商品取引所法

Commodity Exchange Act

（昭和二十五年八月五日法律第二百三十九号）

(Act No. 239 of August 5, 1950)

第一章　総則

Chapter I General Provisions

（目的）

(Purpose)

第一条　この法律は、商品取引所の組織、商品市場における取引の管理等について定め、その健全な運営を確保するとともに、商品市場における取引等の受託を行う者の業務の適正な運営を確保すること等により、商品の価格の形成及び売買その他の取引並びに商品市場における取引等の受託を公正にするとともに、商品の生産及び流通を円滑にし、もつて国民経済の適切な運営及び商品市場における取引等の委託者の保護に資することを目的とする。

Article 1 The purpose of this Act is to ensure fairness in the price formation, buying and selling and other transactions in connection with commodities and in the brokerage of Transactions on Commodity Markets, etc. and to facilitate the production and distribution of Commodities by securing the sound management of Commodity Exchanges, securing the proper management of the business of persons who broker Transactions on Commodity Markets, etc. and by achieving other conditions through making stipulations about the organization of Commodity Exchanges, management of Transactions on Commodity Markets and other matters, thereby contributing to the appropriate management of the national economy and to the protection of customers of Transactions on Commodity Markets, etc.

（定義）

(Definitions)

第二条　この法律において「商品取引所」とは、会員商品取引所及び株式会社商品取引所をいう。

Article 2 (1) The term "Commodity Exchange" as used in this Act shall mean a Member Commodity Exchange and an Incorporated Commodity Exchange.

２　この法律において「会員商品取引所」とは、商品又は商品指数について先物取引をするために必要な市場を開設することを主たる目的としてこの法律に基づいて設立された会員組織の社団をいう。

(2) The term "Member Commodity Exchange" as used in this Act shall mean an association with a membership system that has been established based on this Act with the main purpose of opening necessary markets for carrying out Futures Transactions of Commodities or Commodity Indices.

３　この法律において「株式会社商品取引所」とは、第七十八条の許可を受けて、商品又は商品指数について先物取引をするために必要な市場を開設する株式会社をいう。

(3) The term "Incorporated Commodity Exchange" as used in this Act shall mean a stock company that opens the necessary markets for carrying out Futures Transactions of Commodities or Commodity Indices by obtaining the license set forth in Article 78.

４　この法律において「商品」とは、次に掲げる物品をいう。

(4) The term "Commodity" as used in this Act shall mean the following goods:

一　農産物、林産物、畜産物及び水産物並びにこれらを原料又は材料として製造し、又は加工した物品のうち、飲食物であるもの及び政令で定めるその他のもの

(i) Agricultural products, forest products, livestock products, fishery products and goods manufactured or processed by using these products as ingredients or materials which are edible or potable, and other goods specified by a Cabinet Order

二　鉱業法（昭和二十五年法律第二百八十九号）第三条第一項に規定する鉱物その他政令で定める鉱物及びこれらを製錬し、又は精製することにより得られる物品

(ii) Minerals prescribed in Article 3, paragraph (1) of the Mining Act (Act No. 289 of 1950) and other minerals specified by a Cabinet Order, and goods obtained by smelting or refining these minerals

三　前二号に掲げるもののほか、国民経済上重要な原料又は材料であつて、その価格の変動が著しいために先物取引に類似する取引の対象とされる蓋然性が高いもの（先物取引又は先物取引に類似する取引の対象とされているものを含む。）として政令で定める物品

(iii) In addition to what is listed in the preceding two items, ingredients or materials important for the national economy which are specified by a Cabinet Order as goods that are highly likely to be made subject to transactions similar to Futures Transactions as a result of the extreme fluctuation of their prices (including those that are already made subject to Futures Transactions or transactions similar thereto)

５　この法律において「商品指数」とは、二以上の商品たる物品の価格の水準を総合的に表した数値をいう。

(5) The term "Commodity Index" as used in this Act shall mean a numerical value that comprehensively expresses the price level of two or more goods that are Commodities.

６　この法律において「上場商品」とは、商品取引所が一の商品市場で取引すべきものとして定款で定める一又は二以上の商品たる物品であつて、第九条若しくは第七十八条の許可又は第百五十五条第一項の認可に係るものをいう。

(6) The term "Listed Commodity" as used in this Act shall mean one or two or more goods that are Commodities which a Commodity Exchange specifies in its articles of incorporation as those which should be traded on a single Commodity Market and which pertain to the permission under Article 9, the license under Article 78 or the approval under Article 155, paragraph (1).

７　この法律において「上場商品指数」とは、商品取引所が一の商品市場でその商品指数に係る取引を行うべきものとして定款で定める一又は二以上の商品指数であつて、第九条若しくは第七十八条の許可又は第百五十五条第一項の認可に係るものをいう。

(7) The term "Listed Commodity Index" as used in this Act shall mean one or two or more Commodity Indices which a Commodity Exchange specifies in its articles of incorporation as being those where relevant transactions should be carried out on a single Commodity Market and which pertain to the permission under Article 9, the license under Article 78 or the approval under Article 155, paragraph (1).

８　この法律において「先物取引」とは、商品取引所の定める基準及び方法に従つて、商品市場において行われる次に掲げる取引をいう。

(8) The term "Futures Transactions" as used in this Act shall mean the following transactions carried out on a Commodity Market in accordance with the standards and methods specified by a Commodity Exchange:

一　当事者が将来の一定の時期において商品及びその対価の授受を約する売買取引であつて、当該売買の目的物となつている商品の転売又は買戻しをしたときは差金の授受によつて決済することができる取引

(i) Buying and selling transactions where parties agree to transfer between them a Commodity and the consideration therefor at a certain time in the future and where a resale or buy-in of the Commodity subject to said buying and selling can be settled by exchanging the difference

二　当事者が商品についてあらかじめ約定する価格（以下「約定価格」という。）と将来の一定の時期における現実の当該商品の価格の差に基づいて算出される金銭の授受を約する取引

(ii) Transactions where parties agree to transfer between them money calculated on the basis of the difference between the price of a Commodity agreed between the parties in advance (hereinafter referred to as the "Contract Price") and the actual price of said Commodity at a certain time in the future

三　当事者が商品指数についてあらかじめ約定する数値（以下「約定指数」という。）と将来の一定の時期における現実の当該商品指数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

(iii) Transactions where parties agree to transfer between them money calculated on the basis of the difference between the numerical value of a Commodity Index agreed between the parties in advance (hereinafter referred to as the "Contract Index") and the actual numerical value of said Commodity Index at a certain time in the future

四　当事者の一方の意思表示により当事者間において次に掲げる取引を成立させることができる権利（以下「オプション」という。）を相手方が当事者の一方に付与し、当事者の一方がこれに対して対価を支払うことを約する取引

(iv) Transactions where parties agree that, on the manifestation of intention by one of the parties, the counterparty grants said party a right to establish any of the following transactions between the parties (hereinafter referred to as an "Option") and said party pays the consideration therefor:

イ　第一号に掲げる取引

(a) Transactions set forth in item (i)

ロ　第二号に掲げる取引（これに準ずる取引で商品取引所の定めるものを含む。）

(b) Transactions set forth in item (ii) (including equivalent transactions that are specified by a Commodity Exchange)

ハ　前号に掲げる取引（これに準ずる取引で商品取引所の定めるものを含む。）

(c) Transactions set forth in the preceding item (including equivalent transactions that are specified by a Commodity Exchange)

９　この法律において「商品市場」とは、一種の上場商品又は上場商品指数ごとに、次の各号に掲げる区分に応じて当該各号に定める取引を行うために商品取引所が開設する市場をいう。

(9) The term "Commodity Market" as used in this Act shall mean a market that a Commodity Exchange has opened for each single kind of Listed Commodity or Listed Commodity Index in order to carry out the transactions prescribed in the following items for the categories set forth respectively in those items:

一　上場商品に係る商品市場　当該上場商品に係る前項第一号に掲げる取引又は同項第二号に掲げる取引

(i) Commodity Market pertaining to a Listed Commodity-Transactions set forth in item (i) of the preceding paragraph or transactions set forth in item (ii) of the same paragraph pertaining to said Listed Commodity

二　上場商品指数に係る商品市場　当該上場商品指数に係る前項第三号に掲げる取引

(ii) Commodity Market pertaining to a Listed Commodity Index-Transactions set forth in item (iii) of the preceding paragraph pertaining to said Listed Commodity Index

１０　この法律において「商品市場における取引」には、前項各号に定める取引のほか、商品取引所が、定款で定めるところにより、商品市場において次の各号に掲げる区分に応じ当該各号に定める取引をすることとしたものを含むものとする。

(10) The term "Transactions on a Commodity Market" as used in this Act shall include the transactions set forth in the respective items of the preceding paragraph as well as the transactions prescribed in the following items which a Commodity Exchange has decided to carry out for the categories of Commodity Markets set forth respectively in those items pursuant to the provisions of its articles of incorporation:

一　上場商品に係る商品市場　次に掲げる取引

(i) Commodity Market pertaining to a Listed Commodity-The following transactions:

イ　その対象となる物品が当該上場商品であるか又はこれに含まれる商品指数に係る第八項第三号に掲げる取引

(a) Transactions set forth in paragraph (8), item (iii) pertaining to a Commodity Index where the goods subject to the index are or include said Listed Commodity

ロ　当該上場商品に係る第八項第四号イ又はロに掲げる取引に係る同号に掲げる取引

(b) Transactions set forth in paragraph (8), item (iv) relating to the transactions set forth in (a) or (b) of the same item pertaining to said Listed Commodity

ハ　その対象となる物品が当該上場商品であるか又はこれに含まれる商品指数に係る第八項第四号ハに掲げる取引に係る同号に掲げる取引

(c) Transactions set forth in paragraph (8), item (iv) relating to the transactions set forth in (c) of the same item pertaining to a Commodity Index where the goods subject to the index are or include said Listed Commodity

ニ　当該上場商品の売買取引（第八項第一号に掲げる取引に該当するものを除く。以下この号において同じ。）

(d) Buying and selling transactions (excluding those that fall under the transactions set forth in paragraph (8), item (i); hereinafter the same shall apply in this item) of said Listed Commodity

ホ　当事者の一方の意思表示により当事者間において当該上場商品の売買取引を成立させることができる権利（以下「実物オプション」という。）を相手方が当事者の一方に付与し、当事者の一方がこれに対して対価を支払うことを約する取引

(e) Transactions where parties agree that, with the manifestation of intention by one of the parties, the counterparty grants said party a right to close a buying or selling transaction between the parties for said Listed Commodity (hereinafter referred to as a "Spot Option") and said party pays the consideration therefor

二　上場商品指数に係る商品市場　当該上場商品指数に係る第八項第四号ハに掲げる取引に係る同号に掲げる取引

(ii) Commodity Market pertaining to a Listed Commodity Index-Transactions set forth in paragraph (8), item (iv) relating to transactions set forth in (c) of the same item pertaining to said Listed Commodity Index

１１　この法律において「取引参加者」とは、第八十二条第一項の規定により与えられた取引資格に基づき、株式会社商品取引所の開設する商品市場における取引に参加できる者をいう。

(11) The term "Trading Participant" as used in this Act shall mean a person who may participate in Transactions on a Commodity Market opened by an Incorporated Commodity Exchange, based on the trading qualification granted pursuant to the provisions of Article 82, paragraph (1).

１２　この法律において「商品取引債務引受業」とは、商品市場における取引に基づく債務の引受けを行う営業をいう。

(12) The term "Business of Assuming Commodity Transaction Debts" as used in this Act shall mean the business of assuming the liabilities arising from Transactions on a Commodity Market.

１３　この法律において「商品取引清算機関」とは、商品取引債務引受業を営むことについて第百六十七条又は第百七十三条第一項の規定により主務大臣の許可又は承認を受けた者をいう。

(13) The term "Commodity Clearing Organization" as used in this Act shall mean a person who has received a license from or the approval of the competent minister pursuant to the provisions of Article 167 or Article 173, paragraph (1) with regard to engagement in the Business of Assuming Commodity Transaction Debts.

１４　この法律において「清算参加者」とは、第百七十四条第一項の規定により与えられた資格に基づき、商品取引清算機関の行う商品取引債務引受業の相手方となる者をいう。

(14) The term "Clearing Participant" as used in this Act shall mean a person who acts as the counterparty in the Business of Assuming Commodity Transaction Debts by a Commodity Clearing Organization, based on the qualification granted pursuant to the provisions of Article 174, paragraph (1).

１５　この法律において「商品清算取引」とは、清算参加者が商品取引清算機関の業務方法書の定めるところにより商品取引所の会員又は取引参加者（以下「会員等」という。）の委託を受けて行う商品市場における取引であつて、当該取引に基づく債務を当該商品取引清算機関に引き受けさせること及び当該会員等が当該清算参加者を代理して当該取引を成立させることを条件とするものをいう。

(15) The term "Commodity Clearing Transaction" as used in this Act shall mean a Transaction on a Commodity Market which a Clearing Participant carries out on consignment by a member or Trading Participant (hereinafter referred to as a "Member, etc.") of a Commodity Exchange pursuant to the provisions of the business rules of a Commodity Clearing Organization with the condition that said Commodity Clearing Organization is made to assume the liabilities arising from said transaction and that said Member, etc. closes said transaction by representing said Clearing Participant.

１６　この法律において「商品市場における取引等」とは、次に掲げる行為をいう。

(16) The term "Transactions on a Commodity Market, etc." as used in this Act shall mean the following acts:

一　商品市場における取引

(i) Transactions on a Commodity Market

二　前号に掲げる行為の委託の取次ぎ

(ii) Acting as an intermediary for the consignment of the act set forth in the preceding item

三　商品清算取引の委託の取次ぎ

(iii) Acting as an intermediary for the consignment of Commodity Clearing Transactions

四　前号に掲げる行為の委託の取次ぎ

(iv) Acting as an intermediary for the act set forth in the preceding item

１７　この法律において「商品取引受託業務」とは、商品市場における取引等（商品清算取引を除く。）の委託を受ける営業をいう。

(17) The term "Commodity Transactions Brokerage Business" as used in this Act shall mean the business of accepting consignment of Transactions on a Commodity Market, etc. (excluding Commodity Clearing Transactions).

１８　この法律において「商品取引員」とは、商品取引受託業務を営むことについて第百九十条第一項の規定により主務大臣の許可を受けた者をいう。

(18) The term "Futures Commission Merchant" as used in this Act shall mean a person who has received a license from the competent minister pursuant to the provisions of Article 190, paragraph (1) with regard to engagement in the Commodity Transactions Brokerage Business.

第二章　商品取引所

Chapter II Commodity Exchange

第一節　総則

Section 1 General Provisions

（業務の制限）

(Restriction on business)

第三条　商品取引所は、商品又は商品指数について先物取引をするために必要な市場の開設の業務及び上場商品の品質の鑑定、刊行物の発行その他これに附帯する業務以外の業務を行つてはならない。

Article 3 A Commodity Exchange shall not conduct any business other than the business of opening the necessary markets for carrying out Futures Transactions of Commodities or Commodity Indices and the appraisal of quality of the Listed Commodities, the issuance of publications, and other businesses incidental thereto.

（名称又は商号）

(Name or trade name)

第四条　商品取引所は、その名称又は商号中に「取引所」という文字を用いなければならない。

Article 4 (1) A Commodity Exchange shall use the characters "取引所" (Torihikijo [Commodity Exchange]) in its name or trade name.

２　商品取引所でない者は、その名称又は商号中に商品取引所であると誤認されるおそれのある文字を用いてはならない。

(2) No person other than a Commodity Exchange shall use in his/her name or trade name characters that are likely to mislead the public into believing that such person is a Commodity Exchange.

（市場の開設の制限）

(Restriction on the opening of a market)

第五条　商品取引所は、定款で定める商品市場以外の市場（定款で定める開設期限を経過した商品市場を含む。）を開設してはならない。

Article 5 (1) A Commodity Exchange shall not open a market other than the Commodity Markets prescribed by its articles of incorporation (including a Commodity Market where the expiration date specified by the articles of incorporation has passed).

２　商品取引所は、一種の上場商品又は上場商品指数について二以上の商品市場を開設してはならない。

(2) A Commodity Exchange shall not open two or more Commodity Markets for a single kind of Listed Commodity or Listed Commodity Index.

（商品市場類似施設の開設の禁止）

(Prohibition of establishment of a facility similar to a Commodity Market)

第六条　何人も、商品又は商品指数（これに類似する指数を含む。）について先物取引に類似する取引をするための施設（取引所金融商品市場（金融商品取引法（昭和二十三年法律第二十五号）第二条第十七項に規定する取引所金融商品市場をいう。第百一条第三項および第三百四十八条において同じ。）除く。）を開設してはならない。

Article 6 (1) No person shall establish a facility for carrying out transactions that are similar to Futures Transactions with regard to Commodities or Commodity Indices (including indices similar thereto) (excluding Financial Instruments Exchange Markets (which means the Financial Instruments Exchange Markets as prescribed in Article 2, paragraph (17) of the Financial Instruments and Exchange Act [Act No. 25 of 1948]; the same shall apply in Article 101, paragraph (3), and Article 348)).

２　何人も、前項の施設において先物取引に類似する取引をしてはならない。

(2) No person shall carry out transactions that are similar to Futures Transactions in the facilities set forth in the preceding paragraph.

第二節　会員商品取引所

Section 2 Member Commodity Exchange

第一款　設立

Subsection 1 Establishment

（法人格）

(Juridical personality)

第七条　会員商品取引所は、法人とする。

Article 7 (1) A Member Commodity Exchange shall be a juridical person.

２　会員商品取引所は、営利の目的をもつて業務を行つてはならない。

(2) A Member Commodity Exchange shall not conduct business for the purpose of profit.

（住所）

(Address)

第八条　会員商品取引所の住所は、その主たる事務所の所在地にあるものとする。

Article 8 The address of a Member Commodity Exchange shall be at the location of its principal office.

（設立の許可）

(Permission for establishment)

第九条　会員商品取引所を設立しようとする者は、主務大臣の許可を受けなければならない。

Article 9 Any person who intends to establish a Member Commodity Exchange shall obtain the permission of the competent minister.

（設立要件）

(Requirements for establishment)

第十条　会員商品取引所を設立するには、開設する商品市場ごとに会員になろうとする二十人以上の者が発起人とならなければならない。

Article 10 (1) In order to establish a Member Commodity Exchange, 20 or more persons who intend to become its members shall become the founders of each Commodity Market to be opened.

２　発起人については、次の各号に掲げる商品市場の区分に応じ、当該各号に定める者が、それぞれ、一の商品市場における発起人の過半数を占めなければならない。

(2) With regard to the founders, the persons prescribed in the following items for the categories of Commodity Markets set forth respectively in those items shall constitute the majority of the founders of a single Commodity Market:

一　上場商品に係る商品市場　一年以上継続して当該上場商品に含まれる物品（以下「上場商品構成物品」という。）の売買、売買の媒介、取次ぎ若しくは代理、生産、加工又は使用（以下「売買等」という。）を業として行つている者

(i) Commodity Market pertaining to a Listed Commodity-Persons who have, in the course of trade, engaged in the buying and selling of goods included in said Listed Commodity (hereinafter referred to as "Listed Commodity Component Products"), acted as introducing brokers, intermediaries or agents for the buying and selling, or engaged in the production, the processing or the use (hereinafter referred to as the "Buying and Selling, etc.") of such goods for one year or more on a continuous basis

二　上場商品指数に係る商品市場　一年以上継続して当該上場商品指数に係る商品指数の対象となる物品（以下「上場商品指数対象物品」という。）の売買等を業として行つている者

(ii) Commodity Market pertaining to a Listed Commodity Index-Persons who have, in the course of trade, engaged in the Buying and Selling, etc. of goods subject to the Commodity Index (or Indices) pertaining to the Listed Commodity Index (hereinafter referred to as the "Products Underlying a Listed Commodity Index") for one year or more on a continuous basis

（定款）

(Articles of incorporation)

第十一条　発起人は、会員商品取引所の定款を作成し、定款が書面をもつて作成されているときは、これに署名し、又は記名押印しなければならない。

Article 11 (1) The founders shall create the articles of incorporation of the Member Commodity Exchange, and if the articles of incorporation have been created in the form of a paper document, they shall apply their signatures or their names and seals thereto.

２　前項の定款には、次に掲げる事項を記載し、又は記録しなければならない。

(2) The following matters shall be included in the articles of incorporation set forth in the preceding paragraph:

一　事業

(i) Description of business

二　名称

(ii) Name

三　事務所の所在地

(iii) Office address

四　会員たる資格に関する事項

(iv) Matters concerning the membership qualification

五　出資一口の金額並びにその払込みの時期及び方法

(v) Unit amount of the contribution and the time and method of its payment

六　会員の加入及び脱退に関する事項

(vi) Matters concerning membership and withdrawal of members

七　信認金及び取引証拠金に関する事項

(vii) Matters concerning guarantee funds and clearing margins

八　会員の経費の分担に関する事項

(viii) Matters concerning the sharing of costs among members

九　会員に対する監査及び制裁に関する事項

(ix) Matters concerning audits of and sanctions against members

十　役員の定数、任期及び選任に関する事項

(x) Matters concerning the fixed number, term of office and appointment of officers

十一　会員総会に関する事項

(xi) Matters concerning the general meeting of members

十二　商品市場外における会員間の契約に対する定款、業務規程、受託契約準則及び紛争処理規程の拘束力に関する事項

(xii) Matters concerning the binding effect that the articles of incorporation, market rules, brokerage contract rules and dispute resolution rules have on contracts between members concluded outside the Commodity Market

十三　商品市場に関する次に掲げる事項

(xiii) The following matters concerning the Commodity Markets:

イ　上場商品又は上場商品指数

(a) Listed Commodity or Listed Commodity Index

ロ　上場商品又は上場商品指数ごとの取引の種類

(b) Types of transaction for each Listed Commodity or Listed Commodity Index

ハ　取引の決済の方法

(c) Method of settlement of transactions

十四　事業年度

(xiv) Business year

十五　剰余金の処分及び損失の処理に関する事項

(xv) Matters concerning disposition of surplus and disposal of loss

十六　公告方法（会員商品取引所が公告（この法律又は他の法律の規定により官報に掲載する方法によりしなければならないものとされているものを除く。）をする方法をいう。以下同じ。）

(xvi) Method of Public Notice (which means the method by which the Member Commodity Exchange gives public notices [excluding those that shall be given through publication in an official gazette pursuant to the provisions of this Act or other Acts]; hereinafter the same shall apply)

３　会員商品取引所の負担に帰すべき設立費用又は発起人が受けるべき報酬の額は、定款に記載し、又は記録しなければ、その効力を生じない。

(3) The amount of the cost of establishment that should be borne by a Member Commodity Exchange or of the remuneration that should be received by the founders shall not be binding unless it is included in the articles of incorporation.

４　会員商品取引所の定款には、第二項各号に掲げる事項のほか、会員商品取引所の存続期間又は商品市場の開設期限を定めたときは、その存続期間又は開設期限を記載し、又は記録するものとする。

(4) If the term of existence of a Member Commodity Exchange or the expiration date of a Commodity Market has been set, such term of existence or expiration date shall be included in the articles of incorporation of the Member Commodity Exchange, in addition to the matters listed in the respective items of paragraph (2).

５　第一項の定款は、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で主務省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。この場合において、当該電磁的記録に記録された情報については、主務省令で定める署名又は記名押印に代わる措置をとらなければならない。

(5) The articles of incorporation set forth in paragraph (1) may be created in the form of an Electromagnetic Record (which means a record created in an electronic form, magnetic form or any other form that cannot be recognized by human senses, which is provided for use in information processing by computers and which is specified by an ordinance of the competent ministry; hereinafter the same shall apply). In this case, a measure in lieu of the application of signatures or names and seals, which is specified by an ordinance of the competent ministry, shall be taken with regard to the information contained in said Electromagnetic Record.

６　会員商品取引所は、公告方法として、当該会員商品取引所の事務所の店頭に掲示する方法のほか、次に掲げる方法のいずれかを定款で定めることができる。

(6) A Member Commodity Exchange may, in addition to the method of posting at the office of said Member Commodity Exchange, specify any of the following methods as the Method of Public Notice in its articles of incorporation:

一　官報に掲載する方法

(i) Publication in an official gazette

二　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

(ii) Publication in a daily newspaper which publishes matters on current events

三　電子公告（公告方法のうち、電磁的方法（会社法（平成十七年法律第八十六号）第二条第三十四号に規定する電磁的方法をいう。）により不特定多数の者が公告すべき内容である情報の提供を受けることができる状態に置く措置であつて同号に規定するものをとる方法をいう。以下同じ。）

(iii) Electronic Public Notice (which means, among Methods of Public Notice, the method of implementing a measure which makes the information that should be publicly notified available to many and unspecified persons by an Electromagnetic Means [which means the electromagnetic means prescribed in Article 2, item (xxxiv) of the Companies Act (Act No. 86 of 2005)] and which is prescribed in the same item; hereinafter the same shall apply)

７　会員商品取引所が前項第三号に掲げる方法を公告方法とする旨を定款で定める場合には、その定款には、電子公告を公告方法とする旨を定めれば足りる。この場合においては、事故その他やむを得ない事由によつて電子公告による公告をすることができない場合の公告方法として、同項第一号又は第二号に掲げる方法のいずれかを定めることができる。

(7) When a Member Commodity Exchange specifies in its articles of incorporation the fact that it will make the method set forth in item (iii) of the preceding paragraph the Method of Public Notice, it is sufficient to specify in the articles of incorporation that Electronic Public Notice will be the Method of Public Notice. In this case, either of the methods set forth in item (i) or item (ii) of the same paragraph may be specified as the Method of Public Notice for the case where a public notice cannot be given by Electronic Public Notice as a result of an accident or any other inevitable reasons.

８　会員商品取引所が電子公告により公告をする場合には、次の各号に掲げる公告の区分に応じ、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。

(8) When a Member Commodity Exchange gives a public notice by Electronic Public Notice, it shall give the public notice by Electronic Public Notice on a continuous basis until the date prescribed 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ことができる旨の公告　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 said period expires

二　前号に掲げる公告以外の公告　当該公告の開始後一月を経過する日

(ii) Public notice other than that set forth in the preceding item-The day on which one month has passed since the first publication of said public notice

９　会員商品取引所が電子公告によりこの法律その他の法令の規定による公告をする場合については、会社法第九百四十条第三項、第九百四十一条、第九百四十六条、第九百四十七条、第九百五十一条第二項、第九百五十三条及び第九百五十五条の規定を準用する。この場合において、同法第九百四十条第三項中「前二項の規定にかかわらず、これらの規定」とあるのは「商品取引所法第十一条第八項の規定にかかわらず、同項」と、同法第九百四十一条中「第四百四十条第一項」とあるのは「商品取引所法第六十八条の三」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。

(9) When a Member Commodity Exchange gives a public notice pursuant to the provisions of this Act or other Acts, the provisions of Article 940, paragraph (3), Article 941, Article 946, Article 947, Article 951, paragraph (2), Article 953 and Article 955 of the Companies Act shall apply mutatis mutandis. In this case, the phrase "Notwithstanding the provisions of the preceding two paragraphs, .... pursuant to these provisions" in Article 940, paragraph (3) of said Act shall be deemed to be replaced with "Notwithstanding the provisions of Article 11, paragraph (8) of the Commodity Exchange Act, .... pursuant to the same paragraph," the term "Article 440, paragraph (1)" in Article 941 of the same Act shall be deemed to be replaced with "Article 68-3 of the Commodity Exchange Act" and any other technical replacement shall be specified by a Cabinet Order.

１０　第二項各号に掲げる事項のほか、会員商品取引所の定款には、この法律の規定により定款の定めがなければその効力を生じない事項及びその他の事項でこの法律に違反しないものを記載し、又は記録することができる。

(10) In addition to the matters listed in the respective items of paragraph (2), matters that do not come into effect without being prescribed in articles of incorporation pursuant to this Act or other matters that do not violate this Act may be included in articles of incorporation of a Member Commodity Exchange.

（加入の申込み）

(Application for membership)

第十二条　発起人は、会員商品取引所の設立に際して、あらかじめ、その会員になろうとする者に対し、次に掲げる事項を通知しなければならない。

Article 12 (1) When establishing a Member Commodity Exchange, the founders shall notify the following matters in advance to persons who intend to become its members:

一　定款に記載し、又は記録した事項

(i) Matters included in the articles of incorporation

二　発起人の氏名又は商号若しくは名称及び住所

(ii) Names or trade names and addresses of the founders

三　出資の払込みの方法、期限及び場所

(iii) Method, time limit and place for the payment of the contribution

四　一定の時期までに創立総会が終わらなかつたときは、加入の申込みを取り消すことができること。

(iv) The fact that the application for membership may be rescinded if an organizational meeting fails to be held by a certain time

２　理事長は、会員商品取引所の成立後にその会員になろうとする者に対し、次に掲げる事項を通知しなければならない。

(2) After the establishment of a Member Commodity Exchange, its president shall notify the following matters to persons who intend to become its members:

一　成立の年月日

(i) Date of establishment

二　定款に記載し、又は記録した事項

(ii) Matters included in the articles of incorporation

三　役員の氏名及び住所

(iii) Names and addresses of the officers

四　出資の払込みの方法、期限及び場所

(iv) Method, time limit and place for the payment of the contribution

３　会員商品取引所の会員になろうとする者（発起人を含む。）は、その者の氏名又は名称及び住所、その引き受ける出資口数並びにその者が取引をしようとする商品市場における上場商品又は上場商品指数を記載した書面を発起人（成立後にあつては、理事長。次項において同じ。）に交付しなければならない。

(3) A person who intends to become a member of a Member Commodity Exchange (including a founder) shall deliver to the founders (or the president, if after the establishment; the same shall apply in the following paragraph) a document containing that person's name and address, the number of units of contribution that person will make and the Listed Commodity or Listed Commodity Index that person intends to trade on the Commodity Market.

４　会員商品取引所の会員になろうとする者は、前項の書面の交付に代えて、政令で定めるところにより、発起人の承諾を得て、同項の書面に記載すべき事項を電磁的方法（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主務省令で定めるものをいう。以下同じ。）により提供することができる。この場合において、当該会員になろうとする者は、同項の書面を交付したものとみなす。

(4) With the consent of the founders, a person who intends to become a member of a Member Commodity Exchange may, in lieu of the delivery of the document set forth in the preceding paragraph, provide the matters that should be included in the document under the same paragraph by an Electromagnetic Means (which means a method using an electronic data processing system or a method using other information communications technology, which is specified by an ordinance of the competent ministry; hereinafter the same shall apply) pursuant to the provisions of a Cabinet Order. In this case, the person who intends to become a member shall be deemed to have delivered the document under the same paragraph.

（創立総会）

(Organizational meeting)

第十三条　発起人は、定款作成後、会員になろうとする者を募り、前条第一項第三号に定める出資の払込みの期限となつている日後十日を経過した日から五日以内に、創立総会を開かなければならない。

Article 13 (1) After creating the articles of incorporation, the founders shall invite persons to become members, and hold an organizational meeting within five days from the day on which 10 days have elapsed from the time limit for the payment of the contribution prescribed in paragraph (1), item (iii) of the preceding Article.

２　発起人は、創立総会までに出資の全額の払込みを終了しなければならない。

(2) The founders shall make a payment of the full amount of their contribution before an organizational meeting.

３　定款の承認その他設立に必要な事項の決定は、創立総会の決議によらなければならない。

(3) Approval of the articles of incorporation and decisions on other necessary matters for the establishment of the Member Commodity Exchange shall be made by resolution of an organizational meeting.

４　創立総会においては、定款を修正することができる。ただし、会員たる資格に関する事項については、この限りでない。

(4) The articles of incorporation may be revised at an organizational meeting; provided, however, that this does not apply to matters concerning membership qualification.

５　創立総会における議事は、会員になろうとする者（その出資の全額の払込みが終了した者に限る。）の半数以上が出席し、その議決権の三分の二以上で決する。

(5) A decision at an organizational meeting shall be made by at least two-thirds of the votes of those present when at least half of the persons who intend to become members (limited to those who have completed the payment of the full amount of the contribution) are present.

６　創立総会においてその延期又は続行について決議があつた場合には、第八項において準用する第五十九条第八項本文及び第十項の規定は、適用しない。

(6) If a resolution has been made at an organizational meeting with regard to its postponement or continuation, the provisions of Article 59, paragraph (8), main clause and paragraph (10) as applied mutatis mutandis pursuant to paragraph (8) of this Article shall not apply.

７　創立総会の議事については、主務省令で定めるところにより、議事録を作成しなければならない。

(7) Minutes shall be taken regarding the proceedings of an organizational meeting pursuant to the provisions of an ordinance of the competent ministry.

８　第三十三条並びに第五十九条第八項本文及び第十項の規定は創立総会について、会社法第八百三十条、第八百三十一条、第八百三十四条（第十六号及び第十七号に係る部分に限る。）、第八百三十五条第一項、第八百三十六条第一項及び第三項、第八百三十七条、第八百三十八条、第八百四十六条並びに第九百三十七条第一項（第一号トに係る部分に限る。）の規定（これらの規定中監査役に係る部分を除く。）は創立総会の決議の不存在若しくは無効の確認又は取消しの訴えについて、それぞれ準用する。この場合において、同項中「会社の本店（第一号トに規定する場合であって当該決議によって第九百三十条第二項各号に掲げる事項についての登記がされているときにあっては、本店及び当該登記に係る支店）」とあるのは、「会員商品取引所の主たる事務所（第一号トに規定する場合であって当該決議によって商品取引所法第二十四条第二項各号に掲げる事項についての登記がされているときにあっては、主たる事務所及び当該登記に係る従たる事務所）」と読み替えるものとする。

(8) The provisions of Article 33 and Article 59, paragraph (8), main clause and paragraph (10) shall apply mutatis mutandis to an organizational meeting, and the provisions of Article 830, Article 831, Article 834 (limited to the part pertaining to items (xvi) and (xvii)), Article 835, paragraph (1), Article 836, paragraphs (1) and (3), Article 837, Article 838, Article 846 and Article 937, paragraph (1) (limited to the part pertaining to item (i) (e)) of the Companies Act (excluding the part pertaining to auditors) shall apply mutatis mutandis to an action for declaration of nonexistence or nullity of or an action for rescission of a resolution of an organizational meeting. In this case, the phrase "the head office (in the case prescribed in item (i) (e) where the matters listed in the respective items of Article 930, paragraph (2) have been registered according to said resolution, the head office and the branch office pertaining to said registration)" in the same paragraph shall be deemed to be replaced with "the principal office of the Member Commodity Exchange (in the case prescribed in item (i) (e) where the matters listed in the respective items of Article 24, paragraph (2) of the Commodity Exchange Act have been registered according to said resolution, the principal office and the secondary office pertaining to said registration)."

（許可の申請）

(Application for permission)

第十四条　発起人は、創立総会終了後、遅滞なく、第九条の許可の申請書に次に掲げる事項を記載して、主務大臣に提出しなければならない。

Article 14 (1) Following an organizational meeting, the founders shall include the following matters in a written application for the permission under Article 9 and submit it to the competent minister without delay:

一　名称

(i) Name

二　事務所の所在地

(ii) Office address

三　上場商品又は上場商品指数

(iii) Listed Commodity or Listed Commodity Index

四　役員の氏名及び住所

(iv) Names and addresses of the officers

五　会員の氏名又は商号若しくは名称及び会員が取引をする商品市場における上場商品又は上場商品指数

(v) Names or trade names of the members and the Listed Commodity or Listed Commodity Index on the Commodity Market where the members will carry out transactions

２　前項の申請書には、定款、業務規程、受託契約準則、紛争処理規程、市場取引監視委員会規程その他主務省令で定める書類を添付しなければならない。

(2) The articles of incorporation, market rules, brokerage contract rules, dispute resolution rules, market transactions surveillance committee rules and other documents specified by an ordinance of the competent ministry shall be attached to the written application under the preceding paragraph.

（許可の基準及び意見の聴取）

(Criteria for permission and hearing of opinions)

第十五条　主務大臣は、第九条の許可の申請が次に掲げる基準に適合していると認めるときは、許可をしなければならない。

Article 15 (1) If the competent minister finds that the application for the permission under Article 9 conforms to the following criteria, he/she shall give the permission:

一　申請に係る上場商品又は上場商品指数の先物取引を公正かつ円滑にするために十分な取引量が見込まれることその他上場商品構成物品又は上場商品指数対象物品（以下「上場商品構成物品等」という。）の取引の状況に照らし、当該先物取引をする会員商品取引所を設立することが当該上場商品構成物品等の生産及び流通を円滑にするため必要かつ適当であること。

(i) Sufficient volume of transactions shall be expected for carrying out the Futures Transactions of the Listed Commodity or Listed Commodity Index pertaining to the application fairly and smoothly and, in light of the status of the transactions of the Listed Commodity Component Products or the Products Underlying the Listed Commodity Index (hereinafter referred to as the "Listed Commodity Component Products, etc."), it shall be necessary and appropriate to establish a Member Commodity Exchange for carrying out said Futures Transactions in order to facilitate the production and distribution of the Listed Commodity Component Products, etc.

二　上場商品に係る商品市場を開設しようとする場合にあつては、上場商品構成物品の売買等を業として行つている者の取引の状況その他の当該上場商品構成物品に係る経済活動の状況に照らして、当該上場商品構成物品を一の商品市場で取引することが適当であることとして政令で定める基準に適合すること。

(ii) In the case of opening a Commodity Market pertaining to a Listed Commodity, the carrying out of transactions of the Listed Commodity Component Products on a single Commodity Market conforms to the criteria specified by a Cabinet Order as being appropriate in light of the status of the transactions of the persons who, in the course of trade, engage in the Buying and Selling, etc. of Listed Commodity Component Products and any other circumstances of the economic activities pertaining to the Listed Commodity Component Products.

三　二以上の商品指数を一の上場商品指数として商品市場を開設しようとする場合にあつては、当該二以上の商品指数の対象となる物品の大部分が共通していること。

(iii) In the case of opening a Commodity Market by specifying two or more Commodity Indices as a single Listed Commodity Index, the majority of the goods subject to said two or more Commodity Indices shall be common goods.

四　定款、業務規程、受託契約準則、紛争処理規程及び市場取引監視委員会規程の規定が法令に違反せず、かつ、定款、業務規程、受託契約準則、紛争処理規程又は市場取引監視委員会規程に規定する取引の方法又は管理、会員の資格、会員の数の最高限度を定めた場合におけるその最高限度、特別担保金の預託義務を定めた場合におけるその預託に関する事項その他の事項が適当であつて、商品市場における取引の公正を確保し、及び委託者を保護するため十分であること。

(iv) The provisions of the articles of incorporation, market rules, brokerage contract rules, dispute resolution rules and market transactions surveillance committee rules do not violate laws and regulations, and the method or management of transactions, membership qualification, the maximum number of members if such maximum number is specified, matters concerning deposits if such obligation to deposit special collateral money is specified and other matters prescribed in the articles of incorporation, market rules, brokerage contract rules, dispute resolution rules or market transactions surveillance committee rules are appropriate and sufficient for ensuring the fairness of Transactions on the Commodity Market and protecting customers.

五　当該申請に係る会員商品取引所がこの法律の規定に適合するように組織されるものであること。

(v) The Member Commodity Exchange pertaining to the application will be organized in such a manner that conforms to the provisions of this Act.

２　主務大臣は、第九条の許可の申請が次の各号のいずれかに該当する場合には、前項の規定にかかわらず、同条の許可をしてはならない。

(2) If an application for the permission under Article 9 falls under any of the following items, the competent minister shall not give the permission under the same Article notwithstanding the provisions of the preceding paragraph:

一　発起人のうちに次のいずれかに該当する者があるとき。

(i) If the founders include a person who falls under any of the following categories:

イ　成年被後見人若しくは被保佐人又は外国の法令上これらと同様に取り扱われている者

(a) An adult ward or a person under curatorship or a person who is treated the same as such a person under the laws and regulations of a foreign state

ロ　破産者で復権を得ないもの又は外国の法令上これと同様に取り扱われている者

(b) A bankrupt who may not restore his/her rights or a person who is treated the same as such a person under the laws and regulations of a foreign state

ハ　禁錮以上の刑（これに相当する外国の法令による刑を含む。）又はこの法律若しくはこれに相当する外国の法令の規定により罰金の刑（これに相当する外国の法令による刑を含む。）に処せられ、その執行の終わつた日又は執行を受けることがないこととなつた日から五年を経過しない者

(c) A person who has been sentenced to imprisonment or a more severe punishment (including an equivalent punishment under the laws and regulations of a foreign state) or to a fine (including an equivalent punishment under the laws and regulations of a foreign state) pursuant to this Act or equivalent laws and regulations of a foreign state and for whom five years have not lapsed from the day on which execution of the sentence ended or from the day on which the sentence ceased to be executed

ニ　第百五十九条第一項若しくは第二項、第百八十六条第一項若しくは第二項、第二百三十五条第三項若しくは第二百三十六条第一項若しくは第三百四十条第一項（第三百四十五条において準用する場合を含む。）の規定により第九条若しくは第七十八条、第百六十七条、第百九十条第一項若しくは第三百三十二条第一項若しくは第三百四十二条第一項の許可を取り消され、その取消しの日から五年を経過しない者又はこの法律に相当する外国の法令の規定により当該外国において受けている同種の許可（当該許可に類する登録その他の行政処分を含む。ヘにおいて「許可等」という。）を取り消され、その取消しの日から五年を経過しない者

(d) A person whose permission under Article 9 or license under Article 78 or Article 167, Article 190, paragraph (1) or permission under Article 332, paragraph (1) or Article 342, paragraph (1) has been rescinded pursuant to the provisions of Article 159, paragraph (1) or (2), Article 186, paragraph (1) or (2), Article 235, paragraph (3), Article 236, paragraph (1) or Article 340, paragraph (1) (including the cases where it is applied mutatis mutandis pursuant to Article 345) and for whom five years have not lapsed from the day of the rescission, or a person whose similar permission or license in a foreign state obtained pursuant to the laws and regulations of said foreign state which are equivalent to this Act (including registration and other administrative dispositions similar to said permission or license; referred to as a "Permission, etc." in (f)) has been rescinded and for whom five years have not lapsed from the day of the rescission

ホ　第百六十条第一項の規定又はこれに相当する外国の法令の規定による命令（これに相当する外国の法令によるその他の行政処分を含む。ト及びチにおいて同じ。）により商品取引所又はこれに相当する外国の施設から除名され、又は取引資格を取り消され、その除名又は取消しの日から五年を経過しない者

(e) A person who has been expelled from a Commodity Exchange or an equivalent facility in a foreign state pursuant to the provisions of Article 160, paragraph (1) or the provisions of equivalent laws and regulations of a foreign state (including other equivalent administrative dispositions under the laws and regulations of a foreign state; the same shall apply in (g) and (h)) or whose trading qualification has been rescinded and for whom five years have not lapsed from the day of the expulsion or rescission

ヘ　商品取引所が第百五十九条第一項若しくは第二項の規定により第九条若しくは第七十八条の許可を取り消された場合、商品取引清算機関が第百八十六条第一項若しくは第二項の規定により第百六十七条の許可を取り消された場合、商品取引員が第二百三十五条第三項若しくは第二百三十六条第一項の規定により第百九十条第一項の許可を取り消された場合若しくは法人である第一種特定施設開設者（第三百三十一条第二号に規定する第一種特定施設開設者をいう。以下この号において同じ。）若しくは第二種特定施設開設者（第三百三十一条第三号に規定する第二種特定施設開設者をいう。以下この号において同じ。）が第三百四十条第一項（第三百四十五条において準用する場合を含む。）の規定により第三百三十二条第一項若しくは第三百四十二条第一項の許可を取り消された場合において、その取消しの日前三十日以内に当該商品取引所、商品取引清算機関、商品取引員若しくは第一種特定施設開設者若しくは第二種特定施設開設者の役員であつた者で当該取消しの日から五年を経過しないもの又は外国において同種の許可等を受けた法人がこの法律に相当する外国の法令の規定により当該許可等を取り消された場合において、その取消しの日前三十日以内に当該法人の役員であつた者で当該取消しの日から五年を経過しないもの

(f) Where the permission given to a Commodity Exchange under Article 9 or the license under Article 78 has been rescinded pursuant to the provisions of Article 159, paragraph (1) or (2), where the license granted to a Commodity Clearing Organization under Article 167 has been rescinded pursuant to the provisions of Article 186, paragraph (1) or (2), where the license granted to a Futures Commission Merchant under Article 190, paragraph (1) has been rescinded pursuant to the provisions of Article 235, paragraph (3) or Article 236, paragraph (1), or where the permission given to an Establisher of a Type 1 Specified Facility (which means the Establisher of a Type 1 Specified Facility prescribed in Article 331, item (ii); hereinafter the same shall apply in this item) or an Establisher of a Type 2 Specified Facility (which means the Establisher of a Type 2 Specified Facility prescribed in Article 331, item (iii); hereinafter the same shall apply in this item) which is a juridical person under Article 332, paragraph (1) or Article 342, paragraph (1) has been rescinded pursuant to the provisions of Article 340, paragraph (1) (including the cases where it is applied mutatis mutandis pursuant to Article 345), a person who was an officer of the Commodity Exchange, Commodity Clearing Organization, Futures Commission Merchant, Establisher of a Type 1 Specified Facility or Establisher of a Type 2 Specified Facility within 30 days prior to the day of the rescission and for whom five years have not lapsed from the day of the rescission, or where a juridical person that obtained a similar Permission, etc. in a foreign state is rescinded of the Permission, etc. pursuant to laws and regulations of a foreign state that are equivalent to this Act, a person who was an officer of said juridical person within 30 days prior to the day of the rescission and for whom five years have not lapsed from the day of the rescission

ト　法人である商品取引所の会員等又は商品取引所に相当する外国の施設の会員等が第百六十条第一項の規定又はこれに相当する外国の法令の規定による命令により当該商品取引所又は当該施設から除名され、又は取引資格を取り消された場合において、その除名又は取消しの日前三十日以内に当該法人の役員であつた者で当該除名又は取消しの日から五年を経過しないもの

(g) Where a Member, etc. of a Commodity Exchange or a Member, etc. of a facility equivalent to a Commodity Exchange in a foreign state which is a juridical person has been expelled from the Commodity Exchange or the facility or where its trading qualification pursuant to an order under Article 160, paragraph (1) or equivalent laws and regulations of a foreign state has been rescinded, a person who was an officer of said juridical person within 30 days prior to the day of the expulsion or rescission and for whom five years have not lapsed from the day of the expulsion or rescission

チ　第百五十九条第三項、第百六十条第一項、第百八十六条第四項若しくは第二百三十六条第二項の規定又はこれらに相当する外国の法令の規定による命令により解任された役員でその解任の日から五年を経過しないもの

(h) An officer who has been dismissed pursuant to an order under Article 159, paragraph (3), Article 160, paragraph (1), Article 186, paragraph (4) or Article 236, paragraph (2) or equivalent laws and regulations of a foreign state and for whom five years have not lapsed from the day of the dismissal

リ　第三百二十八条第一項の規定による裁判所の命令又はこれに相当する外国の法令の規定による外国の裁判所の命令を受けた後一年を経過しない者

(i) A person for whom one year has not lapsed after receiving an order from a court under Article 328, paragraph (1) or an equivalent order from a court of a foreign state under laws and regulations of a foreign state

ヌ　会社法第三百三十一条第一項第三号に掲げる者

(j) A person set forth in Article 331, paragraph (1), item (iii) of the Companies Act

ル　営業に関し成年者と同一の行為能力を有しない未成年者でその法定代理人がイからヌまでのいずれかに該当するもの

(k) A minor that does not have the same legal capacity as an adult with regard to business whose statutory representative falls under any category of the persons from (a) to (j) inclusive

ヲ　法人でその役員のうちにイからルまでのいずれかに該当する者のあるもの

(l) A juridical person whose officers include a person who falls under any category of the persons from (a) to (k) inclusive

二　申請書又はこれに添付すべき書類のうちに重要な事項について虚偽の記載があるとき。

(ii) If the written application or the documents that should be attached thereto includes a false entry regarding an important matter

３　主務大臣は、会員商品取引所の存続期間又は商品市場の開設期限が定款に記載され、又は記録されている第九条の許可の申請があつた場合においては、第一項第一号の基準に代えて、申請に係る上場商品又は上場商品指数の先物取引を公正かつ円滑にするために十分な取引量が見込まれないことその他上場商品構成物品等の取引の状況に照らし、当該先物取引をする会員商品取引所を設立することが当該上場商品構成物品等の生産及び流通に著しい支障を及ぼし、又は及ぼすおそれがあることに該当しないことを同号の基準とし、当該基準並びに同項第二号及び第三号の基準の適用は、当該存続期間又は開設期限までの間について判断して行うものとする。

(3) Where an application for the permission under Article 9 has been filed in which case the term of existence of a Member Commodity Exchange or the expiration date of a Commodity Market is included in the articles of incorporation, the competent minister shall, in lieu of the criterion set forth in paragraph (1), item (i), consider the criterion under the same paragraph to be that there will be no shortfall in the volume of transactions for carrying out Futures Transactions of the Listed Commodity or Listed Commodity Index pertaining to the application fairly and smoothly and that, in light of the status of the transactions of the Listed Commodity Component Products, etc., establishment of a Member Commodity Exchange for carrying out said Futures Transactions does not or is not likely to cause extreme hindrance to the production and distribution of the Listed Commodity Component Products, etc., and he/she shall apply such criterion and the criteria under items (ii) and (iii) of the same paragraph by making a determination for said term of existence or for the period until said expiration date.

４　主務大臣は、第三百五十二条（第三号に係る部分に限る。）の規定による公示があつた日から三月を経過した後でなければ、第九条の許可をしてはならない。

(4) The competent minister shall not give the permission under Article 9 until after three months have passed from the day of the public notice under Article 352 (limited to the part pertaining to item (iii)).

５　主務大臣は、第九条の許可の申請が第一項各号に適合していないと認めるとき、又は第二項各号のいずれかに該当すると認めるときは、あらかじめ申請をした者にその旨を通知し、申請をした者又はその代理人の出頭を求め、釈明のための証拠を提出する機会を与えるため、その職員に意見の聴取をさせなければならない。

(5) If the competent minister finds that an application for the permission under Article 9 fails to conform to any of the items of paragraph (1) or that it falls under any of the items of paragraph (2), he/she shall notify the applicant to that effect in advance, seek to have the applicant or an agent thereof appear, and have officials of the ministry hear the opinions of such person in order to give such person an opportunity for producing evidence for explanation.

６　前項の場合において、主務大臣は、意見の聴取をされる者が正当な理由がないのに意見の聴取に応じないときは、意見の聴取を行うことを要しない。

(6) In the case referred to in the preceding paragraph, if the person whose opinions are to be heard fails to take part in the hearing of opinions without a justifiable reason, the competent minister shall not be required to hear the opinions of such person.

７　主務大臣は、第五項の通知をする場合においては、意見を聴取する事項、場所及び期日を明らかにして、通知しなければならない。

(7) In the case of giving the notice set forth in paragraph (5), the competent minister shall give such notice by clarifying the matters on which opinions will be heard and the place and date of the hearing of opinions.

８　第五項の意見の聴取は、公開により行わなければならない。ただし、主務大臣が意見の聴取をされる者の業務に関する秘密を保つため必要があると認めるとき、又は公益上必要があると認めるときは、この限りでない。

(8) The hearing of opinions set forth in paragraph (5) shall be open to the public; provided, however, that this shall not apply if the competent minister finds it necessary in order to maintain the secrets concerning the business of the person whose opinions are to be heard or finds it necessary with respect to public interest.

９　主務大臣は、第五項の意見の聴取を行うため必要があると認めるときは、参考人の出頭を求めてその意見を聴取し、若しくは参考人にその意見若しくは報告の提出を求め、又は鑑定人に出頭を求めて鑑定をさせることができる。

(9) If the competent minister finds it necessary for the conduct of the hearing of opinions set forth in paragraph (5), he/she may seek a witness to appear and hear the opinions of the witness, seek a witness to submit opinions or a report, or seek a witness to appear and have the witness give an expert opinion.

１０　主務大臣は、会員商品取引所の存続期間又は商品市場の開設期限が定款に記載され、又は記録されている第九条の許可の申請があつた場合においては、第三百五十二条（第三号に係る部分に限る。）の規定による公示があつた日から四月以内に、申請をした者に対し、許可又は不許可の通知を発しなければならない。

(10) Where an application for the permission under Article 9 has been filed in which case the term of existence of a Member Commodity Exchange or the expiration date of a Commodity Market is included in the articles of incorporation, the competent minister shall issue a notice of permission or non-permission to the applicant within four months from the day of the public notice under Article 352 (limited to the part pertaining to item (iii)).

１１　主務大臣が前項の期間内に同項の通知を発しなかつたときは、その期間満了の日に第九条の許可があつたものとみなす。

(11) If the competent minister has not issued the notice under the preceding paragraph within the period set forth in the same paragraph, the permission under Article 9 shall be deemed to have been given on the expiration date of such period.

（成立の時期及び届出）

(Time of establishment and notification)

第十六条　会員商品取引所は、その設立の登記をすることにより成立する。

Article 16 (1) A Member Commodity Exchange shall be established by registering its establishment.

２　会員商品取引所は、成立の日から二週間以内に、主務大臣にその旨を届け出なければならない。

(2) A Member Commodity Exchange shall notify the competent minister of its establishment within two weeks from the day of establishment.

（理事長への事務引継）

(Transfer6 of affairs to the president)

第十七条　発起人は、第九条の許可があつたとき（第十五条第十一項の規定による場合を含む。）は、遅滞なく、その事務を理事長に引き継がなければならない。

Article 17 When the permission under Article 9 (including the case under Article 15, paragraph (11)) has been given, founders shall transfer their affairs to the president without delay.

（会社法の準用）

(Application mutatis mutandis of the Companies Act)

第十八条　会社法第五十三条から第五十六条までの規定は、会員商品取引所の発起人について準用する。

Article 18 (1) The provisions from Articles 53 to 56 inclusive of the Companies Act shall apply mutatis mutandis to the founders of a Member Commodity Exchange.

２　会社法第七編第二章第二節（第八百四十七条第二項、第八百四十九条第二項第二号及び第五項並びに第八百五十一条を除く。）の規定は、会員商品取引所の発起人の責任を追及する訴えについて準用する。この場合において、同法第八百四十七条第一項及び第四項中「法務省令」とあるのは、「主務省令」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 Part VII, Chapter II, Section 2 (excluding Article 847, paragraph (2), Article 849, paragraph (2), item (ii) and paragraph (5) and Article 851) of the Companies Act shall apply mutatis mutandis to an action for pursuing the responsibilities of the founders of a Member Commodity Exchange. In this case, the term "Ordinance of the Ministry of Justice" in Article 847, paragraphs (1) and (4) of the same Act shall be deemed to be replaced with "ordinance of the competent ministry" and other necessary technical replacement of terms shall be specified by a Cabinet Order.

３　会社法第八百二十八条第一項（第一号に係る部分に限る。）及び第二項（第一号に係る部分に限る。）、第八百三十四条（第一号に係る部分に限る。）、第八百三十五条第一項、第八百三十六条第一項及び第三項、第八百三十七条から第八百三十九条まで並びに第八百四十六条の規定は、会員商品取引所の設立の無効の訴えについて準用する。

(3) The provisions of Article 828, paragraph (1) (limited to the part pertaining to item (i)) and paragraph (2) (limited to the part pertaining to item (i)), Article 834 (limited to the part pertaining to item (i)), Article 835, paragraph (1), Article 836, paragraphs (1) and (3), Articles 837 to 839 inclusive and Article 846 shall apply mutatis mutandis to an action for nullity of establishment of a Member Commodity Exchange.

（役員又は会員の氏名等の変更）

(Change of the name, etc. of an officer or member)

第十九条　会員商品取引所は、第十四条第一項第四号又は第五号に掲げる事項について変更があつたときは、遅滞なく、その旨を記載した変更届出書を主務大臣に提出しなければならない。

Article 19 (1) When there is a change to the matters listed in Article 14, paragraph (1), item (iv) or (v), a Member Commodity Exchange shall submit to the competent minister a written notification of change with a statement to that effect without delay.

２　前項の変更届出書には、その変更を証する書面及び主務省令で定める書類を添付しなければならない。

(2) The written notification of change referred to in the preceding paragraph shall have a document attached which proves such a change and also the document specified by an ordinance of the competent ministry.

（設立の登記）

(Registration of establishment)

第二十条　会員商品取引所の設立の登記は、その主たる事務所の所在地において、第九条の許可があつた日から二週間以内にしなければならない。

Article 20 (1) Registration of establishment of a Member Commodity Exchange shall be completed at the location of its principal office within two weeks from the day on which the permission under Article 9 has been given.

