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This English translation of the Act on Welfare and Management of Animals has been prepared (up to the revisions of Act No.68 of 2005 (Effective June 1, 2006)) in compliance with the Standard Bilingual Dictionary March 2007 edition.

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## **Act on Welfare and Management of Animals (Act No. 105 of October 1, 1973)**

### **Chapter I General Provisions**

#### Article 1 (Purpose)

The purpose of this Act is to engender a spirit for animal welfare among citizens and contribute to the development of a respect for life and sentiments of amity and peace by providing for the prevention of cruelty to animals, the proper handling of animals and other matters concerning animal welfare, as well as to prevent animals from causing an infringement on the life, body or property of humans by providing for matters concerning the management of animals.

#### Article 2 (Fundamental Principle)

In light of the fact that animals are living beings, no person shall kill, injure, or inflict cruelty on animals without due cause, and every person shall treat animals properly by taking into account their natural habits and giving consideration to the symbiosis between humans and animals.

#### Article 3 (Dissemination and Awareness Raising)

The national government and local governments shall, in accordance with the purpose of the previous Article, endeavor to achieve dissemination and awareness raising with regard to the welfare and proper care of animals in coordination with each other through educational activities, publicity activities and other similar activities at such places as schools, communities and homes.

#### Article 4 (Be Kind to Animals Week)

- (1) A Be Kind to Animals Week shall be established in order to enhance the interest and understanding of citizens in general concerning the welfare and proper care of animals, which are living beings.
- (2) The Be Kind to Animals Week shall be the period from September 20 through September 26.
- (3) During the Be Kind to Animals Week, the national government and local governments shall endeavor to implement events appropriate for the purpose of said campaign.

### **Chapter II Basic Guidelines, etc.**

#### Article 5 (Basic Guidelines)

- (1) The Minister of the Environment shall formulate basic guidelines for comprehensively promoting measures on the welfare and management of animals (hereinafter referred to as the "basic guidelines").
- (2) The basic guidelines shall provide for the following matters:
  - (i) The basic direction concerning the promotion of measures for the welfare and management of animals
  - (ii) Basic matters concerning the formulation of the animal welfare and management promotion plan prescribed in paragraph (1) of the following Article
  - (iii) Any other important matters concerning the promotion of measures for the welfare and management of animals
- (3) The Minister of the Environment shall, when he/she intends to formulate or change the basic guidelines, consult with the heads of the relevant administrative organs in advance.
- (4) The Minister of the Environment shall, when he/she has formulated or changed the basic guidelines, make them public without delay.

#### Article 6 (Animal Welfare and Management Promotion Plan)

- (1) Each prefecture shall formulate a plan for promoting measures for the welfare and management of animals in the area of said prefecture (hereinafter referred to as the "animal welfare and management promotion plan") in conformity with the basic guidelines.
- (2) The animal welfare and management promotion plan shall provide for the following matters:
  - (i) The basic policy on measures that should be implemented with regard to the welfare and management of animals
  - (ii) Matters concerning measures for achieving the proper care and keeping of

animals

- (iii) Matters concerning dissemination and awareness raising with regard to the welfare and management of animals
  - (iv) Matters concerning the establishment of a necessary framework for implementing measures for the welfare and management of animals (including securing the cooperation of such entities as the national government, relevant local governments and private bodies)
  - (v) Any other necessary matters concerning the promotion of measures for the welfare and management of animals
- (3) A prefecture shall, when it intends to formulate or change the animal welfare and management promotion plan, hear the opinions of the relevant municipalities in advance.
- (4) A prefecture shall, when it has formulated or changed the animal welfare and management promotion plan, make it public without delay.

### **Chapter III Proper Treatment of Animals**

#### **Section 1 General Provisions**

##### Article 7 (Responsibilities, etc. of Owners and Possessors of Animals)

- (1) With sufficient awareness of his/her responsibilities as an owner or possessor of an animal, which is a living being, the owner or possessor of an animal shall endeavor to maintain the health and safety of the animal by caring for and keeping said animal in a proper manner according to such aspects as the kind of animal it is and the habit of the animal, and shall also endeavor to ensure that the animal does not cause harm to the life, body or property of humans or cause trouble to humans.
- (2) The owner or possessor of an animal shall endeavor to acquire correct information regarding infectious diseases borne by the type of animal he/she owns or possesses and to pay necessary attention to prevent them.
- (3) The owner of an animal shall endeavor to take the measures specified by the Minister of the Environment for clarifying that the owned animal is under his/her ownership.
- (4) The Minister of the Environment may, after consultation with the heads of the relevant administrative organs, formulate standards to be complied with regarding the care and keeping of animals.

