

LAWS AND REGULATIONS
ON
PORTS AND HARBOURS
OF
JAPAN

SUPERVISED BY
BUREAU OF PORTS AND HARBOURS
MINISTRY OF TRANSPORT

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Port and Harbour Law

PORT AND HARBOUR LAW

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Chapter I. General Provisions

(Objective)

Article 1. The purpose of this Law is to provide means for orderly development and appropriate management of ports and harbors, as well as for development and preservation of waterways, to contribute to the improvement of communication and appropriate utilization and balanced development of national land.

(Definitions)

Article 2. In this Law "port management body" means a Port Authority which is to be established under the provisions of Section 1, Chapter II or a local public entity under the provisions of Article 33.

2. In this Law "major ports" mean those ports which will be specified by Government Ordinance as having great importance to the national interest and "minor ports" mean those ports other than major ports.

3. In this Law "port area" means a water area for which authorization has been given under the provisions of Article 4 Paragraph 4 (including the case in which these provisions apply mutatis mutandis to the provisions of Article 9 Paragraph 2 and Article 33 Paragraph 2).

4. In this Law "waterfront area" means an area which has been designated as such under the provisions of Chapter 2 of the City Planning Law (Law No. 100 of 1968) or an area which has been designated by the Port Management Body with authorization under the provisions of Article 38.

5. In this Law "port facilities" mean the facilities located within a port area and a waterfront area, specified in item (1) through item (11) and other facilities necessary for the utilization or management of a port, specified in item (12) through item (14).

- (1) Water facilities: Waterways, anchorage and basins for small craft.
- (2) Protective facilities: Breakwater, sand groins, sea walls, training walls, sluices, locks, revetment, dikes, jetties and parapets.
- (3) Mooring facilities: Wharve, mooring buoys, dolphins, lighters' wharves, floating piers, landing stages and slip ways.
- (4) Port transport facilities: Roads, parking lots, bridges, railways, tramways, canals and heliports.
- (5) Navigation aid facilities: Navigation aids and signals and lighting and port communication facilities for the entry and clearance of ships.
- (6) Cargo handling facilities: Stationary cargo handling equipment, overhead rail cranes, cargo sorting area and transit sheds.
- (7) Passenger facilities: Fixed type passenger loading and unloading facilities, baggage offices, lounges and temporary living quarters.
- (8) Storage facilities: Warehouses, open storage yards, timber yards and ponds, coal storage yards, hazardous materials and oil storage facilities.

- (8)-2. Ship service facilities: Water supply facilities, fuel supply facilities, coal supply facilities (excluding those facilities specified in item (13)), ship repair facilities and small craft storage facilities.
- (9) Port pollution control facilities: Driving channels for purification of contaminated waters, buffer zones for pollution control and other facilities designed for pollution control in the port.
- (9)-2. Waste disposal facilities: Dikes for waste dumping area, waste receiving facilities, waste incinerators, waste crushers, waste oil disposal facilities and other facilities designed for disposal of wastes (excluding those facilities specified in item (13)).
- (9)-3. Port and harbor environmental protection facilities: Beaches, greens, open spaces, landscapes, rest rooms and other facilities designed for the protection of port and harbor environment.
- (10) Port welfare facilities: Rest rooms and temporary living quarters, clinics and other welfare and recreational facilities for ships' crew and harbor workers.
- (10)-2. Port management facilities: Port administration offices, warehouses for materials necessary for port management and other facilities necessary for port management (excluding those facilities specified in item (14)).

- (11) Land for port facilities: Land for facilities specified in each of the preceding items.
- (12) Mobile facilities: Mobile cargo handling equipment and mobile passenger loading and unloading facilities.
- (13) Mobile facilities for port services: Tugboats used for assisting docking and undocking ships, vessels and vehicles used for supplying water, fuels and coal to ships and vessels and vehicles used for handling and transportation of wastes.
- (14) Mobile facilities for port management: Port cleaning boats, port ferries and other mobile facilities necessary for port management.

6. Those facilities specified in item 1 through items 11 of the preceding paragraphs which are not located in the port area or waterfront area but are authorized by the Minister of Transport upon application by the Port Management Body shall also be regarded as port facilities.

7. In this Law "port and harbor work" means construction, improvement, maintenance or rehabilitation of port facilities and other works necessary for the removal of deposits of wastes and other polluting materials in ports, purification of contaminated seawater, removal of floating materials and preservation of ports.

8. In this Law "waterways to be developed and preserved" mean waterways which require development and preservation works in order to secure navigation of ships in water areas other than port areas and river areas specified in Article 3 paragraph 1 of the River Law (Law No. 167

of 1964) (hereinafter referred to as the river area) including the facilities necessary for the protection of structures and the safety of navigation, the scope of which shall be specified by Government Ordinance.

9. In this Law "port of refuge" means a port the main object of which is to give refuge to small craft in case of a storm which is not used for loading or unloading of cargo or passengers under normal circumstances and which is specified by Government Ordinance.

(Provisions Concerning Finishing Ports)

Article 3. The provisions of this Law shall not apply to the ports which are designated by other laws as ports for fishery purposes.

Provided that this shall not apply to the ports which are specified otherwise by Government Ordinance.

Chapter I-1. Port and Harbor Plan

(Basic policy for Development of Ports and Waterways to be Developed and Preserved)

Article 3-2. The Minister of Transport must lay down a basic policy for the development, utilization and preservation of ports and harbors and for the development of waterways to be developed and preserved (hereinafter referred to as the basic policy).

2. The basic policy shall cover the following matters.

- (1) Matters concerning the measures for the development, utilization and preservation of ports and harbors.
- (2) Basic matters concerning the location, functions and capabilities of ports and harbors.

- (3) Basic matters concerning the location and development of waterways specially designated for development and preservation.

3. The basic policy shall be worked out by taking into account the role of ports and harbors and waterways specially designated for development and preservation to be played for the improvement of transport systems, appropriate utilization and balanced development of national land and for the welfare of the nation.

4. The Minister of Transport, when intending to lay down or make changes in the basic Policy, must consult with the heads of other administrative agencies concerned and also seek the views of the Council for Ports and Harbours.

5. The Port Management Body may present its views concerning the basic policy to the Minister of Transport.

6. The Minister of Transport, after laying down or making changes in the basic policy, must make public the fact without delay.

(Port and Harbor Plan)

Article 3-3. The Port Management Body of a major port must work out a plan for the development, utilization and preservation of the port and for the preservation of areas adjacent to the port as specified by Government Ordinance (hereinafter referred to as Port and harbor plan).

2. The port and harbor plan must conform to the basic policy and must also meet the standards as specified by Ministry of Transport Ordinance for the capacity of the port for cargo handling and other capacities,

the scale and arrangement of port facilities corresponding to the capacity of the port, improvement and protection of port environments and other basic matters.

3. The Port Management Body of a major port must seek the opinion of a local port and harbor council when intending to establish or make changes in the port and harbor plan.

4. The Port Management Body of a major port, after establishing or making changes in the port and harbor plan must submit the said plan to the Minister of Transport without delay.

5. The Minister of Transport must seek the opinion of the Council for Ports and Harbours on the port and harbor plan submitted to him under the provisions of the preceding paragraph.

6. When the Minister of Transport considers the port and harbor plan submitted to him under the provisions of the preceding paragraph 4 not to be in conformity with the basic policy or the standards specified by Minister of Transport Ordinance under the provision of paragraph 2 or to be extremely inappropriate for the development, utilization or preservation of the said port, he may request the Port Management Body concerned to alter the plan.

7. The Minister of Transport, when he considers that there is no need to take steps provided for in the preceding paragraph on the port and harbor plan submitted to him under the provision of paragraph 4, must make public the outline of the said port and harbor plan in accordance with the provisions of Ministry of Transport Ordinance.

8. The Port Management Body of a minor port, after establishing or making changes in the port and harbor plan, must make public the outline of the said port and harbor plan without delay in accordance with the provisions of Ministry of Transport Ordinance.

9. The provisions of paragraph 3 shall apply mutatis mutandis to the case in which the Port Management Body of a minor port establishes or make changes in the port and harbor plan.

Chapter II. Port Authority

Section 1. Establishment of Port Authority

(Establishment)

Article 4. The local public entity which actually manages facilities in a port or the local public entity which has borne the cost of installation and management of facilities in a port or the local public entity whose water area is scheduled to be designated as a port area (hereinafter referred to as "local public entity concerned") may establish Port Authority independently or jointly with others after providing the articles of association.

2. The provisions of the preceding paragraph shall not apply to the port where all or most of water facilities and protective facilities are maintained and managed by a party or parties other than the State or local public entities, except the case in which such party or parties have requested any of the local public entities concerned to establish Port Authority.

3. Any local public entity which intends to establish Port Authority shall, after the decision of its assembly, make public its intention to establish Port Authority independently or jointly with others, and the scope

of the proposed port area and the period in which other local public entities concerned are to give their opinion concerning the matter, and shall consult with any local public entity which has expressed its opinion.

The period in which the local public entities concerned are to give their opinion shall not be less than one month.

4. If, during the period specified by the preceding paragraph, other local public entities concerned have not expressed their opinion in accordance with the provisions of the preceding paragraph or when an agreement is reached between the local public entities concerned after the decision of their respective assemblies as provided for in the same paragraph, the local public entity intending to establish Port Authority must, with respect to the scope of the proposed port area, obtain approval of the Minister of Transport or the prefectural governor concerned according to the following classification in accordance with the formalities specified by Ministry of Transport Ordinance.

- (1) Approval of the Minister of Transport in the case of a major port.
- (2) Approval of the Minister of Transport in the case of a minor port where a prefecture or prefectures are a party to the establishment of Port Authority.
- (3) Approval of the prefectural governor who has jurisdiction over the area bordering the water area scheduled for the port area in the case of a port other than those specified in the preceding two items.

5. The Minister of Transport or the prefectural governor concerned, when intending to give approval under the preceding paragraph for the river area or the coastal preservation area specified in the provisions of Article 3 of the Coast Law (Law No. 101 of 1956), must consult with the local administrative agency having the jurisdiction over the said river or the coast administrative agency having the jurisdiction over the said coastal preservation area, concerning the scope of the proposed port area.

6. The Minister of Transport or the prefectural governor concerned may not give approval under paragraph 4 unless the area scheduled to be a port area is the minimum area required for the economic operation and management of the said water area as an independent port and is not in conflict with the interest of the local public entities whose water area borders the proposed port area and does not exceed the limit where the physical limits of the port is provided for in the Harbour Regulation Law (Law No. 174 of 1948). Provided that approval may be given for the scope of a port area in excess of the physical limits of the port specified by the provisions of the same law when it is unavoidable to exceed such limits to secure the minimum area necessary for the economical operation and management of the port as an independent port.

7. If an agreement referred to in paragraph 3 has not been reached, the local public entities concerned may apply to the Minister of Transport or the prefectural governor concerned for mediation according to the classification specified in paragraph 4. In this case, "a party to the establishment of Port Authority" under item 2, paragraph 4 shall read "a party to

the issue".

8. The application for mediation under the preceding paragraph must be substantiated by a full account of the negotiation between the parties concerned and views of the local public entities concerned.

9. When an application is made under paragraph 7, the Minister of Transport or the prefectural governor concerned shall undertake mediation while taking into account the background of the issue, financial positions of the local public entities concerned, future development plans and the degree of utilization of the said port and the relationship between the proposed port and the local public entities concerned and, in case of a major port, after consultation with the Minister of Home Affairs.

10. The prefectural governor shall, after taking actions under paragraph 4 or undertaking mediation under the preceding paragraph, report the matter to the Minister of Transport without delay.

(Status of Juridical Person)

Article 5. The Port Authority shall be a non-profit, juridical person in public law.

(Articles of Incorporation)

Article 6. The articles of incorporation of Port Authority must stipulate the following.

- (1) Title
- (2) Names of local public entities establishing Port Authority.
- (3) Address of office

- (4) Functions
- (5) Scope of port area
- (6) Number, term of office, appointment and dismissal of and remuneration for members of the Board of Directors and matters concerning the business of the Board of Directors.
- (7) Matters concerning the organization and staff of the Secretariat.
- (8) Matters concerning the property and finance of the Port Authority.
- (9) Matters concerning the investment or sharing of cost by local public entities establishing Port Authority.
- (10) Matters concerning the disposal of surplus and losses.
- (11) Method of public notice.
- (12) Matters concerning the dissolution of Port Authority.

2. The articles of incorporation or revisions thereof shall take effect only when approved by the assembly of the local public entity establishing Port Authority.

(Registration)

Article 7. The Port Authority must register its establishment, changes in the address of its main office and other matters specified by Government Ordinance in accordance with the formalities specified by Government Ordinance.

2. Any matter required to be registered in relation to the Port Authority shall not have effect against a third party until it has been registered.

(Establishment)

Article 8. Establishment of Port Authority shall be effected when its establishment is registered.

(Public Notice on Port Area)

Article 9. The Port Authority shall, immediately after coming into being, give a public notice concerning its establishment and the scope of port area. The same shall apply when changes are made in the scope of port area.

2. The provisions of paragraph 4 through paragraph 6 of Article 4 shall apply mutatis mutandis to the case in which the Port Authority intends to change the scope of port area.

(Special Provisions for Dissolution)

Article 10. Dissolution of Port Authority shall not take effect until a local public entity becomes a port management body for the said port in accordance with the provisions in the last half of paragraph 1, Article 33. Provided that this shall not apply to the case in which the local public entities which established the Port Authority have obtained approval of the Minister of Transport for dissolution of the said Port Authority.

2. The local public entities which established the Port Authority shall, when there is any obligation on the bonds under Article 30 paragraph 1 or any other liabilities specified by Government Ordinance at the time of dissolution of the Port Authority, perform their obligation jointly in accordance with the provisions of the articles of incorporation.

(Application of Civil Code and Other Laws)

Article 11. The provisions of Articles 44, 50, 54, 57, Article 68 paragraph 1, Article 72 through Article 80, Articles 82 and 83 of the Civil Code (Law No. 89 of 1896) and the provisions of Articles 35, 37 and 37b of the Law of Non-Legal Case Proceedings (Law No. 14 of 1898) shall apply mutatis mutandis to Port Authority.

Section 2. Functions of Port Authority

(Functions)

Article 12. Functions of Port Authority shall be as follows.

- (1) Prepare port and harbor plans.
- (2) Maintain port area and port facilities under the management of Port Authority in good operating conditions (including the removal of floating materials, abandoned ships and other materials which may hinder the navigation of ships in the port area, clean water areas and prevent pollution within the port area).
- (3) Execute port and harbor works for construction and improvement of port facilities (excluding waste disposal facilities other than those specified under paragraph 11-3) necessary for the development, utilization and preservation of the port and protect and preserve the areas adjacent to the port area.
- (3)-2. Create or improve land in the port area or waterfront area through reclamation of water area or ground raising or leveling of ground, in addition to the works specified in the preceding item.

- (4) Manage on commission the port facilities (including the land necessary for the operation of the port) owned by the State or local public entities which are designed for public use.
- (4)-2. Enforce necessary regulation on the use of water facilities.
- (5) Manage directly specific mooring facilities which are specially important for the convenience of general public and designate locations for mooring of ships utilizing these facilities or control on the use of mooring facilities.
- (5)-2. Process entrance notice and clearance notice received from the ships entering or clearing the port.
- (6) Install facilities necessary for fire-fighting, rescue and security and provide oil fences, chemicals and other materials necessary for the removal of oils discharged into the port area.
- (7) Conduct surveys and studies and compile statistics necessary for the development, utilization and preservation of the port, and promote publicity of the port.
- (8) Provide services to ships, including water supply, aid in docking and undocking of ships and treatment of waste oils generated by ships and other services for ships when these services are not provided properly and adequately by others.
- (9) Lease out port facilities under the management of Port Authority which are not required for public use or which are not appropriate for management by Port Authority.

- (10) Regulate the use of port facilities such as transit sheds and cargo handling equipment under the management of the Port Authority by those who render services necessary for the operation of the port using these facilities, in order to ensure smooth traffic of cargo and effective utilization of port facilities.
- (11) Lend its good offices in providing services necessary for the operation of the port.
- (11)-2. Lend its good offices in the improvement of the efficiency of loading and unloading, storage, sorting and transportation of cargo in the port area and waterfront area in addition to the services specified in the preceding item.
- (11)-3. Manage and operate dikes for disposal of waste materials, marine waste treatment facilities (facilities for the treatment of waste materials discharged from ships or offshore facilities specified by the provisions of Article 3 paragraph 6, of the Marine Pollution Prevention Law (Law No. 136 of 1970) or waste materials generated as a result of the work or the measures taken for the prevention of marine pollution as specified in the provisions of paragraph 2 of the same article. The same shall apply hereinafter) and waste oil disposal facilities (waste oil disposal facilities specified in the provisions of paragraph 3, Article 3 of the same law).
- (12) Provide or manage such facilities as rest houses or temporary

living quarters for ships' crew and harbor workers for the promotion of their welfare.

(13) Prepare and publicize the latest tariff showing the rates and charges for services and facilities necessary for the utilization of the port.

(14) Other activities necessary for providing services specified in the preceding items.

2. Matters related to the entrance notice or clearance notice specified in item (5)-2 of the preceding paragraph shall be stipulated by ordinance of the local public entity specified by the articles of incorporation from among the local public entities which established the Port Authority.

3. The ordinance under the preceding must be legislated while paying due respect to the original draft prepared by the Port Authority.

4. The tariff under item 13, paragraph 1 must include the rates which have been reported or have been made known to the Port Authority under the provision of Article 45, in addition to the rates determined by the Port Authority.

5. The Port Authority must make public the outline of port facilities under its management in accordance with the provisions of Ministry of Transport Ordinance.

(Regulations)

Article 12-2. The port authority may establish regulations concerning the matters within its authority insofar they do not conflict with laws, ordinances or regulations of the local public entities which established the Port Authority.

(Non-intervention with Private Enterprises)

Article 13. The Port Authority must not obstruct or interfere with the fair activities of private enterprises in port transportation business, warehousing business and other businesses related to transportation and storage of goods or must not operate business in competition with therewith.

2. The Port Authority must not give a discriminatory treatment to any party with respect to the use of facilities and the operation and management of the port.

Section 3. Organization of Port Authority

(Board of Directors)

Article 14. The Port Authority shall have a Board of Directors.

(Authority and Responsibilities of Board of Directors)

Article 15. The Board of Directors shall be responsible for the formulation of policies of Port Authority and shall direct and regulate the administration of the Port Authority.

(Organization of Board of Directors and Appointment of Members)

Article 16. The Board of Directors shall be composed of members less than seven in number in accordance with the articles of incorporation.

2. The number of members may be increased up to eleven (11) for the Board of Directors of the Port Authority which is established by more than three local public entities, regardless of the provisions of the preceding paragraph.

3. The members of the Board of Directors under the preceding two paragraphs shall be appointed from among persons with an extensive knowledge and wide experience in the matters relating to ports and harbors or persons of high reputation, by the heads of local public entities establishing the Port Authority with the consent of their respective assemblies.

4. The total number of members of the Board of Directors specified in paragraphs 1 and 2 shall be more than twice the number of members under the proviso to item (2), paragraph 1 of the following article.

(Persons not Eligible for Members)

Article 17. Any person coming under any of the following items shall not be eligible as a member of the Board of Directors.

- (1) Member of the National Diet.
- (2) Member of the assembly of a local public entity. Provided that this shall not apply when only one member is appointed for each local public entity from among assemblymen recommended by the assemblies of the local public entities establishing the Port Authority.
- (3) A contractor for the work of the Port Authority or in case the contractor is a corporation, an officer of the corporation or any person, regardless of his title, who has authority or power equivalent to or exceeding that of the officer (including those who fell under this category during the period of one year prior to the date of appointment under consideration).
- (4) An officer of an organization of contractors specified in the

preceding paragraph or any person, regardless of his title, who has authority or power equivalent to or exceeding that of the officer (including those who fell under this category during the period of one year prior to the date of appointment under consideration).

2. Any member of the Board of Directors who, during his term of office, has fallen under any of the items of the preceding paragraph must resign from the Board of Directors.

(Term of Office for Members)

Article 18. The term of office of a member of the Board of Directors shall not exceed three years, provided that the term of office of a member who has filled a vacancy shall be for the remainder of his predecessor's term of office.

2. The member of the Board of Directors shall not be precluded from being reappointed.

3. The term of office of the members first taking office following the establishment of the Port Authority shall be determined by the heads of local public entities establishing the Port Authority at the time of their appointment in such a manner as to prevent the expiration of the term of office of many members at the same time.

(Dismissal of Members)

Article 19. The head of the local public entity establishing the Port of Authority may dismiss any member of the Board of Directors with the consent of its assembly when he considers the said member is unable to perform

his duties owing to physical or mental disabilities or when he considers the said member has acted contrary to this duties or the behavior of the said member is not acceptable as a member of the Board of Directors.

(Chairman)

Article 20. The Board of Directors shall have chairman who shall be elected from among the members.

2. The chairman shall preside over the meetings of the Board of Directors.

(Method of Decision-making)

Article 21. All decisions of the Board of Directors shall be made by a majority vote of the members of the Board of Directors.

2. No member of the Board of Directors shall exercise his vote in a decision of the Board of Directors on the matters in which he has special interests as determined by the Board of Directors.

(Auditors)

Article 22. The Port Authority may have an auditor or auditors in accordance with the provisions of the articles of incorporation.

2. The provisions of Article 16, paragraph 3 and Articles 17 and 19 shall apply mutatis mutandis to the appointment and dismissal of auditors.

(Duties and Authority of Chairman)

Article 23. The chairman, as a representative of the Port Authority, shall preside over the functions of the Port Authority as the head thereof and shall conduct business related to the development, utilization, preser-

vation and management of the port placed under his authority by law or under the provisions of Article 45-2.

2. The member of the Board of Directors other than chairman, as a representative of the Port Authority, shall assist the chairman in directing the functions of the Port Authority, act on behalf of the chairman in his absence and perform the duties of the chairman when the post is vacant in accordance with the provisions of the articles of incorporation.

3. The auditor shall audit the business of the Port Authority.

(Secretariat)

Article 24. The Port Authority shall have the Secretariat with a necessary staff to perform administrative works, in accordance with the provisions of the articles of incorporation.

(Local Port and Harbor Council)

Article 24-2. A local port and harbor council shall be established within the Port Authority of each major port for the purpose of investigating and deliberating important matters related to each port upon inquiries by the chairman of the Board of Directors and a local port and harbor council shall be established within the Port Authority of each minor port as necessary in accordance with the provisions of Article 12-2.

2. The matters concerning the title, organization and management of the local port and harbor council shall be stipulated by the provisions of Article 12-2.

(Remuneration for Chairman and Others)

Article 25. The Port Authority must pay salary to the members of the Board of Directors, Auditors and its employees who are in full-time service.

2. The amount of salary under the preceding paragraph shall be determined in proportion to the nature and responsibilities of the assignment and on the same level as that for persons engaged in similar works in the district concerned, provided that it shall not exceed the amount of salary of the head of a local public entity establishing the Port Authority (or whichever the higher remuneration when two or more persons come under this category).

3. The members of the Board of Directors and the Auditors who receive salary under the preceding paragraph shall not engage in any work for remuneration.

(Status as Public Service Personnel)

Article 26. The members of the Board of Directors, the Auditors and employees of the Port Authority shall be regarded as public service personnel in accordance with law insofar as the application of penal laws is concerned.

(Appointment and Dismissal of Members of the Board of Directors when the Port Authority is Established by More than Two Local Public Entities)

Article 27. When the Port Authority is established by more than two local public entities, the matters concerning the execution of authority of the

heads of local public entities and their assemblies concerning the appointment and dismissal of the members of the Board of Directors under the provisions of Article 16, paragraph 3 proviso to item 2, Article 17 paragraph 1, Article 18 paragraph 3, Article 19 and Article 22 paragraph 2 must be provided for in the articles of incorporation of the Port Authority.

Section 4. Finance of Port Authority

(Investment)

Article 28. No person other than the local public entities establishing the Port Authority shall be entitled to invest in the said Port Authority.

(Principles of Finance)

Article 29. All expenses incurred by the Port Authority for the performance of its functions (excluding the cost of port and harbor works) shall be covered by charges and rent of port facilities under its management, charges for such services as water supply provided by the Port Authority and other revenues derived from the operation and management of the port.

(Issuance of Bonds)

Article 30. The Port Authority may issue bonds to raise funds to be appropriated for construction, improvement or rehabilitation of port facilities.

2. The provisions of Article 250 of the Local Autonomy Law (Law No. 67 of 1947) shall apply mutatis mutandis to the case under the preceding paragraph.

3. The Port Authority must, in accordance with the provisions of the

articles of incorporation, put aside in each fiscal year as a reserve to be appropriated for redemption of bonds issued under the provisions of paragraph 1.

4. The reserve for redemption under the preceding paragraph shall not be used for any purpose other than for redemption of bonds.

(Disposition of Profit and Loss)

Article 31. When there is still a balance after appropriation of surplus for reserve for redemption as stipulated in the preceding paragraph and for loss compensation, the Port Authority must transfer the balance to the local public entities establishing the Port Authority in accordance with the provisions of the articles of incorporation.

2. When the loss incurred by the Port Authority cannot be covered adequately by the reserve referred to in the preceding paragraph, the local public entities establishing the Port Authority must make up the deficiency in accordance with the provisions of the articles of incorporation.

(Inventory of Property)

Article 32. The Port Authority must prepare an inventory of property, a balance sheet and a statement of profit and loss and submit them to the local public entity establishing the Port Authority within two months following the end of each fiscal year.

Chapter III. Local Public Entity as Port
Management Body

(Establishment of Local Public Body as Port Management Body)

Article 33. In the case of a port where no Port Authority has been established, the local public entity concerned may become a Port Management Body by itself or establish a local public body prescribed in Article 284 paragraph 1 of the Local Autonomy Law as a Port Management Body.

The same shall apply to the case in which the Port Authority is to be dissolved in the port where Port Authority has been established, in accordance with the provisions of the articles of incorporation.

2. The provisions of paragraphs 2 through 10 of Article 4 shall apply mutatis mutandis to the case under the preceding paragraph, the provisions of paragraphs 4 through 6 of the same Article to the case in which the local public entity as a Port Management Body makes changes in the scope of the port area and the provisions of Article 9 paragraph 1 to the case in which the local public entity as a Port Management Body obtains approval for the designation of or changes in the scope of the port area. In these cases, "the local public entity which proposes the establishment of Port Authority" shall read "the local public entity concerned which intends to become a Port Management Body or proposes the establishment of a local public body specified in Article 284 paragraph 1 of the Local Autonomy Law which acts as a Port Management Body".

(Functions)

Article 34. The provisions of Articles 12 and 13 shall apply mutatis mutandis to the functions of the local public body which acts as a Port Management Body.

(Commission)

Article 35. The local public body which acts as a Port Management Body may establish the Board of Directors an organ to carry out the functions under the preceding article.

2. The title, organization and authority of the Board of Directors shall be stipulated by the ordinance of the local public entity concerned.

3. When the Board of Directors under paragraph 1 is established, the local public body which acts as a Port Management Body must notify the Minister of Transport of the effect establishment.

(Local Port and Harbor Council)

Article 35-2. A local port and harbor council shall be established within the local public entity acting as a Port Management Body of a major port for the purpose investigating and deliberating important matters concerning the said port upon inquiries by the head of the local public entity acting as a Port Management Body (or the Board of Directors under the provisions of paragraph 1 of the preceding Article if such is established within the local public entity) and a local port and harbor council shall be established within the local public entity as a Port Management Body of a minor port, as necessary, in accordance with the provisions of ordinance of the local

public entity concerned.

2. The matters concerning the title, organization and management of the local port and harbor council shall be provided for in ordinance of the local public entity concerned.

(Effects of Establishment of Port Authority)

Article 36. When a Port Authority is established or a local public entity becomes a Port Management Body under the provisions of Article 33 in the port where another local public entity has been the Port Management Body under the same provisions, the local public entity which has hitherto been the Port Management Body shall lose its position as Port Management Body insofar as the port area under the jurisdiction of the new Port Management Body is concerned.

2. The provisions of the preceding paragraph shall apply mutatis mutandis to the case in which a local public entity becomes a Port Management Body under the provisions in the last part of paragraph 1, Article 33 for the port where the Port Authority has hitherto been the Port Management Body.

Chapter IV. Port Area and Waterfront Area

(Approval of Works within Port Area)

Article 37. Any person who intends to engage in the work specified under any of the following items within a port area or an area adjacent to the port area as designated by the head of the Port Management Body (hereinafter

referred to as "an area adjacent to the port area") must obtain approval of the head of the Port Management Body.

Provided that this shall not apply when a person who has obtained authorization under Article 2 paragraph 1 of the Public Water Area Reclamation Law (Law No. 57 of 1921) engages in the said work within the authorized water area.

- (1) Proprietary use of a water area (including the space above and the sea bottom as specified by Government Ordinance; the same shall apply hereinafter) or public-owned open spaces within the port area.
- (2) Mining of sand and earth in the water area or public-owned open spaces within the port area.
- (3) Construction or improvement of water facilities, protective facilities, mooring facilities, canals and irrigation ditches or drainage ditches (excluding those facilities associated with proprietary use under item (1)).
- (4) Such acts as specified by Government Ordinance which may seriously impede the development, utilization or preservation of the port, with the exception of the port, with the exception of those acts specified in each of the preceding items.

2. When the acts referred to in the preceding paragraphs are of the nature which seriously impedes the utilization or preservation of the port or obstructs seriously the implementation of the port and harbor plan made public under the provisions of paragraph 7 or 8, Article 3 or otherwise

interferes considerably with the development and progress of the port, the head of the Port Management Body shall not give approval to such acts nor shall he give approval to proprietary use of the water area under item (1) or the act under item (4) of the preceding paragraph with regard to the water facilities under the management of the Port Management Body, except for the case which is otherwise specified by Government Ordinance.

3. When the acts under paragraph 1 are contemplated by the State, the Japanese National Railways, the Japan Telephone and Telegraph Public Corporation, or a local public entity, "must obtain approval of the Port Management Body" in paragraph 1 shall read "must consult with the head of Port Management Body" and "nor shall he give approval" in the preceding paragraph shall read "shall agree to the proposal for negotiation".

4. The head of the Port Management Body may collect charges for proprietary use or mining sand and earth from the person who obtained authorization under items (1) and (2) of paragraph 1 for the water area or public-owned open spaces within the port area. Provided that this shall not apply to the act performed as a result of negotiations between the parties concerned under the provisions of the preceding paragraph.

5. The head of the Port Management Body may, in accordance with the regulations concerned or the decision made by the chairman of the Board of Directors of the Port Authority, impose on the person who has evaded the charges for proprietary use or for mining sand and earth under the preceding paragraph by fraud or other illegal means a penalty not exceeding five times the amount evaded.

6. The proceeds from the charges for proprietary use and mining sand and earth under paragraph 4 and the penalty under the preceding paragraph shall be treated as a revenue of the Port Management Body.

(Area Adjacent to Port Area)

Article 37-2. Designation of an area adjacent to the port area under the provisions of paragraph 1 of the preceding Article must be limited to a minimum required for the preservation of the port area and the area adjacent thereto within a radius of one hundred meters outside the port area.

2. The head of the Port Management Body, in designating an area adjacent to the port area, must hold a public hearing to give the persons who have interests in the proposed area an opportunity to express their views concerning the intended designation after giving in advance a public notice indicating the date and place of the public hearing and the scope of the area proposed for such designation. The same shall apply when changes are made in the scope of the area.

3. When the designation of an area adjacent to the port area is made, the head of the Port Management Body must give a public notice concerning the designated area and at the same time shall notify the Minister of Transport of the effect.

(Waterfront Area)

Article 38. The Port Management Body may, with the approval of the Minister of Transport, designate a waterfront area in areas other than city planning areas designated under the provisions of Article 5 of the City Planning Law.

2. The waterfront area under the preceding paragraph must be limited to a minimum required for the operation and management of the port in the area bordering the port area.

3. Designation of a waterfront area under the preceding paragraph 1 shall take effect when made public.

(Reporting of Acts Performed in Waterfront Area)

Article 38-2. Any person who intends to engage in any of the following acts within a waterfront area shall report that effect to the head of the Port Management Body concerned not later than sixty (60) days prior to the start of the said work in accordance with the provisions of Ministry of Transport Ordinance. Provided that this shall not apply when a person or persons granted a permission under the provisions of Article 37 paragraph 1 are engaged in the work authorized or when a person or persons referred to in paragraph 3 of the same article are engaged in the work which is agreed upon by the head of the Port Management Body under the provisions of the same paragraph.

- (1) Construction or improvement of water facilities, canals, irrigation ditches or drainage ditches.
- (2) Construction or improvement of waste disposal facilities specified by Government Ordinance other than those provided in the premises of a factories and others specified in the following item (limited to those facilities which are used specifically for the treatment of waste generated in the said factories and others).

(3) Construction or extension of a factory or a business establishment in which the total floor area of the work shops or the total ground area of the factory or the business establishment (hereinafter referred to as factories and others) located within one industrial complex exceed the standard specified by Government Ordinance (hereinafter referred to as factories and others).

(4) Construction or improvement of such facilities as specified by Government Ordinance which may cause a major obstruction to the development, utilization or preservation of the port, except for those facilities specified in the preceding three items.

2. Any person who intends to make a report in accordance with the provisions of the preceding paragraph must submit a report containing the following information to the head of the Port Management Body.

- (1) Name or title and address of a person concerned or name of the representative of a corporation concerned.
- (2) Such information as described below in the case of works specified in items (1) and (2) of the preceding paragraph.
 - a. Location, type and design of the facilities concerned.
 - b. Plans for use of the facilities concerned.
- (3) Such information as specified below in the case of works given under item (3) of the preceding paragraph.
 - a. Location, type and ground area of factories and others and floor area of work shops.

- b. Approximate quantity of incoming and outgoing cargo associated with the operation of factories and others and transport plan thereof.
- c. Approximate quantity of waste materials generated in connection with the operation of factories and others and waste treatment plan thereof.

(4) Other matters specified by Ministry of Transport Ordinance.

3. The report under the preceding paragraph must be accompanied by work specifications and other documents specified by Ministry of Transport Ordinance.

4. Any person who has made a report under the provisions of paragraph 1, when intending to make changes in the matters referred to in items (2) through (4), paragraph 2 in relation to the work for which he has made a report, must notify the head of the Port Management Body of the effect not later than sixty (60) days prior to the start of the work necessitated by the said changes, in accordance with the Ministry of Transport Ordinance.

