

(Unofficial Translation)

Cabinet Order to partially amend
the Enforcement Order of the Law
on Provisional Measures relating to the Fishing Zone
(Cabinet Order No. 313 of 29 November 1977)

The Cabinet hereby enacts this Cabinet Order in accordance with the provisions of Article 23 Paragraphs 1 and 2, Article 24 Paragraph 1, and Article 26 of the Law on Provisional Measures relating to the Fishing Zone (Law No. 31 of 1977).

The Enforcement Order of the Law on Provisional Measures relating to the Fishing Zone (Cabinet Order No. 212 of 1977) shall be partially amended as follows:

The following five articles shall follow after Article 6:

(Offenses prescribed by Cabinet Order provided for in Article 23 Paragraph 1 of the Law)

Article 7

The Offenses prescribed by Cabinet Order provided for in Article 23 Paragraph 1 of the Law shall be offenses under the provisions of the Law and offenses under Articles 141 and 145 of the Fisheries Law (but only those parts of Articles 141 and 145 which refer to Article 74 of the same Law) applied in accordance with the provisions of Article 4 of the Law.

(Enforcement)

(Enforcement officer)

Article 8

An officer designated by Cabinet Order provided for in Article 23 Paragraph 1 of the Law shall be a fisheries inspector or maritime safety officer.

(Criteria for the amount of the bond)

Article 9

The criteria provided for in Article 23 Paragraph 2 of the Law shall be laid down, taking into consideration the type of offense, the penalty prescribed for that offense, the degree and frequency of the offense, etc.

(Posting of bond, etc.)

Article 10

Bond (other than that which is posted pursuant to the provisions stated in a document guaranteeing the posting of bond hereinafter referred to as "the written guarantee"7). The same shall apply in Sub-paragraph (1).) or the written guarantee shall be posted pursuant to the following provisions.

(1) In the case of the bond, it shall be posted in Japanese currency by the offender or the master of the vessel pertaining to the seizure or any other party recognized by the competent Minister as a party appropriate to post a bond within ten days of the day following that on which the notification prescribed in Article 23 Paragraph 1 of

the

the Law is made (or, where the enforcement officer, recognizing that unavoidable circumstances exist, has extended the period concerned to within twenty days of the day following that on which the aforesaid notification is made, within that extended period).

(2) In the case of the written guarantee, it shall be in conformity with the following requirements and be posted within the period prescribed in the preceding Sub-paragraph (1).

(a) The aforesaid written guarantee shall be that which guarantees the posting of bond in Japanese currency within one month of the day following the day on which the aforesaid written guarantee is posted, and is such that it is considered that the bond will be posted with certainty pursuant to the provisions stated therein.

(b) The person (party) who posts the bond pertaining to the aforesaid written guarantee shall correspond to the person (party) prescribed in the preceding Sub-paragraph (1).

2. Where the last day of the period provided for in Sub-paragraph (1) and Sub-paragraph (2) (a) of the preceding paragraph falls on Sunday, a holiday provided for in the National Holidays Law (Law No. 178 of 1948), or the 2nd or 3rd of January, that day shall not be included in the aforesaid period.

(The

(The competent Minister and Ordinance
of the competent Ministry)

Article 11

1. The competent Minister referred to in Article 23 Paragraph 1, Article 24 Paragraph 1, and Article 25 Paragraph 1 of the Law, and in Paragraph 1 of the preceding article shall be the Minister of Agriculture and Forestry with respect to the case pertaining to the fisheries inspector, and the Minister of Transport with respect to the case pertaining to the maritime safety officer, and the competent Minister referred to in Article 23 Paragraph 2 of the Law shall be the Minister of Agriculture and Forestry and the Minister of Transport.
2. The Ordinance of the competent Ministry referred to in Article 15 of the Law shall be the Ordinance of the Ministry of Agriculture and Forestry and the Ministry of Transport.

Supplementary Provisions

(Date of entry into force)

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

(Abrogation of the Cabinet Order relating
to Custody of Cash, etc., posted as a Bond
pertaining to the Seizure of a Foreign Fishing Vessel)

2. The Cabinet Order relating to Custody of Cash, etc., posted as a Bond pertaining to the Seizure of a Foreign Fishing Vessel (Cabinet Order No. 256 of 1977) shall be abrogated.