

# Act on the Protection of Fishery Resources

(Act No. 313 of December 17, 1951)

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## **Chapter I General Provisions**

(Purpose of This Act)

Article 1 The purpose of this Act is to ensure the protection and culture of fishery resources, to maintain those advantages for the future, and thereby to contribute to the development of fishery.

(Scope of Application)

Article 2 Provisions of this Act shall not apply to water surfaces that are not used for public purposes unless otherwise specifically provided.

Article 3 Provisions of this Act shall apply to water surfaces that are not used for public purposes but constitute an integral part being connected to water surfaces that are used for public purpose.

## **Chapter II Protection and Culture of Fishery Resources**

### **Section 1 Restrictions, etc. on the Harvest of Aquatic Animals and Plants**

(Order on Restrictions, etc. on the Harvest of Aquatic Animals and Plants)

Article 4 (1) In the event that the Minister of Agriculture, Forestry and

Fisheries or the prefectural governor deems it necessary for the protection and culture of fishery resources, the Minister or the prefectural governor may prohibit the fishery (which is limited to that pertaining to the harvest of aquatic animals or plants) undertaken by fishing or a specific method for fishing provided for in the Ordinance of the Ministry of Agriculture, Forestry and Fisheries or the Rules in an attempt to harvest specific kinds of aquatic animals or plants provided for in the Ordinance of the Ministry of Agriculture, Forestry and Fisheries or the Rules, or require such fishery to obtain the permission of the Minister of Agriculture, Forestry and Fisheries or of the prefectural governor as provided for in the Ordinance of the Ministry of Agriculture, Forestry and Fisheries or the Rules.

(2) In the event that the Minister of Agriculture, Forestry and Fisheries or the prefectural governor deems it necessary for the protection and culture of fishery resources, the Minister or the prefectural governor may establish an Ordinance of the Ministry of Agriculture, Forestry and Fisheries or the Rules concerning the following items:

(i) Restriction or prohibition pertaining to the harvest of aquatic animals or plants (excluding the prohibition of the undertaking of fishery, or the requirement to obtain a permission of the Minister of Agriculture, Forestry and Fisheries or of the prefectural governor, pursuant to the provision set forth in the preceding paragraph);

(ii) Restriction or prohibition pertaining to the sale or possession of aquatic animals or plants;

(iii) Restriction or prohibition pertaining to fishing equipment or fishing vessels;

(iv) Restriction or prohibition pertaining to the abandonment, leaking or elimination of objects, or to water pollution, harmful to aquatic animals or plants;

(v) Restriction or prohibition pertaining to the harvest or removal of objects necessary for the protection and culture of aquatic animals or plants;

(vi) Restriction or prohibition pertaining to the transplantation of aquatic animals or plants.

(3) The Ordinance of the Ministry of Agriculture, Forestry and Fisheries or the Rules pursuant to the provision set forth in the preceding paragraph may have necessary penal provisions.

(4) Punishment that may be set forth in the penal provisions set forth in the preceding paragraph shall be imprisonment with work for not more than 2 years, a fine of no more than five hundred thousand yen, misdemeanor imprisonment without work or a petty fine, or their cumulative imposition in case of the Ordinance of the Ministry of Agriculture, Forestry and Fisheries, and imprisonment with work for not more than 6 months, a fine of no more

than one hundred thousand yen, misdemeanor imprisonment without work or a petty fine, or their cumulative imposition in the case of the Rules.

- (5) Ordinances of the Ministry of Agriculture, Forestry and Fisheries or the Rules pursuant to the provision of paragraph 2 may have provisions pertaining to the confiscation of fish catches, fishing vessels, fishing equipment or other articles used for the harvest of aquatic animals and plants and aquatic animals or plants under item (vi) of said paragraph owned or possessed by offenders and pertaining to the collection of the equivalent value in the event that it is impossible to confiscate in whole or in part these items owned by the offenders.
- (6) In the event that the Minister of Agriculture, Forestry and Fisheries intends to establish an Ordinance of the Ministry of Agriculture, Forestry and Fisheries under paragraphs 1 and 2, he/she shall hear the opinion of the Fisheries Policy Council.
- (7) In the event that the prefectural governor intends to establish Rules under paragraphs 1 and 2, he/she shall obtain the authorization of the Minister of Agriculture, Forestry and Fisheries.
- (8) In the event that the prefectural governor intends to establish the Rules under paragraphs 1 and 2, he/she shall hear the opinion of the concerned sea area fisheries adjustment commission in case of those pertaining to the seawater surface set forth in paragraph 1 of Article 84 (Establishment of Sea Area Fisheries Adjustment Commission) of the Fishery Act (Act No. 267 of 1949) and of the fresh-water fisheries coordination commission in case of those pertaining to the freshwater surface set forth in paragraph 3 of Article 8 (Definition of Freshwater Surface) of said Act.
- (9) In the event that the Minister of Agriculture, Forestry and Fisheries intends to establish or authorize an Ordinance of the Ministry of Agriculture, Forestry and Fisheries or Rules pertaining to the items listed in items (iv) or (v) of paragraph 2 that pertain to a river to which the River Act (Act No. 167 of 1964) applies or applies mutatis mutandis (hereinafter referred to as "River") or to the land designated by the Minister of Land, Infrastructure and Transport pursuant to the provision of Article 2 (Designated Land) of the Erosion Control Act (Act No. 29 of 1897) (hereinafter referred to as "Designated Land"), he/she shall consult with the Minister of Land, Infrastructure and Transport in advance.
- (10) In the event that the Minister of Agriculture, Forestry and Fisheries intends to establish or authorize an Ordinance of the Ministry of Agriculture, Forestry and Fisheries or Rules pertaining to the items listed in items (iv) of paragraph 2, he/she shall consult with the Minister of Economy, Trade and Industry in advance.

(Restriction on Fishing Methods)

Article 5 The harvest of aquatic animals and plants by using explosives shall not be allowed; provided, however, that this shall not apply to the harvest of sea creatures.

Article 6 The harvest of aquatic animals and plants by using poisonous substances that paralyze or kill them shall not be allowed; however, this shall not apply to the harvest in freshwater surfaces set forth in Article 127 of the Fishery Act for research and study purposes with the permission of the Minister of Agriculture, Forestry and Fisheries.

Article 7 Aquatic animals and plants harvested in violation of the provisions of the preceding two Articles shall not be possessed nor sold.

(Water Surfaces not Used for Public Purpose)

Article 8 A Cabinet Order may enable the provisions of Article 4 through to the preceding Article and of penal provisions pertaining to them to be applicable to water surfaces not used for public purposes that are connected to the water surfaces used for public purpose or to those water surfaces under Article 3.

