

Act on Special Measures for Former Fishery Rights Holders in the Northern Regions

(Act No. 162 of October 30, 1961)

(Purpose)

Article 1 In light of factors such as the special circumstances that exist with regard to administration of the Northern Regions and the special position in which former fishery rights holders in the Northern Regions are placed because of this, this Act aims to have the Northern Territories Issue Association, an incorporated administration agency, lend funds, at low interest rates, that are necessary for businesses such as fisheries operated by persons such as former fishery rights holders in the Northern Regions and for their lives, thereby achieving stability of management of fishery and other businesses operated by these persons and their lives.

(Definitions)

Article 2 (1) The term the "Northern Regions" as used in this Act means the Habomai Islands, Shikotan Island, Kunashiri Island, and Etorofu Island.

(2) The term "former fishery rights holders in the Northern Regions" as used in this Act means the following persons:

(i) an individual (excluding a person that made the designation referred to in item (v) (excluding the case in which all who received that designation or the designation referred to in item (vi) died; hereinafter the same applies in this paragraph)) who held rights of operating a fishery pursuant to the provisions of Article 13, paragraph (2) of the former Fishery Act (Act No. 47 of 1943) or Article 43, paragraph (4) of the former Fishery Act (Act No. 58 of 1910) as of August 15, 1945 based on an exclusive fishery rights held, under the license referred to in Article 5 of the former Fishery Act, by the fishery union prescribed in Article 1 of the former Fishery Act or the fishery association prescribed in Article 42, paragraph (1) of the former Fishery Act whose area wholly or partly consisted of a part of the Northern Regions or based on a piscary covering the exclusive fishery rights;

(ii) a person that had received the license referred to in Article 4 or 6 of the former Fishery Act for operating a fishery in a fishing ground located in a sea region specified by order of the competent ministry in the vicinity of the Northern Regions or had been leased fishery rights pertaining to that license as of August 15, 1945 (if that person is a corporation, an individual who is its member or equity investor) (excluding a person that made the designation referred to in item (v));

- (iii) beyond those set forth in the preceding two items, a person who had the principal place of daily activity in the Northern Regions continuously for six months or more until August 15, 1945 or that person's child who was born in the Northern Regions within less than six months prior to that date and continued to be in the Northern Regions until that date or who was born in the Northern Regions after that date (excluding a person that made the designation referred to in item (v));
- (iv) if the person set forth in item (i) or (ii) dies, that person's spouse, child, father, or mother at the time of death who is specified by order of the competent ministry (excluding the case in which the spouse, child, father, or mother is a person set forth in any of the three preceding items) (excluding a person that made the designation referred to in item (v));
- (v) if any of the persons set forth in the preceding items designates the person's spouse, child, grandchild, or the spouse of the person's child or grandchild (hereinafter referred to as the person's "family member" in this paragraph), that family member (limited to the case specified by order of the competent ministry as a case in which that person's livelihood is mainly dependent on the income of the family member, and excluding a case in which any of that person's children or grandchildren is any of the persons set forth in the preceding items);
- (vi) in the case of making the designation referred to in the preceding item, if any of the persons set forth in items (i) through (iv) has a family member who mainly contributes to stability of that person's life through nursing care, assistance, or other non-income method apart from one receiving the designation, the family member making that contribution who is specified by order of the competent ministry and who has been designated by that person along with that designation;
- (vii) if the person set forth in item (iii) or (iv) dies, that person's family member at the time of death (limited to the case specified by order of the competent ministry as a case in which that person's livelihood was mainly dependent on the income of the family member and also the case in which that family member receives confirmation about falling under such case pursuant to the provisions of order of the competent ministry within three years from the date of death of that person, and excluding a case in which any of that person's children or grandchildren is any of the persons set forth in items (i) through (iv)); and
- (viii) in the case of receiving confirmation referred to in the preceding item, if the spouse, etc. of the person set forth in item (iii) or (iv) at the time of death includes a family member who mainly contributed to stability of that person's life through nursing care, assistance, or other non-income method apart from the person set forth in the preceding item, the family member

making that contribution who is specified by order of the competent ministry and who has received confirmation about falling under the specified case along with that confirmation.

