

Sustainable Aquaculture Production Assurance Act

(Act No. 51 of May 21, 1999)

(Purpose)

Article 1 The purpose of this Act is to assure sustainable aquaculture production, thereby contributing to the development of aquaculture and to a stable supply of aquatic products by taking measures to promote the improvement of aquaculture areas to be performed by Fisheries Cooperative Associations, and also by taking measures to prevent the spread of specified infectious diseases among farm-raised aquatic animals and plants.

(Definitions)

Article 2 (1) In this Act, "the improvement of an aquaculture area" refers to restoring the aquaculture area to or maintaining the aquaculture area in a state suitable for the growth of farm-raised aquatic animals or plants in the aquaculture area by decreasing the production of byproducts of the fish food, scattered therein which inhibit or are likely to inhibit the growth of farm-raised aquatic animals or plants, or by preventing the sedimentation of such byproducts on the bottom, and also by removing the causes promoting the occurrence and spread of infectious diseases among the farm-raised aquatic animals and plants or by reducing the effects of such causes.

(2) In this Act, "a specified disease" refers to an infectious disease of a farm-raised aquatic animals and plants, those are not confirmed to have occurred in Japan or has occurred in only one part of Japan and which is specified by ordinance of the Ministry of Agriculture, Forestry and Fisheries as a disease likely to seriously injure the farm-raised aquatic animals and plants if the disease spreads.

(3) In this Act, "assurance of sustainable aquaculture production" refers to maintaining each aquaculture area in good condition or improving the aquaculture area, and also to preventing the spread of specified diseases, to allow long-term stable aquaculture production to be maintained or increased.

(Basic Policy)

Article 3 (1) The Minister of Agriculture, Forestry and Fisheries shall establish the Basic Policy for assuring sustainable aquaculture production (hereinafter referred to as the "Basic Policy").

(2) The Basic Policy shall prescribe the following matters.

- (i) Matters concerning the improvement goals for aquaculture areas
- (ii) Matters concerning measures for improving aquaculture areas and for

- preventing the spread of specified diseases, and concerning the organization of aquaculture facilities
- (iii) Matters concerning the organization of a system for improving aquaculture areas and for preventing the spread of specified diseases
 - (iv) Other important matters concerning the improvement of aquaculture areas and prevention of the spread of specified diseases
- (3) The Minister of Agriculture, Forestry and Fisheries shall change the Basic Policy when necessary owing to any change in circumstances.
- (4) When the Minister of Agriculture, Forestry and Fisheries intends to establish or change the Basic Policy, he/she shall listen to the opinion of the Fisheries Policy Council.
- (5) When the Minister of Agriculture, Forestry and Fisheries establishes or changes the Basic Policy, he/she shall publish the change without delay.

(Authorization of Aquaculture Area Improvement Plan)

- Article 4 (1) A Fisheries Cooperative Association or a person having a demarcated fishery right (including a common of piscary) as provided in paragraph (2) of Article 6 of the Fishery Act (Act No. 267 of 1949) (hereinafter referred to as a "Fisheries Cooperative Association,") may prepare a Plan concerning the improvement of an aquaculture area (hereinafter referred to as an "Aquaculture Area Improvement Plan") on its own or jointly to assure sustainable aquaculture production based on the Basic Policy, and may be authorized as appropriate by the Governor concerned (or by the Governor having jurisdiction over the sea area that includes the largest portion of the water area covered by the Aquaculture Area Improvement Plan in the case where the water area covered by the Aquaculture Area Improvement Plan falls under the jurisdiction of two or more Governors, or by the Minister of Agriculture, Forestry and Fisheries in the case where the water area covered by said Aquaculture Area Improvement Plan includes an aquaculture area for which the Minister of Agriculture, Forestry and Fisheries exercises the authority of the Governor concerned pursuant to the provisions of Article 136 of the Fishery Act; the same shall apply in this Article and the following Article).
- (2) The Aquaculture Area Improvement Plan shall prescribe the following matters.
- (i) The water area concerned and the species of the farmed aquatic animals and plants
 - (ii) Improvement goal of the aquaculture area
 - (iii) Measures to be taken to improve the aquaculture area and their implementation time
 - (iv) Establishment of the facilities and organizational system necessary to

