



Japanese Laws and Regulations for
Maritime Safety and Security Policy Program
(Tentative Translation)

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The Japan Coast Guard Act (Tentative translation)

Act No. 28 of April 27, 1948

Latest amendment: Act No. 71 of September 5, 2012

Chapter I Organization

Article 1 (1) The Japan Coast Guard shall be established as an external bureau managed by the Minister of Land, Infrastructure, Transport and Tourism in accordance with the provisions of paragraph (2) of Article 3 of the National Government Organization Act (Act No. 120 of 1948) in order to protect human lives and property, and to prevent, investigate, and suppress violations of law at sea.

(2) The boundary between a port at the entrance to a river and the river shall be as specified by a Cabinet Order pursuant to the provisions of Article 2 of the Act on Port Regulations (Act No. 174 of 1948).

Article 2 (1) The Japan Coast Guard has the mission of securing the safety and security of the sea by performing the administrative affairs relating to enforcement at sea of the laws and regulations, sea rescues, the prevention of marine pollution, the maintenance of order in the navigation of vessels at sea, the prevention and suppression of crimes at sea, investigation and arrests of criminals at sea, regulation on the traffic of vessels at sea, hydrography and navigational aids, and other administrative affairs relating to securing safety at sea as well as administrative affairs incidental to the aforementioned.

(2) The administrative affairs relating conventionally to the Secretariat of the Ministry of Transport, the Secretariat of the Commissioner of the Maritime Bureau of the Ministry of Transport, the Shipping Commissioner, the ship stations and mariners stations, the investigators of the Marine Accident Tribunal, the Lighthouse Bureau, the Hydrographic Department, and other administrative affairs coming under the jurisdiction of other government agencies, which come under the administrative affairs set forth under the preceding paragraph, shall be transferred to the jurisdiction of the Japan Coast Guard.

Article 3 Deleted

Article 4 (1) The vessels and aircraft of the Japan Coast Guard shall be vessels and aircraft with the structure, equipment, and functions appropriate to maintain the navigational aids, carry out the hydrographic survey and oceanographic observation, maintain security at sea, give assistance to mariners in distress, or to protect human lives and property in marine accidents.

(2) Numbers and other signs enabling clear differentiation from other vessels shall be attached to the vessels of the Japan Coast Guard, and they shall hoist the national flag and the flag of the Japan Coast Guard.

(3) Numbers and other signs enabling clear differentiation from other vessels shall be attached to the aircraft of the Japan Coast Guard.

Article 5 The Japan Coast Guard shall take charge of the following administrative affairs in order to achieve the mission set forth under paragraph (1) of Article 2.

- (i) Matters relating to the enforcement of laws and regulations at sea.
- (ii) Matters relating to relief assistance to save human lives, cargo, and vessels in marine accidents and in natural disasters and other cases necessitating relief.
- (iii) Matters relating to relief of vessels in distress and the system of processing wreckage and sinking goods.
- (iv) Matters relating to the investigation of marine accidents (except for those performed by the Japan Transport Safety Board and the Japan Marine Accident Tribunal).
- (v) Matters relating to the removal of obstacles to vessel traffic.
- (vi) Matters relating to supervision of people, other than officers of the Japan Coast Guard, who carry out relief to save human lives, cargo, and vessels in marine accidents and remove obstacles to marine traffic.
- (vii) Matters relating to supervision necessary for security at sea for passengers or people engaged in the maritime transport of cargo.
- (viii) Matters relating to navigation and signals for vessel traffic.
- (ix) Matters relating to port regulations.
- (x) Matters relating to securing the safety of vessel traffic in waters where vessel traffic is congested.
- (xi) Matters relating to preventing marine pollution, etc. (referring to the marine pollution, etc. provided for in item (xv)(2) of Article 3 of the Act on the Prevention of Marine Pollution and Maritime Disasters (Act No. 136 of 1970)) and marine disasters.
- (xii) Matters relating to the maintenance of order in the navigation of vessels at sea.
- (xiii) Matters relating to patrolling and guarding in coastal waters.
- (xiv) Matters relating to the suppression of riots and disturbances at sea.
- (xv) Matters relating to the prevention and suppression of crimes at sea.
- (xvi) Matters relating to the investigation and arrest of criminals at sea.
- (xvii) Matters relating to detention work.
- (xviii) Matters relating to international assistance in investigations.
- (xix) Matters relating to cooperation, mutual assistance, and contact with the National Police Agency and the prefectural police (hereinafter referred to as “police administrative agencies”), customs, quarantine stations, and other relevant administrative agencies.
- (xx) Matters relating to international disaster relief activities pursuant to the Act on Dispatchment of the Japan Disaster Relief Team (Act No. 93 of 1987).
- (xxi) Matters relating to the hydrographic survey and oceanographic observation.

- (xxii) Matters relating to the preparation and supply of hydrographic publications and aeronautical information publications.
- (xxiii) Matters relating to the notification of matters necessary for the safety of vessel traffic.
- (xxiv) Matters relating to the construction, maintenance, operation, and supplies of lighthouses and other navigational aids.
- (xxv) Matters relating to the observation of weather and its reports based on equipment attached to lighthouses and other navigational aids.
- (xxvi) Matters relating to the supervision of people other than the Japan Coast Guard who perform the construction, maintenance, or operation of lighthouses or other navigational aids.
- (xxvii) Matters relating to international cooperation pertaining to the administrative affairs under its jurisdiction.
- (xxviii) Matters of holding training relating to the administrative affairs under its jurisdiction at the educational training facilities specified in a Cabinet Order.
- (xxix) Matters relating to the construction, maintenance, and operation of vessels and aircraft to be used to carry out the administrative affairs under its jurisdiction.
- (xxx) Matters relating to the construction, maintenance, and operation of communications facilities to be used to carry out the administrative affairs under its jurisdiction.
- (xxxi) In addition to those matters given in each of the preceding items, the administrative affairs provided for in paragraph (1) of Article 2.

Article 6 Deleted

Article 6-2 Deleted

Article 6-3 Deleted

Article 7 Deleted

Article 8 Deleted

Article 9 Deleted

Article 10 (1) The head of the Japan Coast Guard shall be the Commandant of the Japan Coast Guard.

(2) The Commandant of the Japan Coast Guard shall coordinate and organize the affairs of the Japan Coast Guard and direct and supervise the officers under the Commandant's command under the direction and supervision of the Minister of Land, Infrastructure, Transport and Tourism; provided, however, that the administrative affairs belonging to the jurisdiction of a minister other than the Minister of Land, Infrastructure, Transport, and Tourism shall be subject to the direction and supervision of such a minister.

Article 11 Deleted

Article 12 (1) The entire country and coastal waters shall be divided into Coast Guard regions and a Regional Coast Guard Headquarters shall be established for each Coast

Guard region, and they shall be assigned the administrative affairs under the jurisdiction of the Japan Coast Guard.

- (2) The areas and names of the Coast Guard regions, and the name and location of each Regional Coast Guard Headquarters, shall be specified by a Cabinet Order.
- (3) The Regional Coast Guard Headquarters may appoint a Vice Commander in accordance with the provisions of a Cabinet Order.
- (4) The Regional Japan Coast Guard Headquarters may establish departments in accordance with an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism within the number specified by a Cabinet Order.
- (5) In addition to those matters provided for in the preceding two paragraphs, the internal organization of the Regional Coast Guard Headquarters shall be specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.
- (6) The Minister of Land, Infrastructure, Transport and Tourism may assign part of the administrative affairs under the jurisdiction of one Regional Coast Guard Headquarters to another Regional Coast Guard Headquarters limited to those relating to districts in the vicinity of the boundary of the Coast Guard region in cases where the Minister deems it to be particularly necessary in order to manage the navigational aids or for the smooth implementation of other work.

Article 13 The Minister of Land, Infrastructure, Transport and Tourism may establish an office of the Regional Coast Guard Headquarters on required land in order to assign part of the administrative affairs under the jurisdiction of the Regional Coast Guard Headquarters. The name, location, jurisdictional area, range of administrative affairs under its jurisdiction and internal organization shall be prescribed by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

Article 14 (1) The Japan Coast Guard shall appoint Coast Guard Officers and assistant Coast Guard Officers.

- (2) The ranks of the Coast Guard Officers and assistant Coast Guard Officers shall be specified by a Cabinet Order.
- (3) The Coast Guard Officers shall receive orders from their superior officers, and shall take charge of the administrative affairs provided for in paragraph (1) of Article 2.
- (4) The assistant Coast Guard Officers shall assist the duties of the Coast Guard Officers.

Article 15 In cases where the Coast Guard Officers carry out administrative affairs relating to the enforcement of laws and regulations pursuant to the provisions of this Act, the authority of the Coast Guard Officers shall be deemed to be that of civil servants of the administrative authorities with jurisdiction over the administrative affairs relating to the enforcement of the respective laws and regulations, and they shall be subject to the application of the rules enacted by the administrative authorities relating to the administrative affairs concerning the enforcement of the laws and regulations.

Article 16 The Coast Guard Officers may seek cooperation from people and vessels in the vicinity, where necessary, to perform the duties given in item (ii) of Article 5 or when arresting a criminal or in emergency events.

Article 17 (1) The Coast Guard Officers may, when it is necessary for the performance of their duties, order the master of a vessel or a person who is directing a vessel on behalf of the master to submit documents that should be furnished in the ship in accordance with laws and regulations, or stop the vessel and conduct an onboard inspection in order to check the identity of the vessel, the port of registry, the name of the master, the immediate departure port or place of departure, the destination port or place of destination, the nature of its cargo or the presence or absence of cargo, and other matters deemed to be important in relation to the vessel, cargo, or voyage, or may ask questions necessary to perform their duties to crewmembers and passengers, the owner, lessee or charterer of the vessel, or other persons deemed to know of matters recognized to be important to secure safety and security at sea.

(2) The Coast Guard Officers shall wear uniforms and carry a certificate of identification with them when making the on-site inspection or asking questions as provided for in the preceding paragraph.

(3) The uniform of the Coast Guard Officers shall be provided for by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

Article 18 (1) In addition to those matters specified in other laws and regulations, the Coast Guard Officers make take the following measures in cases where it is deemed that a crime is definitely to take place at sea or in cases where there is a dangerous situation such as a natural disaster, marine accident, destruction of a structure, or an explosion of hazardous materials, and where there is the risk of damage extending to the lives or bodies of people or serious damage to property, and moreover, is a case requiring urgency.

(i) To start or stop the navigation of a vessel or to halt the departure of a vessel.

(ii) To change the route of a vessel, or to have a vessel moved to a specified place.

(iii) To have a crew member, passenger, or some other person onboard the vessel (hereinafter referred to as “crew member, etc.”) disembark, or to restrict or prohibit their disembarkation.

(iv) To have cargo unloaded, or to restrict or prohibit its unloading.

(v) To restrict or prohibit traffic among other vessels or between a vessel and shore.

(vi) In addition to the measures set forth in the preceding items, to restrain an act that is likely to cause danger to the lives or bodies of people or to seriously damage property at sea.

(2) The Coast Guard Officers may take the measures given in item (i) or item (ii) of the preceding paragraph in cases where the Coast Guard Officers deem that it is clear that a crime is to be committed at sea or in cases where they otherwise deem that it is likely that the public order at sea will be seriously disturbed, and there are no other

appropriate means, based on a reasonable judgment from the appearance of the vessel, mode of navigation, abnormal behavior of the crew members, etc., or from other surrounding circumstances.

Article 19 The Coast Guard Officers and assistant Coast Guard Officers may carry a weapon in order to perform their duties.

Article 20 (1) The provisions of Article 7 of the Police Duties Execution Act (Act No. 136 of 1948) shall apply mutatis mutandis to the use of the weapons by the Coast Guard Officers and assistant Coast Guard Officers.

(2) In addition to cases of using a weapon in accordance with the provisions of Article 7 of the Police Duties Execution Act in cases applied mutatis mutandis pursuant to the preceding paragraph, the Coast Guard Officers or assistant Coast Guard Officers may use a weapon within the extent judged reasonably necessary corresponding to the situation if there are reasonable grounds to believe that there are no other means to stop the vessel in cases where an order is given repeatedly to a crew member, etc. to stop a vessel pursuant to the provisions of paragraph (1) of Article 17 and the crew member, etc. does not comply, and further, resists the performance of the duties of the Coast Guard Officers or assistant Coast Guard Officers, or attempts to flee, and if the Commandant of the Japan Coast Guard deems that it is a situation which comes under all of the following items based on a reasonable judgment from the appearance of the said vessel, mode of navigation, abnormal behavior of the crew members, etc., or from other surrounding circumstances or related information.

(i) The said vessel is considered to be a foreign vessel (except warships and vessels owned or operated by governments which are used only for non-commercial purposes), and moreover, it is deemed that it is currently conducting navigation which is not an innocent passage in the internal waters or territorial sea of Japan as provided for in the provisions of Article 19 of the United Nations Convention on the Law of the Sea (except when there is a legitimate reason for the navigation).

(ii) It is deemed that if said navigation is left alone, it is likely to be repeated in the future.

(iii) It is deemed that it is not possible to dispel the suspicion that said navigation is being carried out for preparations necessary to commit a violent and dangerous crime which is punishable by the death penalty, a life sentence, or imprisonment with or without work for three years or more (hereinafter referred to as “serious violent crime”) in the territories of Japan.

(iv) It is deemed that it is not possible to prevent the future occurrence of a serious violent crime unless proper measures are taken based on information obtained through suspending said navigation and conducting an onboard inspection.

Article 21 (1) The Commandant of the Japan Coast Guard shall appoint a captain of the port from among the Coast Guard Officers.

(2) The captain of the port shall be under the direction and supervision of the

Commandant of the Japan Coast Guard and shall take charge of the administrative affairs provided for in the laws and regulations relating to port regulations.

Article 22 Deleted

Article 23 The regulations relating to the service of the officers of the Japan Coast Guard shall be provided for by the Minister of Land, Infrastructure, Transport and Tourism within the extent that they do not touch upon the laws and regulations relating to national government officers.

Article 24 The Commandant of the Japan Coast Guard shall specify the bases and assigned districts of vessels where necessary in order to maintain the navigational aids, prevent smuggling, and give assistance to mariners in distress.

Article 25 None of the provisions of this Act shall be interpreted as permitting the organization or training of the Japan Coast Guard or its officers as armed forces or as permitting them to engage in the functions of armed forces.

Chapter II Deleted

Article 26 Deleted

Chapter III Assistance

Article 27 (1) The Japan Coast Guard and the police administrative agencies, customs, and other relevant administrative agencies shall maintain contact, and shall consult one another where it is deemed necessary for the prevention or suppression of a crime or for the investigation or arrest of a criminal, and moreover, may request the dispatch of relevant officers or other necessary cooperation.

(2) The Japan Coast Guard, police administrative agency, customs, or other relevant administrative agency that has received a request for cooperation in accordance with the preceding paragraph shall cooperate as far as possible with the request.

