

## MUSEUM ACT

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### CHAPTER 1 General Provisions

#### **(Purpose of this Act)**

**Article1.** The purpose of this Act is to provide, on the basis of the Social Education Act (Act 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)**

**Article2.** The term "Museums" as used in this Act shall mean institutions established by local public governments, by general incorporated associations or general incorporated foundations, by religious juridical persons or by other juridical persons prescribed by Cabinet Order (excluding Independent Administrative Agencies prescribed in Article 2, Paragraph 1 of the Act on General Rules for Independent Administrative Agencies (Act No.103 of 1999). The same shall apply to Article 29) and which are registered pursuant to the provisions of Chapter 2 (excluding citizens' public halls falling under the Social Education Act and the libraries falling under Library Act (Act No.118 of 1950) ).

The purpose of these facilities is to collect, to keep in custody (inclusive of to foster; the same shall apply hereinafter), to exhibit and offer materials on history, art, folks, industries and natural science for public use in an educational perspective, and to conduct necessary business to serve people's cultural attainments, research, surveys, recreation, etc., and to conduct research and surveys concerning these materials.

- 2 The term "Public museums" as used in this Act shall mean those established by local governments, and the term "Private museums" shall mean those established by general incorporated associations or general incorporated foundations, by religious juridical persons or by other juridical persons prescribed by Cabinet Order in the preceding paragraph.

- 3 The term "Museum materials" as used in this Act shall mean those collected, kept in custody or exhibited by museums (including electromagnetic records, which shall mean records made by electronic systems, magnetic systems or other systems unrecognizable by human perception).

**(Business of Museums)**

**Article 3.** Museums shall, in order to attain the purpose prescribed 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 museums materials at places other than the museum concerned;
  - (3) Giving the general public necessary explanations, advice, guidance, etc. for their use of museum materials, or providing the public with necessary study rooms, laboratories, workshops, libraries, etc. for their use;
  - (4) Conducting specialized technical surveys and research concerning museum materials;
  - (5) Making technical research concerning the custody and exhibition of museum materials;
  - (6) Preparing and distributing guide-books, commentaries, catalogues, picture records, annual reports, reports on surveys and research, etc., concerning museum materials;
  - (7) Sponsoring and assisting lectures, meetings, short courses, motion picture shows, seminars, etc. concerning museum materials;
  - (8) Providing the general public with the means to appreciate and utilize cultural properties coming under the provision of the Cultural Properties Protection Act (Act No.214 of 1950) as are found in the place or in the neighborhood thereof where the museums are located, by preparing commentaries, catalogues, etc.;
  - (9) Providing or encouraging the provision of educational and other activities undertaken by applying the outcomes obtained through the opportunities of social education.
  - (10) Keeping close contact and cooperation with other museums, national facilities having the same purpose as museums, etc. to conduct interchange of publications, information, and museum materials;
  - (11) Cooperating with various facilities concerning education, science or culture, such as schools, libraries, research institutes, citizens' public halls, to promote the activities of such facilities.
- 2 Museums shall, in performing their functions, give consideration to the local conditions and be attentive to promoting the living of the people and assisting school education.

**(Director, Curators and Other Staffs)**

**Article 4.** Each museum shall have a director.

- 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 Museums shall have curators and specialized personnel.
- 4 Curators shall take charge of specialized matters concerning the collection, custody, exhibition, surveys, research, etc. of museum materials, as well as other matters of related business.
- 5 Museums may have assistant curators and other personnel in addition to the director and the curators.
- 6 Assistant curators shall assist the curators.

