

# 排他的経済水域における漁業等に関する主権的権利の行使等に関する法律

## Act on the Exercise of the Sovereign Right for Fishery, etc. in the Exclusive Economic Zone

(平成八年六月十四日法律第七十六号)

(Act No. 76 of June 14, 1996)

(趣旨)

(Purpose)

第一条 この法律は、海洋法に関する国際連合条約に定める権利を的確に行使することにより海洋生物資源の適切な保存及び管理を図るため、排他的経済水域における漁業等に関する主権的権利の行使等について必要な措置を定めるものとする。

Article 1 This Act establishes necessary measures for the exercise of the sovereign right for fishery, etc. in the exclusive economic Zone for the purpose of ensuring appropriate preservation and management of living marine resources by suitably exercising the right provided for in the United Nations Convention on the Law of the Sea.

(定義)

(Definitions)

第二条 この法律において「漁業」とは、水産動植物の採捕又は養殖の事業（漁業等付随行為を含む。）をいう。

Article 2 (1) "Fishery" as used in this Act means the undertaking of the harvest or cultivation of aquatic animals and plants (including acts incidental to fishery, etc.).

2 この法律において「漁業等付随行為」とは、水産動植物の採捕又は養殖に付随する探索、集魚、漁獲物の保蔵又は加工、漁獲物又はその製品の運搬、船舶への補給その他これらに準ずる行為で農林水産省令で定めるものをいう。

(2) "Fishery Incidental Acts" as used in this Act mean acts that are incidental to the harvest or cultivation of aquatic animals and plants such as the search for fish, collection of fish, storage or processing of fish catches, transport of fish catches or products made therefrom, supply to vessels and other similar acts and that are provided for in the Ordinance of the Ministry of Agriculture, Forestry and Fisheries.

3 この法律において「探索」とは、水産動植物の採捕に資する水産動植物の生息状況の調査であって水産動植物の採捕を伴わないものをいい、「探査」とは、探索のうち漁業等付随行為に該当しないものをいう。

(3) "Search" as used in this Act means the investigation of the habitat status of aquatic animals and plants that contributes to, but does not involve, the

harvest of aquatic animals and plants, and "Survey" means a Search that does not fall under the Fishery Incidental Acts.

4 この法律において「外国人」とは、次に掲げるものをいう。

(4) "Foreign Nationals" as used in this Act means the following persons:

一 日本の国籍を有しない者。ただし、適法に我が国に在留する者で農林水産大臣の指定するものを除く。

(i) Persons who do not have Japanese nationality, except for those who stay in Japan lawfully and are specified by the Minister of Agriculture, Forestry and Fisheries.

二 外国、外国の公共団体若しくはこれに準ずるもの又は外国法に基づいて設立された法人その他の団体

(ii) Foreign states, public organizations or similar ones in Foreign states, or juridical persons and other organizations established on the basis of foreign laws.

(排他的経済水域における外国人の漁業等に関する法令の適用等)

(Application of Laws and Regulations Regarding Fishery, etc. by Foreign Nationals in Exclusive Economic Zone)

第三条 外国人が我が国の排他的経済水域（以下単に「排他的経済水域」という。）において行う漁業、水産動植物の採捕（漁業に該当するものを除き、漁業等付随行為を含む。以下同じ。）及び探査（以下この条において「排他的経済水域における外国人の漁業等」という。）に関しては、この法律の定めるところによる。

Article 3 (1) The Fishery, harvest of aquatic animals and plants (which excludes those falling under Fishery and includes Fishery Incidental Acts; the same shall apply hereinafter) and Surveys engaged in by Foreign Nationals in Japan's Exclusive Economic Zone (hereinafter simply referred to as the "Exclusive Economic Zone") (hereinafter referred to in this Article as the "Fishery, etc. by Foreign Nationals in Exclusive Economic Zone") shall be governed by this Act.

2 排他的経済水域における外国人の漁業等に関しては、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）第三条第一項の規定にかかわらず、政令で定める法律（これに基づく命令を含む。）の規定は、適用しない。

(2) Notwithstanding the provision of paragraph 1 of Article 3 of the Act on the Exclusive Economic Zone and Continental Shelf (Act No. 74 of 1996), provisions of Acts provided for in a Cabinet Order (including those of orders based thereon) shall not apply to the Fishery, etc. by Foreign Nationals in the Exclusive Economic Zone.

3 排他的経済水域における外国人の漁業等に関する法令の適用に関する技術的読替えについては、政令で必要な規定を設けることができる。

(3) Cabinet Order may provide for necessary provisions for the technical replacement relating to the application of laws and regulations regarding

Fishery, etc. by Foreign Nationals in the Exclusive Economic Zone.

