

# Outline of the Act to Partially Amend the Act on the Proper Implementation of Recreational Fishing Boat Businesses

## Background

Toward the active development of “umigyo (Projects that utilize the value and attractiveness of local resources in the sea and fishing villages)”, regarding **recreational fishing boat business** that guides general anglers to fishing grounds, which is one of the representative “umigyo (Projects that utilize the value and attractiveness of local resources in the sea and fishing villages)”, from the perspective of assuring that those anglers can enjoy fishing with a peace of mind, the following issues need to be addressed:

(1) There is a growing need to ensure the safety of those who use pleasure boats. In recent years, there has been an increasing number of accidents involving death or injury on recreational fishing boats, and there was a serious accident involving a recreational boat off the coast of Shiretoko in April 2022, so there is a growing need to ensure the safety of those who use pleasure boats.

(2) The importance of the **proper use of fishing grounds** in the recreational fishing boat business has increased.

It is necessary to take the following measures to address these issues.

### 1. Improving Safety in the Recreational Fishing Boat Business

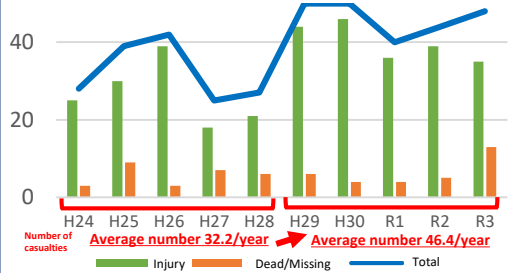
- In order to **improve the safety of recreational fishing businesses**, it is necessary to **tighten the registration and renewal process** for recreational fishing boats operators and **strengthen the safety management system**.
- The need to **strengthen the dissemination of information on the safety** of recreational fishing boats so that users of can take into consideration their level of safety when choosing an operator.

### 2. Maintaining Harmonization of Local Fisheries and Recreational Fishing Boat Businesses

- It is necessary to **establish a system to effectively promote efforts to ensure the safety of users** and **maintain a harmony with the fishing industry**, taking into account the different conditions of the sea and the species of aquatic animals and plants in each region.



Number of casualties in the recreational fishing boat business



Designated number of recreational fishing boat business organizations



## Outline of the Act

### Measures to Improve the Safety of Recreational Fishing Boat Businesses

#### 1. Stricter Registration and Renewal Systems for Recreational Fishing Boats Operators

- For **those who do not comply** with the Act on Recreational Fishing Boat Businesses, **the effective period of registration at the time of renewal will be shortened** (currently uniformly 5 years). (Related to Article 3)
- **Stricter requirements for registration and renewal** of recreational fishing boat businesses in order to prevent unqualified persons from easily re-entering the market and evading punishment.
- (1) **Extension of the disqualification period for registration** (Currently: 2 years → After the revision: **5 years**)
- (2) Restrictions on entering into the business for those who violate the Mariners Act (safety-related education and training obligations for crew members, etc.) (5 years)
- (3) Restrictions on re-entering into the business for those who closed their business for the purpose of evading punishment, those whose registration has been canceled by related corporations, etc. (5 years) (Related to Article 6)

#### 2. Strengthening the Safety Management System of Recreational Fishing Boats Operators

- A person who intends to be registered as a recreational fishing boats operator must **attach to the registration application, a set of operational rules** that stipulate how the business is to be conducted. If the operational rules do not meet certain standards regarding **user safety** and other particulars, **registration is not possible**. (Related to Article 4 and Article 6)
- Regarding **operation chiefs of recreational fishing boats** (\*1), making it clear that they will be on board recreational fishing boats and manage the safety of users, including for those using ferries to fish beyond areas of recreational fishing boats. (Related to Article 12)

\*1 A person who provides necessary guidance and advice to users for safety management of users of recreational fishing boats, selection of fishing grounds, and appropriate gathering and catching of aquatic animals and plants.

#### 3. Disclosing Information on User Safety and Other Measures

- When an operator of recreational fishing boats causes a serious accident, they are **obliged to report the type and cause, etc. of the accident** to the prefectural governor. (Related to Article 19)
- Require **prefectures and recreational fishing boats operators to publicly disclose information regarding the safety and interests** of recreational fishing boat users, respectively.

Prefectures: Disclose information on user safety, etc., including administrative dispositions and particulars related to notification of accidents.

