

Act on Limitation of Shipowner Liability

(Act No. 94 of December 27, 1975)

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Chapter I General Provisions

(Purpose)

Article 1 This Act provides for the necessary matters concerning the limitation of the liability of the owners of ships and other prescribed persons.

(Definitions)

Article 2 (1) In this Act, the meanings of the terms set forth in the following items are as prescribed in those items:

(i) ship: a ship that is used for seagoing voyages, other than a boat operated solely or mainly using oars and other than a ship for official use;

(ii) shipowner: the owner, lessee, or charterer of a ship; or the member with unlimited liability of a corporation that is the owner, lessee, or charterer of a ship;

- (ii)-2 salvor: a person rendering services in direct connection with salvage operations;
 - (iii) servant or equivalent person: the servant of a shipowner or salvor, or any other such person for whose actions the shipowner or salvor is responsible;
 - (iii)-2 salvage ship: a ship from which salvage operations are performed (other than salvage operations for or involving a ship which are performed only on board that ship);
 - (iv) claim subject to limitation: a claim for which a shipowner, salvor, or servant or equivalent person may limit its liability pursuant to the provisions of this Act;
 - (v) personal damage claim: a claim subject to limitation that is based on damage resulting from loss of life or personal injury;
 - (vi) property damage claim: a claim subject to limitation other than a personal damage claim;
 - (vi)-2 passenger damage claim: a claim against the shipowner or its servant or equivalent person, for damage resulting from loss of life or personal injury to a passenger carried by the ship under a contract for the carriage of passengers by sea, or for damage resulting from loss of life or personal injury to a person permitted to accompany a vehicle or live animal carried by the ship under a contract for the carriage of goods by sea;
 - (vii) (one) unit: the amount of money equivalent to one special drawing right, based on the special drawing rights provided for in Article 3, paragraph (1) of the Articles of Agreement of the International Monetary Fund; and
 - (viii) benefiting debtor: any debtor of a claim subject to limitation that is involved in limitation of liability proceedings, other than the debtor filing the petition to commence the limitation of liability proceedings.
- (2) As used in this Act, the term "salvage operations" includes the following measures and excludes salvage operations performed as a public service:
- (i) measures for raising, removing, destroying, or rendering harmless a sunken, wrecked, stranded, or abandoned ship or anything aboard it;
 - (ii) measures for removing, destroying, or rendering harmless cargo; and
 - (iii) measures other than as set forth in the preceding two items, which are taken in order to prevent or mitigate damage that would give rise to a claim subject to limitation.

Chapter II Limitation of Shipowner Liability

(Limitation of Shipowner Liability)

Article 3 (1) A shipowner or its servant or equivalent person may limit its liability for the following claims, pursuant to the provisions of this Act:

- (i) a claim based on damages resulting from a loss of life, personal injury, loss

- of property other than the ship in question, or damage to property other than that ship, which occurs on board a ship or in direct connection with the operation of a ship;
- (ii) a claim based on damages resulting from a delay in the carriage of cargo, passengers, or their luggage;
 - (iii) a claim other than as set forth in the preceding two items, which is based on damages resulting from a breach of rights that occurs in direct connection with the operation of a ship (other than a claim based on damages resulting from the loss of or damage to the ship in question, and other than a claim based on damages resulting from non-performance of a contractual obligation);
 - (iv) a claim based on damages resulting from a measure as set forth in paragraph (2), item (iii) of the preceding Article (other than a claim held by the shipowner or its servant or equivalent person); and
 - (v) a claim in connection with a measure as set forth in paragraph (2), item (iii) of the preceding Article (other than a claim held by the shipowner or its servant or equivalent person, and other than a claim for remuneration and expenses under a contract concluded with such a person).
- (2) A salvor or its servant or equivalent person may limit its liability for the following claims, pursuant to the provisions of Act:
- (i) a claim based on damages resulting from a loss of life, personal injury, loss of property other than the salvage ship operated by the salvor, or damage to such property, which occurs in direct connection with salvage operations;
 - (ii) a claim other than as set forth in the preceding paragraph, which is based on damages resulting from a breach of rights that occurs in direct connection with salvage operations (other than a claim based on damages resulting from the loss of the salvage ship operated by the salvor or damage to it, and other than a claim based on damages resulting from non-performance of a contractual obligation);
 - (iii) a claim based on damages resulting from a measure as set forth in paragraph (2), item (iii) of the preceding Article (other than a claim held by the salvor or its servant or equivalent person); and
 - (iv) a claim in connection with a measure as set forth in paragraph (2), item (iii) of the preceding Article (other than a claim held by the salvor or its servant or equivalent person, and other than a claim for remuneration and expenses under a contract concluded with such a person).
- (3) Notwithstanding the provisions of the preceding two paragraphs, it is not permissible for a shipowner, salvor, or servant or equivalent person to limit its liability for a claim referred to in the preceding two paragraphs if the claim is due to damage that the person in question caused intentionally, or if it is due to damage arising from a reckless action that the person in question took with

the knowledge that damage could result.

- (4) Notwithstanding the provisions of paragraph (1), it is not permissible for a shipowner or its servant or equivalent person to limit its liability for a passenger damage claim.

Article 4 It is not permissible for a shipowner or salvor to limit its liability for the following claims:

- (i) a claim based on a rescue at sea or a contribution in general average; and
- (ii) a claim that a servant of the shipowner whose duties are connected with the ship, or that a servant of the salvor whose duties are connected with salvage operations, holds against its employer; or a claim held by a third party arising from a loss of life or personal injury to such a servant.

(Deduction of Claims Based on Damage Resulting from the Same Accident)

Article 5 If a shipowner, salvor, or its servant or equivalent person holds a claim against the holder of a claim subject to limitation which arises from the same accident, the provisions of this Act apply to the claim subject to limitation that remains after the amount of the claim held by the shipowner, salvor, or its servant or equivalent person is deducted.

(Extent of Limitation of Liability)

Article 6 (1) Limitation of liability by a shipowner or by its servant or equivalent person extends to all personal damage claims and property damage claims against them arising from the same accident, for each ship.

(2) Limitation of liability by a salvage ship's salvor or shipowner or by its servant or equivalent person extends to all personal damage claims and property damage claims against them arising from the same accident, for each salvage ship.

(3) Limitation of liability by a salvor other than one referred to in the preceding paragraph or by its servant or equivalent person extends to all personal damage claims and property damage claims against them arising from the same accident, for each salvor.

(4) Notwithstanding the provisions of the preceding three paragraphs, if a limitation of liability as referred to in one of the preceding three paragraphs is invoked for property damage claims only, it does not extend to personal damage claims.