##### Article 8 (Responsibilities of Animal Dealers)

A person who sells animals in the course of trade shall endeavor to provide

to a purchaser of an animal pertaining to the sale any necessary explanations regarding the proper methods for caring for and keeping said animal and shall endeavor to ensure that the purchaser understands those methods.

Article 9 (Measures by Local Governments)

A local government may, pursuant to the provisions of an ordinance, provide guidance to owners and possessors of animals and take any other necessary measures concerning the care and keeping of animals, so as to maintain the health and safety of animals and to ensure that animals do not cause trouble to humans.

**Section 2 Regulations on Animal Handling Business**

Article 10 (Registration of Animal Handling Business)

- (1) A person who intends to engage in a business that handles animals (such animals shall be limited to mammals, birds, and reptiles, and shall exclude those pertaining to livestock farming and those being cared for or kept in order to be provided for use in testing and research, use in manufacturing biological preparations, or for other uses specified by a Cabinet Order; hereinafter the same shall apply in this Section and the following Section) (such business shall include selling [including acting as an intermediary or agent therefor; the same shall apply in the following paragraph], keeping, lending, training, exhibiting [including the provision of opportunities for contact with animals; the same shall apply in the following paragraph] or other handling specified by a Cabinet Order with regard to animals; hereinafter referred to as the "animal handling business") shall receive registration from the prefectural governor having jurisdiction over the location of the place of business where the person intends to engage in said business (in the case of a designated city set forth in Article 252-19(1) of the Local Autonomy Act [Act No. 67 of 1947] [hereinafter referred to as the "designated city"], the mayor of said designated city; hereinafter the same shall apply in this Section, Article 25(1) and (2) and Section 4).
- (2) A person who intends to receive the registration set forth in the preceding paragraph shall submit to the prefectural governor a written application containing the following matters by attaching the documents specified by an Ordinance of the Ministry of the Environment:
  - (i) The name and address of the applicant and, in the case of a juridical person, the name of the representative person
  - (ii) The name and address of the place(s) of business
  - (iii) The name of the person responsible for animal handling (which means the person prescribed in Article 22(1)) assigned to each place of business

- (iv) The category (which means the distinction between selling, keeping, lending, training, exhibiting or other handling specified by a Cabinet Order; hereinafter the same shall apply in this item) of the animal handling business that the applicant intends to engage in and the contents of business and the implementation method for each of such category
- (v) The main kinds and the number of animals to be handled
- (vi) If a facility for the care and keeping of animals (hereinafter referred to as the "animal facility" in this Section) has been installed, the following matters:
  - (a) The location of the animal facility
  - (b) The structure and size of the animal facility
  - (c) The method for managing the animal facility
- (vii) Other matters specified by an Ordinance of the Ministry of the Environment

#### Article 11 (Implementation of Registration)

- (1) A prefectural governor shall, when an application for registration under paragraph (2) of the preceding Article has been filed, register the matters listed in paragraph (2) (i) to (iii) inclusive and (v) of the preceding Article as well as the date of registration and the registration number in the animal handling business operator registry, except in the case of refusing the registration pursuant to the provisions of paragraph (1) of the following Article.
- (2) A prefectural governor shall, when he/she has made the registration under the preceding paragraph, notify the applicant to that effect without delay.

