

Fishery Act

(Act No. 267 of December 15, 1949)

Table of Contents

| |
|--|
| Chapter I General Provisions (Article 1 through 5) |
| Chapter II Fishery Rights and Piscaries (Article 6 through 51) |
| Chapter III Designated Fishery (Article 52 through 64) |
| Chapter IV Fisheries Adjustment (Article 65 through 74-4) |
| Chapter V (Deletion) |
| Chapter VI Fisheries Adjustment Commissions. |
| Section 1 General Provisions (Article 82 and 83) |
| Section 2 Sea-area Fisheries Adjustment Commissions (Article 84 through 104) |
| Section 3 United Sea-area Fisheries Adjustment Committee (Article 105 through 109) |
| Section 4 Wide Sea-area Fisheries Adjustment Commission (Article 110 through 114) |
| Section 5 Miscellaneous Provisions (Article 115 through 119) |
| Chapter VII Use of Land and Fixtures of Land (Article 120 through 126) |
| Chapter VIII Inland Waters Fishery (Article 127 through 132) |
| Chapter IX Miscellaneous Provisions (Article 133 through Article 137-3) |
| Chapter X Penal Provisions (Article 138 through 146) |
| Supplementary Provisions |

Chapter I General Provisions

(Purpose of this Act)

Article 1 The purpose of this Act is to establish a basic fisheries production system in which fisheries adjustment organizations mainly consisting of fishery managers and fishery employees can be operated for systematic utilize of waters, to thereby enhance fisheries productivity and also to democratize the fishing industry.

(Definitions)

Article 2 (1) In this Act, "a fishery" refers to the business of gathering, catching or culturing aquatic animals and plants.
(2) In this Act, "a fishery manager" refers to a person who operates a fishery, and "a fishery employee" refers to a person who is engaged in gathering, catching or culturing aquatic animals and plants on behalf of a fishery manager.

- (3) In this Act, "a powered fishing boat" refers to a boat equipped with a propulsion machine, which falls under any of the following items.
- (i) A boat exclusively engaged in a fishery
 - (ii) A boat exclusively engaged in a fishery and having equipment for preserving catch or manufacturing
 - (iii) A boat for exclusively transporting catch or its product from a fishing ground
 - (iv) A boat exclusively engaged in the examination, investigation, guidance or training concerning a fishery or a boat engaged in law enforcement and having fishing equipment

(Scope of Application)

Article 3 The provisions of this Act shall not apply to the waters not provided by the public, unless otherwise prescribed.

Article 4 The provisions of this Act shall apply to the waters not provided by the public but communicating integrally with the waters provided by the public.

(Joint Application)

- Article 5 (1) In the case where two or more persons jointly file an application concerning a matter provided in this Act or in an Order pursuant to this Act, one of them shall be appointed as a representative, and it shall be notified to the administrative agency concerned. The same shall apply also when the representative has been changed.
- (2) In the case where the notification set forth in the preceding paragraph has not been made, the administrative agency shall designate the representative.
- (3) The representative shall represent the copartners in relation with the administrative agency.
- (4) The provisions of the preceding three paragraphs shall apply mutatis mutandis in the case where two or more persons have jointly acquired a fishery right or a mortgage covering it or a piscary.

Chapter II Fishery Rights and Piscaries

(Definitions of Fishery Rights)

- Article 6 (1) In this Act, "a fishery right" refers to a fixed gear fishery right, a demarcated fishery right or a common fishery right.
- (2) The "fixed gear fishery right" refers to the right of operating a fixed gear fishery; the "demarcated fishery right," the right of operating a demarcated fishery; and the "common fishery right," the right of operating a common fishery.

- (3) The "fixed gear fishery" refers to a fishery operated with fixed gear, which falls under any of the following items.
- (i) A fishery in which the deepest water depth at the place where the body of a fishing net is fixed is 27 meters (15 meters in Okinawa Prefecture) or more at the time of the highest sea level (excluding the fishery using a pound net with some cube-shaped bags in the Seto Inland Sea (the Seto Inland Sea provided in paragraph (2), Article 110) and the fishery using a fixed shore trap net with a pocket and the fishery using a pound net with some cube-shaped bags in the Mutsu Bay (the sea surrounded by the straight line between Yakeyamazaki, Aomori Prefecture and the lighthouse at Cape Myojingasaki, Aomori Prefecture and by the shore).
 - (ii) A fishery for catching mainly salmon in Hokkaido
- (4) The "demarcated fishery" refers to a fishery which falls under any of the following items.
- (i) Class 1 demarcated fishery: An aquaculture business operated with stones, roof tiles, bamboos, trees, laid in a certain region
 - (ii) Class 2 demarcated fishery: An aquaculture business operated in a certain region surrounded by earth, stones, bamboos, trees.
 - (iii) Class 3 demarcated fishery: An aquaculture business operated in a certain region, other than those prescribed in the preceding two items
- (5) The "common fishery" refers to a fishery operated in certain commonly utilized waters, which falls under any of the following items.
- (i) Class 1 common fishery: A fishery for purposing at algae, shellfishes, or other stationary aquatic animals designated by the Agriculture, Forestry and Fisheries Minister.
 - (ii) Class 2 common fishery: A fishery operated with a fishing nets or gear (including brush weir or fish pound) laid stationary, other than the fixed fishery and the fishery prescribed in item (v)
 - (iii) Class 3 common fishery: Long-haul seine fishery, rowboat dragline fishery, boat seine fishery (excluding the fishery using a powered fishing boat), domesticated fishery or artificial bank fishery (excluding the fishery prescribed in item (i)), other than the fishery prescribed in item (v)
 - (iv) Class 4 common fishery: Fishery of the that gathered together or boat fishery using birds as a guide, other than the fishery prescribed in the following item
 - (v) Class 5 common fishery: A fishery operated on inland waters (excluding the lakes and marshes designated by the Agriculture, Forestry and Fisheries Minister) or on the sea equivalent to the lakes and marshes designated by the Agriculture, Forestry and Fisheries Minister, other than the fishery prescribed in item (i)

(Definition of Piscary)

Article 7 In this Act, "a piscary" refers to the right of operating the whole or a part of the fishery covered by another person's common fishery right or by the demarcated fishery right for a bamboo-installed aquaculture business, algae aquaculture business, suspension-type aquaculture business (which refers to a business of suspending aquatic animals, operated with ropes, steel wires, or the like kept hanging; excluding the pearl aquaculture business), fish pen aquaculture business (which refers to a business of culturing aquatic animals using net creels or other creels), or shellfish aquaculture business as a class 3 demarcated fishery (hereinafter referred to as "the specific demarcated fishery right"), in the fishing ground pertaining to the fishery right, based on the act of establishment.

(Right of Association Partner to Operate a Fishery)

Article 8 (1) A member (limited to a fishery manager or a fishery employee) of a Fisheries Cooperative Association, who falls under the qualification provided in the Fishery Right Exercise Rule or the Piscary Exercise Rule respectively established for each provided demarcated fishery right or common fishery right or piscary held by the Fishery Cooperative Association or by a Federation of Fishery Cooperative Associations, to which the Fishery Cooperative Association belongs as an member, has the right of operating a fishery within the scope of said provided demarcated fishery right or common fishery right or piscary.

(2) The Fishery Right Exercise Rule or the Piscary Exercise Rule of the preceding paragraph (hereinafter simply referred to as "the Fishery Right Exercise Rule" or "the Piscary Exercise Rule") shall provide the matters concerning the qualification of the persons who have the right of operating the fishery pursuant to the same paragraph, and also the region where and the period when the fishery covered by said fishery right or piscary may be operated, methods of the fishery and other matters the persons having the right of operating said fishery shall observe when they operate said fishery.

(3) When a Fisheries Cooperative Association or a Federation of Fisheries Cooperative Associations is going to establish the Fishery Right Exercise Rule for the provided specific demarcated fishery right or the common fishery right covering the class 1 common fishery held by the association or the federation, the association or the federation shall obtain the consents in writing of not less than two thirds of the partner of the association or the federation (the partner of the Fisheries Cooperative Associations which are the partner of the Federation of Fisheries Cooperative Associations, in the case of the federation; the same shall apply hereinafter), who operate the fishery covered by said fishery right when the association or the federation is granted the license of

the fishery pertaining to said fishery right (or who operate a shore fishery (which refers to the fishery excluding the fishery operated using a powered fishing boat with a total tonnage of 20 tons or more and the fishery in inland waters; the same shall apply hereinafter) in the case where the region of the fishing ground pertaining to said fishery right is waters other than inland waters (excluding the lakes and marshes designated by the Agriculture, Forestry and Fisheries Minister pursuant to the provision of paragraph (1), Article 84; the same shall apply hereinafter except paragraph (1), Article 21) with respect to the provided demarcated fishery right and the common fishery right covering the class 1 common fishery established for the persons qualified pursuant to the provision of paragraph (6), Article 14; or who operate a fishery in the inland waters other than rivers in the case where said region is said inland waters; or who gather, catch or culture aquatic animals and plants in a river in the case where said region is said river), and who have addresses in the region of the local district provided in Article 11 pertaining to said fishery right (the district concerned provided in the same Article for the common fishery right), before any resolution is made in the general meeting provided in the Fisheries Industry Cooperative Association Act (Act No. 242 of 1948) (including a sectional meeting and a representatives' meeting of the general meeting).

- (4) In the case of the preceding paragraph, if it is provided in the Article of the Association or the Federation concerned that voting rights may be exercised by an electromagnetic means (which refers to the electromagnetic means provided in paragraph (4), Article 11-2 of the Fisheries Industry Cooperative Association Act) pursuant to the provision of paragraph (3), Article 21 of the same Act (including the case where this paragraph is applied mutatis mutandis in paragraph (3), Article 89 of the same Act), the consents concerning said Fishery Right Exercise Rule may be obtained by said electromagnetic means in lieu of said consents in writing. In this case, said Fishery Cooperative Association or Federation of Fishery Cooperative Associations shall be deemed to have obtained said consents in writing.
- (5) The consents concerning said Fishery Right Exercise Rule obtained by the electromagnetic means of the first sentence of the preceding paragraph (excluding the method prescribed in the Ordinance of the Ministry of Agriculture, Forestry and Fisheries of paragraph (5), Article 11-2 of the Fisheries Industry Cooperation Association Act) shall be deemed to have arrived at said Fisheries Cooperative Association or Federation of Fisheries Cooperative Associations when the consents have been recorded in a file of the computer used by the Fisheries Cooperative Association or Federation of Fisheries Cooperative Associations.
- (6) The Fishery Right Exercise Rule or the Piscary Exercise Rule shall not be

valid unless the regulation is approved by the Governor concerned.

(7) The provisions of paragraph (3) through paragraph (5) shall be applied mutatis mutandis to the change or abolition of the Fishery Right Exercise Rule pertaining to the specific demarcated fishery right or the common fishery right covering the class 1 common fishery, and the provision of the preceding paragraph shall be applied mutatis mutandis to the change or abolition of the Fishery Right Exercise Rule or the Piscary Exercise Rule. In this case, "who operate the fishery covered by said fishery right when the association or the federation is granted the license of the fishery pertaining to said fishery right" shall be deemed to be replaced with "who operate the fishery covered said fishery right."

(Prohibition of Fixed Fishery, not Based on a Fishery Right)

Article 9 A fixed fishery and a demarcated fishery shall not be operated unless they are based on a fishery right or a piscary.

(Licenses of Fisheries)

Article 10 A person who wishes to have a fishery right established, he/she shall file an application with the Governor concerned, to be granted a license.

(Preliminary Decision of the Matters to Be Specified for Licenses.)

Article 11 (1) The Governor concerned shall establish a licensing system for the fisheries to be covered by fishery rights, in order to comprehensively utilize his/her jurisdictional waters for fisheries and in order to maintain and enhance fishery productivity, and when the Governor finds that even if the licenses of said fisheries are granted, fisheries adjustment and other public interest will not be impaired, he/she shall hear the opinions of the Sea-Area Fisheries Adjustment Commission concerned, and shall decide the types of fisheries, positions and areas of fishing grounds, fishery seasons and other matters to be specified for licenses, scheduled licensing dates, application filing periods, and the local districts for respective fixed gear fisheries and respective demarcated fisheries (the districts to which the fishing grounds of said fisheries are found to belong under natural and socioeconomic conditions) or the districts concerned for respective common fisheries.

(2) The Governor concerned may hear the opinions of the Sea-area Fisheries Adjustment Commission concerned and may change the matters specified for licenses, the scheduled licensing dates, the application filing periods, or the local districts or the districts concerned, respectively decided pursuant to the provision of the preceding paragraph.

(3) The Sea-area Fisheries Adjustment Commission concerned may express opinions pursuant to the provision of paragraph (1) to the Governor concerned,

to the effect that the matters to be specified for licenses, scheduled licensing dates, application filing periods, or local districts or districts concerned should be decided.

- (4) When the Sea-area Fisheries Adjustment Commission concerned is going to express the opinions of the preceding three paragraphs, the commission shall hold a public hearing at the date and place publicly notified in advance, and hear the opinions of the parties concerned.
- (5) When the Governor concerned has decided or changed the matters to be specified for licenses, the scheduled licensing dates, application filing periods, local districts or districts concerned pursuant to the provision of paragraph (1) or paragraph (2), he/she shall publicly notify them.
- (6) When the Agricultural, Forestry and Fisheries Minister finds it especially necessary for protecting the reproduction of aquatic animals and plants, for ensuring appropriate exercises of fishery rights or piscaries, for settling or preventing the disputes concerning the use of fishing grounds and for adjusting other matters of fisheries from a wide viewpoint covering multiple prefectural areas, he/she may instruct the Governors concerned to decide or change the matters to be specified for licenses, scheduled licensing dates, application filing periods and local districts or districts concerned pursuant to the provision of paragraph (1) or paragraph (2).

Article 11-2 In the case where a fishery right exists on certain waters and where the duration of said fishery right is going to expire, the Governor concerned shall make the decisions pursuant to the provision of paragraph (1) of the preceding Article by three months before the expiration date of said duration, and in the other case, he/she shall make the decisions by three months before the scheduled licensing date.

(Consultation with the Sea-area Fisheries Adjustment Commission)

Article 12 When an application for a license of Article 10 has been filed, the Governor concerned shall hear the opinions of the Sea-area Fisheries Adjustment Commission concerned.

(Cases Where no License Is Granted)

Article 13 (1) In the case where an application falls under any of the following items, the Governor concerned shall not grant a license of any fishery.

- (i) In the case where the applicant does not have the qualification provided in Article 14
- (ii) In the case where the application does not conform to any one of the matters specified for the license of the fishery publicly notified pursuant to the provision of paragraph (5), Article 11

- (iii) In the case where fishery rights for the same fishery as the fishery specified in the application are likely to be unduly concentrated
 - (iv) In the case where the land of the fishing ground for which the license is desired to be granted is owned by another person or in the case where the waters for which the license is desired to be granted are owned by another person and where the owner of the land or the possessor of the waters does not consent
- (2) In the case of item (iv) of the preceding paragraph, if no consent is obtained because the address or residence of the person is not known, the consent of the person may be replaced with a permission of the Supreme Court obtained pursuant to the procedure established by the Supreme Court.
 - (3) With regard to the judgment on the permission set forth in the preceding paragraph, an appeal may be made pursuant to the procedure established by the Supreme Court.
 - (4) The owner or possessor of item (iv) of paragraph (1) may not reject the consent unless there is no justifiable reason.
 - (5) When the Sea-area Fisheries Adjustment Commission concerned is going to express an opinion to the Governor concerned to the effect that the license of any fishery should not be granted pursuant to the provision of paragraph (1), the commission shall notify said applicant of the reason corresponding to any one of the respective items of the same paragraph in writing and shall hear his/her opinion publicly.
 - (6) When the opinion of the preceding paragraph is heard, said applicant or his/her agent may make explanation and submit evidences.

(Qualification for License)

- Article 14 (1) A person qualified for the license of a fixed gear fishery or demarcated fishery shall not fall under any of the following items.
- (i) A person who has been judged to remarkably lack the spirit of observing the acts and ordinances concerning fisheries or labor or to impede the democratization of the fishing village, by not less than two thirds of all the commission members as a result of voting in the Sea-area Fisheries Adjustment Commission concerned
 - (ii) A person who has been judged to be likely to allow the person judged to be unqualified pursuant to the provision of the preceding item to substantially govern the management of the fishery pertaining to the application, irrespective of the pretext, by not less than two thirds of all the commission members as a result of voting in the Sea-area Fisheries Adjustment Commission concerned
- (2) With regard to the license of the demarcated fishery covered by a specific demarcated fishery right, the Fisheries Cooperative Association covering the

whole or a part of the local district prescribed in Article 11 (hereinafter simply referred to as "the local district") in the district of the association or the Federation of Fisheries Cooperative Associations, to which the Fisheries Cooperative Association belongs as a member, who does not operate the fishery covered by said specific demarcated fishery right is qualified only if the association or the federation conforms to the following, notwithstanding the provision of the preceding paragraph; provided that any Fisheries Cooperative Association, in which the partner qualified pursuant to the provision of paragraph 4, Article 18 of the Fisheries Industry Cooperative Association Act are limited to those operating the fishery of a specific type, and any Federation of Fisheries Cooperative Associations, to which the Fisheries Cooperative Association belongs as a member, shall not be qualified.

- (i) The number of households of the partner of the association or the federation, who have addresses in the local district and operate said fishery is not less than two thirds of the number of households of the persons who have addresses in the local district and operate said fishery.
 - (ii) In the case where two or more associations or federations jointly file an application, the total number of households of the partner of the associations or the federations, who have addresses in the local district and operate said fishery is not less than two thirds of the number of households of the persons who have addresses in the local district and operate said fishery.
- (3) In the case where a Fisheries Cooperative Association, the partner of which are the persons who have addresses in the local district of the preceding paragraph and operate said fishery, or the corresponding Federation of Fisheries Cooperative Associations proposes another Fisheries Cooperative Association or Federation of Fisheries Cooperative Associations qualified pursuant to the provision of the same paragraph, to jointly file an application for the license of the fishery provided in the same paragraph, the qualified Fisheries Cooperative Association or Federation of Fisheries Cooperative Associations may not reject the proposal without any justifiable reason.
- (4) In the case where a Fisheries Cooperative Association or the corresponding Federation of Fisheries Cooperative Associations qualified pursuant to the provision of paragraph (2) has been granted the license of the fishery provided in the same paragraph, another Fisheries Cooperative Association, the partner of which are the persons who had addresses in the local district of the same paragraph and operated said fishery when said license was granted or the corresponding Federation of Cooperative Associations may request the licensed Fisheries Cooperative Association or the corresponding Federation of Fisheries Cooperative Associations to co-own said fishery right, if approved by the Governor concerned. In this case, the provision of paragraph (1), Article 26 shall not apply.

- (5) When an application for the approval set forth in the preceding paragraph has been filed, the Governor concerned shall hear the opinions of the Sea-area Fisheries Adjustment Commission concerned.
- (6) In the case where the whole of the area of the fishing ground for the demarcated fishery covered by a specific demarcated fishery right publicly notified pursuant to the provision of paragraph (5), Article 11 is waters where no specific demarcated fishery right for said demarcated fishery existed for one year before the date of said public notice (the date of the public notice of change, in the case where said public notice of change was made pursuant to the provision of the same paragraph for the area of the fishing ground pertaining to said demarcated fishery), the Fisheries Cooperative Association or the corresponding Federation of Fisheries Cooperative Associations which does not operate the fishery covered by said specific demarcated fishery right is qualified for the license of the demarcated fishery covered by said specific demarcated fishery right, only if the association or the federation falls under the following, notwithstanding the provisions of paragraph (1) and paragraph (2).
- (i) The number of households of the partner of the association or the federation, who have addresses in the local district and operate a shore fishery for 90 days or more per year (or who operate a fishery for 30 days or more per year in inland waters other than rivers in the case of a license of said fishery in said inland waters, or who gather, catch or culture aquatic animals and plants for 30 days or more per year in a river in the case of a license of said fishery in the river; hereinafter the same shall apply) is not less than two thirds of the number of households of the persons who have addresses in the local district and operate the shore fishery for 90 days or more per year.
- (ii) In the case where two or more associations or federations jointly file an application, the total number of households of the partner of the associations or federations, who have addresses in the local district and operate a shore fishery for 90 days or more per year is not less than two thirds of the number of households of the persons who have addresses in the local district and operate the shore fishery for 90 days or more per year.
- (7) The provisions of the proviso of paragraph (2) and paragraph (3) through paragraph (5) shall apply mutatis mutandis to the license of the demarcated fishery of the preceding paragraph. In this case, "who ... and operate said fishery" in paragraph (3) shall be deemed to be replaced with "who ... and operate a shore fishery for 90 days or more per year," and "who ... and operated said fishery" in paragraph (4), with "who ... and operated said fishery for 90 days or more per year."
- (8) A person qualified for the license of a common fishery shall be a Fisheries Cooperative Association which has the whole or a part of the district concerned

provided in Article 11 (hereinafter simply referred to as "the district concerned") included in its district or the Federation of Fisheries Cooperative Associations, to which the Fisheries Cooperative Association belongs as a member (excluding the Fisheries Cooperative Association or the corresponding Federation of Fisheries Cooperative Associations provided in the proviso of paragraph (2)), and falls under the following.

