to that effect is made, be set against the acquirer of the right of ownership in the servient lands concerned so long as the same servient lands are employed for the installation of electric lines.
5. In so far as the case is concerned where the right of servitude has been established under the provisions of par. 2., in case the dominant lands concerned belong on the date of the establishment concerned to the Factory Foundation, the Railway Foundation, or the Track Foundation, whereagainst the hypothec shall be exercised, the same hypothec shall be exercised against the right of servitude concerned.

(Removal of unnecessary things)

Article 55. The State may order the owner or the occupier of the things located on the lands, or found within the structures, which it has purchased under the provisions of Art. 44, to the effect that he shall remove the same things.

2. The order under the provisions of the preceding paragraph must be issued by delivering the writ of removal to be specified in Ministerial Ordinance from the Governor of To, Do, Fu, or prefecture to the owner or the occupier of the things concerned.
3. In the case where the delivery of the writ of removal under the preceding paragraph has been effected, the owner of such things under par. 1 as were located on the lands or structures concerned on the day of public notice under Art. 48 par. 1, in case it becomes exceedingly hard for him to employ the things after their removal for the purpose wherefor the same have been employed hitherto, may, through the procedure to be specified by Ministerial Ordinance, demand the State to purchase the same.
4. In the case where the demand has been made under the preceding paragraph the provisions of Art. 50 to the preceding Article inclusive shall apply mutatis mutandis. In this case "upon the expiry of the term under Art. 48 par. 4 (or, in case the written opinion has been filed within the term concerned, upon receipt

5 国は、第1項の物件で第48条第1項の規定による公示の時にその土地又は工作物の上にあったものの所有者又は占有者が同項の規定による命令に基く収去によって損失を受けた場合には、省令（則32）で定める手続に従い、その者に対し、通常生ずべき損失を補償する。

（漁業権の消滅等）

第56条 国は、自作農を創設し、又は自作農の経営を安定させるため必要があり、且つ、国土資源の利用に関する総合的な見地から適当と認められるときは、漁業権若しくは入漁権を消滅させ、又は公有水面の埋立をする権利を買収することができる。

2 前項の規定により権利を消滅させ、又は買収するには、都道府県知事は、その適否について都道府県開拓審議会の意見を聞かなければならない。

3 第50条及び第51条の規定は、前項の規定による諮問に対し権利を消滅させ、又は買収することが適当である旨の答申があつた場合に準用する。（令8）この場合において漁業権又は入漁権については、これらの規定中「買収」とあるのは「権利消滅」と、「買収令書」とあるのは「権利消滅通知書」と、「対価」とあるのは「補償金」（第50条第1項第4号及び第51条第1項にあっては「補償金額」と読み替えるものとする。

4 国が権利消滅通知書に記載された漁業権又は入漁権の消滅の期日までに補償金の支払又は供託をしたときは、その期日に、その漁業権（その上にある先取特権及び抵当権を含む。）又は入漁権は、消滅する。

5 前項の規定により消滅する先取特権又は抵当権を有する者は、第3項で準用する第51条第2項又は第3項の規定により供託された補償金に対してその権利を行うことができる。

6 国が買収書に記載された公有水面の埋立をする権利の買収の期日までに対価の支払又は供託をしたときは、その期日に、その権利は、国が取得する。

of the opinion, asked under par. 5 of the same Article, from the To, Do, Fu, or Prefectural Land Reclamation Deliberative Council to the effect that the State purchase concerned is suitable)" in Art. 50 par. 1 shall read "upon receipt of the demand under the provisions of Art. 55 par. 3."

5. In the case where the owner or the occupier of such things under par. 1 as were located on the lands of structures concerned on the day of public notice under Art. 48 par. 1, has sustained a loss through the removal based on the order under the same paragraph, the State shall compensate, through the procedure to be specified by the Ministerial Ordinance: the person concerned for the loss which he sustains under ordinary circumstances.

(Extinction of the right of fishery)

Article 56. In case it is necessary for establishing owner farmers or stabilizing the agricultural management of owner farmers and in case, moreover, it is deemed suitable from the all-round point of view of utilization of national resources, the State may have the right of fishery or the common fishery extinguished or purchase the right to reclamation of public surface water.

2. In order to have the rights extinguished or purchased under the provisions of the preceding paragraph the Governor of To, Do, Fu, or prefecture must hear the opinion of the To, Do, Fu, or Prefectural Land Reclamation Deliberative Council on the suitability or otherwise of the same.
3. In the case where the opinion asked under the preceding paragraph has been expressed to the effect that the rights shall be suitably extinguished or purchased, the provisions of Art. 50 and Art. 51 shall apply mutatis mutandis. In this case, as regards the right of fishery or the common fishery, "purchase", "the writ of purchase", and "the consideration" mentioned in the same provisions shall read respectively "extinction of rights", "the written notice on extinction of rights" and "the compensation in money".
4. In case the State has paid or deposited the compensation in money by the date of extinction of the right of fishery or the common fishery specified in the written notice on extinction of rights, the right of fishery (comprising the preferential right and the hypothec resident therein) or the common fishery shall become extinct on the date concerned.
5. The person who holds the preferential right or the hypothec to be extinguished under the provisions of the preceding paragraph, may exercise the same right against the compensation in money deposited under the provisions of Art. 51 par. 2 or par. 3 which apply mutatis mutandis under par. 3.
6. In case the State has paid or deposited the consideration on or prior to the date of purchase of the right to reclamation of

7 国が権利消滅通知書又は買収令書に記載された権利消滅の期日又は買収の期日までに補償金又は対価の支払又は供託をしないときは、その権利消滅通知書又は買収令書は、効力を失う。

8 第13条第4項の規定は、第4項及び前2項の場合に準用する。

(使用)

第57条 国は、自作農の創設又はその経営の安定を目的とする農地の造成のための建設工事をする場合において、事務所、作業所、飯場、軌道等の用地として使用することが必要な土地又は井戸、えん堤等の施設で他の土地又は施設をもって代えることが著しく困難なものがその附近にあるときは、これを使用することができる。

2 前項の規定により土地又は施設を使用するには、都道府県知事は、その適否について都道府県開拓審議会の意見を聞かなければならない。

3 第50条第1項、第3項及び第4項並びに第51条第3項の規定は、前項の規定による諮問に対し土地又は施設を使用することが適当である旨の答申があった場合に準用する。この場合において、第50条中「買収令書」とあるのは「使用令書」と、同条第1項中「買収の期日」とあるのは「使用権の内容、使用開始の期日及び使用期間」と読み替えるものとする。

4 使用の対価は、近傍類似の土地又は施設の地代、借賃等を考慮した相当な額とする。

5 都道府県知事が第3項で準用する第50条の規定により使用令書を交付したときは、その使用開始の期日に、その土地又は施設の使用権を国が取得し、その土地又は施設に関する所有権その他の権利は、その使用権の行使の妨げとなる範囲で使用の期間その行使を停止される。

- public surface water, specified in the writ of purchase, the same right shall be acquired by the State on the same date.
7. In case the State fails to pay or deposit the compensation in money or the consideration on or prior to the date of extinction of rights or the purchase date, specified in the written notice on extinction of rights or in the writ of purchase, the same written notice on extinction of rights or the same writ of purchase shall be invalidated.
 8. With regard to the case under par. 4 and the preceding two paragraphs, the provisions of Art. 13 par. 4 shall apply *mutatis mutandis*.

(Use)

Article 57. The State, in case it is engaged in the construction work involved in the formation of agricultural lands for the purpose of establishing owner farmers or stabilizing the agricultural management of owner farmers and in case there are available in the vicinity of the construction those lands, wells, embankments or other equipments necessary as the site of office, yard, mess-room, track or others which it is exceedingly difficult to replace by other lands or equipments, may put to practical use the same.

2. Prior to putting to practical use the lands or equipments under the provisions of the preceding paragraph, the Governor of To, Do, Fu, or prefecture must hear the opinion of the To, Do, Fu, or Prefectural Land Reclamation Deliberative Council on the advisability or otherwise of the same.
3. In the case where the opinion asked under the preceding paragraph has been expressed to the effect that the lands or equipments shall be suitably put to practical use, the provisions of Art. 50., pars. 1, 3 and 4 and of Art. 51 par. 3 shall apply *mutatis mutandis*. In this case, "the writ of purchase" in Art. 50, shall read "the writ of use" and "the purchase date" in par. 1 of the same Article shall read "the contents of the right to use, the initial date and term of use."
4. The amount of consideration against use shall be the reasonable one determined after taking the ground-rent or the hire or the like of the similar lands or equipments located in the vicinity into account.
5. In the case where the Governor of To, Do, Fu, or prefecture delivered the writ of use under the provisions of Art. 30 which apply *mutatis mutandis* in par. 3, the right to use resident in the lands or equipment shall be acquired by the State on the initial date of use concerned and as regards the right of ownership and other rights resident in the lands or equipments concerned, the exercise of the same shall be suspended during the period of use concerned in so far as the same exercise interferes with the exercise of the right to use concerned.

