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FISHERIES COOPERATIVE  
ASSOCIATION LAW

LAW CONCERNING CONSOLIDATION OF FISHERIES ORGANIZATION OR LIKE IN COMPLIANCE WITH ENFORCEMENT OF FISHERIES COOPERATIVE ASSOCIATION LAW

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FISHERIES AGENCY

January 1949



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**FISHERIES COOPERATIVE ASSOCIATION LAW**

LAW No. 242. December 15, 1948

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## CHAPTER I GENERAL PROVISIONS

(Purpose of Law)

## ARTICLE 1

This law has for its purpose advancement of the national economy by increasing fisheries productivity and improving the economic and social status of fishermen and marine products processors through the development of fisheries cooperative association.

(Types)

## ARTICLE 2

The Fisheries Cooperative Associations (hereinafter referred to as "Association" in this Chapter) shall be the Fishermen's Cooperative Association, Fishermen's Production Association and Federation of Fishermen's Cooperative Associations and the Marine Products Processing Cooperative Association and Federation of Marine Products Processing Cooperative Associations.

(Title)

## ARTICLE 3

Any Association shall use in its title such letters as Fishermen's Cooperative Association, Fishermen's Production Association, Federation of Fishermen's Cooperative Associations, Marine Products Processing Cooperative Association or Federation of Marine Products Processing Cooperative Associations.

(2) No person other than a Fisheries Cooperative Association shall use in its title such letters as Fishermen's Cooperative Association, Fishermen's Production Association, Federation of Fishermen's Cooperative Associations, Marine Products Processing Cooperative Association or Federation of Marine Products Processing Cooperative Associations.

(Objective of Association)

## ARTICLE 4

The objective of each Association shall be to furnish the direct



service for the benefit of its membership consistent with the functions which it is authorized to perform.

(Juridical Person)

ARTICLE 5

Any Fisheries Cooperative Association shall be a juridical person.

(Official Address)

ARTICLE 6

The official address of any Association shall be the place where its principal office is located.

(Relation to the Law Concerning Prohibition of Private Monopoly and Maintenance of Fair Dealings)

ARTICLE 7

In enforcing the Law Concerning Prohibition of Private Monopoly and Maintenance of Fair Dealings (Law No. 54, 1947), the Associations excluding those which are given below shall be deemed as Associations conforming to all of Items of Art. 24 of the same Law;

1 Any Fishermen's Cooperative Association whose qualifications for membership mentioned in Art. 18, Item 2 is limited to those who operate or engage in one or several types of fisheries given below and the management scale of more than one-third of the members, who are fisheries operators, are not less than the provisions given below:

Fisheries type	Management scale
a Tuna-bonito fisheries	Fishing-boats not less than 20 gross tons managed, 2 boats
b Small trawl fisheries operated in Sea areas west of 130° E. Long.	Sets managed, 2 sets
c Seine net (including purse seine) fisheries	Nets managed with a net-boat of not less than 20 gross tons, 2 nets
d Fixed net fisheries	Constantly employing 50 fisheries employees



- 2 Any Marine Products Processing Cooperative Association of which more than one-third of the total members constantly employ more than 10 fisheries employees.
- 3 Any Federation of Fishermen's Cooperative Associations or Federation of Marine Products Processing Cooperative Associations more than one-third of whose members as prescribed in Art. 88, Item 1 or Item 2 or Art. 98, Item 1 are such Associations as prescribed in the preceding two Items.
- 4 Any Federation of Fishermen's Cooperative Association or Federation of Marine Products Processing Cooperative Associations, more than one-third of whose members as prescribed in Art. 88, Item 1 or Item 2 or Art. 98, Item 1 are such Associations or Federations as prescribed in the preceding three Items.

(2) In application of the Law given in the preceding paragraph to the Associations as prescribed in Items 1, 3 and 4 of the preceding paragraph, the Associations shall be deemed as conforming to the necessary matters in Article 24, Item 3 of the same Law.

(Exemption from Taxation)

#### ARTICLE 8

With regard to the amount equivalent to the dividend of the surplus fund executed by the Association according to the proportion that the functions thereof have been utilized or the proportion that the members have engaged in the business of the Association, no tax shall be levied upon that Association.

(Registration)

#### ARTICLE 9

Any matter which is required to be registered under this Law may not be set up against a third person until after registration has been effected.

(Definition)



## ARTICLE 10

"Fisheries" as used in this Law means a business to carry on gathering, taking or culturing of marine animals and plants, and "Marine Products Processing" means a business to carry on manufacturing foodstuff, feed stuff, fertilizer, paste, oil or hide with marine animals and plants as their raw materials or stuffs.

(2) "Fishermen" as used in this Law means individuals who operate fisheries, and employees who engage in gathering, taking or culturing of marine animals and plants on behalf of fisheries operators, and "Marine Products Processers" means individuals who operate marine products processing.

## CHAPTER II FISHERMEN'S COOPERATIVE ASSOCIATION

## SECTION 1 Business

(Kinds of Businesses)

## ARTICLE 11

A Fishermen's Cooperative Association (hereinafter referred to as "Association" in this Chapter and in Chapter IV) may engage in part or whole of the following functions:

- 1 Making loans through advancement of funds necessary for reasonable business or personal requirements of its members;
- 2 Making available banking facilities for the receiving of deposits of its members;
- 3 Supplying necessary goods for the business and family use of its members;
- 4 Activities making available common facilities necessary for reasonable business or personal requirements of its members;
- 5 Transport, processing, storage or sale of fish catches and other things produced by its members;
- 6 Activities contributing to propagation and conservation of marine animals and plants and exploitation of fishing grounds;



- 7 Establishment of such equipments necessary for the fisheries of its members as moorage, ship-landings and fish shoals;
- 8 Activities of prevention of sea disaster, disaster relief, and intercession of fishing boat insurance for its members;
- 9 Promotion of the benefit and welfare of its members;
- 10 Activities concerning the elevation of the fisheries technique of its members, education for infusion of knowledge of the business of the Association and dissemination of general information for its members;
- 11 Accomplishment, on behalf of and for the benefit of its members, of such collective bargaining contract that will improve the economic conditions of its members;
- 12 Collateral activities required for the accomplishment of any of the preceding items.

(2) Any Association without capital stock (hereinafter referred to as "non-capitalized association" in this Chapter) cannot carry on the activities mentioned in Item 1 or 2 of the preceding paragraph, notwithstanding the provision of the preceding paragraph.

(3) Any Association may, in accordance with the provisions of the articles of incorporation, make its facilities available to non-members. However, the business transacted for non-members shall be less than the total financial volume of business for its members during the business year.

(4) Any Association which carries on the activities mentioned in Para. 1, Item 1 or 2, can guarantee the debt which the members of association bear towards the banking organ authorized to do business in accordance with the provisions of the articles of incorporation or can collect the debt concerned on commission of the said banking organ.

(Issuance of Warehouse Warrants)

#### ARTICLE 12

Any Association carrying on the business of storage mentioned



in the preceding article, Para. 1, Item 5 may issue warehouse warrants in respect of the goods deposited by its members, subject to a permission of the competent Minister.

(2) The Association permitted as mentioned in the preceding paragraph shall, upon demand by a depositor, furnish him with a warehouse warrant.

(3) The provisions of Art. 627, Para. 2 and Art. 628 of the Commercial Code (Law No. 48, 1899) shall apply with the necessary modifications to the warehouse warrant mentioned in Para. 1.

(4) The provisions of Art. 4, Arts. 8 to 10 inclusive and Art. 12 of the Warehousing Law (Law No. 41, 1935) shall apply with the necessary modifications to the case mentioned in Para. 1.

#### ARTICLE 13

Any warehouse warrant prepared by the Association permitted as mentioned in the preceding article, Para. 1 shall bear such letters as "Warehouse Warrant" on whose top the title of that Association is included.

(2) No warrant and pawn warrant or warehouse warrant prepared by any other person than an Association shall bear such letters as "Fisheries Cooperative Association Warehouse Warrant".

#### ARTICLE 14

The period of storage of the deposited goods for which a warehouse warrant is issued shall be not more than six months from the date of its deposite.

(2) The period mentioned in the preceding paragraph may be renewed within the extent of six months. However, if the holder of the warrant at the time of its renewal is not a member of the Association, it is limited to the cases where any utilization by the members is not impeded thereby.

#### ARTICLE 15

The provisions of Arts. 616 to 619 inclusive and Arts. 624 to 626 inclusive of the Commercial Code shall apply with the necessary



modifications to the case where an Association has issued any warehouse warrant.

(Effect of Collective Bargaining Contract)

#### ARTICLE 16

To cause the collective bargaining contract mentioned in Art. 11, Para. 1, Item 11 to be effective, it shall be made in writing.

(2) The part of a contract concluded by a member that contravenes the standards established in the collective bargaining contract mentioned in the preceding paragraph shall be deemed null and void and the standards relating to that part shall be substituted therefor.

(Operating Fisheries)

#### ARTICLE 17

Any Association who has all of the following conditions involved in its organization may operate, in addition to the functions as prescribed in Art. 11, fisheries and collateral activities therewith:

- 1 The number of the households of the members as prescribed in Art. 18, Para. 1 being over two-thirds of the number of the households of the fishermen who have their residence within the area of the Association;
- 2 A majority of the members being engaged in the fisheries or collateral businesses therewith operated by the Association;
- 3 The Association being a capitalized Association as prescribed in Art. 19, Para. 1;
- 4 The units of one member's capitalization not exceeding double average units of the whole members;
- 5 The whole units of capitalization held by the members who are engaged in the fisheries or collateral businesses therewith operated by the Association being a majority of the whole units of capitalization of the Association;
- 6 Two-thirds or more of the persons engaged in the fisheries or



collateral businesses therewith operated by the Association being its members or those living in the same households.

(2) In case any Association operating the fisheries and collateral businesses therewith as prescribed in the preceding paragraph has come to lose any of the items of the conditions mentioned in the same paragraph, it must without delay make notice thereof to the administrative authorities and at the same time it must make necessary alterations in the articles of incorporation in order to close the business concerned. In this case, the Association can continue to carry on the business until such alterations in the articles of incorporation has been effected.

#### SECTION 2 Membership

##### (Qualifications for Membership)

#### ARTICLE 18

Any person qualified for membership in an Association shall be a fisherman who has his residence within the area of the Association and operates or engages in fisheries for over the period in a year from thirty days to ninety days which will be determined by the articles of incorporation.

(2) In the case of any Association whose area is larger than the sphere of a city, town or village, special ward or administrative ward, the fishermen qualified for membership as prescribed in the preceding paragraph may be limited to those operating or engaging in fisheries of specific types which will be determined by the articles of incorporation.

(3) In addition to those prescribed in the preceding two paragraphs, any Association may admit, in accordance with the articles of incorporation, marine products processors having their residence within the area of the Association who are not members of any Marine Products Processing Cooperative Association, and may admit Fishermen's Production Associations or fishermen other than those



as prescribed in Para. 1 or the preceding paragraph.

(Capitalization)

ARTICLE 19

An Association can make its members capitalize in accordance with the articles of incorporation.

(2) Each member of a capitalized association as prescribed in the preceding paragraph (hereinafter referred to as "capitalized association" in this Chapter) shall possess one or more units or capitalization.

(3) The amount of each unit of capitalization shall be equal.

(4) The liability of a member shall be limited to the amount of his investment.

(5) No member can exercise the right of set-off against the association with respect to the payment for his investment.

(Transfer of Share)

ARTICLE 20

No member may transfer his share without the assent of the capitalized association.

(2) In case any person other than a member desires to acquire a share by transfer, he shall take the same proceeding as in the case of admission.

(3) Any transferee of share shall succeed to the rights and obligations of the transferor in respect of the share.

(4) No share may be held jointly by the members.

(Voting Right and Election Right)

ARTICLE 21

Each member of any Association shall be entitled to only one voting right and one election right of officers. However, any member as prescribed in Art. 18, Para. 3 (hereinafter referred to as "associate member" in this Chapter and Chapter 4) shall have no voting right and election right.

(2) Any member may, in accordance with, the articles of in-



corporation, exercise his voting right or election right on the matters previously noticed of in accordance with the provision of Art. 41, Para. 3 by a written ballot or his proxy.

(3) Any member who exercises his voting right or election right in accordance with the provision of the preceding paragraph shall be deemed to be present at the meeting.

(4) No proxy can represent more than one member for such voting purpose.

(5) Any proxy must submit to the Association a document certifying his attorney.

(Charge of Assessment)

#### ARTICLE 22

Any Association may, in accordance with the articles of incorporation, charge assessment upon its members.

(2) No member can exercise the right of set-off against the Association with respect to the payment of assessment mentioned in the preceding paragraph.

(Monetary Obligation for Contractual Infringement)

#### ARTICLE 23

Any Association may provide in the articles of incorporation for monetary penalties in cases where any member fails to comply with his contractual obligations to the association.

(Exclusive Utilization)

#### ARTICLE 24

Members of an Association can, in accordance with the articles of incorporation, authorize the Association to enter into contracts with members for the exclusive utilization of a part of the facilities of the Association by its member for a specific period of time not exceeding one year.

