

水産資源保護法

Act on the Protection of Marine Resources

(昭和二十六年十二月十七日法律第三百十三号)
(Act No. 313 of December 17, 1951)

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第一章 総則

Chapter I General Provisions

(この法律の目的)

(Purpose of This Act)

第一条 この法律は、水産資源の保護培養を図り、且つ、その効果を将来にわたって維持することにより、漁業の発展に寄与することを目的とする。

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.

(適用範囲)

(Scope of Application)

第二条 公共の用に供しない水面には、別段の規定がある場合を除き、この法律の規定を適用しない。

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

第三条 公共の用に供しない水面であつて公共の用に供する水面と接続して一体を成すものには、この法律を適用する。

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

第二章 水産資源の保護培養

Chapter II Protection and Culturing of Fishery Resources

第一節 水産動植物に有害な物の遺棄の制限等

Section 1 Restriction on Dumping Harmful to Aquatic Plants and Animals

(水産動植物に有害な物の遺棄の制限等に関する命令)

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

第四条 農林水産大臣又は都道府県知事は、水産資源の保護培養のために必要があると認めるときは、次に掲げる事項に関して、農林水産省令又は規則を定めることができる。

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:

一 水産動植物に有害な物の遺棄又は漏せつその他水産動植物に有害な水質の汚濁に関する制限又は禁止

(i) restriction or prohibition regarding the abandonment, leaking, or elimination of objects, or regarding water pollution, harmful to aquatic plants or animals;

二 水産動植物の保護培養に必要な物の採取又は除去に関する制限又は禁止

(ii) restriction or prohibition regarding the harvesting or removal of objects

necessary for the protection and culturing aquatic plants or animals;

三 水産動植物の移植に関する制限又は禁止

(iii) restriction or prohibition regarding the transplantation of aquatic plants or animals.

2 前項の規定による農林水産省令又は規則には、必要な罰則を設けることができる。

(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 前項の罰則に規定することができる罰は、農林水産省令にあつては二年以下の懲役、五十万円以下の罰金、拘留若しくは科料又はこれらの併科、規則にあつては六月以下の懲役、十万円以下の罰金、拘留若しくは科料又はこれらの併科とする。

(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 第一項の規定による農林水産省令又は規則には、犯人が所有し、又は所持する漁獲物、漁船、漁具その他水産動植物の採捕の用に供される物及び同項第三号の水産動植物の没収並びに犯人が所有していたこれらの物件の全部又は一部を没収することができる場合におけるその価額の追徴に関する規定を設けることができる。

(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 農林水産大臣は、第一項の農林水産省令を制定し、又は改廃しようとするときは、水産政策審議会の意見を聴かなければならない。

(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 都道府県知事は、第一項の規則を制定し、又は改廃しようとするときは、農林水産大臣の認可を受けなければならない。

(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 都道府県知事は、第一項の規則を制定し、又は改廃しようとするときは、関係海区漁業調整委員会（内水面漁場管理委員会を置く都道府県の管轄に属する内水面（漁業法（昭和二十四年法律第二百六十七号）第六十条第五項第五号に規定する内水面をいう。以下同じ。）に係るものにあつては、内水面漁場管理委員会）の意見を聴かなければならない。

(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 農林水産大臣は、第一項第一号又は第二号に掲げる事項に関する農林水産省令又は規則であつて、河川法（昭和三十九年法律第百六十七号）が適用され、若しくは準用される河川（以下「河川」という。）又は砂防法（明治三十年法律第二十九号）第二条の規定により国土交通大臣が指定した土地（以下「指定土地」という。）に係るものを定め、又は認可しようとするときは、あらかじめ、国土交通大臣に協議しなければならない。

(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 農林水産大臣は、第一項第一号に掲げる事項に関する農林水産省令を定め、又は規則を認可しようとするときは、あらかじめ、経済産業大臣に協議しなければならない。

(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.

（漁法の制限）

(Restrictions on Methods of Fishing)

第五条 爆発物を使用して水産動植物を採捕してはならない。ただし、調査研究のため農林水産大臣の許可を受けてする場合は、この限りでない。

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.

第六条 水産動植物を麻痺させ、又は死なせる有毒物を使用して、水産動植物を採捕してはならない。ただし、農林水産大臣の許可を受けてする場合は、この限りでない。

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.

第七条 前二条の規定に違反して採捕した水産動植物は、所持し、又は販売してはならない。

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.

(公共の用に供しない水面)

(Waters that are not Public)

第八条 公共の用に供しない水面であつて公共の用に供する水面又は第三条の水面に通ずるものには、政令で、第四条から前条までの規定及びこれらに係る罰則を適用することができる。

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.

(許可漁船の定数)

(Prescribed Number of Permitted Fishing Vessels)

第九条 農林水産大臣は、水産資源の保護のために必要があると認めるときは、漁業法第百十九条第一項又は第二項及びこの法律の第四条第一項の規定に基づく農林水産省令の規定により農林水産大臣の許可を要する漁業につき、漁業の種類及び水域別に、農林水産省令で、当該漁業に従事することができる漁船の隻数の最高限度（以下「定数」という。）を定めることができる。

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 農林水産大臣は、前項の定数を定める場合には、水産資源の現状及び現に当該漁業を営む者の数その他自然的及び社会的条件を総合的に勘案しなければならない。

(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 農林水産大臣は、定数を定めようとするときは、水産政策審議会の意見を聴かなければならない。

(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.

(定数超過による許可の取消及び変更)

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

第十条 前条の規定により定数が定められた時に当該漁業の種類及び水域につき現に漁業の許可（漁業に関する起業の認可を含む。以下同じ。）を受けている漁船の隻数が定数をこえているときは、農林水産大臣は、左に掲げる事項を勘案して農林水産省令で定める基準に従い、そのこえる数の漁船につき、当該漁業に係る許可の取消の期日又は変更すべき当該漁業の操業区域及び変更の期日を指定しなければならない。

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:

一 各漁業者が当該漁業の種類及び水域につき許可を受けている漁船の隻数

(i) number of fishing vessels for which respective fishery operators have permission in respect of the category and area of water of that fishery;

二 当該漁業に従事する漁船の航海度数、主たる操業の場所、操業日数、網入数、漁獲数量その他の操業状況

(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;

三 賃金その他の給与等の労働条件

(iii) working conditions such as wages and other remuneration;

四 各漁業者の経済が当該漁業に依存する程度

(iv) degree to which the economy of respective fishing operators depend on those operations.

2 農林水産大臣は、前項の基準を定めようとするときは、水産政策審議会の意見を聴かなければならない。

(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 第一項の規定による指定をする場合において必要があると認めるときは、農林水産大臣は、当該漁業の種類及び水域につき漁業の許可を受けている漁船であつて同項の指定を受けなかつたものにつき、変更すべき当該漁船の操業区域及び変更の期日を指定することができる。

(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 第一項又は前項の規定による指定は、告示をもつてする。

(4) The designation under paragraph (1) or the preceding paragraph is made by public notice.