２　前項の登記には、次に掲げる事項を登記しなければならない。

(2) For completing the registration referred to in the preceding paragraph, the following matters shall be registered:

一　目的

(i) Purpose

二　名称

(ii) Name

三　事務所の所在場所

(iii) Office address

四　存続期間又は解散の事由を定めたときは、その期間又は事由

(iv) If the term of existence has or the grounds for dissolution have been specified, such term or grounds

五　出資の総額

(v) Total amount of contribution

六　出資一口の金額及びその払込みの方法

(vi) Unit amount of contribution and the method of its payment

七　代表権を有する者の氏名、住所及び資格

(vii) Name, address and qualification of the person who has the representation power

八　公告方法

(viii) Method of Public Notice

九　第十一条第六項の定款の定めが電子公告を公告方法とする旨のものであるときは、次に掲げる事項

(ix) If the provision of articles of incorporation under Article 11, paragraph (6) specifies Electronic Public Notice as the Method of Public Notice, the following:

イ　電子公告により公告すべき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法務省令で定めるもの

(a) Matters necessary for allowing many and unspecified persons to receive the information to be publicly notified by Electronic Public Notice which are specified by an Ordinance of the Ministry of Justice

ロ　第十一条第七項後段の規定による定款の定めがあるときは、その定め

(b) If there is a provision of the articles of incorporation under the second sentence of Article 11, paragraph (7), such provision

（変更の登記）

(Registration of a change)

第二十一条　会員商品取引所において前条第二項各号に掲げる事項に変更が生じたときは、二週間以内に、その主たる事務所の所在地において、変更の登記をしなければならない。

Article 21 (1) When a change occurs to any matters listed in the respective items of paragraph (2) of the preceding Article with regard to a Member Commodity Exchange, registration of the change shall be completed at the location of its principal office within two weeks.

２　前項の規定にかかわらず、前条第二項第五号に掲げる事項の変更の登記は、毎事業年度末日現在により、当該末日から四週間以内にすれば足りる。

(2) Notwithstanding the provisions of the preceding paragraph, it is sufficient to register the change to the matter set forth in paragraph (2), item (v) of the preceding Article as of the last day of each business year within four weeks from said last day.

（他の登記所の管轄区域内への主たる事務所の移転の登記）

(Registration of relocation of the principal office to the jurisdictional district of another registry office)

第二十二条　会員商品取引所がその主たる事務所を他の登記所の管轄区域内に移転したときは、二週間以内に、旧所在地においては移転の登記をし、新所在地においては第二十条第二項各号に掲げる事項を登記しなければならない。

Article 22 When a Member Commodity Exchange has relocated its principal office to the jurisdictional district of another registry office, it shall complete registration of the relocation at the old location and complete registration of the matters listed in the respective items of Article 20, paragraph (2) at the new location within two weeks.

（職務執行停止の仮処分等の登記）

(Registration of a provisional disposition to suspend execution of duties, etc.)

第二十三条　会員商品取引所を代表すべき者の職務の執行を停止し、若しくはその職務を代行する者を選任する仮処分命令又はその仮処分命令を変更し、若しくは取り消す決定がされたときは、その主たる事務所の所在地において、その登記をしなければならない。

Article 23 When an order for a provisional disposition to suspend the execution of duties of the person representing a Member Commodity Exchange or to appoint a person to act for said person has been issued or a decision has been made to change or rescind such provisional disposition, registration to that effect shall be completed at the location of the principal office of the Member Commodity Exchange.

（従たる事務所の所在地における登記）

(Registration at the secondary office location)

第二十四条　次の各号に掲げる場合（当該各号に規定する従たる事務所が主たる事務所の所在地を管轄する登記所の管轄区域内にある場合を除く。）には、当該各号に定める期間内に、当該従たる事務所の所在地において、従たる事務所の所在地における登記をしなければならない。

Article 24 (1) In any of the cases listed in the following items (excluding cases where the secondary office set forth in said items is located within the jurisdictional district of the registry office having jurisdiction over the location of the principal office), registration at the secondary office location shall be completed at the location of such secondary office within the period specified in the respective items:

一　会員商品取引所の設立に際して従たる事務所を設けた場合（次号に規定する場合を除く。）　主たる事務所の所在地における設立の登記をした日から二週間以内

(i) When a secondary office was established upon establishment of a Member Commodity Exchange (excluding the case set forth in the following item)-Within two weeks from the day on which the registration of establishment at the location of the principal office has been completed

二　新設合併により設立する会員商品取引所が新設合併に際して従たる事務所を設けた場合　第百四十七条の二第一項に規定する日から三週間以内

(ii) When a secondary office was established by a Member Commodity Exchange established by a consolidation-type merger upon such consolidation-Within three weeks from the day set forth in Article 147-2, paragraph (1)

三　会員商品取引所の成立後に従たる事務所を設けた場合　従たる事務所を設けた日から三週間以内

(iii) When a secondary office was established after the establishment of a Member Commodity Exchange-Within three weeks from the day of establishment of the secondary office

２　従たる事務所の所在地における登記においては、次に掲げる事項を登記しなければならない。ただし、従たる事務所の所在地を管轄する登記所の管轄区域内に新たに従たる事務所を設けたときは、第三号に掲げる事項を登記すれば足りる。

(2) For completing the registration at the second office location, the following matters shall be registered; provided, however, that it is sufficient to register the matter set forth in item (iii) when a new secondary office has been established within the jurisdictional district of the registry office having jurisdiction over the location of a secondary office:

一　名称

(i) Name

二　主たる事務所の所在場所

(ii) Location of the principal office

三　従たる事務所（その所在地を管轄する登記所の管轄区域内にあるものに限る。）の所在場所

(iii) Location of the secondary office(s) (limited to those located within the jurisdictional district of the registry office having jurisdiction over said secondary office)

３　前項各号に掲げる事項に変更が生じたときは、三週間以内に、当該従たる事務所の所在地において、変更の登記をしなければならない。

(3) When a change occurs to any matters listed in the respective items of the preceding paragraph, registration of the change shall be completed at the location of said secondary office within three weeks.

（他の登記所の管轄区域内への従たる事務所の移転の登記）

(Registration of relocation of a secondary office to the jurisdictional district of another registry office)

第二十四条の二　会員商品取引所がその従たる事務所を他の登記所の管轄区域内に移転したときは、旧所在地（主たる事務所の所在地を管轄する登記所の管轄区域内にある場合を除く。）においては三週間以内に移転の登記をし、新所在地（主たる事務所の所在地を管轄する登記所の管轄区域内にある場合を除く。以下この条において同じ。）においては四週間以内に前条第二項各号に掲げる事項を登記しなければならない。ただし、従たる事務所の所在地を管轄する登記所の管轄区域内に新たに従たる事務所を移転したときは、新所在地においては、同項第三号に掲げる事項を登記すれば足りる。

Article 24-2 When a Member Commodity Exchange has relocated its secondary office to the jurisdictional district of another registry office, it shall complete registration of the relocation at the old location (excluding the case where it is within the jurisdictional district of the registry office having jurisdiction over the location of the principal office) within three weeks and complete registration of the matters listed in the respective items of paragraph (2) of the preceding Article at the new location (excluding the case where it is within the jurisdictional district of the registry office having jurisdiction over the location of the principal office; hereinafter the same shall apply in this Article) within four weeks; provided, however, that it is sufficient to register the matter set forth in item (iii) of the same paragraph at the new location when a new secondary office has been established within the jurisdictional district of the registry office having jurisdiction over the location of a secondary office.

（管轄登記所及び登記簿）

(Competent registry office and registry)

第二十五条　会員商品取引所の登記に関する事務は、その事務所の所在地を管轄する法務局若しくは地方法務局若しくはこれらの支局又はこれらの出張所が管轄登記所としてつかさどる。

Article 25 (1) Affairs concerning registration of a Member Commodity Exchange shall be the responsibility of the Legal Affairs Bureau or the District Legal Affairs Bureau having jurisdiction over the location of the office of the Member Commodity Exchange or a branch office or a sub-branch office of such bureau as the competent registry office.

２　登記所に、会員商品取引所登記簿を備える。

(2) A registry office shall keep a Member Commodity Exchange registry.

（設立の登記の申請）

(Application for registration of establishment)

第二十六条　会員商品取引所の設立の登記は、会員商品取引所を代表すべき者の申請によつてする。

Article 26 (1) Registration of establishment of a Member Commodity Exchange shall be made through the filing of an application by the person representing a Member Commodity Exchange.

２　会員商品取引所の設立の登記の申請書には、定款並びに出資の払込みがあつたこと及び会員商品取引所を代表すべき者の資格を証する書面を添付しなければならない。

(2) A written application for registration of establishment of a Member Commodity Exchange shall have a document attached proving the qualification of the person representing a Member Commodity Exchange.

（変更の登記の申請）

(Application for registration of a change)

第二十七条　第二十条第二項各号に掲げる事項の変更の登記の申請書には、当該事項の変更を証する書面を添付しなければならない。

Article 27 A written application for registration of a change to any matters listed in the respective items of Article 20, paragraph (2) shall have a document attached proving the change to such matter.

（設立の無効の登記の手続）

(Procedure for registration of nullity of establishment)

第二十八条　会社法第九百三十七条第一項（第一号イに係る部分に限る。）の規定は、会員商品取引所の設立の無効の訴えに係る請求を認容する判決が確定した場合について準用する。この場合において、同項中「会社の本店（第一号トに規定する場合であって当該決議によって第九百三十条第二項各号に掲げる事項についての登記がされているときにあっては、本店及び当該登記に係る支店）」とあるのは、「会員商品取引所の主たる事務所」と読み替えるものとする。

Article 28 The provisions of Article 937, paragraph (1) (limited to the part pertaining to item (i) (a)) of the Companies Act shall apply mutatis mutandis to the case where a judgment affirming a claim pertaining to an action for nullity of establishment of a Member Commodity Exchange has become final and binding. In this case, the phrase "the head office of the company (in the case prescribed in item (i) (e) and where the matters listed in the respective items of Article 930, paragraph (2) have been registered, the head office and the branch office pertaining to said registration)" in the same paragraph shall be deemed to be replaced with "the principal office of the Member Commodity Exchange."

（商業登記法の準用）

(Application mutatis mutandis of the Commercial Registration Act)

第二十九条　商業登記法（昭和三十八年法律第百二十五号）第二条から第五条まで、第七条から第十五条まで、第十七条から第二十三条の二まで、第二十四条（第十五号及び第十六号を除く。）、第二十五条から第二十七条まで、第四十八条から第五十三条まで及び第百三十二条から第百四十八条までの規定は、会員商品取引所の登記について準用する。この場合において、同法第四十八条第二項中「会社法第九百三十条第二項各号」とあるのは、「商品取引所法第二十四条第二項各号」と読み替えるものとする。

Article 29 The provisions of Articles 2 to 5 inclusive, Articles 7 to 15 inclusive, Articles 17 to 23-2 inclusive, Article 24 (excluding items (xv) and (xvi)), Articles 25 to 27 inclusive, Article 48 to 53 inclusive and Articles 132 to 148 inclusive of the Commercial Registration Act (Act No. 125 of 1963) shall apply mutatis mutandis to registration of a Member Commodity Exchange. In this case, the phrase "the respective items of Article 930, paragraph (2) of the Companies Act" in Article 48, paragraph (2) of the same Act shall be deemed to be replaced with "the respective items of Article 24, paragraph (2) of the Commodity Exchange Act."

第二款　会員

Subsection 2 Membership

（会員たる資格）

(Membership qualification)

第三十条　会員商品取引所の会員たる資格を有する者は、次に掲げる者に限る。

Article 30 (1) A person having the membership qualification for a Member Commodity Exchange shall be limited to the following persons:

一　当該会員商品取引所の上場商品構成物品等（当該上場商品構成物品等の主たる原料若しくは材料となつている物又は当該上場商品構成物品等を主たる原料若しくは材料とする物で定款で定めるものを含む。次項において同じ。）の売買等を業として行つている者

(i) A person who, in the course of trade, engages in the Buying and Selling, etc. of Listed Commodity Component Products, etc. (including items that are the main ingredient or material of the Listed Commodity Component Products, etc. or items where the main ingredient or material is the Listed Commodity Component Products, etc. which are specified by articles of incorporation; the same shall apply in the following paragraph) of the Member Commodity Exchange

二　商品取引員

(ii) A Futures Commission Merchant

三　前二号に掲げる者のほか、上場商品構成物品等の公正な価格の形成に資するものとして政令で定める要件に該当する者

(iii) In addition to the persons listed in the preceding two items, a person that satisfies the requirements specified by a Cabinet Order as one who contributes to fair price formation of Listed Commodity Component Products, etc.

２　会員が死亡した場合において、その相続人が被相続人の死亡の日から三月を経過する日までに、被相続人が前項第一号に該当する者であつた場合には被相続人が取引をしていた商品市場における上場商品構成物品等の売買等を業として行うこととなつたとき、被相続人が同項第三号に該当する者であつた場合には同号に該当する者となつたときは、その相続人は、被相続人の死亡の時から会員たる資格を有するものとみなす。

(2) In the event that a member dies, the member's heir shall be deemed to have had the membership qualification from the time of the death of the decedent if, by the day on which three months have passed from the day of the death of the decedent, the heir has, in the course of trade, engaged in the Buying and Selling, etc. of Listed Commodity Component Products, etc. of the Commodity Market in which the decedent had been carrying out transactions in the case where the decedent had been a person who fell under item (i) of the preceding paragraph, or the heir has become a person who falls under item (iii) of the same paragraph in the case where the decedent had been a person who fell under the same item.

３　前項の場合において、相続人が数人あるときは、その相続人全員の同意をもつて選定された一人の相続人に対してのみ、同項の規定を適用する。

(3) In the case referred to in the preceding paragraph, if there are two or more heirs, the provision of the same paragraph shall apply to only one heir who has been selected with the consent of all the heirs.

（欠格条件）

(Disqualifying conditions)

第三十一条　第十五条第二項第一号イからヲまでのいずれかに該当する者は、会員となることができない。

Article 31 (1) A person who falls under any of the category of persons in Article 15, paragraph (2), (a) to (l) inclusive may not be a member.

２　合併後存続する法人又は合併により設立された法人は、前項（第十五条第二項第一号ハからホまで、リ及びヲに係る部分に限る。）の規定の適用については、当該合併により消滅した法人と同一の法人とみなす。

(2) A juridical person surviving a merger or a juridical person established by a merger shall be deemed to be the same juridical person as that which was extinguished as a result of the merger with regard to application of the provisions of the preceding paragraph (limited to the part pertaining to Article 15, paragraph (2), item (i), (c) to (e) inclusive, (i) and (l)).

（出資）

(Contribution)

第三十二条　会員は、出資一口以上を持たなければならない。

Article 32 (1) A member shall make one or more units of contribution.

２　出資は、金銭以外の財産ですることができない。

(2) Contribution may not be made by using any property other than money.

３　出資一口の金額は、均一でなければならない。

(3) The unit amount of contribution shall be uniform.

４　会員商品取引所の債務に対する会員の責任は、第三十四条の規定による経費の負担及び第四十五条第三項の規定による損失額の負担のほか、その出資額を限度とする。

(4) The members shall be liable for the debts of a Member Commodity Exchange in that they bear the costs under Article 34 and bear the amount of loss under Article 45, paragraph (3) within the limit of the amount of their contribution.

５　会員は、出資の払込みについて、相殺をもつて会員商品取引所に対抗することができない。

(5) A member may not assert against a Member Commodity Exchange a set-off for payment of contribution.

（議決権及び選挙権）

(Voting right and right to elect)

第三十三条　会員は、出資口数にかかわらず、各々一個の議決権及び役員の選挙権を有する。

Article 33 (1) Each member shall have a single voting right and a right to elect officers irrespective of the number of units of contribution.

２　会員は、第五十九条第八項の規定によりあらかじめ通知のあつた事項につき、書面又は代理人をもつて、議決権又は選挙権を行うことができる。この場合においては、定款で定める資格を有する者でなければ、代理人となることができない。

(2) A member may exercise a member's voting right or right to elect by a written ballot or a proxy regarding matters that were notified in advance pursuant to the provisions of Article 59, paragraph (8).

３　会員は、定款で定めるところにより、前項の規定による書面をもつてする議決権の行使に代えて、議決権を電磁的方法により行うことができる。

(3) A member may, in lieu of exercising a member's voting right by a written ballot under the preceding paragraph, exercise the voting right through an Electromagnetic Means pursuant to the provisions of the articles of incorporation.

４　前二項の規定により議決権又は選挙権を行う者は、出席者とみなす。

(4) A person who exercises a voting right or right to vote pursuant to the provisions of the preceding two paragraphs shall be deemed to be present.

５　代理人は、代理権を証する書面を会員商品取引所に提出しなければならない。この場合において、電磁的方法により議決権を行うことが定款で定められているときは、当該書面の提出に代えて、代理権を当該電磁的方法により証明することができる。

(5) A proxy shall submit a document proving the power of proxy to the Member Commodity Exchange. In this case, if the articles of incorporation provide that the voting right may be exercised through an Electromagnetic Means, the proxy may prove the right of representation through the Electromagnetic Means in lieu of submission of said document.

（経費の賦課）

(Imposition of costs)

第三十四条　会員商品取引所は、定款で定めるところにより、会員に経費を賦課することができる。

Article 34 (1) A Member Commodity Exchange may impose costs on its members pursuant to the provisions of its articles of incorporation.

２　第三十二条第五項の規定は、前項の経費の払込みについて準用する。

(2) The provisions of Article 32, paragraph (5) shall apply mutatis mutandis to the payment of costs under the preceding paragraph.

（加入）

(Membership)

第三十五条　会員商品取引所の設立の際会員商品取引所に加入しようとする者でその引き受けた出資の全額の払込みが終了したものは、その会員商品取引所成立の時に会員となる。

Article 35 (1) A person who intends to join a Member Commodity Exchange upon establishment of the Member Commodity Exchange and who has completed the payment of the full amount of his/her contribution shall become a member at the time of the establishment of the Member Commodity Exchange.

２　会員商品取引所の設立の際会員商品取引所に加入しようとする者で会員商品取引所成立の時までに前項に規定する払込みを終了しない者については、会員商品取引所成立の時に加入の申込みを取り消したものとみなす。

(2) A person who intends to join a Member Commodity Exchange upon the establishment of the Member Commodity Exchange who has not completed the payment prescribed in the preceding paragraph by the time of the establishment of the Member Commodity Exchange shall be deemed to have rescinded his/her application for membership at the time of the establishment of the Member Commodity Exchange.

３　成立後の会員商品取引所に加入しようとする者は、定款で定めるところにより、加入につき会員商品取引所の承諾を得て、その引き受けた出資の全額の払込み及び会員商品取引所が加入金を徴収することを定めた場合にはその支払を終了した時又は会員の持分の全部若しくは一部の譲受け及び会員商品取引所が加入金を徴収することを定めた場合にはその支払を終了した時に会員となる。

(3) A person who intends to join a Member Commodity Exchange after establishment of the Member Commodity Exchange shall become a member when, pursuant to the provisions of the articles of incorporation, that person gains the consent of the Member Commodity Exchange regarding the membership and completes the payment of the full amount of his/her contribution and the payment of a membership fee if the Member Commodity Exchange has determined to collect a membership fee, or completes the acceptance of the whole or a part of the equity interest of a member and the payment of a membership fee if the Member Commodity Exchange has determined to collect a membership fee.

４　会員商品取引所は、会員たる資格を有する者が会員商品取引所に加入しようとするときは、正当な理由がないのに、その加入を拒んではならない。

(4) When a person having the membership qualification intends to join a Member Commodity Exchange, the Member Commodity Exchange shall not refuse membership without a justifiable reason.

（持分の譲渡）

(Transfer of equity interest)

第三十六条　会員は、定款で定めるところにより、会員又は会員たる資格を有する者に持分の全部又は一部を譲り渡すことができる。

Article 36 (1) A member may transfer the whole or a part of the member's equity interest to a person having the membership qualification pursuant to the provisions of the articles of incorporation.

２　会員たる資格を有する者が持分を譲り受けようとするときは、加入の例によらなければならない。

(2) When a person having the membership qualification intends to accept an equity interest, the acceptance shall be governed by the same rules as those for membership.

３　持分の譲受人は、その持分について、譲渡人の権利及び義務を承継する。

(3) The transferee of an equity interest shall succeed to the rights and obligations of the transferrer with regard to that equity interest.

（持分の承継）

(Succession to the equity interest)

第三十七条　会員が死亡した場合において、その相続人又は受遺者（以下この条において「相続人等」という。）が会員であるときは、その者は、被承継人の持分並びにその持分についての被承継人の権利及び義務を承継する。この場合においては、承継人は、遅滞なく、その旨を会員商品取引所に通知しなければならない。

Article 37 (1) In the event that a member dies, if that member's heir or donee (hereinafter referred to as the "Heir, etc." in this Article) is a member, such person shall succeed to the equity interest of the decedent and the rights and obligations of the decedent with regard to that equity interest. In this case, the Heir, etc. shall notify the Member Commodity Exchange to that effect without delay.

２　会員が死亡した場合において、相続人等が会員たる資格を有する者であるときは、その者は、定款で定める期間内に加入につき会員商品取引所の承諾を得て、被承継人の持分並びにその持分についての被承継人の権利及び義務を承継することができる。

(2) In the event that a member dies, if the Heir, etc. is a person having the membership qualification, such person may succeed to the equity interest of the decedent and the rights and obligations of the decedent with regard to that equity interest by gaining the consent of the Member Commodity Exchange regarding the membership within a period specified by the articles of incorporation.

３　前項の規定により相続人等が被承継人の持分並びにその持分についての被承継人の権利及び義務を承継したときは、その者は、被承継人の死亡の時において会員になつたものとみなす。

(3) When the Heir, etc. has succeeded to the equity interest of the decedent and the rights and obligations of the decedent with regard to that equity interest pursuant to the provisions of the preceding paragraph, such person shall be deemed to have become a member at the time of the death of the decedent.

４　第一項又は第二項の場合において、相続人等が数人あるときは、その相続人等全員の同意をもつて選定された一人の相続人等に対してのみ、これらの項の規定を適用する。

(4) In the case referred to in paragraph (1) or (2), if there are two or more Heirs, etc., the provision of these paragraphs shall apply to only one Heir, etc. who has been selected with the consent of all the Heirs, etc.

（持分の共有禁止）

(Prohibition of co-ownership of an equity interest)

第三十八条　会員は、持分を共有することができない。

Article 38 Members may not co-own an equity interest.

（取引に係る権利及び義務の承継）

(Succession to the rights and obligations pertaining to transactions)

第三十九条　第三十七条第一項又は第二項の規定により会員の持分並びにその持分についての権利及び義務を承継した者は、当該会員が商品市場においてした取引に係る権利及び義務を承継する。

Article 39 A person who has succeeded to the equity interest of a member and the rights and obligations with regard to that equity interest pursuant to the provisions of Article 37, paragraph (1) or (2) shall succeed to the rights and obligations pertaining to the transactions that said member has carried out on the Commodity Market.

（会員たる地位の承継）

(Succession to member status)

第四十条　会員につき合併があつたときは、合併後存続する法人又は合併により設立された法人は、会員たる地位を承継する。

Article 40 In the event that a member merges, the juridical person surviving the merger or the juridical person established by the merger shall succeed to the member status.

（任意脱退）

(Voluntary withdrawal)

第四十一条　会員は、三十日前までに予告して、会員商品取引所を脱退することができる。

Article 41 (1) A member may withdraw from a Member Commodity Exchange by giving 30 days' notice in advance.

２　前項の予告期間は、定款で延長することができる。ただし、その期間は、一年を超えることができない。

(2) The period of advance notice set forth in the preceding paragraph may be extended by the articles of incorporation; provided, however, that such period shall not exceed one year.

（当然脱退）

(Involuntary withdrawal)

第四十二条　会員は、前条及び第四十四条第一項に規定する場合のほか、次に掲げる事由によつて脱退する。

Article 42 In addition to the cases prescribed in the preceding Article and Article 44, paragraph (1), a member shall withdraw from membership based on the following grounds:

一　第三十条第一項各号のいずれにも該当しないこととなつたこと。

(i) The person no longer falls under any of the items of Article 30, paragraph (1).

二　その者が取引をする商品市場のすべてが第七十条の規定により閉鎖されたこと。

(ii) All of the Commodity Markets in which the person carries out transactions were closed pursuant to the provisions of Article 70.

三　持分全部の譲渡

(iii) Transfer of all of the member's equity interest

四　死亡又は解散

(iv) Death or dissolution

五　除名

(v) Expulsion

（除名）

(Expulsion)

第四十三条　会員の除名は、第九十九条第五項の規定によつてする場合及び第百六十条第一項の規定による主務大臣の命令によつてする場合を除き、定款で定める事由のある会員につき、第六十一条に定める会員総会の決議によつてするものとする。

Article 43 (1) Expulsion of a member shall, except for expulsion pursuant to the provisions of Article 99, paragraph (5) and expulsion by an order of the competent minister under Article 160, paragraph (1), be conducted based on a resolution of a general meeting of members set forth in Article 61 with regard to a member for whom a reason specified by the articles of incorporation exists.

２　前項の場合においては、会員商品取引所は、その会員総会の会日の十日前までに、その会員に対しその旨及び除名の理由を記載した書面を送付し、かつ、会員総会において弁明する機会を与えなければならない。

(2) In the case referred to in the preceding paragraph, a Member Commodity Exchange shall send a document stating the effect of and the reason for the expulsion to such member by 10 days prior to the day of the general meeting of members and give such member an opportunity to explain at a general meeting of members.

３　除名は、除名した会員にその旨を通知しなければ、これをもつてその者に対抗することができない。

(3) Unless the expulsion is notified to the expelled member, expulsion may not be asserted against such person.

（持分の差押えによる脱退）

(Withdrawal due to attachment of the equity interest)

第四十四条　会員の持分を差し押さえた債権者は、その会員を脱退させることができる。ただし、会員商品取引所及び会員に対し三十日前までに予告しなければならない。

Article 44 (1) A creditor who has attached the equity interest of a member may have such member withdraw from membership; provided, however, that the creditor shall give a notice to the Member Commodity Exchange and the member 30 days in advance.

２　前項ただし書の予告は、同項の会員が、同項の債権者に対し、弁済し、又は相当の担保を提供したときは、その効力を失う。

(2) The advance notice referred to in the proviso of the preceding paragraph shall cease to be effective when the member set forth in the same paragraph repays the liabilities or provides reasonable collateral to the creditor set forth in the same paragraph.

３　会員の持分の差押えは、持分の払戻しを請求する権利に対しても、その効力を有する。

(3) Attachment of the equity interest of a member is also effective for the right to claim a refund of the equity interest.

（持分の払戻し）

(Refund of the equity interest)

第四十五条　脱退した会員は、定款で定めるところにより、その持分の全部又は一部の払戻しを受けることができる。

Article 45 (1) A member who has withdrawn from membership may receive a refund of the whole or a part of the member's equity interest.

２　前項の持分は、脱退した日の属する月の前月末日における会員商品取引所の財産によつて定める。

(2) The equity interest referred to in the preceding paragraph shall be decided according to the property of the Member Commodity Exchange on the last day of the month preceding the month in which the member withdrew from membership.

３　前項の持分を計算するに当たり、会員商品取引所の財産をもつて債務を完済することができないときは、会員商品取引所は、定款で定めるところにより、脱退した会員に対し、その負担に帰すべき損失額の払込みを請求することができる。

(3) When calculating the equity interest referred to in the preceding paragraph, if the liability cannot be repaid in full using the property of the Member Commodity Exchange, the Member Commodity Exchange may claim from the withdrawn member payment of the amount of loss that should be borne by said member.

４　第一項又は前項の規定による請求権は、脱退後二年間行わないときは、時効によつて消滅する。

(4) The claim prescribed in paragraph (1) or the preceding paragraph shall be extinguished by prescription if not exercised for two years after the withdrawal.

５　脱退した会員が会員商品取引所に対する債務を完済するまでは、会員商品取引所は、持分の払戻しを停止することができる。

(5) A Member Commodity Exchange may suspend the refund of the equity interest until the withdrawn member repays the liability to the Member Commodity Exchange in full.

第三款　機関

Subsection 3 Organization

（役員）

(Officers)

第四十六条　会員商品取引所に、次の役員を置く。

Article 46 (1) The following officers shall be placed at a Member Commodity Exchange:

理事長　一人

One president

理事　二人以上

Two or more directors

監事　二人以上

Two or more auditors

（理事長及び理事の権限）

(Authority of the president and directors)

第四十七条　理事長は、会員商品取引所を代表し、その事務を総理する。

Article 47 (1) The president shall represent the Member Commodity Exchange and preside over its affairs.

２　理事は、定款で定めるところにより、会員商品取引所を代表し、理事長を補佐して会員商品取引所の事務を掌理し、理事長に事故があるときにはその職務を代理し、理事長が欠員のときにはその職務を行う。

(2) The directors shall, pursuant to the provisions of the articles of incorporation, represent the Member Commodity Exchange, administer the affairs of the Member Commodity Exchange assisting the president, perform the duties of the president in his/her place when the president is unable to attend to his/her duties, and perform the duties of the president when the post is vacant.

３　会員商品取引所の事務の執行は、定款に別段の定めがないときは、理事長及び理事の過半数で決する。

(3) Execution of the affairs of a Member Commodity Exchange shall be decided by a majority vote of the president and directors unless otherwise specified by the articles of incorporation.

（理事長及び理事の代理行為の委任）

(Delegation of the authority of the president and directors)

第四十七条の二　理事長及び理事は、定款又は会員総会の決議によつて禁止されていないときに限り、特定の行為の代理を他人に委任することができる。

Article 47-2 The president and directors may delegate their authority on a specified act to another person unless such delegation is prohibited by the articles of incorporation or a resolution of a general meeting of members.

（監事の権限）

(Authority of the auditors)

第四十八条　監事は、会員商品取引所の事務を監査する。

Article 48 (1) The auditors shall audit the affairs of the Member Commodity Exchange.

２　監事は、いつでも理事長若しくは理事に対して事務の報告を求め、又は会員商品取引所の事務及び財産の状況を調査することができる。

(2) The corporate auditors, at any time, may ask the president or directors to report on the affairs or may investigate the status of the affairs and properties of the Member Commodity Exchange.

３　監事は、理事長が会員総会に提出しようとする書類を調査し、会員総会にその意見を報告しなければならない。

(3) The auditors shall examine the documents that the president intends to submit to a general meeting of members and report their opinions to the general meeting of members.

（役員の欠格条件）

(Disqualifying conditions for officers)

第四十九条　第十五条第二項第一号イからルまでのいずれかに該当する者は、会員商品取引所の役員となることができない。

Article 49 (1) A person who falls under any category of the persons in Article 15, paragraph (2), item (i), (a) to (k) inclusive may not be an officer of a Member Commodity Exchange.

２　会員商品取引所の役員が前項に規定する者に該当することとなつたときは、その職を失う。

(2) If an officer of a Member Commodity Exchange falls under any category of the persons prescribed in the preceding paragraph, that officer shall lose his/her position.

（役員の選任）

(Appointment of officers)

第五十条　会員商品取引所の役員は、次項の規定により選任される理事を除き、定款で定めるところにより、会員総会において、会員が選挙する。ただし、設立当時の役員は、創立総会において、会員になろうとする者が選挙する。

Article 50 (1) Officers of a Member Commodity Exchange shall, except for the directors appointed pursuant to the following paragraph, be elected by the members at a general meeting of members pursuant to the provisions of the articles of incorporation; provided, however, that the officers at the time of establishment shall be elected by persons who intend to become members at the organizational meeting.

２　理事長は、定款に特別の定めがある場合には、理事の過半数の同意を得て、定款で定める数の理事を選任する。

(2) Where special provisions exist in the articles of incorporation, the president shall appoint the number of directors specified by the articles of incorporation by gaining the consent of a majority of the directors.

（会員商品取引所と役員との関係）

(Relationship between a Member Commodity Exchange and officers)

第五十条の二　会員商品取引所と役員との関係は、委任に関する規定に従う。

Article 50-2 The relationship between a Member Commodity Exchange and its officers shall be in accordance with the provisions concerning delegation.

（役員の任期）

(Term of office of officers)

第五十一条　役員の任期は、三年以内において定款で定める期間とする。

Article 51 (1) The term of office of an officer shall be a period of not more than three years as specified by the articles of incorporation.

２　設立当時の役員の任期は、前項の規定にかかわらず、創立総会において定める期間とする。ただし、その期間は、一年を超えることができない。

(2) The term of office of an officer at the time of establishment shall, notwithstanding the provisions of the preceding paragraph, be a period decided at the organizational meeting; provided, however, that such period shall not exceed one year.

（仮理事及び仮監事）

(Provisional director and provisional auditor)

第五十二条　主務大臣は、理事又は監事の職を行う者がない場合において、必要があると認めるときは、仮理事又は仮監事を選任することができる。

Article 52 The competent minister may, when there is no person to perform the duties of a director or auditor and if he/she finds it necessary, appoint a provisional director or provisional auditor.

（理事長及び理事の責任）

(Responsibilities of the president and directors)

第五十三条　理事長又は理事がその任務を怠つたときは、その理事長又は理事は、会員商品取引所に対して連帯して損害賠償の責めに任ずる。

Article 53 (1) When the president or directors fail to perform their duties, such president or directors shall be held jointly and severally liable for damages against the Member Commodity Exchange.

２　理事長又は理事が法令又は定款に違反する行為をしたときは、会員総会の決議によつた場合でもその理事長又は理事は、第三者に対して連帯して損害賠償の責めに任ずる。

(2) When the president or directors commit an act in violation of laws and regulations or the articles of incorporation, even if it resulted from a resolution of a general meeting of members, such president or directors shall be held jointly and severally liable for damages against third parties.

（役員の解任の請求）

(Request for dismissal of an officer)

第五十四条　会員は、総会員の五分の一以上の連署をもつて、役員の解任を請求することができる。この場合において、その請求につき、総会員の半数以上が出席する会員総会において、出席会員の三分の二以上の同意があつたときは、その請求に係る役員は、その職を失う。

Article 54 (1) A member may request dismissal of an officer under the joint signature of at least one-fifth of all members. In this case, if there is consent of at least two-thirds of the members present at a general meeting of members with the presence of at least half of all members with regard to the request, the officer pertaining to the request shall lose his/her position.

２　前項の規定による解任の請求は、理事長及び理事の全員又は監事の全員について、同時にしなければならない。ただし、法令又は定款若しくは業務規程に違反したことを理由として解任を請求するときは、この限りでない。

(2) The request for dismissal prescribed in the preceding paragraph shall be made simultaneously for the president and all directors or all auditors; provided, however, that this shall not apply when requesting dismissal as a result of the violation of any laws and regulations, the articles of incorporation or market rules.

３　第一項の規定による解任の請求は、その理由を記載した書面を理事長に提出してしなければならない。

(3) The request for dismissal prescribed in paragraph (1) shall be made by submitting a document stating the reason therefor to the president.

４　第一項の規定による解任の請求があつたときは、理事長は、その請求を会員総会の議に付し、かつ、会員総会の会日から十日前までに、その請求に係る役員に対し、前項の規定による書面を送付し、かつ、会員総会において弁明する機会を与えなければならない。

(4) When a request for dismissal prescribed in paragraph (1) is made, the president shall refer the request to a general meeting of members and send the document prescribed in the preceding paragraph to the officer pertaining to the request by 10 days prior to the day of the general meeting of members, and give that officer an opportunity to explain at the general meeting of members.

５　第五十九条第三項、第六項及び第七項の規定は、前項の場合について準用する。

(5) The provisions of Article 59, paragraphs (3), (6) and (7) shall apply mutatis mutandis to the case referred to in the preceding paragraph.

（役員の兼職禁止）

(Prohibition of concurrent holding of positions by officers)

第五十五条　会員商品取引所の役員は、他の商品取引所の役員の地位を占めてはならない。

Article 55 (1) An officer of a Member Commodity Exchange shall not hold the position of an officer of another Commodity Exchange.

２　理事長又は理事は、その者が理事長又は理事となつている会員商品取引所の監事と、監事は、その者が監事となつている会員商品取引所の使用人又は理事長若しくは理事と兼ねてはならない。

(2) The president or a director shall not hold concurrently the position of an auditor of the Member Commodity Exchange where such person serves as the president or a director, and an auditor shall not hold concurrently the position of an employee or the president or a director of the Member Commodity Exchange where such person serves as an auditor.

（理事の自己契約等の禁止）

(Prohibition of self-contract, etc. of directors)

第五十六条　会員商品取引所が理事長又は理事と契約をするときは、監事が会員商品取引所を代表する。会員商品取引所と理事長又は理事との訴訟についても、また同様とする。

Article 56 When a Member Commodity Exchange concludes a contract with the president or a director, an auditor shall represent the Member Commodity Exchange. The same shall apply to a suit between a Member Commodity Exchange and the president or a director.

（定款等の備置き及び閲覧等）

(Keeping of and inspection, etc. of articles of incorporation, etc.)

第五十七条　会員商品取引所は、定款及び業務規程を会員商品取引所の各事務所に、会員名簿を主たる事務所に備え置かなければならない。

Article 57 (1) A Member Commodity Exchange shall keep copies of the articles of incorporation and market rules at each office of the Member Commodity Exchange and keep a member register at its principal office.

２　会員商品取引所は、会員総会の議事録を十年間主たる事務所に、その謄本を五年間従たる事務所に備え置かなければならない。

(2) A Member Commodity Exchange shall keep copies of the minutes of general meetings of members at its principal office for 10 years and keep their transcripts at its secondary offices for five years.

３　会員名簿には、各会員について次に掲げる事項を記載し、又は記録しなければならない。

(3) The following matters concerning each member shall be included in a member register:

一　氏名又は商号若しくは名称及び住所

(i) Name or trade name and address

二　加入年月日

(ii) Date of membership

三　出資口数、出資金額及びその払込年月日

(iii) Number of units of contribution, amount of contribution and date of its payment

四　取引をする商品市場における上場商品又は上場商品指数

(iv) Listed Commodity or Listed Commodity Index on the Commodity Market where the member carries out transactions

五　商品取引員であるときは、許可年月日

(v) In the case of a Futures Commission Merchant, the date of the grant of a license

４　会員及び会員商品取引所の債権者は、当該会員商品取引所の事業時間内は、いつでも、次に掲げる請求をすることができる。ただし、第二号又は第四号に掲げる請求をするには、当該会員商品取引所の定めた費用を支払わなければならない。

(4) A member and a creditor of a Member Commodity Exchange may make the following request at any time during the business hours of the Member Commodity Exchange; provided, however, that in order to make the request set forth in item (ii) or (iv), such person shall pay a cost decided by the Member Commodity Exchange:

一　第一項又は第二項の書面の閲覧の請求

(i) A request for inspection of a document set forth in paragraph (1) or (2)

二　第一項又は第二項の書面の謄本又は抄本の交付の請求

(ii) A request for delivery of a transcript or extract of a document set forth in paragraph (1) or (2)

三　第一項又は第二項の書面の作成に代えて電磁的記録の作成がされているときは、当該電磁的記録に記録された事項を主務省令で定める方法により表示したものの閲覧の請求

(iii) Where an Electromagnetic Record has been created in lieu of the creation of a document in paragraph (1) or (2), a request for inspection of the matters contained in said Electromagnetic Record which are indicated by a method specified by an ordinance of the competent ministry

四　前号の電磁的記録に記録された事項を電磁的方法であつて主務省令で定めるものにより提供することの請求又は当該事項を記載した書面の交付の請求

(iv) A request for provision of the matters contained in an Electromagnetic Record set forth in the preceding item by an Electromagnetic Means which is specified by an ordinance of the competent ministry or a request for delivery of a document stating such matters

５　会員商品取引所は、前項の規定による請求があつたときは、正当な理由がないのにこれを拒んではならない。

(5) When a request prescribed in the preceding paragraph has been made, a Member Commodity Exchange shall not refuse the request without a justifiable reason.

（会社法等の準用）

(Application mutatis mutandis of the Companies Act, etc.)

第五十八条　会社法第四百二十四条及び第四百三十条の規定は理事長、理事及び監事について、同法第七編第二章第二節（第八百四十七条第二項、第八百四十九条第二項第二号及び第五項並びに第八百五十一条を除く。）の規定は理事長、理事及び監事の責任を追及する訴えについて、同法第三百四十九条第四項及び第五項、第三百五十条、第三百五十四条並びに第三百六十一条の規定は理事長及び理事について、第五十三条の規定は監事について、それぞれ準用する。この場合において、同法第四百二十四条中「前条第一項」とあるのは「商品取引所法第五十三条第一項」と、同法第四百三十条中「役員等が」とあるのは「理事長又は理事が」と、「他の役員等も」とあるのは「監事も」と、同法第八百四十七条第一項及び第四項中「法務省令」とあるのは「主務省令」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 58 The provisions of Article 424 and Article 430 of the Companies Act shall apply mutatis mutandis to the president, directors and auditors, the provisions of Part VII, Chapter II, Section 2 (excluding Article 847, paragraph (2), Article 849, paragraph (2), item (ii) and paragraph (5) and Article 851) of the Act shall apply mutatis mutandis to an action for pursuing the responsibilities of the president, directors and auditors, the provisions of Article 349, paragraphs (4) and (5), Article 350, Article 354 and Article 361 of the same Act shall apply mutatis mutandis to the president and directors and the provisions of Article 53 shall apply mutatis mutandis to the auditors. In this case, the phrase "paragraph (1) of the preceding Article" in Article 424 of the same Act shall be deemed to be replaced with "Article 53, paragraph (1) of the Commodity Exchange Act," the term "an officer, etc." in Article 430 of the same Act shall be deemed to be replaced with "the president or a director," the term "another officer, etc." in the same Article shall be deemed to be replaced with "also an auditor," the term "an Ordinance of the Ministry of Finance" in Article 847, paragraphs (1) and (4) of the same Act shall be deemed to be replaced with "an ordinance of the competent ministry" and any other technical replacement shall be specified by a Cabinet Order.

（会員総会の招集）

(Convocation of a general meeting of members)

第五十九条　理事長は、定款で定めるところにより、毎事業年度一回通常会員総会を招集しなければならない。

Article 59 (1) The president shall convene an ordinary general meeting of members once in every business year pursuant to the provisions of the articles of incorporation.

２　理事長は、必要があると認めるときは、定款で定めるところにより、いつでも臨時会員総会を招集することができる。

(2) The president may, if he/she finds it necessary, convene an extraordinary general meeting at any time pursuant to the provisions of the articles of incorporation.

３　会員が総会員の五分の一以上の者の同意をもつて、会議の目的たる事項及び招集の理由を記載した書面を理事長に提出して、会員総会の招集を請求したときは、理事長は、その請求があつた日から二十日以内に、臨時会員総会を招集しなければならない。

(3) When a member requests the convocation of a general meeting of members by submitting a document stating the subject matter of the meeting and the reasons for the convocation to the president with the consent of at least one-fifth of all members, the president shall convene an extraordinary general meeting of members within 20 days from the day of such request.

４　前項の場合において、電磁的方法により議決権を行うことが定款で定められているときは、同項の規定による書面の提出に代えて、当該書面に記載すべき事項及び理由を当該電磁的方法により提出することができる。この場合において、当該書面に記載すべき事項及び理由を当該電磁的方法により提出した会員は、当該書面を提出したものとみなす。

(4) In the case referred to in the preceding paragraph, if the articles of incorporation provide that a voting right may be exercised through an Electromagnetic Means, the member may, in lieu of submission of a document under the same paragraph, submit the subject matter and reasons that should be stated in said document through the Electromagnetic Means. In this case, the member who has submitted the subject matter and reasons that should be stated in such document through the Electromagnetic Means shall be deemed to have submitted said document.

５　前項前段の電磁的方法（主務省令で定める方法を除く。）により行われた当該書面に記載すべき事項及び理由の提供は、理事長の使用に係る電子計算機に備えられたファイルへの記録がされた時に当該理事長に到達したものとみなす。

(5) Provision of the subject matter and reasons that should be stated in said document through an Electromagnetic Means (excluding any methods specified by an ordinance of the competent ministry) referred to in the first sentence of the preceding paragraph shall be deemed to have arrived with the president at the time when they have been recorded onto a file on a computer used by the president.

６　理事長の職務を行う者がないとき、又は第三項の請求があつた場合において理事長が正当な理由がないのに招集の手続をしないときは、監事は、遅滞なく、会員総会を招集しなければならない。

(6) When there is no person to perform the duties of the president or when a request set forth in paragraph (3) has been made but the president fails to implement the procedure of convocation without a justifiable reason, the auditors shall convene a general meeting of members without delay.

７　前項の場合において、監事の職務を行う者がないとき、又は監事が正当な理由がないのに同項の手続をしないときは、第三項の会員は、主務大臣の承認を得て、会員総会を招集することができる。

(7) In the case referred to in the preceding paragraph, when there is no person to perform the duties of an auditor or when the auditors fail to implement the procedure under the same paragraph without a justifiable reason, the member set forth in paragraph (3) may convene a general meeting of members by gaining the approval of the competent minister.

８　会員総会を招集するには、会日から十日前までに、各会員に対して、書面をもつて招集の通知を発しなければならない。ただし、第二項、第三項、第六項及び前項に規定する招集については、定款でこの期間を短縮することができる。

(8) In order to convene a general meeting of members, a notice of convocation shall be sent in writing to each member by 10 days prior to the day of the meeting; provided, however, that this period may be shortened according to the articles of incorporation with regard to the convocation prescribed in paragraphs (2), (3) and (6) and the preceding paragraph.

９　前項の通知には、会議の目的たる事項を記載し、又は記録しなければならない。

(9) The subject matter of the meeting shall be included in the notice set forth in the preceding paragraph.

１０　会員総会を招集する者は、第八項の規定による書面による通知の発出に代えて、政令で定めるところにより、会員の承諾を得て、電磁的方法により通知を発することができる。この場合において、当該通知を当該電磁的方法により発した会員総会を招集する者は、同項の規定による書面による通知を発したものとみなす。

(10) A person convening a general meeting of members may, in lieu of sending the notice in writing under paragraph (8), send such notice by an Electromagnetic Means with the consent of the members pursuant to the provisions of the articles of incorporation. In this case, the person convening a general meeting of members who sent said notice by the Electromagnetic Means shall be deemed to have sent the notice in writing under the same paragraph.

（会員総会の決議事項）

(Matters that require a resolution of a general meeting of members)

第六十条　この法律に特別の定めがあるもののほか、次に掲げる事項は、会員総会の決議を経なければならない。

Article 60 In addition to matters for which special provisions exist in this Act, the following matters shall require a resolution of a general meeting of members:

一　定款の変更

(i) Amendments to the articles of incorporation

二　貸借対照表、損益計算書、業務報告書、剰余金処分案及び損失処理案の承認

(ii) Approval of the balance sheet, profit and loss statement, business report, proposed appropriation of surplus and proposed appropriation of loss

三　経費の賦課及び徴収の方法

(iii) Method of imposition and collection of costs

四　解散

(iv) Dissolution

五　合併

(v) Merger

六　会員の除名

(vi) Expulsion of a member

七　その他定款で定める事項

(vii) Any other matters specified by the articles of incorporation

（会員総会の特別決議事項）

(Matters that require a special resolution of a general meeting of members)

第六十一条　前条第一号及び第四号から第六号までに掲げる事項は、総会員の半数以上が出席し、その議決権の三分の二以上の多数による決議を経なければならない。

Article 61 The matters listed in item (i) and items (iv) to (vi) inclusive of the preceding Article shall require resolution by at least a two-thirds majority vote of the members present when at least half of all members are present.

（会員総会の議事）

(Decisions at a general meeting of members)

第六十二条　会員総会の議事は、この法律又は定款に特別の定めがある場合を除いて、出席した会員の議決権の過半数で決し、可否同数のときは、議長の決するところによる。

Article 62 (1) Decisions at a general meeting of members shall, except when special provisions exist in this Act or the articles of incorporation, be made by a majority vote of the members present and by the chairperson in the event of a tie.

２　議長は、会員総会において選任する。

(2) The chairperson shall be appointed at a general meeting of members.

３　議長は、会員として会員総会の決議に加わる権利を有しない。

(3) The chairperson shall not be entitled to take part in a resolution of the general meeting of members as a member.

４　会員総会においては、第五十九条第八項の規定によりあらかじめ通知した事項についてのみ決議することができる。ただし、定款で別段の定めをしたときは、この限りでない。

(4) Only the matters that have been notified in advance pursuant to the provisions of Article 59, paragraph (8) may be resolved at a general meeting of members; provided, however, that this shall not apply when otherwise provided for by the articles of incorporation.

５　会員総会の議事録には、出席した監事も署名しなければならない。

(5) Minutes of a general meeting of members shall also be signed by the auditors present.

（延期又は続行の決議）

(Resolution of postponement or continuation)

第六十二条の二　会員総会においてその延期又は続行について決議があつた場合には、第五十九条第八項本文の規定は、適用しない。

Article 62-2 If a resolution were made at a general meeting of members with regard to its postponement or continuation, the provisions of Article 59, paragraph (8), main clause shall not apply.

（議事録）

(Minutes)

第六十二条の三　会員総会の議事については、主務省令で定めるところにより、議事録を作成しなければならない。

Article 62-3 Minutes shall be taken regarding the proceedings of a general meeting of members pursuant to the provisions of an ordinance of the competent ministry.

（会社法の準用）

(Application mutatis mutandis of the Companies Act)

第六十三条　会社法第八百三十条、第八百三十一条、第八百三十四条（第十六号及び第十七号に係る部分に限る。）、第八百三十五条第一項、第八百三十六条第一項及び第三項、第八百三十七条、第八百三十八条、第八百四十六条並びに第九百三十七条第一項（第一号トに係る部分に限る。）の規定は、会員総会の決議の不存在若しくは無効の確認又は取消しの訴えについて準用する。この場合において、同項中「会社の本店（第一号トに規定する場合であって当該決議によって第九百三十条第二項各号に掲げる事項についての登記がされているときにあっては、本店及び当該登記に係る支店）」とあるのは、「会員商品取引所の主たる事務所（第一号トに規定する場合であって当該決議によって商品取引所法第二十四条第二項各号に掲げる事項についての登記がされているときにあっては、主たる事務所及び当該登記に係る従たる事務所）」と読み替えるものとする。

Article 63 The provisions of Article 830, Article 831, Article 834 (limited to the part pertaining to items (xvi) and (xvii)), Article 835, paragraph (1), Article 836, paragraphs (1) and (3), Article 837, Article 838, Article 846 and Article 937, paragraph (1) (limited to the part pertaining to item (i) (e)) of the Companies Act shall apply mutatis mutandis to an action for the declaration of nonexistence or nullity of a resolution of a general meeting of members or an action for the rescission of a resolution of a general meeting of members. In this case, the phrase "the head office (in the case prescribed in item (i) (e) where the matters listed in the respective items of Article 930, paragraph (2) have been registered according to said resolution, the head office and the branch office pertaining to said registration)" in the same paragraph shall be deemed to be replaced with "the principal office of the Member Commodity Exchange (in the case prescribed in item (i) (e) where the matters listed in the respective items of Article 24, paragraph (2) of the Commodity Exchange Act have been registered according to said resolution, the principal office and the secondary office pertaining to said registration)."

第四款　計算

Subsection 4 Account

（損失てん補準備金）

(Loss compensation reserve)

第六十四条　会員商品取引所は、定款で定めるところにより、毎事業年度の剰余金の百分の十以上を損失てん補準備金として積み立てなければならない。

Article 64 (1) A Member Commodity Exchange shall reserve at least one-hundredths of any surplus in every business year as a loss compensation reserve pursuant to the provisions of the articles of incorporation.

２　前項の準備金は、損失のてん補に充てる場合を除いては、取り崩してはならない。

(2) The reserve set forth in the preceding paragraph shall not be broken into except in the case of allocating it to loss compensation.

（剰余金の配当禁止）

(Prohibition of distribution of surplus)

第六十五条　会員商品取引所は、剰余金の分配をしてはならない。

Article 65 A Member Commodity Exchange shall not distribute its surplus.

（決算関係書類等の作成）

(Creation of Settlement related Documents, etc.)

第六十六条　会員商品取引所は、主務省令で定めるところにより、財産目録、貸借対照表、損益計算書、業務報告書及び剰余金処分案又は損失処理案（以下「決算関係書類等」という。）を作成しなければならない。

Article 66 (1) A Member Commodity Exchange shall create an inventory of property, a balance sheet, profit and loss statement, business report and proposed appropriation of surplus or proposed appropriation of loss (hereinafter referred to as "Settlement related Documents, etc.").

２　決算関係書類等は、電磁的記録をもつて作成することができる。

(2) Settlement related Documents, etc. may be created as an Electromagnetic Record.

（決算関係書類等の提出等）

(Submission, etc. of Settlement related Documents, etc.)

第六十七条　理事長は、通常会員総会の会日の二週間前までに、決算関係書類等（これらのものが電磁的記録で作成され、又はその作成に代えて電磁的記録の作成がされている場合における当該電磁的記録を含む。）を監事に提出し、又は提供しなければならない。

Article 67 The president shall submit or provide Settlement related Documents, etc. (including the Electromagnetic Record where such documents are created as an Electromagnetic Record or where an Electromagnetic Record has been created in lieu of creation of such documents) to auditors by two weeks prior to the day of an ordinary general meeting of members.

（決算関係書類等の承認及び報告）

(Approval and report of Settlement related Documents, etc.)

第六十八条　決算関係書類等（財産目録及び業務報告書を除く。）は、通常会員総会の承認を受けなければならない。

Article 68 (1) Settlement related Documents, etc. (excluding the inventory of property and business report) shall require the approval of an ordinary general meeting of members.

２　理事長は、業務報告書の内容を通常会員総会に報告しなければならない。

(2) The president shall report the content of the business report to an ordinary general meeting of members.

（決算関係書類等の備置き及び閲覧等）

(Keeping of and inspection, etc. of Settlement related Documents, etc.)

第六十八条の二　会員商品取引所は、決算関係書類等を、通常会員総会の会日の二週間前の日から五年間、その主たる事務所に備え置かなければならない。

Article 68-2 (1) A Member Commodity Exchange shall keep the Settlement related Documents, etc. at its principal office for five years from the day two weeks prior to the day of an ordinary general meeting of members.

２　会員商品取引所は、決算関係書類等の写しを、通常会員総会の会日の二週間前の日から三年間、その従たる事務所に備え置かなければならない。ただし、決算関係書類等が電磁的記録で作成されている場合であつて、従たる事務所における次項第三号及び第四号に掲げる請求に応じることを可能とするための措置として主務省令で定めるものをとつているときは、この限りでない。

(2) A Member Commodity Exchange shall keep a copy of the Settlement related Documents, etc. at its secondary offices for three years from the day two weeks prior to the day of an ordinary general meeting of members; provided, however, that this shall not apply when the Settlement related Documents, etc. have been created as an Electromagnetic Record and a measure specified by an ordinance of the competent ministry as that for enabling a secondary office to respond to the requests listed in items (iii) and (iv) of the following paragraph has been taken.

３　会員及び会員商品取引所の債権者は、会員商品取引所に対して、その事業時間内は、いつでも、次に掲げる請求をすることができる。ただし、第二号又は第四号に掲げる請求をするには、当該会員商品取引所の定めた費用を支払わなければならない。

(3) A member and a creditor of a Member Commodity Exchange may make the following requests to the Member Commodity Exchange at any time during its business hours; provided, however, that in order to make the request set forth in item (ii) or (iv), such person shall pay a cost decided by the Member Commodity Exchange:

一　決算関係書類等が書面をもつて作成されているときは、当該書面又は当該書面の写しの閲覧の請求

(i) Where the Settlement related Documents, etc. have been created as written documents, a request for inspection of said document or its copy

二　前号の書面の謄本又は抄本の交付の請求

(ii) A request for delivery of a transcript or extract of documents set forth in the preceding item

三　決算関係書類等が電磁的記録をもつて作成されているときは、当該電磁的記録に記録された事項を主務省令で定める方法により表示したものの閲覧の請求

(iii) Where the Settlement related Documents, etc. have been created as an Electromagnetic Record, a request for inspection of the matters contained in said Electromagnetic Record which are indicated by a method specified by an ordinance of the competent ministry

四　前号の電磁的記録に記録された事項を電磁的方法であつて主務省令で定めるものにより提供することの請求又はその事項を記載した書面の交付の請求

(iv) A request for provision of the matters contained in an Electromagnetic Record set forth in the preceding item by an Electromagnetic Means which is specified by an ordinance of the competent ministry or a request for delivery of a document stating such matters

（貸借対照表の公告）

(Public notice of the balance sheet)

第六十八条の三　会員商品取引所は、主務省令で定めるところにより、通常会員総会の終結後遅滞なく、貸借対照表を公告しなければならない。

Article 68-3 A Member Commodity Exchange shall give public notice of its balance sheet without delay after conclusion of an ordinary general meeting of members.

