

# Act on Port Regulations

(Act No. 174 of July 15, 1948)

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## **Chapter I General Provisions**

(Objective of Act)

Article 1 The purpose of this Act is to ensure the safety of marine traffic and good order in a port.

(Port and its Area)

Article 2 Ports to which this Act applies and their area shall be provided for in the Cabinet Order.

(Definition)

Article 3 (1) The term "Miscellaneous Vessels" as used in this Act means steam launches, barges, boats and other ships operated solely by oars and paddles or those operated mainly by oars and paddles.

(2) The term "Specified Port" as used in this Act means a port in which deep-draft vessels enter and leave, or a port in which foreign vessels enter and leave on a steady basis, and that is specified by the Cabinet Order.

## **Chapter II Entrance into and Leave from Ports and Berthing**

(Notification of Entrance into and Leave from Ports)

Article 4 When vessels enter into, or intend to leave from the Specified Port, they shall notify the Captain of the port as provided for in the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

(Anchorage)

Article 5 (1) Vessels berthing in the Specified Port shall berth at a specified area of such Specified Port according to their tonnage or to the kind of shipment as provided for in the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

(2) When vessels provided for in the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism intend to berth in the Specified Port provided for in the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, they shall have a place to anchor (hereinafter referred to as "Anchorage") designated by the Captain of the port unless they berth at mooring buoys, landing piers, quays or other facilities where vessels berth (hereinafter referred to as "Mooring Facility"). In this case, the Captain of the port shall designate the Anchorage within the specified area prescribed in the preceding paragraph unless specific circumstances exist.

(3) When the Captain of the port finds specifically necessary, it may designate the Anchorage to entering vessels from among the Specified Port other than those prescribed in the preceding paragraph.

(4) Notwithstanding the provision of paragraph 1, vessels that have the Anchorage designated pursuant to the provision of the preceding two paragraphs shall berth at such Anchorage.

(5) When administrators of the Mooring Facility at the Specified Port provide such Mooring Facility for the purpose of berthing vessels, they shall notify the Captain of the port of such circumstance in advance as provided for in the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

(6) When the Captain of the port finds necessary for the safety of the marine traffic, it may restrict or prohibit the administrators of the Mooring Facility at the Specified Port from providing such Mooring Facility for the purpose of berthing vessels.

(7) The Captain of the port and the administrators of the Mooring Facility at the Specified Port shall mutually offer favors for signals or other communication made with vessels in connection with the designation of the Anchorage or the use of the Mooring Facility.

## Article 6 Deletion

(Restriction on Moving)

Article 7 (1) Except for cases of Article 4, paragraph 1 of Article 8, Article 10 and Article 23, vessels other than Miscellaneous Vessels shall not move into an area outside the specified area where they berth pursuant to the provision of paragraph 1 of Article 5 or from the Anchorage designated by the Captain of the port without obtaining the permission of the Captain of the port; provided, however, that this shall not apply to the cases in which they intend to keep

away from a marine accident or other compelling reasons exist.

- (2) When they move pursuant to the provision of the proviso of the preceding paragraph, such vessels shall notify the Captain of the port of such circumstance without delay.

(Repair and Tagging)

Article 8 (1) Any person who intends to repair or moor vessels other than Miscellaneous Vessels in the Specified Port shall notify the Captain of the port of such circumstance.

- (2) Vessels being repaired or moored shall berth at a place designated by the Captain of the port in the Specified Port.

- (3) When the Captain of the port finds necessary to prevent a peril, it may order vessels being repaired or moored to have necessary number of mariners on board.

(Restriction on Mooring, etc.)

Article 9 In a port, Miscellaneous Vessels and rafts shall not be moored at mooring buoys or other vessels without good reason or shall not be berthed or stayed at a place that could obstruct the traffic of other vessels.

(Order of Moving)

Article 10 When the Captain of the port finds specifically necessary, it may order vessels berthing in the Specified Port to move.

(Restriction on Berthing)

Article 11 Matters necessary for the place in a port where the berthing or stay of vessels is prohibited or for the way of berthing shall be provided for in the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

### **Chapter III Passage and Navigation**

(Passage)

Article 12 When vessels other than Miscellaneous Vessels enter into or leave from or go through the Specified Port, they shall use the Passage provided for in the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism (hereinafter simply referred to as "Passage" until Article 37); provided, however, that this shall not apply to the cases in which they intend to keep away from a marine accident or other compelling reasons exist.

