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MUSEUM LAW

285 of 1951

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MUSEUM LAW

Law No.285 of 1951

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CHAPTER I General Provisions

(Purpose of this Law)

Article 1. The purpose of this Law is to provide, on the basis of the Social Education Law (Law No. 207 of 1949), for necessary matters concerning the establishment and operation of museums, and to promote a wholesome development thereof, thereby to contribute to the enhancement of education, science and culture of the nation.

(Definition)

Article 2. "Museums" as used in this Law shall mean such organs (excluding citizens, public halls under the Social Education Law and the libraries under the Library Law (Law No. 118 of 1950), as are established by local public entities or juridical persons under Article 34 of the Civil Code (Law No. 89 of 1896) or by religious corporations or other juridical persons provided for by Cabinet Order, and are registered in accordance with the provisions of Chapter II, among those which have the purpose of collecting, keeping in custody (inclusive of fostering; hereinafter the same) and exhibiting materials concerning history, fine art, ethnic customs, industries, natural science, etc., so that they are offered for public use under educational care, and of conducting necessary business to serve for people's cultural attainments, research, survey, recreation, etc. and of making research and survey pertaining to such materials.

2 "Public museums" as used in this Law shall mean those established by local public entities and "private museums" shall mean those established by juridical persons under Article 34 of the Civil Code, religious corporations, or juridical persons provided for by Cabinet Order mentioned in the preceding paragraph.

3 "Museum materials" as used in this Law shall mean those collected, kept in custody or exhibited by museums.

(Business of Museum)

Article 3. A museum shall, in order to attain the purpose as provided for in paragraph 1 of the preceding Article, generally conduct the following functions:

- (1) Collecting, taking in custody and exhibiting museum materials in abundance, such as originals, specimens, replicas, models, literatures, charts, photographs, films, records, etc.;
- (2) Instituting branch museums or exhibiting museum materials at places other than the museum concerned;

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- (3) Giving general public necessary explanation, advice, guidance, etc. for their utilization of museum materials, or providing study rooms, laboratories, shops, libraries, etc. for utilization;
- (4) Conducting specialised technical survey and research concerning museum materials;
- (5) Making technical studies concerning custody and exhibition of museum materials;
- (6) Preparing and distributing guide-books, commentaries, catalogues, picture records, annual reports, reports on surveys and researches, etc., concerning museum materials;
- (7) Sponsoring and assisting lecture meetings, short courses, motion picture show, seminars, etc. concerning museum materials;
- (8) Providing the general public with means to appreciate and utilize such cultural properties coming under the provision of the Cultural Properties Protection Law (Law No. 214 of 1950) as are found in the place or in the neighborhood thereof where the museum is located, by preparing commentaries, catalogues, etc.;
- (9) Keeping close contact and cooperation with other museums, national museums, national science museums, etc. to conduct interchange of publications, information, and museum materials;
- (10) Cooperating with various facilities relative to education, science or culture, such as schools, libraries, research institutes, citizens, public halls, to promote the activities of such facilities.

2 A museum must, in performing its functions, give consideration to the local conditions and be attentive to being conducive to promoting the living of the people and assisting the school education.

(Director, Art Officials and Other Officials)

Article 4. Each museum shall have a director of the museum.

- 2 The director shall preside over the affairs of the museum, supervise its personnel and thereby endeavor to accomplish the functions of the museum.
- 3 A museum shall have art officials as specialised personnel.
- 4 An art official shall take charge of specialized matters concerning collection, custody, exhibition, surveys, researches, etc. of museum materials, as well as other matters of related business.

5 A museum may have assistant art official and other personnel in addition to the director and the art officials.

6 The assistant art official shall assist the art official.

(Qualification of Art Official)

Article 5. A person coming under any one of the following items shall have the qualification for becoming an art official:

(1) Those who have the Master's degree and have obtained the credits in such subjects relating to museum in university as provided for by Ministry of Education Ordinance;

(2) Those who have been in a university for two years or more, and have obtained 62 credits or more including those in subjects relating to museum mentioned in the preceding item, and who have an experience of three years or more as assistant art official;

(3) Those who are authorized by the Minister of Education, in accordance with the provisions of Ministry of Education Ordinance, to be equivalent in academic achievement and experience to those mentioned in each of the preceding items.

2 The post of the assistant art officials as provided for in item (2) of the preceding paragraph shall include the posts equivalent to the post of the assistant art official in facilities similar to the museum, or the posts as are designated to be equivalent to them by Minister of Education.

