

# Act on Liability for Oil Pollution Damage

(Act No. 95 of December 27, 1975)

Chapter I General Provisions (Articles 1 and 2)

Chapter II Liability for Tanker Oil Pollution Damage and Limitation of Liability (Articles 3 through 12)

Chapter III Compensation Contract for Tanker Oil Pollution Damage (Articles 13 through 21)

Chapter IV International Fund

Section 1 Claim against International Fund (Articles 22 through 27)

Section 2 Contribution to International Fund (Articles 28 through 30)

Chapter IV-2 Supplementary Fund (Articles 30-2 and 30-3)

Chapter V Procedures for Limitation of Liability Pertaining to Tanker Oil Pollution Damage (Articles 31 through 38)

Chapter VI Liability for Damage by General Ship Oil Pollution and Its Limitation (Articles 39 and 40)

Chapter VII Compensation Contract for General Ship Oil Pollution Damage (Articles 41 through 46)

Chapter VIII Liability for Damage Arising from Removal of Wrecks (Articles 47 and 48)

Chapter IX Contract on Securing Compensation for Damage Arising from Removal of Wrecks (Articles 49 through 54)

Chapter X Miscellaneous Provisions (Articles 55 through 64)

Chapter XI Penal Provisions (Articles 65 through 70)

Supplementary Provisions

## Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to protect the victims, and contribute to the sound development of marine transportation by establishing the liability of shipowners in the event of damage caused by oil pollution by ships, and to contribute to the sound development of marine transportation.

(Definitions)

Article 2 In this Act, the meanings of the terms in the following items are as prescribed respectively

(i) "Liability Convention" refers to the International Convention on Civil Liability for Oil Pollution Damage, 1992

- (ii) "International Fund Convention" refers to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992
- (iii) "Protocol on Supplementary Fund" refers to the protocol of 2003 to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992
- (iv) "Bunker Oil Convention" refers to the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001;
- (v) "Wreck Removable Convention" refers to the Nairobi International Convention on the Removal of Wrecks, 2007;
- (vi) "Oil, etc." refers to crude oil, heavy oil, lubricant oil and other non-volatile oil specified by Cabinet Order;
- (vii) "Bunker oil, etc." refers to bunker oil, lubricant oil, and other oil used for the navigation of ships, which are specified by Cabinet Order;
- (viii) "Wrecks" refers to any wrecks arising from maritime accidents which fall under any of the following items:
  - (a) A sunken or grounded ship or any part of a sunken ship or grounded ship thereof;
  - (b) Object lost from a ship at sea that are sunk, grounded or being drifted at sea;
  - (c) A ship in danger of sinking or grounded (limited to those that are not being rescued).
- (ix) "Tanker" refers to a ship for carrying crude oil, etc. in bulk;
- (x) "General ship" refers to a ship for carrying cargo and other objects excluding passengers or crude oil, etc. in bulk (excluding ships that are operated with oars or operated mainly with oars);
- (xi) "Tanker owner" refers to the shipowner of a tanker (this refers to the person registered as the owner of the ship in accordance with the provisions of Article 5, paragraph (1) of the Ship Act (Act No. 46 of 1899) or the provisions of foreign laws and regulations (if there are no persons registered, persons owning the ship); provided, however, that for a ship owned by a foreign state, if there is a company or an entity registered as an operator of the ship in that foreign state, the shipowner of a tanker refers to the company or the entity that is registered as the operator; the same applies hereinafter);
- (xii) "Shipowner, etc." refers to the owner of a ship and the lessee of a ship;
- (xiii) "Damage caused by oil pollution, etc." refers to tanker oil pollution damage, oil pollution damage caused by general ships, etc., and damage arising from the removal of wrecks;
- (xiv) "Tanker oil pollution damage" refers to the following damage or costs:
  - (a) Damage arising from pollution (limited to pollution caused by crude oil,

- etc. loaded as cargo or fuel (including crude oil, etc. left in a cargo hold or other places inside a tanker specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism and mixtures containing crude oil, etc. specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism)) by crude oil, etc. spilled or discharged from a tanker (for tankers capable of carrying cargo other than crude oil, etc. in bulk, limited to tankers used for transporting crude oil, etc. in bulk in which the cargo holds have not been cleaned to the degree that no crude oil, etc. may be left after they were used for transportation of crude oil, etc. in bulk, tankers used for transportation of cargo other than crude oil, etc. in bulk, and ships navigating without any cargo) within the territory of a state that is a contracting party to the Liability Convention (including territorial waters; the same applies hereinafter), within an exclusive economic zone (meaning an exclusive economic zone prescribed in Article 1, paragraph (1) of the Act on Exclusive Economic Zone and Continental Platforms (Act No. 74 of 1996); the same applies hereinafter), or within the waters provided for in Article 2, (a), (ii) of the Liability Convention in a foreign state that is a contracting party to the Convention;
- (b) cost required for the reasonable measures taken to prevent or alleviate the damage after an event causing the damage referred to in sub-item (a) occurred and damage incurred as a result of taking those measures;
- (xv) "Cost of damage-prevention measures taken by tanker owner" refers to the cost required by a tanker owner to voluntarily take measures prescribed in the preceding sub-item (b) and the loss incurred by the tanker owner as a result of taking those measures;
- (xvi) "Oil pollution damage caused by general ships, etc." refers to any of the following damage or expenses, excluding those falling under the category of tanker oil pollution damage:
- (a) damage caused by pollution resulting from the outflow or discharge of bunker oil, etc. from a tanker or general ship within Japan's territory or exclusive economic zone;
- (b) damage caused by pollution resulting from the outflow or discharge of bunker oil, etc. from a tanker or general ship in the territory of a foreign country that is a contracting state to the bunker oil convention or in the waters prescribed in Article 2, (a), (ii) of the bunker oil convention;
- (c) cost that is required for reasonable measures taken to prevent or alleviate the damage after an event causing the damage referred to in sub-item (a) or (b) and the loss incurred as a result of taking those measures.
- (xvii) "Damage arising from the removal of wrecks" refers to damage arising from the bearing of expenses required for the following measures within the territory of Japan or within its exclusive economic zone, or within the

- territory of a foreign state that is a contracting state to the Wreck Removable Convention and has given notification pursuant to the provisions of Article 3, paragraph (2) of the Wreck Removable Convention, or within the waters prescribed in Article 1, paragraph (1) of the Wreck Removable Convention of a foreign state that is a contracting state of the convention on the Wreck Removable Convention, excluding those falling under the category of tanker oil pollution damage or oil pollution damage caused by general ships, etc.:
- (a) identifying the location of wrecks;
  - (b) marking of wrecks in cases where the removal of the wrecks or other measures are necessary according to the provisions of the Port and Harbor Act (Act No. 218 of 1950) or other laws and regulations, or a decision under the provisions of Article 6 of the Wreck Removable Convention;
  - (c) removal of the wrecks and other measures in cases referred to in (b).
- (xviii) "One unit" refers to the amount of money equivalent to one Special Drawing Right pursuant to the Special Drawing Right prescribed in Article 3, paragraph (1) of the International Monetary Fund Agreement.
- (xix) "Insurer" refers to any of the following persons:
- (a) the party who indemnifies the tanker owner for damage or secures the performance of the obligation of compensation under the tanker oil pollution damage compensation contract prescribed in this Act;
  - (b) the party who indemnifies the tanker or general ship owner for damage or secures the performance of the obligation of compensation under the general ship oil pollution damage compensation contract prescribed in this Act;
  - (c) the party who indemnifies the shipowner, etc. of a tanker or a general ship for damage or secures the performance of the obligation of compensation in the contract on compensation for damage arising from the removal of wrecks prescribed in this Act.
- (xx) "international fund" refers to The International Oil Pollution Compensation Fund 1992 prescribed in Article 2, paragraph (1) of the International Fund Convention;
- (xxi) "supplementary fund" refers to the International Oil Pollution Compensation Supplementary Fund, 2003 prescribed in Article 2, paragraph (1) of the Protocol on Supplementary Fund;
- (xxii) "Limited claim" refers to the claim for which the tanker owner, or the insurer, etc. to which a tanker oil pollution damage compensation contract, general ship oil pollution damage compensation contract, or contract on damage arising from the removal of wrecks prescribed in this Act pertains, may limit the liability pursuant to the provisions of this Act;
- (xxiii) "beneficial debtor" refers to the debtor pertaining to the limited claim in the procedure for limitation of liability and other than those who filed a

petition for commencement of the procedure for limitation of liability.

## **Chapter II Liability for Tanker Oil Pollution Damage and Limitation of Liability**

(Liability for Tanker Oil Pollution Damage)

Article 3 (1) When tanker oil pollution damage occurs, the owner of the tanker that was loaded with the crude oil, etc. pertaining to the tanker oil pollution damage, is responsible for paying compensation for the damage; provided, however, that this does not apply if the tanker oil pollution damage falls under any of the following circumstances:

(i) damage was caused by war, civil war or insurrection;

(ii) damage was caused by an abnormal natural disaster;

(iii) damage was solely caused maliciously by the person other than the tanker owner or their employees;

(iv) damage was solely caused by a defect in the signaling facilities for sea-lane traffic control or sea-lane markers of a public entity or a respective country.

(2) If there has been tanker oil pollution damage involving more than two crude oil tankers, and it is not possible to determine as to which tanker caused the tanker oil pollution damage, the respective tanker owners are jointly liable for damage; provided, however, that this does not apply if the tanker oil pollution damage falls under any of the items of the preceding paragraph.

(3) The tanker owner prescribed in the preceding two paragraphs is to be the tanker owner of the time the first event that caused the tanker oil pollution damage.

(4) In the case referred to in the main clause of paragraph (1) or the main clause of paragraph (2), the persons listed in the following items are not responsible for damage; provided, however, that this does not apply if the tanker oil pollution damage was intentionally caused by these persons or caused by a reckless act of these persons while recognizing that the act would likely result in damage:

(i) employees of the tanker owner;

(ii) a ship lessee of the tanker or tanker employees;

(iii) a charterer, (except for the ship lessee), manager, operator or their employees of the tanker prescribed in Article 3, paragraph (4), (c) of the Liability Convention,

(iv) a person who undertakes services such as repair of tankers and the person's employees;

(v) a person who provides services directly relating to life saving rescue activities, rescue activities relative to cargo or the tanker itself at sea with the consent of the tanker owner or pursuant to the instructions of

- administrative agencies, and the person's employees;
- (vi) a person who takes measures prescribed in item (xiv), (b) of the preceding Article (excluding the owner of the tanker in question) and the person's employees.
- (5) Provisions of the preceding paragraph do not preclude exercising the recourse to the third party of the tanker owner who has compensated for the damage.

(Taking into Consideration concerning Compensation)

Article 4 If the tanker oil pollution damage is caused by the intention or the negligence of the victim, the court may take them into consideration in determining the liability and the sum of the damage.

(Limitation of Liability of Tanker Owners)

Article 5 Tanker owners who are responsible for compensation of tanker oil pollution damage pursuant to the provisions of Article 3, paragraph (1) or (2) (including unlimited liability partners of corporate tanker owners; the same applies hereinafter) may limit their liability arising from claims based on tanker oil pollution damage, pursuant to the provisions of this Act; provided, however, that this does not apply if the tanker oil pollution damage was intentionally caused by the tanker owner or caused by a reckless act of the tanker owner while recognizing that the act would likely result in damage.

(Liability Limit)

Article 6 The amount of liability limit in the case the tanker owner may restrict the liability (referred to as "amount of liability limit" in Article 14, paragraph (3) and Article 38) is to be the amount of money calculated as prescribed in the following items, pro rata to the tonnage of the tanker:

- (i) for the tanker which is 5,000 tons or less, the amount of money obtained by multiplying one unit by 4,510,000; and
- (ii) for the tanker which exceeds 5,000 tons, the amount of money obtained by adding the amount obtained by multiplying one unit by 631 for the portion of tonnage exceeding 5,000 tons to the amount of the money obtained in the preceding paragraph (in the case the amount exceeds an amount obtained by multiplying one unit by 89,770,000, the amount obtained by multiplying one unit by 89,770,000)

(Calculation of Tonnage of Tanker)

Article 7 The tonnage of the tanker referred to in the preceding Article is to be expressed in the figure calculated pursuant to an example prescribed in Article 4, paragraph (2) of the Act on Tonnage Measurement of Ships (Act No. 40 of 1980) with the word "tons" added (hereinafter referred to as "gross tonnage").

