

Fishing Boat Act (Tentative translation)

(Act No. 178 of May 13, 1950)

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Chapter I General Provisions

(Purpose of This Act)

Article 1 The purpose of this Act is to establish and regulate a system for the registration, inspection and building of Fishing Boats, while conducting examinations on Fishing Boats for the purpose of improving performance, which will enable contribution to the improvement in productivity for fisheries..

(Definitions)

Article 2 (1) The term "Fishing Boat" as used in this Act means a Japanese boat that falls under any of the following items:

- (i) a boat mainly engaged in fishing
- (ii) a boat engaged in fishing and having equipment which can preserve or process its catch;
- (iii) a boat mainly transporting its catch or its products from a fishing ground; or
- (iv) a boat mainly engaged in the examination, investigation, guidance or training concerning a fishery or a boat engaged in law enforcement and having fishing equipment.

(2) The term "Powered Fishing Boat" as used in this Act means a Fishing Boat equipped with a propulsion engine.

(3) The term "Remodeling" as used in this Act means to change the length, breadth, or depth of a boat, to install a propulsion engine or change the type or output thereof; adding a change to the structure or equipment of a boat for changing the

usage of the boat or type of fishing it will be engaging in.

Chapter II Adjustment of the Building of Fishing Boat s

(Maximum Limit of the Total Gross Tonnage of Powered Fishing Boats, etc.)

Article 3 (1) When the Minister of Agriculture, Forestry and Fisheries finds it necessary to make adjustments, or remodel Fishing Boats for fishing or otherwise in the public's interest, said Minister is to set a maximum limit for the number or total gross tonnage of Powered Fishing Boats or the standards for performance of Powered Fishing Boats that are engaged in fishing (including the business of transporting the catch or its product from a fishing ground; the same applies in Article 5, item (i)) by prefecture of the base of Powered Fishing Boats or by type of Powered Fishing Boats.

(2) The maximum limit for the number or total gross tonnage for Powered Fishing Boats set in the preceding paragraph ceases to be effective when one year has elapsed from the day on which it was set; provided, however, that this is not to preclude the Minister of Agriculture, Forestry and Fisheries from setting a further maximum limit pursuant to said paragraph.

(3) In the case referred to in paragraph (1), the Minister of Agriculture, Forestry and Fisheries has the option of listening to the opinions of the Fisheries Policy Council in regards to the maximum limit or standards.

(4) When the Minister of Agriculture, Forestry and Fisheries sets or changes the maximum limit of the total gross tonnage of Powered Fishing Boats or the standards for performance of Fishing Boats set forth in paragraph (1), said Minister must give public notice thereof.

(Permission for the Building, Remodeling, or Conversion)

Article 4 (1) A person who intends to build a Powered Fishing Boat (excluding one with a length of less than 10 meters; hereinafter the same applies in this Chapter) or remodel a boat into a Powered Fishing Boat by placing an order with a boat manufacturer or any other person must, if the Powered Fishing Boat falls under item (i) or (iii), obtain permission from the Minister of Agriculture, Forestry and Fisheries, and if the Powered Fishing Boat falls under item (ii) or (iv), obtain permission from the prefectural governor having jurisdiction over the main base of the boat (in the case of Remodeling, the main base of the boat after the Remodeling). The same applies to a person who intends to convert a boat which is not a Powered Fishing Boat into a Powered Fishing Boat without Remodeling:

(i) a Powered Fishing Boat engaged in a fishery permitted by the minister prescribed in Article 37 of the Fishery Act (Act No. 267 of 1949) or a fishery requiring a permission or any other disposition of the Minister of Agriculture,

Forestry and Fisheries pursuant to the provisions of Order of the Ministry of Agriculture, Forestry and Fisheries under Article 119, paragraph (1) or (2) of the said Act or Article 4, paragraph (1) of the Act on the Protection of Marine Resources (Act No. 313 of 1951);

- (ii) a Powered Fishing Boat engaged in a fishery permitted by the prefectural governor prescribed in Article 58 of the Fishery Act or a fishery requiring permission or any other disposition of the prefectural governor pursuant to the provisions of Rules under Article 119, paragraph (1) or (2) of the said Act or Article 4, paragraph (1) of the Act on the Protection of Marine Resources (excluding those set forth in the preceding item);
 - (iii) a Powered Fishing Boat other than those set forth in the preceding two items, with a gross tonnage of 20 tons or more; or
 - (iv) a Powered Fishing Boat other than those set forth in the preceding three items.
- (2) In addition to the case referred to in the preceding paragraph, said paragraph also applies to a person who intends to build a Powered Fishing Boat or remodel a boat into a Powered Fishing Boat.
- (3) A person who intends to obtain the permission referred to in the preceding two paragraphs must submit a written application stating the following details to the Minister of Agriculture, Forestry and Fisheries or the prefectural governor:
- (i) the name and address of the applicant;
 - (ii) the name of the boat (in the case of Remodeling or conversion, the name of the boat before the Remodeling or conversion and after the Remodeling or conversion);
 - (iii) the type of fishing or usage, the fishing area, and the main base (in the case of Remodeling, the type of fishery or usage, the fishing area, and the main base port before the Remodeling and those after the Remodeling);
 - (iv) the planned gross tonnage (in the case of Remodeling, the gross tonnage before the Remodeling and the planned gross tonnage after Remodeling, and in the case of conversion, the gross tonnage);
 - (v) the length, breadth, and depth of the boat (in the case of Remodeling, the length, breadth, and depth before the Remodeling and those after the Remodeling);
 - (vi) the hull material;
 - (vii) the name and location of the shipyard where the building or the remodeling of the boat is to occur;
 - (viii) the type, output, number of cylinders, and cylinder diameter of the propulsion engine (in the case of Remodeling, the type, horsepower, number of cylinders, and cylinder diameter of the propulsion engine before the Remodeling, and those after Remodeling);
 - (ix) the name and location of the factory manufacturing the propulsion engine;

- (x) the tentative dates of the keel laying, launching, commencement and completion of the Remodeling work, or the conversion;
 - (xi) the outline of the cost required for building, Remodeling, or conversion and its procurement method; and
 - (xii) necessary information regarding the building, Remodeling or conversion which is to be done.
- (4) The Minister of Agriculture, Forestry and Fisheries or the prefectural governor may require the person applying for permission set forth in paragraph (1) or (2) to submit drawings, specific documents, or other documents necessary to obtain the permission set forth in paragraph (1) or (2).
- (5) When the written application set forth in paragraph (3) is submitted, the Minister of Agriculture, Forestry and Fisheries or the prefectural governor must give notice of whether permission was granted or not to the person making the application within two months after receiving the written application, excluding the period during which an inquiry was made in relation to the permission set forth in paragraph (1) or (2).
- (6) If a person has obtained permission set forth in paragraph (1) or (2) intends to change any of the items set forth in paragraph (3), items (iii) through (viii) in relation to the building, Remodeling, or conversion related to said permission, said person must obtain, a permission for said change from the administrative authority which had given said permission.
- (7) In the case referred to in the preceding paragraph, if the administrative authority which allows for the permission set forth in paragraph (1) or (2) in relation to said building, Remodeling or conversion is altered due to said change, that person must obtain a new permission under paragraph (1) or (2) notwithstanding the provisions of the preceding paragraph.
- (8) In the case referred to in the preceding paragraph, the provisions of paragraphs (4) and (5) applies mutatis mutandis.
- (9) A person who has obtained permission set forth in paragraph (1) or (2) must, if there are any changes to any of the matters set forth in paragraph (3), items (i) and (ii), and items (ix) through (xi) in regards to the building, Remodeling, or conversion related to said permission, make a report to that effect to the administrative authority which had given said permission, without delay.

