

# 銀行法 Banking Act

(昭和五十六年六月一日法律第五十九号)  
(Act No. 59 of June 1, 1981)

銀行法（昭和二年法律第二十一号）の全部を改正する。  
The Banking Act (Act No. 21 of 1927) shall be fully revised.

第一章 総則（第一条—第九条）

Chapter I General Provisions (Article 1 - Article 9)

第二章 業務（第十条—第十六条）

Chapter II Business (Article 10 - Article 16)

第二章の二 子会社等（第十六条の二・第十六条の三）

Chapter II-II Subsidiary Company, etc. (Article 16-2 - 16-3)

第三章 経理（第十七条—第二十三条）

Chapter III Accounting (Article 17 - Article 23)

第四章 監督（第二十四条—第二十九条）

Chapter IV Supervision (Article 24 - Article 29)

第五章 合併、会社分割又は事業の譲渡若しくは譲受け（第三十条—第三十六条）

Chapter V Merger, Company Split or Transfer of Business (Article 30 - Article 36)

第六章 廃業及び解散（第三十七条—第四十六条）

Chapter VI Discontinuance of Banking Business and Dissolution (Article 37 - Article 46)

第七章 外国銀行支店（第四十七条—第五十二条）

Chapter VII Branch Offices of Foreign Banks (Article 47 - Article 52)

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Chapter VII-II Shareholders

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Section 1 General Rules (Article 52-2 - Article 52-8)

第二節 銀行主要株主に係る特例

Section 2 Special Provisions Pertaining to Major Shareholder of Bank

第一款 通則（第五十二条の九・第五十二条の十）

Subsection 1 General Rules (Article 52-9 - Article 52-10)

第二款 監督（第五十二条の十一—第五十二条の十五）

Subsection 2 Supervision (Article 52-11 - Article 52-15)

第三款 雑則（第五十二条の十六）

Subsection 3 Miscellaneous Provisions (Article 52-16)

第三節 銀行持株会社に係る特例

### Section 3 Special Provisions on Bank Holding Companies

第一款 通則（第五十二条の十七—第五十二条の二十）

Subsection 1 General Rules (Article 52-17 - Article 52-20)

第二款 業務及び子会社等（第五十二条の二十一—第五十二条の二十五）

Subsection 2 Business and Subsidiary Company, etc. (Article 52-21 - Article 52-25)

第三款 経理（第五十二条の二十六—第五十二条の三十）

Subsection 3 Accounting (Article 52-26 - Article 52-30)

第四款 監督（第五十二条の三十一—第五十二条の三十四）

Subsection 4 Supervision (Article 52-31 - Article 52-34)

第五款 雑則（第五十二条の三十五）

Subsection 5 Miscellaneous Provisions (Article 52-35)

### 第七章の三 銀行代理業

#### Chapter VII-III Bank Agency Service

第一節 通則（第五十二条の三十六—第五十二条の四十一）

Section 1 General Rules (Article 52-36 - Article 52-41)

第二節 業務（第五十二条の四十二—第五十二条の四十八）

Section 2 Service (Article 52-42 - Article 52-48)

第三節 経理（第五十二条の四十九—第五十二条の五十一）

Section 3 Accounting (Article 52-49 - 52-51)

第四節 監督（第五十二条の五十二—第五十二条の五十七）

Section 4 Supervision (Article 52-52 - Article 52-57)

第五節 所属銀行等（第五十二条の五十八—第五十二条の六十）

Section 5 Principal Bank, etc. (Article 52-58 - Article 52-60)

第六節 雑則（第五十二条の六十一）

Section 6 Miscellaneous Provisions (Article 52-61)

### 第八章 雑則（第五十三条—第六十条）

#### Chapter VIII Miscellaneous Provisions (Article 53 - Article 60)

### 第九章 罰則（第六十一条—第六十六条）

#### Chapter IX Penal Provisions (Article 61 - Article 66)

### 附則

### Supplementary Provisions

#### 第一章 総則

#### Chapter I General Provisions

（目的）

(Purpose)

第一条 この法律は、銀行の業務の公共性にかんがみ、信用を維持し、預金者等の保護を確保するとともに金融の円滑を図るため、銀行の業務の健全かつ適切な運営を期し、もつて国民経済の健全な発展に資することを目的とする。

Article 1 (1) The purpose of this Act is, in view of the public nature of the business of banks and for the purpose of maintaining its credibility, securing the protection of Depositors, etc. and facilitating smooth functioning of financial services, to ensure sound and appropriate operations of the business of banks, thereby contributing to the sound development of the national economy.

2 この法律の運用に当たっては、銀行の業務の運営についての自主的な努力を尊重するよう配慮しなければならない。

(2) In the application of this Act, due consideration shall be given for respecting banks' voluntary efforts for management of their business.

(定義等)

(Definitions, etc.)

第二条 この法律において「銀行」とは、第四条第一項の内閣総理大臣の免許を受けて銀行業を営む者をいう。

Article 2 (1) The term "Bank" as used in this Act means a person who operates banking business under the license of the Prime Minister prescribed in Article 4(1).

2 この法律において「銀行業」とは、次に掲げる行為のいずれかを行う営業をいう。

(2) The term "Banking Business" as used in this Act means business that performs any of the following acts:

一 預金又は定期積金の受入れと資金の貸付け又は手形の割引とを併せ行うこと。

(i) Both acceptance of deposits or Installment Savings, and loans of funds or discounting of bills and notes; or

二 為替取引を行うこと。

(ii) Conducting of exchange transactions.

3 この法律において「定期積金」とは、期限を定めて一定金額の給付を行うことを約して、定期に又は一定の期間内において数回にわたり受け入れる金銭をいう。

(3) The term "Installment Savings" as used in this Act means money accepted several times at regular intervals or within a fixed period of time on the promise of payment of a fixed amount of money at a designated date

4 この法律において「定期積金等」とは、定期積金のほか、一定の期間を定め、その中途又は満了の時において一定の金額の給付を行うことを約して、当該期間内において受け入れる掛金をいう。

(4) The term "Installment Savings, etc." as used in this Act means, in addition to Installment Savings, installment deposits accepted within a designated fixed period of time on the promise of payment of a fixed amount of money on or before the end of that period.

5 この法律において「預金者等」とは、預金者及び定期積金の積金者（前項に規定する掛金の掛金者を含む。）をいう。

(5) The term "Depositors, etc." as used in this Act means depositors and persons

who make Installment Savings (including persons who make installment deposits prescribed in the preceding paragraph).

6 この法律において「総株主等の議決権」とは、総株主又は総出資者の議決権（株式会社にあつては、株主総会において決議をすることができる事項の全部につき議決権を行使することができない株式についての議決権を除き、会社法（平成十七年法律第八十六号）第八百七十九条第三項（特別清算事件の管轄）の規定により議決権を有するものとみなされる株式についての議決権を含む。以下同じ。）をいう。

(6) The term "Voting Rights Held by All of the Shareholders, etc." as used in this Act means voting rights of all shareholders or all equity investors (in the case of a stock company, excluding voting rights relating to shares which do not allow exercising voting rights for all of the matters which may be resolved at a shareholders' meeting, but including voting rights relating to shares of which holders are deemed to have voting rights pursuant to the provision of Article 879(3) (Jurisdiction over Special Liquidation Cases) of the Companies Act (Act No. 86 of 2005); the same shall apply hereinafter).

7 この法律において「株式等」とは、株式又は持分をいう。

(7) The term "Shares, etc." as used in this Act means shares or equity.

8 この法律において「子会社」とは、会社がその総株主等の議決権の百分の五十を超える議決権を保有する他の会社をいう。この場合において、会社及びその一若しくは二以上の子会社又は当該会社の一若しくは二以上の子会社がその総株主等の議決権の百分の五十を超える議決権を保有する他の会社は、当該会社の子会社とみなす。

(8) The term "Subsidiary Company" as used in this Act means a company of which voting rights exceeding fifty hundredths of the Voting Rights Held by All of the Shareholders, etc. are held by another company. In this case, a company of which voting rights exceeding fifty hundredths of the Voting Rights Held by All of the Shareholders, etc. are held jointly by the company and one or more of its Subsidiary Companies, or by one or more of Subsidiary Companies of the company shall be deemed to be a Subsidiary Company of the company.

9 この法律において「主要株主基準値」とは、総株主の議決権の百分の二十（会社の財務及び営業の方針の決定に対して重要な影響を与えることが推測される事実が存在するものとして内閣府令で定める要件に該当する者が当該会社の議決権の保有者である場合にあつては、百分の十五）をいう。

(9) The term "Major Shareholder Threshold" as used in this Act means twenty hundredths (fifteen hundredths in the case where a person who satisfies the requirements specified by a Cabinet Office Ordinance for the existence of the presumed fact that is expected to have a material effect on decisions of financial and business policies of the company holds the voting rights of the company) of the Voting Rights Held by All of the Shareholders, etc.

10 この法律において「銀行主要株主」とは、銀行の主要株主基準値以上の数の議決権の保有者（他人（仮設人を含む。）の名義をもつて保有する者を含む。以下同じ。）であつて、第五十二条の九第一項の認可を受けて設立され、又は同項若しくは

同条第二項ただし書の認可を受けているものをいう。

(10) The term "Major Shareholder of Bank" as used in this Act means a person who holds voting rights of a Bank which amounts to the Major Shareholder Threshold or more (including a person who holds such number of voting rights in the name of another person (or under a fictitious name) the same shall apply hereinafter) and is established under the authorization set forth in Article 52-9(1) or obtains the authorization prescribed in Article 52-9(1) or the proviso to Article 52-9(2).

1 1 第八項又は前項の場合において、会社又は議決権の保有者が保有する議決権には、金銭又は有価証券の信託に係る信託財産として所有する株式等に係る議決権（委託者又は受益者が行使し、又はその行使について当該会社若しくは当該議決権の保有者に指図を行うことができるものに限る。）その他内閣府令で定める議決権を含まないものとし、信託財産である株式等に係る議決権で、当該会社又は当該議決権の保有者が委託者若しくは受益者として行使し、又はその行使について指図を行うことができるもの（内閣府令で定める議決権を除く。）及び社債、株式等の振替に関する法律（平成十三年法律第七十五号）第四百七十七条第一項又は第四百四十八条第一項の規定により発行者に対抗することができない株式に係る議決権を含むものとする。

(11) In the case referred to in paragraph (8) and the preceding paragraph, the voting rights held by a company or an individual voting right holder shall not include any voting rights pertaining to Shares, etc. held in the form of trust property pertaining to a monetary or security trust (limited to cases where the settlor or the beneficiary may exercise voting rights or may instruct to the company or the holders of the voting rights) and any other voting rights specified by a Cabinet Office Ordinance, but shall include any voting rights of the Shares, etc. which are held as trust property and of which the other company or the person holding voting rights of the Bank may, as a settlor or beneficiary, make exercise or may give instructions on the exercise (excluding those specified by a Cabinet Office Ordinance) and any voting rights of the shares which cannot be asserted against the issuer pursuant to the provisions of Article 147(1) or Article 148(1) of the Act on Transfer of Bonds, Shares, etc. (Act No. 75 of 2001)

1 2 この法律において「持株会社」とは、私的独占の禁止及び公正取引の確保に関する法律（昭和二十二年法律第五十四号）第九条第五項第一号（持株会社）に規定する持株会社をいう。

(12) The term "Holding Company" as used in this Act means a Holding Company provided for in Article 9(5)(i) (Holding Company) of the Act on Prohibition of Private Monopolization and Maintenance of Fair Trade (Act No. 54 of 1947).

1 3 この法律において「銀行持株会社」とは、銀行を子会社とする持株会社であつて、第五十二条の十七第一項の認可を受けて設立され、又は同項若しくは同条第三項ただし書の認可を受けているものをいう。

(13) The term "Bank Holding Company" as used in this Act means a Holding

Company which has a Bank as its Subsidiary Company and is established under the authorization set forth in Article 52-17(1) or obtains authorization prescribed in Article 52-17(1) or the proviso to Article 52-17(3).

1 4 この法律において「銀行代理業」とは、銀行のために次に掲げる行為のいずれかを行う営業をいう。

(14) The term "Bank Agency Service" as used in this Act means a business performing any of the following acts on behalf of a Bank:

一 預金又は定期積金等の受入れを内容とする契約の締結の代理又は媒介

(i) Acting as an agent or intermediary for conclusion of a contract on acceptance of deposits or Installment Savings, etc.;

二 資金の貸付け又は手形の割引を内容とする契約の締結の代理又は媒介

(ii) Acting as an agent or intermediary for conclusion of a contract on loans of funds or discounting of bills; or

三 為替取引を内容とする契約の締結の代理又は媒介

(iii) Acting as an agent or intermediary for conclusion of a contract on exchange transactions.

1 5 この法律において「銀行代理業者」とは、第五十二条の三十六第一項の内閣総理大臣の許可を受けて銀行代理業を営む者をいう。

(15) The term "Bank Agent" as used in this Act means a person who provides Bank Agency Service under the permission of the Prime Minister prescribed in Article 52-36(1).

1 6 この法律において「所属銀行」とは、銀行代理業者が行う第十四項各号に掲げる行為により、同項各号に規定する契約において同項各号の預金若しくは定期積金等の受入れ、資金の貸付け若しくは手形の割引又は為替取引を行う銀行をいう。

(16) The term "Principal Bank" as used in this Act means a Bank which, through any of Bank Agent's acts listed in each item of paragraph (14), accepts deposits or Installment Savings, etc., gives loans of funds or discounting bills and notes, or conducts exchange transactions as prescribed in each item of that paragraph under a contract prescribed in each item of that paragraph.

第三条 預金又は定期積金等の受入れ（前条第二項第一号に掲げる行為に該当するものを除く。）を行う営業は、銀行業とみなして、この法律を適用する。

Article 3 A business involving acceptance of deposits or Installment Savings, etc. (excluding those falling under acts listed in paragraph (2), item (i) of the preceding Article) shall be deemed to be a Banking Business, and this Act shall apply to such business.

第三条の二 次の各号に掲げる者は、それぞれ当該各号に定める数の銀行の議決権の保有者とみなして、第七章の二第一節及び第二節、第八章並びに第九章の規定を適用する。

Article 3-2 (1) Any person listed in the following items shall be deemed to be a

holder of the Bank's voting rights of which the number specified in each item, and Sections 1 and 2 of Chapter VII-II, Chapter VIII and Chapter IX shall apply to such person:

一 法人でない団体（法人に準ずるものとして内閣府令で定めるものに限る。） 当該法人でない団体の名義をもつて保有される銀行の議決権の数

(i) An organization that is not a juridical person (limited to organizations specified by a Cabinet Office Ordinance as those equivalent to a juridical person): the number of the Bank's voting rights which are held in the name of the organization;

二 内閣府令で定めるところにより連結してその計算書類その他の書類を作成するものとされる会社（次号において「連結基準対象会社」という。）であつて、その連結する会社その他の法人（前号に掲げる法人でない団体を含む。以下この項において「会社等」という。）のうちに銀行を含むもののうち、他の会社の計算書類その他の書類に連結される会社以外の会社 当該会社の当該銀行に対する実質的な影響力を表すものとして内閣府令で定めるところにより計算される数

(ii) A company which is required to prepare its financial statements or other documents on a consolidated basis pursuant to the provisions of a Cabinet Office Ordinance (referred to as "Company Subject to Standards for Consolidation" in the next item), where a Bank is included in companies and other juridical persons (including organizations that is not a juridical person prescribed in the preceding item, and hereinafter collectively referred to as "Company, etc." in this paragraph) consolidated to said company and where said company is not consolidated in any other company's financial statements or other documents: the number calculated pursuant to the provisions of a Cabinet Office Ordinance as representing the company's substantial influence that could be exercised on the Bank;

三 連結基準対象会社以外の会社等（銀行の議決権の保有者である会社等に限り、前号に掲げる会社の計算書類その他の書類に連結されるものを除く。）が会社等集団（当該会社等及び当該会社等が他の会社等に係る議決権の過半数を保有していることその他の当該会社等と密接な関係を有する会社等として内閣府令で定める会社等の集団をいう。以下この項において同じ。）に属し、かつ、当該会社等集団が当該会社等集団に属する全部の会社等の保有する一の銀行の議決権の数を合算した数（以下この号及び次号において「会社等集団保有議決権数」という。）が当該銀行の主要株主基準値以上の数である会社等集団（以下この号及び次号において「特定会社等集団」という。）である場合において、当該特定会社等集団に属する会社等のうち、その会社等に係る議決権の過半数の保有者である会社等がない会社等 当該特定会社等集団に係る会社等集団保有議決権数

(iii) Where a Company, etc. (excluding that which is consolidated in the financial statement or other documents of a company falling under the type of company listed in the preceding item, limited to that which holds voting rights of a Bank) which is not a Company Subject to Standards for

Consolidation and belongs to a Group of Companies, etc. (meaning a group of companies, etc. consisting of (a) that Company, etc. and (b) other Companies, etc. specified by a Cabinet Office Ordinance as those have close relationships with that Company, etc. for reason that the Company, etc. holds majority voting rights of the other Company, etc. or for other reason and; hereinafter the same shall apply in this paragraph) and where the total number of voting rights held by all of the companies, etc. belonging to the Group of Companies, etc. (hereinafter referred to as "The Number of Voting Rights Held by the Group of Companies, etc." in this item and the following item) is equal to or more than the Major Shareholder Threshold of the Bank (such Group of Companies, etc. are hereinafter referred to as "Specified Group of Companies, etc." in this item and the following item), a Company, etc. in the Specified Group of Companies, etc. whose majority voting rights are held by no other Company, etc.: The Number of Voting Rights Held by the Group of Companies, etc. of the Specified Group of Companies, etc.

四 特定会社等集団に属する会社等のうちに前号に掲げる会社等がない場合において、当該特定会社等集団に属する会社等のうちその貸借対照表上の資産の額が最も多い会社等 当該特定会社等集団に係る会社等集団保有議決権数

(iv) Where no Company, etc. in the Specified Group of Companies, etc. falls under the type of Company, etc. listed in the preceding item, a Company, etc. whose assets in the balance sheet are the largest among the Specified Group of Companies, etc.: The Number of Voting Rights Held by the Group of Companies, etc. of the Specified Group of Companies, etc.

五 銀行の議決権の保有者である会社等（第二号から前号までに掲げる者を含む。以下この号において同じ。）に係る議決権の過半数の保有者である個人のうち、当該個人がその議決権の過半数の保有者である会社等がそれぞれ保有する一の銀行の議決権の数（当該会社等が前各号に掲げる者であるときは、それぞれ当該各号に定める数）を合算した数（当該個人が当該銀行の議決権の保有者である場合にあっては、当該合算した数に当該個人が保有する当該銀行の議決権の数を加算した数。以下この号において「合算議決権数」という。）が当該銀行の総株主の議決権の百分の二十以上の数である者 当該個人に係る合算議決権数

(v) An individual who holds the majority voting rights of Companies, etc. holding some voting rights of a Bank (including those listed in item (ii) to the preceding item inclusive; hereinafter the same shall apply in this item), where the total of number of voting rights of the Bank held by the Companies, etc. whose majority voting rights are held by that individual (in the case of the Companies, etc. falling under any of the categories listed in the preceding items, the number specified in each item)(in the case of an individual who has voting rights of the Bank, the number of voting rights obtained by adding the number of voting rights of the Bank held by the individual to the total number of voting rights held by such companies, etc.; the number



calculated thereby is hereinafter referred to as "The Grand Total Number of Voting Rights" in this item) is equal to or more than twenty hundredths of the Voting Rights Held by All of the Shareholders, etc. of the Bank: The Grand Total Number of Voting Rights for the individuals

六 銀行の議決権の保有者（前各号に掲げる者を含む。以下この号において同じ。）のうち、その保有する当該銀行の議決権の数（当該議決権の保有者が前各号に掲げる者であるときは、それぞれ当該各号に定める数）とその共同保有者（銀行の議決権の保有者が、当該銀行の議決権の他の保有者（前各号に掲げる者を含む。）と共同して当該議決権に係る株式を取得し、若しくは譲渡し、又は当該銀行の株主としての議決権その他の権利を行使することを合意している場合における当該他の保有者（当該議決権の保有者が第二号に掲げる会社である場合においては当該会社の計算書類その他の書類に連結される会社等を、当該議決権の保有者が第三号又は第四号に掲げる会社等である場合においては当該会社等が属する会社等集団に属する当該会社等以外の会社等を、当該議決権の保有者が前号に掲げる個人である場合においては当該個人がその議決権の過半数の保有者である会社等を除き、当該議決権の保有者と政令で定める特別な関係を有する者を含む。）をいう。）の保有する当該銀行の議決権の数（当該共同保有者が前各号に掲げる者であるときは、それぞれ当該各号に定める数）を合算した数（以下この号において「共同保有議決権数」という。）が当該銀行の総株主の議決権の百分の二十以上の数である者 共同保有議決権数

(vi) A person who holds voting rights of a Bank (including a person falling under any of the categories listed in the preceding items; hereinafter the same shall apply in this item), where the total number of voting rights of that Bank held by that person (in the case of a person falling under any of the categories listed in the preceding items, the number specified in each item) and those held by his/her Joint Holder(s) (meaning another person (including a person falling under any of the categories listed in the preceding items) who holds voting rights of the Bank and has agreed with that person on joint acquisition or transfer of shares relating to the Bank's voting rights or on joint exercise of the voting rights or other right as shareholders of that Bank (excluding a Company, etc. which is consolidated in the financial statements or other documents of that company where that holder of those voting rights is a company falling under the category listed in item (ii), a Company, etc. other than that company belonging to the Group of Companies, etc. to which that person belongs where that holder of voting rights is a Company, etc. falling under the category prescribed in item (iii) or (iv), a Company, etc. whose majority voting rights are held by that person where a holder of those voting rights is an individual falling under the category listed in the preceding item, but including a person who has a special relationship with said person specified by a Cabinet Order with the holder of those voting rights)) (in the case of a Joint Holder falling under any of the categories

listed in the preceding items, the number prescribed in each item) (the total number of voting rights is hereinafter referred to as "The Number of Voting Rights Jointly Held" in this item) is equal to or more than twenty hundredths of the Voting Rights Held by All of the Shareholders, etc. of the Bank: The Number of Voting Rights Jointly Held

七 前各号に掲げる者に準ずる者として内閣府令で定める者 銀行に対する実質的な影響力を表すものとして内閣府令で定めるところにより計算される数

(vii) A person specified by a Cabinet Office Ordinance as being equivalent to those listed in the preceding items: The number calculated pursuant to the provisions of a Cabinet Office Ordinance as those representing the substantial influence on the Bank

2 第二条第十一項の規定は、前項各号の場合において同項各号に掲げる者が保有するものとみなされる議決権及び議決権の保有者が保有する議決権について準用する。

(2) In the case referred to in each item of the preceding paragraph, the provision of Article 2(11) shall apply mutatis mutandis to voting rights to be deemed as held by a person listed in each item of the preceding paragraph and voting rights held by the holder of the voting rights.

(営業の免許)

(License of Banking Business)

第四条 銀行業は、内閣総理大臣の免許を受けた者でなければ、営むことができない。  
Article 4 (1) No Banking Business may be conducted without having obtained a license from the Prime Minister.

2 内閣総理大臣は、銀行業の免許の申請があつたときは、次に掲げる基準に適合するかどうかを審査しなければならない。

(2) When an application for license of Banking Business is filed, the Prime Minister shall examine whether the following requirements are satisfied:

一 銀行業の免許を申請した者（以下この項において「申請者」という。）が銀行の業務を健全かつ効率的に遂行するに足りる財産的基礎を有し、かつ、申請者の当該業務に係る収支の見込みが良好であること。

(i) The person who has filed an application for license of Banking Business (hereinafter referred to as the "Applicant" in this paragraph) shall have financial basis to conduct the business of a Bank soundly and efficiently and shall have good prospects for income and expenditure pertaining to the business; and

二 申請者が、その人的構成等に照らして、銀行の業務を的確、公正かつ効率的に遂行することができる知識及び経験を有し、かつ、十分な社会的信用を有する者であること。

(ii) In light of such matters as its personnel structure, the Applicant shall have the knowledge and experience to be able to carry out the business of a Bank appropriately, fairly and efficiently and shall have sufficient social

credibility.

- 3 外国の法令に準拠して外国において銀行業を営む者（その者と政令で定める特殊の関係のある者を含むものとし、銀行等を除く。以下この項において「外国銀行等」という。）をその株主の全部又は一部とする者が銀行業の免許を申請した場合において、当該外国銀行等が当該免許を申請した者の総株主の議決権に内閣府令で定める率を乗じて得た数を超える議決権を適法に保有しているときは、内閣総理大臣は、前項各号に掲げる基準のほか、当該外国銀行等の主たる営業所が所在する国において、銀行に対し、この法律による取扱いと実質的に同等な取扱いが行われると認められるかどうかの審査をしなければならない。ただし、当該審査が国際約束の誠実な履行を妨げることとなる場合その他の政令で定める場合は、この限りでない。

(3) Where a person whose all or part of shareholders is a person conducting Banking Business in a foreign state in accordance with the laws and regulations of the foreign state (including a person who has a special relationship with such other person specified by a Cabinet Order, but excluding Banks, etc.; hereinafter referred to as "Foreign Bank, etc." in this paragraph) files an application for license of Banking Business, if the Foreign Bank, etc. lawfully holds voting rights of the person filing the application for license of Banking Business which exceeds the number calculated by multiplying the Voting Rights Held by All of the Shareholders, etc. of that person by the rate specified by a Cabinet Office Ordinance, the Prime Minister shall make examination on whether it is found that Banks are given substantially the same treatment as given under this Act in the state where the principal business office of the Foreign Bank, etc. is located, in addition to the requirements prescribed in each item of the preceding paragraph; provided, however, that this shall not apply to the cases where that examination would preclude sincere implementation of an international agreement or in any other cases specified by a Cabinet Order.

- 4 内閣総理大臣は、前二項の規定による審査の基準に照らし公益上必要があると認めるときは、その必要の限度において、第一項の免許に条件を付し、及びこれを変更することができる。

(4) The Prime Minister may, when and to the extent that he/she finds it necessary for the public interest in light of requirements for examination prescribed in the preceding two paragraphs, impose conditions on the license referred to in paragraph (1) or change them.

- 5 第三項の「銀行等」とは、銀行及び長期信用銀行（長期信用銀行法（昭和二十七年法律第百八十七号）第二条（定義）に規定する長期信用銀行をいう。以下同じ。）をいう。

(5) The "Banks, etc." set forth in paragraph (3) shall mean Banks and Long-Term Credit Banks (meaning Long-Term Credit Banks prescribed in Article 2 (Definition) of the Long-Term Credit Bank Act (Act No. 187 of 1952); the same shall apply hereinafter).

(銀行の機関)

(Organs of a Bank)

第四条の二 銀行は、株式会社であつて次に掲げる機関を置くものでなければならない。

Article 4-2 A Bank shall be a stock company which has the following organs:

一 取締役会

(i) Board of directors;

二 監査役会又は委員会（会社法第二条第十二号（定義）に規定する委員会をいう。  
第五十二条の十八第二項第二号において同じ。）

(ii) Board of company auditors or committees (hereinafter in Article 52-18(2)(ii) referring to committees provided for in Article 2(12) (Definitions) of the Companies Act)

三 会計監査人

(iii) Accounting auditor.

(資本金の額)

(Amount of Stated Capital)

第五条 銀行の資本金の額は、政令で定める額以上でなければならない。

Article 5 (1) The amount of the stated capital of a Bank shall be equal to or more than the amount specified by a Cabinet Order.

2 前項の政令で定める額は、十億円を下回つてはならない。

(2) The amount specified by a Cabinet Order under the preceding paragraph shall not be less than one billion yen.

3 銀行は、その資本金の額を減少しようとするときは、内閣総理大臣の認可を受けなければならない。

(3) A Bank shall, when it intends to reduce the amount of its stated capital, obtain authorization from the Prime Minister.

(商号)

(Trade Name)

第六条 銀行は、その商号中に銀行という文字を使用しなければならない。

Article 6 (1) A Bank shall use the term "Ginko" (which means "Bank") in its trade name.

2 銀行でない者は、その名称又は商号中に銀行であることを示す文字を使用してはならない。

(2) No person other than a Bank shall use in its name or trade name any term which would indicate that the person is a Bank.

3 銀行は、その商号を変更しようとするときは、内閣総理大臣の認可を受けなければならない。

(3) A Bank shall, when it intends to change its trade name, obtain authorization from the Prime Minister.

(取締役等の兼職の制限)

(Restriction of Concurrent Holding of Positions by Director, etc.)

第七条 銀行の常務に従事する取締役（委員会設置会社にあつては、執行役）は、内閣総理大臣の認可を受けた場合を除くほか、他の会社の常務に従事してはならない。

Article 7 (1) Directors engaging in the ordinary business of a Bank (or, in the case of a Bank which is a company with committees, executive officer) shall not engage in the ordinary business of any other company, except when authorized by the Prime Minister.

2 内閣総理大臣は、前項の認可の申請があつたときは、当該申請に係る事項が当該銀行の業務の健全かつ適切な運営を妨げるおそれがないと認める場合でなければ、これを認可してはならない。

(2) When an application for authorization referred to in the preceding paragraph is filed, the Prime Minister shall not grant the authorization unless he/she finds that matters pertaining to the application are not likely to interfere with the sound and appropriate management of the Bank.

(取締役等の適格性等)

(Eligibility of Directors, etc. and Other Related Matters)

第七条の二 銀行の常務に従事する取締役（委員会設置会社にあつては、執行役）は、銀行の経営管理を的確、公正かつ効率的に遂行することができる知識及び経験を有し、かつ、十分な社会的信用を有する者でなければならない。

Article 7-2 (1) Directors engaging in the ordinary business of a Bank (in the case of a Bank which is a company with committees, executive officer) shall have the knowledge and experience to be able to manage and control a Bank appropriately, fairly and efficiently and shall have sufficient social credibility.

2 破産手続開始の決定を受けて復権を得ない者又は外国の法令上これと同様に取り扱われている者は、銀行の取締役、執行役又は監査役となることができない。

(2) A person who has become subject to the ruling of the commencement of bankruptcy proceedings and has not had restored his/her rights, or a person who is treated the same as such a person under the laws and regulations of a foreign state, may not be appointed as a director, executive officer or auditor of a Bank.

3 銀行の取締役、執行役又は監査役に対する会社法第三百三十一条第一項第三号（取締役の資格等）（同法第三百三十五条第一項（監査役の資格等）及び第四百二条第四項（執行役の選任等）において準用する場合を含む。）の規定の適用については、同号中「この法律」とあるのは、「銀行法、この法律」とする。

(3) With regard to application of the provisions of Article 331(1)(iii)

(Qualifications of Directors) of the Companies Act (including the cases where it is applied mutatis mutandis pursuant to Article 335(1) (Qualifications of Company Auditors) and Article 402(4) (Election of Executive Officers) of that

Act) to directors, executive officers or auditor of a Bank, the term "this Act" in that item shall be deemed to be replaced with "the Banking Act, this Act."

4 会社法第三百三十一条第二項ただし書（取締役の資格等）（同法第三百三十五条第一項（監査役の資格等）において準用する場合を含む。）、第三百三十二条第二項（取締役の任期）（同法第三百三十四条第一項（会計参与の任期）において準用する場合を含む。）、第三百三十六條第二項（監査役の任期）及び第四百二条第五項ただし書（執行役の選任等）の規定は、銀行については、適用しない。

(4) The provisions of the proviso to Article 331(2) (Qualifications of Directors) of the Companies Act (including the cases where it is applied mutatis mutandis pursuant to Article 335(1) (Qualifications of Company auditors)), Article 332(2) (Directors' Terms of Office) of that Act (including the cases where it is applied mutatis mutandis pursuant to Article 334(1) (Accounting Advisors' Terms of Office) of that Act), Article 336(2) (Company Auditors' Terms of Office) of that Act and the proviso to Article 402(5) (Election of Executive Officers) of that Act shall not apply to Banks.

（営業所の設置等）

(Establishment of Business Offices, etc.)

第八条 銀行は、日本において支店その他の営業所の設置、位置の変更（本店の位置の変更を含む。）、種類の変更又は廃止をしようとするときは、内閣府令で定める場合を除き、内閣府令で定めるところにより、内閣総理大臣に届け出なければならない。

Article 8 (1) When a Bank intends to establish a branch office or other business office, change the location thereof (including change in the location of its head office), change the type thereof or abolish one in Japan, the Bank shall notify it to the Prime Minister pursuant to the provisions of a Cabinet Office Ordinance, except for the cases specified by a Cabinet Office Ordinance.

2 銀行は、外国において支店その他の営業所の設置、種類の変更又は廃止をしようとするときは、内閣府令で定める場合を除き、内閣府令で定めるところにより、内閣総理大臣の認可を受けなければならない。

(2) When a Bank intends to establish a branch office and other business office, change the type or abolish one in a foreign state, the Bank shall obtain authorization from the Prime Minister pursuant to the provisions of a Cabinet Office Ordinance, except for the cases specified by a Cabinet Office Ordinance.

3 銀行は、第二条第十四項各号に掲げる行為を外国において委託する旨の契約を締結しようとするとき、又は当該契約を終了しようとするときは、内閣府令で定めるところにより、内閣総理大臣の認可を受けなければならない。

(3) When a Bank intends to conclude or terminate a contract for entrustment of each act listed in each item of Article 2(14) in a foreign state, the Bank shall obtain authorization from the Prime Minister pursuant to the provisions of a Cabinet Office Ordinance.

(名義貸しの禁止)

(Prohibition of Name-Lending)

第九条 銀行は、自己の名義をもって、他人に銀行業を営ませてはならない。

Article 9 A Bank shall not have another person engage in Banking Business in the name of the Bank.

## 第二章 業務

### Chapter II Business

(業務の範囲)

(Scope of Business)

第十条 銀行は、次に掲げる業務を営むことができる。

Article 10 (1) A Bank may conduct the following businesses:

一 預金又は定期積金等の受入れ

(i) Acceptance of deposits or Installment Savings, etc.;

二 資金の貸付け又は手形の割引

(ii) Loan of funds or discounting of bills; and

三 為替取引

(iii) Exchange transactions.

2 銀行は、前項各号に掲げる業務のほか、次に掲げる業務その他の銀行業に付随する業務を営むことができる。

(2) In addition to the businesses listed in each item of the preceding paragraph, a Bank may conduct the following businesses and other businesses incidental to Banking Business:

一 債務の保証又は手形の引受け

(i) Guarantee of obligations or acceptance of bills;

二 有価証券（第五号に規定する証書をもって表示される金銭債権に該当するもの及び短期社債等を除く。第五号の二及び第六号において同じ。）の売買（有価証券関連デリバティブ取引に該当するものを除く。）又は有価証券関連デリバティブ取引（投資の目的をもってするもの又は書面取次ぎ行為に限る。）

(ii) Sales and purchase of securities (excluding securities that fall under the category of monetary claims indicated in the form of certificates as prescribed in item (v) and Short-Term Bonds, etc.; hereinafter the same shall apply in items (v)-2 and (vi)) (excluding sales and purchase that fall under the category of Transactions of Securities-Related Derivatives) or Transactions of Securities-Related Derivatives (limited to those for the purpose of investment or Brokerage with Written Orders);

三 有価証券の貸付け

(iii) Loan of securities;

四 国債、地方債若しくは政府保証債（以下この条において「国債等」という。）の引受け（売出しの目的をもってするものを除く。）又は当該引受けに係る国債等の

募集の取扱い

(iv) Underwriting (excluding that carried out for the purpose of secondary distribution) of National Government Bonds, local government bonds or Government-Guaranteed Bonds (hereinafter referred to as "National Government Bonds, etc." in this Article) or handling of public offerings of the National Government Bonds, etc. pertaining to that underwriting;

五 金銭債権（譲渡性証券その他の内閣府令で定める証券をもって表示されるものを含む。）の取得又は譲渡

(v) Acquisition or transfer of monetary claims (including certificates of transferable deposits and other monetary claims indicated in the form of certificates specified by a Cabinet Office Ordinance);

五の二 特定目的会社が発行する特定社債（特定短期社債を除き、資産流動化計画において当該特定社債の発行により得られる金銭をもって指名金銭債権又は指名金銭債権を信託する信託の受益権のみを取得するものに限る。）その他これに準ずる有価証券として内閣府令で定めるもの（以下この号において「特定社債等」という。）の引受け（売出しの目的をもってするものを除く。）又は当該引受けに係る特定社債等の募集の取扱い

(v)-2 Underwriting (excluding that carried out for the purpose of secondary distribution) of Specified Bonds issued by Special Purpose Companies (excluding Specified Short-Term Bonds and limited to those where only nominative monetary claims or rights of beneficiary of trust into which nominative monetary claims are placed are acquired using the money gained through the issuance of that Specified Bonds under Asset Securitization Plans) and any other securities specified by a Cabinet Office Ordinance as those equivalent thereto (hereinafter referred to as "Specified Bonds, etc." in this item) or handling of public offering of the Specified Bonds, etc. pertaining to that underwriting;

五の三 短期社債等の取得又は譲渡

(v)-3 Acquisition or transfer of Short-Term Bonds, etc.;

六 有価証券の私募の取扱い

(vi) Handling of Private Placement of Securities;

七 地方債又は社債その他の債券の募集又は管理の受託

(vii) Entrusted operations of public offering or management of local government bonds, bonds or other debentures;

八 銀行その他金融業を行う者の業務の代理又は媒介（内閣府令で定めるものに限る。）

(viii) Agency or intermediary service of the business of a person who conducts a Bank and other financial business (limited to those specified by a Cabinet Office Ordinance);

九 国、地方公共団体、会社等の金銭の収納その他金銭に係る事務の取扱い

(ix) Handling of the receipt of money and other affairs pertaining to money of



- the State, local public entities, companies or other entities;
- 十 有価証券、貴金属その他の物品の保護預り
- (x) Safe deposit of securities, precious metal or other goods;
- 十の二 振替業
- (x)-2 Transfer Business;
- 十一 両替
- (xi) Money exchange business;
- 十二 デリバティブ取引（有価証券関連デリバティブ取引に該当するものを除く。次号において同じ。）であつて内閣府令で定めるもの（第五号に掲げる業務に該当するものを除く。）
- (xii) Derivative Transactions (excluding those that fall under the category of Transactions of Securities-Related Derivatives; the same shall apply in the following item) that are specified by a Cabinet Office Ordinance (excluding those that fall under the category of the business listed in item (v));
- 十三 デリバティブ取引（内閣府令で定めるものに限る。）の媒介、取次ぎ又は代理
- (xiii) Intermediary, brokerage or agency service of Derivative Transactions (limited to those specified by a Cabinet Office Ordinance);
- 十四 金利、通貨の価格、商品の価格その他の指標の数値としてあらかじめ当事者間で約定された数値と将来の一定の時期における現実の当該指標の数値の差に基づいて算出される金銭の授受を約する取引又はこれに類似する取引であつて、内閣府令で定めるもの（次号において「金融等デリバティブ取引」という。）（第五号及び第十二号に掲げる業務に該当するものを除く。）
- (xiv) Transactions where the relevant parties promise to give and receive money calculated based on the difference between a numerical value that the parties have agreed upon in advance as the numerical value of an interest rate, currency value, product price or any other index and the actual numerical value of that index at a fixed point of time in the future, or any equivalent transactions, that are specified by a Cabinet Office Ordinance (referred to as "Financial Derivative Transactions" in the following item) (excluding transactions that fall under the categories of business listed in items (v) and (xii));
- 十五 金融等デリバティブ取引の媒介、取次ぎ又は代理（第十三号に掲げる業務に該当するもの及び内閣府令で定めるものを除く。）
- (xv) Intermediary, brokerage or agency service of Financial Derivative Transactions (excluding such business that falls under the category of business specified in item (xiii) and such business that is specified by a Cabinet Office Ordinance);
- 十六 有価証券関連店頭デリバティブ取引（当該有価証券関連店頭デリバティブ取引に係る有価証券が第五号に規定する証書をもつて表示される金銭債権に該当するもの及び短期社債等以外のものである場合には、差金の授受によつて決済されるものに限る。次号において同じ。）（第二号に掲げる業務に該当するものを除く。）

(xvi) Over-the-Counter Transactions of Securities-Related Derivatives (limited to those that are settled through giving and receiving the difference in the case where the securities pertaining to that Over-the-Counter Transactions of Securities-Related Derivatives fall under the category of monetary claims that are indicated in the form of certificates as prescribed in item (v) and are not Short-Term Bonds, etc.; the same shall apply in the following item) (excluding transactions that fall under the category of business specified in item (ii)); and

十七 有価証券関連店頭デリバティブ取引の媒介、取次ぎ又は代理

(xvii) Intermediary, brokerage or agency service of Over-the-Counter Transactions of Securities-Related Derivatives.

3 前項第二号、第五号の三及び第十六号並びに第六項の「短期社債等」とは、次に掲げるものをいう。

(3) "Short-Term Bonds, etc." set forth in items (ii), (v)-3 and (xvi) of the preceding paragraph and paragraph (6) mean the following bonds:

一 社債、株式等の振替に関する法律第六十六条第一号（権利の帰属）に規定する短期社債

(i) Short-Term Bonds prescribed in Article 66(i) (Vesting of Rights) of the Act on Transfer of Bonds, Shares, etc.;

二 商工組合中央金庫法（昭和十一年法律第十四号）第三十三条ノ二（短期商工債の発行）に規定する短期商工債

(ii) Short-term commercial and industrial bonds prescribed in Article 33-2 (Issuance of Short-Term Commercial and Industrial Bonds) of the Shoko Chukin Bank Act (Act No. 14 of 1936);

三 投資信託及び投資法人に関する法律（昭和二十六年法律第百九十八号）第百三十九条の十二第一項（短期投資法人債に係る特例）に規定する短期投資法人債

(iii) Short-term investment corporation bonds prescribed in Article 139-12(1) (Special Provisions Pertaining to Short-Term Investment Corporation Bonds) of the Act on Investment Trust and Investment Corporations (Act No. 198 of 1951);

四 信用金庫法（昭和二十六年法律第二百三十八号）第五十四条の四第一項（短期債の発行）に規定する短期債

(iv) Short-term bonds prescribed in Article 54-4(1) (Issuance of Short-Term Bonds) of the Shinkin Bank Act (Act No. 238 of 1951);

五 保険業法（平成七年法律第百五号）第六十一条の十第一項（短期社債に係る特例）に規定する短期社債

(v) Short-Term Bonds prescribed in Article 61-10(1) (Special Provisions on Short-Term Bonds) of the Insurance Business Act (Act No. 105 of 1995);

六 資産の流動化に関する法律（平成十年法律第百五号）第二条第八項（定義）に規定する特定短期社債

(vi) Specified Short-Term Bonds prescribed in Article 2(8) (Definitions) of the

Act on Securitization of Assets (Act No. 105 of 1998);

七 農林中央金庫法（平成十三年法律第九十三号）第六十二条の二第一項（短期農林債の発行）に規定する短期農林債

(vii) Short-term Norinchukin Bank debentures prescribed in Article 62-2(1) (Issuance of Short-Term Norinchukin Bank Debentures) of the Norinchukin Bank Act (Act No. 93 of 2001); and

八 その権利の帰属が社債、株式等の振替に関する法律の規定により振替口座簿の記載又は記録により定まるものとされる外国法人の発行する債券（新株予約権付社債の性質を有するものを除く。）に表示されるべき権利のうち、次に掲げる要件のすべてに該当するもの

(viii) Of the rights to be indicated in debentures issued by foreign juridical persons for which vesting of the rights is to be decided based on the entry or record in the transfer account registry pursuant to the provisions of the Act on Transfer of Bonds, Shares, etc. (excluding those having a nature of bonds with share warrant), those that satisfy all of the following requirements:

イ 各権利の金額が一億円を下回らないこと。

(a) The amount of each right is not less than 100 million yen;

ロ 元本の償還について、権利の総額の払込みのあつた日から一年未満の日とする確定期限の定めがあり、かつ、分割払の定めがないこと。

(b) There are provisions on a fixed due date for redemption of the principal that is within one year from the day on which the total amount of the rights has been paid, and there is no provision on an installment plan; and

ハ 利息の支払期限を、ロの元本の償還期限と同じ日とする旨の定めがあること。

(c) There are provisions to make the due date for the payment of interest the same date as the due date for the redemption of the principal set forth in (b).

4 第二項第二号又は第十二号の「有価証券関連デリバティブ取引」又は「書面取次ぎ行為」とは、それぞれ金融商品取引法（昭和二十三年法律第二十五号）第二十八条第八項第六号（定義）に規定する有価証券関連デリバティブ取引又は同法第三十三条第二項（金融機関の有価証券関連業の禁止等）に規定する書面取次ぎ行為をいう。

(4) The "Transactions of Securities-Related Derivatives" and "Brokerage with Written Orders" set forth in paragraph (2)(ii) and (xii) respectively mean the Transactions of Securities-Related Derivatives prescribed in Article 28(8)(vi) (Definitions) of the Financial Instruments and Exchange Act (Act No. 25 of 1948) and the Intermediary Service of Securities Transactions on Receiving Written Orders prescribed in Article 33(2) (Prohibition, etc. of Securities-Related Business by Financial Institutions) of that Act.

5 第二項第四号の「政府保証債」とは、政府が元本の償還及び利息の支払について保証している社債その他の債券をいう。

(5) "Government-Guaranteed Bonds" set forth in paragraph (2)(iv) means bonds and other debentures for which redemption of the principal and payment of

interest are guaranteed by the government.

- 6 第二項第五号に掲げる業務には同号に規定する証書をもつて表示される金銭債権のうち有価証券に該当するものについて、同項第五号の三に掲げる業務には短期社債等について、金融商品取引法第二条第八項第一号から第六号まで及び第八号から第十号まで（定義）に掲げる行為を行う業務を含むものとする。
- (6) The business listed in paragraph (2)(v) shall include the business of carrying out the acts listed in Article 2(8)(i) to (vi) inclusive and (viii) to (x) inclusive (Definitions) of the Financial Instruments and Exchange Act for monetary claims that are indicated in the form of certificates as prescribed in paragraph 2(v) and that fall under the category of securities, and the business set forth in paragraph (2)(v)-3 shall include the business of carrying out such acts for Short-Term Bonds, etc.
- 7 第二項第五号の二の「特定目的会社」、「資産流動化計画」、「特定社債」又は「特定短期社債」とは、それぞれ資産の流動化に関する法律第二条第三項、第四項、第七項又は第八項（定義）に規定する特定目的会社、資産流動化計画、特定社債又は特定短期社債をいう。
- (7) The "Special Purpose Companies," "Asset Securitization Plans," "Specified Bonds" and "Specified Short-Term Bonds" set forth in paragraph (2)(v)-2 respectively mean the Special Purpose Companies, Asset Securitization Plans, Specified Bonds and Specified Short-Term Bonds prescribed in Article 2(3), (4), (7) and (8) (Definitions) of the Act on Securitization of Assets.
- 8 第二項第六号の「有価証券の私募の取扱い」とは、有価証券の私募（金融商品取引法第二条第三項（定義）に規定する有価証券の私募をいう。）の取扱いをいう。
- (8) The "Handling of Private Placement of Securities" set forth in paragraph (2)(vi) means to handle Private Placement of Securities (meaning Private Placement of Securities as prescribed in Article 2(3) (Definitions) of the Financial Instruments and Exchange Act).
- 9 第二項第十号の二の「振替業」とは、社債、株式等の振替に関する法律第二条第四項（定義）の口座管理機関として行う振替業をいう。
- (9) The "Transfer Business" set forth in paragraph (2)(x)-2 means the Transfer Business carried out as an account management institution set forth in Article 2(4) (Definitions) of the Act on Transfer of Bonds, Shares, etc.
- 10 第二項第十二号若しくは第十三号の「デリバティブ取引」又は第二項第十六号若しくは第十七号の「有価証券関連店頭デリバティブ取引」とは、それぞれ金融商品取引法第二条第二十項（定義）に規定するデリバティブ取引又は同法第二十八条第八項第四号（定義）に掲げる行為をいう。
- (10) The "Derivative Transactions" set forth in paragraph (2)(xii) and (xiii) and the "Over-the-Counter Transactions of Securities-Related Derivatives" set forth in paragraph (2)(xvi) and (xvii) respectively mean the Derivative Transactions prescribed in Article 2(xx) (Definitions) of the Financial Instruments and Exchange Act and the acts listed in Article 28(8)(iv) (Definitions) of that Act.

第十一条 銀行は、前条の規定により営む業務のほか、同条第一項各号に掲げる業務の遂行を妨げない限度において、次に掲げる業務を行うことができる。

Article 11 In addition to the business operated under the provisions of the preceding Article, a Bank may operate the following businesses to the extent that it does not obstruct the execution of the businesses listed in each item of Article 10(1):

一 金融商品取引法第三十三条第二項各号（金融機関の有価証券関連業の禁止等）に掲げる有価証券又は取引について、同項各号に定める行為を行う業務（前条第二項の規定により営む業務を除く。）

(i) Business of carrying out any acts listed in each item of Article 33(2) (Prohibition, etc. of Securities-Related Business by Financial Institutions) of the Financial Instruments and Exchange Act for the securities or transactions listed in each item of the that paragraph (excluding the business conducted under the provisions of paragraph (2) of the preceding Article); and

二 信託法（平成十八年法律第百八号）第三条第三号（信託の方法）に掲げる方法によつてする信託に係る事務に関する業務

(ii) Business related to affairs pertaining to a trust conducted by the method listed in Article 3(iii) (Methods of Creating Trust) of the Trust Act (Act No. 108 of 2006).

第十二条 銀行は、前二条の規定により営む業務及び担保付社債信託法（明治三十八年法律第五十二号）その他の法律により営む業務のほか、他の業務を営むことができない。

Article 12 A Bank may not conduct business other than the business conducted under the provisions of the preceding two Articles and the business conducted pursuant to the provisions of the Secured Bonds Trust Act (Act No. 52 of 1905) or other laws.

（預金者等に対する情報の提供等）

(Provision, etc. of Information to Depositors, etc.)

第十二条之二 銀行は、預金又は定期積金等（以下この項において「預金等」という。）の受入れ（第十三条の四に規定する特定預金等の受入れを除く。）に関し、預金者等の保護に資するため、内閣府令で定めるところにより、預金等に係る契約の内容その他預金者等に参考となるべき情報の提供を行わなければならない。

Article 12-2 (1) A Bank shall, in order to contribute to the protection of Depositors, etc. with regard to acceptance of deposits or Installment Savings, etc. (hereinafter referred to as "Deposits, etc." in this paragraph) (excluding acceptance of the Specified Deposits, etc. prescribed in Article 13-4), provide information on the contents of contracts pertaining to the Deposits, etc. and

other information that would be helpful for the Depositors, etc., pursuant to the provisions of a Cabinet Office Ordinance.

2 前項及び第十三条の四並びに他の法律に定めるもののほか、銀行は、内閣府令で定めるところにより、その業務に係る重要な事項の顧客への説明、その業務に関して取得した顧客に関する情報の適正な取扱い、その業務を第三者に委託する場合における当該業務の的確な遂行その他の健全かつ適切な運営を確保するための措置を講じなければならない。

(2) In addition to what is provided for in the preceding paragraph, Article 13-4 and other Acts, a Bank shall, pursuant to the provisions of a Cabinet Office Ordinance, explain important matters pertaining to its business to customers, appropriately handle customer information acquired in relation to its business, take measures to ensure precise execution of that business and other sound and appropriate management in the case of entrusting its business to a third party.

(無限責任社員等となることの禁止)

(Prohibition of Becoming Member with Unlimited Liability, etc.)

第十二条の三 銀行は、持分会社の無限責任社員又は業務を執行する社員となることができない。

Article 12-3 A Bank may not become a member with unlimited liability or member who executes the business of a membership company.

(同一人に対する信用の供与等)

(Granting of Credit, etc. to One Person)

第十三条 銀行の同一人（当該同一人と政令で定める特殊の関係のある者を含む。以下この条において同じ。）に対する信用の供与等（信用の供与、又は出資として政令で定めるものをいう。以下この条において同じ。）の額は、政令で定める区分ごとに、当該銀行の自己資本の額に政令で定める率を乗じて得た額（以下この条において「信用供与等限度額」という。）を超えてはならない。ただし、信用の供与等を受けている者が合併をし、共同新設分割（二以上の株式会社又は合同会社が共同してする新設分割をいう。第十六条の三第四項第四号及び第五十二条の二十二第一項において同じ。）若しくは吸収分割をし、又は事業を譲り受けたことにより銀行の同一人に対する信用の供与等の額が信用供与等限度額を超えることとなる場合その他政令で定めるやむを得ない理由がある場合において、内閣総理大臣の承認を受けたときは、この限りでない。

Article 13 (1) The total amount of granting of credit, etc. (hereinafter in this Article referring to those specified by a Cabinet Order) by a Bank to one person (including other persons who has a special relationship specified by a Cabinet Order with that person; hereinafter the same shall apply in this Article) shall not exceed the amount obtained by multiplying the amount of the Bank's equity capital by the ratio specified by a Cabinet Order for each category

provided therein (the amount thus calculated shall be referred to as the "Limit of Granting of Credit, etc." in this Article); provided, however, that this shall not apply to the cases where the Prime Minister has given the approval in the cases where the total amount of granting of credit, etc. by a Bank to one person exceeds the Limit of Granting of Credit, etc. as a result of a Merger, of Joint Incorporation-Type Split (meaning an Incorporation-Type Split that two or more stock companies or limited liability companies effect jointly; the same shall apply in Articles 16-3(4)(iv) and 52-22(1)) or absorption-type split or of transfer of another person's business by a person who takes granting of credit, etc.

2 銀行が子会社（内閣府令で定める会社を除く。）その他の当該銀行と内閣府令で定める特殊の関係のある者（以下この条において「子会社等」という。）を有する場合には、当該銀行及び当該子会社等又は当該子会社等の同一人に対する信用の供与等の額は、政令で定める区分ごとに、合算して、当該銀行及び当該子会社等の自己資本の純合計額に政令で定める率を乗じて得た額（以下この条において「合算信用供与等限度額」という。）を超えてはならない。この場合においては、前項ただし書の規定を準用する。

(2) Where a Bank has Subsidiary Companies (excluding companies specified by a Cabinet Office Ordinance) and persons who has a special relationship with other that Bank specified by a Cabinet Office Ordinance (hereinafter referred to as the "Subsidiary Companies, etc." in this Article), the total amount of granting of credit, etc. to one person by the Bank and its Subsidiary Companies, etc. or by its Subsidiary Companies, etc. shall not exceed the amount obtained by multiplying the total net amount of the equity capital of the Bank and its Subsidiary Companies, etc. by the ratio specified by a Cabinet Order for each category provided therein (hereinafter referred to as the "Consolidated Limit of Granting of Credit, etc." in this Article). In this case, the proviso to the preceding paragraph shall apply mutatis mutandis.

3 前二項の規定は、国及び地方公共団体に対する信用の供与、政府が元本の返済及び利息の支払について保証している信用の供与その他これらに準ずるものとして政令で定める信用の供与等については、適用しない。

(3) The provisions of the preceding two paragraphs shall not apply to the granting of credit to the State or a local public entity, granting of credit for which redemption of the principal and payment of interest are guaranteed by the government and any other granting of credit, etc. specified by a Cabinet Order as granting of credit equivalent thereto.

4 第二項の場合において、銀行及びその子会社等又はその子会社等の同一人に対する信用の供与等の合計額が合算信用供与等限度額を超えることとなったときは、その超える部分の信用の供与等の額は、当該銀行の信用の供与等の額とみなす。

(4) In the case referred to in paragraph (2), if the total amount of granting of credit, etc. to one person by the Bank and its Subsidiary Companies, etc. or by

its Subsidiary Companies, etc. exceeds the Consolidated Limit of Granting of Credit, etc., the excess amount of the granting of credit, etc. shall be deemed to be granting of credit, etc. by the Bank.

5 前各項に定めるもののほか、信用の供与等の額、第一項に規定する自己資本の額、信用供与等限度額、第二項に規定する自己資本の純合計額及び合算信用供与等限度額の計算方法その他第一項及び第二項の規定の適用に関し必要な事項は、内閣府令で定める。

(5) In addition to what is provided for in the preceding paragraphs, the calculation method for the amount of granting of credit, etc., the amount of the equity capital prescribed in paragraph (1), the Limit of Granting of Credit, etc., the total net amount of the equity capital prescribed in paragraph (2) and the Consolidated Limit of Granting of Credit, etc. and any other necessary matters concerning the application of the provisions of paragraphs (1) and (2) shall be specified by a Cabinet Office Ordinance.

(特定関係者との間の取引等)

(Transactions, etc. with Specified Related Person)

第十三条の二 銀行は、その特定関係者（当該銀行の子会社、当該銀行の銀行主要株主、当該銀行を子会社とする銀行持株会社、当該銀行持株会社の子会社（当該銀行を除く。））、当該銀行を所属銀行とする銀行代理業者その他の当該銀行と政令で定める特殊の関係のある者をいう。以下この条及び次条において同じ。）又はその特定関係者の顧客との間で、次に掲げる取引又は行為をしてはならない。ただし、当該取引又は行為をすることにつき内閣府令で定めるやむを得ない理由がある場合において、内閣総理大臣の承認を受けたときは、この限りでない。

Article 13-2 A Bank shall not carry out the following transactions or acts with a specified related person (meaning a Subsidiary Company of that Bank, a Major Shareholder of Bank for that Bank, a Bank Holding Company which has that Bank as its Subsidiary Company, a Subsidiary Company of that Bank Holding Company (excluding that Bank), a Bank Agent for which that Bank serves as an Principal Bank, or any other person having a special relationship specified by a Cabinet Order with that Bank; hereinafter the same shall apply in this Article and the following Article) or a customer of such specified related person; provided, however, that this shall not apply to the cases where the approval of the Prime Minister has been obtained, in the case where there is a compelling reason specified by a Cabinet Office Ordinance for carrying out that transaction or act:

一 当該特定関係者との間で行う取引で、その条件が当該銀行の取引の通常の場合に照らして当該銀行に不利益を与えるものとして内閣府令で定める取引

(i) Transactions carried out with that specified related person for which the terms and conditions are specified by a Cabinet Office Ordinance as those that give disadvantages to that Bank in light of the ordinary terms and



conditions of transactions of that Bank; and

二 当該特定関係者との間又は当該特定関係者の顧客との間で行う取引又は行為のうち前号に掲げるものに準ずる取引又は行為で、当該銀行の業務の健全かつ適切な遂行に支障を及ぼすおそれのあるものとして内閣府令で定める取引又は行為

(ii) Transactions or acts carried out with that specified related person concerned or with a customer of that specified related person concerned that are equivalent to those listed in the preceding item and that are specified by a Cabinet Office Ordinance as transactions or acts that have a risk of impairing the sound and appropriate execution of the business of that Bank.

(銀行の業務に係る禁止行為)

(Prohibited Acts Pertaining to Business of Banks)

第十三条の三 銀行は、その業務に関し、次に掲げる行為（次条に規定する特定預金等契約の締結の業務に関しては、第四号に掲げる行為を除く。）をしてはならない。

Article 13-3 A Bank shall not carry out the following acts (excluding the acts listed in item (iv) with regard to the business of concluding Contracts for Specified Deposits, etc. prescribed in the following Article) in relation to its business:

一 顧客に対し、虚偽のことを告げる行為

(i) Acts of providing false information to customers;

二 顧客に対し、不確実な事項について断定的判断を提供し、又は確実であると誤認させるおそれのあることを告げる行為

(ii) Acts of providing a customer with any conclusive judgment with respect to an uncertain matter or giving information that is likely to have the customer mistakenly believe an uncertain matter for being certain;

三 顧客に対し、当該銀行又は当該銀行の特定関係者その他当該銀行と内閣府令で定める密接な関係を有する者の営む業務に係る取引を行うことを条件として、信用を供与し、又は信用の供与を約する行為（顧客の保護に欠けるおそれがないものとして内閣府令で定めるものを除く。）

(iii) Acts of granting of credit or promising granting of credit to customers on the condition that the customers carry out transactions relating to the business operated by that Bank, a specified related person of that Bank or any other person having a close relationship specified by a Cabinet Office Ordinance with that Bank (excluding acts specified by a Cabinet Office Ordinance as those that have no risk of lacking customer protection); and

四 前三号に掲げるもののほか、顧客の保護に欠けるおそれがあるものとして内閣府令で定める行為

(iv) In addition to what is listed in the preceding three items, acts that are specified by a Cabinet Office Ordinance as those that have a risk of lacking customer protection.

(金融商品取引法の準用)

(Application Mutatis Mutandis of Financial Instruments and Exchange Act)

第十三条の四 金融商品取引法第三章第一節第五款（第三十四条の二第六項から第八項まで（特定投資家が特定投資家以外の顧客とみなされる場合）並びに第三十四条の三第五項及び第六項（特定投資家以外の顧客である法人が特定投資家とみなされる場合）を除く。）（特定投資家）、同章第二節第一款（第三十五条から第三十六条の四まで（第一種金融商品取引業又は投資運用業を行う者の業務の範囲、第二種金融商品取引業又は投資助言・代理業のみを行う者の兼業の範囲、顧客に対する誠実義務、標識の掲示、名義貸しの禁止及び社債の管理の禁止等）、第三十七条第一項第二号（広告等の規制）、第三十七条の二（取引態様の事前明示義務）、第三十七条の三第一項第二号及び第六号並びに第三項（契約締結前の書面の交付）、第三十七条の五（保証金の受領に係る書面の交付）、第三十八条第一号及び第二号並びに第三十八条の二（禁止行為）、第三十九条第三項ただし書及び第五項（損失補てん等の禁止）、第四十条の二（最良執行方針等）並びに第四十条の三（分別管理が確保されていない場合の売買等の禁止）を除く。）（通則）及び第四十五条（第三号及び第四号を除く。）

（雑則）の規定は、銀行が行う特定預金等契約（特定預金等（金利、通貨の価格、同法第二条第十四項に規定する金融商品市場における相場その他の指標に係る変動によりその元本について損失が生ずるおそれがある預金又は定期積金等として内閣府令で定めるものをいう。）の受入れを内容とする契約をいう。以下同じ。）の締結について準用する。この場合において、これらの規定中「金融商品取引契約」とあるのは

「特定預金等契約」と、「金融商品取引業」とあるのは「特定預金等契約の締結の業務」と、これらの規定（同法第三十四条の規定を除く。）中「金融商品取引行為」とあるのは「特定預金等契約の締結」と、同法第三十四条中「顧客を相手方とし、又は顧客のために金融商品取引行為（第二条第八項各号に掲げる行為をいう。以下同じ。）を行うことを内容とする契約」とあるのは「銀行法第十三条の四に規定する特定預金等契約」と、同法第三十七条の三第一項中「交付しなければならない」とあるのは「交付するほか、預金者等（銀行法第二条第五項に規定する預金者等をいう。以下この項において同じ。）の保護に資するため、内閣府令で定めるところにより、当該特定預金等契約の内容その他預金者等に参考となるべき情報の提供を行わなければならない」と、同法第三十九条第一項第一号中「有価証券の売買その他の取引（買戻価格があらかじめ定められている買戻条件付売買その他の政令で定める取引を除く。）又はデリバティブ取引（以下この条において「有価証券売買取引等」という。））」とあるのは「特定預金等契約の締結」と、「有価証券又はデリバティブ取引（以下この条において「有価証券等」という。））」とあるのは「特定預金等契約」と、「顧客（信託会社等（信託会社又は金融機関の信託業務の兼営等に関する法律第一条第一項の認可を受けた金融機関をいう。以下同じ。））が、信託契約に基づいて信託をする者の計算において、有価証券の売買又はデリバティブ取引を行う場合にあつては、当該信託をする者を含む。以下この条において同じ。）」とあるのは「顧客」と、「補足するため」とあるのは「補足するため、当該特定預金等契約によらないで」と、同項第二号及び第三号中「有価証券売買取引等」とあるのは「特定預金等契約の締結」と、「有価証券等」とあるのは「特定預金等契約」と、同項第二号中「追加する

ため」とあるのは「追加するため、当該特定預金等契約によらないで」と、同項第三号中「追加するため、」とあるのは「追加するため、当該特定預金等契約によらないで」と、同条第二項中「有価証券売買取引等」とあるのは「特定預金等契約の締結」と、同条第三項中「原因となるものとして内閣府令で定めるもの」とあるのは「原因となるもの」と、同法第四十五条第二号中「第三十七条の二から第三十七条の六まで、第四十条の二第四項及び第四十三条の四」とあるのは「第三十七条の三（第一項の書面の交付に係る部分に限り、同項第二号及び第六号並びに第三項を除く。）、第三十七条の四及び第三十七条の六」と読み替えるものとするほか、必要な技術的読替えは、政令で定める。

Article 13-4 The provisions of Subsection 5 of Section 1 of Chapter III of the Financial Instruments and Exchange Act (excluding Article 34-2(6) to (8) inclusive (Cases Where a Professional Investor Will be Deemed to be a Customer Other than Professional Investor) and Article 34-3(5) and (6) inclusive (Cases Where a Juridical Person who Is a Customer Other Than Professional Investor Will Be Deemed to Be a Professional Investor)) (Professional Investors), Subsection 1 of Section 2 of that Chapter (excluding Articles 35 to 36-4 inclusive (' Scope of Businesses of Persons Who Engage in Type I Financial Instruments Business or Investment Management Business, Scope of Subsidiary Businesses of Persons Who Only Engage in Type II Financial Instruments Business or Investment Advisory and Agency Business, Duty of Good Faith to Customers, Posting of Signs, Prohibition of Name Lending, and Prohibition of Administration of Bonds), Article 37(1)(ii) (Regulation of Advertising, etc.), Article 37-2 (Obligation to Clarify Conditions of Transactions in Advance), Article 37-3(1)(ii) and (vi) and Article 37-3(3) (Delivery of Document Prior to Conclusion of Contract), Article 37-5 (Delivery of Document Pertaining to Receipt of Security Deposit), Article 38(i) and (ii) and Article 38-2 (Prohibited Acts), the proviso to Article 39(3) and Article 39(5) (Prohibition of Compensation of Loss, etc.), Article 40-2 (Best Execution Policy) and Article 40-3 (Prohibition of Sales and Purchase, etc. Where Separate Management Is not Ensured)) (General Rules) and Article 45 (excluding items (iii) and (iv)) (Miscellaneous Provisions) shall apply mutatis mutandis to conclusion of Contracts for Specified Deposits, etc. (meaning contracts on acceptance of Specified Deposits, etc. (meaning those that are specified by a Cabinet Office Ordinance as deposits or Installment Savings, etc. with the risk of a principal loss caused by fluctuations pertaining to the interest rate, currency value, quotations on a financial instruments market prescribed in Article 2(14) of that Act, or any other index); the same shall apply hereinafter) by a Bank. In this case, the term "Contract for Financial Instruments Transaction" in these provisions shall be deemed to be replaced with "Contract for a Specified Deposit, etc.,"; the term "Financial Instruments Business" shall be deemed to be replaced with "Business of Concluding Contracts for Specified

Deposits, etc.,"; the term "Act of Financial Instruments Transaction" in these provisions (excluding the provisions in Article 34 of that Act) shall be deemed to be replaced with "Conclusion of Contracts for Specified Deposits, etc.,"; the phrase "contract to conduct Acts of Financial Instruments Transaction (meaning acts listed in each item of Article 2(8); the same shall apply hereinafter) with a customer as the other party or on behalf of a customer" in Article 34 of that Act shall be deemed to be replaced with "Contracts for Specified Deposits, etc. as Prescribed in Article 13-4 of the Banking Act,"; the phrase "; provided" in Article 37-3(1) of that Act shall be deemed to be replaced with "and shall, in order to contribute to the protection of Depositors, etc. (meaning Depositors, etc. prescribed in Article 2(5) of the Banking Act; hereinafter the same shall apply in this paragraph), provide the customer in advance with information on the contents of the Contract for a Specified Deposit, etc. and other information that would be helpful for the Depositors, etc., pursuant to the provisions of a Cabinet Office Ordinance; provided,"; the phrase "sales and purchase and any other transaction of Securities (excluding sales and purchase on condition of repurchase for which the repurchase price is set in advance and other transactions specified by a Cabinet Order) or of Derivative Transactions (hereinafter referred to as "Sales and Purchase or Other Transaction of Securities, etc." in this Article)" in Article 39(1)(i) of that Act shall be deemed to be replaced with "conclusion of Contracts for Specified Deposits, etc.,"; the phrase "Securities or Derivative Transactions (hereinafter referred to as "Securities, etc." in this Article)" in that item shall be deemed to be replaced with "Contracts for Specified Deposits, etc.,"; the phrase "customer (in the case where a Trust Company, etc. (meaning a trust company or financial institution that has obtained authorization under Article 1(1) of the Act on Provision, etc. of Trust Business by Financial Institutions; the same shall apply hereinafter) conducts sales and purchase of Securities or Derivative Transactions for the account of the person who sets a trust under a trust contract, including that person who sets the trust; hereinafter the same shall apply in this Article)" in that item shall be deemed to be replaced with "Customers,"; the phrase "make up for" in that item shall be deemed to be replaced with "make up, outside that Contract for a Specified Deposit, etc., for,"; the term "Sales and Purchase or Other Transaction of Securities, etc." in items (ii) and (iii) of that paragraph shall be deemed to be replaced with "Conclusion of Contracts for Specified Deposits, etc.,"; the term "Securities, etc." in those items shall be deemed to be replaced with "Contracts for Specified Deposits, etc.,"; the phrase "make an addition to" in item (ii) of that paragraph shall be deemed to be replaced with "make an addition, outside that Contract for a Specified Deposit, etc., to,"; the term "make an addition to" in item (iii) of that paragraph shall be deemed to be replaced with "make an

addition, outside that Contract for a Specified Deposit, etc., to,"; the term "Sales and Purchase or Other Transaction of Securities, etc." in paragraph (2) of that Article shall be deemed to be replaced with "Conclusion of Contracts for Specified Deposits, etc.,"; the phrase "that is specified by a Cabinet Office Ordinance as a potential cause of" in paragraph (3) of that Article shall be deemed to be replaced with "that is a potential cause of,"; the phrase "Articles 37-2 to 37-6 inclusive, Article 40-2(4), and Article 43-4" in Article 45(ii) of that Act shall be deemed to be replaced with "Article 37-3 (limited to the part pertaining to delivery of a document set forth in paragraph (1) and excluding items (ii) and (vi) of that paragraph and paragraph (3)), Article 37-4 and Article 37-6,"; and any other necessary technical replacement of terms shall be specified by a Cabinet Order.

(取締役等に対する信用の供与)

(Granting of Credit to Directors, etc.)

第十四条 銀行の取締役又は執行役が当該銀行から受ける信用の供与については、その条件が、当該銀行の信用の供与の通常条件に照らして、当該銀行に不利益を与えるものであつてはならない。

Article 14 (1) With regard to granting of credit by a Bank to a director or executive officer of that Bank, the terms and conditions thereof shall not be those they give disadvantages to that Bank compared to the ordinary terms and conditions of granting of credit of that Bank.

2 銀行の取締役又は執行役が当該銀行から信用の供与を受ける場合における会社法第三百六十五条第一項（競業及び取締役会設置会社との取引等の制限）の規定により読み替えて適用する同法第三百五十六条第一項（競業及び利益相反取引の制限）の規定及び同法第四百十九条第二項（執行役の監査委員に対する報告義務等）において準用する同法第三百五十六条第一項の規定による取締役会の承認に対する同法第三百六十九条第一項（取締役会の決議）の規定の適用については、同項中「その過半数（これを上回る割合を定款で定めた場合にあつては、その割合以上）」とあるのは、「その三分の二（これを上回る割合を定款で定めた場合にあつては、その割合）以上に当たる多数」とする。

(2) With regard to the application of the provisions of Article 369(1) (Resolution of Board of Directors Meetings) of the Companies Act to approval by the board of directors under the provisions of Article 356(1) (Restrictions on Competition and Conflicting Interest Transactions) of that Act applied by the reading of terms pursuant to Article 365(1) (Restrictions on Competition and Transactions with Companies with Board of Directors) of that Act and under the provisions of Article 356(1) of that Act as applied mutates mutandis pursuant to Article 419(2) (Executive Officer's Duty to Report to Audit Committee Members) of that Act in the case of granting of credit by a Bank to a director or executive officer of that Bank, the phrase "The Majority (in cases

where a higher proportion is provided for in the articles of incorporation, such proportion or more)" in that paragraph shall be deemed to be replaced with "The Majority of at Least Two-Thirds (in cases where a higher proportion is provided for in the articles of incorporation, such proportion)."