- improve the aquaculture area
- (v) Other matters provided by ordinance of the Ministry of Agriculture, Forestry and Fisheries
- (3) If the application for the authorization provided under paragraph (1) satisfies all of the following requirements, the Governor concerned shall grant the authorization.
- (i) The contents of the Aquaculture Area Improvement Plan conform to the Basic Policy.
- (ii) The contents of the Aquaculture Area Improvement Plan are appropriate for positively achieving the goal stated in item (ii) of the preceding paragraph.
- (iii) The contents of the Aquaculture Area Improvement Plan do not violate this Act, orders based on this Act or other relevant laws or regulations.
- (4) Before the Governor concerned authorizes an Aquaculture Area Improvement Plan partially covering a water area within the jurisdiction of another Governor, he/she shall discuss the Aquaculture Area Improvement Plan with the relevant Governor.

(Changes of Aquaculture Area Improvement Plan)

- Article 5 (1) When the Fisheries Cooperative Association, etc. authorized pursuant to paragraph (1) of the preceding Article (hereinafter referred to as "authorized Fisheries Cooperative Association") intends to change the Aquaculture Area Improvement Plan pertaining to said authorization, the change shall be subject to authorization by the Governor concerned.
- (2) When the Governor concerned finds that an authorized Fisheries Cooperative Association has not improved an aquaculture area in conformity with the Aquaculture Area Improvement Plan pertaining to the authorization of paragraph (1) of the preceding Article (or the changed Aquaculture Area Improvement Plan if the Aquaculture Improvement Plan has been changed pursuant to the provisions of the preceding paragraph; hereinafter referred to as the "authorized Aquaculture Area Improvement Plan"), he/she may rescind the authorization.
- (3) The provisions of paragraphs (3) and (4) of the preceding Article shall be applied mutatis mutandis to the authorization of paragraph (1).

(Exceptions to the Aquatic Industry Cooperative Association Act)

- Article 6 (1) In the case where a Fisheries Cooperative Association that has prepared an authorized Aquaculture Area Improvement Plan intends to issue a resolution on a change (excluding a change to a matter relevant to the qualification of any person having the right to operate a fishery provided in paragraph (1) of Article 8 of the Fishery Act; the same shall apply in paragraph

(4) to the Fishery Right Exercise Rule or Piscary Exercise Rule (referring to the Fishery Right Exercise Rule or Piscary Exercise Rule of the same paragraph) at a general meeting (including a sectional meeting of the general meeting and a representatives' meeting) in conformance with the contents of Article 4, paragraph (2), item (iii), in order to make the members of the association comply with the contents of the authorized Aquaculture Area Improvement Plan, the Fisheries Cooperative Association shall not be required to issue a resolution pursuant to the provisions of Article 50 of the Aquatic Industry Cooperative Association Act (Act No. 242 of 1948) (including cases where applied mutatis mutandis pursuant to paragraph (6) of Article 52 of the same Act; the same shall apply elsewhere in this paragraph) or paragraph (6) of Article 51-2 of the same Act, notwithstanding the provisions of Article 50 or paragraph (6) of Article 51-2 of the same Act, if the consent in writing of not fewer than two-thirds of the members having the right to operate the fishery covered by said fishery right or common of piscary (hereinafter referred to as "the specific members") is obtained pursuant to ordinance of the Ministry of Agriculture, Forestry and Fisheries.

(2) In the case of the preceding paragraph, if it is provided in the articles of incorporation of a Fisheries Cooperative Association that voting rights may be exercised by electromagnetic means pursuant to paragraph (3) of Article 21 of the Aquatic Industry Cooperative Association Act (electromagnetic means as provided in Article 11-2, paragraph (4) of the same), consents concerning a change to a Fishery Right Exercise Rule or Piscary Exercise Rule may be obtained via such electromagnetic means rather than in writing. In this case, said Fisheries Cooperative Association shall be deemed to have obtained said consents in writing.

(3) Consents concerning a change to a Fishery Right Exercise Rule or Piscary Exercise Rule obtained via electromagnetic means (excluding means provided by ordinance of the Ministry of Agriculture, Forestry and Fisheries under Article 11-2, paragraph (5) of the Aquatic Industry Cooperative Association Act) as provided in the preceding paragraph shall be deemed to have reached said Fisheries Cooperative Association when the consents have been recorded as a file on a computer used by the Fisheries Cooperative Association.