(Standards for Permission)

- Article 5 The Minister of Agriculture, Forestry and Fisheries or the prefectural governor must give permission set forth in paragraph (1), (2), or (6) of the preceding Article, except where the case falls under any of the following items:
- (i) if a maximum limit for the number or total gross tonnage of Powered Fishing Boats under Article 3, paragraph (1) has been set, and as a result of giving permission set forth in paragraph (1) or (2) of the preceding Article related to

- the application, the number or total gross tonnage of the Powered Fishing Boats engaged in the fishing industry exceeds the maximum limit;
- (ii) if the performance standards under Article 3, paragraph (1) have been set, and the performance of the Powered Fishing Boat related to the application does not comply with said standards; or
 - (iii) when the fishing in which the Powered Fishing Boat related to the application engages, falls under the category of fishery set forth in paragraph (1), item (i) or (ii) of the preceding Article, and it is found that an approval of business commencement has not been obtained for said fishery or that there is no likelihood that a permission or any other disposition required for said fishery is to be obtained.

(Lapse of Permission)

Article 6 (1) In the case that falls under any of the following items, the permission set forth in Article 4, paragraph (1) or (2) ceases to be effective:

- (i) when the permission related to building a boat is granted, but the boat is not completed within one year from the date the permission was given;
 - (ii) when the permission for Remodeling the boat is granted, but the Remodeling work is not completed within six months from when the date the permission was given;
 - (iii) when the permission related to converting the boat is granted, but the conversion is not started within two months from the date of the permission;
 - (iv) when, in the case of an event referred to in Article 4, paragraph (7), a permission under paragraph (1) or (2) of said Article is newly given; or
 - (v) when the fishery in which the Powered Fishing Boat related to the permission engages falls under the fishery set forth in Article 4, paragraph (1), item (i) or (ii), and the approval of business commencement for said fishery has lapsed or has been rescinded, or a permission or any other disposition for said fishery has been rescinded.
- (2) When the Minister of Agriculture, Forestry and Fisheries or the prefectural governor finds that there are unavoidable reasons thereof, said Minister or governor may extend the period set forth in items (i) through (iii) of the preceding paragraph upon application by the person who obtained the permission set forth in Article 4, paragraph (1) or (2).

(Rescission of Permission)

Article 7 (1) When the person who obtained the permission set forth in Article 4, paragraph (1) or (2) violates the provisions of paragraph (6) of said Article, the Minister of Agriculture, Forestry and Fisheries or the prefectural governor may rescind said permission.

- (2) The proceedings for the date of the hearing related to rescission of permission

under the preceding paragraph must be open to the public.

(Certification after Completion of Work)

Article 8 The person who obtains permission for building or Remodeling pursuant to Article 4 must, when the Powered Fishing Boat related to said permission or Remodeling work is completed, obtain certification from the Minister of Agriculture, Forestry and Fisheries or the prefectural governor in relation to whether the Fishing Boat satisfies the requirements for the permission and standards for performance set forth in paragraph (3), items (iii) through (viii) of said Article, as provided for by Order of the Ministry of Agriculture, Forestry and Fisheries or prefectural ordinance; provided, however, this does not apply to Powered Fishing Boats with a planned gross tonnage of less than 5 tons.

(Designated Certifying Agency)

Article 9 (1) The Minister of Agriculture, Forestry and Fisheries or the prefectural governor may delegate a person (hereinafter referred to as a "Designated Certifying Agency") to perform all or part of the authorization under the preceding Article (hereinafter referred to as "Certification").

(2) When the Minister of Agriculture, Forestry and Fisheries or the prefectural governor decides to delegate all or part of the process of Certification to a Designated Certifying Agency pursuant to the preceding paragraph, said agency is not to partake in all or part of the operations of Certification.

Chapter III Registration of Fishing Boats

(Registration of Fishing Boat)

Article 10 (1) A Fishing Boat (excluding a Powered Fishing Boat with a gross tonnage of less than 1 ton) may not be used as a Fishing Boat unless its owner has it registered in the fishing boat registry kept by the prefectural governor having jurisdiction over the main base of the Fishing Boat.

(2) The person who intends to register a Fishing Boat under the preceding paragraph must submit a written application stating the following information to the prefectural governor:

- (i) the name and address of the applicant;
- (ii) the name of the boat;
- (iii) the gross tonnage;
- (iv) the length, breadth, and depth of the boat;
- (v) the hull material;
- (vi) the launch date;
- (vii) the name and location of the shipyard;
- (viii) the type and output of the propulsion engine;

- (ix) the type of radio wave and antenna power;
 - (x) the name and address of the user of the Fishing Boat;
 - (xi) the main base;
 - (xii) the type of fishery or usage; and
 - (xiii) the cause for registration, such as the building or acquisition of a Fishing Boat.
- (3) The prefectural governor may require the applicant set forth in the preceding paragraph to submit a document proving that the permission was granted set forth in Article 4, paragraph (1) or (2) (including the permission for change set forth in paragraph (6) of said Article) and other necessary documents concerning registration.

(Standards for Registration)

Article 11 (1) The prefectural governor must perform the registration set forth in paragraph (1) of the preceding Article, except where the case falls under any of the following items:

- (i) when the Fishing Boat to which the application is being made needs to obtain permission pursuant to Article 4, paragraph (1), (2), or (6), but the permission has not been obtained, or the Fishing Boat violates the requirements for obtaining the permission;
- (ii) when the fishery in which the Fishing Boat related to the application falls under the category of fishery as set forth in Article 5, item (iii), but the approval of business commencement, a permission, or any other disposition for said fishery has not been obtained;
- (iii) if the Fishing Boat related to the application is a Powered Fishing Boat that requires Certification pursuant to Article 8, but the Certification has not been obtained;
- (iv) if the Fishing Boat related to the application is one for which its registration was rescinded pursuant to Article 19, item (iii); or
- (v) if any facts related to the application is false.

(Delivery of Registration Card)

Article 12 (1) When the prefectural governor performs the registration set forth in Article 10, paragraph (1), said governor must deliver a registration card to the applicant.

- (2) When the person who receives the issued registration card pursuant in the preceding paragraph cannot operate the Fishing Boat, that person must give the registration card to the person who is to operate the Fishing Boat without delay.
- (3) When the owner of a registered Fishing Boat who has lost or damaged a registration card files an application to reissue another one, the reason must be, indicated. The prefectural governor must then deliver the registration card to the

applicant.

(Validation of Registration Card)

Article 13 A person who receives the delivered registration card pursuant to paragraph (1) of the preceding Article or Article 17, paragraph (3) must, when five years have passed from the date of the delivery, receive a validation from the prefectural governor in regards to the registered Fishing Boat and the registration card, as provided for by Order of the Ministry of Agriculture, Forestry and Fisheries. The same applies when five years have passed from the date of validation.

(Designated Validating Agency)

Article 14 (1) The prefectural governor may delegate a person (hereinafter referred to as a "Designated Validating Agency") to perform all or part of the validation under the preceding Article (hereinafter referred to as "Validation").
(2) When the prefectural governor decides to delegate all or part of the operations of Validation to a Designated Validating Agency pursuant to the preceding paragraph, said governor is not to perform all or part of the operations of the Validation.

(Keeping of Registration Card)

Article 15 When the user of a Fishing Boat navigates or operates a Fishing Boat, said person must keep the registration card set forth in Article 12 on board the Fishing Boat; provided, however, this does not apply when there are justifiable grounds not to do so as specified by Order of the Ministry of Agriculture, Forestry and Fisheries.