(漁業等の禁止)

(Prohibition of Fishery)

第四条 外国人は、排他的経済水域のうち次に掲げる海域（その海底を含む。以下「禁止海域」という。）においては、漁業又は水産動植物の採捕を行ってはならない。ただし、その水産動植物の採捕が農林水産省令で定める軽易なものであるときは、この限りでない。

Article 4 (1) Foreign Nationals shall not engage in the Fishery or the harvest of aquatic animals and plants in the sea area of the Exclusive Economic Zone (including the sea bed; hereinafter referred to as "Prohibited Sea Area") listed below; provided, however, that this shall not apply in the event that the harvest of aquatic animals and plants in question is a minor one provided for in the Ordinance of the Ministry of Agriculture, Forestry and Fisheries:

一 領海及び接続水域に関する法律（昭和五十二年法律第三十号）附則第二項に規定する特定海域である海域（我が国の基線（同法第二条第一項に規定する基線をいう。以下この号において同じ。）から、いずれの点をとっても我が国の基線上の最も近い点からの距離が十二海里である線までの海域に限る。）

(i) Sea area is the specified sea area set forth in paragraph 2 of the Supplementary Provisions of the Act on Territorial Waters and Contiguous Water Area (Act No. 30 of 1977) (which is limited to a sea area where the distance from the nearest point on the baseline of Japan (which means the baseline set forth in paragraph 1 of Article 2 of said Act; the same shall apply hereinafter in this item) to any point on such line does not exceed 12 nautical miles).

二 海洋生物資源の保護又は漁業調整のため必要な海域として農林水産大臣の定める海域

(ii) The sea area provided for by the Minister of Agriculture, Forestry and Fisheries as the sea area necessary for the protection of living marine resources or the adjustment of fishery.

2 外国人は、禁止海域（前項第一号の海域に限る。）においては、政令で定める場合を除き、漁獲物又はその製品を転載し、又は積み込んで서는ならない。

(2) Foreign Nationals shall not transship or load fish catches or products made therefrom in the Prohibited Sea Area (which is limited to the sea area under item (i) of the preceding paragraph) except for cases provided for in a Cabinet Order.

(漁業等の許可)

(Permission for Fishery)

第五条 外国人は、排他的経済水域（禁止海域を除く。次条第一項及び第二項、第八条並びに第九条において同じ。）においては、農林水産省令で定めるところにより、漁

業又は水産動植物の採捕に係る船舶ごとに、農林水産大臣の許可を受けなければ、漁業又は水産動植物の採捕を行ってはならない。ただし、次の各号の一に該当するときは、この限りでない。

Article 5 (1) Foreign Nationals shall not engage in the Fishery or the harvest of aquatic animals and plants in the Exclusive Economic Zone (excluding the Prohibited Sea Area; the same shall apply in paragraphs 1 and 2 of the following Article, Article 8 and Article 9) unless they obtain the permission of the Minister of Agriculture, Forestry and Fisheries for each vessel engaging in the Fishery or the harvest of aquatic animals and plants as provided for in the Ordinance of the Ministry of Agriculture, Forestry and Fisheries; provided, however, that this shall not apply in cases falling under any one of the following items:

一 その水産動植物の採捕が前条第一項ただし書の農林水産省令で定める軽易なものであるとき。

(i) The harvest of aquatic animals and plants in question is a minor one provided for in the Ordinance of the Ministry of Agriculture, Forestry and Fisheries under the proviso of paragraph 1 of the preceding Article.

二 その水産動植物の採捕が第八条の承認を受けて行われるものであるとき。

(ii) The harvest of aquatic animals and plants in question is engaged in with the authorization under Article 8.

三 その漁業等付随行為が第九条の承認を受けて行われるものであるとき。

(iii) The Fishery Incidental Acts in question is engaged in with the authorization under Article 9.

2 農林水産大臣は、前項の許可をしたときは、農林水産省令で定めるところにより、その外国人に許可証を交付する。

(2) In the event that the Minister of Agriculture, Forestry and Fisheries grants the permission set forth in the preceding paragraph, he/she shall issue a certificate of permission to the Foreign Nationals in question as provided for in the Ordinance of the Ministry of Agriculture, Forestry and Fisheries.

3 第一項の許可を受けた外国人は、農林水産省令で定めるところにより、その行う漁業又は水産動植物の採捕に係る船舶にその旨を見やすいように表示し、かつ、当該船舶に前項の許可証を備え付けておかなければならない。

(3) Foreign Nationals who have obtained permission under paragraph 1 shall display the fact in a prominent manner on their vessels that are engaging in the Fishery or the harvest of aquatic animals and plants, and shall keep the certificate of permission set forth in the preceding paragraph in such vessels, as provided for in the Ordinance of the Ministry of Agriculture, Forestry and Fisheries.

(許可の基準等)

(Standard for Permission)

第六条 農林水産大臣は、前条第一項の許可の申請があつた場合において、その申請に係る漁業又は水産動植物の採捕が、国際約束その他の措置によりの確に実施されること、外国人が排他的経済水域において行う漁業又は水産動植物の採捕につき農林水産省令で定める区分ごとに農林水産大臣の定める漁獲量の限度を超えないことその他政令で定める基準に適合すると認められるときでなければ、当該申請に係る許可をしてはならない。

Article 6 (1) In the event that an application for the permission under paragraph 1 of the preceding Article is made, the Minister of Agriculture, Forestry and Fisheries shall not grant permission pertaining to such application unless the Fishery or the harvest of aquatic animals and plants pertaining to such application is conducted in a reliable manner on the basis of international agreement or other arrangements, the Fishery or the harvest of aquatic animals and plants engaged in by the Foreign Nationals in the Exclusive Economic Zone does not exceed the limit for the quantity of fish catches provided for by the Minister of Agriculture, Forestry and Fisheries for respective classifications provided for in the Ordinance of the Ministry of Agriculture, Forestry and Fisheries and conforms to other standards provided for in a Cabinet Order.