5. Any person who has made a report under the provisions of paragraph 1, in the event of any change in the matters referred to in item (1), paragraph 2 while the said work is in progress, shall report that effect to the head of the Port Management Body without delay.

6. The provisions of paragraph 3 shall apply mutatis mutandis to the reporting under the provisions of paragraph 4.

7. The head of the Port Management Body may, when he considers,

upon receipt of a report under the provisions of paragraph 1 or 4, that the work being reported is not in conformity with the standards specified in the following items (Items (3) and (4) in the case of the work described in items (1), (2) and (4) of paragraph 1; the same shall apply to the following paragraph and paragraph 10), recommend, within sixty (60) days from the date on which the report is received, the person who made the report to change the plan or take necessary steps in relation to the said work.

- (1) That the transport plan for cargo to be transported to and from the factories and others scheduled for construction or extension as a result of the operation thereof is appropriate upon comparison with the capabilities of port facilities in the said port or the port and harbor plan made public under the provisions of paragraphs 7 or 8, Article 3-3.
- (2) That the quantity or the type of waste materials to be disposed of within the said port area or waterfront area (excluding the premises of the factories and others) out of the waste materials to be generated as a result of the operation of the factories and others scheduled for construction or extension is appropriate upon comparison with the plan for disposal of waste materials worked out under the port and harbor plan which was made public under the provisions of paragraphs 7 or 8, Article 3-3.
- (3) That the said work will not be a major obstruction to the implementation of the port and harbor plan made public under

the provisions of paragraph 7 or 8, Article 3-3.

(4) That the said work is not likely to become a major obstruction to the utilization and preservation of the port.

8. The head of the Port Management Body may, when he considers, upon receipt a report under the provisions of paragraph 1 or 4, that the work being reported (excluding the works referred to in items (2) and (4), paragraph 1) is not in conformity with the requirements specified in each item of the preceding paragraph and that, unless major changes are made in the port and harbor plan for water facilities, protective facilities, mooring facilities or port transport facilities, the execution of the said work will make the operation and management of the port extremely difficult, order the person making the report, within sixty (60) days from the date on which the report is received, to change the plan for the said work.

9. When the person referred to in Article 37 paragraph 3 intends to engage in the work specified in any of the items of paragraph 1 (excluding works specified in the proviso to the same paragraph), he must report that effect to the head of the Port Management Body according to the formalities required for reporting specified in the same paragraph and when intending to make changes in the matters already reported, must report that effect to the head of the Port Management Body according to the formalities required for reporting specified by the provisions of paragraph 4.

10. The head of the Port Management Body may, when he considers, upon receipt of a notification under the provision of the preceding paragraph, that the work for which the notification was made is not in conformity with

the standards specified in each of the items of paragraph 7, request the person who has made notification, within sixty (60) days from the date on which the notification is made, to change the plan or take necessary steps for the said work.

(Designation of Zones)

Article 39. The Port Management Body may designate zones as specified in the following items within the waterfront area.

- (1) Commercial zone: That zone designed for handling passengers or general cargo.
- (2) Special cargo zone: That zone designed for handling coal, ores and other cargo which are normally handled in bulk.
- (3) Industrial zone: That zone designed for the establishment of factories and other industrial facilities.
- (4) Rail delivery zone: That zone designed for railway connection with ferryboats.
- (5) Fishing port zone: That zone designed for handling marine products or for use by fishing boats to make necessary preparations for sailing out.
- (6) Bunker zone: That zone designed for storing and supplying fuels to ships.
- (7) Hazardous material zone: That zone designed for handling explosives and other hazardous materials.
- (8) Marine zone: That zone designed for use by yachts, motor boats and other craft for sporting and recreational purposes.

- (9) Scenic and recreation zone: That zone designed for preservation of scenery and promotion of welfare of harbor workers or persons visiting the port.

2. Designation of zones under the preceding paragraph shall be limited to the area under the jurisdiction of the local public entity acting as Port Management Body (local public entity establishing the Port Authority when the Port Management Body is concurrently the Port Authority).

(Restrictions within Zones)

Article 40. No buildings or structures which seriously affect the objective of each zone and which are specified by the ordinance of the local public entity acting as the Port Management Body (the local public entity designated under the provisions of the articles of incorporation from among those local public entities having jurisdiction over the said zone and establishing the Port Authority when the Port Management Body is concurrently the Port Authority) shall be constructed and no buildings or structures shall be altered to such structures as specified by the said ordinance through modification of the structure or changes in its use within the area of zones specified in the preceding Article.

2. In legislating the ordinance under the preceding paragraph, the local public entities establishing the Port Authority must give high regard to the draft bill worked out by the Port Authority.

3. The local public entities under paragraph 1 may include a regulation in its ordinance for imposition of a fine not exceeding 50,000 yen on any person who has violated the provisions of the ordinance.

(Measures against Illegal Structures)

Article 40-2. The head of the Port Management Body may order the owner or the occupant of the building or structure which was newly constructed or altered to a structure specified by the ordinance under paragraph 1 of the preceding Article in violation of the provisions of the same paragraph to remove, relocate or alter the structure or change its use.

2. The head of the Port Management Body, when intending to give orders under the preceding paragraph, must hold a hearing by serving a notice to the person to whom the orders are to be given indicating the date and place of the hearing and the outline of orders to be given.

3. The person summoned to the hearing and other persons who have interests in the matter must be given an opportunity to express their views and present evidences.

(Alteration of Undesirable Structures)

Article 41. The head of the Port Management Body, when the building or structure within the specific zone comes under the category specified in the ordinance which is enforced under Article 40 paragraph 1 and causes a major obstruction to the objective of the said zone, may order the owner or the occupant of the building or structure to alter, relocate or remove the said structure.

2. The provisions of paragraphs 2 and 3 of the preceding article shall apply mutatis mutandis when the head of the Port Management Body intends to give orders under the preceding paragraph.

3. The Port Management Body must, in relation to the loss result-

ing from the orders given under the provisions of paragraph 1, compensate the owner or the occupant of the structure for a loss which would have been avoided under ordinary circumstances but for orders and a loss of returns which would have been obtained under ordinary circumstances but for orders.

4. When the person who is entitled to receive compensation under the provisions of the preceding paragraph is dissatisfied with the amount of compensation determined by the Port Management Body, he may bring a suit against the Port Management Body for an increase of the amount of compensation, within three months from the day on which the notice indicating the amount of compensation is received.

Chapter V. Cost of Port and Harbor Work

(Sharing of Cost)

Article 42. When a major port and harbor work such as construction or improvement of water facilities, protective facilities or mooring facilities is undertaken by the Port Management Body in a major port for public use, the cost of such work shall be shared between the State and the Port Management Body each bearing 50 % of the total cost.

2. When a port and harbor work referred to in the preceding paragraph is undertaken by the Port Management Body in a major port which is especially important for the promotion of foreign trade and which is designated by Government Ordinance (hereinafter referred to as "a specially designated major port" for public use, the State may bear up to 100 % of the cost for water facilities and protective facilities and up to 75 % of the

cost for mooring facilities.

3. When construction or improvement of water facilities or protective facilities is undertaken by the Port Management Body in a port of refuge, 75 % of the cost shall be borne by the State and the remaining 25 % shall be borne by the Port Management Body concerned.

4. The provisions of the preceding three paragraphs shall not apply unless the amount to be borne by the State under these paragraphs is reported to the Minister of Transport in advance and incorporated in the budget appropriation approved by the National Diet.

5. The provisions of Article 17 and Article 19 paragraph 1 of the Local Finance Law (Law No. 109 of 1948) shall apply mutatis mutandis to the case of the Port Authority under paragraphs 1 and 2. In this case "the local public entity" in the said law shall read "the Port Authority".

(Subsidies for Financing Work)

Article 43. The State may, when it deemed necessary, provide a subsidy, within the limit of the budget, to help finance the port and harbor work for public use undertaken by the Port Management Body (excluding facilities under item (4) of this Article) in accordance with the standards set forth hereinafter.

- (1) Up to 75 % of the cost of construction or improvement of port transport facilities in a specially designated major port.
- (2) Up to 50 % of the cost of or improvement of port transport facilities in a major port other than specially designated major ports.

- (3) Up to 40 % of the cost of construction or improvement of water facilities, protective facilities, mooring facilities or port transport facilities in a minor port.
- (4) Up to 50 % of the cost of construction or improvement of port pollution control facilities or port environment protection facilities.
- (5) Up to 25 % of the cost of construction or improvement of dikes for waster dump areas or marine waste treatment facilities.

(Facilities Used Concurrently as Port Facilities and Sharing of Cost)

Article 43-2. Matters concerning the execution of work for facilities which are used concurrently as port facilities and the sharing of cost thereof shall be determined upon mutual agreement between the Port Management Body and the owner of such facilities.

(Sharing of Cost by the Source)

Article 43-3. When a port and harbor work is necessitated as a result of a construction work or an act of a person or persons other than the Port Management Body, the latter may cause the former bear all or part of the cost to the extent the said port and harbor work is necessitated.

2. The extent of responsibility to bear the cost and the method of payment of the cost under the preceding paragraph shall be stipulated by the ordinance of the local public entity acting as Port Management Body (the local public entity specified by the articles of incorporation from among the local public entities establishing the Port Authority when the Port Management Body is concurrently the Port Authority).

(Obligation of Beneficiary)

Article 43-4. In the event a person or persons gain substantial benefits from the port and harbor work, the Port Management Body may cause the beneficiary bear part of the cost to the extent the benefits are gained.

2. The provisions of paragraph 2 of the preceding article shall apply mutatis mutandis to the case under the preceding paragraph.

(Sharing of Cost for Port Environment Improvement Work)

Article 43-5. When the port and harbor work which is undertaken by the Port Management Body and aimed at the improvement or preservation of the environment of the port (excluding the pollution control works specified in Article 2 paragraph 2 of the Law Concerning Entrepreneur's Bearing of the Cost of Public Pollution Control Works (Law No. 132 of 1970)) contributes to the improvement and preservation of the environment of factories or business establishments within the port area or the waterfront area, or to the prevention or mitigation of environmental pollution in the area around the said factories or business establishments which might otherwise be expected as a result of their location or operation, the Port Management Body may cause the operators of these factories or business establishments to bear part of the cost of the said port and harbor work in accordance with the standards specified by Government Ordinance by legislating an ordinance for that purpose.

2. The Port Management Body must, when intending to cause the party to bear the cost under the provisions of the preceding paragraph, seek in advance the advice of the local port and harbor council concerned.

Chapter VI. Waterways to be Developed
and Preserved

(Development and Preservation)

Article 43-6. Development and preservation of waterways designated for development and preservation shall be undertaken by the Minister of Transport.

Article 43-7. The provisions of Articles 55-2, 55-4 and 55-5 shall apply *mutatis mutandis* to the work for waterways designated for development and preservation.

(Prohibitions)

Article 43-8. No person shall be allowed to dump or leave unattended such articles as ships or soils and stones in the waterway designated for development and preservation without justification.

2. Any person desiring proprietary use of a specific water area for installation of structures or mining of sand and gravels in the waterways designated for development and preservation must obtain approval of the Minister of Transport.

3. The Minister of Transport, when the act under the preceding paragraph is of the nature which may cause obstructions to the navigation of ships or otherwise impede seriously the development or preservation of waterways, must not give approval to such act.

4. The provisions of Article 37 paragraph 3 shall apply *mutatis mutandis* to the case under the preceding two paragraphs.

(Sharing of Cost)

Article 43-9. The cost of development and preservation of waterways designated for development and preservation shall be borne by the State except the case specified in the following two paragraphs and the sunsequent article.

2. The provisions of Article 43-2, Article 43-3 paragraph 1 and Article 43-4 paragraph 1 shall apply mutatis mutandis to the cost of works for the waterways designated for development and preservation.

3. The extent of responsibility to bear the cost and the method of payment of the cost under the provisions of Article 43-3 paragraph 1 or Article 43-4 paragraph 1, which apply mutatis mutandis under the preceding paragraph shall be specified by Ministry of Transport Ordinance.

(Execution of Works Requested by Business Operators)

Article 43-10. The provisions of Article 8 paragraph 1 and of the Industrial Rationalization Acceleration Law (Law No. 5 of 1952) shall apply mutatis mutandis to the work for the waterways designated for development and preservation.

Chapter VII. Miscellaneous Provisions

(Charges Collected by Port Management Body)

Article 44. The Port Management Body, when intending to collect charges from beneficiary of facilities or services it provides (excluding port dues under paragraph 1 of the following article), must prepare a tariff in advance and make public the rate at least thirty days prior to the date on which the

tariff takes effect. The same shall apply to the change in the tariff.

2. The Port Management Body shall not collect charges referred to in the preceding paragraph for use of water facilities (excluding anchorage basins) or protective facilities.

3. Any party concerned who considers the tariff determined by the Port Management Body under the provisions of paragraph 1 to be unreasonable or a violation of this Law may bring the matter to the attention of the Minister of Transport and request him to instruct the Port Management Body to revise the tariff by the date on which the tariff takes effect.

4. When the request is made in accordance with the preceding paragraph and the request is considered justifiable, the Minister of Transport, after giving the Port Authority an adequate opportunity to explain the appropriateness and the consistency of the tariff with this Law at a public hearing to be held by the Transport Council in the port concerned, may instruct the Port Management Body concerned to revise the tariff by giving the reason why the tariff should be revised.

5. The Port Authority may impose on the person who has evaded the payment of charges specified in paragraph 1 by fraud or other illegal means a penalty in the amount not exceeding five times the amount evaded, in accordance with the provisions of Article 12-1.

(Port Dues)

Article 44-2. The Port Management Body may collect port dues from ships entering the port for utilization of port facilities. Provided that no port dues shall be collected from ships engaged in maritime safety and rescue,

railway ferry, hydrographic and meteorological observation, fishery supervision and other ships specified by Government ordinance.

2. The Port Management Body of a major port specified by Government ordinance, when intending to collect port dues under the preceding paragraph, must prepare a tariff and obtain approval of the Minister of Transport in advance. The same shall apply to the revision of the tariff.

3. The provisions of paragraphs 1, 3 and 4 of the preceding article shall apply *mutatis mutandis* to the port dues to be collected by the Port Management Body other than the specified in the preceding paragraph and the provisions of paragraph 5 of the preceding article shall apply *mutatis mutandis* to the port dues to be collected by Port Authority.

(Disposition of Arrears)

Article 44-3. The provisions of paragraphs 1 and 2 and in the first part of paragraph 3 of Article 231 of the Local Autonomy Law shall apply *mutatis mutandis* to port dues and other charges, penalties and other revenues of Port Authority. In this case, "ordinance of local public entity" in paragraph 2 of the same article shall read "the provisions of Article 12-2 of the Port and Harbor Law".

2. The revenue referred to in the preceding paragraph and the charges and arrears under the provisions of Article 231-3 paragraph 2 of the Local Autonomy Law which apply *mutatis mutandis* under the preceding paragraph shall hold prior rights next to the national taxes and local taxes and the provisions of Articles 18 through 18-3 of the Local Tax Law (Law No. 226 of

1950) shall apply mutatis mutandis to the prescription thereof and the provisions of Articles 17 through 17-4 of the same law to the handling thereof.

3. The provisions of Article 231-3 paragraph 2 of the Local Autonomy Law which apply mutatis mutandis under paragraph 1 shall not take effect until approved by the assembly of the local public entity establishing the Port Authority.

(Charges Collected by Parties Other Than Port Management Body)

Article 45. Any party other than Port Management Body who intends to collect charges for facilities and services it provides in the port must prepare a tariff and submit a statement showing the rates to the Port Management Body concerned.

2. The provisions of the preceding paragraph shall not apply to the facilities or services provided under contract on each occasion.

(Delegation of Administrative Works)

Article 45-2. The local public entity which has established Port Authority may delegate administrative works related to the development, utilization, preservation and management of the port (excluding public administrative works of the said local public entity and administrative works under the jurisdiction of the said local public entity as specified by laws or Government Ordinance) to the chairman of the Board of Directors of Port Authority in accordance with the provisions of its ordinance.

(Request to be Made in Case of Congestion)

Article 45-3. The Port Management Body, when it considers the smooth operation of the port is seriously affected by a shortage of mooring facilities in the wake of entry of a large number of ships, may request the party managing the mooring facilities other than those managed by it to make such facilities available to the ships entering the port to the extent possible.

(Transfer of Port Facilities Established with State Expenses or Subsidies)

Article 46. The Port Management Body must, when intending to transfer, mortgage or lease out the port facilities established with State expenses or subsidies, obtain approval of the Minister of Transport. Provided that this shall not apply when the amount equal to the State expense or subsidies has been reimbursed to the State or when the lessee offers such facilities for public use and the term of lease is less than three years.

2. The Port Management Body shall not take any action which may lead to the unavailability of the port facilities under its management for public use except for the case in which the approval of the Minister of Transport is obtained under the provisions of the main clause of the preceding paragraph or for the case specified in the proviso to the same paragraph.

(Prohibition of Discriminatory Treatment)

Article 47. The Minister of Transport may, when he considers the act of the Port Management Body is in violation of the provisions of Article 13 (including the case in which the same provisions apply mutatis mutandis under the provisions of Article 34), instruct the Port Management Body to

suspend or alter the said act.

Article 48. Deleted (by Law No. 54 of 1973).

(Report on Settlement of Account)

Article 49. The Port Management Body of a major port must prepare and make public annually reports on the settlement of account in relation to the performance of its business and other matters concerning the port and submit copies thereof to the Minister of Transport in accordance with the formalities specified in the Ministry of Transport Ordinance.

(Port Ledger)

Article 49-2. The Port Management Body must maintain a port ledger for the port under its management.

2. Matters concerning the port ledger shall be provided for in the Ministry of Transportation Ordinance.

(Standardization of Reports on Ships' Entry and Departure)

Article 50. The Minister of Transport may give necessary instructions to the Port Management Body in order to standardize the format of reports on ships' entry and departure to be processed by the Port Management Body.

(Establishment of Coordination Committee for Port Management Body)

Article 50-2. The Minister of Transport may, when he considers it necessary to promote the development, utilization and preservation of more than two ports each under separate management from a comprehensive and wide-area point of view, recommend the Port Management Bodies concerned to

make an agreement with one another and establish a coordination committee as a means of communicating and coordinating views between them on such matters as the preparation of port and harbor plans, utilization of ports, improvement of port environment and other important matters related to the development, utilization and preservation of respective ports.

2. The Minister of Transport, in making a recommendation in accordance with the preceding paragraph, shall consult with the Minister of Home Affairs if the said recommendation is aimed at the Port Management Body which is concurrently a local public entity.

3. The Port Management Body must, when an agreement is made in accordance with the provisions of paragraph 1 or when revisions are made to the agreement, notify the Minister of Transport of the effect without delay.

4. When the coordination committee under paragraph 1 is participated by a Port Management Body which is concurrently a local public entity, the provisions of Article 252-2 paragraphs 2 and 6, Article 252-3, Article 252-4 paragraph 1 and Article 252-6 (limited to provisions related to Article 252-2 paragraph 2) of the Local Autonomy Law shall be applied. In this case, the port Authority participating in the said coordination committee shall be regarded as an ordinary local public entity insofar as the application of these provisions is concerned.

5. The provisions of Article 252-2 paragraph 6, Article 252-3 and Article 252-4 paragraph 1 of the Local Autonomy Law shall apply *mutatis mutandis* to the coordination committee under paragraph 1 which is

participated only by Port Authorities.

(Recommendations)

Article 51. The Minister of Transport may, when he considers it especially important for the development, utilization and preservation of a major port, recommend the local public entity concerned to establish a Port Authority.

(Direct Undertakings)

Article 52. The Minister of Transport may undertake a port and harbor work within the limit of the budget when such work is necessary for the betterment of public transport facilities prevention of pollution or improvement of the environment in a major port or for the betterment of public transport facilities in a port of refuge provided that an agreement is reached between the State and the Port Management Body concerned.

2. The provisions of Article 42 shall apply mutatis mutandis to the cost of port and harbor work undertaken by the Minister of Transport under the provisions of the preceding paragraph. In this case, "Article 17 and Article 19 paragraph 1" in Article 42 paragraph 5 shall read "Article 17-2 paragraph 1 and Article 19 paragraph 2".

3. The cost of construction or improvement of facilities referred to in the following items which are included in the port and harbor work undertaken directly by the Minister of Transport under the provisions of paragraph 1 shall be borne by the Port Management Body concerned at the rate specified in each of the following items.

- (1) Twenty-five percent of the cost for transport facilities in a specially designated major port.
- (2) Fifty percent of the cost for transport facilities in a major ports other than specially designated major ports.
- (3) Fifty percent of the cost for pollution control facilities or port environment improvement facilities in a major port.
- (4) Seventy-five percent of the cost for dikes for waste dumping areas or marine waste treatment facilities in a major port.

(Transfer of Land or Structures)

Article 53. The Minister of Transport may transfer a tract of land or a structure created by the port and harbor work under the provisions of the preceding article to the Port Management Body. The transfer in this case shall be without charge to the extent the cost is shared by the Port Management Body.

(Lease of Port Facilities)

Article 54. Except for the case provided for in the preceding article, the Minister of Transport (The Minister of Finance for ordinary property specified by the provisions of Article 3 of the National Property Law (Law No. 73 of 1948)) must lease out or entrust the management of port facilities (including land necessary for the operation and management of the port) provided by the port and harbor work under the provisions of Article 52 to the Port Management Body.

2. The Port Management Body shall bear the cost of management

for the port facilities which have been placed under its management under the provisions of the preceding paragraph. In this case, the charges and rent derived from the said port facilities shall be the revenue of the Port Management Body concerned.

Article 55. When the Port Management Body is established, the port facilities which are owned or under the management of the State then and which are necessary for public use (excluding navigation aid facilities) must be transferred or leased out to the Port Management Body or the management thereof must be entrusted to the Port Management Body.

2. The provisions of the preceding two articles shall apply mutatis mutandis to the case under the preceding paragraph. In this case, "the Port Management Body" in the last part of Article 53 shall read "the local public entity acting as a Port Management Body (in the case when the said local public entity is a local public entity specified in Article 284 paragraph 1. of the Local Autonomy Law, the local public entity which organizes the said local public entity) or the local public entity establishing the Port Authority".

(Access to Land Owned by Others)

Article 55-2. When the access to the land owned by others is indispensable for field investigations and surveying for the port and harbor work, the Minister of Transport or the Port Management Body may give his staff engaged in such work access to the said land.

2. The Minister of Transport or the Port Management Body must, when intending to give his staff access to the land owned by others under the

provisions of the preceding paragraph, notify the owner or the occupant of the said land of the effect at least five days prior to the date on which the staff is to enter the said property. Provided that this shall not apply when such notification is not practical.

3. The entry referred to in paragraph 1 shall not be made before sunrise and after sunset except for the case in which the consent of the owner or the occupant of the said property is obtained.

4. The staff referred to in paragraph 1, when entering into the land owned by others under the provisions of the same paragraph, must have in his possession an identification card and must produce it upon request of the parties concerned.

(Temporary Use of Land Owned by Others in an Emergency)

Article 55-3. The Port Management Body may, when it is essential to protect the port facilities from immediate dangers in an emergency, commandeer any person present at the scene or any resident in the vicinity for the work to protect the port facilities or use temporary the land owned by others or use, expropriate or dispose of soils and stones, bamboo, wood and other materials.

(Compensation for Loss)

Article 55-4. The State or the Port Management Body must compensate the person who has suffered losses from the acts referred to in the preceding two articles.

2. The provisions of Article 41 paragraphs 3 and 4 shall apply mutatis mutandis to the case under the preceding paragraph.

In this case, "the Port Management Body" in paragraph 4 of the same article shall read "the State or the Port Management Body".

(Reimbursement of Cost of Works Necessitated by Port and Harbor Work)

Article 55-5. When the port and harbor work undertaken by the Minister of Transport or the Port Management Body has caused a party other than the Port Management Body to undertake a work, the State or the Port Management Body must reimburse the cost to the extent the work is necessitated. Provided that, in the event the party derives benefits from the work that is necessitated, the State or the Port Management Body may not reimburse the cost to the extent the benefit is derived.

2. The provisions of Article 41 paragraph 4 shall apply mutatis mutandis to the case under the preceding paragraph. In this case, "the Port Management Body" in the same paragraph shall read "the State or the Port Management Body".

(Special Provisions for State Financing of Port and Harbor Works Cost of Which is to be Borne by Entrepreneur)

Article 55-5-2. When the harbor work undertaken by the Minister of Transport or the Port Management Body is the work requested by an entrepreneur in accordance with the provisions of Article 8 paragraph 1 of the Industrial Rationalization Acceleration Law, the cost of the said work less the amount to be borne by the entrepreneur under the action taken in accordance with

the provisions of paragraph 2 or 4 of the same article or, in case the port and harbor work is the pollution control work specified in Article 2 paragraph 2 of the Law Concerning Bearing of the Cost of Public Pollution Control Works, the cost of the work less the amount to be borne by the entrepreneur under the provisions of the said law, shall be shared between the State and the Port Management Body or shall be subsidized by the State in accordance with the ratio of cost sharing or the rate of subsidy for port and harbor work provided for in this Law other laws and regulations concerning the port and harbor work.

(Special Provisions for State Financing of Port and Harbor Work Necessitated by Ground Settlement)

Article 55-6. The State may, for the time being, bear up to 60 % of the cost of the following works which are to be undertaken by the Port Management Body in major ports (excluding specially designated major ports) specified by Government Ordinance.

- (1) Improvement of protective facilities or mooring facilities necessitated by ground settlement for rehabilitation and maintenance of utility value of the said facilities (utility value at the time the facilities were first provided and utility value following the improvement of the facilities; the same shall apply hereinafter insofar as this article is concerned).
- (2) Construction of protective facilities or mooring facilities as alternative facilities when the whole or part of utility value of protective facilities or the mooring facilities is lost due to

a ground settlement and the work referred to in the preceding item is extremely difficult or inappropriate for the said facilities.

- (3) Construction of protective facilities necessary for the prevention of influx of sea water or river water following a ground settlement.

2. The provisions of Article 42 paragraph 4 shall apply mutatis mutandis to the case under the preceding paragraph.

3. When any of the following works is undertaken by the Port Management Body in a major port specified in paragraph 1, "up to 50 %" in item 2 of Article 43 shall read "up to 60 %", for the time being.

- (1) Improvement of port transportation facilities necessitated by ground settlement for rehabilitation and maintenance of utility value of the said facilities.
- (2) Construction of port transportation facilities as alternative facilities when the whole or part of utility value of the port transportation facilities is lost due to a ground settlement and the work referred to in the preceding item is extremely difficult or inappropriate for the said facilities.

4. The provisions of paragraphs 1 and 2 shall apply mutatis mutandis to the works referred to in each item of paragraph 1 which are to be undertaken directly by the Minister of Transport under the provisions of paragraph 1, Article 52 in a major port specified in paragraph 1.

5. For works referred to in each item of paragraph 3 which are to

be undertaken directly by the Minister of Transport in accordance with the provisions of Article 52 paragraph 1 in a major port specified in paragraph 1, "up to 50 %" in paragraph 3 of the same article shall read "the amount determined by the Minister of Transport within a range of not less than 40 % and not more than 50 % ", for the time being.

(Loan for Construction and Improvement of Port Facilities for Exclusive Use)

Article 55-7. When the Port Management Body of a major port extends an interest-free loan to a party other than Port Management Body (excluding the State and Port Development Authorities), whom the Minister of Transport considers fulfill the requirements specified by Government Ordinance, for appropriation for construction or improvement of the port facilities for exclusive use and the terms of the said loan are in conformity with the requirement set by Government Ordinance referred to in paragraph 5 in addition to the requirements under the provisions of paragraph 3, the State may extend, to cover the said loan, an interest-free loan of the amount specified by Government Ordinance to the Port Management Body within the limit of the loan provided by the Port Management Body.

2. The port facilities for exclusive use referred to in the preceding paragraph shall be wharves or piers designed for such uses as specified by Government Ordinance and associated facilities including freight handling facilities and other facilities specified by Government Ordinance, for which a construction plan or an improvement plan has been established under the

port and harbor plan made public under the provisions of Article 3-3 paragraph 7.

3. The Port Management Body shall, in extending a loan from the fund provided by the State under paragraph 1, specify in the terms of loan that, in the event the beneficiary has used the loan for any purpose other than that intended for or has infringed the terms of loan, the Port Management Body may collect a surcharge from the beneficiary in accordance with the provisions of Government Ordinance.

4. When the Port Management Body collects a surcharge in accordance with the terms of loan referred to in the preceding paragraph, the whole or part of the said surcharge must be transferred to the State in accordance with the provisions of Government Ordinance.

5. Such matters as the method of redemption, advance and extension of the term of loans extended by the State under paragraph 2 and by the Port Management Body from the fund provided by the State under the same paragraph, collection of arrearage charges and the standards for terms of loan, in addition to those stipulated in the preceding two paragraphs, shall be provided for in Government Ordinance.

(Ports without Designated Port Area)

Article 56. When a water area has been designated and made public by the prefectural governor who has jurisdiction over the area bordering the said water area in a port without a designated port area, any person who intends to construct water facilities, protective facilities or mooring facilities in this water area (excluding waterways designated for development

and preservation), make proprietary use of part of the said water area (excluding reclamation of public-owned water areas), or obtain sand and gravels or engage in any other act which may cause an obstruction to the utilization or preservation of the port as specified by Government Ordinance, must obtain approval of the prefectural governor concerned.

2. The provisions of Article 4 paragraph 5 and 6 shall apply mutatis mutandis to the case in which the prefectural governor designates a water area under the provisions of the preceding paragraph.

3. The provisions of paragraphs 2 through 6 of Article 37 shall apply mutatis mutandis to the case referred to in paragraph 1.

(Technical Standards for Port Facilities)

Article 56-2. Construction, improvement or maintenance of water facilities, protective facilities, mooring facilities and other port facilities specified by Government Ordinance shall be in conformity with technical standards set by the Ministry of Transport Ordinance in addition to the provisions of applicable laws or regulations, if any.

(Construction or Alteration of Water Facilities and Others)

Article 56-3. Any person intending to construct or alter water facilities, protective facilities or mooring facilities specified by Government Ordinance (hereinafter referred to as water facilities and others in a water area (excluding the port area and the water area made public under the provisions of Article 56 paragraph 1; the same shall apply hereinafter in this article) must submit to the prefectural governor concerned a report describing the

design of the said water facilities and others, the scope of water area in which such facilities are located and such matters as specified by the Ministry of Transport Ordinance sixty (60) days prior to the start of the said work, in accordance with the provisions of the Ministry of Transport Ordinance. The same shall apply to the case in which changes are made to the content of the report. Provided that, in the event the work is not required as a result of such changes in the content of the report, the fact must be reported without delay after changes have been made.

2. The prefectural governor may, when he considers upon receipt of a report under the provisions of the preceding paragraph that the water facilities and others being reported are not in conformity with the technical standards referred to in the preceding article, prohibit or restrict the person who made the report, within sixty (60) days from the date on which the report is received, to construct or alter the said water facilities and others or order him to take necessary corrective measures.

3. The person referred to in Article 37 paragraph 3 must, when intending to construct or alter water facilities and others in the water area, notify the prefectural governor concerned of the effect in accordance with the formalities for notification specified by the provisions of paragraph 1, and when intending to make changes to the content of the notification, must notify the prefectural governor of the effect in accordance with the formalities for notification specified by the provisions of the same paragraph.

4. The prefectural governor may, when he considers upon receipt of the notification under the provisions of the preceding paragraph that the

water facilities and others being notified are not in conformity with the technical standards referred to in the preceding article, request within sixty (60) days from the receipt of the notification, the person who made the notification to take necessary corrective measures.

5. The prefectural governor must, upon receipt a report under the provisions of paragraph 1 or a notification under the provisions of paragraph 3, make public the content of the report or notification in accordance with the provisions of the Ministry of Transport Ordinance.

(Disciplinary Actions)

Article 56-4. The Minister of Transport or the prefectural governor or the head of Port Management Body may order the person coming under item (1) (the Minister of Transport for those coming under category A, the prefectural governor for those coming under category B and the head of Port Management Body for those coming under category C) or the person coming under item (2) or item (3) to suspend the work and other acts, alter, relocate or remove structures, eliminate obstructions which have resulted or may result from the work and other acts or the structures, or provide necessary facilities or take necessary steps to eliminate such obstructions or restore them to their original state and may revoke or suspend the approval given under item (1) or alter the condition attached to the approval or attach new conditions to the approval for those persons coming under item (2) or item (3).

(1) Any person who has violated the following provisions.

- a. Provisions of Article 43-8 paragraph 1 or 2.
 - b. Provisions of Article 56 paragraph 1.
 - c. Provisions of Article 37 paragraph 1.
- (2) Any person who has infringed the conditions attached to the approval under the provisions of the preceding item (excluding the provisions of Article 43-8 paragraph 1).
- (3) Any person who has obtained approval under the provisions of item (1) (excluding the provisions of Article 43-8 paragraph 1) by fraud or other illegal means.

2. When the Minister of Transport, the prefectural governor or the head of Port Management Body, in giving orders for necessary steps in accordance with the provisions of Article 40-2 paragraph 1, Article 41 paragraph 1 or the preceding paragraph, is unable to identify the person to whom the orders are to be given to take necessary steps without negligence on his part, he may take necessary steps at his own expense or have the person designated or commissioned take necessary steps. In this case, notice must be given in advance to the effect that the necessary steps should be taken within the specified period of time and that if the necessary steps are not taken by the specified time limit, the Minister of Transport, the prefectural governor or the head of Port Management Body, or the person designated or commissioned would take the necessary steps.

(Obligation of Reporting)

Article 56-5. The Minister of Transport, the prefectural governor or the head of Port Management Body may, to the extent necessary for the enforce-

ment of this Law, request the person who obtained approval under the provisions of Article 37 paragraph 1, Article 43-8 paragraph 2 or Article 56 paragraph 1 to submit necessary reports or have his staff enter the place covered by the said approval or the office or the business establishment of the person who has obtained the approval for investigation of the state of activities, or structures, records, documents and other necessary articles covered by the said approval.

2. Any staff entering the facilities for inspection under the provisions of the preceding paragraph must have in his possession an identification card and produce it to the person concerned.

3. The authority given for entering and inspection under the provisions of paragraph 1 shall not be construed as authorization for criminal investigation.