#### Article 12 (Refusal of Registration)

- (1) A prefectural governor shall refuse registration when the person who intends to receive the registration set forth in Article 10(1) falls under any of the following items, when the matters set forth in paragraph (2) (iv) of the same Article pertaining to the application for registration under the same paragraph are found not to conform to the standards specified by an Ordinance of the Ministry of the Environment as being those necessary for maintaining the health and safety of animals and securing other proper handling of animals, when the matters listed in item (vi) (b) and (c) of the same paragraph pertaining to the application for registration under the same paragraph are found not to conform to the standards on the structure, size and management of animal facilities specified by an Ordinance of the Ministry of the Environment, or when the written application or the attached documents contain any false statement with regard to an important matter or lack the statement of an important fact:
  - (i) An adult ward or a person under curatorship, or a bankrupt who has not had his/her rights restored
  - (ii) A person who has been sentenced to a fine or a severer punishment for the

violation of this Act or a disposition based on this Act where two years have yet to elapse since the day on which the execution of the sentence has been completed or the sentence has become no longer applicable

- (iii) A person whose registration has been rescinded pursuant to Article 19(1) where two years have yet to elapse since the day of such disposition
  - (iv) In the case of a person who has received the registration set forth in Article 10(1) (hereinafter referred to as an "animal handling business operator") and is a juridical person who has had the registration rescinded pursuant to the provisions of Article 19(1), a person who was an officer of said animal handling business operator within 30 days prior to the day of said disposition where two years have yet to elapse since the day of said disposition
  - (v) A person who has been ordered to suspend his/her business pursuant to the provisions of Article 19(1) where the period of said suspension has yet to elapse
  - (vi) A juridical person where any of its officers falls under any of the preceding items
- (2) A prefectural governor shall, when he/she has refused registration pursuant to the provisions of the preceding paragraph, notify the applicant to that effect by indicating the reason therefor without delay.

#### Article 13 (Renewal of Registration)

- (1) The registration set forth in Article 10(1) shall, unless it is renewed every five years, lose its effect by the expiration of the period thereof.
- (2) The provisions of Article 10(2) and the preceding two Articles shall apply *mutatis mutandis* to the renewal set forth in the preceding paragraph.
- (3) In the case where an application for the renewal set forth in paragraph (1) has been filed, if no disposition is given for said application by the date of expiration of the period set forth in the same paragraph (hereinafter referred to as the "effective period of registration" in this Article), the former registration shall remain effective even after the expiration of the effective period of registration, until said disposition is given.
- (4) In the case referred to in the previous paragraph, when the registration has been renewed, the effective period of said registration shall be counted from the day following the date of expiration of the effective period of the former registration.

#### Article 14 (Notification of Changes)

- (1) When an animal handling business operator intends to change any of the matters set forth in Article 10(2) (iv) or install an animal facility, he/she shall notify the prefectural governor, in advance, of the matters set forth in item (iv) or (vi) of the same paragraph by attaching the documents specified by an Ordinance of the Ministry of the Environment.

- (2) An animal handling business operator shall, when there has been any change to the matters listed in the items (excluding item (iv)) of Article 10(2) (such change shall exclude a minor change specified by an Ordinance of the Ministry of the Environment), notify the prefectural governor to that effect by attaching the documents specified by an Ordinance of the Ministry of the Environment, within 30 days from such day, except in the case referred to in the preceding paragraph.
- (3) The provisions of Article 11 and Article 12 shall apply mutatis mutandis to the case where a notification under the preceding two paragraphs has been given.

#### Article 15 (Inspection of the Animal Handling Business Operator Registry)

A prefectural governor shall provide the animal handling business operator registry for inspection by the general public.

#### Article 16 (Notification of Discontinuance of Business, etc.)

- (1) In the case where an animal handling business operator has fallen under any of the following items, the person prescribed in said item shall notify the prefectural governor to that effect within 30 days from such day:
  - (i) In the case of death-The heir
  - (ii) In the case of extinction of the juridical person due to a merger-The person who had been the officer representing said juridical person
  - (iii) In the case of dissolution of the juridical person due to a decision of commencement of bankruptcy proceedings-The bankruptcy trustee
  - (iv) In the case of dissolution of the juridical person by a reason other than a decision of commencement of bankruptcy proceedings-The liquidator
  - (v) In the case discontinuance of the animal handling business pertaining to the registration-The individual who had been the animal handling business operator or the officer representing the juridical person that had been the animal handling business operator
- (2) When an animal handling business operator has fallen under any of the items in the preceding paragraph, the registration of the animal handling business operator shall lose its effect.

