

The Act on Marine Accident Inquiry is hereby promulgated.

Act on Marine Accident Inquiry

(Act No. 135 of November 19, 1947)

Chapter I General Provisions (Article 1 - 7)

Chapter II Organization and Jurisdiction of the Japan Marine Accident Inquiry Agency (Article 8 - 22)

Chapter III Counselor (Article 23 - 27)

Chapter IV Proceedings Prior to Inquiry (Article 28 - 34)

Chapter V Inquiry by Local Marine Accident Inquiry Agencies (Article 35 - 45)

Chapter VI Inquiry by Japan Marine Accident Inquiry Agency (the second tribunal, Tokyo)

Chapter VII Suit against Determination by Japan Marine Accident Inquiry Agency (Article 53 - 56)

Chapter VIII Execution of Determination (Article 57 - 63)

Chapter IX Miscellaneous Provisions (Article 63-2 - 66)

Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to clarify the causes of marine accidents through inquiries of the Japan Marine Accident Inquiry Agency and thereby contribute to the prevention of such accidents.

(Occurrence of Marine Accident)

Article 2 The occurrence of a marine accident shall be recognized under this Act in the event that:

- (i) any vessel is damaged, or any facilities other than vessels are damaged in connection with the operation of a vessel;
- (ii) any person is killed or injured in relation to the structure, equipment or operation of a vessel; or
- (iii) safety or navigation of a vessel is impeded.

(Obligation of Identification of Cause of Marine Accident)

Article 3 In the inquiry by the Japan Marine Accident Inquiry Agency, the cause of a marine accident shall be identified for the following items:

- (i) Whether the case is attributable to an intent or negligence of any person;
- (ii) Whether the case is attributable to a matter pertaining to the number,

- qualification, skill, working conditions, or service of the crew;
- (iii) Whether the case is attributable to any matter pertaining to the structure, or materials, or workmanship of the hull or the engine, or otherwise equipment, or performance of the vessel;
 - (iv) Whether the case is attributable to a matter pertaining to navigation supporting facilities such as charts and publications, navigation marks, maritime communication, metrological information or facilities for search and rescue operation; and
 - (v) Whether the case is attributable to a matter pertaining to the conditions of port and harbor or waterway.

(Determination)

- Article 4 (1) The Japan Marine Accident Inquiry Agency shall inquire into causes of a marine accident and clarify the conclusion by a determination.
- (2) In the event that a marine accident is caused by an intention or negligence of a marine technician (including the person who received the approval under the provision of paragraph 1 of Article 23 of the Act on Ships' Officers and Boats' Operators (Act No.149 of 1951; the same shall apply hereinafter) or of a boats' operator or a pilot in the course of duties, the Japan Marine Accident Inquiry Agency shall inflict disciplinary action on such a person by a determination.
- (3) The Japan Marine Accident Inquiry Agency, when it finds necessary, may render a determination to the effect that a recommendation should be given to a person not set forth in the preceding paragraph but is related to the cause of the marine accident.

(Disciplinary Actions)

- Article 5 (1) Disciplinary actions shall be the following three (3) kinds, and which kind of action to apply shall be decided depending on the gravity of each offence:
- (i) Revocation of license (including the certificate of approval provided for in paragraph 1 of Article 23 of the Act on Ships' Officers and Boats' Operators; the same shall apply hereinafter);
 - (ii) Suspension of duty;
 - (iii) Reprimand.
- (2) The period of suspension of duty shall be for not less than one (1) month but not more than three (3) years.

(Exemption from Action)

Article 6 In the case prescribed in paragraph 2 of Article 4, the Japan Marine Accident Inquiry Agency, when it finds the infliction of disciplinary action unnecessary in light of the nature or situation of the marine accident

concerned, the historical record of the person and other circumstances, may exempt the person from such disciplinary action.

(No Double Jeopardy)

Article 7 The Japan Marine Accident Inquiry Agency shall not inquire into a case for which the final determination of merits has already been rendered.

Chapter II Organization and Jurisdiction of Marine Accident Inquiry Agency

(Jurisdiction)

Article 8 The Japan Marine Accident Inquiry Agency is organized under the jurisdiction of the Minister of Land, Infrastructure, Transport and Tourism, based on paragraph 2 of Article 3 of the Act on National Government Organization (Act No. 120 of 1948).