(Indication of Registration Number)

Article 16 When the user of a Fishing Boat receives delivery of the registration card pursuant to Article 12, paragraph (1), said person must indicate the registration number stated in the registration card on the Fishing Boat without delay, except in the case referred to in paragraph (2) of said Article. The same applies to the user of a Fishing Boat who receives a registration card pursuant to said paragraph.

(Change in Registration)

Article 17 (1) The owner of a Fishing Boat registered under Article 10, paragraph (1) must file an application for registration of the change with the prefectural governor who performed the registration if there is a change to any of the matters set forth in paragraph (2), items (i) through (iv) and items (viii) through (xii) of said Article in relation to the Fishing Boat, while indicating the reason therefor,

within two weeks from the date on which the change occurred (in the case referred to in paragraph (2), the date of receiving the notice set forth in said paragraph).

- (2) If the owner of a Fishing Boat registered under Article 10, paragraph (1) is not the user of the Fishing Boat, and there is a change to any of the details set forth in paragraph (2), items (viii) through (xii) of said Article in relation to the Fishing Boat, the user must give notice to that effect to the owner without delay.
- (3) When the application set forth in paragraph (1) is filed, the prefectural governor must register the change in the fishing boat registry and deliver a renewed registration card, except in the cases referred to in the items of Article 11.

(Invalidation of Registration)

Article 18 (1) In the following cases, the registration of a Fishing Boat ceases to be valid:

- (i) when the registered Fishing Boat is no longer a Fishing Boat;
 - (ii) if the registered Fishing Boat has been lost, sunk, or scrapped;
 - (iii) if the whereabouts of the registered Fishing Boat is unknown for three months;
 - (iv) when the ownership of the registered Fishing Boat is transferred;
 - (v) when the main base of the registered Fishing Boat is changed to a port outside the jurisdiction of the prefecture under which the prefectural governor had performed the registration; or
 - (vi) when the owner of the registered Fishing Boat dies, and the business is dissolved or split up (limited to a case involving the succession of the Fishing Boat).
- (2) In the case referred to in item (vi) of the preceding paragraph, if the heir, the corporation established by or surviving the merger, or the corporation succeeding to the registered Fishing Boat as a result of the split, files an application for registration pursuant to Article 10 within one month from the date of death, dissolution, or split, until a disposition on the registration is made in response thereto, the registration performed for the decedent, the corporation dissolved by the merger, or the split corporation and the registration card delivered to such person is to remain effective, and said registration and the registration card is to be deemed to have been processed or delivered to the applicant thereof.

(Rescission of Registration)

Article 19 When a Fishing Boat registered under Article 10, paragraph (1) falls under any of the following items, the prefectural governor may rescind the registration. In this case, the provisions of Article 7, paragraph (2) is to apply *mutatis mutandis*:

- (i) when the Fishing Boat is Remodeled in violation of Article 4;

- (ii) when the Fishing Boat fails to receive validation in violation of Article 13; or
- (iii) when the Fishing Boat is found to be incapable of being used as a Fishing Boat due to age, condition, etc..

(Return of Registration Card and Removal of Registration Number)

Article 20 (1) In the following cases, the owner of a Fishing Boat must return the registration card to the prefectural governor who performed the registration without delay; however, the registration card need not be returned if there are justifiable grounds for not being able to return the registration card and the owner makes a notification to that effect to the prefectural governor, while indicating the reason thereof:

- (i) when the registration ceases to be valid pursuant to Article 18; or
 - (ii) when the registration is rescinded pursuant to the preceding Article.
- (2) In the cases referred to in the items of the preceding paragraph, if the owner of the Fishing Boat is no longer the user of the Fishing Boat, the user must return the registration card to the owner without delay.
- (3) In the cases referred to in the items of paragraph (1), the owner of the Fishing Boat (if the owner of the Fishing Boat is not the user thereof, the user) must remove the registration number indicated on the Fishing Boat pursuant to Article 16 without delay.

(Delivery of Certified Copy of Registration)

Article 21 Any person may request the prefectural governor to deliver a certified copy of the registration of a Fishing Boat.

(Exemption from Application of the Ship Act)

Article 22 In relation to Fishing Boats, orders issued under Article 21 of the Ship Act (Act No. 46 of 1899) (excluding the portions concerning the gross tonnage measure of the boat and the marking of the name of the boat) does not apply.

(Submission of Duplicate Copy of Fishing Boat Registry, etc.)

Article 23 The Minister of Agriculture, Forestry and Fisheries may have the prefectural governor submit a duplicate copy of the fishing boat registry and request said governor to provide statistics concerning registration or other necessary reports concerning registration.

(Delegation to Order of the Ministry of Agriculture, Forestry and Fisheries)

Article 24 In addition to what is provided for in this Act, necessary matters concerning the registration of Fishing Boats are to be prescribed by Order of the Ministry of Agriculture, Forestry and Fisheries.

Chapter IV Inspections concerning Fishing Boats

(Requested Inspections)

Article 25 (1) When the Minister of Agriculture, Forestry and Fisheries receives a request for an inspection on the following items concerning a Fishing Boat from the owner of the Fishing Boat (including a person who receives the permission set forth in Article 4, paragraph (1) or (2)), said Minister performs the inspection at the time specified by Order of the Ministry of Agriculture, Forestry and Fisheries during the design and work period and the time of completion of the Fishing Boat or completion of the Remodeling work:

- (i) the hull;
 - (ii) the engine;
 - (iii) fishing equipment;
 - (iv) equipment for preserving or processing the catch.
 - (v) electrical equipment; and
 - (vi) navigational instruments and equipment.
- (2) In the case specified by Order of the Ministry of Agriculture, Forestry and Fisheries, the inspection during the design and work period may be omitted, notwithstanding the provisions of the preceding paragraph.
- (3) In the inspection referred to in paragraph (1), the compliance or non-compliance of the design, materials, work, and performance with the technical standards specified by Order of the Ministry of Agriculture, Forestry and Fisheries is inspected.
- (4) The Minister of Agriculture, Forestry and Fisheries may listen to the opinions of the Fisheries Policy Council when setting the technical standards set forth in the preceding paragraph.

(Inspection Results)

Article 26 As a result of the inspection at the time of the completion of the Fishing Boat or completion of the Remodeling work set forth in paragraph (1) or the inspection of all the issues set forth in paragraph (1) of said Article, if the Minister of Agriculture, Forestry and Fisheries finds that that the Fishing Boat complies with the technical standards set forth in paragraph (3) of said Article, said Minister must deliver to the applicant an inspection certificate proving that the Fishing Boat passed the inspection, however if it is found that the Fishing Boat fails to comply with the technical standards, said Minister must deliver to the applicant a written report of the inspection results stating the issues that need to be fixed.

Chapter V Examinations concerning Fishing Boats

(Design and Examination Requests)

Article 27 Any person may request the Minister of Agriculture, Forestry and Fisheries to draw up a design or perform an examination concerning a Fishing Boat, the engine, machines, or any equipment for a Fishing Boat (hereinafter referred to as a "Fishing Boat, etc." in this Chapter).

(Model Design)

Article 28 In order to contribute to the improvement and development of Fishing Boats, the Minister of Agriculture, Forestry and Fisheries is to set and publish model designs regarding Fishing Boats, etc.