- (i) The number of households of the partner who have addresses in the district concerned and operate a shore fishery for 90 days or more per year is not less than two thirds of the number of households of the persons who have addresses in the district concerned and operate the shore fishery for 90 days or more per year.
 - (ii) In the case where two or more associations or federations jointly file an application, the total number of households of the partner of the associations or federations, who have addresses in the district concerned and operate a shore fishery for 90 days or more per year is not less than two thirds of the number of households of the persons who have addresses in the district concerned and operate the shore fishery for 90 days or more per year.
- (9) In the case where the number of households provided in each item of paragraph (2), each item of paragraph (6) or in each item of the preceding paragraph is calculated, if the person who operates said fishery is a juridical person, the number of households of the members, partners or shareholders of said juridical person (if the juridical person is a joint stock company, the company shall not be an open corporation (an open corporation provided in item (v), Article 2 of the Companies Act (Act No. 86 of 2005); the same shall apply); the same shall apply in this paragraph), or the number of households of the members, partners or shareholders of the juridical persons as members, partners or shareholders of said juridical person, who are fishery employees of said fishery, shall be counted.
- (10) The provisions from paragraph (3) through paragraph (5) shall apply mutatis mutandis to a common fishery. In this case, "the local district" in paragraph (3) and paragraph (4) shall be deemed to be replaced with "the district concerned"; "who ... and operate said fishery" in paragraph (3), with "who ... and operate a shore fishery for 90 days or more per year"; and "who ... and operated said fishery" in paragraph (4), with "who ... and operated said fishery for 90 days or more per year."
- (11) In the case where a Fisheries Cooperative Association or a Federation of Fisheries Cooperative Associations acquires a common fishery right for the class 1 common fishery or the class 5 common fishery, the Sea-area Fisheries Adjustment Commission concerned shall give necessary instructions pursuant to the provision of paragraph 1, Article 67, for appropriate exercise of said common fishery right in the relationship between the association or the

federation and the fishermen (fishery managers or fishery employees as individuals; hereinafter the same shall apply) who have addresses in the district concerned and are not the partner.

(Priority Order)

Article 15 Licenses of fisheries shall be granted according to the priority order.

(Priority Order for the Licenses of Fixed Gear Fishery)

Article 16 (1) The priority order for the licenses of a fixed gear fishery shall conform to the following order.

- (i) Fishery managers or fishery employees
 - (ii) Persons other than those stated in the preceding item
- (2) The priority order among the persons of the same priority level pursuant to the provision of the preceding paragraph shall conform to the following order.
- (i) Persons experienced in the same fishery as that stated in the application
 - (ii) Persons experienced in a shore fishery other than those stated in the preceding item
 - (iii) Person other than those stated in the preceding two items
- (3) The "experience" in the provision set forth in the preceding paragraph shall mean that the person has operated a fishery or has been engaged in the fishery for 10 years before the date of the application; the same shall apply hereinafter up to Article 19.
- (4) The priority order among the persons of the same priority level pursuant to the provisions of the preceding three paragraphs shall conform to the following order.
- (i) Persons experienced in the sea-area of paragraph (1), Article 84 where the fishing ground of the fishery pertaining to the application exists (hereinafter referred to as "said sea-area")
 - (ii) Persons other than those stated in the preceding item
- (5) In the case where there are persons of the same priority level pursuant to the provisions of the preceding respective paragraphs, the Governor concerned shall consider the following matters for the fishery pertaining to the applications, when granting the licenses.
- (i) Working conditions
 - (ii) Degree to which the fishermen with addresses in the local district (hereinafter referred to as "local fishermen"), especially the fishermen who will be deprived of their present occupations owing to the operation of said fishery will be used
 - (iii) Degree to which the local fishermen will participate in the management of said fishery
 - (iv) Degree of experience on said fishery, capital and management ability

- (v) Degree to which the economy of each applicant will rely on said fishery
 - (iv) Coordination with the other fisheries operated on the waters including the fishing ground of said fishery, and the degree of consideration concerning the comprehensive use of said waters
- (6) A juridical person, in which seven or more local fishermen act as members, partners or shareholders (if the juridical person is a joint stock company, the company shall not be an open corporation), which falls under all of the following items, shall be given the first priority, notwithstanding the provisions of the preceding respective paragraphs.
- (i) The main purpose of the juridical person is to operate a fishery.
 - (ii) The majority of the members, partners or shareholders are the persons experienced in the same fishery as that pertaining to the application in said sea-area or the persons who will lose their present occupations if the licenses of said fishery are granted to others.
 - (iii) Not less than two thirds of the members, partners or shareholders will be constantly engaged in the business operated by the juridical person.
 - (iv) The amount invested by the persons who will be constantly engaged in the business operated by the juridical person among the members or the employees or the total of the numbers of shares owned by the persons who will be constantly engaged in the business operated by the juridical person among the shareholders accounts for a majority of the total amount invested or majority of the total number of issued shares.
- (7) In the case where there are persons of the same priority level pursuant to the provision of the preceding paragraph, the Governor concerned shall consider the matters stated in item (iii) through item (vi), paragraph (5) for the fishery pertaining to the applications, when granting the licenses.
- (8) A person who falls under any of the following items shall be given the first priority, notwithstanding the provisions of the preceding respective paragraphs.
- (i) A Fisheries Cooperative Association which has the whole or a part of the local district included as its district, which falls under all of the following.
 - (a) The number of households of the local fishermen among the partner (all the partner of the associations concerned in the case where two or more associations jointly file an application) is not less than 70% of the number of households of the local fishermen.
 - (b) The voting rights or invested amounts of the local fishermen as partner account for a majority.
 - (ii) A juridical person (if the juridical person is a joint stock company, the company shall not be an open corporation; excluding Fisheries Cooperative Association), in which local fishermen are members, partners or shareholders, which falls under all of the following.
 - (a) The number of households of the local fishermen among the members,

- partners or shareholders (all the members, all the partners or all the shareholders of the juridical persons concerned in the case where two or more juridical persons jointly file an application) accounts for not less than 70% of the number of households of the local fishermen.
- (b) Not less than one third of the persons who will be constantly engaged in said fishery are the members, partners or shareholders of the juridical person, or the persons sharing households with the foregoing.
- (c) The total of the voting rights owned by the local fishermen as members, partners or shareholders accounts for a majority of the voting rights of all the members, all the partners or all the shareholders, and the amount invested by the local fishermen as the members or employees or the total of the numbers of shares owned by the local fishermen as the shareholders accounts for a majority of the total amount invested or a majority of the total number of issued shares.
- (iii) A juridical person (if the juridical person is a joint stock company, the company shall not be an open corporation), in which the Fisheries Cooperative Associations of item (i) or the juridical persons of the preceding item are members, partners or shareholders, which falls under all of the following.
- (a) Not less than one third of the persons who will be constantly engaged in said fishery are the members, partners or shareholders of the Fisheries Cooperative Associations of item (i) or the juridical persons of the preceding item, respectively acting as the members, partners or shareholders of the juridical person, or the persons sharing households with the foregoing.
- (b) The total of the voting rights of the Fisheries Cooperative Associations of item 1 or the juridical persons of the preceding item acting as the members, partners or shareholders of the juridical person accounts for a majority of the voting rights of all the members, all the partners or all the shareholders, and the amount invested by the Fisheries Cooperative Associations of item (i) or the juridical persons of the preceding item respectively acting as the members or partners of the juridical person or the total of the numbers of shares owned by the Fisheries Cooperative Associations of item (i) or the juridical persons of the preceding item respectively acting as the shareholders of the juridical person accounts for a majority of the total amount invested or a majority of the total number of issued shares.
- (9) In the case where the number of households pursuant to the provision of (a), item (i) or (a), item (ii) of the preceding paragraph is calculated, if the members, partners or shareholders are juridical persons, the number of households of the local fishermen among the members, partners or shareholders of said juridical

persons (if the juridical persons are joint stock companies, the companies shall not be open corporations; the same shall apply hereinafter in this paragraph), or among the members, partners or shareholders of the juridical persons respectively acting as the members, partners or shareholders of said juridical persons shall be calculated.

- (10) In the case where a local fisherman or a juridical person (if the juridical person is a joint stock company, the company shall not be an open corporation) in which local fishermen are members, partners or shareholders proposes to join the Fisheries Cooperative Association of item (i), paragraph (8) or the juridical person of item (ii) or item (iii) of the same paragraph, the association or the juridical person concerned may not reject the proposal without any justifiable reason. Also in the case where a Fisheries Cooperative Association which has the whole or a part of the local district included in its district or a juridical person (if the juridical person is a joint stock company, the company shall not be an open corporation) in which local fishermen are members, partners or shareholders proposes the Fisheries Cooperative Association of item (i), paragraph (8) or the juridical person of item (ii) of the same paragraph, to jointly apply for the license of said fishery, the same shall apply.
- (11) In the case where two or more applicants jointly file an application, which item of paragraph (1), paragraph (2) or paragraph (4) the applicants fall under shall be decided in reference to whether any applicant falling under any particular item accounts for a majority in voting rights or in the invested amount. In this case, if none of the applicants falling under each item accounts for a majority in voting rights or in the amount invested, the applicants shall be deemed to fall under item (ii), paragraph (1), item (iii), paragraph (2) or item (ii), paragraph (4).
- (12) In the case where two or more applicants jointly file an application, whether or not the applicants correspond to the person provided in paragraph (6) or paragraph (8) shall be decided in reference to whether the person corresponding to the person provided in paragraph (6) or paragraph (8) among the applicants accounts for a majority in voting rights or in the invested amount.
- (13) Even in the case where a juridical person (if the juridical person is a joint stock company, the company shall not be an open corporation) does not fall under item (i), paragraph (1), item (i) or item (ii), paragraph (2) or item (i), paragraph (4), the juridical person shall be deemed to fall under the corresponding item in the case where the total of voting rights of the persons who fall under the item among the members, partners or shareholders accounts for a majority of the voting rights of all the members, all the partners or all the shareholders, and where the amount invested by the persons falling under the item among the members or partners or the total of the numbers of shares

owned by the persons falling under the item among the shareholders accounts for a majority of the total amount invested or a majority of the total number of issued shares.

- (14) In the calculation of paragraph (11) or the preceding paragraph, the persons falling under item (i), paragraph (2) shall be deemed to also fall under item (ii) of the same paragraph.

(Priority Order for the Licenses of Demarcated Fishery)

Article 17 (1) The priority order for the licenses of a demarcated fishery (excluding the pearl aquaculture business and the demarcated fishery covered by a specific demarcated fishery right) shall conform to the following order.

- (i) Fishery managers or fishery employees
 - (ii) Persons other than those stated in the preceding item
- (2) The priority order among the persons of the same priority level pursuant to the provision of the preceding paragraph shall conform to the following order.
- (i) Fishermen
 - (ii) Person other than those stated in the preceding item
- (3) The priority order among the persons of the same priority level pursuant to the provisions of the preceding two paragraphs shall conform to the following order.
- (i) Persons having addresses in the local district
 - (ii) Persons other than those stated in the preceding item
- (4) The priority order among the persons of the same priority level pursuant to the provisions of the preceding three paragraphs shall conform to the following order.
- (i) Persons experienced in the same fishery as that stated in the application
 - (ii) Persons experienced in a shore fishery other than that stated in the preceding item
 - (iii) Persons other than those stated in the preceding two items
- (5) The priority order among the persons of the same priority level pursuant to the provisions of the preceding respective paragraphs shall conform to the following order.
- (i) Persons experienced in said sea-area
 - (ii) Persons other than those stated in the preceding item
- (6) In the case where there are persons of the same priority level pursuant to the provisions of the preceding respective paragraphs, the Governor concerned shall consider the following matters for the fishery pertaining to the applications, when granting the licenses.
- (i) Degree to which the person's livelihood relies on said fishery
 - (ii) Working conditions
 - (iii) Degree to which local fishermen are used

- (iv) Degree to which local fishermen participate in the management of said fishery
 - (v) Degree of experience on said fishery, capital and other management ability
 - (iv) Coordination with the other fisheries operated on the waters including the fishing ground of said fishery, and the degree of consideration concerning comprehensive use of said waters
- (7) With regard to the application of the provisions of the preceding respective paragraphs, the provisions of paragraph 11, paragraph 13 and paragraph 14 of the preceding Article shall apply mutatis mutandis. In this case, "paragraph (1), paragraph (2) or paragraph (4)" in paragraph 11 of the same Article shall be deemed to be replaced with "from paragraph (1) through paragraph (5) of Article 17"; "item (ii), paragraph (1), item (iii), paragraph (2) or item (ii), paragraph (4)," with "item (ii), paragraph (1), item (ii), paragraph (2), item (ii), paragraph (3), item (iii), paragraph (4) or item (ii), paragraph (5), Article 17"; "item (i), paragraph (1), item (i) or item (ii), paragraph (2) or item (i), paragraph (4)" in paragraph (13) of the same Article, with "item (i), paragraph (1), item (i), paragraph (2), item (i), paragraph (3), item (i) or item (ii), paragraph (4) or item (i), paragraph 5, Article 17"; and "item (i), paragraph 2" in paragraph 14 of the same Article, with "item (i), paragraph (4), Article 17."
- (8) Even in the case where a juridical person has an address in the local district, the juridical person shall not be deemed to have an address in the local district when the provision of paragraph (3) is applied, if the total of the voting rights of the persons having addresses in the local district among the members, partners or shareholders of the juridical person does not account for a majority of the voting rights of all the members, all the partners or all the shareholders, or if the amount invested by the persons having addresses in the local district among the members or partners of the juridical person or the total of the numbers of shares owned by the persons having addresses in the local district among the shareholders of the juridical person does not account for a majority of the total number of issued shares.

Article 18 (1) In the priority order for the licenses of the demarcated fishery covered by a specific demarcated fishery right, the persons qualified pursuant to the provision of paragraph (2) or paragraph (6), Article 16 shall be given the first priority.

(2) In the case where the persons prescribed in the preceding paragraph do not file an application, the provisions of the preceding Article and paragraph (6) through paragraph (10) and (12), Article 16 shall apply mutatis mutandis. In this case, "the preceding respective paragraphs" in paragraph (6) of the same Article shall be deemed to be replaced with "Article 17 applied mutatis mutandis in paragraph (2), Article 18," and "the preceding respective

paragraphs" in paragraph (8) of the same Article, with "Article 17 applied mutatis mutandis in paragraph (2), Article 18, and paragraph (6) and paragraph (7), Article 16."

- Article 19 (1) The priority order for the licenses of the demarcated fishery of performing the pearl aquaculture business shall conform to the following order.
- (i) Fishery managers or fishery employees
 - (ii) Persons other than those stated in the preceding item
- (2) The priority order among the persons of the same priority level pursuant to the provision of the preceding paragraph shall conform to the following order.
- (i) Persons experienced in the demarcated fishery of performing the pearl aquaculture business
 - (ii) Persons other than those stated in the preceding item
- (3) The priority order among the persons of the same priority level pursuant to the provisions of paragraph (1) and item (ii) of the preceding paragraph shall conform to the following order.
- (i) Persons having addresses in the local district
 - (ii) Persons other than those stated in the preceding item
- (4) In the case where the whole of the area of the fishing ground pertaining to the demarcated fishery of performing the pearl aquaculture business publicly notified pursuant to the provision of paragraph (5), Article 11 is the waters where the demarcated fishery right for the pearl aquaculture business has not existed for one year before the date of said public notice (the date of the public notice of change, in the case where any change of the area of the fishing ground pertaining to said demarcated fishery is publicly notified pursuant to the provision of the same paragraph), the Fisheries Cooperative Association of item (i), paragraph (8), Article 16, or the juridical person of item (ii) or item (iii) of the same paragraph shall be deemed to fall under item (i), paragraph (1), item (i), paragraph (2) or item (i) of the preceding paragraph even if the association or the juridical person does not fall under any of the items if the members, partners or shareholders of the association or the juridical person include a person experienced in the demarcated fishery of performing the pearl aquaculture business. In this case, the provisions of paragraph (9), paragraph (10) and paragraph (12), Article 16 shall apply mutatis mutandis.
- (5) In the case where there are persons of the same priority level pursuant to the provisions of the preceding respective paragraphs, the Governor concerned shall consider the following matters for the fishery pertaining to the applications, when granting the licenses.
- (i) Working conditions
 - (ii) Degree to which the local fishermen are used. Especially the degree to which the fishermen deprived of their present occupations by the operation of

- said fishery are used, in the case of large-scale management.
- (iii) Degree of experience in said fishery, capital and other management ability.
Especially degree of progressive planning for said fishery.
 - (iv) Degree to which the economy of each applicant relies on said fishery
 - (v) Coordination with the other fisheries operated on the waters including the fishing ground of said fishery, and the degree of consideration concerning comprehensive use of said waters
- (6) For the application of the provisions of paragraph (1) through paragraph (3) and the preceding paragraph, the provisions of paragraph (11) and paragraph (13), Article 16 and paragraph (8), Article 17 shall apply *mutatis mutandis*.

Article 20 (Deletion)

(Duration of Fishery Right)

- Article 21 (1) The duration of a fishery right shall be 10 years from the date of the license for the demarcated fishery right for performing the pearl aquaculture business, the demarcated fishery right for performing the aquatic animal aquaculture business in the waters other than the inland waters pursuant to the provision of item (v), paragraph (5), Article 6 (excluding the provided demarcated fishery right and the demarcated fishery right for performing the pearl aquaculture business), or the common fishery right, and 5 years from the date of the license for the other fishery rights.
- (2) The Governor concerned may decide a period shorter than the period set forth in the preceding paragraph to such an limit necessary for fisheries adjustment.

(Division or Change of Fishery Right)

- Article 22 (1) When it is intended to divide or change a fishery right, an application shall be filed with the Governor concerned, to be granted a license.
- (2) The Governor concerned shall not grant the license set forth in the preceding paragraph in the case where the Governor finds that the fisheries adjustment and other public interest will be impaired.
- (3) In the case of paragraph (1), the provisions of Article 12 (Consultation with the Sea-area Fisheries Adjustment Commission) and Article 13 (Cases Where no License Is Granted) shall apply *mutatis mutandis*.

(Nature of Fishery Right)

- Article 23 (1) A fishery right shall be deemed to be a property, and the provisions concerning land shall apply *mutatis mutandis*.
- (2) The provision of Chapter IX (Pledge), Part II of the Civil Code (Act No. 89 of 1896) shall not apply to either the fixed gear fishery right or the demarcated fishery right (excluding the specific demarcated fishery right owned by a

Fisheries Cooperative Association or a Federation of Fisheries Cooperative Associations; the same shall apply in the following Article and Article 26 and 27), and the provisions of Chapter VIII through Chapter X (Lien, Pledge and Mortgage) shall not apply to either the specific demarcated fishery right owned by a Fisheries Cooperative Association or a Federation of Fisheries Cooperative Associations or the common fishery right.

(Establishment of Mortgage)

Article 24 (1) In the case where a mortgage is established on a fixed gear fishery right or a demarcated fishery right, the structures fixed on the fishing ground shall be deemed to be a property integrally added to the fishery right with respect to the mutatis mutandis application of the provision of Article 370 (Scope to Which the Validity of Mortgage Extends) of the Civil Code. The same shall apply also in the case where a lien covers a fixed gear fishery right or a demarcated fishery right.

(2) The establishment of a mortgage covering a fixed gear fishery right or a demarcated fishery right shall not be valid unless it is approved by the Governor concerned.

(3) The Governor concerned shall not make the approval pursuant to the preceding paragraph unless the Governor finds that the establishment of a mortgage covering a fixed gear fishery right or a demarcated fishery right is inevitable for the financing necessary for the management of said fishery.

(4) When the Governor concerned is going to make the approval pursuant to the provision of paragraph (2), the Governor shall hear the opinions of the Sea-area Fisheries Adjustment Commission concerned.

(Case Where a Lien or Mortgage Extinguishes due to Transfer of Specific Demarcated Fishery Right)

Article 25 (1) In the case where a lien or a mortgage covers a specific demarcated fishery right, when the fishery right holder notified pursuant to the provision of paragraph (2), Article 27 transfers the specific demarcated fishery right to a Fisheries Cooperative Association or a Federation of Fisheries Cooperative Associations, the fishery right holder shall obtain the consent of the lien holder or the mortgage holder (limited to a registered person; the same shall apply hereinafter).

(2) The lien holder or the mortgage holder may not reject the consent set forth in the preceding paragraph without any justifiable reason.

(3) When the transfer of paragraph (1) has been performed, the lien or the mortgage extinguishes.

(Restriction of Transfer of Fishery Right)

- Article 26 (1) A fishery right may not be the purpose of transfer unless it is necessitated by inheritance or merger of juridical persons or demerger or a juridical person; provided that the same shall not apply to a fixed gear fishery right or a demarcated fishery right when the Governor concerned approves it in the case where it is necessitated by nonpayment, or in the case where a lien holder or a mortgage holder exercises his/her right, or in the case where a person notified pursuant to the provision of paragraph (2), Article 27 transfers.
- (2) The Governor concerned shall not make the approval pursuant to the preceding paragraph unless the transfer is made to a person qualified pursuant to the provision of paragraph (1), paragraph (2) or paragraph (6), Article 14.
- (3) When the Governor concerned is going to make the approval pursuant to the provision of the preceding paragraph, he/she shall hear the opinions of the Sea-area Fisheries Adjustment Commission concerned.

