

# 漁業法第五十二条第一項の指定漁業を定める政令 Cabinet Order Specifying the Designated Sectors of the Fishing Industry under Paragraph (1) of Article 52 of the Fishery Act

(昭和三十八年一月二十二日政令第六号)  
(Cabinet Order No. 6 of January 22, 1963)

内閣は、漁業法（昭和二十四年法律第二百六十七号）第五十二条第一項及び第三項の規定に基づき、この政令を制定する。

The Cabinet establishes this Cabinet Order based on the provisions of paragraphs (1) and (3) of Article 52 of the Fishery Act (Act No. 267 of 1949).

1 漁業法第五十二条第一項の政令で定める漁業は、次に掲げるものとする。

- (1) The sectors of the fishing industry specified by Cabinet Order that are referred to in paragraph (1) of Article 52 of the Fishery Act are the following:
- 一 沖合底びき網漁業 北緯二十五度十五秒東経百二十八度二十九分五十三秒の点から北緯二十五度十七秒東経百五十二度五十九分四十六秒の点に至る直線以北、次に掲げる線から成る線以東、東経百五十二度五十九分四十六秒の線以西の太平洋の海域において総トン数十五トン以上の動力漁船により底びき網を使用して行う漁業
  - (i) the offshore trawl fishing industry: the sector of the fishing industry in which fishing is done using a trawl net, by (a) powered fishing boat(s) with a gross tonnage of 15 tons or more in an area of the Pacific Ocean northward of the straight line from the point of 25 degrees, 15 seconds north latitude and 128 degrees, 29 minutes, 53 seconds east longitude to the point of 25 degrees, 17 seconds north latitude and 152 degrees, 59 minutes, 46 seconds east longitude, eastward of the following lines, and westward of the line 152 degrees, 59 minutes, 46 seconds east longitude:
    - イ 北緯三十三度九分二十七秒以北の東経百二十七度五十九分五十二秒の線
    - (a) the line at 127 degrees, 59 minutes, 52 seconds east longitude northward of 33 degrees, 9 minutes, 27 seconds north latitude;
    - ロ 北緯三十三度九分二十七秒東経百二十七度五十九分五十二秒の点から北緯三十三度九分二十七秒東経百二十八度二十九分五十二秒の点に至る直線
    - (b) the straight line from the point at 33 degrees, 9 minutes, 27 seconds north latitude and 127 degrees, 59 minutes, 52 seconds east longitude to the point at 33 degrees, 9 minutes, 27 seconds north latitude and 128 degrees, 29 minutes, 52 seconds east longitude;
    - ハ 北緯三十三度九分二十七秒東経百二十八度二十九分五十二秒の点から北緯二十五度十五秒東経百二十八度二十九分五十三秒の点に至る直線
    - (c) the straight line from the point at 33 degrees, 9 minutes, 27 seconds north latitude and 128 degrees, 29 minutes, 52 seconds east longitude to the

point at 25 degrees, 15 seconds north latitude and 128 degrees, 29 minutes, 53 seconds east longitude.

二 以西底びき網漁業 北緯十度二十秒の線以北、次に掲げる線から成る線以西の太平洋の海域において総トン数十五トン以上の動力漁船により底びき網を使用して行う漁業

(ii) the westward trawl fishing industry: the sector of the fishing industry in which fishing is done using a trawl net, by (a) powered fishing boat(s) with a gross tonnage of 15 tons or more in the area of the Pacific Ocean northward of the line at 10 degrees, 20 seconds north latitude and westward of the following lines:

イ 前号イからハマまでの線

(a) the lines set forth in (a) through (c) of the preceding item;

ロ 北緯二十五度十五秒東経百二十八度二十九分五十三秒の点から北緯二十五度十五秒東経百二十度五十九分五十五秒の点に至る直線

(b) the straight line from the point at 25 degrees, 15 seconds north latitude and 128 degrees, 29 minutes, 53 seconds east longitude to the point at 25 degrees, 15 seconds north latitude and 120 degrees, 59 minutes, 55 seconds east longitude;

ハ 北緯二十五度十五秒以南の東経百二十度五十九分五十五秒の線

(c) the line at 120 degrees, 59 minutes, 55 seconds east longitude southward of 25 degrees, 15 seconds north latitude.

三 遠洋底びき網漁業 北緯十度二十秒の線以北、次に掲げる線から成る線以西の太平洋の海域以外の海域において総トン数十五トン以上の動力漁船により底びき網を使用して行う漁業

(iii) the distant water trawl fishing industry: the sector of the fishing industry in which fishing is done using a trawl net, by a powered fishing boat with a gross tonnage of 15 tons or more in the areas other than the Pacific Oceans northward of the line at 10 degrees, 20 seconds north latitude and westward of the following lines:

イ 北緯二十五度十七秒以北の東経百五十二度五十九分四十六秒の線

(a) the line at 152 degrees, 59 minutes, 46 seconds east longitude northward of 25 degrees, 17 seconds north latitude;

ロ 北緯二十五度十七秒東経百五十二度五十九分四十六秒の点から北緯二十五度十五秒東経百二十八度二十九分五十三秒の点に至る直線

(b) the straight line from the point at 25 degrees, 17 seconds north latitude and 152 degrees, 59 minutes, 46 seconds east longitude to the point at 25 degrees, 15 seconds north latitude and 128 degrees, 29 minutes, 53 minutes east longitude;

ハ 前号ロ及びハの線

(c) the lines set forth in (b) and (c) of the preceding item.

