船舶油濁等損害賠償保障法

Act on Liability for Oil Pollution Damage

（昭和五十年十二月二十七日法律第九十五号）

(Act No. 95 of December 27, 1975)

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第一章　総則

Chapter I General Provisions

（目的）

(Purpose)

第一条　この法律は、船舶油濁等損害が生じた場合における船舶所有者等の責任を明確にし、及び船舶油濁等損害の賠償を保障する制度を確立することにより、被害者の保護を図り、あわせて海上輸送の健全な発達に資することを目的とする。

Article 1 The purpose of this Act is to protect the victims, and contribute to the sound development of marine transportation by establishing the liability of shipowners in the event of damage caused by oil pollution by ships, and to contribute to the sound development of marine transportation.

（定義）

(Definitions)

第二条　この法律において、次の各号に掲げる用語の意義は、それぞれ当該各号に定めるところによる。

Article 2 In this Act, the meanings of the terms in the following items are as prescribed respectively

一　責任条約　千九百九十二年の油による汚染損害についての民事責任に関する国際条約をいう。

(i) "Liability Convention" refers to the International Convention on Civil Liability for Oil Pollution Damage, 1992

二　国際基金条約　千九百九十二年の油による汚染損害の補償のための国際基金の設立に関する国際条約をいう。

(ii) "International Fund Convention" refers to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992

三　追加基金議定書　千九百九十二年の油による汚染損害の補償のための国際基金の設立に関する国際条約の二千三年の議定書をいう。

(iii) "Protocol on Supplementary Fund" refers to the protocol of 2003 to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992

四　燃料油条約　二千一年の燃料油による汚染損害についての民事責任に関する国際条約をいう。

(iv) "Bunker Oil Convention" refers to the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001;

五　難破物除去条約　二千七年の難破物の除去に関するナイロビ国際条約をいう。

(v) "Wreck Removable Convention" refers to the Nairobi International Convention on the Removal of Wrecks, 2007;

六　原油等　原油、重油、潤滑油その他の蒸発しにくい油で政令で定めるものをいう。

(vi) "Oil, etc." refers to crude oil, heavy oil, lubricant oil and other non-volatile oil specified by Cabinet Order;

七　燃料油等　燃料油、潤滑油その他の船舶の航行のために用いられる油で政令で定めるものをいう。

(vii) "Bunker oil, etc." refers to bunker oil, lubricant oil, and other oil used for the navigation of ships, which are specified by Cabinet Order;

八　難破物　海難により生じた次のいずれかに該当するものをいう。

(viii) "Wrecks" refers to any wrecks arising from maritime accidents which fall under any of the following items:

イ　沈没し、若しくは乗り揚げた船舶又はその一部

(a) A sunken or grounded ship or any part of a sunken ship or grounded ship thereof;

ロ　海上において船舶から失われた物で、沈没し、乗り揚げ、又は漂流しているもの

(b) Object lost from a ship at sea that are sunk, grounded or being drifted at sea;

ハ　沈没又は乗揚げのおそれがある船舶（必要な救助が行われていないものに限る。）

(c) A ship in danger of sinking or grounded (limited to those that are not being rescued).

九　タンカー　ばら積みの原油等の海上輸送のための船舟類をいう。

(ix) "Tanker" refers to a ship for carrying crude oil, etc. in bulk;

十　一般船舶　旅客又はばら積みの原油等以外の貨物その他の物品の海上輸送のための船舟類（ろかい又は主としてろかいをもつて運転するものを除く。）をいう。

(x) "General ship" refers to a ship for carrying cargo and other objects excluding passengers or crude oil, etc. in bulk (excluding ships that are operated with oars or operated mainly with oars);

十一　タンカー所有者　タンカーの船舶所有者（船舶法（明治三十二年法律第四十六号）第五条第一項の規定又は外国の法令の規定により船舶の所有者として登録を受けている者（当該登録を受けている者がないときは、船舶を所有する者）をいう。ただし、外国が所有する船舶について当該国において当該船舶の運航者として登録を受けている会社その他の団体があるときは、当該登録を受けている会社その他の団体をいう。以下同じ。）をいう。

(xi) "Tanker owner" refers to the shipowner of a tanker (this refers to the person registered as the owner of the ship in accordance with the provisions of Article 5, paragraph (1) of the Ship Act (Act No. 46 of 1899) or the provisions of foreign laws and regulations (if there are no persons registered, persons owning the ship); provided, however, that for a ship owned by a foreign state, if there is a company or an entity registered as an operator of the ship in that foreign state, the shipowner of a tanker refers to the company or the entity that is registered as the operator; the same applies hereinafter);

十二　船舶所有者等　船舶所有者及び船舶賃借人をいう。

(xii) "Shipowner, etc." refers to the owner of a ship and the lessee of a ship;

十三　船舶油濁等損害　タンカー油濁損害、一般船舶等油濁損害及び難破物除去損害をいう。

(xiii) "Damage caused by oil pollution, etc." refers to tanker oil pollution damage, oil pollution damage caused by general ships, etc., and damage arising from the removal of wrecks;

十四　タンカー油濁損害　次に掲げる損害又は費用をいう。

(xiv) "Tanker oil pollution damage" refers to the following damage or costs:

イ　タンカー（ばら積みの原油等以外の貨物の海上輸送をすることができるタンカーにあつては、ばら積みの原油等の輸送の用に供しているもの並びにばら積みの原油等の輸送の用に供した後当該タンカーの全ての貨物艙（そう）艙内に当該原油等が残留しない程度にその貨物艙（そう）艙を洗浄するまでの間において、ばら積みの原油等以外の貨物の輸送の用に供しているもの及び貨物を積載しないで航行しているものに限る。）から流出し、又は排出された原油等による汚染（貨物又は燃料として積載されていた原油等（当該原油等が貨物艙（そう）艙内その他の国土交通省令で定めるタンカー内の場所に残留したもの及び当該原油等を含む混合物で国土交通省令で定めるものを含む。）による汚染に限る。）により生ずる責任条約の締約国の領域（領海を含む。以下同じ。）内又は排他的経済水域（排他的経済水域及び大陸棚に関する法律（平成八年法律第七十四号）第一条第一項に規定する排他的経済水域をいう。以下同じ。）内若しくは責任条約の締約国である外国の責任条約第二条（ａ）（ｉｉ）に規定する水域内における損害

(a) Damage arising from pollution (limited to pollution caused by crude oil, etc. loaded as cargo or fuel (including crude oil, etc. left in a cargo hold or other places inside a tanker specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism and mixtures containing crude oil, etc. specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism)) by crude oil, etc. spilled or discharged from a tanker (for tankers capable of carrying cargo other than crude oil, etc. in bulk, limited to tankers used for transporting crude oil, etc. in bulk in which the cargo holds have not been cleaned to the degree that no crude oil, etc. may be left after they were used for transportation of crude oil, etc. in bulk, tankers used for transportation of cargo other than crude oil, etc. in bulk, and ships navigating without any cargo) within the territory of a state that is a contracting party to the Liability Convention (including territorial waters; the same applies hereinafter), within an exclusive economic zone (meaning an exclusive economic zone prescribed in Article 1, paragraph (1) of the Act on Exclusive Economic Zone and Continental Platforms (Act No. 74 of 1996); the same applies hereinafter), or within the waters provided for in Article 2, (a), (ii) of the Liability Convention in a foreign state that is a contracting party to the Convention;

ロ　イに掲げる損害の原因となる事実が生じた後にその損害を防止し、又は軽減するために執られる相当の措置に要する費用及びその措置により生ずる損害

(b) cost required for the reasonable measures taken to prevent or alleviate the damage after an event causing the damage referred to in sub-item (a) occurred and damage incurred as a result of taking those measures;

十五　タンカー所有者の損害防止措置費用等　タンカー所有者が自発的に前号ロに規定する措置を執る場合におけるその措置に要する費用及びその措置によつて当該タンカー所有者に生ずる損害をいう。

(xv) "Cost of damage-prevention measures taken by tanker owner" refers to the cost required by a tanker owner to voluntarily take measures prescribed in the preceding sub-item (b) and the loss incurred by the tanker owner as a result of taking those measures;

十六　一般船舶等油濁損害　次に掲げる損害又は費用をいい、タンカー油濁損害に該当するものを除く。

(xvi) "Oil pollution damage caused by general ships, etc." refers to any of the following damage or expenses, excluding those falling under the category of tanker oil pollution damage:

イ　タンカー又は一般船舶から流出し、又は排出された燃料油等による汚染により生ずる我が国の領域内又は排他的経済水域内における損害

(a) damage caused by pollution resulting from the outflow or discharge of bunker oil, etc. from a tanker or general ship within Japan's territory or exclusive economic zone;

ロ　タンカー又は一般船舶から流出し、又は排出された燃料油等による汚染により生ずる燃料油条約の締約国である外国の領域内又は燃料油条約第二条（ａ）（ｉｉ）に規定する水域内における損害

(b) damage caused by pollution resulting from the outflow or discharge of bunker oil, etc. from a tanker or general ship in the territory of a foreign country that is a contracting state to the bunker oil convention or in the waters prescribed in Article 2, (a), (ii) of the bunker oil convention;

ハ　イ又はロに掲げる損害の原因となる事実が生じた後にその損害を防止し、又は軽減するために執られる相当の措置に要する費用及びその措置により生ずる損害

(c) cost that is required for reasonable measures taken to prevent or alleviate the damage after an event causing the damage referred to in sub-item (a) or (b) and the loss incurred as a result of taking those measures.

十七　難破物除去損害　我が国の領域内若しくは排他的経済水域内又は難破物除去条約の締約国である外国であつて難破物除去条約第三条第二項の規定により通告を行つたものの領域内若しくは難破物除去条約の締約国である外国の難破物除去条約第一条第一項に規定する水域内における次に掲げる措置に要する費用の負担により生ずる損害をいい、タンカー油濁損害又は一般船舶等油濁損害に該当するものを除く。

(xvii) "Damage arising from the removal of wrecks" refers to damage arising from the bearing of expenses required for the following measures within the territory of Japan or within its exclusive economic zone, or within the territory of a foreign state that is a contracting state to the Wreck Removable Convention and has given notification pursuant to the provisions of Article 3, paragraph (2) of the Wreck Removable Convention, or within the waters prescribed in Article 1, paragraph (1) of the Wreck Removable Convention of a foreign state that is a contracting state of the convention on the Wreck Removable Convention, excluding those falling under the category of tanker oil pollution damage or oil pollution damage caused by general ships, etc.:

イ　難破物の位置の特定

(a) identifying the location of wrecks;

ロ　港湾法（昭和二十五年法律第二百十八号）その他法令の規定又は難破物除去条約第六条の規定による決定により難破物の除去その他の措置が必要となつた場合における当該難破物の標示

(b) marking of wrecks in cases where the removal of the wrecks or other measures are necessary according to the provisions of the Port and Harbor Act (Act No. 218 of 1950) or other laws and regulations, or a decision under the provisions of Article 6 of the Wreck Removable Convention;

ハ　ロの場合における当該難破物の除去その他の措置

(c) removal of the wrecks and other measures in cases referred to in (b).

十八　一単位　国際通貨基金協定第三条第一項に規定する特別引出権による一特別引出権に相当する金額をいう。

(xviii) "One unit" refers to the amount of money equivalent to one Special Drawing Right pursuant to the Special Drawing Right prescribed in Article 3, paragraph (1) of the International Monetary Fund Agreement.

十九　保険者等　次に掲げる者をいう。

(xix) "Insurer" refers to any of the following persons:

イ　この法律で定めるタンカー油濁損害賠償保障契約においてタンカー所有者の損害を填補し、又は賠償の義務の履行を担保する者

(a) the party who indemnifies the tanker owner for damage or secures the performance of the obligation of compensation under the tanker oil pollution damage compensation contract prescribed in this Act;

ロ　この法律で定める一般船舶等油濁損害賠償保障契約においてタンカー又は一般船舶の船舶所有者等の損害を填補し、又は賠償の義務の履行を担保する者

(b) the party who indemnifies the tanker or general ship owner for damage or secures the performance of the obligation of compensation under the general ship oil pollution damage compensation contract prescribed in this Act;

ハ　この法律で定める難破物除去損害賠償保障契約においてタンカー又は一般船舶の船舶所有者等の損害を填補し、又は賠償の義務の履行を担保する者

(c) the party who indemnifies the shipowner, etc. of a tanker or a general ship for damage or secures the performance of the obligation of compensation in the contract on compensation for damage arising from the removal of wrecks prescribed in this Act.

二十　国際基金　国際基金条約第二条第一項に規定する千九百九十二年の油による汚染損害の補償のための国際基金をいう。

(xx) "international fund" refers to The International Oil Pollution Compensation Fund 1992 prescribed in Article 2, paragraph (1) of the International Fund Convention;

二十一　追加基金　追加基金議定書第二条第一項に規定する二千三年の油による汚染損害の補償のための追加的な国際基金をいう。

(xxi) "supplementary fund" refers to the International Oil Pollution Compensation Supplementary Fund, 2003 prescribed in Article 2, paragraph (1) of the Protocol on Supplementary Fund;

二十二　制限債権　タンカー所有者又はこの法律で定めるタンカー油濁損害賠償保障契約、一般船舶等油濁損害賠償保障契約若しくは難破物除去損害賠償保障契約に係る保険者等が、この法律で定めるところによりその責任を制限することができる債権をいう。

(xxii) "Limited claim" refers to the claim for which the tanker owner, or the insurer, etc. to which a tanker oil pollution damage compensation contract, general ship oil pollution damage compensation contract, or contract on damage arising from the removal of wrecks prescribed in this Act pertains, may limit the liability pursuant to the provisions of this Act;

二十三　受益債務者　当該責任制限手続における制限債権に係る債務者で、責任制限手続開始の申立てをした者以外のものをいう。

(xxiii) "beneficial debtor" refers to the debtor pertaining to the limited claim in the procedure for limitation of liability and other than those who filed a petition for commencement of the procedure for limitation of liability.

第二章　タンカー油濁損害賠償責任及び責任の制限

Chapter II Liability for Tanker Oil Pollution Damage and Limitation of Liability

（タンカー油濁損害賠償責任）

(Liability for Tanker Oil Pollution Damage)

第三条　タンカー油濁損害が生じたときは、当該タンカー油濁損害に係る原油等が積載されていたタンカーのタンカー所有者は、その損害を賠償する責任を負う。ただし、当該タンカー油濁損害が次の各号のいずれかに該当するときは、この限りでない。

Article 3 (1) When tanker oil pollution damage occurs, the owner of the tanker that was loaded with the crude oil, etc. pertaining to the tanker oil pollution damage, is responsible for paying compensation for the damage; provided, however, that this does not apply if the tanker oil pollution damage falls under any of the following circumstances:

一　戦争、内乱又は暴動により生じたこと。

(i) damage was caused by war, civil war or insurrection;

二　異常な天災地変により生じたこと。

(ii) damage was caused by an abnormal natural disaster;

三　専ら当該タンカー所有者及びその使用する者以外の者の悪意により生じたこと。

(iii) damage was solely caused maliciously by the person other than the tanker owner or their employees;

四　専ら国又は公共団体の航路標識又は交通整理のための信号施設の管理の瑕疵により生じたこと。

(iv) damage was solely caused by a defect in the signaling facilities for sea-lane traffic control or sea-lane markers of a public entity or a respective country.

２　二以上のタンカーに積載されていた原油等によりタンカー油濁損害が生じた場合において、当該タンカー油濁損害がいずれのタンカーに積載されていた原油等によるものであるかを分別することができないときは、各タンカー所有者は、連帯してその損害を賠償する責任を負う。ただし、当該タンカー油濁損害が前項各号のいずれかに該当するときは、この限りでない。

(2) If there has been tanker oil pollution damage involving more than two crude oil tankers, and it is not possible to determine as to which tanker caused the tanker oil pollution damage, the respective tanker owners are jointly liable for damage; provided, however, that this does not apply if the tanker oil pollution damage falls under any of the items of the preceding paragraph.

３　前二項に規定するタンカー所有者は、タンカー油濁損害の原因となつた最初の事実が生じた時におけるタンカー所有者とする。

(3) The tanker owner prescribed in the preceding two paragraphs is to be the tanker owner of the time the first event that caused the tanker oil pollution damage.

４　第一項本文又は第二項本文の場合において、次に掲げる者は、その損害を賠償する責任を負わない。ただし、当該タンカー油濁損害が、これらの者の故意により、又は損害の発生のおそれがあることを認識しながらしたこれらの者の無謀な行為により生じたものであるときは、この限りでない。

(4) In the case referred to in the main clause of paragraph (1) or the main clause of paragraph (2), the persons listed in the following items are not responsible for damage; provided, however, that this does not apply if the tanker oil pollution damage was intentionally caused by these persons or caused by a reckless act of these persons while recognizing that the act would likely result in damage:

一　当該タンカーのタンカー所有者の使用する者

(i) employees of the tanker owner;

二　当該タンカーの船舶賃借人及びその使用する者

(ii) a ship lessee of the tanker or tanker employees;

三　当該タンカーの責任条約第三条第四項（ｃ）に規定する傭船者（船舶賃借人を除く。）、管理人又は運航者及びこれらの者の使用する者

(iii) a charterer, (except for the ship lessee), manager, operator or their employees of the tanker prescribed in Article 3, paragraph (4), (c) of the Liability Convention,

四　タンカーの修繕その他の当該タンカーに係る役務の提供を請け負う者及びその使用する者

(iv) a person who undertakes services such as repair of tankers and the person's employees;

五　当該タンカーのタンカー所有者の同意を得て、又は行政庁の指示に従い、海上における人命、積荷又はタンカーの救助に直接関連する役務を提供する者及びその使用する者

(v) a person who provides services directly relating to life saving rescue activities, rescue activities relative to cargo or the tanker itself at sea with the consent of the tanker owner or pursuant to the instructions of administrative agencies, and the person's employees;

六　前条第十四号ロに規定する措置を執る者（当該タンカーのタンカー所有者を除く。）及びその使用する者

(vi) a person who takes measures prescribed in item (xiv), (b) of the preceding Article (excluding the owner of the tanker in question) and the person's employees.

５　前項の規定は、損害を賠償したタンカー所有者の第三者に対する求償権の行使を妨げない。

(5) Provisions of the preceding paragraph do not preclude exercising the recourse to the third party of the tanker owner who has compensated for the damage.

（賠償についての参酌）

(Taking into Consideration concerning Compensation)

第四条　被害者の故意又は過失によりタンカー油濁損害が生じたときは、裁判所は、損害賠償の責任及び額を定めるについて、これを参酌することができる。

Article 4 If the tanker oil pollution damage is caused by the intention or the negligence of the victim, the court may take them into consideration in determining the liability and the sum of the damage.

（タンカー所有者の責任の制限）

(Limitation of Liability of Tanker Owners)

第五条　第三条第一項又は第二項の規定によりタンカー油濁損害の賠償の責任を負うタンカー所有者（法人であるタンカー所有者の無限責任社員を含む。以下同じ。）は、当該タンカー油濁損害に基づく債権について、この法律で定めるところにより、その責任を制限することができる。ただし、当該タンカー油濁損害が自己の故意により、又は損害の発生のおそれがあることを認識しながらした自己の無謀な行為により生じたものであるときは、この限りでない。

Article 5 Tanker owners who are responsible for compensation of tanker oil pollution damage pursuant to the provisions of Article 3, paragraph (1) or (2) (including unlimited liability partners of corporate tanker owners; the same applies hereinafter) may limit their liability arising from claims based on tanker oil pollution damage, pursuant to the provisions of this Act; provided, however, that this does not apply if the tanker oil pollution damage was intentionally caused by the tanker owner or caused by a reckless act of the tanker owner while recognizing that the act would likely result in damage.

（責任限度額）

(Liability Limit)

第六条　タンカー所有者がその責任を制限することができる場合における責任の限度額（第十四条第三項及び第三十八条において「責任限度額」という。）は、タンカーのトン数に応じて、次に定めるところにより算出した金額とする。

Article 6 The amount of liability limit in the case the tanker owner may restrict the liability (referred to as "amount of liability limit" in Article 14, paragraph (3) and Article 38) is to be the amount of money calculated as prescribed in the following items, pro rata to the tonnage of the tanker:

一　五千トン以下のタンカーにあつては、一単位の四百五十一万倍の金額

(i) for the tanker which is 5,000 tons or less, the amount of money obtained by multiplying one unit by 4,510,000; and

二　五千トンを超えるタンカーにあつては、前号の金額に五千トンを超える部分について一トンにつき一単位の六百三十一倍を乗じて得た金額を加えた金額（その金額が一単位の八千九百七十七万倍の金額を超えるときは、一単位の八千九百七十七万倍の金額）

(ii) for the tanker which exceeds 5,000 tons, the amount of money obtained by adding the amount obtained by multiplying one unit by 631 for the portion of tonnage exceeding 5,000 tons to the amount of the money obtained in the preceding paragraph (in the case the amount exceeds an amount obtained by multiplying one unit by 89,770,000, the amount obtained by multiplying one unit by 89,770,000)

（タンカーのトン数の算定）

(Calculation of Tonnage of Tanker)

第七条　前条のタンカーのトン数は、船舶のトン数の測度に関する法律（昭和五十五年法律第四十号）第四条第二項の規定の例により算定した数値にトンを付して表したもの（以下「総トン数」という。）とする。

Article 7 The tonnage of the tanker referred to in the preceding Article is to be expressed in the figure calculated pursuant to an example prescribed in Article 4, paragraph (2) of the Act on Tonnage Measurement of Ships (Act No. 40 of 1980) with the word "tons" added (hereinafter referred to as "gross tonnage").

（責任の制限の及ぶ範囲）

(Scope of Liability Limit)

第八条　タンカー所有者の責任の制限は、当該タンカーごとに、同一の事故から生じた当該タンカーに係るタンカー所有者及び保険者等に対するすべての制限債権に及ぶ。

Article 8 The limitation of liability of the tanker owner extends to all the limited claims resulting from the same accident for each of the relevant tanker against the tanker owner and insurer pertaining to the tanker.

