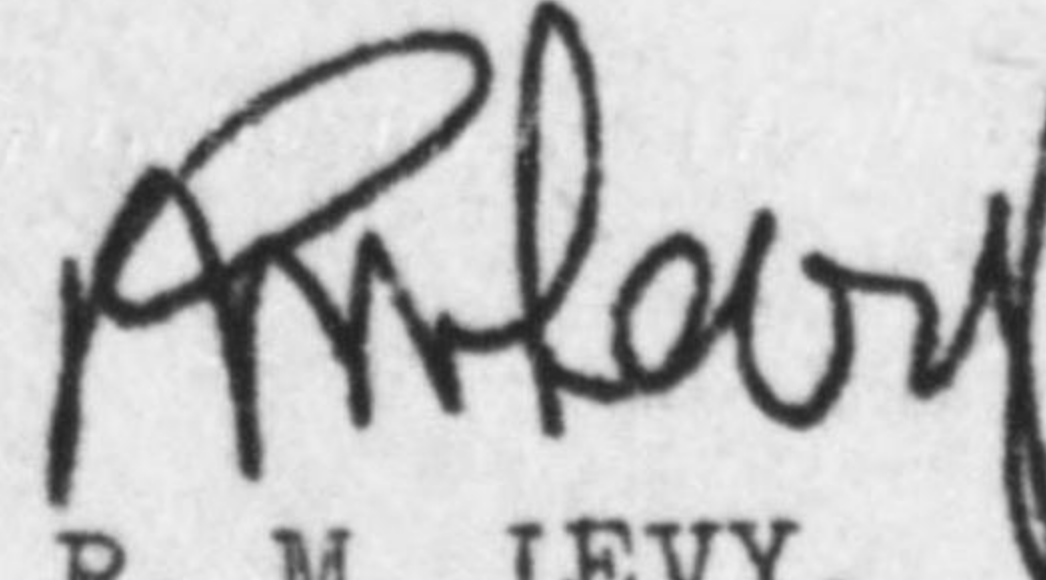


AG 544 (27 Jul 48)CTS, SCAPIN 1931

between Civil Transportation Section, General Headquarters, Supreme
Commander for the Allied Powers, Commander Naval Forces, Far East,
(Administrator, Shipping Control Authority Japanese Merchant Marine)
and the Japanese Government.

FOR THE SUPREME COMMANDER:



R. M. LEVY,
Colonel, AGD,
Adjutant General.

UNCLASSIFIED

Enclosure No. 2 to Despatch No. 593 dated September 9, 1948 from the Office of the Political Adviser for Japan, Tokyo, on the subject, "Resumption of Responsibility by Japanese Shipowners to Crew, Supply, Repair and Maintain Privately-Owned Merchant Vessels".

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
APO 500

AG 544 (27 Jul 48)CTS
SCAPIN 1931

2 September 1948

MEMORANDUM FOR: JAPANESE GOVERNMENT

SUBJECT: Japanese Merchant Shipping

1. References:

- a. SCAPIN 256 of 9 November 1945, file AG 334, subject, "Appointment of Civilian Merchant Marine Committee."
- b. SCAPIN 1828 of 26 November 1947, file AG 545, subject, "Sale or Charter of Japanese Merchant Vessels."
- c. Commander Naval Forces, Far East serial letter 1778 of 16 June 1948, file CNFE/A4-3, subject, "Japanese vessels; assignment of SCAJAP number and issuance of Certificates of Operation."
- d. Commander Naval Forces, Far East serial letter 1782 of 16 June 1948, file CNFE/A4-3, subject, "Operation of Vessels under the Supervision of the Administrator, SCAJAP."

2. This directive does not modify or supersede references in paragraph 1, nor shall it be interpreted as changing existing policy previously announced as follows:

- a. All vessels assigned to repatriation will be retained in that service under the operational and administrative control of the Administrator, Shipping Control Authority/Japanese Merchant Marine (SCAJAP), through Civilian Merchant Marine Committee.

- b. The assignment of merchant vessels and present booking procedures now in effect shall continue as heretofore.

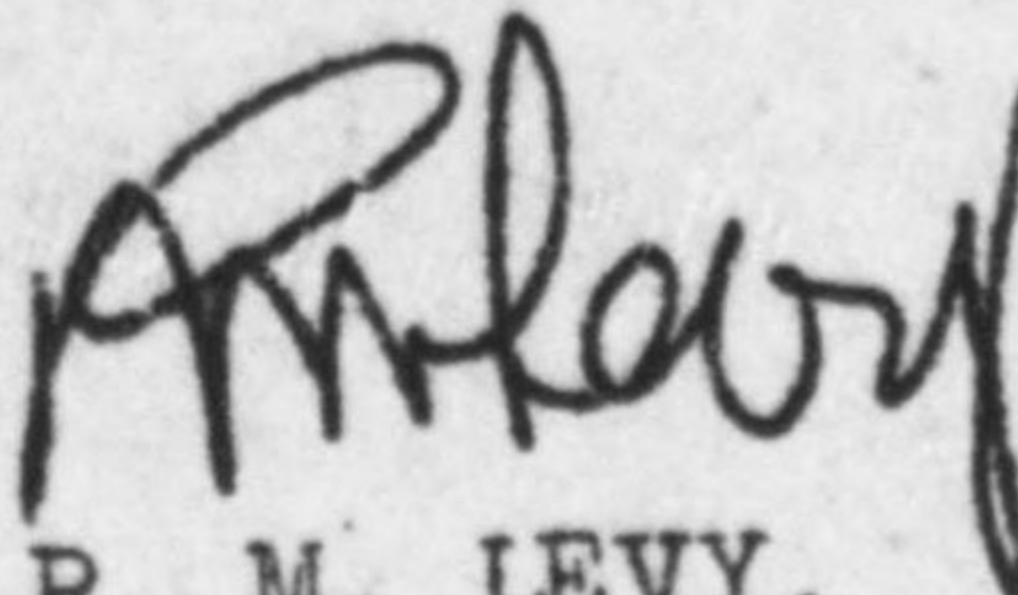
3. In order to increase the utilization of Japanese merchant fleet, the following revisions in procedures will be effected by the Japanese Government:

- a. The Japanese Government through its Ministries and various agencies will exercise operational control of all vessels to which complete title is held by the Japanese Government, designed and engaged exclusively in the following special services of the Government: fishery patrol, fishery research, fishery training, cable layers, weather service, training, sewage, tugs, salvage, dredger, ice-breaker, and police patrol. Expansion of these categories shall be subject to prior approval of Commander Naval Forces, Far East. This operational control will include manning, supply, and

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Enclosure No. 2 to Despatch No. 593 dated September 9, 1948 from the Office of the Political Adviser for Japan, Tokyo, on the subject, "Resumption of Responsibility by Japanese Shipowners to Crew, Supply, Repair and Maintain Privately-Owned Merchant Vessels".

AG 544 (27 Jul 48)CTS, SCAPIN 1931

husbandry of the vessels. The Ministry of Transportation will be responsible for reporting any change in charter, characteristics, title, and operational status of these vessels in accordance with requirements set forth in reference b.

b. Respective private owners will operate all vessels designed and engaged exclusively in the following special services: salvage, tug, dredger, sewage, hopper, barge, passenger ferry, utility, floating crane and floating dock. Expansion of these categories shall be subject to prior approval of Commander Naval Forces, Far East. The Master or Owner will be responsible for reporting any change in charter, characteristics, title and operational status of these vessels to the Ministry of Transportation.

c. Respective private owners, under the immediate supervision of the Fisheries Agency, Ministry of Agriculture and Forestry, may operate all vessels over 100 gross tons employed exclusively in fishing and whaling service. The Director, Bureau of Fisheries shall report any change in the charter, title or operational status to the Ministry of Transportation.

d. The Civilian Merchant Marine Committee will employ on a time charter basis under the direction of the Administrator, SCAJAP, all steel vessels over 100 gross tons not mentioned in sub-paragraphs 3a through c above.

e. Through the Civilian Merchant Marine Committee, vessels referred to in sub-paragraphs 3a, b, c and d above will be subject to the administrative control of the Administrator, SCAJAP.

f. The Ministry of Transportation will collect, compile and submit such reports as may be required.

4. Revisions listed above have been prepared with a view to:

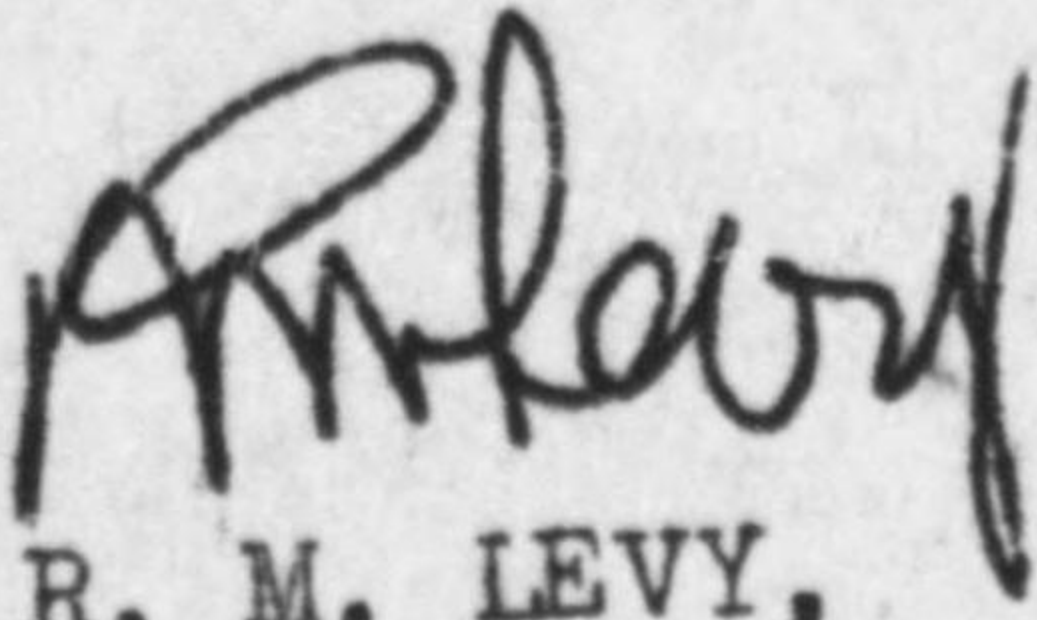
- a. Providing for the most efficient means of vessel operation.
- b. Giving full benefit to the national economy.
- c. More fully utilizing the skills and capabilities of the shipping industry.
- d. Increasing the lifting capacity of the present fleet.
- e. Reducing the deficit in Japanese Government operation.

5. To permit orderly and gradual return of operating responsibilities for Japanese merchant fleet and miscellaneous craft to normal channels as outlined above, direct communication in implementation thereof is authorized

AG 544 (27 Jul 48)CTS, SCAPIN 1931

between Civil Transportation Section, General Headquarters, Supreme
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FOR THE SUPREME COMMANDER:


R. M. LEVY,
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UNCLASSIFIED

Enclosure No. 4 to Despatch No. 593 dated September 9, 1948 from the Office of the Political Adviser for Japan, Tokyo, on the subject, "Resumption of Responsibility by Japanese Shipowners to Crew, Supply, Repair and Maintain Privately Owned Merchant Vessels".

MARINERS LAWCHAPTER IGENERAL PROVISIONS
(Mariner)

Article 1

For the purpose of this Law, the term "mariner" shall include every master or seaman who serves on board a Japanese vessel or a non-Japanese vessel provided for in ordinance or every reservist.

A vessel mentioned in the preceding paragraph excludes any of the following vessels:

1. A vessel of less than five tons gross
2. A vessel navigating lakes, rivers or within harbors exclusively;
3. A fishing vessel of less than thirty tons gross.

Article 2

The term "seaman" as used in this Law shall include every person except the master who is employed as a member of the crew on a vessel engaged in maritime navigation for salary, wages or any other remuneration to be paid in compensation for his service.

The term "reservist" as used in this Law shall include every person employed for purpose of serving on board the vessel provided for in paragraph 1 of the preceding article but not in service thereon.

Article 3

The term "officer" as used in this Law shall include every mate, chief engineer, engineer, wireless operator, and every other seaman provided for in ordinance. The term "ratings" shall include every seaman other than officers.

(Salary or Wages and Hours of Work)

Article 4

The expression "salary or wages" as used in this Law means a basic regular pay which constitutes a part of the fixed periodical payment made by the shipowner to the mariner by way of compensation, and the expression "hours of work" means time during which the mariner is engaged on watch duties or any other work under the official order of his superior.

(Application of Provisions Governing Shipowners)

Article 5

The provisions relative to shipowners of this Law and the ordinance issued thereunder shall apply to the ship's husband in the case of co-ownership, to the lessee in the case of lease, and to the person in the case where a person other than owner, husband or lessee of the vessel employs a mariner.

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Enclosure No. 4 to Despatch No. 593 dated September 9, 1948 from the Office of the Political Adviser for Japan, Tokyo, on the subject, "Resumption of Responsibility by Japanese Shipowners to Crew, Supply, Repair and Maintain Privately Owned Merchant Vessels".

MARINERS LAW(Application of Labor Standards Law)

Article 6

The provisions of Articles 1 to 11 inclusive, Articles 117 to 119 inclusive and Article 121 of the Labor Standards Law shall apply to mariners in respect to labor relations.

CHAPTER IIFUNCTIONS AND POWERS
OF MASTERS(Right to Command and Order)

Article 7

The master may command and supervise seamen and give persons on board the vessel orders necessary for the performance of his duties.

(Inspection before Commencement of Voyage)

Article 8

The master shall, before the commencement of a voyage, make an inspection as to whether the vessel is fit for navigation and whether the other preparations necessary for the voyage are in due order.

(Completion of Voyage)

Article 9

When preparations for a voyage have been completed, the master shall commence the voyage without delay, and except in case of necessity shall proceed to the port of destination without deviating from the predetermined route.

(Command on Deck)

Article 10

The master shall take command of his vessel in person standing on deck, when the vessel enters or clears any port, or passes through any narrow fairway, or when there is any other danger to the vessel.

(Obligation to Remain on Board)

Article 11

The master shall not, except in unavoidable circumstances, leave the vessel under his command, during the interval between the shipping of cargo or the embarkation of passengers and the discharge of cargo or the disembarkation of passengers, unless he has entrusted his duties to a person who would take command of the vessel in his stead.

MARINERS LAW(Means in Case of Danger to Vessels)

Article 12

The master, when there is imminent danger to the vessel, shall not leave the vessel, unless he has exhausted every means necessary to salvo human life, the vessel and the cargo, and until the passengers, the seamen and other persons aboard have abandoned the vessel.

(Means in Case of Collision)

Article 13

In case of collision between two vessels, the master of one vessel shall use every possible means necessary for the salving of the other vessel and human life on board the vessel and give the name of his vessel, her owner, her ports of registry, departure and destination to the master of the other vessel, except where there is imminent danger to the vessel under his command.

(Assistance of Vessels in Distress)

Article 14

When it has come to the knowledge of any master that another vessel is in distress, he shall use every possible means necessary for the salving of human life on board the vessel, except in a case where there is imminent danger to the vessel under his command or in the case provided for in Ordinance.

(Burial at Sea)

Article 15

The master may, in case there has occurred any death among the persons on board the vessel when under way, bury the body of such person at sea in accordance with the provisions of Ordinance.

(Custody of Effects)

Article 16

If any person on board the vessel has died or become missing, the master thereof shall, in accordance with the provisions of Ordinance, take charge or make any other disposition of the effects which the person leaves on board the vessel, unless otherwise provided by other laws or ordinances.

MARINERS LAW(Repatriation of Nationals Abroad)

Article 17

If a Japanese consul resident in a foreign country has, in accordance with the provisions of laws or ordinances, ordered a master to take any Japanese national to his own country, the master shall not refuse to obey such order except for justifiable reasons.

Necessary matters connected with repayment of the expenses of such repatriation shall be provided for by Ordinance.

(Obligation to Keep Documents)

Article 18

The master shall, unless otherwise provided by Ordinance, keep the following documents on board:

1. The certificate of nationality of a ship or other certificates provided for in Ordinance;
2. The shipping articles;
3. The log book;
4. The list of passengers;
5. The documents relating to the cargo.

Necessary matters connected with the shipping articles, the log book and the list of passengers shall be provided for by Ordinance.

(Report on Navigation)

Article 19

The master shall, in accordance with the provisions of Ordinance, report to the competent authorities, in the case falling under any of the following items:

1. If there has occurred any collision, stranding, foundering, loss, fire, damage to engines or any other shipping casualty;
2. If he has rendered services in salving human life or a vessel;
3. If, when the vessel is under way it has come to his knowledge, except by wireless, that another vessel is in distress;
4. If any person on board the vessel has died or is missing;
5. If a deviation has been made from the predetermined route;
6. If the vessel has been interned or captured, or has encountered any other remarkable accident.

(Performance of Master's Duties by Proxy)

Article 20

If, in cases where the master has died or left his vessel, or where he is unable to take command thereof, he has failed to appoint any other person to his post, one of the seamen engaged in navigation who is next to him in the order of their grade or rating shall perform the duties of the master.

MARINERS LAWCHAPTER III

DISCIPLINE

(Order on Board)

Article 21

A seamen shall observe the following matters:

1. To obey the official orders of his superiors;
2. Neither to neglect his own duties, nor to obstruct any other members of the crew in the discharge of their duties;
3. To embark on the vessel by the time appointed by the master;
4. Not to leave the vessel without permission of the master;
5. Not to use a boat or any other important appurtenances without permission of the master;
6. Not to waste provisions or fresh water on board;
7. Not to use electricity or the heat of fire without permission of the master, or not to smoke at a place where smoking is prohibited;
8. Not to take into, or out of, the vessel any articles other than daily necessities without permission of the master;
9. Not to quarrel by force, get intoxicated, or not to commit any other outrage;
10. Not to commit such other acts as will disturb the order on board the vessel.

(Disciplinary Punishment)

Article 22

The master may inflict disciplinary punishment on any seaman who has failed to observe any of the matters mentioned in the preceding article.

Article 23

Disciplinary punishment shall be of two forms viz, prohibition of landing and admonition. The term of the prohibition of landing shall not exceed ten days including the first day of punishment and consisting solely of days when the vessel stays in port.

Article 24

The master cannot inflict disciplinary punishment on any seaman without giving a hearing to three or more witnesses who are seamen, and without examining the seaman and the persons concerned in the presence of the witnesses.

MARINERS LAW(Measures in Case of Dangers)

Article 25

If a seaman has on board any deadly weapons, explosive or inflammable articles, poisons or any other dangerous object, the master may take into his custody, abandon, or make any other disposition of, such things.

Article 26.

If a seaman threatens to do any harm to the lives or bodies of persons on board the vessel, the master shall deal with him in such a manner as he deems necessary to avoid such harm.

Article 27.

The master, if he deems necessary, may also deal with a passenger or any other person on board the vessel as provided by the two preceding articles.

(Compulsory Quittance of Vessels)

Article 28

When a seaman fails to leave the vessel, after official certification has been obtained of the termination of a contract of engagement, the master may compel the seaman to quit such vessel.

(Call for Assistance of Administrative Authorities)

Article 29

If, in cases where a seaman or any other person on board the vessel has done any such act as may endanger human life or the vessel, or as may seriously disturb the order on board, the master deems necessary, he may call for assistance from the administrative authorities.

(Limitation of Acts of Dispute)

Article 30

An act of dispute concerning labor relations shall not be done while the vessel is in a foreign port or where the act of dispute may endanger human life or the vessel.

CHAPTER IV

CONTRACTS OF ENGAGEMENT

(Contracts Contrary to this Law)

Article 31

Such portion of a contract of engagement as contains provision for working conditions falling short of the standards fixed by this Law shall be invalidated.

