

Fishery Act

(Act No. 267 of December 15, 1949)

Table of Contents

- Chapter I General Provisions (Articles 1 to 6)
- Chapter II Preservation and Control of Fishery Resources
 - Section 1 General Provisions (Articles 7 and 8)
 - Section 2 Basic Policy on Resource Control (Articles 9 to 14)
 - Section 3 Control based on Total Allowable Catch
 - Subsection 1 Setting of Total Allowable Catch (Articles 15 and 16)
 - Subsection 2 Control of Catch based on Individual Quota (Articles 17 to 29)
 - Subsection 3 Control of Total Catch (Articles 30 to 34)
 - Section 4 Auxiliary Provisions (Article 35)
- Chapter III Permitted Fishery
 - Section 1 Fishery Permitted by the Minister (Articles 36 to 56)
 - Section 2 Fishery Permitted by the Governor (Articles 57 and 58)
 - Section 3 Auxiliary Provisions (Article 59)
- Chapter IV Fishery Rights and Coastal Fishing Ground Management
 - Section 1 General Provisions (Articles 60 and 61)
 - Section 2 Sea-area Fishing Ground Plan and Inland Waters Fishing Ground Plan
 - Subsection 1 Sea-area Fishing Ground Plan (Articles 62 to 66)
 - Subsection 2 Inland Waters Fishing Ground Plan (Article 67)
 - Section 3 Fishery Rights
 - Subsection 1 Licenses of Fisheries (Articles 68 to 73)
 - Subsection 2 Nature of Fishery Rights (Articles 74 to 96)
 - Subsection 3 Piscaries (Articles 97 to 104)
 - Subsection 4 Fishery Right Exercise Rule (Articles 105 to 108)
 - Section 4 Coastal Fishing Ground Management (Articles 109 to 116)
 - Section 5 Auxiliary Provisions (Articles 117 and 118)
- Chapter V Other Measures concerning Fisheries Adjustment (Articles 119 to 133)
- Chapter VI Fisheries Adjustment Commissions.
 - Section 1 General Provisions (Articles 134 and 135)
 - Section 2 Sea-area Fisheries Adjustment Commissions (Articles 136 to 146)
 - Section 3 Joint Sea-area Fisheries Adjustment Commission (Articles 147 to 151)
 - Section 4 Wide Sea-area Fisheries Adjustment Commissions (Articles 152 to 156)

Section 5 Miscellaneous Provisions (Articles 157 to 160)
Chapter VII Use of Land and Fixtures of Land (Articles 161 to 167)
Chapter VIII Inland Waters Fishery (Articles 168 to 173)
Chapter IX Miscellaneous Provisions (Articles 174 to 188)
Chapter X Penal Provisions (Articles 189 to 198)
Supplementary Provisions

Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is, to ensure sustainable utilization of fishery resources and promote comprehensive utilization of waters by specifying measures for the preservation and control of fishery resources and establishing systems for permissions and licenses of fisheries and other basic systems for fishery production, and thereby to develop fishery productivity, in view of the fact that fisheries have a mission to supply marine products to the citizens and that orderly production activities of fishery managers are indispensable for realizing the mission.

(Definitions)

Article 2 (1) In this Act, "a fishery" means the business of gathering, catching or culturing aquatic animals and plants.
(2) In this Act, "a fishery manager" means a person who operates a fishery, and "a fishery employee" refers to a person who is engaged in gathering, catching or culturing aquatic animals and plants on behalf of a fishery manager.
(3) In this Act, "fishery resources" means useful aquatic animals and plants that live in certain waters.

(Scope of Application)

Article 3 The provisions of this Act do not apply to waters not for public use, unless otherwise prescribed.

Article 4 The provisions of this Act apply to waters that are not for public use and those waters that connect integrally with the waters for public use.

(Joint Application)

Article 5 (1) If two or more persons jointly file an application concerning a matter provided for in this Act or in an order based on this Act, one of them must be appointed as a representative and notified to the administrative agency concerned. The same applies when the representative has been changed.
(2) If the notification set forth in the preceding paragraph has not been made, the

administrative agency is to designate a representative.

- (3) The representative represents the copartners in relation with the administrative agency.
- (4) The provisions of the preceding three paragraphs apply mutatis mutandis if two or more persons have jointly acquired a fishery right provided for in Article 60, paragraph (1), a mortgage for the right, or a piscary provided for in Article 60, paragraph (7).

(Responsibilities of the National and Prefectural Governments)

Article 6 In order to develop fishery productivity, the national and prefectural governments have the responsibility to appropriately preserve and control fishery resources and to take necessary measures for preventing and resolving disputes concerning the use of fishing grounds.

Chapter II Preservation and Control of Fishery Resources

Section 1 General Provisions

(Definitions)

- Article 7 (1) In this Chapter, "total allowable catch" means the maximum limit of the quantity of fishery resources that may be gathered or caught per year for each fishery resource for the purpose of preserving and controlling fishery resources (hereinafter referred to as "resource control").
- (2) In this Chapter, "control division" means a division composed of specific water areas, types of fisheries and other matters, which is specified by the Minister of Agriculture, Forestry and Fisheries or the prefectural governor concerned in order to control catch for each fishery resource.
 - (3) In this Chapter, "fishing effort" means the amount of fishing work done for gathering or catching fishery resources, which is expressed in terms of the number of fishing days and other indicators specified by Order of the Ministry of Agriculture, Forestry and Fisheries.
 - (4) In this Chapter, "total allowable effort" means the fishing effort deemed normally necessary for gathering or catching fishery resources of the total allowable catch pertaining to a control division within the relevant control division.

(Fundamental Principles of Resource Control)

Article 8 (1) Resource control is to be carried out based on the total allowable catch pursuant to the provisions of this Chapter, and if prevention of the growth of juvenile fish and reproduction of other fishery resources from being impeded is necessary, control by a method other than one based on the total allowable catch, together with restrictions on the fishing season or fishing gear

is also to be carried out pursuant to the provisions of the following Chapter through Chapter 5.

- (2) Management on the total allowable catch is to be carried out by allocating the total allowable catch to each control division and by controlling the catch in each control division so as not to exceed the total allowable catch.
- (3) Management of a catch is basically carried out in each control division by allocating the allowable amount of fishery resources gathered or caught to those who intend to gather or catch fishery resources, according to the ship, etc. (referring to ships and other facilities to be the basic unit for carrying out fishery production activities; the same applies hereinafter) within the total allowable catch pertaining to the control division (hereinafter referred to as "individual quota" in this Chapter and Article 43).
- (4) Management of a catch in a control division not ready for individual quota is to be carried out by managing the total catch carried out by persons who gather or catch fishery resources in the control division.
- (5) In the case referred to in the preceding paragraph, if it is found inappropriate to manage the total catch in consideration of the characteristics of fishery resources and the actual condition of gathering or catching the resources, the total amount of the fishing effort by persons who gather or catch fishery resources in the control division is to be controlled, instead of the relevant control, so that the total amount of fishing effort in the control division does not exceed the total allowable effort pertaining to the control division.

Section 2 Basic Policy on Resource Control

(Resource Survey and Resource Evaluation)

- Article 9 (1) The Minister of Agriculture, Forestry and Fisheries is to conduct a survey for collecting information on the marine environment, information on the status of inhabitation or growth of fishery resources, information on the performance of gathering, catching and fishing, and other necessary information for conducting a resource evaluation (referring to an evaluation of the standards for the amount of fishery resources and the trend thereof; hereinafter the same applies in this Chapter) (hereinafter referred to as "resource survey" in this Article and paragraph (3) of the following Article).
- (2) In conducting a resource survey, the Minister of Agriculture, Forestry and Fisheries is to endeavor to collect information efficiently using the observation equipment installed on satellites, fish finder installed on ships and other equipment.
 - (3) The Minister of Agriculture, Forestry and Fisheries is to conduct a resource evaluation based on the results of the resource survey and the latest scientific knowledge.

- (4) In conducting a resource evaluation, the Minister of Agriculture, Forestry and Fisheries is to endeavor to evaluate all types of fishery resources.
- (5) The Minister of Agriculture, Forestry and Fisheries may have the Japan Fisheries Research and Education Agency perform operations concerning the resource survey or resource evaluation.

(Requests of the Prefectural Governor)

- Article 10 (1) The prefectural governor concerned may request the Minister of Agriculture, Forestry and Fisheries to conduct a resource evaluation of fishery resources for which no resource evaluation has been conducted.
- (2) When the prefectural governor concerned makes a request pursuant to the provisions of the preceding paragraph, the governor must provide the Minister of Agriculture, Forestry and Fisheries with information necessary for resource evaluation pertaining to the request.
 - (3) Beyond the cases under the provisions of the preceding paragraph, the prefectural governor concerned is to cooperate with a resource survey in response to the request from the Minister of Agriculture, Forestry and Fisheries.

(Basic Policy on Resource Control)

- Article 11 (1) The Minister of Agriculture, Forestry and Fisheries is to establish a basic policy on resource control (hereinafter referred to as the "basic policy on resource control" in this Chapter and Article 125, paragraph (1), item (i)) based on the resource evaluation.
- (2) The basic policy on resource control is to provide for the following matters:
 - (i) basic matters concerning resource control;
 - (ii) resource control objective;
 - (iii) specified fishery resources (referring to fishery resources controlled based on the total allowable catch; the same applies hereinafter) and the control year thereof (referring to the year in which specified fishery resources are preserved and controlled; hereinafter the same applies in this Chapter);
 - (iv) division controlled by the Minister for each specified fishery resource (referring to a control division set by the Minister of Agriculture, Forestry and Fisheries; hereinafter the same applies in this Chapter);
 - (v) standards for the total allowable catch for each specified fishery resource allocated to the divisions controlled by the prefecture and the Minister;
 - (vi) methods to control catch for each division controlled by the Minister (in the case of control divisions other than the division controlled based on individual quota provided for in Article 17, paragraph (1), catch or fishing effort; hereinafter the same applies in Article 14, paragraph (2), item (iv));
 - (vii) particulars concerning resource control by methods other than control

- based on the total allowable catch; and
- (viii) other important particulars concerning resource control.
- (3) When the Minister of Agriculture, Forestry and Fisheries intends to establish the basic policy on resource control, the Minister must hear the opinions of the Fisheries Policy Council.
- (4) Upon establishing the basic policy on resource control, the Minister of Agriculture, Forestry and Fisheries must make public that fact without delay.
- (5) The Minister of Agriculture, Forestry and Fisheries is to review the basic policy on resource control in consideration of the latest resource evaluation, the latest scientific knowledge, trends in fisheries, and other circumstances, and change it if the Minister finds it to be necessary.
- (6) The provisions of paragraphs (3) and (4) applies mutatis mutandis to the change of the basic policy on resource control under the provisions of the preceding paragraph.

(Resource Management Objectives)

- Article 12 (1) The objectives of resource management in paragraph (2), item (ii) of the preceding Article are to set the level of the following resource quantities (hereinafter referred to as "resource level" in this Article and Article 15, paragraph (2)) for each fishery resource for which resource evaluation has been conducted:
- (i) target value to be maintained or recovered for the realization of the maximum sustainable yield (referring to the maximum quantity of fishery resources that can be gathered or caught sustainably under the current and reasonably predicted future natural conditions; hereinafter the same applies in the following item) (hereinafter referred to as the "target control standard value" in the same item and Article 15, paragraph (2)); or
- (ii) value at which a plan for recovering the resource level value to the target control standard value is established when the value declines, in order to prevent extreme difficulty in realizing the maximum sustainable yield due to a decline in the resource level (hereinafter referred to as the "limit control standard value" in Article 15, paragraph (2), item (ii)).
- (2) If the values set forth in each item of the preceding paragraph cannot be set in light of the characteristics of aquatic animals and plants constituting fishery resources or the accuracy of resource evaluation, the target value to be maintained or recovered is to be set after estimating the resource level based on trends in the catch or fishing effort of the fishery resources and other information.
- (3) The control year referred to in paragraph (2), item (iii) of the preceding Article is to be determined in consideration of the characteristics of specified fishery resources and the actual situation of gathering or catching them.

(4) Standards for allocation referred to in paragraph (2), item (v) of the preceding Article are to be determined in consideration of the characteristics of the water area, actual catch results and other information.

(Relationship with International Frameworks)

Article 13 (1) In establishing the basic policy on resource control, the Minister of Agriculture, Forestry and Fisheries must take into consideration resource evaluations conducted by international organizations and other international frameworks concerning the sustainable use of fishery resources (limited to those established by treaties and other international agreements Japan has signed; hereinafter referred to as the "international framework" in this Article and Article 52, paragraph (2)).

(2) When the Minister of Agriculture, Forestry and Fisheries intends to establish the basic policy on resource control, the Minister must take into consideration the resource control objectives and other particulars concerning resource control determined in the international framework.

(3) When the resource control objectives and other particulars concerning resource control are newly determined or changed in the international framework, the Ministry of Agriculture, Forestry and Fisheries must review the basic policy on resource control and, if the Minister finds it to be necessary, change the basic policy on resource control pursuant to the provisions of Article 11, paragraph (5).

(Prefectural Policy on Resource Control)

Article 14 (1) In line with the basic policy on resource control, the prefectural governor concerned is to establish the policy for resource control in the prefecture (hereinafter referred to as the "prefectural policy on resource control" in this Chapter and Article 125, paragraph (1), item (i)); provided, however, that this does not apply to the governor of a prefecture where specified fishery resources are not gathered or caught.

(2) The prefectural policy on resource control is to provide for the following matters:

(i) basic matters concerning resource control;

(ii) division controlled by the governor for each specified fishery resource (referring to a control division set by the prefectural governor concerned; hereinafter the same applies in this Chapter);

(iii) standards for the total allowable catch (limited to the part allocated to the prefecture) for each specified fishery resource allocated to the division controlled by the governor;

(iv) methods to control catch for each division controlled by the governor;

(v) matters concerning resource control by methods other than control based on

- the total allowable catch; and
- (vi) other important particulars concerning resource control.
- (3) Standards for allocation referred to in item (iii) of the preceding paragraph are to be determined in consideration of the characteristics of the water area, actual catch results and other particulars.
- (4) When the prefectural governor concerned intends to establish the prefectural policy on resource control, the governor must hear the opinions of the Sea-area Fisheries Adjustment Commission concerned.
- (5) When the prefectural governor concerned intends to establish the prefectural policy on resource control, governor must obtain the approval of the Minister of Agriculture, Forestry and Fisheries.
- (6) Upon establishing the prefectural policy on resource control, the prefectural governor concerned must make public that fact without delay.
- (7) When the Minister of Agriculture, Forestry and Fisheries finds that the prefectural policy on resource control no longer conforms to the basic policy on resource control due to a change in the basic policy on resource control, the Minister must notify the prefectural governor who established the prefectural policy on resource control that the prefectural policy on resource control should be changed.
- (8) Upon receiving the notice pursuant to the provisions of the preceding paragraph, the prefectural governor concerned must change the prefectural policy on resource control.
- (9) Beyond the cases of the preceding paragraph, the prefectural governor concerned is to review the prefectural policy on resource control in consideration of the latest resource evaluation, the latest scientific knowledge, trends in fisheries, and other circumstances, and is to make revisions if the governor finds it to be necessary.
- (10) The provisions of paragraphs (4) through (6) applies mutatis mutandis to the change of the prefectural policy on resource control under the provisions of the preceding two paragraphs.

Section 3 Management based on the Total Allowable Catch

Subsection 1 Setting the Total Allowable Catch

(Setting the Total Allowable Catch by the Minister of Agriculture, Forestry and Fisheries)

Article 15 (1) The Minister of Agriculture, Forestry and Fisheries is to set the following quantities for each specified fishery resource and for each control year in line with the basic policy on resource control:

- (i) total allowable catch;
- (ii) the quantity of the total allowable catch to be allocated to each prefecture

- (hereinafter referred to as the "total allowable catch by prefecture" in this Chapter);
- (iii) the quantity of the total allowable catch to be allocated to the division controlled by the Minister (hereinafter referred to as the "total allowable catch controlled by the Minister" in this Section and Article 125, paragraph (1), item (iv)).
- (2) The Minister of Agriculture, Forestry and Fisheries is to set the total allowable catch in accordance with the following standards:
- (i) if the resource level value is below the target control standard value (excluding the case provided for in the following item), the resource level value must be recovered to exceed the target control standard value;
 - (ii) if the resource level value is below the limit control standard value, the resource level value must be recovered to exceed the target control standard value in accordance with the plan referred to in Article 12, paragraph (1), item (ii) specified by the Minister of Agriculture, Forestry and Fisheries;
 - (iii) if the resource level value is above the target control standard value, the resource level value must be maintained to exceed the target control standard value; and
 - (iv) if the target value referred to in Article 12, paragraph (2) is set, the resource level value estimated pursuant to the provisions of the same paragraph must be recovered or maintained to exceed the target value.
- (3) If the Minister of Agriculture, Forestry and Fisheries intends to set the quantities set forth in paragraph (1), the minister must hear the opinions of the Fisheries Policy Council.
- (4) When the Minister of Agriculture, Forestry and Fisheries intends to set the total allowable catch by prefecture, the minister is to hear the opinions of the prefectural governor concerned, and when the minister has set the total allowable catch by prefecture, the minister is to notify the prefectural governor concerned to that effect without delay.
- (5) Upon establishing the quantities set forth in each item of paragraph (1), the Minister of Agriculture, Forestry and Fisheries must make public of that fact without delay.
- (6) The provisions of the preceding three paragraphs apply mutatis mutandis to the change of the quantities set forth in each item of paragraph (1).

(Setting the Total Allowable Catch Controlled by the Prefectural Governor)

Article 16 (1) In line with the prefectural policy on resource control, the prefectural governor concerned is to set the quantity of the total allowable catch by prefecture to be allocated to the division controlled by the governor (hereinafter referred to as the "total allowable catch controlled by the prefectural governor" in this Section and Article 125, paragraph (1), item (iv)).

- (2) When the prefectural governor concerned intends to set the total allowable catch controlled by the prefectural governor, the governor must hear the opinions of the Sea-area Fisheries Adjustment Commission concerned.
- (3) When the prefectural governor concerned intends to set the total allowable catch controlled by the prefectural governor, the governor must obtain the approval of the Minister of Agriculture, Forestry and Fisheries.
- (4) Upon setting the total allowable catch controlled by the prefectural governor, the governor concerned must make that fact public without delay.
- (5) The provisions of the preceding three paragraphs apply mutatis mutandis to the change of the total allowable catch controlled by the prefectural governor. In this case, the term "intends to set" in paragraph (3) is deemed to be replaced with "intends to change (excluding a minor change specified by Order of the Ministry of Agriculture, Forestry and Fisheries)."
- (6) When the prefectural governor concerned has made a minor change specified by Order of the Ministry of Agriculture, Forestry and Fisheries referred to in paragraph (3) as applied mutatis mutandis pursuant to the preceding paragraph following the deemed replacement of terms, the governor must report to the Minister of Agriculture, Forestry and Fisheries to that effect without delay.

Subsection 2 Control of Catch based on the Individual Quota

(Setting the Individual Quota Rate)

- Article 17 (1) A person who intends to gather or catch specified fishery resources subject to individual quota in a control division where catch is controlled based on individual quota (hereinafter referred to as the "individual quota control division" in this Section, Article 124, paragraph (1) and Article 132, paragraph (2), item (i)) may request setting of a individual quota rate for each ship, etc. to be used for gathering or catching the specified fishery resources (hereinafter referred to as the "individual quota rate" in this Subsection), by applying to the Minister of Agriculture, Forestry and Fisheries in the case that the control division is a division controlled by the minister, or to the prefectural governor pertaining to the control division in the case that the control division is a division controlled by the governor.
- (2) The effective period of the individual quota rate referred to in the preceding paragraph is a period not less than one year as specified by Order of the Ministry of Agriculture, Forestry and Fisheries.
 - (3) When the Minister of Agriculture, Forestry and Fisheries or the prefectural governor concerned intends to set a individual quota rate, the minister or the governor must specify standards for each individual quota control division in advance by taking into consideration the catch record of each ship, etc. and

other matters specified by Order of the Ministry of Agriculture, Forestry and Fisheries, and set the rate in accordance with the standards.

- (4) If the Minister of Agriculture, Forestry and Fisheries or the prefectural governor concerned finds it to be necessary to carry out resource control by a method other than control based on the total allowable catch, such as restrictions on the fishing season or fishing gear, in order to prevent the reproduction of specified fishery resources subject to individual quota from being impeded, or finds it to be necessary to prevent disputes among persons for whom a individual quota rate has been set, the minister or the prefectural governor may limit the setting of a individual quota rate to persons who have obtained a permission, etc. for the fishery pertaining to the gathering or catching of the specified fishery resources subject to the individual quota (referring to the permission referred to in Article 36, paragraph (1) or Article 57, paragraph (1) or the approval referred to in Article 38 (including as applied mutatis mutandis pursuant to Article 58)) or who have the individual fishery right pertaining to the gathering or catching (referring to the individual fishery right provided for in Article 62, paragraph (2), item (i), (e)) (hereinafter referred to as the "qualified person" in Article 23, paragraph (2), item (i)).

(When No Individual Quota Rate is Set)

Article 18 (1) If a person who makes an application pursuant to the provisions of paragraph (1) of the preceding Article falls under any of the following items, the Minister of Agriculture, Forestry and Fisheries or the prefectural governor concerned must not set a individual quota rate:

- (i) a person who does not comply with acts and orders concerning fishery or labor, and is expected to continue to not comply;
 - (ii) a person who is a member of an organized crime group provided for in Article 2, item (vi) of the Act on Prevention of Unjust Acts by Organized Crime Group Members (Act No. 77 of 1991) or for whom five years have not elapsed from the day on which the person ceased to be a member of an organized crime group provided for in the same item (hereinafter referred to as "member of an organized crime group, etc.");
 - (iii) a corporation whose officers or employees specified by a Cabinet Order include a person who falls under any of the preceding two items;
 - (iv) a person whose business activities are controlled by a member of an organized crime group, etc.; or
 - (v) a person who does not have financial base sufficient for operating a fishery pertaining to the application.
- (2) When the Minister of Agriculture, Forestry and Fisheries or the prefectural governor concerned does not set a individual quota rate pursuant to the provisions of the preceding paragraph, the minister or the governor must notify

the applicant of the reason in writing and hear the opinions of the applicant publicly in advance.

- (3) When the opinions are heard pursuant to the preceding paragraph, relevant applicant or their agent may make explanation and submit evidences concerning the relevant particulars.

(Setting the Annual Individual Quota)

Article 19 (1) The Minister of Agriculture, Forestry and Fisheries or the prefectural governor concerned sets an annual individual quota rate (referring to the quantity of specified fishery resources that may be gathered or caught during the control year in the individual quota control division; hereinafter the same applies in this Subsection and Article 132, paragraph (2), item (i)) for the individual quota rate setter (referring to a person for whom the individual quota rate has been set pursuant to the provisions of Article 17, paragraph (1); hereinafter the same applies in this Subsection) for each control year, pursuant to the Order of the Ministry of Agriculture, Forestry and Fisheries.

- (2) An annual individual quota is obtained by multiplying the total allowable catch controlled by the minister or the total allowable catch controlled by the prefectural governor pertaining to the control year by the individual quota rate set for the individual quota rate setter.
- (3) When the Minister of Agriculture, Forestry and Fisheries or the prefectural governor concerned sets an annual individual quota pursuant to the provisions of paragraph (1), the minister or the prefectural governor is to notify the person for whom the annual individual quota has been set (hereinafter referred to as the "annual individual quota setter" in this Subsection and Article 132, paragraph (2), item (i)) of the annual individual quota.
- (4) The Minister of Agriculture, Forestry and Fisheries or the prefectural governor concerned may, pursuant to a Cabinet Order, issue a notice by electronic or magnetic means (referring to electronic or magnetic means provided for in Article 106, paragraph (5)) with the consent of the annual individual quota setter.

(Individual Quota Management Register)

Article 20 (1) The Minister of Agriculture, Forestry and Fisheries or the prefectural governor concerned is to prepare a individual quota management register and manage the setting, transfer and rescission of the individual quota rate and annual individual quota.

- (2) To the individual quota management register, the provisions of the Act on the Disclosure of the Information Owned by Administrative Organs (Act No. 42 of 1999) do not apply.
- (3) To the retained personal information recorded in the individual quota

management register (referring to the retained personal information pursuant to the provisions of Article 2, paragraph (5) of the Act on the Protection of the Personal Information Owned by Administrative Organs (Act No. 58 of 2003)), the provisions of Chapter IV of the same Act do not apply.