6 国は、前項の土地又は施設に関する所有権以外の権利を有する者が同項の規定による権利の行使の停止によって損失を受ける場合には、省令（則 33）で定めるところにより、その者に対し、通常生ずべき損失を補償する。

（被使用者の買収請求）

第 58 条 前条の規定による土地若しくは施設の使用が 3 年以上にわたるとき又はその使用によってその土地若しくは施設を従来用いた目的に供することが著しく困難となるときは、その土地又は施設の所有者は、省令（則 34）で定める手続に従い、国に対し、その買収を請求することができる。

2 第 50 条から第 55 条までの規定は、前項の請求があった場合に準用する。

（代地の買収）

第 59 条 国は、第 44 条第 1 項の規定により同項第 1 号に掲げる土地を買収する場合において、特に必要があるときは、その買収の当時のその土地の所有者に対し、その土地に代るべき土地として売り渡すために必要な近傍の土地（その土地の上にある立木を含む。）を買収することができる。

2 都道府県知事は、前項の規定により買収することを相当とする土地があると認めるときは、省令（則 35）で定めるところにより、その土地を調査しなければならない。

3 第 47 条から第 49 条までの規定は、前項の規定による調査をした場合に準用する。

4 都道府県知事は、前項で準用する第 48 条第 4 項の期間が満了したとき（その期間内に同項の規定による意見書の提出があった場合には、同条第 5 項の規定による諮問に対し都道府県開拓審議会から国が買収することが適当である旨の答申があったとき）は、その土地を買収することについて、農林大臣に対し、その承認を申請しなければならない。

5 第 50 条から第 55 条までの規定は、前項の承認があった場合に準用する。

6. In the case where the person holding any other right than the right of ownership in lands or equipments under the preceding paragraph sustains a loss through the suspended exercise of rights under the provisions of the same paragraph, the State shall compensate, under the provisions of Ministerial Ordinance, the same person for the loss sustained by him under ordinary circumstances.

(Demand for purchase due to long-term use and others)

Article 58. In case the term of use of lands or equipments under the provisions of the preceding Article extends over more than three years or in case the use concerned renders it very hard to employ the lands or equipments concerned for the purpose wherefor the same have been employed hitherto, the owner of the lands or equipments concerned may, through the procedure to be specified in Ministerial Ordinance, demand the State to purchase the same.

2. In the case where the demand has been made under the preceding paragraph, the provisions of Art. 50 to Art. 55 inclusive shall apply mutatis mutandis.

(Purchase of substitute lands)

Article 59. The State, in the case where it purchases lands specified in Art. 44 par. 1 item (1) under the provisions of the same paragraph, may, in case it is especially necessary to do so, purchase adjacent lands (including the standing timbers growing thereon) necessary as the lands to be resold instead of the lands concerned to the owner of the lands concerned as on the date of the purchase concerned.

2. The Governor of To, Do, Fu, or prefecture, in case he deems that there are available the lands to be suitably purchased under the provisions of the preceding paragraph, must survey the lands concerned under the provisions of Ministerial Ordinance.
3. The provisions of Art. 47 to Art. 49 inclusive shall apply mutatis mutandis in the case where the survey has been held under the provisions of the preceding paragraph.
4. The Governor of To, Do, Fu, or prefecture, upon the expiry of the term under Art. 48 par. 4 which applies mutatis mutandis under the preceding paragraph (or, in so far as the case is concerned where the written opinion under the same paragraph has been filed within the term concerned, when the opinion of the To, Do, Fu, or Prefectural Land Reclamation Deliberative Council asked under par. 5 of the same Article, has been expressed to the effect that the State purchase is suitable) must apply to the Minister of Agriculture and Forestry for his approval of the purchase of the lands concerned.
5. In the case where the approval under the preceding paragraph has been given, the provisions of Art. 50 to Art. 55 inclusive shall apply mutatis mutandis.

(承継人に対する効力)

第 60 条 第 50 条 (第 55 条第 4 項, 第 56 条第 3 項, 第 57 条第 3 項, 第 58 条第 2 項又は前条第 5 項で準用する場合を含む。)の規定による買収令書, 権利消滅通知書又は使用令書の交付及び第 55 条第 2 項 (第 58 条第 2 項又は前条第 5 項で準用する場合を含む。)の規定による取去令書の交付は, その交付を受けた者の承継人に対してもその効力を有する。

第 2 節 売 渡

(売り渡すべき土地等)

第 61 条 国は, 左に掲げるものを次条から第 67 条までに規定する手続に従い, 売り渡すことができる。

- (1) 第 44 条第 1 項の規定により買収した土地等
- (2) 第 58 条第 1 項の規定に基づく請求により買収した土地又は施設
- (3) 第 72 条の規定により買収した土地等
- (4) 所管換又は所屬替を受けて第 78 条第 1 項の規定により農林大臣が管理する土地等
- (5) 公有水面埋立法 (大正 10 年法律第 57 号) により農林大臣が造成した埋立地 (土地改良法第 87 条の 2 第 1 項の規定により国が行う同項第 2 号の事業によって生じたものを除く。以下同様とする。)

(土地配分計画)

第 62 条 前条の規定による土地等の売渡は, 土地配分計画に基づいて行いものとする。

- 2 前項の土地配分計画は (政令 (令 9) で定めるところにより, 農林大臣又は都道府県知事が地区ごとに作成する。
- 3 前項の規定により土地配分計画を作成した地区については, 都道府県知事 (政令 (令 10) で定める地区については, 農林大臣) は, その所在, 予定売渡口数及び予定売渡面積を公示しなければならない。

(Legal validity against the successor)

Article 60. Both the delivery of the writ of purchase, of the written notice on extinction of rights, or of the writ of use, under the provisions of Art. 50 (including the case where the same apply mutatis mutandis under Art. 55 par. 4, Art. 56 par. 3, Art. 57 par. 3, Art. 58 par. 2, or par. 5 of the preceding Article) and the delivery of the writ of removal under the provisions of Art. 55 par. 2 (including the case where the same apply mutatis mutandis under Art. 58 par. 2, or par. 5 of the preceding Article), shall likewise hold good against the successor to the person in whose behalf the delivery concerned has been effected.

Section 2. Resale

(Lands and others subject to resale)

Article 61. The State may resell those specified below through the procedure provided for in the following Article to Art. 67 inclusive:—

- (1) Lands and others purchased under the provisions of Art. 44 par. 1.
- (2) Lands or equipments purchased agreeably to the request under the provisions of Art. 58 par. 1;
- (3) Lands and others purchased under the provisions of Art. 72;
- (4) Lands and others the administration whereof or the competence whereover was transferred to the Minister of Agriculture and Forestry and which are administered by the same under the provisions of Art. 78 par. 1;
- (5) Reclaimed lands (except those which are created under the provisions of Art. 87-(2) para. 1 of the Land Improvement Law by the government project specified in the provisions of item 2 of the same paragraph. Hereinafter the same.) formed by the Minister of Agriculture and Forestry under the Public Surface Water Reclamation Law (Law No. 57 of 1924).

(Apportionment plan of lands)

Article 62. The resale of lands and others provided for in the preceding Article, shall be effected on the basis of the apportionment plan of lands.