5 前項の告示をしたときは、当該漁業に係る許可は、その有効期間にかかわらず、その指定された期日に取り消され、又は操業区域の変更があつたものとする。

(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 第一項又は第三項の規定による指定は、これによつて必要となる次条の規定による補償金の総額が国会の議決を経た予算の金額をこえない範囲内でしなければならない。

(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.

(損失補償)

(Compensation for Losses)

第十一条 政府は、前条第五項の規定による許可の取消又は操業区域の変更によつて生じた損失を当該処分を受けた者に対し補償しなければならない。

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 前項の規定により補償すべき損失は、同項の処分によつて通常生ずべき損失とする。

(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 前項の補償金額は、農林水産大臣が水産政策審議会の意見を聴いて定め、これを告示する。

(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 補償金交付の方法は、政令で定める。

(4) The means of paying the compensation is provided for by Cabinet Order.

5 第三項の規定により告示された補償金額に不服がある者は、告示の日から六月以内に、訴えをもつて、その増額を請求することができる。

(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 前項の訴においては、国を被告とする。

(6) The national government is a defendant in the suit set forth in the preceding paragraph.

(漁業従事者に対する措置)

(Measures for Persons Engaging in Fishing Operations)

第十二条 第十条第五項の規定により許可の取消を受けた者は、同条第四項の告示の日現在において、許可を受けた漁船に乗り組んでいる者及び当該漁船のために陸上作業をしている者に対し、交付を受けた補償金のうち農林水産省令で定める金額を支給しなければならない。

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.

第二節 水産動物の輸入防疫

Section 2 Import Quarantine on Aquatic Animals

(輸入の許可)

(Permission to Import)

第十三条 輸入防疫対象疾病（持続的養殖生産確保法（平成十一年法律第五十一号）第

二条第二項に規定する特定疾病に該当する水産動物の伝染性疾病その他の水産動物の伝染性疾病であつて農林水産省令で定めるものをいう。以下同じ。)にかかるとおそれのある水産動物であつて農林水産省令で定めるもの及びその容器包装(当該容器包装に入れられ、又は当該容器包装で包まれた物であつて当該水産動物でないものを含む。以下同じ。)を輸入しようとする者は、農林水産大臣の許可を受けなければならない。

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 前項の許可を受けようとする者は、農林水産省令で定めるところにより、当該水産動物の種類及び数量、原産地、輸入の時期及び場所その他農林水産省令で定める事項を記載した申請書に、輸出国の政府機関により発行され、かつ、その検査の結果当該水産動物が輸入防疫対象疾病にかかっているおそれがないことを確かめ、又は信ずる旨を記載した検査証明書又はその写しを添えて、これを農林水産大臣に提出しなければならない。

(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 農林水産大臣は、第一項の許可の申請があつた場合において、その申請に係る水産動物及びその容器包装が次の各号のいずれかに該当するときは、同項の許可をしなければならない。

(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:

一 前項の検査証明書又はその写しにより輸入防疫対象疾病の病原体を広げるおそれがないと認められるとき。

(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;

二 次条第一項の規定による命令に係る措置が実施されることにより輸入防疫対象疾病の病原体を広げるおそれなくなると認められるとき。

(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 農林水産大臣は、第一項の許可をしたときは、農林水産省令で定めるところにより、許可を受ける者に対し輸入許可証を交付する。

(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.

(許可に当たつての命令等)

(Orders at the Time of Permission)

第十四条 農林水産大臣は、前条第一項の許可の申請に係る水産動物及びその容器包装が、輸出国の事情その他の事情からみて、同条第二項の検査証明書又はその写しのみによつては輸入防疫対象疾病の病原体を広げるおそれがないとは認められないときは、同条第一項の許可をするに当たり、その申請をした者に対し、輸入防疫対象疾病の潜伏期間を考慮して農林水産省令で定める期間当該水産動物及びその容器包装を農林水産省令で定める方法により管理すべきことを命ずることができる。

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 前項の規定による命令を受けた者は、同項の期間内に当該水産動物が輸入防疫対象疾病にかかり、又はかかっている疑いがあることを発見したときは、農林水産省令で定めるところにより、農林水産大臣の行う検査を受けなければならない。

(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 前項の検査を受けた者は、その結果についての通知を受けるまでの間は、当該水産動物及びその容器包装を第一項の農林水産省令で定める方法により管理しなければならない。

(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.

(焼却等の命令)

(Incineration Orders)

第十五条 農林水産大臣は、前条第二項の検査の結果、第十三条第一項の許可の申請に係る水産動物が輸入防疫対象疾病にかかっていると認められるときは、当該水産動物又はその容器包装を所有し、又は管理する者に対し、当該水産動物又はその容器包装、いけすその他輸入防疫対象疾病の病原体が付着し、若しくは付着しているおそれのある物品の焼却、埋却、消毒その他必要な措置をとるべきことを命ずることができる。

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.

(報告及び立入検査)

(Reports and On-site Inspections)

第十六条 農林水産大臣は、この節の規定の施行に必要な限度において、水産動物及びその容器包装を輸入しようとする者又は輸入した者その他の関係者に対し、これらの輸入に関し必要な報告を求め、又はその職員に、これらの者の事業場、事務所若しく

は水産動物の管理に係る施設に立ち入り、水産動物、容器包装、書類その他の物件を検査させることができる。

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 前項の規定により立入検査をする職員は、その身分を示す証明書を携帯し、関係者に提示しなければならない。

(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 第一項の規定による立入検査の権限は、犯罪捜査のために認められたものと解釈してはならない。

(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.

第三節 保護水面

Section 3 Protected Waters

(保護水面の定義)

(Definition of Protected Waters)

第十七条 この法律において「保護水面」とは、水産動物が産卵し、稚魚が生育し、又は水産動植物の種苗が発生するのに適している水面であつて、その保護培養のために必要な措置を講ずべき水面として都道府県知事又は農林水産大臣が指定する区域をいう。

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.

(保護水面の指定)

(Designation of Protected Waters)

第十八条 都道府県知事は、水産動植物の保護培養のため必要があると認めるときは、水産政策審議会の意見を聴いて農林水産大臣が定める基準に従つて、保護水面を指定

することができる。

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 都道府県知事は、前項の規定により保護水面の指定をしようとするときは、あらかじめ、農林水産大臣に協議し、その同意を得なければならない。

(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 都道府県知事は、第一項の規定により保護水面の指定をしようとするときは、指定をしようとする保護水面が漁業法第六十条第五項第二号に規定する海面に属する場合にあつては、当該保護水面につき定められた海区に設置した海区漁業調整委員会の意見を、指定をしようとする保護水面が内水面に属する場合にあつては、内水面漁場管理委員会（同法第一百七十一条第一項ただし書の規定により内水面漁場管理委員会を置かない都道府県にあつては、同条第四項ただし書の規定により当該都道府県の知事が指定する海区漁業調整委員会）の意見を聴かなければならない。

(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 農林水産大臣は、水産動植物の保護培養のため特に必要があると認めるときは、第一項の規定にかかわらず、同項に規定する基準に従つて、保護水面を指定することができる。

(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 農林水産大臣は、前項の規定により保護水面の指定をしようとするときは、指定をしようとする保護水面の属する水面を管轄する都道府県知事の意見を聴かなければな

らない。

(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 第三項の規定は、都道府県知事が前項の規定により農林水産大臣に意見を述べようとする場合に準用する。

(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 第一項又は第四項の規定による保護水面の指定は、保護水面の区域の告示をもつてする。

(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.

