

# Act on the Protection of Marine Resources

(Act No. 313 of December 17, 1951)

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## **Chapter I General Provisions**

(Purpose of This Act)

Article 1 The purpose of this Act is to ensure the protection and culturing of fishery resources, to maintain those advantages for the future, and thereby to contribute to the development of the fishing industry.

(Scope of Application)

Article 2 Provisions of this Act do not apply to waters that are not used for public purposes unless otherwise specifically provided.

Article 3 Provisions of this Act apply to waters that are not public but are connected to public waters.

## **Chapter II Protection and Culturing of Fishery Resources**

### **Section 1 Restriction on Dumping Harmful to Aquatic Plants and Animals**

(Orders on Restriction on Dumping Harmful to Aquatic Plants and Animals)

Article 4 (1) In the event that the Minister of Agriculture, Forestry and

Fisheries or the prefectural governor deems it necessary for the protection and culturing fishery resources, the Minister or the prefectural governor may establish an Order of the Ministry of Agriculture, Forestry and Fisheries or the Rules concerning the following matters:

- (i) restriction or prohibition regarding the abandonment, leaking, or elimination of objects, or regarding water pollution, harmful to aquatic plants or animals;
  - (ii) restriction or prohibition regarding the harvesting or removal of objects necessary for the protection and culturing aquatic plants or animals;
  - (iii) restriction or prohibition regarding the transplantation of aquatic plants or animals.
- (2) The Order of the Ministry of Agriculture, Forestry and Fisheries or the Rules pursuant to the provisions set forth in the preceding paragraph may have necessary penal provisions.
- (3) Punishment in the penal provisions set forth in the preceding paragraph is imprisonment for not more than 2 years, a fine of no more than five hundred thousand yen, misdemeanor penal detention or a petty fine, or their cumulative imposition in case of the Order of the Ministry of Agriculture, Forestry and Fisheries, and imprisonment for not more than 6 months, a fine of no more than one hundred thousand yen, misdemeanor penal detention or a petty fine, or their cumulative imposition in the case of the Rules.
- (4) Orders of the Ministry of Agriculture, Forestry and Fisheries or the Rules pursuant to the provisions of paragraph (1) may have provisions regarding the confiscation of fish catches, fishing vessels, fishing equipment, or other articles used for the catching or gathering of aquatic plants and animals and aquatic plants and animals under item (iii) of that paragraph owned or possessed by offenders and regarding the collection of the equivalent value in the event that it is impossible to confiscate in whole or in part these items owned by the offenders.
- (5) In the event that the Minister of Agriculture, Forestry and Fisheries intends to establish or repeal an Order of the Ministry of Agriculture, Forestry and Fisheries under paragraph (1), the Minister must hear the opinion of the Fisheries Policy Council.
- (6) In the event that the prefectural governor intends to establish, revise, or repeal Rules under paragraph (1), the governor must obtain the authorization of the Minister of Agriculture, Forestry and Fisheries.
- (7) In the event that the prefectural governor intends to establish or repeal the Rules under paragraph (1), the governor must hear the opinion of the concerned Sea-area Fisheries Adjustment Commission (in the case of those related to the inland water surface (meaning seawater surface set forth in Article 60, paragraph (5), item (v) of the Fishery Act (Act No. 267 of 1949)). The

same applies hereinafter) that belongs to the jurisdiction of the prefecture where Inland Waters Fishing Ground Management Commission is established, the Inland Waters Fishing Ground Management Commission).

(8) In the event that the Minister of Agriculture, Forestry and Fisheries intends to establish or authorize an Order of the Ministry of Agriculture, Forestry and Fisheries or Rules regarding the matters listed in items (i) or (ii) of paragraph (1) that pertain to a river to which the River Act (Act No. 167 of 1964) applies or applies mutatis mutandis (hereinafter referred to as "River") or to the land designated by the Minister of Land, Infrastructure and Transport pursuant to the provisions of Article 2 of the Erosion Control Act (Act No. 29 of 1897) (hereinafter referred to as "Designated Land"), the Minister must consult with the Minister of Land, Infrastructure and Transport in advance.

(9) In the event that the Minister of Agriculture, Forestry and Fisheries intends to establish or authorize Order of the Ministry of Agriculture, Forestry and Fisheries or Rules regarding the matters listed in items (i) of paragraph (1), the Minister must consult with the Minister of Economy, Trade and Industry in advance.

(Restrictions on Methods of Fishing)

Article 5 Catching or gathering aquatic plants and animals by using explosives is prohibited; provided, however, that this does not apply for research and study with the permission of the Minister of Agriculture, Forestry and Fisheries.

Article 6 The catching or gathering of aquatic plants and animals by using poisonous substances that paralyze or kill them is prohibited; provided, however, this does not apply to cases where permission of the Minister of Agriculture, Forestry and Fisheries has been obtained.

Article 7 It is an offence to possess or sell aquatic plants and animals caught or gathered in violation of the provisions of the preceding two Articles.

(Waters that are not Public)

Article 8 Cabinet Orders may enable the provisions of Article 4 to the preceding Article and of relevant penal provisions to be applicable to waters that are not public but are connected to public waters or to waters under Article 3.

(Prescribed Number of Permitted Fishing Vessels)

Article 9 (1) In the event that the Minister of Agriculture, Forestry and Fisheries deems it necessary for the protection of fishery resources, the Minister may provide for the maximum number of fishing vessels, by the

category of fishery and by the area of water, that may engage in the fishery (hereinafter referred to as "prescribed number"), by an Order of the Ministry of Agriculture, Forestry and Fisheries, for fishery that require the permission of the Minister of Agriculture, Forestry and Fisheries pursuant to the provisions of paragraph (1) or (2) of Article 109 of the Fishery Act and the provisions of the Order of the Ministry of Agriculture, Forestry and Fisheries based on the provisions of paragraph (1) of Article 4 of this Act.

- (2) In the event that the Minister of Agriculture, Forestry and Fisheries intends to provide for the prescribed number set forth in the preceding paragraph, the Minister must take the present status of fishery resources, the number of persons who actually operate that fishery and other natural and social conditions into comprehensive consideration.
- (3) In the event that the Minister of Agriculture, Forestry and Fisheries intends to provide for the prescribed number, the Minister must hear the opinion of the Fisheries Policy Council.

(Rescission and Changes of Permission due to Exceeding Prescribed Numbers)

Article 10 (1) In the event that the number of fishing vessels that actually have permission for fishing operations in respect of the category and area of water (including the authorization for the establishment of a new business relating to fishery; the same applies hereinafter) exceeds the prescribed number when it has been provided for pursuant to the provisions of the preceding Article, the Minister of Agriculture, Forestry and Fisheries must designate the date of rescission of that permission, or the operating area to be changed and the date of change, for the number of fishing vessels in excess in accordance with the standard provided for in the Order of the Ministry of Agriculture, Forestry and Fisheries, taking the following matters into consideration:

- (i) number of fishing vessels for which respective fishery operators have permission in respect of the category and area of water of that fishery;
  - (ii) frequency of voyages, principal place of operations, number of days of operations, number of times of casting nets, volume of catches of fish, and other operational circumstances of fishing vessels engaging in those operations;
  - (iii) working conditions such as wages and other remuneration;
  - (iv) degree to which the economy of respective fishing operators depend on those operations.
- (2) In the event that the Minister of Agriculture, Forestry and Fisheries intends to provide for the standard set forth in the preceding paragraph, the Minister hear the opinion of the Fisheries Policy Council.
  - (3) In the event that the Minister of Agriculture, Forestry and Fisheries deems it necessary when the Minister renders the designation under paragraph (1),

with regard to fishing vessels that have permission to fish in respect of the category and area of water of that fishery and that are not designated under that paragraph, the Minister may designate the place of operation for such fishing vessels to be changed and the date of change.