(Fixed Gear Fishery Right or Demarcated Fishery Right Acquired by Inheritance or Merger of Juridical Persons or Demerger of a Juridical Person)

- Article 27 (1) A person who has acquired a fixed gear fishery right or a demarcated fishery right by inheritance or merger of juridical persons or demerger of a juridical person shall notify the Governor concerned to that effect within two months from the data of the acquisition.
- (2) When the Governor concerned listens to the opinions of the Sea-area Fisheries Adjustment Commission concerned and finds that the person of the preceding paragraph lacks the qualification pursuant to the provision of paragraph (1), Article 14, he/she shall notify the person to the effect that unless the fishery right is transferred within a certain period of time, the fishery right shall be rescinded.

(Rights and Obligations concerning the Use of Waters)

Article 28 The rights and obligations concerning the use of waters owned by a fishery right holder (including the rights and obligations owned by said fishery right holder based on the permissions, approvals and other dispositions of the administrative agency concerning said fishery) shall follow the disposition of the fishery right.

(Prohibition of Loan)

Article 29 A fishery right may not be the purpose of loan.

(Consent of Registered Right Holder)

Article 30 (1) A fishery right may not be divided, changed or waved without the consent of the right holder registered pursuant to the provision of Article 50.

(2) The provisions of paragraph (2) through paragraph (4) of Article 13 (Case Where No Consent Is Obtained.) shall apply mutatis mutandis to the preceding paragraph.

(Consents of Partner)

Article 31 The provisions of paragraph (3) through paragraph (5) of Article 8 shall apply mutatis mutandis to the case where a Fisheries Cooperative Association or a Federation of Fisheries Cooperative Associations is going to divide, change or wave a specific demarcated fishery right or a common fishery right for the class 1 common fishery owned by the association or the federation. In this case, "who operate the fishery covered by said fishery right when the association or the federation is granted the license of the fishery pertaining to said fishery right" shall be deemed to be replaced with "who operate the fishery covered by said fishery right."

(Co-ownership of Fishery Right)

Article 32 (1) Each co-owner of a fishery right may not dispose of his/her share unless the consents of not less than two thirds of the other co-owners are obtained.

(2) The provisions of paragraph (2) through paragraph (4) of Article 13 (Case Where No Consent Is Obtained.) shall apply mutatis mutandis to the preceding paragraph.

Article 33 In the case where each co-owner of a fishery right is going to obtain the consents of the other co-owners for changing the co-owned fishery right, the provisions of paragraph (2) through paragraph (4) of Article 13 (Case Where No Consent Is Obtained.) shall apply mutatis mutandis.

(Restrictions or Conditions of Fishery Right)

Article 34 (1) The Governor concerned may add restrictions or conditions to the fishery right when granting a license, if he/she finds it necessary for fisheries adjustment and other public interest.

(2) When the restrictions or conditions set forth in the preceding paragraph are going to be added, the Governor concerned shall hear the opinions of the Sea-area Fisheries Adjustment Commission concerned.

(3) With respect to the addition of restrictions or conditions pursuant to the provision of paragraph (1), the provision of paragraph (6), Article 11 shall apply mutatis mutandis.

(4) If the Sea-area Fisheries Adjustment Commission concerned finds it necessary for fisheries adjustment and other public interest after grant of a license and files an application, the Governor concerned may add restrictions

or conditions to the fishery right.

- (5) When the Sea-area Fisheries Adjustment Commission concerned is going to file the application of the preceding paragraph, the commission shall notify said fishery right holder of the reason for adding restrictions or conditions in writing, and hear his/her opinions publicly in advance.
- (6) When the opinions are heard pursuant to the preceding paragraph, said fishery right holder or his/her agent may make explanation and submit evidences.
- (7) During the period from the time when the notice pursuant to the provision of paragraph (5) is made to the time when the hearing of the opinions is completed, said fishery right holder or his/her agent may request the Sea-area Fisheries Adjustment Commission concerned, to allow him/her to inspect the written statement pertaining to the results of the investigation made on said issue and other data proofing the fact causing said application. In this case, the Sea-area Fisheries Adjustment Commission concerned may not reject the inspection unless there is any possibility of impairing the interest of a third party or without any other justifiable grounds.
- (8) The matters necessary for the provisions of the preceding three paragraphs and for the hearing of opinions of paragraph (5) performed by the Sea-area Fisheries Adjustment Commission concerned shall be provided by a cabinet order.

(Notification of Absence from Work)

Article 35 When a fishery right holder is going to be absent from work for more than one fishery season, he/she shall decide the absence period and notify the Governor concerned of it in advance.

(Permission of Fishery during Absence from Work)

- Article 36 (1) During the period of absence from work of the previous Article, a person qualified pursuant to the provision of paragraph (1), Article 14 may operate the fishery covered by said fishery right, if permissioned by the Governor concerned, notwithstanding the provision of Article 9.
- (2) If an application for the permission set forth in the preceding paragraph has been filed, the Governor concerned shall hear the opinions of the Sea-area Fisheries Adjustment Commission concerned.
 - (3) With respect to the permission of paragraph (1), the provisions of paragraph (5) and paragraph (6), Article 13 (Hearing of Opinions), paragraph (2), Article 22 (Case Where no License is Granted), Article 34 (Restrictions or Conditions of Fishery Right), the preceding Article (Notification of Absence from Work), the next Article, paragraph (1), paragraph (2) and paragraph (5) of Article 38, Article 39 (Rescission of Fishery Right) and Article 40 (Rescission of the

License Granted by Mistake) shall apply mutatis mutandis. In this case, "Article 14" in paragraph (1), Article 38 shall be deemed to be replaced with "paragraph (1), Article 14."

- (4) The provisions of the preceding three paragraphs shall apply mutatis mutandis to the case where in the period during which the exercise of a fishery right is suspended owing to the disposition pursuant to the provision of paragraph (2), Article 39, another person is going to operate said fishery.

(Rescission of Fishery Right due to Absence from Work)

Article 37 (1) When the absence from work is made for one year from the date when a license was granted or made for two years successively, the Governor concerned may rescind the fishery right.

- (2) The period during which the exercise of a fishery right is suspended based on the disposition pursuant to the provision of paragraph (1), Article 39, the order pursuant to the provision of paragraph (1) or paragraph (2), Article 65, the instruction pursuant to the provision of paragraph (1), Article 67, the order pursuant to the provision of paragraph (11) of the same Article, the instruction pursuant to the provision of paragraph (1), Article 68 or the order pursuant to the provision of paragraph (11), Article 67 applied mutatis mutandis by replacement in paragraph (4) of the same Article shall not be included in the period of the preceding paragraph, except for the case where the suspension is due to the cause imputable to the fishery right holder.
- (3) When the Governor concerned is going to rescind a fishery right pursuant to the provision of paragraph (1), he/she shall hear the opinions of the Sea-area Fisheries Adjustment Commission concerned.
- (4) In the case of the preceding paragraph, the provisions of paragraph (5) through paragraph (8) of Article 34 (Hearing of Opinions) shall apply mutatis mutandis. In this case, "the Sea-area Fisheries Adjustment Commission concerned" in paragraph (7) of the same Article shall be deemed to be replaced with "the Governor concerned."

(Rescission of Fishery Right due to Loss of Qualification, etc.)

Article 38 (1) If a fishery right holder granted a license of a fishery loses the qualification pursuant to the provision of Article 14, the Governor concerned shall rescind the fishery right.

- (2) When the Governor concerned is going to rescind the fishery right pursuant to the provision of the preceding paragraph, he/she shall hear the opinions of the Sea-area Fisheries Adjustment Commission concerned.
- (3) In the case where a person other than a fishery right holder substantially governs the management of the fishery covered by said fishery right, if the Sea-area Fisheries Adjustment Commission concerned finds it obvious that the

person will not be granted the license of said fishery pursuant to the provisions of Article 15 through 19 (Priority Order) and files an application proposing that the fishery right should be rescinded, the Governor concerned may rescind the fishery right.

- (4) With respect to the application of the provision of the preceding paragraph, in the case where a Fisheries Cooperative Association as a fishery right holder operates the fishery covered by said fishery right, with an contribution from another person, it shall not be construed that the other person substantially governs the management of said fishery based on the fact that the amount of said contribution accounts for a majority of the total amount of contribution.
- (5) In the case of paragraph (2), the provision of paragraph (4) of the preceding Article (Hearing of Opinions) shall apply *mutatis mutandis*, and in the case of paragraph (3), the provisions of paragraph (5) through paragraph (8) of Article 34 (Hearing of Opinions) shall apply *mutatis mutandis*.

(Change, Rescission or Suspension of Exercise of Fishery Right for the Necessity of Public Interest)

- Article 39 (1) The Governor concerned may change, rescind or suspend the exercise of a fishery right, when he/she finds it necessary for fisheries adjustment, the navigation, anchoring or mooring of ships, installation of underwater cables and other public interest.
- (2) Also when a fishery right holder violates the provisions of the acts and ordinances concerning fisheries, the preceding paragraph shall apply.
 - (3) When the Governor concerned is going to dispose pursuant to the provisions of the preceding two paragraphs, he/she shall hear the opinions of the Sea-area Fisheries Adjustment Commission concerned.
 - (4) In the case of the preceding paragraph, the provision of paragraph (4), Article 37 (Hearing of Opinions) shall apply *mutatis mutandis*.
 - (5) With respect to the change or rescission or the suspension of exercise of a fishery right pursuant to the provision of paragraph (1) or paragraph (2), the provision of paragraph (6), Article 11 shall apply *mutatis mutandis*.
 - (6) The prefectural government concerned shall compensate said fishery right holder for the loss caused by the change or the rescission or the suspension of exercise of the fishery right pursuant to the provision of paragraph (1).
 - (7) The loss to be compensated for pursuant to the provision of the preceding paragraph shall be the loss usually caused by the disposition of the same paragraph.
 - (8) The amount of compensation money of paragraph (6) shall be decided by the Governor concerned, after he/she hears the opinions of the Sea-area Fisheries Adjustment Commission concerned.
 - (9) A person who is dissatisfied with the amount of compensation money set forth

in the preceding paragraph may demand an increase of amount by means of an appeal made within six months from the date when the notice of the decision is received.

- (10) In the appeal set forth in the preceding paragraph, the prefectural government concerned shall be the defendant.
- (11) If there is a lien or a mortgage on the fishery right rescinded pursuant to the provision of paragraph (1), the prefectural government concerned shall deposit the compensation money unless said lien holder or mortgage holder offers to the effect that no deposit is required.
- (12) The lien holder or mortgage holder of the preceding paragraph may exercise his/her right for the compensation money deposited pursuant to the provision of the same paragraph.
- (13) If there is a person who is benefited from the change or rescind or suspension of exercise of the fishery right pursuant to the provision of paragraph (1), the prefectural government concerned may let the person bear the whole or a part of the amount of compensation money of paragraph (6).
- (14) In the case of the preceding paragraph, the provisions of paragraph (9) and paragraph (10), paragraph (2), Article 34 (Consultation with the Sea-area Fisheries Adjustment Commission) and paragraph (4), Article 37 (Hearing of Opinions) shall apply mutatis mutandis. In this case, "an increase of amount" in paragraph (9) shall be deemed to be replaced with "a decrease of amount."
- (15) The amount to be borne pursuant to the provision of paragraph (13) may be collected as in the disposition for nonpayment of local tax; provided that the order of lien shall come after the national tax and the local tax.

(Rescission of the License Granted by Mistake)

Article 40 In the case where a license is granted by mistake, when the Governor concerned is going to rescind it, he/she shall hear the opinions of the Sea-area Fisheries Adjustment Commission concerned.

(Protection of Mortgage Holder)

- Article 41 (1) When the Governor concerned has rescinded a fishery right, he/she shall immediately notify the lien holder or mortgage holder to that effect.
- (2) The right holder of the preceding paragraph may request an auction of the fishery right within 30 days from the date when the notice is received; provided that the same shall not apply to the rescission pursuant to the provision of paragraph (1), Article 39 or the rescission of the license granted by mistake.
 - (3) The fishery right shall continue to exist within the period set forth in the preceding paragraph or till the date when the procedure of the auction is completed within the scope of the purpose of the auction.
 - (4) The sale amount of the auction shall be allocated for covering the expense of

the auction and the payment of the debt to the right holder of paragraph 1, and the balance shall belong to the national treasury.

- (5) When the purchaser has paid the amount, the rescission of the fishery right shall not be deemed to have come into effect.

(Purchase of Structure Fixed to Fishing Ground)

Article 42 The fishery right holder who installed a structure fixed to the fishing ground for increasing the value of the fishery right may request the person who is granted the license of the fishery and benefited from the use of said structure should purchase said structure at the current value, when the fishery right becomes extinct.

(Qualification for Acquiring Piscary)

Article 42-2 Any other person than Fisheries Cooperative Associations and Federations of Fisheries Cooperative Associations cannot acquire a piscary.

(Nature of Piscary)

Article 43 (1) A piscary shall be deemed to be a property.

- (2) A piscary may be the purpose of transfer or the merger of juridical persons, and may not be the purpose of a right.
- (3) A piscary may not be transferred without the consent of the fishery right holder.

(Documentation of the Contents of Piscary)

Article 44 For a piscary, the following matters shall be clarified in a document.

- (i) Area of the other's waters in which a fishery can be performed
- (ii) Type of the fishery to be performed in the waters, kinds of catches and fishery season
- (iii) Period, if the duration is to be stipulated
- (iv) Fishery fee, if the fee is to be stipulated
- (v) Fishery method, if the method is to be stipulated
- (vi) Fishing boats, gear and number of fishery managers, if they are to be stipulated
- (vii) Qualification of the persons engaged in the fishery in the waters, if the qualification is to be stipulated
- (viii) Other details of the fishery in the waters

(Establishment, Change and Extinction of Piscary by Ruling)

Article 45 (1) In the case where a fishery right holder unduly rejects the establishment of a requested piscary or in the case where one party finds the contents of a piscary inappropriate and requests the other party to change or

extinguish the piscary and where the other party unduly rejects the change or extinguishment, the person who encounters the rejection to establish, change or extinguish the piscary may file an application with the Sea-area Fisheries Adjustment Commission concerned to arbitrate the establishment, change or extinguishment of the piscary.

- (2) In the case where an application for ruling set forth in the preceding paragraph has been filed, the Sea-area Fisheries Adjustment Commission concerned shall notify the other party to that effect and publicly notify it as prescribed in an Ordinance of the Ministry of Agriculture, Forestry and Fisheries.
- (3) The other party of the application for ruling pursuant to the provision of paragraph (1) may submit a written opinion to the Sea-area Fisheries Adjustment Commission concerned within two weeks from the date of the public notice of the preceding paragraph.
- (4) The Sea-area Fisheries Adjustment Commission concerned shall commence conference after lapse of the period set forth in the preceding paragraph.
- (5) The ruling may not exceed the scope of the application.
- (6) The ruling shall decide the following matters.
 - (i) Whether or not a piscary should be established, and the contents and time of the establishment if the piscary should be established, in the case where the application for ruling relates to the establishment of a piscary
 - (ii) Whether or not the piscary should be changed, and the contents and time of the change if the piscary should be changed, in the case where the application for ruling relates to the change of a piscary
 - (iii) Whether or not the piscary should be extinguished, and the contents and time of the extinguishment if the piscary should be extinguished, in the case where the application for ruling relates to the extinguishment of a piscary
- (7) When the Sea-area Fisheries Adjustment Commission concerned has performed ruling, the commission shall notify the other party of the application for ruling to that effect without delay and publicly notify it as prescribed in an Ordinance of the Ministry of Agriculture, Forestry and Fisheries.
- (8) When the public notice set forth in the preceding paragraph has been made, it shall be deemed that the conference between the parties concerned has reached a conclusion as stipulated in the ruling.

(Duration of Piscary)

Article 46 A piscary, the duration of which is not particularly prescribed, shall be deemed to continuously exist during the duration of the fishery right covered by the piscary; provided that the piscary holder may waive the right at any time.

(Co-ownership of Piscary)

Article 47 The provisions of Article 32 and Article 33 (Co-ownership of Fishery Right) shall apply mutatis mutandis to the co-ownership of a piscary.

(Nonpayment of Fishery Fee.)

Article 48 (1) If a piscary holder fails to pay the fishery fee, the fishery right holder may reject that the piscary holder enters the fishery right holder's waters.

(2) If a piscary holder fails to pay the fishery fee for two years or more successively or encounters the decision to commence bankruptcy proceedings, the fishery right holder may request the extinction of the piscary.

Article 49 The fishery fee shall not be required to be paid when the piscary holder does not enter the fishery right holder's waters.

(Registration)

Article 50 (1) The establishments, preservations, transfers, changes, extinctions and restrictions of dispositions of fishery rights, and the liens, mortgages and piscaries respectively covering fishery rights, and the suspensions and their cancellations of the exercises of fishery rights pursuant to the provision of paragraph (1) or paragraph (2) of Article 39 shall be registered in the License Fishery Registry.

(2) The registration set forth in the preceding paragraph shall substitute the registration in the registry office.

(3) To the License Fishery Registry, the provisions of the Act on the Disclosure of the Information Owned by Administrative Organs (Act No. 42 of 1999) shall not apply.

(4) To the owned personal information recorded in the License Fishery Registry (which refers to the owned personal information pursuant to the provision of paragraph (3), Article 2 of the Act on the Protection of the Personal Information Owned by Administrative Organs (Act No. 58 of 2003), the provision of Chapter IV of the same Act shall not apply.

(5) The provisions necessary for registration in addition to the provisions of the preceding respective paragraphs shall be provided in a Cabinet Order.

(Competent Court of Jurisdiction)

Article 51 In the case where the jurisdiction of a court concerning land is decided by the location of a real property, the municipality to which the coast nearest to the fishing ground belongs shall be deemed to be the location of the real property.

Chapter III Designated Fishery

(Permission of Designated Fishery)

- Article 52 (1) A person who is going to operate a fishery using a boat, which is prescribed by a Cabinet Order (hereinafter referred to as "a designated fishery") shall obtain a permission of the Agriculture, Forestry and Fisheries Minister for each boat (a mother ship or each of self-navigating boats and other boats prescribed in an Ordinance of the Ministry of Agriculture, Forestry and Fisheries (hereinafter referred to as "self-navigating boats.") in the case of a mother ship type fishery (which refers to a designated fishery performed using a mother ship having manufacturing equipment, refrigeration equipment and other processing equipment and self-navigating boats engaged in said fishery integrally with the mother ship; hereinafter the same shall apply)).
- (2) The Cabinet Order of the preceding paragraph shall be established for the fisheries that require restrictive measures to be taken for fishery managers and the boats used by them for the protection of reproduction of aquatic animals and plants and fisheries adjustment, for which fisheries, it is considered appropriate to take said measures integrally in view of inter-governmental agreements, locations of fishing grounds and other relations.
- (3) In the case where the Cabinet Order of paragraph (1) is established or abolished, required transitional measures may be prescribed in another Cabinet Order to such an extent as judged to be rationally required for the establishment or abolition.
- (4) In the case where the Agriculture, Forestry and Fisheries Minister is going to plan the establishment or abolition of the Cabinet Order of paragraph (1), he/she shall hear the opinions of the Fisheries Policy Council.
- (5) The permission of paragraph (1) pertaining to a mother ship type fishery shall be made by designating the self-navigating boats engaged in said fishery integrally with a mother ship (hereinafter referred to as "the self-navigating boats belonging to the same fleet") in the case where the permission relates to the mother ship, or by designating the mother ship engaged in said fishery integrally with self-navigating boats. (hereinafter referred to as "the mother ship belonging to the same fleet") in the case where the permission relates to the self-navigating boats.
- (6) When the Agriculture, Forestry and Fisheries Minister has made the permission of paragraph (1), the minister shall deliver a permit to the person concerned as prescribed in an Ordinance of the Ministry of Agriculture, Forestry and Fisheries.

Article 53 (Deletion)

(Approval of Business Commencement)

Article 54 (1) A person who is going to obtain the permission of a designated fishery (excluding the mother ship type fishery) and who does not have the right to use a boat may obtain an approval of the Agriculture, Forestry and Fisheries Minister on the business commencement for each boat in advance before he/she initiates the building of a boat or accepts, borrows or is returned a boat, or acquires the right to use a boat.

(2) A person who is going to obtain the permission of a mother ship type fishery and who does not have the right to use a mother ship or self-navigating boats may obtain an approval of the Agriculture, Forestry and Fisheries Minister on the business commencement for each of the mother ship and the self-navigating boats in advance before he/she initiates the building of a mother ship or self-navigating boats or accepts, borrows or is returned a mother ship or self-navigating boats, or acquires the right to use a mother ship or self-navigating boats.

(3) In the case where a person who is going to obtain the permission of a mother ship type fishery and who has the right to use a mother ship or self-navigating boats, has filed an application for a permission on the business commencement of a mother ship type fishery with respect to all of the self-navigating boats belonging to the same fleet as said mother ship or has filed an application for a permission on the business commencement of a mother ship type fishery with respect to the mother ship belonging to the same fleet as said self-navigating boats. he/she can obtain an approval of the Agriculture, Forestry and Fisheries Minister on the business commencement for said mother ship or self-navigating boats in advance.

(4) The provision of paragraph (5), Article 52 shall apply to the approvals of the preceding two paragraphs.

Article 55 (1) In the case where a person who has obtained an approval of business commencement files an application for a permission of a designated fishery based on the approval of business commencement, if the contents of the application are the same as the approved contents and the application is filed within the valid period for the permission of the designated fishery pertaining to said approval, the permission shall be granted unless the application falls under any one of the respective items of paragraph (1) of the next Article.