四 大中型まき網漁業 総トン数四十トン（北海道恵山岬灯台から青森県尻屋崎灯台

に至る直線の中心点を通る正東の線以南、同中心点から尻屋崎灯台に至る直線のうち同中心点から同直線と青森県の最大高潮時海岸線との最初の交点までの部分、同交点から最大高潮時海岸線を千葉県野島崎灯台正南の線と同海岸線との交点に至る線及び同点正南の線から成る線以東の太平洋の海域にあつては、総トン数十五トン) 以上の動力漁船によりまき網を使用して行う漁業

(iv) the large and medium-scale purse seine fishing industry: the sector of the fishing industry in which fishing is done using a purse seine, by (a) powered fishing boat(s) with a gross tonnage of 40 tons or larger (or 15 tons or larger, if it is in the area of the Pacific Ocean southward of the due east line that passes through the center point of the straight line from the Esan beacon in Hokkaido to the Shiriyazaki beacon in Aomori, and eastward of the line from that center point to the nearest point at which that straight line intersects with the Aomori coastline at high tide and from that point of intersection along the high-tide coast line to the point that intersects with the line running due south from the Nojimazaki beacon in Chiba, as well as eastward of the due south line at that point of intersection);

五 大型捕鯨業 動力漁船によりもりづつを使用してひげ鯨（ミンク鯨を除く。）又はまつこう鯨をとる漁業（第七号に掲げるものを除く。）

(v) large-scale whale fishery: the sector of the fishing industry in which fishing is done for baleen whales (excluding minke whales) or sperm whales, using a harpoon gun, in a powered fishing boat (excluding the fishery listed in item (vii))

六 小型捕鯨業 動力漁船によりもりづつを使用してミンク鯨又は歯鯨（まつこう鯨を除く。）をとる漁業（次号に掲げるものを除く。）

(vi) small-scale whale fishery: the sector of the fishing industry in which fishing is done for the minke whale or the toothed whales (excluding the sperm whale), using a harpoon gun, from a powered fishing boat (excluding what is listed in the following item);

七 母船式捕鯨業 母船式漁業（製造設備、冷蔵設備その他の処理設備を有する母船及びこれと一体となつて漁業に従事する漁業法第五十二条第一項の独航船等により行う漁業をいう。）であつて、もりづつを使用して鯨をとるもの

(vii) mother ship type whale fishery the sector of the fishing industry in which fishing is done by mother ship (meaning fishing carried out by a mother ship that has manufacturing equipment, refrigeration equipment and other processing equipment, together with independent boats pursuant to paragraph (1) of Article 52 of the Fishery Act that are engaged in the fishing) for whales, using a harpoon gun;

八 遠洋かつお・まぐろ漁業 総トン数百二十トン以上の動力漁船により、浮きはえ縄を使用して又は釣りによつてかつお、まぐろ、かじき又はさめをとることを目的とする漁業

(viii) the distant Water Skipjack/Tuna Fishery: the sector of the fishery in

which fishing is done for skipjack, tuna, marlin, or shark using a pelagic long line or by pole and line, from a powered fishing vessel with a gross tonnage of 120 tons or more;

九 近海かつお・まぐろ漁業 総トン数十トン（我が国の排他的経済水域、領海及び内水並びに我が国の排他的経済水域によつて囲まれた海域から成る海域（東京都小笠原村南鳥島に係る排他的経済水域及び領海を除く。）にあつては、総トン数二十トン）以上百二十トン未満の動力漁船により、浮きはえ縄を使用して又は釣りによつてかつお、まぐろ、かじき又はさめをとることを目的とする漁業

(ix) the Offshore Skipjack/Tuna Fishery: the fishery in which fishing is done for skipjack, tuna, marlin, or shark, using a pelagic long line or by pole and line, from a powered fishing vessel with a gross tonnage of 10 tons or more (or 20 tons or more in the area of the sea consisting of Japan's exclusive economic zone, territorial waters, and inland waters, and the area of the sea surrounded by Japan's exclusive economic zone (excluding the exclusive the economic zone and territorial waters of Minamitorishima Island, Ogasawara Village, Tokyo) and less than 120 tons;

十 中型さけ・ます流し網漁業 総トン数三十トン以上の動力漁船により流し網を使用してさけ又はますをとることを目的とする漁業

(x) the medium-scale salmon driftnet fishing industry: the sector of the fishing industry in which fishing is done for salmon using a drift net, from a powered fishing boat with a gross tonnage of 30 tons or more;

十一 北太平洋さんま漁業 北緯三十四度五十四分六秒の線以北、東経百三十九度五十三分十八秒の線以東の太平洋の海域（オホーツク海及び日本海の海域を除く。）において総トン数十トン以上の動力漁船により棒受網を使用してさんまをとることを目的とする漁業

(xi) the North Pacific saury fishing industry: the sector of the fishing industry in which fishing is done for saury using a stick-held dip net, from a powered fishing boat with a gross tonnage of 10 tons or more, in the area of the Pacific Ocean northward of the line at 34 degrees, 54 minutes, 6 seconds north latitude and eastward of the line at 139 degrees, 53 minutes, 18 seconds east longitude (excluding the Sea of Okhotsk and the Sea of Japan)

十二 日本海べにずわいがに漁業 次に掲げる海域以外の日本海の海域においてかごを使用してべにずわいがにをとることを目的とする漁業

(xii) the Sea of Japan red snow crab fishing industry: the sector of the fishing industry in which fishing is done for red snow crab using baskets in areas of the Sea of Japan other than the following:

イ 北緯四十一度二十分九秒の線以北の我が国の排他的経済水域、領海及び内水

(a) Japan's exclusive economic zone, territorial waters, and inland waters

northward of the line at 41 degrees, 20 minutes, 9 seconds north latitude;

ロ 北緯四十一度二十分九秒の線以南、次に掲げる線から成る線以東の日本海の海域

(b) the area of the Sea of Japan southward of the line at 41 degrees, 20 minutes, 9 seconds north latitude and eastward of the following lines:

(1) 北緯四十一度二十分九秒東経百三十七度五十九分四十八秒の点から北緯四十度三十分九秒東経百三十七度五十九分四十八秒の点に至る直線

1. the straight line from the point at 41 degrees 20 minutes, 9 seconds north latitude and 137 degrees, 59 minutes, 48 seconds east longitude to the point at 40 degrees, 30 minutes, 9 seconds north latitude and 137 degrees, 59 minutes, 48 seconds east longitude;

(2) 北緯四十度三十分九秒東経百三十七度五十九分四十八秒の点から北緯三十七度三十分十秒東経百三十四度五十九分五十秒の点に至る直線

2. the straight line from the point at 40 degrees, 30 minutes, 9 seconds north latitude and 137 degrees, 59 minutes, 48 seconds east longitude to the point at 37 degrees, 30 minutes, 10 seconds north latitude and 134 degrees, 59 minutes, 50 seconds east longitude;

(3) 北緯三十七度三十分十秒東経百三十四度五十九分五十秒の点から北緯三十七度三十分十秒東経百三十三度五十九分五十秒の点に至る直線

3. the straight line from the point at 37 degrees, 30 minutes, 10 seconds north latitude and 134 degrees, 59 minutes, 50 seconds east longitude to the point at 37 degrees, 30 minutes, 10 seconds north latitude and 133 degrees, 59 minutes, 50 seconds east longitude;

(4) 北緯三十七度三十分十秒以南の東経百三十三度五十九分五十秒の線

4. the line at 133 degrees, 59 minutes, 50 seconds east longitude southward of 37 degrees, 30 minutes, 10 seconds north latitude.

