

Act on Regulation of Fishing Operation by Foreign Nationals

(Act No. 60 of July 14, 1967)

(Purport)

Article 1 The purport of this Act is to provide necessary measures, from the viewpoint that increased fishing activities by foreign nationals using Japanese ports and other maritime areas may pose a problem for maintaining the normal order of the Japanese fishing industry, and for the purpose of regulating fishing activities by foreign nationals to control use of the relevant maritime areas.

(Definitions)

- Article 2 (1) The term "Japan" as used in this Act means Honshu, Hokkaido, Shikoku, Kyushu, and annexed islands specified by Order of the Ministry of Agriculture, Forestry and Fisheries.
- (2) The term "fishing industry" as used in this Act means gathering or catching aquatic animals or plants or marine culture (including connoted actions of the fishing industry, etc.)
- (3) The term "connoted actions of fishing industry, etc." as used in this Act means such actions as search and collection of fish, preservation or processing of catches, transportation of catches or their products, and supply to vessels, which are connoted with gathering or catching aquatic animals or plants and other actions equivalent to the above, specified by Order of the Ministry of Agriculture, Forestry and Fisheries.
- (4) The term "preparatory actions for gathering or catching" as used in this Act means an action to keep fishing gear, without stowing it, thus being able to immediately gather or catch aquatic animals or plants.
- (5) The term "search" (tansaku) as used in this Act means habitation research of aquatic animals or plants that contributes to their gathering or catching without actual gathering or catching, while the term "exploration" (tansa) as used in this Act means such action of search that does not fall under connoted actions of the fishing industry, etc.
- (6) The term "catches, etc." as used in this Act means catches and their products.
- (7) The term "foreign fishing vessel" as used in this Act means vessels other than Japanese vessels, except for those designated by the Minister of Agriculture, Forestry and Fisheries, and vessels that fall under any of the following items:
- (i) vessels equipped with fishing gear;
 - (ii) beyond the vessels listed in the preceding item, vessels used for fishing

industry or transportation of catches, etc. from fishing grounds.

- (8) The term "Japanese port" as used in this Act means those ports and harbors for which port and harbor areas are publicly noted, pursuant to the provisions of Article 9, paragraph (1) of Ports and Harbors Act (Act No. 218 of 1950) (including as applied mutatis mutandis under the provisions of Article 33, paragraph (2), of that Act, and fishing ports as prescribed in Article 2 of the Act on Development of Fishing Ports and Grounds (Act No. 137 of 1950).

(Prohibition of Fishing)

Article 3 The following persons and organizations must not engage in fishing, gathering or catching of aquatic animals or plants, (excluding those that fall under the fishing industry but including connoted actions of the fishing industry, etc.; the same applies hereinafter), preparatory actions for gathering or catching, or exploration in the maritime areas of Japan; provided, however, that this does not apply if gathering or catching aquatic animals or plants is on a minor scale as specified by Order of the Ministry of Agriculture, Forestry and Fisheries:

- (i) any person who does not have Japanese nationality; provided, however, that legitimate foreign residents in Japan designated by the Minister of Agriculture, Forestry and Fisheries are excluded;
- (ii) foreign states, public organizations, or equivalent entities in foreign states, or juridical persons and other organizations established based on foreign laws.

(Permission for Calling)

Article 4 (1) A captain of a foreign fishing vessel (including those who serve on captain's duty on the captain's behalf; the same applies hereinafter), must obtain permission from the Minister of Agriculture, Forestry and Fisheries, as prescribed by Order of the Ministry of Agriculture, Forestry and Fisheries, to have that vessel call at a port of Japan, except for cases when the captain is going to have a vessel call at the port of Japan with a purpose to only conduct the following actions:

- (i) actions necessary for preventing marine accidents or ensuring the safety of navigation or human life;
- (ii) landing of catches, etc. shipped from foreign states (limited to those with attached documents specified by Cabinet Order; hereinafter referred to as "foreign shipped catches, etc.") at Japanese ports or transshipment to other vessels;
- (iii) landing of catches, etc. other than foreign shipped catches, etc. at Japanese ports and those landings specified by Cabinet Order as there is no risk of posing problems for maintaining normal order of the Japanese fishing

industry.

- (2) The Minister of Agriculture, Forestry and Fisheries must, if application for permission set forth in the preceding paragraph is filed, except for cases where there is a risk fishing activities by foreign fishing vessels being promoted and posing a problem for maintaining the normal order of the Japanese fishing industry by that calling, grant the permission of the preceding paragraph.