（制限債権者が受ける弁済の割合）

(Ratio of Payment that the Claimant of the Limited Claim Receives)

第九条　タンカー所有者がその責任を制限した場合には、制限債権者は、その制限債権の額の割合に応じて弁済を受ける。

Article 9 When a tanker owner has limited its liability, the claimant of the limited claim may receive payment pro rata to the ratio of the sum of their limited claim.

（権利の消滅）

(Expiration of Rights)

第十条　第三条第一項又は第二項の規定に基づくタンカー所有者に対する損害賠償請求権は、タンカー油濁損害が生じた日から三年以内に裁判上の請求がされないときは、消滅する。当該タンカー油濁損害の原因となつた最初の事実が生じた日から六年以内に裁判上の請求がされないときも、同様とする。

Article 10 The right to demand compensation for damage against the tanker owner pursuant to the provisions of Article 3, paragraph (1) or (2) becomes extinct unless a demand by litigation is filed within 3 years from the date when the tanker oil pollution damage occurred. The same applies when a demand by litigation is not filed within 6 years from the date when the first event causing the tanker oil pollution damage occurred.

（タンカー油濁損害賠償請求事件の管轄）

(Jurisdiction of Tanker Oil Pollution Claim Case)

第十一条　第三条第一項又は第二項の規定に基づくタンカー所有者に対する訴えは、他の法律により管轄裁判所が定められていないときは、最高裁判所が定める地の裁判所の管轄に属する。

Article 11 The lawsuit against the tanker owner pursuant to the provisions of Article 3, paragraph (1) or (2) belongs to the court of jurisdiction that the Supreme Court provides, if a court of jurisdiction is not prescribed by other laws.

（外国判決の効力）

(Effect of Foreign Judgment)

第十二条　責任条約第九条第一項の規定により管轄権を有する外国裁判所がタンカー油濁損害の賠償の請求の訴えについてした確定判決は、次に掲げる場合を除き、その効力を有する。

Article 12 (1) The final and binding judgment that a foreign court which has jurisdiction pursuant to Article 9, paragraph (1) of the Liability Convention rendered on a lawsuit for demanding compensation for tanker oil pollution damage is to be effective except for the cases listed in the following items:

一　当該判決が詐欺によつて取得された場合

(i) in case the verdict was obtained through fraud; and

二　被告が訴訟の開始に必要な呼出し又は命令の送達を受けず、かつ、自己の主張を陳述するための公平な機会が与えられなかつた場合

(ii) in case a defendant did not receive delivery of summons or an order required for the commencement of a lawsuit and was not given a fair opportunity to state a claim.

２　前項に規定する確定判決についての執行判決に関しては、民事執行法（昭和五十四年法律第四号）第二十四条第五項中「民事訴訟法第百十八条各号（家事事件手続法（平成二十三年法律第五十二号）第七十九条の二において準用する場合を含む。）に掲げる要件を具備しないとき」とあるのは、「船舶油濁等損害賠償保障法（昭和五十年法律第九十五号）第十二条第一項各号のいずれかに該当するとき」とする。

(2) For the execution judgments pertaining to the final and binding judgments prescribed in the preceding paragraph, the phrase "in cases where the requirements listed in the respective items of Article 118 of the Code of Civil Procedure are not met" in Article 24, paragraph (5) of the Civil Execution Act (Act No, 4 of 1979) (including as applied mutatis mutandis pursuant to Article 79-2 of the Domestic Relations Case Procedure Act (Act No. 52 of 2011)) is deemed to be replaced with "when it falls under any of the items of Article 12, paragraph (1) of the Act on Liability for Oil Pollution Damage (Act No. 95 of 1975)".

第三章　タンカー油濁損害賠償保障契約

Chapter III Compensation Contract for Tanker Oil Pollution Damage

（保障契約の締結強制）

(Compulsory Conclusion of Compensation Contract)

第十三条　日本国籍を有するタンカーは、これについてこの法律で定めるタンカー油濁損害賠償保障契約（以下この章において単に「保障契約」という。）が締結されているものでなければ、二千トンを超えるばら積みの原油等の輸送の用に供してはならない。

Article 13 (1) A tanker with Japanese nationality must not carry more than 2,000 tons of crude oil, etc. in bulk unless they have concluded a tanker oil pollution damage compensation contract (hereinafter simply referred to as "compensation contract" in this Chapter) as prescribed by this Act.

２　前項に規定するタンカー以外のタンカーは、これについて保障契約が締結されているものでなければ、二千トンを超えるばら積みの原油等を積載して、本邦内の港（東京湾、伊勢湾（伊勢湾の湾口に接する海域及び三河湾を含む。）及び瀬戸内海その他の国土交通省令で定める海域（以下この項において「特定海域」という。）を含む。第五十九条第一項を除き、以下同じ。）に入港（特定海域への入域を含む。以下同じ。）をし、本邦内の港から出港（特定海域からの出域を含む。以下同じ。）をし、又は本邦内の係留施設を使用してはならない。

(2) A tanker other than those prescribed in the preceding paragraph must not enter ports in Japan (including Tokyo Bay, Ise Bay (including the sea areas adjacent to the entrances of Ise Bay and Mikawa Bay), the Seto Inland Sea and other sea areas prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism (hereinafter referred to as "designated sea areas" in this paragraph); the same applies hereinafter except in Article 59, paragraph (1)) (including entrances to the designated sea areas; the same applies hereinafter), leave ports in Japan (including leaving a designated sea area; the same applies hereinafter) or use mooring facilities in Japan, loaded with more than 2,000 tons of oil in bulk, unless they have concluded a compensation contract.

（保障契約）

(Compensation Contract)

第十四条　保障契約は、タンカー（二千トン以下のばら積みの原油等の輸送の用に供するタンカーを除く。）のタンカー所有者が当該タンカーに積載されていた原油等によるタンカー油濁損害の賠償の責任を負う場合において、その賠償の義務の履行により当該タンカー所有者に生ずる損害を填補する保険契約又はその賠償の義務の履行を担保する契約とする。

Article 14 (1) A compensation contract is to be an insurance contract to compensate the damage incurred by the tanker owner by fulfilling its obligations for damage or a contract to secure the fulfillment of its obligations for damage if the owner of a tanker (excluding a tanker used for transportation of 2,000 tons or less of crude oil, etc. in bulk) is responsible for compensation of damage caused by the crude oil, etc. loaded in the tanker.

２　保障契約は、当該契約においてタンカー所有者の損害を填補し、又は賠償の義務の履行を担保する者が船主相互保険組合、保険会社その他の政令で定める者であるものでなければならない。

(2) For the compensation contract, the party who compensates the damage of the tanker owner or the party who secures the fulfullment of the obligations for damage in that contract must be a shipowners' mutual protection and indemnity association, insurance company or other entity specified by Cabinet Order.

３　保障契約は、当該契約においてタンカー所有者の損害を填補するための保険金額又は賠償の義務の履行が担保されているタンカー油濁損害の額が当該契約に係るタンカーごとに当該タンカー所有者の責任限度額に満たないものであつてはならない。

(3) For the compensation contract, the amount insured to compensate the damage of the tanker owner in the contract or the amount of damage that secure the performance of obligation for the tanker oil pollution must not be an amount less than the amount of the liability limit of the tanker owner for each tanker pertaining to the contract.

４　保障契約は、責任条約第七条第五項の規定に適合する場合に限り、その効力を失わせ、又はその内容を変更することができるものでなければならない。

(4) The compensation contract must be the one that can be invalidated or altered as long as if it conform to the provisions of Article 7, paragraph (5) of the Liability Convention.

（保険者等に対する損害賠償額の請求等）

(Claim of Damages against Insurers)

第十五条　第三条第一項又は第二項の規定によるタンカー所有者の損害賠償の責任が発生したときは、被害者は、保険者等に対し、損害賠償額の支払を請求することができる。ただし、タンカー所有者の悪意によつてその損害が生じたときは、この限りでない。

Article 15 (1) When the liability case for damage of the tanker owner pursuant to the provisions of Article 3, paragraph (1) or (2) materializes, the victim may claim the payment of compensation for loss or damage against the insurer, etc.; provided, however, this does not apply if the damage was caused in bad faith by the tanker owner.

２　前項本文の場合において、保険者等は、タンカー所有者が被害者に対して主張することができる抗弁のみをもつて被害者に対抗することができる。

(2) Referring to the main clause of the preceding paragraph, the insurer, etc., may only defend themselves by asserting its stance against the victim.

３　第三条第五項、第五条本文及び第六条から第十条までの規定は、第一項の規定に基づき損害賠償額の支払をする保険者等について準用する。

(3) The provisions of Article 3, paragraph (5), the main clause of Article 5, and Articles 6 through 10 apply mutatis mutandis to the insurer, etc., who makes the payment of compensation for loss or damage pursuant to the provisions of paragraph (1) of this Article.

（保険者等に対する油濁損害賠償請求事件の管轄）

(Jurisdiction of the Case on Claim for Damage for Oil Pollution against Insurers)

第十六条　前条第一項の規定に基づく保険者等に対する訴えは、第三条第一項又は第二項の規定に基づくタンカー所有者に対する訴えについて管轄権を有する裁判所に提起することができる。

Article 16 The lawsuit against the insurer, etc., pursuant to the provisions of paragraph (1) of the preceding Article may be filed to the court that has jurisdiction over the lawsuit against the tanker owner pursuant to the provisions of Article 3, paragraph (1) or (2).

（保障契約証明書）

(Certificate of Compensation Contract)

第十七条　国土交通大臣は、タンカー（責任条約の締約国である外国の国籍を有するタンカーを除く。）について保障契約を保険者等と締結している者の申請があつたときは、当該タンカーについて保障契約が締結されていることを証する書面を交付しなければならない。

Article 17 (1) If an application is filed by the person who has concluded a compensation contract with the insurer, etc., on a tanker (excluding a taker that has nationality of a foreign state that is a contracting party of the Liability Convention), the Minister of Land, Infrastructure, Transport and Tourism must issue a document certifying that a compensation contract concerning the tanker is concluded.

２　前項の申請をしようとする者は、船名、保障契約の種類その他の国土交通省令で定める事項を記載した申請書を国土交通大臣に提出しなければならない。

(2) The person who seeks to file an application under the preceding paragraph must submit a written application that states the name of the ship, the type of compensation contract and other matters prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism to the Minister of Land, Infrastructure, Transport and Tourism.

３　前項の申請書には、保障契約の契約書の写し並びにタンカーの国籍及び総トン数を証する書面を添付しなければならない。

(3) The preceding application must contain a copy of the compensation contract as well as a document certifying tanker's nationality and gross tonnage.

４　第一項に規定する書面（以下この章において「保障契約証明書」という。）の交付を受けた者は、保障契約証明書を滅失し、若しくは損傷し、又はその識別が困難となつたときは、その再交付を受けることができる。

(4) The person who has received the document prescribed in paragraph (1) (hereinafter referred to as "certificate of compensation contract" in this Chapter) may receive a reissued certificate of compensation contract in case it is lost or damaged or when it becomes difficult to discern.

５　保障契約証明書の交付又は再交付を申請しようとする者は、国土交通省令で定めるところにより、手数料を納付しなければならない。

(5) The person who seeks to apply for issuance or reissuance of certificate of compensation contract must pay the fee prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

６　前各項に定めるもののほか、保障契約証明書の有効期間、記載事項その他保障契約証明書に関し必要な事項は、国土交通省令で定める。

(6) Beyond what is provided for in each of the preceding paragraphs, necessary items pertaining to the certificate of compensation contract such as the valid period, the matters to be stated in the certificate of compensation contract are determined by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

（保障契約証明書の記載事項の変更）

(Change of Stated Items on the Certificate of Compensation Contract)

第十八条　保障契約証明書の交付を受けた者は、当該保障契約証明書の記載事項の変更があつたときは、その変更があつた日から十五日以内に、その変更に係る事項を国土交通大臣に届け出なければならない。ただし、次条の規定により当該保障契約証明書を返納しなければならないときは、この限りでない。

Article 18 (1) If there are any changes to the stated items in the certificate of compensation contract, the person who has received an issuance of the certificate of compensation contract must give a notification to the Minister of Land, Infrastructure, Transport and Tourism of the matters pertaining to the changes within 15 days from the date of the change; provided, however, this does not apply if the certificate of compensation contract must be returned pursuant to the provisions of the following Article.

２　前項の届出があつたときは、国土交通大臣は、当該届出をした者に対し、新たな保障契約証明書を交付しなければならない。

(2) In case a notification under the preceding paragraph is received, the Minister of Land, Infrastructure, Transport and Tourism must issue a new certificate of compensation contract to the person who has submitted the notification.

３　前項の場合において、当該届出をした者は、遅滞なく、第一項の保障契約証明書を国土交通大臣に返納しなければならない。

(3) In the case of the preceding paragraph, the person who has submitted the notification referred to in the preceding paragraph, must return without delay the certificate of compensation contract under paragraph (1) to the Minister of Land, Infrastructure, Transport and Tourism.

（保障契約証明書の返納）

(Return of Certificate of Compensation Contract)

第十九条　保障契約証明書の交付を受けた者は、保障契約証明書の有効期間が満了し、又は保障契約証明書の有効期間の満了前に当該保障契約証明書に係る保障契約が効力を失い、若しくは第十四条の規定に適合しないこととなつたときは、遅滞なく、当該保障契約証明書を国土交通大臣に返納しなければならない。

Article 19 The person who received issuance of the certificate of compensation contract must return the certificate of compensation contract to the Minister of Land, Infrastructure, Transport and Tourism without delay if the compensation contract pertaining to the certificate of compensation contract loses its effectiveness before the expiration date the compensation contract, or if it no longer conforms to the provisions of Article 14.

（保障契約証明書の備置き）

(Keeping of a Certificate of Compensation Contract)

第二十条　日本国籍を有するタンカーは、保障契約証明書が備え置かれているものでなければ、二千トンを超えるばら積みの原油等の輸送の用に供してはならない。

Article 20 (1) A tanker that has Japanese nationality may not be used for transporting more than 2,000 tons of crude oil, etc. in bulk unless it carries a certificate of compensation contract on board.

２　前項に規定するタンカー以外のタンカーは、保障契約証明書、責任条約の締約国である外国が交付した当該タンカーについて保障契約が締結されていることを証する責任条約の附属書の様式による書面又は外国が交付した責任条約第七条第十二項に規定する証明書の記載事項を記載した書面が備え置かれているものでなければ、二千トンを超えるばら積みの原油等を積載して、本邦内の港に入港をし、本邦内の港から出港をし、又は本邦内の係留施設を使用してはならない。

(2) A tanker other than those prescribed in the preceding paragraph must not enter or leave ports in Japan or use mooring facilities in Japan when loaded with more than 2,000 tons of crude oil, etc. in bulk, unless it keeps on board a certificate of compensation contract, a document in the form shown in the appendix of the Liability Convention issued by a foreign state that is a contracting party to the Liability Convention certifying that a compensation contract concerning the tanker has been concluded, or a document issued by a foreign state stating the matters on the certificate of compensation contract prescribed in Article 7, paragraph (12) of the Liability Convention.

（適用除外）

(Exclusion from Application)

第二十一条　この章（前条第二項を除く。）の規定は、外国が所有するタンカーであつて、これについて保障契約が締結されていないものについては、適用しない。

Article 21 The provisions of this Chapter (except for paragraph (2) of the preceding Article) do not apply to the tanker owned by a foreign state or for which a compensation contract has not been concluded.

第四章　国際基金

Chapter IV International Fund

第一節　国際基金に対する請求

Section 1 Claim against International Fund

（国際基金に対する被害者の補償の請求）

(Claim for Compensation against International Fund by the Victim)

第二十二条　被害者は、国際基金条約で定めるところにより、国際基金に対し、賠償を受けることができなかつたタンカー油濁損害の金額について国際基金条約第四条第一項に規定する補償を求めることができる。

Article 22 The victim may claim to the international fund pursuant to the provisions of the International Fund Convention the compensation prescribed in Article 4, paragraph (1) of the International Fund Convention concerning the amount from the tanker oil pollution damage that the victim could not receive.

第二十三条　削除

Article 23 Deletion

（国際基金の訴訟参加）

(Intervention by International Fund)

第二十四条　第三条第一項若しくは第二項の規定に基づくタンカー所有者に対する訴え又は第十五条第一項の規定に基づく保険者等に対する訴えが係属する場合には、国際基金は、当事者として当該訴訟に参加することができる。

Article 24 (1) If a lawsuit against the tanker owner pursuant to the provisions of Article 3, paragraph (1) or (2) or a lawsuit against the insurer, etc., pursuant to Article 15, paragraph (1) is pending, the international fund may participate in the lawsuit as a party.

２　民事訴訟法第四十七条第二項から第四項までの規定は、前項の場合について準用する。

(2) The provisions of Article 47, paragraph (2) through (4) of the Code of Civil Procedure apply mutatis mutandis to the case referred to in the preceding paragraph.

（国際基金への訴訟係属の通告）

(Notice of Pending Lawsuit to International Fund)

第二十五条　前条第一項に規定する場合には、当事者は、国際基金にその旨を通告することができる。

Article 25 (1) In the case prescribed in paragraph (1) of the preceding Article, any parties may notify the international fund of the pendency.

２　民事訴訟法第五十三条第三項の規定は、前項の場合について準用する。

(2) The provisions of Article 53, paragraph (3) of the Code of Civil Procedure apply mutatis mutandis to the case referred to in the preceding paragraph.

（国際基金に対する請求訴訟の管轄）

(Jurisdiction of Lawsuit for Claim against International Fund)

第二十六条　国際基金条約第四条第一項に規定する補償を求めるための国際基金に対する訴えは、第三条第一項又は第二項の規定に基づくタンカー所有者に対する訴えについて管轄権を有する裁判所（その訴えがタンカー所有者の損害防止措置費用等のみについての補償を求めるものであるときは、タンカー所有者の普通裁判籍の所在地を管轄する裁判所又はこの裁判所がないときは、最高裁判所が定める地を管轄する裁判所）に提起することができる。

Article 26 (1) The lawsuit against the international fund for claiming compensation prescribed in Article 4, paragraph (1) of the International Fund Convention may be filed to the court which has jurisdiction over the lawsuit against the tanker owner pursuant to the provisions of Article 3, paragraph (1) or (2) (the court which has jurisdiction over the general venue of the tanker owner if the lawsuit is for claiming compensation only for the cost of preventive measures of damages by tanker owner, or the court which has jurisdiction over the location of the general venue determined by the Supreme Court if there is no such court).

２　前項の訴えは、同一のタンカー油濁損害に関し、第三条第一項若しくは第二項の規定に基づくタンカー所有者に対する訴え若しくは第十五条第一項の規定に基づく保険者等に対する訴えが第一審の裁判所に係属し、又は責任制限事件が係属する場合には、当該裁判所の管轄に専属する。

(2) If the case against the tanker owner pursuant to the provisions of Article 3, paragraph (1) or (2) or the case against the insurer pursuant to the provisions of Article 15, paragraph (1) is pending at the court of the first instance, or if the case of limitation of liability is pending at the court for the same tanker oil pollution damage, the lawsuit referred to in the preceding paragraph is to be under the jurisdiction of the relevant court.

（外国判決の効力）

(Effect of Foreign Verdict)

第二十七条　第十二条の規定は、国際基金条約第七条第一項又は第三項の規定により管轄権を有する外国裁判所がした確定判決について準用する。

Article 27 The provisions of Article 12 apply mutatis mutandis to the final and binding verdict rendered by a foreign court having jurisdiction pursuant to the provisions of Article 7, paragraph (1) or (3) of the International Fund Convention.

第二節　国際基金に対する拠出

Section 2 Contribution to International Fund

（特定油量の報告）

(Report of Amount of Specified Oil)

第二十八条　政令で定める原油及び重油であつて本邦内において荷揚げされるもの（以下この節において「特定油」という。）を前年中にタンカーから受け取つた者（他人のために特定油をタンカーから受け取つた者を除くものとし、その者に受け取らせた者を含む。以下「油受取人」という。）の前年中にタンカーから受け取つた特定油（自己のためにタンカーから受け取らせた特定油を含む。以下同じ。）の合計量が十五万トンを超えるときは、当該油受取人は、毎年、国土交通省令で定めるところにより、その受取量を国土交通大臣に報告しなければならない。

Article 28 (1) Regarding the crude oil or fuel oil specified by Cabinet Order that is unloaded in Japan (hereinafter referred to as "specified oil" in this Section), if the amount of specified oil received by a person (excluding the person who received specified oil from tankers on behalf of another person, but including the person who let another person receive the oil; hereinafter referred to as "oil receiver") from tankers during the previous year (including the specified oil which the oil receiver let another person receive on their behalf; the same applies hereinafter) exceeds 150,000 tons, the oil receiver must report the amount received to the Minister of Land, Infrastructure, Transport and Tourism each year as prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

２　前年中に、油受取人の事業活動を支配する者があつた場合において、当該油受取人のタンカーから受け取つた特定油の合計量（当該支配する者がタンカーから受け取つた特定油があるときは、その合計量にその受取量を加算した量）が十五万トンを超えるときは、当該支配する者は、毎年、国土交通省令で定めるところにより、油受取人ごとにその受取量を国土交通大臣に報告しなければならない。この場合において、その報告に係る油受取人については、前項の規定は、適用しない。

(2) If there is a person who controls the business activities of the oil receiver during the previous year, and the total amount of specified oil received by the oil receiver from tankers (if there is any specified oil the person who controls the business activities received from tankers, the amount obtained by adding that amount to the total amount) exceeds 150,000 tons, the person who controls the business activities must report the amount received for each oil receiver to the Minister of Land, Infrastructure, Transport and Tourism each year as prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism. In this case, the provisions of the preceding paragraph do not apply to the oil receiver pertaining to the report.

