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THE MARITIME SAFETY AUTHORITIES BILL

CHAPTER I. ORGANIZATION

Article 1. For the purpose of insuring Maritime Safety and preventing, detecting and suppressing violations of laws of the Japanese Government in harbors, bays, sounds, and coastal waters on the high seas adjacent to Japan, there shall, by virtue of this Law, be established as a separate agency, under the jurisdiction of the Minister of Transportation, the Maritime Safety Board.

The area of a port in the mouth of a river shall be established by Separate Law.

Article 2. The Maritime Safety Board shall perform the functions concerning the enforcement of laws and orders pertaining to safety of vessels, the qualifications and minimum number as to manning of ship's officers, assistance to vessels in distress, investigation of marine disasters, pilots, prevention and suppression of crime at sea, detection and arrest of criminals at sea, service concerning waterways and navigational aids, other businesses of insuring maritime safety and the businesses concerning matters subsidiary thereto.

The area of a port in the mouth of a river shall be established by Separate Law.

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Those functions heretofore under the jurisdiction of the Secretariat of the Minister of Transportation, Director-General's Secretariat of the General Maritime Bureau, Maritime Transport Bureau, Ship Bureau, Seamen Bureau, Commissioners of Marine Courts of Inquiry, Lighthouse Bureau, Hydrographic Bureau or those functions of other administrative authorities which are mentioned in the preceding paragraph shall be placed under the jurisdiction of the Maritime Safety Board.

Article 3. All personnel serving on or under the Maritime Safety Board shall be appointed, promoted, disciplined, dismissed and otherwise managed under and in conformity with the provisions of the National Public Servants Law.

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The total personnel of the Maritime Safety Board shall not exceed 10,000 persons.

Article 4. The vessels of the Maritime Safety Board shall be vessels suitable in construction, equipment and ability for the maintenance of navigational aids, the prevention of smuggling, the rendering of assistance to distressed mariners and the preservation of life and property from shipwreck.

The vessels shall not exceed one hundred and twenty-five (125) in number, harbor craft excluded, nor 50,000 gross tons total tonnage; provided further: that no vessel shall individually exceed 1,500 gross tons displacement nor be capable of exceeding fifteen knots in speed.

Vessels of the Maritime Safety Board shall be distinctively marked and numbered and shall fly the Japanese national ensign and a distinguishing Maritime Safety Board flag.

Vessels actively engaged in coastal law enforcement work may be armed with a mounted, single shot cannon not in excess of 3-inch caliber.

Article 5. There shall be established in the Maritime Safety Board the Director-General's Secretariat, the Safety Bureau, the Hydrographic Bureau and the Lighthouse Bureau.

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Vessels actively engaged in coastal law enforcement work may be armed with a mounted, single shot cannon not in excess of 3-inch caliber.

Article 5. There shall be established in the Maritime Safety Board the Director-General's Secretariat, the Safety Bureau, the Hydrographic Bureau and the Lighthouse Bureau.

Article 6. The Director-General's Secretariat shall perform the following functions:

1. Matters concerning the appointment, dismissal, status, discipline, refinement and training of Maritime Safety Board personnel;
2. Matters concerning the custody of the official seals of the Director-General and of the Maritime Safety Board;
3. Matters concerning investigation, planning, general examination and coordination pertaining to the service under its jurisdiction;

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4. Matters concerning the receipt, forwarding, compilation and custody of official documents;

5. Matters concerning the furnishing of statistical reports;

6. Matters concerning the estimate of expenditure and income, settlement, accounting and audit of accounts;

7. Matters concerning the government-owned properties and articles, except those which fall under the jurisdiction of each Bureau of the Maritime Safety Board.

Article 7. The Safety Bureau shall perform the following functions:

1. Matters concerning the rules of sailing and signals for navigation of vessels;

2. Matters concerning the enforcement of the laws and orders pertaining to the safety of ships at sea; and matters concerning the qualification and the authorized minimum fixed number of officers required on board;

3. Matters concerning the removal of menace to navigation;

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Safety Board.