第五款　解散及び清算

Subsection 5 Dissolution and Liquidation

（会員商品取引所の解散）

(Dissolution of a Member Commodity Exchange)

第六十九条　会員商品取引所は、次に掲げる事由によつて解散する。

Article 69 A Member Commodity Exchange shall be dissolved based on the following grounds:

一　定款で定めた存続期間の満了又は解散事由の発生

(i) Expiration of the term of existence or occurrence of grounds for dissolution specified by the articles of incorporation

二　会員総会の決議

(ii) Resolution of a general meeting of members

三　合併（合併により当該会員商品取引所が消滅する場合の当該合併に限る。第七十一条及び第七十二条において同じ。）

(iii) Merger (limited to a merger where the Member Commodity Exchange is extinguished as a result of the merger; the same shall apply in Articles 71 and 72)

四　破産手続開始の決定

(iv) Decision of commencement of bankruptcy proceedings

五　設立の許可の取消し

(v) Rescission of the permission for establishment

六　会員の数がすべての商品市場について十人以下となつたこと。

(vi) The number of members becomes 10 or less for all Commodity Markets

（一部の商品市場の閉鎖）

(Closure of a certain Commodity Market)

第七十条　会員商品取引所は、その開設する商品市場において取引をする会員の数が十人以下となつたときは、前条第六号に掲げる事由により解散する場合を除くほか、当該商品市場における取引を停止し、第百五十五条第一項の規定による定款の変更の認可の申請をしなければならない。

Article 70 A Member Commodity Exchange shall, when the number of members carrying out transactions on a Commodity Market it has opened becomes 10 or less, suspend the Transactions on said Commodity Market and apply for approval of an amendment to the articles of incorporation under Article 155, paragraph (1), in addition to the case of dissolution based on the reason set forth in item (vi) of the preceding Article.

（清算人）

(Liquidators)

第七十一条　会員商品取引所が解散したときは、合併及び破産手続開始の決定による解散の場合を除いては、理事長及び理事がその清算人となる。ただし、会員総会において他人を選任したときは、この限りでない。

Article 71 When a Member Commodity Exchange dissolves, the president and directors become the liquidators except for the cases of dissolution based on a merger and a decision of commencement of bankruptcy proceedings; provided, however, that this shall not apply when another person has been appointed at a general meeting of members.

（残余財産の分配）

(Distribution of residual assets)

第七十一条の二　残余財産は、会員の出資口数に応じて分配しなければならない。

Article 71-2 The residual assets shall be distributed according to the number of units of contribution of the members.

（解散の登記）

(Registration of dissolution)

第七十二条　会員商品取引所が解散したときは、合併及び破産手続開始の決定による解散の場合を除くほか、二週間以内に、その主たる事務所の所在地において、解散の登記をしなければならない。

Article 72 When a Member Commodity Exchange dissolves, the dissolution shall be registered at the location of its principal office within two weeks except for the cases of dissolution based on a merger and a decision of commencement of bankruptcy proceedings.

（清算結了の登記）

(Registration of completion of liquidation)

第七十三条　清算が結了したときは、第七十七条第一項において準用する会社法第五百七条第三項の承認の日から、その主たる事務所の所在地においては二週間以内に、その従たる事務所の所在地においては三週間以内に、清算結了の登記をしなければならない。

Article 73 When liquidation is completed, the completion of liquidation shall be registered at the location of the principal office within two weeks and at the location of the secondary offices within three weeks from the day of approval under Article 507, paragraph (3) of the Companies Act as applied mutatis mutandis pursuant to Article 77, paragraph (1) of this Act.

（解散の登記の申請）

(Application for registration of dissolution)

第七十四条　会員商品取引所の解散の登記の申請書には、解散の事由を証する書面及び理事長又は会員商品取引所を代表すべき理事が清算人でない場合においては、会員商品取引所を代表すべき清算人であることを証する書面を添付しなければならない。

Article 74 (1) A written application for registration of dissolution of a Member Commodity Exchange shall have a document attached proving the reason for the dissolution and when the president or a director representing the Member Commodity Exchange is not the liquidator, a document proving that a person is the liquidator representing the Member Commodity Exchange.

２　会員商品取引所が主務大臣の設立の許可の取消しの処分により解散する場合における解散の登記は、主務大臣の嘱託によつてする。

(2) Registration of liquidation in the case where a Member Commodity Exchange is dissolved by the competent minister's disposition to rescind the permission for establishment shall be made at the request of the competent minister.

（清算結了の登記の申請）

(Application for registration of completion of liquidation)

第七十五条　第七十三条の規定による登記の申請書には、第七十七条第一項において準用する会社法第五百七条第三項の承認があつたことを証する書面を添付しなければならない。

Article 75 A written application for registration set forth in Article 73 shall have a document attached proving obtainment of the approval under Article 507, paragraph (3) of the Companies Act as applied mutatis mutandis pursuant to Article 77, paragraph (1).

（会員商品取引所の合併の認可等）

(Approval of a merger of a Member Commodity Exchange, etc.)

第七十六条　会員商品取引所を全部又は一部の当事者とする合併（第百四十五条第一項の合併を除く。）は、主務大臣の認可を受けなければ、その効力を生じない。

Article 76 (1) A merger where Member Commodity Exchanges are all or part of the parties thereto (excluding a merger set forth in Article 145, paragraph (1)) shall not come into effect without the approval of the competent minister having been obtained.

２　会員商品取引所が次に掲げる事由により解散したときは、その代表者であつた者は、遅滞なく、その旨を主務大臣に届け出なければならない。

(2) When a Member Commodity Exchange is dissolved based on the following grounds, a person who was its representative shall notify the competent minister to that effect without delay:

一　定款で定めた存続期間の満了又は解散事由の発生

(i) Expiration of the term of existence or occurrence of grounds for dissolution specified by the articles of incorporation

二　会員総会の決議

(ii) Resolution of a general meeting of members

三　破産手続開始の決定

(iii) Decision of commencement of bankruptcy proceedings

四　会員の数がすべての商品市場について十人以下となつたこと。

(iv) The number of members becomes 10 or less for all Commodity Markets

（会社法等の準用等）

(Application mutatis mutandis, etc. of the Companies Act, etc.)

第七十七条　会社法第四百七十五条（第一号及び第三号を除く。）、第四百七十六条、第四百七十八条第二項及び第四項、第四百七十九条第一項及び第四項、第四百八十一条、第四百八十二条第二項、第四百八十三条第四項から第六項まで、第四百八十四条、第四百八十五条、第四百九十二条第一項から第三項まで、第四百九十九条から第五百三条まで、第五百七条、第八百六十八条第一項、第八百六十九条、第八百七十条（第二号に係る部分に限る。）、第八百七十一条、第八百七十二条（第四号に係る部分に限る。）、第八百七十四条（第一号及び第四号に係る部分に限る。）、第八百七十五条並びに第八百七十六条の規定は、会員商品取引所の清算について準用する。この場合において、同法第四百九十二条第一項及び第五百七条第一項中「法務省令」とあるのは「主務省令」と、同法第四百九十九条第一項中「官報に公告し」とあるのは「公告し」と読み替えるものとする。

Article 77 (1) The provisions of Article 475 (excluding items (i) and (iii)), Article 476, Article 478, paragraphs (2) and (4), Article 479, paragraphs (1) and (4), Article 481, Article 482, paragraph (2), Article 483, paragraphs (4) to (6) inclusive, Article 484, Article 485, Article 492, paragraphs (1) to (3) inclusive, Articles 499 to 503 inclusive, Article 507, Article 868, paragraph (1), Article 869, Article 870 (limited to the part pertaining to item (ii)), Article 871, Article 872 (limited to the part pertaining to item (iv)), Article 874 (limited to the part pertaining to items (i) and (iv)), Article 875 and Article 876 of the Companies Act shall apply mutatis mutandis to liquidation of a Member Commodity Exchange. In this case, the term "an Ordinance of the Ministry of Justice" in Article 492, paragraph (1) and Article 507, paragraph (1) of the same Act shall be deemed to be replaced with "an ordinance of the competent ministry" and the phrase "give a public notice in an official gazette" in Article 499, paragraph (1) of the same Act shall be deemed to be replaced with "give a public notice."

２　第四十八条第二項及び第三項、第五十条の二、第五十三条、第五十五条から第五十七条まで、第五十九条、第六十二条の三並びに第六十六条から第六十八条の三まで並びに会社法第三百六十一条、第四百二十四条、第四百三十条、第五百九十九条及び第六百条の規定は会員商品取引所の清算人について、同法第七編第二章第二節（第八百四十七条第二項、第八百四十九条第二項第二号及び第五項並びに第八百五十一条を除く。）の規定は会員商品取引所の清算人の責任を追及する訴えについて、それぞれ準用する。この場合において、第六十六条第一項中「財産目録、貸借対照表、損益計算書、業務報告書及び剰余金処分案又は損失処理案」とあるのは「財産目録、貸借対照表及び事務報告書」と、同法第四百二十四条中「前条第一項」とあるのは「商品取引所法第五十三条第一項」と、同法第八百四十七条第一項及び第四項中「法務省令」とあるのは「主務省令」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 48, paragraphs (2) and (3), Article 50-2, Article 53, Articles 55 to 57 inclusive, Article 59, Article 62-3 and Articles 66 to 68-3 inclusive of this Act and Article 361, Article 424, Article 430, Article 599 and Article 600 of the Companies Act shall apply mutatis mutandis to the liquidators of a Member Commodity Exchange, and the provisions of Part VII, Chapter II, Section 2 (excluding Article 847, paragraph (2), Article 849, paragraph (2), item (ii) and paragraph (5) and Article 851) of the same Act shall apply mutatis mutandis to an action for pursuing the responsibilities of the liquidators of a Member Commodity Exchange. In this case, the phrase "an inventory of property, a balance sheet, profit and loss statement, business report and proposed appropriation of surplus or proposed appropriation of loss" in Article 66, paragraph (1) shall be deemed to be replaced with "an inventory of property, a balance sheet and business report," the term "paragraph (1) of the preceding Article" in Article 424 of the same Act shall be deemed to be replaced with "Article 53, paragraph (1) of the Commodity Exchange Act," the term "an Ordinance of the Ministry of Finance" in Article 847, paragraphs (1) and (4) of the same Act shall be deemed to be replaced with "an ordinance of the competent ministry" and any other technical replacement shall be specified by a Cabinet Order.

３　会員商品取引所の清算を監督する裁判所は、主務大臣に対し、意見を求め、又は調査を嘱託することができる。

(3) A court supervising the liquidation of a Member Commodity Exchange may seek the opinion of or request an investigation from the competent minister.

４　主務大臣は、前項に規定する裁判所に対し、意見を述べることができる。

(4) The competent minister may state his/her opinion to the court prescribed in the preceding paragraph.

５　商業登記法第七十一条第一項の規定は、会員商品取引所の解散の登記について準用する。

(5) The provisions of Article 71, paragraph (1) of the Commercial Registration Act shall apply mutatis mutandis to the registration of dissolution of a Member Commodity Exchange.

第三節　株式会社商品取引所

Section 3 Incorporated Commodity Exchange

（株式会社商品取引所の許可）

(License of an Incorporated Commodity Exchange)

第七十八条　株式会社商品取引所になろうとする者は、主務大臣の許可を受けなければならない。

Article 78 An entity that intends to become a Incorporated Commodity Exchange shall obtain a license from the competent minister.

（許可の申請）

(Application for a license)

第七十九条　前条の許可を受けようとする者は、次に掲げる事項を記載した申請書を主務大臣に提出しなければならない。

Article 79 (1) An entity that intends to obtain a license set forth in the preceding Article shall submit a written application stating the following matters to the competent minister:

一　商号

(i) Trade name

二　資本金の額

(ii) Amount of stated capital

三　本店、支店その他の営業所の所在地

(iii) Location of the head office, branch offices and any other business offices

四　上場商品又は上場商品指数

(iv) Listed Commodity or Listed Commodity Index

五　役員の氏名及び住所

(v) Names and addresses of officers

六　取引参加者の氏名又は商号若しくは名称及び取引参加者が取引をする商品市場における上場商品又は上場商品指数

(vi) Names or trade names of the Trading Participants and the Listed Commodity or Listed Commodity Index on the Commodity Market where the Trading Participants will carry out transactions

２　前項の申請書には、定款、業務規程、受託契約準則、紛争処理規程、市場取引監視委員会規程その他主務省令で定める書類を添付しなければならない。

(2) The articles of incorporation, market rules, brokerage contract rules, dispute resolution rules, market transactions surveillance committee rules and other documents specified by an ordinance of the competent ministry shall be attached to the written application under the preceding paragraph.

（許可の基準等）

(Criteria for licensing, etc.)

第八十条　主務大臣は、第七十八条の許可の申請が次に掲げる基準に適合していると認めるときは、許可をしなければならない。

Article 80 (1) If the competent minister finds that the application for a license under Article 78 conforms to the following criteria, he/she shall grant the license:

一　許可申請者が株式会社でその資本金の額が政令で定める金額以上のものであること。

(i) The applicant for a license is a stock company of which the amount of stated capital is not less than an amount specified by a Cabinet Order.

二　申請に係る商品市場が、次に掲げる商品市場の区分に応じ、それぞれ次に定める基準に適合していること。

(ii) The Commodity Market pertaining to the application conforms to the criteria prescribed in the following for the categories of Commodity Markets set forth respectively therein:

イ　上場商品に係る商品市場　当該商品市場において取引をしようとする取引参加者の合計数が二十人以上であり、かつ、その過半数の者が、一年以上継続して当該商品市場における上場商品構成物品の売買等を業として行つている者であること。

(a) Commodity Market pertaining to a Listed Commodity-The total number of Trading Participants that intend to carry out transactions on the Commodity Market is 20 or more and a majority of them are persons who have, in the course of trade, engaged in the Buying and Selling, etc. of the Listed Commodity Component Products on the Commodity Market for one year or more on a continuous basis.

ロ　上場商品指数に係る商品市場　当該商品市場において取引をしようとする取引参加者の合計数が二十人以上であり、かつ、その過半数の者が、一年以上継続して当該商品市場における上場商品指数対象物品の売買等を業として行つている者であること。

(b) Commodity Market pertaining to a Listed Commodity Index-The total number of Trading Participants that intend to carry out transactions on the Commodity Market is 20 or more and a majority of them are persons who have, in the course of trade, engaged in the Buying and Selling, etc. of the Products Underlying the Listed Commodity Index on the Commodity Market for one year or more on a continuous basis.

三　申請に係る上場商品又は上場商品指数の先物取引を公正かつ円滑にするために十分な取引量が見込まれることその他上場商品構成物品等の取引の状況に照らし、許可申請者が当該先物取引をする株式会社商品取引所になることが当該上場商品構成物品等の生産及び流通を円滑にするため必要かつ適当であること。

(iii) Sufficient volume of transactions shall be expected for carrying out the Futures Transactions of the Listed Commodity or Listed Commodity Index pertaining to the application fairly and smoothly and, in light of the status of the transactions of the Listed Commodity Component Products, etc., it is necessary and appropriate for the applicant for a license to become a Incorporated Commodity Exchange for carrying out said Futures Transactions in order to facilitate the production and distribution of the Listed Commodity Component Products, etc.

四　上場商品に係る商品市場を開設しようとする場合にあつては、上場商品構成物品の売買等を業として行つている者の取引の状況その他の当該上場商品構成物品に係る経済活動の状況に照らして、当該上場商品構成物品を一の商品市場で取引することが適当であることとして政令で定める基準に適合すること。

(iv) In the case of opening a Commodity Market pertaining to a Listed Commodity, the carrying out of transactions of the Listed Commodity Component Products on a single Commodity Market conforms to the criteria specified by a Cabinet Order as being appropriate in light of the status of the transactions of the persons who, in the course of trade, engage in the Buying and Selling, etc. of Listed Commodity Component Products and any other circumstances of the economic activities pertaining to the Listed Commodity Component Products.

五　二以上の商品指数を一の上場商品指数として商品市場を開設しようとする場合にあつては、当該二以上の商品指数の対象となる物品の大部分が共通していること。

(v) In the case of opening a Commodity Market by specifying two or more Commodity Indices as a single Listed Commodity Index, most of the goods subject to said two or more Commodity Indices are common goods.

六　定款、業務規程、受託契約準則、紛争処理規程及び市場取引監視委員会規程の規定が法令に違反せず、かつ、定款、業務規程、受託契約準則、紛争処理規程又は市場取引監視委員会規程に規定する取引の方法又は管理、取引参加者の資格、取引参加者の数の最高限度を定めた場合におけるその最高限度、特別担保金の預託義務を定めた場合におけるその預託に関する事項その他の事項が適当であつて、商品市場における取引の公正を確保し、及び委託者を保護するため十分であること。

(vi) The provisions of the articles of incorporation, market rules, brokerage contract rules, dispute resolution rules and market transactions surveillance committee rules do not violate laws and regulations, and the method or management of transactions, qualification of a Trading Participant, if the maximum number of Trading Participants is specified such maximum number, if obligation to deposit a special collateral money is specified matters concerning such deposit and other matters prescribed in the articles of incorporation, market rules, brokerage contract rules, dispute resolution rules or market transactions surveillance committee rules are appropriate and sufficient for ensuring the fairness of Transactions on the Commodity Market and protecting customers.

七　許可申請者が商品市場を適切に運営するに足りる人的構成を有するものであること。

(vii) The applicant for a license has a personnel structure sufficient for appropriately managing the Commodity Market.

八　許可申請者が株式会社商品取引所としてこの法律の規定に適合するように組織されるものであること。

(viii) The applicant for a license is organized in such a way as to conform to the provisions of this Act as an Incorporated Commodity Exchange.

九　次に掲げる機関を置くものであること。

(ix) The applicant for a license has the following organs:

イ　取締役会

(a) Board of directors

ロ　監査役会又は委員会

(b) Board of corporate auditors or audit committee

ハ　会計監査人

(c) Accounting auditor

２　主務大臣は、第七十八条の許可の申請が次の各号のいずれかに該当する場合には、前項の規定にかかわらず、同条の許可をしてはならない。

(2) If an application for a license under Article 78 falls under any of the following items, the competent minister shall not grant the license under the same Article notwithstanding the provisions of the preceding paragraph:

一　許可申請者が第十五条第二項第一号ハからホまで、リ又はヲのいずれかに該当する者であるとき。

(i) If the applicant for a license falls under any category of the persons in Article 15, paragraph (2), item (i) (c) to (e) inclusive, (i) or (l)

二　申請書又はこれに添付すべき書類のうちに重要な事項について虚偽の記載があるとき。

(ii) If the written application or the documents that should be attached thereto includes a false entry regarding an important matter

３　主務大臣は、株式会社商品取引所としての存続期間又は商品市場の開設期限が定款に記載され、又は記録されている第七十八条の許可の申請があつた場合においては、第一項第三号の基準に代えて、申請に係る上場商品又は上場商品指数の先物取引を公正かつ円滑にするために十分な取引量が見込まれないことその他上場商品構成物品等の取引の状況に照らし、当該先物取引をする株式会社商品取引所になることが当該上場商品構成物品等の生産及び流通に著しい支障を及ぼし、又は及ぼすおそれがあることに該当しないことを同号の基準とし、当該基準並びに同項第四号及び第五号の基準の適用は、当該存続期間又は開設期限までの間について判断して行うものとする。

(3) Where an application for the license under Article 78 has been filed in which case the term of existence of a Incorporated Commodity Exchange or the expiration date of a Commodity Market is included in the articles of incorporation, the competent minister shall, in lieu of the criterion set forth in paragraph (1), item (iii), consider the criterion under the same paragraph to be that there will be no shortfall in the volume of transactions for carrying out Futures Transactions of the Listed Commodity or Listed Commodity Index pertaining to the application fairly and smoothly and that, in light of the status of the transactions of the Listed Commodity Component Products, etc., the obtainment of the status as a Incorporated Commodity Exchange for carrying out said Futures Transactions does not or is not likely to cause extreme hindrance to the production and distribution of the Listed Commodity Component Products, etc., and he/she shall apply such criterion and the criteria under items (iv) and (v) of the same paragraph by making a determination for said term of existence or the period until said expiration date.

４　第十五条第四項から第十一項までの規定は、第七十八条の許可について準用する。

(4) The provisions of Article 15, paragraphs (4) to (11) inclusive shall apply mutatis mutandis to the license under Article 78.

（定款）

(Articles of incorporation)

第八十一条　株式会社商品取引所の定款には、会社法第二十七条各号に掲げる事項のほか、次に掲げる事項を記載し、又は記録しなければならない。

Article 81 (1) In addition to the matters listed in the respective items of Article 27 of the Companies Act, the following matters shall be included in the articles of incorporation of an Incorporated Commodity Exchange:

一　取引参加者に対する監査及び制裁に関する事項

(i) Matters concerning audits of and sanctions against Trading Participants

二　商品市場外における取引参加者間の契約に対する定款、業務規程、受託契約準則及び紛争処理規程の拘束力に関する事項

(ii) Matters concerning the binding effect that the articles of incorporation, market rules, brokerage contract rules and dispute resolution rules have on contracts between Trading Participants concluded outside the Commodity Market

三　商品市場に関する次に掲げる事項

(iii) Following matters concerning the Commodity Markets:

イ　上場商品又は上場商品指数

(a) Listed Commodity or Listed Commodity Index

ロ　上場商品又は上場商品指数ごとの取引の種類

(b) Types of transactions for each Listed Commodity or Listed Commodity Index

ハ　取引の決済の方法

(c) Method of settlement of transactions

２　株式会社商品取引所の定款には、前項に規定する事項のほか、株式会社商品取引所としての存続期間又は商品市場の開設期限を定めたときは、その存続期間又は開設期限を記載し、又は記録するものとする。

(2) If the term of existence as an Incorporated Commodity Exchange or the expiration date of a Commodity Market has been set, such term of existence or the expiration date shall be included in the articles of incorporation of the Incorporated Commodity Exchange, in addition to the matters prescribed in the preceding paragraph.

（株式会社商品取引所の取引参加者）

(Trading Participants of an Incorporated Commodity Exchange)

第八十二条　株式会社商品取引所は、業務規程で定めるところにより、その開設する商品市場ごとに、次の各号に掲げる商品市場の区分に応じ、当該各号に定める者に、当該株式会社商品取引所の開設する当該商品市場における取引を行うための取引資格を与えることができる。

Article 82 (1) Pursuant to the provisions of its market rules, an Incorporated Commodity Exchange may, for each Commodity Market it opens, grant the trading qualification for carrying out Transactions on said Commodity Market opened by said Incorporated Commodity Exchange to the persons prescribed in the following items for the categories of Commodity Market set forth respectively in those items:

一　上場商品に係る商品市場　次に掲げる者

(i) Commodity Market pertaining to a Listed Commodity-The following persons:

イ　当該商品市場における上場商品構成物品（当該上場商品構成物品の主たる原料若しくは材料となつている物又は当該上場商品構成物品を主たる原料若しくは材料とする物で定款で定めるものを含む。）の売買等を業として行つている者

(a) A person who, in the course of trade, engages in the Buying and Selling, etc. of Listed Commodity Component Products (including items that are the main ingredient or material of the Listed Commodity Component Products or items where the main ingredient or material is the Listed Commodity Component Products which are specified by the articles of incorporation) on the Commodity Market

ロ　商品取引員

(b) A Futures Commission Merchant

ハ　イ及びロに掲げる者のほか、第三十条第一項第三号に掲げる者であつて当該商品市場における上場商品構成物品との関係に関し政令で定める要件に該当するもの

(c) In addition to the persons listed in (a) and (b), a person set forth in Article 30, paragraph (1), item (iii) who satisfies the requirements specified by a Cabinet Order regarding his/her relationship with the Listed Commodity Component Products on the Commodity Market

二　上場商品指数に係る商品市場　次に掲げる者

(ii) Commodity Market pertaining to a Listed Commodity Index-The following persons:

イ　当該商品市場における上場商品指数対象物品（当該上場商品指数対象物品の主たる原料若しくは材料となつている物又は当該上場商品指数対象物品を主たる原料若しくは材料とする物で定款で定めるものを含む。）の売買等を業として行つている者

(a) A person who, in the course of trade, engages in the Buying and Selling, etc. of Products Underlying the Listed Commodity Index (including items that are the main ingredient or material of the Products Underlying the Listed Commodity Index or items where the main ingredient or material is the Products Underlying the Listed Commodity Index which are specified by the articles of incorporation) on the Commodity Market

ロ　商品取引員

(b) A Futures Commission Merchant

ハ　イ及びロに掲げる者のほか、第三十条第一項第三号に掲げる者であつて当該商品市場における上場商品指数対象物品との関係に関し政令で定める要件に該当するもの

(c) In addition to the persons listed in (a) and (b), a person set forth in Article 30, paragraph (1), item (iii) who satisfies the requirements specified by a Cabinet Order regarding his/her relationship with the Products Underlying the Listed Commodity Index on the Commodity Market

２　株式会社商品取引所は、第十五条第二項第一号イからヲまでのいずれかに該当する者に対し、取引資格を与えてはならない。

(2) A Incorporated Commodity Exchange shall not grant the trading qualification to a person who falls under any category of the persons in Article 15, paragraph (2), item (i) (a) to (l) inclusive.

３　合併後存続する法人又は合併により設立された法人は、前項（第十五条第二項第一号ハからホまで、リ及びヲに係る部分に限る。）の規定の適用については、当該合併により消滅した法人と同一の法人とみなす。

(3) A juridical person surviving a merger or a juridical person established by a merger shall be deemed to be the same juridical person as that which has been extinguished as a result of the merger with regard to application of the provisions of the preceding paragraph (limited to the part pertaining to Article 15, paragraph (2), item (i), (c) to (e) inclusive, (i) and (l)).

（取引参加者の地位の承継）

(Succession to the status of a Trading Participant)

第八十三条　取引参加者につき合併があつたときは、合併後存続する法人又は合併により設立された法人は、その取引参加者の地位を承継する。

Article 83 In the event that a Trading Participant merges, the juridical person surviving the merger or the juridical person established by the merger shall succeed to the status of the Trading Participant.

（取引資格の喪失）

(Loss of trading qualification)

第八十四条　取引参加者は、三十日前までに予告して、第八十二条第一項の規定により与えられた取引資格を喪失することができる。

Article 84 (1) A Trading Participant may lose the trading qualification granted pursuant to the provisions of Article 82, paragraph (1) by giving a 30 days' notice in advance.

２　前項の予告期間は、業務規程で延長することができる。ただし、その期間は、一年を超えることができない。

(2) The period of advance notice set forth in the preceding paragraph may be extended by the market rules; provided, however, that such period may not exceed one year.

３　取引参加者は、第一項に規定する場合のほか、次に掲げる事由によつて、第八十二条第一項の規定により与えられた取引資格を喪失する。

(3) In addition to the case prescribed in paragraph (1), a Trading Participant shall lose the trading qualification granted pursuant to the provisions of Article 82, paragraph (1) based on the following grounds:

一　第八十二条第一項各号のいずれにも該当しないこととなつたこと。

(i) The person no longer falls under any of the items of Article 82, paragraph (1).

二　その者が取引をする商品市場のすべてが第九十五条の規定により閉鎖されたこと。

(ii) All of the Commodity Markets in which the person carries out transactions were closed pursuant to the provisions of Article 95.

三　死亡又は解散

(iii) Death or dissolution

四　取引資格の取消し

(iv) Rescission of the trading qualification

（役員又は取引参加者の氏名等の変更）

(Change of the name, etc. of an officer or Trading Participant)

第八十五条　株式会社商品取引所は、第七十九条第一項第三号、第五号又は第六号に掲げる事項（本店の所在地を除く。）について変更があつたときは、遅滞なく、その旨を記載した変更届出書を主務大臣に提出しなければならない。

Article 85 (1) When there is a change to the matters listed in Article 79, paragraph (1), item (iii), (v) or (vi) (excluding the location of the head office), a Incorporated Commodity Exchange shall submit to the competent minister a written notification of change with a statement to that effect without delay.

２　前項の変更届出書には、その変更を証する書面及び主務省令で定める書類を添付しなければならない。

(2) The written notification of change referred to in the preceding paragraph shall attach a document proving such a change and the document specified by an ordinance of the competent ministry.

（議決権の保有制限）

(Limitations on the holdings of voting rights)

第八十六条　何人も、株式会社商品取引所の総株主の議決権（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、会社法第八百七十九条第三項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。以下この条及び次条において同じ。）の百分の五を超える議決権（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）第百四十七条第一項又は第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み、取得又は保有の態様その他の事情を勘案して主務省令で定めるものを除く。以下この条において「対象議決権」という。）を取得し、又は保有してはならない。

Article 86 (1) No person may acquire or possess voting rights (excluding the voting rights of the shares which cannot be exercised for all matters that are subject to a resolution at a general meeting of shareholders and including the voting rights of the shares for which the shareholder is deemed to have voting rights pursuant to the provisions of Article 879, paragraph (3) of the Companies Act; hereinafter the same shall apply in this Article and the following Article) exceeding five percent of the voting rights of all shareholders of a Incorporated Commodity Exchange (including the voting rights of the shares which cannot be asserted against the issuer pursuant to the provisions of Article 147, paragraph (1) or Article 148, paragraph (1) of the Act on Transfer of Bonds, Shares, etc. [Act No. 75 of 2001] and excluding those specified by an ordinance of the competent ministry by taking into consideration the mode of acquisition or possession or any other relevant circumstances; hereinafter referred to as the "Subject Voting Rights" in this Article).

２　前項の規定は、保有する対象議決権の数に増加がない場合その他の主務省令で定める場合において、株式会社商品取引所の総株主の議決権の百分の五を超える対象議決権を取得し、又は保有することとなるときには、適用しない。ただし、当該株式会社商品取引所の総株主の議決権の百分の五を超える部分の対象議決権については、その超え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 provisions of the preceding paragraph shall not apply when a person acquires or possesses Subject Voting Rights that exceed five percent of the voting rights of all shareholders of a Incorporated Commodity Exchange in the case where the number of Subject Voting Rights possessed has not changed or in any other case specified by an ordinance of the competent ministry; provided, however, that the person may not possess the portion of the Subject Voting Rights that exceeds five percent of the voting rights of all shareholders of the Incorporated Commodity Exchange for a period exceeding one year from the day on which the number was exceeded.

３　次の各号に掲げる場合における前二項の規定の適用については、当該各号に定める対象議決権は、これを取得し、又は保有するものとみなす。

(3) With regard to application of the provisions of the preceding two paragraphs in the cases listed in the following paragraphs, the Subject Voting Rights specified in the respective items shall be deemed to be acquired or possessed:

一　金銭の信託契約その他の契約又は法律の規定に基づき、株式会社商品取引所の対象議決権を行使することができる権限又は当該議決権の行使について指図を行うことができる権限を有し、又は有することとなる場合　当該対象議決権

(i) When a person has or will gain the authority to exercise Subject Voting Rights of an Incorporated Commodity Exchange or the authority to give instructions on the exercise of such voting rights based on the provisions of a money trust contract or other contract or Act : Said Subject Voting Rights

二　株式の所有関係、親族関係その他の政令で定める特別の関係にある者が株式会社商品取引所の対象議決権を取得し、又は保有する場合　当該特別の関係にある者が取得し、又は保有する対象議決権

(ii) When a person having a shareholder relationship, family relationship or other special relationship specified by a Cabinet Order acquires or possesses Subject Voting Rights of a Incorporated Commodity Exchange : The Subject Voting Rights acquired or possessed by said person having a special relationship

４　前三項の規定の適用に関し必要な事項は、政令で定める。

(4) Necessary matters concerning application of the provisions of the preceding 3 paragraphs shall be specified by a Cabinet Order.

（発行済株式の総数等の縦覧）

(Public inspection of the total number of issued shares, etc.)

第八十七条　株式会社商品取引所は、主務省令で定めるところにより、その発行済株式の総数、総株主の議決権の数その他の主務省令で定める事項を、公衆の縦覧に供しなければならない。

Article 87 An Incorporated Commodity Exchange shall provide for public inspection the total number of its issued shares, the number of voting rights of all shareholders and other matters specified by an ordinance of the competent ministry pursuant to the provisions of an ordinance of the competent ministry.

（資本金の減少の認可等）

(Approval of reduction of the stated capital)

第八十八条　株式会社商品取引所は、その資本金の額を減少しようとするときは、主務省令で定めるところにより、主務大臣の認可を受けなければならない。

Article 88 (1) When an Incorporated Commodity Exchange intends to reduce the amount of its stated capital, it shall obtain the approval of the competent minister pursuant to the provisions of an ordinance of the competent ministry.

２　株式会社商品取引所は、その資本金の額を増加しようとするときは、主務省令で定めるところにより、主務大臣に届け出なければならない。

(2) When an Incorporated Commodity Exchange intends to increase the amount of its stated capital, it shall notify the competent minister pursuant to an ordinance of the competent ministry.

（仮取締役、仮監査役等）

(Provisional director, provisional corporate auditor, etc.)

第八十九条　主務大臣は、株式会社商品取引所の取締役、代表取締役、執行役、代表執行役又は監査役の職務を行う者がない場合において、必要があると認めるときは、仮取締役、仮代表取締役、仮執行役、仮代表執行役又は仮監査役を選任することができる。

Article 89 (1) The competent minister may, when there is no person to perform the duties of a director, representative director, executive officer, representative executive officer or corporate auditor of an Incorporated Commodity Exchange and if he/she finds it necessary, appoint a provisional director, provisional representative director, provisional executive officer, provisional representative executive officer or provisional corporate auditor.

２　会社法第三百四十六条第二項及び第三項、第三百五十一条第二項及び第三項並びに第四百一条第三項及び第四項（同法第四百三条第三項及び第四百二十条第三項において準用する場合を含む。）の規定は、株式会社商品取引所には、適用しない。

(2) The provisions of Article 346, paragraphs (2) and (3), Article 351, paragraphs (2) and (3) and Article 401, paragraphs (3) and (4) (including the case where they are applied mutatis mutandis pursuant to Article 403, paragraph (3) and Article 420, paragraph (3) of the Companies Act) of the Companies Act shall not apply to a Incorporated Commodity Exchange.

（主務大臣の嘱託登記）

(Registration by request of the competent minister)

第九十条　主務大臣は、前条第一項の規定により、仮取締役、仮代表取締役、仮執行役、仮代表執行役又は仮監査役を選任したときは、当該株式会社商品取引所の本店の所在地の登記所にその旨の登記を嘱託しなければならない。

Article 90 (1) When the competent minister appoints a provisional director, provisional representative director, provisional executive officer, provisional representative executive officer or provisional corporate auditor pursuant to the provisions of paragraph (1) of the preceding paragraph, he/she shall request registration to that effect to the registry office at the location of the head office of the Incorporated Commodity Exchange.

２　前項の規定により主務大臣が登記を嘱託するときは、嘱託書に、当該登記の原因となる事由に係る処分を行つたことを証する書面を添付しなければならない。

(2) When the competent minister requests registration pursuant to the provisions of the preceding paragraph, he/she shall attach to a written request a document proving that he/she has given a disposition pertaining to the circumstances that caused said registration.

（役員等の兼職禁止）

(Prohibition of concurrent holding of positions by officers, etc.)

第九十一条　株式会社商品取引所の役員は、他の商品取引所の役員の地位を占めてはならない。

Article 91 (1) An officer of an Incorporated Commodity Exchange shall not hold the position of an officer of another Commodity Exchange.

２　前項の規定は、株式会社商品取引所の清算人について準用する。

(2) The provision of the preceding paragraph shall apply mutatis mutandis to liquidators of an Incorporated Commodity Exchange.

（役員の欠格条件）

(Disqualifying conditions for officers)

第九十二条　第四十九条の規定は、株式会社商品取引所の役員について準用する。

Article 92 The provisions of Article 49 shall apply mutatis mutandis to officers of an Incorporated Commodity Exchange.

（業務規程等の備置き及び閲覧等）

(Keeping of and inspection, etc. of market rules, etc.)

第九十三条　株式会社商品取引所は、業務規程を株式会社商品取引所の各営業所に、取引参加者名簿を本店に備え置かなければならない。

Article 93 (1) An Incorporated Commodity Exchange shall keep its market rules at each business office of the Incorporated Commodity Exchange and keep a Trading Participant register at its head office.

２　取引参加者名簿には、各取引参加者について次に掲げる事項を記載し、又は記録しなければならない。

(2) The following matters concerning each Trading Participant shall be included in a Trading Participant register:

一　氏名又は商号若しくは名称及び住所

(i) Name or trade name and address

二　取引資格取得年月日

(ii) Date of acquisition of the trading qualification

三　取引をする商品市場における上場商品又は上場商品指数

(iii) Listed Commodity or Listed Commodity Index on the Commodity Market where the Trading Participant carries out transactions

四　商品取引員であるときは、許可年月日

(iv) In the case of a Futures Commission Merchant, the date of grant of license

３　第五十七条第四項及び第五項の規定は、第一項の規定により備え置く業務規程及び取引参加者名簿について準用する。この場合において、同条第四項中「会員及び会員商品取引所の債権者」とあるのは「株式会社商品取引所の株主、取引参加者及び債権者」と、「会員商品取引所の事業時間内」とあるのは「株式会社商品取引所の営業時間内」と、同項ただし書中「会員商品取引所の定めた」とあるのは「株式会社商品取引所の定めた」と、同条第五項中「会員商品取引所」とあるのは「株式会社商品取引所」と読み替えるものとする。

(3) The provisions of Article 57, paragraphs (4) and (5) shall apply mutatis mutandis to the market rules and Trading Participant register that are kept pursuant to the provisions of paragraph (1). In this case, the phrase "A member and a creditor of a Member Commodity Exchange" in paragraph (4) of the same Article shall be deemed to be replaced with "A shareholder, Trading Participant and creditor of a Incorporated Commodity Exchange," the phrase "during the business hours of the Member Commodity Exchange" in the same paragraph shall be deemed to be replaced with "during the business hours of the Incorporated Commodity Exchange," the phrase "decided by the Member Commodity Exchange" in the proviso of the same paragraph shall be deemed to be replaced with "decided by the Incorporated Commodity Exchange" and the term "Member Commodity Exchange" in paragraph (5) of the same Article shall be deemed to be replaced with "Incorporated Commodity Exchange."

４　株式会社商品取引所の取引参加者は、株式会社商品取引所の定款について会社法第三十一条第二項各号に掲げる請求をすることができる。ただし、同項第二号又は第四号に掲げる請求をするには、当該株式会社商品取引所の定めた費用を支払わなければならない。

(4) A Trading Participant of a Incorporated Commodity Exchange may make the requests listed in the respective items of Article 31, paragraph (2) of the Companies Act with regard to the articles of incorporation of a Incorporated Commodity Exchange; provided, however, that in order to make the request set forth in item (ii) or (vi), such person shall pay a cost decided by the Incorporated Commodity Exchange.

（許可の失効）

(Lapse of license)

第九十四条　株式会社商品取引所が次の各号のいずれかに該当するときは、第七十八条の許可は、効力を失う。

Article 94 (1) When an Incorporated Commodity Exchange falls under any of the following items, the license under Article 78 shall cease to be effective:

一　定款で定めた株式会社商品取引所としての存続期間の満了

(i) When the term of existence as an Incorporated Commodity Exchange specified by the articles of incorporation has expired

二　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 Incorporated Commodity Exchange transferred all of its business through a split or a business transfer

三　取引参加者の数がすべての商品市場について十人以下となつたとき。

(iii) When the number of Trading Participants becomes 10 or less for all Commodity Markets

四　解散したとき。

(iv) When the Incorporated Commodity Exchange has been dissolved

五　設立、合併（当該合併により設立される者が株式会社商品取引所であるものに限る。）又は新設分割（当該新設分割により設立される者が株式会社商品取引所であるものに限る。）を無効とする判決が確定したとき。

(v) When a judgment nullifying the establishment, a merger (limited to that where the entity established by said merger is an Incorporated Commodity Exchange) or a consolidation-type split (limited to that where the entity established by said consolidation-type split is an Incorporated Commodity Exchange) has become final and binding.

２　前項第二号、第三号又は第五号の規定により許可が失効したときは、その代表者又は代表者であつた者は、遅滞なく、その旨を主務大臣に届け出なければならない。

(2) When the license of an Incorporated Commodity Exchange lapses pursuant to the provisions of item (ii), (iii) or (v) of the preceding paragraph, a person who is or was its representative shall notify the competent minister to that effect without delay.

（一部の商品市場の閉鎖）

(Closure of a certain Commodity Market)

第九十五条　株式会社商品取引所は、その開設する商品市場において取引をする取引参加者の数が十人以下となつたときは、前条第一項第三号に該当する場合を除くほか、当該商品市場における取引を停止し、第百五十五条第一項の規定による定款の変更の認可の申請をしなければならない。

Article 95 A Incorporated Commodity Exchange shall, when the number of Trading Participants carrying out transactions on a Commodity Market it has opened becomes 10 or less, suspend the Transactions on said Commodity Market and apply for approval of an amendment to the articles of incorporation under Article 155, paragraph (1), in addition to a case that falls under paragraph (1), item (iii) of the preceding Article.

（株式会社商品取引所の合併の認可等）

(Approval of a merger of an Incorporated Commodity Exchange, etc.)

第九十六条　次に掲げる事項は、主務大臣の認可を受けなければ、その効力を生じない。

Article 96 (1) The following matters shall not come into effect without the approval of the competent minister having been obtained:

一　株式会社商品取引所の解散についての株主総会の決議

(i) Resolution of a general meeting of shareholders with regard to the dissolution of an Incorporated Commodity Exchange

二　株式会社商品取引所を全部又は一部の当事者とする合併（第百四十五条第一項の合併を除く。）

(ii) A merger where Incorporated Commodity Exchanges are all or part of the parties thereto (excluding a merger set forth in Article 145, paragraph (1))

２　株式会社商品取引所が前項に掲げる事由以外の事由により解散したときは、その代表者であつた者は、遅滞なく、その旨を主務大臣に届け出なければならない。ただし、主務省令で定める場合は、この限りでない。

(2) When a Incorporated Commodity Exchange is dissolved based on a reason other than the grounds listed in the preceding paragraph, a person who was its representative shall notify the competent minister to that effect without delay; provided, however, that this shall not apply to cases specified by an ordinance of the competent ministry.

第四節　商品市場における取引

Section 4 Transactions on a Commodity Market

（取引資格）

(Trading qualification)

第九十七条　会員商品取引所の開設する商品市場における取引は、当該会員商品取引所の会員であつて、第八十二条第一項各号に掲げる商品市場の区分に応じ当該各号に定めるものでなければすることができない。

Article 97 (1) Transactions on a Commodity Market opened by a Member Commodity Exchange may only be carried out by a member of said Member Commodity Exchange who is also a person prescribed in the respective items of Article 82, paragraph (1) for the categories of Commodity Markets set forth respectively in those items.

２　株式会社商品取引所の開設する商品市場における取引は、当該商品市場における取引参加者でなければすることができない。

(2) Transactions on a Commodity Market opened by an Incorporated Commodity Exchange may only be carried out by a Trading Participant of said Commodity Market.

３　前二項の規定は、第一項の会員又は前項の取引参加者から委託を受けて商品清算取引を行う場合には、適用しない。

(3) The provisions of the preceding two paragraphs shall not apply to the case of carrying out a Commodity Clearing Transaction on consignment from a member under paragraph (1) or a Trading Participant under the preceding paragraph.

（相互決済結了取引取決めに係る取引資格）

(Trading qualification pertaining to an Agreement on Intermarket Linkage)

第九十八条　前条の規定にかかわらず、商品取引所は、定款（株式会社商品取引所にあつては、業務規程。次条第一項、第百条、第百一条第一項、第百九条第一項、第百十三条第一項（第百十四条において準用する場合を含む。）及び第百十四条において同じ。）で定めるところにより、当該商品取引所と相互決済結了取引取決めを締結した他の商品取引所（商品取引所に相当する外国の施設を含む。次項において同じ。）の会員等に、当該相互決済結了取引取決めに基づいて取引の決済を結了させるための取引を行う目的の範囲内において、当該商品取引所の商品市場における取引をすることができる資格を与えることができる。

Article 98 (1) Notwithstanding the provisions of the preceding Article, a Commodity Exchange may, pursuant to the provisions of its articles of incorporation (the market rules in the case of a Incorporated Commodity Exchange; the same shall apply in paragraph (1) of the following Article, Article 100, Article 101, paragraph (1), Article 109, paragraph (1), Article 113, paragraph (1) [including its application pursuant to Article 114] and Article 114), grant to a Member, etc. of another Commodity Exchange (including a foreign facility equivalent to a Commodity Exchange; the same shall apply in the following paragraph) with which said Commodity Exchange has concluded an Agreement on Intermarket Linkage the qualification for carrying out Transactions on a Commodity Market of said Commodity Exchange within the scope of purpose of carrying out transactions for completing the settlement of transactions based on said Agreement on Intermarket Linkage.

２　前項に規定する相互決済結了取引取決めとは、当該商品取引所及び他の商品取引所が、それぞれ、他の商品取引所の会員等又は当該商品取引所の会員等に、他の商品取引所の商品市場（商品市場に相当する外国の市場を含む。以下この項において同じ。）又は当該商品取引所の商品市場において決済を結了していない取引について、当該商品取引所の商品市場又は他の商品取引所の商品市場においてその取引の決済を結了させるための取引をすることを、相互に認めるための取決めをいう。

(2) An Agreement on Intermarket Linkage prescribed in the preceding paragraph means an agreement under which said Commodity Exchange and a counterparty Commodity Exchange mutually recognize that the Members, etc. of the counterparty Commodity Exchange and the Members, etc. of said Commodity Exchange may, with regard to transactions of which settlement has not been completed on a Commodity Market (including a market in a foreign state equivalent to a Commodity Market; hereinafter the same shall apply in this paragraph) of the counterparty Commodity Exchange or a Commodity Market of said Commodity Exchange, respectively carry out transactions for completing the settlement of such transactions on a Commodity Market of said Commodity Exchange and on a Commodity Market of the counterparty Commodity Exchange.

３　第一項の規定に基づき商品取引所により取引資格を与えられた者は、同項に規定する目的の範囲内において、第百一条第一項から第四項まで、第百三条、第百四条第三項及び第四項、第百八条第一項、第百十三条から第百十五条まで、第百十八条、第百五十七条、第百五十九条第一項、第百六十条第一項、第百六十五条、第百七十九条並びに第百八十八条の規定の適用については、会員等とみなす。この場合において、第百十三条第一項（第百十四条及び第百八十八条において準用する場合を含む。）中「から脱退した」とあるのは「において取引をすることができる資格を喪失した」と、第百六十条第一項及び第百六十五条中「の除名」とあるのは「の取引をすることができる資格の取消し」とする。

(3) A person who has been granted the trading qualification by a Commodity Exchange based on the provisions of paragraph (1) shall be deemed to be a Member, etc. within the scope of the purpose prescribed in the same paragraph with regard to application of the provisions of Article 101, paragraphs (1) to (4) inclusive, Article 103, Article 104, paragraphs (3) and (4), Article 108, paragraph (1), Articles 113 to 115 inclusive, Article 118, Article 157, Article 159, paragraph (1), Article 160, paragraph (1), Article 165, Article 179 and Article 188. In this case, the phrase "withdrawn from" in Article 113, paragraph (1) (including the case of its application mutatis mutandis pursuant to Article 114 and Article 188) shall be deemed to be replaced with "lost the qualification to carry out transactions on" and the phrase "expulsion of" in Article 160, paragraph (1) and Article 165 shall be deemed to be replaced with "rescission of the qualification to carry out transactions of."

（会員等の純資産額）

(Amount of net assets of a Member, etc.)

第九十九条　商品取引所は、その定款をもつて、商品市場ごとに、主務省令で定めるところにより、当該商品市場において取引をする会員等の純資産額の最低額を定めなければならない。ただし、当該商品市場において第百五条第二号又は第三号に掲げる方法による決済を行う場合については、この限りでない。

Article 99 (1) A Commodity Exchange shall specify for each Commodity Market the minimum amount of net assets of a Member, etc. carrying out transactions on said Commodity Market in its articles of incorporation, pursuant to the provisions of an ordinance of the competent ministry; provided, however, that this shall not apply when completing settlement by the method set forth in Article 105, paragraph (2) or (3) on said Commodity Market.

２　商品取引所は、前項の規定により会員等の純資産額の最低額を定めるときは、二以上の商品市場において、又は他の商品取引所の商品市場において取引をする会員等の純資産額の最低額が他の会員等の純資産額の最低額より多い額となるようにしなければならない。

(2) When deciding the minimum amount of net assets of a Member, etc. pursuant to the provisions of the preceding paragraph, a Commodity Exchange shall specify the minimum amount of net assets of a Member, etc. carrying out transactions on two or more Commodity Markets or on a Commodity Market of another Commodity Exchange to be higher than the minimum amount of net assets of other Members, etc.

３　会員等の純資産額が前二項の規定による最低額を下回ることとなつたときは、商品取引所は、遅滞なく、その者の商品市場における取引を停止し、かつ、その旨を主務大臣に報告しなければならない。

(3) When the amount of net assets of a Member, etc. falls below the minimum amount prescribed in the preceding two paragraphs, a Commodity Exchange shall suspend such person's Transactions on the Commodity Market and report to the competent minister to that effect without delay.

４　前項の場合において、当該会員等の商品市場における取引の停止をした日から六月以内にその者の純資産額が第一項又は第二項の規定による最低額以上になつたときは、商品取引所は、遅滞なく、前項の規定による取引の停止を解除し、かつ、その旨を主務大臣に報告しなければならない。

(4) In the case referred to in the preceding paragraph, if the amount of net assets of said Member, etc. reaches or exceeds the minimum amount prescribed in paragraph (1) or (2) within six months from the day of suspension of such person's Transactions on the Commodity Market, the Commodity Exchange shall cancel the suspension of the transactions under the preceding paragraph and report to the competent minister to that effect without delay.

５　第三項の場合において、会員又は取引参加者の純資産額が前項に規定する期間内に第一項又は第二項の規定による最低額以上とならなかつたときは、商品取引所は、遅滞なく、当該会員の除名又は当該取引参加者の取引資格の取消しを行わなければならない。

(5) In the case referred to in paragraph (3), if the amount of net assets of a member or Trading Participant does not reach the minimum amount prescribed in paragraph (1) or (2) within the period prescribed in the preceding paragraph, the Commodity Exchange shall expel said member or rescind the trading qualification of said Trading Participant without delay.

６　商品取引所は、第三項の規定によりその取引を停止したとき、又は前項の規定により会員の除名若しくは取引参加者の取引資格の取消しを行つたときは、その理由を示し、遅滞なく、その旨を本人に通知しなければならない。

(6) When a Commodity Exchange has suspended transactions pursuant to the provisions of paragraph (3) or expelled a member or rescinded the trading qualification of a Trading Participant pursuant to the provisions of the preceding paragraph, the Commodity Exchange shall notify such person to that effect without delay, indicating the reason therefor.

７　第一項から第五項までの純資産額は、資産の合計金額から負債の合計金額を控除した額とし、主務省令で定めるところにより計算しなければならない。

(7) The amount of net assets set forth in paragraphs (1) to (5) inclusive shall be an amount deducting the total amount of debts from the total amount of assets and shall be calculated pursuant to the provisions of an ordinance of the competent ministry.

（会員等の数）

(Number of Members, etc.)

第百条　商品取引所は、その定款をもつて、商品市場ごとに、当該商品市場において取引をする会員等の数又は委託を受けて当該商品市場において取引をする会員等の数の最高限度を設定することができる。

Article 100 A Commodity Exchange may, for each Commodity Market, set an upper limit to the number of Members, etc. carrying out transactions on said Commodity Market or the number of Members, etc. carrying out transactions on the Commodity Market on consignment by stipulating such limit in its articles of incorporation.

（信認金）

(Guarantee funds)

第百一条　会員等は、定款で定めるところにより、商品取引所に対し、当該会員等が取引をする商品市場ごとに信認金を預託しなければならない。

Article 101 (1) A Member, etc. shall deposit with a Commodity Exchange guarantee funds for each Commodity Market on which the Member, etc. carries out transactions, pursuant to the provisions of articles of incorporation.

２　会員等は、前項の信認金を預託した後でなければ、商品市場において取引をしてはならない。

(2) A Member, etc. shall not carry out transactions on a Commodity Market until after depositing the guarantee funds set forth in the preceding paragraph.

３　信認金は、有価証券（国債証券、地方債証券並びに特別の法律により法人の発行する債券、取引所金融商品市場において売買取引されている社債券及び株券その他の政令で定める有価証券をいう。）をもつて、これに充てることができる。

(3) Securities (which mean national government bond certificates, local government bond certificates and bond certificates issued by a juridical person pursuant to special Acts, corporate bond certificates and share certificates traded on a Financial Instruments Exchange Market and other securities specified by a Cabinet Order) may be allotted for guarantee funds.

４　前項の有価証券の充用価格は、時価を参酌して主務省令で定めるところにより算出した価格を超えてはならない。

(4) The allocation price of the Securities set forth in the preceding paragraph shall not exceed a price calculated pursuant to the provisions of an ordinance of the competent ministry by taking into consideration the current market price.

５　商品取引員である会員等に対して商品市場における取引を委託した者（次項及び第百八条第二項において「取引委託者」という。）は、その委託により生じた債権に関し、当該商品市場についての当該会員等の信認金について、他の債権者に先立つて弁済を受ける権利を有する。

(5) A person who has consigned Transactions on a Commodity Market to a Member, etc. who is a Futures Commission Merchant (referred to as a "Transaction Customer" in the following paragraph and Article 108, paragraph (2)) shall, with regard to the guarantee funds of the Member, etc. for said Commodity Market, have the right to receive payment for the claims arising from such consignment in preference over other creditors.

６　前項の優先弁済を受ける権利が互いに競合するときは、会員等でない取引委託者の有する権利は、会員等である取引委託者の有する権利に対し優先する。

(6) When rights to receive preferential payment set forth in the preceding paragraph conflict with each other, the right of a Transaction Customer who is not a Member, etc. shall take precedence over the right of a Transaction Customer who is a Member, etc.

７　商品取引所は、商品取引債務引受業を行うことにより取得した会員等に対する債権と当該会員等に対する信認金に係る債務を相殺してはならない。

(7) A Commodity Exchange shall not set off claims on a Member, etc. which it has gained through Business of Assuming Commodity Transaction Debts against its liabilities to said Member, etc. pertaining to guarantee funds.

（業務規程）

(Market rules)

第百二条　商品取引所は、その業務規程において、その開設する商品市場ごとに、当該商品市場における次に掲げる事項（会員商品取引所にあつては、第一号から第三号までに掲げる事項を除く。）に関する細則を定めなければならない。

Article 102 A Commodity Exchange shall specify for each Commodity Market it opens detailed regulations on the following matters (excluding the matters listed in items (i) to (iii) inclusive in the case of a Member Commodity Exchange) with regard to the Commodity Market in its market rules:

一　取引参加者に関する事項

(i) Matters concerning Trading Participants

二　信認金に関する事項

(ii) Matters concerning guarantee funds

三　取引証拠金に関する事項

(iii) Matters concerning clearing margins

四　商品市場における取引の対象とする商品たる物品、商品指数又はオプション（実物オプションを含む。）

(iv) Goods which are Commodities, Commodity Indices or Options (including Spot Options) subject to Transactions on the Commodity Market

五　取引の期限

(v) Period of a transaction

六　取引の開始及び終了

(vi) Start and end of a transaction

七　取引の停止

(vii) Suspension of a transaction

八　取引の契約の締結及びその制限に関する事項

(viii) Matters concerning conclusion of transaction contracts and restraint thereof

九　受渡しその他の決済の方法

(ix) Delivery and other settlement methods

十　前各号に掲げる事項のほか、取引に関し必要な事項

(x) In addition to the matters listed in the preceding items, necessary matters concerning transactions

（取引証拠金）

(Clearing margin)

第百三条　商品取引所は、商品市場における取引（第百五条第一号に掲げる方法による決済を行う商品市場における取引に限り、第二条第十項第一号ニに掲げるものを除く。以下この条において同じ。）について、主務省令で定めるところにより、次の各号に掲げる場合の区分に応じ、当該各号に定める者から、取引証拠金の預託を受けなければならない。

Article 103 (1) A Commodity Exchange shall receive the deposit of a clearing margin from the persons prescribed in the following items for the categories set forth respectively in those items with regard to Transactions on a Commodity Market (limited to Transactions on a Commodity Market of which settlement is completed by the method set forth in Article 105, item (i) and excluding those set forth in Article 2, paragraph (10), item (i) (d); hereinafter the same shall apply in this Article) pursuant to the provisions of an ordinance of the competent ministry:

一　会員等が自己の計算において商品市場における取引を行う場合又は会員等がその受託した商品市場における取引（次項の規定に基づき委託証拠金の預託を受けて受託したものに限る。）を行う場合　当該会員等

(i) When a Member, etc. carries out Transactions on a Commodity Market based on the Member, etc.'s own account or when a Member, etc. carries out Transactions on a Commodity Market which the Member, etc. brokers (limited to those which the Member, etc. brokers by obtaining the deposit of a customer margin based on the provisions of the following paragraph) : Said Member, etc.