(Compulsory Levy)

Article 56-6. When a person fails to pay his share obligated under the measures in accordance with the provisions of Article 43-2, Article 43-3 paragraph 1 or Article 43-4 paragraph 1, which apply mutatis mutandis to the provisions of Article 43-9 paragraph 2, or under the measures in accordance with the provisions of Article 8 paragraph 2 of the Industrial Rationalization Acceleration Law or under the measures concerning the port and harbor work in accordance with the provisions of paragraph 4 of the same article, both of which apply mutatis mutandis to the provisions of Article 43-10 by the specified time limit, the Minister of Transport must demand the said person to fulfill his obligation by serving a notice of demand

and specifying the deadline. In this case, the deadline to be specified in the notice of demand must have passed more than twenty (20) days from the date on which a notice of demand is delivered.

2. The Minister of Transport may, after serving a notice of demand under the provisions of the preceding paragraph, levy arrearage charges in accordance with the provisions of Government Ordinance. In this case, the amount of arrearage charges must be less than the amount calculated at a rate of 14.5 % per annum.

3. The Minister of Transport may, when the person to whom the demand was made under the provisions of paragraph 1 fails to fulfill his obligations by the deadline, levy a penalty under paragraph 1 or arrearage charges under the preceding paragraph in accordance with the formalities for the measures against the default of payment of national taxes.

The priority rights of the penalty and arrearage charges in this case shall be next to that of the national taxes and local taxes.

4. The arrearage charges shall have the precedence of the penalty.

(Consultation with the Heads of Other Administrative Agencies)

Article 57. The Minister of Transport must, when intending to give approval under Article 46 paragraph 1 for the facilities which are used mainly for fishery or make a request under Article 3-3 paragraph 6 or give orders under Article 47 concerning the matters of great importance for the fishery industry, consult with the Minister of Agriculture and Forestry.

2. The Minister of Transport must, in carrying out construction or

improvement of water facilities, protective facilities or mooring facilities in a major port under the provisions of Article 8 paragraph 4 of the Industrial Rationalization Acceleration Law, consult with the Minister of International Trade and Industry if the amount of the share under the same paragraph exceeds 50 % of the total cost of the said work.

(Relations with Other Laws and Regulations)

Article 58. The provisions of Articles 48 and 49 of the Building Standard Law (Law No. 201 of 1950) shall not apply to the zones designated under the provisions of Article 39 of this Law.

2. The authority of the prefectural governor under the provisions of the Public Water Area Reclamation Law shall be exercised by the head of Port Management Body insofar as the port area or the land reclaimed from the public-owned water area within the port area is concerned (jointly by the prefectural governor and the head of Port Management Body for the port area located within the river area or the land reclaimed from the public-owned water area of the port located within the river area).

3. Special provisions concerning the fishing port zone shall be specified by the law pertinent to fishing ports.

(Screening Board)

Article 58-2. The request for examination of the authority exercised by the head of a municipality as head of Port Management Body under this Law or under the Public Water Reclamation Law in accordance with the provisions of paragraph 2 of the preceding article shall be made to the Minister of

Transport. The same shall apply to the request for examination of the orders given by the head of a municipality as head of Port Management Body under Article 1 of the Law Concerning the Use of the Land for Public Use under the Management of Public Entities (Law No. 37 of 1974).

(Application of the Law for Special Regulations concerning Administrative Litigations)

Article 59. In applying the Law concerning the Use of the Land for Public Use under the Management of Public Entities to the port facilities designed for public use under the management of the Port Authority, the chairman of the Board of Directors of Port Authority shall be regarded as an administrative agency.

2. In applying the Law for Administrative Execution by Proxy (Law No. 43 of 1948) to the orders under Article 38-2, paragraph 8, Article 40-2, paragraph 1, Article 41 paragraph 1 and Article 56-4 paragraph 1, the exercise of authority under the Public Water Area Reclamation Law in accordance with the provisions of Article 58 paragraph 2 and the orders under Article 1 of the Law Concerning the Use of Public-owned Land and Property under the Management of Public Entities, the chairman of the Board of Directors of Port Authority shall be regarded as an administrative agency.

3. In applying the Law for Special Regulations for Administrative Litigations to the exercise of authority under this Law, the exercise of authority on commission under the provisions of Article 45-2, the exercise

of authority under the Public Water Area Reclamation Law and the exercise of authority under the Law Concerning the Use of Public-owned Land and Property Under the Management of Public Entities in accordance with the provisions of Article 58 paragraph 2, the exercise of authority concerning the collection of share under the provisions of the Industrial Rationalization Acceleration Law or the Law Concerning Entrepreneurs' Bearing of the Cost of Public Pollution Control Works and the petition concerning the application of the Law for Administrative Execution by Proxy, the chairman of the Board of Directors of the Port Authority shall be regarded as an administrative agency.

(Transport Council)

Article 60. The Minister of Transport must consult with the Transport Council on the following matters and must respect the decisions of the Transport Council in disposing of the matters.

- (1) Approval of a port area under the provisions of item (1) Article 4 paragraph 4 (including the case in which these provisions apply mutatis mutandis under Article 9 paragraph 2 and Article 33 paragraph 2).
- (2) Mediation under the provisions of Article 9 paragraph 9 (including the case in which these provisions apply mutatis mutandis under Article 33 paragraph 2).
- (2)-2 Approval under the proviso to Article 10 paragraph 1.
- (3) Approval for designation of a waterfront area under the provisions of Article 38.

- (4) Matters concerning the request for revisions of the tariff under the provisions of Article 44 (including the case in which these provisions apply mutatis mutandis under Article 44-2 paragraph 3).
- (4)-2 Recommendations for the establishment of a Port Management Body under the provisions of Article 51.

(Conditions for Approval)

Article 60-2. The Minister of Transport, the prefectural governor or the head of Port Management Body may attach necessary conditions to the approval given under the provisions of this Law.

2. The conditions under the preceding paragraph shall be limited to a minimum required for the execution of the work being approved and must not place the person who has obtained approval under an unreasonable obligation.

(Interim Measures)

Article 60-3. In the event of legislation or revisions or abolition of a Government Ordinance or a Ministry of Transport Ordinance in accordance with the provisions of this Law, the necessary interim measures (including measures concerning penal provisions) may be stipulated by Government Ordinance or Ministry of Transport Ordinance to the extent necessary following the legislation, revisions or abolition.

(Delegation of Authority)

Article 60-4. The authority of the Minister of Transport under the provisions of Chapter 6 and Articles 56-4 through 56-6 may be delegated to the Director-General of a District Port Construction Bureau or the Director-General of the Hokkaido Development Bureau in accordance with the provisions of Government Ordinance.

(Penal Provisions)

Article 61 Any person coming under any of the following items shall be liable to penal servitude not exceeding one year or a fine not exceeding 100,000 yen.

(1) Any person who has violated the provisions of Article 37 paragraph 1, Article 43-8 paragraph 2 or Article 56 paragraph 1.

(2) Any person who has violated the provisions of Article 43-8 paragraph 1.

2. Any person who has acted contrary to the measures taken under the provisions of Article 38-2 paragraph 8, Article 56-3 paragraph 2 or Article 56-4 paragraph 1 shall be liable to a fine not exceeding 100,000 yen.

3. Any person coming under any of the following items shall be liable to a fine not exceeding 50,000 yen.

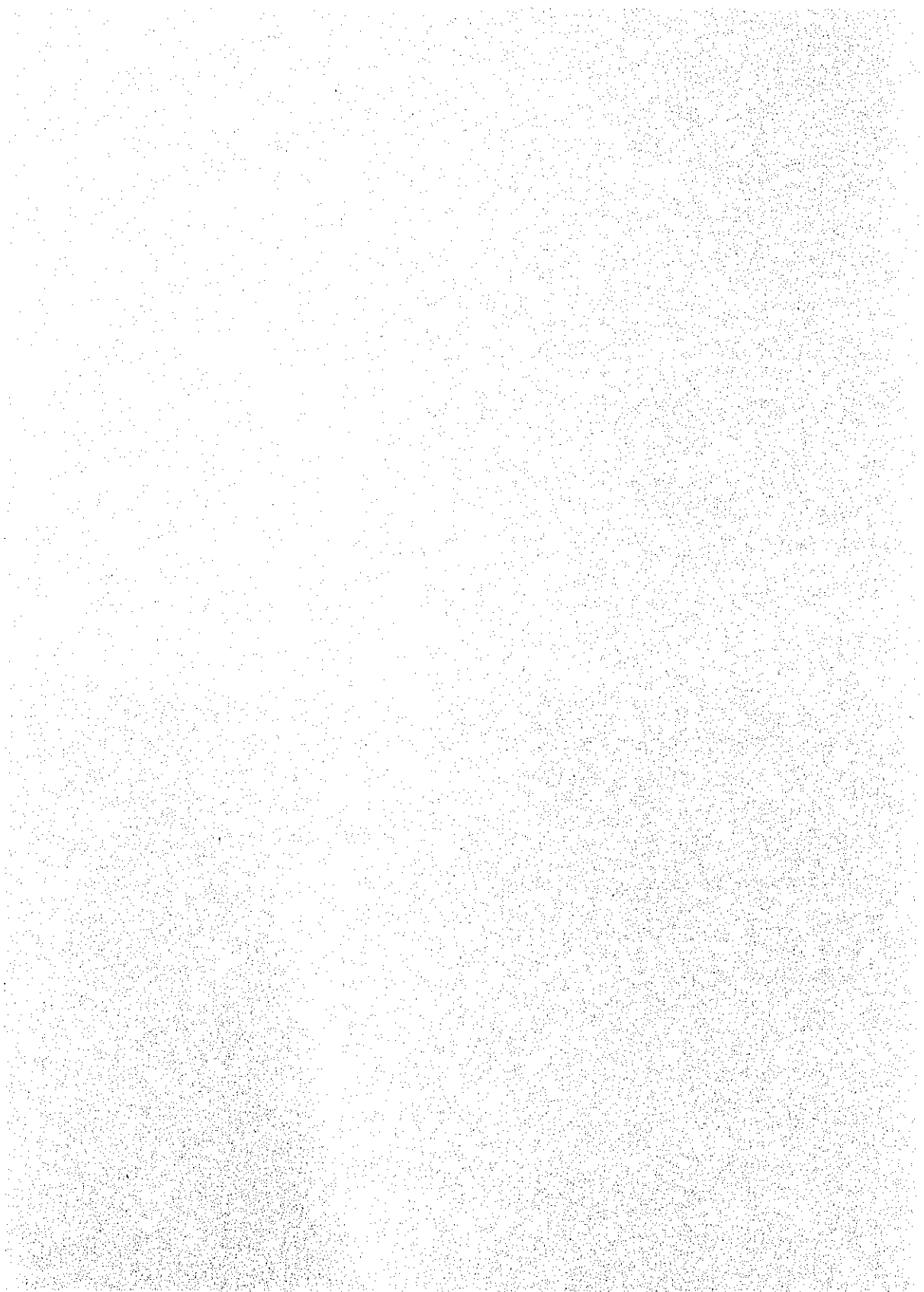
(1) Any person who has failed to submit a report or has submitted a false report under the provisions of Article 38-2 paragraph 1 or 4 or under the provisions of the first part or the last part of Article 56-3 paragraph 1.

(2) Any person who has failed to submit a report or has submitted a false report under the provisions of Article 56-5 paragraph 1 or has refused, interfered with or evaded the inspections under the provisions of the same paragraph.

4. Any member of the Board of Directors, who, while being remunerated under the provisions of Article 25 paragraph 1, becomes an officer of a commercial organization or undertakes a profit-making enterprise shall be liable to penal servitude not exceeding six months or a fine not exceeding 30,000 yen.

Article 62. When the representative of a juridical person or the deputy, employee or other workers of a juridical person or of a person has violated the provisions of paragraph 1 through paragraph 3 of the preceding article in relation to the performance of business of the said juridical person or of the said person, not only the offender but the juridical person and the person concerned shall also be liable to a fine provided for in paragraph 1 through paragraph 3 of the same article. Provided that, in the event there is evidence that due precautions and supervision have been exercised in the performance of business to forestall illegal acts by the representative, employee or other workers of the juridical person or of the person, this provision shall not apply to the juridical person or the person concerned.

Article 63. Any person who has failed to submit a report or has submitted a false report under the provisions of Article 38-2 paragraph 5 or under the proviso in the last half of paragraph 1 of Article 56-3 shall be liable to a correctional fine not exceeding 30,000 yen.



**Enforcement Regulations for
Port and Harbor Law**

Enforcement Regulations for Port and Harbor Law

Chapter I. Major Ports and Ports of Refuge

(Major Ports and Ports of Refuge)

Article 1. The major ports specified in Article 2 paragraph 2 of the Port and Harbor Law (hereinafter referred to as the Law) and the ports of refuge specified in paragraph 9 of the same article are shown in Appendix 1.

(Ports offered for Fishery Purpose)

Article 1-2. The ports specified in the proviso to Article 3 of the Law are shown in Appendix 2.

(Specially Designated Major Ports)

Article 1-3. The specially designated major ports specified in Article 42 paragraph 2 of the Law are shown in Appendix 3. Table 3.

(Ports of Special Importance for Development of Domestic Industries)

Article 1-4. The ports specified in paragraph 5 of the Supplementary Regulations of the Law are shown Appendix 4.

Chapter II. Port Facilities for Exclusive Use

(Qualifications for Loans)

Article 2. The qualifications to be specified by Government Ordinance under Article 55-7 paragraph 1 of the Law shall be as follows.

- (1) That the person has a work execution plan for the construction or improvement of the said port facilities for exclusive use which meets the following requirements.
 - a. That the facilities are in conformity with the plan for the construction or improvement of port facilities for exclusive use worked out under the plan made public in accordance with the provisions of Article 48 paragraph 3 of the Law.
 - b. That the location, scale and design of the port facilities for exclusive use are appropriate for the utilization of the said facilities.
 - c. That the timing for the initial operation of the port facilities for exclusive use is appropriate against the demand of the said port.
- (2) That the person has operating and management plans which contribute the fair and effective utilization of the said port facilities for exclusive use.
- (3) That the person has appropriate financial plans and account settlement plans for implementation of the work execution plan under item (1) and the operation and management plan under the preceding item.
- (4) That the person has capabilities of efficiently carrying out construction or improvement and management of the said port facilities for exclusive use.

(Amount of Loans for Port Management Body)

Article 3. The amount to be specified by Government Ordinance under Article 55-7 paragraph 1 of the Law shall be less than one half of the total amount of the loan extended by the Port Management Body for appropriation for construction or improvement of the port facilities for exclusive use and the investment made to the beneficiary of the loan.

(Port Facilities for Exclusive Use)

Article 4. The use of port facilities specified by Government Ordinance under Article 55-7 paragraph 2 of the Law shall be as follows.

- (1) Berthing of ships for loading and unloading of container cargo for export and import trade.
- (2) Berthing of automobile transport ships for loading and unloading of automobiles and passengers.

2. The port facilities to be specified by Government Ordinance under Article 55-7 paragraph 2 of the Law shall be as follows.

- (1) Anchorage in front of the said wharf or pier.
- (2) Fixed facilities designed for handling container cargo for export and import trade to be loaded or unloaded from ships berthed at the said wharf or pier or fixed facilities designed for packing or arranging automobiles to be loaded or unloaded from automobile transport ships berthed at the said wharf or pier.
- (3) Fixed passenger terminal facilities to be used by automobile transport ships berthed at the said wharf or pier.

- (4) Revetments designed to ensure proper function of the said wharf or pier and associated facilities specified in the preceding two items and port transportation facilities.
- (5) Mooring buoys, mooring post and floating piers which aid mooring of automobile transport ships to be berthed at the said wharf or pier and mooring buoys and mooring posts for mooring automobile transport ships waiting for berthing at the said wharf or pier.
- (6) Land for the said wharf or pier and the facilities specified under each of the preceding items.

(Standards for Terms of Loan Provided by the State)

Article 5. The standard for the terms of loan to be provided by the State under Article 55-7 paragraph 1 of the Law shall be as follows.

- (1) That the loan shall be redeemed by equal semi-annual installment.
- (2) That the State may, when the Port Management Body specified in items (2) and (3) of the following article is able to advance the term of redemption of the loan and when the recipient of the loan has redeemed the loan before maturity, advance the term of redemption for the whole or part of the loan provided to the Port Management Body.
- (3) That the Port Management Body must maintain accurate records of accounting for the loan it provides from the State loan.

- (4) That the Port Management Body must, when intending to give approval under item (9) of the following article for the matters specified by Ministry of Transport Ordinance, obtain authorization from the Minister of Transport in advance and when intending to give instructions under item (10) of the same article, report the fact to the Minister of Transport.
- (5) That the Port Management Body must take necessary steps specified by the terms of loan provided by the Port Management Body to ensure that the recipient of the loan provided by the Port Management Body from the State loan carry out efficiently the construction, improvement and management of the port facilities for exclusive use.

2. When the Port Management Body gives authorization to the recipient of the loan provided by the Port Management Body from the State loan in accordance with the provisions of Article 55-7 paragraph 1 of the Law for extension of the term of redemption for the whole or part of the said loan and the Minister of Transport considers it unavoidable because of the difficulty in redemption due to disasters or for other special reasons, the State or the Port Management Body may alter the terms of loan so that the term of redemption may be extended without requiring a security and without interest for the whole or part of the State loan.

(Standards for Terms of Loan Provided by Port Management Body)

Article 6. The standard for the terms of loan to be provided by the Port Management Body from the State loan under Article 55-7 paragraph 1 of

the Law shall be as follows.

- (1) That the loan shall be redeemed by equal semi-annual installment.
- (2) That the Port Management Body may, when the recipient of the loan has appropriate the loan for any purpose other than that purported or has infringed the terms of loan, advance the term of redemption for the whole or part of the said loan.
- (3) That the Port Management Body may, when the amount of any profit derived from the operation of the port facilities for exclusive use which have been provided by the loan at the closing of account, exceeds the cost of the said facilities as calculated in a manner specified by Ministry of Transport Ordinance, advance the term of redemption for up to one half of the amount exceeded the cost.
- (4) That the Port Management Body may, when the recipient of the loan fails to fulfill his obligation by the date specified, collect arrearage charges at an annual rate of 10.75 % for the amount in arrear for the period from the day following the date specified for redemption to the day of actual repayment.
- (5) That the recipient of the loan must offer a security for the loan. If the security in this case is a guaranty, the guarantor must stand surety jointly with the recipient of the loan.
- (6) That the recipient of the loan must, when the value of the security diminishes or when a situation develops where the

guarantor becomes inappropriate, offer an additional security or change the guarantor or make necessary changes in the security under instructions of the Port Management Body.

- (7) That the recipient of the loan must carry out efficiently the construction or improvement and management of the port facilities for exclusive use in accordance with the work execution plan, operation and management plans and financial plans.
- (9) That the recipient of the loan must obtain approval of the Port Management Body in advance for the following matters.
 - a. To make changes in the work execution plan, operation and management plans or financial plans for the port facilities for exclusive use constructed with the loan.
 - b. To suspend or cancel these of the port facilities for exclusive use constructed with the loan.
 - c. To transfer, exchange or offer as a security the port facilities for exclusive use constructed with the loan.
- (10) That the recipient of the loan must, when the Port Management Body considers the work execution plan, operation and management plans or financial plans to be inconsistent with the requirements specified in each item of Article 2 and has instructed to alter these plans, comply with the instructions and make necessary changes in these plans.
- (11) That the recipient of the loan must keep accounts of the enter-

prise which he operates and prepare a statement of profit and loss in accordance with the provisions of Ministry of Transport Ordinance.

(12) That the recipient of the loan must, when the use of the port facilities for exclusive use constructed with the loan takes the form of lease, specify in the terms of lease to the effect that when the Port Management Body, for the purpose of alleviating abnormal delays in berthing of ships or for reasons of emergency and public interest, instructs the lessee of the said facilities to make the facilities available to others, the lessee must comply with such instructions.

(13) That the recipient of the loan must, when the State or the Port Management Body, in recognition of the need to protect the obligatory right involved in the loan and adequately implement the terms of loan, requests reports on the state of business performance and financial position of the recipient of the loan or has its staff enter the office or the business establishment of the recipient of the loan for inspection of books, records and other necessary items or for questioning personnel concerned, comply with such request by making reports, admitting the staff for inspections and answering questions.

(Surcharge)

Article 7. The Port Management Body shall, in collecting surcharge under Article 55-7 paragraph 3 of the Law, specify the part of loan to be subjected to surcharge and collect surcharge in the amount calculated at an annual rate of 10.75 % for the part of loan specified for the period from the day following the date on which the loan should be redeemed to the date of actual repayment.

2. When the term of redemption specified under the preceding paragraph has not come in the case referred to in the preceding paragraph, the Port Management Body shall advance the term of redemption.

Article 8. The amount to be paid to the State by the Port Management Body in accordance with the provisions of Article 55-7 paragraph 4 of the Law shall be the amount of surcharge it has collected multiplied by the ratio of the State loan under Article 55-7 paragraph 1 of the Law to the loan provided to the said person by the Port Management Body under the same paragraph for the fiscal year in which the loan specified under paragraph 1 of the preceding article is provided.

2. The Port Management Body shall pay to the State the amount under the preceding paragraph by the end of the month in which the amount is collected.

Article 9 through Article 11 deleted (by Government Ordinance No. 269 of 1970).

Chapter III. Miscellaneous Provisions

(Liabilities of Port Authority)

Article 12. The liabilities of Port Authority specified by Government Ordinance under Article 10 paragraph 2 of the Law shall be the liabilities in relation to the borrowing with the term of redemption exceeding one year.

(Approval of Works within Port Area)

Article 13. The area specified by Government Ordinance under item (1) Article 37 paragraph 1 of the Law shall be limited to within one hundred meters above the water surface and to within sixty meters below the sea bottom.

Article 14. The acts to be specified by Government Ordinance under item (4) Article 37 paragraph 1 of the Law shall be the following.

- (1) Construction of structures (limited to structures whose dead-weight exceeds the level specified by the head of Port Management Body) in the area within twenty meters from the water-line of embankment, dike, quaywall, pier or lighters' wharf as specified by the head of Port Management Body.
- (2) Discharge of wastes specified by the head of Port Management Body.

Article 15. The cases to be specified by Government Ordinance under Article 37 paragraph 2 of the Law shall be as follows.

- (1) Cases in which the exclusive use of a water area is necessary for construction, improvement, maintenance or rehabilitation

of water facilities, protective facilities, mooring facilities, port transport facilities or navigation aid facilities.

- (2) Cases in which the exclusive use of a water area is necessary for refloating of a sunken ship or other objects.
- (3) Cases in which the exclusive use of a water area is necessary for the performance of acts specified by the head of Port Management Body.

(Ships Exempt from Port Dues)

Article 16. Ships to be specified by Government Ordinance under proviso to Article 44-2 paragraph 1, of the Law shall be the following.

- (1) Ships engaged in naval training.
- (2) Ships engaged in fishery training or fishery surveys.
- (3) Ships engaged in the maintenance of navigation aids.
- (4) Ships engaged in hydrographic surveys.
- (5) Ships engaged in academic research.
- (6) Ships engaged in mass repatriation of the Japanese nationals from overseas.

(Ports Required to Obtain Authorization for Collecting Port Dues)

Article 17. The major ports to be specified by Government Ordinance under paragraph 2, Article 44-2 of the Law are shown in Appendix 5.

(Acts which May be Harmful to Use or Preservation of Ports without a Designated Port Area)

Article 18. The acts to be specified by Government Ordinance under

Article 56 paragraph 1 of the Law shall be the discharge of wastes specified by the prefectural governor concerned.

APPENDIX 1.

| Prefecture | Major Port | Port of Refuge |
|-------------------|--|--|
| Hokkaido | Hakodate, Otaru, Muroran, Kushiro, Rumoe, Wakkanai, Tomakomai, Tokachi, Isikari, | Matsumae, Okusiri, Horoizumi, Todohhoke, Soya, Seuri, |
| Aomori | Aomori, Hachinohe, Ominato, | Siriyazaki, Fukaura, |
| Iwate | Miyako, Kamaishi, Ofunato, | Kuji |
| Miyagi | Shiogama, Ishinomaki, | Okatsu, |
| Akita | Funagawa | Toga |
| Yamagata | Sakata | Nezugaseki |
| Fukushima | Onahama | Kunohama |
| Ibaragi | Kashima, Hitachi | |
| Chiba | Chiba, Kisarazu | Okitsu, Nnarai |
| Tokyo | | Doowasawa |
| Tokyo Kanagawa | Keihin | |

APPENDIX 1. (cont'd)

| Prefecture | Major Port | Port of Refuge |
|------------|--|-------------------|
| Kanagawa | Yokosuka | |
| Nigata | Nigata, Naoezu, Ryotsu | Futami |
| Toyama | Fushikitoyama | |
| Ishikawa | Nanao, Kanazawa | Wajima |
| Fukui | Tsuruga, Fukui | Takasu |
| Shizuoka | Shimizu, Tagonoura | Omaezaki, Shimoda |
| Aichi | Nagoya, Kinnura, Mikawa | Irago |
| Mie | Yokkaichi, Owasi, Tsu-Mutsusaka | Hamashima |
| Kyoto | Maizuru | |
| Osaka | Osaka, Hannan | |
| Hyogo | Kobe, Himeji, Amagasaki, Higashi-Harima | Shibayama |
| Wakayama | Wakayama-shimotsu | Katsuura, Yura |
| Tottori | | Tago |

APPENDIX 1. (cont'd)

| Prefecture | Major Port | Port of Refuge |
|------------|---|----------------|
| Tottori | Sakai | |
| Shimane | | |
| Shimane | Hamada, Saigo | Nanarui |
| Okayama | Uno, Mizushima, Okayama | |
| Hiroshima | Hiroshima, Onomichi, Itozaki, Kure, Fukuyama | |
| Yamaguchi | Ube, Tokuyama, Shimonoseki, Iwakuni, Mitashirinaka, Seki, Onoda | Aburaya |
| Yamaguchi | Kanmon | |
| Fukuoka | | |
| Tokushima | Komatsushima, Tachibana | |
| Kagawa | Takamatsu, Sakaide | |
| Ehime | Imabari, Matsuyama, Niihama, Yahatahama, Uwasima, Toyo, Mishima-Kawanoe | |

APPENDIX 1. (cont'd)

| Prefecture | Major Port | Port of Refuge |
|------------|---|---------------------------|
| Kochi | Kochi, Susaki | Kamikawaguchi, Murotsu |
| Fukuoka | Hakata, Karita, Miike | Oshima |
| Saga | Karatsu, Imari | Yobuko |
| Nagasaki | Nagasaki, Sasebo, Fukue, Iwahara, Gonoura | Wakimisaki |
| Kumamoto | Misumi, Yatsushiro, Minamata, | |
| Oita | Oita, Tsukumi, Beppu, Saeki | |
| Miyazaki | Hosojima, Uzu, Miyazaki | |
| Kagoshima | Kagoshima, Nase, Nishinoomote, Shibushi, Kawauchi | Taihaku, Koniya |
| Okinawa | Unten, Naha, Taira, Ishigaki | Agonoura, Funabu |

APPENDIX 2.

| Prefecture | Port |
|------------|----------------------|
| Aomori | Hachinohe |
| Iwate | Kamaishi |
| Miyagi | Ishinomaki, Shiogama |
| Ibaragi | Kuji |
| Shizuoka | Hamana |
| Kyoto | Maizuru |
| Wakayama | Katsuura |
| Nagasaki | Nagasaki |
| Kumamoto | Ushifuka |
| Miyazaki | Aburatsu |

APPENDIX 3.

| Prefecture | Port |
|-------------------|---------------------|
| Hokkaido | Muroran |
| Chiba | Chiba |
| Tokyo Kanagawa | Keihin |
| Nigata | Nigata |
| Shizuoka | Shimizu |
| Aichi | Nagoya |
| Mie | Yokkaichi |
| Osaka | Osaka |
| Hyogo | Kobe, Himeji |
| Wakayama | Wakayama-Shomotsu |
| Yamaguchi | Tokuyama-Shimomatsu |
| Yamaguchi Fukuoka | Kanmon |

APPENDIX 4.

Prefecture

Port

Kanagawa

Yokosuka

Kyoto

Maizuru

Hiroshima

Kure

Fukuoka

Karita

Nagasaki

Sasebo

APPENDIX 5.

Prefecture

Port

Tokyo

Keihin

Kanagawa

Nigata

Nigata

Shizuoka

Shimizu

Aichi

Nagoya

Mie

Yokkaichi

Osaka

Osaka

Hyogo

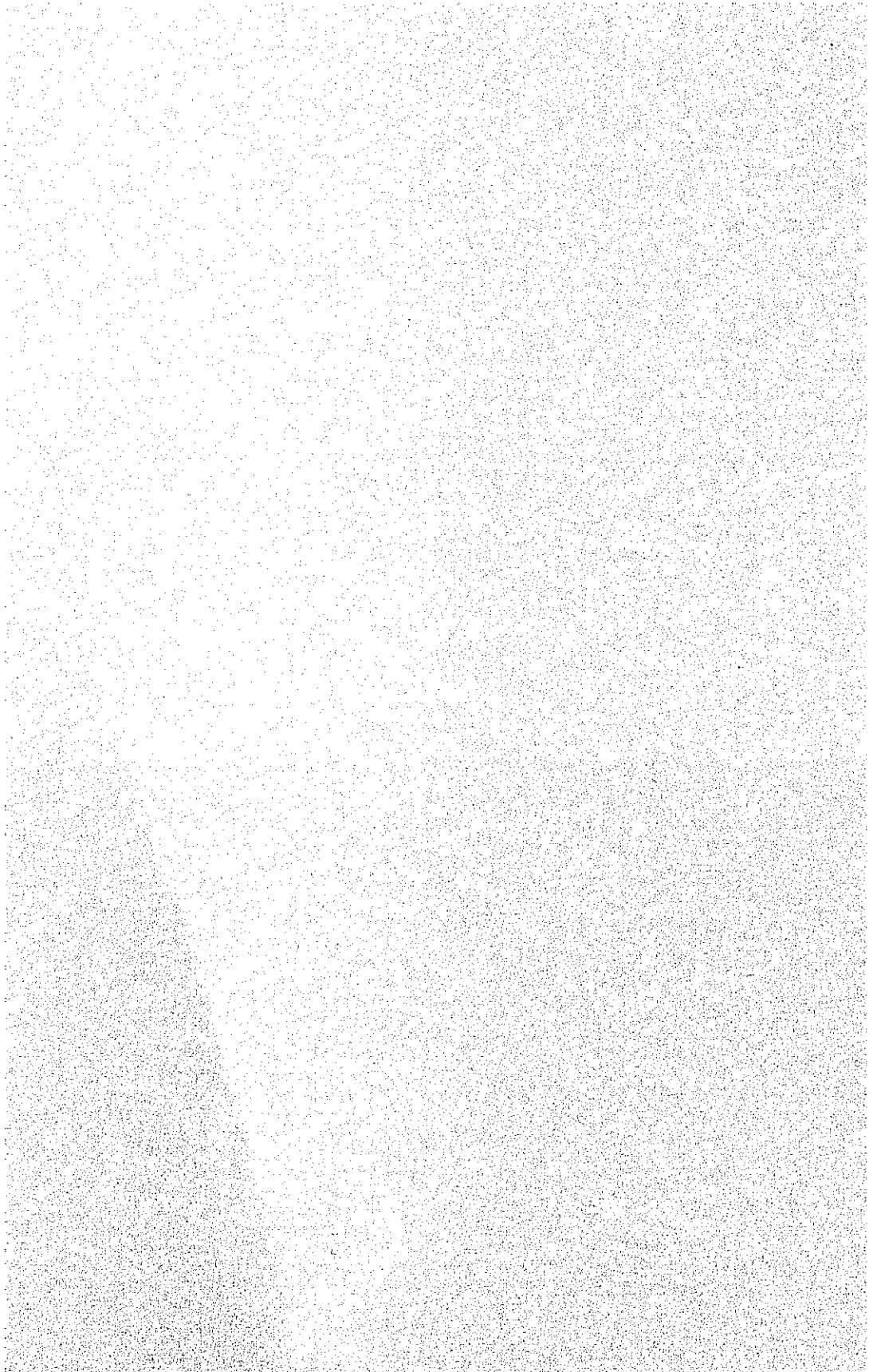
Kobe

Yamaguchi

Kanmon

Fukuoka

Law for Promotion of Port
Improvement



ARTICLES

Objective

Article 1. This law aims at promoting the improvement of ports and harbors in the form of facilitating the raising of funds to be used for the improvement works for specific port facilities.

Improvement Works for Specific Port Facilities

Article 2. In this law, the "improvement works for specific port facilities" shall be the following works to be undertaken by the Port Management Body for major ports specified by the Port and Harbor Law (Law No. 218 of 1950) or for minor ports, of which the promotion of improvement is considered will contribute remarkably to the growth of national economy or to the development of national lands, that are named by Government Ordinances:

- (1) Construction, improvement, or rehabilitation of cargo handling facilities specified by item 6, paragraph 5, Article 2, of the Port and Harbor Law.
- (2) Land formation or improvement by means of reclamation, banking and clearing to be done within the port area as specified by paragraph 3, Article 2, of the Port and Harbor Law or within the waterfront area as specified by paragraph 4, Article 2, of the said law.
- (3) Building of vessels for use to help ships lie alongside or leave the pier.

Improvement Program

Article 3. The Minister of Transportation shall determine the basic pro-

gram (to be called the "improvement program" hereafter) of improvement works for specific port facilities for each fiscal year on the basis of decisions of the Port and Harbor Council specified by paragraph 1, Article 38, of the Law for Establishment of Ministry of Transportation (Law No.157 of 1949) and shall obtain Cabinet approval of such basic program.

2. The improvement program referred to in the preceding paragraph shall be such in nature as will increase the benefit accruing to the parties that use the port concerned as the result of execution of the improvement works for specific port facilities concerned.

3. The Minister of Transportation, when he determines the improvement program in accordance with the provisions of paragraph 1 above, shall ask, in advance, the Port Management Body concerned for supply of data relating to the improvement works for specific port facilities of the port concerned.

Notification of Improvement Program

Article 4. The Minister of Transportation, when he obtained Cabinet approval provided for paragraph 1, in the preceding Article, shall, without delay, notify to the Port Management Body concerned the improvement program for the port concerned.

