

IMPLEMENTATION ORDINANCE OF THE WILDLIFE
PROTECTION AND HUNTING LAW

Ministry of Agriculture and Forestry Ordinance No. 108

of 30 September 1950

Final Revision:

Ordinance of the Prime Minister's Office No. 72 of 27 November, 1972

(Species of Game)

Article 1

The species of game of Article 1-4, Paragraph 2 of the Wildlife Protection and Hunting Law (hereinafter referred to as "Law") shall be as follows:

Goi-sagi (Night Heron), Kiji (Green Pheasant), Korai-kiji (Korean Ring-necked Pheasant), Yama-dori (Copper Pheasant), Uzura (Japanese Quail), Ezoraicho (Japanese Hazel Grouse), Kojukei (Chinese Bamboo Partridge), Onagagamo (Pintail), Kogamo (Teal), Yoshigamo (Falcated Teal), Magamo (Mallard), Karugamo (Spot-billed Duck), Hidorigamo (Wigeon), Hashibirogamo (Shoveller), Hoshajiro (Pechard), Kinkurohajiro (Tufted Duck), Suzugamo (Eastern Scaup-duck), Biroudo kinkuro (Eastern Velvet-Scoter), Kurogamo (American Black Scoter), Korigamo (Long-tailed Duck), Umi-aisa (Red-breasted Merganser), Kawa-asia (Asiatic Goosander), Ban (Indian Moorhen), O-ban (Coot), Ta-shigi (Common Snipe), Yama-shigi (Woodcock), Kiji-bato (Eastern Turtle-Dove), Hashibuto-garasu (Japanese Jungle-Crow), Hashiboso-garasu (Eastern Carrion-Crow), Miyama-garasu (Easter Rock), Suzume (Japanese Tree Sparrow), Nyunai-suzume (Russet Sparrow), Kuma (Bear), Higuma (Brown Bear), Inoshishi (Wild Boar), Osu-jika (Male deer), Kitsune (Japanese Fox), Tanuki (Raccoon Dog) Annaguma (Japanese Badger), Ten (Marten, except Tsushima Marten), Musasabi (Giant Flying Squirrel), Risu (Squirrel), Shima-risu (Chipmunk), Taiwan-risu (Formosa Common Squirrel), Osu-Itachi (Male Japanese Mink), No-usagi (Hare), No-neko (Car-run-Wild), No-inu (Dog-run-Wild), and Nutria (Nutria).

(Limits of hunting season)

Article 2

No hunting shall be allowed for Anaguma (Japanese Badger), Osu-Itachi (Male Japanese Mink), Kitsune (Japanese Fox), Osu-Jika (Male deer), Tanuki (Raccoon Dog), Ten (Marten, except Tsushima Marten), Musasabi (Giant Flying Squirrel and Risu (Squirrel)

in other season than that from 1 December to 15 February of the following years (in Hokkaido, from 15 November to 31 January of the following year).

(Restriction on means of hunting)

Article 3

Any one of the following means of hunting shall not be used for the game:

Mist net;

Gun with No. 10 (0.775 inch) bore or with larger bore;

Shooting from a flying airplane, driving motor car, or motor boat running at the speed of over 5 knots;

A shotgun that has a chamber that may be charged with more than four ball cartridges;

Rifle of 59-caliber and below charged with gunpowder;

Air rifle;

Pressure trap;

Fishing hook and bird-lime;

Bow and arrow;

Pheasant whistle.

Games other than bear, brown bear, wild boar and male deer shall not be caught by using a rifle charged with gunpowder (exclude rifle below 59-caliber charged with gunpowder).

Game birds shall not be caught by traps (exclude pressure trap).

No trapping or powder charged rifle shall not be used for game bird hunting.

(Bag limit)

Article 4

The game listed in the left shall not be taken outside of the game area not more than the bag limit per day listed in the right.

Kiji (Green Pheasant), Korai-kiji (Korean Ring-necked Pheasant), Yamadori (Copper Pheasant) - Up to 2 in all

Uzura (Japanese Quail) - Up to 5 in all

Ezo-raicho (Japanese Hazel Grouse) - Up to 2 in all

Kojukei (Chinese Bamboo Partridge - Up to 8 in all

Kamo (Ducks (Article 1)) - (less than 500 throughout the hunting season for net hunters)

Ban (Indian Moorhen), O-ban (Coot) - Up to 3 in all

Ta-shigi (Common Snipe), Yama-shigi (Wood cock) - Up to 5 in all

Kiji-bato (Eastern Turtle-Dove) - Up to 10 in all

Article 5

Omission

(Hunting tackles)

Article 6

Hunting tackles specified by the Director-General of the Environment Agency under the provision of Article 3 of the Law shall be as follows:

Firearms; powder charged rifle and air gun (except for the one which discharges cork bullets) and others which discharge bullets by the power of gas.