二　会員等がその受託した商品市場における取引（その委託の取次ぎを受託した者（以下この条において「取次者」という。）から受託したものを除く。）を行う場合（前号に掲げる場合を除く。）　当該取引の委託者（会員等に対して商品市場における取引を委託した者であつて取次者でないものをいう。次項において同じ。）

(ii) When a Member, etc. carries out Transactions on a Commodity Market which the Member, etc. brokers (excluding those which the Member, etc. brokers for a person acting as an intermediary for the brokerage of such transactions [hereinafter referred to as an "Intermediary" in this Article]) (excluding the case set forth in the preceding item) : Customer of said transactions (a person who consigned Transactions on a Commodity Market to the Member, etc. and who is not an Intermediary; the same shall apply in the following paragraph)

三　会員等がその受託した商品市場における取引（第三項の規定に基づき取次証拠金の預託を受けている取次者から受託したものに限る。）を行う場合（第一号に掲げる場合を除く。）　当該取次者

(iii) When a Member, etc. carries out Transactions on a Commodity Market which the Member, etc. brokers (limited to those which the Member, etc. brokers for an Intermediary who obtained the deposit of an intermediation margin based on the provisions of paragraph (3)) (excluding the case set forth in item (i)) : Said Intermediary

四　会員等がその受託した商品市場における取引（取次者から受託したものに限る。）を行う場合（第一号及び前号に掲げる場合を除く。）　当該取引の委託の取次ぎの委託をした者（以下この条において「取次委託者」という。）

(iv) When a Member, etc. carries out Transactions on a Commodity Market which the Member, etc. brokers (limited to those which the Member, etc. brokers for an Intermediary) (excluding the cases set forth in item (i) and the preceding item) : The person who consigned the intermediation of the consignment of such transactions (hereinafter referred to as the "Intermediation Customer" in this Article)

２　会員等は、商品市場における取引の受託について、主務省令で定めるところにより、委託者又は取次者（当該取引が、次項の規定に基づく取次証拠金の預託を取次委託者から受けていない取次者から受託したものである場合にあつては、取次委託者）の承諾を得て、その者をして、当該会員等に委託証拠金を預託させることができる。

(2) A Member, etc. may, with regard to brokerage of a Transaction on a Commodity Market, have the customer or the Intermediary (the Intermediation Customer in the case the transaction is one which the Member, etc. brokers for an Intermediary who has not obtained the deposit of an intermediation margin based on the provisions of the following paragraph from the Intermediation Customer) deposit a customer margin with the Member, etc. by gaining the consent of such person, pursuant to the provisions of an ordinance of the competent ministry.

３　取次者は、商品市場における取引の委託の取次ぎの受託について、主務省令で定めるところにより、取次委託者の承諾を得て、その者をして、当該取次者に取次証拠金を預託させることができる。

(3) An Intermediary may, with regard to brokerage of the intermediation of the consignment of Transactions on a Commodity Market, have the Intermediation Customer deposit an intermediation margin with the Intermediary by gaining the consent of such person.

４　商品取引所は、主務省令で定めるところにより、第一項の規定に基づき預託を受けた取引証拠金を管理しなければならない。

(4) A Commodity Exchange shall manage the clearing margin deposited based on the provisions of paragraph (1), pursuant to the provisions of an ordinance of the competent ministry.

５　第一項の取引証拠金、第二項の委託証拠金及び第三項の取次証拠金は、第百一条第三項に規定する有価証券又は当該商品取引所若しくは他の商品取引所の開設する商品市場における取引の決済のため受渡しの目的物とすることができる当該商品市場の上場商品の保管を証する倉荷証券をもつて、これに充てることができる。

(5) The Securities prescribed in Article 101, paragraph (3) or a warehouse receipt proving retention of a Listed Commodity of a Commodity Market opened by said Commodity Exchange or another Commodity Exchange which can be made subject to delivery for settling Transactions on said Commodity Market may be allocated for the clearing margin under paragraph (1), the customer margin under paragraph (2) and the intermediation margin under paragraph (3).

６　第百一条第四項の規定は、前項の有価証券又は倉荷証券の充用価格について準用する。

(6) The provisions of Article 101, paragraph (4) shall apply mutatis mutandis to the allocation price of the Securities or warehouse receipt set forth in the preceding paragraph.

７　第二項又は第三項の場合において、第二項の会員等又は第三項の取次者（以下この項及び第九項において「会員等又は取次者」という。）は、主務省令で定めるところにより、主務大臣の承認を受けて、銀行その他の主務省令で定める金融機関（以下この条において「銀行等」という。）と当該会員等又は取次者のために所要の取引証拠金に相当する金額が商品取引所の指示に応じて当該商品取引所に預託される旨の契約を締結して、その旨を当該商品取引所に届け出ることができる。

(7) In the case referred to in paragraph (2) or (3), a Member, etc. under paragraph (2) or an Intermediary under paragraph (3) (hereinafter referred to as a "Member, etc. or Intermediary" in this paragraph and paragraph (9)) may, by gaining the approval of the competent minister, conclude a contract with a bank or other financial institution specified by an ordinance of the competent ministry (hereinafter referred to as a "Bank, etc.") to have an amount corresponding to the required clearing margin deposited with a Commodity Exchange on behalf of the Member, etc. or Intermediary in accordance with the instruction of the Commodity Exchange and notify the Commodity Exchange to that effect, pursuant to the provisions of an ordinance of the competent ministry.

８　前項の場合において、当該商品取引所は、当該契約の効力の存する間に限り、当該契約において当該商品取引所に預託されることとなつている金額に相当する取引証拠金の全部又は一部については、その預託を猶予することができる。

(8) In the case referred to in the preceding paragraph, the Commodity Exchange may allow a grace period for deposit of the whole or a part of the clearing margin corresponding to the amount of money to be deposited with the Commodity Exchange under said contract, limited to the period during which said contract remains in force.

９　商品取引所は、商品市場における取引の公正を確保し、又は委託者を保護するため必要があると認めるときは、会員等又は取次者と第七項の契約を締結した銀行等又は当該会員等又は取次者に対し、所要の取引証拠金に相当する金額又は前項の規定により預託を猶予した取引証拠金を当該商品取引所に預託すべき旨を指示しなければならない。

(9) When a Commodity Exchange finds it necessary for securing the fairness of Transactions on a Commodity Market or protecting customers, it shall instruct the Bank, etc. which has concluded a contract under paragraph (7) with a Member, etc. or Intermediary or instruct said Member, etc. or Intermediary to deposit with the Commodity Exchange an amount of money corresponding to the required clearing margin or the clearing margin for which a grace period was allowed for its deposit pursuant to the provisions of the preceding paragraph.

（上場商品の格付）

(Grading of a Listed Commodity)

第百四条　上場商品の格付の方法、格付表その他格付に関する事項は、業務規程で定めなければならない。

Article 104 (1) The method of grading, the grade table and other matters concerning the grading of a Listed Commodity shall be specified by the market rules.

２　前項の場合において、商品市場における取引のために、当該上場商品の等級について定められた国定規格があるときは、商品取引所は、これに従わなければならない。

(2) In the case referred to in the preceding paragraph, when a specified national standard exists with regard to the grade of the Listed Commodity for Transactions on a Commodity Market, the Commodity Exchange shall comply with such standard.

３　会員等は、商品取引所が業務規程で定めるところにより行う格付に従わなければならない。

(3) A Member, etc. shall comply with the grading conducted by a Commodity Exchange pursuant to the provisions of the market rules.

４　商品取引所は、格付人を選任する必要がある場合においては、当該商品取引所の会員等以外の者のうちから選任しなければならない。

(4) In the case where it is necessary to appoint a grader, a Commodity Exchange shall appoint the grader from persons other than the Members, etc. of the Commodity Exchange.

５　前項の格付人は、商品取引所の使用人としなければならない。ただし、主務大臣の承認を受けたときは、この限りでない。

(5) A grader set forth in the preceding paragraph shall be an employee of the Commodity Exchange; provided, however, that this shall not apply when the approval of the competent minister has been obtained.

（取引の決済）

(Settlement of transactions)

第百五条　商品市場における取引の決済は、定款で定めるところにより、商品市場ごとに、次の各号のいずれかに掲げる方法により行わなければならない。

Article 105 Settlement of Transactions on a Commodity Market shall be completed for each Commodity Market by any of the methods listed in the following items, pursuant to the provisions of the articles of incorporation:

一　商品取引所を経て行う方法

(i) Transactions are settled through the Commodity Exchange.

二　商品取引所が第百七十三条第一項の承認を受けてその開設する商品市場における取引に基づく債務の引受けを行う方法

(ii) The Commodity Exchange assumes the liabilities arising from Transactions on a Commodity Market that it has opened by gaining the approval under Article 173, paragraph (1).

三　商品取引清算機関が商品市場における取引に基づく債務の引受けを行う方法（前号に掲げる方法を除く。）

(iii) A Commodity Clearing Organization assumes the liabilities arising from Transactions on a Commodity Market (excluding the method set forth in the preceding item).

（取引の決済の繰延べの禁止）

(Prohibition to defer settlement of transactions)

第百六条　商品市場における取引は、商品取引所の格付の遅延その他商品取引所（前条第三号に掲げる方法による決済を行う商品市場にあつては、当該商品市場について商品取引債務引受業を行う商品取引清算機関を含む。）につき生じた事由による場合を除くほか、その履行期を繰り延べて決済してはならない。

Article 106 Transactions on a Commodity Market shall not be settled by deferring the time of performance, except when the deferment has been caused by a delay in grading by the Commodity Exchange or other cause attributable to the Commodity Exchange (including a Commodity Clearing Organization which carries out Business of Assuming Commodity Transaction Debts for the Commodity Market, in the case of a Commodity Market where settlement is completed by the method set forth in item (iii) of the preceding Article).

（取引の臨時的開始等の届出）

(Notification of extraordinary start, etc. of transactions)

第百七条　商品取引所は、商品市場ごとに、商品市場を開設することができることとなつた日以後最初にその取引を行つたとき、及び臨時に取引を開始し、若しくは終了し、又はその停止をし、若しくはその停止を解除したときは、遅滞なく、その旨を主務大臣に届け出なければならない。

Article 107 When, with respect to each Commodity Market, a Commodity Exchange has carried out transactions for the first time after the day on which it became possible to open the Commodity Market or when it extraordinarily started, ended or suspended transactions or cancelled such suspension, the Commodity Exchange shall notify the competent minister to that effect without delay.

（債務不履行による損害賠償）

(Damages on default)

第百八条　会員等（第百五条第二号又は第三号に掲げる方法による決済を行う場合にあつては、清算参加者である会員等に限る。以下この条において同じ。）が商品市場における取引に基づく債務の不履行により他の会員等又は商品取引清算機関に損害を与えたときは、その損害を受けた会員等又は商品取引清算機関は、その損害を与えた会員等の当該取引に係る商品市場についての信認金及び当該取引についての取引証拠金（自己の計算による取引についてのものに限る。）について、他の債権者に先立つて弁済を受ける権利を有する。

Article 108 (1) When a Member, etc. (limited to a Member, etc. who is a Clearing Participant in the case of completing settlement by the method set forth in Article 105, item (ii) or (iii); hereinafter the same shall apply in this Article) has caused damage to another Member, etc. or a Commodity Clearing Organization as a result of default of liabilities arising from Transactions on a Commodity Market, the damaged Member, etc. or Commodity Clearing Organization shall, with regard to the guarantee funds for the Commodity Market pertaining to said transactions and the clearing margin for said transactions (limited to that for transactions based on the Member, etc.'s own account) of the Member, etc. who has caused the damage, have the right to receive payment in preference over other creditors.

２　第百一条第五項の規定による取引委託者が優先弁済を受ける権利は、前項の規定にかかわらず、同項の信認金についての会員等又は商品取引清算機関の権利に対して優先する。

(2) Notwithstanding the provisions of the preceding paragraph, the right of a Transaction Customer to receive preferential payment under Article 101, paragraph (5) shall take precedence over the right of a Member, etc. or Commodity Clearing Organization with regard to the guarantee funds set forth in the same paragraph.

（特別担保金）

(Special deposit for default)

第百九条　第百五条第一号に掲げる方法による決済を行う場合において、商品取引所は、定款で定めるところにより、会員等をして、当該会員等が取引をする商品市場ごとに特別担保金を預託させることができる。

Article 109 (1) When completing a settlement by a method set forth in Article 105, item (i), a Commodity Exchange may have a Member, etc. deposit a special deposit for default for each Commodity Market on which the Member, etc. carries out transactions, pursuant to the provisions of its articles of incorporation.

２　会員等は、商品市場における取引に基づく債務の不履行による債権に関し、前条第一項の規定により同項に規定する信認金及び取引証拠金について弁済を受け、なお不足があるときは、当該取引の相手方たる会員等の当該商品市場についての特別担保金について、他の債権者に先立つて弁済を受ける権利を有する。

(2) In association with claims of a Member, etc. which were acquired as a result of the default of liabilities arising from Transactions on a Commodity Market, the Member, etc. shall have the right to receive payment with regard to the guarantee funds or clearing margin prescribed in paragraph (1) of the preceding Article pursuant to the provisions of the same paragraph, and if the amount is still insufficient, receive payment in preference over other creditors with regard to the special deposit for default for said Commodity Market deposited by the Member, etc. who is the counterparty of said transactions.

３　会員等は、前項の規定により同項の特別担保金について弁済を受け、なお不足があるときは、他の会員等の当該商品市場についての特別担保金について、その特別担保金の額に応じて、他の債権者に先立つて弁済を受ける権利を有する。ただし、その不足する額に、その会員等の当該商品市場についての特別担保金の額の同項に規定する取引の相手方たる会員等以外の会員等の当該商品市場についての特別担保金の総額に対する割合を乗じて得た額をその不足する額から控除した残額の範囲内に限る。

(3) When a Member, etc. receives payment with regard to a special deposit for default pursuant to the provisions of the preceding paragraph, if the amount is still insufficient, the Member, etc. shall have the right to receive payment in preference over other creditors with regard to the special deposit for default for said Commodity Market deposited by other Members, etc., in accordance with the amount of such special deposit for default; provided, however, that this shall be limited within the scope of an amount that remains after deducting from such shortfall an amount obtained by multiplying such shortfall by the percentage of the amount of the special security amount for said Commodity Market deposited by the Member, etc. to the total amount of the special deposit for default for said Commodity Market deposited by Members, etc. other than the Member, etc. who is the counterparty to the transactions prescribed in the same paragraph.

４　前項の規定による弁済があつたときは、同項に規定する他の会員等は、第二項に規定する取引の相手方たる会員等に対し、求償権を有する。

(4) When a payment under the preceding paragraph has been made, the other Members, etc. prescribed in the same paragraph shall have the right to obtain reimbursement from the Member, etc. who is the counterparty to the transactions prescribed in paragraph (2).

（信認金等の運用方法）

(Method of utilization of guarantee funds, etc.)

第百十条　商品取引所は、国債の保有その他主務省令で定める方法によるほか、信認金又は特別担保金として預託を受けたものを運用することができない。

Article 110 A Commodity Exchange may not manage guarantee funds or special deposits for default that have been deposited except by possessing national government bonds and other methods specified by an ordinance of the competent ministry.

（総取引高等の公表）

(Publication of the total transaction volume, etc.)

第百十一条　商品取引所は、主務省令で定めるところにより、その開設する商品市場における次に掲げる事項について、速やかに、その会員等に通知し、公表しなければならない。

Article 111 A Commodity Exchange shall promptly notify its Members, etc. of and publish the following matters concerning a Commodity Market it opens, pursuant to an ordinance of the competent ministry.

一　毎日の総取引高

(i) Daily total transaction volume

二　取引の成立した対価の額又は約定価格若しくは約定指数（以下「約定価格等」という。）であつて主務省令で定めるもの

(ii) The amount of consideration for which transactions were closed or the Contract Price or Contract Index (hereinafter referred to as the "Contract Price, etc.") which is specified by an ordinance of the competent ministry

（相場及び取引高報告書の提出等）

(Submission of quotation and transaction volume reports, etc.)

第百十二条　商品取引所は、主務省令で定めるところにより、当該商品取引所の開設する商品市場における毎日及び毎月の相場及び取引高報告書を作成し、これを主務大臣に提出しなければならない。

Article 112 (1) A Commodity Exchange shall create daily and monthly quotation and transaction volume reports for the Commodity Markets opened by said Commodity Exchange and submit them to the competent minister, pursuant to an ordinance of the competent ministry.

２　商品取引所は、当該商品取引所の開設する商品市場における一の会員等の自己の計算による取引であつて決済を結了していないものの数量が商品市場ごとに主務省令で定める数量を超えることとなつた場合その他その商品市場における取引の状況が主務省令で定める要件に該当することとなつた場合には、主務省令で定めるところにより、遅滞なく、その旨を主務大臣に報告しなければならない。

(2) In the case where the volume of transactions of a single Member, etc. for a Commodity Market opened by a Commodity Exchange which are based on the Member, etc.'s own account and of which settlement has not been completed exceeds the volume specified by an ordinance of the competent ministry for each Commodity Market and in other cases where the status of the Transactions on a Commodity Market has come to satisfy the requirements specified by an ordinance of the competent ministry, the Commodity Exchange shall report to the competent minister to that effect without delay pursuant to the provisions of an ordinance of the competent ministry.

（脱退前又は取引資格の喪失前にした取引の決済の結了）

(Completion of settlement of transactions carried out prior to withdrawal or loss of the trading qualification)

第百十三条　会員が会員商品取引所から脱退した場合又は取引参加者が株式会社商品取引所の取引資格を喪失した場合において、その会員又は取引参加者が商品市場における取引の決済を結了していないときは、第三十七条第一項若しくは第二項、第四十条又は第八十三条の規定により承継する者がある場合を除き、商品取引所は、定款で定めるところにより、本人若しくはその決済が結了していない取引に係る権利及び義務を承継した者（以下この条において「承継者」という。）又は他の会員等（当該商品市場において取引をすることができる他の会員等に限る。以下この条において同じ。）をして当該取引の決済を結了させなければならない。

Article 113 (1) Where a member has withdrawn from a Member Commodity Exchange or a Trading Participant has lost the trading qualification of a Incorporated Commodity Exchange, if such member or Trading Participant has not completed the settlement of Transactions on a Commodity Market, the Commodity Exchange have said person or a person who has succeeded to the rights and obligations pertaining to the transactions of which settlement is incomplete (hereinafter referred to as the "Successor" in this Article) or another Member, etc. (limited to another Member, etc. who may carry out transactions on said Commodity Market; hereinafter the same shall apply in this Article) complete the settlement of said transactions pursuant to the provisions of the articles of incorporation, except when there exists a person who succeeds to such matter pursuant to the provisions of Article 37, paragraph (1) or (2), Article 40 or Article 83.

２　前項の場合においては、本人又はその承継者（会員又は取引参加者であるものを除く。）は、当該取引の決済を結了する目的の範囲内において、会員又は取引参加者とみなす。

(2) In the case referred to in the preceding paragraph, said person or that person's Successor (excluding a Successor who is a member or Trading Participant) shall be deemed to be a member or Trading Participant within the scope of the purpose to complete the settlement of said transactions.

３　第一項の規定により商品取引所が他の会員等をして当該取引の決済を結了させるときは、本人又はその承継者と当該会員等との間には委任契約が成立しているものとみなす。

(3) When a Commodity Exchange has another Member, etc. complete the settlement of said transactions pursuant to the provisions of paragraph (1), it shall be deemed that a contract for the consignment of such transactions is established between said person or that person's Successor and said Member, etc.

（取引の停止の場合における取引の決済の結了）

(Completion of settlement of transactions in the case of suspension of transactions)

第百十四条　前条の規定は、会員等の商品市場における取引がこの法律又は商品取引所の定款で定めるところにより停止された場合に準用する。

Article 114 The provisions of the preceding Article shall apply mutatis mutandis in the case where Transactions on a Commodity Market of the Member, etc. have been suspended pursuant to the provisions of this Act or the articles of incorporation of a Commodity Exchange.

（帳簿の区分経理及び保存）

(Separate accounting in and preservation of books)

第百十五条　会員等は、主務省令で定めるところにより、商品市場における取引について、その他の取引と帳簿上区分して経理し、かつ、帳簿その他業務に関する書類を保存しておかなければならない。

Article 115 A Member, etc. shall carry out accounting for Transactions on a Commodity Market separately from that for other transactions in books and preserve the books and other documents related to the relevant affairs, pursuant to the provisions of an ordinance of the competent ministry.

（仮装取引、なれ合い取引等の禁止）

(Prohibition of wash trading, accommodation trading, etc.)

第百十六条　何人も、商品市場における取引に関し、次に掲げる行為をしてはならない。

Article 116 No person may conduct the following acts with regard to Transactions on a Commodity Market:

一　上場商品の所有権の移転を目的としない売買取引をすること。

(i) Carrying out buying and selling transactions without the intention to transfer ownership of a Listed Commodity

二　仮装の取引をし、又は偽つて自己の名を用いないで取引をすること。

(ii) Carrying out wash trading or carrying out transactions by deceptively avoiding the use of that person's own name

三　自己のする取引の申込みと同時期に、それと同一の対価の額又は約定価格等において、他人が当該取引を成立させることのできる申込みをすることをあらかじめその者と通謀の上、当該取引の申込みをすること。

(iii) Filing an application for said person's own transactions by conspiring in advance with another person that such other person would file an application for concluding said transactions at an identical amount of consideration or Contract Price, etc. at the same time as said transactions

四　単独で又は他人と共同して、当該商品市場における取引が繁盛であると誤解させるべき一連の取引又は当該商品市場における相場を変動させるべき一連の取引をすること。

(iv) Carrying out a series of transactions that would cause people to believe mistakenly that the Transactions on a Commodity Market are thriving or carrying out a series of transactions that would change the quotations on said Commodity Market, either independently or jointly with another person

五　前各号のいずれかに掲げる行為の委託をし、又はその受託をし、若しくはその委託の取次ぎを受託すること。

(v) Consigning or brokering any of the acts listed in the preceding items or acting as an intermediary for such consignment

六　商品市場における相場が自己又は他人の市場操作によつて変動すべき旨を流布すること。

(vi) Spreading information that the quotations on a Commodity Market would change through market manipulation by said person or another person

七　商品市場における取引をする場合に、重要な事項について虚偽の表示又は誤解を生ぜしむべき表示を故意にすること。

(vii) Intentionally making misrepresentation or a representation that would cause a misunderstanding with regard to important matters when carrying out Transactions on a Commodity Market

（仮装取引等をした者の損害賠償責任）

(Liability for damages of a person who has carried out wash trading, etc.)

第百十七条　前条の規定に違反した者は、当該違反行為により形成された対価の額又は約定価格等により当該商品市場における取引又はその委託をした者が当該取引又は委託につき受けた損害を賠償する責めに任ずる。

Article 117 (1) A person who has violated the provisions of the preceding Article shall be liable to compensate for any damages incurred by a person who has carried out transactions on said Commodity Market or consigned such transactions, with respect to said transactions or consignment, as a result of the amount of consideration or Contract Price, etc. formed by said violation.

２　前項の規定による賠償の請求権は、請求権者が前条の規定に違反する行為があつたことを知つた時から一年間又は当該行為があつた時から三年間これを行わないときは、時効によつて消滅する。

(2) The right to claim damages under the preceding paragraph shall be extinguished by prescription when such right is not exercised within one year from the time the claimant learns that an act in violation of the provisions of the preceding paragraph has been committed or within three years from the performance of such act.

（会員等の取引の制限）

(Restriction on transactions of a Member, etc.)

第百十八条　主務大臣は、商品市場において、買占め、売崩しその他の方法により過当な数量の取引が行われ若しくは行われるおそれがあり、又は不当な対価の額若しくは約定価格等が形成され若しくは形成されるおそれがある場合において、商品市場における秩序を維持し、かつ、公益を保護するため必要があると認めるときは、会員等に対し、商品市場における取引又はその受託を制限することができる。

Article 118 When an excessive volume of transactions is carried out or is likely to be carried out through cornering, bear raids or any other method or an unfair amount of consideration or Contract Price, etc. is formed or is likely to be formed on a Commodity Market, if the competent minister finds it necessary in order to maintain order on the Commodity Market and to protect the public interest, he/she may impose restrictions against a Member, etc. with regard to Transactions on a Commodity Market or the brokerage of such transactions.

（受託契約準則）

(Brokerage contract rules)

第百十九条　商品取引所は、その受託契約準則において、次に掲げる事項に関する細則を定めなければならない。

Article 119 A Commodity Exchange shall specify detailed regulations on the following matters in its brokerage contract rules:

一　商品市場における取引等（商品清算取引を除く。第三号において同じ。）の受託の条件

(i) Requirements for brokerage of Transactions on a Commodity Market, etc. (excluding Commodity Clearing Transactions; the same shall apply in item (iii))

二　受渡しその他の決済の方法

(ii) Delivery and other settlement methods

三　前二号に掲げる事項のほか、商品市場における取引等の受託に関し必要な事項

(iii) In addition to the matters listed in the preceding two items, necessary matters concerning the brokerage of Transactions on a Commodity Market, etc.

（紛争の処理）

(Dispute resolution)

第百二十条　商品取引所は、当該商品取引所の商品市場における取引に関して会員等の間、商品取引員の間又は商品取引員と委託者との間に生じた紛争について当事者である会員等、商品取引員又は委託者から仲介の申出があつたときは、紛争処理規程で定めるところにより、仲介を行うものとする。

Article 120 (1) When an application for mediation has been filed by a Member, etc., Futures Commission Merchant or customer who is a party concerned with regard to a dispute that has occurred between Members, etc., between Futures Commission Merchants or between a Futures Commission Merchant and a customer concerning Transactions on a Commodity Market of a Commodity Exchange, said Commodity Exchange shall conduct mediation pursuant to the provisions of its dispute resolution rules.

２　商品取引所は、その紛争処理規程において、次に掲げる事項に関する細則を定めなければならない。

(2) A Commodity Exchange shall specify detailed regulations on the following matters in its dispute resolution rules:

一　仲介の申出手続

(i) Procedure to apply for mediation

二　仲介の方法

(ii) Method of mediation

三　前二号に掲げる事項のほか、仲介に関し必要な事項

(iii) In addition to the matters listed in the preceding two items, necessary matters concerning mediation

第五節　組織変更

Section 5 Entity Conversion

（会員商品取引所から株式会社商品取引所への組織変更）

(Entity conversion from a Member Commodity Exchange into an Incorporated Commodity Exchange)

第百二十一条　会員商品取引所は、その組織を変更して株式会社商品取引所になることができる。

Article 121 A Member Commodity Exchange may become an Incorporated Commodity Exchange through entity conversion.

（組織変更計画）

(Entity Conversion plan)

第百二十二条　会員商品取引所は、前条の組織変更（以下この節において「組織変更」という。）をするには、組織変更計画を作成して、会員総会の決議によつて、その承認を受けなければならない。

Article 122 (1) In order to implement the entity conversion set forth in the preceding Article (hereinafter referred to as "Entity Conversion" in this Section), a Member Commodity Exchange shall create an Entity Conversion plan and gain approval by a resolution of a general meeting of members.

２　第六十一条の規定は、前項の決議について準用する。

(2) The provisions of Article 61 shall apply mutatis mutandis to a resolution set forth in the preceding paragraph.

３　第一項の会員総会の招集は、組織変更計画の要領及び組織変更後の株式会社（以下「組織変更後株式会社商品取引所」という。）の定款を示してしなければならない。

(3) A general meeting of members set forth in paragraph (1) shall be convened by presenting an outline of an Entity Conversion plan and the articles of incorporation of the stock company after the Entity Conversion (hereinafter referred to as the "Incorporated Commodity Exchange after Entity Conversion").

４　会員商品取引所が組織変更をする場合には、当該会員商品取引所は、組織変更計画において、次に掲げる事項を定めなければならない。

(4) When a Member Commodity Exchange implements Entity Conversion, said Member Commodity Exchange shall specify the following matters in its Entity Conversion plan:

一　組織変更後株式会社商品取引所の目的、商号、本店の所在地及び発行可能株式総数

(i) The purpose, trade name, the location of the head office and the total number of shares issuable of the Incorporated Commodity Exchange after Entity Conversion

二　前号に掲げるもののほか、組織変更後株式会社商品取引所の定款で定める事項

(ii) In addition to the matters listed in the preceding item, the matters specified by the articles of incorporation of the Incorporated Commodity Exchange after Entity Conversion

三　組織変更後株式会社商品取引所の取締役の氏名及び会計監査人の氏名又は名称

(iii) The names of directors and name of accounting auditor of the Incorporated Commodity Exchange after Entity Conversion

四　次に掲げる場合の区分に応じ、次に定める事項

(iv) The matters prescribed in the following for the categories of cases set forth respectively therein:

イ　組織変更後株式会社商品取引所が会計参与設置会社である場合　組織変更後株式会社商品取引所の会計参与の氏名又は名称

(a) When the Incorporated Commodity Exchange after Entity Conversion is a company with an accounting advisor : The name of the accounting advisor of the Incorporated Commodity Exchange after Entity Conversion

ロ　組織変更後株式会社商品取引所が監査役設置会社（監査役の監査の範囲を会計に関するものに限定する旨の定款の定めがある株式会社を含む。）である場合　組織変更後株式会社商品取引所の監査役の氏名

(b) When the Incorporated Commodity Exchange after Entity Conversion is a company with a corporate auditor (including a stock company of which articles of incorporation provide that the scope of audit by a corporate auditor shall be limited to matters concerning accounting) : The name of the corporate auditor of the Incorporated Commodity Exchange after Entity Conversion

五　組織変更をする会員商品取引所の会員が組織変更に際して取得する組織変更後株式会社商品取引所の株式の数（組織変更後株式会社商品取引所が種類株式発行会社である場合にあつては、株式の種類及び種類ごとの数）又はその数の算定方法

(v) The number of shares of the Incorporated Commodity Exchange after Entity Conversion which members of the Member Commodity Exchange implementing Entity Conversion shall acquire upon Entity Conversion (if the Incorporated Commodity Exchange after Entity Conversion is a company issuing classified shares, the classes of shares and the number of shares by class) or the method of calculating such number

六　組織変更をする会員商品取引所の会員に対する前号の株式の割当てに関する事項

(vi) Matters concerning the allotment of the shares set forth in the preceding item to members of the Member Commodity Exchange implementing Entity Conversion

七　組織変更後株式会社商品取引所が組織変更に際して組織変更をする会員商品取引所の会員に対してその持分に代わる金銭を交付するときは、その額又はその算定方法

(vii) When an Incorporated Commodity Exchange after Entity Conversion delivers money to members of the Member Commodity Exchange implementing Entity Conversion in lieu of their equity interests upon Entity Conversion, the amount of such money or the method of calculating such amount

八　前号に規定する場合には、組織変更をする会員商品取引所の会員に対する同号の金銭の割当てに関する事項

(viii) In the case prescribed in the preceding item, matters concerning the allotment of money under the same item to members of the Member Commodity Exchange implementing Entity Conversion

九　組織変更後株式会社商品取引所の資本金及び準備金の額に関する事項

(ix) Matters concerning the amount of the stated capital and reserve of the Incorporated Commodity Exchange after Entity Conversion

十　組織変更がその効力を生ずべき日（以下この節において「効力発生日」という。）

(x) The day on which the Entity Conversion will come into effect (hereinafter referred to as the "Effective Date" in this Section)

十一　前各号に掲げる事項のほか、主務省令で定める事項

(xi) In addition to the matters listed in the preceding items, the matters specified by an ordinance of the competent ministry

（組織変更計画に関する書面等の備置き及び閲覧等）

(Keeping of and inspection, etc. of a document, etc. concerning an Entity Conversion plan)

第百二十三条　組織変更をする会員商品取引所は、前条第一項の会員総会の会議開催日の十日前から組織変更の効力が生ずる日の前日までの間、組織変更計画の内容その他主務省令で定める事項を記載し、又は記録した書面又は電磁的記録を主たる事務所に備え置かなければならない。

Article 123 (1) A Member Commodity Exchange implementing Entity Conversion shall, during the period from 10 days prior to the day of the general meeting of members set forth in paragraph (1) of the preceding Article until the day preceding the day on which the Entity Conversion comes into effect, keep at its principal office a document or an Electromagnetic Record containing the content of the Entity Conversion plan and other matters specified by an ordinance of the competent ministry.

２　組織変更をする会員商品取引所の会員及び債権者は、会員商品取引所に対して、その事業時間内は、いつでも、次に掲げる請求をすることができる。ただし、第二号又は第四号に掲げる請求をするには、当該組織変更をする会員商品取引所の定めた費用を支払わなければならない。

(2) A member and a creditor of a Member Commodity Exchange implementing Entity Conversion may make the following request to the Member Commodity Exchange at any time during its business hours; provided, however, that in order to make the request set forth in item (ii) or (iv), such person shall pay a cost decided on by the Member Commodity Exchange implementing Entity Conversion:

一　前項の書面の閲覧の請求

(i) A request for inspection of a document set forth in the preceding paragraph

二　前項の書面の謄本又は抄本の交付の請求

(ii) A request for delivery of a transcript or an extract of a document set forth in the preceding paragraph

三　前項の電磁的記録に記録された事項を主務省令で定める方法により表示したものの閲覧の請求

(iii) A request for inspection of the matters contained in an Electromagnetic Record set forth in the preceding paragraph which are indicated by a method specified by an ordinance of the competent ministry

四　前項の電磁的記録に記録された事項を電磁的方法であつて主務省令で定めるものにより提供することの請求又はその事項を記載した書面の交付の請求

(iv) A request for provision of the matters contained in an Electromagnetic Record set forth in the preceding paragraph by an Electromagnetic Means which is specified by an ordinance of the competent ministry or a request for delivery of a document containing such matters

３　組織変更をする会員商品取引所は、前項の規定による請求があつたときは、正当な理由がないのにこれを拒んではならない。

(3) When a request prescribed in the preceding paragraph has been made, a Member Commodity Exchange implementing Entity Conversion shall not refuse the request without a justifiable reason.

（債権者の異議）

(Objection by a creditor)

第百二十四条　組織変更をする会員商品取引所の債権者は、当該会員商品取引所に対し、組織変更について異議を述べることができる。

Article 124 (1) A creditor of a Member Commodity Exchange implementing Entity Conversion may make an objection regarding the Entity Conversion to the Member Commodity Exchange.

２　組織変更をする会員商品取引所は、次に掲げる事項を官報に公告し、かつ、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。ただし、第二号の期間は、一月を下ることができない。

(2) A Member Commodity Exchange implementing Entity Conversion shall give public notice of the following matters in an official gazette and notify such matters individually to known creditors; provided, however, that the period set forth in item (ii) may not be shorter than one month:

一　組織変更をする旨

(i) The fact that Entity Conversion will be implemented

二　債権者が一定の期間内に異議を述べることができる旨

(ii) The fact that creditors may make objections within a certain period

３　前項の規定にかかわらず、組織変更をする会員商品取引所が同項の規定による公告を、官報のほか、第十一条第六項の規定による定款の定めに従い、同項第二号又は第三号に掲げる公告方法によりするときは、前項の規定による各別の催告は、することを要しない。

(3) Notwithstanding the provisions of the preceding paragraph, when a Member Commodity Exchange implementing Entity Conversion gives the public notice prescribed in the same paragraph not only in an official gazette but also by the Method of Public Notice set forth in Article 11, paragraph (6), item (ii) or (iii) in accordance with the provisions of the articles of incorporation prescribed in the same paragraph, the Member Commodity Exchange shall not be required to give the individual notice prescribed in the preceding paragraph.

４　債権者が第二項第二号の期間内に異議を述べなかつたときは、当該債権者は、当該組織変更について承認をしたものとみなす。

(4) When a creditor does not make an objection within the period set forth in paragraph (2), item (ii), said creditor shall be deemed to have approved said Entity Conversion.

５　債権者が第二項第二号の期間内に異議を述べたときは、組織変更をする会員商品取引所は、当該債権者に対し、弁済し、若しくは相当の担保を提供し、又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等（信託会社及び信託業務を営む金融機関（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）第一条第一項の認可を受けた金融機関をいう。）をいう。以下同じ。）に相当の財産を信託しなければならない。ただし、当該組織変更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) When a creditor makes an objection within the period set forth in paragraph (2), item (ii), a Member Commodity Exchange implementing Entity Conversion shall repay the liabilities or provide reasonable collateral to said creditor or deposit reasonable property with a Trust Company, etc. (which means a trust company and a Financial Institution Engaged in Trust Business [which means a financial institution that has obtained the approval set forth in Article 1, paragraph (1) of the Act on Additional Operation of Trust Business by a Financial Institution (Act 43 of 2006)]; the same shall apply hereinafter) for the purpose of repaying the liabilities to said creditor; provided, however, that this shall not apply when said Entity Conversion is not likely to harm said creditor.

（組織変更手続の経過等の書面等の備置き及び閲覧等）

(Keeping of and inspection, etc. of a document, etc. on the progress, etc. of Entity Conversion procedure)

第百二十五条　組織変更後株式会社商品取引所は、組織変更の効力が生じた日から六月間、第百二十三条第一項の書面又は電磁的記録及び前条の規定による手続の経過その他の組織変更に関する事項として主務省令で定める事項を記載し、又は記録した書面又は電磁的記録を本店に備え置かなければならない。

Article 125 (1) A Incorporated Commodity Exchange after Entity Conversion shall, during the period of six months from the day on which Entity Conversion comes into effect, keep at its head office the document or Electromagnetic Record set forth in Article 123, paragraph (1) and a document or an Electromagnetic Record containing the progress of the procedure prescribed in the preceding Articles and other matters specified by an ordinance of the competent minister as being matters concerning Entity Conversion.

２　組織変更後株式会社商品取引所の株主及び債権者は、組織変更後株式会社商品取引所に対して、その営業時間内は、いつでも、次に掲げる請求をすることができる。ただし、第二号又は第四号に掲げる請求をするには、当該組織変更後株式会社商品取引所の定めた費用を支払わなければならない。

(2) A shareholder and a creditor of a Incorporated Commodity Exchange after Entity Conversion may make the following request to the Incorporated Commodity Exchange after Entity Conversion at any time during its business hours; provided, however, that in order to make the request set forth in item (ii) or (iv), such person shall pay a cost decided on by the Member Commodity Exchange implementing Entity Conversion:

一　前項の書面の閲覧の請求

(i) A request for inspection of a document set forth in the preceding paragraph

二　前項の書面の謄本又は抄本の交付の請求

(ii) A request for delivery of a transcript or an extract of a document set forth in the preceding paragraph

三　前項の電磁的記録に記録された事項を主務省令で定める方法により表示したものの閲覧の請求

(iii) A request for inspection of the matters contained in an Electromagnetic Record set forth in the preceding paragraph which are indicated by a method specified by an ordinance of the competent ministry

四　前項の電磁的記録に記録された事項を電磁的方法であつて主務省令で定めるものにより提供することの請求又はその事項を記載した書面の交付の請求

(iv) A request for provision of the matters contained in an Electromagnetic Record set forth in the preceding paragraph by an Electromagnetic Means which is specified by an ordinance of the competent ministry or a request for the delivery of a document containing such matters

３　組織変更後株式会社商品取引所は、前項の規定による請求があつたときは、正当な理由がないのにこれを拒んではならない。

(3) When a request prescribed in the preceding paragraph has been made, an Incorporated Commodity Exchange after Entity Conversion shall not refuse the request without a justifiable reason.

（会員への株式の割当て）

(Allotment of shares to a member)

第百二十六条　会員商品取引所の会員は、組織変更計画の定めるところにより、組織変更後株式会社商品取引所の株式又は金銭の割当てを受けるものとする。

Article 126 (1) A member of a Member Commodity Exchange shall receive an allotment of shares of the Incorporated Commodity Exchange after Entity Conversion or money pursuant to the provisions of the Entity Conversion plan.

２　会社法第二百三十四条第一項から第五項まで、第八百六十八条第一項、第八百六十九条、第八百七十一条、第八百七十四条（第四号に係る部分に限る。）、第八百七十五条及び第八百七十六条の規定は、前項の規定により株式又は金銭の割当てを受け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 234, paragraphs (1) to (5) inclusive, Article 868, paragraph (1), Article 869, Article 871, Article 874 (limited to the part pertaining to item (iv)), Article 875 and Article 876 of the Companies Act shall apply mutatis mutandis to the case of receiving the allotment of shares or money pursuant to the provisions of the preceding paragraph. In this case, the necessary technical replacement of terms shall be specified by a Cabinet Order.

（資本金として計上すべき額）

(Amounts that should be included in the stated capital)

第百二十七条　組織変更後株式会社商品取引所の資本金として計上すべき額については、主務省令で定める。

Article 127 The amounts that should be included in the stated capital of an Incorporated Commodity Exchange after Entity Conversion shall be specified by an ordinance of the competent ministry.

（資本準備金として計上すべき額等）

(Amounts that should be included in the capital reserve)

第百二十八条　組織変更に際して資本準備金として計上すべき額その他組織変更に際しての計算に関し必要な事項は、主務省令で定める。

Article 128 The amounts that should be included in the capital reserve at the time of Entity Conversion and other necessary matters concerning the accounting at the time of Entity Conversion shall be specified by an ordinance of the competent ministry.

（組織変更における株式の発行）

(Issuance of shares upon Entity Conversion)

第百二十九条　会員商品取引所は、第百二十六条第一項の規定による株式の割当てを行うほか、組織変更に際して、組織変更後株式会社商品取引所の株式を発行することができる。この場合においては、組織変更計画において、次に掲げる事項を定めなければならない。

Article 129 A Member Commodity Exchange may, in addition to allotting shares prescribed in Article 126, paragraph (1), issue shares of the Incorporated Commodity Exchange after Entity Conversion at the time of Entity Conversion. In this case, the following matters shall be specified in the Entity Conversion plan:

一　この条の規定により発行する株式（以下この節において「組織変更時発行株式」という。）の数（種類株式発行会社にあつては、組織変更時発行株式の種類及び数。以下この節において同じ。）

(i) The number of shares issued pursuant to the provisions of this Article (hereinafter referred to as the "Shares Issued upon Entity Conversion" in this Section) (in the case of a company issuing classified shares, the classes and the number of the Shares Issued upon Entity Conversion; hereinafter the same shall apply in this Section)

二　組織変更時発行株式の払込金額（組織変更時発行株式一株と引換えに払い込む金銭又は給付する金銭以外の財産の額をいう。以下この節において同じ。）又はその算定方法

(ii) The Amount to be Paid for a Share Issued upon Entity Conversion (which means the amount of money to be paid or property other than money to be delivered in exchange for a single Share Issued upon Entity Conversion; hereinafter the same shall apply in this Section) or the method of calculating such amount

三　金銭以外の財産を出資の目的とするときは、その旨並びに当該財産の内容及び価額

(iii) When making property other than money the object of contribution, a statement to that effect and the content and value of said property

四　組織変更時発行株式と引換えにする金銭の払込み又は前号の財産の給付の期日

(iv) The date of payment of money to be exchanged with a Share Issued upon Entity Conversion or delivery of the property set forth in the preceding item

五　増加する資本金及び資本準備金に関する事項

(v) Matters concerning the stated capital or capital reserve to be increased

（組織変更時発行株式の申込み等）

(Application for Shares Issued upon Entity Conversion, etc.)

第百三十条　会員商品取引所は、組織変更時発行株式の引受けの申込みをしようとする者に対し、次に掲げる事項を通知しなければならない。

Article 130 (1) A Member Commodity Exchange shall notify the following matters to a person who intends to file an application to subscribe for the Shares Issued upon Entity Conversion:

一　組織変更後株式会社商品取引所の商号

(i) The trade name of the Incorporated Commodity Exchange after Entity Conversion

二　前条各号に掲げる事項

(ii) Matters listed in the respective items of the preceding Article

三　金銭の払込みをすべきときは、払込みの取扱いの場所

(iii) When money is to be paid, the place for handling the payment

四　前三号に掲げるもののほか、主務省令で定める事項

(iv) In addition to the matters listed in the preceding three items, matters specified by an ordinance of the competent ministry

２　組織変更時発行株式の引受けの申込みをする者は、次に掲げる事項を記載した書面を会員商品取引所に交付しなければならない。

(2) A person filing an application to subscribe for the Shares Issued upon Entity Conversion shall deliver a document containing the following matters to the Member Commodity Exchange:

一　申込みをする者の氏名又は名称及び住所

(i) The name and address of the person filing the application

二　引き受けようとする組織変更時発行株式の数

(ii) The number of the Shares Issued upon Entity Conversion for which the person intends to subscribe

３　前項の申込みをする者は、同項の書面の交付に代えて、政令で定めるところにより、会員商品取引所の承諾を得て、同項の書面に記載すべき事項を電磁的方法により提供することができる。この場合において、当該申込みをした者は、同項の書面を交付したものとみなす。

(3) The person filing an application set forth in the preceding paragraph may, in lieu of the delivery of the document set forth in the preceding paragraph, provide the matters that should be contained in the document under the same paragraph by an Electromagnetic Means by gaining the consent of the Member Commodity Exchange, pursuant to the provisions of a Cabinet Order. In this case, the person making the subscription shall be deemed to have delivered the document set forth in the same paragraph.

４　会員商品取引所は、第一項各号に掲げる事項について変更があつたときは、直ちに、その旨及び当該変更があつた事項を第二項の申込みをした者（以下この節において「申込者」という。）に通知しなければならない。

(4) When there is a change to the matters listed in the respective items of paragraph (1), a Member Commodity Exchange shall immediately notify a person filing an application under paragraph (2) (hereinafter referred to as an "Applicant" in this Section) that there has been a change and about the matters that have been changed.

５　会員商品取引所が申込者に対してする通知又は催告は、第二項第一号の住所（当該申込者が別に通知又は催告を受ける場所又は連絡先を当該会員商品取引所に通知した場合にあつては、その場所又は連絡先）にあてて発すれば足りる。

(5) With regard to a notice to be given by a Member Commodity Exchange to an Applicant, it is sufficient to send such notice to the address set forth in paragraph (2), item (i) (in the case said Applicant notified the Member Commodity Exchange of another place or point of contact for receiving a notice, such place or point of contact)

６　前項の通知又は催告は、その通知又は催告が通常到達すべきであつた時に、到達したものとみなす。

(6) The notice set forth in the preceding paragraph shall be deemed to have arrived at the time when such notice should have normally arrived.

（組織変更時発行株式の割当て）

(Allotment of Shares Issued upon Entity Conversion)

第百三十一条　会員商品取引所は、申込者の中から組織変更時発行株式の割当てを受ける者を定め、かつ、その者に割り当てる組織変更時発行株式の数を定めなければならない。この場合において、会員商品取引所は、当該申込者に割り当てる組織変更時発行株式の数を、前条第二項第二号の数よりも減少することができる。

Article 131 (1) A Member Commodity Exchange shall decide on the persons to receive the allotment of the Shares Issued upon Entity Conversion from among the Applicants and decide on the number of the Shares Issued upon Entity Conversion to be allotted to such persons. In this case, the Member Commodity Exchange may reduce the number of the Shares Issued upon Entity Conversion to be allotted to such persons from the number set forth in paragraph (2), item (ii) of the preceding Article.

２　会員商品取引所は、第百二十九条第四号の期日の前日までに、申込者に対し、当該申込者に割り当てる組織変更時発行株式の数を通知しなければならない。

(2) A Member Commodity Exchange shall notify Applicants of the number of the Shares Issued upon Entity Conversion to be allotted to said Applicants by the day preceding the date set forth in Article 129, item (iv).

（組織変更時発行株式の引受け）

(Subscription for Shares Issued upon Entity Conversion)

第百三十一条の二　申込者は、会員商品取引所の割り当てた組織変更時発行株式の数について組織変更時発行株式の引受人となる。

Article 131-2 An Applicant shall become a subscriber for the Shares Issued upon Entity Conversion with regard to the number of the Shares Issued upon Entity Conversion allotted by a Member Commodity Exchange.

（出資の履行）

(Performance of contribution)

第百三十一条の三　組織変更時発行株式の引受人（第百二十九条第三号の財産（以下この節において「現物出資財産」という。）を給付する者を除く。）は、同条第四号の期日に、会員商品取引所が定めた銀行等（会社法第三十四条第二項に規定する銀行等をいう。）の払込みの取扱いの場所において、それぞれの組織変更時発行株式の払込金額の全額を払い込まなければならない。

Article 131-3 (1) A subscriber to the Shares Issued upon Entity Conversion (excluding a person who delivers the property set forth in Article 129, item (iii) [hereinafter referred to as the "Contributed Assets"]) shall pay the full amount of the Amount to be Paid for each Share Issued upon Entity Conversion at the place for handling the payment at Banks, etc. (which means the banks, etc. prescribed in Article 34, paragraph (2) of the Companies Act) specified by the Member Commodity Exchange by the date set forth in item (iv) of the same Article.

２　組織変更時発行株式の引受人（現物出資財産を給付する者に限る。）は、第百二十九条第四号の期日に、それぞれの組織変更時発行株式の払込金額の全額に相当する現物出資財産を給付しなければならない。

(2) A subscriber to the Shares Issued upon Entity Conversion (limited to a person who delivers the Contributed Assets) shall deliver the Contributed Assets that correspond to the full amount of the Amount to be Paid for each Share Issued upon Entity Conversion by the date set forth in Article 129, item (iv).

３　組織変更時発行株式の引受人は、第一項の規定による払込み又は前項の規定による給付（以下この節において「出資の履行」という。）をする債務と会員商品取引所に対する債権とを相殺することができない。

(3) A subscriber to the Shares Issued upon Entity Conversion shall not set off the subscriber's obligation to make the payment under paragraph (1) or the delivery under the preceding paragraph (hereinafter referred to as the "Performance of Contribution" in this Section) against the subscriber's claims on a Member Commodity Exchange.

４　出資の履行をすることにより組織変更時発行株式の株主となる権利の譲渡は、組織変更後株式会社商品取引所に対抗することができない。

(4) Transfer of the right to become a shareholder of the Shares Issued upon Entity Conversion through the Performance of Contribution may not be asserted against the Incorporated Commodity Exchange after Entity Conversion.

５　組織変更時発行株式の引受人は、出資の履行をしないときは、当該出資の履行をすることにより組織変更時発行株式の株主となる権利を失う。

(5) If a subscriber to the Shares Issued upon Entity Conversion fails to conduct the Performance of Contribution, such subscriber shall lose the right to become a shareholder of the Shares Issued upon Entity Conversion through the Performance of Contribution.

（株主となる時期）

(Time of becoming a shareholder)

第百三十一条の四　組織変更時発行株式の引受人は、組織変更の効力が生じた日に、出資の履行をした組織変更時発行株式の株主となる。

Article 131-4 A subscriber to the Shares Issued upon Entity Conversion shall become a shareholder of the Shares Issued upon Entity Conversion for which the subscriber conducted the Performance of Contribution, on the day on which the Entity Conversion comes into effect.

（引受けの無効又は取消しの制限）

(Restriction on nullification or rescission of subscription)

第百三十一条の五　民法（明治二十九年法律第八十九号）第九十三条ただし書及び第九十四条第一項の規定は、組織変更時発行株式の引受けの申込み及び割当てに係る意思表示については、適用しない。

Article 131-5 (1) The provisions of the proviso of Article 93 and Article 94, paragraph (1) of the Civil Code (Act No. 89 of 1954) shall not apply to a manifestation of intention concerning an application to subscribe for the Shares Issued upon Entity Conversion and the allotment of such shares.

２　組織変更時発行株式の引受人は、組織変更の効力が生じた日から一年を経過した後又はその株式について権利を行使した後は、錯誤を理由として組織変更時発行株式の引受けの無効を主張し、又は詐欺若しくは強迫を理由として組織変更時発行株式の引受けの取消しをすることができない。

(2) After one year has passed from the day on which Entity Conversion comes into effect or after exercising rights with regard to shares, a subscriber to the Shares Issued upon Entity Conversion may not claim nullity of the subscription for the Shares Issued upon Entity Conversion on the basis of a mistake or rescind the subscription for the Shares Issued upon Entity Conversion on the basis of a fraud or duress.

（金銭以外の財産を出資の目的とする場合についての会社法の準用）

(Application mutatis mutandis of the Companies Act to the case of making property other than money the object of contribution)

第百三十一条の六　会社法第二百七条、第二百十二条（第一項第一号を除く。）、第二百十三条（第一項第一号及び第三号を除く。）、第八百六十八条第一項、第八百七十条（第二号及び第七号に係る部分に限る。）、第八百七十一条、第八百七十二条（第四号に係る部分に限る。）、第八百七十四条（第一号に係る部分に限る。）、第八百七十五条及び第八百七十六条の規定は、第百二十九条第三号に規定する場合について準用する。この場合において、同法第二百七条第一項、第七項及び第九項第二号から第五号まで並びに第二百十二条第一項第二号及び第二項中「第百九十九条第一項第三号」とあるのは「商品取引所法第百二十九条第三号」と、同法第二百七条第四項、第六項及び第九項第三号並びに第二百十三条第一項第二号及び第三号中「法務省令」とあるのは「主務省令」と、同法第二百七条第八項及び第二百十二条第二項中「申込み又は第二百五条の契約」とあるのは「申込み」と、同法第二百七条第十項第一号中「取締役、会計参与、監査役若しくは執行役」とあるのは「会員商品取引所の理事長、理事若しくは監事」と、同法第二百十二条第一項第二号中「第二百九条」とあるのは「商品取引所法第百三十一条の四」と、同法第八百七十条第七号中「第百九十九条第一項第三号又は第二百三十六条第一項第三号」とあるのは「商品取引所法第百二十九条第三号」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 131-6 The provisions of Article 207, Article 212 (excluding paragraph (1), item (i)), Article 213 (excluding paragraph (1), items (i) and (iii)), Article 868, paragraph (1), Article 870 (limited to the part pertaining to items (ii) and (vii)), Article 871, Article 872 (limited to the part pertaining to item (iv)), Article 874 (limited to the part pertaining to item (i)), Article 875 and Article 876 of the Companies Act shall apply mutatis mutandis to the case prescribed in Article 129, item (iii). In this case, the term "Article 199, paragraph (1), item (iii)" in Article 207, paragraph (1), paragraph (7) and paragraph (9), items (ii) to (v) inclusive and Article 212, paragraph (1), item (ii) and paragraph (2) of the same Act shall be deemed to be replaced with "Article 129, item (iii) of the Commodity Exchange Act," the term "an Ordinance of the Ministry of Justice" in Article 207, paragraph (4), paragraph (6) and paragraph (9), item (iii) and Article 213, paragraph (1), items (ii) and (iii) shall be deemed to be replaced with "an ordinance of the competent ministry," the phrase "a subscription for an offered share or a contract under Article 205" in Article 207, paragraph (8) and Article 212, paragraph (2) of the same Act shall be deemed to be replaced with "a subscription for an offered share," the phrase "A director, accounting advisor, corporate auditor or executive officer" in Article 207, paragraph (10), item (i) of the same Act shall be deemed to be replaced with "A president, director or auditor of a Member Commodity Exchange," the term "Article 209" in Article 212, paragraph (1), item (ii) of the same Act shall be deemed to be replaced with "Article 131-4 of the Commodity Exchange Act," the phrase "Article 199, paragraph (1), item (iii) or Article 236, paragraph (1), item (iii)" in Article 870, item (vii) of the same Act shall be deemed to be replaced with "Article 129, item (iii) of the Commodity Exchange Act" and other necessary technical replacement of terms shall be specified by a Cabinet Order.

（組織変更の認可）

(Approval of Entity Conversion)

第百三十二条　組織変更は、主務大臣の認可を受けなければ、その効力を生じない。

Article 132 (1) Entity Conversion shall not come into effect without the approval of the competent minister having been obtained.

２　前項の認可を受けようとする者は、組織変更後株式会社商品取引所について第七十九条第一項第一号から第三号まで、第五号及び第六号に掲げる事項を記載した申請書を主務大臣に提出しなければならない。

(2) A person who intends to obtain the approval set forth in the preceding paragraph shall submit to the competent minister a written application stating the matters listed in Article 79, paragraph (1), items (i) to (iii) inclusive, item (v) and item (vi) with regard to the Incorporated Commodity Exchange after Entity Conversion.

３　前項の申請書には、組織変更計画の内容を記載した書面、組織変更後株式会社商品取引所の定款、業務規程、受託契約準則、紛争処理規程及び市場取引監視委員会規程その他主務省令で定める書面を添付しなければならない。

(3) The written application set forth in the preceding paragraph shall have a document attached which states the content of the Entity Conversion plan and the articles of incorporation, market rules, brokerage contract rules, dispute resolution rules and market transactions surveillance committee rules of the Incorporated Commodity Exchange after Entity Conversion and other documents specified by an ordinance of the competent ministry.