(2) In the case where a person who has obtained an approval of business commencement does not file an application for a permission within the period designated by the Agriculture, Forestry and Fisheries Minister from the date when the approval was obtained, the approval of business commencement ceases to be effective on the expiration date of the period.

(Cases where Permission or Approval of Business Commencement Is Not Made)

Article 56 (1) In the case where an application falls under any of the following respective items, the Agriculture, Forestry and Fisheries Minister shall not authorization a designated fishery or approve business commencement of the designated fishery.

- (i) In the case where the applicant is not a qualified person provided in the following Article
 - (ii) In the case where there is a possibility that permissions of the same fishery as that pertaining to the application may be unduly concentrated
 - (iii) In the case where the applicant is different from a person who has obtained or is going to obtain a permission or an approval of business commencement on the self-navigating boats belonging to the same fleet as the mother ship pertaining to said application or on the mother ship belonging to the same fleet as the self-navigating boats pertaining to said application, and where said person who has obtained or is going to obtain the permission or approval does not consent to the application
- (2) When the Agriculture, Forestry and Fisheries Minister does not authorization or approve pursuant to the provision of the preceding paragraph, he/she shall notify said applicant of the reason in writing and hear his/her opinions publicly in advance.
- (3) When the opinions are heard pursuant to the preceding paragraph, said applicant or his/her agent may make explanation and submit evidences concerning said matter.

(Qualification for permission or approval of business commencement)

Article 57 (1) A person qualified for the permission of a designated fishery or the approval of business commencement shall not fall under any one of the following items.

- (i) A person who remarkably lacks the spirit of observing the acts and ordinances pertaining to fisheries
 - (ii) A person who remarkably lacks the spirit of observing the acts and ordinances pertaining to labor
 - (iii) The boat (mother ship or a self-navigating boat, etc. in the case of mother ship type fishery) to be permissioned does not satisfy the conditions specified by the Agriculture, Forestry and Fisheries Minister.
 - (iv) A person who does not have the capital or other financial base sufficient for operating the fishery pertaining to the application
 - (v) A person unqualified pursuant to the provision of item (i) or item (ii) may substantially govern the management of said fishery irrespective of the pretext.
- (2) In the case where the Agriculture, Forestry and Fisheries Minister is going to

decide the conditions of the preceding item (iii), he/she shall hear the opinions of the Fisheries Policy Council.

(Public notice)

- Article 58 (1) In the case where the Agriculture, Forestry and Fisheries Minister permissions a specified fishery or approves business commencement of the designated fishery, he/she shall decide and publicly notify, for said designated fishery in advance, the numbers of boats to be permitted or to be approved on business commencement by gross tonnage or the numbers of boats by gross tonnage and by fishing area or by fishing period (the numbers of mother ships by gross tonnage or the numbers of mother ships by gross tonnage and by fishing area or by fishing period, and the numbers of boats by type of the self-navigating boats belonging to the same fleet as each mother ship and by gross tonnage, in the case of the mother ship type fishery) and the periods during which the application for a permission or an approval of business commencement should be filed, considering the number of the persons who operate said specified fishery, managements and other circumstances, to such an extent that the protection of reproduction of aquatic animals and plants, fisheries adjustment and other public interest will not be impaired, excluding the cases pursuant to the provisions of paragraph (1), Article 55 and Article 59.
- (2) The periods during which the application for a permission or an approval of business commencement should be filed may not be shorter than three months; provided that the same shall not apply if there is any special circumstance requiring urgency prescribed in an Ordinance of the Ministry of Agriculture, Forestry and Fisheries.
- (3) When the Agriculture, Forestry and Fisheries Minister is going to decide the matters to be publicly notified pursuant to the provision of paragraph (1), he/she shall hear the opinions of the Fisheries Policy Council; provided that the same shall not apply if there is any special circumstance requiring urgency prescribed in the Ordinary of the Ministry of Agriculture, Forestry and Fisheries of the preceding paragraph.
- (4) In the case when the Agriculture, Forestry and Fisheries Minister finds that the protection of reproduction of aquatic animals and plants, fisheries adjustment and other public interest will not be impaired even if permissions and approvals of business commencement are granted on one designated fishery, he/she shall make a public notice pursuant to the provision of paragraph (1) on said designated fishery.
- (5) The Fisheries Policy Council may state opinions to the Agriculture, Forestry and Fisheries Minister concerning the public notice set forth in the preceding paragraph.

(Permissions Based on Public notice.)

Article 58-2 (1) For the application of a person who files the application for a permission or an approval of business commencement within the period publicly notified pursuant to the provision of paragraph (1) of the preceding Article for accepting the applications for permissions and approvals of business commencement, a permission or an approval of business commencement shall be granted, unless the application does not conform to the contents of the matters publicly notified pursuant to the provision of the same paragraph and falls under any of the respective items of paragraph (1), Article 56; provided the same shall not apply if, in the case where said application relates to a mother ship type fishery, any one of the applications for the self-navigating boats belonging to the same fleet as the mother ship pertaining to said application or the application for the mother ship belonging to the same fleet as the self-navigating boats pertaining to said application does not conform to the contents of the matters publicly notified pursuant to the provisions of paragraph (1) of the preceding Article or falls under any of the respective items of paragraph (1), Article 56, even in the case where said particular application in question conforms to the contents of the matters publicly notified pursuant to the provision of paragraph (1) of the previous Article and does not fall under any of the respective items of paragraph (1), Article 56.

(2) If the number of boats pertaining to the applications (the number of mother ships in the case of mother ship type fishery; the same shall apply hereinafter in this paragraph through paragraph (5)), for which permissions or approvals of business commencement shall be granted pursuant to the provision of the preceding paragraph, exceeds the number of boats publicly notified pursuant to the provision of paragraph (1) of the preceding Article, the Agriculture, Forestry and Fisheries Minister shall perform a lottery by a fair method and decide the persons to be granted permissions or approvals of business commencement by the lottery, notwithstanding the provision of the previous paragraph.

(3) In the case where the number of boats pertaining to the applications for which permissions or approvals of business commencement shall be granted pursuant to the provision of paragraph (1) exceeds the number of boats publicly notified pursuant to the provision of paragraph (1) of the preceding Article, if the applications include the following applications, the Agriculture, Forestry and Fisheries Minister shall grant permissions or approvals of business commencement for the following applications in the following order in preference to the other applications, notwithstanding of the provision of the preceding paragraph.

(i) An application filed by a person granted a permission or an approval of business commencement of said designated fishery (including a person

- granted a permission or an approval of business commencement based on the application of the following item and still granted the permission or the approval of business commencement of said designated fishery on the expiration date of the valid period of said permission, if the commercialization of the new technology concerned conforms to the standard established by an Ordinance of the Ministry of Agriculture Forestry and Fisheries based on the recognition that the new technology allows the same level of fishery production as that of the persons granted permissions based on the applications of this item and if the expiration date of the valid period of the permission of said designated fishery is before the last day of the period during which an application for a permission or an approval of business commencement should be filed pursuant to the provision of paragraph (1) of the preceding Article), with respect to the same boat as the boat pertaining to said permission or approval of business commencement owing to the arrival of the expiration date of the valid period of the permission of said designated fishery (the valid period of the permission of the designated fishery pertaining to an approval of business commencement in the case of a person who is or was granted said approval of business commencement) (or applications filed with respect to the same mother ship and self-navigating boats as the mother ship and self-navigating boats pertaining to said permission or approval of business commencement, to constitute one complete fleet consisting of a mother ship and self-navigating boats, in the case of mother ship type fishery)
- (ii) An application filed with respect to a boat to be used for the experimental research or the commercialization of a new technology found to especially contribute to the development of fishery productivity by the Agriculture, Forestry and Fisheries Minister)
- (4) In the case where the number of boats pertaining to item 1 of the preceding paragraph among the applications that must be granted permissions or approvals of business commencement pursuant to the provision of the same paragraph exceeds the number of boats publicly notified pursuant to the provision of paragraph (1) of the preceding Article, the Agriculture, Forestry and Fisheries Minister shall establish a standard for permissions and approvals of business commencement considering at least the following matters (considering the following matters concerning the mother ship and self-navigating boats belonging to the same fleet in the case of mother ship type fishery), and grant permissions or approvals of business commencement according to the standard.
- (i) Numbers of boats by applicant, with respect to the boats (mother ships and self-navigating boats in the case of mother ship type fishery; the same shall apply in paragraph (6)) pertaining to the applications that must be granted

- permissions or approvals of business commencement pursuant to the provision of the preceding paragraph
- (ii) Fishing conditions of said designated fishery
 - (iii) Degree to which each applicant relies on said designated fishery
- (5) In the case where the number of boats pertaining to item (ii) of paragraph (3) among the applications that must be granted permissions or approvals of business commencement pursuant to the provision of the same paragraph exceeds the number of boats obtained by subtracting the number of boats permitted or approved on business commencement based on the applications of item (i), paragraph (3) from the number of boats publicly notified pursuant to the provision of paragraph (1) of the preceding Article, the Agriculture, Forestry and Fisheries Minister shall establish a standard for permissions and approvals of business commencement considering the degree to which the contents of the experimental research or of the commercialization of a new technology pertaining to each application of item (ii) of the same paragraph contribute to the development of fishing productivity, and grant permissions or approvals of business commencement according to the standard, notwithstanding the provision of the same paragraph.
- (6) The measures to be taken in the case where any application falls under any of the following items and the matters necessary for the application of the provisions of the preceding respective paragraphs shall be prescribed in a Cabinet Order.
- (i) After an application for a permission or an approval of business commencement of said designated fishery was filed, the boat pertaining to said application was lost or sank.
 - (ii) A boat previously granted a permission or an approval of business commencement of said designated fishery was lost or sank within six months before the expiration date of the period during which the application for a permission or an approval of business commencement of paragraph (1) of the preceding Article should be filed.
 - (iii) For a boat pertaining to a permission or an approval of business commencement of said designated fishery, an application for a permission or an approval of business commencement pursuant to the provisions of the respective items of the next Article was filed, and the application is not permitted or approved on business commencement, or is not dismissed.
 - (iv) A person who filed an application for a permission or an approval of business commencement of said designated fishery died or was dissolved after the filing of the application.
- (7) When the Agriculture, Forestry and Fisheries Minister establishes the Ordinance of the Ministry of Agriculture, Forestry and Fisheries of item (i), paragraph (3) and the standards of paragraph (4) and paragraph (5), he/she

shall hear the opinions of the Fisheries Policy Council.

(Special Provision for Permission.)

Article 59 In the case where an application falls under any of the following items, if the contents of the application are identical with the contents of the granted previous permission or approval of business commencement, a permission or an approval of business commencement of said designated fishery shall be granted except for the case where the application falls under any of the respective items of paragraph (1), Article 56.

- (i) In the case where a person granted a permission for a designated fishery has discontinued the use of the permissioned boat (a mother ship or any of self-navigating boats in the case of mother ship type fishery; hereinafter the same shall apply in this item through item (iii)) for said designated fishery and has filed an application for a permission or an approval of business commencement with respect to another ship
- (ii) In the case where a person granted a permission of a designated fishery has filed an application for a permission or an approval of business commencement with respect to another boat, since the permissioned boat was lost or sank, and where the application has been filed within six months from the day of losing or sinking (within the valid period of the permission)
- (iii) In the case where a person who has accepted or borrowed or has been returned a boat from a person granted a permission of a designated fishery within the valid period of the permission or has acquired the right to use said boat for any other reason than inheritance, merger of juridical persons and demerger of a juridical person and is going to operate said designated fishery, has filed an application for a permission or an approval of business commencement of said designated fishery with respect to said boat
- (iv) In the case where an application for a permission or an approval of business commencement has been filed pursuant to the provision of item (i) or item (ii) with respect to a mother ship type fishery, a person who had been granted a permission or an approval of business commencement and has discontinued the use of a previous mother ship or a previous one of self-navigating boats in said mother ship type fishery or has encountered the loss or sinking of a previous mother ship or a previous one of self-navigating boats and therefore experienced the cease of the validity of the permission or the approval of business commencement with respect to the mother ship type fishery pertaining to the self-navigating boats belonging to the same fleet as the previous mother ship or pertaining to the mother ship belonging to the same fleet as the previous one of the self-navigating boats, files an application for a permission or an approval of business commencement with respect to another one of the self-navigating boats, or another mother ship,

as the one of the self-navigating boats belonging to the same fleet as the mother ship pertaining to said application or as the mother ship belonging to the same fleet as the self-navigating boats pertaining to said application, in lieu of the one of the self-navigating boats or the mother ship pertaining to said permission or approval of business commencement.

(Valid Period of Permission)

Article 60 (1) The valid period of a permission of a designated fishery shall be 5 years; provided that in the case where a permission is granted pursuant to the provision of the preceding Article, the valid period shall be the remaining period of the previous permission.

(2) The valid period set forth in the preceding paragraph shall expire on the same date for each designated fishery.

(3) The Agriculture, Forestry and Fisheries Minister may decide a period shorter than the period of paragraph (1) after hearing the opinions of the Fisheries Policy Council to such an limit as necessary for the protection of reproduction of aquatic animals and plants and fisheries adjustment.

(Permission of Change)

Article 61 When a person granted a permission or an approval of business commencement of a designated fishery is going to increase the gross tonnage of the boat (the mother ship or the one of self-navigating boats, in the case of mother ship type fishery; hereinafter the same shall apply in this Article and the next Article) granted the permission or the approval of business commencement or is going to change the fishing area or any other matter prescribed in an Ordinance of the Ministry of Agriculture, Forestry and Fisheries, he/she shall be granted a permission of the Agriculture, Forestry and Fisheries Minister.

(Inheritance or Merger of Juridical Persons or Demerger of a Juridical Person)

Article 62 (1) When a person granted a permission or an approval of business commencement of a designated fishery died, was dissolved or was divided (limited to a case where the ship permissioned or approved on business commencement for said designated fishery is inherited), the inheritor (the inheritor who is decided to operate the designated fishery by the conference among the inheritors concerned in the case where there are two or more inheritors) or the juridical person existing after merger or the juridical person established by merger or the juridical person inheriting said boat after demerger shall inherit the status of the person granted the permission or the approval of business commencement of said designated fishery.

(2) The person who has inherited the status of the person granted a permission

or an approval of business commencement of a designated fishery pursuant to the provision of the preceding paragraph shall notify the Agriculture, Forestry and Fisheries Minister to that effect within two months from the day of inheritance.

(Invalidation of Permission.)

Article 62-2 (1) In the case where the boat concerned falls under any of the following items, the permission or the approval of business commencement of said designated fishery shall cease to be effective.

(i) When the boat permissioned for a designated fishery (a mother ship or each of self-navigating boats in the case of mother ship type fishery; the same shall apply in the next item and item (iii)) was decided not to be used in the designated fishery

(ii) When the boat authorizationed or approved on business commencement for a designated fishery was lost or sank

(iii) When the boat permissioned for a designated fishery was transferred, lent or returned or when the right to use the boat was lost

(2) In the case where a mother ship or self-navigating boats fall(s) under any of the following items, the permission(s) or the approval(s) of business commencement for a mother ship type fishery pertaining to all of the self-navigating boats belonging to the same fleet as said mother ship or the mother ship belonging to the same fleet as said self-navigating boats shall lose(s) its/their effect.

(i) When the mother ship or all of the self-navigating boats belonging to the same fleet permissioned for a mother ship type fishery was/were decided not to be used for said mother ship type fishery

(ii) When the mother ship or all of the self-navigating boats belonging to the same fleet authorizationed or approved on business commencement for a mother ship type fishery was/were lost or sank

(iii) When the mother ship or all of the self-navigating boats belonging to the same fleet permissioned for a mother ship type fishery was/were transferred, lent or returned, or the right of using the mother ship or all of the self-navigating boats was lost.

(iv) When the permission(s) or approval(s) on business commencement for a mother ship type fishery pertaining to a mother ship or all of the self-navigating boats belonging to the same fleet was/were rescinded pursuant to the provision of paragraph (1) or paragraph (2) of the next Article or paragraph (2), Article 39 applied mutatis mutandis in Article 63.

(Rescission of Permission due to Loss of Qualification.)

Article 62-3 (1) When a person granted a permission or an approval on business

commencement for a designated fishery falls under item (ii), paragraph (1), Article 56 or any of the respective items of paragraph (1), Article 57 (excluding item (iv), the Agriculture, Forestry and Fisheries Minister shall rescind the permission or the approval on business commencement for said designated fishery.

(2) In the case where a person granted a permission or an approval on business commencement for a designated fishery falls under item (iv), paragraph (1), Article 57, the Agriculture, Forestry and Fisheries Minister may rescind the permission or the approval on business commencement for said designated fishery.

(3) The proceedings on the date of hearing pertaining to the rescission of a permission or an approval on business commencement pursuant to the provisions of the preceding two paragraphs shall be performed publicly.

(Rewrite Issue of Permission)

Article 62-4 The matters necessary for the rewrite issue, reissue and return of permissions shall be prescribed in an Ordinance of the Ministry of Agriculture, Forestry and Fisheries.

(Mutatis Mutandis Application Provision)

Article 63 (1) With respect to the permission or the approval on business commencement for a designated fishery, the provisions of paragraph (1), Article 34 (Restrictions or Conditions of Fishery Right), Article 35 (Notification of Absence from Work), paragraph (1) and paragraph (2) of Article 37, paragraph (1), paragraph (2), paragraph (6) through paragraph (10) and paragraph (13) through paragraph (15) of Article 39 (Rescission of Fishery Right) and Article 12 (Measures for Fishery Employees) of the Aquatic Resources Conservation Act (Act No. 313 of 1951) shall apply mutatis mutandis. In this case, "the Governor concerned" shall be deemed to be replaced with "the Agriculture, Forestry and Fisheries Minister"; "when granting a license, if he/she finds it necessary for ... other public interest" in paragraph (1), Article 34, with "when he/she finds it necessary for ...other public interest"; "fisheries adjustment" in paragraph (1), Article 39, with "the protection of reproduction of aquatic animals and plants, fisheries adjustment"; "the prefectural government concerned" in paragraph (6), paragraph (10) and paragraph (13) of the same Article, with "the national government"; "the Governor concerned, after he/she hears the opinions of the Sea-area Fisheries Adjustment Commission concerned" in paragraph (8) of the same Article, with "the Agriculture, Forestry and Fisheries Minister"; "paragraph (10), paragraph (2), Article 34 (Consultation with the Sea-area Fisheries Adjustment Commission) and paragraph (4), Article 37 (Hearing of Opinions)" in paragraph (14) of the

same Article, with "paragraph (10)"; "the disposition for nonpayment of local tax" in paragraph (15) of the same Article, with "the disposition for nonpayment of national tax"; "paragraph (5), Article 10" in Article 12 of the same Act, with "paragraph (1), Article 39 of the Fisheries Act applied mutatis mutandis in Article 63 of the same Act"; and "the day of the public notice of paragraph (4) of the same Article," with "the day when the permission is rescinded."

- (2) When the Agriculture, Forestry and Fisheries Minister is going to add or change or order the suspension of the conditions or restrictions pursuant to the provision of paragraph (1), Article 34 or paragraph (1) or paragraph (2), Article 39 applied mutatis mutandis in the preceding paragraph, he/she shall hold a hearing notwithstanding the classification of the procedure for statements of opinions pursuant to the provision of paragraph (1), Article 13 of the Administrative Procedure Act (Act No. 88 of 1993).
- (3) When the Agriculture, Forestry and Fisheries Minister is going to dispose pursuant to the provision of paragraph (13), Article 39 applied mutatis mutandis in paragraph (1), he/she shall hold a hearing notwithstanding the provision of Article 13 of the Administrative Procedure Act.
- (4) The proceedings on the date of the hearing pertaining to the disposition pursuant to the provision of paragraph (1), Article 34, paragraph (1), Article 37, or paragraph (1), paragraph (2) or paragraph (13), Article 39 respectively applied mutatis mutandis in paragraph (1) shall be performed publicly

(Report to the Fisheries Policy Council)

Article 64 The Agriculture, Forestry and Fisheries Minister shall report the states of the permissions and approvals on business commencement for designated fisheries to the Fisheries Policy Council at least once every year.