Nets: Muso nets, stretched nets, (except mist net), thrusting nets, and casting nets.

Traps: binding traps, box traps, falling box traps, and pressing traps.

(Applications for hunting permit)

Article 7

A person who intends to obtain the hunting permit under the provision of Article 3 of the Law shall submit a written application stated the following matters accompanied by a certificate under the provision of Article 7-2, Paragraph 2 of the Law (hereinafter referred to as "the certificate of completion of hunters' school course") or a document to certify that he has a certificate of completion of hunters' school course, and two photographs of Leica size having been taken in recent six months showing full face with no hat on, and bust to the prefectural governor who administers the district where is going to do hunting.

Kind of hunting permit which he intends to obtain;

The address, profession, full name and date of birth of the applicant;

Whether or not the applicant had been sentenced to a fine in violation of the Law or Ordinance of the Prime Minister's Office or the prefectural regulation issued based on the

law: and in case he had been sentenced to a heavier penalty than a fine, the date on which the term for execution of his punishment had expired on or the date on which he has been released from the execution of his punishment.

Whether or not the hunting permit had been cancelled under the provision of Article 8 paragraph 1 of the Law: in case it has been cancelled, the name of the prefectural governor who cancelled it and the date on which it had been cancelled.

If the person intends to obtain class B or C hunting licenses, the number and the date of issue of the permit under Article 4, Paragraph 1, Sub-paragraph (1) of the Law Regulating the Possession of Guns, Swords and Others (Law No. 6 of 1958), received at the time of the application with respects to the possession of hunting tackle provided for by Article 6, Sub-paragraph (1).

(Hunters' Badge)

Article 8

A person who has been afforded the hunting permit shall bear the badge provided for in Article 4 paragraph 3 of the Law (hereinafter referred to as "hunter's badge") on the breast.

(Hunting season)

Article 8-2

The hunting season of game shall be from 1 November every year to 15 February next year; and in Hokkaido from 1 October every year to 31 January next year.

Article 9

A person, who intends to obtain the approval specified in Article 12 Paragraph 1 of the Law, shall, in case where he intends to do hunting for the purpose of extermination of the game, Tobi (Black-eared Kite), Dobato (Dove), Saru (Japanese Monkey) and Hakubishin (Paguma lavata) by other hunting means than those specified in Article 3 Paragraph 1 No. 1 or for the purpose of extermination of birds and animals in aerodromes which might cause interference over the safety of aircraft; in case where he intends to do hunting for the purpose of extermination of Hiyodori (Brown-eared bulbul) with hunting tackle specified in Article 6 No. 1; in case where he intends to capture Mahiwa (Siskin), Uso (Japanese Bullfinch), Hojiro (Japanese Meadow Bunting), Hibari (Skylark), Mejiro (Japanese White-eye), Yamagara (Varied Tit), or Uguisu (Japanese bush-warbler), for the purpose of breeding with other hunting means than those specified in Article 3, Paragraph 1 No. 1, submit the written application stating the matters specified in each of the following items accompanied by the document certifying the reason for such hunting or collection to the prefectural governor and in any other cases, to the Director-General of the Environment Agency:

Address, profession, full name, and date of birth of the applicant;

Species and quantity of game to be caught or of eggs to be collected;

Purpose, period, area, and means of hunting or of collection as well as the matters and methods of study in case of scientific researches;

In case where it is intended to catch the game or to collect the egg in the places or within the game area specified in each item of Article 11 of the Law, said purpose.

If the hunting tackles referred to under Article 6, (1) are used for the catch, the number and the date of issue of the permit provided for in the regulation under Article 4, Paragraph 1, Sub-paragraph (1) of the Law Regulating the Possession of Gun, Swords and Others which the applicant has already received at the time of application with respects to the possession of the hunting tackle concerned.

(Term of validity of breeding permit of game)

Article 10

The breeding permit specified in Article 13 of the Law (hereinafter referred to as "game breeding permit") shall be issued for each of game upon the application of any person who intends to breed, transfer, or obtain by transfer any game which have been caught with the approval specified in Article 12 of this Law.

The term of validity specified in the preceding paragraph may be renewed upon application.

(Report on change of address etc.)