- (4) The individual quota management register may be prepared in the form of an electronic or magnetic record (referring to a record in an electronic form, magnetic form or any other form not recognizable to human perception, which is used in information processing by computers and is specified by Order of the Ministry of Agriculture, Forestry and Fisheries).

(Transfer of Individual Quota Rate)

Article 21 (1) The individual quota rate may be transferred only when the individual quota rate set for each ship, etc. is transferred together with the ship, etc. or in the case specified by Order of the Ministry of Agriculture, Forestry and Fisheries, and the Minister of Agriculture, Forestry and Fisheries or the prefectural governor concerned approves the transfer. In this case, the provisions of this Subsection apply by deeming the person who receives the transfer to be the individual quota rate setter, and deeming the transferred individual quota rate to be the individual quota rate set pursuant to the provisions of Article 17, paragraph (1), respectively.

- (2) The Minister of Agriculture, Forestry and Fisheries or the prefectural governor concerned must not grant an approval referred to in the preceding paragraph if a person who intends to receive a transfer of the individual quota rate falls under any of the persons set forth in each item of Article 18, paragraph (1) or in any other case specified by Order of the Ministry of Agriculture, Forestry and Fisheries.
- (3) When the individual quota rate setter dies, dissolves or is divided (limited to a case where the ship, etc. for which the individual quota rate has been set is succeeded), the heir (if there are two or more heirs and if a person to succeed to the ship, etc. for which the individual quota rate has been set has been decided upon consultation between the heirs, the person), the corporation surviving the merger or the corporation established by the merger, or the corporation who has succeeded to the ship, etc. for which the individual quota rate has been set by the demerger succeeds to the status of the individual quota rate setter (in the case of a person who has succeeded to a part of the ship, etc. for which the individual quota rate has been set by inheritance or demerger, limited to the part pertaining to the part of the ship, etc.).
- (4) The person who has succeeded to the status of the individual quota rate setter pursuant to the provisions of the preceding paragraph must notify the Minister of Agriculture, Forestry and Fisheries or the prefectural governor concerned to that effect within two months from the day of succession.

(Transfer of the Annual Individual Quota)

Article 22 (1) The annual individual quota may only be transferred when the annual individual quota is transferred to another individual quota rate setter or in the case specified by Order of the Ministry of Agriculture, Forestry and Fisheries, and the Minister of Agriculture, Forestry and Fisheries or the prefectural governor concerned approves the transfer. In this case, the provisions of this Subsection and Article 132, paragraph (2), item (i) apply by deeming the person who receives the transfer to be the annual individual quota setter, and deeming the transferred annual individual quota to be the annual individual quota set pursuant to the provisions of Article 19, paragraph (1), respectively.

(2) In any of the following cases, the Minister of Agriculture, Forestry and Fisheries or the prefectural governor concerned must not grant an approval referred to in the preceding paragraph:

- (i) if a person who intends to receive a transfer of the annual individual quota falls under any of the items of Article 18, paragraph (1);
- (ii) if the annual individual quota to be transferred is found to be larger than the quantity obtained by subtracting the quantity of specified fishery resources gathered or caught by the annual individual quota setter in the control year from the annual individual quota set to the annual individual quota setter who intends to transfer; or
- (iii) beyond what is set forth in the preceding two items, the case specified by Order of the Ministry of Agriculture, Forestry and Fisheries.

(3) When the annual individual quota setter dies, dissolves or is divided (limited to a case where the annual individual quota is succeeded), the heir (in the case where there are two or more heirs and if a person to succeed to the annual individual quota has been decided upon consultation between the heirs, the person), the corporation surviving the merger or the corporation established by the merger, or the corporation who has succeeded to the annual individual quota by the demerger succeeds to the status of the annual individual quota setter (in the case of a person who has succeeded to a part of the annual individual quota by inheritance or demerger, limited to the part pertaining to the part of the annual individual quota).

(4) The person who has succeeded to the status of the annual individual quota setter pursuant to the provisions of the preceding paragraph must notify the Minister of Agriculture, Forestry and Fisheries or the prefectural governor concerned to that effect within two months from the day of succession.

(Rescission due to Loss of Qualification)

Article 23 (1) If the individual quota rate setter or the annual individual quota

setter comes to fall under any of the items of Article 18, paragraph (1) (excluding item (v)), the Minister of Agriculture, Forestry and Fisheries and the prefectural governor concerned must rescind the individual quota rate and the annual individual quota set to the individual quota rate setter or the annual individual quota setter.

- (2) If the individual quota rate setter or the annual individual quota setter comes to fall under any of the following items, the Minister of Agriculture, Forestry and Fisheries and the prefectural governor concerned may rescind the individual quota rate and the annual individual quota set to the individual quota rate setter or the annual individual quota setter:
- (i) when the setting of a individual quota rate pursuant to the provisions of Article 17, paragraph (4) is limited to a qualified person and the person is no longer a qualified person; or
 - (ii) if a person has come to fall under Article 18, paragraph (1), item (v).
- (3) The proceedings on the date of hearing pertaining to the disposition under the provisions of the preceding two paragraphs must be performed publicly.

(Delegation to Cabinet Order)

Article 24 Beyond what is provided for in Article 17 through the preceding Article, matters necessary for recording in the individual quota management register and for individual quota are specified by a Cabinet Order.

(Restriction on Gathering or Catching)

- Article 25 (1) In a division controlled based on individual quota, no person other than the annual individual quota setter pertaining to the division controlled based on individual quota may gather or catch specified fishery resources subject to the individual quota for the purpose of gathering or catching the specified fishery resources.
- (2) In a division controlled based on individual quota, the annual individual quota setter must not gather or catch specified fishery resources subject to the individual quota in excess of the annual individual quota set to the annual individual quota setter.

(Report on Catch)

Article 26 (1) When the annual individual quota setter has gathered or caught specified fishery resources in a division controlled based on individual quota, the setter must report the matters specified by Order of the Ministry of Agriculture, Forestry and Fisheries, with respect to the catch and other conditions of catch pursuant to an Order of the Ministry of Agriculture, Forestry and Fisheries or Rules, to the Minister of Agriculture, Forestry and Fisheries in the event that the division controlled based on individual quota is

a division controlled by the minister, or to the prefectural governor pertaining to the division controlled by the governor in the event that the division controlled based on individual quota is a division controlled by the governor, within a period specified by Order of the Ministry of Agriculture, Forestry and Fisheries.

- (2) When the prefectural governor concerned has received a report pursuant to the provisions of the preceding paragraph, the governor is to promptly report the matters to the Minister of Agriculture, Forestry and Fisheries pursuant to Order of the Ministry of Agriculture, Forestry and Fisheries.

(Order to Anchor)

Article 27 When the annual individual quota setter has gathered or caught specified fishery resources in excess of the annual individual quota set to the annual individual quota setter in violation of the provisions of Article 25, paragraph (2) and may continue gathering or catching, the Minister of Agriculture, Forestry and Fisheries or the prefectural governor concerned may order to anchor the ship used by the person who has gathered or caught by specifying the port and the period for anchorage, or may order to prohibit the use of or land fishing gear and other goods used for gathering or catching specified fishery resources by specifying the period.

(Deduction from Annual Individual Quota)

Article 28 When the annual individual quota setter, who is a individual quota rate setter, has gathered or caught specified fishery resources in excess of the annual individual quota set to the annual individual quota setter in violation of the provisions of Article 25, paragraph (2), the Minister of Agriculture, Forestry and Fisheries or the prefectural governor concerned may deduct the quantity calculated pursuant to the provisions by Order of the Ministry of Agriculture, Forestry and Fisheries on the basis of the quantity of the excess from the annual individual quota set to the individual quota rate setter in or after the following control year.

(Reduction of Individual Quota Rate)

Article 29 (1) When the annual individual quota setter, who is a individual quota rate setter, has gathered or caught specified fishery resources in excess of the annual individual quota set to the annual individual quota setter in violation of the provisions of Article 25, paragraph (2) or has violated an order under the provisions of Article 27, the Minister of Agriculture, Forestry and Fisheries or the prefectural governor concerned may make a disposition to reduce the set individual quota rate pursuant to Order of Ministry of Agriculture, Forestry and Fisheries.

- (2) When the Minister of Agriculture, Forestry and Fisheries or the prefectural governor concerned intends to make a disposition referred to in the preceding paragraph, the minister or the prefectural governor must hold a hearing irrespective of the categories of procedures for hearing statements of opinion under the provisions of Article 13, paragraph (1) of the Administrative Procedure Act (Act No. 88 of 1993).
- (3) The proceedings on the date of hearing pertaining to the disposition referred to in paragraph (1) must be performed publicly.

Subsection 3 Control of Total Catch

(Report on Catch)

Article 30 (1) When a person has gathered or caught specified fishery resources in a control division other than a division managed based on individual quota (in the case of a control division which the total fishing effort is managed (hereinafter referred to as the "fishing effort control division" in this paragraph and the following Article), fishing work pertaining to the fishing effort; hereinafter the same applies in this Subsection), the person must report the matters specified by Order of the Ministry of Agriculture, Forestry and Fisheries with respect to the catch of specified fishery resources (in the case of the fishing effort control division, fishing effort pertaining to the specified fishery resources; hereinafter the same applies in this Subsection) and other conditions of catch pursuant to an Order of the Ministry of Agriculture, Forestry and Fisheries or Rules, to the Minister of Agriculture, Forestry and Fisheries in the event that the control division is a division controlled by the minister (limited to a division other than the division controlled based on individual quota; hereinafter the same applies in this Subsection), or to the prefectural governor pertaining to the division controlled by the governor in the event that the control division is a division controlled by the governor (limited to a division other than the division controlled based on individual quota; hereinafter the same applies in this Subsection), within a period specified by Order of the Ministry of Agriculture, Forestry and Fisheries.

- (2) When the prefectural governor concerned has received a report pursuant to the provisions of the preceding paragraph, the governor is to promptly report the particulars to the Minister of Agriculture, Forestry and Fisheries pursuant to Order of the Ministry of Agriculture, Forestry and Fisheries.

(Publication of Catch)

Article 31 When the Minister of Agriculture, Forestry and Fisheries or the prefectural governor concerned finds that the total catch of specified fishery resources in a division controlled by the minister or a division controlled by the

prefectural governor may exceed the total allowable catch controlled by the minister or the total allowable catch controlled by the prefectural governor (in the case of a fishing effort control division, total allowable effort pertaining to the relevant control division; hereinafter the same applies in the following Article and Article 33) or in the case specified by Order of the Ministry of Agriculture, Forestry and Fisheries, the minister or the governor is to make public the total catch and other particulars specified by Order of the Ministry of Agriculture, Forestry and Fisheries.

(Advice, Guidance or Recommendation)

Article 32 (1) If the Minister of Agriculture, Forestry and Fisheries finds that any of the following items apply, the minister may give necessary advice, guidance or recommendation to a person set forth in the respective items:

- (i) if the total catch of specified fishery resources in a division controlled by the minister is likely to exceed the total allowable catch controlled by the minister pertaining to the division controlled by the minister: a person who gathers or catches the specified fishery resources in the division controlled by the minister;
- (ii) if the total catch of specified fishery resources in all the divisions controlled by the minister pertaining to the specified fishery resources referred to in (i) is likely to exceed the total allowable catch controlled by the minister pertaining to all the divisions controlled by the minister: a person who gathers or catches the specified fishery resources in any of the divisions controlled by the Minister; or
- (iii) if the total catch of specified fishery resources is likely to exceed the total allowable catch of the specified fishery resources: a person who gathers or catches the specified fishery resources.

(2) If the prefectural governor concerned finds that any of the following items apply, the governor may give necessary advice, guidance or recommendation to a person set forth in the respective items:

- (i) if the total catch of specified fishery resources in a division controlled by the governor is likely to exceed the total allowable catch controlled by the prefectural governor pertaining to the division controlled by the governor: a person who gathers or catches the specified fishery resources in the division controlled by the governor; or
- (ii) if the total catch of specified fishery resources in all the divisions controlled by the governor pertaining to the specified fishery resources referred to in (i) is likely to exceed the prefecture's total allowable catch by prefecture: a person who gathers or catches the specified fishery resources in any of the divisions controlled by the governor.

(Suspension of Gathering or Catching)

Article 33 (1) If the Minister of Agriculture, Forestry and Fisheries finds that any of the following items apply, the minister may issue an order to the person set forth in the respective items by specifying the period, with respect to the suspension of gathering or catching and other necessary orders concerning the gathering or catching of specified fishery resources, pursuant by Order of the Ministry of Agriculture, Forestry and Fisheries:

- (i) if the total catch of specified fishery resources in a division controlled by the minister exceeds or is very likely to exceed the total allowable catch controlled by the minister pertaining to the division controlled by the minister: a person who gathers or catches the specified fishery resources in the division controlled by the minister;
 - (ii) if the total catch of specified fishery resources in all the divisions controlled by the minister pertaining to the specified fishery resources referred to in (i) exceeds or is very likely to exceed the total allowable catch controlled by the minister pertaining to all the divisions controlled by the minister: a person who gathers or catches the specified fishery resources in any of the divisions controlled by the minister; or
 - (iii) if the total catch of specified fishery resources exceeds or is very likely to exceed the total allowable catch of the specified fishery resources: a person who gathers or catches the specified fishery resources.
- (2) If the prefectural governor concerned finds that any of the following items apply, the governor may issue an order to the person set forth in the respective items by specifying the period, with respect to the suspension of gathering or catching and other necessary orders concerning the gathering or catching of specified fishery resources, pursuant to rules:
- (i) if the total catch of specified fishery resources in a division controlled by the governor exceeds or is very likely to exceed the total allowable catch controlled by the prefectural governor pertaining to the division controlled by the governor: a person who gathers or catches the specified fishery resources in the division controlled by the governor; or
 - (ii) if the total catch of specified fishery resources in all the divisions controlled by the governor pertaining to the specified fishery resources referred to in (i) exceeds or is very likely to exceed the prefecture's total allowable catch by prefecture: a person who gathers or catches the specified fishery resources in any of the divisions controlled by the governor.

(Order to Anchor)

Article 34 When a person who has received an order referred to in the preceding Article commits an act that violates the order and may continue to commit the violation, the Minister of Agriculture, Forestry and Fisheries or the prefectural

governor concerned may order to anchor the ship used by the person who has committed the act by specifying the port and the period for anchorage, or may order to prohibit the use of or land fishing gear used for the act and other goods used for gathering or catching specified marine resources by specifying the period.

Section 4 Auxiliary Provisions

Article 35 If the prefectural governor concerned finds it to be particularly necessary in controlling the total allowable catch by prefecture, the governor may request the Minister of Agriculture, Forestry and Fisheries to give necessary instructions with respect to the instruction referred to in Article 121, paragraph (1) pursuant to the provisions of paragraph (3) of the same Article.

Chapter III Permitted Fishery

Section 1 Fishery Permitted by the Minister

(Permission of Fishery by the Minister of Agriculture, Forestry and Fisheries)

Article 36 (1) A person who intends to operate a fishery using a ship specified by Order of the Ministry of Agriculture, Forestry and Fisheries must obtain permission from the Minister of Agriculture, Forestry and Fisheries for each ship.

(2) The Order of the Ministry of Agriculture, Forestry and Fisheries referred to in the preceding paragraph is prescribed for a fishery for which it is necessary to take restrictive measures for fishery managers and ships used by the fishery managers (including fishing equipment used on a ship) for fisheries adjustment (referring to adjustment necessary for preventing reproduction of specified fishery resources from being impeded, preserving and controlling fishery resources other than specified fishery resources, or preventing disputes concerning the use of fishing grounds; the same applies hereinafter) and for which it is found appropriate to take the measures integrally because an agreement exists between governments, a fishing ground extends over a wide area, and there exist any other reasons specified by a Cabinet Order.

(3) When the Minister of Agriculture, Forestry and Fisheries intends to establish, revise or abolish the Order of the Ministry of Agriculture, Forestry and Fisheries referred to in paragraph (1), the Minister must hear the opinions of the Fisheries Policy Council.

(Responsibilities of Permitted Persons)

Article 37 With respect to the fishery specified by Order of the Ministry of Agriculture, Forestry and Fisheries referred to in paragraph (1) of the

preceding Article (hereinafter referred to as the "fishery permitted by the Minister"), a person who has obtained the permission of the same paragraph (hereinafter referred to simply as "permission" in this Section (excluding Article 47)) voluntarily makes efforts necessary for appropriate resource control and endeavors to improve the productivity of fishery.

(Approval to Commence Business)

Article 38 A person who wishes to obtain the permission and does not have the right to use a ship may obtain an approval from the Minister of Agriculture, Forestry and Fisheries on the business commencement for each ship in advance before the person initiates the building of a ship or purchases, rents or is returned a ship, or acquires the right to use a ship.

Article 39 (1) If a person who has obtained an approval referred to in the preceding Article (hereinafter referred to as the "approval to commence business " in this Section) files an application for a permission based on the approval to commence business, and if the contents of the application are the same as the approved contents, the Minister of Agriculture, Forestry and Fisheries must grant the permission unless the application falls under any of the items of paragraph (1) of the following Article.

(2) If a person who has obtained an approval to commence business does not file an application for the permission within the period designated by the Minister of Agriculture, Forestry and Fisheries from the date when the approval was obtained, the approval to commence business ceases to be effective on the expiration date of the period.

(Cases where Permission or Approval to Commence Business is Denied)

Article 40 (1) In any of the following cases, the Minister of Agriculture, Forestry and Fisheries must not grant permission or approval to commence business:

(i) if the applicant is not a qualified person provided for in paragraph (1) of the following Article; or

(ii) if permissions of the same type of fishery as that pertaining to the application may be unduly concentrated.

(2) When the Minister of Agriculture, Forestry and Fisheries does not grant a permission or approval to commence business pursuant to the provisions of the preceding paragraph, the minister must notify the applicant of the reason in writing and hear the opinions of the applicant publicly in advance.

(3) When the opinions are heard pursuant to the preceding paragraph, the relevant applicant or their agent may make an explanation and submit evidences concerning the relevant matter.

(Qualification for Permission or Approval to Commence Business)

Article 41 (1) A person qualified for the permission or the approval to commence business must not fall under any of the following items:

- (i) a person who fails to comply with acts and orders concerning fishery or labor and is likely to continue to not complying with them
 - (ii) a person who is a member of an organized crime group, etc.;
 - (iii) a corporation whose officers or employees specified by a Cabinet Order include a person who falls under any of the preceding two items;
 - (iv) a person whose business activities are controlled by a member of an organized crime group, etc.;
 - (v) a ship to be permitted does not satisfy the standards specified by the Minister of Agriculture, Forestry and Fisheries; or
 - (vi) a person who has neither sufficient productivity to operate the fishery pertaining to the application appropriately, or is not likely to have such productivity.
- (2) When the Minister of Agriculture, Forestry and Fisheries intends to establish or change the standards referred to in item (v) of the preceding paragraph, the Minister must hear the opinions of the Fisheries Policy Council.

(New Permission or Approval to Commence Business)

Article 42 (1) If the Minister of Agriculture, Forestry and Fisheries intends to grant a permission (excluding those under the provisions of Article 39, paragraph (1) and Article 45; hereinafter the same applies in this Article) or an approval to commence business (excluding those under the provisions of Article 45; hereinafter the same applies in this Article), the minister must establish restrictive measures concerning the number of ships to be granted a permission or an approval to commence business, the gross tonnage of ships, fishing area, fishing season, type of fishing gear, and other particulars specified by Order of the Ministry of Agriculture, Forestry and Fisheries, in consideration of the number of persons operating the fishery permitted by the minister, the number of ships pertaining to the fishery permitted by the minister, the actual condition of fishing operation and other circumstances, and publicly notify the contents of the restrictive measures and the period during which an application for a permission or an approval to commence business should be filed.

- (2) The period during which the application should be filed referred to in the preceding paragraph may not be three months or less; provided, however, that this does not apply if there are special circumstances requiring urgency specified by Order of the Ministry of Agriculture, Forestry and Fisheries.
- (3) When the Minister of Agriculture, Forestry and Fisheries intends to determine the contents of the restrictive measures and the application period

to be publicly notified pursuant to the provisions of paragraph (1), the minister must hear the opinions of the Fisheries Policy Council; provided, however, that this does not apply if there are special circumstances requiring urgency specified by Order of the Ministry of Agriculture, Forestry and Fisheries referred to in the proviso to the preceding paragraph.

- (4) The Minister of Agriculture, Forestry and Fisheries must grant a permission or approval to commence business to a person who has applied for a permission or an approval to commence business within the application period referred to in paragraph (1) (hereinafter referred to as the "applicant" in the following paragraph) unless any of the items of Article 40, paragraph (1) apply.
- (5) If the number of ships to be granted a permission or an approval to commence business pursuant to the provisions of the preceding paragraph exceeds the number of ships publicly notified pursuant to the provisions of paragraph (1), a person to be granted a permission or an approval to commence business is determined taking into consideration the productivity of the applicant, notwithstanding the provisions of the preceding paragraph.
- (6) When a person to be granted a permission or an approval to commence business cannot be determined pursuant to the provisions of the preceding paragraph, the lottery is conducted in a fair manner to determine a person to be granted a permission or an approval to commence business.

(Points of Attention Regarding Public Notice)

Article 43 When the Minister of Agriculture, Forestry and Fisheries gives a public notice pursuant to the provisions of paragraph (1) of the preceding Article with respect to a fishery permitted by the minister that is considered to generally involve the gathering or catching of specified fishery resources subject to individual quota, the minister is not to establish any restrictive measures concerning the number of ships, the gross tonnage of ships and the size of ships, unless it is found that the ratio of specified fishery resources subject to individual quota to the total fishery resources expected to be gathered or caught in the fishery permitted by the Minister is below the ratio specified by the Minister of Agriculture, Forestry and Fisheries.

(Conditions of Permission)

- Article 44 (1) If the Minister of Agriculture, Forestry and Fisheries finds it to be necessary for fisheries adjustment and other public interest, the minister may add conditions for permission or approval to commence business in granting a permission or approval to commence business.
- (2) If the Minister of Agriculture, Forestry and Fisheries finds it to be necessary for fisheries adjustment and other public interest, the minister may add conditions for permission or approval to commence business after granting a

permission or approval to commence business.

- (3) When the Minister of Agriculture, Forestry and Fisheries intends to add conditions pursuant to the provisions of preceding paragraph, the minister must hold a hearing irrespective of the categories of procedures for hearing statements of opinion under the provisions of Article 13, paragraph (1) of the Administrative Procedure Act.
- (4) The proceedings on the date of hearing pertaining to the addition of conditions pursuant to the provisions of paragraph (2) must be open to the public.

(Continued Permission or Approval to Commence Business)

Article 45 In any of the following cases, if the contents of the application are identical with the contents of the granted previous permission or approval to commence business, a permission or approval to commence business must be granted except for the case where the application falls under any of the items of Article 40, paragraph (1):

- (i) when a person granted a permission files an application for permission for the same ship as the permitted ship due to arrival of the expiration of the effective period of the permission;
- (ii) if a person granted a permission has discontinued the use of the permitted ship for the fishery permitted by the minister during the effective period of the permission and applied for a permission or an approval to commence business with respect to another ship;
- (iii) if a person granted the permission has filed an application for a permission or an approval to commence business with respect to another ship, due to the permitted ship having been lost or sunk, and when the application has been filed within six months from the day of losing or sinking the ship (limited to the application filed within the effective period of the permission); or
- (iv) when a person who has accepted or borrowed or has been returned a ship from a person granted the permission within the effective period of the permission or has acquired the right to use the ship for any other reason than inheritance, merger of corporations and demerger of a corporation and intends to operate the fishery permitted by the minister, has filed an application for a permission or an approval to commence business with respect to the ship.

(Valid Period of Permission)

Article 46 (1) The effective period of permission is a period not exceeding five years as specified by Order of the Ministry of Agriculture, Forestry and Fisheries for each type of fishery; provided, however, that if a permission is granted pursuant to the provisions of the preceding Article (excluding item (i)),

the remaining period of the previous permission applies.

- (2) The Minister of Agriculture, Forestry and Fisheries may set a period shorter than the period referred to in the preceding paragraph, within the limit necessary for fisheries adjustment, after hearing the opinions of the Fisheries Policy Council.