（認可基準）

(Criteria for approval)

第百三十三条　主務大臣は、前条第一項の認可の申請が次に掲げる基準に適合していると認めるときは、認可をしなければならない。

Article 133 (1) If the competent minister finds that the application for approval under paragraph (1) of the preceding Article conforms to the following criteria, he/she shall give the approval:

一　組織変更後株式会社商品取引所の資本金の額が第八十条第一項第一号の政令で定める金額以上であること。

(i) The amount of the stated capital of the Incorporated Commodity Exchange after Entity Conversion is not less than an amount specified by a Cabinet Order set forth in Article 80, paragraph (1), item (i).

二　組織変更後株式会社商品取引所の定款、業務規程、受託契約準則、紛争処理規程及び市場取引監視委員会規程の規定が法令に違反せず、かつ、定款、業務規程、受託契約準則、紛争処理規程又は市場取引監視委員会規程に規定する取引の方法又は管理、取引参加者の資格、取引参加者の数の最高限度を定めた場合におけるその最高限度、特別担保金の預託義務を定めた場合におけるその預託に関する事項その他の事項が適当であつて、商品市場における取引の公正を確保し、及び委託者を保護するため十分であること。

(ii) The provisions of the articles of incorporation, market rules, brokerage contract rules, dispute resolution rules and market transactions surveillance committee rules of the Incorporated Commodity Exchange after Entity Conversion do not violate laws and regulations, and the method or management of transactions, qualification of a Trading Participant, if the maximum number of Trading Participants is specified such maximum number, if the obligation to deposit a special collateral money is specified matters concerning such deposit and other matters prescribed in the articles of incorporation, market rules, brokerage contract rules, dispute resolution rules or market transactions surveillance committee rules are appropriate and sufficient for ensuring the fairness of Transactions on the Commodity Market and protecting customers.

三　組織変更後株式会社商品取引所が商品市場を適切に運営するに足りる人的構成を有するものであること。

(iii) The Incorporated Commodity Exchange after Entity Conversion has a personnel structure sufficient for appropriately managing the Commodity Market.

四　組織変更後株式会社商品取引所が株式会社商品取引所としてこの法律の規定に適合するように組織されるものであること。

(iv) The Incorporated Commodity Exchange after Entity Conversion is organized in such a way as to conform to the provisions of this Act as an Incorporated Commodity Exchange.

２　主務大臣は、前条第一項の認可の申請が次の各号のいずれかに該当する場合には、前項の規定にかかわらず、同条第一項の認可をしてはならない。

(2) If an application for approval under paragraph (1) of the preceding Article falls under any of the following items, the competent minister shall not give the approval under paragraph (1) of the same Article notwithstanding the provisions of the preceding paragraph:

一　組織変更後株式会社商品取引所の役員のうちに第十五条第二項第一号イからルまでのいずれかに該当する者があるとき。

(i) If the officers of the Incorporated Commodity Exchange after Entity Conversion include any of the persons who fall under any category of the persons in Article 15, paragraph (2), item (i) (a) to (k) inclusive

二　申請書又はこれに添付すべき書面のうちに重要な事項について虚偽の記載があるとき。

(ii) If the written application or the documents that should be attached thereto include a false entry regarding an important matter

３　第十五条第五項から第九項までの規定は、前条第一項の認可について準用する。

(3) The provisions of Article 15, paragraphs (5) to (9) inclusive shall apply mutatis mutandis to the approval set forth in paragraph (1) of the preceding Article.

４　前条第一項の認可を受けて組織変更が行われた株式会社は、当該組織変更の時に、第七十八条の許可を受けたものとみなす。

(4) A stock company for which Entity Conversion has been put into effect by obtaining the approval set forth in paragraph (1) of the preceding Article shall be deemed to have received the license set forth in Article 78 at the time of said Entity Conversion.

５　組織変更をする会員商品取引所が開設していた商品市場において取引をしていた会員であつて、組織変更後株式会社商品取引所が開設する当該商品市場と同一の商品市場（同一の上場商品又は上場商品指数について同一の取引の方法により取引を行う商品市場をいう。第百四十九条第二項及び第四項において同じ。）において取引をしようとする者は、組織変更の時に、その商品市場における第八十二条第一項の取引資格を与えられたものとみなす。

(5) A member who has been carrying out transactions on a Commodity Market opened by the Member Commodity Exchange implementing Entity Conversion who intends to carry out transactions on the same Commodity Market as said Commodity Market opened by the Incorporated Commodity Exchange after Entity Conversion (which means a Commodity Market on which transactions are carried out for the same Listed Commodity or Listed Commodity Index by the same method of transaction; the same shall apply in Article 149, paragraphs (2) and (4)) shall be deemed to have been granted the trading qualification set forth in Article 82, paragraph (1) for such Commodity Market at the time of Entity Conversion.

（登記）

(Registration)

第百三十四条　会員商品取引所が組織変更をしたときは、組織変更の効力が生じた日から、その主たる事務所及び本店の所在地においては二週間以内に、その従たる事務所及び支店の所在地においては三週間以内に、組織変更をする会員商品取引所については解散の登記を、組織変更後株式会社商品取引所の本店については設立の登記を、組織変更後株式会社商品取引所の支店については会社法第九百三十条第二項各号に掲げる事項の登記をしなければならない。

Article 134 (1) When a Member Commodity Exchange has implemented Entity Conversion, it shall complete the registration of dissolution with regard to the Member Commodity Exchange implementing Entity Conversion, the registration of establishment with regard to the head office of the Incorporated Commodity Exchange after Entity Conversion and the registration of the matters listed in the respective items of Article 930, paragraph (2) of the Companies Act with regard to the branch offices of the Incorporated Commodity Exchange after Entity Conversion within two weeks from the day on which the Entity Conversion came into effect at the location of the principal office and the head office and within three weeks from such day at the secondary offices and branch offices.

２　前項の設立の登記の申請書には、商業登記法第十八条、第十九条及び第四十六条に定める書面のほか、次に掲げる書面を添付しなければならない。

(2) The written application for registration of establishment set forth in the preceding paragraph shall have the following documents attached in addition to the documents specified in Article 18, Article 19 and Article 46 of the Commercial Registration Act:

一　組織変更計画書

(i) The Entity Conversion plan

二　定款

(ii) The articles of incorporation

三　組織変更をする会員商品取引所の組織変更会員総会の議事録

(iii) Minutes of a general meeting of members concerning Entity Conversion of the Member Commodity Exchange implementing Entity Conversion

四　組織変更後株式会社商品取引所の取締役（組織変更後株式会社商品取引所が監査役設置会社（監査役の監査を会計に関するものに限定する旨の定款の定めがある株式会社を含む。）である場合にあつては、取締役及び監査役）が就任を承諾したことを証する書面

(iv) A document proving that the officers of the Incorporated Commodity Exchange after Entity Conversion (if the Incorporated Commodity Exchange after Entity Conversion is a company with a corporate auditor [including a stock company of which articles of incorporation provide that the audit by a corporate auditor shall be limited to matters concerning accounting], the officers and the corporate auditor) have accepted assumption of their posts

五　組織変更時における組織変更前の会員商品取引所に現に存する純資産額を証する書面

(v) A document proving the amount of net assets existing in the Member Commodity Exchange before Entity Conversion at the time of Entity Conversion

六　組織変更後株式会社商品取引所の会計参与又は会計監査人を定めたときは、商業登記法第五十四条第二項各号に掲げる書面

(vi) If an accounting advisor or accounting auditor has been appointed for the Incorporated Commodity Exchange after Entity Conversion, the documents listed in the respective items of Article 54, paragraph (2) of the Commercial Registration Act

七　株主名簿管理人を置いたときは、その者との契約を証する書面

(vii) If a shareholder registry administrator has been appointed, a document proving the contract with such person

八　第百二十四条第二項の規定による公告及び催告（同条第三項の規定により公告を官報のほか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又は電子公告によつてした場合にあつては、これらの方法による公告）をしたこと並びに異議を述べた債権者があるときは、当該債権者に対し、弁済し、若しく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相当の財産を信託したこと又は当該組織変更をしても当該債権者を害するおそれがないことを証する書面

(viii) Documents proving that the public notice under Article 124, paragraph (2) (if a public notice has been given not only in an official gazette, but also through publication in a daily newspaper which publishes matters on current events or through an Electronic Public Notice, a public notice through these methods) has been given and if a creditor has made an objection, the fact that the liabilities have been repaid or reasonable collateral has been provided to said creditor or reasonable property has been deposited in trust for the purpose of repaying the liabilities to said creditor or the fact that said Entity Conversion is not likely to harm said creditor

九　第百二十九条の規定により組織変更に際して株式を発行したときは、次に掲げる書面

(ix) If shares have been issued upon Entity Conversion pursuant to the provisions of Article 129, the following documents:

イ　株式の引受けの申込みを証する書面

(a) A document proving applications for subscription of shares

ロ　金銭を出資の目的とするときは、第百三十一条の三第一項の規定による払込みがあつたことを証する書面

(b) If money is made the object of contribution, a document proving that there has been payment under Article 131-3, paragraph (1)

ハ　金銭以外の財産を出資の目的とするときは、次に掲げる書面

(c) If property other than money is made the object of contribution, the following documents:

（１）　検査役が選任されたときは、検査役の調査報告を記載した書面及びその附属書類

1. If an inspector has been appointed, a document containing the investigation report by the inspector and its annexed documents

（２）　第百三十一条の六において準用する会社法第二百七条第九項第三号に掲げる場合には、有価証券の市場価格を証する書面

2. In the case set forth in Article 207, paragraph (9), item (iii) of the Companies Act as applied mutatis mutandis pursuant to Article 131-6, a document proving the market price of Securities

（３）　第百三十一条の六において準用する会社法第二百七条第九項第四号に掲げる場合には、同号に規定する証明を記載した書面及びその附属書類

3. In the case set forth in Article 207, paragraph (9), item (iv) of the Companies Act as applied mutatis mutandis pursuant to Article 131-6, a document containing the certification prescribed in the same item and its annexed documents

（４）　第百三十一条の六において準用する会社法第二百七条第九項第五号に掲げる場合には、同号の金銭債権について記載された会計帳簿

4. In the case set forth in Article 207, paragraph (9), item (v) of the Companies Act as applied mutatis mutandis pursuant to Article 131-6, the accounting books stating the monetary claim set forth in the same item

ニ　検査役の報告に関する裁判があつたときは、その謄本

(d) When there was a court judgment on a report by an inspector, a transcript of such judgment

３　商業登記法第七十六条及び第七十八条の規定は、第一項の会員商品取引所の組織変更の登記について準用する。

(3) The provisions of Article 76 and Article 78 of the Commercial Registration Act shall apply mutatis mutandis to registration of Entity Conversion of the Member Commodity Exchange set forth in paragraph (1).

（組織変更の効力の発生等）

(Coming into effect, etc. of Entity Conversion)

第百三十五条　組織変更をする会員商品取引所は、効力発生日又は第百三十二条第一項の主務大臣の認可を受けた日のいずれか遅い日に、株式会社商品取引所となる。

Article 135 (1) A Member Commodity Exchange implementing Entity Conversion shall become an Incorporated Commodity Exchange on the Effective Date or the day on which approval of the competent minister set forth in Article 132, paragraph (1) has been obtained, whichever comes later.

２　組織変更をする会員商品取引所は、組織変更の効力が生じた日に、第百二十二条第四項第一号及び第二号に掲げる事項についての定めに従い、当該事項に係る定款の変更をしたものとみなす。

(2) A Member Commodity Exchange implementing Entity Conversion shall be deemed to have made amendments to its articles of incorporation pertaining to the matters set forth in Article 122, paragraph (4), items (i) and (ii) in accordance with the provisions on said matters, on the day on which Entity Conversion comes into effect.

３　組織変更をする会員商品取引所の会員は、組織変更の効力が生じた日に、第百二十二条第四項第六号に掲げる事項についての定めに従い、同項第五号の株式の株主となる。

(3) A member of a Member Commodity Exchange implementing Entity Conversion shall become a shareholder of the shares set forth in Article 122, paragraph (4), item (v), in accordance with the provisions on the matters set forth in item (vi) of the same paragraph, on the day on which Entity Conversion comes into effect.

４　前三項の規定は、第百二十四条の規定による手続が終了していない場合又は組織変更を中止した場合には、適用しない。

(4) The provisions of the preceding three paragraphs shall not apply to the case where the procedure under Article 124 has not been completed or the case where Entity Conversion has been suspended.

第百三十六条　削除

Article 136 Deleted.

（組織変更の無効の訴え）

(Action for nullity of Entity Conversion)

第百三十七条　会社法第八百二十八条第一項（第六号に係る部分に限る。）及び第二項（第六号に係る部分に限る。）、第八百三十四条（第六号に係る部分に限る。）、第八百三十五条第一項、第八百三十六条から第八百三十九条まで、第八百四十六条並びに第九百三十七条第三項（第一号に係る部分に限る。）の規定は、組織変更の無効の訴えについて準用する。この場合において、同項中「各会社の本店」とあるのは、「株式会社商品取引所の本店及び支店並びに会員商品取引所の主たる事務所及び従たる事務所」と読み替えるものとする。

Article 137 The provisions of Article 828, paragraph (1) (limited to the part pertaining to item (vi)) and paragraph (2) (limited to the part pertaining to item (vi)), Article 834 (limited to the part pertaining to item (vi)), Article 835, paragraph (1), Articles 836 to 839 inclusive, Article 846 and Article 937, paragraph (3) (limited to the part pertaining to item (i)) of the Companies Act shall apply mutatis mutandis to an action for nullity of Entity Conversion. In this case, "the head office of each company" in the same paragraph shall be deemed to be replaced with "the head office and branch offices of the Incorporated Commodity Exchange and the principal office and secondary offices of the Member Commodity Exchange."

（政令への委任）

(Delegation to a Cabinet Order)

第百三十八条　この法律に定めるもののほか、商品取引所の組織変更に関し必要な事項は、政令で定める。

Article 138 In addition to what is provided for in this Act, necessary matters concerning Entity Conversion of a Commodity Exchange shall be specified by a Cabinet Order.

第六節　合併

Section 6 Merger

第一款　総則

Subsection 1 General Provisions

第百三十九条　会員商品取引所は、他の会員商品取引所又は株式会社商品取引所と合併をすることができる。この場合においては、合併をする商品取引所は、合併契約を締結しなければならない。

Article 139 (1) A Member Commodity Exchange may merge with another Member Commodity Exchange or a Incorporated Commodity Exchange. In this case, the Commodity Exchanges implementing the merger shall conclude a merger contract.

２　会員商品取引所が吸収合併（商品取引所が他の商品取引所とする合併であつて、合併により消滅する商品取引所（以下この節において「吸収合併消滅商品取引所」という。）の権利義務の全部を合併後存続する商品取引所（以下この節において「吸収合併存続商品取引所」という。）に承継させるものをいう。以下同じ。）又は新設合併（二以上の商品取引所がする合併であつて、合併により消滅する商品取引所（以下この節において「新設合併消滅商品取引所」という。）の権利義務の全部を合併により設立する商品取引所（以下この節において「新設合併設立商品取引所」という。）に承継させるものをいう。以下同じ。）をする場合には、吸収合併存続商品取引所又は新設合併設立商品取引所は、次の各号に掲げる場合の区分に応じ、当該各号に定める者でなければならない。

(2) When a Member Commodity Exchange implements an Absorption-Type Merger (a merger of a Commodity Exchange with another Commodity Exchange where a Commodity Exchange surviving the merger [hereinafter referred to as the "Commodity Exchange Surviving an Absorption-Type Merger" in this Section] succeeds to all of the rights and obligations of the Commodity Exchange dissolved as a result of the merger [hereinafter referred to as the "Commodity Exchange Dissolved in an Absorption-Type Merger" in this Section]; the same shall apply hereinafter) or a Consolidation-Type Merger (a merger between two or more Commodity Exchanges where a Commodity Exchange established by the merger [hereinafter referred to as the "Commodity Exchange Established by a Consolidation-Type Merger" in this Section] succeeds to all of the rights and obligations of the Commodity Exchange dissolved as a result of the merger [hereinafter referred to as the "Commodity Exchange Dissolved in a Consolidation-Type Merger" in this Section]; the same shall apply hereinafter), the Commodity Exchange Surviving an Absorption-Type Merger or the Commodity Exchange Established by a Consolidation-Type Merger shall be an entity prescribed in the following items for the categories of cases set forth respectively therein:

一　会員商品取引所と会員商品取引所とが合併する場合　会員商品取引所

(i) In the case of a merger between a Member Commodity Exchange and a Member Commodity Exchange : A Member Commodity Exchange

二　会員商品取引所と株式会社商品取引所とが合併する場合　株式会社商品取引所

(ii) In the case of a merger between a Member Commodity Exchange and a Incorporated Commodity Exchange : A Incorporated Commodity Exchange

第二款　会員商品取引所と会員商品取引所との合併

Subsection 2 Merger Between a Member Commodity Exchange and a Member Commodity Exchange

（会員商品取引所と会員商品取引所との吸収合併契約）

(Absorption-Type Merger contract between a Member Commodity Exchange and a Member Commodity Exchange)

第百四十条　会員商品取引所と会員商品取引所とが吸収合併をする場合には、吸収合併契約において、次に掲げる事項を定めなければならない。

Article 140 When a Member Commodity Exchange and a Member Commodity Exchange implement an Absorption-Type Merger, the following matters shall be specified in an Absorption-Type Merger contract:

一　会員商品取引所である吸収合併存続商品取引所（以下この節において「吸収合併存続会員商品取引所」という。）及び会員商品取引所である吸収合併消滅商品取引所（以下この節において「吸収合併消滅会員商品取引所」という。）の名称及び住所

(i) The name and address of the Commodity Exchange Surviving an Absorption-Type Merger which is a Member Commodity Exchange (hereinafter referred to as the "Member Commodity Exchange Surviving an Absorption-Type Merger" in this Section) and the Commodity Exchange Dissolved in an Absorption-Type Merger which is a Member Commodity Exchange (hereinafter referred to as the "Member Commodity Exchange Dissolved in an Absorption-Type Merger" in this Section)

二　吸収合併がその効力を生ずべき日（以下この節において「効力発生日」という。）

(ii) The day on which the Absorption-Type Merger comes into effect (hereinafter referred to as the "Effective Date" in this Section)

三　前二号に掲げる事項のほか、主務省令で定める事項

(iii) In addition to the matters listed in the preceding two items, matters specified by an ordinance of the competent minister

（会員商品取引所と会員商品取引所との新設合併契約）

(Consolidation-Type Merger Contract between a Member Commodity Exchange and a Member Commodity Exchange)

第百四十一条　会員商品取引所と会員商品取引所とが新設合併をする場合には、新設合併契約において、次に掲げる事項を定めなければならない。

Article 141 When a Member Commodity Exchange and a Member Commodity Exchange implement a Consolidation-Type Merger, the following matters shall be specified in an Incorporation -Type Merger contract:

一　会員商品取引所である新設合併消滅商品取引所（以下この節において「新設合併消滅会員商品取引所」という。）の名称及び住所

(i) The name and address of the Commodity Exchange Dissolved in a Consolidation-Type Merger which is a Member Commodity Exchange (hereinafter referred to as the "Member Commodity Exchange Dissolved in a Consolidation-Type Merger" in this Section)

二　会員商品取引所である新設合併設立商品取引所（以下この節において「新設合併設立会員商品取引所」という。）の目的、名称及び主たる事務所の所在地

(ii) The purpose, name and the location of the principal office of the Commodity Exchange Established by a Consolidation-Type Merger which is a Member Commodity Exchange (hereinafter referred to as the "Member Commodity Exchange Established by a Consolidation-Type Merger" in this Section)

三　前号に掲げるもののほか、新設合併設立会員商品取引所の定款で定める事項

(iii) In addition to the matters listed in the preceding item, matters specified by the articles of incorporation of the Member Commodity Exchange Established by a Consolidation-Type Merger

四　新設合併設立会員商品取引所の設立に際して理事長、理事及び監事となる者の氏名

(iv) The names of the persons becoming the president, officers and auditors at the time of the establishment of the Member Commodity Exchange Established by a Consolidation-Type Merger

五　前各号に掲げる事項のほか、主務省令で定める事項

(v) In addition to the matters listed in the preceding items, matters specified by an ordinance of the competent ministry

第三款　会員商品取引所と株式会社商品取引所との合併

Subsection 3 Merger Between a Member Commodity Exchange and a Incorporated Commodity Exchange

（会員商品取引所と株式会社商品取引所との吸収合併契約）

(Absorption-Type Merger contract between a Member Commodity Exchange and an Incorporated Commodity Exchange)

第百四十二条　会員商品取引所と株式会社商品取引所とが吸収合併をする場合には、吸収合併契約において、次に掲げる事項を定めなければならない。

Article 142 When a Member Commodity Exchange and a Incorporated Commodity Exchange implement an Absorption-Type Merger, the following matters shall be specified in an Absorption-Type Merger Contract:

一　株式会社商品取引所である吸収合併存続商品取引所（以下この節において「吸収合併存続株式会社商品取引所」という。）の商号及び住所並びに吸収合併消滅会員商品取引所の名称及び住所

(i) The trade name and address of the Commodity Exchange Surviving an Absorption-Type Merger which is a Incorporated Commodity Exchange (hereinafter referred to as the "Incorporated Commodity Exchange Surviving an Absorption-Type Merger" in this Section) and the name and address of the Member Commodity Exchange Dissolved in an Absorption-Type Merger

二　吸収合併存続株式会社商品取引所が吸収合併に際して吸収合併消滅会員商品取引所の会員に対してその持分に代わる株式等（株式又は金銭をいう。以下同じ。）を交付するときは、当該株式等についての次に掲げる事項

(ii) When the Incorporated Commodity Exchange Surviving an Absorption-Type Merger delivers to members of the Member Commodity Exchange Dissolved in an Absorption-Type Merger Shares, etc. (which means shares or money; the same shall apply hereinafter) in lieu of the equity interests of such members, the following matters concerning said Shares, etc.

イ　当該株式等が吸収合併存続株式会社商品取引所の株式であるときは、当該株式の数（種類株式発行会社にあつては、株式の種類及び種類ごとの数）又はその数の算定方法並びに当該吸収合併存続株式会社商品取引所の資本金及び準備金の額に関する事項

(a) When the Shares, etc. are shares of the Incorporated Commodity Exchange Surviving an Absorption-Type Merger, the number of such shares (in the case of a company issuing classified shares, the classes of shares and the number of shares by class) or the method of calculating such number and matters concerning the amount of the stated capital and reserve of the Incorporated Commodity Exchange Surviving an Absorption-Type Merger

ロ　当該株式等が金銭であるときは、当該金銭の額又はその算定方法

(b) When the Shares, etc. is money, the amount of said money and the method of calculating such amount

三　前号に規定する場合には、吸収合併消滅会員商品取引所の会員に対する同号の株式等の割当てに関する事項

(iii) In the case prescribed in the preceding item, matters concerning allotment of Shares, etc. set forth in the same paragraph to members of the Member Commodity Exchange Dissolved in an Absorption-Type Merger

四　効力発生日

(iv) The Effective Date

五　前各号に掲げる事項のほか、主務省令で定める事項

(v) In addition to the matters listed in the preceding items, matters specified by an ordinance of the competent ministry

（会員商品取引所と株式会社商品取引所との新設合併契約）

(Consolidation-Type Merger Contract between a Member Commodity Exchange and an Incorporated Commodity Exchange)

第百四十三条　会員商品取引所と株式会社商品取引所とが新設合併をする場合には、新設合併契約において、次に掲げる事項を定めなければならない。

Article 143 (1) When a Member Commodity Exchange and a Incorporated Commodity Exchange implement a Consolidation-Type Merger, the following matters shall be specified in a Consolidation-Type Merger contract:

一　新設合併消滅会員商品取引所の名称及び住所並びに株式会社商品取引所である新設合併消滅商品取引所（以下この節において「新設合併消滅株式会社商品取引所」という。）の商号及び住所

(i) The name and address of the Member Commodity Exchange Dissolved in a Consolidation-Type Merger and the trade name and address of the Commodity Exchange Dissolved in a Consolidation-Type Merger which is a Incorporated Commodity Exchange (hereinafter referred to as the "Incorporated Commodity Exchange Dissolved in a Consolidation-Type Merger" in this Section)

二　株式会社商品取引所である新設合併設立商品取引所（以下この節において「新設合併設立株式会社商品取引所」という。）の目的、商号、本店の所在地及び発行可能株式総数

(ii) The purpose, trade name, location of the head office and total number of shares issuable of the Commodity Exchange Established by a Consolidation-Type Merger which is a Incorporated Commodity Exchange (hereinafter referred to as the "Incorporated Commodity Exchange Established by a Consolidation-Type Merger" in this Section)

三　前号に掲げるもののほか、新設合併設立株式会社商品取引所の定款で定める事項

(iii) In addition to the matters listed in the preceding item, matters specified in the articles of incorporation of the Incorporated Commodity Exchange Established by a Consolidation-Type Merger

四　新設合併設立株式会社商品取引所の設立に際して取締役となる者の氏名及びその設立に際して会計監査人となる者の氏名又は名称

(iv) The name of the persons becoming directors at the time of the establishment of the Incorporated Commodity Exchange Established by a Consolidation-Type Merger and the name of the person becoming an accounting auditor at the time of such establishment

五　次に掲げる場合の区分に応じ、次に定める事項

(v) Matters prescribed in the following matters for the categories of cases set forth respectively therein

イ　新設合併設立株式会社商品取引所が会計参与設置会社である場合　新設合併設立株式会社商品取引所の設立に際して会計参与となる者の氏名又は名称

(a) When the Incorporated Commodity Exchange Established by a Consolidation-Type Merger is a company with an accounting advisor : The name of the person who becomes an accounting advisor at the time of the establishment of the Incorporated Commodity Exchange Established by a Consolidation-Type Merger

ロ　新設合併設立株式会社商品取引所が監査役設置会社（監査役の監査の範囲を会計に関するものに限定する旨の定款の定めがある株式会社を含む。）である場合　新設合併設立株式会社商品取引所の設立に際して監査役となる者の氏名

(b) When the Incorporated Commodity Exchange Established by a Consolidation-Type Merger is a company with a corporate auditor (including a stock company of which the articles of incorporation provide that the scope of an audit by a corporate auditor shall be limited to matters concerning accounting) : The name of the person who becomes a corporate auditor at the time of the establishment of the Incorporated Commodity Exchange Established by a Consolidation-Type Merger

六　新設合併設立株式会社商品取引所が新設合併に際して新設合併消滅会員商品取引所の会員又は新設合併消滅株式会社商品取引所の株主に対して交付するその持分又は株式に代わる当該新設合併設立株式会社商品取引所の株式の数（種類株式発行会社にあつては、株式の種類及び種類ごとの数）又はその数の算定方法並びに当該新設合併設立株式会社商品取引所の資本金及び準備金の額に関する事項

(vi) The number of shares of the Incorporated Commodity Exchange Established by a Consolidation-Type Merger (in the case of a company issuing classified shares, the classes of shares and the number of shares by class) which such Incorporated Commodity Exchange Established by a Consolidation-Type Merger delivers to members of the Member Commodity Exchange Dissolved in a Consolidation-Type Merger or shareholders of the Incorporated Commodity Exchange Dissolved in a Consolidation-Type Merger in lieu of their equity interests or shares, at the time of the Incorporation-Type Merger, or the method of calculating such number and matters concerning the amount of the stated capital and reserve of the Incorporated Commodity Exchange Established by a Consolidation-Type Merger

七　新設合併消滅会員商品取引所の会員又は新設合併消滅株式会社商品取引所の株主（新設合併消滅商品取引所を除く。）に対する前号の株式の割当てに関する事項

(vii) Matters concerning the allotment of shares set forth in the preceding item to members of the Member Commodity Exchange Dissolved in a Consolidation-Type Merger or shareholders of the Incorporated Commodity Exchange Dissolved in a Consolidation-Type Merger (excluding the Commodity Exchanges Dissolved in a Consolidation-Type Merger)

八　新設合併消滅株式会社商品取引所が新株予約権を発行しているときは、新設合併設立株式会社商品取引所が新設合併に際して当該新株予約権の新株予約権者に対して交付する当該新株予約権に代わる当該新設合併設立株式会社商品取引所の新株予約権又は金銭についての次に掲げる事項

(viii) When the Incorporated Commodity Exchange Dissolved in a Consolidation-Type Merger has issued rights to subscribe for new shares, the following matters with regard to the rights to subscribe for new shares of the Incorporated Commodity Exchange Established by a Consolidation-Type Merger or the money which such Incorporated Commodity Exchange Established by a Consolidation-Type Merger delivers at the time of the Consolidation-Type Merger to the holders of the rights to subscribe for new shares of the Incorporated Commodity Exchange Dissolved in a Consolidation-Type Merger in lieu of said rights to subscribe for new shares:

イ　当該新設合併消滅株式会社商品取引所の新株予約権の新株予約権者に対して新設合併設立株式会社商品取引所の新株予約権を交付するときは、当該新株予約権の内容及び数又はその算定方法

(a) When issuing rights to subscribe for new shares of the Incorporated Commodity Exchange Established by a Consolidation-Type Merger to the holders of the rights to subscribe for new shares of the Incorporated Commodity Exchange Dissolved in a Consolidation-Type Merger, the content and number of the rights to subscribe for new shares or the method of calculating such number

ロ　イに規定する場合において、イの新設合併消滅株式会社商品取引所の新株予約権が新株予約権付社債に付された新株予約権であるときは、新設合併設立株式会社商品取引所が当該新株予約権付社債についての社債に係る債務を承継する旨並びにその承継に係る社債の種類及び種類ごとの各社債の金額の合計額又はその算定方法

(b) In the case prescribed in (a), if the rights to subscribe for new shares of the Incorporated Commodity Exchange Dissolved in a Consolidation-Type Merger set forth in (a) are rights to subscribe for new shares attached to bonds with rights to subscribe for new shares, the fact that the Incorporated Commodity Exchange Established by a Consolidation-Type Merger will succeed to the obligations pertaining to bonds with regard to said bonds with rights to subscribe for new shares, and the classes of bonds pertaining to the succession and the total amount of bonds by class or the method of calculating such amount

ハ　当該新設合併消滅株式会社商品取引所の新株予約権の新株予約権者に対して金銭を交付するときは、当該金銭の額又はその算定方法

(c) When delivering money to the holders of the rights to subscribe for new shares of the Incorporated Commodity Exchange Dissolved in a Consolidation-Type Merger, the amount of such money or the method of calculating such amount

九　前号に規定する場合には、新設合併消滅株式会社商品取引所の新株予約権の新株予約権者に対する同号の新設合併設立株式会社商品取引所の新株予約権又は金銭の割当てに関する事項

(ix) In the case prescribed in the preceding item, matters concerning the allotment of rights to subscribe for new shares of the Incorporated Commodity Exchange Established by a Consolidation-Type Merger or the money set forth in the same item to the holders of the rights to subscribe for new shares of the Incorporated Commodity Exchange Dissolved in a Consolidation-Type Merger

２　前項に規定する場合において、新設合併消滅株式会社商品取引所の全部又は一部が種類株式発行会社であるときは、新設合併消滅株式会社商品取引所の発行する種類の株式の内容に応じ、同項第七号に掲げる事項（新設合併消滅株式会社商品取引所の株主に係る事項に限る。次項において同じ。）として次に掲げる事項を定めることができる。

(2) In the case referred to in the preceding paragraph, if the whole or a part of the Incorporated Commodity Exchange Dissolved in a Consolidation-Type Merger is a company issuing classified shares, the following matters may be specified as being the matters set forth in item (vii) of the same paragraph (limited to matters pertaining to shareholders of the Incorporated Commodity Exchange Dissolved in a Consolidation-Type Merger; the same shall apply in the following paragraph) in accordance with the content of the classes of shares issued by the Incorporated Commodity Exchange Dissolved in a Consolidation-Type Merger:

一　ある種類の株式の株主に対して新設合併設立株式会社商品取引所の株式の割当てをしないこととするときは、その旨及び当該株式の種類

(i) If not allotting shares of the Incorporated Commodity Exchange Established by a Consolidation-Type Merger to shareholders of certain classes of shares, such fact and said classes of shares

二　前号に掲げる事項のほか、新設合併設立株式会社商品取引所の株式の割当てについて株式の種類ごとに異なる取扱いを行うこととするときは、その旨及び当該異なる取扱いの内容

(ii) In addition to the matters listed in the preceding item, if treating the allotment of shares of the Incorporated Commodity Exchange Established by a Consolidation-Type Merger differently by class of shares, such fact and the content of such differing treatment

３　第一項に規定する場合には、同項第七号に掲げる事項についての定めは、新設合併消滅株式会社商品取引所の株主（新設合併消滅商品取引所及び前項第一号の種類の株式の株主を除く。）の有する株式の数（前項第二号に掲げる事項についての定めがある場合にあつては、各種類の株式の数）に応じて新設合併設立株式会社商品取引所の株式を交付することを内容とするものでなければならない。

(3) In the case referred to in paragraph (1), provisions on the matters set forth in item (vii) of the same paragraph shall prescribe that shares of the Incorporated Commodity Exchange Established by a Consolidation-Type Merger shall be delivered in accordance with the number of shares (if provisions on the matters set forth in item (ii) of the preceding paragraph exist, the number of shares of each class) held by shareholders of the Incorporated Commodity Exchange Dissolved in a Consolidation-Type Merger (excluding the Commodity Exchanges Dissolved in a Consolidation-Type Merger and shareholders of the classes of shares set forth in item (i) of the preceding paragraph).

第四款　会員商品取引所の合併の手続

Subsection 4 Merger Procedure of a Member Commodity Exchange

（吸収合併消滅会員商品取引所の手続）

(Procedure of a Member Commodity Exchange Dissolved in an Absorption-Type Merger)

第百四十四条　吸収合併消滅会員商品取引所は、第四項の会員総会の日の十日前の日から吸収合併の効力が生ずる日までの間、吸収合併契約の内容その他主務省令で定める事項を記載し、又は記録した書面又は電磁的記録を主たる事務所に備え置かなければならない。

Article 144 (1) A Member Commodity Exchange Dissolved in an Absorption-Type Merger shall, during the period from 10 days prior to the day of the general meeting of members set forth in paragraph (4) until the day on which the Absorption-Type Merger comes into effect, keep at its principal office a document or an Electromagnetic Record containing the content of the Absorption-Type Merger contract and other matters specified by an ordinance of the competent ministry.

２　吸収合併消滅会員商品取引所の会員及び債権者は、吸収合併消滅会員商品取引所に対して、その事業時間内は、いつでも、次に掲げる請求をすることができる。ただし、第二号又は第四号に掲げる請求をするには、当該吸収合併消滅会員商品取引所の定めた費用を支払わなければならない。

(2) A member and a creditor of a Member Commodity Exchange Dissolved in an Absorption-Type Merger may make the following request to the Member Commodity Exchange Dissolved in an Absorption-Type Merger at any time during its business hours; provided, however, that in order to make the request set forth in item (ii) or (iv), such person shall pay a cost decided on by the Member Commodity Exchange Dissolved in an Absorption-Type Merger:

一　前項の書面の閲覧の請求

(i) A request for inspection of a document set forth in the preceding paragraph

二　前項の書面の謄本又は抄本の交付の請求

(ii) A request for delivery of a transcript or an extract of a document set forth in the preceding paragraph

三　前項の電磁的記録に記録された事項を主務省令で定める方法により表示したものの閲覧の請求

(iii) A request for inspection of the matters contained in an Electromagnetic Record set forth in the preceding paragraph which are indicated by a method specified by an ordinance of the competent ministry

四　前項の電磁的記録に記録された事項を電磁的方法であつて主務省令で定めるものにより提供することの請求又はその事項を記載した書面の交付の請求

(iv) A request for provision of the matters contained in an Electromagnetic Record set forth in the preceding paragraph by an Electromagnetic Means which is specified by an ordinance of the competent ministry or a request for delivery of a document containing such matters

３　吸収合併消滅会員商品取引所は、前項の規定による請求があつたときは、正当な理由がないのにこれを拒んではならない。

(3) When a request prescribed in the preceding paragraph has been made, a Member Commodity Exchange Dissolved in an Absorption-Type Merger shall not refuse the request without a justifiable reason.

４　吸収合併消滅会員商品取引所は、効力発生日の前日までに、会員総会の決議によつて、吸収合併契約の承認を受けなければならない。

(4) A Member Commodity Exchange Dissolved in an Absorption-Type Merger shall gain approval for the Absorption-Type Merger by a resolution of a general meeting of members by the day preceding the Effective Date.

５　第百二十四条の規定は、吸収合併消滅会員商品取引所について準用する。

(5) The provisions of Article 124 shall apply mutatis mutandis to a Member Commodity Exchange Dissolved in an Absorption-Type Merger.

６　吸収合併消滅会員商品取引所は、吸収合併存続商品取引所との合意により、効力発生日を変更することができる。

(6) A Member Commodity Exchange Dissolved in an Absorption-Type Merger may change the Effective Date by an agreement with the Commodity Exchange Surviving an Absorption-Type Merger.

７　前項の場合には、吸収合併消滅会員商品取引所は、変更前の効力発生日（変更後の効力発生日が変更前の効力発生日前の日である場合にあつては、当該変更後の効力発生日）の前日までに、変更後の効力発生日を公告しなければならない。

(7) In the case referred to in the preceding paragraph, the Member Commodity Exchange Dissolved in an Absorption-Type Merger shall give a public notice of the new Effective Date by the day preceding the Effective Date before the change (if the new Effective Date comes before the Effective Date before the change, said new Effective Date instead of the Effective Date before the change).

８　第六項の規定により効力発生日を変更したときは、変更後の効力発生日を効力発生日とみなして、この節の規定を適用する。

(8) When the Effective Date has been changed pursuant to the provisions of paragraph (6), the provisions of this Section shall be applied by deeming the new Effective Date to be the Effective Date.

（吸収合併存続会員商品取引所の手続）

(Procedure of a Member Commodity Exchange Surviving an Absorption-Type Merger)

第百四十四条の二　吸収合併存続会員商品取引所は、次項の会員総会の日の十日前の日から吸収合併の効力が生じた日後六月を経過する日までの間、吸収合併契約の内容その他主務省令で定める事項を記載し、又は記録した書面又は電磁的記録を主たる事務所に備え置かなければならない。

Article 144-2 (1) A Member Commodity Exchange Surviving an Absorption-Type Merger shall, during the period from 10 days prior to the day of the general meeting of members set forth in the following paragraph until the day on which six months have passed from the day the Absorption-Type Merger comes into effect, keep at its principal office a document or an Electromagnetic Record containing the content of the Absorption-Type Merger contract and other matters specified by an ordinance of the competent ministry.

２　吸収合併存続会員商品取引所は、効力発生日の前日までに、会員総会の決議によつて、吸収合併契約の承認を受けなければならない。

(2) A Member Commodity Exchange Surviving an Absorption-Type Merger shall gain approval for the Absorption-Type Merger by a resolution of a general meeting of members by the day preceding the Effective Date.

３　第百二十四条の規定は、吸収合併存続会員商品取引所について準用する。

(3) The provisions of Article 124 shall apply mutatis mutandis to a Member Commodity Exchange Surviving an Absorption-Type Merger.

４　吸収合併存続会員商品取引所は、吸収合併の効力が生じた日後遅滞なく、吸収合併により吸収合併存続会員商品取引所が承継した吸収合併消滅会員商品取引所の権利義務その他の吸収合併に関する事項として主務省令で定める事項を記載し、又は記録した書面又は電磁的記録を作成しなければならない。

(4) A Member Commodity Exchange Surviving an Absorption-Type Merger shall create a document or an Electromagnetic Record containing matters on the rights and obligations of the Member Commodity Exchange Dissolved in an Absorption-Type Merger succeeded by the Member Commodity Exchange Surviving an Absorption-Type Merger through the Absorption-Type Merger and other matters specified by an ordinance of the competent ministry as matters concerning an Absorption-Type Merger, without delay after the day on which the Absorption-Type Merger comes into effect.

５　吸収合併存続会員商品取引所は、吸収合併の効力が生じた日から六月間、前項の書面又は電磁的記録をその主たる事務所に備え置かなければならない。

(5) A Member Commodity Exchange Surviving an Absorption-Type Merger shall, during the period of six months from the day on which the Absorption-Type Merger comes into effect, keep at its principal office the document or Electromagnetic Record set forth in the preceding paragraph.

６　吸収合併存続会員商品取引所の会員及び債権者は、吸収合併存続会員商品取引所に対して、その事業時間内は、いつでも、次に掲げる請求をすることができる。ただし、第二号又は第四号に掲げる請求をするには、当該吸収合併存続会員商品取引所の定めた費用を支払わなければならない。

(6) A member and a creditor of a Member Commodity Exchange Surviving an Absorption-Type Merger may make the following request to the Member Commodity Exchange Surviving an Absorption-Type Merger at any time during its business hours; provided, however, that in order to make the request set forth in item (ii) or (iv), such person shall pay a cost decided on by the Member Commodity Exchange Surviving an Absorption-Type Merger:

一　第一項又は前項の書面の閲覧の請求

(i) A request for inspection of a document set forth in paragraph (1) or the preceding paragraph

二　第一項又は前項の書面の謄本又は抄本の交付の請求

(ii) A request for delivery of a transcript or an extract of a document set forth in paragraph (1) or the preceding paragraph

三　第一項又は前項の電磁的記録に記録された事項を主務省令で定める方法により表示したものの閲覧の請求

(iii) A request for inspection of the matters contained in an Electromagnetic Record set forth in paragraph (1) or the preceding paragraph which are indicated by a method specified by an ordinance of the competent ministry

四　第一項又は前項の電磁的記録に記録された事項を電磁的方法であつて主務省令で定めるものにより提供することの請求又はその事項を記載した書面の交付の請求

(iv) A request for provision of the matters contained in an Electromagnetic Record set forth in paragraph (1) or the preceding paragraph by an Electromagnetic Means which is specified by an ordinance of the competent ministry or a request for delivery of a document containing such matters

７　吸収合併存続会員商品取引所は、前項の規定による請求があつたときは、正当な理由がないのにこれを拒んではならない。

(7) When a request prescribed in the preceding paragraph has been made, a Member Commodity Exchange Surviving an Absorption-Type Merger shall not refuse the request without a justifiable reason.

（新設合併消滅会員商品取引所の手続）

(Procedure of a Member Commodity Exchange Dissolved in a Consolidation-Type Merger)

第百四十四条の三　新設合併消滅会員商品取引所は、第四項の会員総会の日の十日前の日から新設合併設立商品取引所の成立の日までの間、新設合併契約の内容その他主務省令で定める事項を記載し、又は記録した書面又は電磁的記録を主たる事務所に備え置かなければならない。

Article 144-3 (1) A Member Commodity Exchange Dissolved in a Consolidation-Type Merger shall, during the period from 10 days prior to the day of the general meeting of members set forth in paragraph (4) until the day of the establishment of the Commodity Exchange Established by a Consolidation-Type Merger, keep at its principal office a document or an Electromagnetic Record containing the content of the Consolidation-Type Merger contract and other matters specified by an ordinance of the competent ministry.

２　新設合併消滅会員商品取引所の会員及び債権者は、新設合併消滅会員商品取引所に対して、その事業時間内は、いつでも、次に掲げる請求をすることができる。ただし、第二号又は第四号に掲げる請求をするには、当該新設合併消滅会員商品取引所の定めた費用を支払わなければならない。

(2) A member and a creditor of a Member Commodity Exchange Dissolved in a Consolidation-Type Merger may make the following request to the Member Commodity Exchange Dissolved in a Consolidation-Type Merger at any time during its business hours; provided, however, that in order to make the request set forth in item (ii) or (iv), such person shall pay a cost decided on by the Member Commodity Exchange Dissolved in a Consolidation-Type Merger:

一　前項の書面の閲覧の請求

(i) A request for inspection of a document set forth in the preceding paragraph

二　前項の書面の謄本又は抄本の交付の請求

(ii) A request for delivery of a transcript or an extract of a document set forth in the preceding paragraph

三　前項の電磁的記録に記録された事項を主務省令で定める方法により表示したものの閲覧の請求

(iii) A request for inspection of the matters contained in an Electromagnetic Record set forth in the preceding paragraph which are indicated by a method specified by an ordinance of the competent ministry

四　前項の電磁的記録に記録された事項を電磁的方法であつて主務省令で定めるものにより提供することの請求又はその事項を記載した書面の交付の請求

(iv) A request for provision of the matters contained in an Electromagnetic Record set forth in the preceding paragraph by an Electromagnetic Means which is specified by an ordinance of the competent ministry or a request for delivery of a document containing such matters

３　新設合併消滅会員商品取引所は、前項の規定による請求があつたときは、正当な理由がないのにこれを拒んではならない。

(3) When a request prescribed in the preceding paragraph has been made, a Member Commodity Exchange Dissolved in a Consolidation-Type Merger shall not refuse the request without a justifiable reason.

４　新設合併消滅会員商品取引所は、会員総会の決議によつて、新設合併契約の承認を受けなければならない。

(4) A Member Commodity Exchange Dissolved in a Consolidation-Type Merger shall gain approval for the Consolidation-Type Merger by a resolution of a general meeting of members.

５　第百二十四条の規定は、新設合併消滅会員商品取引所について準用する。

(5) The provisions of Article 124 are applied mutatis mutandis to a Member Commodity Exchange Dissolved in a Consolidation-Type Merger.

（新設合併設立会員商品取引所の手続）

(Procedure of a Member Commodity Exchange Established by a Consolidation-Type Merger)

第百四十四条の四　第二節第一款（第七条、第八条、第十一条第二項、第四項及び第五項前段、第十六条第一項、第十九条、第二十条第二項、第二十一条から第二十五条まで並びに第二十七条を除く。）の規定は、新設合併設立会員商品取引所の設立については、適用しない。

Article 144-4 (1) The provisions of Section 2, Subsection 1 (excluding Article 7, Article 8, Article 11, paragraph (2), paragraph (4) and the first sentence of paragraph (5), Article 16, paragraph (1), Article 19, Article 20, paragraph (2), Articles 21 to 25 inclusive and Article 27) shall not apply to the establishment of a Member Commodity Exchange Established by a Consolidation-Type Merger.

２　新設合併設立会員商品取引所の定款は、新設合併消滅会員商品取引所が作成する。

(2) Articles of incorporation of a Member Commodity Exchange Established by a Consolidation-Type Merger shall be created by the Member Commodity Exchange(s) Dissolved in a Consolidation-Type Merger.

３　新設合併設立会員商品取引所は、その成立の日後遅滞なく、新設合併により新設合併設立会員商品取引所が承継した新設合併消滅会員商品取引所の権利義務その他の新設合併に関する事項として主務省令で定める事項を記載し、又は記録した書面又は電磁的記録を作成しなければならない。

(3) A Member Commodity Exchange Established by a Consolidation-Type Merger shall create a document or an Electromagnetic Record containing matters on the rights and obligations of the Member Commodity Exchange Dissolved in a Consolidation-Type Merger succeeded by the Member Commodity Exchange Established by a Consolidation-Type Merger through the Consolidation-Type Merger and other matters specified by an ordinance of the competent ministry as matters concerning a Consolidation-Type Merger, without delay after the day of its establishment.

４　新設合併設立会員商品取引所は、その成立の日から六月間、前項の書面又は電磁的記録及び新設合併契約の内容その他主務省令で定める事項を記載し、又は記録した書面又は電磁的記録をその主たる事務所に備え置かなければならない。

(4) A Member Commodity Exchange Established by a Consolidation-Type Merger shall, during the period of six months from its establishment, keep at its principal office the document or Electromagnetic Record set forth in the preceding paragraph and a document or an Electromagnetic Record containing the content of the Consolidation-Type Merger contract and other matters specified by an ordinance of the competent ministry.

５　新設合併設立会員商品取引所の会員及び債権者は、新設合併設立会員商品取引所に対して、その事業時間内は、いつでも、次に掲げる請求をすることができる。ただし、第二号又は第四号に掲げる請求をするには、当該新設合併設立会員商品取引所の定めた費用を支払わなければならない。

(5) A member and a creditor of a Member Commodity Exchange Established by a Consolidation-Type Merger may make the following request to the Member Commodity Exchange Established by a Consolidation-Type Merger at any time during its business hours; provided, however, that in order to make the request set forth in item (ii) or (iv), such person shall pay a cost decided on by the Member Commodity Exchange Established by a Consolidation-Type Merger:

一　前項の書面の閲覧の請求

(i) A request for inspection of a document set forth in the preceding paragraph

二　前項の書面の謄本又は抄本の交付の請求

(ii) A request for delivery of a transcript or an extract of a document set forth in the preceding paragraph

三　前項の電磁的記録に記録された事項を主務省令で定める方法により表示したものの閲覧の請求

(iii) A request for inspection of the matters contained in an Electromagnetic Record set forth in the preceding paragraph which are indicated by a method specified by an ordinance of the competent ministry

四　前項の電磁的記録に記録された事項を電磁的方法であつて主務省令で定めるものにより提供することの請求又はその事項を記載した書面の交付の請求

(iv) A request for provision of the matters contained in an Electromagnetic Record set forth in the preceding paragraph by an Electromagnetic Means which is specified by an ordinance of the competent ministry or a request for the delivery of a document containing such matters

６　新設合併設立会員商品取引所は、前項の規定による請求があつたときは、正当な理由がないのにこれを拒んではならない。

(6) When a request prescribed in the preceding paragraph has been made, a Member Commodity Exchange Established by a Consolidation-Type Merger shall not refuse the request without a justifiable reason.

第五款　株式会社商品取引所の合併の手続

Subsection 5 Merger Procedure of a Incorporated Commodity Exchange

第一目　吸収合併存続株式会社商品取引所の手続

Division 1 Procedure of a Incorporated Commodity Exchange Surviving an Absorption-Type Merger

（吸収合併契約に関する書面等の備置き及び閲覧等）

(Keeping of and inspection, etc. of a document, etc. concerning an Absorption-Type Merger contract)

第百四十四条の五　吸収合併存続株式会社商品取引所（会員商品取引所と株式会社商品取引所とが吸収合併をする場合における当該吸収合併存続株式会社商品取引所に限る。以下この目において同じ。）は、次に掲げる日のいずれか早い日から吸収合併の効力が生じた日後六月を経過する日までの間、吸収合併契約の内容その他主務省令で定める事項を記載し、又は記録した書面又は電磁的記録をその本店に備え置かなければならない。

Article 144-5 (1) A Incorporated Commodity Exchange Surviving an Absorption-Type Merger (limited to the Incorporated Commodity Exchange Surviving an Absorption-Type Merger in an Absorption-Type Merger between a Member Commodity Exchange and a Incorporated Commodity Exchange; hereinafter the same shall apply in this Division) shall, during the period from any of the following days whichever comes the earliest until the day on which six months have passed from the day the Absorption-Type Merger came into effect, keep at its head office a document or an Electromagnetic Record containing the content of the Absorption-Type Merger contract and other matters specified by an ordinance of the competent ministry:

一　吸収合併契約について株主総会（種類株主総会を含む。）の決議によつてその承認を受けなければならないときは、当該株主総会の日の二週間前の日

(i) When approval for the Absorption-Type Merger needs to be gained by a resolution of a general meeting of shareholders (including a general meeting of class shareholders)-The day two weeks prior to the day of said general meeting of shareholders

二　第百四十四条の八第一項の規定による通知の日又は同条第二項の公告の日のいずれか早い日

(ii) The day of the notice set forth in Article 144-8, paragraph (1) or the day of the public notice under paragraph (2) of the same Article, whichever comes earlier

三　第百四十四条の十第二項の規定による公告の日又は同項の規定による催告の日のいずれか早い日

(iii) The day of the public notice set forth in Article 144-10, paragraph (2) or the notice set forth in the same paragraph, whichever comes earlier

２　吸収合併存続株式会社商品取引所の株主及び債権者は、吸収合併存続株式会社商品取引所に対して、その営業時間内は、いつでも、次に掲げる請求をすることができる。ただし、第二号又は第四号に掲げる請求をするには、当該吸収合併存続株式会社商品取引所の定めた費用を支払わなければならない。

(2) A shareholder and a creditor of a Incorporated Commodity Exchange Surviving an Absorption-Type Merger may make the following request to the Incorporated Commodity Exchange Surviving an Absorption-Type Merger at any time during its business hours; provided, however, that in order to make the request set forth in item (ii) or (iv), such person shall pay a cost decided on by the Incorporated Commodity Exchange Surviving an Absorption-Type Merger:

一　前項の書面の閲覧の請求

(i) A request for inspection of a document set forth in the preceding paragraph

二　前項の書面の謄本又は抄本の交付の請求

(ii) A request for delivery of a transcript or an extract of a document set forth in the preceding paragraph

三　前項の電磁的記録に記録された事項を主務省令で定める方法により表示したものの閲覧の請求

(iii) A request for inspection of the matters contained in an Electromagnetic Record set forth in the preceding paragraph which are indicated by a method specified by an ordinance of the competent ministry

四　前項の電磁的記録に記録された事項を電磁的方法であつて主務省令で定めるものにより提供することの請求又はその事項を記載した書面の交付の請求

(iv) A request for provision of the matters contained in an Electromagnetic Record set forth in the preceding paragraph by an Electromagnetic Means which is specified by an ordinance of the competent ministry or a request for delivery of a document containing such matters

３　吸収合併存続株式会社商品取引所は、前項の規定による請求があつたときは、正当な理由がないのにこれを拒んではならない。

(3) When a request prescribed in the preceding paragraph has been made, a Incorporated Commodity Exchange Surviving an Absorption-Type Merger shall not refuse the request without a justifiable reason.

（吸収合併契約の承認等）

(Approval, etc. of an Absorption-Type Merger contract)

第百四十四条の六　吸収合併存続株式会社商品取引所は、効力発生日の前日までに、株主総会の決議によつて、吸収合併契約の承認を受けなければならない。

Article 144-6 (1) A Incorporated Commodity Exchange Surviving an Absorption-Type Merger shall gain approval for the Absorption-Type Merger contract by a resolution of a general meeting of shareholders by the day preceding the Effective Date.

２　次に掲げる場合には、取締役は、前項の株主総会において、その旨を説明しなければならない。

(2) In the following cases, directors shall provide explanations to that effect at the general meeting of shareholders set forth in the preceding paragraph:

一　吸収合併存続株式会社商品取引所が承継する吸収合併消滅会員商品取引所の債務の額として主務省令で定める額（次号において「承継債務額」という。）が吸収合併存続株式会社商品取引所が承継する吸収合併消滅会員商品取引所の資産の額として主務省令で定める額（同号において「承継資産額」という。）を超える場合

(i) When an amount specified by an ordinance of the competent ministry as being the amount of liabilities of the Member Commodity Exchange Dissolved in an Absorption-Type Merger to be succeeded by the Incorporated Commodity Exchange Surviving an Absorption-Type Merger (referred to as the "Amount of Liabilities Succeeded" in the following item) exceeds an amount specified by an ordinance of the competent ministry as the amount of assets of the Member Commodity Exchange Dissolved in an Absorption-Type Merger to be succeeded by the Incorporated Commodity Exchange Surviving an Absorption-Type Merger (referred to as the "Amount of Assets Succeeded" in the same item)

二　吸収合併存続株式会社商品取引所が吸収合併消滅会員商品取引所の会員に対して交付する金銭の額が承継資産額から承継債務額を控除して得た額を超える場合

(ii) When the amount of money to be delivered to members of the Member Commodity Exchange Dissolved in an Absorption-Type Merger by the Incorporated Commodity Exchange Surviving an Absorption-Type Merger exceeds an amount obtained by deducting the Amount of Liabilities Succeeded from the Amount of Assets Succeeded

３　承継する吸収合併消滅会員商品取引所の資産に吸収合併存続株式会社商品取引所の株式が含まれる場合には、取締役は、第一項の株主総会において、当該株式に関する事項を説明しなければならない。

(3) If the assets of the Member Commodity Exchange Dissolved in an Absorption-Type Merger to be succeeded include shares of the Incorporated Commodity Exchange Surviving an Absorption-Type Merger, directors shall provide explanations for matters concerning said shares at the general meeting of shareholders set forth in paragraph (1).

４　吸収合併存続株式会社商品取引所が種類株式発行会社である場合において、吸収合併消滅会員商品取引所の会員に対して交付する株式等が吸収合併存続株式会社商品取引所の株式であるときは、吸収合併は、第百四十二条第二号イの種類の株式（譲渡制限株式であつて、会社法第百九十九条第四項の定款の定めがないものに限る。）の種類株主を構成員とする種類株主総会（当該種類株主に係る株式の種類が二以上ある場合にあつては、当該二以上の株式の種類別に区分された種類株主を構成員とする各種類株主総会）の決議がなければ、その効力を生じない。ただし、当該種類株主総会において議決権を行使することができる株主が存しない場合は、この限りでない。

(4) In the case where a Incorporated Commodity Exchange Surviving an Absorption-Type Merger is a company issuing classified shares, if the Shares, etc. delivered to members of the Member Commodity Exchange Dissolved in an Absorption-Type Merger are shares of the Incorporated Commodity Exchange Surviving an Absorption-Type Merger, the Absorption-Type Merger shall not come into effect without a resolution of a general meeting of class shareholders consisting of class shareholders of the classes of shares set forth in Article 142, item (ii) (a) (limited to transfer restricted shares for which the provisions of the articles of incorporation set forth in Article 199, paragraph (4) of the Companies Act do not exist); provided, however, that this shall not apply if there are no shareholders who are entitled to exercise their voting rights present at said general meeting of class shareholders.