Recreational fishing boat operators: Disclose information on measures taken to ensure the safety of users and to protect their interests

(Related to Articles 22 and 23)

#### 4. Tougher Penalties

- Introduction of penalties of imprisonment for recreational fishing boat operators who do not comply with orders to improve business operations related to user safety, and creation of a corporate felony fine. (Related to Articles 34 and 37)

### Measures to Promote Voluntary Efforts Toward Harmony with Local Fishing Industries

#### 5. Establish a Council System for the Recreational Fishing Boat Business

In order to promote efforts to ensure the safety of users and the stable relationship for using fishing grounds according to regional and sea area conditions, a system is established under which prefectural governors can organize **councils consisting of prefectural governors, recreational fishing boats operators, and a fishery cooperative association, etc.** (Related Article 28)

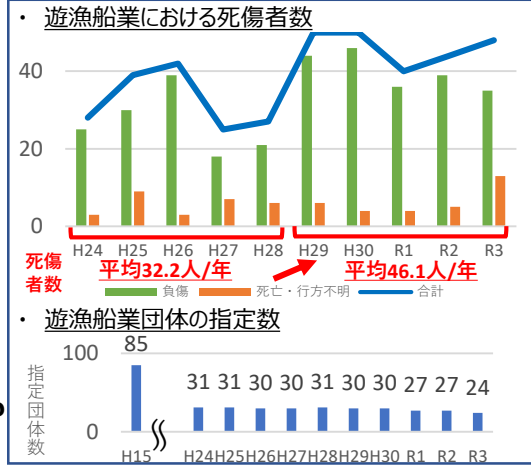
## Date of Enforcement

The date specified by Cabinet Order within a period not exceeding one year from the day of promulgation.

## 背景

「<sup>うかきいづ</sup>海業」の積極的な展開に向けて、代表的な「<sup>うかきいづ</sup>海業」であり、一般の釣り客を乗船させ、漁場に案内する遊漁船業について、利用者に安心して釣りを楽しんでいただく観点から、

- ① 近年、遊漁船における死傷事故が増加傾向にあることや、令和4年4月に知床沖で発生した遊覧船の重大事故もあり、**利用者の安全確保に対する要請が高まっていること**
- ② 遊漁船業における漁場の適正利用の重要性が増していることといった課題に対応し、以下の措置を講ずる必要。



## 1. 遊漁船業における安全性の向上

- 遊漁船業の安全性の向上等を図るため、遊漁船業者について、**登録・更新を厳格化するとともに、安全管理体制の強化を図る必要。**
- 遊漁船の利用者が安全性の観点から事業者の選択ができるよう、**安全に関する情報発信を強化する必要。**

## 2. 地域の水産業と遊漁船業の調和

- 地域毎に異なる海況や魚種等を踏まえた上で、**利用者の安全確保や水産業との調和を図る取組を効果的に推進する体制の構築が必要。**

## 法律の概要

### 遊漁船業の安全性向上に向けた措置

#### 1. 遊漁船業者の登録・更新制度の厳格化

- 遊漁船業法の遵守状況が不良な者について、**更新時の登録の有効期間**（現行：一律5年）を**短縮**。（第3条関係）
- 不適格者の安易な再参入・処分逃れを阻止するため、遊漁船業の**登録・更新要件を厳格化**。
  - ① **登録の欠格期間の延長**（現行：2年→改正後：**5年**）
  - ② 船員法（乗組員に対する安全関係の教育訓練義務等）に違反した者等の参入を制限（5年）
  - ③ 処分逃れを目的として廃業した者、関連法人が登録取消処分を受けた者等の参入を制限（5年）（第6条関係）

#### 2. 遊漁船業者の安全管理体制の強化

- 遊漁船業者の登録を受けようとする者は、業務の実施方法を定めた**業務規程を登録の申請書に添付**しなければならないものとし、業務規程のうち**利用者の安全等に関する事項**が一定の基準に適合しない場合、**登録不可**。（第4条及び第6条関係）
- **遊漁船業務主任者（※）**について、遊漁船に乗り組んで業務を行うこと及び利用者が瀬渡しにより遊漁船外で釣りを行う場合も含めて利用者の安全管理を行うこと等を明確化。（第12条関係）  
※遊漁船の利用者の安全管理、漁場の選定、適正な水産動植物の採捕のための利用者への必要な指導・助言等を行う者

#### 3. 利用者の安全等に関する情報の公表等の措置

- 遊漁船業者が重大な事故を引き起こした場合、**事故の種類、原因等の都道府県知事への報告を義務化**。（第19条関係）
- **都道府県、遊漁船業者それぞれに対し、遊漁船の利用者の安全や利益に関する情報の公表を義務化**。  
 都道府県：行政処分、事故の届出に関する事項等の利用者の安全等に関する情報を公表  
 遊漁船業者：利用者の安全確保や利益保護のために講じた措置等の情報を公表（第22条及び第23条関係）

#### 4. 罰則の強化

- 利用者の安全に係る業務改善命令に従わない遊漁船業者に対する懲役刑の導入、法人重科を創設。（第34条及び第37条関係）

## 地域の水産業との調和に向けた自主的な取組を促進する措置

### 5. 遊漁船業に関する協議会制度の創設

- 地域や海域の状況に応じた利用者の安全の確保、漁場の安定的な利用関係の確保の取組を促進するため、都道府県知事が、**都道府県知事、遊漁船業者、漁業協同組合等を構成員とする協議会**を組織できる制度を創設。（第28条関係）

## 施行期日

公布の日から起算して1年を超えない範囲内において政令で定める日