(Permission for Change)

Article 47 If a person who has obtained the permission of a fishery permitted by the minister intends to operate a fishery permitted by the minister, with respect to the particulars specified by Order of the Ministry of Agriculture, Forestry and Fisheries referred to in Article 42, paragraph (1), with different contents from the restrictive measures provided pursuant to the provisions of the same paragraph, the person must obtain the permission of the Minister of Agriculture, Forestry and Fisheries.

(Inheritance or Merger of Juridical Persons or Demerger of a Corporation)

Article 48 (1) When a person granted a permission or an approval to commence business dies, dissolves or is divided (limited to a case where the ship granted the permission or approval to commence business is succeeded), the heir (in the case where there are two or more heirs and if a person who should operate the fishery permitted by the minister has been decided upon consultation between the heirs, the person), the corporation surviving the merger or the corporation established by the merger, or the corporation who has succeeded to the ship by the demerger succeeds to the status of a person granted the permission or approval to commence business.

- (2) The person who has succeeded to the status of the person granted a permission or an approval to commence business pursuant to the provisions of the preceding paragraph must notify the Minister of Agriculture, Forestry and Fisheries to that effect within two months from the day of succession.

(Invalidation of Permission.)

Article 49 (1) In any of the following cases, the permission or the approval to commence business ceases to be effective:

- (i) if the ship granted a permission has been discontinued to be used for the fishery permitted by the minister;
 - (ii) when the ship granted a permission or approval to commence business was lost or sank; or
 - (iii) when the ship granted a permission was transferred, lent or returned or when the right to use the ship was lost.
- (2) When a person who has obtained a permission or an approval to commence business falls under any of the items of the preceding paragraph, the person

must notify the Minister of Agriculture, Forestry and Fisheries to that effect within two months from the day concerned.

(Notification of Absence from Work)

Article 50 When a person who has obtained a permission intends to be absent from work for more than one fishery season, the person must decide the absence period and notify the Minister of Agriculture, Forestry and Fisheries to that effect in advance.

(Rescission of Permission due to Absence from Work)

Article 51 (1) If a person who has obtained a permission is absent from work beyond the period specified by Order of the Ministry of Agriculture, Forestry and Fisheries, the Minister of Agriculture, Forestry and Fisheries may rescind the permission.

(2) The period during which the effect of a permission is suspended pursuant to the provisions of Article 55, paragraph (1) and the period during which the fishery permitted by the minister is prohibited based on an order under the provisions of Article 119, paragraph (1) or (2), an instruction under the provisions of Article 120, paragraph (1), an order under the provisions of paragraph (11) of the same Article, an instruction under the provisions of Article 121, paragraph (1), or an order under the provisions of Article 120, paragraph (11) applied mutatis mutandis pursuant to Article 121, paragraph (4) following the deemed replacement of terms are not included in the period of the preceding paragraph, except for cases occurring due to grounds attributable to a person granted a permission.

(3) The proceedings on the date of hearing relating to the rescission of a permission under the provisions of paragraph (1) must be opened to the public.

(Reporting of the Status of Resource Control)

Article 52 (1) A person who has obtained a permission must report the status of resource control in the fishery permitted by the minister pertaining to the permission, the result of fishery production and other matters specified by Order of the Ministry of Agriculture, Forestry and Fisheries to the Minister of Agriculture, Forestry and Fisheries, pursuant to the Order of the Ministry of Agriculture, Forestry and Fisheries; provided, however, that this does not apply to the particulars reported to the Minister of Agriculture, Forestry and Fisheries pursuant to the provisions of Article 26, paragraph (1) or Article 30, paragraph (1).

(2) If the Minister of Agriculture, Forestry and Fisheries finds it to be particularly necessary for the performance of the measures determined in an international framework or for fisheries adjustment, the minister may order a

person who has obtained a permission to install a satellite ship positioning transmitter or other electronic equipment specified by Order of the Ministry of Agriculture, Forestry and Fisheries on the ship granted a permission and to operate the electronic equipment continuously during the period of operation or navigation.

(Recommendations)

Article 53 If a person who has obtained a permission or an approval to commence business comes to fall under Article 41, paragraph (1), item (vi), the Minister of Agriculture, Forestry and Fisheries is to recommend the relevant person who has obtained the permission or the approval to commence business to take necessary measures.

(Rescission of Permission due to Loss of Qualification)

Article 54 (1) When a person granted a permission or an approval to commence business falls under Article 40, paragraph (1), item (ii) or any of the items of Article 41, paragraph (1) (excluding item (vi)), the Minister of Agriculture, Forestry and Fisheries must rescind the permission or the approval to commence business.

(2) If a person granted a permission or an approval to commence business comes to fall under any of the following items, the Minister of Agriculture, Forestry and Fisheries may change or rescind the permission or the approval to commence business or may order the suspension of the effect of the permission or the approval to commence business:

(i) when the person has violated the provisions of acts and orders concerning fishery; or

(ii) when the person does not follow a recommendation under the preceding Article.

(3) when the Minister of Agriculture, Forestry and Fisheries intends to perform a disposition under the provisions of the preceding paragraph, the minister must hold a hearing irrespective of the categories of procedures for hearing statements of opinion under the provisions of Article 13, paragraph (1) of the Administrative Procedure Act.

(4) The proceedings on the date of hearing pertaining to the disposition pursuant to the provisions of paragraphs (1) or (2) must be made public.

(Rescission of Permission due to Necessity of Public Interest)

Article 55 (1) If the Minister of Agriculture, Forestry and Fisheries finds it to be necessary for fisheries adjustment and other public interest, the minister may change or rescind the permission or the approval to commence business or may order the suspension of the effect of the permission or the approval to

commence business.

- (2) The provisions of paragraphs (3) and (4) of the preceding Article apply mutatis mutandis to the disposition under the provisions of the preceding paragraph.
- (3) The provisions of Article 12 of the Act on Protection of Fishery Resources (Act No. 313 of 1951) apply mutatis mutandis to the case referred to in paragraph (1). In this case, the terms "Article 10, paragraph (5)" and "the date of public notice referred to in paragraph (4) of the same Article" in the same Article are deemed to be replaced with "Article 55, paragraph (1) of the Fishery Act" and "the date of rescission of the permission" respectively.

(Issuance of Permit)

- Article 56 (1) When the Minister of Agriculture, Forestry and Fisheries has granted a person a permission, the Minister delivers a permit to the person pursuant to the Order of the Ministry of Agriculture, Forestry and Fisheries.
- (2) Particulars necessary for the rewrite issue, reissue and return of a permit are specified by Order of the Ministry of Agriculture, Forestry and Fisheries.

Section 2 Fishery Permitted by the Governor

(Permission for Fishery by the Prefectural Governor)

- Article 57 (1) A person who intends to operate a fishery specified by Order of the Ministry of Agriculture, Forestry and Fisheries or Rules other than the fishery permitted by the minister must obtain a permission of the prefectural governor concerned.
- (2) The Order of the Ministry of Agriculture, Forestry and Fisheries referred to in the preceding paragraph is to specify fisheries that the Minister of Agriculture, Forestry and Fisheries finds it to be necessary to take restrictive measures for fishery managers or ships, etc. used by the fishery managers for fisheries adjustment from a wide viewpoint exceeding the areas of the prefectures.
 - (3) When the Minister of Agriculture, Forestry and Fisheries intends to establish, revise or abolish the Order of the Ministry of Agriculture, Forestry and Fisheries referred to in paragraph (1), the Minister must hear the opinions of the Fisheries Policy Council.
 - (4) The regulation referred to in paragraph (1) is to specify fisheries that the prefectural governor concerned finds it to be necessary to take restrictive measures for fishery managers or ships, etc. used by the fishery managers for fisheries adjustment.
 - (5) When the prefectural governor concerned intends to establish, revise or abolish the regulation referred to in paragraph (1), the governor must hear the

- opinions of the Sea-area Fisheries Adjustment Commission concerned.
- (6) When the prefectural governor concerned intends to establish, revise or abolish the regulation referred to in paragraph (1), the governor must obtain an approval from the Minister of Agriculture, Forestry and Fisheries.
- (7) With respect to the fishery referred to in paragraph (1) specified by Order of the Ministry of Agriculture, Forestry and Fisheries, the Minister of Agriculture, Forestry and Fisheries may set the following particulars from a wide viewpoint exceeding the areas of the prefectures:
- (i) the number of ships, etc. for which the prefectural governor concerned may grant a permission pertaining to the fishery;
 - (ii) the number of ships, etc. for which the prefectural governor concerned may grant a permission in the water area designated in advance by the Minister of Agriculture, Forestry and Fisheries; and
 - (iii) other particulars specified by Order of the Ministry of Agriculture, Forestry and Fisheries.
- (8) If the Minister of Agriculture, Forestry and Fisheries intends to provide the particulars referred to in the preceding paragraph, the minister must hear the opinions of the prefectural governor concerned.
- (9) The prefectural governor concerned must not grant a permission referred to in paragraph (1) in violation of the matters set pursuant to the provisions of paragraph (7).

(Application Mutatis Mutandis to the Permission of Fishery Permitted by the Governor)

Article 58 The provisions of Articles 37 through 40, paragraphs (1) (excluding item (vi)) and (2) of Article 41, Article 42 (excluding the proviso to paragraph (2) and the proviso to paragraph (3)), Article 43, Article 44, Article 45 (limited to the part pertaining to items (ii) and (iii)), Article 46, Article 47, Articles 49 through 52, Article 54, and Article 56 apply mutatis mutandis to the permission of the fishery specified by Order of the Ministry of Agriculture, Forestry and Fisheries or Rules referred to in paragraph (1) of the preceding Article (hereinafter referred to as the "fishery permitted by the governor"). In this case, the term "Minister of Agriculture, Forestry and Fisheries" in these provisions is deemed to be replaced with "prefectural governor concerned"; "the same paragraph" in Article 37, with "Article 57, paragraph (1)"; "ship" and "building" in Article 38, with "ship, etc." and "building or manufacturing" respectively; "ship" in Article 40, paragraph (1), item (v), with "ship, etc."; "Fisheries Policy Council" in paragraph (2) of the same Article, with "Sea-area Fisheries Adjustment Commission concerned"; "number of ships" and "Order of the Ministry of Agriculture, Forestry and Fisheries" in Article 42, paragraph (1), with "number of ships, etc." and "rules" respectively; "may not be three

months or less" in the main clause of paragraph (2) of the same Article, with "is a period specified by the rules for each type of fishery"; "Fisheries Policy Council" in the main clause of paragraph (3) of the same Article, with "Sea-area Fisheries Adjustment Commission concerned"; "ship" and "taking into consideration the productivity of the applicant" in paragraph (5) of the same Article, with "ship, etc." and "by determining the standards for the permission after hearing the opinions of the Sea-area Fisheries Adjustment Commission concerned and taking into consideration the status of the fishery permitted by the prefectural governor, and in accordance with the standards"; "number of ships" and "size of ships" in Article 43, with "number of ships, etc." and "size of ships, etc." respectively; "Order of the Ministry of Agriculture, Forestry and Fisheries" in Article 46, paragraph (1), with "Rules"; "Fisheries Policy Council" in paragraph (2) of the same Article, with "Sea-area Fisheries Adjustment Commission concerned"; "Order of the Ministry of Agriculture, Forestry and Fisheries" in Article 47 and Article 51, paragraph (1), with "rules"; "Order of the Ministry of Agriculture, Forestry and Fisheries" and "other Orders of the Ministry of Agriculture, Forestry and Fisheries" in Article 52, paragraph (1), with "rules" and "other Orders of the Ministry of Agriculture, Forestry and Fisheries or rules" respectively; "Order of the Ministry of Agriculture, Forestry and Fisheries" in paragraph (2) of the same Article, with "Order of the Ministry of Agriculture, Forestry and Fisheries or rules"; "comes to fall under any of the following items" in Article 54, paragraph (2), with "violated the provisions of acts and orders concerning fishery"; and "Order of the Ministry of Agriculture, Forestry and Fisheries" in Article 56, with "rules," and any other necessary technical replacement of terms is specified by a Cabinet Order.

Section 3 Auxiliary Provisions

Article 59 Beyond what is provided for in this Chapter, procedures for the permission of a fishery permitted by the Minister and a fishery permitted by the prefectural governor and other matters necessary for the enforcement of the provisions of this Chapter are specified by Order of the Ministry of Agriculture, Forestry and Fisheries.

Chapter IV Management of Fishery Rights and Coastal Fishing Grounds

Section 1 General Provisions

(Definitions)

Article 60 (1) In this Chapter, "a fishery right" means a fixed gear fishery right, a demarcated fishery right or a common fishery right.

(2) In this Chapter, the "fixed gear fishery right" means the right of operating a

fixed gear fishery, the "demarcated fishery right" means the right of operating a demarcated fishery, and the "common fishery right" means the right of operating a common fishery.

(3) In this Chapter, the "fixed gear fishery" means a fishery operated with fixed gear, which falls under any of the following items:

(i) a fishery in which the deepest water depth at the place where the body of a fishing net is fixed is 27 meters (15 meters in Okinawa Prefecture) or more at the time of the highest sea level (excluding the fishery using a pound net with some cube-shaped bags in the Seto Inland Sea (referring to the Seto Inland Sea provided for in Article 152, paragraph (2)) and the fishery using a fixed shore trap net with a pocket and the fishery using a pound net with some cube-shaped bags in the Mutsu Bay (referring to those designated by the Minister of Agriculture, Forestry and Fisheries as the sea of the Mutsu Bay)); or

(ii) a fishery for catching mainly salmon in Hokkaido.

(4) In this Chapter, the "demarcated fishery" refers to a fishery which falls under any of the following items:

(i) class 1 demarcated fishery: An aquaculture business operated with stones, roof tiles, bamboos, trees, and other materials laid in a certain region;

(ii) class 2 demarcated fishery: An aquaculture business operated in a certain region surrounded by earth, stones, bamboos, trees, and other materials; or

(iii) class 3 demarcated fishery: An aquaculture business operated in a certain region, other than those prescribed in the preceding two items.

(5) In this Chapter, the "common fishery" refers to a fishery operated in certain commonly utilized waters, which falls under any of the following items:

(i) class 1 common fishery: A fishery for purposing at algae, shellfishes, or other stationary aquatic animals designated by the Minister of Agriculture, Forestry and Fisheries;

(ii) class 2 common fishery: A fishery other than the fixed gear fishery operated with fishing nets or gear (including brush weir and fish pound) laid stationary on waters of the sea (including waters specified and publicly notified by the Minister of Agriculture, Forestry and Fisheries as lakes and marshes equivalent to the sea; the same applies hereinafter) other than the sea equivalent to the lakes and marshes specified and publicly notified by the Minister of Agriculture, Forestry and Fisheries (hereinafter referred to as the "specified sea" in the following item and item (iv));

(iii) class 3 common fishery: A long-haul seine fishery, rowboat dragline fishery, boat seine fishery (excluding the fishery using a powered fishing boat), domesticated fishery or artificial bank fishery (excluding the fishery set forth in item (i)) operated in the specified sea;

(iv) class 4 common fishery: Fishery of fish that have gathered together or boat

- fishery using birds as guides operated in the specified sea; and
- (v) class 5 common fishery: A fishery other than the fishery set forth in item (i) operated on inland waters (referring to waters other than the sea; the same applies hereinafter) or on the sea equivalent to the lakes and marshes referred to in item (ii).
- (6) In this Chapter, "a powered fishing boat" refers to a boat equipped with a propulsion machine, which falls under any of the following items:
- (i) a boat exclusively engaged in a fishery;
 - (ii) a boat exclusively engaged in a fishery and having equipment for preserving catch or manufacturing;
 - (iii) a boat for exclusively transporting catch or its product from a fishing ground; or
 - (iv) a boat exclusively engaged in the examination, investigation, guidance or training concerning a fishery or a boat engaged in law enforcement and having fishing equipment.
- (7) In this Chapter, "a piscary" means the right of operating the whole or a part of the fishery covered by the group fishery right, based on the act of establishment, in a fishing ground belonging to another person's demarcated fishery right (limited to the case where a Fisheries Cooperative Association or a Federation of Fisheries Cooperative Associations which does not operate a fishery covered by the right has obtained a license) or common fishery right (hereinafter collectively referred to as "group fishery right" in this Chapter).
- (8) In this Chapter, "conservation activities" means activities for the conservation or improvement of the growing environment for aquatic animals and plants and for the conservation of coastal fishing grounds, which are specified by Order of the Ministry of Agriculture, Forestry and Fisheries.
- (9) In this Chapter, the "conservation coastal fishing ground" means a coastal fishing ground specified by the prefectural governor concerned as that where it is necessary to ensure smooth and systematic implementation of conservation activities for promoting the development of fishery productivity.

(Promotion of Comprehensive Utilization of Waters by Prefectures)

Article 61 Prefectures must promote the comprehensive utilization of waters and endeavor to conserve and improve the growing environment for aquatic animals and plants in order to develop the fishery productivity in the waters under their jurisdiction.

Section 2 Sea-area Fishing Ground Plan and Inland Waters Fishing Ground Plan

Subsection 1 Sea-area Fishing Ground Plan

(Sea-area Fishing Ground Plan)

Article 62 (1) The prefectural governor concerned establishes a sea-area fishing ground plan for the sea under the jurisdiction of the governor every five years; provided, however, that this does not apply to the prefectural governor who does not have a sea under their jurisdiction.

(2) A sea-area fishing ground plan provides for the following particulars for each sea area (referring to the sea area provided for in Article 136, paragraph (1); hereinafter the same applies in this Subsection);:

- (i) with respect to a fishery right to be established in the sea area, the following particulars;
 - (a) location and area of the fishing ground
 - (b) type of fishery
 - (c) fishery season
 - (d) duration (limited to cases where a shorter period than the period referred to in Article 75, paragraph (1) is set)
 - (e) with respect to the demarcated fishery right, type of fishery (individual fishery right (referring to a fishery right other than a group fishery right; hereinafter the same applies in the following Section) or group fishery right)
 - (f) with respect to a group fishery right, the district concerned (referring to a district to which the fishing ground pertaining to the fishery right is found to belong according to natural and socioeconomic conditions; hereinafter the same applies in Article 72 and Article 106, paragraph (4))
 - (g) beyond what is set forth in (a) through (f), necessary particulars concerning the establishment of a fishery right;
- (ii) with respect to a conservation coastal fishing ground to be established in the sea area, the following particulars;
 - (a) location and area of the fishing ground;
 - (b) type of conservation activities; and
 - (c) beyond what is set forth in (a) and (b), necessary particulars concerning the establishment of a conservation coastal fishing ground.

(Requirements for Sea-area Fishing Ground Plan)

Article 63 (1) A sea-area fishing ground plan must fall under the following requirements:

- (i) each fishery right is established so as to promote comprehensive utilization of the sea pertaining to the sea area and not to disturb fisheries adjustment and other public interest;
- (ii) if there is a fishery right utilized appropriately and effectively at the time of preparation of a sea-area fishing ground plan (hereinafter referred to as the "utilized fishery right" in the following item), a fishery right for which

the matters set forth in paragraph (2), item (i), (a) through (c) of the preceding Article are considered to be almost equivalent to the fishery right (hereinafter referred to as the "similar fishery right" in the following item) has been established;

- (iii) in the case of the preceding item, if the utilized fishery right is a group fishery right, the similar fishery right has been established as a group fishery right;
 - (iv) beyond the case of the preceding item, if establishing a demarcated fishery right as a group fishery right is found to contribute most to the development of fishery productivity in the fishing ground pertaining to the demarcated fishery right, the demarcated fishery right has been established as a group fishery right in light of the current utilization of the fishing ground and the results of the review referred to in paragraph (2) of the following Article;
 - (v) with respect to paragraph (2), item (i), (d) of the preceding Article, if a period shorter than the period referred to in Article 75, paragraph (1) is set, the period is within the scope necessary for fisheries adjustment.; and
 - (vi) each conservation coastal fishing ground is established in harmony with the use of a fishing ground pertaining to the fishery covered by the fishery right established in the sea area, in order to properly conserve and improve the growing environment for aquatic animals and plants.
- (2) In preparing a sea-area fishing ground plan, the prefectural governor concerned endeavors to establish a new fishery right for an area of the sea where no fishery rights exist and which becomes an area of the fishing ground, in order to make the best use of the entire sea pertaining to the sea area.

(Procedures for Preparation of Sea-area Fishing Ground Plan)

Article 64 (1) If the prefectural governor concerned intends to prepare a draft of a sea-area fishing ground plan, the governor must hear the opinions of persons who operate or intend to operate a fishery in the sea area and other interested persons, pursuant to Order of the Ministry of Agriculture, Forestry and Fisheries.

- (2) The prefectural governor concerned must review the opinions collected pursuant to the provisions of the preceding paragraph and make public the results thereof.
- (3) The prefectural governor concerned must prepare a draft of a sea-area fishing ground plan based on the result of the review referred to in the preceding paragraph.
- (4) When the prefectural governor concerned has prepared a draft of a sea-area fishing ground plan, the governor must hear the opinions of the Sea-area Fisheries Adjustment Commission.
- (5) When the Sea-area Fisheries Adjustment Commission intends to give an

opinion referred to in the preceding paragraph, the Commission must hold a public hearing at the date and place publicly notified in advance, and hear the opinions of persons who operate or intend to operate a fishery in the sea area and other interested persons, pursuant to Order of the Ministry of Agriculture, Forestry and Fisheries.

- (6) When the prefectural governor concerned has prepared a sea-area fishing ground plan, the governor must make public the contents of the sea-area fishing ground plan and other matters specified by Order of the Ministry of Agriculture, Forestry and Fisheries, and give a public notice of the scheduled date of a license of a fishery, the scheduled designation date of the coastal fishing ground management organization referred to in Article 109, and the application period for the license and designation.
- (7) The scheduled date of license and the scheduled designation date referred to in the preceding paragraph must be on or after the day on which three months have elapsed from the day of the public notice under the provisions of the same paragraph.
- (8) The provisions of the preceding paragraphs must apply *mutatis mutandis* to any change to a sea-area fishing ground plan.

(Advice from the Minister of Agriculture, Forestry and Fisheries)

Article 65 If the Minister of Agriculture, Forestry and Fisheries finds it to be necessary for developing Japan's fishery productivity from a wide viewpoint exceeding the areas of the prefectures based on the result of the review referred to in paragraph (2) of the preceding Article, the Minister may give advice to the governor concerned to amend a draft of a sea-area fishing ground plan and other necessary advice concerning the sea-area fishing ground plan.

(Instructions from the Minister of Agriculture, Forestry and Fisheries)

Article 66 In any of the following cases, the Minister of Agriculture, Forestry and Fisheries may give an instruction to the prefectural governor concerned to change a sea-area fishing ground plan and other necessary instructions concerning the sea-area fishing ground plan:

- (i) when it is found to be particularly necessary for developing Japan's fishery productivity with respect to particulars for which advice was given pursuant to the provisions of the preceding Article; or
- (ii) when it is found to be particularly necessary for fisheries adjustment from a wide viewpoint exceeding the areas of the prefectures.

Subsection 2 Inland Waters Fishing Ground Plan

Article 67 (1) The prefectural governor concerned is to establish an inland

waters fishing ground plan for the inland waters under the jurisdiction of the governor every five years.

- (2) The provisions of Article 62, paragraph (2) (limited to the part pertaining to item (i)), Article 63, paragraphs (1) (excluding item (vi)) and (2), and Article 64 through the preceding Article apply mutatis mutandis to an inland waters fishing ground plan. In this case, the term "the following particulars for each sea area (referring to the sea area provided for in Article 136, paragraph (1); hereinafter the same applies in this Subsection)" in Article 62, paragraph (2) is deemed to be replaced with "the following particulars"; "the scheduled date of a license of a fishery, the scheduled designation date of the coastal fishing ground management organization referred to in Article 109, and the application period for the license and designation" in Article 64, paragraph (6), with "the scheduled date of a fishery license and the application period for the license"; and "The scheduled date of license and the scheduled designation date" in paragraph (7) of same Article, with "The scheduled date of license."

Section 3 Fishery Rights

Subsection 1 Licenses of Fisheries

(Prohibition of Fixed Fishery, not Based on a Fishery Right)

Article 68 A fixed fishery and a demarcated fishery must not be operated unless they are based on a fishery right or a piscary.

(Licenses of Fisheries)

Article 69 (1) A person who intends to obtain a license of a fishery covered by a fishery right must file an application with the prefectural governor concerned as specified by Order of the Ministry of Agriculture, Forestry and Fisheries.