(Liability Limits)

Article 7 (1) When a limitation of liability as provided in paragraph (1) or (2) of the preceding Article is invoked, the liability limits are as follows:

- (i) if a person seeks to limit liability in connection with property damage claims

- only: the amounts calculated as provided in the following, based on the tonnage of the ship; provided, however, that in the case of a wooden ship of less than 100 tons, the liability limit is an amount equivalent to 507,360 units:
- (a) for a ship of 2,000 tons or less: an amount equivalent to 1,510,000 units; and
 - (b) for a ship of over 2,000 tons: the amount referred to in (a) plus the amount arrived at when 604 units are added for each ton from 2,001 to 30,000 tons, 453 units are added for each ton from 30,001 to 70,000 tons, and 302 units are added for each ton in excess of 70,000 tons.
- (ii) in other cases: the amounts calculated as provided in the following, based on the tonnage of the ship:
- (a) for a ship of 2,000 tons or less: an amount equivalent to 4,530,000 units; and
 - (b) for a ship of over 2,000 tons: the amount referred to in (a) plus the amount arrived at when 1,812 units are added for each ton from 2,001 to 30,000 tons, 1,359 units are added for each ton from 30,001 to 70,000 tons, and 906 units are added for each ton in excess of 70,000 tons.
- (2) In a case as provided in item (ii) of the preceding paragraph, the part of the full amount that will be allocated to pay claims subject to limitation which is equivalent to what is arrived at when that full amount is multiplied by the percentage that the amount set forth in item (i) of that paragraph (or, for a wooden ship of less than 100 tons, the amount referred to in (a) of that item) accounts for out of the amount set forth in item (ii) of that paragraph is to be allocated to pay property damage claims, and what remains is to be allocated to pay personal damage claims; provided, however, that if what remains is insufficient to settle personal damage claims, the part that would be allocated to pay property damage claims based on the above calculation is to be allocated to pay personal damage claims and property damage claims in proportion to the remaining amount of claims that could not be settled and the amount of property damage claims.
- (3) The liability limits are as follows if a limitation of liability as provided in paragraph (3) of the preceding Article is invoked:
- (i) if a person seeks to limit liability for property damage claims only: an amount equivalent to 1,510,000 units;
 - (ii) in other cases: an amount equivalent to 4,530,000 units.
- (4) The provisions of paragraph (2) apply mutatis mutandis to a case as provided in item (ii) of the preceding paragraph.
- (5) The holder of a claim subject to limitation is paid in proportion to the amount of their claim.

(Calculation of Ship Tonnage)

Article 8 The tonnage of a ship referred to in paragraphs (1) and (2) of the preceding Article is a figure expressed in tons which is calculated pursuant to the provisions of Article 4, paragraph (2) of the Act on Tonnage Measurement of ships (Act No. 40 of 1980).

Chapter III Limitation of Liability Proceedings

Section 1 General Rules

(Jurisdiction over Limitation of Liability Cases)

Article 9 A limitation of liability case is subject to the exclusive jurisdiction of the court specified in whichever of the following items is relevant, based on the category set forth in that item:

- (i) if a limitation of liability as provided in Article 6, paragraph (1) is invoked and the ship is registered, or if a limitation of liability as provided in paragraph (2) of that Article is invoked and the salvage ship is registered: the district court with jurisdiction in the locality of the ship's registration;
- (ii) if a limitation of liability as provided in Article 6, paragraph (1) is invoked and the ship is not registered, or if a limitation of liability as provided in paragraph (2) of that Article is invoked and the salvage ship is not registered: the district court with jurisdiction in the locality of the general venue for the petitioner, the place of the accident, the first place where the ship docked after the accident, or the place where the petitioner's property was seized or provisionally seized based on a claim subject to limitation (but not a personal damage claim, for limitation of liability proceedings that involve only property damage claims; hereinafter the same applies in this Chapter); and
- (iii) if a limitation of liability as provided in Article 6, paragraph (3) is invoked: the district court with jurisdiction in the locality of the general venue for the petitioner, the place of the accident, or the place where the petitioner's property was seized or provisionally seized based on a claim subject to limitation.

(Transfer of Limitation of Liability Cases)

Article 10 If the court finds it to be necessary to do so in order to avoid substantial detriment or delay, it may transfer a limitation of liability case, on its own authority, to another court of jurisdiction, to the district court with jurisdiction in the locality of the general venue for a holder of a claim subject to limitation, or to the court before which another limitation of liability case or a limitation of liability case under the Act on Liability for Oil Pollution Damage (Act No. 95 of 1975) arising from the same accident is pending.

(Application, Mutatis Mutandis, of the Code of Civil Procedure)

Article 11 Except as otherwise provided, the Code of Civil Procedure (Act No. 109 of 1996) applies mutatis mutandis to limitation of liability proceedings.

(Optional Oral Arguments and Investigation by the Court on Its Own Authority)

Article 12 (1) A judicial decision in limitation of liability proceedings may be reached without oral arguments being heard.

(2) The court may conduct the necessary investigations in a limitation of liability case on its own authority.

(Appeals)

Article 13 A person with an interest in the judicial decision in limitation of liability proceedings may file an immediate appeal against that judicial decision, but only as specially provided in this Act. If public notice of the juridical decision is issued, the period for filing the appeal is one month from the day on which it is issued.

(Public Notice)

Article 14 (1) A public notice that is issued pursuant to the provisions of this Act is to be issued through publication in the Official Gazette and in the newspaper designated by the court.

(2) A public notice becomes effective on the day following its last appearance in print.

(When Public Notice and Service Are Effected)

Article 15 If both public notice and service are required to be effected pursuant to the provisions of this Act, a person may effect service by sending the necessary documents by ordinary mail or by making use of correspondence delivery services prescribed in Article 2, paragraph (2) of the Act on Correspondence Delivery by Private-Sector Businesses (Act No. 99 of 2002) which are provided by a general correspondence delivery service as prescribed in paragraph (6) of that Article or a specified correspondence delivery service as prescribed in paragraph (9) of that Article. In such a case, public notice has the same effect as service upon all persons concerned.

(Rules of the Supreme Court)

Article 16 Beyond what is provided for in this Act, the necessary particulars of limitation of liability proceedings are specified by the Rules of the Supreme Court.

Section 2 Petition to Commence Limitation of Liability Proceedings

(Petition to Commence Proceedings)

Article 17 (1) A shipowner, salvor, or servant or equivalent person may file a petition to commence limitation of liability proceedings in order to limit their own liability.

(2) Co-owners of a ship may file a petition to commence limitation of liability proceedings independently in order to limit their own liability.

