

Act for Establishment of the Japan Transport Safety Board

(Act No. 113 of October 12, 1973)

Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to establish the Japan Transport Safety Board to carry out investigations in an appropriate manner into the causes of Aircraft Accidents, etc., Railway Accidents, etc., and Marine Accidents, etc., and causes of damage incidental to such accidents, and urge the Minister of Land, Infrastructure, Transport and Tourism or the Parties Relevant to the Causes of the accidents, etc., to implement the necessary measures based on the results of these investigations, thereby contributing to the prevention of Aircraft Accidents, etc., Railway Accidents, etc., and Marine Accidents, etc., and helping to reduce damage if such accidents occur.

(Definition)

- Article 2 (1) The term "Aircraft Accident" as used in this Act shall mean the accident listed in each of the items in paragraph (1) of Article 76 of the Civil Aeronautics Act (Act No. 231 of 1952).
- (2) The term "Aircraft Accident, etc." as used in this Act shall mean as follows:
- (i) An Aircraft Accident
 - (ii) An aircraft serious incident (a situation where a pilot in command of an aircraft during flight recognized a risk of collision or contact with any other aircraft, or any other situations prescribed by the Ordinances of Ministry of Land, Infrastructure, Transport and Tourism under Article 76-2 of the Civil Aeronautics Act).
- (3) The term "Railway Accident" as used in this Act shall mean a serious accident prescribed by the Ordinance of Ministry of Land, Infrastructure, Transport and Tourism among those of the following kinds of accidents: an accident that occurs during the operation of trains or vehicles as provided in Article 19 of the Railway Business Act (Act No. 92 of 1986), collision or fire involving trains or any other accidents that occur during the operation of trains or vehicles on a private siding, collision or fire involving vehicles or any other accidents that occur during the operation of vehicles on a tramway.
- (4) The term "Railway Accident, etc." as used in this Act shall mean as follows:

- (i) A Railway Accident
 - (ii) A railway serious incident (a situation, prescribed by the Ordinance of Ministry of Land, Infrastructure, Transport and Tourism, deemed to bear a risk of accidents occurring.)
- (5) The term "Marine Accident" as used in this Act shall mean as follows:
- (i) Damage to a ship or facilities other than a ship related to the operations of a ship.
 - (ii) Death or injury of the people concerned with the construction, equipment or operation of a ship
- (6) The term "Marine Accident, etc." as used in this Act shall mean a situation listed in the following:
- (i) A Marine Accident
 - (ii) A marine incident (a situation, prescribed by Ordinance of Ministry of Land, Infrastructure, Transport and Tourism, where deemed to bear a risk of Marine Accident occurring.)
- (7) The term "Parties Relevant to the Cause" as used in this Act shall mean the parties related to the causes of Aircraft Accidents, etc., Railway Accidents, etc., or Marine Accidents, etc., or the causes of damage incidental to Aircraft Accident, Railway Accident, or Marine Accident.

Chapter II Establishment, Mission, and Affairs under the Jurisdiction, and Organization, etc., of the Japan Transport Safety Board

(Establishment)

Article 3 The Japan Transport Safety Board (hereinafter referred to as the "Board") shall be established as an external organ under the Ministry of Land, Infrastructure, Transport and Tourism pursuant to the provision of paragraph (2) of Article 3 of the National Government Organization Act (Act No. 120 of 1948).

(Missions)

Article 4 The mission of the Board shall be to carry out investigations in an appropriate manner into the causes of Aircraft Accidents etc., Railway Accidents etc. and Marine Accidents, etc., and causes of damage incidental to Aircraft Accidents, Railway Accidents and Marine Accidents, and urge the Minister of Land, Infrastructure, Transport and Tourism and/or the Parties Relevant to the Cause to implement the necessary policies or measures based on the results of these investigations.

