

Basic Act for Land

(Act No. 84 of December 22, 1989)

116th Extraordinary Diet

First Kaifu Cabinet

Amendments: Act No. 102 of July 16, 1999

Act No. 160 of December 22, 1999

Act No. 12 of March 31, 2020

The Basic Act for Land is hereby promulgated.

Basic Act for Land

Table of Contents

Chapter I General Provisions (Articles 1 to 11)

Chapter II Basic Measures on Land (Articles 12 to 20)

Chapter III Basic Policy on Land (Article 21)

Chapter IV Study and Deliberation, etc. by the National Land Council (Article 22)

Supplementary Provisions

Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is, by way of providing for the basic principles on land, clarifying the responsibilities of landowners et al., the State, local public entities, business operators, and citizens with regard to the basic principles on land, and providing for the basic matters concerning measures on land, to comprehensively promote measures for using and managing land properly in support of adequate utilization of the benefits of land, ensuring a good local environment at present and in the future, and disaster prevention, emergency disaster control measures, disaster recovery efforts, and reconstruction from disaster and facilitating land transactions and forming reasonable land prices to promote these measures, thereby revitalizing local communities and building a safe and sustainable society and contributing to the improved stability of citizens' lives and the sound development of the national economy.

(Precedence of public welfare with regard to land)

Article 2 Considering that land has the characteristics of being related to public

interest, such as the fact that it is a finite, precious resource for citizens both at present and in the future, that it is an indispensable basis for citizens' activities, that the use and management of a certain piece of land is closely linked with the use and management of other pieces of land, and that the value of land fluctuates mainly based on the trends in population and industry, trends of land use and management, the state of development of social infrastructure, and other social and economic conditions, public welfare shall take precedence with regard to land.

(Proper use and management, etc.)

Article 3 (1) Land shall be properly used or managed according to the natural, social, economic and cultural conditions of its area.

(2) Land shall be properly used or managed by seeking to create a good environment for its surrounding areas and from the viewpoint of preventing adverse effects on the surrounding areas.

(3) Land shall be used or managed in accordance with the land use and management plan, which has been formulated to achieve proper and reasonable land use and management.

(Smooth transactions, etc.)

Article 4 (1) Land shall be smoothly transacted from the viewpoint of promoting proper use and management by landowners or persons who have titles to land use or income from land (hereinafter referred to as "Landowners et al.").

(2) Land must not be made subject to speculative transactions.

(Reasonable burden by Landowners, etc.)

Article 5 (1) When the value of land increases due to changes in its area's social and economic conditions as prescribed in Article 2, Landowners, etc., shall be required to bear reasonable burden based on the profits pertaining to such increase in value.

(2) When the value of land is maintained or increases through the promotion of community development and other activities for promoting local public interest by local residents and other persons than Landowners, etc., Landowners, etc., shall be required to bear reasonable burden based on the necessary expenses incurred in maintaining or increasing the value.

(Responsibilities of Landowners, etc.)

Article 6 (1) Landowners, etc., shall be responsible for using and managing land and conducting land transactions in conformity to the basic principles on land set forth from Article 2 to the preceding Article inclusive (hereinafter referred to as the "Basic Principles on Land").

- (2) Landowners must, when fulfilling their responsibilities under the preceding paragraph, endeavor to implement the appropriate measures for registration procedures or other clarification of rights to the land in their possession and demarcation of ownership of the relevant land.
- (3) Landowners, etc., must cooperate with the measures on land implemented by the State and local public entities.

(Responsibilities of the State and local public entities)

Article 7 (1) The State and local public entities shall be responsible for comprehensively formulating and implementing measures on land in conformity to the Basic Principles on Land.

- (2) The State and local public entities shall, when fulfilling their responsibilities under the preceding paragraph, endeavor to implement the necessary measures to ensure proper land use and management by Landowners, etc., and to implement the necessary measures to promote efforts to supplement the relevant use and management by local residents and other persons than Landowners, etc.
- (3) The State and local public entities must take appropriate measures to deepen citizens' understanding of the Basic Principles on Land through public relations and other activities.

(Responsibilities of business operators)

Article 8 (1) Business operators must comply with the Basic Principles on Land when using and managing land, and conducting land transactions (including acts that support these acts).

