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Annex 3

Mariners Law (Law No.100, September 1, 1947)

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Chapter I

General Provisions

Article 1 (Mariner)

1. For the purpose of this law, the term "mariner" shall include every master or seaman who serves on board a Japanese vessel or a non-Japanese vessel provided by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism and every reserved mariner.
2. A vessel mentioned in the preceding paragraph shall not include any of the following vessels:
 - (1) A vessel of less than five tons gross;
 - (2) A vessel navigating within lakes, rivers or harbors exclusively;
 - (3) A fishing vessel of less than thirty tons gross provided by Cabinet Order;
 - (4) A small vessel other than those listed in the preceding three items as prescribed in Article 2, Paragraph 4 of the Law for Ship's Officers (Law No. 149, 1951) provided by Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism including a yacht or motorboat for sports or recreational purposes and other vessels whose peculiar nature of maritime labor is not recognized in terms of the purpose, period and aspect as well as system of navigation.
3. Harbor areas determined in conformity with the Harbor Regulations Law (Law No. 174, 1948) shall apply to those in Item 2 of the preceding paragraph. However, the Minister of Land, Infrastructure, Transport and Tourism can, pursuant to the provisions of a Cabinet Order, designate special harbors and decide on areas different therefrom.

Article 2

1. The term “seaman” as used in this Law shall include every person, other than the master, employed as a member of the crew on a vessel, engaged in maritime navigation for a salary, remuneration or any other remuneration to be paid in compensation for his/her service.

2. The term “reserved mariner” as used in this law shall include every person employed for the purpose of serving on board the vessel provided for in Paragraph 1 of the preceding Article but not in service thereon.

Article 3

The term “officer” as used in this Law shall include every mate, chief engineer, engineer, chief radio operator, radio operator, and every other seaman provided by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism. The term “staff” shall include every seaman other than officers.

Article 4 (Salary or Other Remuneration and Working hours)

The term “salary or other remuneration” as used in this Law means a basic regular pay which constitutes a part of the fixed periodical payment made by the shipowner to the mariner by way of compensation, and the expression “working hours” means time during which the mariner is engaged on watch duties or any other work under the official order of his/her superior.

Article 5 (Application of Provisions Governing Shipowners)

The provisions relative to shipowners of this Law and the Ordinance issued on the basis of the same Law shall apply to the ship’s husband in the case of co-ownership, to the lessee in the case of a lease, and in the case where a person other than the shipowner, husband or lessee of the vessel employs a mariner, to that person.

Article 6 (Application of Labor Standards Law)

The provisions of Articles 1 to 11 inclusive, Articles 117 to 119 inclusive and Article 121 of the Labor Standards Law (Law No. 49, 1947) shall also apply to labor-related issues of mariners.

Chapter II

Functions and Powers of Masters

Article 7 (Right to Command and Order)

A master may command and supervise seamen and give persons on board the vessel orders necessary for the performance of his/her duties.

Article 8 (Inspection Before Commencement of Voyage)

A master shall, as provided by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, make an inspection before the commencement of a voyage, as to whether the vessel is fit for navigation and whether other preparations necessary for the voyage are in due order.

Article 9 (Completion of Voyage)

When preparations for a voyage have been completed, the master shall commence the voyage without delay, and except in case of necessity, shall proceed to the port of destination without deviating from the predetermined route.

Article 10 (Command on Deck)

A master shall take command of his/her vessel in person standing on deck when the vessel enters or clears any port, passes through any narrow fairway, or when there is any other danger to the vessel.

Article 11 (Obligation to Remain on Board)

The master shall not, except in unavoidable circumstances, leave the vessel under his/her command during the interval between the shipping of cargo or embarkation of passengers and the discharge of cargo or the disembarkation of passengers, unless he/she has entrusted his/her duties to a person who is to take command of the vessel in his/her stead.

Article 12 (Means in Case of Danger to Vessels)

A master, when there is imminent danger to his/her vessel, shall exhaust every means necessary to save human life, the vessel and the cargo.

Article 13 (Means in Case of Collision)

In case of collision between two vessels, each master shall use every possible means necessary to save the other vessel and human life on board the vessel and give the name of his/her vessel, her owner, her ports of registry, departure and destination to the master of the other vessel, except when there is imminent danger to the vessel under his/her command.

Article 14 (Assistance of Vessels, etc. in Distress)

When it has come to the knowledge of any master that another vessel or aircraft is in distress, he/she shall use every possible means necessary to save human life on board the vessel, except in the case where there is imminent danger to the vessel under his/her command or in a case provided by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

Article 14-2 (Unusual Atmospheric Phenomena, etc.)

The master of a vessel provided by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism shall, when encountered with a storm, drift-ice or other unusual atmospheric, oceanographic or terrestrial phenomenon or driftage or a sunken object which is in danger of giving a hazard to navigation of vessels, communicate to that effect, as provided by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, to the vessel and the Maritime Safety Agency or other related agency in the vicinity.

Article 14-3 (Emergency Station Bill and Training)

1. The master of a vessel provided by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism shall determine the emergency station bill as provided by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism with respect to the works of seamen in the cases mentioned in Articles 12 to 14 inclusive and in other urgent cases, and shall put it up in the crew space or other suitable space.
2. The master of a vessel provided by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism shall carry out the fire protection, life boat handling and other similar drills necessary in urgent cases for seamen and passengers as provided by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

Article 14-4 (Assurance of Safety of Navigation)

Matters other than those provided for from Article 8 to the preceding article inclusive concerning performance of watch duties, prevention of fire on board, maintenance of water-tightness and other matters to be observed by a master in connection with the safety of navigation shall be provided by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

Article 15 (Burial at Sea)

A master may, in case a person on board the vessel has died while under way, bury the body of such person at sea as provided by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

Article 16 (Custody of effects)

If a person on board a vessel dies or becomes missing, the master thereof shall, in accordance with the provisions of the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, retain or make any other disposition of the effects which the deceased or missing person leaves on board the vessel, unless otherwise provided by other laws or ordinances.

Article 17 (Repatriation of Nationals Abroad)

When a Japanese consul resident in a foreign country issues an order to a master to take a Japanese national to his/her own country in accordance with the provisions of laws and regulations, the said master shall not refuse to obey such order except for justifiable grounds.

Article 18 (Obligation to Keep Documents)

1. A master shall, unless otherwise provided by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, keep the following documents on board:

1. The certificate of nationality of a ship or other certificates provided by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism
 2. The shipping articles
 3. The log book
 4. The list of passengers
 5. The documents related to the cargo
2. Necessary matters regarding the shipping articles, the log book and the list of passengers shall be provided by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

Article 19 (Report on Navigation)

In cases falling under any of the following items, a master shall, in accordance with the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, report to that effect to the Minister of Land, Infrastructure, Transport and Tourism.

1. In the case of a collision, stranding, foundering, loss, fire, damage to engines or any other shipping casualty
2. If he/she has engaged in efforts to save human life or a vessel
3. If it has come to his/her knowledge, except by wireless, that another vessel is in distress while the vessel is under way.
4. If any person on board the vessel has died or is missing
5. If a deviation has been made from the predetermined route
6. If the vessel has been detained or captured, or has encountered any other significant accident

Article 20 (Performance of a Master's Duties by Proxy)

If a master has died, left his/her vessel, or is unable to take command thereof without having previously appointed any other person to his/her post, one of the seamen engaged in navigation who is next to him/her in the order of their grade or staffhall perform the duties of the master.

Chapter III

Discipline

Article 21 (Order on Board)

A seaman shall observe the following matters:

1. To obey official orders of his/her superiors;
2. To neither neglect his/her own duties nor to obstruct any other members of the crew in the discharge of duties;
3. To embark on a vessel by the time appointed by his/her master;
4. Not to leave a vessel without the permission of the master;
5. Not to use a lifeboat or any other important appliances without the permission of the master;
6. Not to waste provisions of fresh water on board;
7. Not to use electricity or fire without the permission of the master, or not to smoke at a place where smoking is prohibited;
8. Not to take into or out of the vessel any article other than daily necessities without the permission of the master;
9. Not to quarrel by force, get intoxicated or commit any other outrage;
10. Not to commit any other act that would disturb the order on board the vessel.

Article 22 ((disciplinary punishment)

The master may impose a disciplinary punishment on any seaman who has failed to observe any of the matters mentioned in the preceding article.

Article 23

Disciplinary punishment shall consist of prohibition of landing and admonition. The term of the prohibition of landing shall not exceed ten days including the first day of punishment and consist only of days when the vessel stays in port.

Article 24

When a master intends to impose disciplinary punishment on any seaman, the master must give a hearing to three or more witnesses who are seamen and examine the seaman and the persons concerned in the presence of the witnesses.

Article 25 (Measures in Case of Dangers)

If a seaman possesses any deadly weapon, explosive or inflammable article, poison or other dangerous object on board, the master may take into his/her custody, abandon or make any other disposition thereof.

Article 26

If a seaman threatens to inflict any harm to the lives or bodies of persons on board the vessel, the master shall take the necessary measures to avoid such harm.

Article 27

A master, if he/she deems it necessary, may also take the measures as provided for in the preceding two articles with a passenger or any other person on board the vessel.

Article 28 (Forced Disembarkation)

When a seaman fails to leave the vessel after official certification has been obtained of the termination of a contract of engagement, a master may compel the said seaman to disembark the said vessel.

Article 29 (Call for Assistance from Administrative Authorities)

In cases where an act by seaman or any other person on board the vessel has inflicted harm on another person or caused damage to the vessel, resulting in serious disturbance of peace and order on board, the master may, if he/she deems it necessary, call for assistance from administrative authorities.

Article 30 (Limitation of Disputes)

An act of dispute concerning labor relations shall not be undertaken while a vessel is in a foreign port or when such act of dispute may endanger human life or the vessel.

Chapter IV

Contract of Engagement, etc.

Article 31 (Contracts in Violation of this Law)

Such portion of the contract of engagement (including contracts of employment for reserved mariners; hereinafter the same shall apply up to Article 34, in Articles 58, 84 and 100) containing provisions that provide for conditions that do not meet the standards provided by this Law shall be invalidated. In such case the articles shall, in respect of the portion thus invalidated, be deemed to contain provisions that provide for working conditions that meet the standards provided by this Law.

Article 32 (Notification of Working Conditions)

The shipowner shall clearly notify to the mariners the salary or other remuneration, working hours and other working conditions as provided by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism when signing the contract of engagement. The same shall also apply when any modification has been made to the contract of engagement.

Article 33 (Prohibition of Predetermination of Damages)

The shipowner shall not enter into any contract providing penalties for non-fulfillment of the agreement or predetermining the amount of damages.

Article 34 (Management of Savings, etc.)

1. When signing the contract of engagement, the shipowner shall not compel his/her mariners into a subsidiary contract to save some portion of their salary or other remuneration or to deposit such savings in his/her custody.
2. When the shipowner intends to manage a mariner's savings by request of the said mariner, he/she shall, as provided by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, make an agreement in writing with the labor union organized by a majority of mariners under his employment contract if such union exists, or with the person or persons representing the majority of mariners if there is no labor union organized by a majority of mariners, and shall submit the said agreement to the Minister of Land, Infrastructure, Transport and Tourism.