(Mission)

Article 8-2 The mission of the Japan Marine Accident Inquiry Agency is to clarify the causes of marine accidents and, thereby, contribute to prevention of such accidents.

(Affairs under the Jurisdiction)

Article 8-3 For the purpose of achieving the mission referred to in the preceding Article, the Japan Marine Accident Inquiry Agency shall take charge of the following duties:

- (i) To investigate into a marine accident pertaining to an application for examination;
- (ii) To conduct an inquiry;
- (iii) To execute a determination;
- (iv) To supervise Maritime Counselors; and
- (v) To handle other matters concerning the inquiry of marine accidents, in addition to what is listed in each of the foregoing items.

(Classification of the Japan Marine Accident Inquiry Agency)

Article 9 (1) The Japan Marine Accident Inquiry Agency shall be classified into the Local Marine Accident Inquiry Agencies and the Japan Marine Accident Inquiry Agency (the second tribunal, Tokyo).

(2) The names, locations and jurisdiction of Local Marine Accident Inquiry Agencies and the location of the Japan Marine Accident Inquiry Agency (the second tribunal, Tokyo) shall be provided for in the Cabinet Order.

(3) The Local Marine Accident Inquiry Agency whose jurisdiction includes

Okinawa Prefecture may establish a branch of the Agency in Okinawa Prefecture and require the branch to deal with part of the Agency's affairs for the time being.

- (4) The name, location, functions and internal organization of the Branch set forth in the preceding paragraph shall be provided for in the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

(Commissioner, Director General of Local Agency and Head of Branch)

Article 9-2 (1) Each Local Marine Accident Inquiry Agency shall have a Director General of Agency and the Japan Marine Accident Inquiry Agency (the second tribunal, Tokyo) shall have a Commissioner.

- (2) The Commissioner of the Japan Marine Accident Inquiry Agency (the second tribunal, Tokyo) shall be appointed by the Minister of Land, Infrastructure, Transport and Tourism from among the persons who have a career of the Judges or Investigators of the Japan Marine Accident Inquiry Agency.

- (3) The Director General of each Local Marine Accident Inquiry Agency shall be appointed by the Commissioner of the Japan Marine Accident Inquiry Agency (the second tribunal, Tokyo) from among Judges of the Japan Marine Accident Inquiry Agency.

- (4) The branch referred to in paragraph 3 of the preceding Article shall have a Director General of Branch, who shall be appointed by the Commissioner of the Japan Marine Accident Inquiry Agency (the second tribunal, Tokyo) from among Judges of the Japan Marine Accident Inquiry Agency.

(Judges, Investigators, Assistant Investigators and Officials)

Article 10 (1) The Japan Marine Accident Inquiry Agency shall have Judges, Investigators, Assistant Investigators and Officials.

- (2) The Investigators (which means the Investigators and the Assistant Investigators of the Japan Marine Accident Inquiry Agency; the same shall apply hereinafter) shall take charge of matters pertaining to requests for inquiry and investigation of marine accidents concerning the said requests, and execution of determinations; provided however, that the Assistant Investigators, concerning the request for inquiry, may only perform the cases inquired by a single (1) Judge of the Japan Marine Accident Inquiry Agency pursuant to the provision of the proviso to paragraph 1 of Article 16.

- (3) The Officials of the Japan Marine Accident Inquiry Agency shall, based on orders of superiors, take charge of the affairs of the Marine Accident Inquiry Agency.

- (4) The Judges and Investigators of the Japan Marine Accident Inquiry Agency shall be appointed by the Commissioner of the Japan Marine Accident Inquiry Agency (the second tribunal, Tokyo) from among the persons who have

respective qualifications as prescribed by the Cabinet Order.

(5) The numbers of Judges and Investigators of the Japan Marine Accident Inquiry Agency shall be provided for in the Cabinet Order.

(Independent Authority of Judges)

Article 11 The Judges (the Commissioner of the Japan Marine Accident Inquiry Agency (the second tribunal, Tokyo) and the Judges of Japan Marine Accident Inquiry Agencies; the same shall apply hereinafter) shall be independent in performing their authorities.

