

4 Priority among two or more applicants with the same priority as prescribed in the preceding three paragraphs shall be as follows:

- (1) Applicant with experience in fisheries of the same type with that applied for;
- (2) Applicant with experience in coastal fisheries other than those as mentioned in the preceding item;
- (3) Other person than mentioned in the preceding two items.

5 Priority among two or more applicants with the same priority as prescribed in the preceding four paragraphs shall be as follows:

- (1) Applicant with experience in fisheries in that sea area;
- (2) Other person than mentioned in the preceding item.

6 In case there are two or more applicants with the same priority as prescribed in the preceding five paragraphs, the governor of the Metropolis, Hokkaido or Prefecture must, in the grant of fishery rights, take into consideration the following matters relating to the fisheries applied for:

- (1) The degree of dependency of their livelihood upon that fishery;
- (2) The labor condition thereof;
- (3) The degree of employment of fishermen residing within the Local District;
- (4) The degree of participation in the management of that fishery by fishermen residing within the Local District;
- (5) The degree of experience in that fishery, and financial or other management capabilities;
- (6) Evidence of cooperation with other fisheries operated in the waters in which the fishing ground of that fishery is located, and other considerations relating to

the overall exploitation of such waters.

7 In applying the provisions of the preceding six paragraphs, the provisions of Par. 12 and Pars. 14 to 16 inclusive of the preceding article shall apply with the necessary modifications thereto.

8 Even though any juridical person has its residence in the Local District, if the persons residing in the Local District out of its whole constituent members have not a majority of votes and investments, that juridical person shall, in respect in the application of the provision of Par. 3, be deemed to have no residence in the Local District.

ARTICLE 18

The highest priority in the grant of any demarcated fishery which is constituted from culture industry by spore or spat collectors, oyster culture industry, fish culture industry in inland waters or shellfish culture industry which belongs to Type 3 demarcated fishery shall be given to any person who is eligible in accordance with the provision of Art. 14, Par. 2.

2 In case the person as prescribed in the preceding paragraph does not file any application therefor, the provisions of the preceding article and Art. 16, Par. 6, Par. 7, Par. 9 and Pars. 11 to 13 inclusive shall apply with the necessary modifications thereto. In this case, "the preceding five paragraphs" in Art. 16, Par. 6 shall read "Art. 17 applied mutatis mutandis in Art. 18, Par. 2"; "the preceding eight paragraphs" in Par. 9 of the same article shall read "Art. 17 and Art. 16, Par. 6, Par. 7 applied mutatis mutandis in Art. 18, Par. 2"

ARTICLE 19

Priority in the grant of any demarcated fishery which is constituted from pearl culture industry shall be as follows;

- (1) Fisheries operator or fisheries employee;

- (2) Other person than mentioned in the preceding item.
- 2 Priority among two or more applicants with the same priority as prescribed in the preceding paragraph shall be as follows:
 - (1) Applicant with experience in demarcated fishery which is constituted from pearl culture industry;
 - (2) Other person than mentioned in the preceding item.
- 3 Priority among two or more applicants with the same priority as prescribed in Par. 1 and Item (2) of the preceding paragraph shall be as follows:
 - (1) Applicant residing in the Local District;
 - (2) Other person than mentioned in the preceding item.
- 4 In case there are two or more applicants with the same priority as prescribed in the preceding four paragraphs, the governor of the Metropolis, Hokkaido, or Prefecture must, in the grant of fishery rights, take into consideration the following matters relating to the fisheries applied for:
 - (1) The labor condition thereof;
 - (2) The degree of employment of fishermen residing within the Local District. In case of specially large scaled management, the degree of employment of such fishermen as would be deprived of their former livelihood by the operation of that fishery;
 - (3) The degree of experience in that fishery, and financing or other management capabilities. Especially the degree of progressive planning relating to that fishery;
 - (4) The degree of their economical dependency upon that fishery;
 - (5) Evidence of cooperation with other fisheries operated in the waters in which the fishing ground of that fishery is located, and other considerations relating to the overall exploitation of such waters.

5 In respect to the application of the provisions of the preceding four paragraphs, the provisions of Art. 16, Par. 12, Par. 14 and Par. 16 and Art. 17, Par. 8 shall apply with the necessary modifications thereto.

(Priority in Grant for Common Fishery)

ARTICLE 20

Priority in the grant for Type 1 common fishery shall be as follows:

- (1) Applicant as eligible in accordance with the provision of Art. 14, Par. 6.
- (2) Applicant as eligible in accordance with the provision of Par. 9 of the same article,

(Term of Existence of Fishery Rights)

ARTICLE 21

With regard to the term of existence of fishery rights, the term of any fixed-net fishery right or demarcated fishery right shall be for a period of five years reckoning from the day of its grant; and the term of any common fishery right shall be for a period of ten years.

2 Regarding any demarcated fishery right, the term as mentioned in the preceding paragraph may be prolonged by the application of its fishery right owner at the time of its expiration.

3 In case of the application as mentioned in the preceding paragraph is filed, except for the cases where there exist any due causes for the annulment of fishery rights or grants as prescribed in Arts. 37 to 40 inclusive, the governor of the Metropolis, Hokkaido or Prefecture must, upon hearing the opinion of the Sea-area Fisheries Adjustment Commission therefor, grant the prolongation of its term.

4 The term of prolongation as prescribed in Par. 2 shall be five years. However, the re prolongation thereof may be

applicable.

5 The governor of the Metropolis, Hokkaido or Prefecture can designate a shorter term than that as prescribed in Par. 1 or the preceding paragraph within the limit as may be necessary for the purpose of fisheries adjustment.

(Division or Alteration of Fishery Right)

ARTICLE 22

In case any person intends to make any division or alteration of fishery rights, he must file an application with the governor of the Metropolis, Hokkaido or Prefecture and obtain his grant therefor.

2 In the case as mentioned in the preceding paragraph the provisions of Art. 12 (Hearing Opinion of Sea-area Fisheries Adjustment Commission) and Art. 13 (Cases of No Fishery Right Being Granted) shall apply with the necessary modifications thereto.

(Legal Character of Fishery Right)

ARTICLE 23

Any fishery right shall be deemed to be a real right and the provisions concerning land shall apply with the necessary modifications thereto.

2 No provisions of Book II, Chapter 8 (Preferential Right) and Chapter 9 (Pledge) of the Civil Code (Law No. 89 of 1896) shall apply to any fixed-net fishery right and demarcated fishery right (excluding the demarcated fishery right which is constituted from culture industry by spore or spat collectors, oyster culture industry, fish culture industry in inland waters or shellfish culture industry which belongs to Type 3 demarcated fishery as owned by a Fishermen's Cooperative Association or Federation of Fishermen's Cooperative Associations; the same hereinafter in Arts. 24 to 28 inclusive); and no provisions of Chapters 8 to 10 inclusive

(Preferential Right, Pledge and Mortgage) shall apply to any demarcated fishery right which is constituted from culture industry by spore or spat collectors, oyster culture industry, fish culture industry in inland waters or shellfish culture industry which belongs to Type 3 demarcated fishery as owned by a Fishermen's Cooperative Association or Federation of Fishermen's Cooperative Associations and any common fishery right.

(Creation of Mortgage)

ARTICLE 24

In case creation of mortgage has been effected upon any fixed-net fishery or demarcated fishery right, any structure as fixed to the fishing grounds thereof is, with regard to the modified application of the provisions of Art. 370 of the Civil Code (Limit of Objects Within Scope of Validity of Mortgage), deemed to constitute a whole being attached to that fishery right.

2 No fixed-net fishery right shall be the object of mortgage, unless an approval from the governor of the Metropolis, Hokkaido or Prefecture has been obtained therefor.

3 In case the governor of the Metropolis, Hokkaido or Prefecture intends to give the approval as mentioned in the preceding paragraph, he must hear the opinion of the Seaarea Fisheries Adjustment Commission therefor.

(Cases of Lapse of Mortgage by dint of Transfer of Demarcated Fishery Right)

ARTICLE 25

In case where a mortgage has already been created upon any demarcated fishery right which is constituted from culture industry by spore or spat collectors, oyster culture industry, fish culture industry in inland waters or shellfish culture industry which belongs to Type 3 demarcated fishery and such

right is intended to be transferred to a Fishermen's Cooperative Association, or Federation of Fishermen's Cooperative Associations, the right owner thereof must obtain the consent of its mortgagee therefor.

2 No mortgagee can refuse the consent as mentioned in the preceding paragraph, unless there exists any due cause.

3 At the time when the transfer as mentioned in Par. 1 has been effected, the mortgage thereon shall lapse.

(Restriction or Prohibition of Removal of Fishery Rights)

ARTICLE 26

No demarcated fishery right shall be the object of any removal (which means such removal as effected by execution of transfer, process for the recovery of taxes in arrears, distraint and mortgage; hereinafter the same in Par. 2, Art. 27, Par. 1 and Par. 5 of the Supplementary Provisions) unless an approval from the governor of the Metropolis, Hokkaido or Prefecture has been obtained therefor.

2 The governor of the Metropolis, Hokkaido or Prefecture must not approve the application as mentioned in the preceding paragraph unless it is removed to a person eligible as specified in Art. 14, Par. 1 or 2.

3 In case the governor of the Metropolis, Hokkaido or Prefecture intends to approve the application as prescribed in the preceding paragraph, he must hear the opinion of the Sea-area Fisheries Adjustment Commission therefor.

ARTICLE 27

No fishery right other than demarcated fishery right shall be the object of removal. However, with regard to any fixed-net fishery right, this shall not apply in cases where it is removed in the course of execution of any mortgage and it is transferred as prescribed in Art. 23, Par. 2.

2 The provision of the preceding article shall apply with

the necessary modifications to the removal of a fixed-net fishery right as prescribed in the proviso of the preceding paragraph.

(Fixed-net Fishery Right or Demarcated Fishery Right Acquired by Inheritance)

ARTICLE 28

Any person who has acquired a fixed-net fishery right or demarcated fishery right by inheritance must, within two months from the day of its acquisition, inform the governor of the Metropolis, Hokkaido or Prefecture thereof.

2 In case the governor of the Metropolis, Hokkaido or Prefecture has deemed, upon hearing the opinion of the Sea-area Fisheries Adjustment Commission, that the person as mentioned in the preceding paragraph is not eligible as prescribed in Art. 14, Par. 1, he must give notice to him to the effect that such fishery right be annulled unless it is transferred within a fixed period of time.

(Rights and Obligations in Use of Waters)

ARTICLE 29

Any rights and obligations of a fishery right owner with respect to the use of the waters shall be accorded with the disposition of that fishery right effected.

(Prohibition of Lease)

ARTICLE 30

No fishery right shall be the object of any lease.

(Consent of Registered Fishery Right Owner)

ARTICLE 31

No fishery right shall be divided, altered or renounced without the consent of the fishery right owner registered in accordance of the provision of Art. 50.

2 The provisions of Art. 13, Pars. 2 to 4 inclusive (Cases of No Consent Available) shall apply with the necessary modi-

fications to the consent as mentioned in the preceding paragraph.

(Co-ownership of Fishery Right)

ARTICLE 32

No co-owner of a fishery right shall dispose of his share unless the consent of more than two-thirds of the other co-owners thereof be obtained.

2 The provisions of Art. 13, Pars. 2 to 4 inclusive (Cases of No Consent Available) shall apply with the necessary modifications to the consent as mentioned in the preceding paragraph.

ARTICLE 33

In case any of the co-owners of a fishery right intends to obtain the consent of the other co-owners thereof in order to effect any alteration of the fishery right or common-of-piscary right in their co-ownership, the provisions of Art. 13, Pars. 2 to 4 inclusive (Cases of No Consent Available) shall apply with the necessary modifications thereto.

(Restriction or Condition to Fishery Right)

ARTICLE 34

In case the governor of the Metropolis, Hokkaido or Prefecture deems it necessary to do so for fisheries adjustment or other public interests, he may, in the grant of fishery rights, put any restriction or condition to the fishery right.

2 In case any restriction or condition as mentioned in the preceding paragraph is intended, the governor of the Metropolis, Hokkaido or Prefecture shall hear the opinion of the Sea-area Fisheries Adjustment Commission therefor.

3 In case the Sea-area Fisheries Adjustment Commission, deeming it necessary to do so for fisheries adjustment or other public interests, has filed an application therefor after the grant was given, the governor of the Metropolis, Hokkaido or

Prefecture may put any restriction or condition to the fishery right.

(Notice of Suspension)

ARTICLE 35

In case any fishery right owner intends to suspend his fisheries over one fishing term, he shall, upon determining the term of his suspension, notice in advance thereof to the governor of the Metropolis, Hokkaido or Prefecture.

(Fishery Licence in Term of Suspension)

ARTICLE 36

Any person eligible as prescribed in Art. 14, Par. 1 may, in the term of suspension as mentioned in the preceding article, operate the fisheries of that fishery right, upon obtaining licence from the governor of the Metropolis, Hokkaido or Prefecture regardless of the provision of Art. 9.

2 In case of the application for licence as mentioned in the preceding paragraph being filed, the governor of the Metropolis, Hokkaido or Prefecture must hear the opinion of the Sea-area Fisheries Adjustment Commission therefor.

3 The governor of the Metropolis, Hokkaido or Prefecture may order the person who has obtained the licence as mentioned in Par. 1 to bear the whole or part of the right fee for that fishery right.

4 The provisions of Art. 13, Par. 1, Item (4) (Cases of No Fishery Right Being Granted), Art. 34 (Restriction or Condition to Fishery Right), Art. 35 (Notice of Suspension), Art. 37, Art. 38, Pars. 1 and 2, Art. 39 (Annulment of Fishery Right) and Art. 40 (Annulment of Grant Issued by Mistake) shall apply with the necessary modifications to the licence as mentioned in Par. 1. In this case, "Art. 14" in Art. 38, Par. 1 shall read "Art. 14, Par. 1".

5 The provisions of the preceding four paragraphs shall

apply with the necessary modifications in cases where any other person intends to operate that fishery in the period of suspended exercise of the fishery right under the disposition as prescribed in Art. 39, Par. 2.

(Annulment of Fishery Right Because of Suspension)

ARTICLE 37

In case any fishery has been suspended for one year from the day of its grant effected or for two consecutive years, the governor of the Metropolis, Hokkaido or Prefecture can annul that fishery right.

2 Except for cases for which the fishery right owner is responsible, the term in which the exercise of any fishery right has been suspended under the disposition taken in accordance with the provision of Art. 39, Par. 1, the Ordinance issued under the provision of Art. 65, Par. 1, the instructions given under the provision of Art. 67, Par. 1 or the Ordinance issued under the provision of Par. 7 of the same article shall not be included in the term as mentined in the preceding paragraph.

3 In case the governor of the Metropolis, Hokkaido or Prefecture intends to annul any fishery right in accordance with the provision of Par 1, he must hear the opinion of the Sea-area Fisheries Adjustment Commission therefor.

(Annulment of Fishery Right by dint of Loss of Eligibility)

ARTICLE 38

In case any fishery right owner who was granted a fishery right has ceased to be eligible as prescribed in Art. 14, the governor of the Metropolis, Hokkaido or Prefecture must annul that fishery right.

2 In case the governor of the Metropolis, Hokkaido or Prefecture intends to annul any fishery right in accordance with the provision of the preceding paragraph, he must hear

the opinion of the Sea-area Fisheries Adjustment Commission therefor.

3 In case where any person other than the fishery right owner substantially dominates the management of fisheries of that fishery right and when the Sea-area Fisheries Adjustment Commission files an application for annulment of that fishery right concluding that the governor of the Metropolis, Hokkaido or Prefecture will not unquestionably grant such licence to him in accordance with the provisions of Arts. 15 to 20 inclusive (Order of Priority), the governor of the Metropolis, Hokkaido or Prefecture can annul the same.

(Alteration, Annulment or Suspension of Exercise of Fishery Right for Necessity of Public Interests)

ARTICLE 39

In case it is deemed necessary to do so for fisheries adjustment, navigation, anchorage or mooring of ships, laying of submarine cables or for other public interests, the governor of the Metropolis, Hokkaido or Prefecture may alter or annul any fishery right or suspend the exercise thereof.

2 The provision of the preceding paragraph shall also apply in case where any fishery right owner has violated Laws or Ordinances concerning fishery.

3 In case any disposition as mentioned in the preceding two paragraphs is intended to be taken, the governor of the Metropolis, Hokkaido or Prefecture must hear the opinion of the Sea-area Fisheries Adjustment Commission therefore.

(Annulment of Grant issued by Mistake)

ARTICLE 40

In case the governor of the Metropolis, Hokkaido or Prefecture intends to annul any fishery grant issued by mistake, he must hear the opinion of the Sea-area Fisheries Adjustment Commission therefor.