(Prima Facie Showing)

Article 18 When filing a petition to commence limitation of liability proceedings, the petitioner must make a prima facie showing of the facts necessary to identify the accident from which the claims subject to limitation have arisen, make a prima facie showing that the amount of the claims subject to limitation (excluding claims for interest arising after the accident or claims for damages or penalties due to default; the same applies in Article 25, item (ii)) exceeds the liability limit provided in Article 7, paragraph (1) or paragraph (3) (hereinafter referred to as the "liability limit"), and notify the court of the names and addresses of known holders of claims subject to limitation.

(Deposit Orders)

Article 19 (1) If the court finds a petition to commence limitation of liability proceedings to be appropriate, it must order the person filing the petition (hereinafter referred to as the "petitioner") to deposit money equivalent to the liability limit as determined by the court, and money accruing on this from the date of the accident to the date of the deposit (or to the date of the notification under the provisions of paragraph (1) of the following Article, if the petitioner has concluded a deposit entrustment contract pursuant to the provisions of that paragraph; the same applies in the following paragraph), calculated using the statutory interest rate from the date of the accident, with the official depository designated by the court, and to notify the court of this, within a fixed period not exceeding one month.

(2) The money equivalent to the liability limit that is referred to in the preceding paragraph is to be calculated based on the last value of one unit publicized on the date of the deposit.

(3) An immediate appeal may be filed against a ruling under paragraph (1).

(Deposit Entrustment Contracts)

Article 20 (1) If a petitioner concludes a deposit entrustment contract with the permission of the court and notifies the court of this within the period

designated in the ruling under paragraph (1) of the preceding Article, the petitioner is not required to deposit the amount of money fixed by the contract during that period.

- (2) A deposit entrustment contract is a contract in which the entrusted party promises that, if a ruling is issued commencing limitation of liability proceedings, the entrusted party will make a deposit with the official depository referred to in paragraph (1) of the preceding Article on behalf of the petitioner, comprising a fixed amount of money and money accruing on it from the date of the ruling to the date of the deposit, as calculated at the same rate as the rate of interest that applies to deposited monies.
- (3) A deposit entrustment contract may not be modified or cancelled without the permission of the court once the court has been notified as under paragraph (1).
- (4) Only a bank or other person as specified by Cabinet Order may become the entrusted party under a deposit entrustment contract (hereinafter simply referred to as the "entrusted party").

(Deposit by the Entrusted Party)

- Article 21 (1) If the court has been notified as under paragraph (1) of the preceding Article, the entrusted party must make the deposit under the deposit entrustment contract by the date designated by the court (referred to as the "designated date" in paragraph (1) of the following Article) and notify the court of this.
- (2) A deposit that an entrusted party makes pursuant to the provisions of the preceding paragraph is deemed to be a deposit that the petitioner makes as the depositor.

(Entrusted Party's Obligation If There Is a Failure to Deposit)

- Article 22 (1) If an entrusted party fails to make a deposit as under paragraph (1) of the preceding Article, it is obligated to pay the administrator the money that it was required to have deposited as of the designated date and money accruing on this from the day after the designated date to the date of payment, calculated using the statutory interest rate from the day after the designated date.
- (2) If an entrusted party fails to perform the obligation referred to in the preceding paragraph, the court, at the petition of the administrator, must order the entrusted party to pay the administrator the amount due under that paragraph.
 - (3) A ruling under the preceding paragraph has the same effect as an enforceable title of obligation.
 - (4) An immediate appeal may be filed against the judicial decision on a petition as referred to in paragraph (2).

- (5) When an administrator has been paid by an entrusted party pursuant to the provisions of paragraph (1), the administrator must immediately deposit that money with the official depository referred to in Article 19, paragraph (1) and report this to the court.
- (6) A deposit that an administrator makes pursuant to the provisions of the preceding paragraph is deemed to be a deposit that the petitioner makes as a depositor.

(Order to Suspend Other Procedures)

Article 23 (1) If a petition is filed to commence limitation of liability proceedings and the court finds it to be necessary to do so, at the petition of the petitioner or a benefiting debtor, the court may order the suspension of procedures in execution, provisional attachment, provisional disposition, or enforcement of a security interest against the property of the petitioner or benefiting debtor based on a claim subject to limitation, until the ruling is made on the petition to commence the limitation of liability proceedings.

- (2) The court may change or reverse a ruling for a suspension as under the preceding paragraph.

(Dismissal without Prejudice)

Article 24 If the petitioner is a bankrupt, the court must dismiss the petition to commence limitation of liability proceedings without prejudice.

(Dismissal with Prejudice)

Article 25 In the following cases, the court must dismiss the petition to commence limitation of liability proceedings with prejudice:

- (i) if procedural costs are not prepaid;
- (ii) if it is clear that the amount of the claims subject to limitation does not exceed the liability limit; and
- (iii) if the petitioner does not comply with a ruling under Article 19, paragraph (1).

Section 3 Ruling Commencing Limitation of Liability Proceedings

(When Limitation of Liability Proceedings Take Effect)

Article 26 Limitation of liability proceedings take effect at the time the ruling commencing them is issued.

(Particulars That Must Be Specified at the Time of a Ruling Commencing Proceedings)

Article 27 At the time of the ruling commencing limitation of liability

proceedings, the court must appoint an administrator and specify the following particulars:

- (i) the period for notifying the court of claims subject to limitation; provided, however, that this must be a period of at least one month and not more than four months counting from the date of the ruling; and
- (ii) the court dates for investigating claims subject to limitation; provided, however, that there must be a period of at least one week and not more than two months in the interval between the relevant court dates and the last day of the period for notifying the court of the claims.

(Public Notice of Commencement)

Article 28 (1) After making a ruling commencing limitation of liability proceedings, the court must immediately issue public notice of the following particulars:

- (i) the date and time and the main text of the ruling commencing the limitation of liability proceedings;
 - (ii) the total amount of money deposited based on the ruling under the provisions of Article 19, paragraph (1) or fixed amount of money under a deposit entrustment contract as referred to in Article 20, paragraph (1);
 - (iii) the name and address of the administrator;
 - (iv) the names of the petitioner and known benefiting debtors, and the relationships between these parties and the ship, salvage ship, or salvor associated with the accident;
 - (v) the period for notifying the court of claims subject to limitation and the court dates for investigating these claims; and
 - (vi) a demand indicating that persons are to notify the court of claims subject to limitation against the petitioner or a benefiting debtor within the period for notifying the court of these claims.
- (2) The administrator, the petitioner, known holders of claims subject to limitation, and known benefiting debtors must be served with a document giving the particulars set forth in the items of the preceding paragraph.
- (3) The provisions of the preceding two paragraphs apply mutatis mutandis when there is a change in connection with a particular set forth in paragraph (1), items (ii) to (v); provided, however, that no public notice is required with regard to a change in the court dates for investigating the claims subject to limitation.

