

港湾運送事業法

Port and Harbor Transportation Business Act

(昭和二十六年五月二十九日法律第百六十一号)

(Act No. 161 of May 29, 1951)

第一章 総則

Chapter I General Provisions

(目的)

(Purpose)

第一条 この法律は、港湾運送に関する秩序を確立し、港湾運送事業の健全な発達を図り、もつて公共の福祉を増進することを目的とする。

Article 1 The purpose of this Act is to promote public welfare by establishing order in regard to Port and Harbor Transportation and by providing for the sound development of Port and Harbor Transportation Businesses.

(定義)

(Definitions)

第二条 この法律で「港湾運送」とは、他人の需要に応じて行う行為であつて次に掲げるものをいう。

Article 2 (1) The term "Port and Harbor Transportation" as used in this Act means the following acts, carried out to meet the needs of others:

一 荷主又は船舶運航事業者の委託を受け、船舶により運送された貨物の港湾における船舶からの受取若しくは荷主への引渡又は船舶により運送されるべき貨物の港湾における船舶への引渡若しくは荷主からの受取にあわせてこれらの行為に先行し又は後続する次号から第五号までに掲げる行為を一貫して行う行為

(i) Upon commission from the consignor or the vessel operator, the act of carrying out the acts listed in the following items (ii) to (v) inclusive in an integrated manner, either before or after receiving cargo from a vessel or delivering cargo to its consignor at the port or harbor to which said cargo was transported by vessel, or before or after delivering cargo to a vessel or receiving cargo from its consignor at the port or harbor from which said cargo will be transported by vessel;

二 港湾においてする船舶への貨物の積込又は船舶からの貨物の取卸（第四号に掲げる行為を除く。）

(ii) Loading or unloading a vessel at a port or harbor (excluding the acts listed in item (iv));

三 港湾における貨物の船舶又ははしけによる運送（一定の航路に旅客船（十三人以上の旅客定員を有する船舶をいう。）を就航させて人の運送をする事業を営む者が

当該航路に就航する当該旅客船により行う貨物の運送その他国土交通省令で定めるものを除く。)、国土交通省令で定める港湾と港湾又は場所との間(以下単に「指定区間」という。))における貨物のはしけによる運送又は港湾若しくは指定区間における引船によるはしけ若しくはいかだのえい航

(iii) Transporting cargo in a port or harbor using vessels or barges (excluding cargo transportation carried out using passenger vessels (vessels with a capacity of 13 or more passengers) operated on certain waterways by a person who runs a business whereby he/she causes passenger vessels to operate on said waterways for transporting passengers, or any other cargo transportation provided for by Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism), of transporting cargo by barge in the areas between the ports and harbors provided for by Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism and a port or harbor or other place (hereinafter simply referred to as "Designated Areas"), or of tugging barges or rafts using tugboats at a port and harbor or in a Designated Area;

四 港湾においてする、船舶若しくははしけにより運送された貨物の上屋その他の荷さばき場(水面貯木場を除く。以下単に「荷さばき場」という。))への搬入、船舶若しくははしけにより運送されるべき貨物の荷さばき場からの搬出、これらの貨物の荷さばき場における荷さばき若しくは保管又は貨物の船舶(国土交通省令で定める総トン数未満のものに限る。以下この号において同じ。))若しくははしけからの取卸し若しくは船舶若しくははしけへの積込み(貨物の船舶からの取卸し又は船舶への積込みにあつては、当該船舶が岸壁、さん橋又は物揚場に係留され、かつ、当該船舶の揚貨装置を使用しないで行なう場合に限る。)

(iv) At a port or harbor, moving cargo that has been transported using a vessel or barge into a shed or other cargo handling yard (excluding timber yards on the water; hereinafter simply referred to as "Cargo Handling Yard"); moving cargo that will be transported by vessel or barge from the Cargo Handling Yard; handling or storing such cargo in the Cargo Handling Yard; or unloading cargo from a vessel (limited to those with less gross tonnage than that prescribed by Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism; hereinafter the same shall apply in this item) or barge or loading cargo onto a vessel or barge (such unloading or loading vessels shall be limited to where such vessels are moored at a quay, pier, or wharf, and where unloading or loading is done without using the relevant vessel's cargo gear);

五 港湾若しくは指定区間におけるいかだに組んでする木材の運送又は港湾においてする、いかだに組んで運送された木材若しくは船舶若しくははしけにより運送された木材の水面貯木場への搬入、いかだに組んで運送されるべき木材若しくは船舶若しくははしけにより運送されるべき木材の水面貯木場からの搬出若しくはこれらの木材の水面貯木場における荷さばき若しくは保管

(v) Transporting timber at a port or harbor or in a Designated Area by tying it together into rafts; moving, into a in-water log storage area, timber that has been transported by tying it together into rafts or transported using a vessel or barge; or moving, from a floating timber yard, timber that will be transported by tying it together into rafts or timber that will be transported using a vessel or barge, at a port or harbor or in a Designated Area; or handling or storing such timber in a floating timber yard;

六 船積貨物の積込又は陸揚を行うに際してするその貨物の箇数の計算又は受渡の証明（以下「検数」という。）

(vi) Calculating the number of pieces of sea cargo or certifying deliveries (hereinafter referred to as "Tallying") at the time of loading or landing;

七 船積貨物の積込に関する証明、調査及び鑑定（以下「鑑定」という。）

(vii) Performing certification, investigation, and surveying relevant to the stowage of sea cargo (hereinafter referred to as "Surveying"); and

八 船積貨物の積込又は陸揚を行うに際してするその貨物の容積又は重量の計算又は証明（以下「検量」という。）

(viii) Calculating or certificating the volume or weight of sea cargo (hereinafter referred to as "Measuring") at the time of loading or landing .

2 この法律で「港湾運送事業」とは、営利を目的としないとを問わず港湾運送を行う事業をいう。

(2) The term "Port and Harbor Transportation Business" as used in this Act means a for-profit or non-profit business that carries out Port and Harbor Transportation.

3 この法律で「港湾運送関連事業」とは、営利を目的としないとを問わず、他人の需要に応じて次に掲げる行為を行なう事業をいう。

(3) The term "Business Related to Port and Harbor Transportation" as used in this Act means a for-profit or non-profit business that carries out the following acts to meet the needs of others:

一 港湾においてする、船舶に積み込まれた貨物の位置の固定若しくは積載場所の区画、船積貨物の荷造り若しくは荷直し又は船舶への貨物の積込み若しくは船舶からの貨物の取卸しに先行し若しくは後続する船倉の清掃

(i) Fixing the position of cargo loaded onto vessels or partitioning loading areas, packing or repacking sea cargo, or cleaning the hold before or after loading or unloading a vessel, at a port or harbor; and

二 港湾においてする船積貨物の警備

(ii) Guarding sea cargo at a port or harbor.

4 この法律で「港湾」とは、政令で指定する港湾（その水域は、政令で定めるものを除くほか、港則法（昭和二十三年法律第七十四号）に基づく港の区域をいう。）をいう。

(4) The term "port or harbor" as used in this Act means the ports and harbors designated by Cabinet Order (ports and harbors whose water areas are port

districts pursuant to the Act on Port Regulations (Act No. 174 of 1948), and those designated by Cabinet Order).