Article 4-2 A captain of foreign fishing vessels must not, notwithstanding the provisions of the preceding Article, have those foreign fishing vessels call at Japanese ports, for the purpose of landing to Japan or transshipping to other vessels, of the specified catches, etc.(meaning, catches, etc. that have or are likely to pose problems for maintaining the normal order of the Japanese fishing industry by the landing, etc. to Japanese ports, prescribed by Cabinet Order,; the same applies to Article 6, paragraph (5)..

(Deportation Order)

Article 5 If the Minister of Agriculture, Forestry and Fisheries recognizes that, a captain of a foreign fishing vessel has that vessel call at a Japanese port in violation of the provisions of Article 4, paragraph (1) or the preceding Article, the minister may order that captain to have that vessel deported from the relevant port.

(Prohibition of Transshipping of Catches)

Article 6 (1) A captain of a foreign fishing vessel must not transship catches, etc. (excluding foreign shipped catches, etc.; the same applies to the following paragraph and paragraph (3)), from that foreign fishing vessel to other vessels or ships from other foreign fishing vessels to that foreign fishing vessel in the maritime areas of Japan (excluding maritime areas of Japanese ports; the same applies to the following paragraph).

- (2) A captain of a vessel other than a foreign fishing vessel must not ship catches, etc. from foreign fishing vessels to that vessel in the maritime areas of Japan.
- (3) A captain of a vessel other than a foreign fishing vessel must not land or transship the catches, etc. in Japanese ports that are shipped outside the maritime areas of Japan from the foreign vessels to that vessel.
- (4) Provisions of the preceding three paragraphs are not applied to the cases specified by Cabinet Order as those posing no problems for maintaining the normal order of the Japanese fishing industry.
- (5) A captain of a vessel other than a foreign fishing vessel (excluding those provided for in Article 2, paragraph (1) of the Fishing Boat Act (Act No.178 of 1950), must not land the specified catches, etc. to a fishing port (meaning a fishing port prescribed in Article 2 of the Act on Development of Fishing Ports

and Grounds), or to a fishing port area (meaning a fishing port area designated under Article 39, paragraph (1) of the Port and Harbor Act, even if that landing does not fall under the provisions of the preceding two paragraphs that prohibit landing.

(Inspection)

Article 6-2 (1) Each authorized fisheries supervisor or authorized fisheries supervising officer may enter a fishing ground, a ship, a workplace, a firm, or a warehouse if they find it necessary for enforcing this law, and may inspect the conditions, books and documents, or other articles, or may interview relevant persons.

(2) In the case of the preceding paragraphs, Article 74, paragraph (3) of the Fishery Act (Act No. 267 of 1949) does not apply.

(3) The authority pursuant to the provisions of paragraph (1) must not be construed as being granted for criminal investigation.

(Exclusion from application of the Administrative Procedure Act)

Article 6-3 Provisions of Chapter II and III of the Administrative Procedure Act (Act No. 88 of 1993) do not apply to the disposition pursuant to the provisions of this Act.

(Transitional Measures)

Article 6-4 In the case of establishment, amendment or abolition of Cabinet Order or Order of the Ministry of Agriculture, Forestry and Fisheries pursuant to the provisions of this Act, the relevant Cabinet Order or Order of the Ministry of Agriculture, Forestry and Fisheries may provide necessary transitional measures (including transitional measures with regard to penal provisions) to the extent deemed reasonably necessary along with that establishment, amendment or abolition.

(Affairs Administered by Prefectures)

Article 7 Part of the affairs that belong to the authority of the Minister of Agriculture, Forestry and Fisheries prescribed in Article 4, paragraph (1) and Article 5 may be administered by prefectural governors as prescribed by Cabinet Order.

(Effect of Convention)

Article 8 If otherwise provided for in a convention with respect to the matters provided for in this Act, the provisions of the convention prevail over the Act.

(Penal Provisions)

Article 8-2 Any person who violates provisions of Article 3 is to be punished by imprisonment for not more than three years or a fine not exceeding thirty million yen, or both.

Article 9 Any person who falls under any of the following items is to be punished by imprisonment for not more than three years or a fine not exceeding four million yen, or both:

- (i) any captain who has a foreign fishing vessel call at a port without permission as provided in Article 4, paragraph (1), in violation of that provision;
- (ii) any captain who is in violation of the provisions of Article 4-2;
- (iii) any captain who is in violation of the order prescribed in Article 5;
- (iv) any captain who is in violation of the provisions in Article 6 paragraphs (1) through (3) inclusive or paragraph (5).