(Protection of Mortgagee)

ARTICLE 41

In case any fishery right has been annulled, the governor of the Metropolis, Hokkaido or Prefecture must immediately give notice thereof to the mortgagee registered.

2 The right owner as mentioned in the preceding paragraph can file an application for sale by auction of that fishery right within thirty days from the day of receipt of the notice. However, this shall not apply in cases where it was annulled in accordance with the provision of Art. 39, Par. 1.

3 The fishery right is deemed to continue to still exist within the extent of the object of that auction in the period of time as mentioned in the preceding paragraph or until the day on which the proceeding for the auction will be completed.

4 The proceeds of the auction shall be appropriated to the expenses of the auction and the compensation for the liabilities to the right owner as mentioned in Par. 1, and the remainder thereof shall be reverted to the National Treasury.

5 In case when the rule for knock-down of auction has been determined, the annulment of that fishery right is deemed not to have been effective.

(Purchase of Structures Fixed to Fishing Ground)

ARTICLE 42

In case any fishery right owner having greatly improved the value of his fishery right by setting up facilities within his fishing grounds happens to get his fishery right annulled, he may request the person who has obtained any fishery grant which assures him profits by the use of such facilities to pur-

chase them at the current value. However, this shall not apply in cases where the fishery right has lapsed because of any violation of the Laws or Ordinances concerning fishery, loss of the eligibility or other reasons for which the person concerned is responsible.

(Legal Character of Common-of-piscary Right)

ARTICLE 43

A common-of-piscary right shall be deemed to be a real right.

2 No common-of-piscary right shall be the object of any right except for the cases of becoming the object of inheritance and transfer.

3 No common-of-piscary right shall be transferred unless the consent of that right owner be obtained therefor.

(Writing of Particulars of Common-of-piscary Right)

ARTICLE 44

With regard to any common-of-piscary right, the following particulars shall be clarified in writing:

- (1) The area of common-of-piscary;
- (2) The types of fisheries, kinds of catches and fishing seasons of common-of-piscary;
- (3) The prescribed term of existence thereof, if any;
- (4) The prescribed charge for common-of-piscary, if any;
- (5) The prescribed methods of fisheries, if any;
- (6) The prescribed fishing boats, fishing gears and number of fisheries operators, if any;
- (7) The prescribed qualifications of common-of-piscary operators, if any;
- (8) Other particulars of common-of-piscary.

(Creation, Alteration and Lapse of Common-of-piscary Right by Ruling)

ARTICLE 45

If, in case of any creation of common-of-piscary right being requested, the fishery right owner improperly refuses such creation, or if, in case of the contents of any common-of-piscary right not being deemed just and fair and any alteration or lapse thereof being requested, the other party improperly refuses such alteration or lapse, the person who has been refused such creation, alteration or lapse of common-of-piscary right, may file with the Sea-area Fisheries Adjustment Commission an application for ruling for creation or lapse of that common-of-piscary right.

2 In case the application for ruling as prescribed in the preceding paragraph has been filed, the Sea-area Fisheries Adjustment Commission must give notice thereof to the other party and at the same time give public notice thereof as specified in an Ordinance.

3 The other party of the application for ruling as prescribed in Par. 1 can, within two weeks from the day of the public notice as mentioned in the preceding paragraph, submit his opinion thereupon in writing to the Sea-area Fisheries Adjustment Commission.

4 The Sea-area Fisheries Adjustment Commission must commence deliberation thereabout after the period as mentioned in the preceding paragraph has elapsed.

5 No ruling shall exceed the extent of such application.

6 In making a ruling, the following matters must be determined:

- (1) In case of the application for ruling relative to creation of any common-of-piscary right, whether or not it is to be created, the contents and the time of the creation thereof;
- (2) In case of the application for ruling relative to altera-

tion of any common-of-piscary right, whether or not it is to be altered; in case it is to be altered, the contents and the time of the alteration thereof;

(3) In case of the application for ruling relative to lapse of any common-of-piscary right, whether or not it is to be lapsed; in case it is to be lapsed, the time thereof.

7 In case the Sea-area Fisheries Adjustment Commission has made a ruling, it must, without delay, give notice thereof to the other party of the application for that ruling and at the same time give public notice thereof as specified in an Ordinance.

8 In case when the public notice as mentioned in the preceding paragraph has been given, the agreement as specified in the ruling is deemed to have been concluded at that time between the persons concerned.

(Term of Existence of Common-of-piscary Right)

ARTICLE 46

Any common-of-piscary right whose term of existence is not otherwise specified is deemed to continue to exist as long as the term of the fishery right on which the common-of-piscary right is established continues. However, the right owner of such common-of-piscary right may abandon the right at any time.

ARTICLE 47

The provisions of Arts. 32 and 33 (Co-ownership of Fishery Right) shall apply with the necessary modifications to the co-ownership of common-of-piscary right.

(Failing in Payment of Charge for Common-of-piscary)

ARTICLE 48

In case any common-of-piscary right owner has neglected to pay charge for his common-of-piscary, the fishery right owner may refuse that common-of-piscary.

2 In case any common-of-piscary right owner has neglected to pay charge for common-of-piscary for more than two consecutive years, or has been subject to an adjudication of bankruptcy, the fishery right owner may request the lapse of that common-of-piscary right.

ARTICLE 49

Any charge for common-of-piscary need not be paid in case where such common-of-piscary has not been operated.

(Registration)

ARTICLE 50

Any creation, preservation, removal, alteration, lapse and restriction on disposition of a fishery right or the mortgage and common-of-piscary right which are established upon such fishery right, and any suspension of exercise of a fishery right and release therefrom as prescribed in Art. 39, Par. 1 or 2 shall be entered in the Right Fishery Register (Menkyo Gyogyo Gembo).

2 Any entry made as mentioned in the preceding paragraph shall be substituted for the registration thereof.

3 Regulations necessary for the registration, in addition to the provisions of the preceding two paragraphs, shall be stipulated in an Ordinance.

(Jurisdiction of Law-Court)

ARTICLE 51

In case the territorial jurisdiction of the Law-Court is to be determined according to the locality in which the immovables are situated, the city, town or village to which the coast nearest the fishing ground belongs shall be deemed to be the locality of such immovables.

CHAPTER III DESIGNATED HIGH SEA
FISHERIES

(Designated High Sea Fisheries)

ARTICLE 52

Whaling of large type, otter trawler fisheries west of 130° E., or high sea tuna and bonito fisheries (hereinafter in this Law, referred to as "the designated high sea fisheries") shall not be operated unless the licence from the competent Minister for each vessel be obtained.

2 "Whaling of large type" is a whaling operated by means of a harpoon gun on board a powered ship equipped with a screw propeller for the purpose of taking baleen whale and sperm whale except for minke whale.

"Otter trawler fisheries west of 130°E." are trawler fisheries operated by means of otter trawl or beam trawl on board a powered ship equipped with a screw propeller in the waters west of 130°E., north of 25°N. (excluding the Japan Sea north of 36°N.).

"Medium trawler fisheries west of 130°E." are fisheries in the waters west of 130°E. (excluding the Japan Sea north of 36°N.) operated on board a powered ship of over 50 gross tons equipped with a screw propeller by means of bottom drag nets in the waters west of 130°E., north of 25°N. (excluding the Japan Sea North of 36°N.) except for otter trawler fisheries and those fisheries designated by the competent Minister.

"High sea tuna and bonito fisheries" are fisheries operated on board a powered ship of over 100 gross tons equipped with a screw propeller by means of fish hooks or floating long lines for the purpose of taking tuna, bonito, swordfish or shark. However, any factory fisheries (fisheries operated by a mother ship equipped with manufacturing,

storing and other treating facilities on board or by its subordinate ships) shall be excluded therefrom.

(Prescribed Number of Licences)

ARTICLE 53

The competent Minister must determine the number of ships which are to be permitted to operate the designated high sea fisheries by their categories.

2 With regard to the prescribed number of ships as mentioned in the preceding paragraph, the competent Minister must determine it upon hearing the opinion of the Central Fisheries Adjustment Council thereof and giving circumspective consideration to aquatic resources, the number of persons who are and will be operating such fisheries in the areas and other natural, social and economical conditions. The same shall apply in case of any alteration thereof.

3 In case the competent Minister has determined or altered the number of ships as mentioned in Par. 1 he shall give public notice thereof.

(Authorization for Commencing Fisheries Operation)

ARTICLE 54

Any person who intends to obtain licence for the designated high sea fisheries and does not currently have any right of using a ship must, before he proceeds to have any ship constructed, transferred, leased or returned or otherwise acquires any right to use a ship, file with the competent Minister an application for the authorization for commencing that fisheries operation by each vessel.

ARTICLE 55

If, in case any person who has obtained the authorization for commencing fisheries operation files an application for licence for the designated high sea fisheries according to that authorization, the particulars of the application are the same with

those of the authorization, the competent Minister must, except for the cases where they come under any of the items of Art. 56, give licence therefor.

2 In case no application for licence for the designated high sea fisheries is filed by the person authorized for commencing fisheries operation within the period of time as specified by the competent Minister from the date of its authorization, the said authorization shall lose its effect at the time of expiration of its term.

(Cases of No Licence or Authorization Given)

ARTICLE 56

In case an application comes under any of the following items, no licence for the designated high sea fisheries or no authorization for commencing fisheries operation must be given thereto by the competent Minister.

- (1) In case the applicant is not eligible as prescribed in Art. 57;
- (2) In case where there exists a fear that an excessive concentration of licences of the similar kinds with those applied for may occur;
- (3) In case it is deemed necessary to do so for the purpose of fisheries adjustment or other public interests.

(Eligibilities for Licence)

ARTICLE 57

Any person eligible for the licence or authorization for commencing operation of the designated high sea fisheries shall be a person not coming under any of the following items:

- (1) Any person who has acted in malicious violation of the Laws or Ordinances concerning fishery;
- (2) Any person who has acted in malicious violation of the Laws or Ordinances concerning labor;
- (3) Any ship for which licence is applied for does not fulfil

the conditions as specified by the competent Minister;

(4) Any person who has not sufficient fund to engage in the fishery applied for;

(5) In case where there is any fear that such person as ineligible for licence in accordance with the provision of Item (1) or Item (2) substantially dominates the management of that fishery whatever the name may be.

(Application for New Licence)

ARTICLE 58

The competent Minister must, in a circumspective consideration of the number of licences as prescribed in Art. 53, Para. 1 and the number of the current licences or authorizations for the designated high sea fisheries as well as the present situations of such fisheries, determine the remaining number of licences and authorizations to be newly given (excluding the licences as prescribed in Art. 55, Par. 1 and the licences or authorizations for commencing fisheries operations as prescribed in Art. 59) and give public notice thereof and of the period of time in which any applicant may apply for the licence or authorization.

2 The period of time for the application as mentioned in the preceding paragraph must not be less than six months.

3 The competent Minister must, except for the cases where they come under any of the items of Art. 56, give licence or authorization for commencing fisheries operation to any person who applies for them within the period of time as mentioned in Par. 1.

4 In case the number of the licences or authorizations for commencing fisheries operation which must be given as prescribed in the preceding paragraph surpasses the number as prescribed in Par. 1, the competent Minister shall divide the persons to be given licences or authorizations into two or more

units of lottery, allocate the licences or authorizations to them according to their units and cause them to draw lots and then determine the persons to be given licences or authorizations. However, in case the competent Minister deems it unnecessary to divide them into units of lottery, he may conduct drawing lots without dividing them.

5. In determining the units of lottery and the licences or authorizations to be allocated to each unit as mentioned in the preceding paragraph, the following matters must be taken into consideration:

- (1) Whether or not the applicant has any experience in operating the fisheries applied for;
- (2) In case the applicant has the experience as mentioned in the preceding item, whether or not he is currently given the licences or authorizations of those fisheries; in case no licences or authorizations is given, the reasons thereof; in case licences or authorizations are given, the number thereof;
- (3) In case the applicant has no experience as mentioned in Item (1), whether or not he has any experience in engaging in those fisheries;
- (4) In case the applicant has no experience as mentioned in Item (1) and the preceding item, whether or not he has any experience in operating or engaging in high sea fisheries, fisheries having the object of taking aquatic animals or plants of the same kind with those fisheries or other kinds of fisheries similar to those fisheries;
- (5) In case the applicant has no experience as mentioned in Items (1) and (2), whether or not he is a fisherman;
- (6) In case the applicant is a fisherman, whether it is his

special occupation or by-occupation to operate or engage in fisheries;

(7) In case the applicant is a non-fisherman, whether or not he intends to operate fisheries permanently.

6 The provisions of the preceding five paragraphs shall not apply to any whaling of large type.

(Application for Successive Licence)

ARTICLE 59

If, in case the application comes under any of the following items, except for the cases as coming under any of the items of Art. 56, its particulars are the same with those of the former licence or authorization for commencing fisheries operation, the competent Minister must give licence or authorization for the designated high sea fisheries:

- (1) In case any person having a licence for the designated high sea fisheries files a successive application for licence for the fisheries at the expiration of the term thereof;
- (2) In case any person having a licence for the designated high sea fisheries abandons the fisheries by the ship given licence therefor and files an application for licence or authorization by any other ship;
- (3) In case any person having a licence for the designated high sea fisheries has lost or sunk the ship given licence therefor and files an application for licence or authorization by any other ship within six months from the day on which the ship was lost or sunk;
- (4) In case any person who has, from the person having a licence, acquired a ship given licence for the designated high sea fisheries by inheritance or acquired the right to use the ship by transfer, loan, return or other means and intends to operate such fisheries by the same ship, files an application for licence or authorization.

- (5) In case any person having been given authorization for commencing the designated high-sea fisheries operation dies and his inheritor files a successive application for the authorization. However, when there are two or more inheritors it shall be given only in case all of them file a joint application or in case they designate, upon consulting with one another, a person who operates the designated high sea fisheries and that person files an application therefor.
- (6) In case, when any amalgamation has been effected by a juridical person given licence or authorization for commencing fisheries operation for the designated high sea fisheries, the juridical person which continues to exist after the amalgamation or the juridical person which has been established by the amalgamation files an application for licence or authorization.

(Effective Term of Licence)

ARTICLE 60

The term of licence for the designated high sea fisheries shall be five years. However, in the case where the licence was given in accordance with the provisions of Par. 4 or 6 of the preceding article, it shall be the remaining term of the former licence.

2 The competent Minister can determine a shorter term than as mentioned in the preceding paragraph within the limit as may be necessary for the purpose of fisheries adjustment.

(Alteration of Contents of Licence)

ARTICLE 61

In case any person who has obtained a licence or authorization of commencing fisheries operation for the designated high sea fisheries intends to increase the gross tonnage of the ship

or the horse power of its engine, or alter the landing place of fish catch, the operation area or other matters as prescribed in an Ordinance, he must file an application for permission with the competent Minister.

(Loss of Effect of Licence)

ARTICLE 62

Any licence or authorization for commencing fisheries operation of the designated high sea fisheries shall lose its effect by the decease or dissolution of the person who was given such licence or authorization. However, in case any inheritor, any juridical person existing after the amalgamation or any juridical person established by the amalgamation has filed an application for licence or authorization for commencing fisheries operation for the designated high sea fisheries in accordance with the provisions of Art. 59, Pars. 4 to 6 inclusive, the licence or authorization given to the deceased or the juridical person dissolved by the amalgamation shall be deemed to have been given to the applicant until the licence or authorization for commencing fisheries operation or rejection be effected.

2 Any licence of the designated high sea fisheries shall lose its effect in any of the following cases:

- (1) In case the operation by any ship given licence for the designated high sea fisheries is abandoned;
- (2) In case any ship given licence for the designated high sea fisheries is lost, sunk or dismantled or loses its nationality;
- (3) In case any ship given licence for the designated high sea fisheries is transferred, leased, returned to its owner, or in case the person given licensee has lost the right to use it for other reasons.

(Modified Application of Provisions)

ARTICLE 63

The provisions of Art. 34, Par. 1 (Restriction or Condition

to Fishery Right), Art. 35 (Notice of Suspension), Art. 37, Pars. 1 and 2, Art. 38, Par. 1 and Art. 39, Pars. 1 and 2 (Annulment of Fishery Right) shall apply with the necessary modifications to any licence or authorization for commencing fisheries operation of the designated high sea fisheries. In this case, "the governor of the Metropolis, Hokkaido or Prefecture" shall read "the competent Minister"; "deems it necessary to do so for public interests, in the grant of fishery rights" in Art. 34, Par. 1 shall read "deems it necessary to do so for public interests"; "Art. 14" in Art. 38, Par. 1 shall read "Art. 57".