2 前項の規定による漁獲量の限度の決定は、政令で定めるところにより、排他的経済水域における科学的根拠を有する海洋生物資源の動向及び我が国漁業者の漁獲の実情を基礎とし、排他的経済水域における外国人による漁業の状況、外国周辺水域における我が国漁業の状況等を総合的に考慮して行われなければならない。

(2) The limit for the quantity of fish catches pursuant to the provision set forth in the preceding paragraph shall be decided, as provided for in a Cabinet Order, on the basis of trends, having scientific grounds, regarding living marine resources and the actual situation of fish catches by Japan's fishery operators in the Exclusive Economic Zone, taking the situation of the Fishery by the Foreign Nationals in the Exclusive Economic Zone and Japan's Fishery in the surrounding waters of foreign states or others comprehensively into consideration.

3 海洋生物資源の保存及び管理に関する法律（平成八年法律第七十七号）第二条第二項に規定する漁獲可能量を定める同条第六項に規定する第一種特定海洋生物資源について第一項の規定による漁獲量の限度の決定を行う場合には、前項に定めるところによるほか、当該漁獲可能量を基礎としなければならない。

(3) The decision on the limit for the quantity of fish catches pursuant to the provision of paragraph 1 with regard to the first category of specific living marine resources set forth in paragraph 6 of Article 2 of the Act on the Preservation and Control of the Living Marine Resources (Act No. 77 of 1996) that sets forth the maximum quantities for fish catches specified in paragraph 2 of said Article shall be made on the basis of such maximum quantities for fish catches in addition to what is provided for in the preceding paragraph.

(入漁料)

(Fishing Fee)

第七条 外国人は、第五条第二項の規定により許可証の交付を受けるときに、政令で定める額の入漁料を国に納付しなければならない。

Article 7 (1) Foreign Nationals shall pay the fishing fee in the amount provided for in a Cabinet Order to the national government at the time when they receive the issuance of the certificate of permission pursuant to the provision of paragraph 2 of Article 5.

2 特別の事由がある場合には、政令で定めるところにより、前項の入漁料を減額し、又は免除することができる。

(2) In the event that any special circumstance exists, the fishing fee set forth in the preceding paragraph may be reduced in its amount or exempted as provided for in a Cabinet Order.

3 前二項に定めるもののほか、入漁料に関し必要な事項は、政令で定める。

(3) In addition to what is provided for in the preceding two paragraphs, matters necessary for the fishing fee shall be prescribed by a Cabinet Order.

(試験研究等のための水産動植物の採捕の承認)

(Authorization for the Harvest of Aquatic Animals and Plants for Test and Research)

第八条 外国人は、排他的経済水域において、試験研究その他の農林水産省令で定める目的のために水産動植物の採捕を行おうとするときは、農林水産省令で定めるところにより、水産動植物の採捕に係る船舶ごとに、農林水産大臣の承認を受けなければならない。ただし、その水産動植物の採捕が第四条第一項ただし書の農林水産省令で定める軽易なものであるとき、又はその漁業等付随行為が次条の承認を受けて行われるものであるときは、この限りでない。

Article 8 In the event that Foreign Nationals intend to carry out the harvest of aquatic animals and plants in the Exclusive Economic Zone for test and research or other purposes provided for in the Ordinance of the Ministry of Agriculture, Forestry and Fisheries, they shall obtain the authorization of the Minister of Agriculture, Forestry and Fisheries for each vessel engaging in the harvest of aquatic animals and plants as provided for in the Ordinance of the Ministry of Agriculture, Forestry and Fisheries; provided, however, that this shall not apply in cases where the harvest of aquatic animals and plants in question is a minor one provided for in the Ordinance of the Ministry of Agriculture, Forestry and Fisheries under the proviso of paragraph 1 of Article 4, or in cases where the Fishery Incidental Acts in question are engaged in with the authorization under the following Article.

(外国人以外の者が行う漁業に係る漁業等付随行為等の承認)

(Authorization for Fishery Incidental Acts Pertaining to Fishery by Persons  
Other Than Foreign Nationals)

第九条 外国人は、排他的経済水域において、外国人以外の者が当該水域において行う漁業又は水産動植物の採捕に係る漁業等付随行為を行おうとするときは、農林水産省令で定めるところにより、漁業等付随行為に係る船舶ごとに、農林水産大臣の承認を受けなければならない。

Article 9 In the event that Foreign Nationals intend to engage in Fishery Incidental Acts, in the Exclusive Economic Zone, pertaining to the Fishery or the harvest of aquatic animals and plants that are engaged in by persons other than the Foreign Nationals in said Water Area, they shall obtain the authorization of the Minister of Agriculture, Forestry and Fisheries for each vessel engaging in the Fishery Incidental Acts as provided for in the Ordinance of the Ministry of Agriculture, Forestry and Fisheries

(探査の承認)

(Authorization for Surveys)

第十条 外国人は、排他的経済水域において、探査を行おうとするときは、農林水産省令で定めるところにより、探査に係る船舶ごとに、農林水産大臣の承認を受けなければならない。

Article 10 In the event that Foreign Nationals intend to engage in a Survey in the Exclusive Economic Zone, they shall obtain the authorization of the Minister of Agriculture, Forestry and Fisheries for each vessel engaging in the Survey as provided for in the Ordinance of the Ministry of Agriculture, Forestry and Fisheries.