Article 9-2 In the case of the preceding two paragraphs, catches, etc., vessels, fishing gear, and other gear used for the fishing industry, gathering, or catching aquatic animals or plants, preparatory actions for gathering, catching, or exploration that a criminal owns or possesses may be confiscated; provided, however, that if all or part of those objects that a criminal owns cannot be confiscated, equivalent value may be collected.

Article 9-3 A person who refuses, precludes, or evades inspection of an authorized fisheries supervisor or authorized fisheries supervising officer pursuant to Article 6-2, paragraph (1), who refuses to answer the authorized fisheries supervisor's or authorized fisheries supervising officer's inquiry, or who gives an authorized fisheries supervisor or authorized fisheries supervising officer a false statement, is to be punished by imprisonment for not more than six months or a fine not exceeding three million yen.

Article 10 If any representative of a corporation, or a corporation or an agent of individual, employee, or other worker is in violation of Article 8-2, Article 9 or the preceding Article with regard to the business or property of that corporation or individual, beyond the offender being subject to punishment, the corporation or individual is subject to the fine prescribed in the relevant Article.

Supplementary Provisions

This Act comes into effect from the day on which ninety days have elapsed from the date of promulgation.

Supplementary Provisions [Act No. 50 of July 1, 1975]

This Act comes into effect as of the date of promulgation.

Supplementary Provisions [Act No. 31 of May 2, 1977 Extract] [Extract]

(Effective Date)

(1) This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding two months from the date of promulgation.

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

(Effective Date)

Article 1 This Act comes into effect as of the date of promulgation.

Supplementary Provisions [Act No. 55 of May 20, 1986]

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

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

(Effective Date)

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

(Transitional measures pertaining to adverse disposition after consultation has been made)

Article 2 If consultations or other requests have been made to a council or other council system pursuant to laws and regulations prior to the enforcement of this Act, to conduct procedures equivalent to a hearing or the grant of an opportunity for explanation as provided for in Article 13 of the Administrative Procedure Act and other procedures to make a statement of opinion, prior laws continue to govern the procedure of the adverse disposition concerning said consultation or requests, notwithstanding the provisions of relevant acts amended by this Act,.

(Transitional measures pertaining to penal provisions)

Article 13 Prior laws continue to govern the applicability of penal provisions to

criminal acts prior to the enforcement of this Act.

(Transitional measures with streamlining provisions relating to hearings)

Article 14 A hearing, questioning, or hearing meeting held pursuant to provisions of laws prior to the enforcement of this Act (excluding those concerning adverse dispositions), or procedures for these, are deemed to have been held pursuant to provisions equivalent to the relevant act amended by this Act.

(Delegation to Cabinet Order)

Article 15 Beyond what is prescribed in Articles 2 through the preceding Article of the supplementary provisions, necessary transitional measures related to the enforcement of this Act are prescribed by Cabinet Order.

Supplementary Provisions [Act No. 76 of June 14, 1996 Extract] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the day when the United Nations Convention on the Law of the Sea comes into effect in Japan.

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

(Effective Date)

Article 1 This Act comes into effect as from April 1, 2000; provided, however, that the provisions listed in the following items come into effect as from the day prescribed in the relevant items:

- (i) amendment provisions to add five Articles, a Section name, and two Subsections and Subsection names next to Article 250 of the Local Autonomy Act in Article 1 (limited to the part concerning obtaining the consent of both Houses of the Diet in the part pertaining to Article 250-9, paragraph (1) of the Act), amendment provisions of paragraphs (9) and (10) of the supplementary provisions of the Natural Parks Act in Article 40 (limited to the part pertaining to paragraph (10) of those supplementary provisions), the provisions of Article 244 (except the part pertaining to the amendment provisions of Article 14-3 of the Agricultural Improvement Promotion Act), and the provisions of Article 472 (except the part pertaining to the amendment provisions of Article 6, Article 8, and Article 17 of the Act on Special Measures of Merger of Municipalities) and the provisions of Article 7, Article 10, Article 12, Article 59 proviso, Article 60, paragraphs (4) and (5), Article 73, Article 77, Article 157, paragraphs (4) through (6), Article 160, Article 163, Article 164, and Article 202 of the supplementary provisions The

date of promulgation.

