

商法

Commercial Code

(明治三十二年三月九日法律第四十八号)
(Act No. 48 of March 9, 1899)

第一編 総則

Part I General Provisions

第一章 通則 (第一条—第三条)

Chapter I General Rules (Article 1 to Article 3)

第二章 商人 (第四条—第七条)

Chapter II Merchants (Article 4 to Article 7)

第三章 商業登記 (第八条—第十条)

Chapter III Commercial Registration (Article 8 to Article 10)

第四章 商号 (第十一条—第十八条)

Chapter IV Trade Names (Article 11 to Article 18)

第五章 商業帳簿 (第十九条)

Chapter V Commercial Books (Article 19)

第六章 商業使用人 (第二十条—第二十六条)

Chapter VI Employees of Merchants (Article 20 to Article 26)

第七章 代理商 (第二十七条—第三十一条)

Chapter VII Commercial Agents (Article 27 to Article 31)

第八章 雜則 (第三十二条—第五百条)

Chapter VIII Miscellaneous Provisions (Article 32 to Article 500)

第二編 商行為

Part II Commercial Transactions

第一章 総則 (第五百一条—第五百二十三条)

Chapter I General Provisions (Article 501 to Article 523)

第二章 売買 (第五百二十四条—第五百二十八条)

Chapter II Sale (Article 524 to Article 528)

第三章 交互計算 (第五百二十九条—第五百三十四条)

Chapter III Current Account (Article 529 to Article 534)

第四章 匿名組合 (第五百三十五条—第五百四十二条)

Chapter IV Silent Partnership (Article 535 to Article 542)

第五章 仲立營業 (第五百四十三条—第五百五十条)

Chapter V Brokerage Business (Article 543 to Article 550)

第六章 問屋營業 (第五百五十一条—第五百五十八条)

Chapter VI Commission Agency Business (Article 551 to Article 558)

第七章 運送取扱營業 (第五百五十九条—第五百六十八条)

Chapter VII Forwarding Agency Business (Article 559 to Article 568)

第八章 運送營業

Chapter VIII Transportation Business

第一節 總則 (第五百六十九條)

Section 1 General Provisions (Article 569)

第二節 物品運送 (第五百七十條—第五百八十九條)

Section 2 Freight Transportation (Article 570 to Article 589)

第三節 旅客運送 (第五百九十條—第五百九十二條)

Section 3 Passenger Transportation (Article 590 to Article 592)

第九章 寄託

Chapter IX Deposit

第一節 總則 (第五百九十三條—第五百九十六條)

Section 1 General Provisions (Article 593 to Article 596)

第二節 倉庫營業 (第五百九十七條—第六百八十三條)

Section 2 Warehouse Business (Article 597 to Article 683)

第三編 海商

Part III Maritime Commerce

第一章 船舶及船舶所有者 (第六百八十四條—第七百四條)

Chapter I Ships and Shipowners (Article 684 to Article 704)

第二章 船長 (第七百五條—第七百三十六條)

Chapter II Captain (Article 705 to Article 736)

第三章 運送

Chapter III Transportation

第一節 物品運送

Section 1 Freight Transportation

第一款 總則 (第七百三十七條—第七百六十六條)

Subsection 1 General Provisions (Article 737 to Article 766)

第二款 船荷証券 (第七百六十七條—第七百七十六條)

Subsection 2 Bill of Lading (Article 767 to Article 776)

第二節 旅客運送 (第七百七十七條—第七百八十七條)

Section 2 Passenger Transportation (Article 777 to Article 787)

第四章 海損 (第七百八十八條—第七百九十九條)

Chapter IV Average (Article 788 to Article 799)

第五章 海難救助 (第八百條—第八百十四條)

Chapter V Salvage (Article 800 to Article 814)

第六章 保險 (第八百十五條—第八百四十一條ノ二)

Chapter VI Insurance (Article 815 to Article 841-2)

第七章 船舶債權者 (第八百四十二條—第八百五十一條)

Chapter VII Ship's Creditors (Article 842 to Article 851)

第一編 總則

Part I General Provisions

第一章 通則

Chapter I General Rules

(趣旨等)

(Purpose, etc.)

第一条 商人の営業、商行為その他商事については、他の法律に特別の定めがあるものを除くほか、この法律の定めるところによる。

Article 1 (1) Businesses, commercial transactions and any other commercial affairs of merchants shall be governed by the provisions of this Code, except for those otherwise provided for in other Acts.

2 商事に関し、この法律に定めがない事項については商慣習に従い、商慣習がないときは、民法（明治二十九年法律第八十九号）の定めるところによる。

(2) Commercial affairs for which there are no provisions in this Code shall be governed by commercial custom, and if there is no commercial custom, they shall be governed by the provisions of the Civil Code (Act No. 89 of 1896).

(公法人の商行為)

(Commercial Transactions by Public Juridical Persons)

第二条 公法人が行う商行為については、法令に別段の定めがある場合を除き、この法律の定めるところによる。

Article 2 Commercial transactions conducted by public juridical persons shall be governed by the provisions of this Code, except for those otherwise provided for in laws and regulations.

(一方的商行為)

(Transactions Constituting Commercial Transactions for One of the Parties)

第三条 当事者の一方のために商行為となる行為については、この法律をその双方に適用する。

Article 3 (1) Where an act constitutes a commercial transaction for one of the parties, this Code shall apply to both parties.

2 当事者の一方が二人以上ある場合において、その一人のために商行為となる行為については、この法律をその全員に適用する。

(2) Where two or more persons form one of the parties, and an act constitutes a commercial transaction for any one of them, this Code shall apply to all of them.

第二章 商人

Chapter II Merchants

(定義)

(Definitions)

第四条 この法律において「商人」とは、自己の名をもって商行為をすることを業とする者をいう。

Article 4 (1) The term "merchant" as used in this Code means a person who engages in the business of conducting a commercial transaction in his/her own name.

2 店舗その他これに類似する設備によって物品を販売することを業とする者又は鉱業を営む者は、商行為を行うことを業としない者であっても、これを商人とみなす。

(2) A person who engages in the business of selling goods at a store or any other facility similar thereto or a person who engages in the mining business shall be deemed to be a merchant even if such person does not engage in the business of conducting a commercial transaction.

(未成年者登記)

(Registration of Business by Minor)

第五条 未成年者が前条の営業を行うときは、その登記をしなければならない。

Article 5 When a minor carries out any of the businesses set forth in the preceding Article, a registration thereof shall be made.

(後見人登記)

(Registration of Business by Guardian)

第六条 後見人が被後見人のために第四条の営業を行うときは、その登記をしなければならない。

Article 6 (1) When a guardian carries out any of the businesses set forth in Article 4 on behalf of a ward, a registration thereof shall be made.

2 後見人の代理権に加えた制限は、善意の第三者に対抗することができない。

(2) No limitation on a guardian's authority of representation may be duly asserted against a third party who has no knowledge of such limitation.

(小商人)

(Petty Merchant)

第七条 第五条、前条、次章、第十一条第二項、第十五条第二項、第十七条第二項前段、第五章及び第二十二条の規定は、小商人（商人のうち、法務省令で定めるその営業のために使用する財産の価額が法務省令で定める金額を超えないものをいう。）については、適用しない。

Article 7 The provisions of Article 5, the preceding Article, the following Chapter, Article 11, paragraph (2), Article 15, paragraph (2), the first sentence of Article 17, paragraph (2), Chapter V, and Article 22 shall not apply to a petty merchant (meaning a merchant the value of whose property used for his/her business as specified by Ordinance of the Ministry of Justice does not exceed the amount specified by Ordinance of the Ministry of Justice).

第三章 商業登記

Chapter III Commercial Registration

(通則)

(General Rules)

第八条 この編の規定により登記すべき事項は、当事者の申請により、商業登記法（昭和三十八年法律第二百二十五号）の定めるところに従い、商業登記簿にこれを登記する。

Article 8 The matters to be registered pursuant to the provisions of this Part shall be registered in a commercial registry upon application from the party concerned, pursuant to the provisions of the Commercial Registration Act (Act No. 125 of 1963).

(登記の効力)

(Effect of Registration)

第九条 この編の規定により登記すべき事項は、登記の後でなければ、これをもって善意の第三者に対抗することができない。登記の後であっても、第三者が正当な事由によってその登記があることを知らなかったときは、同様とする。

Article 9 (1) The matters to be registered pursuant to the provisions of this Part may not be duly asserted against a third party who has no knowledge of such matters until after the registration. The same shall apply after the registration if a third party did not know that such matters were registered, based on justifiable grounds.

2 故意又は過失によって不実の事項を登記した者は、その事項が不実であることをもって善意の第三者に対抗することができない。

(2) A person who has registered false matters intentionally or negligently may not duly assert the falsity of such matters against a third party who has no knowledge of such falsity.

(変更の登記及び消滅の登記)

(Registration of Changes and Extinction)

第十条 この編の規定により登記した事項に変更が生じ、又はその事項が消滅したときは、当事者は、遅滞なく、変更の登記又は消滅の登記をしなければならない。

Article 10 When there is a change to matters registered pursuant to the provisions of this Part or when such matters become extinct, the relevant party shall complete the registration of the change or extinction without delay.

第四章 商号

Chapter IV Trade Names

(商号の選定)

(Selection of Trade Name)

第十一条 商人（会社及び外国会社を除く。以下この編において同じ。）は、その氏、氏名その他の名称をもってその商号とすることができる。

Article 11 (1) A merchant (excluding companies and foreign companies; hereinafter the same shall apply in this Part) may use his/her surname, full name or any other name as his/her trade name.

2 商人は、その商号の登記をすることができる。

(2) A merchant may register his/her trade name.

（他の商人と誤認させる名称等の使用の禁止）

(Prohibition of Use of Names, etc. Causing Misidentification as Another Merchant)

第十二条 何人も、不正の目的をもって、他の商人であると誤認されるおそれのある名称又は商号を使用してはならない。

Article 12 (1) No person may use, with a wrongful purpose, any name or trade name which makes it likely that the person will be mistaken for another merchant.

2 前項の規定に違反する名称又は商号の使用によって営業上の利益を侵害され、又は侵害されるおそれがある商人は、その営業上の利益を侵害する者又は侵害するおそれがある者に対し、その侵害の停止又は予防を請求することができる。

(2) Any merchant whose business interests have been, or are likely to be, infringed upon by the use of any name or trade name in violation of the provisions of the preceding paragraph may seek an injunction suspending or preventing the infringement against the person who infringes, or is likely to infringe, those business interests.

（過料）

(Non-Criminal Fine)

第十三条 前条第一項の規定に違反した者は、百万円以下の過料に処する。

Article 13 A person who violates the provisions of paragraph (1) of the preceding Article shall be punished by a non-criminal fine of not more than one million yen.

（自己の商号の使用を他人に許諾した商人の責任）

(Liability of Merchant Permitting Others to Use His/Her Trade Name)

第十四条 自己の商号を使用して営業又は事業を行うことを他人に許諾した商人は、当該商人が当該営業を行うものと誤認して当該他人と取引をした者に対し、当該他人と連帯して、当該取引によって生じた債務を弁済する責任を負う。

Article 14 Any merchant who has permitted another person to carry out a business or engage in any enterprise by using his/her own trade name shall be liable, jointly and severally with such other person, in relation to any person who has conducted a transaction with such other person based on the

misunderstanding that said merchant carries out said business, for the performance of any obligations arising from such transaction.

(商号の譲渡)

(Assignment of Trade Name)

第十五条 商人の商号は、営業とともにする場合又は営業を廃止する場合に限り、譲渡することができる。

Article 15 (1) A merchant's trade name may be assigned only when the merchant's business is also transferred or is discontinued.

2 前項の規定による商号の譲渡は、登記をしなければ、第三者に対抗することができない。

(2) The transfer of a trade name under the provisions of the preceding paragraph may not be duly asserted against a third party unless it is registered.

(営業譲渡人の競業の禁止)

(Non-Competition by Transferor of Business)

第十六条 営業を譲渡した商人（以下この章において「譲渡人」という。）は、当事者の別段の意思表示がない限り、同一の市町村（東京都の特別区の存する区域及び地方自治法（昭和二十二年法律第六十七号）第二百五十二条の十九第一項の指定都市にあっては、区。以下同じ。）の区域内及びこれに隣接する市町村の区域内においては、その営業を譲渡した日から二十年間は、同一の営業を行ってはならない。

Article 16 (1) Unless the parties manifest their intention otherwise, a merchant who has transferred his/her business (hereinafter referred to as the "transferor" in this Chapter) may not work in the same line of business within the area of the same city, town or village (or the same ward within areas of Tokyo where special wards exist and within the designated cities set forth in Article 252-19, paragraph (1) of the Local Autonomy Act (Act No. 67 of 1947); the same shall apply hereinafter), or within the area of any of its neighboring cities, towns or villages, for 20 years from the day of the transfer of the business.

2 譲渡人が同一の営業を行わない旨の特約をした場合には、その特約は、その営業を譲渡した日から三十年の期間内に限り、その効力を有する。

(2) Where the transferor has agreed to special provisions to the effect that he/she will not work in the same line of business, such special provisions shall be effective only for 30 years from the day of the transfer of the business.

3 前二項の規定にかかわらず、譲渡人は、不正の競争の目的をもって同一の営業を行ってはならない。

(3) Notwithstanding the provisions of the preceding two paragraphs, the transferor may not work in the same line of business for the purpose of unfair competition.

(譲渡人の商号を使用した譲受人の責任等)

(Liability of Transferee Using Transferor's Trade Name)

第十七条 営業を譲り受けた商人（以下この章において「譲受人」という。）が譲渡人の商号を引き続き使用する場合には、その譲受人も、譲渡人の営業によって生じた債務を弁済する責任を負う。

Article 17 (1) Where any merchant to whom any business is transferred (hereinafter referred to as the "transferee" in this Chapter) continues to use the trade name of the transferor, the transferee shall also be liable for the performance of any obligations arising from the business of the transferor.

2 前項の規定は、営業を譲渡した後、遅滞なく、譲受人が譲渡人の債務を弁済する責任を負わない旨を登記した場合には、適用しない。営業を譲渡した後、遅滞なく、譲受人及び譲渡人から第三者に対しその旨の通知をした場合において、その通知を受けた第三者についても、同様とする。

(2) The provisions of the preceding paragraph shall not apply where the transferee registers, without delay after the transfer of the business, a statement to the effect that he/she will not be liable for the performance of the obligations of the transferor. The same shall apply, in cases where the transferee and transferor give notice of the above to any third party without delay after the transfer of the business, to the third party who receives such notice.

3 譲受人が第一項の規定により譲渡人の債務を弁済する責任を負う場合には、譲渡人の責任は、営業を譲渡した日後二年以内に請求又は請求の予告をしない債権者に対しては、その期間を経過した時に消滅する。

(3) Where the transferee is liable for the performance of the obligations of the transferor pursuant to the provisions of paragraph (1), the liability of the transferor shall be extinguished upon the lapse of two years after the day of the transfer of the business, in relation to any obligee who does not demand the performance or does not give advance notice of his/her demand within said period.

4 第一項に規定する場合において、譲渡人の営業によって生じた債権について、その譲受人にした弁済は、弁済者が善意でかつ重大な過失がないときは、その効力を有する。

(4) In the case prescribed in paragraph (1), any performance made to the transferee with respect to any claim arising from the business of the transferor shall be effective if the party performing such obligations has no knowledge of and is not grossly negligent in not knowing that the claim has thus arisen.

(譲受人による債務の引受け)

(Assumption of Obligations by Transferee)

第十八条 譲受人が譲渡人の商号を引き続き使用しない場合においても、譲渡人の営業によって生じた債務を引き受ける旨の広告をしたときは、譲渡人の債権者は、その譲

受人に対して弁済の請求をすることができる。

Article 18 (1) Even in cases where the transferee does not continue to use the trade name of the transferor, if he/she advertises to the effect that he/she will assume the obligations arising from the business of the transferor, the obligees of the transferor may demand the performance of the said obligations from the transferee.

2 譲受人が前項の規定により譲渡人の債務を弁済する責任を負う場合には、譲渡人の責任は、同項の広告があった日後二年以内に請求又は請求の予告をしない債権者に対しては、その期間を経過した時に消滅する。

(2) Where the transferee is liable for the performance of the obligations of the transferor pursuant to the provisions of the preceding paragraph, the liability of the transferor shall be extinguished upon the lapse of two years after the day of the advertisement as set forth in said paragraph, in relation to any obligee who does not demand the performance of the said obligations or does not give advance notice of his/her demand within said period.

第五章 商業帳簿

Chapter V Commercial Books

第十九条 商人の会計は、一般に公正妥当と認められる会計の慣行に従うものとする。

Article 19 (1) A merchant's accounting shall be subject to the accounting practices generally accepted as fair and appropriate.

2 商人は、その営業のために使用する財産について、法務省令で定めるところにより、適時に、正確な商業帳簿（会計帳簿及び貸借対照表をいう。以下この条において同じ。）を作成しなければならない。

(2) A merchant shall prepare accurate commercial books (meaning accounting books and balance sheets; hereinafter the same shall apply in this Article) in a timely manner as provided by Ordinance of the Ministry of Justice.

3 商人は、帳簿閉鎖の時から十年間、その商業帳簿及びその営業に関する重要な資料を保存しなければならない。

(3) A merchant shall preserve his/her commercial books and important materials regarding his/her business for ten years from the time of the closing of the books.

4 裁判所は、申立てにより又は職権で、訴訟の当事者に対し、商業帳簿の全部又は一部の提出を命ずることができる。

(4) The court may, upon petition or by its own authority, order the parties to a suit to submit commercial books in whole or in part.

第六章 商業使用人

Chapter VI Employees of Merchants

(支配人)

(Manager)

第二十条 商人は、支配人を選任し、その営業所において、その営業を行わせることができる。

Article 20 A merchant may appoint a manager(s) and have such manager(s) carry out his/her business at his/her head office or branch office.

(支配人の代理権)

(Manager's Authority of Representation)

第二十一条 支配人は、商人に代わってその営業に関する一切の裁判上又は裁判外の行為をする権限を有する。

Article 21 (1) A manager shall have the authority to engage in any and all judicial or extrajudicial acts on behalf of the merchant in connection with the merchant's business.

2 支配人は、他の使用人を選任し、又は解任することができる。

(2) A manager may appoint or dismiss other employee(s).

3 支配人の代理権に加えた制限は、善意の第三者に対抗することができない。

(3) No limitation on a manager's authority of representation may be duly asserted against a third party who has no knowledge of such limitation.

(支配人の登記)

(Registration of Manager)

第二十二条 商人が支配人を選任したときは、その登記をしなければならない。支配人の代理権の消滅についても、同様とする。

Article 22 When a merchant has appointed a manager(s), a registration thereof shall be made. The same shall apply to the extinction of a manager's authority of representation.

(支配人の競業の禁止)

(Non-Competition by Manager)

第二十三条 支配人は、商人の許可を受けなければ、次に掲げる行為をしてはならない。

Article 23 (1) A manager shall not conduct any of the following acts without the permission of the merchant:

一 自ら営業を行うこと。

(i) engage in his/her own business;

二 自己又は第三者のためにその商人の営業の部類に属する取引をすること。

(ii) conduct, for him/herself or for a third party, any transaction which is in the line of the business of the merchant;

三 他の商人又は会社若しくは外国会社の使用人となること。

(iii) become an employee of another merchant or a company or foreign company; or

四 会社の取締役、執行役又は業務を執行する社員となること。

(iv) become a director, executive officer or any member who executes the business of a company.

2 支配人が前項の規定に違反して同項第二号に掲げる行為をしたときは、当該行為によって支配人又は第三者が得た利益の額は、商人に生じた損害の額と推定する。

(2) If a manager engages in the act set forth in item (ii) of the preceding paragraph in violation of the provisions of said paragraph, the amount of profit obtained by the manager or third party as a result of such act shall be presumed to be the amount of damage suffered by the merchant.

(表見支配人)

(Apparent Manager)

第二十四条 商人の営業所の営業の主任者であることを示す名称を付した使用人は、当該営業所の営業に関し、一切の裁判外の行為をする権限を有するものとみなす。ただし、相手方が悪意であったときは、この限りでない。

Article 24 Any employee with a title which indicates that he/she is the chief of operations of the business office of a merchant shall be deemed to have the authority to engage in any and all extrajudicial acts in connection with the operations of said business office; provided, however, that this shall not apply where a counterparty acts with knowledge of his/her lack of authority.

(ある種類又は特定の事項の委任を受けた使用人)

(Entrustment of Specific Types of Matters or Specific Matters to Employees)

第二十五条 商人の営業に関するある種類又は特定の事項の委任を受けた使用人は、当該事項に関する一切の裁判外の行為をする権限を有する。

Article 25 (1) Any employee to whom a specific type of matter or a specific matter in connection with the business of a merchant is entrusted shall have the authority to engage in any and all extrajudicial acts in connection with the specific type of matter or specific matter.

2 前項の使用人の代理権に加えた制限は、善意の第三者に対抗することができない。

(2) No limitation on the authority of the representation of the employee set forth in the preceding paragraph may be duly asserted against a third party who has no knowledge of such limitation.

(物品の販売等を目的とする店舗の使用人)

(Employees of Stores for the Purpose of Selling Goods, etc.)

第二十六条 物品の販売等（販売、賃貸その他これらに類する行為をいう。以下この条において同じ。）を目的とする店舗の使用人は、その店舗に在る物品の販売等をする権限を有するものとみなす。ただし、相手方が悪意であったときは、この限りでない。

Article 26 Any employee of a store whose purpose is the sale, etc. (meaning sale, lease and any other acts similar thereto; hereinafter the same shall apply in

this Article) of goods shall be deemed to have the authority to conduct the sale, etc. of the goods located in the store; provided, however, that this shall not apply where a counterparty acts with knowledge of his/her lack of authority.

第七章 代理商

Chapter VII Commercial Agents

(通知義務)

(Duty to Give Notice)

第二十七条 代理商（商人のためにその平常の営業の部類に属する取引の代理又は媒介をする者で、その商人の使用人でないものをいう。以下この章において同じ。）は、取引の代理又は媒介をしたときは、遅滞なく、商人に対して、その旨の通知を発しなければならない。

Article 27 When any commercial agent (meaning a person who acts on behalf of a merchant as an agent or intermediary for any transaction in the ordinary line of the business of the merchant, and who is not an employee of the merchant; hereinafter the same shall apply in this Chapter) conducts any transaction as an agent or intermediary, the commercial agent shall give notice of such fact to the merchant without delay.

(代理商の競業の禁止)

(Non-Competition by Commercial Agent)

第二十八条 代理商は、商人の許可を受けなければ、次に掲げる行為をしてはならない。

Article 28 (1) A commercial agent shall not conduct any of the following acts without the permission of the merchant:

一 自己又は第三者のためにその商人の営業の部類に属する取引をすること。

(i) conduct, for himself/herself or for a third party, any transaction which is in the line of business of the merchant; and

二 その商人の営業と同種の事業を行う会社の取締役、執行役又は業務を執行する社員となること。

(ii) become a director, executive officer or any member who executes the business of a company which carries out the same kind of business as the merchant.

2 代理商が前項の規定に違反して同項第一号に掲げる行為をしたときは、当該行為によって代理商又は第三者が得た利益の額は、商人に生じた損害の額と推定する。

(2) If a commercial agent conducts the act set forth in item (i) of the preceding paragraph in violation of the provisions of said paragraph, the amount of profit obtained by the commercial agent or any third party as a result of such act shall be presumed to be the amount of damage suffered by the merchant.

(通知を受ける権限)

(Authority to Receive Notice)

第二十九条 物品の販売又はその媒介の委託を受けた代理商は、第五百二十六条第二項の通知その他売買に関する通知を受ける権限を有する。

Article 29 A commercial agent to whom the sale of goods or the role of intermediary for such sale is consigned shall have the authority to receive the notice set forth in Article 526, paragraph (2) and any other notice regarding the sale and purchase.

(契約の解除)

(Cancellation of Commercial Agency Contract)

第三十条 商人及び代理商は、契約の期間を定めなかったときは、二箇月前までに予告し、その契約を解除することができる。

Article 30 (1) Either a merchant or his/her commercial agent may, when they have not specified the period of the commercial agency contract, cancel the contract by giving two months' advance notice.

2 前項の規定にかかわらず、やむを得ない事由があるときは、商人及び代理商は、いつでもその契約を解除することができる。

(2) Notwithstanding the provisions of the preceding paragraph, if there is any compelling reason, either a merchant or his/her commercial agent may cancel the commercial agency contract at any time.

(代理商の留置権)

(Right of Retention of Commercial Agent)

第三十一条 代理商は、取引の代理又は媒介をしたことによって生じた債権の弁済期が到来しているときは、その弁済を受けるまでは、商人のために当該代理商が占有する物又は有価証券を留置することができる。ただし、当事者が別段の意思表示をしたときは、この限りでない。

Article 31 If any claim arising from acting as an agent or intermediary for any transaction is due, the commercial agent may retain any property or negotiable instruments of value which he/she possesses on behalf of the merchant until the claim is satisfied; provided, however, that this shall not apply where the parties manifest their intention otherwise.

第八章 雑則

Chapter VIII Miscellaneous Provisions

第三十二条 この法律の規定により署名すべき場合には、記名押印をもって、署名に代えることができる。

Article 32 Where a person's signature is required pursuant to the provisions of this Code, affixing his/her name and seal may be substituted for the signature.

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第二編 商行為
Part II Commercial Transactions
第一章 総則
Chapter I General Provisions

(絶対的商行為)
(Transactions Absolutely Regarded as Commercial Transactions due to their Nature)

第五百一条 次に掲げる行為は、商行為とする。

Article 501 The following acts shall be commercial transactions:

- 一 利益を得て譲渡する意思をもってする動産、不動産若しくは有価証券の有償取得又はその取得したものの譲渡を目的とする行為
(i) an act for the purpose of acquiring for value any movables, real property or negotiable instruments of value with the intention of assigning such property for profit, or for the purpose of assigning the property thus acquired;
- 二 他人から取得する動産又は有価証券の供給契約及びその履行のためにする有償取得を目的とする行為
(ii) an act for the purpose of contracting to supply any movables or negotiable instruments of value to be acquired from others and acquiring for value such property in order to perform such contract;
- 三 取引所においてする取引
(iii) a transaction conducted on an exchange; and
- 四 手形その他の商業証券に関する行為
(iv) an act relating to bills and notes and other commercial instruments.