(保護水面の区域の変更等)

(Change to Area of Protected Waters)

第十九条 都道府県知事又は農林水産大臣は、保護水面が前条第一項に規定する基準に適合しなくなつたときその他情勢の推移により必要が生じたときは、遅滞なく、その指定した保護水面の区域を変更し、又はその指定を解除するものとする。

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 前条第二項、第三項及び第五項から第七項までの規定は、前項の規定による変更又は解除について準用する。

(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.

(保護水面の管理者)

(Administrators of Protected Waters)

第二十条 保護水面の管理は、当該保護水面を指定した都道府県知事又は農林水産大臣が行う。

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.

(保護水面の管理計画)

(Administration Plans for Protected Waters)

第二十一条 都道府県知事又は農林水産大臣は、第十八条第一項又は第四項の規定により保護水面の指定をするときは、当該保護水面の管理計画を定めなければならない。

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 前項の保護水面の管理計画においては、少なくとも次に掲げる事項を定めなければならない。

(2) In the administration plan for the protected waters set forth in the preceding paragraph, at least the following matters must be set forth:

一 増殖すべき水産動植物の種類並びにその増殖の方法及び増殖施設の概要

(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;

二 採捕を制限し、又は禁止する水産動植物の種類及びその制限又は禁止の内容

(ii) the kind of aquatic plants and animals for which the harvest is restricted or prohibited, and details of such restrictions or prohibition;

三 制限し、又は禁止する漁具又は漁船及びその制限又は禁止の内容

(iii) fishing equipment or vessels that are restricted or prohibited, and details of such restrictions or prohibition;

3 都道府県知事は、その管理する保護水面の管理計画を定め、又は変更しようとするときは、前項各号に掲げる事項について、あらかじめ、農林水産大臣に協議し、その同意を得なければならない。

(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 第十八条第三項、第五項及び第六項の規定は、第一項の保護水面の管理計画を定め、又は変更しようとする場合に準用する。

(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 農林水産大臣は、水産動植物の保護培養のため特に必要があると認めるときは、都道府県知事に対し、その管理する保護水面の管理計画を変更すべきことを指示することができる。この場合には、第十八条第五項及び第六項の規定を準用する。

(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.

(工事の制限等)

(Restrictions on Construction Work)

第二十二條 保護水面の区域（河川、指定土地又は港湾法（昭和二十五年法律第二百十八号）第二条第三項に規定する港湾区域、同法第五十六条第一項の規定により都道府県知事が公告した水域、排他的経済水域及び大陸棚の保全及び利用の促進のための低潮線の保全及び拠点施設の整備等に関する法律（平成二十二年法律第四十一号）第九条第一項の規定により国土交通大臣が公告した水域若しくは海洋再生可能エネルギー発電設備の整備に係る海域の利用の促進に関する法律（平成三十年法律第八十九号）第二条第五項に規定する海洋再生可能エネルギー発電設備整備促進区域（第五項において「港湾区域」と総称する。）に係る部分を除く。）内において、埋立て若しくはしゅんせつの工事又は水路、河川の流量若しくは水位の変更を来す工事をしようとする者は、政令の定めるところにより、当該保護水面を管理する都道府県知事又は農林水産大臣の許可を受けなければならない。

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 都道府県知事又は農林水産大臣は、前項の許可を受けないでされた工事が当該保護水面の管理に著しく障害を及ぼすと認めるときは、当該工事の施行者に対し、当該工事を変更し、又は当該水面を原状に回復すべきことを命ずることができる。

(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 国土交通大臣、都道府県知事又は市町村長は、河川若しくは指定土地に関する第一項に掲げる工事をし、若しくはさせようとする場合又はこれらの工事について河川法第二十三条から第二十七条まで若しくは第二十九条の規定による許可若しくは砂防法第四条の規定による制限に係る許可をしようとする場合において、当該工事が保護水面の区域内においてされるものであるときは、政令の定めるところにより、あらかじめ、当該保護水面を管理する都道府県知事又は農林水産大臣に協議しなければならない。

(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 砂利採取法（昭和四十三年法律第七十四号）第十六条第二号に規定する河川管理者は、同条の採取計画又は変更後の採取計画に基づいて行う工事が第一項に規定する工事に該当し、かつ、保護水面の区域内においてされるものである場合において、当該採取計画又は採取計画の変更について同条又は同法第二十条第一項の規定による認可をしようとするときは、政令の定めるところにより、あらかじめ、当該保護水面を管理する都道府県知事又は農林水産大臣に協議しなければならない。

(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 国土交通大臣若しくは港湾管理者（港湾法第二条第一項に規定する港湾管理者をいう。以下同じ。）が港湾区域内における第一項に規定する工事をしようとする場合又はこれらの工事について港湾管理者が同法第三十七条第一項の規定による許可をし、若しくは同条第三項の規定による協議に応じ、都道府県知事が同法第五十六条第一項

の規定による許可をし、若しくは同条第三項の規定による協議に応じ、港湾管理者が同法第五十八条第二項の規定により公有水面埋立法（大正十年法律第五十七号）の規定による都道府県知事（地方自治法（昭和二十二年法律第六十七号）第二百五十二条の十九第一項の指定都市の区域内にあつては、当該指定都市の長）の職権を行い、国土交通大臣が排他的経済水域及び大陸棚の保全及び利用の促進のための低潮線の保全及び拠点施設の整備等に関する法律第九条第一項の規定による許可をし、若しくは同条第五項の規定による協議に応じ、若しくは国土交通大臣が海洋再生可能エネルギー発電設備の整備に係る海域の利用の促進に関する法律第十条第一項の規定による許可をし、若しくは同条第三項の規定により読み替えられた同条第一項の規定による協議に応じようとする場合において、当該工事が保護水面の区域内においてされるものであるときは、国土交通大臣、港湾管理者又は都道府県知事は、政令の定めるところにより、あらかじめ、当該保護水面を管理する都道府県知事又は農林水産大臣に協議しなければならない。

- (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 保護水面の区域内において水産動植物の保護培養のため特に必要があるときは、当該保護水面を管理する都道府県知事又は農林水産大臣は、政令の定めるところにより、国土交通大臣、都道府県知事又は港湾管理者に対し、当該区域内における第一項に掲げる工事又はその工事により施設された工作物に関し必要な勧告をすることができる。
- (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.

