

北方地域旧漁業権者等に対する特別措置に関する法律 Act on Special Measures for Former Fishery Rights Holders in the Northern Regions

(昭和三十六年十月三十日法律第百六十二号)

(Act No. 162 of October 30, 1961)

(目的)

(Purpose)

第一条 この法律は、北方地域の施政について存する特殊事情及びこれに基因して北方地域旧漁業権者等の置かれている特殊な地位等にかんがみ、独立行政法人北方領土問題対策協会に北方地域旧漁業権者等その他の者の営む漁業その他の事業及びその生活に必要な資金を低利で融通させ、もつてこれらの者の営む漁業その他の事業の経営とその生活の安定を図ることを目的とする。

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.

(定義)

(Definitions)

第二条 この法律において「北方地域」とは、歯舞群島、色丹島、国後島及び択捉島をいう。

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 この法律において「北方地域旧漁業権者等」とは、次に掲げる者をいう。

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

一 北方地域の一部をその地区の全部若しくは一部としていた旧水産業団体法（昭和十八年法律第四十七号）第一条に規定する漁業会若しくは旧漁業法（明治四十三年法律第五十八号）第四十二条第一項に規定する漁業組合が同法第五条の免許を受けて有していた専用漁業権又はこれを目的とする入漁権に基づき、昭和二十年八月十五日において旧水産業団体法第十三条第二項又は旧漁業法第四十三条第四項の規定により漁業を営む権利を有していた個人（第五号の指定をした者（当該指定及び第六号の指定を受けた者の全員が死亡した場合を除く。以下この項において同じ。）

を除く。)

- (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;

二 昭和二十年八月十五日において、北方地域の周辺の主務省令で定める海域内に所在する漁場において漁業を営むことにつき旧漁業法第四条若しくは第六条の免許を受け、又は当該免許に係る漁業権の貸付けを受けていた者（その者が法人である場合には、その構成員又は出資者たる個人）（第五号の指定をした者を除く。）

- (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));

三 前二号に掲げる者のほか、昭和二十年八月十五日まで引き続き六月以上北方地域に生活の本拠を有していた者並びにその者の子であつて、同日以前六月未満の期間内に北方地域において出生し、かつ、引き続き同日まで北方地域にいたもの及び同日後北方地域において出生したもの（第五号の指定をした者を除く。）

- (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));

四 第一号又は第二号に掲げる者が死亡した場合におけるその死亡した者の死亡の当時における配偶者、子及び父母のうち主務省令で定めるもの（当該配偶者、子及び父母のうちに前三号に掲げる者に該当する者がある場合を除く。）（第五号の指定をした者を除く。）

- (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));

五 前各号に掲げる者がその配偶者、子、孫又は子若しくは孫の配偶者（以下この項において「配偶者等」という。）を指定した場合における当該配偶者等（その者が主として当該配偶者等の収入によつて生計を維持している場合として主務省令で定める場合に該当する場合に限るものとし、その者の子又は孫のうちに前各号に掲げる者に該当する者がある場合を除く。）

(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);

六 前号の指定をする場合において、第一号から第四号までに掲げる者の配偶者等のうちに当該指定を受ける者以外に介護、介助その他収入以外の方法によつてその者の生活の安定に主として寄与している配偶者等がいるときは、当該寄与している配偶者等であつて主務省令で定めるもののうちその者が当該指定と併せて指定した者

(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;

七 第三号又は第四号に掲げる者が死亡した場合におけるその死亡した者の死亡の当時における配偶者等（その者が主として当該配偶者等の収入によつて生計を維持していた場合として主務省令で定める場合に該当し、かつ、当該配偶者等がその者の死亡の日から三年以内に主務省令で定めるところにより当該場合に該当する旨の確認を受けた場合に限るものとし、その者の子又は孫のうちに第一号から第四号までに掲げる者に該当する者がある場合を除く。）

(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

八 前号の確認を受ける場合において、第三号又は第四号に掲げる者の死亡の当時における配偶者等のうちに前号に掲げる者以外に介護、介助その他収入以外の方法によつてその者の生活の安定に主として寄与していた配偶者等がいるときは、当該寄与していた配偶者等であつて主務省令で定めるもののうち当該確認と併せて当該定めるものに該当する旨の確認を受けた者

(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.

