

are obliged to put up with conditions below the minimum standards. Besides this, there are many rental houses in the private sector that are of poor quality in terms of structure, facilities, housing environment, etc.

2) Under the circumstances it has been a grave problem to provide rental houses of good quality in big city areas.

3) Listed as an important measure in the fourth five-year housing program starting in 1981 was the promotion of the participation in housing development by landowners such as farmland owners and the supply of good rental houses through the application of private loans such as those from agricultural cooperative associations.

As land prices have gone up in recent years, it has become all the more difficult to obtain housing lots of good quality. In this regard the current amendment was aimed at promoting the availability of good rental houses from farmland owners.

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3. Law of Civil Procedure and Bankruptcy

Courts Act, Etc. (Amendment) Act

(Promulgated on Aug. 24, 1982. Ch. 82. Put into force on Sept. 1, 1982.)

[Issues]

The amendment, covering three Acts — the Courts Act, the Civil Procedure Act and the Civil Litigation Costs etc. Act — is designed to raise the ceiling of the value of the claim in civil litigation which the summary courts (*Kan'i Saibansho*) handles, and to arrange for some of the more difficult and complicated litigations belonging to their jurisdiction to be handled by district

courts (*Chiho Saibansho*).

[Contents of the Amendment]

(1) With regard to the jurisdictional amount of the subject-matters concerned the ceiling of the value of the claim in civil actions before the summary court was raised from ¥300,000 to ¥900,000. (Amendment of the Courts Act §33(1)(i))

According to the Courts Act, the first instance jurisdiction over a civil action is admitted for both the district court and the summary court, and the two courts are allocated the authority to adjudicate cases in question according to the value of the subject-matter in controversy (the value of the claim); subject-matter jurisdiction. As a result of the current amendment, the summary court will handle, as a matter of principle, claims not exceeding ¥900,000 in sum or value and the rest are to be taken up by the district court.

The ceiling of the jurisdictional amount for the summary court had been raised to ¥300,000 previously by a 1970 amendment and had remained unchanged to date. In the meantime, the economic situation had changed a great deal as various economic indicators, including the consumer price index, indicated in 1980 that prices had risen more than three times those in 1970.

Against such a background, a considerable number of cases that ought to have been handled in the summary court were handled in the district court, thus increasing the burden of the district court. In order to correct this situation, the ceiling of the jurisdictional amount was raised three-fold.

(2) Actions involving immovables whose claim value does not exceed ¥900,000 are designated as belonging to the concurrent jurisdiction of the district court and the summary court. (Amendment of the Courts Act §24)

One of the reasons why the first instance jurisdiction over civil actions are divided between the summary court and the district court is that generally cases involving small claims tend to be less complicated and that it is proper for the summary court

to handle them.

However, in cases involving immovables, as past court records indicate, even if the sum of the claim is small the interests of the parties concerned are great and such cases tend to involve complications, and such difficulties in handling these cases have often been pointed out. The question lies in the fact that the district court, which is the original trial court, does not handle such cases.

Given the situation as such, actions involving immovables whose claim value does not exceed ¥900,000 are designated as belonging to the concurrent jurisdiction of the district court and the summary court and the plaintiff is accorded the right to choose a court.

(3) With regard to actions involving immovables which belong to the jurisdiction of the summary court, if a defendant requests the transfer of a case before commencing the oral proceedings on the claim, it is stipulated that the summary court must transfer part or whole of the case to the district court with territorial authority to adjudicate, unless such cases come under the exclusive jurisdiction of the summary court. (Civil Procedure Code §31-3(2) newly added)

Since the plaintiff is given the option of the court in the light of the concurrent jurisdiction as described in (2), it is held that it stands to reason to allow the defendant to have the hearing held in the district court if he so desires, so that justice can be accorded him.

(4) With regard to cases belonging to the summary court, if one of the parties concerned files for a transfer of the case and the other party consents to it, it is stipulated that the summary court, provided that the action does not belong to its exclusive jurisdiction, must transfer part or whole of the action to the district court with territorial authority to adjudicate, only if the proceedings will not be delayed considerably by such transfer. (Civil Procedure Code §31-3(1) newly added)

This was made in response to the request that since there are highly complicated cases not involving immovables, a way must be opened for the district court to hear and determine law-

suits of this kind which actually belong to the jurisdiction of the summary court.

(5) In case the value cannot be computed, it was deemed as exceeding ¥300,000 prior to the amendment, but in connection with the current amendment of the subject-matter jurisdiction the value is also revised up to ¥900,000. (Amendment of the Civil Procedure Code §22(2))

(6) The fee for filing an action is calculated on the basis of the value of the claim, but in case the value cannot be computed, the value of the claim which was deemed ¥350,000 previously is now valued at ¥950,000 in order to make it compatible with the minimum fee for filing an action belonging to the jurisdiction of the district court. By the same token, where such sum cannot be computed in a civil reconciliation (*Minji-chotei*) case, it is amended to deem the sum as ¥950,000. (Amendment of the Civil Litigation Costs etc. Act, §4(2) and (7))

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4. Commercial Law

1. Amendment and enactment of Justice Ministry Ordinances in connection with the amendment of the Commercial Code in 1981.

One of the main purposes of the “Act of Amendment to Parts of the Commercial Code,” enacted in June 1981 and put into force as from October 1982, was to ensure the proper management of stock corporations by strengthening their independent self control functions.

In order to achieve this aim, it was important to reinforce the disclosure of business and financial situations of these stock corpo-