(経営の健全性の確保)

(Securing of Soundness in Management)

第十四条の二 内閣総理大臣は、銀行の業務の健全な運営に資するため、銀行がその経営の健全性を判断するための基準として次に掲げる基準その他の基準を定めることができる。

Article 14-2 The Prime Minister may set the following criteria and any other criteria as the criteria to be used by Banks to determine the soundness in their management in order to contribute to the sound management of the business of Banks:

一 銀行の保有する資産等に照らし当該銀行の自己資本の充実の状況が適当であるかどうかの基準

(i) Criteria on whether or not the adequacy of equity capital of a Bank is appropriate in light of the circumstances such as the assets owned by that Bank; and

二 銀行及びその子会社その他の当該銀行と内閣府令で定める特殊の関係のある会社（以下この号、第三章及び第四章において「子会社等」という。）の保有する資産等に照らし当該銀行及びその子会社等の自己資本の充実の状況が適当であるかどうかの基準

(ii) Criteria on whether or not the adequacy of equity capital of that Bank and its Subsidiary Companies, etc. is appropriate in light of the circumstances such as the assets owned by the Bank, its Subsidiary Company and other that Bank and company that has a special relationship specified by a Cabinet Office Ordinance (hereinafter referred to as "Subsidiaries, etc." in this item, Chapter III and Chapter IV).

(休日及び営業時間)

(Holidays and Business Hours)

第十五条 銀行の休日は、日曜日その他政令で定める日に限る。

Article 15 (1) Holidays of a Bank shall be limited to Sundays and any other days specified by a Cabinet Order.

2 銀行の営業時間は、金融取引の状況等を勘案して内閣府令で定める。

(2) Business hours of a Bank shall be specified by a Cabinet Office Ordinance by taking into consideration the circumstances such as the status of financial transactions.

(臨時休業等)

(Temporary Suspension of Business, etc.)

第十六条 銀行は、内閣府令で定める場合を除き、天災その他のやむを得ない理由によりその営業所において臨時にその業務の全部又は一部を休止するときは、直ちにその旨を、理由を付して内閣総理大臣に届け出るとともに、公告し、かつ、内閣府令で定めるところにより、当該営業所の店頭に掲示しなければならない。銀行が臨時にその業務の全部又は一部を休止した営業所においてその業務の全部又は一部を再開するときも、同様とする。

Article 16 (1) Except in cases specified by a Cabinet Office Ordinance, a Bank shall, when it temporarily suspends whole or part of its business at its business office due to natural disasters or any other compelling reason, immediately notify the Prime Minister to that effect with the reasons thereof, as well as give public notice and, pursuant to the provisions of a Cabinet Office Ordinance, post to that effect at that business office. The same shall apply to the case where a Bank resumes whole or part of its business at the business office where it has temporarily suspended whole or part of its business.

2 前項の規定にかかわらず、銀行の無人の営業所において臨時にその業務の全部又は一部を休止する場合その他の内閣府令で定める場合については、同項の規定による公告は、することを要しない。

(2) Notwithstanding the provisions of the preceding paragraph, the public notice prescribed in that paragraph shall not be required in the case where a Bank temporarily suspends whole or part of its business at an unmanned business office and in any other case specified by a Cabinet Office Ordinance.

## 第二章の二 子会社等

### Chapter II-II Subsidiary Company, etc.

(銀行の子会社の範囲等)

(Scope of Bank's Subsidiary Companies, etc.)

第十六条の二 銀行は、次に掲げる会社（以下この条において「子会社対象会社」という。）以外の会社を子会社としてはならない。

Article 16-2 (1) A Bank shall not have any Subsidiary Company other than companies which fall under any of the categories specified in the following items (hereinafter such companies shall be referred to as a "Companies Eligible for Subsidiary Companies" in this Article):

一 銀行

(i) Banks;

二 長期信用銀行

(ii) Long-Term Credit Banks;

三 金融商品取引業者（金融商品取引法第二条第九項（定義）に規定する金融商品取引業者をいう。第五十二条の四第一項において同じ。）のうち、有価証券関連業（同法第二十八条第八項（定義）に規定する有価証券関連業をいう。以下同じ。）

のほか、同法第三十五条第一項第一号から第八号まで（第一種金融商品取引業又は投資運用業を行う者の業務の範囲）に掲げる行為を行う業務その他の内閣府令で定める業務を専ら営むもの（以下「証券専門会社」という。）

(iii) Financial Instruments Business Operators (meaning Financial Instruments Business Operators as defined in Article 2(9) (Definitions) of the Financial Instruments and Exchange Act; the same shall apply in Article 52-4(1) of this Act) which, apart from Securities-Related Business (meaning Securities-Related Business as defined in Article 28(8) (Definitions) of that Act; the same shall apply hereinafter), exclusively engage in business of carrying out the acts listed in any of item (i) to (viii) inclusive of Article 35(1) (Scope of Businesses of Persons Who Engage in Type I Financial Instruments Business or Investment Management Business) of that Act and other businesses specified by a Cabinet Office Ordinance (hereinafter referred to as a "Companies Specialized in Securities Business");

四 金融商品取引法第二条第十二項（定義）に規定する金融商品仲介業者のうち、金融商品仲介業（同条第十一項（定義）に規定する金融商品仲介業をいい、次に掲げる行為のいずれかを営む業務に係るものに限る。以下この号において同じ。）のほか、金融商品仲介業に付随する業務その他の内閣府令で定める業務を専ら営むもの（以下「証券仲介専門会社」という。）

(iv) Financial Instruments Intermediary Service Providers prescribed in Article 2(12) (Definitions) of the Financial Instruments and Exchange Act which, apart from Financial Instruments Intermediary Service (meaning Financial Instruments Intermediary Service prescribed in Article 2(11) (Definitions) of that Act and limited to service of carrying out any of the acts listed in the following; hereinafter the same shall apply in this item), exclusively engage in activities incidental to Financial Instruments Intermediary Service and other services specified by a Cabinet Office Ordinance (hereinafter referred to as "Company Specialized in Securities Intermediary Service");

イ 金融商品取引法第二条第十一項第一号（定義）に掲げる行為

(a) Acts listed in Article 2(11)(i) (Definitions) of the Financial Instruments and Exchange Act;

ロ 金融商品取引法第二条第十七項（定義）に規定する取引所金融商品市場又は同条第八項第三号ロ（定義）に規定する外国金融商品市場における有価証券の売買の委託の媒介（ハに掲げる行為に該当するものを除く。）

(b) Intermediary for the entrustment of sales and purchase of securities on Financial Instruments Exchange Markets prescribed in Article 2(17) (Definitions) of the Financial Instruments and Exchange Act or Foreign Financial Instruments Markets prescribed in Article 2(8)(iii)(b) (Definitions) of that Act (excluding acts listed in (c));

ハ 金融商品取引法第二十八条第八項第三号又は第五号（定義）に掲げる行為の委託の媒介



- (c) Intermediary for the entrustment of acts listed in item (iii) or (v) of Article 28(8) (Definitions) of the Financial Instruments and Exchange Act; and
- ニ 金融商品取引法第二条第十一項第三号（定義）に掲げる行為
- (d) Acts listed in Article 2(11)(iii) of the Financial Instruments and Exchange Act.
- 五 保険業法第二条第二項（定義）に規定する保険会社（以下「保険会社」という。）
- (v) Insurance companies prescribed in Article 2(2) (Definitions) of the Insurance Business Act (hereinafter referred to as "Insurance Companies");
- 五の二 保険業法第二条第十八項（定義）に規定する少額短期保険業者（以下「少額短期保険業者」という。）
- (v)-2 Small Amounts and Short Term Insurance Providers prescribed in Article 2(18) (Definitions) of the Insurance Business Act (hereinafter referred to as "Small Amounts and Short Term Insurance Providers");
- 六 信託業法（平成十六年法律第百五十四号）第二条第二項（定義）に規定する信託会社のうち、信託業務（金融機関の信託業務の兼営等に関する法律（昭和十八年法律第四十三号。以下「兼営法」という。）第一条第一項（兼営の認可）に規定する信託業務をいう。以下同じ。）を専ら営む会社（以下「信託専門会社」という。）
- (vi) Trust companies prescribed in Article 2(2) (Definitions) of the Trust Business Act (Act No. 154 of 2004) which exclusively engage in Trust Business, etc. (means Trust Business, etc. as prescribed in Article 1(1) (Authorization of Trust Business, etc.) of Act on Provision, etc. of Trust Business by Financial Institutions (Act No. 43 of 1943; hereinafter referred to as "Act on Trust Business by Financial Institutions"); the same shall apply hereinafter) (hereinafter referred to as "Companies Specialized in Trust Business")
- 七 銀行業を営む外国の会社
- (vii) Foreign companies which engage in Banking Business;
- 八 有価証券関連業を営む外国の会社（前号に掲げる会社に該当するものを除く。）
- (viii) Foreign companies which engage in Securities-Related Business (excluding those that fall under the category of companies specified in the preceding item);
- 九 保険業（保険業法第二条第一項（定義）に規定する保険業をいう。以下同じ。）を営む外国の会社（第七号に掲げる会社に該当するものを除く。）
- (ix) Foreign companies which engage in Insurance Business (means Insurance Business prescribed in Article 2(1) (Definitions) of the Insurance Business Act; the same shall apply hereinafter) (excluding those that fall under the category of companies specified in item (vii));
- 十 信託業（信託業法第二条第一項（定義）に規定する信託業をいう。以下同じ。）を営む外国の会社（第七号に掲げる会社に該当するものを除く。）

(x) Foreign companies which engage in Trust Business (means Trust Business prescribed in Article 2(1) (Definitions) of the Trust Business Act; the same shall apply hereinafter) (excluding those that fall under the category of companies specified in item (vii));

十一 従属業務又は金融関連業務を専ら営む会社（従属業務を営む会社にあつては主として当該銀行、その子会社（第一号、第二号及び第七号に掲げる会社に限る。第七項において同じ。）その他これらに類する者として内閣府令で定めるものの営む業務のためにその業務を営んでいるものに限るものとし、金融関連業務を営む会社であつて次に掲げる業務の区分に該当する場合には、当該区分に定めるものに、それぞれ限るものとする。）

(xi) Companies which exclusively engage in Dependent Business or Finance-Related Business (limited, in case of those which engage in Dependent Business, to companies that engage in the Dependent Business mainly for business operated by the Bank, its Subsidiary Companies (limited to those that fall under any of the categories in item (i), (ii) and (vii); the same shall apply in paragraph (7)) or other entities specified by a Cabinet Office Ordinance as being similar to the Bank and its Subsidiary Companies, and in case of those which engage in Finance-Related Business and fall under any of the following business categories, to the cases specified in for the respective categories);

イ 証券専門関連業務、保険専門関連業務及び信託専門関連業務のいずれも営むものの当該会社の議決権について、当該銀行の証券子会社等が合算して、当該銀行又はその子会社（証券子会社等、保険子会社等及び信託子会社等を除く。）が合算して保有する当該会社の議決権の数を超えて保有し、かつ、当該銀行の保険子会社等が合算して、当該銀行又はその子会社（証券子会社等、保険子会社等及び信託子会社等を除く。）が合算して保有する当該会社の議決権の数を超えて保有し、かつ、当該銀行の信託子会社等が合算して、当該銀行又はその子会社（証券子会社等、保険子会社等及び信託子会社等を除く。）が合算して保有する当該会社の議決権の数を超えて保有しているもの

(a) Companies which conduct all of Specialized Securities-Related Business, Specialized Insurance-Related Business and Specialized Trust-Related Business: limited to the case where, with regard to voting rights of the company, the total voting rights held by the Bank's Securities Subsidiary Companies, etc. exceeds the total voting rights held by the Bank and its Subsidiary Companies (excluding the Securities Subsidiary Companies, etc., Insurance Subsidiary Companies, etc. and Trust Subsidiary Companies, etc.), the total voting rights held by the Bank's Insurance Subsidiary Companies, etc. exceeds the total voting rights held by the Bank and its Subsidiary Companies (excluding the Securities Subsidiary Companies, etc., Insurance Subsidiary Companies, etc. and Trust Subsidiary Companies, etc.), and the total voting rights held by the Bank's

Trust Subsidiary Companies, etc. exceeds the total voting rights held by the Bank and its Subsidiary Companies (excluding the Securities Subsidiary Companies, etc., Insurance Subsidiary Companies, etc. and Trust Subsidiary Companies, etc.);

- ロ 証券専門関連業務及び保険専門関連業務のいずれも営むもの（イに掲げるものを除く。） 当該会社の議決権について、当該銀行の証券子会社等が合算して、当該銀行又はその子会社（証券子会社等及び保険子会社等を除く。）が合算して保有する当該会社の議決権の数を超えて保有し、かつ、当該銀行の保険子会社等が合算して、当該銀行又はその子会社（証券子会社等及び保険子会社等を除く。）が合算して保有する当該会社の議決権の数を超えて保有しているもの

(b) Companies which conduct both of Specialized Securities-Related Business and Specialized Insurance-Related Business (excluding those falling under the category listed in (a)): limited to the case where, with regard to voting rights of the company, the total voting rights held by the Bank's Securities Subsidiary Companies, etc. exceeds the total voting rights held by the Bank and its Subsidiary Companies (excluding the Securities Subsidiary Companies, etc. and Insurance Subsidiary Companies, etc.), and the total voting rights held by the Bank's Insurance Subsidiary Companies, etc. exceeds the total voting rights held by the Bank and its Subsidiary Companies (excluding the Securities Subsidiary Companies, etc. and Insurance Subsidiary Companies, etc.);

- ハ 証券専門関連業務及び信託専門関連業務のいずれも営むもの（イに掲げるものを除く。） 当該会社の議決権について、当該銀行の証券子会社等が合算して、当該銀行又はその子会社（証券子会社等及び信託子会社等を除く。）が合算して保有する当該会社の議決権の数を超えて保有し、かつ、当該銀行の信託子会社等が合算して、当該銀行又はその子会社（証券子会社等及び信託子会社等を除く。）が合算して保有する当該会社の議決権の数を超えて保有しているもの

(c) Companies which operate both of Specialized Securities-Related Business and Specialized Trust-Related Business (excluding those falling under the category listed in (a)): limited to the case where, with regard to voting rights of the company, the total voting rights held by the Bank's Securities Subsidiary Companies, etc. exceeds the total voting rights held by the Bank and its Subsidiary Companies (excluding the Securities Subsidiary Companies, etc. and Trust Subsidiary Companies, etc.), and the total voting rights held by the Bank's Trust Subsidiary Companies, etc. exceeds the total voting rights held by the Bank and its Subsidiary Companies (excluding the Securities Subsidiary Companies, etc. and Trust Subsidiary Companies, etc.);

- ニ 保険専門関連業務及び信託専門関連業務のいずれも営むもの（イに掲げるものを除く。） 当該会社の議決権について、当該銀行の保険子会社等が合算して、当該銀行又はその子会社（保険子会社等及び信託子会社等を除く。）が合算して

保有する当該会社の議決権の数を超えて保有し、かつ、当該銀行の信託子会社等が合算して、当該銀行又はその子会社（保険子会社等及び信託子会社等を除く。）が合算して保有する当該会社の議決権の数を超えて保有しているもの

(d) Companies which conduct both of Specialized Insurance-Related Business and Specialized Trust-Related Business (excluding those falling under the category listed in (a)): limited to the case where, with regard to voting rights of the company, the total voting rights held by the Bank's Insurance Subsidiary Companies, etc. exceeds the total voting rights held by the Bank and its Subsidiary Companies (excluding the Insurance Subsidiary Companies, etc. and Trust Subsidiary Companies, etc.), and the total voting rights held by the Bank's Trust Subsidiary Companies, etc. exceeds the total voting rights held by the Bank and its Subsidiary Companies (excluding the Insurance Subsidiary Companies, etc. and Trust Subsidiary Companies, etc.);

ホ 証券専門関連業務を営むもの（イ、ロ及びハに掲げるものを除く。） 当該会社の議決権について、当該銀行の証券子会社等が合算して、当該銀行又はその子会社（証券子会社等を除く。）が合算して保有する当該会社の議決権の数を超えて保有しているもの

(e) Companies which conduct Specialized Securities-Related Business (excluding those falling under the category listed in (a), (b) and (c)): limited to the case where, with regard to voting rights of the company, the total voting rights held by the Bank's Securities Subsidiary Companies, etc. exceeds the total voting rights held by the Bank and its Subsidiary Companies (excluding the Securities Subsidiary Companies, etc.);

ヘ 保険専門関連業務を営むもの（イ、ロ及びニに掲げるものを除く。） 当該会社の議決権について、当該銀行の保険子会社等が合算して、当該銀行又はその子会社（保険子会社等を除く。）が合算して保有する当該会社の議決権の数を超えて保有しているもの

(f) Company which conduct Specialized Insurance-Related Business (excluding those falling under the category listed in (a), (b) and (d)): limited to the case where, with regard to voting rights of the company, the total voting rights held by the Bank's Insurance Subsidiary Companies, etc. exceeds the total voting rights held by the Bank and its Subsidiary Companies (excluding the Insurance Subsidiary Companies, etc.); and

ト 信託専門関連業務を営むもの（イ、ハ及びニに掲げるものを除く。） 当該会社の議決権について、当該銀行の信託子会社等が合算して、当該銀行又はその子会社（信託子会社等を除く。）が合算して保有する当該会社の議決権の数を超えて保有しているもの

(g) Companies which conduct Specialized Trust-Related Business (excluding those falling under the category listed in (a), (c) and (d)): limited to the case where, with regard to voting rights of the company, the total voting

rights held by the Bank's Trust Subsidiary Companies, etc. exceeds the total voting rights held by the Bank and its Subsidiary Companies (excluding the Trust Subsidiary Companies, etc.)

十二 新たな事業分野を開拓する会社として内閣府令で定める会社（当該会社の議決権を、当該銀行又はその子会社のうち前号に掲げる会社で内閣府令で定めるもの（次条第七項において「特定子会社」という。）以外の子会社が、合算して、同条第一項に規定する基準議決権数を超えて保有していないものに限る。）

(xii) Companies specified by a Cabinet Office Ordinance as those exploring new business fields (limited to the case where, with regard to voting rights of the company, the total voting rights held by the Bank and its Subsidiary Companies other than those falling under the categories listed in the preceding item and specified by a Cabinet Office Ordinance (such excluded companies shall be referred to as "Specified Subsidiary Companies" in paragraph (7) of the following Article) does not exceed the Voting Right Holding Threshold prescribed in Article 16-3(1)); and

十三 前各号に掲げる会社のみを子会社とする持株会社で内閣府令で定めるもの（当該持株会社になることを予定している会社を含む。）

(xiii) Among Holding Companies whose Subsidiary Companies consist exclusively of companies falling under any of the categories specified in the preceding items, those specified by a Cabinet Office Ordinance (including those which are scheduled to become such a Holding Company).

2 前項において、次の各号に掲げる用語の意義は、当該各号に定めるところによる。

(2) In the preceding paragraph, the meanings of the terms listed in the following items shall be as prescribed respectively in those items:

一 従属業務 銀行又は前項第二号から第十号までに掲げる会社の営む業務に従属する業務として内閣府令で定めるもの

(i) Dependent Business: Business specified by a Cabinet Office Ordinance as those being dependent on business of a Bank or a company falling under any of the categories specified in item (ii) to item (x) inclusive of the preceding paragraph;

二 金融関連業務 銀行業、有価証券関連業、保険業又は信託業に付随し、又は関連する業務として内閣府令で定めるもの

(ii) Finance-Related Business: Business specified by a Cabinet Office Ordinance as those being incidental or related to Banking Business, Securities-Related Business, Insurance Business or Trust Business;

三 証券専門関連業務 専ら有価証券関連業に付随し、又は関連する業務として内閣府令で定めるもの

(iii) Specialized Securities-Related Business: Business specified by a Cabinet Office Ordinance as those being incidental or related exclusively to Securities-Related Business;

四 保険専門関連業務 専ら保険業に付随し、又は関連する業務として内閣府令で定

めるもの

(iv) **Specialized Insurance-Related Business:** Business specified by a Cabinet Office Ordinance as those being incidental or related exclusively to Insurance Business;

五 信託専門関連業務 専ら信託業に付随し、又は関連する業務として内閣府令で定めるもの

(v) **Specialized Trust-Related Business:** Business specified by a Cabinet Office Ordinance as those being incidental or related exclusively to Trust Business;

六 証券子会社等 銀行の子会社である次に掲げる会社

(vi) **A Securities Subsidiary Company, etc.:** A Bank's Subsidiary Company which falls under any of the following categories:

イ 証券専門会社、証券仲介専門会社又は有価証券関連業を営む外国の会社

(a) A Company Specialized in Securities Business, Company Specialized in Securities Intermediary Services or foreign company which engages in Securities-Related Business;

ロ イに掲げる会社を子会社とする前項第十三号に掲げる持株会社

(b) A Holding Company which falls under the category listed in item (xiii) of the preceding paragraph and which has a Subsidiary Company that falls under the category listed in (a) above; and

ハ その他の会社であつて、当該銀行の子会社である証券専門会社又は証券仲介専門会社の子会社のうち内閣府令で定めるもの

(c) Any other company which is a Subsidiary Company of a Company Specialized in Securities Business or Specialized in Securities Intermediary Services that is a Subsidiary Company of that Bank, and is specified by a Cabinet Office Ordinance.

七 保険子会社等 銀行の子会社である次に掲げる会社

(vii) **An Insurance Subsidiary Company, etc.:** A Bank's Subsidiary Company which falls under any of the following categories:

イ 保険会社、少額短期保険業者又は保険業を営む外国の会社

(a) An Insurance Company, Small Amounts and Short Term Insurance Provider or foreign company which engages in Insurance Business;

ロ イに掲げる会社を子会社とする前項第十三号に掲げる持株会社

(b) A Holding Company which falls under the category listed in item (xiii) of the preceding paragraph and which has a Subsidiary Company that falls under the category listed in (a) above; and

ハ その他の会社であつて、当該銀行の子会社である保険会社又は少額短期保険業者の子会社のうち内閣府令で定めるもの

(c) Any other company which is a Subsidiary Company of an Insurance Company or Small Amounts and Short Term Insurance Provider that is a Subsidiary Company of that Bank, and is specified by a Cabinet Office Ordinance.

八 信託子会社等 銀行の子会社である次に掲げる会社

(viii) A Trust Subsidiary Companies, etc.: A Bank's Subsidiary Company which falls under any of the following categories:

イ 兼営法第一条第一項（兼営の認可）の認可を受けて信託業務を営む銀行（以下「信託兼営銀行」という。）

(a) A Bank which engages in Trust Business, etc. under the authorization set forth in Article 1(1) (Authorization of Trust Business, etc.) of Act on Trust Business by Financial Institutions (hereinafter referred to as "Trust Bank");

ロ 信託専門会社又は信託業を営む外国の会社

(b) A Company Specialized in Trust Business or foreign company which engages in Trust Business;

ハ イ又はロに掲げる会社を子会社とする前項第十三号に掲げる持株会社

(c) A Holding Company which falls under the category listed in item (xiii) of the preceding paragraph and which has a Subsidiary Company that falls under the category listed in (a) or (b) above; and

ニ その他の会社であつて、当該銀行の子会社である信託兼営銀行又は信託専門会社の子会社のうち内閣府令で定めるもの

(d) Any other company which is a Subsidiary Company of a Trust Bank or Company Specialized in Trust Business that is a Subsidiary Company of that Bank, and is specified by a Cabinet Office Ordinance.

3 第一項の規定は、子会社対象会社以外の会社が、銀行又はその子会社の担保権の実行による株式等の取得その他の内閣府令で定める事由により当該銀行の子会社となる場合には、適用しない。ただし、当該銀行は、その子会社となつた会社が当該事由の生じた日から一年を経過する日までに子会社でなくなるよう、所要の措置を講じなければならない。

(3) The provision of paragraph (1) shall not apply to the case where a company other than Companies Eligible for Subsidiary Companies became a Subsidiary Company of that Bank by acquisition of that company's Shares, etc. by that Bank or its Subsidiary Company through enforcement of security interest or by any other cause specified by a Cabinet Office Ordinance; provided, however, that that Bank shall take necessary measures for making the company, which became to its Subsidiary Company in a manner as described above, cease to be its Subsidiary Company by the day on which one year has elapsed from the date on which that cause arose.

4 銀行は、子会社対象会社のうち、第一項第一号から第十一号まで又は第十三号に掲げる会社（従属業務（第二項第一号に掲げる従属業務をいう。以下この項及び第七項において同じ。）又は銀行業に付随し、若しくは関連する業務として内閣府令で定めるものを専ら営む会社（従属業務を営む会社にあつては、主として当該銀行の営む業務のためにその業務を営んでいる会社に限る。）を除く。以下この条及び次条第四項第一号において「子会社対象銀行等」という。）を子会社としようとするときは、第

三十条第一項から第三項まで又は金融機関の合併及び転換に関する法律（昭和四十三年法律第八十六号）第五条第一項（認可）の規定により合併、会社分割又は事業の譲受けの認可を受ける場合を除き、あらかじめ、内閣総理大臣の認可を受けなければならない。

(4) A Bank shall, when it intends to make a Company Eligible for Subsidiary Company which falls under any of categories listed in items (i) to (xi) inclusive and (xiii) of paragraph (1) (excluding that which exclusively engages in Dependent Business (meaning Dependent Business defined in paragraph(2)(i); hereinafter the same shall apply in this paragraph and paragraph (7)) or business specified by a Cabinet Office Ordinance as that being incidental or related exclusively to Banking Business (in case of a company which engages in Dependent Business, limited to that engages in it mainly for business operated by the Bank); such a Company Eligible for Subsidiary Company shall be referred to as a "Bank, etc. Eligible for Subsidiary Company" in this Article and paragraph (4) item (i) of the following Article) become its Subsidiary Company, obtain authorization therefor from the Prime Minister in advance, except when an authorization for merger, company split or receiving transfer of business from other company is to be obtained pursuant to the provisions of paragraph (1) to (3) inclusive of Article 30 of this Act or Article 5(1) (Authorization) of Act on Financial Institutions' Merger and Conversion (Act No. 86 of 1968).

5 前項の規定は、子会社対象銀行等が、銀行又はその子会社の担保権の実行による株式等の取得その他の内閣府令で定める事由により当該銀行の子会社となる場合には、適用しない。ただし、当該銀行は、その子会社となつた子会社対象銀行等を引き続き子会社とすることについて内閣総理大臣の認可を受けた場合を除き、当該子会社対象銀行等が当該事由の生じた日から一年を経過する日までに子会社でなくなるよう、所要の措置を講じなければならない。

(5) The provision of the preceding paragraph shall not apply to the cases where a Bank, etc. Eligible for Subsidiary Company became a Subsidiary Company of a Bank by acquisition of its Shares, etc. by the Bank or its Subsidiary Company through enforcement of security interest or by any other cause specified by a Cabinet Office Ordinance; provided, however, that the Bank shall take necessary measures for making the Bank, etc. Eligible for Subsidiary Company cease to be its Subsidiary Company by the day on which one year has elapsed from the date on which that cause arose, except when the Bank has obtained an authorization from the Prime Minister for having the Bank, etc. Eligible for Subsidiary Company, which became to its Subsidiary Company, continue to be its Subsidiary Company.

6 第四項の規定は、銀行が、その子会社としている第一項各号に掲げる会社を当該各号のうち他の号に掲げる会社（子会社対象銀行等に限る。）に該当する子会社としようとするときについて準用する。



(6) The provision of paragraph (4) shall apply mutatis mutandis to the cases where a Bank intends to change a company falling under any of the categories prescribed in each item of paragraph (1) as its Subsidiary Company into its Subsidiary Company falling under any of the categories prescribed in any other item of that paragraph (limited to a Bank, etc. Eligible for Subsidiary Company).

7 第一項第十一号又は第四項の場合において、会社が主として銀行、その子会社その他これらに類する者として内閣府令で定めるもの又は銀行の営む業務のために従属業務を営んでいるかどうかの基準は、内閣総理大臣が定める。

(7) In the case referred to in paragraph (1)(xi) or paragraph (4), the Prime Minister shall provide for criteria for regarding a company as engaging in Dependent Business mainly for business operated by a Bank, its Subsidiary Companies or other entities specified by a Cabinet Office Ordinances as being similar to those or operated by a Bank.

8 銀行が信託兼営銀行である場合における第一項第十一号の規定の適用については、同号イ、ハ、ニ及びト中「当該銀行の信託子会社等が合算して、当該銀行又はその子会社」とあるのは、「当該銀行又はその信託子会社等が合算して、当該銀行の子会社」とする。

(8) With regard to application of the provisions of paragraph (1)(xi) in the case where the Bank is a Trust Bank, the term "the total voting rights held by the Bank's Trust Subsidiary Companies, etc. exceeds the total voting rights held by the Bank and its Subsidiary Companies" in paragraph (1)(xi)(a), (c), (d) and (g) shall be deemed to be replaced with "the total voting rights held by the Bank and its Trust Subsidiary Companies, etc. exceeds the total voting rights held by the Bank's Subsidiary Companies."

(銀行等による議決権の取得等の制限)

(Restriction on Acquisition, etc. of Voting Rights by Bank, etc.)

第十六条の三 銀行又はその子会社は、国内の会社（前条第一項第一号から第六号まで、第十一号及び第十三号に掲げる会社を除く。以下この条において同じ。）の議決権については、合算して、その基準議決権数（当該国内の会社の総株主等の議決権に百分の五を乗じて得た議決権の数をいう。以下この条において同じ。）を超える議決権を取得し、又は保有してはならない。

Article 16-3 (1) A Bank or its Subsidiary Companies shall not acquire or hold voting rights of a domestic company (excluding companies falling under the category listed in paragraph (1), items (i) to (vi) inclusive, (xi) and (xiii) of the preceding Article); hereinafter the same shall apply in this Article) if the total number of such voting rights held by the Bank and/or Subsidiary Companies exceeds the Voting Right Holding Threshold (meaning the five hundredths of the number of Voting Rights Held by All of the Shareholders, etc. of the domestic company; the same shall apply in this Article).

2 前項の規定は、銀行又はその子会社が、担保権の実行による議決権の取得その他の内閣府令で定める事由により、国内の会社の議決権をその基準議決権数を超えて取得し、又は保有することとなる場合には、適用しない。ただし、当該銀行又はその子会社は、合算してその基準議決権数を超えて取得し、又は保有することとなつた部分の議決権については、当該銀行があらかじめ内閣総理大臣の承認を受けた場合を除き、その取得し、又は保有することとなつた日から一年を超えてこれを保有してはならない。

(2) The provision of the preceding paragraph shall not apply to the cases where a Bank and/or its Subsidiary Companies, through exercise of security rights or by any other cause specified by a Cabinet Office Ordinance, comes to acquire or hold voting rights of a domestic company if the total number of the voting right held by the Bank and/or its Subsidiary Companies exceeds the Voting Right Holding Threshold; provided, however, that the Bank and/or the Subsidiary Companies shall not continue to hold the part of the voting rights which it came to acquire or hold in excess of the Voting Right Holding Threshold after one year from the day on which it came to acquire or hold the voting rights, except when the Bank has in advance obtained approval for holding such portion of the voting rights from the Prime Minister.

3 前項ただし書の場合において、内閣総理大臣がする同項の承認の対象には、銀行又はその子会社が国内の会社の議決権を合算してその総株主等の議決権の百分の五十を超えて取得し、又は保有することとなつた議決権のうち当該百分の五十を超える部分の議決権は含まれないものとし、内閣総理大臣が当該承認をするときは、銀行又はその子会社が合算してその基準議決権数を超えて取得し、又は保有することとなつた議決権のうちその基準議決権数を超える部分の議決権を速やかに処分することを条件としなければならない。

(3) In the case referred to in the proviso in the preceding paragraph, when the total number of voting rights acquired or held by the Bank and/or its Subsidiary Companies exceeds fifty hundredths of Voting Rights Held by All of the Shareholders, etc. of that domestic company, the Prime Minister's approval given under that paragraph shall not cover the part of the voting rights which the Bank and/or its Subsidiary Companies came to acquire or hold in excess of fifty hundredths; and the approval of the Prime Minister shall be given on the condition that the Bank and/or the Subsidiary Companies will dispose of the part of the voting rights which it came to acquire or hold in excess of the Voting Right Holding Threshold promptly.

4 銀行又はその子会社は、次の各号に掲げる場合には、第一項の規定にかかわらず、当該各号に定める日に保有することとなる国内の会社の議決権がその基準議決権数を超える場合であっても、同日以後、当該議決権をその基準議決権数を超えて保有することができる。ただし、内閣総理大臣は、銀行又はその子会社が、次の各号に掲げる場合に国内の会社の議決権を合算してその総株主等の議決権の百分の五十を超えて保有することとなるときは、当該各号に規定する認可（第四号に該当する場合には、免

許。次項において同じ。) をしてはならない。

(4) Notwithstanding the provision of paragraph (1), in the case listed in any of the following items, even if the total number of voting rights of a domestic company to be held by a Bank and/or its Subsidiary Companies on the day prescribed in the respective items exceeds the Voting Right Holding Threshold, the Bank and/or its Subsidiary Companies may hold the voting rights in excess of the Voting Right Holding Threshold after that day; provided, however, that the Prime Minister shall not grant an authorization (or the license in the case of item (vi); the same shall apply in the following paragraph) referred to in the following items, if the total number of the 'domestic company's voting rights to be held by the Bank and/or the Subsidiary Companies in the case referred to in the respective items exceeds fifty hundredths of Voting Rights Held by All of the Shareholders, etc. of that domestic company:

一 前条第四項の認可を受けて当該銀行が子会社対象銀行等を子会社としたとき（内閣府令で定める場合に限る。）。 その子会社とした日

(i) In the case where the Bank makes a Bank, etc. Eligible for Subsidiary Company become its Subsidiary Company under the authorization set forth in paragraph (4) of the preceding Article (limited to the cases specified by a Cabinet Office Ordinance): the day when the Bank, etc. Eligible for Subsidiary Company becomes the Bank's Subsidiary Company;

二 第三十条第一項又は金融機関の合併及び転換に関する法律第五条第一項（認可）の認可を受けて当該銀行が合併により設立されたとき。 その設立された日

(ii) In the case where the Bank is established by the merger under the authorization set forth in Article 30(1) of this Act or Article 5(1) (Authorization) of Act on Financial Institutions' Merger and Conversion: the day when the Bank is established;

三 当該銀行が第三十条第一項又は金融機関の合併及び転換に関する法律第五条第一項（認可）の認可を受けて合併をしたとき（当該銀行が存続する場合に限る。）。 その合併をした日

(iii) In the case where that Bank carries out a merger under the authorization set forth in Article 30(1) of this Act or Article 5(1) (Authorization) of Act on Financial Institutions' Merger and Conversion (limited to cases where the Bank survives after the Merger): the day when the Merger is carried out;

四 第三十条第二項の認可を受けて共同新設分割により設立された会社が第四条第一項の免許を受けて当該銀行になったとき。 その免許を受けた日

(iv) In the case where a company which has been established by Joint Incorporation-Type Split under the authorization set forth in Article 30(2) obtains a license under Article 4(1) and become a Bank: the day when the company obtains the license;

五 当該銀行が第三十条第二項の認可を受けて吸収分割により事業を承継したとき（内閣府令で定める場合に限る。）。 その吸収分割をした日

(v) In the case where that Bank succeeds any other party's business through absorption-type split under the authorization set forth in Article 30(2) (limited to the cases specified by a Cabinet Office Ordinance): the day when the absorption-type split is carried out; and

六 当該銀行が第三十条第三項の認可を受けて事業の譲受けをしたとき（内閣府令で定める場合に限る。）。 その事業の譲受けをした日

(vi) In the case where that Bank receives transfer of 'business under the authorization set forth in Article 30(3) (limited to the cases specified by a Cabinet Office Ordinance): the day when the transfer of the business is carried out.

5 内閣総理大臣は、前項各号に規定する認可をするときは、当該各号に定める日に銀行又はその子会社が合算してその基準議決権数を超えて保有することとなる国内の会社の議決権のうちその基準議決権数を超える部分の議決権を、同日から五年を経過する日までに内閣総理大臣が定める基準に従つて処分することを条件としなければならない。

(5) The Prime Minister's authorization set forth in each item of the preceding paragraph shall be given on the condition that, such part of the voting rights of the domestic company which will be held by the Bank and its Subsidiary Companies that will exceed the Voting Right Holding Threshold on the day specified in the respective items shall be disposed in accordance with requirements set by the Prime Minister and by the day on which five years has elapsed from the day.

6 銀行又はその子会社が、国内の会社の議決権を合算してその基準議決権数を超えて保有することとなつた場合には、その超える部分の議決権は、当該銀行が取得し、又は保有するものとみなす。

(6) In the case where a Bank and/or its Subsidiary Companies come to hold voting rights of a domestic company of which the total number exceeds the Voting Right Holding Threshold, the part of the voting rights held by that Bank and/or its Subsidiary Companies in excess of the Voting Right Holding Threshold shall be deemed to be acquired or held by that Bank.

7 前各項の場合において、新たな事業分野を開拓する会社として内閣府令で定める会社の議決権の取得又は保有については、特定子会社は、銀行の子会社に該当しないものとみなす。

(7) In the cases referred to in the preceding paragraphs, with respect to acquisition or holding of voting rights of a company specified by a Cabinet Office Ordinance as that exploring new business fields, a Specified Subsidiary Company shall be deemed not to be a Subsidiary Company of the Bank.

8 第二条第十一項の規定は、前各項の場合において銀行又はその子会社が取得し、又は保有する議決権について準用する。

(8) The provision of Article 2(xi) shall apply mutatis mutandis to voting rights acquired or held by a Bank or its Subsidiary Company in the cases referred to

in the preceding paragraphs.

### 第三章 経理

#### Chapter III Accounting

(事業年度)

(Business Year)

第十七条 銀行の事業年度は、四月一日から翌年三月三十一日までとする。

Article 17 The Business Year of a Bank shall be from April 1 to March 31 of the following year.

(資本準備金及び利益準備金の額)

(Amounts of Capital Reserve and Retained Earnings Reserve)

第十八条 銀行は、剰余金の配当をする場合には、会社法第四百四十五条第四項（資本金の額及び準備金の額）の規定にかかわらず、内閣府令で定めるところにより、当該剰余金の配当により減少する剰余金の額に五分の一を乗じて得た額を資本準備金又は利益準備金として計上しなければならない。

Article 18 Notwithstanding the provision of Article 445(4) (Amounts of Stated Capital and Amounts of Reserves) of the Companies Act, in the case where a Bank pays dividends from surplus, it shall record an amount equivalent to one fifth of the amount of the deduction from surplus as a result of the payment of such dividends of surplus, as capital reserves or retained earnings reserves pursuant to the provisions of a Cabinet Office Ordinance.

(業務報告書等)

(Business Report, etc.)

第十九条 銀行は、事業年度ごとに、業務及び財産の状況を記載した当該事業年度の中間事業年度（当該事業年度の四月一日から九月三十日までの期間をいう。以下同じ。）に係る中間業務報告書及び当該事業年度に係る業務報告書を作成し、内閣総理大臣に提出しなければならない。

Article 19 (1) A Bank shall, for each Business Year, prepare an interim business report pertaining to the interim Business Year (meaning the period from April 1 through September 30 of the Business Year; the same shall apply hereinafter) of that Business Year and a business report pertaining to the entire Business Year that contain statements on the status of its business and property and submit them to the Prime Minister.

2 銀行が子会社等を有する場合には、当該銀行は、事業年度ごとに、前項の報告書のほか、当該銀行及び当該子会社等の業務及び財産の状況を連結して記載した当該事業年度の中間事業年度に係る中間業務報告書及び当該事業年度に係る業務報告書を作成し、内閣総理大臣に提出しなければならない。

(2) In the case where a Bank has a Subsidiary Company, etc., said Bank shall, for

each Business Year, prepare an interim business report pertaining to the interim Business Year of the Business Year that contains consolidated statements on the status of business and property of that Bank and that Subsidiary Company, etc. and a business report pertaining to the entire Business Year that contains such consolidated statements, in addition to the reports set forth in the preceding paragraph, and submit them to the Prime Minister.

3 前二項の報告書の記載事項、提出期日その他これらの報告書に関し必要な事項は、内閣府令で定める。

(3) The matters to be stated in the reports set forth in the preceding two paragraphs, the due dates for submission and any other necessary matters regarding these reports shall be specified by a Cabinet Office Ordinance.

(貸借対照表等の公告等)

(Public Notice. etc. of Balance Sheet, etc.)

第二十条 銀行は、事業年度ごとに、内閣府令で定めるところにより、当該事業年度の中間事業年度に係る貸借対照表及び損益計算書（以下この条において「中間貸借対照表等」という。）並びに当該事業年度に係る貸借対照表及び損益計算書（以下この条において「貸借対照表等」という。）を作成しなければならない。

Article 20 (1) A Bank shall, for each Business Year, prepare a balance sheet and profit and loss statement pertaining to the interim Business Year of the Business Year (hereinafter referred to as "Interim Balance Sheet, etc." in this Article) and those pertaining to the entire Business Year (hereinafter referred to as "Balance Sheets, etc." in this Article) pursuant to the provisions of a Cabinet Office Ordinance.

2 銀行が子会社等を有する場合には、当該銀行は、事業年度ごとに、中間貸借対照表等及び貸借対照表等のほか、内閣府令で定めるところにより、当該銀行及び当該子会社等につき連結して記載した当該事業年度の中間事業年度に係る貸借対照表及び損益計算書（以下この条において「中間連結貸借対照表等」という。）並びに当該事業年度に係る貸借対照表及び損益計算書（以下この条において「連結貸借対照表等」という。）を作成しなければならない。

(2) In the case where a Bank has a Subsidiary Company, etc., it shall, for each Business Year, prepare an Interim Balance Sheet and profit and loss statement pertaining to the interim Business Year of the Business Year that contains consolidated statements on the Bank and its Subsidiary Companies, etc. (hereinafter referred to as an "Interim Consolidated Balance Sheet, etc." in this Article) and balance sheet and profit and loss statement pertaining to the entire Business Year that contains such consolidated statements (hereinafter referred to as an "Consolidated Balance Sheets, etc." in this Article) pursuant to the provisions of a Cabinet Office Ordinance, in addition to the Interim Balance Sheets, etc. and the Balance Sheets, etc.

3 中間貸借対照表等、貸借対照表等、中間連結貸借対照表等及び連結貸借対照表等は、電磁的記録（電子的方式、磁気的方式その他人の知覚によつては認識することができない方式で作られる記録であつて、電子計算機による情報処理の用に供されるものとして内閣府令で定めるものをいう。以下同じ。）をもつて作成することができる。

(3) Interim Balance Sheet, etc., Balance Sheet, etc., Interim Consolidated Balance Sheet, etc. and Consolidated Balance Sheet, etc. may be prepared by electromagnetic record (meaning records produced by electronic forms, magnetic forms, or any other forms unrecognizable by human senses, which are for computer data-processing use specified by a Cabinet Office Ordinance; the same shall apply hereinafter.).

4 銀行は、内閣府令で定めるところにより、その中間事業年度経過後三月以内に中間貸借対照表等及び中間連結貸借対照表等を、その事業年度経過後三月以内に貸借対照表等及び連結貸借対照表等を公告しなければならない。ただし、やむを得ない理由により当該三月以内にこれらの書類の公告をすることができない場合には、内閣総理大臣の承認を受けて、当該公告を延期することができる。

(4) A Bank shall give public notice of its Interim Balance Sheet, etc. and Interim Consolidated Balance Sheet, etc. within three months after the end of the relevant interim Business Year and of Balance Sheet, etc. and Consolidated Balance Sheet, etc. within three months after the end of the relevant Business Year, pursuant to the provisions of a Cabinet Office Ordinance; provided, however, that in the case where it is not possible to give public notice of these documents within the three months period due to an compelling reason, public notice thereof may be postponed by obtaining the Prime Minister's approval.

5 前項の規定にかかわらず、その公告方法（会社法第二条第三十三号（定義）に規定する公告方法をいう。以下同じ。）が第五十七条第一号に掲げる方法である銀行は、内閣府令で定めるところにより、中間貸借対照表等、貸借対照表等、中間連結対照表等及び連結貸借対照表等の要旨を公告することで足りる。この場合においては、同項ただし書の規定を準用する。

(5) Notwithstanding the provision of the preceding paragraph, it would be sufficient for a Bank which adopts the Method of Public Notice (meaning the Method of Public Notice prescribed in Article 2(xxxiii)(Definitions) of the Companies Act; the same shall apply hereinafter) listed in Article 57(i) to give public notice only of the gist of Interim Balance Sheet, etc., Balance Sheet, etc., Interim Consolidated Balance Sheet, etc. and Consolidated Balance Sheet, etc. pursuant to the provisions of a Cabinet Office Ordinance. In this case, the proviso to the preceding paragraph shall apply mutatis mutandis to this case.

6 前項に規定する銀行は、内閣府令で定めるところにより、その中間事業年度経過後三月以内に中間貸借対照表等及び中間連結貸借対照表等の内容である情報を、その事業年度経過後三月以内に貸借対照表等及び連結貸借対照表等の内容である情報を、五年間継続して電磁的方法（電子情報処理組織を使用する方法その他の情報通信の技術を利用する方法であつて内閣府令で定めるものをいう。以下同じ。）により不特定多

数の者が提供を受けることができる状態に置く措置をとることができる。この場合においては、第四項の規定による公告をしたものとみなす。

- (6) A Bank which gives public notice as prescribed in the preceding paragraph may, pursuant to the provisions of a Cabinet Office Ordinance, take measures to make the information contained in Interim Balance Sheet, etc. and Interim Consolidated Balance Sheet, etc. within three months after the end of the relevant interim Business Year, and the information contained in Balance Sheet, etc. and Consolidated Balance Sheet, etc. within three months after the end of the relevant Business Year, accessible to many and unspecified persons continually for five years by the Electromagnetic Method (the method specified by a Cabinet Office Ordinance which uses electronic data processing system; the same shall apply hereinafter). In this case, the Bank shall be deemed to give public notice pursuant to the provision of paragraph (4).

(業務及び財産の状況に関する説明書類の縦覧等)

(Disclosure of Explanatory Documents on the Status of Business and Property for Public Inspection, etc.)

第二十一条 銀行は、事業年度ごとに、業務及び財産の状況に関する事項として内閣府令で定めるものを記載した当該事業年度の間事業年度に係る説明書類及び当該事業年度に係る説明書類を作成し、当該銀行の営業所（無人の営業所その他の内閣府令で定める営業所を除く。次項及び第四項において同じ。）に備え置き、公衆の縦覧に供しなければならない。前条第一項の規定により作成した書類についても、同様とする。

Article 21 (1) A Bank shall, for each Business Year, prepare explanatory documents that contain matters specified by a Cabinet Office Ordinance as those related to the status of its business and property for the interim Business Year of the Business Year and such explanatory documents for the entire Business Year, and keep them at its business offices (excluding unmanned business offices and other offices specified in a Cabinet Office Ordinance; the same shall apply in the following paragraph and paragraph (4)) and make them available for public inspection. The same shall apply to the documents prepared under the provisions of paragraph (1) of the preceding Article.

2 銀行が子会社等を有する場合には、当該銀行は、事業年度ごとに、当該銀行及び当該子会社等の業務及び財産の状況に関する事項として内閣府令で定めるものを当該銀行及び当該子会社等につき連結して記載した当該事業年度の間事業年度に係る説明書類及び当該事業年度に係る説明書類を作成し、前項前段の規定により作成した書類とともに当該銀行の営業所に備え置き、公衆の縦覧に供しなければならない。前条第一項及び第二項の規定により作成した書類についても、同様とする。

(2) In the case where a Bank has a Subsidiary Company, etc., it shall, for each Business Year, prepare explanatory documents that contain consolidated statements on matters specified by a Cabinet Office Ordinance as those relating to the status of business and property of the Bank and the Subsidiary



Company, etc. for the interim Business Year of the Business Year and such consolidated explanatory documents for the entire Business Year, and keep them at its business offices together with the documents prepared under the first sentence of the preceding paragraph and make them available for public inspection. The same shall apply to the documents prepared under the provisions of paragraph (1) and (2) of the preceding Article.

3 第一項前段又は前項前段に規定する中間事業年度に係る説明書類及び事業年度に係る説明書類は、電磁的記録をもつて作成することができる。

(3) Explanatory documents for the interim Business Year and those for the entire Business Year prescribed in the first sentence of the paragraph (1) and the first sentence of the preceding paragraph may be prepared in the form of Electromagnetic Record.

4 第一項前段に規定する中間事業年度に係る説明書類及び事業年度に係る説明書類又は同項後段に規定する書類が電磁的記録をもつて作成されているときは、銀行の営業所において、当該電磁的記録に記録された情報を電磁的方法により不特定多数の者が提供を受けることができる状態に置く措置として内閣府令で定めるものをとることができる。この場合においては、同項前段に規定する中間事業年度に係る説明書類及び事業年度に係る説明書類又は同項後段に規定する書類を、同項の規定により備え置き、公衆の縦覧に供したものとみなす。

(4) When the explanatory documents for the interim Business Year and those for the entire Business Year prescribed in the first sentence of the paragraph (1) or documents prescribed in the second sentence of that paragraph are prepared in the form of Electromagnetic Record, the Bank may take measures specified by a Cabinet Office Ordinance as those for making the information contained in Electromagnetic Record accessible to many and unspecified persons at its business offices. In this case, the Bank shall be deemed to keep the explanatory documents for the interim Business Year and those for the entire Business Year prescribed in the first sentence of the paragraph (1) or documents prescribed in the second sentence of that paragraph and make them available for public inspection, pursuant to the provision of that paragraph.

5 前項の規定は、第二項前段に規定する中間事業年度に係る説明書類及び事業年度に係る説明書類又は同項後段に規定する書類について準用する。

(5) The provision of the preceding paragraph shall apply mutatis mutandis to the explanatory documents for the interim Business Year and those for the entire Business Year prescribed in the first sentence of the paragraph (2) or documents prescribed in the second sentence of that paragraph.

6 前各項に定めるもののほか、第一項又は第二項の書類を公衆の縦覧に供する期間その他これらの規定の適用に関し必要な事項は、内閣府令で定める。

(6) In addition to what are prescribed in the provisions of the preceding paragraphs, matters necessary for applying these provisions, including the periods of time for which documents in paragraph (1) or (2) are required to be

made available for public inspection, shall be specified by a Cabinet Office Ordinance.

7 銀行は、前各項に規定する事項のほか、預金者その他の顧客が当該銀行及びその子会社等の業務及び財産の状況を知るために参考となるべき事項の開示に努めなければならない。

(7) A Bank shall endeavor to disclose matters of reference for depositors or other customers to know the status of business and property of the Bank and its Subsidiary Companies, etc., in addition to matters prescribed in the provisions of the preceding paragraphs.

(事業報告等の記載事項等)

(Matters to be Stated, etc. in Business Reports, etc.)

第二十二條 銀行が会社法第四百三十五條第二項（計算書類等の作成及び保存）の規定により作成する事業報告及び附属明細書の記載事項又は記録事項は、内閣府令で定める。

Article 22 Matters to be stated or recorded in business reports and supplementary schedules thereof which a Bank is required to prepare under Article 435(2) (Preparation and Retention of Financial Statements, etc.) of the Companies Act shall be specified by a Cabinet Office Ordinance.

(株主等の帳簿閲覧権の否認)

(Inapplicability of Right of Shareholder, etc. to Inspect Account Books)

第二十三條 会社法第四百三十三條（会計帳簿の閲覧等の請求）の規定は、銀行の会計帳簿及びこれに関する資料については、適用しない。

Article 23 The provision of Article 433 (Request to Inspect Account Books) of the Companies Act shall not apply to account books of a Bank and materials relating thereto.

#### 第四章 監督

#### Chapter IV Supervision

(報告又は資料の提出)

(Submission of Reports or Materials)

第二十四條 内閣総理大臣は、銀行の業務の健全かつ適切な運営を確保するため必要があると認めるときは、銀行（当該銀行を所属銀行とする銀行代理業者を含む。）に対し、その業務又は財産の状況に関し報告又は資料の提出を求めることができる。

Article 24 (1) The Prime Minister may, when he/she finds it necessary for ensuring sound and appropriate management of the business of a Bank, require the Bank (including a Bank Agent for which said Bank serves as an Principal Bank) to submit reports or materials concerning the status of its business or property.

2 内閣総理大臣は、銀行の業務の健全かつ適切な運営を確保するため特に必要があると認めるときは、その必要の限度において、当該銀行の子法人等（子会社その他銀行がその経営を支配している法人として内閣府令で定めるものをいう。次項、次条第二項及び第五項並びに第四十七条第二項において同じ。）又は当該銀行から業務の委託を受けた者（前項の銀行代理業者を除く。次項並びに次条第二項及び第五項において同じ。）に対し、当該銀行の業務又は財産の状況に関し参考となるべき報告又は資料の提出を求めることができる。

(2) The Prime Minister may, when and to the extent that he/she finds it particularly necessary for ensuring sound and appropriate management of the business of a Bank, require a Subsidiary, etc. of said Bank (meaning a Subsidiary Company or any other entity that is specified by a Cabinet Office Ordinance as a juridical person of which management is controlled by that Bank; the same shall apply in the following paragraph, paragraph (2) of the following Article and (5) and Article 47(2)) or a person to whom business has been entrusted by that Bank (excluding the Bank Agent set forth in the preceding paragraph; the same shall apply in the following paragraph and paragraph (2) of the following Article and (5)) to submit reports or materials that would be helpful to understand the status of the business or property of said Bank.

3 銀行の子法人等又は当該銀行から業務の委託を受けた者は、正当な理由があるときは、前項の規定による報告又は資料の提出を拒むことができる。

(3) A Subsidiary, etc. of a Bank or a person to whom business has been entrusted by that Bank may refuse to submit reports or materials required under the preceding paragraph if there are justifiable grounds.

(立入検査)

(On-Site Inspection)

第二十五条 内閣総理大臣は、銀行の業務の健全かつ適切な運営を確保するため必要があると認めるときは、当該職員に銀行（当該銀行を所属銀行とする銀行代理業者を含む。）の営業所その他の施設に立ち入らせ、その業務若しくは財産の状況に関し質問させ、又は帳簿書類その他の物件を検査させることができる。

Article 25 (1) The Prime Minister may, when he/she finds it necessary for ensuring sound and appropriate management of the business of a Bank, have his/her officials enter a business office or any other facility of that Bank (including a Bank Agent for which said Bank serves as a Principal Bank), ask questions on the status of its business or property, or inspect relevant books and documents or other objects.

2 内閣総理大臣は、前項の規定による立入り、質問又は検査を行う場合において特に必要があると認めるときは、その必要の限度において、当該職員に銀行の子法人等若しくは当該銀行から業務の委託を受けた者の施設に立ち入らせ、銀行に対する質問若しくは検査に必要な事項に関し質問させ、又は帳簿書類その他の物件を検査させるこ

とができる。

(2) The Prime Minister may, when and to the extent that he/she finds it particularly necessary in the case of entering a site, asking questions or conducting an inspection under the preceding paragraph, have his/her officials enter a facility of a Subsidiary, etc. of the Bank or that of a person to whom business has been entrusted by that Bank, have them ask questions on matters that are necessary for questioning or inspecting the Bank, or have them inspect relevant books and documents or other objects.

3 前二項の場合において、当該職員は、その身分を示す証明書を携帯し、関係人の請求があつたときは、これを提示しなければならない。

(3) In the cases referred to in the preceding two paragraphs, those officials shall carry a certificate for identification and produce it to those concerned when requested.

4 第一項及び第二項の規定による権限は、犯罪捜査のために認められたものと解してはならない。

(4) The authority under paragraphs (1) and (2) shall not be construed as that which has been granted for criminal investigation.

5 前条第三項の規定は、第二項の規定による銀行の子法人等又は当該銀行から業務の委託を受けた者に対する質問及び検査について準用する。

(5) The provisions of paragraph (3) of the preceding Article shall apply mutatis mutandis to the questioning and inspection of a Subsidiary, etc. of that Bank or a person to whom business has been entrusted by that Bank under the provisions of paragraph (2).

(業務の停止等)

(Suspension, etc. of Business)

第二十六条 内閣総理大臣は、銀行の業務若しくは財産又は銀行及びその子会社等の財産の状況に照らして、当該銀行の業務の健全かつ適切な運営を確保するため必要があると認めるときは、当該銀行に対し、措置を講ずべき事項及び期限を示して、当該銀行の経営の健全性を確保するための改善計画の提出を求め、若しくは提出された改善計画の変更を命じ、又はその必要の限度において、期限を付して当該銀行の業務の全部若しくは一部の停止を命じ、若しくは当該銀行の財産の供託その他監督上必要な措置を命ずることができる。

Article 26 (1) The Prime Minister may, when he/she finds it necessary for ensuring sound and appropriate management of the business of a Bank in light of the status of the business or property of that Bank or the property of that Bank and its Subsidiary Companies, etc., request that Bank to submit an improvement plan for ensuring soundness in management of that Bank or order a change to the submitted improvement plan by designating the matters and the time limit for which measures should be taken, or, within the limit necessary, order suspension of the whole or part of the business of that Bank

by setting a time limit or order deposit of property of that Bank or other measures necessary for the purpose of supervision.

2 前項の規定による命令（改善計画の提出を求めることを含む。）であつて、銀行又は銀行及びその子会社等の自己資本の充実の状況によつて必要があると認めるときにするものは、内閣府令・財務省令で定める銀行又は銀行及びその子会社等の自己資本の充実の状況に係る区分に応じ、それぞれ内閣府令・財務省令で定めるものでなければならない。

(2) An order under the preceding paragraph (including the request of submission of an improvement plan) that is given when it is found necessary in light of the adequacy of equity capital of a Bank or that of a Bank and its Subsidiary Companies, etc. shall be one of those that are specified by a Cabinet Office Ordinance and an Ordinance of the Ministry of Finance for the categories of the adequacy of equity capital of a Bank or a Bank and its Subsidiary Companies, etc. specified by a Cabinet Office Ordinance or a Ordinance of the Ministry of Finance, respectively.

（免許の取消し等）

(Rescission, etc. of License)

第二十七条 内閣総理大臣は、銀行が法令、定款若しくは法令に基づく内閣総理大臣の処分違反したとき又は公益を害する行為をしたときは、当該銀行に対し、その業務の全部若しくは一部の停止若しくは取締役、執行役、会計参与若しくは監査役の解任を命じ、又は第四条第一項の免許を取り消すことができる。

Article 27 The Prime Minister may, when a Bank has violated any laws and regulations, its articles of incorporation or a disposition by the Prime Minister based on any laws and regulations or has committed an act that harms the public interest, order said Bank to suspend the whole or part of its business or to dismiss its director, executive officer, accounting advisor, or company auditor, or rescind the license set forth in Article 4(1).

第二十八条 内閣総理大臣は、前二条の規定により、銀行に対し、その業務の全部又は一部の停止を命じた場合において、その整理の状況に照らして必要があると認めるときは、第四条第一項の免許を取り消すことができる。

Article 28 The Prime Minister may, in the case where he/she has ordered a Bank to suspend the whole or part of its business pursuant to the provisions of the preceding two Articles, when he/she finds it necessary in light of the circumstances of such arrangement, rescind the license set forth in Article 4(1).

（資産の国内保有）

(Retention of Assets Within Japan)

第二十九条 内閣総理大臣は、預金者等の保護その他公益のため必要があると認めるときは、その必要の限度において、政令で定めるところにより、銀行に対し、その資産

のうち政令で定めるものを国内において保有することを命ずることができる。

Article 29 The Prime Minister may, when and to the extent that he/she finds it necessary for the protection of Depositors, etc. or otherwise necessary for public interest, order a Bank to retain such part of its assets specified by a Cabinet Order, within Japan, pursuant to the provisions of the Cabinet Order.

## 第五章 合併、会社分割又は事業の譲渡若しくは譲受け

### Chapter V Merger, Company Split or Transfer of Business

(合併、会社分割又は事業の譲渡若しくは譲受けの認可等)

(Authorization of Merger, Company Split or Transfer of Business)

第三十条 銀行を全部又は一部の当事者とする合併（当該合併後存続する会社又は当該合併により設立される会社が銀行であるものに限るものとし、金融機関の合併及び転換に関する法律第三条（合併）の規定による合併に該当するものを除く。以下この章において「合併」という。）は、内閣総理大臣の認可を受けなければ、その効力を生じない。

Article 30 (1) Any merger involving a Bank or Banks as whole or a part of parties (limited to the case where the surviving company or the company established by the merger is a Bank and excluding a merger under Article 3 (Merger) of the Act on Financial Institutions' Merger and Conversion; such a merger shall be hereinafter referred to as the "Merger" in this Chapter) shall not be effective without authorization of the Prime Minister.

2 銀行を当事者とする会社分割は、政令で定めるものを除き、内閣総理大臣の認可を受けなければ、その効力を生じない。

(2) No company split of which a Bank is party shall be effective without authorization of the Prime Minister, except for the cases specified by a Cabinet Order.

3 銀行を当事者とする事業の全部又は一部の譲渡又は譲受けは、政令で定めるものを除き、内閣総理大臣の認可を受けなければ、その効力を生じない。

(3) No transfer and acquisition of the whole or part of business of which a Bank is party shall be effective without authorization of the Prime Minister, except for the cases specified by a Cabinet Order.

4 銀行が信用金庫、信用協同組合又は労働金庫（これらの法人をもつて組織する連合会を含む。以下この章において「信用金庫等」という。）から事業の全部又は一部を譲り受ける場合においては、当該信用金庫等を会社とみなして、私的独占の禁止及び公正取引の確保に関する法律第十六条（営業の譲受け等の制限）及び同条に係る同法の規定を適用する。

(4) Article 16 (Restriction on Acquisition of Others' Business, etc.) and other provisions related thereto of the Act on Prohibition of Private Monopolization and Maintenance of Fair Trade shall apply to the case where a Bank received the whole or part of business of a shinkin bank, credit cooperative or Labor

Bank (including federations consisting of these juridical persons; hereinafter referred to as "Shinkin Bank, etc." in this Chapter), by deeming the Shinkin Bank, etc. as a company.

第三十一条 内閣総理大臣は、前条の認可の申請があつたときは、次に掲げる基準に適合するかどうかを審査しなければならない。

Article 31 When an application for the authorization set forth in the preceding Article is filed, the Prime Minister shall examine whether or not the following requirements are satisfied:

一 前条の規定による合併、会社分割、事業の全部又は一部の譲渡又は譲受け（以下この条において「合併等」という。）が、当該合併等の当事者である銀行等（第四条第五項に規定する銀行等をいう。以下同じ。）又は信用金庫等が業務を行っている地域（会社分割により事業の一部を承継させ、若しくは承継する場合又は事業の一部の譲渡若しくは譲受けに係る場合にあつては、当該一部の事業が行われている地域に限る。）における資金の円滑な需給及び利用者の利便に照らして、適当なものであること。

(i) The Merger, company split or whole or partial transfer or acquisition of business for which authorization is sought under the preceding Article (hereinafter referred to as "the Merger, etc." in this Article) must be appropriate in light of the necessity to secure smooth supply and demand of funds and convenience of the customers in the region where the Bank, etc. (meaning Bank, etc. defined in Article 4(5); the same shall apply hereinafter) or the Shinkin Bank, etc. which is a party to the Merger, etc. operate its business (in the case where only part of the business is succeeded through company split or only part of the business is transferred or received, limited to the region in which that part of business is operated);

二 合併等が金融機関相互間の適正な競争関係を阻害する等金融秩序を乱すおそれがないものであること。

(ii) It is unlikely that the Merger, etc. will disturb the order of the financial system, including impeding fair competition among financial institutions; and

三 前条の認可の申請をした銀行又は合併により設立される銀行が、合併等の後に、その業務を的確、公正かつ効率的に遂行する見込みが確実であること。

(iii) It is fully expected that the Bank that files the application for the authorization set forth in the preceding Article or the Bank established by the Merger will conduct its business appropriately, fairly and efficiently after the Merger, etc.

(みなし免許)

(Deemed License)

第三十二条 第三十条第一項の認可を受けて合併により設立される銀行業を営む会社は、

当該設立の時に、第四条第一項の内閣総理大臣の免許を受けたものとみなす。

**Article 32** A company conducting the Banking Business established by Merger with the authorization set forth in Article 30(1) shall be deemed to have obtained, at the time of its establishment, a license from the Prime Minister under Article 4(1).

(合併の場合の債権者の異議の催告)

(Notice for Objections of Creditors in Case of Merger)

第三十三条 銀行が合併の決議をした場合においては、預金者等その他政令で定める債権者に対する会社法第七百八十九条第二項、第七百九十九条第二項又は第八百十条第二項（債権者の異議）の規定による催告は、することを要しない。

**Article 33** Where a Bank passes a resolution for Merger, the notice required under the provisions of Articles 789(2), 799(2) or 810(2) (Objections of Creditors) of the Companies Act shall not be required to be given to Depositors, etc. or any other creditors specified by a Cabinet Order.

(会社分割の場合の債権者の異議の催告)

(Notice for Objections of Creditors in Case of Company Split)

第三十三条の二 銀行が会社分割の決議をした場合においては、預金者等その他政令で定める債権者に対する会社法第七百八十九条第二項、第七百九十九条第二項又は第八百十条第二項（債権者の異議）の規定による催告は、することを要しない。

**Article 33-2 (1)** Where a Bank passes a resolution for company split, the notice required under the provisions of Articles 789(2), 799(2) or 810(2) (Objections of Creditors) of the Companies Act shall not be required to be given to Depositors, etc. or any other creditors specified by a Cabinet Order.

2 会社法第七百五十九条第二項及び第三項（株式会社に権利義務を承継させる吸収分割の効力の発生等）、第七百六十一条第二項及び第三項（持分会社に権利義務を承継させる吸収分割の効力の発生等）、第七百六十四条第二項及び第三項（株式会社を設立する新設分割の効力の発生等）並びに第七百六十六条第二項及び第三項（持分会社を設立する新設分割の効力の発生等）の規定は、前項の規定により催告をすることを要しないものとされる預金者等その他政令で定める債権者には、適用しない。

**(2)** The provisions of Article 759(2) and (3) (Effectuation of Absorption-Type Company Split Which Cause Succession of Rights and Obligations by a Stock Company), Article 761(2) and (3) (Effectuation of Absorption-Type Company Split Which Cause Succession of Rights and Obligations by a Membership Company), Article 764 (2) and (3) (Effectuation of Incorporation-type Company Split by Which a Stock Company is Established) and Article 766 (2) and (3) (Effectuation of Incorporation-type Company Split by Which a Membership Company is Established) of the Companies Act shall not apply to Depositors, etc. or any other creditors specified by a Cabinet Order to which the notice for objection is not be required to be given under the preceding paragraph.



(事業の譲渡又は譲受けの場合の債権者の異議の催告等)

(Notice for Objections of Creditors in Case of Transfer of Business)

第三十四条 銀行を当事者とする事業の全部の譲渡又は譲受けについて株主総会の決議（会社法第四百六十八条（事業譲渡等の承認を要しない場合）の規定により同法第四百六十七条第一項（事業譲渡等の承認等）の決議によらずに事業の全部の譲受けを行う場合には、取締役会の決議又は執行役の決定）がされたときは、当該銀行は、当該決議又は決定の日から二週間以内に、当該決議又は決定の要旨及び当該事業の全部の譲渡又は譲受けに異議のある債権者は一定の期間内に異議を述べるべき旨を官報に公告し、かつ、預金者等その他政令で定める債権者以外の知れている債権者には、各別にこれを催告しなければならない。

Article 34 (1) Where the shareholders meeting of a Bank passes a resolution for transferring the whole of its business or for acquiring the whole of the other's business (or, in the case where a Bank acquires the whole of the other's business not through the resolution required by Article 467(1) (Approvals of Assignment of Business) of the Companies Act pursuant to the provision of Article 468 (Cases where Approval of Assignment of Business is not Required) of that Act, where its board of directors passes a resolution for acquiring such business or its executive officers decide to acquire such business), the Bank shall, within two weeks from the day of the resolution or decision, make public notice, in the official gazette, of the gist of the resolution or the decision and to the effect that any creditors who have any objection to the transfer of the whole of its business or acquisition of the whole of the other's business ought to file an objection within a specified period of time, and shall give notice of the same separately to each known creditor other than Depositors, etc. or any other creditors specified by a Cabinet Order, if any.

2 前項の期間は、一月を下つてはならない。

(2) The period under the preceding paragraph cannot be less than one month.

3 第一項の規定にかかわらず、銀行が、同項の規定による公告を、官報のほか、第五十七条の規定による定款の定めに従い、同条各号に掲げる公告方法によりするときは、同項の各別の催告は、することを要しない。

(3) Notwithstanding the provisions of paragraph (1), if a Bank, in addition to the public notice in the official gazette, gives public notice under that paragraph by using the method of public notice listed in each item of that Article, in accordance with the provisions of its articles of incorporation under the provision of Article 57 the Bank shall not be required to give separate notices under the provisions of that paragraph.

4 債権者が第一項の期間内に異議を述べなかつたときは、当該債権者は、当該事業の全部の譲渡又は譲受けについて承認したものとみなす。

(4) In cases where creditors do not raise any objections within the period under paragraph (1), such creditors shall be deemed to have approved such transfer

of the whole of the Bank's business or receipt of the whole of the other party's business.

5 債権者が第一項の期間内に異議を述べたときは、当該銀行は、弁済し、又は相当の担保を提供し、若しくは当該債権者に弁済を受けさせることを目的として信託会社若しくは信託業務を営む他の金融機関に相当の財産を信託しなければならない。ただし、当該事業の全部の譲渡又は譲受けをしても当該債権者を害するおそれがないときは、この限りでない。

(5) In cases where creditors raise objections within the period under paragraph (1), the Bank must make payment to such creditors or entrust equivalent property to a trust company or other financial institutions that conduct Trust Business, etc. for the purpose of providing equivalent security or assuring the payment to such creditors; provided, however, that this shall not apply if it is unlikely to be detrimental to such creditors by transfer or acquisition of the whole of that business.

第三十五条 銀行を当事者とする事業の一部の譲渡又は譲受けについて株主総会若しくは取締役会の決議又は執行役の決定がされたときは、当該銀行は、当該決議又は決定の日から二週間以内に、当該決議又は決定の要旨及び当該事業の一部の譲渡又は譲受けに異議のある債権者は一定の期間内に異議を述べるべき旨を官報に公告することができる。ただし、預金者等その他政令で定める債権者以外の知れている債権者には、各別にこれを催告しなければならない。

Article 35 (1) Where the shareholders meeting or board of directors of a Bank passes a resolution for transferring or acquiring of part the business involving Bank, or where the executive officers of a Bank decide to make such a transfer or acquisition, the Bank may, within two weeks from the day of the resolution or decision, make public notice, in the official gazette, of the gist of the resolution or the decision and to the effect that any creditors who have any objection to the transfer or acquisition of part of the business ought to file an objection within a specified period of time; provided, however, that the Bank shall give separate notice to each known creditor other than Depositors, etc. and other creditors specified by a Cabinet Order.

2 前項の期間は、一月を下つてはならない。

(2) The period under the preceding paragraph cannot be less than one month.

3 前条第三項から第五項までの規定は、第一項の規定によりされた公告及び催告に係る債権者の異議について準用する。

(3) The provisions of paragraph (3) to (5) inclusive of the preceding Article shall apply mutatis mutandis to objections of creditors pertaining to the public notice or notice under paragraph (1).

(会社分割又は事業の譲渡の公告等)

(Company Split or Transfer of Business)

第三十六条 銀行は、会社分割により事業の全部若しくは一部を承継させ、又は事業の全部若しくは一部を譲渡したときは、遅滞なくその旨を公告しなければならない。

Article 36 (1) Where a Bank has the whole or part of its business succeeded by another party through company split, or transfers the whole or part of its business to another party, the company must give public notice to that effect without delay.

2 その公告方法が第五十七条第一号に掲げる方法である銀行が前項の規定による公告をしたときは、当該公告をした銀行の債務者に対して民法（明治二十九年法律第八十九号）第四百六十七条（指名債権の譲渡の対抗要件）の規定による確定日付のある証書による通知があつたものとみなす。この場合においては、当該公告の日付をもつて確定日付とする。

(2) When a Bank gives public notice under the provision of the preceding paragraph by the method of public notice in Article 57(i), it shall be deemed that an instrument bearing a fixed date is served to the creditors of the Bank that makes such public notice under the provision of Article 467 (Defense of Obligor upon Assignment of Nominative Claim) of the Civil Code (Act No. 89 of 1896). In this case, the date of the public notice shall be deemed to be the fixed date.

## 第六章 廃業及び解散

### Chapter VI Discontinuance of Banking Business and Dissolution

（廃業及び解散等の認可）

(Authorization of Discontinuance of Banking Business, Dissolution, etc.)

第三十七条 次に掲げる事項は、内閣総理大臣の認可を受けなければ、その効力を生じない。

Article 37 (1) None of the following matters shall be effective without authorization of the Prime Minister:

一 銀行業の廃止に係る定款の変更についての株主総会の決議

(i) A Resolution of the shareholders meeting that approves an amendment in the articles of incorporation relating to abolition of Banking Business

二 銀行を全部又は一部の当事者とする合併（第三十条第一項に規定する合併及び金融機関の合併及び転換に関する法律第三条（合併）の規定による合併に該当するものを除く。）

(ii) A Merger of which parties solely consist of Banks or include a Bank or Banks (excluding a Merger prescribed in Article 30(1) and a Merger that falls under Mergers prescribed in Article 3 (Merger) of the Act on Financial Institutions' Merger and Conversion); or

三 銀行の解散についての株主総会の決議

(iii) A Resolution of the shareholders meeting that approves dissolution of the Bank.