Appropriation of Fund

Article 5. When the Port Management Body is going to carry out the improvement works for specific port facilities according to the improvement program approved by the Cabinet as specified by paragraph 1, Article 3, the Government shall endeavor to appropriate for the Port Management Body the fund to meet whole or part of expenses required for the works out of the working fund of the Financial Fund Management Division (with means

the Financial Fund Management Division fund specified by the Law for Financial Fund Management Division Fund - Law No.100 of 1951) or out of reserves on the Postal Life Insurance and Postal Annuity Special Account within the limits where such appropriation is practicable.

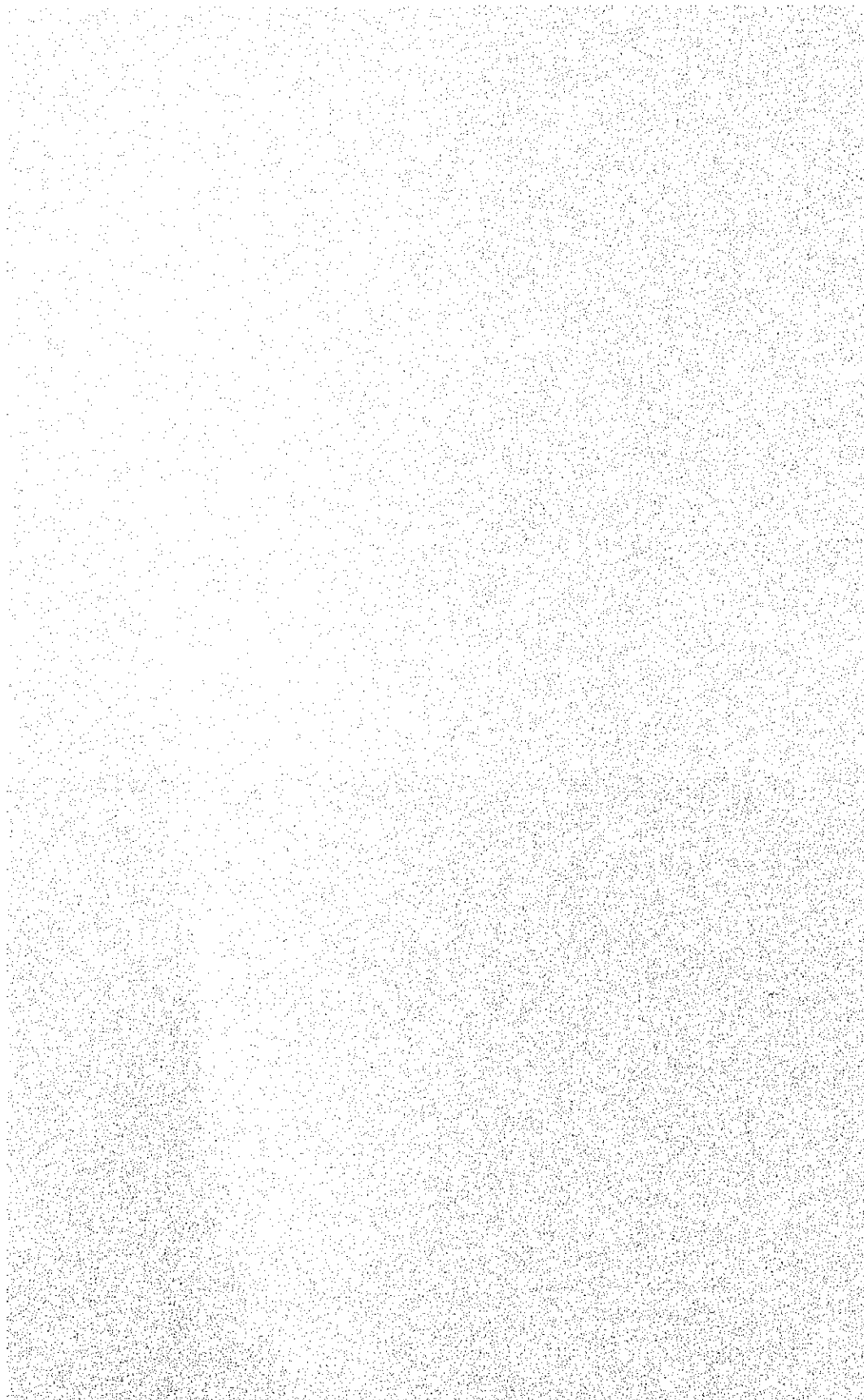
Intermediation for Fund Appropriation

Article 6. When the Port Management Body is going to carry out the improvement works for specific port facilities according to the improvement program approved by the Cabinet as specified by paragraph 1, Article 3, the Minister of Transportation shall intermediate for appropriation of fund to meet expenses required for the works concerned.

Recommendations, etc.

Article 7. When the Port Management Body is going to carry out the improvement works for specific port facilities according to the improvement program approved by the Cabinet as specified by paragraph 1, Article 3, the Minister of Transportation shall serve recommendations, advice or aid necessary for execution of the works concerned or for utilization of disposition of facilities or land related to the works concerned.

Fishing Port Law



GENERAL PROVISIONS

Chapter 1. General Provisions

Objective

Article 1. This law aims at improving fishing ports and bringing about an adequate maintenance and administration thereof with a view to help develop fishing industries thereby contributing to stabilization of living conditions of the nation and development of the national economy.

Meaning of the Fishing Port

Article 2. "Fishing port" used in this law means a consolidated body comprising a water area, land area and facilities, whether natural or artificial, used as the base for fishing activities and so designated in accordance with the provisions of paragraph 1, Article 5 (designation as the fishing port by the Minister of Agriculture and Forestry).

Meaning of Fishing Port Facilities

Article 3. "Fishing port facilities" used in this law means the following facilities located within the area of the fishing port:

(1) Fundamental Facilities

- a. Contour facilities: Breakwater, sand levee, sea wall, training dike, sluice, lock gate, revetment, embankment, groin, and parapet.
- b. Mooring facilities: Wharf, lighters' wharf, mooring buoy, mooring post, landing stage, floating pier and slipway.
- c. Water facilities: Navigable channel and anchorage basin.

(2) Functional Facilities

- a. Transportation facilities: Railway, tramway, road, bridge

- and canal.
- b. Navigation-aid facilities: Navigation aids, and signaling and illumination facilities for incoming and outgoing fishing vessels.
 - c. Land for fishing port facilities: Land for various fishing port facilities.
 - d. Protective facilities for fishing vessels and tools: Repairing sites for fishing vessels, repairing sites for engines of fishing vessels and drying sites for fishing tools.
 - e. Supply facilities: Watering and oiling facilities for fishing vessels.
 - f. Facilities for processing, storage and manufacturing facilities for catches: Sorting sites, goods handling machines, fishing storehouses, open storage yards, ice-manufacturing, freezing and refrigerating facilities, and manufacturing plants.
 - g. Communication facilities for fishing:
Ground wireless telegraph, ground radio and meteorological signal stations.
 - h. Welfare facilities for fishing vessel crew: Lodging houses, bath house, clinic and halls for fishing vessel crew.
 - i. Administration facilities for fishing port: Administration office and watch posts.

Meaning of Fishing Port Improvement Work

Article 4. "Fishing port improvement work" used in this law means a work for construction or installation, addition, remodelling, repairing or removal of fishing port facilities, prevention of erosion of land locat-

ed within the fishing port area, prevention of soil or sand flowing into the fishing port area or other works for improvement of a fishing port.

Chapter 2. Designation of Fishing Ports

Article 5. The Minister of Agriculture and Forestry designates a fishing port specifying the name, kind and area through the deliberation of the Fishing Port Council and collecting the opinion of the Governor of prefecture concerned.

2. The Minister of Agriculture and Forestry may revise the contents of designation for a fishing port he has given in accordance with the provisions of the preceding article or cancel it, when he considers it is necessary to do so due to a charged situation or other special reason, through the deliberation of the Fishing Port Council and collecting the opinion of the Governor of prefecture concerned. In this case, deliberation by the Fishing Port Council may be omitted if the proposed revision to the contents of the designation is only a trifle one and meets the standards established in advance by the Minister of Agriculture and Forestry upon consultation with the Fishing Port Council.

3. In case that the Minister of Agriculture and Forestry makes the designation specified in paragraph 1 or revision specified in the preceding paragraph, when he specifies or revises the area of a fishing port, the Minister of Agriculture and Forestry shall consult with the Minister of Transportation on the area of the same fishing port.

4. The Minister of Agriculture and Forestry shall, when he makes the designation specified in paragraph 1 or revision specified in paragraph 2 on the area of the river specified by paragraph 1, Article 2 of the River Law (Law No.71 of 1896) or the coast integration zone speci-

fied by Article 3 of the Coast Law (Law No. 101 of 1956), consult with the local administrative office supervising the same river or the coast management body administering the same coast on the area of the said fishing port.

5. The designation specified in paragraph 1 and revision or cancellation specified in paragraph 2, shall be made public by notification.

Kind of Fishing Ports

Article 6. The fishing ports are classified as follows:

Class 1 fishing port: Mostly utilized for local fishing activities

Class 2 fishing port: Used by a wider range of fishing activities than Class 1 fishing port but does not belong to Class 3 fishing port

Class 3 fishing port: Used for nation-wide fishing activities

Class 4 fishing port: Located on far-off islet or other remote area, but specially important for development of fishing grounds or as port of refuge of fishing vessels.

Chapter 3. Fishing Port Council

Establishment and Authority

Article 7. The Fishing Port Council shall be established to have it investigate and deliberate on the matters delegated to it in accordance with the provisions of this law and other important matters concerning the fishing ports.

2. The Fishing Port Council may submit its opinion to the administrative offices concerned on the fishing ports.

3. The Fishing Port Council shall keep a close contact with the

Central Fisheries Adjustment Council as far as possible.

4. The Fishing Port Council is under the jurisdiction of the Minister of Agriculture and Forestry.

Organization

Article 8. The Fishing Port Council shall consist of nine members.

2. One of the Council members shall be the Director of the Fisheries Agency, the Ministry of Agriculture and Forestry.

3. The Fishing Port Council shall have a chairman, who shall be elected from among and by the Council members.

4. The chairman shall preside over the affairs of the Council.

5. The Fishing Port Council shall appoint, in advance, from among its members, a deputy who shall carry out the duty of the chairman when the latter has become unable to perform his duty.

6. The provisions of the next article through Article 12 inclusive shall not apply to the Director of the Fisheries Agency acting as the Council member.

Appointment of Council Members

Article 9. The Council members shall be appointed from among the following persons by the Prime Minister upon agreement of the both Houses of the Diet.

- (1) Persons having sufficient knowledge and experience in the improvement of fishing ports.
- (2) Persons having sufficient knowledge and experience in the technique concerning construction and remodelling of fishing ports.
- (3) Persons having sufficient knowledge and experience in the operation of fishing ports.

- (4) Persons having sufficient knowledge and experience in the fishing industry.

2. When the term of office of a member has expired or there has arisen a vacancy in the memberships and the consent of the both Houses of the Diet cannot be obtained on account of closure of the session of the Diet or dissolving of the House of Representatives, the Prime Minister may appoint the member without the consent of both Houses of the Diet irrespective of the provisions of the preceding paragraph. In this case, the consent of the both Houses of the Diet shall be obtained at the first session of Diet opened after such an appointment.

Term of Office of Council Members

Article 10. The term of the Council members shall be 2 years. However, the term of the member appointed to fill the vacancy of another member shall be the remaining term of this predecessor.

2. The Council member may be reelected.

Retirement of Member

Article 11. The Council member shall resign from office automatically, when the consent specified in the latter part of paragraph 2, Article 9 has not been obtained.

Dismissal of the Council Member

Article 12. The Prime Minister may, when he considers a member is unable to perform his duty due to mental or physical disability or has violated the occupational obligation or otherwise has committed an act unworthy of the Council member, dismiss him upon obtaining consent of the both Houses of the Diet.

2. The Prime Minister shall, when he obtains the consent of the

Houses of the Diet on Council member in accordance with the provisions of the preceding paragraph, serve the notice to the same Council member in writing in advance notifying the reason of the proposed dismissal and shall give him or his deputy a chance to make explanation on a public hearing and to submit favourable proof for his interest.

Method of Deliberation, Investigation, etc.

Article 13. The Fishing Port Council shall not open its proceedings and make decisions unless more than half of its members are present. The Fishing Port Council shall decide the matter by a majority of those members (excluding a member acting as chairman) present at the meeting. The chairman shall have the decisive vote in case of a tie.

2. The Fishing Port Council may ask public offices, parties related to fishing ports or organs composed of them or other persons concerned to present reports or data necessary for deliberation, or have persons concerned present at the meeting and make explanations.

3. The Fishing Port Council may, when it is deemed necessary, ask public offices, parties related to fishing ports or organs composed of them or learnt or experienced persons to make necessary investigations for the Council.

4. A person asked to be present at a meeting of the Fishing Port Council in accordance with the provisions of paragraph 3 may ask payment of travelling expenses and allowance as provided by the Government Ordinance.

Public Hearing

Article 14. The Fishing Port Council may open the public hearing when it is to decide its opinion on the fishing port improvement plan provided in paragraph 1, Article 17 or in other cases where it is necessary to do

so, or shall open the public hearing when instructed to do so by the Minister of Agriculture and Forestry or requested to do so by the person or parties interested as decided by the Fishing Port Council.

Compensation for Council Members

Article 15. Travelling expenses, allowance and other expenses required for carrying out the duty shall be paid to the Council member as provided by the Government Ordinance.

Provision for Delegation of Duties

Article 16. Matters necessary for operation of the Fishing Port Council, other than provided in this law, shall be decided by the Fishing Port Council.

Chapter 4. Fishing Port Construction and Remodeling Works

Improvement Plan for Fishing Port

Article 17. The Minister of Agriculture and Forestry shall establish the improvement plan for a port upon collecting the opinion of the Fishing Port Council and incorporating its opinion, shall put it to the deliberation and decision of the Cabinet Meeting. If and when the Minister of Agriculture and Forestry is unable to adopt the opinion of the Fishing Port Council, he shall submit the improvement plan of the port he has established to the Cabinet together with the opinion of the said Fishing Port Council.

2. The Cabinet shall, when it has decided the improvement plan of a fishing port in accordance with the provisions of the preceding paragraph, submit it to the Diet for approval. When the improvement plan for a fishing port decided by the Cabinet is different from the opinion

of the Fishing Port Council, the Cabinet shall submit the same improvement plan to the Diet together with the opinion of the Fishing Port Council.

3. The revision of the improvement plan for a fishing port specified in paragraph 1 shall be made mutatis mutandis in accordance with the procedures provided in preceding two paragraphs.

4. The Cabinet shall appropriate the sum of expense necessary for the execution of the improvement plan for fishing ports specified in paragraph 1 as far as the financial status of the state permits.

Bodies to Execute the Construction and Remodeling Works for Fishing Ports

Article 18. The construction and remodeling works for a fishing port shall not be executed by other than the State, the local public entity in which the fishing port is located or the Fishing Industry Cooperative Association located within the area of the fishing port.

Permission for Execution

Article 19. A person, other than the State, desiring to execute the construction and remodeling works for a fishing port (excluding when the proposed work is for a specially designated Class 3 fishing port specified in paragraph 1 of the next article), shall establish the construction and remodeling plan for the fishing port in accordance with the fishing port improvement plan specified in paragraph 1, Article 17 and obtain approval of the Minister of Agriculture and Forestry.

2. The Minister of Agriculture and Forestry shall grant the permission specified in the preceding paragraph, according to the standards established in advance through the deliberation by the Fishing Port Council.

3. When the State is to execute the fishing port construction and

remodeling works, the Minister of Agriculture and Forestry shall establish the fishing port Construction and remodeling plan in accordance with the improvement plan for fishing ports provided in paragraph 1, Article 17.

4. When there is a Fishing Port Management Body for fishing port for which the fishing port construction and remodeling plan is to be established in accordance with the provisions of paragraph 1 or the preceding paragraph, the same shall be established collecting the opinion of such a Fishing Port Management Body and paying due consideration to that opinion.

5. In case of paragraph 1 or paragraph 3, a person desiring to execute the fishing port construction and remodeling plan, may enter the land or water area of other persons and make surveying or investigation, when it is necessary to do so for establishing the fishing port construction and remodeling plan, by notifying the owner or occupant of such a land or water area 5 days in advance; provided that, when the person executing the work is other than the State, he shall obtain an advance permission of the Minister of Agriculture and Forestry specifying definitely the section of the land or water area to be entered.

6. The person entering land or water area of other persons for surveying and investigation shall carry a certificate identifying his status.

7. In case of paragraph 5, the person to execute the plan shall promptly compensate for the damage actually resulted from the entering surveying or investigation provided in the same paragraph.

Fishing Port Construction and Remodeling
Plan, etc. for Specially Designated Class
3 Fishing Port

Article 19-2. In case of a specially designated class 3 fishing port (those class 3 fishing ports specially important for the development of the fishing industry and so designated by the Government Ordinance), the fishing port construction and remodeling plan for the fishing port construction and remodeling works conducted by other than the State, too, shall be decided by the Minister of Agriculture and Forestry according to the improvement plan for the fishing port specified in paragraph 1, Article 17. In this case, the Minister of Agriculture and Forestry shall decide the plan collecting the opinion of the person to conduct the works and paying due respect to such an opinion.

2. A person other than the State desiring to conduct the fishing port construction and remodeling works under the fishing port improvement plan shall obtain permission of the Minister of Agriculture and Forestry.

3. The minister of Agriculture and Forestry may revise the fishing port construction and remodeling plan specified in paragraph 1 in a manner shown in the same paragraph, when it is necessary to do so on account of the changed situation or other reasons.

4. The provisions of paragraph 5 through paragraph 7 inclusive excluding the latter part of paragraph 5 of the preceding article shall apply mutatis mutandis when the fishing port construction and remodeling plan is to be decided or revised in accordance with the provisions of paragraph 1 or the preceding paragraph. In this case, "in case of paragraph 3, a person desiring to execute the fishing port construction and remodeling plan" in the first part of paragraph 5 of the same article shall read "In case of paragraph 1 or paragraph 3 of Article 19-2, the Minister of Agriculture and Forestry" and "the person to execute the plan" in paragraph 7 shall read "the State".

Share of Expense and Subsidy

Article 20. When the State executes a fishing port construction and remodeling works, the State is able to have the Fishing Port Management Body of the fishing port to be improved bear part of the expense according to the standard specified by the Government Ordinance, upon consent of the latter.

2. When a person other than the State executes a fishing port construction and remodeling works on Class 3 fishing port or Class 4 fishing port, the State shall bear the expense required for the basic facilities specified in item 1 of Article 3 according to the following classification and the ratio specified for each of them:

| <u>Classification</u> | <u>Ratio of share</u> |
|-----------------------|---|
| Class 3 fishing port | 60/100 in Hokkaido, 50/100 in other areas |
| Class 4 fishing port | 80/100 in Hokkaido; 75/100 for contour facilities and water facilities and 60/100 for mooring facilities in other areas |

3. When a person other than the State executes a fishing port construction and remodeling works on class 1 fishing port or class 2 fishing port, the State shall pay subsidy for the expense required for the basic facilities specified in item 1 of Article 3 (meaning of fishing port facilities) to the person executing the work according to the following classification and the ratio applicable to each of them.

| <u>Classification</u> | <u>Ratio of share</u> |
|-----------------------|--|
| Class 1 fishing port | 60/100 in Hokkaido, 40/100 in other areas |
| Class 2 fishing port | 60/100 in Hokkaido, 40/100 in other area |

4. When a person other than the State executes a fishing port construction and remodeling work, the State may, if it is deemed specially necessary, pay subsidy to the person executing the said fishing port construction and remodeling work to cover part of the expense necessary for the same fishing port construction and remodeling works according to the standard specified by the Government Ordinance within the framework of the budget in addition to that provided in the preceding two paragraphs.

5. The Minister of Agriculture and Forestry shall grant the permission provided in paragraph 1, Article 19 seeing to it that the amount of money the State is to bear or subsidize in accordance with the provisions of paragraph 2 or paragraph 3 does not exceed the framework of amount of the budget decided by the Diet.

Share of Expense for Fishing Port Facilities
Concurrently Serving Other Structures

Article 20-2. The shares of the expense for fishing port construction and remodeling works for a fishing port facility concurrently serving other structures shall be decided through mutual agreement of the person executing the fishing port construction and remodeling works and administrator of the said structure.

Transfer of the Right Relative to the Permission
for and Delegation of the Execution of a Fishing
Port Construction and Remodeling Works

Article 21. The transfer of the right relative to the permission for execution of a fishing port construction and remodeling works shall not become effective unless the approval thereof is given by the Minister of Agriculture and Forestry.

2. The person executing a fishing port construction and remodeling works may delegate the execution of the said works to other persons upon

obtaining permission of the Minister of Agriculture and Forestry.

3. The provisions of paragraph 2, Article 19 shall apply to the approval specified in paragraph 1 and permission specified in the preceding paragraph.

Revision of Fishing Port Construction
and Remodeling Plan, Discontinuance,
etc. of Fishing Port Construction and
Remodeling Works

Article 22. A person, other than the State, conducting a fishing port construction and remodeling works shall not revise the fishing port construction and remodeling plan or discontinue or suspend all or part of the said plan unless there is a sufficient reason such as the changed situation and so permitted by the Minister of Agriculture and Forestry; provided that this provision shall not apply to a slight revision to the fishing port construction and remodeling plan meeting the standard specified by the Minister of Agriculture and Forestry Ordinance.

2. The Minister of Agriculture and Forestry shall, when granting the permission specified in the preceding paragraph, collect the opinion of the Fishing Port Management Body of the fishing port concerned, if there is, and shall grant the permission paying due attention to such an opinion; provided that this provision shall not apply when the permission is impressing need.

3. A person other than the State conducting the fishing port construction and remodeling works shall, when he has made a light revision to the fishing port construction and remodeling plan specified in the proviso of paragraph 1, report the Minister of Agriculture and Forestry promptly of matters affected by such a revision.

Instruction and Order to the Person
Executing the Works and Cancellation
of Permission

Article 23. The Minister of Agriculture and Forestry may serve a person other than the State conducting the fishing port construction and remodeling works such instructions as order of execution of the works or other matters relative to the method of execution of the fishing port construction and remodeling works.

2. The Minister of Agriculture and Forestry may, when he deems it necessary on account of change in topographical conditions and other reasons, order a person other than the State conducting the fishing port construction and remodeling works to revise the fishing port construction and remodeling plan, to discontinue the whole or part of the fishing port construction and remodeling works or to suspend the works.

3. The Minister of Agriculture and Forestry may cancell permission for execution of the fishing port construction and remodeling works being conducted by a person other than the State when execution of the said works is violating this law, order issued under this law or disposal made by administrative offices under these laws and orders, or is deemed impossible to be completed, or the person permitted has not started the work by the deadline specified by the fishing port construction and remodeling plan.

Use of Land, Water Area, etc.

Article 24. A person conducting the fishing port construction and remodeling works may enter the land or water area of other persons or use it as the temporary storage yard of materials, when it is necessary for the execution of the fishing port construction and remodeling works provided that the owner or occupant of such a land or water area is

served 5 days of advance notice. In this case, if the person conducting the work is other than the State, he shall obtain advance permission from the Minister of Agriculture and Forestry specifying the area of the land or water area to be entered or used and the period of such entering or use.

2. The person entering the land or water area owned or occupied by other persons in accordance with the provisions of the preceding paragraph shall carry a certificate identifying his status.

3. In case of paragraph 1, the person executing the fishing port construction and remodeling works shall at once compensate for the loss actually caused by the entering or use specified in the same paragraph or pay a reasonable amount of charge.

Settlement of Expenses for Fishing Port Construction and Remodeling Works

Article 24-2. A person paid the State share or subsidy in accordance with the provisions of paragraph 2, paragraph 3 or paragraph 4 of Article 20 (State share or subsidy on fishing port construction and remodeling works conducted by other than the State) shall, when he has executed the fishing port construction and remodeling works covered by such state share or subsidy, promptly settle the work expense thereof and obtain approval for the completion of the works from the Minister of Agriculture and Forestry.

Disposal of Surplus Money

Article 24-3. A person paid the State share or subsidy in accordance with the provisions of paragraph 2, paragraph 3 or paragraph 4 of Article 20 shall, when there has arisen a surplus in the work expense for the fishing port construction and remodeling works covered by the same State

share or subsidy, promptly return the part of such a surplus amount equal to the ratio of the State share or subsidy to the State.

Returning, etc. of State Share of Subsidy

Article 24-4. When a person paid the State share or subsidy in accordance with the provisions of paragraph 2, paragraph 3 or paragraph 4 of Article 20 falls in any of the following items, the Minister of Agriculture and Forestry may not pay the whole or part of such a State share or subsidy to such a person or order him to return the State share or subsidy paid to him:

- (1) When he has made revision specified in paragraph 3, Article 19-2, has been granted permission for revision, discontinuance or suspension specified in paragraph 1, Article 22 or has made the report specified in paragraph 3 of the same article.
- (2) When he has violated instruction made in accordance with the provisions of paragraph 1, Article 23.
- (3) When he is ordered to make revision, discontinuance or suspension in accordance with the provisions of paragraph 2, Article 23.
- (4) When he is cancelled of permission in accordance with the provisions of paragraph 3, Article 23.
- (5) When he has spent the State share or subsidy for purposes other than the purpose for which such a state share or subsidy is granted.

Administration and Disposal of Land, etc.
Born through the Fishing Port Construction
and Remodeling Works Conducted by the State

Article 24-5. The land or structures born through the fishing port construction and remodeling works conducted by the State shall be admin-

istered or disposed by the Minister of Agriculture and Forestry as specified by the Government Ordinance.

2. The Minister of Agriculture and Forestry may entrust administration of the part of the land or structures specified in the preceding paragraph, that is fishing port facilities, to the Fishing Port Management Body as specified by the Government Ordinance.

3. When the land or structure specified in paragraph 1 is sold by the Minister of Agriculture and Forestry to the Fishing Port Management Body, the price thereof shall be free within the amount of the price equivalent to the expense borne by the Fishing Port Management Body.

Chapter 5. Maintenance and Administration of Fishing Port

Designation of Fishing Port Management Body

Article 25. The Minister of Agriculture and Forestry shall designate the local public entity in which a fishing port is located as the Fishing Port Management Body according to the standard to be decided through the deliberation of the Fishing Port Council and upon collecting the opinion of prefectural Governors concerned, in order to bring about an adequate maintenance and administration of the fishing port such as maintenance, preservation and operation of the fishing port.

2. The local public entity designated in accordance with the provisions of preceding paragraph shall not reject the said designation without proper reason.

3. The Minister of Agriculture and Forestry, when he deems that the Fishing Port Management Body fails to bring about proper maintenance and administration of the fishing port or is unworthy as the Fishing Port Management Body, may cancel the designation for the Fishing Port

Management Body made in accordance with the provision of paragraph 1.

4. The Minister of Agriculture and Forestry shall, when he wants to cancel the designation for the Fishing Port Management Body in accordance with the provisions of the preceding paragraph, open a public hearing.

5. The designation of paragraph 1 and cancellation of paragraph 3 are made through the public notification.

Duties of Fishing Port Management Body

Article 26. The Fishing Port Management Body shall make investigations, and researches and prepare statistics and data both necessary for the development of the fishing port in addition to establishing the rules for administration of the fishing port and carry out duties necessary for the maintenance and administration of the fishing port according thereto.

Establishment and Authority of Fishing Port Control Committee

Article 27. The Fishing Port Management Body of class 3 fishing port shall establish the Fishing Port Control Committee at the fishing port.

2. The Fishing Port Management Body of other than class 3 fishing port may establish the Fishing Port Control Committee at the fishing port.

3. The Fishing Port Control Committee shall investigate and deliberate on important matters concerning the maintenance and administration of the fishing port upon consultation of the Fishing Port Management Body.

4. The Fishing Port Management Body shall, when it has established the Fishing Port Control Committee, report of it to the Minister of Agriculture and Forestry without delay.

5. The Fishing Port Management Body of class 3 fishing port and

fishing port where the Fishing Port Control Committee has been established in accordance with the provisions of paragraph 2 shall collect the opinion of the Fishing Port Control Committee and pay due respect to its opinion with respect to the establishment of the rules for administration of fishing port and other important matters concerning the maintenance and administration of the fishing port.

Organization of Fishing Port
Control Committee

Article 28. The Fishing Port Control Committee shall consist of one chairman and committee members.

2. The chief of the local public entity serving as the Fishing Port Management Body shall be appointed as the Chairman.

3. The chairman shall preside over the affairs of the Committee.

4. The committee members shall be appointed as follows:

(1) 7 persons appointed by the Fishing Port Management Body from among those persons having residence, office or business facilities in the area of city, town or village in which the fishing port is located and engaging in the fishing business using fishing boat or ship or engaging in the catching or raising of aquatic animals or plants for more than 90 days per year, and recommended by the Chief of the city, town or village in which the said fishing port is located upon consultation with the Fishing Industries Cooperative.

(2) 2 persons appointed by the Fishing Port Management Body from among those persons having sufficient knowledge and experience in the fishing port and recommended by the Chief of the city, town or village in which the fishing port is located.

(3) 2 persons appointed by the Fishing Port Management Body (or 1 person for the Fishing Port Control Committee for Class 1 fishing port) from among those having a sufficient knowledge and experience on fishing port and recommended by the Governor of prefectural government in which the said fishing port is located.

(4) 1 person appointed by the Fishing Port Management Body from among those having a sufficient knowledge and experience in fishing port and Forestry (applicable only to the Fishing Port Control Committee of Class 3 fishing port and Class 4 fishing port).

5. The Minister of Agriculture and Forestry may change the fixed number of the committee members specified in the preceding several items upon deliberation by the Fishing Port Council when the fishing port is located over two or more cities, towns or villages or over two or more prefectures or where there are other special reasons justifying such an action.

6. The Minister of Agriculture and Forestry may specify the fishing port area for each fishing port upon deliberation by the Fishing Port Council when two or more fishing ports are located over in one city, town or village or there are other special reasons justifying such an action. In this case, "the area of city, town or village" in item 1 of paragraph 4 shall read "fishing port area".

7. Change in the fixed number of committee members under paragraph 5 and specification of the fishing port area under the preceding paragraph shall be made public by notification.

Term of Office of Committee Members

Article 29. The of Office of committee member appointed to fill the vacancy shall be the remaining term of office of his predecessor.

Dismissal of Committee Member

Article 30. The Fishing Port Management Body shall, when a committee member is unable to perform his duty on account of mental or physical disability, or has violated his obligation or committed an act unworthy of the committee member, dismiss him, upon consulting with and paying due respect to the opinion of the Fishing Port Control Committee.

2. The Fishing Port Management Body shall, when he wants to consult with the Fishing Port Control Committee concerning the proposed dismissal of a committee member in accordance with the provisions of the preceding paragraph, notify the said committee member of the reason of the proposed dismissal in advance by the form of document and shall give him or his deputy a chance of explaining for himself on a public hearing and submit proof protecting him.

Special Provisions Applicable to Tokyo Metropolitan Area

Article 31. "City, town or village" or "Chief of city, town or village" in Article 28 shall read "Metropolis" or "Metropolitan Governor" when the same article is applied to the areas where wards of metropolitan area are located.

2. The provisions of item 3 of paragraph 4, Article 28 shall not apply to the Fishing Port Control Committee of the fishing port in the area where wards of metropolitan area are located.

Method of Passing Resolutions

Article 32. The Fishing Port Control Committee shall not open proceedings and make resolution unless a majority of its members and the chairman are present.

2. The matters to be discussed by the Fishing Port Control Committee shall be decided by a majority of those present at a meeting. The Chairman

shall have the decisive vote in case of a tie.

Article 33. Deleted

Establishment and Revision of Fishing
Port Control Regulation

Article 34. In case the Fishing Port Management Body maintains and administers a fishing port, establishment or revision of the Fishing Port Regulations shall not become effective unless approval of the Minister of Agriculture and Forestry is obtained.

2. The Fishing Port Control Regulations shall provide for maintenance, preservation and operation of the fishing port facilities of the fishing port administered by the Fishing Port Management Body in question and other matters necessary for the maintenance and administration of the same fishing port, in accordance with the Government Ordinance.

3. The Fishing Port Control Regulations shall be put on public notice.

4. The Minister of Agriculture and Forestry may establish a model Fishing Port Control Regulations upon deliberation by the Fishing Port Council.

Collection of Charge for Use
of Fishing Port

Article 35. The Fishing Port Management Body may collect charges, fees, etc. from the users of the fishing port to pay for the expenses required for maintenance and administration of the fishing port.

Use or Acquisition of Land,
Water Area, etc.

Article 36. The provision of Article 24 shall apply mutatis mutandis to the cases where it is necessary to do so for maintenance and administration of the fishing port.

2. The Fishing Port Management Body may, when it is in an imminent necessity in emergency, have a person being at the site of disaster cooperate in the rehabilitation, danger prevention or other works or may make the following disposals with resorting to the provisions of the preceding paragraph:

- (1) Use of land, water area, vessels or structures required.
- (2) Use or acquisition of soil, stone, plant or other objects (excluding those enumerated in preceding item).

3. The provisions of paragraph 3, Article 24 shall apply mutatis mutandis when disposal enumerated in the preceding paragraph is made.

Ledger of Fishing Port

Article 36-2. The Fishing Port Management Body shall prepare the ledger of fishing port for the fishing port it administers.

2. Matters necessary for the ledger of fishing port shall be provided by the Minister of Agriculture and Forestry Ordinance.

Restriction to Disposal of Fishing Port Facilities

Article 37. An owner or occupant of fishing port facilities shall not change shape, nature or location of, or transfer or lend to other persons, or remove, or make other disposals on the said fishing port facilities, unless permission of the Minister of Agriculture and Forestry is obtained; provided that this provision shall not apply to these disposals made under the fishing port construction and remodeling plan or the Fishing Port Control Regulations.

2. The Minister of Agriculture and Forestry may order a person violating the provisions of the preceding paragraph to restore the affected facility or facilities to its original condition, when he deems it necessary

for the protection of the fishing port.

3. The expense required for the restoration made in accordance with the provisions of the preceding paragraph shall be borne by the person violating the law.

Utilization of Fishing Port Facilities

Article 38. When a person other than the State or Fishing Port Management Body wants to let other person use the fundamental fishing port facilities or collect charges for use of such facilities, he shall obtain approval of the Minister of Agriculture and Forestry specifying the proposed method of utilization and charges.

The same shall apply hereinafter when he wants to revise the said method and charges.

2. The Minister of Agriculture and Forestry shall, when he is going to grant approval specified in the preceding paragraph and there is a Fishing Port Management Body for the fishing port concerned, collect the opinion of the said Fishing Port Management Body and pay due respect to it.