(4) In the case where a Federation of Fisheries Cooperative Associations which has prepared an authorized Aquaculture Area Improvement Plan intends to issue a resolution on a change to a Fishery Right Exercise Rule or a Piscary Exercise Rule as provided in paragraph (1) of this Article at a general meeting (including a representatives' meeting), to conform to the contents of the matter provided in Article 4, paragraph (2), item (iii) of this Act in order to make the members of the Federation of Fisheries Cooperative Associations comply with the contents of the authorized Aquaculture Area Improvement Plan,

notwithstanding the provisions of Article 50 of the Aquatic Industry Cooperative Association Act (including cases where applied mutatis mutandis pursuant to Article 52, paragraph (6) of the same Act which is then applied mutatis mutandis pursuant to Article 92, paragraph (3) of the same Act; hereinafter the same shall apply elsewhere in this paragraph) applied mutatis mutandis pursuant to paragraph (3) of Article 92 of the same Act, the Federation of Fisheries Cooperative Associations shall not be required to issue a resolution pursuant to the provisions of Article 50 of the same Act as applied mutatis mutandis pursuant to paragraph (3) of Article 92 of the same Act, if the consent of all of the member Fisheries Cooperative Associations respectively, directly or indirectly consisting of the specific members (hereinafter referred to as "Specific Members' Associations") is obtained pursuant to ordinance of the Ministry of Agriculture, Forestry and Fisheries.

(5) The provisions of paragraphs (1) through (3) shall be applied mutatis mutandis to the "Specific Members' Associations" of the Federation of Fisheries Cooperative Associations, which have prepared the authorized Aquaculture Area Improvement Plans.

(Recommendations,)

Article 7 (1) If any Governor (or the Minister of Agriculture, Forestry and Fisheries in the case where the Minister of Agriculture, Forestry and Fisheries exercises the authority of the Governor concerned pursuant to the provisions of Article 136 of the Fishery Act; hereinafter the same shall apply) finds that the state of an aquaculture area has markedly deteriorated due to use by a Fisheries Cooperative Association that does not comply with the Basic Policy, he/she shall advise said Fisheries Cooperative Association to prepare an Aquaculture Area Improvement Plan and take necessary measures to improve the aquaculture area.

(2) In the case where a Fisheries Cooperative Association advised pursuant to the preceding paragraph has not followed the recommendation, the Governor concerned may publish an official announcement to that effect.

(3) In the case where the Fisheries Cooperative Association advised pursuant to paragraph (1) does not take any measures pertaining to the advice without any justifiable reason even after the publication of an official announcement pursuant to the provisions of the preceding paragraph, the Governor concerned shall take any measure to improve the aquaculture area, or any other appropriate measure pursuant to the provisions of paragraph (1) or (4) of Article 34 of the Fishery Act he/she deems necessary for fishing industry regulation or any other public interest.

(4) When the Governor concerned intends to apply the provisions of Article 34, paragraph (4) of the Fishery Act pursuant to the provisions of the preceding

paragraph, he/she may place any restriction or condition on a fishery right, without the Marine Fisheries Regulatory Commission concerned (or the Freshwater Fisheries Management Commission concerned for freshwater aquaculture as provided in Article 8, paragraph (3) of the same Act) filing the application provided in the same paragraph. In this case, the provisions of Article 34, paragraph (2) and Article 37, paragraph (4) of the same Act shall be applied mutatis mutandis.

(Obligation to Report Specified Diseases)

Article 7-2 (1) When a person operating or engaged in aquaculture finds that any farm-raised aquatic animal or plant he/she owns or manages has actually or possibly contracted a specified disease, he/she shall notify the Governor having jurisdiction over the location of said farm-raised aquatic animals and plants to that effect without delay according to the procedure provided by ordinance of the Ministry of Agriculture, Forestry and Fisheries.

(2) A Governor who receives notification pursuant to the provisions of the preceding paragraph may order that an inspection of the notifying person's farm-raised aquatic animals and plants be performed.

(3) When a Governor finds that the disease actually or possibly contracted by a farm-raised aquatic animals and plants pertaining to a notification pursuant to the provisions of paragraph (1) is a specified disease or finds that an outbreak of any other specified disease has occurred, he/she shall report to the Minister of Agriculture, Forestry and Fisheries and to the other relevant Governors to that effect without delay according to the procedure provided by ordinance of the Ministry of Agriculture, Forestry and Fisheries.