Chapter VI Designated Certifying Agencies and Designated Validating Agencies

Section 1 Designated Certifying Agencies

(Designation of a Designated Certifying Agency)

Article 29 The designation set forth in Article 9, paragraph (1) is to be made upon application by a person who intends to conduct the Certification, as provided for by the Order of the Ministry of Agriculture, Forestry and Fisheries.

(Disqualification Clause)

Article 30 A person who falls under any of the following items may not receive the designation set forth in Article 9, paragraph (1):

- (i) a person who was punished and sentenced for violating this Act or any order issued under this Act, and for whom two years have not yet passed since said person served the sentence or no longer is subjected to serving the sentence;
- (ii) a person whose designation was rescinded pursuant to Article 44, paragraph (1), and for whom two years have yet to pass since the date of rescission; or
- (iii) a corporation where any officials pursuing its business falls under either of the preceding two items.

(Standards for Designation)

Article 31 Unless the Minister of Agriculture, Forestry and Fisheries or the prefectural governor finds that an application for the designation set forth in Article 9, paragraph (1) complies with all of the following items, an appointment must not be made:

- (i) the Certification is to be carried out by persons having knowledge and experience that comply with the conditions specified by Order of the Ministry of Agriculture, Forestry and Fisheries, and the number of those persons is the same or larger than the number specified by Order of the Ministry of Agriculture, Forestry and Fisheries;

- (ii) in the case of a corporation, the composition of its officers or the members specified by Order of the Ministry of Agriculture, Forestry and Fisheries according to the type of corporation is unlikely to impede the just operational procedures for the Certification;
- (iii) in addition to what is provided for in the preceding item, the application complies with the standards specified by Order of the Ministry of Agriculture, Forestry and Fisheries for ensuring that the process of Certification is not to be unjust;
- (iv) the applicant has the financial assets required for the proper and smooth process for the Certification; and
- (v) the designation is not to impede the proper and smooth operating procedures of the Certification process related to the application.

(Public Notice of Designation, etc.)

Article 32 When the Minister of Agriculture, Forestry and Fisheries or the prefectural governor makes the designation set forth in Article 9, paragraph (1), said Minister or governor must give public notice of the name and address of the Designated Certifying Agency and the location of the office that processes the Certification.

- (2) When a Designated Certifying Agency intends to change its name, address or the location of the office that handles the process of Certification, it must make a notification to that effect to the Minister of Agriculture, Forestry and Fisheries or the prefectural governor within two weeks, prior to the date on which the change is to be made.
- (3) When a notification under the preceding paragraph is made, the Minister of Agriculture, Forestry and Fisheries or the prefectural governor must give public notice to that effect.

(Renewal of Designation)

Article 33 (1) The designation set forth in Article 9, paragraph (1) ceases to be effective with the passage of a period of five years or more but no more than ten years as specified by Cabinet Order, unless it is renewed by the end of every such period.

- (2) The provisions of Articles 29 through 31 must apply mutatis mutandis to the renewal of the designation set forth in the preceding paragraph.

(Method of Certification)

Article 34 When a Designated Certifying Agency processes a Certification, it must have the person prescribed in Article 31, item (i) carry out the Certification.

(Obligation of Certification)

Article 35 When a Designated Certifying Agency is requested to authorize a Certification, it must process the Certification without delay, unless there are justifiable grounds not to do so.

(Reporting)

Article 36 When a Designated Certifying Agency issues a Certification, it must make a report to the Minister of Agriculture, Forestry and Fisheries or the prefectural governor, as provided by Order of the Ministry of Agriculture, Forestry and Fisheries.

(operational rules)

Article 37 (1) A Designated Certifying Agency must set rules on the process of Certification (hereinafter referred to as the "Operational Rules") and obtain the approval of the Minister of Agriculture, Forestry and Fisheries or the prefectural governor. The same applies when making changes to the Operational Rules.

(2) The matters to be provided for in the Operational Rules are to be specified by Order of the Minister of Agriculture, Forestry and Fisheries.

(3) When the Minister of Agriculture, Forestry and Fisheries finds that the Operational Rules which said Minister has approved under paragraph (1) becomes inappropriate for the fair process for a Certification, said Minister may order the Designated Certifying Agency to make changes to the Operational Rules.

(Bookkeeping)

Article 38 A Designated Certifying Agency must, pursuant to the provisions of Order of the Ministry of Agriculture, Forestry and Fisheries, prepare the books, enter the matters specified by Order of the Ministry of Agriculture, Forestry and Fisheries in relation to Certification therein, and archive such books.

(Inquiries)

Article 39 A Designated Certifying Agency may make inquiries to the Minister of Agriculture, Forestry and Fisheries or the prefectural governor regarding necessary details for the proper regulation in processing the Certification. In this case, the Minister of Agriculture, Forestry and Fisheries or the prefectural governor is to give notice of details on which inquiries have been made and take in any other necessary measures

(Suspension or Discontinuance of Operations)

Article 40 (1) When a Designated Certifying Agency intends to suspend or discontinue all or part of the operations of Certification, it must make a notification to that effect to the Minister of Agriculture, Forestry and Fisheries or

the prefectural governor in advance, as provided for by Order of the Ministry of Agriculture, Forestry and Fisheries.

- (2) When a notification under the preceding paragraph is made, the Minister of Agriculture, Forestry and Fisheries or the prefectural governor must give public notice to that effect.

(Dismissal Order)

Article 41 When the person prescribed in Article 31, item (i) violates this Act, an order issued under this Act or the Operational Rules, the Minister of Agriculture, Forestry and Fisheries or the prefectural governor may order the Designated Certifying Agency to dismiss the person prescribed in said item.

(Duty of Confidentiality, etc.)

Article 42 An officer or employee of a Designated Certifying Agency or a person who held such a position formerly must not divulge any confidential information that said person obtains in relation to the process of Certification.

- (2) An officer or employee of a Designated Certifying Agency who is engaged in the operations of Certification is to be deemed to be an official engaged in public service pursuant to laws and regulations, in relation to the application of the Penal Code (Act No. 45 of 1907) and any other penal provisions.

(Compliance Order)

Article 43 When the Minister of Agriculture, Forestry and Fisheries or the prefectural governor finds that a Designated Certifying Agency no longer complies with the provisions of Article 31, items (i) through (iv), said person may order the Designated Certifying Agency to take the necessary measures in complying with these provisions.

(Rescission of Designation, etc.)

Article 44 (1) When a Designated Certifying Agency falls under any of the following items, the Minister of Agriculture, Forestry and Fisheries or the prefectural governor may rescind the designation thereof or order the suspension of all or part of the operations of Certification for a specified period of time:

- (i) if the Designated Certifying Agency violates any of the provisions of this Section;
- (ii) when the Designated Certifying Agency falls under Article 30, item (i) or (iii);
- (iii) when the Designated Certifying Agency processed a Certification without complying with the Operational Rules approved under Article 37, paragraph (1);
- (iv) when the Designated Certifying Agency violates an order under Article 37, paragraph (3), Article 41, or the preceding Article; or

- (v) when the Designated Certifying Agency receives the designation set forth in Article 9, paragraph (1) through wrongful means.
- (2) When the Minister of Agriculture, Forestry and Fisheries or the prefectural governor rescinds the designation or orders the suspension of all or part of operations of Certification pursuant to the preceding paragraph, said Minister must give public notice to that effect.