(Prescribed Number of Permitted Fishing Vessels)

Article 9 (1) In the event that the Minister of Agriculture, Forestry and Fisheries deems it necessary for the protection of fishery resources, he/she may provide for the maximum number of fishing vessels, by the category of fishery and by the water area, that may engage in the fishery (hereinafter referred to as "Prescribed Number"), by an Ordinance of the Ministry of Agriculture, Forestry and Fisheries, for fishery that require the permission of the Minister of Agriculture, Forestry and Fisheries pursuant to the provisions of paragraph 1 or 2 (Order on Fishery Adjustment) of Article 65 of the Fishery Act and the provision of the Ordinance of the Ministry of Agriculture, Forestry and Fisheries based on the provisions of paragraph 1 or 2 of Article 4 of this Act.

(2) In the event that the Minister of Agriculture, Forestry and Fisheries intends to provide for the Prescribed Number set forth in the preceding paragraph, he/she shall take the present status of fishery resources, the number of persons who actually undertake such fishery and other natural and social conditions into comprehensive consideration.

(3) In the event that the Minister of Agriculture, Forestry and Fisheries intends to provide for the Prescribed Number, he/she shall hear the opinion of the Fisheries Policy Council.

(Rescission and Change of Permission due to Exceeding the Prescribed Number)

Article 10 (1) In the event that the number of fishing vessels that actually have permission for fishery in respect of the category and water area of the fishery (including the authorization for the establishment of a new business relating to fishery; the same shall apply hereinafter) exceeds the Prescribed Number when it has been provided for pursuant to the provisions of the preceding Article, the Minister of Agriculture, Forestry and Fisheries shall designate the date of rescission of the permission pertaining to such fishery, or the operating area of such fishery to be changed and the date of change, for the number of fishing vessels in excess in accordance with the standard provided for in the Ordinance of the Ministry of Agriculture, Forestry and Fisheries, taking the following items into consideration:

- (i) Number of fishing vessels for which respective fishery operators have permission in respect of the category and water area of such fishery;
  - (ii) Frequency of voyages, principal place of operation, number of days of operation, number of times of casting nets, fish catches volume and other operational circumstances of fishing vessels engaging in such fishery;
  - (iii) Working conditions such as wage and other remuneration;
  - (iv) Degree to which the economy of respective fishery operators depends on such fishery.
- (2) In the event that the Minister of Agriculture, Forestry and Fisheries intends to provide for the standard set forth in the preceding paragraph, he/she shall hear the opinion of the Fisheries Policy Council.
- (3) In the event that the Minister of Agriculture, Forestry and Fisheries deems it necessary when he/she renders the designation under paragraph 1, with regard to fishing vessels that have permission to fish in respect of the category and water area of such fishery and that are not designated under said paragraph, he/she may designate the place of operation for such fishing vessels to be changed and the date of change.
- (4) The designation under paragraph 1 or the preceding paragraph shall be made by public notice.
- (5) In the event that public notice set forth in the preceding paragraph is given, it shall be considered that the permission pertaining to such fishery is rescinded, or the place of operation is changed, on the designated date, regardless of its valid period.
- (6) The designation pursuant to the provisions of paragraph 1 or 3 shall be made within the scope in which the total amount of compensation pursuant to the provision of the following Article that becomes necessary by reason of such designation does not exceed the amount of budget that is approved by the Diet.

(Compensation for Loss)

Article 11 (1) The national government shall compensate for the loss arising

from the rescission of the permission or change of operation area pursuant to the provision of paragraph 5 of the preceding Article to persons who received such disposition.

- (2) The loss to be compensated pursuant to the provision set forth in the preceding paragraph shall be the loss that would normally arise out of the disposition under said paragraph.
- (3) The amount of compensation set forth in the preceding paragraph shall be decided by the Minister of Agriculture, Forestry and Fisheries upon hearing the opinion of the Fisheries Policy Council and shall be announced by a public notice.
- (4) The payment method of the compensation shall be provided for in a Cabinet Order.
- (5) Any person who is not satisfied with the amount of compensation publicly notified pursuant to the provision of paragraph 3 may demand an increase to the amount by filing a suit within six months after the day of public notice.
- (6) The national government shall be a defendant in the suit set forth in the preceding paragraph.

(Measures for Persons Engaging in Fishery)

Article 12 Persons whose permission is rescinded pursuant to the provision of paragraph 5 of Article 10 shall pay the amount provided for in the Ordinance of the Ministry of Agriculture, Forestry and Fisheries, out of the compensation paid, to the persons who are on board the fishing vessels for which the permission is given, or who are engaged in shore-based work for such fishing vessels, as of the day of public notice under paragraph 4 of said Article.

(Limitation of Fish Catches)

Article 13 (1) In the event that the Minister of Agriculture, Forestry and Fisheries deems it necessary for the protection of fishery resources, he/she may, in respect of the fishery that requires the permission of the Minister of Agriculture, Forestry and Fisheries pursuant to the provisions of paragraph 1 or 2 of Article 65 of the Fishery Act and the provisions of the Ordinances of the Ministry of Agriculture, Forestry and Fisheries based on the provisions of paragraph 1 or 2 of Article 4 of this Act, provide for a maximum limitation of the annual quantity of fish to be caught by such fishery by the category of fishery or by the kind of fish catches and water area (hereinafter referred to as "Fish Catches Limitation") and recommend concerned business operators or their organizations to take measures so as not to catch a quantity of fish exceeding such limitation.

- (2) In the event that the Minister of Agriculture, Forestry and Fisheries intends to provide for the Fish Catches Limitation set forth in the preceding paragraph,

he/she shall hear the opinion of the Fisheries Policy Council.

### **Section 1-2 Import Quarantine on Aquatic Animals**

(Permission for Import)

Article 13-2 (1) Any person who intends to import aquatic animals that could be infected with a disease or diseases subject to import quarantine (which means infectious diseases of aquatic animals falling under specified diseases set forth in paragraph 2 of Article 2 of the Act on Maintenance of Sustainable Aquaculture Production (Act No. 51 of 1999) and other infectious diseases of aquatic animals provided for in the Ordinances of the Ministry of Agriculture, Forestry and Fisheries; the same shall apply hereinafter) and that are provided for in the Ordinances of the Ministry of Agriculture, Forestry and Fisheries as well as their containers and packages (including objects that are contained in such containers and packages or those wrapped with such containers and packages and that are not the aquatic animals in question; the same shall apply hereinafter) shall obtain the permission of the Minister of Agriculture, Forestry and Fisheries.

(2) Any person who intends to obtain the permission set forth in the preceding paragraph shall submit, as provided for in the Ordinance of the Ministry of Agriculture, Forestry and Fisheries, a written application in which the kind and quantity, origin, time and place of import of such aquatic animals and other items provided for in the Ordinance of the Ministry of Agriculture, Forestry and Fisheries are described to the Minister of Agriculture, Forestry and Fisheries with an inspection certificate issued by the governmental organization of the exporting country in which the content is described, or its copy attached to the effect that it is confirmed or believed that the aquatic animals in question are not infected with a disease or diseases subject to import quarantine as a result of inspection conducted by such organization.