3. When the shipowner manages a mariner's savings by request of the said mariner, he/she shall, if managing the savings consists of receiving deposits, pay the interest on deposits. In this case, if the interest rates are lower than those provided by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism in consideration of the rates on deposits which the financial institutions receive, such savings are regarded as having been deposited at the interest rates provided by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

4. The mariner may at any time request withdrawing his/her savings entrusted to the shipowner's care.

Article 35 (Limitation of Offsets)

The shipowner shall not set off obligations owed by a mariner against the obligatory duty to pay salary or other remuneration, except in cases where the amount of deduction does not exceed one-third of that of the salary or other remuneration or where the shipowner has a claim against the mariner for damages caused by his/her criminal act.

Article 36 (Record and Notification of Working Conditions)

When signing the contract of engagement, a master shall record the working conditions laid down in the agreement in the list of crew and bring them to the notice of his/her seamen. The same shall apply when modifications have been made to the contract of engagement.

Article 37 (Notification of the Contract of Engagement)

1. In the event of establishment, termination, renewal or modification (hereinafter referred to as "establishment, etc. of the contract of engagement") of a contract of engagement, the master shall without delay present the list of crew and notify thereof to the Minister of Land, Infrastructure, Transport and Tourism in accordance with the provisions of the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

2. If the master is unable to make the notification pursuant to the preceding paragraph, the shipowner shall make the said notification on behalf of the master.

Article 38

In the event of a notification of establishment, etc. of the contract of engagement, the Minister of Land, Infrastructure, Transport and Tourism shall examine whether the said contract of engagement does not violate any laws and regulations pertaining to safety of navigation or labor relations of seafarers, and whether there is no lack of consensus among the concerned parties. In cases where there are violations or lack of consensus, the Minister of Land, Infrastructure, Transport and Tourism shall, if deemed necessary, issue an order pursuant to Article 101, paragraph 1 or take other necessary measures.

Article 39 (Termination of the Contract of Engagement Due to the Sinking of the Vessel, etc.)

1. When a vessel falls under either one of the following cases, the contract of engagement shall be terminated:

1. Sinking or loss

2. When the vessel has become unseaworthy

2. If the whereabouts of a vessel is unknown for one month, the said vessel is assumed to be lost.

3. Even in cases where the contract of engagement has been terminated in accordance with the provisions of paragraph 1, a mariner shall engage in emergency activities necessary to rescue human life, the vessel or cargo.

4. In cases where a mariner engages in rescue activities in accordance with the provisions of the preceding paragraph, the contract of engagement remains effective until he/she completes the rescue activities, regardless of the provisions provided for in paragraph 1. The same applies while a mariner, following the said rescue activities,

renders services for the retention of personal effects, repatriation of mariners and other remaining tasks until these tasks have been completed.

5. During the period where the contract of engagement remains effective in accordance with the provisions of the latter part of the preceding paragraph, the shipowner or the mariner may at any time cancel the said contract of engagement.

Article 40 (Cancellation of a Contract of Engagement)

The shipowner may cancel the contract of engagement if a case falls under one of the following items:

1. If a mariner is found to be extremely unfit for his/her duties;
2. If a mariner grossly neglects his/her duties or commits gross negligence in respect to his/her duties
3. If a seaman fails to embark on the vessel by the time appointed by the master;
4. If a seaman seriously disturbs the order on board the vessel;
5. If a mariner has become incapacitated for his/her duties by reason of injury or illness;
6. In case of an unavoidable reason other than those specified above.

Article 41

A mariner may cancel the contract of engagement if a case falls under one of the following items:

1. If the vessel has lost her nationality as of the time when the contract of engagement was concluded;
 2. If the actual working conditions are significantly different from those laid down in the contract of engagement;
 3. If he/she has become incapacitated for his/her duties by reason of injury or illness;
 4. If he/she is to receive training in accordance with the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.
2. If, in cases where a vessel has completed her voyage from a foreign port, a mariner on board the vessel has given a not less than twenty-four hour written notice requesting to cancel the contract of engagement, the contract of engagement of the said mariner shall be canceled upon expiry of the period.
3. If a seaman provides his/her successor whose competence and reliability are approved by the master, he/she may cancel the contract of engagement.

Article 42

If the shipowner or the mariner has given no less than twenty-four hours' written notice to cancel a contract of engagement without a fixed term, the said contract shall be terminated upon expiration of the said period.

Article 43 (Termination of Contract of Engagement Due to Change of Ownership)

1. Except in cases of inheritance or any other case of general succession, in the even of a change of ownership, the contract of engagement shall be terminated.
2. In the case provided for in the preceding paragraph, it shall be deemed that, from the moment of termination of the contract of engagement, a contract of engagement identical to the former one exists between the mariner and the new owner. In this case, the mariner may cancel the contract of engagement pursuant to the provisions of the preceding article.

Article 44 (Extension of the Contract of Engagement)

1. The contract of engagement shall continue to apply with full force and effect until the vessel arrives at the next port and the unloading of cargo or the disembarkation of passengers at such port has been completed if the vessel is

underway upon termination of the contract of engagement, and until the unloading of cargo or the disembarkation of passengers at the port has been completed if the vessel is in port upon termination of the contract of engagement.

2. If the contract of engagement is terminated at a port where there is no competent replacement mariner, the shipowner may extend the contract of engagement of the said mariner until the vessel has arrived at a port where there is a competent replacement mariner and the unloading of cargo or disembarkation of passengers have been completed; provided, however, that this shall not apply in items 1 to 3 inclusive of paragraph 1, Article 41.

Article 44-2 (Restrictions on Dismissal)

The shipowner shall not, during the period where a mariner has not been in service for medical treatment due to an injury or illness while on duty including thirty days following that period, or during the period where a female mariner has not been in service pursuant to the provision of Article 87, paragraph 1 or 2, including thirty days after that period, dismiss the said mariner or female mariner; provided, however, that this shall not apply in cases where the period where a mariner has not been in service for medical treatment exceeds three years or in cases where continuation of the business has become impossible due to a natural disaster or other unavoidable circumstances.

2. In cases where continuation of the business has become impossible due to a natural disaster or other unavoidable circumstances as mentioned in the preceding paragraph, the shipowner shall obtain acknowledgment by the Minister of Land, Infrastructure, Transport and Tourism.

Article 44-3 (Notice of Dismissal)

In cases where the shipowner intends to dismiss a reserved mariner, the said shipowner shall give a notice to that effect at least thirty days in advance. A shipowner who fails to give an advance notice of thirty days shall pay the said reserved mariner one month's pay in lieu of notice; provided, however, that this shall not apply in cases where continuation of the business has become impossible due to a natural disaster or other unavoidable circumstances, or in cases where the shipowner dismisses a reserved mariner for reasons attributable to the said reserved mariner.

2. The number of days of advance notice specified in the preceding paragraph may be reduced in cases where each day a payment in lieu of notice whose amount is equal to that of the salary calculated as provided by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism has been paid.

3. In cases of the proviso of paragraph 1, acknowledgment of the reasons shall be obtained by the Minister of Land, Infrastructure, Transport and Tourism.

Article 45 (Unemployment Benefits)

If the contract of engagement has terminated pursuant to the provisions of Article 39, the shipowner shall pay a mariner once a month during the period of unemployment, an unemployment benefit of the same amount as his/her salary or other remuneration according to the number of days of unemployment, for a period not exceeding two months (with regard to the mariner who is to receive a benefit for the missing in relation to the disappearance, the period after subtracting the number of days missing from the period of two months) starting from the following day (with regard to a missing mariner, from the last day the said mariner was confirmed as alive).

Article 46 (Dismissal Benefits)

The shipowner (or the former shipowner in the case of item 4) shall without delay pay a mariner a dismissal benefit of the same amount as his/her monthly salary or other remuneration in cases falling under any of the following items:

1. When the shipowner has canceled the contract of engagement pursuant to the provisions of Article 40, item 6;
2. When the mariner has canceled the contract of engagement pursuant to the provisions of Article 41, paragraph 1, item 1 or 2;

3. When the shipowner has canceled the contract of engagement pursuant to the provisions of Article 42;
4. When the contract of engagement is terminated pursuant to the provisions of Article 43, paragraph 1;
5. When the contract of engagement is terminated due to the mariner's inability to obtain a certificate of health as provided for in Article 83.

Article 47 (Repatriation)

In cases falling under any of the following under any of the following categories, the shipowner shall, without delay and at his/her expense, repatriate the mariner, at the request of the said mariner, to the port where the said mariner was recruited or to another place where it is possible to repatriate the said mariner within the expenses required to repatriate the said mariner to the port where the said mariner was recruited (with regard to a mariner brought to the port to be recruited or a juvenile mariner, the port where the said mariner was recruited or the said mariner's place of residence at the time of conclusion of the contract of engagement or a place where it is possible to repatriate the said mariner within the expenses required to repatriate the said mariner to either of these places). However, the shipowner may substitute such repatriation by paying the repatriation expenses.

1. When the contract of engagement is terminated pursuant to the provisions of Article 39;
2. When the shipowner has canceled the contract of engagement pursuant to the provisions of Article 40, item 1 or item 6;
3. When the shipowner or the mariner has canceled the contract of engagement pursuant to the provisions of Article 40, item 5 or Article 41, Paragraph 1, item 3; provided, however, that this shall not apply when the injury or illness which the said mariner sustained or contracted outside his/her duties is due to a willful act or gross negligence on his/her part;
4. When the mariner has canceled the contract of engagement pursuant to the provisions of Article 41, Paragraph 1, item 1 or 2;
5. When the shipowner has canceled the contract of engagement pursuant to the provisions of Article 42;
6. When the mariner has canceled the contract of engagement pursuant to the provisions of Article 43, Paragraph 2;
7. When the contract of engagement has terminated by the expiration of the period of engagement at a place other than the mariner's home country;
8. When the contract of engagement has been canceled by reason of the mariner's inability to receive a certificate of health as provided for in Article 83.

Article 48 (Expenses of Repatriation)

The expenses incurred for repatriating a mariner, which are to be borne by the shipowner, shall include the charges for transportation, accommodation and food of the mariner during the repatriation process, and also the charges for his/her accommodation and food from the time of the termination of the contract of engagement to the time of his/her immediate departure.

Article 49 (Repatriation Benefits)

1. The shipowner shall pay repatriation benefits to a mariner of the same amount as his/her salary or remuneration according to the number of days required for repatriation. The same shall apply in cases where the expenses of repatriation are paid in lieu of repatriation.
2. The repatriation benefits mentioned in the preceding paragraph shall be paid once a month in cases where the shipowner repatriates a mariner, or at the time of payment of repatriation expenses in cases where the shipowner pays the said expenses in lieu of repatriation.