(Performance of Operations of Certification by the Minister of Agriculture, Forestry and Fisheries or the Prefectural Governor)

- Article 45 (1) When the Minister of Agriculture, Forestry and Fisheries or the prefectural governor receives a notification of suspension of all or part of the process of Certification under Article 40, paragraph (1) from a Designated Certifying Agency, when said Minister or governor orders a Designated Certifying Agency to suspend all or part of the process of Certification pursuant to paragraph (1) of the preceding Article, or when it becomes difficult for a Designated Certifying Agency to carry out all or part of the authorization of a Certification due to a natural disaster or on any other grounds and said Minister or governor finds it to be necessary, all or part of the process of Certification is to be processed by said Minister or governor.
- (2) When the Minister of Agriculture, Forestry and Fisheries or the prefectural governor decides to authorize the process of Certification pursuant to the preceding paragraph or decides to discontinue the process of authorization for Certification; said Minister or governor pursuant to said paragraph, must give public notice to that effect in advance.
- (3) The succession of the process of Certification and any other necessary details, if the Minister of Agriculture, Forestry and Fisheries or the prefectural governor performs all or part of the operations of Certification pursuant to paragraph (1), if a Designated Certifying Agency makes a notification of discontinuance of all or part of the operations of Certification pursuant to Article 40, paragraph (1), or if the designation of a Designated Certifying Agency is rescinded pursuant to paragraph (1) of the preceding Article is to be specified by Order of the Ministry of Agriculture, Forestry and Fisheries.

Section 2 Designated Validating Agency

(Designation of a Designated Validating Agency)

- Article 46 The designation set forth in Article 14, paragraph (1) is to be made upon application from a person who intends to perform the operations of Validation, as provided for by Order of the Ministry of Agriculture, Forestry and Fisheries.

(Application Mutatis Mutandis)

Article 47 The provisions of Articles 30 through 38 and Articles 40 through 45 apply mutatis mutandis to Designated Validating Agencies. In this case, the term "Article 9, paragraph (1)" in Articles 30 and 31, Article 32, paragraph (1), Article 33, paragraph (1), and Article 44, paragraph (1), item (v) is deemed to be replaced with "Article 14, paragraph (1)," the phrase "the Minister of Agriculture, Forestry and Fisheries or the prefectural governor" in Articles 31, 32, and 36, Article 37, paragraphs (1) and (3), Articles 40 and 41, and Articles 43 through 45, be deemed to be "the prefectural governor," and the term "Certification" in the items of Article 31, Article 32, paragraphs (1) and (2), Articles 34 through 36, Article 37, paragraphs (1) and (3), Article 38, Article 40, paragraph (1), and Articles 42, 44, and 45, be deemed to be replaced with "Validation."

Chapter VII Miscellaneous Provisions

(Request for Administrative Review)

- Article 48 (1) A determination on a request for administrative review in relation to a disposition or inaction pursuant to the provisions of this Act or an order based on this Act must be made after a review officer prescribed in Article 11, paragraph (2) of the Administrative Complaint Review Act (Act No. 68 of 2014) has heard opinions in public from the requestor for review, except when the request for review is dismissed pursuant to Article 24 of the said Act. In this case, upon hearing opinions, the requestor for review may state opinions and submit evidence concerning the case.
- (2) The provisions of Article 31 of the Administrative Complaint Review Act do not apply to the request for an administrative review prescribed in the preceding paragraph, and the provisions of paragraphs (2) through (5) of the same Article apply mutatis mutandis to the hearing of opinions under the same paragraph.
- (3) No request for administrative review may be filed against a disposition or inaction concerning the certification after completion of the work under Article 8.
- (4) A person who is dissatisfied with a disposition made by a Designated Certifying Agency or a Designated Validating Agency pursuant to this Act or their inaction may request the Minister of Agriculture, Forestry and Fisheries or the prefectural governor who has designated said Designated Certifying Agency or Designated Validating Agency for administrative review. In this case, about the application of the provisions of Article 25, paragraphs (2) and (3), Article 46, paragraphs (1) and (2), Article 47, and Article 49, paragraph (3) of the Administrative Complaint Review Act, the Minister of Agriculture, Forestry and Fisheries or the prefectural governor is deemed to be the higher administrative authority of the Designated Certifying Agency or the Designated Validating Agency.

(Collection of Reports)

- Article 49 (1) The Minister of Agriculture, Forestry and Fisheries or the prefectural governor may have a Designated Certifying Agency report on the status of its operations or accounting, to the extent necessary for the enforcement of this Act.
- (2) The prefectural governor may have a Designated Validating Agency report on the status of its operations or accounting, to the extent necessary for the enforcement of this Act.

(On-Site Inspections)

- Article 50 The Minister of Agriculture, Forestry and Fisheries or the prefectural governor may have an official enter an office of the owner or manager of a Fishing Boat, where the constructing or remodeling work on a Fishing Boat is carried out, where an engine for a Fishing Boat, a machine for a Fishing Boat, or any other equipment for a Fishing Boat is manufactured, or a Fishing Boat (including a boat currently being built or Remodeled related to the permission set forth in Article 4, paragraph (1) or (2) or a boat prior to the Remodeling or conversion related to an application for said permission; hereinafter the same is to apply in this Article), and have an official inspect a Fishing Boat, the engine for a Fishing Boat, a machine for a Fishing Boat, any other equipment used for a Fishing Boat, a registration card or any other documents (in the case if an electromagnetic record (a record made in an electronic form, a magnetic form, or any other form not recognizable by human perceptions, used in information processing by computers) has been prepared or kept in lieu of the preparation or keeping thereof, this includes said electromagnetic record), to the necessary measures for the enforcement of this Act.
- (2) The Minister of Agriculture, Forestry and Fisheries or the prefectural governor may have an official enter an office of a Designated Certifying Agency and have such officials inspect the status of operations or books, documents, or any other articles, to the necessary measures for the enforcement of this Act.
- (3) The prefectural governor may have his/her official enter an office of a Designated Validating Agency and have such official inspect the status of operations or books, documents, or any other articles, to the necessary measures for the enforcement of this Act.
- (4) An official who conducts an on-site inspection pursuant to the preceding three paragraphs are to carry an identification card, and present it when requested to do so by the persons concerned.
- (5) The on-site inspection set forth in paragraphs (1) through (3) must not be misconstrued to be a search based on a criminal investigation.

(Collection of Reports by the Fisheries Policy Council)

- Article 51 When the Fisheries Policy Council finds it to be necessary for processing the details placed under its authority pursuant to Article 3, paragraph (3), it may

request fishery managers, fishery employees, and any other persons concerned to attend or provide necessary reports, or have a member or a person engaged in its affairs carry out the necessary investigations of a fishing ground, Fishing Boat, workplace, or an office.

(Fees)

Article 52 (1) A person who intends to receive an inspection pursuant to Article 25, paragraph (1) must pay a handling fee in the amount specified by Order of the Ministry of Agriculture, Forestry and Fisheries based on the fraction of the cost of the inspection fee.

(2) When a prefectural government collects fees related to Certification or Validation under Article 227 of the Local Autonomy Act (Act No. 67 of 1947), there is a possibility that the person who intends to receive the Certification performed by a Designated Certifying Agency pursuant to Article 9, paragraph (1) or Validation performed by a Designated Validating Agency pursuant to Article 14, paragraph (1) pay the fee to said Designated Certifying Agency or said Designated Validating Agency and treat said fee as an income of the agency, as provided for by Prefectural Ordinance.

Chapter VIII Penal Provisions

Article 53 A person who falls under either of the following items is to be punished by imprisonment with required work for not more than one year or a fine of not more than 1 million yen:

- (i) a person who violates the provisions of Article 4, paragraph (1), (2), or (6) or Article 10, paragraph (1); or
- (ii) a person who divulges a confidential information learned in relation to the working operations in violation of the provisions of Article 42, paragraph (1) (including cases where applied mutatis mutandis pursuant to Article 47).