(Scope of Liability Limit)

Article 8 The limitation of liability of the tanker owner extends to all the limited claims resulting from the same accident for each of the relevant tanker against the tanker owner and insurer pertaining to the tanker.

(Ratio of Payment that the Claimant of the Limited Claim Receives)

Article 9 When a tanker owner has limited its liability, the claimant of the limited claim may receive payment pro rata to the ratio of the sum of their limited claim.

(Expiration of Rights)

Article 10 The right to demand compensation for damage against the tanker owner pursuant to the provisions of Article 3, paragraph (1) or (2) becomes extinct unless a demand by litigation is filed within 3 years from the date when the tanker oil pollution damage occurred. The same applies when a demand by litigation is not filed within 6 years from the date when the first event causing the tanker oil pollution damage occurred.

(Jurisdiction of Tanker Oil Pollution Claim Case)

Article 11 The lawsuit against the tanker owner pursuant to the provisions of Article 3, paragraph (1) or (2) belongs to the court of jurisdiction that the Supreme Court provides, if a court of jurisdiction is not prescribed by other laws.

(Effect of Foreign Judgment)

Article 12 (1) The final and binding judgment that a foreign court which has jurisdiction pursuant to Article 9, paragraph (1) of the Liability Convention rendered on a lawsuit for demanding compensation for tanker oil pollution damage is to be effective except for the cases listed in the following items:  
(i) in case the verdict was obtained through fraud; and  
(ii) in case a defendant did not receive delivery of summons or an order required for the commencement of a lawsuit and was not given a fair opportunity to state a claim.

(2) For the execution judgments pertaining to the final and binding judgments prescribed in the preceding paragraph, the phrase "in cases where the requirements listed in the respective items of Article 118 of the Code of Civil Procedure are not met" in Article 24, paragraph (5) of the Civil Execution Act (Act No. 4 of 1979) (including as applied mutatis mutandis pursuant to Article 79-2 of the Domestic Relations Case Procedure Act (Act No. 52 of 2011)) is deemed to be replaced with "when it falls under any of the items of Article 12,

paragraph (1) of the Act on Liability for Oil Pollution Damage (Act No. 95 of 1975)".

### **Chapter III Compensation Contract for Tanker Oil Pollution Damage**

(Compulsory Conclusion of Compensation Contract)

- Article 13 (1) A tanker with Japanese nationality must not carry more than 2,000 tons of crude oil, etc. in bulk unless they have concluded a tanker oil pollution damage compensation contract (hereinafter simply referred to as "compensation contract" in this Chapter) as prescribed by this Act.
- (2) A tanker other than those prescribed in the preceding paragraph must not enter ports in Japan (including Tokyo Bay, Ise Bay (including the sea areas adjacent to the entrances of Ise Bay and Mikawa Bay), the Seto Inland Sea and other sea areas prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism (hereinafter referred to as "designated sea areas" in this paragraph); the same applies hereinafter except in Article 59, paragraph (1)) (including entrances to the designated sea areas; the same applies hereinafter), leave ports in Japan (including leaving a designated sea area; the same applies hereinafter) or use mooring facilities in Japan, loaded with more than 2,000 tons of oil in bulk, unless they have concluded a compensation contract.

(Compensation Contract)

- Article 14 (1) A compensation contract is to be an insurance contract to compensate the damage incurred by the tanker owner by fulfilling its obligations for damage or a contract to secure the fulfillment of its obligations for damage if the owner of a tanker (excluding a tanker used for transportation of 2,000 tons or less of crude oil, etc. in bulk) is responsible for compensation of damage caused by the crude oil, etc. loaded in the tanker.
- (2) For the compensation contract, the party who compensates the damage of the tanker owner or the party who secures the fulfillment of the obligations for damage in that contract must be a shipowners' mutual protection and indemnity association, insurance company or other entity specified by Cabinet Order.
- (3) For the compensation contract, the amount insured to compensate the damage of the tanker owner in the contract or the amount of damage that secure the performance of obligation for the tanker oil pollution must not be an amount less than the amount of the liability limit of the tanker owner for each tanker pertaining to the contract.
- (4) The compensation contract must be the one that can be invalidated or altered as long as if it conform to the provisions of Article 7, paragraph (5) of the

## Liability Convention.

### (Claim of Damages against Insurers)

Article 15 (1) When the liability case for damage of the tanker owner pursuant to the provisions of Article 3, paragraph (1) or (2) materializes, the victim may claim the payment of compensation for loss or damage against the insurer, etc.; provided, however, this does not apply if the damage was caused in bad faith by the tanker owner.

(2) Referring to the main clause of the preceding paragraph, the insurer, etc., may only defend themselves by asserting its stance against the victim.

(3) The provisions of Article 3, paragraph (5), the main clause of Article 5, and Articles 6 through 10 apply mutatis mutandis to the insurer, etc., who makes the payment of compensation for loss or damage pursuant to the provisions of paragraph (1) of this Article.

### (Jurisdiction of the Case on Claim for Damage for Oil Pollution against Insurers)

Article 16 The lawsuit against the insurer, etc., pursuant to the provisions of paragraph (1) of the preceding Article may be filed to the court that has jurisdiction over the lawsuit against the tanker owner pursuant to the provisions of Article 3, paragraph (1) or (2).

### (Certificate of Compensation Contract)

Article 17 (1) If an application is filed by the person who has concluded a compensation contract with the insurer, etc., on a tanker (excluding a taker that has nationality of a foreign state that is a contracting party of the Liability Convention), the Minister of Land, Infrastructure, Transport and Tourism must issue a document certifying that a compensation contract concerning the tanker is concluded.

(2) The person who seeks to file an application under the preceding paragraph must submit a written application that states the name of the ship, the type of compensation contract and other matters prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism to the Minister of Land, Infrastructure, Transport and Tourism.

(3) The preceding application must contain a copy of the compensation contract as well as a document certifying tanker's nationality and gross tonnage.

(4) The person who has received the document prescribed in paragraph (1) (hereinafter referred to as "certificate of compensation contract" in this Chapter) may receive a reissued certificate of compensation contract in case it is lost or damaged or when it becomes difficult to discern.

(5) The person who seeks to apply for issuance or reissuance of certificate of

compensation contract must pay the fee prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

- (6) Beyond what is provided for in each of the preceding paragraphs, necessary items pertaining to the certificate of compensation contract such as the valid period, the matters to be stated in the certificate of compensation contract are determined by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Change of Stated Items on the Certificate of Compensation Contract)

Article 18 (1) If there are any changes to the stated items in the certificate of compensation contract, the person who has received an issuance of the certificate of compensation contract must give a notification to the Minister of Land, Infrastructure, Transport and Tourism of the matters pertaining to the changes within 15 days from the date of the change; provided, however, this does not apply if the certificate of compensation contract must be returned pursuant to the provisions of the following Article.

- (2) In case a notification under the preceding paragraph is received, the Minister of Land, Infrastructure, Transport and Tourism must issue a new certificate of compensation contract to the person who has submitted the notification.
- (3) In the case of the preceding paragraph, the person who has submitted the notification referred to in the preceding paragraph, must return without delay the certificate of compensation contract under paragraph (1) to the Minister of Land, Infrastructure, Transport and Tourism.

(Return of Certificate of Compensation Contract)

Article 19 The person who received issuance of the certificate of compensation contract must return the certificate of compensation contract to the Minister of Land, Infrastructure, Transport and Tourism without delay if the compensation contract pertaining to the certificate of compensation contract loses its effectiveness before the expiration date the compensation contract, or if it no longer conforms to the provisions of Article 14.

(Keeping of a Certificate of Compensation Contract)

- Article 20 (1) A tanker that has Japanese nationality may not be used for transporting more than 2,000 tons of crude oil, etc. in bulk unless it carries a certificate of compensation contract on board.
- (2) A tanker other than those prescribed in the preceding paragraph must not enter or leave ports in Japan or use mooring facilities in Japan when loaded with more than 2,000 tons of crude oil, etc. in bulk, unless it keeps on board a certificate of compensation contract, a document in the form shown in the appendix of the Liability Convention issued by a foreign state that is a

contracting party to the Liability Convention certifying that a compensation contract concerning the tanker has been concluded, or a document issued by a foreign state stating the matters on the certificate of compensation contract prescribed in Article 7, paragraph (12) of the Liability Convention.

(Exclusion from Application)

Article 21 The provisions of this Chapter (except for paragraph (2) of the preceding Article) do not apply to the tanker owned by a foreign state or for which a compensation contract has not been concluded.

## **Chapter IV International Fund**

### **Section 1 Claim against International Fund**

(Claim for Compensation against International Fund by the Victim)

Article 22 The victim may claim to the international fund pursuant to the provisions of the International Fund Convention the compensation prescribed in Article 4, paragraph (1) of the International Fund Convention concerning the amount from the tanker oil pollution damage that the victim could not receive.

Article 23 Deletion

(Intervention by International Fund)

Article 24 (1) If a lawsuit against the tanker owner pursuant to the provisions of Article 3, paragraph (1) or (2) or a lawsuit against the insurer, etc., pursuant to Article 15, paragraph (1) is pending, the international fund may participate in the lawsuit as a party.

(2) The provisions of Article 47, paragraph (2) through (4) of the Code of Civil Procedure apply *mutatis mutandis* to the case referred to in the preceding paragraph.

(Notice of Pending Lawsuit to International Fund)

Article 25 (1) In the case prescribed in paragraph (1) of the preceding Article, any parties may notify the international fund of the pendency.

(2) The provisions of Article 53, paragraph (3) of the Code of Civil Procedure apply *mutatis mutandis* to the case referred to in the preceding paragraph.

(Jurisdiction of Lawsuit for Claim against International Fund)

Article 26 (1) The lawsuit against the international fund for claiming compensation prescribed in Article 4, paragraph (1) of the International Fund Convention may be filed to the court which has jurisdiction over the lawsuit

against the tanker owner pursuant to the provisions of Article 3, paragraph (1) or (2) (the court which has jurisdiction over the general venue of the tanker owner if the lawsuit is for claiming compensation only for the cost of preventive measures of damages by tanker owner, or the court which has jurisdiction over the location of the general venue determined by the Supreme Court if there is no such court).

(2) If the case against the tanker owner pursuant to the provisions of Article 3, paragraph (1) or (2) or the case against the insurer pursuant to the provisions of Article 15, paragraph (1) is pending at the court of the first instance, or if the case of limitation of liability is pending at the court for the same tanker oil pollution damage, the lawsuit referred to in the preceding paragraph is to be under the jurisdiction of the relevant court.

(Effect of Foreign Verdict)

Article 27 The provisions of Article 12 apply mutatis mutandis to the final and binding verdict rendered by a foreign court having jurisdiction pursuant to the provisions of Article 7, paragraph (1) or (3) of the International Fund Convention.

## **Section 2 Contribution to International Fund**

(Report of Amount of Specified Oil)

Article 28 (1) Regarding the crude oil or fuel oil specified by Cabinet Order that is unloaded in Japan (hereinafter referred to as "specified oil" in this Section), if the amount of specified oil received by a person (excluding the person who received specified oil from tankers on behalf of another person, but including the person who let another person receive the oil; hereinafter referred to as "oil receiver") from tankers during the previous year (including the specified oil which the oil receiver let another person receive on their behalf; the same applies hereinafter) exceeds 150,000 tons, the oil receiver must report the amount received to the Minister of Land, Infrastructure, Transport and Tourism each year as prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(2) If there is a person who controls the business activities of the oil receiver during the previous year, and the total amount of specified oil received by the oil receiver from tankers (if there is any specified oil the person who controls the business activities received from tankers, the amount obtained by adding that amount to the total amount) exceeds 150,000 tons, the person who controls the business activities must report the amount received for each oil receiver to the Minister of Land, Infrastructure, Transport and Tourism each year as prescribed by Order of the Ministry of Land, Infrastructure, Transport and

Tourism. In this case, the provisions of the preceding paragraph do not apply to the oil receiver pertaining to the report.

