

LAW GOVERNING FIREWORKS IN JAPAN

In Japan, the question of fireworks is governed by the Explosives Control Law<sup>1/</sup> (61 Articles), the Enforcement Order of the Cabinet<sup>2/</sup> (8 Articles), and the Enforcement Regulation of the Ministry of International Trade and Industry<sup>3/</sup> (101)Articles). In addition, the Order Concerning Transportation of Explosives issued by the Prime Minister's Office<sup>4/</sup> (37 Articles) is in force.

The Law consists of five chapters: (1) general provisions, (2) business, (3) maintenance of safety, (4) miscellaneous provisions, and (5) penal provisions. Under Chapter I (Articles 1 and 2) of the above Law, the purpose and the definition are set forth:

Art. 1. The purpose of this Law is to prevent disaster arising from explosives and to secure public safety by regulating the manufacture, sale, storage, carriage, consumption and other handling of explosives.

Art. 2. In this Law "explosives" shall mean such low explosives, high explosives, explosives accessories and fireworks as listed below: . . .

- (1) Low explosives: . . .
- (2) High explosives: . . .
- (3) Explosives accessories and fireworks:

(a) Industrial blasting cap, electric detonator, percussion cap, and signal detonator;

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<sup>1/</sup>Law No. 149, May 4, 1950, as last amended by Law No. 161, 1962.

<sup>2/</sup>Cabinet Order No. 323, Oct. 31, 1950, as amended by Order No. 216, July 28, 1954.

<sup>3/</sup>The Ministry of International Trade and Industry Ordinance No. 88, Oct. 31, 1950, as amended by Ordinance No. 5, Feb. 5, 1960.

<sup>4/</sup>Prime Minister's Office Order No. 65, Dec. 28, 1960.

- (b) Cartridge and blank cartridge;
- (c) Tube and primer;
- (d) Detonating fuse, fuse, and electric fuse;
- (e) Flame signal fuse and signal rocket;
- (f) Fireworks and explosives accessories made of low explosives and high explosives as referred to in the preceding two items (excluding those specified by the Ministry of International Trade and Industry Ordinance).

Under Chapter II (Articles 3 to 27-2 inclusive) of the same Law it is stipulated that any person who wishes to manufacture,<sup>5/</sup> sell,<sup>6/</sup> store,<sup>7/</sup> transfer,<sup>8/</sup> transport,<sup>9/</sup> or consume<sup>10/</sup> fireworks must obtain permission from the Minister of International Trade and Industry or the competent governor of To, Do, Fu, or Ken.<sup>11/</sup>

Any person who fails to obtain permission is subject to the following penalties: (1) penal servitude not exceeding three years or a fine not exceeding 300,000 yen, or joint imposition in the case of manufacture, sale, or import;<sup>12/</sup> (2) penal servitude not exceeding one year or a fine not exceeding 100,000 yen, or joint imposition in

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<sup>5/</sup> Law No. 146, Articles 3, 4, 9 and 10.

<sup>6/</sup> Articles 3 and 16.

<sup>7/</sup> Articles 11 to 16 inclusive.

<sup>8/</sup> Article 17.

<sup>9/</sup> Articles 19, 20 and 24.

<sup>10/</sup> Articles 25 to 27.

<sup>11/</sup> Article 8, Cabinet Order No. 323. These terms refer to the administrative divisions of Japan which are as follows: (1) To (Metropolis) refers to Tokyo; Do (District) refers to Hokkaido; (2) Fu refers to the urban prefectures, Kyoto and Osaka; and (3) Ken refers to the 42 rural prefectures.

<sup>12/</sup> Law No. 146, Article 56.

the case of storage, possession, transfer, or consumption;<sup>13/</sup> and  
(3) a fine not exceeding 50,000 yen in the case of transfer and  
others.<sup>14/</sup>

On the whole, Chapter II is concerned more with the storage  
of explosives. For example, Article 11 provides:

Art. 11.

1. The explosives shall be stored in magazines,  
provided that the same shall not apply to explosives the  
quantity of which is less than the quantity as prescribed by  
the Ministry of International Trade and Industry Ordinance.

2. The storage of explosives in magazines shall be done  
in accordance with the technical standards as prescribed by the  
Ministry of International Trade and Industry Ordinance.