(3) In the event that an application for the permission under paragraph 1 is made and that the aquatic animals and their containers and packages pertaining to such application fall under any of the following items, the Minister of Agriculture, Forestry and Fisheries shall grant the permission under said paragraph:

(i) It is considered by the inspection certificate or its copy set forth in the preceding paragraph that any pathogens of diseases subject to import quarantine would not be widely spread;

(ii) It is considered that the implementation of measures pertaining to the order pursuant to the provision of paragraph 1 of the following Article would prevent the any pathogens of diseases subject to import quarantine from spreading widely.

(4) When the Minister of Agriculture, Forestry and Fisheries grants the permission under paragraph 1, he/she shall issue a certificate of import permission to a person who obtains the permission as provided for in the Ordinances of the Ministry of Agriculture, Forestry and Fisheries.

(Order at the Time of Permission)

Article 13-3 (1) In the event that it is impossible to consider, judging from the situation in the exporting country and other circumstances, that the aquatic animals and their containers and packages pertaining to the application for permission under paragraph 1 of the preceding Article would not widely spread pathogens of diseases subject to import quarantine only by the inspection certificate or its copy under paragraph 2 of the preceding Article, the Minister of Agriculture, Forestry and Fisheries may, when he/she grants the permission under paragraph 1 of the preceding Article, order the person who has made the application to control such aquatic animals and their containers and packages by the methods provided for in the Ordinances of the Ministry of Agriculture, Forestry and Fisheries for the period provided for in the Ordinances of the Ministry of Agriculture, Forestry and Fisheries, taking the incubation period of the diseases subject to import quarantine into consideration.

(2) In the event that the person who is ordered pursuant to the provision set forth in the preceding paragraph finds during the period in said paragraph that such aquatic animals are, or could be, infected with a disease or diseases subject to import quarantine, he/she shall receive an inspection conducted by the Minister of Agriculture, Forestry and Fisheries as provided for in the Ordinances of the Ministry of Agriculture, Forestry and Fisheries.

(3) The person who is inspected under the preceding paragraph shall control such aquatic animals and their containers and packages by the method provided for in the Ordinances of the Ministry of Agriculture, Forestry and Fisheries under paragraph 1 until notified of the result of such inspection.

(Order of Incineration)

Article 13-4 In the event that the Minister of Agriculture, Forestry and Fisheries considers as a result of the inspection under paragraph 2 of the preceding Article that the aquatic animals pertaining to the application for permission under paragraph 1 of Article 13-2 are infected with a disease or diseases subject to import quarantine, he/she may order the person who owns or controls such aquatic animals and their containers and packages to incinerate, bury, sanitize, or take other necessary measures for such aquatic animals and their containers and packages, preserve and other objects to which the pathogen of the disease or diseases subject to import quarantine is, or could be, attached.

(Report and On-site Inspection)

Article 13-5 (1) The Minister of Agriculture, Forestry and Fisheries may, to the limit necessary for the execution of the provision of this Section, require a person who intends to import, or has imported, aquatic animals and their containers and packages and other concerned persons to report necessary matters in connection with such import, or may cause its employees to enter workplaces, offices or facilities of such persons where aquatic animals are controlled and inspect aquatic animals, containers and packages, documents and other objects.

(2) Employees who engage in the on-site inspection pursuant to the provision set forth in the preceding paragraph shall carry a certificate that shows their status and produce it to concerned persons.

(3) The authority of the on-site inspection pursuant to the provision of paragraph 1 shall not be construed to have been granted for the investigation of a crime.

## **Section 2 Protected Water Surfaces**

(Definition of Protected Water Surface)

Article 14 "Protected Water Surface" as used in this Act means a water surface where aquatic animals lay eggs, juvenile fish grow or where it is appropriate for seeds and seedlings of aquatic animals and plants to generate and is designated by a prefectural governor or the Minister of Agriculture, Forestry and Fisheries as a water surface for which necessary measures should be taken for its protection and culture.

(Designation of Protected Water Surface)

Article 15 (1) In the event that the prefectural governor deems it necessary for the protection and culture of aquatic animals and plants, he/she may designate a Protected Water Surface upon hearing the opinion of the Fisheries Policy Council and in accordance with the standard provided for by the Minister of Agriculture, Forestry and Fisheries.

(2) In the event that the prefectural governor intends to designate a Protected Water Surface pursuant to the provision set forth in the preceding paragraph, he/she shall consult with the Minister of Agriculture, Forestry and Fisheries in advance and obtain his/her consent.

(3) In the event that a prefectural governor intends to designate the Protected Water Surface pursuant to the provision of paragraph 1, he/she shall hear the opinion of the sea area fisheries adjustment commission established in the specified sea area for such Protected Water Surface if the Protected Water Surface to be designated belongs to the seawater surface set forth in paragraph

1 of Article 84 of the Fishery Act, and of the fresh-water fisheries coordination commission if the Protected Water Surface to be designated belongs to the freshwater surface set forth in paragraph 3 of Article 8 of said Act.

- (4) In the event that the Minister of Agriculture, Forestry and Fisheries deems it specifically necessary for the protection and culture of aquatic animals and plants, he/she may designate a Protected Water Surface, notwithstanding the provision under paragraph 1, in accordance with the standard set forth in said paragraph.
- (5) In the event that the Minister of Agriculture, Forestry and Fisheries intends to designate a Protected Water Surface pursuant to the provision set forth in the preceding paragraph, he/she shall hear the opinion of the prefectural governor that has the jurisdiction over the water surface to which the Protected Water Surface to be designated belongs.
- (6) The provision of paragraph 3 shall apply mutatis mutandis to the cases in which the prefectural governor intends to state his/her opinion to the Minister of Agriculture, Forestry and Fisheries pursuant to the provision set forth in the preceding paragraph.
- (7) The designation of the Protected Water Surface pursuant to the provision of paragraph 1 or 4 shall be made by public notice of the area of the Protected Water Surface.

(Change to Area of Protected Water Surface)

Article 15-2 (1) In the event that the Protected Water Surface becomes no longer conformable to the standard set forth in paragraph 1 of the preceding Article or that it becomes necessary by reason of the development of other situation, the prefectural governor or the Minister of Agriculture, Forestry and Fisheries shall change the area of the Protected Water Surface designated by him/her, or cancel such designation, without delay.

- (2) Provisions of paragraphs 2, 3, 5 through to 7 of the preceding Article shall apply mutatis mutandis to the change or cancellation pursuant to the provision set forth in the preceding paragraph.

(Administrator of Protected Water Surface)

Article 16 The administration of the Protected Water Surface shall be conducted by the prefectural governor or the Minister of Agriculture, Forestry and Fisheries that has designated said Protected Water Surface.

(Administration Plan for Protected Water Surface)

Article 17 (1) In the event that the prefectural governor or the Minister of Agriculture, Forestry and Fisheries designates a Protected Water Surface pursuant to the provision of paragraph 1 or 4 of Article 15, he/she shall

establish an administration plan for such Protected Water Surface.

