Enforcement Order on the Protection and Control of Wildlife and Act on the Optimization of Hunting (Tentative translation)

(Cabinet Order No. 391 of December 20, 2002)

Cabinet enact this Cabinet Order revising all of Enforcement Order on the Protection of Wildlife and Hunting (Cabinet Order No. 254 of 1953) based on Article 29, paragraph 7, item (iv), Article 68, paragraph 2, item (v), Article 71, paragraph 1 and paragraph 2, Article 77, paragraph 1 and Supplementary Provisions under the provisions of Article 20 of the Act on Protection of Wildlife and Act on the Optimization of Hunting.

(Commission Fee for Signing Delivery)

Article 1 Commission fee based on Article 26, paragraph 7 of Cabinet Order of Enforcement Regulations on the Protection and Control of Wildlife and Act on the Optimization of Hunting (Act No. 88 of 2002. Hereinafter referred to as "act".) shall be 1,700 yen per one sign.

(Act Requiring Permission within Special Protection Zone)

Article 2 Actions specified by Cabinet Order under Article 29, paragraph 7, item (iv) of the Act shall be the ones in the following with those which are within the area designated by the Minister of the Environment (In Special Protection Zone designated by the prefectural governor, the prefectural governor.) and within the period specified by each area (Excluding what is done on roads, plazas and other public places.).

(i) Collecting or damaging plants other than wood bamboo, collecting fallen leaves or fallen branches, capturing or killing animals, collecting or damaging eggs of animals (Excluding actions to run agriculture and forestry fishery.).

(ii) Burning or making bonfires.

(iii) Using car horse.

(iv) Using power ship (Excluding those carried out to operate fishery or ship operated business).

(v) Putting animals that may harm dogs and other wildlife.

(vi) Photographing or recording the movie or sound or observing animals and plants by the method that may affect the nesting of wildlife prescribed by the Minister of the Environment.

(vii) Doing outdoor sports or outdoor recreation by using balls and other instruments.

(Matters of Control Regulations of Game Hunting Area)

Article 3 Matters specified by Cabinet Order under Article 68, paragraph 2, item 5 of the Act shall be as follows:

(i) Position of the office of the setter of game hunting area.

(ii) Procedure for hunting application.

(iii) Criteria for hunting approval.

(iv) Notification method of hunting approval.

(v) Hunting approval fee and payment method thereof.

(vi) Matters Concerning Hunting and Approval Certificate.

(vii) Conditions for the hunter to protect.

(viii) Other matters concerning maintenance of game hunting area and specified by Ordinance of the Ministry of the Environment.

(Changes in Control Regulations of Game Hunting Area)

Article 4 Hunting setter must submit application form describing the contents of the change of control regulations of game hunting area and reasons thereof, or the reasons for abolishing the hunting area to the prefectural governor when trying to obtain the approval of the prefectural governor pursuant to the provision of Article 71, paragraph 1 of the Act.

Article 5 Minor matters specified by Cabinet Order under Article 71, paragraph 2 of the Act shall be the matters listed in Article 68, paragraph 2, item 1 of the Act and the matters listed in item 3, item 1, item 2 and item 4 of Article 3.

(Requirements of Officials Engaged in Enforcement)

Article 6 The requirements specified by Cabinet Order under Article 77, paragraph 1 of the Act shall fall under any of the following items.

(i) Those who engaged in administrative affairs concerning the protection or control of wildlife or the optimization of hunting for more than three years in total.

(ii) At the university or technical college based on the School Education Act (Act No. 26 of 1947), those who graduated after completing biology, geology, agriculture, forestry, fisheries, landscape science, and other necessary courses on wildlife protection and control, or those who are deemed to have academic ability equal to or greater than this, with the experience of engaging in administrative affairs concerning protection or control of wildlife or optimization of hunting for one year or more.

Supplementary Provisions [Extract]

(Effective Date)

Article 1 This Cabinet Order shall come into effect as from the day of enforcement of the Act (April 16, 2003).

(Transitional Measures Concerning Game Hunting Area)

Article 2 At the time of the enforcement of the Act, those who are currently entrusted pursuant to the provision of Article 14, paragraph 9 of the Act Concerning the Protection of Wildlife and Hunting before the revision (Act No. 32 of 1918. Hereinafter referred to as "old act.") shall be deemed to be those who have been entrusted pursuant to the provisions of paragraph 1 of the same Article as applied mutatis mutandis pursuant to Article 73, paragraph 2 of the Act.

(Transitional Measures Concerning Sales Permit Certificate)

Article 3 The delivered document shall be deemed as sales permit certificate pursuant to the provision of Article 24, paragraph 5 of the Act.

(Transitional Measures for the Area Designated by the Minister of the Environment or Prefectural Governor and the Period Designated for Each Area)

Article 4 Upon the enforcement of this Cabinet Order, the area and period designated by the Minister of the Environment or the prefectural governor in accordance with the provisions of Article 3 of the Enforcement Order of the Act on Wildlife Protection and Hunting before the revision shall be deemed to be the area and period designated by the Minister of the Environment or the prefectural governor according to the provision of Article 1 after the revision.

(Delegation to the Ordinance of the Ministry of the Environment)

Article 5 In addition to what is provided for in the preceding three Articles, necessary transitional measures concerning the Act and the enforcement of this Act shall be specified by Ordinance of the Ministry of the Environment.

Supplementary Provisions [Cabinet Order No. 377 of October 12, 2006]

This Cabinet Order shall come into effect as from the date of enforcement (April 16, 2007) of the Act on the Partial Revision of the Act on Protection of Wildlife and Act on the Optimization of Hunting (Act No. 67 of 2006).

Supplementary Provisions [Cabinet Order No. 410 of December 24, 2014]

(Effective Date)

(1) This Ordinance of the Ministry shall come into effect as from the date of enforcement of the Act (May 29, 2015) on the Protection and Control of Wildlife and Act on the Optimization of Hunting.

(Transitional Measures Concerning Penalties)

(2) With regard to the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order, the provisions then in force shall remain applicable.