- (4) The designation under paragraph (1) or the preceding paragraph is made by public notice.
- (5) In the event that public notice set forth in the preceding paragraph is given, it is considered that the permission regarding those operations is rescinded, or the area of operation is changed, on the designated date, regardless of its valid period.
- (6) The designation pursuant to the provisions of paragraph (1) or (3) must be made within the scope in which the total amount of compensation pursuant to the provisions of the following Article that becomes necessary by reason of such designation does not exceed the amount of budget that is approved by the Diet.

(Compensation for Losses)

Article 11 (1) The national government must compensate for losses arising from the rescission of the permission or change of areas of operations pursuant to the provisions of paragraph (5) of the preceding Article to persons who received the relevant disposition.

- (2) The loss to be compensated pursuant to the provisions set forth in the preceding paragraph is the loss ordinarily incurred from the disposition under that paragraph.
- (3) The amount of compensation set forth in the preceding paragraph is decided by the Minister of Agriculture, Forestry and Fisheries upon hearing the opinion of the Fisheries Policy Council and is announced by a public notice.
- (4) The means of paying the compensation is provided for by Cabinet Order.
- (5) Any person who is dissatisfied with the amount of compensation publicly notified pursuant to the provisions of paragraph (3) may demand an increase to the amount by filing a suit within six months after the day of public notice.
- (6) The national government is a defendant in the suit set forth in the preceding paragraph.

(Measures for Persons Engaging in Fishing Operations)

Article 12 Persons whose permission is rescinded pursuant to the provisions of paragraph (5) of Article 10 must pay the amount provided for in the Order of the Ministry of Agriculture, Forestry and Fisheries, out of the compensation paid, to the persons who are on board the fishing vessels for which the permission is given, or who are engaged in shore-based work for the relevant fishing vessels, as of the day of public notice under paragraph (4) of the Article.

## Section 2 Import Quarantine on Aquatic Animals

(Permission to Import)

Article 13 (1) Any person who intends to import aquatic animals that could be infected with a disease or diseases subject to import quarantine (which means infectious diseases of aquatic animals falling under specified diseases set forth in paragraph (2) of Article 2 of the Sustainable Aquaculture Production Assurance Act (Act No. 51 of 1999) and other infectious diseases of aquatic animals provided for in the Orders of the Ministry of Agriculture, Forestry and Fisheries; the same applies hereinafter) and that are provided for in the Orders of the Ministry of Agriculture, Forestry and Fisheries as well as their containers and packages (including objects that are contained in the relevant containers and packages or those wrapped with the relevant containers and packages and that are not the aquatic animals in question; the same applies hereinafter) must obtain the permission of the Minister of Agriculture, Forestry and Fisheries.

(2) Any person who intends to obtain the permission set forth in the preceding paragraph must submit, as provided for in the Order of the Ministry of Agriculture, Forestry and Fisheries, a written application in which the kind and quantity, origin, time and place of import of the relevant aquatic animals, and other matters provided for in the Order of the Ministry of Agriculture, Forestry and Fisheries are described to the Minister of Agriculture, Forestry and Fisheries with an inspection certificate issued by the governmental organization of the exporting country in which the content is described, or its copy attached to the effect that it is confirmed or believed that the aquatic animals in question are not infected with a disease or diseases subject to import quarantine as a result of inspection conducted by that organization.

(3) In the event that an application for the permission under paragraph (1) is made and that the aquatic animals and their containers and packages regarding such application fall under any of the following items, the Minister of Agriculture, Forestry and Fisheries must grant the permission under the paragraph:

(i) it is considered by the inspection certificate or its copy set forth in the preceding paragraph that any pathogens of diseases subject to import quarantine would not be widely spread;

(ii) it is considered that the implementation of measures regarding the order pursuant to the provisions of paragraph (1) of the following Article would prevent the any pathogens of diseases subject to import quarantine from spreading widely.

(4) When the Minister of Agriculture, Forestry and Fisheries grants the permission under paragraph (1), the Minister issues a certificate of import

permission to a person who obtains the permission as provided for in the Orders of the Ministry of Agriculture, Forestry and Fisheries.

(Orders at the Time of Permission)

Article 14 (1) In the event that it is impossible to consider, judging from the situation in the exporting country and other circumstances, that the aquatic animals and their containers and packages regarding the application for permission under paragraph (1) of the preceding Article would not widely spread pathogens of diseases subject to import quarantine only by the inspection certificate or its copy under paragraph (2) of the preceding Article, the Minister of Agriculture, Forestry and Fisheries may, when the Minister grants the permission under paragraph (1) of the preceding Article, order the person who has made the application to control the relevant aquatic animals and their containers and packages by the methods provided for in the Orders of the Ministry of Agriculture, Forestry and Fisheries for the period provided for in the Orders of the Ministry of Agriculture, Forestry and Fisheries, taking the incubation period of the diseases subject to import quarantine into consideration.

(2) In the event that the person who is ordered pursuant to the provisions set forth in the preceding paragraph finds during the period in the paragraph that the relevant aquatic animals are, or could be, infected with a disease or diseases subject to import quarantine, the person must receive an inspection conducted by the Minister of Agriculture, Forestry and Fisheries as provided for in the Orders of the Ministry of Agriculture, Forestry and Fisheries.

(3) The person who is inspected under the preceding paragraph must control the relevant aquatic animals and their containers and packages by the method provided for in the Orders of the Ministry of Agriculture, Forestry and Fisheries under paragraph (1) until notified of the result of such inspection.

(Incineration Orders)

Article 15 In the event that the Minister of Agriculture, Forestry and Fisheries considers as a result of the inspection under paragraph (2) of the preceding Article that the aquatic animals regarding the application for permission under paragraph (1) of Article 13 are infected with a disease or diseases subject to import quarantine, the Minister may order the person who owns or controls the relevant aquatic animals and their containers and packages to incinerate, bury, sanitize, or take other necessary measures for the relevant aquatic animals and their containers and packages, preserve and other objects to which the pathogen of the disease or diseases subject to import quarantine is, or could be, attached.

(Reports and On-site Inspections)

Article 16 (1) The Minister of Agriculture, Forestry and Fisheries may, to the extent necessary for the execution of the provisions of this Section, require a person who intends to import, or has imported, aquatic animals and their containers and packages and other concerned persons to report necessary matters in connection with such import, or may cause its employees to enter workplaces, offices or facilities of such persons where aquatic animals are controlled and inspect aquatic animals, containers and packages, documents and other objects.

(2) Employees who engage in the on-site inspection pursuant to the provisions set forth in the preceding paragraph must carry a certificate that shows their status and produce it to relevant persons.

(3) The authority of the on-site inspection pursuant to the provisions of paragraph (1) must not be construed to have been granted for the investigation of a crime.

### **Section 3 Protected Waters**

(Definition of Protected Waters)

Article 17 The term "protected waters" as used in this Act means waters where aquatic animals lay eggs, juvenile fish grow or where it is appropriate for seeds and seedlings of aquatic plants and animals to generate and is designated by a prefectural governor or the Minister of Agriculture, Forestry and Fisheries as waters for which necessary measures should be taken for its protection and culture.