(2) The contract mentioned in the preceding paragraph shall be voluntary and services carried on by an Association shall not be denied a member because of his refusal to enter into such a contract.



(No Restriction on Admission)

ARTICLE 25

No eligible applicant for membership shall be refused by any Association without due cause and shall no heavier condition be imposed upon him than those attached to other members at such application.

(Secession)

ARTICLE 26

Any member may secede from the Association at the end of business year by giving a minimum of sixty days' notice.

(2) A longer period than mentioned in the preceding paragraph may be designated in the articles of incorporation. However, the period of the required notice may not exceed one year,

ARTICLE 27

Any member shall secede from an Association upon the occurrence of any of the following events:

- 1 Disqualification for membership;
- 2 Death, or dissolution;
- 3 Expulsion.

(2) Expulsion may be exercised against a member by a resolution at a general meeting upon the occurrence of any of the following events. However, it shall not be effective against such member until notices of such action have been communicated to him;

- 1 When a member has failed to utilize the facilities of the Association for an unreasonably long period of time.
- 2 When a member has continually refused to comply with his obligations such as payment of investment and assessment etc.
- 3 When a member has come under such cause as prescribed in the articles of incorporation.

(Refundment of Seceder's Share)

ARTICLE 28

Any person who has seceded from a capitalized association may,



in accordance with the articles of incorporation, demand the refundment of the whole or part of his share.

(2) The share mentioned in the preceding paragraph shall be determined in accordance with the assets of the said association as they stand at the end of the business year in which such secession has been effected.

#### ARTICLE 29

The right of demand in accordance with the provision of the preceding article, shall be extinguished by prescription, if it has not been exercised for two years from the time of his secession.

#### ARTICLE 30

Any capitalized association may suspend refundment of the share of a person who has seceded from the association until he has completely performed his obligation to it.

(Reduction of Number of Units of Capitalization)

#### ARTICLE 31

Any member may, in accordance with the articles of incorporation, reduce the number of the units of capitalization held by him.

(2) The provisions of Arts. 28 and 29 shall apply with the necessary modifications to the case mentioned in the preceding paragraph.

### SECTION 3 Administration

(Particulars to be Included in Articles of Incorporation)

#### ARTICLE 32

The articles of incorporation of any Association shall include the following particulars: however, any non-capitalized association who does not carry on the functions mentioned in Art. 11, Para. 1, Items 3 to 5 inclusive may not specify in its articles of incorporation the particulars mentioned in Items 6, 8 and 9, and the other non-capitalized association may not specify the particular



mentioned in Item 6.

- 1 Functions which the Association shall be authorized to perform;
- 2 Title of the Association;
- 3 Area of the Association;
- 4 Location and address of offices;
- 5 Qualifications for membership and provisions for admission to and secession from the Association;
- 6 Matters relative to the amount of each share and provisions as to payment for such shares and maximum number of shares to be owned by a member;
- 7 Provisions for charge of assessments;
- 8 Provisions relating to the distribution of surplus funds and the disposition of losses;
- 9 Provisions regarding the amount and accumulation of reserve funds;
- 10 Provisions relating to the number, division of duties and election of officers;
- 11 Business year;
- 12 Method of public notice.

(2) In addition to the particulars mentioned in the preceding paragraph, in the event that any Association has determined the period of duration of the Association, the period shall be included, in the event that any Association has determined those who make investment of assets other than money, such particulars as their names, the kinds and prices of such assets and numbers of shares to be given to such persons, shall be included in the articles of incorporation.

(3) The competent Minister may provide for uniform forms to be used in drafting the articles of incorporation for Associations.

(Particulars which may be Adopted in By-laws)

#### ARTICLE 33

Any Association may, except for the particulars to be provided



in the articles of incorporation, provide for the following matters in its by-laws:

- 1 Provisions relating to a general meeting and meeting of representatives;
- 2 Provisions relating to management of business affairs and account;
- 3 Provisions relating to officers;
- 4 Provisions relating to members;
- 5 Any other provisions as deemed necessary for carrying out the purpose of this Law.

(Fixed Number and Election of Officers)

#### ARTICLE 34

There shall be directors and auditors for any Association as the officers.

(2) Any Association shall have a minimum of five directors and two auditors.

(3) Officers shall be elected at a general meeting of the members in accordance with the articles of incorporation. However, officers at the time of establishment of the Association shall be elected at the constituent general meeting.

(4) Officers shall be elected by secret ballot.

(5) One member shall have one vote of election.

(6) Persons who have polled the majority in accordance with the method of election as prescribed in the articles of incorporation, shall be elected.

(7) At least three-fourths of the directors shall be its members (excluding associate members). However, at least three-fourths of the directors at the time of establishment of the Association shall be elected only from among those fishermen who have agreed to the establishment of the Association.

(Term of Office of Officers)



## ARTICLE 35

The term of office of officers of an Association shall be one year. However, the articles of incorporation may provide for terms of office not exceeding two years.

(2) The term of office of officers at the time of establishment shall be the same as that resolved at the constituent general meeting. However, the term shall not be more than one year.

(No Concurrent Appointment of Officers)

## ARTICLE 36

Any director shall concurrently be neither an auditor nor an employee, of the Association, and any auditor, neither a director nor an employee of the Association.

(No Double Agency of Directorship)

## ARTICLE 37

Any auditor of an Association shall act on behalf of such Association in any contract or litigation between the Association and director thereof.

(Convention of General Meeting)

## ARTICLE 38

The directors of an Association must convene not less than one general meeting of the membership during each business year.

## ARTICLE 39

The directors must convene a general meeting within 20 days from the date of the presentation to the board of directors of any petition requesting such a meeting with a statement of the purposes and reasons therefor signed by one-fifth of the voting membership.

## ARTICLE 40

In case there are no directors available, or the directors without justifiable reason fail to convene a general meeting of the membership at the presentation of request mentioned in the preceding article any one of the auditors of the Association must convene such a meeting.



(Notice Towards Members)

ARTICLE 41

Any notice or peremptory notice of an Association to be given towards its members shall be sufficient to be addressed to their permanent residences which have been entered in the list of members (or, if they have especially informed the Association of the places for receiving such notice or peremptory notice, to such places).

(2) The notice or peremptory notice mentioned in the preceding paragraph shall be deemed to have reached at such time as it should have reached in the ordinary course of affairs.

(3) A notice of convening a general meeting shall be given ten days prior to the date of the meeting with agenda of the meeting.

(Keeping and Inspection of Articles of Incorporation and Other Documents)

ARTICLE 42

The directors shall keep a copy of the articles of incorporation, by-laws and minutes of each general meeting at each office of the Association and a list of the members at the principal office.

(2) A list of the members shall include the following particulars. However, any non-capitalized association may not prescribe those mentioned in Items 3 and 4, and any Association who does not operate fisheries and collateral activities therewith as prescribed in Art. 17 may not prescribe those mentioned in Item 5.

- 1 Full name or title as well as permanent residence;
- 2 Date of admission and whether a voting member or associate member;
- 3 Number of shares of stock held and the dates acquired by each number;
- 4 Amount of shares paid up and the dates;
- 5 In case the member does not engage in the fishery or collateral activities therewith operated by the Association, to the effect.

(3) Any member or creditor of the Association may inspect



the documents specified in Para. 1.

(Submitting, Keeping and Inspection of Documents Relating to Settling Accounts)

#### ARTICLE 43

The directors shall, one week prior to the day fixed for an ordinary general meeting of members, submit to the auditors a business report, an inventory, a balance sheet and a plan for the disposal of surplus fund or loss in respect of a capitalized association, and a business report and inventory in respect of a non-capitalized association who does not carry on the functions mentioned in Art. 11, Para. 1, Items 3 to 5 inclusive, and keep them at the principal office.

(2) Any member or creditor of the Association may inspect the documents mentioned in the preceding paragraph.

(3) In case the documents mentioned in Para. 1 are submitted at an ordinary general meeting of members, they shall be accompanied by a written opinion of the auditors.

(Demand for Re-election of Officers)

#### ARTICLE 44

Voting members may, with the joint signature of one-fifth or more of the whole number of them, apply for re-election of any officers through the representatives selected from among themselves.

(2) The demand for the re-election as prescribed in the preceding paragraph shall be done with respect to the whole directors or auditors at the same time. However, this shall not apply to any re-election of the director or auditor who has contravened any laws or ordinances, measures of the administrative authorities taken under laws or ordinances, the articles of incorporation or by-laws of the Association.

(3) The demand for the re-election as prescribed in Para. 1 shall be submitted to the board of directors in a document stating the reasons of such re-election.



(4) In case such re-election as prescribed in the preceding paragraph has been applied for, the board of directors must lay the application before a general meeting of its members.

(5) In case such statement as prescribed in Para. 3 has been submitted, the board of directors must forward it to the officers concerned seven days prior to the day on which the general meeting will be held and give them an opportunity to express their opinion thereupon at the general meeting.

(Modified Application of the Civil Code to Officers)

#### ARTICLE 45

The provisions of Art. 44, Para. 1, Art. 2, Arts. 53 to 56 inclusive, Art. 59 and Art. 61, Para. 1 of the Civil Code (Law No. 89, 1896) shall apply with the necessary modifications to the directors and auditors of the Association.

(Councillors and Chief Accountant)

#### ARTICLE 46

Any Association may appoint councillors or chief accountant and make them carry out the work of the Association in its principal or subordinate offices.

(2) The appointment and discharge of the councillors or chief accountants shall be decided by the majority of directors.

(3) The provisions of Art. 38, para. 1 and Para. 3 and Art. 39, Art. 41 and Art. 42 of the Commercial Code shall apply with the necessary modifications to the councillors.

#### ARTICLE 47

Any voting member may, with the consent of one-tenth or more of the full number of voting members, apply to the directors for the discharge of any councillors or chief accountant.

(2) In the case of the preceding paragraph, any voting member making such an application must submit a statement of reasons therefor.



(3) In case the application mentioned in Para. 1 has been filed the directors must decide whether or not the discharge of the councillors or chief accountant concerned is to be made.

(4) The directors must forward the statement mentioned in Para. 2 to the councillors or chief accountant concerned seven days prior to the day when the decision is to be made in accordance with the provisions of the preceding paragraph, and must give them an opportunity to express their opinion thereupon.

(Matters to be Decided by General Meeting)

#### ARTICLE 48

The following matters shall be decided at a general meeting of members of the Association:

- 1 Amendment of the articles of incorporation;
- 2 Enactment, amendment and abolition of the by-laws of the Associations;
- 3 Enactment and alteration of business plan to be followed during the business year;
- 4 Method of assessment and collection of expenditures;
- 5 Maximum rate of interest which may be charged on loans;
- 6 Approval of the business report, inventory, balance sheet, financial plan for distribution of surplus funds, or if the Association has sustained a loss, the plan for making up such loss;
- 7 Maximum amount of loans during the business year;
- 8 Presenting a petition, bringing an action or reconciliating;
- 9 Enacting, obtaining, losing or altering of fishery rights, real rights relating to them or real rights relating to immovable properties (including ships over 20 gross tons or over, or capacity of 200 koku) or over.

(2) Any resolution relating to amendment to the articles of incorporation shall be effective with approval of the administrative authorities.



(3) The provisions of Art. 63, Para. 2, Art. 64 and Art. 65 shall apply with the necessary modifications to the case where the application mentioned in the preceding paragraph has been filed.

(Proceedings of General Meeting)

#### ARTICLE 49

Except as otherwise provided in this Law, the articles of incorporation or by-law, the proceedings of a general meeting of members shall be decided by a majority vote of the members present; in case of a tie, the chairman shall have a casting vote.

(2) The chairman who shall preside at the meeting shall be elected by the membership on each such occasion.

(3) The chairman shall have no vote as a member.

(Matters to be Decided by Special Proceedings)

#### ARTICLE 50

The following matters shall be required to be decided by two-thirds or more of the votes of the members present at a meeting at which one half or more of the total voting members are present.

- 1 Amendment of the articles of incorporation;
- 2 Dissolution or amalgamation of the Association;
- 3 Expulsion of members;
- 4 Enacting, obtaining, losing or altering of fishery rights or real rights relating thereto.

(Modified Application of Civil Code to General Meeting)

#### ARTICLE 51

The provisions of Art. 64 and Art. 66 of the Civil Code shall apply with the necessary modifications to a general meeting of members of an Association. In this case, in Art. 64, "Art. 62" shall read "Art. 41, Para. 3 of the Fisheries Cooperative Association Law".

(Meeting of Representatives)

#### ARTICLE 52

There may be a meeting of representatives which is authorized



to take the place of a general meeting of members in accordance with the provisions of the articles of incorporation in any Association with membership in excess of 200 voting members.

(2) The representatives shall be voting members.

(3) Minimum number of the representatives shall be 50.

(4) The provisions of Art. 34, Paras. 3 to 6 inclusive shall apply with the necessary modifications to the representatives.

(5) The provisions relating to the general meeting of members shall apply with the necessary modifications to the meeting of representatives. However, no election of officers or representatives, and no selection of organization committee as prescribed in Art. 10, para. 1, can be exercised, or any matters mentioned in Art. 50 can not be resolved, at the meeting of representatives.