３　前項に規定する油受取人の事業活動を支配する者の範囲は、政令で定める。

(3) The scope of the person who controls the business activities of the oil receiver prescribed in the preceding paragraph is specified by Cabinet Order.

（国際基金への資料の送付等）

(Sending of Documents to International Fund)

第二十九条　国土交通大臣は、前条第一項又は第二項の報告があつたときは、その内容を経済産業大臣に通知した上、国際基金条約第十五条第二項に規定する事項を記載した書面を作成し、同項の規定により、これを国際基金に送付しなければならない。

Article 29 (1) When a report referred to paragraph (1) or (2) of the preceding Article has been made, the Minister of Land, Infrastructure, Transport and Tourism is to prepare a document stating the matters prescribed in Article 15, paragraph (2) of the International Fund Convention and must send it to international fund pursuant to the provisions of that paragraph after having notified the Minister of Economy, Trade and Industry of the content.

２　国土交通大臣は、前項の規定により作成した書面を国際基金に送付したときは、当該書面に記載された油受取人に、その者に係る当該書面に記載された特定油の量を通知しなければならない。

(2) When the Minister of Land, Infrastructure, Transport and Tourism has sent the prepared document pursuant to the provisions of the preceding paragraph to the international fund, the Minister must notify the oil receiver stated in the document of the amount of specified oil stated in the document pertaining to the oil receiver.

（国際基金に対する拠出）

(Contribution to International Fund)

第三十条　第二十八条第一項又は第二項の規定によりその受取量を報告すべき特定油に係る油受取人は、国際基金条約第十二条及び第十三条の規定により、国際基金条約第十条の年次拠出金を国際基金に納付しなければならない。

Article 30 An oil receiver pertaining to the specified oil who is to report the received amount pursuant to the provisions of Article 28, paragraph (1) or (2) must pay an annual contribution prescribed in Article 10 of the International Fund Convention to the international fund pursuant to the provisions of Articles 12 and 13 of the International Fund Convention.

第四章の二　追加基金

Chapter IV-2 Supplementary Fund

（追加基金に対する被害者の補償の請求）

(Claim for Compensation against the Supplementary Fund by the Victim)

第三十条の二　被害者は、追加基金議定書で定めるところにより、追加基金に対し、賠償及び国際基金からの補償を受けることができなかつたタンカー油濁損害の金額について追加基金議定書第四条第一項に規定する補償を求めることができる。

Article 30-2 A victim may claim to the supplementary fund, pursuant to the protocol on supplementary fund, the compensation prescribed in Article 4, paragraph (1) of the Protocol for Supplementary Fund for damages and the amount of tanker oil pollution damages that the victim could not receive conventional compensation or compensation from the international fund.

（準用）

(Application Mutatis Mutandis)

第三十条の三　前章（第二十二条、第二十三条及び第二十八条を除く。）の規定は、追加基金について準用する。この場合において、第二十六条第一項、第二十七条及び第三十条中「国際基金条約」とあるのは「追加基金議定書」と、第二十七条中「第七条第一項又は第三項」とあるのは「第七条」と、第二十九条第一項中「国際基金条約第十五条第二項」とあるのは「追加基金議定書第十三条第一項の規定により国際基金条約第十五条第二項」と、第三十条中「第十二条及び第十三条」とあるのは「第十一条及び第十二条第一項」と読み替えるものとする。

Article 30-3 The provisions of the preceding chapter (excluding Articles 22, 23 and 28) apply mutatis mutandis to the supplementary fund. In this case, the term "the International Fund Convention" in Article 26, paragraph (1), Articles 27 and 30 is deemed to be replaced with "Protocol on Supplementary Fund", the phrase "Article 7, paragraph (1) or (3)" in Article 27 is deemed to be replaced with "Article 7", the phrase "Article 15, paragraph (2) of the International Fund Convention" in Article 29, paragraph (1) is to be replaced with "Article 15, paragraph (2) of the International Fund Convention pursuant to the provisions of Article 13, paragraph (1) of the Protocol on Supplementary Fund", and the phrase "Articles 12 and 13" in Article 30 is deemed to be replaced with "Article 11 and Article 12, paragraph (1)".

第五章　タンカー油濁損害に係る責任制限手続

Chapter V Procedure for Limitation of Liability Pertaining to Tanker Oil Pollution Damage

（責任制限事件の管轄）

(Jurisdiction over Limitation of Liability Cases)

第三十一条　責任制限事件は、本邦内においてタンカー油濁損害が生じたときは、当該タンカー油濁損害の生じた地を管轄する地方裁判所の管轄に、排他的経済水域内においてタンカー油濁損害が生じたときは、知れている制限債権者の普通裁判籍の所在地を管轄する地方裁判所又はこの裁判所がないときは最高裁判所が定める地方裁判所の管轄に、本邦内又は排他的経済水域内における損害を防止するための第二条第十四号ロに規定する措置が本邦及び排他的経済水域の外において執られ、かつ、本邦内及び排他的経済水域内において損害が生じなかつたときは、当該措置を執つた者の普通裁判籍の所在地を管轄する地方裁判所又はこの裁判所がないときは、最高裁判所が定める地方裁判所の管轄に専属する。

Article 31 For limitation of liability cases, if tanker oil pollution damage occurred in Japan, the case belongs exclusively to the jurisdiction of the district court which has jurisdiction over the location where the tanker oil pollution damage occurred, and if tanker oil pollution damage occurred in the exclusive economic zone, the case belongs exclusively to the jurisdiction of the district court which has jurisdiction over the general area of the known claimant of the limited claim or, if there is no such court, it belongs exclusively to the jurisdiction of the district court determined by the Supreme Court. If the measures prescribed in Article 2, item (xiv), (b) for the purpose of preventing damage in Japan or the exclusive economic zone are implemented outside of Japan or the exclusive economic zone and the damage did not occur in Japan or in the exclusive economic zone, the case belongs exclusively to the jurisdiction of the district court which has jurisdiction over the location of the general area of the person who took the measures or, if there is no such court, belongs exclusively to the jurisdiction of the district court determined by the Supreme Court.

（責任制限事件の移送）

(Transfer of the Case on Limitation of Liability)

第三十二条　裁判所は、著しい損害又は遅滞を避けるため必要があると認めるときは、職権で、責任制限事件を他の管轄裁判所、制限債権者の普通裁判籍の所在地を管轄する地方裁判所又は同一の事故から生じた船舶の所有者等の責任の制限に関する法律　（昭和五十年法律第九十四号。以下「責任制限法」という。）の規定による責任制限事件の係属する裁判所に移送することができる。

Article 32 When the court finds it necessary to avoid extreme harm or delay, it may transfer, by its authority, the case on limitation of liability to other courts with jurisdiction, the district court that has jurisdiction over the general area of the claimant of the limited claim, or the court in which the case on limitation of liability caused by the same accident which is pending pursuant to the provisions of Act on Limitation of Shipowner Liability (Act No. 94 of 1975; hereinafter referred to as "Act on Limitation of Liability").

（国際基金の参加）

(Intervention of International Fund)

第三十三条　国際基金は、最高裁判所規則で定めるところにより、責任制限手続に参加することができる。

Article 33 The international fund may participate in the procedure of limitation of liability pursuant to the provisions of the Rules of Supreme Court.

（国際基金への責任制限手続係属の通告等）

(Declarations of Pending Procedure for Limitation of Liability to International Fund)

第三十四条　責任制限手続が係属するときは、責任制限手続の申立てをした者、受益債務者又は責任制限手続に参加した者は、国際基金に対してその旨を通告することができる。

Article 34 (1) When a procedure for limitation of liability is pending, the person who made a petition, the beneficial debtor, or the person who participated in the procedure for limitation of liability may notify the international fund to that effect.

２　前項の規定による通告は、第三十八条において準用する責任制限法第二十八条第一項各号に掲げる事項を記載した書面を裁判所に提出してしなければならない。

(2) The declaration under the preceding paragraph must be made by submitting a document stating the matters listed in respective items of Article 28, paragraph (1) of the Act on Limitation of Liability as applied mutatis mutandis pursuant to Article 38.

３　裁判所は、前項の書面を国際基金に対して送達しなければならない。

(3) The court must deliver the document referred to in the preceding paragraph to the international fund.

第三十五条　裁判所は、国際基金が責任制限手続に参加し、又は国際基金に対して前条第三項の規定による送達がされた場合において、第三十八条において準用する責任制限法第二十八条第一項各号に掲げる事項に変更が生じたときはその変更に係る事項を記載した書面を、第三十八条において準用する責任制限法第三十一条第一項、第八十五条第一項又は第八十七条第一項の規定による公告がされたときはその公告に係る事項を記載した書面を、国際基金に対して送達しなければならない。この場合においては、責任制限法第十五条の規定を準用する。

Article 35 If the international fund participates in the procedure for limitation of liability or the document was delivered to the international fund pursuant to the provisions of paragraph (3) of the preceding Article, and a change made to the matters listed in any of the items of Article 28, paragraph (1) of the Act on Limitation of Liability as applied mutatis mutandis pursuant to Article 38, the court must deliver the document stating the matters pertaining to the change, and if public notice was issued pursuant to the provisions of Article 31, paragraph (1), Article 85, paragraph (1), or Article 87, paragraph (1), the court must deliver the document stating the matters pertaining to the public notice. In this case, the provisions of Article 15 of the Act on Limitation of Liability apply mutatis mutandis.

（自発的に損害防止措置を執つた場合におけるタンカー所有者の責任制限手続への参加）

(Participation of Tanker Owner in Procedure for Limitation of Liability When Tanker Owner Voluntarily Takes Measures to Prevent Damage)

第三十六条　タンカー所有者は、自発的に第二条第十四号ロに規定する措置を執つたときは、タンカー所有者の損害防止措置費用等について制限債権を有するものとみなし、これをもつて責任制限手続に参加することができる。

Article 36 (1) If the tanker owner voluntarily takes the measures prescribed in Article 2, item (xiv), (b), the tanker owner may be deemed to have a limited claim for the cost of the damage prevention measures, and due to this reason, may participate in the procedure for limitation of liability.

２　責任制限法第四十七条第五項、第五十条（責任制限法第五十一条第二項において準用する場合を含む。）及び第五十三条の規定は、前項の場合について準用する。

(2) The provisions of Article 47, paragraph (5), Article 50 (including as applied mutatis mutandis pursuant to Article 51, paragraph (2) of the Act on Limitation of Liability) and Article 53 of the Act on Limitation of Liability apply mutatis mutandis to cases referred to in the preceding paragraph.

（訴訟手続の中止）

(Suspension of Lawsuit Procedure)

第三十七条　第三十八条において準用する責任制限法第四十七条第五項の規定により制限債権の届出がされた場合において、当該債権に関する債権者及び申立人又は受益債務者間の訴訟が係属するときは、裁判所は、国際基金が当該訴訟に参加し又は当該訴訟に関し第二十五条第一項の通告を受けている場合にあつては原告の申立てにより又は職権で、その他の場合にあつては原告の申立てにより、その訴訟手続の中止を命ずることができる。

Article 37 (1) If a notification of the filing of proofs of limited claims was made pursuant to the provisions of Article 47, paragraph (5) of the Act on Limitation of Liability as applied mutatis mutandis pursuant to Article 38, if the lawsuit is pending between the claimant of the claim and the applicant or the beneficial debtor, the court may order suspension of the lawsuit proceedings by the petition of the plaintiff or by the court's own authority in the case the international fund participates in the lawsuit or has received the notice under Article 25, paragraph (1) pertaining to the lawsuit, or by the petition of the plaintiff in other cases.

２　前項に規定する届出又は前条第二項において準用する責任制限法第四十七条第五項の規定による届出がされた場合において、当該債権に関し、国際基金条約第四条第一項に規定する補償を求めるための国際基金に対する訴えが係属するときは、裁判所は、職権で、その訴訟手続の中止を命ずることができる。

(2) If the notification referred to in the preceding paragraph or the notification pursuant to Article 47, paragraph (5) of the Act on Limitation of Liability as applied mutatis mutandis pursuant to paragraph (2) of the preceding Article is made, and the lawsuit pertaining to the claim against the international fund claiming compensation prescribed in Article 4, paragraph (1) of the International Fund Convention is pending, the court may order suspension of the lawsuit procedure by its authority.

３　第一項の場合において原告の申立てにより訴訟手続の中止が命ぜられたときは、裁判所は、原告の申立てにより、当該訴訟手続の中止の決定を取り消すことができる。

(3) In the case referred to in paragraph (1), if suspension of lawsuit procedure is ordered by the petition of the plaintiff, the court may revoke the ruling of the suspension.

（追加基金の参加等）

(Intervention of Supplementary Fund)

第三十七条の二　第三十三条から第三十五条まで及び前条の規定は、追加基金について準用する。この場合において、同条第一項中「第二十五条第一項」とあるのは「第三十条の三において準用する第二十五条第一項」と、同条第二項中「国際基金条約」とあるのは「追加基金議定書」と読み替えるものとする。

Article 37-2 The provisions of Articles 33 through 35 and the preceding Article apply mutatis mutandis to the supplementary fund. In this case, the phrase "Article 25, paragraph (1)" in paragraph (1) of that Article is deemed to be replaced with "Article 25, paragraph (1) as applied mutatis mutandis pursuant to Article 30-3", and the term "International Fund Convention" in paragraph (2) of that Article is deemed to be replaced with "Protocol on Supplementary Fund".

（責任制限法の準用）

(Mutatis Mutandis Application of the Act on Limitation of Liability)

第三十八条　この法律の規定によるタンカー油濁損害に係る責任制限手続については、責任制限法第三章（第九条、第十条、第十六条、第四節、第五十四条及び第六十四条を除く。）の規定を準用する。この場合において、次の表の上欄に掲げる責任制限法の規定中同表の中欄に掲げる字句は、それぞれ同表の下欄に掲げる字句に読み替えるものとする。

Article 38 The provisions of Chapter III of the Act on Limitation of Liability (excluding Article 9, Article 10, Article 16, Section 4, Article 54 and Article 64) apply mutatis mutandis to the procedure for limitation of liability pertaining to the tanker oil pollution damage as prescribed by this Act. In this case, the words and phrases shown in the middle column of the following table out of the provisions of the Act on Limitation of Liability listed in the left-hand column of that table are deemed to be replaced with the words and phrases listed in the right-hand column.

|  |  |  |
| --- | --- | --- |
| 第十三条Article 13 | この法律this Act | 船舶油濁等損害賠償保障法（昭和五十年法律第九十五号）第三十八条において準用するこの法律this Act as applied mutatis mutandis pursuant to Article 38 of the Act on Liability for Oil Pollution Damage (Act No. 95 of 1975) |
| 第十四条第一項、第十五条、第三十三条及び第四十条第一項Article 14, paragraph (1), Article 15, Article 33, and Article 40, paragraph (1) | この法律this Act | 船舶油濁等損害賠償保障法第三十八条において準用するこの法律this Act as applied mutatis mutandis pursuant to Article 38 of the Act on Liability for Oil Pollution Damage |
| 第十七条第一項Article 17, paragraph (1) | 船舶所有者等若しくは救助者又は被用者等shipowner, etc., rescuer, or employee, etc. | タンカー所有者（法人であるタンカー所有者の無限責任社員を含む。）又は保険者等tanker owner (including unlimited liability members of corporate tanker owners) or insurer, etc. |
| 第十八条Article 18 | 制限債権（事故発生後の利息又は不履行による損害賠償若しくは違約金の請求権を除く。第二十五条第二号において同じ。）の額が第七条第一項又は第三項the amount of the limited claim (excluding the interest after the accident, or damages due to nonperformance or claim for penalty; the same applies in Article 25, item (ii)) is that in Article 7, paragraph (1) or (3) | 制限債権の額が船舶油濁等損害賠償保障法第六条the amount of the limited claim is that in Article 6 of the Act on Liability for Oil Pollution Damage |
| 第十九条第一項Article 19, paragraph (1) | 金銭及びこれに対する事故発生の日から供託の日（次条第一項の規定により供託委託契約を締結する場合にあつては、同項の規定による届出の日。次項において同じ。）まで事故発生の日における法定利率により算定した金銭the money and the money calculated at the statutory interest rate from the date of the accident to the date of deposit (in cases where a contract on commission of deposit is concluded pursuant to the provisions of paragraph (1) of the following Article, the date of notification pursuant to the same paragraph; the same applies in the following paragraph) | 金銭money |
| 第十九条第二項Article 19, paragraph (2) | 供託の日the date of deposit | 供託の日（次条第一項の規定により供託委託契約を締結する場合にあつては、同項の規定による届出の日）the date of deposit (in cases where a contract on commission of deposit is concluded pursuant to the provisions of paragraph (1) of the following Article, the date of notification pursuant to the same paragraph) |
| 第二十八条第一項第四号Article 28, paragraph (1), item (iv) | 船舶、救助船舶又は救助者ship, rescue ship, or rescuer | タンカーtanker |
| 第三十条第一項Article 30, paragraph (1) | 責任限度額又は事故発生の日the limited liability amount or date of the accident | 責任限度額the limited liability amount |
| 金銭及びこれに対する事故発生の日から供託の日（次項において準用する第二十条第一項の規定により供託委託契約を締結する場合にあつては、同項の規定による届出の日）まで事故発生の日における法定利率により算定した金銭又は増加すべき第十九条第一項に規定する法定利率により算定した金銭money or the money calculated based on the statutory interest rate for the period from the date on which the accident occurred to the date of deposit (in cases where a contract on commission of deposit is concluded pursuant to the provisions of Article 20, paragraph (1) as applied mutatis mutandis pursuant to the following Article, the date of notification under the same paragraph), or the money the money to be increased by calculating based on the statutory interest rate prescribed in Article 19, paragraph (1) | 金銭money |
| 第三十条第二項Article 30, paragraph (2) | の供託の日the date of deposit of | の規定による決定に基づき供託する日the date of deposit based on the ruling pursuant to |
| 第四十七条第一項Article 47, paragraph (1) | 制限債権（利息又は不履行による損害賠償若しくは違約金の請求権については、制限債権の調査期日の開始の日までに生じたものに限る。以下この章において同じ。）limited claims (as for the interest and the damages due to nonperformance or the claim for penalty, limited to those that accrued by the date of the commencement of the period for investigation of the limited claim; hereinafter the same applies in this Chapter) | 制限債権limited claims |
| 第四十八条第一項Article 48, paragraph (1) | 責任制限手続がProcedure for limitation of liability | 船舶油濁等損害賠償保障法第二条第十三号に規定する船舶油濁等損害（以下「船舶油濁等損害」という。）に係る責任制限手続がProcedure for limitation of liability pertaining to damage caused by oil pollution, etc. prescribed in Article 2, item (xiii) of the Act on Liability for Oil Pollution Damage (hereinafter referred to as "damage caused by oil pollution, etc.") |
| 責任制限手続開始の時又は責任制限手続拡張の時the time the limitation of liability proceedings commence or the time they are expanded | 船舶油濁等損害に係る責任制限手続開始の時又は船舶油濁等損害に係る責任制限手続拡張の時the time the limitation of liability proceedings pertaining to damage caused by oil pollution, etc. commence or the time they are expanded |
| 第四十八条第二項Article 48, paragraph (2) | 船舶油濁等損害賠償保障法Act on Liability for Oil Pollution Damage | この法律this Act |
| 同法第二条第十三号に規定する船舶油濁等損害damage caused by oil pollution, etc. prescribed in Article 2, item (xiii) of the same Act | 船舶油濁等損害賠償保障法第二条第十四号に規定するタンカー油濁損害tanker oil pollution damage prescribed in item (xiv) of Article 2 of the Act on Liability for Oil Pollution Damage |
| 第五十七条Article 57 | 並びに制限債権であるときは、その内容及び人の損害に関する債権と物の損害に関する債権との別and when it is a limited claim, the details of the claim and whether it is a personal damage claim or property damage claim | 及び制限債権であるときは、その内容and if it is a claim subject to limitation, the details thereof |
| 第六十条Article 60 | 内容並びに人の損害に関する債権と物の損害に関する債権との別the details of the claim along with whether it is a personal damage claim or property damage claim | 内容details |
| 第六十一条第二項Article 61, paragraph (2) | 内容及び人の損害に関する債権と物の損害に関する債権との別the details of the claim and whether it is a personal damage claim or property damage claim | 内容details |
| 第六十六条第一項Article 66, paragraph (1) | 手続外訴訟lawsuit outside proceedings | 債権者及び申立人又は受益債務者間の訴訟（以下「手続外訴訟」という。）a lawsuit between the claimant and the applicant or the beneficiary debtor (hereinafter referred to as "lawsuit outside proceedings") |
| 第七十条第二項Article 70, paragraph (2) | 事項を人の損害に関する債権と物の損害に関する債権との別に従つてmatters in accordance with the distinction between a personal damage claim and a property damage claim | 事項をthe matters |

第六章　一般船舶等油濁損害賠償責任及び責任の制限

Chapter VI Liability for Damage by General Ship Oil Pollution and Its Limitation

（一般船舶等油濁損害賠償責任）

(Liability for Damage by General Ship Oil Pollution)

第三十九条　一般船舶等油濁損害が生じたときは、当該一般船舶等油濁損害に係る燃料油等が積載されていたタンカー又は一般船舶の船舶所有者等（燃料油条約第一条第三項に規定する船舶の管理人及び運航者を含む。以下この章及び第四十三条において同じ。）は、連帯してその損害を賠償する責任を負う。ただし、当該一般船舶等油濁損害が次の各号のいずれかに該当するときは、この限りでない。

Article 39 (1) When the damage caused by general ship oil pollution, etc. has occurred, the owner of the tanker or general ship (including the manager and operator of a vessel provided for in Article 1, paragraph (3) of the bunker oil convention; hereinafter the same applies in this Chapter and Article 43 in which the bunker oil, pertaining to the damage caused by general ship oil pollution, etc. was loaded is collectively liable to compensate the damage; provided, however, that this does not apply if the damage caused by general ship oil pollution, etc. falls under any of the following items:

一　戦争、内乱又は暴動により生じたこと。

(i) damage was caused by war, civil war or insurrection;

二　異常な天災地変により生じたこと。

(ii) damage was caused by an abnormal natural disaster;

三　専ら当該船舶所有者等及びその使用する者以外の者の悪意により生じたこと。

(iii) damage was solely caused in bad faith by a person other than the owner, etc. of the general ship or their employees; or

四　専ら国又は公共団体の航路標識又は交通整理のための信号施設の管理の瑕疵により生じたこと。

(iv) damage was solely caused by a defect in the management of the beacons or the signaling facilities for traffic control by the state or a public entity.