(2) The person who has obtained a license referred to in the preceding paragraph acquires the fishery right.

(Consultation with the Sea-area Fisheries Adjustment Commission)

Article 70 When an application referred to in paragraph (1) of the preceding Article has been filed, the prefectural governor concerned must hear the opinions of the Sea-area Fisheries Adjustment Commission.

(Cases Where no License Is Granted)

Article 71 (1) In a case where an application falls under any of the following items, the prefectural governor concerned must not grant any license of a fishery:

- (i) if the applicant is not a qualified person provided for in the following Article;

- (ii) if the application whose contents differ from those of the sea-area fishing ground plan or the inland waters fishing ground plan is filed;
 - (iii) if fishery rights for the same fishery as that pertaining to the application are likely to be unduly concentrated; or
 - (iv) if the land of the fishing ground for which the license is applied is owned by another person or if the waters for which the license is applied is owned by another person and when that owner of the land or that possessor of the waters does not consent.
- (2) In the case of item (iv) of the preceding paragraph, if no consent is obtained because the address or residence of the owner or possessor mentioned in the same item is not known, the consent of the owner or possessor may be replaced with a permission of the Supreme Court obtained pursuant to the procedure established by the Supreme Court.
- (3) With regard to the judgment on the permission set forth in the preceding paragraph, an appeal may be made pursuant to the procedure established by the Supreme Court.
- (4) The owner or possessor of item (iv) of paragraph (1) may not reject the consent of the owner or possessor unless there is a justifiable reason.
- (5) When the Sea-area Fisheries Adjustment Commission intends to give an opinion to the prefectural governor concerned that the application falls under any of the items of paragraph (1), the Commission must notify the applicant of the reason corresponding to any of the items of the same paragraph in writing and must hold a public hearing of opinions.
- (6) When the opinions are heard pursuant to the preceding paragraph, the applicant or their agent may make an explanation and submit evidences concerning the relevant matter.

(Qualification for License)

- Article 72 (1) A person qualified for a license of a fishery covered by an individual fishery right is not to fall under any of the following items:
- (i) a person who fails to comply with acts and orders concerning fishery or labor and is likely to continue to not comply with them;
 - (ii) a person who is a member of an organized crime group;
 - (iii) a corporation whose officers or employees specified by a Cabinet Order include a person who falls under any of the preceding two items; or
 - (iv) a person whose business activities are controlled by a member of an organized crime group, etc.
- (2) A person qualified for a license of a fishery covered by a group fishery right is a Fisheries Cooperative Association or a Federation of Fisheries Cooperative Associations which includes the whole or a part of the related district of the group fishery right in its district, and is to be those provided for in the

following items according to the type of the group fishery right set forth in the respective items:

- (i) a group fishery right established on the expiration of the duration of an existing demarcated fishery right where the location and region of the fishing ground and the type of the fishery are considered to be almost equivalent to the existing demarcated fishery right: the number of households of the partners (in the case of a Federation of Fisheries Cooperative Associations, partners of a Fisheries Cooperative Association that is a member of the Federation of Fisheries Cooperative Associations) who have addresses in the concerned district and the operation of the fishery is not less than two thirds of the number of households of the persons who have addresses in the concerned district and operate the fishery; or
 - (ii) a group fishery right (excluding those set forth in the preceding item): the number of households of the partners (in the case of a Federation of Fisheries Cooperative Associations, partners of a Fisheries Cooperative Association that is a member of the Federation of Fisheries Cooperative Associations) who have addresses in the concerned district and operate a coastal fishery (referring to a fishery other than that operated on the sea using a powered fishing boat whose gross tonnage is 20 tons or more; hereinafter the same applies in this Article and Article 106, paragraph (4)) for 90 days or longer a year (in the case of a fishery right for a fishery operated in inland waters other than those of a river, persons who operate a fishery in the inland waters for 30 days or longer a year; in the case of a fishery right for a fishery operated in a river, persons who gather, catch, or culture aquatic animals and plants in the river for 30 days or longer a year; hereinafter the same applies in this item and paragraph (5)) is not less than two thirds of the number of households of the persons who have addresses in the concerned district and operate the coastal fishery for 90 days or longer a year.
- (3) If the number of households is calculated pursuant to the provisions of the preceding paragraph and if the person who operates the fishery is a corporation, the number of households of the members, partners or shareholders of the corporation (if the corporation is a stock company, limited to a company that is not a public company (referring to a public company provided for in Article 2, item (v) of the Companies Act (Act No. 86 of 2005)); hereinafter the same applies in this paragraph), or the number of households of the members, partners or shareholders of the corporations as members, partners or shareholders of the corporation, who are fishery employees of the fishery, is to be counted.
- (4) The provisions of paragraph (2) apply mutatis mutandis to an application filed jointly by two or more Fisheries Cooperative Associations or Federations of Fisheries Cooperative Associations. In this case, the terms "the partners"

and "a member" in the same paragraph are deemed to be replaced with "their partners" and "members" respectively.

- (5) If a Fisheries Cooperative Association having partners who have addresses in the concerned district of the group fishery right set forth in paragraph (2), item (i) and operate the fishery covered by the group fishery right, or a Federation of Fisheries Cooperative Associations, to which the Fisheries Cooperative Association belongs as a partner, proposes to jointly file an application for the license of the fishery with a Fisheries Cooperative Association or a Federation of Fisheries Cooperative Associations provided for in the same item, or if a Fisheries Cooperative Association having partners who have addresses in the concerned district of the group fishery right set forth in item (ii) of the same paragraph and operate a coastal fishery for 90 days or longer a year, or a Federation of Fisheries Cooperative Associations to which the Fisheries Cooperative Association belongs as a partner, proposes to jointly file an application for the license of the fishery with a Fisheries Cooperative Association or a Federation of Fisheries Cooperative Associations provided for in the same item, the Fisheries Cooperative Association or the Federation of Fisheries Cooperative Associations that receives the proposal may not refuse it without any justifiable reason.
- (6) If a Fisheries Cooperative Association or a Federation of Fisheries Cooperative Associations qualified pursuant to the provisions of paragraph (2) (including as applied mutatis mutandis pursuant to paragraph (4)) has been granted a license of a fishery covered by a group fishery right, a Fisheries Cooperative Association having partners who had addresses in the concerned district of the group fishery right and operated the fishery when the license was granted, or a Federation of Fisheries Cooperative Associations to which the Fisheries Cooperative Association belongs as a partner, may request the licensed Fisheries Cooperative Association or the Federation of Fisheries Cooperative Associations to co-own the group fishery right, if approved by the prefectural governor concerned. In this case, the provisions of Article 79, paragraph (1) do not apply.
- (7) When an application for the approval set forth in the preceding paragraph has been filed, the prefectural governor concerned must hear the opinions of the Sea-area Fisheries Adjustment Commission concerned.
- (8) If a Fisheries Cooperative Association or a Federation of Fisheries Cooperative Associations acquires a common fishery right for the class 1 common fishery or the class 5 common fishery, the Sea-area Fisheries Adjustment Commission is to give the necessary instructions pursuant to the provisions of Article 120, paragraph (1), for appropriate exercise of the common fishery right in the relationship between the Association or the Federation and fishery managers (limited to individuals) who have addresses in the district

concerned and are not a partner (in the case of a Federation of Fisheries Cooperative Associations, a partner of a Fisheries Cooperative Association that is a member of the Federation of Fisheries Cooperative Associations).

(Decision of Persons to Grant a License)

Article 73 (1) The prefectural governor concerned must grant a license of a fishery to a person who has applied for the license within the application period referred to in Article 64, paragraph (6) unless the person falls under any of the items of Article 71, paragraph (1).

(2) In the case referred to in the preceding paragraph, if there are multiple applications filed for a license for the same fishery right, the prefectural governor concerned is to grant a license to the persons set forth in the following items according to the cases set forth in the following items:

(i) if an application has been filed at the expiration of the duration of a fishery right by a person having the fishery right to be expired (hereinafter referred to as the "expired fishery right" in this item) for a fishery right established as a fishery right in which the location and region of the fishing ground and the type of fishery are found to be almost equivalent to the expired fishery right, and if it is found that the person is making appropriate and effective use of the fishing ground pertaining to the expired fishery right: the person; or

(ii) in the cases other than the case set forth in the preceding item: a person who is considered to contribute most to the expansion of fishery production by the fishery covered by the license, the improvement of fishery income and securing of employment opportunities through the increase, and the development of fisheries in the region.

Subsection 2 Nature of Fishery Rights

(Responsibilities of Fishery Right Holder)

Article 74 (1) A person having a fishery right (hereinafter referred to as "fishery right holder" in this Section and Article 170, paragraph (7)) is to endeavor to appropriately and effectively utilize the fishing ground pertaining to the fishery right.

(2) A Fisheries Cooperative Association or a Federation of Fisheries Cooperative Associations which has a group fishery right is to prepare and periodically review a plan on the enhancement of management of the Cooperative Association or the Federation by rationalizing the production performed in mutual cooperation by the partners (in the case of a Federation of Fisheries Cooperative Associations, partners of a Fisheries Cooperative Association that is a member of the Federation of Fisheries Cooperative Associations);

hereinafter the same applies in this paragraph), establishing a corporation for production activities by the partners, or other methods, pursuant to Order of the Ministry of Agriculture, Forestry and Fisheries, for the purpose of developing the fishery productivity in the fishing ground pertaining to the group fishery right, and is to endeavor to realize the plan.

(Duration of Fishery Right)

- Article 75 (1) The duration of a fishery right is ten years from the day the relevant license was granted in the case of a demarcated fishery right (limited to rights for pearl aquaculture and other rights specified by Order of the Ministry of Agriculture, Forestry and Fisheries) or a common fishery right, or five years from the date of the license in the case of other fishery rights.
- (2) The duration of a fishery right for which the prefectural governor concerned has determined a period shorter than the period referred to in the preceding paragraph in a sea-area fishing ground plan or an inland waters fishing ground plan is to be a period determined by the prefectural governor, notwithstanding the provisions of the same paragraph.

(Division or Change of Fishery Right)

- Article 76 (1) A person who intends to divide or change a fishery right must file an application with the prefectural governor concerned and obtain a license granted by the governor.
- (2) The prefectural governor concerned must not grant a license referred to in the preceding paragraph if the fishery does not conform to the sea-area fishing ground plan or the inland waters fishing ground plan.
- (3) In the case of paragraph (1), the provisions of Articles 70 and 71 applies *mutatis mutandis*.

(Nature of Fishery Right)

- Article 77 (1) A fishery right is deemed to be a property, and the provisions concerning land applies *mutatis mutandis*.
- (2) The provisions of Part II, Chapter IX, of the Civil Code (Act No. 89 of 1896) do not apply to individual fishery rights, and the provisions of Chapters VIII through X of the same Part do not apply to group fishery rights.

(Establishment of a Mortgage)

- Article 78 (1) If a mortgage is established on an individual fishery right, the structures fixed on the fishing ground are deemed to be a property integrally added to the fishery right with respect to the *mutatis mutandis* application of the provisions of Article 370 of the Civil Code. The same applies to a case where a statutory lien covers an individual fishery right.

- (2) The establishment of a mortgage covering an individual fishery right is not valid unless it is approved by the prefectural governor concerned.
- (3) When the prefectural governor concerned is going to make the approval pursuant to the provisions of the preceding paragraph, the governor must hear the opinions of the Sea-area Fisheries Adjustment Commission concerned.

(Restriction of Transfer of Fishery Right)

Article 79 (1) A fishery right may not be the purpose of transfer unless it is necessitated by inheritance or merger of corporations or demerger of a juridical person; provided, however, that this does not apply to an individual fishery right when the prefectural governor concerned approves it in the case where it is necessitated by the disposition of delinquency, or in the case where a statutory lien holder or a mortgage holder exercises its right, or in the case where a person notified pursuant to the provisions of paragraph (2) of the following Article transfers.

- (2) The prefectural governor concerned must not grant an approval referred to in the preceding paragraph unless the transfer is made to a person who has a qualification provided for in the provisions of Article 72, paragraphs (1) or (2) (including as applied mutatis mutandis pursuant to paragraph (4) of the same Article).
- (3) When the prefectural governor concerned intends to grant an approval pursuant to the provisions of paragraph (1), the governor must hear the opinions of the Sea-area Fisheries Adjustment Commission.

(Individual Fishery Right Acquired by Inheritance or Merger of corporations or Demerger of a Corporation)

Article 80 (1) A person who has acquired an individual fishery right by inheritance or merger of corporations or demerger of a corporation must notify the prefectural governor concerned to that effect within two months from the date of the acquisition.

- (2) When the prefectural governor concerned hears to the opinions of the Sea-area Fisheries Adjustment Commission and finds that the person of the preceding paragraph lacks the qualification provided for in the provisions of Article 72, paragraph (1), the governor must notify the person that the fishery right is rescinded unless it is transferred within a certain period of time.

(Rights and Obligations concerning the Use of Waters)

Article 81 The rights and obligations concerning the use of waters owned by a fishery right holder (including the rights and obligations owned by the fishery right holder based on the permissions, approvals and other dispositions of the administrative agency concerning the fishery) follow the disposition of the

fishery right.

(Prohibition of Loan)

Article 82 A fishery right may not be the purpose of loan.

(Consent of Registered Right Holder)

Article 83 (1) A fishery right may not be divided, changed or waived without the consent of a person with the statutory lien or the mortgage registered pursuant to the provisions of Article 117, paragraph (1) (hereinafter referred to as "registered statutory lien holder, etc.") or a person with the piscary registered pursuant to the provisions of the same paragraph.

(2) The provisions of Article 71, paragraphs (2) through (4) applies mutatis mutandis to the consent referred to in the preceding paragraph.

(Co-ownership of Fishery Right)

Article 84 (1) Each co-owner of a fishery right may not dispose of its share unless the consent of not less than two thirds of the other co-owners are obtained.

(2) The provisions of Article 71, paragraphs (2) through (4) apply mutatis mutandis to the consent referred to in the preceding paragraph.

Article 85 If each co-owner of a fishery right intends to obtain the consent of other co-owners for changing the co-owned fishery right, the provisions of Article 71, paragraphs (2) through (4) apply mutatis mutandis.

(Conditions of Fishery Right)

Article 86 (1) The prefectural governor concerned may add conditions to the fishery right if the governor finds it to be necessary for fisheries adjustment and other public interest.

(2) When the prefectural governor concerned intends to add conditions referred to in the preceding paragraph, the governor must hear the opinions of the Sea-area Fisheries Adjustment Commission.

(3) The Minister of Agriculture, Forestry and Fisheries may instruct the prefectural governor concerned to add conditions to the fishery right pursuant to the provisions of paragraph (1), when the minister finds it to be particularly necessary for fisheries adjustment from a wide viewpoint exceeding the areas of the prefectures.

(4) With respect to the opinions of the Sea-area Fisheries Adjustment Commission referred to in paragraph (2) in the case where the conditions of paragraph (1) are added after the grant of a license, the provisions of Article 89, paragraphs (4) through (7) apply mutatis mutandis. In this case, the term "to

rescind the fishery right in the case referred to in the preceding paragraph" in paragraph (4) of the same Article is replaced with "to add conditions to the fishery right pursuant to the provisions of Article 86, paragraph (1)."

(Notification of Absence from Work)

Article 87 When an individual fishery right holder intends to be absent from work covered by the individual fishery right for more than one fishery season, the person must decide the absence period and notify the prefectural governor concerned of it in advance.

(Permission of Fishery during Absence from Work)

Article 88 (1) During the period of absence from work referred to in the preceding Article, a person who has a qualification provided for in the provisions of Article 72, paragraph (1) may operate the fishery covered by the individual fishery right subject to the absence from work, if permissioned by the prefectural governor concerned, notwithstanding the provisions of Article 68.

- (2) When an application for the permission referred to in the preceding paragraph has been filed, the prefectural governor concerned must hear the opinions of the Sea-area Fisheries Adjustment Commission.
- (3) The prefectural governor concerned must not grant the permission referred to in paragraph (1) if the governor finds that the fisheries adjustment and other public interest will be impaired.
- (4) The provisions of Article 71, paragraphs (5) and (6), Article 86, the preceding Article, and the following Article through Article 94 apply mutatis mutandis to the permission referred to in paragraph (1). In this case, the terms "any of the items of paragraph (1)" and "any of the items of the same paragraph" in Article 71, paragraph (5) are deemed to be replaced with "cases provided for in Article 88, paragraph (3)"; "Article 72, paragraph (1) or (2) (including as applied mutatis mutandis pursuant to paragraph (4) of the same Article)" in Article 92, paragraph (1), with "Article 72, paragraph (1)," and any other necessary technical replacement of terms is specified by a Cabinet Order.
- (5) The provisions of the preceding items apply mutatis mutandis to the case where in the period during which the exercise of an individual fishery right is suspended owing to the disposition pursuant to the provisions of Article 92, paragraph (2), another person intends to operate the fishery covered by the individual fishery right.

(Rescission of Fishery Right due to Absence from Work)

Article 89 (1) When a fishery right holder is absent from work for one year or consecutively for two years from the date of the license of the fishery covered

by a fishery right owned by the fishery right holder or the date of the approval pertaining to transfer, the prefectural governor concerned may rescind the fishery right.

- (2) The period during which the exercise of a fishery right is suspended pursuant to the provisions of Article 93, paragraph (1) and the period during which a fishery covered by a fishery right is prohibited based on an order pursuant to the provisions of Article 119, paragraph (1) or (2), an instruction pursuant to the provisions of Article 120, paragraph (1), an order pursuant to the provisions of paragraph (11) of the same Article, an instruction pursuant to the provisions of Article 121, paragraph (1), or an order pursuant to the provisions of Article 120, paragraph (11) applied mutatis mutandis pursuant to Article 121, paragraph (4) following the deemed replacement of terms are not included in the period of the preceding paragraph, except for cases occurring due to grounds attributable to a fishery right holder.
- (3) When the prefectural governor concerned is going to rescind a fishery right pursuant to the provisions of paragraph (1), the governor must hear the opinions of the Sea-area Fisheries Adjustment Commission concerned.
- (4) When the Sea-area Fisheries Adjustment Commission intends to give an opinion to rescind the fishery right in the case referred to in the preceding paragraph, the Commission must notify the fishery right holder of the reason in writing and hear the opinions of the fishery right holder publicly in advance.
- (5) When the opinions are heard pursuant to the preceding paragraph, the relevant fishery right holder or the person's agent may make an explanation and submit evidence.
- (6) During the period from the time when the notice under the provisions of paragraph (4) is made to the time when the hearing of the opinions is completed, the fishery right holder or its agent may request the prefectural governor concerned to allow the fishery right holder or its agent to inspect the written statement pertaining to the results of the investigation made on the issue and other data proving the fact causing the application. In this case, the prefectural governor concerned may not reject the inspection unless there is any possibility of impairing the interest of a third party or any other justifiable grounds.
- (7) Beyond what is provided for in the preceding three paragraphs, matters necessary for the hearing of opinions of paragraph (4) performed by the Sea-area Fisheries Adjustment Commission are specified by a Cabinet Order.

(Reporting of the Status of Resource Control)

Article 90 (1) A fishery right holder must report the status of resource control in the fishery covered by a fishery right owned by the fishery right holder, the status of using a fishing ground and other matters specified by Order of the

Ministry of Agriculture, Forestry and Fisheries to the prefectural governor concerned, pursuant to Order of the Ministry of Agriculture, Forestry and Fisheries; provided, however, that this does not apply to matters reported to the prefectural governor concerned pursuant to the provisions of Article 26, paragraph (1) or Article 30, paragraph (1).

- (2) The prefectural governor concerned is to give a necessary report on particulars reported pursuant to the provisions of the preceding paragraph to the Sea-area Fisheries Adjustment Commission pursuant to Order of the Ministry of Agriculture, Forestry and Fisheries.

(Guidance and Recommendation)

Article 91 (1) When the prefectural governor concerned finds that a fishery right holder falls under any of the following items, the governor is to instruct the fishery right holder to take measures necessary for appropriate and effective use of fishing grounds:

- (i) when a failure to make appropriate use of fishing grounds has disturbed the production activities of fisheries operated by other fishery managers or caused the deterioration of the marine environment; or

- (ii) when a part of a fishing ground is not used for no reasonable ground.

(2) When the prefectural governor concerned finds that a person who has given guidance pursuant to the provisions of the preceding paragraph fails to follow the guidance, the governor is to recommend the person to take measures pertaining to the guidance.

(3) When the prefectural governor concerned intends to give guidance or recommendation pursuant to the provisions of the preceding two paragraphs, the governor must hear the opinions of the Sea-area Fisheries Adjustment Commission.

(Rescission of Fishery Right due to Loss of Qualification)

Article 92 (1) If a fishery right holder granted a license of a fishery loses the qualification provided for in the provisions of Article 72, paragraphs (1) or (2) (including as applied mutatis mutandis pursuant to paragraph (4) of the same Article), the prefectural governor concerned must rescind the fishery right.

(2) If a fishery right holder falls under any of the following items, the prefectural governor concerned may rescind the fishery right or order the suspension of exercise of the fishery right:

- (i) when the person has violated the provisions of acts and orders concerning fishery; or

- (ii) when the person does not follow a recommendation under the provisions of paragraph (2) of the preceding Article.

(3) In the case of the preceding two paragraphs, the provisions of Article 89,

paragraphs (3) through (7) apply mutatis mutandis.

(Rescission of Fishery Right due to Necessity of Public Interest)

Article 93 (1) The prefectural governor concerned may change or rescind a fishery right or may order the suspension of the exercise of a fishery right, when the prefectural governor finds it to be necessary for fisheries adjustment, the navigation, anchoring or mooring of ships, installation of underwater cables and other public interest.

(2) When the prefectural governor concerned changes a fishery right pursuant to the provisions of the preceding paragraph, the governor must change the sea-area fishing ground plan or the inland waters fishing ground plan.

(3) In the case of paragraph (1), the provisions of Article 89, paragraphs (3) through apply mutatis mutandis.

(4) The Minister of Agriculture, Forestry and Fisheries may instruct the prefectural governor concerned to change, rescind or suspend the exercise of a fishery right pursuant to the provisions of paragraph (1), when the minister finds it to be particularly necessary for fisheries adjustment, the navigation, anchoring or mooring of ships, installation of underwater cables and other public interest from a wide viewpoint exceeding the areas of the prefectures.

(Rescission of a License Granted by Mistake)

Article 94 If a license is granted by mistake and when the prefectural governor concerned intends to rescind it, the governor must hear the opinions of the Sea-area Fisheries Adjustment Commission.

(Protection of Statutory Lien Holder and Mortgage Holder)

Article 95 (1) When the prefectural governor concerned has rescinded a fishery right, the governor must immediately notify the registered statutory lien holder, etc. to that effect.

(2) The registered statutory lien holder, etc. may request an auction of the fishery right within 30 days from the date on which the holder, etc. received the notice of the preceding paragraph; provided, however, that this does not apply to the rescission pursuant to the provisions of Article 93, paragraph (1) or the rescission of a license granted by mistake.

(3) The fishery right is to continue to exist within the period set forth in the preceding paragraph or till the date when the procedure of the auction is completed within the scope of the purpose of the auction.

(4) The sale amount of the auction is allocated for covering the expense of the auction and the payment of the debt to the registered statutory lien holder, etc., and the balance belongs to the national treasury.

(5) When the purchaser has paid the amount, the rescission of the fishery right is

not deemed to have come into effect.

(Purchase of Structure Fixed to Fishing Ground)

Article 96 The fishery right holder who installed a structure fixed to the fishing ground for increasing the value of the fishery right may request the person who is granted the license of the fishery and benefited from the use of the structure to purchase the structure at the current value after the extinguishment of the fishery right, when the fishery right becomes extinct.

Subsection 3 Piscary

(Qualification for Acquiring Piscary)

Article 97 Any other person than a Fisheries Cooperative Associations and Federations of Fisheries Cooperative Associations may not acquire a piscary.

(Nature of Piscary)

Article 98 (1) A piscary is deemed to be a property.

(2) A piscary may not be the subject of any right except for being the subject of transfer or the subject of acquisition by the merger of corporations or demerger of a juridical person.

(3) A piscary may not be transferred without the consent of the fishery right holder.