MARINERS LAW

In such case the contract shall, in respect of the portion thus invalidated, be deemed to contain provision for working conditions coming up to the standards fixed by this Law.

(Notification of Working Condition)

Article 32

The shipowner, on the conclusion of a contract of engagement, shall bring to the notice of his mariners salary or wages, hours of work and other working conditions. The same shall also apply when any modification has been made in the contract of engagement.

(Prohibition of Predetermination of Damages)

Article 33

The shipowner shall not enter into any contract providing penalties for non-fulfilment of the contract or predetermining amount of damages.

(Prohibition of Compulsory Savings)

Article 34

When concluding a contract of engagement, the shipowner shall not compel his mariners into a subsidiary contract to save some portion of their salary or wages or to deposit such savings in his custody.

If the shipowner intends to take charge of the mariner's savings at the latter's request, he shall fix the methods of keeping and returning the same and obtain the approval of the competent authorities.

(Limitation on Offsets)

Article 35

The shipowner shall not set off an obligation which he has against a mariner, against his obligatory duty to pay the mariner his salary or wages, except in cases where the amount of deduction does not exceed one-third of that of the salary or wages or where the shipowner has a claim against the mariner for damages caused by his criminal act.

(Entry and Notification of Working Conditions)

Article 36

When a contract of engagement has been concluded, the master shall make an entry, in the shipping articles of the working conditions laid down in the contract and bring it to the notice of his seamen. The same shall also apply when any alteration has been made in the contract of engagement.

MARINERS LAW(Certification of Contract of Engagement)

Article 37

When a contract of engagement has been concluded, terminated, renewed or altered, the master shall, without delay, present the shipping articles to the competent authorities and call upon them to certify the contract of engagement, in accordance with the provisions of Ordinances.

When, in the case contemplated in the preceding paragraph, the master is unable to call for certification, the shipowner shall do so instead of the master.

Article 38

The competent authorities, when called upon to certify a contract of engagement, shall examine the contract as to whether there is anything in it to conflict with the provisions of laws and ordinances concerning the safety of navigation or the mariners' labor relations, or as to whether mutual consent of the parties is sufficient.

(Termination of Contract by Ship's Foundering, etc.)

Article 39

When a vessel falls under either of the following items, a contract of engagement shall terminate:

1. If the vessel has foundered or has been lost;
2. If the vessel has come into a state of total unseaworthiness.

A vessel shall be presumed to be lost, if it is unknown for one month whether she exists or not.

Even in cases where a contract of engagement has terminated in accordance with the provisions of paragraph 1, the mariner shall render services necessary for the emergency assistance of human life, the vessel or the cargo. In such case the contract shall be deemed to continue to exist.

(Rescission of Contract of Engagement)

Article 40

The shipowner may rescind a contract of engagement in the case falling under any of the following items:

1. If the mariner has been found quite unfitted for his duties;
2. If the mariner has grossly neglected his duties or has been guilty of gross default in respect to his duties;
3. If the seaman has failed to embark on the vessel by the time appointed by the master;
4. If the seaman seriously disturbed the order on board the vessel;

MARINERS LAW

5. If the mariner has become incapacitated for his duties by reason of injury or sickness;
6. If any unavoidable necessity arises from a reason not specified in any of the foregoing items.

Article 41

A mariner may rescind the contract of engagement, in the case falling under any of the following items:

1. If the vessel has lost her nationality as of the time when the contract was concluded;
2. If the working conditions laid down in the contract have been found much at variance with the fact;
3. If he has become incapacitated for his duties by reason of injury or sickness;
4. If he is to be educated or trained as provided by Ordinance.

If, in cases where the vessel has completed her voyage from a foreign port, a mariner on board the vessel has given not less than twenty-four hours' written notice to rescind the contract, the contract shall terminate in respect of the mariner on the expiration of the period.

If a seaman furnishes in his place such a person as the master may consider competent and reliable, he may rescind the contract of engagement.

Article 42

A contract for an indefinite period shall terminate, if the shipowner or the mariner has given not less than twenty-four hours' written notice to rescind the contract, on the expiration of the period.

(Termination of Contract by Change of Ownership)

Article 43

If there has been a change in the ownership of the vessel, a contract of engagement shall terminate, except when the change has happened by inheritance or any other case of general succession.

In the case contemplated in the preceding paragraph, it shall be deemed that, on and from the termination of the contract a contract identical in its terms with the former contract exists between the mariner and the new owner. In such case, the mariner may rescind the contract according to the provision of the preceding Article.

(Prolongation of Period of Engagement)

Article 44

If a contract of engagement has terminated when the vessel is under way, the contract shall be deemed to continue in existence until the vessel has arrived at the next port and the unloading of cargo or the disembarkation of passengers at such port has been completed;

MARINERS LAW

and if the contract has terminated when the vessel is in port, the contract shall be so until the unloading of cargo or the disembarkation of passengers at the port has been completed.

If a contract of engagement terminates at a port where no competent mariner can be complemented, the shipowner may prolong the period of engagement of the mariner referred to until the vessel has arrived at a port where a competent mariner can be complemented and the unloading of cargo or the disembarkation of passengers has been completed. This shall not, however, apply in the case contemplated in item 1 to 3 inclusive, paragraph 1, Article 41.

(Unemployment Allowances)

Article 45

If a contract of engagement has terminated in accordance with the provisions of Article 39, the shipowner shall pay a mariner, once a month, an unemployment allowance of the same amount as his salary or wages, for a period not exceeding two months, in respect of every day of his unemployment.

(Discharge Allowances)

Article 46

The shipowner (or former shipowner in the case of item 4) shall without delay pay a mariner a discharge allowance of the same amount as his monthly salary or wages in the case falling under any of the following items:

1. If the shipowner has rescinded the contract of engagement in accordance with the provision of Article 40, item 6;
2. If the mariner has rescinded the contract of engagement in accordance with the provision of Article 41 paragraph 1, item 1 or 2;
3. If the shipowner has rescinded the contract of engagement in accordance with the provision of Article 42;
4. If the contract of engagement has terminated in accordance with the provision of Article 43, paragraph 1;
5. If the contract of engagement has been rescinded by reason of the mariner's inability to obtain a certificate of health provided in Article 81.

(Repatriation)

Article 47

The shipowner shall, without delay and at his expense, take the mariner back to the port where he was engaged or to a place where the mariner desires to be taken to, or may substitute such repatriation for payment of the expenses of the repatriation, in the case falling under any of the following items:

MARINERS LAW

1. If the contract of engagement has terminated in accordance with the provision of Article 39;
2. If the shipowner has rescinded the contract of engagement in accordance with the provision of Article 40 item 1 or 6;
3. If the shipowner or the mariner has rescinded the contract of engagement in accordance with the provision of Article 40 item 5, or Article 41, paragraph 1, item 3. This shall not, however, apply in a case where the injury or sickness which the mariner sustained or contracted without relation to his duties is due to a wilful act or gross default on his part;
4. If the mariner has rescinded the contract of engagement in accordance with the provision of Article 41 paragraph 1, item 1 or 2;
5. If the shipowner has rescinded the contract of engagement in accordance with the provision of Article 42;
6. If the mariner has rescinded the contract of engagement in accordance with the provision of Article 43, paragraph 2;
7. If the contract of engagement of a mariner has terminated by the expiration of the period of engagement at a place other than his own country;
8. If the contract of engagement has been rescinded by reason of the mariners' inability to receive a certificate of health as provided in Article 81.

(Expenses of Repatriation)

Article 48

The expenses for repatriating a mariner, which are to be borne by the shipowner, shall include the charges for transportation, accommodation and food of the mariner during the repatriation, and also charges for his accommodation and food from the time of the termination of the contract up to the time of his immediate departure.

(Repatriation Allowances)

Article 49

The shipowner shall pay a mariner a repatriation allowance of the same amount as his salary or wages in respect of every day required for his repatriation. The same shall apply in cases where the expenses of repatriation are paid in lieu of repatriation.

The repatriation allowance mentioned in the preceding paragraph shall be paid once a month in case the shipowner takes back a mariner or at the time of payment of repatriation expenses in case the shipowner pays the same in lieu of repatriation.

MARINERS LAW(Mariner Pocket-Ledger)

Article 50

A mariner shall hold a mariner's pocket-ledger.

The master shall take charge of the pocket-ledger of his seaman while the seaman is on board the vessel.

Necessary matters pertaining to the grant, correction, rewriting and return of a mariner's pocket-ledger shall be prescribed by Ordinance.

(Certificate as to Quality of Work)

Article 51

A seaman may demand the master to grant a certificate as to the quality of his work.

CHAPTER VSALARY, WAGES OR OTHER REMUNERATIONS(Method of Fixing Salary, Wages or other Remunerations)

Article 52

The salary, wages or other remunerations of a mariner shall be fixed in consideration of the particular nature of maritime labor and according to his experience, capacity, and service.

(Method of Paying Salary, Wages or other Remunerations)

Article 53

The salary, wages, or other remunerations shall be paid direct to the mariner in currency and in full, unless otherwise provided by law, ordinance, or by collective agreement.

The salary, wages or other remunerations except those provided by Ordinance shall be paid once or more each month on the fixed day, or days.

Article 54

The shipowner shall without delay pay a mariner such salary, wages or any other remuneration provided for in paragraph 2 of the preceding Article even before the pay-day in respect of every day of service, in the case falling under any of the following items:

1. If a mariner has been discharged, or has retired, from his service;
2. If a mariner has demanded his salary, wages or any other remuneration to be paid in order that any of them may be used by the mariner, or by any one of his relatives who is living with him or by a person who maintains his existence upon the income of such mariner, to meet the expense for marriage or funeral, childbirth or medical treatment, or the expense for the recovery from an unforeseen accident.

MARINERS LAW

Article 55

When the salary, wages or any other remuneration of a seaman is to be paid on board the vessel, the master himself shall deliver the same to the seaman. When an unavoidable necessity arises, however, the master may cause another officer to deliver the same.

Article 56

The shipowner shall, if called upon by a mariner to do so, pay the salary, wages, or any other remuneration of the mariner to one of his relatives who is living with him or to a person who maintains his existence upon the income of such mariner.

(Right to Demand Salary or Wages During Injury or Sickness)

Article 57

A mariner may, during the term of his engagement, demand his salary or wages and allowances provided for in Ordinance even for the period during which he has not been in service by reason of injury or sickness, except where such injury or sickness is due to a wilful act or gross default on the part of the mariner.

(Remuneration in Percentage)

Article 58

In case where the remuneration is paid in percentage, the sum of such remuneration shall not be less than the amount fixed by the shipowner, even if the monthly sum computed in percentage does not amount to the fixed amount.

In the application of the provisions of Article 35 and the preceding Article, the fixed amount of remuneration as provided for in the preceding paragraph shall be deemed to be salary or wages.

In cases where the remuneration of a mariner is paid in percentage, the amount fixed by the shipowner shall be deemed to be the mariner's monthly salary or wages, in the application of the provisions of Article 45, 46, 49 and 78.

The amount mentioned in the preceding paragraph shall not be less than the fixed amount provided for in paragraph 1.

(Minimum Salary or Wages)

Article 59

The competent authorities may, if they deem necessary, fix the minimum amount of salary, wages or any other remunerations in accordance with the provisions of Ordinance, with the consent of the Labor Commission organized under the Labor Union Law (hereinafter called the Mariners' Labor Commission).

The shipowner shall not employ a mariner at a salary, wages or any other remuneration lower than the minimum amount provided for in the preceding paragraph.

MARINERS LAWCHAPTER VIHOURS OF WORK, REST DAYS AND MANNING(Hours of Work of Persons Whose
Time is Divided Into Watches)

Article 60

The hours of work of the following persons whose time is to be divided into watches, shall not exceed eight in the day, nor shall they exceed fifty-six in the week, when they keep watch on board the vessel.

1. Deck officers, wireless operators and deck ratings on board the vessels of not less than 2,000 tons gross;
2. Engineer-officers and ratings on board the vessels of not less than 700 tons gross.

The master, without prejudice to the provisions of the preceding paragraph, may extend the hours of work within the following limits:

1. Not more than one hour per day in respect of the hours of work of deck officers or wireless operators whose time is divided into watches;
2. In cases where the master has, out of special necessity, increased the number of deck officers or wireless operators whose time is divided into watches not more than four hours per day in respect of such increased persons;
3. Hours necessary for the regular alternation of watches or for the throwing away of cinders, in respect of the hours of work of engineer-ratings whose time is divided into watches.

(Sea Watch While the Vessel is in Port)

Article 61

Sea watches shall be suspended while the vessel is in port, except within twelve hours after its entry, or twelve hours before its scheduled time of clearance, or where the master deems necessary for the safety of the vessel.

(Hours of Work of Persons Whose
Time is not Divided into Watches)

Article 62

The hours of work at sea and on arrival and sailing days of those officers and ratings in the deck and engine-room departments on board vessels of not less than 700 gross tons whose time is not divided into watches shall not exceed eight in the day nor shall they exceed forty-eight in the week.

MARINERS LAW(Hours of Work and Holidays
while the Vessel is in port)

Article 63

The hours of work in port (except on arrival and sailing days: the same applying correspondingly to the following articles) of deck and engineer officers and wireless operators and of deck and engineer-ratings shall not exceed eight in the day nor shall they exceed forty-eight in the week except in cases where their time is divided into watches in accordance with the provision of Article 61.

The shipowner shall, while the vessel is in port, give at least one rest day per week to a seaman mentioned in the preceding paragraph.

When an unavoidable circumstance occurs, the master may, notwithstanding the provision of the preceding paragraph, cause a seaman mentioned in paragraph 1 to do a necessary work even on a rest day, provided, however, that the limit of forty-eight hours of work per week shall not be exceeded thereby.

(Hours of Work of Ratings in Catering
and Clerical Departments)

Article 64

Hours of rest at sea of ratings in the catering and clerical departments on board the vessel with a capacity of more than twelve passengers shall not be less than twelve in the day.

The hours of rest mentioned in the preceding paragraph shall include a rest of at least eight consecutive hours.

Article 65

The hours of work at sea and on arrival and sailing days of ratings in the catering and clerical departments on board the vessels, excepting those mentioned in paragraph 1 of the preceding article, shall not exceed eight in the day. If the master deems necessary, however, he may extend them within the limit of two hours per day.

Article 66

The hours of work in port of ratings in the catering and clerical departments shall not exceed eight in the day, unless otherwise provided by the collective agreements.

(Overtime Work and Allowances Therefor)

Article 67

When an urgent necessity arises, the master may cause any seaman to engage in work in excess of the limit hours provided for in Articles 60, 62, Article 63 paragraph 1, the proviso of Article 63 paragraph 3, Article 65 and the preceding article, or may reduce the hours of rest mentioned in Article 64 paragraph 1, or shall not have to give a rest of eight consecutive hours notwithstanding the provision of paragraph 2 of the same article.

MARINERS LAW

When the hours of work have been extended, or the hours of rest have been reduced, or the rest of eight consecutive hours has not been given under the provision of the preceding paragraph, the shipowner shall pay such overtime allowances as provided by Ordinance.

The master shall, in accordance with the provisions of Ordinance, keep on board the vessel a book in which an entry is to be made of matters connected with the overtime allowances mentioned in the preceding paragraph.

(Exceptions)

Article 68

The provisions of Article 60 and Articles 62 to 67 inclusive shall not apply in cases where seamen are engaged in any of the following works under the master's order.

1. An urgent work necessary for the safety of human life, the vessel or the cargo, or for the purpose of rendering assistance to persons or other vessels;
2. Fire, lifeboat and similar drills of the kind;
3. Extra work resulting from the reduction in the number of serviceable seamen due to injury, sickness, death, or any other unforeseen accident.
4. Extra work for the purpose of customs, quarantine or other health formalities;
5. Work for the determination of the position of the vessel at noon.

(Manning)

Article 69

The shipowner, unless otherwise provided by ordinance, shall fix the minimum requirements as to manning and embark such seamen for service on board the vessel in order to comply with the provisions of Articles 60 to 66 inclusive.

If, in the course of a voyage, any reduction in the number of seamen has taken place, the shipowner shall, without delay, complement a necessary number thereof.

Article 70

The minimum number of deck ratings whose time is to be divided into watches on board the vessels of not less than 700 gross tons shall be nine, and not less than three of them shall be available for each navigational watch. However, in the case of vessels of not more than 2,000 gross tons, six ratings shall be sufficient for the minimum number.

Included among the minimum number mentioned in the preceding paragraph shall be no ratings with less than one year's sea service on deck, except as otherwise fixed by the collective agreement.

MARINERS LAW

More than one half of the minimum number mentioned in the first paragraph must be over eighteen years of age and either have had at least three years' service on deck or have been granted a certificate issued by the competent authorities under the provisions of ordinance showing that their standard efficiency is equal to that of the average ratings who have had three years' sea service on deck.

(Scope of Application)

Article 71

The provisions of articles 60 to the preceding article inclusive shall not apply in respect of the following vessels:

1. A vessel of less than 1,000 gross tons which navigates within the partially smooth water area or the smooth water area and among domestic ports exclusively (excepting such a vessel as the competent authorities may designate through the deliberation of the Mariners' Labor Commission);
2. A sailing-vessel;
3. A vessel engaged in fishing.

Article 72

The provisions of Articles 60 to 70 inclusive shall not apply to the following persons:

1. Chief officers in the deck, engine-room and wireless departments whose time is not divided into watches;
2. Doctors and staff exclusively engaged in compounding medicines or on nursing duties.

Article 73

The competent Minister may, if he deems necessary, issue necessary orders regarding the hours of work, rest days and manning of mariners to whom the provision of Articles 60 to 70 inclusive are not applied with the resolution of the Mariners' Labor Commission.

CHAPTER VII

HOLIDAYS WITH PAY

(Granting of Holidays With Pay)

Article 74

If a mariner has had continuous sea service of a year on board the same vessel, (including service while the vessel is being equipped or under repairs: the same applying correspondingly to the following articles), the shipowner shall, within one year from such duration of time, give the mariner holidays with pay. If the vessel is on a voyage, however, the shipowner may postpone bestowal of such holidays with pay for a period necessary for the voyage.

MARINERS LAW

In cases where a mariner has left the service of one vessel for that of another engaged in the same kind of undertaking, the periods of service which precede and follow the change of vessels shall be deemed to have continued on board the same vessel.

If, in cases where the periods of sea service are interrupted, the interruption is not due to a wilful act or default on the part of the mariner and the period of interruption does not exceed a total of six weeks, such interruption shall not be deemed to break the continuity of the periods of service which precede and follow it.

(Period of Holidays With Pay)

Article 75

Every mariner shall be granted twenty-five days off with pay after every year of continuous service and additional five days for every additional three months of continuous service.

Every mariner on board the vessel navigating within the partially smooth water area or the smooth water area and among domestic ports exclusively; shall be granted twelve days off with pay after every year of continuous service, and additional two days for every additional three months of continuous service, without prejudice to the provisions of the preceding paragraph.

Article 76

In cases where the shipowner grants a mariner any time off for weekly rest days and public and customary holidays or holidays in lieu thereof, such time shall not be included in the holidays with pay mentioned in the preceding article.

The same shall apply in respect to interruptions of sea service due to the mariner's injury or sickness.

(Method of Granting Holidays With Pay)

Article 77

The time when and the port where mariner is to be given holidays with pay shall be fixed by mutual agreement of the mariner and the shipowner.

The period of holidays with pay may, in accordance with the provisions of the collective agreement, be given in parts.

(Remunerations During Holidays With Pay)

Article 78

The shipowner shall pay a mariner salary or wages and allowances and food expenses provided for in ordinance during the full period of the holidays with pay.