Article 54 In the case of a violation of an order for the suspension of operations under Article 44, paragraph (1) (including the cases where applied mutatis mutandis pursuant to Article 47), the officer(s) or employee(s) in charge at the Designated Certifying Agency or the Designated Validating Agency where said violation has been committed is to be punished by imprisonment with work for not more than one year or a fine of not more than 1 million yen.

Article 55 A person who falls under either of the following items is to be punished by a fine of not more than 300,000 yen:

- (i) a person who violates the provisions of Article 15 or 16, Article 17, paragraph (1) or (2), or Article 20; or
- (ii) a person who refuses, obstructs, or evades an entry of an inspection made by a relevant official under Article 50, paragraph (1).

Article 56 In the case of the violation set forth in any of the following items, the officer(s) or employee(s) concerned with the Designated Certifying Agency or the Designated Validating Agency where said violation has been committed are to be punished with a fine of not more than 300,000 yen:

- (i) if, in violation of the provisions of Article 38 (including the cases where applied mutatis mutandis pursuant to Article 47; hereinafter the same applies in this item), the agency fails to enter the matters prescribed in Article 38, enters false details, or fails to store their accounting books;
- (ii) if the agency fails to make a notification under Article 40, paragraph (1) (including the cases where applied mutatis mutandis pursuant to Article 47), or makes a false report;
- (iii) if the agency fails to provide a report under Article 49 or provides a false information; or
- (iv) if the agency refuses, obstructs, or evades an entry of an inspection by a relevant official under Article 50, paragraph (2) or (3).

Article 57 When a representative of a corporation or an agent, an employee or any other worker of a corporation or individual commits a violation set forth in Article 53, item (i) or Article 55 in relation to the business of said corporation or individual, not only the offender but also the corporation or individual is to be punished by the fine prescribed in the respective Articles.

Supplementary Provisions [Extract]

- (1) The effective date of this Act is to be specified by Cabinet Order within a period not exceeding three months from the date of promulgation.
- (2) Regulation on Registration of Fishing Boats (Order of the Prime Minister's Office and the Ministry of Agriculture and Forestry No. 5 of 1947) is repealed; provided, however, that prior laws continue to govern the applicability of penal provisions to actions that a person takes before this Act comes into effect.
- (3) If a registration or a registration card was performed or delivered under the Regulation on Registration of Fishing Boats prior to the enforcement of this Act, it is to be deemed to be registered and the registration card is to fall under the provision of this Act.

Supplementary Provisions (Act No. 94 of March 31, 1951) Extract

- (1) This Act is to come into effect as of April 1, 1951.
- (2) A permission given or an application therefor filed under Article 3 of the Fishing Boat Act prior to the revision, prior to the enforcement of this Act, is to be deemed to be given or filed pursuant to Article 3-2 of the Fishing Boat Act.
- (3) The maximum limit for the total gross tonnage of Powered Fishing Boats set

under Article 4, item (i) of the Fishing Boat Act prior to the revision and the standards for the performance of Powered Fishing Boats set under item (ii) of said Article, prior to the enforcement of this Act, are to be deemed to be set under Article 3, paragraph (1) of the Fishing Boat Act.

Supplementary Provisions (Act No. 149 of August 1, 1953) Extract

- (1) The effective date of this Act is to be specified by Cabinet Order within a period not exceeding 30 days from the date of promulgation.

Supplementary Provisions (Act No. 213 of August 15, 1953) Extract

- (1) This Act is to come into effect as of September 1, 1953.
- (2) The permission, approval, or any other disposition made or an application, notification, of any other procedure followed pursuant to provisions of former laws and regulations prior to the enforcement of this Act is deemed to be, respectively, a disposition made or a procedure followed under the corresponding provisions after the revision.

Supplementary Provisions (Act No. 116 of April 11, 1959)

This Act is to come into effect as of the date of promulgation.

Supplementary Provisions (Act No. 161 of September 15, 1962) Extract

- (1) This Act is to come into effect as of October 1, 1962.
- (2) The provisions revised by this Act is to also apply to dispositions made by an administrative authority prior to the enforcement of this Act, an inaction by an administrative authority related to an application filed prior to the enforcement of this Act, or other matters that have arisen prior to the enforcement of this Act, except otherwise provided by these Supplementary Provisions; provided, however, that those provisions are not to hinder the validity which are pursuant to the provisions prior to the revision by this Act.
- (3) In relation to a petition, request for an examination, objection or any other appeal (hereinafter referred to as a "Petition, etc.") filed prior to the enforcement of this Act, the provisions then in force are to remain applicable after the enforcement of this Act. The same applies to further Petitions, etc. filed in the case of dissatisfaction with a judgment, ruling, or any other disposition regarding the Petition, etc. made prior to the enforcement of this Act (hereinafter referred to as a "Judgment, etc."), or a Judgment, etc. made after the enforcement of this Act in relation to a Petition, etc. filed prior to the enforcement of this Act.

- (4) The Petition, etc. prescribed in the preceding paragraph, which pertains to a disposition against which an appeal under the Administrative Complaint Review Act may be filed after the enforcement of this Act, is to be deemed to be an appeal under the Administrative Complaint Review Act with regards to the application of Acts other than the said Act.
- (5) No appeal under the Administrative Complaint Review Act may be filed against a Judgment, etc. on a request for an examination, objection, or any other appeal filed after the enforcement of this Act pursuant to paragraph (3).
- (6) In relation to a disposition made by an administrative authority prior to the enforcement of this Act, which a Petition, etc. may be filed pursuant to the provisions prior to the revision by this Act and for which the period for filing a Petition, etc. has not been set, the period for filing an appeal under the Administrative Complaint Review Act is to be calculated from the date of enforcement of this Act.
- (8) With regards to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions then in force is to remain applicable.
- (9) In addition to what is provided for in the preceding eight paragraphs, transitional measures necessary for the enforcement of this Act are to be specified by Cabinet Order.

Supplementary Provisions (Act No. 120 of August 1, 1967) Extract

(Effective Date)

- (1) This Act is to come into effect on the day of promulgation.
- (3) In relation to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions then in force is to remain applicable.

Supplementary Provisions (Act No. 111 of June 1, 1970) Extract

(Effective Date)

- (1) This Act is to come into effect on the day of promulgation.

Supplementary Provisions (Act No. 38 of May 1, 1978) Extract

- (1) This Act is to come into effect on the day of promulgation.

Supplementary Provisions (Act No. 87 of July 5, 1978) Extract

(Effective Date)

Article 1 This Act is to come into effect on the date of promulgation.

Supplementary Provisions (Act No. 40 of May 6, 1980) Extract

(Effective Date)

Article 1 (1) This Act is to come into effect on the day on which the Convention becomes effective.

Supplementary Provisions (Act No. 58 of May 30, 1981) Extract

(1) This Act is to come into effect on the day of promulgation.

Supplementary Provisions (Act No. 83 of December 10, 1983) Extract

(Effective Date)

Article 1 This Act is to come into effect on the date of promulgation; provided, however, the provisions set forth in the following items are to come into effect independently on the dates specified respectively for those items:

(i) through (iv): omitted; and

(v) the provisions of Articles 25 and 26, Articles 28 through 30, and Articles 33 and 35, the provisions of Article 36 (excluding the provisions revising Article 54 of the Electricity Business Act; the same applies in Article 8 (excluding paragraph (3)) of the Supplementary Provisions), and the provisions of Articles 37, 39, and 43 of this Act and the provisions of Article 8 (excluding paragraph (3)) of the Supplementary Provisions: the date specified by Cabinet Order within a period not exceeding three months from the date of promulgation.