５　第一項の株主総会の決議は、当該株主総会において議決権を行使することができる株主の議決権の過半数（三分の一以上の割合を定款で定めた場合にあつては、その割合以上）を有する株主が出席し、出席した当該株主の議決権の三分の二（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）以上に当たる多数をもつて行わなければならない。この場合においては、当該決議の要件に加えて、一定の数以上の株主の賛成を要する旨その他の要件を定款で定めることを妨げない。

(5) A resolution of a general meeting of shareholders set forth in paragraph (1) shall be adopted by at least a two-thirds majority (if a larger proportion has been specified by articles of incorporation, such proportion) of votes of the shareholders present when shareholders holding a majority (if a proportion of one-third or more has been specified by articles of incorporation, at least such proportion) of the voting rights of shareholders who are entitled to exercise voting rights at said general meeting of shareholders are present. In this case, the Incorporated Commodity Exchange Surviving an Absorption-Type Merger shall not be precluded from prescribing in its articles of incorporation a requirement to gain the consent of more than a certain number of shareholders or other requirements in addition to the requirement for such resolution.

６　前項の規定は、第四項の種類株主総会について準用する。

(6) The provisions of the preceding paragraph shall be applied mutatis mutandis to the general meeting of class shareholders set forth in paragraph (4).

（吸収合併契約等の承認を要しない場合等）

(Cases in which approval for Absorption-Type Merger, etc. is not required, etc.)

第百四十四条の七　前条第一項から第三項までの規定は、第一号に掲げる額の第二号に掲げる額に対する割合が五分の一（これを下回る割合を吸収合併存続株式会社商品取引所の定款で定めた場合にあつては、その割合）を超えない場合には、適用しない。ただし、同条第二項各号に掲げる場合又は吸収合併消滅会員商品取引所の会員に対して交付する株式等の全部又は一部が吸収合併存続株式会社商品取引所の譲渡制限株式である場合であつて、吸収合併存続株式会社商品取引所が公開会社（会社法第二条第五号に規定する公開会社をいう。以下この節において同じ。）でないときは、この限りでない。

Article 144-7 (1) The provisions from paragraphs (1) to (3) inclusive of the preceding Article shall not apply when the proportion of the amount set forth in item (i) to the amount set forth in item (ii) does not exceed one-fifth (or, if a smaller proportion has been specified by the articles of incorporation of the Incorporated Commodity Exchange Surviving an Absorption-Type Merger, such proportion); provided, however, that this shall not apply in the cases listed in the respective items of paragraph (2) of the same Article or in the case where the whole or a part of the Shares, etc. delivered to members of the Member Commodity Exchange Dissolved in an Absorption-Type Merger are transfer restricted shares of the Incorporated Commodity Exchange Surviving an Absorption-Type Merger and when the Incorporated Commodity Exchange Surviving an Absorption-Type Merger is a Publicly-Held Company (which means a publicly-held company prescribed in Article 2, item (v) of the Companies Act; hereinafter the same shall apply in this Section).

一　次に掲げる額の合計額

(i) The total amount of the following amounts:

イ　吸収合併消滅会員商品取引所の会員に対して交付する吸収合併存続株式会社商品取引所の株式の数に一株当たり純資産額（会社法第百四十一条第二項に規定する一株当たり純資産額をいう。）を乗じて得た額

(a) An amount obtained by multiplying the number of shares of the Incorporated Commodity Exchange Surviving an Absorption-Type Merger to be delivered to members of the Member Commodity Exchange Dissolved in an Absorption-Type Merger by the Amount of Net Assets per Share (which means the amount of net assets per share prescribed in Article 141, paragraph (2) of the Companies Act)

ロ　吸収合併消滅会員商品取引所の会員に対して交付する金銭の額の合計額

(b) The total amount of the amounts of money to be delivered to members of the Member Commodity Exchange Dissolved in an Absorption-Type Merger

二　吸収合併存続株式会社商品取引所の純資産額として主務省令で定める方法により算定される額

(ii) An amount calculated by a method specified by an ordinance of the competent ministry as being the amount of net assets of the Incorporated Commodity Exchange Surviving an Absorption-Type Merger

２　前項本文に規定する場合において、主務省令で定める数の株式（前条第一項の株主総会において議決権を行使することができるものに限る。）を有する株主が次条第一項の規定による通知又は同条第二項の公告の日から二週間以内に吸収合併に反対する旨を吸収合併存続株式会社商品取引所に対し通知したときは、効力発生日の前日までに、株主総会の決議によつて、吸収合併契約の承認を受けなければならない。

(2) In the case prescribed in the main clause of the preceding paragraph, if a shareholder holding the number of shares specified by an ordinance of the competent ministry (limited to those of which voting rights may be exercised at the general meeting of shareholders set forth in paragraph (1) of the preceding Article) notifies the Incorporated Commodity Exchange Surviving an Absorption-Type Merger of his/her dissent from the Absorption-Type Merger within two weeks from the day of the notice set forth in paragraph (1) of the following Article or from the day of the public notice set forth in paragraph (2) of the same Article, the Incorporated Commodity Exchange Surviving an Absorption-Type Merger shall gain the approval for the Absorption-Type Merger contract by a resolution of a general meeting of shareholders by the day preceding the Effective Date.

３　前条第五項の規定は、前項の株主総会について準用する。

(3) The provisions of paragraph (5) of the preceding Article shall apply mutatis mutandis to the general meeting of shareholders set forth in the preceding paragraph.

（株主に対する通知）

(Notice to shareholders)

第百四十四条の八　吸収合併存続株式会社商品取引所は、効力発生日の二十日前までに、その株主に対し、吸収合併をする旨並びに吸収合併消滅会員商品取引所の名称及び住所（第百四十四条の六第三項に規定する場合にあつては、同項の株式に関する事項を含む。）を通知しなければならない。

Article 144-8 (1) A Incorporated Commodity Exchange Surviving an Absorption-Type Merger shall notify its shareholders that an Absorption-Type Merger is to take place and the name and address of the Member Commodity Exchange Dissolved in an Absorption-Type Merger (including matters concerning shares set forth in Article 144-6, paragraph (3) in the case prescribed in the same paragraph) by 20 days prior to the Effective Date.

２　次に掲げる場合には、前項の規定による通知は、公告をもつてこれに代えることができる。

(2) In the following cases, the notice set forth in the preceding paragraph may be substituted by a public notice:

一　吸収合併存続株式会社商品取引所が公開会社である場合

(i) When the Incorporated Commodity Exchange Surviving an Absorption-Type Merger is a Publicly-Held Company

二　吸収合併存続株式会社商品取引所が第百四十四条の六第一項の株主総会の決議によつて吸収合併契約の承認を受けた場合

(ii) When the Incorporated Commodity Exchange Surviving an Absorption-Type Merger has gained approval for the Absorption-Type Merger by the resolution of a general meeting of shareholders set forth in Article 144-6, paragraph (1)

３　会社法第九百四十条第一項（第一号に係る部分に限る。）及び第三項の規定は、吸収合併存続株式会社商品取引所が同法第九百三十九条第一項第三号に掲げる方法により前項の公告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。

(3) The provisions of Article 940, paragraph (1) (limited to the part pertaining to item (i)) and paragraph (3) of the Companies Act shall apply mutatis mutandis to the case where the Incorporated Commodity Exchange Surviving an Absorption-Type Merger gives the public notice set forth in the preceding paragraph by a method set forth in Article 939, paragraph (1), item (iii) of the Companies Act. In this case, the necessary technical replacement of terms shall be specified by a Cabinet Order.

（株式買取請求）

(Share purchase demand)

第百四十四条の九　吸収合併をする場合には、反対株主は、吸収合併存続株式会社商品取引所に対し、自己の有する株式を公正な価格で買い取ることを請求することができる。

Article 144-9 (1) In the case of an Absorption-Type Merger, a Dissenting Shareholder may demand that the Incorporated Commodity Exchange Surviving an Absorption-Type Merger purchase such person's shares at a fair price.

２　前項に規定する「反対株主」とは、次の各号に掲げる場合における当該各号に定める株主をいう。

(2) The "Dissenting Shareholder" prescribed in the preceding paragraph shall mean a shareholder prescribed in the following items in the cases set forth respectively in those items:

一　吸収合併をするために株主総会（種類株主総会を含む。）の決議を要する場合　次に掲げる株主

(i) In the case requiring a resolution of a general meeting of shareholders (including a general meeting of class shareholders) for implementing the Absorption-Type Merger-The following shareholders:

イ　当該株主総会に先立つて当該吸収合併に反対する旨を当該吸収合併存続株式会社商品取引所に対し通知し、かつ、当該株主総会において当該吸収合併に反対した株主（当該株主総会において議決権を行使することができるものに限る。）

(a) A shareholder who has notified the Incorporated Commodity Exchange Surviving an Absorption-Type Merger of his/her dissent from the Absorption-Type Merger prior to said general meeting of shareholders and who has dissented from the Absorption-Type Merger at said general meeting of shareholders (limited to those who are entitled to exercise their voting rights at said general meeting of shareholders)

ロ　当該株主総会において議決権を行使することができない株主

(b) A shareholder who is not entitled to exercise the shareholder's voting right at said general meeting of shareholders

二　前号に規定する場合以外の場合　すべての株主

(ii) In cases other than the case prescribed in the preceding item-All shareholders

３　会社法第七百九十七条第五項から第七項まで、第七百九十八条、第八百六十八条第一項、第八百七十条（第四号に係る部分に限る。）、第八百七十一条本文、第八百七十二条（第四号に係る部分に限る。）、第八百七十三条本文、第八百七十五条及び第八百七十六条の規定は、第一項の規定による請求について準用する。この場合において、必要な技術的読替えは、政令で定める。

(3) The provisions of Article 797, paragraphs (5) to (7) inclusive, Article 798, Article 868, paragraph (1), Article 870 (limited to the part pertaining to item (iv)), the main clause of Article 871, Article 872 (limited to the part pertaining to item (iv)), the main clause of Article 873, Article 875 and Article 876 of the Companies Act shall apply mutatis mutandis to the request under paragraph (1). In this case, the necessary technical replacement of terms shall be specified by a Cabinet Order.

（債権者の異議）

(Objection by a creditor)

第百四十四条の十　吸収合併存続株式会社商品取引所の債権者は、吸収合併存続株式会社商品取引所に対し、吸収合併について異議を述べることができる。

Article 144-10 (1) A creditor of a Incorporated Commodity Exchange Surviving an Absorption-Type Merger may make an objection with regard to the Absorption-Type Merger to the Incorporated Commodity Exchange Surviving an Absorption-Type Merger.

２　吸収合併存続株式会社商品取引所は、次に掲げる事項を官報に公告し、かつ、知れている債権者（社債管理者（会社法第七百二条の社債管理者をいう。以下この条において同じ。）がある場合にあつては、当該社債管理者を含む。）には、各別にこれを催告しなければならない。ただし、第四号の期間は、一月を下ることができない。

(2) A Incorporated Commodity Exchange Surviving an Absorption-Type Merger shall give the public notice of the following matters in an official gazette and notify such matters individually to known creditors (including the bondholder representative [which means the bondholder representative under Article 702 of the Companies Act] in the case the bondholder representative exists); provided, however, that the period set forth in item (iv) may not be less than one month:

一　吸収合併をする旨

(i) The fact that an Absorption-Type Merger will take place

二　吸収合併消滅会員商品取引所の名称及び住所

(ii) The name and address of the Member Commodity Exchange Dissolved in an Absorption-Type Merger

三　吸収合併存続株式会社商品取引所の計算書類に関する事項として主務省令で定めるもの

(iii) Matters specified by an ordinance of the competent ministry as being matters concerning accounting documents of a Incorporated Commodity Exchange Surviving an Absorption-Type Merger

四　債権者が一定の期間内に異議を述べることができる旨

(iv) The fact that creditors may make objections within a certain period

３　前項の規定にかかわらず、吸収合併存続株式会社商品取引所が同項の規定による公告を、官報のほか、会社法第九百三十九条第一項の規定による定款の定めに従い、同項第二号又は第三号に掲げる方法によりするときは、前項の規定による各別の催告は、することを要しない。

(3) Notwithstanding the provisions of the preceding paragraph, when a Incorporated Commodity Exchange Surviving an Absorption-Type Merger gives the public notice prescribed in the same paragraph not only in an official gazette but also by the method set forth in Article 939, paragraph (1), item (ii) or (iii) of the Companies Act in accordance with the provisions of the articles of incorporation prescribed in the same paragraph, the Incorporated Commodity Exchange Surviving an Absorption-Type Merger shall not be required to give the individual notice prescribed in the preceding paragraph.

４　債権者が第二項第四号の期間内に異議を述べなかつたときは、当該債権者は、当該吸収合併について承認をしたものとみなす。

(4) When a creditor does not make an objection within the period set forth in paragraph (2), item (iv), said creditor shall be deemed to have approved said Absorption-Type Merger.

５　債権者が第二項第四号の期間内に異議を述べたときは、吸収合併存続株式会社商品取引所は、当該債権者に対し、弁済し、若しくは相当の担保を提供し、又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等に相当の財産を信託しなければならない。ただし、当該吸収合併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) When a creditor makes an objection within the period set forth in paragraph (2), item (iv), a Incorporated Commodity Exchange Surviving an Absorption-Type Merger shall repay the liabilities or provide reasonable collateral to said creditor or deposit reasonable property to a Trust Company, etc. for the purpose of repaying the liabilities to said creditor; provided, however, that this shall not apply when said Absorption-Type Merger is not likely to harm said creditor.

６　会社法第九百四十条第一項（第三号に係る部分に限る。）及び第三項の規定は、吸収合併存続株式会社商品取引所が同法第九百三十九条第一項第三号に掲げる方法により第二項の規定による公告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。

(6) The provisions of Article 940, paragraph (1) (limited to the part pertaining to item (iii)) and paragraph (3) of the Companies Act shall apply mutatis mutandis to the case where the Incorporated Commodity Exchange Surviving an Absorption-Type Merger gives the public notice set forth in paragraph (2) by a method set forth in Article 939, paragraph (1), item (iii) of the Companies Act. In this case, the necessary technical replacement of terms shall be specified by a Cabinet Order.

７　第一項の規定により社債権者が異議を述べるには、社債権者集会の決議によらなければならない。この場合においては、裁判所は、利害関係人の申立てにより、社債権者のために異議を述べることができる期間を伸長することができる。

(7) In order for a bondholder representative to make an objection pursuant to the provisions of paragraph (1), such objection shall require approval by a resolution of a general meeting of bondholders. In this case, a court may extend the period for making objections for the benefit of the bondholder representative, upon the motion of an interested person.

８　前項の規定にかかわらず、社債管理者は、社債権者のために異議を述べることができる。ただし、会社法第七百二条の規定による委託に係る契約に別段の定めがある場合は、この限りでない。

(8) Notwithstanding the provisions of the preceding paragraph, a bondholder representative may make an objection for the benefit of a bondholder; provided, however, that this shall not apply when special provisions exist in the contract pertaining to consignment under Article 702 of the Companies Act.

９　会社法第八百六十八条第三項、第八百七十条（第十一号に係る部分に限る。）、第八百七十一条本文、第八百七十二条（第四号に係る部分に限る。）、第八百七十五条及び第八百七十六条の規定は、第七項の申立てに係る事件について準用する。

(9) The provisions of Article 868, paragraph (3), Article 870 (limited to the part pertaining to item (xi)), the main clause of Article 871, Article 872 (limited to the part pertaining to item (iv)), Article 875 and Article 876 shall apply mutatis mutandis to cases pertaining to a motion under paragraph (7).

（吸収合併等に関する書面等の備置き及び閲覧等）

(Keeping of and inspection, etc. of documents, etc. concerning an Absorption-Type Merger, etc.)

第百四十四条の十一　吸収合併存続株式会社商品取引所は、吸収合併の効力が生じた日後遅滞なく、吸収合併により吸収合併存続株式会社商品取引所が承継した吸収合併消滅会員商品取引所の権利義務その他の吸収合併に関する事項として主務省令で定める事項を記載し、又は記録した書面又は電磁的記録を作成しなければならない。

Article 144-11 (1) A Incorporated Commodity Exchange Surviving an Absorption-Type Merger shall create a document or an Electromagnetic Record containing matters relating to the rights and obligations of the Member Commodity Exchange Dissolved in an Absorption-Type Merger succeeded by the Incorporated Commodity Exchange Surviving an Absorption-Type Merger through the Absorption-Type Merger and other matters specified by an ordinance of the competent ministry as being matters concerning an Absorption-Type Merger, without delay after the day on which the Absorption-Type Merger comes into effect.

２　吸収合併存続株式会社商品取引所は、吸収合併の効力が生じた日から六月間、前項の書面又は電磁的記録をその本店に備え置かなければならない。

(2) A Incorporated Commodity Exchange Surviving an Absorption-Type Merger shall, during the period of six months from the day on which the Absorption-Type Merger comes into effect, keep at its head office the document or Electromagnetic Record set forth in the preceding paragraph.

３　吸収合併存続株式会社商品取引所の株主及び債権者は、吸収合併存続株式会社商品取引所に対して、その営業時間内は、いつでも、次に掲げる請求をすることができる。ただし、第二号又は第四号に掲げる請求をするには、当該吸収合併存続株式会社商品取引所の定めた費用を支払わなければならない。

(3) A member and a creditor of a Incorporated Commodity Exchange Surviving an Absorption-Type Merger may make the following request to the Incorporated Commodity Exchange Surviving an Absorption-Type Merger after an Absorption-Type Merger at any time during its business hours; provided, however, that in order to make the request set forth in item (ii) or (iv), such person shall pay a cost decided on by the Incorporated Commodity Exchange Surviving an Absorption-Type Merger:

一　前項の書面の閲覧の請求

(i) A request for inspection of a document set forth in the preceding paragraph

二　前項の書面の謄本又は抄本の交付の請求

(ii) A request for delivery of a transcript or an extract of a document set forth in the preceding paragraph

三　前項の電磁的記録に記録された事項を主務省令で定める方法により表示したものの閲覧の請求

(iii) A request for inspection of the matters contained in an Electromagnetic Record set forth in the preceding paragraph which are indicated by a method specified by an ordinance of the competent ministry

四　前項の電磁的記録に記録された事項を電磁的方法であつて主務省令で定めるものにより提供することの請求又はその事項を記載した書面の交付の請求

(iv) A request for provision of the matters contained in an Electromagnetic Record set forth in the preceding paragraph by an Electromagnetic Means which is specified by an ordinance of the competent ministry or a request for the delivery of a document containing such matters

４　吸収合併存続株式会社商品取引所は、前項の規定による請求があつたときは、正当な理由がないのにこれを拒んではならない。

(4) When a request prescribed in the preceding paragraph has been made, a Incorporated Commodity Exchange Surviving an Absorption-Type Merger shall not refuse the request without a justifiable reason.

第二目　新設合併消滅株式会社商品取引所の手続

Division 2 Procedure of a Incorporated Commodity Exchange Dissolved in a Consolidation-Type Merger

（新設合併契約に関する書面等の備置き及び閲覧等）

(Keeping of and inspection, etc. of a document, etc. concerning a Consolidation-Type Merger contract)

第百四十四条の十二　新設合併消滅株式会社商品取引所（会員商品取引所と株式会社商品取引所とが新設合併をする場合における当該新設合併消滅株式会社商品取引所に限る。以下この目において同じ。）は、次に掲げる日のいずれか早い日から新設合併設立株式会社商品取引所の成立の日までの間、新設合併契約の内容その他主務省令で定める事項を記載し、又は記録した書面又は電磁的記録をその本店に備え置かなければならない。

Article 144-12 (1) A Incorporated Commodity Exchange Dissolved in a Consolidation-Type Merger (limited to the Incorporated Commodity Exchange Dissolved in a Consolidation-Type Merger in a Consolidation-Type Merger between a Member Commodity Exchange and a Incorporated Commodity Exchange; hereinafter the same shall apply in this Division) shall, during the period from any of the following days whichever comes the earliest until the day of the establishment of the Incorporated Commodity Exchange Established by a Consolidation-Type Merger, keep at its head office a document or an Electromagnetic Record containing the content of the Consolidation-Type Merger contract and other matters specified by an ordinance of the competent ministry:

一　次条第一項の株主総会の日の二週間前の日

(i) The day two weeks prior to the general meeting of shareholders set forth in paragraph (1) of the following Article

二　新設合併契約について種類株主総会の決議によつてその承認を受けなければならないときは、当該種類株主総会の日の二週間前の日

(ii) When approval for the Consolidation-Type Merger needs to be gained by a resolution of a general meeting of class shareholders (including a general meeting of class shareholders), the day two weeks prior to the day of said general meeting of class shareholders

三　第百四十四条の十四第一項の規定による通知の日又は同条第二項の公告の日のいずれか早い日

(iii) The day of the notice set forth in Article 144-14, paragraph (1) or the day of the public notice under paragraph (2) of the same Article, whichever comes earlier

四　第百四十四条の十七において準用する第百四十四条の十第二項の規定による公告の日又は同項の規定による催告の日のいずれか早い日

(iv) The day of the public notice set forth in Article 144-10, paragraph (2) or the notice set forth in the same paragraph as applied mutatis mutandis pursuant to Article 144-17, whichever comes earlier

２　新設合併消滅株式会社商品取引所の株主及び債権者は、新設合併消滅株式会社商品取引所に対して、その営業時間内は、いつでも、次に掲げる請求をすることができる。ただし、第二号又は第四号に掲げる請求をするには、当該新設合併消滅株式会社商品取引所の定めた費用を支払わなければならない。

(2) A shareholder and a creditor of a Incorporated Commodity Exchange Dissolved in a Consolidation-Type Merger may make the following request to the Incorporated Commodity Exchange Dissolved in a Consolidation-Type Merger at any time during its business hours; provided, however, that in order to make the request set forth in item (ii) or (iv), such person shall pay a cost decided on by the Incorporated Commodity Exchange Dissolved in a Consolidation-Type Merger:

一　前項の書面の閲覧の請求

(i) A request for inspection of a document set forth in the preceding paragraph

二　前項の書面の謄本又は抄本の交付の請求

(ii) A request for delivery of a transcript or an extract of a document set forth in the preceding paragraph

三　前項の電磁的記録に記録された事項を主務省令で定める方法により表示したものの閲覧の請求

(iii) A request for inspection of the matters contained in an Electromagnetic Record set forth in the preceding paragraph which are indicated by a method specified by an ordinance of the competent ministry

四　前項の電磁的記録に記録された事項を電磁的方法であつて主務省令で定めるものにより提供することの請求又はその事項を記載した書面の交付の請求

(iv) A request for provision of the matters contained in an Electromagnetic Record set forth in the preceding paragraph by an Electromagnetic Means which is specified by an ordinance of the competent ministry or a request for delivery of a document containing such matters

３　新設合併消滅株式会社商品取引所は、前項の規定による請求があつたときは、正当な理由がないのにこれを拒んではならない。

(3) When a request prescribed in the preceding paragraph has been made, a Incorporated Commodity Exchange Dissolved in a Consolidation-Type Merger shall not refuse the request without a justifiable reason.

（新設合併契約の承認）

(Approval, etc. of a Consolidation-Type Merger contract)

第百四十四条の十三　新設合併消滅株式会社商品取引所は、株主総会の決議によつて、新設合併契約の承認を受けなければならない。

Article 144-13 (1) A Incorporated Commodity Exchange Dissolved in a Consolidation-Type Merger shall gain approval for the Consolidation-Type Merger contract by a resolution of a general meeting of shareholders.

２　前項の株主総会の決議は、当該株主総会において議決権を行使することができる株主の議決権の過半数（三分の一以上の割合を定款で定めた場合にあつては、その割合以上）を有する株主が出席し、出席した当該株主の議決権の三分の二（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）以上に当たる多数をもつて行わなければならない。この場合においては、当該決議の要件に加えて、一定の数以上の株主の賛成を要する旨その他の要件を定款で定めることを妨げない。

(2) A resolution of a general meeting of shareholders set forth in the preceding paragraph shall be adopted by at least a two-thirds majority (if a larger proportion has been specified by the articles of incorporation, such proportion) of votes of the shareholders present when shareholders holding a majority (if a proportion of one-third or more has been specified by the articles of incorporation, at least such proportion) of the voting rights of shareholders who are entitled to exercise voting rights at said general meeting of shareholders are present. In this case, the Incorporated Commodity Exchange Dissolved in a Consolidation-Type Merger shall not be precluded from prescribing in its articles of incorporation a requirement to gain the consent of more than a certain number of shareholders or other requirements in addition to the requirement for such resolution.

３　前項の規定にかかわらず、新設合併消滅株式会社商品取引所が公開会社である場合において、当該新設合併消滅株式会社商品取引所の株主に対して交付する新設合併設立株式会社商品取引所の株式の全部又は一部が譲渡制限株式であるときは、第一項の株主総会（種類株式発行会社の株主総会を除く。）の決議は、会社法第三百九条第三項に定める決議によらなければならない。

(3) Notwithstanding the provisions of the preceding paragraph, in the case where the Incorporated Commodity Exchange Dissolved in a Consolidation-Type Merger is a Publicly-Held Company, if the whole or a part of the shares of the Incorporated Commodity Exchange Established by a Consolidation-Type Merger to be delivered to shareholders of the Incorporated Commodity Exchange Dissolved in a Consolidation-Type Merger are transfer restricted shares, the resolution of a general meeting of shareholders set forth in paragraph (1) (excluding a general meeting of shareholders of a company issuing classified shares) shall be required to be a resolution specified in Article 309, paragraph (3) of the Companies Act.

４　新設合併消滅株式会社商品取引所が種類株式発行会社である場合において、新設合併消滅株式会社商品取引所の株主に対して交付する新設合併設立株式会社商品取引所の株式の全部又は一部が譲渡制限株式であるときは、当該新設合併は、当該譲渡制限株式の割当てを受ける種類の株式（譲渡制限株式を除く。）の種類株主を構成員とする種類株主総会（当該種類株主に係る株式の種類が二以上ある場合にあつては、当該二以上の株式の種類別に区分された種類株主を構成員とする各種類株主総会）の決議がなければ、その効力を生じない。ただし、当該種類株主総会において議決権を行使することができる株主が存しない場合は、この限りでない。

(4) In the case where a Incorporated Commodity Exchange Dissolved in a Consolidation-Type Merger is a company issuing classified shares, if the whole or a part of shares of the Incorporated Commodity Exchange Established by a Consolidation-Type Merger to be delivered to shareholders of the Incorporated Commodity Exchange Dissolved in a Consolidation-Type Merger are transfer restricted shares, the Consolidation-Type Merger shall not come into effect without a resolution of a general meeting of class shareholders consisting of class shareholders of the class of shares subject to the allotment of transfer restricted shares (excluding the transfer restricted shares) (if there are two or more classes of shares pertaining to such class shareholders, general meetings of the respective class shareholders consisting of class shareholders grouped by each class of said two or more classes of shares); provided, however, that this shall not apply if there are no shareholders who are entitled to exercise their voting rights present at said general meeting of class shareholders.

５　前項の種類株主総会の決議は、当該種類株主総会において議決権を行使することができる株主の半数以上（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）であつて、当該株主の議決権の三分の二（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）以上に当たる多数をもつて行わなければならない。

(5) A resolution of a general meeting of class shareholders set forth in the preceding paragraph shall be adopted by a majority vote of at least a half (or, if a larger proportion has been specified by articles of incorporation, such proportion) of the number of shareholders entitled to exercise voting rights at said general meeting of class shareholders and with at least two-thirds (or, if a larger proportion has been specified by articles of incorporation, such proportion) of the voting rights of such shareholders.

（株主等に対する通知）

(Notice to shareholders, etc.)

第百四十四条の十四　新設合併消滅株式会社商品取引所は、前条第一項の株主総会の決議の日から二週間以内に、その株主及び登録株式質権者（会社法第百四十九条第一項に規定する登録株式質権者をいう。）並びにその新株予約権者及び登録新株予約権質権者（同法第二百七十条第一項に規定する登録新株予約権質権者をいう。）に対し、新設合併をする旨並びに他の新設合併消滅商品取引所及び新設合併設立株式会社商品取引所の名称又は商号及び住所を通知しなければならない。

Article 144-14 (1) A Incorporated Commodity Exchange Dissolved in a Consolidation-Type Merger shall notify its shareholders and Registered Pledgees of Shares (which means registered pledgees of shares prescribed in Article 149, paragraph (1) of the Companies Act) as well as holders of rights to subscribe for new shares and Registered Pledgees of Rights to Subscribe for New Shares (which means registered pledgees of rights to subscribe for new shares prescribed in Article 270, paragraph (1) of the same Act) of the occurrence of a Consolidation-Type Merger and the names or trade names and addresses of the other Commodity Exchange Dissolved in a Consolidation-Type Merger and the Incorporated Commodity Exchange Established by a Consolidation-Type Merger, within two weeks from the day of the resolution of the general meeting of shareholders set forth in paragraph (1)of the preceding Article.

２　前項の規定による通知は、公告をもつてこれに代えることができる。

(2) The notice set forth in the preceding paragraph may be substituted by a public notice.

３　会社法第九百四十条第一項（第四号に係る部分に限る。）及び第三項の規定は、新設合併消滅株式会社商品取引所が同法第九百三十九条第一項第三号に掲げる方法により前項の公告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。

(3) The provisions of Article 940, paragraph (1) (limited to the part pertaining to item (iv)) and paragraph (3) of the Companies Act shall apply mutatis mutandis to the case where the Incorporated Commodity Exchange Dissolved in a Consolidation-Type Merger gives the public notice set forth in the preceding paragraph by a method set forth in Article 939, paragraph (1), item (iii) of the Companies Act. In this case, the necessary technical replacement of terms shall be specified by a Cabinet Order.

（株式買取請求）

(Share purchase demand)

第百四十四条の十五　新設合併をする場合には、次に掲げる株主は、新設合併消滅株式会社商品取引所に対し、自己の有する株式を公正な価格で買い取ることを請求することができる。

Article 144-15 (1) In the case of a Consolidation-Type Merger, the following shareholders may demand that the Incorporated Commodity Exchange Dissolved in a Consolidation-Type Merger purchase their shares at a fair price.

一　新設合併契約を承認するための株主総会（種類株主総会を含む。）に先立つて当該新設合併に反対する旨を当該新設合併消滅株式会社商品取引所に対し通知し、かつ、当該株主総会において当該新設合併に反対した株主（当該株主総会において議決権を行使することができるものに限る。）

(i) A shareholder who has notified the Incorporated Commodity Exchange Dissolved in a Consolidation-Type Merger of his/her dissent from the Consolidation-Type Merger prior to a general meeting of shareholders (including a general meeting of class shareholders) for approving the Consolidation-Type Merger contract and who has dissented from the Consolidation-Type Merger at said general meeting of shareholders (limited to those who are entitled to exercise their voting rights at said general meeting of shareholders)

二　当該株主総会において議決権を行使することができない株主

(ii) A shareholder who is not entitled to exercise the shareholder's voting right at said general meeting of shareholders

２　会社法第八百六条第五項から第七項まで、第八百七条、第八百六十八条第一項、第八百七十条（第四号に係る部分に限る。）、第八百七十一条本文、第八百七十二条（第四号に係る部分に限る。）、第八百七十三条本文、第八百七十五条及び第八百七十六条の規定は、前項の規定による請求について準用する。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 806, paragraphs (5) to (7), Article 807, Article 868, paragraph (1), Article 870 (limited to the part pertaining to item (iv)), the main clause of Article 871, Article 872 (limited to the part pertaining to item (iv)), the main clause of Article 873, Article 875 and Article 876 of the Companies Act shall apply mutatis mutandis to the request prescribed in the preceding paragraph. In this case, the necessary technical replacement of terms shall be specified by a Cabinet Order.

（新株予約権買取請求）

(Request for purchase of a right to subscribe for new shares)

第百四十四条の十六　新設合併をする場合には、新設合併消滅株式会社商品取引所の新株予約権の新株予約権者は、新設合併消滅株式会社商品取引所に対し、自己の有する新株予約権を公正な価格で買い取ることを請求することができる。

Article 144-16 (1) In the case of a Consolidation-Type Merger, a holder of a right to subscribe for new shares of the Incorporated Commodity Exchange Dissolved in a Consolidation-Type Merger may request the Incorporated Commodity Exchange Dissolved in a Consolidation-Type Merger to purchase his/her right to subscribe for new shares at a fair price.

２　会社法第八百八条第五項から第七項まで、第八百九条、第八百六十八条第一項、第八百七十条（第四号に係る部分に限る。）、第八百七十一条本文、第八百七十二条（第四号に係る部分に限る。）、第八百七十三条本文、第八百七十五条及び第八百七十六条の規定は、前項の規定による請求について準用する。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 808, paragraphs (5) to (7) inclusive, Article 809, Article 868, paragraph (1), Article 870 (limited to the part pertaining to item (iv)), the main clause of Article 871, Article 872 (limited to the part pertaining to item (iv)), the main clause of Article 873, Article 875 and Article 876 shall apply mutatis mutandis to the request prescribed in the preceding paragraph. In this case, the necessary technical replacement of terms shall be specified by a Cabinet Order.

（準用規定）

(Provisions applied mutatis mutandis)

第百四十四条の十七　第百四十四条の十の規定は、新設合併消滅株式会社商品取引所について準用する。

Article 144-17 The provisions of Article 144-10 shall apply mutatis mutandis to a Incorporated Commodity Exchange Dissolved in a Consolidation-Type Merger.

第三目　新設合併設立株式会社商品取引所の手続

Division 3 Procedure of a Incorporated Commodity Exchange Established by a Consolidation-Type Merger

（株式会社商品取引所の設立の特則）

(Special provisions on establishment of an Incorporated Commodity Exchange)

第百四十四条の十八　会社法第二編第一章（第二十七条（第四号及び第五号を除く。）、第二十九条、第三十一条、第三十九条及び第四十七条から第四十九条までを除く。）の規定は、新設合併設立株式会社商品取引所（会員商品取引所と株式会社商品取引所とが新設合併をする場合における当該新設合併設立株式会社商品取引所に限る。以下この目において同じ。）の設立については、適用しない。

Article 144-18 (1) The provisions of Part II, Chapter I (excluding Article 27 [excluding items (iv) and (v)], Article 29, Article 31, Article 39 and Articles 47 to 49 inclusive) of the Companies Act shall not apply to the establishment of a Incorporated Commodity Exchange Established by a Consolidation-Type Merger (limited to the Incorporated Commodity Exchange Established by a Consolidation-Type Merger in a Consolidation-Type Merger between a Member Commodity Exchange and a Incorporated Commodity Exchange; hereinafter the same shall apply in this Division).

２　新設合併設立株式会社商品取引所の定款は、新設合併消滅商品取引所が作成する。

(2) The articles of incorporation of a Incorporated Commodity Exchange Established by a Consolidation-Type Merger shall be created by a Commodity Exchange(s) Dissolved in a Consolidation-Type merger.

（新設合併契約に関する書面等の備置き及び閲覧等）

(Keeping of and inspection, etc. of a document, etc. concerning a Consolidation-Type Merger contract)

第百四十四条の十九　新設合併設立株式会社商品取引所は、その成立の日後遅滞なく、新設合併により新設合併設立株式会社商品取引所が承継した新設合併消滅商品取引所の権利義務その他の新設合併に関する事項として主務省令で定める事項を記載し、又は記録した書面又は電磁的記録を作成しなければならない。

Article 144-19 (1) A Incorporated Commodity Exchange Established by a Consolidation-Type Merger shall create a document or an Electromagnetic Record containing matters on the rights and obligations of the Commodity Exchange Dissolved in a Consolidation-Type Merger succeeded by the Incorporated Commodity Exchange Established by a Consolidation-Type Merger through the Consolidation-Type Merger and other matters specified by an ordinance of the competent ministry as matters concerning a Consolidation-Type Merger, without delay after the day of its establishment.

２　新設合併設立株式会社商品取引所は、その成立の日から六月間、前項の書面又は電磁的記録及び新設合併契約の内容その他主務省令で定める事項を記載し、又は記録した書面又は電磁的記録をその本店に備え置かなければならない。

(2) A Incorporated Commodity Exchange Established by a Consolidation-Type Merger shall, during the period of six months from the day of its establishment, keep at its head office the document or Electromagnetic Record set forth in the preceding paragraph and a document or an Electromagnetic Record containing the content of the Consolidation-Type Merger contract and other matters specified by an ordinance of the competent ministry.

３　新設合併設立株式会社商品取引所の株主及び債権者は、新設合併設立株式会社商品取引所に対して、その営業時間内は、いつでも、次に掲げる請求をすることができる。ただし、第二号又は第四号に掲げる請求をするには、当該新設合併設立株式会社商品取引所の定めた費用を支払わなければならない。

(3) A shareholder and a creditor of a Incorporated Commodity Exchange Established by a Consolidation-Type Merger may make the following request to the Incorporated Commodity Exchange Established by a Consolidation-Type Merger at any time during its business hours; provided, however, that in order to make the request set forth in item (ii) or (iv), such person shall pay a cost decided on by the Incorporated Commodity Exchange Established by a Consolidation-Type Merger:

一　前項の書面の閲覧の請求

(i) A request for inspection of a document set forth in the preceding paragraph

二　前項の書面の謄本又は抄本の交付の請求

(ii) A request for delivery of a transcript or an extract of a document set forth in the preceding paragraph

三　前項の電磁的記録に記録された事項を主務省令で定める方法により表示したものの閲覧の請求

(iii) A request for inspection of the matters contained in an Electromagnetic Record set forth in the preceding paragraph which are indicated by a method specified by an ordinance of the competent ministry

四　前項の電磁的記録に記録された事項を電磁的方法であつて主務省令で定めるものにより提供することの請求又はその事項を記載した書面の交付の請求

(iv) A request for provision of the matters contained in an Electromagnetic Record set forth in the preceding paragraph by an Electromagnetic Means which is specified by an ordinance of the competent ministry or a request for delivery of a document containing such matters

４　新設合併設立株式会社商品取引所は、前項の規定による請求があつたときは、正当な理由がないのにこれを拒んではならない。

(4) When a request prescribed in the preceding paragraph has been made, a Incorporated Commodity Exchange Established by a Consolidation-Type Merger shall not refuse the request without a justifiable reason.

第六款　合併の効力の発生等

Subsection 6 Coming into Effect, etc. of a Merger

（合併の認可）

(Approval of a merger)

第百四十五条　商品取引所を全部又は一部の当事者とする合併（合併後存続する者又は合併により設立される者が商品取引所であるものに限る。）は、主務大臣の認可を受けなければ、その効力を生じない。

Article 145 (1) A merger where Commodity Exchanges are all or part of the parties thereto (limited to a merger where the entity surviving the merger or the entity established by the merger is a Commodity Exchange) shall not come into effect without the approval of the competent minister having been obtained.

２　前項の認可を受けようとする者は、合併後存続する商品取引所又は合併により設立される商品取引所（以下「合併後の商品取引所」という。）について次に掲げる事項（合併後の商品取引所が会員商品取引所である場合にあつては、第二号に掲げるものを除く。）を記載した申請書を主務大臣に提出しなければならない。

(2) A person who intends to obtain the approval set forth in the preceding paragraph shall submit to the competent minister a written application stating the following matters with regard to the Commodity Exchange surviving the merger or the Commodity Exchange established by the merger (hereinafter referred to as the "Commodity Exchange Resulting from a Merger") (excluding the matter set forth in item (ii) in the case where the Commodity Exchange Resulting from a Merger is a Member Commodity Exchange):

一　名称又は商号

(i) Name or trade name

二　資本金の額

(ii) Amount of stated capital

三　事務所又は本店、支店その他の営業所の所在地

(iii) Location of offices, the head office, branch offices and any other business offices

四　上場商品又は上場商品指数

(iv) Listed Commodity or Listed Commodity Index

五　役員の氏名及び住所

(v) Names and addresses of officers

六　会員等の氏名又は商号若しくは名称及び会員等が取引をする商品市場における上場商品又は上場商品指数

(vi) Names or trade names of the Member, etc. and the Listed Commodity or Listed Commodity Index on the Commodity Market where the Members, etc. will carry out transactions

３　前項の申請書には、合併契約の内容を記載した書面、合併後の商品取引所の定款、業務規程、受託契約準則、紛争処理規程及び市場取引監視委員会規程その他主務省令で定める書面を添付しなければならない。

(3) A document containing the content of the merger contract and the articles of incorporation, market rules, brokerage contract rules, dispute resolution rules, market transactions surveillance committee rules and other documents specified by an ordinance of the competent ministry with regard to the Commodity Exchange Resulting from a Merger shall be attached to a written application under the preceding paragraph.

（認可基準）

(Criteria for approval)

第百四十六条　主務大臣は、前条第一項の認可の申請が次に掲げる基準（合併後の商品取引所が会員商品取引所である場合にあつては、第一号及び第六号に掲げるものを除く。）に適合していると認めるときは、認可をしなければならない。

Article 146 (1) If the competent minister finds that an application for approval under paragraph (1) of the preceding Article conforms to the following criteria (excluding the criteria set forth in items (i) and (vi) in the case where the Commodity Exchange Resulting from a Merger is a Member Commodity Exchange), he/she shall grant the license:

一　合併後の商品取引所の資本金の額が第八十条第一項第一号の政令で定める金額以上であること。

(i) The amount of stated capital of the Commodity Exchange Resulting from a Merger is not less than an amount specified by a Cabinet Order as set forth in Article 80, paragraph (1), item (i).

二　申請に係る上場商品又は上場商品指数の先物取引を公正かつ円滑にするために十分な取引量が見込まれることその他上場商品構成物品等の取引の状況に照らし、当該先物取引をする商品取引所が合併により存続すること又は当該先物取引をする商品取引所を合併により設立することが当該上場商品構成物品等の生産及び流通を円滑にするため必要かつ適当であること。

(ii) A sufficient volume of transactions shall be expected for carrying out the Futures Transactions of the Listed Commodity or Listed Commodity Index pertaining to the application fairly and smoothly and, in light of the status of the transactions of the Listed Commodity Component Products, etc., it shall be necessary and appropriate for a Commodity Exchange carrying out said Futures Transactions to survive through a merger or a Commodity Exchange carrying out : said Futures Transactions to be established by a merger in order to facilitate the production and distribution of the Listed Commodity Component Products, etc.

三　上場商品に係る商品市場を開設しようとする場合にあつては、上場商品構成物品の売買等を業として行つている者の取引の状況その他の当該上場商品構成物品に係る経済活動の状況に照らして、当該上場商品構成物品を一の商品市場で取引することが適当であることとして政令で定める基準に適合すること。

(iii) In the case of opening a Commodity Market pertaining to a Listed Commodity, the carrying out of transactions of the Listed Commodity Component Products on a single Commodity Market conforms to the criteria specified by a Cabinet Order as being appropriate in light of the status of the transactions of the persons who, in the course of trade, engage in the Buying and Selling, etc. of Listed Commodity Component Products and any other circumstances of the economic activities pertaining to the Listed Commodity Component Products.

四　二以上の商品指数を一の上場商品指数として商品市場を開設しようとする場合にあつては、当該二以上の商品指数の対象となる物品の大部分が共通していること。

(iv) In the case of opening a Commodity Market by specifying two or more Commodity Indices as a single Listed Commodity Index, the majority of the goods subject to said two or more Commodity Indices are common goods.

五　合併後の商品取引所の定款、業務規程、受託契約準則、紛争処理規程及び市場取引監視委員会規程の規定が法令に違反せず、かつ、定款、業務規程、受託契約準則、紛争処理規程又は市場取引監視委員会規程に規定する取引の方法又は管理、会員等の資格、会員等の数の最高限度を定めた場合におけるその最高限度、特別担保金の預託義務を定めた場合におけるその預託に関する事項その他の事項が適当であつて、商品市場における取引の公正を確保し、及び委託者を保護するため十分であること。

(v) The provisions of the articles of incorporation, market rules, brokerage contract rules, dispute resolution rules and market transactions surveillance committee rules of the Commodity Exchange Resulting from a Merger do not violate laws and regulations, and the method or management of transactions, qualification of Members, etc., the maximum number of Members, etc. if such maximum number is specified, matters concerning such deposit if such obligation to deposit special collateral money is specified and other matters prescribed in the articles of incorporation, market rules, brokerage contract rules, dispute resolution rules or market transactions surveillance committee rules are appropriate and sufficient for ensuring the fairness of Transactions on the Commodity Market and protecting customers.

六　合併後の商品取引所が商品市場を適切に運営するに足りる人的構成を有するものであること。

(vi) The Commodity Exchange Resulting from a Merger has a personnel structure sufficient for appropriately managing the Commodity Market.

七　合併後の商品取引所が商品取引所としてこの法律の規定に適合するように組織されるものであること。

(vii) The Commodity Exchange Resulting from a Merger will be organized in such a manner that conforms to the provisions of this Act.

八　合併後の商品取引所において、合併により消滅する商品取引所の開設している商品市場における取引に関する業務の承継が円滑かつ適切に行われる見込みが確実であること。

(viii) It is fully expected that the Commodity Exchange Resulting from a Merger will succeed to the business concerning Transactions on the Commodity Markets opened by the Commodity Exchanges dissolved as a result of the merger smoothly and appropriately.

２　主務大臣は、前条第一項の認可の申請が次の各号のいずれかに該当する場合には、前項の規定にかかわらず、同条第一項の認可をしてはならない。

(2) If an application for approval under paragraph (1) of the preceding Article falls under any of the following items, the competent minister shall not give the approval under paragraph (1) of the same Article notwithstanding the provisions of the preceding paragraph:

一　合併後の商品取引所の役員のうちに第十五条第二項第一号イからルまでのいずれかに該当する者があるとき。

(i) If the officers of the Commodity Exchange Resulting from a Merger include any of the persons who fall under any category of the persons in Article 15, paragraph (2), item (i) (a) to (k) inclusive

二　申請書又はこれに添付すべき書類のうちに重要な事項について虚偽の記載があるとき。

(ii) If the written application or the documents that should be attached thereto include a false entry regarding an important matter

３　主務大臣は、商品取引所の存続期間（株式会社商品取引所にあつては、株式会社商品取引所としての存続期間）又は商品市場の開設期限が定款に記載され、又は記録されている前条第一項の認可の申請があつた場合においては、第一項第二号の基準に代えて、申請に係る上場商品又は上場商品指数の先物取引を公正かつ円滑にするために十分な取引量が見込まれないことその他上場商品構成物品等の取引の状況に照らし、当該先物取引をする商品取引所が合併により存続すること又は当該先物取引をする商品取引所を合併により設立することが当該上場商品構成物品等の生産及び流通に著しい支障を及ぼし、又は及ぼすおそれがあることに該当しないことを同号の基準とし、当該基準並びに同項第三号及び第四号の基準の適用は、当該存続期間又は開設期限までの間について判断して行うものとする。

(3) Where an application for the approval under paragraph (1) of the preceding Article has been filed in which case the term of existence of a Commodity Exchange (in the case of a Incorporated Commodity Exchange, the term of existence as an Incorporated Commodity Exchange) or the expiration date of a Commodity Market is stated in the articles of incorporation, the competent minister shall, in lieu of the criterion set forth in paragraph (1), item (ii), consider the criterion under the same paragraph to be that there will be no shortfall in the volume of transactions for carrying out Futures Transactions of the Listed Commodity or Listed Commodity Index pertaining to the application fairly and smoothly and that, in light of the status of the transactions of the Listed Commodity Component Products, etc., survival of a Commodity Exchange for carrying out said Futures Transactions through a merger or the establishment of a Commodity Exchange for carrying out said Futures Transactions by a merger does not or is not likely to cause extreme hindrance to the production and distribution of the Listed Commodity Component Products, etc., and he/she shall apply such criterion and the criteria under items (iii) and (iv) of the same paragraph by making a determination for said term of existence or for the period until said expiration date.

４　第十五条第五項から第十一項までの規定は、前条第一項の認可について準用する。この場合において、第十五条第十項中「第三号」とあるのは、「第六号」と読み替えるものとする。

(4) The provisions of Article 15, paragraphs (5) to (11) inclusive shall apply mutatis mutandis to the approval set forth in paragraph (1) of the preceding Article. In this case, the term "item (iii)" in Article 15, paragraph (10) shall be deemed to be replaced with "item (vi)."

（吸収合併の登記）

(Registration of an Absorption-Type Merger)

第百四十七条　会員商品取引所が吸収合併をした場合において、吸収合併存続商品取引所が会員商品取引所であるときは、その効力が生じた日から、その主たる事務所の所在地においては二週間以内に、その従たる事務所の所在地においては三週間以内に、吸収合併消滅商品取引所については解散の登記をし、吸収合併存続商品取引所については変更の登記をしなければならない。ただし、従たる事務所の所在地における変更の登記は、吸収合併存続商品取引所について、第二十四条第二項各号に掲げる事項に変更が生じた場合に限り、するものとする。

Article 147 (1) In the case where a Member Commodity Exchange has implemented an Absorption-Type Merger, if the Commodity Exchange Surviving an Absorption-Type Merger is a Member Commodity Exchange, the registration of dissolution shall be completed with regard to the Commodity Exchange Dissolved in an Absorption-Type Merger and the registration of change shall be completed with regard to the Commodity Exchange Surviving an Absorption-Type Merger within two weeks from the day on which the Absorption-Type Merger came into effect at the location of the principal offices and within three weeks from such day at the secondary offices; provided, however, that registration of change at the location of the secondary offices shall be made only when a change occurs to the matters listed in the respective items of Article 24, paragraph (2) with regard to the Commodity Exchange Surviving an Absorption-Type Merger.

２　会員商品取引所が吸収合併をした場合において、吸収合併存続商品取引所が株式会社商品取引所であるときは、その効力が生じた日から、その主たる事務所及び本店の所在地においては二週間以内に、その従たる事務所及び支店の所在地においては三週間以内に、吸収合併消滅商品取引所については解散の登記をし、吸収合併存続商品取引所については変更の登記をしなければならない。ただし、支店の所在地における変更の登記は、吸収合併存続商品取引所について、会社法第九百三十条第二項各号に掲げる事項に変更が生じた場合に限り、するものとする。

(2) In the case where a Member Commodity Exchange has implemented an Absorption-Type Merger, if the Commodity Exchange Surviving an Absorption-Type Merger is a Incorporated Commodity Exchange, the registration of dissolution shall be completed with regard to the Commodity Exchange Dissolved in an Absorption-Type Merger and the registration of change shall be completed with regard to the Commodity Exchange Surviving an Absorption-Type Merger within two weeks from the day on which the Absorption-Type Merger has come into effect at the location of the principal office and the head office and within three weeks from such day at the secondary offices and branch offices; provided, however, that registration of change at the location of the branch offices shall be made only when a change occurs to the matters listed in the respective items of Article 930, paragraph (2) of the Companies Act with regard to the Commodity Exchange Surviving an Absorption-Type Merger.

（新設合併の登記）

(Registration of a Consolidation-Type Merger)

第百四十七条の二　会員商品取引所が新設合併をする場合において、新設合併設立商品取引所が会員商品取引所であるときは、次の各号に掲げる日のいずれか遅い日から、その主たる事務所の所在地においては二週間以内に、その従たる事務所の所在地においては三週間以内に、新設合併消滅商品取引所については解散の登記をし、新設合併設立商品取引所については設立の登記をしなければならない。この場合における第二十条第二項の適用については、同項中「前項」とあるのは、「新設合併設立商品取引所についての設立」とする。

Article 147-2 (1) In the case where a Member Commodity Exchange implements a Consolidation-Type Merger, if the Commodity Exchange Established by a Consolidation-Type Merger is a Member Commodity Exchange, the registration of dissolution shall be completed with regard to the Commodity Exchange Dissolved in a Consolidation-Type Merger and the registration of the establishment shall be completed with regard to the Commodity Exchange Established by a Consolidation-Type Merger within two weeks from the latest of any of the following days at the location of the principal offices and within three weeks from such day at the secondary offices. With regard to the application of Article 20, paragraph (2) in this case, the phrase "referred to in the preceding paragraph" in the same paragraph shall be deemed to be replaced with "of establishment with regard to the Commodity Exchange Established by a Consolidation-Type Merger."

一　第百四十四条の三第四項の会員総会の決議の日

(i) The day of resolution of a general meeting of members under Article 144-3, paragraph (4)

二　第百四十四条の三第五項において準用する第百二十四条の規定による手続が終了した日

(ii) The day of completion of the procedure under Article 124 as applied mutatis mutandis pursuant to Article 144-3, paragraph (5)

三　新設合併消滅商品取引所が合意により定めた日

(iii) A day decided by the Commodity Exchanges Dissolved in a Consolidation-Type Merger based on an agreement

四　第百四十五条第一項の認可を受けた日

(iv) The day of obtainment of approval under Article 145, paragraph (1)

２　会員商品取引所が新設合併をする場合において、新設合併設立商品取引所が株式会社商品取引所であるときは、次の各号に掲げる日のいずれか遅い日から、主たる事務所及び本店の所在地においては二週間以内に、従たる事務所及び支店の所在地においては三週間以内に、新設合併消滅商品取引所については解散の登記をし、新設合併設立商品取引所については設立の登記をしなければならない。

(2) In the case where a Member Commodity Exchange has implemented a Consolidation-Type Merger, if the Commodity Exchange Established by a Consolidation-Type Merger is a Incorporated Commodity Exchange, the registration of dissolution shall be completed with regard to the Commodity Exchange Dissolved in a Consolidation-Type Merger and the registration of establishment shall be completed with regard to the Commodity Exchange Established by a Consolidation-Type Merger within two weeks from the latest of any of the following days at the location of the principal office and the head office and within three weeks from such day at the secondary offices and branch offices:

一　第百四十四条の十三第一項の株主総会の決議の日

(i) The day of resolution of a general meeting of shareholders under Article 144-13, paragraph (1)

二　新設合併をするために種類株主総会の決議を要するときは、当該決議の日

(ii) When resolution of a general meeting of class shareholders is required for implementing a Consolidation-Type Merger, the day of said resolution

三　第百四十四条の十四第一項の規定による通知又は同条第二項の公告をした日から二十日を経過した日

(iii) The day on which 20 days have elapsed from the day of the notice under Article 144-14, paragraph (1) or the public notice under paragraph (2) of the same Article

四　第百四十四条の十七において準用する第百四十四条の十の手続が終了した日

(iv) The day of completion of the procedure under Article 144-10 as applied mutatis mutandis pursuant to Article 144-17

五　前項各号に掲げる日

(v) The days listed in the respective items of the preceding paragraph

（合併の効力の発生等）

(Taking effect, etc. of a merger)

第百四十八条　吸収合併存続商品取引所は、効力発生日又は第百四十五条第一項の主務大臣の認可を受けた日のいずれか遅い日に、吸収合併消滅商品取引所の権利義務（当該商品取引所がその行う事業に関し、行政庁の許可、認可その他の処分に基づいて有する権利義務を含む。第三項において同じ。）を承継する。

Article 148 (1) A Commodity Exchange Surviving an Absorption-Type Merger shall succeed to the rights and obligations of the Commodity Exchanges Dissolved in an Absorption-Type Merger (including the rights and obligations which said Commodity Exchanges have in relation to their businesses based on permission, license, approval or any other disposition by an administrative agency; the same shall apply in paragraph (3)) on the later of the Effective Date or the day of the obtainment of the approval of the competent minister under Article 145, paragraph (1).

２　吸収合併消滅商品取引所の吸収合併による解散は、吸収合併の登記の後でなければ、これをもつて第三者に対抗することができない。

(2) Dissolution as a result of an Absorption-Type Merger of a Commodity Exchange Dissolved in an Absorption-Type Merger may not be asserted against a third party until after the registration of the Absorption-Type Merger.

３　新設合併設立商品取引所は、その成立の日に、新設合併消滅商品取引所の権利義務を承継する。

(3) A Commodity Exchange Established by a Consolidation-Type Merger shall succeed to the rights and obligations of the Commodity Exchanges Dissolved in a Consolidation-Type Merger on the day of its establishment.