The shipowner shall pay a mariner who is discharged or retired from his service before the mariner has taken a holiday due to him, the salary or wages and allowance and food expense provided for in the preceding paragraph, in respect of every holiday due to him.

MARINERS LAW(Scope of Application)Article 79

The provisions of this Chapter shall not apply in respect to the following vessels:

1. Vessels engaged in fishing;
2. Vessels on which only members of the same family with the shipowner are employed.

CHAPTER VIIIFOOD AND SANITATION(Supply of Food)Article 80

The shipowner shall, in accordance with the provisions of ordinance, provide food to a mariner during the period of his sea service.

The mariner on board the vessel of not less than 700 gross tons which navigates within the oceangoing area or the coasting area or on board such a fishing vessel as is provided for in ordinance, shall be provided with food according to the food table fixed by the competent Minister.

(Certificate of Health)Article 81

The shipowner shall not take into sea service any person who does not possess a certificate of health whereby a doctor designated by the competent authorities proves that he is fitted for sea service. This shall not, however, apply to a case where an unavoidable necessity arises.

In the case contemplated in the proviso of the preceding paragraph, the shipowner shall without delay take a procedure in order that such a person may obtain a certificate of health at a port reached thereafter. In such case, the shipowner shall not continue to employ a person who is unable to receive a certificate of health.

Necessary matters connected with certificates of health shall be provided by ordinance.

(Carrying of Doctors)Article 82

The shipowner shall see that a vessel of not less than 5,000 gross tons which navigates within the oceangoing area or a vessel with a maximum capacity of not less than 100 persons which navigates within the oceangoing area or the coasting area will carry a doctor or doctors.

However, if, in cases where an unavoidable necessity arises, approval has been obtained from the competent authorities, it is not necessary to carry such doctor for a certain fixed period.

MARINERS LAW(Health Requirements and Medical Books)

Article 83

The shipowner shall see that a vessel which navigates within the oceangoing area, the coasting area or the partially smooth water area or a fishing vessel provided for in ordinance will carry on board such medicines, other health requirements and medical books as the competent Minister prescribes.

CHAPTER IXJUVENILE MARINERS AND WOMEN MARINERS(Competency of Minors)

Article 84

No minor shall become a mariner without obtaining the consent of his legal representative.

A minor who has obtained the consent mentioned in the preceding paragraph, shall have the same competency as an adult in respect of a contract of engagement.

(Minimum Age)

Article 85

The shipowner shall not employ a young person under fifteen years of age as a mariner. This shall not, however, apply to vessels on which only members of the same family are employed.

The shipowner shall not employ a young person under eighteen years of age as a seaman who engages in carrying coal or in stocking.

The shipowner cannot employ a young person under eighteen years of age as a mariner unless the person has his pocket-ledger attested by the competent authorities.

Necessary matters connected with the attestation mentioned in the preceding paragraph shall be provided by ordinance.

(Women Before and After Childbirths)

Article 86

The shipowner, if so called upon by a woman whose confinement will probably take place within six weeks, shall not cause her to work on board a vessel.

The shipowner shall not take into sea service a woman unless six weeks' time has elapsed since her Childbirth.

The shipowner, if so called upon by a pregnant woman, shall make her engage in other lighter work.

The provisions of the three preceding paragraphs shall not apply to a vessel on which only members of the same family are employed.

MARINERS LAW(Menstrual Holidays)

Article 87

The shipowner, if so called upon by a woman who finds it very hard to work for menstrual days, shall not make her engage in work on board a vessel during her menstrual days.

(Prohibition of Work at Night)

Article 88

The shipowner shall not cause a mariner under eighteen years of age or a female mariner to do any work during the period between 8 p.m. and 5 a.m. of the next morning. The same shall not apply in case provided by ordinance where the shipowner gives a nine consecutive hours' rest between other times before and after midnight.

The provisions of the preceding paragraph shall not apply to a vessel on which only members of the same family with the shipowner are employed.

CHAPTER X

COMPENSATIONS FOR ACCIDENTS

(Compensation for Medical Treatment)

Article 89

When a mariner has sustained an injury or contracted a sickness in the performance of his duties, the shipowner shall grant him medical benefits at the shipowner's expense or pay him the cost of necessary medical treatment until he has completely recovered from such injury or sickness.

When a mariner has, during the term of his engagement, sustained an injury or contracted a sickness without relation to the performance of his duties, the shipowner shall grant him medical benefits at the shipowner's expense or pay him the cost of necessary medical treatment for a period not exceeding three months, except in cases where such injury or sickness is due to a wilful act or gross default on the part of the mariner.

Article 90.

The medical benefits or treatment provided for in the preceding article shall include each of the following items:

1. Medical examinations;
2. Supply of drugs, medicines or medical appliances;
3. Surgical treatments, operations or other remedies;
4. Admission to hospitals or clinics or other places outside mariners' homes necessary for medical treatments (including supply of food);
5. Sick-nursing;
6. Transportation.

MARINERS LAW(Injury or Sickness Allowances and
Convalescence Allowances)

Article 91

When a mariner has sustained an injury or contracted a sickness in the performance of his duties, the shipowner shall pay him, once a month, an injury or sickness allowance equivalent to the monthly amount of the remuneration provided for in ordinance (hereinafter called the standard remuneration) for a period not exceeding four months and until the mariner has completely recovered from such injury or sickness. In cases where the mariner has not completely recovered from such injury or sickness even after the lapse of the four months, the shipowner shall pay him, once a month, an injury or sickness allowance equivalent to sixty per centum of the monthly standard remuneration until he has completely recovered.

The shipowner shall, immediately after the mariner has completely recovered from the injury or sickness provided for in the preceding paragraph, pay him a convalescence allowance equivalent to sixty per centum of the monthly standard remuneration.

The provisions of the two preceding paragraphs shall not apply in cases where the injury or sickness is due to a wilful act or gross default on the part of the mariner.

(Accident Allowances)

Article 92

If, in cases where a mariner has completely recovered from injury or sickness which he sustained or contracted in the performance of his duties, he is still in a state of physical breakdown, the shipowner shall, immediately after the recovery, pay him an accident allowance equal to the monthly standard remuneration multiplied by the number of months mentioned in the Appended List according to the degree of the breakdown. The same shall not, however, apply in cases where the injury or sickness is due to a wilful act or gross default on the part of the mariner.

(Bereavement Allowances)

Article 93

When a mariner has died in the performance of his duties, the shipowner shall without delay pay a bereavement allowance equivalent to the monthly standard remuneration multiplied by thirty-six to the members of the bereaved family provided for by ordinance. The same shall apply in cases where a mariner has died from injury or sickness which he sustained or contracted in the performance of his duties.

MARINERS LAW(Funeral Expenses)

Article 94

When a mariner has died in the the performance of his duties, the shipowner shall without delay pay a funeral expense equivalent to the monthly standard remuneration multiplied by two to a member of the bereaved family, provided for by ordinance, who holds the funeral services. The same shall apply in cases where a mariner has died from injury or sickness which he sustained or contracted in the performance of his duties.

(Relations to Other Benefits)

Article 95

If a person who is entitled, under the provisions of Articles 89 to the preceding Article inclusive, to receive medical benefits or expenses of medical treatments, allowances or funeral expenses (hereinafter collectively called the compensations for accidents), has come to receive, for the same cause whereby he is entitled to receive such compensations for accidents, the insurance benefits provided for in the Mariners' Insurance Law or such benefits corresponding to the compensations for accidents as are provided for by ordinance, the shipowner shall be relieved of his liability for such compensations for accidents.

(Examination and Arbitration)

Article 96

When a person is dissatisfied with the ascertainment of injury, sickness or death caused by the performance of duties, with the method of medical benefits or treatments, with the decision of making compensations for accidents or with any other way of making compensations for accidents, he may call upon competent authorities for an examination or arbitration in the matter.

The competent authorities may, if they deem necessary, exercise their authority in examining or arbitrating in the matter.

The competent authorities shall not either examine or arbitrate in the matter without giving a hearing to the master or to other persons concerned.

The competent authorities may, if they deem necessary for examination and arbitration in the matter, cause a doctor to conduct a medical examination or an autopsy.

The call for the examination or the arbitration in the matter mentioned in paragraph 1 and the commencement of the examination or the arbitration in the matter mentioned in paragraph 2 shall be regarded as a demand by way of judicial proceedings, in respect of the interruption of prescription.

MARINERS LAWCHAPTER XI

WORKING REGULATIONS

(Formulation of Working Regulations and Report Thereof)

Article 97

A shipowner who regularly employs ten or more mariners shall, in accordance with the provisions of ordinance, formulate working regulations for the following particulars and report them to the competent authorities. The same shall apply in case where alterations are made therein:

1. Salary or wages, and other remunerations;
2. Hours of work;
3. Days of rest and holidays.

When the shipowner mentioned in the preceding paragraph has formulated working regulations for the following particulars, he shall report them to the competent authorities. The same shall apply in cases where alterations are made therein:

1. Manning;
2. Food and sanitation;
3. Clothing and daily necessities;
4. Facilities on land of accommodation, recreation, medical treatment and amusement;
5. Compensations for accidents;
6. Unemployment allowances, discharge allowances and retiring allowances;
7. Repatriation;
8. Education;
9. Rewards and punishments;
10. Other working conditions.

An association which is a juridical person consisting of shipowners may formulate working regulations which are to apply to those constituent shipowners mentioned in paragraph 1 and make a report thereon. The same shall apply in cases where alterations are made therein.

In case the report thereon has been made in accordance with the provisions of the preceding paragraph, the shipowners provided therein are not required to make the said working regulations, make the report on the formulation or on the alteration thereof.

The report provided for in paragraphs 1 to 3 inclusive shall accompany a document containing the opinions expressed under the provision of Article 98.

MARINERS LAW(Procedures of Formulating Working Regulations)

Article 98

The shipowner or the juridical person provided for in the preceding Article, paragraph 3 cannot make or alter the working regulations without giving a hearing to a labor union, if there is any that is organized by more than half of the mariners in the employ of the shipowner to whom the working regulations apply, or to the representatives of more than half of such mariners, if there is no labor union organized by more than half of the mariners.

(Supervision Over Working Regulations)

Article 99

The competent authorities may order alteration of the working regulations containing elements which are in conflict with laws, ordinances or collective agreements.

The competent authorities may, if they deem the working regulations to be inappropriate, order alteration thereof with the resolution of the Mariners' Labor Commission.

(Effect of Working Regulations)

Article 100

Such portion of a contract of engagement as contains provision for working conditions falling short of the standard fixed in the working regulations, shall be invalidated. In such case the contract shall, in respect of the portion thus invalidated, be deemed to contain provision for working conditions coming up to the standard fixed in the working regulations.

CHAPTER XIISUPERVISION(Competent Authorities)

Article 101

The competent authorities may, if they consider that some act of a shipowner or a mariner is in conflict with this Law, the Labor Standards Law (only the portions applying to mariners' labor relations: the same applying correspondingly to the following articles) or ordinances issued under this Law, deal with the shipowner or the mariner in such a manner as they may necessary.

Article 102

The competent authorities may exercise their good offices to settle troubles concerning labor relations (except the labor disputes provided for in Article 6 of the Labor Relations Adjustment Law) between the shipowner and the mariners.

MARINERS LAW(Business of Competent Authorities
In Foreign Countries)

Article 103

The business which the competent authorities are required by this Law to discharge shall, under the provisions of Ordinance, be conducted by Japanese consuls in foreign countries.

(Mayors and Headmen of Towns And Villages
Undertaking Business of Competent Authorities)

Article 104

The competent Minister may cause the mayor of a city, or the headman of a town or a village to undertake the business which the competent authorities are required by this Law to discharge.

(Mariners' Labor Inspectors)

Article 105

The competent Minister shall appoint Mariners' Labor Inspectors from among his subordinate officials and cause them to control matters connected with the enforcement of this Law and the Labor Standards Law.

Article 106

The Mariners' Labor Inspector may, if he deems necessary, warn or urge shipowners or mariners to observance of this Law, the Labor Standards Law and ordinances issued under this Law.

Article 107

The Mariners' Labor Inspector may, if he deems necessary, make a search of the vessel or any other place of work or may order shipowners or mariners to call or produce books and documents or to make reports or may ask questions of such persons.

The Mariners' Labor Inspector may, if he deems necessary, ask questions of a passenger or any other person on board the vessel.

In the cases contemplated in the two preceding paragraphs, the Mariners' Labor Inspector shall carry with him an identification card testifying to his official status.

Article 108

The Mariners' Labor Inspector shall exercise the judicial police powers provided for in the Code of Criminal Procedure in respect of offences under this Law and the Labor Standards Law.

Article 109

The Mariners' Labor Inspector shall not break any secrets that he has learned in the performance of his duties. The same shall also apply in the case where he has left his office as a Mariners' Labor Inspector.

MARINERS LAW(Powers of Mariners' Labor Commission)

Article 110

The Mariners' Labor Commission shall, in addition to the exercise of the powers provided for in the Labor Union Law, investigate and deliberate, in response to request from the competent authorities, matters connected with the enforcement or revision of this Law and the Labor Standards Law.

The Mariners' Labor Commission may present the competent authorities a recommendation concerning the mariners' working conditions.

(Matters to Be Reported)

Article 111

The shipowner shall, in accordance with the provisions of ordinance, present a report to the competent authorities on the following particulars:

1. Number of mariners in his employ;
2. State in which salary, wages, or other remunerations are paid;
3. State in which compensations are made for accidents;
4. Other matters provided for in ordinances.

(Complaints of Mariners)

Article 112

If there is any fact which is in conflict with this Law, the Labor Standards Law or ordinances issued under this Law, a mariner may, in accordance with the provisions of ordinance, lodge a complaint respecting the fact with the competent authorities, the Mariners' Labor Inspector or the Mariners' Labor Commission.

The shipowner shall not discharge a mariner or give him any other disadvantageous treatment because of the mariner's lodging the complaint mentioned in the preceding paragraph.

CHAPTER XIIIMISCELLANEOUS PROVISIONS(Notification of Working Regulations Etc.)

Article 113

The shipowner shall post at some noticeable place on board the vessel the documents containing this Law, the Labor Standards Law, the ordinances issued under this Law, the collective agreements and the working regulations or keep such documents on board the vessel.

MARINERS LAW(Adjustment of Remunerations,
Compensations and Allowances)

Article 114

In regard to the period during which the shipowner is required to pay at the same time any two or more out of salary, wages or other remuneration, unemployment allowance, repatriation allowance or injury or sickness allowance, it shall suffice for him to pay any one whose amount is the largest of them all.

If, in the case where the shipowner is required to pay salary, wages or other remuneration, he is to pay either discharge allowance or convalescence allowance he shall be relieved of his liability for such discharge allowance or convalescence allowance to the extent of his payment of such salary, wages or other remuneration.

(Prohibition of Transfer or Attachment)

Article 115

The right to receive the unemployment allowance, discharge allowance, repatriation expense or the compensation for accident shall be inalienable and shall not be liable to attachment. The same shall apply to the right to receive salary, wages or other remuneration (within the limit of the amount of the injury or sickness allowance) during the period in which the salary, wages or other remuneration and the injury or sickness allowance are to be paid at the same time.

(Payment of Penalty)

Article 116

In cases where the shipowner has committed any offence under Articles 45 to 47 inclusive, Article 49, Article 59 Paragraph 2, Article 67 paragraph 2 or Article 78, he shall pay the mariner a penalty equivalent to the unpaid amount (in the case contemplated in Article 59 paragraph 2 the balance between the minimum amount provided for in the same article and the amount of salary, wages or other remuneration fixed by contract) when a demand is made as provided by paragraph 2 for the amount (or the repatriation expense in the case contemplated in Article 47) which the shipowner is required to pay in accordance with the above-mentioned articles.

A mariner cannot demand payment of the penalty mentioned in the preceding paragraph without filing suit in a court. Such suit shall, however, be filed with the court within two years from the time of committing the offences mentioned in the same paragraph.

MARINERS LAW(Exceptions to Prescription)

Article 117

Every claim of the mariner against the shipowner shall be barred by prescription, if it is not instituted within two years. The same shall apply to claims for the bereavement allowance and funeral expenses against the shipowner.

(Application with Modifications)

Article 118

The provisions of Articles 31 to 34 inclusive, Article 84 paragraph 2 and Article 100 shall apply with necessary modifications to a contract for the employment of a reservist.

(Certification As to Census)

Article 119

Any mariner, anyone who intends to become a mariner, any shipowner or master may, call upon a census official or his deputy to issue, free of charge, a census certificate for such mariner or a person who intends to become a mariner.

(Application to State and Public Entities)

Article 120

This Law, the Labor Standards Law and the ordinance issued under this Law shall apply to the State, Tokyo, Hokkaido, prefectures, cities, towns, villages and similar public entities.

(Enaction of Ordinances)

Article 122

No ordinance that is to be issued under this Law shall be enacted unless an extensive hearing is given in respect of draft thereof to representatives of the mariners and of the shipowners and to representatives for the public interests.

CHAPTER XIV

PENAL PROVISIONS

Article 122

If a master has, by abusing his power, compelled any person on board the vessel to do anything beyond the scope of such person's duty, or has obstructed any person in the exercise of his right, the master shall be liable to penal servitude for not more than two years.

Article 123

If a master has contravened the provisions of Article 12, he shall be liable to penal servitude for not more than five years.

MARINERS LAW

Article 124

If a master has, in contravention of the provisions of Article 13, failed to take every possible means necessary for the salvaging of human life or vessel, he shall be liable to penal servitude for not more than three years or to a fine not more than three thousand yen.

Article 125

A master shall be liable to penal servitude for not exceeding two years or to a fine not more than two thousand yen in any of the following cases:

1. If he has contravened the provisions of Article 14;
2. If he has abandoned the vessel;
3. If he has deserted any seaman in a foreign country.

Article 126

A master shall be liable to a fine not more than three thousand yen in any of the following cases:

1. If he has contravened the provisions of Articles 8, 10, 11, 16, Article 17 paragraph 1, Article 36, Article 50 paragraph 2, or Article 55.
2. If, in contravention of the provisions of Article 9, he has deviated from the predetermined route;
3. If, in contravention of the provisions of Article 13, he has failed to give any of the names;
4. If, in contravention of the ordinance issued under the provisions of Article 15, he has buried the body at sea;
5. If he has failed to keep aboard the documents provided for in Article 18, or if he has made no entry, or has made any false entry, of the required particulars in the documents provided for in items 2 to 4 inclusive of paragraph 1 of the same Article;
6. If he has made no report, or has made a false report, provided for in Article 19;
7. If he has kept aboard no book provided for in Article 67 paragraph 3, or has made no entry, or has made any false entry, of the required particulars.

Article 127

If a seaman has done any violence or made any threat to his superior, he shall be liable to penal servitude for not more than three years or to a fine not exceeding three thousand yen.

Article 128

A seaman shall be liable to penal servitude for not more than one year in any of the following cases:

1. If, in a case where there is an imminent danger to the vessel, he has left the vessel without the master's permission;

MARINERS LAW

2. If, in the case contemplated in Articles 12 to 14 inclusive where the master takes means necessary to save human life, the vessel or the cargo, he has refused to obey the orders of his superior;
3. If, in the case contemplated in Article 39 paragraph 3, he has failed to render services necessary for the emergency salvaging of human life, the vessel or the cargo;
4. If he has deserted from the vessel in a foreign country.

Article 129.

If a shipowner has contravened the provisions of Article 85 paragraph 1 or 2, he shall be liable to penal servitude for not more than one year or to a fine not exceeding ten thousand yen.

