

Fire and Disaster Management Organization Act

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FIRE AND DISASTER MANAGEMENT ORGANIZATION ACT

(LAW NO. 226, DEC. 23, 1947)

Amendments

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| (1) Law No. 187, Jul.24, 1948 | (25) Law No.83, Dec.10, 1983 |
| (2) Law No.193, Jun.4, 1949 | (26) Law No.69, Jun.21, 1985 |
| (3) Law No. 184, May 16, 1950 | (27) Law No.20, Apr. 15, 1986 |
| (4) Law No. 18, Mar. 13, 1951 | (28) Law No.93, Sep. 16, 1987 |
| (5) Law No.258, Jul.31, 1952 | (29) Law No.55, May 24, 1988 |
| (6) Law No. 163, Jun.8, 1954 | (30) Law No.49, Jun.29, 1994 |
| (7) Law No. 107, May 21, 1956 | (31) Law No.69, Apr.21, 1995 |
| (8) Law No.98, Apr. 1, 1959 | (32) Law No.121, Oct.27, 1995 |
| (9) Law No. 113, Jun.30, 1960 | (33) Law No.88,Jun.19,1996 |
| (10) Law No.61, Apr.10, 1961 | (34) Law No.87,Jul.16,1999 |
| (11) Law No. 109, May 8, 1962 | (35) Law No.102,Jul.16,1999 |
| (12) Law No.88, Apr.15, 1963 | (36) Law No.156,Dec.17,1999 |
| (13) Law No.89, Apr. 15, 1963 | (37) Law No.92,Jul.26,2002 |
| (14) Law No. 17, Mar.30, 1964 | (38) Law No.84,Jun.18,2003 |
| (15) Law No.65, May 14,1965 | (39) Law No.27, Apr. 2, 2004 |
| (16) Law No.80, Jul.25, 1967 | (40) Law No.112, Jun. 18, 2004 |
| (17) Law No.95, Jun. 10, 1968 | (41) Law No.64, Jun. 14, 2006 |
| (18) Law No.94, Jun.23, 1972 | (42) Law No.41, May 28, 2008 |
| (19) Law No.105, Jun. 26, 1972 | (43) Law No.34, May 1, 2009 |
| (20) Law No.84, Dec. 17, 1975 | (44) Law No.37, May 2, 2011 |
| (21) Law No.37, May 29, 1976 | (45) Law No.44, Jun. 14, 2013 |
| (22) Law No.73, Jun.15, 1978 | (46) Law No.87, Nov. 29. 2013 |
| (23) Law No.66, Jul. 16, 1982 | (47) Law No.88, Nov. 29, 2013 |
| (24) Law No.78, Dec.2, 1983 | (48) Law No.42, May 30, 2014 |

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Fire and Disaster Management Organization Act (Article 1~4)

CHAPTER 1 GENERAL PROVISIONS

(Duties of the Fire Service)

Article 1 The duties of the fire service shall be, through the utilization of its facilities and personnel, to protect the lives, bodies and properties of citizens from fire, to control fire, flood, earthquake and other disasters and to mitigate the damage caused by such disasters and also to transport injured or sick people as a result of a disaster, etc.

CHAPTER 2 NATIONAL ADMINISTRATIVE ORGAN

(Fire and Disaster Management Agency)

Article 2 The Fire and Disaster Management Agency shall be established as an external agency of the Ministry of Internal Affairs and Communications (MIC) pursuant to the provision of Article 3, paragraph (2) of the National Government Organization Act (Act No. 120 of 1948).

(Commissioner of the Fire and Disaster Management Agency)

Article 3 The head of the Fire and Disaster Management Agency shall be the Commissioner of the Fire and Disaster Management Agency.

(Duties and Affairs under the Jurisdiction of the Fire and Disaster Management Agency)

Article 4 The duties of the Fire and Disaster Management Agency shall be to protect the lives, bodies and properties of citizens by means of designing and drafting a system concerning fire defense as well as conducting fire defense-related affairs, including those to be dealt with over a wide area.

- (2) The Fire and Disaster Management Agency shall be in charge of the affairs listed in the following to accomplish the duties set forth in the preceding paragraph.
- (i) Matters concerning the design and drafting of a fire defense system and fire defense rules
 - (ii) Matters concerning the grading of urban areas from the viewpoint of fire defense (excluding those under the jurisdiction of a prefectural government)
 - (iii) Matters concerning the design and planning of fire prevention inspection, fire prevention management and other fire prevention systems
 - (iv) Matters concerning the investigation of fire and investigation of the cause of the outflow of hazardous materials or any other accident
 - (v) Matters concerning education and training standards for fire defense personnel (meaning firefighters and other personnel; the same shall apply hereinafter) and fire corps volunteers
 - (vi) Matters concerning the education and training of fire defense personnel and fire corps volunteers
 - (vii) Matters concerning fire defense statistics and fire defense information
 - (viii) Matters concerning the certification and examination of equipment, machines, tools and materials to be used for fire defense
 - (ix) Matters concerning testing and research concerning fire defense
 - (x) Matters concerning guidance on and subsidies for the strengthening and expansion of fire defense equipment and facilities
 - (xi) Matters concerning the dissemination and publicity of the idea of fire defense
 - (xii) Matters concerning the method to judge hazardous materials and the ensuring of safety
 - (xiii) Matters concerning hazardous material engineers and fire defense equipment officers