(営業的商行為)
(Transactions Regarded as Commercial Transactions When Conducted as Business)

第五百二条 次に掲げる行為は、営業としてするときには、商行為とする。ただし、専ら賃金を得る目的で物を製造し、又は労務に従事する者の行為は、この限りでない。

Article 502 The following acts shall be commercial transactions only when they

are conducted as a business; provided, however, that this shall not apply where any such act is conducted by a person who manufactures products or engages in labor exclusively for the purpose of earning wages:

一 賃貸する意思をもってする動産若しくは不動産の有償取得若しくは賃借又はその取得し若しくは賃借したものの賃貸を目的とする行為

(i) an act for the purpose of acquiring for value or leasing from others any movables or real property with the intention of leasing such property for profit, or for the purpose of leasing to others the property thus acquired or leased;

二 他人のためにする製造又は加工に関する行為

(ii) an act relating to manufacturing and processing conducted for others;

三 電気又はガスの供給に関する行為

(iii) an act relating to the supply of electricity or gas;

四 運送に関する行為

(iv) an act relating to transportation;

五 作業又は労務の請負

(v) a contract for work or labor;

六 出版、印刷又は撮影に関する行為

(v) an act relating to publishing, printing or photography;

七 客の来集を目的とする場屋における取引

(vii) a transaction at an establishment intended for gathering customers;

八 両替その他の銀行取引

(viii) money exchange and other banking transaction;

九 保険

(ix) insurance;

十 寄託の引受け

(x) undertaking of a deposit;

十一 仲立ち又は取次ぎに関する行為

(xi) an act relating to brokerage or of an intermediary;

十二 商行為の代理の引受け

(xii) undertaking of the role as an agent for a commercial transaction; and

十三 信託の引受け

(xiii) undertaking of a trust.

(附屬的商行為)

(Auxiliary Commercial Transactions)

第五百三条 商人がその営業のためにする行為は、商行為とする。

Article 503 (1) Any act conducted by a merchant for his/her business shall be a commercial transaction.

2 商人の行為は、その営業のためにするものと推定する。

(2) Any act of a merchant shall be presumed to be conducted for his/her business.

(商行為の代理)

(Agency for Commercial Transaction)

第五百四条 商行為の代理人が本人のためにすることを示さないでこれをした場合であっても、その行為は、本人に対してその効力を生ずる。ただし、相手方が、代理人が本人のためにすることを知らなかったときは、代理人に対して履行の請求をすることを妨げない。

Article 504 Even where an agent for a commercial transaction has conducted a transaction without representing that it was conducted on behalf of the principal, such act of the agent shall be binding on the principal; provided, however, that if the other party did not know that such act had been conducted by the agent on behalf of the principal, these provisions shall not preclude the other party from demanding the performance of the said transaction to the agent.

(商行為の委任)

(Mandate of Commercial Transactions)

第五百五条 商行為の受任者は、委任の本旨に反しない範囲内において、委任を受けていない行為をすることができる。

Article 505 A mandatary for a commercial transaction may conduct any act which he/she is not mandated to conduct, to the extent that it does not conflict with the main purpose of the mandate.

(商行為の委任による代理権の消滅事由の特例)

(Special Provisions for Grounds for Termination of Authority of Representation)

第五百六条 商行為の委任による代理権は、本人の死亡によっては、消滅しない。

Article 506 The authority of an agent privately appointed by mandate for a commercial transaction shall not terminate upon the death of the principal.

(対話者間における契約の申込み)

(Offer of Contract between Merchants in Direct Communication)

第五百七条 商人である対話者の間において契約の申込みを受けた者が直ちに承諾をしなかったときは、その申込みは、その効力を失う。

Article 507 Where merchants are in direct communication with each other, if the party who has received an offer of a contract does not immediately accept it, such offer shall cease to be effective.

(隔地者間における契約の申込み)

(Offer of Contract between Merchants at Distance)

第五百八条 商人である隔地者の間において承諾の期間を定めずに契約の申込みを受

けた者が相当の期間内に承諾の通知を発しなかったときは、その申込みは、その効力を失う。

Article 508 (1) Where merchants are at distance from each other, if the party who has received an offer of a contract that was made without specifying a period for acceptance does not dispatch a notice of acceptance within a reasonable period of time, such offer shall cease to be effective.

2 民法第五百二十三条の規定は、前項の場合について準用する。

(2) The provisions of Article 523 of the Civil Code shall apply mutatis mutandis to the case referred to in the preceding paragraph.

(契約の申込みを受けた者の諾否通知義務)

(Obligation of the Party Receiving Offer of Contract to Give Notice of Acceptance or Refusal)

第五百九条 商人が平常取引をする者からその営業の部類に属する契約の申込みを受けたときは、遅滞なく、契約の申込みに対する諾否の通知を発しなければならない。

Article 509 (1) When a merchant has received, from a person with whom he/she makes transactions ordinarily, the offer of a contract in the line of the business in which he/she works, he/she shall dispatch a notice of acceptance or refusal of the offer of the contract without delay.

2 商人が前項の通知を発することを怠ったときは、その商人は、同項の契約の申込みを承諾したものとみなす。

(2) When a merchant fails to dispatch a notice as set forth in the preceding paragraph, he/she shall be deemed to have accepted the offer of the contract set forth in said paragraph.

(契約の申込みを受けた者の物品保管義務)

(Obligation of the Party Receiving Offer of Contract to Take Custody of Goods)

第五百十条 商人がその営業の部類に属する契約の申込みを受けた場合において、その申込みとともに受け取った物品があるときは、その申込みを拒絶したときであっても、申込者の費用をもってその物品を保管しなければならない。ただし、その物品の価額がその費用を償うのに足りないとき、又は商人がその保管によって損害を受けるときは、この限りでない。

Article 510 Where a merchant has received the offer of a contract in the line of business in which he/she works and also received any goods upon such offer, he/she shall store such goods at the expense of the offeror, even when he/she refuses the offer; provided, however, that this shall not apply if the value of the goods is insufficient for compensating for the costs of the storage or the merchant may suffer any damage from the storage.

(多数当事者間の債務の連帯)

(Joint and Several Liability for Obligation Among Multi-Parties)

第五百十一条 数人の者がその一人又は全員のために商行為となる行為によって債務を負担したときは、その債務は、各自が連帯して負担する。

Article 511 (1) When two or more persons assume an obligation by way of an act that constitutes a commercial transaction for any one or all of them, they shall assume the obligation jointly and severally.

2 保証人がある場合において、債務が主たる債務者の商行為によって生じたものであるとき、又は保証が商行為であるときは、主たる債務者及び保証人が各別の行為によって債務を負担したときであっても、その債務は、各自が連帯して負担する。

(2) Where there is a guarantor, if an obligation has arisen from a commercial transaction conducted by the principal obligor or the guarantee is provided as a commercial transaction, the principal obligor and the guarantor shall assume the obligation jointly and severally even when they have assumed the obligation by way of separate acts.

(報酬請求権)

(Right to Claim Remuneration)

第五百十二条 商人がその営業の範囲内において他人のために行為をしたときは、相当な報酬を請求することができる。

Article 512 When a merchant has conducted any act for another person within the scope of his/her business, he/she may claim a reasonable remuneration.

(利息請求権)

(Right to Claim Interest)

第五百十三条 商人間において金銭の消費貸借をしたときは、貸主は、法定利息（次条の法定利率による利息をいう。以下同じ。）を請求することができる。

Article 513 (1) When a money loan for consumption is provided between merchants, the lender may claim statutory interest (meaning interest at a statutory interest rate as set forth in the following Article; the same shall apply hereinafter).

2 商人がその営業の範囲内において他人のために金銭の立替えをしたときは、その立替えの日以後の法定利息を請求することができる。

(2) When a merchant has paid money on behalf of another person within the scope of his/her business, he/she may claim statutory interest for the period from the date of such payment.

(商事法定利率)

(Statutory Interest Rate for Commercial Affairs)

第五百十四条 商行為によって生じた債務に関しては、法定利率は、年六分とする。

Article 514 The statutory interest rate applicable to obligations arising from commercial transactions shall be six percent per annum.

(契約による質物の処分禁止の適用除外)

(Exclusion from Application of the Prohibition on Disposition of the Thing Pledged by Contract)

第五百十五条 民法第三百四十九条の規定は、商行為によって生じた債権を担保するために設定した質権については、適用しない。

Article 515 The provisions of Article 349 of the Civil Code shall not apply to a pledge created to secure an obligation arising from a commercial transaction.

(債務の履行の場所)

(Place of Performance of Obligation)

第五百十六条 商行為によって生じた債務の履行をすべき場所がその行為の性質又は当事者の意思表示によって定まらないときは、特定物の引渡しはその行為の時にその物が存在した場所において、その他の債務の履行は債権者の現在の営業所（営業所がない場合にあつては、その住所）において、それぞれしなければならない。

Article 516 (1) When the place where an obligation arising from a commercial transaction is to be performed cannot be specified owing to the nature of the transaction or the manifestation of the intentions of the parties, the delivery of a specified thing shall be performed at the place where such thing exists at the time of the transaction, and any other obligation shall be performed at the current business office of the obligee (if the obligee has no business office, at his/her domicile), respectively.

2 指図債権及び無記名債権の弁済は、債務者の現在の営業所（営業所がない場合にあつては、その住所）においてしなければならない。

(2) The payment of debts payable to order and of debts payable to bearer shall be performed at the current business office of the obligor (if the obligor has no business office, at his/her domicile).

(指図債権等の証券の提示と履行遅滞)

(Presentation of Instruments of Debts Payable to Order, etc. and Delay in Performance of Obligations)

第五百十七条 指図債権又は無記名債権の債務者は、その債務の履行について期限の定めがあるときであっても、その期限が到来した後に所持人がその証券を提示してその履行の請求をした時から遅滞の責任を負う。

Article 517 The obligor of a debt payable to order or to bearer shall be responsible for any delay after the time that the debt becomes due and the bearer demands performance of the obligation by presenting the instrument of the debt even if a due date has been set for the performance of the obligation.

(有価証券喪失の場合の権利行使方法)

(Method of Exercise of Right in the Event of Loss of Negotiable Instruments of Value)

第五百十八条 金銭その他の物又は有価証券の給付を目的とする有価証券の所持人がその有価証券を喪失した場合において、非訟事件手続法（平成二十三年法律第五十一号）第百十四条に規定する公示催告の申立てをしたときは、その債務者に、その債務の目的物を供託させ、又は相当の担保を供してその有価証券の趣旨に従い履行をさせることができる。

Article 518 Where the holder of a negotiable instrument of value issued for the purpose of delivering money or other things or negotiable instruments of value has lost the negotiable instrument of value, when he/she files a petition for public notification as prescribed in Article 114 of the Non-Contentious Cases Procedure Act (Act No. 51 of 2011), he/she may have the obligor of the negotiable instrument deposit the subject matter of the obligation, or have the obligor perform the obligation in line with the purpose of the negotiable instrument while providing reasonable security.

（有価証券の譲渡方法及び善意取得）

(Method of Negotiation of Negotiable Instrument of Value and Bona Fide Acquisition)

第五百十九条 金銭その他の物又は有価証券の給付を目的とする有価証券の譲渡については、当該有価証券の性質に応じ、手形法（昭和七年法律第二十号）第十二条、第十三条及び第十四条第二項又は小切手法（昭和八年法律第五十七号）第五条第二項及び第十九条の規定を準用する。

Article 519 (1) With regard to the negotiation of a negotiable instrument of value issued for the purpose of delivering money or other things or negotiable instruments of value, the provisions of Article 12, Article 13, and Article 14, paragraph (2) of the Bills and Notes Act (Act No. 20 of 1932) or the provisions of Article 5, paragraph (2) and Article 19 of the Checks Act (Act No. 57 of 1933), depending on the nature of the negotiable instrument of value.

2 金銭その他の物又は有価証券の給付を目的とする有価証券の取得については、小切手法第二十一条の規定を準用する。

(2) With regard to the acquisition of a negotiable instrument of value issued for the purpose of delivering money or other things or negotiable instruments of value, the provisions of Article 21 of the Checks Act shall apply mutatis mutandis.

（取引時間）

(Trading Hours)

第五百二十条 法令又は慣習により商人の取引時間の定めがあるときは、その取引時間内に限り、債務の履行をし、又はその履行の請求をすることができる。

Article 520 If trading hours for merchants are fixed by laws and regulations or custom, obligations may be performed or the performance of obligations may be demanded only during such trading hours.

(商人間の留置権)

(Right of Retention of Merchants)

第五百二十一条 商人間においてその双方のために商行為となる行為によって生じた債権が弁済期にあるときは、債権者は、その債権の弁済を受けるまで、その債務者との間における商行為によって自己の占有に属した債務者の所有する物又は有価証券を留置することができる。ただし、当事者の別段の意思表示があるときは、この限りでない。

Article 521 When any claim between merchants arising from an act that constitutes a commercial transaction for both parties is due, the obligee may retain any object or negotiable instruments of value owned by the obligor of which the obligee has taken possession by way of the commercial transaction with the obligor, until the claim is satisfied; provided, however, that this shall not apply where the parties manifest their intention otherwise.

(商事消滅時効)

(Extinctive Prescription for Commercial Affairs)

第五百二十二条 商行為によって生じた債権は、この法律に別段の定めがある場合を除き、五年間行使しないときは、時効によって消滅する。ただし、他の法令に五年間より短い時効期間の定めがあるときは、その定めるところによる。

Article 522 Unless otherwise provided for in this Code, any claim arising from a commercial transaction shall be extinguished by prescription if not exercised for five years; provided, however, that if a period of prescription shorter than five years is provided for in other laws and regulations, such provisions shall prevail.

第五百二十三条 削除

Article 523 Deleted

第二章 売買

Chapter II Sale

(売主による目的物の供託及び競売)

(Deposit and Auction of Property by Seller)

第五百二十四条 商人間の売買において、買主がその目的物の受領を拒み、又はこれを受領することができないときは、売主は、その物を供託し、又は相当の期間を定めて催告をした後に競売に付することができる。この場合において、売主がその物を供託し、又は競売に付したときは、遅滞なく、買主に対してその旨の通知を発しなければならない。

Article 524 (1) When, in a sales transaction between merchants, the buyer refuses to receive or is unable to receive the property that is the subject matter

of the sale, the seller may deposit the property or may put it up for auction after making a demand for the receipt of the property by specifying a reasonable period of time. In this case, when the seller has deposited the property or put it up for auction, he/she shall dispatch a notice of such fact to the buyer without delay.

2 損傷その他の事由による価格の低落のおそれがある物は、前項の催告をしないで競売に付することができる。

(2) Where the price of the property is likely to decline due to damage or any other reasons, such property may be put up for auction without making the demand set forth in the preceding paragraph.

3 前二項の規定により売買の目的物を競売に付したときは、売主は、その代価を供託しなければならない。ただし、その代価の全部又は一部を代金に充当することを妨げない。

(3) When the seller has put up for auction the property that is the subject matter of a sale pursuant to the provisions of the preceding two paragraphs, he/she shall deposit the proceeds from the auction; provided, however, that this shall not preclude the seller from appropriating the whole or part of the proceeds for the payment of the purchase price.

(定期売買の履行遅滞による解除)

(Cancellation by reason of Delay in Performance of Sale Where Time Is of Essence)

第五百二十五条 商人間の売買において、売買の性質又は当事者の意思表示により、特定の日時又は一定の期間内に履行をしなければ契約をした目的を達することができない場合において、当事者の一方が履行をしないでその時期を経過したときは、相手方は、直ちにその履行の請求をした場合を除き、契約の解除をしたものとみなす。

Article 525 In a sales transaction between merchants in which, due to the nature of the sale or the manifestation of intention of the parties, the purpose of the contract cannot be achieved unless the obligation is performed at a specified date and time or within a certain period of time, if one of the parties has failed to perform the obligation by the time when such date and time or period has lapsed, the other party shall be deemed to have cancelled the contract, except where he/she has immediately demanded performance of the obligation.

(買主による目的物の検査及び通知)

(Inspection of Property by Buyer and Giving Notice of Defects)

第五百二十六条 商人間の売買において、買主は、その売買の目的物を受領したときは、遅滞なく、その物を検査しなければならない。

Article 526 (1) In a sales transaction between merchants, the buyer shall, upon receiving the property that is the subject matter of the sale, inspect the

property without delay.

2 前項に規定する場合において、買主は、同項の規定による検査により売買の目的物に瑕疵があること又はその数量に不足があることを発見したときは、直ちに売主に対してその旨の通知を発しなれば、その瑕疵又は数量の不足を理由として契約の解除又は代金減額若しくは損害賠償の請求をすることができない。売買の目的物に直ちに発見することのできない瑕疵がある場合において、買主が六箇月以内にその瑕疵を発見したときも、同様とする。

(2) In the case prescribed in the preceding paragraph, when the buyer, as a result of the inspection under the provisions of said paragraph, has found any defect or any shortfall in the quantity of the property that is the subject matter of sale, he/she may not cancel the contract nor demand a reduction of the purchase price or compensation for the damage unless he/she immediately dispatches a notice of such defect or shortfall to the seller. The same shall apply where the property that is the subject matter of the sale contains a defect that is not immediately obvious and where the buyer finds such defect within six months.

3 前項の規定は、売主がその瑕疵又は数量の不足につき悪意であった場合には、適用しない。

(3) The provisions of the preceding paragraph shall not apply where the seller had knowledge of the defect or the shortage of quantity.

(買主による目的物の保管及び供託)

(Storage and Deposit of Property by Buyer)

第五百二十七条 前条第一項に規定する場合においては、買主は、契約の解除をしたときであっても、売主の費用をもって売買の目的物を保管し、又は供託しなければならない。ただし、その物について滅失又は損傷のおそれがあるときは、裁判所の許可を得てその物を競売に付し、かつ、その代価を保管し、又は供託しなければならない。

Article 527 (1) In the case prescribed in paragraph (1) of the preceding Article, the buyer shall store or deposit the property that is the subject matter of the sale at the expense of the seller, even when he/she cancels the contract; provided, however, that if the property is likely to be lost or damaged, the buyer shall put the property up for auction with the permission of the court and store or deposit the proceeds from the auction.

2 前項ただし書の許可に係る事件は、同項の売買の目的物の所在地を管轄する地方裁判所が管轄する。

(2) The case pertaining to the permission set forth in the proviso to the preceding paragraph shall be subject to the jurisdiction of the district court having jurisdiction over the location of the property that is the subject matter of the sale set forth in said paragraph.

3 第一項の規定により買主が売買の目的物を競売に付したときは、遅滞なく、売主に対してその旨の通知を発しななければならない。

(3) When the buyer puts the property that is the subject matter of the sale up for auction pursuant to the provisions of paragraph (1), he/she shall dispatch a notice of such fact to the seller without delay.

4 前三項の規定は、売主及び買主の営業所（営業所がない場合にあっては、その住所）が同一の市町村の区域内にある場合には、適用しない。

(4) The provisions of the preceding three paragraphs shall not apply where the business offices of the seller and the buyer (or their domiciles if they do not have any business offices) are located in the area of the same municipality.

第五百二十八条 前条の規定は、売主から買主に引き渡した物品が注文した物品と異なる場合における当該売主から買主に引き渡した物品及び売主から買主に引き渡した物品の数量が注文した数量を超過した場合における当該超過した部分の数量の物品について準用する。

Article 528 The provisions of the preceding Article shall apply to the goods which are delivered by the seller to the buyer and found to be different from the goods ordered, and it shall also apply to any portion of the goods delivered by the seller to the buyer which exceeds the quantity of the goods ordered.

第三章 交互計算

Chapter III Current Account

(交互計算)

(Current Account)

第五百二十九条 交互計算は、商人間又は商人と商人でない者との間で平常取引をする場合において、一定の期間内の取引から生ずる債権及び債務の総額について相殺をし、その残額の支払をすることを約することによって、その効力を生ずる。

Article 529 A current account shall be effective in cases where merchants, or a merchant and a person who is not a merchant, make transactions ordinarily, if they agree to set off the total amounts of claims and obligations arising from their transactions during a certain period of time and to pay any balance thereof.

(商業証券に係る債権債務に関する特則)

(Special Provisions for Claims and Obligations Arising from Commercial Instruments)

第五百三十条 手形その他の商業証券から生じた債権及び債務を交互計算に組み入れた場合において、その商業証券の債務者が弁済をしないときは、当事者は、その債務に関する項目を交互計算から除外することができる。

Article 530 Where claims and obligations arising from bills and notes and other commercial instruments are included in a current account, if the obligor of such commercial instruments does not perform his/her obligations, the parties

may exclude the item relating to such obligations from the current account.

(交互計算の期間)

(Current Account Period)

第五百三十一条 当事者が相殺をすべき期間を定めなかったときは、その期間は、六箇月とする。

Article 531 If the parties do not specify a period for which a set-off should be made, the period shall be six months.

(交互計算の承認)

(Acknowledgment of Current Account)

第五百三十二条 当事者は、債権及び債務の各項目を記載した計算書の承認をしたときは、当該各項目について異議を述べることができない。ただし、当該計算書の記載に錯誤又は脱漏があったときは、この限りでない。

Article 532 When the parties acknowledge a statement of account in which claim and obligation items are recorded, they may not object to these items; provided, however, that this shall not apply if there is any mistake or omission in the contents of the statement of account.

(残額についての利息請求権等)

(Right to Claim Interest on a Balance, etc.)

第五百三十三条 相殺によって生じた残額については、債権者は、計算の閉鎖の日以後の法定利息を請求することができる。

Article 533 (1) For any balance derived from a set-off, the obligee may claim statutory interest thereon for the period from the date of the closing of the account.

2 前項の規定は、当該相殺に係る債権及び債務の各項目を交互計算に組み入れた日からこれに利息を付することを妨げない。

(2) The provisions of the preceding paragraph shall not preclude the accrual of interest from the day on which the items of the claims and obligations subject to the set-off were included in the current account.

(交互計算の解除)

(Cancellation of Current Account)

第五百三十四条 各当事者は、いつでも交互計算の解除をすることができる。この場合において、交互計算の解除をしたときは、直ちに、計算を閉鎖して、残額の支払を請求することができる。

Article 534 Each of the parties to a current account may cancel the account at any time. In this case, the party who cancels the current account may immediately close the account and demand payment of any balance.

第四章 匿名組合 Chapter IV Silent Partnership

(匿名組合契約)

(Silent Partnership Contract)

第五百三十五条 匿名組合契約は、当事者の一方が相手方の営業のために出資をし、その営業から生ずる利益を分配することを約することによって、その効力を生ずる。

Article 535 A silent partnership contract shall become effective when one party to the contract promises to make a contribution towards the other party's business, and the other party promises to distribute the profits arising from the business.

(匿名組合員の出資及び権利義務)

(Contribution by Silent Partner and Rights and Obligations Thereof)

第五百三十六条 匿名組合員の出資は、営業者の財産に属する。

Article 536 (1) A contribution made by a silent partner shall be included in the property of the business operator.

2 匿名組合員は、金銭その他の財産のみをその出資の目的とすることができる。

(2) A silent partner may only designate money or other property as the subject matter of the contribution.

3 匿名組合員は、営業者の業務を執行し、又は営業者を代表することができない。

(3) A silent partner may not execute the business of nor represent the business operator.

4 匿名組合員は、営業者の行為について、第三者に対して権利及び義務を有しない。

(4) A silent partner shall not have any rights against or obligations towards any third party in connection with any act conducted by the business operator.

(自己の氏名等の使用を許諾した匿名組合員の責任)

(Liability of Silent Partner Permitting the Use of His/Her Own Name, etc.)

第五百三十七条 匿名組合員は、自己の氏若しくは氏名を営業者の商号中に用いること又は自己の商号を営業者の商号として使用することを許諾したときは、その使用以後に生じた債務については、営業者と連帯してこれを弁済する責任を負う。

Article 537 When a silent partner has permitted the use of his/her own surname or full name in the trade name of the business operator or the use of his/her own trade name in the trade name of the business operator, he/she shall be liable, jointly and severally with the business operator, in connection with any obligations arising from such use.

(利益の配当の制限)

(Restriction on Distribution of Profits)

第五百三十八条 出資が損失によって減少したときは、その損失をてん補した後でなけ

れば、匿名組合員は、利益の配当を請求することができない。

Article 538 When a contribution is decreased due to any loss thereon, the silent partner may not demand the distribution of profits until after he/she has compensated for such loss.

(貸借対照表の閲覧等並びに業務及び財産状況に関する検査)

(Inspection of Balance Sheet and of the Status of Business and Property)

第五百三十九条 匿名組合員は、営業年度の終了時において、営業者の営業時間内に、次に掲げる請求をし、又は営業者の業務及び財産の状況を検査することができる。

Article 539 (1) A silent partner may, at the end of the business year, during the business hours of the business operator, make the following requests or inspect the status of the business and property of the business operator:

一 営業者の貸借対照表が書面をもって作成されているときは、当該書面の閲覧又は謄写の請求

(i) if the balance sheet of the business operator is prepared in the form of a document, a request for the inspection or copying of such document; and

二 営業者の貸借対照表が電磁的記録（電子的方式、磁気的方式その他人の知覚によっては認識することができない方式で作られる記録であって、電子計算機による情報処理の用に供されるもので法務省令で定めるものをいう。）をもって作成されているときは、当該電磁的記録に記録された事項を法務省令で定める方法により表示したものの閲覧又は謄写の請求

(ii) if the balance sheet of the business operator is prepared in the form of an electromagnetic record (meaning a record made in an electronic form, a magnetic form or any other form not recognizable to human perception, which is used in information processing by computers and specified by Ordinance of the Ministry of Justice), a request for the inspection or copying of anything which indicates the matters recorded in the electromagnetic record by a method specified by Ordinance of the Ministry of Justice.

2 匿名組合員は、重要な事由があるときは、いつでも、裁判所の許可を得て、営業者の業務及び財産の状況を検査することができる。

(2) A silent partner may, when there are material grounds, inspect the status of the business and property of the business operator at any time, with the permission of the court.