(Restrictions on the Movement of Farm-Raised Aquatic Animals and Plants,)

Article 8 (1) When any Governor finds that a specified disease may spread, he/she may issue the orders listed in the following items to the extent required to prevent the spread of the disease.

(i) An order restricting or inhibiting the movement of a farm-raised aquatic animals and plants those have actually or possibly contracted a specified disease, issued to the person who owns or controls said farm-raised aquatic animals and plants.

(ii) An order to burn or bury the farm-raised aquatic animals and plants those have actually or possibly contracted a specified disease or to dispose of it by another method capable of destroying the infectiousness of the pathogen of the specified disease, issued to the person who owns or controls said farm-raised aquatic animals and plants.

(iii) An order restricting or inhibiting the movement of the farm-raised aquatic animals and plants (limited to an animal or plant located in the region

designated by the Governor concerned) likely to have contracted a specified disease, issued to the person who owns or controls said farm-raised aquatic animals and plants

- (iv) An order to sterilize fishing nets, fish reserves and any other articles provided by ordinance of the Ministry of Agriculture, Forestry and Fisheries, on which the pathogen of a specified disease is deposited or has likely been deposited, issued to the person who owns or controls said fishing nets, fish reserves or other articles
- (2) The Governor concerned shall report the implementation status and results of orders issued pursuant to the provisions of the preceding paragraph to the Minister of Agriculture, Forestry and Fisheries according to the procedure provided by ordinance of the Ministry of Agriculture, Forestry and Fisheries, and shall also report to the relevant Governors.
- (3) With regard to orders pursuant to the provisions of paragraph (1), appeals pursuant to the Act for the Examination of Appeals against Administrative Conduct (Act No. 160 of 1962) may not be filed.

(Compensation for Losses)

- Article 9 (1) In the event that a person suffers a loss due to any order pursuant to the provisions of paragraph (1) of the preceding Article, the Governor concerned shall compensate the person for ordinary losses caused by the order.
- (2) A person claiming compensation pursuant to the provisions of the preceding paragraph shall submit a written application stating the estimated compensation amount to the Governor concerned.
 - (3) If the Governor concerned receives an application under the preceding paragraph, he/she shall determine the compensation amount without delay and notify said applicant of the amount.
 - (4) Any person who is dissatisfied with the compensation amount determined under the preceding paragraph may ask for an increase in the compensation amount by filing an action within six months from the day when he/she receives notification of the determination.
 - (5) In an action under the preceding paragraph, the prefecture concerned (or the nation in a case where the Minister of Agriculture, Forestry and Fisheries exercises the authority of the Governor concerned pursuant to the provisions of Article 136 of the Fishery Act; the same shall apply in paragraph (3) of Article 13) shall be the defendant.

(Inspection, Injection, Immersion Bathing or other Drug Administration)

- Article 9-2 (1) When any Governor deems it necessary to prevent the spread of a specified disease, he/she may order any person who owns or manages the farm-raised aquatic animals and plants concerned to allow the farm-raised aquatic

animals and plants to undergo inspection, injection, immersion bathing or other drug administration.

(2) The provisions of paragraph (2) of Article 8 shall be applied mutatis mutandis to an order pursuant to the provisions of the preceding paragraph.

(Delivery of Certificate)

Article 9-3 When a person who owns or manages a farm-raised aquatic animals and plants that has undergone inspection pursuant to the provisions of paragraph (2) of Article 7-2 or the inspection, injection, immersion bathing or other drug administration pursuant to the provisions of paragraph (1) of the preceding Article requests a document certifying that the farm-raised aquatic animals and plants has undergone said inspection, injection, immersion bathing or other drug administration, the Governor concerned shall deliver a certificate as provided by ordinance of the Ministry of Agriculture, Forestry and Fisheries.

(On-site Inspection)

Article 10 (1) When a Governor finds it necessary to prevent an infectious disease in any farm-raised aquatic animals and plants, he/she may have his/her employees enter an aquaculture area or any other place actually or possibly contaminated by the pathogen of the infectious disease, inspect the farm-raised aquatic animals or plants or anything else found at the place, question relevant persons, and collect the farm-raised aquatic animals, plants or other objects to the extent required for inspection.

(2) Each employee who inspects a site, asks questions, or collects material for inspection pursuant to the provisions of the preceding paragraph shall have an identification card and shall show it to the relevant persons.