Chapter IV Fisheries Adjustment

(Order concerning Fisheries Adjustment)

Article 65 (1) The Agriculture, Forestry and Fisheries Minister or the Governors may prohibit the fisheries operated for the purpose of gathering and catching the specific kinds of aquatic animals and plants prescribed in an Ordinance of the Ministry of Agriculture, Forestry and Fisheries or Rules, and the fisheries operated with the specific fishing methods prescribed in an Ordinance of the Ministry of Agriculture, Forestry and Fisheries or Rules (limited to the methods for gathering or catching aquatic animals and plants) for fisheries regulation and other fisheries adjustment, and may ensure that these fisheries can be performed if the permissions are granted by the Agriculture, Forestry and Fisheries Minister or the Governor concerned as prescribed in an Ordinary

- of the Ministry of Agriculture, Forestry and Fisheries or Rules.
- (2) The Agriculture, Forestry and Fisheries Minister or the Governors may establish a necessary Ordinance of the Ministry of Agriculture, Forestry and Fisheries or Rules concerning the following matters for fisheries regulation and other fisheries adjustment.
 - (i) Restriction or prohibition concerning the gathering, catch or disposal of aquatic animals and plants (excluding that the operation of fisheries is prohibited and that the permissions of the Agriculture, Forestry and Fisheries or the Governor concerned must be obtained, respectively pursuant to the provision of the preceding paragraph)
 - (ii) Restriction or prohibition concerning the sale or possession of aquatic animals and plants or their products
 - (iii) Restriction or prohibition concerning fishing gear or fishing boats
 - (iv) Restriction concerning the number and qualification of fishery managers
 - (3) The Ordinance of the Ministry of Agriculture, Forestry and Fisheries or Rules pursuant to the provision set forth in the preceding paragraph may include necessary penal provisions.
 - (4) The punishments that can be provided in the penal provisions set forth in the preceding paragraph shall be imprisonment with work of two years or less, a fine of 500,000 yen or less, detention or petty fine or cumulative imposition of the foregoing in the Ordinary of the Ministry of Agriculture, Forestry and Fisheries, or imprisonment with work of six months or less, a fine of 100,000 yen or less, detention or petty fine or cumulative imposition of the foregoing in the Rules.
 - (5) The Ordinance of the Ministry of Agriculture, Forestry and Fisheries or Rules pursuant to the provision of paragraph (2) may include provisions concerning the confiscation of the catches, their products, fishing boats, fishing gear and other things provided for gathering or catching aquatic animals and plants and respectively owned or possessed by criminals, and concerning the collection of equivalent values in the cases where all or some of these properties owned by criminals cannot be confiscated.
 - (6) When the Agriculture, Forestry and Fisheries Minister is going to establish the Ordinances of the Ministry of Agriculture, Forestry and Fisheries of paragraph (1) and paragraph (2), he/she shall hear the opinions of the Fisheries Policy Council.
 - (7) When the Governor concerned is going to establish the Rules of paragraph (1) and paragraph (2), he/she shall be granted an approval of the Agriculture, Forestry and Fisheries Minister.
 - (8) When the Governor concerned is going to establish the Rules of paragraph (1) and paragraph (2), he/she shall hear the opinions of the Sea-area Fisheries Adjustment Commission concerned with respect to the matters pertaining to

the sea pursuant to the provision of paragraph (1), Article 84 and the opinions of the Inland Waters Fishing Field Management Commission concerned with respect to the matters pertaining to the inland waters.

(Prohibition of Non-permissioned Medium-scale Roundhaul Fishery.)

Article 66 (1) A person who is going to operate a medium-scale roundhaul fishery, small-scale snurrevaad fishery, Seto Inland Sea boat seine fishery or small-scale salmon/trout driftnet fishery shall be granted a permission of the Governor concerned with respect to each boat.

(2) "Medium-scale roundhaul fishery" refers to a fishery operated using a roundhaul from a boat with a gross tonnage of 5 tons to less than 40 tons (excluding a designated fishery); "small-scale snurrevaad fishery" refers to a fishery operated using a trawl net from a powered fishing boat with a gross tonnage of less than 15 tons; "Seto Inland Sea boat seine fishery" refers to a fishery operated using a boat seine from a powered fishing boat with a gross tonnage of 5 tons or more in the Seto Inland sea (the Seto Inland sea pursuant to the provision of paragraph (2), Article 110); and "small-scale salmon/trout driftnet fishery" refers to a fishery for catching salmon and trout using a driftnet from a powered fishing boat with a gross tonnage of less than 30 tons.

(3) The Agriculture, Forestry and Fisheries Minister may decide the number of boats capable of being granted the permissions of paragraph (1) for each prefecture and the maximum limit of the total gross tonnage or total horsepower, or the maximum limit of the gross tonnage or the horsepower of each boat capable of being granted the permission of the same paragraph in each sea area designated by the minister, when he/she finds it necessary for fisheries adjustment.

(4) When the Agriculture, Forestry and Fisheries Minister is going to decide the maximum limit pursuant to the provision of the preceding paragraph, he/she shall hear the opinions of the Governor concerned.

(5) The Governors shall not grant the permission of paragraph (1) for any boat exceeding the maximum limit decided pursuant to the provision of paragraph (3).

(Instructions of Sea-area Fisheries Adjustment Commissions and United Sea-area Fisheries Adjustment Committee)

Article 67 (1) Sea-area Fisheries Adjustment Commissions and United Sea-area Fisheries Adjustment Committee may give instructions such as restriction or prohibition concerning the gathering and catch of aquatic animals and plants, restriction concerning the number of fishery managers, restriction concerning the use of fishing grounds and other necessary matters to the parties concerned when the commissions find it necessary for the protection of reproduction of

aquatic animals and plants, for the appropriate exercises of fishery rights and piscaries, for the prevention or settlement of disputes concerning the use of fishing grounds and for other fisheries adjustment.

- (2) In the case where an instruction of a Sea-area Fisheries Adjustment Commission pursuant to the provision of the preceding paragraph conflicts an instruction of the Joint Sea-area Fisheries Adjustment Commission concerned pursuant to the provision of the same paragraph, the instruction of said Sea-area Fisheries Adjustment Commission shall not be effective to the extent of the conflict.
- (3) The Governor concerned may give a necessary instruction concerning the instruction of paragraph (1) to the Sea-area Fisheries Adjustment Commission concerned or the Joint Sea-area Fisheries Adjustment Commission concerned. In this case, the Governor concerned shall notify the Agriculture, Forestry and Fisheries Minister of the contents of said instruction in advance.
- (4) In the case of paragraph (1), when the Governor concerned finds the instruction inappropriate, he/she may rescind the whole or a part of the instruction.
- (5) With respect to the instruction pursuant to the provision of paragraph (1), the provision of paragraph (6), Article 11 shall apply *mutatis mutandis*. In this case, "the Governor concerned" in the same paragraph shall be deemed to be replaced with "the Sea-area Fisheries Adjustment Commission concerned or the Joint Sea-area Fisheries Adjustment Commission concerned."
- (6) With respect to the instruction of paragraph (1) made according to the instruction pursuant to the provision of paragraph (6), Article 11 applied *mutatis mutandis* in the preceding paragraph, the provision of paragraph (4) shall not apply.
- (7) When the Agriculture, Forestry and Fisheries Minister is going to give an instruction pursuant to the provision of paragraph (6), Article 11 applied *mutatis mutandis* in paragraph (5), he/she shall notify the Governor concerned of the contents of said instruction in advance; provided that the same shall not apply in the case where a notice is given pursuant to the provision of paragraph (1), Article 250-6 of the Local Autonomy Act (Act No. 67 of 1947).
- (8) When a person given the instruction of paragraph (1) does not follow it, the Sea-area Fisheries Adjustment Commission concerned or the Joint Sea-area Fisheries Adjustment Commission concerned may file an application with the Governor concerned to the effect that he/she should issue an order to follow said instruction.
- (9) When the Governor concerned receives the application set forth in the preceding paragraph, he/she shall notify the person pertaining to the application to the effect that if the person has an objection, he/she should offer it within a certain period of time.

- (10) The period set forth in the preceding paragraph may not be 15 days or less.
- (11) In the case of paragraph (9), if the objection is not offered within the period of the same paragraph or if there is no reason in the offer of the objection, the Governor concerned may issue an order to follow the instruction of paragraph (1) to the person pertaining to the application of paragraph (8).
- (12) In the case where the Governor concerned does not issue an order pursuant to the provision of the preceding paragraph, the provision of paragraph (6), Article 11 shall apply *mutatis mutandis*.

(Instruction of Wide Sea-area Fisheries Adjustment Commission)

Article 68 (1) The Wide Sea-area Fisheries Adjustment Commission concerned may give an instruction such as restriction or prohibition concerning the gathering and catch of aquatic animals and plants, restriction concerning the number of fishery managers, restriction concerning the use of fishing grounds and other necessary matters to the parties concerned when the commission finds it necessary for the protection of reproduction of aquatic animals and plants, for the appropriate exercises of fishery rights and piscaries (limited to the fishery rights and piscaries pertaining to the fishing grounds in which the Agriculture, Forestry and Fisheries Minister *per se* wields the authority of the Governors pursuant to the provision of Article 136), for the prevention or settlement of disputes concerning the use of fishing grounds (limited to the fishing grounds in which the Agriculture, Forestry and Fisheries Minister *per se* wields the authority of the Governors pursuant to the provision of the same Article) and for other fisheries adjustment from a wide viewpoint exceeding the areas of prefectures.

- (2) In the case where an instruction of a Sea-area Fisheries Adjustment Commission or a Joint Sea-area Fisheries Adjustment Commission pursuant to the provision of paragraph (1) of the preceding Article conflicts an instruction of the Wide Sea-area Fisheries Adjustment Commission concerned pursuant to the provision of the preceding paragraph, the instruction of said Sea-area Fisheries Adjustment Commission or Joint Sea-area Fisheries Adjustment Commission shall not be effective to the extent of the conflict.
- (3) The Agriculture, Forestry and Fisheries Minister may give a necessary instruction for the instruction of paragraph (1) to Wide Sea-area Fisheries Adjustment Commissions.
- (4) With respect to the instruction pursuant to the provision of paragraph (1), the provisions of paragraph (4) and paragraph (8) through paragraph (11) of the preceding Article shall apply *mutatis mutandis*. In this case, "the Governor concerned" in paragraph (4), paragraph (8), paragraph (9) and paragraph (11) of the same Article shall be deemed to be replaced with "the Agriculture, Forestry and Fisheries Minister," and "the Sea-area Fisheries Adjustment

Commission concerned or the Joint Sea-area Fisheries Adjustment Commission concerned" in paragraph (8) of the same Article, with "the Wide Sea-area Fisheries Adjustment Commission concerned."

Article 69 through Article 71 (Deletion)

(Signs of Fishing Grounds and Fishing Gear)

Article 72 Governors may order fishery managers, Fisheries Cooperation Associations or Federations of Fisheries Cooperative Associations to construct the signs of fishing grounds or install the signs of fishing gear.

(Waters not Provided for Use by the Public)

Article 73 The provision of Article 65 (Order concerning Fisheries Adjustment) and the penal provision pertaining to the provision may apply to the waters not provided for use by the public but communicating with the waters provided for use by the public or with the waters of Article 4 by an order.

(Fisheries Supervising Public Officers)

Article 74 (1) The Agriculture, Forestry and Fisheries Minister or each Governor shall nominate Authorized Fisheries Supervisors or Authorized Fisheries Supervising Officers from among the employees concerned, to let them take charge of the affairs concerning the observance of the acts and ordinances concerning fisheries.

- (2) The matters necessary for the qualification of an Authorized Fisheries Supervisor shall be prescribed in a Cabinet Order.
- (3) Each Authorized Fisheries Supervisor or Authorized Fisheries Supervising Officer may visit fishing grounds, boats, places of business, offices, and warehouses and inspect the situations or books & documents and other things or ask the persons concerned questions, when he/she finds it necessary.
- (4) Each Authorized Fisheries Supervisor or Authorized Fisheries Supervising Officer shall carry an identification card for certifying his/her status with him/her when he/she performs his/her duty, and shall show it when requested.
- (5) Each Authorized Fisheries Supervisor or Authorized Fisheries Supervising Officer nominated as a result of the conference between the chief of the public agency he/she belongs to and the Chief Prosecutor of the public prosecution office corresponding to the district court having jurisdiction over the main place of his/her work shall perform his/her duty as a juridical police officer pursuant to the provision of the Criminal Procedure Act (Act No. 131 of 1948) concerning the crimes concerning fisheries.

(Cooperation between Authorized Fisheries Supervisors and Authorized

Fisheries Supervising Officers)

Article 74-2 (1) The Agriculture, Forestry and Fisheries Minister may request that a Governor should let the Authorized Fisheries Supervising Officers of the prefectural government concerned cooperate with an Authorized Fisheries Supervisor with respect to a particular case, when he/she finds it especially necessary for investigation. In this case, said Authorized Fisheries Supervising Officers shall be directed and supervised by the Agriculture, Forestry and Fisheries Minister to the extent necessary for the investigation.

(2) Each Governor may file an application for the cooperation of an Authorized Fisheries Supervisor with the Agriculture, Forestry and Fisheries Minister with respect to a particular case, when he/she finds it especially necessary for investigation. In this case, the Agriculture, Forestry and Fisheries Minister shall let the Authorized Fisheries Supervisor cooperate when he/she finds it appropriate.

(Authorized Supervising Officers and the area of each prefecture)

Article 74-3 Each Authorized Fisheries Supervising Officer may perform his/her duty also outside the area of the prefecture concerned when he/she is permitted by the Agriculture, Forestry and Fisheries Minister in the case where it is necessary for investigation, in addition to the case provided in the preceding Article.

(Affairs to Be Dealt with by Prefectural Governments)

Article 74-4 Some of the affairs belonging to the authority of the Agriculture, Forestry and Fisheries Minister provided in this Chapter may be performed by Governors as provided in a Cabinet Order.

Chapter V (Deletion)

Article 75 through Article 81 (Deletion)

Chapter VI Fisheries Adjustment Commissions.

Section 1 General Provisions

(Fisheries Adjustment Commissions)

Article 82 (1) Fisheries Adjustment Commissions include Sea-area Fisheries Adjustment Commissions, United Sea-area Fisheries Adjustment Committee and Wide Sea-area Fisheries Adjustment Commissions.

(2) Each Sea-area Fisheries Adjustment Commission shall be supervised by the Governor concerned; each Joint Sea-area Fisheries Adjustment Commission, by the Governor having jurisdiction over the sea area for which the commission is

established; and each Wide Sea-area Fisheries Adjustment Commission, by the Agriculture, Forestry and Fisheries Minister.

(Matters under the Jurisdiction)

Article 83 Each Fisheries Adjustment Commission shall deal with the matters concerning the fisheries in the sea area or in the sea region for which the commission is established.

Section 2 Sea-area Fisheries Adjustment Commissions

(Establishment)

Article 84 (1) The Sea-area Fisheries Adjustment Commissions shall be established in the sea areas the Agriculture, Forestry and Fisheries Minister has established in the sea (including the lakes and marshes designated by the Agriculture, Forestry and Fisheries Minister; the same shall apply also in paragraph (2), Article 118).

(2) When the Agriculture, Forestry and Fisheries Minister has designated lakes and marshes and has established sea areas, he/she shall publicly notify them.

(Composition)

Article 85 (1) Each Sea-area Fisheries Adjustment Commission shall consist of commission members.

(2) Each Sea-area Fisheries Adjustment Commission shall have a chairman who shall be elected by mutual vote from among the commission members; provided that in the case where the commission members may not select the chairman by mutual vote, the Governor concerned shall appoint it from among the commission members of item (ii), paragraph (3).

(3) The commission members shall be appointed from among the following.

(i) Nine persons elected from among the persons eligible for election pursuant to the provision of the following Article by the persons with voting rights pursuant to the provision of the same Article (six persons for each Sea-area Fisheries Adjustment Commission established for each sea area designated by the Agriculture, Forest and Fisheries Minister)

(ii) Four persons appointed by the Governor concerned from among the persons with relevant knowledge and experience (three person for the Sea-area Fisheries Adjustment Commission provided in the preceding item) and two persons appointed by the Governor concerned from among the persons found to represent the public interest of the sea area) (one person for the Sea-area Fisheries Adjustment Commission provided in the preceding item)

(4) Each Governor may appoint an expert adviser when he/she finds it necessary for letting the commission study and deliberate a special matter.

- (5) The expert adviser shall be appointed by the Governor concerned from among the persons with relevant knowledge and experience.
- (6) Each commission may have a clerk or assistant.

(Voting Rights and Eligibility for Election)

Article 86 (1) A person who has an address or a place of business in the region of the municipalities along the sea area for which each Sea-area Fisheries Adjustment Commission is established (including the municipalities not lying along the sea, but designated by the Agriculture, Forestry and Fisheries Minister for such a special reason that there are numerous persons operating or engaged in fisheries in said sea area and having addresses or places of business in the region of the municipalities) and operates a fishery using a fishing boat or is engaged in the gathering, catch or culture of aquatic animals and plants using a fishing boat for fishery managers for 90 days or more per year, has a voting right for selecting a commission member of the Sea-area Fisheries Adjustment Commission and is eligible for election for the commission member.

(2) Each Governor may expand or restrict the scope of the fishery managers or fishery employees of the preceding paragraph for a specified fishery depending on the special circumstance of said sea area after hearing the opinions of said Sea-area Fisheries Adjustment Commission.

(3) A commission member of a Sea-area Fisheries Adjustment Commission or a officer of a Fisheries Cooperative Association or a Federation of Fisheries Cooperative Associations, who had had a voting right and eligibility for the election for the commission member of the Sea-area Fisheries Adjustment Commission when he/she assumed the commission member or the officer shall be deemed to have a voting right or eligibility for the election conducted while he/she is the commission member or the officer or for the election conducted for the first time after he/she has retired as the commission member or the officer, even in the case where he/she does not have a voting right or the eligibility for election pursuant to the provisions of the preceding two paragraphs.

(Disqualified Person)

Article 87 (1) A person who falls under any of the following items shall not have a voting right or eligibility for election.

(i) A person with an age of less than 20 years

(ii) A person prescribed in paragraph (1), Article 11 (Person without a Voting Right or Eligibility for Election) of the Public Offices Election Act (Act No. 100 of 1950)

(2) A person who was punished owing to the crime prescribed in item (iv), paragraph (1), Article 11 of the Public Offices Election Act committed while

he/she assumed a public office pursuant to the provision of Article 3 (Definition of Public Office) of the Act and fulfilled the punishment or was exempted from the punishment, thereafter passing five years from the date when he/she fulfilled the punishment or was exempted from the punishment, shall not be eligible for election for further five years from the date when said five years have passed.

- (3) The members and employees of boards of elections, vote officers, ballot-counting officers, election managers, and employees of local governments pertaining to the election affairs may not be candidates for the commission members of Sea-area Fisheries Adjustment Commissions in the respective regions concerned, while they are in office.
- (4) Judges, public prosecutors, accounting auditors, tax collectors, police officers, and members of public safety commissions may not be candidates for the commission members of Sea-area Fisheries Adjustment Commissions, while they are in office.

(Election Affair Manager)

Article 88 The affairs concerning the elections of the commission members of each Sea-area Fisheries Adjustment Commission shall be managed by the Board of Election of the prefectural government concerned prescribed in Article 181 of the Local Autonomy Act.

(Pollbook)

- Article 89 (1) The Board of Elections of each municipality of paragraph (1), Article 86 shall investigate the qualifications of electors as of September 1, every year, based on the application filed as prescribed in a Cabinet Order and prepare a pollbook for the Sea-area Fisheries Adjustment Commission.
- (2) In the case where no application is filed in the preceding paragraph or in the case where the application includes a mistake or an omission, the Board of Elections may list the electors on the pollbook or correct the application by authority.
 - (3) The ages of the electors shall be calculated based on the date when the pollbook was established.
 - (4) The pollbook shall state the names and birth dates of electors (or the names of juridical persons) and the addresses (the places of business if the electors do not have addresses in said region).
 - (5) The pollbook shall be established as of December 5.
 - (6) The pollbook shall be left as it is till December 4 of the next year; provided that the Board of Elections of each municipality shall correct the pollbook immediately after any person listed on the pollbook dies, and further if any correction should be made owing to an unappealable judgment handed down on

any person listed on the pollbook, the correction shall be made immediately and publicly notified to that effect.

- (7) In the case where the Board of Elections of each municipality knows that any person listed on the pollbook does not have or loses the qualification to be listed on the pollbook of said municipality, the board shall immediately indicate to that effect on the pollbook, except the case falling under the provision of the proviso of the preceding paragraph.
- (8) In the case where the Board of Elections of each municipality has listed the person listed in the pollbook of another municipality lying along the same sea area as said municipality, the board shall immediately notify the Board of Elections of the municipality concerned to that effect.

(Voting)

Article 90 (1) An election shall be conducted by ballot.

- (2) In the ballot, each person may cast only one vote.
- (3) For ballot, each elector shall go to the polling place and write the name of one candidate person (or the name of one candidate juridical person; the same shall apply hereinafter) on a voting slip by himself/herself; provided that in the case of a juridical person, the person designated by the juridical person shall do, and the necessary matters in this case shall be prescribed in a Cabinet Order.
- (4) On a voting slip, the name of the elector shall not be stated.

(Invalid Voting)

Article 91 The following voting slips shall be invalid.

- (i) The voting slip used is nonconforming.
- (ii) A voting slip on which the name of the person who is not a candidate or the name of the person who cannot be a candidate pursuant to the provisions of paragraph (1) and paragraph (4), Article 251-2 of the Public Offices Election Act applied mutatis mutandis in paragraph (3) or paragraph (4), Article 87 or Article 94 is written
- (iii) A voting slip on which the names of two or more candidates are written
- (iv) A voting slip on which the name of a candidate not eligible for election is written
- (v) A voting slip on which something other than the name of a candidate is written; provided that the same shall not apply if an occupation, status, address or honorific title is written
- (vi) A voting slip on which the name of a candidate is not written by the elector himself/herself
- (vii) A voting slip on which the written name of a candidate cannot be identified

(Case Where the Number of Elected Candidates Is Insufficient)

Article 92 (1) In the case where one of the following reasons occurs and in the case where there are persons who obtained the votes pursuant to the proviso of paragraph (1), Article 95 of the Public Offices Election Act applied mutatis mutandis in Article 94 but did not become elected candidates, an electoral committee meeting shall be held immediately to decide the elected candidate from among them; provided that any candidate person cannot be an elected candidate, if he/she has lost his/her eligibility for election after the date of the election, or if he/she has become a candidate for a commission member of a Sea-area Fisheries Adjustment Commission in the election of the commission member of the Sea-area Fisheries Adjustment Commission conducted in the region where the election pertaining to said election is conducted owing to a crime relating to said election committed by the persons stated in item (i), item (iii) and item (iv), paragraph (1) of Article 251-2 of the same Act applied mutatis mutandis in Article 94 pertaining to said election, pursuant to the provision of paragraph (1) and paragraph (4) of the same Article, or if he/she has become a person who cannot be a candidate for a commission member of any Sea-area Fisheries Adjustment Commission.

