

Cable Television Broadcast Law

(Law No.114 of July 1,1972)

As amended last by: Law No. 59 of May 28, 1999

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Chapter I General Provisions

(Purpose)

Article 1. The purpose of this law is to protect the interests of the audience of cable television broadcasting and to strive for the sound development of cable television broadcasting by regulating the establishment of the facilities thereof and the operation of the service thereof so as to contribute to the promotion of public welfare.

(Definitions)

Article 2.

- (1) “Cable television broadcasting” in this law means a cable broadcasting (the transmission of a cable telecommunication intended to be directly received by the public; hereinafter the same), which is other than the cable sound broadcasting provided for in Article 2 of the Law to Regulate the Operation of the Cable Sound Broadcasting Service (Law No. 135 in 1951).
- (2) “Cable television broadcasting facilities” in this law means cable telecommunication equipment (which include a receiving antenna for conducting retransmission and other equipment necessary for the reception of broadcasting) needed for conducting a cable television broadcasting.
- (3) “Licensee for cable television broadcasting facilities” in this law means a person who has been granted the permit for establishment of the cable television broadcasting facilities in accordance with paragraph (1) of the following article.
- (4) “Cable television broadcaster” in this law means a person who conducts a cable television broadcasting service.

Chapter II Facilities

(Permit for Facilities)

Article 3.

- (1) A person who intends to establish cable television broadcasting facilities with the aim of conducting a cable television broadcasting service shall obtain a permit from the Minister of Posts and Telecommunications with respect to establishment of the facilities. However, this shall not apply to cable television facilities of which the scale does not exceed the basis prescribed in the applicable ordinance of the Ministry of Posts and Telecommunications.

- (2) A person who intends to obtain the permit mentioned in the preceding paragraph shall submit to the Minister of Posts and Telecommunications a written application covering the plan of facilities inclusive of the area in which the facilities are established and other related matters, the frequency to be used, the outline of the cable television broadcasting facilities, and other matters prescribed in the applicable ordinance of the Ministry of Posts and Telecommunications.

(Standards of Permit)

Article 4.

- (1) When the Minister of Posts and Telecommunications deems that an application for the permit mentioned in paragraph (1) of the preceding Article satisfied each of the following items, the Minister shall grant the permit of the said paragraph:
 - i) The plan of the cable television broadcasting facilities is reasonable and its practicability is ensured;
 - ii) The cable television broadcasting facilities satisfy the technical standards prescribed in the applicable ordinance of the Ministry of Posts and Telecommunications;
 - iii) The financial basis and technical ability sufficient for ensuring establishment and operation of the cable television broadcasting facilities are owned;
 - iv) Establishment of the cable television broadcasting facilities is also needful and appropriate in the light of natural, social and cultural conditions in that area.

- (2) The Minister of Posts and Telecommunications shall invite the opinion of prefectures concerned in case the Minister is to take the disposition to

grant or not to grant the application for the permit mentioned in paragraph (1) of the preceding article.

(Cause of Incompetency)

Article 5. A person coming under any of the following items shall not be granted the permit mentioned in Article 3 paragraph (1):

- i) A person who has had his permit revoked under the provisions of Article 25 paragraph (1) and with respect to whom two years have not elapsed from the day of the revocation;
- ii) A person who has been sentenced to a penalty not lighter than a fine on conviction of violating this law, the Law to Regulate the Operation of the Cable Sound Broadcasting Service or the Cable Telecommunications Law (Law No. 96 in 1953) and with respect to whom two years have not elapsed from the day when such person served out the punishment or from the day when such person ceased to undergo the execution of the punishment;
- iii) A juridical person or organization, of which the officer or officers come under any of the preceding two items.

(Time Limit for the Establishment of Facilities)

Article 6.

- (1) The licensee for cable television broadcasting facilities shall complete establishing the cable television broadcasting facilities involved in the permit mentioned in Article 3 paragraph (1) within a period to be specified by the Minister of Posts and Telecommunications at every subdivided area in which to establish such facilities.
- (2) The Minister of Posts and Telecommunications may, on application from the licensee for cable television broadcasting facilities, extend the period specified under the provisions of the preceding paragraph if he deems it reasonable.
- (3) The licensee for cable television broadcasting facilities, when such licensee has completed the establishment of the cable television broadcasting facilities involved in the permit mentioned in Article 3 paragraph (1), shall notify the Minister of Posts and Telecommunications

to that effect without delay.