(3) The authority to inspect the site, ask questions and collect material for inspection pursuant to the provisions of paragraph (1) shall not be construed to include the authority to conduct a criminal investigation.

(Requests for Reports)

Article 11 When a Governor finds it necessary to prevent any infectious disease in any farm-raised aquatic animals and plants, he/she may request that the persons who own or manage the farm-raised aquatic animals and plants concerned report necessary matters according to the procedure provided by ordinance of the Ministry of Agriculture, Forestry and Fisheries.

(Notification of Occurrence of a New Disease)

Article 12 When any Governor finds that an outbreak of a new disease (meaning a disease in farm-raised aquatic animals and plants with symptoms obviously

different from those of already known infectious diseases; hereinafter the same shall apply) has occurred, he/she shall notify the Minister of Agriculture, Forestry and Fisheries to that effect according to the procedure provided by ordinance of the Ministry of Agriculture, Forestry and Fisheries.

(Fish Epidemic Prevention Officers and Fish Epidemic Prevention Assistants)

Article 13 (1) Each Governor shall appoint Fish Epidemic Prevention Officers from among his/her employees and have them engage in the work of preventing infectious diseases among farm-raised aquatic animals and plants as provided in this Act.

(2) Each Governor may commission some persons well versed in farm-raised aquatic animals and plants infectious diseases to work as Fish Epidemic Prevention Assistants.

(3) The Fish Epidemic Prevention Assistants shall respond to the consultations had with aquaculture farmers, give advice to the farmers, or engage in private activities for the prevention of infectious diseases in farmed aquatic animals and plants to promote the policies of the prefecture concerned.

(Promotion of Test and Research)

Article 14 The Minister of Agriculture, Forestry and Fisheries shall make efforts to conduct tests and research and to collect information necessary to prevent new diseases of which it is notified pursuant to the provisions of Article 12, and other farm-raised aquatic animals and plants infectious diseases .

(Guidance and Advice)

Article 15 Each Governor shall provide necessary guidance and advice to the Fisheries Cooperative Associations and to other aquaculture farmers in conformity with the Basic Policy to assure sustainable aquaculture production.

(Classification of Affairs)

Article 15-2 The affairs to be dealt with by each Governor pursuant to the provisions of Article 7-2, Article 8, paragraphs (1) and (2) (including cases where such provisions are applied mutatis mutandis pursuant to Article 9-2, paragraph (2)), Article 9, paragraphs (1) through (3), Article 9-2, paragraph (1) and Article 9-3 shall be deemed statutorily entrusted affairs pursuant to Article 2, paragraph (9), item (i) of the Local Autonomy Act (Act No. 67 of 1947).

(Transitional Measures)

Article 16 In the case where an order is established, revised or abolished based on the provisions of this Act, necessary transitional measures (including transitional measures concerning penal provisions) may be provided in the

order to the extent deemed reasonably necessary for the establishment, revision or abolition of the order.

(Penal Provisions)

Article 17 Any person who has violated an order pursuant to the provisions of Article 8, paragraph (1), item (i) shall be sentenced to imprisonment with labor for not more than three years or to a fine of not more than one million yen.

Article 18 Any person who falls under any of the following items shall be sentenced to imprisonment with labor for not more than one year or to a fine of not more than 500,000 yen.

- (i) A person who has violated the provisions of Article 7-2, paragraph (1)
- (ii) A person who has violated an order pursuant to Article 7-2, paragraph (2), or Article 8, paragraph (1), items (ii) or (iii)

Article 19 Any person specified in any of the following items shall be sentenced to a fine of not more than 300,000 yen.

- (i) A person who has violated an order pursuant to Article 8, paragraph (1), item (iv) or Article 9-2, paragraph (1)
- (ii) A person who has rejected, disturbed or evaded inspection or collection pursuant to the provisions of Article 10, paragraph (1), or has not responded or has responded falsely during the questioning pursuant to the provisions of the same paragraph
- (iii) A person who has not reported or has reported falsely pursuant to the provisions of Article 11

Article 20 When a representative of a juridical person or an agent, employee or other worker of a juridical person or of a natural person has violated any of the three preceding Articles in relation to the business of the juridical person or natural person, the violator shall be punished, and in addition, the juridical person or natural person concerned shall also be sentenced to the fine under the corresponding Article.