４　次の各号に掲げる規定に規定する場合には、吸収合併消滅会員商品取引所若しくは新設合併消滅会員商品取引所の会員又は新設合併消滅株式会社商品取引所の株主は、吸収合併の効力が生じた日又は新設合併設立株式会社商品取引所の成立の日に、当該各号に定める事項についての定めに従い、次の各号に掲げる規定の株式の株主となる。

(4) In the cases prescribed in the provisions set forth in the following items, a member of a Member Commodity Exchange Dissolved in an Absorption-Type Merger or Member Commodity Exchange Dissolved in a Consolidation-Type Merger or a shareholder of a Incorporated Commodity Exchange Dissolved in a Consolidation-Type Merger shall become a shareholder of the shares under the provisions set forth in the following items in accordance with the rules on the matters set forth respectively in those items on the day on which the Absorption-Type Merger comes into effect or the day of the establishment of the Incorporated Commodity Exchange Established by a Consolidation-Type Merger:

一　第百四十二条第二号イ　同条第三号に掲げる事項

(i) Article 142, item (ii) (a)-Matters set forth in item (iii) of the same Article

二　第百四十三条第一項第六号　同項第七号に掲げる事項

(ii) Article 143, paragraph (1), item (vi)-Matters set forth in item (vii) of the same paragraph

５　新設合併消滅株式会社商品取引所の新株予約権は、新設合併設立株式会社商品取引所の成立の日に、消滅する。

(5) A right to subscribe for new shares of a Incorporated Commodity Exchange Dissolved in a Consolidation-Type Merger shall be extinguished on the day of the establishment of the Incorporated Commodity Exchange Established by a Consolidation-Type Merger.

第百四十九条　第百四十五条第一項の認可を受けて設立された者は、当該設立の時に、第九条又は第七十八条の許可を受けたものとみなす。

Article 149 (1) A Commodity Exchange which has been established by obtaining the approval under Article 145, paragraph (1) shall be deemed to have obtained the permission under Article 9 or a license under Article 78 at the time of said establishment.

２　合併後の商品取引所は、吸収合併消滅商品取引所又は新設合併消滅商品取引所の商品市場において成立した取引であつて決済を結了していないものがあるときは、当該取引に係る商品市場と同一の商品市場（政令で定める同種の商品市場を含む。）を開設する場合を除き、当該取引の決済を結了する目的の範囲内において、吸収合併消滅商品取引所又は新設合併消滅商品取引所の商品市場と同一の商品市場を開設しなければならない。

(2) If there are transactions closed on a Commodity Market of a Commodity Exchange Dissolved in an Absorption-Type Merger or Commodity Exchange Dissolved in a Consolidation-Type Merger of which settlement has not been completed, the Commodity Exchange Resulting from a Merger shall, except in the case of opening a Commodity Market identical to the Commodity Market pertaining to said transactions (including an identical type of Commodity Market specified by a Cabinet Order), open a Commodity Market identical to the Commodity Market of the Commodity Exchange Dissolved in an Absorption-Type Merger or Commodity Exchange Dissolved in a Consolidation-Type Merger within the scope of the purpose to complete settlement of said transactions.

３　第五条第一項の規定は、合併後の商品取引所が前項の規定により商品市場を開設する場合には、適用しない。

(3) The provisions of Article 5, paragraph (1) shall not apply to the case where a Commodity Exchange Resulting from a Merger opens a Commodity Market pursuant to the provisions of the preceding paragraph.

４　吸収合併消滅商品取引所又は新設合併消滅商品取引所の商品市場において成立した取引であつて決済を結了していないものは、合併後の商品取引所の当該商品市場と同一の商品市場（政令で定める同種の商品市場を含む。）において同一の条件で成立した取引とみなす。

(4) Transactions closed on a Commodity Market of a Commodity Exchange Dissolved in an Absorption-Type Merger or Commodity Exchange Dissolved in a Consolidation-Type Merger of which settlement has not been completed shall be deemed to have been closed on a Commodity Market of the Commodity Exchange Resulting from a Merger identical to said Commodity Market (including an identical type of Commodity Market specified by a Cabinet Order) under the same conditions.

（一に満たない端数の処理等）

(Processing of any fraction less than one, etc.)

第百五十条　会社法第二百三十四条第一項から第五項まで、第八百六十八条第一項、第八百六十九条、第八百七十一条、第八百七十四条（第四号に係る部分に限る。）、第八百七十五条及び第八百七十六条の規定は、第百四十二条の吸収合併及び第百四十三条第一項の新設合併について準用する。この場合において、必要な技術的読替えは、政令で定める。

Article 150 The provisions of Article 234, paragraphs (1) to (5) inclusive, Article 868, paragraph (1), Article 869, Article 871, Article 874 (limited to the part pertaining to item (iv)), Article 875 and Article 876 of the Companies Act shall apply mutatis mutandis to an Absorption-Type Merger under Article 142 and a Consolidation-Type Merger under Article 143, paragraph (1). In this case, the necessary technical replacement of terms shall be specified by a Cabinet Order.

（株券等の提出）

(Submission of share certificates, etc.)

第百五十一条　会社法第二百十九条第一項（第六号に係る部分に限る。）、第二項及び第三項、第二百二十条並びに第二百九十三条第一項（第三号に係る部分に限る。）及び第二項から第四項までの規定は、新設合併消滅株式会社商品取引所について準用する。この場合において、必要な技術的読替えは、政令で定める。

Article 151 (1) The provisions of Article 219, paragraph (1) (limited to the part pertaining to item (vi)), paragraph (2) and paragraph (3), Article 220 and Article 293, paragraph (1) (limited to the part pertaining to item (iii)) and paragraphs (2) to (4) inclusive of the Companies Act shall apply mutatis mutandis to a Incorporated Commodity Exchange Dissolved in a Consolidation-Type Merger. In this case, the necessary technical replacement of terms shall be specified by a Cabinet Order.

２　会社法第九百四十条第一項（第一号に係る部分に限る。）及び第三項の規定は新設合併消滅株式会社商品取引所が同法第九百三十九条第一項第三号に掲げる方法により前項において準用する同法第二百十九条第一項又は第二百九十三条第一項の規定による公告をする場合について、同法第九百四十条第一項（第三号に係る部分に限る。）及び第三項の規定は新設合併消滅株式会社商品取引所が同法第九百三十九条第一項第三号に掲げる方法により前項において準用する同法第二百二十条第一項（前項において準用する同法第二百九十三条第四項において準用する場合を含む。）の規定による公告をする場合について、それぞれ準用する。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, paragraph (1) (limited to the part pertaining to item (i)) and paragraph (3) of the Companies Act shall apply mutatis mutandis to the case where a Incorporated Commodity Exchange Dissolved in a Consolidation-Type Merger gives public notice under Article 219, paragraph (1) or Article 293, paragraph (1) of the same Act as applied mutatis mutandis pursuant to the preceding paragraph by the method set forth in Article 939, paragraph (1), item (iii) of the same Act and the provisions of Article 940, paragraph (1) (limited to the part pertaining to item (iii)) and paragraph (3) of the same Act shall apply mutatis mutandis to the case where a Incorporated Commodity Exchange Dissolved in a Consolidation-Type Merger gives public notice under Article 220, paragraph (1) of the same Act as applied mutatis mutandis pursuant to the preceding paragraph (including the case where it is applied mutatis mutandis pursuant to Article 293, paragraph (4) of the same Act pursuant to the preceding paragraph) by the method set forth in Article 939, paragraph (1), item (iii) of the same Act. In this case, the necessary technical replacement of terms shall be specified by a Cabinet Order.

（商業登記法の準用）

(Application mutatis mutandis of the Commercial Registration Act)

第百五十二条　商業登記法第七十九条、第八十条（第二号、第六号、第九号及び第十号を除く。）、第八十一条（第三号、第六号、第九号及び第十号を除く。）、第八十二条及び第八十三条の規定は、第百三十九条第二項第一号に掲げる場合における合併による会員商品取引所の登記について準用する。この場合において、同法第七十九条中「商号及び本店」とあるのは「名称及び主たる事務所」と、同法第八十条第四号中「資本金の額」とあるのは「出資の総額」と、同条第五号及び同法第八十一条第五号中「本店」とあるのは「事務所」と、同法第八十条第七号中「吸収合併消滅会社が持分会社であるときは、総社員の同意（定款に別段の定めがある場合にあつては、その定めによる手続）があつたことを証する書面」とあるのは「吸収合併をする会員商品取引所の合併会員総会の議事録」と、同法第八十一条中「次の書面」とあるのは「次の書面及び代表権を有する者の資格を証する書面」と、同条第七号中「新設合併消滅会社が持分会社であるときは、総社員の同意（定款に別段の定めがある場合にあつては、その定めによる手続）があつたことを証する書面」とあるのは「新設合併消滅会員商品取引所の合併会員総会の議事録」と、同法第八十二条第二項から第四項まで及び第八十三条中「本店」とあるのは「主たる事務所」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 152 (1) The provisions of Article 79, Article 80 (excluding items (ii), (vi), (ix) and (x)), Article 81 (excluding items (iii), (vi), (ix) and (x)), Article 82 and Article 83 of the Commercial Registration Act shall apply mutatis mutandis to the registration of the Member Commodity Exchanges upon a merger in the case set forth in Article 139, paragraph (2), item (i). In this case, the phrase "trade name and the head office" in Article 79 of the same Act shall be deemed to be replaced with "name and the principal office," the phrase "amount of stated capital" in Article 80, item (iv) of the same Act shall be deemed to be replaced with "total amount of contribution," the term "head office" in item (v) of the same Article and Article 81, item (v) of the same Act shall be deemed to be replaced with "office," the phrase "when a company dissolved in an absorption-type merger is a mochibun kaisha, a document proving the consent of all members (if special provisions exist in the articles of incorporation, the procedure under such provisions)" in Article 80, item (vii) of the same Act shall be deemed to be replaced with "minutes of a general meeting of members concerning a merger of a Member Commodity Exchange implementing an Absorption-Type Merger," the phrase "the following documents" in Article 81 of the same Act shall be deemed to be replace with "the following documents and a document proving the qualification of the person having the representation power," the phrase "when a company dissolved in a consolidation-type merger is a mochibun kaisha, a document proving the consent of all members (if special provisions exist in the articles of incorporation, the procedure under such provisions)" in item (vii) of the same Article shall be deemed to be replaced with "minutes of a general meeting of members concerning a merger of a Member Commodity Exchange Dissolved in a Consolidation-Type Merger," the term "the head office" in Article 82, paragraphs (2) to (4) inclusive and Article 83 of the same Act shall be deemed to be replaced with "the principal office" and any other necessary technical replacement of terms shall be specified by a Cabinet Order.

２　商業登記法第七十九条、第八十条（第六号、第九号及び第十号を除く。）及び第八十一条から第八十三条までの規定は、第百三十九条第二項第二号に掲げる場合における合併による会員商品取引所及び株式会社商品取引所の登記について準用する。この場合において、同法第七十九条中「商号及び本店」とあるのは「名称又は商号及び主たる事務所又は本店」と、同法第八十条第五号中「本店」とあるのは「事務所」と、同条第七号中「吸収合併消滅会社が持分会社であるときは、総社員の同意（定款に別段の定めがある場合にあつては、その定めによる手続）があつたことを証する書面」とあるのは「吸収合併消滅会員商品取引所の合併会員総会の議事録」と、同法第八十一条第五号中「本店」とあるのは「本店又は事務所」と、同条第七号中「新設合併消滅会社が持分会社であるときは、総社員の同意（定款に別段の定めがある場合にあつては、その定めによる手続）があつたことを証する書面」とあるのは「新設合併消滅会員商品取引所の合併会員総会の議事録」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 79, Article 80 (excluding items (vi), (ix) and (x)) and Articles 81 to 83 inclusive of the Commercial Registration Act shall apply mutatis mutandis to the registration of the Member Commodity Exchange and Incorporated Commodity Exchange upon a merger in the case set forth in Article 139, paragraph (2), item (ii). In this case, the phrase "trade name and the head office" in Article 79 of the same Act shall be deemed to be replaced with "name and the principal office or the head office," "head office" in Article 80, item (v) of the same Act shall be deemed to be replaced with "office," the phrase "when a company dissolved in an absorption-type merger is a mochibun kaisha, a document proving the consent of all members (if special provisions exist in the articles of incorporation, the procedure under such provisions)" in item (vii) of the same Article shall be deemed to be replaced with "minutes of a general meeting of members concerning merger of a Member Commodity Exchange Surviving an Absorption-Type Merger," the term "head office" in Article 81, item (v) of the same Act shall be deemed to be replaced with "head office or office," the phrase "when a company dissolved in a consolidation-type merger is a mochibun kaisha, a document proving the consent of all members (if special provisions exist in the articles of incorporation, the procedure under such provisions)" in item (vii) of the same Article shall be deemed to be replaced with "minutes of a general meeting of members concerning a merger of a Member Commodity Exchange Dissolved in a Consolidation-Type Merger" and any other necessary technical replacement of terms shall be specified by a Cabinet Order.

（合併の無効の訴え）

(Action for nullity of a merger)

第百五十三条　会社法第八百二十八条第一項（第七号及び第八号に係る部分に限る。）及び第二項（第七号及び第八号に係る部分に限る。）、第八百三十四条（第七号及び第八号に係る部分に限る。）、第八百三十五条第一項、第八百三十六条から第八百三十九条まで、第八百四十三条（第一項第三号及び第四号並びに第二項ただし書を除く。）、第八百四十六条並びに第九百三十七条第三項（第二号及び第三号に係る部分に限る。）及び第四項の規定は第百三十九条第一項の合併の無効の訴えについて、同法第八百六十八条第五項、第八百七十条（第十五号に係る部分に限る。）、第八百七十一条本文、第八百七十二条（第四号に係る部分に限る。）、第八百七十三条本文、第八百七十五条及び第八百七十六条の規定はこの条において準用する同法第八百四十三条第四項の申立てについて、それぞれ準用する。この場合において、同法第九百三十七条第三項中「各会社の本店」とあるのは「各株式会社商品取引所の本店又は各会員商品取引所の主たる事務所」と、同条第四項中「第九百三十条第二項各号」とあるのは「第九百三十条第二項各号又は商品取引所法第二十四条第二項各号」と、「各会社の支店」とあるのは「各株式会社商品取引所の支店又は各会員商品取引所の従たる事務所」と読み替えるものとする。

Article 153 The provisions of Article 828, paragraph (1) (limited to the part pertaining to item (vii) and item (viii)) and paragraph (2) (limited to the part pertaining to item (vii) and item (viii)), Article 834 (limited to the part pertaining to item (vii) and item (viii)), Article 835, paragraph (1), Articles 836 to 839 inclusive, Article 843 (excluding paragraph (1), item (iii) and item (iv) and the proviso of paragraph (2)), Article 846 and Article 937, paragraph (3) (limited to the part pertaining to item (ii) and item (iii)) and paragraph (4) of the Companies Act shall apply mutatis mutandis to an action for the nullity of a merger under Article 139, paragraph (1) and the provisions of Article 868, paragraph (5), Article 870 (limited to the part pertaining to item (xv)), the main clause of Article 871, Article 872 (limited to the part pertaining to item (iv)), the main clause of Article 873, Article 875 and Article 876 of the same Act shall apply mutatis mutandis to a motion under Article 843, paragraph (4) of the same Act as applied mutatis mutandis pursuant to this Article. In this case, the term "the head office of each company" in Article 937, paragraph (3) of the same Act shall be deemed to be replaced with "the head office of each Incorporated Commodity Exchange or the principal office of each Member Commodity Exchange," the term "the respective items of Article 930, paragraph (2)" in paragraph (4) of the same Article shall be deemed to be replaced with "the respective items of Article 930, paragraph (2) of the Companies Act and the respective items of Article 24, paragraph (2) of the Commodity Exchange Act" and the term "the branch offices of each company" in the same paragraph shall be deemed to be replaced with "the branch offices of each Incorporated Commodity Exchange and the secondary offices of each Member Commodity Exchange."

（政令等への委任）

(Delegation to a Cabinet Order, etc.)

第百五十四条　この法律に定めるもののほか、商品取引所の合併に関し必要な事項は、政令で定める。

Article 154 (1) In addition to what is provided for in this Act, the necessary matters concerning a merger of Commodity Exchanges shall be specified by a Cabinet Order.

２　合併に際して資本準備金として計上すべき額その他合併に際しての計算に関し必要な事項は、主務省令で定める。

(2) The amounts that should be included in the capital reserve at the time of a merger and any other necessary matters concerning the accounting at the time of a merger shall be specified by an ordinance of the competent ministry.

第七節　監督

Section 7 Supervision

（定款の変更）

(An amendment to the articles of incorporation)

第百五十五条　商品取引所の定款の変更は、主務大臣の認可を受けなければ、その効力を生じない。

Article 155 (1) An amendment to the articles of incorporation of a Commodity Exchange shall not come into effect without the approval of the competent minister having been obtained.

２　商品取引所は、前項の認可を受けようとするときは、申請書に主務省令で定める書類を添付して、主務大臣に提出しなければならない。

(2) A Commodity Exchange which intends to obtain the approval set forth in the preceding paragraph shall submit to the competent minister a written application by attaching the documents specified by an ordinance of the competent ministry thereto.

３　主務大臣は、会員商品取引所から第一項の認可の申請があつた場合において、当該申請が次の各号に掲げる区分に応じ、当該各号に定める基準に適合していると認めるときは、認可をしなければならない。

(3) Where an application for the approval under paragraph (1) has been filed by a Member Commodity Exchange, if the competent ministry finds that said application conforms to the criteria prescribed in the following items for the categories set forth respectively in those items, he/she shall give the approval:

一　商品市場の開設に係るもの（次号に掲げるものを除く。）　次に掲げる基準

(i) An application pertaining to the opening of a Commodity Market (excluding those in the following item)-The following criteria:

イ　当該商品市場を開設しようとする会員商品取引所の会員であつて当該商品市場において取引をしようとするもの及び当該会員商品取引所の会員になろうとする者であつて当該商品市場において取引をしようとするもの（その出資の全額の払込みが終了した者に限る。）の合計数が二十人以上であり、かつ、その過半数の者が第十条第二項各号に定める者であること。

(a) The total number of members of a Member Commodity Exchange which intends to open said Commodity Market who intend to carry out transactions on said Commodity Market and persons who intend to become members of said Member Commodity Exchange and who intend to carry out transactions on said Commodity Market (limited to those who have completed the payment of the full amount of their contribution) is 20 or more and a majority of them are persons specified in the respective items of Article 10, paragraph (2).

ロ　第十五条第一項第一号から第四号までに掲げる基準

(b) Criteria set forth in Article 15, paragraph (1), items (i) to (iv) inclusive

二　期限付商品市場（定款に存続期間が記載され、若しくは記録されている商品取引所の商品市場又は定款に開設期限が記載され、若しくは記録されている商品市場をいう。以下この条において同じ。）の開設に係るもの　次に掲げる基準

(ii) An application pertaining to the opening of a Time-Limited Commodity Market (which means a Commodity Market of a Commodity Exchange of which the term of existence is stated in the articles of incorporation or a Commodity Market of which the expiration date is stated in the articles of incorporation; hereinafter the same shall apply in this Article)-The following criteria:

イ　前号イに掲げる基準

(a) Criteria set forth in (a) of the preceding item

ロ　申請に係る上場商品又は上場商品指数の先物取引を公正かつ円滑にするために十分な取引量が見込まれないことその他上場商品構成物品等の取引の状況に照らし、当該先物取引をする商品市場を開設することが当該上場商品構成物品等の生産及び流通に著しい支障を及ぼし、又は及ぼすおそれがあることに該当しないこと。

(b) There will be no shortfall in the volume of transactions for carrying out Futures Transactions of the Listed Commodity or Listed Commodity Index pertaining to the application fairly and smoothly and that, in light of the status of the transactions of the Listed Commodity Component Products, etc., the opening of a Commodity Market for carrying out said Futures Transactions does not or is not likely to cause extreme hindrance to the production and distribution of the Listed Commodity Component Products, etc.

ハ　第十五条第一項第二号から第四号までに掲げる基準

(c) Criteria set forth in Article 15, paragraph (1), items (ii) to (iv) inclusive

三　商品市場（期限付商品市場を除く。）における上場商品若しくは上場商品指数の範囲の変更（廃止又は範囲の縮小を除く。以下この条において同じ。）又は会員商品取引所の存続期間若しくは商品市場の開設期限の廃止に係るもの　第十五条第一項第一号から第四号までに掲げる基準

(iii) An application pertaining to a change in the scope (excluding the abolition or narrowing of the scope; hereinafter the same shall apply in this Article) of a Listed Commodity or a Listed Commodity Index of a Commodity Market (excluding a Time-Limited Commodity Market) or to the abolition of the term of existence of a Member Commodity Exchange or the expiration date of a Commodity Market-Criteria set forth in Article 15, paragraph (1), items (i) to (iv) inclusive

四　期限付商品市場における上場商品若しくは上場商品指数の範囲の変更又は会員商品取引所の存続期間若しくは商品市場の開設期限の変更に係るもの　次に掲げる基準

(iv) An application pertaining to a change in the scope of a Listed Commodity or a Listed Commodity Index of a Time-Limited Commodity Market or to a change to the term of existence of a Member Commodity Exchange or the expiration date of a Commodity Market-The following criteria:

イ　申請に係る上場商品又は上場商品指数の先物取引を公正かつ円滑にするために十分な取引量が見込まれないことその他上場商品構成物品等の取引の状況に照らし、当該上場商品若しくは上場商品指数の範囲の変更又は当該先物取引をする会員商品取引所の存続期間若しくは商品市場の開設期限の変更を行うことが当該上場商品構成物品等の生産及び流通に著しい支障を及ぼし、又は及ぼすおそれがあることに該当しないこと。

(a) There will be no shortfall in the volume of transactions for carrying out Futures Transactions of the Listed Commodity or Listed Commodity Index pertaining to the application fairly and smoothly and that, in light of the status of the transactions of the Listed Commodity Component Products, etc., said change in the scope of a Listed Commodity or a Listed Commodity Index or said change to the term of existence of a Member Commodity Exchange or the expiration date of a Commodity Market does not or is not likely to cause extreme hindrance to the production and distribution of the Listed Commodity Component Products, etc.

ロ　第十五条第一項第二号から第四号までに掲げる基準

(b) Criteria set forth in Article 15, paragraph (1), items (ii) to (iv) inclusive

五　前各号に掲げるもの以外のもの　第十五条第一項第四号に掲げる基準

(v) An application other than those set forth in the preceding items-Criteria set forth in Article 15, paragraph (1), item (iv)

４　主務大臣は、株式会社商品取引所から第一項の認可の申請があつた場合において、当該申請が次の各号に掲げる区分に応じ、当該各号に定める基準に適合していると認めるときは、認可をしなければならない。

(4) Where an application for the approval under paragraph (1) has been filed by a Incorporated Commodity Exchange, if the competent ministry finds that said application conforms to the criteria prescribed in the following items for the categories set forth respectively in those items, he/she shall give the approval:

一　商品市場の開設に係るもの（次号に掲げるものを除く。）　第八十条第一項第二号から第六号までに掲げる基準

(i) An application pertaining to the opening of a Commodity Market (excluding those in the following item)-Criteria set forth in Article 80, paragraph (1), items (ii) to (vi) inclusive

二　期限付商品市場の開設に係るもの　次に掲げる基準

(ii) An application pertaining to the opening of a Time-Limited Commodity Market-The following criteria:

イ　申請に係る上場商品又は上場商品指数の先物取引を公正かつ円滑にするために十分な取引量が見込まれないことその他上場商品構成物品等の取引の状況に照らし、当該先物取引をする商品市場を開設することが当該上場商品構成物品等の生産及び流通に著しい支障を及ぼし、又は及ぼすおそれがあることに該当しないこと。

(a) There will be no shortfall in the volume of transactions for carrying out Futures Transactions of the Listed Commodity or Listed Commodity Index pertaining to the application fairly and smoothly and that, in light of the status of the transactions of the Listed Commodity Component Products, etc., the opening of a Commodity Market for carrying out said Futures Transactions does not or is not likely to cause extreme hindrance to the production and distribution of the Listed Commodity Component Products, etc.

ロ　第八十条第一項第二号及び第四号から第六号までに掲げる基準

(b) Criteria set forth in Article 80, paragraph (1), item (ii) and items (iv) to (vi) inclusive

三　商品市場（期限付商品市場を除く。）における上場商品若しくは上場商品指数の範囲の変更又は株式会社商品取引所としての存続期間若しくは商品市場の開設期限の廃止に係るもの　第八十条第一項第三号から第六号までに掲げる基準

(iii) An application pertaining to a change in the scope of a Listed Commodity or a Listed Commodity Index of a Commodity Market (excluding a Time-Limited Commodity Market) or to the abolition of the term of existence of a Incorporated Commodity Exchange or the expiration date of a Commodity Market-Criteria set forth in Article 80, paragraph (1), items (iii) to (vi) inclusive

四　期限付商品市場における上場商品若しくは上場商品指数の範囲の変更又は株式会社商品取引所としての存続期間若しくは商品市場の開設期限の変更に係るもの　次に掲げる基準

(iv) An application pertaining to a change in the scope of a Listed Commodity or a Listed Commodity Index of a Time-Limited Commodity Market or to a change to the term of existence as a Incorporated Commodity Exchange or the expiration date of a Commodity Market-The following criteria:

イ　申請に係る上場商品又は上場商品指数の先物取引を公正かつ円滑にするために十分な取引量が見込まれないことその他上場商品構成物品等の取引の状況に照らし、当該上場商品若しくは上場商品指数の範囲の変更又は当該先物取引をする株式会社商品取引所としての存続期間若しくは商品市場の開設期限の変更を行うことが当該上場商品構成物品等の生産及び流通に著しい支障を及ぼし、又は及ぼすおそれがあることに該当しないこと。

(a) There will be no shortfall in the volume of transactions for carrying out Futures Transactions of the Listed Commodity or Listed Commodity Index pertaining to the application fairly and smoothly and that, in light of the status of the transactions of the Listed Commodity Component Products, etc., said change in the scope of a Listed Commodity or a Listed Commodity Index or said change to the term of existence as a Incorporated Commodity Exchange or the expiration date of a Commodity Market does not or is not likely to cause extreme hindrance to the production and distribution of the Listed Commodity Component Products, etc.

ロ　第八十条第一項第四号から第六号までに掲げる基準

(b) Criteria set forth in Article 80, paragraph (1), items (iv) to (vi) inclusive

五　前各号に掲げるもの以外のもの　第八十条第一項第六号に掲げる基準

(v) An application other than those set forth in the preceding items-Criteria set forth in Article 80, paragraph (1), item (vi)

５　主務大臣は、第一項の認可をする場合においては、第三項第二号ロ及びハ（第十五条第一項第四号に係る部分を除く。）、第三項第四号イ及びロ（第十五条第一項第四号に係る部分を除く。）、前項第二号イ及びロ（第八十条第一項第二号及び第六号に係る部分を除く。）並びに前項第四号イ及びロ（第八十条第一項第六号に係る部分を除く。）に掲げる基準の適用については、当該基準を適用すべき申請に係る商品取引所の存続期間又は商品市場の開設期限までの間について判断して行うものとする。

(5) In the case of giving the approval under paragraph (1), the competent minister shall apply the criteria set forth in paragraph (3), item (ii) (b) and (c) (excluding the part pertaining to Article 15, paragraph (1), item (iv)), paragraph (3), item (iv) (a) and (b) (excluding the part pertaining to Article 15, paragraph (1), item (iv)), item (ii) (a) and (b) of the preceding paragraph (excluding the part pertaining to Article 80, paragraph (1), item (ii) and item (vi)) and item (iv) (a) and (b) of the preceding paragraph (excluding the part pertaining to Article 80, paragraph (1), item (vi)) by making a determination for the term of existence of the Commodity Exchange or the expiration date of the Commodity Market pertaining to the application to which said criteria should be applied.

６　第一項の認可であつて次の各号に掲げる事項に係るものについては、当該各号に定める規定を準用する。

(6) The provisions prescribed in the following items shall apply mutatis mutandis to the approval under paragraph (1) pertaining to the matters set forth respectively in those items:

一　商品市場の開設若しくは商品市場に関する第十一条第二項第十三号若しくは第八十一条第一項第三号に掲げる事項の変更（次号に掲げるものを除く。）、商品取引所の存続期間（株式会社商品取引所にあつては、株式会社商品取引所としての存続期間。以下この条において同じ。）若しくは商品市場の開設期限の廃止又は会員の数の最高限度の設定、変更若しくは廃止　第十五条第五項から第九項までの規定

(i) The opening of a Commodity Market, a change to the matters set forth in Article 11, paragraph (2), item (xiii) or Article 81, paragraph (1), item (iii) with regard to a Commodity Market (excluding those set forth in the following item), the abolition of the term of existence of a Commodity Exchange (in the case of a Incorporated Commodity Exchange, the term of existence as a Incorporated Commodity Exchange; hereinafter the same shall apply in this Article) or the expiration date of a Commodity Market or the establishment of, a change to or the abolition of the maximum number of members-Provisions of Article 15, paragraphs (5) to (9) inclusive

二　期限付商品市場の開設若しくは期限付商品市場における上場商品若しくは上場商品指数の範囲の変更又は商品取引所の存続期間若しくは商品市場の開設期限の変更　第十五条第五項から第十一項までの規定

(ii) The opening of a Time-Limited Commodity Market or a change in the scope of a Listed Commodity or Listed Commodity Index on a Time-Limited Commodity Market or a change to the term of existence of a Commodity Exchange or the expiration period of a Commodity Market-Provisions of Article 15, paragraphs (5) to (11) inclusive

７　主務大臣は、商品取引所の存続期間又は商品市場の開設期限の廃止に係る第一項の認可に当たつては、当該認可までの間の当該商品取引所又は当該商品市場における取引の状況について勘案しなければならない。

(7) When giving approval under paragraph (1) pertaining to the abolition of the term of existence of a Commodity Exchange or the expiration date of a Commodity Market, the competent minister shall take into consideration the status of said Commodity Exchange or the status of the Transactions on said Commodity Market for the period until said approval.

８　主務大臣は、第一項の認可の申請が上場商品又は上場商品指数の範囲の変更に係るものである場合においては、第三百五十二条（第八号に係る部分に限る。）の規定による公示があつた日から三月を経過した後でなければ、同項の認可をしてはならない。

(8) If an application for approval under paragraph (1) pertains to a change in the scope of a Listed Commodity or Listed Commodity Index, the competent minister shall not give the approval under the same paragraph until after three months have elapsed from the day of the public notice under Article 352 (limited to the part pertaining to item (viii)).

（業務規程、受託契約準則、紛争処理規程又は市場取引監視委員会規程の変更）

(An amendment to the market rules, brokerage contract rules, dispute resolution rules or market transactions surveillance committee rules)

第百五十六条　商品取引所の業務規程、受託契約準則、紛争処理規程又は市場取引監視委員会規程の変更は、主務大臣の認可を受けなければ、その効力を生じない。

Article 156 (1) An amendment to the market rules, brokerage contract rules, dispute resolution rules or market transactions surveillance committee rules of a Commodity Exchange shall not come into effect without the approval of the competent minister having been obtained.

２　商品取引所は、前項の認可を受けようとするときは、申請書に主務省令で定める書類を添付して、主務大臣に提出しなければならない。

(2) A Commodity Exchange which intends to obtain the approval set forth in the preceding paragraph shall submit to the competent minister a written application by attaching the documents specified by an ordinance of the competent ministry thereto.

３　主務大臣は、第一項の認可の申請が次の各号に掲げる区分に応じて当該各号に定める基準に適合していると認めるときは、認可をしなければならない。

(3) If the competent minister finds that an application for the approval under paragraph (1) conforms to the criteria prescribed in the following items for the categories set forth respectively in those items, he/she shall give the approval:

一　会員商品取引所に係るもの　第十五条第一項第四号に掲げる基準

(i) An application pertaining to a Member Commodity Exchange-Criteria set forth in Article 15, paragraph (1), item (iv)

二　株式会社商品取引所に係るもの　第八十条第一項第六号に掲げる基準

(ii) An application pertaining to a Incorporated Commodity Exchange-Criteria set forth in Article 80, paragraph (1), item (vi)

４　第十五条第五項から第九項までの規定は、株式会社商品取引所の取引参加者の数の最高限度の設定、変更又は廃止についての第一項の認可について準用する。

(4) The provisions of Article 15, paragraphs (5) to (9) inclusive shall apply mutatis mutandis to the approval under paragraph (1) for the establishment of, a change to or the abolition of the maximum number of Trading Participants of a Incorporated Commodity Exchange.

（報告徴収及び立入検査）

(Request for reports; on-site inspections)

第百五十七条　主務大臣は、この法律の施行のため必要があると認めるときは、商品取引所若しくはその会員等に対し、その業務若しくは財産に関し参考となるべき報告若しくは資料の提出を命じ、又はその職員に、商品取引所若しくはその会員等の事務所若しくは営業所に立ち入り、帳簿、書類その他業務に関係のある物件を検査させることができる。

Article 157 (1) When the competent minister finds it necessary for the enforcement of this Act, he/she may order a Commodity Exchange or a Member, etc. thereof to submit a report or materials that provide information about their business or have his/her officials enter into an office or a business office of the Commodity Exchange or a Member, etc. thereof to inspect the books, documents and other articles related to their business.

２　前項の規定により立入検査をした場合において、当該職員は、検査の目的を達成するため、当該会員等が所有し、又は預託を受けた上場商品でその事務所若しくは営業所以外の場所に保管されているものを検査する必要があると認めるときは、当該会員等をして当該上場商品の保管を証する書面をその場所の管理者に提示させてその場所に立ち入り、当該会員等を立ち会わせて当該上場商品を検査することができる。

(2) In the case where an inspection has been conducted pursuant to the provisions of the preceding paragraph, if said officials find it necessary for attaining the purpose of the inspection to inspect a Listed Commodity which said Member, etc. possesses or has received on deposit and which is retained at a place other than his/her office or business office, they may enter such place by having said Member, etc. present a document proving the retention of said Listed Commodity to the manager of such place and inspect said Listed Commodity in the presence of said Member, etc.

３　前二項の規定により立入検査をする職員は、その身分を示す証明書を携帯し、関係人にこれを提示しなければならない。

(3) The officials who conduct an inspection pursuant to the provisions of the preceding two paragraphs shall carry their identification cards and present them to the persons concerned.

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

(4) The authority for the inspections under paragraph (1) and paragraph (2) shall not be interpreted as being that recognized for criminal investigation.

（業務改善命令）

(Order to improve business operations)

第百五十八条　主務大臣は、商品取引所の業務の運営に関し、公益若しくは取引の信義則の確保のため又は委託者の保護のため必要かつ適当であると認めるときは、その必要の限度において、当該商品取引所に対し、定款その他の規則の変更、業務の方法の変更その他業務の運営の改善に必要な措置をとるべきことを命ずることができる。

Article 158 (1) With regard to the operation of the business of a Commodity Exchange, when the competent minister finds it necessary and appropriate for ensuring the fair and equitable principles of transactions or for protecting customers, he/she may order said Commodity Exchange to amend its articles of incorporation or other rules, change its business methods or take any other necessary measures for improving the operation of its business.

２　主務大臣は、前項の規定による命令を行おうとする場合において必要があると認めるときは、参考人の出頭を求めてその意見を聴取し、若しくは参考人にその意見若しくは報告の提出を求め、又は鑑定人に出頭を求めて鑑定をさせることができる。

(2) In the case where the competent minister intends to issue an order under the preceding paragraph, if he/she finds it necessary, he/she may seek a witness to appear and hear the opinions of the witness, seek a witness to submit opinions or a report, or seek a witness to appear and have the witness give an expert opinion.

（商品取引所に対する監督上の処分）

(Disposition rendered to a Commodity Exchange for the purpose of supervision)

第百五十九条　主務大臣は、商品取引所が次の各号のいずれかに該当する場合において、公益若しくは取引の信義則の確保のため又は委託者の保護のため必要かつ適当であると認めるときは、当該商品取引所に対し、当該各号に定める処分をすることができる。

Article 159 (1) In the case where a Commodity Exchange falls under any of the following items, if the competent minister finds it necessary and appropriate for ensuring public interest or the fair and equitable principles of transactions or for protecting customers, he/she may render the dispositions set forth respectively in those items to said Commodity Exchange:

一　この法律、この法律に基づく命令若しくはこの法律に基づいてする主務大臣の処分（以下この条、次条及び第百六十五条において「この法律等」という。）若しくは定款その他の規則に違反したとき、又は会員等がこの法律等若しくは当該商品取引所の定款その他の規則に違反した場合において、当該会員等に対しこの法律等若しくは定款その他の規則を遵守させるために当該商品取引所がこの法律、この法律に基づく命令若しくは定款その他の規則により認められた権能の行使その他必要な措置をすることを怠つたとき。　第九条若しくは第七十八条の許可を取り消し、又は一年以内の期間を定めてその業務の全部若しくは一部の停止を命ずること。

(i) If a Commodity Exchange has violated this Act, an order based on this Act or a disposition by the competent minister based on this Act (hereinafter referred to as "This Act, etc." in this Article, the following Article and Article 165) or its articles of incorporation or other rules or, in the case where, regardless of the fact that a Member, etc. has violated This Act, etc. or the articles of incorporation or other rules of said Commodity Exchange, said Commodity Exchange has failed to exercise its powers recognized pursuant to this Act, an order based on this Act or its articles of incorporation or other rules or has failed to take any other necessary measures for having said Member, etc. observe this Act or its articles of incorporation or other rules-Rescission of the permission under Article 9 or a license under Article 78 or an order of suspension of the whole or a part of its business for a fixed period not exceeding one year

二　正当な理由がないのに商品市場を開設することができることとなつた日から三月以内に全部若しくは一部の商品市場を開設しないとき、引き続き三月以上全部若しくは一部の商品市場における先物取引（上場商品に係る商品市場にあつては第二条第八項第一号又は第二号に掲げる取引、上場商品指数に係る商品市場にあつては同項第三号に掲げる取引に係るものに限る。以下この号において同じ。）を停止したとき、又は全部若しくは一部の商品市場における先物取引が第十五条第一項第一号若しくは第八十条第一項第三号に掲げる基準に適合しなくなつたとき。　第九条若しくは第七十八条の許可又は定款の変更の認可を取り消すこと。

(ii) If a Commodity Exchange fails to open all or some of the Commodity Markets within three months from the day on which it became possible to open said Commodity Markets, if it has continuously suspended Futures Transactions (limited to those pertaining to transactions set forth in Article 2, paragraph (8), item (i) or (ii) in the case of a Commodity Market pertaining to a Listed Commodity and limited to those pertaining to transactions set forth in item (iii) of the same paragraph in the case of a Commodity Market pertaining to a Listed Commodity Index; hereinafter the same shall apply in this item) on all or some of the Commodity Markets for three months or more or if Futures Transactions on all or some of the Commodity Markets no longer conform to the criteria set forth in Article 15, paragraph (1), item (i) or Article 80, paragraph (1), item (iii), without a justifiable reason-Rescission of the permission under Article 9, license under Article 78 or approval for an amendment to the articles of incorporation

三　商品取引所の行為又はその開設する商品市場における取引の状況が公益上有害であると認めるとき。　三月以内の期間を定めてその業務の全部又は一部の停止を命ずること。

(iii) If an act of a Commodity Exchange or the status of the Transactions on a Commodity Market it has opened is found to be harmful for public interest-Issuance of an order for the suspension of the whole or a part of its business for a fixed period not exceeding three months

２　主務大臣は、第九条若しくは第七十八条の許可若しくは第百五十五条第一項若しくは第百五十六条第一項の認可の申請書又はこれらの書面の添付書類の記載事項のうちに、重要な事項について虚偽の記載があり、又は重要な事実の記載が欠けていることを発見したときは、当該許可若しくは認可を取り消し、又は定款、業務規程、受託契約準則、紛争処理規程若しくは市場取引監視委員会規程について当該重要事項に係る部分の変更を命ずることができる。

(2) If the competent minister discovers that the contents of a written application for the permission under Article 9, a license under Article 78 or the approval under Article 155, paragraph (1) or Article 156, paragraph (1) or the documents attached thereto include a false entry regarding an important matter or lack a statement regarding an important fact, he/she may rescind said permission, license or approval or issue an order to amend the part pertaining to said important matter with respect to the articles of incorporation, market rules, brokerage contract rules, dispute resolution rules or market transactions surveillance committee rules.

３　主務大臣は、不正の手段により商品取引所の役員になつた者のあつたことを発見したとき、又は商品取引所の役員がこの法律等に違反したときは、当該商品取引所に対し、当該役員の解任を命ずることができる。

(3) If the competent minister discovers that a person has become an officer of a Commodity Exchange by wrongful means or if an officer of a Commodity Exchange has violated This Act, etc., he/she may order said Commodity Exchange to dismiss said officer.

４　前三項の規定による許可若しくは認可の取消し又は役員の解任の命令に係る聴聞の期日における審理は、公開により行わなければならない。ただし、主務大臣が当該処分の名あて人となるべき者の業務に関する秘密を保つため必要があると認めるとき、又は公益上必要があると認めるときは、この限りでない。

(4) The proceedings taking place on the date for a hearing pertaining to the rescission of permission, license or approval or an order to dismiss an officer under the preceding three paragraphs shall be open to the public; provided, however, that this shall not apply if the competent minister finds it necessary in order to maintain the secrets concerning the business of the person who will become the party subject to said disposition or finds it necessary with respect to public interest.

５　前条第二項の規定は、第一項から第三項までの規定による処分について準用する。

(5) The provisions of paragraph (2) of the preceding Article shall apply mutatis mutandis to dispositions under paragraphs (1) to (3) inclusive.

６　第一項第三号の規定による処分については、行政不服審査法（昭和三十七年法律第百六十号）による不服申立てをすることができない。

(6) No appeal may be entered against a disposition under paragraph (1), item (iii) based on the Administrative Appeal Act (Act No. 160 of 1962).

（会員等に対する監督上の処分）

(Disposition rendered to a Member, etc. for the purpose of supervision)

第百六十条　主務大臣は、会員又は取引参加者がこの法律等に違反したときは、商品取引所に対し当該会員の除名若しくは当該取引参加者の取引資格の取消しをすべき旨若しくは六月以内の期間を定めて当該会員若しくは取引参加者の商品市場における取引若しくはその商品清算取引の委託を停止すべき旨を命じ、又は、当該違反行為が法人たる会員若しくは取引参加者の役員に係るものであるときは、当該会員若しくは取引参加者に対し当該違反行為をした役員を解任すべき旨を命ずることができる。

Article 160 (1) If a member or a Trading Participant has violated This Act, etc., the competent minister may order a Commodity Exchange to expel said member or rescind the trading qualification of said Trading Participant or, for a fixed period not exceeding six months, suspend the Transactions on Commodity Markets or the consignment of the relevant Commodity Clearing Transactions of said member or Trading Participant or, in the case that said violation pertains to an officer of a member or Trading Participant which is a juridical person, order said member or Trading Participant to dismiss the officer who has committed the violation.

２　第百五十八条第二項の規定は前項の規定による処分について、前条第四項の規定は前項の規定による会員の除名若しくは取引参加者の取引資格の取消し又は役員の解任の命令に係る聴聞について準用する。

(2) The provisions of Article 158, paragraph (2) shall apply mutatis mutandis to dispositions under the preceding paragraph and the provisions of paragraph (4) of the preceding Article shall apply mutatis mutandis to the hearing pertaining to an order to expel a member, rescind the trading qualification of a Trading Participant or dismiss an officer under the preceding paragraph.

第八節　雑則

Section 8 Miscellaneous Provisions

（商品取引所の役員及び使用人等の秘密保持義務）

(Confidentiality obligation of officers, employees, etc. of a Commodity Exchange)

第百六十一条　商品取引所の役員（役員が法人であるときは、その職務を行うべき者）若しくは使用人又はこれらの職にあつた者は、その職務に関して知り得た秘密を他に漏らし、又は盗用してはならない。

Article 161 An officer (or, if an officer is a juridical person, a person who will perform such duties) or an employee of a Commodity Exchange or a person who was formerly in such a position shall not disclose to another person or appropriate any confidential information he/she has learned during the course of his/her duties.

（登記の期間）

(Period for registration)

第百六十二条　登記すべき事項のうち主務大臣の許可又は認可を要するものの登記の期間については、その許可書又は認可書の到達した日から起算する。

Article 162 The period for registration of the matters to be registered which require the permission or approval of the competent minister shall be counted from the day on which such written permission or written approval arrived.

第百六十三条　削除

Article 163 Deleted.

（登記の効力）

(Effect of registration)

第百六十四条　この法律の規定により登記すべき事項は、登記をした後でなければ、これをもつて第三者に対抗することができない。

Article 164 The matters to be registered pursuant to the provisions of this Act may not be asserted against a third party until after they have been registered.

（制裁規程）

(Sanction rules)

第百六十五条　商品取引所は、その定款において、会員又は取引参加者が、この法律等若しくは当該商品取引所の定款、業務規程、受託契約準則、紛争処理規程その他の規則に違反し、又は取引の信義則に背反する行為をしたときは、当該会員又は取引参加者に対し、過怠金を科し、若しくは当該商品取引所の全部若しくは一部の商品市場における取引若しくはその商品清算取引の委託を停止し、若しくは制限し、又は当該会員の除名若しくは当該取引参加者の取引資格の取消しを行う旨を定めなければならない。

Article 165 A Commodity Exchange shall stipulate in its articles of incorporation that in the event that a member or a Trading Participant violates This Act, etc. or the articles of incorporation, market rules, brokerage contract rules, dispute resolution rules or other rules of said Commodity Exchange or if such person commits an act contrary to the fair and equitable principles of transactions, it will impose a fine for default on said member or Trading Participant or suspend or restrain the whole or a part of his/her Transactions on Commodity Markets or his/her consignment of Commodity Clearing Transactions related thereto at said Commodity Exchange or it will expel said member or rescind the trading qualification of said Trading Participant.

（市場取引監視委員会）

(Market transactions surveillance committee)

第百六十六条　商品取引所は、市場取引監視委員会規程において、商品市場における取引の公正の確保を図るため、商品市場における取引について学識経験を有することその他主務省令で定める要件に該当する委員により組織される市場取引監視委員会（以下この条において「委員会」という。）を置く旨を定めなければならない。

Article 166 (1) A Commodity Exchange shall stipulate in its market transactions surveillance committee rules that it will establish a market transactions surveillance committee (hereinafter referred to as a "Committee" in this Article) organized by committee members who have relevant knowledge and experience of Transactions on a Commodity Market and who satisfy any other requirements specified by an ordinance of the competent ministry for the purpose of ensuring the fairness of Transactions on the Commodity Market.

２　委員会は、商品市場における取引の方法、管理その他商品取引所の業務の運営について、理事長又は代表取締役（委員会等設置会社にあつては、代表執行役）に対して意見を述べることができる。

(2) A Committee may state to the president or the representative director (or the representative executive officer in the case of a company with committees) its opinions with regard to the method or management of Transactions on a Commodity Market and the operation of the business of the Commodity Exchange.

３　商品取引所は、その市場取引監視委員会規程において、委員会の組織及び権限に関する事項その他主務省令で定める事項を定めなければならない。

(3) A Commodity Exchange shall stipulate in its market transactions surveillance committee rules matters concerning the organization and authority of the Committee and any other matters specified by an ordinance of the competent ministry.

第三章　商品取引清算機関等

Chapter III Commodity Clearing Organization, etc.

第一節　商品取引清算機関

Section 1 Commodity Clearing Organization

（許可）

(License)

第百六十七条　商品取引債務引受業は、主務大臣の許可を受けた株式会社でなければ、営んではならない。

Article 167 Business of Assuming Commodity Transaction Debts may only be conducted by a stock company which has obtained a license from the competent minister.

（許可の申請）

(Application for a license)

第百六十八条　前条の許可を受けようとする者は、次に掲げる事項を記載した申請書を主務大臣に提出しなければならない。

Article 168 (1) An entity that intends to obtain a license set forth in the preceding Article shall submit a written application stating the following matters to the competent minister:

一　商号

(i) Trade name

二　資本金の額

(ii) Amount of stated capital

三　本店、支店その他の営業所の所在地

(iii) Location of the head office, branch offices and any other business offices

四　商品取引債務引受業の対象とする債務の起因となる取引が行われる商品市場

(iv) Commodity Markets where transactions which give rise to the liabilities subject to Business of Assuming Commodity Transaction Debts will be carried out

五　役員の氏名及び住所

(v) Names and addresses of officers

２　前項の申請書には、定款、業務方法書その他主務省令で定める書類を添付しなければならない。

(2) The articles of incorporation, business rules and other documents specified by an ordinance of the competent ministry shall be attached to the written application under the preceding paragraph.

（許可の基準）

(Criteria for licensing)

第百六十九条　主務大臣は、第百六十七条の許可の申請が次に掲げる基準に適合していると認めるときは、許可をしなければならない。

Article 169 (1) If the competent minister finds that an application for a license under Article 167 conforms to the following criteria, he/she shall grant the license:

一　許可申請者が株式会社であること。

(i) The applicant for a license is a stock company.

二　定款及び業務方法書の規定が法令に違反せず、かつ、商品取引債務引受業を適正かつ確実に遂行するために十分であること。

(ii) The provisions of the articles of incorporation and the business rules do not violate laws and regulations and are sufficient for performing Business of Assuming Commodity Transaction Debts properly and securely.

三　商品取引債務引受業を健全に遂行するに足りる財産的基礎を有し、かつ、商品取引債務引受業に係る収支の見込みが良好であること。

(iii) The applicant for a license has sufficient financial basis for soundly performing Business of Assuming Commodity Transaction Debts and the outlook for the income and expenditures pertaining to Business of Assuming Commodity Transaction Debts is favorable.

四　その人的構成に照らして、商品取引債務引受業を適正かつ確実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こと。

(iv) In light of its personnel structure, the applicant for a license has the knowledge and experience for properly and securely performing Business of Assuming Commodity Transaction Debts and has sufficient social credibility.

２　主務大臣は、第百六十七条の許可の申請が次の各号のいずれかに該当する場合には、前項の規定にかかわらず、同条の許可をしてはならない。

(2) If an application for a license under Article 167 falls under any of the following items, the competent minister shall not give the approval under the same Article notwithstanding the provisions of the preceding paragraph:

一　許可申請者が第十五条第二項第一号ハからホまで、リ又はヲのいずれかに該当する者であるとき。

(i) If the applicant for a license is a person who falls under any category of the persons in Article 15, paragraph (2), item (i) (c) to (e) inclusive or (i) or (l)

二　申請書又はこれに添付すべき書類のうちに重要な事項について虚偽の記載があるとき。

(ii) If the written application or the documents that should be attached thereto includes a false entry regarding an important matter

３　第十五条第五項から第九項までの規定は、第百六十七条の許可について準用する。

(3) The provisions of Article 15, paragraphs (5) to (9) inclusive shall apply mutatis mutandis to a license under Article 167.

（業務の制限）

(Restriction on business)

第百七十条　商品取引清算機関（商品取引清算機関が商品取引所である場合を除く。以下この条から第百七十二条までにおいて同じ。）は、商品取引債務引受業及び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。ただし、商品取引債務引受業に関連する業務で、当該商品取引清算機関が商品取引債務引受業を適正かつ確実に営むにつき支障を生ずるおそれがないと認められるものについて、主務省令で定めるところにより、主務大臣の承認を受けたときは、この限りでない。

Article 170 (1) A Commodity Clearing Organization (excluding the case where the Commodity Clearing Organization is a Commodity Exchange; hereinafter the same shall apply from this Article to Article 172 inclusive) may not engage in any business other than Business of Assuming Commodity Transaction Debts and other businesses incidental thereto; provided, however, that this shall not apply if a Commodity Clearing Organization has obtained, pursuant to the provisions of an ordinance of the competent ministry, the approval of the competent minister for a business related to Business of Assuming Commodity Transaction Debts which is found to involve no risk of causing hindrance to the proper and secure operation of Business of Assuming Commodity Transaction Debts by said Commodity Clearing Organization.

２　商品取引清算機関は、前項ただし書の承認を受けた業務を廃止したときは、主務省令で定めるところにより、その旨を主務大臣に届け出なければならない。

(2) If a Commodity Clearing Organization has abolished the business for which it has obtained approval under the proviso of the preceding paragraph, it shall notify the competent minister to that effect pursuant to the provisions of an ordinance of the competent ministry.

（変更の届出）

(Notification of a change)

第百七十一条　商品取引清算機関は、第百六十八条第一項第二号、第三号又は第五号に掲げる事項（本店の所在地を除く。）に変更があつたときは、主務省令で定めるところにより、主務省令で定める書類を添付して、その旨を主務大臣に届け出なければならない。

Article 171 When there is a change to the matters listed in Article 168, paragraph (1), item (ii), item (iii) or item (v) (excluding the location of the head office), a Commodity Clearing Organization shall notify the competent minister to that effect by attaching the documents specified by an ordinance of the competent ministry, pursuant to the provisions of an ordinance of the competent ministry.

（役員の欠格条件）

(Disqualifying conditions for officers)

第百七十二条　第四十九条の規定は、商品取引清算機関の役員について準用する。

Article 172 The provisions of Article 49 shall apply mutatis mutandis to officers of a Commodity Clearing Organization.

（商品取引所による商品取引債務引受業）

(Business of Assuming Commodity Transaction Debts by a Commodity Exchange)

第百七十三条　商品取引所は、第三条及び第百六十七条の規定にかかわらず、主務省令で定めるところにより、主務大臣の承認を受けて商品取引債務引受業及びこれに附帯する業務を営むことができる。

Article 173 (1) Notwithstanding the provisions of Article 3 and Article 167, a Commodity Exchange may engage in Business of Assuming Commodity Transaction Debts and other businesses incidental thereto by obtaining the approval of the competent minister pursuant to the provisions of an ordinance of the competent ministry.

２　前項の承認を受けようとする商品取引所は、次に掲げる事項を記載した申請書を主務大臣に提出しなければならない。

(2) A Commodity Exchange which intends to obtain the approval under the preceding paragraph shall submit a written application stating the following matters to the competent minister:

一　名称又は商号

(i) Name or trade name

二　商品取引債務引受業の対象とする債務の起因となる取引が行われる商品市場

(ii) The Commodity Markets where transactions which give rise to the liabilities subject to Business of Assuming Commodity Transaction Debts will be carried out

３　前項の申請書には、業務方法書その他主務省令で定める書類を添付しなければならない。

(3) The business rules and other documents specified by an ordinance of the competent ministry shall be attached to the written application under the preceding paragraph.

４　第百六十九条第一項（第一号に係る部分を除く。）、第二項（第二号に係る部分に限る。）及び第三項の規定は、第一項の承認について準用する。

(4) The provisions of Article 169, paragraph (1) (excluding the part pertaining to item (i)), paragraph (2) (limited to the part pertaining to item (ii)) and paragraph (3) shall apply mutatis mutandis to the approval under paragraph (1).

（清算参加者）

(Clearing Participant)

第百七十四条　商品取引清算機関は、業務方法書で定めるところにより、業務方法書で定める要件に該当する者に対し、当該商品取引清算機関の行う商品取引債務引受業の相手方となる資格を与えることができる。

Article 174 (1) A Commodity Clearing Organization may, pursuant to the provisions of its business rules, grant a person who satisfies the requirements specified by the business rules the qualification to become a counterparty to Business of Assuming Commodity Transaction Debts conducted by said Commodity Clearing Organization.

２　商品取引清算機関は、業務方法書で定めるところにより、清算参加者が業務方法書で定められた純資産額に関する要件を満たさないものとなつた場合には、当該清算参加者を相手方とする債務引受けの停止又は当該清算参加者の清算参加者としての資格の取消しを行わなければならない。

(2) When a Clearing Participant no longer satisfies the requirements concerning the amount of net assets prescribed in the business rules, a Commodity Clearing Organization shall, pursuant to the provisions of its business rules, suspend the assumption of liabilities to which said Clearing Participant is the counterparty or rescind said Clearing Participant's qualification of a Clearing Participant.

（業務方法書）

(Business rules)

第百七十五条　商品取引清算機関は、業務方法書で定めるところにより、その業務を行わなければならない。

Article 175 (1) A Commodity Clearing Organization shall conduct its business pursuant to its business rules.

２　業務方法書には、次に掲げる事項を定めなければならない。

(2) The following matters shall be prescribed in the business rules:

一　商品取引債務引受業の対象とする債務の起因となる取引が行われる商品市場

(i) The Commodity Markets where transactions which give rise to the liabilities subject to Business of Assuming Commodity Transaction Debts will be carried out

二　清算参加者の要件に関する事項（清算参加者の純資産額に関するものを含む。）

(ii) Matters concerning the requirements for a Clearing Participant (including those concerning the amount of net assets of a Clearing Participant)

三　商品取引債務引受業として行う債務の引受け及びその履行に関する事項

(iii) Matters concerning the assumption and performance of liabilities which will be conducted as Business of Assuming Commodity Transaction Debts

四　清算参加者の債務の履行の確保に関する事項（取引証拠金に関するものを含む。）

(iv) Matters concerning the assurance of the performance of liabilities by Clearing Participants (including those concerning clearing margins)

五　商品清算取引に関する事項

(v) Matters concerning Commodity Clearing Transactions

六　その他主務省令で定める事項

(vi) Other matters specified by an ordinance of the competent ministry

３　第九十九条第七項の規定は、前項第二号の純資産額について準用する。

(3) The provisions of Article 99, paragraph (7) shall apply mutatis mutandis to the amount of net assets under item (ii) of the preceding paragraph.