十三 いか釣り漁業 総トン数三十トン以上の動力漁船により釣りによつていかをとることを目的とする漁業

(xiii) squid jigging fishing: jigging for squid, from a powered fishing boat with a gross tonnage of 30 tons or more.

2 前項の規定の適用については、ベーリング海、オホーツク海、日本海、黄海、東支那海、南支那海、タイ湾及び東インド諸島諸海の海域は、太平洋の海域に含まれるものとする。

(2) With regard to the application of the provisions of the preceding paragraph, the Bering Sea, the Sea of Okhotsk, the Sea of Japan, the Yellow Sea, the East China Sea, the South China Sea, the Gulf of Thailand, and the Seas in the East Indies are included in the Pacific Ocean.

#### 附 則 [抄]

#### Supplementary Provisions [Extract]

(施行期日)

(Effective date)

第一条 この政令は、昭和三十八年二月一日から施行する。

Article 1 This Cabinet Order comes into effect on February 1, 1963.

(旧法許可又はこれに係る起業の認可を申請中の場合の経過措置)

(Transitional Measures for When Permission and Business Commencement Approvals under the Former Act Are in the Middle of the Application Process)

第二条 漁業法の一部を改正する法律（昭和三十七年法律第百五十六号。以下「改正法」という。）の施行前に、同法による改正前の漁業法（以下「旧法」という。）第五十二条第一項若しくは第六十六条の二第一項の規定による許可又は旧法第六十五条第一項に基づく省令の規定による許可（以下「旧法許可」と総称する。）を受けることを必要とした漁業の種類であつて、この政令の規定により、改正法による改正後の漁業法（以下「新法」という。）第五十二条第一項の指定漁業（以下単に「指定漁業」という。）として定められたもの（以下「切替指定漁業」という。）につき旧法許可を受けた者がこの政令の施行の日（以下「施行日」という。）の前日までに次の各号の一に該当し、かつ、同日までに当該申請に対する旧法許可若しくはこれに係る起業の認可又は申請の却下がない場合については、これを新法第五十九条各号の一に該当する場合とみなし、かつ、当該申請が旧法第六十六条の二第二項に規定する中型まき網漁業に係るものにあつてはその申請が主務大臣に提出されたものとみなし、当該申請につき新法第五十九条の規定を適用する。この場合において、同条中「従前の許可又は起業の認可を受けた内容」とあるのは、「漁業法の一部を改正する法律（昭和三十七年法律第百五十六号）による改正前の漁業法（以下「旧法」という。）第五十二条第一項、第五十四条若しくは第六十六条の二第一項の規定又は旧法第六十五条第一項に基づく省令若しくは都道府県規則の規定による従前の許可又は起業の認可を受けた内容」とする。

Article 2 (1) If, before the enforcement of the Act Partially Revising the Fishery Act (Act No. 156 of 1962, hereinafter referred to as the "Revisionary Act"), a type of fishing industry is required to receive the permission provided for in the provisions of paragraph (1) of Article 52 or paragraph (1) of Article 66-2 of the Fishery Act before its revision pursuant to the Revisionary Act (hereinafter referred to as "the Former Act"), or is required to receive approval pursuant to the provisions of the Ministerial Ordinance based on paragraph (1) of Article 65 of the Former Act (hereinafter referred to collectively as "permission under the Former Act"), if a person who has received permission under the Former Act for a fishing industry set forth as a designated fishing industry in paragraph (1) of Article 52 of the Fishery Act as revised pursuant to the Revisionary Act (hereinafter referred to as "the New Act") (hereinafter this type of fishing is referred to simply as "a designated fishing industry") (hereinafter this designated fishing industry is referred to as a "changing sector of the designated fishing industry") falls under any of the following items pursuant to the provisions of this Cabinet Order by the day before this Cabinet Order comes into effect (hereinafter referred to as the "effective date")

and the permission under the Former Act that the person applies for or approval or the application for business commencement in connection with it has not been denied, it is deemed to be a case that falls under the items of Article 59 of the New Act, and if the application is connected with the medium-scale purse seine fishing industry provided for in paragraph (2) of Article 66-2 of the Former Act, the application is deemed to have been submitted to the competent minister and the provisions of Article 59 of the New Act apply. When such is the case, the phrase "the contents of previous permission or permission for business commencement" in the same Article is deemed to be replaced with "the contents of previous permission or permission for business commencement pursuant to the provisions of paragraph (1) of Article 52, Article 54 or paragraph (1) of Article 66-2 of the Fishery Act before its revision (hereinafter referred to as "the Former Act") pursuant to the Act Partially Revising the Fishery Act (Act No. 156 of 1962) or pursuant to the provisions of Ministerial Ordinance or prefectural ordinance based on paragraph (1) of Article 65 of the Former Act":