3 前項の許可に係る事件は、営業者の営業所の所在地（営業所がない場合にあつては、営業者の住所地）を管轄する地方裁判所が管轄する。

(3) The case pertaining to the permission set forth in the preceding paragraph shall be subject to the jurisdiction of the district court having jurisdiction over the location of the business office of the business operator (or the domicile of the business operator if he/she has no business office).

(匿名組合契約の解除)

(Cancellation of Silent Partnership Contract)

第五百四十条 匿名組合契約で匿名組合の存続期間を定めなかったとき、又はある当事者の終身の間匿名組合が存続すべきことを定めたときは、各当事者は、営業年度の終了時において、契約の解除をすることができる。ただし、六箇月前にその予告をしなければならない。

Article 540 (1) Where a silent partnership contract does not specify the duration of the silent partnership or it provides that the silent partnership is to continue to exist for the life of either party, each party may cancel the contract at the end of the business year; provided, however, that such party who cancels the contract shall give notice six months in advance.

2 匿名組合の存続期間を定めたか否かにかかわらず、やむを得ない事由があるときは、各当事者は、いつでも匿名組合契約の解除をすることができる。

(2) Regardless of whether or not the duration of a silent partnership is specified, each party may cancel the silent partnership contract at any time when there is a compelling reason.

(匿名組合契約の終了事由)

(Grounds for Termination of Silent Partnership Contract)

第五百四十一条 前条の場合のほか、匿名組合契約は、次に掲げる事由によって終了する。

Article 541 In addition to the cases referred to in the preceding Article, a silent partnership contract shall be terminated on the following grounds:

一 匿名組合の目的である事業の成功又はその成功の不能

(i) the successful completion of the business that is the objective of the silent partnership, or the impossibility of such successful completion;

二 営業者の死亡又は営業者が後見開始の審判を受けたこと。

(ii) the death of the business operator, or a ruling of commencement of guardianship given to the business operator; or

三 営業者又は匿名組合員が破産手続開始の決定を受けたこと。

(iii) an order of commencement of bankruptcy proceedings given to the business operator or the silent partner.

(匿名組合契約の終了に伴う出資の価額の返還)

(Return of the Value of Contribution upon Termination of Silent Partnership Contract)

第五百四十二条 匿名組合契約が終了したときは、営業者は、匿名組合員にその出資の価額を返還しなければならない。ただし、出資が損失によって減少したときは、その残額を返還すれば足りる。

Article 542 When a silent partnership contract is terminated, the business operator shall return the value of the contribution to the silent partner; provided, however, that if the contribution is decreased due to any loss thereon,

it shall be sufficient to return any value that remains.

第五章 仲立営業

Chapter V Brokerage Business

第五百四十三条 仲立人トハ他人間ノ商行為ノ媒介ヲ為スヲ業トスル者ヲ謂フ

Article 543 The term "broker" means a person who engages in the business of acting as an intermediary for a commercial transaction between other parties.

第五百四十四条 仲立人ハ其媒介シタル行為ニ付キ当事者ノ為メニ支払其他ノ給付ヲ受クルコトヲ得ス但別段ノ意思表示又ハ慣習アルトキハ此限ニ在ラス

Article 544 A broker may not receive payment or any other performance on behalf of the parties with regard to an act that he/she has conducted as an intermediary; provided, however, that this shall not apply if there is any manifestation of intention or custom to the contrary.

第五百四十五条 仲立人カ其媒介スル行為ニ付キ見本ヲ受取りタルトキハ其行為カ完了スルマテ之ヲ保管スルコトヲ要ス

Article 545 When a broker has received any sample with regard to an act that he/she conducts as an intermediary, he/she shall retain the sample until such act is completed.

第五百四十六条 当事者間ニ於テ行為カ成立シタルトキハ仲立人ハ遅滞ナク各当事者ノ氏名又ハ商号、行為ノ年月日及ヒ其要領ヲ記載シタル書面ヲ作り署名ノ後之ヲ各当事者ニ交付スルコトヲ要ス

Article 546 (1) When any act is effected between the parties, the broker shall, without delay, prepare a document stating the name or trade name of each party and the date and gist of the act, and deliver the document to each party, after signing it.

2 当事者カ直チニ履行ヲ為スヘキ場合ヲ除ク外仲立人ハ各当事者ヲシテ前項ノ書面ニ署名セシメタル後之ヲ其相手方ニ交付スルコトヲ要ス

(2) Except where the parties are required to perform their obligations immediately, the broker shall have each party sign the document set forth in the preceding paragraph, and deliver the signed document to the other party.

3 前二項ノ場合ニ於テ当事者ノ一方カ書面ヲ受領セス又ハ之ニ署名セサルトキハ仲立人ハ遅滞ナク相手方ニ対シテ其通知ヲ発スルコトヲ要ス

(3) In the cases referred to in the preceding two paragraphs, if one of the parties does not receive or sign the document, the broker shall dispatch a notice of such fact to the other party without delay.

第五百四十七条 仲立人ハ其帳簿ニ前条第一項ニ掲ケタル事項ヲ記載スルコトヲ要ス

Article 547 (1) A broker shall enter the matters listed in paragraph (1) of the preceding Article in his/her books.

2 当事者ハ何時ニテモ仲立人カ自己ノ為メニ媒介シタル行為ニ付キ其帳簿ノ謄本ノ交付ヲ請求スルコトヲ得

(2) The parties may request the broker to deliver a transcript of his/her books with regard to an act that he/she has conducted on their behalf.

第五百四十八条 当事者カ其氏名又ハ商号ヲ相手方ニ示ササルヘキ旨ヲ仲立人ニ命シタルトキハ仲立人ハ第五百四十六条第一項ノ書面及ヒ前条第二項ノ謄本ニ其氏名又ハ商号ヲ記載スルコトヲ得ス

Article 548 When either party orders the broker not to disclose the party's name or trade name to the other party, the broker may not state such party's name or trade name in the document set forth in Article 546, paragraph (1) or in the transcript set forth in paragraph (2) of the preceding Article.

第五百四十九条 仲立人カ当事者ノ一方ノ氏名又ハ商号ヲ其相手方ニ示ササリシトキハ之ニ対シテ自ラ履行ヲ為ス責ニ任ス

Article 549 When the broker has not disclosed either party's name or trade name to the other party, he/she shall be responsible for performing the obligation to the other party him/herself.

第五百五十条 仲立人ハ第五百四十六条ノ手續ヲ終ハリタル後ニ非サレハ報酬ヲ請求スルコトヲ得ス

Article 550 (1) A broker may not claim any remuneration until he/she completes the procedure set forth in Article 546.

2 仲立人ノ報酬ハ当事者双方平分シテ之ヲ負担ス

(2) The remuneration for the broker shall be borne equally by the parties.

第六章 問屋営業

Chapter VI Commission Agency Business

第五百五十一条 問屋トハ自己ノ名ヲ以テ他人ノ為メニ物品ノ販売又ハ買入ヲ為スヲ業トスル者ヲ謂フ

Article 551 The term "commission agent" means a person who engages in the business of selling or purchasing goods in his/her own name on behalf of another person.

第五百五十二条 問屋ハ他人ノ為メニ為シタル販売又ハ買入ニ因リ相手方ニ対シテ自ラ権利ヲ得義務ヲ負フ

Article 552 (1) A commission agent shall acquire rights against and assume obligations in relation to the other party as they arise from the sale or

purchase that the commission agent has engaged in on behalf of another person.

- 2 問屋ト委託者トノ間ニ於テハ本章ノ規定ノ外委任及ヒ代理ニ関スル規定ヲ準用ス
(2) In addition to the provisions of this Chapter, the provisions on mandates and agencies shall apply mutatis mutandis between the commission agent and the consignor.

第五百五十三条 問屋ハ委託者ノ為メニ為シタル販売又ハ買入ニ付キ相手方カ其債務ヲ履行セサル場合ニ於テ自ラ其履行ヲ為ス責ニ任ス但別段ノ意思表示又ハ慣習アルトキハ此限ニ在ラス

Article 553 A commission agent shall, with regard to the sale or purchase that he/she has engaged in on behalf of the consignor, be responsible for performing the other party's obligation him/herself if the other party does not perform the obligation; provided, however, that this shall not apply if there is any manifestation of intention or custom to the contrary.

第五百五十四条 問屋カ委託者ノ指定シタル金額ヨリ廉価ニテ販売ヲ為シ又ハ高価ニテ買入ヲ為シタル場合ニ於テ自ラ其差額ヲ負担スルトキハ其販売又ハ買入ハ委託者ニ対シテ其効カヲ生ス

Article 554 Where a commission agent has sold goods at a price lower than that designated by the consignor or has purchased goods at a price higher than that designated by the consignor, if the commission agent has paid any difference him/herself, such sale or purchase shall be effective in relation to the consignor.

第五百五十五条 問屋カ取引所ノ相場アル物品ノ販売又ハ買入ノ委託ヲ受ケタルトキハ自ラ買主又ハ売主ト為ルコトヲ得此場合ニ於テハ売買ノ代価ハ問屋カ買主又ハ売主ト為リタルコトノ通知ヲ発シタル時ニ於ケル取引所ノ相場ニ依リテ之ヲ定ム

Article 555 (1) When a commission agent has been entrusted to sell or purchase goods with quotations at an exchange, he/she may become the purchaser or the seller him/herself. In this case, the price of the sale or purchase shall be determined by the quotations at the exchange as of the time when the commission agent dispatched a notice to the effect that he/she became the purchaser or the seller.

- 2 前項ノ場合ニ於テモ問屋ハ委託者ニ対シテ報酬ヲ請求スルコトヲ得
(2) In the case referred to in the preceding paragraph, the commission agent may claim remuneration from the consignor.

第五百五十六条 問屋カ買入ノ委託ヲ受ケタル場合ニ於テ委託者カ買入レタル物品ヲ受取ルコトヲ拒ミ又ハ之ヲ受取ルコト能ハサルトキハ第五百二十四条ノ規定ヲ準用ス

Article 556 Where a commission agent has been entrusted to purchase goods, if the consignor refuses to receive or is unable to receive the goods purchased, the

provisions of Article 524 shall apply mutatis mutandis.

第五百五十七条 第二十七条及ビ第三十一条ノ規定ハ問屋ニ之ヲ準用ス

Article 557 The provisions of Article 27 and Article 31 shall apply mutatis mutandis to a commission agent.

第五百五十八条 本章ノ規定ハ自己ノ名ヲ以テ他人ノ為メニ販売又ハ買入ニ非サル行為ヲ為スヲ業トスル者ニ之ヲ準用ス

Article 558 The provisions of this Chapter shall apply mutatis mutandis to a person who engages in the business of conducting any act other than selling or purchasing goods in his/her own name on behalf of another person.

第七章 運送取扱営業

Chapter VII Forwarding Agency Business

第五百五十九条 運送取扱人トハ自己ノ名ヲ以テ物品運送ノ取次ヲ為スヲ業トスル者ヲ謂フ

Article 559 (1) The term "freight forwarder" means a person who engages in the business of brokerage for the transportation of goods in his/her own name.

2 運送取扱人ニハ本章ニ別段ノ定アル場合ヲ除ク外問屋ニ関スル規定ヲ準用ス

(2) Unless otherwise provided in this Chapter, the provisions on a commission agent shall apply mutatis mutandis to a freight forwarder.

第五百六十条 運送取扱人ハ自己又ハ其使用人カ運送品ノ受取、引渡、保管、運送人又ハ他ノ運送取扱人ノ選択其他運送ニ関スル注意ヲ怠ラサリシコトヲ証明スルニ非サレハ運送品ノ滅失、毀損又ハ延著ニ付キ損害賠償ノ責ヲ免ルルコトヲ得ス

Article 560 A freight forwarder may not be released from the liability to compensate for damage with regard to the damage to or the loss or delay of the freight unless he/she proves that he/she or his/her employee was not negligent in exercising due care in receiving, delivering or storing the freight, choosing a carrier or another freight forwarder or dealing with any other affairs concerning the transportation.

第五百六十一条 運送取扱人カ運送品ヲ運送人ニ引渡シタルトキハ直チニ其報酬ヲ請求スルコトヲ得

Article 561 (1) A freight forwarder may claim remuneration immediately when he/she has delivered the freight to a carrier.

2 運送取扱契約ヲ以テ運送賃ノ額ヲ定メタルトキハ運送取扱人ハ特約アルニ非サレハ別ニ報酬ヲ請求スルコトヲ得ス

(2) Where the amount of freight charge is specified by a freight forwarding contract, the freight forwarder may not claim additional remuneration unless

there are any special provisions to the contrary.

第五百六十二条 運送取扱人ハ運送品ニ関シ受取ルヘキ報酬、運送賃其他委託者ノ為メニ為シタル立替又ハ前貸ニ付テノミ其運送品ヲ留置スルコトヲ得

Article 562 A freight forwarder may retain the freight only for the remuneration receivable for the freight, the freight charge, any payment made on behalf of or advance payment made to the consignor.

第五百六十三条 数人相次テ運送ノ取次ヲ為ス場合ニ於テハ後者ハ前者ニ代ハリテ其權利ヲ行使スル義務ヲ負フ

Article 563 (1) Where two or more persons conduct brokerage for freight forwarding in succession, the second and subsequent freight forwarders shall be obliged to exercise the rights of their predecessors on behalf of such predecessors.

2 前項ノ場合ニ於テ後者カ前者ニ弁済ヲ為シタルトキハ前者ノ權利ヲ取得ス

(2) In the case referred to in the preceding paragraph, the second and subsequent freight forwarders shall acquire the rights of each of their predecessors when they perform their obligations to their predecessors.

第五百六十四条 運送取扱人カ運送人ニ弁済ヲ為シタルトキハ運送人ノ權利ヲ取得ス

Article 564 A freight forwarder shall acquire a carrier's rights when he/she performs his/her obligation to such carrier.

第五百六十五条 運送取扱人ハ特約ナキトキハ自ラ運送ヲ為スコトヲ得此場合ニ於テハ運送取扱人ハ運送人ト同一ノ權利義務ヲ有ス

Article 565 (1) A freight forwarder may carry out transportation him/herself if there are no special provisions to the contrary. In this case, the freight forwarder shall have the same rights and obligations as the carrier.

2 運送取扱人カ委託者ノ請求ニ因リテ貨物引換証ヲ作りタルトキハ自ラ運送ヲ為スモノト看做ス

(2) When a freight forwarder prepares an inland bill of lading at the request of the consignor, it shall be deemed that the freight forwarder carries out the transportation him/herself.

第五百六十六条 運送取扱人ノ責任ハ荷受人カ運送品ヲ受取リタル日ヨリ一年ヲ経過シタルトキハ時効ニ因リテ消滅ス

Article 566 (1) The liability of a freight forwarder shall be extinguished by prescription when one year has elapsed from the day on which the consignee received the freight.

2 前項ノ期間ハ運送品ノ全部滅失ノ場合ニ於テハ其引渡アルヘカリシ日ヨリ之ヲ起算ス

(2) In the event of the total loss of the freight, the period set forth in the preceding paragraph shall be counted from the day on which the freight should have been delivered.

3 前二項ノ規定ハ運送取扱人ニ悪意アリタル場合ニハ之ヲ適用セス

(3) The provisions of the preceding two paragraphs shall not apply where the freight forwarder has knowledge of the loss or damage.

第五百六十七条 運送取扱人ノ委託者又ハ荷受人ニ対スル債権ハ一年ヲ経過シタルトキハ時効ニ因リテ消滅ス

Article 567 Any claim held by a freight forwarder against a consignor or a consignee shall be extinguished by prescription when one year has elapsed.

第五百六十八条 第五百七十八条及ヒ第五百八十三条ノ規定ハ運送取扱営業ニ之ヲ準用ス

Article 568 The provisions of Article 578 and Article 583 shall apply mutatis mutandis to the freight forwarding business.

第八章 運送営業

Chapter VIII Transportation Business

第一節 総則

Section 1 General Provisions

第五百六十九条 運送人トハ陸上又ハ湖川、港湾ニ於テ物品又ハ旅客ノ運送ヲ為スヲ業トスル者ヲ謂フ

Article 569 The term "carrier" means a person who engages in the business of transporting goods or passengers on land, over lakes and rivers, or at ports and harbors.

第二節 物品運送

Section 2 Freight Transportation

第五百七十条 荷送人ハ運送人ノ請求ニ因リ運送状ヲ交付スルコトヲ要ス

Article 570 (1) A consignor shall deliver an invoice at the request of a carrier.

2 運送状ニハ左ノ事項ヲ記載シ荷送人之ニ署名スルコトヲ要ス

(2) An invoice shall state the following matters and bear the consignor's signature:

一 運送品ノ種類、重量又ハ容積及ヒ其荷造ノ種類、個数並ニ記号

(i) the type, weight or capacity of the freight, the type of packaging, the number of packages, and the marks;

二 到達地

(ii) the destination;

三 荷受人ノ氏名又ハ商号

(iii) the name or trade name of the consignee; and

四 運送状ノ作成地及ヒ其作成ノ年月日

(iv) the place and date of the issuance of the invoice.

第五百七十一条 運送人ハ荷送人ノ請求ニ因リ貨物引換証ヲ交付スルコトヲ要ス

Article 571 (1) A carrier shall deliver an inland bill of lading at the request of a consignor.

2 貨物引換証ニハ左ノ事項ヲ記載シ運送人之ニ署名スルコトヲ要ス

(2) An inland bill of lading shall state the following matters and bear the carrier's signature:

一 前条第二項第一号乃至第三号ニ掲ケタル事項

(i) the matters listed in item (i) to item (iii) of paragraph (2) of the preceding Article;

二 荷送人ノ氏名又ハ商号

(ii) the name or trade name of the consignor;

三 運送賃

(iii) the freight charge; and

四 貨物引換証ノ作成地及ヒ其作成ノ年月日

(iv) the place and date of the issuance of the inland bill of lading.

第五百七十二條 貨物引換証ヲ作りタルトキハ運送ニ関スル事項ハ運送人ト所持人トノ間ニ於テハ貨物引換証ノ定ムル所ニ依ル

Article 572 Where an inland bill of lading is issued, the matters concerning the transportation between the carrier and the holder shall be governed by the provisions of the inland bill of lading.

第五百七十三條 貨物引換証ヲ作りタルトキハ運送品ニ関スル処分ハ貨物引換証ヲ以テスルニ非サレハ之ヲ為スコトヲ得ス

Article 573 Where an inland bill of lading is issued, no disposition concerning the freight may be made unless it is by the inland bill of lading.

第五百七十四條 貨物引換証ハ其記名式ナルトキト雖モ裏書ニ依リテ之ヲ讓渡スコトヲ得但貨物引換証ニ裏書ヲ禁スル旨ヲ記載シタルトキハ此限ニ在ラス

Article 574 An inland bill of lading, even when it is to a specified person, may be negotiated by means of endorsement; provided, however, that this shall not apply if the inland bill of lading states that such endorsement is prohibited.

第五百七十五條 貨物引換証ニ依リ運送品ヲ受取ルコトヲ得ヘキ者ニ貨物引換証ヲ引渡シタルトキハ其引渡ハ運送品ノ上ニ行使スル權利ノ取得ニ付キ運送品ノ引渡ト同一ノ効力ヲ有ス

Article 575 When an inland bill of lading is delivered to a person entitled to receive the freight based on such inland bill of lading, the delivery of the inland bill of lading shall have the same effect as the delivery of the freight in relation to the acquisition of the rights to be exercised upon the freight.

第五百七十六条 運送品ノ全部又ハ一部カ不可抗力ニ因リテ滅失シタルトキハ運送人ハ其運送賃ヲ請求スルコトヲ得ス若シ運送人カ既ニ其運送賃ノ全部又ハ一部ヲ受取リタルトキハ之ヲ返還スルコトヲ要ス

Article 576 (1) When the freight is totally or partially lost due to force majeure, the carrier may not claim the freight charge for such freight. If the carrier has already received the freight charge in full or in part, he/she shall return it.

2 運送品ノ全部又ハ一部カ其性質若クハ瑕疵又ハ荷送人ノ過失ニ因リテ滅失シタルトキハ運送人ハ運送賃ノ全額ヲ請求スルコトヲ得

(2) When the freight is totally or partially lost due to the nature of or any defect in the freight or the negligence of the consignor, the carrier may claim the full amount of the freight charge.

第五百七十七条 運送人ハ自己若クハ運送取扱人又ハ其使用人其他運送ノ為メ使用シタル者カ運送品ノ受取、引渡、保管及ヒ運送ニ関シ注意ヲ怠ラサリシコトヲ証明スルニ非サレハ運送品ノ滅失、毀損又ハ延著ニ付キ損害賠償ノ責ヲ免ルルコトヲ得ス

Article 577 A carrier may not be released from the liability to compensate for damage with regard to the damage to or the loss or delay of the freight unless the carrier proves that he/she or his/her freight forwarder or an employee thereof or any other person whom he/she employs for transportation was not negligent in exercising due care in the receipt, delivery, storage or transportation of the freight.

第五百七十八条 貨幣、有価証券其他ノ高価品ニ付テハ荷送人カ運送ヲ委託スルニ当タリ其種類及ヒ価額ヲ明告シタルニ非サレハ運送人ハ損害賠償ノ責ニ任セス

Article 578 A carrier shall not be liable to compensate for damage with regard to cash, negotiable instruments of value or other expensive goods unless the consignor declared the type and value thereof upon entrusting such goods for transportation.

第五百七十九条 数人相次テ運送ヲ為ス場合ニ於テハ各運送人ハ運送品ノ滅失、毀損又ハ延著ニ付キ連帯シテ損害賠償ノ責ニ任ス

Article 579 Where two or more carriers conduct transportation in succession, they shall be jointly and severally liable to compensate for damage with regard to the damage to or the loss or delay of the freight.

第五百八十条 運送品ノ全部滅失ノ場合ニ於ケル損害賠償ノ額ハ其引渡アルヘカリシ日

ニ於ケル到達地ノ価格ニ依リテ之ヲ定ム

Article 580 (1) The amount of damages in the event of the total loss of the freight shall be determined by the value thereof at the destination as of the day on which the freight should have been delivered.

2 運送品ノ一部滅失又ハ毀損ノ場合ニ於ケル損害賠償ノ額ハ其引渡アリタル日ニ於ケル到達地ノ価格ニ依リテ之ヲ定ム但延著ノ場合ニ於テハ前項ノ規定ヲ準用ス

(2) The amount of damages in the event of the partial loss or damage to the freight shall be determined by the value thereof at the destination as of the day on which the freight was delivered; provided, however, that the provisions of the preceding paragraph shall apply mutatis mutandis in the event of the delay.

3 運送品ノ滅失又ハ毀損ノ為メ支払フコトヲ要セサル運送賃其他ノ費用ハ前二項ノ賠償額ヨリ之ヲ控除ス

(3) The freight charge or other costs that are not required to be paid by reason of the loss of or damage to the freight shall be deducted from the amount of damages set forth in the preceding two paragraphs.

第五百八十一条 運送品カ運送人ノ悪意又ハ重大ナル過失ニ因リテ滅失、毀損又ハ延著シタルトキハ運送人ハ一切ノ損害ヲ賠償スル責ニ任ス

Article 581 If the freight is lost, damaged or delayed due to an intentional act of the carrier or gross negligence, the carrier shall be liable to compensate for any and all damage arising therefrom.

第五百八十二条 荷送人又ハ貨物引換証ノ所持人ハ運送人ニ対シ運送ノ中止、運送品ノ返還其他ノ処分ヲ請求スルコトヲ得此場合ニ於テハ運送人ハ既ニ為シタル運送ノ割合ニ応スル運送賃、立替金及ヒ其処分ニ因リテ生シタル費用ノ弁済ヲ請求スルコトヲ得

Article 582 (1) The consignor or the holder of an inland bill of lading may request a carrier to stop the transportation or return or otherwise dispose of the freight. In this case, the carrier may claim payment of the freight charge in proportion to the transportation that he/she has already completed, any payment made on behalf of another person, and any costs arising from such disposition of the freight.

2 前項ニ定メタル荷送人ノ権利ハ運送品カ到達地ニ達シタル後荷受人カ其引渡ヲ請求シタルトキハ消滅ス

(2) The right of the consignor prescribed in the preceding paragraph shall be extinguished if the consignee demands the delivery of the freight after it has arrived at the destination.

第五百八十三条 運送品カ到達地ニ達シタル後ハ荷受人ハ運送契約ニ因リテ生シタル荷送人ノ権利ヲ取得ス

Article 583 (1) After the freight has arrived at the destination, the consignee shall acquire the rights of the consignor arising under the transportation

contract.

2 荷受人カ運送品ヲ受取リタルトキハ運送人ニ対シ運送賃其他ノ費用ヲ支払フ義務ヲ負フ

(2) When the consignee receives the freight, he/she shall be obliged to pay the freight charge and other costs to the carrier.

第五百八十四条 貨物引換証ヲ作リタル場合ニ於テハ之ト引換ニ非サレハ運送品ノ引渡ヲ請求スルコトヲ得ス

Article 584 Where an inland bill of lading is issued, the delivery of the freight may not be demanded unless it is in exchange for the inland bill of lading.

第五百八十五条 荷受人ヲ確知スルコト能ハサルトキハ運送人ハ運送品ヲ供託スルコトヲ得

Article 585 (1) A carrier may deposit the freight when he/she is unable to ascertain the identity of the consignee.

2 前項ノ場合ニ於テ運送人カ荷送人ニ対シ相当ノ期間ヲ定メ運送品ノ処分ニ付キ指図ヲ為スヘキ旨ヲ催告スルモ荷送人カ其指図ヲ為ササルトキハ運送品ヲ競売スルコトヲ得

(2) In the case referred to in the preceding paragraph, if the carrier makes a demand on the consignor, by specifying a reasonable period of time, to the effect that the consignor should give instructions as to how to dispose of the freight but the consignor does not give any such instructions, the carrier may put the freight up for auction.

3 運送人カ前二項ノ規定ニ従ヒテ運送品ノ供託又ハ競売ヲ為シタルトキハ遅滞ナク荷送人ニ対シテ其通知ヲ発スルコトヲ要ス

(3) When the carrier deposits the freight or puts it up for auction pursuant to the provisions of the preceding two paragraphs, he/she shall dispatch a notice of such fact to the consignor without delay.

