

# 外国人漁業の規制に関する法律施行規則

## Ordinance for Enforcement of the Act on Regulation of Fishing Operation by Foreign Nationals

(昭和四十二年十月九日農林省令第五十号)

(Ordinance of the Ministry of Agriculture and Forestry No. 50 of October 9, 1967)

外国人漁業の規制に関する法律（昭和四十二年法律第六十号）第二条第一項及び第四条第一項の規定に基づき、外国人漁業の規制に関する法律施行規則を次のように定める。

Based on the provisions of Article 2, paragraph (1) and Article 4, paragraph (1) of the Act on Regulation of Fishing Operation by Foreign Nationals (Act No. 60 of 1967), the Ordinance for Enforcement of the Act on Regulation of Fishing Operation by Foreign Nationals is established as follows.

(本邦に含まれる附属の島)

(Annexed Islands Included in Japan)

第一条 外国人漁業の規制に関する法律（以下「法」という。）第二条第一項の農林水産省令で定める附属の島は、本州、北海道、四国及び九州に附属する島のうち、当分の間、齒舞群島、色丹島、国後島及び択捉島を除いたものとする。

Article 1 The annexed islands provided by Ordinance of the Ministry of Agriculture, Forestry and Fisheries as referred to in Article 2, paragraph (1) of the Act on Regulation of Fishing Operation by Foreign Nationals (hereinafter referred to as the "Act") shall be islands that belong to Honshu, Hokkaido, Shikoku and Kyushu, excluding Habomai Islands, Shikotan Island, Kunashiri Island, and Etorofu Island until otherwise provided for by law.

(軽易な水産動植物の採捕)

(Minor Gathering and Taking of Aquatic Plants and Animals)

第二条 法第三条ただし書の農林水産省令で定める軽易な水産動植物の採捕は、次に掲げる水産動植物の採捕で、第一号及び第二号に掲げるものにあつては総トン数三トン未満の船舶により若しくは船舶によらないで行うもの又は適法に我が国に在留する外国人が日本の国籍を有する漁業者（人に水産動植物の採捕をさせることを業とする者を含む。）の管理の下に総トン数三トン以上の日本船舶によつて行うものと、第三号に掲げるものにあつては船舶によらないで行うものとする。

Article 2 The minor gathering and taking of aquatic plants and animals provided Ordinance of the Ministry of Agriculture, Forestry and Fisheries as referred to in the proviso to Article 3 of the Act shall be the following gathering and taking of aquatic plants and animals, which in the case set forth in items (i) and (ii) are carried out by vessels with gross tonnage of less than 3 tons or without vessels or which are carried out by legitimate foreign residents under

management of fishery operators with Japanese nationality (including those that have others gather or take aquatic plants or animals as a business) using Japanese vessels with gross tonnage of 3 tons or more, and which in the case of item (iii) are carried out without vessels:

一 さおづり又は手づり（まき餌づりを除く。）による水産動植物の採捕

(i) gathering or taking of aquatic plants or animals by rod or hand (excluding chumming);

二 たも網、叉手網、やす及びは具以外の漁具を使用しないで行う水産動植物の採捕

(ii) gathering or taking of aquatic plants or animals carried out by using no fishing equipment other than a landing net, scoop net, fishing spear or stripping-off equipment; and

三 投網による水産動植物の採捕

(iii) gathering or taking of aquatic plants or animals by a cast net.

（寄港の許可の申請）

(Application for Permission for Calling)

第三条 法第四条第一項の規定による許可を受けようとする船長は、次に掲げる事項を記載した申請書を農林水産大臣に提出しなければならない。

Article 3 A captain who intends to obtain permission under the provisions of Article 4, paragraph (1) of the Act shall submit a written application containing the following matters to the Minister of Agriculture, Forestry and Fisheries:

一 船長の氏名及び国籍

(i) the name and nationality of the captain;

二 当該外国漁船の名称、種類、国籍及び総トン数（以下「名称等」という。）

(ii) the name, type, nationality and gross tonnage (hereinafter referred to as the "Vessel Name, etc.") of the relevant foreign fishing vessel;

三 当該外国漁船の有する漁ろう設備、当該外国漁船に積載されている漁獲物又はその製品の品名、数量及び積込地（以下「品名等」という。）並びに当該外国漁船が漁業の用に供されている場合にあっては当該漁業の内容

(iii) fishing gear equipped by said foreign fishing vessel, the item name, quantity, place of loading (hereinafter referred to as the "Item Name, etc.") of the catches or their products loaded on said foreign fishing vessel, and if said foreign fishing vessel is used for fishing, details of the fishing activity;