(事業の種類)

(Business Types)

第三条 港湾運送事業の種類は、次に掲げるものとする。

Article 3 The types of Port and Harbor Transportation Business shall be as listed below:

一 一般港湾運送事業（前条第一項第一号に掲げる行為を行う事業）

(i) General Port and Harbor Transportation Business (a business that carries out the acts listed in item (i) of paragraph (1) of the preceding Article);

二 港湾荷役事業（前条第一項第二号及び第四号に掲げる行為を行う事業）

(ii) Port and Harbor Cargo Handling Business (a business that carries out the acts listed in items (ii) and (iv) of paragraph (1) of the preceding Article);

三 はしけ運送事業（前条第一項第三号に掲げる行為を行う事業）

(iii) Barge Transportation Business (a business that carries out the acts listed in item (iii) of paragraph (1) of the preceding Article);

四 いかだ運送事業（前条第一項第五号に掲げる行為を行う事業）

(iv) Raft Transportation Business (a business that carries out the acts listed in item (v) of paragraph (1) of the preceding Article);

五 検数事業（前条第一項第六号に掲げる行為を行う事業）

(v) Tallying Business (a business that carries out the acts listed in item (vi) of paragraph (1) of the preceding Article);

六 鑑定事業（前条第一項第七号に掲げる行為を行う事業）

(vi) Surveying Business (a business that carries out the acts listed in item (vii) of paragraph (1) of the preceding Article); and

七 検量事業（前条第一項第八号に掲げる行為を行う事業）

(vii) Measuring Business (a business that carries out the acts listed in item (viii) of paragraph (1) of the preceding Article).

第二章 港湾運送事業等

Chapter II The Port and Harbor Transportation Business, etc.

(許可)

(Permits)

第四条 前条第一号から第四号までに掲げる港湾運送事業（以下「一般港湾運送事業等」という。）を営もうとする者は、港湾運送事業の種類及び港湾ごとに、同条第五号から第七号までに掲げる港湾運送事業（以下「検数事業等」という。）を営もうとする者は、港湾運送事業の種類ごとに国土交通大臣の許可を受けなければならない。この場合において、一般港湾運送事業、はしけ運送事業又はいかだ運送事業の許可を受けた者は、当該許可に係る港湾を起点又は終点とする指定区間においても、当該許

可に係る一般港湾運送事業等を営むことができる。

Article 4 A person who wishes to operate a Port and Harbor Transportation Business as listed in items (i) to (iv) of the preceding Article (hereinafter referred to as "General Port and Harbor Transportation Business, etc.") shall obtain a permit for each type of Port and Harbor Transportation Business and for each port or harbor from the Minister of Land, Infrastructure, Transport and Tourism, and a person who wishes to operate a Port and Harbor Transportation Business as listed in items (v) to (vii) of the same Article (hereinafter referred to as "Tallying Business, etc.") shall obtain a permit for each type of Port and Harbor Transportation Business. In this case, a person who has received a permit for the General Port and Harbor Transportation Business, Barge Transportation Business, or Raft Transportation Business may operate a General Port and Harbor Transportation Business, etc., under said permit within the Designated Area that begins or ends at the port or harbor for said permit.

(許可の申請)

(Permit Application)

第五条 港湾運送事業の許可を受けようとする者は、次に掲げる事項を記載した申請書を国土交通大臣に提出しなければならない。

Article 5 (1) A person who wishes to obtain a permit for a Port and Harbor Transportation Business shall submit a written application to the Minister of Land, Infrastructure, Transport and Tourism, stating the following:

一 氏名又は名称及び住所並びに法人にあつては、その代表者の氏名

(i) The name and the address of the applicant, as well as the name of the representative if the applicant is a juridical person;

二 港湾運送事業の種類

(ii) The type of Port and Harbor Transportation Business;

三 港湾（検数事業等に係る場合を除く。）

(iii) The port or harbor (excluding cases pertaining to the Tallying Business, etc.); and

四 国土交通省令で定める事業計画

(iv) The business plans specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

2 前項の申請書には、資金計画その他国土交通省令で定める事項を記載した書類を添付しなければならない。

(2) The written application set forth in the preceding paragraph shall be accompanied by documents, including financial plans and other matters specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

3 国土交通大臣は、申請者に対し、前二項に規定するもののほか、当該申請者の登記

事項証明書その他必要な書類の提出を求めることができる。

(3) The Minister of Land, Infrastructure, Transport and Tourism may request the applicant to submit his/her certificate of registered matters and other necessary documents in addition to what is provided for in the preceding two paragraphs.

(許可基準)

(Permit Standards)

第六条 国土交通大臣は、港湾運送事業の許可をしようとするときは、次の基準に適合するかどうかを審査して、これをしなければならない。

Article 6 (1) When the Minister of Land, Infrastructure, Transport and Tourism wishes to grant a permit for the Port and Harbor Transportation Business, he/she shall examine whether such business satisfies the following standards before granting the permit:

一 一般港湾運送事業等にあつては、少なくとも、港湾運送事業の種類及び港湾ごとに国土交通省令で定める施設及び労働者を有するものであること。

(i) For the General Port and Harbor Transportation Business, etc., the applicant has, at least, the facilities and workers specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, for each type of Port and Harbor Transportation Business and each port or harbor;

二 検数事業等にあつては、検数事業等の公正かつ適正な実施を確保するため必要な体制が整備されていること。

(ii) For the Tallying Business, etc., the applicant maintains the necessary system for securing the fair and proper operation of the Tallying Business, etc.;

三 当該事業の遂行上適切な計画を有するものであること。

(iii) The applicant has an appropriate plan from the perspective of the administration of the relevant business;

四 当該事業を営む者の責任の範囲が明確であるような経営形態であること。

(iv) The applicant has a management structure in which the scope of responsibilities of the person operating the relevant business is clear; and

五 当該事業の経理的基礎が確実性を有すること。

(v) The relevant business has a reliable financial basis.

2 国土交通大臣は、前項の規定により審査した結果、その申請が同項の基準に適合していると認めたときは、申請者が次の各号のいずれかに該当する場合を除いて、港湾運送事業の許可をしなければならない。

(2) The Minister of Land, Infrastructure, Transport and Tourism shall grant a permit for the Port and Harbor Transportation Business, when he/she finds that the application satisfies the standards set forth in the preceding paragraph as a result of an examination pursuant to the provisions of the preceding paragraph, except when the applicant falls under any of the

following items:

一 禁錮以上の刑に処せられ、その執行を終わり、又は執行を受けることがなくなった日から五年を経過しない者

(i) A person who was sentenced to imprisonment without work or a greater punishment, and for whom five (5) years have not elapsed since the date on which the execution of his/her sentence was completed or on which such person ceased to be subject to execution of the sentence;

二 この法律、港湾運送事業に従事する労働者の使用に関する法令の規定で政令で定めるもの又は暴力団員による不当な行為の防止等に関する法律（平成三年法律第七十七号。第三十二条の三第七項及び第三十二条の十一第一項を除く。）の規定に違反して、罰金の刑に処せられ、その執行を終わり、又は執行を受けることがなくなった日から五年を経過しない者

(ii) A person who was sentenced to a fine for the violation of the provisions of this Act, laws and regulations on the use of workers engaged in the Port and Harbor Transportation Business as set forth by Cabinet Order, or the Act on Prevention of Unjust Acts by Organized Crime Group Members (Act No. 77 of 1991; excluding paragraph (7) of Article 32-3 and paragraph (1) of Article 32-11), and for whom five (5) years have not elapsed since the date on which the execution of his/her sentence was completed or on which such person ceased to be subject to execution of the sentence;