Fire and Disaster Management Organization Act (Article 4~5)

- (xiv) Matters concerning standards for the manpower and facilities necessary for fire defense
- (xv) Matters concerning standards for plans concerning fire defense based on disaster control plans (referred to as “fire defense plans” in Article 29)
- (xvi) Matters concerning standards for activities pertaining to the rescue of human lives
- (xvii) Matters concerning standards for the ambulance service
- (xviii) Matters concerning compensation, etc. for fire corps volunteers, etc. for accidents in the line of public duty
- (xix) Matters concerning commendations and rewards regarding fire defense
- (xx) Matters concerning reinforcement and support for fire defense and emergency fire defense support teams
- (xxi) Matters concerning liaising between national and local governments and between local governments regarding the affairs of local governments based on the Basic Act on Disaster Control Measures (Act No. 223 of 1961), Act on Special Measures Concerning Countermeasures for Large-Scale Earthquakes (Act No. 73 of 1978), Act on Special Measures Concerning Nuclear Emergency Preparedness (Act No. 156 of 1999), Act on Special Measures for the Promotion of Nankai Trough Earthquake Disaster Management (Act No. 92 of 2002), Act on Special Measures for the Promotion of Disaster Management for Trench-Type Earthquakes in the Vicinity of the Japan and Chishima Trenches (Act No. 27 of 2004) and Act on Special Measures Against Tokyo Inland Earthquakes (Act No. 88 of 2013)
- (xxii) Matters concerning the planning of work and inspection and other safety-related issues for facilities used for the petroleum pipeline business
- (xxiii) Matters concerning the prevention of the occurrence and spread of disasters pertaining to petro-chemical plant complexes and other special disaster prevention areas prescribed in Article 2 item (ii) of the Act on the Prevention of Disasters at Petroleum Industrial Complexes and Other Petroleum Facilities (Act No. 84 of 1975)
- (xxiv) Matters concerning international emergency relief activities based on the Act on the Dispatch of Japanese Disaster Relief Teams (Act No. 93 of 1987)
- (xxv) Matters concerning the evacuation of residents, information on the well-being of persons and instructions, etc. concerning fire defense in the case of the occurrence of a disaster caused by an armed attack, etc. based on the Act Concerning Measures for the Protection of People in Armed Attack Situations, etc. (Act No. 112 of 2004) and matters relating to liaising and coordination between national and local governments and between local governments regarding the affairs of local governments based on the said act
- (xxvi) Matters concerning international cooperation pertaining to affairs under jurisdiction
- (xxvii) Matters relating to fire defense conducted by the voluntary disaster prevention organizations of residents
- (xxviii) In addition to those prescribed in the preceding items, matters belonging to the Fire and Disaster Management Agency pursuant to other acts (including orders based on other acts)

(Education and Training Organization)

Article 5 The Fire and Disaster Management Agency may establish, pursuant to the provisions of a cabinet order, an education and training organization which provides the education and training required of senior officials for personnel engaged in the affairs of national and prefectural fire services or municipal fire defense personnel and fire corps volunteers and is also in charge of technical assistance concerning the contents and methods of education and training conducted by fire academies or training organizations for fire defense personnel and fire corps volunteers.

Fire and Disaster Management Organization Act (Article 6~14)

CHAPTER 3 MUNICIPAL GOVERNMENT ORGANIZATIONS

(Municipal Responsibilities Concerning Fire Defense)

Article 6 A municipality has the responsibility to sufficiently perform fire defense within the area of the said municipality.

(Management of the Municipal Fire Service)

Article 7 The municipal fire service shall be managed by the mayor of the said municipality in accordance with the relevant municipal ordinance.

(Expenses of the Municipal Fire Service)

Article 8 The expenses necessary for the fire service of a municipality shall be borne by the municipality in question.

(Fire Defense Organizations)

Article 9 In order to proceed with fire service affairs, a municipality shall establish all or some of the organizations listed below.

- (i) Fire defense headquarters
- (ii) Fire stations
- (iii) Fire corps

(Fire Defense Headquarters and Fire Stations)

Article 10 The establishment, locations and names of the fire defense headquarters and fire stations and the areas of jurisdiction of fire stations shall be prescribed by a municipal ordinance.

- (2) The organization of the fire defense headquarters shall be prescribed by municipal rules while the organization of fire stations shall be determined by the fire chief with the approval of the mayor of the municipality concerned.

(Fire Defense Personnel)

Article 11 Fire defense personnel shall be assigned to the fire defense headquarters and fire stations.

- (2) The full strength of fire defense personnel shall be prescribed by an ordinance provided, however, that this shall not apply to temporary or part-time positions.

(Fire Chief)

Article 12 The head of the fire defense headquarters shall be the fire chief.

- (2) The fire chief shall control the affairs of the fire defense headquarters and direct as well as supervise fire defense personnel.

(Fire Station Chief)

Article 13 The head of a fire station shall be the fire station chief.