Preservation of Fishing Port

Article 39. A person desiring to construct a structure, taking of soil or sand, discharging of filthy water or objects or partial occupation of water area (excluding that relative to reclamation of public water area) within the area of a fishing port shall obtain permission of the Minister of Agriculture and Forestry; provided this provision shall not apply to those disposals made under the fishing port construction and remodeling plan or Fishing Port Control Regulations.

2. The Minister of Agriculture and Forestry shall grant the permission specified in the preceding paragraph, unless construction, taking, dis-

charging or occupation specified in the same paragraph extremely affects the execution of the fishing port construction and remodeling work or use of the fishing port, or preservation of the fishing port.

3. The Minister of Agriculture and Forestry may, when it is deemed necessary for preservation of the fishing port, order a person violating the provisions of paragraph 1 to remove or otherwise restore to the original condition the structures constructed in violation of the provisions of the same paragraph.

4. For reclamation of the public water area located within a fishing port the prefectural Governor shall obtain approval of the Minister of Agriculture and Forestry, provided that this provision shall not apply to the reclamation work within the area of Class 1 fishing port or Class 2 fishing port which does not materially affect use of the said fishing port.

5. The Minister of Agriculture and Forestry may order an owner or occupant of land, plant or structure located within the area of a fishing port to provide facilities necessary for prevention of rip on land, flowing out of earth or sand, filthy water or other phenomena on his land, plant or structures that might adversely affect the fishing port. In this case, he shall listen to the opinion of the owner or occupant in advance.

6. Expense required for removal or others for restoration provided in paragraph 3 shall be borne by the said person responsible, and expense required for facilities provided in the preceding paragraph shall be borne by the said owner or occupant.

Chapter 6. Miscellaneous Provisions

Facilities to be Treated as Fishing Port Facilities

Article 40. The Minister of Agriculture and Forestry may treat facilities

specified in Article 3 but not located in the areas of fishing ports, too, as fishing port facilities upon deliberation of the Fishing Port Council. In this case, he shall promptly notify the owner or occupant of such facilities of such a decision.

Investigation, Survey and Inspection by
the Minister of Agriculture and Forestry

Article 41. When the Minister of Agriculture and Forestry deems it necessary for decision or revision of the area of a fishing port in accordance with the provision of Article 5, he may ask persons related to the fishing port or bodies composed by them to submit necessary reports or data, or enter land or water area of other persons and make survey or inspection, provided that the owner or occupant of such a land or water area is served 5 days of advance notice.

2. The Minister of Agriculture and Forestry may, when he deems it necessary, as the person conducting the fishing port construction and remodeling works or the Fishing Port Management Body to submit reports or data necessary for conducting the work or duty, or have the official concerned enter the work site, office or other places and make questions or inspect books, papers and other objects.

3. The person entering land or water area or making surveying, inspection or questions in accordance with the provisions of the preceding two paragraphs shall carry a certificate identifying his status.

4. In case of paragraph 1, the Minister of Agriculture and Forestry shall promptly compensate for damage caused by entering, surveying or inspection specified in the same paragraph.

Consultation with the Minister
of Transportation

Article 42. When the Minister of Agriculture and Forestry wants to give approval specified in paragraph 1, Article 38 or permission specified in paragraph 1, Article 39 on facilities to be used chiefly for transportation he shall consult the Minister of transportation.

Petition

Article 43. A person dissatisfied with the disposal made under this law, or order based thereon or on the Fishing Port Control Rules may serve a petition to the Minister of Agriculture and Forestry.

2. When a petition is submitted in accordance with the provisions of the preceding paragraph, the Minister of Agriculture and Forestry shall decide the issue upon consulting with the Fishing Port Council and paying due respect to its opinion.

3. The Fishing Port Council shall, when it wants to decide its opinion in accordance with the provisions of the preceding paragraph, make public hearing on the person submitting the petition or his deputy, notifying the latter, in advance, the date and place of such a public hearing.

Delegation of Duties of the Minister of Agriculture and Forestry

Article 44. Part of the duties of the Minister of Agriculture and Forestry provided in this law may be delegated to the prefectural Governor or Chief of city, town, or village (Chief of ward, in areas where wards of metropolitan area are established) in accordance with the Government Ordinance in this case "official concerned" in paragraph 2, Article 41 shall read "clerk concerned".

Chapter 7. Penal Provisions

Article 45. A person falling in any of the following items shall be liable

to a fine of not exceeding 30,000 yen:

- (1) A person entering land or water area of other persons without obtaining permission of the Minister of Agriculture and Forestry, in case of paragraph 5, Article 19.
- (2) A person entering or using land or water area of other persons without obtaining permission of the Minister of Agriculture and Forestry, in case of paragraph 1, Article 24 (including where this provision is applied mutatis mutandis in paragraph 1, Article 36).
- (3) A person violating the provisions of paragraph 1, Article 37.
- (4) A person making construction, taking, discharge or occupation provided in paragraph 1, Article 39 without obtaining permission specified in the same paragraph.

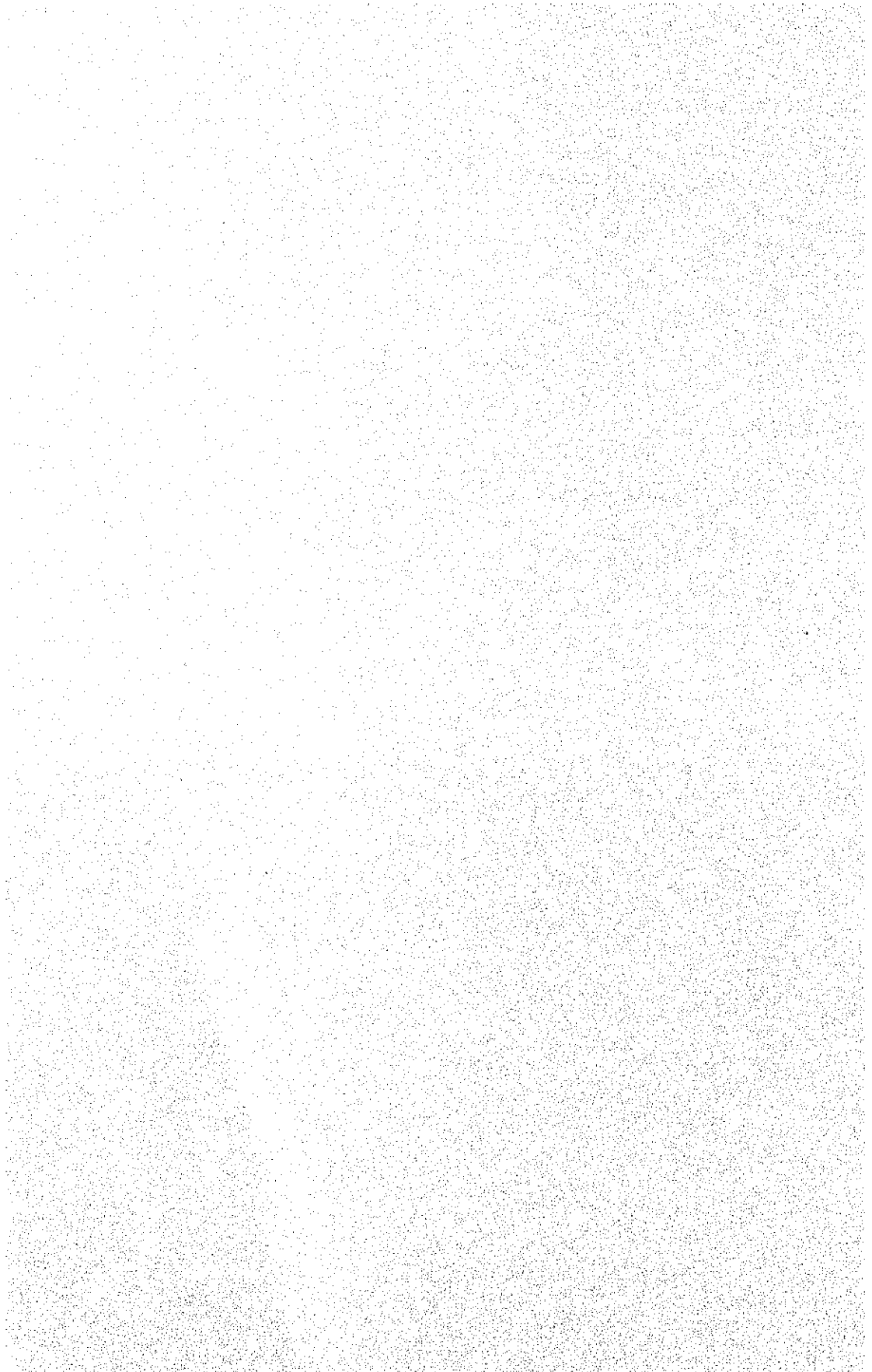
Article 46. A person falling under any of the following items shall be liable to a fine of not exceeding 10,000 yen:

- (1) A person delegating execution of a fishing port construction and remodeling works without obtaining permission specified in paragraph 2, Article 21.
- (2) A person violating the provisions of paragraph 1 or paragraph 3, Article 22.
- (3) A person having other persons utilize the fundamental fishing port facilities or collected charges for use of such facilities without obtaining approval specified in paragraph 1, Article 38.
- (4) A person rejecting, obstructing or evading entering, surveying or inspection made by the officer in accordance with the provisions of paragraph 2, Article 41.

Article 47. When a representative of juridical person, or a deputy, employ-

ee or other worker of a juridical person or person has conducted an unlawful act concerning his business provided in the preceding two articles and the same juridical person or person did not make a preventive action in spite of recognizing such a plan and did not take necessary action in order to correct such violation in spite of recognizing an unlawful act, instructed to do such an unlawful act, not only the person conducting the unlawful act but the same juridical person or person shall be punished under the provisions of applicable articles.

Port Transportation Business Law



GENERAL RULES

Chapter 1. General Rules

Objective

Article 1. This law aims at providing order in port transportation and developing sound port transportation undertakings, thereby bringing about increased public welfare.

Definitions

Article 2. "Port transportation" used in this law shall mean any of the following services conducted at the request of other person or persons (excluding those concerning cargo transported by the ships on the ferry lines operated by the Japanese National Railways):

- (1) Service comprising all of the services enumerated in item 2 through item 5 inclusive below conducted, at the request of the shipper or operator of the ship transportation business, together with and prior to or after reception from the ship or delivery to the shipper of the cargo transported by ship in a port, or together with and prior to or after delivery to a ship or reception from the shipper of the cargo to be transported by ship in a port.
- (2) Loading of cargo to or unloading of cargo from ships conducted in a port.
- (3) Transportation of cargo in a port by ship (excluding steel ships of over 100 gross tons) or barge (excluding transportation of cargo by passenger ships ((those with an officially rated capacity for 13 or more passengers)) on regular shipping lines conducted by the person who operates such ships on such regular

lines, and also excluding those services designated by the Ministry of Transportation Ordinance.)

Transportation of cargo by barge between a port and a port or a place designated by the Ministry of Transportation Ordinance (hereinafter called simply "designated sections", or towing of barges or rafts by tug boats in the port or on the designated section.

- (4) Hauling into cargo shed or other cargo sorting yards (excluding water surface timber pond; hereinafter called simply "sorting yards") of cargo transported by ship or barge, hauling out of sorting yards of cargo to be transported by ship or barge, sorting or storage of cargoes at the sorting yard, or unloading from or loading on barges of cargoes, conducted in port.
- (5) Transportation of timber in rafts in the port or on the designated sections; or hauling of timber transported in rafts or transported by ship or barge into water surface timber pond; hauling of timber to be transported in rafts or timber to be transported by ship or barge out of water surface timber pond, or sorting or storage of such timber in water surface timber pond, conducted in port.
- (6) Counting of number of pieces of ship-borne cargoes or certifying of these delivery and acceptance made when such cargoes are loaded on or unloaded from ships (Hereinafter called "tallying").
- (7) Certifying, checking and surveying on the stacking of ship-borne cargoes (hereinafter called "surveying").
- (8) Calculation of or certifying cubic capacity or weight of ship-borne cargo when such cargo is loaded on or unloaded from ship (hereinafter called "measurement").

2. "Port transportation business" used in this law shall mean business engaged in the port transportation irrespective of whether it is for profit or not.

3. "Port" used in this law shall mean ports designated by the Government Ordinance (the water area of such port shall be the areas specified by the Harbour Area Law ((Law No.175 of 1948)) and include areas of lakes and rivers connecting to them and specified by the Government Ordinance).

4. In this law, "tally man" shall mean those engaged in tallying, "surveyer" those engaged in surveying and "measure" those engaged in measurement, as occupation.

Kind of Business

Article 3. Port transportation business shall be as follows:

- (1) Ordinary port transportation business (business conducting services enumerated in item 1 of paragraph 1, of the preceding article).
- (2) Stevedoring business (business conducting services enumerated in item 2 of paragraph 1 of the preceding article).
- (3) Barge transportation business (business conducting services enumerated in item 3 of paragraph 1 of the preceding article).
- (4) Long-shore cargo handling business (business conducting services enumerated in item 4 of paragraph 1 of the preceding article).
- (5) Raft transportation business (business conducting services enumerated in item 5 of paragraph 1 of the preceding article).
- (6) Tallying business (business conducting services enumerated in item 6 of paragraph 1 of the preceding article).
- (7) Surveying business (business conducting services enumerated in item 7 of paragraph 1 of the preceding article).

- (8) Measuring business (business conducting services enumerated in item 8 paragraph 1 of the preceding article).

Chapter 2. Port Transportation Business

Licence

Article 4. Those desiring to engage in the port transportation business enumerated in item 1 through item 5 inclusive of the preceding article must obtain licence of the Ministry of Transportation of each kind of port transportation business and for each port and those desiring to engage in the port transportation business enumerated in item 6 through item 8 inclusive (hereinafter called "tallying business, etc.") for each kind of port transportation business ; provided that for port transportation business conducted on the designated sections, licence for one of ports located at the starting point or terminal point of the designated section concerned shall suffice.

2. Licence for port transportation businesses enumerated in item 1 through 5 inclusive of the preceding paragraph may be granted limiting customers, cargoes and other particulars of the business applicable.

Application for Licence

Article 5. Those desiring to obtain licence for port transportation business shall submit to the Minister of Transportation a letter of application describing the followings:

- (1) Name and address of applicant.
- (2) Kind of port transportation business.
- (3) Port (not required for tallying business etc.).
- (4) Customer or customers, cargoes and other particulars of business, when licence requested is for limited range of business.

(5) Business plan decided by the Ministry of Transportation Ordinance.

2. The letter of application specified in the preceding paragraph shall be accompanied by papers indicating revenue and expenditure of the proposed business and other matters specified by the Ministry of Transportation Ordinance.

3. The Minister of Transportation may ask for the applicant copy of the commercial registration and other necessary papers in addition to those enumerated in the preceding two paragraphs.

Standards for Licencing

Article 6. The Minister of Transportation shall, before granting licence for port transportation business, examine if the port transportation business for which application for licence is made, satisfies the following standards:

- (1) Opening of the applied port transportation business will not bring about excess supply of port transportation services against the demand for the same.
- (2) The applicant has enough labour and facilities to carry out the proposed business.
- (3) The proposed business set up is such that the responsibility of the operator of the proposed business is clearly defined.
- (4) The proposed business has a sound financial and accounting foundation.

2. The Minister of Transportation shall, when he has found out that application satisfies the standards enumerated in the preceding paragraph after surveying the said application according to the provisions of the same paragraph, shall grant licence for the proposed port transportation

business, except the applicant falls in any of the items listed below:

- (1) Those who is within two years since the date he has finished or has been released from his one year or over of penal servitude or imprisonment.
- (2) Those who is within two years since the date he has finished or has been released from punishment of fine or over for violating the provisions of this law or of Article 44 of the Employment Security Law (law No.141 of 1947).
- (3) Those who is within two years since the date he is released from cancellation of licence for port transportation business.
- (4) A minor or interdict who has not a capacity equal to the adult concerning business, and whose legal representative falls in one of the preceding three items.
- (5) A juridical person, one or several of its officers (whatever their titles, and including those who have business authority or controlling power equal to them or over) falls in one of the preceding four items.

Registration of Tally Man, etc.

Article 7. Those desiring to become tally man, surveyor or measurer (hereinafter called "tally man, etc.") shall have himself registered in the Tally Men Registration Book, Surveyor Registration Book or Measurer Registration Book of the Maritime Transportation Bureau (Maritime Transportation Bureau mentioned in Article 39 of the Ministry of Transportation Establishment Law (Law No.157 of 1949 the same shall apply hereinafter) based on the procedure stipulated in the Ministry of Transportation Ordinance.

Reasons for Disqualification

Article 7-2. Those falling in any of the following items shall not be

tally man, etc.

- (1) Interdict or quasi-incompetent
- (2) Those who is within one year since the date he has finished or has been released from his one year or over of penal servitude or imprisonment.
- (3) Those within one year since his licence is cancelled in accordance with paragraph 2, Article 16-3.

Wrighting off of Registration

Article 7-3. The Director of the Maritime Transportation Bureau (the chief officer of the Maritime Transportation Bureau; the same shall apply hereinafter) shall wright off the registration of tally man, etc. when they fall in any of the following items:

- (1) He has abolished the business.
- (2) He has died.
- (3) He has become to fall in any of item 1 of the preceding article or item 2 of the preceding article.
- (4) He has cancelled his registration in accordance with the provision of paragraph 2, Article 16-3.

Payment of Registration Fee

Article 7-4. Those desiring to have himself registered as tally man, etc. shall pay 1,000 yen as the registration fee.

Responsibility to Open the Business

Article 8. Those who have licenced for port transportation business (hereinafter called "port transportation business operator") shall start the licenced port transportation business within the period to be designated by the Minister of Transportation.

2. When the licenced port transportation business cannot be opened within the period specified in the preceding paragraph, the Minister of Transportation may extend the same period upon application.

Freightage and Charges

Article 9. The port transportation business operator shall decide the freightages and charges and obtain approval of the Minister of Transportation in accordance with the provisions of the Ministry of Transportation Ordinance. The same shall apply when such freightages and/or charges are to be revised.

2. The Minister of Transportation shall grant approval specified in the preceding paragraph by the following standards:

- (1) They are possible to pay off the reasonable cost and include reasonable profit, under the efficient management.
- (2) They are not discriminative or unfair to particular customers.

Prohibition of Redemption of Freightage and Charge

Article 10. A port transportation business operator shall not make redemption of freightage or charge he received, to customers.

Port Transportation Business Contract

Article 11. A person licenced for ordinary port transportation business (hereinafter called "ordinary transportation business operator") shall decide the port transportation business contract specified by the Ministry of Transportation Ordinance and obtain approval of the Minister of Transportation on it. The same shall apply when he wants to revise such a port transportation contract.

2. The Minister of Transportation shall grant approval specified in the preceding paragraph by the following standards:

- (1) There is no danger of adversely affecting the lawful interest of the customers.
- (2) At least, matters concerning acceptance and delivery of cargo and responsibility of ordinary port transportation business operator are clearly set forth.

Advertising of Freightages Charges and Port Transportation Business Contract

Article 12. The port transportation business operator shall put up freightages, charges and port transportation business contract approved according to the provisions of paragraph 1 of preceding Article and paragraph 1, Article 9 at the place of business in a manner easy for the customers to see them.

Depositing of Cargo Undeliverable

Article 13. The ordinary port transportation business operator may deposit cargo, undeliverable to the owner or those concerned on account of reason for which he is not responsible, with the warehouse operator at the expense of the consignee.

2. The ordinary port transportation business operator shall, when he has deposited cargoes in accordance with the provisions of the preceding paragraph, inform the consignee of the said deposition.

Prohibition of Transfer of Business Title

Article 14. The port transportation business operator shall not make another person use his business title, in order to operate the port transportation business.

Prohibition of Discrimination

Article 15. The port transportation business operator shall not give

special favour to specific customers on account of the bigger or smaller volume of cargo consigned to him or any other reason what-so-ever.

Responsibility for Acceptance of Application of Port Transportation Business

Article 15-2. The port transportation business operator shall not refuse port transportation business service applied to him, except for the following cases:

- (1) The port transportation business service requested is violating provisions of the laws and ordinances or harmful to the good morals.
- (2) The port transportation business is being obstructed due to natural disasters or other unavoidable reasons.
- (3) The port transportation business service requested is unfit to the port transportation business contract approved in accordance with the provisions of paragraph 1, Article 11.

Prohibition of Total Subcontracting

Article 16. The port transportation business operator (except those licenced for services of tally man, etc.) shall, when carrying out the port transportation business service he has undertaken, perform at least one of the actions of Items 2, 3, 4 and or 5 of paragraph 1, Article 2 as specified by the Ministry of Transportation Ordinance.

Identifying Name

Article 16-2. Those licenced for tallying business, etc. shall, when requested to make tallying, surveying or measuring service (hereinafter called "tallying service, etc."), tell to the customer requesting such services and other persons concerned the name or names of conducting such tallying service, etc.

Conducts of Tally Man, etc. Prohibited

Article 16-3. The tally man, etc. are prohibited, on shipborne cargo, to do conducts enumerated in the following item:

- (1) Making incorrect counting of number of pieces or incorrect certification on acceptance and delivery intentionally.
- (2) Making incorrect certification or surveying on stacking intentionally.
- (3) Making incorrect calculation of cubic capacity or weight intentionally.

2. The Director of the Maritime Transportation Bureau may, when the tally man, etc. has violated the provisions of the preceding paragraph, order to suspend the business of such tally man, etc. for not exceeding one year, or cancel his registration.

3. The Director of the Maritime Transportation Bureau shall, when he wants to make disposition enumerated in the preceding paragraph, summon the tally man, etc. concerned and investigate the matter in public, designating the date and place in advance. The tally men, etc. may make explanation or submit proofs at the place of such summoning.

Revision to Business Plan

Article 17. When the port transportation business operator wants to revise his business plan, he must obtain approval of the Minister of Transportation; provided that such approval is not necessary for unimportant matters to be specified by the Ministry of Transportation Ordinance.

2. The provisions of Article 6 shall apply mutatis mutandis to the approval of the preceding paragraph.

3. When the port transportation business operator has revised his business plan concerning matters specified in the provision of paragraph

he shall promptly report such a revision to the Minister of Transportation.

Securing of Business Covered
by Business Plan

Article 17-2. The port transportation business operator shall perform business according to his business plan, except when there are reasons obstructing performance of such duty such as natural disasters and others.

2. The Minister of Transportation may, when he deems that a port transportation business operator has violated or is violating the provisions of the preceding paragraph, order the port transportation business operator to conduct his business according to his business plan.

Transfer of Business,
Approval on Transfer, etc.

Article 18. The transfer and acceptance of the port transportation business shall not become effective, unless approval of the Minister of Transportation is obtained on such transfer or acceptance of business.

2. Amalgamation and dissolution of juridical persons operating port transportation business shall not become effective, unless approval of the Minister of Transportation is obtained; provided it shall not apply to the case where a juridical person operating port transportation business absorbs juridical persons not engaged in port transportation business.

3. The person succeeding a port transportation business upon approval specified in paragraph 1, a juridical person existing after amalgamation or a juridical person established by amalgamation upon approval specified in the preceding paragraph shall succeed the rights and responsibility accruing to the licence.

4. When a port transportation business operator has died and the successor wants to succeed the port transportation business operated by his ancestor, he shall obtain the approval of the Minister of Transportation therefor.

5. The successor may, when he has made application for approval within 60 days of the death of his ancestor in accordance with the provisions of the preceding paragraph, conduct the business he wants to succeed until the date he is notified of the approval or disapproval of his application, irrespective of the provisions of paragraph 1, Article 4.

Order Based on Public Interest

Article 18-2. The Minister of Transportation may order the matters specified in the following items designating the port transportation business operator or operators irrespective of the provisions of Article 15, but only when such action is necessitated for port transportation business necessary for relief activities intrues of disaster or for maintenance of public safety, and there is no or excessively insufficient number of persons wishing to conduct such actions optionally.

(1) Handling or transporting cargo designated by the Minister of Transportation.

(2) Changing method or order of handling or transportation of cargo.

2. Order, based on the provision of the preceding paragraph, for the matters requiring compensation for loss in accordance with the provisions of the next article shall be made seeing to it that the total amount of such compensation accruing from such orders does not exceed the framework of budget decided by the deliberation of the National Diet.

Compensation for Loss

Article 18-3. Those subjected to the order given in accordance with the

provisions of the preceding article shall be paid compensation for the loss generally accruing from such order (including loss of profit which would otherwise generally be obtainable, but for the order).

2. The amount of compensation payable in accordance with the provisions of the preceding paragraph shall be decided by the Minister of Transportation.

3. Matters necessary for compensation of loss, but not covered by the preceding two paragraph, shall be decided by the Minister of Transportation Ordinance.

Exemption from Application
of the Law for Prohibition
of Private Monopoly and
Securing Fair Transactions

Article 19. Those agreement, contract or joint action (hereinafter called "agreement, etc.") covering conditions of transportation, business facilities, collection of cargo and other matters concerning the port transportation business concluded by the port transportation business operator with other port transportation business operator for which advance approval has been given by the Minister of Transportation shall be exempted from the application of the Law for Prohibition of Private Monopoly and Securing Fair Transactions (Law No.54 of 1947); provided this shall not apply to the case where methods for unfair transaction are used.

2. The Minister of Transportation shall give approval specified in the preceding paragraph, unless he is sure that the agreement, etc. in question satisfies the conditions enumerated in the following items:

- (1) It is necessary for maintenance of order in port transportation business and for better service to the customers.
- (2) It is not binding on the other party of transaction, thereby the customers are obstructed in choosing freely port trans-

portation business with regard to the consignment of his cargo for port transportation business.

- (3) It is not unwarrantedly limiting the action of the parties to participate in or retire from the agreement, etc.
3. The Minister of Transportation shall, when he wants to give approval specified in paragraph 1, obtain agreement of the Fair Transaction Committee.

Approval for Suspension
or Abolition of Business

Article 20. The port transportation business operator shall, when he wants to suspend temporarily or discontinue its business, obtain permission of the Minister of Transportation in accordance with the procedures specified by the Ministry of Transportation Ordinance.

2. The permission for temporary suspension of business provided in the preceding paragraph shall not be made for a period of over one year.

3. The provision of the preceding paragraph shall not apply to the temporary suspension due to the damage of port facilities resulting from disasters or other unavoidable reasons.

Order for Improvement of Business

Article 21. The Minister of Transportation may order a port transportation business operator to carry out the matters enumerated in the following items when he deems that the business of the same port transportation business operator is obstructing the convenience of the customers:

- (1) Revision of the freightage, charge or port transportation business contract.
- (2) Revision of the business plan.

Suspension of Business and
Cancellation of Licence

Article 22. The Minister of Transportation may, when a port transportation business operator has come to fall in one of the following items, order such port transportation business operator to suspend his port transportation business for a period not exceeding 3 months or to cancel the licence for such port transportation business.

- (1) He has violated this law or the dispositions made under it.
- (2) He has failed to carry out the matters for which licence is granted, without proper reason.
- (3) He has come to fall in the provisions of items 1, 2, 4 or 5 of paragraph 2, Article 6.

Chapter 3. Port Transportation
Business Foundation

Establishment of Port Transportation Business Foundation

Article 23. The port transportation business operator (excluding those licenced for tallying business, etc. The same shall apply hereinafter in this chapter) may establish a port transportation business foundation to make it the object of mortgage.

Composition of Foundation

Article 24. A port transportation business foundation is of those enumerated below, belonging to the same one port transportation business operator and may be composed of all or part of those concerning the port transportation business.

- (1) Shed, cargo handling machines, other cargo-sorting facilities and the site used therefor.
- (2) Barges, tug boats and other vessels.

- (3) Office and other buildings necessary for port transportation business, and the site therefor.
- (4) Surface rights existing on the real estate of other persons to own or use structures enumerated in item 1 or the preceding item, registered lease, or real servitude existing for the land specified in the item 1 or preceding item.
- (5) Tools and machines necessary for the operation of the port transportation business.

Limitation on Establishment of Port
Transportation Business Foundation

Article 25. A port transportation business operator shall not establish the port transportation business foundation where there is none of the real estates enumerated in item 1 or item 3 of the preceding article.

Application Mutatis Mutandis
of Factory Mortgage Law

Article 26. In addition to the provisions set forth in this law, those provisions of the Factory Mortgage Law (Law No.54 of 1895) concerning factory mortgage shall apply mutatis mutandis to the port transportation business foundation. In this case, "address of the factory" in Article 17 and Article 45 of the said law shall read "the addresses of the real estates enumerated in item 1 or item 3 of Article 24 of the Transportation Business Law".

Reporting of Establishment of Foundation

Article 27. A port transportation business operator shall, when he has established a port transportation business foundation, promptly report of it to the Minister of Transportation.

Continuance of Foundation

Article 28. A port transportation business foundation shall not disappear even when the owner of such a port transportation business foundation has leased to be a port transportation business operator.

Chapter 4. Miscellaneous Rules

Petition

Article 29. Those who is dissatisfied with the disposition made by the administrative office in accordance with the provisions of this law or order issued under the law may make petition.

Delegation of Authority

Article 30. Part of the authority of the Minister of Transportation provided in this law to be specified by the Ministry of Transportation Ordinance shall be carried by the Director of Maritime Transportation Bureau.

2. The provisions of the next article shall not apply when the Director of Maritime Transportation Bureau performs the authority of the Minister of Transportation in accordance with the provisions of the preceding paragraph.

Consultation with the Transportation Council

Article 31. The Minister of Transportation shall consult the Transportation Council about licencing, cancellation of licence or stoppage of port transportation business, approval or more revision concerning basic freights and charges on the port transportation business, or order for public interest or decision of compensation therefor and shall treat those matters paying due attention to the decision made by the Transporta-

tion Council; provided that this provision shall not apply when an order for public interest is in imminent need and the situation requires to issue such an order without consulting with the transportation Council.

Notifying to Port Management
Body, etc.

Article 32. The Minister of Transportation shall, when he wants to issue an order for revision of freightage and charges, or port transportation business contract (excluding those concerning tallying business, etc.) in accordance with provisions of Article 21, shall obtain opinion of the Port Management Body concerned.

2. When the Minister of Transportation has granted licence, permitted discontinuance of the business or cancelled licence relative to the port transportation business, he shall notify the Port Management Body concerned of such a disposal.

Indication Concerning Barges
or Lighters etc.

Article 32-2. A port transportation business operator shall put up his or its name and other matters specified by the Ministry of Transportation ordinance in the barges or lighters and other vessels used for port transportation business or transportation specified in paragraph 1, Article 33-1 in a manner easily readable by the public.

Collection of Reports, etc.

Article 33. The Minister of Transportation may, when he deems it necessary for securing enforcement of this law, have the port transportation business operators submit reports on the use of barges or lighters and on other matters relative to the business.

2. The Minister of Transportation may, when he deems it necessary for

securing enforcement of the law, have his subordinate official enter the office or business places, or barges, tug boats or other vessels of the port transportation business operator and inspect books, papers and other and other articles.

3. The official making inspection in accordance with provisions of the preceding paragraph shall carry a certificate showing his status and show it to persons concerned.

4. The authority of inspection provided in paragraph 2 shall not be construed as authorized for criminal investigation.

Special Provisions Applicable
to Transportation by Wooden Ships
Between the Designates Sections

Article 33-2. The provisions of the "Wooden Vessel Transportation Law" (Law No.151 of 1952) shall not apply to the transportation of goods by wooden vessels other than barges or lighters, by a person licenced for ordinary port transportation business or barge transportation business (hereinafter called "barge transportation business operator"), on the designated section that starts or terminates the port for which he is licenced (including the case the transportation undertaken by him is subcontracted to other persons. And, it is applicable, in case of an ordinary port transportation business operator, when such business is conducted as part of the business corresponding to the ordinary port transportation business). The same shall apply to a person continues operating the business in accordance with the provisions of paragraph 5, Article 18, when the operator of an ordinary port transportation business or barge transportation business has died.

2. The provisions of Article 9 through Article 12 inclusive, Article 14, Article 15 and Article 18-2 through Article 19 inclusive shall apply

mutatis mutandis to the transportation specified in the preceding paragraph. In this case, "port transportation business in Article 14 shall read "transportation provided in paragraph 1, Article 33-2.

Special Provisions Applicable to
Port Transportation Business
Conducted by the Operator of Wooden
Vessel Transportation Business

Article 33-3. The provisions of Article 4 shall not apply to the transportation business in a port by wooden vessels other than barges or lighters conducted by a person registered for wooden vessel transportation business or wooden vessel shipping agent (hereinafter called "operator of transportation business by wooden vessels") in accordance with the provisions of the Wooden Vessel Transportation Law (excluding those transportations directly connected with maritime transportation but not undertaken from port transportation business operator). The same shall apply to a person who continues operating the wooden vessel transportation business after its owner has died or its merger with other business; in accordance with the provisions of paragraph 3, Article 14 of the Wooden Vessel Transportation Law.

2. An operator of wooden vessel transportation business operating the business specified in preceding paragraph shall report of it to the Minister of Transportation within 30 days from the beginning of that business according to the procedure specified by the Ministry of Transportation Ordinance. The same shall apply when he intends to suspend or discontinue the business.

3. The provisions of Article 9, Article 10, Article 12, Article 14 through Article 16 inclusive, Article 18-2 through Article 19 inclusive, Article 22 and Article 33 shall apply mutatis mutandis to the business

specified in paragraph 1, which is operated by a wooden vessel transportation business operator. In this case, "port transportation business operator" used in these provisions (excluding paragraph 1, Article 19) shall read "wooden vessel transportation business operator to whom the provisions of paragraph 1, Article 33-3 is applicable" and "concluded by the port transportation business operator with other port transportation business operator" used in the paragraph 1, Article 19 shall read "concluded by the port transportation business operator or wooden vessel transportation business operator for whom the paragraph 1, Article 33 is applicable with other port transportation business operator or wooden vessel transportation business operator for whom the said paragraph is applicable.

Chapter 5. Penal Provisions

Article 34. A person who has operated port transportation business in violation of the provisions of paragraph 1, Article 4 shall be liable to a fine of not exceeding 100,000 yen.

Article 34-2. A person falling in one of the following items shall be liable to a fine of not exceeding 50,000 yen:

- (1) A person violating the provisions of paragraph 2, Article 4 limiting the range of business.
- (2) A person violating the provisions of Article 14 (including where this provisions is applicable mutatis mutandis in paragraph 2, Article 33-2, and paragraph 3, Article 33-3).