- (2) In the administration plan for the Protected Water Surface set forth in the preceding paragraph, the following items shall be at least set forth:
  - (i) The kind of aquatic animals and plants to be bred/grown as well as the method of breeding/growth and the outline of the breeding/growing facility;
  - (ii) The kind of aquatic animals and plants for which the harvest is restricted or prohibited, and details of such restrictions or prohibition;
  - (iii) Fishing equipment or vessels that are restricted or prohibited, and details of such restrictions or prohibition;
- (3) In the event that a prefectural governor intends to establish or change the administration plan for the Protected Water Surface administrated by him/her, he/she shall consult with the Minister of Agriculture, Forestry and Fisheries in advance for the matters listed in each item of the preceding paragraph and shall obtain his/her consent.
- (4) Provisions of paragraphs 3, 5 and 6 of Article 15 shall apply mutatis mutandis to cases where the administration plan for the Protected Water Surface under paragraph 1 is intended to be established or changed.
- (5) When the Minister of Agriculture, Forestry and Fisheries finds it specifically necessary for the protection and culture of aquatic animals and plants, he/she may instruct the prefectural governor to change the administration plan for the Protected Water Surface administrated by him/her. In this case, the provisions of paragraphs 5 and 6 of Article 15 shall apply mutatis mutandis.

(Restriction. on Work)

- Article 18 (1) Any person who intends to carry out land reclamation work or dredging or work that causes the flow volume or water level of waterway or the River to change within the area of the Protected Water Surface (excluding the area pertaining to the River, the Designated Land or the area of ports and harbors set forth in paragraph 3 of Article 2 (Definition of Area of Port and Harbor) of the Ports and Harbors Act (Act No. 218 of 1950) or the water area set forth in paragraph 1 of Article 56 of said Act (Port and Harbor without Designation of Area of Port and Harbor)(which is collectively referred to in paragraph 5 as the "Area of Port and Harbor") shall obtain the permission of the prefectural governor or the Minister of Agriculture, Forestry and Fisheries that administrates such Protected Water Surface as provided for in a Cabinet Order.
- (2) In the event that the prefectural governor or the Minister of Agriculture, Forestry and Fisheries considers that work carried out without obtaining the permission set forth in the preceding paragraph seriously influences the administration of such Protected Water Surface, he/she may order the person who carries out such work to change such work or to restore such water surface

to its original state.

- (3) In the event that the Minister of Land, Infrastructure and Transport, the prefectural governor or the mayor of a municipality intends to carry out, or cause to carry out, the work listed in paragraph 1 for the River or the Designated Land, or that such work is carried out within the area of the Protected Water Surface when he/she grants permission pursuant to the provisions of Article 23 through to Article 27 or Article 29 (Permission, etc. for Use of River) of the River Act, or permission pertaining to the restrictions pursuant to the provision of Article 4 (Prohibition and Restriction on Certain Acts in Designated Land) of the Erosion Control Act, he/she shall consult with the prefectural governor or the Minister of Agriculture, Forestry and Fisheries that administrates such Protected Water Surface in advance as provided for in a Cabinet Order.
- (4) In the event that the administrator of the River set forth in Article 16 (Approval of Collection Plan) of the Gravel Gathering Act (Act No. 74 of 1968) intends to grant an approval pursuant to the provision of said Article or paragraph 1 of Article 20 (Approval on Change) of said Act in connection with the collection plan or change to the collection plan when the work to be carried out based on the collection plan under said Article, or the collection plan after the change falls under the work listed in paragraph 1 and is carried out within the area of the Protected Water Surface, he/she shall consult with the prefectural governor or the Minister of Agriculture, Forestry and Fisheries that administrates such Protected Water Surface in advance as provided for in a Cabinet Order.
- (5) In the event that the Minister of Land, Infrastructure and Transport or the administrator of a port and harbor (which means the administrator of the ports and harbors set forth in paragraph 1 of Article 2 (Definition of Administrator of the Port and Harbor) of the Ports and Harbors Act; the same shall apply hereinafter) intends to carry out work listed in paragraph 1 within the Area of Port And Harbor, or that the administrator of the port and harbor intends to grant permission pursuant to the provision of paragraph 1 of Article 37 (Permission of Work within the Area of Port and Harbor) of said Act for such work or to attend the consultation pursuant to the provision of paragraph 3 of said Article (Special Exceptions to Work by the National Government, etc. within Area of Port and Harbor), or that the prefectural governor intends to grant permission pursuant to the provision of paragraph 1 of Article 56 of said Act or to attend the consultation pursuant to the provision of paragraph 3 of said Article (Mutatis Mutandis Application to Port and Harbor without Designation of Area of Port and Harbor) or that the administrator of the port and harbor intends to exercise the authority of the prefectural governor under the provisions of the Act on Reclamation of Publicly-owned Water Surface (Act

No. 57 of 1921) pursuant to the provision of paragraph 2 of Article 58 (Relationship with Act on Reclamation of Publicly-owned Water Surface) of said Act, and that such work is conducted within the area of the Protected Water Surface, the Minister of Land, Infrastructure and Transport, the administrator of the port and harbor or the prefectural governor shall consult with the prefectural governor or the Minister of Agriculture, Forestry and Fisheries that administrates such Protected Water Surface in advance as provided for in a Cabinet Order.

- (6) In the event that it is specifically necessary for the protection and culture of aquatic animals and plants within the area of a Protected Water Surface, the prefectural governor or the Minister of Agriculture, Forestry and Fisheries that administrates such Protected Water Surface may issue necessary recommendations with regard to the work listed in paragraph 1 within such area or structures established by such work to the Minister of Land, Infrastructure and Transport, the prefectural governor or the administrator of the port and harbor as provided for in a Cabinet Order.

Article 19 Repealed

### **Section 3 Protection and Culture of Anadromous Fish**

(Artificial Hatching and Stocking to be Executed by Agency)

Article 20 (1) For each fiscal year, the Minister of Agriculture, Forestry and Fisheries shall establish a plan concerning the artificial hatching and stocking to be executed by the Fisheries Research Agency (hereinafter referred to as "Agency") for the maintenance of the population of salmon and trout among anadromous fish.

(2) The plan set forth in the preceding paragraph shall specify the River and the number of stock in which the artificial hatching and stocking are executed in the relevant fiscal year.

(3) In the event that the Minister of Agriculture, Forestry and Fisheries intends to establish a plan under paragraph 1, he/she shall hear the opinion of the Fisheries Policy Council.

(4) In the event that the Minister of Agriculture, Forestry and Fisheries has established a plan under paragraph 1, he/she shall announce it publicly and notify the Agency without delay.

(5) In the event that the Agency has received the notice pursuant to the provision set forth in the preceding paragraph, it shall execute the artificial hatching and stocking in accordance with such plan.

(Sharing of Expense by Beneficiaries)

Article 21 In the event that persons who undertake fishery to catch salmon and trout among anadromous fish substantially benefit by the artificial hatching and stocking under paragraph 1 of the preceding Article, the Agency may cause such persons to share a part of the expense required for the execution of the artificial hatching and stocking by obtaining the approval of the Minister of Agriculture, Forestry and Fisheries as provided for in the Ordinances of the Ministry of Agriculture, Forestry and Fisheries.