2. The apportionment plan of lands referred to in the preceding paragraph shall be formed, under the provisions of the Cabinet Order, by the Minister of Agriculture and Forestry or the Governor of To, Do, Fu, or prefecture per division.
3. With regard to the division whereof the apportionment plan of lands has been formed under the provisions of the preceding paragraph, the Governor of To, Do, Fu, or prefecture (or, with regard to the division to be specified by Cabinet Order, the Minister of Agriculture and Forestry) must make public notice

(買受予約申込書の提出)

第 63 条 前条第 3 項の規定による公示があった地区内の第 61 条に掲げる土地等を買受けるようとする者は、省令(則 36)で定める買受予約申込書とその者の住所の所在地を管轄する市町村長を経由して、その土地等の属する地域を管轄する都道府県知事に提出しなければならない。

2. 前項の買受予約申込書は、前条第 3 項の規定による公示の日から起算して 30 日以内に前項の市町村長に到達するように提出しなければならない。

(売渡予約書の交付)

第 64 条 都道府県知事は、前条の規定により買受予約申込書の提出をした者で自作農として農業に精進する見込のあるものうちから都道府県開拓審議会の意見を聞いて適当と認められる者を選定し、その者に省令(則 37)で定める売渡予約書を交付する。但し、その地区内で農業を営む者の生活上必要で欠くことができない業務に従事する者又は農業協同組合、土地改良区若しくは市町村その他の地方公共団体から前条の規定により買受予約申込書の提出があった場合において、都道府県知事が都道府県開拓審議会の意見を聞いてその者に売り渡すことを相当と認めるときは、これらの者に対しても売渡予約書を交付することができる。

(令 11)

(買受の申込)

第 65 条 前条の規定による売渡予約書の交付を受けた者は、省令(則 38)で定めるところにより、その土地の属する市町村の区域に設置された農業委員会に買受申込書を提出しなければならない。

(農業委員会の関係書類の進達)

第 66 条 市町村農業委員会は、前条の規定による買受申込書の提出があったときは、その者に売り渡すべき土地等を定め、左に掲げる事項を記載した書類を都道府県知事に進達しなければならない。

of the location, the prospective number of lots subject to resale, and the prospective area subject to resale, of the same.

(Filing of written subscription for purchase)

Article 63. The person who intends to purchase those lands and others specified in Art. 61 which are located in the division whereof public notice was made under par. 3 of the preceding Article, must file, through the mayor of city, town, or village who has competence over the place where the permanent residence of the person concerned is located, the written subscription for purchase, to be specified in Ministerial Ordinance, with the Governor of To, Do, Fu, or prefecture who has competence over the territorial area whereto belong the lands and others concerned.

2. The written subscription for purchase referred to in the preceding paragraph must be so filed as to reach the mayor of city, town, or village referred to in the preceding paragraph within thirty days as computed from the day of public notice under par. 3 of the preceding Article.

(Delivery of written subscription for resale)

Article 64. The Governor of To, Do, Fu, or prefecture shall select, after hearing the opinion thereon of the To, Do, Fu, or Prefectural Land Reclamation Deliberative Council, out of those persons who filed the written subscription for purchase under the provisions of the preceding Article and who are likely to devote themselves to farming as owner farmers, the person deemed as suitable, and shall deliver to the same person the written subscription for resale. However, in the case where the person occupied with the business indispensable for the living of those who follow farming in the division concerned, the agricultural co-operative association, the land improvement division, the city, town, village, or other local public body; has filed the written subscription for purchase under the provisions of the preceding Article, the Governor of To, Do, Fu, or prefecture, in case he deems as reasonable the resale to the same after hearing the opinion thereon of the To, Do, Fu, or Prefectural Land Reclamation Deliberative Council, may likewise deliver to the same the written subscription for resale.

(Proposal for purchase)

Article 65. The person to whom was delivered the written subscription for resale under the provisions of the preceding Article, must file, under the provisions of Ministerial Ordinance, the written proposal for purchase with the Agricultural Commission set up in the administrative area of the city, town, or village whereto belong the lands and others concerned.

(Document on resale to be forwarded by the Agricultural Commission)

Article 66. The Agricultural Commission, in case the written proposal for purchase is filed with it under the preceding Article, must determine the lands and others to be resold to the person

(1) 売渡の相手方の氏名又は名称及び住所

(2) 売り渡すべき土地については、その面積及び所在の場所、立木についてはその樹種、数量及び所在の場所、工作物については、その種類及び所在の場所、水の使用に関する権利についてはその内容

(3) その他省令（則 40）で定める事項

（売渡通知書）

第 67 条 都道府県知事は、前条の規定により進達された書類に記載されたところに従い、左に掲げる事項を記載した売渡通知書を作成し、これを売渡の相手方に、その謄本をその農業委員会に交付しなければならない。

(1) 前条第 1 号及び第 2 号に掲げる事項

(2) その土地等の用途

(3) 売渡の期日

(4) 対 価

(5) 対価の支払の方法

(6) その地区における農地とすべき土地の開墾を完了すべき時期

(7) その他必要な事項

2 前項第 4 号の対価は、政令（令 12・令附則 2）で定めるところにより算出した額とする。

3 第 40 条から第 43 条までの規定は、第 1 項の規定による売渡について準用する。

（一時使用）

第 68 条 第 64 条の規定による売渡予約書の交付を受けた者が、省令（則 42）で定める手続に従い、都道府県知事に第 61 条に掲げる土地等の使用の申込をした場合において、都道府県知事がこれを相当と認めるときは、国は、同条の規定による売渡をするまでの間、その土地等を都道府県知事が定める条件でその者に使用させることができる。

2 前項の規定による土地等の使用は、建物を除き、無償とする。但し、その使用に係る土地がその近傍の農地と同程度の生産をあげることができると認められる場合は、この限りでない。

concerned and forward the document specifying the following matters to the Governor of, To, Do, Fu, or prefecture:—

- (1) Full name or designation and permanent residence of the other party to resale;
- (2) With regard to lands subject to resale: area and location thereof; with regard to standing timbers subject to resale: kind, volume, and location, thereof; with regard to structures subject to resale: kind and location thereof; with regard to the right concerning water use subject to resale: contents thereof;
- (3) Other matters provided for in Ministerial Ordinance.

(Written notice on resale)

Article 67. The Governor of To, Do, Fu, or prefecture must, in accordance with the contents of the document forwarded to him under the provisions of the preceding Article, form the written notice on resale stating the following matters, and deliver the same to the other party to resale and a duplicate thereof to the Agricultural Commission:—

- (1) Matters specified in item (1) and item (2) of the preceding Article:
 - (2) Use of the lands and others concerned;
 - (3) Date of resale;
 - (4) Amount of consideration;
 - (5) Payment method of consideration;
 - (6) Approximate date of completion of the reclamation of those lands in the division concerned which shall be made into agricultural lands.
 - (7) Other necessary matters.
2. The amount of consideration referred to in item (4) of the preceding paragraph, shall be the one calculated out under the provisions of Cabinet Order.
 3. With regard to the resale under the provisions of par. 1, the provisions of Art. 40 to Art. 43 inclusive shall apply *mutatis mutandis*.

(Temporary use of lands and others until the resale thereof)

Article 68. In so far as the case is concerned where the person to whom was delivered the written subscription for resale under the provisions of Art. 64, has, through the procedure to be specified in Ministerial Ordinance, applied to the Governor of To, Do, Fu, or prefecture for the use of the lands and others specified in Art. 61, the State may, provided the same Governor deems the application as reasonable, have the lands and others concerned used by the Governor of To, Do, Fu, or prefecture until it effects the resale under the provisions of the same Article.

2. The use of the lands and others provided for in the preceding paragraph shall be gratis with the exception of that of buildings. However, the same shall not apply in the case where the lands

3 第 43 条の規定は、第 1 項の規定により使用の対価の徴収について準用する。

(代地の売渡)

第 69 条 第 59 条の規定により買収した土地(その土地の上にある立木を含む。)の同条に掲げる者への売渡は、都道府県知事はその者に左に掲げる事項を記載した売渡通知書を交付して行い。

(1) 売渡の相手方の氏名又は名称及び住所

(2) 売り渡すべき土地の面積及び所在の場所並びに売り渡すべき立木がある場合には、その樹種及び数量

(3) 売渡の期日

(4) 対 価

(5) 対価の支払の方法

(6) その他必要な事項

2 前項第 4 号の対価は、政令(令 13)で定めるところにより算出した額とする。

3 第 1 項の規定により売り渡した土地及び立木の対価の支払は、一時払の方法によるものとする。

4 第 40 条、第 42 条及び第 43 条の規定は、第 1 項の売渡について準用する。

第 70 条 国は、第 44 条の規定により土地を買収する場合において、特に必要があるときは、その買収の当時のその土地の所有者に対し、所管換又は所属替を受けて第 78 条第 1 項の規定により農林大臣が管理する土地(その土地の上にある立木を含む。)を買収した土地に代るべき土地として売り渡すことができる。

2 前条の規定は、前項の規定による売渡について準用する。

(売渡後の検査)

第 71 条 都道府県知事は、第 61 条の規定により売り渡した土地等につき第 67 条第 1 項第 6 号の時期到来後、遅滞なく、その状況を検査しなければならない。

(売り渡した土地等の買戻)

第 72 条 国は、第 61 条の規定により土地等の売渡を受けた者又はその一般承継人が左の各号の一に該当した場合は、その土地等を買収することができる。但し、第 67 条第 1 項第 6

involved in the use concerned are deemed as much productive as the agricultural lands adjacent and similar to the same lands.