**(Qualification of Curator)**

**Article 5.** Those coming under any one of the following items shall be certified as curator:

- (1) Those who have a Bachelor's degree and have obtained in university the credits in subjects concerning museums in accordance with the Ordinance of the Ministry of Education, Culture, Sports, Science and Technology [hereinafter referred to as MEXT];
  - (2) Those who have attended university for two years or more, who have obtained 62 credits or more including in subjects concerning museums as provided for in the preceding item, and who have had an experience of three years or more as assistant curator;
  - (3) Those approved by the Minister of Education, Culture, Sports, Science and Technology [hereinafter referred to as "the Minister"] as having an equivalent or higher level of academic ability and experience than those listed in the preceding two items as provided for by the provisions of the MEXT Ordinance;
- 2 The position of assistant curator mentioned in paragraph 2 also refers to equivalent or higher positions at public agencies, schools and social education facilities (inclusive of facilities that operate similarly to museums), such as social educational directors, librarians and other positions designated by the Minister.

**(Qualification of Assistant Curator)**

**Article 6.** Those who are eligible for university enrolment pursuant to the provision of Article 56, Paragraph 1 of the School Education Act (Act No.26 of 1947) shall be qualified as assistant curator.

**(Training for Curators and Assistant Curators)**

**Article 7.** The Minister and the prefectural boards of education shall provide necessary training to improve the competence of curators and assistant curators.

**(Desirable Standards for Establishment and Management)**

**Article 8.** Desirable standards for the establishment and management of museums shall be provided by the Minister and shown to the public to develop the museums soundly.

**(Evaluation of Museum Management)**

**Article 9.** Museums shall endeavor to evaluate their own operations, and shall take necessary measures in order to improve management based on the results of such evaluations.

**(Providing Relevant Information on the Status of Museum Operations)**

**Article 9 – 2.** Museums shall endeavor to actively provide local residents and other relevant persons with information concerning the status of museum operations in order to promote a better understanding of their business and to develop partnerships and cooperation.

## Chapter 2 Registration

**(Registration)**

**Article 10.** Those who intend to establish a museum shall have them registered in the Museum Ledger prepared by boards of education of prefectures where the concerned museum is to be located.

**(Application for Registration)**

**Article 11.** Those who intend to establish a museum registered pursuant to the provision of the preceding article shall present to the prefectural board of education an application for registration of the museum to be established, with entries as mentioned in the following items:

- (1) The names of the establisher of the museum and his residence (if it is a private museum);
- (2) The name of the museum;
- (3) The location of the museum.

2 The application for registration mentioned in the preceding paragraph shall be accompanied with the following documents:

- (1) In the case of a public museum, a copy of the local government Ordinance concerning its establishment, a copy of museum rules, papers and charts stating the areas of buildings and land for the direct use of the museum, papers relating to business programs and estimated expenditure in the budget for the corresponding fiscal year, a catalogue of museum materials,

and a list showing the names of the director and curators.

- (2) In the case of a private museum, a copy of the articles of incorporation of the juridical person or a copy of the rules of the religious juridical person, a copy of museum rules, papers and charts stating the areas of buildings and land for the direct use of the museum, papers relating to business programs and estimated receipts and disbursements for the corresponding fiscal year, a catalogue of the museum materials, and a list showing the names of the director and curators.

#### **(Examination of Requisites for Registration)**

**Article 1 2.** The prefectural board of education shall, in case an application is made for the registration under the preceding Article, examine whether or not the museum pertaining to the said application satisfies the requirements stated below.

If the prefectural board of education finds that the museum satisfies the requirements, it shall register in the Museum Ledger the matters listed in each of the items of Paragraph 1 of the same article and the date of registration, and shall notify the applicant concerned. If the prefectural board of education finds that the museum does not satisfy the requirements, it shall provide the said applicant with the reasons for the non-registration:

- (1) Possessing museum materials necessary for attaining the purposes prescribed in Article 2, Paragraph 1;
- (2) Having curators and other personnel necessary for attaining the purposes prescribed in Article 2, Paragraph 1;
- (3) Possessing buildings and land necessary for attaining the purposes prescribed in Article 2, Paragraph 1;
- (4) Opening to public for 150 days or more throughout a year.

#### **(Changes in Matters Registered)**

**Article 1 3.** The establisher of a museum shall, in case there have been changes in matters mentioned in any of the items of Article 11, Paragraph 1, or matters stated in the accompanying documents as prescribed in Paragraph 2 of the same Article, notify the prefectural board of education.