(Transitional Measures Concerning Penal Provisions)

Article 16 With regards to the application of penal provisions to acts committed prior to the enforcement of this Act and to acts committed after the enforcement of the provisions of Article 17, 22, 36, 37, or 39 to which the provisions previously in force are to remain applicable pursuant to Article 3, Article 5, paragraph (5), Article 8, paragraph (2), or Article 9 or 10 of the Supplementary Provisions, the provisions then in force remain applicable.

Supplementary Provisions (Act No. 47 of May 25, 1984)

This Act is to come into effect as of July 1, 1984.

Supplementary Provisions (Act No. 89 of November 12, 1993) Extract

(Effective Date)

Article 1 This Act is to come into effect on the date of enforcement of the

Administrative Procedure Act (Act No. 88 of 1993).

(Transitional Measures Concerning Adverse Dispositions Following Consultation, etc.)

Article 2 If a consultation or any other request was filed with a council or any other organization adopting a council system to the effect for procedures involving hearings or granting opportunities for explanations as prescribed in Article 13 of the Administrative Procedure Act, or other procedures equivalent in stating opinions are to be followed, while in regards to the procedures for adverse dispositions related to the consultation or any other requests, the provisions which were previously in force are to remain applicable, notwithstanding the provisions of relevant Acts revised by this Act.

(Transitional Measures Concerning Penal Provisions)

Article 13 In relation to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions in force at the time are to remain applicable.

(Transitional Measures Accompanying the Arrangement of Provisions on Hearings)

Article 14 Hearings or hearing meetings (excluding those related to adverse dispositions) held pursuant to the provisions of an Act prior to the enforcement of this Act or the procedures thereof are to be deemed to have been conducted pursuant to the corresponding provisions of the relevant Act revised by this Act.

(Delegation to Cabinet Order)

Article 15 In addition to what is provided in Article 2 of the Supplementary Provisions through the preceding Article, transitional measures necessary for the enforcement of this Act is to be specified by Cabinet Order.

Supplementary Provisions (Act No. 87 of July 16, 1999) Extract

(Effective Date)

Article 1 This Act is to come into effect as of April 1, 2000; provided, that the provisions set forth in the following items are to come into effect on the dates specified respectively for those items:

- (i) the provisions of Article 1 adding five Articles, a Section title, and two Subsections and Subsection titles after Article 250 of the Local Autonomy Act (limited to the portion related to Article 250-9, paragraph (1) of said Act (limited to the portion related to obtaining the consent of both Houses of the Diet)), the provisions of Article 40 revising paragraphs (9) and (10) of the

Supplementary Provisions of the Natural Parks Act (limited to the portion related to paragraph (10) of the Supplementary Provisions of said Act), the provisions of Article 244 (excluding the portion related to the provisions revising Article 14-3 of the Agricultural Improvement Promotion Act), and the provisions of Article 472 (excluding the portion related to the provisions revising Articles 6, 8, and 17 of the Act on Special Provisions Concerning Merger of Municipalities) of this Act, and the provisions of Articles 7, 10 and 12, the proviso to Article 59, Article 60, paragraphs (4) and (5), Articles 73 and 77, Article 157, paragraphs (4) through (6), Articles 160, 163, 164, and 202 of the Supplementary Provisions: the date of promulgation.

(Transitional Measures Concerning Appeals)

Article 102 The provisions of Article 34, paragraph (2) of the Fertilizers Control Act prior to the amendment by the provisions of Article 161, paragraph (1) of the Supplementary Provisions, the provisions of Article 27 of the Fishing Boat Act prior to the amendment by the provisions of Article 252, the second sentence of Article 10-11-5, paragraph (1) of the Forest Act prior to the amendment by the provisions of Article 257, the provisions of Article 10-11-6, paragraph (3), and Article 190, paragraphs (3) and (4), the provisions of Article 15 of the Act on Dairy and Beef Cattle Production Promotion prior to the amendment by the provisions of Article 262 (hereinafter referred to as the "Former Act on Dairy and Beef Cattle Production Promotion" in this Article), and the provisions of Article 31, paragraphs (1) and (3) of the Livestock Transaction Act prior to the amendment by the provisions of Article 273 remain in force even after the effective date, in relation to the request for examination in the case where the provisions of the Administrative Complaint Review Act are applied by deeming that there is a higher administrative authority pursuant to the provisions of Article 276.

(Affairs of the State, etc.)

Article 159 In addition to what is provided in the respective Acts prior to the revision by this Act, affairs to be managed or performed, prior to the enforcement of this Act, by an organ of a local public entity on behalf of the State, another local public entity, or another public body pursuant to Acts or a Cabinet Order enacted thereunder (hereinafter referred to as "Affairs of the State, etc." in Article 161 of the Supplementary Provisions) are to, after the enforcement of this Act, be handled by the local public entity as its own affairs pursuant to Acts or a Cabinet Order enacted thereunder.

(Transitional Measures Concerning Dispositions, Applications, etc.)

Article 160 (1) In relation to dispositions to grant licenses or permissions, etc. or any other acts conducted, prior to the enforcement of this Act (or the respective

provisions set forth in the items of Article 1 of the Supplementary Provisions; hereinafter the same is to apply in this Article and Article 163 of the Supplementary Provisions), pursuant to the provisions of the respective Acts prior to the revision (hereinafter referred to as "Dispositions and Other Acts" in this Article) or applications for licenses or permission, etc. and any other acts already conducted at the time of the enforcement of the Act, pursuant to the respective Acts prior to the revision (hereinafter referred to as "Applications and Other Acts" in this Article), if administrative affairs related to these acts come under the jurisdiction of different persons on the date of the enforcement of this Act, these acts, except those prescribed in Article 2 of the Supplementary Provisions through the preceding Article or in the provisions of the respective revised Acts (including orders issued thereunder) concerning transitional measures, are deemed, in relation to the application of the respective revised Acts on or after the date of the enforcement of this Act, as Dispositions and Other Acts or Applications and Other Acts conducted pursuant to the corresponding provisions of the respective revised Acts.

- (2) In relation to matters for which report, notification, submission, or any other procedures are to be made or followed with respect to the organs of the State or local public entities prior to the enforcement of this Act, pursuant to the respective Acts prior to the revision, if these procedures have not yet been followed by the date of the enforcement of this Act, the provisions of the respective Acts revised by this Act are to apply to such procedures, except those otherwise provided by this Act or Cabinet Order enacted thereunder, by deeming that report, notification, submission, or any other procedures that have not yet been made or followed for matters on which such procedures are to be followed with respect to the organs of the State or local public entities pursuant to the corresponding provisions to the respective revised Acts.

(Transitional Measures Concerning Appeals)

Article 161 (1) For an appeal under the Administrative Complaint Review Act against a disposition, ordered prior to the effective date, involving an Administrative Affairs of the State, etc., in connection with which the administrative authority that ordered the disposition (hereinafter referred to as the "Administrative Authority Ordering the Disposition" in this Article) had, before the effective date, a higher authority above it as defined in the Administrative Complaint Review Act (hereinafter referred to as a "Higher Administrative Authority" in this Article), the Administrative Authority Ordering the Disposition is deemed to continue to have a Higher Administrative Authority above it on and after the effective date, and the provisions of the Administrative Appeals Act apply. In such a case, the administrative authority deemed to be the Higher Administrative Authority of the Administrative Authority Ordering the

Disposition is the administrative authority that was the Higher Administrative Authority of that Administrative Authority Ordering the Disposition before the effective date.