- (2) The fire station chief shall control the affairs of the fire station and direct as well as supervise fire defense personnel belonging to his/her fire station under the direction and supervision of the fire chief.

(Duties of Fire Defense Personnel)

Article 14 Fire defense personnel shall be engaged in fire service affairs under the direction and supervision of their superior.

Fire and Disaster Management Organization Act (Article 15~18)

(Appointment of Fire Defense Personnel)

Article 15 The fire chief shall be appointed by the municipal mayor and fire defense personnel other than the fire chief shall be appointed by the fire chief with the approval of the municipal mayor.

- (2) The fire chief and fire station chiefs shall have the qualifications prescribed by a municipal ordinance as qualifications required of persons with the necessary knowledge and experience regarding their fire service positions.
- (3) When a municipality prescribes the ordinance referred to in the preceding item, it shall take the criteria prescribed by a cabinet order as criteria for the qualifications of the persons prescribed in the said paragraph into consideration.

(Handling of the Status, etc. of Fire Defense Personnel)

Article 16 Excluding what is provided for in this Act, the appointment, remuneration, employment status, disciplinary actions and handling of other aspects of status concerning fire defense personnel shall be as those specified by the Local Public Service Act (Act No. 261 of 1950).

- (2) Matters concerning the ranks, training, formalities and uniform regulations for fire defense personnel shall be prescribed by municipal rules in accordance with the requirements set forth by the Fire and Disaster Management Agency.

(Committee of Fire Defense Personnel)

Article 17 A committee of fire defense personnel shall be established at the fire defense headquarters to deliberate on opinions submitted by fire defense personnel concerning the matters listed below and to present the committee's opinions based on the results of deliberations to the fire chief, thereby contributing to the smooth management of fire service affairs.

- (i) Matters concerning the remuneration, working hours and other conditions of work and the health as well as welfare of fire defense personnel
 - (ii) Matters concerning clothing and equipment which are necessary for the execution of the duties of fire defense personnel
 - (iii) Matters concerning equipment, machines, tools and other facilities to be used for fire defense
- (2) The committee of fire defense personnel shall comprise a chairperson and committee members.
 - (3) The chairperson shall be appointed by the fire chief from among those fire defense personnel occupying positions prescribed by municipal rules as positions equivalent to the position of fire chief and the committee members shall be appointed by the fire chief from among fire defense personnel (excluding the fire service person appointed as the chairperson and the fire chief).
 - (4) In addition to what is prescribed in the three preceding items, matters necessary for the organization and operation of the Committee of Fire Defense Personnel shall be prescribed by municipal rules in accordance with the requirements set forth by the Fire and Disaster Management Agency.

(Fire Corps)

Article 18 The establishment, name and area of responsibility of a fire corps shall be prescribed by a municipal ordinance.

- (2) The organization of a fire corps shall be prescribed by municipal rules.
- (3) In the case of a municipality which has a fire defense headquarters, a fire corps shall act under the jurisdiction of the fire chief or fire station chief and may perform fire defense activities outside the areas of its responsibility on the order of the fire chief or fire station chief.

Fire and Disaster Management Organization Act (Article 19~27)

(Fire Corps Volunteers)

Article 19 A fire corps shall have fire corps volunteers.

- (2) The full strength of a fire corps shall be prescribed by a municipal ordinance.

(Fire Corps Chief)

Article 20 The head of a fire corps shall be the fire corps chief.

- (2) The fire corps chief shall control the affairs of the fire corps and direct as well as supervise the fire corps volunteers belonging to his/her fire corps.

(Duties of Fire Corps Volunteers)

Article 21 Fire corps volunteers shall be engaged in fire service affairs under the direction and supervision of their superior.

(Appointment of Fire Corps Volunteers)

Article 22 The fire corps chief shall be appointed by the municipal mayor on the recommendation of the fire corps concerned and fire corps volunteers other than the fire corps chief shall be appointed by the fire corps chief with the approval of the municipal mayor.

(Treatment of the Status, etc. of Fire Corps Volunteers)

Article 23 Excluding what is provided for in this Act, appointment, remuneration, employment status, disciplinary actions and handling of other aspects of status concerning fire corps volunteers shall be as those specified by the Local Public Service Act for full-time fire corps volunteers and shall also be prescribed by a municipal ordinance for part-time fire corps volunteers.

- (2) Matters concerning the ranks, training, formalities and uniform regulations of fire corps volunteers shall be prescribed by municipal rules in accordance with the requirements set forth by the Fire and Disaster Management Agency.

(Compensation for Part-Time Fire Corps Volunteers for Accidents in the Line of Public Duty)

Article 24 In the case where a part-time fire corps volunteer dies or is injured or becomes ill on official duty, or dies or is disabled because of injury or illness sustained on official duty, the municipality shall compensate him/her or his/her bereaved family for damage resulting from such causes as specified by a municipal ordinance following the standards set forth by a cabinet order.

- (2) In the case referred to in the preceding paragraph, the municipality shall endeavor to undertake whatever is necessary concerning the welfare of the part-time fire corps volunteer in question or his/her bereaved family.