- 2 The prefectural board of education shall, in case it has been informed of changes in matters mentioned in any of the items of Article 11, Paragraph 1, make relevant changes in the registered matters pertaining to the said museum.

#### **(Cancellation of Registration)**

**Article 1 4.** The prefectural board of education shall rescind the registration of a museum in case it finds that the said museum has ceased to satisfy the requirements listed in any of the

items of Article 12, or if it discovers that the registration has been made on the basis of a false application. 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 The prefectural board of education shall, in canceling the registration in accordance with the provision of the preceding paragraph, report thereon to the establisher of the said museum.

#### **(Abolishment of Museums)**

**Article 15.** The establisher of a museum shall, in case it abolishes the museum, report immediately thereon to the prefectural board of education.

- 2 The prefectural board of education shall, in case the establisher has abolished the museum, rescind the registration of the museum concerned.

#### **(Entrusting to Regulations)**

**Article 16.** Necessary matters for the registration of the museum shall be provided for in the regulations of the prefectural board of education, excluding those prescribed in this chapter.

**Article 17.** Deleted

### **Chapter 3 Public Museums**

#### **(Establishment)**

**Article 18.** Matters concerning the establishment of a public museum shall be provided for by an ordinance of the local government that establishes the said museum.

#### **(Jurisdiction)**

**Article 19.** Public museums shall be administered by the board of education of the local government that established the said museums.

#### **(Museum Council)**

**Article 20.** Public museums may have a museum council.

- 2 The museum council shall be an organ that responds to consultations from the director of the museum and expresses its opinion concerning the management of the museum.

**Article 21.** Museum council members shall be appointed by the board of education of the

local government that established the said museum; members shall be selected among persons concerned with school and social education, persons who actively contribute to improve home training, as well as persons of learning and experience,.

**Article 2 2.** The establishment of a museum council, its fixed number of members, their term of office and other relevant matters shall be provided for by an ordinance of the local government that established the said museum.

**(Admission Fee, etc.)**

**Article 2 3.** Public museums shall not collect any admission fee or other commissions for the use of museum materials. They may, however, collect an admission fee if necessary for the maintenance and operation of the museum.

**(Subsidies for Public Museums)**

**Article 2 4.** The central government may, within the limits of budgetary appropriations, grant subsidies to local governments for the establishment of a museum or other related expenses.

- 2 The granting of subsidies described in the preceding paragraph shall be provided for by Cabinet Order.

**Article 2 5.** Deleted

**(Suspension and Return of Granted Subsidies)**

**Article 2 6.** In case the central government has granted subsidies, as prescribed in Article 24, to a local government that established 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. Moreover, the central government shall cause all granted subsidies 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 subsidies granted for the year to be returned in case the subsidies come within the purview of item (3) or (4):

- (1) When the registration of the said museum is rescinded pursuant to the provisions of Article 14;
- (2) When the local government has abolished the said museum;
- (3) When the local government has violated the conditions for receiving the subsidies;
- (4) When the local government has received the subsidies through illicit means.

## Chapter 4 Private Museums

### **(Relationship with Prefectural Boards of Education)**

**Article 27.** The prefectural boards of education may, for the purpose of preparing guidance materials or to conduct research and surveys concerning museums, request private museums to submit necessary reports.

2 Prefectural boards of education may, upon request by private museums, provide specialized technical guidance or advice concerning their establishment and management.

### **(Relationship with the Central and Local Governments)**

**Article 28.** The central and local governments may, upon request, help private museums in securing necessary materials.

## Supplementary Provisions

### **(Facilities Equivalent to Museums)**

**Article 29.** Paragraph 2 of Article 27 shall apply mutatis mutandis to facilities operating similarly to museums and designated as such by MEXT Ordinances (some museums are designated by the Minister if they are established by the central government or an Independent Administrative Institution. Other museums are designated by the prefectural board of education where they are located if they were established neither by the central government nor by an Independent Administrative Institution).

## Supplementary Provisions

(Omission)