(Deduction of Prescribed Number of Licences)

ARTICLE 64

In case the actual number of licences or authorizations for commencing fisheries operations for the designated high sea fisheries surpasses the prescribed number because of deduction of the number as prescribed in Art. 53, Par. 1, the competent Minister must annul licences or authorizations as many as they surpass the prescribed number.

2 In case the competent Minister intends to annul licences or authorizations in accordance with the provision of the preceding paragraph, he must take into his consideration the following matters:

- (1) The number of licences or authorizations for the designated high sea fisheries actually given to that person as compared with the number of licences or authorizations given to other persons;
- (2) The extent of economical dependency of that person on the licences or authorizations for the designated high sea fisheries actually given to that person;
- (3) The labor condition thereof;
- (4) The condition of his management.

CHAPTER IV FISHERIES ADJUSTMENT

(Ordinances Concerning Fisheries Adjustment)

ARTICLE 65

The competent Minister or the governor of the Metropolis, Hokkaido or Prefecture may, for the purpose of propagation and protection of aquatic animals and plants, fisheries supervision or other fisheries adjustment, issue necessary ministerial ordinances or regulations concerning the following items:

- (1) Any restriction or prohibition relating to gathering and taking aquatic animals and plants;
- (2) Any restriction or prohibition relating to sale or possession of aquatic animals and plants or products therefrom;
- (3) Any restriction or prohibition relating to fishing gears or fishing boats;
- (4) Any restriction relating to the number or qualifications of fisheries operators;
- (5) Any restriction and prohibition relating to abandonment or leakage of such things as injurious to aquatic animals and plants;
- (6) Any restriction and prohibition relating to collection or removal of such things as necessary for propagation and protection of aquatic animals and plants;
- (7) Any restriction or prohibition relating to transplantation of aquatic animals and plants.

2 Necessary penal provisions may be stipulated in the ministerial ordinances or regulations as prescribed in the preceding paragraph.

3 The penalties which may be stipulated in the penal provisions as mentioned in the preceding paragraph shall be, in case of the ministerial ordinances, imprisonment with hard

labor for a period not exceeding two years, fine not exceeding fifty thousand yen, detention or minor fine, and in case of the regulations, imprisonment with hard labor for a period not exceeding six months, fine not exceeding five thousand yen, detention or minor fine.

4 In the ministerial ordinances or regulations as prescribed in Par. 1, provisions concerning confiscation of the fish catch, products therefrom, fishing vessels and fishing gears as owned or possessed by the offender and the aquatic animals and plants as mentioned in Item (7) of same paragraph as well as concerning penalties equal to the value in case where no confiscation of the whole or part of these articles owned by the offender is practicable.

5 In case the governor of the Metropolis, Hokkaido or Prefecture intends to provide for the regulations as mentioned in the preceding paragraph, he must obtain the approval of the competent Minister therefore.

6 In case the governor of the Metropolis, Hokkaido or Prefecture intends to stipulate the ordinances or regulations as mentioned in Par. 1, he must hear the opinion of the United Sea-area Fisheries Adjustment Commission (with regard to the inland waters as prescribed in Art. 127, the Inland Waters Fishing Ground Administration Commission) composed of the commissioners of the Sea-area Fisheries Adjustment Commissions set up within the sea-area of that Metropolis, Hokkaido or Prefecture.

(Prohibition of Unlicensed Operation of Jibiki Ami Fishery, Etc.)

ARTICLE 66

No fisheries as specified in Art. 6, Par. 5, Items (2) to (4) inclusive shall be operated unless the permission of the governor of the Metropolis, Hokkaido or Prefecture has been obtained. However, this shall not apply in cases where such fisheries are con-

stituting any common fishery right or in cases where the governor of the Metropolis, Hokkaido or Prefecture determines otherwise.

2 In case the application as mentioned in the preceding paragraph has been filed, the governor of the Metropolis, Hokkaido or Prefecture must hear the opinion of the Sea-area Fisheries Adjustment Commission therefor.

(Instructions of Sea-area Fisheries Adjustment Commission)

ARTICLE 67

In case the Sea-area Fisheries Adjustment Commission or United Sea-area Fisheries Adjustment Commission deems it necessary to do so for the purpose of propagation and protection of aquatic animals and plants, suitable exercise of fishery rights and common-of-piscary rights, prevention or settlement of disputes as may occur in the use of the fishing grounds and for other matters relating to fisheries adjustment, it may give the persons concerned instructions necessary for prohibition or restriction on gathering or taking aquatic animals and plant, restriction on the number of fisheries operators and on the use of fishing grounds and other matters.

2 In case the instructions of the Sea-area Fisheries Adjustment Commission as prescribed in the preceding paragraph conflict with those of the United Sea-area Fisheries Adjustment Commission as prescribed in the same paragraph, the said instructions shall not have validity within the scope of such conflict.

3 In the case as mentioned in Par. 1, if the governor of the Metropolis, Hokkaido or Prefecture (the competent Minister, in the case of the instructions given by the Seto Inland Sea United Sea-area Fisheries Adjustment Commission; hereinafter the same in this article) deems such instructions inappropriate, he may annul them in part or whole.

4 In case any person does not, upon receiving the instruc-

tions as mentioned in Par. 1, follow them, the Sea-area Fisheries Adjustment Commission or United Sea-area Fisheries Adjustment Commission may file an application with the governor of the Metropolis, Hokkaido or Prefecture for issuance of orders to such person to the effect that he should act upon the instructions.

5 In case the governor of the Metropolis, Hokkaido or Prefecture has received the application as mentioned in the preceding paragraph, he must notify the person involved in the application to apply for a complaint, if any, within a fixed period of time.

6 The period of time as mentioned in the preceding paragraph shall not be less than fifteen days.

7 In the case as mentioned in Par. 5, if no complaint is applied for within the period of time as mentioned in the same paragraph or if any complaint is applied for without due reason, the governor of the Metropolis, Hokkaido or Prefecture may order the person involved in the application as mentioned in Par. 4 to act upon the instructions as mentioned in Par. 1.

(Restrictions on Fishing Methods)

ARTICLE 68

No aquatic animals and plants must be taken or gathered by means of any explosive substance. However, this shall not apply in cases of taking marine mammals.

ARTICLE 69

No aquatic animals and plants must be taken or gathered by means of such poisonous materials as to kill or stupefy them.

ARTICLE 70

No aquatic animals and plants as taken or gathered in

tions as mentioned in Par. 1, follow them, the Sea-area Fisheries Adjustment Commission or United Sea-area Fisheries Adjustment Commission may file an application with the governor of the Metropolis, Hokkaido or Prefecture for issuance of orders to such person to the effect that he should act upon the instructions.

5 In case the governor of the Metropolis, Hokkaido or Prefecture has received the application as mentioned in the preceding paragraph, he must notify the person involved in the application to apply for a complaint, if any, within a fixed period of time.

6 The period of time as mentioned in the preceding paragraph shall not be less than fifteen days.

7 In the case as mentioned in Par. 5, if no complaint is applied for within the period of time as mentioned in the same paragraph or if any complaint is applied for without due reason, the governor of the Metropolis, Hokkaido or Prefecture may order the person involved in the application as mentioned in Par. 4 to act upon the instructions as mentioned in Par. 1.

(Restrictions on Fishing Methods)

ARTICLE 68

No aquatic animals and plants must be taken or gathered by means of any explosive substance. However, this shall not apply in cases of taking marine mammals.

ARTICLE 69

No aquatic animals and plants must be taken or gathered by means of such poisonous materials as to kill or stupefy them.

ARTICLE 70

No aquatic animals and plants as taken or gathered in

violation of the provisions of the preceding two articles shall be possessed or sold.

(Protection of Anadromous Fish)

ARTICLE 71

In case it is deemed that the passage of anadromous fish is likely to be obstructed thereby, the competent Minister may restrict or prohibit the establishment of any structure within a fixed area of waters.

2 In case any structure is deemed obstructive to the passage of anadromous fish, the competent Minister may order the owner or occupent thereof to effect work for the elimination of such obstacles.

3 In case the competent Minister has ordered to effect work for the elimination of such obstacles in accordance with provision of the preceding paragraph, he must make a reasonable compensation therefor to the person who has any right to that structure. However, in case the work for elimination of such obstacles has been ordered to be effected by the application of the person interested therein, the applicant must make the compensation as specified by the competent Minister.

4 In case any person is not satisfied with the amount of compensation as mentioned in the preceding paragraph, he can claim increase or decrease of that amount by a legal action within ninety days from the time of receiving the notice of decided amount of compensation.

5 In case of the legal action as mentioned in the preceding paragraph, the State shall be the defendant. However, in the case as mentioned in the proviso of Par. 3, the applicant or the person who has any right to the structure shall be the defendant.

(Markings for Fishing Grounds and Fishing Gears)

ARTICLE 72

The governor of the Metropolis, Hokkaido or Prefecture can order any fisheries operator, Fishermen's Cooperative Association or Federation of Fishermen's Cooperative Associations to establish markings for fishing grounds or fishing gears.

(Waters not Subject to Public Use)

ARTICLE 73

The provisions of Art. 65 (Ordinances Concerning Fisheries Adjustment), Arts. 68 to 71 inclusive (Restrictions on Fishing Methods and Protection of Anadromous Fish) and the penal provisions therefor may, as prescribed in an Ordinance, apply to waters which, not being subject to the public use, are connected with waters which are subject to the public use or connected with the waters as mentioned in Art. 4.

(Fisheries Supervising Public Officials)

ARTICLE 74

The competent Minister or the governor of the Metropolis, Hokkaido or Prefecture shall appoint fisheries supervisors or fisheries supervising officials from among the officials attached to his office and cause them to take charge of the affairs relative to enforcement of the provisions of the Laws and Ordinances concerning fishery.

2 Necessary matters relating to the number and qualifications of fisheries supervisors and fisheries supervising officials shall be determined in an Ordinance.

3 Any fisheries supervisor or fisheries supervising official can, when deemed necessary, enter the fishing ground, ships, operation places, offices or warehouses concerned and make investigations into the conditions thereof or books, documents and other objects, or may question the persons concerned.

4 In case where any fisheries supervisor or fisheries supervising official carries out his duties, he must carry with him a card identifying his duty status and show it at any time when requested.

5 Any fisheries supervisor or fisheries supervising official who is nominated by the chief of the office to which he is attached upon consultation with the chief public prosecutor of the public prosecutor's office homologous to the local court which has jurisdiction over the principal district where he does his duties, shall, in respect to the crimes concerning fisheries, exercise the functions of a judicial police as prescribed in the Code of Criminal Procedure (Law No. 131 of 1948).

CHAPTER V RIGHT FEE AND LICENCE FEE

(Right Fee and Licence Fee)

ARTICLE 75

Any right owner of coastal fisheries or any person who has been given licence therefor must pay a right fee or licence fee as prescribed in an Ordinance to the Government every year.

2 The amount of the right fee and licence fee as mentioned in the preceding paragraph, must be determined every year in such a manner that the whole amount thereof may become almost equal to the total sum of the following expenses: However, this shall not apply in the cases where the amount of any right fee or licence fee surpasses the solvency of fisheries operators.

(1) The portion of the expenses for coastal fisheries out of those required for delivery of the compensation as prescribed in Art. 9 of the Enforcement Law concerning the Fisheries Law (Law No. ____ of 1949);

(2) The expenses of Fisheries Adjustment Commissions, the Central Fisheries Adjustment Council and Fisheries Rights Compensation Committees;

(3) In addition to the expenses as mentioned in the preceding two paragraphs, the portion of the expenses for coastal fisheries out of those required for the enforcement of this Law and the Enforcement Law concerning the Fisheries Law.

3 Any person who has been given licence for the following fisheries must pay a licence fee, as prescribed in an Ordinance, to the Government every year:

- (1) Factory ship fisheries;
- (2) Whaling (except for factory ship fisheries, any whaling operated by means of a harpoon gun on board a powered vessel equipped with a screw propeller;
- (3) Otter trawler fisheries;
- (4) Medium trawler fisheries west of 130°E.;
- (5) Tuna and bonito fishery (which means, except for factory ship fisheries, any fishery operated on board a powered vessel of 20 or more gross tons by means of fish hooks or floating long lines for the purpose of taking bonito, tuna, swordfish or shark).

4 Any licence fee as mentioned in the preceding paragraph must be determined every year in such a manner that the whole sum thereof may not surpass the amount which is calculated according to the total sum of the right fees and licence fees as mentioned in Par. 1 multiplied by a definite rate as determined by the competent Minister upon hearing the opinion of the Central Fisheries Adjustment Council therefor.

(Exemption or Reduction)

ARTICLE 76

If, in case it is deemed remarkably difficult to pay right

fees or licence fees because of the solvency curtailment of fisheries operators owing to any marked fluctuation of economic condition, poor catch, natural calamities or other unavoidable causes, the Central Fisheries Adjustment Council has filed an application for moderation of collection of right fees or licence fees for that year, the Government can exempt or reduce the right fees or licence fees, give an extension of time for the payment thereof or take other necessary procedures to lighten the burden of these fisheries operators.

2 Any fisheries operator who has had his solvency curtailed owing to poor catch, natural calamities or other unavoidable causes can file an application with the Sea-area Fisheries Adjustment Commission for moderation by the Government relative to collection of any right fee or licence fee to be paid.

3 In case the application as mentioned in the preceding paragraph has been filed and the Sea-area Fisheries Adjustment Commission has, considering such application reasonable, applied to the Government for moderation of that collection, the Government can exempt or reduce the right fees or the licence fees, give an extension of time for the payment thereof or take other necessary procedures to lighten the burden of that fisheries operator relative to payment of his right fee or the licence fee.

(Collection of Fees Entrusted to City, Town or Village)

ARTICLE 77

The Government can cause any city, town or village to collect right fees or licence fees.

2 In case any city, town or village has lost the collected fees as prescribed in the preceding paragraph by any unavoidable accident, the Government may exempt such city, town or village from the obligation therefor.

(Demand for Payment and Process for Recovery of Arrears)

ARTICLE 78

In case any person has failed to pay his right fee or licence fee within the period of its payment, the Government shall, as prescribed in an Ordinance, demand the person to pay the same and collect the demanding fee and arrears thereof.

2 The right fee or licence fee and the demanding fee and arrears as prescribed in the preceding paragraph shall be disposed of according to the Procedures for the Recovery of National Taxes in Arrears; or the city, town or village in which the said defaulter is residing or his assets are located shall be requested to make the disposition thereof.

3 In case the Government has requested the city, town or village concerned to make any disposition as prescribed in the preceding paragraph it shall be carried out by the city, town or village according to the Procedures for Collecting the City, Town or Village Taxes. In this case the Government must deliver four per cent of the sum of money collected thereby to that city, town or village.

(Order of Preferential Rights)

ARTICLE 79

The order of the preferential rights on the right fee, licence fee, demanding fee and arrears as prescribed in Par. 1 of the preceding article shall be next to the National Taxes.

(Dispatch of Documents)

ARTICLE 80

The provisions of Art. 4-7 (Dispatch of Documents) and Art. 4-8 (Dispatch of Notices) of the Law concerning Assessment of National Taxes (Law No. 21 of 1897) shall apply with the necessary modifications to the dispatch of documents relevant to the right fee, licence fee, demanding fee and arrears as prescribed in Art. 79, Par. 1.

(Provisions of Delegation)

ARTICLE 81

Necessary matters relating to the right fee and licence fee other than those as prescribed in the preceding six articles shall be determined in an Ordinance.

CHAPTER VI FISHERIES ADJUSTMENT COMMISSION
AND CENTRAL FISHERIES ADJUSTMENT COUNCIL

SECTION 1 General Provisions

(Fisheries Adjustment Commission)

ARTICLE 82

Fisheries Adjustment Commissions shall be a Sea-area Fisheries Adjustment Commission and a United Sea-area Fisheries Adjustment Commission.

2 The Sea-area Fisheries Adjustment Commission shall be under the supervision of the competent Minister and the governor of the Metropolis, Hokkaido or Prefecture; the United Sea-area Fisheries Adjustment Commission, except for the Seto Inland Sea United Sea-area Fisheries Adjustment Commission, under the supervision of the competent Minister and the governor of the Metropolis, Hokkaido or Prefecture who administers the sea-area in which the Commission is set up; the Seto Inland Sea United Sea-area Fisheries Adjustment Commission, under the supervision of the competent Minister.

(Matters Under Jurisdiction)

ARTICLE 83

The Fisheries Adjustment Commission shall carry on the matters relating to the fisheries within the sphere of the sea area in which it is set up.