(Permit for Changes, etc.)

Article 7.

- (1) In case the licensee for cable television broadcasting facilities intends to make a change in the plan of facilities, the frequency to be used or the cable television broadcasting facilities which are stated in the application mentioned in Article 3 paragraph (2) and which are involved in the permit provided for in paragraph (1) of the same article, such licensee shall obtain a permit from the Minister of Posts and Telecommunications. However, this does not apply to the case where the change is a less important modification of the cable television broadcasting facilities prescribed in the applicable ordinance of the Ministry of Posts and Telecommunications.
- (2) The provisions of Article 4 paragraph (2) shall apply mutatis mutandis to the disposition to permit or not to permit such changes in the plan of facilities as mentioned in the preceding paragraph.
- (3) The licensee for cable television broadcasting facilities shall, if such licensee has made a change in the matters stated in the application mentioned in Article 3 paragraph (2), notify the Minister of Posts and Telecommunications to that effect without delay, excepting the case where such licensee has obtained the permit under the provision of paragraph (1).

(Maintenance of Facilities)

Article 8. The licensee for cable television broadcasting facilities shall maintain the cable television broadcasting facilities involved in the permit mentioned in Article 3 paragraph (1) in such a manner as to satisfy the technical standards prescribed in the applicable ordinance of the Ministry of Posts and Telecommunications mentioned in Article 4 paragraph (1) item ii).

(Liability to Make Facilities Available)

Article 9. If the licensee for cable television broadcasting facilities is

requested by a person, who intends to conduct a cable broadcasting service, to use the cable television broadcasting facilities involved in the permit mentioned in Article 3 paragraph (1) for that service, such licensee should accept the request unless otherwise prescribed in the applicable ordinance of the Ministry of Posts and Telecommunications.

(Conditions of Use of Facilities)

Article 10.

- (1) The licensee for cable television broadcasting facilities shall stipulate contract clauses with respect to the charge for use of the cable television broadcasting facilities as well as to the other conditions of use.
- (2) The conditions of the use mentioned in the preceding paragraph shall be in accordance with the standards prescribed in the applicable ordinance of the Ministry of Posts and Telecommunications.

(Assignment and Acquisition of Facilities, and Merger of Juridical Persons)

Article 10-2.

- (1) In case a licensee for cable television broadcasting facilities should assign the whole of its cable television broadcasting facilities related to the permit issued under Article 3 paragraph (1), only if both the assignor and assignee should obtain relative permits relating to the assignment and acquisition from the Minister of Posts and Telecommunications, the assignee may succeed to the position of the licensee for cable television broadcasting facilities of the assignor.
- (2) In case a merger of a juridical person as a licensee for cable television broadcasting facilities (excluding the case of a merger between a juridical person as a licensee for cable television broadcasting facilities and a juridical person who is not a licensee of cable television broadcasting facilities, and in which the former should survive the merger), a juridical person that remains after the merger or a juridical person established by the merger may succeed to the position of the licensee for cable television broadcasting facilities upon authorization by the Minister of Posts and Telecommunications.

- (3) The provisions of Article 4 paragraph (1) and Article 5 shall apply, mutatis mutandis, to the authorization under the preceding two paragraphs.

(Inheritance)

Article 10-3.

- (1) When a person who is a licensee for cable television broadcasting facilities has died, this person's heir or heiress (in the case where more than one heir or heiress exists and where they have selected one heir or heiress after negotiation who shall inherit that cable television broadcasting facilities, then, that heir or heiress) shall succeed to the position of the licensee for cable television broadcasting facilities.
- (2) When an heir or heiress referred to in the preceding paragraph fails to file an application with the Minister of Posts and Telecommunications for authorization of the inheritance within sixty days of the predecessor's death, the permission provided in Article 3 paragraph (1) shall lose effect at the time when the period of sixty day elapses. The same shall also apply, if an administrative disposition has been made not to grant authorization to an application with the permit after the day when the administrative disposition takes effect.
- (3) The provisions of Article 4 paragraph (1) and Article 5 shall apply, mutatis mutandis, to the authorization under the preceding paragraph.