(i) When an elected candidate has refrained from being an elected candidate or has died

(ii) When an elected candidate has lost his/her qualification as an elected candidate pursuant to the provisions of Article 99, paragraph (2) or paragraph (4), Article 103 or Article 104 of the Public Offices Election Act applied mutatis mutandis in Article 94

(iii) As a result of the offer of an objection or a lawsuit pursuant to the provision of paragraph (1), Article 202, Article 203, paragraph (1), Article 206 or Article 207 of the Public Offices Election Act applied mutatis mutandis in Article 94, there are no elected candidates, or the number of elected candidates is short of the necessary number of commission members to be elected in the election.

(iv) The qualification as an elected candidate has been lost pursuant to the provision of paragraph (1), Article 251-2 of the Public Offices Election Act applied mutatis mutandis in Article 94.

(v) An elected candidate was punished owing to a crime relating to the election, and his/her qualification as an elected candidate was lost.

(2) In the case where one of the reasons stated in the respective items of the preceding paragraph occurs, if the elected candidate cannot be decided pursuant to the provision of the preceding paragraph, or if the number of elected candidates is still insufficient after the elected candidate is decided pursuant to the provision of the preceding paragraph (excluding the case where the number of elected persons becomes insufficient within two months before

the expiration date of the term of office of the commission members of item (i), paragraph (3), Article 85 and where the sum consisting of this insufficient number and the number of vacancies of commission members is two or less), the Election Administration Commission of the prefectural government concerned shall decide the date of election and publicly notify it, to conduct another election; provided that the same shall not apply when the date of election is publicly notified with respect to the same person for any other reason than those stated in the respective items of the preceding paragraph or pursuant to the provision of paragraph (2) of the next Article.

- (3) The election of the preceding paragraph may not be conducted while the objection pursuant to the provision of paragraph (1), Article 202, Article 203, paragraph (1), Article 206 or Article 207 of the Public Offices Election Act applied mutatis mutandis in Article 94 is offered, or while the decision of an objection is not established, or while a lawsuit is pending at judicial decision.
- (4) The two preceding paragraphs shall apply also when there are no elected candidates or when the number of candidates does not reach the necessary number of the commission members to be elected.

(Case Where a Vacancy Occurs in Board Member)

Article 93 (1) In the case where a vacancy occurs in the commission members of item (i), paragraph (3), Article 85 and in the case where there are persons who obtained the votes pursuant to the proviso of paragraph (1), Article 95 of the Public Offices Election Act applied mutatis mutandis in Article 94 but did not become elected candidates, an electoral committee meeting shall be held immediately to decide the elected candidate from among them. In this case, the provision of the proviso, paragraph (1) of the preceding Article shall apply mutatis mutandis.

- (2) In the case of the preceding paragraph where a vacancy occurs in the commission members, if the elected candidate cannot be decided pursuant to the provision of the preceding paragraph, or if the number of elected candidates is still insufficient after the elected candidate is decided pursuant to the provision of the preceding paragraph (excluding the case where a vacancy occurs within two months before the expiration date of the term of office of the commission members and where the sum consisting of this insufficient number and the number of insufficient elected candidates is two or less), the Election Administration Commission of the prefectural government concerned shall decide the date of election and publicly notify it, to conduct another election; provided that the same shall not apply when the date of election is publicly notified with respect to the same person pursuant to the provision of paragraph (2) or paragraph (4) of the preceding Article.
- (3) The provision of paragraph (3) of the preceding Article shall apply mutatis

mutandis to the election of the preceding paragraph.

(Mutatis Mutandis Application of Public Offices Election Act)

Article 94 The provisions of Article 8 (Exception concerning Specified Regions), paragraph (2), Article 10 (Method for Calculating the Age of a Person Eligible for Election), Article 17 (Voting Precincts), Article 18 (excluding the proviso of paragraph (1)) (Ballot Counting Districts), Article 23 through Article 25, Article 30 (Pollbook), Article 33, paragraph (1), paragraph (3), paragraph (4) and paragraph (6), Article 34 (Date of Election), Chapter XI (Voting) (excluding the provisions of Article 35, Article 36, paragraph (3) and paragraph (4), Article 37, paragraph (4), Article 38, Article 40, Article 46, Article 46-2, paragraph (4) through paragraph (8), Article 49 and Article 49-2), Chapter VII (Ballot Counting) (excluding the provisions of paragraph (3) and paragraph (4), Article 61, paragraph (3) through paragraph (5) and the proviso of paragraph (8), Article 62, Article 68 and paragraph (2), paragraph (3) and paragraph (5), Article 68-2), Chapter VIII (Electoral Committee and Electoral Subcommittees) (excluding the provisions of paragraph (2), Article 75, paragraph (2), Article 77 and Article 81), paragraph (1), paragraph (2), paragraph (5) and paragraph (9) through paragraph (11), Article 86, Article 86-8, Article 90, paragraph (2), Article 91 (Candidates), Chapter X (Elected Candidates) (excluding the provisions of Article 95-2 through Article 98, Article 99-2, paragraph (1) through paragraph (3), paragraph (7) and paragraph (8), Article 100, Article 101 through Article 101-2-2 and paragraph (2), Article 108), paragraph (1) and paragraph (2), Article 111 (Notice in Case of Vacancy), Article 116 (General Election in the Case Where None of Assemblymen or Elected Candidates Exists), Article 117 (Established Municipality Election), Article 129, Article 130, paragraph (1) and paragraph (2), Article 131, Article 132 through Article 137, Article 137-3, Article 138, Article 140-2, Article 148-2, paragraph (1), paragraph (3) and paragraph (4), Article 161, Article 164-6, Article 166, Article 178 (Election Campaign), Chapter XV (Lawsuits) (excluding the provisions of paragraph (2), Article 202, Article 204, paragraph (5), Article 205, paragraph (2), Article 206, Article 208, paragraph (2), Article 209-2, paragraph (2), Article 211, Article 216 and paragraph (4), Article 220), Chapter XVI (Penal Provisions) (excluding the provisions of Article 224-3, item (i) and item (ii), Article 235-2, Article 235-3, Article 235-4, Article 235-6, paragraph (2), Article 236, Article 236-2, Article 238-2, item (iv), paragraph (1) and paragraph (2), Article 239, paragraph (1), Article 239-2, paragraph (2), Article 240, paragraph (2), Article 242, Article 242-2, item (i) and item (ii) through item (ix), paragraph (1), and paragraph (2), Article 243 , item (i) through item (v)-2, item (7) and item (8), paragraph (1) and paragraph (2), Article 244, Article 246 through Article 250, paragraph (2), paragraph (3) and paragraph (5), Article

251-2, Article 251-3, Article 251-4, Article 252-2, Article 252-3, paragraph (3) through paragraph (5), Article 255, and Article 255-2 through Article 255-4), Article 264-2 (Exclusion from Application of Administrative Procedure Act), Main Clause, paragraph (1), Article 270 (Time of Notifications concerning Elections), Article 270-2 (Time of Absentee Voting), Article 270-3 (Deadlines of Notifications concerning Elections), Article 272 (Delegation to Orders) and paragraph (4) and paragraph (5) of Supplementary Provision of the Public Offices Election Act shall apply mutatis mutandis to the elections of the members of Sea-area Fisheries Adjustment Commissions, except the portions concerning the elections of members of the House of Representatives, the members of the House of Councilors, the governors and mayors of local governments, and the members of the assemblies of municipalities. In this case, the respective phrasings in the middle column of the following table corresponding to the provisions of the Act stated in the left column of the table shall be deemed to be replaced with the corresponding phrasings in the right column of the table.

| | | |
|---------------------------|---|--|
| paragraph (2), Article 10 | the respective items of the preceding paragraph | item (i), paragraph (1), Article 87 of the Fisheries Act |
| paragraph (1), | the period from the 3rd to the 7th of the registration month for the registration pursuant to the provision of paragraph (1) of the preceding Article (the period prescribed in a Cabinet Order in the case of the proviso of the same paragraph), and the period decided by the Board of Elections which manages the affairs concerning said election for the registration pursuant to the provision of paragraph (2) of the same Article (the Central Board of Elections for the elections of the members of the House of Representatives to be elected under the proportional representation system or the members of the House of Councilors to be elected under the proportional representation system | the period from October 20 to |
| | a document stating the names, addresses and birth dates of the persons registered in the pollbook pursuant to the provision of the same Article | the pollbook |

| | | |
|---------------------------|---|--|
| paragraph (1), | has a complaint concerning the registration of the pollbook | finds an omission or an error in the pollbook |
| paragraph (2), | 3 days | 20 days |
| | immediately register the person pertaining to the offer of the objection in the pollbook or delete him/her from the pollbook | immediately correct the |
| paragraph (4), | concerning the registration into the pollbook and the deletion from the pollbook respectively pertaining to one public inspection | the omissions or errors pertaining to one pollbook |
| paragraph 3, | the public notice of paragraph (4), Article 6-2 or paragraph 7, Article 7 of the Local Autonomy Act | the public notice of paragraph (2), Article 84 of the Fisheries Act |
| paragraph (1), | Article 116 | Article 116 applied mutatis mutandis in Article 94 of the Fisheries Act |
| item (ii), paragraph (4), | item (v), Article 109 | item (iv), paragraph (1), Article 92 of the Fisheries Act |
| | paragraph (1), Article 210 | paragraph (1), Article 210 applied mutatis mutandis in Article 94 of the Fisheries Act |
| item (iii), | item (vi), Article 109 | item (v), paragraph (1), Article 92 of the Fisheries Act |
| | Article 254 | Article 254 applied mutatis mutandis in Article 94 of the Fisheries Act |
| item (vi), | paragraph (1), Article 111 | paragraph 1, Article 111 applied mutatis mutandis in Article 94 of the Fisheries Act |
| item (vi), | Article 116 | Article 116 applied mutatis mutandis in Article 94 of the Fisheries Act |
| paragraph (2), | extract (all or some of the matters recorded in said pollbook in the case where said pollbook is prepared as a magnetic disc pursuant to the provision of paragraph (3), Article 19 or a document stating said matters; the same shall apply in the following paragraph, Article 55 and Article 56) | extract |

| | | |
|--|---|---|
| paragraph (1), | paragraph (1) through paragraph (3), Article 46, paragraph (4) and paragraph (5), Article 50 and Article 68 | paragraph (3), Article 90 and Article 91 of the Fisheries Act |
| item (i), item (ii) and item (vi), paragraph (1), Article 48-2 | Ordinance of Ministry of International Affairs and Communications | Ordinance of Ministry of Agriculture, Forestry and Fisheries |
| paragraph (2), Article 48-2 | paragraph (1) through paragraph (3), Article 46 | paragraph (3), Article 90 of the Fisheries Act |
| paragraph (3), | Article 39 through Article 41 | Article 39, Article 41 |
| paragraph (1) | paragraph (1) through paragraph (3), Article 46, Article 48 and Article 50 | Article 48 and Article 50, and paragraph (3), Article 90 of the Fisheries Act |
| paragraph (3), Article 67 | Article 68 | Article 91 of the Fisheries Act |
| paragraph (1), Article 76 | item (viii), paragraph 1 of the Article 62 | item (vii), Article 91 of the Fisheries Act paragraph (1), paragraph (2), paragraph (6), paragraph (7), main clause of paragraph (8), paragraph (9) and paragraph (10), Article 62 |
| paragraph (1), Article 68-8 | paragraph (1), Article 11, Article 11-2 or Article 252, or Article 28 of the Political Funds Control Act | item (ii), paragraph 1 or paragraph 2, Article 87 of the Fisheries Act or Article 252 applied mutatis mutandis in Article 94 of the same Act |
| paragraph 2, Article 90 | the respective items of paragraph (1), Article 251-2 the preceding Article | item (i), item (iii) and item (iv), paragraph (1), Article 251-2 paragraph (3) or paragraph (4), Article 87 of the Fisheries Act |
| paragraph (2), Article 91 | Article 88 or Article 89 | |

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| paragraph (2) | Article 96, Article 97, Article 97-2 or Article 112 | paragraph (1), Article 92 or paragraph (1), Article 93 of the Fisheries Act |
| paragraph (1), Article 111 | from the chairman of the assembly of the local government | from the chairman of the Sea-area Fisheries |
| paragraph (2), Article 111 | Article 112 | paragraph (1), Article 93 of the Fisheries Act |
| Article 116 | Article 110 (excluding the portion where an election becomes partially invalid) or Article 113 | paragraph (2) or paragraph (4), Article 92 or paragraph (2), Article 93 of the Fisheries Act |
| paragraph (1), | persons stated in Article 88 | persons stated in paragraph (3), Article 87 of the Fisheries Act |
| Article 136 | Persons stated in the following respective items | persons stated in paragraph (4), Article 87 of the Fisheries Act |
| Article 137-3 | Article 252, or Article 28 of the Political Funds Control Act | Article 252 applied mutatis mutandis in Article 94, Fisheries Act |
| paragraph (1), | persons stated in item (i) through item (iii), paragraph (1), Article 251-2 | person stated in item (i) or item (iii), paragraph (1), Article 251-2 |
| | or paragraph (2), Article 223-2 | or paragraph (2), Article 223-2 |
| | in the case ...or in the case where the responsible cashier is punished pursuant to the provision of Article 247 | in the case ... |
| | persons stated in item (i) through (iii), paragraph (1) Article 251-2 or the responsible cashier | person stated in item (i) or item (iii), paragraph (1), Article 251-2 |
| paragraph (2), | persons stated in item (i) through item (iii), paragraph (1), Article 251-2 | person stated in item (i) or item (iii), paragraph (1), Article 251-2 |
| | or paragraph (2), Article 223-2 | or paragraph (2), Article 223-2 |
| | in the case ... or in the case where the responsible person is punished pursuant to the provision of Article 247 | in the case ... |
| paragraph (1), | respective items of paragraph (1), Article 251-2 | item (i), item (iii) and item (iv), paragraph (1), Article 251-2 |

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| paragraph 1, | the offer of the objection pursuant to this Chapter | the offer of the objection pursuant to Chapter XV applied mutatis mutandis in Article 94 of the Fisheries Act |
| paragraph (3), | the following respective items | item (i), item (ii) and item (iv) |
| paragraph (3), | the respective items of paragraph (3) of the preceding Article | item (i), item (ii) and item (iv), paragraph (3), the preceding Article |
| paragraph (3), | respective items of paragraph (3), Article 221 | item (i), item (ii) and item (iv), paragraph (3), Article 221 |
| paragraph 1, | | |
| Article 224-2 | respective items of paragraph (1), Article 251-2 | item (i), item (iii) and item (iv), paragraph (1), Article 251-2 |
| item (ii), Article | Article 135 or Article 136 | Article 135 or Article 136 applied mutatis mutandis in Article 94 of the Fisheries Act |
| Article 251 | the crimes stated in this Chapter (excluding the crimes of Article 235-6, Article 236-2, Article 245, item (ii) through item (ix) of Article 246, Article 248, paragraph (3) through paragraph (5) and paragraph (7), Article 249-2, Article 249-3, Article 249-4, paragraph (1) and paragraph (3), Article 249-5, Article 252-2, Article 252-3 and Article 253) | the crimes stated in Chapter XVI applied mutatis mutandis in Article 94 of the Fisheries Act (excluding the crime of Article 245) |
| paragraph 1, | the following respective items | item (i), item (iii) and item (iv) |
| | item (iv) and item (v) | item (iv) |
| paragraph (1), Article 252 | the crimes stated in this Chapter (excluding the crimes of paragraph (2), Article 236-2, Article 240, Article 242, Article 244, Article 245, Article 252-2, Article 252-3 and Article 253) | the crimes stated in Chapter XVI applied mutatis mutandis in Article 94 of the Fisheries Act (excluding the crime of Article 245) |
| paragraph (2), Article 252 | the crimes stated in this Chapter (excluding the crime of Article 253) | |

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| paragraph (1), | the crimes stated in this Chapter (excluding the crimes of Article 235-6, Article 236-2, Article 245, item (ii) through item (ix) of Article 246, Article 248, paragraph (3) through paragraph (5) and paragraph (7) of Article 249-2, Article 249-3, Article 249-4, paragraph (1) and paragraph (3) of Article 249-5, Article 252-2, Article 252-3 and Article 253) | the crimes stated in Chapter XVI applied mutatis mutandis in Article 94 of the Fisheries Act (excluding the crime of Article 245) |
| | respective items of paragraph (1), Article 251-2 | item (i), item (iii) and item (iv), paragraph (1), Article 251-2 |
| Article 254 | the crimes stated in this Chapter (excluding the crimes of Article 235-6, Article 236-2, Article 245, item (ii) through item (xi) of Article 246, Article 248, paragraph (3) through paragraph (5) and paragraph (7) of Article 249-2, Article 249-3, Article 249-4, paragraph (1) and paragraph (3) of Article 249-5, Article 252-2, Article 252-3 and Article 253) | the crimes stated in Chapter XVI applied mutatis mutandis in Article 94 of the Fisheries Act (excluding the crime of Article 245) |
| | respective items of paragraph (1), Article 251-2 | item (i), item (iii) and item (iv) of paragraph (1), Article 251-2 |
| paragraph (1), | item (i) through item (iii), paragraph (1), Article 251-2 | item (i) or item (iii), |
| | or paragraph (2), Article 223-2 | or paragraph (2), Article 223-2 |
| | when ... or when the responsible cashier is punished pursuant to the provision of Article 247 | when ... |
| Article 264-2 | this Act | the Fisheries Act |
| Article 270-3 | Chapter XV | Chapter XV applied mutatis mutandis in Article 94 of the Fisheries Act |

(Prohibition of Holding Multiple Offices)

Article 95 Each commission member may not serve as a member of the assembly of each prefecture.

(Restriction of Resignation of Commission Members)

Article 96 Each commission member may not resign the office without any justifiable reason.

(Unemployment as a Commission Member due to the Forfeiture of the Eligibility for Election)

- Article 97 (1) When a commission member is not eligible for election, he/she shall lose employment. Whether or not each commission member is eligible for election shall be decided by the commission, excluding the case where he/she is not eligible for election since he/she falls under the provision of Article 252 of the Public Offices Election Act applied mutatis mutandis in item (ii), paragraph (1) or paragraph (2), Article 87 or Article 94. In this case, the decision to the effect that he/she is not eligible for election shall be made by a majority of not less two thirds of the attending commission members.
- (2) In the case referred to in the preceding paragraph, the commission member concerned may attend the meeting and explain about his/her own qualification notwithstanding the provision of Article 102 but may not participate in the decision.
- (3) The decision pursuant to the provision of paragraph (1) shall be made in writing, and the document with a reason shall be delivered to him/her.
- (4) The person who is dissatisfied with the decision pursuant to the provision of paragraph (1) may file an action with the court with the commission as the defendant within 30 days from the date when he/she receives the delivery of the preceding paragraph. This period shall be an unextendable period.
- (5) The commission member concerned shall not lose employment till the decision or judgment on the objection offered or the lawsuit filed pursuant to the provision of Chapter XV of the Public Offices Election Act applied mutatis mutandis in Article 94 or the decision or judgment pursuant to the provision of paragraph (1) of this Article or the preceding paragraph is established.

(Unemployment as a Commission Member due to the Restriction of Employment)

- Article 97-2 (1) In the case where a commission member falls under the provision of paragraph (6), Article 180-5 of the Local Autonomy Act, he/she shall lose employment. Whether or not he/she falls under the provision of the same paragraph shall be decided by the commission if the commission member is of item (i), paragraph (3), Article 85 or by the Governor concerned if the member is of item (ii) of the same paragraph. In this case, the decision of the commission shall be by a majority of not less than two thirds of the attending members.
- (2) The provision of paragraph (2) of the preceding Article (Explanation by Commission Member) shall apply mutatis mutandis to the member commission concerned, and the provisions of paragraph (3) (Delivery of Written Decision) and paragraph (4) (Filing of Action) of the preceding Article shall apply mutatis mutandis to the decision of the commission or the Governor concerned.

(Term of Office of Commission Members)

Article 98 (1) The term of office of commission members shall be four years.

(2) The term of office of the commission members of item (i), paragraph (3), Article 85 shall be counted from the date of the general election; provided that in the case where the general election is conducted before the expiration date of the term of office of the commission members, the term of office shall be counted from the day following the expiration date of the term of office of the predecessors.

(3) The term of office of a substitute commission member shall be the remaining term of office of the predecessor.

(4) Even if the term of office of the commission members expires, the commission members shall perform their duty till the successors assume office.

(Request for Recall of Commission Member)

Article 99 (1) A representative of the persons eligible for election may request the Board of Elections of the prefectural government concerned to recall a commission member by joint signatures of not less than one third of the total number of the eligible persons.

(2) The persons eligible for election set forth in the preceding paragraph shall be the persons listed on the pollbook on the day when the pollbook has been established, and the number corresponding to one third of the total number of the eligible persons shall be publicly notified by the Board of Elections of the prefectural government concerned immediately after the pollbook has been established.

(3) When the request of paragraph (1) has been made, the commission shall immediately publicize the gist of the request and subject it to the voting by the persons eligible for election.