3. The governor of To, Do, Fu, or Ken, when he deems  
that storing of explosives does not meet the standards under  
the preceding paragraph, may give order to the owner to store  
the explosives in accordance with the technical standards.

Concerning the fireworks magazine, Article 28 of the  
Enforcement Regulation of the Ministry of International Trade and  
Industry states:

Art. 28. The fireworks magazine shall observe the pro-  
visions of each of the following items regarding its position,  
structure, and equipment, in addition to the provisions of  
Article 24, item (1), item (4), item (7), item (11), and item  
(12):

- (1) The structure shall be one-storied and it shall be  
steel concrete, brick, or stone so far as possible;  
the base shall be firm and high and attention shall  
be paid to drainage;

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<sup>13/</sup> Ibid., Article 59.

<sup>14/</sup> Ibid., Article 60.

- (2) The wall of the magazine shall be 10 cm. or more in thickness for the part of the steel concrete structure and 20 cm. or more in thickness for other parts;
- (3) The wooden magazine shall be enclosed with a dam as high as the eaves or with anti-explosion walls of steel concrete structure.

References are made to Article 24, item (1), item (4), item (7), item (11), and item (12) of the same Enforcement Regulation.

Art. 24. . . .

- (1) The position of the magazine shall be selected by avoiding a wet place;
- (4) The door of the entrance shall be double; the outer door shall be fire-proof, strengthened properly with an iron plate 3 mm. or more in thickness; measures to prevent burglary and theft, such as two or more locks, shall be used;
- (7) The inside of the magazine shall be boarded with wood; the floor surface shall not have iron which appears outwardly;
- (11) The outside of the roof shall consist of metal plate, slate, tile, etc., that is to say, incombustibles, and shall be of a structure to prevent burglary, theft and fire;
- (12) On the magazine, a lightning conductor apparatus shall be established.

Further reference is made to Article 21 of the Enforcement Regulation, which states:

Art. 21. In handling the storage of explosives, the provisions of each of the following items shall be observed, provided that in case of storing flame signal fuse, signal rocket, fireworks, electric detonator, or fuse, the provisions of item (8) to item (13) inclusive shall not apply:

- (1) In the barriers of magazines, no person except necessary persons shall enter;

- (2) In the barriers of magazines, no detonative ignitable or inflammable matters shall be piled up;
- (3) In the magazine, no matter except explosives shall be stored;
- (4) In case of entering the magazine, safe footwear as determined in advance shall be used and entering and leaving with shoes or clogs on shall be prohibited;
- (5) In case of entering the magazine, no iron or tools made of iron, or no lights except portable lights shall be brought in;
- (6) In the magazine no packing, unpacking or no uncasing shall be done;
- (7) In the magazine, attention shall be paid to ventilation, the change of temperature and moisture shall be minimized as much as possible, especially in case of storing smokeless powder or dynamite, a maximum and minimum thermometer shall be equipped, and measures shall be taken to minimize the influence of temperature in summer or in winter;
- (8) - (13) [Omitted.]
- (14) Industrial blasting cap or electric detonator consisting of initiators made chiefly of lead azide and industrial blasting cap or electric detonator consisting of initiators made chiefly of mercury fulminate shall be piled up not mixing with each other.

However, certain explosives are permitted to be stored outside of the magazine, as specified in Article 15 of the Enforcement Regulation which provides:

Art. 15. Explosives which are permitted to be stored outside the magazine in accordance with the provisions of Article 11, paragraph 1 of the Law, are as follows:

- (1) Small quantity of explosives;
- (2) Five kg. or less of flame signal fuse, signal rocket, or fireworks;

(3) In case of storing in a safe place as indicated by governors of Yo, Do, Fu, or Kan, 2,500 pieces or less of electric fuse, one km. or less of fuse of 25 kg. or less of flame signal fuse, signal rocket, or fireworks;

(4) - (6) [Irrelevant and omitted.]

Finally, Chapter III of the Law (Articles 28 to 45-3 inclusive) provides safety measures to be observed by the manufacturer or seller of explosives, or the owner of the magazine. Any person who violates the above safety measures is subject to the penalties mentioned above (Articles 58, 59 and 60) according to the nature of the violation. For a minor violation a fine not exceeding 10,000 yen shall be imposed.<sup>15/</sup>

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<sup>15/</sup> Ibid., Article 61.