三 港湾運送事業の許可を取り消され、その取消の日から五年を経過しない者（当該許可を取り消された者が法人である場合においては、当該取消を受けた法人のその処分を受ける原因となつた事項が発生した当時現にその法人の業務を執行する役員（いかなる名称によるかを問わず、これと同等以上の職権又は支配力を有する者を含む。以下同じ。）として在任した者で当該取消の日から五年を経過しないものを含む。）

(iii) A person whose permit for the Port and Harbor Transportation Business was rescinded, and for whom five (5) years have not elapsed since the date of such rescission (for a juridical person, this shall include a person who held office at such juridical person as an executive officer (including a person who had authority or control equivalent to or greater than that of an executive officer, irrespective of his/her title; the same shall apply hereinafter) when the event that caused the juridical person to be subject to the rescission occurred, and for whom five (5) years have not elapsed since the date of said rescission);

四 営業に関し成年者と同一の行為能力を有しない未成年者又は成年被後見人であつて、その法定代理人が前三号又は次号のいずれかに該当する者であるもの

(iv) A minor or adult ward who does not have the same legal capacity as an adult with regard to business, and whose statutory agent falls under any of the preceding three items or the following item; or

五 法人であつて、その役員のうちの前各号のいずれかに該当する者があるもの

- (v) A juridical person, any of whose officials fall under any of the preceding items.

第七条 削除

Article 7 Deleted

第八条 削除

Article 8 Deleted

(運賃及び料金)

(Freightage and Charges)

第九条 港湾運送事業の許可を受けた者（以下「港湾運送事業者」という。）は、国土交通省令で定めるところにより、運賃及び料金を定め、あらかじめ、国土交通大臣に届け出なければならない。これを変更しようとするときも、同様とする。

Article 9 (1) A person who has been granted a permit for the Port and Harbor Transportation Business (hereinafter referred to as "Port and Harbor Transportation Business Operator") shall set freightage and charges, and shall notify the Minister of Land, Infrastructure, Transport and Tourism thereof in advance, pursuant to the provisions of an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism. The same shall apply when the Port and Harbor Transportation Business Operator wishes to change these.

2 国土交通大臣は、前項の運賃又は料金が次の各号のいずれかに該当すると認めるときは、当該港湾運送事業者に対し、期限を定めてその運賃又は料金を変更すべきことを命ずることができる。

(2) When the Minister of Land, Infrastructure, Transport and Tourism finds that the freightage or charges in the preceding paragraph fall under any of the following items, he/she may specify a time limit and order the relevant Port and Harbor Transportation Business Operator to change the freightage or charges thereby:

一 特定の利用者に対し不当な差別的取扱いをするものであるとき。

(i) When freightage or charges unjustifiably discriminate against specific users;

or

二 他の港湾運送事業者との間に不当な競争を引き起こすこととなるおそれがあるものであるとき。

(ii) When there is a risk of freightage or charges causing unfair competition with other Port and Harbor Transportation Business Operators.

(運賃及び料金の割戻の禁止)

(Prohibition on Freightage and Charge Rebates)

第十条 港湾運送事業者は、利用者に対し、收受した運賃及び料金の割戻をしてはならない。

Article 10 No Port and Harbor Transportation Business Operator shall give a user a rebate of freightage and charges already received.

(港湾運送約款)

(Port and Harbor Transportation Agreement)

第十一条 一般港湾運送事業の許可を受けた者（以下「一般港湾運送事業者」という。）は、国土交通省令で定めるところにより、港湾運送約款を定め、国土交通大臣の認可を受けなければならない。これを変更しようとするときも、同様とする。

Article 11 (1) A person who has obtained a permit for the General Port and Harbor Transportation Business (hereinafter referred to as "General Port and Harbor Transportation Business Operator") shall establish a Port and Harbor Transportation Agreement pursuant to the provisions of an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, and shall obtain the approval of the Minister of Land, Infrastructure, Transport and Tourism therefor. The same shall apply if the General Port and Harbor Transportation Business Operator wishes to change the contents of the agreement.

2 国土交通大臣は、前項の認可をしようとするときは、次に掲げる基準によつてこれをしてしなければならない。

(2) When the Minister of Land, Infrastructure, Transport and Tourism wishes to give his/her approval under the preceding paragraph, he/she shall do so in accordance with the following standards:

一 利用者の正当な利益を害するおそれがないものであること。

(i) The agreement poses no risk of harming the users' legitimate interests; and

二 少なくとも貨物の受取及び引渡し並びに一般港湾運送事業者の責任に関する事項が明確に定められているものであること。

(ii) The agreement clearly specifies, at minimum, matters related to the receipt and delivery of cargo and the responsibilities of the General Port and Harbor Transportation Business Operator.

(運賃及び料金並びに港湾運送約款の掲示)

(Posting of Freightage, Charges, and the Port and Harbor Transportation Agreement)

第十二条 港湾運送事業者は、第九条第一項の規定により届け出た運賃及び料金（特定の荷主又は船舶運航事業者に限つて定められたものを除く。）並びに前条第一項の規定により認可を受けた港湾運送約款を営業所において利用者の見やすいように掲示しなければならない。

Article 12 The Port and Harbor Transportation Business Operator shall post the freightage and charges of which it has given notification pursuant to the provisions of paragraph (1) of Article 9 (excluding those set only for specific consignors or vessel operators), and the Port and Harbor Transportation Contract Agreement pursuant to the provisions of paragraph (1) of the

preceding Article, in a place at its business office that is conspicuous to the user.

(引渡不能貨物の寄託)

(Deposit of Undeliverable Cargo)

第十三条 一般港湾運送事業者は、その責に帰すべからざる事由により貨物の引渡をすることができないときは、荷受人の費用をもつてこれを倉庫営業者に寄託することができる。

Article 13 (1) Where the General Port and Harbor Transportation Business Operator fails to deliver cargo due to a cause not attributable thereto, such Transportation Business Operator may deposit said cargo with a warehouse operator at the cost of the consignee.

2 一般港湾運送事業者は、前項の規定により貨物を寄託したときは、遅滞なく、その旨を荷受人に通知しなければならない。

(2) When depositing cargo pursuant to the provisions of the preceding paragraph, the General Port and Harbor Transportation Business Operator shall notify the consignee thereof without delay.

(名義利用の禁止)

(Prohibition on Name Use)

第十四条 港湾運送事業者は、その名義を他人に港湾運送事業のため利用させてはならない。

Article 14 No Port and Harbor Transportation Business Operator shall allow others to utilize its name for a Port and Harbor Transportation Business.

(差別取扱等の禁止)

(Prohibition on Discriminatory Treatment, etc.)

第十五条 港湾運送事業者は、特定の利用者に対し貨物の多寡その他の理由により不当な差別的取扱をしてはならない。

Article 15 No Port and Harbor Transportation Business Operator shall unjustly subject a specific user to discriminatory treatment due to the quantity of cargo or for any other reason.

