

## **WILDLIFE PROTECTION AND HUNTING LAW**

Law No. 32 of 4 April, 1918

Final Amendment: Law No. 85 of 22 June, 1972

### **Article 1**

The purpose of this Law shall be to protect and propagate the game, to control and prevent the danger of the harmful game through the execution of game protection project and effectuation of hunting for the purpose of the improvement of living environment and contribution to the promotion of agriculture, forestry and fisheries.

### **Article 1-2**

The prefectural governor, in order to execute the project aiming at the protection and propagation of game (inclusive of the control with respect to hunting thereof. Hereinafter referred to as game protection project) in accordance with the standard specified by the Director-General of the Environment Agency upon hearing the opinion of the Nature Conservation Council, shall set up the game protection project plan.

In the game protection project plan, the following matters shall be provided for:

Term of plan

Matters regarding establishment of sanctuary, designation of special sanctuary, establishment of temporary hunting prohibited area and administration thereof.

Matters regarding artificial propagation of game and liberation thereof.

Matters regarding the control of the harmful game.

Matters regarding the survey of habitat of the game.

Matters regarding public information on the game protection project.

Matters regarding development of steps to work out the game protection project and other necessary matters for execution of the game protection project.

The prefectural governor shall set up or altered the plan of the game protection project, make it public without delay and at the same time report it to the Director-General of the Environment Agency.

### **Article 1-3**

The State, when it deems necessary with respect to establishment of the plan for game protection project for prefecture, shall exercise the recommendation and shall make its efforts toward the necessary guidance and assistance for execution of the game protection project.

The prefectural governor, in order to accomplish the plan of the game protection project, shall take necessary measures.

#### **Article 1-4**

Other birds and animals than "game" shall not be taken.

The species of "game" shall be specified by the Director-General of the Environment Agency.

The Director-General of the Environment Agency or the prefectural governor when he deems it necessary for protection and propagation of game, shall specify the species of game, district, term or means of hunting and prohibit or restrict the hunting thereof.

The Director-General of the Environment Agency, when he shall specify the species of the game in accordance with the provisions of paragraph 2 or prohibit or restrict the hunting of the game in accordance with the provision of the preceding paragraph, shall hold the public hearing and hear the opinion of the interested persons and consult with the Nature Conservation Guild.

The prefectural governor shall, when he shall prohibit or restrict the hunting of the game in accordance with the provisions of the paragraph 3, hold the public hearing and consult with the prefectural nature conservation council and obtain the approval of the Director-General of the Environment Agency.

#### **Article 2**

The young game bird or eggs of game bird except those specified by the Director-General of the Environment Agency shall not be taken or collected.

#### **Article 3**

The game, unless the hunting permit of the prefectural governor is obtained, shall not be taken by means of firearms, net, trap or other hunting tackles specified by the Director-General of the Environment Agency: provided that such hunting shall be made without the use of firearms in the residential site surrounded by railing, fences and the like.

#### **Article 4**

The hunting permit is classed as A, B and C and the hunting license shall be granted.

License A shall be granted to those who perform the hunting by other method than use of firearms, License B to those who perform hunting with firearms (except air-gun) and License C to those who perform hunting with air-gun.

The prefectural governor shall give the hunting license to those who are given hunting permit as well as the badge which certifies the grant of hunting permission.

The hunting permit shall not be valid in other district than the district under the control of the prefectural governor who granted the hunting license.

The validity of the hunting license shall be from 15 October to 15 April of the following year: provided that it shall be from 15 September to 15 April of the following year in Hokkaido.

The Director-General of the Environment Agency, when he deems it necessary for protection and propagation of game, may limit the period of hunting during the period of the preceding paragraph.

The game shall not be taken in other period than that prescribed in the preceding two paragraphs.

## **Article 5**

Hunting permit shall not be granted to the offender of this Law or the ordinance of the Prime Minister's Office or the prefectural regulation issued based on this Law who was punished by heavier penalty than a fine and completed a sentence or it is still less than two years since he is placed under the stay of execution.

The person who was cancelled the hunting permit in accordance with the provisions of Article 8 paragraph 1 shall not be granted the hunting permit of the prefectural governor who cancelled the hunting permit with respect to the cancellation thereof unless two years are passed since its cancellation.

## **Article 6**

The hunting permit shall not be granted to a minor, an idiot or a lunatic.

When the person who was granted the hunting permit becomes an idiot or a lunatic, the prefectural governor shall cancel the hunting permit thereof.

## **Article 7**

The prefectural governor shall not grant the hunting permit to the person who is deemed not to have the certificate prescribed in the paragraph 2 of the following article and is deemed not to have the necessary knowledge with respect to the matters prescribed in each of paragraph 1 of the same article.