(Reduction of Amount of Units of Capitalization)

#### ARTICLE 53

In case a capitalized association has adopted a resolution for the reduction of the amount of the units of capitalization, it shall prepare an inventory and a balance sheet within two weeks from the day upon which such resolution has been adopted.

(2) A capitalized association shall, within the period mentioned in the preceding paragraph, issue public notice against its creditors to the effect that they shall raise objection, if any, within a certain period and also give notice to that effect respectively against each of such creditors as are known to it.

(3) In the case of the preceding paragraph, such period shall not be less than one month.

#### ARTICLE 54

If any creditor has failed to raise any objection within the period mentioned in the preceding article, Para. 2, he shall be deemed to have approved the reduction of the amount of each unit of capitalization.



(2) If any creditor has raised any objection thereto, the capitalized association shall effect performance or offer adequate security or else effect trust of adequate property with a trust company or a bank carrying on trust business, in order that such creditor may receive performance.

(Reserve Fund and Amount Carried Forward)

#### ARTICLE 55

At the close of each business year, any Association (excluding the non-capitalized associations not carrying on the functions as mentioned in Art. 11, Para. 1, Items 3 to 5 inclusive; hereinafter the same in this article and Art. 56) shall set aside as reserve fund a minimum of one-tenth or more of the surplus fund of each business year until the reserve fund reaches the maximum amount as prescribed in its articles of incorporation.

(2) The amount of the reserve fund prescribed in the articles of incorporation mentioned in the preceding paragraph shall not be less than one-half of the total amount of stock in case of any capitalized association.

(3) The reserve fund mentioned in Para. 1 shall be used only for the payment of losses.

(4) Any Association shall carry forward five percent or more of the surplus fund of each business year to the following business year for the purpose of appropriating for carrying on the function mentioned in Art. 11, Para. 1, Item 10.

(Distribution of Surplus Fund)

#### ARTICLE 56

Any Association must not effect any distribution of surplus fund until after it has made up losses therewith and subtracted therefrom the reserve fund mentioned in the preceding article, Para. 1 and the amount carried forward mentioned in the same article, Para. 4.



(2) In case of a capitalized association, the remaining fund shall be distributed by first paying a dividend not exceeding five percent per year on the units of capitalization and the further remainder, if any, shall be distributed to the users in proportion to the extent which they have used the facilities of the Association, in accordance with the articles of incorporation; and in case of a non-capitalized association, the further remainder, if any, shall be distributed to the users to the extent of their use of the facilities.

## ARTICLE 57

Any capitalized association may, in accordance with the articles of incorporation appropriate the surplus fund which is to be divided to its members to their payment for shares until such payment has been completed.

(No Acquiring Share of Members)

## ARTICLE 58

Any capitalized association can not acquire any share of its members or receive it as the object of pledge.

## SECTION 4 Organization

(Number of Promoters)

## ARTICLE 59

Twenty or more fishermen shall be required to become promoters in organizing an Association.

(Preliminary Meeting for Organization)

## ARTICLE 60

Promoters shall prepare in advance a program for the scope of business area of function and qualifications for membership of the proposed association and hold a preliminary meeting for organization after giving public notice of the program together with the date and place of the meeting a certain period of time prior to the day of the meeting.



(2) The certain period of the preceding paragraph shall not be less than two weeks.

#### ARTICLE 61

At the preliminary meeting for organization, drafters of the articles of incorporation shall be selected from among the fishermen who are present thereat and shall determine the area, qualifications for membership and other principal matters necessary for formulation of the articles of incorporation.

(2) The drafters of the articles of incorporation shall be twenty or more.

(3) The matters to be determined at the preliminary meeting shall require a consent of majority of the fishermen present thereat.

(Constituent General Meeting)

#### ARTICLE 62

The promoters, upon completion of formulation of the articles of incorporation by the drafters, shall hold a constituent general meeting after giving public notice of the draft together with the date and place of the meeting a certain period of time prior to the day of the meeting.

(2) The certain period of time mentioned in the preceding paragraph shall not be less than two weeks.

(3) The approval of the articles of incorporation formulated by the drafters, adoption of business plan and other matters necessary for the organization shall be resolved by the constituent general meeting.

(4) At the constituent general meeting, the articles of incorporation mentioned in the preceding paragraph may be amended. However, this shall not apply to the provisions of its area and qualifications for membership therein.

(5) Any agenda of the constituent general meeting shall be decided by two-thirds or more of the votes of those present in the



case where one-half or more of those qualified for membership (excluding associate members) who have given their consent for the organization to the promoters by the day of the meeting are present thereat.

(6) The provisions of Art. 21, Para. 1 of this Law and Art. 66 of the Civil Code shall apply with the necessary modifications to the constituent general meeting.

(Application for Approval of Organization)

#### ARTICLE 63

The promoters must, without delay after the completion of the constituent general meeting, make application to the administrative authorities for approval of the organization, submitting the articles of incorporation and business plan to the same authorities.

(2) The promoters must, when demanded by the administrative authorities, furnish reports on the organization of the association to the same authorities.

(Approval of Administrative Authorities)

#### ARTICLE 64

In case the application as prescribed in the preceding article, Para. 1 has been filed, the administrative authorities must approve the organization of the Association except when the procedural requirements for organization, the contents of the articles of incorporation and business plan submitted by the promoters do not comply with the provisions of laws or ordinances or measures taken by the administrative authorities under laws or ordinances.

#### ARTICLE 65

In case the application for approval as prescribed in Art. 63, Para. 1 has been submitted the administrative authorities must notify the promoters within two months whether or not the approval has been given therefor.

(2) In case the administrative authorities does not give any notice within the period as mentioned in the preceding paragraph,



the application shall be deemed to have been approved at the time of the expiration of the period. In this case, the promoters may apply to the administrative authorities for a certificate of approval therefor.

(3) The period as prescribed in Para. 1 shall not include the time from the day upon which the administrative authorities demanded to furnish reports as prescribed in Art. 63, Para. 2 to the arrival of the reports to the authorities.

(4) In case the administrative authorities disapproved the application, the reasons for such action shall be included in the notice of disapproval.

(5) If, in case where the promoters have applied to the court for any hearing and ruling upon revocation of the disapproval, the court adjudges that the disapproval should be revoked, the approval shall be deemed to have been made at the date when the judgement was passed. In this case, the provision of the latter part of Para. 2 shall be applied with the necessary modifications thereto.

(Handing Duties Over to Directors)

#### ARTICLE 66

In case the approval for organization has been given, the promoters must without delay hand their duties over to the directors.

(2) In case the directors of a capitalized association have taken over the duties of the promoters in accordance with the provisions of the preceding paragraph, they must cause the members of the association pay the first quota of capitalization.

(3) Those who invest assets other than money must deliver the whole of the said assets at the date of payment of the first quota of capitalization. However, they may effect the registration thereof or other deeds necessary for enabling the creation or transfer of rights effective as against a third person, after the completion of organization of the Association.

(Time of Establishment)



ARTICLE 67

The Association shall be established upon the registration of its establishment at the location of its principal office.

SECTION 5 Dissolution and Liquidation

(Causes of Dissolution)

ARTICLE 68

Any Association shall be dissolved by any of the following causes:

- 1 Resolution at a general meeting of the members;
- 2 Amalgamation of Associations;
- 3 Bankruptcy of Association;
- 4 Expiration of period of duration;
- 5 Order of dissolution as provided for in Art. 124, Para. 2.

(2) Any dissolution of an Association by resolution at a general meeting of members shall not come into effect unless it obtains any approval therefor of the administrative authorities.

(3) The provisions of Art. 63, Para. 2, Arts. 64 and 65 shall apply with the necessary modifications to the application mentioned in the preceding paragraph.

(4) In addition to the cases enumerated in Para. 1, any Association shall be dissolved with the reduction of the number of its voting members to less than twenty.

(5) In case an Association has been dissolved in accordance with the provision of the preceding paragraph, it must without delay give notice thereof to the administrative authorities.

(Procedures of Amalgamation)

ARTICLE 69

A resolution authorizing amalgamation shall be adopted at a general meeting of the members of each Association.

(2) The amalgamation shall be devoid of effect if any approval of the administrative authorities is not obtained.



(3) The provisions of Art. 63, Para. 2, Arts. 64 and 65 shall apply with the necessary modifications to the application as prescribed in the preceding paragraph.

(4) The provisions of Arts. 53 and 54 shall apply with the necessary modifications to the amalgamation of capitalized associations.

#### ARTICLE 70

In order that any Association may be established in the consequence of amalgamation, the organization committee selected from among members (excluding associate members of each Association) at the general meeting of members of respective Associations shall jointly prepare its articles of incorporation, select officers and execute other matters requisite for its establishment.

(2) The principal clause of Art. 34, Para. 7 shall apply with the necessary modifications to the selection of directors out of the officers as prescribed in the preceding paragraph.

(3) The provision of Art. 50 shall apply with the necessary modifications to the selection of the organization committee as prescribed in Para. 1.

(Registration of Amalgamation)

#### ARTICLE 71

The amalgamation of an Association shall take its effect when the Association which continues to exist after the amalgamation or the Association which comes into existence in the consequence of its amalgamation, has effected the registration as prescribed in Art. 107 in the locality where its principal office is situated.

(Succession of Rights and Obligations at Amalgamation)

#### ARTICLE 72

The Association which continues to exist after the amalgamation or the Association which comes into existence in the consequence of its amalgamation shall succeed to the rights and obligations of the Association which has ceased to exist in the consequence of its



amalgamation (including such rights and obligations as the last-mentioned Association possesses under the permission, approval or other disposition effected by the administrative authorities, in respect of the business carried on thereby).

(Liquidator)

#### ARTICLE 73

In case an Association has been dissolved on any account other than its amalgamation or bankruptcy, the directors shall become the liquidators therefor except for the cases when at a general meeting of its members liquidators have been selected from among persons other than the directors.

(Business of Liquidator)

#### ARTICLE 74

The liquidators must, without delay upon assuming office, investigate the actual conditions of the property of the Association, prepare an inventory in respect of a non-capitalized association, an inventory and balance sheet in respect of a capitalized association, and plan for disposition of the assets and submit the same to a general meeting of its members for approval.

#### ARTICLE 75

The liquidators must not dispose of the assets of the Association until after paying all of its liabilities.

#### ARTICLE 76

When the affairs of liquidation have been completed, the liquidators shall without delay prepare a statement of the final accounts and submit the same to a general meeting of its members for approval.

(Modified Application of Civil Code and Non-litigant Case Procedure Law)

#### ARTICLE 77

The provisions of Arts. 73, 75, 76, 78 through 83 of the Civil Code and Art. 35, Para. 2, Arts. 36 and 37-2, Arts. 135-25, Paras.



2 and 3, Art. 136, Para. 1, Arts. 137 and 138 of the Non-litigant Case Procedure Law (Law No. 14, 1898) shall apply with the necessary modifications to the dissolution and liquidation of an Association. In this case, in Art. 75 of the Civil Code, "the preceding Article" shall read "Art. 73 of the Fisheries Cooperative Association Law".

### CHAPTER III

#### FISHERMEN'S PRODUCTION ASSOCIATION

(Kinds of Business)

##### ARTICLE 78

A Fisheries Production Association (hereinafter referred to as "Association" in this Chapter) can operate fisheries and collateral businesses therewith.

(Qualifications for Membership)

##### ARTICLE 79

The qualifications for membership shall be determined by the articles of corporation from among the fishermen.

(Relations between Businesses and Members of Association)

##### ARTICLE 80

Two-thirds of the members of an Association must be fishermen engaging in the business operated thereby.

##### ARTICLE 81

More than two-thirds of those who engage in the business operated by the Association must be its members.

(Capitalization)

##### ARTICLE 82

Each member of an Association shall hold one or more units of capitalization.

(2) The maximum number of units of capitalization which may be held by one member shall be not exceeding two times the average units for one member.



(3) A majority of the total units of capitalization of the Association shall be held by those who engage in the business operated thereby.

(Particulars to be Included in Articles of Incorporation)

#### ARTICLE 83

The articles of incorporation of an Association shall include the particulars mentioned in Art. 32, Para. 1, Items 1, 2, 4 to 6 inclusive and 8 to 12 inclusive.

(2) The provisions of Art. 32, Paras. 2 and 3 shall apply with the necessary modifications to the articles of incorporation of the Association mentioned in the preceding paragraph.

(Keeping and Inspection of Articles of Incorporation and Other Documents)

#### ARTICLE 84

The directors shall keep a copy of the articles of incorporation, by-laws and minutes of each general meeting at each office of the Associations and a list of the members at the principal office.

(2) The list of the members shall include the following particulars concerning each member;

1 The matters mentioned in Art. 42, Para. 2, Item 1 and Items 3 to 5 inclusive;

2 The date of their admission.

(3) Any member or creditor of the Association may inspect the documents specified in Para. 1.

(Distribution of Surplus Fund)

#### ARTICLE 85

Any Association shall not effect any distribution of surplus fund until after it has made up losses therewith and subtracted therefrom the reserve fund mentioned in Art. 55, Para. 1 applied with the necessary modifications in Art. 86, Para. 2.