3. With regard to the collection of the consideration against the use provided for in par. 1, the provisions of Art. 43 shall apply *mutatis mutandis*.

(Resale and lease of substitute lands)

Article 69. The resale of the lands (including the standing timbers growing thereon) purchased under the provisions of Art. 59 to the person specified in the same Article, shall be effected through the delivery of the written notice on resale specifying the following matters from the Governor of To, Do, Fu, or prefecture to the person concerned:—

- (1) Full name or designation and permanent residence of the other party to resale;
 - (2) Area and location of the lands subject to resale and in case there are available the standing timbers subject to resale, kind and volume thereof;
 - (3) Date of resale;
 - (4) Amount of consideration;
 - (5) Payment method of consideration;
 - (6) Other necessary matters.
2. The amount of consideration referred to in item (4) of the preceding paragraph, shall be the one calculated out under the provisions of the Cabinet Order.
3. The payment of the consideration against the lands and standing timbers resold under the provisions of par. 1, shall be effected through the method of single payment.
4. With regard to the resale referred to in par. 1, the provisions of Art. 40, Art. 42 and Art. 43 shall apply *mutatis mutandis*.

Article 70. The State, in the case where it purchases lands under the provisions of Art. 44, may, provided it is especially necessary to do so, resell to the owner of the lands concerned as at the time of the purchase concerned, as substitute to the lands purchased, the lands (including the standing timbers growing thereon) which the Minister of Agriculture and Forestry, to whom was transferred the administration thereof or the competence therein, administers under the provisions of par. 1, of Art. 78.

2. With regard to the resale under the provisions of the preceding Article shall apply *mutatis mutandis*.

(Post-resale inspection)

Article 71. The Governor of To, Do, Fu, or prefecture must, with regard to the lands and others resold under the provisions of Art. 61, inspect without delay the situation thereof after the date specified in Art. 67 par. 1 item (6) has become due.

(Repurchase of lands and others resold)

Article 72. In the case where the person to whom were resold the lands and others under the provisions of Art. 61 or where the

号の時期到来後3年を経過したときは、この限りでない。

- (1) 前条の規定による検査の結果、開墾して農地とすべき土地の開墾を完了していないことが明らかとなった場合
 - (2) 前条の規定による検査の結果、その土地等を売渡通知書に記載された用途に供していないことが明らかとなった場合
 - (3) 前条の規定による検査の期日前に、その土地等を売渡通知書に記載された用途にみずから供することをやめた場合、又はやめる旨を都道府県知事に申し出た場合
- 2 前項の規定による買収は、都道府県知事がその者に対し、左に掲げる事項を記載した買収令書を交付して行う。

- (1) 土地等の所有者の氏名又は名称及び住所
- (2) 土地についてはその所在、地番、地目及び面積、立木についてはその樹種、数量及び所在の場所、工作物についてはその種類及び所在の場所、権利についてはその種類及び内容
- (3) 買収の期日
- (4) 対価
- (5) 対価の支払の方法（第4項で準用する第51条第2項の規定により対価を供託する場合には、その旨）
- (6) その他必要な事項

3 前項第4号の対価は、その土地等を第61条の規定により売り渡したときの対価に相当する額とする。

4 第50条第2項及び第3項、第51条第2項及び第3項並びに第52条から第55条までの規定は、第1項の規定による買収について準用する。

（売り渡した土地等の処分の制限）

第73条 第61条の規定により売り渡された土地等の売渡通知書に記載された第67条第1項第6号の時期到来後3年を経過する前にその土地等の所有権、地上権、永小作権、質権、使用貸借による権利又は賃借権その他の使用及び収益を目的とする権利を設定し、又は移転

universal successor thereof falls under each of the following items, the State may purchase the lands and others concerned. However, the same shall not apply in the case where three years have elapsed since the date specified in Art. 67 par. 1 item (6) had fallen due :—

- (1) The case where, as a result of the inspection held under the preceding Article, it has become evident that the reclamation of the lands to be thereby made into agricultural lands is in a state of incompleteness ;
 - (2) The case where, as a result of the inspection held under the preceding Article, it has become evident that the lands and others concerned are not employed for the purpose specified in the written notice of resale ;
 - (3) The case where, prior to the date of the inspection under the preceding Article, the personal employment of the lands and others concerned for the purpose specified in the written notice of resale has been discontinued or the intention to discontinue the same declared to the Governor of To, Do, Fu or prefecture.
2. The purchase provided for in the preceding paragraph shall be effected through the delivery of the writ of purchase specifying the following matters from the Governor of To, Do, Fu, or prefecture to the person concerned :—
- (1) Full name or designation and permanent residence of the owner of lands and others ;
 - (2) With regard to lands ; location, lot number, class, and area, thereof ; with regard to standing timbers ; kind, volume, and location thereof ; with regard to structures : kind and location thereof ; with regard to right : kind and contents thereof.
 - (3) Date of purchase ;
 - (4) Amount of consideration ;
 - (5) Payment method of consideration ;
 - (6) Other necessary matters.
3. The amount of consideration referred to in item (4) of the preceding paragraph, shall be the amount equivalent to that of the consideration at the time when the lands and others were resold under the provisions of Art. 61.
4. With regard to the purchase provided for in par. 1, the provisions of Art. 50 par. 2 and par. 3, Art. 51 par. 2 and par. 3, Art. 52 to Art. 55 inclusive, shall apply *mutatis mutandis*.

(Restriction on disposal of lands and others resold)

Article 73. In so far as the lands and others resold under the provisions of Art. 61 are concerned, either the establishment or the transfer, prior to the lapse of three years as counted from the day whereon the date specified in the written notice of resale

する場合には、省令（則 43）で定めるところにより、当事者が農林大臣の許可を受けなければならない。但し、左に掲げる場合は、この限りでない。

(1) 土地収用法その他の法律によってその土地等が収用され、又は使用される場合

(2) 遺産の分割によってこれらの権利が取得される場合

(3) その他省令で定める場合

2 前項の許可は、条件をつけてすることができる。

3 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。

（農地及び採草放牧地に関する規定の適用除外）

第74条 第61条の規定により売り渡された土地であつて農地又は採草放牧地であるものについては、第67条第1項第6号の時期到来後3年を経過するまでは、第2章第1節（第4条の規定を除く。）及び第2節の規定は、適用しない。

（開発に関する制限規定の適用除外）

第75条 第44条第1項の規定により買収した土地、自作農の創設又はその経営の安定の目的に供するため農林大臣が所管換又は所属替を受けた土地及び公有水面埋立法により農林大臣が造成した埋立地の開墾その他開発のためにする行為（これらの土地の売渡後の行為を含む。）については、他の法令中政令（令14）で定める制限又は禁止の規定は、適用しない。

第4章 雑 則

第76条 国がこの法律により買収又は売渡をする場合の登記については、政令で特例を定めることができる。

concerned under Art. 67 par. 1 item (6) falls due, of the right of ownership, the superficies, the emphyteusis, the loan for use, the pledge, the lease, or other right concerned with the use or the usufruct, all resident in the lands and others concerned, shall carry no effect unless the parties interested obtain, under the provisions of Ministerial Ordinance the permission of the Minister of Agriculture and Forestry. However, the same shall not apply in each of the following cases:—

- (1) The case where the lands and others concerned shall be expropriated or used under the Land Expropriation Law or other Laws;
 - (2) The case where the rights concerned shall be acquired due to the partition of the inheritance;
 - (3) Other cases to be provided for in Ministerial Ordinance.
2. In granting the permission under the preceding paragraph, conditions may be imposed thereon.
 3. Any act performed indispensing with the permission under par. 1, shall carry no effect.

(The case not subject to the provisions governing agricultural and mowing and grazing lands)

Article 74. With regard to those lands resold under the provisions of Art. 61 which are agricultural or mowing and grazing lands, the provisions of Section 1 and Section 2 of Chapter II (with the exception of the provisions of Art. 4) shall not apply until three years elapse after the date specified in Art. 67 par. 1 item (6) fell due.