(Appeals)

Article 29 (1) An immediate appeal may be filed against the judicial decision on a petition to commence limitation of liability proceedings.

- (2) The provisions of Article 23 apply mutatis mutandis when an immediate

appeal is filed against a ruling dismissing, with or without prejudice, a petition to commence limitation of liability proceedings.

Article 30 (1) If an immediate appeal as referred to in paragraph (1) of the preceding Article is filed against a ruling commencing limitation of liability proceedings, and the court finds the liability limit or the date of the accident as fixed in the ruling under the provisions of Article 19, paragraph (1) to be inappropriate, the court must order the petitioner to deposit, within a fixed period not exceeding two weeks, additional money equivalent to the liability limit and money accruing on this from the date of the accident to the date of the deposit (or to the date of the notification under the provisions of Article 20, paragraph (1), if a deposit entrustment contract has been concluded pursuant to the provisions of Article 20, paragraph (1) as applied mutatis mutandis pursuant to the following paragraph), calculated at the statutory interest rate from the date of the accident, or additional money calculated at the statutory interest rate provided for in Article 19, and to notify the court before which the limitation of liability case is pending of this, within a fixed period not exceeding two weeks.

(2) The provisions of Article 19, paragraph (2) and Articles 20 through 22 apply mutatis mutandis to a case as referred to in the preceding paragraph. In such a case, the phrase "date of deposit" in Article 19, paragraph (2) is deemed to be replaced with "date of deposit referred to in Article 30, paragraph (1)".

(Public Notice of a Ruling Revoking the Ruling Commencing a Proceeding)

Article 31 (1) The court must issue public notice immediately once a ruling revoking a ruling commencing limitation of liability proceedings becomes final and binding.

(2) The administrator, the petitioner, known holders of claims subject to limitation, and known benefiting debtors must be served with a document giving the particulars of the public notice under the preceding paragraph.

(Restriction on the Recovery of Deposit Money If the Ruling Commencing a Procedure Is Reversed)

Article 32 The petitioner may recover money deposited as the fund provided for in the following Article or dispose of the right to claim the recovery of that money only after the expiration of one month following the day on which the ruling referred to in paragraph (1) of the preceding Article becomes final and binding.

(Effects of the Commencement of Proceedings)

Article 33 Once limitation of liability proceedings commence, a holder of a claim

subject to limitation may be paid, pursuant to the provisions of this Act, with money deposited based on a ruling under the provisions of Article 19, paragraph (1) or Article 30, paragraph (1), with money deposited pursuant to the provisions of Article 21, paragraph (1) or Article 22, paragraph (5) (including as applied mutatis mutandis pursuant to Article 30, paragraph (2)), with money deposited pursuant to the provisions of Article 94, paragraph (1), and with interest on these monetary deposits (hereinafter such monies and interest are collectively referred to as "the fund"). In such a case, the holder of a claim subject to limitation may not exercise any right against the property of the petitioner or the property of the benefiting debtor, other than the fund.

Article 34 Once limitation of liability proceedings commence, a holder of a claim subject to limitation may not set off the claim subject to limitation against a claim held by the petitioner or the benefiting debtor.

(Action to Oppose Execution)

Article 35 (1) To allege the grounds referred to in the second sentence of Article 33 and request that execution based on a claim subject to limitation be disallowed, the petitioner or benefiting debtor must file an action opposing the execution.

(2) The provisions of the Civil Execution Act (Act No. 4 of 1979) concerning an action to oppose execution apply mutatis mutandis to the action referred to in the preceding paragraph.

(Action Opposing Enforcement of Security Interest)

Article 36 (1) To allege the grounds referred to in the second sentence of Article 33 and request that a person be disallowed from enforcing a security interest based on a claim subject to limitation, the petitioner or benefiting debtor must file an action opposing the enforcement of the security interest.

(2) The action referred to in the preceding paragraph is subject to the exclusive jurisdiction of the court with jurisdiction in the locality of the general venue for the defendant, or if there is no such court, the exclusive jurisdiction of the court with jurisdiction in the locality of the property constituting the object of the security interest.

(3) The provisions of Articles 36 and 37 of the Civil Execution Act apply mutatis mutandis to the action referred to in paragraph (1).

Section 4 Expansion of Limitation of Liability Proceedings

(Petition to Expand Proceedings)

Article 37 (1) If limitation of liability proceedings are commenced in connection

with property damage claims only, the petitioner or a benefiting debtor may file a petition to expand the limitation of liability proceedings in order to limit their liability for personal damage claims; provided, however, that this does not apply after the court dates for investigating the claims subject to limitation have commenced.

(2) The provisions of Articles 18 through 25 apply mutatis mutandis to a petition as referred to in the preceding paragraph.

(Ruling to Expand Proceedings)

Article 38 (1) A ruling to expand limitation of liability proceedings is to provide that the limitation of liability proceedings are also in effect for personal damage claims.

(2) The provisions of the preceding Section (other than the part of Article 27 that concerns the appointment of an administrator) apply mutatis mutandis to a ruling as referred to in the preceding paragraph.

(When a Benefiting Debtor Is Deemed to Be the Petitioner)

Article 39 If the ruling referred to in paragraph (1) of the preceding Article is issued and a benefiting debtor files a petition to expand the limitation of liability proceedings, that benefiting debtor is deemed to be the petitioner as regards the application of the provisions of Articles 82 through 84, Articles 90 through 92, and Article 94.

Section 5 Administrators

(Authority)

Article 40 (1) The administrator has the authority to state an opinion on a court date for investigating a claim subject to limitation, to effect distribution, and to perform other duties as provided in this Act.

(2) The administrator may request the petitioner or a benefiting debtor to report the necessary information or submit books and other documents to enable the administrator to perform the duties referred to in the preceding paragraph.

(Supervision)

Article 41 The court supervises the administrator.

(Duty of Care)

Article 42 The administrator must perform their duties with the due care of a prudent manager.

(Deputy Administrators)

Article 43 (1) If necessary, an administrator may take it under their personal responsibility to appoint a deputy administrator, in order to have that deputy administrator perform the duties of the administrator.

(2) The administrator must obtain the permission of the court to appoint a deputy administrator pursuant to the provisions of the preceding paragraph.

(Remuneration)

Article 44 (1) The administrator may be paid in advance for the necessary costs for limitation of liability proceedings, and may receive the remuneration determined by the court.