#### Article 17 (Cancellation of Registration)

A prefectural governor shall, when registration has lost its effect pursuant to the provisions of Article 13(1) or paragraph (2) of the preceding Article or when he/she has rescinded the registration pursuant to the provisions of Article 19(1), cancel the registration of said animal handling business operator.

#### Article 18 (Posting of a Sign)

An animal handling business operator shall, pursuant to the provisions of an

Ordinance of the Ministry of the Environment, post a sign stating the name, registration number and any other matters specified by an Ordinance of the Ministry of the Environment in a place that is easily visible to the general public, in each place of business.

#### Article 19 (Rescission, etc. of Registration)

- (1) A prefectural governor may, when an animal handling business operator falls under any of the following items, rescind the registration or order the suspension of all or part of the business by specifying a period no longer than six months:
  - (i) When the person has received registration as an animal handling business operator by dishonest means
  - (ii) When the contents of the business or implementation method carried out by the person no longer conforms to the standards specified by an Ordinance of the Ministry of the Environment as being those necessary for maintaining the health and safety of animals and securing any other proper handling of animals as prescribed in Article 12(1)
  - (iii) When, in the case where the person has installed an animal facility, the structure, size and management method for the animal facility of said person no longer conforms to the standards on the structure, size and management of animal facilities prescribed in Article 12(1)
  - (iv) When the person has fallen under any of the provisions of Article 12(1) (i), (iv) or (vi)
  - (v) When the person has violated this Act, an order based on this Act or a disposition based on this Act
- (2) The provisions of Article 12(2) apply mutatis mutandis to the case where a disposition under the preceding paragraph has been given.

#### Article 20 (Delegation to Ordinances of the Ministry of the Environment)

In addition to what is provided for in Article 10 to the preceding Article, any necessary matters concerning the registration of animal handling business operators shall be specified by Ordinances of the Ministry of the Environment.

#### Article 21 (Compliance with Standards)

- (1) An animal handling business operator shall comply with the standards specified by an Ordinance of the Ministry of the Environment concerning such matters as the method for the management of the animals handled, in order to maintain the health and safety of the animals and to prevent the occurrence of impediments in preserving the living environment.
- (2) A prefecture or a designated city may, when it is found necessary judging from the natural and social conditions, formulate standards to be complied with by



animal handling business operators in place of the standards set forth in the preceding paragraph, by an ordinance, in order to maintain the health and safety of the animals and to prevent the occurrence of impediments in preserving the living environment.

#### Article 22 (Person Responsible for Animal Handling)

- (1) An animal handling business operator shall, pursuant to the provisions of an Ordinance of the Ministry of the Environment, appoint a person responsible for animal handling for each place of business in order to properly implement the work pertaining to said place of business.
- (2) A person responsible for animal handling shall be a person other than one who falls under the provisions of Article 12(1) (i) to (v) inclusive.
- (3) An animal handling business operator shall, pursuant to the provisions of an Ordinance of the Ministry of the Environment, have persons responsible for animal handling receive training for persons responsible for animal handling (which means training on the knowledge and ability necessary for the work of persons responsible for animal handling that is provided by the prefectural governor) .

#### Article 23 (Recommendations and Orders)

- (1) A prefectural governor may, when he/she finds that an animal handling business operator fails to comply with the standards set forth in Article 21(1) or (2), recommend said person to improve such matters as the method for the management of the animals handled, by specifying a time limit.
- (2) A prefectural governor may, when he/she finds that an animal handling business operator fails to comply with the provisions of paragraph (3) of the preceding Article, recommend said person to take the necessary measures, by specifying a time limit.
- (3) A prefectural governor may, when a person who has received a recommendation under the preceding two paragraphs fails to follow the recommendation, order said person to take measures pertaining to said recommendation, by specifying a time limit.

#### Article 24 (Reports and Inspections)

- (1) A prefectural governor may, within the limit necessary for implementing the provisions of Articles 10 to 19 inclusive and the preceding three Articles, request an animal handling business operator to make reports on the status of animal facilities, the method for the management of the animals handled and other necessary matters or have prefectural officials enter the place of business of said animal handling business operator or other relevant places and inspect the animal facilities or other property.