(Documentation of the Contents of Piscary)

Article 99 For a piscary, the following matters must be clarified in writing:

- (i) area of the other's waters in which a fishery can be performed;
- (ii) type of the fishery to be performed in the waters, kinds of catches and fishery season;
- (iii) period, if the duration is to be stipulated;
- (iv) fishery fee, if the fee is to be stipulated;
- (v) fishery method, if the method is to be stipulated;
- (vi) fishing boats, gear and number of fishery managers, if they are to be stipulated;
- (vii) qualification of the persons engaged in the fishery in the waters, if the qualification is to be stipulated; and
- (viii) other details of the fishery in the waters.

(Establishment, Change and Extinction of Piscary by Ruling)

Article 100 (1) If a fishery right holder unduly rejects the establishment of a requested piscary or if one party finds the contents of a piscary inappropriate and requests the other party to change or extinguish the piscary and if the

other party unduly rejects the change or extinguishment, the person who encounters the rejection to establish, change or extinguish the piscary may file an application with the Sea-area Fisheries Adjustment Commission to arbitrate the establishment, change or extinguishment of the piscary.

- (2) If an application for ruling set forth in the preceding paragraph has been filed, the Sea-area Fisheries Adjustment Commission concerned must notify the other party to that effect and publicly notify it as prescribed in the Order of the Ministry of Agriculture, Forestry and Fisheries.
- (3) The other party of the application for ruling pursuant to the provisions of paragraph (1) may submit a written opinion to the Sea-area Fisheries Adjustment Commission within two weeks from the date of the public notice of the preceding paragraph.
- (4) The Sea-area Fisheries Adjustment Commission concerned must commence a conference after a lapse of the period set forth in the preceding paragraph.
- (5) The ruling may not exceed the scope of the application.
- (6) The ruling must decide the following particulars:
 - (i) whether or not a piscary should be established, and the contents and time of the establishment if the piscary should be established, in a case where the application for ruling relates to the establishment of a piscary;
 - (ii) whether or not the piscary should be changed, and the contents and time of the change if the piscary should be changed, in a case where the application for ruling relates to the change of a piscary; and
 - (iii) whether or not the piscary should be extinguished, and the contents and time of the extinguishment if the piscary should be extinguished, in a case where the application for ruling relates to the extinguishment of a piscary.
- (7) When the Sea-area Fisheries Adjustment Commission has performed ruling, the Commission must notify the other party of the application for ruling to that effect without delay and publicly notify it as specified by Order of the Ministry of Agriculture, Forestry and Fisheries.
- (8) When the public notice referred to in the preceding paragraph has been made, the conference between the parties concerned is deemed to have reached a conclusion as specified by the ruling.

(Duration of Piscary)

Article 101 A piscary, the duration of which is not particularly specified, is deemed to continuously exist during the duration of the fishery right covered by the piscary; provided, however, a person who holds the piscary (hereinafter referred to as "piscary holder" in Article 103) may waive the right at any time.

(Co-ownership of Piscary)

Article 102 The provisions of Articles 84 and 85 apply mutatis mutandis to the

co-ownership of a piscary.

(Nonpayment of Fishery Fee)

Article 103 (1) If a piscary holder fails to pay the fishery fee, the fishery right holder may reject that the piscary holder enters the fishery right holder's waters.

(2) If a piscary holder fails to pay the fishery fee for two years or more or encounters the decision to commence bankruptcy proceedings, the fishery right holder may request the extinction of the piscary.

Article 104 The fishery fee is not required to be paid when the piscary holder does not enter the fishery right holder's waters.

Subsection 4 Fishery Right Exercise Rule

(Right to Exercise Partner Rights)

Article 105 A partner (limited to a fishery manager or a fishery employee) of a Fisheries Cooperative Association that has a group fishery right or a piscary or a partner (limited to a fishery manager or a fishery employee) of a Fisheries Cooperative Association that is a member of a Federation Fisheries Cooperative Associations that has a group fishery right or a piscary, who falls under the qualification provided in the Fishery Right Exercise Rule or the Piscary Exercise Rule pertaining to the group fishery right or the piscary, has the right of operating a fishery within the scope of the group fishery right or the piscary in accordance with the Fishery Right Exercise Rule or the Piscary Exercise Rule (hereinafter referred to as "right to exercise partner rights").

(Fishery Right Exercise Rule)

Article 106 (1) The Fishery Right Exercise Rule is to be established for each group fishery right by a Fisheries Cooperative Association or a Federation of Fisheries Cooperative Associations that has a group fishery right.

(2) The Piscary Exercise Rule is to be established for each piscary by a Fisheries Cooperative Association or a Federation of Fisheries Cooperative Associations that has a piscary.

(3) The Fishery Right Exercise Rule and the Piscary Exercise Rule (hereinafter referred to as the "Exercise Rule" in this Article) are to provide the following matters:

(i) a qualification as a person entitled to have a right to exercise partner rights (hereinafter referred to as "partner right holder" in this paragraph);

(ii) with respect to the fishery covered by a fishery right or a piscary, the area or period in which the fishery is to be operated, the method of the fishery and

- any other matters to be observed by a partner right holder when operating the fishery; and
- (iii) if a partner right holder operates a fishery based on a right to exercise partner rights held by the partner right holder, and when the Fisheries Cooperative Association or the Federation of Fisheries Cooperative Associations levies money to the partner right holder, the amount of the money.
- (4) When a Fisheries Cooperative Association or a Federation of Fisheries Cooperative Associations that has a group fishery right covering a demarcated fishery or the class 1 common fishery intends to establish the Fishery Right Exercise Rule for the group fishery right, the Association or the Federation must obtain the consent of not less than two thirds of the partners of the Association or the Federation in writing (in the case of a Federation of Fisheries Cooperative Associations, partners of a Fisheries Cooperative Association that is a member of the Federation of Fisheries Cooperative Associations), who operate the fishery covered by the fishery right when the Association or the Federation is granted the license of the fishery pertaining to the fishery right (in the case of a group fishery right pertaining to a person considered to have a qualification by falling under the requirements referred to in Article 72, paragraph (2), item (ii) pursuant to the provisions of the same paragraph (including as applied mutatis mutandis pursuant to paragraph (4) of the same Article), a person who operate the coastal fishery (in the case of a group fishery right for a fishery operated in inland waters other than those of a river, a person who operates a fishery in the inland waters; in the case of a group fishery right for a fishery operated in a river, a person who gathers, catches, or cultures aquatic animals and plants in the river)), and who have addresses in the area of a district related to the fishery right, before any resolution is made in the general meeting under the Aquatic Industry Cooperative Association Act (Act No. 242 of 1948) (including a sectional meeting and a representatives' meeting of the general meeting).
- (5) In the case referred to in the preceding paragraph, if it is provided in the articles of association that voting rights may be exercised by an electronic or magnetic means (referring to the electronic or magnetic means provided for in Article 11-3, paragraph (4) of the Aquatic Industry Cooperative Association Act) pursuant to the provisions of Article 21, paragraph (3) of the same Act (including as applied mutatis mutandis pursuant to Article 89, paragraph (3) of the same Act), the consents concerning the Fishery Right Exercise Rule may be obtained by the electronic or magnetic means in lieu of the consents in writing. In this case, the relevant Fishery Cooperative Association or Federation of Fishery Cooperative Associations is deemed to have obtained the relevant consents in writing.

- (6) The consents concerning the Fishery Right Exercise Rule obtained by the electronic or magnetic means of the first sentence of the preceding paragraph (excluding the method prescribed in the Order of the Ministry of Agriculture, Forestry and Fisheries referred to in Article 11-3, paragraph (5) of the Aquatic Industry Cooperative Association Act) are deemed to have arrived at the Fisheries Cooperative Association or Federation of Fisheries Cooperative Associations when the consents have been recorded in a file of the computer used by the Fisheries Cooperative Association or Federation of Fisheries Cooperative Associations.
- (7) The Exercise Rule does not become effective, unless they are approved by the prefectural governor concerned.
- (8) When the prefectural governor concerned finds that the Exercise Rule pertaining to the application is unfairly discriminatory, the governor must not approve it.
- (9) The provisions of paragraphs (4) through (6) apply mutatis mutandis to the change or abolition of the Fishery Right Exercise Rule, the provisions of paragraph (7) applies mutatis mutandis to the change or abolition of the Exercise Rule, and the provisions of the preceding paragraph apply mutatis mutandis to the change of the Exercise Rule. In this case, "who operate the fishery covered by the fishery right when the Association or the Federation is granted the license of the fishery pertaining to the fishery right" in paragraph (4) is deemed to be replaced with "who operate the fishery covered by the fishery right".
- (10) The Exercise Rule is not effective for persons other than the partners of a Fisheries Cooperative Association that established the Exercise Rule or the partners of a Fisheries Cooperative Association that is a member of a Federation of Fisheries Cooperative Associations.

(Special Provisions for Section Meeting of the General Meeting)

Article 107 If a Fisheries Cooperative Association which has a group fishery right has established a sectional meeting of the general meeting (referring to a sectional meeting of the general meeting provided for in Article 51-2, paragraph (1) of the Aquatic Industry Cooperative Association Act) pertaining to the group fishery right, the sectional meeting of the general meeting may exercise the authority of the general meeting when the duration of the group fishery right expires, with respect to the acquisition of a group fishery right to be established on the assumption that the location and region of the fishing ground and the type of the fishery are almost equal to the group fishery right to be expired.

(Consent of Partners)

Article 108 The provisions of Article 106, paragraphs (4) through (6) apply mutatis mutandis to a case where a Fisheries Cooperative Association or a Federation of Fisheries Cooperative Associations intends to divide, change or waive its group fishery right. In this case, "who operate the fishery covered by the fishery right when the Association or the Federation is granted the license of the fishery pertaining to the fishery right" in paragraph (4) of the same Article is deemed to be replaced with "who operate the fishery covered by the fishery right."

Section 4 Coastal Fishing Ground Management

(Designation of Coastal Fishing Ground Management Organization)

Article 109 (1) The prefectural governor concerned may designate, based on a sea-area fishing ground plan, a Fisheries Cooperative Association, a Federation of Fisheries Cooperative Associations, a general incorporated association, or a general incorporated foundation that is found to conform to the following standards as a coastal fishing ground management organization, for each conservation coastal fishing ground set in the sea-area fishing ground plan, upon application from them:

- (i) the applicant is a qualified person provided for in the following Article;
 - (ii) the composition of the officers or employees is unlikely to hinder the implementation of the conservation activities; and
 - (iii) if the applicant is engaged in any business other than conservation activities, the implementation of the business is not likely to hinder the proper and sound implementation of the conservation activities.
- (2) When the prefectural governor concerned finds it to be necessary for ensuring the appropriate implementation of conservation activities, the governor may add conditions to the designation under the provisions of the preceding paragraph.
- (3) When the prefectural governor concerned intends to designate a coastal fishing ground management organization pursuant to the provisions of paragraph (1), the governor must hear the opinions of the Sea-area Fisheries Adjustment Commission.

(Qualification of Coastal Fishing Ground Management Organization)

Article 110 A person qualified as a coastal fishing ground management organization must not fall under any of the following items:

- (i) a person whose officers or employees specified by a Cabinet Order include a member of an organized crime group, etc.;
- (ii) a person whose business activities are controlled by a member of an organized crime group, etc.; or

(iii) a person is not found to have the ability necessary for proper accounting or other conservation activities.

(Coastal Fishing Ground Management Regulations)

- Article 111 (1) A coastal fishing ground management organization must establish Coastal Fishing Ground Management Regulations and obtain the approval of the governor concerned.
- (2) The Coastal Fishing Ground Management Regulations are to provide for the following matters:
- (i) targets for conservation or improvement of the growing environment for aquatic animals and plants;
 - (ii) area and period in which conservation activities are carried out;
 - (iii) type of conservation activities;
 - (iv) particulars to be observed concerning the implementation of conservation activities;
 - (v) particulars concerning the sharing of roles among the persons engaged in conservation activities (hereinafter referred to as "persons engaged in activities" in item (viii)) who operate a fishery in a conservation coastal fishing ground and other persons, and ensuring the smooth implementation of conservation activities;
 - (vi) contents and level of the benefits expected to be received by persons who operate a fishery in the coastal fishing ground and other persons through conservation activities;
 - (vii) the scope of persons who are expected to receive the benefits referred to in the preceding item;
 - (viii) particulars concerning the estimated expenses necessary for conservation activities (including the amount of a part of the expenses to be borne by the persons of the preceding item (excluding persons engaged in activities; hereinafter referred to as "beneficiaries" in this Section) and the basis for the calculation and the use of the expenses to be borne by the persons if cooperation is sought with the persons); and
 - (ix) beyond what is set forth in the preceding items, particulars specified by Order of the Ministry of Agriculture, Forestry and Fisheries with regard to conservation activities.
- (3) When a coastal fishing ground management organization intends to change the Coastal Fishing Ground Management Regulations, the organization must obtain the approval of the prefectural governor concerned.
- (4) When an application for the approval referred to in paragraph (1) or the preceding paragraph has been filed, the prefectural governor concerned must hear the opinions of the Sea-area Fisheries Adjustment Commission.
- (5) When the contents of the Coastal Fishing Ground Management Regulations

fall under all of the following items, the prefectural governor concerned must grant an approval:

- (i) they are found to be appropriate for carrying out conservation activities effectively and efficiently;
 - (ii) they are not unfairly discriminatory; and
 - (iii) when cooperation referred to in paragraph (2), item (viii) (hereinafter simply referred to as "cooperation" in Articles 113 and 114) is sought with beneficiaries, the amount sought is appropriate in light of the content and level of the benefit.
- (6) When the prefectural governor concerned has granted an approval of paragraphs (1) or (3), the governor must publicly notify the name of the coastal fishing ground management organization and other matters specified by Order of the Ministry of Agriculture, Forestry and Fisheries.

(Activities of Coastal Fishing Ground Management Organization)

Article 112 (1) A coastal fishing ground management organization carries out conservation activities based on the Coastal Fishing Ground Management Regulations.

(2) A coastal fishing ground management organization must report the status, income and expenditure of conservation activities and other particulars specified by Order of the Ministry of Agriculture, Forestry and Fisheries to the prefectural governor concerned, pursuant to Order of the Ministry of Agriculture, Forestry and Fisheries.

(3) The prefectural governor concerned is to report the status, income and expenditure of conservation activities and other particulars specified by Order of the Ministry of Agriculture, Forestry and Fisheries to the Sea-area Fisheries Adjustment Commission and the governor is to make them public.

(Arrangement for Cooperation with Conservation Activities)

Article 113 (1) If a coastal fishing ground management organization cannot obtain the cooperation of beneficiaries in carrying out conservation activities, the organization may request the prefectural governor concerned to make the necessary arrangements for obtaining the cooperation.

(2) If the prefectural governor concerned is requested to make an arrangement pursuant to the provisions of the preceding paragraph, and when the governor finds that the cooperation of beneficiaries is particularly necessary, the governor is to make an arrangement.

(Measures if Cooperation cannot be Obtained)

Article 114 (1) If a coastal fishing ground management organization has an impediment to the implementation of conservation activities due to failure to

obtain the cooperation of beneficiaries despite the arrangement referred to in paragraph (2) of the preceding Article, and when the coastal fishing ground management organization has stated its opinion concerning the removal of the impediment pursuant to the provisions of Article 64, paragraph (1) (including as applied mutatis mutandis pursuant to paragraph (8) of the same Article), the prefectural governor concerned is to respect the opinion when establishing or changing a sea-area fishing ground plan.

- (2) When the prefectural governor concerned finds that a coastal fishing ground management organization has an impediment to the to the implementation of conservation activities due to failure to obtain the cooperation of beneficiaries (limited to those who operate a fishery in a conservation coastal fishing ground) despite the arrangement referred to in paragraph (2) of the preceding Article, the prefectural governor takes necessary measures pursuant to the provisions of paragraphs (1) or (2) of Article 44 as applied mutatis mutandis pursuant to Article 58 or the provisions of paragraph (1) of Article 86, paragraph (1) of Article 93, or paragraphs (1) or (2) of Article 119.

(Suspension or Abolition of Conservation Activities)

Article 115 (1) A coastal fishing ground management organization must not suspend or abolish the whole or a part of the conservation activities based on the Coastal Fishing Ground Management Regulations without the approval of the prefectural governor concerned.

- (2) When the prefectural governor concerned has approved the abolition of the whole of the conservation activities pursuant to the provisions of the preceding paragraph, the designation of the coastal fishing ground management organization ceases to be effective.
- (3) When the prefectural governor concerned has granted the approval referred to in paragraph (1), the governor must make it public.

(Rescission of Designation)

Article 116 (1) When the prefectural governor concerned finds that a coastal fishing ground management organization is not properly carrying out conservation activities or not complying with the conditions added pursuant to the provisions of Article 109, paragraph (2), the governor is to recommend the coastal fishing ground management organization to carry out the conservation activities appropriately or comply with the conditions.

- (2) If a coastal fishing ground management organization loses the qualification provided for in the provisions of Article 110, the prefectural governor concerned must rescind the designation.
- (3) If a coastal fishing ground management organization that has received a recommendation under the provisions of paragraph (1) does not follow the

recommendation, the prefectural governor concerned may rescind the designation.

(4) In the case of the preceding two paragraphs, the provisions of Article 89, paragraphs (3) through (7) apply mutatis mutandis.

Section 5 Auxiliary Provisions

(Registration)

Article 117 (1) The establishments, acquisitions, preservations, transfers, changes, extinctions and restrictions of dispositions of fishery rights, and the statutory liens, mortgages and piscaries respectively covering fishery rights, and the suspensions and their cancellations of the exercises of fishery rights pursuant to the provisions of paragraph (2) of Article 92 or paragraph (1) of Article 93 are registered in the License Fishery Registry.

(2) The registration under the provisions of the preceding paragraph substitutes the registration in the registry office.

(3) The provisions of Article 20, paragraphs (2) through (4) apply mutatis mutandis to the License Fishery Registry.

(4) beyond what is set forth in the preceding three paragraphs, matters necessary for the registration under the provisions of paragraph (1) are specified by a Cabinet Order.

(Competent Court of Jurisdiction)

Article 118 If the jurisdiction of a court concerning land is decided by the location of a real property, the municipality to which the coast nearest to the fishing ground belongs is deemed to be the location of the real property.

Chapter V Other Measures concerning Fisheries Adjustment

(Order concerning Fisheries Adjustment)

Article 119 (1) The Minister of Agriculture, Forestry and Fisheries or the prefectural governor concerned may prohibit the fisheries operated for the purpose of gathering and catching the specific kinds of aquatic animals and plants prescribed in Order of the Ministry of Agriculture, Forestry and Fisheries or Rules, and the fisheries operated with the specific fishing methods prescribed in Order of the Ministry of Agriculture, Forestry and Fisheries or Rules (limited to the methods for gathering or catching aquatic animals and plants) for fisheries adjustment, and may ensure that these fisheries can be performed if the permissions are granted by the Minister of Agriculture, Forestry and Fisheries or the prefectural governor concerned as prescribed in Order of the Ministry of Agriculture, Forestry and Fisheries or Rules.

- (2) The Minister of Agriculture, Forestry and Fisheries or the prefectural governor concerned may establish a necessary Order of the Ministry of Agriculture, Forestry and Fisheries or Rules concerning the following particulars for fisheries adjustment:
- (i) restriction or prohibition concerning the gathering, catch or disposal of aquatic animals and plants (excluding that the operation of fisheries is prohibited and that the permissions of the Minister of Agriculture, Forestry and Fisheries or the prefectural governor concerned must be obtained, respectively pursuant to the provisions of the preceding paragraph);
 - (ii) restriction or prohibition concerning the sale or possession of aquatic animals and plants or their products;
 - (iii) restriction or prohibition concerning fishing gear or fishing boats; and
 - (iv) restriction concerning the number and qualification of fishery managers.
- (3) The Order of the Ministry of Agriculture, Forestry and Fisheries or Rules pursuant to the provisions set forth in the preceding paragraph may include necessary penal provisions.
- (4) The punishments that can be provided in the penal provisions set forth in the preceding paragraph is to be imprisonment of two years or less, a fine of 500,000 yen or less, detention or petty fine or cumulative imposition of the foregoing in the Order of the Ministry of Agriculture, Forestry and Fisheries, or imprisonment of six months or less, a fine of 100,000 yen or less, detention or petty fine or cumulative imposition of the foregoing in the Rules.
- (5) The Order of the Ministry of Agriculture, Forestry and Fisheries or Rules pursuant to the provisions of paragraph (2) may include provisions concerning the confiscation of the catches, their products, fishing boats, fishing gear and other things provided for gathering, catching or culturing aquatic animals and plants and respectively owned or possessed by criminals, and concerning the collection of equivalent values in the cases where all or some of these properties owned by criminals cannot be confiscated.
- (6) When the Minister Agriculture, Forestry and Fisheries intends to establish, revise or abolish the Order of the Ministry of Agriculture, Forestry and Fisheries referred to in paragraphs (1) and (2), the minister must hear the opinions of the Fisheries Policy Council.
- (7) When the prefectural governor concerned intends to establish, revise or abolish the Rules referred to in paragraphs (1) or (2), the governor must obtain an approval of the Minister of Agriculture, Forestry and Fisheries.
- (8) When the prefectural governor concerned intends to establish, revise or abolish the Rules referred to in paragraphs (1) and (2), the governor must hear the opinions of the Sea-area Fisheries Adjustment Commission concerned.

(Instructions of Sea-area Fisheries Adjustment Commissions and United Sea-

area Fisheries Adjustment Committee)

Article 120 (1) Sea-area Fisheries Adjustment Commissions and Joint Sea-area Fisheries Adjustment Commission may give instructions such as restriction or prohibition concerning the gathering and catching of aquatic animals and plants, restriction concerning the number of fishery managers, restriction concerning the use of fishing grounds and other necessary matters to the parties concerned when the commissions find it to be necessary for the protection of reproduction of aquatic animals and plants, for the appropriate exercises of fishery rights (referring to the fishery rights provided for in Article 60, paragraph (1); the same applies hereinafter) or piscaries (referring to the piscaries provided for in paragraph (7) of the same Article; hereinafter the same applies in paragraph (1) of the following Article), for the prevention or settlement of disputes concerning the use of fishing grounds or for other fisheries adjustment.

- (2) If an instruction of a Sea-area Fisheries Adjustment Commission under the provisions of the preceding paragraph conflicts an instruction of the Joint Sea-area Fisheries Adjustment Commission pursuant to the provisions of the same paragraph, the instruction of the Sea-area Fisheries Adjustment Commission is not effective to the extent of the conflict.
- (3) The prefectural governor concerned may give necessary instructions concerning the instruction of paragraph (1) to the Sea-area Fisheries Adjustment Commission or the Joint Sea-area Fisheries Adjustment Commission concerned. In this case, the prefectural governor concerned is to notify the Minister of Agriculture, Forestry and Fisheries of the contents of the relevant instruction in advance.
- (4) In the case of paragraph (1), when the prefectural governor concerned finds the instruction inappropriate, the governor may rescind the whole or a part of the instruction.
- (5) With respect to the instruction under the provisions of paragraph (1), the provisions of Article 86, paragraph (3) applies *mutatis mutandis*. In this case, "the prefectural governor concerned" in the same paragraph is to be replaced with "the Sea-area Fisheries Adjustment Commission concerned or the Joint Sea-area Fisheries Adjustment Commission concerned."
- (6) With respect to the instruction of paragraph (1) made according to the instruction under the provisions of Article 86, paragraph (3) applied *mutatis mutandis* in the preceding paragraph, the provisions of paragraph (4) do not apply.
- (7) When the Minister of Agriculture, Forestry and Fisheries intends to give an instruction pursuant to the provisions of Article 86, paragraph (3) applied *mutatis mutandis* in paragraph (5), the minister must notify the prefectural governor concerned of the contents of the instruction in advance; provided,

however, that this does not apply to the case where a notice is given pursuant to the provisions of Article 250-6, paragraph (1) of the Local Autonomy Act (Act No. 67 of 1947).

- (8) When a person given the instruction of paragraph (1) does not follow it, the Sea-area Fisheries Adjustment Commission concerned or the Joint Sea-area Fisheries Adjustment Commission concerned may file an application with the prefectural governor concerned to the effect that the person should issue an order to follow the relevant instruction.
- (9) When the prefectural governor concerned receives the application set forth in the preceding paragraph, the governor must notify the person pertaining to the application to the effect that if the person has an objection, the person should offer it within a certain period of time.
- (10) The period set forth in the preceding paragraph may not be 15 days or less.
- (11) In the case of paragraph (9), if the objection is not offered within the period of the same paragraph or if there is no reason in the offer of the objection, the prefectural governor concerned may issue an order to follow the instruction of paragraph (1) to the person pertaining to the application of paragraph (8).
- (12) If the prefectural governor concerned does not issue an order under the provisions of the preceding paragraph, the provisions of Article 86, paragraph (3) applies *mutatis mutandis*.