(下請の制限)

(Restrictions on Subcontracts)

第十六条 一般港湾運送事業者は、各月中に引き受けた港湾運送については、第二条第一項第二号から第五号までに掲げる行為の種別ごとに、少なくとも、当該月中に引き受けた港湾運送のうち当該種別のものに係る貨物量に国土交通省令で定める率を乗じて得た貨物量の貨物に係る当該種別の行為を自ら行なわなければならない。

Article 16 (1) With regard to the Port and Harbor Transportation it undertakes each month, a General Port and Harbor Transportation Business Operator

shall, for each type of act listed in items (ii) to (v) of paragraph (1) of Article 2, carry out said acts in relation to its cargo by itself, for at least the cargo volumes obtained by multiplying the cargo volume for the relevant act from out of the Port and Harbor Transportation that it undertakes in the relevant month by the rate specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

2 前項の規定の適用については、一般港湾運送事業者がその引き受けた港湾運送を他の港湾運送事業者（当該一般港湾運送事業者が発行済株式の総数の二分の一を超える株式を保有することによりその事業活動を支配するものその他当該一般港湾運送事業者とこれに準ずる国土交通省令で定める密接な関係を有するものに限る。）に下請をさせる場合における当該下請に係る行為は、自ら行つた行為とみなす。ただし、次のいずれかに該当する場合に限る。

(2) With regard to the application of the provisions of the preceding paragraph, any act related to subcontracting out the Port and Harbor Transportation undertaken by the General Port and Harbor Transportation Business Operator to other Port and Harbor Transportation Business Operators (limited to those whose business activities are controlled by said General Port and Harbor Transportation Business Operator due to its holding of more than half of the total number of issued shares, and those who have equivalently close relationships to said General Port and Harbor Transportation Business Operator, as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism) shall be deemed to be conducted by the General Port and Harbor Transportation Business Operator by itself; provided, however, that this shall apply only in the following cases:

一 当該一般港湾運送事業者が当該月中に引き受けた港湾運送に係る第二条第一項第二号から第五号までに掲げる行為のうちいずれかの種別の行為を前項の規定に従つて自ら行つたとき。

(i) When, in accordance with the provisions of the preceding paragraph, from among the Port and Harbor Transportation undertaken by the General Port and Harbor Transportation Business Operator in the relevant month that is related to the acts listed in items (ii) to (v) of paragraph (1) of Article 2, said General Port and Harbor Transportation Business Operator has carried out any of said types of act by itself; or

二 当該一般港湾運送事業者が当該月中に引き受けた港湾運送に係る貨物量に国土交通省令で定める率を乗じて得た貨物量以上の量の貨物について、コンテナ埠頭その他の国土交通省令で定める施設において第二条第一項第二号又は第四号に掲げる行為を国土交通省令で定めるところにより自らの統括管理の下において行つたとき。

(ii) When either of the acts listed in item (ii) or (iv) of paragraph (1) of Article 2 were carried out under its own control and administration, as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, at a container berth or other facility specified by an Ordinance of the

Ministry of Land, Infrastructure, Transport and Tourism, for a volume of cargo that is at least the cargo volume obtained by multiplying the cargo volume that the General Port and Harbor Transportation Business Operator has undertaken in the relevant month for the Port and Harbor Transportation by the rate specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

- 3 第三条第二号から第四号までに掲げる港湾運送事業（以下「港湾荷役事業等」という。）の許可を受けた者は、各月中に引き受けた港湾運送（他の港湾運送事業者から引き受けたものを除く。）については、少なくとも、当該月中に引き受けた港湾運送に係る貨物量に第一項の国土交通省令で定める率を乗じて得た貨物量の貨物に係る港湾運送を自ら行わなければならない。
- (3) With regard to Port and Harbor Transportation undertaken in each month (excluding the Port and Harbor Transportation taken on from other Port and Harbor Transportation Business Operators), a person who has been granted a permit for a Port and Harbor Transportation Business listed in items (ii) to (iv) of Article 3 (hereinafter referred to as "Port and Harbor Cargo Handling Business, etc.") shall carry out Port and Harbor Transportation in relation to its cargo by itself, at least for the cargo volume obtained by multiplying the cargo volume that it undertakes in the relevant month for Port and Harbor Transportation by the rate in paragraph (1) as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.
- 4 港湾荷役事業等の許可を受けた者は、他の港湾運送事業者から引き受けた港湾運送については、その全部を自ら行わなければならない。
- (4) A person who has been granted a permit for the Port and Harbor Cargo Handling Business, etc., shall carry out the whole of the Port and Harbor Transportation that it takes on from other Port and Harbor Transportation Business Operators by itself.
- 5 第一項から第三項までに規定する貨物量の算出の方法は、国土交通省令で定める。
- (5) The method for calculating the cargo volume set forth in paragraphs (1) to (3) shall be specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.
- 6 国土交通大臣は、港湾運送事業者が第一項、第三項又は第四項の規定に違反していると認めるときは、当該港湾運送事業者に対し、その是正のために必要な事業施設の改善その他の措置をとるべきことを命ずることができる。
- (6) When the Minister of Land, Infrastructure, Transport and Tourism finds that a Port and Harbor Transportation Business Operator is in violation of the provisions set forth in paragraph (1), (3), or (4) of this Article, he/she may order said Port and Harbor Transportation Business Operator to take measures to improve its business facilities and other measures required to rectify such violation.

(公正な検数事業等の確保)

(Ensuring Impartiality in the Tallying Business, etc.)

第十六条の二 検数事業等の許可を受けた者は、公正に検数、鑑定又は検量を行わなければならない。

Article 16-2 A person who has been granted a permit for the Tallying Business, etc., shall perform the tallying, surveying, or measuring in an impartial manner.

(事業計画の変更)

(Revision of Business Plans)

第十七条 港湾運送事業者は、事業計画を変更しようとするときは、国土交通大臣の認可を受けなければならない。但し、国土交通省令で定める軽微な事項に係る変更については、この限りでない。

Article 17 (1) A Port and Harbor Transportation Business Operator shall, when it wishes to revise a business plan, obtain the approval of the Minister of Land, Infrastructure, Transport and Tourism therefor; provided, however, that this shall not apply to a revision of the minor matters specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

2 第六条の規定は、前項の認可について準用する。

(2) The provisions set forth in Article 6 shall apply mutatis mutandis to the approval under the preceding paragraph.

3 港湾運送事業者は、第一項但書の事項について事業計画を変更したときは、遅滞なく、その旨を国土交通大臣に届け出なければならない。

(3) When revising its business plan in regard to a matter prescribed in the proviso to paragraph (1), a Port and Harbor Transportation Business Operator shall notify the Minister of Land, Infrastructure, Transport and Tourism thereof, without delay.

(事業計画に定める業務の確保)

(Ensuring the Operations Specified in the Business Plan)

第十七条の二 港湾運送事業者は、天災その他やむを得ない事由がある場合の外、事業計画に定めるところに従い、その業務を行わなければならない。

Article 17-2 (1) A Port and Harbor Transportation Business Operator shall operate in accordance with its business plan, except in the event of a natural disaster or due to other unavoidable grounds.

2 国土交通大臣は、港湾運送事業者が前項の規定に違反していると認めるときは、当該港湾運送事業者に対し、事業計画に従い業務を行うべきことを命ずることができる。

(2) When the Minister of Land, Infrastructure, Transport and Tourism finds a Port and Harbor Transportation Business Operator to be in violation of the provisions of the preceding paragraph, he/she may order said Port and Harbor Transportation Business Operator to operate in accordance with the business

plan.

(事業の譲渡及び譲受の認可等)

(Approval for the Transfer and Acquisition of Business, etc.)