(2) An immediate appeal may be filed against a ruling under the preceding paragraph.

(Dismissal)

Article 45 The court may dismiss the administrator at the petition of an interested person or on its own authority, if there is a material reason for doing so. Before doing so, the court must hold a hearing for the administrator.

(Duty to Submit Accounting Report)

Article 46 Once the administrator's task is complete, the administrator or their heir must submit an accounting report to the court without delay.

Section 6 Participation in Limitation of Liability Proceedings

(Participation)

Article 47 (1) The holder of a claim subject to limitation may participate in limitation of liability proceedings based on the claim they hold (but only one that has arisen by the day on which the court dates for investigating claims subject to limitation commence, if it constitutes a claim for interest or a claim for damages or penalties due to default; hereinafter the same applies in this Chapter).

(2) A petitioner or benefiting debtor that has paid a claim subject to limitation is deemed to be the holder of that claim subject to limitation to the extent that it has paid the claim, and may participate in the limitation of liability proceedings based on that claim.

(3) A person that will be subrogated to the rights of a holder of a claim subject to limitation, or that will make a claim to reimbursement against the petitioner or a benefiting debtor in connection with a claim subject to limitation is deemed to be the holder of that claim, and may participate in the limitation of liability proceedings based on that claim; provided, however, that this does not apply to a claim subject to limitation whose holder is participating in the

limitation of liability proceedings.

- (4) If there is a likelihood of execution in a foreign country based on a claim subject to limitation, the petitioner or a benefiting debtor is deemed to be the holder of a claim subject to limitation in the amount due to be paid through that compulsory execution, and may participate in the limitation of liability proceedings based on that claim. The proviso of the preceding paragraph applies *mutatis mutandis* in such a case.
- (5) A person seeking to participate in limitation of liability proceedings pursuant to the provisions of one of the preceding paragraphs must notify the court of the details of the claim subject to limitation and other particulars as provided by the Rules of the Supreme Court.
- (6) When notifying the court as under the preceding paragraph, the person seeking to participate in the limitation of liability proceedings pursuant to the provisions of paragraph (4) must make a *prima facie* showing of the likelihood of execution in a foreign country.

(When a Person Other Than the Petitioner and Benefiting Debtors Bears the Full Obligation for the Claim Subject to Limitation)

- Article 48 (1) If a person other than the petitioner and the benefiting debtors bears the obligation for full performance of a claim subject to limitation and limitation of liability proceedings are also commenced for that person or are expanded for them, the holder of a claim subject to limitation may exercise the right they hold in each of the limitation of liability proceedings, for the entire amount of the claim subject to limitation that the person holds at the time the proceedings commence or the time they are expanded.
- (2) The provisions of the preceding paragraph apply *mutatis mutandis* to a claim arising from tanker oil pollution damage as provided in Article 2, item (vi) of the Act on Liability for Oil Pollution Damage (but only those constituting claims subject to limitation) if a person other than the petitioner and the benefiting debtors bears the obligation for full performance of a claim subject to limitation and limitation of liability proceedings are commenced for that person pursuant to the provisions of that Act.

(Non-monetary Claims)

- Article 49 If a claim is a non-monetary claim, a monetary claim of an indeterminate amount, or a monetary claim of an amount that has been fixed in a foreign currency, the amount of that claim is its estimated value at the time the limitation of liability proceedings commence or the time they are expanded.

(Period for Filing Notification)

Article 50 (1) A person must file notification with the court in accordance with the provisions of Article 47, paragraph (5) within the period for filing notification that the court designates pursuant to the provisions of Article 27 (including as applied mutatis mutandis pursuant to Article 38, paragraph (2)).

(2) Notwithstanding the provisions of the preceding paragraph, if a person that is entitled to participate in limitation of liability proceedings pursuant to the provisions of Article 47, paragraphs (1) through (4) is unable to notify the court of a claim within the period for notifying the court of this due to grounds not attributable to that person, the person may notify the court of the claim after the expiration of the period for filing notification; provided, however, that this does not apply after the end of the court dates for investigating claims subject to limitation.

(Filing Notification of a Change)

Article 51 (1) A participant in limitation of liability proceedings must file notification with the court if a particular of which the participant has notified the court changes or if the participant seeks to change a particular of which the participant has notified the court.

(2) The provisions of the preceding Article apply mutatis mutandis if a person notifies the court of a change that would prejudice the interests of any other holder of a claim subject to limitation.

(3) A person participating in limitation of liability proceedings pursuant to the provisions of Article 47, paragraph (3) or paragraph (4) must file notification with the court if they are subrogated to the rights of the holder of the claim subject to limitation, if they acquire the claim to reimbursement against the petitioner or a benefiting debtor, or if they pay a claim subject to limitation. In such a case, the person must show proof of the facts constituting the cause of the notification.

(Succession to the Status of Participant in Proceedings)

Article 52 (1) A person acquiring a claim of which a person participating in limitation of liability proceedings has notified the court may succeed to the status of that participant.

(2) A person seeking to succeed to the status of a participant pursuant to the provisions of the preceding paragraph must notify the court of the claim acquired and of any other particulars specified by the Rules of the Supreme Court. In doing so, the person must show proof of having acquired the claim in question.

(3) The provisions of the preceding two paragraphs apply mutatis mutandis to the petitioner or a benefiting debtor that pays a claim of which a person participating in limitation of liability proceedings pursuant to the provisions of

Article 47, paragraph (1) has notified the court.

(Dismissal of Notification)

Article 53 (1) If a notification filed with the court pursuant to the provisions of this Section is in violation of the provisions of Article 47, paragraph (5) or paragraph (6); Article 50 (including as applied mutatis mutandis pursuant to Article 51, paragraph (2)); Article 51, paragraph (3); or paragraph (2) of the preceding Article (including as applied mutatis mutandis pursuant to paragraph (3) of that Article), the court must dismiss that notification.

(2) An immediate appeal may be filed against a ruling under the preceding paragraph.

(Postponement of the Expiration of the Prescriptive Period)

Article 54 If a person is participating in limitation of liability proceedings, the period of prescription does not expire until the person's participation in the limitation of liability proceedings ends (or until six months after the end of the person's participation in the limitation of liability proceedings, if their participation ends other than by the issuance of a ruling concluding the proceedings).

