

船員職業安定法(抄)仮訳

The Seafarers Employment Security Act *

* Provisional translation

<p>船員職業安定法 (昭和 23 年 7 月 10 日法律第 130 号)</p> <p>(無料の船員職業紹介事業の許可)</p> <p>第34条 船舶所有者を代表する団体、船員を代表する団体、船舶所有者及び船員を代表する協同の団体又は公益を目的とする団体で次の条件を具備するものは、国土交通大臣の許可を受けて、無料の船員職業紹介事業を行うことができる。</p> <p>一 当該団体の行う船員職業紹介が有料でなく、かつ、その事業が営利を目的としないこと。</p> <p>二 国庫から補助金を受けないで無料の船員職業紹介事業を行うこと。</p> <p>② 前項の規定により無料の船員職業紹介事業を行おうとする同項の団体は、その無料の船員職業紹介事業において取り扱う職種の範囲その他業務の範囲(次条第二号、第四十条第三項及び第四十二条第二項において「取扱職種の範囲等」という。)を定めて、前項の許可の申請を行うことができる。</p> <p>③ 国土交通大臣は、第一項の条件に適合する許可の申請があつたときは、これに対し許可を与えなければならない。</p>	<p>The Seafarers Employment Security Act (Act No.130 of July 10, 1948)</p> <p>(License for Free Seafarers Employment Placement Business)</p> <p>Article 34 (1) An organization representing shipowners, an organization representing seafarers, cooperative organizations representing shipowners and seafarers or an organization for public interest purposes, which has the following qualifications, may undertake a free seafarers employment placement business after obtaining a license from the Minister of Land, Infrastructure, Transport and Tourism:</p> <p>(i) the seafarers employment placement undertaken by the said organization is not fee-charging and the business is not established for profit-making purposes; and</p> <p>(ii) the said organization undertakes the free-seafarers employment placement business without receiving subsidies from the national treasury.</p> <p>(2) Any organization listed in the preceding paragraph which intend to undertake the free seafarers employment placement business pursuant to the provisions of same paragraph may determine the scope of employment categories to be handled by the free seafarers employment placement business or the scope of other business (referred to as “scope of employment</p>
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(委託募集)

第44条 船舶所有者は、その被用者以外の者に報酬を与えて船員の募集を行わせようとするときは、国土交通大臣の許可を受けなければならない。

- ② 船員の募集を行う者(船舶所有者及び船員の募集に従事する被用者を除く。以下「募集受託者」という。)は、同時に二以上の船舶所有者のため募集を行ってはならない。

(船員派遣事業の許可)

第55条 国土交通大臣の許可を受けた者は、船員派遣事業を行うことができる。

- ② 前項の許可を受けようとする者は、次に掲げる事項を記載した申請書を国土交通大臣に提出しなければならない。

- 一 氏名又は名称及び住所並びに法人にあつては、その代表者の氏名
- 二 法人にあつては、その役員の氏名及び住所

categories handled, etc.” in item(ii) of the following Article, paragraph (3) of Article 40, and paragraph(2) of Article 42) and may apply for the license under the preceding paragraph.

- (3) The Minister of Land, Infrastructure, Transport and Tourism shall ,when receiving the application for a license, under paragraph (1), grant permission to this application.

(Commissioning of Recruitment)

Article 44 (1) A shipowner who intends to have a person other than his/her employee engage in recruitment of seafarers by giving compensation to such a person, shall obtain a license from the Minister of Land, Infrastructure, Transport and Tourism.

- (2) A person who engage in recruitment of seafarers (excluding shipowners or their employee(s) who engage in recruitment of seafarers; hereinafter referred to as “commissioned recruiters”) shall not carry out recruitment for two or more shipowners simultaneously.

(License for Seafarer Dispatching Undertaking)

Article55 (1) A person who has obtained a license from the Minister of Land, Infrastructure, Transport and Tourism may carry out a Seafarer Dispatching Undertaking.

- (2) Any person who wishes to be granted the license set forth in the preceding paragraph shall submit to the Minister of

<p>三 船員派遣事業を行う事業所の名称及び所在地</p> <p>四 第76条の規定により選任する派遣元責任者の氏名及び住所</p> <p>五 前各号に掲げるもののほか、国土交通省令で定める事項</p> <p>③ 前項の申請書には、船員派遣事業を行う事業所ごとの当該船員派遣事業に係る事業計画書その他国土交通省令で定める書類を添付しなければならない。</p> <p>④ 前項の事業計画書には、国土交通省令で定めるところにより、船員派遣事業を行う事業所ごとの当該船員派遣事業に係る派遣船員の数、船員派遣に関する料金の額その他船員派遣に関する事項を記載しなければならない。</p> <p>⑤ 国土交通大臣は、第一項の許可をしようとするときは、あらかじめ、交通政策審議会の意見を聴かなければならない。</p>	<p>Land, Infrastructure, Transport and Tourism a written application form stating the following information:</p> <p>(i) the applicant's name or title and address, and, in the case of a juridical person, the name of its representative;</p> <p>(ii) in the case of a juridical person, the names and addresses of its executive officers;</p> <p>(iii) the name and location of the place of business where the seafarer dispatching undertaking will be carried out;</p> <p>(iv) the name and address of the responsible person acting for the dispatching undertaking of the dispatching undertaking as appointed pursuant to the provisions in Article 76;</p> <p>(v) in addition to what is set forth in the preceding items, matters specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.</p> <p>(3) A business plan for the seafarer dispatching undertaking for each place of business where the seafarer dispatching undertaking is carried out and other documents specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism must be attached to the written application set forth in the preceding paragraph.</p> <p>(4) The number of dispatched seafarers, the amount of the fee for seafarer dispatching, and other matters pertaining to seafarer dispatching for the seafarer dispatching</p>
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	<p>undertaking must be stipulated in the business plan set forth in the preceding paragraph for each place of business where the seafarer dispatching undertaking is carried out, pursuant to the provisions of an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.</p> <p>(5) The Minister of Land, Infrastructure, Transport and Tourism shall obtain the opinion of the Transport Policy Council in advance when intending to grant the license referred to in paragraph (1).</p>
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Note: All translations of the laws and regulations in this table are unofficial. Only the original Japanese texts of the laws and regulations have legal effect, and the translations are to be used solely as reference material to aid in the understanding of the laws and regulations.

The table shows the relevant article provisions of the Act related to the "2006 MLC R.1.4 PSRPS List" issued by the Government of Japan.

Accordingly, it is recommended that the list is checked against this table.

See: <http://www.mlit.go.jp/en/maritime/index.html>

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国土交通省海事局船員政策課

Seafarers Policy Division, Maritime Bureau

Ministry of Land, Infrastructure, Transport and Tourism

Japan