(Designation of Protected Waters)

Article 18 (1) In the event that the prefectural governor deems it necessary for the protection and culturing aquatic plants and animals, the governor may designate protected waters upon hearing the opinion of the Fisheries Policy Council and in accordance with the standard provided for by the Minister of Agriculture, Forestry and Fisheries.

(2) In the event that a prefectural governor intends to designate protected waters pursuant to the provisions set forth in the preceding paragraph, the governor must consult with the Minister of Agriculture, Forestry and Fisheries in advance and obtain the Minister's consent.

(3) In the event that a prefectural governor intends to designate the protected waters pursuant to the provisions of paragraph (1), the governor must hear the opinions of the Sea-area Fisheries Adjustment Commission established in the specified sea area for the relevant protected waters if the protected waters to be designated belongs to the seawaters set forth in Article 60, paragraph 5,



item (ii) of the Fishery Act, and of Inland Waters Fishing Ground Management Commission (in the case of a prefecture that does not have an Inland Waters Fishing Ground Management Commission pursuant to the proviso of paragraph 1 of Article 171 of the Act, the Sea-area Fisheries Adjustment Commission designated by the governor of the prefecture pursuant to the proviso of paragraph 4 of the Article) if the protected waters to be designated belongs to the inland waters.

- (4) In the event that the Minister of Agriculture, Forestry and Fisheries deems it specifically necessary for the protection and culturing aquatic plants and animals, the Minister may designate protected waters, notwithstanding the provisions under paragraph (1), in accordance with the standard set forth in that paragraph.
- (5) In the event that the Minister of Agriculture, Forestry and Fisheries intends to designate protected waters pursuant to the provisions set forth in the preceding paragraph, the Minister must hear the opinion of the prefectural governor that has the jurisdiction over the waters to which the protected waters to be designated belong.
- (6) The provisions of paragraph (3) apply mutatis mutandis to the cases in which the prefectural governor intends to state its opinion to the Minister of Agriculture, Forestry and Fisheries pursuant to the provisions set forth in the preceding paragraph.
- (7) The designation of the protected waters pursuant to the provisions of paragraph (1) or (4) is made by public notice of the area of the protected waters.

#### (Change to Area of Protected Waters)

Article 19 (1) In the event that the protected waters no longer conform with the standard set forth in paragraph (1) of the preceding Article or that it becomes necessary by reason of the development of other situation, the prefectural governor or the Minister of Agriculture, Forestry and Fisheries is to change the area of the protected waters designated by the Minister, or cancel such designation, without delay.

- (2) Provisions of paragraphs (2), (3), (5) to (7) of the preceding Article apply mutatis mutandis to the change or cancellation pursuant to the provisions set forth in the preceding paragraph.

#### (Administrators of Protected Waters)

Article 20 The administration of protected waters is conducted by the prefectural governor or the Minister of Agriculture, Forestry and Fisheries that has designated the relevant protected waters.

#### (Administration Plans for Protected Waters)

- Article 21 (1) In the event that the prefectural governor or the Minister of Agriculture, Forestry and Fisheries designates protected waters pursuant to the provisions of paragraph (1) or (4) of Article 18, the governor or the Minister must establish an administration plan for the relevant protected waters.
- (2) In the administration plan for the protected waters set forth in the preceding paragraph, at least the following matters must be set forth:
- (i) the kind of aquatic plants and animals to be bred/grown as well as the method of breeding/growth and the outline of the breeding/growing facility;
  - (ii) the kind of aquatic plants and animals for which the harvest is restricted or prohibited, and details of such restrictions or prohibition;
  - (iii) fishing equipment or vessels that are restricted or prohibited, and details of such restrictions or prohibition;
- (3) In the event that a prefectural governor intends to establish or change the administration plan for the protected waters administrated by the governor, the governor must consult with the Minister of Agriculture, Forestry and Fisheries in advance for the matters listed in each item of the preceding paragraph and must obtain their consent.
- (4) Provisions of paragraphs (3), (5), and (6) of Article 18 apply mutatis mutandis to cases where the administration plan for the protected waters under paragraph (1) is intended to be established or changed.
- (5) When the Minister of Agriculture, Forestry and Fisheries finds it particularly necessary for the protection and culturing aquatic plants and animals, the Minister may instruct the prefectural governor to change the administration plan for the protected waters administrated by the Minister. In this case, the provisions of paragraphs (5) and (6) of Article 18 apply mutatis mutandis.

(Restrictions on Construction Work)

Article 22 (1) Any person who intends to carry out land reclamation work or dredging or work that causes the flow volume or water level of waterway or the River to change within the area of the protected waters (excluding the part regarding rivers, designated land, or port limits as prescribed in Article 2, paragraph (3) of the Port and Harbour Act (Act No. 218 of 1950), waters for which the prefectural governor has made a public notice pursuant to the provisions of Article 56, paragraph (1) of the Act, waters publicly notified by the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provisions of Article 9, paragraph (1) of the the Act on Reservation of Low-water Line and Development of Base Facilities for Facilitating the Reservation and Use of Exclusive Economic Zone and the Continental Shelf (Act No. 41 of 2010) or promotion zones for the development of marine renewable energy power generation facilities (collectively referred to as the "area of port and harbor" in paragraph (5)) prescribed in Article 2, paragraph (5) of the Act on

Promoting the Utilization of Sea Areas for the Development of Marine Renewable Energy Power Generation Facilities (Act No. 89 of 2018)) must obtain the permission of the prefectural governor or the Minister of Agriculture, Forestry and Fisheries that administrates such the relevant protected waters as provided for in a Cabinet Order.

- (2) In the event that the prefectural governor or the Minister of Agriculture, Forestry and Fisheries considers that work carried out without obtaining the permission set forth in the preceding paragraph seriously influences the administration of the relevant protected waters, the governor or the Minister may order the person who carries out that work to change such work or to restore the relevant waters to its original state.
- (3) In the event that the Minister of Land, Infrastructure and Transport, the prefectural governor, or the mayor of a municipality intends to carry out, or cause to carry out, the work listed in paragraph (1) for the river or the designated land, or that that work is carried out within the area of the protected waters when the Minister, the governor, or the mayor grants permission pursuant to the provisions of Article 23 to Article 27 or Article 29 of the River Act, or permission regarding the restrictions pursuant to the provisions of Article 4 of the Erosion Control Act, the Minister, the governor, or the mayor must consult with the prefectural governor or the Minister of Agriculture, Forestry and Fisheries that administrates the relevant protected waters in advance as provided for by Cabinet Order.
- (4) In the event that the administrator of the river set forth in Article 16, item (ii) of the Gravel Gathering Act (Act No. 74 of 1968) intends to grant an approval pursuant to the provisions of that Article or paragraph (1) of Article 20 of the Act in connection with the collection plan or change to the collection plan when the work to be carried out based on the collection plan under the Article, or the collection plan after the change falls under the work listed in paragraph (1) and is carried out within the area of the protected waters, the administrator must consult with the prefectural governor or the Minister of Agriculture, Forestry and Fisheries that administrates the relevant protected waters in advance as provided for by Cabinet Order.
- (5) In the event that the Minister of Land, Infrastructure and Transport or the administrator of a port and harbor (meaning the administrator of the ports and harbors set forth in paragraph (1) of Article 2; the same applies hereinafter) intends to carry out work listed in paragraph (1) within the area of port and harbor, or that the administrator of the port and harbor intends to grant permission pursuant to the provisions of paragraph (1) of Article 37 of the Act for that work or to attend the consultation pursuant to the provisions of paragraph (3) of the Article or that the prefectural governor intends to grant permission pursuant to the provisions of paragraph (1) of Article 56 of the Act