Article 11

In case where any person who has obtained the hunting permit, approval specified in Article 12, Paragraph 1 of the Law, or the game breeding permit, has changed his address or name, he shall submit a report thereof within two weeks to the administrative agencies under whose jurisdiction he is placed.

In case where any person who attended at the hunters' school and completed the course has changed his address or name, he shall report to the effect (in case where he changed the address and new address is placed under the jurisdiction of the governor of other prefecture, the type of school, address, name, date of birth and date of removal) to the governor of prefectural who administers the site where he lives.

(Report on loss of hunting license etc.)

Article 12

Any person who has obtained the hunting license, the hunter's badge, the certificate of completion of hunter's school course, the permit specified in Article 12, Paragraph 2 of the Law (hereinafter referred to as "the game hunting permit") or the game breeding permit (hereinafter referred to as "game license") and lost the same, shall state the reason thereof and report it without delay to the administrative agency concerned which granted it.

(Re-delivery of hunting license, etc.)

Article 13

A person who has obtained the hunting license (exclusive of a certificate of completion of hunter's school course) when he lost or damaged it, may ask for re-delivery of it.

A person who has been delivered the certificate of completion of hunter's school course, when he lost or damaged it or when it is deemed necessary specifically to take re-delivery of it, he may apply for re-delivery of it.

(Report on hunting etc.)

Article 14

Any person who has obtained the hunting license (exclusive of the certificate of completion of hunters' school course and hunters' badge, the same shall apply in this article) shall return, in case of the hunting license, within thirty days from the day when the hunting season specified in Article 8-2 has expired and when the hunting permit was cancelled or lost its validity, it shall be returned as soon as possible and in case of the game hunting permit or game breeding permit, within thirty days since they lost their validity, hunting license and others shall be returned to the administrative agency which delivered them.

A person who has obtained the hunting license and others shall report the number of game caught by prefecture and species (the person who has obtained the game hunting permit shall report the number of game caught or eggs collected by species and the outline of disposition), within the period of returning hunting license and others specified in the preceding paragraph to the administrative agencies which delivered them.

Article 15

Abolished

(Establishment of sanctuary)

Article 16

The sanctuary, in case where of the area of the district of such establishment, the State-owned land shall not cover more than fifty per cent and the district shall not extend over two prefectures, shall be established by the governor of prefecture and in any other case, by the Director-General of the Environment Agency; provided in case where it is specially necessary for protection and propagation of game and of the area of the district of such establishment, the State-owned land shall not cover more than fifty per cent and the district shall not extend over two prefectures, the Director-General of the Environment Agency may establish it.

(Application for establishment of the sanctuary)

Article 17

The application for approval under the provision of Article 1-4, Paragraph 5 of the Law which shall apply *mutatis mutandis* in Article 8-2, Paragraph 4 of the Law shall be made by submittance of a written application stating the following matters accompanied by a map showing the area and location of the game area concerned a protocol specified in Article 53 with respect to the establishment of game area and a copy of the reply of the prefectural nature conservation council to the Director-General of the Environment Agency.

Title of the sanctuary;

District of the sanctuary;

Area of the land classification which is to be incorporated into the district of the sanctuary of water surface;

Term of existence;

Condition of habitat of wildlife for the past three years and the outline of the land condition before these years which is to be incorporated in to the sanctuary;

Matters with respect to the compensation under the provision of Article 8-2, Paragraph 7;

How to protect and propagate the game;

Matters with respect to the expenses required for establishment and maintenance of the sanctuary;

How to control;

Application for approval for abolition of sanctuary or the alteration of the district specified in Article 1-4, Paragraph 5 of the Law which shall be applied *mutatis mutandis* to Article 8-2, Paragraph 4 of the law shall be made by submittance of a document stating the reason thereof to the Director-General of the Environment Agency (in case where there is a region to be newly registered as a result of alteration of the district, a document stating the reason thereof accompanied by a map indicating the district of the region and

the location, a document stating the matters listed in Nos. 2, 3, 5 of the preceding paragraph and 6 with respect to the district, the protocol of Article 53 with respect to alteration concerned and a copy of a reply of prefectural nature conservation council).

(Notification)

Article 18

The Director-General of the Environment Agency or the prefectural governor shall issue notification of the title, the district and the term of existence in case where he has established the sanctuary or of the purpose in case where he has abolished the sanctuary of the title, the district or the term of existence concerned in case where he as changed the title, the district or the term of existence of the sanctuary or of the term of existence with respect to the renewal concerned in case where has renewed the term of existence.