- (3) The scope of the person who controls the business activities of the oil receiver prescribed in the preceding paragraph is specified by Cabinet Order.

(Sending of Documents to International Fund)

Article 29 (1) When a report referred to paragraph (1) or (2) of the preceding Article has been made, the Minister of Land, Infrastructure, Transport and Tourism is to prepare a document stating the matters prescribed in Article 15, paragraph (2) of the International Fund Convention and must send it to international fund pursuant to the provisions of that paragraph after having notified the Minister of Economy, Trade and Industry of the content.

- (2) When the Minister of Land, Infrastructure, Transport and Tourism has sent the prepared document pursuant to the provisions of the preceding paragraph to the international fund, the Minister must notify the oil receiver stated in the document of the amount of specified oil stated in the document pertaining to the oil receiver.

(Contribution to International Fund)

Article 30 An oil receiver pertaining to the specified oil who is to report the received amount pursuant to the provisions of Article 28, paragraph (1) or (2) must pay an annual contribution prescribed in Article 10 of the International Fund Convention to the international fund pursuant to the provisions of Articles 12 and 13 of the International Fund Convention.

## **Chapter IV-2 Supplementary Fund**

(Claim for Compensation against the Supplementary Fund by the Victim)

Article 30-2 A victim may claim to the supplementary fund, pursuant to the protocol on supplementary fund, the compensation prescribed in Article 4, paragraph (1) of the Protocol for Supplementary Fund for damages and the amount of tanker oil pollution damages that the victim could not receive conventional compensation or compensation from the international fund.

(Application Mutatis Mutandis)

Article 30-3 The provisions of the preceding chapter (excluding Articles 22, 23 and 28) apply mutatis mutandis to the supplementary fund. In this case, the term "the International Fund Convention" in Article 26, paragraph (1), Articles 27 and 30 is deemed to be replaced with "Protocol on Supplementary Fund", the phrase "Article 7, paragraph (1) or (3)" in Article 27 is deemed to be replaced with "Article 7", the phrase "Article 15, paragraph (2) of the

International Fund Convention" in Article 29, paragraph (1) is to be replaced with "Article 15, paragraph (2) of the International Fund Convention pursuant to the provisions of Article 13, paragraph (1) of the Protocol on Supplementary Fund", and the phrase "Articles 12 and 13" in Article 30 is deemed to be replaced with "Article 11 and Article 12, paragraph (1)".

## **Chapter V Procedure for Limitation of Liability Pertaining to Tanker Oil Pollution Damage**

(Jurisdiction over Limitation of Liability Cases)

Article 31 For limitation of liability cases, if tanker oil pollution damage occurred in Japan, the case belongs exclusively to the jurisdiction of the district court which has jurisdiction over the location where the tanker oil pollution damage occurred, and if tanker oil pollution damage occurred in the exclusive economic zone, the case belongs exclusively to the jurisdiction of the district court which has jurisdiction over the general area of the known claimant of the limited claim or, if there is no such court, it belongs exclusively to the jurisdiction of the district court determined by the Supreme Court. If the measures prescribed in Article 2, item (xiv), (b) for the purpose of preventing damage in Japan or the exclusive economic zone are implemented outside of Japan or the exclusive economic zone and the damage did not occur in Japan or in the exclusive economic zone, the case belongs exclusively to the jurisdiction of the district court which has jurisdiction over the location of the general area of the person who took the measures or, if there is no such court, belongs exclusively to the jurisdiction of the district court determined by the Supreme Court.

(Transfer of the Case on Limitation of Liability)

Article 32 When the court finds it necessary to avoid extreme harm or delay, it may transfer, by its authority, the case on limitation of liability to other courts with jurisdiction, the district court that has jurisdiction over the general area of the claimant of the limited claim, or the court in which the case on limitation of liability caused by the same accident which is pending pursuant to the provisions of Act on Limitation of Shipowner Liability (Act No. 94 of 1975; hereinafter referred to as "Act on Limitation of Liability").

(Intervention of International Fund)

Article 33 The international fund may participate in the procedure of limitation of liability pursuant to the provisions of the Rules of Supreme Court.

(Declarations of Pending Procedure for Limitation of Liability to International

Fund)

Article 34 (1) When a procedure for limitation of liability is pending, the person who made a petition, the beneficial debtor, or the person who participated in the procedure for limitation of liability may notify the international fund to that effect.

(2) The declaration under the preceding paragraph must be made by submitting a document stating the matters listed in respective items of Article 28, paragraph (1) of the Act on Limitation of Liability as applied mutatis mutandis pursuant to Article 38.

(3) The court must deliver the document referred to in the preceding paragraph to the international fund.

Article 35 If the international fund participates in the procedure for limitation of liability or the document was delivered to the international fund pursuant to the provisions of paragraph (3) of the preceding Article, and a change made to the matters listed in any of the items of Article 28, paragraph (1) of the Act on Limitation of Liability as applied mutatis mutandis pursuant to Article 38, the court must deliver the document stating the matters pertaining to the change, and if public notice was issued pursuant to the provisions of Article 31, paragraph (1), Article 85, paragraph (1), or Article 87, paragraph (1), the court must deliver the document stating the matters pertaining to the public notice. In this case, the provisions of Article 15 of the Act on Limitation of Liability apply mutatis mutandis.

(Participation of Tanker Owner in Procedure for Limitation of Liability When Tanker Owner Voluntarily Takes Measures to Prevent Damage)

Article 36 (1) If the tanker owner voluntarily takes the measures prescribed in Article 2, item (xiv), (b), the tanker owner may be deemed to have a limited claim for the cost of the damage prevention measures, and due to this reason, may participate in the procedure for limitation of liability.

(2) The provisions of Article 47, paragraph (5), Article 50 (including as applied mutatis mutandis pursuant to Article 51, paragraph (2) of the Act on Limitation of Liability) and Article 53 of the Act on Limitation of Liability apply mutatis mutandis to cases referred to in the preceding paragraph.

(Suspension of Lawsuit Procedure)

Article 37 (1) If a notification of the filing of proofs of limited claims was made pursuant to the provisions of Article 47, paragraph (5) of the Act on Limitation of Liability as applied mutatis mutandis pursuant to Article 38, if the lawsuit is pending between the claimant of the claim and the applicant or the beneficial debtor, the court may order suspension of the lawsuit proceedings by

the petition of the plaintiff or by the court's own authority in the case the international fund participates in the lawsuit or has received the notice under Article 25, paragraph (1) pertaining to the lawsuit, or by the petition of the plaintiff in other cases.

- (2) If the notification referred to in the preceding paragraph or the notification pursuant to Article 47, paragraph (5) of the Act on Limitation of Liability as applied mutatis mutandis pursuant to paragraph (2) of the preceding Article is made, and the lawsuit pertaining to the claim against the international fund claiming compensation prescribed in Article 4, paragraph (1) of the International Fund Convention is pending, the court may order suspension of the lawsuit procedure by its authority.
- (3) In the case referred to in paragraph (1), if suspension of lawsuit procedure is ordered by the petition of the plaintiff, the court may revoke the ruling of the suspension.

(Intervention of Supplementary Fund)

Article 37-2 The provisions of Articles 33 through 35 and the preceding Article apply mutatis mutandis to the supplementary fund. In this case, the phrase "Article 25, paragraph (1)" in paragraph (1) of that Article is deemed to be replaced with "Article 25, paragraph (1) as applied mutatis mutandis pursuant to Article 30-3", and the term "International Fund Convention" in paragraph (2) of that Article is deemed to be replaced with "Protocol on Supplementary Fund".

(Mutatis Mutandis Application of the Act on Limitation of Liability)

Article 38 The provisions of Chapter III of the Act on Limitation of Liability (excluding Article 9, Article 10, Article 16, Section 4, Article 54 and Article 64) apply mutatis mutandis to the procedure for limitation of liability pertaining to the tanker oil pollution damage as prescribed by this Act. In this case, the words and phrases shown in the middle column of the following table out of the provisions of the Act on Limitation of Liability listed in the left-hand column of that table are deemed to be replaced with the words and phrases listed in the right-hand column.

Article 13	this Act	this Act as applied mutatis mutandis pursuant to Article 38 of the Act on Liability for Oil Pollution Damage (Act No. 95 of 1975)
------------	----------	---

Article 14, paragraph (1), Article 15, Article 33, and Article 40, paragraph (1)	this Act	this Act as applied mutatis mutandis pursuant to Article 38 of the Act on Liability for Oil Pollution Damage
Article 17, paragraph (1)	shipowner, etc., rescuer, or employee, etc.	tanker owner (including unlimited liability members of corporate tanker owners) or insurer, etc.
Article 18	the amount of the limited claim (excluding the interest after the accident, or damages due to nonperformance or claim for penalty; the same applies in Article 25, item (ii)) is that in Article 7, paragraph (1) or (3)	the amount of the limited claim is that in Article 6 of the Act on Liability for Oil Pollution Damage
Article 19, paragraph (1)	the money and the money calculated at the statutory interest rate from the date of the accident to the date of deposit (in cases where a contract on commission of deposit is concluded pursuant to the provisions of paragraph (1) of the following Article, the date of notification pursuant to the same paragraph; the same applies in the following paragraph)	money
Article 19, paragraph (2)	the date of deposit	the date of deposit (in cases where a contract on commission of deposit is concluded pursuant to the provisions of paragraph (1) of the following Article, the date of notification pursuant to the same paragraph)
Article 28, paragraph (1), item (iv)	ship, rescue ship, or rescuer	tanker

<p>Article 30, paragraph (1)</p>	<p>the limited liability amount or date of the accident</p>	<p>the limited liability amount</p>
	<p>money or the money calculated based on the statutory interest rate for the period from the date on which the accident occurred to the date of deposit (in cases where a contract on commission of deposit is concluded pursuant to the provisions of Article 20, paragraph (1) as applied mutatis mutandis pursuant to the following Article, the date of notification under the same paragraph), or the money the money to be increased by calculating based on the statutory interest rate prescribed in Article 19, paragraph (1)</p>	<p>money</p>
<p>Article 30, paragraph (2)</p>	<p>the date of deposit of</p>	<p>the date of deposit based on the ruling pursuant to</p>
<p>Article 47, paragraph (1)</p>	<p>limited claims (as for the interest and the damages due to nonperformance or the claim for penalty, limited to those that accrued by the date of the commencement of the period for investigation of the limited claim; hereinafter the same applies in this Chapter)</p>	<p>limited claims</p>

Article 48, paragraph (1)	Procedure for limitation of liability	Procedure for limitation of liability pertaining to damage caused by oil pollution, etc. prescribed in Article 2, item (xiii) of the Act on Liability for Oil Pollution Damage (hereinafter referred to as "damage caused by oil pollution, etc.")
	the time the limitation of liability proceedings commence or the time they are expanded	the time the limitation of liability proceedings pertaining to damage caused by oil pollution, etc. commence or the time they are expanded
Article 48, paragraph (2)	Act on Liability for Oil Pollution Damage	this Act
	damage caused by oil pollution, etc. prescribed in Article 2, item (xiii) of the same Act	tanker oil pollution damage prescribed in item (xiv) of Article 2 of the Act on Liability for Oil Pollution Damage
Article 57	and when it is a limited claim, the details of the claim and whether it is a personal damage claim or property damage claim	and if it is a claim subject to limitation, the details thereof
Article 60	the details of the claim along with whether it is a personal damage claim or property damage claim	details
Article 61, paragraph (2)	the details of the claim and whether it is a personal damage claim or property damage claim	details
Article 66, paragraph (1)	lawsuit outside proceedings	a lawsuit between the claimant and the applicant or the beneficiary debtor (hereinafter referred to as "lawsuit outside proceedings")
Article 70, paragraph (2)	matters in accordance with the distinction between a personal damage claim and a property damage claim	the matters

**Chapter VI Liability for Damage by General Ship Oil Pollution and Its  
Limitation**

(Liability for Damage by General Ship Oil Pollution)

Article 39 (1) When the damage caused by general ship oil pollution, etc. has occurred, the owner of the tanker or general ship (including the manager and operator of a vessel provided for in Article 1, paragraph (3) of the bunker oil convention; hereinafter the same applies in this Chapter and Article 43 in which the bunker oil, pertaining to the damage caused by general ship oil pollution, etc. was loaded is collectively liable to compensate the damage; provided, however, that this does not apply if the damage caused by general ship oil pollution, etc. falls under any of the following items:

- (i) damage was caused by war, civil war or insurrection;
- (ii) damage was caused by an abnormal natural disaster;
- (iii) damage was solely caused in bad faith by a person other than the owner, etc. of the general ship or their employees; or
- (iv) damage was solely caused by a defect in the management of the beacons or the signaling facilities for traffic control by the state or a public entity.

