

mate the legitimacy of policies gained through deliberation and investigation in the parliament. Moreover, the policy-making process without substantial discussion in the parliament must destroy the basis of 'the policy arena' in the end.

In this sense, the current administrative reform should not be considered a mere reconstruction of the policies-administration relationship. In further revision of the political system, the reform must contain as a major part the reinforcement of the Diet, so that it could function as 'a policy arena' in which the legitimacy of policies requires a deliberate course of discussion.

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3. Law of Property and Obligations

1. Non-Profit Organization Law

Law No. 7, March 25, 1998 (effective on December 1, 1998).

When the Hanshin-Awaji earthquake disaster occurred in January 1995, rescue operations by volunteers were in full activity. The social need for promoting the operation of non-profit organizations like volunteer groups has increased more and more.

According to Article 34 of the Civil Code, public and non-profit associations can be juristic persons. But the process of creating a juristic person is complicated and takes too long. The "Non-Profit Organization Law" is intended to give a juristic person easily and quickly to associations, which aim at not only rescue operations but also environmental conservation or international cooperation. Public authority has to acknowledge associations as corporations with a juristic person (Art. 12), if the requirements are met, especially, of promoting the interests of many and unspecific persons and of not sharing profits among members (Art. 2).

2. Exceptional Rule Concerned with the Assignment of Credit in the Civil Code.

Law No. 104, June 12, 1998 (effective on October 1, 1998).

For raising funds or transferring business, enterprises give their credit as securities or sell them. Article 467 of the Civil Code requires that assignor should notify every debtor of the assignment or obtain each debtor's consent to it. Without notice or consent, the Assignee can assert his ownership of credit against a third party except for the assignor (for example, the receiver in case of an assignor's insolvency). Individual notice or consent still takes much time and cost. Business has been demanding a simpler procedure for assignment. The new rule simplifies the procedure of assignment, making an exception to the conception of the Civil Code.

Notice to debtor or his consent, which Article 467 requires, decides the relative superiority between assignees and notifying who the true creditor is prevents a debtor from double payment. The new rule allows registration to magnetic disk provided at the registry office (Exceptional Rule Art. 5). But the registration to disk only decides the superiority (Art. 2, para. 1). To keep the debtor from the risk of double payment, it is still required that a certificate of the registered information should be handed to the debtor, or that the debtor's consent should be obtained (Art. 2, para. 2).

3. An Act to Partially Amend the Civil Code (The New Rule for Guardianship).

Law No. 149, December 1, 1999 (effective on April 1, 2000).

A system which is intended to protect and care for persons who lack judicial understanding owing to a mental disorder, has been laid down in the Civil Code. Two types of disorder which need protection are distinguished, that is, the most serious case and the relatively serious case. Incapacitated persons have to be supported by a guardian or assistant appointed by a Family Court, as an agency or through exercising the right to withdraw and approve. Under the present system, however, it is difficult to cope flexibly with each situation, for example to support a slightly disordered person or to appoint not only a lawyer but also a welfare institution. Public opinion that even mentally disor-

dered persons' intentions should be respected as far as possible has become increasingly widespread.

In addition to guardianship and assistance, a system of support is newly provided for protecting slightly disordered persons. A supporter may exercise his right to approve or withdraw a supported person's promise or act, only if it is included in the types which have been listed previously by the persons concerned (Civil Code, Art. 16 etc.). Even a guardian may not withdraw a guarded person's ordinary acts, for example the purchase of daily necessities (Art. 9). A Family Court can appoint plural guardians to cope flexibly with each situation (Art. 843 etc.).

4. An Act to Promote the Supply of Rented Houses of Good Quality (to Partially Amend the Land and House Lease Law for Providing Fixed Term Rents of House).

Law No. 153, December 15, 1999 (effective on March 1, 2000).

The Land and House Lease Law requires proper reasons that meet the circumstances of parties, when the owner offers to cancel the lease of a house (Art. 28). It has been the most important part of tenant protection policy that a lease should be in principle renewed. The Amended Law provided newly the fixed-term lease of a house that will be never renewed. For protecting tenants, a written contract and the notification to a tenant of non-renewal are compulsory (Art. 38).

**KATSUICHI UCHIDA
TAKAHIRO FUJITA**

4. Family Law

Adult Guardianship Law

(1) An Act to Partially Amend the Civil Code

Law No. 149, December 8, 1999 (effective on April 1, 2000)

(2) An Act Regarding Voluntary Guardianship