Article 7. The Safety Bureau shall perform the following functions:

1. Matters concerning the rules of sailing and signals for navigation of vessels;
2. Matters concerning the enforcement of the laws and orders pertaining to the safety of ships at sea; and matters concerning the qualification and the authorized minimum fixed number of officers required on board;
3. Matters concerning the removal of menace to navigation;
4. Matters concerning the salvage of human life, cargo and vessel from shipwreck and the necessary assistance in case of natural calamities, accidents and other events where relief is required;
5. Matters concerning the investigation of maritime disasters;
6. Matters concerning the application for trial, and the execution of decisions of Marine Courts of Inquiry;

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7. Matters concerning the supervision over those, other than maritime authorities, engaged in the services to rescue human life and properties at sea, and to clear obstacles against the navigation of vessels;

8. Matters concerning the supervision necessary for keeping safety at sea for those engaged in maritime transportation business for passengers or cargoes;

9. Matters concerning the supervision over pilots and pilot business;

10. Matters concerning the patrol of coastal waters;

11. Matters concerning prevention and suppression of criminal cases such as smuggling, illegal entry, etc;

12. Matters concerning the search for, and arrest of, criminals at sea;

13. Matters concerning the prevention and suppression of riots and disturbances at sea;

14. Matters concerning supervision and operation of base facilities, communications facilities and [illegible] to be used by the Maritime Safety Board;

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9. Matters concerning the supervision [illegible] and pilot business;

10. Matters concerning the patrol of coastal waters;

11. Matters concerning prevention and suppression of criminal cases such as smuggling, illegal entry, etc;

12. Matters concerning the search for, and arrest of, criminals at sea;

13. Matters concerning the prevention and suppression of riots and disturbances at sea;

14. Matters concerning supervision and operation of base facilities, communications facilities and vessels to be used by the Maritime Safety Board; matters of providing water transportation for the customs, quarantine and other administrative authorities in the performance of their official duties;

15. Matters concerning the cooperation, mutual assistance and liaison service between maritime safety authorities and the National Rural Police and Police of Cities, Towns and Villages inclusive (hereinafter referred to as the police authorities),

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customs, quarantine stations or other administrative authorities concerned.

Article 8. The Hydrographic Bureau shall perform the following functions:

1. Matters concerning the survey of waterways and meteorological observation at sea;
2. Matters concerning providing charts and directions for navigation and aviation;
3. Matters concerning the information of the matters necessary for keeping nautical safety;
4. Matters concerning the investigation and study of the matters provided for in each of the preceding items.

Article 9. The Lighthouse Bureau shall perform the following functions:

1. Matters concerning the establishment, maintenance and operation of lighthouses and other aids to navigation;
2. Matters concerning the meteorological observation with the apparatus for lighthouses and other navigational aids;

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necessary for keeping national safety;

4. Matters concerning the investigation and study of the matters provided for in each of the preceding items.

Article 9. The Lighthouse Bureau shall perform the following functions:

1. Matters concerning the establishment, maintenance and operation of lighthouses and other aids to navigation;
2. Matters concerning the meteorological observation with the apparatus for lighthouses and other navigational aids;
3. Matters concerning the supervision over those, other than maritime safety authorities, engaged in installation, maintenance, or operation of navigational aids, such as lighthouses, etc.

Article 10. The Maritime Safety Board shall have a Director-General. The Director-General of the Maritime Safety Board shall preside over the Board affairs and direct and control his subordinate personnel under the direction and supervision of the Minister of Transportation; provided that he shall be under the direction and supervision of the Competent Minister respectively regarding the business affairs under the jurisdiction of a Minister other than that of Transportation.

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Article 11. Each Bureau of the Maritime Safety Board shall have a Director.

The Director of a Bureau shall, under the direction of the Director-General, preside over the Bureau affairs and direct and control the functions of each section of the Bureau.

Article 12. The Minister of Transportation may establish Maritime Safety offices at the places deemed necessary and allot the functions of the Maritime Safety Board to such offices.

Article 13. The Director of the Hydrographic Bureau of the Maritime Safety Board may issue a hydrographic notification with his name and make direct communications with foreign hydrographic offices.

Article 14. Maritime Safety officials shall be stationed in the Maritime Safety Board by virtue of this Act and shall be caused to perform the functions specified in Article 7, Items 2 to 5 and Items 7 to 13 inclusive, and those concerning the inspection, maintenance and repair of lighthouses and other navigational aids, including hydrographic surveys.

Maritime Safety officials shall be appointed by the Minister of Transportation from among those personnel of the Maritime Safety Board who have been appointed in accordance with the provisions of Article 2 of this Act.

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name and make direct communications with foreign hydrographic offices.

Article 14. Maritime Safety officials shall be stationed in the Maritime Safety Board by virtue of this Act and shall be caused to perform the functions specified in Article 7, Items 2 to 5 and Items 7 to 13 inclusive, and those concerning the inspection, maintenance and repair of lighthouses and other navigational aids, including hydrographic surveys.

Maritime Safety officials shall be appointed by the Minister of Transportation from among those personnel of the Maritime Safety Board who have been appointed in accordance with the provisions of Article 3 of this Act.