Article 50 (Mariner's Pocket-Ledger)

1. A mariner shall possess a mariner's pocket-ledger.
2. The master shall store the said mariner's pocket-ledgers while the seamen are on board the vessel.
3. Necessary matters pertaining to the issuance, correction, rewriting and return of a mariner's pocket-ledger shall be prescribed by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

Article 51 (Certificate of Work Performance)

A seaman may request the master to issue a certificate of work performance.

Chapter V. Salary and Other Remuneration

Article 52 (Determination of Salary and Other Remuneration)

A mariner's salary and other remuneration shall be determined in consideration of the particular nature of maritime labor and according to his/her experience, competence and functions.

Article 53 (Payment of Salary and Other Remuneration)

1. The salary and other remuneration shall be paid in currency and in full directly to the mariner, except in cases provided in Article 56. However, in cases where laws and ordinances or labor agreements stipulate otherwise, part of the salary and other remuneration may be deducted from the payment, and in such cases or in cases where the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism stipulates a reliable method of payment of the salary and other remuneration provided for by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, the said payment may be made other than in currency.
2. The salary and other remuneration, except those provided by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism shall be paid once or more each month on a fixed day.

Article 54

In cases falling under any of the following items, the shipowner shall, even prior to the payment day, pay without delay the salary and other remuneration as provided for in paragraph 2 of the preceding article according to the number of days of service:

1. When a mariner has been dismissed or has retired from his/her service;
2. When a mariner has required his/her salary and other remuneration to be paid in order for the said mariner, a member of the family living with the said mariner, or a person who depends on the income of the said mariner for his/her livelihood, to meet the expenses for a marriage, a funeral, childbirth or medical treatment, or the expenses for the recovery from an unforeseen accident.

Article 55

When the salary and other remuneration of a seaman are to be paid on board the vessel, the master shall directly make the said payment to the said seaman. However, in cases of unavoidable necessity, the master may request that another officer deliver the said payment.

Article 56

The shipowner shall, if called upon by a mariner to do so, deliver the salary and other remuneration owed to the said mariner to a member of the family living with the said mariner, or a person who depends on the income of the said mariner for his/her livelihood.

Article 57 (Right to Claim Salary During Injury or Illness)

A mariner may, during the term of his engagement, claim his salary and benefits provided by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism even for the period during which he/she has not been in service by reason of injury or illness; provided, however, that this shall not apply in cases where such injury or illness is due to a willful act or gross negligence on the part of the said mariner.

Article 58 (Remuneration on Commission Basis)

In cases where the remuneration of a mariner is paid on a commission basis, the amount of such remuneration shall not be less than the amount fixed in the contract of engagement, even if the monthly percentage remuneration does not reach the fixed amount.

2. In the application of the provisions of Article 35 and those of the preceding paragraph, the fixed amount of remuneration as provided for in the preceding paragraph shall be deemed to be the salary.

3. In cases where the remuneration of a mariner is paid on commission basis, the amount fixed in the contract of engagement shall be deemed to be the said mariner's monthly salary in the application of the provisions of Articles 44-3, 45, 46, 49 and 78.

4. The amount mentioned in the preceding paragraph shall not be less than the fixed amount provided for in paragraph 1.

Article 58-2 (Payroll)

The shipowner shall, as provided for by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, provide with a payroll and shall enter matters concerning the salary or other remuneration to be paid to the mariners.

Article 59 (Minimum Remuneration)

The minimum salary or other remuneration shall be as provided for by the Minimum Wage Law (Law No. 137, 1959).

Chapter VI. Working Hours, Holidays and Capacity

Article 60 (Working Hours)

1. The working hours per day of a mariner shall be less than 8 hours.

2. The working hours per week of a mariner shall be an average of less than 40 hours for the basic working period.

3. The basic working period mentioned in the preceding paragraph shall be the period of less than one year as provided for by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism according to the categories of the ship determined by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism in consideration of the ship's navigational areas, sea routes and other navigational periods as well as conditions (when a shipowner, according to the working conditions and other regulations based on these, determines different periods within the above period, or when different periods of less than one year are determined according to the labor agreements, such periods shall apply).

4. In cases where the Minister of Land, Infrastructure, Transport and Tourism intends to plan the establishment or revision of the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism provided in the preceding paragraph, the said Minister shall propose the draft in advance to the Labor Relations Commissions for Seafarers.

Article 61 (Holidays)

The number of holidays a shipowner must give his seamen shall be on average at least one day per week in respect of the basic working period as provided for in paragraph 2 of the preceding article.

Article 62 (Compensatory Holiday)

1. In cases where a seaman's working hours (excluding hours governed by Article 66 (including cases that apply *mutatis mutandis* under the provisions of Article 88, Paragraph 2-2, item 3 and Article 88, Paragraph 3, item 4)) exceeds 40 hours in a week, or when a seaman is not given at least one holiday in a week, the shipowner must give the said seaman a holiday (hereinafter referred to as "compensatory holiday") for overtime work (in cases where at least one day of holiday cannot be given during the said week, the overtime hours exceeding 8 hours; hereinafter referred to as "overtime") or for the fact that the said holiday was not given within the basic working period pertaining to the said week as referred to in Article 60, Paragraph 2. However, in cases where the ship is out at sea or where there are other unavoidable reasons specified the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, the shipowner may postpone the granting of the compensatory holiday for the period during which the said reason remains valid.
2. The number of days of compensatory holiday to be granted pursuant to the provisions of the preceding paragraph shall be the number of days calculated pursuant to the provisions of the provisions of the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism as the number of days required to abide by the provisions of Article 60, item 2 and the preceding article, where one day refers to a total of 8 overtime hours or one day during the week where at least one day of holiday could not be granted. The unit of the compensatory holiday shall be one full day (when prescribed by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, the unit shall be less than one full day as prescribed by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism).
3. With regard to the application of the provisions of Paragraph 1 pertaining to the week including the compensatory holiday granted pursuant to the provisions of the said paragraph, the said compensatory holiday shall be deemed to be the day on which the seaman who received the said holiday worked and to be other than a normal holiday. The working hours shall be 8 hours (in cases where the said compensatory holiday was granted in units of less than one full day in accordance with the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism as provided for in the preceding paragraph, the number of hours prescribed by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism).
4. Necessary matters pertaining to compensatory holidays other than those provided for in the preceding paragraph shall be prescribed by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

Article 63

In cases where a mariner entitled to compensatory holiday pursuant to the provisions of Paragraph 1 of the preceding article is dismissed or resigns from the company prior to receiving the said holiday, the shipowner shall pay the said mariner a compensatory holiday allowance prescribed by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism according to the number of days of compensatory holiday the said shipowner is to grant the said mariner.

Article 64 (Overtime and Work on a Compensatory Holiday)

1. In cases of extraordinary need to ensure safety of the vessel's navigation, the master may have his seamen work beyond the hours prescribed in the provisions of Article 60, Paragraph 1 or Article 72-2, or have the said seamen work on a compensatory holiday notwithstanding the provisions of Article 62, Paragraph 1.
2. In cases other than those provided for in the preceding paragraph including cases where the number of seamen on duty are increased when the vessel passes through a narrow waterway and in other particular cases prescribed

by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, the master may have his seamen work beyond the hours prescribed in the provisions of Article 60, Paragraph 1 or Article 72-2 within the number of hours prescribed by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

Article 64-2

When the shipowner has, pursuant to the provisions of the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, established a written agreement with the labor union organized by the majority of his mariners or with a person representing the majority of the mariners if there no labor union exists and submitted the said agreement to the Minister of Land, Infrastructure, Transport and Tourism, the said shipowner may, pursuant to the provisions of the said agreement, have his seamen work the limits of the working hours specified in Article 60, Paragraph or Article 72-2 in accordance with the provisions of the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

Article 65

When the shipowner has, pursuant to the provisions of the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, established a written agreement with the labor union organized by the majority of his mariners or with a person representing the majority of the mariners if there no labor union exists and submitted the said agreement to the Minister of Land, Infrastructure, Transport and Tourism, the said shipowner may, notwithstanding the provisions of Article 62, Paragraph 1 and pursuant to the provisions of the said agreement, have his seamen work on a compensatory holiday whose number of days shall not exceed that prescribed by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

Article 65-2 (Maximum Number of Working Hours)

1. Even in cases where, pursuant to the provisions of Article 64, Paragraph 2 or Article 64-2, a seaman works beyond the hours provided for in the provisions of Article 60, Paragraph 1 or of Article 72-2 in accordance with the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, the maximum number of working hours per day and per week of a seaman shall not exceed 14 hours and 72 hours, respectively, including the number of working hours provided for in the provisions of Article 60, Paragraph 1 and of Article 72-2 in accordance with the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism
2. The shipowner shall not have his seamen work beyond the maximum number of working hours provided for in the preceding paragraph.
3. The number of working hours which a seaman has worked pursuant to Article 64, Paragraph 1 shall not be included in the number of working hours provided for in Paragraph 1.
4. The provisions of Paragraphs 1 and 2 shall not apply to seamen on board a vessel whose duty constitute underwater drilling or to those on board a vessel designated by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism who would engage in duties where compliance with the said provisions would prove to be significantly inappropriate due to the fact that the form of navigation of the said vessel is particular.

Article 66 (Additional Allowance)

The shipowner shall, pursuant to the provisions from Articles 64 to 65, pay an additional allowance as prescribed by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism in cases where a seaman has worked more than the maximum number of working hours prescribed by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism as provided for in the provisions of Article 60, Paragraph 1 or Article 72-2, or on a compensatory holiday.

Article 67 (Maintenance of a Logbook)

1. The master shall, pursuant to the provisions of the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, maintain a logbook on board the vessel in which the said master shall keep record of matters pertaining to working hours, compensatory holidays and additional allowance as provided for in the preceding paragraph.
2. The shipowner shall, pursuant to the provisions of the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, maintain a book on the granting of holidays in which the said shipowner shall keep record of matters pertaining to holidays to be granted to mariners.

Article 68 (Exceptions)

The provisions of the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism from Article 60 to the preceding article and Article 72-2 shall not apply in cases where seamen engage in any of the following duties under the order of the master:

1. An urgent duty necessary for the safety of human life, the vessel or the cargo, or for the purpose of rendering assistance to persons or other vessels;
2. Fire protection, life boat handling or other similar duties;
3. Duties necessary for the normal change of a person in charge of a navigational watch.

Article (Capacity)

1. The shipowner shall, unless otherwise provided by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, determine the capacity of seamen necessary to abide by the provisions of Article 60, Paragraph 1 or of Article 72-2 in accordance with the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism and embark the said seamen for service on board the vessel.
2. In cases where during the course of a voyage a reduction in the number of seamen has taken place, the shipowner shall, without delay, fill the vacant positions.

Article 70

In addition to the provisions of the preceding paragraph, the shipowner shall have the number of seamen necessary for watch duties and the proper execution of duties to ensure safety of navigation.