２　第三条第二項及び第三項、第四条並びに第十条から第十二条までの規定は、一般船舶等油濁損害の賠償について準用する。この場合において、第三条第二項中「タンカーに」とあるのは「タンカー又は一般船舶に」と、「原油等に」とあるのは「燃料油等に」と、「タンカー所有者」とあるのは「タンカー又は一般船舶の第三十九条第一項に規定する船舶所有者等（以下「船舶所有者等」という。）」と、同条第三項中「前二項」とあるのは「第三十九条第一項又は同条第二項において準用する前項」と、同項、第十条及び第十一条中「タンカー所有者」とあるのは「船舶所有者等」と、第十条及び第十一条中「第三条第一項又は第二項」とあるのは「第三十九条第一項又は同条第二項において準用する第三条第二項」と、第十二条第一項中「責任条約」とあるのは「燃料油条約」と読み替えるものとする。

(2) The provisions of Article 3, paragraphs (2) and (3), Article 4, and Articles 10 through 12 apply mutatis mutandis to compensation for oil pollution damage caused by general ships, etc. In these cases, phrases "in the tankers", "by crude oil, etc.", and "the tanker owner" in Article 3, paragraph (2) are deemed to be respectively replaced with "in tankers or the general ship", "by bunker oil, etc.", and "the shipowner, etc. of a tanker or a general ship prescribed in Article 39, paragraph (1) (hereinafter referred to as the "shipowner, etc.")"; the phrase "the preceding two paragraphs" in paragraph (3) of that Article is deemed to be replaced with "Article 39, paragraph (1) or the preceding paragraph as applied mutatis mutandis pursuant to paragraph (2) of that Article"; the phrase "the tanker owner" in that paragraph, Article 10, and Article 11 is deemed to be replaced with "shipowner, etc."; the phrase "Article 3, paragraph (1) or (2)" in Article 10 and Article 11 is deemed to be replaced with "Article 39, paragraph (1) or Article 3, paragraph (2) as applied mutatis mutandis pursuant to paragraph (2) of that Article"; and the phrase "Liability Convention" in Article 12, paragraph (1) is deemed to be replaced with "the bunker oil convention".

（一般船舶の船舶所有者等の責任の制限）

(Liability Limit of a General Ship Owner)

第四十条　前条第一項又は同条第二項において準用する第三条第二項の規定により一般船舶等油濁損害の賠償の責任を負うタンカー又は一般船舶の船舶所有者等（法人である船舶所有者等の無限責任社員を含む。）の当該一般船舶等油濁損害に基づく債権に係る責任の制限については、責任制限法で定めるところによる。

Article 40 The limitation of liability pertaining to a claim based on the damage caused by general ship oil pollution, etc. for which the owner of the tanker or the general ship (including unlimited liability members of corporate ship owners) is responsible pursuant to the provisions of Article 3, paragraph (2) as applied mutatis mutandis pursuant to paragraph (1) and (2) of the preceding Article is as prescribed in the Act on Limitation of Liability.

第七章　一般船舶等油濁損害賠償保障契約等

Chapter VII Compensation Contract for General Ship Oil Pollution Damage

（保障契約の締結強制）

(Compulsory Conclusion of Compensation Contract)

第四十一条　次の各号に掲げる船舶は、当該船舶についてこの法律で定める一般船舶等油濁損害賠償保障契約（以下この章において単に「保障契約」という。）が締結されているものでなければ、当該各号に定める航海に従事させてはならない。

Article 41 (1) A ship listed in the following items must not be engaged in a voyage as provided in that item unless a general ship oil pollution damage compensation contract as provided in this Act (hereinafter referred to simply as a "compensation contract" in this Chapter) has been concluded for that ship:

一　タンカー又は一般船舶（いずれも総トン数が千トンを超えるものに限り、その航行に際し燃料油等を用いることを要しないものを除く。以下この章において「第一種特定船舶」という。）で日本国籍を有するもの　全ての航海

(i) a tanker or a general ship with Japanese nationality (limited to those with a gross tonnage exceeding 1,000 tons and excluding those which are not required to use bunker oil, etc. for their navigation; hereinafter referred to as a "class I specified ship" in this Chapter): on all voyages;

二　一般船舶（総トン数が百トン以上千トン以下のものに限り、その航行に際し燃料油等を用いることを要しないものを除く。以下この章において「第二種特定船舶」という。）で日本国籍を有するもの　国際航海（本邦の港と本邦以外の地域の港との間の航海をいう。以下同じ。）

(ii) a general ship with Japanese nationality (limited to those with a gross tonnage equal to or exceeding 100 tons and equal to or under 1,000 tons, and excluding those which are not required to use bunker oil, etc. for navigation; hereinafter referred to as a "class II specified ship" in this Chapter): on international voyages (meaning a voyage between a port in Japan and a port in a region other than Japan; the same applies hereinafter).

２　前項第一号に掲げる船舶以外の第一種特定船舶及び同項第二号に掲げる船舶以外の第二種特定船舶は、これらについて保障契約が締結されているものでなければ、本邦内の港に入港をし、本邦内の港から出港をし、又は本邦内の係留施設を使用してはならない。

(2) Class I specified ships other than those listed in item (i) of the preceding paragraph and class II specified ships other than those listed in item (ii) of that paragraph must not enter or leave ports in Japan or use mooring facilities in Japan, unless they have concluded a compensation contract.

（保障契約）

(Compensation Contract)

第四十二条　保障契約は、次の各号に掲げる船舶の区分に応じ、当該各号に定める場合において、その賠償の義務の履行により第一種特定船舶所有者等（第一号に掲げる船舶にあつては船舶所有者をいい、第二号に掲げる船舶にあつては船舶所有者等をいう。次項及び第三項において同じ。）に生ずる損害を填補する保険契約又はその賠償の義務の履行を担保する契約とする。

Article 42 (1) A compensation contract is to be an insurance contract to compensate the damage incurred by a shipowner, etc. of a class I specified ship (in the case of a ship listed in item (i), this refers to the shipowner, and in the case of a ship listed in item (ii), this refers to the shipowner, etc.; the same applies in the following paragraph and paragraph (3)) by the performance of its obligations for damage or a contract to secure the performance of its obligations for damage in the cases prescribed in the following items for the categories of ships listed in the respective items:

一　第一種特定船舶　当該第一種特定船舶の船舶所有者が当該第一種特定船舶に積載されていた燃料油等による一般船舶等油濁損害の賠償の責任を負う場合

(i) class I specified ships: if the owner of a class I specified ship is liable for damage caused by general ship oil pollution, etc. caused by bunker oil, etc. loaded in the class I specified ship;

二　第二種特定船舶　当該第二種特定船舶の船舶所有者等が当該第二種特定船舶に積載されていた燃料油等による一般船舶等油濁損害（第二条第十六号ロに掲げるものを除く。）の賠償の責任を負う場合

(ii) class II specified ships: if the owner, etc. of a class II specified ship is liable for damage (excluding that listed in Article 2, item (xvi), (b)) caused by general ship oil pollution, etc. caused by bunker oil, etc. loaded in the class II specified ship.

２　保障契約は、当該契約において第一種特定船舶所有者等の損害を填補し、又は賠償の義務の履行を担保する者が船主相互保険組合、保険会社その他の政令で定める者であるものでなければならない。

(2) For compensation contracts, the party who compensates the damage suffered by the owner of a class I specified ship, etc. or the party who secures the performance of the obligations for damage in that contract must be a shipowners' mutual protection and indemnity association, insurance company, or other entity specified by Cabinet Order.

３　保障契約は、当該契約において第一種特定船舶所有者等の損害を填補するための保険金額又は賠償の義務の履行が担保されている一般船舶等油濁損害の額が、当該契約に係る第一種特定船舶又は第二種特定船舶ごとに、責任制限法第三条第一項の規定に基づき当該第一種特定船舶所有者等がその責任を制限することができる場合における責任の限度額（次条第三項において「責任限度額」という。）に満たないものであつてはならない。

(3) Compensation contract must not be such that the amount insured to compensate the damage suffered by the owner of a class I specified ship, etc. or the amount of damage caused by general ship oil pollution, etc. for which the performance of the obligation of compensation is secured under the contract is less than the limit of liability if the owner of a class I specified ship, etc. may limit the liability for each class I specified ship or class II specified ship pertaining to the contract pursuant to the provisions of Article 3, paragraph (1) of the Act on Limitation of Liability (referred to as the "the liability limit amount" in paragraph (3) of the following Article).

４　保障契約（第一種特定船舶に係るものに限る。）は、燃料油条約第七条第六項の規定に適合する限り、その効力を失わせ、又はその内容を変更することができるものでなければならない。

(4) Compensation contracts (limited to those pertaining to class I specified ships) must be the one that may be invalidated or altered as long as they conform to the provisions of Article 7, paragraph (6) of the Bunker Oil Convention.

（保険者等に対する損害賠償額の請求等）

(Filling a Claim for Damages with Insurers)

第四十三条　第三十九条第一項又は同条第二項において準用する第三条第二項の規定による第一種特定船舶の船舶所有者等の損害賠償の責任が発生したときは、被害者は、保険者等に対し、損害賠償額の支払を請求することができる。ただし、第一種特定船舶の船舶所有者等の悪意によつてその損害が生じたときは、この限りでない。

Article 43 (1) When liability for damage arises for the owner of a class I specified ship, etc. pursuant to the provisions of Article 39, paragraph (1) or Article 3, paragraph (2) as applied mutatis mutandis pursuant to Article 39, paragraph (2), the victim may file a claim for payment of compensation for loss or damage with the insurer, etc.; provided, however, that this does not apply if the damage was caused in bad faith by the owner of the class I specified ship, etc.

２　前項本文の場合において、保険者等は、第一種特定船舶の船舶所有者等が被害者に対して主張することができる抗弁のみをもつて被害者に対抗することができる。

(2) In the case referring to the main clause of the preceding paragraph, the insurer, etc. may duly counter-assert against the victim only with a defensible argument that the owner of the class I specified ship, etc. may have.

３　第一項の規定に基づき損害賠償額の支払をする保険者等は、当該損害賠償額の支払に係る債権について、この法律で定めるところにより、責任限度額まで、責任を制限することができる。

(3) An insurer that pays an amount of compensation for loss or damage pursuant to the provisions of paragraph (1) may limit its liability up to the liability limit amount set forth bv law with respect to claims relating to the payment of that amount of compensation for loss or damage, pursuant to the provisions of this Act.

４　第八条から第十条まで及び第十六条の規定は、第一項の規定に基づき損害賠償額の支払をする保険者等について準用する。この場合において、第八条中「タンカーごと」とあるのは「第一種特定船舶（第四十一条第一項第一号に規定する第一種特定船舶をいう。）ごと」と、「タンカーに係るタンカー所有者」とあるのは「第一種特定船舶に係る船舶所有者等（第三十九条第一項に規定する船舶所有者等をいう。以下同じ。）」と、第十条中「タンカー油濁損害」とあるのは「一般船舶等油濁損害」と、第十六条中「第三条第一項又は第二項」とあるのは「第三十九条第一項又は同条第二項において準用する第三条第二項」と、「タンカー所有者」とあるのは「船舶所有者等」と読み替えるものとする。

(4) The provisions of Articles 8 through 10 and Article 16 apply mutatis mutandis to an insurer, etc., who makes the payment of compensation for loss or damage pursuant to the provisions of paragraph (1) of this Article. In these cases, the phrase "each of the relevant tanker" in Article 8 is deemed to be replaced with "each of the class I specified ships (meaning class I specified ships prescribed in paragraph 1, item 1 of Article 41); the phrase "tanker against the tanker owner" in Article 8 is deemed to be replaced with "the shipowner, etc. of the class I specified ship (which refers to the shipowner, etc. prescribed in Article 39, paragraph 1); the phrase "the tanker oil pollution damage" in Article 10 is deemed to be replaced with "damage caused by general ship oil pollution, etc."; and the phrases "Article 3, paragraph (1) or (2)" and "the tanker owner" in Article 16 are deemed to be respectively replaced with "Article 39, paragraph (1) or Article 3, paragraph (2) as applied mutatis mutandis pursuant to paragraph (2) of the same Article", and "the shipowner, etc."

５　第三十一条及び第三十二条の規定は、第三項の規定により保険者等が責任を制限する場合における一般船舶等油濁損害に係る責任制限手続について準用する。この場合において、第三十一条中「第二条第十四号ロ」とあるのは、「第二条第十六号ハ」と読み替えるものとする。

(5) The provisions of Articles 31 and 32 apply mutatis mutandis to the procedure for limitation of liability pertaining to the damage caused by general ship oil pollution, etc. if the insurer, etc. limits its liability pursuant to the provisions of paragraph (3). In these cases, the phrase "Article 2, item (xiv), (b)" in Article 31 is deemed to be replaced with "Article 2, item (xvi), (c)".

６　第三項の規定により保険者等が責任を制限する場合における一般船舶等油濁損害に係る責任制限手続については、責任制限法第三章（第九条、第十条、第十六条及び第五十四条を除く。）の規定を準用する。この場合において、次の表の上欄に掲げる責任制限法の規定中同表の中欄に掲げる字句は、それぞれ同表の下欄に掲げる字句に読み替えるものとする。

(6) The provisions of Chapter III of the Act on Limitation of Liability (excluding Article 9, Article 10, Article 16, and Article 54) apply mutatis mutandis to the procedures for limitation of liability pertaining to the damage caused by general ship oil pollution, etc. if the insurer limits its liability pursuant to the provisions of paragraph (3). In these cases, the words and phrases shown in the middle column of the following table, taken from the provisions of the Act on Limitation of Liability listed in the left-hand column of that table, are deemed to be replaced with the words and phrases listed in the right-hand column.

|  |  |  |
| --- | --- | --- |
| 第十三条Article 13 | この法律this Act | 船舶油濁等損害賠償保障法（昭和五十年法律第九十五号）第四十三条第六項において準用するこの法律this Act as applied mutatis mutandis pursuant to Article 43, paragraph (6) of the Act on Liability for Oil Pollution Damage (Act No. 95 of 1975) |
| 第十四条第一項、第十五条、第三十三条及び第四十条第一項Article 14, paragraph (1), Article 15, Article 33, and Article 40, paragraph (1) | この法律this Act | 船舶油濁等損害賠償保障法第四十三条第六項において準用するこの法律this Act as applied mutatis mutandis pursuant to Article 43, paragraph (6) of the Act on Liability for Oil Pollution Damage |
| 第十七条第一項Article 17, paragraph (1) | 船舶所有者等若しくは救助者又は被用者等shipowner, etc., rescuer, or employee, etc. | 保険者等insurer, etc. |
| 第二十八条第一項第四号Article 28, paragraph (1), item (iv) | 船舶、救助船舶又は救助者ship, rescue ship, or rescuer | タンカー又は一般船舶tanker or general ship |
| 第四十八条第一項Article 48, paragraph (1) | 責任制限手続がProcedure for limitation of liability | 船舶油濁等損害賠償保障法第二条第十三号に規定する船舶油濁等損害（以下「船舶油濁等損害」という。）に係る責任制限手続がProcedure for limitation of liability pertaining to damage caused by oil pollution, etc. prescribed in Article 2, item (xiii) of the Act on Liability for Oil Pollution Damage (hereinafter referred to as "damage caused by oil pollution, etc.") |
| 責任制限手続開始の時又は責任制限手続拡張の時the time the limitation of liability proceedings commence or the time they are expanded | 船舶油濁等損害に係る責任制限手続開始の時又は船舶油濁等損害に係る責任制限手続拡張の時the time the limitation of liability proceedings pertaining to damage caused by oil pollution, etc. commence or the time they are expanded |
| 第四十八条第二項Article 48, paragraph (2) | 船舶油濁等損害賠償保障法Act on Liability for Oil Pollution Damage | この法律this Act |
| 同法第二条第十三号に規定する船舶油濁等損害damage caused by oil pollution, etc. prescribed in Article 2, item (xiii) of the same Act | 船舶油濁等損害賠償保障法第二条第十六号に規定する一般船舶等油濁損害The damage caused by general ship oil pollution, etc. prescribed in Article 2, item (xvi) of the Act on Liability for Oil Pollution Damage |

（保障契約証明書に関する規定の準用）

(Mutatis-Mutandis Application of the Provisions of the Certificate of Compensation Contract)

第四十四条　第十七条から第十九条までの規定は、第一種特定船舶又は第二種特定船舶に係る保障契約について準用する。この場合において、第十七条第一項中「タンカー（責任条約の締約国である外国の国籍を有するタンカーを除く。）」とあるのは「第四十一条第一項第一号に規定する第一種特定船舶（燃料油条約の締約国である外国の国籍を有するものを除く。）又は同項第二号に規定する第二種特定船舶」と、「保障契約を」とあるのは「同項に規定する保障契約（以下単に「保障契約」という。）を」と、第十九条中「第十四条」とあるのは「第四十二条」と読み替えるものとする。

Article 44 The provisions of Articles 17 through 19 apply mutatis mutandis to compensation contracts pertaining to class I specified ships or class II specified ships. In these cases, the phrases "a tanker (excluding tankers having the nationality of a foreign country that is a contracting party to the Liability Convention)" and "a compensation contract" in Article 17, paragraph (1) are respectively deemed to be replaced with "a class I specified ship prescribed in Article 41, paragraph (1), item (i) (excluding those having the nationality of a foreign country that is a contracting party to the Bunker Convention) or a class II specified ship prescribed in item (ii) of that paragraph", and "a compensation contract prescribed in that paragraph (hereinafter simply referred to as "compensation contract")"; and the phrase "Article 14" in Article 19 is deemed to be replaced with "Article 42".

（保障契約証明書の備置き）

(Keeping of a Certificate of Compensation Contract)

第四十五条　次の各号に掲げる船舶は、前条において準用する第十七条第一項に規定する書面（以下この条において「保障契約証明書」という。）が備え置かれているものでなければ、当該各号に定める航海に従事させてはならない。

Article 45 (1) A ship listed in the following items must not be engaged in a voyage as provided for in that item unless it carries a document/certificate prescribed in Article 17, paragraph (1) as applied mutatis mutandis pursuant to the preceding Article (hereinafter referred to as a "certificate of compensation contract" in this Article):

一　日本国籍を有する第一種特定船舶　全ての航海

(i) class I specified ships with Japanese nationality: on all voyages;

二　日本国籍を有する第二種特定船舶　国際航海

(ii) class II specified ships with Japanese nationality: on international voyages.

２　次の各号に掲げる船舶は、当該各号に定める書面が備え置かれているものでなければ、本邦内の港に入港をし、本邦内の港から出港をし、又は本邦内の係留施設を使用してはならない。

(2) The ships listed in the following items must not enter or leave a port in Japan or use a mooring facility in Japan unless the documents specified in the respective items are in place:

一　前項第一号に掲げる第一種特定船舶以外の第一種特定船舶　保障契約証明書、燃料油条約の締約国である外国が交付した当該第一種特定船舶について保障契約が締結されていることを証する燃料油条約の附属書の様式による書面又は外国が交付した燃料油条約第七条第十四項に規定する証明書の記載事項を記載した書面

(i) class I specified ships other than the class I specified ships listed in item (i) of the preceding paragraph: a certificate of compensation contract, or a document in the form shown in the appendix of the bunker oil convention issued by a foreign state that is a contracting party to the bunker oil convention certifying that a compensation contract concerning the relevant class I specified ship has been concluded, or a document issued by a foreign state stating the matters on the certificate of compensation contract prescribed in Article 7, paragraph (14) of the bunker oil convention;

二　前項第二号に掲げる第二種特定船舶以外の第二種特定船舶　保障契約証明書

(ii) class II specified ships other than the class II specified ships listed in item (ii) of the preceding paragraph: a certificate of compensation contract.

３　第一項（第二号に係る部分に限る。）及び前項（第二号に係る部分に限る。）の規定にかかわらず、当該保障契約が第二種特定船舶の船舶所有者等の損害を填補し、又は賠償の義務の履行を担保するために必要な資力及び信用を有する保険者等として国土交通大臣の指定するものと締結したものであるときは、当該保障契約の契約書の写しその他国土交通省令で定める保障契約の締結を証する書面をもつて保障契約証明書に代えることができる。

(3) Notwithstanding the provisions of paragraph (1) (limited to the part pertaining to item (ii)) and the preceding paragraph (limited to the part pertaining to item (ii)), if a compensation contract is concluded with a party designated by the Minister of Land, Infrastructure, Transport and Tourism as an insurer that has the financial resources and credit required to compensate the damage of an owner of a class II specified ship or secure the performance of the obligation for damage, a copy of the relevant compensation contract or other document certifying the conclusion of a compensation contract specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism may be substituted for a certificate of compensation contract.