(2) The provisions of Article 3, paragraphs (2) and (3), Article 4, and Articles 10 through 12 apply mutatis mutandis to compensation for oil pollution damage caused by general ships, etc. In these cases, phrases "in the tankers", "by crude oil, etc.", and "the tanker owner" in Article 3, paragraph (2) are deemed to be respectively replaced with "in tankers or the general ship", "by bunker oil, etc.", and "the shipowner, etc. of a tanker or a general ship prescribed in Article 39, paragraph (1) (hereinafter referred to as the "shipowner, etc.)"; the phrase "the preceding two paragraphs" in paragraph (3) of that Article is deemed to be replaced with "Article 39, paragraph (1) or the preceding paragraph as applied mutatis mutandis pursuant to paragraph (2) of that Article"; the phrase "the tanker owner" in that paragraph, Article 10, and Article 11 is deemed to be replaced with "shipowner, etc."; the phrase "Article 3, paragraph (1) or (2)" in Article 10 and Article 11 is deemed to be replaced with "Article 39, paragraph (1) or Article 3, paragraph (2) as applied mutatis mutandis pursuant to paragraph (2) of that Article"; and the phrase "Liability Convention" in Article 12, paragraph (1) is deemed to be replaced with "the bunker oil convention".

(Liability Limit of a General Ship Owner)

Article 40 The limitation of liability pertaining to a claim based on the damage caused by general ship oil pollution, etc. for which the owner of the tanker or the general ship (including unlimited liability members of corporate ship owners) is responsible pursuant to the provisions of Article 3, paragraph (2) as applied mutatis mutandis pursuant to paragraph (1) and (2) of the preceding Article is as prescribed in the Act on Limitation of Liability.

## **Chapter VII Compensation Contract for General Ship Oil Pollution Damage**

(Compulsory Conclusion of Compensation Contract)

- Article 41 (1) A ship listed in the following items must not be engaged in a voyage as provided in that item unless a general ship oil pollution damage compensation contract as provided in this Act (hereinafter referred to simply as a "compensation contract" in this Chapter) has been concluded for that ship:
- (i) a tanker or a general ship with Japanese nationality (limited to those with a gross tonnage exceeding 1,000 tons and excluding those which are not required to use bunker oil, etc. for their navigation; hereinafter referred to as a "class I specified ship" in this Chapter): on all voyages;
  - (ii) a general ship with Japanese nationality (limited to those with a gross tonnage equal to or exceeding 100 tons and equal to or under 1,000 tons, and excluding those which are not required to use bunker oil, etc. for navigation; hereinafter referred to as a "class II specified ship" in this Chapter): on international voyages (meaning a voyage between a port in Japan and a port in a region other than Japan; the same applies hereinafter).
- (2) Class I specified ships other than those listed in item (i) of the preceding paragraph and class II specified ships other than those listed in item (ii) of that paragraph must not enter or leave ports in Japan or use mooring facilities in Japan, unless they have concluded a compensation contract.

(Compensation Contract)

- Article 42 (1) A compensation contract is to be an insurance contract to compensate the damage incurred by a shipowner, etc. of a class I specified ship (in the case of a ship listed in item (i), this refers to the shipowner, and in the case of a ship listed in item (ii), this refers to the shipowner, etc.; the same applies in the following paragraph and paragraph (3)) by the performance of its obligations for damage or a contract to secure the performance of its obligations for damage in the cases prescribed in the following items for the categories of ships listed in the respective items:
- (i) class I specified ships: if the owner of a class I specified ship is liable for damage caused by general ship oil pollution, etc. caused by bunker oil, etc. loaded in the class I specified ship;
  - (ii) class II specified ships: if the owner, etc. of a class II specified ship is liable for damage (excluding that listed in Article 2, item (xvi), (b)) caused by general ship oil pollution, etc. caused by bunker oil, etc. loaded in the class II specified ship.
- (2) For compensation contracts, the party who compensates the damage suffered by the owner of a class I specified ship, etc. or the party who secures the

performance of the obligations for damage in that contract must be a shipowners' mutual protection and indemnity association, insurance company, or other entity specified by Cabinet Order.

- (3) Compensation contract must not be such that the amount insured to compensate the damage suffered by the owner of a class I specified ship, etc. or the amount of damage caused by general ship oil pollution, etc. for which the performance of the obligation of compensation is secured under the contract is less than the limit of liability if the owner of a class I specified ship, etc. may limit the liability for each class I specified ship or class II specified ship pertaining to the contract pursuant to the provisions of Article 3, paragraph (1) of the Act on Limitation of Liability (referred to as the "the liability limit amount" in paragraph (3) of the following Article).
- (4) Compensation contracts (limited to those pertaining to class I specified ships) must be the one that may be invalidated or altered as long as they conform to the provisions of Article 7, paragraph (6) of the Bunker Oil Convention.

(Filling a Claim for Damages with Insurers)

- Article 43 (1) When liability for damage arises for the owner of a class I specified ship, etc. pursuant to the provisions of Article 39, paragraph (1) or Article 3, paragraph (2) as applied mutatis mutandis pursuant to Article 39, paragraph (2), the victim may file a claim for payment of compensation for loss or damage with the insurer, etc.; provided, however, that this does not apply if the damage was caused in bad faith by the owner of the class I specified ship, etc.
- (2) In the case referring to the main clause of the preceding paragraph, the insurer, etc. may duly counter-assert against the victim only with a defensible argument that the owner of the class I specified ship, etc. may have.
- (3) An insurer that pays an amount of compensation for loss or damage pursuant to the provisions of paragraph (1) may limit its liability up to the liability limit amount set forth by law with respect to claims relating to the payment of that amount of compensation for loss or damage, pursuant to the provisions of this Act.
- (4) The provisions of Articles 8 through 10 and Article 16 apply mutatis mutandis to an insurer, etc., who makes the payment of compensation for loss or damage pursuant to the provisions of paragraph (1) of this Article. In these cases, the phrase "each of the relevant tanker" in Article 8 is deemed to be replaced with "each of the class I specified ships (meaning class I specified ships prescribed in paragraph 1, item 1 of Article 41); the phrase "tanker against the tanker owner" in Article 8 is deemed to be replaced with "the shipowner, etc. of the class I specified ship (which refers to the shipowner, etc. prescribed in Article 39, paragraph 1); the phrase "the tanker oil pollution damage" in Article 10 is deemed to be replaced with "damage caused by general ship oil pollution, etc.";

and the phrases "Article 3, paragraph (1) or (2)" and "the tanker owner" in Article 16 are deemed to be respectively replaced with "Article 39, paragraph (1) or Article 3, paragraph (2) as applied mutatis mutandis pursuant to paragraph (2) of the same Article", and "the shipowner, etc."

- (5) The provisions of Articles 31 and 32 apply mutatis mutandis to the procedure for limitation of liability pertaining to the damage caused by general ship oil pollution, etc. if the insurer, etc. limits its liability pursuant to the provisions of paragraph (3). In these cases, the phrase "Article 2, item (xiv), (b)" in Article 31 is deemed to be replaced with "Article 2, item (xvi), (c)".
- (6) The provisions of Chapter III of the Act on Limitation of Liability (excluding Article 9, Article 10, Article 16, and Article 54) apply mutatis mutandis to the procedures for limitation of liability pertaining to the damage caused by general ship oil pollution, etc. if the insurer limits its liability pursuant to the provisions of paragraph (3). In these cases, the words and phrases shown in the middle column of the following table, taken from the provisions of the Act on Limitation of Liability listed in the left-hand column of that table, are deemed to be replaced with the words and phrases listed in the right-hand column.

Article 13	this Act	this Act as applied mutatis mutandis pursuant to Article 43, paragraph (6) of the Act on Liability for Oil Pollution Damage (Act No. 95 of 1975)
Article 14, paragraph (1), Article 15, Article 33, and Article 40, paragraph (1)	this Act	this Act as applied mutatis mutandis pursuant to Article 43, paragraph (6) of the Act on Liability for Oil Pollution Damage
Article 17, paragraph (1)	shipowner, etc., rescuer, or employee, etc.	insurer, etc.
Article 28, paragraph (1), item (iv)	ship, rescue ship, or rescuer	tanker or general ship
Article 48, paragraph (1)	Procedure for limitation of liability	Procedure for limitation of liability pertaining to damage caused by oil pollution, etc. prescribed in Article 2, item (xiii) of the Act on Liability for Oil Pollution Damage (hereinafter referred to as "damage caused by oil pollution, etc.")

	the time the limitation of liability proceedings commence or the time they are expanded	the time the limitation of liability proceedings pertaining to damage caused by oil pollution, etc. commence or the time they are expanded
Article 48, paragraph (2)	Act on Liability for Oil Pollution Damage	this Act
	damage caused by oil pollution, etc. prescribed in Article 2, item (xiii) of the same Act	The damage caused by general ship oil pollution, etc. prescribed in Article 2, item (xvi) of the Act on Liability for Oil Pollution Damage

(Mutatis-Mutandis Application of the Provisions of the Certificate of Compensation Contract)

Article 44 The provisions of Articles 17 through 19 apply mutatis mutandis to compensation contracts pertaining to class I specified ships or class II specified ships. In these cases, the phrases "a tanker (excluding tankers having the nationality of a foreign country that is a contracting party to the Liability Convention)" and "a compensation contract" in Article 17, paragraph (1) are respectively deemed to be replaced with "a class I specified ship prescribed in Article 41, paragraph (1), item (i) (excluding those having the nationality of a foreign country that is a contracting party to the Bunker Convention) or a class II specified ship prescribed in item (ii) of that paragraph", and "a compensation contract prescribed in that paragraph (hereinafter simply referred to as "compensation contract")"; and the phrase "Article 14" in Article 19 is deemed to be replaced with "Article 42".

(Keeping of a Certificate of Compensation Contract)

Article 45 (1) A ship listed in the following items must not be engaged in a voyage as provided for in that item unless it carries a document/certificate prescribed in Article 17, paragraph (1) as applied mutatis mutandis pursuant to the preceding Article (hereinafter referred to as a "certificate of compensation contract" in this Article):

- (i) class I specified ships with Japanese nationality: on all voyages;
- (ii) class II specified ships with Japanese nationality: on international voyages.

(2) The ships listed in the following items must not enter or leave a port in Japan or use a mooring facility in Japan unless the documents specified in the respective items are in place:

- (i) class I specified ships other than the class I specified ships listed in item (i) of the preceding paragraph: a certificate of compensation contract, or a

- document in the form shown in the appendix of the bunker oil convention issued by a foreign state that is a contracting party to the bunker oil convention certifying that a compensation contract concerning the relevant class I specified ship has been concluded, or a document issued by a foreign state stating the matters on the certificate of compensation contract prescribed in Article 7, paragraph (14) of the bunker oil convention;
- (i) class II specified ships other than the class II specified ships listed in item (ii) of the preceding paragraph: a certificate of compensation contract.
- (3) Notwithstanding the provisions of paragraph (1) (limited to the part pertaining to item (ii)) and the preceding paragraph (limited to the part pertaining to item (ii)), if a compensation contract is concluded with a party designated by the Minister of Land, Infrastructure, Transport and Tourism as an insurer that has the financial resources and credit required to compensate the damage of an owner of a class II specified ship or secure the performance of the obligation for damage, a copy of the relevant compensation contract or other document certifying the conclusion of a compensation contract specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism may be substituted for a certificate of compensation contract.