Article 71 (Scope of Application)

1. The provisions from Articles 60 to 69 shall not apply in respect of the following vessels:
 1. A sailing vessel;
 2. A fishing vessel
 3. A vessel on which seamen engage in intermittent duties and for which the shipowner has received approval from the Minister of Land, Infrastructure, Transport and Tourism.
2. With regard the application of the provisions of the preceding article pertaining to vessels referred to in each of the items of the preceding paragraph, the watch duties other than those in compliance with the provisions of the preceding article as provided for in the said article shall be deemed to be "watch duties".

Article 72

The provisions from Articles 60 to 69 shall not apply to the following persons:

1. Chief officers in the deck, engine-room or wireless departments who are not assigned watch duties and other similar persons prescribed by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism;

2. Physicians and persons exclusively engaged in nursing duties.

Article 72-2 (Exceptions)

With regard to vessels that regularly navigate short distances and thus frequently enter and leave port and other vessels recognized as ones where compliance with Article 60, Paragraph 1 are significantly inappropriate due to the particularity of the form of navigation of the said vessel and that are designated by the Minister of Land, Infrastructure, Transport and Tourism, the number of working hours of seamen may be otherwise provided for by the by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism according to the form of navigation of the said vessels and functions of the said seamen, under the conditions that the average number of working hours per day for a given period prescribed by the Ministry of Land, Infrastructure, Transport and Tourism does not exceed 8 hours, and that the number of working hours in one day does not exceed 14 hours.

Article 73

The Minister of Land, Infrastructure, Transport and Tourism may, when deemed necessary, issue an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism with regard to the working hours, holidays and capacity of mariners to whom the provisions of Articles 60 to 69 do not apply in accordance with the resolution of the Central Labor Relations Commission for Seafarers.

Chapter VII

Holidays with Pay

Article 74 (Granting of Holidays with Pay)

1. The shipowner shall, if a mariner has for the first time been engaged in service (including services while the ship is being equipped or is under repair) for a period of 6 consecutive months on a ship belonging to the same company, grant the said mariner a holiday with pay for the number of days pursuant to the provisions of Paragraphs 1 and 2 of the following article within one year after the 6 months have elapsed; provided, however, that when the ship is on voyage or if there is a requirement due to construction work on the ship and the shipowner receives permission of the Minister of Land, Infrastructure, Transport and Tourism, the shipowner may postpone the granting of holiday with pay for the period of the voyage or construction work (in cases of construction work, the period shall be limited to 3 months).
2. The shipowner shall, when a mariner is engaged in service continuously for one year on a ship belonging to the same company after completion of continuous service pertaining to the holiday with pay granted pursuant to the provisions of the preceding paragraph, grant holiday with pay for the number of days pursuant to the provisions of Paragraphs 3 or 4 of the following article within one year after the said one year has elapsed.
3. The provisions of Paragraph 1 shall apply *mutatis mutandis* to the case mentioned in the preceding paragraph.
4. The period during which a mariner is engaged in service prescribed by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism as service equivalent to that on board a ship belonging to the same company shall be added to the period during which the mariner is not engaged in service due to medical treatment as a result of injury or ill health incurred while on duty, due to child care leave provided for in Article 2, item 1 or family care leave (including a leave of absence for the care provided for in Article 61, Paragraph 3 of the Law Concerning the Welfare of Workers Who Take Care of Children or Other Family Members Including Child Care and Family Care Leave (including cases that apply *mutatis mutandis* to Paragraphs 6 to 8 of the said Law)) provided for in Article 2, item 2 of the Law Concerning the Welfare of Workers Who Take Care of Children or Other Family Members Including Child

Care and Family Care Leave (Law No. 76 of 1991), or due to a female mariner not engaged in service pursuant to the provisions of Paragraphs 1 or 2 of Article 87, and the total period shall be deemed as the period the mariner has been engaged in continuous service on a ship belonging to the same company.

5. In cases where any service on board a vessel is interrupted, if the reason for such interruption is not due to willfulness or negligence on the part of the mariner and the total period of such interruption does not exceed 6 weeks per one year, the period of the said interruption shall be deemed to be a period where the said mariner was continuously engaged in service, uninterrupted from the period prior to and following the said interruption.

Article 75 (Number of Days of Holiday with Pay)

1. The number of days of holiday which must be granted pursuant to the provisions of Paragraph 1 of the preceding article shall be 15 days per 6 months of continuous service, and 5 days shall be added for every additional 3 months of continuous service; provided, however, that if the granting of holiday with pay is postponed pursuant to the provisions of the same paragraph, 2 days shall be added for every additional postponed month.

2. The number of days of holiday with pay which must be granted to a mariner who boards a ship which navigates in inshore area or smooth water area and navigates only between domestic ports pursuant to the provisions of Paragraph 1 of the preceding article shall, notwithstanding the provisions of the preceding paragraph, be 10 days per 6 months of continuous service and 3 days shall be added for every additional 3 months of continuous service (for the period provided for in the same paragraph, 1 day for every additional 1 month).

3. The number of days of holiday with pay which must be granted pursuant to the provisions of Paragraph 2 of the preceding article shall be 25 days per 1 year of continuous service and 5 days shall be added for every additional 3 months of continuous service; provided, however, that if the granting of holiday with pay is postponed pursuant to the provisions of Paragraph 1 of the same article which shall be applied *mutatis mutandis* in Paragraph 3 of the same article, 2 days shall be added for every additional postponed month.

4. The number of days of holiday with pay which must be granted to the mariner provided for in Paragraph 2 pursuant to the provisions of Paragraph 2 of the preceding article shall, notwithstanding the provisions of the preceding paragraph, be 15 days per 1 year of continuous service, and 3 days shall be added for every additional 3 months of continuous service (for the period provided for in the same paragraph, 1 day for every additional 1 month).

Article 76

In cases where the shipowner grants a mariner weekly rest days, public or customary holidays or holidays in lieu thereof, the number of days of such holidays shall not be included in the holidays with pay mentioned in the preceding article. The same shall apply in respect to interruptions of sea service due to an injury or illness of a mariner.

Article 77 (Method of Granting Holidays with Pay)

1. The time and place where a mariner is to be granted a holiday with pay shall be determined by mutual agreement between the shipowner and mariner.

2. A holiday with pay may, in accordance with the provisions of the labor agreement, be granted in parts.

Article 78 (Remunerations During Holidays with Pay)

1. The shipowner shall pay a mariner salary and allowances and food expenses provided by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism during the full period of holidays with pay.

2. The shipowner shall pay a mariner who is discharged or has retired from service before the said mariner has taken a holiday with pay to which the said mariner is entitled the salary, allowances and food expenses provided for in the preceding paragraph for the number days of holiday to which the said mariner is entitled.

Article 79 (Scope of Application, etc)

The provisions of this Chapter shall not apply to the following vessels:

1. Fishing vessels;
2. Vessels on which only members of the shipowner's family are employed.

Article 79-2

The Minister of Land, Infrastructure, Transport and Tourism may, when deemed pertinent, pursuant to the resolution of the Central Labor Relations Commission for Seafarers, issue a necessary Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism with respect to holidays with pay for a mariner who gets on board a fishing vessel.

Chapter VIII

Food, Safety and Sanitation

Article 80 (Supply of Food)

1. The shipowner shall, in accordance with the provisions of the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, provide food to the mariner during the period the said mariner is on board the vessel.
2. The mariner on board the vessel of not less than 700 gross tons which navigates within the ocean-going area or the coasting area or on board a fishing vessel provided by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism shall be provided with food according to the food table prescribed by the Minister of Land, Infrastructure, Transport and Tourism.

Article 81 (Safety and Sanitation)

1. The shipowner shall observe matters provided by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism with regard to preparation of working tools, supply of medicines, education on safety and sanitation, prevention of perils incidental to operations on board and maintenance of sanitation on board.
2. The shipowner shall not have a mariner with no experience or ability provided by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism engage in dangerous operations on board the vessel.
3. The shipowner shall not have any of the following mariners engage in operations on board the vessel:
 1. A mariner who has contracted an infectious disease;
 2. A mariner prescribed by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism as one who cannot properly engage in operations due to a physical and mental illness.
 3. A mariner who has contracted an illness other than those referred to in the preceding item 2 that is prescribed by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism as an illness that may get worse if the said mariner is engaged in operations.
 4. A mariner shall observe matters provided by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism with regard to the prevention of perils incidental to the operations and to the maintenance of sanitation on board the vessel.

Article 82 (Physicians)

The shipowner shall have a physician on board the under-mentioned vessel; provided, however, that this shall not apply in cases where the vessel navigates between domestic ports, where the vessel navigates exclusively in the area provided by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, where the vessel engages in a short-period service provided by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, or where an unavoidable necessity arises and an approval has been obtained by the Minister of Land, Infrastructure, Transport and Tourism:

1. A vessel of not less than 3,000 gross tons with a maximum capacity of not less than 100 persons which navigates within the ocean-going area or the coasting area;
2. A vessel provided by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism other than that specified in the preceding item which navigates within the ocean-going area and engages in the service prescribed by the Minister of Land, Infrastructure, Transport and Tourism;
3. A fishing vessel used for mothership fishery provided by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

Article 82-2 (Health Supervisor)

The shipowner shall, so far as the under-mentioned vessels (excluding those mentioned in each item of the preceding article) are concerned, appoint a health supervisor from among the crew members; provided, however, that this shall not apply in cases where the vessel navigates between domestic ports or in cases where the vessel navigates exclusively in the area provided by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism:

1. A vessel of not less than 3,000 gross tons which navigates within the ocean-going area or the coasting area;
 2. A fishing vessel provided by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.
2. The health supervisor shall be a person who possesses a certificate of qualification for health supervisor; provided, however, that this shall not apply in cases where unavoidable necessity arises and the approval of the Minister of Land, Infrastructure, Transport and Tourism has been obtained.
3. The Minister of Land, Infrastructure, Transport and Tourism shall deliver a certificate of qualification for health supervisor to any of the following persons:
1. A person who has passed the examination given by the Minister of Land, Infrastructure, Transport and Tourism provided by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism;
 2. A person who has been recognized by the Minister of Land, Infrastructure, Transport and Tourism provided by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism as having an equal or higher ability than the person mentioned in the preceding item.
4. The health supervisor shall, as provided for by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, render services necessary for health supervision on board the vessel. The health supervisor shall, if necessary, seek to receive guidance from the physician with respect to the services.
5. In addition to the matters provided for in each of the preceding paragraphs, matters necessary for the health supervisor and certificate of qualification for health supervisor shall be provided for by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

Article 83 (Certificate of Health)

1. The shipowner shall not board on the vessel a person who does not possess a certificate of health whereby a physician designated by the Minister of Land, Infrastructure, Transport and Tourism proves that the said person is fit for on-board operations; provided, however, that this shall not apply in cases where an unavoidable necessity arises.

2. In cases referred to in the proviso of the preceding paragraph, the shipowner shall, without delay, take a procedure allowing the said person to obtain a certificate of health at the port where the vessel is to dock. In such cases, the shipowner shall not continue to employ the person if the said person cannot receive a certificate of health.
3. Necessary matters pertaining to certificates of health shall be provided for by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

Chapter IX

Juvenile Mariners

Article 84 (Competency of Minors)

1. No minor shall become a mariner without obtaining the consent of his/her legal representative.
2. A minor who has obtained the consent provided for in the preceding paragraph shall have the same competency as an adult mariner with regard to the contract of engagement.