第四節 溯河魚類の保護培養

Section 4 Protection and Culturing Anadromous Fish

(機構が実施すべき人工ふ化放流)

(Artificial Hatching and Stocking to be Executed by Agencies)

第二十三条 農林水産大臣は、毎年度、溯河魚類のうちさけ及びますの個体群の維持のために国立研究開発法人水産研究・教育機構（以下「機構」という。）が実施すべき人工ふ化放流に関する計画を定めなければならない。

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 前項の計画においては、当該年度において人工ふ化放流を実施すべき河川及び放流数を定めなければならない。

(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 農林水産大臣は、第一項の計画を定めようとするときは、水産政策審議会の意見を聴かなければならない。

(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 農林水産大臣は、第一項の計画を定めたときは、遅滞なく、これを公表するとともに、機構に通知しなければならない。

(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 機構は、前項の規定による通知を受けたときは、当該計画に従つて人工ふ化放流を実施しなければならない。

(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.

(受益者の費用負担)

(Sharing of Expenses by Beneficiaries)

第二十四条 機構は、溯河魚類のうちさけ又はますを目的とする漁業を営む者が、前条第一項の人工ふ化放流により著しく利益を受けるときは、農林水産省令で定めるところにより、農林水産大臣の承認を受けて、その者にその実施に要する費用の一部を負担させることができる。

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.

(溯河魚類の通路の保護)

(Protection of the Route for Anadromous Fish)

第二十五条 溯河魚類の通路となつている水面に設置した工作物の所有者又は占有者は、溯河魚類の溯上を妨げないように、その工作物を管理しなければならない。

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 農林水産大臣又は都道府県知事は、前項の工作物の所有者又は占有者が同項の規定による管理を怠っていると認めるときは、その者に対し、同項の規定に従つて管理すべきことを命ずることができる。

(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 都道府県知事は、前項の規定による命令をしたときは、遅滞なく、その旨を農林水産大臣に報告しなければならない。

(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.

第二十六条 農林水産大臣は、溯河魚類の通路を害するおそれがあると認めるときは、水面の一定区域内における工作物の設置を制限し、又は禁止することができる。

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 農林水産大臣は、前項の規定による制限をしようとするときは、当該工作物を設置しようとする者に対し、溯河魚類の通路若しくは当該通路に代わるべき施設を設置すべきことを命じ、又は溯河魚類の通路若しくは当該通路に代わるべき施設を設置することが著しく困難であると認める場合においては、当該水面における溯河魚類若しくはその他の魚類の繁殖に必要な施設を設置し、若しくは方法を講ずべきことを命ずることによつても、これを行うことができる。

(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 前項の規定による命令を受けた者は、農林水産省令の定めるところにより、当該命ぜられた事項についての計画を作成し、これについて農林水産大臣の承認を受けなければならない。

(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.

第二十七条 農林水産大臣は、工作物が溯河魚類の通路を害すると認めるときは、その所有者又は占有者に対し、除害工事を命ずることができる。

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 前項の規定により除害工事を命ずるときは、次項の規定による補償金の総額が国会の議決を経た予算の金額を超えない範囲内ではなければならない。

(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 農林水産大臣は、第一項の規定により除害工事を命じたときは、その工作物について権利を有する者に対し、相当の補償をしなければならない。ただし、第二十五条第二項の規定による命令に違反した者に対し、第一項の規定により除害工事を命じた場合においては、その者に対しては、補償しない。

(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 第一項の規定による除害工事の命令が利害関係人の申請によつてされたときは、農林水産大臣の定めるところにより、当該申請者が、前項本文の規定による補償をしなければならない。

(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 前二項の補償金額に不服がある者は、補償金額決定の通知を受けた日から六月以内に、訴えをもつて、その増減を請求することができる。

(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 前項の訴えにおいては、国を被告とする。ただし、第四項の場合においては、申請者又は工作物について権利を有する者を被告とする。

(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 第一項の規定による工作物の除害工事の命令があつた場合において、当該工作物の上に先取特権、質権又は抵当権があるときは、当該先取特権者、質権者又は抵当権者

から供託しなくてもよい旨の申出がある場合を除き、農林水産大臣又は第四項の当該申請者は、第三項又は第四項の補償金を供託しなければならない。

(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 前項の先取特権者、質権者又は抵当権者は、同項の規定により供託した補償金に対してその権利を行うことができる。

(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.

(内水面におけるさけの採捕禁止)

(Prohibition on Harvesting Salmon in Freshwaters)

第二十八条 内水面においては、溯河魚類のうちさけを採捕してはならない。ただし、漁業の免許を受けた者又は漁業法第一百九条第一項若しくは第二項及びこの法律の第四条第一項の規定に基づく農林水産省令若しくは規則の規定により農林水産大臣若しくは都道府県知事の許可を受けた者が、当該免許又は許可に基づいて採捕する場合は、この限りでない。

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.

(公共の用に供しない水面)

(Waters Not Used for Public Purposes)

第二十九条 公共の用に供しない水面であつて公共の用に供する水面又は第三条の水面に通ずるものには、政令で、第二十二條から前条までの規定及びこれらに係る罰則を適用することができる。

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.

第五節 水産動植物の種苗の確保

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

(届出の義務)

(Obligation to Notify)

第三十条 農林水産省令で定める水産動植物の種苗を、業として、販売の目的をもつて採捕し、又は生産しようとする者は、農林水産省令の定めるところにより、農林水産大臣にその旨の届出をしなければならない。その業を廃止したときも、同様とする。

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.

(生産及び配付の指示)

(Instruction for Production and Distribution)

第三十一条 農林水産大臣は、前条に規定する水産動植物の種苗を確保するために必要があると認めるときは、農林水産省令の定めるところにより、同条に規定する者に対し、当該水産動植物の種苗の生産又は配付につき必要な指示をすることができる。

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.

第三章 水産資源の調査

Chapter III Research of Fishery Resources

(水産資源の調査)

(Research of Fishery Resources)

第三十二条 農林水産大臣は、この法律の目的を達成するために、水産資源の保護培養に必要であると認められる種類の漁業について、漁獲数量、操業の状況及び海況等に関し、科学的調査を実施しなければならない。

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.

(報告の徴収等)

(Collection of Reports)

第三十三条 農林水産大臣又は都道府県知事は、前条の調査を行うために必要があると認めるときは、漁業を営み、又はこれに従事する者に、漁獲の数量、時期、方法その他必要な事項を報告させることができる。

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 都道府県知事は、前項の規定により得た報告の結果を農林水産大臣に報告しなければならない。

(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.