第五百八十六条 前条ノ規定ハ運送品ノ引渡ニ関シテ争アル場合ニ之ヲ準用ス

Article 586 (1) The provisions of the preceding Article shall apply mutatis mutandis where there is any dispute over the delivery of the freight.

2 運送人カ競売ヲ為スニハ予メ荷受人ニ対シ相当ノ期間ヲ定メテ運送品ノ受取ヲ催告シ其期間経過ノ後更ニ荷送人ニ対スル催告ヲ為スコトヲ要ス

(2) In order to put the freight up for auction, the carrier shall, in advance, make a demand on the consignee, by specifying a reasonable period of time, to the effect that the consignee should receive the freight, and shall also make a demand on the consignor after such period expires.

3 運送人ハ遅滞ナク荷受人ニ対シテモ運送品ノ供託又ハ競売ノ通知ヲ発スルコトヲ要ス

(3) The carrier shall also dispatch a notice to the consignee without delay to the

effect that the freight is deposited or put up for auction.

第五百八十七条 第五百二十四条第二項及ヒ第三項ノ規定ハ前二条ノ場合ニ之ヲ準用ス
Article 587 The provisions of Article 524, paragraph (2) and paragraph (3) shall apply mutatis mutandis to the cases referred to in the preceding two Articles.

第五百八十八条 運送人ノ責任ハ荷受人カ留保ヲ為サシテ運送品ヲ受取り且運送賃其他ノ費用ヲ支払ヒタルトキハ消滅ス但運送品ニ直チニ発見スルコト能ハサル毀損又ハ一部滅失アリタル場合ニ於テ荷受人カ引渡ノ日ヨリ二週間内ニ運送人ニ対シテ其通知ヲ發シタルトキハ此限ニ在ラス

Article 588 (1) The liability of a carrier shall be extinguished when the consignee receives the freight without making any reservation and pays the freight charge and other costs; provided, however, that this shall not apply where the freight contains a defect that cannot be immediately discovered or the freight is partially lost, and the consignee dispatches a notice of such fact to the carrier within two weeks from the date of delivery.

2 前項ノ規定ハ運送人ニ悪意アリタル場合ニハ之ヲ適用セス

(2) The provisions of the preceding paragraph shall not apply where the carrier has knowledge of such defect or partial loss.

第五百八十九条 第五百六十二条、第五百六十三条、第五百六十六条及ヒ第五百六十七条ノ規定ハ運送人ニ之ヲ準用ス

Article 589 The provisions of Article 562, Article 563, Article 566 and Article 567 shall apply mutatis mutandis to a carrier.

第三節 旅客運送

Section 3 Passenger Transportation

第五百九十条 旅客ノ運送人ハ自己又ハ其使用人カ運送ニ関シ注意ヲ怠ラサリシコトヲ証明スルニ非サレハ旅客カ運送ノ為メニ受ケタル損害ヲ賠償スル責ヲ免ルルコトヲ得ス

Article 590 (1) A passenger carrier may not be released from the liability of compensating for the damage suffered by a passenger due to transportation unless the passenger carrier proves that he/she or his/her employee was not negligent in exercising due care in carrying out the transportation.

2 損害賠償ノ額ヲ定ムルニ付テハ裁判所ハ被害者及ヒ其家族ノ情況ヲ斟酌スルコトヲ要ス

(2) When determining the amount of damages, the court shall take into consideration the circumstances of the victim and his/her family.

第五百九十一条 旅客ノ運送人ハ旅客ヨリ引渡ヲ受ケタル手荷物ニ付テハ特ニ運送賃ヲ

請求セサルトキト雖モ物品ノ運送人ト同一ノ責任ヲ負フ

Article 591 (1) A passenger carrier shall have the same liability as a freight carrier with regard to the baggage that passengers have delivered thereto, even when the passenger carrier does not claim any special freight charge for the baggage.

2 手荷物カ到達地ニ達シタル日ヨリ一週間内ニ旅客カ其引渡ヲ請求セサルトキハ第五百二十四条ノ規定ヲ準用ス但住所又ハ居所ノ知レサル旅客ニハ催告及ヒ通知ヲ為スコトヲ要セス

(2) The provisions of Article 524 shall apply mutatis mutandis where a passenger has not demanded the delivery of his/her baggage within one week from the day on which the baggage arrives at the destination; provided, however, that if the passenger's domicile or residence is unknown, the passenger carrier shall not be required to make a demand on or give notice to the passenger.

第五百九十二条 旅客ノ運送人ハ旅客ヨリ引渡ヲ受ケサル手荷物ノ滅失又ハ毀損ニ付テハ自己又ハ其使用人ニ過失アル場合ヲ除ク外損害賠償ノ責ニ任セス

Article 592 A passenger carrier shall not be liable to compensate for damage with regard to the loss of or damage to the baggage that passengers have not delivered thereto, except where there is negligence on the part of the passenger carrier or his/her employee.

第九章 寄託

Chapter IX Deposit

第一節 総則

Section 1 General Provisions

第五百九十三条 商人カ其營業ノ範囲内ニ於テ寄託ヲ受ケタルトキハ報酬ヲ受ケサルトキト雖モ善良ナル管理者ノ注意ヲ為スコトヲ要ス

Article 593 When a merchant receives a deposit within the scope of his/her business, he/she shall have the due care of a prudent manager for the deposited goods even when he/she will not receive any remuneration.

第五百九十四条 旅店、飲食店、浴場其他客ノ来集ヲ目的トスル場屋ノ主人ハ客ヨリ寄託ヲ受ケタル物品ノ滅失又ハ毀損ニ付キ其不可抗力ニ因リタルコトヲ証明スルニ非サレハ損害賠償ノ責ヲ免ルルコトヲ得ス

Article 594 (1) When a proprietor/proprietress of a hotel, eating and drinking establishment, bathhouse or any other establishment intended for gathering customers receives a deposit of goods from a customer, he/she may not be released from the liability to compensate for damage with regard to the loss of or damage to the deposited goods unless he/she proves that such loss or damage is due to force majeure.

2 客カ特ニ寄託セサル物品ト雖モ場屋中ニ携帯シタル物品カ場屋ノ主人又ハ其使用人ノ不注意ニ因リテ滅失又ハ毀損シタルトキハ場屋ノ主人ハ損害賠償ノ責ニ任ス

(2) When a customer does not deposit but carries goods on his/her person within an establishment and such goods are lost or damaged due to the carelessness of the proprietor/proprietress of the establishment or any of his/her employees, the proprietor/proprietress of the establishment shall be liable to compensate for damage.

3 客ノ携帯品ニ付キ責任ヲ負ハサル旨ヲ告示シタルトキト雖モ場屋ノ主人ハ前二項ノ責任ヲ免ルルコトヲ得ス

(3) A proprietor/proprietress may not be released from the liability set forth in the preceding two paragraphs even when he/she has given public notice to the effect that he/she will not assume liability for any personal effects of customers.

第五百九十五条 貨幣、有価証券其他ノ高価品ニ付テハ客カ其種類及ヒ価額ヲ明告シテ之ヲ前条ノ場屋ノ主人ニ寄託シタルニ非サレハ其場屋ノ主人ハ其物品ノ滅失又ハ毀損ニ因リテ生シタル損害ヲ賠償スル責ニ任セス

Article 595 A proprietor/proprietress of an establishment as set forth in the preceding Article shall not be liable to compensate for any damage arising from the loss of or damage to the cash, negotiable instruments of value or other expensive goods of a customer unless the customer deposits such goods with the proprietor/proprietress of the establishment and declares the type and value thereof.

第五百九十六条 前二条ノ責任ハ場屋ノ主人カ寄託物ヲ返還シ又ハ客カ携帯品ヲ持去リタル後一年ヲ経過シタルトキハ時効ニ因リテ消滅ス

Article 596 (1) The liability set forth in the preceding two Articles shall be extinguished by prescription when one year has elapsed after the proprietor/proprietress returned the deposited goods or a customer left the establishment with his/her personal effects.

2 前項ノ期間ハ物品ノ全部滅失ノ場合ニ於テハ客カ場屋ヲ去リタル時ヨリ之ヲ起算ス

(2) In the event of the total loss of the goods, the period set forth in the preceding paragraph shall be calculated from the time when the customer left the establishment.

3 前二項ノ規定ハ場屋ノ主人ニ悪意アリタル場合ニハ之ヲ適用セス

(3) The provisions of the preceding two paragraphs shall not apply where the proprietor/proprietress has knowledge of the loss or damage.

第二節 倉庫営業

Section 2 Warehouse Business

第五百九十七条 倉庫営業者トハ他人ノ為メニ物品ヲ倉庫ニ保管スルヲ業トスル者ヲ謂

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Article 597 The term "warehouse business operator" means a person who engages in the business of storing goods at a warehouse on behalf of another person.

第五百九十八条 倉庫営業者ハ寄託者ノ請求ニ因リ寄託物ノ預証券及ヒ質入証券ヲ交付スルコトヲ要ス

Article 598 A warehouse business operator shall deliver a deposit receipt and a pledge receipt for the deposited goods at the request of a depositor.

第五百九十九条 預証券及ヒ質入証券ニハ左ノ事項及ヒ番号ヲ記載シ倉庫営業者之ニ署名スルコトヲ要ス

Article 599 A deposit receipt and a pledge receipt shall state the following matters as well as a number, and bear the warehouse business operator's signature:

- 一 受寄物ノ種類、品質、数量及ヒ其荷造ノ種類、個数並ニ記号
(i) the type, quality and quantity of the deposited goods, the type of packaging, the number of packages, and the marks;
- 二 寄託者ノ氏名又ハ商号
(ii) the name or trade name of the depositor;
- 三 保管ノ場所
(iii) the place of storage;
- 四 保管料
(iv) the storage fee;
- 五 保管ノ期間ヲ定メタルトキハ其期間
(v) if a storage period is specified, such period;
- 六 受寄物ヲ保険ニ付シタルトキハ保険金額、保険期間及ヒ保険者ノ氏名又ハ商号
(vi) if the deposited goods are covered by insurance, the insured amount, the insurance period, and the name or trade name of the insurer;
- 七 証券ノ作成地及ヒ其作成ノ年月日
(vii) the place and date of the issuance of the receipts.

第六百条 倉庫営業者カ預証券及ヒ質入証券ヲ寄託者ニ交付シタルトキハ其帳簿ニ左ノ事項ヲ記載スルコトヲ要ス

Article 600 When a warehouse business operator has delivered a deposit receipt and a pledge receipt to a depositor, he/she shall enter the following matters in his/her books:

- 一 前条第一号、第二号及ヒ第四号乃至第六号ニ掲ケタル事項
(i) the matters listed in item (i), item (ii), and item (iv) to item (vi) of the preceding Article; and
- 二 証券ノ番号及ヒ其作成ノ年月日

(ii) the numbers assigned to the receipts and the date of the issuance thereof.

第六百一条 預証券及ヒ質入証券ノ所持人ハ倉庫營業者ニ対シ寄託物ヲ分割シ且其各部分ニ対スル預証券及ヒ質入証券ノ交付ヲ請求スルコトヲ得此場合ニ於テハ所持人ハ前ノ預証券及ヒ質入証券ヲ倉庫營業者ニ返還スルコトヲ要ス

Article 601 (1) The holder of a deposit receipt and a pledge receipt may request a warehouse business operator to divide the deposited goods and deliver new deposit receipts and pledge receipts for the respective portions of the goods. In this case, the holder shall return the initial deposit receipt and pledge receipt to the warehouse business operator.

2 前項ニ定メタル寄託物ノ分割及ヒ証券ノ交付ニ関スル費用ハ所持人之ヲ負担ス
(2) The costs for the division of the deposited goods and the delivery of deposit receipts and pledge receipts as prescribed in the preceding paragraph shall be borne by the holder of the initial receipts.

第六百二条 預証券及ヒ質入証券ヲ作りタルトキハ寄託ニ関スル事項ハ倉庫營業者ト所持人トノ間ニ於テハ其証券ノ定ムル所ニ依ル

Article 602 Where a deposit receipt and a pledge receipt are issued, the matters concerning the deposit of goods between the warehouse business operator and the holder of the receipts shall be governed by the provisions stated on the receipts.

第六百三条 預証券及ヒ質入証券ハ其記名式ナルトキト雖モ裏書ニ依リテ之ヲ讓渡シ又ハ之ヲ質入スルコトヲ得但証券ニ裏書ヲ禁スル旨ヲ記載シタルトキハ此限ニ在ラス

Article 603 (1) A deposit receipt and a pledge receipt, even when they are to a specified person, may be negotiated or pledged by means of endorsement; provided, however, that this shall not apply if the receipts state that their endorsement is prohibited.

2 預証券ノ所持人カ未タ質入ヲ為ササル間ハ預証券及ヒ質入証券ハ各別ニ之ヲ讓渡スルコトヲ得ス

(2) A deposit receipt and a pledge receipt may not be negotiated separately until the holder of the deposit receipt puts the deposited goods in pledge.

第六百四条 第五百七十三条及ヒ第五百七十五条ノ規定ハ預証券及ヒ質入証券ニ之ヲ準用ス

Article 604 The provisions of Article 573 and Article 575 shall apply mutatis mutandis to a deposit receipt and a pledge receipt.

第六百五条 預証券又ハ質入証券カ滅失シタルトキハ其所持人ハ相当ノ担保ヲ供シテ更ニ其証券ノ交付ヲ請求スルコトヲ得此場合ニ於テハ倉庫營業者ハ其旨ヲ帳簿ニ記載スルコトヲ要ス

Article 605 When a deposit receipt or a pledge receipt is lost, the holder thereof may request the delivery of another receipt, while providing reasonable security. In this case, the warehouse business operator shall make an entry in his/her books to that effect.

第六百六条 質入証券ニ第一ノ質入裏書ヲ為スニハ債権額、其利息及ヒ弁済期ヲ記載スルコトヲ要ス

Article 606 (1) In order to make the first endorsement on a pledge receipt, the endorser shall write the amount of the claim, interest and due date on the receipt.

2 第一ノ質権者カ前項ニ掲ケタル事項ヲ預証券ニ記載シテ之ニ署名スルニ非サレハ質権ヲ以テ第三者ニ対抗スルコトヲ得ス

(2) Unless the first pledgee writes the matters listed in the preceding paragraph on the deposit receipt and signs it, the pledge may not be duly asserted against a third party.

第六百七条 預証券ノ所持人ハ寄託物ヲ以テ預証券ニ記載シタル債権額及ヒ利息ヲ弁済スル義務ヲ負フ

Article 607 The holder of a deposit receipt shall be liable to pay the amount of the claim and interest as written on the deposit receipt with the deposited goods.

第六百八条 質入証券所持人ノ債権ノ弁済ハ倉庫営業者ノ営業所ニ於テ之ヲ為スコトヲ要ス

Article 608 A claim held by the holder of a pledge receipt shall be satisfied at the business place of the warehouse business operator.

第六百九条 質入証券ノ所持人カ弁済期ニ至リ支払ヲ受ケサルトキハ手形ニ関スル規定ニ従ヒテ拒絶証書ヲ作ラシムルコトヲ要ス

Article 609 When the holder of a pledge receipt does not receive any payment on the due date, he/she shall have a protest made pursuant to the provisions on any relevant bills and notes.

第六百十条 質入証券ノ所持人ハ拒絶証書作成ノ日ヨリ一週間ヲ経過シタル後ニ非サレハ寄託物ノ競売ヲ請求スルコトヲ得ス

Article 610 The holder of a pledge receipt may not demand an auction of the deposited goods until after one week has elapsed from the day for protest.

第六百十一条 倉庫営業者ハ競売代金ノ中ヨリ競売ニ関スル費用、受寄物ニ課スヘキ租税、保管料其他保管ニ関スル費用及ヒ立替金ヲ控除シタル後其残額ヲ質入証券ト引換ニ其所持人ニ支払フコトヲ要ス

Article 611 (1) A warehouse business operator shall pay to the holder of a pledge receipt, in exchange for the receipt, an amount that remains after deducting the costs for an auction, the taxes imposed on the deposited goods, the storage fee and any other costs for the storage as well as any payment made on behalf of another person, from the proceeds from the auction.

2 競売代金ノ中ヨリ前項ニ掲ケタル費用、租税、保管料、立替金及ヒ質入証券所持人ノ債権額、利息、拒絶証書作成ノ費用ヲ控除シタル後余剩アルトキハ倉庫業者ハ之ヲ預証券ト引換ニ其所持人ニ支払フコトヲ要ス

(2) If there is any remainder after deducting, from the proceeds from an auction, the costs, taxes, storage fee and payment made on behalf of another person as listed in the preceding paragraph as well as the amount of the claim of the holder of a pledge receipt, interest and expenses of protest, a warehouse business operator shall pay such remainder to the holder of the deposit receipt in exchange for the receipt.

第六百十二条 競売代金ヲ以テ質入証券ニ記載シタル債権ノ全部ヲ弁済スルコト能ハサリシトキハ倉庫業者ハ其支払ヒタル金額ヲ質入証券ニ記載シテ其証券ヲ返還シ且其旨ヲ帳簿ニ記載スルコトヲ要ス

Article 612 If the proceeds from an auction are insufficient for paying the full amount of the claim written on a pledge receipt, a warehouse business operator shall write the amount that he/she has paid on the pledge receipt and return the receipt, and make an entry in his/her books to that effect.

第六百十三条 質入証券ノ所持人ハ先ツ寄託物ニ付キ弁済ヲ受ケ尚ホ不足アルトキハ其裏書人ニ対シテ不足額ヲ請求スルコトヲ得

Article 613 (1) The holder of a pledge receipt may receive payment first with regard to the deposited goods, and if there is any shortfall in such payment, he/she may also claim payment of the shortfall from an endorser.

2 手形法第四十五条第一項第三項第五項第六項、第四十八条第一項、第四十九条及ヒ第五十条第一項ノ規定ハ前項ニ定メタル不足額ノ請求ニ之ヲ準用ス

(2) The provisions of Article 45, paragraph (1), paragraph (3), paragraph (5), and paragraph (6), Article 48, paragraph (1), Article 49, and Article 50, paragraph (1) of the Bills and Notes Act shall apply mutatis mutandis to the claim for payment of a shortfall prescribed in the preceding paragraph.

3 手形法第五十二条第三項ノ規定ハ不足額ノ請求ヲ受クル者ノ営業所又ハ住所ノ所在地カ其請求ヲ為ス者ノ営業所又ハ住所ノ所在地ト異ナル場合ニ於ケル償還額ノ算定ニ付キ之ヲ準用ス

(3) The provisions of Article 52, paragraph (3) of the Bills and Notes Act shall apply mutatis mutandis to the calculation of the amount of reimbursement in cases where the business place or domicile of the person against whom the claim for payment of a shortfall is made is located at a different place from the

place where the business office or domicile of the person who makes the claim is located.

第六百十四条 質入証券ノ所持人カ弁済期ニ至リ支払ヲ受ケサリシ場合ニ於テ拒絶証書ヲ作ラシメサリシトキ又ハ拒絶証書作成ノ日ヨリ二週間内ニ寄託物ノ競売ヲ請求セサリシトキハ裏書人ニ対スル請求権ヲ失フ

Article 614 Where the holder of a pledge receipt has not received payment on the due date but does not have a protest made or does not demand an auction of the deposited goods within two weeks from the day for protest, he/she shall lose his/her claim against an endorser.

第六百十五条 質入証券所持人ノ預証券所持人ニ対スル請求権ハ弁済期ヨリ一年質入証券裏書人ニ対スル請求権ハ寄託物ニ付キ弁済ヲ受ケタル日ヨリ六个月質入証券裏書人ノ其前者ニ対スル請求権ハ償還ヲ為シタル日ヨリ六个月ヲ経過シタルトキハ時効ニ因リテ消滅ス

Article 615 The claim of the holder of a pledge receipt shall be extinguished by prescription when one year has elapsed from the due date if the claim is against the holder of a deposit receipt, and when six months have elapsed from the day on which the holder of the pledge receipt receives the delivery of the deposited goods if the claim is against an endorser of the pledge receipt; and the claim of an endorser of a pledge receipt against his/her predecessor shall be extinguished by prescription when six months have elapsed from the day on which reimbursement is made.

第六百十六条 寄託者又ハ預証券ノ所持人ハ営業時間内何時ニテモ倉庫営業者ニ対シテ寄託物ノ点検若クハ其見本ノ摘出ヲ求メ又ハ其保存ニ必要ナル処分ヲ為スコトヲ得

Article 616 (1) A depositor or the holder of a deposit receipt may request a warehouse business operator, at any time during business hours, to inspect the deposited goods, take samples out of the goods or take necessary measures to store the goods.

2 質入証券ノ所持人ハ営業時間内何時ニテモ倉庫営業者ニ対シテ寄託物ノ点検ヲ求ムルコトヲ得

(2) The holder of a pledge receipt may request a warehouse business operator, at any time during business hours, to inspect the deposited goods.

第六百十七条 倉庫営業者ハ自己又ハ其使用人カ受寄物ノ保管ニ関シ注意ヲ怠ラサリシコトヲ証明スルニ非サレハ其滅失又ハ毀損ニ付キ損害賠償ノ責ヲ免ルルコトヲ得ス

Article 617 A warehouse business operator may not be released from the liability to compensate for damage with regard to the loss of or damage to the deposited goods unless he/she proves that he/she or his/her employees were not negligent in exercising due care in carrying out the storage of the goods.

第六百十八条 倉庫業者ハ受寄物出庫ノ時ニ非サレハ保管料及ヒ立替金其他受寄物ニ
関スル費用ノ支払ヲ請求スルコトヲ得ス但受寄物ノ一部出庫ノ場合ニ於テハ割合ニ応
シテ其支払ヲ請求スルコトヲ得

Article 618 A warehouse business operator may claim the payment of the storage
fee, any payment made on behalf of another person, and any other costs for the
deposited goods only at the time of the removal of the goods from the
warehouse; provided, however, that when part of the deposited goods are
removed from the warehouse, the warehouse business operator may claim
payment in proportion to such removed part.

第六百十九条 当事者カ保管ノ期間ヲ定メサリトキハ倉庫業者ハ受寄物入庫ノ日ヨ
リ六个月ヲ経過シタル後ニ非サレハ其返還ヲ為スコトヲ得ス但已ムコトヲ得サル事由
アルトキハ此限ニ在ラス

Article 619 Where the parties have not specified a storage period, the warehouse
business operator may not return the deposited goods until more than six
months have elapsed from the date of the storage of the goods in the
warehouse; provided, however, that this shall not apply where there are
unavoidable grounds.

第六百二十条 預証券及ヒ質入証券ヲ作りタル場合ニ於テハ之ト引換ニ非サレハ寄託物
ノ返還ヲ請求スルコトヲ得ス

Article 620 Where a deposit receipt and a pledge receipt have been issued, the
return of the deposited goods may not be demanded unless it is in exchange for
the receipts.

第六百二十一条 預証券ノ所持人ハ質入証券ニ記載シタル債権ノ弁済期前ト雖モ其債権
ノ全額及ヒ弁済期マテノ利息ヲ倉庫業者ニ供託シテ寄託物ノ返還ヲ請求スルコトヲ
得

Article 621 The holder of a deposit receipt may demand the return of the
deposited goods even before the due date of the claim written on the pledge
receipt by depositing the full amount of the claim and the interest thereon for
the period until the due date with a warehouse business operator.

第六百二十二条 寄託物カ同種類ニシテ同一ノ品質ヲ有シ且分割スルコトヲ得ヘキ物ナ
ルトキハ預証券ノ所持人ハ債権額ノ一部及ヒ其弁済期マテノ利息ヲ供託シ其割合ニ応
シテ寄託物ノ一部ノ返還ヲ請求スルコトヲ得此場合ニ於テ倉庫業者ハ供託ヲ受ケタ
ル金額及ヒ返還シタル寄託物ノ数量ヲ預証券ニ記載シ且其旨ヲ帳簿ニ記載スルコトヲ
要ス

Article 622 (1) If the deposited goods consist of goods of the same kind and the
same quality and they are divisible, the holder of a deposit receipt may deposit

part of the amount of the claim and interest thereon for the period until the due date and demand the return of the part of the deposited goods in proportion to said part of the amount. In this case, the warehouse business operator shall write the amount of money which has been deposited and the quantity of the returned deposited goods on the deposit receipt, and make an entry in his/her books to that effect.

- 2 前項ニ定メタル寄託物ノ一部出庫ニ関スル費用ハ預証券ノ所持人之ヲ負担ス
(2) The costs for the partial removal of the deposited goods prescribed in the preceding paragraph shall be borne by the holder of the deposit receipt.

第六百二十三条 前二条ノ場合ニ於テ質入証券ノ所持人ノ権利ハ供託金ノ上ニ存在ス
Article 623 (1) In the cases referred to in the preceding two Articles, the holder of a pledge receipt shall have rights over the money which has been deposited.

- 2 第六百十二条ノ規定ハ前条第一項ノ供託金ヲ以テ質入証券ニ記載シタル債権ノ一部ヲ弁済シタル場合ニ之ヲ準用ス
(2) The provisions of Article 612 shall apply mutatis mutandis where part of the claim written on a pledge receipt is satisfied with the money deposited as set forth in paragraph (1) of the preceding Article.

第六百二十四条 第五百二十四条第一項及ヒ第二項ノ規定ハ寄託者又ハ預証券ノ所持人カ寄託物ヲ受取ルコトヲ拒ミ又ハ之ヲ受取ルコト能ハサル場合ニ之ヲ準用ス此場合ニ於テ質入証券ノ所持人ノ権利ハ競売代金ノ上ニ存在ス

Article 624 (1) The provisions of Article 524, paragraph (1) and paragraph (2) shall apply mutatis mutandis where the depositor or holder of a deposit receipt refuses to receive or is unable to receive the deposited goods. In this case, the holder of a pledge receipt shall have rights over the proceeds from an auction

- 2 第六百十一条及ヒ第六百十二条ノ規定ハ前項ノ場合ニ之ヲ準用ス
(2) The provisions of Article 611 and Article 612 shall apply mutatis mutandis to the case referred to in the preceding paragraph.