Article 13 Vessels shall not anchor or release a tugging vessel in the Passage except for the following items.

- (i) When they intend to keep away from a marine accident
- (ii) When they lose operability
- (iii) When they engage in the rescue of human lives or a vessel facing an imminence peril
- (iv) When they engage in construction or work with a permission of the Captain of the port pursuant to the provision of Article 31

(Navigation)

Article 14 (1) Vessels entering into the Passage from outside or going out of the Passage shall keep out of the way of other vessels navigating the Passage.

(2) Vessels shall not navigate in parallel in the Passage.

(3) When vessels pass each other in the Passage, they shall navigate on the right side.

(4) Vessels shall not overtake other vessels in the Passage.

Article 15 When a steamship can come across other steamships at an entrance of a breakwater of a port or in its vicinity, an entering steamship shall wait outside the breakwater to keep out of the way of a departing steamship.

Article 16 (1) Vessels shall navigate at such speed that would not cause a peril to other vessels in a port or in the vicinity of a boundary of a port.

(2) A sail boat shall navigate by reducing sails or using a tugboat in a port.

Article 17 In a port, when vessels navigate seeing a breakwater, a quay, a headland of other structures or berthing vessels on their starboard side, they shall navigate by approaching them as closely as possible, and when they navigate seeing them on their port side, they shall navigate by getting away from them as far as possible.

Article 18 (1) In a port, Miscellaneous Vessels shall keep out of the way of vessels other than Miscellaneous Vessels.

(2) Vessels, other than the Miscellaneous Vessels, the tonnage of which is or less such tonnage as the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism provides within the scope or less the gross tonnage of 500 ton (hereinafter referred to as "Small Ships") shall keep out of the way for vessels other than the Miscellaneous Vessels and the Small Ships in the Specified Port where the marine traffic provided for in the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism is extremely congested.

(3) When vessels other than the Miscellaneous Vessels and the Small Ships navigate in the Specified Port set forth in the preceding paragraph, they shall

hoist a sign of the style provided for in the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism in a prominent manner on mast.

Article 19 (1) When the Minister of Land, Infrastructure, Transport and Tourism finds that the navigation complying with the provisions of paragraph 3 or 4 of Article 14, Article 15 or Article 17 could cause a serious peril to the safety of marine traffic by reasons of the terrain, tidal current or other natural conditions in a port, it may, notwithstanding these provisions, provide for special regulations concerning the navigation in such port by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

(2) In addition to the provisions provided for in the preceding five Articles, the Minister of Land, Infrastructure, Transport and Tourism may provide for special regulations concerning the navigation in prescribed ports by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

Article 20 Deletion

#### **Chapter IV Dangerous Goods**

Article 21 (1) When vessels loaded with explosives or other dangerous goods (excluding those goods provided for such vessels: the same applies hereafter) intend to enter the Specified Port, they shall be directed by the Captain of the port outside the boundary of the port.

(2) The kind of dangerous goods set forth in the preceding paragraph shall be provided for by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

Article 22 In the Specified Port, vessels loaded with explosives or other dangerous goods shall not berth or stay at a place other than the place designated by the Captain of the port except for cases in which the Anchorage is designated for them; provided, however, that this shall not apply in the event that the Captain of the port judges, in view of the period of their berthing as well as kind, quantity and storage method of dangerous goods, that no peril would be caused and permits for vessels loaded with dangerous goods other than explosives.

Article 23 (1) When vessels intend to load, transship or unload dangerous goods in the Specified Port, they shall obtain a permission of the Captain of the port.

(2) When the Captain of the port judges that it is not suitable that works prescribed in the preceding paragraph is done in the Specified Port, it may designate a suitable place outside the boundary of the port and grant a

permission set forth in the preceding paragraph.

- (3) Vessels berthing or staying at the place designated pursuant to the provision of the preceding paragraph shall be deemed as those within the boundary of the port.
- (4) When that vessels intend to transport dangerous goods in the Specified Port or in the vicinity of the boundary of the Specified Port, they shall obtain a permission of the Captain of the port.