- (2) Business operators must cooperate with the measures on land implemented by the State and local public entities.

(Responsibilities of citizens)

Article 9 (1) Citizens must respect the Basic Principles on Land when using and managing land and conducting land transactions.

- (2) Citizens must endeavor to cooperate with the measures on land implemented by the State and local public entities.

(Legislative measures, etc.)

Article 10 The government must take necessary legislative, fiscal and financial arrangements for implementing measures on land.

(Annual report, etc.)

Article 11 (1) Every year, the government must submit to the Diet a report on the trends concerning land, including real estate markets, land uses and

- management, and the basic measures on land implemented by the government.
- (2) Every year, the government must create a document clarifying the basic measures it intends to implement in consideration of the trends of land as it pertains to the report prescribed in the preceding paragraph, and submit this document to the Diet.
 - (3) When creating the document clarifying the basic measures it intends to implement prescribed in the preceding paragraph the government shall hear the opinions of the National Land Council.

Chapter II Basic Measures on Land

(Formulation, etc. of land use and management plan)

- Article 12 (1) In order to achieve proper and reasonable land use and management, the State and local public entities shall formulate the necessary land use and management plan by taking into consideration natural, social, economic and cultural conditions including the future outlook of population and industry and trends in land use and management.
- (2) In the case referred to in the preceding paragraph, the State and local public entities shall formulate a detailed land use and management plan under that paragraph if they find it particularly necessary for the formation or preservation of a favorable environment, disaster prevention, intensive use of land that attends to a favorable environment, or proper conversion of land use, in consideration of the characteristics of the area, and they shall formulate the plan referred to in that paragraph by taking a wide area into view if they find it particularly necessary in consideration of a wide-area development of the social and economic activities in the area.
 - (3) In the case referred to in paragraph (1), the State and local public entities shall incorporate the opinions of the residents and other relevant persons.
 - (4) The State and local public entities shall, if they find it necessary in consideration of changes in the conditions prescribed in paragraph (1), change the plan referred to in that paragraph.

(Measures for ensuring proper land use and management)

- Article 13 (1) In order to ensure proper land use and management, including the formation or preservation of a favorable environment, disaster prevention, intensive use of land that attends to a favorable environment, or proper conversion of land use, in accordance with the plan referred to in paragraph (1) of the preceding article, the State and local public entities shall implement appropriate measures for regulation or guidance regarding land use or management and implement projects pertaining to the plan referred to in that paragraph and demarcation of land used for the relevant projects and other

necessary measures.

- (2) The State and local public entities shall, when implementing the measures referred to in the preceding paragraph, endeavor to implement the necessary measures to acquire the ownership of land used for public works projects and other purposes or necessary title to use or management of the relevant land.
- (3) The State and local public entities shall, when implementing the measures referred to in paragraph (1), endeavor to provide a managed supply of residential land in response to demand.
- (4) The State and local public entities shall, when implementing the measures referred to in paragraph (1), endeavor to provide information on underused or unused land (meaning land not used for residential, commercial, or other purposes, or land whose level of use is considered significantly inferior compared to that of land used for the same or a similar purpose in its surrounding area; hereinafter the same applies in this paragraph), support for the acquisition of underused or unused land and other assistance to promote the proper use and management of underused or unused land.
- (5) The State and local public entities shall, when implementing the measures referred to in paragraph (1), endeavor to control and eliminate the occurrence of owner-unknown land (meaning land whose owners are unknown, in whole or in part, even after considerable efforts to find the owners) and ensure the smooth use and management thereof.

(Measures for land transactions)

Article 14 (1) In order to support smooth land transactions, the State and local public entities shall implement measures for the development of the real estate market and other necessary measures.

- (2) In order to eliminate the adverse effects that speculative land transactions and steep rises in land prices have on citizens' lives and to contribute to the formation of reasonable land prices, the State and local public entities shall take measures to control land transactions and other necessary measures.

(Reasonable burden based on the profits associated with development of social infrastructure)

Article 15 Where Landowners, etc., will enjoy extremely large profits in association with development of social infrastructure, if it is found appropriate in consideration of the characteristics of the area and other factors, the State and local public entities shall take necessary measures to impose a reasonable burden on such person with regard to the development of the social infrastructure, as based on the profits.