第六百二十五条 第五百八十八条ノ規定ハ倉庫営業者ニ之ヲ準用ス

Article 625 The provisions of Article 588 shall apply mutatis mutandis to a warehouse business operator.

第六百二十六条 寄託物ノ滅失又ハ毀損ニ因リテ生シタル倉庫営業者ノ責任ハ出庫ノ日ヨリ一年ヲ経過シタルトキハ時効ニ因リテ消滅ス

Article 626 (1) The liability of a warehouse business operator arising from the loss of or damage to the deposited goods shall be extinguished by prescription when one year has elapsed from the date of the removal of the goods from the warehouse.

- 2 前項ノ期間ハ寄託物ノ全部滅失ノ場合ニ於テハ倉庫営業者カ預証券ノ所持人、若シ

- 其所持人カ知レサルトキハ寄託者ニ対シテ其滅失ノ通知ヲ発シタル日ヨリ之ヲ起算ス
- (2) In the event of the total loss of the deposited goods, the period set forth in the preceding paragraph shall be counted from the day on which the warehouse business operator dispatched a notice of the loss to the holder of the deposit receipt, or if the holder of the deposit receipt is unknown, to the depositor.
- 3 前二項ノ規定ハ倉庫営業者ニ悪意アリタル場合ニハ之ヲ適用セス
- (3) The provisions of the preceding two paragraphs shall not apply where the warehouse business operator has knowledge of the loss or damage.

第六百二十七条 倉庫営業者ハ寄託者ノ請求アルトキハ預証券及ヒ質入証券ニ代ヘテ倉荷証券ヲ交付スルコトヲ要ス

Article 627 (1) A warehouse business operator shall, at the request of a depositor, deliver a warehouse receipt in lieu of a deposit receipt and pledge receipt.

2 倉荷証券ニハ預証券ニ関スル規定ヲ準用ス

(2) The provisions on a deposit receipt shall apply mutatis mutandis to a warehouse receipt.

第六百二十八条 倉荷証券ヲ以テ質権ノ目的ト為シタル場合ニ於テ質権者ノ承諾アルトキハ寄託者ハ債権ノ弁済期前ト雖モ寄託物ノ一部ノ返還ヲ請求スルコトヲ得此場合ニ於テ倉庫営業者ハ返還シタル寄託物ノ種類、品質及ヒ数量ヲ倉荷証券ニ記載シ且其旨ヲ帳簿ニ記載スルコトヲ要ス

Article 628 Where a pledge is created on a warehouse receipt, the depositor may, with the consent of the pledgee, demand the return of part of the deposited goods even before the due date of the claim. In this case, the warehouse business operator shall write the type, quality and quantity of the deposited goods thus returned on the warehouse receipt, and make an entry in his/her books to that effect.

第十章 保険

Chapter X Insurance

第一節 損害保険

Section 1 Casualty Insurance

第一款 総則

Subsection 1 General Provisions

第六百二十九条 削除

Article 629 Deleted

第六百三十条 削除

Article 630 Deleted

第六百三十一条 削除
Article 631 Deleted

第六百三十二条 削除
Article 632 Deleted

第六百三十三条 削除
Article 633 Deleted

第六百三十四条 削除
Article 634 Deleted

第六百三十五条 削除
Article 635 Deleted

第六百三十六条 削除
Article 636 Deleted

第六百三十七条 削除
Article 637 Deleted

第六百三十八条 削除
Article 638 Deleted

第六百三十九条 削除
Article 639 Deleted

第六百四十条 削除
Article 640 Deleted

第六百四十一条 削除
Article 641 Deleted

第六百四十二条 削除
Article 642 Deleted

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Article 643 Deleted

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Article 644 Deleted

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Article 645 Deleted

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Article 646 Deleted

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Article 647 Deleted

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Article 648 Deleted

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Article 649 Deleted

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Article 650 Deleted

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Article 653 Deleted

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Article 654 Deleted

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Article 655 Deleted

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Article 656 Deleted

第六百五十七条 削除
Article 657 Deleted

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Article 658 Deleted

第六百五十九条 削除

Article 659 Deleted

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Article 660 Deleted

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Article 669 Deleted

第六百七十条 削除

Article 670 Deleted

第六百七十一条 削除

Article 671 Deleted

第六百七十二條 削除
Article 672 Deleted

第六百七十三條 削除
Article 673 Deleted

第六百七十四條 削除
Article 674 Deleted

第六百七十五條 削除
Article 675 Deleted

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Article 676 Deleted

第六百七十七條 削除
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第六百七十八條 削除
Article 678 Deleted

第六百七十九條 削除
Article 679 Deleted

第六百八十年 削除
Article 680 Deleted

第六百八十一條 削除
Article 681 Deleted

第六百八十二條 削除
Article 682 Deleted

第六百八十三條 削除
Article 683 Deleted

第三編 海商

Part III Maritime Commerce

第一章 船舶及ヒ船舶所有者

Chapter I Ships and Shipowners

第六百八十四条 本法ニ於テ船舶トハ商行為ヲ為ス目的ヲ以テ航海ノ用ニ供スルモノヲ謂フ

Article 684 (1) The term "ship" as used in this Act means a ship to be used for a voyage for the purpose of conducting a commercial transaction.

2 本編ノ規定ハ端舟其他櫓櫂ノミヲ以テ運転シ又ハ主トシテ櫓櫂ヲ以テ運転スル舟ニハ之ヲ適用セス

(2) The provisions of this Part shall not apply to tender boats or other boats steered solely or mainly using oars and paddles.

第六百八十五条 船舶ノ属具目録ニ記載シタル物ハ其従物ト推定ス

Article 685 The objects listed in the equipment inventory of a ship shall be presumed to be accessories of the ship.

第六百八十六条 船舶所有者ハ特別法ノ定ムル所ニ従ヒ登記ヲ為シ且船舶国籍証書ヲ請受クルコトヲ要ス

Article 686 (1) A shipowner shall, as provided by special laws, register his/her ship and obtain a certificate of the vessel's nationality.

2 前項ノ規定ハ総噸数二十噸未満ノ船舶ニハ之ヲ適用セス

(2) The provisions of the preceding paragraph shall not apply to a ship with a gross tonnage of not more than 20 tons.

第六百八十七条 船舶所有權ノ移転ハ其登記ヲ為シ且船舶国籍証書ニ之ヲ記載スルニ非サレハ之ヲ以テ第三者ニ対抗スルコトヲ得ス

Article 687 The transfer of ownership of a ship may not be duly asserted against a third party unless it is registered and stated in the certificate of the vessel's nationality.

第六百八十八条 航海中ニ在ル船舶ノ所有權ヲ讓渡シタル場合ニ於テ特約ナキトキハ其航海ニ因リテ生スル損益ハ讓受人ニ帰スヘキモノトス

Article 688 Where the ownership of a ship on a voyage is assigned, any profits and losses arising from the voyage shall be attributed to the assignee, unless there are any special provisions to the contrary.

第六百八十九条 差押及ヒ仮差押ノ執行（仮差押ノ登記ヲ為ス方法ニ依ルモノヲ除ク）ハ発航ノ準備ヲ終ハリタル船舶ニ対シテハ之ヲ為スコトヲ得ス但其船舶カ発航ヲ為ス為メニ生シタル債務ニ付テハ此限ニ在ラス

Article 689 No seizure or provisional seizure (excluding provisional seizure by means of registration) may be executed on a ship for which preparations for departure have been finished; provided, however, that this shall not apply to any obligation arising from the ship due to its departure.

第六百九十条 船舶所有者ハ船長其他ノ船員ガ其職務ヲ行フニ当タリ故意又ハ過失ニ因リテ他人ニ加ヘタル損害ヲ賠償スル責ニ任ズ

Article 690 A shipowner shall be liable to compensate for any damage that the captain or any other mariner of the ship has caused to others intentionally or negligently in the course of performing their duties.

第六百九十一条 削除

Article 691 Deleted

第六百九十二条 削除

Article 692 Deleted

第六百九十三条 船舶共有者ノ間ニ在リテハ船舶ノ利用ニ関スル事項ハ各共有者ノ持分ノ価格ニ従ヒ其過半数ヲ以テ之ヲ決ス

Article 693 Matters concerning the use of the ship shall be determined between the co-owners of the ship by a majority of the value of the shares of the co-owners.

第六百九十四条 船舶共有者ハ其持分ノ価格ニ応シ船舶ノ利用ニ関スル費用ヲ負担スルコトヲ要ス

Article 694 The co-owners of a ship shall bear the costs for the use of the ship in proportion to the value of their respective shares.

第六百九十五条 船舶共有者カ新ニ航海ヲ為シ又ハ船舶ノ大修繕ヲ為スヘキコトヲ決議シタルトキハ其決議ニ対シテ異議アル者ハ他ノ共有者ニ対シ相当代価ヲ以テ自己ノ持分ヲ買取ルヘキコトヲ請求スルコトヲ得

Article 695 (1) When the co-owners of a ship have made a resolution to make a new voyage or make a major repair to the ship, any co-owner who has an objection to such resolution may demand that another co-owner(s) purchase his/her share at a reasonable price.

2 前項ノ請求ヲ為サント欲スル者ハ決議ノ日ヨリ三日内ニ他ノ共有者又ハ船舶管理人ニ対シテ其通知ヲ発スルコトヲ要ス但此期間ハ決議ニ加ハラサリシ者ニ付テハ其決議ノ通知ヲ受ケタル日ノ翌日ヨリ之ヲ起算ス

(2) A co-owner who intends to make a demand as set forth in the preceding paragraph shall dispatch a notice to the other co-owner(s) or the ship's husband of such intention within three days after the date of the resolution; provided, however, that in the case of a co-owner who did not participate in making the resolution, said period shall be counted from the day following the day on which he/she received notice of the resolution.

第六百九十六条 船舶共有者ハ其持分ノ価格ニ応シ船舶ノ利用ニ付テ生シタル債務ヲ弁

済スル責ニ任ス

Article 696 The co-owners of a ship shall be liable to perform the obligations arising from the use of the ship in proportion to the value of their respective shares.

第六百九十七条 損益ノ分配ハ毎航海ノ終ニ於テ船舶共有者ノ持分ノ価格ニ応シテ之ヲ為ス

Article 697 Profits and losses arising from each voyage shall be distributed among the co-owners of the ship at the end of the voyage in proportion to the value of their respective shares.

第六百九十八条 船舶共有者間ニ組合關係アルトキト雖モ各共有者ハ他ノ共有者ノ承諾ヲ得スシテ其持分ノ全部又ハ一部ヲ他人ニ譲渡スコトヲ得但船舶管理人ハ此限ニ在ラス

Article 698 Even where the co-owners of a ship form a partnership, each co-owner may assign his/her share in whole or in part to another person without the consent of another co-owner(s); provided, however, that this shall not apply to the ship's husband.

第六百九十九条 船舶共有者ハ船舶管理人ヲ選任スルコトヲ要ス

Article 699 (1) The co-owners of a ship shall appoint the ship's husband.

2 船舶共有者ニ非サル者ヲ船舶管理人ト為スニハ共有者全員ノ同意アルコトヲ要ス

(2) Consent shall be required from all the co-owners of a ship in order to appoint a person who is not a co-owner as the ship's husband.

3 船舶管理人ノ選任及ヒ其代理權ノ消滅ハ之ヲ登記スルコトヲ要ス

(3) The appointment of the ship's husband and the extinction of his/her authority of representation shall be registered.

第七百条 船舶管理人ハ左ニ掲ケタル行為ヲ除ク外船舶共有者ニ代ハリテ船舶ノ利用ニ關スル一切ノ裁判上又ハ裁判外ノ行為ヲ為ス權限ヲ有ス

Article 700 (1) The ship's husband shall have the authority to engage in any and all judicial or extrajudicial acts on behalf of the co-owners of the ship in connection with the use of the ship, except for those listed in the following:

一 船舶ノ譲渡若クハ賃貸ヲ為シ又ハ之ヲ抵当ト為スコト

(i) assigning or leasing the ship to another or mortgaging the ship;

二 船舶ヲ保險ニ付スルコト

(ii) buying insurance for the ship;

三 新ニ航海ヲ為スコト

(iii) making a new voyage;

四 船舶ノ大修繕ヲ為スコト

(iv) making a large repair to the ship; and

五 借財ヲ為スコト

(v) borrowing money.

2 船舶管理人ノ代理權ニ加ヘタル制限ハ之ヲ以テ善意ノ第三者ニ對抗スルコトヲ得ス

(2) No limitation on the authority of representation of the ship's husband may be duly asserted against a third party who has no knowledge of such limitation.

第七百一条 船舶管理人ハ特ニ帳簿ヲ備ヘ之ニ船舶ノ利用ニ関スル一切ノ事項ヲ記載スルコトヲ要ス

Article 701 (1) The ship's husband shall keep books and enter any and all matters concerning the use of the ship in the books.

2 船舶管理人ハ毎航海ノ終ニ於テ遅滞ナク其航海ニ関スル計算ヲ為シテ各船舶共有者ノ承認ヲ求ムルコトヲ要ス

(2) The ship's husband shall, without delay after the end of each voyage, settle the accounts of the voyage and request approval therefor from the co-owners of the ship.

第七百二条 船舶共有者ノ持分ノ移転又ハ其国籍喪失ニ因リテ船舶カ日本ノ国籍ヲ喪失スヘキトキハ他ノ共有者ハ相当代価ヲ以テ其持分ヲ買取り又ハ其競売ヲ裁判所ニ請求スルコトヲ得

Article 702 (1) When a ship loses Japanese nationality due to the transfer of the share(s) of any co-owner(s) of the ship or his/her loss of Japanese nationality, another co-owner(s) may purchase said share at a reasonable price or make a request to the court to put said share up for auction.

2 社員ノ持分ノ移転ニ因リ会社ノ所有ニ属スル船舶カ日本ノ国籍ヲ喪失スヘキトキハ合名会社ニ在テハ他ノ社員、合資会社ニ在テハ他ノ無限責任社員ハ相当代価ヲ以テ其持分ヲ買取ルコトヲ得

(2) When a ship owned by a company loses Japanese nationality due to the transfer of the share of any company member(s), other member(s) if the company is a general partnership company, or other member(s) with unlimited liability if the company is a limited partnership company, may purchase said share at a reasonable price.

第七百三条 船舶ノ賃貸借ハ之ヲ登記シタルトキハ爾後其船舶ニ付キ物權ヲ取得シタル者ニ対シテモ其効力ヲ生ス

Article 703 The lease of a ship, after it is registered, shall also be effective against a person who later acquires a real right on the ship.

第七百四条 船舶ノ賃借人カ商行為ヲ為ス目的ヲ以テ其船舶ヲ航海ノ用ニ供シタルトキハ其利用ニ関スル事項ニ付テハ第三者ニ対シテ船舶所有者ト同一ノ權利義務ヲ有ス

Article 704 (1) When the lessee of a ship uses the ship for a voyage for the purpose of conducting a commercial transaction, he/she shall have the same

rights and obligations as the shipowner in relation to any third party with regard to matters concerning the use of the ship.

2 前項ノ場合ニ於テ船舶ノ利用ニ付キ生シタル先取特権ハ船舶所有者ニ対シテモ其効カヲ生ス但先取特権者カ其利用ノ契約ニ反スルコトヲ知レルトキハ此限ニ在ラス

(2) In the case referred to in the preceding paragraph, any statutory lien arising from the use of the ship shall also be effective against the shipowner; provided, however, that this shall not apply if the holder of the statutory lien knows that the use of the ship is in violation of the contract.

第二章 船長

Chapter II Captain

第七百五条 船長ハ其職務ヲ行フニ付キ注意ヲ怠ラサリシコトヲ証明スルニ非サレハ船舶所有者、傭船者、荷送人其他ノ利害関係人ニ対シテ損害賠償ノ責ヲ免ルルコトヲ得ス

Article 705 (1) A captain may not be released from the liability to compensate a shipowner, a charterer, a consignor or any other interested person for damage unless he/she proves that he/she was not negligent in exercising due care in performing his/her duties.

2 船長ハ船舶所有者ノ指図ニ従ヒタルトキト雖モ船舶所有者以外ノ者ニ対シテハ前項ニ定メタル責任ヲ免ルルコトヲ得ス

(2) A captain may not be released from the liability prescribed in the preceding paragraph in relation to any person other than a shipowner even when he/she has followed the shipowner's instructions.

第七百六条 海員カ其職務ヲ行フニ当タリ他人ニ損害ヲ加ヘタル場合ニ於テ船長ハ監督ヲ怠ラサリシコトヲ証明スルニ非サレハ損害賠償ノ責ヲ免ルルコトヲ得ス

Article 706 When a mariner has caused damage to another person in the course of performing his/her duties, the captain may not be released from the liability to compensate for the damage unless he/she proves that he/she was not negligent in supervising the mariner.

第七百七条 船長カ已ムコトヲ得サル事由ニ因リテ自ラ船舶ヲ指揮スルコト能ハサルトキハ法令ニ別段ノ定アル場合ヲ除ク外他人ヲ選任シテ自己ノ職務ヲ行ハシムルコトヲ得此場合ニ於テハ船長ハ其選任ニ付キ船舶所有者ニ対シテ其責ニ任ス

Article 707 When the captain is unable to direct the ship for a compelling reason, he/she may appoint another person and have him/her perform the captain's duties, unless otherwise provided for in laws and regulations. In this case, the captain shall be responsible to the shipowner for the appointment.

第七百八条 削除

Article 708 Deleted

第七百九条 船長ハ属具目録及ヒ運送契約ニ関スル書類ヲ船中ニ備ヘ置クコトヲ要ス

Article 709 (1) The captain shall keep the equipment inventory and the documents concerning the transportation contract on board the ship.

2 前項ノ属具目録ハ外国ニ航行セサル船舶ニ限り国土交通省令ヲ以テ之ヲ備フルコトヲ要セサルモノト定ムルコトヲ得

(2) An Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism may provide that ships that do not navigate abroad shall not be required to keep the equipment inventory set forth in the preceding paragraph.

第七百十条 削除

Article 710 Deleted

第七百十一条 削除

Article 711 Deleted

第七百十二条 船長ハ航海中最モ利害関係人ノ利益ニ適スヘキ方法ニ依リテ積荷ノ処分ヲ為スコトヲ要ス

Article 712 (1) The captain shall, while the ship is on a voyage, dispose of the shipped goods by a method which is in the best interests of the interested parties.

2 利害関係人ハ船長ノ行為ニ因リ其積荷ニ付テ生シタル債権ノ為メ之ヲ債権者ニ委付シテ其責ヲ免ルルコトヲ得但利害関係人ニ過失アリタルトキハ此限ニ在ラス

(2) An interested person may be released from his/her liability by abandoning the shipped goods to the creditor of a claim that has arisen with regard to the shipped goods as a result of an act of the captain; provided, however, that this shall not apply if there is negligence on the part of the interested person.

第七百十三条 船籍港外ニ於テハ船長ハ航海ノ為メニ必要ナル一切ノ裁判上又ハ裁判外ノ行為ヲ為ス権限ヲ有ス

Article 713 (1) Outside the port of registry, the captain shall have the authority to engage in any and all judicial or extrajudicial acts as necessary for the voyage.

2 船籍港ニ於テハ船長ハ特ニ委任ヲ受ケタル場合ヲ除ク外海員ノ雇入及ヒ雇止ヲ為ス権限ノミヲ有ス

(2) At the port of registry, unless specially mandated, the captain shall only have the authority to hire or dismiss mariners.

第七百十四条 船長ノ代理権ニ加ヘタル制限ハ之ヲ以テ善意ノ第三者ニ對抗スルコトヲ得ス

Article 714 No limitation on the captain's authority of representation may be duly asserted against a third party who has no knowledge of such limitation.

第七百十五条 船長ハ船舶ノ修繕費、救助料其他航海ヲ繼續スルニ必要ナル費用ヲ支弁スル為メニ非サレハ左ニ掲ケタル行為ヲ為スコトヲ得ス

Article 715 (1) The captain may not engage in any of the following acts unless he/she does so in order to pay the costs for a repair to the ship, salvage charges or any other costs necessary to continue the voyage:

一 船舶ヲ抵当ト為スコト

(i) mortgaging the ship;

二 借財ヲ為スコト

(ii) borrowing money; and

三 積荷ノ全部又ハ一部ヲ売却又ハ質入スルコト但第七百十二条第一項ノ場合ハ此限ニ在ラス

(iii) selling or pledging all or part of the shipped goods, except in the case referred to in Article 712, paragraph (1).

2 船長カ積荷ヲ売却又ハ質入シタル場合ニ於ケル損害賠償ノ額ハ其積荷ノ到達スヘカリシ時ニ於ケル陸揚港ノ価格ニ依リテ之ヲ定ム但其価格中ヨリ支払フコトヲ要セサリシ費用ヲ控除スルコトヲ要ス

(2) The amount of damages payable in the case where the captain has sold or pledged the shipped goods shall be determined by the value thereof at the port of discharge as of the time when the shipped goods should have arrived at the port; provided, however, that any costs that are not required to be paid from such value shall be deducted.

第七百十六条 削除

Article 716 Deleted

第七百十七条 船籍港外ニ於テ船舶カ修繕スルコト能ハサルニ至リタルトキハ船長ハ管海官庁ノ認可ヲ得テ之ヲ競売スルコトヲ得

Article 717 If the ship becomes unrepairable outside the port of registry, the captain may put it up for auction with the authorization of the maritime authorities.

第七百十八条 左ノ場合ニ於テハ船舶ハ修繕スルコト能ハサルニ至リタルモノト看做ス

Article 718 (1) A ship shall be deemed to have become unrepairable in the following cases:

一 船舶カ其現在地ニ於テ修繕ヲ受クルコト能ハス且其修繕ヲ為スヘキ地ニ到ルコト能ハサルトキ

(i) where the ship is unable to be repaired at its current location and where it is unable to travel to any place where it is possible for it to be repaired; and

二 修繕費カ船舶ノ価額ノ四分ノ三ニ超ユルトキ

(ii) where the cost of the repair exceeds three-fourths of the value of the ship.

2 前項第二号ノ価額ハ船舶カ航海中毀損シタル場合ニ於テハ其発航ノ時ニ於ケル価額トシ其他ノ場合ニ於テハ其毀損前ニ有セシ価額トス

(2) The value set forth in item (ii) of the preceding paragraph shall be the value as of the time of departure if the ship is damaged on a voyage, or the value as of the time before suffering the damage in other cases.

第七百十九条 船長ハ航海ヲ継続スル為メ必要ナルトキハ積荷ヲ航海ノ用ニ供スルコトヲ得此場合ニ於テハ第七百十五条第二項ノ規定ヲ準用ス

Article 719 The captain may use the shipped goods for a voyage when it is necessary in order to continue the voyage. In this case, the provisions of Article 715, paragraph (2) shall apply mutatis mutandis.

第七百二十条 船長ハ遅滞ナク航海ニ関スル重要ナル事項ヲ船舶所有者ニ報告スルコトヲ要ス

Article 720 (1) The captain shall report any important matters concerning a voyage to the shipowner without delay.

2 船長ハ毎航海ノ終ニ於テ遅滞ナク其航海ニ関スル計算ヲ為シテ船舶所有者ノ承認ヲ求メ又船舶所有者ノ請求アルトキハ何時ニテモ計算ノ報告ヲ為スコトヲ要ス

(2) The captain shall, without delay after the end of each voyage, settle the accounts of the voyage and request approval therefor from the shipowner, and make a report on the accounts to the shipowner at any time when requested.

第七百二十一条 船舶所有者ハ何時ニテモ船長ヲ解任スルコトヲ得但正当ノ理由ナクシテ之ヲ解任シタルトキハ船長ハ船舶所有者ニ対シ解任ニ因リテ生シタル損害ノ賠償ヲ請求スルコトヲ得

Article 721 (1) A shipowner may dismiss the captain at any time; provided, however, that if the captain is dismissed without justifiable grounds, he/she may claim compensation from the shipowner for any damage arising from the dismissal.

2 船長カ船舶共有者ナル場合ニ於テ其意ニ反シテ解任セラレタルトキハ他ノ共有者ニ対シ相当代価ヲ以テ自己ノ持分ヲ買取ルヘキコトヲ請求スルコトヲ得

(2) Where the captain is one of the co-owners of a ship, if he/she is dismissed against his/her will, he/she may demand that the other co-owners(s) purchase his/her share at a reasonable price.

3 船長カ前項ノ請求ヲ為サント欲スルトキハ遅滞ナク他ノ共有者又ハ船舶管理人ニ対シテ其通知ヲ発スルコトヲ要ス

(3) When the captain intends to make a demand as set forth in the preceding paragraph, he/she shall dispatch a notice to another co-owner(s) or the ship's husband of such intention without delay.

第七百二十二条 削除
Article 722 Deleted

第七百二十三条 削除
Article 723 Deleted

第七百二十四条 削除
Article 724 Deleted

第七百二十五条 削除
Article 725 Deleted

第七百二十六条 削除
Article 726 Deleted

第七百二十七条 削除
Article 727 Deleted

第七百二十八条 削除
Article 728 Deleted

第七百二十九条 削除
Article 729 Deleted

第七百三十条 削除
Article 730 Deleted

第七百三十一条 削除
Article 731 Deleted

第七百三十二条 削除
Article 732 Deleted

第七百三十三条 削除
Article 733 Deleted

第七百三十四条 削除
Article 734 Deleted

第七百三十五条 削除

Article 735 Deleted

第七百三十六条 削除

Article 736 Deleted

第三章 運送

Chapter III Transportation

第一節 物品運送

Section 1 Freight Transportation

第一款 総則

Subsection 1 General Provisions

第七百三十七条 船舶ノ全部又ハ一部ヲ以テ運送契約ノ目的ト為シタルトキハ各当事者ハ相手方ノ請求ニ因リ運送契約書ヲ交付スルコトヲ要ス

Article 737 When a transportation contract is entered into with regard to the whole or part of a ship, each party shall deliver a written transportation contract to the other party when requested.

第七百三十八条 船舶所有者ハ傭船者又ハ荷送人ニ対シ発航ノ当時船舶カ安全ニ航海ヲ為スニ堪フルコトヲ担保ス

Article 738 A shipowner shall warrant to a charterer or a consignor that the ship is capable of making a safe voyage as of the time of its departure.