(基金)

(Fund)

第三条 独立行政法人北方領土問題対策協会（以下「協会」という。）に、次条各号に掲げる業務の遂行に必要な資金の財源に充てるための基金を置く。

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 前項の基金の額は、独立行政法人北方領土問題対策協会法（平成十四年法律第三百三十二号）附則第二条第七項の規定により組み入れられたものとされた金額とする。

(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).

(業務の範囲)

(Scope of Operations)

第四条 協会は、第一条の目的を達成するため、次の業務を行なう。

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

一 北方地域旧漁業権者等に対し、その営む漁業その他の事業又はその生活に必要な資金を貸し付けること。

(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;

二 漁業協同組合その他の主務省令で定める法人に対し、当該法人がその構成員たる

北方地域旧漁業権者等に対してその営む漁業その他の事業又はその生活に必要な資金を貸し付けるための資金を貸し付けること。

(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;

三 北方地域旧漁業権者等が主たる構成員又は出資者となつている法人として主務省令で定めるものに対し、その営む漁業その他の事業に必要な資金（前号の規定に該当するものを除く。）を貸し付けること。

(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

四 前三号の業務に附帯する業務

(iv) operations incidental to the operations referred to in the preceding three items.

（業務の委託等）

(Entrustment of Operations)

第五条 協会は、業務方法書で定めるところにより、金融機関に対し、前条第一号から第三号までに掲げる業務の一部を委託することができる。

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 前項の規定により業務の委託を受けた金融機関（以下「受託者」という。）の役員又は職員であつて、当該委託を受けた業務に従事するものは、刑法（明治四十年法律第四十五号）その他の罰則の適用については、法令により公務に従事する職員とみなす。

(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.

（報告及び検査）

(Reports and Inspections)

第六条 内閣総理大臣又は農林水産大臣は、この法律を施行するため必要があると認めるときは、受託者に対し、当該受託業務に関し報告をさせ、又はその職員に、受託者

の事務所に立ち入り、当該受託業務に係る業務の状況若しくは帳簿、書類その他の物件を検査させることができる。

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 前項の規定により職員が立入検査をする場合には、その身分を示す証明書を携帯し、関係人に提示しなければならない。

(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 第一項の規定による立入検査の権限は、犯罪捜査のために認められたものと解してはならない。

(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.

(主務省令)

(Order of the Competent Ministry)

第七条 この法律において「主務省令」とあるのは、内閣府令、農林水産省令とする。

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.

(罰則)

(Penal Provisions)

第八条 受託者が、第六条第一項の規定に違反して報告をせず、若しくは虚偽の報告をし、又は同項の規定による検査を拒み、妨げ、若しくは忌避したときは、その違反行為をした受託者の役員又は職員は、二十万円以下の罰金に処する。

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.

附 則 [抄]

Supplementary Provisions [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から施行する。

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

附 則 〔昭和四十四年五月二十二日法律第三十四号〕〔抄〕

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

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から施行する。ただし、附則第十条から第二十条までの規定は、公布の日から起算して六月をこえない範囲内において政令で定める日から施行する。

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.

(北方地域旧漁業権者等に対する特別措置に関する法律の一部改正)

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

第十一条 北方地域旧漁業権者等に対する特別措置に関する法律の一部を次のように改正する。

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

(罰則の適用に関する経過措置)

(Transitional Measures Concerning Application of Penal Provisions)

第十四条 附則第十一条の規定の施行前にした改正前の特別措置法の規定に違反する行為に対する罰則の適用については、なお従前の例による。

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.