SECTION 2 Sea-area Fisheries Adjustment Commission

(Establishment)

ARTICLE 84

A Sea-area Fisheries Adjustment Commission shall be set

up in each of the sea areas of waters (including areas of inland waters as designated by the competent Minister) as determined by the competent Minister.

2 In case the competent Minister has designated the inland waters or determined the sea-areas as prescribed in the preceding paragraph, he shall give public notice thereof.

(Construction)

ARTICLE 85

The Sea-area Fisheries Adjustment Commission shall be composed of commissioners.

2 There shall be a chairman in the Sea-area Fisheries Adjustment Commission. The chairman shall be elected by the commissioners by co-option. However, in case such cooption is unattainable from among the commissioners, the governor of the Metropolis, Hokkaido or Prefecture shall appoint a chairman from among the commissioners as appointed in accordance with the provision of Par. 3, Item (2).

3 The commissioners shall consist of the following persons:

- (1) Seven persons who are elected by those having the right to vote as prescribed in Art. 86 from among the persons eligible to election as prescribed in the same article;
- (2) Two persons who are appointed by the governor of the Metropolis, Hokkaido or Prefecture from among persons distinguished for scholarship and experience; and one person who is appointed by the governor of the Metropolis, Hokkaido or Prefecture from among persons deemed to represent the public interests in the sea area.

4 The governor of the Metropolis, Hokkaido or Prefecture may, when deemed necessary to do so for the purpose of investigating or considering special matters, have specialists within the Commission.

5 The specialists shall be appointed by the governor of the Metropolis, Hokkaido or Prefecture from among persons distinguished for scholarship and experience.

6 The Commission may have clerks or assistants there-
within.

(Right to Vote and Eligibility)

ARTICLE 86

Any person who has his residence or operation place within the sphere of a city, town or village (including such city, town or village as is, though not coastal, specially designated by the competent Minister for such special reasons that a considerable proportion of its inhabitants are operating or engaging in fisheries in the same sea area) in which the Sea-area Fisheries Adjustment Commission is set up and operates fisheries by means of a fishing boat or engages, in behalf of a fisheries operator, in gathering, taking or culturing of aquatic animals and plants by means of a fishing boat for a period of time of ninety days a year, shall have a right to vote and be eligible to election of commissioners of the Sea-area Fisheries Adjustment Commission.

2 The governor of the Metropolis, Hokkaido or Prefecture may, considering any special circumstances of the sea area concerned and upon hearing the opinion of the Sea-area Fisheries Adjustment Commission therewithin, increase or restrict the number of the fisheries operators or employees as mentioned in the preceding paragraph relative to specific fisheries.

3 Any commissioner of the Sea-area Fisheries Adjustment Commission or any officer of the Fishermen's Cooperative Association or Federation of Fishermen's Cooperative Associations who had, at the time of his assumption of office, a voting right and eligibility for election of commissioners of a Sea Area Fisheries Adjustment Commission as prescribed

in Par. 1 or the preceding paragraph shall be deemed to have a voting right and eligibility for election in the election to be held during his term of office or in the election to be held just after his retirement of office even in case where he has no voting right nor eligibility for election in accordance with the provisions of the preceding two paragraphs.

(Ineligible persons)

ARTICLE 87

No person coming under any of the following items shall have the right to vote or be eligible:

- (1) Any person under twenty years;
- (2) Any person adjudged incompetent or quasi-incompetent;
- (3) Any person who has been sentenced to imprisonment with or without hard labor and of whom the execution of such sentence has not been either completed or excused.

(Electoral Administrator)

ARTICLE 88

Affairs relating to the election shall be administered by the Electoral Administration Committee of the Metropolis, Hokkaido or Prefecture as prescribed in Article 181 of the Local Autonomy Law (Law No. 67 of 1947) (in case of the Sea-area Fisheries Adjustment Commission in Hokkaido, the Electoral Administration Committee of a City, Town or Village as prescribed in the same article of the same Law).

(Electors' Register)

ARTICLE 89

The Electoral Administration Committee of a city, town or village as mentioned in Art. 86, Par. 1 must, as prescribed in an Ordinance, at the application therefor, prepare an Electors' Register of the Sea-area Fisheries Adjustment Commission after

investigating the eligibility of its members as of February 1 every year.

2 In the case as mentioned in the preceding paragraph, if no application has been filed or there exists any clerical error or omission in the application filed, the Electoral Administration Committee may prepare or revise the Electors' Register by virtue of its official authority.

3 The age of an elector shall be computed as on the day on which the entry in the Electors' Register has been determined.

4 The Electors' Register shall contain the full name and date of birth (in case of a juridical person, its title) and the address (in case of any juridical person which has no residence in that sea area, the address of its operation place) of each elector.

5 The provisions of Arts. 13 to 17 inclusive (Electors' Register) of the Law concerning the Election of the Members of the House of Representatives (Law No. 47 of 1924) shall apply with necessary modifications to the electors' register as mentioned in Par. 1. In this case, "November 5" in Art. 13 of the same Law shall read "March 20"; "December 20" in Art. 17, Par. 1 shall read "May 5"; "December 19" in Par. 2 of the same article shall read "May 4".

(Voting)

ARTICLE 90

Election shall be conducted by votes.

2 Each person shall have one vote only.

3 Any voter shall come in person to the voting place and write himself the full name of one candidate (in case of a juridical person, the title; hereinafter the same) on the voting paper. However, in case of a juridical person, it shall be exercised by the person designated thereby; neces-

sary matters in this case shall be determined in a Cabinet Order.

4 No voter must sign his own name on the voting paper.
(Void Voting)

ARTICLE 91

Any of the votes as specified below shall be void:

- (1) Any vote which is not given in the prescribed form;
- (2) Any vote on which the full name of any person other than the candidate is written;
- (3) Any vote on which the full names of two or more candidates are written;
- (4) Any vote on which the full name of a person who is not eligible is written;
- (5) Any vote on which any thing other than the full name of a candidate is written; however, this shall not apply to a vote on which the profession, status, residence or honorific title or the like of a candidate is written;
- (6) Any vote on which the full name of a candidate is not written by the voter himself;
- (7) Any vote, whereby it is uncertainable for whom the voter has intended to vote.

(Cases where Deficiency Occurred in Elected Persons)

ARTICLE 92

If, in case where any of the following events has occurred, any persons who polled votes as mentioned in the proviso of Art. 55, Par. 1 of the Local Autonomy Law applied mutatis mutandis to Art. 94 are remaining unelected, there shall immediately be held an election meeting in which an elected person shall be determined from among them: However, in case any of the persons has ceased to be eligible after the day of election, he shall not be determined as an elected person.

- (1) In case no person is duly elected; or in case the num-

ber of the elected persons is less than the prescribed number of the assemblymen to be elected at that election;

- (2) In case any elected person has declined to accept office; or in case any elected person has died;
- (3) In case any elected person has ceased to be an elected person in accordance with the provision of Art. 57 of the Local Autonomy Law applied mutatis mutandis to Art. 94;
- (4) In case, in consequence of filing of the objection or action as prescribed in Art. 66, Par. 1 or 4 of the Local Autonomy Law applied mutatis mutandis to Art. 94, no person remains duly elected, or the number of the elected persons fails to come to the prescribed number of the assemblymen to be elected at that election;
- (5) In case any person who has had a general control of the election campaign of an elected person has been sentenced to punishment on conviction of such offence as is concerned with that election and the election of such elected person has come to be null and void;
- (6) In case any elected person has been sentenced to punishment on conviction of such offence as is concerned with the election and his election has come to be null and void.

2 If, in case where any of items as mentioned in the preceding paragraph has occurred, no elected person can be determined as prescribed in the preceding paragraph or the number of the elected persons is less than the prescribed number though the elected persons have been determined as prescribed in the preceding paragraph (excluding the cases where any deficiency has occurred in the elected person within a period of two months prior to the expira-

tion of the term of office of the commissioners as mentioned in Art. 86, Par. 3, Item (1) and the number of such deficiencies is less than two, (combined with the number of vacancies in the office of commissioners), the Electoral Administration Committee of the Metropolis, Hokkaido or Prefecture (in case of the Sea-area Fisheries Adjustment Commission in Hokkaido, the Electoral Administration Committee of a City, Town or Village; hereinafter the same) must determine the day of election and give public notice thereof and must cause another election to be held. However, this shall not apply in cases where, with respect to one and the same person, public notice of the day of election has been given by any other reason than any item of the preceding paragraph or in accordance with the provision of Art. 93, Par. 2.

3. The election as mentioned in the preceding paragraph shall not be held during the period in which, as prescribed in Art. 66, Par. 1 or 4 of the Local Autonomy Law applied mutatis mutandis to Art. 95, any objection is being raised or its decision is pending, or any action is pending in the Law Court.

(Cases where Vacancy Occurred in Commissioners)

ARTICLE 93
If, in case where any vacancy has occurred in the office of commissioners as mentioned in Art. 85, Par. 3, Item (1), any persons who polled votes as mentioned in the proviso of Art. 55, Par. 1 of the Local Autonomy Law applied mutatis mutandis to Art. 95 are remaining unelected, there shall immediately be held an election meeting in which an elected person shall be determined from among them. In this case, the provision of the proviso of Par. 1 of the preceding article shall apply with the necessary modifications thereto.

2 If, in case where any vacancy has occurred in the office of commissioners as mentioned in the preceding paragraph, no elected person can be determined as prescribed in the preceding paragraph or the number of the elected persons is less than the prescribed number though the elected persons have been determined as prescribed in the preceding paragraph (excluding the cases where any vacancy has occurred in the office of commissioners within a period of two months prior to the expiration of the term of commissioners and the number of such vacancies is less than two, combined with the number of deficiencies in the elected persons), the Electoral Administration Committee of the Metropolis, Hokkaido or Prefecture must determine the day of election, give public notice thereof and cause the election to be held. However, this shall not apply in cases where, with respect to one and the same person, the day of election has, in accordance with the provision of Par. 2 of the preceding article, already been given public notice of.

3 The provision of Par. 3 of the preceding article shall apply with the necessary modifications to the election as mentioned in the preceding paragraph.

(Modified Application of Local Autonomy Law)

ARTICLE 94

The provisions of Art. 19, Par. 4 (Computation Method of Age of Eligible Person), Art. 21 (Person having no Eligibility), Art. 24, Pars. 1, 2 and 4 (Day of Election), Art. 28 (Polling District), Art. 29 (Superintendent of Poll), Art. 30, Pars. 1 to 3 inclusive, Pars. 7 to 9 inclusive, principal clause of Par. 10 and Par. 11 (Inspector of Poll), Art. 31, Par. 1 (Form of Ballot Paper), Art. 32, Par. 3 (Poll through Proxy), Art. 33 (Denial of Voting), Art. 34 (Poll of Absentee), Art. 35, Par. 1 (Special Case for Sending forward Ballot Box of Island, Etc.), Art. 36, Pars. 1 and 3 (Re-Poll), Art. 37 (Modified Application of Law concerning Election of Mem-

bers of House of Representatives to Poll), principal clause of Art. 38 (District for Counting Votes), Art. 39 (Superintendent for Counting Votes), Art. 40 (Inspector for Counting Votes), Arts. 42 to 52 inclusive (Counting Votes and Election Meeting), Art. 53, Pars. 1 to 3 inclusive, and Pars. 10 and 11 (Candidates), Art. 55 (Determination of Elected Persons) Art. 57 (Nullification of Elected Persons), Art. 58, Par. 1, Pars. 3 to 6 inclusive (Case of Candidates not Surpassing Full Number of Assembly Men), Arts. 59 to 61 inclusive (Measures taken in case of Elected Persons determined), Art. 64 (General Election in case of Overall Deficiencies in Commissioners or Elected Persons) Art. 66, Pars. 1, 3, 4 and 7, Art. 67, Art. 68, Pars. 2 and 5, Art. 69, Art. 70 (Actions), Art. 72, Pars. 1 and 2 (Modified Application of Law concerning Election of Members of House of Representatives to Election Campaign) and Art. 73 (Modified Application of Law concerning Election of Members of House of Representatives to Penal Provisions) of the Local Autonomy Law shall, except for the parts relative to election of the chief of an ordinary local public body and the members of an assembly of a city, town or village, apply with the necessary modifications to the election of commissioners of the Sea-area Fisheries Adjustment Commission. In this case, "ten persons" in Art. 30, Par. 2 of the Local Autonomy Law shall read "six persons"; "Art. 41" in Art. 32, Par. 3 shall read "Art. 91 of the Fisheries Law (Law No. of 1949)"; "Art. 30" in Arts. 40 and 47 shall read "Art. 30, Pars. 1 to 3 inclusive, Pars. 7 to 9 inclusive, the principal clause of Par. 10 and Par. 11"; "Art. 92 or Art. 141" in Art. 60, Par. 3 shall read "Art. 95 of the Fisheries Law"; "Art. 62, Par. 1" in Art. 64 shall read "Art. 92, Par. 2 of the Fisheries Law"; "Par. 1 of the preceding article" shall read "Art. 93, Par. 2 of the Fisheries Law"; "Art. 56, Pars. 1 to 3 inclusive" shall read "Art. 92, Par. 1 of the Fisheries Law"; "Par. 2 of the preceding

article" shall read "Art. 93, Par. 1 of the Fisheries Law"; "Art. 62, Par. 2" shall read "Art. 92, Par. 3 of the Fisheries Law"; "Chapter X and Chapter XI and Art. 140, Par. 2" in Art. 72, Par. 1 shall read "Chapter X and Art. 140, Par. 2".

(Prohibition of Concurrent Office)

ARTICLE 95

No commissioner of the Sea-area Fisheries Adjustmen Commission shall be a member of the assembly of the Metropolis, Hokkaido or Prefecture at the same time.

(Restriction on Resignation of Commissioners)

ARTICLE 96

No commissioner shall resign his office without due cause.

(Losing Office of Commissioner through Forfeited Eligibility)

ARTICLE 97

In case any commissioner has come to cease to be eligible to election, he shall forfeit his office. Whether he is eligible or not, except for the cases where he has forfeited his eligibility because of his coming under any of the following items, shall be determined by the Commission. In this case, it must be determined by a majority of two-thirds of the commissioners present.

- (1) Any person who has been adjudged incompetent or quasi-incompetent;
- (2) Any person who has been sentenced to an imprisonment with or without hard labor;
- (3) Any person who has been sentenced to a fine because of any offence relative to election.

2 In the case of the preceding paragraph, the commissioner concerned may, regardless of the provision of Art. 102, attend the meeting and explain himself in respect of his eligibility, but he cannot join in the resolution thereof.

3 The determination as prescribed in Par. 1 shall be effected

in writing and handed over to the person concerned with the reasons attached thereto.

4 In case he is not satisfied with the determination as prescribed in Par. 1, he may bring an action in the Law Court therefor against the Commission as defendant.

5 No commissioner shall forfeit his office until the time when the determination or decision as prescribed in Art. 66, Par. 1 or 4 or Art. 68, Par. 2 of the Local Autonomy Law, applied mutatis mutandis to Art. 94 or Par. 1 or 3 of this article has been settled.

(Term of Office of Commissioners)

ARTICLE 98

The term of office of commissioners shall be two years.

2 The term of office of commissioners as mentioned in Art. 85, Par. 3, Item (1) shall be computed as from the date of the general election. However, in case where any general election has been held prior to the day of expiration of the term of commissioners, it shall be computed as from the day following the date of expiration of the term of office of his predecessor.

3 Any commissioner appointed to fill a vacancy shall remain in office for the remainder of the term of office of his predecessor.

4 Commissioners shall, even after the expiration of their term of office, still remain in their office until the appointment of their successors be effected.

(Claim for recall of Commissioners)

ARTICLE 99

Persons having the right to vote may, as prescribed in a Caninet Order, with a joint signature of one-third or more of their total number and through their representatives, claim the Electoral Administration Committee of the Metropolis, Hokkaido or Prefecture for recall of any commissioner as elected in

accordance with the provision of Art. 85, Par. 3, Item (1).

2 The persons having the right to vote as mentioned in the preceding paragraph shall be those who were entered in the Electors' Register on the day of its determination; and one-third of their total number shall be given public notice immediately after the date of their entry by the Electoral Administration Committee of the Metropolis, Hekkaido or Prefecture.

3 In case the claim as mentioned in Par. 1 has been filed, the Committee shall make public the purport thereof without delay and submit the same to the vote of the persons having the right to vote.

4 Any commissioner shall forfeit his office if, in case of the voting for recall as prescribed in the preceding paragraph, a majority of the commissioners present have consented thereto.

5 The provisions concerning the election of commissioners, except for those provided otherwise in a Cabinet Order, shall apply with the necessary modifications to the voting for recall as prescribed in Par. 3.