Article 85 (Employment Restrictions of Juvenile Mariners)

1. The shipowner shall not employ a person less than fifteen years of age as a mariner; provided, however, that this shall not apply to vessels on which only members of the same family are employed.
2. The shipowner shall not have a mariner less than eighteen years of age engage in dangerous on-board operations provided for in Article 81, Paragraph 2 provided by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, or in operations provided by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism that are detrimental to the safety and sanitation of the said mariner.
3. The shipowner cannot employ a person less than eighteen years of age as a mariner unless the pocket-ledger of the said person has been attested by the Minister of Land, Infrastructure, Transport and Tourism.
4. Necessary matters pertaining to the attestation provided for in the preceding paragraph shall be provided by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

Article 86 (Prohibition of Night Work of Juvenile Mariners)

1. The shipowner shall not have a mariner less than eighteen years of age engage in operations during the period between 8 p.m. and 5 a.m. the next morning; provided, however, that this shall not apply in cases provided by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism where the shipowner allows the said mariner to rest for 9 consecutive hours at another time before and after midnight.
2. The provisions of the preceding paragraph shall not apply to cases where the shipowner has had the said mariner to engage in operations provided for in Article 68, item 1.
3. The provisions of Paragraph 1 shall apply to a fishing vessel or to a vessel on which only members of the shipowner's family are employed.

Chapter IX-2

Women Mariners

Article 87 (Employment Restrictions for Pregnant Women)

1. The shipowner shall not employ a pregnant woman on board the vessel; provided, however, that this shall not apply in any of the following cases:

1. When a physician has confirmed the safety of the pregnant woman who has offered to engage in operations on board the vessel with regard to navigation to the extent provided by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism;
2. When a woman mariner has discovered she is pregnant while on a voyage, and when the said woman is engaged in operations necessary to ensure the safety of navigation of the vessel.
2. The shipowner shall not employ a woman on board the vessel before a period of 8 weeks has elapsed following the delivery; provided, however that this shall not apply in cases where a physician has confirmed the safety of the said woman who has offered to engage in operations on board the vessel after a period of 6 weeks has elapsed following the delivery.
3. Based upon the proviso of Paragraph 1, in cases where a pregnant woman has offered to engage in operations on board the vessel, the shipowner shall have her engage in light duties.

Article 88

The shipowner shall not, pursuant to the provisions of the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, have a pregnant woman or a woman mariner who has given birth less than one year ago (hereinafter referred to as "pregnant woman") engage in operations that would compromise her safety prescribed by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

Article 88-2 (Exceptional Treatment of the Working Hours and Holidays of a Pregnant Woman)

The provisions of Chapter VI (excluding the provisions of Article 60, Paragraphs 2 and 3, Article 62 and Article 63) shall not apply to the working hours and holidays of pregnant mariner.

Article 88-2-2

1. The hours of work of a pregnant woman shall not be more than 8 hours in a day.
2. The shipowner shall not have a pregnant woman engage in operations whose number of hours exceed that stipulated in the preceding paragraph; provided, however, that this shall not apply in cases where a physician has confirmed that such operations would not compromise her health with regard to a woman mariner who has given birth at least 8 weeks ago offers to engage in operations whose number of hours exceed the said number of working hours (limited to cases provided for in Article 64 with regard to pregnant women).
3. The provisions of Article 65-2, Paragraphs 1-3, Article 66 and Article 67, Paragraph 1 shall, pursuant to the proviso of the preceding paragraph, apply mutatis mutandis to cases where a pregnant woman (excluding the persons provided for in each of the items of Article 72) has engaged in operations whose number of hours exceeds the limits. In such cases, "the provisions of Article 60, Paragraph 1 and of Article 72-2 in accordance with the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism" as provided for in Article 65-2, Paragraph 1 shall read as "the provisions of Article 88-2-2", "the preceding paragraph" in Article 88-2-2, Paragraph 2 as "the preceding paragraph that shall apply mutatis mutandis to Article 88-2-2, Paragraph 3", and "compensatory holidays and additional allowance as provided for in the preceding paragraph" as "additional allowance as provided for in the preceding paragraph that shall apply mutatis mutandis to Article 88-2-2, Paragraph 3".

Article 88-3

1. The shipowner shall give at least one day of holiday (excluding compensatory holidays granted pursuant to the provisions of Article 62, Paragraph 1) in 1 week to a pregnant mariner.
2. With regard to the application of the provisions of Article 62 pertaining to pregnant mariners, "in cases where a seaman's working hours [...] exceeds 40 hours in a week, or when a seaman is not given at least one holiday in a

week” in Paragraph 1 of the same article shall read “in cases where the number of working hours exceeds 40 hours in a week”, “for overtime work [...] or for the fact that the said holiday was not given” in the same paragraph of the same article as “for overtime work”, and “the provisions of Article 60, item 2 and the preceding article, where one day refers to a total of 8 overtime hours or one day during the week where at least one day of holiday could not be granted” in Paragraph 2 of the same article as “the provisions of Article 60, item 2, where one day refers to a total of 8 overtime hours”.

3. In cases where a woman mariner who has given birth at least 8 weeks ago offers to engage in operations on a holiday (limited to cases provided for in Article 64, Paragraph 1 or Article 65 with regard to pregnant mariners), if a physician has confirmed that such operations would not compromise her health, the shipowner may, notwithstanding the provisions of Article 62, Paragraph 1 that are read pursuant to the provisions of Paragraph 1 and the preceding paragraph, have the said woman mariner engage in operations on a holiday.

4. The provisions of Articles 66 and 67 shall, pursuant to the provisions of the preceding paragraph, apply *mutatis mutandis* to cases where a pregnant mariner (excluding those provided for in each of the items of Article 72) engages in operations on a holiday and to the master and shipowner of the vessel on board which the pregnant mariner is, respectively. In such cases, “additional allowance as provided for in the preceding paragraph” in Article 67, Paragraph 1 shall read “additional allowance as provided for in the preceding paragraph that applies *mutatis mutandis* to Article 88-3, Paragraph 4”.

Article 88-4 (Limitations on Night Work by a Pregnant Woman)

1. The shipowner shall not have a pregnant mariner engage in any work during the period between 8 p.m. and 5 a.m. the next morning; provided, however, that this shall not apply in cases prescribed by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism where the shipowner allows the said mariner to rest for 9 consecutive hours at another time before and after midnight.

2. The provisions of the preceding paragraph shall not apply in cases where a female mariner who has given birth at least 8 weeks ago offers to engage in operations during the time provided for in the main text of the same paragraph or to reduce the number of hours of rest as provided for in the proviso of the same paragraph, if a physician has confirmed that such operations would not compromise the safety of the said mariner.

Article 88-5 (Exceptions)

The provisions of Article 60, Paragraphs 2 and 3, Article 62, Article 63 and of the three preceding articles shall not apply in cases where the shipowner has a pregnant mariner engage in operations provided for in Article 68, item 1.

Article 88-6 (Restrictions of Work for Women Mariners Who are Not Pregnant Mariners)

The shipowner shall not, among the operations provided for in Article 88, have a woman mariner who is not pregnant engage in those prescribed by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism which are harmful to the pregnancy of a woman or fetus.

Article 88-7 (Restrictions of Work During Menstrual Period)

In cases where a woman mariner has complained during her menstrual period of the extreme difficulty to work, the shipowner shall not have the said woman engage in operations during her menstrual period.

Article 88-8 (Scope of Application)

The provisions of this chapter shall not apply to vessels on board which only members of the family of the shipowner are employed.

Chapter X Compensations for Accidents

Article 89 (Compensation for Medical Treatment)

1. When a mariner has sustained an injury or contracted an illness during the performance of duties, the shipowner shall grant the said mariner medical benefits at his own expense or bear the expenses required for medical treatment until the said mariner has completely recovered from the said injury or illness.
2. When a mariner has sustained an injury or contracted an illness during the term of the said mariner's engagement outside the performance of the said mariner's duties, the shipowner shall grant the said mariner medical benefits at his own expense or pay the said mariner or bear the expenses required for medical treatment for a period not exceeding 3 months; provided, however, that this shall not apply in cases where the said injury or illness is due to a willful act or gross negligence on the part of the said mariner.

Article 90

The medical benefits or treatment provided for in the preceding article shall include each of the following items:

1. Medical examinations;
2. Supply of drugs or medical appliances;
3. Surgical treatments, operations or other treatments;
4. Medical treatment at home, care associated with treatment and other nursing care;
5. Admission to a hospital or clinic, care associated with treatment and other nursing care;
6. Admission to a place outside the mariner's home necessary for medical treatment (including supply of food)
7. Transportation

Article 91 (Accident and Sickness Benefits and Convalescence Benefits)

1. When a mariner has sustained an injury or contracted an illness during the performance of the said mariner's duties, the shipowner shall pay the said mariner once a month accident and sickness benefits equivalent to the monthly amount of the remuneration provided by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism remuneration (hereinafter referred to as "standard remuneration") for a period not exceeding four months and until the said mariner has completely recovered from such injury or illness. In cases where the said mariner has not completely recovered from such injury or illness even after the four months have elapsed, the shipowner shall pay the said mariner once a month accident and sickness benefits equivalent to sixty per centum of the monthly standard remuneration until the said mariner has completely recovered.
2. The shipowner shall, immediately after the mariner has completely recovered from the injury or illness provided for in the preceding paragraph, pay the said mariner convalescence benefits equivalent to sixty per centum of the monthly standard remuneration.
3. The provisions of the two preceding paragraphs shall not apply in cases where the injury or illness is due to a willful act or gross negligence on the part of the mariner.

Article 92 (Disability Benefits)

If, in cases where a mariner has completely recovered from an injury or illness which the said mariner sustained or contracted during the performance of the said mariner's duties, the said mariner remains physically disabled, the shipowner shall, immediately following the recovery, pay the said mariner disability benefits equal to the monthly standard remuneration multiplied by the number of months prescribed in the Appended List according to the degree of the disability; provided, however, that this shall not apply in cases where the injury or illness is due to a willful act or gross negligence on the part of the said mariner.

Article 92-2 (Benefits for the Missing)

When a mariner has gone missing during the performance of the said mariner's duties, the shipowner shall pay, within the limit of three months and once a month during the missing period, benefits for the missing equivalent to a monthly standard remuneration to the said mariner's dependents provided by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism; provided, however, that this shall not apply in cases where the missing period is less than one month.

Article 93 (Survivor Benefits)

When a mariner has died during the performance of the said mariner's duties, the shipowner shall without delay pay survivor benefits equivalent to a monthly standard remuneration multiplied by thirty-six to the members of the bereaved family provided by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism. The same shall apply in cases where a mariner has died from an injury or illness which the said mariner has sustained or contracted during the performance of the said mariner's duties.