Article 28 Officers who have been dispatched in cases of the preceding Article shall be under the supervision of the administrative agency that requested the dispatch.

Article 28-2 (1) With regard to remote islands for which a public notice has been issued by the Commandant of the Japan Coast Guard and the Commissioner General of the National Police Agency to the effect that it is difficult for the police to deal with a crime promptly owing to the area being far from the mainland or through some other reason, the Coast Guard Officers and assistant Coast Guard Officers may deal with crimes on said island pursuant to the Commandant of the Japan Coast Guard holding discussions with the Commissioner General of the National Police Agency.

(2) The provisions of Article 2, Article 5 and paragraph (1), paragraph (3) and paragraph (4) of Article 6 of the Police Duties Execution Act shall apply mutatis mutandis to the execution of the duties of the Coast Guard Officers and assistant

Coast Guard Officers in accordance with the provisions of the preceding paragraph. In this case, the “police station, police box, or residential police box” in paragraph (2) of Article 2 of the same Act shall be replaced and read as “facility, vessel, or aircraft of the Japan Coast Guard” and the “police station, police box, or residential police box” in paragraph (3) of the same Article shall be replaced and read as “facility, vessel, or aircraft of the Japan Coast Guard”.

Article 28-3 The Commandant of the Japan Coast Guard may have officers of the Japan Coast Guard who serve as crew members of its vessels or aircraft carry out International Peace Cooperation Assignments and implement commissioned transportation to the extent that it does not hinder the mission of the Japan Coast Guard pursuant to the provisions of the Act on Cooperation with United Nations Peacekeeping Operations and Other Operations (Act No. 79 of 1992).

Chapter IV Supplementary Provisions

Article 29 The Commandant of the Japan Coast Guard may delegate part of the Commandant’s authority (except for those matters provided for in paragraph (2) of Article 20) to the officers under the Commandant’s jurisdiction.

Article 30 If the Commandant of the Japan Coast Guard is unable to perform the Commandant’s duties or when the Commandant’s post is vacant, an officer of the Japan Coast Guard, in accordance with the order designated in advance by the Minister of Land, Infrastructure, Transport and Tourism shall, in the interim, act on behalf of the Commandant of the Japan Coast Guard in the performance of the Commandant’s duties.

Article 31 (1) The Coast Guard Officers and assistant Coast Guard Officers shall carry out the duties of a judicial police official pursuant to the provisions of the Code of Criminal Procedure (Act No. 131 of 1948) as specified by the Commandant of the Japan Coast Guard with regard to crimes committed at sea.

(2) The Coast Guard Officers and assistant Coast Guard Officers shall carry out the duties of a judicial police official pursuant to the provisions of the Code of Criminal Procedure as specified by the Commandant of the Japan Coast Guard through discussions with the Commissioner General of the National Police Agency in the cases provided for in paragraph (1) of Article 28-2 with regard to crimes committed on remote islands set forth under the same paragraph.

Article 32 (1) Vessels other than the vessels of the Japan Coast Guard shall not attach or hoist the signs provided for in paragraph (2) of Article 4 or the flag of the Japan Coast Guard, or any signs or flags which may be confused with them.

(2) Aircraft other than the aircraft of the Japan Coast Guard shall not attach the signs provided for in paragraph (3) of Article 4 or any signs that may be confused with them.

Article 33 Aside from those matters provided for in this Act, the types and jurisdictional matters of the officers of the Japan Coast Guard and other necessary matters relating to the officers of the Japan Coast Guard shall be as specified by a Cabinet Order.

Article 33-2 The name, location, and internal organization of the educational training institution set forth under item (xxviii) of Article 5 shall be prescribed by an ordinance of the Japan Coast Guard.

Supplementary Provisions Extract

Article 34 The date of the enforcement of this Act shall be prescribed by a Cabinet Order; provided, however, that the date shall not be later than May 1, 1948.

Article 35 Deleted

Article 36 Deleted

Article 37 None of the provisions in this Act shall be interpreted to mean that officers may be employed beyond the fixed quota of officers in order to perform the functions and activities provided for in this Act if there is no available budget.

Article 38 Deleted

Article 39 The provisions of existing laws and regulations at the time of the enforcement of this Act (except for the laws and regulations that have been enacted in accordance with the instructions of the Supreme Commander for the Allied Powers), which are contrary to the provisions of this Act, shall cease to be effective.

Article 43 The Imperial order for Establishment of the Lighthouse Bureau and the same for Establishment of the Hydrographic Department shall be abolished.

Supplementary Provisions (Act No. 58 of May 14, 1949)

The provisions of Article 1 in this Act shall come into effect from the date of enforcement of the Japanese National Railways Act (Act. 256 of 1948) and the provisions of Article 2 shall come into effect from the date of promulgation.

Supplementary Provisions (Act No. 158 of May 31, 1949) Extract

1. This Act shall come into effect from June 1, 1949.

Supplementary Provisions (Act No. 198 of May 23, 1950) Extract

1. This Act shall come into effect from June 1, 1950.

Supplementary Provisions (Cabinet Order No. 318 of October 23, 1950) Extract

1. This Cabinet Order shall come into effect from the date of promulgation.

Supplementary Provisions (Act No. 97 of April 26, 1952) Extract

(1) This Act shall come into effect from the date of promulgation; provided, however,

that those matters pertaining to aircraft in the provisions of Article 4, Article 6-2, Article 7, Article 8, Article 9, and Article 32 of the Japan Coast Guard Act after amendment shall apply from the beginning of the effective date of the Treaty of Peace with Japan.

Supplementary Provisions (Act No. 278 of July 31, 1952) Extract

1. This Act shall come into effect from August 1, 1952.

Supplementary Provisions (Act No. 163 of June 8, 1954) Extract
(Effective Date)

1. The provisions of Article 53 in this Act shall come into effect from the date of enforcement of the Act pertaining to Procedure for Summary Trial of Traffic Violations, and the other parts shall come into effect from the date of enforcement of the Police Act (Act No. 162 of 1954; except for the part pertaining to the proviso to paragraph (1) of the Supplementary Provisions of the same Act)).

Supplementary Provisions (Act No. 10 of April 1, 1955)

This Act shall come into effect from the date of promulgation.

Supplementary Provisions (Act No. 130 of June 15, 1961)

This Act shall come into effect from January 1, 1962.

Supplementary Provisions (Act No. 80 of May 22, 1965) Extract
(Effective Date)

1. This Act shall come into effect from July 1, 1965.

Supplementary Provisions (Act No. 75 of May 20, 1966) Extract
(Effective Date)

1. This Act shall come into effect from the date of promulgation, and the provisions of Article 83 of the Act on the Establishment of the Ministry of Transport after amendment and the following paragraph shall apply from April 1, 1966.

Supplementary Provisions (Act No. 98 of June 30, 1966) Extract
(Effective Date)

1. This Act shall come into effect from July 1, 1966; provided, however, that the provisions of Article 4 to Article 6 inclusive, Article 10 (limited to the part pertaining to the Asset Revaluation Council and Confiscated Precious Metals Processing Council), Article 11, Article 13, Article 15, Article 25, Article 28, and from Article 48 to Article 51 inclusive shall come into effect from the date specified by a Cabinet Order by March 31, 1967.

Supplementary Provisions (Act No. 136 of December 25, 1970) Extract
(Effective Date, Etc.)

Article 1 This Act shall come into effect from the date specified by a Cabinet Order within a period not exceeding six months from the date of promulgation; provided, however, that the provisions of Article 4, Article 5, and Article 8 shall come into effect on whichever is the earlier of the day on which one year and six months has passed calculating from the date of promulgation or the day on which the amendment of the International Convention for the Prevention of Pollution of the Sea by Oil of 1954 adopted on October 21, 1969 by the Intergovernmental Maritime Consultative Organization pursuant to the provisions of Article 16 of the same Act (hereinafter referred to as “effective date of the amended Convention”) come into effect with regard to Japan, and the provisions of Chapter III and Chapter IV shall come into effect from the day on which one year and six months has passed calculating from the date of promulgation.

Supplementary Provisions (Act No. 130 of December 31, 1971) Extract
(Effective Date)

1. This Act shall come into effect as from the effective date of the Agreement between Japan and the United States of America Concerning the Ryukyu Islands and the Daito Islands.

Supplementary Provisions (Act No. 115 of July 3, 1972) Extract
(Effective Date)

Article 1 This Act shall come into effect from the date specified by a Cabinet Order within a period not exceeding one year from the date of promulgation; provided, however, that the provisions of Article 36 and Article 4 of the Supplementary Provisions shall come into effect from the date of promulgation.

Supplementary Provisions (Act No. 47 of June 1, 1976) Extract
(Effective Date)

Article 1 This Act shall come into effect from the date specified by a Cabinet Order within a period not exceeding six months from the date of promulgation.

Supplementary Provisions (Act No. 13 of March 31, 1980) Extract
(Effective Date)

(1) This Act shall come into effect from the date specified by a Cabinet Order within a period not exceeding three months from the date of promulgation.

Supplementary Provisions (Act No. 69 of May 29, 1980) Extract

(Effective Date)

Article 1 This Act shall come into effect from October 1, 1980.

Supplementary Provisions (Act No. 78 of December 2, 1983)

1. This Act (except Article 1) shall come into effect from July 1, 1984.
2. Transitional measures necessary for organizations, etc. that are in existence pursuant to the provisions of laws on the day prior to the enforcement of this Act and that will be in existence pursuant to the provisions of the National Government Organization Act or a Cabinet Order pursuant to the provisions of related laws that are amended by this Act (hereinafter referred to as “related Cabinet Orders”) after the enforcement of this Act, and other transitional measures necessary for the enactment or changes to the related Cabinet Orders resulting from the enforcement of this Act, may be stipulated by a Cabinet Order.

Supplementary Provisions (Act No. 93 of September 16, 1987) Extract

(Effective Date)

Article 1 This Act shall come into effect from the date of promulgation.

Supplementary Provisions (Act No. 79 of June 19, 1992) Extract

(Effective Date)

Article 1 This Act shall come into effect from the date specified by a Cabinet Order within a period not exceeding three months from the date of promulgation.

Supplementary Provisions (Act No. 75 of June 14, 1996)

This Act shall come into effect from the date specified by a Cabinet Order within a period not exceeding three months from the date of promulgation.

Supplementary Provisions (Act No. 102 of July 16, 1999) Extract

(Effective Date)

Article 1 (i) This Act shall come into effect from the date of enforcement of the Act for Partial Revision of the Cabinet Act (Act No. 88 of 1999); provided, however, that the provisions given in the following items shall come into effect from the date specified in each item.

- (ii) The provisions of paragraph (1) and paragraph (5) of Article 10, paragraph (3) of Article 14, Article 23, Article 28, and Article 30 of the Supplementary Provisions: the date of promulgation.

(Succession of the Status of Officers)

Article 3 Any person who is actually the officer of the former Prime Minister’s Office, Ministry of Justice, Ministry of Foreign Affairs, Ministry of Finance, Ministry

of Education, Ministry of Health and Welfare, Ministry of Agriculture, Forestry and Fisheries, Ministry of International Trade and Industry, Ministry of Transport, Ministry of Posts and Telecommunications, Ministry of Labour, Ministry of Construction, or Ministry of Home Affairs (hereinafter referred to as the “former office/ministry” in this Article) at the time of enforcement of this Act (excluding the president or chairperson and members of a council, etc. set forth in Article 8 of the National Administrative Organization Act (Act No. 120 of 1948), members of the Central Disaster Prevention Council, the chairperson and members of the Japanese Industrial Standards Committee, and those specified by Cabinet Order as similar thereto) shall be the corresponding official of the Cabinet Office, the Ministry of Internal Affairs and Communications, the Ministry of Justice, the Ministry of Foreign Affairs, the Ministry of Finance, the Ministry of Education, Culture, Sports, Science and Technology, the Ministry of Health, Labour and Welfare, the Ministry of Agriculture, Forestry and Fisheries, the Ministry of Economy, Trade and Industry, the Ministry of Land, Infrastructure, Transport and Tourism, or the Ministry of the Environment after the enforcement of this Act (hereinafter referred to as the "new office/ministry" in this article) or a department or organization thereunder, which is specified by Cabinet Order as the new office/ministry or a department or organization thereunder that corresponds to the former office/ministry or a department or organization thereunder to which the official actually belongs at the time of enforcement of this Act, with the same working conditions, unless a letter of appointment is otherwise issued.

(Transitional Measures Separately Provided)

Article 30 In addition to those matters prescribed in Article 2 to the preceding Article inclusive, the transitional measures necessary for the enforcement of this Act shall be separately provided for by an act.

Supplementary Provisions (Act No. 114 of November 2, 2001)

This Act shall come into effect as from the date of promulgation.

Supplementary Provisions (Act No. 36 of April 21, 2004) Extract
(Effective Date)

Article 1 This Act shall come into effect on the date on which the protocol of 1997 to amend the International Convention for the Prevention of Pollution from Ships of 1973, as modified by the protocol of 1978, come into effect with regard to Japan (hereinafter referred to as “effective date of the amended Convention”).

Supplementary Provisions (Act No. 58 of June 8, 2006) Extract
(Effective Date)

Article 1 This Act shall come into effect from the date specified by a Cabinet Order within a period not exceeding one year from the date of promulgation.

Supplementary Provisions (Act No. 108 of July 6, 2007) Extract
(Effective Date)

Article 1 This Act shall come into effect from the date specified by a Cabinet Order by December 31, 2008; provided, however, that the provisions given in the following items shall come into effect from the date specified in each item.

(iii) The provisions of Article 2, Article 4 and 5 and the following Article, Article 8 of the Supplementary Provisions, Article 11 (limited to the part applied mutatis mutandis pursuant to Article 8 of the Supplementary Provisions), Article 20 to Article 22 inclusive, Article 24, Article 25, Article 27 to Article 29 inclusive, Article 33 to Article 35 inclusive, and Article 36 (limited to the amended provision amending “paragraph (7) of the Supplementary Provisions” in the text of Article 16 and paragraph (1) of Article 24 to “paragraph (6) of the Supplementary Provisions” of the Act on Personnel Exchange Between the Government Sector and Private Enterprises (Act No. 224 of 1999)), the amended provisions of the contents of the Act for Establishment of the Cabinet Office (Act No. 89 of 1999) in Article 40 of the Supplementary Provisions and Article 67 of the same Act shall be deleted, and Article 68 of the same Act changed to Article 67 of the same Act: the date specified by a Cabinet Order within a period not exceeding two years from the date of promulgation.

Supplementary Provisions (Act No. 26 of May 2, 2008) Extract
(Effective Date)

Article 1 This Act shall come into effect from October 1, 2008.