(Protection of the Route for Anadromous Fish)

Article 22 (1) Owners or possessors of structures established on water surfaces which are a route for anadromous fish shall administrate such structures so that they do not interfere with the run of the anadromous fish.

(2) In the event that the Minister of Agriculture, Forestry and Fisheries or a prefectural governor considers that the owners or possessors of structures set forth in the preceding paragraph fail to perform the administration of the structures pursuant to the provision of said paragraph, he/she may order such persons to administrate them in accordance with the provision of said paragraph.

(3) In the event that a prefectural governor has issued an order pursuant to the provision set forth in the preceding paragraph, he/she shall report the fact to the Minister of Agriculture, Forestry and Fisheries without delay.

Article 23 (1) In the event that the Minister of Agriculture, Forestry and Fisheries considers that the route for anadromous fish may be interfered with, he/she may restrict or prohibit the establishment of structures within a certain area of the water surface.

(2) In the event that the Minister of Agriculture, Forestry and Fisheries intends to impose a restriction pursuant to the provision set forth in the preceding paragraph, he/she may do so by ordering the person who intends to establish such structures to establish a route for anadromous fish or an alternative facility that can act as a substitute for such route, or if he/she considers that it is extremely difficult to establish such a route for anadromous fish or the alternative facility that can act as a substitute for such route, he/she may do so by ordering the person to establish a facility or take measures necessary for the breeding of anadromous fish or other fish within said water surface.

(3) Persons who are ordered pursuant to the provision set forth in the preceding paragraph shall prepare a plan for the matter so ordered and obtain the approval of the Minister of Agriculture, Forestry and Fisheries for such plan as provided for in the Ordinances of the Ministry of Agriculture, Forestry and Fisheries.

- Article 24 (1) In the event that the Minister of Agriculture, Forestry and Fisheries considers that the structure interferes with the route for the anadromous fish, he/she may order the owners or possessors of such structure to carry out work to remove the interference.
- (2) In the event that the work to remove the interference is ordered pursuant to the provision set forth in the preceding paragraph, such order shall be issued within the scope of which the total amount of compensation pursuant to the provision of the following paragraph does not exceed the amount of budget that is approved by the Diet.
- (3) In the event that the Minister of Agriculture, Forestry and Fisheries orders work to remove the interference pursuant to the provision of paragraph 1, he/she shall give reasonable compensation to persons having rights concerning such structure; however, if he/she orders work to remove the interference pursuant to the provision of paragraph 1 to a person who violates the order pursuant to the provision of paragraph 2 of Article 22, he/she shall not compensate such person.
- (4) In the event that the order for work to remove the interference pursuant to the provision of paragraph 1 is issued based on an application by interested persons, such applicants shall give compensation pursuant to the provision of the main clause of the preceding paragraph as provided for by the Minister of Agriculture, Forestry and Fisheries.
- (5) Any person who is dissatisfied with the amount of compensation under the preceding two paragraphs may demand an increase or decrease in such amount by a lawsuit within six months after the day on which he/she receives notice of the decision on the amount of compensation.
- (6) In the lawsuit set forth in the preceding paragraph, the national government shall be the defendant; however, in the case of paragraph 4, the applicant or persons having rights concerning the structure shall be the defendant.
- (7) In the event that the order for work to remove the interference (structure) pursuant to the provision of paragraph 1 is issued and any statutory lien, pledge or mortgage exists on such structure, the Minister of Agriculture, Forestry and Fisheries or the applicant under paragraph 4 shall deposit the compensation under paragraph 3 or 4, except for cases in which an application is made by such statutory lien holder, pledgee or mortgagee to the effect that the deposit may not be necessary.
- (8) The statutory lien holder, pledgee or mortgagee set forth in the preceding paragraph shall be entitled to exercise their rights to the compensation deposited pursuant to the provision of said paragraph.

(Prohibition on Harvest of Salmon in Freshwater Surfaces)

Article 25 In freshwater surfaces set forth in paragraph 3 of Article 8 of the

Fishery Act, among anadromous fish, salmon shall not be harvested; provided, however, that this shall not apply to the harvest by persons who have obtained a license for fishery, or by persons who have obtained permission of the Minister of Agriculture, Forestry and Fisheries or prefectural governor pursuant to the provisions of the Ordinances of the Ministry of Agriculture, Forestry and Fisheries or the Rules based on the provision of paragraph 1 or 2 of Article 65 of said Act or paragraph 1 or 2 of Article 4 of this Act.

(Water Surfaces Not Used for Public Purpose)

Article 26 Provisions from Article 22 through to the preceding Article and the penal provisions pertaining to these may be made applicable by a Cabinet Order to water surfaces that are not used for public purpose but are connected to water surfaces that are used for public purpose or to water surfaces under Article 3.

#### **Section 4 Securement of Seeds and Seedlings of Aquatic Animals and Plants**

(Obligation of Notification)

Article 27 Persons who intend to harvest or produce seeds and seedlings of aquatic animals and plants provided for in the Ordinance of the Ministry of Agriculture, Forestry and Fisheries on a regular basis and with the purpose of sale shall notify the Minister of Agriculture, Forestry and Fisheries to such effect as provided for in the Ordinances of the Ministry of Agriculture, Forestry and Fisheries. The same shall apply when the business is abolished.

(Instruction for Production and Distribution)

Article 28 In the event that the Minister of Agriculture, Forestry and Fisheries deems it necessary to secure the seeds and seedlings of aquatic animals and plants set forth in the preceding Article, he/she may issue necessary instructions to persons set forth in said Article for the production or distribution of seeds and seedlings of such aquatic animals and plants as provided for in the Ordinances of the Ministry of Agriculture, Forestry and Fisheries.

#### **Chapter III Research of Fishery Resources**

(Research of Fishery Resources)

Article 29 In order to achieve the purpose of this Act, the Minister of Agriculture, Forestry and Fisheries shall carry out scientific research on fishery whose categories are recognized to be necessary for the protection and culture of

fishery resources, in respect of fish catch volumes, the situation of operation and condition of the sea.

(Collection of Reports)

Article 30 (1) In the event that the Minister of Agriculture, Forestry and Fisheries or a prefectural governor deems it necessary to carry out research under the preceding Article, he/she may cause persons who operate or engage in fishery to report the volume of fish catches, time, method and other necessary items.

(2) The prefectural governor shall report the result of reports obtained pursuant to the provision set forth in the preceding paragraph to the Minister of Agriculture, Forestry and Fisheries.

#### **Chapter IV Aid**

(Aid)

Article 31 In order to achieve the purpose of this Act, the national government may support a part of expense listed under the following within the scope of the budget:

- (i) Expense required for the administration of the Protected Water Surface carried out by the prefectural governor based on the administration plan;
- (ii) Expense required for owners or possessors of structures established in the water surface that constitutes the route for anadromous fish (excluding those who are ordered to carry out work to remove the interference pursuant to the provision of paragraph 1 of Article 24) to establish or repair the facility set forth in paragraph 2 of Article 23 in such water surface;
- (iii) Expense required for persons other than the Agency to carry out the artificial hatching and stocking of salmon or trout among anadromous fish.