(Notification of Discontinuance of Facilities)

Article 11. In case the licensee for cable television broadcasting facilities intends to discontinue the cable television broadcasting facilities involved in the permit mentioned in Article 3 paragraph (1), such licensee shall, in advance, notify the Minister of Posts and Telecommunications to that effect.

Chapter III Services

(Notification of Services)

Article 12. A person who intends to become a cable television broadcaster

shall notify the Ministry of Posts and Telecommunications of the service area of the cable television broadcasting, whether rebroadcast will be done or not, and other matters to be prescribed by the Ministry of Posts and Telecommunications Ordinance. The same shall apply also to the case where a cable television broadcaster intends to make a change in the notified matters.

Article 12-2. Cable television broadcasters shall not conduct cable television broadcasting services using facilities installed on the land, telegraph poles or other structures of other parties without first obtaining the permission of the owner, etc. and using cable television broadcasting facilities installed without obtaining approval under paragraph (1) or paragraph (3) of Article 32 of the Roads Law relating to the installation (including cases where paragraph (2) of Article 91 of the same law *mutatis mutandis* applies), or under any other applicable law or ordinance.

(Retransmission)

Article 13.

- (1) In case the area in which to establish the facilities permitted under Article 3 paragraph (1) lies, entirely or partly, within a zone designated by the Minister of Posts and Telecommunications as a zone where the receiving interference of a television broadcasting (to be referred to as the television broadcasting in Article 2, item ii)-5 of the Broadcast Law (Law No. 132 in 1950; hereinafter the same) occurs to a great extent or such interference is feared to develop, it is imperative for the cable television broadcaster who is also the licensee for cable television broadcasting facilities in the designated zone mentioned should receive the television broadcasting or television multiplex broadcasting of all broadcasters (meaning broadcasting of voices and other sounds, characters, patterns and other images, or signals on a channel multiplexed on radio waves of television broadcasts, and not coming under television broadcasting; hereinafter the same), who have established broadcasting stations (provided for in Article 2, item iii) of the Broadcast Law) conducting television broadcasting or television multiplex broadcasting (to be referred to as the television multiplex broadcasting provided for in Article 3-2, paragraph (4) of the Broadcast

Law, hereinafter the same) toward within the prefecture where the area in which to establish the facilities mentioned belongs, and retransmit all the broadcasting programs thereof intact and simultaneously. However, this does not apply to cases prescribed in the applicable ordinance of Ministry of Posts and Telecommunications.

- (2) The cable television broadcaster shall not receive and retransmit the television broadcasts or television multiplex broadcasts (including entrusted broadcasts, and broadcasts which are received and retransmitted by a person who has been granted a license for a radio station of relay broadcasting for eliminating receiving interference provided for in Article 5 paragraph (5) of the Radio Law (Law No. 131, 1950); the same in this Article) of a broadcaster (except a facility-supplying broadcaster provided for in Article 2, item iii)-4 of the Broadcast Law) without this broadcaster's consent. However, this does not apply to the case where the cable television broadcaster who is also the licensee for cable television broadcasts facilities retransmits a television broadcasting or television multiplex broadcasts in accordance with the provisions of the preceding paragraph.
- (3) Cable television broadcasters (including those intending to become cable television broadcasters) are able to apply for the arbitration of the Minister of Posts and Telecommunications when discussions for the purpose of obtaining agreement have been requested but no conclusion reached, with broadcasters over the content of the previous paragraph, and when no further discussion is possible.
- (4) When there has been an application relating to the stipulations of the previous paragraph, the Minister of Posts and Telecommunications shall notify the related broadcaster of the purpose of the application, and also designate an appropriate period and provide an opportunity for the submission of a document indicating agreement.
- (5) With the exception of cases when there is a justifiable reason, the Minister of Posts and Telecommunications shall arbitrate over the appropriate agreement when no agreement has been reached with the

broadcaster in the previous paragraph, and relating to the rebroadcasting by either a television broadcaster or multiplex television broadcaster.