(手数料等)

(Fees)

第十一条 前三条の承認の申請をする外国人は、実費を勘案して政令で定める額の手数を国に納付しなければならない。

Article 11 (1) Foreign Nationals who apply for authorization under the preceding three Articles shall pay the fee, the amount of which shall be provided for in a Cabinet Order taking the actual costs into consideration.

2 第五条第二項及び第三項の規定は前三条の承認について、第七条第二項の規定は前項の手数料について準用する。

(2) The provisions of paragraphs 2 and 3 of Article 5 shall apply mutatis mutandis to the authorization under the preceding three Articles, and the provision of paragraph 2 of Article 7 shall apply mutatis mutandis to the fee in the preceding paragraph.

(制限又は条件)

(Restrictions or Conditions)

第十二条 第五条第一項の許可又は第八条から第十条までの承認には、制限又は条件を付し、及びこれを変更することができる。

Article 12 Restrictions or conditions may be attached to the permission under paragraph 1 of Article 5 or the authorization under Article 8 through to Article 10, or they may be changed.

(許可等の取消し等)

(Rescission of Permission)

第十三条 農林水産大臣は、第五条第一項の許可又は第九条の承認を受けた外国人が法令又は前条の制限若しくは条件に違反したときは、期間を定めて排他的経済水域における漁業又は水産動植物の採捕の停止を命じ、又は第五条第一項の許可又は第九条の承認を取り消すことができる。

Article 13 (1) In the event that the Foreign Nationals who have received the permission under paragraph 1 of Article 5 or the authorization under Article 9 violate laws and regulations or restrictions or conditions under the preceding Article, the Minister of Agriculture, Forestry and Fisheries may establish a period and order them to suspend the Fishery or the harvest of aquatic animals and plants in the Exclusive Economic Zone, or may rescind the permission under paragraph 1 of Article 5 or the authorization under Article 9.

2 農林水産大臣は、第八条又は第十条の承認を受けた外国人が法令又は前条の制限若しくは条件に違反したときは、第八条又は第十条の承認を取り消すことができる。

(2) In the event that the Foreign Nationals who have received the authorization under Article 8 or 10 violate laws and regulations or restrictions or conditions under the preceding Article, the Minister of Agriculture, Forestry and Fisheries may rescind the authorization under Article 8 or 10.

(大陸棚の定着性種族に係る漁業等への準用等)

(Mutatis Mutandis Application to Fishery, etc. Pertaining to Fixative Species on the Continental Shelf)

第十四条 第三条から前条までの規定は、大陸棚（排他的経済水域及び大陸棚に関する法律第二条に規定する区域をいう。）であって排他的経済水域でない区域の定着性種族（海洋法に関する国際連合条約第七十七条4に規定する定着性の種族に属する生物をいう。次項において同じ。）に係る漁業、水産動植物の採捕及び探査について準用する。この場合において、必要な技術的読替えは、政令で定める。

Article 14 (1) The provisions of Article 3 through to the preceding Article shall apply mutatis mutandis to the Fishery, the harvest of aquatic animals and plants and the Survey pertaining to fixative species (which means living creatures belonging to the fixative species set forth in 4 of Article 77 of the United Nations Convention on the Law of the Sea; the same shall apply in the following paragraph) in the area which is on the continental shelf (which means the area set forth in Article 2 of the Act on the Exclusive Economic Zone



and Continental Shelf) but not in the Exclusive Economic Zone. In this case, any necessary technical replacement shall be provided for in a Cabinet Order.

2 前項において読み替えて準用する第四条第一項、第五条第一項及び第八条から第十条までの定着性種族は、農林水産大臣が告示する。

(2) Fixative species under paragraph 1 of Article 4, paragraph 1 of Article 5 and Article 8 through to Article 10 that are replaced and apply mutatis mutandis in the preceding paragraph shall be announced publicly by the Minister of Agriculture, Forestry and Fisheries.

(溯さく河性資源の保存及び管理)

(Preservation and Control of Anadromous Resources)

第十五条 我が国は、排他的経済水域の外側の海域においても我が国の内水面において産卵する溯さく河性資源について、海洋法に関する国際連合条約第六十六条1の第一義的利益及び責任を有する。

Article 15 Japan shall have the primary interest and responsibility under 1 of Article 66 of the United Nations Convention on the Law of the Sea even in the sea area outside the Exclusive Economic Zone with regard to anadromous resources that lay eggs in Japan's inland water.