(Retirement Compensation for Part-Time Fire Corps Volunteers)

Article 25 In the case of the retirement of a part-time fire corps volunteer, the municipality shall provide the person concerned with retirement compensation (in the case of retirement due to death, his/her bereaved family).

(Responsibility Concerning the Fire Service in Special Wards)

Article 26 In an area in which special wards are situated, these special wards shall have the joint responsibility prescribed in Article 6 in the said area.

(Control of the Fire Service in Special Wards and Appointment of the Fire Chief)

Article 27 The fire service in special wards as referred to in the preceding paragraph shall be controlled by the Governor of Tokyo.

- (2) The fire chief for the special wards shall be appointed by the Governor of Tokyo.

Fire and Disaster Management Organization Act (Article 28~30)

(Application *Mutatis Mutandis* to the Fire Service in Special Wards)

Article 28 In addition to what is prescribed in the two preceding articles, an area in which special wards are situated shall be deemed to constitute a single city for the purpose of the fire service in an area in which special wards are situated and the provisions concerning the fire service in municipalities shall apply *mutatis mutandis*.

(Affairs Concerning the Fire Service under the Jurisdiction of a Prefecture)

Article 29 A prefecture shall perform the affairs listed below concerning the fire service in addition to efforts to facilitate liaising and cooperation concerning the fire service between the prefecture in question and municipalities and between municipalities so that municipal fire services are fully performed.

- (i) Matters concerning the education and training of fire defense personnel and fire corps volunteers
- (ii) Matters concerning the arrangement of personnel exchanges involving fire defense personnel between municipalities
- (iii) Matters concerning fire defense statistics and fire defense information
- (iv) Matters concerning guidance on and subsidies for the strengthening and expansion of fire defense equipment and facilities
- (v) Matters concerning the dissemination and publicity of the idea of fire defense
- (vi) Matters concerning the performance test of equipment, machines, tools and materials to be used for fire defense
- (vii) Matters concerning guidance on the preparation of a fire defense plan by a municipality
- (viii) Matters concerning reinforcement for fire defense and emergency fire defense support teams
- (ix) Matters concerning guidance on activities conducted by the municipal fire service pertaining to the rescue of human lives
- (x) Matters concerning standards for the implementation of the transportation and acceptance of injured or sick persons
- (xi) Matters concerning guidance on the ambulance service conducted by a municipality
- (xii) Matters concerning the grading of urban areas in connection with fire defense (excluding those matters pertaining to designated cities by the Commissioner of the Fire and Disaster Management Agency)
- (xiii) In addition to those prescribed in the preceding items, matters belonging to the jurisdiction of the prefecture concerned pursuant to other acts (including orders based on other acts)

(Prefectural Aviation Firefighting Team)

Article 30 In addition to those prescribed in the preceding article, a prefecture may support the fire service of a municipality using aircraft in response to a request made by the mayor of the said municipality situated in the prefectural area.

- (2) The prefectural governor and the mayor of a municipality may conclude an agreement concerning support for the municipal fire service based on the provision of the preceding paragraph.
- (3) The prefectural governor shall establish an aviation firefighting team prescribed by prefectural rules for the purpose of supporting the municipal fire service pursuant to the provision of paragraph (1).

CHAPTER 4 ENLARGEMENT OF THE MUNICIPAL FIRE SERVICE AREA

(Enlargement of the Municipal Fire Service Area)

Article 31 The joint handling of the enlargement of municipal fire service areas [meaning the joint handling of fire service affairs (excluding the affairs of a fire corps; the same shall apply hereinafter in this article) by two or more municipalities or the entrustment of fire service affairs by one municipality to another municipality; the same shall apply hereinafter in this chapter] shall be conducted for the purpose of improving and consolidating the fire defense system.

(Basic Guidelines)

Article 32 Apart from promoting the voluntary enlargement of municipal fire service, the Commissioner of the Fire and Disaster Management Agency shall determine the basic guidelines (referred to as the “basic guidelines” in the following paragraph and paragraph (1) of the following article) to secure the smooth operation of the fire service after the enlargement of the municipal fire service (hereinafter referred to as the “post-enlargement fire service”).

- (2) The basic guidelines shall stipulate the matters listed below.
 - (i) Basic matters concerning the promotion of the voluntary enlargement of municipal fire service
 - (ii) Period to promote the voluntary enlargement of municipal fire service
 - (iii) Standards concerning the matters listed in paragraph (2) item (iii) and item (iv) of the following article
 - (iv) Basic matters concerning the ensuring of the smooth management of the post-enlargement fire service
 - (v) Matters concerning the ensuring of coordination between the relevant organizations pertaining to municipal disaster prevention

(Promotion Plan and Involvement of the Prefectural Governor)

Article 33 In the case where it is deemed to be necessary to promote the voluntary enlargement of municipal fire services in the area of a prefecture based on the basic guidelines, the said prefecture shall endeavor to formulate a plan concerning the voluntary enlargement of municipal fire service and the ensuring of the smooth management of the post-enlargement fire service in the said prefecture featuring the municipalities in question (hereinafter referred to as a “promotion plan” in this article).