(Qualification of Assistant Art Official)

Article 6. A person who is eligible for university enrolment in accordance with the provision of Article 56 paragraph 1 of the School Education Law (Law No. 26 of 1947) shall be qualified as assistant art official.

(Guidance and Advice)

Article 7. The Minister of Education may give the Board of Education of To, Do, Fu or prefecture, and the Board of Education of To, Do, Fu or prefecture may give the board of education of cities (including special wards; hereinafter the same), towns and villages as well as private museums, upon request, specialized technical guidance and advice concerning the establishment and operation of museums.

(Desirable Standard for Establishment and Operation)

Article 8. Desirable standard for the establishment and operation of public museums shall be provided for by Minister of Education for the purpose of promoting a wholesome development thereof, and be shown to the public as well as to the board of education.

(Fares and Charges of Transporting Museum Materials)

Article 9. With regard to the fares and charges concerning the transportation of museum materials by the Japanese National Railways, the provision of Article 8 of the Law governing Japan National Railways Fares and Charges (Law No. 112 of 1948) shall apply.

CHAPTER II Registration

(Registration)

Article 10. A person who desires to establish a museum shall have it registered in the Museum Ledger prepared by the board of education of To, Do, Fu or prefecture where the museum concerned is to be located.

(Application for Registration)

Article 11. A person who intends to apply for the registration under the provision of the preceding Article shall present to the To, Do, Fu or prefectural board of education an application for registration of the museum to be established, with entries as mentioned in the following items:

- (1) The name of establisher and, in the case of a private museum, the name and residence of establisher;
- (2) The name;
- (3) The location.

2 The application for registration under the preceding paragraph shall be accompanied with documents mentioned as follows:

- (1) In the case of a public museum, a copy of the by-law governing its establishment, a copy of museum rules, papers stating the areas of the building and land for the direct use of the museum and the charts thereof, papers relating to the business program and the estimated expenditure in the budget for the fiscal year concerned, the catalogue of the museum materials, and a list showing the names of director and art officials.
- (2) In the case of a private museum, a copy of the articles of incorporation or of the deed of endowment of the juridical person concerned, a copy of the rules of the religious corporation concerned, a copy of museum rules, papers stating the areas of the building and land for the direct use of the museum and the charts thereof, papers relating to the business program and the estimate of receipts and disbursements for the fiscal year concerned, the catalogue of the museum materials, and a list showing the names of the director and art officials.

(Examination of Requisites for Registration)

Article 12. A To, Do, Fu or prefectural board of education shall, in case an application is made for the registration under the preceding Article, examine whether or not the museum under the application satisfies the following requisites; shall, if it finds that the museum satisfies the requisites, register in the Museum Ledger the matters described under each of the items of paragraph 1 of the preceding Article and the date of the registration, and report thereon to the applicant concerned; and shall, if it finds that the museum does not satisfy the requisites, report thereon in writing to the applicant concerned with the reasons for the non-registration:

- (1) Possessing museum materials necessary for attaining the purposes provided for in Article 2 paragraph 1;
- (2) Having art officials and others necessary for attaining the purposes provided for in Article 2 paragraph 1;
- (3) Possessing a building and a land necessary for attaining the purposes provided for in Article 2 paragraph 1;
- (4) Opening to public for 150 days or more throughout a year.

(Changes in Matters Registered)

Article 13. The establisher of a museum shall, in case there has been a change in matters mentioned in any of the items of Article 11 paragraph 1 or matters stated in the accompanying documents as provided for in paragraph 2 of the same Article, report thereon to the To, Do, Fu or prefectural board of education concerned.

- 2 A To, Do, Fu or prefectural board of education shall, in case it has been informed of a change in matters mentioned in any of items of Article 11 paragraph 1, make a relevant change in the registered matters with regard to the museum concerned.

(Cancellation of Registration)

Article 14. A To, Do, Fu or prefectural board of education shall, in case it finds that a museum has ceased to satisfy the requisites mentioned in any of the items of Article 12 or discovers that the registration has been made on the basis of a false application, cancel the registration of the museum concerned. However, in cases where a museum has ceased to satisfy the requisites on account of natural disasters or other unavoidable circumstances, this shall not apply for two years reckoning from the date on which it has ceased to satisfy the requisites.