2 内閣総理大臣は、前項の認可の申請があつたときは、次に掲げる基準のいずれかに適合するかどうかを審査しなければならない。

(2) When an application for the authorization set forth in the preceding paragraph is filed, the Prime Minister shall examine whether or not any of the following requirements are satisfied:

一 当該銀行業の廃止、合併又は解散が当該銀行の業務及び財産の状況に照らしてやむを得ないものであること。

(i) That the abolition of Banking Business, Merger or dissolution must be inevitable in light of the status of business and property of said Bank; or

二 当該銀行業の廃止、合併又は解散が、当該銀行が業務を営んでいる地域における資金の円滑な需給及び利用者の利便に支障を及ぼすおそれのないものであること。

(ii) That the abolition of Banking Business, Merger or dissolution is unlikely to be detrimental to smooth supply and demand of funds and convenience of the customers in the region where said Bank conducts its business.

3 内閣総理大臣は、第二十六条第一項又は第二十七条の規定による業務の全部又は一部の停止の命令をした銀行から第一項の認可の申請があつた場合においては、当該銀行に対し、同項の認可をしてはならない。これらの命令をすること又は同条の規定により第四条第一項の免許を取り消すことが必要であると認める銀行から第一項の認可の申請があつた場合も、同様とする。

(3) When an application for the authorization set forth in paragraph (1) is filed by a Bank that receives an order to suspend the whole or part of its business from the Prime Minister under the provision of Articles 26(1) or 27, the Prime Minister shall not grant the authorization set forth in paragraph (1). The same shall apply to the cases where an application for the authorization set forth in paragraph (1) is filed by a Bank for which the Prime Minister finds it necessary to make such an order or to rescind the license set forth in Article 4(1) under the provision of Article 27.

(廃業等の公告等)

(Public Notice, etc. of Discontinuance of Banking Business, etc.)

第三十八条 銀行は、前条第一項の認可を受けたときは、内閣府令で定めるところにより、直ちに、その旨及び当該認可を受けた事項の内容を公告するとともに、当該銀行を所属銀行とする銀行代理業者に通知し、かつ、一月を下らない期間、すべての営業所の公衆の目につきやすい場所に掲示しなければならない。

Article 38 Upon obtaining the authorization set forth in paragraph (1) of the preceding Article, the Bank shall immediately give public notice of that effect and details of the matters for which the authorization is granted, and shall notify the same to Bank Agents for which said Bank has served as an Principal Bank and post a notice of the same in a place easily seen by the public at all of its business offices for a period of not less than one month, pursuant to the provision of a Cabinet Office Ordinance.

(定款の解散事由の規定の効力)

(Effect of the Provision on Causes for Dissolution in the Articles of Incorporation)

第三十九条 銀行は、会社法第四百七十一条第一号及び第二号（解散の事由）の規定にかかわらず、同条第一号又は第二号に掲げる事由によつては、解散しない。

Article 39 Notwithstanding the provision of Article 471(i) and (ii) (Grounds for Dissolution) of the Companies Act, a Bank shall not dissolve by reason of any of the grounds provided in items (i) and (ii) of that Article.

(免許の取消しによる解散)

(Dissolution as a Result of Rescission of License)

第四十条 銀行は、第二十七条又は第二十八条の規定により第四条第一項の内閣総理大臣の免許を取り消されたときは、解散する。

Article 40 A Bank shall dissolve when a license from the Prime Minister set forth in Article 4(1) is rescinded under the provisions of Articles 27 or 28.

(免許の失効)

(Lapse of License)

第四十一条 銀行が次の各号のいずれかに該当するときは、第四条第一項の内閣総理大臣の免許は、効力を失う。

Article 41 When a Bank falls under any conditions specified in any of the following items, the license from the Prime Minister set forth in Article 4(1) shall lose its effect:

一 銀行業の全部を廃止したとき。

(i) When the Bank has abolished all of its Banking Business;

二 会社分割により事業の全部を承継させ、又は事業の全部を譲渡したとき。

(ii) When the Bank has had all of its business succeeded by the other party through a company split or has transferred all of its business;

三 解散したとき（設立、株式移転、合併（当該合併により銀行を設立するものに限る。）又は新設分割を無効とする判決が確定したときを含む。）。

(iii) When the Bank has dissolved (including the case where a court judgment nullifying the establishment, share transfer, Merger (limited to a Merger resulting in establishment of a Bank) or Incorporation-Type Split has become final and binding); or

四 当該免許を受けた日から六月以内に業務を開始しなかつたとき（やむを得ない理由がある場合において、あらかじめ内閣総理大臣の承認を受けたときを除く。）。

(iv) When the Bank failed to commence business within six months from the day of obtaining that license (excluding the case where there is a compelling reason and the approval of the Prime Minister has been obtained in advance).

(免許の取消し等の場合のみなし銀行)

**(Deemed Bank in the Case of Rescission of License)**

第四十二条 銀行が第二十七条若しくは第二十八条の規定により第四条第一項の内閣総理大臣の免許を取り消された場合又は前条の規定により当該免許が効力を失った場合においては、当該銀行であつた会社は、第三十六条、第三十八条及び第四十六条第一項の規定の適用については、なお銀行とみなす。

Article 42 Even in the case where a license from the Prime Minister set forth in Article 4(1) is rescinded under the provision of Articles 27 or 28 or where that license loses its effect pursuant to the provisions of the preceding Article, the company which was a Bank theretofore shall still be deemed to be a Bank with regard to application of the provisions of Articles 36, 38 and 46(1).

(他業会社への転移等)

**(Transition into a Non-Banking Company, etc.)**

第四十三条 銀行が第四十一条第一号の規定に該当して第四条第一項の内閣総理大臣の免許が効力を失った場合において、当該銀行であつた会社に従前の預金又は定期積金等の債務が残存するときは、政令で定める場合を除き、内閣総理大臣は、当該会社が当該債務を完済する日又は当該免許が効力を失った日以後十年を経過する日のいずれか早い日まで、当該会社に対し、当該債務の総額を限度として財産の供託を命じ、又は預金者等の保護を図るため当該債務の処理若しくは資産の管理若しくは運用に関し必要な命令をすることができる。

Article 43 (1) Where a Bank falls under the condition prescribed in Article 41(i) and thereby the license from the Prime Minister set forth in Article 4(1) loses its effect, if the company which was a Bank theretofore still has any outstanding obligation, including deposit or Installment Savings, the Prime Minister may, up until the day when the company completes performance of the obligation or the day on which ten years have elapsed from the date on which the license loses its effect, whichever comes earlier, order the company to make a deposit of property up to the total amount of the obligation, or give orders on disposition of the obligation or on management or investment of its assets necessary for protecting Depositors, etc., except the cases specified by a Cabinet Order.

2 前項の規定は、銀行等以外の会社が合併又は会社分割により銀行の預金又は定期積金等の債務を承継した場合について準用する。

(2) The provision of the preceding paragraph shall apply mutatis mutandis to the cases where a company other than a Bank, etc. succeeds to any outstanding obligation of a Bank, including deposit or Installment Savings, through Merger or company split.

3 第二十四条第一項並びに第二十五条第一項、第三項及び第四項の規定は、前二項の規定の適用を受ける会社について準用する。

(3) The provision of Article 24(1) and Article 25(1), (3) and (4) shall apply mutatis

mutandis to a company to which the provisions of the preceding two paragraphs are applicable.

(清算人の任免等)

(Appointment and Dismissal of Liquidator, etc.)

第四十四条 銀行が第四条第一項の内閣総理大臣の免許の取消しにより解散した場合には、裁判所は、利害関係人若しくは内閣総理大臣の請求により又は職権をもつて、清算人を選任する。当該清算人の解任についても、同様とする。

Article 44 (1) When a Bank dissolves by reason of rescission of the Prime Minister's license set forth in Article 4(1), the court shall appoint a liquidator in response to a request by the interested parties or the Prime Minister, or ex officio. The same shall apply to dismissal of the liquidator so appointed.

2 前項の場合を除くほか、裁判所は、利害関係人若しくは内閣総理大臣の請求により又は職権をもつて、清算人を解任することができる。この場合においては、裁判所は、清算人を選任することができる。

(2) In addition to the cases referred to in the preceding paragraph, the court may dismiss a liquidator in response to a request by the interested parties or the Prime Minister, or ex officio. In this case, the court may appoint a new liquidator.

3 破産手続開始の決定を受けて復権を得ない者又は外国の法令上これと同様に取り扱われている者は、清算をする銀行（次項並びに次条第三項、第五項、第七項及び第八項において「清算銀行」という。）の清算人となることができない。

(3) A person who has become subject to the ruling for the commencement of bankruptcy procedures and has not had restored his/her rights or a person who is treated the same as such a person under the laws and regulations of a foreign state may not be appointed as a liquidator of a Bank that goes into liquidation (referred to as "Liquidating Bank" in the following paragraph and paragraphs (3), (5), (7) and (8) of the following Article).

4 清算銀行の清算人に対する会社法第四百七十八条第六項（清算人の就任）において準用する同法第三百三十一条第一項第三号（取締役の資格等）の規定の適用については、同号中「この法律」とあるのは、「銀行法、この法律」とする。

(4) With regard to application of the provisions of Article 331(1)(iii) (Qualifications of Directors) of the Companies Act as applied mutatis mutandis pursuant to Article 478(6) (Assumption of Office of Liquidators) of that Act, the term "this Act" in that item shall be deemed to be replaced with "the Banking Act, this Act."

(清算の監督)

(Supervision over Liquidation)

第四十五条 銀行の清算は、裁判所の監督に属する。

Article 45 (1) The liquidation of a Bank shall be subject to the supervision of the

court.

2 銀行の清算の監督は、銀行の本店の所在地を管轄する地方裁判所の管轄に属する。

(2) The supervision of liquidation of a Bank shall be subject to the jurisdiction of the district court which has jurisdiction over the location of the Bank's head office.

3 裁判所は、清算銀行の清算事務及び財産の状況を検査するとともに、当該清算銀行に対し、財産の供託を命じ、その他清算の監督に必要な命令をすることができる。この場合においては、当該検査をさせるため、特別検査人を選任することができる。

(3) The court may inspect the progress in the liquidation and the status of property of the Liquidating Bank, and may order the Liquidating Bank to make a deposit of property and to take other necessary measures for supervision of the liquidation. In this case, the court may appoint a special inspector in order to have him/her carry out such inspection.

4 会社法第八百七十一条本文（理由の付記）、第八百七十二条（第一号に係る部分に限る。）（即時抗告）、第八百七十五条（非訟事件手続法の規定の適用除外）及び第八百七十六条（最高裁判所規則）の規定は前項前段の規定による命令について、同法第八百七十四条（第二号に係る部分に限る。）（不服申立ての制限）、第八百七十五条及び第八百七十六条の規定は同項後段の規定による特別検査人の選任について、それぞれ準用する。

(4) The provisions of the main clause of Article 871 (Reason of Decision), Article 872 (limited to the parts pertaining to item (i)) (Immediate Appeal), Article 875 (Exclusion from Application of the Act on Non-Contentious Cases Procedures Act) and Article 876 (Supreme Court Rules) of the Companies Act shall apply mutatis mutandis to orders given under the first sentence of the preceding paragraph, and Article 874 (limited to the parts pertaining to item (ii)) (Restriction on Appeal), Article 875 and Article 876 of the Companies Act shall apply mutatis mutandis to appointment of special inspector under the second sentence of the preceding paragraph.

5 裁判所は、第三項後段の規定により特別検査人を選任した場合には、清算銀行が当該特別検査人に対して支払う報酬の額を定めることができる。

(5) In the case where the court has appointed a special inspector under the second sentence of paragraph (3), it may fix the amount of the remuneration that the Liquidating Bank shall pay to the special inspector.

6 会社法第八百七十条（第二号に係る部分に限る。）（陳述の聴取）、第八百七十二条（第四号に係る部分に限る。）（即時抗告）、第八百七十五条（非訟事件手続法の規定の適用除外）及び第八百七十六条（最高裁判所規則）の規定は、前項の報酬の額の決定について準用する。

(6) The provisions of Article 870 (limited to the parts pertaining to item (ii)) (Hearing of Statement), Article 872 (limited to the parts pertaining to item (iv)) (Immediate Appeal), Article 875 (Exclusion from Application of the Act on Non-Contentious Cases Procedures Act) and Article 876 (Supreme Court Rules)



of the Companies Act shall apply mutatis mutandis to the amount of the remuneration fixed under the preceding paragraph.

7 清算銀行の清算人は、その就任の日から二週間以内に、次に掲げる事項を裁判所に届け出なければならない。

(7) The liquidator of a Liquidating Bank shall notify the following matters to the court within two weeks from the day when he/she assumes the office of liquidator:

一 解散の事由（会社法第四百七十五条第二号又は第三号（清算の開始原因）に掲げる場合に該当することとなつた清算銀行にあつては、その旨）及びその年月日

(i) Grounds for dissolution (or, in the case of a Liquidating Bank which falls under any of the cases provided in item (ii) and item (iii) of Article 475 (Causes of Commencement of Liquidation) of the Companies Act, to that effect) and the date of dissolution; and

二 清算人の氏名及び住所

(ii) Name and address of the liquidator.

8 清算銀行の清算人は、会社法第四百九十二条第三項（財産目録等の作成等）の規定により同項に規定する財産目録等について株主総会の承認を受けた場合には、遅滞なく、当該財産目録等（当該財産目録等が電磁的記録をもつて作成されている場合にあつては、当該電磁的記録に記録された事項を記載した書面）を裁判所に提出しなければならない。

(8) When the liquidator of the Liquidating Bank obtains, under Article 492(3) (Preparation of Inventory of Property, etc.) of the Companies Act, the shareholders meeting's approval for the Inventory of Property referred to in that paragraph, he/she shall, without delay, provide the court with the Inventory of Property (or, in the case where the Inventory of Property is prepared by using electromagnetic records, a document that specifies the matters recorded in such electromagnetic records).

（清算手続等における内閣総理大臣の意見等）

(The Prime Minister's Opinion, etc. in the Liquidation Proceedings, etc.)

第四十六条 裁判所は、銀行の清算手続、破産手続、再生手続、更生手続又は承認援助手続において、内閣総理大臣に対し、意見を求め、又は検査若しくは調査を依頼することができる。

Article 46 (1) In liquidation proceedings, bankruptcy proceedings, rehabilitation proceedings, reorganization proceedings or recognition and assistance proceedings for a Bank, the court may request an opinion of, or inspection or investigation by, the Prime Minister.

2 内閣総理大臣は、前項に規定する手続において、必要があると認めるときは、裁判所に対し、意見を述べることができる。

(2) In the proceedings referred to in the preceding paragraph, the Prime Minister may state his/her opinion, if he/she finds it necessary.

3 第二十五条第一項、第三項及び第四項の規定は、第一項の規定により内閣総理大臣が裁判所から検査又は調査の依頼を受けた場合について準用する。

(3) The provisions of Article 25(1), (3) and (4) shall apply mutatis mutandis to cases where the Prime Minister receives a request for the inspection or investigation from the court under the provision of paragraph (1).

## 第七章 外国銀行支店

### Chapter VII Branch Offices of Foreign Banks

(外国銀行の免許等)

(License, etc. for Foreign Banks)

第四十七条 外国の法令に準拠して外国において銀行業を営む者（銀行等を除く。以下「外国銀行」という。）が日本において銀行業を営もうとするときは、当該外国銀行は、内閣府令で定めるところにより、当該外国銀行の日本における銀行業の本拠となる一の支店（以下この章において「種たる外国銀行支店」という。）を定めて、第四条第一項の内閣総理大臣の免許を受けなければならない。

Article 47 (1) When a person conducting Banking Business in a foreign state in accordance with the laws and regulations of the foreign state (excluding Banks, etc.; hereinafter referred to as a "Foreign Bank") intends to conduct Banking Business in Japan, said Foreign Bank shall obtain a license from the Prime Minister as set forth in Article 4(1) by specifying a single branch office that will serve as the principal base of that Foreign Bank's Banking Business in Japan (hereinafter referred to as the "Principal Branch Office of the Foreign Bank" in this Chapter), pursuant to the provisions of a Cabinet Office Ordinance.

2 前項の規定により、外国銀行が第四条第一項の内閣総理大臣の免許を受けたときは、その主たる外国銀行支店及び当該外国銀行の日本における他の支店その他の営業所（以下この章において「従たる外国銀行支店」という。）（以下この章において「外国銀行支店」と総称する。）を一の銀行とみなし、当該外国銀行の日本における代表者を当該一の銀行とみなされた外国銀行支店の取締役とみなして、この法律の規定を適用する。ただし、第四条の二、第五条、第六条、第七条の二第四項、第八条、第十三条第二項及び第四項、第十四条第二項、第二章の二、第十九条第二項、第二十条第二項、第二十一条第二項、第二十二条、第二十三条、第二十四条第二項及び第三項（これらの規定中子法人等に係る部分に限る。）、第二十五条第二項及び第五項（これらの規定中子法人等に係る部分に限る。）、第三十条第一項及び第二項、第三十二条から第三十三条の二まで、第三十六条（会社分割に係る部分に限る。）、第三十七条第一項第二号及び第三号、第三十九条、第四十条、第四十一条第二号（会社分割に係る部分に限る。）及び第三号、第四十三条、第四十四条、第七章の二、第五十三条第一項（第一号、第五号及び第八号を除く。）、第二項、第三項及び第五項、第五十五条第二項及び第三項、第五十六条第五号から第九号まで、第五十七条並びに第五十七条の二第二項の規定を除く。

(2) When a Foreign Bank has obtained a license from the Prime Minister as set forth in Article 4(1) pursuant to the provisions of the preceding paragraph, the provisions of this Act shall apply by deeming the Principal Branch Office of the Foreign Bank and any other branch offices or other business offices of that Foreign Bank in Japan (hereinafter referred to as "Secondary Branch Offices of the Foreign Bank" in this Chapter) (hereinafter collectively referred to as the "Foreign Bank Branch" in this Chapter) as a single Bank and deeming that Foreign Bank's representative person in Japan as a director of that Foreign Bank Branch that has been deemed as a single Bank; provided, however, that this shall exclude the application of provisions of Article 4-2, Article 5, Article 6, Article 7-2(4), Article 8, Article 13(2) and (4), Article 14(2), Chapter II-II, Article 19(2), Article 20(2), Article 21(2), Article 22, Article 23, Article 24(2) and (3) (limited to the part of these provisions that pertains to Subsidiaries, etc.), Article 25(2) and (5) (limited to the part of these provisions that pertains to Subsidiaries, etc.), Article 30(1) and (2), Articles 32 to 33-2 inclusive, Article 36 (limited to the part that pertains to company split), Article 37(1)(ii) and (iii), Article 39, Article 40, Article 41(ii) (limited to the part that pertains to company split) and (iii), Article 43, Article 44, Chapter VII-II, Article 53(1) (excluding items (i), (v) and (viii)), (2), (3) and (5), Article 55(2) and (3), Article 56(v) to (ix) inclusive, Article 57 and Article 57-2(2).

3 外国銀行に対する第四条第一項の内閣総理大臣の免許に係る特例、外国銀行支店に対しこの法律の規定を適用する場合における技術的読替えその他外国銀行支店に対するこの法律の規定の適用に関し必要な事項は、政令で定める。

(3) Special provisions pertaining to a license from the Prime Minister set forth in Article 4(1) that is granted to a Foreign Bank, any technical replacement of terms in the case of applying the provisions of this Act to a Foreign Bank Branch and any other necessary matters concerning application of the provisions of this Act to a Foreign Bank Branch shall be specified by a Cabinet Order.

(従たる外国銀行支店の設置等)

(Establishment, etc. of Secondary Branch Offices of Foreign Bank)

第四十七条の二 外国銀行支店は、従たる外国銀行支店の設置、種類の変更又は廃止をしようとするときは、内閣府令で定める場合を除き、内閣府令で定めるところにより、内閣総理大臣の認可を受けなければならない。

Article 47-2 When a Foreign Bank Branch intends to establish a secondary office of the Foreign Bank, change the type thereof or abolish one, it shall obtain authorization therefor from the Prime Minister pursuant to the provisions of a Cabinet Office Ordinance, except the cases specified by the Cabinet Office Ordinance.

(外国銀行支店の資料の提出等)

(Submission, etc. of Materials by Foreign Bank Branch)

第四十八条 内閣総理大臣は、外国銀行支店の業務の健全かつ適切な運営を確保するため必要があると認めるときは、外国銀行支店（当該外国銀行支店を所属銀行とする銀行代理業者を含む。）に対し、外国銀行支店に係る外国銀行（当該外国銀行と政令で定める特殊の関係のある者を含む。）の業務又は財産の状況に関する報告又は資料の提出を求めることができる。

Article 48 The Prime Minister may, when he/she finds it necessary for ensuring sound and appropriate management of the Foreign Bank Branch, require the Foreign Bank Branch (including a Bank Agent for which that Foreign Bank Branch serves as a Principal Bank) to submit reports or materials concerning the status of the business or property of the Foreign Bank to which the Foreign Bank Branch belongs (including a person who has a special relationship specified by a Cabinet Order with that Foreign Bank).

(外国銀行支店の届出)

(Notification by Foreign Bank Branch)

第四十九条 外国銀行支店は、当該外国銀行支店に係る外国銀行が次の各号のいずれかに該当するときは、内閣府令で定めるところにより、その旨を内閣総理大臣に届け出なければならない。

Article 49 (1) A Foreign Bank Branch shall, when the Foreign Bank to which that Foreign Bank Branch belongs falls under any of the following items, notify the Prime Minister to that effect pursuant to the provisions of a Cabinet Office Ordinance:

一 資本金又は出資の額を変更したとき。

(i) When the Foreign Bank has changed the amount of stated capital or contribution;

二 商号又は本店の所在地を変更したとき。

(ii) When the Foreign Bank has changed its trade name or the location of the head office;

三 合併をし、会社分割により事業を承継させ、若しくは承継し、又は事業の全部若しくは重要な一部の譲渡若しくは譲受け（当該外国銀行支店のみに係るものを除く。）をしたとき。

(iii) When the Foreign Bank has become a party to a Merger, has had its business succeeded by any other party or succeeded to business of any other party through a company split or has transferred or acquired the whole or material part of its or any other party's business (excluding business pertaining only to that Foreign Bank Branch);

四 解散（合併によるものを除く。）をし、又は銀行業の廃止をしたとき。

(iv) When the Foreign Bank has dissolved (excluding dissolution resulting from a Merger) or abolished its Banking Business;

五 銀行業に係る免許（当該免許に類する許可、登録その他の行政処分を含む。）を取り消されたとき。

(v) When the Foreign Bank's license pertaining to Banking Business (including permission, registration or any other administrative disposition similar to that license) has been rescinded;

六 破産手続開始の決定があつたとき。

(vi) When a ruling of commencement of bankruptcy proceedings is given; or

七 その他内閣府令で定める場合に該当するとき。

(vii) When the Foreign Bank falls under any other cases specified by a Cabinet Office Ordinance.

2 外国銀行支店は、次の各号のいずれかに該当するときは、内閣府令で定めるところにより、その旨を内閣総理大臣に届け出なければならない。

(2) A Foreign Bank Branch shall, when it falls under any of the following items, notify the Prime Minister to that effect pursuant to the provisions of a Cabinet Office Ordinance:

一 主たる外国銀行支店又は従たる外国銀行支店の位置の変更をしようとするとき（内閣府令で定める場合を除く。）。

(i) When the Foreign Bank Branch intends to change the location of the Principal Branch Office of the Foreign Bank or a Secondary Branch Office of the Foreign Bank (excluding the cases specified by a Cabinet Office Ordinance);

二 従たる外国銀行支店（支店でない営業所を除く。以下この号において同じ。）を主たる外国銀行支店とし、主たる外国銀行支店を従たる外国銀行支店としようとするとき。

(ii) When the Foreign Bank Branch intends to change a Secondary Branch Office of the Foreign Bank (excluding a business office that is not a branch office; hereinafter the same shall apply in this item) into the Principal Branch Office of the Foreign Bank and change the Principal Branch Office of the Foreign Bank into a Secondary Branch Office of the Foreign Bank; or

三 その他内閣府令で定める場合に該当するとき。

(iii) When the Foreign Bank Branch falls under any other case specified by a Cabinet Office Ordinance.

（外国銀行支店の公告方法）

(Method of Public Notice by Foreign Bank Branch)

第四十九条の二 外国銀行支店は、公告方法として、次に掲げる方法のいずれかを定めなければならない。

Article 49-2 (1) A Foreign Bank Branch shall specify any of the following methods as its Method of Public Notice:

一 時事に関する事項を掲載する日刊新聞紙に掲載する方法

(i) Publication in a daily newspaper that publishes matters on current events;

or

二 電子公告（会社法第二条第三十四号（定義）に規定する電子公告をいう。以下同じ。）

(ii) Electronic Public Notice (meaning Electronic Public Notice prescribed in Article 2(xxxiv) (Definitions) of the Companies Act; the same shall apply hereinafter).

2 会社法第九百四十条第三項（電子公告の公告期間等）、第九百四十一条（電子公告調査）、第九百四十六条（調査の義務等）、第九百四十七条（電子公告調査を行うことができない場合）、第九百五十一条第二項（財務諸表等の備置き及び閲覧等）、第九百五十三条（改善命令）及び第九百五十五条（調査記録簿等の記載等）の規定は、外国銀行支店が電子公告によりこの法律又は他の法律の規定による公告（会社法の規定による公告を除く。）をする場合について準用する。この場合において、同法第九百四十条第三項中「前二項」とあるのは「銀行法第四十七条第二項の規定により外国銀行支店を一の銀行とみなして適用する同法第五十七条の二第一項」と読み替えるものとするほか、必要な技術的読替えは、政令で定める。

(2) The provisions of Article 940(3) (Period of Public Notice, etc. for Electronic Public Notice), Article 941 (Investigation of Electronic Public Notice), Article 946 (Obligation, etc. of Investigation), Article 947 (Cases Where Investigation of Electronic Public Notice May Not be Conducted), Article 951(2) (Keeping and Inspection, etc. of Financial Statements, etc.), Article 953 (Order for Improvement) and Article 955 (Entry, etc. in Investigation Record Books, etc.) of the Companies Act shall apply mutatis mutandis to cases where a Foreign Bank Branch gives public notice under the provisions of this Act or other Acts (excluding public notice under the provisions of the Companies Act) by way of Electronic Public Notice. In this case, the phrase "Preceding Two Paragraphs" in Article 940(3) of that Act shall be deemed to be replaced with "Article 57-2(1) of the Banking Act as applied by deeming the Foreign Bank Branch as a single Bank pursuant to the provisions of Article 47(2) of that Act" and any other necessary technical replacement of terms shall be specified by a Cabinet Order.

（外国銀行に対する免許の失効）

**(Lapse of License for Foreign Bank)**

第五十条 第四十九条第一項第三号から第六号までのいずれかに該当して同項の規定による届出（同項第三号に係る届出にあつては当該合併後当該外国銀行支店に係る外国銀行が消滅することとなる合併、当該外国銀行支店に係る事業の全部を承継させることとなる会社分割及び事業の全部の譲渡に係る届出に限るものとし、同項第四号に係る届出にあつては銀行業の一部の廃止に係る届出を除く。）があつたときは、当該届出をした外国銀行支店に係る外国銀行に対する第四条第一項の内閣総理大臣の免許は、効力を失う。

Article 50 When a Foreign Bank Branch has given a notification under Article

49(1) due to falling under any of the categories set forth in Article 49(1)(iii) to (vi) inclusive (with regard to a notification pertaining to item (iii) of that paragraph, it shall be limited to a notification pertaining to a Merger resulting in extinction of the Foreign Bank to which said Foreign Bank Branch belongs, a company split resulting in succession of all of the business pertaining to said Foreign Bank Branch, or transfer of all of the business, and with regard to a notification pertaining to item (iv) of that paragraph, it shall exclude a notification pertaining to partial abolition of the Banking Business), the license from the Prime Minister set forth in Article 4(1) for the Foreign Bank to which to the Foreign Bank Branch that has given that notification belongs shall lose its effect.

(外国銀行支店の清算)

(Liquidation of Foreign Bank Branch)

第五十一条 外国銀行支店は、次の各号のいずれかに該当するときは、日本にある財産の全部について清算をしなければならない。

Article 51 (1) A Foreign Bank Branch shall, when it falls under any of the following items, liquidate all of its property in Japan:

一 第二十七条又は第二十八条の規定により当該外国銀行支店に係る外国銀行に対する第四条第一項の内閣総理大臣の免許を取り消されたとき。

(i) When the license from the Prime Minister set forth in Article 4(1) for the Foreign Bank to which said Foreign Bank Branch belongs has been rescinded pursuant to the provisions of Article 27 or Article 28; or

二 第四十一条第一号又は前条の規定により当該外国銀行支店に係る外国銀行に対する第四条第一項の内閣総理大臣の免許が効力を失ったとき。

(ii) When the license from the Prime Minister set forth in Article 4(1) for the Foreign Bank to which that Foreign Bank Branch belongs has lost its effect pursuant to the provisions of Article 41(i) or the preceding Article.

2 前項の規定により外国銀行支店が清算をする場合には、裁判所は、利害関係人若しくは内閣総理大臣の請求により又は職権をもつて、清算人を選任する。当該清算人の解任についても、同様とする。

(2) When a Foreign Bank Branch carries out liquidation pursuant to the provisions of the preceding paragraph, the court shall appoint a liquidator by the request of an interested person or the Prime Minister or by the court's own authority. The same shall apply to dismissal of said liquidator.

3 会社法第四百七十六条（清算株式会社の能力）、第二編第九章第一節第二款（清算株式会社の機関）、第四百九十二条（財産目録等の作成等）、同節第四款（債務の弁済等）及び第五百八条（帳簿資料の保存）の規定並びに同章第二節（第五百十条、第五百十一条及び第五百十四条を除く。）（特別清算）の規定は、その性質上許されないものを除き、第一項の規定による日本にある外国銀行支店の財産についての清算について準用する。

(3) The provisions of Article 476 (Capacity of Liquidating Stock Companies), Subsection 2 of Section 1 of Chapter IX of Part II (Structures for Liquidating Stock Companies), Article 492 (Preparation of Inventory of Property) and Subsection 4 of that Section (Performance of Obligations) and Article 508 (Retention of Accounting Materials) of the Companies Act and the provisions of Section 2 of that Chapter (excluding Article 510, Article 511 and Article 514) (Special Liquidations) shall apply mutatis mutandis to liquidation of a Foreign Bank Branch's property in Japan as prescribed in paragraph (1) except for those that cannot be applied due to their nature.

4 第四条第一項の免許を受けた外国銀行については、会社法第八百二十条（日本に住所を有する日本における代表者の退任）の規定は、適用しない。

(4) The provisions of Article 820 (Resignation of Representative Person in Japan Who Is Domiciled in Japan) of the Companies Act shall not apply to a Foreign Bank that has obtained the license set forth in Article 4(1).

5 外国銀行支店に対する会社法第八百二十二条第一項（日本にある外国会社の財産についての清算）の規定の適用については、同項中「利害関係人」とあるのは、「利害関係人若しくは内閣総理大臣」とする。

(5) With regard to application of the provisions of Article 822(1) (Liquidation of Assets of Foreign Company in Japan) of the Companies Act to a Foreign Bank Branch, the term "Interested Person" in that paragraph shall be deemed to be replaced with "an Interested Person or the Prime Minister."

（外国銀行の駐在員事務所の設置の届出等）

(Notification, etc. of Establishment of Representative Office of Foreign Bank)

第五十二条 外国銀行（外国銀行が外国銀行支店を設けている場合は、当該外国銀行支店。以下この条において同じ。）は、次に掲げる業務を行うため、日本において駐在員事務所その他の施設を設置しようとする場合（他の目的により設置している事務所その他の施設において当該業務を行おうとする場合を含む。）には、あらかじめ、当該業務の内容、当該業務を行う施設の所在地その他内閣府令で定める事項を内閣総理大臣に届け出なければならない。

Article 52 (1) When a Foreign Bank (in the case where the Foreign Bank has a Foreign Bank Branch, that Foreign Bank Branch; hereinafter the same shall apply in this Article) intends to establish a representative office or any other facility in Japan in order to carry out any of the following businesses (including cases where the Foreign Bank intends to carry out that business at an office or other facility already established for another purpose), it shall notify the Prime Minister in advance about the contents of that business, the location of the facility where that business will be carried out, and other matters specified by a Cabinet Office Ordinance:

一 銀行の業務に関する情報の収集又は提供

(i) Collection or provision of information concerning the business of the Bank;



or

二 その他銀行の業務に関連を有する業務

(ii) Any other business associated with the business of the Bank.

2 内閣総理大臣は、公益上必要があると認めるときは、外国銀行に対し、前項の施設において行う同項各号に掲げる業務に関し報告又は資料の提出を求めることができる。

(2) The Prime Minister may, when he/she finds it necessary for public interest, seek a Foreign Bank to submit reports or materials concerning the businesses listed in each item of the preceding paragraph to be carried out at the facility set forth in that paragraph.

3 外国銀行は、その設置した第一項の施設を廃止したとき、当該施設において行う同項各号に掲げる業務を廃止したときその他同項の規定により届け出た事項を変更したときは、遅滞なくその旨を内閣総理大臣に届け出なければならない。

(3) When a Foreign Bank has abolished a facility set forth in paragraph (1) which it has established, when it has abolished any of the businesses listed in each item of that paragraph to be carried out at that facility, or when it has changed any other matters it has notified pursuant to the provisions of that paragraph, the Foreign Bank shall notify the Prime Minister to that effect without delay.

## 第七章の二 株主

### Chapter VII-II Shareholders

#### 第一節 通則

##### Section 1 General Rules

(銀行等の議決権保有に係る届出書の提出)

(Submission of Written Notice Pertaining to Holding of Voting Rights of Bank, etc.)

第五十二条の二 一の銀行の総株主の議決権の百分の五を超える議決権又は一の銀行持株会社の総株主の議決権の百分の五を超える議決権の保有者（国、地方公共団体その他これらに準ずるものとして政令で定める法人（第五十二条の九において「国等」という。）を除く。以下この章及び第九章において「銀行議決権大量保有者」という。）は、内閣府令で定めるところにより、銀行議決権大量保有者となつた日から五日（日曜日その他政令で定める休日の日数は、算入しない。次条第一項において同じ。）以内（保有する議決権の数に増加がない場合その他の内閣府令で定める場合にあつては、内閣府令で定める日以内）に、次に掲げる事項を記載した届出書（以下この章において「銀行議決権保有届出書」という。）を内閣総理大臣に提出しなければならない。

Article 52-2 (1) A person who holds voting rights that exceed five hundredths of the Voting Rights Held by All of the Shareholders of a single Bank or voting rights that exceed five hundredths of the Voting Rights Held by All of the Shareholders of a single Bank Holding Company (such person shall exclude the State, local public entity, or any juridical person specified by a Cabinet Order

as one equivalent thereto (referred to as the "State, etc." in Article 52-9)); hereinafter referred to as a "Major Holder of the Bank's Voting Rights" in this Chapter and Chapter IX) shall, pursuant to the provisions of a Cabinet Office Ordinance, submit a written notice containing the following matters (hereinafter referred to as a "Written Notice of Holding the Bank's Voting Rights" in this Chapter) to the Prime Minister within five days (Sundays and other holidays specified by a Cabinet Order shall not be included in the number of days; the same shall apply in paragraph (1) of the following Article) from the day on which he/she became a Major Holder of the Bank's Voting Rights (within the number of days specified by a Cabinet Office Ordinance in the case where the number of voting rights held has not increased or in any other case specified by the Cabinet Office Ordinance):

一 議決権保有割合（銀行議決権大量保有者の保有する当該銀行議決権大量保有者がその総株主の議決権の百分の五を超える数の株式の保有者である銀行又は銀行持株会社の議決権の数を、当該銀行又は当該銀行持株会社の総株主の議決権で除して得た割合をいう。以下この章において同じ。）に関する事項、取得資金に関する事項、保有の目的その他の銀行又は銀行持株会社の議決権の保有に関する重要な事項として内閣府令で定める事項

(i) Matters concerning the Proportion of Voting Rights Held (meaning the proportion obtained by dividing the number of voting rights of the Bank or Bank Holding Company held by the Major Holder of the Bank's Voting Rights, where that Major Holder of the Bank's Voting Rights holds shares relating to more than five hundredths of the Voting Rights Held by All of the Shareholders, by the number of Voting Rights Held by All of the Shareholders of that Bank or Bank Holding Company; hereinafter the same shall apply in this Chapter), matters concerning funds for the acquisition, the purpose of holding the voting rights, and any other matters specified by a Cabinet Office Ordinance as important matters concerning the holding of voting rights of a Bank or Bank Holding Company;

二 商号、名称又は氏名及び住所

(ii) The trade name or name and address;

三 法人である場合においては、その資本金の額（出資総額を含む。）及びその代表者の氏名

(iii) In the case of a juridical person, the amount of its stated capital (including the total amount of contribution) and the name of its representative person; and

四 事業を行つているときは、営業所の名称及び所在地並びにその事業の種類

(iv) In the case where the person engages in business, the name and location of the business office and the type of the business.

2 第二条第十一項の規定は、前項の場合において銀行議決権大量保有者が保有する議決権について準用する。

(2) The provisions of Article 2(11) shall apply mutatis mutandis to the voting rights held by the Major Holder of the Bank's Voting Rights in the case referred to in the preceding paragraph.

(銀行議決権保有届出書に関する変更報告書の提出)

(Submission of Change Report Concerning Written Notice of Holding the Bank's Voting Rights)

第五十二条の三 銀行議決権大量保有者は、一の銀行の総株主の議決権の百分の五を超える議決権又は一の銀行持株会社の総株主の議決権の百分の五を超える議決権の保有者となつた日の後に、前条第一項各号に掲げる事項の変更があつた場合（議決権保有割合の変更の場合にあつては、百分の一以上増加し又は減少した場合に限る。）には、内閣府令で定めるところにより、その日から五日以内（保有する議決権の数に増加がない場合その他の内閣府令で定める場合にあつては、内閣府令で定める日以内）に、当該変更に係る報告書（以下この条及び次条において「変更報告書」という。）を内閣総理大臣に提出しなければならない。ただし、議決権保有割合が百分の一以上減少したことによる変更報告書で当該変更報告書に記載された議決権保有割合が百分の五以下であるものを既に提出している場合その他の内閣府令で定める場合については、この限りでない。

Article 52-3 (1) A Major Holder of the Bank's Voting Rights shall, in the case where any matters listed in each item of paragraph (1) of the preceding Article have been changed (in the case of a change in the Proportion of Voting Rights Held, it shall be limited to a case where the proportion has increased or decreased by one hundredth or more) after the day on which he/she became a holder of voting rights exceeding five hundredths of the Voting Rights Held by All of the Shareholders of a single Bank or voting rights that exceed five hundredths of the Voting Rights Held by All of the Shareholders of a single Bank Holding Company, he/she shall, pursuant to the provisions of a Cabinet Office Ordinance, submit a report pertaining to that change (hereinafter referred to as a "Change Report" in this Article and the following Article) to the Prime Minister within five days from that day (within the number of days specified by a Cabinet Office Ordinance in the case where the number of voting rights held has not increased or in any other case specified by the Cabinet Office Ordinance); provided, however, that this shall not apply to the case where a Change Report has already been submitted based on a decrease in the Proportion of Voting Rights Held by one hundredth or more and the Proportion of Voting Rights Held stated in that Change Report is five hundredths or less, or to any other case specified by a Cabinet Office Ordinance.

2 議決権保有割合が減少したことにより変更報告書を提出する者は、短期間に大量の議決権を譲渡したものとして政令で定める基準に該当する場合においては、内閣府令で定めるところにより、譲渡の相手方及び対価に関する事項についても当該変更報告書に記載しなければならない。

- (2) A person submitting a Change Report based on a decrease in the Proportion of Voting Rights Held shall, in a case that satisfies the requirements specified by a Cabinet Order as the case where a large number of voting rights have been transferred within a short period, also state matters concerning the party to whom the voting rights were transferred and the consideration received in that Change Report, pursuant to the provisions of a Cabinet Office Ordinance.
- 3 銀行議決権保有届出書又は変更報告書（以下この節において「提出書類」という。）を提出する日の前日までに、新たに変更報告書を提出しなければならない事由が生じた場合には、当該変更報告書は、第一項本文の規定にかかわらず、提出されていない当該提出書類の提出と同時に内閣総理大臣に提出しなければならない。
- (3) When circumstances that compel a person to submit another Change Report have arisen by the day preceding the day of submission of a Written Notice of Holding the Bank's Voting Rights or a Change Report (hereinafter referred to as "Documents Required" in this Section), that Change Report shall be submitted to the Prime Minister at the same time as the submission of that Documents Required that have yet to be submitted, notwithstanding the provisions of the main clause of paragraph (1).
- 4 提出書類を提出した者は、当該提出書類に記載された内容が事実と相違し、又は記載すべき事項若しくは誤解を生じさせないために必要な事実の記載が不十分であり、若しくは欠けていると認めるときは、訂正報告書を内閣総理大臣に提出しなければならない。
- (4) A person who has submitted Documents Required shall, when he/she finds that the contents stated in that Documents Required differ from the actual fact or that the statement of the matters to be stated or facts is insufficient or lacking in order to avoid misunderstanding, submit a correction report to the Prime Minister.
- 5 第二条第十一項の規定は、第一項及び第二項の場合において銀行議決権大量保有者が保有する議決権について準用する。
- (5) The provisions of Article 2(11) shall apply mutatis mutandis to the voting rights held by a Major Holder of the Bank's Voting Rights in the cases referred to in paragraphs (1) and (2).

（銀行議決権保有届出書等に関する特例）

**(Special Provisions on Written Notice of Holding Bank's Voting Rights)**

第五十二条の四 銀行、金融商品取引業者（有価証券関連業を営む者に限る。）、信託会社（信託業法第三条又は第五十三条第一項の免許を受けたものに限る。）その他の内閣府令で定める者のうち基準日を内閣総理大臣に届け出た者が保有する議決権で当該議決権に係る株式の発行者である銀行又は銀行持株会社の営業活動を支配することを保有の目的としないもの（議決権保有割合が内閣府令で定める数を超えた場合及び保有の態様その他の事情をして内閣府令で定める場合を除く。以下この条において「特例対象議決権」という。）に係る銀行議決権保有届出書は、第五十二条の二第一

項の規定にかかわらず、議決権保有割合が初めて百分の五を超える数となつた基準日における当該議決権の保有状況に関する事項であつて、内閣府令で定めるものを記載したものを、内閣府令で定めるところにより、当該基準日の属する月の翌月十五日までに、内閣総理大臣に提出しなければならない。

Article 52-4 (1) Notwithstanding the provisions of Article 52-2(1), a Written Notice of Holding the Bank's Voting Rights pertaining to voting rights held by a Bank, Financial Instruments Business Operator (limited to one that conducts Securities-Related Business), trust company (limited to one that has obtained a license set forth in Article 3 or Article 53(1) of the Trust Business Act) or any other person specified by a Cabinet Office Ordinance who has notified the Prime Minister of a Reference Date, where the purpose of holding such voting rights is not for controlling the business activities of the Bank or Bank Holding Company that has issued the shares relating to that voting rights (excluding the case where the Proportion of Voting Rights Held has exceeded the number specified by a Cabinet Office Ordinance and any case specified by a Cabinet Office Ordinance by taking into consideration the manner in which they are held and other circumstances; hereinafter referred to as "Voting Rights Subject to Special Provisions" in this Article) shall be submitted to the Prime Minister stating matters that relate to the status of holding that voting rights as of the Reference Date on which the Proportion of Voting Rights Held exceeded five hundredths for the first time and that are specified by a Cabinet Office Ordinance, by the fifteenth day of the month following the month containing said Reference Date, pursuant to the provisions of a Cabinet Office Ordinance.

2 特例対象議決権に係る変更報告書（当該議決権が特例対象議決権以外の議決権になる場合の変更に係るものを除く。）は、次の各号に掲げる場合の区分に応じ当該各号に定める日までに、内閣府令で定めるところにより、内閣総理大臣に提出しなければならない。

(2) A Change Report pertaining to Voting Rights Subject to Special Provisions (excluding one pertaining to a change where that voting rights become those that are not Voting Rights Subject to Special Provisions) shall be submitted to the Prime Minister by the days respectively prescribed in the following items for the categories of cases listed in those items, pursuant to the provisions of a Cabinet Office Ordinance:

一 前項の銀行議決権保有届出書に係る基準日の後の基準日における議決権保有割合が当該銀行議決権保有届出書に記載された議決権保有割合より百分の一以上増加し又は減少した場合その他の同項に規定する内閣府令で定めるものの重要な変更があつた場合 当該後の基準日の属する月の翌月十五日

(i) A case where the Proportion of Voting Rights Held on a Reference Date that comes after the Reference Date pertaining to the Written Notice of Holding the Bank's Voting Rights set forth in the preceding paragraph increased or decreased by one hundredth or more from the Proportion of Voting Rights

Held that was stated in that Written Notice of Holding the Bank's Voting Rights or any other case where there was an important change to matters specified by the Cabinet Office Order prescribed in that paragraph: The fifteenth day of the month following the month containing said later Reference Date;

二 当該銀行議決権保有届出書に係る基準日の属する月の後の月の末日において議決権保有割合が大幅に増加し又は減少した場合として内閣府令で定める基準に該当することとなった場合 当該末日の属する月の翌月十五日

(ii) A case where the circumstances came to satisfy the requirements specified by a Cabinet Office Ordinance for a case in which the Proportion of Voting Rights Held considerably increased or decreased by the last day of any month after the month containing the Reference Date pertaining to Written Notice of Holding the Bank's Voting Rights: The fifteenth day of the month following the month containing said last day;

三 変更報告書に係る基準日の後の基準日における議決権保有割合が当該変更報告書に記載された議決権保有割合より百分の一以上増加し又は減少した場合その他の前項に規定する内閣府令で定めるものの重要な変更があつた場合 当該後の基準日の属する月の翌月十五日

(iii) A case where the Proportion of Voting Rights Held on a Reference Date that comes after the Reference Date pertaining to the Change Report increased or decreased by one hundredth or more from the Proportion of Voting Rights Held that was stated in that Change Report or any other case where there was an important change to matters specified by the Cabinet Office Order prescribed in the preceding paragraph: The fifteenth day of the month following the month containing that later Reference Date; and

四 前三号に準ずる場合として内閣府令で定める場合 内閣府令で定める日

(iv) A case specified by a Cabinet Office Ordinance as a case equivalent to any of the preceding three items: The day specified by the Cabinet Office Ordinance.

3 前二項の基準日とは、第一項に規定する内閣府令で定める者が内閣府令で定めるところにより内閣総理大臣に届出をした三月ごとの月の末日をいう。

(3) The Reference Date set forth in the preceding two paragraphs means the last day of the month in which a person specified by the Cabinet Office Ordinance prescribed in paragraph (1) notified the Prime Minister pursuant to the provisions of the Cabinet Office Ordinance and that of every three months thereafter.

4 第二条第十一項の規定は、第一項及び第二項の場合において銀行議決権大量保有者が保有する特例対象議決権について準用する。

(4) The provisions of Article 2(11) shall apply mutatis mutandis to the Voting Rights Subject to Special Provisions held by a Major Holder of the Bank's Voting Rights in cases referred to in paragraphs (1) and (2).

(訂正報告書の提出命令)

**(Order to Submit Correction Report)**

第五十二条の五 内閣総理大臣は、第五十二条の二第一項、第五十二条の三第一項若しくは第三項又は前条第一項若しくは第二項の規定により提出書類の提出を受けた場合において、当該提出書類に形式上の不備があり、又は当該提出書類に記載すべき事項のうち重要なものの記載が不十分であると認めるときは、当該提出書類の提出をした者に対し、訂正報告書の提出を命ずることができる。この場合においては、行政手続法（平成五年法律第八十八号）第十三条第一項（不利益処分をしようとする場合の手続）の規定による意見陳述のための手続の区分にかかわらず、聴聞を行わなければならない。

**Article 52-5** In the case where Documents Required have been submitted pursuant to the provisions of Article 52-2(1), Article 52-3(1) or (3) or paragraph (1) or (2) of the preceding Article, the Prime Minister may, when he/she finds that there is a deficiency in form in that Documents Required or that the statement of the important matters states insufficiently matters that should be stated in that Documents Required, order the person who has submitted that Documents Required to submit a correction report. In this case, a hearing shall be carried out irrespective of the categories of procedures for hearing statements under Article 13(1) (Procedures Prerequisite for Adverse Dispositions) of the Administrative Procedure Act (Act No. 88 of 1993).

第五十二条の六 内閣総理大臣は、提出書類のうちに重要な事項について虚偽の記載があり、又は記載すべき事項のうち重要なもの若しくは誤解を生じさせないために必要な重要な事実の記載が欠けていることを発見したときは、いつでも、当該提出書類の提出をした者に対し、訂正報告書の提出を命ずることができる。この場合においては、行政手続法第十三条第一項（不利益処分をしようとする場合の手続）の規定による意見陳述のための手続の区分にかかわらず、聴聞を行わなければならない。

**Article 52-6** The Prime Minister may, when he/she has discovered that there is a false statement on important matters or a lack of statement of any important matters among the matters that should be stated or any facts necessary for avoiding misunderstanding in the Documents Required, order the person who has submitted that Documents Required, at any time, to submit a correction report. In this case, a hearing shall be carried out irrespective of the categories of procedures for hearing statements under Article 13(1) (Procedures Prerequisite for Adverse Dispositions) of the Administrative Procedure Act.

(銀行議決権大量保有者による報告又は資料の提出)

**(Submission of Reports or Materials by Major Holder of the Bank's Voting Rights)**

第五十二条の七 内閣総理大臣は、提出書類のうちに重要な事項について虚偽の記載が

あり、又は記載すべき事項のうち重要なもの若しくは誤解を生じさせないために必要な重要な事実の記載が欠けている疑いがあると認めるときは、当該提出書類を提出した銀行議決権大量保有者に対し、当該提出書類に記載すべき事項又は誤解を生じさせないために必要な事実に関し参考となるべき報告又は資料の提出を求めることができる。

Article 52-7 The Prime Minister may, when he/she finds a possibility that there is a false statement with regard to an important matter or a lack of statement of any important matter among the matters that should be stated or any facts necessary for avoiding misunderstanding in the Documents Required, order the Major Holder of the Bank's Voting Rights who has submitted that Documents Required to submit reports or materials that would be helpful concerning the matters that should be stated in that Documents Required or facts necessary for avoiding misunderstanding.

(銀行議決権大量保有者に対する立入検査)

(On-Site Inspection of Major Holder of the Bank's Voting Rights)

第五十二条の八 内閣総理大臣は、提出書類のうち重要な事項について虚偽の記載があり、又は記載すべき事項のうち重要なもの若しくは誤解を生じさせないために必要な重要な事実の記載が欠けている疑いがあると認めるときは、当該職員に当該提出書類を提出した銀行議決権大量保有者の事務所その他の施設に立ち入らせ、当該提出書類に記載すべき事項若しくは誤解を生じさせないために必要な事実に関し質問させ、又は当該銀行議決権大量保有者の帳簿書類その他の物件を検査させることができる。

Article 52-8 (1) The Prime Minister may, when he/she finds a possibility that there is a false statement on important matters or a lack of statement of any important matters among the matters that should be stated or any facts necessary for avoiding misunderstanding in the Documents Required, have his/her officials enter an office or any other facility of the Major Holder of the Bank's Voting Rights who has submitted that Documents Required, ask questions concerning the matters that should be stated in that Documents Required or facts necessary for avoiding misunderstanding, or inspect books and documents or other objects of that Major Holder of the Bank's Voting Rights.

2 前項の場合において、当該職員は、その身分を示す証明書を携帯し、関係人の請求があつたときは、これを提示しなければならない。

(2) In the case referred to in the preceding paragraph, that officials shall carry a certificate for identification and produce it to those concerned when requested.

3 第一項の規定による権限は、犯罪捜査のために認められたものと解してはならない。

(3) The authority under paragraph (1) shall not be construed as one that has been granted for criminal investigation.

## 第二節 銀行主要株主に係る特例



## Section 2 Special Provisions Pertaining to Major Shareholder of Bank

### 第一款 通則

#### Subsection 1 General Rules

(銀行主要株主に係る認可等)

(Authorization, to be Obtained by Major Shareholder of Bank, etc.)

第五十二条の九 次に掲げる取引若しくは行為により一の銀行の主要株主基準値以上の数の議決権の保有者になろうとする者又は銀行の主要株主基準値以上の数の議決権の保有者である会社その他の法人の設立をしようとする者（国等並びに第五十二条の十七第一項に規定する持株会社になろうとする会社、同項に規定する者及び銀行を子会社としようとする銀行持株会社を除く。）は、あらかじめ、内閣総理大臣の認可を受けなければならない。

Article 52-9 (1) A person who intends to become a holder of voting rights of a Bank which amounts to the Major Shareholder Threshold or more or a person who intends to establish a company or any other juridical person that is a holder of such voting rights of a Bank that is equal to or more than the Major Shareholder Threshold (excluding the State, etc., a company that intends to become a Holding company as prescribed in Article 52-17(1), the person prescribed in that paragraph, and a Bank Holding Company that intends to make the Bank its Subsidiary Company) through any of the following transactions or acts shall obtain authorization from the Prime Minister in advance:

一 当該議決権の保有者になろうとする者による銀行の議決権の取得（担保権の実行による株式の取得その他の内閣府令で定める事由によるものを除く。）

(i) Acquisition of voting rights of the Bank by the person who intends to become the holder of such voting rights (excluding acquisition of shares as the result of enforcement of security interest or acquisition of voting rights by any other cause specified by a Cabinet Office Ordinance);

二 当該議決権の保有者になろうとする者がその主要株主基準値以上の数の議決権を保有している会社による第四条第一項の免許の取得

(ii) Acquisition of the license set forth in Article 4(1) by a company whose voting rights amounting to the Major Shareholder Threshold or more are held by the person who intends to become the holder of that voting rights; or

三 その他政令で定める取引又は行為

(iii) Any other transactions or acts specified by a Cabinet Order.

2 前項各号に掲げる取引又は行為以外の事由により一の銀行の主要株主基準値以上の数の議決権の保有者になつた者（国等並びに銀行持株会社及び第五十二条の十七第二項に規定する特定持株会社を除く。以下この条及び第六十五条において「特定主要株主」という。）は、当該事由の生じた日の属する当該銀行の事業年度の終了の日から一年を経過する日（以下この項及び第四項において「猶予期限日」という。）までに銀行の主要株主基準値以上の数の議決権の保有者でなくなるよう、所要の措置を講じ

なければならない。ただし、当該特定主要株主が、猶予期限日後も引き続き銀行の主要株主基準値以上の数の議決権の保有者であることについて内閣総理大臣の認可を受けた場合は、この限りでない。

(2) A person who became a holder of voting rights of a Bank which amounts to the Major Shareholder Threshold or more by a cause other than the transactions or acts listed in each item of the preceding paragraph (excluding the State, etc., a Bank Holding Company, and a Specified Holding Company prescribed in Article 52-17(2); hereinafter referred to as "Specified Major Shareholder" in this Article and Article 65) shall take necessary measures so that he/she becomes a person who is no longer a holder of voting rights of the Bank which amounts to the Major Shareholder Threshold or more by the day on which one year has elapsed from the end of the Business Year of that Bank including the date on which said cause arose (hereinafter referred to as the "Last Day of the Grace Period" in this paragraph and paragraph (4)); provided, however, that this shall not apply to the cases where that Specified Major Shareholder has obtained authorization from the Prime Minister to remain as a Holder of Voting Rights of a Bank which amounts to the Major Shareholder Threshold or more even after the Last Day of the Grace Period.

3 特定主要株主は、前項の規定による措置により銀行の主要株主基準値以上の数の議決権の保有者でなくなつたときは、遅滞なく、その旨を内閣総理大臣に届け出なければならない。当該措置によることなく銀行の主要株主基準値以上の数の議決権の保有者でなくなつたときも、同様とする。

(3) A Specified Major Shareholder shall, when he/she becomes a person who is no longer a holder of voting rights of a Bank which amounts to the Major Shareholder Threshold or more by a measure required under the preceding paragraph, notify the Prime Minister to that effect without delay. The same shall apply in the case where a Specified Major Shareholder becomes a person who is no longer a holder of voting rights of a Bank which amounts to the Major Shareholder Threshold or more without taking said measure.

4 内閣総理大臣は、第一項の認可を受けずに同項各号に掲げる取引若しくは行為により銀行の主要株主基準値以上の数の議決権の保有者になつた者若しくは銀行の主要株主基準値以上の数の議決権の保有者として設立された会社その他の法人又は第二項ただし書の認可を受けることなく猶予期限日後も銀行の主要株主基準値以上の数の議決権の保有者である者に対し、当該銀行の主要株主基準値以上の数の議決権の保有者でなくなるよう、所要の措置を講ずることを命ずることができる。

(4) The Prime Minister may order a person who became a holder of voting rights of a Bank which amounts to the Major Shareholder Threshold or more or a company or any other juridical person established as a holder of voting rights of a Bank which amounts to the Major Shareholder Threshold or more through any of the transactions or acts listed in each item of paragraph (1) without obtaining the authorization set forth in that paragraph or a person who

remains as a holder of voting rights of a Bank which amounts to the Major Shareholder Threshold or more even after the Last Day of the Grace Period without obtaining the authorization set forth in the proviso to paragraph (2), to take necessary measures for becoming a person who is no longer a holder of voting rights of the Bank which amounts to the Major Shareholder Threshold or more.

第五十二条の十 内閣総理大臣は、前条第一項又は第二項ただし書の認可の申請があつたときは、次に掲げる基準に適合するかどうかを審査しなければならない。

Article 52-10 When an application for the authorization set forth in paragraph (1) of the preceding Article or the proviso to paragraph (2) of the preceding Article is filed, the Prime Minister shall examine whether the following requirements are satisfied:

一 当該認可の申請をした者（以下この条において「申請者」という。）が会社その他の法人である場合又は当該認可を受けて会社その他の法人が設立される場合にあつては、次に掲げる基準に適合すること。

(i) In the case where the person who filed an application for that authorization (hereinafter referred to as the "Applicant" in this Article) is a company or any other juridical person or in the case where a company or any other juridical person is to be established under the authorization, the following requirements shall be satisfied:

イ 取得資金に関する事項、保有の目的その他の当該申請者又は当該認可を受けて設立される会社その他の法人（以下この号において「法人申請者等」という。）による銀行の主要株主基準値以上の数の議決権の保有に関する事項に照らして、当該法人申請者等がその主要株主基準値以上の数の議決権の保有者であり、又はその主要株主基準値以上の数の議決権の保有者となる銀行の業務の健全かつ適切な運営を損なうおそれがないこと。

(a) In light of the matters concerning funds for the acquisition, the purpose of holding the voting rights, or any other matters concerning the holding of voting rights of the Bank which amounts to the Major Shareholder Threshold or more by that applicant or the company or any other juridical person to be established under the authorization (hereinafter referred to as the "Juridical Person Applicant, etc." in this item), there shall be no risk of impairment of sound and appropriate management of the business of the Bank for which that Juridical Person Applicant, etc. is or will become a holder of the voting rights which amounts to the Major Shareholder Threshold or more;

ロ 法人申請者等及びその子会社（子会社となる会社を含む。）の財産及び収支の状況に照らして、当該法人申請者等がその主要株主基準値以上の数の議決権の保有者であり、又はその主要株主基準値以上の数の議決権の保有者となる銀行の業務の健全かつ適切な運営を損なうおそれがないこと。

(b) In light of the status of property and income and expenditure of the Juridical Person Applicant, etc. and its Subsidiary Companies (including any company that will become a Subsidiary Company), there shall be no risk of impairment of sound and appropriate management of the business of the Bank for which that Juridical Person Applicant, etc. is or will become a Holder of the Voting Rights which amounts to the Major Shareholder Threshold or more; and

ハ 法人申請者等が、その人的構成等に照らして、銀行の業務の公共性に関し十分な理解を有し、かつ、十分な社会的信用を有する者であること。

(c) In light of such matters as its personnel structure, the Juridical Person Applicant, etc. has sufficient understanding of the public nature of the business of the Bank and has sufficient social credibility.

二 前号に掲げる場合以外の場合にあつては、次に掲げる基準に適合すること。

(ii) In cases other than those listed in the preceding item, the following requirements shall be satisfied:

イ 取得資金に関する事項、保有の目的その他の当該申請者による銀行の主要株主基準値以上の数の議決権の保有に関する事項に照らして、当該申請者がその主要株主基準値以上の数の議決権の保有者であり、又はその主要株主基準値以上の数の議決権の保有者となる銀行の業務の健全かつ適切な運営を損なうおそれがないこと。

(a) In light of the matters concerning funds for the acquisition, the purpose of holding the voting rights, or any other matters concerning the Holding of Voting Rights of the Bank which amounts to the Major Shareholder Threshold or more by that Applicant, there shall be no risk of impairment of sound and appropriate management of the business of the Bank for which that Applicant is or will become a holder of the voting rights which amounts to the Major Shareholder Threshold or more;

ロ 当該申請者の財産の状況（当該申請者が事業を行う者である場合においては、収支の状況を含む。）に照らして、当該申請者がその主要株主基準値以上の数の議決権の保有者であり、又はその主要株主基準値以上の数の議決権の保有者となる銀行の業務の健全かつ適切な運営を損なうおそれがないこと。

(b) In light of the status of property of that Applicant (including the status of income and expenditure in the case where that Applicant is a person engaging in business), there shall be no risk of impairment of sound and appropriate management of the business of the Bank for which that Applicant is or will become a holder of the voting rights which amounts to the Major Shareholder Threshold or more; and

ハ 当該申請者が、銀行の業務の公共性に関し十分な理解を有し、かつ、十分な社会的信用を有する者であること。

(c) That Applicant has sufficient understanding of the public nature of the business of the Bank and has sufficient social credibility.

## 第二款 監督

### Subsection 2 Supervision

(銀行主要株主による報告又は資料の提出)

(Submission of Reports or Materials by Major Shareholder of Bank)

第五十二条の十一 内閣総理大臣は、銀行の業務の健全かつ適切な運営を確保するため特に必要があると認めるときは、その必要の限度において、当該銀行の主要株主基準値以上の数の議決権の保有者である銀行主要株主に対し、当該銀行の業務又は財産の状況に関し参考となるべき報告又は資料の提出を求めることができる。

Article 52-11 The Prime Minister may, when and to the extent that he/she finds it particularly necessary for ensuring sound and appropriate management of the business of a Bank, seek a Major Shareholder of Bank who is a holder of voting rights of that Bank which amounts to the Major Shareholder Threshold or more to submit reports or materials that would be helpful concerning the status of the business or property of that Bank.

(銀行主要株主に対する立入検査)

(On-Site Inspection of Major Shareholder of Bank)

第五十二条の十二 内閣総理大臣は、銀行の業務の健全かつ適切な運営を確保するため特に必要があると認めるときは、その必要の限度において、当該職員に当該銀行の主要株主基準値以上の数の議決権の保有者である銀行主要株主の事務所その他の施設に立ち入らせ、当該銀行若しくは当該銀行主要株主の業務若しくは財産の状況に関し質問させ、又は当該銀行主要株主の帳簿書類その他の物件を検査させることができる。

Article 52-12 (1) The Prime Minister may, when and to the extent that he/she finds it particularly necessary for ensuring sound and appropriate management of the business of a Bank, have his/her officials enter an office or any other facility of a Major Shareholder of Bank who is a holder of voting rights of that Bank which amounts to the Major Shareholder Threshold or more, ask questions on the status of the business or property of that Bank or that Major Shareholder of the Bank, or inspect books and documents or other objects of that Major Shareholder of Bank.

2 前項の場合において、当該職員は、その身分を示す証明書を携帯し、関係人の請求があつたときは、これを提示しなければならない。

(2) In the case referred to in the preceding paragraph, said officials shall carry a certificate for identification and produce it to those concerned when requested.

3 第一項の規定による権限は、犯罪捜査のために認められたものと解してはならない。

(3) The authority under paragraph (1) shall not be construed as one that has been granted for criminal investigation.

(銀行主要株主に対する措置命令)

(Order for Action toward Major Shareholder of Bank)

第五十二条の十三 内閣総理大臣は、銀行主要株主が第五十二条の十各号に掲げる基準（当該銀行主要株主に係る第五十二条の九第一項又は第二項ただし書の認可に第五十四条第一項の規定に基づく条件が付されている場合にあつては、当該条件を含む。）に適合しなくなつたときは、当該銀行主要株主に対し、措置を講ずべき期限を示して、当該基準に適合させるために必要な措置をとるべき旨の命令をすることができる。

Article 52-13 The Prime Minister may, when a Major Shareholder of Bank no longer satisfies the requirements listed in each item of Article 52-10 (in the case where conditions are imposed on the authorization set forth in Article 52-9(1) or the proviso to Article 52-9(2) pertaining to that Major Shareholder of Bank, based on the provisions of Article 54(1), such criteria shall include that conditions), order that Major Shareholder of Bank to take necessary measures for satisfying that requirements by designating the time limit for taking the measures.

(銀行主要株主に対する改善計画の提出の求め等)

(Request, etc. for Submission of Improvement Plan by Major Shareholder of Bank)

第五十二条の十四 内閣総理大臣は、銀行主要株主（銀行の総株主の議決権の百分の五十を超える議決権の保有者に限る。以下この条において同じ。）の業務又は財産の状況（銀行主要株主が会社その他の法人である場合にあつては、当該銀行主要株主の子会社その他の当該銀行主要株主と内閣府令で定める特殊の関係のある会社の財産の状況を含む。）に照らして、当該銀行の業務の健全かつ適切な運営を確保するため特に必要があると認めるときは、その必要の限度において、当該銀行主要株主に対し、措置を講ずべき事項及び期限を示して、当該銀行の経営の健全性を確保するための改善計画の提出を求め、若しくは提出された改善計画の変更を命じ、又はその必要の限度において監督上必要な措置を命ずることができる。

Article 52-14 (1) The Prime Minister may, when and to the extent that he/she finds it particularly necessary for ensuring sound and appropriate management of the business of a Bank in light of the status of business or property (in the case that the Major Shareholder of Bank is a company or any other juridical person, it shall include the status of property of Subsidiary Companies of that Major Shareholder of the Bank or any other companies that have a special relationship specified by a Cabinet Office Ordinance with that Major Shareholder of Bank) of the Major Shareholder of Bank (limited to a person who holds more than five hundredths of the Voting Rights Held by All of the Shareholders of the Bank; hereinafter the same shall apply in this Article), request the Major Shareholder of Bank to submit an improvement plan for securing the soundness in management of the Bank or order amendment of the submitted improvement plan by designating matters for which measures should be taken and the time limit therefor, or may order,

within the limit necessary, measures necessary for the purpose of supervision.

2 内閣総理大臣は、銀行主要株主に対し前項の規定による命令をした場合において、当該命令に係る措置の実施の状況に照らして必要があると認めるときは、当該銀行主要株主がその総株主の議決権の百分の五十を超える議決権の保有者である銀行に対し、その業務の健全かつ適切な運営を確保するために必要な措置を命ずることができる。

(2) Where the Prime Minister has given the Major Shareholder of Bank an order under the preceding paragraph, if he/she finds it necessary in light of the state of implementation of the measures under that order, he/she may order the Bank for which the Major Shareholder of the Bank holds more than five hundredths of the Voting Rights Held by All of its Shareholders to take measures necessary for ensuring sound and appropriate management of the business of the Bank.

(銀行主要株主に係る認可の取消し等)

(Rescission, etc. of Authorization Granted to Major Shareholder of Bank)

第五十二条の十五 内閣総理大臣は、銀行主要株主が法令若しくは法令に基づく内閣総理大臣の処分に違反したとき又は公益を害する行為をしたときは、当該銀行主要株主に対し監督上必要な措置を命じ、又は当該銀行主要株主の第五十二条の九第一項若しくは第二項ただし書の認可を取り消すことができる。この場合において、同条第一項の認可のうち設立に係るものは、当該認可を受けて設立された会社その他の法人である銀行主要株主に対して与えられているものとみなす。

Article 52-15 (1) The Prime Minister may, when a Major Shareholder of Bank has violated any laws and regulations or a disposition given by the Prime Minister based on any laws and regulations or has committed an act that harms the public interest, order that Major Shareholder of the Bank to take necessary measures for the purpose of supervision, or rescind the authorization set forth in Article 52-9(1) or in the proviso to Article 52-9(2) for that Major Shareholder of the Bank. In this case, the authorization set forth in paragraph (1) of that Article that pertains to establishment shall be deemed to be granted to the Major Shareholder of the Bank which is the company or any other juridical person that has been established under the authorization.

2 銀行主要株主は、前項の規定により第五十二条の九第一項又は第二項ただし書の認可を取り消されたときは、内閣総理大臣が指定する期間内に銀行の主要株主基準値以上の数の議決権の保有者でなくなるよう、所要の措置を講じなければならない。

(2) A Major Shareholder of Bank shall, when authorization set forth in Article 52-9(1) or in the proviso to Article 52-9(2) has been rescinded pursuant to the provisions of the preceding paragraph, take necessary measures so that it will become a person who is no longer a holder of voting rights of the Bank which amounts to the Major Shareholder Threshold or more within a period designated by the Prime Minister.

### 第三款 雑則

#### Subsection 3 Miscellaneous Provisions

(外国銀行主要株主に対する法律の適用関係)

(Application of the Act to Foreign Major Shareholder of Bank)

第五十二条の十六 銀行の主要株主基準値以上の数の議決権の保有者であつて外国人又は外国法人であるもの（以下この条において「外国銀行主要株主」という。）に対しこの法律を適用する場合における特例及び技術的読替えその他外国銀行主要株主に対するこの法律の規定の適用に関し必要な事項は、政令で定める。

Article 52-16 Any special provisions and technical replacement of terms for applying this Act to a holder of voting rights of a Bank which amounts to the Major Shareholder Threshold or more that is a foreign national or a foreign juridical person (hereinafter referred to as a "Foreign Major Shareholder of a Bank" in this Article) and any other necessary matters concerning application of the provisions of this Act to Foreign Major Shareholder of a Bank shall be specified by a Cabinet Order.

### 第三節 銀行持株会社に係る特例

#### Section 3 Special Provisions on Bank Holding Companies

#### 第一款 通則

##### Subsection 1 General Rules

(銀行持株会社に係る認可等)

(Authorization to be Obtained by Bank Holding Company, etc.)

第五十二条の十七 次に掲げる取引若しくは行為により銀行を子会社とする持株会社になろうとする会社又は銀行を子会社とする持株会社の設立をしようとする者は、あらかじめ、内閣総理大臣の認可を受けなければならない。

Article 52-17 (1) A company which intends to become a Holding Company having a Bank as its Subsidiary Company, or a person who intends to establish such a Holding Company, through any of the following transactions or acts, shall obtain authorization from the Prime Minister in advance:

一 当該会社又はその子会社による銀行の議決権の取得（担保権の実行による株式の取得その他の内閣府令で定める事由によるものを除く。）

(i) Acquisition of voting rights of the Bank by the company or its Subsidiary Companies (excluding acquisition of shares by enforcement of security interest or acquisition of voting rights by any other cause specified by a Cabinet Office Ordinance)

二 当該会社の子会社による第四条第一項の免許の取得

(ii) Acquisition of the license set forth in Article 4(1) by its Subsidiary Company; or

三 その他政令で定める取引又は行為



(iii) Any other transactions or acts specified by a Cabinet Order.

2 前項各号に掲げる取引又は行為以外の事由により銀行を子会社とする持株会社になつた会社（以下「特定持株会社」という。）は、当該事由の生じた日の属する事業年度経過後三月以内に、当該会社が銀行を子会社とする持株会社になつた旨その他の内閣府令で定める事項を内閣総理大臣に届け出なければならない。

(2) When a company becomes a Holding Company having a Bank as its Subsidiary Company by a cause other than the transactions or acts listed in each item of the preceding paragraph (hereinafter such a company is referred to as "Specified Holding Company"), it shall notify the Prime Minister of the fact that it has become a Holding Company having a Bank as its Subsidiary Company and of other matters specified by a Cabinet Office Ordinance within three months after the end of the relevant Business Year including the day on which said cause arose.

3 特定持株会社は、前項の事由の生じた日の属する事業年度の終了の日から一年を経過する日（以下この項及び第五項において「猶予期限日」という。）までに銀行を子会社とする持株会社でなくなるよう、所要の措置を講じなければならない。ただし、当該特定持株会社が、猶予期限日後も引き続き銀行を子会社とする持株会社であることについて内閣総理大臣の認可を受けた場合は、この限りでない。

(3) A Specified Holding Company shall take necessary measures for becoming a company which is no longer a Holding Company having a Bank as its Subsidiary Company by the day on which one year has elapsed from the end of the Business Year including the day on which the cause referred to in the preceding paragraph arose (hereinafter referred to as the "Last Day of the Grace Period" in this paragraph and paragraph (5)); provided, however, that this shall not apply to the cases where said Specified Holding Company has obtained authorization from the Prime Minister to remain as a Holding Company having a Bank as its Subsidiary Company even after the Last Day of the Grace Period.