Article 130

If a shipowner has contravened the provisions of Article 33, Article 34 paragraph 1, Articles 35, 45 to 47 inclusive, 49, Article 59 paragraph 2, Article 63 paragraph 2, Article 67 paragraph 2, Articles 69, 70, 74, 78, 80, 82, 83, 86, 88, 89, 91 to 94 inclusive or Article 112 paragraph 2, or if he has contravened the provisions of the ordinance issued under the provisions of Article 73, he shall be liable to penal servitude for not more than six months or to a fine not exceeding five thousand yen.

Article 131

A shipowner shall be liable to a fine not more than five thousand yen in any of the following cases:

1. If he has contravened the provisions of Article 32, Article 34 paragraph 2, Articles 53, 54, 56, Article 58 paragraph 1, Article 81 paragraph 1 or 2, Article 85 paragraph 3, Article 87, or Article 113;
2. If he has acted against the method of keeping or returning approved under the provisions of Article 34 paragraph 2;
3. If he has made no report, or has made a false report, provided for in Article 111.

Article 132

A person shall be liable to a fine not more than five thousand yen in any of the following cases:

1. If he has failed to formulate the working regulations, or has made no report or has made false report thereon, provided for in Article 97;
2. If he has contravened the provisions of Article 98;
3. If he has contravened the ordinance issued under the provisions of Article 99;
4. If he has acted against the dealings provided for in Article 101;

MARINERS LAW

5. If he has refused, obstructed or evaded the search or examination, or has refused to obey the orders of call, or has failed to make a statement, or has made a false statement, on the question of a Mariners' Labor Inspector provided in Article 107;
6. If he has failed to produce the books or documents provided for in Article 107, or has produced books or documents containing false entries, or has failed to make a report or has made a false report;
7. If he has contravened the provisions of Article 109;
8. If, in the case contemplated in Article 112 paragraph 1, he has filed a false complaint.

Article 133

A person shall be liable to a fine not more than three thousand yen in any of the following cases:

1. If he has failed to call, for certification of the contract of engagement in contravention of Article 37;
2. If he has had the contract of engagement certified by fraud or by any other unlawful means;
3. If he has thrown away or destroyed his own mariner's pocket-ledger;
4. If he has contravened the ordinance issued under the provision of Article 50 paragraph 3;
5. If he has had his mariner's pocket-ledger granted, revised or rewritten by fraud or by any other unlawful means;
6. If he has used the mariner's pocket-ledger of some other person.

Article 134

The provisions of this Chapter which are to be applied to masters shall be applied to persons who perform the duties of masters in their place.

Article 135

If any representative, agent, employee or any other worker of a shipowner has, in respect of the business of the shipowner, acted in contravention of the provisions of Articles 129 to 131 inclusive, Article 132 items 1 to 3 inclusive and 6 or Article 133 items 1 and 2, the fine provided for in the articles referred to shall be imposed upon the said shipowner in addition to the punishment meted out to the actual offender, except where the shipowner (or the representative in the case of a minor who does not have the same competency as an adult or of an incompetent; the same applying correspondingly to the following paragraphs of this Article) has taken necessary measures for the prevention of such contravention.

MARINERS LAW

If, in the case contemplated in the preceding paragraph, a shipowner has, in spite of his knowledge of the project for contravention, failed to take any necessary measures for the prevention thereof, or has failed, in spite of his knowledge of the act of contravention, to take necessary measures for the correction thereof or has instigated the contravention, the shipowner also shall be punished as an actual offender.

If the representative, agent, employee or any other worker of the association provided for in Article 97 paragraph 3 has acted in contravention of the provisions of Article 132, items 1 to 3 inclusive the provisions of the two preceding paragraph shall be applied with necessary modifications.

SUPPLEMENTARY PROVISIONS

Article 136

This Law except the provisions of Chapter X shall come into force as from the date of its promulgation. The date of enforcement of the provisions under Chapter X shall be designated by ordinance.

Article 137

The Small-type Vessel Crew's Pocket-Ledger Law shall be repealed.

Article 138

The provisions of the proviso of Article 68 paragraph 3 of the former Mariners Law shall still be effective even after the enforcement of this Law.

Article 139

The provisions of the former Law shall be applied to matters which have occurred prior to the enforcement of this Law.

Article 140

The provisions of Article 18 shall not be applied to vessels of less than 20 gross tons or to those navigating within smooth water areas, for the period of six months from the date of enforcement of this Law.

Article 141

Such contracts of engagement of the persons who serve on board the vessels provided for in the preceding article as are existent at the time of enforcement of this Law, shall be deemed to have been concluded at that time, in respect of the application of the provisions of Article 37.

Article 142

The provisions of Articles 60 to 70 inclusive shall not be applied to those wartime standard vessels which the competent authorities have designated, with the resolution of the Mariners' Labor Committee, as not having sufficient accommodation to satisfy the minimum requirements as to manning provided for in Article 69.

MARINERS LAW

Article 143

The provisions of Article 83 shall not be applied to vessels navigating within partially smooth water areas, for the period of six months from the date of enforcement of this Law.

Article 144

When a young person under fifteen years of age is to be employed as a mariner, or a young person under eighteen years of age is to be employed as a seaman who engages in carrying coal or in stoking, in continuation of their employment before the enforcement of this law, the provision of Article 85 shall not be applied to them for the period of six months from the date of enforcement of this Law.

Article 145

The provisions of Article 67 paragraph 3, Articles 97 and 113 shall not be applied for the period of six months from the date of enforcement of this Law.

Article 146

The following partial amendments shall be made in the Commercial Code:

Article 708 shall be deleted.

Article 709. The master shall keep on board the vessel the inventory of the ship's appurtenances and the documents relating to contracts of carriage.

It may be provided by ordinance in respect of a vessel which is not a foreign going vessel that the inventory of the ship's appurtenances mentioned in the preceding paragraph need not be kept on board.

Article 710 shall be deleted.

Article 711 shall be deleted.

The provisions of Articles 708 to 711 inclusive shall still be effective in cases where the applications of those provisions are necessary in connection with the application of other laws and ordinances.

Article 147

The following partial amendments shall be made in the Law Concerning the Enforcement of the Commercial Code;

In Article 122 the term "the Minister of Communications" shall be revised to "the Minister of Transportation."

Article 130: The form of the inventory of the ship's appurtenances shall be fixed by the Minister of Transportation.

MARINERS LAWAPPENDED LIST

Degree of physical breakdown	Number of Months
The First Degree	48 months
The Second Degree	42 "
The Third Degree	39 "
The Fourth Degree	35 "
The Fifth Degree	33 "
The Sixth Degree	30 "
The Seventh Degree	25 "
The Eighth Degree	20 "
The Ninth Degree	15 "
The Tenth Degree	12 "
The Eleventh Degree	9 "
The Twelfth Degree	6 "
The Thirteenth Degree	4 "
The Fourteenth Degree	2 "

UNCLASSIFIED

Enclosure No. 4 to Despatch No. 593 dated September 9, 1948 from the Office of the Political Adviser for Japan, Tokyo, on the subject, "Resumption of Responsibility by Japanese Shipowners to Crew, Supply, Repair and Maintain Privately-Owned Merchant Vessels".

MARINERS LAWCHAPTER IGENERAL PROVISIONS
(Mariner)

Article 1

For the purpose of this Law, the term "mariner" shall include every master or seaman who serves on board a Japanese vessel or a non-Japanese vessel provided for in ordinance or every reservist.

A vessel mentioned in the preceding paragraph excludes any of the following vessels:

1. A vessel of less than five tons gross
2. A vessel navigating lakes, rivers or within harbors exclusively;
3. A fishing vessel of less than thirty tons gross.

Article 2

The term "seaman" as used in this Law shall include every person except the master who is employed as a member of the crew on a vessel engaged in maritime navigation for salary, wages or any other remuneration to be paid in compensation for his service.

The term "reservist" as used in this Law shall include every person employed for purpose of serving on board the vessel provided for in paragraph 1 of the preceding article but not in service thereon.

Article 3

The term "officer" as used in this Law shall include every mate, chief engineer, engineer, wireless operator, and every other seaman provided for in ordinance. The term "ratings" shall include every seaman other than officers.

(Salary or Wages and Hours of Work)

Article 4

The expression "salary or wages" as used in this Law means a basic regular pay which constitutes a part of the fixed periodical payment made by the shipowner to the mariner by way of compensation, and the expression "hours of work" means time during which the mariner is engaged on watch duties or any other work under the official order of his superior.

(Application of Provisions Governing Shipowners)

Article 5

The provisions relative to shipowners of this Law and the ordinance issued thereunder shall apply to the ship's husband in the case of co-ownership, to the lessee in the case of lease, and to the person in the case where a person other than owner, husband or lessee of the vessel employs a mariner.

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MARINERS LAW(Application of Labor Standards Law)

Article 6

The provisions of Articles 1 to 11 inclusive, Articles 117 to 119 inclusive and Article 121 of the Labor Standards Law shall apply to mariners in respect to labor relations.

CHAPTER IIFUNCTIONS AND POWERS
OF MASTERS(Right to Command and Order)

Article 7

The master may command and supervise seamen and give persons on board the vessel orders necessary for the performance of his duties.

(Inspection before Commencement of Voyage)

Article 8

The master shall, before the commencement of a voyage, make an inspection as to whether the vessel is fit for navigation and whether the other preparations necessary for the voyage are in due order.

(Completion of Voyage)

Article 9

When preparations for a voyage have been completed, the master shall commence the voyage without delay, and except in case of necessity shall proceed to the port of destination without deviating from the predetermined route.

(Command on Deck)

Article 10

The master shall take command of his vessel in person standing on deck, when the vessel enters or clears any port, or passes through any narrow fairway, or when there is any other danger to the vessel.

(Obligation to Remain on Board)

Article 11

The master shall not, except in unavoidable circumstances, leave the vessel under his command, during the interval between the shipping of cargo or the embarkation of passengers and the discharge of cargo or the disembarkation of passengers, unless he has entrusted his duties to a person who would take command of the vessel in his stead.

MARINERS LAWCHAPTER IGENERAL PROVISIONS
(Mariner)

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The expression "salary or wages" as used in this Law means a basic regular pay which constitutes a part of the fixed periodical payment made by the shipowner to the mariner by way of compensation, and the expression "hours of work" means time during which the mariner is engaged on watch duties or any other work under the official order of his superior.

(Application of Provisions Governing Shipowners)

Article 5

The provisions relative to shipowners of this Law and the ordinance issued thereunder shall apply to the ship's husband in the case of co-ownership, to the lessee in the case of lease, and to the person in the case where a person other than owner, husband or lessee of the vessel employs a mariner.

MARINERS LAW(Means in Case of Danger to Vessels)

Article 12

The master, when there is imminent danger to the vessel, shall not leave the vessel, unless he has exhausted every means necessary to save human life, the vessel and the cargo, and until the passengers, the seamen and other persons aboard have abandoned the vessel.

(Means in Case of Collision)

Article 13

In case of collision between two vessels, the master of one vessel shall use every possible means necessary for the salving of the other vessel and human life on board the vessel and give the name of his vessel, her owner, her ports of registry, departure and destination to the master of the other vessel, except where there is imminent danger to the vessel under his command.

(Assistance of Vessels in Distress)

Article 14

When it has come to the knowledge of any master that another vessel is in distress, he shall use every possible means necessary for the salving of human life on board the vessel, except in a case where there is imminent danger to the vessel under his command or in the case provided for in Ordinance.

(Burial at Sea)

Article 15

The master may, in case there has occurred any death among the persons on board the vessel when under way, bury the body of such person at sea in accordance with the provisions of Ordinance.

(Custody of Effects)

Article 16

If any person on board the vessel has died or become missing, the master thereof shall, in accordance with the provisions of Ordinance, take charge or make any other disposition of the effects which the person leaves on board the vessel, unless otherwise provided by other laws or ordinances.

MARINERS LAW(Repatriation of Nationals Abroad)

Article 17

If a Japanese consul resident in a foreign country has, in accordance with the provisions of laws or ordinances, ordered a master to take any Japanese national to his own country, the master shall not refuse to obey such order except for justifiable reasons.

Necessary matters connected with repayment of the expenses of such repatriation shall be provided for by Ordinance.

(Obligation to Keep Documents)

Article 18

The master shall, unless otherwise provided by Ordinance, keep the following documents on board:

1. The certificate of nationality of a ship or other certificates provided for in Ordinance;
2. The shipping articles;
3. The log book;
4. The list of passengers;
5. The documents relating to the cargo.

Necessary matters connected with the shipping articles, the log book and the list of passengers shall be provided for by Ordinance.

(Report on Navigation)

Article 19

The master shall, in accordance with the provisions of Ordinance, report to the competent authorities, in the case falling under any of the following items:

1. If there has occurred any collision, stranding, foundering, loss, fire, damage to engines or any other shipping casualty;
2. If he has rendered services in salvaging human life or a vessel;
3. If, when the vessel is under way it has come to his knowledge, except by wireless, that another vessel is in distress;
4. If any person on board the vessel has died or is missing;
5. If a deviation has been made from the predetermined route;
6. If the vessel has been interned or captured, or has encountered any other remarkable accident.

(Performance of Master's Duties by Proxy)

Article 20

If, in cases where the master has died or left his vessel, or where he is unable to take command thereof, he has failed to appoint any other person to his post, one of the seamen engaged in navigation who is next to him in the order of their grade or rating shall perform the duties of the master.

MARINERS' LAWCHAPTER III

DISCIPLINE

(Order on Board)

Article 21

All seamen shall observe the following matters:

1. To obey the official orders of his superiors;
2. Neither to neglect his own duties, nor to obstruct any other members of the crew in the discharge of their duties;
3. To embark on the vessel by the time appointed by the master;
4. Not to leave the vessel without permission of the master;
5. Not to use a boat or any other important appurtenances without permission of the master;
6. Not to waste provisions or fresh water on board;
7. Not to use electricity or the heat of fire without permission of the master, or not to smoke at a place where smoking is prohibited;
8. Not to take into, or out of, the vessel any articles other than daily necessities without permission of the master;
9. Not to quarrel by force, get intoxicated, or not to commit any other outrage;
10. Not to commit such other acts as will disturb the order on board the vessel.

(Disciplinary Punishment)

Article 22

The master may inflict disciplinary punishment on any seaman who has failed to observe any of the matters mentioned in the preceding article.

Article 23

Disciplinary punishment shall be of two forms viz. prohibition of landing and admonition. The term of the prohibition of landing shall not exceed ten days including the first day of punishment and consisting solely of days when the vessel stays in port.

Article 24

The master cannot inflict disciplinary punishment on any seaman without giving a hearing to three or more witnesses who are seamen, and without examining the seaman and the persons concerned in the presence of the witnesses.

MARINERS LAW(Measures in Case of Dangers)

Article 25

If a seaman has on board any deadly weapons, explosive or inflammable articles, poisons or any other dangerous object, the master may take into his custody, abandon, or make any other disposition of, such things.

Article 26.

If a seaman threatens to do any harm to the lives or bodies of persons on board the vessel, the master shall deal with him in such a manner as he deems necessary to avoid such harm.

Article 27.

The master, if he deems necessary, may also deal with a passenger or any other person on board the vessel as provided by the two preceding articles.

(Compulsory Quittance of Vessels)

Article 28

When a seaman fails to leave the vessel, after official certification has been obtained of the termination of a contract of engagement, the master may compel the seaman to quit such vessel.

(Call for Assistance of Administrative Authorities)

Article 29

If, in cases where a seaman or any other person on board the vessel has done any such act as may endanger human life or the vessel, or as may seriously disturb the order on board, the master deems necessary, he may call for assistance from the administrative authorities.

(Limitation of Acts of Dispute)

Article 30

An act of dispute concerning labor relations shall not be done while the vessel is in a foreign port or where the act of dispute may endanger human life or the vessel.

CHAPTER IVCONTRACTS OF ENGAGEMENT(Contracts Contrary to this Law)

Article 31

Such portion of a contract of engagement as contains provision for working conditions falling short of the standards fixed by this Law shall be invalidated.

MARINERS LAW

In such case the contract shall, in respect of the portion thus invalidated, be deemed to contain provision for working conditions coming up to the standards fixed by this Law.

(Notification of Working Condition)

Article 32

The shipowner, on the conclusion of a contract of engagement, shall bring to the notice of his mariners salary or wages, hours of work and other working conditions. The same shall also apply when any modification has been made in the contract of engagement.

(Prohibition of Predetermination of Damages)

Article 33

The shipowner shall not enter into any contract providing penalties for non-fulfilment of the contract or predetermining amount of damages.

(Prohibition of Compulsory Savings)

Article 34

When concluding a contract of engagement, the shipowner shall not compel his mariners into a subsidiary contract to save some portion of their salary or wages or to deposit such savings in his custody.

If the shipowner intends to take charge of the mariner's savings at the latter's request, he shall fix the methods of keeping and returning the same and obtain the approval of the competent authorities.

(Limitation on Offsets)

Article 35

The shipowner shall not set off an obligation which he has against a mariner, against his obligatory duty to pay the mariner his salary or wages, except in cases where the amount of deduction does not exceed one-third of that of the salary or wages or where the shipowner has a claim against the mariner for damages caused by his criminal act.

(Entry and Notification of Working Conditions)

Article 36

When a contract of engagement has been concluded, the master shall make an entry, in the shipping articles of the working conditions laid down in the contract and bring it to the notice of his seamen. The same shall also apply when any alteration has been made in the contract of engagement.

MARINERS LAW(Certification of Contract of Engagement)

Article 37

When a contract of engagement has been concluded, terminated, renewed or altered, the master shall, without delay, present the shipping articles to the competent authorities and call upon them to certify the contract of engagement, in accordance with the provisions of Ordinances.

When, in the case contemplated in the preceding paragraph, the master is unable to call for certification, the shipowner shall do so instead of the master.

Article 38

The competent authorities, when called upon to certify a contract of engagement, shall examine the contract as to whether there is anything in it to conflict with the provisions of laws and ordinances concerning the safety of navigation or the mariners' labor relations, or as to whether mutual consent of the parties is sufficient.

(Termination of Contract by Ship's Foundering, etc.)

Article 39

When a vessel falls under either of the following items, a contract of engagement shall terminate:

1. If the vessel has foundered or has been lost;
2. If the vessel has come into a state of total unseaworthiness.

A vessel shall be presumed to be lost, if it is unknown for one month whether she exists or not.

Even in cases where a contract of engagement has terminated in accordance with the provisions of paragraph 1, the mariner shall render services necessary for the emergency assistance of human life, the vessel or the cargo. In such case the contract shall be deemed to continue to exist.

(Rescission of Contract of Engagement)

Article 40

The shipowner may rescind a contract of engagement in the case falling under any of the following items:

1. If the mariner has been found quite unfitted for his duties;
2. If the mariner has grossly neglected his duties or has been guilty of gross default in respect to his duties;
3. If the seaman has failed to embark on the vessel by the time appointed by the master;
4. If the seaman seriously disturbed the order on board the vessel;

MARINERS LAW

and if the contract has terminated when the vessel is in port, the contract shall be so until the unloading of cargo or the disembarkation of passengers at the port has been completed.

If a contract of engagement terminates at a port where no competent mariner can be complemented, the shipowner may prolong the period of engagement of the mariner referred to until the vessel has arrived at a port where a competent mariner can be complemented and the unloading of cargo or the disembarkation of passengers has been completed. This shall not, however, apply in the case contemplated in item 1 to 3 inclusive, paragraph 1, Article 41.

(Unemployment Allowances)

Article 45

If a contract of engagement has terminated in accordance with the provisions of Article 39, the shipowner shall pay a mariner, once a month, an unemployment allowance of the same amount as his salary or wages, for a period not exceeding two months, in respect of every day of his unemployment.