Article 12 Deleted

(Clerks)

Article 13 (1) Each Marine Accident Inquiry Agency (which means the Japan Marine Accident Inquiry Agency (the second tribunal, Tokyo) or a Local Marine Accident Inquiry Agency; the same shall apply hereinafter) shall have Clerks of the Japan Marine Accident Inquiry Agency appointed by the Commissioner of the Japan Marine Accident Inquiry Agency (the second tribunal, Tokyo) from among the Officials of the Japan Marine Accident Inquiry Agencies.

(2) The Clerks of the Japan Marine Accident Inquiry Agency shall, based on orders of Judges, take charge of the affairs in connection with the preparation of documents of the cases and the custody or service of the same.

(Bailiffs)

Article 13-2 (1) Each Marine Accident Inquiry Agency shall have bailiffs, who shall be appointed by the head of each Marine Accident Inquiry Agency (including the Director General of Branch referred to in paragraph 4 of Article 9-2; the same shall apply hereinafter) from among the employees of each Marine Accident Inquiry Agency.

(2) The Bailiff shall, based on order of Judges, maintain order in a court of inquiry.

(Commissioned Judges)

Article 14 (1) Each Marine Accident Inquiry Agency shall have Commissioned Judges appointed by the head of each Marine Accident Inquiry Agency from among the persons with relevant knowledge and experience required in the course of duties, whose number shall be provided for in by the Cabinet Order.

(2) The Commissioned Judges shall participate in the inquiry of cases, the inquiry of the cause of which is especially difficult.

(3) The duties and authorities concerning the inquiry procedure of a Commissioned Judge who participates in an inquiry shall be the same as those

of the Judges other than the Presiding Judge.

(Marine Accident Investigators' Office)

Article 14-2 (1) Japan Marine Accident Inquiry Agencies shall have Marine Accident Investigators' Offices.

(2) The Marine Accident Investigators' Office shall be an organization that controls the business handled by the Investigators.

(3) The names, locations and internal organizations of the Marine Accident Investigators' Office shall be provided for in the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

(Instance of Inquiry)

Article 15 Each Local Marine Accident Inquiry Agency shall conduct inquiries in the first tribunal, and the Japan Marine Accident Inquiry Agency (the second tribunal, Tokyo) shall conduct inquiries in the second tribunal.

(Formation)

Article 16 (1) Each Local Marine Accident Inquiry Agency shall conduct an inquiry through a panel consisting of 3 Judges; provided, however, that in a simple case, the Local Marine Accident Inquiry Agencies shall conduct an inquiry through a single Judge based on the request of the Investigator as provided for in the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

(2) The request set forth in the proviso to the preceding paragraph may not be made without the consent of the Examinee.

(3) The Japan Marine Accident Inquiry Agency (the second tribunal, Tokyo) shall conduct an inquiry through a panel consisting of five (5) Judges.

(4) With respect to a case prescribed for in paragraph 2 of Article 14, each Marine Accident Inquiry Agency shall, as provided for in the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, conduct an inquiry through a panel of Judges prescribed in the main clause of paragraph 1 or in the preceding paragraph and 2 Commissioned Judges designated by the head of each Marine Accident Inquiry Agency.

(5) In cases set forth in the main clause of paragraph 1, paragraph 3 and the preceding paragraph, one (1) of the Judges shall act as the Presiding Judge.

Article 17 Deleted

Article 18 Deleted

(Jurisdiction of Cases)

Article 19 (1) The jurisdiction of cases to be inquired shall belong to a Local Marine Accident Inquiry Agency that governs the location where a marine accident occurred; provided, however, that in the case that the location of the marine accident is not made clear, the jurisdiction shall belong to the Local Marine Accident Inquiry Agency who governs the port of registration of the vessel involved in the marine accident.

(2) When one (1) case is pending at two (2) or more Local Marine Accident Inquiry Agencies, such a case shall be inquired into by the Local Marine Accident Inquiry Agency that first received the request for the commencement of inquiry.

(3) The jurisdiction over cases that occur outside Japanese territory shall be provided for in the Cabinet Order.

(Transfer of Cases)

Article 20 (1) A Local Marine Accident Inquiry Agency, when it finds that a case does not fall under its jurisdiction, it shall transfer the case by a decision to the competent Local Marine Accident Inquiry Agency.