（適用除外）

(Exclusion from Application)

第四十六条　次の各号に掲げる規定は、当該各号に定める船舶については、適用しない。

Article 46 The provisions listed in the following items do not apply to the ships prescribed respectively in those items:

一　この章（前条第二項（第一号に係る部分に限る。）を除く。）の規定　外国が所有する第一種特定船舶であつて、これについて保障契約が締結されていないもの

(i) the provisions of this Chapter (except for paragraph (2) of the preceding Article (limited to the part pertaining to item (i))): class I specified ships owned by a foreign state and for which a compensation contract has not been concluded;

二　この章の規定　外国が所有する第二種特定船舶

(ii) the provisions of this Chapter: class II specified ships owned by a foreign state.

第八章　難破物除去損害賠償責任

Chapter VIII Liability for Damage Arising from Removal of Wrecks

（難破物除去損害賠償責任）

(Liability for Damage Arising from Removal of Wrecks)

第四十七条　難破物除去損害が生じたときは、当該難破物除去損害に係るタンカー又は一般船舶の船舶所有者は、その損害を賠償する責任を負う。ただし、当該難破物除去損害が次の各号のいずれかに該当するときは、この限りでない。

Article 47 (1) If there is damage arising from the removal of wrecks, the owner of the tanker or the general ship pertaining to that damage is liable for compensation; provided, however, that this does not apply to cases in which the damage arising from the removal of wrecks that falls under any of the following items:

一　戦争、内乱又は暴動により生じたこと。

(i) the damage was caused by war, civil war or insurrection;

二　異常な天災地変により生じたこと。

(ii) the damage was caused by an unexpected natural disaster;

三　専ら当該船舶所有者及びその使用する者以外の者の悪意により生じたこと。

(iii) the damage was solely caused in bad faith by a person other than the owner of the general ship or their employees;

四　専ら国又は公共団体の航路標識又は交通整理のための信号施設の管理の瑕疵（かし）瑕疵により生じたこと。

(iv) the damage was caused by navigation aid signs by the state or a public entity or the management error relative to signaling facilities for traffic control.

２　第三条第三項、第四条及び第十条の規定は、難破物除去損害の賠償について準用する。この場合において、同項中「前二項」とあり、及び同条中「第三条第一項又は第二項」とあるのは「第四十七条第一項」と、同項及び同条中「タンカー所有者」とあるのは「船舶所有者」と読み替えるものとする。

(2) The provisions of Article 3, paragraph (3), Article 4 and Article 10 apply mutatis mutandis for damage arising from the removal of wrecks. In these cases, the phrase "the preceding two paragraphs" in Article 3, paragraph (3) and the phrase "Article 3, paragraph (1) or (2)" in Article 10 are deemed to be replaced with "Article 47, paragraph (1)", and the term "tanker owner" in Article 3, paragraph (3) and Article 10 is deemed to be replaced with "shipowner".

（難破物除去損害賠償請求事件の管轄）

(Jurisdiction over Claims for Damage Arising from Removal of Wrecks)

第四十八条　前条第一項の規定に基づくタンカー又は一般船舶の船舶所有者に対する訴えは、難破物が我が国の領域内又は排他的経済水域内において生じたときは、日本の裁判所に提起することができる。

Article 48 (1) A lawsuit against the owner of a tanker or a general ship pursuant to the provisions of paragraph (1) of the preceding Article may be filed with a Japanese court if the wreckage is seen in the territory or the exclusive economic zone of Japan.

２　第十一条の規定は、前項の訴えについて準用する。

(2) The provisions of Article 11 apply mutatis mutandis to a lawsuit referred to in the preceding paragraph.

第九章　難破物除去損害賠償保障契約等

Chapter IX Contract on Securing Compensation for Damage Arising from Removal of Wrecks

（保障契約の締結強制）

(Compulsory Conclusion of Compensation Contract)

第四十九条　次の各号に掲げる船舶は、当該船舶についてこの法律で定める難破物除去損害賠償保障契約（以下この章において単に「保障契約」という。）が締結されているものでなければ、当該各号に定める航海に従事させてはならない。

Article 49 (1) A ship listed in the following items must not be engaged in a voyage as provided for in that item unless a compensation contract on damage arising from removal of wrecks as provided for in this Act (hereinafter referred to simply as a "compensation contract" in this Chapter) has been concluded for that ship:

一　タンカー又は一般船舶（いずれも総トン数が三百トン以上のものに限る。以下この章において「第一種特定船舶」という。）で日本国籍を有するもの　全ての航海

(i) tankers or general ships with Japanese nationality (limited to those with a gross tonnage exceeding 300 tons; hereinafter referred to as a "class I specified ships" in this Chapter): on all voyages;

二　一般船舶（総トン数が百トン以上三百トン未満のものに限る。以下この章において「第二種特定船舶」という。）で日本国籍を有するもの　国際航海

(ii) general ships with Japanese nationality (limited to those with a gross tonnage not exceeding 300 tons; hereinafter referred to as a "class II specified ships" in this Chapter): on international voyages.

２　前項第一号に掲げる船舶以外の第一種特定船舶及び同項第二号に掲げる船舶以外の第二種特定船舶は、これらについて保障契約が締結されているものでなければ、本邦内の港に入港をし、本邦内の港から出港をし、又は本邦内の係留施設を使用してはならない。

(2) Class I specified ships other than those listed in item (i) of the preceding paragraph and class II specified ships other than those listed in item (ii) of that paragraph must not enter or leave ports in Japan or use mooring facilities in Japan, unless they have concluded a compensation contract.

（保障契約）

(Compensation Contract)

第五十条　保障契約は、次の各号に掲げる船舶の区分に応じ、当該各号に定める場合において、その賠償の義務の履行により第一種特定船舶所有者等（第一号に掲げる船舶にあつては船舶所有者をいい、第二号に掲げる船舶にあつては船舶所有者等をいう。次項及び第三項において同じ。）に生ずる損害を填補する保険契約又はその賠償の義務の履行を担保する契約とする。

Article 50 (1) A compensation contract is to be a contract to cover damage incurred by a shipowner, etc. of a class I specified ship (in the case of a ship listed in item (i), it refers to the shipowner, and in the case of a ship listed in item (ii), it refers to the shipowner, etc.; the same applies in the following paragraph and paragraph (3)) due to the performance of the liability for damage or a contract to secure the performance of the liability for damage in the cases prescribed in the following items for the categories of ships listed in the respective items:

一　第一種特定船舶　当該第一種特定船舶の船舶所有者が当該第一種特定船舶による難破物除去損害の賠償の責任を負う場合

(i) class I specified ships: if the owner of a class I specified ship is liable for damage arising from the removal of wrecks caused by the class I specified ship;

二　第二種特定船舶　当該第二種特定船舶の船舶所有者等が当該第二種特定船舶による難破物除去損害（我が国の領域内における第二条第十七号イからハまでに掲げる措置に要する費用の負担により生ずる損害に限る。）の賠償の責任を負う場合

(ii) class II specified ships: if the owner of a class II specified ship is liable for damage arising from the removal of wrecks (limited to the damage caused by the expenses required for the actions listed in Article 2, item (xvii), (a) through (c) within the territory of Japan) caused by the class II specified ship.

２　保障契約は、当該契約において第一種特定船舶所有者等の損害を填補し、又は賠償の義務の履行を担保する者が船主相互保険組合、保険会社その他の政令で定める者であるものでなければならない。

(2) For compensation contracts, the party who compensates the loss or damage suffered by the owner of a class I specified ship, etc. or the party who secures the performance of the obligations for damage in that contract must be a shipowners' mutual protection and indemnity association, insurance companies, or other entities specified by Cabinet Order.

３　保障契約は、当該契約において第一種特定船舶所有者等の損害を填補するための保険金額又は賠償の義務の履行が担保されている難破物除去損害の額が、当該契約に係る第一種特定船舶又は第二種特定船舶ごとに、責任制限法第三条第一項の規定に基づき当該第一種特定船舶所有者等がその責任を制限することができる場合における責任の限度額（次条第三項において「責任限度額」という。）に満たないものであつてはならない。

(3) Compensation contracts must not be such that the amount of insurance proceeds to cover the loss or damage suffered by the owner of a class I specified ship, etc. or the amount of damages caused by the by the removal of wrecks for which the performance of the obligation of compensation is secured under the contract is less than the limit of liability if the owner of a class II specified ship, etc. may limit the liability for each class I specified ship or class II specified ship pertaining to the contract pursuant to the provisions of Article 3, paragraph (1) of the Act on Limitation of Liability (referred to as the "the amount of limit of liability" in paragraph (3) of the following Article).

４　保障契約（第一種特定船舶に係るものに限る。）は、難破物除去条約第十二条第六項の規定に適合する限り、その効力を失わせ、又はその内容を変更することができるものでなければならない。

(4) Compensation contracts (limited to those pertaining to class I specified ships) must be able to be invalidated or altered as long as they conform to the provisions of Article 12, paragraph (6) of the convention on the removal of wrecks.

（保険者等に対する損害賠償額の請求等）

(Filling a Claim for Damages with Insurers)

第五十一条　第四十七条第一項の規定による第一種特定船舶の船舶所有者の損害賠償の責任が発生したときは、被害者は、保険者等に対し、損害賠償額の支払を請求することができる。ただし、第一種特定船舶の船舶所有者の悪意によつてその損害が生じたときは、この限りでない。

Article 51 (1) When liability for damage arises for the owner of a class I specified ship, etc. pursuant to the provisions of Article 47, paragraph (1), the victim may file a claim for payment of compensation for loss or damage with the insurer, etc.; provided, however, that this does not apply if the damage was caused in bad faith by the owner of the class I specified ship, etc.

２　前項本文の場合において、保険者等は、第一種特定船舶の船舶所有者が被害者に対して主張することができる抗弁のみをもつて被害者に対抗することができる。

(2) In the case referred to in the main clause of the preceding paragraph, the insurer, etc. may duly assert against the victim only with a defensible argument that the owner of the class I specified ship, etc. may assert against the victim.

３　第一項の規定に基づき損害賠償額の支払をする保険者等は、当該損害賠償額の支払に係る債権について、この法律で定めるところにより、責任限度額まで、責任を制限することができる。

(3) An insurer that pays an amount of compensation for loss or damage pursuant to the provisions of paragraph (1) may limit its liability up to the liability limit amount with respect to claims relating to the payment of that amount of compensation for loss or damage, pursuant to the provisions of this Act.

４　第八条から第十条まで、第十六条及び第四十八条第一項の規定は、第一項の規定に基づき損害賠償額の支払をする保険者等について準用する。この場合において、第八条中「タンカーごと」とあるのは「第一種特定船舶（第四十九条第一項第一号に規定する第一種特定船舶をいう。）ごと」と、「タンカーに係るタンカー所有者」とあるのは「第一種特定船舶に係る船舶所有者」と、第十条中「タンカー油濁損害」とあるのは「難破物除去損害」と、第十六条中「第三条第一項又は第二項」とあるのは「第四十七条第一項」と、「タンカー所有者」とあるのは「船舶所有者」と読み替えるものとする。

(4) The provisions of Articles 8 through 10, Article 16, and Article 48, paragraph (1) apply mutatis mutandis to an insurer, etc., who makes the payment of compensation for loss or damage pursuant to the provisions of paragraph (1) of this Article. In these cases, the phrases "each of the relevant tanker" and "tanker against the tanker owner" in Article 8 are respectively deemed to be replaced with "each of the class I specified ship (meaning the class I specified ship prescribed in Article 49, paragraph (1), item (i)) and "the shipowner pertaining to the class I specified ship; the phrase "the tanker oil pollution damage" in Article 10 is deemed to be replaced with "damage by the removal of wrecks"; and the phrases "Article 3, paragraph (1) or (2)" and the term "the tanker owner" in Article 16 are deemed to be respectively replaced with the term "Article 47, paragraph (1)", and "the shipowner".

５　第三十一条及び第三十二条の規定は、第三項の規定により保険者等が責任を制限する場合における難破物除去損害に係る責任制限手続について準用する。この場合において、第三十一条中「、本邦内又は排他的経済水域内における損害を防止するための第二条第十四号ロに規定する措置が本邦及び排他的経済水域の外において執られ、かつ、本邦内及び排他的経済水域内において損害が生じなかつたときは、当該措置を執つた者の普通裁判籍の所在地を管轄する地方裁判所又はこの裁判所がないときは、最高裁判所が定める地方裁判所の管轄に専属する」とあるのは、「専属する」と読み替えるものとする。

(5) The provisions of Articles 31 and 32 apply mutatis mutandis to the limitation of liability procedures pertaining to damage arising from the removal of wrecks if the insurer limits its liability pursuant to the provisions of paragraph (3). In these cases, the phrase "If the measures prescribed in Article 2, item (xiv), (b) for the purpose of preventing damage in Japan or in the Japanese exclusive economic zone, are taken outside of Japan or Japanese exclusive economic zone and the damage did not occur in Japan and in Japanese exclusive economic zone, the case belongs exclusively to the jurisdiction of the district court which has jurisdiction over the location of the general venue of the person who took the measures or, if there is no such court, belongs exclusively to the jurisdiction of the district court determined by the Supreme Court" is deemed to be replaced with "exclusive".

６　第三項の規定により保険者等が責任を制限する場合における難破物除去損害に係る責任制限手続については、責任制限法第三章（第九条、第十条、第十六条、第四節及び第五十四条を除く。）の規定を準用する。この場合において、次の表の上欄に掲げる責任制限法の規定中同表の中欄に掲げる字句は、それぞれ同表の下欄に掲げる字句に読み替えるものとする。

(6) The provisions of Chapter III of the Act on Limitation of Liability (excluding Article 9, Article 10, Article 16, Section 4, and Article 54) apply mutatis mutandis to the procedures for limitation of liability pertaining to damage arising from the removal of wrecks if the insurer limits its liability pursuant to the provisions of paragraph (3). In these cases, the words and phrases shown in the middle column of the following table, taken from the provisions of the Act on Limitation of Liability listed in the left-hand column of that table, are deemed to be replaced with the words and phrases listed in the right-hand column.

|  |  |  |
| --- | --- | --- |
| 第十三条Article 13 | この法律this Act | 船舶油濁等損害賠償保障法（昭和五十年法律第九十五号）第五十一条第六項において準用するこの法律this Act as applied mutatis mutandis pursuant to Article 51, paragraph (6) of the Act on Liability for Oil Pollution Damage (Act No. 95 of 1975) |
| 第十四条第一項、第十五条、第三十三条及び第四十条第一項Article 14, paragraph (1), Article 15, Article 33, and Article 40, paragraph (1) | この法律this Act | 船舶油濁等損害賠償保障法第五十一条第六項において準用するこの法律this Act as applied mutatis mutandis pursuant to Article 51, paragraph (6) of the Act on Liability for Oil Pollution Damage |
| 第十七条第一項Article 17, paragraph (1) | 船舶所有者等若しくは救助者又は被用者等shipowner, etc., rescuer, or employee, etc. | 保険者等insurer, etc. |
| 第二十八条第一項第四号Article 28, paragraph (1), item (iv) | 船舶、救助船舶又は救助者ship, rescue ship, or rescuer | タンカー又は一般船舶tanker or general ship |
| 第四十八条第一項Article 48, paragraph (1) | 責任制限手続がProcedure for limitation of liability | 船舶油濁等損害賠償保障法第二条第十三号に規定する船舶油濁等損害（以下「船舶油濁等損害」という。）に係る責任制限手続がProcedure for limitation of liability pertaining to damage caused by oil pollution, etc. prescribed in Article 2, item (xiii) of the Act on Liability for Oil Pollution Damage (hereinafter referred to as "damage caused by oil pollution, etc.") |
| 責任制限手続開始の時又は責任制限手続拡張の時the time the limitation of liability proceedings commence or the time they are expanded | 船舶油濁等損害に係る責任制限手続開始の時又は船舶油濁等損害に係る責任制限手続拡張の時the time the limitation of liability proceedings pertaining to damage caused by oil pollution, etc. commence or the time they are expanded |
| 第四十八条第二項Article 48, paragraph (2) | 船舶油濁等損害賠償保障法Act on Liability for Oil Pollution Damage | この法律this Act |
| 同法第二条第十三号に規定する船舶油濁等損害damage caused by oil pollution, etc. prescribed in Article 2, item (xiii) of the same Act | 船舶油濁等損害賠償保障法第二条第十七号に規定する難破物除去損害damage arising from the removal of wrecks prescribed in Article 2, item (xvii) of the Act on Liability for Oil Pollution Damage |
| 第五十七条Article 57 | 並びに制限債権であるときは、その内容及び人の損害に関する債権と物の損害に関する債権との別and when it is a limited claim, the details of the claim and whether it is a personal damage claim or property damage claim | 及び制限債権であるときは、その内容and if it is a claim subject to limitation, the details thereof |
| 第六十条Article 60 | 内容並びに人の損害に関する債権と物の損害に関する債権との別the details of the claim along with whether it is a personal damage claim or property damage claim | 内容details |
| 第六十一条第二項Article 61, paragraph (2) | 内容及び人の損害に関する債権と物の損害に関する債権との別the details of the claim and whether it is a personal damage claim or property damage claim | 内容details |
| 第七十条第二項Article 70, paragraph (2) | 事項を人の損害に関する債権と物の損害に関する債権との別に従つてmatters in accordance with the distinction between a personal damage claim and a property damage claim | 事項をthe matters |

（保障契約証明書に関する規定の準用）

(Mutatis-Mutandis Application of the Provisions of the Certificate of Compensation Contract)

第五十二条　第十七条から第十九条までの規定は、第一種特定船舶又は第二種特定船舶に係る保障契約について準用する。この場合において、第十七条第一項中「タンカー（責任条約の締約国である外国の国籍を有するタンカーを除く。）」とあるのは「第四十九条第一項第一号に規定する第一種特定船舶（難破物除去条約の締約国である外国の国籍を有するものを除く。）又は同項第二号に規定する第二種特定船舶」と、「保障契約を」とあるのは「同項に規定する保障契約（以下単に「保障契約」という。）を」と、第十九条中「第十四条」とあるのは「第五十条」と読み替えるものとする。

Article 52 The provisions of Articles 17 through 19 apply mutatis mutandis to compensation contracts pertaining to class I specified ships or class II specified ships. In these cases, the phrases "a tanker (excluding a tanker with the nationality of foreign countries that is a contracting party to the Liability Convention)" and "a compensation contract" in Article 17, paragraph (1) are respectively deemed to be replaced with "a class I specified ship prescribed in Article 49, paragraph (1), item (i) (excluding those having the nationality of a foreign state that is a contracting state of the convention on the removal of wrecks) or a class II specified ship prescribed in item (ii) of that paragraph", and "a compensation contract prescribed in that paragraph (hereinafter simply referred to as "compensation contract"); and the phrase "Article 14" in Article 19 is deemed to be replaced with "Article 50".

（保障契約証明書の備置き）

(Keeping of a Certificate of Compensation Contract)

第五十三条　次の各号に掲げる船舶は、前条において準用する第十七条第一項に規定する書面（以下この条において「保障契約証明書」という。）が備え置かれているものでなければ、当該各号に定める航海に従事させてはならない。

Article 53 (1) A ship listed in the following items must not be engaged in a voyage as provided for in that item unless it carries a document prescribed in Article 17, paragraph (1) as applied mutatis mutandis pursuant to the preceding Article (hereinafter referred to as a "certificate of compensation contract" in this Article):

一　日本国籍を有する第一種特定船舶　全ての航海

(i) class I specified ships with Japanese nationality: on all voyages;

二　日本国籍を有する第二種特定船舶　国際航海

(ii) class II specified ships with Japanese nationality: on international voyages.

２　次の各号に掲げる船舶は、当該各号に定める書面が備え置かれているものでなければ、本邦内の港に入港をし、本邦内の港から出港をし、又は本邦内の係留施設を使用してはならない。

(2) The ships listed in the following items must not enter or leave a port in Japan or use a mooring facility in Japan unless the documents specified in the respective items are in place:

一　前項第一号に掲げる第一種特定船舶以外の第一種特定船舶　保障契約証明書、難破物除去条約の締約国である外国が交付した当該第一種特定船舶について保障契約が締結されていることを証する難破物除去条約の附属書の様式による書面又は外国が交付した難破物除去条約第十二条第十四項に規定する証明書の記載事項を記載した書面

(i) class I specified ships other than the class I specified ships listed in item (i) of the preceding paragraph: a certificate of compensation contract, or a document in the form shown in the appendix of the bunker oil convention issued by a foreign state that is a contracting party to the convention on the removal of wrecks certifying that a compensation contract concerning the relevant class I specified ship has been concluded, or a document issued by a foreign state stating the matters on the certificate of compensation contract prescribed in Article 12, paragraph (14) of the convention on the removal of wrecks;

二　前項第二号に掲げる第二種特定船舶以外の第二種特定船舶　保障契約証明書

(ii) class II specified ships other than the class II specified ships listed in item (ii) of the preceding paragraph: a certificate of compensation contract.

３　第一項（第二号に係る部分に限る。）及び前項（第二号に係る部分に限る。）の規定にかかわらず、当該保障契約が第二種特定船舶の船舶所有者等の損害を填補し、又は賠償の義務の履行を担保するために必要な資力及び信用を有する保険者等として国土交通大臣の指定するものと締結したものであるときは、当該保障契約の契約書の写しその他国土交通省令で定める保障契約の締結を証する書面をもつて保障契約証明書に代えることができる。

(3) Notwithstanding the provisions of paragraph (1) (limited to the part pertaining to item (ii)) and the preceding paragraph (limited to the part pertaining to item (ii)), if a compensation contract is concluded with a party designated by the Minister of Land, Infrastructure, Transport and Tourism as an insurer that has the financial resources and credit required to compensate the damage of an owner of a class II specified ship or secure the performance of the obligation for damage, a copy of the relevant compensation contract or other document certifying the conclusion of a compensation contract specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism may be substituted for a certificate of compensation contract.