(Obligation to File Notification of Known Holders of Claims Subject to Limitation)

Article 55 (1) If the petitioner or a benefiting debtor comes to know the name and address of a holder of a claim subject to limitation that is other than a person of which the court has been notified pursuant to the provisions of Article 18 (including as applied mutatis mutandis pursuant to Article 37, paragraph (2)) and that is not yet participating in the limitation of liability proceedings, the petitioner or benefiting debtor must notify the court of that name and address immediately; provided, however, that this does not apply if the petitioner or benefiting debtor comes to know this after the court dates for investigating claims subject to limitation have concluded.

(2) The provisions of the Article 28, paragraphs (2) and (3) (including as applied mutatis mutandis pursuant Article 38, paragraph (2)) apply mutatis mutandis to a holder of a claim subject to limitation of which the court is notified pursuant to the provisions of the preceding paragraph.

(Permission for Advance Payment in Distribution)

Article 56 (1) If it is urgently necessary to do so in order to prevent a substantial detriment to a person participating in limitation of liability proceedings pursuant to the provisions of Article 47, paragraph (1), at the petition of the administrator or on the court's own authority, the court may issue an order for

the administrator to pay a reasonable amount of money from the fund as part of the distribution for a claim subject to limitation, even before the claim of which the participant has notified the court is determined.

- (2) If a holder of a claim subject to limitation as provided in the preceding paragraph requests the administrator to file the petition referred to in that paragraph, the administrator must report this to the court immediately, and if the administrator decides not to file the petition, the administrator must report the reasons for that decision to the court without delay.

Section 7 Investigation and Determination of Claims Subject to Limitation

(Investigation of Claims Subject to Limitation)

Article 57 On a court date for investigating claims subject to limitation, the court investigates whether each claim of which it has been notified is a claim subject to limitation, and if it is a claim subject to limitation, the court investigates the details and whether it is a personal damage claim or a property damage claim.

(Appearance of Persons Concerned)

Article 58 The petitioner, benefiting debtors, and participants in limitation of liability proceedings, as well as agents of these persons, may appear on the court dates for investigating claims subject to limitation and dispute any claim of which the court has been notified.

(Presence of the Administrator)

Article 59 The investigation of claims subject to limitation may not be conducted if the administrator is not present.

(Determination of Undisputed Claims Subject to Limitation)

Article 60 If, on a court date for investigating claims subject to limitation, neither the administrator nor any of the persons set forth in Article 58 disputes a claim, the claim is determined to be a claim subject to limitation, as are the details of the claim and whether it is a personal damage claim or property damage claim.

(Evaluative Decisions)

Article 61 (1) The court must issue an evaluative decision for each disputed claim.

- (2) In an evaluative decision, the court establishes that the relevant claim is not a claim subject to limitation, if this is the case; and if the relevant claim is a

claim subject to limitation, the court establishes the details of the claim and whether it is a personal damage claim or property damage claim in the evaluative decision.

- (3) The person notifying the court of the claim and the person disputing the claim are served with the evaluative decision.

(Investigation by the Administrator)

Article 62 To reach an evaluative decision, the court may order the administrator to investigate a matter in need of investigation or ask for the administrator's opinion.

(Action Opposing an Evaluative Decision)

Article 63 (1) A person (other than the administrator) that is dissatisfied with an evaluative decision may file an action opposing that decision during an inalterable time frame of one month from the day on which the person is served with the ruling.

- (2) The party that disputed the claim must be named as the defendant if the action referred to in the preceding paragraph is brought by the person that notified the court of the claim in dispute, and the person that notified the court of the claim in dispute must be named as the defendant if the action referred to in the preceding paragraph is filed by the party disputing the claim.
- (3) The action referred to in paragraph (1) is subject to the exclusive jurisdiction of the court before which the limitation of liability case is pending, and oral arguments may not begin until the period set forth in paragraph (1) has expired.
- (4) If two or more actions are pending on the same claim concurrently, oral arguments must be held and judicial decisions reached following their consolidation. In such a case, the provisions of Article 40, paragraphs (1) through (3) of the Code of Civil Procedure apply *mutatis mutandis*.
- (5) Unless an action as referred to in paragraph (1) is dismissed as unlawful, in the judgment rendered with regard to that action, the court must uphold or overturn the evaluative decision.

(Suspension of Court Proceedings)

Article 64 (1) If notification of a claim subject to limitation has been filed pursuant to the provisions of Article 47, paragraph (5) and an action is pending between the holder of that claim and the petitioner or a benefiting debtor (hereinafter referred to as an "action outside the proceedings"), the court may issue an order suspending the court proceedings in that action, at the petition of the plaintiff.

- (2) At the petition of the plaintiff, the court may reverse the order suspending

the court proceedings as under the preceding paragraph.

(Expansion of Jurisdiction over Actions Outside Proceedings)

Article 65 If an action opposing an evaluative decision is pending, an action between the person making the claim involved in that action and the petitioner or a benefiting debtor may be filed in connection with that claim with the court before which the limitation of liability case is pending.

(Transfer)

Article 66 (1) If an action opposing an evaluative decision is pending and an action outside the proceedings which relates to the claim involved in the action opposing the evaluative decision is pending before another court of first instance, the court before which the limitation of liability case is pending may request that the action outside the proceedings be transferred to it, based on a petition.

(2) If a ruling under the preceding paragraph is issued, the court that is requested to make the transfer must transfer the action outside the proceedings to the court before which the limitation of liability case is pending.

(3) A transfer under the preceding paragraph may be effected even during a continuance or suspension of court proceedings.

(Consolidation)

Article 67 If both an action opposing an evaluative decision and action outside the proceedings are pending before the court before which the limitation of liability case is pending, oral arguments must be held and judicial decisions reached following their consolidation.

Section 8 Distribution

(Distribution)

Article 68 A fund, less what is paid out pursuant to the provisions of Article 92, paragraph (5) (including as applied mutatis mutandis pursuant to Article 94, paragraph (2)) or Article 93, paragraph (1) or paragraph (3), is allocated to cover distribution.

(Timing of Distribution)

Article 69 (1) The administrator must effect the distribution without delay after the court dates for investigating claims subject to limitation have concluded.

(2) If an objection is raised on a court date for investigating a claim subject to limitation, the administrator may effect a distribution only after the expiration of the period for filing an action opposing the evaluative decision; provided,

however, that this does not apply if the administrator obtains the permission of the court to effect the distribution.

(Distribution List)

Article 70 (1) Before seeking to effect a distribution, the administrator must prepare a distribution list and obtain the approval of the court.

(2) A distribution list must give the names of holders of claims subject to limitation that are eligible for distribution, the amounts of the claims subject to limitation that are eligible for distribution, the amount of money available for distribution, the distribution percentage, and other information specified by the Rules of the Supreme Court, separately for personal damage claims and property damage claims.