(Exclusion from Application)

Article 46 The provisions listed in the following items do not apply to the ships prescribed respectively in those items:

- (i) the provisions of this Chapter (except for paragraph (2) of the preceding Article (limited to the part pertaining to item (i))): class I specified ships owned by a foreign state and for which a compensation contract has not been concluded;
- (ii) the provisions of this Chapter: class II specified ships owned by a foreign state.

## **Chapter VIII Liability for Damage Arising from Removal of Wrecks**

(Liability for Damage Arising from Removal of Wrecks)

Article 47 (1) If there is damage arising from the removal of wrecks, the owner of the tanker or the general ship pertaining to that damage is liable for compensation; provided, however, that this does not apply to cases in which the damage arising from the removal of wrecks that falls under any of the following items:

- (i) the damage was caused by war, civil war or insurrection;
- (ii) the damage was caused by an unexpected natural disaster;
- (iii) the damage was solely caused in bad faith by a person other than the owner of the general ship or their employees;

(iv) the damage was caused by navigation aid signs by the state or a public entity or the management error relative to signaling facilities for traffic control.

(2) The provisions of Article 3, paragraph (3), Article 4 and Article 10 apply mutatis mutandis for damage arising from the removal of wrecks. In these cases, the phrase "the preceding two paragraphs" in Article 3, paragraph (3) and the phrase "Article 3, paragraph (1) or (2)" in Article 10 are deemed to be replaced with "Article 47, paragraph (1)", and the term "tanker owner" in Article 3, paragraph (3) and Article 10 is deemed to be replaced with "shipowner".

(Jurisdiction over Claims for Damage Arising from Removal of Wrecks)

Article 48 (1) A lawsuit against the owner of a tanker or a general ship pursuant to the provisions of paragraph (1) of the preceding Article may be filed with a Japanese court if the wreckage is seen in the territory or the exclusive economic zone of Japan.

(2) The provisions of Article 11 apply mutatis mutandis to a lawsuit referred to in the preceding paragraph.

## **Chapter IX Contract on Securing Compensation for Damage Arising from Removal of Wrecks**

(Compulsory Conclusion of Compensation Contract)

Article 49 (1) A ship listed in the following items must not be engaged in a voyage as provided for in that item unless a compensation contract on damage arising from removal of wrecks as provided for in this Act (hereinafter referred to simply as a "compensation contract" in this Chapter) has been concluded for that ship:

(i) tankers or general ships with Japanese nationality (limited to those with a gross tonnage exceeding 300 tons; hereinafter referred to as a "class I specified ships" in this Chapter): on all voyages;

(ii) general ships with Japanese nationality (limited to those with a gross tonnage not exceeding 300 tons; hereinafter referred to as a "class II specified ships" in this Chapter): on international voyages.

(2) Class I specified ships other than those listed in item (i) of the preceding paragraph and class II specified ships other than those listed in item (ii) of that paragraph must not enter or leave ports in Japan or use mooring facilities in Japan, unless they have concluded a compensation contract.

(Compensation Contract)

Article 50 (1) A compensation contract is to be a contract to cover damage

incurred by a shipowner, etc. of a class I specified ship (in the case of a ship listed in item (i), it refers to the shipowner, and in the case of a ship listed in item (ii), it refers to the shipowner, etc.; the same applies in the following paragraph and paragraph (3)) due to the performance of the liability for damage or a contract to secure the performance of the liability for damage in the cases prescribed in the following items for the categories of ships listed in the respective items:

- (i) class I specified ships: if the owner of a class I specified ship is liable for damage arising from the removal of wrecks caused by the class I specified ship;
  - (ii) class II specified ships: if the owner of a class II specified ship is liable for damage arising from the removal of wrecks (limited to the damage caused by the expenses required for the actions listed in Article 2, item (xvii), (a) through (c) within the territory of Japan) caused by the class II specified ship.
- (2) For compensation contracts, the party who compensates the loss or damage suffered by the owner of a class I specified ship, etc. or the party who secures the performance of the obligations for damage in that contract must be a shipowners' mutual protection and indemnity association, insurance companies, or other entities specified by Cabinet Order.
- (3) Compensation contracts must not be such that the amount of insurance proceeds to cover the loss or damage suffered by the owner of a class I specified ship, etc. or the amount of damages caused by the by the removal of wrecks for which the performance of the obligation of compensation is secured under the contract is less than the limit of liability if the owner of a class II specified ship, etc. may limit the liability for each class I specified ship or class II specified ship pertaining to the contract pursuant to the provisions of Article 3, paragraph (1) of the Act on Limitation of Liability (referred to as the "the amount of limit of liability" in paragraph (3) of the following Article).
- (4) Compensation contracts (limited to those pertaining to class I specified ships) must be able to be invalidated or altered as long as they conform to the provisions of Article 12, paragraph (6) of the convention on the removal of wrecks.

(Filling a Claim for Damages with Insurers)

- Article 51 (1) When liability for damage arises for the owner of a class I specified ship, etc. pursuant to the provisions of Article 47, paragraph (1), the victim may file a claim for payment of compensation for loss or damage with the insurer, etc.; provided, however, that this does not apply if the damage was caused in bad faith by the owner of the class I specified ship, etc.
- (2) In the case referred to in the main clause of the preceding paragraph, the insurer, etc. may duly assert against the victim only with a defensible

argument that the owner of the class I specified ship, etc. may assert against the victim.

- (3) An insurer that pays an amount of compensation for loss or damage pursuant to the provisions of paragraph (1) may limit its liability up to the liability limit amount with respect to claims relating to the payment of that amount of compensation for loss or damage, pursuant to the provisions of this Act.
- (4) The provisions of Articles 8 through 10, Article 16, and Article 48, paragraph (1) apply mutatis mutandis to an insurer, etc., who makes the payment of compensation for loss or damage pursuant to the provisions of paragraph (1) of this Article. In these cases, the phrases "each of the relevant tanker" and "tanker against the tanker owner" in Article 8 are respectively deemed to be replaced with "each of the class I specified ship (meaning the class I specified ship prescribed in Article 49, paragraph (1), item (i)) and "the shipowner pertaining to the class I specified ship; the phrase "the tanker oil pollution damage" in Article 10 is deemed to be replaced with "damage by the removal of wrecks"; and the phrases "Article 3, paragraph (1) or (2)" and the term "the tanker owner" in Article 16 are deemed to be respectively replaced with the term "Article 47, paragraph (1)", and "the shipowner".
- (5) The provisions of Articles 31 and 32 apply mutatis mutandis to the limitation of liability procedures pertaining to damage arising from the removal of wrecks if the insurer limits its liability pursuant to the provisions of paragraph (3). In these cases, the phrase "If the measures prescribed in Article 2, item (xiv), (b) for the purpose of preventing damage in Japan or in the Japanese exclusive economic zone, are taken outside of Japan or Japanese exclusive economic zone and the damage did not occur in Japan and in Japanese exclusive economic zone, the case belongs exclusively to the jurisdiction of the district court which has jurisdiction over the location of the general venue of the person who took the measures or, if there is no such court, belongs exclusively to the jurisdiction of the district court determined by the Supreme Court" is deemed to be replaced with "exclusive".
- (6) The provisions of Chapter III of the Act on Limitation of Liability (excluding Article 9, Article 10, Article 16, Section 4, and Article 54) apply mutatis mutandis to the procedures for limitation of liability pertaining to damage arising from the removal of wrecks if the insurer limits its liability pursuant to the provisions of paragraph (3). In these cases, the words and phrases shown in the middle column of the following table, taken from the provisions of the Act on Limitation of Liability listed in the left-hand column of that table, are deemed to be replaced with the words and phrases listed in the right-hand column.

Article 13	this Act	this Act as applied mutatis mutandis pursuant to Article 51, paragraph (6) of the Act on Liability for Oil Pollution Damage (Act No. 95 of 1975)
Article 14, paragraph (1), Article 15, Article 33, and Article 40, paragraph (1)	this Act	this Act as applied mutatis mutandis pursuant to Article 51, paragraph (6) of the Act on Liability for Oil Pollution Damage
Article 17, paragraph (1)	shipowner, etc., rescuer, or employee, etc.	insurer, etc.
Article 28, paragraph (1), item (iv)	ship, rescue ship, or rescuer	tanker or general ship
Article 48, paragraph (1)	Procedure for limitation of liability	Procedure for limitation of liability pertaining to damage caused by oil pollution, etc. prescribed in Article 2, item (xiii) of the Act on Liability for Oil Pollution Damage (hereinafter referred to as "damage caused by oil pollution, etc.")
	the time the limitation of liability proceedings commence or the time they are expanded	the time the limitation of liability proceedings pertaining to damage caused by oil pollution, etc. commence or the time they are expanded
Article 48, paragraph (2)	Act on Liability for Oil Pollution Damage	this Act
	damage caused by oil pollution, etc. prescribed in Article 2, item (xiii) of the same Act	damage arising from the removal of wrecks prescribed in Article 2, item (xvii) of the Act on Liability for Oil Pollution Damage
Article 57	and when it is a limited claim, the details of the claim and whether it is a personal damage claim or property damage claim	and if it is a claim subject to limitation, the details thereof
Article 60	the details of the claim along with whether it is a personal damage claim or property damage claim	details

Article 61, paragraph (2)	the details of the claim and whether it is a personal damage claim or property damage claim	details
Article 70, paragraph (2)	matters in accordance with the distinction between a personal damage claim and a property damage claim	the matters

(Mutatis-Mutandis Application of the Provisions of the Certificate of Compensation Contract)

Article 52 The provisions of Articles 17 through 19 apply mutatis mutandis to compensation contracts pertaining to class I specified ships or class II specified ships. In these cases, the phrases "a tanker (excluding a tanker with the nationality of foreign countries that is a contracting party to the Liability Convention)" and "a compensation contract" in Article 17, paragraph (1) are respectively deemed to be replaced with "a class I specified ship prescribed in Article 49, paragraph (1), item (i) (excluding those having the nationality of a foreign state that is a contracting state of the convention on the removal of wrecks) or a class II specified ship prescribed in item (ii) of that paragraph", and "a compensation contract prescribed in that paragraph (hereinafter simply referred to as "compensation contract"); and the phrase "Article 14" in Article 19 is deemed to be replaced with "Article 50".

(Keeping of a Certificate of Compensation Contract)

Article 53 (1) A ship listed in the following items must not be engaged in a voyage as provided for in that item unless it carries a document prescribed in Article 17, paragraph (1) as applied mutatis mutandis pursuant to the preceding Article (hereinafter referred to as a "certificate of compensation contract" in this Article):

- (i) class I specified ships with Japanese nationality: on all voyages;
- (ii) class II specified ships with Japanese nationality: on international voyages.

(2) The ships listed in the following items must not enter or leave a port in Japan or use a mooring facility in Japan unless the documents specified in the respective items are in place:

- (i) class I specified ships other than the class I specified ships listed in item (i) of the preceding paragraph: a certificate of compensation contract, or a document in the form shown in the appendix of the bunker oil convention issued by a foreign state that is a contracting party to the convention on the removal of wrecks certifying that a compensation contract concerning the relevant class I specified ship has been concluded, or a document issued by a foreign state stating the matters on the certificate of compensation contract

prescribed in Article 12, paragraph (14) of the convention on the removal of wrecks;

(ii) class II specified ships other than the class II specified ships listed in item (ii) of the preceding paragraph: a certificate of compensation contract.

(3) Notwithstanding the provisions of paragraph (1) (limited to the part pertaining to item (ii)) and the preceding paragraph (limited to the part pertaining to item (ii)), if a compensation contract is concluded with a party designated by the Minister of Land, Infrastructure, Transport and Tourism as an insurer that has the financial resources and credit required to compensate the damage of an owner of a class II specified ship or secure the performance of the obligation for damage, a copy of the relevant compensation contract or other document certifying the conclusion of a compensation contract specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism may be substituted for a certificate of compensation contract.