（適用除外）

(Exclusion from Application)

第五十四条　次の各号に掲げる規定は、当該各号に定める船舶については、適用しない。

Article 54 The provisions of the following items do not apply to the ships prescribed respectively in those items:

一　この章（前条第二項（第一号に係る部分に限る。）を除く。）の規定　外国が所有する第一種特定船舶であつて、これについて保障契約が締結されていないもの

(i) the provisions of this Chapter (except for paragraph (2) of the preceding Article (limited to the part pertaining to item (i))): class I specified ships owned by a foreign state and for which a compensation contract has not been concluded;

二　この章の規定　外国が所有する第二種特定船舶

(ii) the provisions of this Chapter: class II specified ships owned by a foreign state.

第十章　雑則

Chapter X Miscellaneous Provisions

（船舶先取特権）

(Maritime Liens)

第五十五条　タンカー油濁損害に係る制限債権者は、その制限債権に関し、事故に係る船舶及びその属具について先取特権を有する。

Article 55 (1) The restricted creditor pertaining to tanker oil pollution damage holds a statutory lien over the ship involved in the accident and its equipment.

２　前項の先取特権は、商法（明治三十二年法律第四十八号）第八百四十二条第五号の先取特権に次ぐ。

(2) The statutory lien referred to in the preceding paragraph is next in order of precedence to the statutory lien referred to in Article 842, item (v) of the Commercial Code (Act No. 48 of 1899).

３　商法第八百四十三条第二項本文、第八百四十四条から第八百四十六条まで及び第八百四十八条第一項の規定は、第一項の先取特権について準用する。

(3) The provisions of the main clause of Article 843, paragraph (2), Articles 844 through 846, and Article 848, paragraph (1) of the Commercial Code apply mutatis mutandis to the statutory lien under paragraph (1).

４　第一項の先取特権が消滅する前に責任制限手続開始の決定があつた場合において、その決定を取り消す決定又は責任制限手続廃止の決定が確定したときは、前項において準用する商法第八百四十六条の規定にかかわらず、第一項の先取特権は、その確定後一年を経過した時に消滅する。

(4) Notwithstanding the provisions of Article 846 of the Commercial Code as applied mutatis mutandis pursuant to the preceding paragraph, if a ruling commencing limitation of liability proceedings is issued prior to the expiration of the statutory lien referred to in paragraph (1) and a ruling reversing the ruling commencing the limitation of liability proceedings or a ruling discontinuing the limitation of liability proceedings becomes final and binding, the statutory lien referred to in paragraph (1) extinguishes one year after the date on which the ruling to reverse or discontinue becomes final and binding.

（締約国である外国における基金の形成の効果）

(Effect of Establishment of Fund in a Foreign State that is a Contracting State)

第五十六条　責任条約の締約国である外国において責任条約第五条の規定により基金が形成された場合においては、当該基金から支払を受けることができる制限債権については、タンカー油濁損害に係る制限債権者は、当該基金以外のタンカー所有者又は保険者等の財産に対してその権利を行使することができない。

Article 56 (1) If a fund is formed pursuant to the provisions of Article 5 of the Liability Convention in a foreign country that is a contracting state of the Liability Convention, the claimant of the limited claim pertaining to tanker oil pollution damage may not exercise its right on the assets of the tanker's owner or insurer other than the fund for the limited claim which may receive payment from the fund.

２　責任制限法第三十四条から第三十六条までの規定は、前項の場合について準用する。

(2) The provisions of Articles 34 through 36 of the Act on Limitation of Liability apply mutatis mutandis to the case referred to in the preceding paragraph.

（最高裁判所規則）

(Rules of the Supreme Court)

第五十七条　この法律に定めるもののほか、責任制限手続に関し必要な事項は、最高裁判所規則で定める。

Article 57 Beyond what is provided for in this Act, the necessary matters concerning the procedure for limitation of liability are prescribed by the Rules of the Supreme Court.

（保障契約情報）

(Information about Compensation Contracts)

第五十八条　本邦以外の地域の港から本邦内の港に入港をしようとする特定船舶（総トン数が三百トン以上のタンカー又は総トン数が百トン以上の一般船舶をいう。以下この章及び第六十八条第六号において同じ。）の船長は、第三項に規定する場合を除き、国土交通省令で定めるところにより、あらかじめ、当該特定船舶の名称、船籍港、当該特定船舶に係るこの法律で定めるタンカー油濁損害賠償保障契約、一般船舶等油濁損害賠償保障契約又は難破物除去損害賠償保障契約（次条第一項及び第六十条第一項において単に「保障契約」という。）の締結の有無その他の国土交通省令で定める事項（以下この項及び第三項において「保障契約情報」という。）を国土交通大臣に通報しなければならない。通報した保障契約情報を変更しようとするときも、同様とする。

Article 58 (1) Except for the cases prescribed in paragraph (3), the captain of a specified ship (meaning a tanker with a gross tonnage of 300 tons or more or a general ship with a gross tonnage of 100 tons or more; hereinafter the same applies in this Chapter and Article 68, item (vi)) who seeks to enter a port in Japan from a port in a region other than Japan must notify the Minister of Land, Infrastructure, Transport and Tourism in advance regarding the name of the specified ship, the port of registry, the existence or non-existence of a tanker oil pollution damage compensation contract, a general ship oil pollution damage compensation contract, or a compensation contract for damage arising from the removal of wrecks (referred to simply as "compensation contract" in paragraph (1) of the following Article and Article 60, paragraph (1)) provided for in this Act and pertaining to the specified ship, and other matters specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism (hereinafter referred to as "information about compensation contract"), pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism. The same applies when the ship captain seeks to change the information recorded in the compensation contract to which the notification pertained.

２　前項の規定により船長がしなければならない通報は、次の各号に掲げる当該特定船舶の区分に応じ、当該各号に定める者もすることができる。

(2) The notification that the ship captain must make pursuant to the provisions of the preceding paragraph may be made by the persons prescribed in the following items according to the classification of the specified ship listed in the respective items:

一　タンカー　タンカー所有者又は船長若しくはタンカー所有者の代理人

(i) tanker: the tanker owner or the ship captain or the tanker owner's representative;

二　総トン数が千トンを超える一般船舶　船舶所有者又は船長若しくは船舶所有者の代理人

(ii) general ship with gross tonnage exceeding 1,000 tons: the shipowner, the ship captain, or the shipowner's representative;

三　総トン数が千トン以下の一般船舶　船舶所有者等又は船長若しくは船舶所有者等の代理人

(iii) general ship with gross tonnage not exceeding 1,000 tons: the shipowner, the ship captain, or the shipowner's representative, etc.

３　荒天、遭難その他の国土交通省令で定めるやむを得ない事由によりあらかじめ保障契約情報を通報しないで本邦以外の地域の港から本邦内の港に入港をした特定船舶の船長は、国土交通省令で定めるところにより、入港後直ちに、保障契約情報を国土交通大臣に通報しなければならない。

(3) The captain of the specified ship that entered a port in Japan from a port in a region other than Japan under unavoidable circumstances prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism such as severe weather, ships in distress or other emergency reasons without notifying the information about compensation contract in advance must notify the Minister of Land, Infrastructure, Transport and Tourism of the information about compensation contract immediately after the entrance to the port, pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism.

（報告及び検査）

(Report and Inspection)

第五十九条　国土交通大臣は、この法律の施行に必要な限度において、本邦内の港又は係留施設にある特定船舶の船長に対し、当該特定船舶に係る保障契約に関し報告をさせ、又はその職員に、当該特定船舶に立ち入り、第十七条第一項若しくは第二十条第二項、第四十五条各項若しくは第五十三条各項に規定する書面その他の物件を検査させ、若しくは関係人に質問をさせることができる。

Article 59 (1) To the extent necessary for the enforcement of this Act, the Minister of Land, Infrastructure, Transport and Tourism may have the ship captain of a specified ship in a port or in mooring facilities in Japan report on the compensation contract pertaining to the specified ship, or have the Ministry's employees enter the specified ship and inspect the documents or other objects prescribed in Article 17, paragraph (1), Article 20, paragraph (2), or the respective paragraphs in Article 45 or Article 53, or have them inquire questions of the persons concerned.

２　国土交通大臣は、この法律の施行に必要な限度において、次の各号に掲げる特定船舶の区分に応じ、当該各号に定める者に対し、港湾法その他法令の規定により除去その他の措置が必要となつた難破物に係るこの法律で定める難破物除去損害賠償保障契約に関し報告をさせ、又は当該契約が締結されていることを証する資料の提出を求めることができる。

(2) To the extent necessary for the enforcement of this Act and in accordance with the categories of specified ships listed in the following items, the Minister of Land, Infrastructure, Transport and Tourism may have the persons prescribed in the respective items make a report concerning contracts on compensation for damage arising from the removal of wrecks provided for in this Act pertaining to shipwrecks which require removal or other measures pursuant to the provisions of the Port and Harbor Act or other laws and regulations, or request the submission of a document certifying that a contract has been concluded:

一　我が国の領域内又は排他的経済水域内における難破物に係る第四十九条第一項第一号に規定する第一種特定船舶　船舶所有者

(i) class I specified ships prescribed in Article 49, paragraph (1), item (i) pertaining to wrecks in the territory of Japan or in the exclusive economic zone of Japan: the shipowner;

二　我が国の領域内における難破物に係る第四十九条第一項第二号に規定する第二種特定船舶　船舶所有者等

(ii) class II specified ships prescribed Article 49, paragraph (1), item (ii) pertaining to wrecks in the territory of Japan: the shipowner, etc.

３　第一項の規定により立入検査をする職員は、その身分を示す証票を携帯し、関係人にこれを提示しなければならない。

(3) The employees who conduct on-site inspections pursuant to the provisions of the preceding paragraph must carry an identification card certifying their status and present it to the persons concerned.

４　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。

(4) The authority to conduct on-site inspection pursuant to the provisions of paragraph (1) must not be construed as being vested for criminal investigation.

（保障契約締結の命令等）

(Order to Conclude a Compensation Contract)

第六十条　国土交通大臣は、前条第一項の規定による報告の徴収又は立入検査の結果、当該特定船舶について第十三条若しくは第二十条、第四十一条若しくは第四十五条又は第四十九条若しくは第五十三条の規定に違反する事実があると認めるときは、次の各号に掲げる当該特定船舶の区分に応じ、当該各号に定める者に対し、保障契約の締結その他その違反を是正するために必要な措置を執るべきことを命ずることができる。

Article 60 (1) If it is found that, as a result of the collection of the report or the on-site inspection pursuant to the provisions of paragraph (1) of the preceding Article, there has been a violation of any of the provisions of Article 13, 20, 41, 45, 49, or 53, the Minister of Land, Infrastructure, Transport and Tourism may order the persons prescribed in the following items to conclude a compensation contract or take other measures to rectify the violation, according to the classification of the specified ship listed in the respective items:

一　タンカー　船長又はタンカー所有者

(i) tanker: the ship captain or the tank owner;

二　第四十一条第一項第一号又は第四十九条第一項第一号に規定する第一種特定船舶（一般船舶に限る。）　船長又は船舶所有者

(ii) class I specified ships prescribed in Article 41, paragraph (1), item (i) or Article 49, paragraph (1), item (i) (limited to a general ship): the ship captain or the shipowner;

三　第四十一条第一項第二号又は第四十九条第一項第二号に規定する第二種特定船舶　船長又は船舶所有者等

(iii) class II specified ships prescribed in Article 41, paragraph (1), item (ii) or Article 49, paragraph (1), item (ii): the ship captain or the shipowner, etc.

２　前項の場合において、国土交通大臣は、必要があると認めるときは、同項の是正のための措置が執られるまでの間、当該特定船舶の航行の停止を命ずることができる。

(2) In the case referred to in the preceding paragraph, the Minister of Land, Infrastructure, Transport and Tourism may order the suspension of navigation of the specified ship until a measure for rectifying the violation under the paragraph has been taken, when the Minister finds it necessary.

３　国土交通大臣は、前項の規定による処分に係る特定船舶について、第一項に規定する事実がなくなつたと認めるときは、直ちに、その処分を取り消さなければならない。

(3) The Minister of Land, Infrastructure, Transport and Tourism must immediately rescind the disposition when it is found that the fact prescribed in paragraph (1) no longer exists concerning the specified ship pertaining the disposition pursuant to the preceding paragraph.

（締約国への報告等）

(Report to Contracting State)

第六十一条　日本国籍を有するタンカー又は一般船舶の船長は、難破物除去条約の締約国である外国であつて難破物除去条約第三条第二項の規定による通告を行つたものの領域内又は難破物除去条約の締約国である外国の難破物除去条約第一条第一項に規定する水域内に難破物が生じた海難に遭遇したときは、国土交通省令で定めるところにより、船舶所有者の氏名又は名称、難破物の位置その他の国土交通省令で定める事項を、遅滞なく、当該外国に報告しなければならない。ただし、当該タンカー若しくは一般船舶の船舶所有者等その他国土交通省令で定める者又は当該海難に遭遇した他の船舶が報告をしたことが明らかなときは、この限りでない。

Article 61 (1) If the ship captain of a tanker or a general ship having Japanese nationality encounters a marine accident in which wrecks occurs in the territory of a foreign state that is a contracting state to the convention on the removal of wrecks and has made a notification pursuant to the provisions of Article 3, paragraph (2) of the convention on the removal of wrecks, or in the waters prescribed in Article 1, paragraph (1) of the convention on the removal of wrecks of a foreign state that is a contracting party to the convention on the removal of wrecks, the ship captain must report to the foreign state, without delay, the name of the shipowner, the location of the wrecks and other matters specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism, pursuant to the provisions thereof; provided, however, this does not apply if it is clear that the owner, etc. of the tanker or the general ship or any other person specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism or any other ship which has encountered the marine accident, has made a report.

２　前項に規定するタンカー又は一般船舶の船長は、同項本文に規定する場合において、海洋汚染等及び海上災害の防止に関する法律（昭和四十五年法律第百三十六号）第三十八条第一項、第二項、第五項若しくは第七項又は船員法（昭和二十二年法律第百号）第十四条の二の規定による通報をしたときは、当該通報をした事項については、前項の規定による報告をすることを要しない。

(2) In the case prescribed in the main clause of the preceding paragraph, if the captain of a tanker or general ship prescribed in that paragraph has made a report pursuant to the provisions of Article 38, paragraph (1), (2), (5) or (7) of the Act on Prevention of Marine Pollution and Maritime Disaster (Act No. 136 of 1970) or Article 14-2 of the Mariners Act (Act No. 100 of 1947), the captain is not required to make a report pursuant to the provisions of the preceding paragraph with regard to the matters in the report.

（適用除外）

(Exclusion from Application)

第六十二条　この法律の規定は、公用に供するタンカー及び一般船舶については、適用しない。

Article 62 The provisions of this Act do not apply to a tanker or a general ship for official use.

（指導等）

(Guidance)

第六十三条　国土交通大臣は、この法律の目的を達成するため必要があると認めるときは、船舶所有者その他の者に対し、船舶油濁等損害の被害者の保護の充実及び国際約束の適確な実施の確保を図るため必要な指導、助言及び勧告をすることができる。

Article 63 (1) The Minister of Land, Infrastructure, Transport and Tourism may give necessary guidance, advice and recommendations to a shipowner, etc. in order to improve the protection of the victims of damage caused by oil pollution, etc. and secure adequate execution of international agreements, when the minister finds it necessary to achieve the purpose of this Act.

２　国土交通大臣は、前項に定めるもののほか、船舶油濁等損害の被害者の保護の充実を図るため、船舶油濁等損害に関し、国際約束の適確な実施の確保及び被害者その他の者に対する適切な情報の提供に努めなければならない。

(2) In addition to what is provided for in the preceding paragraph, the Minister of Land, Infrastructure, Transport and Tourism must make efforts to secure adequate execution of international agreements and provide appropriate information to the victims and other people with respect to the ship oil pollution damage in order to enhance the protection of the victims of the ship oil pollution damage.

（権限の委任）

(Delegation of Authority)

第六十四条　この法律の規定により国土交通大臣の権限に属する事項は、国土交通省令で定めるところにより、地方運輸局長（運輸監理部長を含む。）に行わせることができる。

Article 64 The matters that belong to the authority of the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provisions of this Act may be delegated to the Director of the District Transport Bureau as specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism (including the Director of Transport Administration Department).

第十一章　罰則

Chapter XI Penal Provisions

第六十五条　第三十八条、第四十三条第六項若しくは第五十一条第六項において準用する責任制限法第二十七条の規定により選任された管理人又は第三十八条、第四十三条第六項若しくは第五十一条第六項において準用する責任制限法第四十三条第一項の規定により選任された管理人代理がその職務に関し賄賂を収受し、又はこれを要求し、若しくは約束したときは、三年以下の懲役又は百万円以下の罰金に処する。

Article 65 (1) If the administrator appointed pursuant to the provisions of Article 27 of the Act on Limitation of Liability as applied mutatis mutandis pursuant to Article 38, Article 43, paragraph (6), or Article 51, paragraph (6), or the agent of the administrator appointed pursuant to the provisions of Article 43, paragraph (1) of the Act on Limitation of Liability as applied mutatis mutandis pursuant to Article 38, Article 43, paragraph (6) or Article 51, paragraph (6) has accepted, demanded, or promised a bribe in connection with their duties, they are subject to imprisonment with work for not more than 3 years or a fine of not more than 1,000,000 yen.

２　前項の場合において、収受した賄賂は、没収する。そ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。

(2) In the case referred to in the preceding paragraph, the bribe accepted is to be confiscated. When the whole or a part of the bribe cannot be confiscated, an equivalent sum of money is to be collected.

第六十六条　前条第一項に規定する賄賂を供与し、又はその申込み若しくは約束をした者は、三年以下の懲役又は百万円以下の罰金に処する。

Article 66 A person who has given, offered or promised a bribe prescribed in paragraph (1) of the preceding Article is subject to imprisonment with work for not more than 3 years or a fine of not more than 1,000,000 yen.

第六十七条　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 67 A person who falls under any of the following items is subject to imprisonment with work for not more than 1 year or a fine of not more than 500,000 yen:

一　第十三条第一項、第四十一条第一項又は第四十九条第一項の規定に違反した者

(i) a person who has violated the provisions of Article 13, paragraph (1), Article 41, paragraph (1), or Article 49, paragraph (1);

二　第十三条第二項、第四十一条第二項又は第四十九条第二項の規定の違反となるような行為をした者

(ii) a person who has performed an act that may violate the provisions of Article 13, paragraph (2), Article 41, paragraph (2), or Article 49, paragraph (2);

三　偽りその他不正の手段により、第十七条第一項（第四十四条及び第五十二条において準用する場合を含む。）に規定する書面の交付又は再交付を受けた者

(iii) a person who has received issuance or reissuance of the document prescribed in Article 17, paragraph (1) (including as applied mutatis mutandis pursuant to Articles 44 and 52) by deception or other wrongful means;

四　第三十八条、第四十三条第六項又は第五十一条第六項において準用する責任制限法第四十条第二項の規定による報告又は書類の提出を求められて、報告をせず、若しくは書類の提出をせず、又は虚偽の報告をし、若しくは虚偽の書類の提出をした者

(iv) a person who has been requested to make a report or submit a document pursuant to the provisions of Article 40, paragraph (2) of the Act of Limitation of Liability as applied mutatis mutandis pursuant to Article 38, Article 43, paragraph (6) or Article 51, paragraph (6), but has not made the report or submitted the document, or has made a false report or submitted a false document;

五　第六十条第二項の規定による命令に違反した者

(v) a person who has violated the order under Article 60, paragraph (2).

第六十八条　次の各号のいずれかに該当する者は、三十万円以下の罰金に処する。

Article 68 A person who falls under any of the following items is subject to a fine of not more than 300,000 yen:

一　第十九条（第四十四条及び第五十二条において準用する場合を含む。）の規定に違反した者

(i) a person who has violated the provisions of Article 19 (including as applied mutatis mutandis pursuant to Articles 44 and 52);

二　第二十条第一項、第四十五条第一項又は第五十三条第一項の規定に違反した者

(ii) a person who has violated the provisions of Article 20, paragraph (1), Article 45, paragraph (1), or Article 53, paragraph (1);

三　第二十条第二項、第四十五条第二項又は第五十三条第二項の規定の違反となるような行為をした者

(iii) a person who has committed an act that may violate the provisions of Article 20, paragraph (2), Article 45, paragraph (2), or Article 53, paragraph (2);

四　第二十八条第一項又は第二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 has not made a report pursuant to the provisions of Article 28, paragraph (1) or (2) or has made a false report;

五　第五十八条第一項の規定による通報をせず、又は虚偽の通報をして入港をした船長

(v) a ship captain who has entered a port without making a report pursuant to the provisions of Article 58, paragraph (1) or by making a false report;

六　第五十八条第二項の規定による通報に際して虚偽の通報をした者（当該特定船舶が入港をした場合に限る。）

(vi) a ship captain who has made a false report when making a notification pursuant to the provisions of Article 58, paragraph (2) (limited to cases in which the specified ship entered a port);

七　第五十八条第三項の規定による通報をせず、又は虚偽の通報をした船長

(vii) a ship captain who has not made a report pursuant to the provisions of Article 58, paragraph (3) or has made a false report;

八　第五十九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

(viii) a person who has not made a report pursuant to the provisions of Article 59, paragraph (1) or has made a false report;

九　第五十九条第一項の規定による検査を拒み、妨げ、若しくは忌避し、又は質問に対し陳述をせず、若しくは虚偽の陳述をした者

(ix) a person who has refused, interfered with or evaded an inspection pursuant to the provisions of Article 59, paragraph (1), or has not made a statement or has made a false statement in response to questioning;

十　第五十九条第二項の規定による報告をせず、若しくは資料の提出をせず、又は虚偽の報告をし、若しくは虚偽の資料の提出をした者

(x) a person who has failed to make a report under Article 59, paragraph (2) or who has failed to submit materials, or who has made a false report or submitted false materials.