- 一 切替指定漁業（本則第一項第五号及び第十三号から第十七号までに掲げるものに該当するものを除く。次条第一項第一号において同じ。）に係る旧法許可の有効期間の満了により更に旧法許可を申請した場合
    - (i) when the person has re-applied for permission under the Former Act due to the end of the valid period of the permission under the Former Act for a changing sector of the designated fishing industry (excluding those falling under item (v) and items (xiii) to (xvii) of paragraph (1) in the main provisions, the same applies hereinafter in item (i) of paragraph (1) of the next Article);
  - 二 切替指定漁業の旧法許可を受けた船舶による漁業を廃止し、他の船舶について旧法許可又はこれに係る起業の認可を申請した場合
    - (ii) when a person discontinues a sector of the fishing industry using a ship to which permission under the Former Act was given for a changing sector of the designated fishing industry, and applies for permission under the Former Act or an approval for business commencement in relation thereto for another ship;
  - 三 切替指定漁業の旧法許可を受けた船舶が滅失し、又は沈没したため、滅失又は沈没の日から六箇月以内に他の船舶について旧法許可又はこれに係る起業の認可を申請した場合
    - (iii) when, because a vessel to which permission under the Former Act was given for a changing sector of the designated fishing industry is lost or sinks, a person applies for permission under the Former Act for another ship or an approval for business commencement in relation thereto within six months from the day on which the vessel is lost or sinks.
- 2 切替指定漁業につき旧法許可を受けた者からその旧法許可を受けた船舶を譲り受け、

借り受け、その返還を受け、その他相続又は合併以外の事由により当該船舶を使用する権利を取得して当該漁業を営もうとする者が施行日の前日までにその船舶について当該切替指定漁業に係る旧法許可又はこれに係る起業の認可を申請し、同日までに当該申請に対する旧法許可若しくはこれに係る起業の認可又は申請の却下がない場合についても、前項と同様とする。

- (2) The preceding paragraph also applies when a person who is transferred, borrows from, or has a vessel for which permission under the Former Act has been given for a changing sector of the designated fishing industry returned to him/her by the person that was granted that permission under the Former Act, or a person who obtains the right to use such a vessel for reasons other than inheritance or merger, who seeks to engage in the fishing industry, applies for permission under the Former Act for a changing sector of the designated fishing industry with the vessel or applies for approval for business commencement in relation to it by the day before the effective date, and the application for permission under the Former Act or approval or the application for business commencement in connection with it has not been denied.
- 3 前二項の場合において、新法第五十九条の規定によつてする指定漁業の許可の有効期間及び同条の規定によつてする起業の認可に係る指定漁業の許可の有効期間は、指定漁業ごとに、改正法附則第四条第二項に規定する政令で定める日に満了するものとする。
- (3) In a case under the preceding two paragraphs, the period of validity for the permission in a designated fishing industry set forth in the provisions of Article 59 of the New Act and the period of validity for the approval in a designated fishing industry in connection with approval for business commencement set forth pursuant to the provisions of same Article expires on the day specified by Cabinet Order referred to in paragraph (2) of Article 4 of the supplementary provisions of the Amended Act for each sector of the designated fishing industry.
- 4 第一項又は第二項の場合において、当該各項の申請が旧法第六十六条の二第二項に規定する中型まき網漁業に係るものであるときは、都道府県知事は、この政令の施行後遅滞なく、当該申請に係る書類を一括して農林大臣に送付しなければならない。
- (4) In a case under paragraph (1) or (2), if an application under the relevant paragraph relates to medium-scale purse seine fishing as provided in paragraph (2) of Article 66-2 of the Former Act, the prefectural governor shall send a complete set of the documents related to the application without delay to the Minister of Agriculture, Forestry and Fisheries after the enforcement of this Cabinet Order.

(指定漁業該当漁業の二以上につき一の旧法許可又は起業の認可を受けている場合等の経過措置)

(Transitional Measures for When a Single Permission under the Former Act or



## Approval for Business Commencement Is Given to Two or More Types of Fishing Categorized as Designated Fishing)

第四条 この政令の施行の際現に本則第一項各号に掲げる指定漁業に該当する漁業（以下この条において「指定漁業該当漁業」という。）の二以上について一の船舶により一の旧法許可又は一の旧法許可に係る起業の認可を受けている者の当該旧法許可又は起業の認可についての改正法附則第四条第一項の規定の適用については、当該旧法許可又は起業の認可は、従前のその内容のうち当該二以上の指定漁業該当漁業のそれぞれに対応する部分に係る内容を内容とする当該船舶についての当該指定漁業ごとの新法第五十二条第一項の規定による許可又は新法第五十四条第一項の規定による起業の認可となつたものとみなす。

Article 4 (1) With regard to the application of the provisions of paragraph (1) of Article 4 of the supplementary provisions of the Revised Act to permission under the Former Act or to an approval for business commencement for a person to whom permission under the Former Act or a single approval for business commencement in connection with permission under the Former Act has actually been given for two or more sectors of the fishing industry that are categorized as sectors of the designated fishing industry provided for in each item of paragraph (1) of the main provisions (hereinafter in this Article referred to as a "sectors of the fishing industry categorized as sectors of the designated fishing industry") with a single vessel at the time of the enforcement of this Cabinet Order, permission under the Former Act or the approval for business commencement is deemed to have become permission pursuant to the provisions of paragraph (1) of Article 52 of the New Act or approval for business commencement pursuant to the provisions of paragraph (1) of Article 54 of the New Act for each sector of the designated fishing industry using the relevant vessel, for the portion of the previous contents that corresponds to each of the two or more sectors of the fishing industry categorized as sectors of the designated fishing industry.

2 附則第二条第一項又は第二項の申請が指定漁業該当漁業の二以上について一の船舶による一の旧法許可の申請又は一の旧法許可に係る起業の認可の申請である場合における当該各項の規定の適用については、当該申請は、その内容のうち当該二以上の指定漁業該当漁業のそれぞれに対応する部分に係る内容を内容とする当該船舶についての当該指定漁業該当漁業ごとの旧法許可の申請又は旧法許可に係る起業の認可の申請とみなす。この場合において、附則第二条第一項後段中「規定による従前の許可又は起業の認可を受けた内容」とする。」とあるは、「規定による従前の許可又は起業の認可に係る内容のうち当該指定漁業該当漁業に対応する部分に係る内容」と、「指定漁業」とあるのは、「当該指定漁業」とする。」とする。