(Discharge Allowances)

Article 46

The shipowner (or former shipowner in the case of item 4) shall without delay pay a mariner a discharge allowance of the same amount as his monthly salary or wages in the case falling under any of the following items:

1. If the shipowner has rescinded the contract of engagement in accordance with the provision of Article 40, item 6;
2. If the mariner has rescinded the contract of engagement in accordance with the provision of Article 41 paragraph 1, item 1 or 2;
3. If the shipowner has rescinded the contract of engagement in accordance with the provision of Article 42;
4. If the contract of engagement has terminated in accordance with the provision of Article 43, paragraph 1;
5. If the contract of engagement has been rescinded by reason of the mariner's inability to obtain a certificate of health provided in Article 81.

(Repatriation)

Article 47

The shipowner shall, without delay and at his expense, take the mariner back to the port where he was engaged or to a place where the mariner desires to be taken to, or may substitute such repatriation for payment of the expenses of the repatriation, in the case falling under any of the following items:

MARINERS LAW

1. If the contract of engagement has terminated in accordance with the provision of Article 39;
2. If the shipowner has rescinded the contract of engagement in accordance with the provision of Article 40 item 1 or 6;
3. If the shipowner or the mariner has rescinded the contract of engagement in accordance with the provision of Article 40 item 5, or Article 41, paragraph 1, item 3. This shall not, however, apply in a case where the injury or sickness which the mariner sustained or contracted without relation to his duties is due to a wilful act or gross default on his part;
4. If the mariner has rescinded the contract of engagement in accordance with the provision of Article 41 paragraph 1, item 1 or 2;
5. If the shipowner has rescinded the contract of engagement in accordance with the provision of Article 42;
6. If the mariner has rescinded the contract of engagement in accordance with the provision of Article 43, paragraph 2;
7. If the contract of engagement of a mariner has terminated by the expiration of the period of engagement at a place other than his own country;
8. If the contract of engagement has been rescinded by reason of the mariners' inability to receive a certificate of health as provided in Article 81.

(Expenses of Repatriation)

Article 48

The expenses for repatriating a mariner, which are to be borne by the shipowner, shall include the charges for transportation, accommodation and food of the mariner during the repatriation, and also charges for his accommodation and food from the time of the termination of the contract up to the time of his immediate departure.

(Repatriation Allowances)

Article 49

The shipowner shall pay a mariner a repatriation allowance of the same amount as his salary or wages in respect of every day required for his repatriation. The same shall apply in cases where the expenses of repatriation are paid in lieu of repatriation.

The repatriation allowance mentioned in the preceding paragraph shall be paid once a month in case the shipowner takes back a mariner or at the time of payment of repatriation expenses in case the shipowner pays the same in lieu of repatriation.

MARINERS LAW(Mariner Pocket-Ledger)

Article 50

A mariner shall hold a mariner's pocket-ledger.

The master shall take charge of the pocket-ledger of his seaman while the seaman is on board the vessel.

Necessary matters pertaining to the grant, correction, rewriting and return of a mariner's pocket-ledger shall be prescribed by Ordinance.

(Certificate as to Quality of Work)

Article 51

A seaman may demand the master to grant a certificate as to the quality of his work.

CHAPTER VSALARY, WAGES OR OTHER REMUNERATIONS(Method of Fixing Salary, Wages or other Remunerations)

Article 52

The salary, wages or other remunerations of a mariner shall be fixed in consideration of the particular nature of maritime labor and according to his experience, capacity, and service.

(Method of Paying Salary, Wages or other Remunerations)

Article 53

The salary, wages, or other remunerations shall be paid direct to the mariner in currency and in full, unless otherwise provided by law, ordinance, or by collective agreement.

The salary, wages or other remunerations except those provided by Ordinance shall be paid once or more each month on the fixed day, or days.

Article 54

The shipowner shall without delay pay a mariner such salary, wages or any other remuneration provided for in paragraph 2 of the preceding Article even before the pay-day in respect of every day of service, in the case falling under any of the following items:

1. If a mariner has been discharged, or has retired, from his service;
2. If a mariner has demanded his salary, wages or any other remuneration to be paid in order that any of them may be used by the mariner, or by any one of his relatives who is living with him or by a person who maintains his existence upon the income of such mariner, to meet the expense for marriage or funeral, childbirth or medical treatment, or the expense for the recovery from an unforeseen accident.

MARINERS LAW

Article 55

When the salary, wages or any other remuneration of a seaman is to be paid on board the vessel, the master himself shall deliver the same to the seaman. When an unavoidable necessity arises, however, the master may cause another officer to deliver the same.

Article 56

The shipowner shall, if called upon by a mariner to do so, pay the salary, wages, or any other remuneration of the mariner to one of his relatives who is living with him or to a person who maintains his existence upon the income of such mariner.

(Right to Demand Salary or Wages During Injury or Sickness)

Article 57

A mariner may, during the term of his engagement, demand his salary or wages and allowances provided for in Ordinance even for the period during which he has not been in service by reason of injury or sickness, except where such injury or sickness is due to a wilful act or gross default on the part of the mariner.

(Remuneration in Percentage)

Article 58

In case where the remuneration is paid in percentage, the sum of such remuneration shall not be less than the amount fixed by the shipowner, even if the monthly sum computed in percentage does not amount to the fixed amount.

In the application of the provisions of Article 35 and the preceding Article, the fixed amount of remuneration as provided for in the preceding paragraph shall be deemed to be salary or wages.

In cases where the remuneration of a mariner is paid in percentage, the amount fixed by the shipowner shall be deemed to be the mariner's monthly salary or wages, in the application of the provisions of Article 45, 46, 49 and 78.

The amount mentioned in the preceding paragraph shall not be less than the fixed amount provided for in paragraph 1.

(Minimum Salary or Wages)

Article 59

The competent authorities may, if they deem necessary, fix the minimum amount of salary, wages or any other remunerations in accordance with the provisions of Ordinance, with the consent of the Labor Commission organized under the Labor Union Law (hereinafter called the Mariners' Labor Commission).

The shipowner shall not employ a mariner at a salary, wages or any other remuneration lower than the minimum amount provided for in the preceding paragraph.

MARINERS LAWCHAPTER VIHOURS OF WORK, REST DAYS AND MANNING(Hours of Work of Persons Whose
Time is Divided Into Watches)

Article 60

The hours of work of the following persons whose time is to be divided into watches, shall not exceed eight in the day, nor shall they exceed fifty-six in the week, when they keep watch on board the vessel.

1. Deck officers, wireless operators and deck ratings on board the vessels of not less than 2,000 tons gross;
2. Engineer-officers and ratings on board the vessels of not less than 700 tons gross.

The master, without prejudice to the provisions of the preceding paragraph, may extend the hours of work within the following limits:

1. Not more than one hour per day in respect of the hours of work of deck officers or wireless operators whose time is divided into watches;
2. In cases where the master has, out of special necessity, increased the number of deck officers or wireless operators whose time is divided into watches not more than four hours per day in respect of such increased persons;
3. Hours necessary for the regular alternation of watches or for the throwing away of cinders, in respect of the hours of work of engineer-ratings whose time is divided into watches.

(Sea Watch While the Vessel is in Port)

Article 61

Sea watches shall be suspended while the vessel is in port, except within twelve hours after its entry, or twelve hours before its scheduled time of clearance, or where the master deems necessary for the safety of the vessel.

(Hours of Work of Persons Whose
Time is not Divided into Watches)

Article 62

The hours of work at sea and on arrival and sailing days of those officers and ratings in the deck and engine-room departments on board vessels of not less than 700 gross tons whose time is not divided into watches shall not exceed eight in the day nor shall they exceed forty-eight in the week.

MARINERS LAW(Hours of Work and Holidays
while the Vessel is in port)

Article 63

The hours of work in port (except on arrival and sailing days: the same applying correspondingly to the following articles) of deck and engineer officers and wireless operators and of deck and engineer-ratings shall not exceed eight in the day nor shall they exceed forty-eight in the week except in cases where their time is divided into watches in accordance with the provision of Article 61.

The shipowner shall, while the vessel is in port, give at least one rest day per week to a seaman mentioned in the preceding paragraph.

When an unavoidable circumstance occurs, the master may, notwithstanding the provision of the preceding paragraph, cause a seaman mentioned in paragraph 1 to do a necessary work even on a rest day, provided, however, that the limit of forty-eight hours of work per week shall not be exceeded thereby.

(Hours of Work of Ratings in Catering
and Clerical Departments)

Article 64

Hours of rest at sea of ratings in the catering and clerical departments on board the vessel with a capacity of more than twelve passengers shall not be less than twelve in the day.

The hours of rest mentioned in the preceding paragraph shall include a rest of at least eight consecutive hours.

Article 65

The hours of work at sea and on arrival and sailing days of ratings in the catering and clerical departments on board the vessels, excepting those mentioned in paragraph 1 of the preceding article, shall not exceed eight in the day. If the master deems necessary, however, he may extend them within the limit of two hours per day.

Article 66

The hours of work in port of ratings in the catering and clerical departments shall not exceed eight in the day, unless otherwise provided by the collective agreements.

(Overtime Work and Allowances Therefor)

Article 67

When an urgent necessity arises, the master may cause any seaman to engage in work in excess of the limit hours provided for in Articles 60, 62, Article 63 paragraph 1, the proviso of Article 63 paragraph 3, Article 65 and the preceding article, or may reduce the hours of rest mentioned in Article 64 paragraph 1, or shall not have to give a rest of eight consecutive hours notwithstanding the provision of paragraph 2 of the same article.

MARINERS LAW

When the hours of work have been extended, or the hours of rest have been reduced, or the rest of eight consecutive hours has not been given under the provision of the preceding paragraph, the shipowner shall pay such overtime allowances as provided by Ordinance.

The master shall, in accordance with the provisions of Ordinance, keep on board the vessel a book in which an entry is to be made of matters connected with the overtime allowances mentioned in the preceding paragraph.

(Exceptions)

Article 68

The provisions of Article 60 and Articles 62 to 67 inclusive shall not apply in cases where seamen are engaged in any of the following works under the master's order.

1. An urgent work necessary for the safety of human life, the vessel or the cargo, or for the purpose of rendering assistance to persons or other vessels;
2. Fire, lifeboat and similar drills of the kind;
3. Extra work resulting from the reduction in the number of serviceable seamen due to injury, sickness, death, or any other unforeseen accident.
4. Extra work for the purpose of customs, quarantine or other health formalities;
5. Work for the determination of the position of the vessel at noon.

(Manning)

Article 69

The shipowner, unless otherwise provided by ordinance, shall fix the minimum requirements as to manning and embark such seamen for service on board the vessel in order to comply with the provisions of Articles 60 to 66 inclusive.

If, in the course of a voyage, any reduction in the number of seamen has taken place, the shipowner shall, without delay, complement a necessary number thereof.

Article 70

The minimum number of deck ratings whose time is to be divided into watches on board the vessels of not less than 700 gross tons shall be nine, and not less than three of them shall be available for each navigational watch. However, in the case of vessels of not more than 2,000 gross tons, six ratings shall be sufficient for the minimum number.

Included among the minimum number mentioned in the preceding paragraph shall be no ratings with less than one year's sea service on deck, except as otherwise fixed by the collective agreement.

MARINERS LAW

More than one half of the minimum number mentioned in the first paragraph must be over eighteen years of age and, either have had at least three years' service on deck or have been granted a certificate issued by the competent authorities under the provisions of ordinance showing that their standard efficiency is equal to that of the average ratings who have had three years' sea service on deck.

(Scope of Application)

Article 71

The provisions of articles 60 to the preceding article inclusive shall not apply in respect of the following vessels:

1. A vessel of less than 1,000 gross tons which navigates within the partially smooth water area or the smooth water area and among domestic ports exclusively (excepting such a vessel as the competent authorities may designate through the deliberation of the Mariners' Labor Commission);
2. A sailing-vessel;
3. A vessel engaged in fishing.

Article 72

The provisions of Articles 60 to 70 inclusive shall not apply to the following persons:

1. Chief officers in the deck, engine-room and wireless departments whose time is not divided into watches;
2. Doctors and staff exclusively engaged in compounding medicines or on nursing duties.

Article 73

The competent Minister may, if he deems necessary, issue necessary orders regarding the hours of work, rest days and manning of mariners to whom the provision of Articles 60 to 70 inclusive are not applied with the resolution of the Mariners' Labor Commission.

CHAPTER VII

HOLIDAYS WITH PAY

(Granting of Holidays With Pay)

Article 74

If a mariner has had continuous sea service of a year on board the same vessel, (including service while the vessel is being equipped or under repairs: the same applying correspondingly to the following articles), the shipowner shall, within one year from such duration of time, give the mariner holidays with pay. If the vessel is on a voyage, however, the shipowner may postpone bestowal of such holidays with pay for a period necessary for the voyage.

MARINERS LAW

In cases where a mariner has left the service of one vessel for that of another engaged in the same kind of undertaking, the periods of service which precede and follow the change of vessels shall be deemed to have continued on board the same vessel.

If, in cases where the periods of sea service are interrupted, the interruption is not due to a wilful act or default on the part of the mariner and the period of interruption does not exceed a total of six weeks, such interruption shall not be deemed to break the continuity of the periods of service which precede and follow it.

(Period of Holidays With Pay)

Article 75

Every mariner shall be granted twenty-five days off with pay after every year of continuous service and additional five days for every additional three months of continuous service.

Every mariner on board the vessel navigating within the partially smooth water area or the smooth water area and among domestic ports exclusively, shall be granted twelve days off with pay after every year of continuous service, and additional two days for every additional three months of continuous service, without prejudice to the provisions of the preceding paragraph.

Article 76

In cases where the shipowner grants a mariner any time off for weekly rest days and public and customary holidays or holidays in lieu thereof, such time shall not be included in the holidays with pay mentioned in the preceding article.

The same shall apply in respect to interruptions of sea service due to the mariner's injury or sickness.

(Method of Granting Holidays With Pay)

Article 77

The time when and the port where mariner is to be given holidays with pay shall be fixed by mutual agreement of the mariner and the shipowner.

The period of holidays with pay may, in accordance with the provisions of the collective agreement, be given in parts.

(Remunerations During Holidays With Pay)

Article 78

The shipowner shall pay a mariner salary or wages and allowances and food expenses provided for in ordinance during the full period of the holidays with pay.

The shipowner shall pay a mariner who is discharged or retired from his service before the mariner has taken a holiday due to him, the salary or wages and allowance and food expense provided for in the preceding paragraph, in respect of every holiday due to him.

MARINERS LAW(Scope of Application)Article 79

The provisions of this Chapter shall not apply in respect to the following vessels:

1. Vessels engaged in fishing;
2. Vessels on which only members of the same family with the shipowner are employed.

CHAPTER VIIIFOOD AND SANITATION(Supply of Food)Article 80

The shipowner shall, in accordance with the provisions of ordinance, provide food to a mariner during the period of his sea service.

The mariner on board the vessel of not less than 700 gross tons which navigates within the oceangoing area or the coasting area or on board such a fishing vessel as is provided for in ordinance, shall be provided with food according to the food table fixed by the competent Minister.

(Certificate of Health)Article 81

The shipowner shall not take into sea service any person who does not possess a certificate of health whereby a doctor designated by the competent authorities proves that he is fitted for sea service. This shall not, however, apply to a case where an unavoidable necessity arises.

In the case contemplated in the proviso of the preceding paragraph, the shipowner shall without delay take a procedure in order that such a person may obtain a certificate of health at a port reached thereafter. In such case, the shipowner shall not continue to employ a person who is unable to receive a certificate of health.

Necessary matters connected with certificates of health shall be provided by ordinance.

(Carrying of Doctors)Article 82

The shipowner shall see that a vessel of not less than 5,000 gross tons which navigates within the oceangoing area or a vessel with a maximum capacity of not less than 100 persons which navigates within the oceangoing area or the coasting area will carry a doctor or doctors.

However, if, in cases where an unavoidable necessity arises, approval has been obtained from the competent authorities, it is not necessary to carry such doctor for a certain fixed period.

18
MARINERS LAW

(Health Requirements and Medical Books)

Article 83

The shipowner shall see that a vessel which navigates within the oceangoing area, the coasting area or the partially smooth water area or a fishing vessel provided for in ordinance will carry on board such medicines, other health requirements and medical books as the competent Minister prescribes.

CHAPTER IX

JUVENILE MARINERS AND WOMEN MARINERS

(Competency of Minors)

Article 84

No minor shall become a mariner without obtaining the consent of his legal representative.

A minor who has obtained the consent mentioned in the preceding paragraph, shall have the same competency as an adult in respect of a contract of engagement.

(Minimum Age)

Article 85

The shipowner shall not employ a young person under fifteen years of age as a mariner. This shall not, however, apply to vessels on which only members of the same family are employed.

The shipowner shall not employ a young person under eighteen years of age as a seaman who engages in carrying coal or in stocking.

The shipowner cannot employ a young person under eighteen years of age as a mariner unless the person has his pocket-
ledger attested by the competent authorities.

Necessary matters connected with the attestation mentioned in the preceding paragraph shall be provided by ordinance.

(Women Before and After Childbirths)

Article 86

The shipowner, if so called upon by a woman whose confinement will probably take place within six weeks, shall not cause her to work on board a vessel.

The shipowner shall not take into sea service a woman unless six weeks' time has elapsed since her childbirth.

The shipowner, if so called upon by a pregnant woman, shall make her engage in other lighter work.

The provisions of the three preceding paragraphs shall not apply to a vessel on which only members of the same family are employed.

MARINERS LAW(Menstrual Holidays)

Article 87

The shipowner, if so called upon by a woman who finds it very hard to work for menstrual days, shall not make her engage in work on board a vessel during her menstrual days.

(Prohibition of Work at Night)

Article 88

The shipowner shall not cause a mariner under eighteen years of age or a female mariner to do any work during the period between 8 p.m. and 5 a.m. of the next morning. The same shall not apply in case provided by ordinance where the shipowner gives a nine consecutive hours' rest between other times before and after midnight.

The provisions of the preceding paragraph shall not apply to a vessel on which only members of the same family with the shipowner are employed.

CHAPTER X

COMPENSATIONS FOR ACCIDENTS

(Compensation for Medical Treatment)

Article 89

When a mariner has sustained an injury or contracted a sickness in the performance of his duties, the shipowner shall grant him medical benefits at the shipowner's expense or pay him the cost of necessary medical treatment until he has completely recovered from such injury or sickness.

When a mariner has, during the term of his engagement, sustained an injury or contracted a sickness without relation to the performance of his duties, the shipowner shall grant him medical benefits at the shipowner's expense or pay him the cost of necessary medical treatment for a period not exceeding three months, except in cases where such injury or sickness is due to a wilful act or gross default on the part of the mariner.

Article 90.

The medical benefits or treatment provided for in the preceding article shall include each of the following items:

1. Medical examinations;
2. Supply of drugs, medicines or medical appliances;
3. Surgical treatments, operations or other remedies;
4. Admission to hospitals or clinics or other places outside mariners' homes necessary for medical treatments (including supply of food);
5. Sick-nursing;
6. Transportation.

MARINERS LAW(Injury or Sickness Allowances and
Convalescence Allowances)

Article 91

When a mariner has sustained an injury or contracted a sickness in the performance of his duties, the shipowner shall pay him, once a month, an injury or sickness allowance equivalent to the monthly amount of the remuneration provided for in ordinance (hereinafter called the standard remuneration) for a period not exceeding four months and until the mariner has completely recovered from such injury or sickness. In cases where the mariner has not completely recovered from such injury or sickness even after the lapse of the four months, the shipowner shall pay him, once a month, an injury or sickness allowance equivalent to sixty per centum of the monthly standard remuneration until he has completely recovered.