(Dismissal of Commissioners)

ARTICLE 100

The governor of the Metropolis, Hokkaido or Prefecture may, in case any special reasons exist, dismiss any commissioner as mentioned in Art. 85, Par. 3, Item (2).

(Councils of Commission)

ARTICLE 101

No council of a Sea-area Fisheries Adjustment Commission shall be held unless a quorum of commissioners exceeding one-half is present.

2 All resolutions shall be adopted by a majority of votes of the commissioners present. In case of tie, the chairman

shall exercise the deciding vote.

3 Any council of a Sea-area Fisheries Adjustment Commission shall be open to the public.

4 The chairman must draw up the minutes of the council and avail them to public reading.

ARTICLE 102

No commissioner can participate in the proceedings of an affair in which he himself, any of his relatives or the spouses of his relatives who share with him the same house are connected. However, in case the approval of the Sea-area Fisheries Adjustment Commission has been obtained, he may attend the council and express himself on the matter.

(Reconsideration of Resolution)

ARTICLE 103

In case the governor of the Metropolis, Hokkaido or Prefecture deems any resolution adopted by a Sea-area Fisheries Adjustment Commission to violate any laws or ordinances or to be remarkably inadequate, he may, upon indicating the reasons therefor, submit it to the reconsideration of the Commission. However, this shall not apply in case when one month has elapsed from the day on which such resolution was adopted.

(Order for Dissolution)

ARTICLE 104

The competent Minister can order the dissolution of a Sea-area Fisheries Adjustment Commission at the request of the Central Fisheries Adjustment Council which recognizes the resolution of the Sea-area Fisheries Adjustment Commission as left neglected to be made, or such resolution as a violation of laws or ordinances or as conspicuously unjust.

2 Any action whose purport is to claim annulment of the order for dissolution issued by the competent Minister as prescribed in the preceding paragraph on the basis of its illegal

disposition shall be brought within one month from the day on which the person concerned was informed thereof.

SECTION 3 United Sea-area Fisheries Adjustment
Commission

(Establishment)

ARTICLE 105

The governor of the Metropolis, Hakkaido or Prefecture can, when deemed necessary, set up, for specific objects, a United Sea-area Fisheries Adjustment Commission within a sea area which unites two or more sea areas.

2 In case the comperent Minister deems it nessary to do so, he can order the governor of the Metropolis, Hokkaido or Prefecture to set up a United Sea-area Fisheries Adjustment Commission.

3 If, in case the governor of the Metropolis, Hokkaido or Prefecture intends to set up a United Sea-area Fisheries Adjustment Commission as prescribed in Par. 1, part of that sea area comes under the jurisdiction of other prefectural governors, he must consult with such governors thereabout.

4 Any Sea-area Fisheries Adjustment Commission may, when deemed necessary, upon consulting with other Sea-area Fisheries Adjustment Commissions, set up, for specific objects, a United Sea-area Fisheries Adjustment Council within a sea area which unites that sea area and those sea areas in which the other Commissions are set up.

5 In case the consultation as mentioned in the preceding paragraph has failed to be concluded, any of the Sea-area Fisheries Adjustment Commissions can apply for a substitutional plan therefor with the governor of the Metropolis, Hokkaido or Prefecture who supervises the Commissions. In this case,

if the governors supervising the Commissions are different, it shall be determined by the consultation among them.

6 In case the consultation as mentioned in Par. 3 or the preceding paragraph has failed to be concluded, any of the governors of the Metropolis, Hokkaido and Prefectures can apply for a substitutional plan therefor with the competent Minister.

7 In case the governor of the Metropolis, Hokkaido, or Prefecture or the competent Minister has made the plan as prescribed in the preceding two paragraphs, the consultation is deemed to have been concluded as determined in such plan.

(Construction)

ARTICLE 106

A United Sea-area Fisheries Adjustment Commission shall be composed of commissioners.

2 Commissioners shall consist of the same number of commissioners selected as specified by the Sea-area Fisheries Adjustment Commissions which are set up within the sphere of that sea area, from among the commissioners thereof. However, in case the number of the Sea-area Fisheries Adjustment Commissions surpasses the number of commissioners as prescribed in Par. 3, one person shall be selected from among the commissioners of each Commission and the commissioners of the prescribed number shall be elected by co-option from among such persons.

3 The prescribed number of the commissioners shall be determined, in the case as prescribed in Par. 1 of the preceding article, except for the case as prescribed in Par. 3 of the same article, by the governor of the Metropolis, Hokkaido or Prefecture; in the case as prescribed in Par. 3 of the same article, upon consulting with one another, by the governors of the

Metropolis, Hokkaido and Prefectures concerned; in the case as prescribed in Par. 4 of the same article, upon consulting with one another, by the Sea-area Fisheries Adjustment Commissions concerned.

4 The governor of the Metropolis, Hokkaido or Prefecture who has set up a United Sea-area Fisheries Adjustment Commission in accordance with the provision of Par. 1 of the preceding article, or any governor who supervises Sea-area Fisheries Adjustment Commissions which have set up a United Sea-area Fisheries Adjustment Commission in accordance with the provision of Par. 4 of the same article may, when deemed necessary, appoint commissioners not exceeding one-half of the prescribed number from among persons distinguished for scholarship and experience in addition to the commissioners selected in accordance with the provision of Par. 2.

5 With regard to the appointment of the commissioners as mentioned in the preceding paragraph, a consultation thereabout must, in the cases as prescribed in Par. 3 of the preceding article and the latter part of Par. 5 of the same article, be conducted with the other governors concerned.

6 In case the consultation among the Sea-area Fisheries Adjustment Commissions as mentioned in Par. 3 has failed to be concluded, the provision of Par. 5 of the preceding article shall apply with the necessary modifications thereto.

7 In case the consultation among the governors as mentioned in Par. 5 of the preceding article applied mutatis mutandis to Par. 3, Par. 5 or the preceding paragraph has failed to be concluded, the provision of Par. 6 of the preceding article shall apply with the necessary modifications thereto.

8 The provision of Par. 7 of the preceding article shall apply with the necessary modifications in the cases as mentioned in the preceding three paragraphs.

(Term of Office and Dismissal of Commissioners)

ARTICLE 107

Necessary matters relating to the term of office and dismissal from office of the commissioners as selected in accordance with the provision of Par. 2 of the preceding article shall be determined by each of the Sea-area Fisheries Adjustment Commissions to which they belong.

(Forfeiture of Commissionership)

ARTICLE 108

In case any commissioner of a United Sea-area Fisheries Adjustment Commission selected in accordance with the provision of Art. 106, Par. 2 has ceased to be a commissioner of the Sea-area Fisheries Adjustment Commission, he shall forfeit his office at the same time.

(Seto Inland Sea United Sea-area Fisheries Adjustment Commission)

ARTICLE 109

The Seto Inland Sea United Sea-area Fisheries Adjustment Commission shall be set up in the Seto Inland Sea-area.

2 "The Seto Inland" as named in the preceding paragraph means the waters bounded by the straight lines and shores as specified in the following items:

- (1) The straight line from Kii Hinomisaki Light House, Wakayama Prefecture across Iijima and Maejima to Gamodamisaki, Tokushima Prefecture;
- (2) The straight line from Sata Misaki, Ehime Prefecture to Kanzaki Light House, Oita Prefecture;
- (3) The straight line from Hinoyamashita Ship Passing Signal Station, Yamaguchi Prefecture to Mojisaki Light House, Fukuoka Prefecture.

3 The commissioners of the Seto Inland Sea United Sea-

area Fisheries Adjustment Commission shall consist of the following persons:

(1) One person from each prefecture elected by co-cooption from among the commissioners of the respective prefectures of the Sea-area Fisheries Adjustment Commissions set up within the sphere of the Seto Inland Sea Sea-area;

(2) Four persons appointed by the competent Minister from among persons distinguished for scholarship and experience.

4 In case any commissioner of a Sea-area Fisheries Adjustment Commission has assumed office of a commissioner of the Seto Inland Sea United Sea-area Fisheries Adjustment Commission, he shall lose his office in the former.

5 The term of office of commissioners shall be two years.

6 Any commissioner elected or appointed to fill vacancy shall hold his office for the remainder of the term of office of his predecessor.

7 The provision of Art. 107 (Term of Office and Dismissal of Commissioners of United Sea-area Fisheries Adjustment Commission) shall not apply to the Seto Inland Sea United Sea-area Fisheries Adjustment Commission.

ARTICLE 110

In the Seto Inland Sea, in case when the instructions of the United Sea-area Fisheries Adjustment Commissions within the sphere thereof conflict with those of the Seto Inland Sea United Sea-area Fisheries Adjustment Commission, the said instructions shall have no validity within the scope of such conflict.

(Modified Application of Provisions)

ARTICLE 111

The provisions of Art. 85, Par. 2, Pars. 4 to 6 inclusive (Chairman, Specialists and Clerk or Assistant of Sea-area Fi-

sheries Adjustment Commission), Art. 96 (Restriction on Resignation of Commissioners), Art. 98, Par. 4 (Case of Expiration of Term of Office) and Arts. 100 to 104 inclusive (Dismissal of Commissioners, Councils, Reconsideration of Resolution and Order for Dissolution) shall apply with the necessary modifications to a United Sea-area Fisheries Adjustment Commission. In this case, "the commissioners as mentioned in Par. 3, Item (2)" in Art. 85, Par. 2 shall read "the commissioners (in case of the Seto Inland Sea United Sea-area Fisheries Adjustment Commission, the commissions as mentioned in Art. 109, Par. 3, Item (2); "the governor of the Metropolis, Hokkaido or Prefecture" in the same paragraph and Par. 5 shall read "(the competent Minister, in case of the Seto Inland Sea United Sea-area Fisheries Adjustment Commission) in the method of appointment as mentioned in Art. 106, Par. 4"; "the governor of the Metropolis, Hokkaido or Prefecture" in Art. 100 shall read "the governor of the Metropolis, Hokkaido or Prefecture as prescribed in Art. 106, Par. 4 (the competent Minister, in case of the Seto Inland Sea United Sea-area Fisheries Adjustment Commission)"; "the commissioners" in the same article shall read "the commissioners, in the method of appointment (the commissioners, in case of the Seto Inland Sea United Sea-area Fisheries Adjustment Commission)".

SECTION 4 Central Fisheries Adjustment Council

(Establishment and scope of Powers)

ARTICLE 112

The Central Fisheries Adjustment Council shall be set up to deliberate important matters relating to the enforcement of this Law.

2 The Central Fisheries Adjustment Council shall be under the supervision of the competent Minister and carry on the

matters which fall within the scope of its powers by virtue of this Law and other Laws and Ordinances.

(Construction)

ARTICLE 113

The Central Fisheries Adjustment Council shall be composed of a chairman and commissioners.

2 The chairman shall be the competent Minister.

3 The commissioners shall consist of the following persons:

- (1) Representatives of fisheries operators and fisheries employees -10 persons;
- (2) Persons distinguished for scholarship and experience -5 persons.

4 The commissioners shall be appointed by the Prime Minister upon the recommendation of the competent Minister.

(Modified Application of Provisions)

ARTICLE 114

The provisions of Art. 85, Pars. 4 to 6 inclusive (Specialists and Clerk or Assistant of Sea-area Fisheries Adjustment Commission), Art. 96 (Restriction on Resignation of Commissioners), Art. 98, Pars. 1, 3 and 4 (Term of Office) and Arts. 100 to 103 inclusive (Dismissal, Councils and Reconsideration of Resolution) shall apply with the necessary modifications to the Central Fisheries Adjustment Council. In this case, "the governor of the Metropolis, Hokkaido or Prefecture" in Art. 85, Pars. 4 and 5 shall read "the competent Minister"; "the governor of the Metropolis, Hokkaido or Prefecture" in Art. 100 shall read "the Prime Minister, by the recommendation of the competent Minister".

SECTION 5 Miscellaneous Provisions

(Supervision of Electoral Administration Committee)

ARTICLE 115

The Electoral Administration Committee of the Metropolis,

Hokkaido or Prefecture shall, in respect to the matters falling within the scope of powers of the Electoral Administration Committee of a city, town or village by virtue of this Law, direct and supervise the Electoral Administration Committee of a city, town or village.

2 The Minister of Agriculture and Forestry and the National Electoral Administration Committee shall, in respect to the matters falling within the scope of powers of the Electoral Administration Committee of the Metropolis, Hokkaido or Prefecture by virtue of this Law, direct and supervise Electoral Administration Committees of the Metropolis, Hokkaido and Prefectures.

3 The provision of Art. 151, Par. 1 of the Local Autonomy Law (Power of Invalidation of Governor of Metropolis, Hokkaido or Prefecture) shall apply with the necessary modifications in the cases as mentioned in the preceding two paragraphs.

(Request for Presentation of Report, Etc.)

ARTICLE 116

When deemed necessary for carrying on the matters as prescribed in Art. 83 or Art. 112, Fisheries Adjustment Commissions or the Central Fisheries Adjustment Council may request the presence of the fisheries operators, fisheries employees or other persons concerned, and also request presentation of necessary reports, or cause the commissioners or those engaged in the affairs of the Commissions or Council to make necessary investigations upon the fishing grounds, operation places or offices.

2 When deemed necessary for carrying on the matters as prescribed in Art. 83 or Art. 112, Fisheries Adjustment Commissions or the Central Fisheries Adjustment Council may cause the commissioners or persons engaged in the

affairs thereof to enter any other person's land, survey, investigate thereupon or order the removal or elimination of things obstructive to such survey or investigation. However, damages caused by such acts must be compensated for.

(Supervision Over Fisheries Adjustment Commissions by Administrative Authorities)

ARTICLE 117

The competent Minister may issue orders or may take measures requisite for supervision over any Fisheries Adjustment Commission and the Central Fisheries Adjustment Council, while the governor of the Metropolis, Hokkaido or Prefecture may do the same for the Fisheries Adjustment Commissions under his jurisdiction.

(Expenses of Fisheries Adjustment Commissions)

ARTICLE 118

With regard to the the expenses required for Fisheries Adjustment Commissions (excluding the Seto Inland Sea United Sea-area Adjustment Commission; hereinafter the same in this article), the State shall bear the whole sum of the expenses calculated on the basis at the time of determination of the amount of the right fee and licence fee as prescribed in Art. 75, Par. 2.

2 With regard to the expenses required for Fisheries Adjustment Commissions, the Metropolis, Hokkaido or Prefectures shall not be charged with obligation for defraying over the extent of the responsible amount as prescribed in the preceding paragraph.

3 Any expenses of a Fisheries Adjustment Commission, except for the Seto Inland Sea United Sea-area Fisheries Adjustment Commission, shall be borne by the Metropolis, Hokkaido or Prefectures. However, in case two or more governors administer one and the same Fisheries Adjustment Commission, the expenses thereof shall be equally borne

by those Metropolis, Hokkaido or Prefectures.
(Provisions for Delegation)

ARTICLE 119

Necessary matters, other than provided in this Chapter relating to the Fisheries Adjustment Commissions and the Central Fisheries Adjustment Council shall be provided for in a Cabinet Order.

CHAPTER VII USE OF LAND AND/OR PROPERTIES
APPURTENANT THERETO

(Use of Land and Entering Therein, Etc.)

ARTICLE 120

Any fisheries operator, Fishermen's Cooperative Association or Federation of Fishermen's Cooperative Associations may, upon obtaining permission of the governor of the Metropolis, Hokkaido or Prefecture, use a land of any other person or restrict removal of living trees or bamboos, or soil and stones therefrom in case where it is necessary to do so for any of the following purposes:

- (1) Construction of markings of fishing grounds;
- (2) Construction of lookout for fish or signalling relevant to fishery, or equipments necessary therefor;
- (3) Preservation or construction of marks as may be necessary for fishery.

ARTICLE 121

Any fisheries operator may, in case of necessity, upon obtaining permission of the governor of the Metropolis, Hokkaido or Prefecture therefor, enter any other person's land which is not in use for any specific purpose and operate fisheries therein.

ARTICLE 122

In case it is necessary to do so for the purpose of conduc-

ting survey or field investigation relevant to fishery or for any of the purposes as mentioned in the preceding two articles, any person may, upon obtaining permission of the governor of the Metropolis, Hokkaido or Prefecture therefor, enter any other person's land and cut down the obstructive trees or bamboos or remove other obstacles therein.

ARTICLE 123

Any person who intends to do any of the acts as mentioned in the preceding three articles must give previous notice thereof to the owner or occupant of the land and must make a reasonable compensation for any damage caused thereby.