(Affairs under the Jurisdiction)

Article 5 The Board shall take charge of the affairs under the jurisdiction listed

in the following to achieve the missions in the preceding Article:

- (i) To carry out investigations into the causes of Aircraft Accidents, etc.
- (ii) To carry out investigations into the causes of damage incidental to Aircraft Accidents
- (iii) To carry out investigations into the causes of Railway Accidents, etc.
- (iv) To carry out investigations into the causes of damage incidental to Railway Accidents.
- (v) To carry out investigations into the causes of Marine Accidents, etc.
- (vi) To carry out investigations into the causes of damage incidental to Marine Accidents.
- (vii) To make recommendations to the Minister of Land, Infrastructure, Transport and Tourism and/or the Parties Relevant to the Cause, based on the results of the investigations in each of the preceding items, on policies or measures that should be taken to prevent Aircraft Accidents, etc., Railway Accidents, etc., and Marine Accidents, etc., and reduce damage if such accidents occur.
- (viii) To provide to the Minister of Land, Infrastructure, Transport and Tourism or head of relevant administrative organs with opinions regarding policies that should be taken to prevent Aircraft Accidents, etc., Railway Accidents, etc., and Marine Accidents, etc., and reduce damage if such accidents occur.
- (ix) To carry out researches and studies necessary to perform the affairs listed in each of the preceding items.
- (x) In addition to what is listed in each of the preceding items, affairs that come under the jurisdiction of the Board pursuant to provisions of laws (including orders based on provisions of laws).

(Exercise of Authority)

Article 6 The chairperson and members of the Board shall independently exercise their authority.

(Organization)

Article 7 (1) The Board shall be organized by a chairperson and twelve (12) members.

(2) Five (5) members shall be part-time members.

(3) The chairperson shall preside over the affairs of the Board, and shall represent it.

(4) If the chairperson is incapacitated, a full-time member designated in advance shall represent the chairperson's duty.

(Appointment of the Chairperson and Members)

Article 8 (1) The chairperson and members of the Board shall be appointed by the Minister of Land, Infrastructure, Transport and Tourism with the consent of both Houses of the Diet from among persons found to be able to make a scientific and fair judgment to carry out the affairs under the jurisdiction of the Board.

(2) Notwithstanding the provision of the preceding paragraph, in the event that when the term of office of the chairperson or a member has expired, or a vacancy has occurred on the Board, or a consent of both Houses of the Diet cannot be obtained for the appointment of a new chairperson or a member because the Diet is in recess or the House of Representatives is dissolved, the Minister of Land, Infrastructure, Transport and Tourism may appoint the chairperson or a member from among persons possessing the qualifications provided for in the preceding paragraph.

(3) In the case referred to in the preceding paragraph, an ex-post facto approval of both Houses of the Diet shall be obtained at the first session of the Diet after the appointment in question. In this case, if the ex-post facto approval by both Houses of the Diet cannot be obtained, the Minister of Land, Infrastructure, Transport and Tourism shall dismiss the chairperson or a member in question immediately.

(4) Any person who falls under any of the following items may not become a chairperson or a member of the Board:

(i) Any person who has been adjudicated as bankrupt and whose rights have not yet been restored.

(ii) Any person who has been punished by an imprisonment without work or severer punishment.

(iii) Any air carrier or any entity engaged in the business of manufacture, modification, maintenance or sales of aircraft or their accessories, or an officer thereof if the above-mentioned is a juridical person (including any person whose actual scope of authority or control is equivalent to or greater than that of the officer irrespective of title), or its employee and other persons in the services.

(iv) Any railway or tramway business operators or any entity engaged in the business of manufacture, modification, maintenance or sales of vehicles, signal safety devices or other land transportation machinery used in connection with railways or tramways, or an officer thereof if the above-mentioned is a juridical person (including any person whose actual scope of authority or control is equivalent to or greater than that of the officer irrespective of any title), or its employee and other practitioners in the services.

(v) Any maritime transport business operators or port transport business operators or any entity engaged in the business of manufacture, modification,

maintenance or sales of ships, marine engines or marine equipments, or an officer thereof if the above-mentioned is a juridical person (including any person whose actual scope of authority or control is equivalent to or greater than that of the officer irrespective of any title) or its employee and other practitioners or pilot in the service.

- (vi) Any officer of any association of enterprises listed in the preceding three items (including any person whose actual scope of authority or control is equivalent to or greater than that of an officer irrespective of title) or its employee or other person in the services.

(Term of Office)

Article 9 (1) The term of office of the chairperson and members of the Board shall be three years; provided, however, that the term of office of a chairperson or members chosen to fill a vacancy shall be the remaining term of office of his/her predecessor.