(Instruction of Wide Sea-area Fisheries Adjustment Commission)

Article 121 (1) The Wide Sea-area Fisheries Adjustment Commission concerned may give an instruction such as restriction or prohibition concerning the gathering and catching of aquatic animals and plants, restriction concerning the number of fishery managers, restriction concerning the use of fishing grounds and other necessary matters to the parties concerned when the Commission finds it to be necessary for the protection of reproduction of aquatic animals and plants, for the appropriate exercises of fishery rights and piscaries (limited to the fishery rights and piscaries pertaining to the fishing grounds in which the Minister of Agriculture, Forestry and Fisheries per se wields the authority of the prefectural governor pursuant to the provisions of Article 183), for the prevention or settlement of disputes concerning the use of fishing grounds (limited to the fishing grounds in which the Minister of Agriculture, Forestry and Fisheries per se wields the authority of the prefectural governor pursuant to the provisions of the same Article) and for other fisheries adjustment from a wide viewpoint exceeding the areas of the prefectures.

- (2) If an instruction of a Sea-area Fisheries Adjustment Commission or a Joint Sea-area Fisheries Adjustment Commission pursuant to the provisions of paragraph (1) of the preceding Article conflicts an instruction of the Wide Sea-

area Fisheries Adjustment Commission concerned pursuant to the provisions of the preceding paragraph, the instruction of the relevant Sea-area Fisheries Adjustment Commission or Joint Sea-area Fisheries Adjustment Commission is not to be effective to the extent of the conflict.

- (3) The Minister of Agriculture, Forestry and Fisheries may give necessary instructions for the instruction of paragraph (1) to Wide Sea-area Fisheries Adjustment Commissions.
- (4) With respect to an instruction pursuant to the provisions of paragraph (1), the provisions of paragraph (4) and paragraph (8) through paragraph (11) of the preceding Article apply mutatis mutandis. In this case, "the prefectural governor concerned" in paragraph (4), paragraph (8), paragraph (9) and paragraph (11) of the same Article is deemed to be replaced with "the Minister of Agriculture, Forestry and Fisheries," and "the Sea-area Fisheries Adjustment Commission concerned or the Joint Sea-area Fisheries Adjustment Commission concerned" in paragraph (8) of the same Article, with "the Wide Sea-area Fisheries Adjustment Commission concerned."

(Signs of Fishing Grounds or Fishing Gear)

Article 122 The prefectural governor concerned may order fishery managers, Fisheries Cooperative Associations or Federations of Fisheries Cooperative Associations to construct signs of fishing grounds or install signs of fishing gear and other goods used for gathering, catching or culturing aquatic animals and plants.

(Waters not Provided for Use by the Public)

Article 123 The provisions of Article 119 and the penal provisions pertaining to the provisions may apply to the waters not provided for use by the public but communicating with the waters provided for use by the public or with the waters of Article 4 by an order.

(Conclusion of Agreement)

Article 124 (1) A fishery manager may conclude an agreement concerning the preservation and control of specified fishery resources or of fishery resources other than specified fishery resources in the control division other than the division controlled based on individual quota (referring to the control division provided for in Article 7, paragraph (2)) and submit the agreement to the Minister of Agriculture, Forestry and Fisheries or the prefectural governor concerned in the manner specified by Order of the Ministry of Agriculture, Forestry and Fisheries to receive an authorization to the effect that the agreement is appropriate.

- (2) The agreement referred to in the preceding paragraph (hereinafter simply

referred to as "agreement" in this Chapter) provides for the following particulars:

- (i) water areas, types of fishery resources and types of fisheries covered by the agreement;
- (ii) method to preserve and control fishery resources covered by the agreement;
- (iii) effective period of the agreement;
- (iv) measures in case of violation of the agreement; and
- (v) other particulars provided by Order of the Ministry of Agriculture, Forestry and Fisheries.

(Authorization of Agreement)

Article 125 (1) When the Minister of Agriculture, Forestry and Fisheries or the prefectural governor concerned finds that the contents of the agreement pertaining to the application for the authorization referred to in paragraph (1) of the preceding Article fall under all of the following items, the minister or the governor is to grant the authorization referred to in the same paragraph:

- (i) the agreement is appropriate in light of the basic policy on resource control or the prefectural policy on resource control;
- (ii) the agreement is not unfairly discriminatory;
- (iii) the agreement does not violate this Act, orders based on this Act or other relevant laws or regulations;
- (iv) for an agreement that covers specified fishery resources, the agreement is considered effective for the control of catch so as not to exceed the total allowable catch controlled by the minister or the total allowable catch controlled by the prefectural governor pertaining to the specified fishery resources;
- (v) for an agreement that covers fishery resources other than specified fishery resources, measures considered effective for the preservation and control of the fishery resources are established beyond the measures that fishery managers must comply with pursuant to this Act, orders based on this Act and other relevant laws and regulations; and
- (vi) the agreement satisfies standards specified by an Order of the Ministry of Agriculture, Forestry and Fisheries.

(2) Beyond what is provided for in the preceding paragraph, particulars necessary for the authorization (including authorization for a change), rescission or discontinuance of the agreement are specified by a Cabinet Order.

(Arrangement for Participation in Agreement)

Article 126 (1) If a person who participates in an agreement that has been granted an authorization referred to in Article 124, paragraph (1) (hereinafter referred to as "authorized agreement" in this Article and the following Article)

shows the authorized agreement to persons who operate a fishery, whose type is covered by the authorized agreement for the fishery resources whose type is covered by the authorized agreement, in a water area covered by the authorized agreement and do not participate in the agreement, and asks the persons to participate in the agreement, and if some of the persons do not agree to participate, the person may request the Minister of Agriculture, Forestry and Fisheries or the prefectural governor who granted the authorization referred to in the same paragraph to make a necessary arrangement for obtaining the consent of the persons who do not agree to participate, pursuant to an Order of the Ministry of Agriculture, Forestry and Fisheries.

- (2) If an application under the preceding paragraph has been filed, and when the Minister of Agriculture, Forestry and Fisheries or the prefectural governor concerned finds that the participation of a person who is not a participant to the authorized agreement is appropriate in light of the provisions of paragraph (1) of the preceding Article and that it is particularly necessary to request the person to participate in the authorized agreement in light of the contents of the agreement, the minister or the governor is to make an arrangement.
- (3) If the number of persons participating in the authorized agreement is two thirds or more of all the persons who operate a fishery whose type is covered by the authorized agreement with respect to the fishery resources covered by the authorized agreement in the water area covered by the authorized agreement and exceeds the ratio specified by Order of the Ministry of Agriculture, Forestry and Fisheries or conforms to other standards specified by Order of the Ministry of Agriculture, Forestry and Fisheries, the persons participating in the authorized agreement may request the Minister of Agriculture, Forestry and Fisheries or the prefectural governor concerned to take necessary measures for achieving the purpose of the authorized agreement pursuant to Order of the Ministry of Agriculture, Forestry and Fisheries.
- (4) If a request under the provisions of the preceding paragraph has been made, and when the Minister of Agriculture, Forestry and Fisheries or the prefectural governor concerned finds it to be necessary for resource control, the minister or the prefectural governor takes necessary measures pursuant to the provisions of paragraphs (1) or (2) of Article 44 (including as applied *mutatis mutandis* pursuant to Article 58), paragraph (1) of Article 55, paragraphs (1) or (3) of Article 86, paragraphs (1) or (4) of Article 93, or paragraph (1) or (2) of Article 119, in consideration of the contents of the request.

(Report on Status of Implementation)

Article 127 The Minister of Agriculture, Forestry and Fisheries or the prefectural governor concerned may request any person participating in an

authorized agreement to report on the status of implementation of the authorized agreement.

(Fisheries Supervising Public Officers)

- Article 128 (1) The Minister of Agriculture, Forestry and Fisheries or the prefectural governor concerned nominates Authorized Fisheries Supervisors or Authorized Fisheries Supervising Officers from among the employees concerned, to have them take charge of the affairs concerning the observance of acts and ordinances concerning fishery.
- (2) The particulars necessary for the qualification of an Authorized Fisheries Supervisor is prescribed in a Cabinet Order.
- (3) Authorized Fisheries Supervisors or Authorized Fisheries Supervising Officers may visit fishing grounds, ships, places of business, offices, warehouses and other locations and inspect the situations or books and documents and other items or ask the persons concerned questions, when they find it to be necessary.
- (4) When Authorized Fisheries Supervisors or Authorized Fisheries Supervising Officers perform their duties, they must carry their identification cards for certifying their status with them and show the cards when requested to do so.
- (5) Each Authorized Fisheries Supervisor or Authorized Fisheries Supervising Officer nominated as a result of the conference between the chief of the public agency they belong to and the Chief Prosecutor of the public prosecution office corresponding to the district court having jurisdiction over the main place of their work are to perform their duty as a juridical police officer pursuant to the provisions of the Criminal Procedure Act (Act No. 131 of 1948) concerning the crimes concerning fisheries.

(Cooperation between Authorized Fisheries Supervisors and Authorized Fisheries Supervising Officers)

- Article 129 (1) The Minister of Agriculture, Forestry and Fisheries may request that the prefectural governor concerned should let the authorized fisheries supervising officers of the prefectural government concerned cooperate with an authorized fisheries supervisor with respect to a particular case, when the minister finds it to be particularly necessary for investigation. In this case, the relevant authorized fisheries supervising officers are directed and supervised by the Minister of Agriculture, Forestry and Fisheries to the extent necessary for the investigation.
- (2) Each prefectural governor may file an application for the cooperation of an authorized fisheries supervisor with the Minister of Agriculture, Forestry and Fisheries with respect to a particular case, when the governor finds it especially necessary for investigation. In this case, the Minister of Agriculture,

Forestry and Fisheries must let the Authorized Fisheries Supervisor cooperate when the minister finds it appropriate.

(Authorized Supervising Officers and the Area of Each Prefecture)

Article 130 Authorized fisheries supervising officers may also perform their duty outside the area of the prefecture concerned when they are permitted by the Minister of Agriculture, Forestry and Fisheries if it is necessary for investigation, beyond the case provided for in the preceding Article.

(Order to Anchor)

Article 131 (1) When the Minister of Agriculture, Forestry and Fisheries or the prefectural governor concerned finds that a fishery manager or other persons who gather, catch or culture aquatic animals and plants commit an act that violates the provisions of acts and ordinances concerning fishery or dispositions based on these provisions (excluding the case provided for in Articles 27 and 34), the minister or the prefectural governor concerned may order to anchor the ship used by the person who has committed the act by specifying the port and the period for anchorage, or may order to prohibit the use of or land fishing gear used for the act and other goods used for gathering, catching or culturing aquatic animals and plants by specifying the period.

(2) When the Minister of Agriculture, Forestry and Fisheries or the prefectural governor concerned intends to make a disposition (excluding those pertaining to an act violating the provisions of Article 25, paragraph (1)) under the provisions of the preceding paragraph, the minister or the prefectural governor must hold a hearing irrespective of the categories of procedures for hearing statements of opinion under the provisions of Article 13, paragraph (1) of the Administrative Procedure Act.

(3) The proceedings on the date of hearing pertaining to the disposition under the provisions of paragraph (1) must be open to the public.

(Prohibition of Gathering or Catching of Specified Aquatic Animals and Plants)

Article 132 (1) It is prohibited for any person to gather or catch specified aquatic animals and plants (referring to aquatic animals and plants that are likely to be gathered or caught for the purpose of acquiring unlawful economic benefit and which are specified by Order of the Ministry of Agriculture, Forestry and Fisheries as those likely to have serious impacts on the growth of the aquatic animals and plants or on the production activities of the fisheries when they are gathered or caught for that purpose; hereinafter the same applies in item (iv) of the following paragraph and Article 189).

(2) The provisions of the preceding paragraph do not apply in the following cases:
(i) if an annual individual quota setter gathers or catches them within the

scope of the annual individual quota set to the annual individual quota set in a division controlled based on individual quota;

- (ii) if a person who has obtained the permission under the provisions of paragraph (1) of Article 36, paragraph (1) of Article 57, paragraph (1) of Article 88 (including as applied mutatis mutandis pursuant to paragraph (5) of the same Article) or paragraph (1) of Article 119 operates a fishery based on the permission;
- (iii) if a person having a fishery right or the right to exercise partner rights operates a fishery based on the right; or
- (iv) beyond the cases set forth in the preceding three items, cases specified by Order of the Ministry of Agriculture, Forestry and Fisheries as those in which the impact on the growth of the specified aquatic animals and plants and production activities of the fisheries is minor.

(Measures for Adjustment of Fishing Effort)

Article 133 The national government is to take necessary measures to adjust the fishing effort by fishery managers (referring to the fishing effort provided for in Article 7, paragraph (3)) such as reducing the number of ships or the number of operating days for gathering or catching fishery resources in light of the situation of the fishery resources and the situation of gathering or catching the fishery resources, in order to ensure the smooth implementation of fisheries adjustment.

Chapter VI Fisheries Adjustment Commissions.

Section 1 General Provisions

(Fisheries Adjustment Commission)

Article 134 (1) The Fisheries Adjustment Commission include Sea-area Fisheries Adjustment Commissions, Joint Sea-area Fisheries Adjustment Commission and Wide Sea-area Fisheries Adjustment Commissions.

(2) Each Sea-area Fisheries Adjustment Commission is supervised by the prefectural governor concerned; each Joint Sea-area Fisheries Adjustment Commission, by the prefectural governor having jurisdiction over the sea area for which the commission is established; and each Wide Sea-area Fisheries Adjustment Commission, by the Minister of Agriculture, Forestry and Fisheries.

(Particulars under the Jurisdiction)

Article 135 Each Fisheries Adjustment Commission deals with particulars concerning the fisheries in the sea area or in the sea region for which the Commission is established.

Section 2 Sea-area Fisheries Adjustment Commissions

(Establishment)

Article 136 (1) A Sea-area Fisheries Adjustment Commission is established in a sea area which the Minister of Agriculture, Forestry and Fisheries has established in the sea.

(2) When the Minister of Agriculture, Forestry and Fisheries established a sea area pursuant to the provisions of the preceding paragraph, the minister publicly notifies it.

(Composition)

Article 137 (1) A Sea-area Fisheries Adjustment Commission consists of commission members.

(2) A Sea-area Fisheries Adjustment Commission is to have a chairman. The chairman is co-opted from among commission members; provided, however, that when the commission members cannot select the chairman by mutual vote, the chairman is appointed by the prefectural governor concerned from among the commission members.

(3) When a Sea-area Fisheries Adjustment Commission finds that the chairman is inappropriate for the function under the jurisdiction of the chairman, the Commission may dismiss the chairman by its resolution.

(4) Each prefectural governor may appoint an expert adviser when the governor finds it necessary for letting the commission study and deliberate a technical matter.

(5) The expert adviser is appointed by the prefectural governor concerned from among the persons with relevant knowledge and experience.

(6) Each commission may have a clerk or assistant.

(Appointment of Commission Members)

Article 138 (1) Commission members are appointed by the prefectural governor concerned with the consent of the assembly from among persons who have insight concerning fishery and are able to appropriately perform the duties concerning the matters under the jurisdiction of the Sea-area Fisheries Adjustment Commission concerned.

(2) The fixed number of commission members is to be 15 (10 for a Sea-area Fisheries Adjustment Commission established in a sea area designated by the Minister of Agriculture, Forestry and Fisheries); provided, however, that the fixed number may be increased or decreased by a Prefectural Order within the range from 10 to 20.

(3) The fixed number referred to in the preceding paragraph may not be changed

unless the term of office of the commission members has expired.

- (4) A person who falls under any of the following items may not become a commission member:
 - (i) a person under 18 years of age;
 - (ii) a person who has not had the person's rights restored after receiving an order commencing bankruptcy proceedings; or
 - (iii) a person who has been sentenced to imprisonment without work or a severer punishment and who has not completed the execution of the sentence or to whom the sentence still applies.
- (5) When the prefectural governor concerned appoints commission members referred to in paragraph (1), the governor must make sure that the majority of the members are fishery managers or fishery employees (limited to those who operate a fishery using a fishing boat or are engaged in the gathering, catching or culturing of aquatic animals and plants using a fishing boat for fishery managers for 90 days or more per year) who have addresses or places of business in the region of the municipalities along the sea area for which each Sea-area Fisheries Adjustment Commission is established (including municipalities not lying along the sea, but designated by the Minister of Agriculture, Forestry and Fisheries for a reason that there are numerous persons operating or engaged in fisheries in the sea area and having addresses or places of business in the region of the municipalities or other special reasons). In this case, the prefectural governor concerned must give consideration so as not to cause any extreme bias to the type of fisheries which fishery managers or fishery employees operate or engage in, fishing area and other particulars specified by Order of the Ministry of Agriculture, Forestry and Fisheries.
- (6) The prefectural governor concerned may expand or restrict the scope of the fishery managers or fishery employees of the preceding paragraph depending on the special circumstance of the sea area after hearing the opinions of the Sea-area Fisheries Adjustment Commission.
- (7) Beyond what is provided for in paragraph (5), when the prefectural governor concerned appoints the commission members under the provisions of paragraph (1), the prefectural governor must make sure that persons with the relevant knowledge and experience concerning resource control and fishery management and persons who do not have an interest concerning the particulars under the jurisdiction of the Sea-area Fisheries Adjustment Commission are included in the commission members.
- (8) When the prefectural governor concerned appoints the commission members under the provisions of paragraph (1), the governor must give consideration so as not to cause any extreme bias to the age and sex of the commission members.
- (9) When the prefectural governor concerned appoints the commission members

under the provisions of paragraph (1) in the case where an Inland Waters Fishing Ground Management Commission is not established pursuant to the provisions of the proviso to Article 171, paragraph (1), the governor must make sure that persons who have knowledge concerning fisheries in inland waters are included in the commission members, beyond what is provided for in paragraphs (5) and (7).

Article 139 (1) When the prefectural governor concerned intends to appoint the commission members pursuant to the provisions of paragraph (1) of the preceding Article, the governor must ask fishery managers, groups organized by fishery managers and other relevant persons for the recommendation of candidates, and recruit persons to be the members in advance, as specified by Order of the Ministry of Agriculture, Forestry and Fisheries.

(2) The prefectural governor concerned must organize information concerning persons who have received recommendations under the provisions of the preceding paragraph and persons who have applied for the members under the provisions of the same paragraph, and make the information public, as specified by Order of the Ministry of Agriculture, Forestry and Fisheries.

(3) When the prefectural governor concerned appoints the commission members under the provisions of paragraph (1) of the preceding Article, the governor must respect the results of recommendation and recruitment under the provisions of paragraph (1).

(Prohibition of Holding Multiple Offices)

Article 140 Each commission member may not serve as a member of the assembly of each prefecture.

(Resignation of Commission Members)

Article 141 A commission member may resign with the consent of the prefectural governor concerned and the Sea-area Fisheries Adjustment Commission, if there is any justifiable reason.

(Unemployment of Commission Members)

Article 142 A commission member loses the position of the member if the member falls under any of the items of Article 138, paragraph (4).

(Term of Office of Commission Members)

Article 143 (1) The term of office of commission members is to be four years.

(2) The term of office of a substitute commission member is the remaining term of office of the predecessor.

(3) Even if the term of office of the commission members expires, the commission

members are to perform their duties until the successors assumes office.

(Dismissal of Commission Members)

Article 144 (1) When the prefectural governor concerned finds that a commission member is incapable of executing the member's duties due to mental or physical disorder, has violated the obligations in the course of the member's duties, or has committed other misconduct unbecoming to a commission member, the governor may dismiss the commission member with the consent of the assembly.

(2) Except for the case referred to in the preceding paragraph, members are not dismissed against their will.

(Meetings of the Commission)

Article 145 (1) A Sea-area Fisheries Adjustment Commission may not hold a meeting without the attendance of a majority of the commission members.

(2) The proceedings are to be decided by a majority of attending commission members. In the case of a tie, the chairman is to decide the issue.

(3) The meetings of Sea-area Fisheries Adjustment Commissions are opened to the public.

(4) The chairman must prepare minutes and make them public via the Internet or in any other appropriate manner, pursuant to the provisions of Order of the Ministry of Agriculture, Forestry and Fisheries.

Article 146 Each commission member may not participate in the proceedings concerning a case pertaining to the member, a relative living together or the member's spouse; provided, however, that in the case where the Sea-area Fisheries Adjustment Commission approves, the member may attend a meeting and state opinions.

Section 3 United Sea-area Fisheries Adjustment Committee

(Establishment)

Article 147 (1) When the prefectural governor concerned finds it to be necessary, the governor may establish a Joint Sea-area Fisheries Adjustment Commission covering a sea region consisting of two or more sea areas for a specific purpose.

(2) The Minister of Agriculture, Forestry and Fisheries may recommend the prefectural governor concerned to establish a Joint Sea-area Fisheries Adjustment Commission when the governor finds it necessary. In this case, the prefectural governor must respect the relevant recommendation.

(3) If a prefectural governor is going to establish a Joint Sea-area Fisheries Adjustment Commission pursuant to the provisions of paragraph (1), and a

part of the sea region belongs to the jurisdiction of another prefectural governor, the governor must confer with the relevant governor.

- (4) A Sea-area Fisheries Adjustment Commission may confer with another Sea-area Fisheries Adjustment Commission and establish a Joint Sea-area Fisheries Adjustment Commission covering a sea region formed by combining the sea areas of both the Sea-area Fisheries Adjustment Commissions for a specific purpose, when the former Sea-area Fisheries Adjustment Commission finds it necessary.
- (5) If the conference referred to in the preceding paragraph does not reach any conclusion, the Sea-area Fisheries Adjustment Commission may file an application to decide the particulars with the prefectural governor who supervises the Commission. In this case, if different prefectural governors supervise the respective Sea-area Fisheries Adjustment Commissions, the particulars are decided by a conference between the prefectural governors.
- (6) If the conference referred to in paragraph (3) or the preceding paragraph does not reach any conclusion, the prefectural governor concerned may file an application to decide the matter with the Minister of Agriculture, Forestry and Fisheries.
- (7) If the prefectural governor concerned or the Minister of Agriculture, Forestry and Fisheries has decided the particulars pursuant to the provisions of the preceding two paragraphs, the conference is deemed to have reached a conclusion as decided.

(Composition)

Article 148 (1) A Joint Sea-area Fisheries Adjustment Commission consists of commission members.

- (2) The commission members are to consist of the same respective number of commission members elected according to an established rule from the members of the respective Sea-area Fisheries Adjustment Commissions established for the sea region consisting of the sea areas; provided, however, that in the case where the number of Sea-area Fisheries Adjustment Commissions exceeds the fixed number of commission members under the provisions of the following paragraph, one each is elected from the members of each Sea-area Fisheries Adjustment Commission, and the elected members elect the commission members of the joint commission by co-option.
- (3) The fixed number of commission members of the joint commission is decided by the prefectural governor concerned in the case provided for in the provisions of paragraph (1) of the preceding Article excluding the case provided for in the provisions of paragraph (3) of the same Article, or by the conference between the respective prefectural governors in the case provided for in the provisions of the same paragraph, or by the conference between the respective Sea-area

Fisheries Adjustment Commissions in the case provided for in the provisions of paragraph (4) of the same Article.

- (4) The prefectural governor who established the Joint Sea-area Fisheries Adjustment Commission pursuant to the provisions of paragraph (1) of the preceding Article or the prefectural governor supervising the Sea-Area Fisheries Adjustment Commissions which established the Joint Sea-area Fisheries Adjustment Commission pursuant to the provisions of paragraph (4) of the same Article may appoint commission members, beyond the commission members elected pursuant to the provisions of paragraph (2), from the persons with relevant knowledge and experience up to a number corresponding to no more than two thirds of the elected members when the prefectural governor finds it necessary.
- (5) The appointment of the commission members of the preceding paragraph must be deliberated with the other prefectural governor concerned in the case pursuant to the provisions of paragraph (3) of the preceding Article or in the case pursuant to the provisions of the second sentence of paragraph (5) of the same Article.
- (6) If the conference between the Sea-area Fisheries Adjustment Commissions referred to in paragraph (3) does not reach any conclusion, the provisions of paragraph (5) of the preceding Article applies *mutatis mutandis*.
- (7) If the conference between the prefectural governors referred to in paragraph (5) of the preceding Article, which is applied *mutatis mutandis* in paragraph (3), paragraph (5) or the preceding paragraph, does not reach a conclusion, the provisions of paragraph (6) of the preceding Article applies *mutatis mutandis*.
- (8) In the case of the preceding three paragraphs, the provisions of paragraph (7) of the preceding Article applies *mutatis mutandis*.