Article 35. A person falling in one of the following items shall be liable to a fine of not exceeding 30,000 yen:

- (1) A person who has engaged in tallying business without being regis-

- tered in accordance with the provisions of Article 7.
- (2) A person who has done matters requiring approval or permission in accordance with provisions of paragraph 1, Article 9 (including where this article is applied mutatis mutandis under paragraph 2, Article 33-2 and paragraph 3, Article 33-3), paragraph 1, Article 11 (including where this paragraph is applied mutatis mutandis under paragraph 2, Article 33-2), paragraph 1, Article 17 or paragraph 1, Article 20, without approval or permission.
 - (3) A person who has violated the provisions of Article 10 (including where this Article is applied mutatis mutandis under paragraph 2, Article 33-2 and paragraph 3, Article 33-3), Article 15, Article 15-2, Article 16 (including where this article is applied mutatis mutandis under paragraph 3, Article 33-3) or Article 16-2.
 - (4) A person who has violated the disposal of suspension of work or business in accordance with the provisions of paragraph 2, Article 16-3 or Article 22 (including where this article is applied mutatis mutandis under paragraph 3, Article 33-3).
 - (5) A person who has violated the order issued under paragraph 2, Article 17-2 or Article 21.

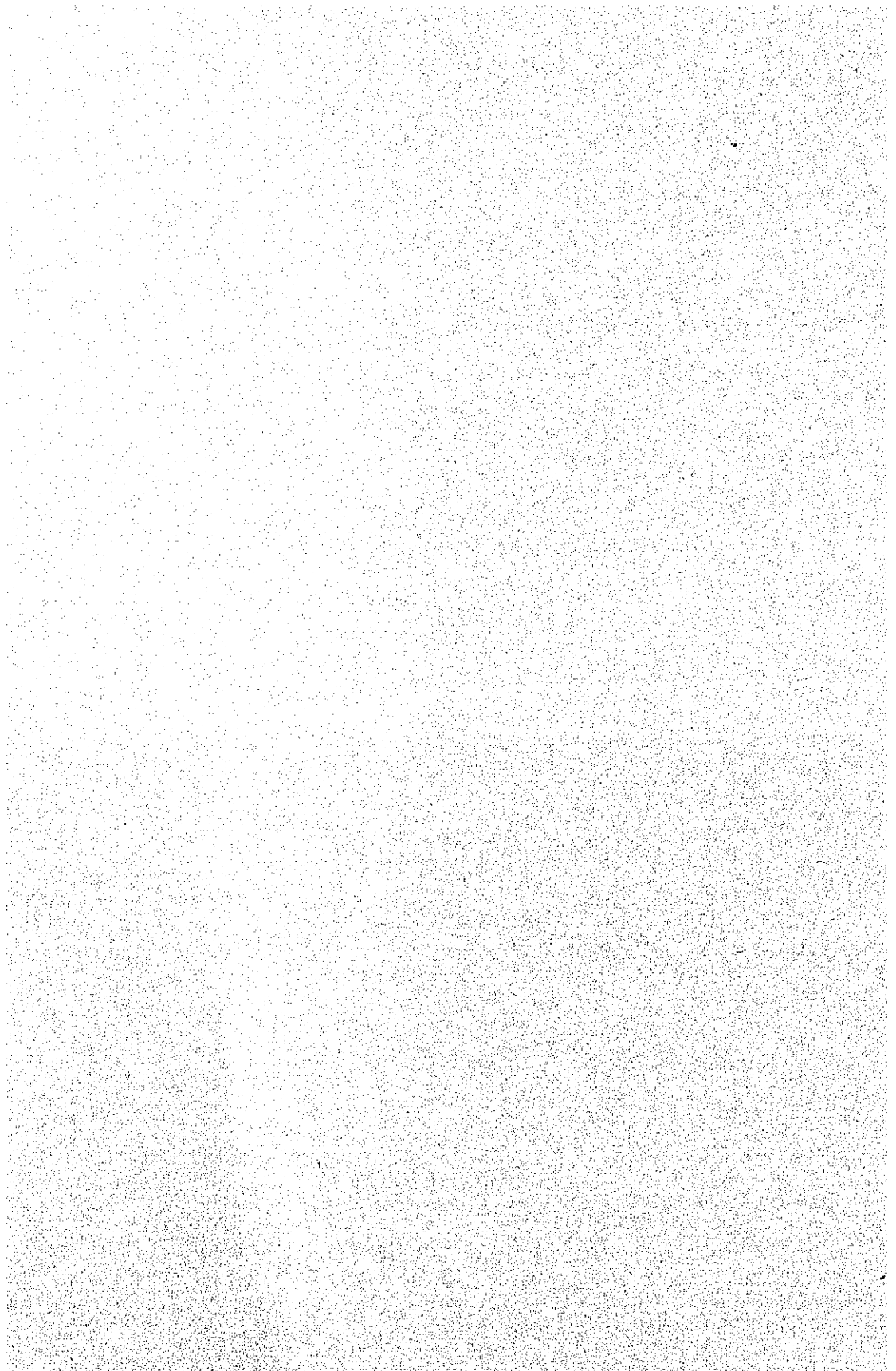
Article 36. When a representative of a juridical person, or a deputy, workers or employee of a juridical person or a person has conducted punishable deeds in accordance with the provisions of the preceding three articles relative to the business of the juridical person or person, the same juridical person or a person shall be punished in accordance with the provisions of applicable articles in addition to those who actually conducted the punishable deeds; provided that this provisions shall not apply when there is ample proof that sufficient attention and supervision have been made on

the business concerned to prevent the deputy, workers and employee of the juridical person or person from committing such a punishable deed.

Article 37. A person falling in one of the following items shall be liable to a penalty of not exceeding 30,000 yen.

- (1) A person who has failed to put up indication specified in Article 12 (including where the provisions of paragraph 2, Article 33-2 and paragraph 3, Article 33-3 are applied mutatis mutandis) or Article 32-2, or has made false indication.
- (2) A person who has failed to make report specified in paragraph 3, Article 17 or paragraph 2, Article 33-3, or has made false report.
- (3) A person who has failed to make report specified in paragraph 1, Article 33 (including where the provisions of paragraph 3, Article 33-3 is applied mutatis mutandis), or has made false report.
- (4) A person who has rejected, interrupted or evaded inspection specified in paragraph 2, Article 33 (including where the provisions of paragraph 3, Article 33-3 is applied mutatis mutandis).

Warehousing Business Law



Article 1. The law aims at insuring an adequate operation of the warehousing businesses and smooth circulation of warehouse receipts.

Definitions

Article 2. "Warehouse" used in this law means a structure for protecting goods from missing or damaging or a land or water surface provided with facilities for protecting goods from missing or damaging and is used for storage of goods.

2. "Warehousing business" used in this law means a business of storing goods entrusted by other persons in warehouses (excluding depositing for safe keeping, temporary depositing or others designated by the Government Ordinance).

3. "Warehouse receipt" used in this law means a deposit certificate, pledge certificate or warehouse receipt.

Application for Permission

Article 4. A person desiring to obtain the permission specified in the preceding article shall submit the application showing the following to the Minister of Transportation.

- (1) Location and construction of and facilities to be provided at the warehouse.
- (2) Kind of goods to be stored.
- (3) Other matters specified by the Ministry of Transportation Ordinance.

2. The application specified in the preceding paragraph shall be accompanied by the drawing of the warehouse and other papers designated by the Ministry of Transportation Ordinance.

Standard for Permission

Article 5. The Minister of Transportation shall, when he has accepted the application for permission specified in Article 3, grant permit, except in the following items:

- (1) When the applicant is within two years since the date he has finished or has been released from his one year or over of penal servitude or imprisonment.
- (2) When the applicant is within two years since the date his permission specified in Article 3 was cancelled.
- (3) When the officer or officers of a juridical person applying for permission falls in one of the preceding two items in case the applicant is a juridical person.
- (4) When the location or construction of or facilities to be installed at the proposed warehouse does not satisfy the standards specified by the Ministry of Transportation Ordinance, or otherwise in appropriate for adequate execution of the warehousing business.

Charges

Article 6. A person obtaining the permission specified in Article 3 (hereinafter called "warehousing business operator") shall establish the warehouse storage charges, warehouse goods handling charges and other charges relative to warehousing business, and report them to the Minister of Transportation before their enforcement. The same shall apply when they are to be revised.

2. The Minister of Transportation may order the warehousing business operator, when he thinks that any of the charges specified in the preceding paragraph falls in any of the following items; to revise the said charge specifying the deadline:

- (1) The charge exceeds the total of the adequate cost and an adequate

profit, under the efficient business operation.

- (2) The charge is discriminative to a specified customer or customers.
- (3) The charge is liable to cause unreasonable competition with other warehousing business operator or operators.

Article 7. The warehousing business operator shall not rebate the charge once received.

Warehouse Deposit Contract

Article 8. A warehousing business operator shall establish the Warehouse Deposit Contract and shall report it to the Minister of Transportation before its enforcement. The same shall apply when they are to be revised.

2. The Minister of Transportation may, when he thinks that the Warehouse Deposit Contract specified in the preceding paragraph is liable to damage the lawful interest of the depositor or holder of warehouse receipt, order the warehousing business operator concerned to revise the Warehouse Deposit Contract specifying the deadline.

Posting of Charges, etc.

Article 9. A warehousing business operator shall put up the charges, Warehouse Deposit Contract, kinds of goods acceptable for storage or other matters at his business office or other places used for business in a manner easy for the customers to read, in accordance with the provisions of the Ministry of Transportation Ordinance.

Prohibition of Discrimination

Article 10. The warehousing business operator is prohibited to make discriminative handling to specified customer.

Charge of Location, etc. of Warehouse

Article 11. A warehousing business operator shall, when he wants to revise the matters enumerated in item 1 or item 2 of paragraph 1, Article 4, obtain approval of the Minister of Transportation; provided that this provision shall not apply when the warehouse is to discontinue to be used as the warehouse or other cases specified by the Ministry of Transportation Ordinance.

2. The provisions of item 4 of Article 5 shall apply mutatis mutandis to the approval specified in the preceding paragraph.

Structure and Facility of Warehouse

Article 12. A warehousing business so that its structure and facilities are always kept to fit the standards specified in Item 4 of Article 5.

2. The Minister of Transportation may, when he deems the structure or facilities of a warehouse used for business are unfit to the standards specified in item 4 of Article 5, or the warehousing business operator operating such a warehouse to repair or remodel the warehouse or to change the kind of goods to be accepted for storage.

Issuance of Warehouse Receipt

Article 13. The warehouse receipt shall not be issued by other than the warehousing business operators permitted by the Minister of Transportation.

2. The Minister of Transportation shall grant the permission specified in the preceding paragraph according to the following standards:

- (1) The warehousing business operator has sufficient experience or knowledge to carry out adequately the business he handles.
- (2) The warehousing business operator has sufficient financial power and credit to carry out adequately the business he handles.

3. The Minister of Transportation shall not grant permission specified in paragraph 1, when the warehousing business operator falls in any of the following items:

- (1) When the applicant is within two years since the date his permission specified in paragraph 1 was cancelled.
- (2) When the officer or officers of a juridical person applying for the permission falls in the preceding item.

Duties to Insure Fire Insurance

Article 14. A warehousing business operator obtaining the permission specified in paragraph 1 of the preceding article (hereinafter called "warehousing business operator permitted to issue warehouse receipt") shall, when issuing the warehouse receipt, put the goods covered by the same warehouse receipt to the fire insurance for the depositor; provided that this provision shall not apply when the depositor has made it clear that he does not want issuance or in other cases specified by the Ministry of Transportation Ordinance.

Exemption from Application of the Law for Prohibition

Article 15. The provisions of the Law for Prohibition of Private Monopoly and Securing Fair Transactions (Law No. 54 of 1947) shall not apply to the agreement, contract or common action (hereinafter called "agreement, etc.") concluded by a warehousing business operator with other warehousing business operators for collecting goods; provided that this provision shall not apply to cases where an unfair manner of transaction is employed.

Reporting of Agreement, etc.

Article 16. A warehousing operator shall, when he wants to enter into

agreement etc. specified in the preceding article, report to the Minister of Transportation in advance. The same shall apply when he wants to revise agreement etc.

Transfer and Acceptance of Business
and Amalgamation of Juridical Persons

Article 17. When a warehousing business operator (excluding a warehousing business operator permitted to issue warehouse receipt) has transferred all or part of his warehousing business, the person accepting such a business shall succeed the status of the warehousing business operator.

2. When two or more juridical persons engaged in the warehousing business have been amalgamated, the juridical person continuing to exist after such an amalgamation or a juridical person established by such an amalgamation shall succeed the status of the warehousing business operator.

3. A person succeeding the status of the warehousing business operator in accordance with the provisions of the preceding two paragraphs shall report of such a succession to the Minister of Transportation within 30 days from the day of such a succession.

Article 18. When a warehousing business operator permitted to issue warehouse receipts has transferred all or part of his warehousing business, if the transferrer and receiver of the same have obtained approval of the Minister of Transportation for such a transfer and acceptance of warehousing business, the receiver shall succeed the status of the warehousing business operator permitted to issue warehouse receipts.

2. When juridical persons engaged in the warehousing business have amalgamated (excluding when juridical persons engaged in the warehousing business permitted to issue warehouse receipts and juridical persons engaged in the warehousing business not permitted to issue warehouse receipts

have merged into one juridical person engaged in warehousing business permitted to issue warehouse receipts), if they have got the approval of the Minister of Transportation on such an amalgamation, the juridical person continuing to exist after such an amalgamation or a juridical person established by such an amalgamation shall succeed the status of the warehousing business operator permitted to issue warehouse receipts.

3. The provisions of Article 5 and paragraph 2 and paragraph 3 of Article 13 shall apply mutatis mutandis to the approval specified in the preceding two paragraphs.

Succession

Article 19. When a warehousing business operator has died, the successor shall succeed the status of the warehousing business operator owned by the dead operator. In this case, the successor shall report to the Minister of Transportation of such a succession within 30 days from the date when he knew the death of the inheritee.

2. When the inheritee was a warehousing business operator permitted to issue warehouse receipts, the permission specified in paragraph 1, Article 13 shall expire and become void after the lapse of 60 days after the death of the inheritee, unless the successor specified in the preceding paragraph applies to the Minister of Transportation for approval on the succession within the same 60 day period. The same shall apply after the date the notice is serviced to the effect that the application for approval on the succession is turned down.

3. The provisions of paragraph 2 and paragraph 3 of Article 13 shall apply mutatis mutandis to the approval specified in the preceding paragraph 2.

Discontinuance of Business

Article 20. A warehousing business operator shall, when he has discontinued his warehousing business, report of it to the Minister of Transportation within 30 days from the date the business is discontinued.

Suspension of Business and Cancellation of Permission

Article 21. The Minister of Transportation shall, when a warehousing business operator has come to fall in one of the following items, order such warehousing business operator to discontinue his business specifying the period not exceeding 6 months or cancel the permission specified in Article 3:

- (1) He has violated this law, disposal or permission made under this law or conditions accompanying the approval.
- (2) He has come to fall in one of the items specified in item 1 to item 3 inclusive of Article 5.
- (3) He has made fraudulent practices in connection with his business.

Suspension of Issuance of Warehouse Receipts and Cancellation of Permission

Article 22. The Minister of Transportation shall, when a warehousing business operator permitted to issue warehouse receipts has come to fall in item 2 of paragraph 3, Article 13 or item 1 or item 3 of the preceding article, may order such a warehousing business operator to suspend issuance of warehouse receipts specifying the period not exceeding 6 months or cancel the permission specified in paragraph 1, Article 13.

Conditions for Permission, etc.

Article 23. The permission or approval may be accompanied by conditions or

may be revised.

2. The conditions specified in the preceding paragraph shall be as least as possible for securing public interest, and shall not such that impose in appropriate obligations on the warehousing business operator concerned.

Hearing

Article 24. The Minister of Transportation shall, when he wants to make disposition in accordance with the provisions of paragraph 2, Article 6, paragraph 2, Article 8, paragraph 2, Article 12, Article 21 or Article 22, hold a hearing on the warehousing business operator concerned specifying the date and place of such a hearing in advance. During the hearing, the warehousing business operator concerned shall be given a chance of expressing his opinion and submitting proofs.

Petition

Article 25. Any person dissatisfied with the disposition made by the administrative office in accordance with the provisions of this law may make petition.

Delegation of Authority

Article 26. The matters under the jurisdiction of the Minister of Transportation in accordance with the provisions of this law may be delegated to the Director of Maritime Transportation Bureau or Chief of the Regional Land Transportation Bureau.

Reporting and Inspection

Article 27. The Minister of Transportation may have a warehousing business operator submit a report on the latter's business or have his men enter the business office, warehouse or other places of the warehousing business

operator and inspect books, papers and other objects, but only to the extent necessary for attaining the object of Article 1.

2. The man entering the offices, etc. of the warehousing business operator for inspection in accordance with the provisions of the preceding paragraph shall carry a certificate showing his status and shall show it to the persons concerned.

3. The authority of forced inspection provided in paragraph 1 shall not be construed as being approved for criminal investigation.

Penal Provisions

Article 28. A person engaging in the warehousing business in violation of the provision of Article 3 shall be liable to a fine of not exceeding 100,000 yen.

Article 29. A person falling in any of the following items shall be liable to a fine of not exceeding 50,000 yen:

- (1) A person violating the order given in accordance with the provisions of paragraph 2, Article 6, paragraph 2, Article 8 or paragraph 2, Article 12.
- (2) A person issuing warehouse receipts without being permitted in accordance with the provisions of paragraph 1, Article 13.
- (3) A person violating the disposition of suspension of business specified in Article 21 or of suspension of issuance of warehouse receipts specified in Article 22.

Article 30. A person falling in any of the following items shall be liable to a fine of not exceeding 30,000 yen.

- (1) A person accepting charges without making the report specified in paragraph 1, Article 6.

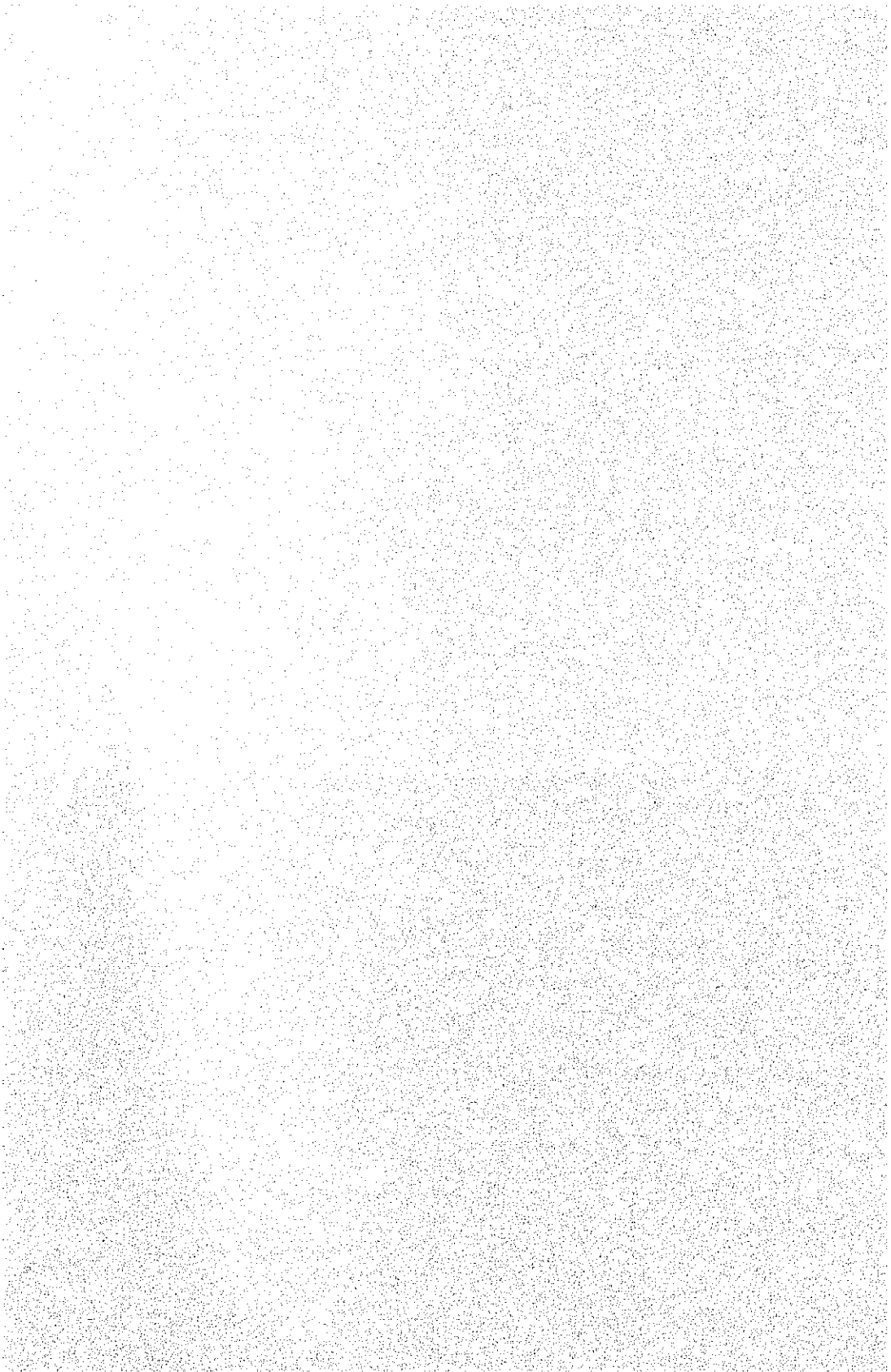
- (2) A person accepting goods for storage offered without making the report specified in paragraph 1, Article 8.
- (3) A person conducting without approval matters requiring approval in accordance with the provisions of paragraph 1, Article 11.
- (4) A person failing to submit the report specified in paragraph 1, Article 27 or making a false report.
- (5) A person rejecting, obstructing or evading inspection specified in paragraph 1, Article 27.

Article 31. When the representative of a juridical person, the deputy, employee or worker of a juridical person or a person has conducted unlawful acts specified in the preceding three articles in connection with the business of the same juridical person or persons, the juridical person or a person shall be punished in accordance with the provisions of applicable articles, in addition to the person committing such offences.

Article 32. A person falling in any of the following items shall be liable to a fine of not exceeding 30,000 yen:

- (1) A person failing to make posting specified in Article 9 or making a false posting.
- (2) A person making agreement, etc. provided in Article 15 without reporting in accordance with the provisions of Article 16.
- (3) A person failing to report in accordance with the provisions of paragraph 3, Article 17, the latter part of paragraph 1, Article 19 or Article 20, or making a false report.

Japan Port Regulations Law



Japan Port Regulations Law

Law No.174 of July 15, 1948 with all amendments thereto through No.96 of June 1, 1971

Chapter I. General Provisions

Article 1. *Object of This Law.* General object of this law is to assure the safe navigation of vessels and maintenance of good order in Japanese ports.

Article 2. *Ports and Physical Limits Thereof.* Ports to which this Law applies are listed in the table appended to the Enforcement Order of the Japan Port Regulations Law, and the physical limits thereof are prescribed in the same Enforcement Order.

Article 3. *Definitions* 1. "Miscellaneous Vessels", as used in this law, refer to launches, lighters, small boats, and all craft propelled wholly or primarily by oar.

2. "Specified Port", as used in this law, refer to ports suitable for accommodation for deep draft vessels and customarily used by foreign vessels. A list of Japanese ports which have been designated "Specified Ports" is contained in the Enforcement Order of the Japan Port Regulations Law.

Chapter II. Entrance, Departure and In-Port Procedures

Article 4. *Report on Entrance and Departure.* A vessel which enters a Specified Port or which intends to depart a Specified Port shall make a report to the Port Captain in accordance with the procedure prescribed by Transport Ministry Regulations for the Enforcement of the Port Regulations Law.

Article 5. *Anchorage*. 1. Vessels shall anchor in Specified Ports in the area designated by the Enforcement Regulations for the Port Regulations Law for ships of their tonnage and type of cargo.

2. Vessels planning to anchor in a designated Specified Port must first obtain an anchorage assignment from the Captain of the Port unless advance arrangements have been made to moor to a buoy, quay, pier or other mooring facility, hereinafter referred to as "mooring facility". The Captain of the Port will designate an anchorage in conformance with the provision of paragraph 1 of this Article, unless special circumstances exist.

3. The Port Captain may also assign anchorage in ports which are not designated Specified Ports by this law.

4. A vessel for which an anchorage has been designated in accordance with the last two paragraphs will anchor in that anchorage in spite of the provision of paragraph 1 above.

5. When a person in charge of a mooring facility in a Specified Port has made advance arrangements for its use by an incoming vessel, he will so report it to the Captain of the Port prior to the ship's arrival in port.

6. The Captain of the Port may, when he deems it necessary for maritime safety, restrict or prohibit the use of privately owned berthing facilities in a Specified Port.

7. The Captain of the Port and persons in charge of berthing facilities in a Specified Port will cooperate closely concerning communications between ship and shore with regard to designation and use of berthing facilities and anchorages.

Article 6. *Restrictions on Entering Port at Night*. Except in an emergency, vessels shall not enter a designated Specified Port between the hours of sunset and sunrise unless permission to do so has previously been obtained

from the Captain of the Port. Ships may enter without prior notice in order to avert a sea disaster or for some other unavoidable circumstance.

Article 7. *Restrictions on Shifting Assigned Berth*. 1. Vessels, other than Miscellaneous Craft, shall not shift from anchorages or berths assigned by the Port Captain or from the designated anchorage for their tonnage and cargo unless it is necessary in order to avoid marine disaster or because of other unavoidable circumstances.

2. If, for one of the reasons stated above, a ship moves without permission of the Port Captain, the movement shall be reported to the Port Captain as soon as possible.

Article 8. *Demobilizing of Vessels*. 1. Anyone intending to demobilize a ship, other than a Miscellaneous Vessel, in a designated Specified Port for repairs or laying up shall make a report to the Port Captain to that effect.

2. In a Specified Port, ships which are demobilized for repairs or other cause will be moored in a berth assigned by the Port Captain.

3. If the Port Captain considers it necessary in order to protect a demobilized ship, the Port Captain may order that a specified number of mariners be retained aboard the vessel.

Article 9. *Mooring Restrictions on Miscellaneous Vessels*. Within a port, Miscellaneous Vessels and rafts shall not be moored to a mooring buoy or to another vessel nor shall they moor, anchor, or lie to a location which might threaten the safe navigation of any other vessel.

Article 10. *Order for Shifting Assigned Berth*. The Port Captain may, when he deems it necessary, order a vessel in a Specified Port to shift berths.

Article 11. *Restrictions on Anchoring*. Regulations concerning the areas

in a port where anchoring, mooring, or lying-to of any vessel is prohibited shall be prescribed by the Enforcement Regulations for the Port Regulations Law.

Chapter III. Prescribed Channel and Rules of Sailing

Article 12. *Prescribed Channels*. No vessel other than Miscellaneous Vessels shall enter, depart, or pass through a Specified Port except by following the channel prescribed by the Enforcement Regulations for this Law except for purposes of averting a marine disaster or because of other unusual circumstances.

Article 13. No vessel shall anchor or release a towed vessel in a prescribed channel, except in the following circumstances:

- (1) When it is necessary in order to avert a marine disaster;
- (2) When the vessel is not under command;
- (3) When the vessel is engaged in the rescue of human life or is assisting a vessel in immediate danger;
- (4) When the vessel is engaged in construction work or operations with the permission of the Port Captain in accordance with Article 31

Article 14. *Sailing Rules*. 1. Vessels entering or leaving the prescribed channel shall keep clear of vessels proceeding in the channel.

2. Vessels shall not proceed abreast on a parallel heading in a prescribed channel.

3. Vessels passing in a meeting situation shall each keep to the starboard side of the channel.

4. Overtaking and passing in the channel is not permitted.

Article 15. In case where there is a possible meeting situation at a Specified Port harbor entrance, the entering ship shall remain clear outside of the harbor entrance until the departing ship is clear of the entrance.

Article 16. 1. Vessels in or near Specified Ports shall proceed at such a speed as not to endanger other vessels.

2. Sailing craft within a port shall partially douse sail or use a tug.

Article 17. Within a port, any vessel sighting a breakwater, quay or other construction to starboard, or a vessel at anchor on her starboard hand will take course as necessary to pass the above cited objects as close as possible. Vessels sighting such objects in harbors on their port hand will maneuver as necessary to pass them at as great a distance close as practicable for safe navigation.

Article 18. Miscellaneous vessels must give way to vessels other than miscellaneous vessels in harbors.

2. Vessels other than miscellaneous vessels, whose tonnage is less than that specified for a particular port by the Enforcement Regulations of the Port Regulations Law or vessels of less than 500 tons gross (hereinafter referred to as "small craft"), shall, in a specified port where ships' traffic is extremely congested, keep out of the way of vessels other than small craft and miscellaneous vessels.

3. Vessels other than small craft and miscellaneous vessels shall display such signals as are required by the Enforcement Regulations at a conspicuous place on the mast when underway in the specified port referred to in the preceding paragraph.

Article 19. 1. The Minister of Transport may prescribe additional navigation rules in certain stipulated harbors when he deems it necessary for ensuring safety of ships' traffic in such harbors from the point of topography, tidal currents, and other natural conditions, to apply the provisions of Article 14 paragraph 3 or 4, Article 15 or Article 17, in spite of these provisions.

2. The Minister of Transport may prescribe additional rules by Ministerial Ordinance concerning the navigation of vessels in certain stipulated harbors.

Article 20. *Cancelled* (by Law No.151 of 1953).

Chapter IV. Dangerous Objects

Article 21. 1. When a vessel having explosive or other dangerous cargo on board (except for that provided for use of the ship, the same shall apply hereinafter) intends to enter a Specified Port, she shall remain outside the harbor limits until the Captain of the Port is so informed and special instructions concerning entry are received from him.

2. Dangerous objects, within the meaning of the above paragraph are listed in Annex Three to the Port Regulations Law Enforcement Regulations.

Article 22. A vessel carrying dangerous cargo will anchor or berth only at the place specifically designated by the Captain of the Port. However, if the cargo is other than explosives, the Captain of the Port may remove this restriction if, in view of the duration of ship's stay in port, type of cargo, and method of safeguarding cargo, he considers it in the best interest.

Article 23. 1. In a Specified Port, prior to loading, discharging or transshipping dangerous cargo, permission from the Captain of the Port must be obtained.

2. When the Captain of the Specified Port considers that handling of dangerous cargo as specified above is unsafe in the ship's designated berth, he may designate a safe place for transfer outside the harbor limits and grant permission for the requested operation to be accomplished.

3. When such permission is granted the vessel transferring cargo is still considered to be within the limits of the Specified Port insofar as the Captain of the Port's authority and responsibility are concerned.

4. When a vessel wants to transport a dangerous object within a Specified Port or near the limits of a Specified Port, the permission of the Captain of the Port must first be obtained.

Chapter V. Maintenance of Channel

Article 24. 1. Ships will not be allowed to arbitrarily dump ballast, oil residue, cinders, garbage or any other similar waste material into a harbor or within 10,000 meters of a harbor's limits.

2. Before discharging coal, stone, brick or any similar material in port or in the vicinity of boundaries of the port, proper precautions shall be taken to assure that none of the material falls into the sea.

3. When the Captain of the Port deems it necessary, he may require persons who have discharged waste material into the harbor to remove it from the harbor.

Article 25. When an accident occurs in or near a harbor which hazards marine traffic, the Master of the ship concerned shall take proper steps to assure that the accident does not cause damage to other ships be es-

establishing markets in the danger area, etc., and shall notify the Captain of the Port immediately if in a Specified Port, or the Chief of a nearby Maritime Safety Office or Base if not in a Specified Port.

Article 26. When a derelict, submerged object or any other object which might obstruct or hazard marine traffic exists in or near the harbor limits of a Specified Port, the Captain of the Port may order the owner or occupant of said object to remove same.

Chapter VI. Ship's Lights and Signals

Article 27. Vessels specified in Article 7, paragraph 5 or paragraph 7 of the Law for Preventing Collisions at Sea (International Regulations and Japan Law 151 of 1953, and the above law, agree), shall carry lights as specified in Article 7, paragraph 5, or paragraph 7 respectively, while underway in a harbor at night.

Article 28. A vessel shall not blow a whistle or siren in port except for justifiable cause.

Article 29. Anyone who desires to use a private signal within the limits of a Specified Port must apply to and obtain permission from the Captain of the Port for doing so.

Article 30. *Fire Warning*. 1. When a fire breaks out on a ship, equipped with a whistle or siren and the ship is not underway, five prolonged blasts will be sounded. (Duration of blast is as prescribed in the International Regulations for Preventing Collisions at Sea.)

2. The above described fire alarm will be sounded repeatedly at proper intervals.

Article 30-2. A vessel in a Specified Port shall post written instructions for sounding the Fire Signal in a location easily seen by all personnel abroad who may be required to sound the alarm.

Chapter VII. Miscellaneous Regulations

Article 31. *Permission to Conduct Harbour Works, Ship Launchings, Etc.*

1. Any person who plans to conduct construction or similar operations in a Specified Port shall obtain permission of the Captain of the Port prior to commencing work.

2. The Captain of the Port may, in giving the above permission, also issue orders concerning the necessary measures to be taken in order to assure marine safety.

Article 32. Prior to holding a boat race or similar event within the boundaries of a Specified Port, the permission of the Captain of the Port must first be obtained.

Article 33. Prior to launching, docking, or undocking a vessel in a Specified Port, the intention will be reported to the Captain of the Port.

Article 34. Prior to loading floatable cargo such as bamboo or lumber, or mooring or towing a raft in a Specified Port, the permission of the Captain of the Port will first be obtained.

2. The Captain of the Port may, in giving the above permission, also issue orders concerning the necessary measures to be taken in order to assure marine safety.

Article 35. *Restriction on Fishing.* Fishing shall not be conducted within the boundaries of a port in such a manner as to threaten the safety of navi-

gation.

Article 36. *Restriction on Lights*. 1. Powerful lights which threaten safe navigation of vessels will not be used within or near the limits of a port.

2. The Captain of the Port may order a person using a light of such power as to threaten safe navigation within a port to turn off the light or cover it.

Article 36-2. *Restriction on Smoking, Etc.* 1. No one shall be permitted to smoke or handle fire in the vicinity of an oil tanker in harbor without first taking all proper precautions.