(Establishment of sign)

Article 19

A person who has established the sanctuary shall establish the sign necessary to indicate the district of the sanctuary.

(Application of *mutatis mutandis* to the special sanctuary)

Article 19-2

The provisions of the preceding 3 Articles shall apply *mutatis mutandis* to the special sanctuary.

(Case where the approval specified in Article 8-2, Paragraph 5 of the Law is not necessary)

Article 20

The acts specified under the proviso of Article 8-2, Paragraph 5 of the Law shall be as follows.

Filling up or reclamation of water surface less than one hectare in total (exclusive of those designated by the designator of the special sanctuary);

With respect to single tree selective cutting or the number of standing trees and bamboos, thinning of less than 20 per cent or weeding or improvement cutting for tending;

Establishment of residence and its annexed structures.

(Application for approval)

Article 21

A person who intends to obtain the approval specified in Article 8-2, Paragraph 5 of the Law shall submit a written application stating the following matters accompanied by a map indicating the location to the Director-General of the Environment Agency or the prefectural governor.

Full name of the applicant and the owner or the title and address;

Location and lot number;

Purpose of filling up of water surface or reclamation, cutting of standing trees and bamboos or establishment of structures;

In case of filling up of water surface or reclamation, its outline and cost, in case of felling of standing trees and bamboo, age, number of trees and bamboos by species or its outline, growing stock and the price of standing trees and bamboos to be felled;

The or the may give his order to the applicant of the preceding paragraph to submit other documents deemed necessary than the document specified in the same paragraph.

Article 22

A person who intends to make claim for compensation specified in Article 8-2, Paragraph 7 of the Law shall submit a written application accompanied by a written estimate on loss thus suffered therefrom to the Director-General of the Environment Agency or the prefectural governor.

Article 23

Abolished

(Notification of establishment of the temporary hunting prohibited are and establishment of its sign)

Article 24

In case where he has established the temporary hunting prohibited area in accordance with the provision of Article 9 of the Law shall make notification of its title, district and term of existence as well as to establish the sign necessary for showing the district without delay.

(Gun hunting prohibited district)

Article 25

The provision of the preceding article shall apply mutatis mutandis to the gun hunting prohibited area.

(Definition of park)

Article 26

Park specified by the Director-General of the Environment Agency or other similar place as referred to in item (4) of Article 11 of the Law shall be any garden ground made with a view to give comfort to general public and enclosed with fence or sign as distinguished from other area such as special sanctuary referred to in Article 18, Paragraph 1 of the Natural Parks Law (Law No. 161 of 1957), and park and green area approved as city planning facilities specified in Article 4, Paragraph 5 of City Planning Law.

(Permission of selling, etc.)

Article 27

Any person who intends to obtain the permission in accordance with the provision of the proviso of Article 13-2 of the Law shall submit a written application stating the items listed below to the Director-General of the Environment Agency:

Residence, occupation, full-name, date of birth of seller (as for a juridical person, residence and title);

Species number, and address;

Reason for which application is made for permission;

(Procedure for establishment of game area)

Article 28

Application for approval specified in the Article 14, Paragraph 1 of the Law shall be made by submission of a written application stating the items listed below accompanied by the game area control regulation, a map showing the district and location of the game area and a document certifying the consent specified in Article 14, Paragraph 4 of the Law and a document stating an estimated cost with respect to establishment of the game area to the Director-General of the Environment Agency.

Matters stated in Article 17, Paragraph 1 No. 2 and No. 5 and in case of trust of business with respect to maintenance and control of the game area, its purpose;

Establishment of facilities of protection and propagation of game, project plan with respect to artificial propagation and liberation of birds and animals in the authorized year

(from 16 April every year to 15 April of following year. The same shall apply hereinafter) to which the day of establishment belongs.

Estimated number of hunters entered (by kind of permit) and game captured (by species) by month in one hunting season.

The application for approval specified in Article 14, Paragraph 1 of the Law with respect to suspension of hunting in the game area and abolition of the game area and abolition of the game area shall be made by submission of a document stating its reason to the Director-General of the Environment Agency.

Article 29

The provision of Article 19 shall apply *mutatis mutandis* to the game area.

(Game area control regulation)

Article 30

In accordance with the provision of Article 8 No. 11 of the Cabinet Order for the Implementation of Wildlife Protection and Hunting Law (Cabinet Order No. 254 of 1953. Hereinafter referred to as "Order"), the matters to be specified in the game area control regulation shall be as follows.