四 当該外国漁船を使用する権利を有する者の氏名、国籍及び住所（法人その他の団体にあっては、名称、本店又は主たる事務所の所在地及び代表者の氏名。以下「氏名等」という。）

(iv) the name, nationality and address (in the case of a juridical person or any other organization, its name, the location of its head office or principal office, and the name of its representative; hereinafter referred to as the "Name, etc.") of the person who has the right to use said foreign fishing vessel;

五 当該外国漁船を寄港させようとする本邦の港の名称及び所在地

(v) the name and location of the Japanese port which said foreign fishing vessel is to call;

六 当該外国漁船を寄港させようとする期間及び当該寄港の目的

(vi) the period during which said foreign fishing vessel is to call the port and the purpose of the call; and

七 当該寄港の次に当該外国漁船を寄港させようとする港の名称及び所在地並びに当該港までの航海の目的

(vii) the name and location of the port which said foreign fishing vessel is to call subsequently to the calling in question, and the purpose of the voyage to said port.

(漁獲物等の転載等の許可の申請)

(Application for Permission for Transshipping, etc. of Catches)

第四条 外国人漁業の規制に関する法律施行令（以下「令」という。）第三条第二号の規定による許可で法第六条第一項の規定の適用の除外に係るものを受けようとする外国漁船の船長は、次に掲げる事項を記載した申請書を農林水産大臣に提出しなければならない。

Article 4 (1) The captain of a foreign fishing vessel who intends to obtain permission under the provisions of Article 3, item (ii) of the Order for Enforcement of the Act on Regulation of Fishing Operation by Foreign Nationals (hereinafter referred to as the "Order") pertaining to exclusion from application of the provisions of Article 6, paragraph (1) of the Act shall submit a written application containing the following matters to the Minister of Agriculture, Forestry and Fisheries:

一 当該外国漁船及び当該他の船舶又は当該他の外国漁船の船長の氏名及び国籍

(i) the names and nationalities of the captains of said foreign vessel and the other vessel or the other foreign fishing vessel;

二 当該外国漁船及び当該他の船舶又は当該他の外国漁船の名称等

(ii) the Vessel Names, etc. of said foreign fishing vessel and the other vessel or the other foreign fishing vessel;

三 当該外国漁船及び当該他の外国漁船の有する漁ろう設備、当該外国漁船及び当該他の外国漁船に積載されている漁獲物又はその製品の品名等並びに当該外国漁船及び当該他の外国漁船が漁業の用に供されている場合にあつては当該漁業の内容

(iii) fishing gear equipped by said foreign fishing vessel and the other foreign fishing vessel, the Item Names, etc. of the catches or their products loaded on said foreign fishing vessel and the other foreign fishing vessel, and if said foreign fishing vessel and the other foreign fishing vessel are used for fishing, details of the fishing activity;

四 当該外国漁船及び当該他の外国漁船を使用する権利を有する者の氏名等

(iv) the Names, etc. of the persons who have the right to use said foreign

- fishing vessel and the other foreign fishing vessel;
- 五 当該漁獲物等の品名等、仕向地及び所有者の氏名等
- (v) the Item Name, etc., the place of destination, and the Name, etc. of the owner of the relevant catches; and
- 六 当該漁獲物等の転載又は積込み後における当該外国漁船及び当該他の船舶又は当該他の外国漁船の航海の目的及び寄港予定地（以下「航海の目的等」という。）
- (vi) the purposes of the voyage of and the ports planned to be called by (hereinafter referred to as the "Purpose of Voyage, etc. of") said foreign fishing vessel and the other vessel or the other foreign fishing vessel subsequent to the transshipping or loading of said catches.
- 2 令第三条第二号の規定による許可で法第六条第二項の規定の適用の除外に係るものを受けようとする外国漁船以外の船舶の船長は、次に掲げる事項を記載した申請書を農林水産大臣に提出しなければならない。
- (2) The captain of a vessel other than a foreign fishing vessel who intends to obtain permission under the provisions of Article 3, item (ii) of the Order pertaining to exclusion from application of the provisions of Article 6, paragraph (2) of the Act shall submit a written application containing the following matters to the Minister of Agriculture, Forestry and Fisheries:
- 一 当該船舶及び当該外国漁船の船長の氏名及び国籍
- (i) the names and nationalities of the captains of said vessel and the relevant foreign fishing vessel;
- 二 当該船舶及び当該外国漁船の名称等
- (ii) the Vessel Names, etc. of said vessel and said foreign fishing vessel;
- 三 当該外国漁船の有する漁ろう設備、当該外国漁船に積載されている漁獲物又はその製品の品名等及び当該外国漁船が漁業の用に供されている場合にあっては当該漁業の内容
- (iii) fishing gear equipped by said foreign fishing vessel, the Item Name, etc. of the catches or their products loaded on said foreign fishing vessel, and if said foreign fishing vessel is used for fishing, details of the fishing activity;
- 四 当該船舶及び当該外国漁船を使用する権利を有する者の氏名等
- (iv) the Names, etc. of the persons who have the right to use said vessel and said foreign fishing vessel;
- 五 当該漁獲物等の品名等、仕向地及び所有者の氏名等
- (v) the Item Name, etc., the place of destination, and the Name, etc. of the owner of the relevant catches; and
- 六 当該漁獲物等の積込み後における当該船舶及び当該外国漁船の航海の目的等
- (vi) the Purposes of Voyage, etc. of said vessel and said foreign fishing vessel subsequent to the loading of said catches.
- 3 令第三条第二号の規定による許可で法第六条第三項の規定の適用の除外に係るものを受けようとする外国漁船以外の船舶の船長は、次に掲げる事項を記載した申請書を農林水産大臣に提出しなければならない。