- 2 A To, Do, Fu or prefectural board of education shall, in cancelling the registration in accordance with the provision of the preceding paragraph, give in advance to the establisher of the museum concerned an opportunity for explaining his case.
- 3 A To, Do, Fu or prefectural board of education shall, immediately on cancelling the registration in accordance with the provision of paragraph 1, report thereon to the establisher of the museum concerned.

(Abolishment of Museums)

Article 15. The establisher of a museum shall, immediately on abolishing the museum, report thereon to the To, Do, Fu or prefectural board of education.

- 2 A To, Do, Fu or prefectural board of education shall, in case an establisher has abolished the museum concerned, cancel the registration of the museum concerned.

(Entrusting to Regulations)

Article 16. Necessary matters for the registration of the museum shall, excluding those prescribed in this Chapter, be provided for in the regulations of the To, Do, Fu or prefectural board of education.

(Duty to Report)

Article 17. A To, Do, Fu or prefectural board of education shall, upon the inquiry by the Minister of Education, report to him necessary matters relating to museums registered by the board of education concerned.

CHAPTER III Public Museum

(Establishment)

Article 18. Matters pertaining to the establishment of a public museum shall be provided for by the by-law of the local public entity which establishes the museum concerned.

(Jurisdiction)

Article 19. The public museum shall be administered by the board of education of the local public entity which establishes the public museum concerned.

(Museum Council)

Article 20. A public museum may have a museum council.

- 2 The museum council shall be the organ that responds to the inquiries of the director of the museum and expresses its opinion to him with regard to the operation of the museum.

Article 21. The members of a museum council shall be appointed, from among persons concerned with school and social education as well as the local public entity which establishes the museum concerned.

Article 22. The establishment of the museum council, fixing of the number of its members, their term of office and other necessary matters shall be provided for by the by-law of the local public entity which establishes the museum concerned.

- 2 The provisions of Article 15 paragraphs 3 and 4 and Article 19 of the Social Education Law, shall apply mutatis mutandis to the members of a museum council.

(Admission Fee, etc.)

Article 23. The public museum shall not collect any admission fee or other prices for the use of museum materials. In cases, however, where it is unavoidable for the maintenance and operation of the museum, it may collect a necessary price.

(Subsidy and Other Types of Assistance to Public Museums)

Article 24. The State shall, within the limits of budgetary appropriations, grant to the local public entities that establish museums subsidies and other types of assistance for the expenses required for the maintenance and operation thereof, when such are regarded as necessary for encouraging the wholesome development of museums.

Article 25. The grant of the subsidies under the provision of the preceding Article shall be made, taking into consideration the amount of the settled account in the preceding fiscal year of the expenses required in each fiscal year by the local public entities that establish the museums, for the establishment and operation of the museums.

- 2 The extent of the expenses and necessary matters as to the procedures of granting the subsidies under the preceding paragraph shall be provided for by Cabinet Order.

(Suspension of Granting Subsidy and Returning of Subsidy Granted)

Article 26. In case the State has granted subsidies provided for in Article 24 to a local public entity that establishes a museum and found the subsidies coming within the purview of any of the following items, it shall stop granting further subsidies for the year involved; and moreover, shall cause all the subsidies granted to be returned in case the cancellation of registration as prescribed in item (1) is found to have been due to the discovery that the said registration was made on the basis of a false application, or cause the subsidies granted for the year involved to be returned in case the subsidies come within the purview of item (3) or (4):

- (1) When the registration of the museum concerned is cancelled in accordance with the provision of Article 14;
 - (2) When the local public entity has abolished the museum concerned;
 - (3) When the local public entity has violated the terms of receiving the subsidies;
- and
- (4) When the local public entity has received the subsidies by false means.

CHAPTER IV Private Museums

(Relationship with To, Do, Fu or Prefectural Board of Education)

Article 27. The To, Do, Fu or prefectural board of education may, for the purpose of preparing material for the guidance of or making researches and surveys in relation to museums, request private museums to submit necessary reports.

- 2 The To, Do, Fu or prefectural board of education may, upon request, give private museums specialized technical guidance or advice relating to the establishment and operation thereof.

(Relationship with the State and Local Public Entity)

Article 28. The State and the local public entity may, upon request, help private museums in securing necessary materials.

CHAPTER V Miscellaneous Provisions

(Facilities equivalent to Museum)

Article 29. With regard to the facilities as are designated by Minister of Education to be equivalent to the museum in accordance with the provisions of Ministry of Education Ordinance, Article 9 and Article 27 paragraph 2 shall apply.

Supplementary Provisions

(Omitted)

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