(2) The Local Marine Accident Inquiry Agency to which a case has been transferred pursuant to the provision of the preceding paragraph shall not further transfer the case to another Local Marine Accident Inquiry Agency.

(3) In a case under paragraph 1, the case shall be deemed as having been pending from the beginning in the Local Marine Accident Inquiry Agency to which the case has been transferred.

(Change of Jurisdiction)

Article 21 (1) An Investigator or an Examinee may request the Japan Marine Accident Inquiry Agency (the second tribunal, Tokyo) to make the disposition of the change of jurisdiction of a case, as provided for in the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

(2) In the case that the request pursuant to the provision of the preceding paragraph is made, the Japan Marine Accident Inquiry Agency (the second tribunal, Tokyo), when it finds convenient in terms of conduct of inquiry, may make the change of jurisdiction by a decision.

(Change of Formation)

Article 21-2 The Judge conducting an inquiry as a single Judge pursuant to the provision of the proviso to paragraph 1 of Article 16, when it finds that it is inappropriate to inquire into the case on a single Judge basis, may render a decision that the inquiry of the case should be made by a panel set forth in the main clause of the same paragraph.

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

Article 22 Matters relating to the management of the office works of the Japan Marine Accident Inquiry Agency shall be provided for in the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

Chapter III Counselor

(Appointment of Counselor)

Article 23 An Examinee may appoint his Counselor as provided for in the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

(Authority of Counselor)

Article 24 In addition to what is provided for in this Act, a Counselor may independently perform its duties limiting to acts provided for in the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

(Qualification and Registration of Maritime Counselor)

Article 25 (1) A Counselor shall be appointed from among those who are registered as Maritime Counselors at the Japan Marine Accident Inquiry Agency (the second tribunal, Tokyo); provided, however, that this shall not apply to the case that the Japan Marine Accident Inquiry Agency especially permits.

(2) Matters in connection with qualification and registration of Maritime Counselors shall be provided for in the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

(Obligations of Maritime Counselor)

Article 26 (1) A Maritime Counselor shall perform his duties sincerely.

(2) A Maritime Counselor shall not disclose secrets obtained in the course of duties.

(Supervision for Maritime Counselor)

Article 27 A Maritime Counselor shall be subjected to the supervision of the Commissioner of the Japan Marine Accident Inquiry Agency (the second tribunal, Tokyo).

Chapter IV Proceedings Prior to Inquiry

(Reporting Duties of Coast Guard Officer, etc.)

Article 28 When a fact falling under any of the items of Article 2 is recognized by

a Coast Guard Officer, an official of maritime authorities, police official and mayor of municipality, they shall make a report immediately thereon to the Investigator stationed at the seat of the Local Marine Accident Inquiry Agency that governs the location of their office.

(Reporting Duty of Consul)

Article 29 A consul, who recognizes a fact falling under any of the items of Article 2 outside Japanese territory, shall immediately collect evidence and make a report thereon to an Investigator of the Marine Accident Investigators' Office.

(Investigative Duty, etc. of Investigator)

Article 30 An Investigator stationed at the seat of a Local Marine Accident Inquiry Agency who recognizes a fact to be inquired into under this Act, shall immediately investigate facts and collect evidence.

(Obligation of Paying Attention by Investigator at the Execution of Duty)

Article 31 In investigating facts or collecting evidence, an Investigator shall keep secrecy and shall be cautious not to injure the reputation of the persons concerned.

(Authority of Investigator)

Article 32 (1) An Investigator, if necessary to performing its duties, may make any of the following dispositions:

- (i) To summons or question persons concerned in a marine accident;
- (ii) To investigate vessels or other places;
- (iii) To require persons concerned in a marine accident to make reports or to submit books, documents or other articles;
- (iv) To request public offices to submit reports or data;
- (v) To summons appraisers, interpreters or translators, and require them to give appraisals, interpret or translate.

(2) In making any disposition set forth in the item 2 of the preceding paragraph, an Investigator shall carry his/her identification.

(Request for Commencement of Inquiry)

Article 33 (1) When an Investigator recognizes that a case should be subjected to inquiry, it shall request for the commencement of inquiry to the Local Marine Accident Inquiry Agency; provided, however, that it may not request for any case for which five (5) years have elapsed since the occurrence of the marine accident.