or to attend the consultation pursuant to the provisions of paragraph (3) of the Article or that the administrator of the port and harbor intends to exercise the authority of the prefectural governor (in the case of a city within the area of a designated city set forth in Article 252-19, paragraph (1) of the Local Autonomy Act (Act No. 67 of 1947), the mayor of the relevant designated city) under the provisions of the Public Waters Reclamation Act (Act No. 57 of 1921) pursuant to the provisions of paragraph (2) of Article 58 of the Act, or that The Minister of Land, Infrastructure, Transport and Tourism has granted permission pursuant to the provisions of Article 9, paragraph (1) of the Act on Reservation of Low-water Line and Development of Base Facilities for Facilitating the Reservation and Use of Exclusive Economic Zone and the Continental Shelf, or to attend the consultation pursuant to the provisions of paragraph (5) of the Article or that the Minister of Land, Infrastructure, Transport and Tourism has granted permission pursuant to the provisions of Article 10, paragraph 1 of the Act on Promoting the Utilization of Sea Areas for the Development of Marine Renewable Energy Power Generation Facilities or to attend the consultation pursuant to the provisions of paragraph (1) of the Article as replaced pursuant to the provisions of paragraph (3) of the Article, when such work is conducted within the area of the protected waters, the Minister of Land, Infrastructure and Transport, the administrator of the port and harbor, or the prefectural governor must consult with the prefectural governor or the Minister of Agriculture, Forestry and Fisheries that administrates the relevant protected waters in advance as provided for by Cabinet Order.

- (6) In the event that it is particularly necessary for the protection and culturing aquatic plants and animals within the area of protected waters, the prefectural governor or the Minister of Agriculture, Forestry and Fisheries that administrates the relevant protected waters may issue necessary recommendations with regard to the work listed in paragraph 1 within the relevant area or structures established by such work to the Minister of Land, Infrastructure and Transport, the prefectural governor or the administrator of the port and harbor as provided for in a Cabinet Order.

#### **Section 4 Protection and Culturing Anadromous Fish**

(Artificial Hatching and Stocking to be Executed by Agencies)

Article 23 (1) For each fiscal year, the Minister of Agriculture, Forestry and Fisheries must establish a plan concerning the artificial hatching and stocking to be executed by the Japan Fisheries Research and Education Agency (hereinafter referred to as "Agency") for the maintenance of the population of salmon and trout among anadromous fish.

- (2) The plan set forth in the preceding paragraph must specify the River and the number of stock in which the artificial hatching and stocking are executed in the relevant fiscal year.
- (3) In the event that the Minister of Agriculture, Forestry and Fisheries intends to establish a plan under paragraph (1), the Minister must hear the opinion of the Fisheries Policy Council.
- (4) In the event that the Minister of Agriculture, Forestry and Fisheries has established a plan under paragraph (1), the Minister must announce it publicly and notify the Agency without delay.
- (5) In the event that the Agency has received the notice pursuant to the provisions set forth in the preceding paragraph, it must execute the artificial hatching and stocking in accordance with the relevant plan.

(Sharing of Expenses by Beneficiaries)

Article 24 In the event that persons who undertake fishery to catch salmon and trout among anadromous fish substantially benefit by the artificial hatching and stocking under paragraph (1) of the preceding Article, the Agency may have those persons share part of the expenses required for the execution of the artificial hatching and stocking by obtaining the approval of the Minister of Agriculture, Forestry and Fisheries as provided for in the Orders of the Ministry of Agriculture, Forestry and Fisheries.

(Protection of the Route for Anadromous Fish)

- Article 25 (1) Owners or possessors of structures established on waters which are a route for anadromous fish must administrate such structures so that they do not interfere with the run of the anadromous fish.
- (2) In the event that the Minister of Agriculture, Forestry and Fisheries or a prefectural governor considers that the owners or possessors of structures set forth in the preceding paragraph fail to perform the administration of the structures pursuant to the provisions of that paragraph, the Minister or the governor may order such persons to administrate them in accordance with the provisions of that paragraph.
  - (3) In the event that a prefectural governor has issued an order pursuant to the provisions set forth in the preceding paragraph, the governor must report the fact to the Minister of Agriculture, Forestry and Fisheries without delay.

Article 26 (1) In the event that the Minister of Agriculture, Forestry and Fisheries considers that the route for anadromous fish may be interfered with, the Minister may restrict or prohibit the establishment of structures within a certain area of the waters.

- (2) In the event that the Minister of Agriculture, Forestry and Fisheries intends

to impose a restriction pursuant to the provisions set forth in the preceding paragraph, the Minister may do so by ordering the person who intends to establish the relevant structures to establish a route for anadromous fish or an alternative facility that can act as a substitute for such route, or if the Minister considers that it is extremely difficult to establish such a route for anadromous fish or the alternative facility that can act as a substitute for the relevant route, the Minister may do so by ordering the person to establish a facility or take measures necessary for the breeding of anadromous fish or other fish within the relevant waters.

- (3) Persons who are ordered pursuant to the provisions set forth in the preceding paragraph must prepare a plan for the matters so ordered and obtain the approval of the Minister of Agriculture, Forestry and Fisheries for the relevant plan as provided for in the Orders of the Ministry of Agriculture, Forestry and Fisheries.

Article 27 (1) In the event that the Minister of Agriculture, Forestry and Fisheries considers that the structure interferes with the route for the anadromous fish, the Minister may order the owners or possessors of such structure to carry out work to remove the interference.

- (2) In the event that the work to remove the interference is ordered pursuant to the provisions set forth in the preceding paragraph, such order must be issued within the scope of which the total amount of compensation pursuant to the provisions of the following paragraph does not exceed the amount of budget that is approved by the Diet.
- (3) In the event that the Minister of Agriculture, Forestry and Fisheries orders work to remove the interference pursuant to the provisions of paragraph (1), the Minister must give reasonable compensation to persons having rights concerning such structure; provided, however, if the Minister orders work to remove the interference pursuant to the provisions of paragraph (1) to a person who violates the order pursuant to the provisions of paragraph (2) of Article 25, the Minister does not compensate such person.
- (4) In the event that the order for work to remove the interference pursuant to the provisions of paragraph (1) is issued based on an application by interested persons, the relevant applicants must give compensation pursuant to the provisions of the main clause of the preceding paragraph as provided for by the Minister of Agriculture, Forestry and Fisheries.
- (5) Any person who is dissatisfied with the amount of compensation under the preceding two paragraphs may demand an increase or decrease in such amount by a lawsuit within six months after the day on which the person receives notice of the decision on the amount of compensation.
- (6) In the lawsuit set forth in the preceding paragraph, the national government

is the defendant; provided, however, in the case of paragraph (4), the applicant or persons having rights concerning the structure is the defendant.

(7) In the event that the order for work to remove the interference (structure) pursuant to the provisions of paragraph (1) is issued and any statutory lien, pledge, or mortgage exists on the relevant structure, the Minister of Agriculture, Forestry and Fisheries or the applicant under paragraph (4) must deposit the compensation under paragraph (3) or (4), except for cases in which an application is made by the relevant statutory lien holder, pledgee, or mortgagee to the effect that the deposit may not be necessary.

(8) The statutory lien holder, pledgee or mortgagee set forth in the preceding paragraph may be entitled to exercise their rights to the compensation deposited pursuant to the provisions of that paragraph.