(Exclusion from Application)

Article 54 The provisions of the following items do not apply to the ships prescribed respectively in those items:

(i) the provisions of this Chapter (except for paragraph (2) of the preceding Article (limited to the part pertaining to item (i))): class I specified ships owned by a foreign state and for which a compensation contract has not been concluded;

(ii) the provisions of this Chapter: class II specified ships owned by a foreign state.

## **Chapter X Miscellaneous Provisions**

(Maritime Liens)

Article 55 (1) The restricted creditor pertaining to tanker oil pollution damage holds a statutory lien over the ship involved in the accident and its equipment.

(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 under 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 expiration 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 one year after the date on which the ruling to reverse or discontinue becomes final and binding.

(Effect of Establishment of Fund in a Foreign State that is a Contracting State)

Article 56 (1) If a fund is formed pursuant to the provisions of Article 5 of the Liability Convention in a foreign country that is a contracting state of the Liability Convention, the claimant of the limited claim pertaining to tanker oil pollution damage may not exercise its right on the assets of the tanker's owner or insurer other than the fund for the limited claim which may receive payment from the fund.

(2) The provisions of Articles 34 through 36 of the Act on Limitation of Liability apply *mutatis mutandis* to the case referred to in the preceding paragraph.

(Rules of the Supreme Court)

Article 57 Beyond what is provided for in this Act, the necessary matters concerning the procedure for limitation of liability are prescribed by the Rules of the Supreme Court.

(Information about Compensation Contracts)

Article 58 (1) Except for the cases prescribed in paragraph (3), the captain of a specified ship (meaning a tanker with a gross tonnage of 300 tons or more or a general ship with a gross tonnage of 100 tons or more; hereinafter the same applies in this Chapter and Article 68, item (vi)) who seeks to enter a port in Japan from a port in a region other than Japan must notify the Minister of Land, Infrastructure, Transport and Tourism in advance regarding the name of the specified ship, the port of registry, the existence or non-existence of a tanker oil pollution damage compensation contract, a general ship oil pollution damage compensation contract, or a compensation contract for damage arising from the removal of wrecks (referred to simply as "compensation contract" in paragraph (1) of the following Article and Article 60, paragraph (1)) provided for in this Act and pertaining to the specified ship, and other matters specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism (hereinafter referred to as "information about compensation contract"), pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism. The same applies when the ship captain seeks to change the information recorded in the compensation contract to which the notification pertained.

(2) The notification that the ship captain must make pursuant to the provisions of the preceding paragraph may be made by the persons prescribed in the following items according to the classification of the specified ship listed in the

respective items:

- (i) tanker: the tanker owner or the ship captain or the tanker owner's representative;
  - (ii) general ship with gross tonnage exceeding 1,000 tons: the shipowner, the ship captain, or the shipowner's representative;
  - (iii) general ship with gross tonnage not exceeding 1,000 tons: the shipowner, the ship captain, or the shipowner's representative, etc.
- (3) The captain of the specified ship that entered a port in Japan from a port in a region other than Japan under unavoidable circumstances prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism such as severe weather, ships in distress or other emergency reasons without notifying the information about compensation contract in advance must notify the Minister of Land, Infrastructure, Transport and Tourism of the information about compensation contract immediately after the entrance to the port, pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Report and Inspection)

- Article 59 (1) To the extent necessary for the enforcement of this Act, the Minister of Land, Infrastructure, Transport and Tourism may have the ship captain of a specified ship in a port or in mooring facilities in Japan report on the compensation contract pertaining to the specified ship, or have the Ministry's employees enter the specified ship and inspect the documents or other objects prescribed in Article 17, paragraph (1), Article 20, paragraph (2), or the respective paragraphs in Article 45 or Article 53, or have them inquire questions of the persons concerned.
- (2) To the extent necessary for the enforcement of this Act and in accordance with the categories of specified ships listed in the following items, the Minister of Land, Infrastructure, Transport and Tourism may have the persons prescribed in the respective items make a report concerning contracts on compensation for damage arising from the removal of wrecks provided for in this Act pertaining to shipwrecks which require removal or other measures pursuant to the provisions of the Port and Harbor Act or other laws and regulations, or request the submission of a document certifying that a contract has been concluded:
- (i) class I specified ships prescribed in Article 49, paragraph (1), item (i) pertaining to wrecks in the territory of Japan or in the exclusive economic zone of Japan: the shipowner;
  - (ii) class II specified ships prescribed Article 49, paragraph (1), item (ii) pertaining to wrecks in the territory of Japan: the shipowner, etc.
- (3) The employees who conduct on-site inspections pursuant to the provisions of

the preceding paragraph must carry an identification card certifying their status and present it to the persons concerned.

- (4) The authority to conduct on-site inspection pursuant to the provisions of paragraph (1) must not be construed as being vested for criminal investigation.

(Order to Conclude a Compensation Contract)

Article 60 (1) If it is found that, as a result of the collection of the report or the on-site inspection pursuant to the provisions of paragraph (1) of the preceding Article, there has been a violation of any of the provisions of Article 13, 20, 41, 45, 49, or 53, the Minister of Land, Infrastructure, Transport and Tourism may order the persons prescribed in the following items to conclude a compensation contract or take other measures to rectify the violation, according to the classification of the specified ship listed in the respective items:

(i) tanker: the ship captain or the tank owner;

(ii) class I specified ships prescribed in Article 41, paragraph (1), item (i) or Article 49, paragraph (1), item (i) (limited to a general ship): the ship captain or the shipowner;

(iii) class II specified ships prescribed in Article 41, paragraph (1), item (ii) or Article 49, paragraph (1), item (ii): the ship captain or the shipowner, etc.

- (2) In the case referred to in the preceding paragraph, the Minister of Land, Infrastructure, Transport and Tourism may order the suspension of navigation of the specified ship until a measure for rectifying the violation under the paragraph has been taken, when the Minister finds it necessary.

- (3) The Minister of Land, Infrastructure, Transport and Tourism must immediately rescind the disposition when it is found that the fact prescribed in paragraph (1) no longer exists concerning the specified ship pertaining the disposition pursuant to the preceding paragraph.

(Report to Contracting State)

Article 61 (1) If the ship captain of a tanker or a general ship having Japanese nationality encounters a marine accident in which wrecks occurs in the territory of a foreign state that is a contracting state to the convention on the removal of wrecks and has made a notification pursuant to the provisions of Article 3, paragraph (2) of the convention on the removal of wrecks, or in the waters prescribed in Article 1, paragraph (1) of the convention on the removal of wrecks of a foreign state that is a contracting party to the convention on the removal of wrecks, the ship captain must report to the foreign state, without delay, the name of the shipowner, the location of the wrecks and other matters specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism, pursuant to the provisions thereof; provided, however, this does not apply if it is clear that the owner, etc. of the tanker or the general ship or any

other person specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism or any other ship which has encountered the marine accident, has made a report.

(2) In the case prescribed in the main clause of the preceding paragraph, if the captain of a tanker or general ship prescribed in that paragraph has made a report pursuant to the provisions of Article 38, paragraph (1), (2), (5) or (7) of the Act on Prevention of Marine Pollution and Maritime Disaster (Act No. 136 of 1970) or Article 14-2 of the Mariners Act (Act No. 100 of 1947), the captain is not required to make a report pursuant to the provisions of the preceding paragraph with regard to the matters in the report.

(Exclusion from Application)

Article 62 The provisions of this Act do not apply to a tanker or a general ship for official use.

(Guidance)

Article 63 (1) The Minister of Land, Infrastructure, Transport and Tourism may give necessary guidance, advice and recommendations to a shipowner, etc. in order to improve the protection of the victims of damage caused by oil pollution, etc. and secure adequate execution of international agreements, when the minister finds it necessary to achieve the purpose of this Act.

(2) In addition to what is provided for in the preceding paragraph, the Minister of Land, Infrastructure, Transport and Tourism must make efforts to secure adequate execution of international agreements and provide appropriate information to the victims and other people with respect to the ship oil pollution damage in order to enhance the protection of the victims of the ship oil pollution damage.

(Delegation of Authority)

Article 64 The matters that belong to the authority of the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provisions of this Act may be delegated to the Director of the District Transport Bureau as specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism (including the Director of Transport Administration Department).

## **Chapter XI Penal Provisions**

Article 65 (1) If the administrator appointed pursuant to the provisions of Article 27 of the Act on Limitation of Liability as applied mutatis mutandis pursuant to Article 38, Article 43, paragraph (6), or Article 51, paragraph (6), or the agent of the administrator appointed pursuant to the provisions of

Article 43, paragraph (1) of the Act on Limitation of Liability as applied mutatis mutandis pursuant to Article 38, Article 43, paragraph (6) or Article 51, paragraph (6) has accepted, demanded, or promised a bribe in connection with their duties, they are subject to imprisonment with work for not more than 3 years or a fine of not more than 1,000,000 yen.

(2) In the case referred to in the preceding paragraph, the bribe accepted is to be confiscated. When the whole or a part of the bribe cannot be confiscated, an equivalent sum of money is to be collected.

Article 66 A person who has given, offered or promised a bribe prescribed in paragraph (1) of the preceding Article is subject to imprisonment with work for not more than 3 years or a fine of not more than 1,000,000 yen.

Article 67 A person who falls under any of the following items is subject to imprisonment with work for not more than 1 year or a fine of not more than 500,000 yen:

- (i) a person who has violated the provisions of Article 13, paragraph (1), Article 41, paragraph (1), or Article 49, paragraph (1);
- (ii) a person who has performed an act that may violate the provisions of Article 13, paragraph (2), Article 41, paragraph (2), or Article 49, paragraph (2);
- (iii) a person who has received issuance or reissuance of the document prescribed in Article 17, paragraph (1) (including as applied mutatis mutandis pursuant to Articles 44 and 52) by deception or other wrongful means;
- (iv) a person who has been requested to make a report or submit a document pursuant to the provisions of Article 40, paragraph (2) of the Act of Limitation of Liability as applied mutatis mutandis pursuant to Article 38, Article 43, paragraph (6) or Article 51, paragraph (6), but has not made the report or submitted the document, or has made a false report or submitted a false document;
- (v) a person who has violated the order under Article 60, paragraph (2).

Article 68 A person who falls under any of the following items is subject to a fine of not more than 300,000 yen:

- (i) a person who has violated the provisions of Article 19 (including as applied mutatis mutandis pursuant to Articles 44 and 52);
- (ii) a person who has violated the provisions of Article 20, paragraph (1), Article 45, paragraph (1), or Article 53, paragraph (1);
- (iii) a person who has committed an act that may violate the provisions of Article 20, paragraph (2), Article 45, paragraph (2), or Article 53, paragraph

- (2);
- (iv) a person who has not made a report pursuant to the provisions of Article 28, paragraph (1) or (2) or has made a false report;
  - (v) a ship captain who has entered a port without making a report pursuant to the provisions of Article 58, paragraph (1) or by making a false report;
  - (vi) a ship captain who has made a false report when making a notification pursuant to the provisions of Article 58, paragraph (2) (limited to cases in which the specified ship entered a port);
  - (vii) a ship captain who has not made a report pursuant to the provisions of Article 58, paragraph (3) or has made a false report;
  - (viii) a person who has not made a report pursuant to the provisions of Article 59, paragraph (1) or has made a false report;
  - (ix) a person who has refused, interfered with or evaded an inspection pursuant to the provisions of Article 59, paragraph (1), or has not made a statement or has made a false statement in response to questioning;
  - (x) a person who has failed to make a report under Article 59, paragraph (2) or who has failed to submit materials, or who has made a false report or submitted false materials.

Article 69 If a representative of a corporation, an agent, an employee or any other workers of a corporation or an individual in connection with the business of the corporation or an individual who has committed an act of violation of the preceding two Articles, in addition to the offender being subject to punishment, the corporation or individual is subject to the fine prescribed in the preceding two Articles.