- (2) A promotion plan shall basically stipulate the matters listed below.
 - (i) Basic matters concerning the promotion of the voluntary enlargement of municipal fire service
 - (ii) Current situation and future prospect of municipal fire service
 - (iii) Combination of the subject municipalities for the voluntary enlargement of municipal fire service of which the promotion is deemed to be necessary taking the current situation and future prospect referred to in the preceding item (hereinafter referred to as the “subject municipalities for enlargement”) into consideration
 - (iv) Matters concerning the necessary measures for the promotion of the voluntary enlargement of municipal fire service based on the combination referred to in the preceding item
 - (v) Basic matters concerning the ensuring of the smooth management of the post-enlargement fire service
 - (vi) Matters concerning the ensuring of coordination between the relevant organizations pertaining to municipal disaster prevention
- (3) When a prefecture intends to formulate or modify a promotion plan, it must hear the opinions of the relevant municipalities in advance.

Fire and Disaster Management Organization Act (Article 33~37)

- (4) When requested by all or some of the subject municipalities for enlargement, the prefectural governor shall conduct the necessary coordination between the municipalities.
- (5) To promote the voluntary enlargement of municipal fire service, the prefectural governor shall offer the provision of information and other necessary assistance to municipalities in addition to what is prescribed in this Act.

(Enlarged Area Fire Service Management Plan)

Article 34 When the subject municipalities for enlargement intend to enlarge their fire service areas, they shall formulate a plan through mutual consultation to ensure the smooth management of the post-enlargement fire service (hereinafter referred to as an “enlarged area fire service management plan” in this article and paragraph (2) of the following article).

- (2) An enlarged area fire service management plan shall basically stipulate the matters listed below.
 - (i) Basic guidelines to ensure the smooth management of the post-enlargement fire service
 - (ii) Location and name of the fire defense headquarters
 - (iii) Matters concerning the ensuring of coordination between the relevant organizations pertaining to municipal disaster prevention
- (3) In the case where the subject municipalities for enlargement establish a council pursuant to the provision of Article 252-2-2 paragraph (1) of the Local Autonomy Act (Act No. 67 of 1947), a member of the local assembly of a related municipality or a person with knowledge and experience may be added to the said council as the chairperson or member of the said council pursuant to the constitution of the said council notwithstanding the provision of Article 252-3 paragraph (2) of the said act.

(Assistance of the State, etc.)

Article 35 In addition to what is provided for in this Act, the State shall provide information and other necessary assistance for prefectures and municipalities to promote the voluntary enlargement of municipal fire service.

- (2) In the case where the subject municipalities for enlargement have enlarged their municipal fire service based on the combination referred to in Article 33 paragraph (2) item (iii), municipal bonds to be issued by the said subject municipalities for enlargement to cover the cost of the undertakings designed to achieve an enlarged area fire service management plan shall be given special consideration within the scope of the laws and regulations so far as the circumstances for fund raising and the fiscal situation of the said subject municipalities for enlargement permit the issue of such bonds.

CHAPTER 5 RELATIONSHIP BETWEEN VARIOUS ORGANIZATIONS

(Relationship between Municipal Fire Services and the Commissioner of the Fire and Disaster Management Agency, etc.)

Article 36 Municipal fire services shall not be subject to operational management or administrative management by the Commissioner of the Fire and Disaster Management Agency or prefectural governor.

(Recommendations, Guidance and Advice by the Commissioner of the Fire and Disaster Management Agency)

Article 37 The Commissioner of the Fire and Disaster Management Agency may provide recommendations, guidance and advice for prefectures or municipalities on matters concerning the fire service when required.

Fire and Disaster Management Organization Act (Article 38~44)

(Recommendations, Guidance and Advice by a Prefectural Governor)

Article 38 A prefectural governor may provide recommendations, guidance and advice for municipalities on matters concerning the fire service when required. In this case, the recommendations, guidance and advice shall be in line with the purpose of the recommendations, guidance and advice given by the Commissioner of the Fire and Disaster Management Agency.

(Mutual Assistance between Municipal Fire Services)

Article 39 Municipalities shall endeavor to provide mutual assistance concerning the fire service when required.

- (2) The municipal mayors may conclude an agreement concerning mutual assistance between their fire services.

(Reporting on Fire Defense Statistics, etc. to the Commissioner of the Fire and Disaster Management Agency)

Article 40 The Commissioner of the Fire and Disaster Management Agency may request prefectures or municipalities to report on fire defense statistics and fire defense information in the form and method determined by the Commissioner of the Fire and Disaster Management Agency.

(Use of Police Communication Facilities)

Article 41 The Fire and Disaster Management Agency and local governments may use police communication facilities for fire defense affairs.

(Mutual Cooperation, etc. between the Fire Service, Police and Relevant Organizations)

Article 42 The fire service and police department shall cooperate with each other to protect the lives, bodies and properties of citizens.