(Prohibition on Harvesting Salmon in Freshwaters)

Article 28 In freshwaters, among anadromous fish, salmon must not be caught or gathered; provided, however, that this does not apply to the case where persons who have obtained a license for fishery, or persons who have obtained permission of the Minister of Agriculture, Forestry and Fisheries or prefectural governor pursuant to the provisions of Order of the Ministry of Agriculture, Forestry and Fisheries or the Rules based on the provisions of paragraph (1) or (2) of Article 119 of Fishery Act or paragraph (1) of Article 4 of this Act harvest under the license or the permission.

(Waters Not Used for Public Purposes)

Article 29 Provisions from Article 22 to the preceding Article and the penal provisions regarding these may be made applicable by a Cabinet Order to waters that are not used for public purposes but are connected to waters that are used for public purpose or to waters under Article 3.

## **Section 5 Securement of Seeds and Seedlings of Aquatic Plants and Animals**

(Obligation to Notify)

Article 30 Persons who intend to harvest or produce seeds and seedlings of aquatic plants and animals provided for in the Order of the Ministry of Agriculture, Forestry and Fisheries on a regular basis and with the purpose of sale must notify the Minister of Agriculture, Forestry and Fisheries to such effect as provided for in the Orders of the Ministry of Agriculture, Forestry and Fisheries. The same applies when the business is repealed.

(Instruction for Production and Distribution)

Article 31 In the event that the Minister of Agriculture, Forestry and Fisheries deems it necessary to secure the seeds and seedlings of aquatic plants and animals set forth in the preceding Article, the Minister may issue necessary instructions to persons set forth in the Article for the production or distribution of seeds and seedlings of the relevant aquatic plants and animals as provided for in the Orders of the Ministry of Agriculture, Forestry and Fisheries.

### **Chapter III Research of Fishery Resources**

(Research of Fishery Resources)

Article 32 In order to achieve the purpose of this Act, the Minister of Agriculture, Forestry and Fisheries must carry out scientific research on fishing industry whose categories are recognized to be necessary for the protection and culturing fishery resources, in respect of fish catch volumes, the situation of operation and condition of the sea.

(Collection of Reports)

Article 33 (1) In the event that the Minister of Agriculture, Forestry and Fisheries or a prefectural governor deems it necessary to carry out research under the preceding Article, the Minister or the governor may cause persons who operate or engage in fishery to report the volume of fish catches, time, method, and other necessary matters.

(2) The prefectural governor must report the result of reports obtained pursuant to the provisions set forth in the preceding paragraph to the Minister of Agriculture, Forestry and Fisheries.

### **Chapter IV Aid**

Article 34 In order to achieve the purpose of this Act, the national government may support a part of expense listed under the following within the scope of the budget:

- (i) expense required for the administration of the protected waters carried out by the prefectural governor based on the administration plan;
- (ii) expense required for owners or possessors of structures established in the waters that constitutes the route for anadromous fish (excluding those who are ordered to carry out work to remove the interference pursuant to the provisions of paragraph (1) of Article 27) to establish or repair the facility set forth in paragraph (2) of Article 26 in the relevant waters;
- (iii) expense required for persons other than the Agency to carry out the artificial hatching and stocking of salmon or trout among anadromous fish.



## Chapter V Miscellaneous Provisions

(Guidance Officer for Fishery Resources Protection and Guidance Agent for Fishery Resources Protection)

Article 35 (1) The Minister of Agriculture, Forestry and Fisheries is to appoint guidance officers for the protection of fishery resources from among employees under its jurisdiction to cause them to handle office work concerning the guidance and dissemination of matters relating to the protection and culturing the fishery resources or concerning the compliance with this Act and orders based on this Act.

(2) A prefectural governor may appoint guidance agents for the protection of fishery resources from among employees under its jurisdiction to cause them to handle office work concerning the guidance and dissemination of matters relating to the protection and culturing the fishery resources or concerning the compliance with this Act and orders based on this Act.

(Office Work Handled by Prefecture)

Article 36 It may be possible to cause a part of office work set forth in this Act and under the authority of the Minister of Agriculture, Forestry and Fisheries to be handled by a prefectural governor as provided for in a Cabinet Order.

(Cooperation for the Protection and Culturing of Fishery Resources)

Article 37 In the event that the prefectural governor deems it necessary for the protection and culturing of fishery resources, the governor may ask for cooperation for the protection and culturing of fishery resources from fishery cooperatives or other persons.

(Collection of Reports by the Fisheries Policy Council)

Article 38 In the event that the Fisheries Policy Council deems it necessary to process matters that have come to be under its authority pursuant to the provisions of Section 1 of Chapter II, it may ask persons who operate or engage in fishery business and other relevant persons to appear in person, and ask them to make necessary reports or may cause council members or persons engaging in its office work to carry out necessary research of fishery areas, vessels, workplaces or offices.

(Division of Office Work)

Article 39 Office work that is made to be processed by the prefecture pursuant to the provisions of paragraphs (1), (6), and (7) of Article 4 and Article 33 is No. 1 statutory entrusted office work as set forth in item (i) of paragraph (9) of

Article 2 of the Local Autonomy Act.

(Transitional Measures)

Article 40 In the event that an order is established, amended, or repealed pursuant to the provisions of this Act, the order may provide for necessary transitional measures (including transitional measures concerning penal provisions) within the scope that is reasonably considered to be necessary as a result of such establishment, amendment, or repeal.

### **Chapter VI Penal Provisions**

Article 41 Any person who has breached the provisions of the Articles 5 to 7 is subject to imprisonment for not more than 3 years or a fine of no more than two million yen:

Article 42 A person who engages in importing under paragraph (1) of Article 13 without obtaining permission pursuant to the paragraph is subject to imprisonment for not more than 3 years or a fine of no more than one million yen.

Article 43 Any person who falls under any of the following items is subject to imprisonment for not more than 1 year or a fine of no more than five hundred thousand yen:

- (i) a person who violates orders pursuant to the provisions of paragraph (1) of Article 14, Article 15, or paragraph (1) of Article 27;
- (ii) a person who violates the provisions of paragraph (2) or (3) of Article 14 or Article 28;
- (iii) a person who carries out work under paragraph (1) of Article 22 without obtaining permission pursuant to the paragraph;
- (iv) a person who violates the restriction or prohibition pursuant to the provisions of paragraph (1) or (2) of Article 26.

Article 44 In the cases of Article 41 or item (ii) of the preceding Article (limited to the part regarding Article 28), fish catches, fishing vessels, fishing equipment, or other articles used for the catching or gathering of aquatic plants or animals that are owned or possessed by the offender may be confiscated; provided, however, that in the event that it is impossible to confiscate these articles owned by the offenders, in whole or in part, the value of them may be collected.

Article 45 Imprisonment and a fine may be cumulatively imposed on a person

who commits a crime under Article 41 to Article 43 depending on the circumstances.

Article 46 Any person who falls under any of the following items is subject to imprisonment for not more than 6 months or a fine of no more than three hundred thousand yen:

- (i) a person who fails to make a report pursuant to the provisions of paragraph (1) of Article 16 or who makes a false report or who refuses, interferes with, or avoids the inspection pursuant to the provisions of that paragraph;
- (ii) a person who violates the provisions of paragraph (3) of Article 26;
- (iii) a person who fails to give notification pursuant to the provisions of Article 30 or gives false notification;
- (iv) a person who fails to make a report pursuant to the provisions of paragraph (1) of Article 33 or makes a false report.