Supplementary Provision

This Act shall come into effect as of the day of its promulgation; provided that the provisions of Articles 8 through 13 and Articles 17 through 20 shall come into effect as of the day specified by Cabinet Order within a period not exceeding six months from the day of promulgation.

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

(Effective Date)

Article 1 This Act shall come into effect as of April 1, 2000; provided that the provisions listed in the following items shall come into effect as of the days provided in said respective items.

(i) The revised provision adding 5 Articles, the Section title, two Subsections and the Subsection titles after Article 250 of the Local Autonomy Act in Article 1 (limited to the portion pertaining to paragraph (1) of Article 250-9 of the same Act (limited to the portion pertaining to obtaining the consent of both the Lower and Upper Houses)), the revised provisions of paragraphs (9) and (10) of the Supplementary Provisions of the Natural Parks Act in Article 40 (limited to the portion pertaining to paragraph (10) of the Supplementary Provisions of the same Act), the provisions of Article 244 (excluding the portion pertaining to the revised provisions of Article 14-3 of the Agricultural Improvement Promotion Act), and the provisions of Article 472 (excluding the portion pertaining to the revised provisions of Articles 6, 8 and 17 of Act on Special Provisions Concerning Merger of Municipalities), and the provisions of Articles 7, 10 and 12, the proviso of Article 59, Article 60, paragraphs (4) and (5), Articles 73 and 77, Article 157, paragraphs (4) through (6), Articles 160, 163, 164 and 202 of the Supplementary Provisions: the day of promulgation

(Affairs of the State, etc.)

Article 159 The affairs provided in the respective Acts prior to their revision by this Act, and the affairs of the state, local public entities other than the one concerned, and other public entities which are managed or executed by the offices of the local public entity concerned in conformity with Acts or Cabinet Orders based on the Acts prior to the enforcement of this Act (referred to as "the affairs of the state" in Article 161 of the Supplementary Provisions), shall be dealt with by the local public entity concerned as the affairs of said local public entity in conformity with Acts or Cabinet Orders based on the Acts after the day of enforcement of this Act.

(Transitional Measures Concerning Dispositions, Applications)

Article 160 (1) With regard to the application of the respective Acts revised by this Act on and after the day of the enforcement of this Act, except for the actions provided in the provisions of Article 2 through the preceding Article of the Supplemental Provisions and in the provisions concerning the transitional measures of the relevant Acts (including orders based on these Acts) revised by this Act, dispositions such as permission and other actions (hereinafter referred to as "actions such as dispositions") performed pursuant to the

provisions of the relevant Acts prior to their revision (or the provisions listed in the items under Article 1 of the Supplementary Provisions; hereinafter the same shall apply in this Article and Article 163 of the Supplementary Provisions) prior to the enforcement of this Act or applications for permission, etc. and other actions (hereinafter referred to as "actions such as applications" in this Article) performed pursuant to the provisions of the relevant Acts prior to their revision by this Act at the time of the enforcement of this Act shall be deemed actions such as dispositions or actions such as applications performed pursuant to the corresponding provisions of those relevant Acts as revised by this Act in cases where the administrative affairs pertaining to these actions shall be dealt with by any other administrator as of the day of enforcement of this Act.

- (2) If any matter that requires reporting, notification, submission or any other procedure to be made at an office of the national government or a local government pursuant to the provisions of any relevant Act prior to its revision by this Act prior to the enforcement of this Act has not been reported, notified, submitted, or subjected to the required procedure pursuant to the corresponding provision of any of the relevant Acts revised by this Act before the day of the enforcement of this Act, the required procedure shall be deemed undone, unless otherwise provided for in this Act or any Cabinet Order based on this Act, and the provisions of the relevant Acts revised by this Act shall apply.

(Transitional Measures Concerning Appeals)

Article 161 (1) In the case where an appeal is filed pursuant to the Administrative Appeal Act with an administrative agency performing any action pertaining to affairs of the state (hereinafter referred to as "the administrative agency ordering the action" in this Article) before the day of enforcement, and said administrative agency ordering the action is subject to a higher administrative agency as provided in the same Act (hereinafter referred to as a "higher administrative agency" in this Article), the provisions of the same Act shall be applied to the appeal after the day of enforcement by deeming that said administrative agency ordering the action has continued to be subject to the higher administrative agency. In this case, the administrative agency regarded as the higher administrative agency of said administrative agency ordering the action shall be the administrative agency that was the higher administrative agency of said administrative agency ordering the action before the day of enforcement.