4 特定持株会社は、前項の規定による措置により銀行を子会社とする持株会社でなくなつたときは、遅滞なく、その旨を内閣総理大臣に届け出なければならない。当該措置によることなく銀行を子会社とする持株会社でなくなつたときも、同様とする。

(4) A Specified Holding Company shall, when it becomes a company which is no longer a Holding Company having a Bank as its Subsidiary Company by the measures required under the preceding paragraph, notify the Prime Minister to that effect without delay. The same shall apply in the case where a Specified Holding Company becomes a company which is no longer a Holding Company having a Bank as its Subsidiary Company not as a result of such measures.

5 内閣総理大臣は、第一項の認可を受けずに同項各号に掲げる取引若しくは行為により銀行を子会社とする持株会社になつた会社若しくは銀行を子会社とする持株会社として設立された会社又は第三項ただし書の認可を受けることなく猶予期限日後も銀行を子会社とする持株会社である会社に対し、銀行を子会社とする持株会社でなくなる

よう、所要の措置を講ずることを命ずることができる。

- (5) The Prime Minister may order a company which became a Holding Company having a Bank as its Subsidiary Company, or a person who established such a Holding Company, through any of the transactions or acts listed in each item of paragraph (1) without obtaining the authorization set forth in that paragraph, or a company which remains as a Holding Company having a Bank as its Subsidiary Company even after the Last Day of the Grace Period without obtaining the authorization set forth in the proviso to paragraph (3), to take necessary measures for becoming a company which is no longer a Holding Company having a Bank as its Subsidiary Company.

第五十二条の十八 内閣総理大臣は、前条第一項又は第三項ただし書の認可の申請があったときは、次に掲げる基準に適合するかどうかを審査しなければならない。

Article 52-18 (1) When an application for the authorization set forth in paragraph (1) or in the proviso to paragraph (3) of the preceding Article is filed, the Prime Minister shall examine whether the following requirements are satisfied:

一 当該認可の申請をした会社又は当該認可を受けて設立される会社（以下この条において「申請者等」という。）及びその子会社（子会社となる会社を含む。次号において同じ。）の収支の見込みが良好であること。

(i) The company which files an application for the authorization or which is to be established under the authorization (hereinafter referred to as the "Applicant, etc." in this Article) and its Subsidiary Companies (including companies scheduled to become its Subsidiary Companies; the same shall apply in the following item) must have good prospects for the balancing of income and expenditure;

二 申請者等及びその子会社が保有する資産等に照らしこれらの者の自己資本の充実の状況が適当であること。

(ii) The adequacy of equity capital of the Applicant, etc. and its Subsidiary Companies must be appropriate in light of the circumstances such as the assets owned by them; and

三 申請者等が、その人的構成等に照らして、その子会社であり、又はその子会社となる銀行の経営管理を的確かつ公正に遂行することができる知識及び経験を有し、かつ、十分な社会的信用を有する者であること。

(iii) In light of such matters as its personnel structure, the Applicant, etc. shall have the knowledge and experience that will enable the Applicant, etc. to carry out the business management of its subsidiary Bank or a Bank intended to become its Subsidiary Company appropriately and fairly and must have sufficient social credibility.

2 銀行持株会社（外国の法令に準拠して設立されたものを除く。）は、株式会社であつて次に掲げる機関を置くものでなければならない。

(2) A Bank Holding Company (excluding one established under the laws and regulations of a foreign state) shall be a stock company and shall have the following organs:

一 取締役会

(i) Board of directors;

二 監査役会又は委員会

(ii) Board of company auditors or committees; and

三 会計監査人

(iii) Accounting auditor.

(銀行持株会社の取締役の兼職の制限等)

(Restriction of Concurrent Holding of Positions by Directors of Bank Holding Company, etc.)

第五十二条の十九 銀行持株会社の常務に従事する取締役（委員会設置会社にあつては、執行役）は、内閣総理大臣の認可を受けた場合を除くほか、他の会社の常務に従事してはならない。

Article 52-19 (1) A director engaging in the ordinary business of a Bank Holding Company (or executive officer, in the case of a Bank which is a company with committees) shall not engage in the ordinary business of any other company, except when he/she has obtained the Prime Minister's authorization.

2 内閣総理大臣は、前項の認可の申請があつたときは、当該申請に係る事項が当該銀行持株会社の子会社である銀行の業務の健全かつ適切な運営を妨げるおそれがあると認める場合を除き、これを認可しなければならない。

(2) Where an application for authorization referred to in the preceding paragraph is filed, the Prime Minister shall grant the authorization unless it is found that there is a risk of sound and appropriate management of the subsidiary Bank of the Bank Holding Company to be impaired by matters pertaining to the application.

3 破産手続開始の決定を受けて復権を得ない者又は外国の法令上これと同様に取り扱われている者は、銀行持株会社の取締役、執行役又は監査役となることができない。

(3) A person who has become subject to the ruling of the commencement of bankruptcy proceedings and has not had restored his/her rights or a person who is treated the same as such a person under the laws and regulations of a foreign state may not be appointed as a director, executive officer or auditor of a Bank Holding Company.

4 会社法第三百三十一条第二項ただし書（取締役の資格等）（同法第三百三十五条第一項（監査役の資格等）において準用する場合を含む。）、第三百三十二条第二項（取締役の任期）（同法第三百三十四条第一項（会計参与の任期）において準用する場合を含む。）、第三百三十六条第二項（監査役の任期）及び第四百二条第五項ただし書（執行役の選任等）の規定は、銀行持株会社については、適用しない。

(4) The provisions of the proviso of Article 331(2) (Qualifications of Directors)

(including the cases where it is applied mutatis mutandis pursuant to Article 335(1) (Qualifications of Company Auditors) of the Companies Act), Article 332 (2) (Directors' Terms of Office) (including the cases where it is applied mutatis mutandis pursuant to Article 334(1) (Accounting Advisors' Terms of Office)) of that Act), Article 336(2) (Company Auditors' Terms of Office) and the proviso of Article 402(5) (Election of Executive Officers) of the Companies Act shall not apply to a Bank Holding Company.

5 銀行持株会社は、持分会社の無限責任社員又は業務を執行する社員となることのできない。

(5) A Bank Holding Company may not become a member with unlimited liability, or member who executes the business, of a membership company.

(銀行主要株主に係る規定の準用)

(Mutatis Mutandis Application of Provisions Concerning Major Shareholder of Bank)

第五十二条の二十 第五十二条の十六の規定は、銀行を子会社とする持株会社であつて外国の法令に準拠して設立されたものについて準用する。

Article 52-20 The provision of Article 52-16 shall apply mutatis mutandis to a Holding Company which was established under the laws and regulations of a foreign state and has a Bank as its Subsidiary Company.

## 第二款 業務及び子会社等

### Subsection 2 Business and Subsidiary Company, etc.

(銀行持株会社の業務範囲等)

(Scope of Business of Bank Holding Company)

第五十二条の二十一 銀行持株会社は、その子会社である銀行及び第五十二条の二十三第一項各号に掲げる会社の経営管理を行うこと並びにこれに附帯する業務のほか、他の業務を営むことができない。

Article 52-21 (1) A Bank Holding Company may not conduct any business activity other than management and control of its subsidiary Bank and companies listed in each item of Article 52-23(1) and those incidental thereto.

2 銀行持株会社は、その業務を営むに当たっては、その子会社である銀行の業務の健全かつ適切な運営の確保に努めなければならない。

(2) A Bank Holding Company shall endeavor to ensure sound and appropriate management of its subsidiary Bank's business.

(銀行持株会社に係る同一人に対する信用の供与等)

(Granting of Credit, etc. to One Person Related to Bank Holding Company)

第五十二条の二十二 銀行持株会社又はその子会社等（当該銀行持株会社の子会社（内閣府令で定める会社を除く。）その他の当該銀行持株会社と内閣府令で定める特殊の

関係のある者をいう。以下この条において同じ。)の同一人(当該同一人と政令で定める特殊の関係のある者を含む。以下この条において同じ。)に対する信用の供与等(信用の供与又は出資として政令で定めるものをいう。以下この条において同じ。)の額は、政令で定める区分ごとに、合算して、当該銀行持株会社及びその子会社等の自己資本の純合計額に政令で定める率を乗じて得た額(以下この条において「銀行持株会社に係る信用供与等限度額」という。)を超えてはならない。ただし、信用の供与等を受けている者が合併をし、共同新設分割若しくは吸収分割をし、又は営業を譲り受けたことにより銀行持株会社又はその子会社等の同一人に対する信用の供与等の額が合算して銀行持株会社に係る信用供与等限度額を超えることとなる場合その他政令で定めるやむを得ない理由がある場合において、内閣総理大臣の承認を受けたときは、この限りでない。

Article 52-22 (1) The total amount of granting of credit, etc. (meaning granted credit, or contributed funds specified by a Cabinet Order as a contribution; hereinafter the same shall apply in this Article) by a Bank Holding Company or its Subsidiary Companies, etc. (meaning Subsidiary Companies of the Bank Holding Company (excluding those specified by a Cabinet Office Ordinance) and other persons who have a special relationship with the Bank Holding Company specified by a Cabinet Order; hereinafter the same shall apply in this Article) to one person (including other persons who have a special relationship with said person specified by a Cabinet Order; hereinafter the same shall apply in this Article) shall not exceed the amount calculated by multiplying the total net amount of the equity capital of the Bank Holding Company and its Subsidiary Companies by the ratio specified by a Cabinet Order for each category provided therein (hereinafter the amount thus calculated shall be referred to as the "Limit of Granting of Credit, etc. by Bank Holding Company" in this Article); provided, however, that this shall not apply to the cases where the total amount of granting of credit, etc. by a Bank Holding Company and its Subsidiary Companies to one person exceeds the Limit of Granting of Credit, etc. by Bank Holding Company as a result of a Merger, Joint Incorporation-Type Split or absorption-type split involving said person, or of transfer of another person's business to said person, or by other unavoidable reasons specified by a Cabinet Order, and the Prime Minister has given approval for such excess amount of granting of credit, etc. by Bank Holding Company.

2 前項の規定は、国及び地方公共団体に対する信用の供与、政府が元本の返済及び利息の支払について保証している信用の供与その他これらに準ずるものとして政令で定める信用の供与等については、適用しない。

(2) The provision of the preceding paragraph shall not apply to the granting of credit to the State or a local public entity, granting of credit for which redemption of the principal and payment of interest are guaranteed by the government, or any other granting of credit, etc. specified by a Cabinet Order as granting of credit equivalent thereto.

3 第一項の場合において、銀行持株会社又はその子会社等の同一人に対する信用の供与等の合計額が銀行持株会社に係る信用供与等限度額を超えることとなつたときは、その超える部分の信用の供与等の額は、当該銀行持株会社の信用の供与等の額とみなす。

(3) In the case referred to in paragraph (1), if the total amount of granting of credit, etc. to one person by the Bank Holding Company and its Subsidiary Companies, etc. exceeds the Limit of Granting of Credit, etc. by Bank Holding Company, the excess amount of the granting of credit, etc. shall be deemed to be granting of credit, etc. by the Bank Holding Company.

4 前三項に定めるもののほか、信用の供与等の額、第一項に規定する自己資本の純合計額及び銀行持株会社に係る信用供与等限度額の計算方法その他これらの規定の適用に関し必要な事項は、内閣府令で定める。

(4) In addition to what is provided for in the preceding three paragraphs, the calculation method for the amount of granting of credit, etc. the total net amount of the equity capital referred to in paragraph (1) and the Limit of Granting of Credit, etc. by the Bank Holding Company, and any other necessary matters concerning the application of these provisions shall be specified by a Cabinet Office Ordinance.

(銀行持株会社の子会社の範囲等)

(Scope of Bank Holding Company's Subsidiary Companies, etc.)

第五十二条の二十三 銀行持株会社は、銀行及び次に掲げる会社（以下この条において「子会社対象会社」という。）以外の会社を子会社としてはならない。

Article 52-23 (1) A Bank Holding Company shall not have any Subsidiary Company other than Banks and companies which falls under any of the categories specified in the following items (hereinafter, such companies shall be referred to as a "Company Eligible for Subsidiary Companies" in this Article):

一 長期信用銀行

(i) Long-Term Credit Banks;

二 証券専門会社

(ii) Companies Specialized in Securities Business;

三 証券仲介専門会社

(iii) Companies Company Specialized in Securities Intermediary Services;

四 保険会社

(iv) Insurance Companies;

四の二 少額短期保険業者

(iv)-2 Small Amounts and Short Term Insurance Providers;

五 信託専門会社

(v) Companies Specialized in Trust Business;

六 銀行業を営む外国の会社

- (vi) Foreign companies which engage in Banking Business;  
七 有価証券関連業を営む外国の会社（前号に掲げる会社に該当するものを除く。）
- (vii) Foreign companies which engage in Securities-Related Business  
(excluding those that fall under the category of companies specified in the preceding item);  
八 保険業を営む外国の会社（第六号に掲げる会社に該当するものを除く。）
- (viii) Foreign companies which engage in Insurance Business (excluding those that fall under the category of companies specified in item (vi));  
九 信託業を営む外国の会社（第六号に掲げる会社に該当するものを除く。）
- (ix) Foreign companies which engage in Trust Business (excluding those that fall under the category of companies specified in item (vi));  
十 次に掲げる業務を専ら営む会社（イに掲げる業務を営む会社にあつては、主として当該銀行持株会社、その子会社（銀行並びに第一号及び第六号に掲げる会社に限る。第六項において同じ。）その他これらに類する者として内閣府令で定めるものの営む業務のためにその業務を営んでいる会社に限る。）
- (x) Companies which exclusively engage in the following business (limited, in case of those engaging in the business specified in (a) below, to companies that engage in such business mainly for business conducted by the Bank Holding Company, its Subsidiary Companies (limited to Banks and companies that fall under any of the categories in item (i) and (vi); the same shall apply in paragraph (6)) or other entities specified by a Cabinet Office Ordinance as being similar to those);  
イ 銀行又は前各号に掲げる会社の営む業務に従属する業務として内閣府令で定めるもの（以下この条において「従属業務」という。）
- (a) Business specified by a Cabinet Office Ordinance as those being dependent on business of a Bank or a company falling under any of the categories specified in the preceding items (hereinafter referred to as "Dependent Business" in this Article); or
- ロ 第十六条の二第二項第二号に掲げる金融関連業務（当該銀行持株会社が証券専門会社、証券仲介専門会社及び有価証券関連業を営む外国の会社のいずれをも子会社としていない場合にあつては同項第三号に掲げる証券専門関連業務を、当該銀行持株会社が保険会社、少額短期保険業者及び保険業を営む外国の会社のいずれをも子会社としていない場合にあつては同項第四号に掲げる保険専門関連業務を、当該銀行持株会社が信託兼営銀行、信託専門会社及び信託業を営む外国の会社のいずれをも子会社としていない場合にあつては同項第五号に掲げる信託専門関連業務をそれぞれ除くものとする。）
- (b) Finance-Related Business defined by Article 16-2(2)(ii) (excluding specialized Securities-Related Business defined by Article 16-2(2)(iii) in the cases where the Bank Holding Company has any Company Specialized in Securities Business, Company Specialized in Securities Intermediary Services or foreign company which engages in Securities-Related Business

as its Subsidiary Company; Specialized Insurance-Related Business defined by Article 16-2(2)(iv) in the cases where the Bank Holding Company has any Insurance Company, Small Amounts and Short Term Insurance Provider or foreign company which engages in Insurance Business as its Subsidiary Company; and Specialized Trust-Related Business defined by Article 16-2(2)(v) in the cases where the Bank Holding Company has any Trust Bank, company specialized in Trust Business or foreign company which engages in Trust Business as its Subsidiary Company).

十一 新たな事業分野を開拓する会社として内閣府令で定める会社（当該会社の議決権を、銀行持株会社又はその子会社のうち前号に掲げる会社で内閣府令で定めるもの（次条第七項において「特定子会社」という。）以外の子会社が、合算して、同条第一項に規定する基準議決権数を超えて保有していないものに限る。）

(xi) Companies specified by a Cabinet Office Ordinance as those exploring new business fields (limited to those, among all voting rights of the company, the total voting rights held by the Bank Holding Company and its Subsidiary Companies other than those falling under the categories listed in the preceding item and specified by a Cabinet Office Ordinance (such excluded companies shall be referred to as "Specified Subsidiary Companies" in paragraph (7) of the following Article) does not exceed the Voting Right Holding Threshold prescribed in Article 52-24(1));

十二 銀行又は前各号に掲げる会社のみを子会社とする持株会社で内閣府令で定めるもの（当該持株会社になることを予定している会社を含む。）

(xii) Among Holding Companies whose Subsidiary Companies consist exclusively of banks or companies falling under any of the categories specified in the preceding items, those specified by a Cabinet Office Ordinance (including those which are scheduled to become such a Holding Company).

2 前項の規定は、子会社対象会社以外の会社が、銀行持株会社又はその子会社の担保権の実行による株式等の取得その他の内閣府令で定める事由により当該銀行持株会社の子会社となる場合には、適用しない。ただし、当該銀行持株会社は、その子会社となつた会社が当該事由の生じた日から一年を経過する日までに子会社でなくなるよう、所要の措置を講じなければならない。

(2) The provision of the preceding paragraph shall not apply to the case where a company other than Companies Eligible for Subsidiary Companies became a Subsidiary Company of the Bank Holding Company by acquisition of that company's shares by the Bank Holding Company or its Subsidiary Companies by the enforcement of security interest or by any other cause specified by a Cabinet Office Ordinance; provided, however, that the Bank Holding Company shall take necessary measures for having the company, which became to its Subsidiary Company in a manner as described above, cease to be its Subsidiary



Company by the day on which one year has elapsed from the date on which that cause arose.

- 3 銀行持株会社は、子会社対象会社のうち、銀行又は第一項第一号から第十号まで若しくは第十二号に掲げる会社（従属業務又は銀行業に付随し、若しくは関連する業務として内閣府令で定めるものを専ら営む会社（従属業務を営む会社にあつては、主として当該銀行持株会社の子会社である銀行の営む業務のためにその業務を営んでいる会社に限る。）を除く。）（以下この条及び次条第四項第四号において「子会社対象銀行等」という。）を子会社としようとするときは、第五十二条の三十五第一項から第三項までの規定により合併、会社分割又は事業の譲受けの認可を受ける場合を除き、あらかじめ、内閣総理大臣の認可を受けなければならない。

- (3) A Bank Holding Company shall, when it intends to have a Company Eligible for Subsidiary Company which is a Bank or which falls under any of the categories listed in items (i) to (x) inclusive and (xii) of paragraph (1) (excluding that which exclusively engages in Dependent Business or business specified by a Cabinet Office Ordinance as that being incidental or related exclusively to Banking Business (in the case of a company which engages in Dependent Business, limited to that engages in it mainly for business conducted by a subsidiary Bank of the Bank Holding Company))(hereinafter such a Company Eligible for Subsidiary Company shall be referred to as a "Bank, etc. Eligible for Subsidiary Company" in this Article and paragraph (4), item(iv) of the following Article) become its Subsidiary Company, obtain authorization from the Prime Minister in advance, except when an authorization for Merger, company split or acquiring business from other company is to be obtained pursuant to the provisions of paragraph (1) to (3) inclusive of Article 52-35.

- 4 前項の規定は、子会社対象銀行等が、銀行持株会社又はその子会社の担保権の実行による株式等の取得その他の内閣府令で定める事由により当該銀行持株会社の子会社となる場合には、適用しない。ただし、当該銀行持株会社は、その子会社となつた子会社対象銀行等を引き続き子会社とすることについて内閣総理大臣の認可を受けた場合を除き、当該子会社対象銀行等が当該事由の生じた日から一年を経過する日までに子会社でなくなるよう、所要の措置を講じなければならない。

- (4) The provision of the preceding paragraph shall not apply to the cases where a Bank, etc. Eligible for Subsidiary Company became a Subsidiary Company of a Bank Holding Company by acquisition of its Shares, etc. by the Bank Holding Company or its Subsidiary Companies by the enforcement of security interest or by any other cause specified by a Cabinet Office Ordinance; provided, however, that the Bank Holding Company shall take necessary measures for having the Bank, etc. Eligible for Subsidiary Company, which became its Subsidiary Company in a manner as described above, cease to be its Subsidiary Company by the day on which one year has elapsed from the date on which that cause arose, except when the Bank Holding Company has obtained an

authorization from the Prime Minister for having that Bank, etc. Eligible for Subsidiary Company continue to be its Subsidiary Company.

5 第三項の規定は、銀行持株会社が、その子会社としている第一項各号に掲げる会社を当該各号のうち他の号に掲げる会社（子会社対象銀行等に限る。）に該当する子会社としようとするときについて準用する。

(5) The provision of paragraph (3) shall apply mutatis mutandis to the cases where a Bank Holding Company intends to change its Subsidiary Company falling under any of the categories listed in each item of paragraph (1) into its Subsidiary Company falling under any of the categories listed in the other items of that paragraph (limited to a Bank, etc. Eligible for Subsidiary Company).

6 第一項第十号又は第三項の場合において、会社が主として銀行持株会社、その子会社その他これらに類する者として内閣府令で定めるもの又は銀行持株会社の子会社である銀行の営む業務のために従属業務を営んでいるかどうかの基準は、内閣総理大臣が定める。

(6) In the case referred to in paragraph (1)(x) or paragraph (3), the Prime Minister shall provide criteria for deciding whether a company shall be regarded as engaging in Dependent Business mainly for business conducted by a Bank Holding Company, its Subsidiary Companies or other entities specified by a Cabinet Office Ordinance as being similar to those or conducted by a Subsidiary Bank of a Bank Holding Company.

（銀行持株会社等による議決権の取得等の制限）

(Restriction on Acquisition, etc. of Voting Rights by Bank Holding Company, etc.)

第五十二条の二十四 銀行持株会社又はその子会社は、国内の会社（銀行並びに前条第一項第一号から第五号まで、第十号及び第十二号に掲げる会社を除く。以下この条において同じ。）の議決権については、合算して、その基準議決権数（当該国内の会社の総株主等の議決権に百分の十五を乗じて得た議決権の数をいう。以下この条において同じ。）を超える議決権を取得し、又は保有してはならない。

Article 52-24 (1) A Bank Holding Company or its Subsidiary Company shall not acquire or hold voting rights of a domestic company (excluding a Bank and a company that falls under any of the categories specified in paragraph (1), items (i) to (v) inclusive, (x) and (xii) of the preceding Article; hereinafter the same shall apply in this Article) if the total number of such voting rights held by the Bank Holding Company and its Subsidiary Companies exceeds the Voting Right Holding Threshold (meaning fifteen hundredths of the number of Voting Rights Held by All of the Shareholders, etc. of the domestic company; the same shall apply in this Article).

2 前項の規定は、銀行持株会社又はその子会社が、担保権の実行による議決権の取得その他の内閣府令で定める事由により、国内の会社の議決権をその基準議決権数を超

えて取得し、又は保有することとなる場合には、適用しない。ただし、当該銀行持株会社又はその子会社は、合算してその基準議決権数を超えて取得し、又は保有することとなつた部分の議決権については、当該銀行持株会社があらかじめ内閣総理大臣の承認を受けた場合を除き、その取得し、又は保有することとなつた日から一年を超えてこれを保有してはならない。

(2) The provision of the preceding paragraph shall not apply to the cases where the total number of such voting rights held by a Bank Holding Company and its Subsidiary Companies exceeds the Voting Right Holding Threshold of a domestic company, if the Bank Holding Company or its Subsidiary Company comes to acquire or hold voting rights of the domestic company by the enforcement of security interest or by any other cause specified by a Cabinet Office Ordinance; provided, however, that the Bank Holding Company or its Subsidiary Company shall not continue to hold such part of the voting rights that it came to acquire or hold in excess of the Voting Right Holding Threshold after one year from the day on which it came to acquire or hold the voting rights, except when the Bank has in advance obtained approval for holding such portion of the voting rights from the Prime Minister.

3 前項ただし書の場合において、内閣総理大臣がする同項の承認の対象には、銀行持株会社又はその子会社が国内の会社の議決権を合算してその総株主等の議決権の百分の五十を超えて取得し、又は保有することとなつた議決権のうち当該百分の五十を超える部分の議決権は含まれないものとし、内閣総理大臣が当該承認をするときは、銀行持株会社又はその子会社が合算してその基準議決権数を超えて取得し、又は保有することとなつた議決権のうちその基準議決権数を超える部分の議決権を速やかに処分することを条件としなければならない。

(3) In the case referred to in the proviso to the preceding paragraph, when the total number of voting rights acquired or held by the Bank Holding Company and its Subsidiary Companies exceeds fifty hundredths of the Voting Rights Held by All of the Shareholders, etc. of the domestic company, the Prime Minister's approval given under that paragraph shall not cover the part of the voting rights which the Bank or its Subsidiary Company came to acquire or hold in excess of fifty hundredths; and the approval of the Prime Minister shall be given on the condition that the Bank Holding company or its Subsidiary Company will promptly dispose the part of the voting rights which it came to acquire or hold in excess of the Voting Right Holding Threshold.

4 銀行持株会社又はその子会社は、次の各号に掲げる場合には、第一項の規定にかかわらず、当該各号に定める日に保有し、又は保有することとなる国内の会社の議決権がその基準議決権数を超える場合であつても、同日以後、当該議決権をその基準議決権数を超えて保有することができる。ただし、内閣総理大臣は、銀行持株会社又はその子会社が、次の各号に掲げる場合に国内の会社の議決権を合算してその総株主等の議決権の百分の五十を超えて保有し、又は保有することとなるときは、当該各号に規定する認可をしてはならない。

- (4) Notwithstanding the provision of paragraph (1), in the case prescribed in any of the following items, even if the total number of voting rights of a domestic company held or to be held by a Bank Holding Company and its Subsidiary Company on the day specified in those items exceeds the Voting Right Holding Threshold, the Bank Holding Company or its Subsidiary Company may hold the voting rights in excess of the Voting Right Holding Threshold after that day; provided, however, that the Prime Minister shall not grant an authorization referred to in the respective items, if the total number of the domestic company's voting rights held or to be held by the Bank Holding Company and the Subsidiary Company in the case referred to in those items exceeds fifty hundredths of the Voting Rights Held by All of the Shareholders, etc. of that domestic company:
- 一 第五十二条の十七第一項の認可を受けた会社が当該銀行持株会社になったとき。その銀行持株会社になった日
  - (i) In the case where a company that has obtained the authorization set forth in Article 52-17(1) becomes the Bank Holding Company: the day when the company becomes the Bank Holding Company
  - 二 第五十二条の十七第一項の認可を受けて当該銀行持株会社が設立されたとき。その設立された日
  - (ii) In the case where the Bank Holding Company is established under the authorization set forth in Article 52-17(1): The day when the Bank Holding Company is established
  - 三 特定持株会社が第五十二条の十七第三項ただし書の認可を受けて当該銀行持株会社になったとき。その認可を受けた日
  - (iii) In the case where a Specified Holding Company becomes the Bank Holding Company under the authorization set forth in the proviso to Article 52-17(3): The day when the authorization is granted
  - 四 前条第三項の認可を受けて当該銀行持株会社が子会社対象銀行等を子会社としたとき（内閣府令で定める場合に限る。）。その子会社とした日
  - (iv) In the case where the Bank Holding Company has a Bank, etc. Eligible for Subsidiary Company become its Subsidiary Company under the authorization set forth in paragraph (3) of the preceding Article (limited to the cases specified by a Cabinet Office Ordinance): The day when the Bank, etc. Eligible for Subsidiary Company becomes the Bank Holding Company's Subsidiary Company
  - 五 当該銀行持株会社が第五十二条の三十五第一項の認可を受けて合併をしたとき（当該銀行持株会社が存続する場合に限る。）。その合併をした日
  - (v) In the case where the Bank Holding Company carries out a Merger under the authorization set forth in Article 52-35(1) (limited to cases where the Bank Holding Company survives after the Merger): The day when the Merger is carried out

- 六 当該銀行持株会社が第五十二条の三十五第二項の認可を受けて吸収分割により事業を承継したとき（内閣府令で定める場合に限る。）。その吸収分割をした日  
 (vi) In the case where the Bank Holding Company succeeds to another party's business through absorption-type split under the authorization set forth in Article 52-35(2) (limited to the cases specified by a Cabinet Office Ordinance): the day when the absorption-type split is carried out
- 七 当該銀行持株会社が第五十二条の三十五第三項の認可を受けて事業の譲受けをしたとき（内閣府令で定める場合に限る。）。その事業の譲受けをした日  
 (vii) In the case where the Bank Holding Company acquires other's business under the authorization set forth in Article 52-35(3) (limited to the cases specified by a Cabinet Office Ordinance): The day when the transfer is carried out
- 5 内閣総理大臣は、前項各号に規定する認可をするときは、当該各号に定める日に銀行持株会社又はその子会社が合算してその基準議決権数を超過して保有し、又は保有することとなる国内の会社の議決権のうちその基準議決権数を超える部分の議決権を、同日から五年を経過する日までに内閣総理大臣が定める基準に従って処分することを条件としなければならない。  
 (5) The Prime Minister's authorization set forth in those items of the preceding paragraph shall be given on the condition that, among the voting rights of the domestic company which are held or to be held by the Bank Holding Company and its Subsidiary Companies and of which the total number will exceed the Voting Right Holding Threshold on the day specified in those items, the part of the voting rights held or to be held in excess of the Voting Right Holding Threshold shall be disposed in accordance with requirements set by the Prime Minister and by the day on which five years have elapsed from the day.
- 6 銀行持株会社又はその子会社が、国内の会社の議決権を合算してその基準議決権数を超過して保有することとなつた場合には、その超える部分の議決権は、当該銀行持株会社が取得し、又は保有するものとみなす。  
 (6) In the case where a Bank Holding Company and its Subsidiary Companies come to hold voting rights of a domestic company of which the total number exceeds the Voting Right Holding Threshold, the part of the voting rights held by the Bank Holding Company and its Subsidiary Companies in excess of the Voting Right Holding Threshold shall be deemed to be acquired or held by the Bank Holding Company.
- 7 前各項の場合において、新たな事業分野を開拓する会社として内閣府令で定める会社の議決権の取得又は保有については、特定子会社は、銀行持株会社の子会社に該当しないものとみなす。  
 (7) In the cases referred to in the preceding paragraphs, with respect to acquisition or holding of voting rights of a company specified by a Cabinet Office Ordinance as that exploring new business fields, a Specified Subsidiary Company shall be deemed not to be a Subsidiary Company of the Bank Holding

Company.

8 第二条第十一項の規定は、前各項の場合において銀行持株会社又はその子会社が取  
得し、又は保有する議決権について準用する。

(8) The provision of Article 2(xi) shall apply mutatis mutandis to voting rights  
acquired or held by a Bank Holding Company or its Subsidiary Company in the  
cases referred to in the preceding paragraphs.

(銀行持株会社に係る銀行の経営の健全性の確保)

(Securing of Soundness in Management of Bank Holding Company's Subsidiary  
Bank)

第五十二条の二十五 内閣総理大臣は、銀行の業務の健全な運営に資するため、銀行持  
株会社が銀行持株会社及びその子会社その他の当該銀行持株会社と内閣府令で定める  
特殊の関係のある会社（以下この節において「子会社等」という。）の保有する資産  
等に照らし当該銀行持株会社及びその子会社等の自己資本の充実の状況が適当である  
かどうかその他銀行持株会社及びその子会社等の経営の健全性を判断するための基準  
であつて、銀行の経営の健全性の判断のために参考となるべきものを定めることがで  
きる。

Article 52-25 The Prime Minister may, in order to contribute to the sound  
management of the business of Banks, set the criteria to be used by a Bank  
Holding Company for deciding whether or not the adequacy of equity capital of  
the Bank Holding Company and its Subsidiary Companies and any other  
company that has a special relationship specified by a Cabinet Office  
Ordinance with the Bank Holding Company (hereinafter referred to as  
"Subsidiaries, etc." in this Section) is appropriate in light of the circumstances  
such as the assets owned by that Bank Holding Company and its Subsidiaries,  
etc., and any other criteria that may be used by Bank Holding Companies to  
determine soundness in their and their Subsidiary Companies' management  
and would be helpful for determining soundness in management of Banks.

### 第三款 経理

#### Subsection 3 Accounting

(銀行持株会社の事業年度)

(Business Year of Bank Holding Company)

第五十二条の二十六 銀行持株会社の事業年度は、四月一日から翌年三月三十一日まで  
とする。

Article 52-26 The Business Year of a Bank Holding Company shall be from April  
1 to March 31 of the following year.

(銀行持株会社に係る業務報告書等)

(Business Report, etc. of Bank Holding Company)

第五十二条の二十七 銀行持株会社は、事業年度ごとに、当該銀行持株会社及びその子会社等の業務及び財産の状況を連結して記載した当該事業年度の中間事業年度に係る中間業務報告書及び当該事業年度に係る業務報告書を作成し、内閣総理大臣に提出しなければならない。

Article 52-27 (1) A Bank Holding Company shall, for each Business Year, prepare an interim business report pertaining to the interim Business Year of the Business Year that contains consolidated statements on the status of business and property of that Bank Holding Company and its Subsidiary Company, etc. and a business report pertaining to the entire Business Year that contains such consolidated statement, and submit them to the Prime Minister.

2 中間業務報告書及び業務報告書の記載事項、提出期日その他これらの報告書に関し必要な事項は、内閣府令で定める。

(2) The matters to be stated in the interim business report and the business report, the due dates for submission and any other necessary matters regarding these reports shall be specified by a Cabinet Office Ordinance.

(銀行持株会社に係る貸借対照表等の公告等)

(Public Notice, etc. of Balance Sheet, etc. of Bank Holding Company)

第五十二条の二十八 銀行持株会社は、事業年度ごとに、内閣府令で定めるところにより、当該銀行持株会社及びその子会社等につき連結して記載した当該事業年度の中間事業年度に係る貸借対照表及び損益計算書（以下この条において「中間連結貸借対照表等」という。）並びに当該事業年度に係る貸借対照表及び損益計算書（以下この条において「連結貸借対照表等」という。）を作成しなければならない。

Article 52-28 (1) A Bank Holding Company shall, for each Business Year, prepare a balance sheet and profit and loss statement pertaining to the interim Business Year of the Business Year that contains consolidated statements on the Bank Holding Company and its Subsidiary Company, etc. (hereinafter referred to as an "Interim Consolidated Balance Sheet, etc." in this Article) and a balance sheet and profit and loss statement pertaining to the entire Business Year that contains such consolidated statements (hereinafter referred to as a "Consolidated Balance Sheets, etc." in this Article) pursuant to the provisions of a Cabinet Office Ordinance.

2 中間連結貸借対照表等及び連結貸借対照表等は、電磁的記録をもって作成することができる。

(2) Interim Consolidated Balance Sheet, etc. and Consolidated Balance Sheet, etc. may be prepared in the form of electromagnetic record.

3 銀行持株会社は、内閣府令で定めるところにより、その中間事業年度経過後三月以内に中間連結貸借対照表等を、その事業年度経過後三月以内に連結貸借対照表等を公告しなければならない。ただし、やむを得ない理由により当該三月以内にこれらの書類の公告をすることができない場合には、内閣総理大臣の承認を受けて、当該公告を

延期することができる。

(3) A Bank Holding Company shall give public notice of its Interim Consolidated Balance Sheet, etc. within three months after the end of the relevant interim Business Year, and of Consolidated Balance Sheet, etc. within three months after the end of the relevant Business Year, pursuant to the provisions of a Cabinet Office Ordinance; provided, however, that in the case where it is not possible to give public notice of these documents within the three months period due to a compelling reason, public notice thereof may be postponed by obtaining the Prime Minister's approval.

4 前項の規定にかかわらず、その公告方法が第五十七条第一号に掲げる方法である銀行持株会社は、内閣府令で定めるところにより、中間連結貸借対照表等及び連結貸借対照表等の要旨を公告することで足りる。この場合においては、同項ただし書の規定を準用する。

(4) Notwithstanding the provision of the preceding paragraph, it would be sufficient for a Bank Holding Company which adopts the Method of Public Notice listed in Article 57(i) to give public notice of only the gist of Interim Consolidated Balance Sheet, etc. and Consolidated Balance Sheet, etc. pursuant to the provisions of a Cabinet Office Ordinance. The proviso to the preceding paragraph shall apply mutatis mutandis to this case.

5 前項に規定する銀行持株会社は、内閣府令で定めるところにより、その中間事業年度経過後三月以内に中間連結貸借対照表等を、その事業年度経過後三月以内に連結貸借対照表等の内容である情報を、五年間継続して電磁的方法により不特定多数の者が提供を受けることができる状態に置く措置をとることができる。この場合においては、第三項の規定による公告をしたものとみなす。

(5) A Bank Holding Company referred to in the preceding paragraph may, pursuant to the provisions of a Cabinet Office Ordinance, take measures to make accessible the information contained in Interim Consolidated Balance Sheet, etc. within three months after the end of the relevant interim Business Year, and the information contained in Consolidated Balance Sheet, etc. within three months after the end of the relevant Business Year, to many and unspecified persons continually for five years, by the electromagnetic method. In this case, the Bank shall be deemed to give public notice pursuant to the provision of paragraph (3).

(銀行持株会社に係る業務及び財産の状況に関する説明書類の縦覧等)

(Explanatory Documents on the Status of Business and Property to be Made Available by Bank Holding Company for Public Inspection, etc.)

第五十二条の二十九 銀行持株会社は、事業年度ごとに、当該銀行持株会社及びその子会社等の業務及び財産の状況に関する事項として内閣府令で定めるものを当該銀行持株会社及び当該子会社等につき連結して記載した当該事業年度の中間事業年度に係る説明書類及び当該事業年度に係る説明書類を作成し、当該銀行持株会社の子会社であ



る銀行の営業所（無人の営業所その他の内閣府令で定める営業所を除く。第三項において同じ。）に備え置き、公衆の縦覧に供しなければならない。前条第一項の規定により作成した書類についても、同様とする。

Article 52-29 (1) A Bank Holding Company shall, for each Business Year, prepare explanatory documents that contain consolidated statements on matters specified by a Cabinet Office Ordinance as those relating to the status of business and property of the Bank Holding Company and its Subsidiary Companies, etc. for the interim Business Year of the Business Year and such consolidated explanatory documents for the entire Business Year, and keep them at its subsidiary Bank's business offices (excluding unmanned business offices and other offices specified in a Cabinet Office Ordinance; the same shall apply in paragraph (3)) and make them available for public inspection. The same shall apply to the documents prepared under the provisions of paragraph (1) of the preceding Article.

2 前項前段に規定する中間事業年度に係る説明書類及び事業年度に係る説明書類は、電磁的記録をもつて作成することができる。

(2) Explanatory documents for the interim Business Year and those for the entire Business Year referred to in the first sentence of the preceding paragraph may be prepared in the form of electromagnetic record.

3 第一項前段に規定する中間事業年度に係る説明書類及び事業年度に係る説明書類又は同項後段に規定する書類が電磁的記録をもつて作成されているときは、銀行持株会社の子会社である銀行の営業所において、当該電磁的記録に記録された情報を電磁的方法により不特定多数の者が提供を受けることができる状態に置く措置として内閣府令で定めるものをとることができる。この場合においては、同項前段に規定する中間事業年度に係る説明書類及び事業年度に係る説明書類又は同項後段に規定する書類を同項の規定により備え置き、公衆の縦覧に供したものとみなす。

(3) When the explanatory documents for the interim Business Year and those for the entire Business Year referred to in the first sentence of paragraph (1) or documents referred to in the second sentence of that paragraph are prepared in the form of electromagnetic record, the Bank Holding Company may take measures specified by a Cabinet Office Ordinance as those for making the information contained in the electromagnetic record accessible to many and unspecified persons at its subsidiary Bank's business offices. In this case, the Bank Holding Company shall be deemed to keep the explanatory documents for the interim Business Year and those for the entire Business Year referred to in the first sentence of paragraph (1) or documents referred to in the second sentence of that paragraph and make them available for public inspection, pursuant to the provision of that paragraph.

4 前三項に定めるもののほか、第一項前段の当該事業年度の中間事業年度に係る説明書類及び当該事業年度に係る説明書類又は同項後段の書類を公衆の縦覧に供する期間その他これらの規定の適用に関し必要な事項は、内閣府令で定める。

(4) In addition to what are prescribed in the provisions of the preceding three paragraphs, matters necessary for applying these provisions, including the periods of time for which explanatory documents for the interim Business Year of the Business Year or those for the entire Business Year referred to in the first sentence of paragraph (1) and documents referred to in the second sentence of that paragraph are required to be made available for public inspection, shall be specified by a Cabinet Office Ordinance.

5 銀行持株会社は、前各項に規定する事項のほか、当該銀行持株会社の子会社である銀行の預金者その他の顧客が当該銀行持株会社及びその子会社等の業務及び財産の状況を知るために参考となるべき事項の開示に努めなければならない。

(5) A Bank Holding Company shall endeavor to disclose matters that would be helpful for depositors or other customers of its subsidiary Bank to know the status of business and property of the Bank Holding Company and its Subsidiary Companies, etc., in addition to what are prescribed in the provisions of the preceding paragraphs.

(銀行持株会社の事業報告等の記載事項等)

(Matters to Be Stated in Business Reports, etc. of Bank Holding Company)

第五十二条の三十 銀行持株会社が会社法第四百三十五条第二項（計算書類等の作成及び保存）の規定により作成する銀行持株会社の事業報告及び附属明細書の記載事項又は記録事項は、内閣府令で定める。

Article 52-30 Matters to be stated or recorded in business reports and supplementary schedules thereof which a Bank Holding Company is required to prepare under Article 435(2) (Preparation and Retention of Financial Statements, etc.) of the Companies Act shall be specified by a Cabinet Office Ordinance.

#### 第四款 監督

##### Subsection 4 Supervision

(銀行持株会社等による報告又は資料の提出)

(Submission of Reports or Materials by Bank Holding Company, etc.)

第五十二条の三十一 内閣総理大臣は、銀行の業務の健全かつ適切な運営を確保するため必要があると認めるときは、当該銀行を子会社とする銀行持株会社に対し、当該銀行の業務又は財産の状況に関し参考となるべき報告又は資料の提出を求めることができる。

Article 52-31 (1) The Prime Minister may, when he/she finds it necessary for ensuring sound and appropriate management of business of a Bank, seek its parent Bank Holding Company to submit reports or materials that would be helpful to understand the status of business or property of that Bank.

2 内閣総理大臣は、第二十四条第一項の規定により銀行に対して報告又は資料の提出

を求め、及び前項の規定により当該銀行を子会社とする銀行持株会社に対して報告又は資料の提出を求める場合において、特に必要があると認めるときは、その必要の限度において、当該銀行持株会社の子法人等（子会社その他銀行持株会社がその経営を支配している法人として内閣府令で定めるものをいい、当該銀行を除く。次項並びに次条第二項及び第五項において同じ。）又は当該銀行持株会社から業務の委託を受けた者に対し、当該銀行又は当該銀行持株会社の業務又は財産の状況に関し参考となるべき報告又は資料の提出を求めることができる。

(2) In the case where the Prime Minister seeks a Bank to submit reports or materials under the provision of Article 24(1) and seeks the Bank's parent Bank Holding Company to submit reports or materials under the provision of the preceding paragraph, the Prime Minister may, when and to the extent that he/she finds it particularly necessary, seek a Subsidiary, etc. of that Bank Holding Company (meaning a Subsidiary Company other than that Bank or any other entity that is specified by a Cabinet Office Ordinance as a juridical person of which management is controlled by that Bank Holding Company; the same shall apply in the following paragraph and paragraphs (2) and (5) of the following Article) or a person to whom business has been entrusted by that Bank Holding Company to submit reports or materials that would be helpful to understand the status of business or property of that Bank or Bank Holding Company.

3 銀行持株会社の子法人等又は当該銀行持株会社から業務の委託を受けた者は、正当な理由があるときは、前項の規定による報告又は資料の提出を拒むことができる。

(3) A Subsidiary, etc. of a Bank Holding Company or a person to whom business has been entrusted by that Bank Holding Company may refuse to submit reports or materials required under the preceding paragraph if there are justifiable grounds.

（銀行持株会社等に対する立入検査）

(On-Site Inspection of Bank Holding Company)

第五十二条の三十二 内閣総理大臣は、銀行の業務の健全かつ適切な運営を確保するため必要があると認めるときは、当該職員に当該銀行を子会社とする銀行持株会社の事務所その他の施設に立ち入らせ、当該銀行若しくは当該銀行持株会社の業務若しくは財産の状況に関し質問させ、又は当該銀行持株会社の帳簿書類その他の物件を検査させることができる。

Article 52-32 (1) The Prime Minister may, when he/she finds it necessary for ensuring sound and appropriate management of business of a Bank, have his/her officials enter a business office or any other facility of the Bank's parent Bank Holding Company, ask questions on the status of business or property of the Bank or the Bank Holding Company, or inspect relevant books and documents or other objects of the Bank Holding Company.

2 内閣総理大臣は、第二十五条第一項の規定による銀行に対する立入り、質問又は検

査を行い、及び前項の規定による当該銀行を子会社とする銀行持株会社に対する立入り、質問又は検査を行う場合において、特に必要があると認めるときは、その必要の限度において、当該職員に当該銀行持株会社の子法人等若しくは当該銀行持株会社から業務の委託を受けた者の営業所その他の施設に立ち入らせ、当該銀行若しくは当該銀行持株会社に対する質問若しくは検査に必要な事項に関し質問させ、又は帳簿書類その他の物件を検査させることができる。

(2) In the case where the Prime Minister enters a site of a Bank, asks questions or conducts an inspection under Article 25(1) and also enters a site of the Bank's parent Bank Holding Company, asks questions or conducts an inspection under the preceding paragraph, the Prime Minister may, when and to the extent that he/she finds it particularly necessary, have his/her officials enter a facility of a Subsidiary, etc. of the Bank Holding Company or that of a person to whom business has been entrusted by that Bank Holding Company, have them ask questions on matters that are necessary for questioning or inspecting the Bank or the Bank Holding Company, or have them inspect relevant books and documents or other objects of the Subsidiary, etc. or the person.

3 前二項の場合において、当該職員は、その身分を示す証明書を携帯し、関係人の請求があつたときは、これを提示しなければならない。

(3) In the cases referred to in the preceding two paragraphs, those officials shall carry a certificate for identification and produce it to those concerned when requested.

4 第一項及び第二項の規定による権限は、犯罪捜査のために認められたものと解してはならない。

(4) The authority under paragraphs (1) and (2) shall not be construed as that which has been granted for criminal investigation.

5 前条第三項の規定は、第二項の規定による銀行持株会社の子法人等又は当該銀行持株会社から業務の委託を受けた者に対する質問及び検査について準用する。

(5) The provisions of paragraph (3) of the preceding Article shall apply mutatis mutandis to the questioning and inspection of a Subsidiary, etc. of the Bank Holding Company or a person to whom business has been entrusted by that Bank Holding Company under the provisions of paragraph (2).

(銀行持株会社に対する改善計画の提出の求め等)

(Request, etc. for Submission of Improvement Plan by Bank Holding Company)

第五十二条の三十三 内閣総理大臣は、銀行持株会社の業務又は銀行持株会社及びその子会社等の財産の状況に照らして、当該銀行持株会社の子会社である銀行の業務の健全かつ適切な運営を確保するため必要があると認めるときは、当該銀行持株会社に対し、措置を講ずべき事項及び期限を示して、当該銀行の経営の健全性を確保するための改善計画の提出を求め、若しくは提出された改善計画の変更を命じ、又はその必要の限度において監督上必要な措置を命ずることができる。

Article 52-33 (1) The Prime Minister may, when he/she, in light of the status of business of a Bank Holding Company or the status of property of the Bank Holding Company and its Subsidiaries, etc., finds it particularly necessary for ensuring sound and appropriate management of a subsidiary Bank of the Bank Holding Company, request the Bank Holding Company to submit an improvement plan for securing soundness in management of the Bank or order amendment of the submitted improvement plan by designating matters for which measures should be taken and the time limit therefor, or may order, within the limit necessary, measures necessary for the purpose of supervision.

2 前項の規定による命令（改善計画の提出を求めることを含む。次項において同じ。）であつて、銀行持株会社及びその子会社等の自己資本の充実の状況によつて必要があると認めるときにするものは、内閣府令・財務省令で定める銀行持株会社及びその子会社等の自己資本の充実の状況に係る区分に応じ内閣府令・財務省令で定めるものでなければならない。

(2) An order under the preceding paragraph (including the request of submission of an improvement plan; the same shall apply in the following paragraph) that is given when it is found necessary in light of the adequacy of equity capital of the Bank Holding Company and its Subsidiary Companies, etc. shall be one of those that are specified by a Cabinet Office Ordinance and an Ordinance of the Ministry of Finance for the categories of the adequacy of equity capital of the Bank Holding Company and its Subsidiary Companies, etc. specified by a Cabinet Office Ordinance and a Ordinance of the Ministry of Finance, respectively.

3 内閣総理大臣は、銀行持株会社に対し第一項の規定による命令をした場合において、当該命令に係る措置の実施の状況に照らして特に必要があると認めるときは、当該銀行持株会社の子会社である銀行に対し、その業務の健全かつ適切な運営を確保するために必要な措置を命ずることができる。

(3) In the case where the Prime Minister gives an order under paragraph (1) to a Bank Holding Company, the Prime Minister may, if he/she finds it particularly necessary in light of the state of implementation of the measures under that order, order the Bank Holding Company's subsidiary Bank to take measures necessary for ensuring sound and appropriate management of its business.

（銀行持株会社に係る認可の取消し等）

(Rescission, etc. of Authorization Granted to Bank Holding Company)

第五十二条の三十四 内閣総理大臣は、銀行持株会社が法令、定款若しくは法令に基づく内閣総理大臣の処分に違反したとき又は公益を害する行為をしたときは、当該銀行持株会社に対しその取締役、執行役、会計参与若しくは監査役の解任その他監督上必要な措置を命じ、若しくは当該銀行持株会社の第五十二条の十七第一項若しくは第三項ただし書の認可を取り消し、又は当該銀行持株会社の子会社である銀行に対しその業務の全部若しくは一部の停止を命ずることができる。この場合において、同条第一

項の認可のうち設立に係るものは、当該認可を受けて設立された銀行持株会社に対して与えられているものとみなす。

Article 52-34 (1) The Prime Minister may, if a Bank Holding Company has violated any laws and regulations, its articles of incorporation or a disposition given by the Prime Minister based on any laws and regulations or has committed an act that harms the public interest, order the Bank Holding Company to take necessary measures for the purpose of supervision, including dismissal of its director, executive officer, accounting advisor or company auditor, rescind the authorization set forth in Article 52-17(1) or the proviso to Article 52-17(3) granted to the Bank Holding Company, or order its subsidiary Bank to suspend the whole or part of its business. In this case, the authorization set forth in paragraph (1) of that Article that was granted for establishment of the Bank Holding Company shall be deemed to be granted to the Bank Holding Company established under the authorization.

2 銀行持株会社は、前項の規定により第五十二条の十七第一項又は第三項ただし書の認可を取り消されたときは、内閣総理大臣が指定する期間内に銀行を子会社とする持株会社でなくなるよう、所要の措置を講じなければならない。

(2) When the authorization granted under Article 52-17(1) or the proviso to Article 52-17(3) is rescinded in accordance with the provisions of the preceding paragraph, the Bank Holding Company shall take necessary measures for becoming a company which is no longer a Holding Company having a Bank as its Subsidiary Company within a period designated by the Prime Minister.

3 前項に規定する措置が講じられた場合において、当該措置を講じた会社がなお銀行の主要株主基準値以上の数の議決権の保有者であるときは、当該措置を講じた日を第五十二条の九第二項に規定する事由の生じた日とみなして、同項の規定を適用する。

(3) In the case where the measures required under the preceding paragraph are taken, if the company that takes these measures still has voting rights of the Bank which amounts to the Major Shareholder Threshold or more, the provision of Article 52-9(2) shall apply by deeming the day on which these measures are taken as the date on which a cause referred to in that provision arose.

4 内閣総理大臣は、銀行を子会社とする持株会社が次の各号のいずれかに該当する場合において必要があると認めるときは、当該持株会社の子会社である銀行に対し、その業務の全部又は一部の停止を命ずることができる。

(4) The Prime Minister may, if a Holding Company having a Bank as its Subsidiary Company falls under any of the categories provided for in the following items and if he/she finds it necessary, order the subsidiary Bank of that Holding Company to suspend the whole or part of its business:

一 第五十二条の十七第一項の認可を受けずに同項各号に掲げる取引又は行為により銀行を子会社とする持株会社になつたもの

(i) A Holding Company which became a Holding Company having a Bank as its

- Subsidiary Company through any of the transactions or acts listed in each item of Article 52-17(1) without authorization required by those provisions;
- 二 第五十二条の十七第一項の認可を受けずに銀行を子会社とする持株会社として設立されたもの
- (ii) A Holding Company which was established as a Holding Company having a Bank as its Subsidiary Company without authorization required by Article 52-17(1);
- 三 第五十二条の十七第三項ただし書の認可を受けることなく同項の猶予期限日後も銀行を子会社とする持株会社であるもの
- (iii) A Holding Company which has a Bank as its Subsidiary Company without authorization referred to in the proviso to Article 52-17(3) after the Last Day of the Grace Period set forth in that paragraph; or
- 四 第一項の規定により第五十二条の十七第一項又は第三項ただし書の認可を取り消された持株会社であつて、第二項の規定による措置を講ずることなく同項の内閣総理大臣が指定する期間後も銀行を子会社とする持株会社であるもの
- (iv) A Holding Company for which the authorization set forth in Article 52-17(1) or the proviso to Article 52-17(3) was rescinded under the provision of paragraph (1) and which has not taken measures required by paragraph (2) and has a Bank as its Subsidiary Company even after expiration of the period designated by the Prime Minister under that paragraph.

#### 第五款 雑則

#### Subsection 5 Miscellaneous Provisions

(銀行持株会社に係る合併、会社分割又は事業の譲渡若しくは譲受けの認可)

(Authorization of Merger, Company Split or Transfer of Business Involving Bank Holding Company)

第五十二条の三十五 銀行持株会社を全部又は一部の当事者とする合併（当該合併前に銀行持株会社であつた一の会社が当該合併後も銀行持株会社として存続するものに限る。）は、内閣総理大臣の認可を受けなければ、その効力を生じない。

Article 52-35 (1) Any merger of which parties solely consist of Bank Holding Companies or include Bank Holding Companies (limited to the case where a company that was a Bank Holding Company before the merger survives as a Bank Holding Company after the merger) shall not be effective without authorization of the Prime Minister.

2 銀行持株会社を当事者とする会社分割（当該会社分割により事業を承継させた銀行持株会社又は当該会社分割により事業を承継した銀行持株会社が、その会社分割後も引き続き銀行持株会社であるものに限る。）は、政令で定めるものを除き、内閣総理大臣の認可を受けなければ、その効力を生じない。

(2) Any company split of which a Bank Holding Company is a party (limited to the case where the Bank Holding Company which had its business succeeded

through the company split or the Bank Holding Company which succeeded to other's business through the company split continues to exist as a Bank Holding Company after the company split) shall not be effective without authorization of the Prime Minister, except for the cases specified by a Cabinet Order.

3 銀行持株会社を当事者とする事業の全部又は一部の譲渡又は譲受け（当該事業の譲渡又は譲受けをした銀行持株会社が、その譲渡又は譲受け後も引き続き銀行持株会社であるものに限る。）は、政令で定めるものを除き、内閣総理大臣の認可を受けなければ、その効力を生じない。

(3) Any transfer of business where a Bank Holding Company transfers or acquires whole or part of its or other's business (limited to the case where the Bank Holding Company which transferred or acquired the business continues to exist as a Bank Holding Company even after the transfer or acquisition) shall not be effective without authorization of the Prime Minister, except for the cases specified by a Cabinet Order.

4 第五十二条の十八第一項の規定は、前三項の認可の申請があつた場合について準用する。

(4) The provision of Article 52-18(1) shall apply when an application for the authorization set forth in the preceding three paragraphs is filed.

### 第七章の三 銀行代理業

#### Chapter VII-III Bank Agency Service

##### 第一節 通則

##### Section 1 General Rules

(許可)

(Permission)

第五十二条の三十六 銀行代理業は、内閣総理大臣の許可を受けた者でなければ、営むことができない。

Article 52-36 (1) Bank Agency Service may not be operated without permission from the Prime Minister.

2 銀行代理業者は、所属銀行の委託を受け、又は所属銀行の委託を受けた銀行代理業者の再委託を受ける場合でなければ、銀行代理業を営んではならない。

(2) A Bank Agent may not conduct Bank Agency Service unless it receives entrustment from an Principal Bank or receives sub-entrustment from a Bank Agent which receives entrustment from an Principal Bank.

3 銀行代理業者は、あらかじめ、所属銀行の許諾を得た場合でなければ、銀行代理業の再委託をしてはならない。

(3) A Bank Agent may not give sub-entrustment of Bank Agency Service to another party unless it obtains authorization in advance from the Principal Bank.



(許可の申請)

**(Application for Permission)**

第五十二条の三十七 前条第一項の許可を受けようとする者（次条第一項及び第五十二条の四十二第四項において「申請者」という。）は、次に掲げる事項を記載した申請書を内閣総理大臣に提出しなければならない。

Article 52-37 (1) A person who intends to obtain the permission set forth in paragraph (1) of the preceding Article (hereinafter referred to as an "Applicant" in paragraph (1) of the following Article and Article 52-42(1)) shall submit to the Prime Minister a written application containing the following matters.

一 商号、名称又は氏名

(i) Trade name or name;

二 法人であるときは、その役員の氏名

(ii) In the case where the person is a juridical person, names of its officers;

三 銀行代理業を営む営業所又は事務所の名称及び所在地

(iii) Name and location of business office(s) or other office(s);

四 所属銀行の商号

(iv) Trade name of Principal Bank(s);

五 他に業務を営むときは、その業務の種類

(v) In the case where the person also engages in businesses other than Bank Agency Service, type of these businesses; and

六 その他内閣府令で定める事項

(vi) Other matters specified by a Cabinet Office Ordinance.

2 前項の申請書には、次に掲げる書類を添付しなければならない。

(2) The following documents shall be attached to the application set forth in the preceding paragraph.

一 法人であるときは、定款及び登記事項証明書（これらに準ずるものを含む。）

(i) In the case where the Applicant is a juridical person, articles of incorporation and certificate of registered matters (or other documents equivalent thereto);

二 銀行代理業の業務の内容及び方法として内閣府令で定めるものを記載した書類

(ii) Documents that contain statements on matters specified by a Cabinet Office Ordinance as those relating to details and methods of Bank Agency Service; or

三 その他内閣府令で定める書類

(iii) Other documents specified by a Cabinet Office Ordinance.

(許可の基準)

**(Requirements for Permission)**

第五十二条の三十八 内閣総理大臣は、第五十二条の三十六第一項の許可の申請があつ

たときは、申請者が次に掲げる基準に適合するかどうかを審査しなければならない。  
Article 52-38 (1) When an application for permission set forth in Article 52-36(1) is filed, the Prime Minister shall examine whether the following requirements are satisfied by the Applicant:

一 銀行代理業を遂行するために必要と認められる内閣府令で定める基準に適合する財産的基礎を有する者であること。

(i) The Applicant must have a financial basis that satisfies the requirements specified by a Cabinet Office Ordinance as those found to be necessary for carrying out Bank Agency Service;

二 人的構成等に照らして、銀行代理業を的確、公正かつ効率的に遂行するために必要な能力を有し、かつ、十分な社会的信用を有する者であること。

(ii) In light of such matters as personnel structure, the Applicant must have the ability necessary to carry out Bank Agency Service appropriately, fairly and efficiently and must have sufficient social credibility; and

三 他に業務を営むことによりその銀行代理業を適正かつ確実に営むことにつき支障を及ぼすおそれがあると認められない者であること。

(iii) Other business engaged in by the Applicant must not be found to have the risk of hindering the Applicant from carrying out Bank Agency Service appropriately and reliably.

2 内閣総理大臣は、前項の規定による審査の基準に照らし公益上必要があると認めるときは、その必要の限度において、第五十二条の三十六第一項の許可に銀行代理業の業務の内容その他の事項について条件を付し、及びこれを変更することができる。

(2) The Prime Minister may, when and to the extent that he/she finds it necessary for the public interest in light of requirements for examination prescribed in the preceding paragraph, impose conditions about particulars of Bank Agency Service or other matters on the permission set forth in Article 52-36 (1) or change them.

(変更の届出)

(Notification of Change)

第五十二条の三十九 銀行代理業者は、第五十二条の三十七第一項各号に掲げる事項に変更があつたときは、その日から二週間以内に、その旨を内閣総理大臣に届け出なければならない。

Article 52-39 (1) In the case of any change in the matters listed in any of each item of Article 52-37(1), the Bank Agent shall notify the Prime Minister of the change within two weeks from the day when the change occurs.

2 銀行代理業者は、第五十二条の三十七第二項第二号に掲げる書類に定めた事項を変更しようとするときは、内閣府令で定めるところにより、あらかじめ、その旨を内閣総理大臣に届け出なければならない。

(2) If a Bank Agent intends to change any matters stipulated in documents listed in Article 52-37(2)(ii), he/she shall notify such change to the Prime Minister in

advance pursuant to the provisions of a Cabinet Office Ordinance.

(標識の掲示)

(Posting of Signs)

第五十二条の四十 銀行代理業者は、銀行代理業を営む営業所又は事務所ごとに、公衆の見やすい場所に、内閣府令で定める様式の標識を掲示しなければならない。

Article 52-40 (1) A Bank Agent shall post a sign in the form specified by a Cabinet Office Ordinance in a place accessible to the public at each of its business offices or other offices.

2 銀行代理業者以外の者は、前項の標識又はこれに類似する標識を掲示してはならない。

(2) No person other than a Bank Agent shall post a sign prescribed in the preceding paragraph or a sign similar thereto.

(名義貸しの禁止)

(Prohibition of Name Lending)

第五十二条の四十一 銀行代理業者は、自己の名義をもつて、他人に銀行代理業を営ませてはならない。

Article 52-41 A Bank Agent shall not have another person engage in Bank Agency Service under the name of that Bank Agent.

## 第二節 業務

### Section 2 Service

(業務の範囲)

(Scope of Service)

第五十二条の四十二 銀行代理業者は、銀行代理業及び銀行代理業に付随する業務のほか、内閣総理大臣の承認を受けた業務を営むことができる。

Article 52-42 (1) A Bank Agent may, in addition to Bank Agency Service and services incidental to Bank Agency Service, engage in other businesses or services if it obtains the Prime Minister's approval therefor.

2 内閣総理大臣は、前項の承認の申請があつた場合には、当該申請に係る業務を営むことが銀行代理業を適正かつ確実に営むことについて支障を及ぼすおそれがあると認められるときに限り、承認しないことができる。

(2) When an application for the approval set forth in the preceding paragraph is filed, the Prime Minister may refuse to grant the approval, only if the business or service for which the application is filed is found to have the risk of hindering the Applicant from carrying out Bank Agency Service appropriately and reliably.

3 銀行代理業者は、第一項の規定により営む業務のほか、他の業務を営むことができない。

(3) A Bank Agent may not engage in business or service other than business or service conducted pursuant to the provisions of paragraph (1).

4 第五十二条の三十六第一項の許可の申請書に申請者が銀行代理業及び銀行代理業に付随する業務以外の業務を営む旨の記載がある場合において、当該申請者が当該許可を受けたときには、当該業務を営むことについて第一項の承認を受けたものとみなす。

(4) When an application filed for permission set forth in Article 52-36(1) contains statements to the effect that the Applicant will engage in business or service other than Bank Agency Service and services incidental to Bank Agency Service, if that permission is granted to that Applicant, the Applicant shall be deemed to obtain the approval for said business in the paragraph (1) in that Article.

(分別管理)

(Separate Management)

第五十二条の四十三 銀行代理業者は、第二条第十四項各号に掲げる行為（以下この章において「銀行代理行為」という。）に関して顧客から金銭その他の財産の交付を受けた場合には、内閣府令で定めるところにより、自己の固有財産と分別して管理しなければならない。

Article 52-43 A Bank Agent shall, when he/she receives money or other property from a customer in relation to the acts listed in any of each item of Article 2(14) (hereinafter referred to as "Act as Bank Agency" in this Chapter), manage the money or other property separately from its own property pursuant to the provision of a Cabinet Office Ordinance.

(顧客に対する説明等)

(Explanation to Customers)

第五十二条の四十四 銀行代理業者は、銀行代理行為を行うときは、あらかじめ、顧客に対し、次に掲げる事項を明らかにしなければならない。

Article 52-44 (1) When carrying out an Act as Bank Agency, a Bank Agent shall disclose in advance the following matters to customers:

一 所属銀行の商号

(i) Trade name of the Principal Bank;

二 第二条第十四項各号に規定する契約の締結を代理するか、又は媒介するかの別

(ii) Whether the Bank Agent is acting as an agent or is acting as an intermediary, for conclusion of contracts set forth in each item of Article 2(14); and

三 その他内閣府令で定める事項

(iii) Other matters specified by a Cabinet Office Ordinance.

2 銀行代理業者は、第二条第十四項第一号に掲げる行為（特定預金等契約の締結の代理及び媒介を除く。）に関し、預金者等の保護に資するため、内閣府令で定めるところにより、預金又は定期積金等に係る契約の内容その他預金者等に参考となるべき情

報の提供を行わなければならない。

- (2) A Bank Agent shall, in order to contribute to the protection of Depositors, etc. with regard to the act listed in Article 2(14)(i) (excluding act of agency or intermediary for Contract for a Specified Deposit, etc.), provide information on the contents of contracts pertaining to the deposits or Installment Savings, etc. and other information that would be helpful for the Depositors, etc., pursuant to the provisions of a Cabinet Office Ordinance.
- 3 前二項及び第五十二条の四十五の二並びに他の法律に定めるもののほか、銀行代理業者は、内閣府令で定めるところにより、その銀行代理行為に係る重要な事項の顧客への説明、その銀行代理行為に関して取得した顧客に関する情報の適正な取扱いその他の健全かつ適切な運営を確保するための措置を講じなければならない。
- (3) In addition to what is provided for in the preceding two paragraphs, Article 52-45-2 and other Acts, a Bank Agent shall, pursuant to the provisions of a Cabinet Office Ordinance, explain important matters pertaining to his/her Acts as Bank Agency to customers, appropriately handle customer information acquired in relation to his/her Acts as Bank Agency, and take any other measures for ensuring sound and appropriate management of its business.