(2) With regard to the application of the provisions of each of the items of paragraph (1) or (2) of Article 2 of the supplementary provisions to when an application under the same paragraphs is a single application for permission under the Former Act or a single application for approval for business

commencement in connection with permission under the Former Act for two or more sectors of the fishing industry categorized as sectors of the designated fishing industry with a single vessel, the application is deemed to be an application for permission under the Former Act or for approval for business commencement in connection with permission under the Former Act for a sector of the fishing industry categorized as a designated fishing industry with the vessel, for the portion of the contents that corresponds to each of the two or more sectors of the fishing industry categorized as sectors of the designated fishing industry. When such is the case, the phrase "is deemed to be replaced with 'the contents of previous permission or permission for business commencement pursuant to [...]' " in paragraph (1) of Article 2 of the supplementary provisions is deemed to be replaced with "is deemed to be replaced with 'the portion of the contents that corresponds to a sector of the fishing industry categorized as a sector of the designated fishing industry, from among the contents of previous permission or approval for business commencement pursuant to [...]' and 'designated fishing industry' is deemed to be replaced with 'the relevant designated fishing industry.' "

3 前条第一項の場合において、同項各号に規定する旧法許可を受けた者が指定漁業該当漁業の二以上について一の船舶による一の旧法許可を受けた者であるときは、当該旧法許可を受けた者が当該一の旧法許可に係る指定漁業該当漁業につき同項の規定によつてする指定漁業の許可又は起業の認可の申請は、従前の旧法許可の内容のうち当該二以上の指定漁業該当漁業のそれぞれに対応する部分に係る内容と同一の内容をもつて当該船舶又は当該他の船舶につきそれぞれ当該指定漁業別にするものとする。同条第二項の場合において、同項各号の申請をすることができた者が指定漁業該当漁業の二以上について一の船舶による一の旧法許可又は一の旧法許可に係る起業の認可の申請をすることができた者であるときにおける当該申請をすることができた者のする当該旧法許可又はこれに係る起業の認可に係る指定漁業該当漁業についての同項の規定による指定漁業の許可又は起業の認可の申請についても、同様とする。

(3) In a case under paragraph (1) of the preceding Article, if a person who has received the permission under the Former Act provided for in each item of the same paragraph is a person who has received permission under the Former Act for two or more sectors of the fishing industry categorized as sectors of the designated fishing industry with a single vessel, an application for permission in a designated fishing industry or for approval for business commencement filed by a person who has received permission under the Former Act pursuant to the provisions of the same paragraph must be filed separately for each of the sectors of the designated fishing industry for the vessel or for another vessel, using a single set of contents constituting the portion of the contents of the previous permission that corresponds to each sector of the fishing industry categorized as a sector of the designated fishing industry. In a case under paragraph (2) of the same Article, if a person who could have filed an

application under each item of the same paragraph is a person who could have filed an application for a single permission under the Former Act or for approval for business commencement in connection with a single permission under the Former Act for two or more sectors of the fishing industry categorized as sectors of the designated fishing industry for a single vessel, the same applies to an application, filed by a person who could have filed one of the former types of application, for permission in a designated fishing industry pursuant to the provisions of the same paragraph or for approval for business commencement in connection with it, that constitutes a sector of the fishing industry categorized as a sector of the designated fishing industry that is related to the permission under the Former Act or approval for business commencement in connection with it.

4 第二項後段の規定は、前項の規定による申請に対する指定漁業の許可又は起業の認可につき前条第四項の規定により附則第二条第一項後段の規定を準用する場合に準用する。

(4) The provisions of the second sentence of paragraph (2) apply mutatis mutandis when the provisions of the second sentence of paragraph (1) of Article 2 of the supplementary provisions apply mutatis mutandis to permission in a designated fishing industry or approval for business commencement pursuant to the provisions of paragraph (4) of the preceding Article in relation to an application pursuant to the provisions of the preceding paragraph.

(大中型まき網漁業に係る経過措置)

(Transitional Measures for the Large and Medium-scale Purse seine Fishery)

第六条 この政令の施行の際現に同一人が同一船舶につき切替大中型まき網漁業（切替指定漁業であつて、本則第一項第六号に掲げる大中型まき網漁業に該当するものをいう。次項において同じ。）についての二以上の旧法許可又は二以上の旧法許可に係る起業の認可をあわせて受けている場合におけるこれらの旧法許可又は起業の認可についての改正法附則第四条第一項の規定の適用については、これらの旧法許可又は起業の認可は、従前のこれらの旧法許可又は起業の認可に係る内容を包括した内容を内容とする一の新法第五十二条第一項の規定による許可又は一の新法第五十四条第一項の規定による起業の認可となつたものとみなす。この場合において、その一の許可又は起業の認可となつたものとみなされるものについての改正法附則第四条第二項の規定の適用については、同項の残存期間は、当該二以上の旧法許可のうち残存期間の最も長いものの残存期間とする。

Article 6 (1) With regard to the application of the provisions of paragraph (1) of Article 4 of the supplementary provisions of the Revised Act to permission under the Former Act or approval for business commencement when, as of the time of enforcement of this Cabinet Order, a single person has received two or more permissions under the Former Act or approvals for business

commencement in connection with two or more permissions under the Former Act for a changing sector of the large and medium-scale purse seine fishery for a single vessel, such permissions under the Former Act are deemed to have become a single permission pursuant to the provisions of Article 52 of the New Act and such approvals for business commencement are deemed to have become a single approval for business commencement pursuant to the provisions of paragraph (1) of Article 54 of the New Act, with a content that encompasses the content of the previous permissions under the Former Act or the previous approvals for business commencement. When such is the case, with regard to the application of the provisions of paragraph (2) of Article 4 of the supplementary provisions of the Revised Act to a constructive permission or approval for business commencement, the remaining period under the same paragraph is the longest of the remaining periods for the two or more permissions under the Former Act.