Article 15. Maritime Safety officials insofar as they are engaged pursuant to the authority contained in this act, in enforcing any law of Japan, shall be deemed, as far as their authorities are concerned, to be acting as agents of the particular executive department charged with the administration of the particular law and be subject to all the rules and regulations promulgated by such department with respect to the enforcement of that law.

Article 16. Whenever necessary for the performance of the functions referred to in Article 7, Item 4, or for the arrest of a criminal, a maritime safety official may call upon the persons nearby for cooperation.

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Article 17. A Maritime Safety official, may when necessary for the performance of his duties, direct a shipmaster or other persons in charge of a vessel to produce the ship's official papers; to visit and inspect the vessel for the purpose of ascertaining her identity, her hailing port; name of master; from what port or place she last sailed, to what port or place she is bound; the nature of her cargo, or that she is light or in ballast, if such be the case, and all other particulars concerning the vessel, her cargo, and any voyage that he may consider of importance; to question crew and passengers as may be necessary in the discharge of his duties.

When a Maritime Safety official visits and inspects a vessel or asks a question as mentioned in the preceding paragraph, he shall have a uniform on or carry with him a certificate testifying to his official position.

Article 18. A Maritime Safety official may, whenever deemed actually unavoidable from various circumstances for the performance of his duties, take any of the following measures, besides those specified in other laws and orders in regard to the performance of his functions.

1. To make a vessel stop proceeding, or to suspend

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as may be necessary in the discharge of his duties.

When a Maritime Safety official visits and inspects a vessel or asks a question as mentioned in the preceding paragraph, he shall have a uniform on or carry with him a certificate testifying to his official position.

Article 18. A Maritime Safety official may, whenever deemed actually unavoidable from various circumstances for the performance of his duties, take any of the following measures, besides those specified in other laws and orders in regard to the performance of his functions.

1. To make a vessel stop proceeding, or to suspend her departure;
2. To make a vessel deviate from her pre-determined route or to make her sail to a port which he designates;
3. To make the crew, passengers, or other persons on board, disembark the vessel, or to restrict or prohibit their disembarkation;
4. To cause the cargo be discharged, or to restrict or prohibit its discharge;
5. To restrict or prohibit the traffic between vessels or between a vessel and shore, when such vessel or vessels are under quarantine,

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undergoing investigation, are under seizure or constitute a menace to life.

Article 19. A Maritime Safety official may carry side arms with him in order to perform his functions.

Article 20. A Maritime Safety official shall not use arms except in cases where the use is unavoidably necessary for the execution of his duties with particular reference to protecting his own or other persons life or body.

Article 21. When a Maritime Safety official in charge of a patrol vessel has, in accordance with the provisions of Article 18, Item 1, ordered a vessel to stop and such vessel does not stop he may enforce compliance by firing two blank warning shots; if the vessel disregards the warning and does not stop he may then fire a solid shot across her bow. Should the vessel still refuse to obey the order to stop he may then fire into the vessel.

Article 22. The Captain of the Port shall be appointed by the Minister of Transportation from among the personnels of the Maritime Safety Board who have been appointed pursuant to the provisions of Article 3 of this Act.

The Captain of the Port shall handle the matters for the enforcement of the Port Regulations Law under the direction

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enforce compliance by firing two blank warning shots; if the vessel disregards the warning and does not stop he may then fire a solid shot across her bow. Should the vessel still refuse to obey the order to stop he may then fire into the vessel.

Article 22. The Captain of the Port shall be appointed by the Minister of Transportation from among the personnels of the Maritime Safety Board who have been appointed pursuant to the provisions of Article 3 of this Act.

The Captain of the Port shall handle the matters for the enforcement of the Port Regulations Law under the direction and supervision of the Director-General of the Maritime Safety Board.

Article 23. The Minister of Transportation shall appoint Commissioners for the Inquiry of Sea Casualties from among those personnel of the Maritime Safety Board who have been appointed in accordance with the provision of Article 3.

Commissioners for the Inquiry of Sea Casualties shall perform the functions specified in Article 7, Item 6 under the direction and supervision of the Director-General, Maritime Safety Board.

Article 24. Operating Regulations for the government of the personnel of the Maritime Safety Board shall be established by the

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Minister of Transportation and shall conform to existing laws and regulations governing the status of National Public Servants.

Article 25. For the purpose of maintaining navigational aids, prevention of smuggling and assistance to distressed mariners the Director-General, Maritime Safety Board shall assign vessel to stations, and designate districts or coastal areas of which it is to be charged, as may be necessary.