- (2) The Fire and Disaster Management Agency, National Police Agency, prefectural police departments, prefectural governors, municipal mayors and flood control managers prescribed in the Flood Control Act (Act No. 193 of 1949) may conclude an agreement in advance between themselves concerning measures to protect against disasters in the case of an emergency situation, such as earthquake, typhoon, flood or fire. In the case where the fire service supports the police department at the time of such a disaster, the police department shall retain the authority for operational management and fire defense personnel shall not assert police authority. In the case where the police department supports the fire service at the time of such a disaster, the fire service shall assume direction for police matters which are related to fire defense in the disaster-hit areas.

(Instructions by a Prefectural Governor in an Emergency Situation)

Article 43 In the case of an emergency situation such as an earthquake, typhoon, flood or fire, a prefectural governor may issue necessary instructions concerning the implementation of an agreement pursuant to the provision of paragraph (2) of the preceding article and other measures to protect against a disaster to municipal mayors, municipal fire chiefs and flood control managers prescribed in the Flood Control Act. Instructions in this case shall be in line with the purpose of the recommendations, guidance or advice given by the Commissioner of the Fire and Disaster Management Agency.

(Request, etc. by the Commissioner of the Fire and Disaster Management Agency, etc. for Measures in an Emergency Situation)

Article 44 In the case of an emergency situation, such as an earthquake, typhoon, flood or fire, when the Commissioner of the Fire and Disaster Management Agency receives a re-

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quest concerning reinforcement and support for the fire service (hereinafter referred to as “reinforcement, etc. of the fire service”) of a municipality in which such a disaster has occurred (hereinafter referred to as “disaster-hit municipality” in this article through Article 44-3) from the governor of the prefecture to which the said disaster-hit municipality belongs and also finds it necessary, he/she may request the governors of prefectures other than the said prefecture to take necessary measures for the purpose of the reinforcement, etc. of the fire service of the said disaster-hit municipality.

- (2) In the case prescribed in the preceding paragraph, when the Commissioner of the Fire and Disaster Management Agency finds that there is no time to wait for a request referred to in the said paragraph because of urgency in the light of the scale, etc. of the said disaster, he/she may request the governors of prefectures other than the prefecture to which the said disaster-hit municipality belongs to take the said necessary measures for the sake of the disaster-hit municipality which is found to be in need of urgent reinforcement, etc. of the fire service. In this case, the Commissioner of the Fire and Disaster Management Agency shall immediately notify the matter to the governor of the prefecture to which the said disaster-hit municipality belongs.
- (3) When a prefectural governor finds it necessary in the case where he/she takes the said necessary measures in response to a request by the Commissioner of the Fire and Disaster Management Agency pursuant to the provisions of the two preceding paragraphs, he/she may request the mayors of the municipalities in the area of his/her jurisdiction to take such measures as the reinforcing dispatch of personnel of fire defense organizations (meaning organizations prescribed in Article 9; the same shall apply hereinafter).
- (4) In the case of paragraph (1) or paragraph (2), when the Commissioner of the Fire and Disaster Management Agency finds it necessary to take measures, including the reinforcing dispatch of personnel of fire defense organizations in a wide area, in a precise and swift manner in view of the special urgency for the rescue of human lives, etc., he/she may personally request the mayors of municipalities other than the disaster-hit municipality to take measures, such as the said reinforcing dispatch, for the sake of the disaster-hit municipality which is found to be in urgent need of measures, including the said reinforcing dispatch. In this case, the Commissioner of the Fire and Disaster Management Agency shall immediately notify the matter to the governors of the prefectures to which the municipalities requested to take such measures as reinforcing dispatch below in the case of paragraph (1) or the governors of the said prefectures and the governor of the prefecture to which the said disaster-hit municipality belong in the case of paragraph (2).
- (5) In the case prescribed in paragraph (1), paragraph (2) or the preceding paragraph, when the Commissioner of the Fire and Disaster Management Agency finds a special need for the purpose of dealing with an extreme seismic disaster or another large-scale disaster pertaining to an area under intensified measures against earthquake disaster prescribed in Article 3 paragraph (1) of the Act on Special Measures Concerning Countermeasures for Large-Scale Earthquakes or a special disaster due to the diffusion of a toxic substance or another cause prescribed by a cabinet order, he/she may instruct the governors of prefectures other than the prefecture to which the disaster-hit municipality belongs or the mayors of municipalities in the said prefecture to take the necessary measures for the dispatch of emergency fire defense support teams prescribed in Article 45 paragraph (1) (hereinafter referred to as “emergency fire defense response teams” in this article through Article 44-3) for the sake of the disaster-hit municipality which is found to be in the said special need. In this case, the Commissioner of the Fire and Disaster Management Agency shall promptly notify the matter to the governor of the prefecture to which the said disaster-hit municipality belongs and the governors of prefectures to which the municipalities instructed to take necessary measures for the purpose of the said dispatch belong.