(銀行代理業に係る禁止行為)

(Prohibited Acts Pertaining to Bank Agency Service)

第五十二条の四十五 銀行代理業者は、銀行代理業に関し、次に掲げる行為（特定預金等契約の締結の代理又は媒介の業務に関しては、第五号に掲げる行為を除く。）をしてはならない。

Article 52-45 A Bank Agent shall not carry out the following acts (excluding the acts specified in item (v) with regard to the act of agency or intermediary for Contract for a Specified Deposit, etc.) in relation to his/her Bank Agency Service:

一 顧客に対し、虚偽のことを告げる行為

(i) Acts of providing false information to customers;

二 顧客に対し、不確実な事項について断定的判断を提供し、又は確実であると誤認させるおそれのあることを告げる行為

(ii) Acts of, with respect to any uncertain matter, providing customers with any conclusive evaluations on the matter or information that is likely to mislead them into misunderstanding that the matter is a certain matter

三 顧客に対し、当該銀行代理業者又は当該銀行代理業者の子会社その他当該銀行代理業者と内閣府令で定める密接な関係を有する者（次号において「密接関係者」という。）の営む業務に係る取引を行うことを条件として、資金の貸付け又は手形の割引を内容とする契約の締結の代理又は媒介をする行為（顧客の保護に欠けるおそれがないものとして内閣府令で定めるものを除く。）

(iii) Acts of providing an agency service or intermediary service for conclusion of a contract on loan of funds or discounting of bills and notes to a customer

on the condition that the customer carry out transactions pertaining to the business conducted by the Bank Agent or person having a close relationship specified by a Cabinet Office Ordinance with the Bank Agent including his/her Subsidiary Company (referred to as a "Closely Related Person" in the following item) (excluding such acts that are specified by a Cabinet Office Ordinance as those that have no risk of lacking customer protection)

四 当該銀行代理業者の密接関係者に対し、取引の条件が所属銀行の取引の通常の場合に照らして当該所属銀行に不利益を与えるものであることを知りながら、その通常の場合よりも有利な条件で資金の貸付け又は手形の割引を内容とする契約の締結の代理又は媒介をする行為（所属銀行の業務の健全かつ適切な遂行に支障を及ぼすおそれがないものとして内閣府令で定めるものを除く。）

(iv) Act of providing an agency service or intermediary service for conclusion of a contract on loan of funds or discounting of bills and notes to a Closely Related Person with terms and conditions more favorable than the terms and conditions ordinary applied to transactions with the Principal Bank while knowing that such favorable terms and conditions would give disadvantages to the Principal Bank compared to the ordinary terms and conditions of transactions of the Principal Bank (excluding acts that are specified by a Cabinet Office Ordinance as those that do not have the risk of impairing sound and appropriate execution of the business of the Principal Bank)

五 前各号に掲げるもののほか、顧客の保護に欠け、又は所属銀行の業務の健全かつ適切な遂行に支障を及ぼすおそれがあるものとして内閣府令で定める行為

(v) In addition to what is listed in the preceding items, acts specified by a Cabinet Office Ordinance as those that lack customer protection or have the risk of impairing sound and appropriate execution of the business of the Principal Bank

（銀行代理業者についての金融商品取引法の準用）

(Application Mutatis Mutandis of Financial Instruments and Exchange Act Concerning Bank Agents)

第五十二条の四十五の二 金融商品取引法第三章第二節第一款（第三十五条から第三十六条の四まで（第一種金融商品取引業又は投資運用業を行う者の業務の範囲、第二種金融商品取引業又は投資助言・代理業のみを行う者の兼業の範囲、顧客に対する誠実義務、標識の掲示、名義貸しの禁止及び社債の管理の禁止等）、第三十七条第一項第二号（広告等の規制）、第三十七条の二（取引態様の事前明示義務）、第三十七条の三第一項第二号及び第六号並びに第三項（契約締結前の書面の交付）、第三十七条の五（保証金の受領に係る書面の交付）、第三十七条の六第一項、第二項、第四項ただし書及び第五項（書面による解除）、第三十八条第一号及び第二号並びに第三十八条の二（禁止行為）、第三十九条第三項ただし書及び第五項（損失補てん等の禁止）、第四十条の二（最良執行方針等）並びに第四十条の三（分別管理が確保されていない場合の売買等の禁止）を除く。）（通則）の規定は、銀行代理業者が行う特定預金等

契約の締結の代理又は媒介について準用する。この場合において、これらの規定中「金融商品取引業」とあるのは「銀行法第十三条の四に規定する特定預金等契約の締結の代理又は媒介の業務」と、「金融商品取引行為」とあるのは「銀行法第十三条の四に規定する特定預金等契約の締結」と、これらの規定（同法第三十七条の六第三項の規定を除く。）中「金融商品取引契約」とあるのは「銀行法第十三条の四に規定する特定預金等契約」と、同法第三十七条の三第一項中「を締結しようとするとき」とあるのは「の締結の代理又は媒介を行うとき」と、「交付しなければならない」とあるのは「交付するほか、預金者等（銀行法第二条第五項に規定する預金者等をいう。以下この項において同じ。）の保護に資するため、内閣府令で定めるところにより、当該特定預金等契約の内容その他預金者等に参考となるべき情報の提供を行わなければならない」と、同項第一号中「金融商品取引業者等」とあるのは「銀行代理業者（銀行法第二条第十五項に規定する銀行代理業者をいう。）の所属銀行（同条第十六項に規定する所属銀行をいう。）」と、同法第三十七条の六第三項中「金融商品取引契約の解除があつた場合には」とあるのは「特定預金等契約（銀行法第十三条の四に規定する特定預金等契約をいう。第三十九条において同じ。）の解除に伴い銀行に損害賠償その他の金銭の支払をした場合において」と、「金融商品取引契約の解除までの期間に相当する手数料、報酬その他の当該金融商品取引契約に関して顧客が支払うべき対価（次項において「対価」という。）の額として内閣府令で定める金額を超えて当該金融商品取引契約の解除」とあるのは「支払」と、「又は違約金の支払を」とあるのは「その他の金銭の支払を、解除をした者に対し、」と、同法第三十九条第一項第一号中「有価証券の売買その他の取引（買戻価格があらかじめ定められている買戻条件付売買その他の政令で定める取引を除く。）又はデリバティブ取引（以下この条において「有価証券売買取引等」という。）」とあるのは「特定預金等契約の締結」と、「有価証券又はデリバティブ取引（以下この条において「有価証券等」という。）」とあるのは「特定預金等契約」と、「顧客（信託会社等（信託会社又は金融機関の信託業務の兼営等に関する法律第一条第一項の認可を受けた金融機関をいう。以下同じ。））が、信託契約に基づいて信託をする者の計算において、有価証券の売買又はデリバティブ取引を行う場合にあつては、当該信託をする者を含む。以下この条において同じ。）」とあるのは「顧客」と、「補足するため」とあるのは「補足するため、当該特定預金等契約によらないで」と、同項第二号及び第三号中「有価証券売買取引等」とあるのは「特定預金等契約の締結」と、「有価証券等」とあるのは「特定預金等契約」と、同項第二号中「追加するため」とあるのは「追加するため、当該特定預金等契約によらないで」と、同項第三号中「追加するため、」とあるのは「追加するため、当該特定預金等契約によらないで」と、同条第二項中「有価証券売買取引等」とあるのは「特定預金等契約の締結」と、同条第三項中「原因となるものとして内閣府令で定めるもの」とあるのは「原因となるもの」と読み替えるものとするほか、必要な技術的読替えは、政令で定める。

**Article 52-45-2** The provisions of Subsection 1 of Section 2 of Chapter III of the Financial Instruments and Exchange Act (excluding Article 35 to 36-4 inclusive (Scope of Businesses of Persons Who Engage in Type I Financial Instruments Business or Investment Management Business, Scope of Subsidiary Businesses

of Persons Who Only Engage in Type II Financial Instruments Business or Investment Advisory and Agency Business, Duty of Good Faith to Customers, Posting of Signs, Prohibition of Name Lending, Prohibition of Administration of Bonds), Article 37(1)(ii) (Regulation of Advertising, etc.), Article 37-2 (Obligation to Clarify Conditions of Transactions in Advance), Article 37-3(1)(ii) and (vi) and Article 37-3(3) (Delivery of Document prior to Conclusion of Contract), Article 37-5 (Delivery of Document Pertaining to Receipt of Security Deposit), Article 37-6(1) and (2), the proviso to Article 37-6 (4) and Article 37-6(5)(Cancellation by Means of Document), Article 38(i) and (ii) and Article 38-2 (Prohibited Acts), the proviso to Article 39(3) and Article 39(5) (Prohibition of Compensation of Loss, etc.), Article 40-2 (Best Execution Policy) and Article 40-3 (Prohibition of Sales and Purchase, etc. Where Separate Management Is not Ensured)) (General Rules) shall apply mutatis mutandis to agency or intermediary for conclusion of Contracts for Specified Deposits, etc. by a Bank Agency. In this case, the term "Financial Instruments Business" in these provisions shall be deemed to be replaced with "agency service or intermediary service for conclusion of Contracts for Specified Deposits, etc. as defined in Article 13-4 of the Banking Act,"; the term "Act of Financial Instruments Transaction" in these provisions shall be deemed to be replaced with "conclusion of Contracts for Specified Deposits, etc. as defined in Article 13-4 of the Banking Act,"; the term "Contract for Financial Instruments Transaction" in these provisions (excluding Article 37-6(3)) shall be deemed to be replaced with "Contract for a Specified Deposit, etc. as defined in Article 13-4 of the Banking Act,"; the terms "intends to conclude" in Article 37-3(1) shall be deemed to be replaced with "conducts agency service or intermediary service for conclusion of,"; the term "; provided" shall be deemed to be replaced with "and shall, in order to contribute to the protection of Depositors, etc. (meaning Depositors, etc. as defined in Article 2(5) of the Banking Act; hereinafter the same shall apply in this paragraph), provide the customer in advance with information on the contents of the Contract for a Specified Deposit, etc. and other information that would be helpful for the Depositors, etc., pursuant to the provisions of a Cabinet Office Ordinance; provided"; the term "Financial Instruments Business Operator, etc." in Article 37-3(1)(i) of that Act shall be deemed to be replaced with "the Principal Bank (meaning an Principal Bank as defined in Article 2(16) of the Banking Act) for which the Bank Agent (meaning a Bank Agent as defined in Article 2(15) of the Banking Act) is acting,"; the terms "Where a Contract for Financial Instruments Transaction has been cancelled" and "the customer to pay damages or penalty for the cancellation of that Contract for Financial Instruments Transaction beyond the amount designated by a Cabinet Office Ordinance as the amount of fees, remuneration or any other Consideration payable by the customer with regard to that



contract for financial instruments transaction (referred to as "Consideration" in the following paragraph) for the period until the cancellation of that Contract for Financial Instruments Transaction" in Article 37-6(3) of that Act shall be deemed to be replaced with "When he/she has paid money to a Bank as damages or otherwise for cancellation of a Contract for a Specified Deposit, etc. (meaning a Contract for a Specified Deposit, etc. as defined in Article 13-4 of the Banking Act; the same shall apply in Article 39) made" and "person who canceled the contract to pay money as damages or otherwise for the payment he/she has made to the Bank," respectively; the terms "sales and purchase or any other transaction of Securities (excluding sales and purchase on condition of repurchase for which the repurchase price is set in advance or other transactions designated by a Cabinet Order) or Derivative Transactions (hereinafter referred to as "Sales and Purchase or Other Transaction of Securities, etc." in this Article)," "the customer (in the case where a Trust Company, etc. (meaning a trust company or financial institution that has obtained authorization under Article 1(1) of the Act on Securities Investment Trust and Securities Investment Corporations; the same shall apply hereinafter) conducts sales and purchase of Securities or Derivative Transactions for the account of the person who sets a trust under a trust contract, including such person who sets the trust; hereinafter the same shall apply in this Article)," "Securities or Derivative Transactions (hereinafter referred to as "Securities, etc." in this Article)" and "make up" in Article 39(1)(i) shall be deemed to be replaced with "conclusion of a Contract for a Specified Deposit, etc.," "the customer," "Contract for a Specified Deposit, etc." and "make up, not through the Contract for a Specified Deposit, etc.," respectively; the terms "Sales and Purchase or Other Transaction of Securities, etc." and "Securities, etc." in Article 39(1)(ii) and (iii) shall be deemed to be replaced with "conclusion of a Contract for a Specified Deposit, etc." and "Contract for a Specified Deposit, etc.," respectively; the term "make an addition to the profit accrued to the customer from such Securities, etc." in Article 39(1)(ii) shall be deemed to be replaced with "make an addition to the profit accrued to the customer from the Contract for a Specified Deposit, etc., not through the Contract for a Specified Deposit, etc.,"; the term "make an addition to the profit accrued to the customer from Such Securities, etc." in Article 39(1)(iii) shall be deemed to be replaced with "make an addition to the profit accrued to the customer from the Contract for a Specified Deposit, etc., not through the Contract for a Specified Deposit, etc.,"; the term "Sales and Purchase or Other Transaction of Securities, etc." in Article 39(2) shall be deemed to be replaced with "conclusion of a Contract for a Specified Deposit, etc.,"; the term "that is specified by a Cabinet Office Ordinance as a potential cause of a dispute" in Article 39(2) shall be deemed to be replaced with "that

may become a cause of dispute,"; and any other necessary technical replacement of terms shall be specified by a Cabinet Order.

(特定銀行代理業者の休日及び営業時間)

(Holidays and Business Hours of Specified Bank Agent)

第五十二条の四十六 特定銀行代理業者（特定銀行代理行為（内閣府令で定める預金の受入れを内容とする契約の締結の代理をいう。次条において同じ。）を行う銀行代理業者をいう。次項及び同条において同じ。）の休日は、日曜日その他政令で定める日に限る。

Article 52-46 (1) Holidays of a Specified Bank Agent (meaning a Bank Agent that conducts acts as Specified Bank Agency (meaning agency service for conclusion of a contract on acceptance of deposits specified by a Cabinet Office Ordinance; the same shall apply in the following Article); the same shall apply in the following paragraph and that Article) shall be limited to Sundays and any other days specified by a Cabinet Order.

2 特定銀行代理業者の営業時間は、金融取引の状況等を勘案して内閣府令で定める。

(2) Business hours of a Specified Bank Agent shall be specified by a Cabinet Office Ordinance by taking into consideration the circumstances such as the status of financial transactions.

(臨時休業等)

(Temporary Suspension of Business, etc.)

第五十二条の四十七 特定銀行代理業者は、内閣府令で定める場合を除き、天災その他のやむを得ない理由によりその特定銀行代理行為に係る業務を行う営業所又は事務所において臨時に当該業務の全部又は一部を休止するときは、直ちにその旨を、理由を付して内閣総理大臣に届け出るとともに、当該営業所又は事務所の店頭に掲示しなければならない。特定銀行代理業者が臨時に当該業務の全部又は一部を休止した営業所又は事務所において当該業務の全部又は一部を再開するときも、同様とする。

Article 52-47 Except in cases specified by a Cabinet Office Ordinance, when a Specified Bank Agent, due to natural disasters or any other compelling reason, temporarily suspends whole or part of its business at its business office or other office where he/she provides its services involving acts of Specified Bank Agency, he/she shall immediately notify the Prime Minister to that effect with the reason thereof, as well as post to that effect at said business office or said other office. The same shall apply to the case where a Bank resumes whole or part of its business at the business office or the other office where he/she has temporarily suspended whole or part of its business.

(所属銀行の廃業等)

(Principal Bank's Discontinuance of Banking Business, etc.)

第五十二条の四十八 銀行代理業者は、所属銀行から第三十八条の通知を受けたときは、

その通知を受けた内容を、内閣府令で定めるところにより、一月を下らない期間、当該所属銀行に係る銀行代理業を営むすべての営業所又は事務所の公衆の目につきやすい場所に掲示しなければならない。

Article 52-48 When a Bank Agent receives notification set forth in Article 38 from his/her Principal Bank, the Specified Bank Agent, pursuant to the provision of a Cabinet Office Ordinance, shall post a notice of the same in a place easily seen by the public at all of its business offices or other offices where he/she has provided its services for that Principal Bank, for a period of not less than one month.

### 第三節 経理

#### Section 3 Accounting

(銀行代理業に関する帳簿書類)

(Books and Documents Pertaining to Bank Agency Service)

第五十二条の四十九 銀行代理業者は、内閣府令で定めるところにより、銀行代理業に関する帳簿書類を作成し、これを保存しなければならない。

Article 52-49 A Bank Agent shall prepare books and documents pertaining to his/her Bank Agency Service and retain them, pursuant to the provision of a Cabinet Office Ordinance.

(銀行代理業に関する報告書)

(Report on Bank Agency Service)

第五十二条の五十 銀行代理業者は、事業年度ごとに、内閣府令で定めるところにより、銀行代理業に関する報告書を作成し、内閣総理大臣に提出しなければならない。

Article 52-50 (1) A Bank Agent shall, for each Business Year, prepare a report pertaining to his/her Bank Agency Service and submit it to the Prime Minister, pursuant to the provision of a Cabinet Office Ordinance.

2 内閣総理大臣は、内閣府令で定めるところにより、前項の銀行代理業に関する報告書のうち、顧客の秘密を害するおそれのある事項又は当該銀行代理業者の業務の遂行上不当な不利益を与えるおそれのある事項を除き、公衆の縦覧に供しなければならない。

(2) The Prime Minister shall, pursuant to the provision of a Cabinet Office Ordinance, make the report pertaining to Bank Agency Service submitted under the preceding paragraph available for public inspection, except for matters of which disclosure is likely to divulge a secret of the Bank Agent's customer or bring undue disadvantage to the conduct of business by the Bank Agent.

(所属銀行の説明書類等の縦覧)

(Disclosure of Explanatory Documents, etc. of Principal Bank for Public

### Inspection)

第五十二条の五十一 銀行代理業者は、その所属銀行又は当該所属銀行を子会社とする銀行持株会社の事業年度ごとに、当該所属銀行が第二十条第一項及び第二項並びに第二十一条第一項及び第二項の規定により作成する書類又は当該所属銀行を子会社とする銀行持株会社が第五十二条の二十八第一項及び第五十二条の二十九第一項の規定により作成する書類を、当該所属銀行のために銀行代理業を営むすべての営業所又は事務所に備え置き、公衆の縦覧に供しなければならない。

Article 52-51 (1) A Bank Agent shall, for each Business Year of his/her Principal Bank or its parent Bank Holding Company, keep documents prepared by that Principal Bank under the provisions of Article 20(1) and (2) and Article 21(1) and (2) or documents prepared by said parent Bank Holding Company under the provisions of Article 52-28(1) and Article 52-29(1) at all of its business offices and other offices where he/she provides Bank Agency Service for that Principal Bank, and make them available for public inspection.

2 前項に規定する説明書類が電磁的記録をもつて作成されているときは、銀行代理業を営むすべての営業所又は事務所において当該説明書類の内容である情報を電磁的方法により不特定多数の者が提供を受けることができる状態に置く措置として内閣府令で定めるものをとることができる。この場合においては、同項に規定する説明書類を公衆の縦覧に供したものとみなす。

(2) When the explanatory documents referred to in the preceding paragraph are prepared in the form of electromagnetic record, the Bank Agent may take measures specified by a Cabinet Office Ordinance as those for making the information contained in the explanatory documents accessible to many and unspecified persons by electromagnetic means at all of its business offices or other offices. In this case, the Bank Agent shall be deemed to make the explanatory documents available for public inspection, pursuant to the provision of that paragraph.

3 前二項に定めるもののほか、同項の書類を公衆の縦覧に供する期間その他同項の規定の適用に関し必要な事項は、内閣府令で定める。

(3) In addition to what are specified in the provisions of the preceding two paragraphs, matters necessary for applying paragraph (1), including the periods of time for which documents referred to in paragraph (1) are required to be made available for public inspection, shall be specified by a Cabinet Office Ordinance.

## 第四節 監督

### Section 4 Supervision

(廃業等の届出)

(Notification of Discontinuance of Bank Agency Service, etc.)

第五十二条の五十二 銀行代理業者が次の各号のいずれかに該当することとなつたとき

は、当該各号に定める者は、その日から三十日以内に、その旨を内閣総理大臣に届け出なければならない。

**Article 52-52** When a Bank Agent comes to fall under any of the conditions mentioned in the following items, the person referred to in that item shall notify the Prime Minister to that effect within thirty days from the day on which the Bank Agent comes to fall under the conditions mentioned in that item.

一 銀行代理業を廃止したとき、又は会社分割により銀行代理業の全部の承継をさせたとき若しくは銀行代理業の全部の譲渡をしたとき。その銀行代理業を廃止し、又は承継をさせ若しくは譲渡をした個人又は法人

(i) When a Bank Agent abolishes its Bank Agency Services, has the whole of its Bank Agency Services succeeded through company split, or transfers the whole of its Bank Agency Services: The individual or juridical person who abolishes the Bank Agency Services, has the Bank Agency Services succeeded, or transfers the Bank Agency Services;

二 銀行代理業者である個人が死亡したとき。その相続人

(ii) When an individual who is a Bank Agent dies: His/her heir;

三 銀行代理業者である法人が合併により消滅したとき。その法人を代表する役員であつた者

(iii) When a juridical person which is a Bank Agent is extinguished by Merger: A person who was an officer representing the juridical person;

四 銀行代理業者である法人が破産手続開始の決定により解散したとき。その破産管財人

(iv) When a juridical person which is a Bank Agent is dissolved by a ruling for commencement of bankruptcy proceedings: The bankruptcy trustee;

五 銀行代理業者である法人が合併及び破産手続開始の決定以外の理由により解散したとき。その清算人

(v) When a juridical person which is a Bank Agent is dissolved by a reason other than a Merger or a ruling for commencement of bankruptcy proceedings: The liquidator.

(銀行代理業者による報告又は資料の提出)

(Submission of Reports or Materials by Bank Agent)

第五十二条の五十三 内閣総理大臣は、銀行代理業者の銀行代理業の健全かつ適切な運営を確保するため必要があると認めるときは、当該銀行代理業者に対し、その業務又は財産の状況に関し報告又は資料の提出を求めることができる。

**Article 52-53** The Prime Minister may, when he/she finds it necessary for ensuring sound and appropriate management of the Bank Agency Service by a Bank Agent, require the Bank Agent to submit reports or materials concerning the status of his/her business or property.

(銀行代理業者に対する立入検査)

**(On-Site Inspection of Bank Agent)**

第五十二条の五十四 内閣総理大臣は、銀行代理業者の銀行代理業の健全かつ適切な運営を確保するため必要があると認めるときは、当該職員に当該銀行代理業者の営業所若しくは事務所その他の施設に立ち入らせ、その業務若しくは財産の状況に関し質問させ、又は帳簿書類その他の物件を検査させることができる。

Article 52-54 (1) The Prime Minister may, when he/she finds it necessary for ensuring sound and appropriate management of the Bank Agency Service by a Bank Agent, have his/her officials enter a business office, other office or any other facility of the Bank Agent, ask questions on the status of business or property of the Bank Agent, or inspect relevant books and documents or other objects of the Bank Agent.

2 前項の場合において、当該職員は、その身分を示す証明書を携帯し、関係人の請求があつたときは、これを提示しなければならない。

(2) In the cases referred to in the preceding paragraph, those officials shall carry a certificate for identification and produce it to those concerned when requested.

3 第一項の規定による権限は、犯罪捜査のために認められたものと解してはならない。

(3) The authority under paragraph (1) shall not be construed as that which has been granted for criminal investigation.

(業務改善命令等)

**(Order for Improvement of Business Operation, etc.)**

第五十二条の五十五 内閣総理大臣は、銀行代理業者の業務又は財産の状況に照らして、当該銀行代理業者の銀行代理業の健全かつ適切な運営を確保するため必要があると認めるときは、当該銀行代理業者に対し、その必要の限度において、業務の内容及び方法の変更その他監督上必要な措置を命ずることができる。

Article 52-55 The Prime Minister may, when and to the extent he/she finds it necessary for ensuring sound and appropriate management of the Bank Agency Service by a Bank Agent in light of the status of the business or property of that Bank Agent, order that Bank to change particulars or methods of its business operation or other measures necessary for the purpose of supervision.

(銀行代理業者に対する監督上の処分)

**(Disposition Which May be Rendered to a Bank Agent for the Purpose of Supervision)**

第五十二条の五十六 内閣総理大臣は、銀行代理業者が次の各号のいずれかに該当するときは、当該銀行代理業者に対し、第五十二条の三十六第一項の許可を取り消し、又は期限を付して銀行代理業の全部若しくは一部の停止を命ずることができる。

Article 52-56 (1) The Prime Minister may, when a Bank Agent falls under any of the conditions mentioned in the following items, rescind the permission

granted to the Bank Agent under Article 52-36(1) or order the Bank Agent to suspend the whole or part of its Bank Agency Service by setting a time limit:

一 第五十二条の三十八第一項各号に掲げる基準に適合しなくなつたとき。

(i) When the Bank Agent comes not to satisfy the requirements mentioned in each item of Article 52-38(1);

二 不正の手段により第五十二条の三十六第一項の許可を受けたことが判明したとき。

(ii) When it is found that the Bank Agent has obtained the permission set forth in Article 52-36(1) by wrongful means;

三 第五十二条の三十六第一項の許可に付した条件に違反したとき。

(iii) When the Bank Agent has violated the conditions imposed on the permission set forth in Article 52-36(1);

四 法令又は法令に基づく内閣総理大臣の処分に違反したとき。

(iv) When the Bank Agent has violated any laws and regulations or a disposition by the Prime Minister imposed based on any laws and regulations; or

五 公益を害する行為をしたとき。

(v) When the Bank Agent has committed an act that harms the public interest.

2 内閣総理大臣は、銀行代理業者の役員が、前項第三号から第五号までのいずれかに該当することとなつたときは、当該銀行代理業者に対し当該役員の解任を命ずることができる。

(2) The Prime Minister may, when any officer of a Bank Agent comes to fall under any of the conditions mentioned in items (iii) to (v) inclusive of the preceding paragraph, order the Bank Agent to dismiss the officer.

(許可の失効)

(Lapse of Permission)

第五十二条の五十七 銀行代理業者が次の各号のいずれかに該当するときは、第五十二条の三十六第一項の許可は、効力を失う。

Article 52-57 When a Bank Agent falls under any conditions mentioned in the following items, the permission granted to him/her under Article 52-36(1) shall lose its effect:

一 第五十二条の五十二各号のいずれかに該当することとなつたとき。

(i) When the Bank Agent comes to fall under any of the conditions mentioned in each item of Article 52-52;

二 所属銀行がなくなつたとき。

(ii) When the Bank Agent comes to have no Principal Bank; or

三 当該許可を受けた日から六月以内に銀行代理業を開始しなかつたとき（やむを得ない理由がある場合において、あらかじめ内閣総理大臣の承認を受けたときを除く。）。

(iii) When the Bank Agent failed to commence Bank Agency Service within six months from the day of obtaining said permission (excluding the case where

there is an unavoidable reason and the approval of the Prime Minister has been obtained in advance).

## 第五節 所属銀行等

### Section 5 Principal Bank, etc.

(銀行代理業者に対する指導等)

(Guidance to Bank Agent, etc.)

第五十二条の五十八 所属銀行は、銀行代理業者が営む銀行代理業に関し、内閣府令で定めるところにより、銀行代理業に係る業務の指導その他の健全かつ適切な運営を確保するための措置を講じなければならない。

Article 52-58 (1) A Principal Bank shall, with regard to Bank Agency Service operated by its Bank Agent, give guidance on business operations pertaining to his/her Bank Agency Service and take any other measures for ensuring sound and appropriate management, pursuant to the provisions of a Cabinet Office Ordinance.

2 銀行代理業再委託者（銀行代理業を再委託する銀行代理業者をいう。以下同じ。）は、銀行代理業再受託者（銀行代理業再委託者の再委託を受けて銀行代理業を営む銀行代理業者をいう。以下同じ。）が営む銀行代理業に関し、内閣府令で定めるところにより、銀行代理業に係る業務の指導その他の健全かつ適切な運営を確保するための措置を講じなければならない。

(2) A Principal Bank Agent (meaning a Bank Agent who gives sub-entrustment of Bank Agency Service to another Bank Agent; the same shall apply hereinafter) shall, with regard to Bank Agency Services conducted by the Bank Sub-Agent (meaning a Bank Agent who conducts Bank Agency Service by receiving sub-entrustment of Bank Agency Service from another Bank Agent; the same shall apply hereinafter), give guidance on business operations pertaining to the Bank Sub-Agent's Bank Agency Services and take any other measures for ensuring sound and appropriate management thereof, pursuant to the provisions of a Cabinet Office Ordinance.

(所属銀行等の賠償責任)

(Liability for Damages of Principal Bank, etc.)

第五十二条の五十九 所属銀行は、銀行代理業者がその銀行代理行為について顧客に加えた損害を賠償する責任を負う。

Article 52-59 (1) A Principal Bank shall be liable to compensate for any damage that its Bank Agent causes to his/her customer in relation to his/her Bank Agency Service.

2 前項の規定は、次に掲げる場合には、適用しない。

(2) The provision of the preceding paragraph shall not apply in the following cases:



- 一 所属銀行の委託を受けた銀行代理業者が行う銀行代理行為については、所属銀行が当該委託をするについて相当の注意をし、かつ、当該銀行代理業者が行う銀行代理行為について顧客に加えた損害の発生の防止に努めたとき。
- (i) Regarding Bank Agency Service provided by a Bank Agent who has acted under entrustment from the Principal Bank, in the case where the Principal Bank exercised reasonable care in giving entrustment to the Bank Agent and made efforts to prevent the occurrence of the damage incurred by the customer in relation to the Bank Agency Service provided by the Bank Agent;
- or
- 二 銀行代理業再受託者が行う銀行代理行為については、所属銀行が当該銀行代理業再受託者に対する再委託の許諾を行うについて相当の注意をし、かつ、当該銀行代理業再受託者の行う銀行代理行為について顧客に加えた損害の発生の防止に努めたとき。
- (ii) Regarding Bank Agency Service provided by an Bank Sub-Agent, in the case where the Principal Bank exercised reasonable care in granting authorization for sub-entrustment to the Bank Sub-Agent and made efforts to prevent the occurrence of the damage incurred by the customer in relation to the Bank Agency Service provided by the Bank Sub-Agent.
- 3 銀行代理業再委託者は、銀行代理業再受託者が行う銀行代理行為について顧客に加えた損害を賠償する責任を負う。ただし、当該銀行代理業再委託者が再委託をするについて相当の注意をし、かつ、当該銀行代理業再受託者の行う銀行代理行為について顧客に加えた損害の発生の防止に努めたときは、この限りでない。
- (3) The Principal Bank Agency shall be liable to compensate for any damage that his/her Bank Sub-Agent causes to his/her customer through his/her Bank Agency Service; provided, however, that this shall not apply in the case where the Principal Bank Agent exercised reasonable care in giving sub-entrustment to the Bank Sub-Agent and made efforts to prevent the occurrence of the damage incurred by the customer in relation to the Bank Agency Service provided by the Bank Sub-Agent.
- 4 第一項の規定は所属銀行から銀行代理業者に対する求償権の行使を妨げず、また、前項の規定は銀行代理業再委託者から銀行代理業再受託者に対する求償権の行使を妨げない。
- (4) The provision of paragraph (1) shall not preclude the Principal Bank from exercising its right to obtain reimbursement from the Bank Agent, and the provision of the preceding paragraph shall not preclude the Principal Bank Agent from exercising his/her right to obtain reimbursement from the Entrusted Bank Sub-Agent.
- 5 民法第七百二十四条（不法行為による損害賠償請求権の期間の制限）の規定は、第一項及び第三項の請求権について準用する。
- (5) The provision of Article 724 (Restriction of Period of Right to Demand Compensation for Damages in Tort) of the Civil Code shall apply to claims

under paragraph (1) and paragraph (3).

(銀行代理業者の原簿)

(Bank Agent Registry)

第五十二条の六十 所属銀行は、内閣府令で定めるところにより、当該所属銀行に係る銀行代理業者に関する原簿を、当該所属銀行の営業所（無人の営業所その他の内閣府令で定める営業所を除く。）に備え置かなければならない。

Article 52-60 (1) A Principal Bank shall, pursuant to the provisions of Cabinet Office Ordinance, keep the registry of Bank Agents pertaining to it at its business offices (excluding unmanned business offices and other offices specified by a Cabinet Office Ordinance).

2 預金者等その他の利害関係人は、必要があるときは、所属銀行に対して、前項の原簿の閲覧を求めることができる。

(2) Depositors, etc. or other interested persons may demand inspection of the registry set forth in the preceding paragraph, when necessary.

## 第六節 雑則

### Section 6 Miscellaneous Provisions

(適用除外)

(Exclusion from Application)

第五十二条の六十一 第五十二条の三十六第一項の規定にかかわらず、銀行等（銀行その他政令で定める金融業を行う者をいう。以下この条において同じ。）は、銀行代理業を営むことができる。

Article 52-61 (1) Notwithstanding the provision of Article 52-36(1), a Bank, etc. (meaning a Bank or other person who engages in financial business and is specified by a Cabinet Order; hereinafter the same shall apply in this Article) may operate Bank Agency Service.

2 銀行等が前項の規定により銀行代理業を営む場合においては、当該銀行等を銀行代理業者とみなして、第十三条の二、第二十四条、第二十五条、第三十八条、第四十八条、第五十二条の三十六第二項及び第三項、第五十二条の三十九から第五十二条の四十一まで、第五十二条の四十三から第五十二条の五十六まで、前三条、次条第四項、第五十六条（第十一号に係る部分に限る。）並びに第五十七条の七第二項の規定並びにこれらの規定に係る第九章の規定を適用する。この場合において、第五十二条の五十六第一項中「次の各号のいずれか」とあるのは「第四号又は第五号」と、「第五十二条の三十六第一項の許可を取り消し、又は期限を付して銀行代理業の全部若しくは」とあるのは「期限を付して銀行代理業の全部又は」とするほか、必要な技術的読替えは、政令で定める。

(2) In the case where a Bank, etc. conducts Bank Agency Service under the preceding paragraph, the provisions of Article 13-2, Article 24, Article 25, Article 38, Article 48, Article 52-36(2) and (3), Article 52-39 to Article 52-41

inclusive, Article 52-43 to Article 52-56 inclusive, the preceding three Articles, paragraph (4) of the following Article, Article 56 (limited to the parts pertaining to item (xi)) and Article 57-7(2), and the provisions of Chapter IX pertaining to these provisions shall apply to the Bank, etc. by deeming the Bank, etc. as a Bank Agent. In this case, the terms "any of the conditions mentioned in the following items" and "rescind the permission granted to the Bank Agent under Article 52-36(1) or order the Bank Agent to suspend the whole or" in Article 52-56(1) shall be deemed to be replaced with "the conditions mentioned in item (iv) or (v)" and "order the Bank Agent to suspend the whole or," respectively, and any other necessary technical replacement of terms shall be specified by a Cabinet Order.

3 銀行等は、銀行代理業を営もうとするときは、第五十二条の三十七第一項各号に掲げる事項を記載した書類及び同条第二項第二号に掲げる書類を内閣総理大臣に届け出なければならない。

(3) When a Bank, etc. intends to conduct Bank Agency Service, it shall submit to the Prime Minister documents in which the matters listed in each item of Article 52-37(1) are stated and Documents Required by Article 52-37(2)(ii).

## 第八章 雑則

### Chapter VIII Miscellaneous Provisions

(届出事項)

(Matters to be Notified)

第五十三条 銀行は、次の各号のいずれかに該当するときは、内閣府令で定めるところにより、その旨を内閣総理大臣に届け出なければならない。

Article 53 (1) A Bank shall, when it falls under any of the following items, notify the Prime Minister to that effect pursuant to the provisions of a Cabinet Office Ordinance:

一 営業を開始したとき。

(i) When it commences its operations;

二 第十六条の二第一項第十一号又は第十二号に掲げる会社（同条第四項の規定により子会社とすることについて認可を受けなければならないとされるものを除く。）を子会社としようとするとき（第三十条第一項から第三項まで又は金融機関の合併及び転換に関する法律第五条第一項（認可）の規定による認可を受けて合併、会社分割又は事業の譲受けをしようとする場合を除く。）。

(ii) When it intends to have a company falling under the category specified in Article 16-2(1)(xi) or (xii) (excluding that for which Article 16-2(4) provides that in order to have such a company as its Subsidiary Company, a Bank is required to obtain authorization) become its Subsidiary Company (excluding the case where it intends to do so by conducting a merger or company split or receiving transfer of business from said company with the authorization

- granted under Article 30(1) to (3) inclusive of this Act or Article 5(1) (Authorization) of Act on Financial Institutions' Merger and Conversion);
- 三 その子会社が子会社でなくなつたとき（第三十条第二項又は第三項の規定による認可を受けて会社分割又は事業の譲渡をした場合を除く。）、又は第十六条の二第四項に規定する子会社対象銀行等に該当する子会社が当該子会社対象銀行等に該当しない子会社になつたとき。
- (iii) When such Subsidiary Company ceases to be its Subsidiary Company (excluding the case of company split or transfer of business conducted with the authorization granted under Article 30(2) or (3)), or its Subsidiary Company which falls under the category of Bank, etc. Eligible for Subsidiary Company set forth in Article 16-2(4) ceases to be a Bank, etc. Eligible for Subsidiary Company;
- 四 資本金の額を増加しようとするとき。
- (iv) When it intends to increase the amount of its stated capital;
- 五 この法律の規定による認可を受けた事項を実行したとき。
- (v) When it implements something for which it has obtained authorization under the provision of this Act;
- 六 外国において駐在員事務所を設置しようとするとき。
- (vi) When it intends to establish its representative office in a foreign state;
- 七 その総株主の議決権の百分の五を超える議決権が一の株主により取得又は保有されることとなつたとき。
- (vii) When its voting rights that exceed five hundredths of the Voting Rights Held by All of its Shareholders are acquired or come to be held by a single shareholder; or,
- 八 その他内閣府令（金融破綻処理制度及び金融危機管理に係るものについては、内閣府令・財務省令）で定める場合に該当するとき。
- (viii) When it falls under any other case specified by a Cabinet Office Ordinance (or a Cabinet Office Ordinance and an Ordinance of the Ministry of Finance regarding the matters concerning the system for disposal of failed financial institutions and concerning financial risk management).
- 2 銀行主要株主（銀行主要株主であつた者を含む。）は、次の各号のいずれかに該当するときは、内閣府令で定めるところにより、その旨を内閣総理大臣に届け出なければならない。
- (2) A Major Shareholder of Bank (including a person who had been a Major Shareholder of Bank) shall, when he/she falls under any of the following items, notify the Prime Minister to that effect pursuant to the provisions of a Cabinet Office Ordinance:
- 一 第五十二条の九第一項の認可に係る銀行主要株主になつたとき又は当該認可に係る銀行主要株主として設立されたとき。
- (i) When the holder becomes a Major Shareholder of Bank under the authorization set forth in Article 52-9(1), or the holder is established as a

- Major Shareholder of Bank under that authorization;
- 二 銀行の総株主の議決権の百分の五十を超える議決権の保有者となつたとき。
- (ii) When the holder comes to hold more than five hundredths of the Bank's Voting Rights Held by All of the Shareholders of the Bank;
- 三 銀行の主要株主基準値以上の数の議決権の保有者でなくなつたとき（第五号の場合を除く。）。
- (iii) When the holder ceases to hold voting rights of the Bank which amount to the Major Shareholder Threshold or more (excluding the case mentioned in item (v));
- 四 銀行の総株主の議決権の百分の五十を超える議決権の保有者でなくなつたとき（前号及び次号の場合を除く。）。
- (iv) When the holder ceases to hold more than five hundredths of the Bank's Voting Rights Held by All of the Shareholders of the Bank (excluding the cases mentioned in the preceding item and the following item);
- 五 解散したとき（設立、株式移転、合併（当該合併により銀行の主要株主基準値以上の数の議決権の保有者となる会社その他の法人を設立する場合に限る。）又は新設分割を無効とする判決が確定したときを含む。）。
- (v) When the holder dissolves (including the case where a court judgment nullifying the establishment, share transfer, merger (limited to a merger having resulted in establishment of a company or other juridical person that holds voting rights of the Bank which amount to the Major Shareholder Threshold or more) or incorporation type split pertaining to the holder has become final and binding);
- 六 その総株主の議決権の百分の五十を超える議決権が一の株主により取得又は保有されることとなつたとき。
- (vi) When the holder's voting rights that exceed five hundredths of the Voting Rights Held by All of its Shareholders are acquired or come to be held by a single shareholder; or;
- 七 その他内閣府令で定める場合に該当するとき。
- (vii) When the holder falls under any other case specified by a Cabinet Office Ordinance.
- 3 銀行持株会社（銀行持株会社であつた会社を含む。）は、次の各号のいずれかに該当するときは、内閣府令で定めるところにより、その旨を内閣総理大臣に届け出なければならない。
- (3) A Bank Holding Company (including a company which had been a Bank Holding Company) shall, when it falls under any of the following items, notify the Prime Minister to that effect pursuant to the provisions of a Cabinet Office Ordinance:
- 一 第五十二条の十七第一項の認可に係る銀行持株会社になつたとき又は当該認可に係る銀行持株会社として設立されたとき。
- (i) When it becomes a Bank Holding Company under the authorization set forth

- in Article 52-17(1), or it is established as a Bank Holding Company under that authorization;
- 二 銀行を子会社とする持株会社でなくなつたとき（第五号の場合を除く。）。
- (ii) When it ceases to be a Holding Company having a Bank as its Subsidiary Company (excluding the case mentioned in item (v));
- 三 第五十二条の二十三第一項第十号又は第十一号に掲げる会社（同条第三項の規定により子会社とすることについて認可を受けなければならないとされるものを除く。）を子会社としようとするとき（第五十二条の三十五第一項から第三項までの規定による認可を受けて合併、会社分割又は事業の譲受けをしようとする場合を除く。）。
- (iii) When it intends to have a company falling under the category specified in Article 52-23(1)(x) or (xi) (excluding that for which Article 52-23(3) provides that in order to have such a company as its Subsidiary Company, a Bank Holding Company shall obtain authorization) become its Subsidiary Company (excluding the case where it intends to do so by conducting a Merger or company split or receiving transfer of business from that company with the authorization granted under Article 52-35(1) to (3) inclusive of this Act);
- 四 その子会社が子会社でなくなつたとき（第五十二条の三十五第二項又は第三項の規定による認可を受けて会社分割又は事業の譲渡をした場合及び第二号の場合を除く。）、又は第五十二条の二十三第三項に規定する子会社対象銀行等に該当する子会社が当該子会社対象銀行等に該当しない子会社になつたとき。
- (iv) When a Subsidiary Company ceases to be its Subsidiary Company (excluding the case of company split or transfer of business conducted with the authorization granted under 52-35(2) or (3) or the case mentioned in item (ii)), or its Subsidiary Company which falls under the category of Bank, etc. Eligible for Subsidiary Company set forth in Article 52-23(3) ceases to be a Bank, etc. Eligible for Subsidiary Company;
- 五 解散したとき（設立、株式移転、合併（当該合併により銀行を子会社とする持株会社を設立するものに限る。）又は新設分割を無効とする判決が確定したときを含む。）。
- (v) When it has dissolved (including the case where a court judgment nullifying the establishment, share transfer, merger (limited to a merger having resulted in establishment of a Bank Holding Company) or Incorporation-Type Split pertaining to the holder has become final and binding);
- 六 資本金の額を変更しようとするとき。
- (vi) When it intends to change the amount of its stated capital;
- 七 この法律の規定による認可（第一号に規定する認可を除く。）を受けた事項を実行したとき。
- (vii) When it implements something for which it has obtained authorization (excluding authorization referred to in item (i)) under the provision of this

Act;

八 その総株主の議決権の百分の五を超える議決権が一の株主により取得又は保有されることとなつたとき。

(viii) When its voting rights that exceed five hundredths of the Voting Rights Held by All of its Shareholders are acquired or come to be held by a single shareholder; or,

九 その他内閣府令で定める場合に該当するとき。

(ix) When the holder falls under any other case specified by a Cabinet Office Ordinance.

4 銀行代理業者は、銀行代理業を開始したとき、その他内閣府令で定める場合に該当するときは、内閣府令で定めるところにより、その旨を内閣総理大臣に届け出なければならない。

(4) A Bank Agent shall, when it commences to conduct Bank Agency Service or it falls under any other case specified by a Cabinet Office Ordinance, notify the Prime Minister to that effect pursuant to the provisions of a Cabinet Office Ordinance:

5 第二条第十一項の規定は、第一項第七号、第二項第六号及び第三項第八号に規定する一の株主が取得し、又は保有することとなつた銀行、銀行主要株主又は銀行持株会社の議決権について準用する。

(5) The provision of Article (2)(xi) shall apply mutatis mutandis to voting rights of a Bank, a Major Shareholder of Bank or Bank Holding Company acquired or held by a single shareholder referred to in item (vii) of paragraph (1), item (vi) of paragraph (2) or item (viii) of paragraph (3).

(認可等の条件)

(Conditions on Authorization, etc.)

第五十四条 内閣総理大臣は、この法律の規定による認可又は承認（次項において「認可等」という。）に条件を付し、及びこれを変更することができる。

Article 54 (1) The Prime Minister may impose conditions on the authorizations or approvals (referred to as "Authorization, etc." in the following paragraph) to be granted under the provisions of this Act and change them.

2 前項の条件は、認可等の趣旨に照らして、又は認可等に係る事項の確実な実施を図るため必要最小限のものでなければならない。

(2) The conditions set forth in the preceding paragraph shall, in light of the purpose of the Authorization, etc., be the minimum necessary for ensuring assured implementation of matters pertaining to the Authorization, etc.

(認可の失効)

(Lapse of Authorization)

第五十五条 銀行、銀行主要株主（第五十二条の九第一項の認可のうち設立に係るものを受けた者を含む。）又は銀行持株会社（第五十二条の十七第一項の認可を受けた者

を含む。)がこの法律の規定による認可を受けた日から六月以内に当該認可を受けた事項を実行しなかつたときは、当該認可は、効力を失う。ただし、やむを得ない理由がある場合において、あらかじめ内閣総理大臣の承認を受けたときは、この限りでない。

Article 55 (1) When a Bank, a Major Shareholder of Bank (including a person who has obtained the authorization for establishment under Article 52-9(1)) or Bank Holding Company (including a person who has obtained the authorization under Article 52-17(1)) does not implement something for which it or he/she has obtained authorization under the provisions of this Act within six months from the day when it or he/she has obtained the authorization, the authorization shall lose its effect; provided, however, that this shall not apply to the case where there is an unavoidable reason and the approval of the Prime Minister has been obtained in advance.

2 前項に規定するもののほか、第五十二条の九第一項又は第二項ただし書の認可（以下この項において「主要株主認可」という。）については、当該主要株主認可に係る銀行主要株主が銀行の主要株主基準値以上の数の議決権の保有者でなくなつたとき又は当該主要株主認可に係る銀行を子会社とすることについて第五十二条の十七第一項若しくは第三項ただし書若しくは第五十二条の二十三第三項若しくは第四項ただし書の認可を受けたときは、当該主要株主認可は、効力を失う。

(2) In addition to what is provided in the preceding paragraph, the authorization referred to in Article 52-9(1) or the proviso to Article 52-9 (2) (hereinafter referred to as the "Authorization for Major Shareholder" in this paragraph) shall lose its effect, when the Major Shareholder of Bank pertaining to which the "Authorization for Major Shareholder" has been granted ceases to hold voting rights of the Bank which amount to the Major Shareholder Threshold or more, or the Major Shareholder of Bank or Bank Holding Company obtains the Authorization set forth in Article 52-17(1) or the proviso to Article 52-17(3), or Article 52-23(3) or the proviso to Article 52-23(4), for having the Bank pertaining to which the "Authorization for Major Shareholder" has been granted as its Subsidiary Company.

3 第一項に規定するもののほか、第五十二条の十七第一項又は第三項ただし書の認可については、当該認可に係る銀行持株会社が銀行を子会社とする持株会社でなくなつたときは、当該認可は、効力を失う。

(3) In addition to what is provided in paragraph (1), the authorization referred to in Article 52-17(1) or the proviso to Article 52-17(3) shall lose its effect when the Bank Holding Company pertaining to which the authorization has been granted becomes a company which is no longer a Holding Company having a Bank as its Subsidiary Company.

(内閣総理大臣の告示)

(Public Notice by the Prime Minister)



第五十六条 次に掲げる場合には、内閣総理大臣は、その旨を官報で告示するものとする。

**Article 56** In the following cases, the Prime Minister shall give public notice in the Official Gazette thereof:

一 第二十六条第一項又は第二十七条の規定により銀行の業務の全部又は一部の停止を命じたとき。

(i) When he/she orders suspension of the whole or part of the business of a Bank under Article 26(1) or Article 27;

二 第二十七条又は第二十八条の規定により第四条第一項の免許を取り消したとき。

(ii) When he/she rescinds the license set forth in Article 4(1) under Article 27 or Article 28;

三 銀行が第四十一条第四号の規定に該当して第四条第一項の免許が効力を失ったとき。

(iii) When the license granted to a Bank under Article 4(1) loses its effect by reason that the Bank falls under the condition specified in Article 41(iv);

四 第五十条の規定により外国銀行に対する第四条第一項の免許が効力を失ったとき。

(iv) When the license set forth in Article 4(1) granted to a Foreign Bank loses its effect under Article 50;

五 第五十二条の十五第一項の規定により第五十二条の九第一項又は第二項ただし書の認可を取り消したとき。

(v) When he/she rescinds the authorization set forth in Article 52-9(1) or the proviso to Article 52-9(2) under Article 52-15(1);

六 第五十二条の三十四第一項の規定により第五十二条の十七第一項又は第三項ただし書の認可を取り消したとき。

(vi) When he/she rescinds the authorization set forth in Article 52-17(1) or the proviso to Article 52-17(3) under Article 52-34(1);

七 第五十二条の三十四第一項の規定により銀行持株会社の子会社である銀行の業務の全部又は一部の停止を命じたとき。

(vii) When he/she orders suspension of the whole or part of the business of a subsidiary Bank of a Bank Holding Company under Article 52-34(1);

八 第五十二条の三十四第四項の規定により銀行の業務の全部又は一部の停止を命じたとき。

(viii) When he/she orders suspension of the whole or part of the business of a Bank under Article 52-34(4);

九 前条の規定により第五十二条の九第一項若しくは第二項ただし書又は第五十二条の十七第一項若しくは第三項ただし書の認可が効力を失ったとき。

(ix) When the authorization set forth in Article 52-9(1) or the proviso to Article 52-9(2), or Article 52-17(1) or the proviso to Article 52-17(3) loses its effect under the preceding Article;

十 第五十二条の五十六第一項の規定により第五十二条の三十六第一項の許可を取り消したとき。

(x) When he/she rescinds the permission set forth in Article 52-36(1) under Article 52-56(1);

十一 第五十二条の五十六第一項の規定により銀行代理業者の銀行代理業の全部又は一部の停止を命じたとき。

(xi) When he/she orders a Bank Agent to suspend the whole or part of its Bank Agency Service under Article 52-56(1); or

十二 第五十二条の五十七の規定により第五十二条の三十六第一項の許可が効力を失ったとき。

(xii) When the permission set forth in Article 52-36(1) loses its effect under Article 52-57.

(銀行等の公告方法)

(Method of Public Notice by Bank, etc.)

第五十七条 銀行又は銀行持株会社は、公告方法として、次に掲げる方法のいずれかを定款で定めなければならない。

Article 57 A Bank or Bank Holding Company shall specify any of the following methods as the Method of Public Notice in its articles of incorporation:

一 時事に関する事項を掲載する日刊新聞紙に掲載する方法

(i) Publication in a daily newspaper which publishes matters on current events;  
or

二 電子公告

(ii) Electronic Public Notice.

(電子公告による公告をする期間等)

(Period for Which the Public Notice by Electronic Public Notice shall be Given)

第五十七条の二 銀行又は銀行持株会社が電子公告によりこの法律又は他の法律の規定による公告（会社法の規定による公告を除く。）をする場合には、次の各号に掲げる公告の区分に応じ、それぞれ当該各号に定める日までの間、継続して電子公告による公告をしなければならない。

Article 57-2 (1) When a Bank or Bank Holding Company gives public notice

pursuant to the provisions of this Act or any other Act (excluding public notice given pursuant to the provisions of the Companies Act) by means of electronic public notice, it shall give the public notice by means of electronic public notice on a continuous basis until the date specified in the following items for the categories of public notice set forth respectively in those items:

一 公告に定める期間内に異議を述べる事ができる旨の公告 当該期間を経過する日

(i) Public notice against which objections may be stated within the period specified therein: The day on which that period expires;

二 第十六条第一項前段の規定による公告 銀行が臨時にその業務の全部又は一部を休止した営業所においてその業務の全部又は一部を再開する日

(ii) Public notice required under the first sentence of Article 16(1): The day on which the Bank resumes whole or part of its business at the business office where it has temporarily suspended whole or part of its business.

三 第十六条第一項後段の規定による公告 銀行が臨時にその業務の全部又は一部を休止した営業所においてその業務の全部又は一部を再開した日後一月を経過する日

(iii) Public notice required under the second sentence of Article 16(1): The day on which one month has elapsed from the day on which the Bank resumed whole or part of its business at the business office where it had temporarily suspended whole or part of its business;

四 第二十条第四項又は第五十二条の二十八第三項の規定による公告 電子公告による公告を開始した日後五年を経過する日

(iv) Public notice required under the provisions of Article 20(4) or Article 52-28(3): The day on which five years have elapsed from the date of the commencement of electronic public notice

五 前各号に掲げる公告以外の公告 電子公告による公告を開始した日後一月を経過する日

(v) Public notice other than that set forth in the preceding items: The day on which one month has elapsed from the date of the commencement of electronic public notice.

2 会社法第九百四十条第三項（電子公告の公告期間等）の規定は、銀行又は銀行持株会社が電子公告によりこの法律又は他の法律の規定による公告（会社法の規定による公告を除く。）をする場合について準用する。この場合において、必要な技術的読替えは、政令で定める。

(2) The provisions of Article 940(3) (Period of Public Notice, etc. for Electronic Public Notice) of the Companies Act shall apply mutatis mutandis to the cases where a Bank or Bank Holding Company gives public notice pursuant to the provisions of this Act or any other Act (excluding public notice given pursuant to the provisions of the Companies Act) by means of electronic public notice. In this case, any necessary technical replacement of terms shall be specified by a Cabinet Order.

（電子公告調査の規定の適用）

(Application of the Provision on Investigation of Electronic Public Notice)

第五十七条の三 銀行又は銀行持株会社に対する会社法第九百四十一条（電子公告調査）の規定の適用については、同条中「第四百四十条第一項の規定」とあるのは、「第四百四十条第一項の規定並びに銀行法第十六条第一項、第二十条第四項及び第五十二条の二十八第三項の規定」とする。

Article 57-3 With regard to application of the provisions of Article 941

(Investigation of Electronic Public Notice) of the Companies Act, the term "the provisions of Article 440(1)" in that Article shall be deemed to be replaced with "the provisions of Article 440(1) of this Act and Article 16(1), Article 20(4) and

Article 52-28(3) of the Banking Act."

(登記)

(Registration)

第五十七条の四 銀行又は銀行持株会社は、次に掲げる事項の登記をしなければならない。

Article 57-4 A Bank or Bank Holding Company shall complete registration of the following matters:

一 第二十条第六項の規定による措置をとることとするときは、同項に規定する中間貸借対照表等、中間連結貸借対照表等及び連結貸借対照表等の内容である情報についてその提供を受けるために必要な事項であつて内閣府令で定めるもの

(i) When it intends to take measures referred to in Article 20(6), among matters necessary for receiving the information contained in Interim Balance Sheet, etc., Interim Consolidated Balance Sheet, etc. and Consolidated Balance Sheet, etc. set forth in the Article 20(6), those specified by a Cabinet Office Ordinance; and

二 第五十二条の二十八第五項の規定による措置をとることとするときは、中間連結貸借対照表等及び連結貸借対照表等の内容である情報について不特定多数の者がその提供を受けるために必要な事項であつて内閣府令で定めるもの

(ii) When it intends to take measures referred to in Article 52-28(5), among matters necessary for allowing many and unspecified persons to receive the information contained in Interim Consolidated Balance Sheet, etc. and Consolidated Balance Sheet, etc. set forth in Article 52-28(5), those specified by a Cabinet Office Ordinance.

(財務大臣への協議)

(Consultation with Minister of Finance)

第五十七条の五 内閣総理大臣は、銀行に対し次に掲げる処分をすることが信用秩序の維持に重大な影響を与えるおそれがあると認めるときは、あらかじめ、信用秩序の維持を図るために必要な措置に関し、財務大臣に協議しなければならない。

Article 57-5 The Prime Minister shall, when he/she finds that maintenance of an orderly credit system may be materially affected if he/she imposes one of the following dispositions on a certain Bank as intended by him/her, consult in advance with the Minister of Finance about measures necessary for maintaining of an orderly financial system:

一 第二十六条第一項、第二十七条又は第五十二条の三十四第一項若しくは第四項の規定による業務の全部又は一部の停止の命令

(i) Order to suspend the whole or part of the business of the Bank under the provisions of Article 26(1), Article 27 or Article 52-34(1) or (4); or

二 第二十七条又は第二十八条の規定による第四条第一項の免許の取消し

(ii) Rescission of the license set forth in Article 4(1) under the provisions of

Article 27 or 28.

(財務大臣への通知)

(Notice to Minister of Finance)

第五十七条の六 内閣総理大臣は、次に掲げる処分をしたときは、速やかに、その旨を財務大臣に通知するものとする。第五十三条第一項の規定による届出（同項第八号に係るもののうち内閣府令・財務省令で定めるものに限る。）があつたときも、同様とする。

Article 57-6 The Prime Minister shall, when he/she gives any of the following dispositions, promptly notify it to the Minister of Finance. The same shall apply to the case where he/she receives a notification filed under the provisions of Article 53(1) (limited to that required under Article 53(1)(viii) and required by a Cabinet Office Ordinance and an Ordinance of the Ministry of Finance):

一 第四条第一項の規定による免許

(i) Granting of a license under Article 4(1);

二 第十六条の二第四項（預金保険法（昭和四十六年法律第三十四号）第二条第四項に規定する破綻金融機関に該当する銀行を子会社とする場合に限る。）、第三十条第一項から第三項まで、第三十七条第一項、第五十二条の九第一項若しくは第二項ただし書、第五十二条の十七第一項若しくは第三項ただし書又は第五十二条の三十五第一項から第三項までの規定による認可

(ii) Granting of authorization under the provisions of Article 16-2(4) (limited to case where the Bank intends to have a Bank which falls under the category of failed financial institutions under Article 2(4) of the Deposit Insurance Act (Act No. 34 of 1971) become its Subsidiary Company), Article 30(1) to (3) inclusive, Article 37(1), Article 52-9(1) or the proviso to Article 52-9(2), Article 52-17(1) or the proviso to Article 52-17(3), or Article 52-35(1) to (3) inclusive;

三 第二十六条第一項、第二十七条、第五十二条の五、第五十二条の六、第五十二条の九第四項、第五十二条の十三、第五十二条の十四、第五十二条の十五第一項、第五十二条の十七第五項、第五十二条の三十三第一項若しくは第三項又は第五十二条の三十四第一項若しくは第四項の規定による命令（改善計画の提出を求めることを含む。）

(iii) Giving of an order under the provisions of Article 26(1), Article 27, Article 52-5, Article 52-6, Article 52-9(4), Article 52-13, Article 52-14, Article 52-15(1) Article 52-17(5), Article 52-33(1) or (3) or Article 52-34(1) or (4) (including the request of submission of an improvement plan);

四 第二十七条又は第二十八条の規定による第四条第一項の免許の取消し

(iv) Rescission of a license set forth in Article 4(1) under the provisions of Article 27 or Article 28; or

五 第五十二条の十五第一項の規定による第五十二条の九第一項若しくは第二項ただし書の認可の取消し又は第五十二条の三十四第一項の規定による第五十二条の十七

第一項若しくは第三項ただし書の認可の取消し

- (v) Rescission of an authorization set forth in Article 52-9(1) or in the proviso to Article 52-9(2) under the provisions of Article 52-15(1) or rescission of an authorization set forth in Article 52-17(1) or the proviso to Article 52-17(3) under the provisions of Article 52-34(1).

(財務大臣への資料提出等)

(Submission of Materials to Minister of Finance, etc.)

第五十七条の七 財務大臣は、その所掌に係る金融破綻処理制度及び金融危機管理に関し、銀行に係る制度の企画又は立案をするため必要があると認めるときは、内閣総理大臣に対し、必要な資料の提出及び説明を求めることができる。

Article 57-7 (1) The Minister of Finance shall, when he/she finds it necessary for planning or framing a system in relation to the systems for disposal of failed financial institutions or financial risk management under his/her jurisdiction, request to the Prime Minister submission of materials and provision of explanation necessary.

2 財務大臣は、その所掌に係る金融破綻処理制度及び金融危機管理に関し、銀行に係る制度の企画又は立案をするため特に必要があると認めるときは、その必要の限度において、銀行、銀行主要株主、銀行持株会社、銀行代理業者その他の関係者に対し、資料の提出、説明その他の協力を求めることができる。

(2) The Minister of Finance shall, when and to the extent he/she finds it particularly necessary for planning or framing a system pertaining to Banks in relation to the systems for disposal of failed financial institutions or financial risk management under his/her jurisdiction, request submission of materials, provision of explanation and other cooperation to a Bank, Major Shareholder of Bank, Bank Holding Company, Bank Agent or other relevant person.

(内閣府令への委任)

(Delegation to Cabinet Office Ordinance)

第五十八条 この法律に定めるもののほか、この法律の規定による免許、許可、認可又は承認に関する申請の手續、書類の提出の手續その他この法律を実施するため必要な事項は、内閣府令で定める。

Article 58 In addition to what is provided for in this Act, matters required for the implementation of this Act, including procedures for licenses, permissions, authorizations or approvals and procedures for submission of documents, shall be specified by a Cabinet Office Ordinance.

(権限の委任)

(Delegation of Authority)

第五十九条 内閣総理大臣は、この法律による権限（政令で定めるものを除く。）を金融庁長官に委任する。

Article 59 (1) The Prime Minister shall delegate his/her authority under this Act (excluding that specified by a Cabinet Order) to the Commissioner of the Financial Services Agency.

2 金融庁長官は、政令で定めるところにより、前項の規定により委任された権限の一部を財務局長又は財務支局長に委任することができる。

(2) The Commissioner of the Financial Services Agency may, pursuant to the provisions of a Cabinet Order, delegate part of the authority that has been delegated pursuant to the provisions of the preceding paragraph to the Director-Generals of Local Finance Bureaus or Local Finance Branch Bureaus.

(経過措置)

(Transitional Measures)

第六十条 この法律の規定に基づき命令を制定し、又は改廃する場合においては、その命令で、その制定又は改廃に伴い合理的に必要と判断される範囲内において、所要の経過措置（罰則に関する経過措置を含む。）を定めることができる。

Article 60 When enacting, revising or abolishing an order based on this Act, necessary transitional measures (including transitional measures concerning penal provisions) may be provided for by that order, to the extent considered reasonably necessary for its enactment, revision or abolition.

## 第九章 罰則

### Chapter IX Penal Provisions

第六十一条 次の各号のいずれかに該当する者は、三年以下の懲役若しくは三百万円以下の罰金に処し、又はこれを併科する。

Article 61 A person who falls under any of the following items shall be punished by imprisonment with work for not more than three years or a fine of not more than three million yen, or both:

一 第四条第一項の規定に違反して、免許を受けずに銀行業を営んだ者

(i) A person who has conducted Banking Business without obtaining a license, in violation of the provisions of Article 4(1);

二 不正の手段により第四条第一項の免許を受けた者

(ii) A person who has obtained the license set forth in Article 4(1) by wrongful means;

三 第九条の規定に違反して、他人に銀行業を営ませた者

(iii) A person who had another person conduct Banking Business, in violation of the provisions of Article 9;

四 第十三条の四又は第五十二条の四十五の二において準用する金融商品取引法（以下「準用金融商品取引法」という。）第三十九条第一項の規定に違反した者

(iv) A person who has violated the provisions of Article 39(1) of the Financial Instruments and Exchange Act as applied mutatis mutandis pursuant to

Article 13-4 or Article 52-45-2 (hereinafter referred to as the "Financial Instruments and Exchange Act as Applied Mutatis Mutandis");

五 第五十二条の三十六第一項の規定に違反して、許可を受けずに銀行代理業を営んだ者

(v) A person who has conducted Banking Business without obtaining permission, in violation of the provisions of Article 52-36(1);

六 不正の手段により第五十二条の三十六第一項の許可を受けた者

(vi) A person who has obtained the permission set forth in Article 52-36(1) by wrongful means; or

七 第五十二条の四十一の規定に違反して、他人に銀行代理業を営ませた者

(vii) A person who had another person conduct Banking Business, in violation of the provisions of Article 52-41.

第六十一条の二 次に掲げる違反があつた場合においては、その違反行為をした者は、二年以下の懲役若しくは三百万円以下の罰金に処し、又はこれを併科する。

Article 61-2 In any of the following cases of violation, a person who has committed the violation shall be punished by imprisonment with work for not more than two years or a fine of not more than three million yen, or both:

一 第五十二条の十七第一項の規定による内閣総理大臣の認可を受けずに、同項各号に掲げる取引若しくは行為により銀行を子会社とする持株会社になつたとき又は銀行を子会社とする持株会社を設立したとき。

(i) When a person has become or established a Holding Company having a Bank as its Subsidiary Company through any of the following transactions or acts without obtaining the authorization from the Prime Minister under Article 52-17(1);

二 第五十二条の十七第三項の規定に違反して同項に規定する猶予期限日を超えて銀行を子会社とする持株会社であつたとき。

(ii) When a person remained as a Holding Company having a Bank as its Subsidiary Company after the Last Day of the Grace Period prescribed in Article 52-17(3), in violation of the provisions of that paragraph; or

三 第五十二条の十七第五項の規定による命令に違反して銀行を子会社とする持株会社であつたとき又は第五十二条の三十四第二項の規定に違反して同項に規定する内閣総理大臣が指定する期間を超えて銀行を子会社とする持株会社であつたとき。

(iii) When a person remained as a Holding Company having a Bank as its Subsidiary Company in violation of an order under Article 52-17(5) or where a person remained as a Holding Company having a Bank as its Subsidiary Company even after the period designated by the Prime Minister prescribed in Article 52-34(2) in violation of the provisions of that paragraph.

第六十二条 次の各号のいずれかに該当する者は、二年以下の懲役又は三百万円以下の罰金に処する。



Article 62 A person who falls under any of the following items shall be punished by imprisonment with work for not more than two years or a fine of not more than three million yen:

一 第四条第四項又は第五十二条の三十八第二項の規定により付した条件に違反した者

(i) A person who has violated the conditions imposed pursuant to the provisions of Article 4(4) or Article 52-38(2); or

二 第二十六条第一項、第二十七条、第五十二条の三十四第一項若しくは第四項又は第五十二条の五十六第一項の規定による業務の全部又は一部の停止の命令に違反した者

(ii) A person who violated an order to suspend the whole or part of its business under Article 26(1), Article 27, Article 52-34(1) or (4), or Article 52-56(1).

第六十三条 次の各号のいずれかに該当する者は、一年以下の懲役又は三百万円以下の罰金に処する。

Article 63 A person who falls under any of the following items shall be punished by imprisonment with work for not more than one year or a fine of not more than three million yen:

一 第十九条、第五十二条の二十七又は第五十二条の五十第一項の規定に違反して、これらの規定に規定する書類の提出をせず、又はこれらの書類に記載すべき事項を記載せず、若しくは虚偽の記載をしてこれらの書類の提出をした者

(i) A person who has, in violation of the provisions of Article 19, Article 52-27 or Article 52-50(1), failed to submit the documents prescribed in these provisions or submitted those documents without stating the matters to be stated or without making false statements therein;

一の二 第二十条第四項若しくは第五十二条の二十八第三項の規定に違反して、これらの規定による公告をせず、若しくは第二十条第六項若しくは第五十二条の二十八第五項の規定に違反して、これらの規定に規定する情報を電磁的方法により不特定多数の者が提供を受けることができる状態に置く措置として内閣府令で定めるものをとらず、又は当該公告をしなければならぬ書類に記載すべき事項を記載せず、若しくは虚偽の記載をして、公告をし、若しくは電磁的記録に記録すべき事項を記録せず、若しくは虚偽の記録をして、電磁的方法により不特定多数の者が提供を受けることができる状態に置く措置をとつた者

(i)-2 A person who has, in violation of the provisions of Article 20(4) or Article 52-28(3), failed to give public notice under these provisions or, in violation of the provisions of Article 20(6) or Article 52-28(5), failed to take any of the measures specified by a Cabinet Office Ordinance as those for making the information prescribed in those provisions accessible to many and unspecified persons by electromagnetic means, or has given public notice without stating the matters to be stated or with making false statements in the documents for which that public notice must be given, or has taken a

measure for making the information recorded in the electromagnetic record accessible to many and unspecified persons without recording the matters to be recorded or recording false matters in the electromagnetic record;

一の三 第二十一条第一項若しくは第二項、第五十二条の二十九第一項若しくは第五十二条の五十一第一項の規定に違反して、これらの規定に規定する書類を公衆の縦覧に供せず、若しくは第二十一条第四項（同条第五項において準用する場合を含む。以下この号において同じ。）、第五十二条の二十九第三項若しくは第五十二条の五十一第二項の規定に違反して、第二十一条第四項、第五十二条の二十九第三項若しくは第五十二条の五十一第二項に規定する電磁的記録に記録された情報を電磁的方法により不特定多数の者が提供を受けることができる状態に置く措置として内閣府令で定めるものをとらず、又はこれらの規定に違反して、これらの書類に記載すべき事項を記載せず、若しくは虚偽の記載をして、公衆の縦覧に供し、若しくは電磁的記録に記録すべき事項を記録せず、若しくは虚偽の記録をして、電磁的記録に記録された情報を電磁的方法により不特定多数の者が提供を受けることができる状態に置く措置をとつた者

(i)-3 A person who has, in violation of the provisions of Article 21(1) or (2), Article 52-29(1) or Article 52-51(1), failed to provide the documents prescribed in those provisions for public inspection or, in violation of the provisions of Article 21(4) (including the case where it is applied mutatis mutandis pursuant to paragraph (5) of that Article; hereinafter the same shall apply in this item), Article 52-29(3) or Article 52-51(2), failed to take any of the measures specified by a Cabinet Office Ordinance as those for making the information recorded in the electromagnetic record prescribed in Article 21(4), Article 52-29(3) or Article 52-51(2) accessible to many and unspecified persons by electromagnetic means or, in violation of these provisions, provided the documents for public inspection without stating the matters to be stated or by making false statements in the documents, or has taken a measure for making the information recorded in the electromagnetic record accessible to many and unspecified persons by electromagnetic means without recording the matters to be recorded or recording false matters in the electromagnetic record;

二 第二十四条第一項（第四十三条第三項において準用する場合を含む。）、第二十四条第二項、第五十二条の七、第五十二条の十一若しくは第五十二条の三十一第一項若しくは第二項の規定による報告若しくは資料の提出をせず、又は虚偽の報告若しくは資料の提出をした者

(ii) A person who has failed to submit the reports or materials under Article 24(1) (including the case where it is applied mutatis mutandis pursuant to Article 43(3)), Article 24(2), Article 52-7, Article 52-11 or Article 52-31(1) or (2), or has submitted false reports or materials;

三 第二十五条第一項（第四十三条第三項において準用する場合を含む。）、第二十五条第二項、第五十二条の八第一項、第五十二条の十二第一項、第五十二条の三十

二 第一項若しくは第二項若しくは第五十二条の五十四第一項の規定による当該職員の質問に対して答弁をせず、若しくは虚偽の答弁をし、又はこれらの規定による検査を拒み、妨げ、若しくは忌避した者

(iii) A person who has failed to answer or has given a false answer to the questions asked by the officials under Article 25(1) (including the case where it is applied mutatis mutandis pursuant to Article 43(3)), Article 25(2), Article 52-8(1), Article 52-12(1), Article 52-32(1) or (2) or Article 52-54(1), or has refused, hindered or avoided the inspection under these provisions;

四 第四十三条第一項（同条第二項において準用する場合を含む。）の規定による命令に違反した者

(iv) A person who has violated an order under Article 43(1) (including the case where it is applied mutatis mutandis pursuant to paragraph (2) of that Article);

五 第四十五条第三項の規定による検査を拒み、妨げ、若しくは忌避し、又は同条の規定による命令に違反した者

(v) A person who has refused, hindered or avoided the inspection under Article 45(3) or violated an order under that Article;

六 第四十六条第三項において準用する第二十五条第一項の規定による当該職員の質問に対して答弁をせず、若しくは虚偽の答弁をし、又は同項の規定による検査を拒み、妨げ、若しくは忌避した者

(vi) A person who has failed to answer or has given a false answer to the questions asked by the officials under Article 25(1) as applied mutatis mutandis pursuant to Article 46(3), or has refused, hindered or avoided the inspection under that paragraph;

七 第五十二条の三十四第一項の規定による命令（取締役、執行役、会計参与若しくは監査役の解任又は業務の全部若しくは一部の停止の命令を除く。）に違反した者

(vii) A person who has violated an order (excluding an order to dismiss a director, executive officer, accounting advisor, or auditor or to suspend the whole or part of the business) under Article 52-34(1);

八 第五十二条の三十七第一項の規定による申請書又は同条第二項の規定によりこれに添付すべき書類に虚偽の記載をして提出した者

(viii) A person who has submitted an application under Article 52-37(1) or documents to be attached thereto pursuant to the provisions of paragraph (2) of that Article by making false statements;

九 第五十二条の四十二第一項の規定による承認を受けずに銀行代理業及び銀行代理業に付随する業務以外の業務を営んだ者

(ix) A person who has conducted business other than Bank Agency Service and services incidental to Bank Agency Service without obtaining the approval under Article 52-42(1); or

十 第五十四条第一項の規定により付した条件（第五十二条の十七第一項又は第三項ただし書の規定による認可に係るものに限る。）に違反した者

(x) A person who has violated the conditions (limited to those pertaining to the authorization under Article 52-17(1) or the proviso to Article 52-17(3)) imposed pursuant to the provisions of Article 54(1).

第六十三条の二 第十三条の三（第一号に係る部分に限る。）又は第五十二条の四十五（第一号に係る部分に限る。）の規定の違反があつた場合において、顧客以外の者（銀行又は銀行代理業者を含む。）の利益を図り、又は顧客に損害を与える目的で当該違反行為をした者は、一年以下の懲役若しくは百万円以下の罰金に処し、又はこれを併科する。

Article 63-2 A person who has violated the provisions of Article 13-3 (limited to the part pertaining to item (i)) or Article 52-45 (limited to the part pertaining to item (i)) for the purpose of securing the interest of a person other than customers (including a Bank or a Bank Agent) or giving damage to a customer shall be punished by imprisonment with work for not more than one year or a fine of not more than one million yen, or both.

第六十三条の二の二 準用金融商品取引法第三十九条第二項の規定に違反した者は、一年以下の懲役若しくは百万円以下の罰金に処し、又はこれを併科する。

Article 63-2-2 A person who has violated the provisions of Article 39(2) of the Financial Instruments and Exchange Act as Applied Mutatis Mutandis shall be punished by imprisonment with work for not more than one year or a fine of not more than one million yen, or both.

第六十三条の二の三 前条の場合において、犯人又は情を知つた第三者が受けた財産上の利益は、没収する。その全部又は一部を没収することができないときは、その価額を追徴する。

Article 63-2-3 In the case referred to in the preceding Article, the property benefit received by the offender or a third person who knows the circumstances shall be confiscated. Where it is not possible to confiscate the whole or part of it, the value thereof shall be collected.

第六十三条の二の四 次の各号のいずれかに該当する者は、六月以下の懲役若しくは五十万円以下の罰金に処し、又はこれを併科する。

Article 63-2-4 A person who falls under any of the following items shall be punished by imprisonment with work for not more than six months or a fine of not more than 500,000 yen, or both:

一 準用金融商品取引法第三十七条第一項（第二号を除く。）に規定する事項を表示せず、又は虚偽の表示をした者

(i) A person who has failed to indicate the matters prescribed in Article 37(1) (excluding item (ii)) of the Financial Instruments and Exchange Act as Applied Mutatis Mutandis or has indicated false matters;

二 準用金融商品取引法第三十七条第二項の規定に違反した者

(ii) A person who has violated the provisions of Article 37(2) of the Financial Instruments and Exchange Act as Applied Mutatis Mutandis;

三 準用金融商品取引法第三十七条の三第一項（第二号及び第六号を除く。）の規定に違反して、書面を交付せず、又は同項に規定する事項を記載しない書面若しくは虚偽の記載をした書面を交付した者

(iii) A person who has, in violation of the provisions of Article 37-3(1) (excluding items (ii) and (vi)) of the Financial Instruments and Exchange Act as Applied Mutatis Mutandis, failed to deliver the document, or has delivered a document without stating the matters prescribed in that paragraph or with making false statements; or

四 準用金融商品取引法第三十七条の四第一項の規定による書面を交付せず、又は虚偽の記載をした書面を交付した者

(iv) A person who has failed to deliver the document under Article 37-4(1) of the Financial Instruments and Exchange Act as Applied Mutatis Mutandis or has delivered a document with making false statements.

第六十三条の三 次の各号のいずれかに該当する者は、三十万円以下の罰金に処する。

Article 63-3 A person who falls under any of the following items shall be punished by a fine of not more than 300,000 yen:

一 第四十九条の二第二項において準用する会社法第九百五十五条第一項（調査記録簿等の記載等）の規定に違反して、調査記録簿等（同項に規定する調査記録簿等をいう。以下この号において同じ。）に同項に規定する電子公告調査に関し法務省令で定めるものを記載せず、若しくは記録せず、若しくは虚偽の記載若しくは記録をし、又は同項の規定に違反して調査記録簿等を保存しなかつた者

(i) A person who has, in violation of the provisions of Article 955(1) (Entry, etc. in Investigation Record Books, etc.) of the Companies Act as applied mutatis mutandis pursuant to Article 49-2(2), failed to state or record the matters specified by a Cabinet Office Ordinance concerning the investigation of electronic public notice prescribed in that paragraph or has stated or recorded false matters in the investigation record book, etc. (hereinafter the investigation record book, etc. prescribed in that paragraph; hereinafter the same shall apply in this item) or has, in violation of the provisions of that paragraph, failed to retain the investigation record book, etc.;

二 第五十二条の三十九第二項若しくは第五十二条の五十二の規定による届出をせず、又は虚偽の届出をした者

(ii) A person who has failed to give the notification under Article 52-39(2) or Article 52-52 or has given a false notification;

三 第五十二条の四十第一項の規定に違反した者

(iii) A person who has violated the provisions of Article 52-40(1); or

四 第五十二条の四十第二項の規定に違反して、同条第一項の標識又はこれに類似す

る標識を掲示した者

(iv) A person who has, in violation of the provisions of Article 52-40(2), posted the sign set forth in paragraph (1) of that Article or a sign similar thereto.