- (6) In the course of arbitration for the purpose of agreement, the television broadcasts and multiplex broadcasts which the person having made the application can retransmit, the method by which the appropriate rebroadcasting is to be implemented and also the area for the performance of rebroadcast activities must be determined.
- (7) In the course of arbitration pertaining to paragraph (3), the Minister of Posts and Telecommunications must promptly notify the broadcaster of the outcome of that arbitration.
- (8) When arbitration outcome pertaining to paragraph (6) is notified to the broadcaster as stipulated in the preceding paragraph, the appropriate arbitration shall be regarded an agreement having been reached with the broadcaster.

(Approval of Conditions to Offer the Service)

Article 14.

- (1) In case the cable television broadcaster who is also the licensee for cable television broadcasting facilities retransmits a television broadcasting or television multiplex broadcasting in accordance with the provisions of paragraph (1) of the preceding article, this broadcaster shall, in advance, stipulate the contract clauses on the charge for the said retransmission service as well as on the other conditions of offer, and obtain the approval of the Minister of Posts and Telecommunications. The same shall apply to the case where a change in the contract clauses is intended.
- (2) The Minister of Posts and Telecommunications, if the Minister deems that the application for approval mentioned in the preceding paragraph satisfies the following items, shall grant the approval mentioned in the same paragraph:
 - i) The charge for service shall be reasonable in comparison with the cost for efficient management of services;
 - ii) In case the retransmission of television broadcasting or television

multiplex broadcasting under the provisions of paragraph (1) of the preceding article is conducted concurrently with cable broadcasting other than such retransmission, the conclusion of contract only for offer of the said retransmission service should be feasible;

- iii) The matters on responsibility of the cable television broadcaster who is also the licensee for cable television broadcasting facilities and those of the receiver shall be properly and definitely stipulated;
- iv) There shall be no unjustified discriminative treatment against specific persons.

(Notification of Contract Clause Concerning Charge for Service)

Article 15. In case the cable television broadcaster conducts cable television broadcasting other than the retransmission of television broadcasts or television multiplex broadcasts under the provisions of Article 13 paragraph (1), and collects from the receiver the charge for the said cable television broadcasting service, he shall, in advance, stipulate the contract clause concerning the charge for the said service and make notification to the Minister of Posts and Telecommunications. The same shall apply to the case where a change in the contract clause is intended.

(Obligation for Offer of Service)

Article 16. The cable television broadcaster must not refuse to offer the service of cable television broadcasting in its service area unless there is a justifiable reason.

(Mutatis mutandis application of the Broadcasting Law)

Article 17. The provisions of Article 3, Article 3-2 paragraphs (1) and (4), Article 3-4 through Article 4, Article 51 and Article 52 of the Broadcast Law shall apply mutatis mutandis to cable television broadcasting (except cable television broadcasting in which the television broadcasts or television multiplex broadcasts of broadcasters are received, all these broadcast programs thereof are retransmitted intact and simultaneously). In this case, “the broadcasting of items related to economic and market trends, natural events, sporting news and other items provided for by the

Ordinance of the Ministry of Posts and Telecommunications, or engaged in broadcasting for extraordinary and temporary purposes (limited to those provided for by the Ordinance of the Ministry of Posts and Telecommunications)” in Article 3-5 of the same law shall be read as “the cable television broadcasting of items related to economic and market trends, natural events, sporting news, and other items provided for by the Ordinance of the Ministry of Posts and Telecommunications; “seven committee members (except a broadcast program consultative organization for a private broadcaster conducting exclusive multiplex broadcasting which shall consist of committee members less than seven in accordance with the provisions of the Ordinance of the Ministry of Posts and Telecommunications)” in Article 51 paragraph (1) of the same law shall be read as “seven committee members”; “the service area of the broadcast station (which means the service area mentioned in Article 14 paragraph (3) item iii) of the Radio Law; hereinafter the same) or the service area of a facility-supplying broadcast (hereinafter referred to as the “service area” in this paragraph)” in the same Article paragraph (3), shall be read as “the service area”.

(Succession)

Article 17-2.