(2) The chairperson and members may be reappointed.

(3) When the term of office of the chairperson or members expires, the current chairperson or members shall continue to execute their duties until successors are appointed.

(Dismissal)

Article 10 (1) The Minister of Land, Infrastructure, Transport and Tourism shall dismiss the chairperson or members from the Board if any item of paragraph (4) of Article 8 becomes applicable to that person.

(2) The Minister of Land, Infrastructure, Transport and Tourism, after consulting with the Board and obtaining the consent of both Houses of the Diet, may dismiss the chairperson or a member from the Board, if he/she finds that person is incapable of executing his/her duties due to mental or physical disorder or has committed a violation of obligations in the course of duties or conduct unbecoming the office.

(Meetings)

Article 11 (1) Meetings of the Board shall be convened by the chairperson.

(2) Meetings may not be convened and decisions may not be made unless the chairperson and six or more members are present.

(3) Any matters of the Board shall be decided by majority of those present. In case of a tie vote, the chairperson shall break the tie.

(4) In applying the second paragraph above in the event that the chairperson is incapacitated, the full-time member representing the chairperson's duty pursuant to the provision of paragraph (4) of Article 7 shall be deemed as the chairperson.

(Duties)

- Article 12 (1) The chairperson and members shall not divulge any secret that may have come to their knowledge in the course of their duties. The same shall apply after they retire from their duties.
- (2) The chairperson and members, during their terms of office, shall not become officers of political parties or other political organizations or actively participate in political activities.
- (3) The chairperson and full-time members, during their terms of office, shall not engage in other duties with remunerations, or engage in businesses for profit or run any other businesses for pecuniary interest except in such cases as permitted by the Minister of Land, Infrastructure, Transport and Tourism.

(Salary)

Article 13 The salary of the chairperson and members shall be separately specified by an Act.

(Expert Advisers)

- Article 14 (1) Expert advisers may be appointed to investigate technical matters.
- (2) Expert advisers shall be appointed from among persons with relevant knowledge and experience by the Minister of Land, Infrastructure, Transport and Tourism after the Minister has consulted with the Board.
- (3) Expert advisers shall serve on part-time basis.

(Restriction of Engagement in Duties)

- Article 15 (1) When the Board finds that the chairperson, any member or any expert adviser of the Board is closely associated with any person who is likely to have a connection with the causes of an Aircraft Accident, etc., a Railway Accident, etc., or a Marine Accident, etc. (hereinafter referred to as an "Accident, etc.") (including the causes of damage incidental to an Aircraft Accident, a Railway Accident, or a Marine Accident, with regard to such accidents, and the same shall apply in item (iv) of paragraph (1) of Article 25), the Board shall not permit such chairperson, members, or expert advisers to be engaged in the investigation of the said Accident, etc., (hereinafter referred to as the "investigation of Accidents, etc.").
- (2) Such chairperson or members prescribed in the preceding paragraph may not attend a meeting concerning the investigation of the Accident, etc.

(Establishment of Rule)

Article 16 The Board may establish the Rule of the Japan Transport Safety Board to enforce laws or cabinet orders with regard to the affairs under the

jurisdiction or pursuant to a special delegation by law or a cabinet orders.

(Secretariat)

Article 17 (1) A secretariat of the Board shall be established in order to manage the affairs of the Board.

- (2) The personnel of the secretariat shall consist of a director-general and accident investigators, and other employees.
- (3) The director-general shall administer affairs under the jurisdiction of the secretariat in accordance with orders of the chairperson of the Board.
- (4) The internal organization of the secretariat shall be prescribed by a cabinet order.

Chapter III Investigation of Accidents, etc

(Investigation of Accidents, etc.)

Article 18 (1) The Board shall conduct investigations prescribed in items (i) to (ii) of Article 5 in conformity with the provisions of the Convention on International Civil Aviation and with the Standards, Practices and Procedures adopted as Annexes thereto.