第六十四条 法人（法人でない団体で代表者又は管理人の定めのあるものを含む。以下この項において同じ。）の代表者又は法人若しくは人の代理人、使用人その他の従業者が、その法人又は人の業務又は財産に関し、次の各号に掲げる規定の違反行為をしたときは、その行為者を罰するほか、その法人に対して当該各号に定める罰金刑を、その人に対して各本条の罰金刑を科する。

Article 64 (1) When the representative person of a juridical person (including an organization that is not a juridical person and that has rules concerning the representative person or an administrator; hereinafter the same shall apply in this paragraph) or an agent, an employee or other worker of a juridical person or an individual has violated any of the provisions listed in the following items concerning the business or property of such juridical person or individual, not only the offender shall be punished, but also that juridical person shall be punished by the fine set forth respectively in those items and that individual shall be punished by the fine specified in the respective Articles:

一 第六十一条第四号又は第六十二条 三億円以下の罰金刑

(i) Article 61(iv) or Article 62: A fine of not more than 300 million yen;

二 第六十三条第一号から第四号まで、第七号、第八号若しくは第十号又は第六十三条の二 二億円以下の罰金刑

(ii) Article 63(i) to (iv) inclusive, (vii), (viii) or (x) or Article 63-2: A fine of not more than 200 million yen;

三 第六十三条の二の二 一億円以下の罰金刑

(iii) Article 63-2-2: A fine of not more than 100 million yen; and

四 第六十一条（第四号を除く。）、第六十一条の二、第六十三条第五号、第六号若しくは第九号又は前二条 各本条の罰金刑

(iv) Article 61 (excluding item (iv)), Article 61-2, Article 63(v), (vi) or (ix) or the preceding two Articles: The fine prescribed in each Articles.

2 前項の規定により法人でない団体を処罰する場合には、その代表者又は管理人がその訴訟行為につきその団体を代表するほか、法人を被告人又は被疑者とする場合の刑事訴訟に関する法律の規定を準用する。

(2) In the case where an organization that is not a juridical person is punished pursuant to the provisions of the preceding paragraph, the representative person or an administrator thereof shall represent that organization with regard to the relevant procedural act, and the provisions of Acts concerning criminal procedure in the cases where a juridical person is the accused or a suspect shall apply mutatis mutandis.

第六十五条 次の各号のいずれかに該当する場合には、その行為をした銀行（銀行が第

四十一条第一号から第三号までのいずれかに該当して第四条第一項の内閣総理大臣の免許が効力を失った場合における当該銀行であつた会社を含む。)の取締役、執行役、会計参与若しくはその職務を行うべき社員、監査役、支配人若しくは清算人、外国銀行の代表者、代理人若しくは支配人、銀行議決権大量保有者(銀行議決権大量保有者が銀行議決権大量保有者でなくなつた場合における当該銀行議決権大量保有者であつた者を含み、銀行議決権大量保有者が法人等(法人及び第三条の二第一項第一号に掲げる法人でない団体をいう。以下この条において同じ。)であるときは、その取締役、執行役、会計参与若しくはその職務を行うべき社員、監査役、代表者、管理人、支配人、業務を執行する社員又は清算人)、銀行主要株主(銀行主要株主が銀行主要株主でなくなつた場合における当該銀行主要株主であつた者を含み、銀行主要株主が法人等であるときは、その取締役、執行役、会計参与若しくはその職務を行うべき社員、監査役、代表者、管理人、支配人、業務を執行する社員又は清算人)、特定主要株主(特定主要株主が銀行の主要株主基準値以上の数の議決権の保有者でなくなつた場合における当該特定主要株主であつた者を含み、特定主要株主が法人等であるときは、その取締役、執行役、会計参与若しくはその職務を行うべき社員、監査役、代表者、管理人、支配人、業務を執行する社員又は清算人)、銀行持株会社(銀行持株会社が銀行持株会社でなくなつた場合における当該銀行持株会社であつた会社を含む。)の取締役、執行役、会計参与若しくはその職務を行うべき社員、監査役、支配人若しくは清算人、特定持株会社(特定持株会社が銀行を子会社とする持株会社でなくなつた場合における当該特定持株会社であつた会社を含む。)の取締役、執行役、会計参与若しくはその職務を行うべき社員、監査役、支配人、業務を執行する社員若しくは清算人又は銀行代理業者(銀行代理業者が法人であるときは、その取締役、執行役、監査役、理事、監事、代表者、業務を執行する社員又は清算人)は、百万円以下の過料に処する。

**Article 65** In any of the following cases, the director, executive officer, accounting advisor or the members who are to perform the duties of the accounting advisors, auditor, manager or liquidator of the Bank (including a company that had been said Bank in the case where the license from the Prime Minister set forth in Article 4(1) lost its effect as a result of the Bank falling under any of each item from Article 41(i) to (iii) inclusive), the representative person, agent or manager of the Foreign Bank, the Major Holder of the Bank's Voting Rights (including a person who had been a Major Holder of the Bank's Voting Rights in the case where the Major Holder of the Bank's Voting Rights became a person who is no longer a Major Holder of the Bank's Voting Rights and, when the Major Holder of the Bank's Voting Rights is a juridical person, etc. (meaning any juridical person and any organization without juridical personality specified in Article 3-2(1)(i); hereinafter the same shall apply in this Article), it shall be the director, executive officer, accounting advisor or the members who are to perform the duties of the accounting advisors, auditor, representative person, administrator, manager, member who executes the operation, or liquidator of said juridical person, etc.), the Major Shareholder of

the Bank (including a person who had been the Major Shareholder of Bank in the case where the major shareholder of the Bank became a person who is no longer a Major Shareholder of Bank and, when the Major Shareholder of Bank is a Juridical Person, etc., it shall be the director, executive officer, accounting advisor or the members who are to perform the duties of the accounting advisors, auditor, representative person, administrator, manager, member who executes the operation, or liquidator of said juridical person, etc.), the Specified Major Shareholder (including a person who had been the Specified Major Shareholder in the case where the Specified Major Shareholder became a person who is no longer a holder of voting rights of the Bank which amounts to the Major Shareholder Threshold or more and, when the Specifies Major Shareholder is a juridical person, etc., it shall be the director, executive officer, accounting advisor or the members who are to perform the duties of the accounting advisors, auditor, representative person, administrator, manager, member who executes the operation, or liquidator of said juridical person, etc.), the director, executive officer, accounting advisor or the members who are to perform the duties of the accounting advisors, auditor, manager, or liquidator of the Bank Holding Company (including a company that had been the Bank Holding Company in the case where the Bank Holding Company became a company that is no longer a Bank Holding Company), the director, executive officer, accounting advisor or the members who are to perform the duties of the accounting advisors, auditor, manager, member who executes the operation, or liquidator of the Specified Holding Company (including a company that had been the Specified Holding Company in the case where the Specified Holding Company became a company that is no longer a Holding Company having a Bank as its Subsidiary Company), or the Bank Agent (when the Bank Agent is a juridical person, it shall be the director, executive officer, auditor, director, inspector, representative person, member who executes the operation, or liquidator of said Bank Agent) that has committed such act shall be punished by a fine of not more than one million yen:

一 第五条第三項、第六条第三項、第八条第二項若しくは第三項又は第四十七条の二の規定による内閣総理大臣の認可を受けないでこれらの規定に規定する行為をしたとき。

(i) When he/she has carried out the act prescribed in Article 5(3), Article 6(3), Article 8(2) or (3) or Article 47-2 without obtaining the authorization therefor from the Prime Minister under these provisions;

二 第七条第一項又は第五十二条の十九第一項の規定に違反して他の会社の常務に従事したとき。

(ii) When he/she has engaged in the ordinary business of another company in violation of the provisions of Article 7(1) or Article 52-19(1);

三 第十二条又は第五十二条の二十一第一項の規定に違反して他の業務を営んだとき。



(iii) When he/she has operated any other business in violation of the provisions of Article 12 or Article 52-21(1);

四 第八条第一項、第十六条第一項、第三十四条第一項、第三十六条第一項、第三十八条、第四十九条、第五十二条第一項若しくは第三項、第五十二条の三十九第一項、第五十二条の四十七、第五十二条の四十八、第五十二条の六十一第三項若しくは第五十三条第一項から第四項までの規定に違反して、これらの規定による届出、公告若しくは掲示をせず、又は虚偽の届出、公告若しくは掲示をしたとき。

(iv) When he/she has, in violation of the provisions of Article 8(1), Article 16(1), Article 34(1), Article 36(1), Article 38, Article 49, Article 52(1) or (3), Article 52-39(1), Article 52-47, Article 52-48, Article 52-61(3) or Article 53(1) to (4) inclusive, failed to give the notification or the public notice or make the posting under these provisions or has given a false notification or a false public notice or has made a false posting;

五 第十六条の二第一項の規定に違反して同項に規定する子会社対象会社以外の会社（第十六条の三第一項に規定する国内の会社を除く。）を子会社としたとき又は第五十二条の二十三第一項の規定に違反して同項に規定する子会社対象会社以外の会社（第五十二条の二十四第一項に規定する国内の会社を除く。）を子会社としたとき。

(v) When he/she has, in violation of the provisions of Article 16-2(1), made a company other than the Companies Eligible for Subsidiary Companies prescribed in that paragraph (excluding the Domestic Companies prescribed in Article 16-3(1)) its Subsidiary Company or has, in violation of the provisions of Article 52-23(1), made a company other than the Companies Eligible for Subsidiary Companies prescribed in that paragraph (excluding the Domestic Companies prescribed in Article 52-24(1)) its Subsidiary Company;

六 第十六条の二第四項の規定による内閣総理大臣の認可を受けないで同項に規定する子会社対象銀行等を子会社としたとき又は同条第六項において準用する同条第四項の規定による内閣総理大臣の認可を受けないで同条第一項各号に掲げる会社を当該各号のうち他の号に掲げる会社（同条第四項に規定する子会社対象銀行等に限る。）に該当する子会社としたとき。

(vi) When he/she has, without obtaining the authorization from the Prime Minister under Article 16-2(4), made a company eligible for Subsidiary Company, etc. prescribed in that paragraph its Subsidiary Company or has, without obtaining the authorization from the Prime Minister under paragraph (4) of that Article as applied mutatis mutandis pursuant to paragraph (6) of that Article, made any of the companies listed in each item of paragraph (1) of that Article its Subsidiary Company that falls under the category of a company specified in any other item among those items (limited to a company eligible for Subsidiary Company, etc. prescribed in paragraph (4) of that Article);

- 七 第十六条の三第一項若しくは第二項ただし書又は第五十二条の二十四第一項若しくは第二項ただし書の規定に違反したとき。
- (vii) When he/she has violated the provisions of Article 16-3(1), the proviso to Article 16-3(2), Article 52-24(1) or the proviso to Article 52-24(2);
- 八 第十六条の三第三項若しくは第五項又は第五十二条の二十四第三項若しくは第五項の規定により付した条件に違反したとき。
- (viii) When he/she has violated the conditions imposed pursuant to the provisions of Article 16-3(3) or (5) or Article 52-24(3) or (5); or
- 九 第十八条の規定に違反して資本準備金又は利益準備金を計上しなかつたとき。
- (ix) When he/she failed to record a capital reserve or a retained earnings reserve in violation of the provisions of Article 18;
- 十 第二十六条第一項、第五十二条の十四第一項若しくは第五十二条の三十三第一項の規定に違反して改善計画の提出をせず、又は第二十六条第一項の規定による命令（業務の全部又は一部の停止の命令を除く。）若しくは第二十九条、第五十二条の十三、第五十二条の十四、第五十二条の十五第一項、第五十二条の三十三第一項若しくは第三項若しくは第五十二条の五十五の規定による命令に違反したとき。
- (x) When he/she has failed to submit an improvement plan in violation of the provisions of Article 26(1), Article 52-14(1) or Article 52-33(1) or has violated an order (excluding an order to suspend the whole or part of the business) under Article 26(1) or has violated an order under Article 29, Article 52-13, Article 52-14, Article 52-15(1), Article 52-33(1) or (3) or Article 52-55;
- 十一 第三十四条第五項（第三十五条第三項において準用する場合を含む。）の規定に違反して事業の譲渡又は譲受けをしたとき。
- (xi) When he/she has transferred or acquired the business in violation of the provisions of Article 34(5) (including the case where it is applied mutatis mutandis pursuant to Article 35(3));
- 十二 第四十八条若しくは第五十二条第二項の規定による報告若しくは資料の提出をせず、又は虚偽の報告若しくは資料の提出をしたとき。
- (xii) When he/she has failed to submit reports or materials under Article 48 or Article 52(2) or has submitted false reports or materials;
- 十二の二 第四十九条の二第二項において準用する会社法第九百四十一条（電子公告調査）の規定に違反して同条の調査を求めなかつたとき。
- (xii)-2 When he/she has failed to seek the investigation set forth in Article 941 (Investigation of Electronic Public Notice) of the Companies Act in violation of that Article as applied mutatis mutandis pursuant to Article 49-2(2);
- 十三 第五十二条の二第一項、第五十二条の三第一項、第三項若しくは第四項、第五十二条の四第一項若しくは第二項、第五十二条の五、第五十二条の六、第五十二条の九第三項若しくは第五十二条の十七第二項若しくは第四項の規定による提出若しくは届出をせず、又は虚偽の提出若しくは届出をしたとき。
- (xiii) When he/she has failed to make the submission or give the notification under Article 52-2(1), Article 52-3(1), (3) or (4), Article 52-4(1) or (2), Article

52-5, Article 52-6, Article 52-9(3) or Article 52-17(2) or (4) or has made a false submission or has given a false notification;

十四 第五十二条の九第一項の規定による内閣総理大臣の認可を受けないで、同項各号に掲げる取引若しくは行為により銀行の主要株主基準値以上の数の議決権の保有者になったとき又は銀行の主要株主基準値以上の数の議決権の保有者である会社その他の法人を設立したとき。

(xiv) When he/she has, without obtaining authorization from the Prime Minister under Article 52-9(1), become a holder of voting rights of a Bank which amounts to the Major Shareholder Threshold or more or has established a company or any other juridical person that is a holder of voting rights of a Bank which amounts to the Major Shareholder Threshold or more through any of the transactions or acts listed in each item of that paragraph;

十五 第五十二条の九第二項の規定に違反して同項に規定する猶予期限日を超えて銀行の主要株主基準値以上の数の議決権の保有者であつたとき。

(xv) When he/she has, in violation of the provisions of Article 52-9(2) remained as a holder of voting rights of a Bank which amounts to the Major Shareholder Threshold or more even after the Last Day of the Grace Period prescribed in that paragraph;

十六 第五十二条の九第四項の規定による命令に違反して銀行の主要株主基準値以上の数の議決権の保有者であつたとき又は第五十二条の十五第二項の規定に違反して同項に規定する内閣総理大臣が指定する期間を超えて銀行の主要株主基準値以上の数の議決権の保有者であつたとき。

(xvi) When he/she has, in violation of the provisions of Article 52-9(4), remained as a holder of voting rights of a Bank which amounts to the Major Shareholder Threshold or more or has, in violation of the provisions of Article 52-15(2), remained as a holder of voting rights of a Bank which amounts to the Major Shareholder Threshold or more even after the period designated by the Prime Minister as prescribed in that paragraph;

十七 第五十二条の二十三第三項の規定による内閣総理大臣の認可を受けないで同項に規定する子会社対象銀行等を子会社としたとき又は同条第五項において準用する同条第三項の規定による内閣総理大臣の認可を受けないで同条第一項各号に掲げる会社を当該各号のうち他の号に掲げる会社（同条第三項に規定する子会社対象銀行等に限る。）に該当する子会社としたとき。

(xvii) When he/she has, without obtaining authorization from the Prime Minister under Article 52-23(3), made a company eligible for Subsidiary Company, etc. prescribed in that paragraph its Subsidiary Company or has, without obtaining authorization from the Prime Minister under paragraph (3) of that Article, made any of the companies listed in each item of paragraph (1) of that Article its Subsidiary Company that falls under the category of a company specified in any other item among those items (limited to a company eligible for Subsidiary Company, etc. prescribed in paragraph

(3) of that Article);

十八 第五十二条の四十三の規定により行うべき財産の管理を行わないとき。

(xviii) When he/she has failed to carry out the management of property that should be carried out pursuant to the provisions of Article 52-43;

十九 第五十二条の四十九の規定による帳簿書類の作成若しくは保存をせず、又は虚偽の帳簿書類を作成したとき。

(xix) When he/she has failed to prepare or retain books and documents under Article 52-49 or has created false books and documents;

二十 第五十四条第一項の規定により付した条件（第八条第二項若しくは第三項、第二十六条の二第四項（同条第六項において準用する場合を含む。）、第三十条第一項から第三項まで、第三十七条第一項、第四十七条の二、第五十二条の九第一項若しくは第二項ただし書、第五十二条の二十三第三項（同条第五項において準用する場合を含む。）又は第五十二条の三十五第一項から第三項までの規定による認可に係るものに限る。）に違反したとき。

(xx) When he/she has violated the conditions imposed pursuant to the provisions of Article 54(1) (limited to those pertaining to authorization under Article 8(2) or (3), Article 16-2(4) (including the case where it is applied mutatis mutandis pursuant to paragraph (6) of that Article), Article 30(1) to (3) inclusive, Article 37(1), Article 47-2, Article 52-9(1) or the proviso to Article 52-9(2), Article 52-23(3) (including the case where it is applied mutatis mutandis pursuant to paragraph (5) of that Article) or Article 52-35(1) to (3) inclusive); or

二十一 第五十七条の四の規定による登記をしなかつたとき。

(xxi) When he/she has failed to make the registration under Article 57-4.

第六十六条 次のいずれかに該当する者は、百万円以下の過料に処する。

Article 66 A person who falls under any of the following categories shall be punished by a fine of not more than one million yen:

一 第六条第二項の規定に違反してその名称又は商号中に銀行であることを示す文字を使用した者

(i) A person who has, in violation of the provisions of Article 6(2), used in its name or trade name, any term which would indicate that the person is a Bank;

二 第四十九条の二第二項において準用する会社法第九百四十六条第三項（調査の義務等）の規定に違反して、報告をせず、又は虚偽の報告をした者

(ii) A person who has, in violation of the provisions of Article 946(3) (Obligation, etc. of Investigation) of the Companies Act as applied mutatis mutandis pursuant to Article 49-2(2), failed to make a report or has made a false report; or

三 正当な理由がないのに、第四十九条の二第二項において準用する会社法第九百五十一条第二項各号（財務諸表等の備置き及び閲覧等）又は第九百五十五条第二項各

- 号（調査記録簿等の記載等）に掲げる請求を拒んだ者
- (iii) A person who has refused without justifiable grounds any of the requests listed in each item of Article 951(2) (Keeping and Inspection, etc. of Financial Statements, etc.) of the Companies Act or each item of Article 955(2) (Entry, etc. in Investigation Record Books, etc.) of that Act as applied mutatis mutandis pursuant to Article 49-2(2).

## 附 則

### Supplementary Provisions

（施行期日）

(Effective Date)

第一条 この法律は、公布の日から起算して一年を超えない範囲内において政令で定める日から施行する。ただし、附則第九条第一項及び第二項の規定は、公布の日から施行する。

Article 1 This Act shall come into effect as from the date specified by a Cabinet Order within a period not exceeding one year from the day of promulgation; provided, however, that Article 9(1) and (2) of these Supplementary Provisions shall come into effect as from the day of promulgation.

（営業の免許に関する経過措置）

(Transitional Measures Concerning License of Banking Business)

第二条 この法律の施行の際現に改正前の銀行法（以下「旧法」という。）第二条の主務大臣の免許を受けている者（旧法第三十九条第二項又は旧法以外の法律若しくはこれに基づく命令の規定により旧法第二条の主務大臣の免許を受けたものとみなされる者を含み、旧法第三十二条第一項の規定により旧法第二条の主務大臣の免許を受けている者を除く。）は、この法律の施行の際に改正後の銀行法（以下「新法」という。）第四条第一項の大蔵大臣の免許を受けたものとみなす。

Article 2 A person who, when this Act comes into effect, holds the competent minister's license referred to in Article 2 of the Banking Act before the revision by this Act (hereinafter referred to as the "Former Act") (including a person who is deemed under Article 39(2) of the Former Act, or other Act or an order issued thereunder, to hold the competent minister's license referred to in Article 2 of the Former Act, but excluding a person who holds the competent minister's license referred to in Article 2 of the Former Act under Article 32(1) of that Act) shall be deemed to have obtained the Minister of Finance's license under Article 4(1) of the Banking Act revised by this Act (hereinafter referred to as the "New Act") at the time when this Act comes into effect .

（資本の額に関する経過措置）

(Transitional Measures Concerning Amount of Capital)

第三条 新法第五条第一項の規定は、前条の規定により新法第四条第一項の大蔵大臣の免許を受けたものとみなされる銀行（以下「旧法の免許を受けた銀行」という。）で、この法律の施行の際現にその資本の額が新法第五条第一項の規定に基づく政令で定める額を下回っているものについては、この法律の施行の日（以下「施行日」という。）から起算して五年を経過する日までの間は、適用しない。

Article 3 The provision of Article 5(1) of the New Act shall not apply to a Bank that is deemed, under the preceding Article, to have obtained the Minister of Finance's license referred to in Article 4(1) of the New Act (hereinafter referred to as "Bank Having Obtained the License under the Former Act") and of which the amount of capital at the time when this Act comes into effect is less than the amount that is specified by a Cabinet Order under the provision of Article 5(1) of the New Act, until the day on which five years have elapsed from the day when the Act comes into effect (hereinafter referred to as the "Effective Date").

（海外現地法人に係る認可に関する経過措置）

(Transitional Measures Concerning Authorization Pertaining to Overseas Subsidiaries)

第四条 この法律の施行の際現に旧法の免許を受けた銀行が新法第九条第一項に規定する外国の会社の発行済株式の総数又は出資の総額に同項の規定に基づく大蔵省令で定める率を乗じて得た数又は額を超えて当該外国の会社の株式又は持分を保有しているときは、当該旧法の免許を受けた銀行は、施行日から起算して三月以内にその旨を大蔵大臣に届け出なければならない。

Article 4 (1) A Bank Having Obtained the License under the Former Act shall, if it, at the time when this Act comes into effect, holds shares of or equity in a foreign company as referred to in Article 9(1) of the New Act in excess of the quantity or amount obtained by multiplying the total number of Issued Shares of, or the total amount of contribution to the foreign company by the rate provided by the Ordinance of the Ministry of Finance under Article 9(1) of the New Act, notify the effect to the Minister of Finance within three months from the Effective Date.

2 この法律の施行の際旧法の免許を受けた銀行が第一号に掲げる許可を受け又は第二号に掲げる届出をしている株式又は持分の取得が新法第九条第一項の規定に該当するものであるときは、当該旧法の免許を受けた銀行は、施行日から起算して三月以内にその旨を大蔵大臣に届け出なければならない。

(2) A Bank Having Obtained the License under the Former Act shall, if the acquisition of shares or equity for which it has received the permission referred to in item (i) below, or for which it has made a notification referred to in item (ii) below, at the time when this Act comes into effect, falls under the category to which Article 9(1) of the New Act is applicable, notify the effect to the Minister of Finance within three months from the Effective Date.

一 外国為替及び外国貿易管理法（昭和二十四年法律第二百二十八号）第二十一条第二項（大蔵大臣の許可を要する資本取引）の規定による許可

(i) **Permission granted under the provision of Article 21(2) (Capital**

**Transactions for Which Permission of Minister of Finance is Required) of the Foreign Exchange and Foreign Trade Act (Act No. 228 of 1949)**

二 外国為替及び外国貿易管理法第二十二条第一項第四号（居住者による対外直接投資に係る届出）の規定による届出（当該届出につき、同法第二十三条第二項（資本取引に係る内容の審査及び変更勧告等）の規定による大蔵大臣の勧告を受けることなく同条第一項の規定により当該届出に係る当該株式若しくは持分の取得を行つてはならない期間を経過している場合又は当該勧告を受け同条第四項の規定により当該勧告を応諾する旨の通知がされている場合に限る。）

(ii) **Notification made under the provision of Article 22(1)(iv)(Notification of**

**Outward Direct Investment by Resident) of the Foreign Exchange and Foreign Trade Act (limited to the case where the period during which the acquisition of the shares or the equity pertaining to the notification is prohibited under the provision of Article 23(1) of that Act has already expired without receiving a recommendation from the Minister of Finance provided in Article 23(2) of that Act (Examination on Contents of Capital Transactions and Recommendation to Change Thereof) or the case where said recommendation has been given with regard to the notification and the Bank has notified its acceptance of the recommendation under the provision of Article 23(4) of that Act)**

3 前二項の規定により届出をした旧法の免許を受けた銀行は、当該届出に係る株式又は持分の取得につき新法第九条第一項の認可を受けたものとみなす。

(3) **A Bank Having Obtained the License under the Former Act that has made a notification under the provision of the preceding two paragraphs shall be deemed to have obtained an authorization under Article 9(1) of the New Act for the acquisition of shares or equity for which the notification is made.**

第五条 削除

Article 5 Deleted

（同一人に対する信用の供与に関する経過措置）

**(Transitional Measures Concerning Granting of Credit to One Person)**

第六条 新法第十三条第一項本文の規定は、この法律の施行の際現に同一人に対する同項本文に規定する信用の供与が同項本文に規定する信用供与限度額を超えている旧法の免許を受けた銀行の当該信用の供与については、施行日から記算して三月間は、適用しない。

Article 6 (1) **With regard to granting of credit as defined by the main clause of Article 13(1) of the New Act to one person by a Bank Having Obtained the License under the Former Act that exceeds the Limit of Granting of Credit as**

defined by that provision at the time when this Act comes into effect, the provision of the main clause of that paragraph shall not apply for three months from the Effective Date.

2 新法第十三条の規定は、外国銀行支店については、施行日から起算して五年間は、適用しない。

(2) The provision of Article 13 of the New Act shall not apply to a Foreign Bank Branch for five years from the Effective Date.

(取締役に対する信用の供与に関する経過措置)

(Transitional Measures Concerning Granting of Credit to Directors)

第七条 新法第十四条の規定は、施行日に銀行の取締役が商法第二百六十五条の規定による取締役会の承認を受ける新法第十四条第一項に規定する信用の供与について適用し、施行日前に商法第二百六十五条の規定による取締役会の承認を受けた当該信用の供与については、なお従前の例による。

Article 7 The provision of Article 14 of the New Act shall apply to granting of credit referred to in Article 14 (1) of the New Act for which the director of the Bank obtains approval of the board of directors under Article 265 of the Commercial Code after the Effective Date, and the provisions then in force shall remain applicable to granting of credit for which the director of the Bank obtains approval of the board of directors under Article 265 of the Commercial Code on and before the Effective Date.

(臨時休業等に関する経過措置)

(Transitional Measures Concerning Temporary Suspension of Business, etc.)

第八条 新法第十六条の規定は、施行日以後に銀行がその営業所又は代理店において臨時にその業務の全部又は一部を休止する場合について適用し、施行日前に旧法の免許を受けた銀行が臨時に休業し、又は預金の払戻しを停止した場合については、なお従前の例による。

Article 8 The provision of Article 16 of the New Act shall apply to the case where a Bank temporarily suspends whole or part of its business at its business office or at its agency on or after the Effective Date, and the provisions then in force shall remain applicable to the cases where a Bank Having Obtained the License under the Former Act temporarily suspends its business or suspends the repayment of deposits before the Effective Date.

(経理に関する経過措置等)

(Transitional Measures Concerning Accounting and Other Related Matters)

第九条 昭和五十六年四月から開始する銀行の営業年度については、大蔵大臣の定めるところにより、同月から昭和五十七年三月までとすることができる。

Article 9 (1) The Business Year of a Bank that started from April 1981 may be changed to start from that month and to end in March 1982, in accordance with



what is provided by the Minister of Finance.

2 昭和五十六年四月から開始する銀行の営業年度を前項の規定によることとした場合における銀行法（昭和二年法律第二十一号）第八条の規定の適用については、同条中「毎決算期」とあるのは「、当該営業年度ニ係ル決算期」と、「利益準備金」とあるのは「、当該営業年度中ニ商法第二百九十三条ノ五第一項ノ金銭ノ分配ヲ為ストキハ其ノ分配額ノ五分ノ一ヲ夫々利益準備金」とする。

(2) With regard to a Bank that decides to change its Business Year starting from April 1981 as provided by the preceding paragraph, Article 8 of the Banking Act (Act No. 21 of 1927) shall apply by deeming the term "every accounting period" therein as being replaced with "the accounting period pertaining to the Business Year"; and deeming the term "shall be set aside as retained earnings reserves" therein as being replaced with "and, when the distribution of money is conducted under Article 293-5(1) of the Commercial Code, one fifth of the amount of the distributed money shall be set aside as retained earnings reserves."

3 前項の規定中「銀行法（昭和二年法律第二十一号）第八条の規定の適用」とあるのは、施行日以後においては、「次条第一項の規定によりなお従前の例によることとされる旧法第八条の規定」と読み替えるものとする。

(3) The phrase "Article 8 of the Banking Act (Act No. 21 of 1927) shall apply" in the preceding paragraph shall be deemed to be replaced with "Article 8 of the Former Act shall remain applicable under paragraph (1) of the following Article" on or after the Effective Date.

第十条 新法第十七条及び第十八条の規定は、昭和五十七年四月一日以後に開始する営業年度及び当該営業年度に係る利益準備金の積立てについて適用し、同日前に開始した営業年度及び当該営業年度に係る利益準備金の積立てについては、なお従前の例による。

Article 10 (1) The provisions of Articles 17 and 18 of the New Act shall apply to the Business Year starting on or after April 1, 1982 and the reserves of retained earnings to be set aside therefor, and the provisions then in force shall remain applicable to the Business Year starting before that date and the reserves of retained earnings to be set aside therefor.

2 新法第十九条から第二十二条までの規定は、昭和五十七年四月一日以後に開始する営業年度に係るこれらの規定に規定する書類について適用し、同日前に開始した営業年度に係る旧法第十条から第十二条ノ二までに規定する書類については、なお従前の例による。

(2) The provisions of Articles 19 to 22 inclusive of the New Act shall apply to documents referred to in these provisions pertaining to the Business Year starting on or after April 1, 1982, and the provisions then in force shall remain applicable to documents referred to in Articles 10 to 12-2 inclusive of the Former Act pertaining to the Business Year starting before that date.

(免許の取消し等に関する経過措置)

(Transitional Measures Concerning Rescission, etc. of License)

第十一条 新法第二十七条の規定は、施行日以後にした行為に係る銀行の業務の停止、取締役又は監査役の解任及び新法第四条第一項の内閣総理大臣の免許の取消しについて適用し、施行日前にした行為に係る旧法の免許を受けた銀行の業務の停止、取締役又は監査役の改任及び主務大臣の免許の取消しについては、なお従前の例による。

Article 11 The provisions of Article 27 of the New Act shall apply to suspension of business or dismissal of director or company auditor or rescission of the Prime Minister's license referred to in Article 4(1) of the New Act ordered to or made with regard to a Bank relating to an act performed by it on or after the Effective Date, and the provisions then in force shall remain applicable to suspension of business or dismissal of director or company auditor or rescission of the competent minister's license ordered to or made with regard to a Bank Having Obtained the License under the Former Act relating to an act performed by it before the Effective Date.

(営業等の譲渡又は譲受けの認可に関する経過措置)

(Transitional Measures Concerning Authorization of Transfer of Business or Operation)

第十二条 新法第三十条第三項又は第四項の規定は、施行日以後にされる株主総会又は取締役会の決議に係る営業の譲渡若しくは譲受け又は事業の譲受けについて適用する。

Article 12 The provisions of Article 30(3) or (4) of the New Act shall apply to transfer of or acquisition of operation or acquisition of business approved by a resolution of the shareholders meeting or board of directors which is held on or after the Effective Date.

(合併の異議の催告に関する経過措置)

(Transitional Measures Concerning Notice for Objections to Merger)

第十三条 新法第三十三条の規定は、施行日以後に銀行が同条に規定する合併の決議をした場合における同条に規定する催告について適用し、施行日前にした合併の決議に係る催告については、なお従前の例による。

Article 13 The provisions of Article 33 of the New Act shall apply to a notice referred to in that Article in the case where a Bank passes a resolution for merger referred to in that Article on or after the Effective Date, and the provisions then in force shall remain applicable to a notice pertaining to such a resolution made before the Effective Date.

(営業等の譲渡又は譲受けに伴う手続に関する経過措置)

(Transitional Measures Concerning Procedures for Transfer of Business or Operation)

第十四条 新法第三十四条及び第三十五条の規定は、施行日以後にされる株主総会又は取締役会の決議に係る公告及び催告並びに債権者の異議について適用する。

Article 14 (1) The provisions of Articles 34 and 35 of the New Act shall apply to a public notice and notices as well as objections of creditors pertaining to a resolution of the shareholders meeting or board of directors held on or after the Effective Date.

2 新法第三十六条の規定は、施行日以後にされる株主総会又は取締役会の決議に係る営業の譲渡について適用する。

(2) The provision of Article 36 of the New Act shall apply to transfer of operation pertaining to a resolution of the shareholders meeting or board of directors held on or after the Effective Date.

(廃業等の公告等に関する経過措置)

(Transitional Measures Concerning Public Notice, etc. of Discontinuance of Banking Business, etc.)

第十五条 新法第三十八条の規定は、施行日以後に新法第三十七条第一項の規定による認可を受けた場合について適用し、施行日前に旧法第二十五条の規定による認可を受けた場合については、なお従前の例による。

Article 15 The provision of Article 38 of the New Act shall apply to the case where an authorization referred to in Article 37(1) of the New Act is granted on or after the Effective Date, and the provisions then in force shall remain applicable to the case where an Authorization referred to in Article 25 of the Former Act is granted before the Effective Date.

(免許の取消しによる解散等に関する経過措置)

(Transitional Measures Concerning Dissolution as a Result of Rescission of License, etc.)

第十六条 附則第十一条の規定によりなお従前の例によることとされる場合における旧法の免許を受けた銀行に係る主務大臣の免許の取消しは、新法第二十七条又は第二十八条の規定による新法第四条第一項の大蔵大臣の免許の取消しとみなして、新法第四十条、第四十二条及び第五十六条第二号の規定を適用する。

Article 16 The provisions of Articles 40, 42 and 56(ii) of the New Act shall apply to rescission of the competent minister's license made with regard to a Bank Having Obtained the License under the Former Act in the case where the provisions then in force shall remain applicable pursuant to Article 11 of these Supplementary Provisions, by deeming it as rescission of the Minister of Finance's license referred to in Article 4(1) made under Article 27 or 28 of the New Act.

(免許の失効に関する経過措置)

(Transitional Measures Concerning Lapse of License)

第十七条 新法第四十一条第四号の規定は、施行日以後に銀行が受けた新法第四条第一項の内閣総理大臣の免許について適用し、施行日前に旧法の免許を受けた銀行に係る旧法第二条の主務大臣の免許については、なお従前の例による。

Article 17 The provision of Article 41(iv) of the New Act shall apply to the Prime Minister's license referred to in Article 4(1) of the New Act that a Bank has obtained on or after the Effective Date, and the provisions then in force shall remain applicable to the competent minister's license referred to in Article 2 of the Former Act that a Bank Having Obtained the License under the Former Act has obtained before the Effective Date.

(他業会社への転移等に関する経過措置)

(Transitional Measures Concerning Transition into a Non-Banking Company, etc.)

第十八条 新法第四十三条の規定は、施行日以後に銀行が新法第四十一条第一号の規定に該当して新法第四条第一項の内閣総理大臣の免許が効力を失った場合及び施行日以後に銀行等以外の会社が合併により銀行の預金又は定期積金の債務を承継した場合について適用し、施行日の前日において旧法第二十六条の規定の適用を受けている会社に対する主務大臣の監督については、なお従前の例による。

Article 18 The provision of Article 43 of the New Act shall apply to the case where a Bank falls under the condition specified in Article 41(i) on or after the Effective Date and thereby the Prime Minister's license set forth in Article 4(1) loses its effect, and the case where a company other than a Bank, etc. succeeds to liabilities of any outstanding deposit or Installment Savings through Merger after the Effective Date, and the provisions then in force shall remain applicable to the competent minister's supervision over a company to which the provision of Article 26 of the Former Act applies at the time of the day before the Effective Date.

(清算人の任免及び清算の監督に関する経過措置)

(Transitional Measures Concerning Appointment and Dismissal of and Supervision over Liquidator)

第十九条 新法第四十四条及び第四十五条の規定は、施行日以後に銀行が解散した場合について適用し、施行日前に開始された清算に係る旧法第二十七条第二項及び第二十八条並びに第二十九条に規定する清算人の解任及び選任並びに監督については、なお従前の例による。

Article 19 The provisions of Articles 44 and 45 of the New Act shall apply to the case where a Bank dissolves on or after the Effective Date, and the provisions then in force shall remain applicable to dismissal and appointment of and supervision over liquidator under Articles 27(2) and 28 as well as Article 29 of the Former Act pertaining to liquidation commencing before the Effective Date.

(清算手続等における内閣総理大臣の意見等に関する経過措置)

(Transitional Measures Concerning the Prime Minister's Opinion, etc. in the Liquidation Proceedings, etc.)

第二十条 新法第四十六条の規定は、施行日以後に開始される銀行（銀行が解散した場合における当該銀行であつた会社を含む。）の清算手続、破産手続、和議手続、整理手続又は更生手続について適用し、施行日前に開始された旧法第三十条及び第三十一条に規定する清算、破産又は強制和議については、なお従前の例による。

Article 20 The provision of Article 46 of the New Act shall apply to liquidation proceedings, bankruptcy proceedings, composition proceedings, arrangement proceedings or reorganization proceedings commencing on or after the Effective Date for a Bank (including a company that had been a Bank before its dissolution), and the provisions then in force shall remain applicable to liquidation, bankruptcy or compulsory composition referred to in Articles 30 and 31 of the Former Act commencing before the Effective Date.

(外国銀行支店に係る営業の免許に関する経過措置)

(Transitional Measures Concerning License of Banking Business for Foreign Bank Branch)

第二十一条 この法律の施行の際現に旧法第三十二条第一項の規定により旧法第二条の主務大臣の免許を受けている者は、この法律の施行の際に新法第四十七条第一項の規定により新法第四条第一項の大蔵大臣の免許を受けたものとみなす。

Article 21 (1) A person who, when this Act comes into effect, holds the competent minister's license referred to in Article 2 of the Former Act under the provision of Article 32(1) of that Act shall be deemed to have obtained the Minister of Finance's license referred to in Article 4(1) of the New Act under Article 47(1) of that Act at the time when this Act comes into effect.

2 前項の規定により新法第四条第一項の大蔵大臣の免許を受けたものとみなされる者は、施行日から起算して三月以内に当該免許に係る外国銀行支店の代表者の氏名を大蔵大臣に届け出なければならない。

(2) A person who is deemed to hold the Minister of Finance's license referred to in Article 4(1) of the New Act under the preceding paragraph shall notify the name of its representative person of the Foreign Bank Branch pertaining to the license to the Minister of Finance within three months from the Effective Date.

(外国銀行支店の資料の提出等に関する経過措置)

(Transitional Measures Concerning Submission, etc. of Materials by Foreign Bank Branch)

第二十二条 新法第四十八条第一項の規定は、昭和五十七年四月一日以後に開始する営業年度に係る同項に規定する資料の提出について適用する。

Article 22 The provision of Article 48(1) of the New Act shall apply to submission of materials referred to in Article 48(1) pertaining to the Business Year

starting on or after April 1, 1982.

(外国銀行の駐在員事務所の設置の届出等に関する経過措置)

(Transitional Measures Concerning Notification, etc. of Establishment of Representative Office of Foreign Bank)

第二十三条 この法律の施行の際現に新法第五十二条第一項の施設を設置している外国銀行は、施行日から起算して三月以内に当該施設について同項に規定する業務の内容、施設の所在地その他大蔵省令で定める事項を大蔵大臣に届け出なければならない。この場合において、当該届出は、同項の規定によりされた届出とみなす。

Article 23 A Foreign Bank which, when this Act comes into effect, has established a facility referred to in Article 52(1) of the New Act shall notify the contents of business, the location of the facility and other matters specified by a Ordinance of the Ministry of Finance as required in that provision to the Minister of Finance within three months from the Effective Date. In this case, said notification shall be deemed to be a notification made under that provision.

(認可の失効に関する経過措置)

(Transitional Measures Concerning Lapse of Authorization)

第二十四条 新法第五十五条の規定は、施行日以後に銀行が受ける新法の規定による認可について適用し、旧法の免許を受けた銀行が施行日前に受けた新法に相当の規定のある旧法の規定による認可については、なお従前の例による。

Article 24 The provision of Article 55 of the New Act shall apply to an authorization granted to a Bank on or after the Effective Date, and the provisions then in force shall remain applicable to an authorization granted to a Bank Having Obtained the License under the Former Act before the Effective Date pursuant to a provision of the Former Act for which the corresponding provision exists in the New Act.

(旧法等の規定に基づく処分又は手続の効力)

(Effect of Disposition or Procedures Made under the Former Act, etc.)

第二十五条 施行日前に旧法又はこれに基づく命令の規定によつてした認可、承認その他の処分又は申請その他の手続で新法又はこれに基づく命令に相当の規定があるものは、この附則に別段の定めがあるものを除き、新法又はこれに基づく命令の相当の規定によつてした認可、承認その他の処分又は申請その他の手続とみなす。

Article 25 Except for those otherwise provided by these Supplementary Provisions, an authorization, approval or other disposition, or application or other procedures, granted, given, made or performed before the Effective Date under a provision of the Former Act or an order thereunder for which the corresponding provision exists in the New Act or an order thereunder shall be deemed as an authorization, approval or other disposition, or application or other procedures, granted, given, made or performed under the corresponding

provision of the New Act or an order.

(罰則に関する経過措置)

(Transitional Measures Concerning Penal Provisions)

第二十六条 この法律の施行前にした行為及びこの附則の規定によりなお従前の例によることとされる事項に係るこの法律の施行後にした行為に対する罰則の適用については、なお従前の例による。

Article 26 With regard to the application of penal provisions to acts committed before this Act comes into effect, and acts committed after this Act comes into effect pertaining to matters to which the provisions then in force shall remain applicable pursuant to the provisions of these Supplementary Provisions, the provisions then in force shall remain applicable.

(政令への委任)

(Delegation to Cabinet Order)

第二十七条 附則第二条から前条までに定めるもののほか、この法律の施行に関し必要な経過措置は、政令で定める。

Article 27 In addition to what is provided for in Articles 2 to the preceding Article inclusive of these Supplementary Provisions, transitional measures necessary for the implementation of this Act shall be specified by a Cabinet Order.

附 則 〔昭和五十六年六月九日法律第七十五号〕〔抄〕

**Supplementary Provisions [Act No. 75 of June 9, 1981] [Extract]**

この法律は、商法等の一部を改正する法律の施行の日（昭和五十七年十月一日）から施行する。

This Act shall come into effect as from the day when the Act for Partial Revision of the Commercial Code, etc. comes into effect (October 1, 1982).

附 則 〔昭和五十八年十二月二日法律第七十八号〕

**Supplementary Provisions [Act No. 78 of December 2, 1983]**

1 この法律（第一条を除く。）は、昭和五十九年七月一日から施行する。

(1) This Act (excluding Article 1) shall come into effect as from July 1, 1984.

2 この法律の施行の日の前日において法律の規定により置かれている機関等で、この法律の施行の日以後は国家行政組織法又はこの法律による改正後の関係法律の規定に基づく政令（以下「関係政令」という。）の規定により置かれることとなるものに関し必要となる経過措置その他この法律の施行に伴う関係政令の制定又は改廃に関し必要となる経過措置は、政令で定めることができる。

(2) Transitional measures necessary for organizations, etc. which have been

established under the provisions of Acts as of the day before the Effective Date of this Act and which shall also be established under the provisions of the National Government Organization Act or the provisions of a Cabinet Order issued based on the provisions of a related Act revised by this Act (hereinafter referred to as a "Related Cabinet Order") on or after the Effective Date of this Act, and other transitional measures necessary for the establishment, revision or abolition of a Related Cabinet Order in accordance with the implementation of this Act may be specified by a Cabinet Order.

**附 則** 〔昭和六十三年五月三十一日法律第七十五号〕 〔抄〕  
**Supplementary Provisions [Act No. 75 of May 31, 1988] [Extract]**

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して六月を超えない範囲内において政令で定める日から施行する。

Article 1 This Act shall come into effect as from the date specified by a Cabinet Order within a period not exceeding six months from the day of promulgation.

(銀行法の一部改正に伴う経過措置)

(Transitional Measures for Partial Revision of the Banking Act)

第四十条 この法律の施行の際現に前条の規定による改正前の銀行法附則第五条第一項の規定により業務の内容及び方法を定めて大蔵大臣の認可を受けている銀行は、この法律の施行の際に当該業務の内容及び方法と同一の業務の内容及び方法を定めて前条の規定による改正後の銀行法附則第五条第一項の大蔵大臣の認可を受けたものとみなす。

Article 40 A Bank which, when this Act comes into effect, has obtained the Minister of Finance's authorization by designating particulars and methods of its business operation under Article 5(1) of the Supplementary Provisions of the Banking Act before the revision by the preceding Article shall be deemed to have obtained, at the time when this Act comes into effect, the Minister of Finance's authorization by designating the same particulars and methods of its business operation under Article 5(1) of the Supplementary Provisions of the Banking Act after the revision by the preceding Article.

(罰則に関する経過措置)

(Transitional Measures Concerning Penal Provisions)

第四十二条 施行日前にした行為及びこの附則の規定によりなお従前の例によることとされる事項に係る施行日以後にした行為に対する罰則の適用については、なお従前の例による。

Article 42 With regard to the application of penal provisions to acts committed



before this Act comes into effect, and acts committed on or after this Act comes into effect pertaining to matters to which the provisions then in force shall remain applicable under these Supplementary Provisions, the provisions then in force shall remain applicable.

(その他の経過措置の政令への委任)

(Delegation of Other Transitional Measures to Cabinet Order)

第四十三条 この附則に規定するもののほか、この法律の施行に伴い必要な経過措置は、政令で定める。

Article 43 In addition to what is provided for in these Supplementary Provisions, transitional measures necessary for the implementation of this Act shall be specified by a Cabinet Order.

附 則 [昭和六十三年五月三十一日法律第七十七号] [抄]

**Supplementary Provisions [Act No. 77 of May 31, 1988] [Extract]**

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して一年を超えない範囲内において政令で定める日から施行する。

Article 1 This Act shall come into effect as from the date specified by a Cabinet Order within a period not exceeding one year from the day of promulgation.

附 則 [平成四年六月二十六日法律第八十七号] [抄]

**Supplementary Provisions [Act No. 87 of June 26, 1992] [Extract]**

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して一年を超えない範囲内において政令で定める日から施行する。

Article 1 This Act shall come into effect as from the date specified by a Cabinet Order within a period not exceeding one year from the day of promulgation.

(銀行法等の一部改正に伴う経過措置)

(Transitional Measures for Partial Revision of the Banking Act and Other Acts)

第二条 この法律の施行の際現に一の銀行等（第一条の規定による改正後の銀行法（以下「新銀行法」という。）第四条第五項に規定する銀行等をいう。以下この条において同じ。）が新銀行法第十六条の四第一項第二号（第二条の規定による改正後の長期信用銀行法（以下「新長期信用銀行法」という。）第十七条又は第三条の規定による改正後の外国為替銀行法（以下「新外国為替銀行法」という。）第十一条において準用する場合を含む。次項において同じ。）に掲げる会社の発行済株式（議決権のある

ものに限る。)の総数又は出資の総額(以下「発行済株式等」という。)の百分の五十を超える数又は額の株式(議決権のあるものに限る。)又は持分(以下「株式等」という。)を所有しているものは、当該銀行等は、この法律の施行の日(以下「施行日」という。)から起算して三月以内にその旨を大蔵大臣に届け出なければならない。

Article 2 (1) A Bank, etc. (meaning a Bank, etc. as defined by Article 4(5) of the Banking Act after the revision by Article 1 (hereinafter referred to as the "New Banking Act"); hereinafter the same shall apply in this Article) which, at the time when this Act comes into effect, holds shares (limited to voting shares) or equity (hereinafter shares or equity are collectively referred to as "Shares, etc.") of which the number or amount exceeds fifty hundredths of the total number of the issued shares (limited to voting shares) or the total amount of contribution (hereinafter the total number of issued shares and the total amount of contribution are collectively referred to as "Issued Shares, etc.") of a company falling under any of the categories listed in Article 16-4(1)(ii) of the New Banking Act (including the cases where it is applied mutatis mutandis pursuant to Article 17 of the Long-Term Credit Bank Act after the revision by Article 2 (hereinafter referred to as the "New Long-Term Credit Bank Act") or Article 11 of the Foreign Exchange Bank Act after the revision by Article 3 (hereinafter referred to as the "New Foreign Exchange Bank Act"); the same shall apply in the following paragraph) shall notify to that effect to the Minister of Finance within three months from the day when the Act comes into effect (hereinafter referred to as the "Effective Date").

2 この法律の施行の際銀行等が第一号に掲げる許可を受け、又は第二号に掲げる届出をしている株式等の取得(施行日において実行していないものに限る。)が、新銀行法第十六条の四第一項第二号に掲げる会社の発行済株式等の百分の五十を超える株式等の取得となるときは、当該銀行等は、施行日から起算して三月以内にその旨を大蔵大臣に届け出なければならない。

(2) A Bank, etc. shall, if it will come to hold Shares, etc. which exceed fifty hundredths of the Issued Shares, etc. of a company falling under any of the categories listed in Article 16-4(1)(ii) of the New Banking Act as a result of the acquisition of Shares, etc. (limited to an acquisition that has not been implemented at the time of the Effective Date) for which it has received the permission referred to in item (i) below, or has made a notification referred to in item (ii) below, at the time when this Act comes into effect, notify to that effect to the Minister of Finance within three months from the Effective Date.

一 外国為替及び外国貿易管理法(昭和二十四年法律第二百二十八号)第二十一条第二項の規定による許可

(i) Permission granted under the provision of Article 21(2) of the Foreign Exchange and Foreign Trade Act (Act No. 228 of 1949); and

二 外国為替及び外国貿易管理法第二十二条第一項第四号の規定による届出(当該届出につき、同法第二十三条第二項の規定による大蔵大臣の勧告を受けることなく同

条第一項の規定により当該届出に係る当該株式等の取得を行ってはならない期間を経過している場合又は当該勧告を受け同条第四項の規定により当該勧告を応諾する旨の通知がされている場合に限る。)

(ii) Notification made under the provision of Article 22(1)(iv) of the Foreign Exchange and Foreign Trade Act (limited to the case where the period during which the acquisition of the Shares, etc. pertaining to the notification is prohibited under the provision of Article 23(1) of that Act has already expired without receiving a recommendation with regard to the notification from the Minister of Finance provided in Article 23(2) of that Act or the case where said recommendation has been given with regard to the notification and the Bank, etc. has notified its acceptance of the recommendation under the provision of Article 23(4) of that Act).

3 新銀行法第十六条の四第三項（新長期信用銀行法第十七条又は新外国為替銀行法第十一条において準用する場合を含む。）において準用する新銀行法第十六条の二第二項の規定は、前二項の場合において銀行等が取得し、又は所有する株式等について準用する。

(3) The provision of Article 16-2(2) of the New Banking Act as applied mutatis mutandis pursuant to Article 16-4(3) of the New Banking Act (including the cases where it is applied mutatis mutandis pursuant to Article 17 of the New Long-Term Credit Bank Act or Article 11 of the New Foreign Exchange Bank Act) shall apply to Shares, etc. acquired or held by a Bank, etc. in the case referred to in the preceding two paragraphs.

4 第一項又は第二項の規定により届出をした銀行等は、当該届出に係る株式等に取得又は所有につき、施行日において新銀行法第十六条の四第一項（新長期信用銀行法第十七条又は新外国為替銀行法第十一条において準用する場合を含む。次項において同じ。）の認可を受けたものとみなす。

(4) A Bank, etc. which makes a notification under the provision of paragraph (1) or (2) shall be deemed to have obtained, at the time when this Act comes into effect, an authorization referred to in Article 16-4(1) of the New Banking Act (including the cases where it is applied mutatis mutandis pursuant to Article 17 of the New Long-Term Credit Bank Act or Article 11 of the New Foreign Exchange Bank Act; the same shall apply in the following paragraph) with regard to acquisition or holding of the Shares, etc. pertaining to the notification.

5 施行日前に第一条の規定による改正前の銀行法（以下「旧銀行法」という。）第九条第一項（第二条の規定による改正前の長期信用銀行法（以下「旧長期信用銀行法」という。）第十七条若しくは第三条の規定による改正前の外国為替銀行法（以下「旧外国為替銀行法」という。）第十一条において準用する場合又は旧銀行法第九条第二項（旧長期信用銀行法第十七条又は旧外国為替銀行法第十一条において準用する場合を含む。）において準用する場合を含む。）の規定によって認可、当該認可に付した条件、当該認可に係る承認又は当該認可に係る申請は、新銀行法第十六条の四第一項

の規定によってした認可、当該認可に付した条件、当該認可に係る承認又は当該認可に係る申請とみなす。

- (5) An authorization, conditions on said authorization, an approval pertaining to said authorization or an application for said authorization granted, imposed or made before the Effective Date under the provision of Article 9(1) of the Banking Act before the revision by Article 1 (hereinafter referred to as the "Former Banking Act") (including the cases where it is applied mutatis mutandis pursuant to Article 17 of the Long-Term Credit Bank Act before the revision by Article 2 (hereinafter referred to as the "Former Long-Term Credit Bank Act") or Article 11 of the Foreign Exchange Bank Act before the revision by Article 3 (hereinafter referred to as the "Former Foreign Exchange Bank Act"), or under Article 9(2) of the Former Banking Act (including the Cases where it is applied mutatis mutandis pursuant to Article 17 of the Former Long-Term Credit Bank Act or Article 11 of the Former Foreign Exchange Bank Act)) shall be deemed to be an authorization, conditions on said authorization, an approval pertaining to said authorization or an application for said authorization, imposed or made under Article 16-4(1) of the New Banking Act.

(罰則の適用に関する経過措置)

(Transitional Measures Concerning Applications of Penal Provisions)

第三十二条 この法律の施行前にした行為及びこの附則の規定によりなお従前の例によることとされる事項に係るこの法律の施行後にした行為に対する罰則の適用については、なお従前の例による。

Article 32 With regard to the application of penal provisions to acts committed before this Act comes into effect and acts committed after this Act comes into effect pertaining to matters to which the provisions then in force shall remain applicable under the provisions of these Supplementary Provisions, the provisions then in force shall remain applicable.

(その他の経過措置の政令への委任)

(Delegation of Other Transitional Measures to Cabinet Order)

第三十三条 附則第二条から前条までに定めるもののほか、この法律の施行に関し必要な経過措置は、政令で定める。

Article 33 In addition to what is provided for in Article 2 to the preceding Article inclusive of these Supplementary Provisions, transitional measures necessary for the implementation of this Act shall be specified by a Cabinet Order.

附 則 [平成五年六月十四日法律第六十三号]

Supplementary Provisions [Act No. 63 of June 14, 1993]

この法律は、商法等の一部を改正する法律の施行の日から施行する。

This Act shall come into effect as from the day when the Act for Partial Revision of the Commercial Code, etc. comes into effect.

**附 則** 〔平成八年六月二十一日法律第九十四号〕 〔抄〕

**Supplementary Provisions [Act No. 94 of June 21, 1996] [Extract]**

(施行期日)

(Effective Date)

第一条 この法律は、平成九年四月一日から施行する。ただし、次条第一項及び第二項、附則第三条第九項及び第十項、附則第九条第七項及び第八項、附則第十条第二項及び第三項並びに附則第十一条の規定は、公布の日から施行する。

Article 1 This Act shall come into effect as from April 1, 1997; provided, however, that the provisions of paragraphs (1) and (2) of the following Article, Article 3(9) and (10), Article 9(7) and (8), Article 10(2) and (3), and Article 11 of these Supplementary Provisions shall come into effect as from the day of promulgation.

(銀行法の一部改正に伴う経過措置)

(Transitional Measures for Partial Revision of the Banking Act)

第二条 銀行、長期信用銀行又は外国為替銀行は、施行日前においても、第一条の規定による改正後の銀行法（以下「新銀行法」という。）第十七条の二第一項（第二条の規定による改正後の長期信用銀行法（以下この条において「新長期信用銀行法」という。）第十七条又は第三条の規定による改正後の外国為替銀行法（以下この条において「新外国為替銀行法」という。）第十一条において準用する場合を含む。）の規定の例により、大蔵大臣の認可を受けることができる。

Article 2 (1) A Bank, Long-Term Credit Bank or foreign exchange bank may, even before the Effective Date, obtain the Minister of Finance's authorization under the provision of Article 17-2(1) of the Banking Act after the revision by Article 1 (hereinafter referred to as the "New Banking Act") (including the cases where it is applied mutatis mutandis pursuant to Article 17 of the Long-Term Credit Bank Act after the revision by Article 2 (hereinafter referred to as the "New Long-Term Credit Bank Act" in this Article) or Article 11 of the Foreign Exchange Bank Act after the revision by Article 3 (hereinafter referred to as the "New Foreign Exchange Bank Act" in this Article)).

2 前項の大蔵大臣の認可を受けた者は、施行日において新銀行法第十七条の二第一項（新長期信用銀行法第十七条又は新外国為替銀行法第十一条において準用する場合を含む。）の認可を受けたものとみなす。

(2) With regard to a person who obtained the Minister of Finance's authorization under the preceding paragraph, the authorization referred to in Article 17-2(1) of the New Banking Act (including the Cases where it is applied mutatis

mutandis pursuant to Article 17 of the New Long-Term Credit Bank Act or Article 11 of the New Foreign Exchange Bank Act) shall be deemed to be granted at the time when this Act comes into effect.

- 3 新銀行法第二十六条第二項（新長期信用銀行法第十七条、新外国為替銀行法第十一条、第四条の規定による改正後の信用金庫法（以下「新信用金庫法」という。）第八十九条、第五条の規定による改正後の労働金庫法（以下「新労働金庫法」という。）第九十四条及び第七条の規定による改正後の協同組合による金融事業に関する法律（以下「新協金法」という。）第六条において準用する場合を含む。）の規定は、平成十年四月一日以後に新銀行法第二十六条第一項（新長期信用銀行法第十七条、新外国為替銀行法第十一条、新信用金庫法第八十九条、新労働金庫法第九十四条及び新協金法第六条において準用する場合を含む。）の規定による命令（改善計画の提出を求めることを含む。）をする場合について適用する。

- (3) The provision of Article 26(2) of the New Banking Act (including the Cases where it is applied mutatis mutandis pursuant to Article 17 of the New Long-Term Credit Bank Act, Article 11 of the New Foreign Exchange Bank Act, Article 89 of the Shinkin Bank Act after the revision by Article 4 (hereinafter referred to as the "New Shinkin Bank Act"), Article 94 of the Labor Bank Act after the revision by Article 5 (hereinafter referred to as the "New Labor Bank Act") and Article 6 of the Act on Financial Businesses by Cooperative after the revision by Article 7 (hereinafter referred to as the "New Act on Financial Businesses by Cooperative")) shall apply to the cases where an order under Article 26(1) (including the Cases where it is applied mutatis mutandis pursuant to Article 17 of the New Long-Term Credit Bank Act, Article 11 of the New Foreign Exchange Bank Act, Article 89 of the New Shinkin Bank Act, Article 94 of the New Labor Bank Act and Article 6 of the New Act on Financial Businesses by Cooperative) (including a request for submission of an improvement plan) is given on or after April 1, 1998.

（罰則の適用に関する経過措置）

(Transitional Measures Concerning Application of Penal Provisions)

第十二条 この法律の各改正規定の施行前にした行為及びこの附則の規定によりなお従前の例によることとされる事項に係るこの法律の各改正規定の施行後にした行為に対する罰則の適用については、なお従前の例による。

Article 12 With regard to the application of penal provisions to acts committed before the relevant revising provision in this Act comes into effect and acts committed pertaining to matters to which the provisions then in force shall remain applicable under these Supplementary Provisions after the relevant revising provision in this Act comes into effect, the provisions then in force shall remain applicable.

（その他の経過措置の政令への委任）

(Delegation of Other Transitional Measures to Cabinet Order)

第十三条 附則第二条から前条までに定めるもののほか、この法律の施行に関し必要な経過措置は、政令で定める。

Article 13 In addition to what is provided for in Article 2 to the preceding Article inclusive of these Supplementary Provisions, transitional measures necessary for the implementation of this Act shall be specified by a Cabinet Order.

附 則 〔平成九年五月二十一日法律第五十五号〕〔抄〕

**Supplementary Provisions [Act No. 55 of May 21, 1997] [Extract]**

(施行期日)

(Effective Date)

第一条 この法律は、平成九年六月一日から施行する。

Article 1 This Act shall come into effect as from June 1, 1997.

附 則 〔平成九年六月六日法律第七十二号〕

**Supplementary Provisions [Act No. 72 of June 6, 1997]**

(施行期日)

(Effective Date)

1 この法律は、商法等の一部を改正する法律（平成九年法律第七十一号）の施行の日から施行する。

(1) This Act shall come into effect as from the day when the Act for Partial Revision of the Commercial Code, etc. (Act No. 71 of 1997) comes into effect.

(経過措置)

(Transitional Measures)

2 この法律の施行前に締結された合併契約に係る合併に関しては、この法律の施行後も、なお従前の例による。

(2) With regard to a merger for which the merger contract is entered into before this Act comes into effect, the provisions then in force shall remain applicable even after this Act comes into effect.

(罰則の適用に関する経過措置)

(Transitional Measures Concerning Application of Penal Provisions)

3 この法律の施行前にした行為及び前項の規定により従前の例によることとされる場合におけるこの法律の施行後にした行為に対する罰則の適用については、なお従前の例による。

(3) With regard to the application of penal provisions to acts committed before this Act comes into effect and acts committed after this Act comes into effect the case where the provisions then in force shall remain applicable under the

provisions of the preceding paragraph, the provisions then in force before this Act comes into effect shall remain applicable.

**附 則**〔平成九年六月二十日法律第百二号〕〔抄〕

**Supplementary Provisions [Act No. 102 of June 20, 1997] [Extract]**

(施行期日)

(Effective Date)

第一条 この法律は、金融監督庁設置法（平成九年法律第百一号）の施行の日から施行する。

Article 1 This Act shall come into effect as from the day when the Act for Establishment of the Financial Supervisory Agency (Act No. 101 of 1997) comes into effect.

(大蔵大臣等がした処分等に関する経過措置)

(Transitional Measures Concerning Dispositions, etc. Given by the Minister of Finance)

第二条 この法律による改正前の担保附社債信託法、信託業法、農林中央金庫法、無尽業法、銀行等の事務の簡素化に関する法律、金融機関の信託業務の兼営等に関する法律、私的独占の禁止及び公正取引の確保に関する法律、農業協同組合法、証券取引法、損害保険料率算出団体に関する法律、水産業協同組合法、中小企業等協同組合法、協同組合による金融事業に関する法律、船主相互保険組合法、証券投資信託法、信用金庫法、長期信用銀行法、貸付信託法、中小漁業融資保証法、信用保証協会法、労働金庫法、外国為替銀行法、自動車損害賠償保障法、農業信用保証保険法、金融機関の合併及び転換に関する法律、外国証券業者に関する法律、預金保険法、農村地域工業等導入促進法、農水産業協同組合貯金保険法、銀行法、貸金業の規制等に関する法律、有価証券に係る投資顧問業の規制等に関する法律、抵当証券業の規制等に関する法律、金融先物取引法、前払式証券の規制等に関する法律、商品投資に係る事業の規制に関する法律、国際的な協力の下に規制薬物に係る不正行為を助長する行為等の防止を図るための麻薬及び向精神薬取締法等の特例等に関する法律、特定債権等に係る事業の規制に関する法律、金融制度及び証券取引制度の改革のための関係法律の整備等に関する法律、協同組織金融機関の優先出資に関する法律、不動産特定共同事業法、保険業法、金融機関の更生手続の特例等に関する法律、農林中央金庫と信用農業協同組合連合会との合併等に関する法律、日本銀行法又は銀行持株会社の創設のための銀行等に係る合併手続の特例等に関する法律（以下「旧担保附社債信託法等」という。）の規定により大蔵大臣その他の国の機関がした免許、許可、認可、承認、指定その他の処分又は通知その他の行為は、この法律による改正後の担保附社債信託法、信託業法、農林中央金庫法、無尽業法、銀行等の事務の簡素化に関する法律、金融機関の信託業務の兼営等に関する法律、私的独占の禁止及び公正取引の確保に関する法律、農業協同組合法、証券取引法、損害保険料率算出団体に関する法律、水産業協同組合法、中小企業等協同組合法、協同組合による金融事業に関する法律、船主相互保険組合法、



証券投資信託法、信用金庫法、長期信用銀行法、貸付信託法、中小漁業融資保証法、信用保証協会法、労働金庫法、外国為替銀行法、自動車損害賠償保障法、農業信用保証保険法、金融機関の合併及び転換に関する法律、外国証券業者に関する法律、預金保険法、農村地域工業等導入促進法、農水産業協同組合貯金保険法、銀行法、貸金業の規制等に関する法律、有価証券に係る投資顧問業の規制等に関する法律、抵当証券業の規制等に関する法律、金融先物取引法、前払式証票の規制等に関する法律、商品投資に係る事業の規制に関する法律、国際的な協力の下に規制薬物に係る不正行為を助長する行為等の防止を図るための麻薬及び向精神薬取締法等の特例等に関する法律、特定債権等に係る事業の規制に関する法律、金融制度及び証券取引制度の改革のための関係法律の整備等に関する法律、協同組織金融機関の優先出資に関する法律、不動産特定共同事業法、保険業法、金融機関の更生手続の特例等に関する法律、農林中央金庫と信用農業協同組合連合会との合併等に関する法律、日本銀行法又は銀行持株会社の創設のための銀行等に係る合併手続の特例等に関する法律（以下「新担保附社債信託法等」という。）の相当規定に基づいて、内閣総理大臣その他の相当の国の機関がした免許、許可、認可、承認、指定その他の処分又は通知その他の行為とみなす。

Article 2 (1) A license, permission, authorization, approval, designation or other disposition, or a notice or other act granted, made, given or performed by the Minister of Finance or other national organ under the provisions of the Secured Bonds Trust Act, the Trust Business Act, the Norinchukin Bank Act, the Mutual Loan Business Act, the Act for Simplification of Works of Banks, etc., the Act on Provision, etc. of Trust Business by Financial Institutions, the Act on Prohibition of Private Monopolization and Maintenance of Fair Trade, the Agricultural Cooperatives Act, the Securities and Exchange Act, the Act on Non-Life Insurance Rating Organization of Japan, the Fisheries Cooperatives Act, the Small and Medium Sized Enterprise, etc., Cooperatives Act, the Act on Financial Businesses by Cooperative, the Ship Owner's Mutual Insurance Union Act, the Securities Investment Trust Act, the Shinkin Bank Act, the Long-Term Credit Bank Act, the Loan Trust Act, the Loan Security Act for Small and Medium Sized Fishery Industry, the Credit Guarantee Corporation Act, the Labor Bank Act, the Foreign Exchange Bank Act, the Automobile Liability Security Act, the Agricultural Credit Guarantee Insurance Act, the Act on Financial Institutions' Merger and Conversion, the Act on Foreign Securities Brokers, the Deposit Insurance Act, the Act on the Promotion of Introduction of Industry into Agricultural Regions, the Agricultural and Fishery Cooperation Savings Insurance Act, the Banking Act, the Act on Controls, etc. on Money Lending, the Act on Regulation, etc. on Investment Advisory Business Pertaining to Securities, the Act on Regulation, etc. for Mortgage Corporations, the Financial Futures Trading Act, the Act on Regulation, etc. on Advanced Payment Certificate, the Act on Control for Business Pertaining to Commodity Investment, the Act on Special Provisions for the Narcotics and Psychotropics Control Act, etc. and Other Matters for the

Prevention of Activities Encouraging Illicit Conduct and Other Activities Involving Controlled Substances through International Cooperation, the Act on Regulation of Businesses Concerning Specified Credits, etc., the Act Revising Acts Related to the Reform of the Financial and Securities Exchange Systems, the Act on Preferred Equity Investment by Cooperative Structured Financial Institution, the Real Estate Specified Joint Enterprise Act, the Insurance Business Act, the Act on Special Measures of Corporate Reorganization Proceedings and Other Insolvency Proceedings of Financial Institutions, the Act on Merger between the Norinchukin Bank and Prefectural Credit Federations of Agricultural Cooperatives, the Bank of Japan Act or the Act on Special Measures Concerning Procedures for Merger Involving Bank, etc. for Establishing Bank Holding Companies and Other Matters before the revision by this Act (hereinafter referred to as the "Former Secured Bonds Trust Act, etc.") shall be deemed to be a license, permission, authorization, approval, designation or other disposition, or a notice or other act granted, made, given or performed by the Prime Minister or other corresponding national organ pursuant to the corresponding provisions of the Secured Bonds Trust Act, the Trust Business Act, the Norinchukin Bank Act, the Mutual Loan Business Act, the Act for Simplification of Works of Banks, etc., the Act on Provision, etc. of Trust Business by Financial Institutions, the Act on Prohibition of Private Monopolization and Maintenance of Fair Trade, the Agricultural Cooperatives Act, the Securities and Exchange Act, the Act on Non-Life Insurance Rating Organization of Japan, the Fisheries Cooperatives Act, the Small and Medium Sized Enterprise, etc., Cooperatives Act, the Act on Financial Businesses by Cooperative, the Ship Owner's Mutual Insurance Union Act, the Securities Investment Trust Act, the Shinkin Bank Act, the Long-Term Credit Bank Act, the Loan Trust Act, the Loan Security Act for Small and Medium Sized Fishery Industry, the Credit Guarantee Corporation Act, the Labor Bank Act, the Foreign Exchange Bank Act, the Automobile Liability Security Act, the Agricultural Credit Guarantee Insurance Act, the Act on Financial Institutions' Merger and Conversion, the Act on Foreign Securities Brokers, the Deposit Insurance Act, the Act on the Promotion of Introduction of Industry into Agricultural Regions, the Agricultural and Fishery Cooperation Savings Insurance Act, the Banking Act, the Act on Controls, etc. on Money Lending, the Act on Regulation, etc. on Investment Advisory Business Pertaining to Securities, the Act on Regulation, etc. for Mortgage Corporations, the Financial Futures Trading Act, the Act on Regulation, etc. on Advanced Payment Certificate, the Act on Control for Business Pertaining to Commodity Investment, the Act on Special Provisions for the Narcotics and Psychotropics Control Act, etc. and Other Matters for the Prevention of Activities Encouraging Illicit Conduct and Other Activities Involving Controlled

Substances through International Cooperation, the Act on Regulation of Businesses Concerning Specified Credits, etc., the Act Revising Acts Related to the Reform of the Financial and Securities Exchange Systems, the Act on Preferred Equity Investment by Cooperative Structured Financial Institution, the Real Estate Specified Joint Enterprise Act, the Insurance Business Act, the Act on Special Measures of Corporate Reorganization Proceedings and Other Insolvency Proceedings of Financial Institutions, the Act on Merger between the Norinchukin Bank and Prefectural Credit Federations of Agricultural Cooperatives, the Bank of Japan Act or the Act on Special Measures Concerning Procedures for Merger Involving Bank, etc. for Establishing Bank Holding Companies and Other Matters after the revision by this Act (hereinafter referred to as the "New Secured Bonds Trust Act, etc.")

2 この法律の施行の際現に旧担保附社債信託法等の規定により大蔵大臣その他の国の機関に対してされている申請、届出その他の行為は、新担保附社債信託法等の相当規定に基づいて、内閣総理大臣その他の相当の国の機関に対してされた申請、届出その他の行為とみなす。

(2) An application, notification or other act having been filed or made to the Minister of Finance or other national organ under the provisions of the Former Secured Bonds Trust Act, etc. at the time when this Act comes into effect shall be deemed to be an application, notification or other act filed or made to the Prime Minister or other corresponding national organ pursuant to the corresponding provisions of the New Secured Bonds Trust Act, etc.

3 旧担保附社債信託法等の規定により大蔵大臣その他の国の機関に対し報告、届出、提出その他の手続をしなければならない事項で、この法律の施行の日前にその手続がされていないものについては、これを、新担保附社債信託法等の相当規定により内閣総理大臣その他の相当の国の機関に対して報告、届出、提出その他の手続をしなければならない事項についてその手続がされていないものとみなして、新担保附社債信託法等の規定を適用する。

(3) With regard to matters for which it is required to report, notify, or submit to, or take other procedure before, the Minister of Finance or other national organ under the provisions of the Former Secured Bonds Trust Act, etc. but has not been made before the day on which this Act comes into effect, the relevant provisions of the New Secured Bonds Trust Act, etc. shall apply by deeming the matter for which it is required to report, notify, or submit to, or take other procedure before the Prime Minister or other corresponding national organ pursuant to the corresponding provisions of the New Secured Bonds Trust Act, etc. not to have been made.