Supplementary Provisions (Act No. 71 of September 5, 2012) Extract
(Effective Date)

1. This Act shall come into effect on a day on which 20 days have elapsed from the date of promulgation.

The Act on Territorial Sea and Contiguous Zone (Tentative translation)

Act No. 30 of May 2, 1977

Latest Amendment: Act No. 73 of June 14, 1996

(Range of Territorial Sea)

Article 1 (1) Japan's territorial sea shall be the waters extending from the baseline out to a line of 12 nautical miles (if said line measured from the baseline exceeds the median line, up to the median line with regard to the portion in excess (and if there is a line in place of the median line, which has been agreed to by Japan and a foreign country, said line)).

(2) The median line set forth under the preceding paragraph shall be a line where the distance from the nearest point of the baseline and the distance from the nearest point of the baseline from which the breadth of a foreign country's territorial sea pertaining to the coast of the foreign country facing the Japanese coast is measured is an equidistant line at every point.

(Baseline)

Article 2 (1) The baseline shall be a low-water line, straight baseline, or a line drawn in a mouth of a bay, inside a bay, or a mouth of a river; provided, however, that with regard to the Seto Naikai (Seto Inland Sea), which are internal waters, the line specified by a Cabinet Order as the boundary with other sea areas shall be the baseline.

(2) The straight baseline set forth under the preceding paragraph shall be specified by a Cabinet Order in accordance with the provisions of Article 7 of the United Nations Convention on the Law of the Sea (hereinafter referred to as the "UNCLOS").

(3) In addition to those matters provided for in the preceding paragraph, the standards in cases of using the line provided for in paragraph (1) as the baseline and other necessary matters in determining the baseline shall be specified by a Cabinet Order.

(Application of Japan's Laws and Regulations on Hot Pursuit from Internal Waters or Territorial Sea)

Article 3 The laws and regulations (including penalties; the same shall apply in Article 5) of Japan shall apply with regard to the enforcement of the duties of Japan's national government officers pertaining to hot pursuit provided for in Article 111 of the UNCLOS to be carried out from the internal waters or territorial sea of Japan, and acts interfering with these duties.

(Contiguous Zone)

Article 4 (1) Japan shall establish a contiguous zone as waters to take necessary

measures to prevent acts and punish acts in violation of its customs, fiscal, immigration, or sanitary laws and regulations in the territorial sea of Japan in accordance with the provisions of Article 33 (1) of the UNCLOS.

- (2) The contiguous zone set forth under the preceding paragraph (hereinafter referred to simply as “contiguous zone”) shall be the sea area (excluding the territorial sea) from the baseline to a line extending out 24 nautical miles (if the line exceeds the median line (referring to the median provided for in paragraph (2) of Article 1; hereinafter the same shall apply) measuring from the baseline, the median line with regard to the portion in excess (and if there is a line in place of the median line, which has been agreed to by Japan and a foreign country, said line)).
- (3) With regard to a portion of the sea area for which it is mutually deemed with a foreign country to be appropriate to take the measures set forth under Article 33 (1) of the UNCLOS, beyond the median line, the contiguous zone may be the sea area (excluding the sea area which is foreign territorial sea) from the baseline extending out 24 nautical miles in accordance with the provisions of a Cabinet Order notwithstanding the provisions of the preceding paragraph.

(Application of Japan’s Laws and Regulations in the Contiguous Zone)

Article 5 The laws and regulations of Japan shall apply with regard to executing the duties (including the execution of duties pertaining to hot pursuit in accordance with the provisions of Article 111 of the UNCLOS to be carried out from the contiguous zone in relation to the execution of such duties) of a national government officer of Japan in the contiguous zone pertaining to the measures provided for in paragraph (1) of the preceding Article, and acts interfering with such duties.

Supplementary Provisions

(Effective Date)

Article 1 This Act shall come into effect from the date specified by a Cabinet Order within a period not exceeding two months from the date of promulgation.

(Range of Territorial Sea Pertaining to the Specified Sea Areas)

Article 2 For the time being, with regard to the Soya Kaikyo (Soya Strait), the Tsugaru Kaikyo (Tsugaru Strait), the Tsushima Kaikyo Higashi Suido (Tsushima Strait East Channel), the Tsushima Kaikyo Nishi Suido (Tsushima Strait West Channel), and the Osumi Kaikyo (Osumi Strait) including waters which are respectively adjacent to such straits, and moreover, are deemed to be integral with each sea area judging from the route a vessel would normally take for navigation; hereinafter referred to as “specified sea area”), the provisions of Article 1 shall not apply and the territorial sea pertaining to the specified sea area shall each respectively be the sea areas from the baseline, to a line extending out three nautical miles, and a line drawn connecting this

line.

Article 3 The range of the specified sea areas and the line provided for in the preceding paragraph shall be specified by a Cabinet Order.

Supplementary Provisions (Act No. 73 of June 14, 1996)

This Act shall come into effect as from the date on which the UNCLOS comes into effect for Japan.

The Act on the Exclusive Economic Zone and the Continental Shelf (Tentative translation)

Act No. 74 of June 14, 1996

(Exclusive Economic Zone)

Article 1 Japan shall establish an exclusive economic zone as a water area to exercise the sovereign right of a coastal State and other rights as provided for in Part V of the United Nations Convention on the Law of the Sea (hereinafter referred to as the “UNCLOS”).

(2) The exclusive economic zone set forth under the preceding paragraph (hereinafter referred to simply as “exclusive economic zone”) shall be the sea area (excluding the territorial sea) extending from the baseline of Japan (referring to the baseline provided for in paragraph (1) of Article 2 of the Act on Territorial Sea and Contiguous Zone (Act No. 30 of 1977); hereinafter the same shall apply) to the line (if said line measured from Japan’s baseline exceeds the median line (referring to a line where the distance from the nearest point of Japan’s baseline and the distance from the nearest point of the baseline from which the breadth of a foreign country’s territorial sea pertaining to the coast of the foreign country facing the Japanese coast at every point is an equidistant line; hereinafter the same shall apply), up to the median line (and if there is a line in place of the median line, which has been agreed to by Japan and a foreign country, said line) with regard to the portion in excess) where the distance from the nearest point of Japan’s baseline at every point is 200 nautical miles, as well as its seabed and its subsoil.

(Continental Shelf)

Article 2 Japan shall have the following seabed of the sea areas and subsoil of the submarine areas as its continental shelf (hereinafter referred to simply as “continental shelf”) to exercise the sovereign right of a coastal State and other rights in accordance with the provisions of the UNCLOS.

(i) The sea area (excluding the territorial sea) where the distance from Japan’s baseline up to the line (if said line measured from Japan’s baseline exceeds the median line, the median line (and if there is a line in place of the median line, which has been agreed to by Japan and a foreign country, said line, and the line specified by a Cabinet Order drawn connecting to said line) with regard to the portion in excess) where the nearest point of Japan’s baseline is 200 nautical miles at every point.

(ii) The sea area which is connected to the outer sea area set forth under the preceding item (limited to the portion which is bounded by a line where the distance from the nearest point of Japan’s baseline at every point is 200 nautical miles) shall be specified by a Cabinet Order in accordance with the provisions of Article 76 of the

UNCLOS.

(Application of Japan's Laws and Regulations)

Article 3 The laws and regulations of Japan (including penalties; hereinafter the same shall apply) shall apply to the following matters.

- (i) The exploration, exploitation, conservation, and management of natural resources; the establishment, construction, operation, and use of artificial islands, installations, and structures; the protection and preservation of the marine environment; and marine scientific research in the exclusive economic zone or continental shelf.
 - (ii) Activities (excluding those given in the preceding item) for exploitation and exploration carried out for an economic purpose in the exclusive economic zone.
 - (iii) Drilling of the continental shelf (except for those given in item (i)).
 - (iv) The execution of the duties of Japan's national government officers in the exclusive economic zone or continental shelf relating to the matters given in the preceding three items (including the execution of duties pertaining to hot pursuit in accordance with the provisions of Article 111 of the UNCLOS to be carried out from these waters with respect to the enforcement of duties) and acts interfering with these duties.
- (2) In addition to those matters provided for in the preceding paragraph, with regard to the artificial islands, installations, and structures set forth under item (i) of the same paragraph, they shall be deemed to be in Japan and shall be subject to the application of the laws and regulations of Japan.
- (3) With respect to the application of the laws and regulations of Japan in accordance with the provisions of the preceding two paragraphs, where the waters which are subject to the application of such laws and regulations are in areas outside the territory of Japan or otherwise are within a range deemed to be reasonably necessary in view of special circumstances in the waters, necessary matters may be specified by a Cabinet Order in order to organize or adjust the relationships of the application of the laws and regulations.

(Validity of the Convention)

Article 4 Where the matters provided for in this Act are otherwise provided for in an international treaty, they shall be governed by said provisions.

Supplementary Provisions Extract

(Effective Date)

Article 1 This Act shall come into effect as from the date on which the UNCLOS comes into effect for Japan.

The Act on the Preservation and Control of Living Marine Resources (Tentative translation)

Act No. 77 of June 14, 1996

Latest amendment: Act No. 77 of June 6, 2007

(Purpose)

Article 1 The purpose of this Act shall be to preserve and control the living marine resources in Japan's Exclusive Economic Zone, etc. and to ensure the appropriate implementation of the United Nations Convention on the Law of the Sea in coordination with the measures, etc. taken under the Fishery Act (Act No. 267 of 1949) and the Act on the Protection of Fishery Resources (Act No. 313 of 1951), thereby contributing to the development of fisheries and the stable supply of marine products, by formulating a plan for the preservation and control of living marine resources in Japan's Exclusive Economic Zone, etc. and by taking the required measures to control fish catches and fishing efforts.

(Definitions, etc.)

Article 2 (1) In this Act, the term "Exclusive Economic Zone, etc." shall mean the Exclusive Economic Zone, Territorial Seas, Internal Waters (excluding the inland waters), and Continental Shelf (referring to the continental shelf provided in Article 2 of Act on the Exclusive Economic Zone and the Continental Shelf (Act No. 74 of 1996)) of Japan.

(2) The term "total allowable catch" in this Act shall mean the maximum limit of the annual quantity of each type of living marine resources which may be gathered or caught in the Exclusive Economic Zone, etc.

(3) The term "fishing efforts" in this Act shall mean the amount of fishing carried out in order to gather or catch the living marine resources, as indicated by the number of fishing operation days and other indicators specified in the Ordinance of the Ministry of Agriculture, Forestry and Fisheries for each mode of gathering or catching.

(4) The term "total allowable efforts" in this Act shall mean the maximum limit of the total annual fishing efforts in the Exclusive Economic Zone, etc. for each mode of gathering or catching per type of living marine resources, and for each mode of gathering or catching per type of living marine resources in cases where control is implemented based on fishing efforts specifying the sea areas and periods of time pertaining to the mode of gathering or catching.

(5) The term "specified living marine resources" in this Act shall mean Class I specified living marine resources and Class II specified living marine resources.

(6) The term "Class I specified living marine resources" in this Act shall mean living marine resources which are appropriate to preserve and control through the total

allowable catch determined, etc. for the Exclusive Economic Zone, etc. and which are specified by a Cabinet Order.

- (7) The term “Class II specified living marine resources” in this Act shall mean living marine resources which are appropriate to preserve and control through the total allowable effort determined, etc. for the Exclusive Economic Zone, etc. and which are specified by a Cabinet Order.
- (8) If the Minister of Agriculture, Forestry and Fisheries intends to draw up a draft in order to enact, amend, or abolish the Cabinet Order set forth under the preceding two paragraphs, the Minister shall hear the opinion of the Fisheries Policy Council.

(Basic Plan)

Article 3 (1) The Minister of Agriculture, Forestry and Fisheries shall formulate a basic plan on the preservation and control of living marine resources (hereinafter referred to as “Basic Plan”) in order to preserve and control living marine resources in the Exclusive Economic Zone, etc.

- (2) The Basic Plan shall specify the following matters.
- (i) The basic policy relating to the preservation and control of living marine resources.
 - (ii) Matters relating to the trends for each of the specified living marine resources.
 - (iii) Matters relating to the total allowable catch for each of the Class I specified living marine resources.
 - (iv) Matters relating to the quantities of the total allowable catch given in the preceding item for each type of fishery for the designated fisheries provided for in paragraph (1) of Article 52 of the Fishery Act, fisheries requiring permission from the Minister of Agriculture, Forestry and Fisheries or some other disposition pursuant to the Ordinance of the Ministry of Agriculture, Forestry and Fisheries based on the provisions of paragraph (1) or (2) of Article 65 of the same Act, or paragraph (1) or (2) of Article 4 of the Act on the Protection of Fishery Resources, or other fisheries provided for in the Ordinance of the Ministry of Agriculture, Forestry and Fisheries (hereafter referred to as “designated fisheries, etc.”).
 - (v) Matters relating to the quantities in cases of specifying the quantity fishing operations area or fishing operations period with regard to the quantities given in the preceding item.
 - (vi) Matters relating to the quantities of the total allowable catch given in item (iii) (except for the quantities given in item (iv) and the quantities pertaining to the gathering or catching of Class I specified living marine resources by persons specified in a Cabinet Order) for each prefecture that has the sea within its boundaries (hereinafter referred to simply as “the prefecture”).
 - (vii) Matters relating to measures to be implemented for the quantities given in item (iv) (in cases where the quantities given in item (v) have been specified, such quantities; hereinafter referred to as “quantities controlled by the Minister”).

- (viii) Matters relating to the modes of gathering or catching which are subject to control due to the fishing efforts for each of the Class II specified living marine resources, and the sea area, period, and total allowable efforts for each mode of gathering or catching.
 - (ix) Matters relating to the amount of total allowable efforts given in the preceding item for the categories of designated fisheries, etc. (limited to modes of gathering and catching that are subject to control through fishing efforts) (hereinafter referred to as “fishing efforts controlled by the Minister”).
 - (x) Matters relating to the amount of total allowable efforts given in item (viii) (excluding the fishing efforts controlled by the Minister) by prefecture.
 - (xi) Matters relating to the measures to be implemented in relation to the fishing efforts controlled by the Minister.
 - (xii) Other important matters relating to the preservation and control of living marine resources.
- (3) The matters given in item (iii) and item (viii) of the preceding paragraph shall be decided based on the matters given in item (ii) of the same paragraph and the relationships, etc. with other living marine resources for the purpose of maintaining or restoring the specified living marine resources to levels enabling the realization of maximum sustainable production, taking into account the fisheries management of the specified living marine resources and other circumstances.
 - (4) If the Minister of Agriculture, Forestry and Fisheries intends to formulate the Basic Plan, the Minister shall hear the opinion of the Fisheries Policy Council.
 - (5) If the Minister of Agriculture, Forestry and Fisheries intends to stipulate the quantity given in item (vi) of paragraph (2) or the amount given in item (x) of the same paragraph, the Minister shall hear the opinion of the governor of the prefecture relating to the relevant part in advance, and if the Minister specifies said quantity or amount, the Minister shall notify the governor of the prefecture relating to the relevant part without delay.
 - (6) If the Minister of Agriculture, Forestry and Fisheries has formulated the Basic Plan, the Minister shall publish it without delay.
 - (7) The Minister of Agriculture, Forestry and Fisheries shall review the Basic Plan at least once a year taking into account the trends for each of the specified living marine resources, the management of the fisheries pertaining to the specified living marine resources, and other circumstances, and shall make changes to the Basic Plan when the Minister deems it to be necessary.
 - (8) The Minister of Agriculture, Forestry and Fisheries shall hear the opinions of the Fisheries Policy Council when conducting the review set forth under the preceding paragraph.
 - (9) The provisions of paragraph (4) to paragraph (6) inclusive shall apply mutatis mutandis to changes in the Basic Plan pursuant to the provisions of paragraph (7).