The shipowner shall, immediately after the mariner has completely recovered from the injury or sickness provided for in the preceding paragraph, pay him a convalescence allowance equivalent to sixty per centum of the monthly standard remuneration.

The provisions of the two preceding paragraphs shall not apply in cases where the injury or sickness is due to a wilful act or gross default on the part of the mariner.

(Accident Allowances)

Article 92

If, in cases where a mariner has completely recovered from injury or sickness which he sustained or contracted in the performance of his duties, he is still in a state of physical breakdown, the shipowner shall, immediately after the recovery, pay him an accident allowance equal to the monthly standard remuneration multiplied by the number of months mentioned in the Appended List according to the degree of the breakdown. The same shall not, however, apply in cases where the injury or sickness is due to a wilful act or gross default on the part of the mariner.

(Bereavement Allowances)

Article 93

When a mariner has died in the performance of his duties, the shipowner shall without delay pay a bereavement allowance equivalent to the monthly standard remuneration multiplied by thirty-six to the members of the bereaved family provided for by ordinance. The same shall apply in cases where a mariner has died from injury or sickness which he sustained or contracted in the performance of his duties.

MARINERS LAW(Funeral Expenses)

Article 94

When a mariner has died in the the performance of his duties, the shipowner shall without delay pay a funeral expense equivalent to the monthly standard remuneration multiplied by two to a member of the bereaved family, provided for by ordinance, who holds the funeral services. The same shall apply in cases where a mariner has died from injury or sickness which he sustained or contracted in the performance of his duties.

(Relations to Other Benefits)

Article 95

If a person who is entitled, under the provisions of Articles 89 to the preceding Article inclusive, to receive medical benefits or expenses of medical treatments, allowances or funeral expenses (hereinafter collectively called the compensations for accidents), has come to receive, for the same cause whereby he is entitled to receive such compensations for accidents, the insurance benefits provided for in the Mariners' Insurance Law or such benefits corresponding to the compensations for accidents as are provided for by ordinance, the shipowner shall be relieved of his liability for such compensations for accidents.

(Examination and Arbitration)

Article 96

When a person is dissatisfied with the ascertainment of injury, sickness or death caused by the performance of duties, with the method of medical benefits or treatments, with the decision of making compensations for accidents or with any other way of making compensations for accidents, he may call upon competent authorities for an examination or arbitration in the matter.

The competent authorities may, if they deem necessary, exercise their authority in examining or arbitrating in the matter.

The competent authorities shall not either examine or arbitrate in the matter without giving a hearing to the master or to other persons concerned.

The competent authorities may, if they deem necessary for examination and arbitration in the matter, cause a doctor to conduct a medical examination or an autopsy.

The call for the examination or the arbitration in the matter mentioned in paragraph 1 and the commencement of the examination or the arbitration in the matter mentioned in paragraph 2 shall be regarded as a demand by way of judicial proceedings, in respect of the interruption of prescription.

MARINERS LAWCHAPTER XI

WORKING REGULATIONS

(Formulation of Working Regulations and Report Thereof)

Article 97

A shipowner who regularly employs ten or more mariners shall, in accordance with the provisions of ordinance, formulate working regulations for the following particulars and report them to the competent authorities. The same shall apply in case where alterations are made therein:

1. Salary or wages, and other remunerations;
2. Hours of work;
3. Days of rest and holidays.

When the shipowner mentioned in the preceding paragraph has formulated working regulations for the following particulars, he shall report them to the competent authorities. The same shall apply in cases where alterations are made therein:

1. Manning;
2. Food and sanitation;
3. Clothing and daily necessities;
4. Facilities on land of accommodation, recreation, medical treatment and amusement;
5. Compensations for accidents;
6. Unemployment allowances, discharge allowances and retiring allowances;
7. Repatriation;
8. Education;
9. Rewards and punishments;
10. Other working conditions.

An association which is a juridical person consisting of shipowners may formulate working regulations which are to apply to those constituent shipowners mentioned in paragraph 1 and make a report thereon. The same shall apply in cases where alterations are made therein.

In case the report thereon has been made in accordance with the provisions of the preceding paragraph, the shipowners provided therein are not required to make the said working regulations, make the report on the formulation or on the alteration thereof.

The report provided for in paragraphs 1 to 3 inclusive shall accompany a document containing the opinions expressed under the provision of Article 98.

MARINERS LAW(Procedures of Formulating Working Regulations)

Article 98

The shipowner or the juridical person provided for in the preceding Article, paragraph 3 cannot make or alter the working regulations without giving a hearing to a labor union, if there is any that is organized by more than half of the mariners in the employ of the shipowner to whom the working regulations apply; or to the representatives of more than half of such mariners, if there is no labor union organized by more than half of the mariners.

(Supervision Over Working Regulations)

Article 99

The competent authorities may order alteration of the working regulations containing elements which are in conflict with laws, ordinances or collective agreements.

The competent authorities may, if they deem the working regulations to be inappropriate, order alteration thereof with the resolution of the Mariners' Labor Commission.

(Effect of Working Regulations)

Article 100

Such portion of a contract of engagement as contains provision for working conditions falling short of the standard fixed in the working regulations, shall be invalidated. In such case the contract shall, in respect of the portion thus invalidated, be deemed to contain provision for working conditions coming up to the standard fixed in the working regulations.

CHAPTER XIISUPERVISION(Competent Authorities)

Article 101

The competent authorities may, if they consider that some act of a shipowner or a mariner is in conflict with this Law, the Labor Standards Law (only the portions applying to mariners' labor relations: the same applying correspondingly to the following articles) or ordinances issued under this Law, deal with the shipowner or the mariner in such a manner as they may necessary.

Article 102

The competent authorities may exercise their good offices to settle troubles concerning labor relations (except the labor disputes provided for in Article 6 of the Labor Relations Adjustment Law) between the shipowner and the mariners.

MARINERS LAW(Business of Competent Authorities
In Foreign Countries)

Article 103

The business which the competent authorities are required by this Law to discharge shall, under the provisions of Ordinance, be conducted by Japanese consuls in foreign countries.

(Mayors and Headmen of Towns And Villages
Undertaking Business of Competent Authorities)

Article 104

The competent Minister may cause the mayor of a city, or the headman of a town or a village to undertake the business which the competent authorities are required by this Law to discharge.

(Mariners' Labor Inspectors)

Article 105

The competent Minister shall appoint Mariners' Labor Inspectors from among his subordinate officials and cause them to control matters connected with the enforcement of this Law and the Labor Standards Law.

Article 106

The Mariners' Labor Inspector may, if he deems necessary, warn or urge shipowners or mariners to observance of this Law, the Labor Standards Law and ordinances issued under this Law.

Article 107

The Mariners' Labor Inspector may, if he deems necessary, make a search of the vessel or any other place of work or may order shipowners or mariners to call or produce books and documents or to make reports or may ask questions of such persons.

The Mariners' Labor Inspector may, if he deems necessary, ask questions of a passenger or any other person on board the vessel.

In the cases contemplated in the two preceding paragraphs, the Mariners' Labor Inspector shall carry with him an identification card testifying to his official status.

Article 108

The Mariners' Labor Inspector shall exercise the judicial police powers provided for in the Code of Criminal Procedure in respect of offences under this Law and the Labor Standards Law.

Article 109

The Mariners' Labor Inspector shall not break any secrets that he has learned in the performance of his duties. The same shall also apply in the case where he has left his office as a Mariners' Labor Inspector.

MARINERS LAW(Powers of Mariners' Labor Commission)

Article 110

The Mariners' Labor Commission shall, in addition to the exercise of the powers provided for in the Labor Union Law, investigate and deliberate, in response to request from the competent authorities, matters connected with the enforcement or revision of this Law and the Labor Standards Law.

The Mariners' Labor Commission may present the competent authorities a recommendation concerning the mariners' working conditions.

(Matters to Be Reported)

Article 111

The shipowner shall, in accordance with the provisions of ordinance, present a report to the competent authorities on the following particulars:

1. Number of mariners in his employ;
2. State in which salary, wages, or other remunerations are paid;
3. State in which compensations are made for accidents;
4. Other matters provided for in ordinances.

(Complaints of Mariners)

Article 112

If there is any fact which is in conflict with this Law, the Labor Standards Law or ordinances issued under this Law, a mariner may, in accordance with the provisions of ordinance, lodge a complaint respecting the fact with the competent authorities, the Mariners' Labor Inspector or the Mariners' Labor Commission.

The shipowner shall not discharge a mariner or give him any other disadvantageous treatment because of the mariner's lodging the complaint mentioned in the preceding paragraph.

CHAPTER XIIIMISCELLANEOUS PROVISIONS(Notification of Working Regulations Etc.)

Article 113

The shipowner shall post at some noticeable place on board the vessel the documents containing this Law, the Labor Standards Law, the ordinances issued under this Law, the collective agreements and the working regulations or keep such documents on board the vessel.

MARINERS LAW(Adjustment of Remunerations,
Compensations and Allowances)

Article 114

In regard to the period during which the shipowner is required to pay at the same time any two or more out of salary, wages or other remuneration, unemployment allowance, repatriation allowance or injury or sickness allowance, it shall suffice for him to pay any one whose amount is the largest of them all.

If, in the case where the shipowner is required to pay salary, wages or other remuneration, he is to pay either discharge allowance or convalescence allowance he shall be relieved of his liability for such discharge allowance or convalescence allowance to the extent of his payment of such salary, wages or other remuneration.

(Prohibition of Transfer or Attachment)

Article 115

The right to receive the unemployment allowance, discharge allowance, repatriation expense or the compensation for accident shall be inalienable and shall not be liable to attachment. The same shall apply to the right to receive salary, wages or other remuneration (within the limit of the amount of the injury or sickness allowance) during the period in which the salary, wages or other remuneration and the injury or sickness allowance are to be paid at the same time.

(Payment of Penalty)

Article 116

In cases where the shipowner has committed any offence under Articles 45 to 47 inclusive, Article 49, Article 59 Paragraph 2, Article 67 paragraph 2 or Article 78, he shall pay the mariner a penalty equivalent to the unpaid amount (in the case contemplated in Article 59 paragraph 2 the balance between the minimum amount provided for in the same article and the amount of salary, wages or other remuneration fixed by contract) when a demand is made as provided by paragraph 2 for the amount (or the repatriation expense in the case contemplated in Article 47) which the shipowner is required to pay in accordance with the above-mentioned articles.

A mariner cannot demand payment of the penalty mentioned in the preceding paragraph without filing suit in a court. Such suit shall, however, be filed with the court within two years from the time of committing the offences mentioned in the same paragraph.

MARINERS LAW(Exceptions to Prescription)

Article 117

Every claim of the mariner against the shipowner shall be barred by prescription, if it is not instituted within two years. The same shall apply to claims for the bereavement allowance and funeral expenses against the shipowner.

(Application with Modifications)

Article 118

The provisions of Articles 31 to 34 inclusive, Article 84 paragraph 2 and Article 100 shall apply with necessary modifications to a contract for the employment of a reservist.

(Certification As to Census)

Article 119

Any mariner, anyone who intends to become a mariner, any shipowner or master may, call upon a census official or his deputy to issue, free of charge, a census certificate for such mariner or a person who intends to become a mariner.

(Application to State and Public Entities)

Article 120

This Law, the Labor Standards Law and the ordinance issued under this Law shall apply to the State, Tokyo, Hokkaido, prefectures, cities, towns, villages and similar public entities.

(Enaction of Ordinances)

Article 122

No ordinance that is to be issued under this Law shall be enacted unless an extensive hearing is given in respect of draft thereof to representatives of the mariners and of the shipowners and to representatives for the public interests.

CHAPTER XIVPENAL PROVISIONS

Article 122

If a master has, by abusing his power, compelled any person on board the vessel to do anything beyond the scope of such person's duty, or has obstructed any person in the exercise of his right, the master shall be liable to penal servitude for not more than two years.

Article 123

If a master has contravened the provisions of Article 12, he shall be liable to penal servitude for not more than five years.

MARINERS LAW

Article 124

If a master has, in contravention of the provisions of Article 13, failed to take every possible means necessary for the salving of human life or vessel, he shall be liable to penal servitude for not more than three years or to a fine not more than three thousand yen.

Article 125

A master shall be liable to penal servitude for not exceeding two years or to a fine not more than two thousand yen in any of the following cases:

1. If he has contravened the provisions of Article 14;
2. If he has abandoned the vessel;
3. If he has deserted any seaman in a foreign country.

Article 126

A master shall be liable to a fine not more than three thousand yen in any of the following cases:

1. If he has contravened the provisions of Articles 8, 10, 11, 16, Article 17 paragraph 1, Article 36, Article 50 paragraph 2, or Article 55.
2. If, in contravention of the provisions of Article 9, he has deviated from the predetermined route;
3. If, in contravention of the provisions of Article 13, he has failed to give any of the names;
4. If, in contravention of the ordinance issued under the provisions of Article 15, he has buried the body at sea;
5. If he has failed to keep aboard the documents provided for in Article 18, or if he has made no entry, or has made any false entry, of the required particulars in the documents provided for in items 2 to 4 inclusive of paragraph 1 of the same Article;
6. If he has made no report, or has made a false report, provided for in Article 19;
7. If he has kept aboard no book provided for in Article 67 paragraph 3, or has made no entry, or has made any false entry, of the required particulars.

Article 127

If a seaman has done any violence or made any threat to his superior, he shall be liable to penal servitude for not more than three years or to a fine not exceeding three thousand yen.

Article 128

A seaman shall be liable to penal servitude for not more than one year in any of the following cases:

1. If, in a case where there is an imminent danger to the vessel, he has left the vessel without the master's permission;

MARINERS LAW

2. If, in the case contemplated in Articles 12 to 14 inclusive where the master takes means necessary to save human life, the vessel or the cargo, he has refused to obey the orders of his superior;
3. If, in the case contemplated in Article 39 paragraph 3, he has failed to render services necessary for the emergency salving of human life, the vessel or the cargo;
4. If he has deserted from the vessel in a foreign country.

Article 129.

If a shipowner has contravened the provisions of Article 85 paragraph 1 or 2, he shall be liable to penal servitude for not more than one year or to a fine not exceeding ten thousand yen.

Article 130

If a shipowner has contravened the provisions of Article 33, Article 34 paragraph 1, Articles 35, 45 to 47 inclusive, 49, Article 59 paragraph 2, Article 63 paragraph 2, Article 67 paragraph 2, Articles 69, 70, 74, 78, 80, 82, 83, 86, 88, 89, 91 to 94 inclusive or Article 112 paragraph 2, or if he has contravened the provisions of the ordinance issued under the provisions of Article 73, he shall be liable to penal servitude for not more than six months or to a fine not exceeding five thousand yen.

Article 131

A shipowner shall be liable to a fine not more than five thousand yen in any of the following cases:

1. If he has contravened the provisions of Article 32, Article 34 paragraph 2, Articles 53, 54, 56, Article 58 paragraph 1, Article 81 paragraph 1 or 2, Article 85 paragraph 3, Article 87, or Article 113;
2. If he has acted against the method of keeping or returning approved under the provisions of Article 34 paragraph 2;
3. If he has made no report, or has made a false report, provided for in Article 111.

Article 132

A person shall be liable to a fine not more than five thousand yen in any of the following cases:

1. If he has failed to formulate the working regulations, or has made no report or has made false report thereon, provided for in Article 97;
2. If he has contravened the provisions of Article 98;
3. If he has contravened the ordinance issued under the provisions of Article 99;
4. If he has acted against the dealings provided for in Article 101;

MARINERS LAW

5. If he has refused, obstructed or evaded the search or examination, or has refused to obey the orders of call, or has failed to make a statement, or has made a false statement, on the question of a Mariners' Labor Inspector provided in Article 107;
6. If he has failed to produce the books or documents provided for in Article 107, or has produced books or documents containing false entries, or has failed to make a report or has made a false report;
7. If he has contravened the provisions of Article 109;
8. If, in the case contemplated in Article 112 paragraph 1, he has filed a false complaint.

Article 133

A person shall be liable to a fine not more than three thousand yen in any of the following cases:

1. If he has failed to call, for certification of the contract of engagement in contravention of Article 37;
2. If he has had the contract of engagement certified by fraud or by any other unlawful means;
3. If he has thrown away or destroyed his own mariner's pocket-ledger;
4. If he has contravened the ordinance issued under the provision of Article 50 paragraph 3;
5. If he has had his mariner's pocket-ledger granted, revised or rewritten by fraud or by any other unlawful means;
6. If he has used the mariner's pocket-ledger of some other person.

Article 134

The provisions of this Chapter which are to be applied to masters shall be applied to persons who perform the duties of masters in their place.

Article 135

If any representative, agent, employee or any other worker of a shipowner has, in respect of the business of the shipowner, acted in contravention of the provisions of Articles 129 to 131 inclusive, Article 132 items 1 to 3 inclusive and 6 or Article 133 items 1 and 2, the fine provided for in the articles referred to shall be imposed upon the said shipowner in addition to the punishment meted out to the actual offender, except where the shipowner (or the representative in the case of a minor who does not have the same competency as an adult or of an incompetent; the same applying correspondingly to the following paragraphs of this Article) has taken necessary measures for the prevention of such contravention.

MARINERS LAW

If, in the case contemplated in the preceding paragraph, a shipowner has, in spite of his knowledge of the project for contravention, failed to take any necessary measures for the prevention thereof, or has failed, in spite of his knowledge of the act of contravention, to take necessary measures for the correction thereof or has instigated the contravention, the shipowner also shall be punished as an actual offender.

If the representative, agent, employee or any other worker of the association provided for in Article 97 paragraph 3 has acted in contravention of the provisions of Article 132, items 1 to 3 inclusive the provisions of the two preceding paragraph shall be applied with necessary modifications.

SUPPLEMENTARY PROVISIONS

Article 136

This Law except the provisions of Chapter X shall come into force as from the date of its promulgation. The date of enforcement of the provisions under Chapter X shall be designated by ordinance.

Article 137

The Small-type Vessel Crew's Pocket-Ledger Law shall be repealed.

Article 138

The provisions of the proviso of Article 68 paragraph 3 of the former Mariners Law shall still be effective even after the enforcement of this Law.

Article 139

The provisions of the former Law shall be applied to matters which have occurred prior to the enforcement of this Law.

Article 140

The provisions of Article 18 shall not be applied to vessels of less than 20 gross tons or to those navigating within smooth water areas, for the period of six months from the date of enforcement of this Law.

Article 141

Such contracts of engagement of the persons who serve on board the vessels provided for in the preceding article as are existent at the time of enforcement of this Law, shall be deemed to have been concluded at that time, in respect of the application of the provisions of Article 37.

Article 142

The provisions of Articles 60 to 70 inclusive shall not be applied to those wartime standard vessels which the competent authorities have designated, with the resolution of the Mariners' Labor Committee, as not having sufficient accommodation to satisfy the minimum requirements as to manning provided for in Article 69.

MARINERS LAW

Article 143

The provisions of Article 83 shall not be applied to vessels navigating within partially smooth water areas, for the period of six months from the date of enforcement of this Law.

Article 144

When a young person under fifteen years of age is to be employed as a mariner, or a young person under eighteen years of age is to be employed as a seaman who engages in carrying coal or in stoking, in continuation of their employment before the enforcement of this law, the provision of Article 85 shall not be applied to them for the period of six months from the date of enforcement of this Law.

Article 145

The provisions of Article 67 paragraph 3, Articles 97 and 113 shall not be applied for the period of six months from the date of enforcement of this Law.

Article 146

The following partial amendments shall be made in the Commercial Code:

Article 708 shall be deleted.

Article 709. The master shall keep on board the vessel the inventory of the ship's appurtenances and the documents relating to contracts of carriage.

