

of the dispute and other matters provided by Cabinet Office Ordinance, and one week has elapsed after the notice of the demand has been served on the business operator. (Art. 41 [1])

By the way, this amendment is limited to demand of an injunction by qualified consumer organizations and does not allow qualified consumer organizations to claim damages in place of the various victims.

## 5. Criminal Law and Procedure

### **Law for the Amendment of a Part of the Law against Guns and Knives** Law No. 6, May 24, 2006

#### **Background:**

The original Law against Guns and Knives was established in 1953, and since then there have been several amendments of it reflecting change in the social situation. For example, from the point of view the prevention of danger, the first Law against Guns and Knives was restricted to the possession or use of genuine guns and knives, but as the danger of the possession or use of *semi*-genuine guns and knives grew, they were made the objects of control. In this amendment, even model guns, like a kind of toy, have been brought under control. These guns are called air guns and are very popular with the gun fans who usually comply with the law. Thus, such an easy control can lead to the invasion of freedom of hobbies and life and legislation which is as deliberate as possible is required by society.

#### (1) Legal status of so-called air guns

The traditional law against Guns and Knives defined air guns as ones which can discharge metallic bullets at more than a certain speed. These “metallic bullets” were ones having the quantity, density and hardness more than metal. This “more than a certain speed” was the one which had a movement energy of 20J/cm<sup>2</sup>. Because of this, the guns which have the function of discharging non-metallic bullets by using compressed air, but have no function of discharging metallic bullets at more than a certain speed were not made the objects of control.

(2) Increasing accidents from the use of air guns

Traditionally, because air guns have no function of discharging metallic bullets at more than a certain speed, they have been considered as a kind of toy. But even if air guns do not have such a function, more air guns can damage persons physically. In fact, there have been more accidents such as physical damage or threat by means of air guns. Thus, in this amendment of the law against Guns and Knives, air guns have been brought into the field of control.

**Main Provisions:**

**(Prohibition of possession of semi-air guns: Article 21.03)**

The guns which have function of discharging non-metallic bullets by using compressed air, but do not fall under air guns, and can damage persons physically have been defined as semi-air guns. Because the possession of semi-air guns has become an object of punishment, the manufacture, import and sale of semi-air guns inevitably has become punishable.

But because semi-air guns have a big social meaning and usefulness in areas such as hunting, the extermination of harmful animals or shooting practice and there is no case where a person uses the semi-air gun, the system of permission for possessing them was not established.

Moreover, certain possession under such conditions as carrying out research is not an object of punishment.

**(Exception for the standard of permitting a person to possess a shotgun: Article 5.02 para.2 No.2)**

Persons are allowed to possess a shotgun by getting permission from a local public safety commission. When they commit a serious crime against the life or body of a person by using a shotgun, they are unable to possess a shotgun for ten years after they commit such a crime. This measure has the purpose of preventing such offenders from committing further crimes. This provision has also applied to the case of semi-air guns under consideration of the danger of both.

**(Temporary safekeeping of semi-air guns: Article 24.02)**

When persons who carry or transport guns or knives controlled by the traditional Law against Guns and Knives are regarded as people who are very suspicious and can cause damage to others' lives or bodies in terms of reasonable persons, policemen are allowed to compel such dan-

gerous persons to submit the guns or knives and keep them, present them or investigate such dangerous persons by making them release such items. This provision is also applied to the case of semi-air guns.

**Editorial Note:**

In Japan there has been more criminal legislation recently. This law is classified into this trend, but you should not forget the fact that criminal control is always accompanied by the side effect of an invasion of human rights. Surely the modern society requests or expects criminal legislation to guarantee a safe life, but at the same time the legislation restricts all kinds of freedoms of the citizens. Thus, it is necessary to establish this kind of law very deliberately.

**Law for the provision of conferment money for compensation by means of confiscating the property which derives from crime**

Law No. 87, June 13, 2006

**Background:**

The traditional criminal justice has looked up too much to both prosecutors and defendants. This system is safely said to expel crime victims from criminal courts. But this trend has been criticized. Thus, some recent criminal legislation has the purpose of protecting the victims. This is not the case with only the victims' participation in criminal courts. The substantive restoration from criminal damage is naturally necessary.

There are many cases where a person encounters a crime and suffers from economic damage. Under consideration of this situation, a system for the provision of conferment money for compensation has been very strongly requested.

**Main Provisions:****(Supervisor of procedure for the provision of conferment money for compensation: Article 6)**

Prosecutors are allowed to carry out this proceeding; they are supervisors.

**(Victims enjoying the provision of conferment money: Article 3)**

Victims enjoying the provision of conferment money are ones who experience a crime considered as enjoying the provision of conferment money or their general successors. The scope of the crime considered as enjoying the provision of conferment money is the act relative to confiscation and additional collection against the crime or in the course of the crime, and the act by means of taking advantage of the money the crime brings.

**Editorial Notes:**

It is true that the provision of conferment money for victims is desirable and necessary, but the vagueness of the concept of the crime considered as enjoying the provision of conferment money cannot be denied. The victims should be protected as much as the defendant. Thus, further discussion of the conception and so on is necessary.

## **6. Commercial Law**

**Company Law**

Law No.86, July 26, 2005 (Effective on May 1, 2006)

**Background:**

The new Company Law was promulgated on July 26, 2005 and enforced on May 1, 2006. Since the Commercial Law was enacted in 1899, we have never experienced a more entire amendment of commercial law than in this time.

The new Company Law aims at the modernization of the legal system of the company in Japan and such a “modernization” has two aspects. At first, some formal aspects are modernized. The former complicated legal systems of the company were reorganized as a code of “the company law” and the notation of the provisions was simplified.

Second, the contents of the Company Law were modernized. The legislators of the Company Law explained that the new company law enacted in this time includes the provisions concerning the minimum protection of