(2) The request set forth in the preceding paragraph shall be made in a document

stating the facts of the marine accident.

- (3) When the Investigator does not request as set forth in paragraph 1, it shall, as provided for in the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, make a report which contains the result of investigation and submit it to the Marine Accident Investigators' Office.
- (4) The Marine Accident Investigators' Office shall send the report set forth in the preceding paragraph to the Japan Marine Accident Inquiry Agency (the second tribunal, Tokyo).

(Examinee to be Specified and Notified)

- Article 34 (1) When an Investigator recognizes that a marine accident resulted from an intention or negligence of a marine technician, a boats' operator or pilot in the course of duties, it shall specify such a person in the document set forth in the paragraph 2 of the preceding Article as an Examinee.
- (2) In the case referred to in the preceding paragraph, the Investigator shall, as provided for in the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, notify the Examinee that a request for the commencement of inquiry was made.

Chapter V Inquiry by Local Marine Accident Inquiry Agencies

(Commencement of Inquiry)

- Article 35 The Local Marine Accident Inquiry Agencies shall commence inquiry upon receipt of the request therefore from the Investigator.

(Inquiry and Determination Open to Public)

- Article 36 Inquiry and determination shall be conducted publicly in the declared court of inquiry.

(Authority of Presiding Judge)

- Article 37 (1) The Presiding Judge shall preside at the inquiry and maintain order in a court of inquiry.
- (2) The Presiding Judge may order any person who interferes with inquiry to leave the court, or may take other necessary measures for the maintenance of order in court of inquiry.

(Summons and Examination of Examinee)

- Article 38 The Local Marine Accident Inquiry Agencies may summon the Examinees at the date for inquiry and may examine them.

(Oral Proceedings)

Article 39 In the case that an Examinee is named, the determination shall be rendered based on oral proceedings; provided, however, that if the Examinee fails to present itself at the date for inquiry with no justifiable grounds, the determination may be made without hearing its statement.

(Examination of Evidence)

Article 40 (1) The Local Marine Accident Inquiry Agencies may examine the necessary evidence either on request or ex officio.

(2) Prior to the date for the first inquiry, no Local Marine Accident Inquiry Agency may examine evidence by any method other than the following ones:

- (i) Investigating vessels or other places;
- (ii) Requiring persons to submit books, documents or other items;
- (iii) Requesting public offices to submit reports or data.

(3) The Local Marine Accident Inquiry Agencies may neither dispose nor require of arrest, custody, seizure, search or other measures for the compulsion to person, article or place, nor render any decision on a non-penal fine.

(Oath)

Article 40-2 In the case that a Local Marine Accident Inquiry Agency requires a witness to testify, an appraiser to give an expert opinion, an interpreter to interpret or a translator to translate in examining evidence set forth in paragraph 1 of the preceding Article, it shall require such a person to take an oath according to the proceedings provided for in the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism; provided, however, that a certain scope of persons provided for in the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism may not be required to take an oath.

(Fact Finding)

Article 40-3 Facts shall be found on the basis of evidence examined on the date for inquiry.

(Probative Value of Evidence)

Article 40-4 The probative value of evidence shall be left to the free discretion of Judges.

(Dismissal of Request for Commencement of Inquiry)

Article 41 The Local Marine Accident Inquiry Agencies shall dismiss a request for commencement of inquiry by a determination in the event that:

- (i) the court has no jurisdiction over the case;
- (ii) the request for the commencement of inquiry is filed in violation of rules; or
- (iii) the conduct of inquiry is prohibited under the provisions of Article 7 or

paragraph 2 of Article 19.

(Reason for Determination)

Article 42 A determination shall be accompanied by the reason therefore.

(Determination on the Merits)

Article 43 The determination on the merits shall clarify the facts and cause of a marine accident and also indicate by evidence the reason for the finding of such facts; provided, however, that when it is found that no such accident occurred, it would be sufficient to declare to that effect.

(Announcement of Determination)

Article 44 The announcement of determination shall be made by the pronouncement in the court of inquiry.