附 則 〔昭和五十三年七月五日法律第八十七号〕〔抄〕

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

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から施行する。

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

附 則 〔平成八年六月二十一日法律第百号〕

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

この法律は、平成八年十月一日から施行する。

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

附 則 〔平成九年六月二十四日法律第百三号〕 〔抄〕

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

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から施行する。

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

(経過措置)

(Transitional Measures)

第二条 第一条から第五条まで、第七条から第二十四条まで、第二十六条から第三十二条まで、第三十四条から第三十七条まで、第三十九条、第四十一条から第五十条まで、第五十二条から第六十四条まで及び第六十六条から第七十二条までの規定による改正後の法律の規定は、平成八年四月一日に始まる事業年度に係る当該法律の規定に規定する書類（第十八条の規定による改正後の日本輸出入銀行法第三十五条第二項及び第十九条の規定による改正後の日本開発銀行法第三十三条第二項に規定する書類のうち、平成八年四月から九月までの半期に係るものを除く。）から適用する。

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).

○中央省庁等改革関係法施行法（平成十一法律百六十） 〔抄〕

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

(処分、申請等に関する経過措置)

(Transitional Measures Concerning Dispositions and Applications)

第千三百一条 中央省庁等改革関係法及びこの法律（以下「改革関係法等」と総称する。）の施行前に法令の規定により従前の国の機関がした免許、許可、認可、承認、

指定その他の処分又は通知その他の行為は、法令に別段の定めがあるもののほか、改革関係法等の施行後は、改革関係法等の施行後の法令の相当規定に基づいて、相当の国の機関がした免許、許可、認可、承認、指定その他の処分又は通知その他の行為とみなす。

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 改革関係法等の施行の際現に法令の規定により従前の国の機関に対してされている申請、届出その他の行為は、法令に別段の定めがあるもののほか、改革関係法等の施行後は、改革関係法等の施行後の法令の相当規定に基づいて、相当の国の機関に対してされた申請、届出その他の行為とみなす。

(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 改革関係法等の施行前に法令の規定により従前の国の機関に対し報告、届出、提出その他の手続をしなければならないとされている事項で、改革関係法等の施行の日前にその手続がされていないものについては、法令に別段の定めがあるもののほか、改革関係法等の施行後は、これを、改革関係法等の施行後の法令の相当規定により相当の国の機関に対して報告、届出、提出その他の手続をしなければならないとされた事項についてその手続がされていないものとみなして、改革関係法等の施行後の法令の規定を適用する。

(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.

(罰則に関する経過措置)

(Transitional Measures Concerning Penal Provisions)

第千三百三条 改革関係法等の施行前にした行為に対する罰則の適用については、なお従前の例による。

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.

(政令への委任)

(Delegation to Cabinet Order)

第千三百四十四条 第七十一条から第七十六条まで及び第千三百一条から前条まで並びに中央省庁等改革関係法に定めるもののほか、改革関係法等の施行に関し必要な経過措置（罰則に関する経過措置を含む。）は、政令で定める。

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).

附 則 〔平成十一年十二月二十二日法律第百六十号〕 〔抄〕

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

(施行期日)

(Effective Date)

第一条 この法律（第二条及び第三条を除く。）は、平成十三年一月六日から施行する。ただし、次の各号に掲げる規定は、当該各号に定める日から施行する。

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:

一 第九百九十五条（核原料物質、核燃料物質及び原子炉の規制に関する法律の一部を改正する法律附則の改正規定に係る部分に限る。）、第千三百五条、第千三百六条、第千三百二十四条第二項、第千三百二十六条第二項及び第千三百四十四条の規定 公布の日

(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;

附 則 〔平成十四年十二月六日法律第百三十二号〕 〔抄〕

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

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から施行する。ただし、次の各号に掲げる規定は、当該各号に定める日から施行する。

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:

一 附則第三条から第七条まで、第九条及び第十一条の規定 平成十五年十月一日

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

(北方地域旧漁業権者等に対する特別措置に関する法律の一部改正に伴う経過措置)

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

第六条 前条の規定の施行前に旧北方地域旧漁業権者等法の規定によりした処分、手続その他の行為は、通則法、この法律又は新北方地域旧漁業権者等法中の相当する規定によりした処分、手続その他の行為とみなす。

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.