第六十九条　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に関して前二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ても、前二条の罰金刑を科する。

Article 69 If a representative of a corporation, an agent, an employee or any other workers of a corporation or an individual in connection with the business of the corporation or an individual who has committed an act of violation of the preceding two Articles, in addition to the offender being subject to punishment, the corporation or individual is subject to the fine prescribed in the preceding two Articles.

第七十条　次の各号のいずれかに該当する者は、二十万円以下の過料に処する。

Article 70 A person who falls under any of the following items is subject to punishment by a civil fine not exceeding 200,000 yen:

一　第十八条第一項（第四十四条及び第五十二条において準用する場合を含む。）の規定による届出をせず、又は虚偽の届出をした者

(i) a person who has not made a notification pursuant to the provisions of Article 18, paragraph (1) (including as applied mutatis mutandis pursuant to Articles 44 and 52) or has made a false notification;

二　第十八条第三項（第四十四条及び第五十二条において準用する場合を含む。）の規定に違反した者

(ii) a person who has violated the provisions of Article 18, paragraph (3) (including as applied mutatis mutandis pursuant to Articles 44 and 52);

附　則　〔抄〕

Supplementary Provisions [Extract]

（施行期日）

(Effective Date)

第一条　この法律は、責任条約が日本国について効力を生ずる日から施行する。ただし、第四章第一節及び第三十三条から第三十五条までの規定は国際基金条約が日本国について効力を生ずる日又は国際基金条約第四十条第一項の規定により国際基金条約が効力を生ずる日（以下「国際基金条約発効日」という。）から起算して百二十日を経過した日のうちいずれか遅い日から、第二十八条、第四十八条第四号及び第四十九条の規定は公布の日から起算して一月を超えない範囲内において政令で定める日から、第二十九条及び第三十条の規定は国際基金条約が日本国について効力を生ずる日から施行する。

Article 1 This Act comes into effect as of the day on which the Liability Convention comes into effect in Japan; provided, however, that the provisions of Chapter IV, Section 1 and Articles 33 through 35 come into effect as of the day on which the International Fund Convention comes into effect with respect to Japan or the day on which 120 days have elapsed from the day on which the International Fund Convention comes into effect pursuant to the provisions of Article 40, paragraph (1) of the International Fund Convention (hereinafter referred to as the "effective date of the International Fund Convention"), whichever comes later; and the provisions of Article 28, Article 48, item (iv), and Article 49 come into effect as of the day specified by Cabinet Order within the period not exceeding one month from the date of promulgation, and the provisions of Articles 29 and 30 come into effect as of the day on which the International Fund Convention comes into effect in Japan.

（経過措置）

(Transitional Measures)

第二条　この法律（第四章第一節及び第三十三条から第三十五条までを除く。以下この項において同じ。）の規定は油濁損害の原因となつた最初の事実がこの法律の施行前に生じた場合における当該油濁損害について、第四章第一節及び第三十三条から第三十五条までの規定は油濁損害の原因となつた最初の事実がこれらの規定の施行前に生じた場合における当該油濁損害については、適用しない。

Article 2 (1) The provisions of this Act (excluding Chapter IV, Section 1 and Articles 33 through 35; hereinafter the same applies in this paragraph) do not apply to oil pollution damage if the first event causing the oil pollution damage occurred prior to the enforcement of this Act, and the provisions of Chapter IV, Section 1 and Articles 33 through 35 do not apply to oil pollution damage if the first event that caused the oil pollution damage occurred prior to the enforcement of these provisions.

２　国際基金条約第四条第一項に規定する補償又は国際基金条約第五条第一項に規定する補てんを求めるための国際基金に対する訴えは、国際基金条約発効日から起算して二百四十日を経過する日までは提起することができない。

(2) A lawsuit against the international fund claiming compensation as prescribed in Article 4, paragraph (1) of the International Fund Convention or compensation as prescribed in Article 5, paragraph (1) of the International Fund Convention may not be filed until the day on which 240 days have elapsed from the effective date of the International Fund Convention.

附　則　〔昭和五十四年三月三十日法律第五号〕〔抄〕

Supplementary Provisions [Act No. 5 of March 30, 1979 Extract] [Extract]

（施行期日）

(Effective Date)

１　この法律は、民事執行法（昭和五十四年法律第四号）の施行の日（昭和五十五年十月一日）から施行する。

(1) This Act comes into effect as of the date on which the Civil Execution Act (Act No. 4 of 1979) comes into effect (October 1, 1980).

（経過措置）

(Transitional Measures)

２　この法律の施行前に申し立てられた民事執行、企業担保権の実行及び破産の事件については、なお従前の例による。

(2) Prior laws continue to govern civil law enforcement, exercise of enterprise collateral, and bankruptcy cases filed prior to the enforcement of this Act.

附　則　〔昭和五十五年十一月十九日法律第八十五号〕〔抄〕

Supplementary Provisions [Act No. 85 of November 19, 1980 Extract] [Extract]

（施行期日）

(Effective Date)

第一条　この法律は、昭和五十六年四月一日から施行する。

Article 1 This Act comes into effect as of April 1, 1981.

（経過措置）

(Transitional Measures)

第二十条　この法律の施行前にしたこの法律による改正に係る国の機関の法律若しくはこれに基づく命令の規定による許可、認可その他の処分又は契約その他の行為（以下この条において「処分等」という。）は、政令で定めるところにより、この法律による改正後のそれぞれの法律若しくはこれに基づく命令の規定により又はこれらの規定に基づく所掌事務の区分に応じ、相当の国の機関のした処分等とみなす。

Article 20 Any permission, authorization, or other disposition, or contract or any other action which a national government organ relating to the amendment by this Act made before the enforcement of this Act pursuant to the provisions of an Act or an order based on it (hereinafter referred to as "dispositions, etc." in this Article) is deemed to be a disposition, etc. made by the corresponding national government entities pursuant to the provisions of the respective Acts amended by this Act or an order based on them, or according to the classification of the affairs under the jurisdiction based on these provisions, pursuant to the provisions of Cabinet Order.

第二十一条　この法律の施行前にこの法律による改正に係る国の機関に対してした申請、届出その他の行為（以下この条において「申請等」という。）は、政令で定めるところにより、この法律による改正後のそれぞれの法律若しくはこれに基づく命令の規定により又はこれらの規定に基づく所掌事務の区分に応じ、相当の国の機関に対してした申請等とみなす。

Article 21 Any application or notification filed with, or any other action taken with respect to a national government entities relating to the amendment by this Act prior to the enforcement of this Act (hereinafter referred to as "applications, etc." in this Article), is deemed to be an application, etc. filed with the corresponding national government entity pursuant to the provisions of the respective Acts amended by this Act or an order based on them, or according to the classification of the affairs under the jurisdiction based on these provisions, pursuant to the provisions of Cabinet Order.

附　則　〔昭和五十七年五月二十一日法律第五十四号〕〔抄〕

Supplementary Provisions [Act No. 54 of May 21, 1982 Extract] [Extract]

（施行期日）

(Effective Date)

１　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。

(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.

附　則　〔昭和五十九年五月八日法律第二十五号〕〔抄〕

Supplementary Provisions [Act No. 25 of May 8, 1984 Extract] [Extract]

（施行期日）

(Effective Date)

第一条　この法律は、昭和五十九年七月一日から施行する。

Article 1 This Act comes into effect as of July 1, 1984.

（経過措置）

(Transitional Measures)

第二十三条　この法律の施行前に海運局長、海運監理部長、海運局若しくは海運監理部の支局その他の地方機関の長（以下「支局長等」という。）又は陸運局長が法律若しくはこれに基づく命令の規定によりした許可、認可その他の処分又は契約その他の行為（以下この条において「処分等」という。）は、政令（支局長等がした処分等にあつては、運輸省令）で定めるところにより、この法律による改正後のそれぞれの法律若しくはこれに基づく命令の規定により相当の地方運輸局長、海運監理部長又は地方運輸局若しくは海運監理部の海運支局その他の地方機関の長（以下「海運支局長等」という。）がした処分等とみなす。

Article 23 Any permission, authorization, or other disposition, or contract or any other actions (hereinafter referred to as a "disposition, etc." in this Article) that were made prior to the enforcement of this Act by the Shipping Commissioner, the head of the Maritime Administration Department, or the head of a branch office of the Shipping Bureau or the Maritime Inspection Department, or any other local organizations (hereinafter referred to as the "head of a branch office, etc."), or the Head of a Land Transport Office, pursuant to the provisions of Cabinet Order (or pursuant to Order of the Ministry of Transport, for dispositions and other processes undertaken with the head of a branch office or other such person) is deemed to be a disposition, etc. made by the corresponding Director of a District Transport Bureau, Head of a Maritime Administration Department, or the head of the relevant Regional Transport Bureau or Regional Maritime Administration Department's Maritime Branch Bureau or other local organizations (hereinafter referred to as the "head of a maritime transport branch office, etc.") pursuant to the provisions of the respective Acts amended by this Act or orders based on them.

第二十五条　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 25 Prior laws continue to govern the applicability of penal provisions to any actions committed prior to the enforcement of this Act.

附　則　〔平成六年六月二十九日法律第五十三号〕〔抄〕

Supplementary Provisions [Act No. 53 of June 29, 1994 Extract] [Extract]

（施行期日）

(Effective Date)

第一条　この法律の規定は、次の各号に掲げる区分に応じ、それぞれ当該各号に定める日から施行する。

Article 1 The provisions of this Act come into effect as of the day specified in accordance with the categories listed in each of the following items:

一　第一条並びに次条、附則第七条及び第八条の規定　千九百六十九年の油による汚染損害についての民事責任に関する国際条約の議定書及び千九百七十一年の油による汚染損害の補償のための国際基金の設立に関する国際条約の議定書が日本国について効力を生ずる日

(i) the provisions of Article 1 and the following Article, Article 7 and Article 8 of the Supplementary Provisions: the date on which the Protocol to the International Convention on Civil Liability for Oil Pollution Damage of 1969 and the Protocol to the International Convention on the Establishment of the International Fund for Compensation for Oil Pollution Damage of 1971 enter into force in Japan;

二　第二条（次号に規定する改正規定を除く。）並びに附則第三条第一項及び第四条の規定　千九百六十九年の油による汚染損害についての民事責任に関する国際条約を改正する千九百九十二年の議定書が日本国について効力を生ずる日

(ii) the provisions of Article 2 (excluding the amended provisions prescribed in the following item), and Article 3, paragraph (1) and Article 4 of the Supplementary Provisions: the date on which the Protocol of 1992 amending the International Convention on Civil Liability for Oil Pollution Damage of 1969 enters into effect in Japan;

三　第二条中油濁損害賠償保障法目次の改正規定（「第四章の二　千九百九十二年国際基金（第三十条の二）」を加える部分に限る。）、同法第二条第二号の次に一号を加える改正規定、同条第十号の次に一号を加える改正規定、同法第四章の次に一章を加える改正規定、同法第三十七条の次に一条を加える改正規定並びに附則第三条第二項から第四項までの規定　千九百七十一年の油による汚染損害の補償のための国際基金の設立に関する国際条約を改正する千九百九十二年の議定書（附則第三条第三項において「国際基金条約議定書」という。）が日本国について効力を生ずる日

(iii) the provision in Article 2 concerning the amendment of the table of contents of the Act on Liability for Oil Pollution Damage (limited to the part adding "Chapter IV-2, the International Fund for the Year 1992 (Article 30-2)"), the amending provisions adding one item after Article 2, item (ii) of that Act, the amending provisions adding one item after item (x) of that Article, the amending provisions adding one chapter after Chapter IV of that Act, the amending provisions adding one Article after Article 37 of that Act, and the amending provisions of Article 3, paragraphs (2) through (4) of the Supplementary Provisions: the date on which the Protocol of 1992 amending the International Convention on the Establishment of the International Fund for Compensation for Oil Pollution Damage of 1971 (referred to as "Protocol to the International Fund Convention" in Article 3, paragraph (3) of the Supplementary Provisions) enters into effect in Japan;

四　第三条並びに附則第五条及び第六条の規定　油による汚染損害についての民事責任に関する国際条約及び油による汚染損害の補償のための国際基金の設立に関する国際条約（千九百六十九年の油による汚染損害についての民事責任に関する国際条約の補足）（附則第五条第二項において「千九百七十一年国際基金条約」という。）の廃棄が日本国について効力を生ずる日

(iv) the provisions of Article 3, and Articles 5 and 6 of the Supplementary Provisions: the date on which the repeal of the International Convention on Civil Liability for Oil Pollution Damage and the International Convention on the Establishment of the International Fund for Compensation for Oil Pollution Damage (Supplement to the International Convention on Civil Liability for Oil Pollution Damage, 1969) (referred to as the "International Fund Convention of 1971" in Article 5, paragraph (2) of the Supplementary Provisions) enters into effect in Japan;

（第一条の規定による改正に伴う経過措置）

(Transitional Measures Associated with Amendments Pursuant to the Provisions of Article 1)

第二条　第一条の規定の施行前に油濁損害の原因となった最初の事実が生じた場合における当該油濁損害については、なお従前の例による。

Article 2 Prior laws continue to govern oil pollution damage if the first event that caused the oil pollution damage occurred prior to the enforcement of the provisions of Article 1.

（第二条の規定による改正に伴う経過措置）

(Transitional measures associated with amendments pursuant to the provisions of Article 2)

第三条　附則第一条第二号に掲げる規定の施行前に油濁損害の原因となった最初の事実が生じた場合における当該油濁損害については、なお従前の例による。

Article 3 (1) Prior laws continue to govern oil pollution damage if the first event that caused the oil pollution damage occurred prior to the enforcement of the provisions listed in Article 1, item (ii) of the Supplementary Provisions.

２　第二条の規定による改正後の油濁損害賠償保障法（以下この条において「新法」という。）第四章の二及び第三十七条の二の規定は、油濁損害の原因となった最初の事実がこれらの規定の施行前に生じた場合における当該油濁損害については、適用しない。

(2) The provisions of Chapter IV-2 and Article 37-2 of the Act on Liability for Oil Pollution Damage amended by the provisions of Article 2 (hereinafter referred to as the "new act" in this Article) do not apply to oil pollution damage if the first event that caused the oil pollution damage occurred prior to the enforcement of these provisions.

３　千九百九十二年の油による汚染損害の補償のための国際基金の設立に関する国際条約（以下この条において「千九百九十二年国際基金条約」という。）第四条第一項に規定する補償を求めるための千九百九十二年国際基金（千九百九十二年国際基金条約第二条第一項に規定する千九百九十二年の油による汚染損害の補償のための国際基金をいう。次項において同じ。）に対する訴えは、国際基金条約議定書第三十条第一項の規定により国際基金条約議定書が効力を生ずる日から起算して百二十日を経過する日までは提起することができない。

(3) Lawsuits against the International Fund for the Year 1992 to seek compensation as provided for in Article 4, paragraph (1) of the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage of 1992 (hereinafter in this Article referred to as the "International Fund Convention of 1992") (meaning the International Fund for Compensation for Oil Pollution Damage of 1992 provided for in Article 2, paragraph (1) of the International Fund Convention of 1992; the same applies in the following paragraph), may not be filed until 120 days have elapsed from the date on which the Protocol to the International Fund Convention becomes effective pursuant to Article 30, paragraph (1) of the Protocol to the International Fund Convention".

４　新法第二十八条第一項又は第二項の規定によりその受取量を報告すべき特定油に係る油受取人は、千九百九十二年国際基金条約第三十六条の三第四項に規定するいずれか早い日までの間は、新法第三十条の二において読み替えて準用する新法第三十条の規定にかかわらず、千九百九十二年国際基金条約第十二条、第十三条及び第三十六条の三の規定により、千九百九十二年国際基金条約第十条の年次拠出金を千九百九十二年国際基金に納付しなければならない。

(4) Notwithstanding the provisions of Article 30 of the new Act as applied mutatis mutandis following the deemed replacement of the terms and phrases in Article 30-2 of the new Act, pursuant to the provisions of Articles 12, 13, and 36-3 of the International Fund Convention of 1992, an oil receiver of specified oil who should report the received amount pursuant to the provisions of Article 28, paragraph (1) or (2) of the new Act must pay the annual contribution referred to in Article 10 of the International Fund Convention of 1992 to the International Fund of 1992 before the earliest date provided for in Article 36-3, paragraph (4) of International Fund Convention of 1992.

（第三条の規定による改正に伴う経過措置）

(Transitional Measures Associated with Amendments under Article 3)

第五条　第三条の規定の施行前に油濁損害の原因となった最初の事実が生じた場合における当該油濁損害については、なお従前の例による。

Article 5 (1) Prior laws continue to govern oil pollution damage if the first event that caused the oil pollution damage occurred prior to the enforcement of the provisions of Article 3.

２　第三条の規定の施行前に油濁損害の原因となった最初の事実が生じた場合における当該油濁損害に係る千九百七十一年国際基金条約第十二条第二項（ｂ）に規定する拠出金については、なお従前の例による。

(2) Prior laws continue to govern the contribution provided for in Article 12, paragraph (2), (b) of the International Fund Convention of 1971 pertaining to oil pollution damage if the first event causing the oil pollution damage occurs prior to the enforcement of Article 3.

（罰則に関する経過措置）

(Transitional Measures Concerning Penal Provisions)

第七条　この法律の各改正規定の施行前にした行為に対する罰則の適用については、それぞれなお従前の例による。

Article 7 Prior laws continue to govern the applicability of penal provisions to any act committed prior to the enforcement of each amended by this Act.

（政令への委任）

(Delegation to Cabinet Order)

第八条　附則第二条、第三条、第五条及び前条に定めるもののほか、この法律の施行に関し必要となる経過措置は、政令で定める。

Article 8 Beyond what is provided for in Articles 2, 3, 5 and the preceding Article of the Supplementary Provisions, transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.

附　則　〔平成八年六月十四日法律第七十四号〕〔抄〕

Supplementary Provisions [Act No. 74 of June 14, 1996 Extract] [Extract]

（施行期日）

(Effective Date)

第一条　この法律は、国連海洋法条約が日本国について効力を生ずる日から施行する。

Article 1 This Act comes into effect as of the day on which the United Nations Convention on the Law of the Sea comes into effect in Japan.

附　則　〔平成八年六月二十六日法律第百十号〕〔抄〕

Supplementary Provisions [Act No. 110 of June 26, 1996 Extract] [Extract]

この法律は、新民訴法の施行の日から施行する。

This Act comes into effect as of the date of enforcement of the new Code of Civil Procedure.

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] [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。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 (excluding Articles 2 and 3) comes into effect as of January 6, 2001; provided, however, that the provisions listed in the following item comes into effect as of the dates prescribed respectively in the relevant item:

一　第九百九十五条（核原料物質、核燃料物質及び原子炉の規制に関する法律の一部を改正する法律附則の改正規定に係る部分に限る。）、第千三百五条、第千三百六条、第千三百二十四条第二項、第千三百二十六条第二項及び第千三百四十四条の規定　公布の日

(i) the provisions of Article 995 (limited to the parts pertaining to the provisions amending the Supplementary Provisions of the Act for Partial Revision of the Act on the regulation of nuclear raw material, nuclear fuel material, and nuclear reactors), Article 1305, Article 1306, Article 1324, paragraph (2), Article 1326, paragraph (2) and Article 1344: the day of promulgation.

附　則　〔平成十四年五月三十一日法律第五十四号〕〔抄〕

Supplementary Provisions [Act No. 54 of May 31, 2002 Extract] [Extract]

（施行期日）

(Effective Date)

第一条　この法律は、平成十四年七月一日から施行する。

Article 1 This Act comes into effect as of July 1, 2002.

（経過措置）

(Transitional Measures)

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若しくはこれに基づく命令（以下「旧法令」という。）の規定により海運監理部長、陸運支局長、海運支局長又は陸運支局の事務所の長（以下「海運監理部長等」という。）がした許可、認可その他の処分又は契約その他の行為（以下「処分等」という。）は、国土交通省令で定めるところにより、この法律による改正後のそれぞれの法律若しくはこれに基づく命令（以下「新法令」という。）の規定により相当の運輸監理部長、運輸支局長又は地方運輸局、運輸監理部若しくは運輸支局の事務所の長（以下「運輸監理部長等」という。）がした処分等とみなす。

Article 28 Any permission, authorization, or other disposition, or a contract or any other actions (hereinafter referred to as a "disposition, etc.") that were made prior to the enforcement of this Act by the head of a maritime administration department, the head of a land transport branch office, or the head of a branch office of the shipping bureau, the head of a maritime transport branch office, or the head of a land transport branch office (hereinafter referred to as the "head of a maritime administration department, etc."), pursuant to the provisions of the respective Acts prior to the amendment by this Act or Orders based on them (hereinafter referred to as the "former Act or Order"), is deemed to be a disposition, etc. made by the corresponding director-generals of the transport administration bureau, the director of a transport bureau branch, a regional transport bureau, transport control division, or the head of the transport bureau branch office (hereinafter referred to as the "director-generals of the district transport bureaus, etc.") under the respective Acts amended by this Act or orders based on them (hereinafter referred to as the "new Act or Order") pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism.

第二十九条　この法律の施行前に旧法令の規定により海運監理部長等に対してした申請、届出その他の行為（以下「申請等」という。）は、国土交通省令で定めるところにより、新法令の規定により相当の運輸監理部長等に対してした申請等とみなす。

Article 29 Any application, notification, or other act (hereinafter referred to as "application, etc.") filed with or made to the head of a maritime administration department, etc. pursuant to the provisions of the former Act or Order prior to the enforcement of this Act is, pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism, deemed to be an application, etc. filed with or made to the corresponding director-general of the district transport bureaus, etc. pursuant to the provisions of the new Act or Order.

第三十条　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 30 Prior laws continue to govern the applicability of penal provisions to any act committed prior to the enforcement of this Act.

附　則　〔平成十五年六月四日法律第六十四号〕

Supplementary Provisions [Act No. 64 of June 4, 2003]

（施行期日）

(Effective Date)

１　この法律は、平成十五年十一月一日から施行する。

(1) This Act comes into effect as of November 1, 2003.