- (2) In the case referred to in the preceding paragraph, if the administrative agencies deemed to be Higher Administrative Authority are organs of local public entities, the affairs to be handled by such organs pursuant to the provisions of the Administrative Complaint Review Act is to be Item 1 Statutory Entrusted Affairs as prescribed in Article 2, paragraph 9, item 1 of the new Local Autonomy Act.

(Transitional Measures Concerning Fees)

Article 162 In relation to fees that were to be paid prior to the date of enforcement pursuant to the provisions of the respective Acts prior to the revision by this Act (including orders issued thereunder), except those otherwise provided by this Act or a Cabinet Order enacted thereunder, the provisions then in force are to remain applicable.

(Transitional Measures Concerning Penal Provisions)

Article 163 In relation to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions then in force are to remain applicable.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 164 (1) In addition to what is provided for in the Supplementary Provisions, transitional measures necessary for the enforcement of this Act (including transitional measures concerning penal provisions) are to be specified by Cabinet Order.

(Review)

Article 250 As well as reviews being made of item (i) statutorily entrusted functions provided for in Article 2, paragraph (9), item (i) of the New Local Autonomy Act from the perspective of ensuring, to the greatest possible extent, that no new functions are created, reviews are also made of the functions listed in Appended Table 1 of the New Local Autonomy Act and functions provided for by Cabinet Order based on the New Local Autonomy Act from the perspective of promoting decentralization, and these are to be revised as appropriate.

Article 251 The government is to examine how to secure adequate sources of local tax revenue based on the sharing of roles between the state and local public entities in consideration of the prevailing economic trends, and take the necessary measures based on the results of its examination, in order to enable local public entities to perform their functions and undertakings autonomously and independently.

Supplementary Provisions (Act No. 160 of December 22, 1999) Extract

(Effective Date)

Article 1 (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 part related to the provisions revising the Supplementary Provisions of the Act for Partial Revision of the Act on the Regulation of Nuclear Source Material, Nuclear Fuel Material and Reactors) and Article 1305, Article 1306, Article 1324, paragraph (2), Article 1326, paragraph (2) and Article 1344: the date of promulgation.

Supplementary Provisions (Act No. 91 of May 31, 2000) Extract

(Effective Date)

- (1) This Act is to come into effect from the date of the enforcement of the Act for Partial Revision of the Commercial Code, etc. (Act No. 90 of 2000).

Supplementary Provisions (Act No. 89 of June 29, 2001) Extract

(Effective Date)

Article 1 This Act is to come into effect on the date of promulgation.

Supplementary Provisions (Act No. 110 of July 11, 2001) Extract

(Effective Date)

Article 1 This Act is to come into effect as of April 1, 2002; provided, that the provisions of the following Article are to come into effect as of January 1, 2002.

(Preparation Prior to Enforcement)

Article 2 A person who intends to receive the designation set forth in Article 9, paragraph (1) or Article 14, paragraph (1) of the Fishing Boat Act revised by this Act (hereinafter referred to as the "New Act") may file an application therefor prior to the enforcement of this Act. The same applies to an application for approval of Operational Rules under Article 37, paragraph (1) of the New Act (including the cases where applied mutatis mutandis pursuant to Article 47 of the New Act).

(Transitional Measures Concerning Dispositions, Applications, etc.)

Article 3 (1) A permission, Certification, or any other disposition made by the

Minister of Agriculture, Forestry and Fisheries or the prefectural governor pursuant to the provisions of the Fishing Act prior to the revision by this Act (hereinafter referred to as the "Former Act") be deemed to be a permission, Certification, or any other disposition made by the Minister of Agriculture, Forestry and Fisheries or the prefectural governor under the corresponding provisions of the New Act.

- (2) An application, report, or any other act made or conducted with respect to the Minister of Agriculture, Forestry and Fisheries or the prefectural governor pursuant to the provisions of the Former Act is deemed to be an application, report, or any other act made or conducted with respect to the Minister of Agriculture, Forestry and Fisheries or the prefectural governor under the corresponding provisions of the New Act.

(Transitional Measures Concerning Validation of Registration Cards)

Article 4 The provisions of Article 13 of the New Act is to apply to a person who receives the delivery of a registration card or receives Validation pursuant to Article 12, paragraph (1) or Article 17, paragraph (3) of the New Act on or after the date of the enforcement of this Act.

(Transitional Measures Concerning Penal Provisions)

Article 5 In relation to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions then in force is to remain applicable.

(Delegation to Cabinet Order)

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

Supplementary Provisions (Act No. 150 of December 1, 2004) Extract

(Effective Date)

Article 1 This Act is to come into effect as of April 1, 2005.

(Transitional Measures Concerning Penal Provisions)

Article 4 In relation to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions then in force is to remain applicable.

Supplementary Provisions (Act No. 77 of June 6, 2007) Extract

(Effective Date)

Article 1 This Act is to come into effect on the date specified by Cabinet Order

within a period not exceeding one year from the date of promulgation.

Supplementary Provisions (Act No. 69 of June 13, 2014) Extract

(Effective Date)

Article 1 This Act comes into effect as of the date on which the Administrative Complaint Review Act (Act No. 68 of 2014) comes into effect.

(Principles of Transitional Measure)

Article 5 With regard to an appeal on a disposition or any other act or inaction of an administrative authority which relates to a disposition or any other act made by an administrative authority prior to the enforcement of this Act or to an inaction of an administrative authority pertaining to an application filed prior to the enforcement of this Act, the provisions then in force are to remain applicable, except otherwise provided for in these Supplementary Provisions.

(Transitional Measure Concerning Litigation)

Article 6 (1) With regard to the filing of an action on matters for which an action may be filed only after a determination, decision, or any other act is made by an administrative authority in relation to an appeal pursuant to the provisions of laws prior to amendment by this Act and for which the statutes of limitation for filing an action has expired before this Act comes into effect while no appeal has been filed (if the appeal may be filed only after a determination, decision, or any other act is made by an administrative authority in relation to another appeal, including matters for which the statute of limitations for filing an action has expired before this Act comes into effect while no such another appeal has been filed), the provisions then in force are to remain applicable.

(2) With regard to the filing of an action for revocation of a disposition or any other act against which an objection has been filed pursuant to the provisions of laws prior to amendment under the provisions of this Act (including cases where the provisions previously in force are to remain applicable pursuant to the preceding Article) and for which an action for revocation may be filed only after a determination on a request for review is made pursuant to the provisions of laws as amended by the provisions of this Act, the provisions then in force are to remain applicable.

(3) With regard to an action for revocation of a determination, decision, or any other act made by an administrative authority against an appeal that has been filed before this Act comes into effect, the provisions then in force are to remain applicable.

(Transitional Measures Concerning Penal Provisions)

Article 9 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act and to acts committed after the enforcement of this Act in cases where the provisions then in force remain applicable pursuant to Article 5 and the preceding two Articles of these Supplementary Provisions, the provisions then in force are to remain applicable.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 10 In addition to what is provided for in Article 5 through the preceding Article of these Supplementary Provisions, any transitional measures necessary for the enforcement of this Act (including transitional measures concerning penal provisions) are to be specified by Cabinet Order.

Supplementary Provisions (Act No. 95 of December 14, 2018) Extract

(Effective Date)

Article 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. 68 of June 17, 2022) Extract

(Effective Date)

(1) This Act comes into effect as of the effective date of the partial amendment Act on the Penal Code, etc.; 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 509: the date of promulgation.