Article 47 In the event that a representative of a juridical person or agents, employees or other workers of a juridical person or an individual commits acts of violation under Article 41 to Article 43 or under the preceding Article in connection with the business or property of such juridical person or individual, the fine under the respective Articles in question is imposed not only on the person who commits such acts but also on the juridical person or individual.

#### **Supplementary Provisions [Extract]**

- (1) The date of enforcement of this Act is specified by a Cabinet Order within a period not exceeding six months from the day of promulgation; provided, however, that the effective date of the provisions of Article 24, Article 32, Article 34, item (iii) of Article 37, Article 39 and of a part regarding the acts of violation under item (iii) of Article 37 under the provisions of Article 41 must after April 1, 1952.
- (5) Among the Orders of the Ministry or the Rules that are established by the Minister of Agriculture, Forestry and Fisheries or prefectural governors based on the provisions of paragraph 1 of Article 65 of the Fishery Act prior to the amendment and are in fact effective at the time of enforcement of this Act, those regarding matters listed in items (i) to (iii) of paragraph (1) of Article 65 of the Fishery Act prior to the amendment are deemed to have been established pursuant to the provisions of Article 4 and provisions of paragraph (1) of Article 65 of the Fishery Act after the amendment, and those regarding matters listed in items (v) to (vii) of paragraph (1) of Article 65 of the Fishery Act prior to the amendment are deemed to have been established pursuant to the provisions of Article 4.

- (6) The Act for Preventing Depletion of Fishery Resources (Act No. 171 of 1950) is repealed.
- (7) With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions then in force remain applicable.

**Supplementary Provisions [Act No. 196 of June 14, 1952]**

This Act comes into effect as from the date of enforcement of the Act on the Protection of Fishery Resources.

**Supplementary Provisions [Act No. 213 of August 15, 1953] [Extract]**

- (1) This Act comes into effect as from September 1, 1953.
- (2) Permission, approval or other dispositions, or applications, notifications or other procedures that were made pursuant to the provisions of former laws and regulations prior to the enforcement of this Act are deemed as dispositions and procedures that have been made based on the corresponding provisions after the amendment respectively.

**Supplementary Provisions [Act No. 140 of May 16, 1962] [Extract]**

- (1) This Act comes into effect as from October 1, 1962.
- (2) Provisions amended by this Act also apply to matters that arose prior to the enforcement of this Act unless otherwise specifically provided for in these Supplementary Provisions; provided, however, that the effects that arose from the provisions prior to the amendment by this Act are not prejudiced.
- (3) With regard to actions that are actually pending at the time of enforcement of this Act, the provisions in force at that time remain applicable, notwithstanding the provisions amended by this Act to the effect that the relevant actions cannot be filed.
- (4) With regard to the jurisdiction of actions that are actually pending at the time of enforcement of this Act, the provisions in force at that time remain applicable, notwithstanding the provisions amended by this Act to the effect that the relevant jurisdiction is exclusive jurisdiction.
- (5) With regard to the statute of limitations for filing an action regarding a administrative disposition or determination for which the statute of limitations for filing an action pursuant to the provisions prior to the amendment by this Act are actually running at the time of enforcement of this Act, the provisions in force at that time remain applicable; provided, however, that this is limited to cases in which the statute of limitations for filing an action pursuant to the provisions amended by this Act is shorter than that pursuant to the provisions

prior to the amendment by this Act.

- (6) The statute of limitations for filing public law related action regarding a disposition or administrative determination that was made prior to the enforcement of this Act, which is made to be decided by the amendment by this Act, count from the date on which the Act comes into effect.
- (7) With regard to an action for the revocation of a disposition or administrative determination on appeal that is actually pending at the time of enforcement of this Act, the provisions in force at that time remain applicable, notwithstanding the provisions amended by this Act to the effect that a party to the legal relationship is the defendant; provided, however, that the court may, by its decision, permit to change the action to the public law related action based on a motion by the plaintiff.
- (8) In the case of the proviso under the preceding paragraph, the provisions of the second sentence of Article 18 and paragraph (2) to (5) of Article 21 of the Administrative Case Litigation Act apply mutatis mutandis.

**Supplementary Provisions [Act No. 156 of September 11, 1962] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the date specified by a Cabinet Order within a period not exceeding nine months from the day of promulgation.

**Supplementary Provisions [Act No. 161 of September 15, 1962] [Extract]**

(1) This Act comes into effect as of October 1, 1962.

**Supplementary Provisions [Act No. 168 of July 10, 1964] [Extract]**

This Act comes into effect as of the day of enforcement of the new law (April 1, 1965).

**Supplementary Provisions [Act No. 74 of May 30, 1968] [Extract]**

(Effective Date)

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

**Supplementary Provisions [Act No. 87 of July 5, 1978] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the day of promulgation.

**Supplementary Provisions [Act No. 62 of June 11, 1983]**

This Act comes into effect as of the day on which twenty days have elapsed from the day of promulgation.

**Supplementary Provisions [Act No. 37 of May 18, 1985] [Extract]**

(Effective Date)

(1) This Act comes into effect as of the day of promulgation.

**Supplementary Provisions [Act No. 90 of July 12, 1985] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the day of promulgation.

**Supplementary Provisions [Act No. 89 of November 12, 1993] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the day on which the Administrative Procedure Act (Act No. 88 of 1993) comes into effect.

(Transitional Measures Regarding Adverse Dispositions Consulted On)

Article 2 In the event that a consultation or other requests were made, based on laws and regulations and prior to the enforcement of this Act, to the council or other organs with a panel system for undertaking the procedures of a hearing, or for giving opportunities for explanation or other procedures corresponding to the procedures for stating opinions set forth in Article 13 of the Administrative Procedure Act, the provisions in force at that time remain applicable with regard to the procedures for adverse dispositions regarding the relevant consultation or other requests, notwithstanding the provisions of relevant laws amended by this Act.

(Transitional Measures for Penal Provisions)

Article 13 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions in force at that time remain applicable.

(Transitional Measures for the Arrangement of Provisions for Hearings)

Article 14 Hearings, public hearings or hearing panels (excluding those regarding adverse dispositions) that were conducted pursuant to the provisions

of laws prior to the enforcement of this Act or procedures for them are deemed to have been conducted pursuant to the corresponding provisions of relevant laws amended by this Act.

(Delegation to Cabinet Orders)

Article 15 In addition to what is provided for in Article 2 to the preceding Article of the Supplementary Provisions, necessary transitional measures for the enforcement of this Act are prescribed by Cabinet Order.

### **Supplementary Provisions [Act No. 78 of June 14, 1996]**

This Act comes into effect as of the day on which the United Nations Convention on the Law of the Sea comes into effect for Japan.

### **Supplementary Provisions [Act No. 87 of July 16, 1999] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2000; provided, however, that the provisions listed in each of the following items come into effect as of the date provided for in the relevant items:

- (i) [Omitted] provisions of Article 7, Article 10, Article 12, proviso of Article 59, paragraphs 4 and 5 of Article 60, Article 73, Article 77, paragraphs 4 to 6 of Article 157, Article 160, Article 163, Article 164 and Article 202 of the Supplementary Provisions: the date of promulgation

(Transitional Measures as a Result of Partial Amendment of the Act on the Protection of Fishery Resources)

Article 87 (1) Protected waters that are actually administrated at the time of enforcement of this Act by a prefectural governor pursuant to the provisions of Article 16 of the Act on the Protection of Fishery Resources prior to the amendment pursuant to the provisions of Article 263 (hereinafter referred to in this Article as "Old Act on the Protection of Fishery Resources") are deemed as protected waters designated by the relevant prefectural governor pursuant to the provisions of paragraph 1 of Article 15 of the Act on the Protection of Fishery Resources after the amendment pursuant to the provisions of Article 263 (hereinafter referred to in this Article as "New Act on the Protection of Fishery Resources"), and the provisions of Article 16 of the New Act on the Protection of Fishery Resources apply to them.