(The case not subject to the provisions governing land development)

Article 75. With regard to the reclamation, or any act (comprising the act subsequent to the resale of the lands concerned) promotive of the development, of the lands purchased under the provisions of Art. 44 par. 1, of the lands the administration whereof or the competence wherein was transferred to the Minister of Agriculture and Forestry for purposes of establishing owner farmers or of stabilizing their agricultural management, of the reclaimed lands formed by the Minister of Agriculture and Forestry under the Public Surface Water Reclamation Law, such provisions governing restriction or prohibition of other Laws and Orders as shall be specified by Cabinet Order, shall not apply.

CHAPTER IV. Miscellaneous Provisions

(Exceptional case of registration)

Article 76. With regard to the registration involved in the case where the State effects the purchase or the resale under this Law, the exceptional case thereof may be specified by Cabinet Order.

(土地台帳法の特例)

第 77 条 国が第 9 条、第 14 条、第 15 条又は第 16 条の規定により買収した土地については、土地台帳法(昭和 22 年法律第 30 号)第 44 条(国有地の適用除外)の規定にかかわらず、省令で定めるところにより、同法を適用する。

2 国がこの法律により土地を買収する場合において、必要があるときは、都道府県知事は、省令で定める手続に従い、土地台帳法第 18 条(地種の申告)、第 26 条(申告)、第 40 条(申告義務の継承)又は第 41 条(質権者又は地上権者の申告義務)の規定による申告を土地所有者、質権者又は地上権者に代ってすることができる。

3 国がこの法律により売り渡した土地についての土地台帳法の登録については、省令で特例を定めることができる。

(買収した土地、立木等の管理)

第 78 条 国が第 9 条第 1 項若しくは第 2 項、第 14 条第 1 項、第 15 条第 1 項、第 44 条第 1 項、第 56 条第 1 項、第 59 条第 1 項若しくは第 72 条第 1 項の規定により買収し、第 16 条第 1 項の規定に基く申出により買収し、第 33 条第 1 項若しくは第 34 条第 1 項の規定に基く申出により買い取り、又は第 55 条第 3 項若しくは第 58 条第 1 項の規定に基く請求により買収した土地、立木、工作物及び権利、公有水面埋立法により農林大臣が造成した埋立地並びに国有財産である土地、立木、工作物及び権利であって、自作農の創設又はその経営の安定の目的に供するため、所管換又は所属替を受けたものは、農林大臣が管理する。

(則 46)

2 農林大臣は、前項の規定による管理の権限の一部を、政令(令 15)で定めるところにより、都道府県知事に行わせることができる。(則 45)

(Exceptional case of application of the Land Ledger Law)

Article 77. With regard to the lands which the State purchased under the provisions of Art. 9, Art. 14, Art. 15, or Art. 16, the Land Ledger Law (Law No. 30 of 1947 shall apply under the provisions of the Ministerial Ordinance without regard to the provisions of Art. 40 of the same Law.

re Art. 44 of the Land Ledger Law:

This Law shall not apply to national lands.

2. In so far as the case is concerned where the State purchases lands under this Law, provided there is necessity therefor, the Governor of To, Du, Fu, or prefecture, may, through the procedure to be specified by Ministerial Ordinance, make the declaration under the provisions of Art. 18, Art. 26, Art. 40, or Art. 41 of the Land Ledger Law, thereby acting for the owner of lands, the pledgee or the superficiary.
3. With regard to the registration in the Land Ledger Law of the lands which the State resold under this Law, the exceptional case thereof may be specified in Ministerial Ordinance.

re Art. 18 of the Land Ledger Law:

In case lands are available which shall be registered for the first time on the Land Ledger or in case the second-class lands have been converted into first-class lands, the owner of the lands concerned shall report thereon to the Government within a month after the said registration or the said conversion of class.

re Art. 26 of the Land Ledger Law:

The owner of lands who intends to disintegrate or consolidate certain lots of the lands, shall report thereon to the Government. (Administration of lands, standing timbers, and others purchased)

Article 78. Such lands, standing timbers, structures, and right which the State either purchased under the provisions of Art. 9 par. 1 or par. 2, Art. 14 par. 1, Art. 15 par. 1, Art. 44 par. 1, Art. 56 par. 1, Art. 59 par. 1, or Art. 72 par. 1 or purchased agreeably to the proposal made under Art. 16 par. 1, or purchased agreeably to the proposal under the provisions of Art. 33 par. 1 or Art. 34 par. 1 or purchased agreeably to the request made under the provisions of Art. 55 par. 3 or Art. 58 par. 1, as well as such lands, standing timbers, structures, and rights, reclaimed lands created by the Minister of Agriculture and Forestry under the Public Surface Water Reclamation Law, constituting the national property as the administration whereof or the competence wherein has been transferred to it for purposes of establishing owner farmers or of stabilizing their agricultural management, the same shall be administered by the Minister of Agriculture and Forestry.

2. The Minister of Agriculture and Forestry may, under the provisions of Cabinet Order, have part of his competence over the administration referred to in the preceding paragraph

3 第1項の規定により農林大臣が管理する国有財産につき国有財産法（昭和23年法律第73号）第32号第1項の規定により備えなければならない台帳の取扱については、省令（則17・48・49）で特例を定めることができる。

4 第1項の規定により農林大臣が管理する土地、立木、工作物及び権利の使用料の徴収については、第42条の規定を準用する。

（所属替の特例）

第79条 国有財産法第14条第4号の規定は、自作農の創設又はその経営の安定の目的に供するために、土地又は建物の所属替をする場合には、適用しない。

（売 払）

第80条 農林大臣は、第78条第1項の規定により管理する土地、立木、工作又は権利について、政令（令16・17）で定めるところにより、自作農の創設又は土地の農業上の利用の増進の目的に供しないことを相当と認めるときは、省令（則50・51）で定めるところにより、これを売払い、又はその所管換若しくは所属替をすることができる。

2 農林大臣は、前項の規定により売り払い、又は所管換若しくは所属替をすることができる土地、立木、工作物又は権利が第9条、第14条又は第44条の規定により買収したものであるときは、政令（令18）で定める場合を除き、その土地、立木、工作物又は権利を、その買収前の所有者に売り払わなければならない。この場合の売払の対価は、その買収の対価に相当する額（耕地整理組合費、土地区画整理組合費その他省令（則52）で定める費用を国が負担したときは、その額をその買収の対価に加算した額）とする。

（公簿の閲覧等）

第81条 国又は都道府県の職員は、登記所、漁業免許に関する答録の所管庁又は市町村の事務所について、この法律による買収、買取、使用、消滅請求又は売渡に関し、無償で、必要

exercised by the Governor of To, Do, Fu, or prefecture.

3. With regard to the management of the ledger which must be kept, under the provisions of Art. 32 par. 1 of the National Property Law (Law No. 73 of 1948), as regards the national property administered by the Minister of Agriculture and Forestry under the provisions of par. 1, the exceptional case thereof may be specified by Ministerial Ordinance.
4. With regard to the collection of the hire of the lands, standing timbers, structures, and rights, administered by the Minister of Agriculture and Forestry under the provisions of par. 1, the provisions of Art. 42 shall apply *mutatis mutandis*.

(Exceptional case of Competence)

Article 79. The provisions of Art. 14 item (4) of the National Property Law shall not apply in the case where the transfer of the competence in land or buildings shall be effected for purposes of establishing owner farmers or of stabilizing their agricultural management.

(Disposal through sale)

Article 80. The Minister of Agriculture and Forestry may, with regard to the lands, standing timbers, structures or rights which he administers under the provisions of Art. 78 par. 1, in case he deems, under the provisions of the Cabinet Order, that the non-employment of the same for purposes of establishing owner farmers or of promoting agricultural utilization of lands is reasonable, dispose of through sale or transfer the administration of or the competence in the same under the provisions of Ministerial Ordinance.

2. The Minister of Agriculture and Forestry, in case the lands, standing timbers, structures, or rights which he may dispose of through sale or transfer the administration thereof or the competence therein under the provisions of the preceding paragraph are those purchased under the provisions of Art. 9, Art. 14, or Art. 44, must, except in the case to be specified by Cabinet Order, dispose of the lands, standing timbers, structures, or rights by selling the same to the person who owned the same prior to the purchase thereof. In this case, the amount of consideration against disposal by sale, shall be the one equivalent to the amount of purchase consideration thereof (or, in case the State has defrayed the cost of the cultivated land adjustment association, the cost of the land boundary adjustment association, and other cost to be specified by Ministerial Ordinance, the amount obtained by adding together the amount of the cost concerned and the amount of purchase consideration concerned.)