第十八条 港湾運送事業の譲渡及び譲受は、国土交通大臣の認可を受けなければ、その効力を生じない。

Article 18 (1) The transfer or acquisition of Port and Harbor Transportation Business shall not become effective unless approved by the Minister of Land, Infrastructure, Transport and Tourism.

2 港湾運送事業を営む法人の合併及び分割は、国土交通大臣の認可を受けなければ、その効力を生じない。ただし、港湾運送事業を営む法人が港湾運送事業を行わない法人を合併する場合又は分割により港湾運送事業を承継させない場合は、この限りでない。

(2) The merger or split of a juridical person that operates a Port and Harbor Transportation Business shall not become effective unless approved by the Minister of Land, Infrastructure, Transport and Tourism; provided, however, that this shall not apply where a juridical person that operates a Port and Harbor Transportation Business merges with a juridical person that does not operate a Port and Harbor Transportation Business or does not allow a succession of the Port and Harbor Transportation Business due to a split.

3 第一項の規定により認可を受けて港湾運送事業を譲り受けた者又は前項の規定により認可を受けて合併若しくは分割をした場合における合併後存続する法人若しくは合併により設立された法人若しくは分割により港湾運送事業を承継した法人は、許可に基づく権利義務を承継する。

(3) A person who has acquired a Port and Harbor Transportation Business with approval he/she has obtained pursuant to the provisions of paragraph (1), or a juridical person who survives after a merger in the case of a merger or split for which approval has been obtained pursuant to the provisions of the preceding paragraph, who is established by the merger, or who succeeds to the Port and Harbor Transportation Business in the split shall succeed to the rights and obligations under the permit therefor.

4 港湾運送事業者が死亡した場合において、相続人が被相続人の行っていた港湾運送事業を引き続き営もうとするときは、国土交通大臣の認可を受けなければならない。

(4) In the event that the Port and Harbor Transportation Business Operator dies, when an heir wishes to continue to operate the Port and Harbor Transportation Business that was operated by the decedent, the heir shall obtain the approval of the Minister of Land, Infrastructure, Transport and Tourism.

5 相続人は、前項の規定により被相続人の死亡後六十日以内に認可の申請をした場合においては、その認可をした旨又はその認可をしない旨の通知を受ける日までは、第四条の規定にかかわらず、当該事業を営むことができる。

(5) Notwithstanding the provisions of Article 4, where the heir applies for the

approval under the preceding paragraph within sixty (60) days of the death of the decedent, such heir may operate said business until the day that he/she receives notice of the approval or disapproval of his/her application.

6 第六条の規定は、第一項、第二項又は第四項の認可について準用する。

(6) The provisions set forth in Article 6 shall apply mutatis mutandis to the approval under paragraph (1), (2), or (4) of this Article.

(公益命令)

(Orders for the Public Interest)

第十八条の二 国土交通大臣は、災害の救助その他公共の安全の維持のため必要な港湾運送であり、且つ、自発的に当該業務を行う者がいない場合又は著しく不足する場合に限り、第十五条の規定にかかわらず、港湾運送事業者を指定して、左の各号に掲げる事項を命ずることができる。

Article 18-2 (1) Notwithstanding the provisions of Article 15, only in the event that Port and Harbor Transportation is necessary for disaster relief or for otherwise maintaining public safety, and no one is available to voluntarily perform said operations or they are in remarkably short supply, the Minister of Land, Infrastructure, Transport and Tourism may designate and order a Port and Harbor Transportation Business Operator to perform the operations listed in the following:

一 国土交通大臣の指定した貨物の取扱又は運送をすること。

(i) To handle or transport cargo designated by the Minister of Land, Infrastructure, Transport and Tourism; and

二 貨物の取扱又は運送の方法又は順位を変更すること。

(ii) To change the method or order in which cargo is handled or transported.

2 前項の規定による命令で次条の規定による損失の補償を伴うものは、これによつて必要となる補償金の総額が、国会の議決を経た予算の金額をこえない範囲内で、これをしなければならない。

(2) Compensation for the losses set forth in the following Article that are caused by an order issued pursuant to the provisions of the preceding paragraph shall be made to the extent that the total amount of compensation required does not exceed the amount under the budget passed through the Diet.

(損失の補償)

(Compensation for Losses)

第十八条の三 前条第一項の規定による命令を受けた者に対しては、その命令を受けたことによつて通常生ずべき損失（その命令を受けなかつたならば通常得らるべき利益が得られなかつたことによる損失を含む。）を補償する。

Article 18-3 (1) A person who has received an order pursuant to the provisions of paragraph (1) of the preceding Article shall be compensated for the losses that would generally be caused by the receipt of that order (including losses of

profits that would usually have been obtained if said person had not received that order).

2 前項の補償の額は、国土交通大臣がこれを決定する。

(2) The amount of compensation under the preceding paragraph shall be decided by the Minister of Land, Infrastructure, Transport and Tourism.

3 前項の決定に不服がある者は、その決定を知った日から六箇月以内に、訴えをもって補償の額の増額を請求することができる。

(3) A person who is dissatisfied with the decision under the preceding paragraph may demand an increase in the amount of compensation by filing an action within six (6) months of the day that he/she learned of such decision.

4 前項の訴えにおいては、国を被告とする。

(4) In any action under the preceding paragraph, the State shall be the defendant.

5 前四項に定めるものの外、損失の補償に関し必要な事項は、国土交通省令で定める。

(5) In addition to what is provided for in the preceding four paragraphs, any necessary matter related to compensation for losses shall be specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

第十九条 削除

Article 19 Deleted

(事業の休廃止の届出)

(Notification of the Suspension or Discontinuance of Business)

第二十条 港湾運送事業者は、その事業を休止し、又は廃止しようとするときは、国土交通省令で定める手続により、休止又は廃止の日の三十日前までに、国土交通大臣にその旨を届け出なければならない。

Article 20 A Port and Harbor Transportation Business Operator shall, when it wishes to suspend or discontinue its business, notify the Minister of Land, Infrastructure, Transport and Tourism to that effect through the procedures specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, at least thirty (30) days prior to the day of such suspension or discontinuance.

(事業改善命令)

(Business Improvement Order)

第二十一条 国土交通大臣は、港湾運送事業者の事業について利用者の利便その他公共の利益を阻害している事実があると認めるときは、当該港湾運送事業者に対し、事業計画の変更その他の事業の運営を改善するために必要な措置をとるべきことを命ずることができる。

Article 21 When the Minister of Land, Infrastructure, Transport and Tourism finds there to be a fact in relation to the business activities of the Port and Harbor Transportation Business Operator that is an impediment to the

convenience of users or to other public interests, he/she may order said Port and Harbor Transportation Business Operator to revise its business plans or take other measures necessary to improve its business operations.

(事業の停止及び許可の取消し)

(Suspension of Business and Rescission of Permit)

第二十二條 国土交通大臣は、港湾運送事業者が次の各号のいずれかに該当するときは、三月以内において期間を定めて当該事業の停止を命じ、又は当該港湾運送事業の許可を取り消すことができる。

Article 22 Where a Port and Harbor Transportation Business Operator falls under any of the following items, the Minister of Land, Infrastructure, Transport and Tourism may set a period of up to three (3) months and order said business to be suspended, or may rescind the permit of said Port and Harbor Transportation Business:

一 この法律又はこれに基づく処分に違反したとき。

(i) When the Port and Harbor Transportation Business Operator has violated this Act or any disposition based on this Act;

二 正当な理由がないのに認可を受けた事項を実施しないとき。

(ii) When the Port and Harbor Transportation Business Operator does not implement a matter for which it has received approval, without justifiable grounds; or

三 第六条第二項第一号、第二号、第四号又は第五号の規定に該当するに至ったとき。

(iii) When the Port and Harbor Transportation Business Operator comes to fall under any of the provisions of item (i), (ii), (iv), or (v) in paragraph (2) of Article 6.