(Use of Land and Properties Appurtenant Thereto)

ARTICLE 124

In case any land or properties appurtenant thereto is necessary and suitable for fisheries operator, Fishermen's Cooperative Association or Federation of Fishermen's Cooperative Associations to use for seaweed drying places, boat landing places, fishery sheds or other fisheries uses and is irreplaceable or extremely difficult to be substituted for any other land, he may request an agreement with the owner thereof and other persons having any right thereto, to create a right to use the same (hereinafter referred to as "using right") upon obtaining the approval therefor from the governor of the Metropolis, Hokkaido or Prefecture.

2 In case any application for the approval as mentioned in the preceding paragraph has been filed, the governor of the Metropolis, Hokkaido or Prefecture must hear the opinions of the owner of the land or properties appurtenant thereto and other persons having the right thereto as mentioned in the same paragraph, the person who intends to obtain the approval as mentioned in the same paragraph as well as the Sea-area Fisheries Adjustment Commission.

3 In case the approval as mentioned in Par. 1 has been granted, the governor of the Metropolis, Hokkaido or Prefecture must give notice thereof to the owner of the land or properties appurtenant thereto and other persons having any right thereto.

4 After the receipt of the notice as mentioned in the preceding paragraph, the owner of the land and properties appurtenant thereto and other persons having any right thereto shall not, until the agreement as mentioned in Par. 1 be concluded, except for the cases where there exists no fear of effecting any obstacle for the fishery as the object of its use, transform the land, or destroy or remove the properties appurtenant thereto, without obtaining permission from the governor of the Metropolis, Hokkaido or Prefecture. However, this shall not apply if, in case where the agreement has failed to be concluded, no application for the ruling as mentioned in in the proviso of Art. 125, Par. 1 is filed within the period of time as mentioned in the same paragraph.

5 In case the application for permission as mentioned in the preceding paragraph has been filed, the governor of the Metropolis, Hokkaido or Prefecture must hear the opinion of the Sea-area Fisheries Adjustment Commission therefor.

(Ruling for Creation of Using Right)

ARTICLE 125

In the case as mentioned in Par. 1 of the preceding article, if the agreement has failed to be concluded or is unavailable, the person granted the approval as mentioned in the same paragraph of the same article may file an application for rulling of the creation of the using right thereof with the Sea-area Fisheries Adjustment Commission. However, this shall not apply in cases where two months have elapsed after the day on which

the approval as mentioned in the same paragraph was obtained.

2 In case an application for the rulling as prescribed in the preceding paragraph has been filed, the Sea-area Fisheries Adjustment Commission must give notice thereof to the owner of the land or properties appurtenant thereto and other persons having any right thereto, and at the same time make public notice thereof.

3 The owner of the land or the properties appurtenant thereto and other persons having any right thereto applied for ruling in accordance with the provision of Par. 1 can submit his opinion in writing thereon to the Sea-area Fisheries Adjustment Commission within two weeks from the day of the public notice as mentioned in the preceding paragraph effected.

4 In case the owner of the land or properties appurtenant thereto applied for ruling intends to request, in his opinion in writing as mentioned in the preceding paragraph, the Sea-area Fisheries Adjustment Commission to make a ruling to the effect that the term of use of that land or properties appurtenant thereto will extend over three years or a ruling to the effect that a creation of using right as to effect any transformation thereto will be put forth, he may file, in his opinion in writing as mentioned in the preceding paragraph, an application with the Commission for a ruling, in lieu of any other ruling, to the effect that such land or properties appurtenant thereto will be purchased by the using right owner.

5 In case the owner of the properties appurtenant to a land applied for rulling intends to request, in this opinion in writing as mentioned in Par. 3, the Sea-area Fisheries Adjustment Commission to make a ruling to the effect that the using right thereof will be created, he may file an ap-

plication for ruling in respect to the compensation for removal of such structures. However, this shall not apply in case where such structures have been constructed after the notice as mentioned in Par. 3 of the preceding article was made.

6 The Sea-area Fisheries Adjustment Commission must begin deliberation thereupon after the period of time as mentioned in the preceding paragraph has expired.

7 No ruling shall exceed the extent of such application.

8 If, in case the Sea-area Fisheries Adjustment Commission makes a ruling to the effect that the term of use of the land or properties appurtenant thereto will extend over three years or any transformation will be put forth thereto, the application as mentioned in Par. 4 is filed, the Commission must make a ruling, in lieu of any other ruling, to the effect that such land and properties appurtenant thereto will be purchased by the using right owner.

9 If, in case the Sea-area Fisheries Adjustment Commission makes a ruling to the effect that a using right will be created upon the land or properties appurtenant thereto, the application as mentioned in Par. 5 is filed, the Commission must make a ruling in respect to the compensation for removal of those structures.

10 In any ruling which includes creation of any using right or purchase of any land or properties appurtenant thereto, the following matters must be specified:

- (1) The land or properties appurtenant thereto on which a using right shall be created, and the contents and term of existence of the using right, or the land or properties appurtenant thereto to be purchased;
- (2) The time of delivery of the land or properties appurtenant thereto;
- (3) The time of delivery of the land or properties ap-

appurtenant thereto;

- (4) The time of commencing its use;
- (5) The compensation for removal and the manner and time of its payment, in case of the application as mentioned in Par. 5 filed.

11 In case any ruling has been made, the Sea-area Fisheries Adjustment Commission must give notice thereof without delay to the owner of the land or properties appurtenant thereto and other persons having any right thereto, and at the same time give public notice thereof.

12 At the time when the public notice as mentioned in the preceding paragraph has been effected, the agreement among the persons concerned is deemed to have been concluded as determined in that ruling.

13 The provision of Art. 612 (Prohibition of Transfer of Lease Right) of the Civil Code shall not apply in the case of the preceding paragraph.

(Ruling for Lease Contract of Land or Properties Appurtenant Thereto)

ARTICLE 126

In case any fisheries operator, Fishermen's Cooperative Association or Federation of Fishermen's Cooperative Associations actually having a lease contract of the land or properties appurtenant thereto as prescribed in Art. 124, Par. 1 for fishery use considers that the contents thereof have come to cease to be just and adequate because of the economical fluctuation or other changed conditions, the person concerned may file an application for ruling as regards any alteration of the contents or cancellation of the lease contract with the Sea-area Fisheries Adjustment Commission.

2 The provisions of Pars. 2, 3, 6 and 7 of the preceding article shall apply with the necessary modifications in cases

where the application as mentioned in the preceding paragraph is filed.

3 The following matters must be specified in the ruling as mentioned in Par. 1:

- (1) In case of application for ruling of any alteration in the contract, whether such alteration shall be made or not; and in case of any alteration to be effected, the contents and time of such alteration;
- (2) In case of application for ruling of any cancellation of the contract, whether such cancellation shall be made; and in case of any cancellation to be effected, the time of such cancellation.

4 In case the ruling as mentioned in the preceding paragraph has been made, the provisions of Pars. 11 and 12 of the preceding article shall apply with the necessary modifications thereto.

CHAPTER VIII FISHERIES IN INLAND WATERS

(Fisheries in Inland Waters)

ARTICLE 127

No grant of fishery rights in inland waters (excluding the inland waters as designated by the competent Minister in accordance with the provision of Art. 84, Par. 1; hereinafter the same) other than demarcated fishery shall be effected. However, any grant of common fishery may be effected in lakes.

(Fees)

ARTICLE 128

The competent Minister or the governor of the Metropolis, Hokkaido or Prefecture can provide that, for the purpose of promoting propagation and protection of aquatic animals and plants in inland waters, kinds of fishes, fishing methods,

fishing grounds or fishing seasons shall be designated and no gathering, taking or culturing of aquatic animals and plants shall be allowed unless fees are paid therefor as prescribed in an Ordinance.

ARTICLE 129

The amount of the fees as mentioned in the preceding article must be determined every year in such a manner that the whole amount thereof may become almost equal to the total sum of the following expenses:

- (1) The portion of the expenses for fisheries in inland waters out of those required for delivery of the compensation as prescribed in Art. 9 of the Enforcement Law concerning the Fisheries Law;
- (2) The expenses required for the propagation work in inland waters conducted by the Government;
- (3) The expenses of Inland Waters Fishing Ground Administration Commission;
- (4) In addition to the expenses as mentioned in the preceding three items, the portion of expenses for fisheries in inland waters out of those required for the enforcement of this Law and the Enforcement Law concerning the Fisheries Law.

2 The provision of Arts. 77 to 81 inclusive (Collection of Right Fees and Licence Fees) shall apply with the necessary modifications to the collection of the fees as mentioned in the preceding article.

(Inland Waters Fishing Ground Administration Commission)

ARTICLE 130

There shall be an Inland Waters Fishing Ground Administration Commission set up in the Metropolis, Hokkaido or Prefectures.

2 The Inland Waters Fishing Ground Administration Commission shall be under the supervision of the competent Minister and the governor of the Metropolis, Hokkaido or Prefecture.

3 The Inland Waters Fishing Ground Administration Commission shall carry on the matters relating to gathering, taking or propagating aquatic animals and plants in the inland waters located within the area of the Metropolis, Hokkaido, or Prefectures.

4 The powers of a Sea-area Fisheries Adjustment Commission as prescribed in this Law, in respect to the fisheries in inland waters, shall be exercised by the Inland Waters Fishing Ground Administration Commission.

(Construction)

ARTICLE 131

The Inland Waters Fishing Ground Administration Commission shall be composed of commissioners.

2 The commissioners shall consist of persons appointed by the governor of the Metropolis, Hokkaido or Prefecture from among persons as deemed to represent those fisheries operators, persons as deemed to represent those who gather or take marine animals and plants in the inland waters located within the area of the Metropolis, Hokkaido or Prefecture, and persons distinguished for scholarship and experience.

3 The number of commissioners appointed in accordance with the provision of the preceding paragraph shall be ten persons. However, when deemed necessary, another prescribed number may be determined by the competent Minister in special Inland Waters Fishing Ground Administration Commissions.

(Modified Application of Provisions)

ARTICLE 132

The provisions of Art. 85, Par. 2, Pars. 4 to 6 inclusive

(Chairman, Specialists and Clerk or Assistant of Sea-area Fisheries Adjustment Commission), Art. 96 (Restriction on Resignation of Commissioners), Art. 98, Pars. 1, 3 and 4 (Term of Office), Arts. 100 to 103 inclusive (Dismissal, Councils and Reconsideration of Resolution), Arts. 116 to 119 inclusive (Presentation of Reports etc., Supervision, Expenses and Provision for Delegation) shall apply with the necessary modifications to the Inland Waters Fishing Ground Administration Commission. In this case, "this Chapter" in Art. 119 shall read "Arts. 130 to 132 inclusive".

CHAPTER IX MISCELLANEOUS PROVISIONS

(Nominal Petty Fishery Fee)

ARTICLE 133

In case any person files an application in respect to the matters of fishery in accordance with this Law or the Ordinances issued under this Law, he must pay the nominal petty fee as prescribed in an Ordinance therefor.

(Request for Presentation of Reports, Etc.)

ARTICLE 134

The competent Minister or the governor of the Metropolis, Hokkaido or Prefecture may, when deemed necessary to do so for the purpose of granting fishery rights or licences, adjusting fisheries or carrying on the matters as prescribed in this Law or Ordinances issued under this Law, request presentation of necessary reports on fishery or cause the officials concerned to visit the fishing grounds, operation places or offices and inspect the conditions thereof, books, documents or other objects relevant thereto.

2 The competent Minister or the governor of the Metropolis, Hokkaido or Prefecture may, when deemed necessary to do so for the purpose of granting fishery rights or licences,

adjusting fisheries or carrying on the matters as prescribed in this Law or Ordinances issued under this Law, cause the officials concerned to enter any other person's land to survey or investigate it or demand the removal or elimination of things obstructive to such survey or investigation. However, the damages caused by such acts must be compensated for.

3 In case when any official concerned carry out his duties as prescribed in the preceding two paragraphs, he must carry with him a card identifying his duty status and show it at any time when requested.

(Petition)

ARTICLE 135

In case any person is not satisfied with the results of his application for grant, licence or authorization filed as prescribed in this Law or Ordinances issued under this Law, or for any other measures executed by the administrative authorities, he may institute a petition therefor.

(Special Cases of Jurisdiction)

ARTICLE 136

In case a fishing ground is under the jurisdiction of two or more governors or the jurisdiction thereover is not clear, the competent Minister may designate a governor who exclusively administers such fishing ground, or he himself may administer it in lieu of the governors of the Metropolis, Hokkaido or Prefectures.

ARTICLE 137

The provisions concerning the Metropolis, Hokkaido or Prefectures and the governor of the Metropolis, Hokkaido or Prefecture in this Law shall apply, in the case of a Special City, to the Special City or to the mayor of that city. The provisions concerning a City, Town or Village shall apply, in

the case where a Special Ward exists, to that Special Ward; in the case of the city as mentioned in Art. 155, Par. 2 of the Local Autonomy Law, to a Ward; in the case of a Special City, to the Administrative Ward therein; and in the case where a Whole-Affairs Association or Office-Affairs Association exists, to that Association.

CHAPTER X PENAL PROVISIONS

ARTICLE 138

Any person who comes under any of the following items shall be subject to an imprisonment with hard labor for a period not exceeding three years or a fine not exceeding two hundred thousand *yen*:

- (1) Any person who has acted in violation of the provision of Art. 9;
- (2) Any person who has operated fisheries in violation of the restrictions or conditions set upon fishery rights, the licences of fisheries as prescribed in Art. 36 or the licence of the designated high sea fisheries;
- (3) Any person who has, in the period of suspension of exercise of any fixed-net fishery right or demarcated fishery right, operated such fisheries suspended; or any person who has, in the period of suspension of exercise of any common fishery right, operated in the fishing ground such fisheries suspended; or any person who has, in the period of suspension of exercise of any common fishery right, operated in that fishing ground such fisheries suspended; or any person who has, in the period of suspension of exercise of any designated high sea fisheries or such fisheries as licensed in accordance with the provision of Art. 36, operated such fisheries suspended;

- (4) Any person who has acted in violation of the provision of Art. 52, Par. 1;
- (5) Any person who has been granted licence for the designated high sea fisheries and acted in violation of the provision of Art. 61;
- (6) Any person who has acted in violation of any provision of Art. 68, Art. 69 or Art. 70.

ARTICLE 139

Any person who comes under any of the following items shall be subject to an imprisonment with hard labor for a period not exceeding one year, a fine not exceeding fifty thousand *yen*, detention or minor fine:

- (1) Any person who has acted in violation of the provision of Art. 66, Par. 1;
- (2) Any person who has acted in violation of the Ordinance issued under the provision of Art. 67, Par. 7;
- (3) Any person who has acted in violation of the restrictions or prohibitions as prescribed in Art. 71, Par. 1 or the Ordinance issued under the provision of Par. 2 of the same article.

ARTICLE 140

In the cases as mentioned in Art. 138 or the preceding paragraph, any fish catch, products therefrom, fishing vessels and fishing gears as owned or possessed by the offender may be confiscated. However, in case where the confiscation of the whole or part of the above mentioned articles owned by the offender is impracticable, a penalty equal to the value thereof may be imposed upon him.

ARTICLE 141

Any person who comes under any of the following items shall be subject to an imprisonment with hard labor for a period not exceeding six months or a fine not exceeding thirty thou-

and you:

- (1) Any person who has, in violation of the provision of Art. 24, Par. 2, made any fixed-net fishery right the object of mortgage;
- (2) Any person who has, in violation of the provision of Art. 26, Par. 1 (including cases applied mutatis to Art. 27, Par. 2), made any demarcated fishery right (in cases applied mutatis mutandis to Art. 27, Par. 2, any fixed-net fishery right) the object of transfer;
- (3) Any person who has, in violation of the provision of Art. 27, Par. 1, made any fishery right other than demarcated fishery right the object of transfer;
- (4) Any person who has, in violation of the provision of Art. 30, made any fishery right the object of lease;
- (5) Any person who has refused, obstructed or evaded the investigation of any fisheries supervisor or fisheries supervising official as prescribed in Art. 74, Par. 3 or has failed to answer his question or made a false statement thereto;
- (6) Any person who has acted in violation of the provision of Art. 124, Par. 4;
- (7) Any person who has neglected to make the report or made a false statement thereto, or has refused, obstructed or evaded the investigation of the officials concerned as prescribed in Art. 134, Par. 1;
- (8) Any person who has refused, obstructed or evaded the survey, investigation, removal or elimination by the officials concerned as prescribed in Art. 134, Par. 2.

ARTICLE 142

Both imprisonment with hard labor and fine may, according to circumstances, be inflicted upon any person who has committed the violations as mentioned in Art. 138, Art. 139, or Pars.

1 to 4 inclusive of the preceding article.

ARTICLE 143

Any person who has encroached upon any fishery right, or any fisheries operating right of members of a Fishermen's Co-operative Association shall be subject to a fine not exceeding twenty thousand *yen*.