Article 70 A person who falls under any of the following items is subject to punishment by a civil fine not exceeding 200,000 yen:

- (i) a person who has not made a notification pursuant to the provisions of Article 18, paragraph (1) (including as applied mutatis mutandis pursuant to Articles 44 and 52) or has made a false notification;
- (ii) a person who has violated the provisions of Article 18, paragraph (3) (including as applied mutatis mutandis pursuant to Articles 44 and 52);

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

(Effective Date)

Article 1 This Act comes into effect as of the day on which the Liability Convention comes into effect in Japan; provided, however, that the provisions of Chapter IV, Section 1 and Articles 33 through 35 come into effect as of the day on which the International Fund Convention comes into effect with respect

to Japan or the day on which 120 days have elapsed from the day on which the International Fund Convention comes into effect pursuant to the provisions of Article 40, paragraph (1) of the International Fund Convention (hereinafter referred to as the "effective date of the International Fund Convention"), whichever comes later; and the provisions of Article 28, Article 48, item (iv), and Article 49 come into effect as of the day specified by Cabinet Order within the period not exceeding one month from the date of promulgation, and the provisions of Articles 29 and 30 come into effect as of the day on which the International Fund Convention comes into effect in Japan.

(Transitional Measures)

- Article 2 (1) The provisions of this Act (excluding Chapter IV, Section 1 and Articles 33 through 35; hereinafter the same applies in this paragraph) do not apply to oil pollution damage if the first event causing the oil pollution damage occurred prior to the enforcement of this Act, and the provisions of Chapter IV, Section 1 and Articles 33 through 35 do not apply to oil pollution damage if the first event that caused the oil pollution damage occurred prior to the enforcement of these provisions.
- (2) A lawsuit against the international fund claiming compensation as prescribed in Article 4, paragraph (1) of the International Fund Convention or compensation as prescribed in Article 5, paragraph (1) of the International Fund Convention may not be filed until the day on which 240 days have elapsed from the effective date of the International Fund Convention.

**Supplementary Provisions [Act No. 5 of March 30, 1979 Extract] [Extract]**

(Effective Date)

- (1) This Act comes into effect as of the date on which the Civil Execution Act (Act No. 4 of 1979) comes into effect (October 1, 1980).

(Transitional Measures)

- (2) Prior laws continue to govern civil law enforcement, exercise of enterprise collateral, and bankruptcy cases filed prior to the enforcement of this Act.

**Supplementary Provisions [Act No. 85 of November 19, 1980 Extract]  
[Extract]**

(Effective Date)

- Article 1 This Act comes into effect as of April 1, 1981.

(Transitional Measures)

Article 20 Any permission, authorization, or other disposition, or contract or any other action which a national government organ relating to the amendment by this Act made before the enforcement of this Act pursuant to the provisions of an Act or an order based on it (hereinafter referred to as "dispositions, etc." in this Article) is deemed to be a disposition, etc. made by the corresponding national government entities pursuant to the provisions of the respective Acts amended by this Act or an order based on them, or according to the classification of the affairs under the jurisdiction based on these provisions, pursuant to the provisions of Cabinet Order.

Article 21 Any application or notification filed with, or any other action taken with respect to a national government entities relating to the amendment by this Act prior to the enforcement of this Act (hereinafter referred to as "applications, etc." in this Article), is deemed to be an application, etc. filed with the corresponding national government entity pursuant to the provisions of the respective Acts amended by this Act or an order based on them, or according to the classification of the affairs under the jurisdiction based on these provisions, pursuant to the provisions of Cabinet Order.

**Supplementary Provisions [Act No. 54 of May 21, 1982 Extract] [Extract]**

(Effective Date)

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

**Supplementary Provisions [Act No. 25 of May 8, 1984 Extract] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of July 1, 1984.

(Transitional Measures)

Article 23 Any permission, authorization, or other disposition, or contract or any other actions (hereinafter referred to as a "disposition, etc." in this Article) that were made prior to the enforcement of this Act by the Shipping Commissioner, the head of the Maritime Administration Department, or the head of a branch office of the Shipping Bureau or the Maritime Inspection Department, or any other local organizations (hereinafter referred to as the "head of a branch office, etc."), or the Head of a Land Transport Office, pursuant to the provisions of Cabinet Order (or pursuant to Order of the Ministry of Transport, for dispositions and other processes undertaken with the head of a branch office or other such person) is deemed to be a disposition,

etc. made by the corresponding Director of a District Transport Bureau, Head of a Maritime Administration Department, or the head of the relevant Regional Transport Bureau or Regional Maritime Administration Department's Maritime Branch Bureau or other local organizations (hereinafter referred to as the "head of a maritime transport branch office, etc.") pursuant to the provisions of the respective Acts amended by this Act or orders based on them.

Article 25 Prior laws continue to govern the applicability of penal provisions to any actions committed prior to the enforcement of this Act.

### **Supplementary Provisions [Act No. 53 of June 29, 1994 Extract] [Extract]**

(Effective Date)

Article 1 The provisions of this Act come into effect as of the day specified in accordance with the categories listed in each of the following items:

- (i) the provisions of Article 1 and the following Article, Article 7 and Article 8 of the Supplementary Provisions: the date on which the Protocol to the International Convention on Civil Liability for Oil Pollution Damage of 1969 and the Protocol to the International Convention on the Establishment of the International Fund for Compensation for Oil Pollution Damage of 1971 enter into force in Japan;
- (ii) the provisions of Article 2 (excluding the amended provisions prescribed in the following item), and Article 3, paragraph (1) and Article 4 of the Supplementary Provisions: the date on which the Protocol of 1992 amending the International Convention on Civil Liability for Oil Pollution Damage of 1969 enters into effect in Japan;
- (iii) the provision in Article 2 concerning the amendment of the table of contents of the Act on Liability for Oil Pollution Damage (limited to the part adding "Chapter IV-2, the International Fund for the Year 1992 (Article 30-2)"), the amending provisions adding one item after Article 2, item (ii) of that Act, the amending provisions adding one item after item (x) of that Article, the amending provisions adding one chapter after Chapter IV of that Act, the amending provisions adding one Article after Article 37 of that Act, and the amending provisions of Article 3, paragraphs (2) through (4) of the Supplementary Provisions: the date on which the Protocol of 1992 amending the International Convention on the Establishment of the International Fund for Compensation for Oil Pollution Damage of 1971 (referred to as "Protocol to the International Fund Convention" in Article 3, paragraph (3) of the Supplementary Provisions) enters into effect in Japan;
- (iv) the provisions of Article 3, and Articles 5 and 6 of the Supplementary Provisions: the date on which the repeal of the International Convention on

Civil Liability for Oil Pollution Damage and the International Convention on the Establishment of the International Fund for Compensation for Oil Pollution Damage (Supplement to the International Convention on Civil Liability for Oil Pollution Damage, 1969) (referred to as the "International Fund Convention of 1971" in Article 5, paragraph (2) of the Supplementary Provisions) enters into effect in Japan;

(Transitional Measures Associated with Amendments Pursuant to the Provisions of Article 1)

Article 2 Prior laws continue to govern oil pollution damage if the first event that caused the oil pollution damage occurred prior to the enforcement of the provisions of Article 1.

(Transitional measures associated with amendments pursuant to the provisions of Article 2)

Article 3 (1) Prior laws continue to govern oil pollution damage if the first event that caused the oil pollution damage occurred prior to the enforcement of the provisions listed in Article 1, item (ii) of the Supplementary Provisions.

(2) The provisions of Chapter IV-2 and Article 37-2 of the Act on Liability for Oil Pollution Damage amended by the provisions of Article 2 (hereinafter referred to as the "new act" in this Article) do not apply to oil pollution damage if the first event that caused the oil pollution damage occurred prior to the enforcement of these provisions.

(3) Lawsuits against the International Fund for the Year 1992 to seek compensation as provided for in Article 4, paragraph (1) of the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage of 1992 (hereinafter in this Article referred to as the "International Fund Convention of 1992") (meaning the International Fund for Compensation for Oil Pollution Damage of 1992 provided for in Article 2, paragraph (1) of the International Fund Convention of 1992; the same applies in the following paragraph), may not be filed until 120 days have elapsed from the date on which the Protocol to the International Fund Convention becomes effective pursuant to Article 30, paragraph (1) of the Protocol to the International Fund Convention".

(4) Notwithstanding the provisions of Article 30 of the new Act as applied mutatis mutandis following the deemed replacement of the terms and phrases in Article 30-2 of the new Act, pursuant to the provisions of Articles 12, 13, and 36-3 of the International Fund Convention of 1992, an oil receiver of specified oil who should report the received amount pursuant to the provisions of Article 28, paragraph (1) or (2) of the new Act must pay the annual contribution referred to in Article 10 of the International Fund Convention of 1992 to the

International Fund of 1992 before the earliest date provided for in Article 36-3, paragraph (4) of International Fund Convention of 1992.

(Transitional Measures Associated with Amendments under Article 3)

Article 5 (1) Prior laws continue to govern oil pollution damage if the first event that caused the oil pollution damage occurred prior to the enforcement of the provisions of Article 3.

(2) Prior laws continue to govern the contribution provided for in Article 12, paragraph (2), (b) of the International Fund Convention of 1971 pertaining to oil pollution damage if the first event causing the oil pollution damage occurs prior to the enforcement of Article 3.

(Transitional Measures Concerning Penal Provisions)

Article 7 Prior laws continue to govern the applicability of penal provisions to any act committed prior to the enforcement of each amended by this Act.

(Delegation to Cabinet Order)

Article 8 Beyond what is provided for in Articles 2, 3, 5 and the preceding Article of the Supplementary Provisions, transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.

**Supplementary Provisions [Act No. 74 of June 14, 1996 Extract] [Extract]**

(Effective Date)

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

**Supplementary Provisions [Act No. 110 of June 26, 1996 Extract]  
[Extract]**

This Act comes into effect as of the date of enforcement of the new Code of Civil Procedure.

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

(Effective Date)

Article 1 This Act (excluding Articles 2 and 3) comes into effect as of January 6, 2001; provided, however, that the provisions listed in the following item comes into effect as of the dates prescribed respectively in the relevant item:

(i) the provisions of Article 995 (limited to the parts pertaining to the

provisions amending the Supplementary Provisions of the Act for Partial Revision of the Act on the regulation of nuclear raw material, nuclear fuel material, and nuclear reactors), Article 1305, Article 1306, Article 1324, paragraph (2), Article 1326, paragraph (2) and Article 1344: the day of promulgation.

**Supplementary Provisions [Act No. 54 of May 31, 2002 Extract] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of July 1, 2002.

(Transitional Measures)

Article 28 Any permission, authorization, or other disposition, or a contract or any other actions (hereinafter referred to as a "disposition, etc.") that were made prior to the enforcement of this Act by the head of a maritime administration department, the head of a land transport branch office, or the head of a branch office of the shipping bureau, the head of a maritime transport branch office, or the head of a land transport branch office (hereinafter referred to as the "head of a maritime administration department, etc."), pursuant to the provisions of the respective Acts prior to the amendment by this Act or Orders based on them (hereinafter referred to as the "former Act or Order"), is deemed to be a disposition, etc. made by the corresponding director-generals of the transport administration bureau, the director of a transport bureau branch, a regional transport bureau, transport control division, or the head of the transport bureau branch office (hereinafter referred to as the "director-generals of the district transport bureaus, etc.") under the respective Acts amended by this Act or orders based on them (hereinafter referred to as the "new Act or Order") pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism.

Article 29 Any application, notification, or other act (hereinafter referred to as "application, etc.") filed with or made to the head of a maritime administration department, etc. pursuant to the provisions of the former Act or Order prior to the enforcement of this Act is, pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism, deemed to be an application, etc. filed with or made to the corresponding director-general of the district transport bureaus, etc. pursuant to the provisions of the new Act or Order.

Article 30 Prior laws continue to govern the applicability of penal provisions to any act committed prior to the enforcement of this Act.

### **Supplementary Provisions [Act No. 64 of June 4, 2003]**

(Effective Date)

- (1) This Act comes into effect as of November 1, 2003.

(Transitional Measures)

- (2) Prior laws continue to govern oil pollution damage if the first event that caused the oil pollution damage occurred prior to the enforcement of this Act.