(Inspection and others of Official registers)

Article 81. The Governmental or To, Do, Fu, or prefectural official in charge may ask the registry office, the agency in charge of the

な簿書を閲覧し、又はその謄本の交付を受けることができる。

(立入調査)

第 82 条 農林大臣又は都道府県知事は、この法律による買収、使用その他の処分をするため必要があるときは、その職員に他人の土地又は工作物に立ち入って調査させ、測量させ、又は調査若しくは測量の障害となる竹木その他の物を除去させ、若しくは移転させることができる。

2 前項の職員は、その身分を示す証票を携帯し、その土地又は、工作物の所有者、占有者その他の利害関係人から要求があつたときは、これを呈示しなければならない。

3 第 1 項の場合には、農林大臣又は都道府県知事は、省令(則 53)で定める手続に従い、あらかじめ、その土地又は工作物の占有者にこれを通知しなければならない。但し、通知をすることができない場合その他特別の事情がある場合には、公示をもって通知に代えることができる。

4 第 1 項の規定による立入は、工作物、宅地及びかき、さく等で囲まれた土地に対しては、日出から日没までの間でなければしてはならない。

5 国は、第 1 項の土地又は工作物の所有者又は占有者が同項の規定による調査、測量又は物件の除去若しくは移転によつて損失を受けた場合には、省令で定めるところにより、その者に対し、通常生ずべき損失を補償する。

6 第 1 項の規定による立入調査の権限は、犯罪捜査のために認められたものと解してはならない。

(報告の徴収)

第 83 条 農林大臣又は都道府県知事は、この法律を施行するため必要があるときは、土地の状況等に関し、都道府県農業会議又は農業委員会から必要な報告を徴することができる。

(小作地又は小作採草放牧地の状況の縦覧)

第 84 条 農業委員会は、毎年 8 月 1 日現在の小作地及び小作採草放牧地の所有状況を記載した書類を作成し、これを 9 月 1 日から同月 30 日までの間農業委員会の事務所で縦覧に供し

registration concerning fishing licence, or the office of city, town, or village either for the inspection gratis or for the delivery gratis of a copy of necessary books concerning the purchase, use, request for extinction, or resale, provided for in this Law.

(Examination, surveying, inspection, and others)

Article 82. The Minister of Agriculture and Forestry or the Governor of To, Do, Fu, or prefecture, in case the purchase, use, or any other disposition, provided for in this Law, calls for it, may cause his or its official to enter other person's lands or structures and examine or inspect the same, or remove or transfer the bamboos and trees or other things which obstruct the examination or surveying concerned.

2. The official under the preceding paragraph, must carry with him the certificate identifying his status, and upon request therefor made by the owner or the occupier of the lands or structures concerned, or other interested party, must produce the same.
3. In the case under par. 1, the Minister of Agriculture and Forestry or the Governor of To, Do, Fu, or prefecture, must notify to that effect through the procedure to be specified by Ministerial Ordinance, the occupier of the lands or structures concerned thereof. However, in case the notification is impossible or there are special circumstances, the public notice made to that effect may replace the notification concerned.
4. With regard to the structures, residential lots, and the lands enclosed by hedges or palings, the entrance under the provisions of par. 1, must be effected at any time between sunrise and sunset.
5. In case the owner or the occupier of the lands or structures under par. 1 has sustained loss from the examination, surveying, or removal, or transfer of things under the provisions of the same paragraph, the State shall, under the provisions of Ministerial Ordinance, compensate the owner or occupier concerned for the loss which occurs under ordinary circumstances.
6. The competence to make the entry and hold the examination under the provisions of par. 1, shall not be understood as the one conferred for the purpose of criminal search.

(Collection of information)

Article 83. The Minister of Agriculture and Forestry or the Governor of To, Do, Fu, or prefecture, in case the enforcement of this Law calls for it may collect the necessary information on situation or others of lands from the To, Du, Fu, or Prefectural Agricultural conference or the Agricultural Commission.

(Public inspection of the ownership situation of leased agricultural or mowing and grazing lands)

Article 84. The Agricultural Commission must annually draw up the document stating the ownership situation of leased agricultural

なければならない。

(訴願等)

第 85 条 左に掲げる処分 (次項に規定するものを除く。) に対し不服がある者は、農業委員会の処分に対しては都道府県知事に、都道府県知事又は農林大臣の処分に対しては農林大臣に、それぞれ訴願することができる。

- (1) 第 3 条第 1 項、第 4 条第 1 項、第 5 条第 1 項又は第 20 条第 1 項の規定による許可に関する処分
 - (2) 第 11 条第 1 項 (第 14 条第 2 項、第 15 条第 2 項及び第 16 条第 2 項で準用する場合を含む。) の規定による買収令書の交付
 - (3) 第 27 条の規定による申請に基く裁定
 - (4) 第 39 条第 1 項の規定による売渡通知書の交付
 - (5) 第 50 条第 1 項 (第 55 条第 4 項、第 56 条第 3 項、第 57 条第 3 項、第 58 条第 2 項又は第 59 条第 5 項で準用する場合を含む。) 又は第 72 条第 2 項の規定による買収令書、権利消滅通知書は使用令書の交付
 - (6) 第 67 条第 1 項の規定による売渡通知書の交付
 - (7) 第 73 条第 1 項の規定による許可に関する処分
- 2 第 4 条第 1 項、第 5 条第 1 項又は第 73 条第 1 項の規定による許可に関する処分であって、
鉱業権者、租鉱権者採石業者又は砂利採取業者を相手方とするものに対し不服がある者は、
土地調整委員会の裁定を申請することができる。

(土地の面積)

第 86 条 この法律の適用については、土地の面積は、土地台帳の地積による。但し、土地台帳の地積が著しく事実と相違する場合及び土地台帳の地積がない場合には、実測に基き、農業委員会 (第 3 章の適用については、都道府県知事) が認定したことによる。

or mowing and grazing lands as of August 1st and offer the same to public inspection at the office of the Agricultural Commission from 1st to 30th of September.

(Petition and others)

Article 85. Any person who is not satisfied with any one of the following disposals (excepting the one provided for in the following paragraph), may file a petition, as regards the disposals effected by the Agricultural Commission, with the Governor of To, Do, Fu, or prefecture and, as regards the disposals effected by the Governor of To, Do, Fu, or prefecture or by the Minister of Agriculture and Forestry with the Minister of Agriculture and Forestry:—

- (1) Disposal effected with regard to the permission under the provisions of Art. 3 par. 1, Art. 4 par. 1, Art. 5 par. 1, of Art. 20 par. 1.
 - (2) Delivery of the writ of purchase under the provisions of Art. 11 par. 1 (including the case where the same apply mutatis mutandis under Art. 14 par. 2, Art. 15 par. 2 and Art. 16 par. 2);
 - (3) Ruling applied for under the provisions of Art. 27;
 - (4) Delivery of the written notice on resale under the provisions of Art. 39 par. 1;
 - (5) Delivery of the writ of purchase, written notice on extinction of rights or the writ of use under the provisions of Art. 50 par. 1 including the case where the same apply mutatis mutandis under Art. 55 par. 4, Art. 56 par. 3, Art. 57 par. 3, Art. 58 par. 2, or Art. 59 par. 5) or Art. 72 par. 2;
 - (6) Delivery of the written notice on resale under the provisions of Art. 67 par. 1.
 - (7) Disposal effected with regard to the permission under the provisions of Art. 73 par. 1.
2. The person who does not rest content with such disposal involved in the permission under the provisions of Art. 4 par. 1, Art. 5 par. 1, or Art. 73 par. 1 as the other party whereto is the person who holds the mining right or the lease of mining right, or the person following the quarrying business, or the person following the gravel-gathering business, may apply to the Land Adjustment Commission for its ruling thereon.