第四章 補助

Chapter IV Aid

第三十四条 国は、この法律の目的を達成するために、予算の範囲内において、次に掲げる費用の一部を補助することができる。

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:

一 都道府県知事が管理計画に基づいて行う保護水面の管理に要する費用

(i) expense required for the administration of the protected waters carried out by the prefectural governor based on the administration plan;

二 溯河魚類の通路となつている水面に設置した工作物の所有者又は占有者（第二十七条第一項の規定による除害工事の命令を受けた者を除く。）が、当該水面において、第二十六条第二項に規定する施設を設置し、又は改修するのに要する費用

(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;

三 機構以外の者が溯河魚類のうちさけ又はますの人工ふ化放流事業を行うのに要する費用

(iii) expense required for persons other than the Agency to carry out the artificial hatching and stocking of salmon or trout among anadromous fish.

第五章 雑則

Chapter V Miscellaneous Provisions

(水産資源保護指導官及び水産資源保護指導吏員)

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

第三十五条 農林水産大臣は、水産資源の保護培養に関する事項の指導及び普及その他この法律及びこの法律に基づく命令の励行に関する事務をつかさどらせるため、所部の職員のうちから水産資源保護指導官を命ずるものとする。

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 都道府県知事は、水産資源の保護培養に関する事項の指導及び普及その他この法律及びこの法律に基づく命令の励行に関する事務をつかさどらせるため、所部の職員のうちから水産資源保護指導吏員を命ずることができる。

(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.

(都道府県が処理する事務)

(Office Work Handled by Prefecture)

第三十六条 この法律に規定する農林水産大臣の権限に属する事務の一部は、政令で定めるところにより、都道府県知事が行うこととすることができる。

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.

(水産資源の保護培養に関する協力)

(Cooperation for the Protection and Culturing of Fishery Resources)

第三十七条 都道府県知事は、水産資源の保護培養のために必要があると認めるときは、漁業協同組合その他の者に対し、水産資源の保護培養に関し協力を求めることができる。

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.

(水産政策審議会による報告徴収等)

(Collection of Reports by the Fisheries Policy Council)

第三十八条 水産政策審議会は、第二章第一節の規定によりその権限に属させられた事項を処理するために必要があると認めるときは、漁業を営み、若しくはこれに従事する者その他関係者に対し出頭を求め、若しくは必要な報告を求め、又はその委員若しくはその事務に従事する者に漁場、船舶、事業場若しくは事務所について所要の調査をさせることができる。

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.

(事務の区分)

(Division of Office Work)

第三十九条 第四条第一項、第六項、第七項並びに第三十三条の規定により都道府県が処理することとされている事務は、地方自治法第二条第九項第一号に規定する第一号法定受託事務とする。

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.

(経過措置)

(Transitional Measures)

第四十条 この法律の規定に基づき命令を制定し、又は改廃する場合においては、その命令で、その制定又は改廃に伴い合理的に必要と判断される範囲内において、所要の経過措置（罰則に関する経過措置を含む。）を定めることができる。

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.

第六章 罰則

Chapter VI Penal Provisions

第四十一条 第五条から第七条までの規定に違反した者は、三年以下の懲役又は二百万円以下の罰金に処する。

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:

第四十二条 第十三条第一項の許可を受けないで、同項の輸入をした者は、三年以下の懲役又は百万円以下の罰金に処する。

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.

第四十三条 次の各号のいずれかに該当する者は、一年以下の懲役又は五十万円以下の罰金に処する。

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:

一 第十四条第一項、第十五条又は第二十七条第一項の規定による命令に違反した者

(i) a person who violates orders pursuant to the provisions of paragraph (1) of Article 14, Article 15, or paragraph (1) of Article 27;

二 第十四条第二項若しくは第三項又は第二十八条の規定に違反した者

(ii) a person who violates the provisions of paragraph (2) or (3) of Article 14 or Article 28;

三 第二十二條第一項の許可を受けないで、同項の工事をした者

(iii) a person who carries out work under paragraph (1) of Article 22 without obtaining permission pursuant to the paragraph;

四 第二十六条第一項又は第二項の規定による制限又は禁止に違反した者

(iv) a person who violates the restriction or prohibition pursuant to the provisions of paragraph (1) or (2) of Article 26.

第四十四条 第四十一条又は前条第二号（第二十八条に係る部分に限る。）の場合において、犯人が所有し、又は所持する漁獲物、漁船又は漁具その他水産動植物の採捕の用に供される物は、没収することができる。ただし、犯人が所有していたこれらの物件の全部又は一部を没収することができないときは、その価額を追徴することができる。

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.

第四十五条 第四十一条から第四十三条までの罪を犯した者には、情状により、懲役及び罰金を併科することができる。

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.

第四十六条 次の各号のいずれかに該当する者は、六月以下の懲役又は三十万円以下の罰金に処する。

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:

一 第十六条第一項の規定による報告をせず、若しくは虚偽の報告をし、又は同項の規定による検査を拒み、妨げ、若しくは忌避した者

(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;

二 第二十六条第三項の規定に違反した者

(ii) a person who violates the provisions of paragraph (3) of Article 26;

三 第三十条の規定による届出をせず、又は虚偽の届出をした者

(iii) a person who fails to give notification pursuant to the provisions of Article 30 or gives false notification;

四 第三十三条第一項の規定による報告をせず、又は虚偽の報告をした者

(iv) a person who fails to make a report pursuant to the provisions of paragraph (1) of Article 33 or makes a false report.

第四十七条 法人の代表者又は法人若しくは人の代理人、使用人その他の従業者が、その法人又は人の業務又は財産に関して、第四十一条から第四十三条まで又は前条の違反行為をしたときは、行為者を罰するほか、その法人又は人に対し、各本条の罰金刑を科する。

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.

附 則 [抄]

Supplementary Provisions [Extract]

1 この法律施行の期日は、公布の日から起算して六箇月をこえない期間内において、政令で定める。但し、第二十四条、第三十二条、第三十四条及び第三十七条第三号の規定並びに第三十九条及び第四十一条の規定中第三十七条第三号の違反行為に関する部分の施行期日は、昭和二十七年四月一日以後でなければならない。

(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 改正前の漁業法第六十五条第一項の規定に基づいて農林水産大臣又は都道府県知事が定めた省令又は規則でこの法律施行の際現に効力を有するもののうち、改正前の漁業法第六十五条第一項第一号から第三号までに掲げる事項に関するものは第四条及び改正後の漁業法第六十五条第一項の規定に基づいて、改正前の漁業法第六十五条第一項第五号から第七号までに掲げる事項に関するものは第四条の規定に基づいて定められたものとみなす。

(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 水産資源枯渇防止法（昭和二十五年法律第百七十一号）は、廃止する。

(6) The Act for Preventing Depletion of Fishery Resources (Act No. 171 of 1950) is repealed.

7 この法律施行前にした行為に対する罰則の適用については、なお従前の例による。

(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.

附 則 〔昭和二十七年六月十四日法律第百九十六号〕

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

この法律は、水産資源保護法施行の日から施行する。

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

附 則 〔昭和二十八年八月十五日法律第二百十三号〕 〔抄〕

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

- 1 この法律は、昭和二十八年九月一日から施行する。
- (1) This Act comes into effect as from September 1, 1953.
- 2 この法律施行前従前の法令の規定によりなされた許可、認可その他の処分又は申請、届出その他の手続は、それぞれ改正後の相当規定に基いてなされた処分又は手続とみなす。
- (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.