- (2) In the case of the preceding paragraph, if the administrative agency regarded as the higher administrative agency is an office of the local public entity concerned, the affairs to be dealt with by said office pursuant to the provisions

of the Administrative Appeal Act shall be the statutorily entrusted affairs provided in Article 2, paragraph (9), item (i) of the New Local Autonomy Act.

(Transitional Measures Concerning Fees)

Article 162 With regard to the fees that should be paid pursuant to the provisions of the relevant Acts (including orders based on the Acts) prior to their revision by this Act before the day of its enforcement, the provisions then in force shall remain applicable, unless otherwise provided for in this Act or any Cabinet Order based on this Act.

(Transitional Measures Concerning Penal Provisions)

Article 163 With regard to the application of the penal provisions to acts committed done prior to the enforcement of this Act, the provisions then in force shall remain applicable.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 164 (1) Unless provided for in the Supplementary Provisions, the transitional measures necessary for the enforcement of this Act (including the transitional measures concerning the penal provisions) shall be provided by Cabinet Order.

(2) The matters necessary for the application of the provisions of Articles 18, 51 and 184 of the Supplementary Provisions shall be provided by Cabinet Order.

(Examination)

Article 250 With regard to the statutorily entrusted affairs provided in Article 2, paragraph (9), item (i) of the New Local Autonomy Act, new affairs shall not be established to the extent possible, and the affairs listed in Appended Table 1 of the New Local Autonomy Act and the affairs provided by Cabinet Order based on the New Local Autonomy Act shall be examined from the viewpoint of promoting decentralization and reviewed as appropriate.

Article 251 The Government shall examine methods for enriching and assuring financial resources for local taxes in response to the division of roles between the national government and local governments, considering the changing economic climate, so that local governments can voluntarily and independently perform their affairs and business, and shall take necessary measures based on the results.

Article 252 The Government shall examine the social insurance paperwork processing system and the current state of affairs with regard to the employees engaged in the system, from the viewpoint of assuring convenience for the

insured and enhancing the efficiency of paperwork processing in preparation for reforms to the medical security system and the public pension system, etc., and shall take necessary measures based on the results, when the Government finds it necessary.

Supplementary Provisions [Act No. 126 of November 27, 2000] [Extract]

(Effective Date)

Article 1 This Act shall come into effect as of the day specified by Cabinet Order within a period not exceeding five months from the day of promulgation.

(Transitional Measure Concerning Penal Provisions)

Article 2 With regard to the application of penal provisions to conduct committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

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

(Effective Date)

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

Supplementary Provisions [Act No. 90 of June 29, 2001] [Extract]

(Effective Date)

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

(Transitional Measures Concerning Fishery Rights and Commons of Piscary)

Article 2 With regard to each fishery right existing at the time of enforcement of this Act and each common of piscary existing at the time of enforcement or newly created, the provisions then in force shall remain applicable; provided that the same shall not apply to the provisions listed below.

(i) The provisions of Article 8, paragraph (3) and Article 31 of the Fishery Act revised pursuant to the provisions of Article 1

(ii) The provisions of Article 51-2 of the Fishery Cooperative Act revised pursuant to the provisions of Article 2 and the provisions of Article 130 (limited to the portions pertaining to paragraph (1), items(vi), items (vi)-2 and (ix) through (ix)-3 of the same Article) of the same Act

(iii) The provisions of Article 12-5, paragraph (1) of the Marine Resources Development Promotion Act (Act No. 60 of 1971) revised pursuant to the provisions of Article 6 of the Supplementary Provisions

(iv) The provisions of paragraph (1) of Article 6 of the Sustainable Aquaculture Production Assurance Act (Act No. 51 of 1999) revised pursuant to the provisions of Article 7 of the Supplementary Provisions

Supplementary Provisions [Act No. 75 of June 19, 2002] [Extract]

(Effective Date)

Article 1 This Act shall come into effect as of January 1, 2003.

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

(Effective Date)

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

(Examination)

Article 50 The Government shall examine the enforcement circumstances of the new Act five years after the Act enters effect, and shall take required measures based on the results, when the Government finds it necessary.

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

(Effective Date)

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