第七百三十九条 船舶所有者ハ特約ヲ為シタルトキト雖モ自己ノ過失、船員其他ノ使用人ノ悪意若クハ重大ナル過失又ハ船舶カ航海ニ堪ヘサルニ因リテ生シタル損害ヲ賠償スル責ヲ免ルルコトヲ得ス

Article 739 A shipowner may not be released from the liability of compensating for any damage arising from his/her own negligence, an intentional act or the gross negligence of a mariner or other employee or from the ship not being seaworthy, even where he/she has agreed to any special provisions to the contrary.

第七百四十条 法令ニ違反シ又ハ契約ニ依ラスシテ船積シタル運送品ハ船長ニ於テ何時ニテモ之ヲ陸揚シ、若シ船舶又ハ積荷ニ危害ヲ及ホス虞アルトキハ之ヲ放棄スルコトヲ得但船長カ之ヲ運送スルトキハ其船積ノ地及ヒ時ニ於ケル同種ノ運送品ノ最高ノ運送賃ヲ請求スルコトヲ得

Article 740 (1) The captain may, at any time, discharge any freight that is shipped in violation of laws and regulations or not in accordance with the contract, and abandon such freight if it is likely to harm the ship or the shipped goods; provided, however, that if the captain transports such freight, he/she may demand the highest freight charge for the same type of freight at

the place and time of the shipment.

2 前項ノ規定ハ船舶所有者其他ノ利害関係人カ損害賠償ノ請求ヲ為スコトヲ妨ケス

(2) The provisions of the preceding paragraph shall not preclude the shipowner or any other interested person from claiming compensation for any damage.

第七百四十一条 船舶ノ全部ヲ以テ運送契約ノ目的ト為シタル場合ニ於テ運送品ヲ船積スルニ必要ナル準備カ整頓シタルトキハ船舶所有者ハ遅滞ナク傭船者ニ対シテ其通知ヲ発スルコトヲ要ス

Article 741 (1) Where a transportation contract is entered into with regard to the whole of a ship, and when the preparations necessary for shipping the freight have been made, the shipowner shall dispatch a notice to the charterer to that effect without delay.

2 傭船者カ運送品ヲ船積スヘキ期間ノ定アル場合ニ於テハ其期間ハ前項ノ通知アリタル日ノ翌日ヨリ之ヲ起算ス其期間経過ノ後運送品ヲ船積シタルトキハ船舶所有者ハ特約ナキトキト雖モ相当ノ報酬ヲ請求スルコトヲ得

(2) Where the period during which a charterer should ship the freight is specified, such period shall be counted from the day following the day on which the notice set forth in the preceding paragraph is dispatched. If the freight is shipped after the expiration of said period, the shipowner may claim a reasonable remuneration even where there are no special provisions to that effect.

3 前項ノ期間中ニハ不可抗力ニ因リテ船積ヲ為スコト能ハサル日ヲ算入セス

(3) The period set forth in the preceding paragraph shall not include the days during which shipment is impossible due to force majeure.

第七百四十二条 船長カ第三者ヨリ運送品ヲ受取ルヘキ場合ニ於テ其者ヲ確知スルコト能ハサルトキ又ハ其者カ運送品ヲ船積セサルトキハ船長ハ直チニ傭船者ニ対シテ其通知ヲ発スルコトヲ要ス此場合ニ於テハ船積期間内ニ限り傭船者ニ於テ運送品ヲ船積スルコトヲ得

Article 742 Where the captain is to receive the freight from a third party, if the identity of such party cannot be ascertained or said party does not ship the freight, the captain shall immediately dispatch a notice to the charterer to that effect. In this case, the charterer may ship the freight only within the period for shipment.

第七百四十三条 傭船者ハ運送品ノ全部ヲ船積セサルトキト雖モ船長ニ対シテ発航ノ請求ヲ為スコトヲ得

Article 743 (1) A charterer may make a request for departure to the captain even when he/she does not ship the whole of the freight.

2 傭船者カ前項ノ請求ヲ為シタルトキハ運送賃ノ全額ノ外運送品ノ全部ヲ船積セサルニ因リテ生シタル費用ヲ支払ヒ尚ホ船舶所有者ノ請求アルトキハ相当ノ担保ヲ供スルコトヲ要ス

- (2) When the charterer makes a request as set forth in the preceding paragraph, he/she shall pay the full amount of the freight charge and any costs arising from the fact that he/she does not ship the freight in whole, and shall also provide reasonable security when requested to do so by the shipowner.

第七百四十四条 船積期間経過ノ後ハ傭船者カ運送品ノ全部ヲ船積セサルトキト雖モ船長ハ直チニ発航ヲ為スコトヲ得

Article 744 (1) After the passage of the period for shipment, the captain may immediately depart even if the charterer has not shipped all of the freight.

2 前条第二項ノ規定ハ前項ノ場合ニ之ヲ準用ス

- (2) The provisions of paragraph (2) of the preceding Article shall apply mutatis mutandis to the case referred to in the preceding paragraph.

第七百四十五条 発航前ニ於テハ傭船者ハ運送賃ノ半額ヲ支払ヒテ契約ノ解除ヲ為スコトヲ得

Article 745 (1) Before departure, the charterer may cancel the contract by paying half of the freight charge.

2 往復航海ヲ為スヘキ場合ニ於テ傭船者カ其帰航ノ発航前ニ契約ノ解除ヲ為シタルトキハ運送賃ノ三分ノ二ヲ支払フコトヲ要ス他港ヨリ船積港ニ航行スヘキ場合ニ於テ傭船者カ其船積港ヲ発スル前ニ契約ノ解除ヲ為シタルトキ亦同シ

- (2) In the case of a round trip voyage, if the charterer cancels the contract before the departure of the return voyage, he/she shall pay two-thirds of the freight charge. The same shall apply in the case of a voyage to the port of shipment from another port, where the charterer cancels the contract before the ship departs from the port of shipment.

3 運送品ノ全部又ハ一部ヲ船積シタル後前二項ノ規定ニ従ヒテ契約ノ解除ヲ為シタルトキハ其船積及ヒ陸揚ノ費用ハ傭船者之ヲ負担ス

- (3) If the charterer cancels the contract pursuant to the provisions of the preceding two paragraphs after the freight is shipped in whole or in part, he/she shall bear the costs for the shipment and discharge of the freight.

4 傭船者カ船積期間内ニ運送品ノ船積ヲ為ササリシトキハ契約ノ解除ヲ為シタルモノト看做ス

- (4) If the charterer has not shipped the freight during the period for shipment, he/she shall be deemed to have canceled the contract.

第七百四十六条 傭船者カ前条ノ規定ニ従ヒテ契約ノ解除ヲ為シタルトキト雖モ附随ノ費用及ヒ立替金ヲ支払フ責ヲ免ルルコトヲ得ス

Article 746 (1) Even when the charterer cancels the contract pursuant to the provisions of the preceding Article, he/she may not be released from the liability to pay any ancillary costs and any payments made by another person on his/her behalf.

2 前条第二項ノ場合ニ於テハ傭船者ハ前項ニ掲ケタルモノノ外運送品ノ価格ニ応シ共同海損又ハ救助ノ為メ負担スヘキ金額ヲ支払フコトヲ要ス

(2) In the case referred to in paragraph (2) of the preceding Article, the charterer shall pay the amount that he/she should bear for a general average or salvage in proportion to the value of the freight, in addition to any ancillary costs and payments listed in the preceding paragraph.

第七百四十七条 発航後ニ於テハ傭船者ハ運送賃ノ全額ヲ支払フ外第七百五十三条第一項ニ定メタル債務ヲ弁済シ且陸揚ノ為メ生スヘキ損害ヲ賠償シ又ハ相当ノ担保ヲ供スルニ非サレハ契約ノ解除ヲ為スコトヲ得ス

Article 747 After departure, the charterer may not cancel the contract unless he/she pays the debts prescribed in Article 753, paragraph (1) in addition to the full amount of the freight charge, and also compensates for any damage that may arise from the discharge or provides reasonable security.

第七百四十八条 船舶ノ一部ヲ以テ運送契約ノ目的ト為シタル場合ニ於テ傭船者カ他ノ傭船者及ヒ荷送人ト共同セスシテ発航前ニ契約ノ解除ヲ為シタルトキハ運送賃ノ全額ヲ支払フコトヲ要ス但船舶所有者カ他ノ運送品ヨリ得タル運送賃ハ之ヲ控除ス

Article 748 (1) Where a transportation contract is entered into with regard to part of a ship, if a charterer cancels the contract before departure independently from other charterer(s) and consignor(s), he/she shall pay the full amount of the freight charge; provided, however, that any freight charge that the shipowner receives from other freight shall be deducted.

2 発航前ト雖モ傭船者カ既ニ運送品ノ全部又ハ一部ヲ船積シタルトキハ他ノ傭船者及ヒ荷送人ノ同意ヲ得ルニ非サレハ契約ノ解除ヲ為スコトヲ得ス

(2) Even before departure, if a charterer has already shipped the freight in whole or in part, he/she may not cancel the contract unless he/she obtains consent from the other charterer(s) and consignor(s).

3 前七条ノ規定ハ船舶ノ一部ヲ以テ運送契約ノ目的ト為シタル場合ニ之ヲ準用ス

(3) The provisions of the preceding seven Articles shall apply mutatis mutandis where the transportation contract is entered into with regard to part of a ship.

第七百四十九条 箇箇ノ運送品ヲ以テ運送契約ノ目的ト為シタルトキハ荷送人ハ船長ノ指図ニ従ヒ遅滞ナク運送品ヲ船積スルコトヲ要ス

Article 749 (1) Where a transportation contract is entered into with regard to indivisual freight items, the consignor shall ship the freight according to the captain's instructions without delay.

2 荷送人カ運送品ノ船積ヲ怠リタルトキハ船長ハ直チニ発航ヲ為スコトヲ得此場合ニ於テハ荷送人ハ運送賃ノ全額ヲ支払フコトヲ要ス但船舶所有者カ他ノ運送品ヨリ得タル運送賃ハ之ヲ控除ス

(2) If the consignor fails to ship any freight, the captain may depart immediately.

In this case, the consignor shall pay the full amount of the freight charge; provided, however, that any freight charge that the shipowner receives from other freight shall be deducted.

第七百五十条 第七百四十八条ノ規定ハ荷送人カ契約ノ解除ヲ為ス場合ニ之ヲ準用ス
Article 750 The provisions of Article 748 shall apply mutatis mutandis where the consignor cancels the contract.

第七百五十一条 傭船者又ハ荷送人ハ船積期間内ニ運送ニ必要ナル書類ヲ船長ニ交付スルコトヲ要ス

Article 751 The charterer or the consignor shall deliver the documents necessary for transportation to the captain within the period for shipment.

第七百五十二条 船舶ノ全部又ハ一部ヲ以テ運送契約ノ目的ト為シタル場合ニ於テ運送品ヲ陸揚スルニ必要ナル準備カ整頓シタルトキハ船長ハ遅滞ナク荷受人ニ対シテ其通知ヲ發スルコトヲ要ス

Article 752 (1) Where a transportation contract is entered into with regard to the whole or part of a ship, when the preparations necessary for discharging the freight have been made, the captain shall dispatch a notice to the consignee to that effect without delay.

2 運送品ヲ陸揚スヘキ期間ノ定アル場合ニ於テハ其期間ハ前項ノ通知アリタル日ノ翌日ヨリ之ヲ起算ス其期間経過ノ後運送品ヲ陸揚シタルトキハ船舶所有者ハ特約ナキトキト雖モ相当ノ報酬ヲ請求スルコトヲ得

(2) Where the period during which the freight should be discharged is specified, such period shall be counted from the day following the day on which the notice set forth in the preceding paragraph is dispatched. If the freight is discharged after the expiration of said period, the shipowner may claim a reasonable remuneration even where there are no special provisions to that effect.

3 前項ノ期間中ニハ不可抗力ニ因リテ陸揚ヲ為スコト能ハサル日ヲ算入セス

(3) The period set forth in the preceding paragraph shall not include the days during which the discharge is impossible due to force majeure.

4 箇箇ノ運送品ヲ以テ運送契約ノ目的ト為シタルトキハ荷受人ハ船長ノ指図ニ従ヒ遅滞ナク運送品ヲ陸揚スルコトヲ要ス

(4) Where a transportation contract is entered into with regard to individual freight items, the consignee shall discharge the freight according to the captain's instructions without delay.

第七百五十三条 荷受人カ運送品ヲ受取りタルトキハ運送契約又ハ船荷証券ノ趣旨ニ従ヒ運送賃、附随ノ費用、立替金、碇泊料及ヒ運送品ノ価格ニ応シ共同海損又ハ救助ノ為メ負担スヘキ金額ヲ支払フ義務ヲ負フ

Article 753 (1) When the consignee receives the freight, he/she shall be obliged

to pay, in accordance with the purport of the transportation contract or bill of lading, the freight charge, any ancillary costs, payment made on his/her behalf by another person, the anchorage, and the amount that he/she should bear for a general average or salvage in proportion to the value of the freight.

- 2 船長ハ前項ニ定メタル金額ノ支払ト引換ニ非サレハ運送品ヲ引渡スコトヲ要セス
(2) The captain shall not be required to deliver the freight unless it is in exchange for payment of the amount prescribed in the preceding paragraph.

第七百五十四条 荷受人カ運送品ヲ受取ルコトヲ怠リタルトキハ船長ハ之ヲ供託スルコトヲ得此場合ニ於テハ遅滞ナク荷受人ニ対シテ其通知ヲ発スルコトヲ要ス

Article 754 (1) If the consignee fails to receive the freight, the captain may deposit the freight. In this case, the captain shall dispatch a notice to the consignee to that effect without delay.

- 2 荷受人ヲ確知スルコト能ハサルトキ又ハ荷受人カ運送品ヲ受取ルコトヲ拒ミタルトキハ船長ハ運送品ヲ供託スルコトヲ要ス此場合ニ於テハ遅滞ナク傭船者又ハ荷送人ニ対シテ其通知ヲ発スルコトヲ要ス

- (2) Where the identity of the consignee cannot be ascertained or the consignee refuses to receive the freight, the captain shall deposit the freight. In this case, the captain shall dispatch a notice of such fact to the charterer or the consignor without delay.

第七百五十五条 運送品ノ重量又ハ容積ヲ以テ運送賃ヲ定メタルトキハ其額ハ運送品引渡ノ当時ニ於ケル重量又ハ容積ニ依リテ之ヲ定ム

Article 755 Where the freight charge is rated on the basis of the weight or capacity of the freight, the amount thereof shall be determined by the weight or capacity of the freight as of the time of the delivery.

第七百五十六条 期間ヲ以テ運送賃ヲ定メタルトキハ其額ハ運送品ノ船積著手ノ日ヨリ其陸揚終了ノ日マテノ期間ニ依リテ之ヲ定ム但船舶カ不可抗力ニ因リ発航港若クハ航海ノ途中ニ於テ碇泊ヲ為スヘキトキ又ハ航海ノ途中ニ於テ船舶ヲ修繕スヘキトキハ其期間ハ之ヲ算入セス第七百四十一条第二項又ハ第七百五十二条第二項ノ場合ニ於テ船積期間又ハ陸揚期間経過ノ後運送品ノ船積又ハ陸揚ヲ為シタル日数亦同シ

Article 756 Where the freight charge is rated on the basis of a period of time, the amount thereof shall be determined by the period from the date of the start of the shipment of the freight until the date of the completion of the discharge of the freight; provided, however, that if it is necessary to have the ship berth in the port of departure or in any port during the voyage due to force majeure, or if it is necessary to make a repair to the ship during the voyage, said period shall not include the period of such berthing or repair. In the cases referred to in Article 741, paragraph (2) or Article 752, paragraph (2), said period shall not include the number of days which it took to ship or discharge the freight after

the period for shipment or the discharge period had expired.

第七百五十七条 船舶所有者ハ第七百五十三条第一項ニ定メタル金額ノ支払ヲ受クル為メ裁判所ノ許可ヲ得テ運送品ヲ競売スルコトヲ得

Article 757 (1) A shipowner may put the freight up for auction with the permission of the court in order to receive payment of the amount prescribed in Article 753, paragraph (1).

2 前項ノ許可ニ係ル事件ハ同項ノ運送品ノ所在地ノ地方裁判所之ヲ管轄ス

(2) The case pertaining to the permission set forth in the preceding paragraph shall be subject to the jurisdiction of the district court having jurisdiction over the location of the freight set forth in said paragraph.

3 船長カ荷受人ニ運送品ヲ引渡シタル後ト雖モ船舶所有者ハ其運送品ノ上ニ権利ヲ行使スルコトヲ得但引渡ノ日ヨリ二週間ヲ経過シタルトキ又ハ第三者カ其占有ヲ取得シタルトキハ此限ニ在ラス

(3) Even after the captain has delivered the freight to the consignee, the shipowner may exercise his/her right over the freight; provided, however, that this shall not apply when two weeks have elapsed from the date of the delivery or when any third party has taken possession of the freight.

第七百五十八条 船舶所有者カ前条ニ定メタル権利ヲ行ハサルトキハ傭船者又ハ荷送人ニ対スル請求権ヲ失フ但傭船者又ハ荷送人ハ其受ケタル利益ノ限度ニ於テ償還ヲ為スコトヲ要ス

Article 758 If a shipowner does not exercise the right prescribed in the preceding Article, he/she shall lose his/her claim against a charterer or a consignor; provided, however, that the charterer or the consignor shall make a reimbursement to the extent that he/she has been enriched.

第七百五十九条 船舶ノ全部又ハ一部ヲ以テ運送契約ノ目的ト為シタル場合ニ於テ傭船者カ更ニ第三者ト運送契約ヲ為シタルトキハ其契約ノ履行カ船長ノ職務ニ属スル範囲内ニ於テハ船舶所有者ノミ其第三者ニ対シテ履行ノ責ニ任ス

Article 759 Where a transportation contract is entered into with regard to the whole or part of a ship, if the charterer also enters into another transportation contract with a third party, only the shipowner shall be liable to perform the obligation under the latter contract to such third party to the extent that the performance of the obligation falls within the scope of the captain's duties.

第七百六十条 船舶ノ全部ヲ以テ運送契約ノ目的ト為シタル場合ニ於テハ其契約ハ左ノ事由ニ因リテ終了ス

Article 760 (1) Where a transportation contract is entered into with regard to the whole of a ship, the contract shall be terminated when any of the following events occurred:

一 船舶ガ沈没シタルコト

(i) the ship sank;

二 船舶ガ修繕スルコト能ハザルニ至リタルコト

(ii) the ship became unrepairable;

三 船舶ガ捕獲セラレタルコト

(iii) the ship was captured; or

四 運送品カ不可抗力ニ因リテ滅失シタルコト

(iv) the freight was lost due to force majeure.

2 前項第一号乃至第三号ニ掲ケタル事由カ航海中ニ生シタルトキハ傭船者ハ運送ノ割合ニ応シ運送品ノ価格ヲ超エサル限度ニ於テ運送賃ヲ支払フコトヲ要ス

(2) If any of the events listed in item (i) to item (iii) of the preceding paragraph occurred during a voyage, the charterer shall pay the freight charge in proportion to the transportation, to the extent that such payment does not exceed the value of the freight.

第七百六十一条 航海又ハ運送カ法令ニ反スルニ至リタルトキ其他不可抗力ニ因リテ契約ヲ為シタル目的ヲ達スルコト能ハサルニ至リタルトキハ各当事者ハ契約ノ解除ヲ為スコトヲ得

Article 761 (1) When a voyage or transportation is no longer in compliance with laws and regulations or it becomes otherwise impossible to accomplish the purpose of a contract due to force majeure, the parties may cancel the contract.

2 前項ニ掲ケタル事由カ発航後ニ生シタル場合ニ於テ契約ノ解除ヲ為シタルトキハ傭船者ハ運送ノ割合ニ応シテ運送賃ヲ支払フコトヲ要ス

(2) Where any of the events listed in the preceding paragraph occur after departure, when the contract is cancelled, the charterer shall pay the freight charge in proportion to the transportation.

第七百六十二条 第七百六十条第一項第四号及ヒ前条第一項ニ掲ケタル事由カ運送品ノ一部ニ付テ生シタルトキハ傭船者ハ船舶所有者ノ負担ヲ重カラシメサル範囲内ニ於テ他ノ運送品ヲ船積スルコトヲ得

Article 762 (1) When any of the events listed in Article 760, paragraph (1), item (iv), or paragraph (1) of the preceding Article occur with regard to any portion of the freight, the charterer may ship other freight to the extent that such shipment will not increase the burden of the shipowner.

2 傭船者カ前項ニ定メタル権利ヲ行ハント欲スルトキハ遅滞ナク運送品ノ陸揚又ハ船積ヲ為スコトヲ要ス若シ其陸揚又ハ船積ヲ怠リタルトキハ運送賃ノ全額ヲ支払フコトヲ要ス

(2) When the charterer intends to exercise the right prescribed in the preceding paragraph, he/she shall discharge or ship the freight without delay, and if he/she fails to perform the discharge or shipment, he/she shall pay the full amount of the freight charge.

第七百六十三条 第七百六十条及ヒ第七百六十一条ノ規定ハ船舶ノ一部又ハ箇箇ノ運送品ヲ以テ運送契約ノ目的ト為シタル場合ニ之ヲ準用ス

Article 763 (1) The provisions of Article 760 and Article 761 shall apply mutatis mutandis where a transportation contract is entered into with regard to part of a ship or individual freight items.

2 第七百六十条第一項第四号及ヒ第七百六十一条第一項ニ掲ケタル事由カ運送品ノ一部ニ付テ生シタルトキト雖モ傭船者又ハ荷送人ハ契約ノ解除ヲ為スコトヲ得但運送賃ノ全額ヲ支払フコトヲ要ス

(2) Even when any of the events listed in Article 760, paragraph (1), item (iv) or Article 761, paragraph (1) occurred with regard to any freight item, the charterer or consignor may cancel the contract; provided, however, that they shall pay the full amount of the freight charge.

第七百六十四条 船舶所有者ハ左ノ場合ニ於テハ運送賃ノ全額ヲ請求スルコトヲ得
Article 764 A shipowner may claim the full amount of the freight charge in the following cases:

一 船長カ第七百十五条第一項ノ規定ニ從ヒテ積荷ヲ売却又ハ質入シタルトキ

(i) where the captain has sold or pledged the shipped goods pursuant to the provisions of Article 715, paragraph (1);

二 船長カ第七百十九条ノ規定ニ從ヒテ積荷ヲ航海ノ用ニ供シタルトキ

(ii) where the captain has used the shipped goods for the voyage pursuant to the provisions of Article 719; and

三 船長カ第七百八十八条ノ規定ニ從ヒテ積荷ヲ処分シタルトキ

(iii) where the captain has disposed of the shipped goods pursuant to the provisions of Article 788.

第七百六十五条 船舶所有者ノ傭船者、荷送人又ハ荷受人ニ対スル債権ハ一年ヲ経過シタルトキハ時効ニ因リテ消滅ス

Article 765 Any claim held by a shipowner against a charterer, a consignor or a consignee shall be extinguished by prescription when one year has elapsed.

第七百六十六条 第五百六十六条、第五百七十六条乃至第五百八十一条及ヒ第五百八十八条ノ規定ハ船舶所有者ニ之ヲ準用ス

Article 766 The provisions of Article 566, Article 576 to Article 581, and Article 588 shall apply mutatis mutandis to a shipowner.

第二款 船荷証券

Subsection 2 Bill of Lading

第七百六十七条 船長ハ傭船者又ハ荷送人ノ請求ニ因リ運送品ノ船積後遲滞ナク一通又

ハ数通ノ船荷証券ヲ交付スルコトヲ要ス

Article 767 The captain shall, at the request of a charterer or a consignor, deliver one or more bills of lading without delay after the shipment of the freight.

第七百六十八条 船舶所有者ハ船長以外ノ者ニ船長ニ代ハリテ船荷証券ヲ交付スルコトヲ委任スルコトヲ得

Article 768 A shipowner may entrust any person other than the captain to deliver a bill of lading on behalf of the captain.

第七百六十九条 船荷証券ニハ左ノ事項ヲ記載シ船長又ハ之ニ代ハル者署名スルコトヲ要ス

Article 769 A bill of lading shall state the following matters and bear the signature of the captain or any person who acts on his/her behalf:

一 船舶ノ名称及ヒ国籍

(i) the name and nationality of the ship;

二 船長カ船荷証券ヲ作ラサルトキハ船長ノ氏名

(ii) if the captain is not the person who issues the bill of lading, the name of the captain;

三 運送品ノ種類、重量若クハ容積及ヒ其荷造ノ種類、箇数並ニ記号

(iii) the type, weight or capacity of the freight, the type of packaging, the number of packages, and the marks;

四 傭船者又ハ荷送人ノ氏名又ハ商号

(iv) the name or trade name of the charterer or the consignor;

五 荷受人ノ氏名若クハ商号

(v) the name or trade name of the consignee;

六 船積港

(vi) the port of shipment;

七 陸揚港但発航後傭船者又ハ荷送人カ陸揚港ヲ指定スヘキトキハ其之ヲ指定スヘキ港

(vii) the port of discharge, or if the charterer or the consignor is to designate the port of discharge after departure, such designated port;

八 運送賃

(viii) the freight charge;

九 数通ノ船荷証券ヲ作リタルトキハ其員数

(ix) if more than one bill of lading is issued, the number of the bills of lading; and

十 船荷証券ノ作成地及ヒ其作成ノ年月日

(x) the place and date of the issuance of the bill(s) of lading.

第七百七十条 傭船者又ハ荷送人ハ船長又ハ之ニ代ハル者ノ請求ニ因リ船荷証券ノ謄本

ニ署名シテ之ヲ交付スルコトヲ要ス

Article 770 A charterer or a consignor shall, at the request of the captain or the person acting on behalf of the captain, sign a copy of a bill of lading and deliver the signed copy to the captain or said person.

第七百七十一条 陸揚港ニ於テハ船長ハ数通ノ船荷証券中ノ一通ノ所持人カ運送品ノ引渡ヲ請求シタルトキト雖モ其引渡ヲ拒ムコトヲ得ス

Article 771 At the port of discharge, the captain may not refuse to deliver the freight even when only one of the holders of bills of lading demands the delivery.