(Public Notice of Approval of Distribution List)

Article 71 Once the court approves a distribution list, it must issue public notice of this.

(Objection to the Distribution List)

Article 72 (1) A person that is dissatisfied with an entry in the distribution list may file an objection with the court during an inalterable time frame of two weeks from the date of the public notice under the preceding Article.

(2) If the court finds an objection to be reasonable, it must order the administrator to correct the distribution list.

(3) An immediate appeal may be filed against a judicial decision on an objection.

(Request to Defer Distribution)

Article 73 A participant in limitation of liability proceedings may request the administrator to defer distribution prior to the expiration of the period for filing an objection to the distribution list by showing proof that an action outside the proceedings is pending in connection with the claim of which the participant has notified the court, or that execution based on the claim has taken place or the security interest has been enforced.

(Deferral of Distribution)

Article 74 The administrator must defer distribution in connection with the following claims:

(i) a claim with regard to which the administrator has been requested to defer distribution pursuant to the provisions of the preceding Article;

(ii) a claim of which a participant in the limitation of liability proceedings has notified the court pursuant to the provisions of Article 47, paragraph (3) or paragraph (4), but with regard to which the court has not been notified as

under Article 51, paragraph (3); and
(iii) a claim other than as set forth in either of the preceding two items which has not yet been determined through the limitation of liability proceedings.

(Order to Withhold Expenses)

Article 75 (1) If it is unclear what amount of expenses and other costs or what amount of remuneration for an attorney or legal professional corporation will be paid on behalf of the petitioner pursuant to the provisions of Article 92, paragraph (1) or Article 93, paragraph (2) or will be paid out pursuant to Article 93, paragraph (1), the court must order the administrator to withhold a reasonable amount of the fund for this.

(2) The court may change or reverse a ruling under the preceding paragraph.

(Effect of Distribution)

Article 76 Once it becomes possible for a participant in limitation of liability proceedings to be paid from the fund in the amount that is to be distributed to the participant pursuant to the provisions of laws and regulations concerning deposits, the petitioner and benefiting debtors are discharged from liability outside the limitation of liability proceedings for the claim in connection with which the distribution is made to that participant.

(Exclusion from Proceedings)

Article 77 If it is determined in an action outside the proceedings that a claim of which the court has been notified is not a claim subject to limitation, that claim is excluded from the limitation of liability proceedings.

(Deferred Distribution)

Article 78 Once the relevant of the following circumstances arise with regard to a claim as set forth in one of the items of Article 74, the administrator must implement the distribution without delay:

(i) the details of a claim as set forth in Article 74, item (i) are determined and the person requesting the deferral asks the administrator to make the distribution;

(ii) the details of a claim as set forth in Article 74, item (ii) are determined and the notification under Article 51, paragraph (3) has been filed with the court; and

(iii) the details of a claim as set forth in Article 74, item (iii) are determined.

(Additional Distribution)

Article 79 (1) If new parts of a fund that can be allocated to distribution come into existence, the administrator must effect another distribution.

(2) An administrator may temporarily refrain from effecting the distribution referred to in the preceding paragraph with the permission of the court.

(Conclusion of Proceedings)

Article 80 The court must rule to conclude limitation of liability proceedings and issue public notice of this once distribution is completed.

(Compensation for Damages)

Article 81 If the petitioner or a benefiting debtor violates the duty to notify the court as provided in Article 18 (including as applied mutatis mutandis pursuant to Article 37, paragraph (2)) or Article 55, paragraph (1), once the ruling concluding the limitation of liability proceedings is issued, the petitioner and the benefiting debtor are liable for damages resulting from their violation of that duty.

Section 9 Discontinuing Limitation of Liability Proceedings

(Discontinuing Proceedings)

Article 82 In the following cases, the court must rule to discontinue limitation of liability proceedings, either upon petition or on its own authority; provided, however, that this does not apply in a case as referred to in item (iii) if discontinuing proceedings is likely to greatly harm a holder of a claim subject to limitation:

- (i) if the administrator shows proof of being unable to get payment from the entrusted party pursuant to a ruling under Article 22, paragraph (2) (including as applied mutatis mutandis pursuant to Article 30, paragraph (2) and Article 37, paragraph (2));
- (ii) if the petitioner does not comply with a ruling under Article 30, paragraph (1) (including as applied mutatis mutandis pursuant to Article 38, paragraph (2)); and
- (iii) the petitioner does not comply with a ruling under the second sentence of Article 91.

Article 83 (1) The petitioner may petition to discontinue limitation of liability proceedings with the consent of all known benefiting debtors and participants in the limitation of liability proceedings.

(2) If a petition as referred to in the preceding paragraph is filed, the court must rule to discontinue limitation of liability proceedings.

Article 84 If a petitioner has become subject to a ruling commencing bankruptcy proceedings and the continuation of limitation of liability proceedings is likely

to greatly harm bankruptcy creditors, the court must rule to discontinue the limitation of liability proceedings at the petition of the bankruptcy trustee; provided, however, that this does not apply once the court has issued public notice of its approval of the distribution list or once permission has been given for a final distribution as provided in Article 195, paragraph (1) of the Bankruptcy Act (Act No. 75 of 2004), for a simplified distribution as provided in Article 204, paragraph (1) of that Act, for consensual distribution as provided in Article 208, paragraph (1) of that Act, or for an interim distribution as provided in Article 209, paragraph (1) of that Act.

(Public Notice of Discontinuance)

Article 85 (1) If the court rules to discontinue limitation of liability proceedings, it must issue public notice of the main text of the ruling and an overview of the reasons for that ruling immediately.

(2) The provisions of Article 31, paragraph (2) apply mutatis mutandis in the case referred to in the preceding paragraph.

(Appeals)

Article 86 An immediate appeal may be filed against a ruling dismissing a petition to discontinue limitation of liability proceedings with or without prejudice, or against a ruling to discontinue limitation of liability proceedings.

(Public Notice of the Reversal of a Ruling to Discontinue)

Article 87 (1) Once a ruling reversing a ruling to discontinue limitation of liability proceedings becomes final and binding, the court must give public notice of this immediately.

(2) The provisions of Article 31, paragraph (2) apply mutatis mutandis to a case as referred to in the preceding paragraph.

(Coming into Effect of a Ruling to Discontinue)

Article 88 A ruling to discontinue limitation of liability proceedings does not become effective until it becomes final and binding.

(Restriction on the Recovery of Deposit Money Once a Ruling to Discontinue Becomes Final and Binding)

Article 89 The provisions of Article 32 apply mutatis mutandis once a ruling to discontinue limitation of liability proceedings becomes final and binding.