- (2) An official who enters and inspects pursuant to the provisions of the preceding paragraph shall carry a certificate for identification and produce it to the persons concerned.
- (3) The authority of entry and inspection under paragraph 1 shall not be construed as that approved for the purpose of criminal investigation.

### **Section 3 Measures Pertaining to Preservation of the Living Environment**

#### Article 25

- (1) A prefectural governor may, when he/she finds that a situation categorized by an Ordinance of the Ministry of the Environment is one where the surrounding living environment has been damaged because of the care and keeping of a large number of animals, recommend the person causing said situation to take the necessary measures for removing such situation, by specifying a time limit.
- (2) In the case where a person who has received a recommendation under the preceding paragraph fails to take the measures pertaining to the recommendation, the prefectural governor may, if he/she finds it particularly necessary, order said person to take the measures pertaining to the recommendation, by specifying a time limit.
- (3) A prefectural governor may request the necessary cooperation from the mayors of municipalities (including special wards) (such mayors shall exclude the mayors of designated cities) with regard to the recommendation or order under the preceding two paragraphs.

### **Section 4 Measures to Prevent Animals from Causing Infringement on the Life, etc. of Humans**

#### Article 26 (Permission for the Care or Keeping of Specified Animals)

- (1) A person who intends to care for or keep an animal categorized by a Cabinet Order as one that carries a risk of causing harm to the life, body or property of humans (hereinafter referred to as a "specified animal") shall, pursuant to the provisions of an Ordinance of the Ministry of the Environment, receive the permission of the prefectural governor having jurisdiction over the location of the facility for the care and keeping of the specified animal (hereinafter referred to as the "specified animal facility" in this Section) for each kind of specified animal; provided, however, that this shall not apply to the case where a veterinarian cares for or keeps a specified animal in a medical facility (which means a medical facility prescribed in Article 2(2) of the Veterinary Practice Act [Act No. 46 of 1992]) for the purpose of medical care.
- (2) A person who intends to receive the permission set forth in the preceding

paragraph shall, pursuant to the provisions of an Ordinance of the Ministry of the Environment, submit to the prefectural governor a written application containing the following matters and the documents specified by an Ordinance of the Ministry of the Environment attached to the application:

- (i) The name and address of the applicant and, in the case of a juridical person, the name of the representative person
- (ii) The kind and the number of the specified animals
- (iii) The purpose of the care or keeping
- (iv) The location of the specified animal facility
- (v) The structure and size of the specified animal facility
- (vi) The method for caring for or keeping the specified animals
- (vii) Other matters specified by an Ordinance of the Ministry of the Environment

#### Article 27 (Criteria for Permission)

- (1) A prefectural governor shall not grant the permission set forth in paragraph (1) of the preceding Article unless he/she finds that the application for permission set forth in the same paragraph conforms to the following items:
  - (i) The matters listed in paragraph (2)(v) and (vi) of the preceding Article pertaining to said application conform to the standards concerning the structure and size of the specified animal facilities and to the method for caring for and keeping the specified animals as specified by the Ordinance of the Ministry of the Environment according to the characteristics of the specified animals.
  - (ii) The applicant does not fall under any of the following categories:
    - (a) A person who has been sentenced to a fine or a severer punishment for violation of this Act or a disposition based on this Act where two years have yet to elapse since the day on which execution of the sentence has been completed or the sentence has become no longer applicable
    - (b) A person whose permission has been rescinded pursuant to Article 29(1) where two years have yet to elapse since the day of such disposition
    - (c) A juridical person where any of its officers fall under either (a) or (b)
- (2) In the case of granting the permission set forth in paragraph (1) of the preceding Article, the prefectural governor may, when he/she finds it necessary for preventing specified animals from causing an infringement on the life, body or property of humans, attach conditions to said permission within the limit of such necessity.

#### Article 28 (Permission, etc. for Changes)

- (1) When a person who has received a permission set forth in Article 26(1) (including the permission under this paragraph) (such person shall be referred to a "specified animal caretaker") intends to change any of the matters set forth in

paragraph (2) (ii) or (iv) to (vi) inclusive of the same Article, he/she shall receive the permission of the prefectural governor pursuant to the provisions of an Ordinance of the Ministry of the Environment; provided, however, that this shall not apply when said change is a minor change specified by an Ordinance of the Ministry of the Environment.

