

(Unofficial Translation)

Law to partially amend the Law on  
Provisional Measures relating to the Fishing Zone  
(Law No. 83 of 29 November 1977)

The Law on Provisional Measures relating to the Fishing Zone (Law No. 31 of 1977) shall be partially amended as follows:

The words "procedures necessary for the implementation of Articles 23 to 25 and other matters necessary therefor shall be prescribed by Ordinance of the competent Ministry, and other" shall follow the words "Unless otherwise provided for in this Law," in Article 15.

The following four articles shall follow Article 22:

(Release, etc., upon the posting of bond, etc.)

Article 23

When seizure (The term "seizure" means the seizure of a vessel or the arrest of a master or any other crew. The same shall apply hereinafter.) is effected in connection with a case involving an offense under the provisions of this Law or other offenses prescribed by Cabinet Order (hereinafter referred to as "the case"), any officer designated by Cabinet Order from among the judicial police officers (hereinafter referred to as "the enforcement officer") shall, without delay, notify the master of the vessel pertaining to the aforesaid seizure (including any person performing the duties of master)

and

and the offender of the following matters, except in so far as the case pertains to the fisheries or the catching and taking of marine animals and plants engaged in by foreigners prescribed by Cabinet Order.

(1) The offender shall be released and the vessel and any other articles seized (hereinafter referred to as "articles seized") shall be returned, without delay, upon the posting of bond or a document guaranteeing the posting thereof with the competent Minister as prescribed by the Cabinet Order referred to in Paragraph 1 of the following article.

(2) The amount required to be posted as bond.

2. The amount of the bond provided for in Sub-paragraph (2) of the preceding paragraph shall be determined by the enforcement officer in accordance with the criteria laid down by the competent Minister as prescribed by Cabinet Order, taking into consideration the type, nature and other circumstances of the case.

#### Article 24

When the bond in the amount notified pursuant to the provisions of Paragraph 1 of the preceding article or the document guaranteeing the posting thereof is posted with the competent Minister as prescribed by Cabinet Order, the competent Minister shall, without delay, notify the enforcement officer or public prosecutor to that effect.

2. Upon receiving notification pursuant to the provisions of the preceding paragraph, the enforcement officer shall, without delay, release the offender and return articles seized.

3. Upon receiving notification pursuant to the provisions of Paragraph 1, the public prosecutor shall, without delay, take the steps necessary for the release of the offender and the return of articles seized.

#### Article 25

The bond shall be held in the custody of the competent Minister.

2. Where, in the proceedings relating to the case, the offender fails to appear at the place required on the date required, or the articles seized which were returned but which the person (party) concerned has been required to produce, are not produced at the place required on the date required, the bond shall accrue to the National Treasury on the day one month from the day following the aforesaid date, except where communication is made within one month of the day following the aforesaid date to the effect that appearance will be made or the aforesaid articles will be produced on a specified day within three months of the day following the aforesaid date.

3. Where, in cases prescribed by the proviso of the preceding paragraph, the offender fails to appear or the aforesaid articles are not produced on the specified day pertaining to

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the aforesaid communication, the bond shall accrue to the National Treasury on the day following that day.

4. Where circumstances arise in which custody of the bond is no longer necessary, as in the case of conclusion of the proceedings relating to the case, the bond shall be returned.

(The competent Minister, etc.)

#### Article 26

The competent Minister referred to in the preceding three articles and the competent Ministry referred to in Article 15 shall be prescribed by Cabinet Order.

#### Supplementary Provisions

(Date of entry into force)

1. This Law shall enter into force on the date of its promulgation.

(Transitional measures)

2. Cash or a document guaranteeing the posting thereof which was posted before the entry into force of this Law by the master of a vessel seized or other parties concerned, in connection with a case provided for in Article 23 Paragraph 1 of the amended Law on Provisional Measures relating to the Fishing Zone and corresponding to the bond or the document guaranteeing the posting thereof provided for in Article 24 Paragraph 1 of the same Law shall be deemed to constitute a bond or a document guaranteeing the posting thereof posted pursuant to the provisions of the same paragraph.