The prefectural governor, when he issues the hunting permit, shall consider the condition of habitat and other situations in the district of prefecture concerned and especially when he deems necessary, examine whether he has the necessary attitude for doing hunting of the person who applied for the hunting permit or not and then, he shall do so.

## **Article 7-2**

The prefectural governor, in accordance with the provision of the Cabinet Order, shall hold the hunting school every year to afford the necessary knowledge with respect to the following matters for the attendants who intend to obtain the hunting permits.

Legislation with respect to hunting

Identification of game

Handling of hunting tackles

The prefectural governor, in accordance with the provision of the Cabinet Order, shall deliver the certificate to the person who attended at the hunting school of the preceding paragraph and completed the course.

The prefectural governor, when he deems it necessary, shall let the person who is designated by the Director-General of the Environment Agency upon hearing the opinion of the Nature Conservation Council to perform a part of the businesses with respect to the hunting school prescribed in the paragraph 1. In this case the consent of the person who shall be made to take the business shall be obtained in advance.

## **Article 8**

When the person who was granted the hunting permit violated this Law or the ordinance of Prime Minister's prefectural regulation issued based on this Law, the prefectural governor may cancel a part of the whole of the hunting permit thereof.

The Director-General of the Environment Agency, when he accepted the application of examination on the dealing of the preceding paragraph, shall reserve a justifiable period and make an advance notice for the applicant of the examination and then hold the public hearing.

In the advance notice of the preceding paragraph, the date, locality and the detail of the matter shall be indicated.

At the public hearing of the paragraph 2, the applicant for examination shall be afforded an opportunity of showing the proof and expressing his opinion.

## **Article 8-2**

The Director-General of the Environment Agency or the prefectural governor, when he deems it necessary for protection and propagation of game, may, in accordance with the provision of the Cabinet Order, establish the sanctuary.

The person who has a right of ownership or other rights with respect to the land or standing trees or bamboos inside of the gundry if the sanctuary shall not reject the establishment of facilities of nesting, water supply and feeding needed for breeding and propagation of game on the land or standing trees or bamboos concerned by the Director-General of the Environment Agency or the prefectural governor.

The Director-General of the Environment Agency or the prefectural governor when he deems it necessary for protection and propagation of game, shall, in accordance with the provision of the Cabinet Order specify the special sanctuary inside of the boundary of the sanctuary.

The provisions of paragraphs 4 and 5 of Article 1-4 shall apply mutatis to the case of paragraph 1 and the preceding paragraph.

The person who intends to make filling up of the water surface, or reclamation, felling of standing trees and bamboos or establishment of any structure shall be required for permission of the Director-General of the Environment Agency or the prefectural governor except the action which shall be deemed no hindrance to the protection and propagation of which shall be deemed no hindrance to the protection and propagation of game and specified by the Director-General of the Environment Agency or the construction of minor structure which is specified by the prefectural governor.

In case where the application for permission of the preceding paragraph is made, the Director-General of the Environment Agency or the prefectural governor shall not reject the application unless the action with respect to the application involves the justifiable reason in which there is a hindrance to the protection and propagation of game in the special sanctuary concerned.

The State or prefecture shall compensate the loss to be occurred naturally to the person who suffered a loss caused by the establishment of facilitates provided for in the paragraph 2 or to the person who suffered a loss arising from the inability of obtaining the permission provided for in paragraph 5.

The amount of the compensation provided for in the preceding paragraph shall be decided by the Director-General of the Environment Agency or the prefectural governor.

The person who is not satisfied with the decision provided for in the preceding paragraph shall claim the increase of the amount of compensation with a suit within three months from the day when he was informed the decision.

In the case of the suit of the preceding paragraph, the State or prefecture shall be a defendant.

## **Article 9**

The prefectural governor, in case when the game is decreased in a given area, and he deems it necessary to increase such game, shall establish a temporary hunting prohibited area in the period of not more than three years.

## **Article 10**

The prefectural governor, when he deems it necessary for prevention of danger and others, may establish the gun hunting prohibited area.

## **Article 11**

No game shall be taken in any of the following places:

Sanctuary;

Temporary hunting prohibited area;

Highway;

Parks and the like designated by the Director-General of the Environment Agency;

Precincts of Buddhist temple or Shinto shrine;

Cemetery;

## **Article 12**

Any person may take game and collect eggs of bird, regardless of the provision of the preceding articles, in case where he has been approved to do so by the Director-General of the Environment Agency or the prefectural governor for scientific study control of noxious bird and animal or any other specific reasons.

The Director-General of the Environment Agency or the prefectural governor, in case where he has given the approval provided for in the preceding paragraph, shall deliver a license.