2 The offence as mentioned in the preceding paragraph shall be dealt with only upon a legal proceeding being taken.

ARTICLE 144

Any person who comes under any of the following items shall be subject to a fine not exceeding ten thousand *yen*:

- (1) Any person who has acted in violation of the provision of Art. 35 (including cases applied *mutatis mutandis* to Art. 36, Par. 4 and Art. 63);
- (2) Any person who has acted in violation of the Ordinance issued under the provision of Art. 72;
- (3) Any person who has removed, stained or broken any markings of fishing grounds or fishing gears.

ARTICLE 145

In case any representative of a juridical person, any agent, employee or other worker of a juridical person or individual has, relevant to the business affairs or properties of that juridical person or individual, acted the violations as mentioned in Art. 138, Art. 139, Art. 141, Art. 143, Par. 1 or 2 of the preceding article, not only shall such offender be punished, but that juridical person or individual shall also be fined in accordance with the provisions of any of these articles.

SUPPLEMENTARY PROVISIONS

1. The day of enforcement of this Law shall be determined by a Cabinet Order within the period not exceeding three

months from the day of its promulgation.

2 The Fisheries Law (Law No. 58 of 1910) shall be abolished.

3 For two years after the day of enforcement of this Law, no right of fisheries shall be granted. However, in case the time has been designated in accordance with Art. 1, Par. 2 of the Enforcement Law concerning the Fisheries Law, this shall not apply to the districts and types of fishery rights concerned.

4 The provisions of Art. 21, Pars. 2 to 4 inclusive (Prolongation of Term of Existence of Demarcated Fishery Right) shall not be applied for the time being.

5 No fixed-net fishery right or demarcated fishery right as granted in accordance with this Law shall be the object of removal or mortgage for the time being. However, this shall not apply in cases of the transfer as mentioned in Art. 28, Par. 2.

6 Anyone who has, in violation of the provision of the preceding paragraph, made any fixed-net fishery right or demarcated fishery right the object of transfer or mortgage, shall be subject to an imprisonment with hard labor for a period not exceeding six months or a fine not exceeding thirty thousand *yen*.

7 Both imprisonment with hard labor and fine may, according to circumstances, be inflicted upon any person who has committed the violation as mentioned in the preceding paragraph.

8 In case any representative of a juridical person, any agent, employee or other worker of a juridical person or individual has, relevant to the business affairs or properties of that juridical person or individual, acted the violation as mentioned in Par. 5, not only shall such offender be punished, but that juridical person or individual shall also be fined in accordance with the provision of Par. 6.

9 Until the time which will be determined in a Cabinet Order within two years after the day of enforcement of this

Law, the provision of Art. 75 (Right Fee and Licence Fee) shall not apply to apply to any licence fee.

10 The date of the first election of commissioners of the Sea-area Fisheries Adjustment Commission that will be held after the enforcement of this Law shall be determined in a Cabinet Order.

11 In case the date or the period of time as prescribed in Art. 89 relative to the electors' register necessary for the election as prescribed in the preceding paragraph is not applicable, the date or the period of time which will be determined in a Cabinet Order shall be applied.

12 The term of office of the commissioners of the Sea-area Fisheries Adjustment Commission, Seto Inland Sea United Sea-area Fisheries Adjustment Commission, Central Fisheries Adjustment Council and Inland Waters Fishing Ground Administration Commission elected or appointed at the first election held after the enforcement of this Law may be the period of time which will be determined in a Cabinet Order regardless of the provisions of Art. 98, Par. 1 (including the cases applied mutatis mutandis in Art. 114 and Art. 132) or Art. 109, Par. 5.

13 Until the time which will be determined in a Cabinet Order within two years after the day of enforcement of this Law, the provision of Art. 128 (Fees of Inland Waters Fisheries) shall not be applied.

14 Until the time when a Sea-area Fisheries Adjustment Commission has been set up after the enforcement of this Law, the governor of the Metropolis, Hokkaido or Prefecture shall not need to hear the opinion of the Sea-area Fisheries Adjustment Commission regardless of the provisions of Art. 86, Par. 2, (Enlargement or Restriction of Extent of Right to Vote and Eligibility) or Art. 124, Par. 2 or 5 (Approval or Permission for Use of Land and Properties Appurtenant Thereto).

15 Until the time when a Sea-area Fisheries Adjustment Commission has been set up after the enforcement of this Law, the powers of any Sea-area Fisheries Adjustment Commission as prescribed in Art. 125 (Ruling for Creation of Using Right) and Art. 126 (Ruling for Lease Contract of Land and Properties Appurtenant Thereto) shall be exercised by the governor of the Metropolis, Hokkaido or Prefecture.

BILL OF THE ENFORCEMENT LAW CONCERNING
THE FISHERIES LAW
(Law No. , 1949)

(Continued Existence of Fishery Right and Other Rights)

ARTICLE 1

With regard to any fishery right as actually existing (hereinafter referred to as simply "fishery right") and any common-of-piscary right as actually existing or to be newly created thereupon, at the time of enforcement of the Fisheries Law (Law No. of 1949; hereinafter referred to as the New Law), the provisions of the Fisheries Law (Law No. 58 of 1910; hereinafter referred to as "the Old Law") shall, regardless of the enforcement of the New Law, continue to be effective for two years after the day of its enforcement. However, the provision of Art. 67 of the New Law and the penal provision relating to the same article may be enforced.

2 In case the time of existence of fishery rights has been determined by specifying the areas and kinds thereof in a Cabinet Order, the provision of the preceding paragraph shall not apply to those fishery rights thereafter.

3 Any fishery right shall not be deemed to expire during the period of its existence although its term of existence expires after the enforcement of the New Law.

(No Permission for Alteration of Fishery Right)

ARTICLE 2

No alteration of any fishery right shall be permitted.
(Restriction on Transfer etc. of Fishery Right)

ARTICLE 3

No fishery right shall be the object of transfer by contract or mortgage (excluding mortgage now existing) except for the

cases where approval of the governor of the Metropolis, Hokkaido or Prefecture (in respect to any exclusive fishery right on local waters, approval of the competent Minister) is obtained therefor.

2 In case the approval as mentioned in the preceding paragraph is intended, the governor of the Metropolis, Hokkaido or Prefecture must hear the opinion of the Sea-area Fisheries Adjustment Commission therefor.

(Restriction on Cancellation etc. of Lease Contract of Fishery Right)

ARTICLE 4

With regard to any lease contract relative to the fishery rights as existing at the time of enforcement of the New Law, no cancellation nor termination thereof (including any termination by mutual agreement) shall be effected or no renewal thereof shall be refused, except for the cases where any rental default or other non-bonafide acts have been made by the lease, or where they were leased in a mere transient contract or the contents thereof have ceased to be adequate because of changed circumstances, or where other justifiable reasons exist.

2 In case any person intends to make any cancellation or termination (including any termination by mutual agreement) of fishery rights or any refusal for renewal of lease contracts as mentioned in the preceding paragraph, he must obtain approval of the governor of the Metropolis, Hokkaido or Prefecture therefor.

3 In case the governor of the Metropolis, Hokkaido or Prefecture intends to grant the approval as mentioned in the preceding paragraph, he must hear the opinion of the Sea-area Fisheries Adjustment Commission therefor.

4 The provisions of the preceding three paragraphs shall apply with the necessary modifications in the cases where

any common-of-piscary right as actually existing at the time of enforcement of the New Law is lapsed or any renewal thereof is refused.

(Acquisition of Fishery Rights by Fisheries Cooperatives, Etc.)

ARTICLE 5

Any Fishermen's Cooperative Association or Federation of Fishermen's Cooperative Associations may acquire or lease any fishery right or acquire any common-of-piscary right as actually existing thereupon, or may newly create any common-of-piscary right.

(Validity of Licences and Other Measures Executed Under Old Law)

ARTICLE 6

Any licence of fisheries or other measures excepting any grant of fishery right as executed by the administrative authorities in accordance with the provisions of the Old Law and still remaining valid at the time of enforcement of the New Law shall, provided that such measures can be executed by virtue of the provisions of the New Law by those administrative authorities, be deemed to have been done so thereby.

2 With regard to the term of validity of the measures as deemed to have been executed in accordance with the provisions of the New Law as prescribed in the preceding paragraph, special provisions may be made in an Ordinance therefor.

(Licences or Authorizations for Designated High Sea Fisheries Under Old Law)

ARTICLE 7

With regard to any person as being actually granted, at the time of enforcement of the New Law, in accordance with the Ordinance issued under the provisions of Art. 34 Par. 2

(Regulations of Competent Minister) or of Art. 35, Par. 1 (Licence for Otter Trawler Fisheries, Etc.) of the Old Law, any licence or authorization for commencing operation of the designated high sea fisheries as prescribed in Art. 51, Par. 1 of the New Law, the competent Minister must, within the period of time as designated, upon hearing the opinion of the Central Fisheries Adjustment Council therefor, examine whether or not the person concerned comes under one of the items of Art. 56 (Cases of No Licence or Authorization Granted) of the New Law and must annul the licence or authorization granted to him if he comes under the same.

(Petition Applied for Old Law)

ARTICLE 8

With regard to any petition as applied for prior to the time of enforcement of the New Law, the former procedures shall still prevail thereupon.

(Delivery of Monetary Compensation to Fishery Right Owners, Etc.)

ARTICLE 9

The Government shall, in accordance with the provisions of this Law, deliver monetary compensation to any person who owns, at the time of the lapse of fishery rights as prescribed in Art. 1, fishery rights and common-of-piscary rights, lease rights or non-rental lease rights created upon such fishery rights (hereinafter referred to as "fishery rights and other rights"):

(Fishery Rights and Other Rights Compensation Program and Computation of Compensatory Amount)

ARTICLE 10

The delivery of any compensation must be executed according to the Fishery Rights and Other Rights Compensation Program which is determined by the Fishery Rights Compen-

sation Committee by each of the fishery rights to be compensated for.

2 In the Fishery Rights and Other Rights Compensation Program compensatory amounts must be determined.

3 The compensatory amounts as mentioned in the preceding paragraph shall be determined within the limit of the amount as specified in any of the following items:

- (1) In case of any fishery right as leased for the whole fishing season from July 1, 1947 to June 30, 1948 (hereinafter referred to as "the Standard Year"), the amount of money 11 times in cases other than exclusive fishery right, and 16 times in case of exclusive fishery right, as much as the sum of the rental fees (in case of any lease for using without rental fee, the estimated sum which is determined by the Fishery Rights Compensation Committee in consideration of such rental fees of the fishery rights in its vicinity with close similarities) of the standard year;
- (2) In case of any fishery right other than exclusive fishery right as not leased for the whole fishing season in the standard year, the amount of money 13 times as much as the sum of the estimated rental fee in the standard year as determined by the Fishery Rights Compensation Committee in consideration of the rental fees of the fishery rights in its vicinity with close similarities;
- (3) In case of any exclusive fishery right as not leased for the whole fishing season in the standard year or any common-of-piscary right, the sum of the fisheries catch value gained by dint of such rights in the standard year;
- (4) In case of any fishery right as leased for a certain fishing season and not leased for another fishing season

in the standard year, the amount of money $13/11$ times as much as the average sum of that as mentioned in Item (1) in each season and $11/3$ of the sum as mentioned in Item (2) or the preceding item;

- (5) In case of any lease right or non-rental lease right, the amount of money 20 per cent of the compensatory amount of such fishery right as its object;
- (6) In case the compensatory amount as mentioned in each of any preceding items is, for special reasons, not adoptable or deemed to be conspicuously inappropriate, the amount of money as computed according to the standard determined by the competent Minister.

4 The rental fee and fisheries catch value as mentioned in the preceding paragraph shall be determined on the base of the report made in accordance with the Fishery Rights Investigation Regulations (Ministry of Agriculture and Forestry Ordinance No. 52 of 1948). However, with regard to the rental fee, in case it is conspicuously low because it was leased by a Fisheries Association to its members, or the adoption of that rental fee has come to be markedly inappropriate because of changed circumstances or in case there exist any other special causes, the Fishery Rights Compensation Committee may not adopt such rental fee, but may adopt the estimated rental fee as determined by the Committee in consideration of the rental fee of the fishery rights in its vicinity with close similarities; and with regard to the fisheries catch value, in case it is conspicuously little because of the poor catch or natural calamity in the standard year or in case there exist any other special causes, the Fishery Rights Compensation Committee may not adopt the whole sum of such fisheries catch value, but may adopt the estimated fisheries catch value as determined by the

Committee in consideration of the fisheries catch value of the fishery rights in its vicinities with close similarities.

5 In case the Fishery Rights Compensation Committee has determined the Fishery Rights Compensation Program, it must, without delay, give public notice thereof and avail to public inspection the writings describing the following matters for twenty days after the day of the notice thereof at the office of a city, town or village to which the coast most adjacent to the fishing ground of such fishery rights to be compensated for belongs, and at the same time it must, within ten days from the public notice, inform the persons as prescribed in the preceding article whose whereabouts are known of such Fishery Rights Compensation Program:

- (1) Name or title and address of the owner of fishery rights or other rights to be compensated for;
 - (2) Fishery rights or other rights to be compensated for;
 - (3) Compensatory amount thereof.
- (Application for Objection and Petition)

ARTICLE 11

In case any person as prescribed in Art. 9 or his successor has any objection to the Fishery Rights and Other Rights Compensation Program as prescribed in the preceding article, he may file an application for objection with the Fishery Rights Compensation Committee therefor. However, this shall not apply in case when ten days have elapsed after the expiration of the period of time for the public inspection of the program as mentioned in Par. 5 of the same article.

2 In case the application for objection as mentioned in the preceding paragraph has been filed, the Fishery Rights Compensation Committee must give a decision therefor within two months after the expiration of the period of

time for applying for objection as mentioned in the same paragraph.

3 In case the person applying for objection is not satisfied with the decision as mentioned in the preceding paragraph he may file an application for petition with the governor of the Metropolis, Hokkaido or Prefecture. However, this shall not apply in cases when twenty days have elapsed after the expiration of the period of time as mentioned in the same paragraph.

4 In case the governor of the Metropolis, Hokkaido or Prefecture has received the petition as mentioned in the preceding paragraph he must make a ruling therefor within two months after the expiration of the period of time as mentioned in the proviso of the same paragraph.

(Recognition of Compensation Program by Governor, Etc.)

ARTICLE 12

In case no application for objection as prescribed in Par. 1 of the preceding article relative to the Fishery Rights Compensation Program as prescribed in Art. 162 has been filed within the period of time as mentioned in Par. 1 of the preceding article, in case where the objection as prescribed in the same paragraph was applied for, the decision as prescribed in Par. 2 of the same article was given for any of the items thereof and no petition has been applied for within the period of time as mentioned in the proviso of Par. 3 of the same article, or in case where the petition as prescribed in the same paragraph was applied for, the ruling as prescribed in Par. 4 of the same article has been given for any of items thereof, the Fishery Rights Compensation Committee shall without delay file an application for approval relative to the Fishery Rights and Other Rights Compensation Program with the governor of the Metropolis, Hokkaido or Prefecture.

2 If, in case the governor of the Metropolis, Hokkaido or Prefecture intends to give the approval as mentioned in the preceding paragraph, the competent Minister deems that such Fishery Rights and Other Rights Compensation Program is unbalanced with that of other prefectures or otherwise unreasonable, he may order the governor of the Metropolis, Hokkaido or Prefecture not to give the approval therefor.

3 In case the governor of the Metropolis, Hokkaido or Prefecture does not grant the approval as prescribed in Par. 1, the Fishery Rights Compensation Committee must draw up a revised program.

4 In case the Fishery Rights Compensation Committee has failed to draw up a revised program of the Fishery Rights and Other Rights Compensation as prescribed in the preceding paragraph, the governor of the Metropolis, Hokkaido or Prefecture may draw up a new program thereof in place of the Committee.

5 In case as mentioned in the preceding paragraph, the provisions of Art. 10, Par. 5 (Public Notice of Fishery Rights Compensation Program, Etc.) and the preceding article shall apply with the necessary modifications thereto. In this case, "the governor of the Metropolis, Hokkaido or Prefecture" in Pars. 3 and 4 of the preceding article shall read "the competent Minister."

6 In case the approval as prescribed in Par. 1 has been granted, the Fishery Rights Compensation Committee must without delay give public notice thereof and at the same time must inform thereof to the persons as prescribed in Art. 9 whose whereabouts are known.

7 If, in case the governor of Metropolis, Hokkaido or Prefecture has drawn up the Fishery Rights and Other Rights Compensation Program in accordance with the provision of Par.