(National Government Business)

Article 159 Beyond what is prescribed in each Act prior to amendment by this Act, the national government's or other local governments' and other public corporations' administrative affairs (referred to as "national government, etc. business" in Article 161 of supplementary provisions) that local governments' organs' administrate or execute pursuant to laws or Cabinet Order based on the laws prior to the enforcement of this Act are to be administered by the local governments, after the enforcement of this Act, as the business of the relevant local governments pursuant to the laws or Cabinet Order based on the laws.

(Transitional Measures on Dispositions, Applications)

Article 160 (1) In the case of disposition such as permission, etc. and other actions (hereinafter referred to as "action of disposition, etc." in this Article) made pursuant to the provisions of each law prior to amendment prior to the enforcement of this Act (in the case of the provisions listed in each item of Article 1 of the supplementary provisions, each of those provisions; hereinafter the same applies in this Article and Article 163 of the supplementary provisions), or applications for permission, etc. and other actions (hereinafter referred to as "action of application, etc.") that had been made pursuant to the provisions of each law prior to amendment by the time of the enforcement of this Act, and a responsible organization that should administer the administrative affairs related to these actions becoming different at the date on which the Act comes into effect, these actions are deemed to be action of disposition, etc. or action of application, etc. issued or made pursuant to the corresponding provisions of each amended law on application of each amended law after the date on which the Act comes into effect, except for matters specified in provisions of Article 2 through the preceding Article of supplementary provisions or provisions related to transitional measures of each amended law (including orders based on this Act).

(2) Each of the provisions of an Act amended by this Act is applied to: unless otherwise provided for in this Act and Cabinet Order based on this Act, the matters for which procedures of reporting, notification, submission, and other procedures to the national government or local governments must be carried out pursuant to provisions of each law prior to amendment before the date on which the Act comes into effect, and for which the procedures are not carried out before the date on which this Act comes into effect, after deeming that these procedures are not carried out for matters for which procedures of reporting, notification, submission, and other procedures to the national government or local governments must be carried out, pursuant to provisions

equivalent to each amended law.

(Transitional Measures for Appeals)

Article 161 (1) With respect to appeal pursuant to the Administrative Complaint Review Act in the case where disposition related to national government, etc. business prior to the date on which the Act comes into effect is issued, and there is a higher administrative authority (hereinafter referred to as "higher administrative authority") set forth in the Administrative Complaint Review Act as the senior members of organizations of administrative authority that issue that disposition (hereinafter referred to as "administrative agency reaching disposition"), after the date on which the Act comes into effect, the Administrative Complaint Review Act is applied after deeming that the administrative agency reaching the disposition has ongoing higher administrative authority. In this case, the administrative authority deemed as the higher administrative authority of that administrative agency reaching disposition is the administrative authority that was the higher administrative authority of that administrative agency reaching the disposition prior to the date on which the Act comes into effect.

(2) In the case referred to in the preceding paragraph, if the administrative authority deemed as the Higher Administrative Authority is a local government, administrative affairs administered by that local government pursuant to the provisions of the Administrative Complaint Review Act are item (i) statutory entrusted function set forth in Article 2, paragraph (9), item (i) of the new Local Autonomy Act.

(Transitional measures pertaining to penal provisions)

Article 163 Prior laws continue to govern the applicability of penal provisions to criminal acts prior to the enforcement of this Act.

(Delegation to Cabinet Order on other Transitional Measures)

Article 164 Beyond what is prescribed in this supplementary provision, necessary transitional measures (including transitional measures pertaining to penal provisions) associated with the enforcement of this Act are prescribed by Cabinet Order.

(Review)

Article 250 With regard to item (i) statutory entrusted function set forth in Article 2, paragraph (9), item (i) of the new Local Autonomy Act, matters listed in Appended Table 1 of the new Local Autonomy Act and matters provided for in Cabinet Order based on the new Local Autonomy Act are examined from the viewpoint of promoting decentralization and reviewed accordingly as

appropriate.

Article 251 The national government examines, considering changes, etc. of economic conditions, a method to raise and hold local tax finances according to the shared roles of the national government and local governments to enable local governments to execute their work and projects autonomously and independently, and then takes necessary measures based on this consideration.

Supplementary Provisions [Act No. 92 of June 29, 2001 Extract] [Extract]

(Effective Date)

Article 1 This Act comes into effect as from April 1, 2002.

Supplementary Provisions [Act No. 119 of November 27, 2014]

(Effective Date)

(1) This Act comes into effect as from the day on which ten days have elapsed from the date of promulgation.

(Transitional Measure)

(2) Prior laws continue to govern the applicability of penal provisions to criminal act prior to the enforcement of this Act.