Article 94 (Funeral Expenses)

When a mariner has died during the performance of the said mariner's duties, the shipowner shall without delay pay funeral expenses equivalent to the monthly standard remuneration multiplied by two to the member of the bereaved family provided by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism who holds the funeral services. The same shall apply in cases where a mariner has died from an injury or illness which the said mariner has sustained or contracted during the performance of the said mariner's duties.

Article 95 (Relations to Other Benefits)

If a person who is entitled, pursuant to the provisions of Articles 89 to the preceding article inclusive, to receive medical benefits or expenses of medical treatment, benefits or funeral expenses (hereinafter collectively referred to "compensations for accidents"), has come to receive, for the same reasons whereby the said person is entitled to receive such compensations for accidents, the insurance benefits provided for in the Mariners' Insurance Law or such similar benefits corresponding to the compensations for accidents as provided for in the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, the shipowner shall be relieved of his liability for the said compensations for accidents.

Article 96 (Examination and Arbitration)

1. When a person is dissatisfied with matters regarding the recognition of injury, illness, missing or death caused by the performance of duties, the medical benefits or methods of treatment, the amounts of the compensations for accidents, or any other matter regarding the implementation of compensations for accidents, the said person may call upon the Minister of Land, Infrastructure, Transport and Tourism for an examination or arbitration in the matter.
2. The Minister of Land, Infrastructure, Transport and Tourism may, if deemed necessary, exercise authority in the examination or arbitration in the matter.
3. The Minister of Land, Infrastructure, Transport and Tourism shall not examine or arbitrate in the matter without having first given a hearing to the master or to other persons concerned.
4. The Minister of Land, Infrastructure, Transport and Tourism may, if deemed necessary for the examination or arbitration in the matter, request a physician to conduct a medical examination or an autopsy.
5. The call for an examination or arbitration in the matter as provided for in Paragraph 1 and the commencement of the examination or arbitration in the matter as provided for in Paragraph 2 shall be regarded as a demand by way of

judicial proceedings in respect of the interruption of prescription.

Chapter XI

Working Regulations

Article 97 (Formulation and Notification of Working Regulations)

1. A shipowner who regularly employs ten or more mariners shall, in accordance with the provisions for the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, formulate working regulations regarding the following matters and report them to the Minister of Land, Infrastructure, Transport and Tourism. The same shall apply in cases where alterations are made therein:

1. Salary or other remuneration
2. Working hours
3. Holidays and days off
4. Manning

2. When the shipowner mentioned in the preceding paragraph has formulated working regulations regarding the following matters, the said shipowner shall notify them to the Minister of Land, Infrastructure, Transport and Tourism.

The same shall apply in cases where alterations are made therein:

1. Food and safety and sanitation
2. Clothing and daily necessities
3. Accommodation on land and recreational, medical and amusement facilities
4. Compensations for accidents
5. Unemployment benefits, discharge benefits, retirement benefits
6. Repatriation
7. Education
8. Reward and punishment
9. Other working conditions

3. An association that is a legal entity composed of shipowners may formulate working regulations applicable to the constituent members who are shipowners provided for in Paragraph 1 and notify this. The same shall apply in cases where alterations are made therein.

4. In cases where a notification has been made pursuant to the provisions of the preceding paragraph, the shipowner provided for in the same paragraph is not required to formulate the said working conditions or notify of the said formulation or alterations.

5. A notification made pursuant to the provisions of Paragraphs 1 to 3 shall accompany a document containing the opinions expressed under the provisions of Article 98.

Article 98 (Procedures of the Formulation of Working Regulations)

When the shipowner or legal entity provided for in Paragraph 3 of the preceding article shipowner intends to formulate or alter working regulations, the said shipowner or legal entity shall first consult the labor union organized by a majority of mariners employed by the shipowner to whom the said working regulations apply if such union exists, or the person representing the majority of mariners if there is no labor union organized by a majority of mariners.

Article 99 (Supervision of Working Regulations)

1. The Minister of Land, Infrastructure, Transport and Tourism may order alteration of the working regulations that are in conflict with laws and regulations or a labor agreement.
2. If the Minister of Land, Infrastructure, Transport and Tourism deems the working regulations to be inappropriate, the said Minister may order alteration thereof following discussion with the Labor Relations Commission for Seafarers (refers to the Central Labor Relations Commission for Seafarers and District Labor Relations Commission for Seafarer. The same shall apply hereinafter).

Article 100 (Effect of Working Regulations)

The portion of a contract of engagement containing working conditions that fall short of the standards established in the working regulations shall be deemed to be null and void. In such cases the contract of engagement, with regard to the said null and void portions shall be deemed to contain working conditions that meet the standards established in the working regulations.

Chapter XII

Supervision

Article 101 (Supervisory Orders, etc)

1. If the Minister of Land, Infrastructure, Transport and Tourism finds that an act by a shipowner or mariner is in conflict with the present Law, the Labor Standards Law (restricted to portions that apply to the labor relations of mariners. The same shall apply hereinafter) or an ordinance issued based on the present Law, the said Minister may take necessary measures against the said shipowner or the mariner to correct the breach.
2. The Minister of Land, Infrastructure, Transport and Tourism may, notwithstanding the issuance of an ordinance pursuant to the provisions of the preceding paragraph, order to stop or suspend the navigation of a vessel in cases where the shipowner or a mariner of the said vessel does not follow the said order and the said Minister deems it especially necessary in order to ensure the safety of navigation of the said vessel. In such cases, if the said vessel is under way, the Minister of Land, Infrastructure, Transport and Tourism may designate a port into which the said vessel must enter.
3. With regard the vessel subject to the disposition provided for in the preceding paragraph, the Minister of Land, Infrastructure, Transport and Tourism shall immediately cancel the said disposition when the said Minister deems the fact provided for in Paragraph 1 is no longer existent.

Article 102

The Minister of Land, Infrastructure, Transport and Tourism may mediate a conflict pertaining to labor relations between the shipowner and a mariner (excluding labor-related disputes provided for in Article 6 of the Labor Relations Adjustment Law, individual labor-related disputes as provided for in Article 4, Paragraph 1 of the Act on Promoting the Resolution of Individual Labor-Related Disputes (Law No.112, 2001) and cases where mediation has been entrusted to the District Labor Relations Commission pursuant to the provisions of Article 5, Paragraph 1 of the same Law as reinterpreted pursuant to the provisions of Article 21, Paragraph 1 of the same Law).

Article 103 (Functions of the Minister of Land, Infrastructure, Transport and Tourism in Foreign Countries)

1. The functions required by the present Law to be performed by the Minister of Land, Infrastructure, Transport and Tourism shall, as provided for by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, be performed by the Japanese consuls.

2. In addition to the provisions of the Administrative Appeal Law (Law No. 160, 1962), necessary matters pertaining to the act or failure to act pertaining to the functions to be performed by Japanese consuls as provided for in the preceding paragraph shall be provided for by Cabinet Order.

Article 104 (Functions to be Performed by Local Governments)

1. Part of the functions to be performed by the power vested in the Minister of Land, Infrastructure, Transport and Tourism as provided for in the present Law may, pursuant to the provisions of a Cabinet Order, be performed by local governments designated by the Minister of Land, Infrastructure, Transport and Tourism pursuant to the procedures provided by Cabinet Order.
2. The request for examination concerning disposition of cases pertaining to the functions performed by local governments as provided for in the preceding paragraph (restricted to functions covered under Type 1 statutory entrusted functions as prescribed in Article 2, Paragraph 9, item 1 of the Local Government Act (Law No. 67, 1947)) shall be addressed to the Minister of Land, Infrastructure, Transport and Tourism.
3. The request for examination concerning failure to act pertaining to the functions to be performed by local governments as provided for in Paragraph 1 (restricted to functions covered under Type 1 statutory entrusted functions as prescribed in Article 2, Paragraph 9, item 1 of the Local Government Act) shall be addressed to either the Prefectural Governor or to the Minister of Land, Infrastructure, Transport and Tourism.

Article 105 (Mariners' Labor Inspectors)

The Minister of Land, Infrastructure, Transport and Tourism shall appoint Mariners' Labor Inspectors from his subordinate officials and have them control matters pertaining to the enforcement of the present Law and the Labor Standards Law.

Article 106

The Mariners' Labor Inspector may, if deemed necessary, promote awareness of or issue directives regarding observance of the present Law, the Labor Standards Law and ordinances issued under the present Law.

Article 107

1. The Mariners' Labor Inspector may, if deemed necessary, order attendance of the shipowner, mariners or other persons concerned, have them produce books and documents, submit reports, or step into the vessel or other place of work, inspect books documents or other items, or ask questions to the said shipowner, mariners or persons concerned.
2. The Mariners' Labor Inspector may, if deemed necessary, ask questions to passengers or other persons on board the vessel.
3. In cases provided for in the two preceding paragraphs, the Mariners' Labor Inspector shall carry identification and display it to the persons concerned.
4. The right of on-site inspection as provided for in the provisions of Paragraph 1 or Paragraph 2 shall not be taken to have been authorized for criminal investigation.
5. The uniform of the Mariners' Labor Inspector shall be provided for by Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

Article 108

Article 108

The Mariners' Labor Inspector shall exercise duties of a judicial police officer provided for in the Code of Criminal Procedure with regard to violations of the present Law, the Labor Standards Law and ordinances issued under the present Law.

Article 108-2

In cases provided for in Article 101, Paragraph 2, the Mariners' Labor Inspector may, when the said Mariners' Labor Inspector deems it especially necessary in order to ensure the safety of navigation of the said vessel, promptly exercise the powers of the Minister of Land, Infrastructure, Transport and Tourism provided for in the same paragraph.

Article 109

The Mariners' Labor Inspector shall not disclose a secret learned during the performance of duties. The same shall also apply after the Mariners' Labor Inspector has retired.

Article 110 (Powers of the Labor Relations Commission for Seafarers)

1. The Labor Relations Commission for Seafarers shall, in addition to exercising the powers provided for in the Labor Union Law, investigate and discuss matters pertaining to the enforcement of amendment to the provisions of the present Law and the Labor Standards Law.
2. The Labor Relations Commission for Seafarers may submit a recommendation to concerned administrative authorities regarding labor conditions of mariners.

Article 111 (Matters to be Reported)

The shipowner shall, as provided for by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, report the following matters to the Minister of Land, Infrastructure, Transport and Tourism:

1. Number of mariners employed
2. Payment of salary or other remuneration
3. Payment of compensations for accidents
4. Other matters provided for by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism

Article 112 (Notification by Mariners)

In cases where there is violation of the present Law, the Labor Standards Law or an ordinance issued under the present Law, the mariner may, pursuant to the provisions of the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, notify the said violation to the Minister of Land, Infrastructure, Transport and Tourism, the District Transport Bureau Chief (including the Director of Marine Transport Control Department. Hereinafter the same shall apply), the Transport Bureau Chief, the head of office of District Transport Bureau, the Transport Administration or the Transport Bureau, the Mariners' Labor Inspector or the Labor Relations Commission for Seafarers.

2. The shipowner shall not, under the grounds that the said mariner has made a notification as provided for in the preceding paragraph, discharge or treat the said mariner unfavorably.