4, no application for objection as prescribed in Par. 1 of the preceding article has been filed therefor within the period of time as prescribed in the same paragraph; if, in case the objection as prescribed in the same paragraph was filed, the decision as mentioned in Par. 2 of the same article has been made therefor and no application for petition has been filed within the period of time as mentioned in the proviso of Par. 3 of the same article; or if, in case the application for petition as prescribed in the same paragraph was filed, the ruling as prescribed in Par. 4 of the same article has been given therefor, the provision of the preceding paragraph shall apply thereto.

(Validity for Successors)

ARTICLE 13

The proceedings or other acts taken in accordance with the provisions of the preceding three articles shall also be effective upon the successors of the persons as prescribed in Art. 9.

(Deposit of Compensation)

ARTICLE 14

In case there exists any preferential right or mortgage on the fishery rights and other rights (including the Fisheries Foundation to which they belong) to be compensated for in accordance with the provision of Art. 9, the Government must, except for the case where the deposit therefor is not requested by that right owner, deposit the compensatory amount thereof.

2 Any owner of the preferential right or mortgage on the fishery rights and other rights (including the Fisheries Foundation to which they belong) as mentioned in the preceding paragraph may exercise that right on the compensatory amount deposited in accordance with the provision of the preceding paragraph.

(Legal Action for Increased Amount of Compensation)

ARTICLE 15

In case any person is not satisfied with the compensatory amount relative to the fishery rights and other rights compensated for as prescribed in Art. 9, he may request an increased amount by legal action. However, this shall not apply in cases where one month has elapsed after the information as mentioned in Art. 12, Par. 6 effected (including the case applied mutatis mutandis to Par. 7 of the same article).

2 In case of the action as mentioned in the preceding paragraph, the State shall be the defendant therefor.

(Fishery Rights Securities)

ARTICLE 16

The monetary compensation as prescribed in Art. 9 can be delivered in securities in the term of redemption within thirty years.

2 For the purpose of delivering the monetary compensation in accordance with the provision of the preceding paragraph, the Government can issue securities within the limit of its necessary amount.

3 The delivering value of the securities to be delivered in accordance with the provisions of the preceding two paragraphs shall be determined by the Minister of Finance considering the current price thereof. Necessary matters relating to the securities as mentioned in Par. 2 shall be determined in an Ordinance.

(Fishery Rights Compensation Committee)

ARTICLE 17

There shall be a Fishery Rights Compensation Committee set up in the Metropolis, Hokkaido or Prefecture.

2 The Fishery Rights Compensation Committee shall be under the supervision of the competent Minister and the governor of the Metropolis, Hokkaido or Prefecture and carry on the

matters relating to the compensation for fishery rights and other rights which exist within the area of the Metropolis, Hokkaido or Prefectures in which the Committee is set up.

3 The Fishery Rights Compensation Committee shall be composed of commissioners.

4 The commissioners shall consist of seven persons appointed by the governor of the Metropolis, Hokkaido or Prefecture from among fisheries operators and fisheries employees and of three persons appointed by the governor of the Metropolis, Hokkaido or Prefecture from among persons distinguished for scholarship and experience.

5 In case the competent Minister deems it necessary to do so, he can determine another prescribed number than the number of commissioners as mentioned in the preceding paragraph for a specific Fishery Rights Compensation Committee.

6 The term of office of the commissioners shall be until the time when the business relating to the compensation for the fishery rights and other rights as prescribed in Art. 9 shall be completed.

7 The provisions of Art. 85, Par. 2, Pars. 4 to 6 inclusive (Chairman, Specialists and Clerk or Assistant), Art. 95 (Prohibition of Concurrent Office), Art. 96 (Restriction on Resignation of Commissioners), Art. 98, Par. 3 (Term of Office of Commissioners Elected to Fill Vacancy), Arts. 100 to 103 inclusive (Dismissal, Council and Reconsideration of Resolution), Arts. 116 to 119 inclusive (Presentation of Reports, Etc., Supervision, Expenses and Provision of Delegation) of the New Law shall apply with the necessary modifications to the Fishery Rights Compensation Committee. In this case, "This Chapter" in Art. 119 shall read "Art. 17 of the Enforcement Law of Fisheries Law."

(Partial Amendment of Establishment Law of Fisheries Agency)

ARTICLE 18

A part of the Establishment Law of the Fisheries Agency (Law No. 78 of 1948) shall be amended as follows:

Article 7-6 shall be revised as follows:

(Other Attached Agencies)

Article 7-6 The agencies stated in the left column of the following table shall be established as attached agencies of the Fisheries Agency and the objectives of their establishment shall be as stated in the right column respectively:

Item	Objective
Marine Products Standardization Council	To carry on deliberation on the standardization of marine products and other competence as specified in the Law concerning the Inspection of Designated Agricultural and Forestal Goods (Law No. 210 of 1948)
Fishing Boat Insurance Judging Committee	To carry on deliberation on the matters relative to the re-insurance conducted by the Government in accordance with the Fishing Boat Insurance Law (Law No. 23 of 1937).
Central Fisheries Adjustment Council	To carry on deliberation on important matters relative to enforcement of the Fisheries Law (Law No. ____ of 1949).

Seto Inland Sea United Sea Area Fisheries Adjustment Committee	To carry on fisheries adjust- ment in the Seto Inland Sea.
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2 Necessary matters relative to these attached agencies shall be determined, in respect to the Marine Products Standardization Council, in the Law concerning the Inspection of Designated Agricultural and Forestal Goods, in respect to the Fishing Boat Insurance Judging Committee, in the Fishing Boat Insurance Law and in respect to the Central Fisheries Adjustment Council and the Seto Inland Sea United Sea Area Fisheries Adjustment Committee, in the Fisheries Law.

Next to Article 7-6, the following article shall be added:

Article 7-7. The Seto Inland Sea Fisheries Adjustment Executive Office shall be established to carry on a part of the businesses relating to the enforcement of the Fisheries Law such as the propagation and protection of aquatic animals and plants, licences of fisheries, fisheries supervision, other fisheries adjustments and supervision for Fisheries Adjustment Commissions in the Seto Inland Sea.

2 The Seto Inland Sea Fisheries Adjustment Executive Office shall be set up in the City of Kobe.

3 Besides those prescribed in the preceding two paragraphs, necessary matters relating the Seto Inland Sea Fisheries Adjustment Executive Office shall be determined in a Cabinet Order.

"The enforcement of the Fisheries Law (Law No. 58 of 1910)" in Art. 8, Par. 1 shall be amended to "licences of fisheries (excluding those carried on by the Seto Inland Sea Fisheries Adjustment Executive Office)".

(Partial Amendment of Law concerning Mortgage of Fisheries Foundations)

ARTICLE 19

A part of the Law concerning the Mortgage of Fisheries Foundations (Law No. of 9 1925) shall be amended as follows:

"Any fishery right or registered lease right thereof" in Art. 1 shall be amended to "any fixed-net fishery right or demarcated fishery right (excluding any demarcated fishery right which is constituted from culture industry by spore or spat collectors, oyster culture industry, fish culture industry in inland waters other than those designated by the competent Minister in accordance with the provision of Art. 10, Par. 5, Item 5 of the Fisheries Law (Law No. of 1949) or shellfish culture industry belonging to Type 3 demarcated fishery as owned by a Fishermen's Cooperative Association or Federation of Fishermen's Cooperative Associations; hereinafter the same)".

"Fishery right or registered lease right thereof" in Arts. 2, 3 and 6 shall be amended to "fixed-net fishery right or demarcated fishery right".

"Fishery right" in Art. 4, Par. 1 or 4 shall be amended to "fixed-net fishery right or demarcated fishery right"; "grant of fisheries" in Pars. 1, 5 and 6 of the same article, to "fishery right"; "propagation and protection of aquatic animals and plants" in Par. 6 of the same article, to "fisheries adjustment"; "or cases as may be necessary for the national defense or other military purpose, or may be injurious to public interests or cases where any grant of fisheries has been issued by mistake"; to "other cases deemed necessary for public interests".

Article 5 shall be amended as follows:

Article 5. If, in case where a Fisheries Foundation has been set up to create any mortgage upon demarcated fishery

rights which are constituted from culture industry by spore or spat collectors, oyster culture industry, fish culture industry in inland waters other than those designated by the competent Minister in accordance with the provision of Art. 6, Par. 5, Item 5 of the Fisheries Law or shellfish culture industry belonging to Type 3 demarcated fisheries, any owner of such fishery rights intends to transfer them to a Fishermen's Cooperative Association or Federation of Fishermen's Cooperative Associations, he shall obtain the consent of the owner of such mortgage.

Any owner of mortgage shall not refuse to give the consent as mentioned in the preceding paragraph without due cause.

At the time when the transfer as mentioned in Par. 1 has been effected, the mortgage shall be annulled.

2 In the period of time, after the enforcement of the New Law, when any fixed-net fishery right or demarcated fishery right cannot be the object of mortgage as prescribed in Par. 5 of the Supplementary Provisions of the same Law, no owner thereof shall set up any Fisheries Foundation to make them the object of mortgage.

3 With respect to any Fisheries Foundation which is actually being set up to create mortgage upon fishery rights or registered lease rights at the time of enforcement of the provision of Par. 1, the former procedures shall still prevail thereupon.

(Partial Amendment of Fisheries Cooperative Association Law)

ARTICLE 20

A part of the Fisheries Cooperative Association Law (Law No. 242 of 1948) shall be amended as follows:

Art. 17, Par. 1 shall be amended as follows:

Any Association which causes its members to capitalize in

accordance with the provision of Art. 19, Par. 1 and in which two-thirds or more of the persons usually engaging in the fisheries operated thereby or the activities collateral therewith are its members or are living in the same houses with its members may, in addition to the activities as specified in Art. 11, operate fisheries and activities collateral therewith.

The following paragraph shall be added next to Art. 17, Par. 1; Par. 2 shall be Par. 3 and "the preceding paragraph" in the same paragraph shall be amended to "the preceding two paragraphs" and "the same paragraph", to "Par. 1".

2 In case any Fishermen's Cooperative Association intends to operate fisheries in accordance with the provision of the preceding paragraph, a written consent of two-thirds or more of its members is needed therefor.

To Art. 18, Par. 1, the following proviso shall be added: However, with regard to any Association whose principal constituent members are those who gather, take or culture marine animals and plants in rivers, any person (excluding any sport fishermen) who has his residence within the area of the Association and gathers, takes or cultures marine animals and plants and whose number of days of such fishing exceeds the number of days which is determined in the articles of association between thirty and ninety days shall also be qualified for the membership of the Association.

To Art. 18, Par. 2, the following proviso shall be added:

However, this shall not apply to the Association as prescribed in the proviso of the preceding paragraph.

In Art. 42, Par. 2, "in the list of members of any Association which does not operate fisheries and collateral activities therewith as prescribed in Art. 17 may not describe those mentioned in Item (5)" and Item (5) shall be deleted.

"Engaging" in Art. 80, Art. 81 and Art. 82, Par. 3, shall be amended to "usually engaging".

"Item (1) and Items (3) to (5) inclusive" in Art. 81, Par. 2, Item (1) shall be amended to "Item (1), Item (3) and Item (4)"; and next to Item (2) of the same paragraph, the following item shall be added:

3 "In case of a person who does not usually operate the fisheries and collateral activities therewith of the Association, to that effect".

(Partial Amendment of the Law concerning the Consolidation of the Fisheries Organization and Others in Conformity to the Enforcement of the Fisheries Cooperative Association Law)

ARTICLE 21

A part of the Law concerning the Consolidation of the Fisheries Organization and Others in Conformity to the Enforcement of the Fisheries Cooperative Association Law (Law No. 243 of 1948) shall be amended as follows:

"Properties" in Art. 13, Par. 6 shall be amended to "properties (excluding fishery rights, using rights thereof or common-of-piscary rights, or properties acquired by that fisheries organization on the base of these rights; hereinafter the same in this article)".

(Fishery Right Administration Committee)

ARTICLE 13-2

Any Fishermen's Association currently existing at the time of enforcement of the Enforcement Law concerning the Fisheries Law (Law No. of 1949) which owns fishery rights or using rights thereof, or common-of-piscary rights shall convene a general meeting of the members within two months after the enforcement of the same law.

2 The provisions of Art. 12 Pars. 2 to 5 inclusive shall

apply with the necessary modifications to the general meeting of the members as mentioned in the preceding paragraph. In this case, "membership" shall read "fisherman membership as prescribed in Art. 10, Par. 2 of the Fisheries Cooperative Association Law (including those as prescribed in the proviso of Art. 18, Par. 1 of the same Law)".

3 At the general meeting as mentioned in Par. 1, the committee members of the Fishery Right Administration Committee shall be elected.

4 The election of the committee members as mentioned in the preceding paragraph shall be conducted by a secret ballot of the fisherman membership as prescribed in Art. 10, Par. 2 of the Fisheries Cooperative Association Law (including those as prescribed in the proviso of Art. 18, Par. 1 of the same Law).

5 The prescribed number of the committee members as mentioned in Par. 3 shall be five to nine, and all of them must be fisherman as prescribed in Art. 18, Par. 1 of the Fisheries Cooperative Association Law.

6 The competency of the directorship relative to fishery rights or using rights thereof or common-of-piscary rights shall be exercised by the Fishery Right Administration Committee.

7 With regard to the disposal of properties acquired by any Fishermen's Association on the base of fishery rights or using rights thereof, or common-of-piscary rights, the liquidators of the Fishermen's Association as mentioned in Par. 1 shall hear the opinion of the Fishery Right Administration Committee therefor and follow it. However, this shall not apply in case where the opinion of the Fishery Right Administration Committee is against the resolution adopted at a general meeting of the members.

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

ARTICLE 22

A part of the Central Bank for Agriculture and Forestry Law (Law No. 42 of 1933) shall be amended as follows:

"Fishermen's Cooperative Association" in Art. 5 shall be amended to "Fishermen's Cooperative Association, Fishermen's Production Association".

(Application of Penal Provisions of Old Law)

ARTICLE 23

With regard to any punishments inflicted upon the acts committed prior to the enforcement of the New Law (with regard to any fishery rights and common-of-piscary rights as actually existing or to be newly created thereupon as prescribed in Art. 1 of this Law, prior to the time when the Old Law having its effect as prescribed in the same article shall lose its effect) the former procedures shall still prevail thereupon regardless of the provision of Par. 2 of the Supplementary Provisions of the New Law.

ARTICLE 24

Any person who comes under any of the following items shall be subject to an imprisonment with hard labor for a period not exceeding six months or a fine not exceeding thirty thousand yen:

- (1) Any person who has made a fishery right (excluding any exclusive fishery right on local waters) the object of transfer or mortgage in violation of the provision of Art. 3, Par. 1;
- (2) Any person who has acted in violation of the provision of Art. 4, Par. 2 (including the case applied mutatis mutandis to Par. 4 of the same article).

ARTICLE 25

Both imprisonment with hard labor and fine may, according to circumstances, be inflicted upon any person who has committed the crime as mentioned in the preceding article.

ARTICLE 26

In case any representative of a juridical person, an agent or other worker of a juridical person or individual has, relevant to the business or properties of that juridical person or individual, acted the violations as mentioned in Art. 24, not only shall such offender be punished, but that juridical person or individual shall also be fined in accordance with the provision of the same article.

SUPPLEMENTARY PROVISIONS

1. The present Law shall come into force as from the day of enforcement of the New Law.
2. The governor of the Metropolis, Hokkaido or Prefecture need not, until the time when Sea-area Fisheries Adjustment Commission will be set up after the enforcement of this Law, regardless of the provisions of Art. 3, Par. 2 or Art. 4, Par. 3 (including the case applied mutatis mutandis in Par. 4 of the same article), hear the opinion of Sea-area Fisheries Adjustment Commissions.

ARTICLE 25

Both imprisonment with hard labor and fine may, according to circumstances, be inflicted upon any person who has committed the crime as mentioned in the preceding article.

ARTICLE 26

In case any representative of a juridical person, an agent or other worker of a juridical person or individual has, relevant to the business or properties of that juridical person or individual, acted the violations as mentioned in Art. 24, not only shall such offender be punished, but that juridical person or individual shall also be fined in accordance with the provision of the same article.

SUPPLEMENTARY PROVISIONS

1. The present Law shall come into force as from the day of enforcement of the New Law.

2. The governor of the Metropolis, Hokkaido or Prefecture need not, until the time when Sea-area Fisheries Adjustment Commission will be set up after the enforcement of this Law, regardless of the provisions of Art. 3, Par. 2 or Art. 4, Par. 3 (including the case applied mutatis mutandis in Par. 4 of the same article), hear the opinion of Sea-area Fisheries Adjustment Commissions.