(Prefectural Plan)

Article 4 (1) The governor of the prefecture shall formulate a plan for the prefecture on the measures to be implemented for the quantities given in item (vi) of paragraph (2) of the preceding Article or amounts given in item (x) of the same paragraph, in accordance with the Basic Plan (hereinafter referred to as “Prefectural Plan”).

(2) The Prefectural Plan shall stipulate the following matters.

- (i) The policies relating to the preservation and control of living marine resources;
- (ii) Matters relating to quantities given in item (vi) of paragraph (2) of the preceding Article.
- (iii) Matters relating to the quantities in cases of specifying the quantities by mode of gathering or catching the Class I specified living marine resources, by sea area or by period with regard to the quantities given in the preceding item.
- (iv) Matters relating to measures to be implemented in relation to the quantities given in item (ii) (the quantities where the quantities given in the preceding item have been specified; referred to as “quantity control by the governor for Class I specified living marine resources” in paragraph (2) of Article 8).
- (v) Matters relating to the quantities given in item (x) of paragraph (2) of the preceding Article.
- (vi) Of the quantities given the preceding item, the matters relating to the amounts for each mode of gathering or catching (limited to modes of gathering and catching subject to control due to fishing efforts and which are other than the designated fisheries, etc.) of Class II specified living marine resources (hereinafter referred to as “fishing efforts control by the governor for Class II specified living marine resources”).
- (vii) Matters relating to the measures to be implemented in relation to the fishing efforts control by the governor for Class II specified living marine resources.
- (viii) Other important matters relating to the preservation and control of living marine resources.

(3) If the governor of the prefecture intends to formulate a Prefectural Plan, the governor shall obtain approval from the Minister of Agriculture, Forestry and Fisheries.

(4) If the governor of the prefecture intends to formulate a Prefectural Plan (except for the matters given in item (ii) and item (v) of paragraph (2); the same shall apply in paragraph (8)), the governor shall hear the opinions of the relevant Sea-Area Fisheries Adjustment Commission.

(5) If the governor of the prefecture has formulated a Prefectural Plan, the governor shall publish it without delay.

(6) If the Minister of Agriculture, Forestry and Fisheries deems that the Prefectural Plan does not conform to the Basic Plan owing to a change in the Basic Plan, the Minister

shall notify the governor of the prefecture pertaining to the Prefectural Plan to the effect that the Prefectural Plan should be changed.

- (7) If the governor of the prefecture has received a notification pursuant to the provisions of the preceding paragraph, the governor shall change the Prefectural Plan.
- (8) Except for the cases set forth under the preceding paragraph, the governor of the prefecture shall review the Prefectural Plan at least once a year taking into account trends in the designated living marine resources (meaning the Class I designated living marine resources and Class II designated living marine resources set forth under paragraph (1) of the following Article; hereinafter the same shall apply), the management of fisheries pertaining to the specified living marine resources or designated living marine resources, and other circumstances, and shall change it when the governor deems it to be necessary.
- (9) The governor of the prefecture shall hear the opinions of the relevant Sea-Area Fisheries Adjustment Commission when conducting the review set forth under the preceding paragraph.
- (10) The provisions of paragraph (3) to paragraph (5) inclusive shall apply mutatis mutandis to changes in the Prefectural Plan in accordance with the provisions of paragraph (7) or paragraph (8).

(Preservation and Control of Designated Living Marine Resources)

Article 5 (1) For the living marine resources which are not specified living marine resources, the governor of the prefecture may stipulate the following matters in the Prefectural Plan with regard to the living marine resources prescribed by a Prefectural Ordinance as living marine resources to be preserved and controlled in the area of the sea designated by the Prefectural Ordinance (hereinafter referred to as “designated sea areas”) by determining, etc. the prefectural catch limit (meaning the maximum annual limit for each type of living marine resources which may be gathered or caught by a person other than persons operating designated fisheries, etc. and those persons specified in the Cabinet Order set forth under item (vi) of paragraph (2) of Article 3 in the designated sea areas; hereinafter the same shall apply) (hereinafter referred to as “Class I designated living marine resources”) or with regard to the living marine resources prescribed by a Prefectural Ordinance as living marine resources to be preserved or controlled by determining, etc. the prefectural fishing effort limit (meaning the maximum annual limit for the total of the prefectural fishing effort amount pertaining to the mode of gathering or catching for each type of living marine resources in cases of control through the prefectural fishing effort amount (meaning the amount of fishing work (except for work pertaining to persons operating designated fisheries, etc.) carried out for the purpose of gathering or catching living marine resources which is indicated by the number of fishing days and other indicators provided for in the Prefectural Regulations for each mode of

gathering or catching; hereinafter the same shall apply) specifying the mode of gathering or catching for each type of living marine resources and setting the sea area and period pertaining to each mode of gathering or catching in the designated sea areas; hereinafter the same shall apply) (hereinafter referred to as “Class II designated living marine resources”).

- (i) Matters relating to the trends for each of the designated living marine resources.
 - (ii) Matters relating to the prefectural catch limits for each of the Class I designated living marine resources.
 - (iii) Matters relating to the limits in cases of specifying the quantities by mode of gathering or catching of the Class I designated living marine resources, sea areas, or period with regard to the prefectural catch limits given in the preceding item.
 - (iv) Matters relating to the measures to be implemented in relation to the prefectural catch limits given in item (ii) (the quantities in cases where the quantities given in the preceding item are specified; referred to in paragraph (2) of Article 8 as “quantity control by the governor for Class I designated living marine resources”).
 - (v) Matters relating to the mode of gathering or catching subject to control through the prefectural fishing efforts for each of the Class II designated living marine resources, and the sea areas, period, and prefectural fishing effort limit for each mode of gathering or catching.
 - (vi) Of the prefectural fishing effort limits given in the preceding item, the matters relating to such limits specified by mode of gathering or catching (limited to modes of gathering or catching subject to control through the prefectural fishing efforts) for Class II designated living marine resources (hereinafter referred to as “fishing efforts control by the governor for Class II designated living marine resources”).
 - (vii) Matters relating to the measures to be implemented in relation to the fishing efforts control by the governor for Class II designated living marine resources.
- (2) The matters given in item (ii) and item (v) of the preceding paragraph shall be stipulated based on the matters given in item (i) of the same paragraph and the relationships, etc. to other living marine resources for the purpose of maintaining or restoring designated living marine resources to a level that enables the realization of maximum sustainable production taking into account fishery management pertaining to the designated living marine resources and other circumstances.
- (3) The Prefectural Ordinance specifying the sea areas and living marine resources set forth under paragraph (1) may be established in cases where the prefecture deems it to be necessary in order to preserve and control specific living marine resources by determining, etc. the prefectural catch limits or prefectural fishing effort limits in all or part of the sea bordering said prefecture (limited to the Exclusive Economic Zone, etc.; the same shall apply in paragraph (3) of Article 17).

Article 6 The governor of the prefecture may make any necessary request with regard to

the measures of the Minister of Agriculture, Forestry and Fisheries or the governor of any relevant prefecture to the Minister of Agriculture, Forestry and Fisheries or the governor of the relevant prefecture, if the governor deems it to be particularly necessary so as to ensure that the effects of the implementation of the prefectural plan (limited to the matters given in paragraph (1) of the preceding Article) are properly secured.

(Measures to Achieve the Basic Plan)

Article 7 (1) In addition to the measures provided for in this Act, the Minister of Agriculture, Forestry and Fisheries or the governor of the prefecture shall take respective measures to place restrictions on the gathering or catching of aquatic animals and plants and other necessary measures in accordance with the provisions of paragraph (1) (including cases applied mutatis mutandis pursuant to replacement of the terms in paragraph (1) of Article 63 of the Fishery Act), or paragraph (3) or (4) of Article 34, paragraph (1) (including cases applied mutatis mutandis pursuant to replacement of the terms in paragraph (1) of Article 63 of the same Act), or paragraph (5) of Article 39, paragraph (1) or (2) of Article 65, or paragraph (1) of Article 66 of the same Act, or paragraph (1) or (2) of Article 4 of the Act on the Protection of Fishery Resources in order to achieve the Basic Plan (except for the matters given in item (vi) and (x) of paragraph (2) of Article 3) or to achieve the Prefectural Plan.

(2) If the governor of the prefecture intends to apply the provisions of paragraph (4) of Article 34 of the Fishery Act in order to achieve the Prefectural Plan, the governor may add restrictions or conditions to the fishery rights regardless of the application submitted by the Sea-Area Fisheries Adjustment Commission provided for in the same paragraph. In this case, the provisions of paragraph (2) of the same Article and paragraph (4) of Article 37 of the same Act shall apply mutatis mutandis.

(Publication of the Amount of Gathering or Catching, or the Fishing Efforts, etc.)

Article 8 (1) If the Minister of Agriculture, Forestry and Fisheries deems that the amount of gathering or catching which is subject to quantity control by the Minister is likely to exceed the quantity control set by the Minister, or that the fishing efforts which are subject to the fishing efforts control by the Minister are likely to exceed the fishing efforts control set by the Minister, the Minister shall publish the amount of said gathering or catching, or the fishing efforts and other matters specified in the Ordinance of the Ministry of Agriculture, Forestry and Fisheries.

(2) If the governor of the prefecture deems that the amount of gathering or catching subject to the quantity control by the governor for Class I specified living marine resources or subject to the quantity control by the governor for Class I designated living marine resources (hereinafter generally referred to as “quantity control by the governor”) is likely to exceed the quantity control set by the governor, or that the

fishing efforts or prefectural fishing efforts which are subject to the fishing efforts control by the governor for Class II specified living marine resources or subject to the fishing efforts control by the governor for Class II designated living marine resources (hereinafter generally referred to as “fishing efforts control by the governor”) is likely to exceed the fishing efforts control set by the governor, the governor shall publish the amount of said gathering or catching, or the fishing efforts or prefectural fishing efforts, and other matters specified in the Ordinance of Ministry of Agriculture, Forestry and Fisheries.

(Advice, Guidance, or Recommendations)

Article 9 (1) If the Minister of Agriculture, Forestry and Fisheries deems it to be necessary so that the amount of gathering or catching subject to quantity control by the Minister does not exceed said quantity control by the Minister, or so that the fishing efforts subject to fishing efforts control by the Minister do not exceed said fishing efforts control by the Minister, following publication pursuant to the provisions of paragraph (1) of the preceding Article, the Minister may give the necessary advice, guidance, or recommendations to the persons carrying out the gathering or catching pertaining to said quantity control by the Minister or fishing efforts control by the Minister on the gathering or catching pertaining to said quantity control by the Minister or fishing efforts control by the Minister.

(2) If the governor of the prefecture deems it to be necessary so that the amount of gathering or catching subject to quantity control by the governor does not exceed said quantity control by the governor, or so that the fishing efforts subject to fishing efforts control by the governor or prefectural fishing efforts do not exceed said fishing efforts control by the governor, following publication pursuant to the provisions of paragraph (2) of the preceding Article, the governor may give the necessary advice, guidance or recommendations to the persons carrying out the gathering or catching pertaining to said quantity control by the governor or fishing efforts control by the governor on the gathering or catching pertaining to said quantity control by the governor or fishing efforts control by the governor.

(Suspension of Gathering or Catching)

Article 10 (1) If the Minister of Agriculture, Forestry and Fisheries deems that the amount of gathering or catching subject to quantity control by the Minister has exceeded or is extremely likely to exceed said quantity control by the Minister or that the fishing efforts subject to fishing efforts control by the Minister have exceeded or are extremely likely to exceed said fishing efforts control by the Minister, the Minister may issue any necessary orders to the persons carrying out the gathering or catching pertaining to said quantity control by the Minister or fishing efforts control by the Minister on suspension of the gathering or catching being carried out for the

purpose of taking the specified living marine resources pertaining to said quantity control by the Minister or fishing efforts control by the Minister and on other matters relating to the gathering or catching of said specified living marine resources, stipulating a period by the Ordinance of the Ministry of Agriculture, Forestry and Fisheries.

- (2) If the governor of the prefecture deems that the amount of gathering or catching subject to quantity control by the governor has exceeded or is extremely likely to exceed said quantity control set by the governor or that the fishing efforts subject to fishing efforts control by the governor or prefectural fishing efforts have exceeded or are extremely likely to exceed said fishing efforts control set by the governor, the governor may issue any necessary orders to the persons carrying out the gathering or catching pertaining to said quantity control by the governor or fishing efforts control by the governor on suspension of the gathering or catching being carried out for the purpose of taking the specified living marine resources or designated living marine resources pertaining to said quantity control by the governor or fishing efforts control by the governor, and on other matters relating to the gathering or catching of said specified living marine resources or designated living marine resources, stipulating a period by the Prefectural Regulation.

(Restrictions on Gathering or Catching through Allotment)

Article 11 (1) The Minister of Agriculture, Forestry and Fisheries or the governor of the prefecture may allot a fishing catch limit pertaining to said quantity control by the Minister or quantity control by the governor to each person engaging in gathering or catching pursuant to the Basic Plan for designated fisheries, etc. or based on the Prefectural Plan for fisheries requiring permission or some other disposition by the governor of the prefecture in accordance with the provisions of the regulations pursuant to the provisions of paragraph (1) or (2) of Article 65 of the Fishery Act or paragraph (1) or (2) of Article 4 of the Act on the Protection of Fishery Resources, or the provisions of paragraph (1) of Article 66 of the Fishery Act (referred to as “fisheries permitted by the governor” in paragraph (1) of Article 18) prior to the start of a one-year period subject to control through quantity control set by the Minister or quantity control set by the governor.

- (2) If the Minister of Agriculture, Forestry and Fisheries or the governor of the prefecture intends to allot the fishing catch limit set forth under the preceding paragraph, the Minister or the governor shall establish standards for such allotments taking into account at least the following matters, and shall make allotments which conform to the standards.
- (i) The number or gross tonnage of the vessels to be used by the person engaging in the gathering or catching.
 - (ii) The status of gathering or catching of the person engaging in the gathering or

catching.