- (1) In case a cable television broadcaster who has made notification according to the stipulation of Article 12 should have assigned the whole of the business operation related to the notification, or in case of inheritance or merger of the cable television broadcaster who has made notification according to the stipulation of the same article, the person who acquired the whole of the business, or the heir or heiress (in the case where more than one heir or heiress exists and where they have selected one heir or heiress after negotiation who shall inherit, then, that heir or heiress), or the juridical person that continues to exist after merger or that has been established as a result of the merger, shall succeed to the position of the said cable television broadcaster in accordance with the provisions of this law.

- (2) Any person who has succeeded to the position of the cable television broadcaster, whose notification has been made in accordance with the

provision of Article 12 based on the provision of preceding paragraph, shall submit without delay a notification to that effect to the Minister of Posts and Telecommunications while submitting documents proving the fact of the succession at the same time.

(Notification of Discontinuance of Service)

Article 18. In case the cable television broadcaster has discontinued the service, such broadcaster shall notify, without delay, the Minister of Posts and Telecommunications to that effect. However, this does not apply to the case where such broadcaster has notified the discontinuance of the cable television broadcasting facilities in accordance with the provision of Article 11.

Article 19 to Article 23 (Suppressed)

Chapter IV Miscellaneous Provisions

(Order of Improvement, etc.)

Article 24.

- (1) In case the Minister of Posts and Telecommunications deems that the operation of cable television broadcasting facilities hampers the interests of the audience because of inappropriate conditions, the Minister may order the licensee for cable television broadcast facilities to alter the plan of facilities of the cable television broadcasting facilities, the frequency to be used and the conditions of use, and also an improvement of the cable television broadcasting facilities.

- (2) In case the Minister of Posts and Telecommunications deems that the operation of retransmission service of television broadcasting or television multiplex broadcasting under the provisions of Article 13 paragraph (1) hampers the interest of the audience because of inappropriate conditions, the Minister may order the cable television broadcaster who is also the licensee for cable television broadcasting facilities to change the conditions of offer of the said retransmission service, and also order an improvement in the method of retransmission service concerned.

- (3) In case the Minister of Posts and Telecommunications deems that the matters on charge for service notified under the provisions of Article 15 hamper the interests of the audience, the Minister may order the cable television broadcaster to change the matters on charge for service concerned.

(Revocation of Permit, etc.)

Article 25.

- (1) The Minister of Posts and Telecommunications may revoke the permit mentioned in Article 3 paragraph (1) in case the licensee for cable television broadcasting facilities or the cable television broadcaster who is also the licensee for cable television broadcasting facilities comes under any of the following items:
 - i) When such a person has obtained the permit mentioned in Article 3 paragraph (1) or the permit mentioned in Article 7 paragraph (1) by illegal means.
 - ii) When such a person has come under items ii) or iii) of Article 5.
 - iii) When such a person has violated the provisions of Article 6 paragraph (1), Article 7 paragraph (1), Article 8, Article 9, Article 10 paragraph (2), Article 13 paragraph (1) or Article 14 paragraph (1), or acted in contravention of the conditions fixed upon the permits or the approvals.
 - iv) When such person has disobeyed an order given in accordance with the provisions of paragraph (1) or paragraph (2) of the preceding article.
- (2) The Minister of Posts and Telecommunications may, fixing a period not exceeding three months, order the suspension of the service of cable television broadcasting, in case the cable television broadcaster has violated the provisions of; the latter part of Article 12, Article 12-2, Article 13 paragraph (2), Article 16; or the provisions of Article 3-2 paragraph (1), Article 3-3, Article 3-4 (except paragraph (2)), Article 4 or Article 52 of the Broadcast Law, which are to be applied mutatis mutandis in Article 16 or 17; or in case such broadcaster does not obey the order given in accordance with the provision of paragraph (3) of the preceding Article.

- (3) With respect to behaving in violation of the regulations of Article 20-2, the Minister of Posts and Telecommunications shall notify the Minister of Construction beforehand in cases when the Minister of Posts and Telecommunications is to perform the disposal, under the stipulations of the previous paragraph, concerning items in violation of the Roads Law. In these cases, the Minister of Construction may offer the Minister's opinions relating to the violation of the appropriate Roads Law to the Minister of Posts and Telecommunications.

(Conditions of Permits, etc.)

Article 26.