(Fund)

Article 3 (1) The Northern Territories Issue Association, an incorporated administration agency (hereinafter referred to as the "Association"), is to set up a fund to provide financial resources necessary for implementing the operations set forth in the items of the following Article.

(2) The amount of the fund referred to in the preceding paragraph is the amount that was deemed to have been included in the fund pursuant to the provisions of Article 2, paragraph (7) of the Supplementary Provisions of the Act on the Northern Territories Issue Association, Independent Administrative Agency (Act No. 132 of 2002).

(Scope of Operations)

Article 4 The Association conducts the following operations for achieving the purpose referred to in Article 1:

- (i) lending necessary funds to former fishery rights holders in the Northern Regions, for businesses such as fisheries operated by them or for their lives;
- (ii) lending corporations specified by order of the competent ministry, such as fishery cooperative associations, funds to be used by those corporations to lend former fishery rights holders in the Northern Regions who are members of those corporations funds necessary for businesses such as fisheries operated by them or for their lives;
- (iii) lending corporations that are specified by order of the competent ministry as those whose main members or equity investors are former fishery rights holders in the Northern Regions funds necessary for businesses such as fisheries operated by them (excluding funds that fall under the provisions of the preceding item); and
- (iv) operations incidental to the operations referred to in the preceding three items.

(Entrustment of Operations)

Article 5 (1) The Association may entrust a part of the operations set forth in items (i) through (iii) of the preceding Article to a financial institution pursuant to the provisions of its operational method statement.

(2) An officer or employee of the financial institution that is entrusted with operations pursuant to the provisions of the preceding paragraph (hereinafter referred to as the "entrusted institution") who is engaged in these operations is deemed to be personnel engaged in public service pursuant to laws and

regulations, for the purpose of applying the Penal Code (Act No. 45 of 1907) or other penal provisions.

(Reports and Inspections)

Article 6 (1) If the Prime Minister or the Minister of Agriculture, Forestry and Fisheries find it to be necessary for enforcing this Act, they may cause the entrusted institution to report on the entrusted operations, or cause the ministry's personnel to enter the entrusted institution's office and inspect the status of operations or items such as books and documents concerning the entrusted operations.

(2) When personnel conduct an on-site inspection pursuant to the provisions of the preceding paragraph, they must carry an identification card and present it to the person concerned.

(3) The authority for an on-site inspection under the provisions of paragraph (1) must not be construed as being granted for criminal investigation purposes.

(Order of the Competent Ministry)

Article 7 The term "order of the competent ministry" as used in this Act refers to Cabinet Office Order and Order of the Ministry of Agriculture, Forestry and Fisheries.

(Penal Provisions)

Article 8 If the entrusted institution fails to make a report or makes a false report in violation of the provisions of Article 6, paragraph (1), or refuses, interferes with, or evades the inspection under the provisions of that paragraph, the officer or employee of the entrusted institution that has committed the violation is punished by a fine of not more than 200,000 yen.

Supplementary Provisions [Extract]

(Effective Date)

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

Supplementary Provisions [Act No. 34 of May 22, 1969] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the date of promulgation; provided, however, that the provisions of Articles 10 through 20 of the Supplementary Provisions come into effect as of the day specified by Cabinet Order within a period not exceeding six months from the date of promulgation.

(Partial Amendment of the Act on Special Measures for Former Fishery Rights Holders in the Northern Regions)

Article 11 The Act on Special Measures for Former Fishery Rights Holders in the Northern Regions is partially amended as follows.

(Transitional Measures Concerning Application of Penal Provisions)

Article 14 Prior laws continue to govern the applicability of penal provisions to an act in violation of the provisions of the Act on Special Measures prior to amendment that is committed prior to the coming into effect of the provisions of Article 11 of the Supplementary Provisions.

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

(Effective Date)

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

Supplementary Provisions [Act No. 100 of June 21, 1996]

This Act comes into effect as of October 1, 1996.

Supplementary Provisions [Act No. 103 of June 24, 1997] [Extract]

(Effective Date)

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

(Transitional Measures)

Article 2 (1) The provisions of the Acts amended by the provisions of Articles 1 through 5, Articles 7 through 24, Articles 26 through 32, Articles 34 through 37, Article 39, Articles 41 through 50, Articles 52 through 64, and Articles 66 through 72 apply to the documents prescribed in the provisions of those Acts that pertain to the business year starting on April 1, 1996 and subsequent business years (excluding the documents prescribed in Article 33, paragraph (2) of the Act on the Development Bank of Japan amended by the provisions of Article 35, paragraph (2) and Article 19 of the Act on the Export-Import Bank of Japan amended by the provisions of Article 18 that pertain to a six-month period from April to September 1996).