It may be provided by ordinance in respect of a vessel which is not a foreign going vessel that the inventory of the ship's appurtenances mentioned in the preceding paragraph need not be kept on board.

Article 710 shall be deleted.

Article 711 shall be deleted.

The provisions of Articles 708 to 711 inclusive shall still be effective in cases where the applications of those provisions are necessary in connection with the application of other laws and ordinances.

Article 147

The following partial amendments shall be made in the Law Concerning the Enforcement of the Commercial Code;

In Article 122 the term "the Minister of Communications" shall be revised to "the Minister of Transportation."

Article 130: The form of the inventory of the ship's appurtenances shall be fixed by the Minister of Transportation.

MARINERS LAWAPPENDED LIST

Degree of physical breakdown	Number of Months
The First Degree	48 months
The Second Degree	42 "
The Third Degree	39 "
The Fourth Degree	35 "
The Fifth Degree	33 "
The Sixth Degree	30 "
The Seventh Degree	25 "
The Eighth Degree	20 "
The Ninth Degree	15 "
The Tenth Degree	12 "
The Eleventh Degree	9 "
The Twelfth Degree	6 "
The Thirteenth Degree	4 "
The Fourteenth Degree	2 "

UNCLASSIFIED

Enclosure No. 4 to Despatch No. 593 dated September 9, 1948 from the Office of the Political Adviser for Japan, Tokyo, on the subject, "Resumption of Responsibility by Japanese Shipowners to Crew, Supply, Repair and Maintain Privately-Owned Merchant Vessels".

MARINERS LAWCHAPTER IGENERAL PROVISIONS
(Mariner)

Article 1

For the purpose of this Law, the term "mariner" shall include every master or seaman who serves on board a Japanese vessel or a non-Japanese vessel provided for in ordinance or every reservist.

A vessel mentioned in the preceding paragraph excludes any of the following vessels:

1. A vessel of less than five tons gross
2. A vessel navigating lakes, rivers or within harbors exclusively;
3. A fishing vessel of less than thirty tons gross.

Article 2

The term "seaman" as used in this Law shall include every person except the master who is employed as a member of the crew on a vessel engaged in maritime navigation for salary, wages or any other remuneration to be paid in compensation for his service.

The term "reservist" as used in this Law shall include every person employed for purpose of serving on board the vessel provided for in paragraph 1 of the preceding article but not in service thereon.

Article 3

The term "officer" as used in this Law shall include every mate, chief engineer, engineer, wireless operator, and every other seaman provided for in ordinance. The term "ratings" shall include every seaman other than officers.

(Salary or Wages and Hours of Work)

Article 4

The expression "salary or wages" as used in this Law means a basic regular pay which constitutes a part of the fixed periodical payment made by the shipowner to the mariner by way of compensation, and the expression "hours of work" means time during which the mariner is engaged on watch duties or any other work under the official order of his superior.

(Application of Provisions Governing Shipowners)

Article 5

The provisions relative to shipowners of this Law and the ordinance issued thereunder shall apply to the ship's husband in the case of co-ownership, to the lessee in the case of lease, and to the person in the case where a person other than owner, husband or lessee of the vessel employs a mariner.

UNCLASSIFIED

Enclosure No. 4 to Despatch No. 593 dated September 9, 1948 from the Office of the Political Adviser for Japan, Tokyo, on the subject, "Resumption of Responsibility by Japanese Shipowners to Crew, Supply, Repair and Maintain Privately-Owned Merchant Vessels".

MARINERS LAW(Application of Labor Standards Law)

Article 6

The provisions of Articles 1 to 11 inclusive, Articles 117 to 119 inclusive and Article 121 of the Labor Standards Law shall apply to mariners in respect to labor relations.

CHAPTER IIFUNCTIONS AND POWERS
OF MASTERS(Right to Command and Order)

Article 7

The master may command and supervise seamen and give persons on board the vessel orders necessary for the performance of his duties.

(Inspection before Commencement of Voyage)

Article 8

The master shall, before the commencement of a voyage, make an inspection as to whether the vessel is fit for navigation and whether the other preparations necessary for the voyage are in due order.

(Completion of Voyage)

Article 9

When preparations for a voyage have been completed, the master shall commence the voyage without delay, and except in case of necessity shall proceed to the port of destination without deviating from the predetermined route.

(Command on Deck)

Article 10

The master shall take command of his vessel in person standing on deck, when the vessel enters or clears any port, or passes through any narrow fairway, or when there is any other danger to the vessel.

(Obligation to Remain on Board)

Article 11

The master shall not, except in unavoidable circumstances, leave the vessel under his command, during the interval between the shipping of cargo or the embarkation of passengers and the discharge of cargo or the disembarkation of passengers, unless he has entrusted his duties to a person who would take command of the vessel in his stead.

MARINERS LAW(Means in Case of Danger to Vessels)

Article 12

The master, when there is imminent danger to the vessel, shall not leave the vessel, unless he has exhausted every means necessary to salvo human life, the vessel and the cargo, and until the passengers, the seamen and other persons aboard have abandoned the vessel.

(Means in Case of Collision)

Article 13

In case of collision between two vessels, the master of one vessel shall use every possible means necessary for the salving of the other vessel and human life on board the vessel and give the name of his vessel, her owner, her ports of registry, departure and destination to the master of the other vessel, except where there is imminent danger to the vessel under his command.

(Assistance of Vessels in Distress)

Article 14

When it has come to the knowledge of any master that another vessel is in distress, he shall use every possible means necessary for the salving of human life on board the vessel, except in a case where there is imminent danger to the vessel under his command or in the case provided for in Ordinance.

(Burial at Sea)

Article 15

The master may, in case there has occurred any death among the persons on board the vessel when under way, bury the body of such person at sea in accordance with the provisions of Ordinance.

(Custody of Effects)

Article 16

If any person on board the vessel has died or become missing, the master thereof shall, in accordance with the provisions of Ordinance, take charge or make any other disposition of the effects which the person leaves on board the vessel, unless otherwise provided by other laws or ordinances.

MARINERS LAW(Repatriation of Nationals Abroad)

Article 17

If a Japanese consul resident in a foreign country has, in accordance with the provisions of laws or ordinances, ordered a master to take any Japanese national to his own country, the master shall not refuse to obey such order except for justifiable reasons.

Necessary matters connected with repayment of the expenses of such repatriation shall be provided for by Ordinance.

(Obligation to Keep Documents)

Article 18

The master shall, unless otherwise provided by Ordinance, keep the following documents on board:

1. The certificate of nationality of a ship or other certificates provided for in Ordinance;
2. The shipping articles;
3. The log book;
4. The list of passengers;
5. The documents relating to the cargo.

Necessary matters connected with the shipping articles, the log book and the list of passengers shall be provided for by Ordinance.

(Report on Navigation)

Article 19

The master shall, in accordance with the provisions of Ordinance, report to the competent authorities, in the case falling under any of the following items:

1. If there has occurred any collision, stranding, foundering, loss, fire, damage to engines or any other shipping casualty;
2. If he has rendered services in salvaging human life or a vessel;
3. If, when the vessel is under way it has come to his knowledge, except by wireless, that another vessel is in distress;
4. If any person on board the vessel has died or is missing;
5. If a deviation has been made from the predetermined route;
6. If the vessel has been interned or captured, or has encountered any other remarkable accident.

(Performance of Master's Duties by Proxy)

Article 20

If, in cases where the master has died or left his vessel, or where he is unable to take command thereof, he has failed to appoint any other person to his post, one of the seamen engaged in navigation who is next to him in the order of their grade or rating shall perform the duties of the master.

MARINERS LAWCHAPTER III

DISCIPLINE

(Order on Board)

Article 21

A seaman shall observe the following matters:

1. To obey the official orders of his superiors;
2. Neither to neglect his own duties, nor to obstruct any other members of the crew in the discharge of their duties;
3. To embark on the vessel by the time appointed by the master;
4. Not to leave the vessel without permission of the master;
5. Not to use a boat or any other important appurtenances without permission of the master;
6. Not to waste provisions or fresh water on board;
7. Not to use electricity or the heat of fire without permission of the master, or not to smoke at a place where smoking is prohibited;
8. Not to take into, or out of, the vessel any articles other than daily necessities without permission of the master;
9. Not to quarrel by force, get intoxicated, or not to commit any other outrage;
10. Not to commit such other acts as will disturb the order on board the vessel.

(Disciplinary Punishment)

Article 22

The master may inflict disciplinary punishment on any seaman who has failed to observe any of the matters mentioned in the preceding article.

Article 23

Disciplinary punishment shall be of two forms viz. prohibition of landing and admonition. The term of the prohibition of landing shall not exceed ten days including the first day of punishment and consisting solely of days when the vessel stays in port.

Article 24

The master cannot inflict disciplinary punishment on any seaman without giving a hearing to three or more witnesses who are seamen, and without examining the seaman and the persons concerned in the presence of the witnesses.

MARINERS LAW(Measures in Case of Dangers)

Article 25

If a seaman has on board any deadly weapons, explosive or inflammable articles, poisons or any other dangerous object, the master may take into his custody, abandon, or make any other disposition of, such things.

Article 26.

If a seaman threatens to do any harm to the lives or bodies of persons on board the vessel, the master shall deal with him in such a manner as he deems necessary to avoid such harm.

Article 27.

The master, if he deems necessary, may also deal with a passenger or any other person on board the vessel as provided by the two preceding articles.

(Compulsory Quittance of Vessels)

Article 28

When a seaman fails to leave the vessel, after official certification has been obtained of the termination of a contract of engagement, the master may compel the seaman to quit such vessel.

(Call for Assistance of Administrative Authorities)

Article 29

If, in cases where a seaman or any other person on board the vessel has done any such act as may endanger human life or the vessel, or as may seriously disturb the order on board, the master deems necessary, he may call for assistance from the administrative authorities.

(Limitation of Acts of Dispute)

Article 30

An act of dispute concerning labor relations shall not be done while the vessel is in a foreign port or where the act of dispute may endanger human life or the vessel.

CHAPTER IV

CONTRACTS OF ENGAGEMENT

(Contracts Contrary to this Law)

Article 31

Such portion of a contract of engagement as contains provision for working conditions falling short of the standards fixed by this Law shall be invalidated.

MARINERS LAW

In such case the contract shall, in respect of the portion thus invalidated, be deemed to contain provision for working conditions coming up to the standards fixed by this Law.

(Notification of Working Condition)

Article 32

The shipowner, on the conclusion of a contract of engagement, shall bring to the notice of his mariners salary or wages, hours of work and other working conditions. The same shall also apply when any modification has been made in the contract of engagement.

(Prohibition of Predetermination of Damages)

Article 33

The shipowner shall not enter into any contract providing penalties for non-fulfilment of the contract or predetermining amount of damages.

(Prohibition of Compulsory Savings)

Article 34

When concluding a contract of engagement, the shipowner shall not compel his mariners into a subsidiary contract to save some portion of their salary or wages or to deposit such savings in his custody.

If the shipowner intends to take charge of the mariner's savings at the latter's request, he shall fix the methods of keeping and returning the same and obtain the approval of the competent authorities.

(Limitation on Offsets)

Article 35

The shipowner shall not set off an obligation which he has against a mariner, against his obligatory duty to pay the mariner his salary or wages, except in cases where the amount of deduction does not exceed one-third of that of the salary or wages or where the shipowner has a claim against the mariner for damages caused by his criminal act.

(Entry and Notification of Working Conditions)

Article 36

When a contract of engagement has been concluded, the master shall make an entry, in the shipping articles of the working conditions laid down in the contract and bring it to the notice of his seamen. The same shall also apply when any alteration has been made in the contract of engagement.

MARINERS LAW(Certification of Contract of Engagement)

Article 37

When a contract of engagement has been concluded, terminated, renewed or altered, the master shall, without delay, present the shipping articles to the competent authorities and call upon them to certify the contract of engagement, in accordance with the provisions of Ordinances.

When, in the case contemplated in the preceding paragraph, the master is unable to call for certification, the shipowner shall do so instead of the master.

Article 38

The competent authorities, when called upon to certify a contract of engagement, shall examine the contract as to whether there is anything in it to conflict with the provisions of laws and ordinances concerning the safety of navigation or the mariners' labor relations, or as to whether mutual consent of the parties is sufficient.

(Termination of Contract by Ship's Foundering, etc.)

Article 39

When a vessel falls under either of the following items, a contract of engagement shall terminate:

1. If the vessel has foundered or has been lost;
2. If the vessel has come into a state of total unseaworthiness.

A vessel shall be presumed to be lost, if it is unknown for one month whether she exists or not.

Even in cases where a contract of engagement has terminated in accordance with the provisions of paragraph 1, the mariner shall render services necessary for the emergency assistance of human life, the vessel or the cargo. In such case the contract shall be deemed to continue to exist.

(Rescission of Contract of Engagement)

Article 40

The shipowner may rescind a contract of engagement in the case falling under any of the following items:

1. If the mariner has been found quite unfitted for his duties;
2. If the mariner has grossly neglected his duties or has been guilty of gross default in respect to his duties;
3. If the seaman has failed to embark on the vessel by the time appointed by the master;
4. If the seaman seriously disturbed the order on board the vessel;

MARINERS LAW

5. If the mariner has become incapacitated for his duties by reason of injury or sickness;
6. If any unavoidable necessity arises from a reason not specified in any of the foregoing items.

Article 41

A mariner may rescind the contract of engagement, in the case falling under any of the following items:

1. If the vessel has lost her nationality as of the time when the contract was concluded;
2. If the working conditions laid down in the contract have been found much at variance with the fact;
3. If he has become incapacitated for his duties by reason of injury or sickness;
4. If he is to be educated or trained as provided by Ordinance.

If, in cases where the vessel has completed her voyage from a foreign port, a mariner on board the vessel has given not less than twenty-four hours' written notice to rescind the contract, the contract shall terminate in respect of the mariner on the expiration of the period.

If a seaman furnishes in his place such a person as the master may consider competent and reliable, he may rescind the contract of engagement.

Article 42

A contract for an indefinite period shall terminate, if the shipowner or the mariner has given not less than twenty-four hours' written notice to rescind the contract, on the expiration of the period.

(Termination of Contract by Change of Ownership)

Article 43

If there has been a change in the ownership of the vessel, a contract of engagement shall terminate, except when the change has happened by inheritance or any other case of general succession.

In the case contemplated in the preceding paragraph, it shall be deemed that, on and from the termination of the contract a contract identical in its terms with the former contract exists between the mariner and the new owner. In such case, the mariner may rescind the contract according to the provision of the preceding Article.

(Prolongation of Period of Engagement)

Article 44

If a contract of engagement has terminated when the vessel is under way, the contract shall be deemed to continue in existence until the vessel has arrived at the next port and the unloading of cargo or the disembarkation of passengers at such port has been completed;

MARINERS LAW

and if the contract has terminated when the vessel is in port, the contract shall be so until the unloading of cargo or the disembarkation of passengers at the port has been completed.

If a contract of engagement terminates at a port where no competent mariner can be complemented, the shipowner may prolong the period of engagement of the mariner referred to until the vessel has arrived at a port where a competent mariner can be complemented and the unloading of cargo or the disembarkation of passengers has been completed. This shall not, however, apply in the case contemplated in item 1 to 3 inclusive, paragraph 1, Article 41.

(Unemployment Allowances)

Article 45

If a contract of engagement has terminated in accordance with the provisions of Article 39, the shipowner shall pay a mariner, once a month, an unemployment allowance of the same amount as his salary or wages, for a period not exceeding two months, in respect of every day of his unemployment.

(Discharge Allowances)

Article 46

The shipowner (or former shipowner in the case of item 4) shall without delay pay a mariner a discharge allowance of the same amount as his monthly salary or wages in the case falling under any of the following items:

1. If the shipowner has rescinded the contract of engagement in accordance with the provision of Article 40, item 6;
2. If the mariner has rescinded the contract of engagement in accordance with the provision of Article 41 paragraph 1, item 1 or 2;
3. If the shipowner has rescinded the contract of engagement in accordance with the provision of Article 42;
4. If the contract of engagement has terminated in accordance with the provision of Article 43, paragraph 1;
5. If the contract of engagement has been rescinded by reason of the mariner's inability to obtain a certificate of health provided in Article 81.

(Repatriation)

Article 47

The shipowner shall, without delay and at his expense, take the mariner back to the port where he was engaged or to a place where the mariner desires to be taken to, or may substitute such repatriation for payment of the expenses of the repatriation, in the case falling under any of the following items:

MARINERS LAW

1. If the contract of engagement has terminated in accordance with the provision of Article 39;
2. If the shipowner has rescinded the contract of engagement in accordance with the provision of Article 40 item 1 or 6;
3. If the shipowner or the mariner has rescinded the contract of engagement in accordance with the provision of Article 40 item 5, or Article 41, paragraph 1, item 3. This shall not, however, apply in a case where the injury or sickness which the mariner sustained or contracted without relation to his duties is due to a wilful act or gross default on his part;
4. If the mariner has rescinded the contract of engagement in accordance with the provision of Article 41 paragraph 1, item 1 or 2;
5. If the shipowner has rescinded the contract of engagement in accordance with the provision of Article 42;
6. If the mariner has rescinded the contract of engagement in accordance with the provision of Article 43, paragraph 2;
7. If the contract of engagement of a mariner has terminated by the expiration of the period of engagement at a place other than his own country;
8. If the contract of engagement has been rescinded by reason of the mariners' inability to receive a certificate of health as provided in Article 81.

(Expenses of Repatriation)

Article 48

The expenses for repatriating a mariner, which are to be borne by the shipowner, shall include the charges for transportation, accommodation and food of the mariner during the repatriation, and also charges for his accommodation and food from the time of the termination of the contract up to the time of his immediate departure.

(Repatriation Allowances)

Article 49

The shipowner shall pay a mariner a repatriation allowance of the same amount as his salary or wages in respect of every day required for his repatriation. The same shall apply in cases where the expenses of repatriation are paid in lieu of repatriation.

The repatriation allowance mentioned in the preceding paragraph shall be paid once a month in case the shipowner takes back a mariner or at the time of payment of repatriation expenses in case the shipowner pays the same in lieu of repatriation.

MARINERS LAW(Mariner Pocket-Ledger)

Article 50

A mariner shall hold a mariner's pocket-ledger. The master shall take charge of the pocket-ledger of his seaman while the seaman is on board the vessel. Necessary matters pertaining to the grant, correction, rewriting and return of a mariner's pocket-ledger shall be prescribed by Ordinance.

(Certificate as to Quality of Work)

Article 51

A seaman may demand the master to grant a certificate as to the quality of his work.

CHAPTER VSALARY, WAGES OR OTHER REMUNERATIONS(Method of Fixing Salary, Wages or other Remunerations)

Article 52

The salary, wages or other remunerations of a mariner shall be fixed in consideration of the particular nature of maritime labor and according to his experience, capacity, and service.

(Method of Paying Salary, Wages or other Remunerations)

Article 53

The salary, wages, or other remunerations shall be paid direct to the mariner in currency and in full, unless otherwise provided by law, ordinance, or by collective agreement. The salary, wages or other remunerations except those provided by Ordinance shall be paid once or more each month on the fixed day, or days.

Article 54

The shipowner shall without delay pay a mariner such salary, wages or any other remuneration provided for in paragraph 2 of the preceding Article even before the pay-day in respect of every day of service, in the case falling under any of the following items:

1. If a mariner has been discharged, or has retired, from his service;
2. If a mariner has demanded his salary, wages or any other remuneration to be paid in order that any of them may be used by the mariner, or by any one of his relatives who is living with him or by a person who maintains his existence upon the income of such mariner, to meet the expense for marriage or funeral, childbirth or medical treatment, or the expense for the recovery from an unforeseen accident.