## **Article 13**

No person shall raise, transfer or take over any bird and animal (exclusive game) taken in accordance with the provision of paragraph 1 of the preceding Article except with raising permit issued by the prefectural governor in accordance with what provided for by order; provided this shall not apply to any case of raising the same within thirty days after the expiration of effective time limit as referred to in the permission under the provision of the same paragraph.

## **Article 13-2**

No pheasant nor copper pheasant (inclusive of any foodstuff processed therefrom) shall not be sold; provided this shall not apply to any case approved by the Director-General of the Environment Agency for scientific studies, raising for the purpose of propagation, or any other special reasons.

## **Article 14**

The State or the local public body may establish a game area subject to the approval of the Director-General of the Environment Agency accompanied by the game area control regulation in case where it is necessary to do so for coordination of capture of game bird and animal in a given areas.

Matters to be provided for in the game area control regulation of the preceding paragraph shall be provided for by the Cabinet Order.

In case where the person who established the game area intends to change the game area control regulation and the matter with respect to the change shall fall under the matters to be provided for

by the Cabinet Order, the approval of the Director-General of the Environment Agency shall be required in accordance with the provision of the Cabinet order.

The game area shall not be established unless the consent of the person who has a right registered on the land inside of the boundary of the area.

The term of existence of the game area shall not exceed ten years.

In case where the Director-General of the Environment Agency approved the establishment of the game area, he shall make public the title, the district and the term of existence of the game area and other matters specified by the ordinance.

The person who established a game area in case where he deems it necessary for protection and propagation of game inside of the boundary of the game area, may entrust the business with respect to the maintenance and administration of the game area concerned such as establishment of facilities needed for breeding and propagation, artificial propagation of game, liberation of game and others to the designated person; provided in case of the game area set up by the State, the Director-General of the Environment Agency shall hear the opinion of the Nature Conservation Council or in case of the game area set up by the local public body, the prefectural governor shall hear the opinion of the prefectural nature conservation council.

The person who has been entrusted the business of the preceding paragraph in accordance with the provision of the same paragraph (hereinafter referred to as trustee) shall bear the expenses required for the business concerned.

The trustee shall collect the money to meet the expenses required for the business with respect to the trust from the person who intends to do hunting inside of the boundary of the game area and may make it his income.

The Director-General of the Environment Agency in case where he deems it necessary for the public benefit or he deems it not necessary to keep the game area, may cancel the approval of establishment of the game area for the person who established the game area. In this case, the person who established the game area an opportunity of explanation, shall let his official to have hearings for the person who established the game area.

## **Article 15**

No game shall be taken by means of explosives, dangerous medicine, poison, fixed rifle, dangerous trap or pitfall.

## **Article 16**

No person shall make shooting before sunrise or after sunset, in city street, and any other places full of dwelling houses or swarmed by public, nor to any people, animal building, railroad car, electric car, warship or vessels to which shot-shells may be reached.

## **Article 17**

No person shall make hunting or such taking of bird and animal as referred to in Article 12, paragraph 1 shall, in case where he intends to take game or collect eggs of bird, carry with himself the hunting license or the permit and exhibit it upon request of the official or employee concerned of the State or local public bodies as well as police official or interested parties.

#### **Article 18**

No person shall take the game or those provided for in Article 12, paragraph 1 shall, in case where he intends to take game or collect eggs of bird, carry with himself the hunting license or the permit and exhibit it upon request of the official or employee concerned of the State or local public bodies as well as police official or interested parties.

#### **Article 19**

Any person who has received a hunting license or a permit under the provision of Article 12, paragraph 1 shall, in case where he intends to take game or collect eggs of bird, carry with himself the hunting license or the permit and exhibit it upon request of the official or employee concerned of the State or local public bodies as well as police official or interested parties.

#### **Article 19-2**

The Director-General of the Environment Agency or the prefectural governor may let his officials or employees enter the sanctuary, the temporary game prohibited area, the game area or the shop and inspect the game or its processed products or eggs of bird which any hunter or other interested person possesses.

Right of entering and inspection prescribed in the preceding paragraph shall not be construed as vested one for crime detection.

Any official or employee who enters for inspection in accordance with the provision of paragraph 1 shall carry with himself an identity card showing his status in order to exhibit it upon request of interested parties.

#### **Article 20**

No person shall transfer or take delivery any game (inclusive of its processed products provided for by the ordinance of the Prime Minister's Office) taken or eggs of bird collected or transfer or take delivery for the purpose of sale, processing or store of the same in violation of the provisions of the law or the ordinance of the Prime Minister's Office or prefectural regulation issued based on this law.

#### **Article 20-2**



No person shall export or import any game (inclusive of its processed products) provided for in the ordinance of the Prime Minister's Office or eggs of bird provided for in the ordinance of the Prime Minister's Office except with, in case of export, a certificate issued by the official concerned of the Environment Agency certifying that the same have never been taken or collected in violation of this Law or the ordinance of the Prime Minister's Office on the prefectural regulation issued based on this Law, and except with, in case of an import, a certificate issued by the government or collected lawfully: provided that this shall not apply to the case of import from a country that has no government agency eligible to certify taking or collection of the game concerned.