(罰則に関する経過措置)

(Transitional Measures Concerning Penal Provisions)

第五条 この法律の施行前にした行為に対する罰則の適用については、なお従前の例に

よる。

**Article 5** With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

(政令への委任)

(Delegation to Cabinet Order)

第六条 附則第二条から前条までに定めるもののほか、この法律の施行に関し必要な経過措置は、政令で定める。

**Article 6** In addition to what is provided for in Article 2 to the preceding Article inclusive of these Supplementary Provisions, transitional measures necessary for the implementation of this Act shall be specified by a Cabinet Order.

附 則 〔平成九年十二月十日法律第百十七号〕〔抄〕

**Supplementary Provisions [Act No. 117 of December 10, 1997] [Extract]**

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して二十日を経過した日から施行する。

**Article 1** This Act shall come into effect as from the date on which twenty days from the day of promulgation have elapsed.

附 則 〔平成九年十二月十二日法律第百二十号〕〔抄〕

**Supplementary Provisions [Act No. 120 of December 12, 1997] [Extract]**

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して三月を超えない範囲内において政令で定める日から施行する。

**Article 1** This Act shall come into effect as from the date specified by a Cabinet Order within a period not exceeding three months from the day of promulgation.

(検討)

(Review)

第十条 政府は、この法律の施行後五年を経過した場合において、第一条の規定による改正後の銀行法（以下「新銀行法」という。）、第二条の規定による改正後の長期信用銀行法（以下「新長期信用銀行法」という。）及び第四条の規定による改正後の保険業法（以下「新保険業法」という。）の施行状況、銀行業及び保険業を取り巻く社会経済情勢の変化等を勘案し、新銀行法第二条第十三項に規定する銀行持株会社、新長期信用銀行法第十六条の四第一項に規定する長期信用銀行持株会社及び新保険業法

第二条第十六項に規定する保険持株会社に係る制度について検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を講ずるものとする。

Article 10 When five years have passed after this Act comes into effect, the government shall review systems pertaining to Bank Holding Companies as defined by Article 2(13) of the Banking Act after the revision by the provision of Article 1 (hereinafter referred to as the "New Banking Act"), Long-Term Credit Bank Holding Companies as defined by Article 16-4(1) of the Long-Term Credit Bank Act after the revision by the provision of Article 2 (hereinafter referred to as the "New Long-Term Credit Bank Act") and insurance holding companies as defined by Article 2(16) of the Insurance Business Act after the revision by the provision of Article 4 (hereinafter referred to as the "New Insurance Business Act") by taking into account the state of implementation of the New Banking Act, the New Long-Term Credit Bank Act and the New Insurance Business Act, changes in socioeconomic situations surrounding Banking Business and Insurance Business, and other relevant factors, and shall, when it finds it necessary, take necessary measures based on the findings of the review.

附 則 〔平成九年十二月十二日法律第百二十一号〕 〔抄〕

**Supplementary Provisions [Act No. 121 of December 12, 1997] [Extract]**

(施行期日)

(Effective Date)

第一条 この法律は、持株会社の設立等の禁止の解除に伴う金融関係法律の整備等に関する法律（平成九年法律第百二十号）の施行の日から施行する。

Article 1 This Act shall come into effect as from the day when the Act Revising Finance-Related Acts for Lifting the Ban on Establishment of Holding Companies and Other Matters (Act No. 120 of 1997) comes into effect.

附 則 〔平成十年六月十五日法律第百六号〕

**Supplementary Provisions [Act No. 106 of June 15, 1998]**

この法律は、特定目的会社による特定資産の流動化に関する法律（平成十年法律第百五号）の施行の日（平成十年九月一日）から施行する。ただし、第十七条中地方税法附則第五条の改正規定は、平成十一年四月一日から施行する。

This Act shall come into effect as from the day when the Act on Securitization of Specified Assets by Special Purpose Companies (Act No. 105 of 1998) comes into effect (September 1, 1998); provided, however, that the provision in Article 17 which is to revise Article 5 of the Supplementary Provisions to the Local Tax Act shall come into effect as from April 1, 1999.

附 則 〔平成十年六月十五日法律第百七号〕 〔抄〕

Supplementary Provisions [Act No. 107 of June 15, 1998] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、平成十年十二月一日から施行する。ただし、次の各号に掲げる規定は、当該各号に定める日から施行する。

Article 1 This Act shall come into effect as from December 1, 1998; provided, however, that the provisions listed in the following items shall come into effect as from the date prescribed respectively in those items.

一 第一条中証券取引法第四章の次に一章を加える改正規定（第七十九条の二十九第一項に係る部分に限る。）並びに同法第百八十九条第二項及び第四項の改正規定、第二十一条の規定、第二十二条中保険業法第二編第十章第二節第一款の改正規定（第二百六十五条の六に係る部分に限る。）、第二十三条の規定並びに第二十五条の規定並びに附則第四十条、第四十二条、第五十八条、第百三十六条、第百四十条、第百四十三条、第百四十七条、第百四十九条、第百五十八条、第百六十四条、第百八十七条（大蔵省設置法（昭和二十四年法律第百四十四号）第四条第七十九号の改正規定を除く。）及び第百八十八条から第百九十条までの規定 平成十年七月一日

(i) The provisions in Article 1 which are to revise the Securities and Exchange Act by adding a new Chapter after Chapter IV (limited to the part pertaining to Article 79-29(1)) and revising Article 189(2) and (4) of that Act, the provisions in Article 21, the provisions in Article 22 which are to revise Part II, Chapter X, Section 2, Subsection 1 of the Insurance Business Act (limited to the part pertaining to Article 265-6), the provision of Article 23 and the provision of Article 25, and the provisions of Articles 40, 42, 58, 136, 140, 143, 147, 149, 158, 164 and 187 (excluding the provision for revising Article 4(lxxix) of the Act for Establishment of the Ministry of Finance (Act No. 144 of 1949)) and Articles 188 to 190 inclusive of these Supplementary Provisions: July 1, 1998

(銀行法等の一部改正に伴う経過措置)

(Transitional Measures for Partial Revision of the Banking Act and Other Acts)

第百二条 第十条の規定による改正後の銀行法（以下「新銀行法」という。）第十三条第一項（第十一条の規定による改正後の長期信用銀行法（以下「新長期信用銀行法」という。）第十七条、第十三条の規定による改正後の信用金庫法（以下「新信用金庫法」という。）第八十九条、第十四条の規定による改正後の労働金庫法（以下「新労働金庫法」という。）第九十四条、及び第十六条の規定による改正後の協同組合による金融事業に関する法律（以下「新協金法」という。）第六条において準用する場合（以下この条から附則第百五条までにおいて「新長期信用銀行法第十七条等において準用する場合」という。）を含む。以下この項及び次項において同じ。）の規定は、この法律の施行の際現に新銀行法第十三条第一項に規定する同一人に対する信用の供

与等（同項に規定する信用の供与等をいう。以下この項及び次項において同じ。）の額が信用供与等限度額（同条第一項に規定する信用供与等限度額をいう。以下この項において同じ。）を超えている銀行（新銀行法第二条第一項に規定する銀行をいう。以下同じ。）、長期信用銀行（新長期信用銀行法第二条に規定する長期信用銀行をいう。以下同じ。）、信用金庫若しくは信用金庫連合会、労働金庫若しくは労働金庫連合会又は信用協同組合若しくは信用協同組合連合会（新協金法第二条第一項に規定する信用協同組合連合会をいう。以下同じ。）（以下この条から附則第百五条までにおいて「銀行等」という。）の当該同一人に対する信用の供与等については、当該銀行等が施行日から起算して三月を経過する日までにその旨を金融再生委員会（労働金庫又は労働金庫連合会にあつては金融再生委員会及び労働大臣とし、信用協同組合又は信用協同組合連合会にあつては新協金法第七条第一項に規定する行政庁とする。以下この項及び次項において同じ。）に届け出たときは、施行日から起算して一年を経過する日までの間は、適用しない。この場合において、当該銀行等が、当該同一人に対して同日後も引き続き信用供与等限度額を超えて当該信用の供与等をしないこととすれば当該同一人の事業の継続に著しい支障を生ずるおそれがある場合その他のやむを得ない理由がある場合において同日までに金融再生委員会の承認を受けたときは、当該銀行等は、同日の翌日において新銀行法第十三条第一項ただし書の規定による承認を受けたものとみなす。

Article 102 (1) The provision of Article 13(1) of the Banking Act after the revision by the provision of Article 10 (hereinafter referred to as the "New Banking Act") (including the Cases where it is applied mutatis mutandis pursuant to Article 17 of the Long-Term Credit Bank Act after the revision by the provision of Article 11 (hereinafter referred to as the "New Long-Term Credit Bank Act"), Article 89 of the Shinkin Bank Act after the revision by the provision of Article 13 (hereinafter referred to as the "New Shinkin Bank Act"), Article 94 of the Labor Bank Act after the revision by the provision of Article 14 (hereinafter referred to as the "New Labor Bank Act") and Article 6 of the Act on Financial Businesses by Cooperative after the revision by the provision of Article 16 (hereinafter referred to as the "New Act on Financial Businesses by Cooperative") (hereinafter referred to as the "Cases where it is applied mutatis mutandis pursuant to Article 17 of the New Long-Term Credit Bank Act, etc." in this Article to Article 105 inclusive of these Supplementary Provisions); hereinafter the same shall apply in this and the following paragraph) shall not apply, until the day on which one year has elapsed from the Effective Date, to granting of credit, etc. (meaning granting of credit, etc. as defined by Article 13(1) of the New Banking Act; hereinafter the same shall apply in this and the following paragraph) by a Bank (meaning a Bank as defined by Article 2(1) of the New Banking Act; hereinafter the same shall apply), Long-Term Credit Bank (meaning a Long-Term Credit Bank as defined by Article 2 of the New Long-Term Credit Bank Act; hereinafter the same shall apply), Shinkin Bank or federation of Shinkin Banks, labor bank or federation

of labor banks, or credit cooperatives or Federation of Credit Cooperatives (meaning Federation of Credit Cooperatives as defined by Article 2(1) of the New Act on Financial Businesses by Cooperative; hereinafter the same shall apply) (hereinafter collectively referred to as the "Bank, etc." in this Article to Article 105 inclusive of these Supplementary Provisions) to one person as defined by Article 13(1) of the New Banking Act of which the amount exceeds the Limit of Granting of Credit, etc. (meaning Limit of Granting of Credit, etc. as defined by Article 13(1) of the New Banking Act; hereinafter the same shall apply in this paragraph) at the time when this Act comes into effect, if the Bank, etc. notifies thereof to the Financial Reconstruction Commission (the Financial Reconstruction Commission or the Minister of Labor in the case of labor bank or federation of labor banks, or the administrative agency referred to in Article 7(1) of the New Act on Financial Businesses by Cooperative in the case of credit cooperatives or Federation of Credit Cooperatives; hereinafter the same shall apply in this and the following paragraph) until the day on which three months have elapsed from the Effective Date. In this case, where it is likely that if the Bank, etc. does not continue granting of credit, etc. in excess of the Limit of Granting of Credit, etc. to the one person even after the day on which one year has elapsed from the Effective Date, it would significantly hinder the continuation of the business of the one person, or where there is other unavoidable reason, and when the Bank, etc. obtains an approval from the Financial Reconstruction Commission before that day, the Bank, etc. shall be deemed to obtain the approval referred to in the proviso to Article 13(1) of the New Banking Act on the day after that day.

- 2 新銀行法第十三条第二項（新長期信用銀行法第十七条等において準用する場合を含む。以下この項において同じ。）の規定は、この法律の施行の際現に新銀行法第十三条第一項に規定する同一人に対する信用の供与等の額が合算して合算信用供与等限度額（同条第二項に規定する合算信用供与等限度額をいう。以下この項において同じ。）を超えている銀行等及び当該銀行等の子会社等（同条第二項に規定する子会社等をいう。以下この項において同じ。）又は当該銀行等の子会社等の当該同一人に対する信用の供与等については、当該銀行等が施行日から起算して三月を経過する日までにその旨を金融再生委員会に届け出たときは、施行日から起算して一年を経過する日までの間は、適用しない。この場合において、当該銀行等及び当該銀行等の子会社等又は当該銀行等の子会社等が合算して当該同一人に対して同日後も引き続き合算信用供与等限度額を超えて当該信用の供与等をしないこととすれば当該同一人の事業の継続に著しい支障を生ずるおそれがある場合その他のやむを得ない理由がある場合において当該銀行等が同日までに金融再生委員会の承認を受けたときは、当該銀行等は、同日の翌日において新銀行法第十三条第二項後段において準用する同条第一項ただし書の規定による承認を受けたものとみなす。

- (2) The provision of Article 13(2) of the New Banking Act (including the Cases where it is applied mutatis mutandis pursuant to Article 17 of the New Long-



Term Credit Bank Act, etc.; hereinafter the same shall apply in this paragraph) shall not apply, until the day on which one year has elapsed from the Effective Date, to granting of credit, etc. by a Bank, etc. and its Subsidiary Companies, etc. (meaning Subsidiary Companies, etc. as defined by Article 13(2) of the New Banking Act; hereinafter the same shall apply in this paragraph) or by its Subsidiary Companies, etc., to one person as defined by Article 13(1) of the New Banking Act of which the total amount exceeds the Consolidated Limit of Granting of Credit, etc. (meaning consolidated Limit of Granting of Credit, etc. as defined by Article 13(2) of the New Banking Act; hereinafter the same shall apply in this paragraph) at the time when this Act comes into effect, if the Bank, etc. notifies thereof to the Financial Reconstruction Commission by the day on which three months have elapsed from the Effective Date. In this case, where it is likely that if the Bank, etc. and the Subsidiary Companies, etc., or the Subsidiary Companies, etc., do not continue granting of credit, etc. of which the total amount exceeds the Consolidated Limit of Granting of Credit, etc. to the one person even after the day on which one year has elapsed from the Effective Date, it would significantly hinder the continuation of the business of the one person, or where there is other unavoidable reason, and when the Bank, etc. obtains an approval from the Financial Reconstruction Commission before that day, the Bank, etc. shall be deemed to obtain the approval referred to in the proviso to Article 13(1) of the New Banking Act as applied mutatis mutandis pursuant to the second sentence of Article 13(2) of that Act on the day after that day.

- 3 新銀行法第五十二条の六第一項（新長期信用銀行法第十七条において準用する場合を含む。以下この項において同じ。）の規定は、この法律の施行の際現に新銀行法第五十二条の六第一項に規定する同一人に対する信用の供与等（同項に規定する信用の供与等をいう。以下この項において同じ。）の額が合算して銀行持株会社に係る信用供与等限度額（同条第一項に規定する銀行持株会社に係る信用供与等限度額をいう。以下この項において同じ。）を超えている新銀行法第二条第十一項に規定する銀行持株会社（以下この項において「銀行持株会社」という。）若しくはその子会社等（新銀行法第五十二条の六第一項に規定する子会社等をいう。以下この項において同じ。）又は新長期信用銀行法第十六条の四第一項に規定する長期信用銀行持株会社（以下この項において「長期信用銀行持株会社」という。）若しくはその子会社等の当該同一人に対する信用の供与等については、当該銀行持株会社又は当該長期信用銀行持株会社（以下この項及び附則第百五条において「銀行持株会社等」という。）が施行日から起算して三月を経過する日までにその旨を金融再生委員会に届け出たときは、施行日から起算して一年を経過する日までの間は、適用しない。この場合において、当該銀行持株会社若しくはその子会社等又は当該長期信用銀行持株会社若しくはその子会社等が合算して当該同一人に対して同日後も引き続き銀行持株会社に係る信用供与等限度額を超えて当該信用の供与等をしないこととすれば当該同一人の事業の継続に著しい支障を生ずるおそれがある場合その他のやむを得ない理由がある場合に

において当該銀行持株会社等が同日までに内閣総理大臣の承認を受けたときは、当該銀行持株会社等は、同日の翌日において新銀行法第五十二条の六第一項ただし書の規定による承認を受けたものとみなす。

- (3) The provision of Article 52-6(1) of the New Banking Act (including the cases where it is applied mutatis mutandis pursuant to Article 17 of the New Long-Term Credit Bank Act; hereinafter the same shall apply in this paragraph) shall not apply, until the day on which one year has elapsed from the Effective Date, to granting of credit, etc. (meaning granting of credit, etc. as defined by Article 52-6(1) of the New Banking Act; hereinafter the same shall apply in this paragraph) by a Bank Holding Company as defined by Article 2(11) of the New Banking Act (hereinafter referred to as a "Bank Holding Company" in this paragraph) and/or its Subsidiary Companies, etc. (meaning Subsidiary Companies, etc. as defined by 52-6(1) of the New Banking Act; hereinafter the same shall apply in this paragraph), or by a Long-Term Credit Bank Holding Company as defined by Article 16-4(1) of the New Long-Term Credit Bank Act (hereinafter referred to as a "Long-Term Credit Bank Holding Company" in this paragraph) and/or its Subsidiary Companies, etc., to one person as defined by Article 52-6(1) of the New Banking Act of which the total amount exceeds the Limit of Granting of Credit, etc. by Bank Holding Company (meaning Limit of Granting of Credit, etc. by Bank Holding Company as defined by Article 52-6(1) of the New Banking Act; hereinafter the same shall apply in this paragraph) at the time when this Act comes into effect, if the Bank Holding Company or the Long-Term Credit Bank Holding Company (hereinafter collectively referred to as a "Bank Holding Company, etc." in this paragraph and Article 105 of these Supplementary Provisions) notifies thereof to the Financial Reconstruction Commission by the day on which three months have elapsed from the Effective Date. In this case, where it is likely that if the Bank Holding Company and/or its Subsidiary Companies, etc., or Long-Term Credit Bank Holding Company and/or its Subsidiary Companies, etc., do not continue granting of credit, etc. of which the total amount exceeds the Limit of Granting of Credit, etc. by Bank Holding Company to the one person even after the day on which one year has elapsed from the Effective Date, it would significantly hinder the continuation of the business of the one person, or where there is other compelling reason, and when the Bank Holding Company, etc. obtains an approval from the Prime Minister before that day, the Bank Holding Company, etc. shall be deemed to have obtained the approval referred to in the proviso to Article 52-6(1) of the New Banking Act on the day after that day.

第百三条 新銀行法第十三条の二（新長期信用銀行法第十七条等において準用する場合を含む。）の規定は、銀行等が施行日以後にする取引又は行為について適用し、銀行等が施行日前にした取引又は行為については、なお従前の例による。

Article 103 The provision of Article 13-2 of the New Banking Act (including the Cases where it is applied mutatis mutandis pursuant to Article 17 of the New Long-Term Credit Bank Act, etc.) shall apply to a transaction or act conducted by a Bank, etc. on or after the Effective Date, and the provisions then in force shall remain applicable to a transaction or act conducted by a Bank, etc. before the Effective Date.

第百四条 新銀行法第十六条の二第一項の規定は、この法律の施行の際現に同項に規定する子会社対象会社以外の会社を子会社（新銀行法第二条第八項に規定する子会社をいう。以下この条において同じ。）としている銀行の当該会社については、当該銀行が施行日から起算して三月を経過する日までにその旨を金融再生委員会に届け出たときは、施行日から起算して一年を経過する日までの間は、適用しない。

Article 104 (1) The provision of Article 16-2(1) of the New Banking Act shall not apply, until the day on which one year has elapsed from the Effective Date, to a company that is not a company eligible for Subsidiary Company as defined by that provision but has been a Subsidiary Company (meaning a Subsidiary Company as defined by Article 2(8) of the New Banking Act; hereinafter the same shall apply in this Article) of a Bank at the time when this Act comes into effect, if the Bank notifies thereof to the Financial Reconstruction Commission by the day on which three months have elapsed from the Effective Date.

2 前項の銀行は、同項の届出に係る子会社対象会社以外の会社の子会社でなくなったときは、遅滞なく、その旨を金融再生委員会に届け出なければならない。

(2) A Bank which has made a notification under the preceding paragraph shall, when the company that is not a company eligible for Subsidiary Company ceases to be its Subsidiary Company, notify to that effect to the Financial Reconstruction Commission without delay.

3 平成十三年三月三十一日までの日で政令で定める日までの間は、新銀行法第十六条の二第一項第四号中「規定する保険会社」とあるのは、「規定する保険会社のうち、同法第二百六十条第二項に規定する破綻保険会社に該当するもの」とする。

(3) Until the date specified by a Cabinet Order which shall not be later than March 31, 2001, the term "prescribed Insurance Companies" in Article 16-2(1)(iv) of the New Banking Act shall be deemed to be replaced with "Among prescribed Insurance Companies, those falling under the category of bankrupt Insurance Companies as defined by Article 260(2) of the Insurance Business Act."

4 施行日前に、第十条の規定による改正前の銀行法（以下「旧銀行法」という。）第十六条の二第一項又は第十六条の三第一項（同条第二項において準用する場合を含む。）の規定により内閣総理大臣がしたこれらの規定に規定する認可（当該認可に係る旧銀行法第五十五条第一項ただし書に規定する承認を含む。）若しくは当該認可に付した条件又はこれらの規定に基づきされた当該認可に係る申請は、新銀行法第十六条の二第四項（同条第六項において準用する場合を含む。以下この項において同

じ。)の規定により内閣総理大臣がした同条第四項に規定する認可(当該認可に係る新銀行法第五十五条第一項ただし書に規定する承認を含む。)若しくは当該認可に付した条件又は新銀行法第十六条の二第四項の規定に基づきされた当該認可に係る申請とみなす。

(4) An authorization referred to in Article 16-2(1) or 16-3(1) (including the cases where it is applied mutatis mutandis pursuant to Article 16-3(2)) of the Banking Act before the revision by Article 10 (hereinafter referred to as the "Former Banking Act") (including an approval pertaining to the authorization as referred to in the proviso to Article 55(1) of the Former Banking Act) or conditions on said authorization granted or imposed before the Effective Date under these provisions by the Prime Minister, or an application for said authorization filed before the Effective Date under these provisions shall be deemed to be an authorization referred to in Article 16-2(4) (including the cases where it is applied mutatis mutandis pursuant to Article 16-2(6) of the New Banking Act; hereinafter the same shall apply in this paragraph) of the New Banking Act (including an approval pertaining to said authorization as referred to in the proviso to Article 55(1) of the New Banking Act) or conditions on said authorization granted or imposed under the provision of Article 16-2(4) of the New Banking Act by the Prime Minister or an application for said authorization filed under the provision of Article 16-2(4) of the New Banking Act.

5 この法律の施行の際現に銀行が新銀行法第十六条の二第四項に規定する子会社対象銀行等(当該銀行が旧銀行法第十六条の二第一項又は第十六条の三第一項の認可を受けて株式又は持分を所有している会社を除く。次項において同じ。)を子会社としている場合には、当該銀行は、施行日から起算して三月を経過する日までにその旨を内閣総理大臣に届け出なければならない。

(5) A Bank shall, when it has had a Bank, etc. eligible for Subsidiary Company referred to in Article 16-2(4) of the New Banking Act (excluding a company of which shares or equity have been held by the Bank under the authorization referred to in Article 16-2(1) or 16-3(1) of the Former Banking Act; the same shall apply in the following paragraph) as its Subsidiary Company at the time when this Act comes into effect, notify to that effect to the Prime Minister by the day on which three months have elapsed from the Effective Date.

6 前項の規定による届出をした銀行は、当該届出に係る子会社対象銀行等を子会社とすることにつき、施行日において新銀行法第十六条の二第四項の認可を受けたものとみなす。

(6) A Bank which has made a notification under the preceding paragraph shall be deemed to have obtained, on the Effective Date, the authorization for having the Bank, etc. eligible for Subsidiary Company for which said notification has been made as its Subsidiary Company under the provision of Article 16-2(4) of the New Banking Act.

7 新銀行法第十六条の三第一項の規定は、この法律の施行の際現に国内の会社（同項に規定する国内の会社をいう。以下この項において同じ。）の株式等（新銀行法第二条第七項に規定する株式等をいう。以下この項において同じ。）を合算してその基準株式数等（新銀行法第十六条の三第一項に規定する基準株式数等をいう。以下この項において同じ。）を超えて所有している銀行又はその子会社による当該国内の会社の株式等の所有については、当該銀行が施行日から起算して三月を経過する日までの間は、適用しない。この場合において、同日後は、当該国内の会社の株式等の所有については、当該銀行又はその子会社が同日において同条第二項本文に規定する事由により当該国内の会社の株式等を合算してその基準株式数等を超えて取得したものとみなして、同条の規定を適用する。

(7) The provision of Article 16-3(1) of the New Banking Act shall not apply, until the day on which one year has elapsed from the Effective Date, to holding of Shares, etc. (meaning Shares, etc. as defined by Article 2(7) of the New Banking Act; hereinafter the same shall apply in this paragraph) of a domestic company (meaning domestic company as defined by Article 16-3(1) of the New Banking Act; hereinafter the same shall apply in this paragraph) by a Bank and/or its Subsidiary Companies of which the total number exceeds the Threshold on Holding of Shares, etc. (meaning the Threshold on Holding of Shares, etc. as defined by Article 16-3(1) of the New Banking Act; hereinafter the same shall apply in this paragraph) at the time when this Act comes into effect, if the Bank notifies thereof to the Financial Reconstruction Commission by the day on which three months have elapsed from the Effective Date. In this case, after the day on which one year has elapsed from the Effective Date, the provision of Article 16-3 of the New Banking Act shall apply to such holding of Shares, etc. in the Domestic Company by deeming that the Bank and/or the Subsidiary Companies acquire, on that day, the Shares, etc. in the Domestic Company in excess of the Threshold on Holding of Shares, etc. by a cause provided by the main clause of Article 16-3(2) of the New Banking Act.

第百五条 新銀行法第十九条第二項及び第三項（同条第二項に規定する中間業務報告書に係る部分を除く。）（これらの規定を新長期信用銀行法第十七条等において準用する場合を含む。）並びに新銀行法第二十一条第一項から第三項まで（これらの規定を新長期信用銀行法第十七条等において準用する場合を含む。）の規定並びに新銀行法第二十条第二項及び第五十二条の十一（同条第一項に規定する中間業務報告書に係る部分を除く。）（これらの規定を新長期信用銀行法第十七条において準用する場合を含む。）並びに新銀行法第五十二条の十二並びに第五十二条の十三第一項及び第二項（これらの規定を新長期信用銀行法第十七条において準用する場合を含む。）の規定は、銀行等又は銀行持株会社等の平成十年四月一日以後に開始する営業年度又は事業年度に係るこれらの規定に規定する書類について適用し、銀行等又は銀行持株会社等の同日前に開始した営業年度又は事業年度に係る貸借対照表その他の書類については、

なお従前の例による。

Article 105 (1) The provisions of Article 19(2) and (3) of the New Banking Act (excluding the part pertaining to interim business report referred to in Article 19(2) of the New Banking Act) (including the cases where these provisions are applied mutatis mutandis pursuant to Article 17 of the New Long-Term Credit Bank Act, etc.) and Article 21(1) to (3) inclusive (including the cases where these provisions are applied mutatis mutandis pursuant to Article 17 of the New Long-Term Credit Bank Act, etc.), the provisions of Article 20(2) and Article 52-11 (excluding the part pertaining to interim business report referred to in Article 52-11(1) of the New Banking Act) of the New Banking Act (including the cases where these provisions are applied mutatis mutandis pursuant to Article 17 of the New Long-Term Credit Bank Act, etc.) and the provisions of Article 52-12 and Article 52-13(1) and (2) of the New Banking Act (including the cases where these provisions are applied mutatis mutandis pursuant to Article 17 of the New Long-Term Credit Bank Act, etc.) shall apply to documents referred to in these provisions of a Bank, etc. or Bank Holding Company, etc. pertaining to the Business Year or fiscal year starting on or after April 1, 1998, and the provisions then in force shall remain applicable to the balance sheet or other documents of a Bank, etc. or Bank Holding Company, etc. pertaining to the Business Year or fiscal year starting before that date.

2 新銀行法第十九条第二項及び第三項（同条第二項に規定する中間業務報告書に係る部分に限る。）（これらの規定を新長期信用銀行法第十七条において準用する場合を含む。）並びに新銀行法第五十二条の十一（同条第一項に規定する中間業務報告書に係る部分に限る。）（新長期信用銀行法第十七条において準用する場合を含む。）の規定は、銀行若しくは長期信用銀行又は銀行持株会社等の平成十一年四月一日以後に開始する営業年度に係る中間業務報告書について適用し、銀行持株会社等の同日前に開始した営業年度に係る中間業務報告書については、なお従前の例による。

(2) The provisions of Article 19(2) and (3) (limited to the part pertaining to interim business report referred to in Article 19(2) of the New Banking Act) of the New Banking Act (including the cases where these provisions are applied mutatis mutandis pursuant to Article 17 of the New Long-Term Credit Bank Act, etc.) and Article 52-11 (limited to the part pertaining to interim business report referred to in Article 52-11(1) of the New Banking Act) of the New Banking Act (including the Cases where it is applied mutatis mutandis pursuant to Article 17 of the New Long-Term Credit Bank Act, etc.) shall apply to the interim business report of a Bank, Long-Term Credit Bank or Bank Holding Company, etc. pertaining to the fiscal year starting on or after April 1, 1999, and the provisions then in force shall remain applicable to the interim business report of a Bank Holding Company, etc. pertaining to the Business Year or fiscal year starting before that date.

(権限の委任)

(Delegation of Authority)

第四百七十七条 内閣総理大臣は、この附則の規定による権限（政令で定めるものを除く。）を金融庁長官に委任する。

Article 147 (1) The Prime Minister shall delegate his/her authorities (excluding those specified by a Cabinet Order) under these Supplementary Provisions to the Commissioner of the Financial Services Agency.

2 前項の規定により金融庁長官に委任された権限並びにこの附則の規定による農林水産大臣及び厚生労働大臣の権限については、政令で定めるところにより、その一部を財務局長若しくは財務支局長（農林水産大臣及び厚生労働大臣の権限にあつては、地方支分部局の長）に委任することができる。

(2) Part of the authority delegated to the Commissioner of the Financial Services Agency under the preceding paragraph and part of the authority delegated to the Minister of Agriculture, Forestry and Fisheries and the Minister of Health, Labour and Welfare under the provisions of these Supplementary Provisions may be delegated to the Directors-General of Local Finance Bureaus or Local Finance Branch Bureaus (or heads of local branch offices in case of the authorities delegated to the Minister of Agriculture, Forestry and Fisheries and the Minister of Health, Labour and Welfare), pursuant to the provisions of a Cabinet Order.

(処分等の効力)

(Effect of Dispositions, etc.)

第四百八十八条 この法律（附則第一条各号に掲げる規定にあつては、当該規定）の施行前に改正前のそれぞれの法律（これに基づく命令を含む。以下この条において同じ。）の規定によってした処分、手続その他の行為であつて、改正後のそれぞれの法律の規定に相当の規定があるものは、この附則に別段の定めがあるものを除き、改正後のそれぞれの法律の相当の規定によってしたものとみなす。

Article 188 Dispositions given or procedures made or other acts performed before this Act comes into effect (with regard to the provisions listed in each item of Article 1 of these Supplementary Provisions, before those provisions come into effect) under the provisions of respective Acts before the revision by this Act (including orders issued thereunder; hereinafter the same shall apply in this Article), for which the corresponding provisions exist in the provisions of the respective Acts after the revision by this Act, shall be deemed to have been given, made or performed under the corresponding provisions of the respective Acts after the revision, except as otherwise provided by these Supplementary Provisions.

(罰則の適用に関する経過措置)

(Transitional Measures Concerning Application of Penal Provisions)

第百八十九条 この法律（附則第一条各号に掲げる規定にあつては、当該規定）の施行前にした行為並びにこの附則の規定によりなお従前の例によることとされる場合及びこの附則の規定によりなおその効力を有することとされる場合におけるこの法律の施行後にした行為に対する罰則の適用については、なお従前の例による。

Article 189 With regard to the application of penal provisions to acts committed before this Act comes into effect (with regard to the provisions listed in each item of Article 1 of these Supplementary Provisions, before those provisions come into effect) and acts committed after this Act comes into effect in the case where the provisions then in force shall remain applicable to those acts under the provision of these Supplementary Provisions and where the provisions relevant to those acts shall remain in force under the provision of these Supplementary Provisions, the provisions then in force shall remain applicable.

（その他の経過措置の政令への委任）

（Delegation of Other Transitional Measures to Cabinet Order）

第百九十条 附則第二条から第百四十六条まで、第百五十三条、第百六十九条及び前条に定めるもののほか、この法律の施行に関し必要な経過措置は、政令で定める。

Article 190 In addition to what is provided for in Articles 2 to 146 inclusive and Articles 153, 169 and the preceding Article of these Supplementary Provisions, transitional measures necessary for the implementation of this Act shall be specified by a Cabinet Order.

（検討）

（Review）

第百九十一条 政府は、この法律の施行後においても、新保険業法の規定による保険契約者等の保護のための特別の措置等に係る制度の実施状況、保険会社の経営の健全性の状況等にかんがみ必要があると認めるときは、保険業に対する信頼性の維持を図るために必要な措置を講ずるものとする。

Article 191 (1) When the government finds it necessary by taking into consideration the state of implementation of systems pertaining to special measures, etc. to protect policyholders, etc. under the provisions of the New Insurance Business Act, the state of soundness of management of Insurance Companies, and other relevant factors, it shall take measures necessary for maintaining the reliability of Insurance Business even after this Act comes into effect.

2 政府は、前項に定めるものを除くほか、この法律の施行後五年以内に、この法律による改正後の規定の実施状況、金融システムを取り巻く社会経済状況の変化等を勘案し、この法律による改正後の金融諸制度について検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を講ずるものとする。

(2) In addition to what is provided for in the preceding paragraph, the government shall review financial systems after the revision by this Act,



within five years after this Act comes into effect, by taking into account the state of implementation of provisions revised by this Act, changes in the socioeconomic conditions surrounding financial systems and other relevant factors, and shall, if it finds it necessary, take necessary measures based on the findings of the review.

**附 則**〔平成十年十月十六日法律第百三十一号〕

**Supplementary Provisions [Act No. 131 of October 16, 1998]**

(施行期日)

(Effective Date)

第一条 この法律は、金融再生委員会設置法（平成十年法律第百三十号）の施行の日から施行する。

Article 1 This Act shall come into effect as from the day when the Act for Establishment of the Financial Reconstruction Commission (Act No. 130 of 1998) comes into effect.

(経過措置)

(Transitional Measures)

第二条 この法律による改正前の担保附社債信託法、信託業法、農林中央金庫法、無尽業法、銀行等の事務の簡素化に関する法律、金融機関の信託業務の兼営等に関する法律、私的独占の禁止及び公正取引の確保に関する法律、農業協同組合法、証券取引法、損害保険料率算出団体に関する法律、水産業協同組合法、中小企業等協同組合法、協同組合による金融事業に関する法律、船主相互保険組合法、地方税法、証券投資信託及び証券投資法人に関する法律、信用金庫法、長期信用銀行法、貸付信託法、中小漁業融資保証法、信用保証協会法、労働金庫法、自動車損害賠償保障法、農業信用保証保険法、地震保険に関する法律、登録免許税法、金融機関の合併及び転換に関する法律、外国証券業者に関する法律、農村地域工業等導入促進法、農水産業協同組合貯金保険法、銀行法、貸金業の規制等に関する法律、有価証券に係る投資顧問業の規制等に関する法律、抵当証券業の規制等に関する法律、金融先物取引法、前払式証券の規制等に関する法律、商品投資に係る事業の規制に関する法律、国際的な協力の下に規制薬物に係る不正行為を助長する行為等の防止を図るための麻薬及び向精神薬取締法等の特例等に関する法律、特定債権等に係る事業の規制に関する法律、金融制度及び証券取引制度の改革のための関係法律の整備等に関する法律、協同組織金融機関の優先出資に関する法律、不動産特定共同事業法、保険業法、金融機関等の更生手続の特例等に関する法律、農林中央金庫と信用農業協同組合連合会との合併等に関する法律、日本銀行法、銀行持株会社の創設のための銀行等に係る合併手続の特例等に関する法律、特定目的会社による特定資産の流動化に関する法律又は金融システム改革のための関係法律の整備等に関する法律（以下「旧担保附社債信託法等」という。）の規定により内閣総理大臣その他の国の機関がした免許、許可、認可、承認、指定その他の処分又は通知その他の行為は、この法律による改正後の担保附社債信託法、信託業法、

農林中央金庫法、無尽業法、銀行等の事務の簡素化に関する法律、金融機関の信託業務の兼営等に関する法律、私的独占の禁止及び公正取引の確保に関する法律、農業協同組合法、証券取引法、損害保険料率算出団体に関する法律、水産業協同組合法、中小企業等協同組合法、協同組合による金融事業に関する法律、船主相互保険組合法、地方税法、証券投資信託及び証券投資法人に関する法律、信用金庫法、長期信用銀行法、貸付信託法、中小漁業融資保証法、信用保証協会法、労働金庫法、自動車損害賠償保障法、農業信用保証保険法、地震保険に関する法律、登録免許税法、金融機関の合併及び転換に関する法律、外国証券業者に関する法律、農村地域工業等導入促進法、農水産業協同組合貯金保険法、銀行法、貸金業の規制等に関する法律、有価証券に係る投資顧問業の規制等に関する法律、抵当証券業の規制等に関する法律、金融先物取引法、前払式証券の規制等に関する法律、商品投資に係る事業の規制に関する法律、国際的な協力の下に規制薬物に係る不正行為を助長する行為等の防止を図るための麻薬及び向精神薬取締法等の特例等に関する法律、特定債権等に係る事業の規制に関する法律、金融制度及び証券取引制度の改革のための関係法律の整備等に関する法律、協同組織金融機関の優先出資に関する法律、不動産特定共同事業法、保険業法、金融機関等の更生手続の特例等に関する法律、農林中央金庫と信用農業協同組合連合会との合併等に関する法律、日本銀行法、銀行持株会社の創設のための銀行等に係る合併手続の特例等に関する法律、特定目的会社による特定資産の流動化に関する法律又は金融システム改革のための関係法律の整備等に関する法律（以下「新担保附社債信託法等」という。）の相当規定に基づいて、金融再生委員会その他の相当の国の機関がした免許、許可、認可、承認、指定その他の処分又は通知その他の行為とみなす。

Article 2 (1) A license, permission, authorization, approval, designation or other disposition, or a notice or other act granted, made, given or performed by the Prime Minister or other national organ under the provisions of the Secured Bonds Trust Act, the Trust Business Act, the Norinchukin Bank Act, the Mutual Loan Business Act, the Act for Simplification of Works of Banks, etc., the Act on Provision, etc. of Trust Business by Financial Institutions, the Act on Prohibition of Private Monopolization and Maintenance of Fair Trade, the Agricultural Cooperatives Act, the Securities and Exchange Act, the Act on Non-Life Insurance Rating Organization of Japan, the Fisheries Cooperatives Act, the Small and Medium Sized Enterprise, etc., Cooperatives Act, the Act on Financial Businesses by Cooperative, the Ship Owner's Mutual Insurance Union Act, the Local Tax Act, the Act on Securities Investment Trust and Securities Investment Corporations, the Shinkin Bank Act, the Long-Term Credit Bank Act, the Loan Trust Act, the Loan Security Act for Small and Medium Sized Fishery Industry, the Credit Guarantee Corporation Act, the Labor Bank Act, the Automobile Liability Security Act, the Agricultural Credit Guarantee Insurance Act, the Act on Earthquake Insurance, the Registration and License Tax Act, the Act on Financial Institutions' Merger and Conversion, the Act on Foreign Securities Brokers, the Act on the Promotion of Introduction of Industry into Agricultural Regions, the Agricultural and Fishery

Cooperation Savings Insurance Act, the Banking Act, the Act on Controls, etc. on Money Lending, the Act on Regulation, etc. on Investment Advisory Business Pertaining to Securities, the Act on Regulation, etc. for Mortgage Corporations, the Financial Futures Trading Act, the Act on Regulation, etc. on Advanced Payment Certificate, the Act on Control for Business Pertaining to Commodity Investment, the Act on Special Provisions for the Narcotics and Psychotropics Control Act, etc. and Other Matters for the Prevention of Activities Encouraging Illicit Conduct and Other Activities Involving Controlled Substances through International Cooperation, the Act on Regulation of Businesses Concerning Specified Credits, etc., the Act Revising Acts Related to the Reform of the Financial and Securities Exchange Systems, the Act on Preferred Equity Investment by Cooperative Structured Financial Institution, the Real Estate Specified Joint Enterprise Act, the Insurance Business Act, the Act on Special Measures of Corporate Reorganization Proceedings and Other Insolvency Proceedings of Financial Institutions, the Act on Merger between the Norinchukin Bank and Prefectural Credit Federations of Agricultural Cooperatives, the Bank of Japan Act, the Act on Special Measures Concerning Procedures for Merger Involving Bank, etc. for Establishing Bank Holding Companies and Other Matters, the Act on Securitization of Specified Assets by Special Purpose Companies, or the Act Revising Acts Related to the Reform of the Financial System before the revision by this Act (hereinafter referred to as the "Former Secured Bonds Trust Act, etc.") shall be deemed to be a license, permission, authorization, approval, designation or other disposition, or a notice or other act granted, made, given or performed by the Financial Reconstruction Commission or other corresponding national organ pursuant to the corresponding provisions of the Secured Bonds Trust Act, the Trust Business Act, the Norinchukin Bank Act, the Mutual Loan Business Act, the Act for Simplification of Works of Banks, etc., the Act on Provision, etc. of Trust Business by Financial Institutions, the Act on Prohibition of Private Monopolization and Maintenance of Fair Trade, the Agricultural Cooperatives Act, the Securities and Exchange Act, the Act on Non-Life Insurance Rating Organization of Japan, the Fisheries Cooperatives Act, the Small and Medium Sized Enterprise, etc., Cooperatives Act, the Act on Financial Businesses by Cooperative, the Ship Owner's Mutual Insurance Union Act, the Local Tax Act, the Act on Securities Investment Trust and Securities Investment Corporations, the Shinkin Bank Act, the Long-Term Credit Bank Act, the Loan Trust Act, the Loan Security Act for Small and Medium Sized Fishery Industry, the Credit Guarantee Corporation Act, the Labor Bank Act, the Automobile Liability Security Act, the Agricultural Credit Guarantee Insurance Act, the Act on Earthquake Insurance, the Registration and License Tax Act, the Act on Financial Institutions' Merger and Conversion,

- the Act on Foreign Securities Brokers, the Act on the Promotion of Introduction of Industry into Agricultural Regions, the Agricultural and Fishery Cooperation Savings Insurance Act, the Banking Act, the Act on Controls, etc. on Money Lending, the Act on Regulation, etc. on Investment Advisory Business Pertaining to Securities, the Act on Regulation, etc. for Mortgage Corporations, the Financial Futures Trading Act, the Act on Regulation, etc. on Advanced Payment Certificate, the Act on Control for Business Pertaining to Commodity Investment, the Act on Special Provisions for the Narcotics and Psychotropics Control Act, etc. and Other Matters for the Prevention of Activities Encouraging Illicit Conduct and Other Activities Involving Controlled Substances through International Cooperation, the Act on Regulation of Businesses Concerning Specified Credits, etc., the Act Revising Acts Related to the Reform of the Financial and Securities Exchange Systems, the Act on Preferred Equity Investment by Cooperative Structured Financial Institution, the Real Estate Specified Joint Enterprise Act, the Insurance Business Act, the Act on Special Measures of Corporate Reorganization Proceedings and Other Insolvency Proceedings of Financial Institutions, the Act on Merger between the Norinchukin Bank and Prefectural Credit Federations of Agricultural Cooperatives, the Bank of Japan Act, the Act on Special Measures Concerning Procedures for Merger Involving Bank, etc. for Establishing Bank Holding Companies and Other Matters, the Act on Securitization of Specified Assets by Special Purpose Companies, or the Act Revising Acts Related to the Reform of the Financial System after the revision by this Act (hereinafter referred to as the "New Secured Bonds Trust Act, etc.")
- 2 この法律の施行の際現に旧担保附社債信託法等の規定により内閣総理大臣その他の国の機関に対してされている申請、届出その他の行為は、新担保附社債信託法等の相当規定に基づいて、金融再生委員会その他の相当の国の機関に対してされた申請、届出その他の行為とみなす。
- (2) An application, notification or other act having been filed or made to the Prime Minister or other national organ under the provisions of the Former Secured Bonds Trust Act, etc. at the time when this Act comes into effect shall be deemed to be an application, notification or other act filed or made to the Financial Reconstruction Commission or other corresponding national organ pursuant to the corresponding provisions of the New Secured Bonds Trust Act, etc.
- 3 旧担保附社債信託法等の規定により内閣総理大臣その他の国の機関に対し報告、届出、提出その他の手続をしなければならない事項で、この法律の施行の日前にその手続がされていないものについては、これを、新担保附社債信託法等の相当規定により金融再生委員会その他の相当の国の機関に対して報告、届出、提出その他の手続をしなければならない事項についてその手続がされていないものとみなして、新担保附社債信託法等の規定を適用する。

(3) With regard to a matter for which it is required to report, notify, or submit to, or take other procedure to the Prime Minister or other national organ under the provisions of the Former Secured Bonds Trust Act, etc. but has not been made before the day on which this Act comes into effect, the relevant provisions of the New Secured Bonds Trust Act, etc. shall apply by deeming the matter for which it is required to report, notify, or submit to, or take other procedure before the Financial Reconstruction Commission or other corresponding national organ pursuant to the corresponding provisions of the New Secured Bonds Trust Act, etc. not to have been made.

第三条 この法律の施行の際現に効力を有する旧担保附社債信託法等の規定に基づく命令は、新担保附社債信託法等の相当規定に基づく命令としての効力を有するものとする。

Article 3 An order issued under the provision of the Former Secured Bonds Trust Act, etc. which is in force at the time when this Act comes into effect shall remain in force as an order issued under the corresponding provisions of the New Secured Bonds Trust Act, etc.

第四条 この法律の施行前にした行為に対する罰則の適用については、なお従前の例による。

Article 4 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

(政令への委任)

(Delegation to Cabinet Order)

第五条 前三条に定めるもののほか、この法律の施行に関し必要な経過措置は、政令で定める。

Article 5 In addition to what is provided for in the preceding three Articles, transitional measures necessary for the implementation of this Act shall be specified by a Cabinet Order.

附 則 [平成十一年八月十三日法律第百二十五号] [抄]

Supplementary Provisions [Act No. 125 of August 13, 1999] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して六月を超えない範囲内において政令で定める日から施行する。ただし、第一条中商法第二百八十五条ノ四、第二百八十五条ノ五第二項、第二百八十五条ノ六第二項及び第三項、第二百九十条第一項並びに第二百九十三条ノ五第三項の改正規定並びに附則第六条中農林中央金庫法（大正十二年法律第

四十二号) 第二十三条第三項及び第二十四条第一項の改正規定、附則第七条中商工組合中央金庫法(昭和十一年法律第十四号)第三十九条ノ三第三項及び第四十条ノ二第一項の改正規定、附則第九条中農業協同組合法(昭和二十二年法律第百三十二号)第五十二条第一項の改正規定、附則第十条中証券取引法(昭和二十三年法律第二十五号)第五十三条第三項の改正規定及び同条第四項を削る改正規定、附則第十一条中水産業協同組合法(昭和二十三年法律第二百四十二号)第五十六条第一項の改正規定、附則第十二条中協同組合による金融事業に関する法律(昭和二十四年法律第百八十三号)第五条の五の次に一条を加える改正規定及び同法第十二条第一項の改正規定、附則第十三条中船主相互保険組合法(昭和二十五年法律第百七十七号)第四十二条第一項の改正規定、附則第十六条中信用金庫法(昭和二十六年法律第百三十八号)第五十五条の三第三項及び第五十七条第一項の改正規定、附則第十八条中労働金庫法(昭和二十八年法律第二百二十七号)第六十一条第一項の改正規定、附則第二十三条中銀行法(昭和五十六年法律第五十九号)第十七条の二第三項の改正規定及び同条第四項を削る改正規定、附則第二十六条の規定、附則第二十七条中保険業法(平成七年法律第百五号)第十五条に一項を加える改正規定、同法第五十五条第一項及び第二項、第百十二条第一項並びに第百十二条の二第三項の改正規定、同条第四項を削る改正規定、同法第百十五条第二項、第百十八条第一項、第百十九条及び第百九十九条の改正規定並びに同法附則第五十九条第二項及び附則第九十条第二項を削る改正規定、附則第二十九条中株式の消却の手續に関する商法の特例に関する法律(平成九年法律第五十五号)第七条第二項の改正規定並びに附則第三十一条中特定目的会社による特定資産の流動化に関する法律(平成十年法律第百五号)第百一条第一項及び第百二条第三項の改正規定は、平成十二年四月一日から施行する。

Article 1 This Act shall come into effect as from the date specified by a Cabinet Order within a period not exceeding six months from the day of promulgation; provided, however, that the provisions in Article 1 which are to revise Articles 285-4, 285-5(2), 285-6(2) and (3), 290(1) and 293-5(3) of the Commercial Code, and the provisions in Article 6 of these Supplementary Provisions which are to revise Articles 23(3) and 24(1) of the Norinchukin Bank Act (Act No. 42 of 1923), the provisions in Article 7 of these Supplementary Provisions which are to revise Articles 39-3(3) and 40-2(1) of the Shoko Chukin Bank Act (Act No. 14 of 1936), the provision in Article 9 of these Supplementary Provisions which is to revise Article 52(1) of the Agricultural Cooperatives Act (Act No. 132 of 1947), the provisions in Article 10 of these Supplementary Provisions which are to revise Article 53(3) of the Securities and Exchange Act (Act No. 25 of 1948) and to delete Article 53(4) of that Act, the provision in Article 11 of these Supplementary Provisions which is to revise Article 56(1) of the Fisheries Cooperatives Act (Act No. 242 of 1948), the provisions in Article 12 of these Supplementary Provisions which are to add a new Article after Article 5-5 of the Act on Financial Businesses by Cooperative (Act No. 183 of 1949) and to revise Article 12(1) of that Act, the provision in Article 13 of these Supplementary Provisions which is to revise Article 42(1) of the Ship Owner's

Mutual Insurance Union Act (Act No. 177 of 1950), the provisions in Article 16 of these Supplementary Provisions which are to revise Articles 55-3(3) and 57(1) of the Shinkin Bank Act (Act No. 238 of 1951), the provision in Article 18 of these Supplementary Provisions which is to revise Article 61(1) of the Labor Bank Act (Act No. 227 of 1953), the provisions in Article 23 of these Supplementary Provisions which are to revise Article 17-2(3) of the Banking Act (Act No. 59 of 1981) and to delete Article 17-2(4) of that Act, the provisions of Article 26 of these Supplementary Provisions, the provisions in Article 27 of these Supplementary Provisions which are to add a new paragraph to Article 15 of the Insurance Business Act (Act No. 105 of 1995), to revise Articles 55(1) and (2), 112(1) and 112-2(3) of that Act, to delete Article 112-2(4), to revise Articles 115(2), 118(1), 119 and 199 of that Act, and to delete Articles 59(2) and 90(2) of the Supplementary Provisions to that Act, the provision in Article 29 of these Supplementary Provisions which is to revise Article 7(2) of the Act on Special Measures under the Commercial Code Concerning Procedures for Canceling Shares (Act No. 55 of 1997) and the provisions in Article 31 of these Supplementary Provisions which are to revise Articles 101(1) and 102(3) of the Act on Securitization of Specified Assets by Special Purpose Companies (Act No. 105 of 1998), shall come into effect as from April 1, 2000.

(監査報告書に関する経過措置)

(Transitional Measures Concerning Audit Report)

第二条 この法律の施行前に終了した営業年度について作成すべき監査報告書の記載事項に関しては、なお従前の例による。農林中央金庫、農業協同組合及び農業協同組合連合会、漁業協同組合、漁業協同組合連合会、水産加工業協同組合及び水産加工業協同組合連合会、信用協同組合及び信用協同組合連合会（中小企業等協同組合法（昭和二十四年法律第百八十一号）第九条の九第一項第一号の事業を行う協同組合連合会をいう。次条において同じ。）、信用金庫及び信用金庫連合会、労働金庫及び労働金庫連合会並びに相互会社（保険業法第二条第五項に規定する相互会社をいう。次条において同じ。）についての、この法律の施行前に終了した事業年度について作成すべき監査報告書の記載事項に関しても、同様とする。

Article 2 With regard to matters to be stated in the audit report to be prepared for the Business Year ending before this Act comes in force, the provisions then in force shall remain applicable. With regard to matters to be stated in the audit report to be prepared by the Norinchukin Bank, agricultural cooperative, federation of agricultural cooperatives, fisheries cooperative, federation of fisheries cooperatives, fishery processing cooperative and federation of fishery processing cooperatives, credit cooperative and Federation of Credit Cooperatives (meaning a Federation of Credit Cooperatives that conducts business set forth in Article 9-9(1)(i) of the Small and Medium Sized Enterprise, etc., Cooperatives Act (Act No. 181 of 1949); the same shall apply in the

following Article), Shinkin Bank and federation of Shinkin Banks, labor bank and federation of labor banks, and Mutual Company (meaning a Mutual Company as defined by Article 2(5) of the Insurance Business Act; the same shall apply in the following Article) for the Business Year ending before this Act comes in force.

(金銭債権等の評価に関する経過措置)

(Transitional Measures Concerning Valuation of Monetary Claims, etc.)

第三条 附則第一条ただし書に掲げる改正規定の施行前に開始した営業年度の決算期における金銭債権、社債その他の債券及び株式その他の出資による持分の評価（以下この条において「金銭債権等の評価」という。）に関しては、なお従前の例による。次の各号に掲げる金銭債権等の評価に関しても、同様とする。

Article 3 With regard to valuation of monetary claims, bonds and other debentures as well as shares and other equity acquired by making contribution (hereinafter referred to as "Valuation of Monetary Claims, etc." in this Article) for the accounting period pertaining to the Business Year starting before the revising provisions listed in the proviso to Article 1 of these Supplementary Provisions come into effect, the provisions in force before this Act comes into effect shall remain. The same shall apply to the Valuation of Monetary Claims, etc. listed in the following items:

一 農林中央金庫、商工組合中央金庫、農業協同組合及び農業協同組合連合会、漁業協同組合、漁業協同組合連合会、水産加工業協同組合及び水産加工業協同組合連合会、信用協同組合及び信用協同組合連合会、船主相互保険組合、信用金庫及び信用金庫連合会並びに労働金庫及び労働金庫連合会についての、附則第一条ただし書に掲げる改正規定の施行前に開始した事業年度終了の日における金銭債権等の評価

(i) Valuation of Monetary Claims, etc. of the Norinchukin Bank, the Shoko Chukin Bank, agricultural cooperative, federation of agricultural cooperatives, fisheries cooperative, federation of fisheries cooperatives, fishery processing cooperative and federation of fishery processing cooperatives, credit cooperative and Federation of Credit Cooperatives, ship owner's mutual insurance union, Shinkin Bank and federation of Shinkin Banks, and labor bank and federation of labor banks at the end of the Business Year starting before the revising provisions listed in the proviso to Article 1 of these Supplementary Provisions come into effect;

二 証券投資法人（証券投資信託及び証券投資法人に関する法律（昭和二十六年法律第九十八号）第二条第十一项に規定する証券投資法人をいう。）についての、附則第一条ただし書に掲げる改正規定の施行前に開始した営業期間（同法第一百三十三条第二项に規定する営業期間をいう。）の決算期における金銭債権等の評価

(ii) Valuation of Monetary Claims, etc. of a securities investment corporation (meaning a securities investment corporation as defined by Article 2(11) of the Act on Securities Investment Trust and Securities Investment



Corporations (Act No. 198 of 1951)) for the Operating Period (meaning an Operating Period as defined by Article 133(2) of that Act) of the Business Year starting before the revising provisions listed in the proviso to Article 1 of these Supplementary Provisions come into effect; and

三 相互会社についての、附則第一条ただし書に掲げる改正規定の施行前に開始した事業年度の決算期における金銭債権等の評価

(iii) Valuation of Monetary Claims, etc. of a Mutual Company for the accounting period pertaining to the Business Year starting before the revising provisions listed in the proviso to Article 1 of these Supplementary Provisions come into effect.

**附 則** 〔平成十一年十二月二十二日法律第百六十号〕 〔抄〕

**Supplementary Provisions [Act No. 160 of December 22, 1999] [Extract]**

(施行期日)

(Effective Date)

第一条 この法律（第二条及び第三条を除く。）は、平成十三年一月六日から施行する。ただし、次の各号に掲げる規定は、当該各号に定める日から施行する。

Article 1 This Act (excluding Articles 2 and 3) shall come into effect as from January 6, 2001; provided, however, that the provisions listed in the following items shall come into effect as from the date prescribed respectively in those items:

二 第三章（第三条を除く。）及び次条の規定 平成十二年七月一日

(ii) Chapter III (excluding Articles 3) and the following Article: July 1, 2000

**附 則** 〔平成十一年十二月二十二日法律第二百二十五号〕 〔抄〕

**Supplementary Provisions [Act No. 225 of December 22, 1999] [Extract]**

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して六月を超えない範囲内において政令で定める日から施行する。

Article 1 This Act shall come into effect as from the date specified by a Cabinet Order within a period not exceeding six months from the day of promulgation.

(民法等の一部改正に伴う経過措置)

(Transitional Measures for Partial Revision of the Civil Code)

第二十五条 この法律の施行前に和議開始の申立てがあつた場合又は当該申立てに基づきこの法律の施行前若しくは施行後に和議開始の決定があつた場合においては、当該申立て又は決定に係る次の各号に掲げる法律の規定に定める事項に関する取扱いについては、この法律の附則の規定による改正後のこれらの規定にかかわらず、なお従前

の例による。

**Article 25** In the cases where a petition for commencement of composition proceedings filed before this Act comes into effect or where a ruling for commencement of composition proceedings is given based on such a petition before or after this Act comes into effect, with regard to treatment of matters provided for in any of the legal provisions listed in the following items that pertains to the petition or the ruling, the provisions then in force shall remain applicable, notwithstanding these provisions after the revision by these

**Supplementary Provisions:**

一 民法第三百九十八条ノ三第二項

(i) Article 398-3(2) of the Civil Code;

二 船員保険法第三十三条ノ十二ノ三第一項第一号ハ

(ii) Article 33-12-3(1)(i)(c) of the Mariners' Insurance Act;

三 農水産業協同組合貯金保険法第五十九条第三項及び第六十八条の三第二項

(iii) Articles 59(3) and 68-3(2) of the Agricultural and Fishery Cooperation Savings Insurance Act;

四 雇用保険法第二十二條の二第一項第一号ハ

(iv) Article 22-2(1)(i)(c) of the Employment Insurance Act;

五 非訟事件手続法第百三十五条ノ三十六

(v) Article 135-36 of the Non-Contentious Cases Procedures Act;

六 商法第三百九条ノ二第一項第二号並びに第三百八十三条第一項及び第二項

(vi) Article 309-2(1)(ii) and Article 383(1) and (2) of the Commercial Code;

七 証券取引法第五十四条第一項第七号、第六十四条の十第一項及び第七十九条の五十三第一項第二号

(vii) Articles 54(1)(vii), 64-10(1) and 79-53(1)(ii) of the Securities and Exchange Act;

八 中小企業信用保険法第二条第三項第一号

(viii) Article 2(3)(i) of the Small and Medium-sized Enterprise Credit Insurance Act;

九 会社更生法第二十条第二項、第二十四条、第三十七条第一項、第三十八条第四号、第六十七条第一項、第七十八条第一項第二号から第四号まで、第七十九条第二項、第八十条第一項並びに第百六十三条第二号及び第四号

(ix) Articles 20(2), 24, 37(1), 38(iv), 67(1), 78(1)(ii) to (iv) inclusive, 79(2), 80(1) and 163(ii) and (iv) of the Corporate Reorganization Act;

十 国の債権の管理等に関する法律第三十条

(x) Article 30 of the Act on Management of Claims held by the State and Other Matters;

十一 割賦販売法第二十七条第一項第五号

(xi) Article 27(1)(v) of the Installment Sales Act;

十二 外国証券業者に関する法律第二十二條第一項第八号及び第三十三條第一項

(xii) Articles 22(1)(viii) and 33(1) of the Act on Foreign Securities Brokers;

- 十三 民事訴訟費用等に関する法律別表第一の十二の項及び十七の項ニ  
(xiiv) Rows 12 and 17(d) of appended table 1 of the Act on the Cost of Civil Procedure;
- 十四 積立式宅地建物販売業法第三十六条第一項第五号  
(xiv) Article 36(1)(v) of the Advanced-Installment-Type Building Lots and Buildings Sales Business Act;
- 十五 中小企業倒産防止共済法第二条第二項第一号  
(xv) Article 2(2)(i) of the Act on Mutual Relief System for the Prevention of Bankruptcies of Small and Medium-sized Enterprises;
- 十六 銀行法第四十六条第一項  
(xvi) Article 46(1) of the Banking Act;
- 十七 特定目的会社による特定資産の流動化に関する法律第百十一条第四項第二号  
(xvii) Article 111(4)(ii) of the Act on Securitization of Specified Assets by Special Purpose Companies;
- 十八 保険業法第六十六条、第一百五十一条及び第二百七十一条第一項  
(xviii) Articles 66, 151 and 271(1) of the Insurance Business Act;
- 十九 金融機関等の更生手続の特例等に関する法律第二十四条第一項、第二十六条、第二十七条、第三十一条、第四十五条、第四十八条第一項第二号から第四号まで及び第四十九条第一項  
(xix) Articles 24(1), 26, 27, 31, 45, 48(1)(ii) to (iv) inclusive and 49(1) of the Act on Special Measures of Corporate Reorganization Proceedings and Other Insolvency Proceedings of Financial Institutions, etc.; and
- 二十 組織的な犯罪の処罰及び犯罪収益の規制等に関する法律第四十条第一項及び第三項  
(xx) Article 40(1) and (3) of the Act for Punishment of Organized Crimes, Control of Crime Proceeds and Other Matters.

(罰則の適用に関する経過措置)

**(Transitional Measures Concerning Application of Penal Provisions)**

第二十六条 この法律の施行前にした行為及びこの法律の附則において従前の例によることとされる場合におけるこの法律の施行後にした行為に対する罰則の適用については、なお従前の例による。

Article 26 With regard to the application of penal provisions to acts committed before this Act comes into effect and acts committed after this Act comes into effect the case where the provisions then in force shall remain applicable pursuant to these Supplementary Provisions, the provisions in force before this Act comes into effect shall remain applicable.

附 則 [平成十二年五月三十一日法律第九十一号]

**Supplementary Provisions [Act No. 91 of May 31, 2000]**

(施行期日)

(Effective Date)

1 この法律は、商法等の一部を改正する法律（平成十二年法律第九十号）の施行の日から施行する。

(1) This Act shall come into effect as from the day when the Act for Partial Revision of the Commercial Code, etc. (Act No. 90 of 2000) comes into effect.

(経過措置)

(Transitional Measures)

2 この法律の施行の日が独立行政法人農林水産消費技術センター法（平成十一年法律第百八十三号）附則第八条の規定の施行の前日である場合には、第三十一条のうち農林物資の規格化及び品質表示の適正化に関する法律第十九条の五の二、第十九条の六第一項第四号及び第二十七条の改正規定中「第二十七条」とあるのは、「第二十六条」とする。

(2) Where this Act comes into effect before the date when Article 8 of the Supplementary Provisions of the Act on the Center for Food Quality, Labeling and Consumer Services (Act No. 183 of 1999) comes into effect, the term "Article 27" in the provisions in Article 31 to revise Article 19-5-2, Article 19-6(1)(iv), and Article 27 of the Act on Standardization and Proper Quality Labeling of Agricultural and Forestry Products shall be deemed to be replaced with "Article 26."

附 則 〔平成十二年五月三十一日法律第九十六号〕〔抄〕

Supplementary Provisions [Act No. 96 of May 31, 2000] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、平成十二年十二月一日（以下「施行日」という。）から施行する。

Article 1 This Act shall come into effect as from December 1, 2000 (hereinafter referred to as the "Effective Date").

(処分等の効力)

(Effect of Dispositions, etc.)

第四十九条 この法律（附則第一条各号に掲げる規定にあつては、当該規定）の施行前に改正前のそれぞれの法律の規定によってした処分、手続その他の行為であつて、改正後のそれぞれの法律の規定に相当の規定があるものは、この附則に別段の定めがあるものを除き、改正後のそれぞれの法律の相当の規定によってしたものとみなす。

Article 49 Dispositions given or procedures made or other acts performed before this Act comes into effect (with regard to the provisions listed in each item of Article 1 of these Supplementary Provisions, before those provisions come into effect) under the provisions of respective Acts before the revision by this Act,

for which the corresponding provisions exist in the provisions of the respective Acts after the revision by this Act, shall be deemed to have been given, made or performed under the corresponding provisions of the respective Acts after the revision, except as otherwise provided by these Supplementary Provisions.

(罰則の適用に関する経過措置)

(Transitional Measures Concerning Application of Penal Provisions)

第五十条 この法律の施行前にした行為に対する罰則の適用については、なお従前の例による。

Article 50 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

(その他の経過措置の政令への委任)

(Delegation of Other Transitional Measures to Cabinet Order)

第五十一条 附則第二条から第十一条まで及び前条に定めるもののほか、この法律の施行に際し必要な経過措置は、政令で定める。

Article 51 In addition to what is provided for in Articles 2 to 11 inclusive and the preceding Article of these Supplementary Provisions, transitional measures necessary for the implementation of this Act shall be specified by a Cabinet Order.

(検討)

(Review)

第五十二条 政府は、この法律の施行後五年を経過した場合において、新証券取引法及び新金融先物取引法の施行状況、社会経済情勢の変化等を勘案し、新証券取引法第二条第十六項に規定する証券取引所及び新金融先物取引法第二条第六項に規定する金融先物取引所に係る制度について検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を講ずるものとする。

Article 52 When five years have passed since after this Act comes into effect, the government shall review systems pertaining to securities exchanges as defined by Article 2(16) of the New Securities and Exchange Act and financial futures exchanges as defined by Article 2(6) of the New Financial Futures Trading Act by taking into account the state of implementation of the New Securities and Exchange Act and the New Financial Futures Trading Act, changes in socioeconomic situations and other relevant factors, and shall, when it finds it necessary, take necessary measures based on the findings of the review.

附 則 〔平成十二年五月三十一日法律第九十七号〕 〔抄〕

Supplementary Provisions [Act No. 97 of May 31, 2000] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して六月を超えない範囲内において政令で定める日（以下「施行日」という。）から施行する。

Article 1 This Act shall come into effect as from the date specified by a Cabinet Order within a period not exceeding six months from the day of promulgation (hereinafter referred to as the "Effective Date").

(銀行法の一部改正)

(Partial Revision of the Banking Act)

第五十条 略

Article 50 (1) Omitted

2 前項の規定による改正後の銀行法第十条第七項の規定の適用については、旧特定目的会社並びに旧特定目的会社に係る資産流動化計画及び特定社債は、それぞれ新資産流動化法の規定による特定目的会社並びに特定目的会社に係る資産流動化計画及び特定社債とみなす。

(2) With regard to application of Article 10(7) of the Banking Act after the revision by the preceding paragraph, old Special Purpose Companies and Asset Securitization Plans and Specified Bonds pertaining to old Special Purpose Companies shall be deemed to be Special Purpose Companies and Asset Securitization Plans and Specified Bonds pertaining to Special Purpose Companies as provided for by the New Act on Securitization of Assets.

(処分等の効力)

(Effect of Dispositions, etc.)

第六十四条 この法律（附則第一条ただし書の規定にあつては、当該規定）の施行前に改正前のそれぞれの法律（これに基づく命令を含む。以下この条において同じ。）の規定によってした処分、手続その他の行為であつて、改正後のそれぞれの法律の規定に相当の規定があるものは、この附則に別段の定めがあるものを除き、改正後のそれぞれの法律の相当の規定によってしたものとみなす。

Article 64 Dispositions given or procedures made or other acts performed before this Act comes into effect (with regard to the provisions listed in the proviso to Article 1 of these Supplementary Provisions, before those provisions come into effect) under the provisions of respective Acts before the revision by this Act (including orders issued thereunder; hereinafter the same shall apply in this Article), for which the corresponding provisions exist in the provisions of the respective Acts after the revision by this Act, shall be deemed to have been given, made or performed under the corresponding provisions of the respective Acts after the revision, except as otherwise provided by these Supplementary Provisions.

(罰則の適用に関する経過措置)

(Transitional Measures Concerning Application of Penal Provisions)

第六十五条 この法律（附則第一条ただし書の規定にあつては、当該規定）の施行前にした行為及びこの附則の規定によりなお従前の例によることとされる場合におけるこの法律の施行後にした行為に対する罰則の適用については、なお従前の例による。

Article 65 With regard to the application of penal provisions to acts committed before this Act comes into effect (with regard to the provisions of the proviso to Article 1 of these Supplementary Provisions, before those provisions come into effect) and acts committed after this Act comes into effect the case where the provisions then in force shall remain applicable pursuant to these Supplementary Provisions, the provisions then in force shall remain applicable.

第六十六条 附則第六十二条の規定による改正後の組織的な犯罪の処罰及び犯罪収益の規制等に関する法律（以下この条において「新組織的犯罪処罰法」という。）の規定（前条の規定により適用されることとなる罰則の規定を除く。）の適用については、附則第二条第一項本文の規定によりなお効力を有することとされている場合における旧資産流動化法第一百七十一条、第一百七十二条、第一百七十四条、第一百七十九条第一項並びに第一百八十二条第二項及び第四項の罪は、新組織的犯罪処罰法別表第五十八号に掲げる罪とみなし、前条の規定によりなお従前の例によることとされている場合における旧投信法第二百二十八条、第二百三十条、第二百三十五条第一項並びに第二百三十六條第二項及び第四項の罪は、新組織的犯罪処罰法別表第二十三号に掲げる罪とみなす。

Article 66 With regard to the application of provisions of the Act for Punishment of Organized Crimes, Control of Crime Proceeds and Other Matters after the revision by Article 62 of these Supplementary Provisions (hereinafter referred to as the "New Act for Punishment of Organized Crimes" in this Article) (excluding the penal provisions that are to apply under the preceding Article), the crimes prescribed in Articles 171, 172, 174, 179(1) and Article 182(2) and (4) of the Former Act on Securitization of Assets in the case where these provisions shall remain in force under the main clause of Article 2(1) of these Supplementary Provisions shall be deemed to be crimes listed in item (lviii) of the appended table of the New Act for Punishment of Organized Crimes, and the crimes prescribed in Articles 228, 230, 235(1) and 236(2) and (4) of the Former Investment Trust Act in the case where the provisions then in force shall remain applicable pursuant to the preceding Article shall be deemed to be crimes listed in item (xxiii) of the appended table of the New Act for Punishment of Organized Crimes.

(その他の経過措置の政令への委任)

(Delegation of Other Transitional Measures to Cabinet Order)

第六十七条 この附則に規定するもののほか、この法律の施行に関し必要な経過措置は、

政令で定める。

**Article 67** In addition to what is provided for in these Supplementary Provisions, transitional measures necessary for the implementation of this Act shall be specified by a Cabinet Order.

(検討)

(Review)

第六十八条 政府は、この法律の施行後五年以内に、新資産流動化法、新投信法及び第八条の規定による改正後の宅地建物取引業法（以下この条において「新宅地建物取引業法」という。）の施行状況、社会経済情勢の変化等を勘案し、新資産流動化法及び新投信法の規定並びに新宅地建物取引業法第五十条の二第二項に規定する認可宅地建物取引業者に係る制度について検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を講ずるものとする。

**Article 68** Within five years after this Act comes into effect, the government shall review systems pertaining to the provisions of the New Act on Securitization of Assets and the New Investment Trust Act and authorized building lots and buildings transaction businesses as defined by Article 50-2(2) of the Building Lots and Buildings Transaction Business Act after the revision by Article 8 (hereinafter referred to as "New Building Lots and Buildings Transaction Business Act" in this Article) by taking into account the state of implementation of the New Act on Securitization of Assets, New Investment Trust Act, and New Building Lots and Buildings Transaction Business Act, changes in socioeconomic situations and other relevant factors, and shall, when it finds it necessary, take necessary measures based on the findings of the review.

附 則 〔平成十二年十一月二十九日法律第百二十九号〕〔抄〕

**Supplementary Provisions [Act No. 129 of November 29, 2000] [Extract]**

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して六月を超えない範囲内において政令で定める日から施行する。

**Article 1** This Act shall come into effect as from the date specified by a Cabinet Order within a period not exceeding six months from the day of promulgation.