2. The Captain of the Port may, when inflammable liquid is floating in the water area of a Specified Port as a result of marine accidents or other causes, restrict or prohibit smoking or handling of fire in such water area if he deems it likely to cause a fire.

Article 36-3. *Restriction on Navigation of Vessels, Etc.* 1. Vessels proceeding in the channels prescribed by the Enforcement Regulations in a Specified Port shall comply with the ship traffic signals made by the Captain of the Port at the Signal Station.

2. Vessels, whose gross tonnage is more than the minimum stipulated by the Enforcement Regulations shall notify the Captain of the Port of the estimated time of arrival at the channel referred to in the preceding paragraph in accordance with the provisions of the Enforcement Regulations when they intend to navigate in the same channel.

3. The location of the signal station, method of signalling and meaning of signal as referred to in paragraph 1 above shall be prescribed by Ministerial Ordinance.

Article 37. 1. When deemed necessary for the safe navigation of vessels, the Captain of the Port may designate specified routes and port areas within the port as necessary.

2. When the action described in the preceding paragraph is considered necessary by the Captain of the Port he shall first give public notice of the established routes and designated areas, and the period of restriction or prohibition under the same paragraph.

3. The Captain of the Port may, when there is danger to ships' traffic and confusion of vessels in a Specified Port because of marine accident or some other reason and when he deems it necessary to prevent such danger and alleviate such confusion, restrict or prohibit the navigation of vessels proceeding toward the Specified Port concerned to such an extent as deemed appropriate.

Article 37-2. *Regulation for nuclear powered vessels*. 1. When instruction has been given by the Minister of Transport under the provisions of Article 36-2 paragraph 3 or the Law concerning the regulation of nuclear raw materials, nuclear fuel substances and nuclear reactors (Law No. 166 of 1957) or when deemed necessary for preventing disasters from nuclear fuel substances (including used fuel; hereinafter the same) or from any substances contaminated by nuclear fuel substances (including nuclear fission products) or from nuclear reactors, the Captain of the Port may designate for a nuclear powered vessel in a specified port or in the vicinity of the boundaries of a specified port, the channel to be followed or the place to anchor or stay, give instructions relating to the rules of the road, restrict the movements of the vessel or may order the vessel to leave the specified port or the vicinity of the boundaries of the specified port.

2. The provisions of Article 21 paragraph 1 shall apply mutatis

mutandis to cases where a nuclear powered vessel intends to enter a specified port.

Article 37-3. *Provisions Equally Applicable*, Etc. The provisions of Articles 10, 26, 29, 31 and paragraph 2 of Article 36, Article 36-2 paragraph 2, Article 36-3 and Article 37 shall apply also to ports other than Specified Ports. In this case the authority of the Captain of the Port shall be delegated to the Chief of the Maritime Safety Station or other office of the Regional Maritime Safety Headquarters in the locality in which the port is located as defined by Ministry of Transport Ordinance.

Chapter VIII. Penal Provisions

Article 38. Any person who commits any of the following violations shall be sentenced to confinement not longer than six months or a fine not exceeding fifty thousand yen;

- (1) Violation of Article 21 paragraph 1 to be applied mutatis mutandis under Article 22, Article 23 paragraph 1 or paragraph 4 or Article 37-2 paragraph 2 (including the cases to which the provision of Article 37-3 equally applies);
- (2) Non-compliance with the Captain of the Port's order issued under Article 37-2 paragraph 1 (including the provision applied equally under Article 37-3).

Article 39. Any person who commits any of the following violations shall be sentenced to confinement not greater than three months or a fine not be exceed thirty thousand yen:

- (1) Violation of Article 5 paragraph 1;
- (2) Anchoring without receiving an anchorage assignment in accordance

with Article 5 paragraph 2; anchoring in a place other than the anchorage designated in accordance with paragraph 4 or the same Article;

- (3) Violation of Article 7 paragraph 1; Article 12, Article 13 or Article 36-3 paragraph 1 (including the provision applied equally under Article 37-3);
- (4) Non-compliance with the Captain of the Port's orders issued by authority of Article 8 paragraph 3; Article 10 or Article 37 paragraph 1 or paragraph 3 (including the provisions applied equally under Article 37-3).

Article 40. Any person who violates Article 25 shall be confined for a period not to exceed three months or fined up to thirty thousand yen.

Article 41. Any person found guilty for any of the offenses listed below shall be confined for a period not to exceed three months or fined an amount not in excess of thirty of thirty thousand yen:

- (1) Any person not complying with the Captain of the Port's orders issued by authority of Article 28 paragraph 4, Article 26, Article 31 paragraph 2 or Article 36 paragraph 2 (including cases where it is applied equally under the provisions of Article 37-3);
- (2) Any person who violates Article 24 paragraph 1 or Article 31 paragraph 1 (including the equally applicable provisions of Article 37-3).

Article 41-2. Any person violating Article 36-2 paragraph 2 (including the provisions to be applied equally under Article 37-3) shall be subjected to a fine not to exceed thirty thousand yen.

Article 42. Persons found guilty of violating Article 4, Article 6, Article 8 paragraph 2, Article 21, Article 30 or Article 35 will be subjected to a fine not to exceed ten thousand yen.

Article 43. Those who are found guilty of any of the following violations shall be fined not less than ten thousand yen:

- (1) Any person who violates Article 8 paragraph 1, Article 24 paragraph 3, Article 29, Article 32, Article 33 or Article 34 paragraph 3-3);
- (2) Any person who violetes Article 34 paragraph 2.

Article 44. Any person violating Article 11 may be subjected to a fine of ten thousand yen or fined or imprisoned.

Article 45. When a representative of a juridical person or agent or employ-ee of a juridical or natural person is found guilty of violation of Article 41 or Article 43, the offender will be punished and, in addition, the juridical or natural person may be fined as prescribed in the above stated articles.

Enforcement Order of the Japan Port Regulations Law

Cabinet Order No.219 of June 22, 1965 as amended
through Amendment 171 of June 1, 1971

Article 1. *Ports and Physical Limits Thereof* . Ports and physical limits thereof referred to in Article 2 of the Japan Port Regulations Law (hereinafter referred to as "the Law") shall be given in Annexed Table No.1.

Article 2. *Specified Ports* . The specified ports prescribed in Article 3 Paragraph 2 of the Law are listed in Table No.2 appended hereto.

Supplementary Provisions

1. This Cabinet Order shall come into force as from July 1, 1965, the date of enforcement of the Law (Law No.80 of 1965) partially amending the Japan Port Regulations Law.

Annexed Table No.1 Port to which the Japan Port Regulations Law applies,
and physical limits thereof (physical limits omitted)

| Prefecture | Name of Ports |
|------------|---|
| Hokkaido | Esachi, Omu, Mombetsu, Abashiri, Rausu, Nemuro, Hanasaki, Kiritappu, Akkeshi, Kushiro, Tokachi, Horoizumi, Samani, Urakawa, Tomakomai, Muroran, Date, Mori Usushiri, Hakodate, Matsumae, Fukushima, Esashi, Sedana, Suttu, Iwanai, Yoichi, Otaru, Mashike, Runoe, Tomamae, Haboro, Teshio, Wakkanai, Aonae, Teuri, Yakishiri, Kutsugata, Oniwaki, Oshidomari, Kafuka, and Funadomari. |
| Aomori | Fukaura, Ajigasawa, Odomari, Mimmaya, Hiradate, Aomori, Kominato, Noheji, Ominato, Kawanai, Wakinosawa, Sai, Oma, |

| Prefecture | Names of Ports |
|------------|--|
| | Ohata, Shiriyasaki, and Hachinohe |
| Iwate | Kuji, Yagi, Miyako, Yamada, Otsuchi, Kamaishi, Ofunato, and Hirota |
| Miyagi | Kesennuma, Shizugawa, Onagawa, Ayukawa, Ogihama, Watanoha, Ishinomaki, and Shiogama |
| Akita | Kisakata, Konoura, Hirasawa, Honjo Akita-Funakawa, Toga, Kitaura, and Noshiro |
| Yamagata | Sakata, Kamo, Yura, and Nezugasaki |
| Fukushima | Matsukawaura, Yotsukura, Ena, Nakanosaku, and Onahama |
| Ibaragi | Hiragata, Otsu, Ose, Hitachi, Isozaki, Nakaminato, Oarai, Kashima, and Choshi |
| Chiba | Choshi, Katsuura, Shirahama, Tateyama, Kisarazu, Chiba, and Funabashi-Ichikawa |
| Tokyo | Okada, Habu, Motomura, Nijima, Okubo, Kamininato, Yaene, and Keihin |
| Kanagawa | Keihin, Yokosuka, Misaki, and Manazuru |
| Niigata | Nou, Naoetsu, Kashiwazaki, Teradomari, Niigata, Iwafune, Ryotsu, Hamochi, and Ogi |
| Toyama | Uotsu, Fushiki-Toyama, and Himi |
| Ishikawa | Nanao, Anamizu, Ushitsu, Ogi, Iida, Wajima, Fukuura, Taki, and Kanazawa |
| Fukui | Uchiura, Wada, Kohama, Tsuruga, and Mikuni |
| Shizuoka | Atami, Ajiro, Ito, Inatori, Shimoda, Teishi, Matsuzaki, Ukusu, Toi, Toda, Shizuura, Numazu, Tagonoura, Shimizu, Yaizu, Oigawa, Haibara, Sagara, Omaesaki, and Hamana |
| Aichi | Irago, Fukue, Izumi, Tahara, Toyohashi Gamagori, Higashihazu, |

Prefecture

Names of Ports

| | |
|---------------------|--|
| | Yoshida, Isshiki, Kinuura, Morozaki, Shinojima, Toyohama, Utsumi, Tokoname, and Nagoya |
| Mie | Kuwana, Yokkaichi, Chiyozaeki, Tsu, Matsuzaka, Uji-Yamada, Toba, Namikiri, Hamajima, Gogasho, Nagashima, Hikimoto, Owase, and Omoto |
| Kyoto | Kumihama, Asamogawa, Taisa, Nakahama Honjo, Ine, Miyazu, Maizuru, Nobara, and Tai |
| Osaka | Fukue, Hannan, and Osaka |
| Hyogo | Amagasaki, Nishinomiya, Kobe, Akashi, Higashiharima, Yagi, Himeji, Aioi, Ako, Tsuiyama, Shibayama, Kasumi, Hamasaka, Iwaya, Sumoto, Yura, Fukura, Minato, Tsushi, Gunke, and Toshima |
| Wakayama | Shingu, Miwasaki, Ukui, Katsuura, Urakami, Kozanishimuki, Kushimoto, Hioki, Tanabe, Gobo, Yura, Yuasahiro, and Wakayama-Shimotsu |
| Tottori | Yonago, Akasaki, Tottori, Ajiro, and Tago |
| Tottori and Shimane | Sakai |
| Shimane | Masuda, Hamada, Gotsu, Nima, Kute, Taisha, Etomo, Kaga, Shichirui, Mihoneseeki, Matsue, Yasuki, Saigo, and Urasato |
| Okayama | Hinase, Katagami, Tsurumi, Ushimado, Saidaiji, Kogushi, Okayama, Uno, Hibi, Kotoura, Ajino, Shimotsui, Mizushima, Tamashima, and Kasaoka. |
| Hiroshima | Fukuyama, Onomichi-Itozaki, Tadami, Takehara, Akitsu, Kure, Hiroshima, Hatsukaichi, Otake, Habu, Shigei, Sagi, Setoda, Totosaki, Kinoe, Mitarai, Onishi, Kamakari, and Itsukushima |
| Yamaguchi | Iwakuni, Kuga, Agejo, Komatsu, Yanai, Murotsu, Kaminoseki, |

Prefectures

Names of Ports

| | |
|-------------------|--|
| | Hirao Murotsumi, Tokuyama-Kudamatsu, Mitajiri, Nakano-seki, Aiho, Yamaguchi, Maruo, Ube, Onoda, Asa, Kogushi, Tokuushi, Tsunoshima, Awano, Senzaki, Hagi, Susa, and Ezaki |
| Yamaguchi-Fukuoka | Kammon |
| Tokushima | Muya, Inakiri, Tokushima, Komatsujima, Tomioka, Tachibana, Yuki, Hiwasa, Mugi, Asakawa, and Shishikui |
| Kagawa | Toyohama, Kannonji, Nio, Takuma, Tadotsu, Matugame, Sakaide, Kozai, Takamatsu, Shido, Tsuda, Sambonmatsu, Hiketa, Sakate, Utsumi, Ikeda, Tonosho, and Naoshima |
| Ehime | Fukaura, Uwajima, Yoshida, Mikame, Yawatahama, Kowanoishi, Misaki, Mitsukue, Nagahama, Gunchu, Matsuyama, Hojo, Kikuma, Imabari, Yoshiumi, Nyugawa, Saijo, Niihama, Mishima, Sangawa, Kawano, Okamura, Miyaura, and Hakata |
| Kochi | Kannoura, Murotomisaki, Murotsu, Nahari, Kochi, Usa, Sazaki, Kure, Kaminokae, Saga, Kamikawaguchi, Shimoda, Shimizu, and Katashima |
| Fukuoka | Kafuri, Hakata, Oshima, Ashiya, Karita, Ujima, Miike, Omuta, and Wakatsu |
| Saga | Imari, Yobuko, Karatsu, Suminoe, and Morotomi |
| Nagasaki | Shimabara, Kuchinotsu, Obama, Mogi, Wakisaki, Nagasaki, Shikimi, Seto, Omura, Sakito, Sasebo, Ainoura, Usunoura, Emukae, Tabira, Imabuku, Fukue, Tomie, Tamanoura, Kishuku, Narushima, Narao, Arikawa, Fuefuki, Hirado, Tsuyoshi, Ikitsuki, Oshima, Ashibe, Gonoura, Katsumoto, Hitakatsu, Sasuna, Izuhara, and Tsutsu |
| Kumamoto | Minamata, Sashiki, Yatsushiro, Misumi, Hyakkan, Nagasu, Aize, |

Prefectures

Names of Ports

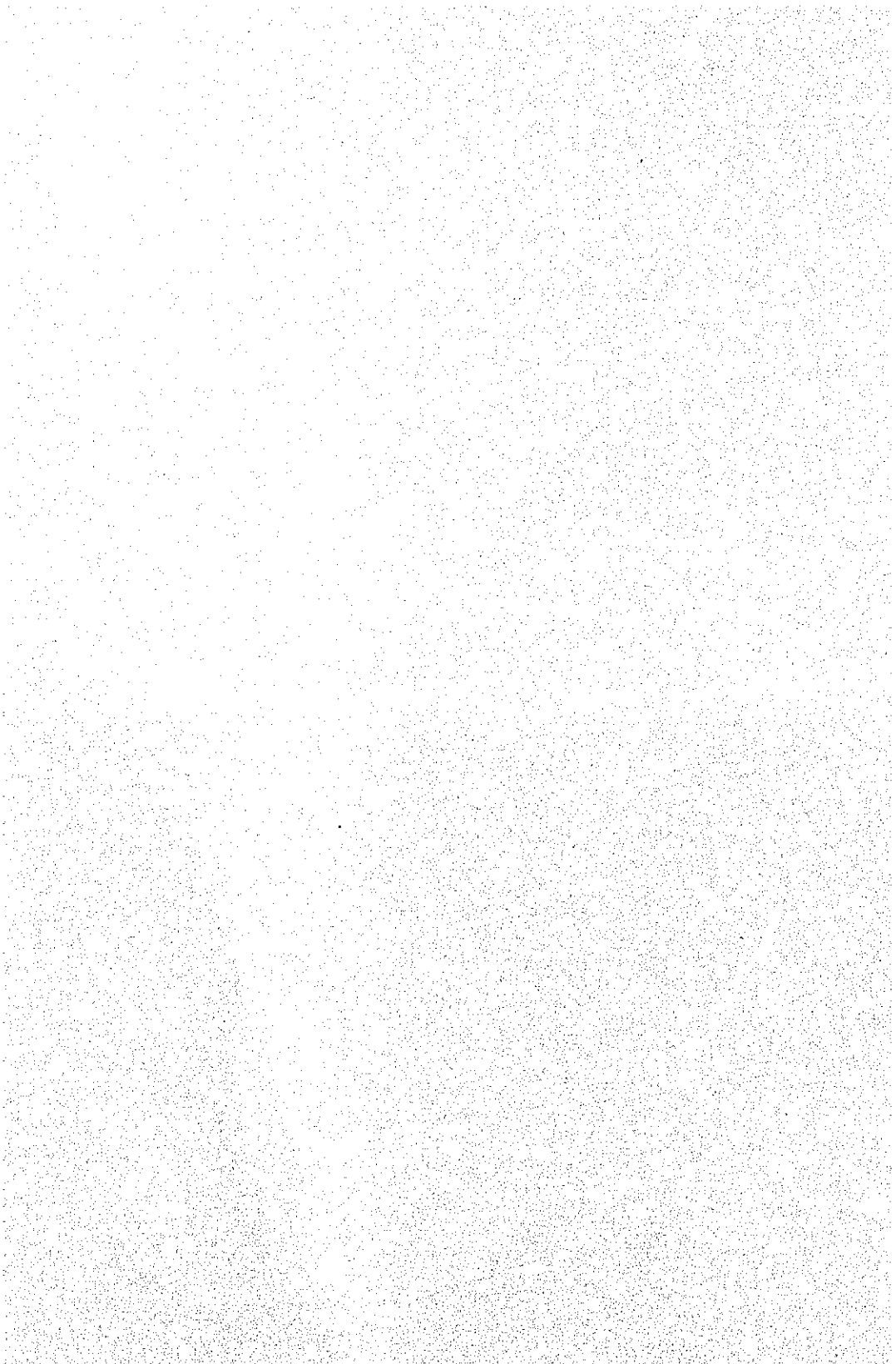
| | |
|------------------|---|
| | Himedo, Hondo, Ushibuka, Tomioka, and Oniike |
| Fukuoka- Oita | Nakatsu |
| Oita | Nagasu, Takada, Taketazu, Kunisaki, Morie, Beppu, Oita, Saganoseki, Usuki, Tsukumi, Saiki, and Kamae |
| Miyazaki | Kitaura, Nobeoka, Totoro, Hososhima, Miyazaki, Uchiumi, Aburatsu, Sotoura, and Fukushima |
| Kagoshima | Shibushi, Uchinoura, Odomari, Onejime, Kanoya, Tarumizu, Fukuyama, Kajiki, Kagoshima, Kiire, Yamakawa, Makurazaki, Nomaike, Kushikino, Sendai, Akune, Komenotsu, Nishinoomote, Shimama, Nakakoshiki, Teuchi, Isso, Miyanoura, Naze, and Koniya. |

Annexed Table No. 2 Specified Ports.

| Prefecture | Specified Ports |
|------------|---|
| Hokkaido | Nemuro, Kushiro, Tomakomai, Muroran, Hakodate, Otaru, Rumoe and Wakkanai |
| Aomori | Aomori and Hachinohe |
| Iwate | Kamaishi |
| Miyagi | Shiogama |
| Akita | Akita-Funakawa |
| Yamagata | Sakata |
| Fukushima | Onahama |
| Ibaraki | Kashima |
| Chiba | Chiba and Kisarazu |
| Tokyo | Keihin |
| Kanagawa | Keihin and Yokosuka |
| Niigata | Naoetsu, Niigata and Ryotsu |
| Toyama | Fushiki-Toyama |
| Ishikawa | Nanao |
| Fukui | Tsuruga |
| Shizuoka | Shimizu |
| Aichi | Kinuura and Nagoya |
| Mie | Yokkaichi |
| Kyoto | Miyazu and Maizuru |
| Osaka | Hannan and Osaka |
| Hyogo | Kobe, Higashiharima and Himeji |
| Wakayama | Tanabe, and Wakayama-Shimotsu |
| Tottori | Sakai |
| Shimane | Hamada |

| Prefecture | Specified Ports |
|------------|---|
| Okayama | Uno |
| Hiroshima | Fukuyama, Onomichi-Itozaki, Kure and Hiroshima |
| Yamaguchi | Iwakuni, Tokuyama-Kudamatsu, Ube, Hagi and Kammon |
| Tokushima | Komatsujima |
| Kagawa | Sakaide and Takamatsu |
| Ehime | Matsuyama, Imabari and Niihama |
| Kochi | Kochi |
| Fukuoka | Hakata and Miike |
| Saga | Karatsu |
| Nagasaki | Nagasaki, Sasebo and Izuhara |
| Kumamoto | Misumi |
| Oita | Oita |
| Miyazaki | Hososhima |
| Kagoshima | Kagoshima, Kiire and Naze |

Marine Pollution Prevention Law



Marine Pollution Prevention Law

(Law No. 136 of 1970)

Chapter I. General Provisions

(Purpose)

Article 1. The purpose of this Law is to prevent marine pollution by controlling the discharge to the ocean of oil and wastes from a ship and an offshore facility, by securing appropriate disposal of waste oil and by taking measures for the prevention of marine pollution, thereby contributing to the preservation of the marine environment.

(Prevention of Marine Pollution)

Article 2. Every person shall exert oneself not to pollute the ocean by the discharge of oil or wastes and by other acts.

(Definitions)

Article 3. For the purpose of this Law, the meaning of the expressions mentioned in each of the following subparagraphs shall be as assigned in the respective subparagraph:

- (1) "Oil" means crude oil, heavy oil and lubricating oil as provided for by the Ministry of Transport Ordinance and oily mixture containing these oils (hereinafter referred to simply as the "oil mixture");
- (2) "Wastes" are undesirable substances (excluding oil) which have been disposed of as useless by a person or persons;
- (3) "Discharge" means to set afloat or drop any thing to the ocean;
- (4) "Ship" means floating craft used for navigation in the sea areas (including the port areas under the Port Regulations Law (Law

No.174 of 1948). Hereinafter the same shall apply);

- (5) "Tanker" means a ship in which the greater part of the cargo hold is constructed for the carriage of liquid cargo in bulk (excluding that used exclusively for the carriage of cargoes other than oil in bulk);
- (6) "Offshore facility" means any structure constructed in the sea area (excluding such facility as persons may come and go between such facility and land through the fixed facilities and such other facility that was established adjacent to land exclusively for the discharge of oil or wastes from land) and which is designated by the Cabinet Order;
- (7) "Bilge" means oily mixture stayed at the bottom of a ship;
- (8) "Waste oil" means unnecessary oil which has been produced on board a ship;
- (9) "Waste oil disposal facility" means the whole of the equipment used for disposal (excluding disposal to be conducted on board a ship in which waste oil has been produced. Hereinafter the same shall apply) of waste oil (hereinafter referred to as the "waste oil disposal equipment");
- (10) "Waste oil disposal commercial enterprise" means the commercial business to dispose of waste oil, on public demand, by means of the waste oil disposal facility.

Chapter II. Control of Discharge of Oil from A Ship

(Prohibition of Discharge of Oil from A Ship)

Article 4. No one shall discharge oil from a ship on the sea areas. However, this provision shall not apply to the discharge of oil that falls

under any of the following subparagraphs:

- (1) The discharge of oil for the purpose of securing the safety of a ship, preventing damage to a ship or cargo, or saving human life;
- (2) The discharge of oil, when such oil was discharged as a result of damage to a ship or for other unavoidable reasons and all the possible measures to prevent the continuing discharge of oil have been taken.

2. The provisions of the preceding paragraph proper shall not apply to the discharge of oil (in case of a tanker, the discharge of bilge only) that falls under any of the following subparagraphs:

- (1) The discharge takes place while the ship is proceeding enroute;
- (2) The instantaneous rate of discharge (meaning the rate of discharge of oil in litres per hour at any instant divided by the speed of the ship in knots at the same instant. Hereinafter the same shall apply) of oil content (meaning crude oil contained in the discharged oil, heavy oil or lubricating oil as provided for by the Ministry of Transport Ordinance referred to in subparagraph (1) of the preceding Article. Hereinafter the same shall apply) does not exceed 60 litres per nautical mile;
- (3) The oil content is less than 100 parts of the discharged oil.

3. The provision of paragraph 1 proper shall not apply to the discharge of bilge from a ship other than a tanker which is less than 300 gross tons.

4. The discharge of oil falling under any subparagraph of paragraph 2 and the discharge of bilge mentioned in the preceding paragraph shall be made as far as practicable from land.

5. The provision of paragraph 1 shall not apply to the discharge of

ballast water (including water for cleaning the cargo hold. Hereinafter the same shall apply in this paragraph) that falls under any of the following subparagraphs and the discharge of ballast water from the cleaned cargo hold of a tanker and its degree of cleaning conforms to the standards as may be provided for by the Ministry of Transport Ordinance:

- (1) The discharge takes place while the ship is proceeding enroute;
- (2) The instantaneous rate of discharge of oil does not exceed 60 litres per nautical mile;
- (3) The total quantity of oil discharge on a ballast voyage (meaning the period from the commencement of loading of ballast water into the cargo hold of the ship to the completion of the discharge of such ballast water) does not exceed 1/15,000th of the total cargo-carrying capacity;
- (4) The discharge is made in the sea areas beyond 50 nautical miles from the base-line (the base-line from which the territorial sea of the territory is established in accordance with the Geneva Convention on the Territorial Sea and the Contiguous Zone, 1958).

6. The provisions of paragraph 1 proper shall not apply to the discharge of oil from ships for the time being engaged in the whaling industry when actually employed on whaling operations.

(Device for Prevention of Oil)

Article 5. The owner of a ship (the ship's husband, in case of co-ownership of the ship; the lessee of a ship, in case of a lease of the ship. Hereinafter the same shall apply) shall, as provided for by the Ministry of Transport Ordinance, provide on board a ship (excluding ships that produce no bilge) a device for prevention of leakage to the bottom of oil existing on board or for storage or disposal of bilge on board; herein-

after referred to as the "bilge discharge prevention device").

(Oil Pollution Supervisor)

Article 6. The owner of a ship shall, for each ship prescribed by the Ministry of Transport Ordinance, select from among ship's crew who are on board the ship, an oil pollution supervisor and have him assist the master (in case where any person other than the master executes the master's duties for the master, that person. Hereinafter the same shall apply) in supervising the business concerning the prevention of inadequate discharge of oil from the ship.

2. The oil pollution supervisor shall be a person with experiences of operation concerning handling of oil as provided for by the Ministry of Transport Ordinance and other requirements.

(Manual for Prevention of Oil Pollution)

Article 7. The owner of a ship shall, for each ship prescribed by the Ministry of Transport Ordinance under paragraph 1 of the preceding Article, provide a manual in accordance with the Ministry of Transport Ordinance for the prevention of oil pollution with respect to the matters concerning the business of an oil pollution supervisor, the method of operations concerning the discharge of oil and other matters concerning the prevention of inadequate discharge of oil.

(Oil Record Book)

Article 8. The master of a ship (the owner of a ship in case of a ship navigating exclusively under tow or pushed by other ship (hereinafter referred to as the "towed ship"). The same shall apply in the following paragraph and paragraph 3) shall provide an oil record book on board (at the office of the owner of a ship who administers the ship concerned, in

case of a towed ship; the same shall apply in paragraph 3). However, this shall not apply to ships other than a tanker, which produce no bilge.

2. The oil pollution supervisor (the master of a ship in case of a ship in which such oil pollution supervisor has not been assigned) shall, when the discharge of oil or other operations concerning handling of oil on board as provided for by the Ministry of Transport Ordinance takes place, make entry in the oil record book as provided for by the Ministry to Transport Ordinance.

3. The master of a ship shall keep the oil record book on board for two years from the day on which the last entry was made.

4. In addition to those prescribed in the three preceding paragraphs, necessary matters concerning the oil record book such as the form of the oil record book shall be provided for by the Ministry of Transport Ordinance.

(Exceptions)

Article 9. The provisions from Article 5 to the preceding Article inclusive shall not apply to ships, other than a tanker, of less than 300 gross tons.

2. The provisions of Articles 6 and 7 shall not apply to ships other than Japanese ships (meaning Japanese ships provided for a Article 1 of the Ship Law (Law No. 46 of 1899)).

Chapter III. Control of Discharge of Wastes from A Ship

(Prohibition of Discharge of Wastes from A Ship)

Article 10. No one shall, in the sea areas, discharge wastes from a ship. However, this shall not apply to the discharge of wastes that falls under any of the following subparagraphs:

- (1) The discharge of wastes for the purpose of securing the safety of a ship, preventing damage to a ship or cargo, or saving human life;
- (2) The discharge of wastes when such wastes were discharged due to damage to a ship or for other unavoidable reasons and when all the possible measures to prevent the continuous discharge of wastes were taken.

2. The provision of the preceding paragraph proper shall not apply to the discharge of wastes that falls under any of the following subparagraphs:

- (1) The discharge of refuse, excrements or sewage or other similar wastes that arise from the daily life of seamen and other persons on board the ship concerned (in case of the discharge of wastes defined by the Cabinet Order from a ship of which the scale of carriage capacity for men on board is the same as or larger than that defined by the Cabinet Order, such discharge shall be made in accordance with the method of discharge criteria defined by the Cabinet Order).
- (2) The discharge to be made in accordance with the criteria concerning the method of discharge as defined by the Cabinet Order to the place which is to be reclaimed upon license mentioned in Article 2 of the Public Waters Reclamation Law (Law No.57 of 1921) or upon approval mentioned in paragraph 1 of Article 42 of the same Law or to the place which is to be established as a place for disposal of wastes;
- (3) The discharge to be made in accordance with the criteria concerning the sea areas of discharge and the method of discharge, as defined by the Cabinet Order, of wastes which, by the Cabinet

Order mentioned in paragraph 3 of Article 6 or paragraph 2 of Article 12 of the Waste Disposal and Sweeping Law (Law No. 137 of 1970), are allowed to be cast into the sea for disposal and other wastes which are inevitable to be disposed of at sea as defined by the Cabinet Order.

(Registration of A Wastes Discharge Ship)

Article 11. The owner of a ship shall, when he intends to employ his ship continuously for carriage and discharge of wastes (excluding the discharge of wastes mentioned in subparagraph (1), paragraph 2 of the preceding Article), have the ship registered with the Commandant of the Maritime Safety Agency.

Article 12. The owner of a ship who intends to apply for the registration mentioned in the preceding Article shall submit to the Commandant of the Maritime Safety Agency a written application stating the following matters:

- (1) Name and address of the owner of the ship concerned and, in case of a judicial person, name and address of a representative thereof;
 - (2) Official number name, quality, gross tonnage and navigating area of the ship;
 - (3) Main loading place of wastes;
 - (4) Specifications of wastes;
 - (5) Outline of the equipment for loading and discharge of wastes of the ship and the equipment and structure of the ship as provided for by the Ministry of Transport Ordinance;
 - (6) Other matters as provided for by the Ministry of Transport Ordinance.
2. The owner of a ship who intends to apply for the registration

provided in the preceding Article (excluding the State) shall, as defined by the Ministry of Transport Ordinance, pay the fees.

3. The commandant of the Maritime Safety Agency shall, when he has accepted the written application mentioned in paragraph 1, register the ship, except when the equipment and structure of the ship fail to conform to the technical standards defined by the Ministry of Transport Ordinance for securing adequate discharge of wastes.

Article 13. The Commandant of the Maritime Safety Agency shall, when he has made registration provided for in Article 11, notify the applicant by designating the registration number and issue a registration certificate.

2. The owner of a registered ship shall keep the registration certificate on board the ship and display clearly the designated register number outside the hull in accordance with the method defined by the Ministry of Transport Ordinance.

Article 14. When there was an alteration in the matters mentioned in each subparagraph of paragraph 1 of Article 12 with respect to the ship registered under Article 11, or when the owner of the ship discontinued to employ regularly the ship registered under Article 11 for discharge of wastes (excluding the discharge of wastes mentioned in subparagraph (1), paragraph 2 of Article 10), the owner of the ship shall, without delay, report to that effect to the Commandant of the Maritime Safety Agency.

(Cancellation of Registration)

Article 15. The Commandant of the Maritime Safety Agency may, when he deems that a ship registered under Article 11 has come to fail to conform to the technical standards provided for by the Ministry of Transport Ordinance in paragraph 3 of Article 12, cancel the registration of the

ship.

(Wastes Disposal Record Book)

Article 16. The master of a ship registered under Article 11 (the owner of a ship, in case of a towed ship. The same shall apply in the next paragraph and in paragraph 3) shall keep a wastes disposal record book on board the ship (at the office of the owner of a ship who administers the ship in case of a towed ship).

2. The master of a ship shall, whenever the discharge of wastes and other operations concerning the handling of wastes which are prescribed by the Ministry of Transport Ordinance have taken place on board the ship, complete the wastes disposal record book on each occasion as provided for by the Ministry of Transport Ordinance.

3. The master of a ship shall keep the waste disposal record book on board the ship for two years from the day on which the last entry was made.

4. In addition to those prescribed in the three preceding paragraphs, necessary matters concerning the form of the wastes disposal record book and other matters concerning the wastes disposal record book shall be provided for by the Ministry of Transport Ordinance.

(Reporting of Temporary Discharge)

Article 17. The owner of a ship other than the ship which has been registered under Article 11 shall, when he employs the ship for the discharge (excluding the discharge to be made in accordance with subparagraph (2) of the same paragraph) of the wastes provided for in subparagraph (3), paragraph 2 of Article 10 in the quantity equal to or exceeding the quantity provided for by the Ministry of Transport Ordinance, report to the commandant of the Maritime Safety Agency in advance on each occasion as

provided for by the Ministry of Transport Ordinance.

Chapter IV. Control of Discharge of Oil and Wastes
from An Offshore Facility

(Prohibition of Discharge of Oil and Wastes from An Offshore Facility)

Article 18. No one shall discharge oil or wastes from an offshore facility. This provision, however, shall not apply to the discharge of oil or wastes that falls under any of the following subparagraphs:

- (1) The discharge of oil or wastes for the purpose of securing the safety or preventing damage of an offshore facility, or saving human life;
- (2) The discharge of oil or wastes when such oil or wastes were discharged due to damage to an offshore facility or for other unavoidable reasons and all the possible measures to prevent the continuous discharge of oil or wastes were taken.

2. The provision of the preceding paragraph proper shall not apply to the discharge of oil or wastes that falls under any of the following subparagraphs:

- (1) The discharge of refuse, excrements or sewage or other similar wastes that arise from the daily life of persons in an offshore facility (in case of the discharge of wastes as defined by the Cabinet Order from an offshore facility capable of accommodating such large number of persons as defined by the Cabinet Order, the discharge shall be made in accordance with the criteria concerning the method of discharge defined by the Cabinet Order).
- (2) The discharge of oil or wastes as prescribed in subparagraph (3) paragraph 2 Article 10 to be made in accordance with the criteria concerning the method of discharge defined by the

Cabinet Order.