(2) The remaining fund shall be distributed by first paying a dividend not exceeding ten percent per year on the units of capi-



talization and the further remainder, if any, shall be distributed to the members in proportion to the extent which they have engaged in the business operated by the Association, in accordance with the articles of incorporation.

(Modified Application of Provisions)

#### ARTICLE 86

In addition to the provisions of Arts. 79 to 82 inclusive, to the matters relating to the members of the Association, the provisions of Art. 19, Paras. 3 to 5 inclusive, Art. 20, the principal clause of Art. 21, Para. 1, Paras. 3 to 5 inclusive of the same article, Art. 23 and Arts. 26 to 31 inclusive shall apply with the necessary modifications.

(2) In addition to the provisions of Arts. 83 to the preceding article inclusive, to the matters relating to the administration of the Association, the provisions of Arts. 33 to 41 inclusive, Arts. 43 to 51 inclusive, Art. 53, Art. 54, Arts. 55, Paras. 1 to 3 inclusive, Art. 57 and Art. 58 shall apply with the necessary modifications. However, in this case, in Art. 34, Para. 2 "five directors" shall read "three directors"; in Para. 7 of the same article "at least three-fourths of the directors" shall read "all of the directors", in Art. 44, Para. 1, "one-fifth" shall read "one-third"; in Art. 47, Para. 1, "one-tenth" shall read "one-sixth".

(3) To the matters relating to the organization of the Association, the provisions of Arts. 59 to 67 inclusive shall apply with the necessary modifications. However, in this case, in Art. 59 and Art. 61, Para. 2, "twenty" shall read "seven".

(4) To the matters relating to the dissolution and liquidation of the Association, the provisions of Arts. 68 to 77 inclusive shall apply with the necessary modifications. However, in this case, in Art. 63, Para. 4, "twenty" shall read "seven"; in Art. 34, Para. 7 applied with the necessary modifications in Art. 70, Para.



2, "at least three-fourths of the directors" shall read "all of the directors".

CHAPTER IV FEDERATION OF FISHERMEN'S  
COOPERATIVE ASSOCIATIONS

(Kinds of Business)

ARTICLE 87

A Federation of Fishermen's Cooperative Associations (hereinafter referred to as "Federation" in this Chapter) may engage in the whole or part of the following functions:

- 1 Making loans through advancement of funds necessary for reasonable business of its members;
- 2 Making available banking facilities for the receiving of deposits of its members;
- 3 Supplying necessary goods for the business of its members who constitute directly or indirectly the Federation (hereinafter referred to as "constituent member" in this Chapter);
- 4 Activities making available common facilities necessary for reasonable business of its constituent members;
- 5 Transport, processing, storage or sale of fish catches and other things produced by its constituent members;
- 6 Activities contributing to propagation and conservation of marine animals and plants and exploitation of fishing grounds, etc.
- 7 Establishment of such equipments necessary for the fisheries of its constituent members as moorages, ship landings and fish shoals;
- 8 Activities relative to audit, and guidance of its member Associations which are juridical persons;
- 9 Activities of prevention of sea disaster, disaster relief and intercession of fishing boat insurance for its constituent members;
- 10 Promotion of the benefit and welfare of its constituent members;
- 11 Activities concerning the elevation of the fisheries technique,



education for infusion of knowledge of the business of the Federation and dissemination of general information for its constituent members;

- 12 Accomplishment, on behalf of and for the benefit of its constituent members, of such collective bargaining contract that will improve the economic condition of its constituent members;
- 13 Collateral activities required for the accomplishment of any of the preceding items;

(2) Any Federation without capital stock (hereinafter referred to as "non-capitalized federation" in this Chapter) cannot carry on the activities mentioned in Item 1 or 2 of the preceding paragraph, notwithstanding the provision of the preceding paragraph.

(3) Any Federation may, in accordance with the articles of incorporation, make its facilities available to non-constituent members. However, the business transacted for non-constituent members shall be less than the total financial volume of the business utilized by the constituent members during one business year.

(4) Any Federation which carries on together the activities mentioned in Paragraph 1, Item 1 or Item 2, can not perform functions not collateral with the said activities, notwithstanding the provision of the same paragraph.

(5) The Federation mentioned in the preceding paragraph can, in behalf of the member Association, discount bills, and can guarantee the debt which the member Association bears towards the banking organ authorized to do business in accordance with the articles of incorporation or collect the debt concerned on commission of the said banking organ.

(Qualifications of Membership)

#### ARTICLE 88

The qualifications for membership of a Federation shall be determined by the articles of incorporation from among followings:



- 1 Associations or Federations who have the whole or part of the jurisdictional area as their sphere;
  - 2 Fishermen's Production Associations who have their official addresses in the jurisdictional area of the Federation;
  - 3 Cooperative organizations which have their official addresses in the jurisdictional area of the Federation and have been set up in accordance with other laws, and carry on the same activities as those mentioned in the preceding two items.
- (Restrictions on Scale)

## ARTICLE 89

Any Federation shall come under any of the following items:

- 1 The jurisdictional area of a Federation shall not be larger than that of the Metropolis, Hokkaido or Prefecture.
- 2 The number of the Fishermen's Cooperative Associations as constituent members of a Federation shall not exceed three hundred.

(Matters to be Decided by General Meeting)

## ARTICLE 90

The following matters shall be decided at a general meeting of the members of the Federation:

- 1 The matters mentioned in any item of Art. 48, Para. 1;
- 2 Maximum amount of bills which will be discounted for one member.

(Number of Promoters)

## ARTICLE 91

Two or more of Associations, Fishermen's Production Associations or Federations shall be required to become promoters in organizing a Federation.

(Modified Application of Provisions)

## ARTICLE 92

In addition to the provision of Art. 87, to the matters relating to the business of the Federation, the provisions of Arts. 12 to 16



inclusive shall apply with the necessary modifications. However, in this case, in Art. 12, Para. 1 "the preceding article" shall read "Art. 87," in Art. 16, Para. 1 "Art. 11, Para. 1, Items 11" shall read "Art. 87, Para. 1, Item 12".

(2) In addition to the provisions of Art. 18 and Art. 89, to the matters relating to the members of the Federation, the provisions of Arts. 19 to 31 inclusive shall apply with the necessary modifications. However, in this case, in the proviso of Art. 21, Para. 1 "any member as prescribed in Art. 18, Item 3 (hereinafter referred to as "associate member" in this Chapter and Chapter 4)" shall read "any member as prescribed in Art. 88, Item 3, (hereinafter referred to as "associate member" in Article 92)".

(3) In addition to the provisions of Art. 90, to the matters relating to the administration of the Federation, the provisions of Arts. 32 to 47 inclusive, Art. 48, Paras. 2 and 3 and Arts. 49 to 58 inclusive shall apply with the necessary modifications. However, in this case, in Art. 34, Para. 7 "its members (excluding associate members)" shall read "its individual constituent members (excluding those who organize the associate members of the Federation and of the associate members of the Association)"; and in the proviso of the same paragraph "only from among those fishermen" shall read "only from among the individual constituent members of the Association, Fishermen's Production Association or Federation (excluding those who organize associate members of the Federation and the associate members of the Association)".

(4) In addition to the provision of Art. 91, to the matters of the establishment of a Federation, the provisions of Arts. 60 to 67 inclusive shall apply with the necessary modifications. However, in this case, in Art. 61, Paras 1 and 3 "the fishermen" shall read "directors of the Association, Fishermen's Production Association or Federation"; in Para. 2 of the same article, "twenty" shall read "two"; in the proviso of Art. 21, Para. 1 applied with the



necessary modifications in Art. 62, Para. 6 "any member as prescribed in Art. 18, Para. 3 (hereinafter referred to as "associate member" in this Chapter and Chapter 4)" shall read "associate member".

(5) To the matters relating to the dissolution and liquidation of the Federation, the provisions of Arts. 68 to 77 inclusive shall apply with the necessary modifications. However, in this case, in Art. 68, Para. 4 "less than twenty" shall read "to one"; in Art. 70, Para. 1 "from among members (excluding associate members)" shall read "from among the directors of voting members (excluding associate members)"; and in the principal clause of Art. 34, Para. 7 applied with the necessary modifications in Para. 2 of Art. 70 "its members (excluding associate members)" shall read "individual constituent members (excluding those who organize the associate members of the Federation and associate members of the Association)".

#### CHAPTER V MARINE PRODUCTS PROCESSING COOPERATIVE ASSOCIATION

##### SECTION 1 Business

(Kinds of Business)

##### ARTICLE 93

A Marine Products Processing Cooperative Association (Hereinafter referred to as "Association" in this Chapter and Chapter 6) can carry on the whole or part of the following functions.

- 1 Making loans through advancement of funds necessary for reasonable business of its members;
- 2 Making available banking facilities for the receiving of deposits of its members;
- 3 Supplying necessary goods for the business of its members;
- 4 Activities making available common facilities necessary for reasonable business of its members;



- 5 Transport, processing, storage of sale of products by its members;
- 6 Inspection of products manufactured by its members, their raw material and stuffs or facilities for manufacturing and processing;
- 7 Promotion of the benefit and welfare of its members;
- 8 Activities concerning the elevation of the manufacturing and processing technique of marine products, education for infusion of knowledge of the business of the Association and dissemination of general information for its members;
- 9 Collateral activities required for the accomplishment of any of the preceding items.

(2) Any Association may, in accordance with the articles of incorporation, make its facilities available to non-members. However, the business transacted for non-members shall not exceed one-fifth of the total financial volume of the business utilized by the members during one business year.

(3) Any Association which carries on the activities mentioned in Para. 1, Items 1 and 2 can guarantee the debt which the association member bears towards the banking organ authorized to do business in accordance with the articles of incorporation or collect the debt concerned on commission of the said banking organ.

(Qualifications of Membership)

#### ARTICLE 94

The qualifications for membership of an Association shall be determined by the articles of incorporation from among the marine products processors.

(Capitalization)

#### ARTICLE 95

Each member of an Association shall hold one or more units of capitalization.

(Modified Application of Provisions)



## ARTICLE 96

In addition to the provision of Art. 93, to the matters relating to the business of the Association, the provisions of Arts. 12 to 15 inclusive shall apply with the necessary modifications. However, in this case, in Art. 12, Para. 1 "the preceding paragraph" shall read "Article 93".

(2) In addition to the provisions of Art. 94 and the preceding article, to the matters relating to the members of the Association, the provisions of Art. 19, Paras. 3 to 5 inclusive, Art. 20 and Arts. 21 to 30 inclusive shall apply with the necessary modifications.

(3) To the matters relating to the administration of the Association, the provisions of Arts. 32 to 58 inclusive shall apply with the necessary modifications.

(4) To the matters relating to the organization of the Association, the provisions of Arts. 59 to 67 inclusive shall apply with the necessary modifications. However, in this case, in Art. 59 and Art. 61, Para. 2 "twenty" shall read "fifteen".

(5) To the matters relating to the dissolution and liquidation of the Association, the provisions of Arts. 68 to 77 inclusive shall apply with the necessary modifications. However, in this case, in Art. 68, Para. 4 "twenty" shall read "fifteen".

CHAPTER VI FEDERATION OF MARINE  
PRODUCTS PROCESSING  
COOPERATIVE ASSOCIATIONS

(Kinds of Business)

## ARTICLE 97

A Federation of Marine Products Processing Cooperative Associations (hereinafter referred to as "Federation" in this Chapter) can carry on the whole or part of the following functions:



- 1 Making loans through advancement of funds necessary for reasonable business of its members;
- 2 Making available banking facilities for the receiving of deposits of its members;
- 3 Supplying necessary goods for the business of its members who constitute directly or indirectly the Federation (hereinafter referred to as "constituent member" in this Chapter).
- 4 Activities making available common facilities necessary for reasonable business of its constituent members;
- 5 Transport, processing, storage or sale of products by its constituent members;
- 6 Inspection of products manufactured by its constituent members, their raw materials and stuffs or facilities for manufacturing and processing;
- 7 Activities relative to audit and guidance of its member associations which are juridical persons;
- 8 Promotion of the benefit and welfare of its constituent members;
- 9 Activities concerning the elevation of the manufacturing and processing technique of marine products, education for infusion of knowledge of the business of the Federation and dissemination of general information for its constituent members;
- 10 Collateral activities required for the accomplishment of any of the preceding items.

(2) Any Federation may, in accordance with the articles of incorporation, make its facilities available to non-constituent members. However, the business transacted for non-constituent members shall not exceed one-fifth of the total financial volume of business utilized by the constituent members during one business year.

(3) Any Federation which carries on the activities mentioned in Para. 1, Item 1 or 2 can not perform functions not collateral



with the said activities, notwithstanding the provisions of the same paragraph.

(4) Any Federation mentioned in the preceding paragraph can, in behalf of the members of the Federation, discount bills, and can guarantee the debt which any member of the Federation bears towards the banking organ authorized to do business in accordance with the articles of incorporation or collect the debt concerned on commission of the said banking organ.