- (2) The Board may, when it finds it necessary to conduct the investigation of an Accident, etc., take the dispositions listed in the following items:
 - (i) To take reports from the people concerned with Aircraft Accidents, etc., such as users of the aircraft, crews on board the aircraft, persons who have been engaged in the rescue of human life or the aircraft during the Aircraft Accident, etc. (hereinafter referred to as the "People Concerned with Aircraft Accidents, etc.").
 - (ii) To take reports from the people concerned with Railway Accidents, etc., such as railway business operator, tramway business operators, crews on board the trains or other vehicles, persons who have been engaged in the rescue of human life during the Railway Accident, etc. (hereinafter referred to as the "People Concerned with Railway Accidents, etc.").
 - (iii) To take reports from the people concerned with Marine Accidents, etc., such as users of the ship, crews on board the ship, persons who are engaged in the rescue of human life or the ship during the Marine Accident, etc. (hereinafter referred to as the "People Concerned with Marine Accidents, etc.").
 - (iv) To enter the site of an Accident, etc., offices of users of the aircraft, railway business operators, tramway business operators, or users of the ship, and any other place that deemed necessary and examine any aircraft, railway facilities, ships, books, documents or other articles relevant to the Accident, etc. (hereinafter referred to as "relevant material"), and interrogate any

- people concerned with the Aircraft Accident, etc., Railway Accident, etc., or Marine Accident, etc. (hereinafter referred to as the "people concerned").
- (v) To request the appearance of the people concerned and question them.
 - (vi) To request to produce any relevant material, to the owner, holder or custodian and/or take custody of the produced materials.
 - (vii) To order the owner, holder or custodian of any relevant material to preserve it or prohibit his/her from relocating it.
 - (viii) To prohibit people from entering the site of the Accident, etc., except for those who enter the site on official duty, or are permitted to enter it by the Board.
- (3) The Board may, when it finds necessary, have the chairperson, members or officials of the secretariat take the dispositions listed in each item of the preceding paragraph, and have expert advisers take the dispositions listed in item (iv) of the same paragraph.
- (4) Any person who disposes of the matters listed in item (iv) of paragraph (2) pursuant to the provision of the preceding paragraph shall carry his/her identification and present the same to any relevant person upon request.
- (5) The authority of dispositions prescribed in paragraph (2) or (3) shall not be construed as encompassing criminal investigations.

(Entrustment of Investigations, etc.)

- Article 19 (1) When the Board finds necessary for carrying out an investigation of Accident, etc., it may entrust part of their work related to research or studies to an incorporated administrative agency (an incorporated administrative agency provided for in paragraph (1) of Article 2 of the Act on General Rules for Incorporated Administrative Agency (Act No. 103 of 1999) is referred to and the same shall apply in Article 28-3.), general incorporated associations or incorporated foundations, a business operators, other private bodies or any person with relevant knowledge and experience.
- (2) Any entity that is entrusted with relevant work pursuant to the provision of the preceding paragraph, including its officers, employees, or any person who was engaged in the course of their duties shall not divulge any secret that may have come to their knowledge concerning the said entrusted work.
- (3) Any entity that is entrusted with relevant work pursuant to the provision of paragraph (1), or any person who are engaged in the course of the entrusted work shall be deemed as officials engaged in public services by laws and regulations for the purpose of the application of penal provisions prescribed by the Penal Code (Act No. 45 of 1907) and other laws and regulations.

(Notification of Occurrence of Accidents, etc.)

Article 20 When the Minister has received a report of an Aircraft Accident, etc.

or Railway Accident, etc., or has learned of the occurrence of such accidents, etc., the Minister of Land, Infrastructure, Transport and Tourism shall immediately notify the Board to that effect, pursuant to the provisions of paragraph (1) or (2) of Article 76 or Article 76-2 of the Civil Aeronautics Act, or Article 19 or 19-2 of the Railway Business Act.

Article 21 (1) When the Minister of Land, Infrastructure, Transport and Tourism (a Consul in case a Japanese Consul performs the affairs that should be performed by the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provision of paragraph (1) of Article 103 of the Mariners Act (Act No. 100 of 1947)) receives a report of Marine Accidents, etc., pursuant to the provision of Article 19 of the same Act, or learns of the occurrence of a Marine Accident, etc., it shall immediately notify the Board thereof.

(2) When a coast guard officer, a police official and a mayor of municipality learns the occurrence of a Marine Accident, etc., they shall immediately notify the Board thereof.