(Delegation to Ordinance)

Article 45 In addition to what is provided for in this Act, matters requisite in connection with the inquiry procedure by the Local Marine Accident Inquiry Agencies shall be provided for in the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

Chapter VI Inquiry by Japan Marine Accident Inquiry Agency (the second tribunal, Tokyo)

(Application for Second Instance)

Article 46 (1) An Investigator or an Examinee may, as provided by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, file an application for a second instance with the Japan Marine Accident Inquiry Agency (the second tribunal, Tokyo) against the determination of a Local Marine Accident Inquiry Agency.

(2) A Counselor may, on behalf of the Examinee, independently make an application as set forth in the preceding paragraph; provided, however, that the Counselor shall not do so against the Examinee's will explicitly expressed.

(3) An application under paragraph 1 shall be made within seven (7) days after the pronouncement of the first tribunal of the determination concerned.

(4) In the event that a person who is entitled to make an application for inquiry in the second tribunal pursuant to the provisions of paragraph 1 or 2 cannot do so within the term set forth in the preceding paragraph due to any cause not imputable to himself/herself, the person may make such application only within seven (7) days from the day when the said cause ceased to exist.

(Withdrawal of Application for Second Instance)

Article 47 An Investigator or the Examinee may withdraw its application for inquiry in the second tribunal before the determination is rendered.

(Dismissal of Application by Procedural Violation)

Article 48 In the event that the application for inquiry in the second tribunal is filed in violation of rules concerned, the Japan Marine Accident Inquiry Agency (the second tribunal, Tokyo) shall dismiss such an application by a determination.

(Sending Back of Case)

Article 49 In the event that a Local Marine Accident Inquiry Agency (the second tribunal, Tokyo) has unlawfully dismissed a request for the commencement of inquiry, the Japan Marine Accident Inquiry Agency shall send the case back to the Local Marine Accident Inquiry Agency by a determination.

(Dismissal of Request by Reason of Falling under Reasons for Dismissal of Request for Commencement of Inquiry)

Article 50 In the event that a Local Marine Accident Inquiry Agency fails to dismiss a request for the commencement of inquiry falling under any of the items of Article 41, the Japan Marine Accident Inquiry Agency (the second tribunal, Tokyo) shall dismiss such a request by a determination.

(Determination on Merits)

Article 51 The Japan Marine Accident Inquiry Agency (the second tribunal, Tokyo) shall make a further determination on merits except in cases of the preceding three Articles.

(Applicable Provisions)

Article 52 Provisions of Chapter 5 shall apply mutatis mutandis to the inquiry of the Japan Marine Accident Inquiry Agency (the second tribunal, Tokyo), unless provided in this Chapter.

Chapter VII Suit against Determination by Japan Marine Accident Inquiry Agency

(Institution of Suit and Jurisdiction)

Article 53 (1) A suit against a determination made by the Japan Marine Accident Inquiry Agency (the second tribunal, Tokyo) shall be subject to the exclusive jurisdiction of the Tokyo High Court.

(2) A suit set forth in the preceding paragraph shall be filed within 30 days after

the pronouncement of determination.

(3) The term under paragraph 2 shall be an unextendable period.

(4) No suit shall be instituted against the determination of a Local Marine Accident Inquiry Agency.

(Defendant)

Article 54 In a suit under paragraph 1 of the preceding Article, the Commissioner of the Japan Marine Accident Inquiry Agency (the second tribunal, Tokyo) shall be the defendant.

Article 55 Deleted

(Revocation of Determination)

Article 56 (1) The court, when it finds that the suit against the application is reasonable, shall revoke the determination.

(2) In the case of the preceding paragraph, the Japan Marine Accident Inquiry Agency (the second tribunal, Tokyo) shall conduct an inquiry anew.

(3) The decision of the court in the proceedings that constitutes a ground for the revocation of the determination of the Japan Marine Accident Inquiry Agency shall bind the Japan Marine Accident Inquiry Agency (the second tribunal, Tokyo) in respect of the case in question.

Chapter VIII Execution of Determination

(Execution of Determination)

Article 57 A determination shall be executed after it becomes final.

(Executioner of Determination)

Article 58 The determination of the Japan Marine Accident Inquiry Agency (the second tribunal, Tokyo) shall be executed by an Investigator of the Marine Accident Inquiry Investigators' Office, and the determination of a Local Marine Accident Inquiry Agency shall be executed by an Investigator stationed at the seat of the same Local Marine Accident Inquiry Agency.