- (3) If the Minister of Agriculture, Forestry or Fisheries intends to establish the standards set forth under the preceding paragraph, the Minister shall hear the opinions of the Fisheries Policy Council.
- (4) If the governor of the prefecture intends to establish the standards set forth under paragraph (2), the governor shall hear the opinions of the relevant Sea-Area Fisheries Adjustment Commission.
- (5) Any person who has been allotted a fishing catch limit pursuant to the provisions of paragraph (1) shall not gather or catch Class I specified living marine resources or Class I designated living marine resources pertaining to the allotment in excess of the allotted quantity in the sea areas pertaining to the allotment.

(Order to Anchor)

- Article 12 (1) If the Minister of Agriculture, Forestry and Fisheries finds that a person engaging in gathering or catching pertaining to quantity control by the Minister has committed an act in violation of an order set forth under paragraph (1) of Article 10 or the provisions of paragraph (5) of the preceding Article, and moreover, is likely to continue to commit said act, or finds that a person engaging in gathering or catching pertaining to fishing efforts control by the Minister has committed an act in violation of an order under paragraph (1) of Article 10 and is likely to continue to commit said act, the Minister may order the person engaging in the gathering or catching to anchor the vessel used in the act of violation, specifying the port and period for anchorage.
- (2) If the governor of the prefecture finds that a person engaging in gathering or catching related to quantity control by the governor has committed an act in violation of an order under paragraph (2) of Article 10 or the provisions of paragraph (5) of the preceding Article and is likely to continue to commit said act, or finds that a person engaging in gathering or catching pertaining to fishing efforts control by the governor has committed an act in violation of an order under paragraph (2) of Article 10 and is likely to continue to commit said act, the governor may order the person engaging in the gathering or catching to anchor the vessel used in the act of violation, specifying the port and period for anchorage.
 - (3) If the Minister of Agriculture, Forestry and Fisheries or the governor of the prefecture intends to issue an order pursuant to the provisions of the preceding two paragraphs, the Minister or the governor shall conduct a hearing, regardless of the classification of procedures, for hearing statements of opinion pursuant to the provisions of paragraph (1) of Article 13 of the Administrative Procedure Act (Act No. 88 of 1993).
 - (4) The proceedings for the hearing pertaining to a disposition pursuant to the provisions of paragraph (1) or (2) on the hearing date shall be open to the public.

(Conclusion of an Agreement)

Article 13 (1) A person who engages in gathering or catching related to quantity control by the Minister or fishing efforts control by the Minister may enter into an agreement on the preservation and control of the specified living marine resources pertaining to said quantity control by the Minister or fishing efforts control by the Minister, and may obtain certification from the Minister of Agriculture, Forestry and Fisheries to the effect that said agreement is appropriate.

(2) A person who engages in gathering or catching related to quantity control by the governor or fishing efforts control by the governor may enter into an agreement on the preservation and control of the specified living marine resources or designated living marine resources pertaining to said quantity control by the governor or fishing efforts control by the governor, and may obtain certification from the governor of the prefecture to the effect that said agreement is appropriate.

(3) The agreement under the preceding two paragraphs (hereinafter referred to simply “agreement”) shall provide for the following matters.

- (i) The area of the sea, the specified living marine resources or designated living marine resources, and the mode of gathering or catching subject to the agreement.
- (ii) The method of preserving and controlling the specified living marine resources or designated living marine resources.
- (iii) The valid period of the agreement.
- (iv) The measures in cases where there is a violation of the agreement.
- (v) Other matters provided for by the Ordinance of the Ministry of Agriculture, Forestry and Fisheries.

(Certification of Agreements)

Article 14 (1) If an application for the certification set forth under paragraph (1) or (2) of the preceding Article falls under all of the following items, the Minister of Agriculture, Forestry and Fisheries or the governor of the prefecture shall certify it in accordance with these provisions.

- (i) The contents of the agreement are deemed to contribute to quantity control by the Minister, fishing efforts control by the Minister, quantity control by the governor, or fishing efforts control by the governor.
 - (ii) The contents of the agreement are not unfairly discriminatory.
 - (iii) The contents of the agreement do not violate this Act, any order based on this Act, or other relevant laws and regulations.
 - (iv) Other standards prescribed by the Ordinance of the Ministry of Agriculture, Forestry and Fisheries.
- (2) In addition to the matters provided for in the preceding paragraph, necessary matters relating to the certification of the agreement (including certification of any changes in the agreement), its revocation, or abolition of the agreement shall be provided for by

a Cabinet Order.

(Arrangements for Participation in an Agreement)

Article 15 (1) In cases where a person participating in an agreement that has been certified pursuant to paragraph (1) or (2) of Article 13 (hereinafter referred to as “certified agreement”) shows the certified agreement to a person who is not a participant in the certified agreement but who is engaging in the gathering or catching of types of specified living marine resources or designated living marine resources subject to the certified agreement using the modes of gathering or catching subject to the certified agreement in sea areas subject to the certified agreement and seeks the person’s participation in the certified agreement, if the person does not agree to participate, the person participating in the agreement may request the Minister of Agriculture, Forestry and Fisheries or the governor of the prefecture who has given the certification set forth under paragraph (1) or (2) of the same Article to make the necessary arrangements to obtain consent from the person in accordance with the Ordinance of the Ministry of Agriculture, Forestry and Fisheries.

(2) In a case where an application has been filed in accordance with the preceding paragraph, the Minister of Agriculture, Forestry and Fisheries or the governor of the prefecture shall make the necessary arrangements if the Minister or the governor deems that the participation of the person not participating in the certified agreement is appropriate in light of the provisions of paragraph (1) of the preceding Article, and moreover, if the Minister or the governor finds it especially necessary to request the person’s participation owing to the contents of the certified agreement.

(Measures Pursuant to the Fishery Act, etc.)

Article 16 (1) If the number of persons participating in a certified agreement is two-thirds or more of all of the persons engaging in the gathering or catching of the specified living marine resources or designated living marine resources subject to the certified agreement using the mode of gathering or catching subject to the certified agreement in the sea areas subject to said certified agreement, and if this number is in excess of the ratio provided for by the Ordinance of the Ministry of Agriculture, Forestry and Fisheries and conforms to other standards prescribed by Ordinances of the Ministry of Agriculture, Forestry and Fisheries, the persons may request that the Minister of Agriculture, Forestry and Fisheries or the governor of the prefecture take necessary measures to achieve the purpose of the certified agreement as provided for by the Ordinance of the Ministry of Agriculture, Forestry and Fisheries.

(2) If the Minister of Agriculture, Forestry and Fisheries or the governor of the relevant prefecture finds it to be necessary for fisheries adjustment, for the protection and culture of fishery resources, or otherwise for the public interest in cases where a proposal in accordance with the provisions of the preceding paragraph has been

made, the Minister or the governor shall take such measures as placing restrictions on the gathering or catching of aquatic animals and plants or any other appropriate measures pursuant to the provisions of paragraph (1) (including cases where applied mutatis mutandis by replacing the terms of paragraph (1) of Article 63 of the same Act), paragraph (3) or (4) of Article 34, paragraph (1) or (2) of Article 65, or paragraph (1) of Article 66 of the Fishery Act, or paragraph (1) or (2) of Article 4 of the Act on the Protection of Fishery Resources, taking into account the contents of the proposal.

- (3) If the governor of the prefecture intends to apply the provisions of paragraph (4) of Article 34 of the Fishery Act based on a proposal provided for in paragraph (1), the governor may place restrictions or conditions on the fishing rights, regardless of the application filed by the Sea-Area Fisheries Adjustment Commission provided for in the same paragraph. In this case, the provisions of paragraph (2) of the same Article and paragraph (4) of Article 37 of the same Act shall be applied mutatis mutandis.
- (4) The provisions of the preceding paragraph shall be applied mutatis mutandis to cases where the Minister of Agriculture, Forestry and Fisheries intends to apply the provisions of paragraph (4) of Article 34 of the Fishery Act pursuant to the provisions of Article 136 of the same Act based on the proposal provided for in paragraph (1).

(Report on the Amount Gathered or Caught, or on the Fishing Efforts, etc.)

Article 17 (1) If a person who operates a designated fishery, etc. and is specified by the Ordinance of the Ministry of Agriculture, Forestry and Fisheries has gathered or caught Class I specified living marine resources in the Exclusive Economic Zone, etc., the person shall report the amount gathered or caught and other matters provided for by the Ordinance of the Ministry of Agriculture, Forestry and Fisheries relating to the status of gathering or catching to the Minister of Agriculture, Forestry and Fisheries in accordance with the Ordinance of the Ministry of Agriculture, Forestry and Fisheries.

- (2) If a person who engages in gathering or catching pertaining to fishing efforts control by the Minister has carried out fishing work pertaining to fishing efforts subject to said fishing efforts control by the Minister, the person shall report the fishing efforts and other matters provided for by the Ordinance of the Ministry of Agriculture, Forestry and Fisheries relating to the status of gathering or catching to the Minister of Agriculture, Forestry and Fisheries in accordance with the Ordinance of the Ministry of Agriculture, Forestry and Fisheries.
- (3) If a person other than a person who operates a designated fishery, etc. or a person provided for in a Cabinet Order set forth under item (vi) of paragraph (2) of Article 3, who is provided for in a Prefectural Regulation, has gathered or caught Class I specified living marine resources in the sea bordering said prefecture, or has gathered or caught Class I designated living marine resources of said prefecture in said

prefecture's designated sea areas, the person shall report the quantity gathered or caught and other matters provided for by the Ordinance of the Ministry of Agriculture, Forestry and Fisheries relating to the status of gathering or catching to the governor of the prefecture in accordance with the Prefectural Regulations.

- (4) If a person who engages in gathering or catching pertaining to fishing efforts control by the governor has carried out fishing work pertaining to fishing efforts or prefectural fishing efforts subject to said fishing efforts control by the governor, the person shall report the fishing efforts or prefectural fishing efforts and other matters provided for by the Ordinance of the Ministry of Agriculture, Forestry and Fisheries relating to the status of gathering or catching to the governor of the prefecture in accordance with the Prefectural Regulations.

(Reports and On-site Inspections)

Article 18 (1) The Minister of Agriculture, Forestry and Fisheries may ask any person operating a designated fishery, etc. who gathers or catches specified living marine resources or any other relevant persons to give a report on the status of gathering or catching and on any other necessary matters, and the governor of the prefecture may ask any person operating a fishery permitted by the governor who gathers or catches specified living marine resources or any designated living marine resource of said prefecture or any other relevant persons to give a report on the person's status of gathering or catching and on any other necessary matters, and the Minister or the governor may have the officers of the Minister or the governor enter the fishing area, vessel, workplace, office, or warehouse of any of these persons, and may have them inspect the status of the business or the caught fish, books, documents, and other property to the extent necessary for the enforcement of this Act.

- (2) Officers who conduct an on-site inspection pursuant to the provisions of the preceding paragraph shall carry an identity card on their person and shall present it to the relevant persons.
- (3) The authority for the on-site inspection in accordance with the provisions of paragraph (1) shall not be construed as having been granted for the purpose of a criminal investigation.

(Collection of Reports, etc. by the Fisheries Policy Council)

Article 19 The Fisheries Policy Council may ask a person operating a designated fishery, etc. who gathers or catches specified living marine resources or any other relevant persons to appear before the council or to give a report on any necessary matters, or may have a member of the council or a person engaged in the administrative affairs of the council carry out the necessary inspection of a fishing area, vessel, workplace, or business office if the council deems it to be necessary to handle any matter under its authority pursuant to the provisions of this Act.

(Classification of Administrative Affairs)

Article 20 The administrative affairs to be handled by the prefecture pursuant to the provisions of this Act (except for paragraph (5) of Article 3 (including cases where applied mutatis mutandis pursuant to paragraph (9) of the same Article) and Article 6) shall be the Type 1 statutory entrusted affairs provided for in item (i) of paragraph (9) of Article 2 of the Local Autonomy Act (Act No. 67 of 1947).

(Transitional Measures)

Article 21 In case where any Cabinet Order, Ordinance of the Ministry of Agriculture, Forestry and Fisheries, or any Prefectural Ordinance or Regulation based on the provisions of this Act is enacted, amended, or abolished, said Cabinet Order, Ordinance of the Ministry of Agriculture, Forestry and Fisheries, or Prefectural Ordinance or Regulation may provide for the necessary transitional measures (including transitional measures relating to penal provisions) to the extent judged to be reasonably necessary for the enactment, amendment, or abolition.

(Penal Provisions)

Article 22 A person who falls under any of the following items shall be punished by imprisonment with work for a definite term of not more than three years or a fine of not more than two million yen, or both.

- (i) A person who has violated an order set forth under paragraph (1) or (2) of Article 10.
- (ii) A person who has violated the provisions of paragraph (5) of Article 11.
- (iii) A person who has violated an order provided for in paragraph (1) or (2) of Article 12.

Article 23 In the cases set forth under item (i) or (ii) of the preceding Article, the fish catch, their products, fishing vessels, fishing gear, and any other articles furnished for use in the gathering or catching of living marine resources that are owned by or possessed by a criminal may be confiscated; provided, however, that if all or some of the articles owned by the criminal cannot be confiscated, their equivalent value may be collected.

Article 24 A person who falls under any of the following items shall be punished by a fine of not more than 300,000 yen.

- (i) A person who has not given a report pursuant to the provisions of paragraph (1) to paragraph (4) inclusive of Article 17 or who has given a false report.
- (ii) A person who has not given a report pursuant to the provisions of paragraph (1) of Article 18 or who has given a false report, or a person who has refused, disturbed,

or evaded inspection pursuant to the provisions of the same paragraph.

Article 25 If the representative of a juridical person or the agent, employee, or some other personnel of a juridical person or of an individual has committed an act of violation set forth under Article 22 or the preceding Article in relation to the business of said juridical person or individual, in addition to punishing the individual, the juridical person or individual shall also be punished by the fines prescribed in the respective Articles.

Supplementary Provisions

(Effective Date)

Article 1 This Act shall come into effect as from the date on which the United Nations Convention on the Law of the Sea comes into effect for Japan.

(Clarification of the Applicable Waters)

Article 1-2 With regard to the application of the provisions of paragraph (1) of Article 2, for the time being, the term “Exclusive Economic Zone of Japan” shall be replaced with “Exclusive Economic Zone of Japan (if an adjustment has been made to the scope of waters in which Japan may exercise its sovereign right to gather and catch living marine resources pursuant to the treaty under Article 4 of the Act on the Exclusive Economic Zone and the Continental Shelf (Act No. 74 of 1996), the waters after such adjustment),” and “The Act on the Exclusive Economic Zone and the Continental Shelf (Act No. 74 of 1996)” shall be deemed to be replaced with “the same Act”.

Article 1-3 With regard to the application of the provisions of Article 3 of the Act on the Exclusive Economic Zone and the Continental Shelf relating to the sovereign right as provided for in paragraph (1) of Article 2 as applied *mutatis mutandis* pursuant to the provisions of the preceding Article in cases where the adjustment provided for in the same paragraph has been made, the “Exclusive Economic Zone” under item (i) of paragraph (1) of the same Article shall be deemed to be replaced with the “Exclusive Economic Zone (meaning the Exclusive Economic Zone set forth under paragraph (1) of Article 2 of the Act on the Preservation and Control of Living Marine Resources (Act No. 77 of 1996) as applied *mutatis mutandis* pursuant to the provisions of Article 1-2 of the Supplementary Provisions of the same Act; hereinafter the same shall apply in this Article)”.