2 附則第二条第一項若しくは第二項の申請又は附則第三条第一項若しくは第二項の規定による申請が切替大中型まき網漁業についての旧法許可又はこれに係る起業の認可のいずれかについて同一人から同一船舶につき二以上なされている場合における附則第二条第一項若しくは第二項又は第三条第三項の規定の適用については、これらの二以上の申請は、これらの申請の内容を包括した内容を内容とする一の旧法許可又は一の旧法許可に係る起業の認可の申請とみなす。この場合において、附則第二条第一項後段（附則第三条第四項において準用する場合を含む。）中「規定による従前の許可又は起業の認可を受けた内容」とあるのは、「規定によるまき網漁業（大中型まき網漁業に該当する漁業をいう。）に係る従前の二以上の許可又は二以上の起業の認可に係る内容を包括した内容」とする。

(2) With regard to the application of the provisions of paragraph (1) or (2) of Article 2 or paragraph (3) of Article 3 of the supplementary provisions when two or more applications pursuant to paragraph (1) or (2) of Article 2 of the supplementary provisions or the provisions of paragraph (1) or (2) of Article 3 of the supplementary provisions have been filed by a single person for permission under the Former Act for a changing sector of the large and medium-scale purse seine fishery or for approval for business commencement in connection with it for a single vessel, these two or more applications are deemed to be a single application for permission under the Former Act or a single application for approval for business commencement in connection with permission under the Former Act, with a content that encompasses that of the two or more applications. When such is the case, the phrase "the contents of a previous permission or approval for business commencement pursuant to the provisions" in the second sentence of paragraph (1) of Article 2 of the supplementary provisions (including when applied mutatis mutandis pursuant to paragraph (4) of Article 3 of the supplementary provisions) is deemed to be replaced with "a content that encompasses that of the two or more previous

permissions or previous approvals for business commencement in the purse seine fishery (meaning a sector of the fishing industry that is categorized as the large or medium-scale purse seine fishery fishing industry) pursuant to the provisions."

3 前項の場合において、同項の規定により二以上の申請を一の申請とみなすときは、その一の申請は、当該二以上の申請中に附則第二条第一項の申請が含まれる場合にあつては同項の申請と、当該二以上の申請中に附則第二条第一項の申請は含まれないが同条第二項の申請が含まれる場合にあつては同項の申請と、その他の場合にあつては附則第三条第一項の規定による申請とみなすものとする。

(3) In a case under the preceding paragraph, when two or more applications are deemed to be a single application pursuant to the provisions of the same paragraph, the single application is deemed to be an application under the same paragraph in a case in which the relevant two or more applications include an application under paragraph (1) of Article 2 of the supplementary applications, and is deemed to be an application under the same paragraph in a case in which the two or more applications do not include an application under paragraph (1) of Article 2 of the supplementary provisions but include an application under paragraph (2) of the same Article that is deemed to be an application under the provisions of paragraph (1) of Article 3 of the supplementary provisions in other cases.

(遠洋かつお・まぐろ漁業に係る経過措置)

(Transitional Measures for the Deep-sea Bonito and Tuna Fishing Industry)

第七条 切替指定漁業であつて本則第一項第十号に掲げる遠洋かつお・まぐろ漁業に該当するもののうち総トン数四十トン以上百トン未満の動力漁船によるものについての旧法許可又はこれに係る起業の認可であつて、当該旧法許可又はこれに係る起業の認可を受けた者が当該旧法許可又はこれに係る起業の認可を受けた船舶により他の漁業をあわせて営み、その兼業経営の状況に応じて当該旧法許可に係る有効期間（起業の認可にあつては、当該起業の認可に係る旧法許可の予定有効期間）が六箇月以内となつているものとして農林大臣の指定するものが、改正法附則第四条第一項及びこの政令の規定により新法第五十二条第一項又は第五十四条第一項の規定によつてした遠洋かつお・まぐろ漁業の許可又は起業の認可とみなされる場合における当該許可又は起業の認可に係る遠洋かつお・まぐろ漁業の操業期間は、毎年、六箇月をこえない範囲内で農林大臣が定める期間とする。

Article 7 (1) When a person who has received permission under the Former Act or approval for business commencement connected with it for a changing sector of the designated fishing industry that is categorized as the deep-sea bonito and tuna fishing industry listed in item (x) of paragraph (1) of the main provisions using a powered fishing boat with a gross tonnage of 40 tons or more and less than 100 tons engages in another sector of the fishing industry using the vessel that received that permission under the Former Act or the approval

for business commencement in connection with it, if that permission under the Former Act is one that the Minister of Agriculture, Forestry and Fisheries designates as having a valid period (or, for an approval for business commencement, a planned valid period for the permission under the Former Act connected with the approval for business commencement) of within six months, in accordance with the business status of combined operations, and if it is deemed to be permission or approval for business commencement that has been given in the deep-sea bonito and tuna fishing industry pursuant to the provisions of paragraph (1) of Article 52 or paragraph (1) of Article 54 of the New Act or pursuant to paragraph (1) of Article 4 of Supplementary Provisions of the Revisionary Act, the operating period in the deep-sea bonito and tuna fishing industry in connection with the permission or approval for business commencement is the period of no longer than six months that is set forth annually by the Minister of Agriculture, Forestry and Fisheries.

2 前項の規定による旧法許可の指定及び操業期間に係る定めは、告示をもつてするものとし、農林大臣は、当該指定及び定めをしたときは、遅滞なくその旨を当該許可又は起業の認可を受けたものとみなされた者に通知しなければならない。

(2) The designation of the permission under the Former Act and the setting forth of the operating period pursuant to the provisions of the preceding paragraph must be effected by public notice, and when the Minister of Agriculture, Forestry and Fisheries has effected the designation and specification, he/she shall notify a person who is deemed to have received the permission or approval for business commencement of the designation and specification without delay.

**附 則** 〔昭和三十八年十二月七日政令第三百七十三号〕 〔抄〕

**Supplementary Provisions [Cabinet Order No. 373 of December 7, 1963]**  
**[Extract]**

1 この政令は、公布の日から施行する。

(1) This Cabinet Order comes into force as of the day of its promulgation.

**附 則** 〔昭和四十年十二月十六日政令第三百七十二号〕

**Supplementary Provisions [Cabinet Order No. 372 of December 16, 1965]**

1 この政令は、日本国と大韓民国との間の漁業に関する協定の効力発生の日から施行する。

(1) This Cabinet Order comes into force as of the day on which the Agreement on Fishing between Japan and the Republic of Korea comes into effect.