(Determination and Execution of Revocation of License)

Article 59 When a determination of revocation of license is rendered, an Investigator shall confiscate the seamen's competency certificate of a person concerned (including the certificate of approval under paragraph 1 of Article 7 of the Act on Ships' Officers and Boats' Operators that is replaced and applied mutatis mutandis in paragraph 7 of Article 23 of the said Act; the same shall apply hereinafter) or the certificate of boats' operator or the pilot certificate

and shall forward the same to the Minister of Land, Infrastructure, Transport and Tourism.

(Determination and Execution of Suspension of Duties)

Article 60 When a determination to suspend the duties is rendered, an Investigator shall confiscate the seamen's competency certificate or the certificate of boats' operator or the pilot certificate of the person and shall return the same to the holder thereof after the expiration of period.

(Pronouncement and Public Notice of Nullity of Certificate)

Article 61 When a person whose license or duties are revoked or suspended fails to submit the seamen's competency certificate or the certificate of boats' operator or pilot certificate of the person to an Investigator concerned, the Investigator shall pronounce such certificate null and void and publicly notify to that effect in the Official Gazette.

(Execution of Determination on Recommendation)

Article 62 (1) When a determination of recommendation is rendered, the Presiding Judge shall prepare the note of recommendation and deliver it to an Investigator.

(2) The Investigator shall forward the note of recommendation referred to in the preceding paragraph with a transcript of the determination to the person who is to receive such recommendation.

(3) The Investigator shall publicly notify the contents of the determination of recommendation, as provided for in the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

(Obligation of Person Subject to Recommendation)

Article 63 (1) A person for whom a recommendation is addressed through a determination shall respect it, and make efforts to take necessary measures pursuant to the purpose thereof.

(2) An Investigator, when it find necessary, may request the person for whom a recommendation is addressed as prescribed in the preceding paragraph to report on the measures taken in accordance with the recommendation.

Chapter IX Miscellaneous Provisions

(Opinions to the Minister of Land, Infrastructure, Transport and Tourism, etc.)

Article 63-2 Japan Marine Accident Inquiry Agency (the second tribunal, Tokyo) may state its opinion for measures to be taken for the prevention of marine accidents, learnt through the performance of its affairs under the jurisdiction,

to the Minister of Land, Infrastructure, Transport and Tourism or the head of relevant administrative organs.

(Payment of Travel Expenses, etc. of Witness, etc.)

Article 64 (1) Travel expenses, daily allowances and accommodation charges as provided for in the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism shall be paid to witness, appraiser, interpreter and translator who appear pursuant to the provisions of this Act.

(2) An appraiser, an interpreter or a translator may request fees for his expert opinion, interpretation or translation respectively as provided for in the Cabinet Order.

(Exclusion from Application of the Administrative Procedure Act)

Article 64-2 Provisions of Chapters 2 through 4 inclusive of the Administrative Procedure Act (Act No.88 of 1993) shall not apply to the proceedings and administrative guidance as conducted or given under this Act.

(Limitation upon Administrative Appeals)

Article 64-3 No administrative appeal under the Administrative Complaint Review Act (Act No. 160 of 1962) may be raised to any disposal taken by this Act.

(Non-penal Fine)

Article 65 Any person who falls under any of the following items shall be imposed a non-penal fine not more than three thousand yen pursuant to the provisions of the Act on Procedures of Non-contentious Matters:

- (i) A person who fails to present himself or herself at a court with no justifiable grounds although repeatedly summoned as an Examinee by the Japan Marine Accident Inquiry Agency;
- (ii) A person who fails to present himself or herself or perform duties at a court with no justifiable grounds although summoned as a witness, appraiser, interpreter or translator by the Japan Marine Accident Inquiry Agency;
- (iii) A person who refuses, obstructs or evades the inspection of the Japan Marine Accident Inquiry Agency; or
- (iv) A person who fails to submit books, documents or other articles that the Japan Marine Accident Inquiry Agency requires, or submits ones including false entries.

Article 66 Any person who has failed to comply with the order of the Presiding Judge under paragraph 2 of Article 37 shall be imposed a non-penal fine not more than one thousand yen pursuant to the provisions of the Act on

Procedures of Non-contentious Matters.