(Qualifications for Membership)

#### ARTICLE 98

The qualifications for membership of a Federation, shall be determined by the articles of incorporation from among the following associations;

1. Associations or Federations who have the whole or part of the jurisdictional area as their sphere;
2. Cooperative organizations which have their official addresses in their jurisdictional area of the Federations and have been set up in accordance with other laws and carry on the same activities as those mentioned in the preceding items.

(Number of Promoters)

#### ARTICLE 99

Two or more of Associations or Federations shall be required to become promoters in organizing a Federation.

(Modified Application of Provisions)

#### ARTICLE 100

In addition to the provision of Art. 97, to the matters relating to the business of the Federation, the provisions of Arts. 12 to 15 inclusive shall apply with the necessary modifications. However, in this case, in Art. 12, Para. 1 "the preceding paragraph" shall read "Art. 97".

(2) In addition to the provision of Art. 98, to the matters relating to the members of the Federation, the provisions of Art.



19, Paras. 3 to 5 inclusive, Art. 20, Arts. 21 to 31 inclusive, Art. 89 and Art. 95 shall apply with the necessary modifications. However, in this case, in the proviso of Art. 21, Para. 1 "any member as prescribed in Art. 18, Item 3 (hereinafter referred to as "associate member" in this Chapter and Chapter 4)" shall read "any member as prescribed in Art. 98, Item 2 (hereinafter referred to as "associate member" in Art. 100)".

(3) The matters relating to the administration of the Federation, the provisions of Arts. 32 to 47 inclusive, Art. 48, Paras. 2 and 3, Arts. 49 to 58 inclusive and Art. 90 shall apply with the necessary modifications. However, in this case, in Art. 34, Para. 7 "its members (excluding associate members)" shall read "its individual constituent members" (excluding those who organize the associate members of the Federation); in the proviso of the same paragraph "the fishermen" shall read "only from among the individual constituent members of the Association or Federation (excluding those who organize associate members of the Federation)".

(4) In addition to the provision of Art. 93, to the matters relating to the organization of the Federation, the provisions of Arts. 60 to 67 shall apply with the necessary modification. However, in this case, in Art. 61, Para. 1 "the fishermen" shall read "the directors of the Association or Federation"; in Para. 2 of the same article "twenty" shall read "two"; in proviso of Art. 21, Para. 1 applied with the necessary modifications in Art. 62, Para. 6 "member as prescribed in Art. 18, Item 3 (hereinafter referred to as "associate member" in this Chapter and Chapter 4)" shall read "associate member of the Federation".

(5) To the matters relating to the dissolution and liquidation of the Federation, the provisions of Arts. 68 to 77 inclusive shall apply with the necessary modifications. However, in this case, in Art. 68, Para. 4 "less than twenty" shall read "one"; in Art.



70 Para. 1 "members (excluding associate members)" shall read "the directors of voting members"; and in the principal clause of Art. 34, Para. 7 applied with the necessary modifications in Para. 2 of the same article "its members (excluding of associate members)" shall read "individual constituent members (excluding those who organize the associate members of the Federation)".

#### CHAPTER VII REGISTRATION

(Registration of Establishment of Association)

##### ARTICLE 101

Registration of establishment of a Fisheries Cooperative Association (hereinafter referred to as "Association") shall be made at the seat of its principal office within two weeks from the day of approval of its establishment in case of an Association which does not make its members capitalize, or in case of an Association which makes its members capitalize (hereinafter referred to as "capitalized association") within two weeks from the day on which the first payment of capitalization was made.

(2) The registration of establishment shall include the following matters: However, the registration of establishment of a Fishermen's Production Association may not include the matter mentioned in Item 3.

- 1 Functions which the Association shall be authorized to perform;
- 2 Official name;
- 3 Area;
- 4 Location and address of offices;
- 5 Value per share, method of its payment and total number of shares and total amount of paid up shares in case of a capitalized Association;
- 6 Term of duration, in case its operational term has been decided;



7 Names and addresses of officers:

8 Method of public notice.

(3) The Association shall register the matters mentioned in the preceding paragraph at the seat of its branch office within two weeks from the day when the registration of establishment was made.

(Registration of Establishment of Branch Office)

#### ARTICLE 102

An Association, if it establishes a branch office after the organization thereof, shall register the establishment of the branch office at the seat of its principal office within two weeks and it shall register the matters as mentioned in Para. 2 of the preceding article at the seat of the same branch office within three weeks; also it shall register the establishment of the branch office at the seats of other branch offices within the same period.

(2) In case a new branch office is established within the boundary of the jurisdiction of a registry office holding under its authority the seat of the principal office or the other branch office, only the registration of its establishment shall be sufficient.

(Registration of Removal of Office)

#### ARTICLE 103

In case an Association removes its principal office, it shall make the registration of removal at the former seat within two weeks and shall register the matters as mentioned in Art. 101, Para. 2 at the new seat within three weeks; in case it removes its branch office, it shall make the registration of removal at the former seat within three weeks and shall register the matters mentioned in the same paragraph at the new seat within four weeks.

(2) In case the principal office or the branch office is removed within the boundary of the jurisdiction of the same registry office, only the registration of its removal shall be sufficient.



(Registration of Alteration of Matters Registered Concerning  
Establishment of Association)

ARTICLE 104

In case any alteration is made in the matters as prescribed in Art. 101, Para. 2, the registration of alteration shall be made at the seat of the principal office within two weeks and at the seat of the branch office, within three weeks.

(2) The registrations of alteration of the total number of shares and the total amount of shares paid up mentioned in Art. 101, Para. 2, Item 5, notwithstanding the provision of the preceding paragraph, may be made as of the close of every business year at the seat of the principal office within four weeks and at the seat of the branch office, within five weeks after the lapse of every business year.

(Registration of Councillors)

ARTICLE 105

In case an Association has appointed councillors, the names and addresses of the councillors and the offices in which they carry on their work and any provisions when stipulated on the delegated authority of councillorship in case two or more councillors jointly exercise that authority, shall be registered within two weeks at the seat of the said office. The same shall apply in the alteration of the matters registered and the lapse of the delegated authority of the councillors.

(Registration of Dissolution of Association)

ARTICLE 106

In case an Association is dissolved, the registration of dissolution shall be made, except in cases of amalgamation and bankruptcy, at the seat of its principal office within two weeks, and at the seat of its branch office within three weeks.

(Registration of Amalgamation)

ARTICLE 107

In case any amalgamation happens in connection with Associa-



tions, the registration of alteration as regards the Association continuing to exist after amalgamation, the registration as regards the Association dissolved by amalgamation and the registration of the matters as prescribed in Art. 101, Para. 2 as regards the Association established by amalgamation, shall be made at the seat of its principal office within two weeks, and at the seat of its branch office within three weeks.

(Registration of Liquidator)

#### ARTICLE 108

Any Association shall, within two weeks at the seat of its principal office and within three weeks at the seat of its branch office, from the time when a liquidator assumes office, effect registration of the full name and address of the liquidator.

(2) The provision of Art. 107, Para. 1 shall apply with the necessary modifications to the registration of any alteration of the matters registered as prescribed in the preceding paragraph.

(Registration of Completion of Liquidation)

#### ARTICLE 109

When any liquidation has been completed, the registration of completion of the liquidation shall be effected within two weeks at the seat of the principal office and within three weeks at the seat of each branch office, from the time of completion of the liquidation.

(Jurisdictional Registry Office)

#### ARTICLE 110

With regard to the registration of any Association, a juridical affairs office or its branch office having jurisdiction over the locality in which the office of the Association is situated, shall be its jurisdictional registry office.

(2) Each registry office shall keep a register of Fishermen's Cooperative Association, Fishermen's Production Association, Federation of Fishermen's Cooperative Associations, Marine Products



Processing Cooperative Association and Federation of Marine Products Processing Cooperative Associations.

(Application for Registration of Establishment of Association)

ARTICLE 111

The establishment of an Association shall be registered upon the joint application of all its directors and auditors.

(2) The letter of application mentioned in the preceding paragraph shall be accompanied with a document stating the articles of incorporation and certifying the officers of the Association, and in case of a capitalized Association, a document stating the total numbers of investment and also certifying completion of the first payment of the investment.

(3) Any letter of application for the registration of establishment by amalgamation shall be accompanied, besides the letters mentioned in the preceding paragraph, with a document stating that the notice has been made according to the provision of Art. 53, Para. 2, applied with the necessary modifications in Art. 69, Para. 4 (including the case in which the same provision is applied with the necessary modifications\* in Art. 86, Para. 4, Art. 92, Para. 5, Art. 96, Para. 5 and Art. 100, Para. 5) and in case there is any obligee insisting objections, a document certifying that due performance has been effected or adequate security or trust has been effected or adequate security or trust has been furnished with him.

ARTICLE 112

The registration as prescribed in Art. 101, Para. 3 shall be effected upon the application by the directors therefor.

(Application for Registration of Establishment of New Office and Removal of Office or Alteration of Matters Concerning Establishment of Association)

ARTICLE 113

Any registration of the establishment of a new office of an Association, removal of an office or other alterations in the matters



mentioned in Art. 101, Para. 2 shall be effected upon the application of the directors or the liquidators therefor.

(2) The letter of application for the registration mentioned in the preceding paragraph shall be accompanied with a document certifying the establishment of a new office or alteration of the matters to be registered.

(3) Any letter of application for the registration of alteration by the amalgamation or decrease of the value of each capitalization shall, besides the document mentioned in the preceding paragraph, be accompanied with a document certifying that the notice as prescribed in Art. 53, Para. 2 (including the case in which the same provision is applied with the necessary modifications in Art. 69, Para. 4, and the cases in which the same is applied with the necessary modifications in Art. 86, Para. 3, Art. 92, Para. 3, Art. 96, Para. 3 and Art. 100, Para. 3) has been made and that in case there is any obligee insisting objections, due performance has been effected to him or adequate security or trust has been furnished with him.

(Application for Registration of Councillors)

#### ARTICLE 114

Any registration of the appointment of councillors, the alteration of the matters registered in accordance with the provision of Art. 105 and the lapse of the delegated authority of councillors shall be effected upon the application of the directors therefor.

(2) The letter of application for the registration as prescribed in the preceding paragraph shall be accompanied with a document certifying the appointment of the councillors and in case their delegated authority is restricted, a document certifying the restrictions, and any letter of application for the other registrations shall be accompanied with a document certifying the matters.

(Application for Registration of Dissolution)

#### ARTICLE 115

The registration of dissolution as prescribed in Art. 106 shall,



with the exception of the cases as prescribed in Para. 3 of this article, be effected upon the application by the liquidator therefor.

(2) The letter of application for the registration mentioned in the preceding paragraph shall be accompanied with a document certifying the reasons for that dissolution.

#### ARTICLE 116

The registration of dissolution as prescribed in Art. 107 shall be effected upon the application of the directors of an Association which is to cease to exist in the consequence of its amalgamation.

(2) The provisions of Art. 111, Para. 3 and Para. 2, of the preceding article shall apply with the necessary modifications to the case of the preceding paragraph.

(3) The registration of dissolution, in case such dissolution has been ordered by the administrative authorities, shall be effected on commission of the administrative authorities.

(Application for Registration of Liquidator)

#### ARTICLE 117

The letter of application for the registration as prescribed in Art. 111, Para. 1 shall, in case the director is not the liquidator, be accompanied with a document certifying his liquidatorship.

(2) The letter of application for the registration as prescribed in Art. 108, Para. 2 shall be accompanied with a document certifying alteration in the matters to be registered.

(Application for Registration of Completion of Liquidation)

#### ARTICLE 118

The registration of completion of liquidation of an Association shall be effected upon the application by the liquidator therefor.

(2) The letter of application for the registration mentioned in the preceding paragraph shall be accompanied with a document certifying that an approval for the statements of account and other matters has been given to the liquidator in accordance with the provisions of Art. 76 (including the cases in which the same pro-



vision is applied with the necessary modifications in Art. 86, Para. 4, Art. 92, Para. 5, Art. 96, Para. 5 and Art. 100, Para. 5).

(Term of Registration)

#### ARTICLE 119

As regards the matters to be registered which require an approval of the administrative authorities, the term of registration shall be computed as from the day of acceptance of a letter of the approval. However, it shall be computed as from the day of acceptance of a document certifying the approval in cases of Art. 33, Paras. 2 and 5 (including the cases in which the same paragraphs are applied with the necessary modifications in Art. 86, Para. 3, Art. 92, Para. 4, Art. 96, Para. 4 and Art. 100, Para. 4).

(Public Notice of Registration)

#### ARTICLE 120

Any public notice of the registered matters shall be given by the juridical affairs office without delay.

(Modified Application of Non-litigant Case Procedure Law)

#### ARTICLE 121

The provisions of Arts. 141 to 151-6 inclusive and Arts. 154 to 157 inclusive of the Non-litigant Case Procedure Law shall apply with the necessary modifications to the registration of an Association.

### CHAPTER VIII SUPERVISION

(Requirement to Furnish Reports)

#### ARTICLE 122

The administrative authorities can require Associations periodically or occasionally to furnish such reports concerning the conditions of business or property as are deemed necessary to insure compliance by such Associations with applicable laws, ordinances, measures of the administrative authorities taken under laws or ordinances and also the articles of incorporation and by-laws which have been adopted.