○ Act for Enforcement of the Acts Related to the Central Government Reform (Act No. 160 of 1999) [Extract]

(Transitional Measures Concerning Dispositions and Applications)

Article 1301 (1) Unless otherwise provided for in laws and regulations,

dispositions such as license, permission, authorization, approval, and designation and acts such as notice reached or carried out prior to the coming into effect of the Acts Related to the Central Government Reform and this Act (hereinafter collectively referred to as the "Reform-related Acts") by former organs of the national government pursuant to the provisions of laws and regulations are deemed, after the coming into effect of the Reform-related Acts, to be dispositions such as license, permission, authorization, approval, and designation and acts such as notice reached or carried out by the corresponding organs of the national government based on the corresponding provisions of laws and regulations after the coming into effect of the Reform-related Act.

(2) Unless otherwise provided for in laws and regulations, acts such as applications and notifications which are already carried out with former organs of the national government pursuant to the provisions of laws and regulations at the time of the coming into effect of the Reform-related Acts are deemed, after the coming into effect of the Reform-related Acts, to be acts such as applications and notifications carried out with the corresponding organs of the national government based on the corresponding provisions of laws and regulations after the coming into effect of the Reform-related Acts.

(3) With regard to matters for which procedures such as reporting, notification, or submission are required to be carried out with former organs of the national government pursuant to the provisions of laws and regulations prior to the coming into effect of the Reform-related Acts, if these procedures have not yet been carried out by the date of the coming into effect of the Reform-related Acts, unless otherwise provided for in laws and regulations, the provisions of laws and regulations after the coming into effect of the Reform-related Acts are to apply to such procedures, after the coming into effect of the Reform-related Acts, by deeming that procedures such as reporting, notification, or submission have not yet been carried out for matters for which such procedures must be carried out with the corresponding organs of the national government pursuant to the corresponding provisions of laws and regulations after the coming into effect of the Reform-related Acts.

(Transitional Measures Concerning Penal Provisions)

Article 1303 Prior laws continue to govern the applicability of penal provisions to an act that is committed prior to the coming into effect of the Reform-related Acts.

(Delegation to Cabinet Order)

Article 1344 Beyond what is specified in Articles 71 through 76 and Article 1301 through the preceding Article and in the provisions of the Acts Related to the Central Government Reform, Cabinet Order prescribes necessary transitional

measures concerning the coming into effect of the Reform-related Acts (including transitional measures concerning penal provisions).

Supplementary Provisions [Act No. 160 of December 22, 1999] [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 set forth in the following items come into effect as of the dates specified respectively in those items:

- (i) the provisions of Article 995 (limited to the portion pertaining to the provisions amending the Supplementary Provisions of the Act Partially Amending the Act on the Regulation of Nuclear Source Material, Nuclear Fuel Material and Reactors), Articles 1305 and 1306, Article 1324, paragraph (2), Article 1326, paragraph (2), and Article 1344: the date of promulgation;

Supplementary Provisions [Act No. 132 of December 6, 2002] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the date of promulgation; provided, however, that the provisions set forth in the following items come into effect as of the dates specified respectively in those items:

- (i) the provisions of Articles 3 through 7 and Articles 9 through 11 of the Supplementary Provisions: October 1, 2003;

(Transitional Measures in Line with Partial Amendment of the Act on Special Measures for Former Fishery Rights Holders in the Northern Regions)

Article 6 Acts such as dispositions and procedures reached or carried out pursuant to the provisions of the former Act on Former Fishery Rights Holders in the Northern Regions prior to the coming into effect of the provisions of the preceding Article are deemed to be acts such as dispositions and procedures reached or carried out pursuant to the Act on General Rules, this Act, or the corresponding provisions of the new Act on Former Fishery Rights Holders in the Northern Regions.