(Exceptions to Application)

Article 2 The provisions of Article 7 to Article 25 inclusive may be exempted from application to Class I specified living marine resources as designated by a Cabinet

Order; provided that if the period is provided by the Cabinet Order, the exemption shall be valid until the expiration of such period.

(Transitional Measures Pertaining to the Basic Plan and the Prefectural Plans)

Article 3 The Basic Plan and the prefectural plans shall prescribe the total allowable catch for 1997 onwards.

Supplementary Provisions (Act No. 149 of December 18, 1998) Extract

(Effective Date)

Article 1 This Act shall come into effect on the day the Agreement between Japan and the Republic of Korea Concerning Fisheries comes into effect.

(Transitional Measures Relating to Application of the Penal Provisions)

Article 3 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

Supplementary Provisions (Act No. 87 of July 16, 1999) Extract

(Effective Date)

Article 1 This Act shall come into effect on April 1, 2000; provided, however, that the provisions listed in the following items shall come into effect as from the days specified in each item.

- (i) The amended provisions of Article 1 of the Local Autonomy Act whereby five Articles, a section title, and two subsections and subsection titles are added after Article 250 of the same Act (limited to the parts pertaining to paragraph (1) of Article 250-9 of the same Act (limited to the part pertaining to the requirement to obtain the consent of both Houses)), the amended provisions of paragraphs (9) and (10) of Article 40 of the Supplementary Provisions of the Natural Parks Act (limited to the parts pertaining to paragraph (10) of the Supplementary Provisions of the same Act), the provisions of Article 244 (except for the parts pertaining to the amended provisions of Article 14-3 of the Agricultural Improvement Promotion Act), and the provisions of Article 472 (except for the parts pertaining to the amended provisions of Article 6, Article 8, and Article 17 of the Act on Special Measures for the Mergers of Municipalities), and the provisions of Article 7, Article 10, and Article 12, the proviso to Article 59, paragraph (4) and paragraph (5) of Article 60, Article 73, Article 77, paragraph (4) to paragraph (6) inclusive of Article 157, Article 160, Article 163, Article 164, and Article 202 of the Supplementary Provisions: the date of promulgation.

(Administrative Affairs of the National Government, etc.)

Article 159 In addition to those administrative affairs provided for in each of the Acts

prior to amendment by this Act, the administrative affairs of the national government, other local governments, and other public organizations which are managed or executed by a local government in accordance with these Acts or a Cabinet Order based on these Acts prior to the enforcement of this Act (referred to as “administrative affairs of the national government, etc.” in Article 161 of the Supplementary Provisions), shall be handled by the local government as the administrative affairs of said local government in accordance with those Acts or with a Cabinet Order based on those Acts after the enforcement of this Act.

(Transitional Measures Concerning Disposition and Applications)

Article 160 (1) With regard to the application of each of the Acts that were amended by this Act on or after the day of the enforcement of this Act, except for the acts provided for in the provisions of Article 2 to the preceding Article of the Supplementary Provisions or in the provisions relating to the transitional measures for those respective Acts (including any orders based on those Acts) that are amended by this Act, making a disposition on permission and other acts (hereinafter referred to as “the act of rendering a disposition, etc.” in this Article) carried out pursuant to the provisions of each of the Acts not yet amended by this Act (the applicable provisions with regard to the provisions under each of the items of Article 1 of the Supplementary Provisions; hereinafter the same shall apply in this Article and Article 163 of the Supplementary Provisions) prior to the enforcement of this Act, or filing applications for permission, etc. and other acts (hereinafter referred to as “the act of filing applications, etc.” in this Article) carried out pursuant to the provisions of each of the Acts not yet amended by this Act at the time of enforcement of this Act, in cases where the administrative affairs pertaining to these acts shall be handled by a different person on the day of the enforcement of this Act, these shall be deemed to be acts of rendering dispositions, etc. or acts of filing applications, etc. carried out pursuant to the corresponding provisions of the respective Acts amended by this Act.

(2) If, prior to the enforcement of this Act, there is a matter that requires a report, notification or submission, or any other procedure to be carried out at an agency of the national government or a local government pursuant to the provisions of any of the Acts not yet amended by this Act that has not yet been done in terms of the required procedures before the day of the enforcement of this Act, and if the matter requires a report, notification, submission, or any other procedure to be carried out at the corresponding agency of the national government or local government pursuant to the corresponding provisions of any of said Acts amended by this Act, the procedures shall be deemed not to have been undertaken with regard to the required procedures, unless otherwise provided for in this Act or by any Cabinet Order based on this Act, and the provisions of said Acts amended by this Act shall apply.

(Transitional Measures Concerning Appeals)

Article 161 (1) If a disposition pertaining to the administrative affairs of the national government, etc. was made prior to the day of enforcement of this Act, and when there was a higher administrative agency (hereinafter referred to as “higher administrative agency” in this Article) as prescribed in the Administrative Appeals Act above the administrative agency that rendered the disposition (hereinafter referred to as “administrative agency ordering the disposition” in this Article) for any appeal that was filed pursuant to the provisions of the same Act prior to the enforcement of this Act, the administrative agency ordering the disposition shall be deemed to continue to have a higher administrative agency above it and the Administrative Appeals Act shall continue to apply even after the day of enforcement of this Act. In this case, the administrative agency deemed to be the higher administrative agency above the administrative agency ordering the disposition shall be the administrative agency that was the higher administrative agency above said administrative agency ordering the disposition before the day of enforcement.

(2) In the cases referred to in the preceding paragraph, if the administrative agency deemed to be the higher administrative agency is a local government agency, the administrative affairs to be handled by the agency pursuant to the provisions of the Administrative Appeals Act shall be the Type 1 statutory entrusted affairs as provided for in item (i) of paragraph (9) of Article 2 of the New Local Autonomy Act.

(Transitional Measures Concerning Fees)

Article 162 With regard to fees payable pursuant to the provisions of each of the relevant Acts prior to amendment by this Act (including orders based on these Acts) before the date of enforcement, the provisions then in force shall remain applicable unless otherwise prescribed in this Act or by the Cabinet Order based on this Act.

(Transitional Measures Concerning Penal Provisions)

Article 163 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

(Delegation of Other Transitional Measures to a Cabinet Order)

Article 164 (1) In addition to the matters provided for in the Supplementary Provisions, the transitional measures necessary for the enforcement of this Act (including transitional measures relating to the penal provisions) shall be provided for by a Cabinet Order.

(2) The necessary matters relating to the application of the provisions of Article 18, Article 51, and Article 184 of the Supplementary Provisions shall be provided for by a Cabinet Order.

(Review)

Article 250 With regard to the Type 1 statutory entrusted affairs as prescribed in item (i) of paragraph (9) of Article 2 of the New Local Autonomy Act, insofar as possible new affairs shall not be established, and the Type 1 statutory entrusted affairs listed in Appended Table 1 of the New Local Autonomy Act and affairs as provided for by a Cabinet Order pursuant to that Act shall be reviewed from the perspective of the promotion of decentralization, and shall be revised as appropriate.

Article 251 The government shall review the methods for increasing and securing local tax revenues based on the division of roles between the national and local governments, taking into consideration changes in economic circumstances etc., so that local governments may voluntarily and independently execute their affairs and services, and shall take the necessary measures based on the results of this review.

Article 252 Along with reform of the medical insurance system, the pension system, and other similar systems, the government shall review the administrative processing systems for social insurance, the roles of personnel engaged in this system, and other matters from the perspective of ensuring convenience for insured persons and other relevant persons and increasing the efficiency of administrative processing, and shall take the necessary measures based on the results of this review if the government deems it to be necessary.

Supplementary Provisions (Act No. 160 of December 22, 1999) Extract

(Effective Date)

Article 1 This Act (excluding Article 2 and Article 3) shall come into effect as from January 6, 2001.

Supplementary Provisions (Act No. 89 of June 29, 2001) Extract

(Effective Date)

Article 1 This Act shall come into effect as from the date of promulgation.

Supplementary Provisions (Act No. 91 of June 29, 2001) Extract

(Effective Date)

Article 1 This Act shall come into effect as from the date specified by a Cabinet Order, within a period not exceeding nine months from the date of promulgation; provided, however, that the provisions of the following Article shall come into effect as from the date of promulgation.

(Transitional Measures)

Article 2 If a draft in order to enact the Cabinet Order set forth under paragraph (6) or (7) of Article 2 of the Act on the Preservation and Control of Living Marine Resources that is to be amended by this Act is to be drawn up prior to the enforcement of this Act, the provisions of paragraph (4) of Article 2 of the Act on the Preservation and Control of Living Marine Resources prior to amendment by this Act shall be applicable.

(Delegation to a Cabinet Order)

Article 3 In addition to the provisions of the preceding Article, the transitional measures necessary for the enforcement of this Act shall be provided for by a Cabinet Order.

Supplementary Provisions (Act No. 77 of June 6, 2007) Extract
(Effective Date)

Article 1 This Act shall come into effect as from the day specified by a Cabinet Order, within a period not exceeding one year from the date of promulgation.

The Act on Penalization of Acts of Piracy and Measures against Acts of Piracy
(Tentative translation)

Act No. 55 of June 24, 2009

Latest amendment: Act No. 71 of September 5, 2012

(Purpose)

Article 1 The purpose of this Act is to establish the provisions for penalization of acts of piracy and to specify the necessary matters in order for Japan to be able to appropriately and effectively deal with acts of piracy, in light of the fact that ensuring the safe navigation of vessels which are provided for use in marine transportation and other vessels navigating on the sea is extremely important for the economy and society and for the lives of the people of Japan, for which foreign trade is of great importance owing to such factors as being surrounded by the sea and being dependent on imports for most of its major resources, and the fact that, with regard to the United Nations Convention on the Law of the Sea, all States are to cooperate in the suppression of acts of piracy on the high seas, etc. to the fullest possible extent, and thereby maintain public safety and order at sea.

(Definitions)

Article 2 The “acts of piracy” in this Act shall mean the acts given in the following items which are carried out by a person who mans or has embarked on a vessel (except for warships or vessels owned or operated by a government) for a private purpose on the high seas (including the exclusive economic zone provided for in the United Nations Convention on the Law of the Sea) or the territorial sea or internal waters of Japan.

- (i) An act to seize some other vessel while underway or an act to freely control its operation by trapping a person so as to be in a state in which the person is unable to resist through the use of violence or intimidation or some other method.
- (ii) An act to seize property onboard some other vessel while underway or to obtain an illegal profit in terms of property, or to have another person obtain such illegal profit by trapping the person so as to be in a state in which the person is unable to resist through the use of violence or intimidation or some other method.
- (iii) An act to abduct a person who is onboard another vessel while underway for the purpose of taking the person hostage in order to have a third party deliver property or to carry out an act for which there is no obligation or not to exercise a right.
- (iv) An act demanding a third party to deliver property or to carry out an act for which there is no obligation or not to exercise a right having taken hostage a person who was abducted or who was on board another vessel while underway whose operations are being freely controlled or a person who was abducted onboard some other vessel while underway.

- (v) An act of invading some other vessel while underway or of damaging it for the purpose of committing an act of piracy pertaining to any one of the preceding items.
- (vi) An act of navigating a vessel and of coming significantly close to or of following some other vessel while underway or of interfering with its progress for the purpose of committing an act of piracy pertaining to any of the items from item (i) to item (iv) inclusive.
- (vii) An act of navigating a vessel having prepared a weapon for the purpose of committing an act of piracy pertaining to any of the items from item (i) to item (iv) inclusive.

(Crimes Relating to Acts of Piracy)

Article 3 (1) A person who has committed an act of piracy pertaining to any of the items from item (i) to item (iv) inclusive of the preceding Article shall be punished by imprisonment with work for life or for a definite term of not less than five years.

(2) Any attempt to commit a crime (except for those pertaining to the act of piracy pertaining to item (iv) of the preceding Article) set forth under the preceding paragraph shall be punished.

(3) A person who has committed an act of piracy pertaining to item (v) or item (vi) of the preceding Article shall be punished by imprisonment with work for a definite term of not more than five years.

(4) A person who has committed an act of piracy pertaining to item (vii) of the preceding Article shall be punished by imprisonment with work for a definite term of not more than three years; provided, however, that the sentence shall be mitigated or remitted for a person who surrendered before commencing to commit the crime set forth under paragraph (1) or the preceding paragraph.

Article 4 (1) A person who has committed a crime set forth under paragraph (1) or paragraph (2) of the preceding Article shall be punished by imprisonment with work for life or for a definite term of not less than six years if the person injures other people, and shall be punished by death penalty or imprisonment with work for life if the person kills other people.

(2) Any attempt to commit the crimes set forth under the preceding paragraph shall be punished.

(Piracy Countermeasures by the Japan Coast Guard)

Article 5 (1) Piracy countermeasures shall be in accordance with the provisions of this Act, the Japan Coast Guard Act (Act No. 28 of 1948), and other laws and regulations, and the Japan Coast Guard shall implement the necessary measures for these provisions.

- (2) The provisions of the preceding paragraph shall not be construed as interfering with the authority of the police administrative agencies provided for in item (xix) of Article 5 of the Japan Coast Guard Act to implement necessary piracy countermeasures in accordance with the provisions of relevant laws and regulations.

Article 6 The Coast Guard Officers or assistant Coast Guard Officers may use a weapon to the extent judged to be reasonably necessary in light of the circumstances if there are sufficient grounds to believe that there are no other means to stop the vessel when suppressing an act of piracy (limited to those pertaining to item (vi) of Article 2) which comes under a crime set forth under paragraph (3) of Article 3 that is in the process of being committed, in cases where the person committing the act of piracy does not comply with other measures for suppression and continues to commit such act of piracy while navigating the vessel, in addition to cases where the Coast Guard Officers or assistant Coast Guard Officers use a weapon in accordance with the provisions of Article 7 of the Police Duties Execution Act (Act No. 136 of 1948) as applied *mutatis mutandis* pursuant to the provision of paragraph (1) of Article 20 of the Japan Coast Guard Act.

(Piracy Countermeasure Action)

Article 7 (1) With the approval of the Prime Minister, the Minister of Defense may order units of the Self-Defense Forces to take necessary piracy countermeasure action at sea in cases in which the Minister finds it particularly necessary. In such cases, the provisions of Article 82 of the Self-Defense Forces Act (Act No. 165 of 1954) shall not apply.

- (2) If the Minister of Defense intends to obtain the approval set forth under the preceding paragraph, the Minister shall consult with the heads of the relevant government agencies to prepare guidelines for measures specifying the following matters and shall submit them to the Prime Minister; provided, however, that it is sufficient to report a summary of the required actions to the Prime Minister if it is urgently required to deal with an act of piracy currently being committed.