附 則 〔平成十三年六月二十七日法律第七十五号〕〔抄〕

**Supplementary Provisions [Act No. 75 of June 27, 2001] [Extract]**

(施行期日等)

(Effective Date)



第一条 この法律は、平成十四年四月一日（以下「施行日」という。）から施行し、施行日以後に発行される短期社債等について適用する。

Article 1 This Act shall come into effect as from April 1, 2002 (hereinafter referred to as the "Effective Date"), and shall apply to Short-Term Bonds, etc. issued on and after the Effective Date.

（罰則の適用に関する経過措置）

(Transitional Measures Concerning Application of Penal Provisions)

第七条 施行日前にした行為及びこの附則の規定によりなおその効力を有することとされる場合における施行日以後にした行為に対する罰則の適用については、なお従前の例による。

Article 7 With regard to the application of penal provisions to acts committed before the Effective Date and acts committed on or after the Effective Date the case where the provisions relevant to those acts shall remain in force under these Supplementary Provisions, the provisions then in force shall remain applicable.

（その他の経過措置の政令への委任）

(Delegation of Other Transitional Measures to Cabinet Order)

第八条 この附則に規定するもののほか、この法律の施行に関し必要な経過措置は、政令で定める。

Article 8 In addition to what is provided for in these Supplementary Provisions, transitional measures necessary for the implementation of this Act shall be specified by a Cabinet Order.

（検討）

(Review)

第九条 政府は、この法律の施行後五年を経過した場合において、この法律の施行状況、社会経済情勢の変化等を勘案し、振替機関に係る制度について検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を構ずるものとする。

Article 9 When five years have passed since after this Act comes into effect, the government shall review systems pertaining to the book-entry transfer institution by taking into account the state of implementation of this Act, changes in socioeconomic situations and other relevant factors, and shall, when it finds it necessary, take necessary measures based on the findings of the review.

附 則 〔平成十三年六月二十九日法律第八十号〕

**Supplementary Provisions [Act No. 80 of June 29, 2001]**

この法律は、商法等改正法の施行の日から施行する。

This Act shall come into effect as from the day when the Act for Partial Revision of the Commercial Code, etc. comes into effect.

附 則 〔平成十三年十一月九日法律第百十七号〕 〔抄〕

**Supplementary Provisions [Act No. 117 of November 9, 2001] [Extract]**

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して六月を超えない範囲内において政令で定める日（以下「施行日」という。）から施行する。ただし、次の各号に掲げる規定は、当該各号に定める日から施行する。

Article 1 This Act shall come into effect as from the date specified by a Cabinet Order within a period not exceeding six months from the day of promulgation (hereinafter referred to as the "Effective Date"); provided, however, that the provisions listed in the following items shall come into effect as from the date prescribed respectively in those items:

一 第一条中銀行法第十七条の二を削る改正規定及び第四十七条第二項の改正規定（「、第十七条の二」を削る部分に限る。）、第三条中保険業法第一百十二条の二を削る改正規定及び第二百七十条の六第二項第一号の改正規定、第四条中第五十五条の三を削る改正規定、第八条、第九条、第十三条並びに第十四条の規定並びに次条、附則第九条及び第十三条から第十六条までの規定 公布の日から起算して一月を経過した日

(i) The provisions in Article 1 which delete Article 17-2 of the Banking Act and to revise Article 47-2 of that Act (limited to the part deleting "Article 17-2"), the provisions in Article 3 which are to delete Article 112-2 of the Insurance Business Act and to revise Article 270-6(2)(i) of that Act, the provision in Article 4 which is to delete Article 55-3, the provisions of Articles 8, 9, 13 and 14, and the following Article, the provisions of Article 9, and 13 to 16 inclusive of the Supplementary Provisions: The day on which one month has elapsed from the day of promulgation

(外国銀行支店に係る営業の免許に関する経過措置)

(Transitional Measures Concerning License of Banking Business for Foreign Bank Branch)

第二条 この法律の施行の際現に第一条の規定による改正前の銀行法（以下「旧銀行法」という。）第四十七条第一項の規定により旧銀行法第四条第一項の内閣総理大臣の免許（以下この条において「旧免許」という。）を受けている外国銀行のうち、その受けている旧免許の数が一であるものについては、この法律の施行の際に第一条の規定による改正後の銀行法（以下「新銀行法」という。）第四十七条第一項の規定により新銀行法第四条第一項の内閣総理大臣の免許を受けたものとみなす。

Article 2 (1) A Foreign Bank which, when this Act comes into effect, has

obtained the Prime Minister's licenses referred to in Article 4(1) of the Banking Act before the revision by Article 1 (hereinafter referred to as the "Former Banking Act") under Article 47(1) of the Former Banking Act (such a license is referred to as "Old License" in this Article) shall, if the number of licenses which it has obtained is one, be deemed to have obtained the Prime Minister's license referred to in Article 4(1) of the Banking Act after the revision by Article 1 (hereinafter referred to as the "New Banking Act") under Article 47(1) of the New Banking Act at the time when this Act comes into effect.

2 前項の規定により新銀行法第四十七条第一項の規定により新銀行法第四条第一項の内閣総理大臣の免許を受けたものとみなされる外国銀行以外の外国銀行は、この法律の施行前においても、当該外国銀行が受けている旧免許に係る外国銀行支店のうちの外国銀行支店を新銀行法第四十七条第一項に規定する主たる外国銀行支店として定め、内閣府令で定めるところにより内閣総理大臣に届け出ることができる。

(2) A Foreign Bank other than Foreign Banks which are deemed under the preceding paragraph to have obtained the Prime Minister's license referred to in Article 4(1) of the New Banking Act under Article 47(1) of the New Banking Act may, even before the Effective Date, file a notification to the Prime Minister as provided by a Cabinet Order by designating one of the Foreign Bank Branches for which it has received the Old License as the Principal Branch Office of the Foreign Bank as defined by Article 47(1) of the New Banking Act.

3 この法律の施行前に前項の規定による届出をした外国銀行であつて、この法律の施行の際現に旧免許を受けているものは、施行日において新銀行法第四十七条第一項の規定により新銀行法第四条第一項の内閣総理大臣の免許を受けたものとみなす。

(3) A Foreign Bank which filed a notification under the preceding paragraph before this Act comes into effect and has obtained the Old License at the time when this Act comes into effect shall be deemed to have obtained the Prime Minister's license referred to in Article 4(1) of the New Banking Act under Article 47(1) of the New Banking Act on the Effective Date.

(銀行の株主に関する経過措置)

(Transitional Measures Concerning Shareholders of Bank)

第三条 この法律の施行の際現に存する銀行の株式の所有者に対する新銀行法第七章の二の規定（第三節の規定を除く。）の適用については、当該株式の所有者は、施行日において新銀行法第五十二条の九第一項各号に掲げる取引又は行為以外の事由により当該銀行の株式の所有者になったものとみなす。

Article 3 (1) With regard to application of the provisions of Chapter VII-II (excluding Section 3) of the New Banking Act to holders of a Bank's shares existing at the time when this Act comes into effect, holders of these shares shall be deemed to become holders of these shares on the Effective Date by acts listed in each item of Article 52-9(1) of the New Banking Act or a cause other

than the transactions.

2 この法律の施行の際現に旧銀行法第十六条の二第四項又は第五項ただし書の認可を受けて他の銀行を子会社としている銀行は、当該他の銀行の株式の所有につき、施行日に新銀行法第五十二条の九第二項ただし書の認可を受けたものとみなす。

(2) A Bank which has another Bank as its Subsidiary Company at the time when this Act comes into effect under the authorization referred to in Article 16-2(4) or in the proviso to Article 16-2(5) of the Former Banking Act shall be deemed to obtain, on the Effective Date, an authorization for holding shares of the other Bank under the proviso to Article 52-9(2) of the New Banking Act.

(権限の委任)

(Delegation of Authority)

第十三条 内閣総理大臣は、この附則の規定による権限（政令で定めるものを除く。）を金融庁長官に委任する。

Article 13 (1) The Prime Minister shall delegate his/her authority under these Supplementary Provisions (excluding that specified by a Cabinet Order) to the Commissioner of the Financial Services Agency.

2 前項の規定により金融庁長官に委任された権限については、政令で定めるところにより、その一部を財務局長又は財務支局長に委任することができる。

(2) The Commissioner of the Financial Services Agency may, pursuant to the provisions of a Cabinet Order, delegate part of the authority that has been delegated under the provisions of the preceding paragraph to the Directors-General of Local Finance Bureaus or Local Finance Branch Bureaus.

(処分等の効力)

(Effect of Dispositions, etc.)

第十四条 この法律の各改正規定の施行前に改正前のそれぞれの法律（これに基づく命令を含む。以下この条において同じ。）の規定によってした処分、手続その他の行為であつて、改正後のそれぞれの法律の規定に相当の規定があるものは、この附則に別段の定めがあるものを除き、改正後のそれぞれの法律の相当の規定によってしたものとみなす。

Article 14 Dispositions given or procedures made or other acts performed before this Act comes into effect under the provisions of respective Acts before the revision by this Act (including orders issued thereunder; hereinafter the same shall apply in this Article), for which the corresponding provisions exist in the provisions of the respective Acts after the revision by this Act, shall be deemed to have been given, made or performed under the corresponding provisions of the respective Acts after the revision, except as otherwise provided by these Supplementary Provisions.

(罰則に関する経過措置)

(Transitional Measures Concerning Penal Provisions)

第十五条 この法律の各改正規定の施行前にした行為及びこの附則の規定によりなお従前の例によることとされる事項に係る各改正規定の施行後にした行為に対する罰則の適用については、それぞれなお従前の例による。

Article 15 With regard to the application of penal provisions to acts committed before the relevant revising provision in this Act comes into effect and acts committed pertaining to matters to which the provisions then in force shall remain applicable under these Supplementary Provisions after the relevant revising provision in this Act comes into effect, the provisions then in force shall remain applicable.

(その他の経過措置の政令への委任)

(Delegation of Other Transitional Measures to Cabinet Order)

第十六条 附則第二条から前条までに定めるもののほか、この法律の施行に関し必要な経過措置（罰則に係る経過措置を含む。）は、政令で定める。

Article 16 In addition to what is provided for in Article 2 to the preceding Article inclusive of these Supplementary Provisions (including transitional measures pertaining to penal provisions), transitional measures necessary for the implementation of this Act shall be specified by a Cabinet Order.

(検討)

(Review)

第二十三条 政府は、この法律の施行後五年を経過した場合において、新銀行法、新長期信用銀行法及び新保険業法の施行状況、銀行業及び保険業を取り巻く社会経済情勢の変化等を勘案し、新銀行法第二条第十項に規定する銀行主要株主、新長期信用銀行法第十六条の二の二第五項に規定する長期信用銀行主要株主及び新保険業法第二条第十四項に規定する保険主要株主に係る制度について検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を講ずるものとする。

Article 23 When five years have passed since after this Act comes into effect, the government shall review systems pertaining to Major Shareholder of Bank as defined by Article 2(10) of the New Banking Act, major shareholder of Long-Term Credit Bank as defined by Article 16-2-2(5) of the New Long-Term Credit Bank Act and major shareholder of Insurance Company as defined by Article 2(14) of the New Insurance Business Act by taking into account the state of implementation of the New Banking Act, the New Long-Term Credit Bank Act and the New Insurance Business Act, changes in socioeconomic situations and other relevant factors, and shall, when it finds it necessary, take necessary measures based on the findings of the review.

附 則 〔平成十三年十一月二十八日法律第百二十九号〕 〔抄〕

Supplementary Provisions [Act No. 129 of November 28, 2001] [Extract]

(施行期日)

(Effective Date)

1 この法律は、平成十四年四月一日から施行する。

(1) This Act shall come into effect as from April 1, 2002.

(罰則の適用に関する経過措置)

(Transitional Measures Concerning Application of Penal Provisions)

2 この法律の施行前にした行為及びこの法律の規定により従前の例によることとされる場合におけるこの法律の施行後にした行為に対する罰則の適用については、なお従前の例による。

(2) With regard to the application of penal provisions to acts committed before this Act comes into effect and acts committed after this Act comes into effect the case where the provisions then in force shall remain applicable under the provisions of this Act, the provisions in force before this Act comes into effect shall remain applicable.

**附 則** 〔平成十四年五月二十九日法律第四十五号〕

**Supplementary Provisions [Act No. 45 of May 29, 2002]**

(施行期日)

(Effective Date)

1 この法律は、公布の日から起算して一年を超えない範囲内において政令で定める日から施行する。

(1) This Act shall come into effect as from the date specified by a Cabinet Order within a period not exceeding one year from the day of promulgation.

(経過措置)

(Transitional Measures)

2 この法律の施行の日が農業協同組合法等の一部を改正する法律（平成十三年法律第九十四号）第二条の規定の施行の前日である場合には、第九条のうち農業協同組合法第三十条第十二項の改正規定中「第三十条第十二項」とあるのは、「第三十条第十一項」とする。

(2) Where this Act comes into effect before the date when Article 2 of the Act for Partial Revision of the Agricultural Cooperatives Act, etc. (Act No. 94 of 2001) comes into effect, the term "Article 30(12)" in the provision in Article 9 to revise Article 30(12) of the Agricultural Cooperatives Act shall be deemed to be replaced with "Article 30(11)."

**附 則** 〔平成十四年五月二十九日法律第四十七号〕 〔抄〕

**Supplementary Provisions [Act No. 47 of May 29, 2002] [Extract]**

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して六月を超えない範囲内において政令で定める日から施行する。

Article 1 This Act shall come into effect as from the date specified by a Cabinet Order within a period not exceeding six months from the day of promulgation.

附 則 〔平成十四年六月十二日法律第六十五号〕 〔抄〕

**Supplementary Provisions [Act No. 65 of June 12, 2002] [Extract]**

(施行期日)

(Effective Date)

第一条 この法律は、平成十五年一月六日から施行する。

Article 1 This Act shall come into effect as from January 6, 2003.

(罰則の適用に関する経過措置)

(Transitional Measures Concerning Application of Penal Provisions)

第八十四条 この法律（附則第一条各号に掲げる規定にあっては、当該規定。以下この条において同じ。）の施行前にした行為及びこの附則の規定によりなお従前の例によることとされる場合におけるこの法律の施行後にした行為に対する罰則の適用については、なお従前の例による。

Article 84 With regard to the application of penal provisions to acts committed before this Act (with regard to the provisions listed in each item of Article 1 of these Supplementary Provisions, before those provisions come into effect; hereinafter the same shall apply in this Article) comes into effect and acts committed after this Act comes into effect the case where the provisions then in force shall remain applicable under the provisions of these Supplementary Provisions, the provisions then in force shall remain applicable.

(その他の経過措置の政令への委任)

(Delegation of Other Transitional Measures to Cabinet Order)

第八十五条 この附則に規定するもののほか、この法律の施行に関し必要な経過措置は、政令で定める。

Article 85 In addition to what is provided for in these Supplementary Provisions, transitional measures necessary for the implementation of this Act shall be specified by a Cabinet Order.

(検討)

(Review)

第八十六条 政府は、この法律の施行後五年を経過した場合において新社債等振替法、

新証券取引法及び新金融先物取引法の施行状況、社会経済情勢の変化等を勘案し、新社債等振替法第二条第十一項に規定する加入者保護信託、新証券取引法第二条第三十一項に規定する証券取引清算機関及び新金融先物取引法第二条第十五項に規定する金融先物清算機関に係る制度について検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を講ずるものとする。

Article 86 When five years have passed since after this Act comes into effect, the government shall review systems pertaining to subscribers protection trust as defined by Article 2(11) of the New Act on Transfer of Bonds, etc., securities clearing organizations as defined by Article 2(31) of the New Securities and Exchange Act and financial futures clearing organizations as defined by Article 2(15) of the New Financial Futures Trading Act by taking into account the state of implementation of the New Act on Transfer of Bonds, etc., the New Securities and Exchange Act and the New Financial Futures Trading Act, changes in the socioeconomic conditions and other relevant factors, and shall, when it finds it necessary, take necessary measures based on the findings of the review.

附 則 〔平成十五年五月三十日法律第五十四号〕 〔抄〕

Supplementary Provisions [Act No. 54 of May 30, 2003] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、平成十六年四月一日から施行する。

Article 1 This Act shall come into effect as from April 1, 2004.

(罰則の適用に関する経過措置)

(Transitional Measures Concerning Application of Penal Provisions)

第三十八条 この法律の施行前にした行為に対する罰則の適用については、なお従前の例による。

Article 38 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

(その他の経過措置の政令への委任)

(Delegation of Other Transitional Measures to Cabinet Order)

第三十九条 この法律に規定するもののほか、この法律の施行に伴い必要な経過措置は、政令で定める。

Article 39 In addition to what is provided for in these Supplementary Provisions, transitional measures necessary for the implementation of this Act shall be specified by a Cabinet Order.



(検討)

(Review)

第四十条 政府は、この法律の施行後五年を経過した場合において、この法律による改正後の規定の実施状況、社会経済情勢の変化等を勘案し、この法律による改正後の金融諸制度について検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を講ずるものとする。

Article 40 When five years have passed since after this Act comes into effect, the government shall review financial systems after the revision by this Act by taking into account the state of implementation of provisions revised by this Act, changes in the socioeconomic conditions and other relevant factors, and shall, when it finds it necessary, take necessary measures based on the findings of the review.

附 則 [平成十六年六月二日法律第七十六号] [抄]

**Supplementary Provisions [Act No. 76 of June 2, 2004] [Extract]**

(施行期日)

(Effective Date)

第一条 この法律は、破産法（平成十六年法律第七十五号。次条第八項並びに附則第三条第八項、第五条第八項、第十六項及び第二十一項、第八条第三項並びに第十三条において「新破産法」という。）の施行の日から施行する。

Article 1 This Act shall come into effect as from the day when the Bankruptcy Act (Act No. 75 of 2004; hereinafter referred to as the "New Bankruptcy Act" in paragraph (8) of the following Article, Articles 3(8), 5(8), (16) and (21), 8(3) and 13 of these Supplementary Provisions) comes into effect.

(政令への委任)

(Delegation to Cabinet Order)

第十四条 附則第二条から前条までに規定するもののほか、この法律の施行に関し必要な経過措置は、政令で定める。

Article 14 In addition to what is provided for in Articles 2 to the preceding Article inclusive of these Supplementary Provisions, transitional measures necessary for the implementation of this Act shall be specified by a Cabinet Order.

附 則 [平成十六年六月九日法律第八十八号] [抄]

**Supplementary Provisions [Act No. 88 of June 9, 2004] [Extract]**

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して五年を超えない範囲内において政令で定め

る日（以下「施行日」という。）から施行する。

**Article 1** This Act shall come into effect as from the date specified by a Cabinet Order within a period not exceeding five years from the day of promulgation (hereinafter referred to as the "Effective Date")

（罰則の適用に関する経過措置）

**(Transitional Measures Concerning Application of Penal Provisions)**

第百三十五条 この法律の施行前にした行為並びにこの附則の規定によりなお従前の例によることとされる場合及びなおその効力を有することとされる場合におけるこの法律の施行後にした行為に対する罰則の適用については、なお従前の例による。

**Article 135** With regard to the application of penal provisions to acts committed before this Act comes into effect and acts committed after this Act comes into effect in the case where the provisions then in force shall remain applicable to those acts under the provision of these Supplementary Provisions and where the provisions relevant to those acts shall remain in force under the provision of these Supplementary Provisions, the provisions then in force shall remain applicable.

（その他の経過措置の政令への委任）

**(Delegation of Other Transitional Measures to Cabinet Order)**

第百三十六条 この附則に規定するもののほか、この法律の施行に関し必要な経過措置は、政令で定める。

**Article 136** In addition to what is provided for in these Supplementary Provisions, transitional measures necessary for the implementation of this Act shall be specified by a Cabinet Order.

（検討）

**(Review)**

第百三十七条 政府は、この法律の施行後五年を経過した場合において、この法律による改正後の規定の実施状況、社会経済情勢の変化等を勘案し、この法律による改正後の株式等の取引に係る決済制度について検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を講ずるものとする。

**Article 137** When five years have passed since after this Act comes into effect, the government shall review the settlement system for transactions of Shares, etc. after the revision by this Act by taking into account the state of implementation of provisions revised by this Act, changes in the socioeconomic conditions and other relevant factors, and shall, when it finds it necessary, take necessary measures based on the findings of the review.

附 則 〔平成十六年六月九日法律第九十七号〕 〔抄〕

**Supplementary Provisions [Act No. 97 of June 9, 2004] [Extract]**

(施行期日)

(Effective Date)

第一条 この法律は、平成十七年四月一日（以下「施行日」という。）から施行する。ただし、次の各号に掲げる規定は、当該各号に定める日から施行する。

Article 1 This Act shall come into effect as from April 1, 2005 (hereinafter referred to as the "Effective Date"); provided, however, that the provisions listed in the following items shall come into effect as from the date prescribed respectively in those items.

一 第一条中証券取引法第三十三条の三、第六十四条の二第一項第二号及び第六十四条の七第五項の改正規定、同法第六十五条の二第五項の改正規定（「及び第七号」を「、第七号及び第十二号」に改める部分に限る。）並びに同法第百四十四条、第百六十三条第二項並びに第二百七条第一項第一号及び第二項の改正規定、第二条中外国証券業者に関する法律（以下この条において「外国証券業者法」という。）第三十六条第二項の改正規定、第四条中投資信託及び投資法人に関する法律（以下この条において「投資信託法」という。）第十条の五の改正規定、第六条中有価証券に係る投資顧問業の規制等に関する法律（以下この条において「投資顧問業法」という。）第二十九条の三の改正規定、第十一条及び第十二条の規定、第十三条中中小企業等協同組合法第九条の八第六項第一号に次のように加える改正規定並びに第十四条から第十九条までの規定 この法律の公布の日

(i) The provisions in Article 1 which revise Articles 33-3, 64-2(1)(ii) and 64-7(5) of the Securities and Exchange Act, Article 65-2(5) (limited to the part which is to revise the term "and (vii)" to ", (vii) and (xii)") of that Act and Articles 144, 163(2) and 207(1)(i) and (2) of that Act, the provision in Article 2 which is to revise Article 36(2) of the Act on Foreign Securities Brokers (hereinafter referred to as the "Foreign Brokers Act" in this Article), the provisions in Article 4 which revise Article 10-5 of the Act on Investment Trust and Investment Corporations (hereinafter referred to as the "Investment Trust Act" in this Article), the provisions in Article 6 which revise Article 29-3 of the Act on Regulation, etc. on Investment Advisory Business Pertaining to Securities (hereinafter referred to as the "Investment Advisory Business Act" in this Article), the provisions of Articles 11 and 12, the provisions in Article 13 which revise Article 9-8(6)(i) of the Small and Medium Sized Enterprise, etc., Cooperatives Act by adding as described below, and the provisions of Articles 14 to 19 inclusive: the day of promulgation of this Act

(罰則の適用に関する経過措置)

(Transitional Measures Concerning Application of Penal Provisions)

第二十二条 この法律（附則第一条各号に掲げる規定については、当該規定。以下この条において同じ。）の施行前にした行為及び附則第三条の規定によりなお従前の例によることとされる場合におけるこの法律の施行後にした行為に対する罰則の適用につ

いては、なお従前の例による。

**Article 22** With regard to the application of penal provisions to acts committed before this Act comes into effect (with regard to the provisions listed in each item of Article 1 of these Supplementary Provisions, before those provisions come into effect; hereinafter the same shall apply in this Article) and acts committed after this Act comes into effect in the case where the provisions then in force shall remain applicable under Article 3 of these Supplementary Provisions, the provisions then in force shall remain applicable.

(その他の経過措置の政令への委任)

(Delegation of Other Transitional Measures to Cabinet Order)

第二十三条 この附則に規定するもののほか、この法律の施行に伴い必要な経過措置は、政令で定める。

**Article 23** In addition to what is provided for in these Supplementary Provisions, transitional measures necessary for the implementation of this Act shall be specified by a Cabinet Order.

(検討)

(Review)

第二十四条 政府は、この法律の施行後五年を経過した場合において、この法律による改正後の規定の実施状況、社会経済情勢の変化等を勘案し、この法律による改正後の金融諸制度について検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を講ずるものとする。

**Article 24** When five years have passed since after this Act comes into effect, the government shall review financial systems after the revision by this Act by taking into account the state of implementation of provisions revised by this Act, changes in the socioeconomic conditions and other relevant factors, and shall, when it finds it necessary, take necessary measures based on the findings of the review.

附 則 〔平成十六年十二月三日法律第百五十四号〕 〔抄〕

**Supplementary Provisions [Act No. 154 of December 3, 2004] [Extract]**

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して六月を超えない範囲内において政令で定める日（以下「施行日」という。）から施行する。

**Article 1** This Act shall come into effect as from the date specified by a Cabinet Order within a period not exceeding six months from the day of promulgation (hereinafter referred to as the "Effective Date").

(処分等の効力)

(Effect of Dispositions, etc.)

第二百十一条 この法律の施行前のそれぞれの法律（これに基づく命令を含む。以下この条において同じ。）の規定によってした処分、手続その他の行為であつて、改正後のそれぞれの法律の規定に相当の規定があるものは、この附則に別段の定めがあるものを除き、改正後のそれぞれの法律の相当の規定によってしたものとみなす。

Article 121 Dispositions given or procedures made or other acts performed before this Act comes into effect under the provisions of respective Acts before the revision by this Act (including orders issued thereunder; hereinafter the same shall apply in this Article), for which the corresponding provisions exist in the provisions of the respective Acts after the revision by this Act, shall be deemed to have been given, made or performed under the corresponding provisions of the respective Acts after the revision, except as otherwise provided by these Supplementary Provisions.

(罰則に関する経過措置)

(Transitional Measures Concerning Penal Provisions)

第二百十二条 この法律の施行前にした行為並びにこの附則の規定によりなお従前の例によることとされる場合及びこの附則の規定によりなおその効力を有することとされる場合におけるこの法律の施行後にした行為に対する罰則の適用については、なお従前の例による。

Article 122 With regard to the application of penal provisions to acts committed before this Act comes into effect and acts committed after this Act comes into effect in the case where the provisions then in force shall remain applicable to those acts under the provision of these Supplementary Provisions or where the provisions relevant to those acts shall remain in force under the provision of these Supplementary Provisions, the provisions then in force shall remain applicable.

(その他の経過措置の政令への委任)

(Delegation of Other Transitional Measures to Cabinet Order)

第二百十三条 この附則に規定するもののほか、この法律の施行に伴い必要な経過措置は、政令で定める。

Article 123 In addition to what is provided for in these Supplementary Provisions, transitional measures necessary for the implementation of this Act shall be specified by a Cabinet Order.

(検討)

(Review)

第二百十四条 政府は、この法律の施行後三年以内に、この法律の施行の状況について検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を講ずるも

のとする。

Article 124 Within three years after this Act comes into effect, the government shall review the state of implementation of this Act, and shall, when it finds it necessary, take necessary measures based on the findings of the review.

附 則 〔平成十六年十二月八日法律第百五十九号〕 〔抄〕

**Supplementary Provisions [Act No. 159 of December 8, 2004] [Extract]**

(施行期日)

(Effective Date)

第一条 この法律は、平成十七年七月一日から施行する。

Article 1 This Act shall come into effect as from July 1, 2005.

附 則 〔平成十七年五月二日法律第三十八号〕 〔抄〕

**Supplementary Provisions [Act No. 38 of May 2, 2005] [Extract]**

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して一年を超えない範囲内において政令で定める日（以下「施行日」という。）から施行する。

Article 1 This Act shall come into effect as from the date specified by a Cabinet Order within a period not exceeding one year from the day of promulgation (hereinafter referred to as the "Effective Date").

(内閣府令への委任)

(Delegation to Cabinet Office Ordinance)

第三十四条 この附則に定めるもののほか、この附則の規定による認可又は承認に関する申請の手續、書類の提出その他この法律を実施するため必要な事項は、内閣府令で定める。

Article 34 In addition to what is provided for in these Supplementary Provisions, application procedures for authorization or approval and submission of documents under these Supplementary Provisions and other matters necessary for the implementation of this Act shall be specified by a Cabinet Order.

(罰則に関する経過措置)

(Transitional Measures Concerning Penal Provisions)

第三十五条 この法律の施行前にした行為及びこの附則の規定によりなお従前の例によることとされる場合におけるこの法律の施行後にした行為に対する罰則の適用については、なお従前の例による。

Article 35 With regard to the application of penal provisions to acts committed before this Act comes into effect and acts committed after this Act comes into

effect in the case where the provisions then in force shall remain applicable under the preceding paragraph, the provisions in force before this Act comes into effect shall remain applicable.

(権限の委任)

(Delegation of Authority)

第三十六条 内閣総理大臣は、この附則による権限（政令で定めるものを除く。）を金融庁長官に委任する。

Article 36 (1) The Prime Minister shall delegate his/her authority under these Supplementary Provisions (excluding that specified by a Cabinet Order) to the Commissioner of the Financial Services Agency.

2 前項の規定により金融庁長官に委任された権限については、政令で定めるところにより、その一部を財務局長又は財務支局長に委任することができる。

(2) The Commissioner of the Financial Services Agency may, pursuant to the provisions of a Cabinet Order, delegate part of the authority that has been delegated under the provisions of the preceding paragraph to the Directors-General of Local Finance Bureaus or Local Finance Branch Bureaus.

(政令への委任)

(Delegation to Cabinet Order)

第三十七条 この附則に定めるもののほか、この法律の施行に関し必要な経過措置は、政令で定める。

Article 37 In addition to what is provided for in these Supplementary Provisions, transitional measures necessary for the implementation of this Act shall be specified by a Cabinet Order.

(検討)

(Review)

第三十八条 政府は、この法律の施行後三年以内に、生命保険契約者保護機構に対する政府の補助及び生命保険契約者保護機構による資金援助等の保険契約者等の保護のための特別の措置等に係る制度等の実施状況、生命保険契約者保護機構の財務の状況、保険会社の経営の健全性の状況等を勘案し、生命保険契約者保護機構の資金援助等に要する費用に係る負担の在り方、政府の補助に係る規定の継続の必要性等について検討を行い、適切な見直しを行うものとする。

Article 38 (1) Within three years after this Act comes into effect, the government shall examine what is the most desirable way for bearing costs required for financial assistance or other assistance provided by the Life Insurance Policyholders Protection Corporation, whether or not it is necessary for governmental assistance to the Life Insurance Policyholders Protection Corporation based on the legal provisions to be continued and other relevant factors by taking into account the state of implementation of systems, etc.

pertaining to special measures for protection of insurance policy holder, etc. including governmental assistance provided to the Life Insurance Policyholders Protection Corporation and financial assistance or other assistance provided by the Life Insurance Policyholders Protection Corporation, the financial status of the Life Insurance Policyholders Protection Corporation, the state of soundness of management of Insurance Companies and other relevant factors, and make appropriate revisions.

2 政府は、この法律の施行後五年以内に、再保険を保険会社に付して行う業務その他の少額短期保険業者の業務の状況、保険会社が引き受ける保険の多様化の状況、経済社会情勢の変化等を勘案し、この法律に規定する保険業に係る制度について検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を講ずるものとする。

(2) Within five years after this Act comes into effect, the government shall review systems for Insurance Business provided for in this Act by taking into account the state of business of small amount and short term insurance providers including their business conducted by obtaining reinsurance from Insurance Companies, the state of diversification of insurances underwritten by Insurance Companies, changes in the socioeconomic conditions and other relevant factors, and shall, when it finds it necessary, take necessary measures based on the findings of the review.

附 則 〔平成十七年七月二十六日法律第八十七号〕 〔抄〕

**Supplementary Provisions [Act No. 87 of July 26, 2005] [Extract]**

この法律は、会社法の施行の日から施行する。

This Act shall come into effect as from the day when the Companies Act comes into effect.

附 則 〔平成十七年十一月二日法律第百六号〕 〔抄〕

**Supplementary Provisions [Act No. 106 of November 2, 2005] [Extract]**

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して一年を超えない範囲内において政令で定める日（以下「施行日」という。）から施行する。ただし、次の各号に掲げる規定は、当該各号に定める日から施行する。

Article 1 This Act shall come into effect as from the date specified by a Cabinet Order within a period not exceeding one year from the day of promulgation (hereinafter referred to as the "Effective Date"); provided, however, that the provisions listed in the following items shall come into effect as from the date prescribed respectively in those items:

一 第十一条の規定 公布の日



(i) The provision of Article 11: The day of promulgation

(銀行法等の一部改正に伴う経過措置)

**(Transitional Measures for Partial Revision of the Banking Act and Other Acts)**

第二条 この法律の施行の際現に第一条の規定による改正後の銀行法（以下「新銀行法」という。）第二条第十四項に規定する銀行代理業（以下「銀行代理業」という。）を営んでいる者（次条第一項の規定により施行日において新銀行法第五十二条の三十六第一項の許可を受けたものとみなされた者を除く。）は、施行日から起算して三月間（当該期間内に新銀行法第五十二条の三十六第一項の許可に係る申請について不許可の処分があったとき、又は次項の規定により読み替えて適用する新銀行法第五十二条の五十六第一項の規定により銀行代理業の廃止を命じられたときは、当該処分の日又は当該廃止を命じられた日までの間）は、新銀行法第五十二条の三十六第一項の規定にかかわらず、引き続き銀行代理業を営むことができる。その者がその期間内に同項の許可の申請をした場合において、その期間を経過したときは、その申請について許可又は不許可の処分があるまでの間も、同様とする。

Article 2 (1) A person who has engaged in Bank Agency Service as defined by Article 2(14) of the Banking Act after the revision (hereinafter referred to as the "New Banking Act") by Article 1 (hereinafter referred to as the "Bank Agency Service") at the time when this Act comes into effect (excluding a person who is deemed to obtain a permission under Article 52-36(1) of the New Banking Act on Effective Date under the provisions of paragraph (1) of the following Article of the Supplementary Provisions) may continue to engage in Bank Agency Service within three months from the Effective Date (or, in the case where a disposition of disapproving the application for permission referred to in Article 52-36(1) of the New Banking Act or where abolition of Banking Business is ordered under Article 52-56(1) of the New Banking Act as applied by replacing certain terms under the provision of the following paragraph, until the day on which that disposition or order of the abolition is given), notwithstanding the provision of Article 52-36(1) of the New Banking Act. In the cases where said person filed an application for permission referred to in Article 52-36(1) of the New Banking Act during said period, even after said period has elapsed, the same shall apply until the disposition of granting or disapproving permission is given.

2 前項の規定により引き続き銀行代理業を営む場合においては、その者を銀行代理業者（新銀行法第二条第十五項に規定する銀行代理業者をいう。以下同じ。）とみなして、新銀行法第十三条の二、第二十四条、第二十五条、第三十八条、第四十八条、第五十二条の三十六第二項及び第三項、第五十二条の三十九から第五十二条の四十一まで、第五十二条の四十三から第五十二条の五十六まで、第五十二条の五十八から第五十二条の六十まで、第五十三条第四項、第五十六条（第十一号に係る部分に限る。）並びに第五十七条の四第二項の規定並びにこれらの規定に係る新銀行法第九章の規定を適用する。この場合において、新銀行法第五十二条の五十六第一項中「次の各号の

いずれか」とあるのは「第四号又は第五号」と、「第五十二条の三十六第一項の許可を取り消し」とあるのは「銀行代理業の廃止を命じ」とする。

(2) In the case where a person continues to engage in Bank Agency Service under the preceding paragraph, the provisions of Articles 13-2, 24, 25, 38, 48, 52-36(2) and (3), 52-39 to 52-41 inclusive, 52-43 to 56 inclusive, 52-58 to 52-60 inclusive, 53(4), 56 (limited to the part pertaining to item (xi)) and 57-4(2) of the New Banking Act and the provisions of Chapter IX of the New Banking Act pertaining to these provisions shall apply by deeming the person as a Bank Agent (meaning a Bank Agent as defined by Article 2(15) of the New Banking Act; the same shall apply hereinafter). In this case, the terms "in the following items" and "rescind the permission granted to the Bank Agent under Article 52-36(1)" in Article 52-56(1) of the New Banking Act shall be deemed to be replaced with "item (iv) or (v) below" and "order the Bank Agent to abolish his/her Bank Agency Service," respectively.

第三条 この法律の施行の際現に第一条の規定による改正前の銀行法（以下「旧銀行法」という。）第八条第一項の規定により設置された代理店において銀行代理業を営む者（新銀行法第五十二条の六十一第一項に規定する銀行等を除く。）は、施行日において新銀行法第五十二条の三十六第一項の許可を受けたものとみなして新銀行法の規定を適用する。

Article 3 (1) With regard to a person (excluding a Bank, etc. as defined by Article 52-61(1) of the New Banking Act) who has engaged in Bank Agency Service at an agency established under Article 8(1) of the Banking Act before the revision by Article 1 (hereinafter referred to as the "Former Banking Act") at the time when this Act comes into effect, the provisions of the New Banking Act shall apply by deeming said person to have obtained a permission under Article 52-36(1) of the New Banking Act on the Effective Date.

2 前項の規定により許可を受けたものとみなされる者は、施行日から起算して三月以内に新銀行法第五十二条の三十七第一項各号に掲げる事項を記載した書類及び同条第二項各号に掲げる書類を内閣総理大臣に提出しなければならない。

(2) A person who is deemed to have obtained the permission under the preceding paragraph shall submit the documents stating the matters listed in each item of Article 52-37(1) of the New Banking Act and the documents listed in each item of Article 52-37(2) of the New Banking Act to the Prime Minister by the day on which three months have elapsed from the Effective Date.

3 第一項の規定により許可を受けたものとみなされる者については、新銀行法第五十二条の三十九の規定は、同項の規定にかかわらず、当該許可を受けたものとみなされる者が前項の規定により同項に規定する書類を提出するまでの間は、適用しない。

(3) With regard to a person who is deemed to have obtained the permission under paragraph (1), the provision of Article 52-39 of the New Banking Act shall not apply until the person who is deemed to have obtained the permission submits

under the preceding paragraph the documents referred to in the preceding paragraph, notwithstanding the provision of paragraph (1).

4 この法律の施行の際現に旧銀行法第八条第一項の規定により設置された代理店において銀行代理業を営む者（新銀行法第五十二条の六十一第一項に規定する銀行等に限る。次項において「銀行代理業を営む銀行等」という。）に対する新銀行法第五十二条の六十一第三項の規定の適用については、同項中「銀行代理業を営もうとするときは」とあるのは、「銀行法等の一部を改正する法律（平成十七年法律第百六号）の施行の日から起算して三月以内に」とする。

(4) With regard to application of Article 52-61(3) of the New Banking Act to a person who has engaged in Bank Agency Service at an agency established under Article 8(1) of the Former Banking Act at the time when this Act comes into effect (limited to a Bank, etc. as defined by Article 52-61(1) of the New Banking Act; referred to as "Bank, etc. Engaging in Bank Agency Service" in the following paragraph), the phrase "When a Bank, etc. intends to operate Bank Agency Service, it" in Article 52-61(3) of the New Banking Act shall be deemed to be replaced with "Within three months from the day on which the Act for Partial Revision of the Banking Act, etc. (Act No. 106 of 2005) comes into effect, the Bank, etc."

5 銀行代理業を営む銀行等については、新銀行法第五十二条の三十九の規定は、新銀行法第五十二条の六十一第二項の規定にかかわらず、前項の規定により読み替えて適用する同条第三項の規定による届出をするまでの間は、適用しない。

(5) Notwithstanding the provision of Article 52-61(2) of the New Banking Act, the provision of Article 52-39 of the New Banking Act shall not apply to a Bank, etc., Engaging in Bank Agency Service until the Bank, etc., Engaging in Bank Agency Service submits documents referred to in Article 52-61(3) of the New Banking Act as applied by replacing certain terms under the provision under the preceding paragraph.

第四条 銀行（新銀行法第二条第一項に規定する銀行をいう。以下同じ。）又は長期信用銀行（第二条の規定による改正後の長期信用銀行法（以下「新長期信用銀行法」という。）第二条に規定する長期信用銀行をいう。以下同じ。）の支店その他の営業所又は代理店の設置又は廃止に関する新銀行法第八条第一項（新長期信用銀行法第十七条において準用する場合を含む。）の規定は、施行日以後における設置又は廃止について適用し、施行日前における設置又は廃止については、なお従前の例による。

Article 4 With regard to establishment or abolishment of a branch office or other business office, or an agency by a Bank (meaning a Bank as defined by Article 2(1) of the New Banking Act; the same shall apply hereinafter) or Long-Term Credit Bank (meaning a Long-Term Credit Bank as defined by Article 2 of the Long-Term Credit Bank Act before the revision by Article 2 (hereinafter referred to as the "New Long-Term Credit Bank Act"); the same shall apply hereinafter), Article 8(1) of the New Banking Act (including Cases where it is

applied mutatis mutandis pursuant to Article 17 of the New Long-Term Credit Bank Act) shall apply to establishment or abolishment made on or after the Effective Date, and the provisions then in force shall remain applicable to establishment or abolishment made before the Effective Date.

第五条 銀行又は長期信用銀行の外国における支店その他の営業所又は代理店の設置又は廃止に関する新銀行法第八条第二項（新長期信用銀行法第十七条において準用する場合を含む。）の規定は、施行日以後における設置又は廃止について適用し、施行日前における設置又は廃止については、なお従前の例による。

Article 5 With regard to establishment or abolishment of a branch office or other business office, or an agency in a foreign state by a Bank or Long-Term Credit Bank, Article 8(2) of the New Banking Act (including Cases where it is applied mutatis mutandis pursuant to Article 17 of the New Long-Term Credit Bank Act) shall apply to establishment or abolishment made on or after the Effective Date, and the provisions then in force shall remain applicable to establishment or abolishment made before the Effective Date.

第六条 新銀行法第八条第三項（新長期信用銀行法第十七条において準用する場合を含む。）の規定は、施行日以後に締結する外国における業務の委託契約について適用する。

Article 6 The provision of Article 8(3) of the New Banking Act (including Cases where it is applied mutatis mutandis pursuant to Article 17 of the New Long-Term Credit Bank Act) shall apply to a contract for entrustment of business in a foreign state entered into on or after the Effective Date.

第七条 新銀行法第十三条の二（新長期信用銀行法第十七条、第三条の規定による改正後の信用金庫法（以下「新信用金庫法」という。）第八十九条第一項、第四条の規定による改正後の労働金庫法（以下「新労働金庫法」という。）第九十四条第一項及び第六条の規定による改正後の協同組合による金融事業に関する法律（以下「新協金法」という。）第六条第一項において準用する場合を含む。）の規定は、銀行等（銀行、長期信用銀行、信用金庫若しくは信用金庫連合会、労働金庫若しくは労働金庫連合会又は信用協同組合若しくは信用協同組合連合会（新協金法第二条第一項に規定する信用協同組合連合会をいう。）をいう。以下この条及び次条第二項において同じ。）の施行日以後にする取引又は行為について適用し、銀行等の施行日前にした取引又は行為については、なお従前の例による。

Article 7 The provision of Article 13-2 of the New Banking Act (including Cases where it is applied mutatis mutandis pursuant to Article 17 of the New Long-Term Credit Bank Act, Article 89(1) of the Shinkin Bank Act after the revision by Article 3 (hereinafter referred to as the "New Shinkin Bank Act"), Article 94(1) of the Labor Bank Act after the revision by Article 4 (hereinafter referred to as the "New Labor Bank Act") and Article 6(1) of the Act on Financial

Businesses by Cooperative after the revision by Article 6 (hereinafter referred to as the "New Act on Financial Businesses by Cooperative")) shall apply to a transaction or act conducted by a Bank, etc. (meaning a Bank, Long-Term Credit Bank, Shinkin Bank or federation of Shinkin Banks, labor bank or federation of labor banks, or credit cooperative or Federation of Credit Cooperatives (meaning Federation of Credit Cooperatives as defined by Article 2(1) of the New Act on Financial Businesses by Cooperative); the same shall apply hereinafter in this Article and paragraph (2) of the following Article) on or after the Effective Date, and the provisions then in force shall remain applicable to a transaction or act conducted by a Bank, etc. before the Effective Date.

第八条 新銀行法第二十条、第五十二条の二十八及び第五十二条の二十九（これらの規定を新長期信用銀行法第十七条において準用する場合を含む。）の規定は、銀行若しくは長期信用銀行又は銀行持株会社（新銀行法第二条第十三項に規定する銀行持株会社をいう。以下この項及び次条第三項において同じ。）若しくは長期信用銀行持株会社（新長期信用銀行法第十六条の四第一項に規定する長期信用銀行持株会社をいう。以下この項及び次条第三項において同じ。）の施行日以後に開始する営業年度に係るこれらの規定に規定する書類について適用し、銀行若しくは長期信用銀行又は銀行持株会社若しくは長期信用銀行持株会社の施行日前に開始した営業年度に係るこれらの書類については、なお従前の例による。

Article 8 (1) The provisions of Article 20, 52-28 and 52-29 of the New Banking Act (including cases where it is applied mutatis mutandis pursuant to Article 17 of the New Long-Term Credit Bank Act) shall apply to documents referred to in those provisions pertaining to the fiscal year of a Bank or Long-Term Credit Bank, or a Bank Holding Company (meaning a Bank Holding Company as defined by Article 2(13) of the New Banking Act; hereinafter the same shall apply in this paragraph and paragraph (3) of the following Article) or Long-Term Credit Bank Holding Company (meaning a Long-Term Credit Bank Holding Company as defined by Article 16-4(1) of the Long-Term Credit Bank Act; hereinafter the same shall apply in this paragraph and paragraph (3) of the following Article) starting on or after the Effective Date, and the provisions then in force shall remain applicable to those documents pertaining to the fiscal year of a Bank or Long-Term Credit Bank, or a Bank Holding Company or Long-Term Credit Bank Holding Company starting after the Effective Date.

2 新銀行法第二十一条第一項及び第二項（新長期信用銀行法第十七条、新信用金庫法第八十九条第一項、新労働金庫法第九十四条第一項及び新協金法第六条第一項において準用する場合を含む。）の規定は、施行日以後に開始する銀行等の営業年度又は事業年度に係るこれらの規定に規定する書類について適用し、施行日前に開始した銀行等の営業年度又は事業年度に係るこれらの書類については、なお従前の例による。

(2) The provisions of Article 21(1) and (2) of the New Banking Act (including

Cases where it is applied mutatis mutandis pursuant to Article 17 of the New Long-Term Credit Bank Act, Article 89(1) of the New Shinkin Bank Act, Article 94(1) of the New Labor Bank Act and Article 6(1) of the New Act on Financial Businesses by Cooperative) shall apply to documents referred to in those provisions pertaining to the fiscal year or Business Year of a Bank, etc. starting on or after the Effective Date, and the provisions then in force shall remain applicable to those documents pertaining to the fiscal year or Business Year of a Bank, etc. starting after the Effective Date.

第九条 新銀行法第五十二条の四十三及び第五十二条の四十四（これらの規定を新長期信用銀行法第十七条、新信用金庫法第八十九条第三項、新労働金庫法第九十四条第三項及び新協金法第六条の五第一項において準用する場合を含む。）の規定は、施行日以後に行われる新銀行法第二条第十四項に規定する行為（新長期信用銀行法第十六条の五第二項、新信用金庫法第八十五条の二第二項、新労働金庫法第八十九条の三第二項及び新協金法第六条の三第二項に規定する行為を含む。）について適用する。

Article 9 (1) The provisions of Articles 52-43 and 52-44 of the New Banking Act (including cases where it is applied mutatis mutandis pursuant to Article 17 of the New Long-Term Credit Bank Act, Article 89(3) of the New Shinkin Bank Act, Article 94(3) of the New Labor Bank Act and Article 6-5(1) of the New Act on Financial Businesses by Cooperative) shall apply to acts specified in Article 2(14) of the New Banking Act (including cases where acts specified in Article 16-5(2) of the New Long-Term Credit Bank Act, Article 85-2(2) of the New Shinkin Bank Act, Article 89-3(2) of the New Labor Bank Act and Article 6-3(2) of the New Act on Financial Businesses by Cooperative) performed on or after the Effective Date.

2 新銀行法第五十二条の五十（新長期信用銀行法第十七条、新信用金庫法第八十九条第三項、新労働金庫法第九十四条第三項及び新協金法第六条の五第一項において準用する場合を含む。以下この項において同じ。）の規定は、施行日以後に開始する銀行代理業者、長期信用銀行代理業者（新長期信用銀行法第十六条の五第三項に規定する長期信用銀行代理業者をいう。以下同じ。）、信用金庫代理業者（新信用金庫法第八十五条の二第三項に規定する信用金庫代理業者をいう。以下同じ。）、労働金庫代理業者（新労働金庫法第八十九条の三第三項に規定する労働金庫代理業者をいう。以下同じ。）又は信用協同組合代理業者（新協金法第六条の三第三項に規定する信用協同組合代理業者をいう。以下同じ。）の営業年度又は事業年度に係る新銀行法第五十二条の五十第一項に規定する報告書について適用する。

(2) The provisions of Articles 52-50 of the New Banking Act (including cases where it is applied mutatis mutandis pursuant to Article 17 of the New Long-Term Credit Bank Act, Article 89(3) of the New Shinkin Bank Act, Article 94(3) of the New Labor Bank Act and Article 6-5(1) of the New Act on Financial Businesses by Cooperative; hereinafter the same shall apply in this paragraph) shall apply to a report referred to in Article 52-50(1) of the New Banking Act

pertaining to the fiscal year or Business Year of a Bank Agent, Long-Term Credit Bank Agent (meaning a Long-Term Credit Bank Agent as defined by Article 16-5(3) of the New Long-Term Credit Bank Act; the same shall apply hereinafter), Shinkin Bank Agent (meaning a Shinkin Bank Agent as defined by Article 85-2(3) of the New Shinkin Bank Act; the same shall apply hereinafter), Labor Bank Agent (meaning a Labor Bank Agent as defined by Article 89-3(3) of the New Labor Bank Act; the same shall apply hereinafter) or Credit Cooperative Agent (meaning a Credit Cooperative Agent as defined by Article 6-3(3) of the New Act on Financial Businesses by Cooperative; the same shall apply hereinafter) starting on or after the Effective Date.

3 新銀行法第五十二条の五十一（新長期信用銀行法第十七条、新信用金庫法第八十九条第三項、新労働金庫法第九十四条第三項及び新協金法第六条の五第一項において準用する場合を含む。以下この項において同じ。）の規定は、施行日以後に開始する所属銀行（新銀行法第二条第十六項に規定する所属銀行をいう。）、所属長期信用銀行（新長期信用銀行法第十六条の五第三項に規定する所属長期信用銀行をいう。）、所属信用金庫（新信用金庫法第八十五条の二第三項に規定する所属信用金庫をいう。）、所属労働金庫（新労働金庫法第八十九条の三第三項に規定する所属労働金庫をいう。）若しくは所属信用協同組合（新協金法第六条の三第三項に規定する所属信用協同組合をいう。）又は銀行持株会社若しくは長期信用銀行持株会社の営業年度又は事業年度に係る新銀行法第五十二条の五十一第一項に規定する書類について適用する。

(3) The provision of Articles 52-51 of the New Banking Act (including cases where it is applied mutatis mutandis pursuant to Article 17 of the New Long-Term Credit Bank Act, Article 89(3) of the New Shinkin Bank Act, Article 94(3) of the New Labor Bank Act and Article 6-5(1) of the New Act on Financial Businesses by Cooperative; hereinafter the same shall apply in this paragraph) shall apply to documents referred to in Article 52-51(1) of the New Banking Act pertaining to the fiscal year or Business Year of an Principal Bank (meaning an Principal Bank as defined by Article 2(16) of the New Banking Act), Entrusting Long-Term Credit Bank (meaning an Entrusting Long-Term Credit Bank as defined by Article 16-5(3) of the New Long-Term Credit Bank Act), Entrusting Shinkin Bank (meaning a Entrusting Shinkin Bank as defined by Article 85-2(3) of the New Shinkin Bank Act), Entrusting Labor Bank (meaning an Entrusting Labor Bank as defined by Article 89-3(3) of the New Labor Bank Act) or Entrusting Credit Cooperative (meaning an Entrusting Credit Cooperative as defined by Article 6-3(3) of the New Act on Financial Businesses by Cooperative) starting on or after the Effective Date.

(処分等の効力)

(Effect of Dispositions, etc.)

第三十八条 この法律の施行前のそれぞれの法律（これに基づく命令を含む。以下この条において同じ。）の規定によってした処分、手続その他の行為であつて、改正後の

それぞれの法律の規定に相当の規定があるものは、この附則に別段の定めがあるものを除き、改正後のそれぞれの法律の相当の規定によってしたものとみなす。

**Article 38** Dispositions given or procedures made or other acts performed before this Act comes into effect under the provisions of respective Acts before the revision by this Act (including orders issued thereunder; hereinafter the same shall apply in this Article), for which the corresponding provisions exist in the provisions of the respective Acts after the revision by this Act, shall be deemed to have been given, made or performed under the corresponding provisions of the respective Acts after the revision, except as otherwise provided by these Supplementary Provisions.

(罰則の適用に関する経過措置)

(Transitional Measures Concerning Application of Penal Provisions)

第三十九条 この法律の施行前にした行為及びこの附則の規定によりなお従前の例によることとされる場合におけるこの法律の施行後にした行為に対する罰則の適用については、なお従前の例による。

**Article 39** With regard to the application of penal provisions to acts committed before this Act comes into effect and acts committed after this Act comes into effect the case where the provisions then in force shall remain applicable under the provisions of these Supplementary Provisions, the provisions in force before this Act comes into effect shall remain applicable.

(権限の委任)

(Delegation of Authority)

第四十条 内閣総理大臣は、この附則の規定による権限（政令で定めるものを除く。）を金融庁長官に委任する。

**Article 40** (1) The Prime Minister shall delegate his/her authority under these Supplementary Provisions (excluding that specified by a Cabinet Order) to the Commissioner of the Financial Services Agency.

2 前項の規定により金融庁長官に委任された権限並びにこの附則の規定による農林水産大臣及び厚生労働大臣の権限については、政令で定めるところにより、その一部を財務局長又は財務支局長（農林水産大臣及び厚生労働大臣にあっては、地方支分部局の長）に委任することができる。

(2) Part of the authority delegated to the Commissioner of the Financial Services Agency under the preceding paragraph and part of the authority delegated to the Minister of Agriculture, Forestry and Fisheries and the Minister of Health, Labour and Welfare under the provisions of these Supplementary Provisions may be delegated to the Directors-General of Local Finance Bureaus or Local Finance Branch Bureaus (or heads of local branch offices in the case of authorities delegated to the Minister of Agriculture, Forestry and Fisheries and the Minister of Health, Labour and Welfare), pursuant to the provisions of



a Cabinet Order.

(その他の経過措置の政令への委任)

(Delegation of Other Transitional Measures to Cabinet Order)

第四十一条 この附則に規定するもののほか、この法律の施行に伴い必要な経過措置は、政令で定める。

Article 41 In addition to what is provided for in these Supplementary Provisions, transitional measures necessary for the implementation of this Act shall be specified by a Cabinet Order.

(検討)

(Review)

第四十二条 政府は、この法律の施行後五年を経過した場合において、この法律による改正後の規定の実施状況、社会経済情勢の変化等を勘案し、この法律による改正後の金融諸制度について検討を行い、必要があると認めるときは、その結果に基づいて所要の措置を講ずるものとする。

Article 42 When five years have passed since after this Act comes into effect, the government shall review financial systems after the revision by this Act by taking into account the state of implementation of provisions revised by this Act, changes in the socioeconomic conditions and other relevant factors, and shall, when it finds it necessary, take necessary measures based on the findings of the review.

附 則 〔平成十八年六月十四日法律第六十五号〕 〔抄〕

Supplementary Provisions [Act No. 65 of June 14, 2006] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して一年六月を超えない範囲内において政令で定める日（以下「施行日」という。）から施行する。ただし、次の各号に掲げる規定は、当該各号に定める日から施行する。

Article 1 This Act shall come into effect as from the date specified by a Cabinet Order within a period not exceeding one year and six months from the day of promulgation (hereinafter referred to as the "Effective Date"); provided, however, that the provisions listed in the following items shall come into effect as from the date prescribed respectively in those items.

- 一 第一条の規定、第八条中農業協同組合法第三十条の四第二項第二号の改正規定（「第百九十七条第一項第一号から第四号まで若しくは第七号若しくは第二項、第百九十八条第一号から第十号まで、第十八号若しくは第十九号」を「第百九十七条、第百九十七条の二第一号から第十号まで若しくは第十三号、第百九十八条第八号」に改める部分に限る。）、第九条中水産業協同組合法第三十四条の四第二項第二号

の改正規定（「第百九十七条第一項第一号から第四号まで若しくは第七号若しくは第二項、第百九十八条第一号から第十号まで、第十八号若しくは第十九号」を「第百九十七条、第百九十七条の二第一号から第十号まで若しくは第十三号、第百九十八条第八号」に改める部分に限る。）、第十一条中協同組合による金融事業に関する法律第五条の四第四号の改正規定（「第百九十七条第一項第一号から第四号まで若しくは第七号若しくは第二項」を「第百九十七条」に、「第百九十八条第一号から第十号まで、第十八号若しくは第十九号（有価証券の無届募集等の罪）」を「第百九十七条の二第一号から第十号まで若しくは第十三号（有価証券の無届募集等の罪）、第百九十八条第八号（裁判所の禁止又は停止命令違反の罪）」に改める部分に限る。）、第十三条中信用金庫法第三十四条第四号の改正規定（「第百九十七条第一項第一号から第四号まで若しくは第七号若しくは第二項」を「第百九十七条」に、「第百九十八条第一号から第十号まで、第十八号若しくは第十九号（有価証券の無届募集等の罪）」を「第百九十七条の二第一号から第十号まで若しくは第十三号（有価証券の無届募集等の罪）、第百九十八条第八号（裁判所の禁止又は停止命令違反の罪）」に改める部分に限る。）、第十五条中労働金庫法第三十四条第四号の改正規定（「第百九十七条第一項第一号から第四号まで若しくは第七号若しくは第二項」を「第百九十七条」に、「第百九十八条第一号から第十号まで、第十八号若しくは第十九号（有価証券の無届募集等の罪）」を「第百九十七条の二第一号から第十号まで若しくは第十三号（有価証券の無届募集等の罪）、第百九十八条第八号（裁判所の禁止又は停止命令違反の罪）」に改める部分に限る。）、第十八条中保険業法第五十三条の二第一項第三号の改正規定（「第百九十七条第一項第一号から第四号まで若しくは第七号若しくは第二項」を「第百九十七条」に、「第百九十八条第一号から第十号まで、第十八号若しくは第十九号（有価証券の無届募集等の罪）」を「第百九十七条の二第一号から第十号まで若しくは第十三号（有価証券の無届募集等の罪）、第百九十八条第八号（裁判所の禁止又は停止命令違反の罪）」に改める部分に限る。）、第十九条中農林中央金庫法第二十四条の四第四号の改正規定（「第百九十七条第一項第一号から第四号まで若しくは第七号若しくは第二項、第百九十八条第一号から第十号まで、第十八号若しくは第十九号」を「第百九十七条、第百九十七条の二第一号から第十号まで若しくは第十三号、第百九十八条第八号」に改める部分に限る。）並びに附則第二条、第四条、第百八十二条第一項、第百八十四条第一項、第百八十七条第一項、第百九十条第一項、第百九十三条第一項、第百九十六条第一項及び第百九十八条第一項の規定 公布の日から起算して二十日を経過した日

- (i) The provisions of Article 1, the provision in Article 8 which is to revise Article 30-4(2)(ii) of the Agricultural Cooperatives Act (limited to the part revising the phrase "Article 197 (1)(i) to (iv) inclusive or (vii) or Article 197(2). Article 198(i) to (x) inclusive, (xviii) or (xix)" into "Article 197, 197-2(i) to (x) inclusive or (xiii) or Article 198(viii)"), the provision in Article 9 which is to revise Article 34-4(2)(ii) of the Fisheries Cooperatives Act (limited to the part revising the phrase "Article 197(1)(i) to (iv) inclusive or (vii) or Article 197(2), Article 198(i) to (x) inclusive, (xviii) or (xix)" into "Article 197,

197-2(i) to (x) inclusive or (xiii) or Article 198(viii)"), the provision in Article 11 which is to revise Article 5-4(4)(iv) of the Act on Financial Businesses by Cooperative (limited to the part revising the phrase "Article 197(1)(i) to (iv) inclusive or (vii) or Article 197(2)" into "Article 197" and the part revising "Article 198(i) to (x) inclusive, (xviii) or (xix) (Crimes of Offering Securities Without Notification, etc.)" into "197-2(i) to (x) inclusive or (xiii) (Crimes of Offering Securities Without Notification, etc.), Article 198(viii) (Crime of Breach of Prohibition Order or Order for Suspension Given by Court)"), the provision in Article 13 which is to revise Article 34(iv) of the Shinkin Bank Act (limited to the part revising the phrase "Article 197(1)(i) to (iv) inclusive or (vii) or Article 197(2)" into "Article 197" and the part revising "Article 198(i) to (x) inclusive, (xviii) or (xix) (Crimes of Offering Securities Without Notification, etc.)" into "197-2(i) to (x) inclusive or (xiii) (Crimes of Offering Securities Without Notification, etc.), Article 198(viii) (Crime of Breach of Prohibition Order or Order for Suspension Given by Court)"), the provision in Article 15 which is to revise Article 34(iv) of the Labor Bank Act (limited to the part revising the phrase "Article 197(1)(i) to (iv) inclusive or (vii) or Article 197(2)" into "Article 197" and the part revising "Article 198(i) to (x) inclusive, (xviii) or (xix) (Crimes of Offering Securities Without Notification, etc.)" into "197-2(i) to (x) inclusive or (xiii) (Crimes of Offering Securities Without Notification, etc.), Article 198(viii) (Crime of Breach of Prohibition Order or Order for Suspension Given by Court)"), the provision in Article 18 which is to revise Article 53-2(1)(iii) of the Insurance Business Act (limited to the part revising the phrase "Article 197(1)(i) to (iv) inclusive or (vii) or Article 197(2)" into "Article 197" and the part revising "Article 198(i) to (x) inclusive, (xviii) or (xix) (Crimes of Offering Securities Without Notification, etc.)" into "197-2(i) to (x) inclusive or (xiii) (Crimes of Offering Securities Without Notification, etc.), Article 198(viii) (Crime of Breach of Prohibition Order or Order for Suspension Given by Court)"), the provision in Article 19 which is to revise Article 24-4(iv) of the Norinchukin Bank Act (limited to the part revising the phrase "Article 197(1)(i) to (iv) inclusive or (vii) or Article 197(2). Article 198(i) to (x) inclusive, (xviii) or (xix)" into "Article 197, 197-2(i) to (x) inclusive or (xiii) or Article 198(viii)"), and the provisions of Articles 2, 4, 182(1), 184(1), 187(1), 190(1), 193(1), 196(1) and 198(1) of these Supplementary Provisions: The date on which twenty days from the day of promulgation have elapsed

二 附則第三条の規定 犯罪の国際化及び組織化並びに情報処理の高度化に対処するための刑法等の一部を改正する法律（平成十八年法律第 号）の施行の日又は前号に掲げる規定の施行の日のいずれか遅い日

(ii) The provision of Article 3 of these Supplementary Provisions: The day on which the Act for Partial Revision of the Penal Code to Respond to an

Increase in International and Organized Crimes and Advancement of Information Processing (Act No. of 2005) comes into effect or the day on which the provisions listed in the preceding item enter into effect, whichever is later

三 第二条の規定（証券取引法第二十七条の二十三の改正規定（「第二十七条の二十五第一項」の下に「及び第二十七条の二十六」を加える部分を除く。））、同法第二十七条の二十四の改正規定、同法第二十七条の二十五の改正規定、同法第二十七条の二十六の改正規定（「株券等の発行者である会社の事業活動を支配する」を「株券等の発行者の事業活動に重大な変更を加え、又は重大な影響を及ぼす行為として政令で定めるもの（第四項及び第五項において「重要提案行為等」という。）を行う」に改める部分及び同条に三項を加える部分を除く。））、同法第二十七条の二十七の改正規定及び同法第二十七条の三十の二の改正規定（「第二十七条の十第二項」を「第二十七条の十第八項及び第十二項」に改める部分及び「第二十七条の十第一項」の下に「若しくは第十一項」を加える部分を除く。）を除く。）並びに附則第七条、第八条及び第十二条の規定 公布の日から起算して六月を超えない範囲内において政令で定める日

(iii) The provisions of Article 2 (excluding the provisions which revise Article 27-23 of the Securities and Exchange Act (excluding the part adding "and Article 27-26" after "Article 27-25(1)"), the provisions which revise Article 27-24 of that Act, the provisions which revise Article 27-25 of that Act, the provisions which revise Article 27-26 of that Act (excluding the part which revises "controlling business activities of a company that is an issuer of said Shares, etc." into "performing an act which is specified in a Cabinet Order as an act of causing material alteration of or exerting material influences on business activities of an issuer of said Shares, etc. (referred to as an "Act of Making Important Suggestion, etc." in paragraph (4) and (5))" and the part which adds three paragraphs to that Article), the provisions which revise Article 27-27 of that Act and the provisions which revise Article 27-30-2 of that Act (excluding the part which is to revise "Article 27-10(2)" into "Article 27-10(8) and (12)" and the part which adds "or (11)" after "Article 27-10(1)")) and the provisions of Article 7, 8 and 12 of these Supplementary Provisions: the date specified by a Cabinet Order within a period not exceeding six months from the day of promulgation

四 第二条中証券取引法第二十七条の二十三の改正規定（「第二十七条の二十五第一項」の下に「及び第二十七条の二十六」を加える部分を除く。））、同法第二十七条の二十四の改正規定、同法第二十七条の二十五の改正規定、同法第二十七条の二十六の改正規定（「株券等の発行者である会社の事業活動を支配する」を「株券等の発行者の事業活動に重大な変更を加え、又は重大な影響を及ぼす行為として政令で定めるもの（第四項及び第五項において「重要提案行為等」という。）を行う」に改める部分及び同条に三項を加える部分を除く。））、同法第二十七条の二十七の改正規定及び同法第二十七条の三十の二の改正規定（「第二十七条の十第二項」を

「第二十七条の十第八項及び第十二項」に改める部分及び「第二十七条の十第一項」の下に「若しくは第十一項」を加える部分を除く。)並びに附則第九条から第十一条まで及び第十三条の規定 公布の日から起算して一年を超えない範囲内において政令で定める日

- (iv) The provisions in Article 2 which revise Article 27-23 of the Securities and Exchange Act (excluding the part adding "and Article 27-26" after "Article 27-25(1)"), to revise Article 27-24 of that Act, to revise Article 27-25 of that Act, to revise Article 27-26 of that Act (excluding the part which revises "controlling business activities of a company that is an issuer of said Shares, etc." into "performing an act which is specified in a Cabinet Order as an act of causing material alteration of or exerting material influences on business activities of an issuer of said Shares, etc. (referred to as an "Act of Making Important Suggestion, etc." in paragraph (4) and (5))" and the part which is to add paragraph (3) to that Article), to revise Article 27-27 of that Act and to revise Article 27-30-2 of that Act (excluding the part which is to revise "Article 27-10(2)" into "Article 27-10(8) and (12)" and the part which adds "or (11)" after "Article 27-10(1)")) and the provisions of Articles 9 to 11 inclusive and 13 of these Supplementary Provisions: The date specified by a Cabinet Order within a period not exceeding one year from the day of promulgation
- 五 第四条の規定 一般社団法人及び一般財団法人に関する法律（平成十八年法律第四十八号）の施行の日
- (v) The provision of Article 4: The day on which the Act on General Incorporated Association and General Incorporated Foundation (Act No. 48 of 2006) comes into effect

(銀行法の一部改正に伴う経過措置)

**(Transitional Measures for Partial Revision of the Banking Act)**

第百九十五条 銀行は、この法律の施行後最初に特定預金等契約（第十六条の規定による改正後の銀行法（以下この条において「新銀行法」という。）第十三条の四に規定する特定預金等契約をいう。）の申込みを顧客（新金融商品取引法第二条第三十一項第四号に掲げる者に限る。）から受けた場合であって、この法律の施行前に、当該顧客に対し、この法律の施行後に当該顧客が新銀行法第十三条の四において準用する新金融商品取引法第三十四条の二第一項の規定による申出ができる旨を新銀行法第十三条の四において準用する新金融商品取引法第三十四条の例により告知しているときには、当該顧客に対し、新銀行法第十三条の四において準用する新金融商品取引法第三十四条に規定する告知をしたものとみなす。

Article 195 Where a Bank receives an offer for a Contract for Specified Deposits, etc. (meaning a Contract for Specified Deposits, etc. as defined by Article 13-4 of the Banking Act after revision of Article 16 (hereinafter referred to as the "New Banking Act" in this Article)) from a customer (limited to a person referred to in Article 2(31)(iv) of the New Financial Instruments and Exchange

Act) for the first time since this Act comes into effect, if the Bank has notified the customer before this Act comes into effect and in accordance with Article 34 of the New Financial Instruments and Exchange Act as applied by Article 13-4 of the New Banking Act that the customer may make a request under Article 34-2(1) of the New Financial Instruments and Exchange Act as applied by Article 13-4 of the New Banking Act, the Bank shall be deemed to make a notification as required by Article 34-2(1) of the New Financial Instruments and Exchange Act as applied by Article 13-4 of the New Banking Act.

(権限の委任)

(Delegation of Authority)

第二百十六条 内閣総理大臣は、この附則の規定による権限（政令で定めるものを除く。）を金融庁長官に委任する。

Article 216 (1) The Prime Minister shall delegate his/her authority under these Supplementary Provisions (excluding that specified by a Cabinet Order) to the Commissioner of the Financial Services Agency.

2 前項の規定により金融庁長官に委任された権限については、政令で定めるところにより、その一部を財務局長又は財務支局長に委任することができる。

(2) The Commissioner of the Financial Services Agency may, pursuant to the provisions of a Cabinet Order, delegate part of the authority that has been delegated under the provisions of the preceding paragraph to the Directors-General of Local Finance Bureaus or Local Finance Branch Bureaus.

(処分等の効力)

(Effect of Dispositions, etc.)

第二百十七条 この法律の施行前にした旧証券取引法、旧投資信託法若しくは旧信託業法又はこれらに基づく命令の規定によつてした処分、手続その他の行為であつて、新金融商品取引法の規定に相当の規定があるものは、この附則に別段の定めがあるものを除き、新金融商品取引法の相当の規定によつてしたものとみなす。

Article 217 Dispositions given or procedures made or other acts performed before this Act comes into effect under the provisions of the Former Securities and Exchange Act, the Former Investment Trust Act or the Former Trust Business Act or an order issued thereunder, for which the corresponding provisions exist in the provisions of the New Financial Instruments and Exchange Act, shall be deemed to have been given, made or performed under the corresponding provisions of the New Financial Instruments and Exchange Act, except as otherwise provided by these Supplementary Provisions.

(罰則の適用に関する経過措置)

(Transitional Measures Concerning Application of Penal Provisions)

第二百十八条 この法律（附則第一条各号に掲げる規定にあつては、当該規定。以下こ

の条において同じ。)の施行前にした行為並びにこの附則の規定によりなお従前の例によることとされる場合及びなおその効力を有することとされる場合におけるこの法律の施行後にした行為に対する罰則の適用については、なお従前の例による。

**Article 218** With regard to the application of penal provisions to acts committed before this Act comes into effect (with regard to the provisions listed in each item of Article 1 of these Supplementary Provisions, before those provisions come into effect; hereinafter the same shall apply in this Article) and acts committed after this Act comes into effect in the case where the provisions then in force shall remain applicable to those acts under the provision of these Supplementary Provisions or where the provisions relevant to those acts shall remain in force under the provision of these Supplementary Provisions, the provisions then in force shall remain applicable.

(その他の経過措置の政令等への委任)

(Delegation of Other Transitional Measures to Cabinet Order)

第二百十九条 この附則に規定するもののほか、この法律の施行に関し必要な経過措置は、政令で定める。

**Article 219** (1) In addition to what is provided for in these Supplementary Provisions, transitional measures necessary for the implementation of this Act shall be specified by a Cabinet Order.

2 第三条の規定による証券取引法の一部改正に伴う登記に関する手続について必要な経過措置は、法務省令で定める。

(2) Transitional measures necessary for the procedures pertaining to registration required due to the partial provision of the Securities and Exchange Act made by Article 3 shall be specified by an Ordinance of the Ministry of Justice.

(検討)

(Review)

第二百二十条 政府は、この法律の施行後五年以内に、この法律の施行の状況について検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を講ずるものとする。

**Article 220** Within five years after this Act comes into effect, the government shall review the state of implementation of this Act, and shall, when it finds it necessary, take necessary measures based on the findings of the review.

附 則 〔平成十八年十二月十五日法律第百九号〕〔抄〕

**Supplementary Provisions [Act No. 109 of December 15, 2006] [Extract]**

この法律は、新信託法の施行の日から施行する。

This Act shall come into effect as from the day when the New Trust Act comes into effect.