(Term of Office and Dismissal of Commission Members)

Article 149 The necessary particulars concerning the term of office and dismissal of the commission members elected pursuant to the provisions of paragraph (2) of the preceding Article are as specified by the Sea-area Fisheries Adjustment Commission the respective members belong to.

(Unemployment of Commission Members)

Article 150 The commission members elected pursuant to the provisions of Article 148, paragraph (2) lose employment when they are no longer members of the Sea-area Fisheries Adjustment Commission.

(Mutatis Mutandis Application Provisions)

Article 151 The provisions of paragraphs (2) through (6) of Article 137, Article 141, paragraph (3) of Article 143, and Articles 144 through 146 apply *mutatis*

mutandis to the Joint Sea-area Fisheries Adjustment Commission. In this case, the term "by the prefectural governor concerned" in the proviso to paragraph (2) of Article 137 and in paragraph (5) of the same Article is deemed to be replaced with "in the same manner as the method to appoint commission members provided for in Article 148, paragraph (4)"; "the prefectural governor concerned" in Article 141 and paragraph (1) of Article 144, with "prefectural governor concerned provided for in Article 148, paragraph (4)"; and "with the consent of the assembly" in the same paragraph, with "in the same manner as the appointing method."

Section 4 Wide Sea-area Fisheries Adjustment Commissions

(Establishment)

Article 152 (1) A Pacific Ocean Wide Sea-area Fisheries Adjustment Commission is established for the Pacific Ocean; Sea-of-Japan/Kyushu West Wide Sea-area Fisheries Adjustment Commission, for the Sea of Japan and the west sea of Kyushu; and Seto Inland Sea Wide Sea-area Fisheries Adjustment Commission, for the Seto Inland Sea.

(2) In the provisions set forth in the preceding paragraph, "the Pacific Ocean," "the Sea of Japan and the west sea of Kyushu" or "the Seto Inland Sea" includes the exclusive economic zone, territorial waters and inland sea (not including inland waters) and respectively refers to the sea region of the Pacific Ocean, the sea region consisting of the Sea of Japan and the west sea of Kyushu or the sea region of the Seto Inland Sea (including the sea regions adjacent to each sea region), as prescribed by Cabinet Order.

(Composition)

Article 153 (1) A Wide Sea-area Fisheries Adjustment Commission consists of commission members.

- (2) The persons stated below are to serve as the commission members of the Pacific Ocean Wide Sea-area Fisheries Adjustment Commission:
- (i) one person, each elected for each prefecture from among the commission members of the Sea-area Fisheries Adjustment Commissions established for the region of the Pacific Ocean by mutual vote;
 - (ii) seven persons appointed by the Minister of Agriculture, Forestry and Fisheries from among the persons operating fisheries in the region of the Pacific Ocean; and
 - (iii) three persons appointed by the Minister of Agriculture, Forestry and Fisheries from among the persons with learned knowledge and experience.
- (3) The persons stated below is to serve as the commission members of the Sea-of-Japan/Kyushu West Wide Sea-area Fisheries Adjustment Commission:

- (i) one person, each co-opted for each prefecture from among the members of the Sea-area Fisheries Adjustment Commissions established for the region of the Sea of Japan and the west sea of Kyushu ;
 - (ii) seven persons appointed by the Minister of Agriculture, Forestry and Fisheries from among the persons operating fisheries in the region of the Sea of Japan and the west sea of Kyushu; and
 - (iii) three persons appointed by the Minister of Agriculture, Forestry and Fisheries from among the persons with learned knowledge and experience
- (4) The persons listed below are to serve as the commission members of the Seto Inland Sea Wide Sea-area Fisheries Adjustment Commission:
- (i) one person, each selected for each prefecture from among the members of the Sea-area Fisheries Adjustment Commissions established for the region of the Seto Inland Sea; and
 - (ii) three persons appointed by the Minister of Agriculture, Forestry and Fisheries from among the persons with relevant knowledge and experience.

(Reconsideration of Resolution)

Article 154 If the Minister of Agriculture, Forestry and Fisheries finds that a resolution of a Wide Sea-area Fisheries Adjustment Commission violates an act or an order is significantly unreasonable, the Minister may submit the resolution for reconsideration, showing a reason; provided, however, that this does not apply if one month has elapsed after the date of the resolution.

(Dissolution Order)

Article 155 (1) If the Fisheries Policy Council finds that a Wide Sea-area Fisheries Adjustment Commission fails to make any resolution or that any resolution made by the Commission violates an act or ordinance or remarkably undue, and requests the dissolution of the Commission, the Minister of Agriculture, Forestry and Fisheries may order the dissolution of the Commission.

(2) The lawsuit for requesting the rescission of the dissolution order of the Minister of Agriculture, Forestry and Fisheries pursuant to the provisions set forth in the preceding paragraph for a reason that the order is illegal is filed within one month from the day when the party concerned knew the disposition. This period is an unextendable period.

(Mutatis Mutandis Application Provisions)

Article 156 The provisions of paragraphs (2) through (6) of Article 137, Article 141, Articles 143 through 146, and Article 150 apply mutatis mutandis to a Wide Sea-area Fisheries Adjustment Commission. In this case, the term "the prefectural governor concerned" in the proviso to paragraph (2) of Article 137,

paragraphs (4) and (5) of the same Article, Article 141, and paragraph (1) of Article 144 is replaced with "the Minister of Agriculture, Forestry and Fisheries"; "the commission members" in paragraph (2) of Article 137, with "the commission members of item (iii), paragraph (2) of Article 153 for the Pacific Ocean Wide Sea-area Fisheries Adjustment Commission, the commission members of item (iii), paragraph (3) of the same Article for the Sea-of-Japan/Kyushu West Wide Sea-area Fisheries Adjustment Commission, and the commission members of item (ii), paragraph (4) of the same Article for the Seto Inland Sea Wide Sea-area Fisheries Adjustment Commission"; "the commission members" and "the commission member with the consent of the assembly" in paragraph (1) of the Article 144, with "the commission members of items (ii) and (iii), paragraph (2) of Article 153, items (ii) and (iii), paragraph (3) of the same Article, and item (ii), paragraph (4) of the same Article" and "the commission member" respectively; "elected pursuant to the provisions of Article 148, paragraph (2)" in Article 150, with "elected pursuant to the provisions of item (i), paragraph (2) of Article 153, item (i), paragraph (3) of the same Article, or item (i), paragraph (4) of the same Article."

Section 5 Miscellaneous Provisions

(Collection of Reports)

- Article 157 (1) Each Fisheries Adjustment Commission or the Fisheries Policy Council may request fishery managers, fishery employees and other persons concerned to attend, or collect necessary reports, or let commission members or persons engaged in the affairs of the Commission or the Council make necessary investigations at fishing grounds, ships, places of business or offices, when the Commission or Council finds it to be necessary for dealing with the particulars belonging to its authority pursuant to the provisions of this Act.
- (2) Each Fisheries Adjustment Commission or the Fisheries Policy Council may let the commission members or the persons engaged in the affairs of the commission or the council enter other persons' land, to survey or inspect, or to move or remove things obtrusive to the surveying or inspection, when the commission or council finds it necessary for dealing with the particulars belonging to its authority pursuant to the provisions of this Act.

(Supervision of Wide Sea-area Fisheries Adjustment Commissions by the Minister of Agriculture, Forestry and Fisheries)

- Article 158 The Minister of Agriculture, Forestry and Fisheries may order or dispose of the Wide Sea-area Fisheries Adjustment Commissions and the Fisheries Policy Council as required for supervision.

(Expenses of Fisheries Adjustment Commissions)

Article 159 (1) The national government grants the prefectural governments subsidies as funds for the expenses of Fisheries Adjustment Commissions (excluding Wide Sea-area Fisheries Adjustment Commissions; hereinafter the same applies in the following paragraph).

(2) With regard to the deliveries of subsidies to the prefectural governments pursuant to the provisions set forth in the preceding paragraph, the Minister of Agriculture, Forestry and Fisheries must decide according to the standard established in a Cabinet Order based on the number of sea areas of each prefecture, the number of persons operating fisheries in the sea and the length of the shoreline, in consideration on how the sea is being used and other special circumstances concerning the operation of the Fisheries Adjustment Commissions in each prefecture.

(Delegation Provisions)

Article 160 Beyond what is provided for in this Chapter, necessary particulars concerning the Fisheries Adjustment Commissions are specified by a Cabinet Order.

Chapter VII Use of Land and Land Fixtures

(Use of Land and Entry)

Article 161 A fishery manager, Fisheries Cooperative Association or Federation of Fisheries Cooperative Associations may use other persons' land or restrict the removal of standing trees or bamboo or soil and stones, if permitted by the prefectural governor concerned when it is necessary for any of the following purposes. In this case, the governor concerned is to notify the person with the ownership of the land, standing trees or bamboo or soil and stones or any other right to that effect and also publicly notify to that effect:

- (i) the construction of a sign of a fishing ground;
- (ii) a crow's nest, signals concerning fishery, or construction of equipment necessary for them; or
- (iii) the preservation or construction of targets required for fishery.

Article 162 When necessary, a fishery manager may enter other persons' land without a special purpose and operate a fishery, with the permission of the prefectural governor.

Article 163 A fishery manager may enter other persons' land or cut obstructive trees or bamboo or remove obstacles, if permitted by the prefectural governor concerned, when it is necessary for a survey concerning a fishery, field

investigation or any of the purposes of the preceding two Articles.

Article 164 (1) A person who acts pursuant to the preceding three Articles must notify the owner or possessor of land to that effect in advance, and must compensate for the loss caused by the action.

(2) In the case of the preceding paragraph, the provisions of Article 177, paragraphs (2), (11) and (12) apply *mutatis mutandis*. In this case, the terms "the preceding paragraph" and "the dispositions provided for in the items of the same paragraph or" in paragraph (2) of the same Article are replaced with "Article 164, paragraph (1)" and "Articles 161 through 163" respectively; "paragraph (1), item (ii) or (iii)" and "the national government" in paragraph (11) of the same Article, with "Articles 161 through 163" and "a person who acts pursuant to Articles 161 through 163" respectively.

(Use of Land and Land Fixtures)

Article 165 (1) A fishery manager, Fisheries Cooperative Association or Federation of Fisheries Cooperative Associations may request the owner of land or of any fixture of land or any other person having a right concerning the land or fixture to deliberate concerning the establishment of the right to use it (hereinafter referred to as "use right" in the following Article), if approved by the prefectural governor concerned, when it is necessary and appropriate to use the land or the fixture of land as a seaweed drying field, slipway, fish shed, or any other fishery facility and when it is very difficult to use any substitute in lieu of the land or fixture.

(2) If an application for the approval of the preceding paragraph has been filed, the prefectural governor concerned must hear the opinions of the owner of the land or of the fixture of land referred to in the same paragraph, or any other person with a right concerning it, the person who intends to obtain the approval mentioned in the same paragraph, and the Sea-area Fisheries Adjustment Commission concerned.

(3) When the prefectural governor concerned has granted the approval of the paragraph (1), the governor must notify the owner of the land or of the fixture of land or any other person with a right concerning it to that effect.

(4) After receiving the notice of the preceding paragraph, the owner of the land or of the fixture of land or any other person with a right concerning it may not change the characteristic of the land or damage or remove the fixture without obtaining the permission of the prefectural governor concerned, except the case where the action does not threaten to disturb the fishery for which the land or fixture is used, until the conference of paragraph (1) reaches a conclusion; provided, however, that the same does not apply in the case where the conference does not reach any conclusion and where an application for the

ruling of paragraph (1) of the following Article is not filed within the period of the proviso of the same paragraph.

- (5) When an application for the permission referred to in the preceding paragraph has been filed, the prefectural governor concerned must hear the opinions of the Sea-area Fisheries Adjustment Commission.

(Ruling on the Establishment of Use Right)

Article 166 (1) In the case of paragraph (1) of the preceding Article, if the conference does not reach any conclusion or if the conference may not be made, the person granted the approval mentioned in the same paragraph may file an application for ruling of the Sea-area Fisheries Adjustment Commission concerning the establishment of the use right; provided, however, that the same does not apply if two months have passed from the day when the approval of the same paragraph was received.

- (2) When the application for ruling under the provisions of the preceding paragraph has been filed, the Sea-area Fisheries Adjustment Commission must notify the owner of the land or of the fixture of land pertaining to the application or any other person with a right concerning it to that effect and also publicly notify to that effect.

- (3) The owner of the land or of the fixture of land pertaining to the application for ruling pursuant to the provisions of paragraph (1) or any other person with a right concerning it may submit a written opinion to the Sea-area Fisheries Adjustment Commission within two weeks from the date of the public notice of the preceding paragraph.

- (4) The owner of the land or of the fixture of land pertaining to the application for ruling may file such an application in the written opinion of the preceding paragraph with the Sea-area Fisheries Adjustment Commission, that in the case where ruling is granted to the effect that the use of the land or the fixture should extend three years or more or to the effect that a use right necessitating any change of the characteristic of the land or the fixture should be established, then ruling to the effect that the land or the fixture should be purchased should be granted instead.

- (5) A person having a fixture on the land pertaining to the application for a ruling may file such an application in the written opinion of paragraph (3) with the Sea-area Fisheries Adjustment Commission, that in the case where such ruling is granted to the effect that the use right should be established, the ruling concerning the transfer charge of the structure should be granted; provided, however, that the same does not apply if the structure is established after the notice of paragraph (3) of the preceding Article.

- (6) The Sea-area Fisheries Adjustment Commission must initiate conference after lapse of the period of paragraph (3).

- (7) The ruling may not exceed the scope of the application.
- (8) If the application of paragraph (4) has been filed in the case where the Sea-area Fisheries Adjustment Commission intends to grant ruling to the effect that the use of the land or of the fixture of land should extend for three years or more or to the effect that a use right necessitating any change of the characteristic of the land or the fixture should be established, the Commission must grant ruling to the effect that the land or the fixture should be purchased instead.
- (9) If the application of paragraph (5) has been filed in the case where the Sea-area Fisheries Adjustment Commission is going to grant ruling to the effect that a use right should be established, the commission must grant ruling concerning the transfer charge of the relevant structure.
- (10) Ruling to the effect that a use right should be established or ruling to the effect that the land or the fixture should be purchased must include the following particulars:
- (i) the land or a fixture of land, the use right of which should be established, and the contents and duration of the use right, or the land or a fixture of land to be purchased;
 - (ii) the consideration and the method and time for paying it;
 - (iii) time of transferring the land or the fixture of land;
 - (iv) time of initiating the use; and
 - (v) transfer charge and the method and time for paying it, in the case where the application of paragraph (5) has been filed.
- (11) When the Sea-area Fisheries Adjustment Commission has granted ruling, the Commission must notify the owner of the land or of the fixture or any other person having a right concerning it to that effect without delay, and also publicly notify to that effect.
- (12) When the public notice referred to in the preceding paragraph has been made, the conference between the parties concerned is deemed to have reached a conclusion as stipulated in the ruling.
- (13) The provisions of Article 612 of the Civil Code do not apply in the case of the preceding paragraph.
- (14) A person who is dissatisfied with the consideration for the establishment of the use right or purchase decided in the ruling of paragraph (1) or (4) or the amount of transfer charge decided in the ruling of paragraph (5) may request an increase or decrease by a lawsuit filed within six months from the date of the public notice of paragraph (11).
- (15) In the lawsuit of the preceding paragraph, the applicant, the owner of the land or the fixture or any other person with a right concerning it is to be the defendant.

(Ruling on Loan Contract of Land and Land Fixtures)

- Article 167 (1) In the case where a fishery manager, Fisheries Cooperative Association or Federation of Fisheries Cooperative Associations is given a loan for using the land or a fixture of land referred to in the provisions of Article 165, paragraph (1) for a fishery, if a party concerned finds that the contents of the loan contract are not appropriate due to the change of economic circumstance or the change of any other circumstance, the party concerned may file an application for ruling concerning the change or cancellation of the contents of the loan contract with the Sea-area Fisheries Adjustment Commission.
- (2) In the case where the application of the preceding paragraph has been filed, the provisions of paragraph (2), paragraph (3), paragraph (6) and paragraph (7) of the preceding Article apply *mutatis mutandis*.
- (3) The ruling referred to in paragraph (1) specifies the following particulars:
- (i) whether or not a change is made, and the contents and time of the change if the change is to be made, in the case of an application for ruling concerning a change; and
 - (ii) whether or not cancellation is made, and the time of cancellation if the cancellation is to be made, in the case of an application for ruling concerning cancellation.
- (4) In the case where the ruling of the preceding paragraph has been made, the provisions of paragraph (11), paragraph (12), paragraph (14) and paragraph (15) of the preceding Article apply *mutatis mutandis*.

Chapter VIII Inland Waters Fishery

(License of Class 5 Common Fishery in Inland Waters)

Article 168 The class 5 common fishery in inland waters (referring to the class 5 common fishery set forth in Article 60, paragraph (5), item (v); hereinafter the same applies in paragraph (1) of the following Article and Article 170, paragraph (1)) must not be licensed except for the case where the inland waters are suitable for the reproduction of aquatic animals and plants and where the person granted a license for the fishery intends to reproduce aquatic animals and plants in inland waters.

Article 169 (1) When the prefectural governor concerned finds that a person granted the license of the class 5 common fishery in inland waters fails to reproduce aquatic animals and plants in the inland waters, the prefectural governor may establish a reproduction plan after hearing the opinions of the Inland Waters Fishing Ground Management Commission (in the case of a prefecture that does not have an Inland Waters Fishing Ground Management

Commission pursuant to the provisions of the proviso to paragraph (1) of Article 171, the Sea-area Fisheries Adjustment Commission designated by the prefectural governor pursuant to the provisions of the proviso to paragraph (4) of the same Article; hereinafter the same applies in paragraphs (4) and (6) of the following Article) and order the person to reproduce aquatic animals and plants according to the plan.

- (2) When the person given the order pursuant to the provisions of the preceding paragraph does not follow the order, the prefectural governor must rescind the relevant fishery right.
- (3) In the case of the preceding paragraph, the provisions of Article 89, paragraphs (3) through (7) apply *mutatis mutandis*.
- (4) The Minister of Agriculture, Forestry and Fisheries may instruct the prefectural governor concerned to give an order under the provisions of paragraph (1) or to instruct to change the reproduction plan pertaining to the order, when the minister finds it to be particularly necessary for the reproduction of aquatic animals and plants in inland waters.

(Recreational Fishing Rule)

Article 170 (1) If a person granted a license of the class 5 common fishery in inland waters intends to restrict the gathering or catching of aquatic animals and plants by the person other than the partners in the region of the fishing ground (in the case of a Federation of Fisheries Cooperative Associations, partners of a Fisheries Cooperative Association that is a member of the Federation of Fisheries Cooperative Associations) (hereinafter referred to as "recreational fishing" in the following paragraph and paragraph (5)), the person must establish Recreational Fishing Rules and have the rules approved by the prefectural governor concerned.

- (2) The Recreational Fishing Rules set forth in the preceding paragraph (hereinafter simply referred to as "Recreational Fishing Rules" in this Article) are to specify the following particulars:
 - (i) the scope of restriction for recreational fishing;
 - (ii) the amount of recreational fishing fee and method for paying it;
 - (iii) the particulars concerning the recreational fishing approval certificate;
 - (iv) the particulars to be observed for recreational fishing; and
 - (v) other particulars provided by Order of the Ministry of Agriculture, Forestry and Fisheries.
- (3) When the Recreational Fishing Rules are going to be changed, the change must be approved by the prefectural governor concerned.
- (4) When an application for the approval of paragraph (1) or the preceding paragraph has been filed, the prefectural governor concerned must hear the opinions of the Inland Waters Fishing Ground Management Commission.

- (5) When the contents of the Recreational Fishing Rules fall under all of the following items, the prefectural governor concerned must grant an approval:
 - (i) recreational fishing is not to be unreasonably restricted; and
 - (ii) The amount of the recreational fishing fee is reasonable compared with the expenses required for reproducing the aquatic animals and plants pertaining to the relevant fishery right and for managing the fishing ground.
- (6) When the prefectural governor concerned finds that the Recreational Fishing Rules do not fall under any of the respective items of the preceding paragraph, the governor may order the change of the rules, hearing the opinions of the Inland Waters Fishing Ground Management Commission.
- (7) When the prefectural governor concerned has granted an approval of paragraph (1) or paragraph (3), the governor must publicly notify the name of the fishery right holder and other particulars prescribed in Order of the Ministry of Agriculture, Forestry and Fisheries.
- (8) The Recreational Fishing Rules do not become effective, unless they are approved by the prefectural governor concerned. The same also applies to the change of rules.

(Inland Waters Fishing Ground Management Commissions)

- Article 171 (1) An Inland Waters Fishing Ground Management Commission is established in each prefecture; provided, however, that the prefectural governor concerned may choose not to establish an Inland Waters Fishing Ground Management Commission in the prefecture if the scale of gathering, catching or culturing of aquatic animals and plants in inland waters in the area of the prefecture (limited to prefectures having a Sea-area Fisheries Adjustment Commission) specified by a Cabinet Order is significantly small.
- (2) Each Inland Waters Fishing Ground Management Commission are supervised by the prefectural governor concerned.
 - (3) Each Inland Waters Fishing Ground Management Commission deals with the particulars pertaining to the gathering, catching, culturing, and reproduction of aquatic animals and plants in the inland waters existing in the region of the prefecture.
 - (4) The authority of the Sea-area Fisheries Adjustment Commissions pursuant to the provisions of this Act is exercised by the Inland Waters Fishing Ground Management Commissions with respect to the fisheries in the inland waters; provided, however, that in the case of a prefecture that does not have an Inland Waters Fishing Ground Management Commission pursuant to the provisions of the proviso to paragraph (1), the authority is assumed by the Sea-area Fisheries Adjustment Commission designated by the prefectural governor.

(Composition)

Article 172 (1) Each Inland Waters Fishing Ground Management Commission consists of commission members.

(2) The commission members are appointed by the prefectural governor concerned from the persons found to represent the persons operating fisheries in the inland waters existing in the region of the prefecture, the persons found to represent the persons gathering, catching, culturing, or reproducing aquatic animals and plants (excluding those who operate a fishery) in the inland waters, and those with relevant knowledge and experience.

(3) The fixed number of the commission members appointed pursuant to the provisions of the preceding paragraph is 10; provided, however, that another fixed number may be decided for any particular Inland Waters Fishing Ground Management Commission when the Minister of Agriculture, Forestry and Fisheries finds it to be necessary.

(Mutatis Mutandis Application Provisions)

Article 173 The provisions of paragraphs (2) through (6) of Article 137, paragraph (4) of Article 138, Articles 140 through 146, Article 157, and Articles 159 and 160 apply mutatis mutandis to an Inland Waters Fishing Ground Management Commission. In this case, the term "the commission member with the consent of the assembly" in paragraph (1) of Article 144 is replaced with "the commission member" and the term "decide according to the standard established in a Cabinet Order based on the number of sea areas of each prefecture, the number of persons operating fisheries in the sea and the length of the shoreline, considering how the sea is used" in paragraph (2) of Article 159 is replaced with "equally deliver the amounts calculated pursuant to the provisions of a Cabinet Order and decide according to the standard established in a Cabinet Order based on the number of the partners of the Inland Waters Association (referring to the Inland Waters Association of Article 18, paragraph (2) of the Aquatic Industry Cooperative Association Act) of each prefecture and the length of the river concerned, considering how the inland waters are used."

Chapter IX Miscellaneous Provisions

(Operational Considerations)

Article 174 In the operation of this Act, the national and prefectural governments are to give sufficient consideration, in view of the multiple functions of fisheries and fishing villages such as conservation of the environment in the sea and inland waters and prevention of suspicious activities at sea, so that the fisheries activities of fishery managers, Fisheries Cooperative Associations and other fishery groups are carried out soundly and

that fishing villages are activated, in order that the functions are fulfilled appropriately and sufficiently in the future.