- (i) The need for the action set forth under the preceding paragraph (hereinafter referred to as “the piracy countermeasure action”).
- (ii) The areas of the sea where the piracy countermeasure action is to be conducted.
- (iii) The size and composition of the unit of the Self-Defense Forces ordered to conduct the piracy countermeasure action as well as the equipment and period.
- (iv) Other important matters relating to the piracy countermeasure action.

- (3) The Prime Minister shall report the matters specified in each item to the Diet without delay in the cases given in the following items.

- (i) If the Prime Minister has given the approval set forth under paragraph (1): to such effect and the matters given in each items of the preceding paragraph.

(ii) If the piracy countermeasure action has been completed: its results.

(Authority of the Self-Defense Forces at the Time of the Piracy Countermeasure Action)

Article 8 (1) The provisions of Article 16, paragraph (1) of Article 17 and Article 18 of the Japan Coast Guard Act shall apply mutatis mutandis to the execution of the duties of Self-Defense Forces personnel of Maritime Self-Defense Forces petty officer third class rank or above ordered to carry out the piracy countermeasure action.

(2) The provisions of Article 7 of the Police Duties Execution Act and the provisions of Article 6 shall apply mutatis mutandis to the execution of the duties of the Self-Defense Forces personnel ordered to carry out the piracy countermeasure action. In this case, “paragraph (1) of Article 20 of the Japan Coast Guard Act” in the text of the same Article shall be replaced and read as “paragraph (2) of Article 8”.

(3) The provisions of paragraph (2) of Article 89 of the Self-Defense Forces Act shall apply mutatis mutandis to cases where a Self-Defense Forces officer uses a weapon in accordance with Article 7 of the Police Duties Execution Act as applied mutatis mutandis pursuant to the preceding paragraph and Article 6 as applied mutatis mutandis pursuant to the same paragraph.

(Application of the Laws and Regulations of Japan)

Article 9 The laws and regulations of Japan (including penalties) shall apply to the execution of the duties of a Japanese government officer and acts interfering with such duties outside of Japan relating to piracy countermeasures in accordance with the provisions of Article 5 to the preceding Article inclusive.

(Cooperation of the Relevant Administrative Agencies)

Article 10 The heads of the relevant administrative agencies shall cooperate with the Commandant of the Japan Coast Guard and the Minister of Defense in relation to piracy countermeasures in order to achieve the purpose of Article 1.

(Responsibility of the State)

Article 11 (1) The State shall endeavor to collect, organize, analyze, and provide information which is necessary to prevent damage caused by an act of piracy.

(2) A shipping business operator or some other person related to the shipping of a vessel which is provided for in paragraph (2) of Article 23-3 of the Marine Transportation Act (Act No. 187 of 1949) shall itself endeavor to prevent damage owing to an act of piracy and shall endeavor to properly provide information relating to piracy to the State.

(Sincere Implementation of International Agreements)

Article 12 Care shall be taken when enforcing this Act so as not to interfere with the

sincere implementation of treaties and other international agreements that Japan has signed, and international laws and regulations that have been established shall be complied with.

(Delegation to a Cabinet Order)

Article 13 In addition to those matters specified in this Act, the procedures to implement this Act and other necessary matters relating to the execution of this Act shall be specified by a Cabinet Order.

Supplementary Provisions Extract

(Effective Date)

Article 1 This Act shall come into effect as from the date when 30 days have elapsed from the date of promulgation.

Article 2 Deleted

(Transitional Measures)

Article 3 The provisions of the proviso to paragraph (4) of Article 3 shall apply to acts for which a person has surrendered after the enforcement of this Act for an act committed prior to the enforcement of this Act.

Article 4 The provisions of the second sentence of paragraph (1) of Article 7 shall not apply with regard to the actions of the personnel of the Self-Defense Forces who have been ordered to carry out an action pursuant to the provisions of Article 82 of the Self-Defense Forces Act which is currently being carried out at the time of the enforcement of this Act.

Supplementary Provisions (Act No. 74 of June 24, 2011) Extract

(Effective Date)

Article 1 This Act shall come into effect as from the date when 20 days have elapsed from the date of promulgation.

Supplementary Provisions (Act No. 71 of September 5, 2012) Extract

(Effective Date)

1. This Act shall come into effect as from the date when 20 days have elapsed from the date of promulgation.

Act on Special Measures Concerning the Guarding of Japanese Ships in Pirate-Infested Waters (Tentative translation)

Act No. 75 of November 20, 2013

Chapter I General Provisions (Article 1 and Article 2)

Chapter II Designated Security Implementation Guidelines (Article 3)

Chapter III Certification of the Designated Security Plan (Article 4 to Article 6)

Chapter IV Confirmation of People Engaging in Designated Security (Article 7 to Article 10)

Chapter V Implementation of Designated Security

Section 1 General Rules (Article 11 and Article 12)

Section 2 Implementation of Designated Security (Article 13 to Article 17)

Section 3 Miscellaneous Provisions (Article 18 to Article 20)

Chapter VI Miscellaneous Provisions (Article 21 to Article 23)

Chapter VII Penal Provisions (Article 24 to Article 27)

Supplementary Provisions

Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to provide for special measures enabling the implementation, etc. of designated security with regard to Japanese vessels pertaining to plans which have been certified by the Minister of Land, Infrastructure, Transport and Tourism in order to ensure the safety of their navigation in light of the risks of hazards to the navigation of Japanese vessels furnished for the use of transportation of crude oil and other supplies indispensable for the lives of the citizenry, which are dependent on imports, in pirate-infested waters.

(Definitions)

Article 2 In this Act, the meanings of the terms listed in each of the following items shall be as specified in each relevant item.

- (i) Act of piracy: meaning an act set forth under any of the items of Article 2 of the Act on Penalization of Acts of Piracy and Measures against Acts of Piracy (Act No. 55 of 2009; hereinafter referred to in paragraph (4) of Article 15 as “Act on Penalization and Countermeasures against Piracy”) committed by a person who mans or has embarked on a vessel (except for warships or vessels owned or operated by a government) for a private purpose on the high seas (including the exclusive economic zone provided for in the United Nations Convention on the Law of the Sea).
- (ii) Pirate-infested waters: meaning the waters among waters that are infested with an act of piracy for which it is specified by the Cabinet Order that it is particularly necessary to prevent the damage of a Japanese vessel owing to an act of piracy.
- (iii) Japanese vessel: meaning the Japanese vessels specified in Article 1 of the Ship Act (Act No. 46 of 1899).
- (iv) Designated Japanese vessels: meaning a Japanese vessel furnished for the transportation of crude oil and other supplies indispensable for the lives of the citizenry which have been specified by the Cabinet Order as goods dependent on imports, and which meet the criteria specified in the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, such as the speed of said vessel, the height of the shipside, and other matters relating to said vessel, for which there is a large risk of being a target of an act of piracy, and moreover, for which facilities have been installed in order for the crew members and people onboard said vessel to be able to evacuate and other necessary measures have been taken to reduce damage due to an act of piracy as specified by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.
- (v) Designated security: meaning security to be implemented using rifles on the designated Japanese vessels in order to prevent damage through an act of piracy in

pirate-infested waters.

Chapter II Designated Security Implementation Guidelines

- Article 3 (1) The Minister of Land, Infrastructure, Transport and Tourism shall formulate Designated Security Implementation Guidelines specifying the matters which are to be complied with in order to ensure that the designated security is implemented appropriately within the extent necessary to achieve its purpose.
- (2) The matters provided for in the Designated Security Implementation Guidelines shall be as follows.
- (i) The fundamental principles relating to the implementation of designated security.
 - (ii) The use of rifles and other matters relating to the specific contents and the procedures of the designated security to be taken depending on the aspects of the piracy.
 - (iii) The matters relating to the management of rifles and live cartridges to be furnished for use in the designated security (hereinafter referred to as “rifles, etc.”).
 - (iv) Matters relating to contact with other relevant organizations in cases where there is a risk of hazards to navigation through an act of piracy or other cases of emergency.
 - (v) In addition to those matters given in each of the preceding items, necessary matters to ensure that the designated security is appropriately implemented within the extent necessary to achieve its purpose.
- (3) The Minister of Land, Infrastructure, Transport and Tourism shall consult the heads of the relevant government agencies (the National Public Safety Commission in cases where the relevant government agency is the National Public Safety Commission) in advance in cases of formulating the Designated Security Implementation Guidelines.
- (4) When the Minister of Land, Infrastructure, Transport and Tourism has formulated the Designated Security Implementation Guidelines, the Minister shall make them public without delay.
- (5) The provisions of the two preceding paragraphs shall apply mutatis mutandis to changes in the Designated Security Implementation Guidelines.

Chapter III Certification of the Designated Security Plan

(Certification of the Designated Security Plan)

- Article 4 (1) The owner of a designated Japanese vessel may prepare a plan related to designated security for said designated Japanese vessel (hereinafter referred to as a “designated security plan”) for each vessel as specified by the Ordinance of the

Ministry of Land, Infrastructure, Transport and Tourism, and may submit it to the Minister of Land, Infrastructure, Transport and Tourism and receive certification to the effect that said designated security plan is appropriate.

- (2) The designated security plan shall contain the following matters.
 - (i) The name and address of the applicant and, in the case of a juridical person, the name of its representative.
 - (ii) The name of the designated Japanese vessel and the vessel type.
 - (iii) The equipment for the storage of rifles, etc. to be furnished for use in the designated security and the method of its management (including matters relating to the appointment of the master who is to manage said rifles, etc.).
 - (iv) Matters related to the business operator who is to implement the designated security at the request of the applicant.
 - (v) The method of implementation of the designated security.
 - (vi) Other matters specified by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.
- (3) If the Minister of Land, Infrastructure and Transport and Tourism deems that the designated security plan conforms to all of the following requirements in cases where the application for certification set forth under paragraph (1) has been made, the Minister shall certify the designated security plan.
 - (i) It is appropriate in light of the Designated Security Implementation Guidelines.
 - (ii) The matters given in item (iii) of the preceding paragraph conform to the standards specified by the Ordinance of the Ministry of Land, Infrastructure and Transport and Tourism as those being necessary to appropriately carry out the management of the rifles, etc.
 - (iii) The business operator specified in item (iv) of the preceding paragraph is a person who conforms to the standards specified in the Ordinance of the Ministry of Land, Infrastructure and Transport and Tourism as a person who has sufficient competence to appropriately implement the designated security.
 - (iv) The applicant does not fall under any of the following items.
 - (a) A person who has violated the provisions of this Act or any order issued under this Act , who has been sentenced to a fine or severer punishment, and for whom two years have not yet passed since the person served the sentence or was no longer subject to the execution of the sentence;
 - (b) A person whose certification set forth under paragraph (1) has been revoked in accordance with the provisions of Article 6, and for whom two years have not yet passed since the date of the revocation;
 - (c) A juridical person where any of the officers performing its work falls under either (a) or (b).
 - (v) Any other person who conforms to the standards specified by the Ordinance of the Ministry of Land, Infrastructure and Transport and Tourism as being able to

properly implement the designated security.

(Changes in the Designated Security Plan)

Article (5) If the owner of the designated Japanese vessel certified as set forth under paragraph (1) of the preceding Article (hereinafter referred to as “certified vessel owner”) intends to change the designated security plan pertaining to said certification, the certified vessel owner shall receive certification from the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provisions of the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism; provided, however that this shall not apply when making the minor changes specified in the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

(2) If the certified vessel owner intends to make the minor changes as specified in the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism set forth in the proviso to the preceding paragraph, the certified vessel owner shall notify the Minister of Land, Infrastructure, Transport and Transport to that effect in advance as specified in the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

(3) The provisions of paragraph (3) of the preceding paragraph shall apply mutatis mutandis to the certification of changes in accordance with the provisions of paragraph (1).

(Revocation of Certification)

Article (6) If the Minister of Land, Infrastructure, Transport and Tourism deems that one of the following items has come to apply, the Minister may revoke the certification set forth under paragraph (1) of Article 4.

(i) If the certified vessel owner or the business operator provided for in item (iv) of paragraph (2) of Article 4 is not having the designated security implemented or is not implementing the designated security in accordance with the designated security plan pertaining to the certification set forth under paragraph (1) of the same Article (in cases where the change pursuant to the provisions of paragraph (1) of the preceding Article has been made or the change pertaining to the notification pursuant to the provisions of paragraph (2) of the same Article has been made, the plan after the change; hereinafter referred to as the “certified plan”).

(ii) If the matters given in item (iii) of paragraph (2) of Article 4 no longer conform to the standards specified in the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism set forth under item (ii) of paragraph (3) of the same Article.

(iii) If the business operator specified in item (iv) of paragraph (2) of Article 4 no longer conforms to the standards specified in the Ordinance of the Ministry of

Land, Infrastructure, Transport and Tourism set forth under item (iii) of paragraph (3) of the same Article.

- (iv) If the certified vessel owner has come to fall under item (iv)(a) or (c) of paragraph (3) of Article 4.
- (v) If there is no longer conformance to the standards specified in the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism set forth under item (v) of paragraph (3) of Article 4.
- (vi) In addition to those matters given in each of the preceding items, if the certified vessel owner has violated the provisions of this Act, any orders issued under this Act, or any dispositions based on these provisions.

Chapter IV Confirmation of People Engaged in the Designated Security

(Confirmation of People Engaged in the Designated Security)

Article 7 If the certified vessel owner intends to have the business operator (hereinafter referred to as “designated security operator”) provided for in item (iv) of paragraph (2) of Article 4 described in the certified plan implement the designated security pertaining to said certified plan, the certified vessel owner shall receive certification from the Minister of Land, Infrastructure, Transport and Tourism in accordance with the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism with regard to the people being employed by said designated security operator, who are engaging in said designated security, conforming to all of the following requirements.