(2) An application for the designation that is actually made at the time of the enforcement of this Act pursuant to the provisions of paragraph 1 of Article 15 of the Old Act on the Protection of Fishery Resources is deemed as an

application for consultation made pursuant to the provisions of paragraph (2) of Article 15 of the New Act on the Protection of Fishery Resources and an application for consultation made pursuant to the provisions of paragraph (3) of Article 17 of the New Act on the Protection of Fishery Resources.

- (3) The approval rendered pursuant to the provisions of paragraph (2) of Article 17 of the Old Act on the Protection of Fishery Resources prior to the date of enforcement, or applications for approval that are actually made at the time of enforcement of this Act pursuant to the provisions of that paragraph, are deemed as a consent or an application for consultation made pursuant to the provisions of paragraph (3) of Article 17 of the New Act on the Protection of Fishery Resources respectively.
- (4) In the event that the prefectural governor rendered an order pursuant to the provisions of paragraph (2) of Article 22 of the Old Act on the Protection of Fishery Resources prior to the date of enforcement, the provisions of paragraph (3) of Article 22 of the New Act on the Protection of Fishery Resources do not apply.
- (5) The provisions of paragraph (2) of Article 30 of the New Act on the Protection of Fishery Resources do not apply to the result of reports that were obtained prior to the date of enforcement pursuant to the provisions of Article 30 of the Old Act on the Protection of Fishery Resources.

(National Government Affairs)

Article 159 Beyond what is provided for in respective laws prior to the amendment by this Act, affairs of the national government, other local governments or other public bodies (which are referred to as "Office Work of the National Government" in Article 161 of the Supplementary Provisions) that were administrated or enforced by organs of local governments prior to the enforcement of this Act pursuant to the provisions of laws or a Cabinet Order based on such laws are treated by the local government as affairs of the relevant local government pursuant to laws or a Cabinet Order based on such laws after the enforcement of this Act.

(Transitional Measures for Dispositions or Applications)

Article 160 (1) Dispositions such as permission and other acts rendered prior to the enforcement of this Act (with regard to provisions listed in each item of Article 1 of the Supplementary Provisions: the relevant provisions; the same applies in this Article and Article 163 of the Supplementary Provisions) pursuant to the provisions of respective laws prior to the amendment (hereinafter referred to in this Article as "Acts of Disposition, etc."), or applications for permission or other acts that are actually made at the time of enforcement of this Act pursuant to the provisions of respective laws prior to



the amendment (hereinafter referred to in this Article as "Acts of Application, etc.") for which different persons will undertake the administrative affairs regarding such acts on the date of enforcement of this Act, are deemed as the Acts of Disposition, etc. or the Acts of Application, etc. that are made pursuant to the corresponding provisions of respective laws after the amendment in respect of the application of respective laws after the amendment on and after the date on which this Act comes into effect, except for those provided for in the provisions of Article 2 to the preceding Article of the Supplementary Provisions or in the provisions for transitional measures of respective laws (including orders based on these laws) after the amendment.

(2) Matters for which procedures such as reports, notification, submissions and others have to be made to the organs of national government or local government prior to the enforcement of this Act pursuant to the provisions of respective laws prior to the amendment, but for which such procedures have not been made prior to the date on which this Act comes into effect are deemed, in addition to those for which separate provisions are provided in this Act and Cabinet Orders based on it, as the matters for which reports, notification, submissions and others are made to the relevant organs of national government or local government pursuant to the corresponding provisions of respective laws after the amendment, but for which such procedures have not been made, and the provisions of respective laws amended by this Act apply to them.

(Transitional Measures for Appeals)

Article 161 (1) With regard to appeals, in accordance with the Administrative Complaint Review Act Administrative Appeal Act, against dispositions regarding the Office Work of the National Government that were rendered prior to the date of enforcement and for which a higher administrative authority set forth in the Act (hereinafter referred to in this Article as "higher administrative authority") existed above the administrative authority that rendered the relevant disposition (hereinafter referred to in this Article as "administrative agency reaching the disposition") prior to the date of enforcement, the higher administrative authority is deemed to exist above the relevant administrative agency reaching the disposition continuously on and after the date of enforcement, and the provisions of the Administrative Complaint Review Act apply. In this case, the administrative agency that is deemed as the higher administrative authority above the relevant administrative agency reaching the disposition is the administrative authority that was the higher administrative authority above the relevant administrative agency reaching the disposition prior to the date of enforcement.

(2) In the case referred to in the preceding paragraph, if the administrative

authority that is deemed as the higher administrative authority is an organ of the local government, office work to be treated by the relevant organ pursuant to the provisions of the Administrative Complaint Review Act is No. 1 statutory entrusted office work set forth in item (i) of paragraph (9) of Article 2 of the New Local Autonomy Act.

(Transitional Measures for Fees)

Article 162 With regard to fees to be paid prior to the date of enforcement pursuant to the provisions of respective laws prior to the amendment by this Act (including orders based on them), the provisions in force at that time remain applicable, except as otherwise specified in this Act and Cabinet Orders based on it.

(Transitional Measures for Penal Provisions)

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

(Delegation to Cabinet Order for Other Transitional Measures)

Article 164 (1) In addition to what is provided for in these Supplementary Provisions, transitional measures (including transitional measures for penal provisions) that become necessary as a result of the enforcement of this Act are prescribed by Cabinet Order.

(2) Necessary matters for the application of Articles 18, 51 and 184 of the Supplementary Provisions are prescribed by Cabinet Order.

### **Supplementary Provisions [Act No. 102 of July 16, 1999] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the day on which the Act Partially Amending Cabinet Act (Act No. 88 of 1999) comes into effect; provided, however, that provisions listed in each of the following items come into effect as of the date provided for in the relevant items:

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

(Transitional Measures Separately Provided)

Article 30 In addition to what is provided for in Article 2 to the preceding Article, transitional measures that become necessary as a result of the enforcement of this Act are prescribed by laws separately.

**Supplementary Provisions [Act No. 160 of December 22, 1999] [Extract]**

(Effective Date)

Article 1 This Act (excluding Articles 2 and 3) comes into effect as of January 6, 2001.

**Supplementary Provisions [Act No. 190 of December 22, 1999] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of January 6, 2001; provided, however, that the provisions of Article 8 of the Supplementary Provisions come into effect as of the date specified by a Cabinet Order within a period not exceeding six months from the date.

**Supplementary Provisions [Act No. 89 of June 29, 2001] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the day of promulgation.

**Supplementary Provisions [Act No. 84 of June 9, 2004] [Extract]**

(Effective Date)

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

(Review)

Article 50 The national government is to review the status of the enforcement of the New Act in the event that five years have elapsed after the enforcement of this Act, and when it finds necessary, it is to take necessary measures based on the result of such review.

**Supplementary Provisions [Act No. 36 of April 27, 2005] [Extract]**

(Effective Date)

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

**Supplementary Provisions [Act No. 26 of March 31, 2006] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2006.

**Supplementary Provisions [Act No. 77 of June 6, 2007] [Extract]**

(Effective Date)

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

**Supplementary Provisions [Act No. 41 of June 2, 2010] [Extract]**

(Effective Date)

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

**Supplementary Provisions [Act No. 41 of June 2, 2010] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of April 1, 1952.