(Area of lands under this Law)

Article 86. With regard to the application of this Law, the area of lands shall be the one registered in the Land Ledger. However, in the case where the area registered in the Land Ledger much differs with the actuality and in the case where the area registered in the Land Ledger is not available, the area shall be the one confirmed as such by the Agricultural Commission (or, with regard to the application of chapter III, the Governor of To,

(換地予定地に相当する従前の土地の指定)

第 87 条 第 8 条の規定による公示又は第 9 条若しくは第 15 条の規定による買収をする場合において、その公示又は買収の対象となるべき農地を明らかにするため特に必要があるときは、都道府県知事は、旧耕地整理法(明治 42 年法律第 30 号)に基く耕地整理、土地区画整理法施行法(昭和 29 年法律第 120 号)第 3 条第 1 項若しくは第 4 条第 1 項に規定する土地区画整理若しくは土地改良法に基く土地改良事業に係る規約又は土地区画整理法(昭和 29 年法律第 119 号)第 98 条第 1 項の規定によって、換地処分の発効前に従前の土地に代えて使用又は収益をすることができるものとして指定された土地又はその土地の部分に相当する従前の土地又は土地の部分を地目、地積、土性等を考慮して指定することができる。

2 都道府県知事は、前項の規定による指定をしたときは、その指定の内容を遅滞なく農業委員会に通知しなければならない。

(公示の方法)

第 88 条 この法律により都道府県知事がする公示は、都道府県の条例の告示と同一の方法により行うものとし、農業委員会がする公示は、農業委員会の事務所に掲示して行うものとする。

(代行)

第 89 条 農林大臣は、この法律の目的を達成するため特に必要があると認めるときは、この法律により農業委員会の権限に属させた事項を都道府県知事に処理させることができる。

2 農林大臣は、この法律の目的を達成するため特に必要があると認めるときは、この法律により都道府県知事の権限に属させた事項を処理することができる。

3 農林大臣は、第 1 項の規定により処理を命じたとき又は前項の規定によりみずから処理するときは、その旨を告示しなければならない。

Do, Fu, or prefecture) on the basis of the actual survey made thereof.

(Designation of former lands corresponding to the lands subject to disposition through substitution of lands)

Article 87. In so far as the case where the public notice shall be made under the provisions of Art. 8 or the purchase made under the provisions of Art. 9 or Art. 15 is concerned, the Governor of To, Do, Fu, or prefecture, in case it is especially necessary for specifying the lands whereof the public notice or the purchase concerned shall be made, may, under the stipulations involved in the cultivated land adjustment under the former Cultivated Land Adjustment Law (Law No. 30 of 1909), or in the land boundary adjustment under the provisions of Art. 3 par. 1 or Art. 4 par. 1 of the Law Concerning the Enforcement of the Land Boundary Adjustment Law (Law No. 120 of 1954), or in the land improvement business under the Land Improvement Law, or in Art. 98 par. 1 of the Land Boundary Adjustment Law (Law No. 119 of 1954) and before the disposition through substitution of lands takes effect, designate, in taking the class of lands area, and the nature of soil and others into account, such part of the former lands corresponding to the specific part of the lands designated as those capable of being put to practical or profitable use in place of the former lands.

2. The Governor of To, Do, Fu, or prefecture, in case he has made the designation under the preceding paragraph, must notify without delay the Agricultural Commission of the contents of the same designation.

(Method for public notice)

Article 88. The public notice to be made by the Governor of To, Do, Fu, or prefecture under this Law, shall be made in the same way as the notification of by-law of To, Do, Fu, or prefecture is given and the public notice to be made by the Agricultural Commission shall be made by posting it in the bulletin-board of the office of the Agricultural Commission.

(Exercise of the competence by proxy)

Article 89. The Minister of Agriculture and Forestry, in case he deems it especially necessary for achieving the purpose of this Law, may have the matters which, under this Law, are placed under the competence of the Agricultural Commission, disposed of by the Governor of To, Do, Fu, or prefecture.

2. The Minister of Agriculture and Forestry, in case he deems it especially necessary for achieving the purpose of this Law, may dispose of the matters which, under this law, are placed under the competence of the Governor of To, Do, Fu, or prefecture.

3. The Minister of Agriculture and Forestry, in case he has directed the disposal provided for in par. 1 or in case he personally makes the disposal under the provisions of the preceding

(農業委員会に関する特例)

第 90 条 農業委員会等に関する法律(昭和 26 年法律 88 号)第 3 条第 1 項但書又は第 5 項の規定により、農業委員会が置かれていない市町村についてのこの法律の適用については、この法律中「農業委員会」とあるのは、「市町村長」と読み替えるものとする。

2 農業委員会等に関する法律第 3 条第 2 項の規定により二以上の農業委員会が置かれている市町村についてこの法律の適用については、この法律中「市町村の区域」とあるのは、「農業委員会の区域」と読み替えるものとする。

(特別区等の特例)

第 91 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(昭和 22 年法律第 67 号)第 255 条の 19 第 1 項の指定都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管理者に適用する。

第 5 章 罰 則

第 92 条 第 3 条第 1 項、第 4 条第 1 項、第 5 条第 1 項、第 20 条第 1 項(第 32 条で準用する場合を含む。)、第 23 条又は第 73 条第 1 項の規定に違反した者は、3 年以下の懲役又は 10 万以下の罰金に処す。

第 93 条 左の各号の 1 に該当する者は、六箇月以下の懲役又は五千円以下の罰金に処する。

(1) 第 49 条の規定に違反した者

(2) 第 82 条第 1 項の規定による職員の調査、測量、除去又は移転を拒み、妨げ、又は忌避した者

第 94 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前 2 条の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前 2 条の罰金刑を科する。但し、法人又は人の代理人、使用人その他の従業者の当該違反行為を防止するため、当該業務又は財産に対し相当の注意及び監督が尽されたことの証明があつたときは、その法人又は人については、この限りでない。

paragraph, must make public notice to that effect.

(Exceptional case concerning the Commission)

Article 90. By virtue of the provisions of the proviso to Art. 3 par. 1 or of par. 5 of the same article of the Law for Agricultural Commission and others (Law No. 88 of 1951), in so as the application of this Law to the city, town, or village where no Agricultural Commission is set up is concerned, "the Agricultural Commission" in this Law, shall read "the mayor of city, town, or village"

2. By virtue of the provisions of Art. 3 par. 2 of the Law for Agricultural Commission and others, in so far as the application of this Law to the city, town, or village where two or more Agricultural Commissions are set up is concerned, "the limits of city, town, or village" in this Law, shall read "the limits of the Agricultural Commission."

(Exceptional case of special ward and others)

Article 91. These provisions of this Law which govern the city, town, village, or the mayor of city, town, or village shall apply, in the place where is established the special ward or the chief of special ward, and, in the designated city and town specified in the provisions of Art. 255—(19), par. 1 of the Local Autonomy Law (Law No. 67 of 1947), to the ward or the chief of ward, and, in the place where the whole-affairs association or the town and village office-affairs-association is created, to the association on the superintendent thereof.

CHAPTER V. Penal Provisions

Article 92. Any person who has contravened the provisions of Art. 3 par. 1, Art. 4 par. 1, Art. 5 par. 1, Art. 20 par. 1 (including the case where the same apply *mutatis mutandis*), Art. 23, or Art. 73 par. 1, shall be punished with imprisonment the term whereof shall not exceed three years or with a fine not exceeding one hundred thousand yen (100,000 yen).

Article 93. Any person who falls under each of the following items, shall be punished with imprisonment the term whereof shall not exceed six months or with a fine not exceeding five thousand yen (5,000 yen):

- (1) The person who contravened the provisions of Art. 49;
- (2) The person who objected to, impeded, or evaded the examination, surveying, removal, or transfer, to be effected by the official under the provisions of Art. 82 par. 1,

Article 94. In case a representative of a juridical person, an agent, an employee of, or other person engaged by, a juridical or natural person, has committed the act in contravention of the provisions of the preceding two Articles as regards the business or the property of the juridical or the natural person concerned, besides

附 則

この法律の施行期日は、公布の日から起算して六箇月をこえない期間内で政令で定める。

(別表省略)

that the doer shall be punished, the juridical or the natural person shall be concurrently punished with the fine provided for in the preceding two Articles. However, the same shall not apply in so far as the juridical or the natural person is concerned, in case it has been proved that, in order to forestall the act concerned committed by an agency an employee of, or other person engaged by, the juridical or the natural person concerned in contravention of the provisions, proper attention has been paid and proper control exercised in the interests of the business or the property concerned.

Supplementary Provisions

The enforcement date of this Law shall be so specified by Cabinet Order as to fall on any day of the term not exceeding six months as computed from the day of promulgation.