(Taxation measures)

Article 16 The State and local public entities shall, in conformity to the Basic Principles on Land and based on the measures on land, take reasonable taxation measures with regard to land while ensuring fair tax burden.

(Achieving reasonableness in public land appraisals, etc.)

Article 17 In order to contribute to the formation of reasonable land prices and achieve fairness in taxation, the State shall publicly notify the normal prices of land and endeavor to achieve balance and reasonableness in public land appraisals.

(Conduct of investigations, etc.)

Article 18 (1) In order to achieve comprehensive and efficient implementation of measures on land, the State and local public entities shall take necessary measures such as conducting investigations and collecting data on cadastral data, land use and management status, trends in the real estate market, and other matters.

(2) In order to contribute to the smooth implementation of measures on land, the State and local public entities shall endeavor to provide citizens with information on land, such as cadastral data, land use and management status, and trends in the real estate market, while giving consideration to the protection of rights and the interests of individuals.

(Ensuring consistency in measures and adjustment of the administrative organizations, etc.)

Article 19 (1) The State and local public entities shall cooperate with each other in taking measures on land and endeavor to ensure consistency in the measures.

(2) The State and local public entities shall endeavor to adjust administrative organizations and improve the administrative management from a comprehensive viewpoint in taking measures on land.

(Support for local public entities)

Article 20 In order to support local public entities in implementing their measures on land, the State shall endeavor to provide information and implement other necessary measures.

Chapter III Basic Policy on Land

Article 21 (1) The government must, in conformity to the Basic Principles on Land, establish the basic policy on land (hereinafter referred to as the “Basic Land Policy”) in order to comprehensively promote the basic measures on land

use and management, land transactions, land investigations, the provision of information on land as prescribed in the preceding chapter, and other measures on land.

(2) The Basic Land Policy is to provide for the following matters:

(i) Basic matters concerning the formulation etc. of the plan referred to in Article 12, paragraph (1):

(ii) Basic matters concerning measures for ensuring proper land use and management

(iii) Basic matters concerning measures for land transactions

(iv) Basic matters concerning measures for conducting investigations and collecting data on land and the provision of information on land as prescribed in Article 18, paragraph (2)

(v) In addition to those listed in the preceding items, other matters necessary to comprehensively promote measures on land

(3) The Minister of Land, Infrastructure, Transportation and Tourism must prepare a draft of the Basic Land Policy and seek a cabinet decision.

(4) When intending to prepare a draft of the Basic Land Policy under the provision of the preceding paragraph, the Minister of Land, Infrastructure, Transport and Tourism must, in advance, implement the necessary measures to reflect the opinions of the citizens and hear the opinions of the National Land Council.

(5) When a cabinet decision under paragraph (3) is made, the Minister of Land, Infrastructure, Transportation and Tourism must immediately issue a public notice on the Basic Land Policy.

(6) The provisions of the preceding three paragraphs apply mutatis mutandis to any change to the Basic Land Policy.

Chapter IV Study and Deliberation, etc. by the National Land Council

Article 22 (1) The National Land Council shall study and deliberate matters concerning comprehensive and basic measures on land and basic matters on use of national land in response to the consultation of the Minister of Land, Infrastructure, Transport and Tourism.

(2) The National Land Council may offer opinions on the matters prescribed in the preceding paragraph to the Minister of Land, Infrastructure, Transport and Tourism and to the head of any relevant administrative organ through the Minister of Land, Infrastructure, Transport and Tourism.

(3) The head of a relevant administrative organ may seek the opinions of the National Land Council with regard to matters concerning comprehensive and basic measures on land that are under his or her jurisdiction and basic matters on use of national land that are under his or her jurisdiction.

Supplementary Provisions [Extract]

(Effective date)

(1) This Act shall come into force as from the day of promulgation.