**Supplementary Provisions [Act No. 67 of June 13, 2010] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the date of enforcement of the Act for Partial Revision of the Act on General Rules for Incorporated Administrative Agencies (Act No. 66, 2010. Hereinafter referred to as the "Revised Act on General Rules"). However, the provisions listed in the following items shall come into effect as of the date specified in each such item.

- (i) Provisions of Article 14, paragraph 2, Article 18 and Article 30 of the Supplementary Provisions Date of promulgation.

(Validity of Dispositions)

Article 28 Dispositions, procedures and other acts which have been made or should have been made pursuant to the provisions of the respective Acts (including orders based thereon) prior to the revision by this Act prior to the enforcement of this Act and for which the respective Acts revised by this Act (including orders based thereon. Hereinafter in this Article referred to as the "new laws and regulations") contain corresponding provisions shall be deemed to be dispositions, procedures and other acts which have been made or should have been made pursuant to the corresponding provisions of the new laws and regulations, unless otherwise provided for in laws (including Cabinet Orders based thereon).

(Transitional Measures on Penal Provisions)

Article 29 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act and acts committed after the enforcement of this Act in the cases where the provisions of these Supplementary Provisions shall remain in force, the provisions in force at that time remain applicable.

(Delegation of Other Transitional Measures to Cabinet Orders)

Article 30 In addition to what is provided for in Article 3 through the preceding Article of the Supplementary Provisions, any necessary transitional measure (including transitional measures regarding Penal Provisions) for the enforcement of this Act shall be specified by Cabinet Order (for matters under the jurisdiction of the National Personnel Authority, rules of the National Personnel Authority).

### **Supplementary Provisions [Act No. 69 of June 13, 2014] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the date of enforcement of the Administrative Complaint Review Act (Act No. 68 of 2014).

(Principle of Transitional Measures)

Article 5 With regard to appeals against dispositions or other acts or inactions of administrative authority, which pertain to dispositions or other acts of administrative authority prior to the enforcement of this Act or to inactions of administrative authority regarding applications filed prior to the enforcement of this Act, the provisions in force at that time remain applicable unless otherwise specifically provided for in these Supplementary Provisions.

(Transitional Measures Regarding Litigation)

Article 6 (1) With regard to matters for which an action may not be filed until after a determination, decision or other act by an administrative authority against an appeal pursuant to the provisions of an act prior to the revision by this Act, and the filing of an action for which the period in which the action should have been filed has elapsed prior to the enforcement of this Act without the filing of the appeal (in cases where such appeals may be filed only after the administrative authority has made a determination, decision or other act in response to other appeals, appeals in which the period in which such appeals should have been filed before the enforcement of this Act has elapsed without the filing of such other appeals are included), the provisions in force at that time remain applicable.

- (2) With regard to the filing of an action for rescission of a disposition or other act for which an appeal has been filed pursuant to the provisions of an act (including the case where the provisions in force at that time remain applicable pursuant to the provisions of the preceding Article) prior to the revision by the provisions of this Act, and those for which an action for rescission may not be filed until after a determination on a request for examination has been made pursuant to the provisions of an act revised by the provisions of this Act, the provisions in force at that time remain applicable.
- (3) With regard to an action for rescission of a determination, decision or other act of an administrative authority in response to an appeal, which has been filed prior to the enforcement of this Act, the provisions in force at that time remain applicable.

(Transitional Measures regarding Penal Provisions)

Article 9 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act and acts committed after the enforcement of this Act in the cases where the provisions in force at that time remain applicable pursuant to the provisions of Article 5 of the Supplementary Provisions and the preceding two Articles, the provisions in force at that time remain applicable.

(Delegation to Cabinet Order for Other Transitional Measures)

Article 10 In addition to what is provided for in Article 5 through the preceding Article of the Supplementary Provisions, any necessary transitional measures (including transitional measures regarding penal provisions) concerning the enforcement of this Act are specified by Cabinet Order.

#### **Supplementary Provisions [Act No. 70 of September 18, 2015] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of April 1, 1953.

#### **Supplementary Provisions [Act No. 89 of December 7, 2018] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding four months from the date of promulgation.

(Transitional Measures regarding Penal Provisions)

Article 6 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act that violate the provisions of the Port Act

prior to the revision pursuant to the provisions of Article 4 of the Supplementary Provisions and acts committed prior to the enforcement of this Act that violate the provisions of the Fishery Resources Protection Act prior to the revision pursuant to the provisions of the preceding Article, the provisions in force at that time remain applicable.

### **Supplementary Provisions [Act No. 95 of December 14, 2018] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding two years from the date of promulgation. However, the provisions listed in the following items come into effect as of the date specified in each such item.

(i) The provisions of the following Article through Article 7 of the Supplementary Provisions, and the provisions of Article 14, Article 15, paragraphs (1) and (3), Article 16, Article 31, and Article 33, paragraph (1) of the Supplementary Provisions Date of promulgation (referred to as the "date of promulgation" in Article 14 and Article 15, paragraph 3 of the Supplementary Provisions).

(Transitional Measures as a Result of Partial Amendment of the Act on the Protection of Fishery Resources)

Article 27 (1) In the event that fishery operated by persons (hereinafter referred to as the "former licensee" in this paragraph) who actually have permission under paragraph (1) of Article 4 of the Fishery Resources Protection Act prior to the revision (referred to as the "former Fishery Resources Protection Act" in the following paragraph) by the provisions of Article 4 at the time of enforcement of this Act falls under those that require permission under paragraph (1) of Article 36, paragraph (1) of Article 57 or paragraph (1) of Article 119 of the New Fishery Act, the former permittee shall be deemed to have obtained permission under paragraph (1) of Article 36, paragraph (1) of Article 57 or paragraph (1) of Article 119 of the New Fishery Act on the date of enforcement.

(2) The valid period of the permission deemed to have been obtained pursuant to the provisions of the preceding paragraph is the remaining valid period of the permission under paragraph (1) of Article 4 of the former Act on the Protection of Fishery Resources.

(Validity of Disposition)

Article 29 Dispositions, procedures and other acts which have been made or should have been made pursuant to the provisions of the respective Acts prior

to the revision or repeal prior to the date of enforcement of this Act and for which the respective revised Acts contain corresponding provisions, are deemed to have been made or should have been made pursuant to the corresponding provisions of the respective revised Acts, except as otherwise provided by the Supplementary Provisions.

(Transitional Measures regarding Penal Provisions)

Article 30 Prior laws continue to govern the applicability of penal provisions to acts performed prior to the date on which this Act comes into effect, and to acts performed on or after the date on which this Act comes into effect in a situation that prior laws continue to govern pursuant to these Supplementary Provisions or in the case for which prior laws remain in force pursuant to these Supplementary Provisions.

(Delegation to Cabinet Order)

Article 31 In addition to what is provided for in these Supplementary Provisions, any necessary transitional measure (including transitional measures regarding penal provisions) for the enforcement of this Act are specified by Cabinet Order.

(Consideration)

Article 33 (1) The Government is to study measures to mitigate the effects on the management of fishery in the event of significant changes in the income of fishery operators, including the nature of the system of fishery disaster compensation, and shall take necessary legislative measures based on the results of such study.

(2) In addition to the matters provided for in the preceding paragraph, the government is to, within ten years after the enforcement of this Act, review the provisions of the respective Acts revised by this Act, taking into consideration the status of enforcement of the respective Acts revised by this Act, and take necessary measures based on the review results.