Chapter XIII

Miscellaneous Provisions

Article 113 (Notice of Working Regulations)

The shipowner shall display on board the vessel or other conspicuous working place the documents containing the present Law, the Labor Standards Law, the ordinances issued under the present Law, labor agreements, working regulations and the agreements provided for in Article 34, Paragraph 2, Article 64-2 and Article 65, or keep such documents on board the vessel.

Article 114 (Adjustment of Remunerations, Compensations and Benefits)

1. With regard to the period during which the shipowner is required to pay two or more among the salary or other remuneration, unemployment benefits, repatriation benefits, accident and sickness benefits and benefits for the missing, the said shipowner is required to pay whichever is the greatest.
2. In cases where the shipowner is required to pay discharge benefits or convalescence benefits when the said shipowner is also required to pay salary or other remuneration, the said shipowner is released from obligation to pay the said discharge benefits or convalescence benefits to the extent of the salary or other remuneration to be paid.

Article 115 (Prohibition of Transfer or Seizure)

The rights to receive unemployment benefits, repatriation expenses, repatriation benefits or compensations for accidents shall not be transferred or seized. The same shall apply with regard to the rights to receive salary or other remuneration and salary or other remuneration during the period when the benefits provided for in the preceding paragraph are to be paid.

Article 116 (Additional Payments)

1. In cases where the shipowner is in violation of the provisions of Articles 44-3 to 47, Article 49, Article 63, Article 66 (including cases applying mutatis mutandis to Article 88-2-2, Paragraph 3 and Article 88-3, Paragraph 4), or Article 78, the said shipowner shall, pursuant to these provisions, make an additional payment to the mariner equivalent to the unpaid amount (repatriation expenses in cases provided for in Article 47) determined at the time of request pursuant to the provisions of the following paragraph with regard to the amount to be paid by the said shipowner.
2. A mariner may demand the additional payment provided for in the preceding paragraph only by filing suit in a court. Such suit shall, however be filed within two years from the time of the violation provided for in the same paragraph.

Article 117 (Exception of Prescription)

The claim of a mariner against the shipowner shall be extinguished by prescription when the said claim is not enforced within two years (five years with regard to claims of discharge benefits). The same shall apply for claims of benefits for the missing, survivor benefits and funeral expenses against the shipowner.

Article 117-2 (Watch Personnel)

1. In cases where a shipowner intends to man the vessel with personnel (referred to "watch personnel" in Paragraph 5) whose functions include watch duties provided by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, the said shipowner shall man the vessel with personnel who have been granted certification pursuant to the provisions of the following paragraph, in accordance with the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.
2. The Minister of Land, Infrastructure, Transport and Tourism shall, as provided for by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, certify by affixing a stamp on the mariner's pocket ledger of the person recognized as having the necessary knowledge and ability for watch duties.

3. The Minister of Land, Infrastructure, Transport and Tourism is entitled to not give the stamp referred to in the preceding paragraph to a person whose stamp has previously been canceled pursuant to the provisions of the following paragraph and in cases where the period elapsed from the day of the said cancellation is less than one year.

4. The Minister of Land, Infrastructure, Transport and Tourism may, in cases where a person who has received a stamp pursuant to the provisions of Paragraph 2 is in violation of the present Law or ordinances issued under the present Law concerning the functions of the said person, order the said person to submit his/her mariner's pocket ledger and cancel the stamp.

5. Necessary matters other than those provided for in each of the preceding paragraphs regarding watch personnel and the stamp provided for in Paragraph 2 shall be provided for by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

Article 117-3 (Person Responsible for Handling Hazardous Substances, etc.)

1. A shipowner shall, as provided for by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, man aboard a tanker provided for by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism (refers to a vessel used for shipping dangerous materials prescribed by the Minister of Land, Infrastructure, Transport and Tourism or hazardous liquid cargo in bulk) a person certified pursuant to the provisions of the following paragraph whose duty is to manage the affairs pertaining to the handling of dangerous materials or hazardous substances (referred to "person responsible for handling hazardous substances, etc." in Paragraph 3.

2. The Minister of Land, Infrastructure, Transport and Tourism shall, as provided for by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, certify by affixing a stamp on the mariner's pocket ledger of the person recognized as having the necessary knowledge and ability for managing the affairs pertaining to the handling of dangerous materials or hazardous substances.

3. The provisions of Paragraphs 3 to 5 of the preceding article shall apply *mutatis mutandis* to the person responsible for handling hazardous substances, etc. and the certification provided for in the preceding paragraph.

Article 118 (Lifeboat Operator)

1. The shipowner shall, with respect to vessels provided for by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, select among the crew members lifeboat operators in the number prescribed by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

2. The lifeboat operator shall be a person who possesses a certificate of qualification for lifeboat operator.

3. The Minister of Land, Infrastructure, Transport and Tourism shall deliver a certificate of qualification for lifeboat operator to the following persons:

(i) A person who has passed the examination given by the Minister of Land, Infrastructure, Transport and Tourism as provided for by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism

(ii) A person who, pursuant to the provisions of the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, has been recognized by the Minister of Land, Infrastructure, Transport and Tourism as having an ability equivalent to or higher than the person referred to in the preceding item

4. The Minister of Land, Infrastructure, Transport and Tourism may withhold the certificate of qualification for lifeboat operator from the person who has been ordered to return the certificate of qualification for lifeboat operator pursuant to the provisions of the following paragraph and in cases where the time elapsed since the request for return has not exceeded one year.

5. The Minister of Land, Infrastructure, Transport and Tourism may, in cases where the lifeboat operator is in violation of the present Law or ordinances issued under the present Law concerning the functions of the said lifeboat operator, order the said lifeboat operator to return the certificate of qualification for lifeboat operator.

6. Necessary matters other than those provided for in each of the preceding paragraphs regarding lifeboat operators and certificate of qualification for lifeboat operator shall be provided for by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

Article 118-2 (Crew Members of Passenger Ships)

The shipowner shall man a passenger ship prescribed by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism only with crew members who have completed education and training pertaining to passengers' general safety and other navigation safety.

Article 118-3 (Crew Members of High Speed Vessels)

A shipowner shall man a high speed vessel prescribed by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism (refers to a vessel whose maximum speed exceeds that prescribed by the Minister of Land, Infrastructure, Transport and Tourism) only with crew members who have completed education and training pertaining to operations performed according to the special features of the said vessel.

Article 119 (Request for a Copy of the Family Register)

A mariner, person who intends to become a mariner, a shipowner or a master may request a census official or the deputy to issue, free of charge, a copy of the family register of the said mariner or person who intends to become a mariner.

Article 119-2 (Transitional Measures)

In cases where an ordinance is established, amended or abolished under the provisions of the present Law, the required transitional measures (including transitional measures pertaining to the pension system, health insurance system, employment insurance system and other social security systems, the government's special accounts concerning these systems, labor relation adjustment system and other labor relations systems as well as the penal provisions) may be established by ordinance within the limits considered to be rationally necessary following the said enactment, amendment or abolition.

Article 120 (Application to the State and Public Organizations)

The present Law, the Labor Standards Law and Ordinance issued under the present Law shall apply to the State, prefectural and municipal governments and other similar public organizations.

Article 120-2 (Exclusion of Application of a Part of the Law for Ship Officers and Small Boat Operators)

The provisions of Chapter III, Section 4 of the Law for Ship Officers and Small Boat Operators do not apply to masters.

Article 120-3 (Supervision of Foreign Vessels)

1. The Minister of Land, Infrastructure, Transport and Tourism may, while a non-Japanese vessel (excluding vessels prescribed by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism provided for in Article 1, Paragraph 1 and vessels falling under any of the items of Paragraph 2 of the same article) prescribed by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism is in a Japanese port, have its officers board the said vessel and inspect whether or not the crew members of the said vessel meet the following requirements:

- (i) To have a quorum number of seamen necessary to properly perform the duties to ensure safety of navigation of the vessel as stipulated by the country to which the said vessel belongs;
- (ii) To perform watch duties in accordance with the criteria of watch duties provided for by the International Treaty of 1978 on the mariners' training and qualification as well as the watch criteria; and
- (iii) To have the necessary knowledge and ability to properly perform duties provided for by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism involving the handling of equipment such as the steering equipment and fire protection equipment and other equipment that ensure the safety of navigation.

2. The Minister of Land, Infrastructure, Transport and Tourism may, if deemed necessary when performing the inspection as provided for in the preceding paragraph and to the extent to which the said Minister deems it necessary, inspect books, documents and other articles on board the vessel, ask the crew members questions, or examine whether or not the said crew members have the necessary knowledge and ability provided for in item 3 of the preceding paragraph.

3. In cases where, as a result of the inspection provided for in the provisions of Paragraph 1, the Minister of Land, Infrastructure, Transport and Tourism recognizes that the crew members of the said vessel do not meet the requirements provided for in each of the items of the same paragraph, the said Minister shall notify in writing the master of the said vessel of the necessity to take measures that would meet the requirements.

4. In cases where despite the notification made according to the provisions of the preceding paragraph no measures have yet been taken to fulfill the requirements prescribed in each item of Paragraph 1, if the Minister of Land, Infrastructure, Transport and Tourism deems, in view of the size and type of vessel as well as the period and form of navigation, that continuing navigation would endanger human life, body or assets, or hinder the preservation of the marine environment, the said Minister may order the vessel to stop navigation or suspend navigation.

5. In cases provided for in the preceding paragraph, the officer designated by the Minister of Land, Infrastructure, Transport and Tourism may immediately exercise the authority of the Minister of Land, Infrastructure, Transport and Tourism provided for in the same paragraph if the said Minister acknowledges the urgent need to take measures in order to prevent danger to human life, body or assets, or to preserve the marine environment.

6. The provisions of Article 101, Paragraph 3 and of Article 107, Paragraphs 3 and 4 shall apply *mutatis mutandis* to Paragraph 4 and Paragraph 1, respectively. In such cases, "the preceding paragraph" and "the fact provided for in

Paragraph 1 is no longer existent" as provided for in Article 101, Paragraph 3 shall read as "Article 120-3, Paragraph 4" and "measures that meet the requirements provided for in each of the items of Paragraph 1 of the same article have been taken", respectively, "the two preceding paragraphs" and "the Mariners' Labor Inspector" as provided for in Article 107, Paragraph 3 shall read as "Article 120-3, Paragraph 1" and "Officer who performs on-site inspection pursuant to Paragraph 1 of the same article", respectively, and "Paragraph 1 or Paragraph 2" as provided for in Paragraph 4 of the same article shall read as "Article 120-3, Paragraph 1".

Article 121 (Establishment of an Ordinance)

To establish an ordinance under the present Law, a hearing regarding the draft shall be conducted where opinions of two persons, each representing the mariners and the shipowner as well as a person representing the public interests shall be heard.