(2) The provisions of the preceding Article shall apply mutatis mutandis to the permission set forth in the preceding paragraph.

(3) A specified animal caretaker shall, when there has been a minor change specified by an Ordinance of the Ministry of the Environment as set forth in the proviso to paragraph (1) or when there has been any change to the matters set forth in Article 26(2) (i) or (iii) or other matters specified by an Ordinance of the Ministry of the Environment, notify the prefectural governor to that effect within 30 days from such day.

#### Article 29 (Rescission of Permission)

A prefectural governor may, when a specified animal caretaker falls under any of the following items, rescind the permission:

- (i) When the person has received permission to be a specified animal caretaker by dishonest means
- (ii) When the structure or size of the specified animal facility or the method for caring or keeping the specified animals of said person no longer conforms to the standards prescribed in Article 27(1) (i)
- (iii) When the person has fallen under Article 27(1) (ii) (c)
- (iv) When the person has violated this Act, an order based on this Act or a disposition based on this Act

#### Article 30 (Ordinances of the Ministry of the Environment)

In addition to what is provided for in Article 26 to the preceding Article, any necessary matters concerning permission for the care and keeping of specified animals shall be specified by Ordinances of the Ministry of the Environment.

#### Article 31 (Method for Caring For or Keeping Animals)

When a specified animal caretaker engages in caring or keeping pertaining to the permission, he/she shall periodically inspect the specified animal facility pertaining to said specified animal, clarify that he/she has received permission with regard to said specified animal, and conform to any other methods specified by an Ordinance of the Ministry of the Environment.

#### Article 32 (Order for Specified animal caretaker to Take Measures)

In the case where a specified animal caretaker has violated the provisions of the

preceding Article or has violated the conditions attached pursuant to the provisions of Article 27(2) (including the case where it is applied mutatis mutandis pursuant to Article 28(2)), the prefectural governor may, if he/she finds it necessary for preventing specified animals from causing an infringement on the life, body or property of humans, order said person to improve the method for caring for or keeping said specified animals or take other necessary measures.

#### Article 33 (Reports and Inspections)

- (1) A prefectural governor may, within the limit necessary for implementing the provisions of Articles 26 to 29 inclusive and the preceding two Articles, request a specified animal caretaker to make reports on the status of specified animal facilities, the method for the management of the specified animals handled and other necessary matters or have prefectural officials enter the places where the specified animal facilities of said specified animal caretaker are established or other relevant places and inspect the specified animal facilities or other properties.
- (2) The provisions of Article 24(2) and (3) shall apply mutatis mutandis to entry and inspection under the preceding paragraph.

### **Section 5 Officials in Charge of Animal Welfare**

#### Article 34

- (1) A local government may, pursuant to the provisions of an ordinance, establish officials with such a title as animal welfare and management official (referred to as "officials in charge of animal welfare" in the following paragraph) to perform the entry and inspection prescribed in Article 24(1) or paragraph (1) of the preceding Article and other work related to the welfare and management of animals.
- (2) An official in charge of animal welfare shall be an official of said local government who has expert knowledge on the proper care and keeping of animals, such as a veterinarian.

### **Chapter IV Measures Taken by Prefectures, etc.**

#### Article 35 (Taking Custody of Dogs and Cats)

- (1) Prefectures, etc. (which means prefectures, designated cities, core cities set forth in Article 252-22(1) of the Local Autonomy Act [hereinafter referred to as "core cities"] and other cities specified by a Cabinet Order [including special wards; the same shall apply hereinafter]) shall take custody of a dog or cat when so requested by its owner. In this case, the prefectural governor, etc. (which means

the heads of the prefecture, etc.; the same shall apply hereinafter) may designate the place where the dog or cat is to be taken into custody.