(罰則の適用に関する経過措置)

(Transitional Measures Concerning Application of Penal Provisions)

第七条 附則第三条及び第五条の規定の施行前にした行為並びに附則第二条第三項の規定によりなお従前の例によることとされる事項に係るこの法律の施行後にした行為に対する罰則の適用については、なお従前の例による。

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.

(政令への委任)

(Delegation to Cabinet Order)

第八条 附則第二条、第四条、第六条及び前条に定めるもののほか、協会の設立に伴い必要な経過措置その他この法律の施行に関し必要な経過措置は、政令で定める。

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.

附 則 [平成十八年十二月二十二日法律第百二十二号]

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

(施行期日)

(Effective Date)

第一条 この法律は、平成二十年四月一日から施行する。

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

(経過措置)

(Transitional Measures)

第二条 この法律による改正前の北方地域旧漁業権者等に対する特別措置に関する法律（以下「旧法」という。）第二条第二項第五号の指定をした者であつて、当該指定を受けた者がこの法律による改正後の北方地域旧漁業権者等に対する特別措置に関する法律（以下「新法」という。）第二条第二項第三号に掲げる者に該当することとなるものは、この法律の施行の日（以下「施行日」という。）以後は、当該指定については、同項第五号の指定をした者に該当しないものとみなす。

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 旧法第二条第二項第三号又は第四号に掲げる者に該当していた者が平成八年九月三十日以前に死亡した場合及び新法第二条第二項第三号に掲げる者に該当する者（旧法第二条第二項第三号又は第四号に掲げる者に該当していた者を除く。）が施行日前に死亡した場合における当該死亡した者の死亡の当時における子及び孫については、新法第二条第二項第六号の規定は、適用しない。

(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 前二項に定めるもののほか、この法律の施行に関し必要な経過措置は、政令で定める。

(3) Beyond what is specified in the preceding two paragraphs, Cabinet Order prescribes necessary transitional measures concerning the coming into effect of this Act.

附 則 〔平成三十年七月二十五日法律第七十七号〕

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

(施行期日)

(Effective Date)

第一条 この法律は、平成三十一年四月一日から施行する。

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

(経過措置)

(Transitional Measures)

第二条 この法律の施行の日（以下この条において「施行日」という。）前にしたこの法律による改正前の北方地域旧漁業権者等に対する特別措置に関する法律第二条第二項第五号の指定（以下この条において「旧法指定」という。）は、この法律による改正後の北方地域旧漁業権者等に対する特別措置に関する法律（以下この条において「新法」という。）第二条第二項第五号の指定とみなす。

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 施行日前に旧法指定をした者（この項又は次項の指定をした者を除く。）は、その者が主として配偶者等（新法第二条第二項第五号の配偶者等をいう。以下この条において同じ。）の収入によって生計を維持している場合として主務省令で定める場合に該当する場合には、その者の子又は孫のうちに同項第一号から第四号までに掲げる者がある場合を除き、施行日から起算して三年を経過する日までの間、当該配偶者等を指定することができる。この場合において、当該指定は、新法第二条第二項第五号の指定とみなす。

(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 施行日前に旧法指定をした者（前項又はこの項の指定をした者を除く。）は、その配偶者等のうちに旧法指定を受けた者（前項の指定と併せてこの項の指定をする場合にあっては、前項の指定を受ける者を含む。）以外に介護、介助その他収入以外の方法によってその者の生活の安定に主として寄与している配偶者等がいる場合には、その者の子又は孫のうちに新法第二条第二項第一号から第四号までに掲げる者がある場合を除き、施行日から起算して三年を経過する日までの間、当該寄与している配偶者等であって主務省令で定めるものを指定することができる。この場合において、当該指定は、新法第二条第二項第六号の指定とみなす。

(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 新法第二条第二項第七号及び第八号の規定は、同項第三号又は第四号に掲げる者が施行日以後に死亡した場合について適用し、当該者が同日前に死亡した場合については、なお従前の例による。

(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.