(Investigation of Business or Account Affairs)

ARTICLE 123

The administrative authorities must investigate the business or account affairs of an Association when a petition is presented clearly stating that the business or account affairs of an Association is deemed to violate any of the laws, ordinances, measures taken thereunder, the articles of incorporation or by-laws, with the consent of one-tenth or more of the whole membership.

(2) The administrative authorities can investigate at any time the business or account affairs of an Association when it is deemed to violate any of the laws, ordinances, measures of the administrative authorities taken hereunder, the articles of incorporation or by-laws.

(Measures against Violation of Laws, Ordinances or Others)

ARTICLE 124

If the investigation made in accordance with the provisions of the preceding article discloses a probable violation of any applicable laws, ordinances, measures of the administrative authorities taken thereunder, the articles of incorporation or by-laws, the administrative authorities can order the Association to take an appropriate corrective action.

(2) In case any Association has engaged in any business other than those authorized to perform by this Law or specially authorized by other laws, or has disobeyed the orders as prescribed in the preceding paragraph or has violated the provisions of Art. 80, Art. 81, Art. 82, Paras. 2 and 3 or Art. 89 (including the case in which the same article is applied with the necessary modifications in Art. 100, Para. 2), the administrative authorities can order the dissolution of that Association.

(Revocation of Resolution, Election or Decision)

ARTICLE 125

In case any voting member, deeming that the procedure to



convene a general meeting of the members, the method of resolution or the election violates any of the laws and ordinances, measures of the administrative authorities taken under laws or ordinances, the articles of incorporation or the by-laws, and with the consent of one-tenth or more of the voting members, within one month from the day of resolution, election or final decision of those elected, demands the revocation of the said resolution, election or decision, the administrative authorities may, if it is deemed that there is any violation, revoke the said resolution, election or decision.

(2) The provision mentioned in the preceding paragraph shall apply with the necessary modifications to the case of a constituent general meeting.

(Cancellation of Contract)

#### ARTICLE 126

The administrative authorities shall have authority to cancel the contracts mentioned in Art. 24, Para. 1 (including the case in which the same paragraph is applied with the necessary modifications in Art. 93, para. 2, Art. 96, Para. 2, and Art. 100, Para. 2) if any such contracts are found to be in violation of the public interest.

(Meaning of Administrative Authorities)

#### ARTICLE 127

"The administrative authorities" referred to in this Law, except for the cases of Art. 72 (including the cases in which the same provision is applied with the necessary modifications in Art. 86, Para. 4, Art. 92, Para. 5, Art. 96, Para. 5 and Art. 100, Para. 5) means the competent Minister in respect of any Association (excluding Fishermen's Production Associations) having for its sphere the whole of, or a larger area than, the sphere of the Metropolis, Hokkaido or Prefecture, or a Special City; and in respect of any other Associations, it means the Governor of the



Metropolis, Hokkaido or Prefecture, or the Mayor of a Special City who jurisdicts the principal office of the Association.

(2) A part of the powers of the competent Minister as prescribed in the preceding paragraph may be delegated to the Governor of the Metropolis, Hokkaido or Prefecture, or the Mayor of a Special City.

#### CHAPTER IX PENAL PROVISIONS

##### ARTICLE 128

In case any officer of an Association has, under whatever name it may be, made such actions as loaning or bill discounting beyond the business of the Association authorized or has disposed of any property belonging thereto, for the sake of speculation, he shall be subject to an imprisonment with hard labor for a term not exceeding three years or a fine not exceeding ten thousand yen.

(2) Persons who committed the crime mentioned in the preceding paragraph may be subject to both imprisonment with hard labor and fine according to the circumstances.

(3) The provision of Para. 1, however, shall not apply to the case where provided in the Criminal Law.

##### ARTICLE 129

In case any person fails to submit a report according to the provision of Art. 122 of this Law or the provision of Art. 8, Para. 1 of the Warehousing Law which apply with the necessary modifications in Art. 12, Para. 4 (including the case in which the same provision is applied with the necessary modifications in Art. 92, Para. 1, Art. 96, Para. 1 and Art. 100, Para. 1; hereinafter the same in this article), or submits a false report or refuses, prevents or evades the inspection as prescribed in Art. 123 of this Law or Art. 8, Para. 1 of the Warehousing Law which apply with the necessary modifications in Art. 12, Para. 4, he shall be subject to a fine not exceeding one thousand yen.



(2) In case any representative, agent, employee or other worker of an Association has committed any act as prescribed in the preceding paragraph in connection with the business of the Association, the Association itself, in addition to the person who has so acted, shall be subject to the fine as specified in the same paragraph.

#### ARTICLE 130

Any officer or liquidator of an Association shall be subject to an administrative fine not exceeding ten thousand yen in the following cases:

- 1 In case an Association has engaged in any business other than those authorized to perform by this Law or specially authorized by other laws;
- 2 In case it has acted in violation of the provisions of the proviso of Art. 11, Para. 3, the proviso of Art. 87, Para. 3, the proviso of Art. 93, Para. 2 or the proviso of Art. 97, Para. 2;
- 3 In case it has acted in violation of the provision of Art. 17, Para. 2;
- 4 In case it has acted in violation of the provisions of Art. 24, Para. 2 (including the case in which the same provision is applied with the necessary modifications in Art. 92, Para. 2, Art. 96, Para. 2, and Art. 100, Para. 2);
- 5 In case it has acted in violation of the provisions of Art. 25 (including the case in which the same provision is applied with the necessary modifications in Art. 92, Para. 2, Art. 96, Para. 2 and Art. 100, Para. 2);
- 6 In case it has acted in violation of the provisions of Art. 36 (including the case in which the same provision is applied with the necessary modifications in Art. 86, Para. 2, Art. 92, Para. 3 and Art. 100, Para. 3);
- 7 In case it has acted in violation of the provisions of Arts. 38, 39 or 40 (including the case in which the same provisions are



applied with the necessary modifications in Art. 86, Para. 2, Art. 92, Para. 3, Art. 96, Para. 3 and Art. 100, Para. 3);

- 8 In case it has failed to keep the documents or to state therein the matters to be included, or has made any false statement therein or refused to make them open to public inspection without due cause, in violation of the provisions of Art. 42 (including the cases in which the same provision of Art. 42 (is applied with the necessary modifications in Art. 92, Para. 3, Art. 96, Para. 3 and Art. 100, Para. 3), Art. 43 (including the cases in which the above mentioned provisions are applied with the necessary modifications in Art. 92, Para. 3, Art. 96, Para. 3 and Art. 100, Para. 3) or Art. 84;
- 9 In case it has acted in violation of the provisions of Art. 44, Para. 5 or Art. 47, Para. 4 (including the cases in which the same provisions are applied with the necessary modifications in Art. 86, Para. 2, Art. 92, Para. 3, Art. 95, Para. 3 and Art. 100, Para. 3);
- 10 In case it has reduced the value of each unit of investment in violation of the provisions of Art. 53 or Art. 54, Para. 2 (including the cases in which the same provisions are applied with the necessary modifications in Art. 86, Para. 2, Art. 92, Para. 3, Art. 96, Para. 3 and Art. 100, Para. 3), or in case it has effected any amalgamation of capitalized Associations in violation of the provisions of Art. 53 or Art. 54, Para. 2 which apply with the necessary modifications in Art. 69, Para. 4 (including the cases in which the same provisions are applied with the necessary modifications in Art. 86, Para. 4, Art. 99, Para. 5, Art. 96, Para. 5 and Art. 100, Para. 5);
- 11 In case it has acted in violation of the provisions of Art. 55, Art. 56 (including the cases in which the same provisions are applied with the necessary modifications in Art. 86, Para. 2, Art. 92, Para. 3, Art. 96, Para. 3 and Art. 100, Para. 3) or



Art. 85;

- 12 In case it has acquired any share of its members or received it as the object of pledge, in violation of the provisions of Art. 58 (including the cases in which the same provision is applied with the necessary modifications in Art. 86, Para. 2, Art. 92, Para. 3, Art. 96, Para. 3 and Art. 100, Para. 3);
- 13 In case it has acted in violation of the provisions of Art. 68, Para. 5 (including the case in which the same provision is applied with the necessary modifications in Art. 86, Para. 4, Art. 92, Para. 5, Art. 96, Para. 5, and Art. 100, Para. 5);
- 14 In case it has failed to mention in the documents the matters to be included therein under Art. 74 or Art. 75 (including the case in which the same provisions are applied with the necessary modifications in Art. 86, Para. 4, Art. 92, Para. 5, Art. 96, Para. 5 and Art. 100, Para. 5) or made a false statement thereof;
- 15 In case it has disposed of its property in violation of the provision of Art. 75 (including the case in which the same provision is applied with the necessary modifications in Art. 86, Para. 4, Art. 92, Part. 5, Art. 96, Para. 5 and Art. 100, Para. 5);
- 16 In case it has neglected to give the public notice as prescribed in Art. 79, Para. 1 or Art. 81, Para. 1 of the Civil Code which apply with the necessary modifications in Art. 77 (including the cases in which the same provision is applied with the necessary modifications in Art. 86, Para. 4, Art. 92, Para. 5, Art. 96, Para. 5 or Art. 100, Para. 5. Hereinafter the same, in this article), or has given any false notice thereof;
- 17 In case it has effected performance to any obligee within the period of time as prescribed in Art. 79 of the Civil Code which applies with the necessary modifications in Art. 77, in violation of the provision of the same.



18 In case it has neglected to make an application for adjudication of bankruptcy in accordance with the provision of Art. 81, Para. 1 of the Civil Code which applies with the necessary modifications in Art. 77;

19 In case it has neglected to effect any registration under this Law or effected any false registration.

ARTICLE 131.

Any person who has acted in violation of the provisions of Art. 3, Para. 2 and Art. 13, Para. 2 (including the cases in which the same provisions are applied with the necessary modifications in Art. 92, Para. 1, Art. 66, Para. 1 and Art. 100, Para. 1) shall be subject to an administrative fine not exceeding one thousand yen.

ADDITIONAL PROVISIONS

The day on which this Law shall come into force shall be determined within ninety days as from the day of its promulgation by a Cabinet Order.



LAW CONCERNING THE CONSOLIDATION OF THE  
FISHERIES ORGANIZATION OR THE LIKE IN  
COMPLIANCE WITH THE ENFORCEMENT  
OF THE FISHERIES COOPERATIVE  
ASSOCIATION LAW  
(Law No. 243)

(Dissolution of Existing Fisheries Organizations)

ARTICLE 1

The Fisheries Association Law (Law No. 47 in 1943) shall be abolished.

(2) The law referred to in the preceding paragraph shall be still effective even after the enforcement of this Law as far as the Fishermen's Association, Manufacturers' Association, Prefectural Fisheries Associations and Central Fisheries Federation (hereinafter referred to as "Fisheries Organizations") existing at the enforcement of this Law are concerned.

(3) Those Fisheries Organizations which still exist (except for those under liquidation) at the time when eight months have elapsed from the day of enforcement of this Law shall be dissolved at the above mentioned time. However, this shall not apply to such Fishermen's Associations as own fishery rights and the rights of using such rights or common-of-piscary rights.

(4) No Fishermen's Association as mentioned in the Proviso of the preceding paragraph shall, after the expiry of the period of time as mentioned in the preceding paragraph, carry on any other functions than the administration of the fishery rights and the rights of using such rights or common-of-piscary rights owned by that Association.

(5) The Fishermen's Association as mentioned in the Proviso of Para. 3 shall be dissolved at the time in which it has lost its



fishery rights and the rights of using such rights or common-of-piscary.

(6) The administrative authorities may at any time deemed necessary order dissolution of those Fisheries Organizations as prescribed in Para. 2. In this case those Fisheries Organizations shall be dissolved by virtue of such order.

(7) The competent Minister may issue any order or make any disposition necessary in connection with the disposal or maintenance or any other administration of the properties of these Fishermen's Associations as prescribed in the Proviso of Para. 3.

(Restrictions on Disposition of Property)

#### ARTICLE 2

No Fisheries Organization shall dispose of any of its property unless any approval of the administrative authorities is obtained, except for such property as necessary to dispose of in order to perform the normal business functions.

(2) The provision of the preceding paragraph shall not apply to a contract of disposition of the property owned by a Fisheries Organization which is concluded prior to the enforcement of the preceding paragraph and of which either the actual delivery of the property or the payment of the price thereof has been completed, or a contract approved by the administrative authorities in accordance with the provision of Art. 1 of the Ordinance of Restrictions concerning the Disposal of the Property of Fisheries Associations (Ministry of Agriculture and Forestry Ordinance No. 73, 1947) by the time of enforcement of the preceding paragraph.

(3) Any disposition of property which has been made in violation of the provision of Para. 1 shall be null and void.

(4) Any contract of disposition of property owned by a Fisheries Organization which it concluded prior to the enforcement of Para. 1 and of which no approval has been given as regard to the



actual delivery of the property or the payment of the price in accordance with Para. 1 within two months from the day of enforcement of the same paragraph, shall be deemed to have been dissolved.