(3) The captain of a vessel other than a foreign fishing vessel who intends to obtain permission under the provisions of Article 3, item (ii) of the Order pertaining to exclusion from application of the provisions of Article 6, paragraph (3) of the Act shall submit a written application containing the following matters to the Minister of Agriculture, Forestry and Fisheries:

一 前項第一号から第五号までに掲げる事項

(i) the matters set forth in items (i) through (v) of the preceding paragraph;

二 当該漁獲物等の陸揚げ又は転載後における当該船舶の航海の目的等

(ii) the Purpose of Voyage, etc. of said vessel subsequent to the unloading or transshipping of the relevant catches; and

三 当該漁獲物等の積込み後における当該外国漁船の航海の目的等

(iii) the Purpose of Voyage, etc. of the relevant foreign fishing vessel subsequent to the loading of said catches.

#### 附 則

##### **Supplementary Provisions**

この省令は、法の施行の日（昭和四十二年十月十二日）から施行する。

This Ministerial Ordinance shall come into effect as of the date on which the Act comes into effect (October 12, 1967).

#### 附 則 〔昭和四十三年五月一日農林省令第二十六号〕

##### **Supplementary Provisions [Ordinance of the Ministry of Agriculture and Forestry No. 26 of May 1, 1968]**

この省令は、昭和四十三年五月十日から施行する。

This Ministerial Ordinance shall come into effect as of May 10, 1968.

#### 附 則 〔昭和四十三年六月二十六日農林省令第四十六号〕

##### **Supplementary Provisions [Ordinance of the Ministry of Agriculture and Forestry No. 46 of June 26, 1968]**

この省令は、公布の日から施行する。

This Ministerial Ordinance shall come into effect as of the date of promulgation.

#### 附 則 〔昭和四十七年五月十三日農林省令第二十九号〕〔抄〕

##### **Supplementary Provisions [Ordinance of the Ministry of Agriculture and Forestry No. 29 of May 13, 1972] [Extract]**

この省令は、沖縄の復帰に伴う関係法令の改廃に関する法律の施行の日（昭和四十七

年五月十五日）から施行する。

This Ministerial Ordinance shall come into effect as of the date on which the Act on Revision or Abolition of Relevant Laws and Regulations in Line with Reversion of Okinawa comes into effect (May 15, 1972).

附 則 〔昭和五十二年六月十七日農林省令第二十八号〕〔抄〕

**Supplementary Provisions [Ordinance of the Ministry of Agriculture and Forestry No. 28 of June 17, 1977] [Extract]**

（施行期日）

（Effective Date）

1 この省令は、法の施行の日（昭和五十二年七月一日）から施行する。

(1) This Ministerial Ordinance shall come into effect as of the date on which the Act comes into effect (July 1, 1977).

附 則 〔昭和五十三年七月五日農林省令第四十九号〕〔抄〕

**Supplementary Provisions [Ordinance of the Ministry of Agriculture and Forestry No. 49 of July 5, 1978] [Extract]**

第一条 この省令は、公布の日から施行する。

Article 1 This Ministerial Ordinance shall come into effect as of the date of promulgation.

附 則 〔平成十二年一月三十一日農林水産省令第五号〕〔抄〕

**Supplementary Provisions [Ordinance of the Ministry of Agriculture, Forestry and Fisheries No. 5 of January 31, 2000] [Extract]**

（施行期日）

（Effective Date）

第一条 この省令は、平成十二年四月一日から施行する。

Article 1 This Ministerial Ordinance shall come into effect as of April 1, 2000.