(港湾運送関連事業の届出)

(Notification by a Business Related to Port and Harbor Transportation)

第二十二條の二 港湾運送関連事業を営もうとする者は、あらかじめ、港湾ごとに、国土交通省令で定める事項を国土交通大臣に届け出なければならない。当該届出をした者（以下「港湾運送関連事業者」という。）が当該届出をした事項を変更しようとするときも、同様とする。

Article 22-2 (1) A person who wishes to operate a Business Related to Port and Harbor Transportation shall, in advance, notify the Minister of Land, Infrastructure, Transport and Tourism of the matters specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism for each port and harbor. The same shall apply if a person who submitted such notification (hereinafter referred to as "Operator of a Business Related to Port and Harbor Transportation") wishes to change any of the matters contained in said notification.

2 港湾運送関連事業者は、その事業を休止し、又は廃止したときは、その日から三十

日以内に、その旨を国土交通大臣に届け出なければならない。

(2) The Operator of a Business Related to Port and Harbor Transportation shall, when suspending or discontinuing its business, notify the Minister of Land, Infrastructure, Transport and Tourism to that effect within thirty (30) days of the day of such suspension or discontinuance.

(料金)

(Charges)

第二十二條の三 港湾運送関連事業者は、国土交通省令で定めるところにより、港湾ごとに、料金を定め、その実施前に、国土交通大臣に届け出なければならない。これを変更しようとするときも、同様とする。

Article 22-3 (1) The Operator of a Business Related to Port and Harbor Transportation shall set charges for each port and harbor, and shall notify the Minister of Land, Infrastructure, Transport and Tourism thereof prior to their implementation, pursuant to the provisions set forth by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism. The same shall apply if the operator wishes to change them.

2 第九条第二項の規定は、港湾運送関連事業者が前項の規定により届け出た料金について準用する。

(2) The provisions set forth in paragraph (2) of Article 9 shall apply mutatis mutandis to the charges of which the Operator of a Business Related to Port and Harbor Transportation has given notification pursuant to the provisions of the preceding paragraph.

(料金の割戻しの禁止及び料金の掲示)

(Prohibition on Charge Rebates and the Posting of Charges)

第二十二條の四 第十条の規定は港湾運送関連事業者が収受した料金について、第十二條の規定は港湾運送関連事業者が前条第一項の規定により届け出た料金について準用する。

Article 22-4 The provisions of Article 10 shall apply mutatis mutandis to the charges collected by the Operator of a Business Related to Port and Harbor Transportation, and the provisions of Article 12 shall apply mutatis mutandis to the charges of which the Operator of a Business Related to Port and Harbor Transportation has given notice pursuant to the provision set forth in paragraph (1) of the preceding Article.

第三章 港湾運送事業抵当

Chapter III Port and Harbor Transportation Business Mortgages

(港湾運送事業財団の設定)

(Establishment of a Port and Harbor Transportation Business Foundation)

第二十三条 一般港湾運送事業等の許可を受けた者（以下この章において「一般港湾運送事業者等」という。）は、抵当権の目的とするため、港湾運送事業財団を設けることができる。

Article 23 A person who has been granted a permit for General Port and Harbor Transportation Business, etc. (hereinafter referred to as "General Port and Harbor Transportation Business Operators, etc." in this Chapter), may establish a Port and Harbor Transportation Business foundation for mortgages.

（財団の組成）

(Foundation Composition)

第二十四条 港湾運送事業財団は、次に掲げるものであつて、同一の一般港湾運送事業者等に属し、かつ、一般港湾運送事業等に関するものの全部又は一部をもつて組成することができる。

Article 24 A Port and Harbor Transportation Business foundation may be composed of the whole or part of the things set forth in the following that belong to a single General Port and Harbor Transportation Business Operator, etc., and that are related to its General Port and Harbor Transportation Business, etc.:

一 上屋、荷役機械その他の荷さばき施設及びその敷地

(i) Sheds, cargo handling machinery, and other cargo handling facilities, as well as their sites;

二 はしけ及び引船その他の船舶

(ii) Barges, tugboats, and other vessels;

三 事務所その他一般港湾運送事業等のため必要な建物及びその敷地

(iii) Offices and other buildings, and the sites that are necessary for the General Port and Harbor Transportation Business, etc.;

四 第一号又は前号に掲げる工作物を所有し、又は使用するため他人の不動産の上に存する地上権、登記した賃借権及び第一号又は前号に掲げる土地のために存する地役権

(iv) Superficies rights existing on the real property of another person for the use of a structure listed in item (i) or the preceding item, registered rights of lease, and servitudes existing on a piece of land listed in item (i) or the preceding item; and

五 一般港湾運送事業等の経営のため必要な器具及び機械

(v) The equipment and machinery that are necessary for the operation of the General Port and Harbor Transportation Business, etc.

（財団設定の制限）

(Restrictions on the Establishment of Foundations)

第二十五条 前条第一号又は第三号に掲げる不動産のいずれもが存しないときは、一般港湾運送事業者等は、港湾運送事業財団を設けることができない。

Article 25 When none of the real properties listed in item (i) or (iii) of the preceding Article exist, the General Port and Harbor Transportation Business Operator, etc., may not establish a Port and Harbor Transportation Business foundation.

(工場抵当法の準用)

(Mutatis Mutandis Application of the Factory Mortgage Act)

第二十六条 港湾運送事業財団については、この法律に規定するものの外、工場抵当法(明治三十八年法律第五十四号)中工場財団に関する規定を準用する。この場合において、同法第十七条及び同法第四十五条中「工場所在地」とあるのは、「港湾運送事業法第二十四条第一号又ハ第三号ニ掲クル不動産ノ所在地」と読みかえるものとする。

Article 26 In addition to the provisions of this Act, the provisions concerning factory foundations in the Factory Mortgage Act (Act No. 54 of 1905) shall apply mutatis mutandis to a Port and Harbor Transportation Business foundation. In this case, the term "factory location" in Articles 17 and 45 of the same Act shall be deemed to be replaced with "location of real properties listed in item (i) or (iii) of Article 24 of the Port Transportation Business Act."

第二十七条 削除

Article 27 Deleted

(財団の存続)

(Duration of a Foundation)

第二十八条 港湾運送事業財団は、その所有者が一般港湾運送事業者等でない者になったことにより消滅することがない。

Article 28 A Port and Harbor Transportation Business foundation shall not dissolve on the grounds that it is not owned by a General Port and Harbor Transportation Business Operator, etc.

第四章 雑則

Chapter IV Miscellaneous Provisions

(許可等の条件又は期限)

(Conditions for and Term of a Permit, etc.)

第二十九条 許可又は認可には、条件又は期限を付し、及びこれを変更することができる。

Article 29 (1) A permit or approval may be given with conditions or a term attached thereto, and these may be changed.