(行政手続法の適用除外)

(Exclusion from Application of Administrative Procedure Act)

第十六条 この法律の規定による処分については、行政手続法（平成五年法律第八十八号）第二章及び第三章の規定は、適用しない。

Article 16 The provisions in Chapters II and III of the Administrative Procedure Act (Act No. 88 of 1993) shall not apply to the disposition pursuant to the provisions of this Act.

(政令等への委任)

(Delegation to Cabinet Order)

第十七条 この法律の規定に基づき政令又は農林水産省令を制定し、又は改廃する場合においては、その政令又は農林水産省令で、その制定又は改廃に伴い合理的に必要と判断される範囲内において、所要の経過措置（罰則に関する経過措置を含む。）を定めることができる。

Article 17 (1) In cases where a Cabinet Order or an Ordinance of the Ministry of Agriculture, Forestry and Fisheries is established, revised or abolished on the basis of the provisions of this Act, necessary transitional measures (including transitional measures on penal provisions) may be provided by such Cabinet Order or Ordinance of the Ministry of Agriculture, Forestry and Fisheries within the scope reasonably considered necessary as a result of such establishment, revision or abolition.

2 この法律に別段の定めがあるものを除くほか、第二十四条から第二十六条までの規

定の実施に必要な手続その他これらの規定の施行に必要な事項については、主務省令で、その他この法律の実施に必要な手続その他その施行に必要な事項については、農林水産省令で定める。

(2) In addition to matters separately provided for in this Act, procedures necessary to implement provisions of Article 24 through to Article 26 and other matters necessary to enforce such provisions shall be provided for in an ordinance of the competent ministry, and other procedures necessary to implement this Act and other matters necessary to enforce it shall be provided for in the Ordinance of the Ministry of Agriculture, Forestry and Fisheries.

(罰則)

(Penal Provisions)

第十八条 次の各号の一に該当する者は、千万円以下の罰金に処する。

Article 18 Any person who falls under any one of the following items shall be punished by fine of no more than ten million yen:

一 第四条第一項（第十四条第一項において準用する場合を含む。）若しくは第二項、第五条第一項（第十四条第一項において準用する場合を含む。次号において同じ。）又は第十条（第十四条第一項において準用する場合を含む。次条において同じ。）の規定に違反した者

(i) Persons who violate the provision of paragraph 1 (including the cases where it is applied mutatis mutandis pursuant to paragraph 1 of Article 14) or paragraph 2 of Article 4, paragraph 1 of Article 5 (including the cases where it is applied mutatis mutandis pursuant to paragraph 1 of Article 14; the same shall apply in the following item) or Article 10 (including the cases where it is applied mutatis mutandis pursuant to paragraph 1 of Article 14; the same shall apply in the following Article);

二 第十二条（第十四条第一項において準用する場合を含む。以下この号及び次条において同じ。）の規定により第五条第一項の許可に付された制限又は条件（第十二条の規定により変更されたものを含む。）に違反した者

(ii) Persons who violate the restrictions or conditions (including those changed pursuant to the provision of Article 12) attached to the permission under paragraph 1 of Article 5 pursuant to the provision of Article 12 (including the cases where it is applied mutatis mutandis pursuant to paragraph 1 of Article 14; the same shall apply in this item and the following Article);

三 第十三条第一項（第十四条第一項において準用する場合を含む。）の規定による命令に違反した者

(iii) Persons who violate the order pursuant to the provision of paragraph 1 of Article 13 (including the cases where it is applied mutatis mutandis pursuant to paragraph 1 of Article 14).

第十九条 第十二条の規定により第八条（第十四条第一項において準用する場合を

む。）、第九条（第十四条第一項において準用する場合を含む。）又は第十条の承認に付された制限又は条件（第十二条の規定により変更されたものを含む。）に違反した者は、五十万円以下の罰金に処する。

Article 19 Any person who violates the restrictions or conditions (including those changed pursuant to the provision of Article 12) attached to the authorization under Article 8 (including the cases where it is applied mutatis mutandis pursuant to paragraph 1 of Article 14), Article 9 (including the cases where it is applied mutatis mutandis pursuant to paragraph 1 of Article 14) or Article 10 pursuant to the provision of Article 12 shall be punished by fine of no more than five hundred thousand yen.

第二十条 前二条の場合においては、犯人が所有し、又は所持する漁獲物及びその製品、船舶又は漁具その他漁業、水産動植物の採捕若しくは探査の用に供される物は、没収することができる。ただし、犯人が所有していたこれらの物件の全部又は一部を没収することができないときは、その価額を追徴することができる。

Article 20 In the cases of the preceding two Articles, fish catches or products made therefrom, vessels or fishing equipment or other articles used for the Fishery, the harvest of aquatic animals and plants or the Survey owned or possessed by offenders may be confiscated; provided, however, that in the event that it is impossible to confiscate these articles owned by the offenders, in whole or in part, the value of them may be collected.

第二十一条 第五条第三項（第十四条第一項において準用する場合を含む。）又は第十一条第二項において準用する第五条第三項（第十四条第一項において準用する場合を含む。）の規定に違反した者は、二十万円以下の罰金に処する。

Article 21 Any person who violates the provisions of paragraph 3 of Article 5 (including the cases where it is applied mutatis mutandis pursuant to paragraph 1 of Article 14) or paragraph 3 of Article 5 as applied mutatis mutandis pursuant to paragraph 2 of Article 11 (including the cases where it is applied mutatis mutandis pursuant to paragraph 1 of Article 14) shall be punished by fine of no more than two hundred thousand yen.