(Assistance by the Minister of Land, Infrastructure, Transport and Tourism)

Article 22 (1) The Board may, when it finds necessary for carrying out investigation of an accident, etc., request the Minister of Land, Infrastructure, Transport and Tourism to give assistance in fact finding of an accident, etc., or collecting materials, or other necessary assistances.

(2) When the Minister of Land, Infrastructure, Transport and Tourism has been required to give assistance in the fact finding of the accident, etc., pursuant to the provision of the preceding paragraph, the Minister may, when he/she finds it necessary have officials of the Ministry take the dispositions listed in item (iv) of paragraph (2) of Article 18.

(3) When the Minister of Land, Infrastructure, Transport and Tourism has learned of the occurrence of an accident, etc., the Minister shall, in appropriate cases, immediately take such measures as fact finding of the accident, etc. and collection of materials so that the Board can commence investigation of the accident, etc. smoothly.

(4) The Minister of Land, Infrastructure, Transport and Tourism may, when he/she finds it necessary in order to take the measures set forth in the preceding paragraph, have officials of the Ministry take the dispositions listed in each item of paragraph (2) of Article 18.

(5) The provisions of paragraphs (4) and (5) of Article 18 shall apply mutatis mutandis to cases where the officials dispose of matters pursuant to the provision of paragraph (2) or the preceding paragraph.

Article 23 Deleted.

(Hearing of Opinions of Parties Relevant to the Cause, etc.)

Article 24 (1) The Board shall give an opportunity to the Parties Relevant to the Cause, to express their opinions before completing the investigation of the accident, etc.

(2) The Board may, when it finds it necessary, hold hearings before completing the investigation of the accident, etc., and seek views on the said accident, etc. from people concerned with the accident or experts with relevant knowledge and experience.

(3) The Board shall hold the hearings set forth in the preceding paragraph when an Aircraft Accident, etc. to an aircraft used for an air transport service to transport passengers, a Railway Accident, etc. to a railway or tramway used for a railway or tramway business that transports passengers or a Marine Accident, etc. to a ship used for a maritime transport service that transports passengers has occurred, and causing public concern.

(Written Report, etc.)

Article 25 (1) The Board shall prepare a written report of the following items on the accident, etc., upon completion of the investigation of the accident, etc., and shall submit it to the Minister of Land, Infrastructure, Transport and Tourism and make it public.

(i) The process and progress of the investigation of the accident, etc.;

(ii) The found facts;

(iii) The basis of the findings of fact;

(iv) The causes.

(2) The opinion of any minority shall be appended to the report described in the preceding paragraph.

(3) The Board shall report the process and progress of the investigation of the accident, etc., to the Minister of Land, Infrastructure, Transport and Tourism and make it public, even before completing an investigation of accident, etc. , when it finds it necessary for the reason that difficulties are expected in completing the investigation of the accident, etc. within one year from the day the accident, etc. occurred or for other reasons.

Chapter IV Recommendations and Statement of Opinions

(Recommendations to the Minister of Land, Infrastructure, Transport and Tourism)

Article 26 (1) The Board may make recommendations to the Minister of Land, Infrastructure, Transport and Tourism, on policies or measures to be taken to prevent Aircraft, Railway, or Marine Accidents, etc., or to reduce damage if

such accidents occur, when it finds it necessary at the completion of the investigation of an accident, etc., based on the results of the investigation.

(2) The Minister of Land, Infrastructure, Transport and Tourism shall report to the Board the policies or measures which have been taken on the basis of the recommendations set forth in the preceding paragraph.

(Recommendations to Parties Relevant to the Cause)

Article 27 (1) The Board may make recommendations to the Parties Relevant to the Cause, on measures to be taken to prevent Aircraft Accidents, etc., Railway Accidents, etc., or Marine Accidents, etc., or to reduce damage if such accidents occur when it finds it necessary at the completion of the investigation of an accident, etc. based on the results of the investigation.

(2) The Board may, when it finds it necessary, request the Parties Relevant to the Cause to report measures which have been taken based on the recommendations set forth in the preceding paragraph.

(3) When the Parties Relevant to the Cause that have received the recommendations set forth in paragraph (1), have not taken measures in accordance with the recommendations without justifiable grounds, the Board may make it public to that effect.