(4) The commission member concerned shall be dismissed when a majority has consented in the voting for recall pursuant to the provision set forth in the preceding paragraph.

(5) Unless specially prescribed in a Cabinet Order, the provision concerning the election of the commission members shall apply mutatis mutandis to the voting for recall pursuant to the provision of paragraph (3).

(Dismissal of Commission Member)

Article 100 The Governor concerned may dismiss the commission members of item (ii), paragraph (3), Article 85 for any special reason.

(Meetings of the Commission)

Article 101 (1) A Sea-area Fisheries Adjustment Commission may not open a

meeting unless members corresponding to a majority of the regular number attend.

- (2) The proceedings shall be decided by a majority of attending commission members. In the case of a tie, the chairman shall decide the issue.
- (3) The meetings of Sea-area Fisheries Adjustment Commissions shall be opened to the public.
- (4) The chairman shall prepare minutes and subject them to public inspection.

Article 102 Each commission member may not participate in the proceedings concerning a case pertaining to himself/herself, a relative living together or his/her spouse; provided that in the case where the Sea-area Fisheries Adjustment Commission concerned approves, he/she may attend the meeting and state his/her opinion.

Article 103 and Article 104 (Deletion)

Section 3 United Sea-area Fisheries Adjustment Committee

(Establishment)

Article 105 (1) The Governor concerned may establish a Joint Sea-area Fisheries Adjustment Commission covering a sea region consisting of two or more sea areas for a specific purpose, when he/she finds it necessary.

- (2) The Agriculture, Forestry and Fisheries Minister may recommend the Governor concerned to establish a Joint Sea-area Fisheries Adjustment Commission when he/she finds it necessary. In this case, the Governor shall respect said recommendation.
- (3) In the case where a Governor is going to establish a Joint Sea-area Fisheries Adjustment Commission pursuant to the provision of paragraph (1), if a part of the sea region belongs to the jurisdiction of another Governor, he/she shall confer with the Governor.
- (4) A Sea-area Fisheries Adjustment Commission may confer with another Sea-area Fisheries Adjustment Commission and establish a Joint Sea-area Fisheries Adjustment Commission covering a sea region formed by combining the sea areas of both the Sea-area Fisheries Adjustment Commissions for a specific purpose, when the former Sea-area Fisheries Adjustment Commission finds it necessary.
- (5) In the case where the conference set forth in the preceding paragraph does not reach any conclusion, the Sea-area Fisheries Adjustment Commission may file an application to decide the matter with the Governor who supervises the commission. In this case, if different Governors supervise the respective Sea-area Fisheries Adjustment Commissions, the matter shall be decided by the

conference between the Governors.

- (6) In the case where the conference of the paragraph (3) or the preceding paragraph does not reach any conclusion, the Governor concerned may file an application to decide the matter with the Agriculture, Forestry and Fisheries Minister.
- (7) In the case where the Governor(s) concerned or the Agriculture, Forestry and Fisheries Minister has decided the matter pursuant to the provision of the preceding two paragraphs, the conference shall be deemed to have reached a conclusion as decided.

(Composition)

Article 106 (1) A Joint Sea-area Fisheries Adjustment Commission shall consist of commission members.

- (2) The commission members shall consist of the respectively same numbers of commission members elected according to an established rule from the members of the respective Sea-area Fisheries Adjustment Commissions established for the sea region consisting of the sea areas; provided that in the case where the number of Sea-area Fisheries Adjustment Commissions exceeds the regular number of commission members pursuant to the provision of paragraph (3), one each shall be elected from the members of each Sea-area Fisheries Adjustment Commission, and the elected members shall elect the commission members of the joint commission by mutual vote.
- (3) The regular number of commission members of the joint commission shall be decided by the Governor in the case pursuant to the provision paragraph (1) of the preceding Article excluding the case pursuant to the provision of paragraph (3) of the same Article, or by the conference between the respective Governors in the case pursuant to the provision of paragraph (3) of the same Article, or by the conference between the respective Sea-area Fisheries Adjustment Commissions in the case pursuant to the provision of paragraph (4) of the same Article.
- (4) The Governor who established the Joint Sea-area Fisheries Adjustment Commission pursuant to the provision of paragraph (1) of the preceding Article or the Governor supervising the Sea-Area Fisheries Adjustment Commissions which established the Joint Sea-area Fisheries Adjustment Commission pursuant to the provision of paragraph (4) of the same Article may appoint commission members in addition to the commission members elected pursuant to the provision of paragraph (2) from the persons with relevant knowledge and experience up to a number corresponding to no more than two thirds of the elected members when the Governor finds it necessary.
- (5) The appointment of the commission members of the preceding paragraph shall be deliberated with the other Governor concerned in the case pursuant to

the provision of paragraph (3) of the preceding Article or in the case pursuant to the provision of the second sentence of paragraph (5) of the same Article.

(6) In the case where the conference between the Sea-area Fisheries Adjustment Commissions does not reach any conclusion, the provision of paragraph (5) of the preceding Article shall apply mutatis mutandis.

(7) In the case where the conference between the Governors of paragraph (5) of the preceding Article applied mutatis mutandis in paragraph (3), paragraph (5) or the preceding paragraph does not reach any conclusion, the provision of paragraph (6) of the preceding Article shall apply mutatis mutandis.

(8) In the case of the preceding three paragraphs, the provision of paragraph (7) of the preceding Article shall apply mutatis mutandis.

(Term of Office and Dismissal of Commission Members)

Article 107 The necessary matters concerning the term of office and dismissal of the commission members elected pursuant to the provision of paragraph (2) of the preceding Article shall be as decided by the Sea-area Fisheries Adjustment Commission the respective members belong to.

(Unemployment of Commission Members)

Article 108 The commission members elected pursuant to the provision of paragraph (2), Article 106 shall lose employment when they cease to be the commission members of the Sea-area Fisheries Adjustment Commission.

(Mutatis Mutandis Application Provision)

Article 109 The provisions of paragraph (2) and paragraph (4) through paragraph (6), Article 85 (Chairman, Expert Adviser and Clerk or Assistant of Sea-area Fisheries Adjustment Commission), Article 96 (Restriction of Resignation of Commission Members), paragraph (4), Article 98 (Case of Expiration of Term of Office) and Article 100 through Article 102 (Dismissal and Meetings) shall apply mutatis mutandis to the United Sea-area Fisheries Adjustment Committee. In this case, "the commission members of item (ii), paragraph (3)" in paragraph (2), Article 85 shall be deemed to be replaced with "the commission members"; "by the Governor concerned" in the same paragraph and paragraph (5) of the same Article, with "according to the method of appointing the commission members of paragraph (4), Article 106"; "the Governor concerned" in Article 100, with "the Governor pursuant to the provision of paragraph (4), Article 106"; and "the commission members" in Article 100, with "the commission members according to the appointing method."

Section 4 Wide Sea-area Fisheries Adjustment Commissions

(Establishment)

Article 110 (1) Pacific Ocean Wide Sea-area Fisheries Adjustment Commission shall be established for the Pacific Ocean; Sea-of-Japan/Kyushu West Wide Sea-area Fisheries Adjustment Commission, for the Sea of Japan and the west sea of Kyushu; and Seto Inland Sea Wide Sea-area Fisheries Adjustment Commission, for the Seto Inland Sea.

(2) In the provision set forth in the preceding paragraph, "the Pacific Ocean," "the Sea of Japan and the west sea of Kyushu" or "the Seto Inland Sea" includes the exclusive economic zone, territorial waters and inland sea (not including inland waters) and respectively refers to the sea region of the Pacific Ocean, the sea region consisting of the Sea of Japan and the west sea of Kyushu or the sea region of the Seto Inland Sea (including the sea regions adjacent to each sea region), as prescribed in a Cabinet Order.

(Composition)

Article 111 (1) A Wide Sea-area Fisheries Adjustment Commission shall consist of commission members.

(2) The persons stated below shall serve as the commission members of the Pacific Ocean Wide Sea-area Fisheries Adjustment Commission.

(i) Each one person elected for each prefecture from among the commission members of the Sea-area Fisheries Adjustment Commissions established for the region of the Pacific Ocean by mutual vote

(ii) Seven persons appointed by the Agriculture, Forestry and Fisheries Minister from among the persons operating fisheries in the region of the Pacific Ocean

(iii) Three persons appointed by the Agriculture, Forestry and Fisheries Minister from among the persons with learned knowledge and experience

(3) The persons stated below shall serve as the commission members of the Sea-of-Japan/Kyushu West Wide Sea-area Fisheries Adjustment Commission.

(i) Each one person elected for each prefecture from among the members of the Sea-area Fisheries Adjustment Commissions established for the region of the Sea of Japan and the west sea of Kyushu by mutual vote

(ii) Seven persons appointed by the Agriculture, Forestry and Fisheries Minister from among the persons operating fisheries in the region of the Sea of Japan and the west sea of Kyushu

(iii) Three persons appointed by the Agriculture, Forestry and Fisheries Minister from among the persons with relevant knowledge and experience

(4) The persons listed below shall serve as the commission members of the Seto Inland Sea Wide Sea-area Fisheries Adjustment Commission.

(i) Each one person selected for each prefecture from among the members of the

Sea-area Fisheries Adjustment Commissions established for the region of the Seto Inland Sea.

- (ii) Three persons appointed by the Agriculture, Forestry and Fisheries Minister from among the persons with relevant knowledge and experience

(Reconsideration of Resolution)

Article 112 In the case when the Agriculture, Forestry and Fisheries Minister finds that a resolution of a Wide Sea-area Fisheries Adjustment Commission violates an act or ordinance or is remarkably undue, he/she may submit the resolution for reconsideration, showing a reason; provided that this shall not apply if one month has elapsed after the date of the resolution.

(Dissolution Order)

Article 113 (1) In the case where the Fisheries Policy Council finds that a Wide Sea-area Fisheries Adjustment Commission fails to make any resolution or that any resolution made by the commission violates an act or ordinance and remarkably undue, and requests the dissolution of the commission, the Agriculture, Forestry and Fisheries Minister may order the dissolution of the commission.

- (2) The lawsuit for requesting the rescission of the dissolution order of the Agriculture, Forestry and Fisheries Minister pursuant to the provision set forth in the preceding paragraph for a reason that the order is illegal shall be filed within one month from the day when the party concerned knew the disposition. This period shall be an unextendable period.

(Mutatis Mutandis Application Provision)

Article 114 The provisions of paragraph (2) and paragraph (4) through paragraph (6), Article 85 (Chairman, Expert Adviser and Clerk or Assistant of Sea-area Fisheries Adjustment Commission), Article 96 (Restriction of Resignation of Commission Members), paragraph 1, paragraph 3 and paragraph (4), Article 98 (Term of Office of Commission Members), Article 100 through Article 102 (Dismissal and Meetings) and Article 108 (Unemployment of Commission Members) shall apply mutatis mutandis to the Wide Sea-area Fisheries Adjustment Commissions. In this case, "the commission members of item (ii), paragraph (3)" in paragraph (2), Article 85 shall be deemed to be replaced with "the commission members of item (iii), paragraph (2), of the same Article for the Pacific Ocean Wide Sea-area Fisheries Adjustment Commission, the commission members of item (iii), paragraph (3) of the same Article for the Sea-of-Japan/Kyushu West Wide Sea-area Fisheries Adjustment Commission, and the commission members of item (ii), paragraph (4) of the same Article for the Seto Inland Sea Wide Sea-area Fisheries Adjustment Commission"; "the

Governor concerned" in the same paragraph, paragraph (4) and paragraph (5) of the same Article and Article 100, with "the Agriculture, Forestry and Fisheries Minister"; "item (ii), paragraph (3), Article 85" in the same Article, with "item (ii) and item (iii), paragraph (2), Article 111, item (ii) and item (iii), paragraph (3) of the same Article, and item (ii), paragraph (4) of the same Article"; "elected pursuant to the provision of paragraph (2), Article 106" in Article 108, with "elected by mutual vote pursuant to the provision of item (i), paragraph (2), Article 111, item (i), paragraph (3) of the same Article or item (i), paragraph (4) of the same Article."

Section 5 Miscellaneous Provisions

Article 115 (Deletion)

(Collection of Reports.)

- Article 116 (1) Each Fisheries Adjustment Commission or the Fisheries Policy Council may request fishery managers, fishery employees and other persons concerned to attend, or may collect necessary reports, or let commission members or persons engaged in the affairs of the commission or the council make necessary investigations at fishing grounds, boats, places of business or offices, when the commission or council finds it necessary for dealing with the matters belonging to its authority pursuant to the provisions of this Act.
- (2) Each Fisheries Adjustment Commission or the Fisheries Policy Council may let the commission members or the persons engaged in the affairs of the commission or the council enter other persons' land, to survey or inspect, or to move or remove things obtrusive to the surveying or inspection, when the commission or council finds it necessary for dealing with the matters belonging to its authority pursuant to the provisions of this Act.
- (3) In the case of the preceding paragraph, the provisions of paragraph (6) through paragraph (12) of Article 39 (Compensation for Loss) shall apply mutatis mutandis. In this case, "the prefectural government concerned" in paragraph (6), paragraph (10) and paragraph (11) of the same Article shall be deemed to be replaced with "the national government in the case of a Wide Sea-area Fisheries Adjustment Commission or the Fisheries Policy Council, or the prefectural government concerned in the other case"; and "by the Governor concerned, after he/she hears the opinions of the Sea-area Fisheries Adjustment Commission concerned" in paragraph (8) of the same Article, with "by the Agriculture, Forestry and Fisheries Minister, after he/she hears the opinions of the Wide Sea-area Fisheries Adjustment Commission concerned or the Fisheries Policy Council in the case of the commission or the council, or by the Governor concerned, after he/she hears the opinions of the Sea-area

Fisheries Adjustment Commission concerned in the other case."

(Supervision of Wide Sea-area Fisheries Adjustment Commissions, etc. by the Agriculture, Forestry and Fisheries Minister)

Article 117 The Agriculture, Forestry and Fisheries Minister may order or dispose of the Wide Sea-area Fisheries Adjustment Commissions and the Fisheries Policy Council as required for supervision.

(Expenses of Fisheries Adjustment Commissions)

Article 118 (1) The national government shall grant the prefectural governments subsidies as funds for the expenses of Fisheries Adjustment Commissions (excluding Wide Sea-area Fisheries Adjustment Commissions; the same shall apply in the following paragraph).

(2) With regard to the deliveries of subsidies to the prefectural governments pursuant to the provision set forth in the preceding paragraph, the Agriculture, Forestry and Fisheries Minister shall decide according to the standard established in a Cabinet Order based on the number of sea areas of each prefecture, the number of persons operating fisheries in the sea and the length of the shoreline, considering how the sea is used and other special circumstances concerning the operation of the Fisheries Adjustment Commissions in each prefecture.

(Delegation Provision)

Article 119 In addition to the matters provided in this Chapter, the necessary matters concerning the Fisheries Adjustment Commissions shall be prescribed in a Cabinet Order.

Chapter VII Use of Land and Land Fixtures

(Use of Land and Entry.)

Article 120 A fishery manager, Fisheries Cooperative Association or Federation of Fisheries Cooperative Associations may use other persons' land or restrict the removal of standing trees/bamboos or rocks/earth, if permitted by the Governor concerned when it is necessary for any of the purposes stated below. In this case, the Governor concerned shall notify the person with the right of owning said land, standing trees/bamboos or rocks/earth or any other right to that effect and also publicly notify to that effect.

(i) Construction of a sign of a fishing ground

(ii) Crow's nest, signal concerning fishery, or construction of equipment necessary for them

(iii) Preservation or construction of target necessary for fishery

Article 121 A fishery manager may enter other persons' land not used especially and operate a fishery, if permitted by the Governor concerned, when necessary.

Article 122 A fishery manager may enter other persons' land or cut disturbing trees or bamboos or remove obstacles, if permitted by the Governor concerned, when it is necessary for a survey concerning a fishery or field investigation or any of the purposes of the preceding two Articles.

Article 123 (1) A person who acts pursuant to the preceding three Article shall notify the owner or possessor of land to that effect in advance, and shall compensate for the loss caused by the action.

(2) In the case of the preceding paragraph, the provision of paragraph (7), paragraph (11) and paragraph (12), Article 39 (Compensation for Loss) shall apply mutatis mutandis.

(Use of Land and Land Fixtures)

Article 124 (1) A fishery manager, Fisheries Cooperative Association or Federation of Fisheries Cooperative Associations may request the owner of land or of any fixture of land or any other person having a right concerning the land or fixture to deliberate concerning the establishment of the right to use it (hereinafter referred to as "use right"), if approved by the Governor concerned, when it is necessary and appropriate to use the land or the fixture of land as a seaweed drying field, slipway, fish shed, or any other fishery facility and when it is very difficult to use any substitute in lieu of the land or fixture.

(2) In the case where an application for the approval of the preceding paragraph has been filed, the Governor concerned shall hear the opinions of the owner of the land or of the fixture of land of the same paragraph, or any other person with a right concerning it, the person wishing to obtain the approval of the same paragraph, and the Sea-area Fisheries Adjustment Commission concerned.

(3) When the Governor concerned has granted the approval of the paragraph (1), he/she shall notify the owner of the land or of the fixture of land or any other person with a right concerning it to that effect.

(4) After receiving the notice of the preceding paragraph, the owner of the land or of the fixture of land or any other person with a right concerning it may not change the characteristic of said land or damage or remove said fixture without being permitted by the Governor, except the case where the action does not threaten to disturb the fishery for which the land or fixture is used, until the conference of paragraph (1) reaches a conclusion; provided that the same shall not apply in the case where the conference does not reach any conclusion and

where an application for the determination of paragraph (1), Article 125 is not filed within the period of the proviso of the same paragraph.

- (5) When an application for the permission set forth in the preceding paragraph has been filed, the Governor shall hear the opinions of the Sea-area Fisheries Adjustment Commission concerned.

(Ruling on the Establishment of Use Right)

Article 125 (1) In the case of paragraph (1) of the preceding Article, if the conference does not reach any conclusion or if the conference may not be made, the person granted the approval of the same paragraph may file an application for ruling of the Sea-area Fisheries Adjustment Commission concerning the establishment of the use right; provided that the same shall not apply if two months have passed from the day when the approval of the same paragraph was received.

- (2) When the application for ruling pursuant to the provision of the preceding paragraph has been filed, the Sea-area Fisheries Adjustment Commission shall notify the owner of the land or of the fixture of land pertaining to said application or any other person with a right concerning it to that effect and also publicly notify to that effect.
- (3) The owner of the land or of the fixture of land pertaining to the application for ruling pursuant to the provision of paragraph (1) or any other person with a right concerning it may submit a written opinion to the Sea-area Fisheries Adjustment Commission within two weeks from the date of the public notice of the preceding paragraph.
- (4) The owner of the land or of the fixture of land pertaining to the application for ruling may file such an application in the written opinion of the preceding paragraph with the Sea-area Fisheries Adjustment Commission, that in the case where ruling is going to be granted to the effect that the use of said land or said fixture should extend three years or more or to the effect that a use right necessitating any change of the characteristic of said land or said fixture should be established, then ruling to the effect that said land or said fixture should be purchased should be granted instead.
- (5) A person having a fixture on the land pertaining to the application for ruling may file such an application in the written opinion of paragraph (3) with the Sea-area Fisheries Adjustment Commission, that in the case where ruling is going to be granted to the effect that the use right should be established, ruling concerning the transfer charge of said structure should be granted; provided that the same shall not apply if said structure is established after the notice of paragraph (3) of the preceding Article.
- (6) The Sea-area Fisheries Adjustment Commission shall initiate conference after lapse of the period of paragraph (3).

- (7) The ruling may not exceed the scope of the application.
- (8) If the application of paragraph (4) has been filed in the case where the Sea-area Fisheries Adjustment Commission is going to grant ruling to the effect that the use of the land or of the fixture of land extends for 3 years or more or to the effect that a use right necessitating any change of the characteristic of the land or of the fixture of land should be established, the commission shall grant ruling to the effect that said land or said fixture should be purchased instead.
- (9) If the application of paragraph (5) has been filed in the case where the Sea-area Fisheries Adjustment Commission is going to grant ruling to the effect that a use right should be established, the commission shall grant ruling concerning the transfer charge of said structure.
- (10) Ruling to the effect that a use right should be established or ruling to the effect that the land or the fixture should be purchased shall include the following matters prescribed.
- (i) The land or the fixture of land, the use right of which should be established, and the contents and duration of the use right, or the land or the fixture of land to be purchased
 - (ii) The consideration and the method and time for paying it
 - (iii) Time of transferring the land or the fixture of land
 - (iv) Time of initiating the use
 - (v) Transfer charge and the method and time for paying it, in the case where the application of paragraph (5) has been filed
- (11) When the Sea-area Fisheries Adjustment Commission has granted ruling, the commission shall notify the owner of said land or said fixture or any other person having a right concerning it to that effect without delay, and also publicly notify to that effect.
- (12) When the public notice set forth in the preceding paragraph has been made, the conference between the parties concerned shall be deemed to have reached a conclusion as stipulated in the ruling.
- (13) The provision of Article 612 of the Civil Code (Transfer of Lessee's Right and Restriction of Sub Lease) shall not apply in the case set forth in the preceding paragraph.
- (14) A person who is dissatisfied with the consideration for the establishment or purchase of the use right or the amount of transfer charge decided in the ruling of paragraph (1), paragraph (4) or paragraph (5) may request an increase or decrease by a lawsuit filed within six months from the date of the public notice of paragraph (11).
- (15) In the lawsuit of the preceding paragraph, the applicant, or the owner of said land or said fixture or any other person with a right concerning it shall be a defendant.