- (1) Conditions may be fixed upon a permit or an approval.
- (2) The conditions mentioned in the preceding paragraph shall be limited to the minimum necessary for increasing the public interest or for ensuring the implementation of the matters related to the permit or the approval, and they shall not be such as to impose unreasonable obligation on the person obtaining the permit or the approval.

(Inquiries to the Deliberative Council)

Article 26-2. In cases where one of the following items is appropriate, the Minister of Posts and Telecommunications shall make an inquiry to the council prescribed in the Cabinet Ordinance (Hereinafter refer to as "Deliberative Council"):

- i) When there is treatment of the application in paragraph (1) of Article 3 or paragraph (1) of Article 14, or when there is to be treatment according to the provisions of Article 25;
- ii) When there is to be specification of areas according to the regulations of paragraph (1) of Article 13;
- iii) When there is to be arbitration of paragraph (3) of Article 13;
- iv) When there is to be an order of modifications to charges for duties performed according to paragraph (2) or paragraph (3) of Article 24;
- v) When there is to be stipulation, modification or abolition of the Ordinance of the Ministry of Posts and Telecommunications on the

basis of the provisions of Article 3 paragraph (1), Article 4 paragraph (1) item ii), Article 9, Article 10 paragraph (2), Article 12, Article 13 paragraph (1) or Article 29.

(Report and Inspection)

Article 27.

- (1) The Minister of Posts and Telecommunications may, within the limit necessary for the execution of this law, request the licensee for cable television broadcasting facilities to report the conditions of the cable television broadcasting facilities and other necessary matters, or send ministerial personnel to the place where the cable television broadcasting facilities are established and have them inspect the cable television broadcasting facilities, or the Minister may, as provided by cabinet ordinance, request the cable television broadcaster to report on the state of affairs of the cable television broadcasting service.
- (2) The personnel exercising a spot inspection in accordance with the provision of the preceding paragraph shall carry with them their official identification cards and show them to the persons concerned.
- (3) The authority to enter and inspect under the provision of paragraph (1) shall not be interpreted as having been permitted for the search of crime.

(Mutatis Mutandis Application of the Radio Law)

Article 28. The provisions of Chapter VII and Article 115 of the Radio Law shall be applied mutatis mutandis to complaints and lawsuits against the disposition made by the Minister of Posts and Telecommunications in accordance with this Law or the provisions of the orders based upon this Law.

(Handling Charge)

Article 29. A person applying for the permit mentioned in Article 3 paragraph (1) or Article 7 paragraph (1) shall pay the handling charge of which the amount is to be prescribed in the Ordinance of the Ministry of Posts and Telecommunications Ordinance with due consideration of the actual expenses required for the examination.

(Arrangement for Smooth Establishment of Facilities)

Article 30. The state and the regional public bodies shall so arrange that it may take necessary measures to smoothly establish the cable television broadcasting facilities permitted under Article 3 paragraph (1).

(Presentation of Materials, Other Obligations)

Article 30-2. The Minister of Posts and Telecommunications can demand the presentation of materials as well as other cooperation with road managers (those persons stipulated as road managers under paragraph (1) of Article 18 of the Roads Law), concerning the conditions and situation, etc. of installation of cable television facilities in violation of the stipulations of Article 12-2.

(Exception of Application)

Article 31. The provisions of this law shall not apply to the cable television broadcasting listed below:

- i) Cable television broadcasting conducted for provisional and temporary purposes;
- ii) Cable television broadcasting (excepting the one conducted for the purpose to be viewed directly by the general public at a place where people pass or gather) conducted within one enclosure (in case the enclosure belongs to two or more occupants, the part belonging to one and the same occupant);
Cable television broadcasting conducted on a train, ship or aircraft;
- iv) Other cable television broadcastings prescribed in the Ordinance of the Ministry of Posts and Telecommunications Ordinance, above and beyond those listed in the preceding three items.

(Delegation to Ministerial Ordinance)

Article 32. In addition to those provisions provided for in this law, the necessary regulations relative to the procedure for the enforcement of this law as well as to the execution of this law will be prescribed in the Ordinance of the Ministry of Posts and Telecommunications.

Chapter V Penal Provisions

Article 33. A person who has established cable television broadcasting facilities in contravention of the provision of Article 3 paragraph (1) shall be sentenced to penal servitude for a period not exceeding one year or a fine not exceeding five hundred thousand yen.