(Statement of Opinions)

Article 28 The Board may, when it finds it necessary, state its opinions to the Minister of Land, Infrastructure, Transport and Tourism and head of relevant administrative organs, on the policies or measures to prevent Aircraft, Railway, or Marine Accidents, etc., or to reduce damage if such accidents occur.

Chapter V Miscellaneous Provisions

(Provision of information)

Article 28-2 In carrying out the investigation of accident, etc., the Board shall, fully consider the sentiments of casualties and their families, or bereaved families, and provide them with information regarding the investigation of the accident, etc., on a timely and in an appropriate manner.

(Cooperation of Related Administrative Organs, etc.)

Article 28-3 The Board may, when it finds it necessary for carrying out affairs under its jurisdiction, request the head of relevant administrative organs, the head of relevant local public entities, the president of relevant incorporated administrative agencies, the president of relevant local incorporated administrative agencies (a local incorporated administrative agency provided for in paragraph (1) of Article 2 of the Act for Local Incorporated

Administrative Agency (Act No. 118 of 2003) is referred to.), to provide documents or information or give other necessary cooperation.

(Delegation to Cabinet Orders)

Article 29 In addition to what is provided for in this Act, necessary matters concerning the Board shall be prescribed by Cabinet Order.

(Prohibition of Disadvantageous Treatment)

Article 30 No person shall be discharged or disadvantaged for reason of obeying any disposition prescribed in paragraph (2) or (3) of Article 18, or paragraph (2) or (4) of Article 22.

(Penal Provisions)

Article 31 Any person who has violated the provision of paragraph (2) of Article 19 shall be punished by an imprisonment with work for not more than one year or a fine of not more than 500,000 yen.

Article 32 Any person who falls under any of the following items shall be punished by a fine of not more than 300,000 yen:

- (i) Anyone who has made a false statement in connection with the preparation of a report prescribed by item (i), (ii) or (iii) of paragraph (2) of Article 18, paragraph (3) of the same Article or paragraph (4) of Article 22;
- (ii) Anyone who has refused, hindered or evaded an inspection prescribed in item (iv) of paragraph (2) of Article 18, paragraph (3) of the same Article or paragraph (2) or (4) of Article 22, or anyone who has made a false statement in response to any interrogations prescribed in the same provisions;
- (iii) Anyone who has made a false statement in response to any interrogations prescribed in item (v) of paragraph (2) of Article 18, paragraph (3) of the same Article or paragraph (4) of Article 22;
- (iv) Anyone who has not submitted articles in violation of any dispositions prescribed in item (vi) of paragraph (2) of Article 18, paragraph (3) of the same Article, paragraph (4) of Article 22;
- (v) Anyone who has not preserved materials or relocated them in violation of any dispositions prescribed in item (vii) of paragraph (2) of Article 18 or paragraph (3) of the same Article or paragraph (4) of Article 22.

Article 33 When the representative of a juridical person, a juridical person or the agent of an individual, a worker, or other employee commits a violation set forth in the preceding Article with regard to the business of the juridical person or the individual, not only the offender himself but also the said juridical person or the individual shall be punished by the fine prescribed in

the preceding Article.

Supplementary Provisions [Extract]

(Effective Date)

- (1) This Act shall come into force as from the day specified by a Cabinet Order within a period not exceeding three (3) months from the date of promulgation. However, the part that requires consent by both Houses of the Diet in paragraph (1) of Article 6 shall come into force as from the day of promulgation:
- (5) With regard to the application of penal provisions regarding acts committed prior to the effectuation of this Act, the provisions then in force shall remain applicable.

Supplementary Provisions [Act No. 26 of May 2, 2008] [Extract]

(Effective Date)

Article 1 This Act shall come into effect as from October 1, 2008. However, the provisions of paragraph (2) of Article 3 and paragraphs (1) and (2) of Article 5 of Supplementary Provisions shall come into effect as from the date of promulgation.

(Transitional Measures Concerning Dispositions, etc.)