附 則 〔昭和三十七年五月十六日法律第四百十号〕 〔抄〕

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

- 1 この法律は、昭和三十七年十月一日から施行する。
- (1) This Act comes into effect as from October 1, 1962.
- 2 この法律による改正後の規定は、この附則に特別の定めがある場合を除き、この法律の施行前に生じた事項にも適用する。ただし、この法律による改正前の規定によつて生じた効力を妨げない。
- (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 この法律の施行の際現に係属している訴訟については、当該訴訟を提起することができない旨を定めるこの法律による改正後の規定にかかわらず、なお従前の例による。
- (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 この法律の施行の際現に係属している訴訟の管轄については、当該管轄を専属管轄とする旨のこの法律による改正後の規定にかかわらず、なお従前の例による。
- (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 この法律の施行の際現にこの法律による改正前の規定による出訴期間が進行している処分又は裁決に関する訴訟の出訴期間については、なお従前の例による。ただし、

この法律による改正後の規定による出訴期間がこの法律による改正前の規定による出訴期間より短い場合に限る。

(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 この法律の施行前にされた処分又は裁決に関する当事者訴訟で、この法律による改正により出訴期間が定められることとなつたものについての出訴期間は、この法律の施行の日から起算する。

(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 この法律の施行の際現に係属している処分又は裁決の取消しの訴えについては、当該法律関係の当事者の一方を被告とする旨のこの法律による改正後の規定にかかわらず、なお従前の例による。ただし、裁判所は、原告の申立てにより、決定をもつて、当該訴訟を当事者訴訟に変更することを許すことができる。

(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 前項ただし書の場合には、行政事件訴訟法第十八条後段及び第二十一条第二項から第五項までの規定を準用する。

(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.

附 則 〔昭和三十七年九月十一日法律第百五十六号〕 〔抄〕

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

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して九月をこえない範囲内において政令で定める日から施行する。

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.

附 則 〔昭和三十七年九月十五日法律第百六十一号〕〔抄〕
Supplementary Provisions [Act No. 161 of September 15, 1962] [Extract]

1 この法律は、昭和三十七年十月一日から施行する。
(1) This Act comes into effect as of October 1, 1962.

附 則 〔昭和三十九年七月十日法律第百六十八号〕〔抄〕
Supplementary Provisions [Act No. 168 of July 10, 1964] [Extract]

この法律は、新法の施行の日（昭和四十年四月一日）から施行する。
This Act comes into effect as of the day of enforcement of the new law (April 1, 1965).

附 則 〔昭和四十三年五月三十日法律第七十四号〕〔抄〕
Supplementary Provisions [Act No. 74 of May 30, 1968] [Extract]

(施行期日等)
(Effective Date)
第一条 この法律は、公布の日から起算して三月をこえない範囲内において政令で定める日から施行する。

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.

附 則 〔昭和五十三年七月五日法律第八十七号〕〔抄〕
Supplementary Provisions [Act No. 87 of July 5, 1978] [Extract]

(施行期日)
(Effective Date)
第一条 この法律は、公布の日から施行する。

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

附 則 〔昭和五十八年六月十一日法律第六十二号〕
Supplementary Provisions [Act No. 62 of June 11, 1983]

この法律は、公布の日から起算して二十日を経過した日から施行する。
This Act comes into effect as of the day on which twenty days have elapsed from the day of promulgation.

附 則 〔昭和六十年五月十八日法律第三十七号〕〔抄〕

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

(施行期日等)

(Effective Date)

1 この法律は、公布の日から施行する。

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

附 則 〔昭和六十年七月十二日法律第九十号〕〔抄〕

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

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から施行する。

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

附 則 〔平成五年十一月十二日法律第八十九号〕〔抄〕

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

(施行期日)

(Effective Date)

第一条 この法律は、行政手続法（平成五年法律第八十八号）の施行の日から施行する。

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.

(諮問等がされた不利益処分に関する経過措置)

(Transitional Measures Regarding Adverse Dispositions Consulted On)

第二条 この法律の施行前に法令に基づき審議会その他の合議制の機関に対し行政手続法第十三条に規定する聴聞又は弁明の機会の付与の手続その他の意見陳述のための手続に相当する手続を執るべきことの諮問その他の求めがされた場合においては、当該諮問その他の求めに係る不利益処分の手続に関しては、この法律による改正後の関係法律の規定にかかわらず、なお従前の例による。

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.

(罰則に関する経過措置)

(Transitional Measures for Penal Provisions)

第十三条 この法律の施行前にした行為に対する罰則の適用については、なお従前の例による。

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.

(聴聞に関する規定の整理に伴う経過措置)

(Transitional Measures for the Arrangement of Provisions for Hearings)

第十四条 この法律の施行前に法律の規定により行われた聴聞、聴問若しくは聴聞会（不利益処分に係るものを除く。）又はこれらのための手続は、この法律による改正後の関係法律の相当規定により行われたものとみなす。

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.

(政令への委任)

(Delegation to Cabinet Orders)

第十五条 附則第二条から前条までに定めるもののほか、この法律の施行に関して必要な経過措置は、政令で定める。

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.

附 則 〔平成八年六月十四日法律第七十八号〕

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

この法律は、海洋法に関する国際連合条約が日本国について効力を生ずる日から施行する。

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.

附 則 〔平成十一年七月十六日法律第八十七号〕〔抄〕

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

(施行期日)

(Effective Date)

第一条 この法律は、平成十二年四月一日から施行する。ただし、次の各号に掲げる規定は、当該各号に定める日から施行する。

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:

一 〔前略〕附則第七条、第十条、第十二条、第五十九条ただし書、第六十条第四項及び第五項、第七十三条、第七十七条、第一百五十七条第四項から第六項まで、第一百六十条、第一百六十三条、第一百六十四条並びに第二百二条の規定 公布の日

(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

(水産資源保護法の一部改正に伴う経過措置)

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

第八十七条 この法律の施行の際現に第二百六十三条の規定による改正前の水産資源保護法（以下この条において「旧水産資源保護法」という。）第十六条の規定により都道府県知事が管理している保護水面については、第二百六十三条の規定による改正後の水産資源保護法（以下この条において「新水産資源保護法」という。）第十五条第一項の規定により当該都道府県知事が指定した保護水面とみなして、新水産資源保護法第十六条の規定を適用する。

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 この法律の施行の際現に旧水産資源保護法第十五条第一項の規定によりされている指定の申請は、新水産資源保護法第十五条第二項の規定によりされた協議の申出及び新水産資源保護法第十七条第三項の規定によりされた協議の申出とみなす。

(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 施行日前に旧水産資源保護法第十七条第二項の規定によりされた認可又はこの法律の施行の際現に同項の規定によりされている認可の申請は、それぞれ新水産資源保護法第十七条第三項の規定によりされた同意又は協議の申出とみなす。

(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 施行日前に旧水産資源保護法第二十二條第二項の規定により都道府県知事が命令をした場合については、新水産資源保護法第二十二條第三項の規定は、適用しない。

(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 施行日前に旧水産資源保護法第三十条の規定により得た報告の結果については、新水産資源保護法第三十条第二項の規定は、適用しない。

(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.