2 改正前の漁業法第五十二条第一項の指定漁業を定める政令第一項第二号に掲げる以西底びき網漁業についてした漁業法第五十二条第一項の規定による許可又は同法第五

十四条第一項の規定による起業の認可であつてこの政令の施行の際現に効力を有するものは、それぞれ、改正後の同号に掲げる以西底びき網漁業についてした当該許可又は起業の認可とみなす。

(2) Permission pursuant to the provisions of paragraph (1) of Article 52 of the Fishery Act or approval for business commencement pursuant to the provisions of paragraph (1) of Article 54 of the same Act that has been given in the westward trawl fishing industry listed in item (ii) of paragraph (1) of the Cabinet Order that specifies designated sectors of the fishing industry referred to in paragraph (1) of Article 52 of the Fishery Act before its revision, and that is actually valid at the time of the enforcement of this Cabinet Order is deemed to be permission or approval for business commencement that has been given for the westward trawl fishing industry provided for in the same item following the revision of the Act.

3 この政令の施行前にした行為に対する罰則の適用については、なお従前の例による。

(3) With regard to the application of penal provisions to activities engaged in prior to the enforcement of this Cabinet Order, the provisions then in force remain applicable.

附 則 〔昭和四十二年三月二十八日政令第四十九号〕 〔抄〕

Supplementary Provisions [Cabinet Order No. 49 of March 28, 1967]

[Extract]

1 この政令は、昭和四十二年四月一日から施行する。

(1) This Cabinet Order comes into force as of April 1, 1967.

2 改正前の漁業法第五十二条第一項の指定漁業を定める政令（以下「旧令」という。）第一項第十一号に掲げるとう載型母船式かつお・まぐろ漁業又は同項第十二号に掲げる独航型母船式かつお・まぐろ漁業についてした漁業法（以下「法」という。）第五十二条第一項の規定による許可又は法第五十四条第一項の規定による起業の認可であつてこの政令の施行の際現に効力を有するものは、それぞれ、改正後の同令（以下「新令」という。）第一項第十一号に掲げる母船式かつお・まぐろ漁業についてした当該許可又は起業の認可とみなす。

(2) Permission pursuant to the provisions of paragraph (1) of Article 52 or approval for business commencement pursuant to the provisions of paragraph (1) of Article 54 of the Fishery Act (hereinafter referred to as "the Act") that has been given for the loading depot ship-based bonito and tuna fishing industry listed in item (xi) of paragraph (1) or the self-navigating depot ship-based bonito and tuna fishing industry listed in item (xii) of the same paragraph of the Cabinet Order that specifies designated sectors of the fishing industry referred to in paragraph (1) of Article 52 of the Fishery Act before its revision (hereinafter referred to as "the Former Ordinance"), and that is actually valid at the time of the enforcement of this Act is deemed to be

permission or approval for business commencement that has been given in the depot ship-based bonito and tuna fishing industry set forth in item (xi) of paragraph (1) of the Ordinance after its revision (hereinafter referred to as "the New Ordinance").

- 4 この政令の施行前にした行為に対する罰則の適用については、なお従前の例による。  
(4) With regard to the application of penal provisions to activities engaged in prior to the enforcement of this Cabinet Order, the provisions then in force remain applicable.

**附 則** [昭和四十七年四月二十七日法律第八十八号]

**Supplementary Provisions [Cabinet Order No. 88 of April 27, 1972]**

- 1 この政令は、昭和四十七年五月一日から施行する。  
(1) This Cabinet Order comes into force as of May 1, 1972
- 2 この政令の施行の際現に改正前の漁業法第五十二条第一項の指定漁業を定める政令第一項第十号に掲げる遠洋かつお・まぐろ漁業についての漁業法（以下「法」という。）第五十二条第一項の規定による許可又は法第五十四条第一項の規定による起業の認可を受けている総トン数七十トン以上八十トン未満の動力漁船は、改正後の同令第一項第十号に掲げる遠洋かつお・まぐろ漁業及び同項第十号の二に掲げる近海かつお・まぐろ漁業に係る法及びこれに基づく命令の規定の適用については、昭和五十五年七月三十一日までは、総トン数八十トンの動力漁船とみなす。  
(2) With regard to the application of the provisions on the deep-sea bonito and tuna fishing industry listed in item (x) of paragraph (1) of Cabinet Order after its revision and with regard to the application of the provisions of the Act on the coastal bonito and tuna fishing industry listed in item (x)-2 of the same paragraph and the application of the provisions of any order based on the Act, a powered fishing boat with a gross tonnage of 70 tons or more and less than 80 tons that has received permission as of the time of enforcement of this Cabinet Order pursuant to the provisions of paragraph (1) of Article 52 or received approval for business commencement pursuant to the provisions of paragraph (1) of Article 54 of the Fishery Act (hereinafter referred to as "the Act") in the deep-sea bonito and tuna fishing industry listed in item (x) of paragraph (1) of the Cabinet Order that specifies designated sectors of the fishing industry referred to in paragraph (1) of Article 52 of the Fishery Act before its revision, is deemed to be a powered fishing boat with a gross tonnage of 80 tons until July 31, 1980.
- 3 この政令の施行前にした行為に対する罰則の適用については、なお従前の例による。  
(3) With regard to the application of penal provisions to activities engaged in prior to the enforcement of this Cabinet Order, the provisions then in force remain applicable.



**附 則**〔昭和五十二年七月一日政令第二百二十九号〕

**Supplementary Provisions [Cabinet Order No. 229 of July 1, 1977]**

- 1 この政令は、昭和五十二年八月一日から施行する。
- (1) This Cabinet Order comes into force as of August 1, 1977.
- 2 この政令の施行前にした行為に対する罰則の適用については、なお従前の例による。
- (2) With regard to the application of penal provisions to activities engaged in prior to the enforcement of this Cabinet Order, the provisions then in force remain applicable.

**附 則**〔昭和五十二年七月一日政令第二百三十号〕

**Supplementary Provisions [Cabinet Order No. 230 of July 1, 1977]**

この政令は、公布の日から施行する。

This Cabinet Order comes into force as of the day of its promulgation.