第七百七十二条 陸揚港外ニ於テハ船長ハ船荷証券ノ各通ノ返還ヲ受クルニ非サレハ運送品ヲ引渡スコトヲ得ス

Article 772 Outside the port of discharge, the captain may not deliver the freight unless he/she receives each bill of lading returned thereto.

第七百七十三条 二人以上ノ船荷証券所持人カ運送品ノ引渡ヲ請求シタルトキハ船長ハ遲滞ナク運送品ヲ供託シ且請求ヲ為シタル各所持人ニ対シテ其通知ヲ発スルコトヲ要ス船長カ第七百七十一条ノ規定ニ依リテ運送品ノ一部ヲ引渡シタル後他ノ所持人カ運送品ノ引渡ヲ請求シタル場合ニ於テ其残部ニ付キ亦同シ

Article 773 When two or more holders of bills of lading demand the delivery of the freight, the captain shall deposit the freight without delay and dispatch a notice of such fact to each holder. Where the captain has delivered any portion of the freight pursuant to the provisions of Article 771 to one of such holders and then another holder demands the delivery of the freight, the captain shall also deposit the remaining portion of the freight and dispatch a notice.

第七百七十四条 二人以上ノ船荷証券所持人アル場合ニ於テ其一人カ他ノ所持人ニ先チテ船長ヨリ運送品ノ引渡ヲ受ケタルトキハ他ノ所持人ノ船荷証券ハ其効力ヲ失フ

Article 774 Where there are two or more holders of bills of lading, if one of such holders has received the delivery of the freight from the captain prior to other holders, the bills of lading held by such other holders shall cease to be effective.

第七百七十五条 二人以上ノ船荷証券所持人アル場合ニ於テ船長カ未タ運送品ノ引渡ヲ為ササルトキハ原所持人カ最モ先ニ發送シ又ハ引渡シタル証券ヲ所持スル者他ノ所持人ニ先チテ其權利ヲ行フ

Article 775 Where there are two or more holders of bills of lading, if the captain delivers the freight to none of those holders, the one who holds the first bill that was dispatched or delivered by the original holder shall exercise his/her right prior to the other holders.

第七百七十六条 第五百七十二條乃至第五百七十五條及ヒ第五百八十四條ノ規定ハ船荷証券ニ之ヲ準用ス

Article 776 The provisions of Article 572 to Article 575, and Article 584 shall apply mutatis mutandis to a bill of lading.

第二節 旅客運送

Section 2 Passenger Transportation

第七百七十七条 記名ノ乗船切符ハ之ヲ他人ニ讓渡スコトヲ得ス

Article 777 A registered boarding ticket may not be assigned to others.

第七百七十八条 旅客ノ航海中ノ食料ハ船舶所有者ノ負担トス

Article 778 A shipowner shall pay for food for the passengers during a voyage.

第七百七十九条 旅客カ契約ニ依リ船中ニ携帯スルコトヲ得ル手荷物ニ付テハ船舶所有者ハ特約アルニ非サレハ別ニ運送賃ヲ請求スルコトヲ得ス

Article 779 A shipowner may not claim any additional freight charge for the baggage that passengers may carry on board the ship under the contract, unless there are any special provisions to the contrary.

第七百八十条 旅客カ乗船時期マテニ船舶ニ乗込マサルトキハ船長ハ発航ヲ為シ又ハ航海ヲ繼續スルコトヲ得此場合ニ於テハ旅客ハ運送賃ノ全額ヲ支払フコトヲ要ス

Article 780 If a passenger does not board a ship by the boarding time, the captain may depart or continue the voyage without such passenger. In this case, such passenger shall pay the full amount of the freight charge.

第七百八十一条 発航前ニ於テハ旅客ハ運送賃ノ半額ヲ支払ヒテ契約ノ解除ヲ為スコトヲ得

Article 781 (1) Before departure, a passenger may cancel the contract by paying half the amount of the freight charge.

2 発航後ニ於テハ旅客ハ運送賃ノ全額ヲ支払フニ非サレハ契約ノ解除ヲ為スコトヲ得ス

(2) After departure, no passenger may cancel the contract unless he/she pays the full amount of the freight charge.

第七百八十二条 旅客カ発航前ニ死亡、疾病其他一身ニ関スル不可抗力ニ因リテ航海ヲ為スコト能ハサルニ至リタルトキハ船舶所有者ハ運送賃ノ四分ノ一ヲ請求スルコトヲ得

Article 782 (1) If a passenger becomes unable to make a voyage due to death, injury, illness or any other event of force majeure, a shipowner may claim one-fourth of the amount of the freight charge.

2 前項ニ掲ケタル事由カ発航後ニ生シタルトキハ船舶所有者ハ其選択ニ從ヒ運送賃ノ四分ノ一ヲ請求シ又ハ運送ノ割合ニ応シテ運送賃ヲ請求スルコトヲ得

(2) If any of the events listed in the preceding paragraph occurred after departure, a shipowner may, at his/her own discretion, claim one-fourth of the amount of the freight charge or claim the freight charge in proportion to the transportation.

第七百八十三条 航海ノ途中ニ於テ船舶ヲ修繕スヘキトキハ船舶所有者ハ其修繕中旅客ニ相当ノ住居及ヒ食料ヲ供スルコトヲ要ス但旅客ノ権利ヲ害セサル範囲内ニ於テ他ノ船舶ヲ以テ上陸港マテ旅客ヲ運送スルコトヲ提供シタルトキハ此限ニ在ラス

Article 783 When it is necessary to make a repair to a ship during a voyage, a shipowner shall provide passengers with reasonable accommodation and food while the repair is being made; provided, however, that this shall not apply if the shipowner provides passengers with another ship to transport them to the port of landing to the extent that such transportation does not infringe their rights.

第七百八十四条 旅客運送契約ハ第七百六十条第一項第一号乃至第三号ニ掲ケタル事由ニ因リテ終了ス若シ其事由カ航海中ニ生シタルトキハ旅客ハ運送ノ割合ニ応シテ運送賃ヲ支払フコトヲ要ス

Article 784 A passenger transportation contract shall be terminated on the occurrence of any of the events listed in Article 760, paragraph (1), item (i) to item (iii). If such event occurred during the voyage, passengers shall pay the freight charge in proportion to the transportation.

第七百八十五条 旅客カ死亡シタルトキハ船長ハ最モ其相続人ノ利益ニ適スヘキ方法ニ依リテ其船中ニ在ル手荷物ノ処分ヲ為スコトヲ要ス

Article 785 In the event of the death of a passenger, the captain shall dispose of the passenger's baggage which is on board the ship by a method which is in the best interests of his/her heir(s).

第七百八十六条 第五百九十条、第五百九十一条第一項、第五百九十二条、第七百三十八条、第七百三十九条、第七百六十一条及ヒ第七百六十五条ノ規定ハ海上ノ旅客運送ニ之ヲ準用ス

Article 786 (1) The provisions of Article 590, Article 591, paragraph (1), Article 592, Article 738, Article 739, Article 761, and Article 765 shall apply mutatis mutandis to the transportation of passengers by sea.

2 第七百四十条及ヒ第七百六十四条ノ規定ハ旅客ノ手荷物ニ之ヲ準用ス

(2) The provisions of Article 740 and Article 764 shall apply mutatis mutandis to the baggage of passengers.

第七百八十七条 旅客運送ヲ為ス為メ船舶ノ全部又ハ一部ヲ以テ運送契約ノ目的ト為シタル場合ニ於テハ船舶所有者ト傭船者トノ關係ニ付テハ前節第一款ノ規定ヲ準用ス

Article 787 Where a transportation contract is entered into with regard to the whole or part of a ship for the purpose of providing passenger transportation, the provisions of Subsection 1 of the preceding Section shall apply mutatis mutandis to the relationship between a shipowner and a charterer.

第四章 海損 Chapter IV Average

第七百八十八条 船長カ船舶及ヒ積荷ヲシテ共同ノ危険ヲ免レシムル為メ船舶又ハ積荷ニ付キ為シタル処分ニ因リテ生シタル損害及ヒ費用ハ之ヲ共同海損トス

Article 788 (1) Any damage and costs which arise from any disposition of the ship or the shipped goods performed by the captain for the purpose of ensuring that the ship or the shipped goods are immune from any common risk shall constitute a general average.

2 前項ノ規定ハ危険カ過失ニ因リテ生シタル場合ニ於テ利害關係人ノ過失者ニ対スル求償ヲ妨ケス

(2) The provisions of the preceding paragraph shall not preclude, in the case of a risk caused by another person's negligence, any interested person from claiming a remedy against the person responsible for such negligence.

第七百八十九条 共同海損ハ之ニ因リテ保存スルコトヲ得タル船舶又ハ積荷ノ価格ト運送賃ノ半額ト共同海損タル損害ノ額トノ割合ニ応シテ各利害關係人之ヲ分担ス

Article 789 The general average shall be shared among the interested persons in accordance with the ratio between the value of the ship or the shipped goods that have been successfully preserved therefrom, half the amount of the freight charges, and the amount of damage to be treated as the general average.

第七百九十条 共同海損ノ分担額ニ付テハ船舶ノ価格ハ到達ノ地及ヒ時ニ於ケル価格トシ積荷ノ価格ハ陸揚ノ地及ヒ時ニ於ケル価格トス但積荷ニ付テハ其価格中ヨリ滅失ノ場合ニ於テ支払フコトヲ要セサル運送賃其他ノ費用ヲ控除スルコトヲ要ス

Article 790 When determining the amount of the general average contribution, the value of the ship shall be the price thereof at the place and time of its arrival, and the value of the shipped goods shall be the value thereof at the place and time of their discharge; provided, however, that with regard to the value of the shipped goods, any freight charges and other costs that are not required to be paid in the event of the loss of the shipped goods shall be deducted from said value.

第七百九十一条 前二条ノ規定ニ依リ共同海損ヲ分担スヘキ者ハ船舶ノ到達又ハ積荷ノ

引渡ノ時ニ於テ現存スル価額ノ限度ニ於テノミ其責ニ任ス

Article 791 The persons who are to share a general average pursuant to the provisions of the preceding two Articles shall be liable to share it only up to the value which actually exists at the time of the arrival of the ship or the delivery of the shipped goods.

第七百九十二条 船舶ニ備附ケタル武器、船員ノ給料、船員及ヒ旅客ノ食料並ニ衣類ハ共同海損ノ分担ニ付キ其価額ヲ算入セス但此等ノ物ニ加ヘタル損害ハ他ノ利害関係人ノヲ分担ス

Article 792 The value of any weapons, salaries for the mariners, and food and clothing for the mariners and passengers that are kept on a ship shall not be included in the amount of a general average to be shared; provided, however, that any damage caused by any interested person to any of those items shall be borne by other interested persons.

第七百九十三条 船荷証券其他積荷ノ価格ヲ評定スルニ足ルヘキ書類ナクシテ船積シタル荷物又ハ属具目録ニ記載セサル属具ニ加ヘタル損害ハ利害関係人ニ於テ之ヲ分担スルコトヲ要セス

Article 793 (1) Interested persons shall not be required to share the liability for any damage caused to any goods shipped without a bill of lading or any other document by which the value of the goods can be estimated, or to any equipment not recorded in the equipment inventory.

2 甲板ニ積込ミタル荷物ニ加ヘタル損害亦同シ但沿岸ノ小航海ニ在リテハ此限ニ在ラス

(2) The provisions of the preceding paragraph shall also apply to any damage caused to any goods placed on the deck; provided, however, that this shall not apply in the case of a short voyage on a coastal route.

3 前二項ニ掲ケタル積荷ノ利害関係人ト雖モ共同海損ヲ分担スル責ヲ免ルルコトヲ得ス

(3) Even the persons interested in the goods as listed in the preceding two paragraphs may not be released from the liability of sharing a general average.

第七百九十四条 共同海損タル損害ノ額ハ到達ノ地及ヒ時ニ於ケル船舶ノ価格又ハ陸揚ノ地及ヒ時ニ於ケル積荷ノ価格ニ依リテ之ヲ定ム但積荷ニ付テハ其滅失又ハ毀損ノ為メ支払フコトヲ要セサリ一切ノ費用ヲ控除スルコトヲ要ス

Article 794 (1) The amount of damages to be treated as a general average shall be determined on the basis of the value of the ship at the place and time of its arrival or the value of the shipped goods at the place and time of their discharge; provided, however, that with regard to the value of the shipped goods, any and all costs that are not required to be paid in the event of the loss of or damage to the shipped goods shall be deducted.

2 第五百七十八条ノ規定ハ共同海損ノ場合ニ之ヲ準用ス

(2) The provisions of Article 578 shall apply mutatis mutandis to a general average.

第七百九十五条 船荷証券其他積荷ノ価格ヲ評定スルニ足ルヘキ書類ニ積荷ノ実価ヨリ低キ価額ヲ記載シタルトキハ其積荷ニ加ヘタル損害ノ額ハ其記載シタル価額ニ依リテ之ヲ定ム

Article 795 (1) Where the value of the shipped goods indicated in a bill of lading or any other document by which the value of the shipped goods can be estimated is lower than the real value of the shipped goods, the amount of damages caused to the shipped goods shall be determined on the basis of such value as indicated in the bill or document.

2 積荷ノ実価ヨリ高キ価額ヲ記載シタルトキハ其積荷ノ利害關係人ハ其記載シタル価額ニ応シテ共同海損ヲ分担ス

(2) Where the value of the shipped goods indicated in the bill or document is higher than the real value of the shipped goods, the persons interested in the shipped goods shall share a general average in proportion to such value as indicated in the bill or document.

3 前二項ノ規定ハ積荷ノ価格ニ影響ヲ及ホスヘキ事項ニ付キ虚偽ノ記載ヲ為シタル場合ニ之ヲ準用ス

(3) The provisions of the preceding two paragraphs shall apply mutatis mutandis where any false statement is made with regard to the matters that may affect the value of the shipped goods.

第七百九十六条 第七百八十九条ノ規定ニ依リテ利害關係人カ共同海損ヲ分担シタル後船舶、其属具若クハ積荷ノ全部又ハ一部カ其所有者ニ復シタルトキハ其所有者ハ償金中ヨリ救助料及ヒ一部滅失又ハ毀損ニ因リテ生シタル損害ノ額ヲ控除シタルモノヲ返還スルコトヲ要ス

Article 796 Where the interested persons shared a general average pursuant to the provisions of Article 789, and then the whole or part of the ship, its equipment or the shipped goods are returned to the owner(s), such owner(s) shall return the compensation, after deducting therefrom the amount of the salvage charge and the amount of damages arising from the partial loss of or damage to such property.

第七百九十七条 船舶カ双方ノ船員ノ過失ニ因リテ衝突シタル場合ニ於テ双方ノ過失ノ輕重ヲ判定スルコト能ハサルトキハ其衝突ニ因リテ生シタル損害ハ各船舶ノ所有者平分シテ之ヲ負担ス

Article 797 Where two ships have collided with each other due to the negligence of the mariners of both ships, if it is impossible to determine which ship was more seriously negligent, both shipowners shall bear the damage arising from

the collision equally.

第七百九十八条 共同海損又ハ船舶ノ衝突ニ因リテ生シタル債権ハ一年ヲ経過シタルトキハ時効ニ因リテ消滅ス

Article 798 (1) Any claim arising from a general average or the collision of ships shall be extinguished by prescription when one year has elapsed.

2 前項ノ期間ハ共同海損ニ付テハ其計算終了ノ時ヨリ之ヲ起算ス

(2) In the case of a general average, the period set forth in the preceding paragraph shall be counted from the time of the complete settlement of the account.

第七百九十九条 本章ノ規定ハ船舶カ不可抗力ニ因リ発航港又ハ航海ノ途中ニ於テ碇泊ヲ為ス為メニ要スル費用ニ之ヲ準用ス

Article 799 The provisions of this Chapter shall apply mutatis mutandis to the costs required to have a ship berth in the port of departure or in any other port during a voyage due to force majeure.

第五章 海難救助

Chapter V Salvage

第八百条 船舶又ハ積荷ノ全部又ハ一部カ海難ニ遭遇セル場合ニ於テ義務ナクシテ之ヲ救助シタル者ハ其結果ニ対シテ相当ノ救助料ヲ請求スルコトヲ得

Article 800 Where the whole or part of a ship or the shipped goods were involved in a marine accident, a person who has salvaged the same without being obliged do so may claim a reasonable salvage charge corresponding to the consequence of the salvage.

第八百一条 救助料ニ付キ特約ナキ場合ニ於テ其額ニ付キ争アルトキハ危険ノ程度、救助ノ結果、救助ノ為メニ要シタル労力及ヒ費用其他一切ノ事情ヲ斟酌シテ裁判所之ヲ定ム

Article 801 Where there are no special provisions on the salvage charge, if a dispute occurs over the amount thereof, the court shall determine the amount while taking into consideration the degree of risk, the consequence of the salvage, the labor and costs incurred for the salvage and any other circumstances concerned.

第八百二条 海難ニ際シ契約ヲ以テ救助料ヲ定メタル場合ニ於テ其額カ著シク不相当ナルトキハ当事者ハ其増加又ハ減少ヲ請求スルコトヲ得此場合ニ於テハ前条ノ規定ヲ準用ス

Article 802 Where the salvage charge for a marine accident is specified by a contract, if the amount thereof is significantly unreasonable, a party to the

contract may demand an increase or decrease of the amount. In this case, the provisions of the preceding Article shall apply mutatis mutandis.

第八百三条 救助料ノ額ハ特約ナキトキハ救助セラレタル物ノ価額ニ超ユルコトヲ得ス
Article 803 (1) The amount of the salvage charge may not exceed the value of the property that has been salvaged, if there are no special provisions to the contrary.

2 先順位ノ先取特権アルトキハ救助料ノ額ハ先取特権者ノ債権額ヲ控除シタル残額ニ超ユルコトヲ得ス

(2) If there is any statutory lien with a prior rank, the amount of the salvage charge may not exceed the amount that remains after deducting the amount of the claim held by the holder of the statutory lien from the value of the salvaged property.

第八百四条 数人カ共同シテ救助ヲ為シタル場合ニ於テ救助料分配ノ割合ニ付テハ第八百一条ノ規定ヲ準用ス

Article 804 (1) Where two or more persons are engaged in the salvage, the provisions of Article 801 shall apply mutatis mutandis with regard to the ratio of the distribution of the salvage charge.

2 人命ノ救助ニ従事シタル者モ亦前項ノ規定ニ従ヒテ救助料ノ分配ヲ受クルコトヲ得

(2) Any person who engaged in the rescue of human life may also receive a distribution of the salvage charge pursuant to the provisions of the preceding paragraph.

第八百五条 救助ニ従事シタル船舶カ汽船ナルトキハ救助料ノ三分ノ二、帆船ナルトキハ其二分ノ一ヲ船舶所有者ニ支払ヒ其残額ハ折半シテ之ヲ船長及ヒ海員ニ支払フコトヲ要ス

Article 805 (1) The shipowner of a ship that engaged in the salvage shall be paid two-thirds of the salvage charge if the ship is a steamship, or half of the salvage charge if the ship is a sailing ship, and the remaining amount shall be divided into halves, of which one half is to be paid to the captain and the other to the mariners.

2 前項ノ規定ニ依リテ海員ニ支払フヘキ金額ノ分配ハ船長之ヲ行フ此場合ニ於テハ前条ノ規定ヲ準用ス

(2) The amount to be paid to the mariners pursuant to the provisions of the preceding paragraph shall be distributed to them by the captain. In this case, the provisions of the preceding Article shall apply mutatis mutandis.

3 前二項ノ規定ニ反スル契約ハ無効トス

(3) Any contract that is incompatible with the provisions of the preceding two paragraphs shall be void.

第八百六条 船長カ前条第二項ノ規定ニ依リ救助料ノ分配ヲ為スニハ航海ヲ終ハルマテニ分配案ヲ作り之ヲ海員ニ告示スルコトヲ要ス

Article 806 In order for the captain to distribute the salvage charge pursuant to the provisions of paragraph (2) of the preceding Article, he/she shall prepare a distribution plan and publicize it among the mariners by the end of the voyage.

第八百七条 海員カ前条ノ分配案ニ対シテ異議ノ申立ヲ為サントスルトキハ其告示アリタル後異議ノ申立ヲ為スコトヲ得ル最初ノ港ノ管海官庁ニ之ヲ為スコトヲ要ス

Article 807 (1) When a mariner intends to make an objection to the distribution plan set forth in the preceding Article, he/she may make such objection to the maritime authorities of the first port where he/she is able to make an objection after the plan has been publicized.

2 管海官庁ハ異議ヲ理由アリトスルトキハ分配案ヲ更正スルコトヲ得

(2) When the maritime authorities find an objection to be well-grounded, they may correct the distribution plan.

3 船長ハ異議ノ落著前ニハ救助料ノ支払ヲ為スコトヲ得ス

(3) The captain may not pay the salvage charge until the objection is settled.

第八百八条 船長カ分配案ノ作成ヲ怠リタルトキハ管海官庁ハ海員ノ請求ニ因リ船長ニ対シテ分配案ノ作成ヲ命スルコトヲ得

Article 808 (1) If the captain fails to prepare a distribution plan, the maritime authorities may, at the request of a mariner, order the captain to prepare a distribution plan.

2 船長カ前項ノ命令ニ従ハサルトキハ管海官庁ハ分配案ヲ作ルコトヲ得

(2) When the captain disobeys the order set forth in the preceding paragraph, the maritime authorities may prepare a distribution plan.

第八百九条 左ノ場合ニ於テハ救助者ハ救助料ヲ請求スルコトヲ得ス

Article 809 A salvager may not claim the salvage charge in the following cases:

一 故意又ハ過失ニ因リテ海難ヲ惹起シタルトキ

(i) where he/she provoked the marine accident intentionally or negligently;

二 正当ノ事由ニ因リテ救助ヲ拒マレタルニ拘ハラズ強ヒテ之ニ従事シタルトキ

(ii) where he/she engaged in the salvage despite the fact that his/her engagement was refused on justifiable grounds; and

三 救助シタル物品ヲ隠匿シ又ハ濫ニ之ヲ処分シタルトキ

(iii) where he/she concealed salvaged property or disposed of it without good reason.

第八百十条 救助者ハ其債権ニ付キ救助シタル積荷ノ上ニ先取特権ヲ有ス

Article 810 (1) A salvager shall have a statutory lien over shipped goods that are salvaged, based on his/her claim.

2 前項ノ先取特権ニハ船舶債権者ノ先取特権ニ関スル規定ヲ準用ス
(2) The provisions on a statutory lien held by a ship's creditor shall apply mutatis mutandis to the statutory lien set forth in the preceding paragraph.

第八百十一条 船長ハ救助料ノ債務者ニ代ハリテ其支払ニ関スル一切ノ裁判上又ハ裁判外ノ行為ヲ為ス権限ヲ有ス

Article 811 (1) The captain shall have the authority to engage in any and all judicial or extrajudicial acts on behalf of the debtor of the salvage charge in connection with the payment thereof.

2 救助料ニ関スル訴ニ於テハ船長ハ自ラ原告又ハ被告ト為ルコトヲ得但其訴ニ付キ言渡シタル判決ハ救助料ノ債務者ニ対シテモ其効力ヲ有ス

(2) In an action relating to the salvage charge, the captain may stand as a plaintiff or defendant; provided, however, that a judgment rendered in such an action shall also be effective against the debtor of the salvage charge.

第八百十二条 積荷ノ所有者ハ救助セラレタル物ヲ以テ救助料ヲ支払フ義務ヲ負フ
Article 812 The owner of the shipped goods shall be liable to pay the salvage charge for the salvaged property.

第八百十三条 積荷ノ上ニ存スル先取特権ハ債務者カ其積荷ヲ第三取得者ニ引渡シタル後ハ其積荷ニ付キ之ヲ行フコトヲ得ス

Article 813 A statutory lien which exists over shipped goods may not be exercised after the debtor has delivered them to a third party acquirer.

第八百十四条 救助料ノ請求権ハ救助ヲ為シタル時ヨリ一年ヲ経過シタルトキハ時効ニ因リテ消滅ス

Article 814 Any claim for the salvage charge shall be extinguished by prescription when one year has elapsed from the time of the salvage.

第六章 保険

Chapter VI Insurance

第八百十五条 海上保険契約ハ航海ニ関スル事故ニ因リテ生スルコトアルヘキ損害ノ填補ヲ以テ其目的トス

Article 815 (1) A marine insurance contract shall be entered into to compensate for any damage that may arise from an accident relating to a voyage.

2 海上保険契約ニハ本章ニ別段ノ定アル場合ヲ除ク外保険法（平成二十年法律第五十六号）第二章第一節乃至第四節及ビ第六節並ニ第五章ノ規定ヲ適用ス

(2) Unless otherwise provided for in this Chapter, the provisions of Chapter II, Section 1 to 4 and 6, and Chapter V of the Insurance Act (Act No. 56 of 2008) shall apply to marine insurance contracts.

第八百十六条 保険者ハ本章又ハ保険契約ニ別段ノ定アル場合ヲ除ク外保険期間中保険ノ目的ニ付キ航海ニ関スル事故ニ因リテ生シタル一切ノ損害ヲ填補スル責ニ任ス

Article 816 Unless otherwise provided for in this Chapter or in an insurance contract, an insurer shall be liable to compensate for any and all damage arising from accidents relating to a voyage that occurred to the insured property during the insurance period.

第八百十七条 保険者ハ被保険者カ支払フヘキ共同海損ノ分担額ヲ填補スル責ニ任ス但保険価額ノ一部ヲ保険ニ付シタル場合ニ於テハ保険者ノ負担ハ保険金額ノ保険価額ニ対スル割合ニ依リテ之ヲ定ム

Article 817 An insurer shall be liable to compensate for a general average contribution payable by an insured; provided, however, that if the insurance value is partially covered by insurance, the insurer's liability shall be determined on the basis of the ratio of the insured amount to the insurance value.

第八百十八条 船舶ノ保険ニ付テハ保険者ノ責任カ始マル時ニ於ケル其価額ヲ以テ保険価額トス

Article 818 In the case of insurance for a ship, the value of the ship as of the time that the insurer's liability commences shall be the insurance value.