(国等の事務)

(National Government Affairs)

第百五十九条 この法律による改正前のそれぞれの法律に規定するもののほか、この法律の施行前において、地方公共団体の機関が法律又はこれに基づく政令により管理し又は執行する国、他の地方公共団体その他公共団体の事務（附則第百六十一条において「国等の事務」という。）は、この法律の施行後は、地方公共団体が法律又はこれに基づく政令により当該地方公共団体の事務として処理するものとする。

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.

(処分、申請等に関する経過措置)

(Transitional Measures for Dispositions or Applications)

第百六十条 この法律（附則第一条各号に掲げる規定については、当該各規定。以下この条及び附則第百六十三条において同じ。）の施行前に改正前のそれぞれの法律の規定によりされた許可等の処分その他の行為（以下この条において「処分等の行為」という。）又はこの法律の施行の際現に改正前のそれぞれの法律の規定によりされている許可等の申請その他の行為（以下この条において「申請等の行為」という。）で、この法律の施行の日においてこれらの行為に係る行政事務を行うべき者が異なることとなるものは、附則第二条から前条までの規定又は改正後のそれぞれの法律（これに基づく命令を含む。）の経過措置に関する規定に定めるものを除き、この法律の施行の日以後における改正後のそれぞれの法律の適用については、改正後のそれぞれの法律の相当規定によりされた処分等の行為又は申請等の行為とみなす。

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 この法律の施行前に改正前のそれぞれの法律の規定により国又は地方公共団体の機関に対し報告、届出、提出その他の手続をしなければならない事項で、この法律の施行の日前にその手続がされていないものについては、この法律及びこれに基づく政令に別段の定めがあるもののほか、これを、改正後のそれぞれの法律の相当規定により国又は地方公共団体の相当の機関に対して報告、届出、提出その他の手続をしなければならない事項についてその手続がされていないものとみなして、この法律による改正後のそれぞれの法律の規定を適用する。

(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.

(不服申立てに関する経過措置)

(Transitional Measures for Appeals)

第百六十一条 施行日前にされた国等の事務に係る処分であつて、当該処分をした行政庁（以下この条において「処分庁」という。）に施行日前に行政不服審査法に規定する上級行政庁（以下この条において「上級行政庁」という。）があつたものについての同法による不服申立てについては、施行日以後においても、当該処分庁に引き続き上級行政庁があるものとみなして、行政不服審査法の規定を適用する。この場合において、当該処分庁の上級行政庁とみなされる行政庁は、施行日前に当該処分庁の上級行政庁であつた行政庁とする。

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 前項の場合において、上級行政庁とみなされる行政庁が地方公共団体の機関であるときは、当該機関が行政不服審査法の規定により処理することとされる事務は、新地方自治法第二条第九項第一号に規定する第一号法定受託事務とする。

(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.

(手数料に関する経過措置)

(Transitional Measures for Fees)

第百六十二条 施行日前においてこの法律による改正前のそれぞれの法律（これに基づく命令を含む。）の規定により納付すべきであった手数料については、この法律及びこれに基づく政令に別段の定めがあるもののほか、なお従前の例による。

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.

(罰則に関する経過措置)

(Transitional Measures for Penal Provisions)

第百六十三条 この法律の施行前にした行為に対する罰則の適用については、なお従前の例による。

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.

(その他の経過措置の政令への委任)

(Delegation to Cabinet Order for Other Transitional Measures)

第百六十四条 この附則に規定するもののほか、この法律の施行に伴い必要な経過措置（罰則に関する経過措置を含む。）は、政令で定める。

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 附則第十八条、第五十一条及び第百八十四条の規定の適用に関して必要な事項は、政令で定める。

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

附 則 〔平成十一年七月十六日法律第百二号〕 〔抄〕

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

(施行期日)

(Effective Date)

第一条 この法律は、内閣法の一部を改正する法律（平成十一年法律第八十八号）の施行の日から施行する。ただし、次の各号に掲げる規定は、当該各号に定める日から施行する。

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:

二 附則第十条第一項及び第五項、第十四条第三項、第二十三条、第二十八条並びに第三十条の規定 公布の日

(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

(別に定める経過措置)

(Transitional Measures Separately Provided)

第三十条 第二条から前条までに規定するもののほか、この法律の施行に伴い必要となる経過措置は、別に法律で定める。

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.

附 則 〔平成十一年十二月二十二日法律第百六十号〕 〔抄〕

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

(施行期日)

(Effective Date)

第一条 この法律（第二条及び第三条を除く。）は、平成十三年一月六日から施行する。

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

附 則 〔平成十一年十二月二十二日法律第百九十号〕 〔抄〕

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

(施行期日)

(Effective Date)

第一条 この法律は、平成十三年一月六日から施行する。ただし、附則第八条の規定は、同日から起算して六月を超えない範囲内において政令で定める日から施行する。

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.

附 則 〔平成十三年六月二十九日法律第八十九号〕 〔抄〕
Supplementary Provisions [Act No. 89 of June 29, 2001] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から施行する。

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

附 則 〔平成十六年六月九日法律第八十四号〕 〔抄〕
Supplementary Provisions [Act No. 84 of June 9, 2004] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して一年を超えない範囲内において政令で定める日から施行する。

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.

(検討)

(Review)

第五十条 政府は、この法律の施行後五年を経過した場合において、新法の施行の状況について検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を講ずるものとする。

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.

附 則 〔平成十七年四月二十七日法律第三十六号〕 〔抄〕
Supplementary Provisions [Act No. 36 of April 27, 2005] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して六月を超えない範囲内において政令で定める日から施行する。

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.

附 則 〔平成十八年三月三十一日法律第二十六号〕 〔抄〕

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

(施行期日)

(Effective Date)

第一条 この法律は、平成十八年四月一日から施行する。

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

附 則 [平成十九年六月六日法律第七十七号] [抄]

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

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して一年を超えない範囲内において政令で定める日から施行する。

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.

附 則 [平成二十二年六月二日法律第四十一号] [抄]

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

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して三月を超えない範囲内において政令で定める日から施行する。

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.

附 則 [平成二十六年六月四日法律第五十一号] [抄]

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

(施行期日)

(Effective Date)

第一条 この法律は、平成二十七年四月一日から施行する。

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

附 則 [平成二十六年六月百十三日法律第六十七号] [抄]

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

(施行期日)

(Effective Date)

第一条 この法律は、独立行政法人通則法の一部を改正する法律（平成二十六年法律第

六十六号。以下「通則法改正法」という。)の施行の日から施行する。ただし、次の各号に掲げる規定は、当該各号に定める日から施行する。

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.