Article 26. Nothing in this Act shall be construed so as to permit the Maritime Safety Board or its personnel to be trained or organized as a military establishment or to function as such.

CHAPTER II. MARITIME SAFETY COMMITTEE

Article 27. For the purpose of deliberating on the matters concerning the operation and improvement of the maritime safety system, Maritime Safety Committees shall be established in the Maritime Safety Board.

Maritime Safety Committees are divided into the Central Maritime Safety Committee and the Local Maritime Safety Committees.

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Maritime Safety Committees are divided into the Central Maritime Safety Committee and the Local Maritime Safety Committees.

The Central and Local Maritime Safety Committees may not only reply to the questions of the Director-General of the Maritime Safety Board but also express the opinion on the operation and improvement of the maritime safety system to the Director-General of the Maritime Safety Board.

CHAPTER III. MUTUAL AID

Article 28. The Maritime Safety Board and the Police authorities, the Customs and other administrative authorities concerned shall maintain liaison and may, when deemed necessary for the prevention and suppression of crimes and search for, and arrest of criminals, consult

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and coordinate with each other and request each other to dispatch the personnel concerned or to render other necessary cooperation.

The Maritime Safety Board, the Police authorities or the customs or other administrative authorities concerned who have been requested as mentioned in the preceding paragraph may comply with such request.

Article 29. In the case contemplated in the preceding Article, the personnel who has been dispatched shall be caused to come under the operational direction of the administrative authorities who have requested such dispatch.

CHAPTER IV. SUPPLEMENTARY PROVISIONS

Article 30. The Director-General of the Maritime Safety Board may delegate part of his functions and duties to some of the personnels under his jurisdiction.

Article 31. In cases where the Director-General of the Maritime Safety Board is unable to discharge his duties or where the post of the Director-General of the Maritime Safety Board has become vacant, other officials of the said Board shall temporarily perform the duties

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requested such dispatch.

CHAPTER IV. SUPPLEMENTARY PROVISIONS

Article 30. The Director-General of the Maritime Safety Board may delegate part of his functions and duties to some of the personnels under his jurisdiction.

Article 31. In cases where the Director-General of the Maritime Safety Board is unable to discharge his duties or where the post of the Director-General of the Maritime Safety Board has become vacant, other officials of the said Board shall temporarily perform the duties of the Director-General of the Maritime Safety Board in the order as shall be designated by the Minister of Transportation.

Article 32. A Maritime Safety official who has been appointed from among second class secretaries or technical officials of the Ministry of Transportation shall be deemed equivalent to and have within his field of jurisdiction the powers and authority of a senior police official as provided for in Article 248 of the Criminal Procedure Code and a Maritime Safety Official who has been appointed from among third class secretaries or technical officials of the Ministry of Transportation shall be deemed equivalent to and have within his field of jurisdiction the powers and authority of a police official as provided for in Article 249 of the same Code.

Article 33. Officers and ratings of patrol boats shall be deemed

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equivalent to police officials in respect of the application of Article 4, Para. 1 of the Labor Union Law and Article 38 of the Labor Relations Adjustment Law.

Article 34. Other than the provisions of this Act, the classification of personnel of the Maritime Safety Board, their functions, the organization of the Maritime Safety Committee, the qualifications and term of office of the members of the Committee and other necessary matters concerning the personnel of the Maritime Safety Board and the Maritime Safety Committee shall be provided for by a Cabinet Order.

APPENDIX

Article 35. The date of the enforcement of this Act shall be fixed by a Cabinet Order; provided that the date shall not be after April 1, 1948.

In cases where the Sea Casualties Inquiry Law is enforced after the date of the enforcement of this Act, both the part relating to commissioners of Marine Courts of Inquiry in Article 2, Para. 2 and the provision of Article 7, Item 6 shall be put into effect as from the day of the enforcement of the Sea Casualties

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Article 35. The date of the enforcement of this Act shall be fixed by a Cabinet Order; provided that the date shall not be after April 1, 1948.

In cases where the Sea Casualties Inquiry Law is enforced after the date of the enforcement of this Act, both the part relating to commissioners of Marine Courts of Inquiry in Article 2, Para. 2 and the provision of Article 7, Item 6 shall be put into effect as from the day of the enforcement of the Sea Casualties Inquiry Law notwithstanding the provision of the preceding paragraph.

Article 36. The Maritime Safety Board shall, for the time being, perform the functions concerning the custody of ex-naval vessels.

The functions mentioned in the preceding paragraph shall be under the jurisdiction of the Safety Bureau, Maritime Safety Board.