第八百十九条 積荷ノ保険ニ付テハ其船積ノ地及ヒ時ニ於ケル其価額及ヒ船積並ニ保険ニ関スル費用ヲ以テ保険価額トス

Article 819 In the case of insurance for the shipped goods, the sum of the value of the shipped goods at the place and time of the shipment and the costs of the shipment and insurance shall be the insurance value.

第八百二十条 積荷ノ到達ニ因リテ得ヘキ利益又ハ報酬ノ保険ニ付テハ契約ヲ以テ保険価額ヲ定メサリシトキハ保険金額ヲ以テ保険価額トシタルモノト推定ス

Article 820 In the case of insurance for any profit or remuneration to be gained upon the arrival of the shipped goods, if the insurance value is not specified by a contract, the insured amount shall be presumed to be the insurance value.

第八百二十一条 一航海ニ付キ船舶ヲ保険ニ付シタル場合ニ於テハ保険者ノ責任ハ荷物又ハ底荷ノ船積ニ著手シタル時ヲ以テ始マル

Article 821 (1) Where a ship is covered by insurance for one voyage, the insurer's liability shall commence at the time that the shipment of goods or ballast starts.

2 荷物又ハ底荷ノ船積ヲ為シタル後船舶ヲ保険ニ付シタルトキハ保険者ノ責任ハ契約成立ノ時ヲ以テ始マル

(2) Where a ship is covered by insurance after the shipment of goods or ballast, the insurer's liability shall commence at the time of the formation of the contract.

3 前二項ノ場合ニ於テ保険者ノ責任ハ到達港ニ於テ荷物又ハ底荷ノ陸揚カ終了シタル時ヲ以テ終ハル但其陸揚カ不可抗力ニ因ラスシテ遅延シタルトキハ其終了スヘカリシ時ヲ以テ終ハル

(3) In the cases referred to in the preceding two paragraphs, the insurer's liability shall terminate at the time when the discharge of goods or ballast is completed at the port of arrival; provided, however, that if there is any delay in the discharge due to reasons other than force majeure, the insurer's liability shall terminate at the time when the discharge should have been completed.

第八百二十二条 積荷ヲ保険ニ付シ又ハ積荷ノ到達ニ因リテ得ヘキ利益若クハ報酬ヲ保険ニ付シタル場合ニ於テハ保険者ノ責任ハ其積荷カ陸地ヲ離レタル時ヲ以テ始マリ陸揚港ニ於テ其陸揚カ終了シタル時ヲ以テ終ハル

Article 822 (1) Where the shipped goods are covered by insurance or any profit or remuneration to be gained upon the arrival of the shipped goods is covered by insurance, the insurer's liability shall commence at the time when the shipped goods leave land and terminate at the time when the discharge thereof is completed at the port of discharge.

2 前条第三項但書ノ規定ハ前項ノ場合ニ之ヲ準用ス

(2) The provisions of the proviso to paragraph (3) of the preceding Article shall apply mutatis mutandis in the case referred to in the preceding paragraph.

第八百二十三条 海上保険証券ニハ保険法第六条第一項ニ掲ケタル事項ノ外左ノ事項ヲ記載スルコトヲ要ス

Article 823 A marine insurance policy shall state the following matters in addition to the matters listed in Article 6, paragraph (1) of the Insurance Act:

一 船舶ヲ保険ニ付シタル場合ニ於テハ其船舶ノ名称、国籍並ニ種類、船長ノ氏名及ヒ発航港、到達港又ハ寄航港ノ定アルトキハ其港名

(i) in the case of insurance for a ship, the name, nationality and type of the ship, the name of the captain and the names of the port of departure, the port of arrival or the port(s) of call if such port(s) is designated; and

二 積荷ヲ保険ニ付シ又ハ積荷ノ到達ニ因リテ得ヘキ利益若クハ報酬ヲ保険ニ付シタル場合ニ於テハ船舶ノ名称、国籍並ニ種類、船積港及ヒ陸揚港

(ii) in the case of insurance for the shipped goods or any profit or remuneration to be acquired upon the arrival of the shipped goods, the name, nationality and type of the ship, the port of shipment and the port of discharge.

第八百二十四条 保険者ノ責任カ始マル前ニ於テ航海ヲ変更シタルトキハ保険契約ハ其効力ヲ失フ

Article 824 (1) If there is a change to a voyage before the insurer's liability commences, the insurance contract shall cease to be effective.

2 保険者ノ責任カ始マリタル後航海ヲ変更シタルトキハ保険者ハ其変更後ノ事故ニ付キ責任ヲ負フコトナシ但其変更カ保険契約者又ハ被保険者ノ責ニ帰スヘカラサル事由ニ因リタルトキハ此限ニ在ラス

(2) If there is a change to a voyage after the insurer's liability commences, the insurer shall not be liable for any accident that may occur after such change; provided, however, that this shall not apply if the change was due to reasons not attributable to the policyholder or the insured.

3 到達港ヲ変更シ其実行ニ著手シタルトキハ保険シタル航路ヲ離レサルトキト雖モ航海ヲ変更シタルモノト看做ス

(3) When the port of arrival has been changed and the operation for making the change has been started, it shall be deemed that the voyage has been changed even where the ship does not deviate from the insured route.

第二百二十五条 被保険者カ発航ヲ為シ若クハ航海ヲ継続スルコトヲ怠リ又ハ航路ヲ変更シ其他著シク危険ヲ変更若クハ増加シタルトキハ保険者ハ其変更又ハ増加以後ノ事故ニ付キ責任ヲ負フコトナシ但其変更又ハ増加カ事故ノ発生ニ影響ヲ及ホササリシトキ又ハ保険者ノ負担ニ帰スヘキ不可抗力若クハ正当ノ理由ニ因リテ生シタルトキハ此限ニ在ラス

Article 825 If an insured fails to have the ship depart or continue a voyage, or changes the route or otherwise changes or increases the risk, an insurer shall not be liable for any accident that may occur after such change or increase; provided, however, that this shall not apply where the change or increase has no influence on the occurrence of an accident or has been caused due to force majeure attributable to the insurer or on justifiable grounds.

第二百二十六条 保険契約中ニ船長ヲ指定シタルトキト雖モ船長ノ変更ハ契約ノ効力ニ影響ヲ及ホサス

Article 826 Even where the captain is designated by an insurance contract, the replacement of the captain shall have no influence on the effect of the contract.

第二百二十七条 積荷ヲ保険ニ付シ又ハ積荷ノ到達ニ因リテ得ヘキ利益若クハ報酬ヲ保険ニ付シタル場合ニ於テ船舶ヲ変更シタルトキハ保険者ハ其変更以後ノ事故ニ付キ責任ヲ負フコトナシ但其変更カ保険契約者又ハ被保険者ノ責ニ帰スヘカラサル事由ニ因リタルトキハ此限ニ在ラス

Article 827 Where the shipped goods are covered by insurance or any profit or remuneration to be gained upon the arrival of the shipped goods is covered by insurance, when the ship is changed, the insurer shall not be liable for any accident that may occur after such change; provided, however, that this shall not apply if the change was due to reasons not attributable to the policyholder

or the insured.

第二百二十八条 保険契約ヲ為スニ当タリ荷物ヲ積込ムヘキ船舶ヲ定メサリシ場合ニ於テ保険契約者又ハ被保険者カ其荷物ヲ船積シタルコトヲ知リタルトキハ遅滞ナク保険者ニ対シテ船舶ノ名称及ヒ国籍ノ通知ヲ発スルコトヲ要ス

Article 828 (1) Where an insurance contract is entered into without designating a ship to be loaded with goods, when the policyholder or the insured becomes aware that the goods have been shipped, he/she shall dispatch a notice to the insurer of the name and nationality of the ship without delay.

2 保険契約者又ハ被保険者カ前項ノ通知ヲ怠リタルトキハ保険契約ハ其効力ヲ失フ

(2) If the policyholder or the insured fails to dispatch a notice as set forth in the preceding paragraph, the insurance contract shall cease to be effective.

第二百二十九条 保険者ハ左ニ掲ケタル損害又ハ費用ヲ填補スル責ニ任セス

Article 829 An insurer shall not be liable to compensate for the damage or costs listed in the following:

一 保険ノ目的ノ性質若クハ瑕疵、其自然ノ消耗又ハ保険契約者若クハ被保険者ノ悪意若クハ重大ナル過失ニ因リテ生シタル損害

(i) any damage arising from the nature of or any defect to the insured property or its ordinary wear and tear, or an intentional act or the gross negligence of the policyholder or the insured;

二 船舶又ハ運送賃ヲ保険ニ付シタル場合ニ於テ発航ノ当時安全ニ航海ヲ為スニ必要ナル準備ヲ為サス又ハ必要ナル書類ヲ備ヘサルニ因リテ生シタル損害

(ii) in the case of insurance for a ship or the freight charge, any damage arising from the failure to make the necessary preparations or keep the necessary documents for a safe voyage at the time of departure;

三 積荷ヲ保険ニ付シ又ハ積荷ノ到達ニ因リテ得ヘキ利益若クハ報酬ヲ保険ニ付シタル場合ニ於テ傭船者、荷送人又ハ荷受人ノ悪意若クハ重大ナル過失ニ因リテ生シタル損害

(iii) in the case of insurance for the shipped goods or profit or remuneration to be gained upon the arrival of the shipped goods, any damage arising from an intentional act or the gross negligence of the charterer, the consignor, or the consignee; and

四 水先案内料、入港料、燈台料、検疫料其他船舶又ハ積荷ニ付キ航海ノ為メニ出タルシタル通常ノ費用

(iv) the pilotage charges, harbor charges, light dues, quarantine fees, and other ordinary costs insured in connection with the ship or the shipped goods for the voyage.

第二百三十条 共同海損ニ非サル損害又ハ費用カ其計算ニ関スル費用ヲ算入セスシテ保険価額ノ百分ノ二ヲ超エサルトキハ保険者ハ之ヲ填補スル責ニ任セス

Article 830 (1) When the amount of the damage or costs that are not treated as a general average does not exceed two percent of the insurance value with the costs for the calculation of the amount excluded, the insurer shall not be liable to compensate for such damage or costs.

2 右ノ損害又ハ費用カ保険価額ノ百分ノ二ヲ超エタルトキハ保険者ハ其全額ヲ支払フコトヲ要ス

(2) When the amount of the damage or costs set forth in the preceding paragraph exceeds two percent of the insurance value, the insurer shall be liable to pay the full amount.

3 前二項ノ規定ハ当事者カ契約ヲ以テ保険者ノ負担セサル損害又ハ費用ノ割合ヲ定メタル場合ニ之ヲ準用ス

(3) The provisions of the preceding two paragraphs shall apply mutatis mutandis where the parties have specified, in the contract, the percentage of the damage or costs that shall not be borne by the insurer.

4 前三項ニ定メタル割合ハ各航海ニ付キ之ヲ計算ス

(4) The percentages prescribed in the preceding three paragraphs shall be calculated for each voyage.

第八百三十一条 保険ノ目的タル積荷カ毀損シテ陸揚港ニ到達シタルトキハ保険者ハ其積荷カ毀損シタル状況ニ於ケル価額ノ毀損セサル状況ニ於テ有スヘカリシ価額ニ対スル割合ヲ以テ保険価額ノ一部ヲ填補スル責ニ任ス

Article 831 When shipped goods covered by insurance arrive at the port of discharge in a damaged state, the insurer shall be liable to compensate for part of the insurance value on the basis of the ratio of the value of the shipped goods in such damaged state to the value that the shipped goods would have had in an undamaged state.

第八百三十二条 航海ノ途中ニ於テ不可抗力ニ因リ保険ノ目的タル積荷ヲ売却シタルトキハ其売却ニ依リテ得タル代価ノ中ヨリ運送賃其他ノ費用ヲ控除シタルモノト保険価額トノ差ヲ以テ保険者ノ負担トス但保険価額ノ一部ヲ保険ニ付シタル場合ニ於テ保険法第十九条ノ適用ヲ妨ケス

Article 832 (1) When shipped goods covered by insurance have been sold due to force majeure during a voyage, the insurer shall be liable to pay any difference between the amount calculated by deducting the freight charge and other costs from the sales proceeds and the insurance value; provided, however, that this shall not preclude the application of Article 19 of the Insurance Act in cases where the insurance value is partially covered by insurance.

2 前項ノ場合ニ於テ買主カ代価ヲ支払ハサルトキハ保険者ハ其支払ヲ為スコトヲ要ス但其支払ヲ為シタルトキハ被保険者ノ買主ニ対シテ有セル権利ヲ取得ス

(2) In the case referred to in the preceding paragraph, if the buyer does not pay the sales proceeds, the insurer shall pay such sales proceeds; provided,

however, that when the insurer has made the payment, he/she shall acquire the rights held by the insured in relation to the buyer.

第八百三十三条 左ノ場合ニ於テハ被保険者ハ保険ノ目的ヲ保険者ニ委付シテ保険金額ノ全部ヲ請求スルコトヲ得

Article 833 The insured may claim the whole of the insured amount by abandoning the insured property to the insurer in the following cases:

一 船舶カ沈没シタルトキ

(i) where the ship sinks;

二 船舶ノ行方カ知レサルトキ

(ii) where the ship goes missing;

三 船舶カ修繕スルコト能ハサルニ至リタルトキ

(iii) where the ship is rendered unrepairable;

四 船舶又ハ積荷カ捕獲セラレタルトキ

(iv) where the ship or the shipped goods were captured; and

五 船舶又ハ積荷カ官ノ処分ニ依リテ押収セラレ六ヶ月間解放セラレサルトキ

(v) where the ship or the shipped goods were seized by an official disposition and remained unreleased for six months.

第八百三十四条 船舶ノ存否カ六ヶ月間分明ナラサルトキハ其船舶ハ行方ノ知レサルモノトス

Article 834 (1) If it is not known for six months whether a ship is still in existence, it shall be deemed that the ship has gone missing.

2 保険期間ノ定アル場合ニ於テ其期間カ前項ノ期間内ニ経過シタルトキト雖モ被保険者ハ委付ヲ為スコトヲ得但船舶カ保険期間内ニ滅失セサリシコトノ証明アリタルトキハ其委付ハ無効トス

(2) Where a period of insurance is specified, even when such period expires within the period set forth in the preceding paragraph, the insured may declare abandonment; provided, however, that if it is proved that the ship was lost within the period of insurance, such abandonment shall be void.

第八百三十五条 第八百三十三条第三号ノ場合ニ於テ船長カ遅滞ナク他ノ船舶ヲ以テ積荷ノ運送ヲ繼續シタルトキハ被保険者ハ其積荷ヲ委付スルコトヲ得ス

Article 835 In the case referred to in Article 833, item (iii), when the captain continues the transportation of the shipped goods using another ship, the insured may not abandon the shipped goods.

第八百三十六条 被保険者カ委付ヲ為サント欲スルトキハ三个月内ニ保険者ニ対シテ其通知ヲ発スルコトヲ要ス

Article 836 (1) When the insured intends to declare abandonment, he/she shall dispatch a notice of such intention to the insurer within three months.

2 前項ノ期間ハ第八百三十三条第一号、第三号及ヒ第四号ノ場合ニ於テハ被保険者カ其事由ヲ知リタル時ヨリ之ヲ起算ス

(2) In the cases referred to in Article 833, item (i), item (iii) and item (iv), the period set forth in the preceding paragraph shall be counted from the time when the insured becomes aware of such cases.

3 再保険ノ場合ニ於テハ第一項ノ期間ハ其被保険者カ自己ノ被保険者ヨリ委付ノ通知ヲ受ケタル時ヨリ之ヲ起算ス

(3) In the case of reinsurance, the period set forth in paragraph (1) shall be counted from the time when the reinsured receives a notice of abandonment from his/her insured.

第八百三十七条 委付ハ単純ナルコトヲ要ス

Article 837 (1) Abandonment shall be declared by a simple method.

2 委付ハ保険ノ目的ノ全部ニ付テ之ヲ為スコトヲ要ス但委付ノ原因カ其一部ニ付テ生シタルトキハ其部分ニ付テノミ之ヲ為スコトヲ得

(2) Abandonment shall be declared with regard to the whole of the insured property; provided, however, that if the cause of the abandonment applies to only part of the insured property, abandonment may be declared only with regard to such part.

3 保険価額ノ一部ヲ保険ニ付シタル場合ニ於テハ委付ハ保険金額ノ保険価額ニ対スル割合ニ応シテ之ヲ為スコトヲ得

(3) Where the insurance value is partially covered by insurance, abandonment may be declared on the basis of the ratio of the insured amount to the insurance value.

第八百三十八条 保険者カ委付ヲ承認シタルトキハ後日其委付ニ対シテ異議ヲ述フルコトヲ得ス

Article 838 When the insurer approves abandonment, he/she may not make any objection to the abandonment later.

第八百三十九条 保険者ハ委付ニ因リ被保険者カ保険ノ目的ニ付キ有セル一切ノ権利ヲ取得ス

Article 839 (1) The insurer shall, by abandonment, acquire any and all rights that the insured holds in connection with the insured property.

2 被保険者カ委付ヲ為シタルトキハ保険ノ目的ニ関スル証書ヲ保険者ニ交付スルコトヲ要ス

(2) When the insured has declared abandonment, he/she shall deliver the instruments concerning the insured property to the insurer.

第八百四十条 被保険者ハ委付ヲ為スニ当タリ保険者ニ対シ保険ノ目的ニ関スル他ノ保険契約並ニ其負担ニ属スル債務ノ有無及ヒ其種類ヲ通知スルコトヲ要ス

Article 840 (1) When declaring abandonment, the insured shall give notice to the insurer with regard to whether or not there is any other insurance contract for the insured property and any obligation assumed by the insured, as well as the type of such contract and obligation.

2 保険者ハ前項ノ通知ヲ受クルマテハ保険金額ノ支払ヲ為スコトヲ要セス

(2) The insurer shall not be required to pay the insured amount until he/she receives notice as set forth in the preceding paragraph.

3 保険金額ノ支払ニ付キ期間ノ定アルトキハ其期間ハ保険者カ第一項ノ通知ヲ受ケタル時ヨリ之ヲ起算ス

(3) Where a period for payment of the insured amount is specified, such period shall be counted from the time when the insurer receives notice as set forth in paragraph (1).

第四百四十一条 保険者カ委付ヲ承認セサルトキハ被保険者ハ委付ノ原因ヲ証明シタル後ニ非サレハ保険金額ノ支払ヲ請求スルコトヲ得ス

Article 841 When the insurer does not approve abandonment, the insured may not claim payment of the insured amount until after he/she proves the cause of the abandonment.

第四百四十一条ノ二 本章ノ規定ハ相互保険ニ之ヲ準用ス但其性質ガ之ヲ許サザルトキハ此限ニ在ラズ

Article 841-2 The provisions of this Chapter shall apply mutatis mutandis to mutual insurance; provided, however, that this shall not apply if the nature thereof does not permit the application.

第七章 船舶債権者

Chapter VII Ship's Creditors

第四百四十二条 左ニ掲ケタル債権ヲ有スル者ハ船舶、其属具及ヒ未タ受取ラサル運送賃ノ上ニ先取特権ヲ有ス

Article 842 A person who holds any of the following claims shall have a statutory lien over the ship, its equipment and the freight charge yet to be received:

一 船舶並ニ其属具ノ競売ニ関スル費用及ヒ競売手続開始後ノ保存費

(i) the costs for an auction of the ship and its equipment, as well as the costs for the storage of the same after the commencement of the auction procedure;

二 最後ノ港ニ於ケル船舶及ヒ其属具ノ保存費

(ii) the costs for the storage of the ship and its equipment incurred at the last port;

三 航海ニ関シ船舶ニ課シタル諸税

(iii) the taxes imposed on the ship in connection with the voyage;

四 水先案内料及ヒ挽船料

(iv) the pilotage charge and towage charge;

五 救助料及ヒ船舶ノ負担ニ属スル共同海損

(v) the salvage charge and the general average to be borne by the ship;

六 航海継続ノ必要ニ因リテ生シタル債権

(vi) any claims which arise from the necessity of continuing the voyage;

七 雇傭契約ニ因リテ生シタル船長其他ノ船員ノ債権

(vii) any claims of the captain and other mariners which arise from employment contracts; and

八 船舶カ其売買又ハ製造ノ後未タ航海ヲ為ササル場合ニ於テ其売買又ハ製造並ニ艤装ニ因リテ生シタル債権及ヒ最後ノ航海ノ為メニスル船舶ノ艤装、食料並ニ燃料ニ関スル債権

(viii) in the case where the ship has not made any voyage after it was sold or manufactured, any claims which arise from the sale or manufacture and the outfitting of the ship, and any claims which arise from the outfitting of the ship, food and fuel that are required for its last voyage.

第四百四十三条 船舶債権者ノ先取特権ハ運送賃ニ付テハ其先取特権ノ生シタル航海ニ於ケル運送賃ノ上ニノミ存在ス

Article 843 A statutory lien held by a ship's creditor shall exist only over the freight charge for the voyage in which the statutory lien arose.

第四百四十四条 船舶債権者ノ先取特権カ互ニ競合スル場合ニ於テハ其優先権ノ順位ハ第四百四十二条ニ掲ケタル順序ニ従フ但同条第四号乃至第六号ノ債権間ニ在リテハ後ニ生シタルモノ前ニ生シタルモノニ先ツ

Article 844 (1) Where statutory liens held by a ship's creditors conflict with each other, the order of priority of those liens shall follow the order set forth in Article 842; provided, however, that between the claims listed in item (iv) to item (vi) of said Article, the one which arose later shall take precedence over the one which arose earlier.

2 同一順位ノ先取特権者数人アルトキハ各其債権額ノ割合ニ応シテ弁済ヲ受ク但第四百四十二条第四号乃至第六号ノ債権カ同時ニ生セサリシ場合ニ於テハ後ニ生シタルモノ前ニ生シタルモノニ先ツ

(2) Where two or more persons hold statutory liens of the same rank, they shall receive payment in proportion to the value of their claims; provided, however, that where the claims listed in Article 842, item (iv) to item (vi) arose at different times, the one which arose later shall take precedence over the one which arose earlier.

3 先取特権カ数回ノ航海ニ付テ生シタル場合ニ於テハ前二項ノ規定ニ拘ハラス後ノ航海ニ付テ生シタルモノ前ノ航海ニ付テ生シタルモノニ先ツ

(3) Where statutory liens arose from two or more voyages, notwithstanding the provisions of the preceding two paragraphs, the one which arose from a later

voyage shall take precedence over the one which arose from an earlier voyage.

第四百四十五条 船舶債権者ノ先取特権ト他ノ先取特権ト競合スル場合ニ於テハ船舶債権者ノ先取特権ハ他ノ先取特権ニ先ツ

Article 845 Where a statutory lien held by a ship's creditor and any other statutory lien conflict with each other, the statutory lien held by the ship's creditor shall take precedence over such other statutory lien.

第四百四十六条 船舶所有者カ其船舶ヲ譲渡シタル場合ニ於テハ譲受人ハ其譲渡ヲ登記シタル後先取特権者ニ対シ一定ノ期間内ニ其債権ノ申出ヲ為スヘキ旨ヲ公告スルコトヲ要ス但其期間ハ一个月ヲ下ルコトヲ得ス

Article 846 (1) Where a shipowner has assigned his/her ship, the assignee shall, after registering the assignment, give public notice to the holders of statutory liens to the effect that they should file proof of their claims within a certain period of time; provided, however, that such period may not be shorter than one month.

2 先取特権者カ前項ノ期間内ニ其債権ノ申出ヲ為ササリシトキハ其先取特権ハ消滅ス
(2) If a holder of a statutory lien does not file proof of his/her claim within the period set forth in the preceding paragraph, the statutory lien shall be extinguished.

第四百四十七条 船舶債権者ノ先取特権ハ其発生後一年ヲ経過シタルトキハ消滅ス

Article 847 (1) A statutory lien held by a ship's creditor shall be extinguished when one year has elapsed after it arose.

2 第四百四十二条第八号ノ先取特権ハ船舶ノ発航ニ因リテ消滅ス
(2) A statutory lien set forth in Article 842, item (viii) shall be extinguished by reason of the departure of the ship.

第四百四十八条 登記シタル船舶ハ之ヲ以テ抵当権ノ目的ト為スコトヲ得

Article 848 (1) A registered ship may be the subject matter of a mortgage.

2 船舶ノ抵当権ハ其属具ニ及フ

(2) A mortgage on a ship shall extend to its equipment.

3 船舶ノ抵当権ニハ不動産ノ抵当権ニ関スル規定ヲ準用ス此場合ニ於テハ民法第三百八十四条第一号中「抵当権を実行して競売の申立てをしないとき」トアルハ「抵当権の実行としての競売の申立て若しくはその提供を承諾しない旨の第三取得者に対する通知をせず、又はその通知をした債権者が抵当権の実行としての競売の申立てをすることができるに至った後一週間以内にこれをしないとき」ト読替フルモノトス

(3) The provisions on a mortgage on real property shall apply mutatis mutandis to a mortgage on a ship. In this case, the phrase "[if the obligee] does not file a petition for auction by executing the mortgage [within two months after receipt of the documents listed in each item of the preceding article]" in Article 384,

item (i) of the Civil Code shall be deemed to be replaced with "[if the obligee] does not file a petition for auction by executing the mortgage or give notice to the third party acquirer to the effect that he/she has not approved the third party acquirer's offer [within two months after receipt of the documents listed in each item of the preceding article], or if the obligee who has given such notice does not file a petition for auction by executing the mortgage within one week after he/she is able to file it."

第四百四十九条 船舶ノ先取特権ハ抵当権ニ先チテ之ヲ行フコトヲ得
Article 849 A statutory lien over a ship may be exercised prior to a mortgage.

第四百五十条 登記シタル船舶ハ之ヲ以テ質権ノ目的ト為スコトヲ得ス
Article 850 A registered ship may be the subject matter of a pledge.

第四百五十一条 本章ノ規定ハ製造中ノ船舶ニ之ヲ準用ス
Article 851 The provisions of this Chapter shall apply mutatis mutandis to a ship under construction.