（経過措置）

(Transitional Measures)

２　この法律の施行前に油濁損害の原因となった最初の事実が生じた場合における当該油濁損害については、なお従前の例による。

(2) Prior laws continue to govern oil pollution damage if the first event that caused the oil pollution damage occurred prior to the enforcement of this Act.

附　則　〔平成十六年四月二十一日法律第三十七号〕〔抄〕

Supplementary Provisions [Act No. 37 of April 21, 2004 Extract] [Extract]

（施行期日）

(Effective Date)

第一条　この法律は、平成十七年三月一日（以下「施行日」という。）から施行する。ただし、次の各号に掲げる規定は、それぞれ当該各号に定める日から施行する。

Article 1 This Act comes into effect as of March 1, 2005 (hereinafter referred to as the "effective date"); provided, however, that the provisions listed in the following items come into effect as of the dates prescribed respectively in those items:

一　目次の改正規定中第五章に係る部分、第二条第二号の次に一号を加える改正規定、同条第十号の次に一号を加える改正規定、第四章の次に一章を加える改正規定、第三十七条第一項の改正規定、同条の次に一条を加える改正規定及び附則第三条の規定　千九百九十二年の油による汚染損害の補償のための国際基金の設立に関する国際条約の二千三年の議定書（同条第二項において「追加基金議定書」という。）が日本国について効力を生ずる日

(i) the part of the provisions amending the Table of Contents that relates to Chapter V, the amending provisions that add one item after Article 2, item (ii), the amending provisions that add one item after item (x) of that Article, the amending provisions that add one Chapter after Chapter IV, the provisions that amend Article 37, paragraph (1), the amending provisions that add one Article after that Article, and the provisions of Article 3 of the Supplementary Provisions: the date on which the Protocol of 2003 to the International Convention on the establishment of the International Fund for Compensation for Oil Pollution Damage of 1992 (referred to as the "Supplementary Fund Protocol" in paragraph (2) of that Article) enters into force in Japan;

二　附則第四条及び第十一条の規定　平成十六年十二月一日

(ii) provisions of Article 4 and Article 11 of the Supplementary Provisions: December 1, 2004.

（経過措置）

(Transitional Measures)

第二条　この法律による改正後の船舶油濁損害賠償保障法（次条を除き、以下「新法」という。）第六章の規定は、一般船舶油濁損害の原因となった最初の事実が施行日前に生じた場合における当該一般船舶油濁損害については、適用しない。

Article 2 (1) The provisions of Chapter VI of the Act on Liability for Oil Pollution Damage revised by this Act (hereinafter referred to as the "new Act" except in the following Article) do not apply to general ship oil pollution damage if the first event that caused the general ship oil pollution damage occurred before the effective date.

２　新法第三十九条の四第一項、第三十九条の七第一項及び第四十一条の二の規定は、この法律の施行の際現に国際航海（本邦の港と本邦以外の地域の港との間又は本邦以外の地域の各港間の航海をいう。）に従事している日本国籍を有する一般船舶（総トン数が百トン以上のものに限る。以下同じ。）については、施行日以後初めて本邦内の港に入港をするときまでは、適用しない。

(2) The provisions of Article 39-4, paragraph (1), Article 39-7, paragraph (1) and Article 41-2 of the new Act do not apply to general ships with Japanese nationality (limited to those with a gross tonnage of 100 tons or more; the same applies hereinafter) actually engaged in international voyages (meaning a voyage between a port in Japan and a port in a region other than Japan, or between ports in regions other than Japan) at the time of the enforcement of this Act, until it enters a port in Japan for the first time on or after the effective date.

３　新法第三十九条の四第二項及び第三十九条の七第二項の規定は、この法律の施行の際現に本邦内の港又は係留施設にある前項に規定する一般船舶以外の一般船舶については、施行日以後初めて本邦内の港から出港（新法第三十九条の四第二項に規定する特定海域からの出域を含む。）をするときまでは、適用しない。

(3) The provisions of Article 39-4 paragraph (2) and Article 39-7 paragraph (2) of the new Act do not apply to a general ship other than those prescribed in the preceding paragraph which is actually docked in a port or a mooring facility in Japan at the time of the enforcement of this Act, until it departs from a port in Japan (including leaving from the specified sea area prescribed in Article 39-4, paragraph (2) of the new Act) for the first time on or after the effective date.

第三条　タンカー油濁損害の原因となった最初の事実が附則第一条第一号に掲げる規定の施行前に生じた場合における当該タンカー油濁損害については、なお従前の例による。

Article 3 (1) Prior laws continue to govern the tanker oil pollution damage if the first event which caused the tanker oil pollution damage occurred before the enforcement of the provisions listed in Article 1, item (i) of the Supplementary Provisions.

２　附則第一条第一号に掲げる規定による改正後の油濁損害賠償保障法（以下この条において「新法」という。）第二十八条第一項又は第二項の規定によりその受取量を報告すべき特定油に係る油受取人は、追加基金議定書第十八条第四項に規定するいずれか早い日までの間は、新法第三十条の三において読み替えて準用する新法第三十条の規定にかかわらず、追加基金議定書第十一条、第十二条第一項及び第十八条の規定により、追加基金議定書第十条の年次拠出金を追加基金（追加基金議定書第二条第一項に規定する二千三年の油による汚染損害の補償のための追加的な国際基金をいう。）に納付しなければならない。

(2) Notwithstanding the provisions of Article 30 of the Act on Liability for Oil Pollution Damage amended by the provisions listed in Article 1, item (i) of the Supplementary Provisions (hereinafter referred to as the "new Act" in this Article) as applied mutatis mutandis by replacing the terms and phrases in Article 30-2 of the new act, an oil receiver of specified oil who should report the received amount pursuant to the provisions of Article 28, paragraph (1) or (2) of the new Act, must pay the annual contribution referred to in Article 10 of the Supplementary Fund Protocol to the Supplementary Fund (the International Fund for Compensation for Oil Pollution Damage of 2003, as provided for in Article 2, paragraph (1) of the Supplementary Fund Protocol) in accordance with Articles 11, 12, paragraph (1) and 18 of the Supplementary Fund Protocol before the earliest date provided for in Article 18, paragraph (4) of the Supplementary Fund Protocol.

第四条　国土交通大臣は、施行日前においても、新法第三十九条の六において準用する新法第十七条の規定の例により、一般船舶について一般船舶油濁損害賠償等保障契約が締結されていることを証する書面（以下この条において「一般船舶保障証明書」という。）を交付することができる。

Article 4 (1) The Minister of Land, Infrastructure, Transport and Tourism may issue a document certifying that a compensation contract for general ship oil pollution damage has been concluded for general ships (hereinafter referred to as a "general ship certificate of liability" in this Article) in accordance with the provisions of Article 17 of the new Act as applied mutatis mutandis pursuant to Article 39-6 of the new Act, even prior to the effective date.

２　前項の規定により交付した一般船舶保障証明書は、その交付後施行日までの間に国土交通省令で定める事由が生じたときを除き、施行日以後は、新法第三十九条の六において読み替えて準用する新法第十七条第一項に規定する書面とみなす。

(2) On and after the effective date, a general ship certificate of liability issued pursuant to the provisions of the preceding paragraph is deemed to be a document prescribed in Article 17, paragraph (1) of the new Act as applied mutatis mutandis following the deemed replacement of the terms and phrases in Article 39-6 of the new Act, except the case in which any event specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism occurs after issuance and prior to the effective date.

３　一般船舶保障証明書の様式並びに交付及び再交付その他一般船舶保障証明書に関し必要な事項は、国土交通省令で定める。

(3) The format of a general ship certificate of liability, and its issuance and reissuance, and other necessary matters concerning a general ship certificate of liability are prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

４　一般船舶保障証明書の交付又は再交付を申請しようとする者は、国土交通省令で定めるところにより、手数料を納付しなければならない。

(4) A person who seeks to apply for issuance or reissuance of general ship certificate of liability must pay the fee prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

５　偽りその他不正の手段により一般船舶保障証明書の交付又は再交付を受けた者は、一年以下の懲役又は五十万円以下の罰金に処する。

(5) A person who has secured issuance or reissuance of a general ship certificate of liability through deception or other wrongful means is subject to imprisonment for not more than 1 year or a fine of not more than 500,000 yen.

（罰則に関する経過措置）

(Transitional Measures Concerning Penal Provisions)

第五条　施行日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 5 Prior laws continue to govern the applicability of penal provisions for any acts committed prior to the effective date.

（政令への委任）

(Delegation to Cabinet Order)

第六条　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必要となる経過措置は、政令で定める。

Article 6 Beyond what is provided for in Article 2 through the preceding Article of the Supplementary Provisions, transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.

附　則　〔平成二十九年六月二日法律第四十五号〕

Supplementary Provisions [Act No. 45 of June 2, 2017]

この法律は、民法改正法の施行の日から施行する。ただし、第百三条の二、第百三条の三、第二百六十七条の二、第二百六十七条の三及び第三百六十二条の規定は、公布の日から施行する。

This Act comes into effect as of the date of enforcement of the Civil Code Amendment Act; provided, however, that the provisions of Article 103-2, Article 103-3, Article 267-2, Article 267-3, and Article 362 come into effect as of the date of promulgation.

附　則　〔平成三十年四月二十五日法律第二十号〕〔抄〕

Supplementary Provisions [Act No. 20 of April 25, 2018 Extract] [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　〔平成三十年五月二十五日法律第二十九号〕〔抄〕

Supplementary Provisions [Act No. 29 of May 25, 2018 Extract] [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。ただし、附則第五十条及び第五十二条の規定は、公布の日から施行する。

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; provided, however, that the provisions of Article 50 and Article 52 of the Supplementary Provisions come into effect as of the date of promulgation.

（船舶油濁損害賠償保障法の一部改正に伴う経過措置）

(Transitional Measures upon Partial Amendment of the Act on Liability for Oil Pollution Damage)

第四十二条　附則第十六条に規定する場合における前条の規定による改正前の船舶油濁損害賠償保障法第四十条第一項の先取特権の効力及び順位については、前条の規定による改正後の船舶油濁損害賠償保障法第四十条の規定にかかわらず、なお従前の例による。

Article 42 Notwithstanding the provisions of Article 40 of the Act on Liability for Oil Pollution Damage amended by the provisions of the preceding Article, prior laws continue to govern the effect and order of the priority of the statutory liens referred to in Article 40, paragraph (1) of the Act on Liability for Oil Pollution Damage prior to amendment by the provisions of the preceding Article in cases prescribed in Article 16 of the Supplementary Provisions.

（罰則に関する経過措置）

(Transitional Measures Concerning Penal Provisions)

第五十一条　施行日前にした行為及び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における施行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 51 Prior laws continue to govern the applicability of penal provisions for any acts committed prior to the effective date or acts committed on or after the effective date in cases where prior laws continue to govern pursuant to the provisions of these Supplementary Provisions.

（政令への委任）

(Delegation to Cabinet Order)

第五十二条　この附則に規定するもののほか、この法律の施行に関し必要な経過措置は、政令で定める。

Article 52 Beyond what is provided for in these supplementary provisions, transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.

附　則　〔令和元年五月三十一日法律第十八号〕〔抄〕

Supplementary Provisions [Act No. 18 of May 31, 2019 Extract] [Extract]

（施行期日）

(Effective Date)

第一条　この法律は、二千一年の燃料油による汚染損害についての民事責任に関する国際条約及び二千七年の難破物の除去に関するナイロビ国際条約が日本国について効力を生ずる日から施行する。ただし、次条並びに附則第六条及び第十五条の規定は、同日前の政令で定める日から施行する。

Article 1 This Act comes into effect as of the date on which the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001, and the Nairobi International Convention on the Removal of Wrecks, 2007 come into effect in Japan; provided, however, that the provisions of the following Article and Articles 6 and 15 of the Supplementary Provisions come into effect as of the date specified by Cabinet Order prior to that date.

（経過措置）

(Transitional Measures)

第二条　国土交通大臣は、この法律の施行の日（以下「施行日」という。）前においても、この法律による改正後の船舶油濁等損害賠償保障法（以下「新法」という。）の次の各号に掲げる規定の例により、当該各号に定める書面を交付することができる。

Article 2 (1) Even prior to the effective date of this Act (hereinafter referred to as the "effective date"), the Minister of Land, Infrastructure, Transport and Tourism may issue the documents specified in the following items in accordance with the provisions listed in the respective items of the Act on Liability for Oil Pollution Damage amended by this Act (hereinafter referred to as the "new Act"):

一　新法第四十四条において準用する新法第十七条　一般船舶等油濁損害賠償保障契約が締結されていることを証する書面

(i) Article 17 of the new Act as applied mutatis mutandis pursuant to Article 44 of the new Act: a document certifying that a general ship oil pollution damage compensation contract has been concluded;

二　新法第五十二条において準用する新法第十七条　難破物除去損害賠償保障契約が締結されていることを証する書面

(ii) Article 17 of the new Act as applied mutatis mutandis pursuant to Article 52 of the new Act: a document certifying that a contract on compensation for damage arising from the removal of wrecks has been concluded.

２　前項の規定により交付した書面は、その交付後施行日までの間に国土交通省令で定める事由が生じたときを除き、施行日以後は、次の各号に掲げる書面の区分に応じ、当該各号に定める書面とみなす。

(2) The documents issued pursuant to the provisions of the preceding paragraph are deemed to be the documents specified in the following items for the categories of documents listed respectively in those items on and after the effective date, except when any event specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism occurs during the period from the delivery of the documents to the effective date:

一　前項第一号に定める書面　新法第四十五条第一項に規定する保障契約証明書

(i) documents specified in item (i) of the preceding paragraph: certificates of compensation contract prescribed in Article 45, paragraph (1) of the new Act;

二　前項第二号に定める書面　新法第五十三条第一項に規定する保障契約証明書

(ii) documents specified in item (ii) of the preceding paragraph: certificates of compensation contract prescribed in Article 53, paragraph (1) of the new Act.

３　第一項第一号及び第二号に定める書面の様式並びに交付及び再交付その他当該書面に関し必要な事項は、国土交通省令で定める。

(3) The format of the documents specified in paragraph (1), items (i) and (ii), its issuance and reissuance, and other necessary matters concerning the documents are prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

４　第一項第一号又は第二号に定める書面の交付又は再交付を申請しようとする者は、国土交通省令で定めるところにより、手数料を納付しなければならない。

(4) A person who seeks to apply for issuance or reissuance of the documents specified in paragraph (1), items (i) and (ii) must pay the fee prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

５　偽りその他不正の手段により第一項第一号又は第二号に定める書面の交付又は再交付を受けた者は、一年以下の懲役又は五十万円以下の罰金に処する。

(5) A person who has secured issuance or reissuance of the documents specified in paragraph (1), items (i) and (ii) through deception or other wrongful means is subject to imprisonment for not more than 1 year or a fine of not more than 500,000 yen.

第三条　新法の次の各号に掲げる規定は、当該各号に定める損害について適用し、この法律による改正前の船舶油濁損害賠償保障法（以下「旧法」という。）第二条第七号の二に規定する一般船舶油濁損害の原因となった最初の事実が施行日前に生じた場合における当該一般船舶油濁損害については、なお従前の例による。

Article 3 (1) The provisions listed in the following items of the new Act apply to the damage specified in those items, and prior laws continue to govern general ship oil pollution damage if the first event that caused the general ship oil pollution damage prescribed in Article 2, item (vii)-2 of the Act on Liability for Oil Pollution Damage prior to amendment by this Act (hereinafter referred to as the "former Act") occurs before the effective date:

一　新法第六章及び第四十三条　新法第二条第十六号に規定する一般船舶等油濁損害の原因となった最初の事実が施行日以後に生じた場合における当該一般船舶等油濁損害

(i) Chapter VI and Article 43 of the new Act: the damage caused by general ship oil pollution, etc. provided in Article 2, item (xvi) of the new Act if the first event that caused the damage caused by general ship oil pollution, etc. occurs on or after the effective date;

二　新法第八章及び第五十一条　新法第二条第十七号に規定する難破物除去損害の原因となった最初の事実が施行日以後に生じた場合における当該難破物除去損害

(ii) Chapter VIII and Article 51 of the new Act: the damage by the removal of wrecks provided in Article 2, item (xvii) of the new Act if the first event that caused damage arising from the removal of wrecks occurs on or after the effective date.

２　新法の次の各号に掲げる規定は、この法律の施行の際現に本邦内の港又は係留施設にある船舶で当該各号に定めるものについては、施行日以後初めて本邦内の港から出港をするときまでは、適用しない。

(2) The provisions listed in the following items of the new Act do not apply to a ship that is in a port or mooring facility in Japan at the time of the enforcement of this Act and that is provided for in the relevant item until it departs from a port in Japan for the first time on or after the effective date:

一　新法第四十一条第二項及び第四十五条第二項　日本国籍を有しないタンカー又は一般船舶（いずれも総トン数が千トンを超えるものに限り、その航行に際し新法第二条第七号に規定する燃料油等を用いることを要しないものを除く。）

(i) Article 41, paragraph (2) and Article 45, paragraph (2) of the new Act: a tanker or a general ship without Japanese nationality (limited to those with a gross tonnage exceeding 1,000 tons and excluding those which are not required to use bunker oil, etc. as prescribed in item (vii) of Article 2 of the new act for navigation);

二　新法第四十九条第二項及び第五十三条第二項　日本国籍を有しないタンカー又は一般船舶（いずれも総トン数が三百トン以上のものに限る。）

(ii) Article 49, paragraph (2) and Article 53, paragraph (2) of the new Act: a tanker or a general ship without Japanese nationality (limited to those with a gross tonnage exceeding 300 tons).

３　新法第六十一条の規定は、新法第二条第八号に規定する難破物が生じた最初の事実が施行日前に生じたものである場合には、適用しない。

(3) The provisions of Article 61 of the new Act do not apply if the first event causing the occurrence of the wrecks prescribed in Article 2, item (viii) of the new Act occurred before the effective date.

第四条　次の各号に掲げる一般船舶についてこの法律の施行の際現に締結されている旧法第三十九条の四第一項に規定する保障契約は、当該各号に定める契約とみなす。

Article 4 (1) A compensation contract prescribed in Article 39-4, paragraph (1) of the former Act which is actually concluded at the time of the enforcement of this Act with respect to a general ship listed in the following items is deemed to be a contract prescribed in the respective items:

一　総トン数が三百トン以上千トン以下の一般船舶　新法第四十一条第一項に規定する保障契約

(i) general ships with a gross tonnage of 300 tons or more and 1,000 tons or less: compensation contracts prescribed in Article 41, paragraph (1) of the new Act;

二　総トン数が百トン以上三百トン未満の一般船舶　新法第四十一条第一項及び第四十九条第一項に規定する保障契約

(ii) general ships with a gross tonnage of 100 tons or more and 300 tons or less: compensation contracts prescribed in Article 41, paragraph (1) and Article 49, paragraph (1) of the new Act.

２　次の各号に掲げる契約に係る旧法第三十九条の七第一項に規定する書面は、当該各号に定める書面とみなす。この場合において、新法第四十四条及び第五十二条中「第十四条」とあるのは「第十四条の規定」と、新法第四十四条中「第四十二条」とあり、及び新法第五十二条中「第五十条」とあるのは「国土交通省令で定める基準」とする。

(2) The documents prescribed in Article 39-7, paragraph (1) of the former act pertaining to the contracts listed in the following items are deemed to be the documents specified respectively in those items; in these cases, the phrase "Article 14" in Articles 44 and 52 of the new Act is deemed to be replaced with "the provisions of Article 14"; the phrase "Article 42" in Article 44 of the new Act and the phrase "Article 50" in Article 52 of the new Act are deemed to be replaced with "standards specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism":

一　前項の規定により同項第一号に定める契約とみなされる契約（次号に掲げる契約を除く。）　新法第四十五条第一項に規定する保障契約証明書

(i) contracts deemed to be contracts specified in item (i) of the preceding paragraph pursuant to the provisions of that paragraph (excluding contracts listed in the following item): certificates of compensation contract prescribed in Article 45, paragraph (1) of the new Act;

二　前項の規定により同項第二号に定める契約とみなされる契約　新法第四十五条第一項及び第五十三条第一項に規定する保障契約証明書

(ii) contracts deemed to be contracts specified in item (ii) of the preceding paragraph pursuant to the provisions of that paragraph: certificates of compensation contract prescribed in Article 45, paragraph (1) and Article 53, paragraph (1) of the new Act.

（罰則に関する経過措置）

(Transitional Measures Concerning Penal Provisions)

第五条　施行日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 5 Prior laws continue to govern the applicability of penal provisions to any act committed prior to the effective date.

（政令への委任）

(Delegation to Cabinet Order)

第六条　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必要となる経過措置は、政令で定める。

Article 6 Beyond what is provided for in Article 2 through the preceding Article of the Supplementary Provisions, transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.

（調整規定）

(Adjustment Provisions)

第十四条　施行日が民法の一部を改正する法律の施行に伴う関係法律の整備等に関する法律の施行の日以後となる場合には、前条の規定は、適用しない。

Article 14 The provisions of the preceding Article do not apply if the effective date comes on or after the effective date of the Act on Coordination of Related Acts in Connection with Enforcement of the Act Partially Amending the Civil Code.

附　則　〔令和四年六月十七日法律第六十八号〕〔抄〕

Supplementary Provisions [Act No. 68 of June 17, 2022 Extract] [Extract]

（施行期日）

(Effective Date)

１　この法律は、刑法等一部改正法施行日から施行する。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。

(1) This Act comes into effect as of the effective date of the Act Partially Amending the Penal Code, etc.; provided, however, that the provisions listed in the following items come into effect as of the dates prescribed respectively in the relevant item:

一　第五百九条の規定　公布の日

(i) the provisions of Article 509: the day of promulgation;