## **Chapter V Preservation of Waterway**

Article 24 (1) Any person shall not dump ballast, waste oil, cinders, garbage or other wastes of similar kinds without good reason in the Specified Port or in the water surface within 10,000 meters outside the boundary of the port.

- (2) Persons who intend to load coal, stone, brick or other objects that could be scattered with a vessel or to unload them from the vessel in a port or in the vicinity of the boundary of the port shall take necessary measures to prevent them from dropping in the water surface.
- (3) When the Captain of the port finds necessary, it may order persons who dump wastes in violation of the provision of paragraph 1, or who cause objects that could be scattered to be dropped in violation of the provision of the preceding paragraph, in the Specified Port to remove such dumped or dropped objects.

Article 25 When a situation arises in which the traffic of other vessels is impeded by a marine accident occurring in a port or in the vicinity of the boundary of the port, masters of vessels involved in such marine accident shall take necessary measures to prevent perils without delay such as the establishment of signs or others and shall report to the Captain of the port in case of the Specified Port, or to the head of the office of the nearest regional coast guard headquarters or the Captain of the port in case of ports other than the Specified Port; provided, however, that in the event that they notify pursuant to the provision of paragraph 1, 2 or 5 of Article 38, paragraph 1 of Article 42-2, paragraph 1 of Article 42-3 or paragraph 1 of Article 42-4-2 of the Act Pertaining to the Prevention of Marine Pollution and Maritime Disaster (Act No. 136 of 1970), they need not report matters so notified.

Article 26 When drifting objects, sunken objects or other objects in the Specified Port or in the vicinity of the boundary of the Specified Port could impede the marine traffic, the Captain of the port may order owners or possessors of such objects to remove them.

## **Chapter VI Lamp, etc.**

Article 27 (1) Vessels set forth in the main clause of paragraph 2 and of paragraph 5 of Article 25 of the Act on Preventing Collision at Sea (Act No. 62 of 1977) shall display in a port white portable lamps or lighted white lamps set forth in these provisions at a place that can be seen most easily from surrounding area, except for cases in which they display lamps pursuant to the provisions of these clauses or of paragraph 3 of said Article, notwithstanding the provisions of the proviso of paragraph 2 and of the proviso of paragraph 5 of said Article.

(2) Provisions of the proviso of paragraph 1 and of paragraph 7 of Article 27 of the Act Relating to the Prevention of Collision at Sea shall not apply to vessels in a port, the length of which is shorter than 12 meters.

Article 28 Vessels shall not blow a whistle or a siren in a port without good reason.

Article 29 Persons who intend to establish a private signal to be used in the Specified Port shall obtain a permission of the Captain of the port.

(Fire Warning)

Article 30 (1) Vessels in the Specified Port having a whistle or siren shall, when a fire occurs in such vessels, blow a prolonged sound (which means a prolonged sound under paragraph 3 of Article 32 of the Act on Preventing Collision at Sea) five times by using the whistle or siren as an warning for notifying a fire, except for cases in which they are navigating.

(2) The warning set forth in the preceding paragraph shall be repeated with a suitable interval.

Article 30-2 Vessels berthing in the Specified Port having a whistle or siren shall display in the vessels the method of the fire warning set forth in the preceding Article at an easily seen place for persons engaging in blowing the whistle or siren.

## **Chapter VII Miscellaneous Provisions**

(Permission for Construction, etc. and Notification of Launch, etc.)

Article 31 (1) Persons who intend to engage in constructions or works in the Specified Port or in the vicinity of the boundary of the Specified Port shall obtain a permission of the Captain of the port.

(2) When the Captain of the port grants a permission set forth in the preceding paragraph, it may order to take necessary measures for the safety of marine

traffic.

Article 32 Persons who intend to hold a boat race or other events in the Specified Port shall obtain a permission of the Captain of the port in advance.

Article 33 Persons who intend to cause a vessel, the length of which is longer than that provided for in the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, to launch or to enter into or leave from a dock in an area of the Specified Port provided for in the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism shall notify the Captain of the port of such circumstance.

Article 34 (1) Persons who intend to unload bamboo or wood from vessels onto the water surface, or to berth or operate rafts, in the Specified Port shall obtain a permission of the Captain of the port.