- (2) The provisions of the preceding paragraph shall apply mutatis mutandis to the case where a prefecture, etc. is requested to take custody of a dog or cat of which the owner is unknown by its finder or any other person.
- (3) A prefectural governor may seek the necessary cooperation from the mayor of a municipality (including a special ward) (such mayor shall exclude the mayor of a designated city, core city or a city specified by a Cabinet Order set forth in paragraph (1)) concerning custody of a dog or cat under paragraph (1) (including the case where it is applied mutatis mutandis pursuant to the preceding paragraph; the same shall apply in paragraphs (5) and (6)).
- (4) A prefectural governor, etc. may commission custody of dogs and cats to an organization established for the purpose of animal welfare.
- (5) The Minister of the Environment may, after consultation with the heads of the relevant administrative organs, prescribe necessary matters with regard to the measures to be taken in the case where custody has been requested pursuant to the provisions of paragraph (1).
- (6) The national government may, within the scope of the budget, grant a subsidy to a prefecture, etc. for a part of the costs related to custody set forth in paragraph (1), pursuant to the provisions of a Cabinet Order.

#### Article 36 (Measures for Notification by Finders of Injured Animals, etc.)

- (1) A person who has found an animal such as a dog or a cat that has a disease or is injured or the carcass of an animal such as a dog or a cat on a road, in a park, in a plaza, or in any other public place shall endeavor to notify promptly the owner when the owner is known or the prefectural governor, etc. when the owner is unknown.
- (2) A prefecture, etc. shall, when a notification under the preceding paragraph has been given, take away said animal or animal carcass.
- (3) The provisions of paragraph (5) of the preceding Article shall apply mutatis mutandis to the case of taking away an animal pursuant to the provisions of the preceding paragraph.

#### Article 37 (Restriction on the Breeding of Dogs and Cats)

- (1) The owner of a dog or a cat shall, when he/she finds that there is a risk that the animal would breed freely and that it would be difficult to give the offspring an opportunity to receive proper care, endeavor to have surgery carried out to disable breeding or take any other measures in order to prevent breeding.
- (2) A prefecture, etc. shall, upon such cases as when custody of a dog or a cat is taken under Article 35(1), endeavor to provide the necessary guidance and advice

so that the measures prescribed in the preceding paragraph are taken appropriately

#### Article 38 (Animal Welfare Promoters)

- (1) Prefectural governors, etc. may appoint animal welfare promoters from among persons who have enthusiasm and knowledge regarding the promotion of the welfare of such animals as dogs and cats in the region.
- (2) An animal welfare promoter shall perform the following activities:
  - (i) Deepen the understanding of residents regarding the importance of the welfare and proper care of such animals as dogs and cats
  - (ii) Give residents, upon request, the necessary advice on surgery for disabling breeding and any other measures for preventing the free breeding of such animals as dogs and cats
  - (iii) Provide such persons as the owners of such animals as dogs and cats, upon request, adoption services or any other necessary assistance for giving these animals an opportunity to receive proper care
  - (iv) Provide cooperation necessary for the measures conducted by the national government or prefectures, etc. to promote the welfare and proper care of such animals as dogs and cats

#### Article 39 (Council)

Prefectures, etc., non-profit corporations established for the purpose of animal welfare, veterinarian organizations and any other organizations working to disseminate and raise awareness regarding the welfare and proper care of animals may form a council for promoting the appointment of animal welfare promoters in the prefecture, etc. and conducting the necessary deliberations regarding such matters as support for the activities of animal welfare promoters.

### **Chapter V Miscellaneous Provisions**

#### Article 40 (Method to Be Applied in the Case of Destroying Animals)

- (1) In the case where an animal must be destroyed, a method that minimizes as much as possible the pain and distress to the animal shall be used.
- (2) The Minister of the Environment may, after consultation with the heads of the relevant administrative organs, provide necessary matters with regard to the method set forth in the preceding paragraph.

#### Article 41 (Method to Be Applied, Subsequent Measures, etc. in the Case of Providing Animals for Scientific Use)

- (1) When providing animals for use in education, testing and research or the

manufacture of biological preparations, or for any other scientific use, consideration shall be given to the appropriate use of such animals by such means as using alternative methods to that of the use of animals as much as possible and reducing the number of animals provided for such use as much as possible, within the extent that the purpose of the scientific use can be attained.