- Article 2 (1) Authorizations, designations and other dispositions or notices and other acts that are carried out by the former national organs (hereinafter referred to "Old Organs") listed in the next Table Column pursuant to the provisions of the Act before it is revised (including orders based on this, and hereinafter referred to "Old Laws and Regulations") by this Act shall be deemed to be authorizations, designations, other dispositions or notices and other acts that are carried out by organs such as competent national organs (hereinafter referred to "New Organs" in this Article) listed in the lower column of the same Table, based on the equivalent provisions of the Act after they are revised (including orders based on this and hereinafter referred to as "New Laws and Regulations") by this Act provided for in a Cabinet Order after this Act is enforced.
- (2) Applications, notifications, appeals and other acts that are filed with the Old Organs pursuant to the provisions of the Old Laws and Regulations are deemed to be applications, notifications, appeals and other acts that are filed with the New Organs pursuant to the equivalent provisions of the New Laws and Regulations prescribed by a Cabinet Order after this Act is enforced, except for matters where the provisions then in force shall remain applicable pursuant to

the provision of Article 4 of Supplementary Provisions.

- (3) With regard to matters for which notification or other proceedings are required to be taken before Old Organs pursuant to the provisions of the Old Laws and Regulations but are not yet taken before the day of effectuation of this Act, they shall be deemed as if the matters for which proceedings are required to be taken pursuant to the equivalent provisions of the New Laws and Regulations were not taken and the said provisions shall apply accordingly.

(Transitional Measures Along With Partial Revision of Act for Establishment of the Aircraft and Railway Accidents Investigation Commission)

- Article 3 (1) Persons who are currently the chairperson or members of the former Aircraft and Railway Accidents Investigation Commission when this Act is enforced, are deemed to be individually appointed as the chairperson or members of the Japan Transport Safety Board as of the enforcement day of this Act pursuant to the provision of paragraph (1) of Article 8 of the Act for Establishment of the Japan Transport Safety Board revised pursuant to the provision of Article 2 (hereinafter simply referred to as the "Act for Establishment of Japan Transport Safety Board"). In this case, the terms of office of the persons who are so deemed to be appointed shall be the same term as the remaining term of the term of office as the chairperson or respective members of the former Aircraft and Railway Accidents Investigation Commission as of the same day irrespective of the provision of paragraph (1) of Article 9 of the Act for Establishment of the Japan Transport Safety Board.
- (2) With regard to members of the Japan Transport Safety Board to be newly appointed due to the effectuation of this Act, procedure required to appoint members pursuant to the provision of paragraph (1) of Article 8 of the Act for Establishment of the Japan Transport Safety Board may be taken even before the enforcement of this Act.
- (3) With regard to obligation of persons who have been the chairperson or members of the Aircraft and Railway Accidents Investigation Commission not to divulge any secrets obtained in the course of performing their duties, the provisions then in force shall remain applicable even after the effectuation of the provision of Article 2.
- (4) The provision of the Act for Establishment of the Japan Transport Safety Board shall apply to an Aircraft Accident, etc., and a Railway Accident, etc., that occurred before the date of effectuation of this Act and to the Aircraft Accident, etc., or Railway Accident, etc., with regard to which a report is not yet submitted to the Minister of Land, Infrastructure, Transport and Tourism as of the same day.
- (5) The provisions of the Act for Establishment of the Japan Transport Safety Board shall apply to a Marine Accident, that occurred before the date of

effectuation of this Act and to the Marine Accident, with regard to which a petition for commencement for an inquiry has not yet been made as of the same day.

(Transitional Measures Concerning Penal Provisions)

Article 6 With regard to applications of penal provisions to acts committed before the effectuation of this Act and acts committed after the effectuation of this Act with regard to which the provisions then in force shall remain applicable pursuant to the provision of paragraph (4) of the preceding Article, the provisions then in force shall remain applicable.

(Delegation to a Cabinet Order)

Article 7 In addition to what is provided for in Article 2 up to the preceding Article of Supplementary Provisions, the necessary transitional measures concerning the enforcement of this Act shall be prescribed by a Cabinet Order.

(Review)

Article 9 The Government deems it necessary after taking into account the status of implementation of the provision revised by this Act when five (5) years have lapsed since the effectuation of this Act, the Government shall review the possible expansion of functions of the Japan Transport Safety Board in light of further strengthening of safety of transport, etc. and take necessary measures based on the results thereof.