(Notification of Establishment of An Offshore Facility)

Article 19. Any person who intends to establish an offshore facility shall, as provided for by the Ministry of Transport Ordinance, notify the Commandant of the Maritime Safety Agency of the following matters:

- (1) Name and address of the person who establishes the offshore facility and, in case of a judicial person, the name and address of a representative thereof;
- (2) Location and the outline of the offshore facility;
- (3) Other matters provided for by the Ministry of Transport Ordinance.

2. The person who has made a notification in accordance with the provision of the preceding paragraph shall, when there is alteration in the matters stated in the notification, notify to that effect, without delay, the Commandant of the Maritime Safety Agency, as provided for by the Ministry of Transport Ordinance.

Chapter V. Waste Oil Disposal Commercial Enterprises and Others

(Approval of Notification of Enterprises)

Article 20. When a person other than a port manager intends to operate an oil disposal commercial enterprise, he shall obtain approval of the Minister of Transport for each oil disposal facility.

2. A port manager, when he intends to operate an oil disposal enterprise, shall notify to that effect the Minister of Transport sixty days prior to the date of the commencement of construction work (if construction work is not required, the date of inauguration of the enterprise) of the oil disposal facility.

Article 21. A person who intends to obtain approval referred to in paragraph 1 of the preceding Article, shall submit to the Minister of Transport an application which states the following;

- (1) Name and address of the person who intends to operate an oil disposal commercial enterprise and, in case of a judicial person, name and address of its representative;
- (2) The following information with respect to the oil disposal facility:
 - a. place of such facility (a main operational base in case of a ship which functions as an oil disposal facility);
 - b. sea areas where there are ships that discharge waste oil, in case where a ship or vehicle is employed in collecting such waste oil;
 - c. specifications of the oil disposal facility and its performance;
 - d. specifications of waste oil to be disposed of.

2. A port manager, when he intends to make notification provided for in paragraph 2 of the preceding Article, shall submit to the Minister of Transport a notification which states the items provided in subparagraph (2) of the preceding paragraph.

3. The application of paragraph 1 or notification of the preceding paragraph shall be attached with the business program, the construction program of the oil disposal facility and other documents provided for by the Ministry of Transport Ordinance.

Article 22. Any person who falls under any one of the following subparagraphs shall be ineligible to obtain approval of paragraph 1 of Article 20:

- (1) Any person for whom one year has not elapsed since the date on

which he was sentenced to penalty on account of a violation of this law, or on which he completed its execution, or on which he became free from its execution;

- (2) Any person for whom one year has not elapsed since the date on which the approval of paragraph 1 of Article 20 was cancelled in accordance with the provisions of paragraph 1 of Article 33;
- (3) Any judicial person any one of whose executive officers falls under any of the preceding subparagraphs.

(Standards of Approval)

Article 23. The Minister of Transport shall not give the approval of paragraph 1 of Article 20 unless he deems that the application for such approval conforms to each of the following subparagraphs:

- (1) The inauguration of the business of the enterprise shall meet the general demand of the sea area (in case of collecting waste oil by a ship or vehicle, sea areas where ships that intend to dispose of waste oil to be collected lie afloat) surrounding the place of the oil disposal facility;
- (2) An appropriate program shall be formulated to carry out the enterprise;
- (3) The oil disposal facility for use of the enterprise shall conform to the technical standards provided for by the Ministry of Transport Ordinance;
- (4) The applicant shall be capable of performing the enterprise properly.

(Order of Alteration in An Oil Disposal Facility Prior to Inauguration of The Business of Enterprise)

Article 24. The Minister of Transport may, when a notification is made

in accordance with paragraph 2 of Article 20, order the port manager who has made such notification only prior to the commencement of construction work (prior to the inauguration of the business of the enterprise in case construction work is not required) to alter (to make repair or reconstruction in case construction work is not required) the construction program of the oil disposal facility if he deems that the oil disposal facility to be put on service for the enterprise fails to conform to the technical standards provided for by the Ministry of Transport Ordinance of subparagraph (2) of the preceding Article.

(Notification of The Inauguration of A Commercial Enterprise)

Article 25. A person who has obtained an approval of paragraph 1 of Article 20, or who has made a notification of paragraph 2 of the same Article (hereinafter referred to as the "Waste Oil Disposal Enterprise Operator") shall make without delay a notification, when he has inaugurated the business of the enterprise to the Minister of Transport to the effect.

(Conditions of Waste Oil Disposal)

Article 26. A waste oil disposal enterprise operator other than a port manager shall provide the conditions of waste oil disposal concerning the waste oil disposal charges and other conditions of the acceptance of waste oil disposal, and shall have it authorized by the Minister of Transport. The same shall apply when he alters such conditions.

2. A waste oil disposal enterprise operator who is a port manager shall provide a waste oil disposal prescription concerning the waste oil disposal charges and other conditions of the acceptance of waste oil disposal, and shall, in advance, notify the Minister of Transport thereof. The same shall apply when he alters such prescription.

3. The conditions of waste oil disposal of the two preceding paragraphs shall conform to the following subparagraphs:

- (1) The charges shall be fair and appropriate in consideration of proper costs under an effective management;
- (2) The charges shall be provided expressly in terms of fixed rates or amounts;
- (3) The conditions or receipt of charges and the liability of the waste oil disposal enterprise operator shall be provided properly and expressly;
- (4) Unreasonable discriminative treatment for a specific person shall not be made.

(Obligation of Acceptance of Waste Oil Disposal)

Article 27. A waste oil disposal enterprise operator shall not refuse to accept waste oil disposal unless he has justifiable reasons.

(Alteration of Waste Oil Disposal Facility and Others)

Article 28. A waste oil disposal enterprise operator other than a port manager shall obtain approval of the Minister of Transport when he alters the matters of subparagraph (2) paragraph 1 of Article 21, except when he makes minor alteration as may be provided by the Ministry of Transport Ordinance.

2. The provisions of Article 23 shall apply mutatis mutandis to approval under the preceding paragraph.

3. A waste oil disposal enterprise operator who is a port manager, when he intends to alter the matters of subparagraph (2) paragraph 1 of Article 21, shall notify to that effect the Minister of Transport thirty days prior to the date of the commencement of construction work for alteration (in case construction work is not required the date of alteration).

However, the same shall not apply to minor alteration as may be provided by the Ministry of Transport Ordinance under the proviso of paragraph 1.

4. The provisions of Article 24 shall apply mutatis mutandis to a case where notification under the provision of the preceding paragraph is made. In this case, the words "Prior to the inauguration of the business of the enterprise" shall read as "prior to the alteration".

5. A waste oil disposal enterprise operator, when he has made minor alteration as may be provided for by the Ministry of Transport Ordinance under the proviso of paragraph 1, shall notify without delay the Minister of Transport to that effect.

(Alteration of Name and Others)

Article 29. A waste oil disposal enterprise operator other than a port manager, when alteration in the matters under subparagraph (1), paragraph 1 of Article 21 has been made, shall notify, without delay, the Minister of Transport to that effect.

(Maintenance of The Waste Oil Disposal Facility and Others)

Article 30. A waste oil disposal enterprise operator shall maintain the waste oil disposal facility in service for the enterprise so as to have it conform to the technical standards as may be provided for by the Ministry of Transport Ordinance under subparagraph (3) of Article 23.

2. A waste oil disposal enterprise operator shall dispose of oil in accordance with the technical standards as may be provided for by the Ministry of Transport Ordinance concerning the method of waste oil disposal.

3. The Minister of Transport may, when he deems that the waste oil disposal facility in service for the enterprise or the method of waste oil disposal fails to conform to the technical standards as may be provided

ed by the Ministry of Transport Ordinance under subparagraph (3) of Article 23 or the preceding paragraph, order the waste oil disposal enterprise operator to suspend the use of the waste oil disposal facility in service for the enterprise, repair or rebuild such waste oil disposal facility so as to have it conform to the technical standards, or dispose of oil in accordance with the technical standards.

(Succession)

Article 31. When a waste oil disposal enterprise operator other than a port manager has been succeeded or amalgamated the successor, the judicial person that continues to exist after the amalgamation or the judicial person that has been established by the amalgamation succeeds the status of the waste oil disposal enterprise operator.

2. The person who has succeeded the status of the waste oil disposal enterprise operator shall notify, without delay, the Minister of Transport to that effect.

(Suspension of Closure of Business of Enterprise)

Article 32. A waste oil disposal enterprise operator, when he intends to suspend part or whole of the business of the enterprise or close the business, he shall notify without delay the Minister of Transport to that effect.

(Cancellation of Approval of Enterprise and Others)

Article 33. The Minister of Transport may, when a waste oil disposal enterprise operator other than a port manager falls under any one of the following subparagraphs, suspend the business of the enterprise for a period of six months or less or cancel the approval under paragraph 1 of Article 20:

- (1) When a violation of this Law or acts under this Law has been committed;
- (2) Implementation of the authorized matters has not been made without justifiable reasons;
- (3) When such operator comes under the provisions of subparagraph (1) or (3) of Article 22.

2. The Minister of Transport shall, when he intends to take measures under the preceding paragraph, hold a public hearing giving notice in advance of an appropriate period to any person whom the measures concern.

3. The advance notice of the preceding paragraph shall indicate the date, place and the contents of the agenda.

4. At the hearing any person whom the measures concern and the interested persons shall be given an opportunity to produce evidence and express his or their opinion.

(Private Waste Oil Disposal Facility)

Article 34. Any person who intends to dispose of oil by a waste oil disposal facility other than that in service for a waste oil disposal enterprise excepting such waste oil disposal facility on a minor scale as may be provided for by the Ministry of Transport Ordinance (hereinafter referred to as the "private waste oil disposal facility") shall notify the Minister of Transport to that effect sixty days prior to the date of the inauguration of construction work of the private waste oil disposal facility (the date of inauguration of waste oil disposal if construction work is not required).

2. The provisions of paragraphs 1 and 2 of Article 21 shall apply *mutatis mutandis* to notification under the preceding paragraph.

3. The provisions of Article 24 shall apply mutatis mutandis in case notification has been made under paragraph 1. In this case the words "prior to the inauguration of the business of the enterprise" shall read as "prior to the inauguration of waste oil disposal".

(Application with Necessary Modifications)

Article 35. The provisions of Article 25, from paragraph 3 to paragraph 5 of Article 28 and from Article 29 to Article 32 shall apply mutatis mutandis to the person who has made notification under paragraph 1 of the preceding Article (hereinafter referred to as the "owner of the private waste oil disposal facility").

(Recommendation to The Port Manager and Others)

Article 36. The Minister of Transport may, when it is recognized that the capacity of waste oil disposal facilities is not sufficient to meet the public demand of waste oil disposal in the port which is under management of a port manager, and when it is necessary to prevent marine pollution by oil from a ship, recommend such port manager to construct necessary waste oil disposal facilities.

2. The State subsidizes, when it is deemed necessary, the port manager who constructs or rebuilds waste oil disposal facilities, five-tenths of the cost of such construction or rebuilding within the extent of the budget.

(Notification to The Prefectural Governors)

Article 37. The Minister of Transport shall, when application for approval under paragraph 1 of Article 20 or notification under paragraph 2 of the same Article has been made, notify the prefectural governors to the effect. However, the same shall not apply when such person who has

made application is a prefectural port manager.

2. A Prefectural Governor may, when he considers it necessary for a waste oil disposal facility in service for the waste oil disposal enterprise operator (except when such waste oil disposal enterprise operator is a prefectural port manager) or for the method of waste oil disposal, request the Minister of Transport to take measures under the provisions of paragraph 3 of Article 30.

3. The Minister of Transport shall notify such Prefectural Governor of the measures he has taken upon request made under the preceding paragraph.

Chapter VI. Measures for Prevention of Marine Pollution

(Removal of Oil Discharge in Large Quantity)

Article 38. When oil (only when its oily content is of such density as may be provided for by the Ministry of Transport Ordinance or of higher density) is discharged (hereinafter referred to as "the discharge of oil in large quantity") in such quantity as may be provided for by the Ministry of Transport Ordinance or more the following person shall immediately report to the nearest local office of the Maritime Safety Agency, in accordance with the provisions of the Ministry of Transport Ordinance, of the time, date and place of the discharge of oil, quantity and conditions of dispersion of the discharged oil, and the ship that has carried the discharged oil or the offshore facility and other facility (including such facility on land) that has kept the discharged oil in custody. However, the same shall not apply in case it is recognized that there is no fear of the discharged oil dispersed beyond extent as may be provided by the Ministry of Transport Ordinance:

(1) The master of the ship that has carried the discharged oil or

supervisor of the facility that has kept the discharged oil under custody;

- (2) Any person, other than such person aboard the ship of the preceding subparagraph and such person who is an employee of the facility of the same subparagraph, who has committed acts that caused the discharge of oil (in case such person is aboard the ship, the master of the ship).

2. Any person who has discovered oil having dispersed beyond the extent as may be provided by the Ministry of Transport Ordinance under the proviso of the preceding paragraph shall report, without delay, to the nearest local office of the Maritime Safety Agency.

Article 39. When discharge of oil in large quantity is made, any person prescribed in each subparagraph of paragraph 1 of the preceding Article shall, in accordance with the provided by the Ministry of Transport Ordinance, immediately take emergency measures to prevent the dispersion of the discharged oil, and the subsequent discharge of oil and remove the discharged oil (hereinafter referred to as "removal of the discharged oil").

2. When the discharge of oil in large quantity is made, the following person shall immediately take necessary measures, in accordance with the Ministry of Transport Ordinance, for removal of the discharged oil. However, the same shall not apply in case a person provided for in the provisions of the preceding paragraph and such measures are recognized to be sufficient to remove the discharged oil:

- (1) The owner of a ship prescribed in subparagraph (1), paragraph 1 of the preceding Article;
- (2) The owner of a facility provided in subparagraph (1), paragraph

1 of the preceding Article;

- (3) The employer other than those provided in the two preceding paragraphs of a person who has committed in the course of his employment an act that caused the discharge of oil (in case such person is a crew member of a ship, the owner of the ship).

3. In the case of the preceding paragraph, the Commandant of the Maritime Safety Agency may order the person provided in each subparagraph of the same paragraph to take measures pursuant to the provisions of the same paragraph when it is recognized that these persons have not taken measures that they are required to take in accordance with the provisions of the same paragraph.

4. When the discharge of oil in large quantity is made from a ship in or near a port, the following persons shall endeavour to assist such person as provided in paragraphs 1 and 2 in implementation of the measures that these persons shall take, or to take necessary measures in cooperation with these persons for removal of the discharged oil:

- (1) The consignor in case the port of shipment of the discharged oil;
- (2) The consignee in case the port is a port of landing of the discharged oil;
- (3) The supervisor of the mooring facility in case the discharge of oil is made during mooring of the ship.

(Removal of Wastes and Other Materials)

Article 40. The Commandant of the Maritime Safety Agency may, when the ocean is polluted by the discharged wastes and other materials (oil excluded, hereinafter the same shall apply in this Article), and such pollution entails or is feared to entail a remarkable impediment to the pre-

servation of the marine environment and it is recognized that the prevention of such pollution is urgently required, order the person who is recognized to have discharged the wastes and other materials that caused pollution to take necessary measures to prevent the pollution inclusive of removal of such wastes and other materials.

(Burden of Expenditures Required for Measures Taken by The Commandant of The Maritime Safety Agency)

Article 41. The Commandant of the Maritime Safety Agency may, when he deems that any person who is required to undertake measures under paragraph 1 to paragraph 3 of Article 39 and the preceding Article fails to undertake such measures or that it is difficult to prevent marine pollution solely by measures undertaken by such person, undertake himself measures for removal of the discharged oil, wastes and other materials and other necessary measures for the prevention of marine pollution. He may have the expenditures so incurred for such measures borne, in accordance with the Ministry of Transport Ordinance, by the owner of the ship that carried the discharged oil, wastes and other materials or the owner of an offshore facility or other facility (including facility on land) to such extent as may be provided for by the Ministry of Transport Ordinance. However, the same shall not apply in case the discharge of oil, wastes and other materials is made due to abnormal natural disaster and other causes as may be provided for by the Ministry of Transport Ordinance.

2. Articles 5 and 6 of the Administrative Compulsory Execution Law shall apply mutatis mutandis to the collection of the expenditures so borne under the provisions of the preceding paragraph.

3. The burden of the expenditures under paragraph 1 may be performed in kind, in stead of monetary payment, of materials equal to such chemicals and other materials that were consumed for such measures.

4. In the case of paragraph 1 the owner of a ship or supervisor of a facility under the same paragraph may have recourse to the expenditures borne in accordance with the provisions of the same paragraph against any person who is liable for the discharge of oil, wastes and other materials.

(Disposal of Properties for The Purpose of Removal of Significant Marine Pollution by Oil)

Article 42. The Commandant of the Maritime Safety Agency may, when a significantly large quantity of oil is discharged along the coastal waters of this country resulting in significant marine pollution, and such pollution entails a remarkable impediment to preservation of the marine environment, injures human health, afflicts heavy damage to properties or makes business activities difficult or when there is fear that these impediments may arise, dispose, only to the extent as may be necessary for removal of the discharged oil, properties existent in the waters around the place where the discharged oil is afloat including destruction of the ship that carried the discharged oil and burning up of the discharged oil so long as it is urgently required to undertake measures to remove the discharged oil in order to prevent such impediments.

Chapter VII. Miscellaneous Provisions

(Control on Scrapped Ships)

Article 43. No person shall abandon a ship in the ocean. However, the same shall not apply to abandonment made in such a way as may be provided by the Cabinet Order in the sea areas provided by the Cabinet Order or to desertion of a wrecked ship which is difficult to remove.

(Construction Plan of Waste Disposal Facility in A Port)

Article 44. A port manager shall, when he deems it necessary to prevent marine pollution by the discharge of wastes from a ship or an offshore facility, in his port area or its surrounding sea areas, formulate, in order that construction of waste disposal facilities may be promoted and places for waste disposal secured, a plan provided for in paragraph 1, Article 48 of The Port Law (Law No.218 of 1950) concerning construction or layout of these facilities or places.

(Surveillance of Conditions of Marine Pollution)

Article 45. The Commandant of the Maritime Safety Agency shall maintain necessary surveillance on conditions of marine pollution around the coastal areas of this country.

2. When he recognizes significant marine pollution existing in certain sea areas, the Commandant of the Maritime Safety Agency shall notify the head of a local entity that has the polluted sea areas along its coast of conditions of pollution.

(Effective Use of The Results of Hydrographic and Meteorological Survey)

Article 46. The Commandant of the Maritime Safety Agency and the Director-general of the Meteorological Agency shall make effective use of the results and materials of hydrographic or meteorological survey for prevention of marine pollution and preservation of the marine environment, and make scientific research with regard to such work for prevention of marine pollution and preservation of the marine environment.

(Cooperation of Related Administrative Organs)

Article 47. The Minister of Transport may, when he deems it necessary for the purpose of this Law, seek cooperation of heads of the administrative organs or local entities concerned including submission of necessary

date or information for prevention of marine pollution and preservation of the marine environment.

2. A head of a local entity, when he deems it necessary for prevention of marine pollution and preservation of the marine environment, states his opinion to the Minister of Transport concerning the enforcement of this Law.

3. The Minister of Agriculture and Forestry may, when he deems that the effective value of fishery grounds has decreased or is in danger of decreasing, request, concerning enforcement of this Law, the Minister of Transport to undertake appropriate measures for control of the discharge of oil or wastes in and around the sea areas where such fishery grounds are located.

(Collection of Report)

Article 48. The Minister of Transport may, to the extent required for the purpose of enforcement of this Law, request in accordance with the provisions of the Ministry of Transport Ordinance, an oil disposal enterprise operator or owner of private oil disposal facility to report on his business or the method of waste oil disposal by his waste oil disposal facility.

2. The Minister of Transport or the Commandant of the Maritime Safety Agency may, to the extent required for the purpose of enforcement of this Law, request in accordance with the provisions of the Ministry of Transport Ordinance the owner of a ship or an offshore facility to report on the discharge of oil or wastes of his ship or offshore facility or operations of handling oil or wastes.

3. The Minister of Transport may, to the extent required for the purpose of enforcement of this Law, authorize his staff to enter the

office and workshop of a waste oil disposal enterprise operator or of an owner of a private waste oil disposal facility and inspect such facility, documents and other materials.

4. The Minister of Transport or the Commandant of the Maritime Safety Agency may, to the extent required for the purpose of enforcement of this Law, authorize his staff to enter a ship, an offshore facility or office of the owner of a ship or an offshore facility, and inspect the bilge discharge prevention device, manual for prevention of oil pollution, oil record book and other materials.

5. Any staff officer who makes entrance and inspection under the provisions of the two preceding paragraphs shall carry with him a certificate identifying his official status and present it to the persons concerned upon request.

6. The authority given for the inspection provided for in paragraphs 3 and 4 shall not be construed as authorization for criminal investigations.

(Certification of A Copy of Entry in The Oil Record Book)

Article 49. Any staff officer who has made entrance in a ship or office of the owner of a ship may, to the extent required for the purpose of enforcement of this Law, make a true copy of any entry in the oil record book and may require the master or the owner of the ship to certify that the copy is a true copy of such entry.

(Assistance of The State)

Article 50. The State shall endeavour to give assistance including securing necessary fund and giving technical advice for installation or improvement of the bilge discharge prevention device, waste oil discharge facility and other device or facility which purports for prevention of

marine pollution.

(Promotion of Study and Research)

Article 51. The State shall endeavour to promote study and research on prevention of marine pollution including such study and research on prevention of the discharge of oil and wastes from a ship or an offshore facility and the technology of disposing of waste oil and scrapped ships. Further, the State shall endeavour to spread the results thereof.

(Exception)

Article 52. The provisions of this Law shall not apply to marine pollution by radioactive materials and its prevention.

(Delegation of Competence)

Article 53. The matters that belong to the competence of the Minister of Transport may be performed by the Director of a Regional Maritime Bureau or the Commander of a Regional Maritime Safety Headquarters in accordance with the provisions of the Ministry of Transport Ordinance.

2. The Commander of a Regional Maritime Safety Headquarters may, in accordance with the provisions of the Ministry of Transport Ordinance delegate part of the matters that come to belong to his competence in accordance with the provisions of the preceding paragraph to the head of the office of the Regional Maritime Safety Headquarters including the Maritime Safety Station.

(Transitional Measures)

Article 54. When the Cabinet Order is enacted, amended or repealed in accordance with the provisions of subparagraph (6) of Article 3, transitional measures (including penal provisions concerning transitional measures) may be provided in such Cabinet Order within the extent judged to

be reasonably necessary for such enactment, amendment or repeal.

Chapter VIII. Penal Provisions

Article 55. Any person who falls under any of the following subparagraphs shall be liable to a penal servitude not exceeding six months or a fine not exceeding 200,000 yen:

- (1) Any person who has discharged oil in violation of the provisions of paragraph 1 of Article 4;
- (2) Any person who has discharged wastes in violation of the provisions of paragraph 1 of Article 10;
- (3) Any person who has discharged oil or wastes in violation of the provisions of paragraph 1 of Article 18;
- (4) Any person who has operated a waste oil disposal business in violation of the provisions of paragraph 1 of Article 20;
- (5) Any person who has violated order issued under the provisions of Article 24 (including the case when the same Article shall apply mutatis mutandis in the provisions of paragraph 4 of Article 28 (including the case when the same Article shall apply mutatis mutandis in the provisions of Article 35) or paragraph 3 of Article 34) or paragraph 3 of Article 30 (including the case when the same Article shall apply in the provisions of Article 35);
- (6) Any person who has violated the provisions of paragraph 1 of Article 39;
- (7) Any person who has violated the order issued in accordance with the provisions of paragraph 3 of Article 39 or Article 40;
- (8) Any person who has violated the provisions of Article 43.

2. Any person who has discharged oil by negligence in violation of the provisions of paragraph 1 of Article 4 shall be liable to an imprisonment not exceeding three months or a fine not exceeding 100,000 yen.

Article 56. Any person who falls under any of the following subparagraphs shall be liable to a penal servitude not exceeding three months or a fine not exceeding 100,000 yen:

- (1) Any person who has violated the provisions of Article 11;
- (2) Any person who has not made notification in accordance with the provisions of paragraph 2 of Article 20, paragraph 3 of Article 28 (including the case when the same provisions shall apply in the provisions of Article 35) or paragraph 1 of Article 34, or who has made false notification;
- (3) Any person who has altered the matters under subparagraph (2), paragraph 1 of Article 21 in violation of the provisions of paragraph 1 of Article 28.

Article 57. Any person who falls under any of the following subparagraphs shall be liable to a fine not exceeding 100,000 yen:

- (1) Any person who has put a ship to navigation in violation of the provisions of Article 5;
- (2) Any person who has violated the provisions of paragraph 1 of Article 6, Article 7 or Article 27;
- (3) Any person who has violated the order issued in accordance with the provisions of paragraph 1 of Article 33;
- (4) Any person who has not made a report in accordance with the provisions of paragraph 1 of Article 38 or who has made a false report.

Article 58. Any person who falls under any of the following subparagraphs shall be liable to a fine not exceeding 50,000 yen:

- (1) Any person who has violated the provisions of paragraph 1 or paragraph 3 of Article 8 or paragraph 1 or paragraph 3 of Article 16;
- (2) Any person who has not made entry in the oil record book of the matters that shall be entered in accordance with paragraph 2 of Article 8 or paragraph 2 of Article 16 or who has made a false entry thereof;
- (3) Any person who has put to use in violation of paragraph 2 of Article 13 for the discharge of wastes (exclusive of the discharge of wastes made in accordance with the provisions of paragraph 2 of Article 10) the ship that is registered under the provisions of Article 11;
- (4) Any person who has not made notification in accordance with the provisions of Article 14 or Article 25, or paragraph 2 of Article 31 or Article 32 (including the case when the provisions of these Articles shall apply mutatis mutandis in the provisions of Article 35) or who has made a false notification;
- (6) Any person who has disposed of oil without obtaining approval under the provisions of paragraph 1 of Article 26 or not in accordance with the waste oil disposal manual or any person who has disposed of oil without making notification in accordance with the provisions of paragraph 2 of the same Article or not in accordance with the waste oil disposal manual of which he has made notification;
- (6) Any person who has not made report in accordance with the provisions of paragraph 1 or paragraph 2 of Article 48, or who has

- made a false report;
- (7) Any person who has refused, disturbed or avoided the inspection under the provisions of paragraph 3 or paragraph 4 of Article 48;
 - (8) Any person who has refused or avoided to certify in accordance with the provisions of Article 49;
 - (9) Any person who has made a false report to the office of the Maritime Safety Agency that he has discovered the fact provided in the provisions of paragraph 2 of Article 38.

Article 59. In the case the representative of a judicial person or an agent, employee or any other worker of a judicial person or an individual person commits the unlawful acts provided in the four preceding Articles with regards to the business of the judicial person or the individual, not only the person who has committed such unlawful acts shall be punished, but such judicial person or individual shall also be liable to the fine provided in the respective Articles.

Article 60. Any person who has not made notification in accordance with the provisions of Article 17, Article 19 or paragraph 5 of Article 28 or Article 29 (including the case when the provisions of these Articles shall apply mutatis mutandis in the provisions of Article 35) or who has made a false notification shall be liable to a non-criminal fine not exceeding 30,000 yen.

Supplementary Provisions

(The Date of Enforcement)

Article 1. This Law comes into force on such date as may be provided by the Cabinet Order within six months reckoning from the date of the

promulgation. However, the provisions of Article 4, 5 and 8 come into force on the date after a lapse of one year and six months reckoning from the date of the promulgation or on the date of coming into force with respect to Japan of The Amendments to The International Convention for The Prevention of Pollution of The Sea by Oil, 1954 that the Inter-governmental Maritime Consultative Organization adopted in accordance with the provisions of Article 16 of the same Convention on the twenty-first day of October, 1969 (hereinafter referred to as "the date of coming into force of the Convention") whichever date is earlier, and the provisions of Chapter III and Chapter IV come into force on the date after a lapse of one year and six months reckoning from the date of the promulgation.

2. The registration provided in the provisions of Article 11 may be done before coming into force of the provisions of the same Article.

(Repeal of The Law for Prevention of Pollution of The Sea by Oil from A Ship)

Article 2. The Law for Prevention of Pollution of the Sea by Oil from A Ship (Law No.127 of 1966, hereinafter referred to as "The Old Sea Pollution Prevention Law") shall be repealed.

(Transitional Measures)

Article 3. The provisions of Article 5 to Article 9 and of paragraph 1 of Article 10 of the Old Sea Pollution Prevention Law shall be still effective until the date before the date of coming force of the provisions of Article 4, 5 and 8.

Article 4. The provisions of Article 4 shall not apply until the thirty-first day of March 1973 to the discharge necessary for navigation or repair from a ship other than a tanker or a tanker (including such simi-

lar tanker as may be provided for by the Ministry of Transport Ordinance) whose prescribed navigation area is the calm water area or the coastal area when such vessel falls under any of the following subparagraphs. However, the same shall not apply after the date following the date of coming into force of the Convention.

(1) When the ship is proceeding for entry to a port not provided with waste oil disposal facilities defined by the Ministry of Transport Ordinance (hereinafter referred to as "a port not provided with facilities" in this paragraph) (except when proceeding in a port other than a port not provided with facilities);

(2) When the ship is proceeding in a port not provided with facilities (except when proceeding for entry to a port other a port not provided with facilities).

2. Any person shall endeavour to make the discharge of oil provided for in the preceding paragraph as far as practicable from land.

3. The provisions of the two preceding paragraphs shall not apply to the ship as provided in the provisions of paragraph 1 of Article 6 of The Old Sea Pollution Prevention Law.

Article 5. The provisions of paragraph 3 of Article 11 of The Sweeping Law (Law No.72 of 1954) shall be still effective for the adandonment of excretions from a ship or an offshore facility from the date of coming into force of the Waste Disposal and Sweeping Law until the date before the date of coming into force of the provisions of Chapters III and IV.

Article 6. The provisions of Article 17 shall not apply to the use for the discharge of wastes arising on a voyage of a ship other than a ship registered in accordance with Article 11 that is on voyage actually when

the provisions of Article 17 comes into force.

Article 7. Measures, proceedings and other acts made under the provisions of the Old Sea Pollution Prevention Law before coming into force of this Law shall be regarded as measure, proceedings and other acts under the corresponding provisions of this Law.

2. The sea areas of the business area concerned with approval obtained by a waste oil disposal enterprise operator other than a port manager in accordance with the provisions of paragraph 1 of Article 11 of the Old Sea Water Pollution Prevention Law shall be regarded as the sea areas of subparagraph (2)b of paragraph 1 of Article 21 when such waste oil disposal enterprise operator collects waste oil by a ship or vehicle.

Article 8. With regard to the application of the penal provisions to an act performed before coming into force of this Law or an act performed after coming into force of this Law or an act performed after coming into force of this Law in violation of the provisions of paragraph 1 of Article 6, Article 8, paragraph 1 to paragraph 3 of Article 9 of the Old Sea Water Pollution Prevention Law which are made still effective by the provision of Article 3 of Supplementary Provisions or paragraph 3 of Article 11 of the Sweeping Law that are made still effective by the provisions of Article 5 of Supplementary Provisions, previous provisions shall be still effective.

(Partial Amendments to The Law for Establishment of The Ministry of Transport)

Article 9. The Law for Establishment of The Ministry of Transport (Law No.157 of 1949) shall be partially amended as follows:

Subparagraph 17-3, paragraph 1 of Article 22 shall be amended as

follows:

17-3. The matters relating to the enforcement of the Marine Pollution Prevention Law (Law No.136 of 1970) (exclusive of the matters that belong to the competence of the Ship Bureau, Port Bureau and Maritime Safety Agency).

(Partial Amendments to The Maritime Safety Agency Law)

Article 10. The Maritime Safety Agency Law (Law No.28 of 1948) shall be partially amended as follows:

"Prevention of Marine Pollution" shall be added next to "marine disaster rescue" under paragraph 1 of Article 2;

Subparagraph (12) of Article 7 shall be amended as subparagraph (13), subparagraph (11) as subparagraph (12), and subparagraph (10) as subparagraph (11) and the following subparagraph shall be added next to paragraph (9):

(10) Matters that have come to belong to the competence of the Maritime Safety Agency in accordance with the Marine Pollution Prevention Law (Law No.136 of 1970).

(Partial Amendments to The Port Law)

Article 11. The Port Law shall be partially amended as follows:

In subparagraph 9-2, paragraph 5 of Article 2 "Paragraph 6 of Article 2 of the Law for Prevention of Pollution of the Sea Waters by Oil Discharged from a Ship (Law No.127 of 1966)" shall be amended as "subparagraph 9 of Article 3 of the Marine Pollution Prevention Law (Law No.136 of 1970)", and the following subparagraph shall be added next to the same subparagraph;

9-3. Waste Reception Facility: A facility for the reception of wastes (exclusive of a ship that purports to render port ser-

vices) that accrues from a ship provided for in subparagraph (4) of Article 3 of the Marine Pollution Prevention Law or an offshore facility provided for in subparagraph (6) of the same Article.

In subparagraph (13), paragraph 5 of Article 2 "and reception of wastes that have accrued from a ship or an offshore facility" shall be added next to "disposal".

(Partial Amendments to the Local Tax Law)

Article 12. The Local Tax Law (Law No.226 of 1950) shall be amended as follows:

In paragraph 4 of of Article 15 in Supplementary Provisions "Paragraph 1 of Article 11 of The Law for Prevention of Pollution of The Sea Waters by Oil Discharged from A Ship (Law No.127 of 1966)" shall be amended as "paragraph 1 of Article 20 of The Marine Pollution Prevention Law (Law No.136 of 1970)", "paragraph 1 of Article 25" as "paragraph 1 of Article 34", and "paragraph 6 of Article 2" as "subparagraph 9 of Article 3".

(Amendments to The Ship Construction Public Corporation Law)

Article 13. The Ship Construction Public Corporation Law (Law No.46 of 1969) shall be partially amended as follows:

In paragraph 13 of Article 2 "paragraph 4 of Article 2 of The Law for Prevention of Pollution of The Sea Waters by Oil Discharged from A Ship (Law No.127 of 1966)" as "Article 5 of The Marine Pollution Prevention Law (Law No.136 of 1970)".