### **Supplementary Provisions [Act No. 37 of April 21, 2004 Extract] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of March 1, 2005 (hereinafter referred to as the "effective date"); provided, however, that the provisions listed in the following items come into effect as of the dates prescribed respectively in those items:

- (i) the part of the provisions amending the Table of Contents that relates to Chapter V, the amending provisions that add one item after Article 2, item (ii), the amending provisions that add one item after item (x) of that Article, the amending provisions that add one Chapter after Chapter IV, the provisions that amend Article 37, paragraph (1), the amending provisions that add one Article after that Article, and the provisions of Article 3 of the Supplementary Provisions: the date on which the Protocol of 2003 to the International Convention on the establishment of the International Fund for Compensation for Oil Pollution Damage of 1992 (referred to as the "Supplementary Fund Protocol" in paragraph (2) of that Article) enters into force in Japan;
- (ii) provisions of Article 4 and Article 11 of the Supplementary Provisions: December 1, 2004.

(Transitional Measures)

Article 2 (1) The provisions of Chapter VI of the Act on Liability for Oil Pollution Damage revised by this Act (hereinafter referred to as the "new Act" except in the following Article) do not apply to general ship oil pollution damage if the first event that caused the general ship oil pollution damage occurred before the effective date.

- (2) The provisions of Article 39-4, paragraph (1), Article 39-7, paragraph (1) and Article 41-2 of the new Act do not apply to general ships with Japanese nationality (limited to those with a gross tonnage of 100 tons or more; the same applies hereinafter) actually engaged in international voyages (meaning a

voyage between a port in Japan and a port in a region other than Japan, or between ports in regions other than Japan) at the time of the enforcement of this Act, until it enters a port in Japan for the first time on or after the effective date.

- (3) The provisions of Article 39-4 paragraph (2) and Article 39-7 paragraph (2) of the new Act do not apply to a general ship other than those prescribed in the preceding paragraph which is actually docked in a port or a mooring facility in Japan at the time of the enforcement of this Act, until it departs from a port in Japan (including leaving from the specified sea area prescribed in Article 39-4, paragraph (2) of the new Act) for the first time on or after the effective date.

Article 3 (1) Prior laws continue to govern the tanker oil pollution damage if the first event which caused the tanker oil pollution damage occurred before the enforcement of the provisions listed in Article 1, item (i) of the Supplementary Provisions.

- (2) Notwithstanding the provisions of Article 30 of the Act on Liability for Oil Pollution Damage amended by the provisions listed in Article 1, item (i) of the Supplementary Provisions (hereinafter referred to as the "new Act" in this Article) as applied mutatis mutandis by replacing the terms and phrases in Article 30-2 of the new act, an oil receiver of specified oil who should report the received amount pursuant to the provisions of Article 28, paragraph (1) or (2) of the new Act, must pay the annual contribution referred to in Article 10 of the Supplementary Fund Protocol to the Supplementary Fund (the International Fund for Compensation for Oil Pollution Damage of 2003, as provided for in Article 2, paragraph (1) of the Supplementary Fund Protocol) in accordance with Articles 11, 12, paragraph (1) and 18 of the Supplementary Fund Protocol before the earliest date provided for in Article 18, paragraph (4) of the Supplementary Fund Protocol.

Article 4 (1) The Minister of Land, Infrastructure, Transport and Tourism may issue a document certifying that a compensation contract for general ship oil pollution damage has been concluded for general ships (hereinafter referred to as a "general ship certificate of liability" in this Article) in accordance with the provisions of Article 17 of the new Act as applied mutatis mutandis pursuant to Article 39-6 of the new Act, even prior to the effective date.

- (2) On and after the effective date, a general ship certificate of liability issued pursuant to the provisions of the preceding paragraph is deemed to be a document prescribed in Article 17, paragraph (1) of the new Act as applied mutatis mutandis following the deemed replacement of the terms and phrases in Article 39-6 of the new Act, except the case in which any event specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism occurs

after issuance and prior to the effective date.

- (3) The format of a general ship certificate of liability, and its issuance and reissuance, and other necessary matters concerning a general ship certificate of liability are prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism.
- (4) A person who seeks to apply for issuance or reissuance of general ship certificate of liability must pay the fee prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism.
- (5) A person who has secured issuance or reissuance of a general ship certificate of liability through deception or other wrongful means is subject to imprisonment for not more than 1 year or a fine of not more than 500,000 yen.

(Transitional Measures Concerning Penal Provisions)

Article 5 Prior laws continue to govern the applicability of penal provisions for any acts committed prior to the effective date.

(Delegation to Cabinet Order)

Article 6 Beyond what is provided for in Article 2 through the preceding Article of the Supplementary Provisions, transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.

#### **Supplementary Provisions [Act No. 45 of June 2, 2017]**

This Act comes into effect as of the date of enforcement of the Civil Code Amendment Act; provided, however, that the provisions of Article 103-2, Article 103-3, Article 267-2, Article 267-3, and Article 362 come into effect as of the date of promulgation.

#### **Supplementary Provisions [Act No. 20 of April 25, 2018 Extract] [Extract]**

(Effective Date)

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

#### **Supplementary Provisions [Act No. 29 of May 25, 2018 Extract] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding one year from the date of promulgation; provided, however, that the provisions of Article 50 and Article 52 of the Supplementary Provisions come into effect as of the date of promulgation.

(Transitional Measures upon Partial Amendment of the Act on Liability for Oil Pollution Damage)

Article 42 Notwithstanding the provisions of Article 40 of the Act on Liability for Oil Pollution Damage amended by the provisions of the preceding Article, prior laws continue to govern the effect and order of the priority of the statutory liens referred to in Article 40, paragraph (1) of the Act on Liability for Oil Pollution Damage prior to amendment by the provisions of the preceding Article in cases prescribed in Article 16 of the Supplementary Provisions.

(Transitional Measures Concerning Penal Provisions)

Article 51 Prior laws continue to govern the applicability of penal provisions for any acts committed prior to the effective date or acts committed on or after the effective date in cases where prior laws continue to govern pursuant to the provisions of these Supplementary Provisions.

(Delegation to Cabinet Order)

Article 52 Beyond what is provided for in these supplementary provisions, transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.

### **Supplementary Provisions [Act No. 18 of May 31, 2019 Extract] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the date on which the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001, and the Nairobi International Convention on the Removal of Wrecks, 2007 come into effect in Japan; provided, however, that the provisions of the following Article and Articles 6 and 15 of the Supplementary Provisions come into effect as of the date specified by Cabinet Order prior to that date.

(Transitional Measures)

Article 2 (1) Even prior to the effective date of this Act (hereinafter referred to as the "effective date"), the Minister of Land, Infrastructure, Transport and Tourism may issue the documents specified in the following items in accordance with the provisions listed in the respective items of the Act on Liability for Oil Pollution Damage amended by this Act (hereinafter referred to as the "new Act"):

- (i) Article 17 of the new Act as applied mutatis mutandis pursuant to Article 44 of the new Act: a document certifying that a general ship oil pollution damage compensation contract has been concluded;

- (ii) Article 17 of the new Act as applied mutatis mutandis pursuant to Article 52 of the new Act: a document certifying that a contract on compensation for damage arising from the removal of wrecks has been concluded.
- (2) The documents issued pursuant to the provisions of the preceding paragraph are deemed to be the documents specified in the following items for the categories of documents listed respectively in those items on and after the effective date, except when any event specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism occurs during the period from the delivery of the documents to the effective date:
  - (i) documents specified in item (i) of the preceding paragraph: certificates of compensation contract prescribed in Article 45, paragraph (1) of the new Act;
  - (ii) documents specified in item (ii) of the preceding paragraph: certificates of compensation contract prescribed in Article 53, paragraph (1) of the new Act.
- (3) The format of the documents specified in paragraph (1), items (i) and (ii), its issuance and reissuance, and other necessary matters concerning the documents are prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism.
- (4) A person who seeks to apply for issuance or reissuance of the documents specified in paragraph (1), items (i) and (ii) must pay the fee prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism.
- (5) A person who has secured issuance or reissuance of the documents specified in paragraph (1), items (i) and (ii) through deception or other wrongful means is subject to imprisonment for not more than 1 year or a fine of not more than 500,000 yen.

Article 3 (1) The provisions listed in the following items of the new Act apply to the damage specified in those items, and prior laws continue to govern general ship oil pollution damage if the first event that caused the general ship oil pollution damage prescribed in Article 2, item (vii)-2 of the Act on Liability for Oil Pollution Damage prior to amendment by this Act (hereinafter referred to as the "former Act") occurs before the effective date:

- (i) Chapter VI and Article 43 of the new Act: the damage caused by general ship oil pollution, etc. provided in Article 2, item (xvi) of the new Act if the first event that caused the damage caused by general ship oil pollution, etc. occurs on or after the effective date;
  - (ii) Chapter VIII and Article 51 of the new Act: the damage by the removal of wrecks provided in Article 2, item (xvii) of the new Act if the first event that caused damage arising from the removal of wrecks occurs on or after the effective date.
- (2) The provisions listed in the following items of the new Act do not apply to a ship that is in a port or mooring facility in Japan at the time of the

enforcement of this Act and that is provided for in the relevant item until it departs from a port in Japan for the first time on or after the effective date:

- (i) Article 41, paragraph (2) and Article 45, paragraph (2) of the new Act: a tanker or a general ship without Japanese nationality (limited to those with a gross tonnage exceeding 1,000 tons and excluding those which are not required to use bunker oil, etc. as prescribed in item (vii) of Article 2 of the new act for navigation);
  - (ii) Article 49, paragraph (2) and Article 53, paragraph (2) of the new Act: a tanker or a general ship without Japanese nationality (limited to those with a gross tonnage exceeding 300 tons).
- (3) The provisions of Article 61 of the new Act do not apply if the first event causing the occurrence of the wrecks prescribed in Article 2, item (viii) of the new Act occurred before the effective date.

Article 4 (1) A compensation contract prescribed in Article 39-4, paragraph (1) of the former Act which is actually concluded at the time of the enforcement of this Act with respect to a general ship listed in the following items is deemed to be a contract prescribed in the respective items:

- (i) general ships with a gross tonnage of 300 tons or more and 1,000 tons or less: compensation contracts prescribed in Article 41, paragraph (1) of the new Act;
  - (ii) general ships with a gross tonnage of 100 tons or more and 300 tons or less: compensation contracts prescribed in Article 41, paragraph (1) and Article 49, paragraph (1) of the new Act.
- (2) The documents prescribed in Article 39-7, paragraph (1) of the former act pertaining to the contracts listed in the following items are deemed to be the documents specified respectively in those items; in these cases, the phrase "Article 14" in Articles 44 and 52 of the new Act is deemed to be replaced with "the provisions of Article 14"; the phrase "Article 42" in Article 44 of the new Act and the phrase "Article 50" in Article 52 of the new Act are deemed to be replaced with "standards specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism":
- (i) contracts deemed to be contracts specified in item (i) of the preceding paragraph pursuant to the provisions of that paragraph (excluding contracts listed in the following item): certificates of compensation contract prescribed in Article 45, paragraph (1) of the new Act;
  - (ii) contracts deemed to be contracts specified in item (ii) of the preceding paragraph pursuant to the provisions of that paragraph: certificates of compensation contract prescribed in Article 45, paragraph (1) and Article 53, paragraph (1) of the new Act.

(Transitional Measures Concerning Penal Provisions)

Article 5 Prior laws continue to govern the applicability of penal provisions to any act committed prior to the effective date.

(Delegation to Cabinet Order)

Article 6 Beyond what is provided for in Article 2 through the preceding Article of the Supplementary Provisions, transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.

(Adjustment Provisions)

Article 14 The provisions of the preceding Article do not apply if the effective date comes on or after the effective date of the Act on Coordination of Related Acts in Connection with Enforcement of the Act Partially Amending the Civil Code.

**Supplementary Provisions [Act No. 68 of June 17, 2022 Extract] [Extract]**

(Effective Date)

(1) This Act comes into effect as of the effective date of the Act Partially Amending the Penal Code, etc.; provided, however, that the provisions listed in the following items come into effect as of the dates prescribed respectively in the relevant item:

(i) the provisions of Article 509: the day of promulgation;