Supplementary Provisions (Act No. 102 of July 16, 1999) [Extract]

(Effective date)

Article 1 This Act shall come into force as from the day of enforcement of the Act for Partial Revision of the Cabinet Act (Act No. 88 of 1999); provided, however, that the provisions listed in the following items shall come into force as from the date specified in the relevant item:

(Effective date: January 6, 2001)

(i) Omitted;

(ii) The provisions of Article 10, paragraphs (1) and (5); Article 14, paragraph (3); Article 23; Article 28; and Article 30 of the Supplementary Provisions: the day of promulgation.

(Transitional Measures Concerning the Term of Members, etc.)

Article 28 The term of office of persons who are chairpersons, members, and other officials of any of the following existing councils and other organizations (except those whose term of office is not provided for) on the day preceding the day of enforcement of this Act shall expire on that day, notwithstanding the provisions of the relevant Act providing for the term of office for that chairpersons, members, and other officials.

(i) to (lvi) Omitted

(lvii) Land Policy Council

(Transitional Measures Prescribed Separately)

Article 30 In addition to the provisions of Article 2 to the preceding article, transitional measures necessary in connection with the enforcement of this Act shall be separately prescribed by law.

○ Act for Enforcement of Acts Related to the Central Government Reform (Act No. 160 of 1999) [Extract]

(Transitional Measures Concerning Dispositions and Applications)

Article 1301 (1) Unless otherwise provided for in laws and regulations, any licenses, permissions, authorizations, approvals, designations, and other

dispositions or notices granted or made or other acts conducted by the existing organs of the State pursuant to the provisions of the laws and regulations prior to the enforcement of acts related to the central government reform and this Act (hereinafter collectively referred to as the "Reform-related Acts etc.") are deemed, after the enforcement of the Reform-related Acts etc., to be licenses, permissions, authorizations, approvals, designations, and other dispositions or notices granted or made or other acts conducted by the corresponding organs of the State in accordance with the corresponding provisions of the laws and regulations after the enforcement of the Reform-related Acts etc.

(2) Unless otherwise provided for in laws and regulations, any applications, notifications or other acts that have been done actually to the existing organs of the State pursuant to the provisions of laws and regulations at the time of enforcement of the Reform-related Acts etc. are deemed, after the enforcement of the Reform-related Acts etc., to be applications, notifications, or other acts done to the corresponding organs of the State in accordance with the corresponding provisions of the laws and regulations after the enforcement of the Reform-related Acts etc.

(3) Unless otherwise provided for in laws and regulations, any matters for which reporting, notification, submission, or other procedures are required to be completed to the existing organs of the State pursuant to the provisions of laws and regulations prior to the enforcement of the Reform-related Acts etc., but the relevant procedures have not yet been completed prior to the day of enforcement of the Reform-related Acts etc. are deemed after the enforcement of the Reform-related Acts etc. to be matters for which the required reporting, notification, submission, or other procedures have not been completed to the corresponding organs of the State pursuant to the corresponding provisions of the laws and regulations after the enforcement of the Reform-related Acts etc. and the provisions of the laws and regulations after the enforcement of the Reform-related Acts etc. apply to those matters.

(Delegation to Cabinet Order)

Article 1344 In addition to the provisions of Articles 71 through 76 and Article 1301 through the preceding article, and the provisions of acts related to the central government reform, transitional measures (including transitional measures concerning penal provisions) necessary in connection with the enforcement of the Reform-related Acts etc. shall be prescribed by Cabinet Order.

Supplementary Provisions (Act No. 160 of December 22, 1999) [Extract]

(Effective date)

Article 1 This Act (excluding Articles 2 and 3) shall come into force as from

January 6, 2001; provided, however, that the provisions listed in the following items shall come into force as from the date specified in the relevant item:

- (i) The provisions of Article 995 (limited to the amended provisions of Supplementary Provisions of the Act Partially Amending the Act on the Regulation of Nuclear Source Material, Nuclear Fuel Material and Reactors); Article 1305; Article 1306; Article 1324, paragraph (2); Article 1326, paragraph (2); and Article 1344: the day of promulgation.

Supplementary Provisions (Act No. 12 of March 31, 2020) [Extract]

(Effective date)

- (1) This Act shall come into force as from April 1, 2020; provided, however, that the provisions listed in the following items shall come into force as from the date specified in the relevant item:
 - (i) The provisions of Article 1: the day of promulgation.