一 附則第十四条第二項、第十八条及び第三十条の規定 公布の日

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

(処分等の効力)

(Validity of Dispositions)

第二十八条 この法律の施行前にこの法律による改正前のそれぞれの法律（これに基づく命令を含む。）の規定によってした又はすべき処分、手続その他の行為であつてこの法律による改正後のそれぞれの法律（これに基づく命令を含む。以下この条において「新法令」という。）に相当の規定があるものは、法律（これに基づく政令を含む。）に別段の定めのあるものを除き、新法令の相当の規定によってした又はすべき処分、手続その他の行為とみなす。

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).

(罰則に関する経過措置)

(Transitional Measures on Penal Provisions)

第二十九条 この法律の施行前にした行為及びこの附則の規定によりなおその効力を有することとされる場合におけるこの法律の施行後にした行為に対する罰則の適用については、なお従前の例による。

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.

(その他の経過措置の政令等への委任)

(Delegation of Other Transitional Measures to Cabinet Orders)

第三十条 附則第三条から前条までに定めるもののほか、この法律の施行に関し必要な経過措置（罰則に関する経過措置を含む。）は、政令（人事院の所掌する事項については、人事院規則）で定める。

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).

附 則 〔平成二十六年六月十三日法律第六十九号〕 〔抄〕

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

(施行期日)

(Effective Date)

第一条 この法律は、行政不服審査法（平成二十六年法律第六十八号）の施行の日から施行する。

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

(経過措置の原則)

(Principle of Transitional Measures)

第五条 行政庁の処分その他の行為又は不作為についての不服申立てであってこの法律の施行前にされた行政庁の処分その他の行為又はこの法律の施行前にされた申請に係る行政庁の不作為に係るものについては、この附則に特別の定めがある場合を除き、なお従前の例による。

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.

(訴訟に関する経過措置)

(Transitional Measures Regarding Litigation)

第六条 この法律による改正前の法律の規定により不服申立てに対する行政庁の裁決、決定その他の行為を経た後でなければ訴えを提起できないこととされる事項であって、当該不服申立てを提起しないでこの法律の施行前にこれを提起すべき期間を経過したもの（当該不服申立てが他の不服申立てに対する行政庁の裁決、決定その他の行為を経た後でなければ提起できないとされる場合にあつては、当該他の不服申立てを提起

しないのでこの法律の施行前にこれを提起すべき期間を経過したものを含む。)の訴えの提起については、なお従前の例による。

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 この法律の規定による改正前の法律の規定（前条の規定によりなお従前の例によることとされる場合を含む。）により異議申立てが提起された処分その他の行為であって、この法律の規定による改正後の法律の規定により審査請求に対する裁決を経た後でなければ取消しの訴えを提起することができないこととされるものの取消しの訴えの提起については、なお従前の例による。

(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 不服申立てに対する行政庁の裁決、決定その他の行為の取消しの訴えであって、この法律の施行前に提起されたものについては、なお従前の例による。

(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.

（罰則に関する経過措置）

(Transitional Measures regarding Penal Provisions)

第九条 この法律の施行前にした行為並びに附則第五条及び前二条の規定によりなお従前の例によることとされる場合におけるこの法律の施行後にした行為に対する罰則の適用については、なお従前の例による。

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.

(その他の経過措置の政令への委任)

(Delegation to Cabinet Order for Other Transitional Measures)

第十条 附則第五条から前条までに定めるもののほか、この法律の施行に関し必要な経過措置（罰則に関する経過措置を含む。）は、政令で定める。

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.

附 則 〔平成二十七年九月十八日法律第七十号〕〔抄〕

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

(施行期日)

(Effective Date)

第一条 この法律は、平成二十八年四月一日から施行する。

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

附 則 〔平成三十年十二月七日法律第八十九号〕〔抄〕

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

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して四月を超えない範囲内において政令で定める日から施行する。

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.

(罰則に関する経過措置)

(Transitional Measures regarding Penal Provisions)

第六条 この法律の施行前にした附則第四条の規定による改正前の港湾法の規定に違反する行為及びこの法律の施行前にした前条の規定による改正前の水産資源保護法の規定に違反する行為に対する罰則の適用については、なお従前の例による。

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.

附 則 〔平成三十年十二月十四日法律第九十五号〕 〔抄〕

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

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して二年を超えない範囲内において政令で定める日から施行する。ただし、次の各号に掲げる規定は、当該各号に定める日から施行する。

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.

一 次条から附則第七条まで並びに附則第十四条、第十五条第一項及び第三項、第十六条、第三十一条並びに第三十三条第一項の規定 公布の日（附則第十四条及び第十五条第三項において「公布日」という。）

(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).

(水産資源保護法の一部改正に伴う経過措置)

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

第二十七条 この法律の施行の際現に第四条の規定による改正前の水産資源保護法（次項において「旧水産資源保護法」という。）第四条第一項の許可を受けている者（以下この項において「旧許可者」という。）が営む漁業が、新漁業法第三十六条第一項、第五十七条第一項又は第百十九条第一項の許可を要するものに該当する場合には、旧許可者は、施行日において新漁業法第三十六条第一項、第五十七条第一項又は第百十九条第一項の許可を受けたものとみなす。

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 前項の規定により受けたものとみなされる許可の有効期間は、旧水産資源保護法第四条第一項の許可の有効期間の残存期間とする。

(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.

(処分等の効力)

(Validity of Disposition)

第二十九条 この法律（附則第一条各号に掲げる規定については、当該各規定。次条において同じ。）の施行の日前に改正又は廃止前のそれぞれの法律の規定によってした又はすべき処分、手続その他の行為であつて、改正後のそれぞれの法律に相当の規定があるものは、この附則に別段の定めがあるものを除き、改正後のそれぞれの法律の相当の規定によってした又はすべきものとみなす。

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.

(罰則に関する経過措置)

(Transitional Measures regarding Penal Provisions)

第三十条 この法律の施行の日前にした行為並びにこの附則の規定によりなお従前の例によることとされる場合及びこの附則の規定によりなおその効力を有することとされる場合におけるこの法律の施行の日以後にした行為に対する罰則の適用については、なお従前の例による。

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.

(政令への委任)

(Delegation to Cabinet Order)

第三十一条 この附則に定めるもののほか、この法律の施行に関し必要な経過措置（罰則に関する経過措置を含む。）は、政令で定める。

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.

（検討等）

(Consideration)

第三十三条 政府は、漁業者の収入に著しい変動が生じた場合における漁業の経営に及ぼす影響を緩和するための施策について、漁業災害補償の制度の在り方を含めて検討を加え、その結果に基づいて必要な法制上の措置を講ずるものとする。

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 政府は、前項に定める事項のほか、この法律の施行後十年以内に、この法律による改正後のそれぞれの法律の施行の状況等を勘案し、改正後の各法律の規定について検討を加え、その結果に基づいて必要な措置を講ずるものとする。

(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.