(5) In case any Fisheries Organization has disposed of its property in violation of the provision of Para. 1, any representative, agent, employee or worker of the organization who has so acted shall be subject to an imprisonment with hard labor for a term not exceeding three years or a fine not exceeding ten thousand yen.

(6) Both imprisonment with hard labor and fine as referred to in the preceding paragraph may be imposed at the same time upon the offender according to the circumstances.

(Relations between Fisheries Cooperative Associations and Fisheries Organizations)

#### ARTICLE 3

No Fisheries Cooperative Association can become a member of a Fisheries Organization.

(Principle of Distribution of Property of Fisheries Organization)

#### ARTICLE 4

Any distribution of property of any Fisheries Organization shall be made equally among the members in accord with their proportionate shares in such organization.

(Division of Property of Fishermen's Association)

#### ARTICLE 5

Any Fishermen's Cooperative Association whose members are the whole or part of the members of a Fishermen's Association having fishery rights and rights of using such rights or common-of-piscary (hereinafter referred to as "Fishermen's Association" in this article to Art. 8) can, with the approval of the administra-



tive authorities therefor, request the latter for division of the property of the same Association other than these rights before it comes to lose them.

(2) The application for approval as prescribed in the preceding paragraph must, upon the consultation between the Fishermen's Cooperative Association and the Fishermen's Association, be filed after determining the property which should be reverted to the former according to the proportion of the total shares of the members of the Fishermen's Cooperative Association who are concurrently members of that Fishermen's Association to the whole shares (excluding the part for the fishery rights and the rights of using such rights or common-of-piscary therefrom; hereinafter the same, in this Article and Art. 6) of that Fishermen's Association.

(3) In case the consultation as mentioned in the preceding paragraph has failed to be concluded or is unavailable, the Fishermen's Cooperative Association can file an application for award therefor with the administrative authorities.

(4) In case the award as mentioned in the preceding paragraph has been given, the consultation as mentioned in Para. 2 shall be deemed to have been concluded.

(5) In the case as mentioned in Para. 1, the property of the Fishermen's Association shall be reverted to the said Fishermen's Cooperative Association in compliance with the consultation as prescribed in Para. 2.

#### ARTICLE 6

In case the property is reverted in accordance with the provision of the preceding Article, Para. 5, if the person is a member of the Fishermen's Cooperative Association and also a member of the Fishermen's Association, that member shall no longer have any investment in that Fishermen's Association from the time the property is reverted.



(2) Any member who has lost his investment in accordance with the provision of the preceding paragraph shall lose his share in the property (excluding the part for the fishery rights and rights of using such rights or common-of-piscary rights) of that Fishermen's Association.

(3) In case the property is reverted in accordance with the provision of Para. 5 of the preceding Article, the member specified in Para. 1 shall acquire a holding equivalent in amount to the proportionate amount of his holdings in the Fishermen's Association at the time the property is reverted and upon apportioning the amount of that property.

(4) In the case of the acquisition as prescribed in the preceding paragraph, the whole or part of that acquisition, in accordance with the articles of incorporation, may be appropriated for investment into the Fishermen's Cooperative Association.

#### ARTICLE 7

Any Fishermen's Cooperative Association whose members are the whole or part of the members of a Fishermen's Association can, with the approval of the administrative authorities therefor, after the latter has lost the fishery rights and rights of using such rights or common-of-piscary rights, request the latter for its whole property in case where no reversion of the property as prescribed in Art. 5, Para. 5 has been carried out; or in case where the reversion of the property as prescribed in the paragraph of the same Article has been carried out, the former can request the latter for division of the property as acquired after such reversion by the latter on the basis of its fishery rights or the rights of using such rights or common-of-piscary rights.

(2) The provisions of Art. 5, Paras. 2 to 5 inclusive shall apply with the necessary modifications to the request as mentioned in the preceding paragraph. In this case, "shares (excluding the part for



the fishery rights and the rights of using such rights or common-of-piscary rights therefrom; hereinafter the same in the Article and Art. 6)" in Art. 5, Para. 2, shall read "shares".

#### ARTICLE 8

In case the property as prescribed in Art. 5, Para. 5 applied mutatis mutandis in Para. 2 of the preceding paragraph is reverted, any member of a Fishermen's Cooperative Association who is concurrently a member of Fishermen's Association shall secede from the Fishermen's Association at the time the property is reverted.

(2) In the case of the preceding paragraph, the provisions of Art. 6, Paras. 2 to 4 inclusive shall apply with necessary modifications. In this case, "property (excluding the part for the fishery rights and the rights of using such rights or common-of-piscary rights therefrom)" in Art. 6, Para. 2, shall read "property," and "Para. 5 of the preceding Article" in Article 6, Para. 3 shall read, "Para. 5 of the preceding Article applied with the necessary modifications in Art. 8, Para. 2".

#### ARTICLE 9

Any Fishermen's Cooperative Association whose members are the whole or part of the members of a Fishermen's Association not having any fishery rights and rights of using such rights or common-of-piscary rights can, with the approval of the administrative authorities, request the latter for division of the property of the same Association.

(2) The provisions of Art. 5, Paras. 2 to 5 inclusive, Art. 6, Paras. 3 and 4 and Para. 1 of the preceding Article shall apply with the necessary modifications in the case mentioned in the preceding paragraph. However, in this case, in Art. 5, Para. 2 "shares (excluding the part for the fishery rights and rights of using such rights or common-of-piscary rights therefrom; here-



inafter the same, in Art. 6)" shall read "shares"; in Art. 8, Para. 3 "Para. 5 of the preceding Article" shall read "Para. 5 of the preceding Article applied with the necessary modification in Art. 9, Para. 2"; in Para. 1 of the preceding Article "Para. 3 of the preceding Article" shall read "Art. 9, Para. 2".

(Purchase of Assets and Acceptance of Liabilities of Fishermen's Association)

#### ARTICLE 10

A Fishermen's Cooperative Association a part of whose members are concurrently members of a Fishermen's Association may, with the approval of the administrative authorities, request the latter for negotiation of its purchase, purchase of the assets or of acceptance of the liabilities of the same fishermen's association.

(2) In case the negotiation of the preceding paragraph fails to reach an agreement, the administrative authorities may, upon application by one or both of the negotiating parties and after consultation with the parties, establish terms and order the transfer of the assets concerned.

(3) The extent to which the value of the assets of a Fishermen's Association is transferred to the Fishermen's Cooperative Association in accordance with the provisions of the preceding two paragraphs shall not exceed the ratio between that portion of shares held by the members of the Fishermen's Cooperative Association who are concurrently the members of the former and the total value of shares held by the total membership of the former.

(4) No action to call for revocation or alteration of the approval as prescribed in Para. 1 or of the order as prescribed in Para. 2 can be brought after the lapse of one month from the day of issuance of such approval or order.

(5) In addition to those as prescribed in Paras. 2 to the preceding paragraph inclusive, necessary matters for enforcement



of the provision of Para. 1 shall be determined by a Cabinet Order.

(Purchase of Assets and Acceptance of Liabilities of Prefectural Fisheries Association and Others)

#### ARTICLE 11

Any Federation of Fishermen's Cooperative Associations can, with the approval of the administrative authorities, request a Prefectural Fisheries Association for negotiation of its purchase of the assets or acceptance of the liabilities of the same Fisheries Association; and any Marine Products Processing Cooperative Association and Federation of Marine Products Processing Cooperative Associations can effect the same to Manufacturers' Associations.

(2) The provisions of Paras. 2, 4 and 5 of the preceding Article shall apply with the necessary modifications to the case of the preceding paragraph.

(General Meeting Provided for Dissolution)

#### ARTICLE 12

A general meeting of the membership of any Fisheries Organizations (excluding the Central Fisheries Federation; hereinafter the same in this Article and Art. 13) existing at the time of enforcement of this Law shall be convened within two months from the effective date of this Law.

(2) The general meeting mentioned in the preceding paragraph shall be convened with public notice as regards the agenda, date and place of such meeting being given at least ten days prior to the proposed date.

(3) Two-fifths of the membership shall be present to constitute the quorum at the general meeting mentioned in Para. 1.

(4) The administrative authorities can order the director or liquidator of the Fisheries Organizations mentioned in Para. 1 to



take appropriate measures to insure the necessary presence of the membership as prescribed in the preceding paragraph.

(5) In case there has been no necessary presence of membership as prescribed in Para. 3 at the general meeting convened in accordance with the provision of Para. 1, the Fisheries Organization shall convene a general meeting even after the lapse of the period prescribed in Para. 1 until the presence of membership satisfies the provision of Para. 3. The provisions of Paras. 2 to 4 inclusive shall apply mutatis mutandis to this case.

(6) The provision of the preceding paragraph shall not preclude the application of the provisions of Art. 1, Paras. 3, 5 and 6.

#### ARTICLE 13

The directors or liquidators of the Fisheries Organizations mentioned in Para. 1 of the preceding Article shall, seven days prior to the date of the general meeting, submit a financial report of the business and an inventory of properties to the auditors and also submit them together with the opinion of the auditors to the general meeting mentioned in the preceding Article, Para. 1 or 5 for approval.

(2) The directors or liquidators shall give complete information concerning the Fisheries Cooperative Association Law and this Law at the general meeting.

(3) A committee called the "Property Disposal Board" shall be elected at the general meeting of the membership mentioned in Para. 1.

(4) The election for the committee shall be conducted by written secret ballot.

(5) The committee mentioned in Para. 3 shall consist of not less than five or not more than nine members, a minimum of three quarters of which shall be fishermen as defined in Art. 18, Item 1 of the Fisheries Cooperative Association Law, in case



of Fishermen's Association and Prefectural Fisheries Association, or marine products processors as defined in Art. 94 of the same Law, in case of Manufacturers' Association.

(6) The directors or liquidators of the Fisheries Organization mentioned in Para. 1 shall hear and obey the opinion of the Property Disposal Board in respect of the disposition of properties of the Fisheries Organization, except for the case as prescribed in the proviso of Art. 2, Para. 1. However, this shall not apply to such a case as the opinion of the Property Disposal Board opposes the resolution of the general meeting.

(7) The Property Disposal Board may make the necessary investigations concerning the property of the Fisheries Organization.

(Computation of Ordinary Income at Succession of Property)

#### ARTICLE 14

The value of the property of a Fishermen's Association transferred to a Fishermen's Cooperative Association in accordance with the provision of Art. 5, Par. 5 (including the case applied mutatis mutandis in Art. 7, Para. 2 and Art. 9, Para. 2) shall not be included in the profits of the Cooperative Association and in the losses of the Fishermen's Association concerned, in computing the Ordinary Income in accordance with the provisions of the Judicial Person Tax Law (Law No. 28, 1947).

(Securities Transfer Tax at Succession of Property)

#### ARTICLE 15

In case any Fisheries Cooperative Association has received the divided property of Fishermen's Associations, purchased the assets or accepted the liabilities thereof in accordance with the provisions of Art. 5, Art. 7 or Arts. 9 to 11 inclusive, no Securities Transfer Tax shall be levied to the said Association.



(Registration Tax at Succession of Property)

ARTICLE 16

In case any Fisheries Cooperative Association intends to register as to the acquisition by transfer of the rights related to immovables or ships from a Fisheries Organization in accordance with the provisions of Arts. 5, 7 or 9 to 11 inclusive, the amount of the registration tax shall be equal to four per-millage of the price of the immovables or ships concerned. However, in case the amount of registration tax computed under the provisions of the Registration Tax Law (Law No. 27, 1896) is less than that computed under this Law, the former shall be applicable.

(2) The prices of the immovables or ships mentioned in the preceding paragraph shall be the book prices thereof just prior to the sale by the Fisheries Organization.

(Local Tax at Succession of Property)

ARTICLE 17

The Metropolis, Hokkaido and Prefectures shall levy no local tax in case of the transfer of property as prescribed in Art. 15.

(Alteration of Title)

ARTICLE 18

Any organization which has in its title the term "Fishermen's Cooperative Associations," "Fishermen's Production Association," "Federation of Fisheries Cooperative Associations," "Marine Products Processing Cooperative Association" or "Federation of Marine Processing Cooperative Association" at the time of enforcement of the Fisheries Cooperative Association Law (Law No. 242, 1948) shall alter its title within three months from the effective date of the same Law.

(2) The provision of Art. 131 of the Fisheries Cooperative Association Law shall not apply to any organization mentioned



in the preceding paragraph during the period specified in the same paragraph.

(Partial Amendment of Stamp Tax Law)

ARTICLE 19

A part of the Stamp Tax Law (Law No. 54, 1899) shall be amended as follows:

In Art. 4, Para. 12, "Manufacturers' Association, Prefectural Fisheries Association, Central Fisheries Federation" shall be amended to "Fishermen's Production Association, Federation of Fishermen's Cooperative Associations, Marine Products Processing Cooperative Association, Federation of Marine Products Processing Cooperative Associations".

In Art. 5, Para. 6, "Fishermen's Association" shall be amended to "Fishermen's Cooperative Association".