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- (6) A prefectural governor may instruct the mayors of municipalities in the area of his/her jurisdiction to take measures to dispatch emergency fire defense support teams based on an instruction by the Commissioner of the Fire and Disaster Management Agency pursuant to the provision of the preceding paragraph.
- (7) The provisions of each of the preceding paragraphs shall apply *mutatis mutandis* when a warning declaration prescribed in Article 2, item (xiii) of the Act on Special Measures Concerning Countermeasures for Large Earthquakes is issued.
- (8) When the Commissioner of the Fire and Disaster Management Agency requests or instructs the implementation of necessary measures for the dispatch of emergency fire defense support teams which have already been operating in disaster-hit municipalities other than a disaster-hit municipality targeted by his/her request or instruction pursuant to the provisions of paragraph (1), paragraph (2) or paragraph (4), paragraph (5), he/she shall seek the opinions of the mayors of the disaster-hit municipalities in which the said emergency fire defense support teams are already operating [hereinafter referred to as “municipalities with emergency fire defense support teams in action” in this paragraph and Article 44-3 paragraph (1)] and the governors of prefectures to which the municipalities with emergency fire defense support teams in action belong in advance; provided, however, that this requirement shall not apply when there is no time for him/her to seek the said opinions in advance because of the urgency in the light of the scale, etc. of the disaster in question.

(Coordinating Headquarters for Fire Defense Support Activities)

Article 44-2 When emergency fire defense support teams are dispatched for the reinforcement, etc. of the fire service in the case where there are two or more disaster-hit municipalities in the area of a single prefecture, the governor of the said prefecture shall establish a coordinating headquarters for fire defense support activities (hereinafter referred to as the “coordinating headquarters” in this article and paragraph (2) of the following article).

- (2) The coordinating headquarters shall perform the following affairs.
 - (i) Affairs concerning the general coordination of measures implemented by the said prefecture and municipalities in the area of the said prefecture for the purpose of the reinforcement, etc. of the fire service in the disaster-hit municipalities.
 - (ii) Affairs concerning liaising with the relevant organizations for the purpose of the smooth implementation of the affairs listed in the preceding item.
- (3) The head of the coordinating headquarters shall be the coordinating headquarters commander for fire defense support activities (hereinafter referred to as the “coordinating headquarters commander” in this article) and this position shall be filled by the prefectural governor.
- (4) The coordinating headquarters commander shall control the affairs of the coordinating headquarters.
- (5) The coordinating headquarters shall have headquarters officers and their positions shall be filled by the persons listed below.
 - (i) Person appointed by the governor of the prefecture in question from among officials of the said prefecture
 - (ii) The fire chief of the fire defense headquarters which is designated by the prefectural governor from the fire defense headquarters established by municipalities in the area of the prefecture in question or an officer of the designated fire defense headquarters who is nominated by the said prefectural governor
 - (iii) Officer nominated by the mayor of a disaster-hit municipality in the area of the prefecture in question
 - (iv) Person appointed by the prefectural governor from the members of an emergency fire defense support team dispatched to a disaster-hit municipality in the area of the prefecture in question

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- (6) The coordinating headquarters shall have an assistant commander appointed by the prefectural governor from the headquarters officers referred to in the preceding item.
- (7) The assistant commander shall assist the coordinating headquarters commander and shall deputize for the coordinating headquarters commander to exercise his/her duties when he/she is unable to perform his/her duties.
- (8) When the coordinating headquarters commander finds it necessary, he/she may have an official(s) of the State or others attend meetings of the coordinating headquarters.

(Instruction, etc. by the Prefectural Governor to Emergency Fire Defense Support Teams)

Article 44-3 In the case prescribed in paragraph (1) of the preceding article, when a prefectural governor finds it urgently necessary concerning the reinforcement, etc. of the fire service in disaster-hit municipalities other than municipalities with emergency fire defense support teams in action, he/she may instruct emergency fire defense support teams which are operating in municipalities with emergency fire defense support teams in action to go into action for the sake of disaster-hit municipalities other than the said municipalities with emergency fire defense support teams in action.

- (2) When the prefectural governor intends to issue an instruction pursuant to the provision of the preceding paragraph, he/she shall seek the opinion of the coordinating headquarters in advance; provided, however, that this requirement shall not apply where there is no time for him/her to seek the said opinion in advance because of the urgency in the light of the scale, etc. of the disaster in question.
- (3) When the prefectural governor has issued an instruction pursuant to the provision of paragraph (1), he/she shall promptly notify the Commissioner of the Fire and Disaster Management Agency of the matter.
- (4) When the Commissioner of the Fire and Disaster Management Agency is notified pursuant to the provision of the preceding paragraph, he/she shall promptly notify the matter to the governors of the prefectures concerned in the case where the members of the emergency fire defense support teams in action belong to the prefectural governments or the mayors of the municipalities concerned via the prefectural governors in the case where the members of the emergency fire defense support teams in action belong to municipal governments.

(Emergency Fire Defense Support Team)

Article 45 An emergency fire defense support team is a unit consisting of personnel and facilities concerning the fire service belonging to either a prefecture or municipality and of which the duties include the reinforcement, etc. of the fire service in response to a request made pursuant to the provision of Article 44 paragraph (1), paragraph (2) or paragraph (4) or based on an instruction issued pursuant to the provision of paragraph (5) of the said article.