2 前項の条件又は期限は、公共の利益を増進し、又は許可若しくは認可に係る事項の確実な実施を図るため必要な最小限度のものに限り、かつ、当該港湾運送事業者に不当な義務を課することとならないものでなければならない。

(2) The conditions or term under the preceding paragraph shall not exceed the minimum necessary to promote the public interest or to ensure the implementation of matters related to the permit or approval, and shall not impose an undue obligation on the relevant Port and Harbor Transportation Business Operator.

(職権の委任)

(Delegation of Authority)

第三十条 この法律に規定する国土交通大臣の職権の一部であつて政令で定めるものは、地方運輸局長（運輸監理部長を含む。次項において同じ。）が行う。

Article 30 (1) Part of the authority of the Minister of Land, Infrastructure, Transport and Tourism provided for in this Act and specified by Cabinet Order shall be exercised by the Director-Generals of the District Transport Bureaus (including the Director of Transport Administration; the same shall apply in the following paragraph).

2 次条の規定は、地方運輸局長が前項の規定により委任された国土交通大臣の職権を行う場合には、適用しない。

(2) The provisions of the following Article shall not apply where the Director-General of the District Transport Bureau has been entrusted with the authority of the Minister of Land, Infrastructure, Transport and Tourism, pursuant to the provisions of the preceding paragraph.

(運輸審議会への諮問)

(Consultation with the Transportation Council)

第三十一条 国土交通大臣は、港湾運送事業の許可の取消し若しくは事業の停止又は港湾運送事業における運賃及び料金に関する変更命令に関しては、運輸審議会に諮らなければならない。

Article 31 The Minister of Land, Infrastructure, Transport and Tourism shall consult with the Transportation Council with regard to the rescission of a permit for Port and Harbor Transportation Business, a suspension of business, or an order to change the freightage and charges at a Port and Harbor Transportation Business.

(港湾管理者に対する通知等)

(Notices to the Administrator of a Port or Harbor, etc.)

第三十二条 国土交通大臣は、第九条第二項又は第二十一条の規定により運賃及び料金又は港湾運送約款に関する変更命令（検数事業等に係るものを除く。）をしようとするときは、当該港湾管理者の意見を聴かななければならない。

Article 32 (1) The Minister of Land, Infrastructure, Transport and Tourism shall, when it wishes to issue an order to change the freightage and charges, or the Port and Harbor Transportation Agreement (excluding an order pertaining to

the Tallying Business, etc.) pursuant to the provisions set forth in paragraph (2) of Article 9 or Article 21, hear the opinions of the relevant administrator of the port or harbor.

2 国土交通大臣は、一般港湾運送事業等に関し、許可をし、事業の廃止の届出の受理をし、又は許可の取消しをした場合においては、その旨を当該港湾管理者に通知しなければならない。

(2) Where the Minister of Land, Infrastructure, Transport and Tourism has granted a permit, accepted a notification of the discontinuance of business, or rescinded a permit for General Port and Harbor Transportation Business, etc., he/she shall notify the relevant administrator of the port or harbor to that effect.

(はしけ等に関する表示)

(Displays on Barges, etc.)

第三十二条の二 港湾運送事業者は、港湾運送又は第三十三条の二第一項の運送に使用するはしけ又は船舶に、その氏名、名称その他国土交通省令で定める事項を見やすいように表示しなければならない。

Article 32-2 The Port and Harbor Transportation Business Operator shall display its name and other matters specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism in a conspicuous location on the barges and vessels it uses for Port and Harbor Transportation or for transportation as set forth in paragraph (1) of Article 33-2.

(報告徴収等)

(Collection of Reports, etc.)

第三十三条 国土交通大臣は、この法律の施行を確保するため必要があると認めるときは、港湾運送事業者又は港湾運送関連事業者に、はしけの使用その他事業に関し報告をさせることができる。

Article 33 (1) The Minister of Land, Infrastructure, Transport and Tourism may, when he/she finds it to be necessary in order to ensure the enforcement of this Act, have a Port and Harbor Transportation Business Operator or the Operator of a Business Related to Port and Harbor Transportation report on the use of barges and other matters related to business.

2 国土交通大臣は、この法律の施行を確保するため必要があると認めるときは、その職員に、港湾運送事業者又は港湾運送関連事業者の事務所若しくは事業場又ははしけ若しくは引船その他の船舶に立ち入り、帳簿書類その他の物件を検査させることができる。

(2) The Minister of Land, Infrastructure, Transport and Tourism may, when he/she finds it to be necessary in order to ensure the enforcement of this Act, have his/her officials enter the offices or workplaces of a Port and Harbor Transportation Business Operator or the Operator of a Business Related to

Port and Harbor Transportation, or board barges, tugboats, or other vessels to inspect the books, documents, and other items.

3 当該職員は、前項の規定により検査をするときは、その身分を示す証票を携帯し、関係人に呈示しなければならない。

(3) Such officials shall, when conducting an inspection pursuant to the provisions of the preceding paragraph, carry a certificate of identification and present it to the relevant parties.

4 第二項の検査の権限は、犯罪捜査のために認められたものと解釈してはならない。

(4) The authority to inspect in paragraph (2) shall not be construed as having been granted for criminal investigations.

(指定区間においてする内航運送の特例)

(Special Provisions on Coastal Cargo Transportation Carried Out in a Designated Area)

第三十三条の二 内航海運業法（昭和二十七年法律第百五十一号）及び貨物利用運送事業法（平成元年法律第八十二号）の規定は、一般港湾運送事業者又ははしけ運送事業の許可を受けた者（以下「はしけ運送事業者」という。）が当該事業の許可を受けた港湾を起点又は終点とする指定区間においてするはしけ以外の木製船舶による物品の運送（自己の引き受けた運送を他の者に下請をさせる場合を含み、一般港湾運送事業者については一般港湾運送事業に相当する事業の一部として行う場合に限る。）については、これを適用しない。一般港湾運送事業者又ははしけ運送事業者が死亡した場合において、第十八条第五項の規定により引き続き事業を営む者についても、同様とする。

Article 33-2 (1) The provisions of the Coastal Shipping Act (Act No. 151 of 1952) and the Freight Forwarding Business Act (Act No. 82 of 1989) shall not apply to the transportation of goods carried out by a General Port and Harbor Transportation Business Operator or a person who was granted a permit for Barge Transportation Business (hereinafter referred to as "Barge Transportation Business Operator") using wooden vessels other than barges in the Designated Area that begins or ends at the port or harbor for which said Transportation Business Operator has received a permit to conduct said business (including where the transportation undertaken by a Transportation Business Operator is subcontracted to another person, but for General Port and Harbor Transportation Business Operators, limited to where it carries out transportation as part of a business equivalent to the General Port and Harbor Transportation Business). In the event that the General Port and Harbor Transportation Business Operator or the Barge Transportation Business Operator dies, the same shall apply to the person who succeeds to the business pursuant to paragraph (5) of Article 18.

2 第九条から第十二条まで、第十四条、第十五条、第十八条の二及び第十八条の三の規定は、前項の運送について準用する。この場合において、第十四条中「港湾運送事

業」とあるのは、「第三十三条の二第一項の運送」と読み替えるものとする。

(2) The provisions set forth in Articles 9 to 12, Article 14, Article 15, Article 18-2, and Article 18-3 shall apply mutatis mutandis to transportation under the preceding paragraph. In this case, the term "Port and Harbor Transportation Business" in Article 14 shall be deemed to be replaced with "transportation under paragraph (1) of Article 33-2."