第二十二条 法人の代表者又は法人若しくは人の代理人、使用人その他の従業者が、その法人又は人の業務又は財産に関して、第十八条、第十九条又は前条の違反行為をしたときは、行為者を罰するほか、その法人又は人に対し、各本条の刑を科する。

Article 22 In the event that a representative person of a juridical person, or agents, employees or other workers of a juridical person or an individual commits acts of violation under Article 18, Article 19 or the preceding Article in connection with the business or property of such juridical person or individual, the punishment under the respective Articles in question shall be imposed on not only the person who commits such acts but also the juridical

person or individual.

(第一審の裁判権の特例)

(Special Exception to Jurisdiction of First Instance)

第二十三条 この法律の規定に違反した罪に係る訴訟の第一審の裁判権は、地方裁判所にも属する。

Article 23 The jurisdiction of the first instance of a suit pertaining to crimes as a result of the violation of the provisions of this Act shall also reside with a district court.

(担保金等の提供による釈放等)

(Release by Offer of Cash Collateral)

第二十四条 この法律の規定に違反した罪その他の政令で定める罪に当たる事件（以下「事件」という。）に関して拿だ捕（船舶を押収し、又は船長その他の乗組員を逮捕することをいう。以下同じ。）が行われた場合には、司法警察員である者であって政令で定めるもの（以下「取締官」という。）は、当該拿だ捕に係る船舶の船長（船長に代わってその職務を行う者を含む。）及び違反者に対し、遅滞なく、次に掲げる事項を告知しなければならない。ただし、事件が政令で定める外国人が行う漁業、水産動植物の採捕又は探査に係るものであるときは、この限りでない。

Article 24 (1) In the event that a seizure (which means to seize vessels or to arrest the master of a vessel or other crew members; the same shall apply hereinafter) is executed in connection with a crime that violates the provisions of this Act or an incident falling under other crimes provided for in a Cabinet Order (hereinafter referred to as "Incident"), a person who is a judicial police officer and is provided for in a Cabinet Order (hereinafter referred to as "Law-enforcement Officer") shall notify the master of the vessel (including a person who takes the duty on behalf of the master of the vessel) involved in such seizure and the offender of the points listed below without delay; provided, however, that this shall not apply in the event that the Incident relates to the Fishery, the harvest of aquatic animals and plants or the Survey that are provided for in a Cabinet Order and are conducted by the Foreign Nationals.

一 担保金又はその提供を保証する書面が次条第一項の政令で定めるところにより主務大臣に対して提供されたときは、遅滞なく、違反者は釈放され、及び船舶その他の押収物（以下「押収物」という。）は返還されること。

(i) The offender is released and the vessel and other seized articles (hereinafter referred to as "Seized Articles") will be returned without delay in the event that the cash collateral or a document that certifies such cash collateral will be provided is presented to the competent minister as provided for in a Cabinet Order under paragraph 1 of the following Article;

二 提供すべき担保金の額

(ii) The amount of cash collateral to be provided.

2 前項第二号の担保金の額は、事件の種別及び態様その他の情状に応じ、政令で定めるところにより、主務大臣の定める基準に従って、取締官が決定するものとする。

(2) The amount of cash collateral under item (ii) of the preceding paragraph shall be decided by the Law-enforcement Officer on the basis of the standard prescribed by the competent minister, depending on the category and type of the Incident or other circumstances, as provided for in a Cabinet Order.

第二十五条 前条第一項の規定により告知した額の担保金又はその提供を保証する書面が政令で定めるところにより主務大臣に対して提供されたときは、主務大臣は、遅滞なく、その旨を取締官又は検察官に通知するものとする。

Article 25 (1) In the event that the cash collateral to the amount announced pursuant to the provision of paragraph 1 of the preceding Article, or the document that certifies it will be provided, is offered to the competent minister as provided for in a Cabinet Order, the competent minister shall notify the Law-enforcement Officer or the public prosecutor of such fact without delay.

2 取締官は、前項の規定による通知を受けたときは、遅滞なく、違反者を釈放し、及び押収物を返還しなければならない。

(2) In the event that the Law-enforcement Officer is notified pursuant to the provision set forth in the preceding paragraph, he/she shall release the offender and return the Seized Articles without delay.

3 検察官は、第一項の規定による通知を受けたときは、遅滞なく、違反者の釈放及び押収物の返還に関し、必要な措置を講じなければならない。

(3) In the event that the public prosecutor is notified pursuant to the provision of paragraph 1, he/she shall take necessary measures for the release of the offender and the return of the Seized Articles without delay.

第二十六条 担保金は、主務大臣が保管する。

Article 26 (1) The cash collateral shall be retained by the competent minister.