(2) When the Captain of the port grants a permission set forth in the preceding paragraph, it may order to take measures necessary for the safety of marine traffic.

(Restriction on Fishery)

Article 35 Fishery at a place in a port shall not be done without good reason where such fishery could interfere with marine traffic.

(Restriction on Lamp)

Article 36 (1) Any person shall not use a strong lamp without good reason that could interfere with marine traffic in a port or in the vicinity of the boundary of the port.

(2) The Captain of the port may order persons, who use a strong lamp that could interfere with marine traffic in the Specified Port or in the vicinity of the boundary of the Specified Port, to reduce the light or to cover such lamp.

(Restriction on Smoking, etc.)

Article 36-2 (1) In a port, any person shall not smoke or treat a fire in the vicinity of a tanker without paying due attention.

(2) When flammable liquid is floating in the Specified Port by reason of an occurrence of a marine accident or other circumstances and that the Captain of the port finds that a fire could occur, it may restrict or prohibit person in such water area to smoke or treat a fire; provided, however, that this shall not apply in the event that the provision of paragraph 1 of Article 42-5 of the Act Pertaining to the Prevention of Marine Pollution and Maritime Disaster applies.

(Restriction, etc. on Marine traffic)

Article 36-3 (1) Vessels navigating in a waterway in the Specified Port provided for in the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism shall comply with a signal given by the Captain of the port at a signal station for the purpose of traffic control.

(2) When vessels, the gross tonnage of which is greater than such tonnage as the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism provides, navigate in the waterway set forth in the preceding paragraph, they shall notify the Captain of the port of the estimated time when they navigate such waterway as provided for in the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

(3) The position of the signal station as well as the method and meaning of the signal under paragraph 1 shall be provided for in the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

Article 37 (1) When the Captain of the port finds necessary for the safety of the marine traffic, it may designate the Passage or an area in the Specified Port and restrict or prohibit the marine traffic.

(2) The Passage or area designated pursuant to the provision of the preceding paragraph and the period of restriction or prohibition shall be publicly announced by the Captain of the port.

(3) When a peril of marine traffic arises, or marine traffic could be congested, in the Specified Port by reason of an occurrence of a marine accident or other circumstances and that the Captain of the port finds necessary to prevent the peril, or relieve the congestion, in such water area, it may restrict or prohibit the navigation of vessels entering into such water area to the necessary limit; provided, however, that this shall not apply in the event that the provision of Article 42-8 of the Act Relating to the Prevention of Marine Pollution and Maritime Disaster applies.

(Regulations on Nuclear Power Vessels)

Article 37-2 (1) When the Captain of the port receives an instruction of the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provision of paragraph 4 of Article 36-2 of the Act on the Regulation of Nuclear Source Material, Nuclear Fuels Material and Reactors (Act No. 166 of 1957) or that it finds necessary to prevent a disaster caused by nuclear fuels material (including used fuels: the same shall apply hereafter), objects polluted by nuclear fuels material (including derivatives of atomic fission) or reactors, it may order nuclear power vessels in the Specified Port or in the vicinity of the boundary of the Specified Port to designate the Passage or a place to berth or

stay, to instruct the navigation, to restrict leaving or go away from the inside or the vicinity of the boundary of the Specified Port.

(2) Provision of paragraph 1 of Article 21 shall apply mutatis mutandis to cases in which nuclear power vessels enter into the Specified Port.

(Provision of Mutatis Mutandis Application)

Article 37-3 Provisions of Article 10, Article 26, Article 29, Article 31, paragraph 2 of Article 36, paragraph 2 of Article 36-2 and Article 36-3 through the preceding Article shall apply mutatis mutandis to ports other than the Specified Port. In this case, the authority of the Captain of the port set forth in these provisions shall be exercised by the head of the office of the regional coast guard headquarters that has jurisdiction over the location of such port and is provided for in the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

(Exclusion from Application of Administrative Procedure Act)

Article 37-4 (1) Provisions of Chapter 3 of the Administrative Procedure Act (Act No. 88 of 1993) shall not apply to the disposition pursuant to the provisions of Article 10 (including the cases where it is applied mutatis mutandis pursuant to the provision of the preceding Article), paragraph 1 of Article 21 (including the cases where it is applied mutatis mutandis pursuant to paragraph 2 of Article 37-2 (including the cases where it is applied mutatis mutandis pursuant to the provision of the preceding Article)), paragraph 2 of Article 36-2 or paragraph 3 of Article 37 (including the cases where it is applied mutatis mutandis pursuant to the provision of the preceding Article).