- (2) The Minister of Internal Affairs and Communications shall formulate and release a plan concerning the basic matters pertaining to the composition of an emergency fire defense support team and improvement of the facilities, etc. in order to implement measures concerning the dispatch of an emergency fire defense support team in a precise and swift manner. The same shall apply when he/she makes any changes to the said plan.
- (3) When the Minister of Internal Affairs and Communications intends to formulate the plan referred to in the preceding paragraph or make changes to the plan, he/she shall consult the Minister of Finance in advance.
- (4) The Commissioner of the Fire and Disaster Management Agency shall register, pursuant to the provisions of a cabinet order, the personnel and facilities which he/she finds necessary for an emergency fire defense support team based on an application by a prefectural governor or municipal mayor.

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- (5) When the Commissioner of the Fire and Disaster Management Agency finds it necessary in the light of the plan referred to in paragraph (2), he/she may request the cooperation of the prefectural governor or municipal mayor in regard to the registration referred to in the preceding paragraph.

(Establishment of an Information Communication System)

Article 46 The Commissioner of the Fire and Disaster Management Agency shall prescribe the necessary matters for the establishment and operation of an information communication system concerning the reinforcement, etc. of the fire service, including the dispatch of an emergency fire defense support team.

(Command of the Personnel of a Fire Defense Organization Dispatched for Assistance)

Article 47 When the personnel of a fire defense organization are dispatched to reinforce the fire service of a municipality other than the municipality to which they belong, the said personnel shall be under the command of the mayor of the municipality which is being reinforced.

- (2) The provision of the preceding paragraph shall not prevent the mayor of the municipality to which the members of an emergency fire defense support team belong from issuing an order, in response to a request made pursuant to the provision of Article 44 paragraph (1), paragraph (2) or paragraph (4) or based on an instruction issued pursuant to the provision of paragraph (5) of the said article, to dispatch the emergency fire defense support team to which the said members belong for the purpose of reinforcing the fire service of a municipality other than the municipality in which the emergency fire defense support team to which the said members belong is operating.

(Coordination in the Case of the Dispatch of an Aviation Firefighting Team for Support)

Article 48 In the case where a prefectural aviation firefighting team is dispatched to support a fire defense organization in a municipality, the said aviation firefighting team shall act in mutually close coordination with the fire defense organization of the municipality receiving such support.

(Financial Contribution and Subsidy by the State)

Article 49 Among the expenses which have increased due to the activities of an emergency fire defense support team dispatched in response to an instruction pursuant to Article 44 paragraph (5) [including such activities in the case where the said emergency fire defense support team has been dispatched in response to an instruction pursuant to the provision of Article 44-3 paragraph (1)] or expenses required for newly required fire defense, special duty allowance, overtime work allowance and other expenses to be specified by a cabinet order for members of the said emergency fire defense support team shall be borne by the State pursuant to the provisions of a cabinet order.

- (2) The expenses for a facility which is established based on the plan referred to in Article 45 paragraph (2) pertaining to emergency fire defense support teams and which is specified by a cabinet order shall be subsidized by the State pursuant to the provisions of a cabinet order within the scope of the budget.
- (3) In addition to what is prescribed in the preceding paragraph, matters concerning subsidies for expenses required for municipal fire services shall be prescribed by an act.

(Use of National Properties, etc. Without Charge)

Article 50 When the Minister of Internal Affairs and Communications or a person delegated by the said Minister finds it necessary for the activities of emergency fire defense support

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teams, he/she may allow the prefectures or municipalities to which the members of the said emergency fire defense support teams in action belong use national properties for fire defense under his/her jurisdiction [meaning national properties prescribed in Article 2 paragraph (1) of the National Property Act (Act No. 73 of 1948)] or goods owned by the State without charge as long as such use does not hinder the affairs under his/her jurisdiction notwithstanding the provision of Article 22 of the National Property Act which is applied *mutatis mutandis* in Article 19 of the said act and the provision of Article 9 paragraph (1) of the Public Finance Act (Act No. 34 of 1947).

(Fire Academies, etc.)

Article 51 Prefectures shall establish a fire academy independently or jointly for the purpose of educating and training fire service personnel and fire corps volunteers except in those cases where there are special circumstances, including financial circumstances.

- (2) Those cities designated in Article 252-19 paragraph (1) of the Local Autonomy Act (hereinafter referred to as the “designated cities”) may independently or jointly with a prefecture establish a fire academy for the purpose of educating and training fire service personnel and fire corps volunteers.
- (3) Municipalities other than the designated cities which establish a fire academy pursuant to the provision of the preceding paragraph may establish an education and training organization for the purpose of training fire service personnel and fire corps volunteers.
- (4) The education and training at a fire academy shall endeavor to ensure the standards set forth by the Fire and Disaster Management Agency.

(Opportunities for Education and Training)

Article 52 Fire defense personnel and fire corps volunteers shall have the opportunity to undergo education and training provided by an education and training organization established at the Fire and Disaster Management Agency or a fire academy in accordance with the assigned duties of individual persons for the purpose of learning and improving their knowledge and skills concerning fire defense.

- (2) To promote activities contributing to fire defense conducted by voluntary disaster prevention organizations of residents, the State and local governments shall endeavor to take the necessary measures to provide the opportunity for education and training concerning fire defense for persons comprising the said disaster prevention organizations.

FIRE AND DISASTER MANAGEMENT ORGANIZATION ACT

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