Matters with respect to the establishment of necessary facilities for breeding and propagation of game;

Matters with respect to artificial propagation of game or liberation thereof;

Matters with respect to designation of hunting prohibited district;

Matters with respect to restriction of bag;

Matters with respect to restriction of hunting means or hunting tackles;

Matters with respect to compensation for loss by game in the game area;

Article 31 - 37

Abolished

(Report on change in the game area control regulation)

Article 38

A person who has established the game area, in case where he has changed other matters in the game area control regulation than those specified in Article 9 paragraph 1 of the

Order, shall report to the effect to the Director-General of the Environment Agency without delay.

(Notification of the term of existence etc.)

Article 39

The Director-General of the Environment Agency in case where he has approved the establishment of the game area, shall make notification of the items listed below. The same shall apply to the change in the matters thus notified.

Title of the game area;

Location of the office;

District of the game area;

Term of existence of game area;

Admission fee for hunting;

(Report on the work in the game area etc.)

Article 40

A person who has established the game area shall submit the work report of the game area stating the matters listed below in the authorized year concerned within thirty days after each authorized year concerned with respect to establishment of facilities necessary for breeding and propagation of game and artificial propagation and liberation of game and the work plan for the following authorized year to the Director-General of the Environment Agency.

Number of days opened for hunting;

Number of hunting applicants and hunters entered;

Number of bag by species;

A person who has established the game area in case where he has entrusted the business with respect to maintenance and control of the game area in accordance with the provision of Article 14 paragraph 7 of the Law, shall report to the effect accompanied by a copy of the trust contract with respect to the trust concerned to the Director-general of the Environment Agency without delay.

Article 41

The Director-General of the Environment Agency in case where he has cancelled the approval of the establishment of the game area in accordance with the provision of Article 14, Paragraph 10 of the Law, shall make notification to the effect.

(Joint game area)

Article 42

Any person who intends to apply for renewal of authorized term of joint game area shall, specifying the term of renewal, submit a written application accompanied by a document certifying consent of landowners within the limits of such area to the Director-General of the Environment Agency not later than three months before expiration of the time limit.

As for a joint game area, the precedents under the former provisions shall apply thereto in addition to the provisions of the preceding paragraph.

(Passing through of a document)

Article 43

A document which shall be submitted to the Director-general of the Environment Agency in accordance with the provision of this ministerial ordinance shall pass through the prefectural governor except the application under the provision of Article 45.

(Processed game which are prohibited transfer or acceptance)

Article 43-2

The processed goods specified in the provision of the ministerial ordinance of Article 20 of the Law shall be stuffed, specimen, feather products, fur products and processed foodstuffs.

(Processed game which are prohibited transfer or acceptance)

Article 44

The game, processed game and eggs of bird specified in the ministerial ordinance of Article 20-2, Paragraph 1 of the Law shall be as follows:

Bird and its processed goods: Kiji (Green Pheasant), Yamadori (Copper Pheasant) Ikaru (Japanese Grosbeak), Uso (Japanese Bullfinch), Isuka (Japanese Crossbill), Miyamahojiro (Yellow-throated Bunting), Nojiko (Japanese Yellow Bunting), Hojio (Japanese Meadow Bunting), Hibari (Skylark), Mejrio (Japanese White-eye), Yamagara (Varied Tit), Higara (Japanese Coal-tit), Oruri (Japanese Bush Warbler), Komadori

(Japanese Robin), Ojirowash (White-tailed Sea-eagle), Owashi (Steller's Sea-Eagle), and Oshidori (Mandarin Duck) and their stuffed, specimen and fur goods:

Animal and its processed goods: stuffed and specimen of Kitsune (Japanese Fox) Tanuki (Raccoon Dog), Anaguma (Japanese Badger), Ten (Marten), Itachi (Japanese Mink), Risu (Squirrel), Musasabi (Giant Flying Squirrel) and Kamoshika (Mountain Goat); fur and fur goods of Tanuki (Raccoon Dog), Ten (Marten) Itachi (Japanese Mink), Risu (Squirrel) Mussabi (Giant Flying Squirrel), and Kamoshika (Japanese Serow);

Eggs of bird; eggs of each species (Except the birds specified under the provisions of Article 2, Paragraph 1 of the Law relating to the Regulation of Transfer of Special Birds.

(Certificate to be accompanied by the game in case of export)

Article 45

Any person who intends to take delivery of a certificate issued by the official concerned of the Environment Agency specified in Article 20-2 paragraph 1 of the Law shall submit a written application to the chief of the export goods inspection office.