(Fishery Fee)

Article 175 (1) A person who files an application concerning a fishery with Minister of the Agriculture, Forestry and Fisheries pursuant to the provisions of this Act or pursuant to the provisions of an order based on this Act must pay a fee as specified by Order of the Ministry of Agriculture, Forestry and Fisheries.

(2) The fee set forth in the preceding paragraph is prescribed in the Order of the Ministry of Agriculture, Forestry and Fisheries considering the actual cost.

(Collection of Reports)

Article 176 (1) The Minister of Agriculture, Forestry and Fisheries or the prefectural governor concerned may collect necessary reports concerning fisheries or let the employees concerned visit fishing grounds, ships, places of business or offices, for inspecting the situations or books and documents and other items, when the minister finds it to be necessary for dealing with the particulars provided for in this Act or in an order based on this Act.

(2) The Minister of Agriculture, Forestry and Fisheries or the prefectural governor concerned may let the employees enter other persons' land, for surveying, inspecting, or moving or removing the things obtrusive to the survey or inspection, when the minister finds it to be necessary for dealing with the particulars provided for in this Act or in an order based on this Act.

(3) When the employees perform their duties pursuant to the provisions of the preceding two paragraphs, they must carry their identification cards for certifying their status with them and show the cards when requested to do so.

(Compensation for Losses)

Article 177 (1) In the following items, the national government must compensate the persons specified respectively in the items for losses caused by the dispositions or acts provided respectively in the items:

(i) if the Minister of Agriculture, Forestry and Fisheries has changed, rescinded, or ordered the suspension of the effect of the permission referred to in Article 36, paragraph (1) or the approval to commence business referred to in Article 38, pursuant to the provisions of Article 55, paragraph (1): a person who has received the disposition;

(ii) if a Wide Sea-area Fisheries Adjustment Commission or the Fisheries Policy Council let the commission or council members or persons engaged in the affairs of the commission or council enter other persons' land, to survey or inspect, or to move or remove things obtrusive to the survey or inspection

- pursuant to the provisions of Article 157, paragraph (2): the owner or possessor of the land; and
- (iii) if the Minister of Agriculture, Forestry and Fisheries let the officials of the Ministry enter other persons' land, to survey or inspect, or to move or remove things obtrusive to the survey or inspection pursuant to the provisions of paragraph (2) of the preceding Article: the owner or possessor of the land.
- (2) The loss to be compensated for pursuant to the provisions of the preceding paragraph is the loss ordinarily caused by the dispositions or acts provided for in the items of the same paragraph.
- (3) The amount of compensation to be made pursuant to the provisions of paragraph (1) is determined by the Minister of Agriculture, Forestry and Fisheries. In this case, with respect to the compensation pertaining to the act provided for in the provisions of item (ii) of the same paragraph, the Minister of Agriculture, Forestry and Fisheries must hear the opinions of the Wide Sea-area Fisheries Adjustment Commission or the Fisheries Policy Council which caused the act.
- (4) A person who is dissatisfied with the amount of the preceding paragraph may demand an increase of the amount by means of an appeal made within six months from the date when the person received the notice of the decision.
- (5) In the appeal referred to in the preceding paragraph, the national government is to be the defendant.
- (6) If there is a person who benefited from the disposition provided for in the provisions of paragraph (1), item (i), the national government may let the person bear the whole or a part of the amount of compensation to be made pursuant to the provisions of the same paragraph.
- (7) In the case of the preceding paragraph, the provisions of the first sentence of paragraph (3) and paragraphs (4) and (5) apply *mutatis mutandis*. In this case, the term "an increase of the amount" in paragraph (4) is deemed to be replaced with "a decrease of the amount."
- (8) The amount to be borne pursuant to the provisions of paragraph (6) may be collected as in the disposition for nonpayment of national tax; provided, however, that the order of statutory lien comes after the national tax and the local tax.
- (9) When the Minister of Agriculture, Forestry and Fisheries intends to perform a disposition under the provisions of paragraph (6), the Minister must hold a hearing irrespective of the categories of procedures for hearing statements of opinion under the provisions of Article 13, paragraph (1) of the Administrative Procedure Act.
- (10) The proceedings on the date of hearing pertaining to the disposition under the provisions of paragraph (6) must be open to the public.
- (11) If there is a statutory lien or a mortgage on the land referred to in

paragraph (1), item (ii) or (iii), the national government must deposit the compensation money unless the statutory lien holder or mortgage holder offers to the effect that no deposit is required.

(12) The statutory lien holder or mortgage holder of the preceding paragraph may exercise the holder's right for the compensation money deposited pursuant to the provisions of the same paragraph.

(13) In the following items, prefectures must compensate the persons specified respectively in the items for losses caused by the dispositions or acts provided respectively in the items:

(i) if the prefectural governor concerned has changed, rescinded or ordered the suspension of the effect of a permission referred to in Article 88, paragraph (1) (including as applied mutatis mutandis pursuant to paragraph (5) of the same Article.), pursuant to the provisions of Article 93, paragraph (1) as applied mutatis mutandis pursuant to Article 88, paragraph (4) (including as applied mutatis mutandis pursuant to paragraph (5) of the same Article): a person who has received the disposition;

(ii) if the prefectural governor concerned has changed, rescinded or ordered the suspension of the exercise of a fishery right pursuant to the provisions of Article 93, paragraph (1): a person who has received the disposition;

(iii) if a Sea-area Fisheries Adjustment Commission, Joint Sea-area Fisheries Adjustment Commission, or Inland Waters Fishing Ground Management Commission allowed the commission or council members or persons engaged in the affairs of the commission or council enter other persons' land, to survey or inspect, or to move or remove things obtrusive to the survey or inspection pursuant to the provisions of Article 157, paragraph (2) (including as applied mutatis mutandis pursuant to Article 173): the owner or possessor of the land; and

(iv) if the prefectural governor concerned allowed the officials of the prefecture enter other persons' land, to survey or inspect, or to move or remove things obtrusive to the survey or inspection pursuant to the provisions of paragraph (2) of the preceding Article: the owner or possessor of the land.

(14) The provisions of paragraphs (2) through (8) and paragraphs (11) and (12) apply mutatis mutandis to the case where a prefecture must compensate for a loss pursuant to the provisions of the preceding paragraph. In this case, the terms "the preceding paragraph" in paragraph (2) and "paragraph (1)" in paragraph (3) are deemed to be replaced with "paragraph (13)"; "the Minister of Agriculture, Forestry and Fisheries," "item (ii) of the same paragraph," and "the opinions of the Wide Sea-area Fisheries Adjustment Commission or the Fisheries Policy Council" in the same paragraph, with "the prefectural governor concerned," "in the case of compensation pertaining to the dispositions provided for in items (i) and (ii) of the same paragraph, the

opinions of the Sea-area Fisheries Adjustment Commission, and item (iii) of the same paragraph," and "the opinions of the Sea-area Fisheries Adjustment Commission, Joint Sea-area Fisheries Adjustment Commission, or Inland Waters Fishing Ground Management Commission respectively"; "national government" in paragraph (5), with "prefecture"; "paragraph (1), item (i)" and "national government" in paragraph (6), with "paragraph (13), item (i) or (ii)" and "prefecture"; "paragraph (5)" in paragraph (7), with "paragraph (5) and Article 89, paragraphs (3) through (7)"; "disposition for nonpayment of national tax" in paragraph (8), with "disposition for nonpayment of local tax"; "paragraph (1), item (ii) or (iii)" and "national government" in paragraph (11), with "fishery right referred to in paragraph (13), item (ii) (limited to those rescinded pursuant to the provisions of Article 93, paragraph (1)) or paragraph (13), item (iii) or (iv)" and "prefecture"; and "holder" in the same paragraph and paragraph (12), with "holder (in the case of a fishery right, limited to the registered statutory lien holder, etc.)," and any other necessary technical replacement of terms is specified by a Cabinet Order.

(Exclusion from Application of the Administrative Procedure Act)

Article 178 (1) With respect to a disposition under the provisions of Articles 27 and 34, paragraph (1) of Article 86 (limited to the case where conditions are added after the license is granted), paragraph (1) of Article 89, paragraphs (1) and (2) of Article 92, paragraph (1) of Article 93 (including as applied mutatis mutandis pursuant to Article 88, paragraph (4) (including as applied mutatis mutandis pursuant to paragraph (5) of the same Article)), paragraphs (2) and (3) of Article 116, paragraph (1) of Article 131 (limited to acts in violation of the provisions of Article 25, paragraph (1)), paragraph (2) of Article 169, and paragraph (6) of the preceding Article as applied mutatis mutandis pursuant to paragraph (14) of the same Article, the provisions of Chapter III (excluding Articles 12 and 14) of the Administrative Procedure Act do not apply.

(2) With respect to the disposition concerning the management provided for in Article 20, paragraph (1) and the registration provided for in Article 117, paragraph (1), the provisions of Chapters II and III of the Administrative Procedure Act do not apply.

(Exception of Application of the Administrative Appeal Act)

Article 179 With respect to the application of the provisions of Article 43, paragraph (1) of the Administrative Appeal Act (Act No. 68 of 2014) to a request for administrative review of an order issued under the provisions of Article 120, paragraph (11) (including as applied mutatis mutandis pursuant to Article 121, paragraph (4)), the addition of conditions or the order is deemed to have been made following the deliberations provided for in item (i) of the same

paragraph.

(Restriction on Request for Administrative Review)

Article 180 No request for administrative review may be filed against a disposition made by a Fisheries Adjustment Commission or an Inland Waters Fishing Ground Management Commission or the inaction thereof.

(Treatment of an Appeal Lawsuit)

Article 181 With respect to a lawsuit wherein the prefecture concerned stands as a defendant pursuant to the provisions of Article 11, paragraph (1) of the Administrative Case Litigation Act (Act No. 139 of 1962) (including as applied mutatis mutandis pursuant to Article 38, paragraph (1) of the same Act) pertaining to the original administrative disposition (referring to the original administrative disposition provided for in Article 3, paragraph (2) of the same Act) or administrative disposition on appeal (referring to the administrative disposition on appeal provided for in paragraph (3) of the same Article) of a Fisheries Adjustment Commission (excluding a Wide Sea-area Fisheries Adjustment Commission) or an Inland Waters Fishing Ground Management Commission, the Fisheries Adjustment Commission or the Inland Waters Fishing Ground Management Commission represents the prefecture.

(Affairs Handled by the Prefectures)

Article 182 Some of the affairs belonging to the authority of the Ministry of Agriculture, Forestry and Fisheries provided for in Chapter V and Article 176, paragraphs (1) and (2) may be performed by prefectural governors as specified by a Cabinet Order.

(Exception of Jurisdiction)

Article 183 (1) If a fishing ground is under the jurisdiction of two or more prefectural governors or if the jurisdiction over a fishing ground is not clear, the Minister of Agriculture, Forestry and Fisheries may designate a prefectural governor who has jurisdiction over the fishing ground or may have the authority of a governor.

(2) If it is found to be particularly necessary for newly establishing a fishery right in the fishing ground under the jurisdiction of a prefectural governor (limited to those meeting the requirements specified by a Cabinet Order) and if the prefectural governor concerned agrees that the Ministry of Agriculture, Forestry and Fisheries exercises the authority of the prefectural governor, the Minister of Agriculture, Forestry and Fisheries may exercise the authority of the governor as specified by a Cabinet Order.

Article 184 The provisions concerning a municipality in this Act apply to a special ward in the region of the special ward, or to a ward and a general ward in a designated city of Article 252-19, paragraph (1) of the Local Autonomy Act.

(Method of Public Notice)

Article 185 (1) A public notice under this Act is to be performed through the internet or through other appropriate methods.

(2) The necessary particulars concerning a public notice set forth in the preceding paragraph are provided by Order of the Ministry of Agriculture, Forestry and Fisheries.

(Authority through Which Documents are Submitted)

Article 186 The written applications and other documents to be submitted to the Minister of Agriculture, Forestry and Fisheries pursuant to the provisions of this Act or pursuant to the provisions of an order based on this Act must be submitted via the prefectural governor concerned as specified by Order of the Ministry of Agriculture, Forestry and Fisheries; provided, however, that documents specified by Order of the Ministry of Agriculture, Forestry and Fisheries may be submitted to the Minister of Agriculture, Forestry and Fisheries without going through the prefectural governor concerned.

(Classification of Affairs)

Article 187 Among the affairs to be dealt with by each prefecture pursuant to the provisions of this Act, the following affairs are the item (1) statutory entrusted function provided for in Article 2, paragraph (9), item (i) of the Local Autonomy Act:

(i) affairs to be dealt with by each prefecture pursuant to the provisions of Chapter II (excluding Article 10, paragraph (4) of Article 15 (including as applied *mutatis mutandis* pursuant to paragraph (6) of the same Article) and Article 35), paragraphs (1) and (4) through (6) of Article 57, Article 38 as applied *mutatis mutandis* pursuant to Article 58, Article 39, paragraph (2) of Article 40, paragraph (1), item (v) and paragraph (2) of Article 41, Article 42 (excluding the proviso to paragraphs (2) and (3)), Article 43, paragraphs (1) through (3) of Article 44, Article 45 (limited to the part pertaining to items (ii) and (iii)), Article 46, Article 47, paragraph (2) of Article 49, Article 50, paragraph (1) of Article 51, Article 52, paragraphs (1) through (3) of Article 54, Article 56, paragraphs (1), (2), (7), and (8) of Article 119, paragraph (1) of Article 124, paragraph (1) of Article 125, paragraphs (1) through (3) of Article 126, and Article 127; and

(ii) affairs to be dealt with by each prefecture pursuant to the provisions of paragraphs (3), (4), (8), (9) and (11) of Article 120, paragraph (3) of Article 86

as applied mutatis mutandis pursuant to paragraph (12) of the same Article, Article 122, paragraphs (1) and (2) of Article 131, paragraphs (1) and (2) of Article 176, paragraph (13) of Article 177 (limited to the part pertaining to item (iv)), paragraphs (3) and (11) as applied mutatis mutandis pursuant to paragraph (14) of the same Article (limited to the part pertaining to paragraph (13) of the same Article (limited to the part pertaining to the same item)), and the preceding Article (limited to the affairs concerning the fishery permitted by the Minister, fishery permitted by the prefectural governor, or a fishery requiring the permission or any other disposition of the Minister of Agriculture, Forestry and Fisheries pursuant to the provisions of Article 119, paragraph (1) or the provisions of Order of the Ministry of Agriculture, Forestry and Fisheries referred to in paragraph (2) of the same Article, or a fishery requiring a permission or any other disposition of the prefectural governor concerned pursuant to the provisions of paragraph (1) of the same Article or the provisions of the Rules referred to in paragraph (2) of the same Article).

(Transitional Measures)

Article 188 If a Cabinet Order, an Order of the Ministry of Agriculture, Forestry and Fisheries, a Prefectural Order or a rule is established, revised or abolished based on the provisions of this Act, necessary transitional measures (including transitional measures concerning penal provisions) may be established in the Order to the extent deemed reasonably necessary for the establishment, revision or abolition of the Cabinet Order, the Order of the Ministry of Agriculture, Forestry and Fisheries, the Prefectural Order or the rule.

Chapter X Penal Provisions

Article 189 A person who falls under any of the following items is punished by imprisonment for not more than three years or to a fine of not more than thirty million yen:

- (i) a person who has gathered or caught specified aquatic animals and plants in violation of the provisions of Article 132, paragraph (1); and
- (ii) a person who has knowingly transported, retained, acquired with or without compensation or mediated or arranged a disposal of specified aquatic animals and plants or their products pertaining to the crime referred to in the preceding item.

Article 190 A person who falls under any of the following items is punished by imprisonment for not more than three years or to a fine of not more than three million yen:

- (i) a person who has gathered or caught specified fishery resources in violation of the provisions of Article 25;
- (ii) a person who has violated an order under the provisions of Article 27, Article 33, Article 34, or paragraph (1) of Article 131;
- (iii) a person who has operated a fishery permitted by the Minister or a fishery permitted by the prefectural governor in violation of the provisions of paragraph (1) of Article 36 or paragraph (1) of Article 57;
- (iv) a person who has operated a fishery permitted by the minister or a fishery permitted by the prefectural governor without obtaining a permission of Article 47 (including as applied mutatis mutandis pursuant to Article 58), with respect to particulars specified by Order of the Ministry of Agriculture, Forestry and Fisheries or Rules referred to in Article 42, paragraph (1) (including as applied mutatis mutandis pursuant to Article 58 following the deemed replacement of terms; hereinafter the same applies in this item), and the contents of the fishery do not conform to the restrictive measures established pursuant to the provisions of the same paragraph;
- (v) a person who has operated a fishery in violation of the conditions added to the permission of a fishery permitted by the minister, the fishery right, or the permission of a fishery under the provisions of Article 88, paragraph (1) (including as applied mutatis mutandis pursuant to paragraph (5) of the same Article);
- (vi) a person who has operated a fishery permitted by the minister, a fishery permitted by the prefectural governor, or a fishery permitted pursuant to the provisions of Article 88, paragraph (1) (including as applied mutatis mutandis pursuant to paragraph (5) of the same Article) while the fishery is suspended, operated a fishery covered by a fixed gear fishery right or a demarcated fishery right provided for in Article 60, paragraph (2) while the exercise of the right is suspended, or operated a fishery covered by a common fishery right provided for in the same paragraph in the fishing ground while the exercise of the right is suspended;
- (vii) a person who has operated a fixed gear fishery or demarcated fishery in violation of the provisions of Article 68; or
- (viii) a person who has operated a fishery in violation of the prohibition pursuant to the provisions of Article 119, paragraph (1) or operated a fishery without obtaining the permission pursuant to the provisions of the same paragraph.

Article 191 A person who has violated an order based on the provisions of Article 120, paragraph (11) (including as applied mutatis mutandis pursuant to Article 121, paragraph (4)) is punished by imprisonment for not more than one year or a fine of not more than 500,000 yen or a detention or a petty fine.

Article 192 In the cases of the preceding three Articles, the catches, their products, fishing boats, fishing gear and other things used for gathering, catching or culturing aquatic animals and plants and respectively owned or possessed by criminals may be confiscated; provided, however, that when the whole or part of the items owned by criminals are unable to be confiscated, a sum of money equivalent thereto may be collected.

Article 193 A person who falls under any of the following items is punished by imprisonment for not more than six months or a fine of not more than 300,000 yen:

- (i) a person who has failed to make a report under the provisions of Article 26, paragraph (1) or Article 30, paragraph (1), or has made a false report;
- (ii) a person who has operated a fishery in violation of the conditions added to the permission of a fishery permitted by the prefectural governor;
- (iii) a person who has used a fishery right as a purpose of a loan in violation of the provisions of Article 82;
- (iv) a person who has rejected, disturbed or evaded the inspection of a Fishery Supervisor or Fishery Supervising Officer under the provisions of Article 128, paragraph (3), or has not responded to the question of the supervisor or officer or has made a false statement;
- (v) a person who has violated the provisions of Article 165, paragraph (4);
- (vi) a person who has failed to report under the provisions of Article 176, paragraph (1), or has made a false statement, or has rejected, disturbed or evaded the inspection of the employees; or
- (vii) a person who has rejected, disturbed or evaded the survey, inspection, movement or removal performed by the employees under the provisions of Article 176, paragraph (2).

Article 194 Imprisonment and a fine may be cumulatively imposed on a person who has committed a crime of Articles 189 through 191 or item (iii) of the preceding Article, depending on the circumstances.

Article 195 (1) A person who has infringed a fishery right or right to exercise partner rights is punished by a fine of not more than one million yen.

(2) No prosecution of the crime referred to in the preceding paragraph may be launched without a complaint.

Article 196 A person who falls under any of the following items is punished by a fine of not more than 100,000 yen:

- (i) a person who has violated the provisions of Article 50 (including as applied

- mutatis mutandis pursuant to Article 58);
- (ii) a person who has violated an order based on the provisions of Article 122;
or
 - (iii) a person who has moved, defaced, or damaged a sign of a fishing ground, fishing gear, or any other objects used for gathering, catching, or culturing aquatic animals and plants.

Article 197 If a representative of a corporation, or an agent, employee or worker of a corporation or a person has committed an act in violation of Articles 189 through 191, Article 193, paragraph (1) of Article 195, or item (i) or (ii) of the preceding Article with respect to the business or property of the corporation or the person, the actor is punished and the corporation or the person is sentenced to the fine of the Article concerned.

Article 198 A person who has failed to make a notification under the provisions of paragraph (4) of Article 21, paragraph (4) of Article 22, paragraph (2) of Article 48, paragraph (2) of Article 49 (including as applied mutatis mutandis pursuant to Article 58), or paragraph (1) of Article 80 is punished by a civil fine of not more than 100,000 yen.

Supplementary Provisions [Extract]

- (1) The effective date of this Act is prescribed in a Cabinet Order within a period not exceeding three months from the day of promulgation of the Act.
- (2) The Fisheries Act (Act No. 58 of 1910) is to be abolished.
- (3) In the event that measures for management of the catch of specified fishery resources are not taken for foreign nationals designated by a Cabinet Order based on the provisions of Article 2 of the Supplementary Provisions of the Act on the Exercise, etc. of Sovereign Rights regarding Fishery, etc. in the Exclusive Economic Zone (Act No. 76 of 1996) in the sea area designated by a Cabinet Order based on the same Article, it may be provided for in Order of the Ministry of Agriculture, Forestry and Fisheries that the provisions of Articles 25 and 33 are not applicable by designating the specified fishery resources.

Supplementary Provisions [Act No. 156 of 1962] [Extract]

(Effective Date)

Article 1 This Act comes into force from the date prescribed in a Cabinet Order within a period not exceeding nine months from the day of promulgation; provided, however, that the revising provisions of paragraph (3), Article 67, paragraph (2), Article 82, paragraph (3), Article 85, Article 88, paragraph (2),

Article 92, paragraph (1), Article 98, paragraph (4), Article 106, Article 109, Article 110, Article 111, Article 113, paragraph (3), Article 116 and Article 117, and the provisions of paragraph (1) through paragraph (6), Article 7, Supplementary Provisions and Article 12, Supplementary Provisions is enforced from October 1, 1962, and the provisions of paragraph (7), Article 7, Supplementary Provisions must be enforced from the day of promulgation.

Supplementary Provisions [Act No. 90 of 2001] [Extract]

(Effective Date)

Article 1 This Act comes into force from the date prescribed in a Cabinet Order within a period not exceeding six months from the day of promulgation; provided, however, that the provisions stated in the following items come into force from the days prescribed in the relevant respective items:

- (i) the provisions of Article 4 of Supplementary Provisions: Day of promulgation; and
- (ii) the revising provisions of the Table of Contents of the Fisheries Act in Article 1, the revising provisions of paragraph (3), Article 6 of the same Act, paragraph (2), Article 37, Article 66 through Article 71, Article 82, Article 83 and Article 109, the revising provisions for deleting the section title of Section IV, Chapter VI of the same Act, the revising provisions for adding a section title after Article 109 of the same Act, the revising provisions of Article 110 of the same Act, the revising provisions for deleting Article 111 through Article 114 of the same Act, the revising provisions of paragraph (1), Article 110-3 of the same Act, the revising provisions for referring to the same Article as Article 113, the revising provisions for adding one Article after the same Article, Section VI, Chapter VI of the same Act, the revising provisions of Article 110-2 of the same Act, the revising provisions for referring to the same Article as Article 112, the revising provisions for adding one Article after Article 110 of the same Act, and the revising provisions of Article 116 through Article 118 of the same Act and item (ii), paragraph (1), Article 137-3, and the provisions of Article 3, Article 5 and Article 8, Supplementary Provisions: October 1, 2001.

Supplementary Provisions [Act No. 77 of 2007] [Extract]

(Effective Date)

Article 1 This Act comes into force from the date prescribed in a Cabinet Order within a period not exceeding one year from the day of promulgation; provided, however, that the revising provisions of Article 57 and Article 62-2 of the Fisheries Act in Article 1, the revising provisions for referring to Article 62-3 of

the same Act as Article 62-4 of the same Act and for adding one Article after Article 62-2 of the same Act, and the revising provisions of Article 63 of the same Act come into force from the date prescribed in a Cabinet Order within a period not exceeding three years from the day of promulgation.

(Review)

Article 5 The government must review the provisions of the New Fisheries Act when it finds it necessary, considering the situations in which the New Fisheries Act is enforced, in the case where five years have passed after the enforcement of the provisions prescribed in the proviso of Article 1 of Supplementary Provisions, and must take necessary measures based on the result of the review.