Article 34. A person who has violated the provision of Article 13 paragraph (1) or who has disobeyed the order of suspension of service given in accordance with provision of Article 25 paragraph (2) shall be sentenced to penal servitude for a period not exceeding six months or a fine not exceeding five hundred thousand yen.

Article 35.

(1) A person coming under any one of the following items shall be sentenced to a fine not exceeding five hundred thousand yen:

- i) A person who has, without obtaining the permit, practiced the matters for which a permit should have been obtained according to the provision of Article 7 paragraph (1);
- ii) A person who has violated the provision of Article 4 paragraph (1) of the Broadcast Law which is to be applied *mutatis mutandis* in Article 17.

(2) The prosecution of the offense mentioned in item ii) of the preceding paragraph will take place on complaints, if it concerns private affairs.

Article 36. A person coming under any one of the following items shall be sentenced to a fine not exceeding three hundred thousand yen:

- i) A person who has, in contravention of the provisions of Article 12, not made the notification, or made a false notification;
- ii) A person who has conducted the retransmission service of television broadcasting or television multiplex broadcasting not being based upon the approved contract clauses provided for in Article 14 paragraph (1);
- iii) A person who has collected a charge not based upon the notified contract clause provided for in Article 15;

- iv) A person who has violated an order provided for in Article 24;
- v) A person who has, in contravention of the provision of Article 27 paragraph (1), not made the notification, or made a false notification, or refused, interfered with or evaded the inspection by the personnel concerned.

Article 37.

- (1) In case the representative of a juridical person, or the proxy, employee or any other person of a juridical person or natural person has, in connection with the service of the juridical person or natural person, committed the offenses mentioned in Article 33 to the preceding article inclusive, the juridical person or natural person shall, besides the offender, be punished with the fine provided for in respective articles.
- (2) In the case preceding paragraph, the prosecution brought against the offender mentioned in Article 35 paragraph (2), shall also be effective for the juridical person or natural person, and the prosecution brought against the juridical person or natural person shall also be effective for the offender.

Article 38. A person who has, in contravention of Article 6 paragraph (3), Article 7 paragraph (3), Article 11, Article 17-2 paragraph (2) or Article 18, not made the notification or made a false report shall be sentenced to an administrative fine not exceeding two hundred thousand yen.

Supplementary Provisions

(Data of Enforcement)

- (1) This law shall come into force as from the day after the lapse of six months counted from the day of its promulgation. However, the provisions of Chapter IV, both the provision of paragraph (6) of Supplementary Provisions and, among those of paragraph (12) of Supplementary Provisions, the amended provisions of item i) paragraph (1) Article 10-2 of the Ministry of Posts and Telecommunications Establishment Law as well as the amended provisions (only the part concerned with the Cable Broadcast Council) of the Table in paragraph (1) Article 19 of the same law shall come into force as from the day of promulgation.

(Transitional Measures)

- (2) A person who has already established cable television broadcasting facilities (except one of a scale which does not exceed the basis provided for in the provisions of Article 3 paragraph (1) at the time of the promulgation of this law, shall apply for the permit provided for in the same paragraph within sixty days counted from the day of promulgation of this law. Until the disposition to permit or not to permit the application is taken, such person shall be regarded as the licensee for cable television broadcasting facilities.
- (3) A person who has submitted the notification provided for in Article 3 of the Law to Regulate the Operation of the Cable Broadcasting Service (Law No. 135 in 1951) and is conducting the service of cable television broadcasting provided for in paragraph (1) Article 2 at the time of promulgation of this law, shall be regarded having made the notification provided for in Article 12. In this case, with respect to the application of the provision of the first half of Article 15, "in advance" mentioned in the same article shall be considered "within thirty days counted from the day of promulgation of this law."

- (4) Besides those provided for in the preceding paragraph, dispositions and proceedings or other actions which have been taken, before the promulgation of this law, under the provisions of the Law to Regulate the Operation of the Cable Broadcasting Service shall be regarded, if there are corresponding provisions in this law, as those having been taken in accordance with such provisions of this law.
- (5) The application of a penalty to an act committed before the promulgation of this law shall be the same as before.