- (i) The person conforms to the standards specified by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism as a person possessing the knowledge and skills relating to the handling of rifles, etc. necessary to properly perform the designated security.
- (ii) A person who does not fall under any of the following (a) through to (m) inclusive.
 - (a) A person who is under the age of 20.
 - (b) A person who has a mental disorder or suffers from impaired awareness owing to seizures, or has some other illness which could hinder the proper handling of a rifle as specified by the Cabinet Order, or a person with dementia as provided for in Article 5-2 of the Long-Term Care Insurance Act (Act No. 123 of 1997).
 - (c) A person addicted to alcohol, narcotics, cannabis, opium, or stimulants.
 - (d) A person who does not have the ability or has a significantly low ability to discern right from wrong in the person’s own acts or to act in accordance with such determination (except for people falling under any of (a) through to (c) inclusive).
 - (e) A person whose confirmation has been revoked in accordance with the provisions of Article 9 for falling under item (ii) (limited to those pertaining to (g),

- (h), (l), or (m) of item (ii) of Article 7 or (iii) of Article 9, and five years have not yet passed since the date of such revocation.
- (f) A person whose confirmation has been revoked in accordance with the provisions of Article 9 for falling under item (ii) of Article 9 (limited to those pertaining to (j) or (k) of item (ii) of Article 7), and 10 years have not yet passed since the date of such revocation.
- (g) A person who has been sentenced to imprisonment without work or a severer punishment (including punishments under the equivalent laws and regulations of a foreign country), and for whom five years have not yet passed since the person served the sentence or was no longer subject to the execution of the sentence.
- (h) A person who has violated the provisions of this Act or any order issued under this Act or the provisions of the Act for Controlling the Possession of Firearms or Swords and Other Such Weapons (Act No. 6 of 1958) or any order issued under this Act or the provisions of any equivalent laws and regulations of a foreign country or a disposition based on these foreign laws and regulations, or the provisions of the Explosives Control Act (Act No. 149 of 1950) with regard to the explosives to which the provisions of paragraph (1) of Article 50-2 of the same Act apply or any order issued under this Act, or the provisions of any equivalent laws and regulations of a foreign country or a disposition based on these foreign laws and regulations, and has been sentenced to the punishment of a fine (including punishments under equivalent foreign laws and regulations), and for whom five years have not yet passed since the person served the sentence or was no longer subject to the execution of the sentence.
- (i) A person who has committed an act provided for in (j) or (k) and has been sentenced to the punishment of a fine (including punishments under equivalent foreign laws and regulations), and for whom five years have not yet passed since the person served the sentence or was no longer subject to the execution of the sentence (except for those people falling under (h)).
- (j) A person who has committed a crime of injuring lives or bodies of others (limited to those punishable by the death penalty, life imprisonment, or imprisonment with or without work for a maximum period of not less than three years), which is a criminal act specified in the Cabinet Ordinance (including an act which was performed outside of Japan and would have corresponded to such crime had said act been performed in Japan, and moreover, is an act which corresponds to a crime in accordance with the laws and regulations of the place where said act was performed), and for whom 10 years have not yet passed from the date of the act.
- (k) A person who has committed a violent and dangerous crime other than the crimes provided for in (j) using the firearms, swords, or other such weapons as prescribed in item (iii) of paragraph (2) of Article 5-2 of the Act for Controlling the

Possession of Firearms or Swords and Other Such Weapons (limited to those punishable by the death penalty, life imprisonment, or imprisonment with or without work for a maximum period of not less than three years), which is a criminal act specified in a ministerial ordinance (including an act which was performed outside of Japan and would have corresponded to such crime had said act been performed in Japan, and moreover, is an act which corresponds to a crime in accordance with the laws and regulations of the place where said act was performed), and for whom 10 years have not yet passed from the date of the act.

- (l) A person for whom there are reasonable grounds to believe that the person is likely to conduct a violent illegal act or some other illegal act corresponding to a crime, which is specified by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism collectively or regularly.
- (m) A person for whom there are reasonable grounds to believe that the person is likely to injure lives, bodies, or properties of others (except for persons falling under (l)).

(Notification of Changes)

Article 8 If the fact of falling under one of the following items has arisen with regard to the person engaging in the designated security who received the confirmation set forth under the preceding Article (hereinafter referred to as “confirmed designated security personnel”), the certified vessel owner shall notify the Minister of Land, Infrastructure, Transport and Tourism to that effect without delay in accordance with the provisions of the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

- (i) The person no longer conforms to the standards specified in the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism set forth under item (i) of the preceding Article.
- (ii) The person has come to fall under any one of (b) to (d) inclusive, (g), (h), or (j) to (m) inclusive of item (ii) of the preceding Article.
- (iii) The person is no longer employed by the designated security operator.
- (iv) Where otherwise provided for by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

(Revocation of Confirmation)

Article 9 If the confirmed designated security personnel falls under any of the following items, the Minister of Land, Infrastructure, Transport and Tourism may revoke the confirmation set forth under Article 7.

- (i) The person no longer conforms to the standards specified in the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism set forth under item (i) of Article 7.

- (ii) The person has come to fall under any one of (b) to (d) inclusive, (g), (h), or (j) to (m) inclusive of item (ii) of Article 7.
- (iii) In addition to those matters given in the preceding two items, the person has violated the provisions of this Act, any orders issued under this Act or any disposition based on these provisions.

(Lapse of the Confirmation)

Article 10 If any of the following grounds arise with regard to the confirmed designated security personnel, the confirmation set forth under Article 7 shall cease to be effective.

- (i) Three years have passed since the date of receiving said confirmation.
- (ii) The confirmed designated security personnel is no longer employed by the designated security operator pertaining to said confirmation.
- (iii) The certification set forth under paragraph (1) of Article 4 has been revoked in accordance with the provisions of Article 6.
- (iv) The designated security operator pertaining to said confirmation is no longer described in said certified plan due to a change in the certified plan pursuant to the provisions of paragraph (1) of Article 5.

Chapter V Implementation of Designated Security

Section 1 General Rules

(Proper Implementation of Designated Security)

Article 11 (1) The certified vessel owner shall have the designated security operator implement the designated security in accordance with the Designated Security Implementation Guidelines and certified plan.

- (2) The certified vessel owner shall not have any person other than the confirmed designated security personnel engaged in the designated security.
- (3) The certified vessel owner shall take the necessary measures to ensure that the certified designated security personnel conduct the designated security in accordance with the Designated Security Implementation Guidelines.

Article 12 The confirmed designated security personnel shall conduct the designated security in accordance with the Designated Security Implementation Guidelines.

Section 2 Implementation of the Designated Security

(Designated Security Implementation Plan)

Article 13 If the certified vessel owner intends to have the designated security operator

implement the designated security pertaining to the certified plan, the certified vessel owner shall set out a plan relating to the implementation of the designated security describing the following matters for each navigation for which the certified vessel owner intends to have said designated security implemented as specified in the provisions of the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, and shall notify the Minister of Land, Infrastructure, Transport and Tourism in advance. The same shall apply when making changes to the plan.

- (i) The name of the designated Japanese vessel.
- (ii) The name of the designated security operator implementing the designated security.
- (iii) The name of the confirmed designated security personnel.
- (iv) The implementation period of the designated security.
- (v) The expected quantity of rifles, etc. which will be loaded.
- (vi) Other matters specified by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

(Possession of a Rifle)

Article 14 (1) In cases of boarding a designated Japanese vessel for the purpose of engaging in the designated security pertaining to the certified plan, the confirmed designated security personnel may possess a rifle, etc. limited to when said designated Japanese vessel is in pirate-infested waters (including transit sea areas (meaning the territorial seas specified by the Cabinet Ordinance as necessary for passage in order for said designated Japanese vessel to navigate between mutual sea areas in cases where the pirate-infested waters are separated into two or more sea areas through the territorial seas of foreign countries)).

- (2) The person who has been consigned with the storage of the rifles, etc. in accordance with the provisions of paragraph (1) of Article 16 may possess a rifle, etc. pertaining to that consignment for the purpose of the storage in accordance with the provisions of paragraph (2) of the same Article.

(Restrictions on the Aspects of Possessing Rifles)

Article 15 (1) The confirmed designated security personnel shall not carry a rifle, etc. except in cases of the loading and unloading of such rifles, etc. or cases in accordance with the provisions of paragraph (3), paragraph (4), or paragraph (6).

- (2) The confirmed designated security personnel shall not fire a rifle, etc. except in cases in accordance with the provisions of the following paragraph, paragraph (4), and paragraph (6).
- (3) The designated security personnel may test a rifle by firing it towards the sea surface after checking that there are no other vessels in the surrounding areas limited to the minimum extent necessary to safely and accurately fire the rifle in accordance with

the provisions of the following paragraph or paragraph (6) on said designated Japanese vessel in pirate-infested waters.

- (4) In cases where an act of navigating a vessel and of coming significantly close to or of following the designated Japanese vessel while underway or of interfering with its progress for the purpose of committing an act of piracy (limited to those pertaining to any of the items from item (i) to item (iv) inclusive of Article 2 of the Act on Penalization and Countermeasures against Piracy) which is in the process of being committed in pirate-infested waters and where the person committing said act of piracy does not comply with other measures for suppression and continues to commit that act of piracy while navigating the vessel, the confirmed designated security personnel may reveal the fact of possession of a rifle to the vessel manned or embarked upon by said person, hold the rifle in preparation, or fire the rifle in the air above said vessel or towards the surface of the sea to the extent judged to be reasonably necessary in light of such circumstances if there are sufficient grounds to believe that there are no other means to suspend the progress of the vessel.
- (5) The confirmed designated security personnel shall be careful not to cause harm to lives, bodies, or properties of others in cases of firing a rifle in accordance with the provisions of the preceding two paragraphs by confirming the surrounding areas in advance and taking other necessary measures.
- (6) In addition to those cases provided for in paragraph (4), the confirmed designated security personnel may use a rifle to the extent judged to be reasonably necessary in light of the circumstances if there are sufficient grounds to believe that it is unavoidable in order to defend the life or body of the confirmed designated security personnel or the lives or bodies of people who man or have embarked upon said designated Japanese vessel with the confirmed designated security personnel in the cases provided for in the same paragraph.
- (7) In cases where the confirmed designated security personnel fires a rifle in accordance with the provisions of the preceding paragraph, in addition to the cases falling under Article 36 or Article 37 of the Penal Code (Act No. 45 of 1907), the confirmed designated security personnel shall not cause harm to any person.
- (8) Except in cases where the confirmed designated security personnel has fired a rifle in accordance with the provisions of paragraph (3), paragraph (4), or paragraph (6), the confirmed designated security personnel shall not load live cartridges into said rifle.

(Consignment of the Storage of Rifles)

Article 16 Except in cases of carrying a rifle, etc. in accordance with the provisions of paragraph (1) of the preceding Article, the confirmed designated security personnel shall consign the storage of rifles, etc. to the master of the designated Japanese vessel (if a person other than the master is carrying out the duties in lieu of the master, that

person; hereinafter referred to simply as “master”).

- (2) The master shall store the rifles, etc. stored through consignment pursuant to the provisions of the preceding paragraph using equipment and methods which conform to the standards specified in the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.
- (3) In cases where rifles, etc. have been lost or stolen within the designated Japanese vessel which is implementing the designated security pertaining to the certified plan, the master shall immediately notify the Minister of Land, Infrastructure, Transport and Tourism to that effect in accordance with the provisions of the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.
- (4) If the Minister of Land, Infrastructure, Transport and Tourism has received a notification in accordance with the provisions of the preceding paragraph, the Minister shall promptly notify the Prefectural Public Safety Commission to that effect pursuant to the provisions of the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism and the Cabinet Ordinance.

(Orders on Measures)

Article 17 If the Minister of Land, Infrastructure, Transport and Tourism finds that there is a risk of hindrance being caused to the proper implementation of the designated security, the Minister may order the certified vessel owner to suspend the designated security or to take other measures necessary to ensure safety.

Section 3 Miscellaneous Provisions

(Record Books)

Article 18 The certified vessel owner shall keep record books in accordance with the provisions of the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism in cases of having the designated security operator implement the designated security pertaining to the certified plan, and in the event of the loading or unloading of rifles, etc., the firing of a rifle, or other reasons arising as specified in the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, the certified vessel owner shall describe the matters specified by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism in said record books, and save them.

(Confirmation at the Time of Entering a Port)

Article 19 With regard to a designated Japanese vessel which intends to enter a Japanese port for the first time following the implementation of the designated security pertaining to the certified plan, no person may disembark in Japan from the designated Japanese vessel or unload objects unless the confirmation of the Minister

of Land, Infrastructure, Transport and Tourism has been received that there are no rifles, etc. within the designated Japanese vessel; provided, however, that this shall not apply when falling under the cases specified by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism where there is no possibility that rifles, etc. will be unloaded in Japan.

(Exemptions to Application of Other Laws)

Article 20 (1) The provisions of the Security Services Act (Act No. 117 of 1972) shall not apply to the designated security pertaining to a certified plan implemented on a designated Japanese vessel.

(2) The provisions of Article 28 of the Act for Controlling the Possession of Firearms or Swords and Other Such Weapons shall not apply to rifles furnished for use in the designated security pertaining to the certified plan.

Chapter VI Miscellaneous Provisions

(Collection of Reports)

Article 21 The Minister of Land, Infrastructure, Transport and Tourism may have the certified vessel owner or master give a report on the status of the implementation of the designated security and on other necessary matters within the extent necessary for the enforcement of this Act.

(On-site Inspections)

Article 22 (1) The Minister of Land, Infrastructure, Transport and Tourism may have the Minister's officers enter the business office, workplace, vessel, or other places of the certified vessel owner and have them inspect the equipment, books, documents, and other property, or have them question the crew members or other relevant persons within the extent necessary for the enforcement of this Act.

(2) Officers who conduct an on-site inspection pursuant to the provisions of the preceding paragraph shall carry an identity card on their person and shall present it upon the request of a relevant person.

(3) The authority for the on-site inspection in accordance with the provisions of paragraph (1) shall not be construed as having been granted for the purpose of a criminal investigation.

(Delegation to an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism)

Article 23 In addition to those matters provided for in this Act, the matters necessary for the implementation of this Act shall be prescribed by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

Chapter VII Penal Provisions

Article 24 A person who has violated the provisions of paragraph (2) of Article 15 shall be punished by imprisonment with work for a definite term of not more than five years or a fine of not more than one million yen.

Article 25 A person who has violated the provisions of paragraph (1) of Article 15 shall be punished by imprisonment with work for a definite term of not more than two years or a fine of not more than 300,000 yen.

Article 26 A person who falls under any of the following items shall be punished by a fine of not more than 200,000 yen.

- (i) A person who has violated the provisions of paragraph (8) of Article 15, paragraph (2) of Article 16 or Article 19.
- (ii) A person who has not given the notification in accordance with the provisions of paragraph (3) of Article 16, or has given a false notification.
- (iii) A person who has not kept the record books, not entered descriptions in the record books or has made a false entry, or has not saved the record books in violation of the provisions of Article 18.
- (iv) A person who has not given the report in accordance with the provisions of Article 21, or has given a false report.
- (v) A person who has refused, hindered, or evaded an inspection or has not answered the questions in accordance with the provisions of paragraph (1) of Article 22, or has given false answers.

Article 27 If the representative, agent, employee, or other personnel of the certified vessel owner has committed an act of violation given in item (iii) to item (v) inclusive of the preceding Article in relation to the business of the certified vessel owner, the same punishment set forth under the same Article shall be imposed on the certified vessel owner in addition to punishing the person who committed the act.

Supplementary Provisions

(Effective Date)

Article 1 This Act shall come into effect on the date specified by the Cabinet Order within a period not exceeding three months from the date of promulgation.

(Review)

Article 2 The government shall review the status of the implementation of this Act and shall take necessary measures based on the results of the review after five years have

passed since the enforcement of this Act.