Article 37. Pending the establishment of rules of the National Personnel Authority concerning and its personnel, the appointment, promotion, discipline and dismissal of such personnel shall conform for the time being to existing laws and regulations.

Article 38. Nothing in this Act is to be construed as an authorization for the employment of additional personnel over and above

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those presently employed, to carry on the functions and activities enumerated in this Act until funds are provided in the budget.

Article 39. With specific regard to the lighthouse supply ship No. 18 NISHO MARU (2005 gross tons) and the hydrographic survey ship SOYA (2207 gross tons) the gross tonnage for individual vessel may exceed 1,500 gross tons displacement for the life of these two vessels only, notwithstanding the limitations established by paragraph 2 of Article 3.

Article 40. The Provisions of any law or ordinance existing at the time of enactment of this Act shall be null and void for the future, in so far as they are in conflict with the provisions of this Act, except any such laws or ordinances issued pursuant to instructions of the Supreme Commander of Allied Powers shall remain in full force and effect.

Article 41. A part of the Imperial Ordinance governing the Organization of the Ministry of Transportation shall be amended as follows:

In Article 1, "other than the matters which are under the jurisdiction of the Maritime Safety Board" shall be added

at the time of enactment of this Act shall be null and void for the future, in so far as they are in conflict with the provisions of this Act, except any such laws or ordinances issued pursuant to instructions of the Supreme Commander of Allied Powers shall remain in full force and effect.

Article 41. A part of the Imperial Ordinance governing the Organization of the Ministry of Transportation shall be amended as follows:

In Article 1, "other than the matters which are under the jurisdiction of the Maritime Safety Board" shall be added next to the "Minister of Transportation".

In Article 3, "(The matters under the jurisdiction of the General Maritime Bureau shall be excluded)" shall be deleted.

In Article 5, Item 1, "Waterways, aids to navigation and other matters concerning water transportation" shall read "Other matters concerning water transportation", Item 4 of the same article shall be deleted and Item 5 of the same Article shall be Item 4.

Article 42. The following amendment shall be made to part of the Imperial Ordinance governing the Organization of the Maritime Bureaus.

In Article 1, Item 1, "the matters concerning water transportation such as the matters concerning routes; provided that the matters concerning aids to navigation shall be excluded" shall read

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"other matters concerning water transportation; provided that the matters under the jurisdiction of the Maritime Safety Board shall be excluded". Item 2 of the same article shall be deleted. Item 3 shall be Item 2 and Item 4 shall be Item 3. Item 5 shall be deleted and Item 6 shall be Item 5.

Article 43. Part of the Sea Casualties Inquiry Law shall be amended as follows:

Article 17 and 18 shall be deleted.

In Article 28, "those offices of the Maritime Safety Board as provided for in Article 12 of the Maritime Safety Authorities Law which exercise jurisdiction over the locations (hereinafter referred to as the offices of the Maritime Safety Board)" shall be added next to "Local Marine Courts of Inquiry".

In Article 29, "the High Marine Court of Inquiry" shall read "the Safety Bureau, Maritime Safety Board".

In Article 30, "Local Marine Court of Inquiry" shall read "the office of the Maritime Safety Board."

In Article 54, "the High Marine Court of Inquiry" shall read "the Safety Bureau, Maritime Safety Board".

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Safety Board as provided for in Article 12 of the Maritime Safety Authorities Law which exercise jurisdiction over the locations (hereinafter referred to as the offices of the Maritime Safety Board)" shall be added next to "Local Marine Courts of Inquiry".

In Article 29, "the High Marine Court of Inquiry" shall read "the Safety Bureau, Maritime Safety Board".

In Article 30, "Local Marine Court of Inquiry" shall read "the office of the Maritime Safety Board."

In Article 54, "the High Marine Court of Inquiry" shall read "the Safety Bureau, Maritime Safety Board".

Article 58. The decision of the High Marine Court of Inquiry shall be executed by the Commissioner of the Safety Bureau, Maritime Safety Board and the decision of a Local Marine Court of Inquiry by the Commissioner of those offices of the Maritime Safety Board which exercise jurisdiction over the location of the competent Local Marine Court of Inquiry.

In Para. 6 of the supplementary provisions, "or the Commissioner of the Safety Bureau, Maritime Safety Board" shall be added next to "the High Marine Court of Inquiry" and "or the Commissioner of those offices of the Maritime Safety Board which exercise jurisdiction over the location of the "Local Marine Court of Inquiry" next to "a Local Marine Court of Inquiry".

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Article 44. Both the Imperial Ordinance governing the Organization of the Lighthouse Bureau and the Imperial Ordinance governing the Organization of the Hydrographic Bureau shall be repealed.

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