(政令への委任)

(Delegation to Cabinet Order)

第三十三条の三 この法律の規定に基づき政令を制定し、又は改廃する場合においては、政令で、その制定又は改廃に伴い合理的に必要と判断される範囲内において、所要の経過措置（罰則に関する経過措置を含む。）を定めることができる。

Article 33-3 Where a Cabinet Order based on the provisions of this Act is established, revised, or abolished, the necessary transitional measures (including those concerning penal provisions) may be specified by Cabinet Order to the extent judged reasonably necessary for such establishment, revision, or abolition.

第五章 罰則

Chapter V Penal Provisions

第三十四条 次の各号のいずれかに該当する者は、三年以下の懲役若しくは三百万円以下の罰金に処し、又はこれを併科する。

Article 34 Any person who falls under any of the following items shall be punished by imprisonment with work for not more than three (3) years, a fine of not more than three million (3,000,000) yen, or both:

一 第四条の規定による許可を受けないで港湾運送事業を営んだ者

(i) A person who operates a Port and Harbor Transportation Business without obtaining the permit set forth in the provisions of Article 4; or

二 第十四条（第三十三条の二第二項において準用する場合を含む。）の規定に違反した者

(ii) A person who violates the provision of Article 14 (including where this is applied mutatis mutandis pursuant to paragraph (2) of Article 33-2).

第三十五条 第二十二条の規定による事業の停止の命令に違反した者は、一年以下の懲役若しくは百五十万円以下の罰金に処し、又はこれを併科する。

Article 35 Any person who violates an order to suspend business pursuant to the provisions of Article 22 shall be punished by imprisonment with work for not more than one (1) year, a fine of not more than one million five hundred thousand (1,500,000) yen, or both.

第三十六条 削除

Article 36 Deleted

第三十七条 第十八条の二第一項（第三十三条の二第二項において準用する場合を含む。）の規定による命令に違反した者は、六月以下の懲役若しくは百万円以下の罰金に処し、又はこれを併科する。

Article 37 Any person who violates an order under the provisions of paragraph (1) of Article 18-2 (including where this is applied mutatis mutandis pursuant to paragraph (2) of Article 33-2) shall be punished by imprisonment with work for not more than six (6) months, a fine of not more than one million (1,000,000) yen, or both.

第三十八条 次の各号のいずれかに該当する者は、百万円以下の罰金に処する。

Article 38 Any person who falls under any of the following items shall be punished by a fine of not more than one million (1,000,000) yen:

一 第九条第一項（第三十三条の二第二項において準用する場合を含む。）又は第二十二條の三第一項の規定による届出をしないで、又は届出をした運賃若しくは料金によらないで、運賃又は料金を収受した者

(i) A person who has collected freightage or charges without having made the notification pursuant to the provisions of paragraph (1) of Article 9 (including where this is applied mutatis mutandis pursuant to paragraph (2) of Article 33-2) or paragraph (1) of Article 22-3, or who has collected freightage or charges that are not in accordance with those for which the notification was made;

二 第九条第二項（第二十二條の三第二項及び第三十三条の二第二項において準用する場合を含む。）の規定による命令に違反して運賃又は料金を収受した者

(ii) A person who has collected freightage or charges in violation of an order pursuant to the provisions of paragraph (2) of Article 9 (including where this is applied mutatis mutandis pursuant to paragraph (2) of Article 22-3 and paragraph (2) of Article 33-2);

三 第十条（第二十二條の四及び第三十三条の二第二項において準用する場合を含む。）の規定に違反して運賃又は料金の割戻しをした者

(iii) A person who has given a rebate of freightage or charges, in violation of the provisions of Article 10 (including where this is applied mutatis mutandis pursuant to Article 22-4 and paragraph (2) of Article 33-2);

四 第十一条第一項（第三十三条の二第二項において準用する場合を含む。）の規定による認可を受けないで、又は認可を受けた港湾運送約款によらないで、運送契約を締結した者

(iv) A person who has concluded a transportation contract without obtaining the approval set forth in the provisions of paragraph (1) of Article 11 (including where this is applied mutatis mutandis pursuant to paragraph (2)

- of Article 33-2) or who has concluded a transportation contract that is not in accordance with the approved Port and Harbor Transportation Agreement;
- 五 第十五条（第三十三条の二第二項において準用する場合を含む。）の規定に違反した者
- (v) A person who has violated the provisions of Article 15 (including where this is applied mutatis mutandis pursuant to paragraph (2) of Article 33-2);
- 六 第十六条第六項、第十七条の二第二項又は第二十一条の規定による命令に違反した者
- (vi) A person who has violated an order pursuant to the provisions of paragraph (6) of Article 16, paragraph (2) of Article 17-2, or Article 21;
- 七 第十七条第一項の規定による認可を受けずに事業計画を変更した者
- (vii) A person who has revised a business plan without obtaining the approval pursuant to the provisions of paragraph (1) of Article 17;
- 八 第三十三条第一項の規定による報告をせず、又は虚偽の報告をした者
- (viii) A person who has failed to make a report pursuant to the provisions of paragraph (1) of Article 33 or who has made a false report; or
- 九 第三十三条第二項の規定による検査を拒み、妨げ、又は忌避した者
- (ix) A person who has refused, interfered with, or evaded an inspection pursuant to the provisions of paragraph (2) of Article 33.

第三十九条 法人の代表者又は法人若しくは人の代理人、使用人その他の従業者が法人又は人の業務に関して第三十四条、第三十五条又は前二条の違反行為をしたときは、行為者を罰するほか、その法人又は人に対して各本条の罰金刑を科する。

Article 39 When the representative of a juridical person, or the agent, employee or any other worker of a juridical person or of an individual commits a violation of Article 34, Article 35, or the preceding two Articles, in addition to the offender being punished, such juridical person or individual shall be punished by the fine prescribed in each of those Articles.

第四十条 次の各号のいずれかに該当する者は、五十万円以下の過料に処する。

- Article 40 Any person who falls under any of the following items shall be subject to a non-criminal fine of not more than five hundred thousand (500,000) yen:
- 一 第十二条（第二十二条の四及び第三十三条の二第二項において準用する場合を含む。）又は第三十二条の二の規定による掲示若しくは表示をせず、又は虚偽の掲示若しくは表示をした者
- (i) A person who has failed to post or display as set forth in the provisions of Article 12 (including where this is applied mutatis mutandis pursuant to Article 22-4 and paragraph (2) of Article 33-2) or Article 32-2, or who has posted or displayed falsely;
- 二 第十七条第三項又は第二十二条の二第二項の規定による届出をせず、又は虚偽の届出をした者

(ii) A person who has failed to make a notification pursuant to the provisions of paragraph (3) of Article 17 or paragraph (2) of Article 22-2 or who has made a false notification;

三 第二十条の規定による届出をしないで、又は虚偽の届出をして、事業を休止し、又は廃止した者

(iii) A person who has suspended or discontinued business without making a notification pursuant to the provisions of Article 20 or who has suspended or discontinued business by making a false notification; or

四 第二十二條の二第一項の規定による届出をしないで、又は虚偽の届出をして、港湾運送関連事業を営んだ者

(iv) A person who has operated a Business Related to Port and Harbor Transportation without making a notification pursuant to the provisions of paragraph (1) of Article 22-2 or who has operated a Business Related to Port and Harbor Transportation by making a false notification.