Article 121-2 (Payment of Fees)

Any person who applies for the grant, correction or rewriting of a mariner's pocket ledger, or the redelivery of a certificate of qualification for health supervisor or a certificate of qualification for lifeboat operator, or who intends to take the examination for health supervisor or lifeboat operator, or to apply for recognition of these qualifications (excluding those who make applications related to duties handled by municipal governments pursuant to Article 104, Paragraph 1) shall pay the corresponding fees in the sum fixed by Cabinet Order after having calculated the actual costs.

Article 121-3 (Classification of Functions)

The functions to be performed by prefectural governments pursuant to Article 104, Paragraph 3 shall consist of the functions covered under Type 1 statutory entrusted functions as prescribed in Article 2, Paragraph 9, item 1 of the Local Government Act.

Article 121-4 (Delegation of Authority)

1. The authority of the Minister of Land, Infrastructure, Transport and Tourism provided for in the present Law may in part be delegated to the District Transport Bureau Chief pursuant to the provisions of the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.
2. The authority delegated to the District Transport Bureau Chief pursuant to the provisions of the preceding paragraph may, pursuant to the provisions of the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, be delegated to the Transport Bureau Chief or the head of office of District Transport Bureau, the Transport Administration or the Transport Bureau.

Chapter XIV

Penal Provisions

Article 122

If a master, by abusing his authority, compelled any person on board the vessel to do anything beyond the scope of the said person's duty, or has obstructed any person in the exercise of the right of the said person, the said master shall be liable to penal servitude for a period of not more than two years.

Article 123

If a master has violated the provisions of Article 12, the said master shall be liable to penal servitude for a period of not more than five years.

Article 124

If a master has, in violation of the provisions of Article 13, failed to take every possible means necessary for the saving of human life or vessel, the said master shall be liable to penal servitude for a period of not more than three years or to a fine of not more than one million yen.

Article 125

A master who corresponds to any of the following items shall be liable to penal servitude for a period of not more than two years or to a fine of not more than five hundred thousand yen:

1. If the master has violated the provisions of Article 14;
2. If the master has abandoned the vessel;
3. If the master has deserted any seaman in a foreign country.

Article 126

A master who corresponds to any of the following items shall be liable to a fine of not more than three hundred thousand yen:

1. If the master has violated the provisions of Articles 8, 10, 11, Article 14-4, Paragraph 1, Articles 16, 17, 36, Article 50, Paragraph 2 or Article 55;
2. If, in violation of the provisions of Article 9, the master has deviated from the predetermined route;
3. If, in violation of the provisions of Article 13, the master has failed to give any of the names;
4. If, in violation of the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism issued under the provisions of Article 15, the master has buried the body at sea;
5. If the master has failed to keep aboard the vessel the documents provided for in Article 18, or if the said master has made no entry or has made any false entry of the required particulars in the documents provided for in items 2 to 4 of Paragraph 1 of the same article;
6. If the master has made no report or has made a false report provided for in Article 19;
7. If the master has kept aboard the vessel no book provided for in Article 67, Paragraph 1 (including cases that apply mutatis mutandis to Article 82-2-2, Paragraph 3 and Article 88-3, Paragraph 4), or has made no entry, or has made any false entry of the required particulars.

Article 127

If a seaman has done any violence or made any threat to his/her superior, the said seaman shall be liable to penal servitude for a period of not more than three years or to a fine of not more than one million yen.

Article 128

A seaman who falls under any of the following items shall be liable to penal servitude for a period of not more than one year:

1. If, in cases provided for in Articles 12 to 14 where the master takes means necessary to save human life, the vessel, the aircraft or the cargo, the seaman has refused to obey the orders of his/her superior;
2. If, in cases provided for in Article 39, Paragraph 3, the seaman has failed to render service necessary for the emergency saving of human life, the vessel or the cargo;
3. If the seaman has deserted from the vessel in a foreign country.

Article 128-2

If a mariner has violated the provisions of Article 81, Paragraph 4, the said mariner shall be liable to a fine of not more than three hundred thousand yen.

Article 129

If the shipowner has violated the provisions of Article 85, Paragraph 1 or 2, Article 88 or Article 88-6, the said shipowner shall be liable to penal servitude for a period of not more than one year or to a fine of not more than three hundred thousand yen.

Article 130

If the shipowner has violated the provisions of Article 33, Article 34, Paragraph 1, Article 35, Article 44-2, Paragraph 1 or 2, Article 44-3, Paragraph 1 or 3, Articles 45 to 47, Article 49, Article 62, Article 63, Article 65-2, Paragraph 2 (including cases that apply mutatis mutandis to Article 88-2-2, Paragraph 3), Article 66 (including cases that apply mutatis mutandis to Article 88-2-2, Paragraph 3 and Article 88-3, Paragraph 4), Article 69, Article 74, Article 78, Article 80, Article 81, Paragraphs 1 to 3, Article 82, Article 86, Paragraph 1, Article 87, Paragraph 1 or 2, Article 88-2-2, Paragraph 2, Article 88-3, Paragraph 1, Article 88-4, Paragraph 1, Article 89, Articles 91 to 94, Article 112, Paragraph 2, Article 117-2, Paragraph 1, Article 117-3, Paragraph 1, Article 118, Paragraph 1, Article 118-2 or Article 118-3, or if the shipowner has violated the provisions of the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism issued under the provisions of Article 73, the said shipowner shall be liable to penal servitude for a period of not more than six months or to a fine of not more than three hundred thousand yen.

Article 131

The shipowner who falls under any of the following items shall be liable to a fine of not more than three hundred thousand yen:

1. If the shipowner has violated the provisions of Article 32, Article 34, Paragraph 2, Article 53, Article 54, Article 56, Article 58, Paragraph 1, Article 82-2, Paragraph 1, Article 83, Paragraph 1 or 2, Article 85, Paragraph 3, Article 88-7 or Article 113;
2. If the shipowner has failed to return the savings despite the request of the mariner in accordance with the provisions of Article 34, Paragraph 4;
3. If the shipowner has kept no book provided for in Article 58-2 or Article 67, Paragraph 2 (including cases that apply mutatis mutandis to Article 88-3, Paragraph 4), or has made no entry, or has made any false entry of the required particulars;
4. If the shipowner has made no report or has made a false report pursuant to the provisions of Article 111.

Article 132

A person who falls under any of the following items shall be liable to penal servitude for a period of not more than six months or to a fine of not more than three hundred thousand yen:

1. If the person has violated the disposition under Article 101, Paragraph 2;
2. If the person has violated the disposition under Article 120-3, Paragraph 4.

Article 133

A person who falls under any of the following items shall be liable to a fine of not more than three hundred thousand yen:

1. If the person has, in violation of the provisions of Article 37, failed to notify of the establishment, etc of the contract of engagement or has made a false notification;
2. If the person has thrown away or destroyed his/her own mariner's pocket ledger;
4. If the person has violated the provisions of the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism issued under the provisions of Article 50, Paragraph 3;
5. If the person has had his/her mariner's pocket ledger granted, revised or rewritten by fraud or by any other unlawful means;
6. If the person has used the mariner's pocket ledger of some other person;
7. If the person has failed to formulate, notify of, or has made a false notification of the working regulations provided for in Article 97;
8. If the person has violated the provisions of Article 98;
9. If the person has violated the order issued under the provisions of Article 99;
10. If the person has violated the order issued under the provisions of Article 101, Paragraph 1;
11. If the person has refused to obey the orders of call, has failed to produce the books or documents or has produced books or documents containing false entries, has failed to make a report or has made a false report, has refused, obstructed or evaded the entry or examination, or has failed to make a statement or has made a false statement on the question in cases provided for in Article 107, Paragraph 1;
12. If the person has violated the provisions of Article 109;
13. If, in cases provided for in Article 112, Paragraph, the person has filed a false complaint;
14. If the person has refused, obstructed or evaded the entry provided for in the provisions of Article 120-3, Paragraph 1;
15. If the person has refused, obstructed or evaded inspection, or has failed to make a statement or has made a false statement on the questions, or has refused, obstructed or evaded examination in cases provided for in Article 120-3, Paragraph 2.

Article 134

The provisions of this Chapter which are to be applied to masters shall be applied to persons who perform the duties in lieu of the master.

Article 135

1. If any representative, agent, employee or any other worker of the shipowner has in respect of the business of the shipowner, acted in violation of the provisions of Articles 129 to 131, Article 132, item 1 or Article 133, item 1 or items 7 to 11, not only shall the offender be punished but the fines provided for in the articles referred to shall also be imposed upon the said shipowner.

2. If any representative, agent, employee or any other worker of an organization provided for in Article 97, Paragraph 3 has acted in violation of the provisions of Article 133, items 7 to 9 or item 11 regarding the affairs of the said organization, the provisions of the preceding paragraph shall be applied mutatis mutandis.

Supplementary Provisions

Article 136

1. The present Law shall, except the provisions of Chapter X, come into force as of the date of its promulgation.
2. The date of enforcement of the provisions under Chapter X shall be designated by Ordinance.

Article 137

The Small-type Vessel Crew's Pocket Ledger Law shall be repealed.

Article 138

The provisions of the proviso of Article 68, Paragraph 3 of the former Mariner's Law shall still be effective even after the enforcement of the present Law.

Article 139

The provisions of the former Law shall be applied to matters which have occurred prior to the enforcement of the present Law.

Article 141

Such contracts of engagement of the persons who serve on board the vessels provided for in the preceding article as are existent at the time of enforcement of the present Law shall be deemed to have been concluded at that time, in respect of the application of the provisions of Article 37.

Article 142

The provisions of Articles 60 to 70 inclusive shall not apply to those wartime standard vessels which the competent authorities have designated, with the resolution of the Mariner's Labor Commission, as not having sufficient accommodation to satisfy the minimum requirements as to manning provided for in Article 69.

Article 169

1. With respect to the application of the provisions of Article 60, Paragraph 2 and Article 62, Paragraph 1 (including cases where it shall apply following the replacement of contents pursuant to the provisions of Article 88-3, Paragraph 2; the same shall apply hereinafter) pertaining to seamen who board ships that navigate in the coasting area or smooth water area and whose gross tonnage is less than 700 tons, the term "forty hours" provided for in these provisions shall, until March 31, 1997, be read as "hours determined by Cabinet Order within the range exceeding forty hours but not more than forty-four hours".
2. The Cabinet Order mentioned in Article 60, Paragraph 2 and Article 62, Paragraph 1 which shall be applied following the replacement of contents pursuant to the provisions of the preceding Paragraph shall be executed taking into consideration the particular nature of marine labor, welfare of mariners, working hours of mariners and other circumstances.

3. The provisions of Article 60, Paragraph 4 shall apply mutatis mutandis in respect of the Ordinance provided for in Paragraph 2 of the same article and Paragraph 1 of Article 62 with their texts partially replaced pursuant to Paragraph 1.

Article 147

When applying the provisions of Article 75, Paragraph 2, the part reading "fifteen days" shall be read as "twelve days", and "three days" as "two days" until March 31, 1992, and the part in the same text reading "fifteen days" shall be read as "thirteen days" from April 1 of the same year to March 31, 1993, and further the part in the same text reading "fifteen days" shall be read as "fourteen days" from April 1, 1993 to March 31, 1994.