The form or delivering procedure of the certificate as referred to in the proceeding paragraph shall be provided for by the ordinance of the Prime Minister's Office

### **Article 20-3**

The Director-General of the Environment Agency or the prefectural governor may collect necessary reports for enforcement of this Law from those established the game area, those who received hunting permit, those who received the approval provided for in Article 12 paragraph 1 or those who intend to process, sell, export or import the game (inclusive of its processed products) or eggs of bird.

### **Article 20-4**

The official of prefecture who takes charge of control business relating to hunting and is nominated by the prefectural governor in consultation of the chief of a district public procurator's office corresponding to the district court which administers the major service area of the official Criminal Procedure Code (Law No. 131 of 1948) on the crime which contravened this law or the ordinance of the Prime Minister's Office or the prefectural regulation issued based on this Law.

### **Article 20-5**

In order to assist the business with respect to the execution of the game protection project, the game protection man shall be appointed in prefecture.

The game protection man shall be of part-time service.

### **Article 21**

Any person shall be liable to a penal servitude less than one year or a fine of not more than fifty thousand yen in any of the following cases:

If he has contravened the provisions of Articles 3, 11, 15, 16 or 20-2;

If he has made hunting in a gun hunting prohibited area;

If he has received by fraudulence the hunting permit or such permission as referred to in Article 12, paragraph 1;

Any thing used for criminal purpose violating the provisions of items (1) or (2) of the preceding paragraph as well as any game taken through other crimes and owned by criminal shall be forfeited.

## **Article 22**

Any person shall be subject to a penal servitude less than six months or a fine of not more than thirty thousand yen in any of the following cases:

If he has contravened the provisions of Article 1-4 paragraph 1, Article 2, Article 4 paragraph 7, Article 13, Article 13-2, or Article 20;

If he has failed to abide by any prohibition or restrictions under Article 1-4 paragraph 3;

If he has let others use his own hunting license, the permit under the provision of Article 12 paragraph 2, or the raising permit under the provision of Article 13;

If he has used other's hunting license, the permit under the provision of Article 12 paragraph 2 or the raising permit under the provision of Article 13;

## **Article 22-2**

Any person who has contravened the provision of Article 8-2 paragraph 2 or 5, Article 17 or 18 shall be liable to a fine of not more than thirty thousand yen provided that any criminal in violation of the provision of Article 17 shall be indicted upon complaint of either occupant or any license-holder for joint game area.

## **Article 23**

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

If he has contravened the provision of Article 14 paragraph 3 or Article 19;

If he has refused, obstructed or evaded such inspection by entering as provided for in the provision of Article 19-2 paragraph 1;

If he has failed to submit report in accordance with the provision of Article 20-3 or made false report;

If he has moved, damaged, wrecked or removed any sign of sanctuary, special sanctuary, temporary hunting prohibited area, or any facilities as referred to in the provision of Article 8-2, paragraph 2;

#### **Article 24**

In case where any person who had received a hunting permit or the permit under the provision of Article 12 paragraph 1 has been sentenced a penalty more than a fine by contravening the provision of this law or the ordinance of the Prime Minister's Office or the regulation of prefecture issued thereunder, his hunting license or the permit shall become null and void.

#### **Article 25**

In case where any representative of a juridical person or any proxy, employee or other worker of a juridical or natural person has acted in violation of the provisions of Article 21 to 23 inclusive with respect to business of the juridical or natural person, the latter shall also be liable to the punishment inflicted on the real offender, unless it is proved that due care and supervision has been exercised in connection with the business of said juridical or natural person in order to prevent such violation by the proxy, employee, or other worker thereof.

#### **Article 26**

Abolished

### **Supplementary Provisions**

#### **Article 27**

The data of enforcement of this Law shall be decided by the Imperial Ordinance.

#### **Article 28**

The law No. 7 of 1897 shall be abolished.

#### **Article 29**

As for the permission granted under the provision of the former law, the precedents shall apply thereto.

The hunting prohibited area or the gun hunting prohibited area established under the provision of the abolished law shall be deemed as the hunting prohibited area or the gun hunting prohibited area established under the provision of this Law.

#### **Article 30**

The permission granted to the joint game area prior to the enforcement of this Law shall hold its validity.

The period of the permission of the preceding paragraph may be renewed upon request.

### **Article 31**

In case where any person who had received the hunting permit has been punished in accordance with the provisions of Article 21 to 23 inclusive of the abolished law, his hunting permit shall become null and void. In this case, no person shall receive a new hunting permit before one year has elapsed since that time.