(Transitional Measures Concerning Application of Penal Provisions)

Article 7 Prior laws continue to govern the applicability of penal provisions to an act committed prior to the coming into effect of the provisions of Articles 3 and 5 of the Supplementary Provisions and an act committed after the coming into effect of this Act in relation to a matter for which prior laws are to continue to govern pursuant to the provisions of Article 2, paragraph (3) of the Supplementary Provisions.

(Delegation to Cabinet Order)

Article 8 Beyond what is specified in Articles 2, 4, and 6 of the Supplementary Provisions and the preceding Article, Cabinet Order prescribes transitional measures that are necessary in line with establishment of the Association and other necessary transitional measures concerning the coming into effect of the Act.

Supplementary Provisions [Act No. 122 of December 22, 2006]

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2008.

(Transitional Measures)

- Article 2 (1) If a person makes the designation referred to in Article 2, paragraph (2), item (v) of the Act on Special Measures for Former Fishery Rights Holders in the Northern Regions prior to the amendment by this Act (hereinafter referred to as the "former Act"), and the person who received the designation will become the person set forth in Article 2, paragraph (2), item (iii) of the Act on Special Measures for Former Fishery Rights Holders in the Northern Regions amended by this Act (hereinafter referred to as the "new Act"), the person who makes the designation is deemed not to be a person who made the designation referred to in item (v) of that paragraph with regard to that designation after the date of the coming into effect of this Act (hereinafter referred to as the "effective date").
- (2) If a person was the person set forth in Article 2, paragraph (2), item (iii) or (iv) of the former Act dies prior to September 30, 1996 or if a person is the person set forth in Article 2, paragraph (2), item (iii) of the new Act (excluding a person who was the person set forth in Article 2, paragraph (2), item (iii) or (iv) of the former Act) dies prior to the effective date, the provisions of Article 2, paragraph (2), item (vi) of the new Act do not apply to that person's child or grandchild at the time of death.
- (3) Beyond what is specified in the preceding two paragraphs, Cabinet Order prescribes necessary transitional measures concerning the coming into effect of this Act.

Supplementary Provisions [Act No. 77 of July 25, 2018]

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2019.

(Transitional Measures)

- Article 2 (1) The designation referred to in Article 2, paragraph (2), item (v) of the Act on Special Measures for Former Fishery Rights Holders in the Northern Regions prior to the amendment by this Act which was made prior to the date of the coming into effect of this Act (this date is hereinafter referred to as the "effective date" and this designation is hereinafter referred to as "designation under the former Act" in this Article) is deemed to be the designation referred to in Article 2, paragraph (2), item (v) of the Act on Special Measures for Former Fishery Rights Holders in the Northern Regions amended by this Act (hereinafter referred to as the "new Act" in this Article).
- (2) If a person who makes designation under the former Act prior to the effective date (excluding a person who makes the designation referred to in this paragraph or the following paragraph) falls under a case specified by order of the competent ministry as a case in which that person's livelihood is mainly dependent on the income of the family member (meaning the family member referred to in Article 2, paragraph (2), item (v) of the new Act; hereinafter the same applies in this Article), that person may designate that family member. until three years pass from the effective date, excluding a case in which any of that person's children or grandchildren is any of the persons set forth in items (i) through (iv) of that paragraph. In this case, that designation is deemed to be the designation referred to in Article 2, paragraph (2), item (v) of the new Act.
- (3) If a person who makes designation under the former Act prior to the effective date (excluding a person who makes the designation referred to in the preceding paragraph or this paragraph) has a family member who mainly contributes to stability of that person's life through nursing care, assistance, or other non-income method apart from one receiving the designation under the former Act (in the case of making the designation referred to in this paragraph along with the designation referred to in the preceding paragraph, including the person who receives the designation referred to in the preceding paragraph), that person may designate the family member making that contribution who is specified by order of the competent ministry, until three years pass from the effective date, excluding a case in which any of that person's children or grandchildren is any of the persons set forth in Article 2, paragraph (2), items (i) through (iv) of the new Act. In this case, that designation is deemed to be the designation referred to in Article 2, paragraph (2), item (vi) of the new Act.
- (4) The provisions of Article 2, paragraph (2), items (vii) and (viii) of the new Act apply to a case in which the person set forth in item (iii) or (iv) of that paragraph dies on or after the effective date, and prior laws continue to govern a case in which that person dies prior to that date.