(Partial Amendment of Registration Tax Law)

ARTICLE 20

A part of the Registration Tax Law shall be amended as follows:

In Art. 19, Item 7, "Fisheries Association" shall be amended to "Fisheries Cooperative Association", and "Fisheries Association Law" shall be amended to "Fisheries Cooperative Association Law".

(Partial Amendment of Juridical Persons Tax Law)

ARTICLE 21

A part of the Juridical Persons Tax Law shall be amended as follows:

In Art. 9, Para. 5 "Fishermen's Cooperative Association, Fishermen's Production Association, Federation of Fishermen's Cooperative Associations, Marine Products Processing Cooperative Association, Federation of Marine Products Processing Co-



operative Associations" shall be added next to "Fishermen's Association, Manufacturers' Association, Prefectural Fisheries Federation".

(Partial Amendment of Local Tax Law)

ARTICLE 22

A part of the Local Tax Law (Law No. 110, 1948) shall be amended as follows:

The following Item shall be added next to Art. 67, Para. 2, Item 6, and each of the next Items shall be carried down one by one:

7. Fisheries Cooperative Association, Fishermen's Production Association, Federation of Fisheries Cooperative Associations, Marine Products Processing Cooperative Association and Federation of Marine Products Processing Cooperative Associations.

(Partial Amendment of Central Bank of Agriculture and Forestry Law)

ARTICLE 23

A part of the Central Bank of Agriculture and Forestry Law (Law No. 42, 1923) shall be amended as follows:

In Art. 2, Para. 3, "Capitalized Prefectural Fisheries Association" shall be amended to "Federation of Fishermen's Cooperative Associations".

In Art. 5, Para. 1, "Central Fisheries Federation, Prefectural Fisheries Association, Manufacturers' Association or Fishermen's Association" shall be amended to "Federation of Fishermen's Cooperative Associations, Fishermen's Cooperative Association, Federation of Marine Products Processing Cooperative Associations or Marine Products Processing Cooperative Association".



(Partial Amendment of Financial Emergency Measures Ordinance)

ARTICLE 24

A part of the Financial Emergency Measures Ordinance (Imperial Ordinance No. 83, 1946) shall be amended as follows:

In Art. 6, "Fishermen's Association" shall be amended to "Fishermen's Cooperative Association".

(Partial Amendment of Trade Association Law)

ARTICLE 25

A part of the Trade Association Law (Law No. 23, 1948) shall be amended as follows:

In Art. 6, Para. 1, Item 2, "q. Fisheries Association Law (Law No. 47, 1943)" shall be amended to "q. Old Fisheries Association Law (Law No. 47, 1943)" and "u. Fisheries Cooperative Association Law (Law No. , 1948)" shall be added next to "t. Consumers' Cooperative Association Law (Law No. 205, 1948)".

(Temporary Exceptional Provision on Amendment of Laws and Ordinances concerned)

ARTICLE 26

The unrevised provisions of respective Laws, notwithstanding the provisions of Arts. 19, 20 and 23 to the preceding Article inclusive, shall be applicable even after the effective date of this Law to the case of any Fisheries Organization which exists at the time of enforcement of this Law.

(Application of Penal Provisions in Transitional Time)

ARTICLE 27

In applying penal provisions to an act committed prior to the enforcement of this Law (prior to the ineffectuation of the Fisheries



Organization Law in respect to those Fisheries Organizations mentioned in Art. 1, Par. 2, the unamended provisions of each of the relevant laws shall be still applicable even after the enforcement of this Law (after the ineffectuation of of the Fisheries Organization Law in respect to those Fisheries Organizations mentioned in Art. 1, Para. 2).

Supplementary Provision

The date of enforcement of this Law shall be decided by a Cabinet Order within ninety days as from the day of its promulgation. However, the provision of Art. 2 shall come into force as from the day of its promulgation.



Bill for Partial Amendment to the Special City Planning Law

特別都市計画法の一部を改正する法律案



特別都市計画法の一部を改正する法律

特別都市計画法(昭和二十一年法律第十九号)の一部を次のように改正する。

第二十一条第二項中「前項の利子」を「前二項の利子」に改め、同項を同條第三項とし、同條第一項の次に次の一項を加える。

前項の規定により清算金の分納を認める場合には、第六條乃至第八條の規定により換地を交付しないて清算する場合又は土地について存する権利を消滅せしめて清算する場合を除き、交付すべき清算金について、政令の定めるところにより、利子を附してその分割交付をすることができらる。

第二十四條の次に次の一條を加える。

第二十四條の二、第十三條第一項の規定により換地予定地の指定があつた場合においては、整理



二  
施行者は、必要があると認めるときは、換地予定地を使用収益することができることとなつた者から清算金を概算徴収し、従前の土地を使用収益することができなくなつた者には清算金を概算交付することができる。

前項の規定による清算金の概算徴収については、第二十六條において準用する都市計画法第二十四條第一項の規定により国税滞納処分により滞納処分を行う場合においても、国税徴収法(明治三十年法律第二十一号)第二十四條の規定による公売は、これを行うことができない。

第二十條、第二十一條、第二十三條及び第二十四條の規定は、第一項の規定によつて清算金を概算徴収し、又は概算交付する場合に準用する。

第一項の規定により概算徴収し、又は概算交付した清算金は、換地処分の認可の告示があつたときは、直ちに、精算する。

第二十七條中「第十五條第三項並びに第十六條」を「第十五條第三項、第十六條並びに第二十四



條の二に改める。

附則

この法律は、公布の日から施行する。



## 理由

現行特別都市計画法において、清算金を徴収する場合に分納制度を認めているのに対して、清算金を交付する場合においても分割交付の方法を認めるとともに、換地予定地の指定に伴い、土地所有者間における換地割当の不均衡をなるべくすみやかに金銭をもつて清算するため、概算徴収及び概算交付の方法を講ずる必要がある。これが、この法律案を提出する理由である。



Bill for Partial Amendment to the Special City Planning Law

特別都市計画法の一部を改正する法律案



特別都市計画法の一部を改正する法律

特別都市計画法(昭和二十一年法律第十九号)の一部を次のように改正する。

第二十一条第二項中「前項の利子」を「前二項の利子」に改め、同項を同條第三項とし、同條第一項の次に次の一項を加える。

前項の規定により清算金の分納を認める場合には、第六條乃至第八條の規定により換地を交付しない清算する場合又は土地について存する権利を消滅せしめて清算する場合を除き、交付すべき清算金について、政令の定めるところにより、利子を附してその分割交付をすることができらる。

第二十四條の次に次の一條を加える。

第二十四條の二 第十三條第一項の規定により換地予定地の指定があつた場合においては、整理



施行者は、必要があると認めるときは、換地予定地を使用収益することができることとなつた者から清算金を概算徴収し、従前の土地を使用収益することができなくなつた者には清算金を概算交付することができる。

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前項の規定による清算金の概算徴収については、第二十六條において準用する都市計画法第二十四條第一項の規定により国税滞納処分を行う場合においても、国税徴収法(明治三十年法律第二十一号)第二十四條の規定による公売は、これを行うことができない。

第二十條、第二十一條、第二十三條及び第二十四條の規定は、第一項の規定によつて清算金を概算徴収し、又は概算交付する場合に準用する。

第一項の規定により概算徴収し、又は概算交付した清算金は、換地処分の認可の告示があつたときは、直ちに、精算する。

第二十七條中「第十五條第三項並びに第十六條」を「第十五條第三項、第十六條並びに第二十四



條の二に改める。

附則

この法律は、公布の日から施行する。



## 理由

現行特別都市計画法において、清算金を徴収する場合に分納制度を認めているのに対して、清算金を交付する場合においても分割交付の方法を認めるとともに、換地予定地の指定に伴い、土地所有者間における換地割当の不均衡をなるべくすみやかに金銭をもつて清算するため、概算徴収及び概算交付の方法を講ずる必要がある。これが、この法律案を提出する理由である。



Bill for Partial Amendments to the Ministry of Education Establishment Law, etc. for the Adjustment of Councils, etc.

審議会等の整理のための文部省設置法等の一部を改正する法律案

一 文部省設置法の一部改正

第一條 文部省設置法（昭和二十四年法律第四百四十六号）の一部を次のように改正する。

第二十四條 第一項の表中

教科書出版 資格審査会	文部省著作教科書の出版権等に関する法律（昭和二十四年法律第四百四十九号）に規定する事項を審査すること。
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を削る。

一 文部省著作教科書の出版権等に関する法律の一部改正

第二條 文部省著作教科書の出版権等に関する法律（昭和二十四年

法律第四百四十九号）の一部を次のように改正する。

第二條 第二項中「第四條」を「第三條」に改める。

第四條 中「第二項の審査に合格した者の競争」を「前條の審査

に合格した者の競争」に、「第二條の審査に合格した者との随意



契約」を「同條の審査に合格した者との随意契約」に改める。

第八條中「第六條第五項」を「第五條第五項」に改める。

第十條中「第六條第二項」を「第五條第二項」に改める。

第十五條第一項第二号中「第十一條又は第十三條」を「第十條

又は第十二條」に、同條第三項中「第十二條」を「第十一條」に改める。

第十六條第一項中「第四條」を「第三條」に改める。

第十七條第二項中「第十一條」を「第十條」に改める。

第三條を削り、第四條を第三條とし、以下一條ずつ繰り上げる。

附 則

この法律は、昭和二十六年六月一日から施行する。



理 由

今次の審議会等の整理の一環として教科書出版資格審査会を廃止するため関係法律の一部を改正する必要がある。これが、この法律案を提出する理由である。



Bill for Partial Amendment to  
 the National Public Opinion Research  
 Institute Establishment Law  
 for Adjustment of Councils, etc.

審議会等の整理のための国立世論調査所設置法の一部を改正する法律（案）

国立世論調査所設置法（昭和二十四年法律才百二十八号）の一部を次のように改正する。

才五條才二項を次のように改める。

二 調査所の所長は、左に掲げる事項について、審議会の同意を求めらるものとする。

一 調査所の調査研究方針を定めること。

二 調査の実施計画を定めること。

三 調査の結果の発表方法を定めること。

才六條才二項中「審議会の同意を得て、」を削る。

才八條才二項中「審議会の同意を得て」を「審議会の意見を聴いて」に改める。



附 則

この法律は、公布の日から施行する。



理 由

審議會等の整理に伴い、世論調査審議會に関する規定に所要の改正を加える必要がある。これが、この法律案を提出する理由である。



Bill for Partial Amendment to  
 the National Public Opinion Research  
 Institute Establishment Law  
 for Adjustment of Councils, etc.

審議会等の整理のための国立世論調査所設置法の二部を改正する法律（案）

国立世論調査所設置法（昭和二十四年法律第百二十八号）の一部を次のように改正する。

第百二条を次のように改める。

調査所の所長は、左に掲げる事項について、審議会の同意を求めらるものとする。

一 調査所の調査研究方針を定めること。

二 調査の実施計画を定めること。

三 調査の結果の発表方法を定めること。

第百二条中「審議会の同意を得て、」を削る。

第百二条中「審議会の同意を得て」を「審議会の意見を聞いて」に改める。



附 則

この法律は、公布の日から施行する。



理由

審議会等の整理に伴い、世論調査審議会に関する規定に所要の改正を加える必要がある。これが、この法律案を提出する理由である。



法律第 号

特別鉱害復旧臨時措置法の一部を改正する法律案  
Bill for Partial Amendments to the Special Coal Mine  
Damage Rehabilitation Temporary Measures Law

特別鉱害復旧臨時措置法（昭和二十五年法律第百七十六号）の一部を次のように改正する。

第三十一条第一項中「第五条第二項」を「他の法令の定又は第五条第二項」に改める。

第二十九条第二項後段を次のように改める。

この場合において、督促状により指定すべき期限は、督促状を発する日から起算して十日以上経過した日でなければならぬ。

第三十二条中「第四条ノ七及び第四ノ八」を「第四条ノ九及び第四ノ十」に改める。

附則

- 1 この法律は、公布の日から施行する。
- 2 この法律の施行前にした督促に係る督促手数料の徴収については、第二十九条第二項の改正規定にかかわらず、なお従前の例による。



理由

国税徴収法の一部を改正する法律（昭和二十六年法律第七十八号）の制定に伴い、總付金、受益者負担金等の強制徴収に関する規定を改訂する等の必要がある。これが、この法律案を提出する理由である。



Bill for Partial Amendments to the Ministry of Transportation  
Establishment Law for Adjustment of Councils, etc.

審議会の整理等のための運輸省設置法の一部  
を改正する法律案



審議会の整理等のための運輸省設置法の一部を改正する法律

運輸省設置法(昭和二十四年法律第百五十七号)の一部を次のように改正する。

第四條第二項第六号中「物資」を「供給の特に不足する物資」に、第七号中「若しくは禁止し、又は

その輸送若しくは工事の施行を命ずること。」を「又は禁止すること。」に改め、第八号を削り、第

九号を第八号とする。

第二十三條第二項第四号を次のように改める。

四 削除

第二十七條第二項第二号を次のように改める。

二 削除

第三十八條第一項の表中