#### **Chapter V Miscellaneous Provisions**

(Guidance Officer for Fishery Resources Protection and Guidance Agent for Fishery Resources Protection)

Article 32 (1) The Minister of Agriculture, Forestry and Fisheries shall appoint guidance officers for the protection of fishery resources from among employees under his/her jurisdiction to cause them to handle office work concerning the guidance and dissemination of matters relating to the protection and culture of the fishery resources or concerning the compliance with this Act and orders based on this Act.

(2) A prefectural governor may appoint guidance agents for the protection of fishery resources from among employees under his/her jurisdiction to cause

them to handle office work concerning the guidance and dissemination of matters relating to the protection and culture of the fishery resources or concerning the compliance with this Act and orders based on this Act.

(Office Work Handled by Prefecture)

Article 32-2 It may be possible to cause a part of office work set forth in this Act and under the authority of the Minister of Agriculture, Forestry and Fisheries to be handled by a prefectural governor as provided for in a Cabinet Order.

(Cooperation for the Protection and Culture of Fishery Resources)

Article 33 In the event that the prefectural governor deems it necessary for the protection and culture of fishery resources, he/she may ask for cooperation for the protection and culture of fishery resources from fishery cooperatives or other persons.

(Collection of Reports by the Fisheries Policy Council)

Article 34 In the event that the Fisheries Policy Council deems it necessary to process matters that have come to be under its authority pursuant to the provision of Section 1 of Chapter II, it may ask persons who operate or engage in fishery and other relevant persons to appear in person, and ask them to make necessary reports or may cause council members or persons engaging in its office work to carry out necessary research of fishery areas, vessels, workplaces or offices.

(Relationship between Appeal and Suit)

Article 35 (1) A suit to rescind a disposition rendered by the Minister of Agriculture, Forestry and Fisheries or a prefectural governor pursuant to the provisions of the Ordinances of the Ministry of Agriculture, Forestry and Fisheries or the Rules based on the provision of paragraph 1 or 2 of Article 4 shall not be brought unless it goes through a ruling or a determination to filing an objection or an application for an examination of the disposition.

(2) The provision of paragraph 2 of Article 27 of the Administrative Procedure Act (Act No. 88 of 1993) shall not apply to the disposition set forth in the preceding paragraph.

(Division of Office Work)

Article 35-2 Office work that is made to be processed by the prefecture pursuant to the provision of paragraphs 1, 2, 7 and 8 of Article 4 and Article 30 shall be No. 1 statutory entrusted office work as set forth in item (i) of paragraph 9 of Article 2 of the Local Autonomy Act (Act No. 67 of 1947).

(Transitional Measures)

Article 35-3 In the event that an order is established, revised or abolished pursuant to the provisions of this Act, the order may provide for necessary transitional measures (including transitional measures concerning penal provisions) within the scope that is reasonably considered to be necessary as a result of such establishment, revision or abolition.

## **Chapter VI Penal Provisions**

Article 36 Any person who falls under any of the following items shall be punished by imprisonment with work for not more than 3 years or a fine of no more than two million yen:

- (i) A person who undertakes fishery in violation of the prohibition pursuant to the provision of paragraph 1 of Article 4 or who undertakes fishery without obtaining permission pursuant to the provision of said paragraph;
- (ii) A person who violates the provisions of Article 5 through to Article 7.

Article 36-2 A person who engages in importing under paragraph 1 of Article 13-2 without obtaining permission pursuant to said paragraph shall be punished by imprisonment with work for not more than 3 years or a fine of no more than one million yen.

Article 37 Any person who falls under any of the following items shall be punished by imprisonment with work for not more than 1 year or a fine of no more than five hundred thousand yen:

- (i) A person who violates orders pursuant to the provisions of paragraph 1 of Article 13-3, Article 13-4 or paragraph 1 of Article 24;
- (ii) A person who violates the provisions of paragraph 2 or 3 of Article 13-3 or Article 25;
- (iii) A person who carries out work under paragraph 1 of Article 18 without obtaining permission pursuant to said paragraph;
- (iv) A person who violates the restriction or prohibition pursuant to the provisions of paragraph 1 or 2 of Article 23.

Article 38 In the cases of Article 36 or item (ii) of the preceding Article (limited to the part pertaining to Article 25), fish catches, fishing vessels, fishing equipment or other articles used for the harvest of aquatic animals or plants that are owned or possessed by the offender may be confiscated; provided, however, that in the event that it is impossible to confiscate these articles owned by the offenders, in whole or in part, the value of them may be collected.

Article 39 Imprisonment with work and a fine may be cumulatively imposed on a person who commits a crime under Article 36 through to Article 37 depending on the circumstances.

Article 40 Any person who falls under any of the following items shall be punished by imprisonment with work for not more than 6 months or a fine of no more than three hundred thousand yen:

- (i) A person who fails to make a report pursuant to the provision of paragraph 1 of Article 13-5 or who makes a false report or who refuses, interferes with or avoids the inspection pursuant to the provision of said paragraph;
- (ii) A person who violates the provisions of paragraph 3 of Article 23;
- (iii) A person who fails to give notification pursuant to the provision of Article 27 or gives false notification;
- (iv) A person who fails to make a report pursuant to the provision of paragraph 1 of Article 30 or makes a false report.

Article 41 In the event that a representative person of a juridical person or agents, employees or other workers of a juridical person or an individual commits acts of violation under Article 36 through to Article 37 or under the preceding Article in connection with the business or property of such juridical person or individual, the fine under the respective Articles in question shall be imposed not only on the person who commits such acts but also on the juridical person or individual.

#### **Supplementary Provisions [Extract]**

- (1) The date of enforcement of this Act shall be specified by a Cabinet Order within a period not exceeding six months from the day of promulgation; provided, however, that the date of enforcement of the provisions of Article 24, Article 32, Article 34, item (iii) of Article 37, Article 39 and of a part pertaining to the acts of violation under item (iii) of Article 37 under the provision of Article 41 shall be after April 1, 1952.
- (5) Among the Ordinances of the Ministry or the Rules that are established by the Minister of Agriculture, Forestry and Fisheries or prefectural governors based on the provision of paragraph 1 of Article 65 of the Fishery Act prior to the revision and are in fact effective at the time of enforcement of this Act, those pertaining to matters listed in items (i) through to (iii) of paragraph 1 of Article 65 of the Fishery Act prior to the revision shall be deemed to have been established pursuant to the provision of Article 4 and provision of paragraph 1 of Article 65 of the Fishery Act after the revision, and those pertaining to matters listed in items (v) through to (vii) of paragraph 1 of Article 65 of the

Fishery Act prior to the revision shall be deemed to have been established pursuant to the provision of Article 4.