**附 則**〔昭和五十七年七月十二日法律第九十三号〕

**Supplementary Provisions [Cabinet Order No. 193 of July 12, 1982]**

- 1 この政令は、昭和五十七年七月十八日から施行する。
- (1) This Cabinet Order comes into force as of July 18, 1982.
- 2 この政令の施行前に建造され、又は建造に着手された動力漁船（以下「現存船」という。）により、うきはえなわを使用して又はつりによつてかつお、まぐろ、かじき又はさめをとることを目的とする漁業については、改正後の第一項第十号及び第十号の二の規定にかかわらず、なお従前の例による。ただし、この政令の施行後に特定修繕（船舶のトン数の測度に関する法律（昭和五十五年法律第四十号）附則第三条第一項の特定修繕をいう。以下同じ。）が行われた現存船により、うきはえなわを使用して又はつりによつてかつお、まぐろ、かじき又はさめをとることを目的とする漁業については、この政令の施行後最初に行われる特定修繕に伴う同法による改正後の船舶法（明治三十二年法律第四十六号）及びこれに基づく命令の規定による改測又は測度を受ける日以後は、この限りでない。
- (2) With regard to the sector of the fishing industry for catching bonito, tuna, marlin, or shark using a floating long line or by angling from a powered fishing boat that has been constructed or on which construction has begun before the enforcement of this Cabinet Order (hereinafter referred to as "an existing vessel"), the provisions then in force remain applicable, notwithstanding the provisions of item (x) of paragraph 1 and item (x)-2 after the revision. However, this does not apply to a sector of the fishing industry for catching bonito, tuna, marlin, or shark using a floating long line or by angling from an existing vessel on which any specific repair (meaning a specific repair in paragraph (1) of Article 3 of the supplementary provisions of the Act on Tonnage Measurement

of Ships (Act No. 40 of 1980); the same applies hereinafter) has been made, after the day on which re-measurement or measurement is made pursuant to the Ships Act (Act No. 46 of 1899) or an Order based on it after its revision by the Act on Tonnage Measurement of Ships, in line with a specific repair that was first made after the enforcement of this Cabinet Order.

3 この政令の施行前にした行為及び前項の規定により従前の例によることとされる場合におけるこの政令の施行後にした行為に対する罰則の適用については、なお従前の例による。

(3) With regard to the application of penal provisions to activities engaged in prior to the enforcement of this Cabinet Order and to those engaged in after the enforcement of this Cabinet Order to which the provisions previously in force are to remain applicable pursuant to the provisions of the preceding paragraph, the provisions then in force remain applicable.

附 則 〔平成十四年一月十七日政令第一号〕 〔抄〕

**Supplementary Provisions [Cabinet Order No.1 of January 17, 2002]**

**[Extract]**

(施行期日)

(Effective Date)

第一条 この政令は、平成十四年四月一日から施行する。

Article 1 This Cabinet Order comes into force as of April 1, 2002.

(近海かつお・まぐろ漁業等に関する経過措置)

(Transitional Measures for the Coastal Bonito and Tuna Fishing Industry, etc.)

第二条 この政令の施行の際現に改正後の第一項第九号に掲げる近海かつお・まぐろ漁業、同項第十二号に掲げる日本海べにずわいがに漁業又は同項第十三号に掲げるいか釣り漁業に該当する漁業につき漁業法第六十五条第一項の規定に基づく農林水産省令の規定による農林水産大臣の承認を受けている者は、その承認に係る船舶につき従前の承認を受けた内容及び制限又は条件と同一の内容及び制限又は条件をもって、同法第五十二条第一項の規定による当該指定漁業の許可を受けているものとみなす。この場合において、その受けているものとみなされる許可の有効期間は、同法第六十条の規定にかかわらず、平成十四年七月三十一日に満了するものとする。

Article 2 (1) A person who has received approval from the Minister of Agriculture, Forestry and Fisheries pursuant to the provisions of Ordinance of the Ministry of Agriculture, Forestry and Fisheries based on the provisions of paragraph (1) of Article 65 of the Fishery Act in a sector of the fishing industry categorized as the coastal bonito and tuna fishing industry listed in item (ix) of paragraph (1), the Sea of Japan red snow crab fishing industry listed in item (xii) of the same paragraph or the squid jigging fishing industry listed in item (xiii) of the same paragraph after its revision at the time of the enforcement of

this Cabinet Order is deemed to have received permission in a designated fishing industry pursuant to the provisions of paragraph (1) of Article 52 of the same Act, with the same contents and restrictions or conditions as the contents and restrictions or conditions for which the person had previously received approval for the vessel that had received the approval. When such is the case, the valid period of the constructive permission must be set to expire on July 31, 2002, notwithstanding the provisions of Article 60 of the same Act.

2 前項の規定により漁業法第五十二条第一項の規定による指定漁業の許可を受けているものとみなされた者に対しては、当該許可に係る許可証は、交付しないものとする。

(2) A license certificate showing permission may not be issued to a person who is deemed to have received permission in a designated fishing industry pursuant to the provisions of paragraph (1) of Article 52 of the Fishery Act pursuant to the provisions of the preceding paragraph.

第三条 この政令の施行の際現に総トン数十トン以上二十トン未満の動力漁船により釣りによって改正後の第一項第九号に掲げる近海かつお・まぐろ漁業に該当する漁業を営んでいる者が引き続き行う当該漁業については、平成十四年七月三十一日までは、漁業法第五十二条第一項の規定は、適用しない。

Article 3 The provisions of paragraph (1) of Article 52 of the Fishery Act do not apply until July 31, 2002, to a sector of the fishing that is categorized as the coastal bonito and tuna fishing industry listed in item (ix) of paragraph (1) after the revision from a powered fishing boat with a gross tonnage of 10 tons or more and less than 20 tons by angling, that the person engaged in that fishing industry continues to engage in at the time of the enforcement of this Cabinet Order.

(罰則に関する経過措置)

(Transitional Measures for Penal Provisions)

第四条 この政令の施行前にした行為に対する罰則の適用については、なお従前の例による。

Article 4 With regard to the application of penal provisions to activities engaged in prior to the enforcement of this Cabinet Order, the provisions then in force remain applicable.