(Ruling on Loan Contract of Land and Land Fixture)

- Article 126 (1) In the case where a fishery manager, Fisheries Cooperative Association or Federation of Fisheries Cooperative Associations is loaned for using the land or the fixture of land pursuant to the provision of paragraph (1), Article 124 for a fishery, if a party concerned finds that the contents of the contract are not appropriate due to the change of economic circumstance or the change of any other circumstance, the party concerned may file an application for ruling concerning the change or cancellation of the contents of said loan contract with the Sea-area Fisheries Adjustment Commission.
- (2) In the case where the application of the preceding paragraph has been filed, the provisions of paragraph (2), paragraph (3), paragraph (6) and paragraph (7) of the preceding Article shall apply mutatis mutandis.
- (3) In the ruling of paragraph (1), the following matters shall be stipulated.
- (i) Whether or not a change is made, and the contents and time of the change if the change is to be made, in the case of an application for ruling concerning a change
 - (ii) Whether or not cancellation is made, and the time of cancellation if the cancellation is to be made, in the case of an application for ruling concerning cancellation
- (4) In the case where the ruling of the preceding paragraph has been made, the provisions of paragraph (11), paragraph (12), paragraph (14) and paragraph (15) of the preceding Article shall apply mutatis mutandis.

Chapter VIII Inland Waters Fishery

(License of Class 5 Common Fishery in Inland Waters)

Article 127 The class 5 common fishery in inland waters shall not be licensed except for the case where said inland waters are suitable for the reproduction of aquatic animals and plants and where the person granted a license for said fishery is going to reproduce aquatic animals and plants in said inland waters.

- Article 128 (1) In the case when a Governor finds that a person granted the license of the class 5 common fishery in inland waters fails to reproduce aquatic animals and plants, he/she may establish a reproduction plan, hearing the opinions of the Inland Waters Fishing Ground Management Commission concerned and order the person to reproduce aquatic animals and plants according to said plan.
- (2) When the person given the order pursuant to the provision of the preceding paragraph does not follow the order, the Governor shall rescind said fishery right.

- (3) In the case of the preceding paragraph, the provisions of paragraph (3) and paragraph (4), Article 39 (Change, Rescission or Suspension of Exercise of Fishery Right for the Necessity of Public Interest) shall apply mutatis mutandis.
- (4) The Agriculture, Forestry and Fisheries Minister may instruct the Governor concerned to give an order pursuant to the provision of paragraph (1) or to instruct to change the reproduction plan pertaining to said order, when he/she finds it especially necessary for the protection of reproduction of aquatic animals and plants in inland waters.

(Recreational Fishing Provision)

- Article 129 (1) In the case where a person granted a license of the class 5 common fishery in inland waters is going to restrict the gathering and catch of aquatic animals and plants by the persons other than the association partner in the region of said fishing ground (hereinafter referred to as "recreational fishing"), he/she shall establish Recreational Fishing Rules and have the rules approved by the Governor concerned.
- (2) The Recreational Fishing Rules set forth in the preceding paragraph (hereinafter simply referred to as "Recreational Fishing Rules") shall provide the following matters.
- (i) Scope of restriction for recreational fishing
 - (ii) Amount of recreational fishing fee and method for paying it
 - (iii) Matter concerning the recreational fishing approval certificate
 - (iv) Matters to be observed for recreational fishing
 - (v) Other matters prescribed in an Ordinance of the Ministry of Agriculture, Forestry and Fisheries
- (3) When the Recreational Fishing Rules are going to be changed, the change shall be approved by the Governor concerned.
- (4) When an application for the approval of paragraph (1) or paragraph (3) has been filed, the Governor concerned shall hear the opinions of the Inland Waters Fishing Ground Management Commission concerned.
- (5) When the contents of the Recreational Fishing Rules fall under the following respective items, the Governor concerned shall grant an approval.
- (i) Recreational fishing is not unduly restricted.
 - (ii) The amount of the recreational fishing fee is reasonable compared with the expenses required for reproducing the aquatic animals and plants pertaining to said fishery right and for managing the fishing ground.
- (6) When the Governor concerned finds that the Recreational Fishing Rules do not fall under any of the respective items of the preceding paragraph, he/she may order the change of the rules, hearing the opinions of the Inland Waters Fishing Ground Management Commission concerned.

- (7) When the Governor concerned has granted an approval of paragraph (1) or paragraph (3), he/she shall publicly notify the name of the fishery right holder and other matters prescribed in an Ordinance of the Ministry of Agriculture, Forestry and Fisheries.
- (8) The Recreational Fishing Rules do not become effective, unless they are approved by the Governor concerned. The same shall apply also to the change of the rules.

(Inland Waters Fishing Ground Management Commissions)

Article 130 (1) An Inland Waters Fishing Ground Management Commission shall be established in each prefecture.

- (2) Each Inland Waters Fishing Ground Management Commission shall be supervised by the Governor concerned.
- (3) Each Inland Waters Fishing Ground Management Commission shall deal with the matters pertaining to the gathering, catch and reproduction of aquatic animals and plants in the inland waters existing in the region of said prefecture.
- (4) The authority of the Sea-area Fisheries Adjustment Commissions pursuant to the provisions of this Act shall be assumed by the Inland Waters Fishing Ground Management Commissions with respect to the fisheries in the inland waters.

(Composition)

Article 131 (1) Each Inland Waters Fishing Ground Management Commission shall consist of commission members.

- (2) The commission members shall be appointed by the Governor concerned from the persons found to represent the persons operating fisheries in the inland waters existing in the region of said prefecture, the persons found to represent the persons gathering and catching aquatic animals and plants in said inland waters, and the persons with learned knowledge and experience.
- (3) The regular number of the commission members appointed pursuant to the provision of the preceding paragraph shall be 10; provided that another regular number may be decided for any particular Inland Waters Fishing Ground Management Commission when the Agriculture, Forestry and Fisheries Minister finds it necessary.

(Mutatis Mutandis Application Provision)

Article 132 The provisions of paragraph (2) and paragraph (4) through paragraph (6), Article 85 (Chairman, Expert Adviser and Clerk or Assistant of Sea-area Fisheries Adjustment Commission), Article 95 (Prohibition of Holding Multiple Offices), Article 96 (Restriction of Resignation of Commission Partner),

Article 97-2 (Unemployment as Commission Member due to the Restriction of Employment), paragraph (1), paragraph (3) and paragraph (4), Article 98 (Term of Office), Article 100 through Article 102 (Dismissal and Meetings), and Article 116 through Article 119 (Collection of Reports, etc., Supervision, Expenses and Delegation Provision) shall apply mutatis mutandis to the Inland Waters Fishing Ground Management Commissions. In this case, "decide according to the standard established in a Cabinet Order based on the number of sea areas of each prefecture, the number of persons operating fisheries in the sea and the length of the shoreline, considering how the sea is used" in paragraph (2), Article 118 shall be deemed to be replaced with "equally deliver the amounts calculated pursuant to the provision of a Cabinet Order and decide according to the standard established in a Cabinet Order based on the number of the partner of the Inland Waters Association (which refers to the Inland Waters Association of paragraph (2), Article 18 of the Fisheries Cooperative Association Act) of each prefecture and the length of the river concerned, considering how the inland waters are used."

Chapter IX Miscellaneous Provisions

(Fishery Fee)

Article 133 (1) A person who files an application concerning a fishery with the Agriculture, Forestry and Fisheries Minister pursuant to the provisions of this Act or pursuant to the provision of an Order pursuant to this Act shall pay a fee as prescribed in an Ordinance of the Ministry of Agriculture, Forestry and Fisheries.

(2) The fee set forth in the preceding paragraph shall be prescribed in the Ordinance of the Ministry of Agriculture, Forestry and Fisheries considering the actual cost.

(Collection of Reports, etc.)

Article 134 (1) The Agriculture, Forestry and Fisheries Minister or the Governor concerned may collect necessary reports concerning fisheries or let the employees concerned visit fishing grounds, boats, places of business or offices, for inspecting the situations or books & documents and other things, when he/she finds it necessary for granting licenses or permissions for fisheries, adjusting fisheries and dealing with the matters prescribed in this Act or in Orders pursuant to this Act.

(2) The Agriculture, Forestry and Fisheries Minister or the Governor concerned may let said employees enter other persons' land, for surveying, inspecting, or moving or removing the things obtrusive to the surveying or inspection, when he/she finds it necessary for granting licenses or permissions for fisheries,

adjusting fisheries and dealing with the matters prescribed in this Act or in Orders pursuant to this Act.

- (3) In the case where said employees perform their duties pursuant to the provision of the preceding two paragraphs, they shall carry their identification cards for certifying their status with them and show the cards when requested to do so.
- (4) In the case of the preceding two paragraphs, the provision of paragraph (3), Article 116 (Compensation for Loss) shall apply *mutatis mutandis*.

(Exclusion from Application of the Administrative Procedure Act)

- Article 134-2 (1) With respect to the dispositions pursuant to the provisions of paragraph (4), Article 34, paragraph (1), Article 37, paragraph 1, Article 38 and paragraph (1), paragraph (2) and paragraph (13), Article 39 (including the case where these paragraphs are applied *mutatis mutandis* in paragraph (3), Article 36), paragraph (3), Article 38 and paragraph (2), Article 128, the provision of Chapter III of the Administrative Procedure Act (excluding Article 12 and Article 14) shall not apply.
- (2) For the disposition concerning the registration prescribed in paragraph (1), Article 50, the provisions of Chapter II and Chapter III of the Administrative Procedure Act shall not apply.

(Restriction of Appeal)

- Article 135 With respect to the disposition made by a Fisheries Adjustment Commission or an Inland Waters Fishing Ground Management Commission, any appeal pursuant to the Act for the Examination of Objections against Administrative Acts (Act No. 160 of 1962) may not be filed.

(Relation between Appeal and Lawsuit)

- Article 135-2 (1) A lawsuit for rescission of the disposition made pursuant to the provisions of Chapter II through Chapter IV (including the Ordinance of the Ministry of Agriculture, Forestry and Fisheries and Rules pursuant to the provision of paragraph (1) or paragraph (2), Article 65) by the Agriculture, Forestry and Fisheries Minister or a Governor may not be filed unless the decision or determination on the filing of an objection or on the application for an examination has been made.
- (2) With respect to the disposition pursuant to the provision of the preceding paragraph, the provision of paragraph (2), Article 27 of the Administrative Procedure Act shall not apply.

(Treatment of Appeal Lawsuit)

- Article 135-3 With respect to a lawsuit pursuant to the provision of paragraph

(1), Article 11 of the Administrative Litigation Act (Act No. 139 of 1962) (including the case where this paragraph is applied mutatis mutandis in paragraph (1), Article 38 of the same Act) pertaining to the disposition (the disposition prescribed in paragraph (2), Article 3 of the same Act) or determination (determination pursuant to the provision of paragraph (3) of the same Article) of a Fisheries Adjustment Commission (excluding a Wide Sea-area Fisheries Adjustment Commission) or an Inland Waters Fishing Ground Management Commission with the Governor concerned as the defendant, the Fisheries Adjustment Commission or the Inland Waters Fishing Ground Management Commission shall represent said Governor.

(Exception of Jurisdiction)

Article 136 In the case where a fishing ground is under the jurisdiction of two or more Governors or in the case where the jurisdiction over a fishing ground is not clear, the Agriculture, Forestry and Fisheries Minister may designate the Governor who has jurisdiction over the fishing ground or may have the authority of a Governor.

Article 137 The provisions concerning a municipality in this Act shall apply to a special ward in the region of the special ward, or to a ward in a designated city of paragraph (1), Article 252-19 of the Local Autonomy Act, or a union in the region of a union of local governments for the purpose of managing jointly the whole of their affairs or in the region of a union of local governments for the purpose of managing jointly their office work.

(Authority, via Which Documents Should Be Submitted)

Article 137-2 The written applications and other documents to be submitted to the Agriculture, Forestry and Fisheries Minister pursuant to the provisions of this Act or pursuant to the provision of an Order pursuant to this Act shall be submitted via the Governor concerned according to the procedure prescribed in an Ordinance of the Ministry of Agriculture, Forestry and Fisheries.

(Classification of Affairs)

Article 137-3 (1) Among the affairs which shall be dealt with by each Governor pursuant to the provisions of this Act, the following affairs shall be the legally entrusted item (i) affairs provided in item (i), paragraph (9), Article 2 of the Local Autonomy Act.

(i) Affairs which shall be dealt with by the Governor concerned pursuant to the provisions of paragraph (1), paragraph (2), paragraph (7) and paragraph (8), Article 65 and paragraph (1), Article 66

(ii) Affairs which shall be dealt with by the Governor concerned pursuant to

the provisions of paragraph (3), paragraph (4), paragraph (9) and paragraph (11), Article 67, Article 72, paragraph (1) and paragraph (2), Article 134, paragraph (6), paragraph (8) and paragraph (11), Article 39 applied mutatis mutandis in paragraph (3), Article 116 applied mutatis mutandis in paragraph (4) of Article 134, and the preceding Article (limited to the affairs concerning the designated fisheries provided in paragraph (1), Article 52, or the fisheries requiring a permission or any other disposition of the Agriculture, Forestry and Fisheries Minister pursuant to the provisions of the Ordinance of the Ministry of Agriculture, Forestry and Fisheries pursuant to the provision of paragraph (1) or paragraph (2), Article 56, or the fisheries requiring a permission or any other disposition of the Governor concerned pursuant to the provision of the Rules pursuant to the provision of paragraph (1) or paragraph (2) of the same Article or paragraph (1), Article 66)

- (2) Among the affairs which shall be dealt with by each municipality pursuant to the provisions of this Act, the following affairs shall be the legally entrusted item (ii) affairs provided in item (ii), paragraph (9), Article 2 of the Local Autonomy Act.
- (i) Affairs which shall be dealt with by the municipality concerned with respect to the voting for election or recall of commission members of a Sea-area Fisheries Adjustment Commission
 - (ii) Affairs which shall be dealt with by the municipality concerned with respect to the pollbook of a Sea-area Fisheries Adjustment Commission

Chapter X Penal Provisions

Article 138 Any person who falls under any of the following items shall be punished by imprisonment with work for not more than three years or to a fine of not more than two million yen.

- (i) A person who has violated the provision of Article 9
- (ii) A person who has operated a fishery in violation of any of the restrictions or conditions added to a fishery right or to the permission of a fishery or the permission of a designated fishery pursuant to the provision of Article 36
- (iii) A person who has operated the fishery covered by a fixed gear fishery right or a demarcated fishery right while the exercise of the right is suspended, or a person who has operated the fishery covered by a common fishery right in the fishing ground concerned while the exercise of the right is suspended, or a person who has operated the fishery covered by a designated fishery or by a permission pursuant to the provision of Article 36 while the right or permission is suspended
- (iv) A person who has operated a designated fishery in violation of the

- provision of paragraph (1), Article 52
- (v) A person who is granted a permission of a designated fishery and has violated the provision of Article 61
 - (vi) A person who has operated a fishery in violation of the prohibition pursuant to the provision of paragraph (1), Article 65 or a person who has operated a fishery without being granted the permission pursuant to the provision of the same paragraph
 - (vii) A person who has operated a fishery in violation of the provision of paragraph (1), Article 66

Article 139 Any person who has violated the order pursuant to the provision of paragraph (11), Article 67 (including the case where the same paragraph is applied *mutatis mutandis* in paragraph (4), Article 68) shall be punished by imprisonment with work for not more than one year or a fine of not more than 500,000 yen or a detention or a petty fine.

Article 140 In the case of Article 138 or the preceding Article, the catch, its product, fishing boat or gear or any other things used for gathering or catching aquatic animals and plants, which are owned or possessed by the criminal, may be confiscated; provided that in the case where any of these things owned by the criminal or a portion of them cannot be confiscated, the corresponding market value may be collected.

Article 141 Any person who falls under any of the following items shall be punished by imprisonment with work for not more than six months or a fine of not more than 300,000 yen.

- (i) A person who has used a fishery right as a purpose of a loan in violation of the provision of Article 29.
- (ii) A person who has rejected, disturbed or evaded the inspection of a Fishery Supervisor or Fishery Supervising Officer pursuant to the provision of paragraph (3), Article 74 or has not responded to the question of the supervisor or supervising officer or has made a false statement.
- (iii) A person who has violated the provision of paragraph (4), Article 124
- (iv) A person who has failed to report pursuant to the provision of paragraph (1), Article 134, or has reported falsely or has rejected, disturbed or evaded the inspection of said employee.
- (v) A person who has rejected, disturbed or evaded the surveying, movement or removal performed by said personnel pursuant to the provision of paragraph (2), Article 134

Article 142 Imprisonment with work and a fine may be cumulatively imposed on

a person who has committed the crime of Article 138, Article 139 or item (i) of the preceding Article, depending on the circumstances.

- Article 143 (1) A person who has infringed on a fishery right or the right to operate a fishery of a member of a Fisheries Cooperative Association shall be punished by a fine of not more than 200,000 yen.
- (2) No prosecution of the crime set forth in the preceding paragraph may be launched without a complaint.

- Article 144 Any person who falls under any of the following items shall be punished by a fine of not more than 100,000 yen.
- (i) A person who has violated the provision of Article 35 (including the case where this Article is applied mutatis mutandis in paragraph (3), Article 36 and Article 63)
- (ii) A person who has violated the order pursuant to the provision of Article 72
- (iii) A person who has moved, fouled or broken a sign of a fishing ground or fishing gear

Article 145 In the case where a representative of a juridical person, or an agent of a juridical person or of a person, or an employee has acted to violate Article 138, Article 139, Article 141, paragraph (1), Article 143 or item (i) or item (ii) of the preceding Article with respect to the activities or the property of the juridical person or the person, the actor shall be punished and in addition, the juridical person or the person shall be sentenced to the fine of the Article concerned.

Article 146 A person who has failed to notify pursuant to the provision of paragraph (1), Article 27 or paragraph (2), Article 62 shall be punished by a non-penal fine of not more than 100,000 yen.

Supplementary Provisions [Extract]

- (1) The effective date of this Act shall be prescribed in a Cabinet Order within a period not exceeding three months from the day of promulgation of the Act.
- (2) The Fisheries Act (Act No. 58 of 1910) shall be abolished.

Supplementary Provisions [Act No. 156 of 1962] [Extract]

(Effective Date)

Article 1 This Act shall be enforced from the date prescribed in a Cabinet Order within a period not exceeding nine months from the day of promulgation;

provided that the revision provisions of paragraph (3), Article 67, paragraph (2), Article 82, paragraph (3), Article 85, Article 88, paragraph (2), Article 92, paragraph (1), Article 98, paragraph (4), Article 106, Article 109, Article 110, Article 111, Article 113, paragraph (3), Article 116 and Article 117, and the provisions of paragraph (1) through paragraph (6), Article 7, Supplementary Provisions and Article 12, Supplementary Provisions shall be enforced from October 1, 1962, and the provision of paragraph (7), Article 7, Supplementary Provisions shall be enforced from the day of promulgation.

Supplementary Provisions [Act No. 90 of 2001] [Extract]

(Effective Date)

Article 1 This Act shall be enforced from the date prescribed in a Cabinet Order within a period not exceeding six months from the day of promulgation; provided that the provisions stated in the following items shall be enforced from the days prescribed in said respective items.

(i) The provision of Article 4 of Supplementary Provisions: Day of promulgation

(ii) The revision provision of the Table of Contents of the Fisheries Act in

Article 1, the revision provisions of paragraph (3), Article 6 of the same Act, paragraph (2), Article 37, Article 66 through Article 71, Article 82, Article 83 and Article 109, the revision provision for deleting the section title of Section IV, Chapter VI of the same Act, the revision provision for adding a section title after Article 109 of the same Act, the revision provision of Article 110 of the same Act, the revision provisions for deleting Article 111 through Article 114 of the same Act, the revision provision of paragraph (1), Article 110-3 of the same Act, the revision provision for referring to the same Article as Article 113, the revision provision for adding one Article after the same Article, Section VI, Chapter VI of the same Act, the revision provision of Article 110-2 of the same Act, the revision provision for referring to the same Article as Article 112, the revision provision for adding one Article after Article 110 of the same Act, and the revision provisions of Article 116 through Article 118 of the same Act and item (ii), paragraph (1), Article 137-3, and the provisions of Article 3, Article 5 and Article 8, Supplementary Provisions: October 1, 2001

Supplementary Provisions [Act No. 77 of 2007] [Extract]

(Effective Date)

Article 1 This Act shall be enforced from the date prescribed in a Cabinet Order within a period not exceeding one year from the day of promulgation; provided that the revision provisions of Article 57 and Article 62-2 of the Fisheries Act

in Article 1, the revision provision for referring to Article 62-3 of the same Act as Article 62-4 of the same Act and for adding one Article after Article 62-2 of the same Act, and the revision provision of Article 63 of the same Act shall be enforced from the date prescribed in a Cabinet Order within a period not exceeding three years from the day of promulgation.

(Review)

Article 5 The Government shall review the provisions of the New Fisheries Act when it finds it necessary, considering the situations in which the New Fisheries Act is enforced, in the case where five years have passed after the enforcement of the provision prescribed in the proviso of Article 1 of Supplementary Provisions, and shall take necessary measures based on the result of the review.