Section 10 Expenses

(Principle Governing the Bearing of Expenses)

Article 90 Except as provided in Article 93, paragraph (1) and paragraph (2), the necessary expenses for limitation of liability proceedings and the remuneration of the administrator (hereinafter referred to as "expenses and other costs" in this Section) are borne by the petitioner.

(Duty to Prepay)

Article 91 When filing a petition to commence limitation of liability proceedings, the petitioner must prepay the amount designated by the court as expenses and other costs. The same applies if the prepaid amount of expenses and other costs falls short and the court orders the prepayment of the shortfall in expenses and other costs.

(Payment of Expenses and Other Costs on Behalf of a Petitioner Not Complying with a Prepayment Order)

Article 92 (1) In a case falling under Article 82, item (iii), if circumstances are as prescribed in the proviso to that Article, expenses and other costs are paid out of the fund on behalf of the petitioner.

(2) The administrator is to collect from the petitioner the expenses and other costs paid on the petitioner's behalf pursuant to the provisions of the preceding paragraph.

(3) In the case referred to in the preceding paragraph and at the petition of the administrator, the court must order the petitioner to pay the administrator an amount of money equal to the amount of expenses and other costs paid on the petitioner's behalf pursuant to the provisions of paragraph (1).

(4) The provisions of Article 22, paragraphs (3) and (4) apply mutatis mutandis to a ruling under the provisions of the preceding paragraph.

(5) If it is impossible to collect expenses and other costs that are to be collected pursuant to the provisions of paragraph (2), those expenses and other costs are paid out of the fund.

(Expenses and Other Costs for Administrator's Pursuit of Legal Action)

Article 93 (1) Other than expenses prescribed in the following paragraph, the expenses and other costs and remuneration for an attorney or legal professional corporation which the administrator needs in order to pursue an action opposing an evaluative decision are paid out of the fund.

(2) Among the expenses that the administrator needs in order to pursue an action opposing an evaluative decision, those falling under the scope of court costs are to be paid from the fund on behalf of the petitioner.

(3) Court costs that the administrator is to bear as decided in the judgment on an action opposing an evaluative decision are paid out of the fund.

(4) At the petition of the administrator, the court fixes the amounts of the

expenses and other costs and remuneration which are referred to in paragraph (1).

- (5) An immediate appeal may be filed against a ruling under the preceding paragraph.

(Depositing of Expenses and Other Costs and Court Costs Collected by Administrator)

Article 94 (1) After collecting the expenses and other costs or court costs paid on behalf of the petitioner pursuant to the provisions of Article 92, paragraph (1) or paragraph (2) of the preceding Article, the administrator must deposit the collected money as part of the fund for the benefit of the petitioner.

- (2) The provisions of Article 22, paragraph (6) apply mutatis mutandis to a deposit made by the administrator pursuant to the provisions of the preceding paragraph, and the provisions of Article 92, paragraph (5) apply mutatis mutandis if it is impossible to collect the court costs referred to in the preceding paragraph that are to be collected by the administrator.

Chapter IV Auxiliary Provisions

(Maritime Liens)

Article 95 (1) A holder of a claim subject to limitation (limited to a property damage claim) holds a statutory lien over the ship involved in the accident and its equipment, in connection with that claim.

- (2) The statutory lien referred to in the preceding paragraph is next in order of precedence to the statutory lien referred to in Article 842, item (v) of the Commercial Code (Act No. 48 of 1899).
- (3) The provisions of the main clause of Article 843, paragraph (2), Articles 844 through 846, and Article 848, paragraph (1) of the Commercial Code apply mutatis mutandis to the statutory lien referred to in paragraph (1).
- (4) Notwithstanding the provisions of Article 846 of the Commercial Code as applied mutatis mutandis pursuant to the preceding paragraph, if a ruling commencing limitation of liability proceedings is issued prior to the extinguishment of the statutory lien referred to in paragraph (1) and a ruling reversing the ruling commencing the limitation of liability proceedings or a ruling discontinuing the limitation of liability proceedings becomes final and binding, the statutory lien referred to in paragraph (1) extinguishes once one year has passed after the ruling to reverse or discontinue becomes final and binding,.

(Effect of Formation of a Limitation Fund in a Foreign Contracting State)

Article 96 (1) If a limitation fund as provided by the Convention on Limitation of

Liability for Maritime Claims of 1976 as amended by the Protocol of 1996 to amend the Convention on Limitation of Liability for Maritime Claims of 1976 (hereinafter referred to as the "Convention on Limitation of Liability for Maritime Claims") has been formed in a foreign country that is a State Party to the Protocol, the holder of a claim subject to limitation that is to be paid from that fund may not exercise their rights against the property of the shipowner, the property of the salvor, or the property of the servant or equivalent person, other than the limitation fund.

- (2) The provisions of Articles 34 through 36 apply mutatis mutandis to the case referred to in the preceding paragraph.

Article 97 Deleted

(Application of This Act to the Manager of a Ship)

Article 98 (1) This Act applies to the manager of a ship and the operator of a ship as provided in Article 1, paragraph (2) of the Convention on Limitation of Liability for Maritime Claims, as well as to the members with unlimited liability of a corporate manager or operator, in the same manner as it applies to a shipowner; this Act applies to the servants of the manager or operator of a ship as provided in that paragraph and other persons for whose acts the manager or operator is responsible in the same manner as it applies to servant or equivalent person.

- (2) This Act applies to the insurer under an insurance policy covering damage arising from a person's taking responsibility for paying a claim subject to limitation, in the same manner as it applies to the insured.

Chapter V Penal Provisions

Article 99 (1) An administrator or deputy administrator that accepts, solicits, or agrees to a bribe in connection with their duties is subject to imprisonment with labor for not more than three years or a fine of not more than three million yen.

- (2) In a case as referred to in the preceding paragraph, any bribe that has been accepted is confiscated. If all or part of the bribe cannot be confiscated, an equivalent value is collected.

Article 100 A person paying, offering, or agreeing to a bribe as prescribed in paragraph (1) of the preceding Article is subject to imprisonment with labor for not more than three years or a fine of not more than one million yen.

Article 101 (1) A person that has been requested to make a report or submit a

document as under the provisions of Article 40, paragraph (2), but that either does not make the report or submit the document, or that makes a false report or submits a false document, is subject to imprisonment with required labor for not more than one year or a fine of not more than 500,000 yen.

- (2) If the representative of a corporation or the agent, employee, or other worker of a corporation or individual commits the violation referred to in the preceding paragraph in connection with the business of the corporation or individual, in addition to the offender being subject to punishment, the corporation or individual is also subject to punishment in the form of the fine referred to in that paragraph.