(2) In addition to the disposition provided for in the preceding paragraph, provisions of Chapter 3 of the Administrative Procedure Act shall not apply to the disposition that is conducted pursuant to the provision of the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism on the basis of this Act and is conducted at the site of such disposition for the purpose of ensuring the safety of marine traffic or good order in a port.

## **Chapter VIII Penal Provisions**

Article 38 In the following cases, any person who commits the act set forth in each item shall be punished by imprisonment with work of or less six months or fine or less fifty thousand yen.

(i) Person who violates the provision of Article 22, paragraph 1 or 4 of Article 23 or paragraph 1 of Article 21 as applied mutatis mutandis pursuant to paragraph 2 of Article 37-2 (including the cases where it is applied mutatis mutandis pursuant to the provision of Article 37-3)

- (ii) Person who violates the disposition pursuant to the provision of paragraph 1 of Article 37-2 (including the cases where it is applied mutatis mutandis pursuant to the provision of Article 37-3)

Article 39 In the following cases, any person who commits the act set forth in each item shall be punished by imprisonment with work of or less three months or fine or less thirty thousand yen.

- (i) Person who violates the provision of paragraph 1 of Article 5
- (ii) Person who berths without obtaining the designation pursuant to the provision of paragraph 2 of Article 5 or who berths at a place other than the Anchorage under paragraph 4 of said Article
- (iii) Person who violates the provision of paragraph 1 of Article 7, Article 12, Article 13 or paragraph 1 of Article 36-3 (including the cases where it is applied mutatis mutandis pursuant to the provision of Article 37-3)
- (iv) Person who violates the disposition pursuant to the provision of paragraph 3 of Article 8, Article 10 or paragraph 1 or 3 of Article 37 (including the cases where these provisions are applied mutatis mutandis pursuant to the provision of Article 37-3)

Article 40 Person who violates the provision of Article 25 shall be punished by imprisonment with work of or less three months or fine or less thirty thousand yen.

Article 41 Person who falls under any one of the following items shall be punished by imprisonment with work of or less three months or fine or less thirty thousand yen.

- (i) Person who violates the disposition pursuant to the provision of paragraph 3 of Article 24, Article 26, paragraph 2 of Article 31 or paragraph 2 of Article 36 (including the cases where these provisions are applied mutatis mutandis pursuant to the provision of Article 37-3)
- (ii) Person who violates the provision of paragraph 1 of Article 24 or paragraph 1 of 31 (including the cases where it is applied mutatis mutandis pursuant to the provision of Article 37-3)

Article 41-2 Person who violates the disposition pursuant to the provision of paragraph 2 of Article 36-2 (including the cases where it is applied mutatis mutandis pursuant to the provision of Article 37-3) shall be punished by fine or less thirty thousand yen.

Article 42 In case of violation of the provision of Article 4, paragraph 2 of Article 8, Article 21 or Article 35, the person who commits such violation shall be

punished by fine or less ten thousand yen or petty fine.

Article 43 Person who falls under any one of the following items shall be punished by fine or less ten thousand yen or petty fine.

(i) Person who violates the provision of paragraph 1 of Article 8, paragraph 2 of Article 24, Article 29 (including the cases where it is applied mutatis mutandis pursuant to the provision of Article 37-3), Article 32, Article 33 or paragraph 1 of Article 34

(ii) Person who violates the disposition pursuant to the provision of paragraph 2 of Article 34

Article 44 In case of violation of the provision of the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism pursuant to the provision of Article 11, the person who commits such violation shall be punished by fine or less ten thousand yen, misdemeanor imprisonment without work or petty fine.

Article 45 When a representative person of a juridical person, or agents, employees or other workers of a juridical person or an individual, commits the violation under Article 41 or Article 43 in connection with the business of such juridical person or an individual, the punishment of fine under the respective Articles shall be imposed on not only the person who commits such acts but also the juridical person or individual.