- (6) The Act for Preventing Depletion of Fishery Resources (Act No. 171 of 1950) shall be abolished.
- (7) With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

#### **Supplementary Provisions [Act No. 196 of June 14, 1952]**

This Act shall come into effect as from the date of enforcement of the Act on the Protection of Fishery Resources.

#### **Supplementary Provisions [Act No. 213 of August 15, 1953] [Extract]**

- (1) This Act shall come into effect as from September 1, 1953.
- (2) Permission, approval or other dispositions, or applications, notifications or other procedures that were made pursuant to the provisions of former laws and regulations prior to the enforcement of this Act shall be deemed as dispositions and procedures that have been made based on the corresponding provisions after the revision respectively.

#### **Supplementary Provisions [Act No. 140 of May 16, 1962] [Extract]**

- (1) This Act shall come into effect as from October 1, 1962.
- (2) Provisions revised by this Act shall also apply to matters that arose prior to the enforcement of this Act unless otherwise specifically provided for in these Supplementary Provisions; provided, however, that the effects that arose from the provisions prior to the revision by this Act shall not be prejudiced.
- (3) With regard to actions that are actually pending at the time of enforcement of this Act, the provisions then in force shall remain applicable, notwithstanding the provisions revised by this Act to the effect that such actions cannot be brought.
- (4) With regard to the jurisdiction of actions that are actually pending at the time of enforcement of this Act, the provisions then in force shall remain applicable, notwithstanding the provisions revised by this Act to the effect that such jurisdiction shall be exclusive jurisdiction.
- (5) With regard to the statute of limitations for filing an action pertaining to a disposition or determination for which the statute of limitations for filing an action pursuant to the provisions prior to the revision by this Act are actually running at the time of enforcement of this Act, the provisions then in force

shall remain applicable; provided, however, that this is limited to cases in which the statute of limitations for filing an action pursuant to the provisions revised by this Act is shorter than that pursuant to the provisions prior to the revision by this Act.

- (6) The statute of limitations for filing an action for a party suit pertaining to a disposition or determination that was made prior to the enforcement of this Act, which is made to be decided by the revision by this Act, shall count from the date of enforcement of this Act.
- (7) With regard to an action for the rescission of a disposition or determination that is actually pending at the time of enforcement of this Act, the provisions then in force shall remain applicable, notwithstanding the provisions revised by this Act to the effect that a party to the legal relationship shall be the defendant; provided, however, that the court may, by its decision, permit to change the action to the party suit based on a motion by the plaintiff.
- (8) In the case of the proviso under the preceding paragraph, the provisions of the second sentence of Article 18 and paragraph 2 through to paragraph 5 of Article 21 of the Administrative Case Litigation Act shall apply mutatis mutandis.

**Supplementary Provisions [Act No. 156 of September 11, 1962] [Extract]**

(Effective Date)

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

**Supplementary Provisions [Act No. 161 of September 15, 1962] [Extract]**

(1) This Act shall come into effect as from October 1, 1962.

**Supplementary Provisions [Act No. 168 of July 10, 1964] [Extract]**

This Act shall come into effect as from the day of enforcement of the new law (April 1, 1965).

**Supplementary Provisions [Act No. 74 of May 30, 1968] [Extract]**

(Effective Date, etc.)

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

**Supplementary Provisions [Act No. 87 of July 5, 1978] [Extract]**

(Effective Date)

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

**Supplementary Provisions [Act No. 62 of June 11, 1983]**

This Act shall come into effect as from the day on which twenty days have elapsed from the day of promulgation.

**Supplementary Provisions [Act No. 37 of May 18, 1985] [Extract]**

(Effective Date)

(1) This Act shall come into effect as from the day of promulgation.

**Supplementary Provisions [Act No. 90 of July 12, 1985] [Extract]**

(Effective Date)

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

**Supplementary Provisions [Act No. 89 of November 12, 1993] [Extract]**

(Effective Date)

Article 1 This Act shall come into effect as from the day on which the Administrative Procedure Act (Act No. 88 of 1993) comes into effect.

(Transitional Measures Pertaining to Adverse Disposition for Which Consultation was made)

Article 2 In the event that a consultation or other requests were made, based on laws and regulations and prior to the enforcement of this Act, to the council or other organs with a panel system for undertaking the procedures of a hearing, or for giving opportunities for explanation or other procedures corresponding to the procedures for stating opinions set forth in Article 13 of the Administrative Procedure Act, the provisions then in force shall remain applicable with regard to the procedures for adverse dispositions pertaining to such consultation or other requests, notwithstanding the provisions of relevant laws revised by this Act.

(Transitional Measures for Penal Provisions)

Article 13 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions then in force shall remain

applicable.

(Transitional Measures for the Arrangement of Provisions for Hearings)

Article 14 Hearings, public hearings or hearing panels (excluding those pertaining to adverse dispositions) that were conducted pursuant to the provisions of laws prior to the enforcement of this Act or procedures for them shall be deemed to have been conducted pursuant to the corresponding provisions of relevant laws revised by this Act.

(Delegation to Cabinet Order)

Article 15 In addition to what is provided for in Article 2 through to the preceding Article of the Supplementary Provisions, necessary transitional measures for the enforcement of this Act shall be prescribed by a Cabinet Order.

#### **Supplementary Provisions [Act No. 78 of June 14, 1996]**

This Act shall come into effect as from the day on which the United Nations Convention on the Law of the Sea comes into effect for Japan.

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

(Effective Date)

Article 1 This Act shall come into effect as from April 1, 2000; provided, however, that the provisions listed in each of the following items shall come into force as from the date provided for in such items:

- (i) [Omitted] provisions of Article 7, Article 10, Article 12, proviso of Article 59, paragraphs 4 and 5 of Article 60, Article 73, Article 77, paragraph 4 through to paragraph 6 of Article 157, Article 160, Article 163, Article 164 and Article 202 of the Supplementary Provisions: the day of promulgation

(Transitional Measures as a Result of Partial Revision of the Act on the Protection of Fishery Resources)

Article 87 (1) Protected Water Surfaces that are actually administrated at the time of enforcement of this Act by a prefectural governor pursuant to the provision of Article 16 of the Act on the Protection of Fishery Resources prior to the revision pursuant to the provision of Article 263 (hereinafter referred to in this Article as "Old Act on the Protection of Fishery Resources") shall be deemed as Protected Water Surfaces designated by such prefectural governor pursuant to the provision of paragraph 1 of Article 15 of the Act on the Protection of Fishery Resources after the revision pursuant to the provision of

Article 263 (hereinafter referred to in this Article as "New Act on the Protection of Fishery Resources"), and the provision of Article 16 of the New Act on the Protection of Fishery Resources shall apply to them.