2 担保金は、事件に関する手続において、違反者がその求められた期日及び場所に出頭せず、又は返還された押収物で提出を求められたものがその求められた期日及び場所に提出されなかったときは、当該期日の翌日から起算して一月を経過した日に、国庫に帰属する。ただし、当該期日の翌日から起算して一月を経過する日までに、当該期日の翌日から起算して三月を経過する日以前の特定の日に出席し又は当該押収物を提出する旨の申出があったときは、この限りでない。

(2) In the event that the offender fails to show up in person, or a part of the returned Seized Articles required to be submitted is not submitted, on the date and at the place required in the proceedings relating to the Incident, the cash collateral shall belong to the national treasury from the date when one month has elapsed counting from the following day of such date; provided, however, that this shall not apply in the event that an application is made, no later than the date on which one month has elapsed counting from the following day of

such date, to the effect that the offender will show up in person, or such Seized Articles will be submitted on a specific date earlier than the date on which three months will have elapsed counting from the following day of such date.

3 前項ただし書の場合において、当該申出に係る特定の日に違反者が出頭せず、又は当該押収物が提出されなかったときは、担保金は、その日の翌日に、国庫に帰属する。

(3) In the case of the proviso of the preceding paragraph and in the event that the offender fails to show up in person, or the Seized Articles are not submitted, on the specific date pertaining to such application, the cash collateral shall belong to the national treasury from the following day after such date.

4 担保金は、事件に関する手続が終結した場合等その保管を必要としない事由が生じた場合には、返還する。

(4) The cash collateral shall be returned in the event that the proceedings relating to the Incident are completed or any event arises that makes it no longer necessary to keep it.

(主務大臣等)

(Competent Minister)

第二十七条 前三条における主務大臣及び第十七条第二項における主務省令は、政令で定める。

Article 27 The competent minister in the preceding three Articles and the ordinance of the competent ministry under paragraph 2 of Article 17 shall be provided for in a Cabinet Order.

附 則 [抄]

Supplementary Provisions [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、海洋法に関する国際連合条約が日本国について効力を生ずる日から施行する。

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

(対象水域の明確化)

(Clarification of Subject Water Area)

第一条の二 第三条第一項の規定の適用については、当分の間、同項中「排他的経済水域（）」とあるのは「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）第四条の条約の規定により我が国が漁業、水産動植物の採捕（漁業に該当するものを除き、漁業等付随行為を含む。以下同じ。）及び探査に関する主権的権利を行使する水域の範囲について調整が行われるときは、その調整後の水域とする。）」と、「水産動植物の採捕（漁業に該当するものを除き、漁業等付随行為

を含む。以下同じ。）」とあるのは「水産動植物の採捕」とする。

Article 1-2 For the time being, with respect to the application of the provision of paragraph 1 of Article 3, "Exclusive Economic Zone (" and "the harvest of aquatic animals and plants (which excludes those falling under Fishery and includes Fishery Incidental Acts; the same shall apply hereinafter)" in said paragraph shall be replaced with "Exclusive Economic Zone (in the event that the water area in which Japan exercises its sovereign right for the Fishery, the harvest of aquatic animals and plants (which excludes those falling under Fishery and includes Fishery Incidental Acts; the same shall apply hereinafter) and the Survey is adjusted pursuant to the provision of the treaty under Article 4 of the Act on the Exclusive Economic Zone and Continental Shelf (Act No. 74 of 1996), the water area after such adjustment;" and with "the harvest of aquatic animals and plants" respectively.

第一条の三 前条の規定により読み替えて適用される第三条第一項に規定する調整が行われる場合における同項に規定する主権的権利に関する排他的経済水域及び大陸棚に関する法律第三条の規定の適用については、同条第一項第一号中「排他的経済水域」とあるのは、「排他的経済水域（排他的経済水域における漁業等に関する主権的権利の行使等に関する法律（平成八年法律第七十六号）附則第一条の二の規定により読み替えて適用される同法第三条第一項の排他的経済水域をいう。以下この条において同じ。）」とする。

Article 1-3 With respect to the application of the provision of Article 3 of the Act on the Exclusive Economic Zone and Continental Shelf relating to the sovereign right set forth in paragraph 1 of Article 3 in the event of the adjustment set forth in said paragraph as replaced and applied mutatis mutandis pursuant to the provision of the preceding Article, the "Exclusive Economic Zone" under item (i) of paragraph 1 of said Article shall be replaced with the "Exclusive Economic Zone (which means the Exclusive Economic Zone under paragraph 1 of Article 3 of Act on the Exercise of the Sovereign Right for Fishery, etc. in the Exclusive Economic Zone (Act No. 76 of June 14, 1996) as replaced and applied mutatis mutandis pursuant to the provision of Article 1-2 of the Supplementary Provisions of said Act; the same shall apply in this Article)"

(適用の特例)

(Special Exception for Application)

第二条 第四条から第十三条まで（第十四条第一項において準用する場合を含む。）及び第十四条第二項の規定については、政令で、当該規定ごとに外国人及び海域を指定して適用しないこととすることができる。ただし、政令で期限を定めたときは、その期限までの間に限る。

Article 2 With respect to the provisions of Article 4 through to Article 13

(including cases in which said provisions are applied mutatis mutandis pursuant to the provision of paragraph 1 of Article 14) and of paragraph 2 of Article 14, it may be provided for in a Cabinet Order that these provisions are not applicable by designating the Foreign National and the sea area in each relevant provision; provided, however, that in the event that the period is provided for in a Cabinet Order, such exclusion of application shall only be valid until the expiration of such period.