(the Annex Table Omitted)

Ⅲ. 自作農維持創設資金融通法

(昭和30年8月15日法律第165号)

(目的)

第1条 この法律は、農地及び採草放牧地が農業経営の基盤であり、かつ、農業者がこれらの土地を所有することがその農業経営の安定を図るための要件であることにかんがみ、農地若しくは採草放牧地を取得し、自作地若しくは自作採草放牧地を維持し、又は自作地若しくは自作採草放牧地の細分化を防止しようとする農業者に対し、農林漁業金融公庫がこれに必要な資金を長期かつ低利で貸し付けることにより、農業者の経営の安定を図ることを目的とする。

(貸付)

第2条 農林漁業金融公庫(以下「公庫」という。)は、前条の目的を達成するため、次の各号に掲げる者で、第5条第1項の都道府県知事の認定を受けたものに対し、それぞれ当該各号に掲げる資金の貸付を行う。

- (1) その耕作又は養畜の事業に供している農地(農地法(昭和27年法律第229号)第2条第1項に規定する農地をいう。以下同じ。)又は採草放牧地(同項に規定する採草放牧地をいう。以下同じ。)の面積、生産力等の条件及びその家族労働力等の農業経営能力を考慮して、農地又は採草放牧地の面積を増加しなければその経営の安定を確保することができないと認められる農業者に対し、その者がその経営の安定を確保するに要する農地又は採草放牧地を取得するのに必要な資金
- (2) 小作地(農地法第2条第2項に規定する小作地をいう。以下同じ。)又は小作採草放牧地(同条第3項に規定する小作採草放牧地をいう。以下同じ。)につき耕作又は養畜の事業を行う者に対し、その者がその小作地又は小作採草放牧地を取得するのに必要な資金
- (3) 共同相続人のうち遺産に属する農地又は採草放牧地について耕作又は養畜の事業を行おうとする者に対し、その者が、他の共同相続人からその農地又は採草放牧地に係る相続分の譲渡を受けるのに必要な資金その他遺産の分割によるその農地又は採草放牧地の細分化を防止するのに必要な資金

III . THE OWNER-FARMER MAINTENANCE AND ESTABLISHMENT LOAN LAW

(Law No. 165 of 1955)

(Purpose)

Article 1. This Law shall, in order to effect farm economic stabilization, have for its object to enable the Agriculture, Forestry, and Fisheries Finance Corporation to provide farmers such long-term and low-interest loans as required for acquiring agricultural or mowing and grazing lands; or for maintaining owner-operated agricultural or mowing and grazing land; or for preventing those owner-operated lands from being subdivided; in view of the fact that agricultural or mowing and grazing lands constitute a basic factor in farming and that holding of such lands is a deciding factor in effecting farm economic stabilization.

(Loaning)

Article 2. The Agriculture, Forestry, and Fisheries Finance Corporation (hereinafter referred to as "the Corporation") shall, in order to attain the object specified in Article 1, provide loans specified in each of the following items to a farmer specified in each of the following items and certified by a prefectural governor in accordance with provision of Article 5, paragraph 1.

- (1) Fund required for acquiring agricultural or mowing and grazing lands needed to secure stabilization of farming of such farmer as may be considered impossible to do so without increased acreage of his agricultural or mowing and grazing lands, taken into consideration the acreage and yielding ability of his agricultural land (agricultural land specified in Article 2, paragraph 1 of the Agricultural Land Law, Law No. 229 of 1952, hereinafter the same), or mowing land or grazing land (mowing land or grazing land under the same paragraph, hereinafter the same) devoted to his farming or stock-raising, as well as his farming ability or his family-labor force, etc.
- (2) Fund required for acquiring such agricultural or mowing and grazing lands as tenanted by a farmer and devoted to his farming or stock-raising (Note: the "tenant-land or tenant-mowing land or grazing land" denotes the land specified in Article 2, paragraph 2 and Article 2, paragraph 3 of the above law, respectively, and hereinafter the same);
- (3) Fund required by any co-heir wishing to use agricultural or mowing and grazing lands inherited by co-heirs for his farming or stock-raising by purchasing the portions to be shared by other co-heir or co-heirs; or fund required for preventing the inherited lands from being subdivided by co-heirs;

(4) 疾病、負傷、災害その他省令で定めるやむを得ない理由により資金を必要とする農業者で、その自作地（農地法第2条第2項に規定する自作地をいう。）又は自作採草放牧地（同法第2条第3項に規定する自作採草地をいう。）を売り渡す等その農業経営に著しい支障を及ぼすことなしには当該資金を調達することが困難と認められるものに対し、これにあてるための資金

2 前項の規定による貸付金の返還を確保するための方法については、公庫が、農林大臣及び大蔵大臣の承認を受けて定めるものとする。

（貸付条件）

第3条 前条の規定による貸付金（以下「貸付金」という。）の利率は、年5分、その償還期間は、20年以内、その据置期間は、3年以内とする。

（貸付金額等の決定）

第4条 公庫は、第2条の規定による資金の貸付を行う場合には、貸付の申込をした者につき、次条第1項の農業経営安定計画を参酌して、貸付金額及び償還期間その他の貸付条件を定めなければならない。

（都道府県知事の認定）

第5条 第2条の規定による資金の貸付を受けようとする者は、省令で定める手続に従い、農業経営安定計画を作成し、これを申請書に添え、都道府県知事に提出して、当該貸付を受けることが適当である旨の都道府県知事の認定を受けなければならない。

2 前項の農業経営安定計画には、次に掲げる事項を記載しなければならない。

- (1) 農業経営の状況
- (2) 資産及び負債の状況
- (3) 収入及び支出の状況
- (4) 収入及び支出の改善措置の概要
- (5) 前条の措置に必要な資金の額及び調達方法
- (6) 貸付金の使用計画及び償還計画
- (7) その他省令で定める事項

3 都道府県知事は、第1項の規定により申請書の提出があつたときは、次の各号の要件をみたす場合に限り、同項の認定をするものとする。

- (1) 申請者が農業に精進する見込があること。
- (2) 農業経営安定計画が適正であり、申請者がこれを達成する見込が確実であること。

- (4) Fund provided to any farmer who is pressed for money due to disease, injury, disaster, or due to any other reasons specified in the Ministerial Orders, but who is unable to obtain the required amount without serious damage to his farming which may arise from the sale of his owned agricultural land (under Article 2, paragraph 2 of the above law) or his owned mowing land or grazing land (under Article 2, paragraph 3 of the above law).
2. Means to secure the repayment of loans under the preceding paragraph shall be determined by the Corporation with the approval of the Ministers both of Agriculture & Forestry and Finance.

(Loaning terms)

Article 3. Interest rate of the loans specified in the preceding (the loans, for short) shall be 5 per cent per annum, and the redemption period 20 years or less, and the unredeemed period 3 years or less.

(Determination of amount to be loaned).

Article 4. In case where the Corporation provides loans specified in Article 2, it shall determine the amount to be loaned, redemption period, or other loaning terms for each applicant, by taking into account Farm and Home Plan specified in Article 5, paragraph 1.

(Sanction from prefectural governors)

Article 5. Any person wishing to obtain loans specified in Article 2, shall, in conformity with the procedure specified in the Ministerial order, make Farm and Home Plan and submit it to a prefectural governor along with his application in order to obtain the certification of the prefectural governor to the effect that he is duly eligible to obtain the said loan.

2. In Farm and Home Plan specified in the preceding paragraph, the following items shall be involved:
 - (1) Status of farming;
 - (2) Status of assets and liabilities;
 - (3) Status of income and outgoing;
 - (4) Summary of improved measures for income and outgoing;
 - (5) Amount of loan required for measures specified in (4) and means for acquirement thereof;
 - (6) Loan employment plan and repayment plan;
 - (7) Other matters specified in Ministerial Orders;
3. In case where any application has been made in accordance with the provision of paragraph 1, a prefectural governor shall give his certification only in case where it comes up terms specified in each of the following items:
 - (1) An applicant is expected to devote himself to his farming;
 - (2) Farm and Home Plan shall be justifiable and the applicant shall be assured to carry on the established plan;

(3) 申請者が農業経営安定計画を達成するためには、当該貸付を受けることが必要であつて他に適当な方法がないこと。

(都道府県知事の指導)

第 6 条 都道府県知事は、資金の貸付を受けた者（その者の一般承継人を含む。）に対し、その農業経営安定計画の達成につき必要な指導をすることができる。

(3) In order to carry on Farm and Home Plan, the applicant may have no other way but to obtain loans under this Law.

(Direction given by a prefectural governor)

Article 6. A prefectural governor shall give necessary directions to the borrower (including his general successor) of the loans so that Farm and Home Plan may be carried on successfully.

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