- (2) An application for the designation that is actually made at the time of the enforcement of this Act pursuant to the provision of paragraph 1 of Article 15 of the Old Act on the Protection of Fishery Resources shall be deemed as an application for consultation made pursuant to the provision of paragraph 2 of Article 15 of the New Act on the Protection of Fishery Resources and an application for consultation made pursuant to the provision of paragraph 3 of Article 17 of the New Act on the Protection of Fishery Resources.
- (3) The approval rendered pursuant to the provision of paragraph 2 of Article 17 of the Old Act on the Protection of Fishery Resources prior to the date of enforcement, or applications for approval that are actually made at the time of enforcement of this Act pursuant to the provision of said paragraph, shall be deemed as a consent or an application for consultation made pursuant to the provision of paragraph 3 of Article 17 of the New Act on the Protection of Fishery Resources respectively.
- (4) In the event that the prefectural governor rendered an order pursuant to the provision of paragraph 2 of Article 22 of the Old Act on the Protection of Fishery Resources prior to the date of enforcement, the provision of paragraph 3 of Article 22 of the New Act on the Protection of Fishery Resources shall not apply.
- (5) The provision of paragraph 2 of Article 30 of the New Act on the Protection of Fishery Resources shall not apply to the result of reports that were obtained prior to the date of enforcement pursuant to the provision of Article 30 of the Old Act on the Protection of Fishery Resources.

(Office Work of the National Government)

Article 159 In addition to what is provided for in respective laws prior to the revision by this Act, office work of the national government, other local governments or other public bodies (which are referred to as "Office Work of the National Government" in Article 161 of the Supplementary Provisions) that were administrated or enforced by organs of local governments prior to the enforcement of this Act pursuant to the provision of laws or a Cabinet Order based on such laws shall be treated by the local government as office work of such local government pursuant to laws or a Cabinet Order based on such laws after the enforcement of this Act.

(Transitional Measures for Disposition or Application)

Article 160 (1) Dispositions such as permission and other acts rendered prior to the enforcement of this Act (with regard to provisions listed in each item of

Article 1 of the Supplementary Provisions: each relevant provision; the same shall apply in this Article and Article 163 of the Supplementary Provisions) pursuant to the provisions of respective laws prior to the revision (hereinafter referred to in this Article as "Acts of Disposition, etc."), or applications for permission or other acts that are actually made at the time of enforcement of this Act pursuant to the provision of respective laws prior to the revision (hereinafter referred to in this Article as "Acts of Application, etc.") for which different persons will undertake the administrative affairs pertaining to such acts on the date of enforcement of this Act, shall be deemed as the Acts of Disposition, etc. or the Acts of Application, etc. that are made pursuant to the corresponding provisions of respective laws after the revision in respect of the application of respective laws after the revision on and after the date of enforcement of this Act, except for those provided for in the provisions of Article 2 through to the preceding Article of the Supplementary Provisions or in the provision for transitional measures of respective laws (including orders based on these laws) after the revision.

- (2) Matters for which procedures such as reports, notification, submissions and others have to be made to the organs of national government or local government prior to the enforcement of this Act pursuant to the provisions of respective laws prior to the revision, but for which such procedures have not been made prior to the enforcement of this Act shall be deemed, in addition to those for which separate provisions are provided in this Act and Cabinet Orders based on it, as the matters for which reports, notification, submissions and others shall be made to the relevant organs of national government or local government pursuant to the corresponding provisions of respective laws after the revision, but for which such procedures have not been made, and the provisions of respective laws revised by this Act shall apply to them.

(Transitional Measures for Appeal)

Article 161 (1) With regard to appeals, in accordance with the Administrative Appeal Act, against dispositions pertaining to the Office Work of the National Government that were rendered prior to the date of enforcement and for which a higher administrative agency set forth in said Act (hereinafter referred to in this Article as "Higher Administrative Agency") existed above the administrative agency that rendered such disposition (hereinafter referred to in this Article as "Disposing Agency") prior to the date of enforcement, the Higher Administrative Agency shall be deemed to exist above such Disposing Agency continuously on and after the date of enforcement, and the provisions of the Administrative Appeal Act shall apply. In this case, the administrative agency that shall be deemed as the Higher Administrative Agency above such Disposing Agency shall be the administrative agency that was the Higher

Administrative Agency above such Disposing Agency prior to the date of enforcement.

- (2) In the case set forth in the preceding paragraph, if the administrative agency that shall be deemed as the Higher Administrative Agency is an organ of the local government, office work to be treated by such organ pursuant to the provision of the Administrative Appeal Act shall be No. 1 statutory entrusted office work set forth in item (i) of paragraph 9 of Article 2 of the New Local Autonomy Act.

(Transitional Measures for Fees)

Article 162 With regard to fees to be paid prior to the date of enforcement pursuant to the provision of respective laws prior to the revision by this Act (including orders based on them), the provisions then in force shall remain applicable, in addition to those for which separate provisions exist in this Act and Cabinet Orders based on it.

(Transitional Measures for Penal Provisions)

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

(Delegation to Cabinet Order for Other Transitional Measures)

Article 164 (1) In addition to what is provided for in these Supplementary Provisions, transitional measures (including transitional measures for penal provisions) that become necessary as a result of the enforcement of this Act shall be prescribed by a Cabinet Order.

- (2) Necessary matters for the application of Articles 18, 51 and 184 of the Supplementary Provisions shall be prescribed by a Cabinet Order.

### **Supplementary Provisions [Act No. 102 of July 16, 1999] [Extract]**

(Effective Date)

Article 1 This Act shall come into effect as from the day on which the Act for Revising a Part of Cabinet Act (Act No. 88 of 1999) comes into effect; provided, however, that provisions listed in each of the following items shall come into force as from the date provided for in such items:

- (ii) Provisions of paragraphs 1 and 5 of Article 10, paragraph 3 of Article 14, Article 23, Article 28 and Article 30 of the Supplementary Provisions: the day of promulgation

(Transitional Measures Separately Provided)

Article 30 In addition to what is provided for in Article 2 through to the preceding Article, transitional measures that become necessary as a result of the enforcement of this Act shall be prescribed by laws separately.

**Supplementary Provisions [Act No. 160 of December 22, 1999] [Extract]**

(Effective Date)

Article 1 This Act (excluding Articles 2 and 3) shall come into effect as from January 6, 2001.

**Supplementary Provisions [Act No. 190 of December 22, 1999] [Extract]**

(Effective Date)

Article 1 This Act shall come into effect as from January 6, 2001; provided, however, that the provision of Article 8 of the Supplementary Provisions shall come into force as from the date specified by a Cabinet Order within a period not exceeding six months from said date.

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

(Effective Date)

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

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

(Effective Date)

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

(Review)

Article 50 The national government shall review the situation of the enforcement of the new act in the event that five years have elapsed after the enforcement of this Act, and when it finds necessary, it shall take necessary measures based on the result of such review.

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

(Effective Date)

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

**Supplementary Provisions [Act No. 26 of March 31, 2006] [Extract]**

(Effective Date)

Article 1 This Act shall come into effect as from April 1, 2006.

**Supplementary Provisions [Act No. 77 of June 6, 2007] [Extract]**

(Effective Date)

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