- (2) In the case where an animal is provided for a scientific use, a method that minimizes the pain and distress to the animal as much as possible shall be used, within the limit necessary for such use.
- (3) In the case where an animal has fallen into a state from which recovery is unlikely after being provided for a scientific use, the person who provided the animal for such scientific use shall immediately dispose of said animal by a method that minimizes pain and distress as much as possible.
- (4) The Minister of the Environment may, after consultation with the heads of the relevant administrative organs, prescribe the standards to be complied with regarding the method set forth in paragraph (2) and the measures set forth in the preceding paragraph.

#### Article 42 (Transitional Measures)

In the case of establishing, amending, or abolishing an order based on the provisions of this Act, required transitional measures (including transitional measures relating to penal provisions) may be specified by said order, within the extent that is judged to be reasonably necessary in line with the establishment, amendment, or abolition of the order.

#### Article 43 (Hearing of the Opinion of the Central Environment Council)

The Minister of the Environment shall, when he/she intends to formulate the basic guidelines, establish the standards set forth in Article 7(4), Article 12(1), Article 21(1), Article 27(1)(i) or Article 41(4), specify the situation set forth in Article 25(1), or prescribe the matters set forth in Article 35(5) (including the case where it is applied *mutatis mutandis* pursuant to Article 36(3)) or Article 40(2), hear the opinion of the Central Environment Council. The same shall apply when he/she intends to change or abolish the basic guidelines, standards, situation, or matters.

### **Chapter VI Penal Provisions**

#### Article 44

- (1) A person who has destroyed or injured, without reason, a protected animal shall be punished by imprisonment with work for not more than one year or a fine of not more than one million yen.
- (2) A person who has committed on a protected animal such cruelty as causing



debilitation by discontinuing feeding and/or watering without reason shall be punished by a fine of not more than five hundred thousand yen.

(3) A person who has abandoned a protected animal shall be punished by a fine of not more than five hundred thousand yen.

(4) The term "protected animal" as used in the preceding three paragraphs shall be the animals listed in the following items:

(i) Cattle, horses, pigs, sheep, goats, dogs, cats, domestic rabbits, chickens, domestic pigeons, and domestic ducks

(ii) Animals in the possession of persons where such animals are categorized as mammals, birds or reptiles, other than those listed in the preceding item

#### Article 45

A person who falls under any of the following items shall be punished by imprisonment with work for not more than six months or a fine of not more than five hundred thousand yen:

(i) A person who has cared for or kept a specified animal without permission in violation of the provisions of Article 26(1)

(ii) A person who has received the permission set forth in Article 26(1) by dishonest means

(iii) A person who has changed any of the matters set forth in Article 26(2) (ii) or (iv) to (vi) inclusive in violation of the provisions of Article 28(1)

#### Article 46

A person who falls under any of the following items shall be punished by a fine of not more than three hundred thousand yen:

(i) A person who has engaged in the animal handling business without receiving registration in violation of the provisions of Article 10(1)

(ii) A person who has received the registration set forth in Article 10(1) (including the renewal of registration set forth in Article 13(1)) by dishonest means

(iii) A person who has violated an order for the suspension of business under Article 19(1)

(iv) A person who has violated an order under Article 23(3) or Article 32

#### Article 47

A person who falls under any of the following items shall be punished by a fine of not more than two hundred thousand yen:

(i) A person who has failed to give a notification under Article 14(1) or (2) or Article 28(3) or has given a false notification

(ii) A person who has failed to make a report under Article 24(1) or Article 33(1) or has made a false report, or who has refused, obstructed, or evaded an

inspection under these provisions

(iii) A person who has violated an order under Article 25(2)

#### Article 48

When the representative person of a juridical person, or an agent, employee or any other worker of a juridical person or individual has committed an act in violation of the provisions from Article 44 to the preceding Article with regard to the business of said juridical person or individual, not only the offender shall be punished but also said juridical person or individual shall be punished by a fine prescribed in the respective Articles.

#### Article 49

A person who has failed to give a notification under Article 16(1) or has given a false notification shall be punished by a non-penal fine of not more than two hundred thousand yen.

#### Article 50

A person who fails to post a sign under Article 18 shall be punished by a non-penal fine of not more than one hundred thousand yen.