MARINERS LAW

Article 55

When the salary, wages or any other remuneration of a seaman is to be paid on board the vessel, the master himself shall deliver the same to the seaman. When an unavoidable necessity arises, however, the master may cause another officer to deliver the same.

Article 56

The shipowner shall, if called upon by a mariner to do so, pay the salary, wages, or any other remuneration of the mariner to one of his relatives who is living with him or to a person who maintains his existence upon the income of such mariner.

(Right to Demand Salary or Wages During Injury or Sickness)

Article 57

A mariner may, during the term of his engagement, demand his salary or wages and allowances provided for in Ordinance even for the period during which he has not been in service by reason of injury or sickness, except where such injury or sickness is due to a wilful act or gross default on the part of the mariner.

(Remuneration in Percentage)

Article 58

In case where the remuneration is paid in percentage, the sum of such remuneration shall not be less than the amount fixed by the shipowner, even if the monthly sum computed in percentage does not amount to the fixed amount.

In the application of the provisions of Article 35 and the preceding Article, the fixed amount of remuneration as provided for in the preceding paragraph shall be deemed to be salary or wages.

In cases where the remuneration of a mariner is paid in percentage, the amount fixed by the shipowner shall be deemed to be the mariner's monthly salary or wages, in the application of the provisions of Article 45, 46, 49 and 78.

The amount mentioned in the preceding paragraph shall not be less than the fixed amount provided for in paragraph 1.

(Minimum Salary or Wages)

Article 59

The competent authorities may, if they deem necessary, fix the minimum amount of salary, wages or any other remunerations in accordance with the provisions of Ordinance, with the consent of the Labor Commission organized under the Labor Union Law (hereinafter called the Mariners' Labor Commission).

The shipowner shall not employ a mariner at a salary, wages or any other remuneration lower than the minimum amount provided for in the preceding paragraph.

MARINERS LAWCHAPTER VIHOURS OF WORK, REST DAYS AND MANNING(Hours of Work of Persons Whose
Time is Divided Into Watches)

Article 60

The hours of work of the following persons whose time is to be divided into watches, shall not exceed eight in the day, nor shall they exceed fifty-six in the week, when they keep watch on board the vessel.

1. Deck officers, wireless operators and deck ratings on board the vessels of not less than 2,000 tons gross;
2. Engineer-officers and ratings on board the vessels of not less than 700 tons gross.

The master, without prejudice to the provisions of the preceding paragraph, may extend the hours of work within the following limits:

1. Not more than one hour per day in respect of the hours of work of deck officers or wireless operators whose time is divided into watches;
2. In cases where the master has, out of special necessity, increased the number of deck officers or wireless operators whose time is divided into watches not more than four hours per day in respect of such increased persons;
3. Hours necessary for the regular alternation of watches or for the throwing away of cinders, in respect of the hours of work of engineer-ratings whose time is divided into watches.

(Sea Watch While the Vessel is in Port)

Article 61

Sea watches shall be suspended while the vessel is in port, except within twelve hours after its entry, or twelve hours before its scheduled time of clearance, or where the master deems necessary for the safety of the vessel.

(Hours of Work of Persons Whose
Time is not Divided into Watches)

Article 62

The hours of work at sea and on arrival and sailing days of those officers and ratings in the deck and engine-room departments on board vessels of not less than 700 gross tons whose time is not divided into watches shall not exceed eight in the day nor shall they exceed forty-eight in the week.

MARINERS LAW(Hours of Work and Holidays
while the Vessel is in port)

Article 63

The hours of work in port (except on arrival and sailing days: the same applying correspondingly to the following articles) of deck and engineer officers and wireless operators and of deck and engineer-ratings shall not exceed eight in the day nor shall they exceed forty-eight in the week except in cases where their time is divided into watches in accordance with the provision of Article 61.

The shipowner shall, while the vessel is in port, give at least one rest day per week to a seaman mentioned in the preceding paragraph.

When an unavoidable circumstance occurs, the master may, notwithstanding the provision of the preceding paragraph, cause a seaman mentioned in paragraph 1 to do a necessary work even on a rest day, provided, however, that the limit of forty-eight hours of work per week shall not be exceeded thereby.

(Hours of Work of Ratings in Catering
and Clerical Departments)

Article 64

Hours of rest at sea of ratings in the catering and clerical departments on board the vessel with a capacity of more than twelve passengers shall not be less than twelve in the day.

The hours of rest mentioned in the preceding paragraph shall include a rest of at least eight consecutive hours.

Article 65

The hours of work at sea and on arrival and sailing days of ratings in the catering and clerical departments on board the vessels, excepting those mentioned in paragraph 1 of the preceding article, shall not exceed eight in the day. If the master deems necessary, however, he may extend them within the limit of two hours per day.

Article 66

The hours of work in port of ratings in the catering and clerical departments shall not exceed eight in the day, unless otherwise provided by the collective agreements.

(Overtime Work and Allowances Therefor)

Article 67

When an urgent necessity arises, the master may cause any seaman to engage in work in excess of the limit hours provided for in Articles 60, 62, Article 63 paragraph 1, the proviso of Article 63 paragraph 3, Article 65 and the preceding article, or may reduce the hours of rest mentioned in Article 64 paragraph 1, or shall not have to give a rest of eight consecutive hours notwithstanding the provision of paragraph 2 of the same article.

MARINERS LAW

When the hours of work have been extended, or the hours of rest have been reduced, or the rest of eight consecutive hours has not been given under the provision of the preceding paragraph, the shipowner shall pay such overtime allowances as provided by Ordinance.

The master shall, in accordance with the provisions of Ordinance, keep on board the vessel a book in which an entry is to be made of matters connected with the overtime allowances mentioned in the preceding paragraph.

(Exceptions)

Article 68

The provisions of Article 60 and Articles 62 to 67 inclusive shall not apply in cases where seamen are engaged in any of the following works under the master's order.

1. An urgent work necessary for the safety of human life, the vessel or the cargo, or for the purpose of rendering assistance to persons or other vessels;
2. Fire, lifeboat and similar drills of the kind;
3. Extra work resulting from the reduction in the number of serviceable seamen due to injury, sickness, death, or any other unforeseen accident.
4. Extra work for the purpose of customs, quarantine or other health formalities;
5. Work for the determination of the position of the vessel at noon.

(Manning)

Article 69

The shipowner, unless otherwise provided by ordinance, shall fix the minimum requirements as to manning and embark such seamen for service on board the vessel in order to comply with the provisions of Articles 60 to 66 inclusive.

If, in the course of a voyage, any reduction in the number of seamen has taken place, the shipowner shall, without delay, complement a necessary number thereof.

Article 70

The minimum number of deck ratings whose time is to be divided into watches on board the vessels of not less than 700 gross tons shall be nine, and not less than three of them shall be available for each navigational watch. However, in the case of vessels of not more than 2,000 gross tons, six ratings shall be sufficient for the minimum number.

Included among the minimum number mentioned in the preceding paragraph shall be no ratings with less than one year's sea service on deck, except as otherwise fixed by the collective agreement.

MARINERS LAW

More than one half of the minimum number mentioned in the first paragraph must be over eighteen years of age and either have had at least three years' service on deck or have been granted a certificate issued by the competent authorities under the provisions of ordinance showing that their standard efficiency is equal to that of the average ratings who have had three years' sea service on deck.

(Scope of Application)

Article 71

The provisions of articles 60 to the preceding article inclusive shall not apply in respect of the following vessels:

1. A vessel of less than 1,000 gross tons which navigates within the partially smooth water area or the smooth water area and among domestic ports exclusively (excepting such a vessel as the competent authorities may designate through the deliberation of the Mariners' Labor Commission);
2. A sailing-vessel;
3. A vessel engaged in fishing.

Article 72

The provisions of Articles 60 to 70 inclusive shall not apply to the following persons:

1. Chief officers in the deck, engine-room and wireless departments whose time is not divided into watches;
2. Doctors and staff exclusively engaged in compounding medicines or on nursing duties.

Article 73

The competent Minister may, if he deems necessary, issue necessary orders regarding the hours of work, rest days and manning of mariners to whom the provision of Articles 60 to 70 inclusive are not applied with the resolution of the Mariners' Labor Commission.

CHAPTER VII

HOLIDAYS WITH PAY

(Granting of Holidays With Pay)

Article 74

If a mariner has had continuous sea service of a year on board the same vessel, (including service while the vessel is being equipped or under repairs: the same applying correspondingly to the following articles), the shipowner shall, within one year from such duration of time, give the mariner holidays with pay. If the vessel is on a voyage, however, the shipowner may postpone bestowal of such holidays with pay for a period necessary for the voyage.

MARINERS LAW

In cases where a mariner has left the service of one vessel for that of another engaged in the same kind of undertaking, the periods of service which precede and follow the change of vessels shall be deemed to have continued on board the same vessel.

If, in cases where the periods of sea service are interrupted, the interruption is not due to a wilful act or default on the part of the mariner and the period of interruption does not exceed a total of six weeks, such interruption shall not be deemed to break the continuity of the periods of service which precede and follow it.

(Period of Holidays With Pay)

Article 75

Every mariner shall be granted twenty-five days off with pay after every year of continuous service and additional five days for every additional three months of continuous service.

Every mariner on board the vessel navigating within the partially smooth water area or the smooth water area and among domestic ports exclusively, shall be granted twelve days off with pay after every year of continuous service, and additional two days for every additional three months of continuous service, without prejudice to the provisions of the preceding paragraph.

Article 76

In cases where the shipowner grants a mariner any time off for weekly rest days and public and customary holidays or holidays in lieu thereof, such time shall not be included in the holidays with pay mentioned in the preceding article.

The same shall apply in respect to interruptions of sea service due to the mariner's injury or sickness.

(Method of Granting Holidays With Pay)

Article 77

The time when and the port where mariner is to be given holidays with pay shall be fixed by mutual agreement of the mariner and the shipowner.

The period of holidays with pay may, in accordance with the provisions of the collective agreement, be given in parts.

(Remunerations During Holidays With Pay)

Article 78

The shipowner shall pay a mariner salary or wages and allowances and food expenses provided for in ordinance during the full period of the holidays with pay.

The shipowner shall pay a mariner who is discharged or retired from his service before the mariner has taken a holiday due to him, the salary or wages and allowance and food expense provided for in the preceding paragraph, in respect of every holiday due to him.

MARINERS LAW(Scope of Application)Article 79

The provisions of this Chapter shall not apply in respect to the following vessels:

1. Vessels engaged in fishing;
2. Vessels on which only members of the same family with the shipowner are employed.

CHAPTER VIIIFOOD AND SANITATION(Supply of Food)Article 80

The shipowner shall, in accordance with the provisions of ordinance, provide food to a mariner during the period of his sea service.

The mariner on board the vessel of not less than 700 gross tons which navigates within the oceangoing area or the coasting area or on board such a fishing vessel as is provided for in ordinance, shall be provided with food according to the food table fixed by the competent Minister.

(Certificate of Health)Article 81

The shipowner shall not take into sea service any person who does not possess a certificate of health whereby a doctor designated by the competent authorities proves that he is fitted for sea service. This shall not, however, apply to a case where an unavoidable necessity arises.

In the case contemplated in the proviso of the preceding paragraph, the shipowner shall without delay take a procedure in order that such a person may obtain a certificate of health at a port reached thereafter. In such case, the shipowner shall not continue to employ a person who is unable to receive a certificate of health.

Necessary matters connected with certificates of health shall be provided by ordinance.

(Carrying of Doctors)Article 82

The shipowner shall see that a vessel of not less than 5,000 gross tons which navigates within the oceangoing area or a vessel with a maximum capacity of not less than 100 persons which navigates within the oceangoing area or the coasting area will carry a doctor or doctors.

However, if, in cases where an unavoidable necessity arises, approval has been obtained from the competent authorities, it is not necessary to carry such doctor for a certain fixed period.

MARINERS LAW(Health Requirements and Medical Books)Article 83

The shipowner shall see that a vessel which navigates within the oceangoing area, the coasting area or the partially smooth water area or a fishing vessel provided for in ordinance will carry on board such medicines, other health requirements and medical books as the competent Minister prescribes.

CHAPTER IXJUVENILE MARINERS AND WOMEN MARINERS(Competency of Minors)Article 84

No minor shall become a mariner without obtaining the consent of his legal representative.

A minor who has obtained the consent mentioned in the preceding paragraph, shall have the same competency as an adult in respect of a contract of engagement.

(Minimum Age)Article 85

The shipowner shall not employ a young person under fifteen years of age as a mariner. This shall not, however, apply to vessels on which only members of the same family are employed.

The shipowner shall not employ a young person under eighteen years of age as a seaman who engages in carrying coal or in stocking.

The shipowner cannot employ a young person under eighteen years of age as a mariner unless the person has his pocket-ledger attested by the competent authorities.

Necessary matters connected with the attestation mentioned in the preceding paragraph shall be provided by ordinance.

(Women Before and After Childbirths)Article 86

The shipowner, if so called upon by a woman whose confinement will probably take place within six weeks, shall not cause her to work on board a vessel.

The shipowner shall not take into sea service a woman unless six weeks' time has elapsed since her Childbirth.

The shipowner, if so called upon by a pregnant woman, shall make her engage in other lighter work.

The provisions of the three preceding paragraphs shall not apply to a vessel on which only members of the same family are employed.

MARINERS LAW(Menstrual Holidays)

Article 87

The shipowner, if so called upon by a woman who finds it very hard to work for menstrual days, shall not make her engage in work on board a vessel during her menstrual days.

(Prohibition of Work at Night)

Article 88

The shipowner shall not cause a mariner under eighteen years of age or a female mariner to do any work during the period between 8 p.m. and 5 a.m. of the next morning. The same shall not apply in case provided by ordinance where the shipowner gives a nine consecutive hours' rest between other times before and after midnight.

The provisions of the preceding paragraph shall not apply to a vessel on which only members of the same family with the shipowner are employed.

CHAPTER X

COMPENSATIONS FOR ACCIDENTS

(Compensation for Medical Treatment)

Article 89

When a mariner has sustained an injury or contracted a sickness in the performance of his duties, the shipowner shall grant him medical benefits at the shipowner's expense or pay him the cost of necessary medical treatment until he has completely recovered from such injury or sickness.

When a mariner has, during the term of his engagement, sustained an injury or contracted a sickness without relation to the performance of his duties, the shipowner shall grant him medical benefits at the shipowner's expense or pay him the cost of necessary medical treatment for a period not exceeding three months, except in cases where such injury or sickness is due to a wilful act or gross default on the part of the mariner.

Article 90.

The medical benefits or treatment provided for in the preceding article shall include each of the following items:

1. Medical examinations;
2. Supply of drugs, medicines or medical appliances;
3. Surgical treatments, operations or other remedies;
4. Admission to hospitals or clinics or other places outside mariners' homes necessary for medical treatments (including supply of food);
5. Sick-nursing;
6. Transportation.

MARINERS LAW(Injury or Sickness Allowances and
Convalescence Allowances)

Article 91

When a mariner has sustained an injury or contracted a sickness in the performance of his duties, the shipowner shall pay him, once a month, an injury or sickness allowance equivalent to the monthly amount of the remuneration provided for in ordinance (hereinafter called the standard remuneration) for a period not exceeding four months and until the mariner has completely recovered from such injury or sickness. In cases where the mariner has not completely recovered from such injury or sickness even after the lapse of the four months, the shipowner shall pay him, once a month, an injury or sickness allowance equivalent to sixty per centum of the monthly standard remuneration until he has completely recovered.

The shipowner shall, immediately after the mariner has completely recovered from the injury or sickness provided for in the preceding paragraph, pay him a convalescence allowance equivalent to sixty per centum of the monthly standard remuneration.

The provisions of the two preceding paragraphs shall not apply in cases where the injury or sickness is due to a wilful act or gross default on the part of the mariner.

(Accident Allowances)

Article 92

If, in cases where a mariner has completely recovered from injury or sickness which he sustained or contracted in the performance of his duties, he is still in a state of physical breakdown, the shipowner shall, immediately after the recovery, pay him an accident allowance equal to the monthly standard remuneration multiplied by the number of months mentioned in the Appended List according to the degree of the breakdown. The same shall not, however, apply in cases where the injury or sickness is due to a wilful act or gross default on the part of the mariner.

(Bereavement Allowances)

Article 93

When a mariner has died in the performance of his duties, the shipowner shall without delay pay a bereavement allowance equivalent to the monthly standard remuneration multiplied by thirty-six to the members of the bereaved family provided for by ordinance. The same shall apply in cases where a mariner has died from injury or sickness which he sustained or contracted in the performance of his duties.

MARINERS LAW(Funeral Expenses)

Article 94

When a mariner has died in the the performance of his duties, the shipowner shall without delay pay a funeral expense equivalent to the monthly standard remuneration multiplied by two to a member of the bereaved family, provided for by ordinance, who holds the funeral services. The same shall apply in cases where a mariner has died from injury or sickness which he sustained or contracted in the performance of his duties.

(Relations to Other Benefits)

Article 95

If a person who is entitled, under the provisions of Articles 89 to the preceding Article inclusive, to receive medical benefits or expenses of medical treatments, allowances or funeral expenses (hereinafter collectively called the compensations for accidents), has come to receive, for the same cause whereby he is entitled to receive such compensations for accidents, the insurance benefits provided for in the Mariners' Insurance Law or such benefits corresponding to the compensations for accidents as are provided for by ordinance, the shipowner shall be relieved of his liability for such compensations for accidents.

(Examination and Arbitration)

Article 96

When a person is dissatisfied with the ascertainment of injury, sickness or death caused by the performance of duties, with the method of medical benefits or treatments, with the decision of making compensations for accidents or with any other way of making compensations for accidents, he may call upon competent authorities for an examination or arbitration in the matter.

The competent authorities may, if they deem necessary, exercise their authority in examining or arbitrating in the matter.

The competent authorities shall not either examine or arbitrate in the matter without giving a hearing to the master or to other persons concerned.

The competent authorities may, if they deem necessary for examination and arbitration in the matter, cause a doctor to conduct a medical examination or an autopsy.

The call for the examination or the arbitration in the matter mentioned in paragraph 1 and the commencement of the examination or the arbitration in the matter mentioned in paragraph 2 shall be regarded as a demand by way of judicial proceedings, in respect of the interruption of prescription.

MARINERS LAWCHAPTER XI

WORKING REGULATIONS

(Formulation of Working Regulations and Report Thereof)

Article 97

A shipowner who regularly employs ten or more mariners shall, in accordance with the provisions of ordinance, formulate working regulations for the following particulars and report them to the competent authorities. The same shall apply in case where alterations are made therein:

1. Salary or wages, and other remunerations;
2. Hours of work;
3. Days of rest and holidays.

When the shipowner mentioned in the preceding paragraph has formulated working regulations for the following particulars, he shall report them to the competent authorities. The same shall apply in cases where alterations are made therein:

1. Manning;
2. Food and sanitation;
3. Clothing and daily necessities;
4. Facilities on land of accommodation, recreation, medical treatment and amusement;
5. Compensations for accidents;
6. Unemployment allowances, discharge allowances and retiring allowances;
7. Repatriation;
8. Education;
9. Rewards and punishments;
10. Other working conditions.

An association which is a juridical person consisting of shipowners may formulate working regulations which are to apply to those constituent shipowners mentioned in paragraph 1 and make a report thereon. The same shall apply in cases where alterations are made therein.

In case the report thereon has been made in accordance with the provisions of the preceding paragraph, the shipowners provided therein are not required to make the said working regulations, make the report on the formulation or on the alteration thereof.

The report provided for in paragraphs 1 to 3 inclusive shall accompany a document containing the opinions expressed under the provision of Article 98.