(漁業水域に関する暫定措置法の廃止)

(Repeal of the Act on Temporary Measures Concerning Fishery Waters)

第三条 漁業水域に関する暫定措置法（昭和五十二年法律第三十一号）は、廃止する。  
Article 3 The Act on Temporary Measures Concerning Fishery Waters (Act No. 31 of 1977) shall be abolished.

(旧法の規定に基づく処分又は手続の効力)

(Validity of Disposition or Procedure Based on Former Act)

第四条 この法律による廃止前の漁業水域に関する暫定措置法（以下「旧法」という。）又はこれに基づく命令の規定によってした許可、承認その他の処分又は申請その他の手続は、この附則に別段の定めがある場合を除き、この法律又はこれに基づく命令の相当規定によってした許可、承認その他の処分又は申請その他の手続とみなす。  
Article 4 Permission, authorization and other dispositions or application and other procedures made on the basis of the provisions of the Act on Temporary Measures Concerning Fishery Waters prior to the repeal by this Act (hereinafter referred to as "Former Act") or orders based on the Former Act shall be deemed as the permission, authorization and other dispositions or application and other procedures made on the basis of the corresponding provision of this Act or of orders based on this Act, unless otherwise specifically provided for in these Supplementary Provisions.

(許可証又は承認証に関する経過措置)

(Transitional Measures for Certificate of Permission or Certificate of Authorization)

第五条 この法律の施行の際現に旧法の規定により交付されている許可証又は承認証は、この法律の相当規定により交付された許可証又は承認証とみなす。

Article 5 Certificates of permission or certificates of authorization that are actually issued pursuant to the provisions of the Former Act at the time of the enforcement of this Act shall be deemed as certificates of permission or certificates of authorization that are issued pursuant to the corresponding provision of this Act.

(罰則の適用に関する経過措置)



(Transitional Measures for Application of Penal Provisions)

第六条 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 6 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

(第一審の裁判権の特例に関する経過措置)

(Transitional Measures for Special Exceptions to Jurisdiction of First Instance)

第七条 旧法の規定に違反した罪に係る訴訟の第一審の裁判権の特例に関する旧法の規定の適用については、なお従前の例による。

Article 7 With regard to the application of provisions of the Former Act on the special exceptions to the jurisdiction of the first instance of a suit pertaining to crimes as a result of the violation of the provisions of the Former Act, the provisions then in force shall remain applicable.

(担保金等の提供による釈放等に関する経過措置)

(Transitional Measures for Release by Offer of Cash Collateral, etc.)

第八条 旧法第二十三条第一項に規定する事件に関する同条から旧法第二十六条までの規定の適用に関しては、なお従前の例による。

Article 8 With regard to the application of provisions of Article 23 through to Article 26 of the Former Act pertaining to the Incident set forth in paragraph 1 of Article 23 of said Act, the provisions then in force shall remain applicable.

(政令への委任)

(Delegation to Cabinet Order)

第九条 附則第四条から前条までに規定するもののほか、この法律の施行に関して必要な経過措置は、政令で定める。

Article 9 In addition to what is provided for in Article 4 through to the preceding Article of the Supplementary Provisions, necessary transitional measures for the enforcement of this Act shall be prescribed by a Cabinet Order.

附 則 〔平成十年十二月十八日法律第百四十九号〕

**Supplementary Provisions [Act No. 149 of December 18, 1998]**

(施行期日)

(Effective Date)

第一条 この法律は、漁業に関する日本国と大韓民国との間の協定の効力発生の日から施行する。

Article 1 This Act shall come into effect as from the date on which the Agreement between Japan and the Republic of Korea Pertaining to the Fishery

comes into effect.

(日本国と大韓民国との間の漁業に関する協定の実施に伴う同協定第一条 1 の漁業に関する水域の設定に関する法律の廃止)

(Repeal of the Act on the Establishment of the Sea Area Pertaining to the Fishery under 1 of Article 1 of the Agreement between Japan and the Republic of Korea Pertaining to Fishery as a Result of the Enforcement of said Agreement)

第二条 日本国と大韓民国との間の漁業に関する協定の実施に伴う同協定第一条 1 の漁業に関する水域の設定に関する法律（昭和四十年法律第百四十五号）は、廃止する。

Article 2 The Act on the Establishment of the Sea Area Pertaining to Fishery under 1 of Article 1 of the Agreement between Japan and the Republic of Korea Pertaining to the Fishery as a Result of the Enforcement of said Agreement (Act No. 145 of 1965) shall be abolished.

(罰則の適用に関する経過措置)

(Transitional Measures for Application of Penal Provisions)

第三条 この法律の施行前にした行為に対する罰則の適用については、なお従前の例による。

Article 3 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

附 則 〔平成十三年六月二十九日法律第九十一号〕 〔抄〕

**Supplementary Provisions [Act No. 91 of June 29, 2001] [Extract]**

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して九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 shall come into effect as from the date specified by a Cabinet Order within a period not exceeding nine months from the day of promulgation.