（商品取引清算機関の役員及び職員等の秘密保持義務）

(Confidentiality obligation of officers, employees, etc. of a Commodity Clearing Organization)

第百七十六条　商品取引清算機関の役員（役員が法人であるときは、その職務を行うべき者）若しくは職員又はこれらの職にあつた者は、その職務に関して知り得た秘密を漏らし、又は盗用してはならない。

Article 176 An officer (or, if an officer is a juridical person, a person who will perform such duties) or an employee of a Commodity Clearing Organization or a person who was formerly in such a position shall not disclose to another person or appropriate any confidential information he/she has learned during the course of his/her duties.

（不当な差別的取扱いの禁止）

(Prohibition of unfair discriminatory treatment)

第百七十七条　商品取引清算機関は、特定の清算参加者に対し不当な差別的取扱いをしてはならない。

Article 177 A Commodity Clearing Organization shall not provide unfair discriminatory treatment to any specific Clearing Participant.

（商品取引債務引受業の適切な遂行を確保するための措置）

(Measures for ensuring appropriate execution of Business of Assuming Commodity Transaction Debts)

第百七十八条　商品取引清算機関は、商品市場における取引に基づく債務の不履行により損失が生じた場合に清算参加者が当該損失の全部を負担する旨を業務方法書において定めることその他の商品取引債務引受業の適切な遂行を確保するための措置を講じなければならない。

Article 178 A Commodity Clearing Organization shall stipulate in its business rules that a Clearing Participant shall bear the entire loss in the event that a loss occurs as a result of default of liabilities based on Transactions on a Commodity Market and shall take other measures for ensuring the appropriate execution of Business of Assuming Commodity Transaction Debts.

（取引証拠金）

(Clearing margin)

第百七十九条　商品取引清算機関は、商品市場における取引（その商品取引債務引受業の対象とする債務の起因となる商品市場における取引に限り、第二条第十項第一号ニに掲げるものを除く。以下この条において同じ。）について、主務省令で定めるところにより、次の各号に掲げる場合の区分に応じ、当該各号に定める者から、取引証拠金の預託を受けなければならない。

Article 179 (1) A Commodity Clearing Organization shall receive the deposit of a clearing margin from the persons prescribed in the following items for the categories set forth respectively in those items with regard to Transactions on a Commodity Market (limited to Transactions on a Commodity Market which give rise to the liabilities subject to its Business of Assuming Commodity Transaction Debts and excluding those set forth in Article 2, paragraph (10), item (i) (d); hereinafter the same shall apply in this Article) pursuant to the provisions of an ordinance of the competent ministry:

一　清算参加者である会員等が商品市場における取引を行う場合（次号に掲げる場合を除く。）　次のイからニまでに掲げる場合の区分に応じ、それぞれイからニまでに定める者

(i) When a Member, etc. who is a Clearing Participant carries out Transactions on a Commodity Market (excluding the case set forth in the following item) : The persons prescribed in (a) to (d) below for the categories of cases set forth respectively therein

イ　会員等が自己の計算において商品市場における取引を行う場合又は会員等がその受託した商品市場における取引（次項の規定に基づき委託証拠金の預託を受けて受託したものに限る。）を行う場合　当該会員等

(a) When a Member, etc. carries out Transactions on a Commodity Market based on the Member, etc.'s own account or when a Member, etc. carries out Transactions on a Commodity Market which the Member, etc. brokers (limited to those which the Member, etc. brokers by obtaining the deposit of a customer margin based on the provisions of the following paragraph) : Said Member, etc.

ロ　会員等がその受託した商品市場における取引（その委託の取次ぎを受託した者（以下この条において「取次者」という。）から受託したものを除く。）を行う場合（イに掲げる場合を除く。）　当該取引の委託者（会員等に対して商品市場における取引を委託した者であつて取次者でないものをいう。次項において同じ。）

(b) When a Member, etc. carries out Transactions on a Commodity Market which the Member, etc. brokers (excluding those which the Member, etc. brokers for a person acting as an intermediary for consignment of such transactions [hereinafter referred to as an "Intermediary" in this Article]) (excluding the case set forth in (a)) : Customer of said transactions (a person who consigned Transactions on a Commodity Market to the Member, etc. and who is not an Intermediary; the same shall apply in the following paragraph)

ハ　会員等がその受託した商品市場における取引（第三項の規定に基づき取次証拠金の預託を受けている取次者から受託したものに限る。）を行う場合（イに掲げる場合を除く。）　当該取次者

(c) When a Member, etc. carries out Transactions on a Commodity Market which the Member, etc. brokers (limited to those which the Member, etc. brokers for an Intermediary who obtained the deposit of an intermediation margin based on the provisions of paragraph (3)) (excluding the case set forth in (a)) : Said Intermediary

ニ　会員等がその受託した商品市場における取引（取次者から受託したものに限る。）を行う場合（イ及びハに掲げる場合を除く。）　当該取引の委託の取次ぎを委託した者（以下この条において「取次委託者」という。）

(d) When a Member, etc. carries out Transactions on a Commodity Market which the Member, etc. brokers (limited to those which the Member, etc. brokers for an Intermediary) (excluding the cases set forth in (a) and (c)) : The person who consigned the intermediation of consignment of such transactions (hereinafter referred to as the "Intermediation Customer" in this Article)

二　清算参加者がその受託した商品清算取引を行う場合　次のイからニまでに掲げる場合の区分に応じ、それぞれイからニまでに定める者

(ii) When a Clearing Participant carries out Commodity Clearing Transactions which the Clearing Participant brokers : The persons prescribed in (a) to (d) below for the categories of cases set forth respectively therein:

イ　清算参加者がその委託をした会員等の計算において商品清算取引を行う場合又は清算参加者が次項の規定に基づき委託証拠金の預託を受けている会員等から受託した商品清算取引を行う場合　当該会員等

(a) When a Clearing Participant carries out a Commodity Clearing Transaction based on the account of a Member, etc. who has consigned such transactions or when a Clearing Participant carries out Commodity Clearing Transactions which the Clearing Participant brokers for a Member, etc. who has obtained the deposit of a customer margin based on the following paragraph : Said Member, etc.

ロ　清算参加者がその受託した商品清算取引（その委託の取次ぎの委託の取次ぎを受託した者（以下この条において「清算取次者」という。）から受託した会員等から受託したものを除く。）を行う場合（イに掲げる場合を除く。）　当該商品清算取引の委託の取次ぎを委託した者（清算取次者を除く。以下この条において「清算取次委託者」という。）

(b) When a Clearing Participant carries out a Commodity Clearing Transaction which the Clearing Participant brokers (excluding those which the Clearing Participant brokers for a Member, etc. who in turn brokers for a person acting as an intermediary for the consignment of intermediation of consignment of such transactions [hereinafter referred to as a "Clearing Intermediary" in this Article]) (excluding the case set forth in (a)) : The person who consigned the intermediation of consignment of said Commodity Clearing Transaction (excluding a Clearing Intermediary; hereinafter referred to as a "Clearing Intermediation Customer" in this Article)

ハ　清算参加者がその受託した商品清算取引（第四項の規定に基づき清算取次証拠金の預託を受けている清算取次者から受託した会員等から受託したものに限る。）を行う場合（イに掲げる場合を除く。）　当該清算取次者

(c) When a Clearing Participant carries out Commodity Clearing Transactions which the Clearing Participant brokers (limited to those which the Clearing Participant brokers for a Member, etc. who in turn brokers for a Clearing Intermediary who has obtained the deposit of a clearing intermediation margin based on the provisions of paragraph (4)) (excluding the case set forth in (a)) : Said Clearing Intermediary

ニ　清算参加者がその受託した商品清算取引（清算取次者から受託した会員等から受託したものに限る。）を行う場合（イ及びハに掲げる場合を除く。）　当該商品清算取引の委託の取次ぎの委託の取次ぎを委託した者（以下この条において「清算取次者に対する委託者」という。）

(d) When a Clearing Participant carries out Commodity Clearing Transactions which the Clearing Participant brokers (limited to those which the Clearing Participant brokers for a Member, etc. who in turn brokers for a Clearing Intermediary) (excluding the cases set forth in (a) and (c)) : The person who consigned the intermediation of consignment of intermediation of consignment of such Commodity Clearing Transactions (hereinafter referred to as the "Customer of the Clearing Intermediary" in this Article)

２　会員等は、商品市場における取引の受託又は商品清算取引の委託の取次ぎの受託について、主務省令で定めるところにより、前項第一号に掲げる場合においては委託者又は取次者（当該取引が、次項の規定に基づく取次証拠金の預託を取次委託者から受けていない取次者から受託したものである場合にあつては、取次委託者）の、前項第二号に掲げる場合においては清算取次委託者又は清算取次者（当該商品清算取引が、第四項の規定に基づく清算取次証拠金の預託を清算取次者に対する委託者から受けていない清算取次者から受託したものである場合にあつては、清算取次者に対する委託者）の承諾を得て、それらの者をして、当該会員等に委託証拠金を預託させることができる。

(2) A Member, etc. may, with regard to brokerage of a Transaction on a Commodity Market or brokerage of intermediation of consignment of a Commodity Clearing Transaction, have the customer or the Intermediary (the Intermediation Customer in the case the transaction is one for which the Member, etc. brokers for an Intermediary who has not obtained the deposit of an intermediation margin based on the provisions of the following paragraph from the Intermediation Customer) in the case set forth in item (i) of the preceding paragraph or have the Clearing Intermediation Customer or the Clearing Intermediary (the Customer of a Clearing Intermediary in the case the Commodity Clearing Transaction is one for which the Member, etc. brokers for a Clearing Intermediary who has not obtained the deposit of a clearing intermediation margin based on the provisions of paragraph (4) from the Customer of the Clearing Intermediary) in the case set forth in item (ii) of the preceding paragraph deposit a customer margin with the Member, etc. by gaining the consent of such person, pursuant to the provisions of an ordinance of the competent ministry.

３　取次者は、商品市場における取引の委託の取次ぎの受託について、主務省令で定めるところにより、取次委託者の承諾を得て、その者をして、当該取次者に取次証拠金を預託させることができる。

(3) An Intermediary may, with regard to brokerage of the intermediation of consignment of Transactions on a Commodity Market, have the Intermediation Customer deposit an intermediation margin with the Intermediary by gaining the consent of such person.

４　清算取次者は、商品清算取引の委託の取次ぎの委託の取次ぎの受託について、主務省令で定めるところにより、清算取次者に対する委託者の承諾を得て、その者をして、当該清算取次者に清算取次証拠金を預託させることができる。

(4) A Clearing Intermediary may, with regard to brokerage of the intermediation of consignment of intermediation of consignment of a Commodity Clearing Transaction, have the Customer of the Clearing Intermediary deposit a clearing intermediation margin with the Clearing Intermediary by gaining the consent of such person.

５　第百三条第四項の規定は、第一項の商品取引清算機関について準用する。この場合において、同条第四項中「第一項」とあるのは、「第百七十九条第一項」と読み替えるものとする。

(5) The provisions of Article 103, paragraph (4) shall apply mutatis mutandis to a Commodity Clearing Organization under paragraph (1). In this case, the term "paragraph (1)" in paragraph (4) of the same Article shall be deemed to be replaced with "Article 179, paragraph (1)."

６　第百三条第五項及び第六項の規定は、第一項の取引証拠金、第二項の委託証拠金、第三項の取次証拠金及び第四項の清算取次証拠金について準用する。

(6) The provisions of Article 103, paragraph (5) and paragraph (6) shall apply mutatis mutandis to a clearing margin under paragraph (1), a customer margin under paragraph (2), an intermediation margin under paragraph (3) and a clearing intermediation margin under paragraph (4).

７　第百三条第七項から第九項までの規定は、第二項から第四項までの場合について準用する。この場合において、同条第七項中「第二項の会員等又は第三項の取次者」とあるのは「第百七十九条第二項の会員等、同条第三項の取次者又は同条第四項の清算取次者」と、同項及び同条第九項中「会員等又は取次者」とあるのは「会員等又は取次者等」と、同条第七項から第九項までの規定中「商品取引所」とあるのは「商品取引清算機関」と読み替えるものとする。

(7) The provisions of Article 103, paragraphs (7) to (9) inclusive shall apply mutatis mutandis to the cases under paragraphs (2) to (4) inclusive. In this case, the phrase "a Member, etc. under paragraph (2) or an Intermediary under paragraph (3)" in paragraph (7) of the same Article shall be deemed to be replaced with "a Member, etc. under Article 179, paragraph (2), an intermediary under paragraph (3) of the same Article or a Clearing Intermediary under paragraph (4) of the same Article," the phrase "the Member, etc. or Intermediary" in the same paragraph and paragraph (9) shall be deemed to be replaced with "the Member, etc. or the Intermediary and the like" and the term "Commodity Exchange" in the provisions of paragraphs (7) to (9) inclusive of the same Article shall be deemed to be replaced with "Commodity Clearing Organization."

（清算預託金）

(Clearing deposit)

第百八十条　商品取引清算機関は、業務方法書で定めるところにより、清算参加者をして、商品取引清算機関に対する債務の履行を担保するために、清算預託金を預託させることができる。

Article 180 (1) A Commodity Clearing Organization may have a Clearing Participant deposit clearing funds in order to guarantee the performance of liabilities against the Commodity Clearing Organization, pursuant to the provisions of its business rules.

２　商品取引清算機関は、清算参加者の債務の不履行により損害を受けたときは、その損害を与えた清算参加者の清算預託金について、他の債権者に先立ち弁済を受ける権利を有する。

(2) When a Commodity Clearing Organization incurs damage as a result of a Clearing Participant's default of liabilities, it shall have the right to receive payment in preference over other creditors with regard to the clearing funds of the Clearing Participant who has caused such damage.

３　商品取引清算機関は、前項の規定により同項の清算預託金について弁済を受け、なお不足があるときは、同項の清算参加者以外の清算参加者の清算預託金について、その清算預託金の額に応じて、他の債権者に先立つて弁済を受ける権利を有する。

(3) When a Commodity Clearing Organization receives payment with regard to a clearing deposit under the preceding paragraph pursuant to the provisions of the same paragraph, if the amount is still insufficient, the Commodity Clearing Organization shall have the right to receive payment in preference over other creditors with regard to the clearing funds of Clearing Participants other than the Clearing Participant under the same paragraph, in accordance with the amount of such clearing deposits.

４　前項の規定による弁済があつたときは、同項に規定する他の清算参加者は、第二項に規定する損害を与えた清算参加者に対し、求償権を有する。

(4) When a payment under the preceding paragraph has been made, the other Clearing Participants prescribed in the same paragraph shall have the right to obtain reimbursement from the Clearing Participant who has caused the damage prescribed in paragraph (2).

５　第百十条の規定は、清算預託金について準用する。この場合において、同条中「商品取引所」とあるのは、「商品取引清算機関」と読み替えるものとする。

(5) The provisions of Article 110 shall apply mutatis mutandis to a clearing deposit. In this case, the term "Commodity Exchange" in the same Article shall be deemed to be replaced with "Commodity Clearing Organization."

（未決済債務等の決済）

(Settlement of Unsettled Liabilities, etc.)

第百八十一条　商品取引清算機関が業務方法書で清算参加者に特別清算手続、破産手続、再生手続又は更生手続が開始された場合における未決済債務等（当該清算参加者が行つた商品市場における取引の相手方から当該商品取引清算機関が引き受けた当該取引に基づく債務及び当該清算参加者から当該取引に基づく債務を引き受けた対価として当該商品取引清算機関が当該清算参加者に対して取得した債権（当該債務と同一の内容を有するものに限る。）をいう。以下この項において同じ。）についての決済の方法を定めている場合において、清算参加者にこれらの手続が開始されたときは、これらの手続の関係において、未決済債務等に関する当該商品取引清算機関又は当該清算参加者が有する請求権の額の算定その他の決済の方法は、当該商品取引清算機関の業務方法書の定めに従うものとする。

Article 181 (1) In the case where a Commodity Clearing Organization has stipulated in its business rules the methods of settlement of Unsettled Liabilities, etc. in the event that special liquidation proceedings, bankruptcy proceedings or reorganization proceedings have commenced for a Clearing Participant (the Unsettled Liabilities, etc. means the liabilities arising from Transactions on a Commodity Market carried out by said Clearing Participant which said Commodity Clearing Organization has assumed from the counterparty to said transactions and the claims on said Clearing Participant which said Commodity Clearing Organization has acquired as consideration for assuming the liabilities arising from said transactions [such claims shall be limited to those having the identical contents as said liabilities]; hereinafter the same shall apply in this paragraph), if such proceedings have been commenced for a Clearing Participant, calculation of the amount of the claims that said Commodity Clearing Organization or said Clearing Participant has with regard to Unsettled Liabilities, etc. and other methods of settlement shall be in accordance with the provisions of the business rules of said Commodity Clearing Organization.

２　商品取引清算機関の有する前項に規定する請求権は破産債権、再生債権又は更生債権とし、清算参加者が有する同項に規定する請求権は破産財団に属する財産、再生債務者財産又は更生会社財産若しくは更生協同組織金融機関財産とする。

(2) The claims of a Commodity Clearing Organization under the preceding paragraph shall be claims in bankruptcy, claims in rehabilitation and claims in reorganization and the claims of a Clearing Participant under the same paragraph shall be those related to the property of the bankruptcy estate, the property of the rehabilitation debtor, the property of the company in need of reorganization or the property of the cooperative financial institution in need of reorganization.

（定款又は業務方法書の変更の認可）

(Approval for an amendment to the articles of incorporation or business rules)

第百八十二条　商品取引清算機関の定款又は業務方法書の変更は、主務省令で定めるところにより、主務大臣の認可を受けなければ、その効力を生じない。

Article 182 An amendment to the articles of incorporation or business rules of a Commodity Clearing Organization shall not come into effect without the approval of the competent minister having been obtained.

（解散等の認可）

(Approval for dissolution, etc.)

第百八十三条　商品取引清算機関の商品取引債務引受業の廃止又は解散の決議は、主務大臣の認可を受けなければ、その効力を生じない。

Article 183 The abolition of Business of Assuming Commodity Transaction Debts of a Commodity Clearing Organization or dissolution of a Commodity Clearing Organization shall not come into effect without the approval of the competent minister having been obtained.

（報告徴収及び立入検査）

(Request for reports; on-site inspections)

第百八十四条　主務大臣は、この法律の施行のため必要があると認めるときは、商品取引清算機関若しくはその清算参加者に対し、その業務若しくは財産に関し参考となるべき報告若しくは資料の提出を命じ、又はその職員に、商品取引清算機関若しくはその清算参加者の事務所若しくは営業所に立ち入り、帳簿、書類その他業務に関係のある物件を検査させることができる。

Article 184 (1) When the competent minister finds it necessary for the enforcement of this Act, he/she may order a Commodity Clearing Organization or a Clearing Participant thereof to submit a report or materials that provide information about their business or have his/her officials enter into an office or a business office of the Commodity Clearing Organization or a Clearing Participant thereof to inspect the books, documents and other articles related to their business.

２　第百五十七条第三項及び第四項の規定は、前項の規定による立入検査について準用する。

(2) The provisions of Article 157, paragraph (3) and paragraph (4) shall apply mutatis mutandis to the inspection prescribed in the preceding paragraph.

（業務改善命令）

(Order to improve business operations)

第百八十五条　主務大臣は、商品取引債務引受業の適正かつ確実な遂行のため必要かつ適当であると認めるときは、その必要の限度において、商品取引清算機関に対し、定款、業務方法書その他の規則の変更、業務の方法の変更その他業務の運営又は財産の状況の改善に必要な措置をとるべきことを命ずることができる。

Article 185 When the competent minister finds it necessary and appropriate for the proper and secure execution of Business of Assuming Commodity Transaction Debts, he/she may order said Commodity Clearing Organization to amend its articles of incorporation, business rules or other rules, change its business methods or take any other necessary measures for improving the operation of its business or the status of its property.

（監督上の処分）

(Disposition rendered for the purpose of supervision)

第百八十六条　主務大臣は、商品取引清算機関がこの法律、この法律に基づく命令又はこの法律に基づいてする主務大臣の処分（以下この条において「この法律等」という。）に違反した場合において、商品取引債務引受業の適正かつ確実な遂行のため必要かつ適当であると認めるときは、当該商品取引清算機関に対し、第百六十七条の許可若しくは第百七十条第一項ただし書若しくは第百七十三条第一項の承認を取り消し、又は六月以内の期間を定めて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。

Article 186 (1) In the case where a Commodity Clearing Organization has violated this Act, an order based on this Act or a disposition by the competent minister based on this Act (hereinafter referred to as "This Act, etc." in this Article), if the competent minister finds it necessary and appropriate for the proper and secure execution of Business of Assuming Commodity Transaction Debts, he/she may rescind the license under Article 167 or the approval under the proviso of Article 170, paragraph (1) or Article 173, paragraph (1) of said Commodity Clearing Organization or order said Commodity Clearing Organization to suspend the whole or a part of its business for a fixed period not exceeding six months.

２　主務大臣は、第百六十七条の許可、第百七十条第一項ただし書若しくは第百七十三条第一項の承認若しくは第百八十二条の認可の申請書又はこれらの書面の添付書類のうちに、重要な事項について虚偽の記載があり、又は重要な事実の記載が欠けていることを発見したときは、当該許可、承認又は認可を取り消すことができる。

(2) If the competent minister discovers that the contents of a written application for the license under Article 167 or the approval under the proviso of Article 170, paragraph (1), Article 173, paragraph (1) or Article 182 or documents attached thereto include a false entry regarding an important matter or lack a statement about an important fact, he/she may rescind said license or approval.

３　第百七十三条第一項の承認を受けた商品取引所が第九条若しくは第七十八条の許可を取り消されたとき又は第六十九条各号若しくは第九十四条第一項各号のいずれかに該当するときは、その承認は、効力を失う。

(3) If a Commodity Exchange which has obtained the approval under Article 173 has had its permission under Article 9 or license under Article 78 rescinded or if it falls under any of the items of Article 69 or any of the items of Article 94, paragraph (1), such approval shall cease to be effective.

４　主務大臣は、不正の手段により商品取引清算機関の役員になつた者のあつたことを発見したとき、又は商品取引清算機関の役員がこの法律等に違反したときは、当該商品取引清算機関に対し、当該役員の解任を命ずることができる。

(4) If the competent minister discovers that a person has become an officer of a Commodity Clearing Organization by wrongful means or if an officer of a Commodity Clearing Organization has violated This Act, etc., he/she may order said Commodity Clearing Organization to dismiss said officer.

（聴聞等の方法の特例の規定の準用）

(Application mutatis mutandis of special provisions on the method of hearing, etc.)

第百八十七条　第百五十八条第二項の規定は前二条の規定による処分について、第百五十九条第四項の規定は前条の規定による許可、承認若しくは認可の取消し又は役員の解任の命令に係る聴聞について準用する。

Article 187 The provisions of Article 158, paragraph (2) shall apply mutatis mutandis to the dispositions under the preceding two Articles and the provisions of Article 159, paragraph (4) shall apply mutatis mutandis to a hearing pertaining to the rescission of permission, license or approval or pertaining to an order to dismiss an officer under the provisions of the preceding Article.

第二節　雑則

Section 2 Miscellaneous Provisions

（取引の決済の結了に関する規定の準用）

(Application mutatis mutandis of provisions concerning completion of settlement of transactions)

第百八十八条　第百十三条（第百十四条において準用する場合を含む。）の規定は、商品清算取引を委託した会員が会員商品取引所から脱退した場合若しくは商品清算取引を委託した取引参加者が株式会社商品取引所の取引資格を喪失した場合又は商品清算取引を委託した会員等の商品市場における取引が停止された場合であつて、かつ、その商品清算取引の決済が結了していない場合における当該商品清算取引について準用する。

Article 188 The provisions of Article 113 (including the cases where it is applied mutatis mutandis pursuant to Article 114) shall apply mutatis mutandis to a Commodity Clearing Transaction in the case where a member who has consigned Commodity Clearing Transactions has withdrawn from a Member Commodity Exchange or where a Trading Participant who has consigned Commodity Clearing Transactions has lost the trading qualification of a Incorporated Commodity Exchange or where Transactions on a Commodity Market by a Member, etc. who has consigned Commodity Clearing Transactions have been suspended, in which case the settlement of such Commodity Clearing Transactions has not been completed.

（政令への委任）

(Delegation to a Cabinet Order)

第百八十九条　第百六十七条から前条までに定めるもののほか、商品取引清算機関等に関し必要な事項は、政令で定める。

Article 189 In addition to what is provided for in Article 167 to the preceding Article, the necessary matters concerning a Commodity Clearing Organization and the like shall be specified by a Cabinet Order.

第四章　商品取引員

Chapter IV Futures Commission Merchant

第一節　許可等

Section 1 License, etc.

（商品取引受託業務の許可）

(License for Commodity Transactions Brokerage Business)

第百九十条　商品取引受託業務は、主務大臣の許可を受けた者でなければ、営んではならない。

Article 190 (1) A Commodity Transactions Brokerage Business may only be conducted by an entity which has obtained a license from the competent minister.

２　前項の許可は、六年ごとにその更新を受けなければ、その期間の経過によつて、その効力を失う。

(2) The license under the preceding paragraph shall cease to be effective as a result of the expiration of the license period unless it is renewed every six years

（許可の条件）

(Licensing conditions)

第百九十一条　前条第一項の許可（同条第二項の許可の更新を含む。以下同じ。）には、条件を付することができる。

Article 191 (1) Conditions may be attached to the licensing under paragraph (1) of the preceding Article (including the renewal of a license under paragraph (2) of the same Article; the same shall apply hereinafter).

２　前項の条件は、商品市場における秩序を維持し、又は委託者を保護するため必要な最小限度のものでなければならない。

(2) The conditions under the preceding paragraph shall be the minimum conditions necessary for maintaining order in Commodity Markets and protecting customers.

（許可の申請）

(Application for a license)

第百九十二条　第百九十条第一項の許可を受けようとする者は、次に掲げる事項を記載した申請書を主務大臣に提出しなければならない。

Article 192 (1) An entity which intends to obtain a license set forth in Article 190, paragraph (1) shall submit a written application stating the following matters to the competent minister:

一　商号

(i) Trade name

二　純資産額

(ii) Amount of net assets

三　本店、支店その他の営業所の名称及び所在地

(iii) Names and locations of head office, branch offices and any other business offices

四　役員の氏名及び住所

(iv) Names and addresses of officers

五　その他主務省令で定める事項

(v) Other matters specified by an ordinance of the competent ministry

２　前項の申請書には、定款、会社の登記事項証明書、貸借対照表、損益計算書その他の主務省令で定める書類を添付しなければならない。

(2) The articles of incorporation, certificate of registered matters of the company, balance sheet, profit and loss statement and other documents specified by an ordinance of the competent ministry shall be attached to the written application under the preceding paragraph.

３　第九十九条第七項の規定は、第一項第二号の純資産額について準用する。

(3) The provisions of Article 99, paragraph (7) shall apply mutatis mutandis to the amount of net assets under paragraph (1), item (ii).

（許可の基準）

(Criteria for licensing)

第百九十三条　主務大臣は、第百九十条第一項の許可の申請が次の各号のいずれにも適合していると認めるときでなければ、同項の許可をしてはならない。

Article 193 (1) A competent minister shall not grant a license under Article 190, paragraph (1) unless he/she finds that an application for a license under the same paragraph conforms to all of the following items:

一　許可申請者が株式会社（外国の法令に準拠して設立された法人については、株式会社と同種類の法人で国内に営業所を有するもの）であること。

(i) The applicant for a license is a stock company (with regard to a juridical person established in accordance with the laws and regulations of a foreign state, it shall be a juridical person of the same type as a stock company which has a business office in Japan).

二　許可申請者がその商品取引受託業務を健全に遂行するに足りる財産的基礎を有し、かつ、その商品取引受託業務の収支の見込みが良好であること。

(ii) The applicant for a license has a sufficient financial basis for the sound performance of its Commodity Transactions Brokerage Business and the outlook for the income and expenditures pertaining to Commodity Transactions Brokerage Business is favorable.

三　許可申請者がその商品取引受託業務を公正かつ的確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とともに、その商品取引受託業務を営むことが委託者の保護に欠けるおそれがないこと。

(iii) The applicant for a license has the knowledge and experience for the fair and appropriate performance of its Commodity Transactions Brokerage Business, has sufficient social credibility and its operation of a Commodity Transactions Brokerage Business is not likely to be lacking in customer protection.

四　許可申請者が第十五条第二項第一号ハからホまで、リ又はヲのいずれかに該当する者でないこと。

(iv) The applicant for a license is not a person who falls under any category of the persons in Article 15, paragraph (2), item (i) (c) to (e) inclusive or (i) or (l).

五　申請書又はこれに添付すべき書類のうちに重要な事項について虚偽の記載がないこと。

(v) The written application or the documents that should be attached thereto includes no false entry regarding an important matter.

２　許可申請者の純資産額が委託者の保護のため必要な額として主務省令で定める額を下回る場合には、前項第二号の規定の適用に当たつては、その者は、その商品取引受託業務を健全に遂行するに足りる財産的基礎を有しないものとする。

(2) If the amount of the net assets of the applicant for a license is below the amount prescribed in an ordinance of the competent ministry as being an amount necessary for protecting customers, such person shall be deemed to lack a sufficient financial basis for the sound performance of its Commodity Transactions Brokerage Business with regard to the application of the provisions of item (ii) of the preceding paragraph.

（処分の手続）

(Procedure of disposition)

第百九十四条　第十五条第五項から第九項までの規定は、第百九十条第一項の許可について準用する。

Article 194 The provisions of Article 15, paragraphs (5) to (9) inclusive shall apply mutatis mutandis to a license under Article 190, paragraph (1).

（届出事項）

(Matters to be notified)

第百九十五条　商品取引員は、次に掲げる場合に該当することとなつたときは、その日から二週間以内に、その旨の届出書を主務大臣に提出しなければならない。

Article 195 (1) When a Futures Commission Merchant has fallen under any of the following cases, the Futures Commission Merchant shall submit a written notification to that effect to the competent minister within two weeks from such day:

一　第百九十二条第一項第一号又は第三号から第五号までに掲げる事項を変更したとき。

(i) When a Futures Commission Merchant has changed any matters set forth in Article 192, paragraph (1), item (i) or items (iii) to (v) inclusive

二　商品取引受託業務を開始し、休止し、又は再開したとき。

(ii) When a Futures Commission Merchant has commenced, suspended or resumed a Commodity Transactions Brokerage Business

三　破産手続開始、再生手続開始又は更生手続開始の申立てを行つたとき。

(iii) When a Futures Commission Merchant has filed a motion for the commencement of bankruptcy proceedings, commencement of rehabilitation proceedings or commencement of reorganization proceedings

四　その他主務省令で定める場合に該当するとき。

(iv) When a Futures Commission Merchant falls under any other cases specified by an ordinance of the competent ministry

２　前項の届出書には、主務省令で定める書類を添付しなければならない。

(2) Documents specified by an ordinance of the competent ministry shall be attached to the written notification under the preceding paragraph.

（兼業業務等の届出）

(Notification of Subsidiary Business, etc.)

第百九十六条　商品取引員は、商品市場における取引の業務及び商品取引受託業務並びにこれらに附帯する業務以外の業務（以下「兼業業務」という。）を営もうとするときは、主務省令で定めるところにより、その旨の届出書を主務大臣に提出しなければならない。その届け出た事項を変更しようとするとき、又はその兼業業務を廃止したときも、同様とする。

Article 196 (1) When a Futures Commission Merchant intends to engage in a business other than the business of Transactions on a Commodity Market, Commodity Transactions Brokerage Business and any other business incidental thereto (such other business shall be hereinafter referred to as a "Subsidiary Business"), the Futures Commission Merchant shall submit a written notification to that effect to the competent minister pursuant to the provisions of an ordinance of the competent ministry. The same shall apply when the Futures Commission Merchant intends to change the notified matters or has abolished such Subsidiary Business.

２　商品取引員は、他の法人に対する支配関係（他の法人に対する関係で、商品取引員がその法人の総株主又は総社員の議決権（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、会社法第八百七十九条第三項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。以下この項において同じ。）の二分の一以上に相当する議決権（社債、株式等の振替に関する法律第百四十七条第一項又は第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。）を有する関係その他その法人の事業活動を実質的に支配することが可能なものとして主務省令で定める関係をいう。）を持つに至つたときは、主務省令で定めるところにより、遅滞なく、その旨の届出書を主務大臣に提出しなければならない。その届け出た事項に変更を生じたとき、又はその支配関係がなくなつたときも、同様とする。

(2) When a Futures Commission Merchant has gained a controlling interest in another juridical person (a relationship with another juridical person where the Futures Commission Merchant holds voting rights [excluding the voting rights of the shares which cannot be exercised for all matters that are subject to a resolution at a general meeting of shareholders and including the voting rights of the shares for which a shareholder is deemed to have voting rights pursuant to the provisions of Article 879, paragraph (3) of the Companies Act; hereinafter the same shall apply in this paragraph] equivalent to at least a half of the voting rights of all shareholders or all members of such juridical person [including the voting rights of the shares which cannot be asserted against the issuer pursuant to the provisions of Article 147, paragraph (1) or Article 148, paragraph (1) of the Act on Transfer of Bonds, Shares, etc.] or any other relationship specified by an ordinance of the competent ministry to be that which allows the Futures Commission Merchant substantially to control the business activities of such juridical person), the Futures Commission Merchant shall submit a written notification to that effect to the competent minister without delay, pursuant to the provisions of an ordinance of the competent ministry. The same shall apply when a change has occurred to the notified matters or when such controlling interest ceases to exist.

３　前二項の場合において、商品取引員が営もうとする兼業業務又は前項に規定する支配関係を持つている法人の業務が商品市場に相当する外国の市場において先物取引に類似する取引を行うことの委託を受け、又はその媒介、取次ぎ若しくは代理を引き受ける業務その他の主務省令で定める業務に該当するものであるときは、主務省令で定めるところにより、当該商品取引員の財産の状況に影響を及ぼすおそれがある当該業務の運営に関する事項を記載した届出書を主務大臣に提出しなければならない。その届け出た事項を変更しようとするとき、又はその届け出た事項に変更が生じたときも、同様とする。

(3) In the cases referred to under the preceding two paragraphs, if the Subsidiary Business which a Futures Commission Merchant intends to engage in or the business of the juridical person over which a Futures Commission Merchant has a controlling interest prescribed in the preceding paragraph is a business of accepting consignment of transactions similar to Futures Transactions on a market of a foreign state which is equivalent to a Commodity Market or acting as an introducing broker, intermediary or agent for such transactions or any other business specified by an ordinance of the competent ministry, the Futures Commission Merchant shall submit to the competent minister a written notification stating any matters concerning the operation of said business which are likely to affect the status of the property of said Futures Commission Merchant, pursuant to the provisions of an ordinance of the competent ministry. The same shall apply when the Futures Commission Merchant intends to change the notified matters or when a change has occurred to the notified matters.

（廃業の届出等）

(Notification of discontinuance of business, etc.)

第百九十七条　商品取引員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、その旨を主務大臣に届け出なければならない。

Article 197 (1) When a Futures Commission Merchant has fallen under any of the following items, the person set forth respectively in those items shall notify the competent minister to that effect within 30 days from such day:

一　商品取引受託業務を廃止したとき。　その商品取引員

(i) When a Futures Commission Merchant has abolished a Commodity Transactions Brokerage Business-The Futures Commission Merchant

二　合併により消滅したとき。　その商品取引員を代表する役員であつた者

(ii) When a Futures Commission Merchant has dissolved as a result of a merger-A person who was an officer representing such Futures Commission Merchant

三　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

(iii) When a Futures Commission Merchant has dissolved by a decision to commence bankruptcy proceedings-The trustee in bankruptcy

四　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

(iv) When a Futures Commission Merchant has dissolved by a reason other than a merger or a decision to commence bankruptcy proceedings-The liquidator

五　分割により商品取引受託業務の全部又は一部を承継させたとき。　その商品取引員

(v) When a Futures Commission Merchant has transferred the whole or a part of the Commodity Transactions Brokerage Business by split-The Futures Commission Merchant

六　商品取引受託業務の全部又は一部を譲渡したとき。　その商品取引員

(vi) When a Futures Commission Merchant has transferred the whole or a part of the Commodity Transactions Brokerage Business through a business transfer-The Futures Commission Merchant

２　商品取引員が前項各号のいずれかに該当することとなつたとき（同項第五号にあつては分割により商品取引受託業務の全部を承継させたとき、同項第六号にあつては商品取引受託業務の全部を譲渡したときに限る。）は、当該商品取引員の第百九十条第一項の許可は、その効力を失う。

(2) If a Futures Commission Merchant had fallen under any of the items of the preceding paragraph (limited to the case where the Futures Commission Merchant has transferred the whole of the Commodity Transactions Brokerage Business through a split with regard to item (v) of the same paragraph and limited to the case where the Futures Commission Merchant has transferred the whole of the Commodity Transactions Brokerage Business through a business transfer with regard to item (vi) of the same paragraph), said Futures Commission Merchant's license under Article 190, paragraph (1) shall cease to be effective.

３　商品取引員は、商品取引受託業務の廃止をし、合併（合併後存続する法人又は合併により設立される法人が商品取引受託業務を営まない場合の当該合併に限る。）をし、又は合併及び破産手続開始の決定以外の理由による解散をしようとするときは、その日の三十日前までに、主務省令で定めるところにより、その旨を公告するとともに、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。

(3) When a Futures Commission Merchant intends to abolish its Commodity Transactions Brokerage Business, implement a merger (limited to a merger where the juridical person surviving a merger or a juridical person established by a merger does not engage in Commodity Transactions Brokerage Business) or dissolve based on a reason other than a merger or a decision to commence bankruptcy proceedings, the Futures Commission Merchant shall, by 30 days prior to that day, give a public notice to that effect and post a notice to that effect in a place easily seen by the public at all of its business offices pursuant to the provisions of an ordinance of the competent ministry.

４　商品取引員は、前項の規定による公告をしたときは、直ちに、その旨を主務大臣に届け出なければならない。

(4) When a Futures Commission Merchant has given a public notice under the preceding paragraph, the Futures Commission Merchant shall immediately notify the competent minister to that effect.

５　商品取引員は、第三項の規定による公告をした場合においては、当該商品取引員が行つた委託者の計算による商品市場における取引を速やかに結了し、かつ、商品取引受託業務に関し委託者から預託を受けた財産及びその計算において自己が占有する財産を遅滞なく返還しなければならない。

(5) When a Futures Commission Merchant has given a public notice under paragraph (3), the Futures Commission Merchant shall promptly complete the Transactions on a Commodity Market which it has carried out based on the customer's account and return the property deposited by the customer with regard to the Commodity Transactions Brokerage Business and the property which the Futures Commission Merchant possesses based on such customer's account without delay.

第二節　業務

Section 2 Business

（標識の掲示）

(Posting of a sign)

第百九十八条　商品取引員は、営業所ごとにその見やすい箇所に、主務省令で定める標識を掲げなければならない。

Article 198 (1) A Futures Commission Merchant shall post a sign specified by an ordinance of the competent ministry in a conspicuous place at each business office.

２　商品取引員以外の者は、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 Futures Commission Merchant shall post a sign as prescribed under the preceding paragraph or a sign similar thereto.

（名義貸しの禁止）

(Prohibition of name lending)

第百九十九条　商品取引員は、自己の名義をもつて、他人に商品取引受託業務を営ませてはならない。

Article 199 A Futures Commission Merchant shall not have another person engage in Commodity Transactions Brokerage Business under the name of said Futures Commission Merchant.

（外務員の登録）

(Registration of Sales Representative)

第二百条　商品取引員は、その役員又は使用人であつて、その商品取引員のために商品市場における取引等（商品清算取引を除く。以下この章において同じ。）の受託又は委託の勧誘を行うもの（以下「外務員」という。）について、主務大臣の行う登録を受けなければならない。

Article 200 (1) A Futures Commission Merchant shall receive a registration from the competent minister with regard to any person who is one of its officers or employees and who undertakes brokerage of or solicits the consignment of Transactions on a Commodity Market, etc. (excluding Commodity Clearing Transactions; hereinafter the same shall apply in this Chapter) for such Futures Commission Merchant (such person shall be hereinafter referred to as a "Sales Representative").

２　商品取引員は、前項の規定による登録に係る外務員（以下「登録外務員」という。）以外の者に外務員の職務を行わせてはならない。

(2) A Futures Commission Merchant shall not have a person other than a Sales Representative pertaining to the registration under the preceding paragraph (hereinafter referred to as a "Registered Sales Representative") perform the duties of a Sales Representative.

３　第一項の規定により登録を受けようとする商品取引員は、次に掲げる事項を記載した申請書を主務大臣に提出しなければならない。

(3) A Futures Commission Merchant who intends to receive a registration pursuant to the provisions of paragraph (1) shall submit a written application stating the following matters to the competent minister:

一　登録申請者の商号及びその代表者の氏名

(i) Trade name of the applicant for registration and the name of its representative

二　登録の申請に係る外務員についての次に掲げる事項

(ii) The following matters with regard to the Sales Representative pertaining to the application for registration:

イ　氏名、生年月日及び住所

(a) Name, date of birth and address

ロ　所属する営業所の名称

(b) Name of the business office to which he/she belongs

ハ　役員又は使用人の別

(c) Whether he/she is an officer or an employee

ニ　外務員の職務を行つたことの有無並びに外務員の職務を行つたことのある者については、その所属していた商品取引員及び営業所の商号及び名称並びにその行つた期間

(d) Whether or not he/she has performed the duties of a Sales Representative previously, and if he/she has, the trade name of the Futures Commission Merchant and the name of the business office to which he/she had belonged and the period during which he/she had performed such duties

４　前項の申請書には、登録を受けようとする外務員に係る履歴書その他主務省令で定める書類を添付しなければならない。

(4) A curriculum vitae of the Sales Representative who is to be registered and the other documents specified by an ordinance of the competent ministry shall be attached to the written application under the preceding paragraph.

５　主務大臣は、第三項の規定による登録の申請があつた場合においては、次条第一項の規定に該当する場合を除くほか、直ちに氏名、生年月日その他主務省令で定める事項を登録原簿に登録しなければならない。

(5) Where an application for registration under paragraph (3) has been filed, the competent minister shall immediately register the name, the date of birth and other matters specified by an ordinance of the competent ministry in the registry except in a case that falls under paragraph (1) of the following Article.

６　主務大臣は、前項の規定による登録をした場合においては、遅滞なく、書面をもつて、その旨を登録申請者に通知しなければならない。

(6) When the competent minister has made a registration under the preceding paragraph, he/she shall notify the applicant for registration to that effect in writing without delay.

７　第一項の登録は、六年ごとにその更新を受けなければ、その期間の経過によつて、その効力を失う。

(7) The registration under paragraph (1) shall cease to be effective as a result of the expiration of the registration period unless it is renewed every six years.

（外務員の登録の拒否）

(Refusal of registration of a Sales Representative)

第二百一条　主務大臣は、登録の申請に係る外務員が次の各号のいずれかに該当するとき、又は申請書若しくはこれに添付すべき書類のうちに重要な事項について虚偽の記載があり、若しくは重要な事実の記載が欠けているときは、その登録を拒否しなければならない。

Article 201 (1) If the Sales Representative pertaining to an application for registration falls under any of the following items or if the written application or the documents that should be attached thereto includes a false entry regarding an important matter or withholds an important fact, the competent minister shall refuse the registration:

一　第十五条第二項第一号イからルまでのいずれかに該当する者

(i) A person who falls under any category of the persons in Article 15, paragraph (2), item (i) (a) to (k) inclusive

二　第二百四条第一項の規定により外務員の登録を取り消され、その取消しの日から五年を経過するまでの者

(ii) A person whose registration as a Sales Representative has been rescinded pursuant to the provisions of Article 204, paragraph (1) and where five years have not elapsed from the day of such rescission

三　登録申請者以外の商品取引員に属する外務員として登録されている者

(iii) A person who is registered as a Sales Representative belonging to a Futures Commission Merchant other than the applicant for registration

２　第十五条第五項から第九項までの規定は、前項の規定による登録の拒否について準用する。

(2) The provisions of Article 15, paragraphs (5) to (9) inclusive shall apply mutatis mutandis to a refusal of registration under the preceding paragraph.

（外務員の権限）

(Authority of a Sales Representative)

第二百二条　外務員は、その所属する商品取引員に代わつて、商品市場における取引等の受託又は委託の勧誘に関し、一切の裁判外の行為を行う権限を有するものとみなす。ただし、相手方が悪意であつたときは、この限りでない。

Article 202 A Sales Representative shall be deemed to have the authority to perform any extra-judicial acts concerning undertaking of brokerage of or solicitation of the consignment of Transactions on a Commodity Market, etc. on behalf of the Futures Commission Merchant to which he/she belongs; provided, however, that this shall not apply when the counterparty knew of such authority.

（外務員についての届出）

(Notification with regard to a Sales Representative)

第二百三条　商品取引員は、登録外務員について、次の各号のいずれかに該当する事実が生じたときは、遅滞なく、その旨を主務大臣に届け出なければならない。

Article 203 When any of the following circumstances has occurred with regard to a Registered Sales Representative, a Futures Commission Merchant shall notify the competent minister to that effect without delay:

一　第二百条第三項第二号イからハまでに掲げる事項に変更があつたとき。

(i) When there was a change to the matters set forth in Article 200, paragraph (3), item (ii) (a) to (c) inclusive

二　第十五条第二項第一号イからルまで（同号ニからリまでについては、この法律に相当する外国の法令の規定又は商品取引所に相当する外国の施設に係る部分に限る。）のいずれかに該当することとなつたとき。

(ii) When a Registered Sales Representative has fallen under any category of the persons in Article 15, paragraph (2), item (i) (a) to (k) inclusive (with regard to (d) to (i) inclusive of the same item, limited to the part pertaining to the provisions of the laws and regulations of a foreign state equivalent to this Act or to a facility of a foreign state equivalent to a Commodity Exchange)

三　退職その他の理由により外務員の職務を行わないこととなつたとき。

(iii) When a Registered Sales Representative no longer performs the duties of a Sales Representative due to retirement or other reasons

（外務員の登録の取消し等）

(Rescission of registration of a Sales Representative, etc.)

第二百四条　主務大臣は、登録外務員について、その登録が不正の手段によりなされたことを発見したとき、又は登録外務員が次の各号のいずれかに該当するときは、当該登録を取り消し、又は当該登録外務員に対し、二年以内の期間を定めてその職務の停止を命ずることができる。

Article 204 (1) If the competent minister discovers that a Registered Sales Representative has been registered by wrongful means or if a Registered Sales Representative falls under any of the following items, he/she may rescind said registration or order said Registered Sales Representative to be suspended from its duties for a fixed period not exceeding two years:

一　第十五条第二項第一号イからルまで（同号ニについては、第三百三十二条第一項及び第三百四十二条第一項の許可の取消しに係る部分並びにこの法律に相当する外国の法令の規定に係る部分に限る。）のいずれかに該当することとなつたとき。

(i) When a Registered Sales Representative has fallen under any category of the persons in Article 15, paragraph (2), item (i) (a) to (k) inclusive (with regard to (d) of the same item, limited to the part pertaining to the rescission of a permission under Article 332, paragraph (1) and Article 342, paragraph (1) and the part pertaining to the provisions of the laws and regulations of a foreign state equivalent to this Act)

二　法令に違反したとき、その他外務員の職務に関して著しく不適当な行為をしたと認められるとき。

(ii) When a Registered Sales Representative has violated laws and regulations or when he/she was found to have committed an extremely inappropriate act concerning the duties of Sales Representative

２　主務大臣は、前項の規定に基づいて処分をすることとしたときは、書面により、その旨を当該外務員について登録を受けた商品取引員に通知しなければならない。

(2) When the competent minister has decided to render a disposition based on the preceding paragraph, he/she shall notify the Futures Commission Merchant which has received a registration for said Sales Representative to that effect in writing.

３　第百五十八条第二項の規定は第一項の規定による処分について、第百五十九条第四項の規定は第一項の規定による登録の取消しに係る聴聞について準用する。

(3) The provisions of Article 158, paragraph (2) shall apply mutatis mutandis to a disposition under paragraph (1) and the provisions of Article 159, paragraph (4) shall apply mutatis mutandis to a hearing pertaining to the rescission of registration under paragraph (1).

（外務員の登録の抹消）

(Deletion of registration of a Sales Representative)

第二百五条　主務大臣は、次に掲げる場合においては、登録原簿につき、外務員に関する登録を抹消する。

Article 205 The competent minister shall delete the registration with regard to a Sales Representative in the register in the following cases:

一　前条第一項の規定により外務員の登録を取り消したとき。

(i) When he/she has rescinded registration of a Sales Representative pursuant to the provisions of paragraph (1) of the preceding Article

二　外務員の所属する商品取引員が解散し、又は商品取引受託業務を廃止したとき。

(ii) When the Futures Commission Merchant to which a Sales Representative belongs has dissolved or abolished its Commodity Transactions Brokerage Business

三　退職その他の理由により外務員の職務を行わないこととなつた事実が確認されたとき。

(iii) When it was confirmed that a Sales Representative will no longer perform the duties of Sales Representative due to retirement or other reasons

（商品先物取引協会による外務員の登録事務）

(Registration Affairs concerning a Sales Representative by a commodity futures association)

第二百六条　主務大臣は、主務省令で定めるところにより、第二百四十一条第一項に規定する商品先物取引協会（以下この条から第二百八条まで及び第二百三十九条において「協会」という。）に、第二百条、第二百一条及び前三条に規定する登録に関する事務であつて当該協会に所属する商品取引員の外務員に係るもの（以下この条及び第二百八条において「登録事務」という。）を行わせることができる。

Article 206 (1) The competent minister may have a commodity futures association prescribed in Article 241, paragraph (1) (hereinafter referred to as an "Association" in this Article to Article 208 inclusive and Article 239) process affairs related to registration prescribed in Article 200, Article 201 and the preceding three Articles pertaining to a Sales Representative of a Futures Commission Merchant which belongs to said Association (hereinafter referred to as "Registration Affairs" in this Article and Article 208) pursuant to the provisions of an ordinance of the competent ministry.

２　主務大臣は、前項の規定により協会に登録事務を行わせることとしたときは、当該登録事務を行わないものとする。

(2) When the competent minister has decided to have an Association process Registration Affairs pursuant to the provisions of the preceding paragraph, he/she shall not process said Registration Affairs.

３　協会は、第一項の規定により登録事務を行うこととしたときは、その定款において外務員の登録に関する事項を定め、主務大臣の認可を受けなければならない。

(3) When an Association is to process Registration Affairs pursuant to the provisions of paragraph (1), it shall stipulate the matters concerning the registration of Sales Representatives in its articles of incorporation and obtain the approval of the competent minister.

４　第一項の規定により登録事務を行う協会は、第二百条第五項の規定による登録、第二百三条の規定による届出に係る登録の変更、第二百四条第一項の規定による処分（登録の取消しを除く。）又は前条の規定による登録の抹消をした場合には、主務省令で定めるところにより、その旨を主務大臣に届け出なければならない。

(4) When an Association which processes Registration Affairs pursuant to the provisions of paragraph (1) makes a registration under Article 200, paragraph (5), makes a change to a registration pertaining to notification under Article 203, makes a disposition under Article 204, paragraph (1) (excluding rescission of registration) or makes a deletion of a registration under the preceding Article, it shall notify the competent minister to that effect pursuant to the provisions of an ordinance of the competent ministry.

５　主務大臣は、第一項の規定により登録事務を行う協会に所属する商品取引員の登録外務員が第二百四条第一項第一号又は第二号に該当するにもかかわらず、当該協会が同項に規定する措置をしない場合において、商品市場における秩序を維持し、又は委託者を保護するため必要かつ適当であると認めるときは、同項に規定する措置をすることを命ずることができる。

(5) When an Association which processes Registration Affairs pursuant to the provisions of paragraph (1) fails to take a measure under Article 204, paragraph (1) regardless of the fact that that a Registered Sales Representative of a Futures Commission Merchant which belongs to said Association falls under item (i) or item (ii) of the same paragraph, if the competent minister finds it necessary and appropriate for maintaining order on the Commodity Market or for protecting customers, he/she may order the Association to take such measure under the same paragraph.

６　第百五十八条第二項の規定は、前項の規定による命令について準用する。

(6) The provisions of Article 158, paragraph (2) shall apply mutatis mutandis to an order under the preceding paragraph.

（登録手数料の納付）

(Payment of a registration fee)

第二百七条　外務員の登録を受けようとする商品取引員は、政令で定めるところにより、登録手数料を国（前条第一項の規定により協会に登録する場合にあつては、協会）に納めなければならない。

Article 207 (1) A Futures Commission Merchant which intends to be registered as a Sales Representative shall pay a registration fee to the State (or, the Association in the case of registering with an Association pursuant to the provisions of paragraph (1) of the preceding Article) pursuant to the provisions of a Cabinet Order.

２　前項の登録手数料で協会に納められたものは、当該協会の収入とする。

(2) A registration fee under the preceding paragraph which has been paid to an Association shall be treated as income of said Association.

（審査請求）

(Request for review)

第二百八条　第二百六条第一項の規定により登録事務を行う協会の第二百条第三項の規定による登録の申請に係る不作為、第二百一条第一項の規定による登録の拒否又は第二百四条第一項の規定による処分について不服がある商品取引員は、主務大臣に対し、行政不服審査法による審査請求をすることができる。

Article 208 A Futures Commission Merchant which is dissatisfied with any inaction pertaining to an application for registration under Article 200, paragraph (3), a refusal of registration under Article 201, paragraph (1) or a disposition under Article 204, paragraph (1) by an Association which processes Registration Affairs pursuant to the provisions of Article 206, paragraph (1) may request the competent minister for a review under the Administrative Appeal Act.

（商品取引員が占有する商品等の処分の制限）

(Restriction on disposition of Commodities, etc. possessed by a Futures Commission Merchant)

第二百九条　商品取引員は、委託者から預託を受けて、又はその者の計算において自己が占有する物をその者の書面による同意を得ないで、委託の趣旨に反して、担保に供し、貸し付け、その他処分してはならない。

Article 209 A Futures Commission Merchant shall not, contrary to the purpose of the consignment, use as collateral, lend or otherwise dispose of any articles which the Futures Commission Merchant has in its possession on deposit by a customer or in such person's account, without gaining the consent of such person in writing.

（受託に係る財産の分離保管等）

(Segregation of property pertaining to brokerage, etc.)

第二百十条　商品取引員は、商品取引受託業務により生じた債務の弁済を確保するため、商品市場における取引につき、委託者から預託を受けた金銭、有価証券その他の物及び委託者の計算に属する金銭、有価証券その他の物（主務省令で定めるものを除く。第三百四条、第三百六条第一項及び第三百十一条第一項において「委託者資産」という。）の価額に相当する財産（第二百六十九条第三項第三号及び第三百九条において「保全対象財産」という。）については、その保全のため、商品取引員のその他の財産から分離して信託会社等に信託すること、委託者保護基金（第二百九十六条に規定する委託者保護基金をいう。）に預託することその他の主務省令で定める措置を講じなければならない。

Article 210 With regard to any property equivalent to the value of any money, Securities or other articles which have been deposited by a customer in association with Transactions on a Commodity Market for securing payment of liabilities arising from a Commodity Transactions Brokerage Business and any money, Securities or other articles in a customer's account (excluding those specified by an ordinance of the competent ministry; such money, Securities or other articles shall be referred to as "Customer Assets" in Article 304, Article 306, paragraph (1) and Article 311, paragraph (1)) (such property shall be referred to as "Property Subject to Preservation" in Article 269, paragraph (3), item (iii) and Article 309), a Futures Commission Merchant shall deposit such property with a Trust Company, etc. or deposit such property with a Consumer Protection Fund (which means a Consumer Protection Fund prescribed in Article 296) separately from the other property of the Futures Commission Merchant or take any other measures specified by an ordinance of the competent ministry, in order to preserve such property.

（純資産額規制比率）

(Net Assets Regulation Ratio)

第二百十一条　商品取引員は、純資産額の、その商品市場において行う取引につき生ずる相場の変動その他の理由により発生し得る危険に対応する額として主務省令で定めるところにより算定した額に対する比率（以下「純資産額規制比率」という。）を算出し、毎月末及び主務省令で定める場合に、主務大臣に届け出なければならない。

Article 211 (1) A Futures Commission Merchant shall compute the ratio of the amount of net assets to an amount calculated pursuant to the provisions of an ordinance of the competent ministry as being an amount to cover any potential risks arising from transactions carried out on a Commodity Market associated with the fluctuation of quotations and any other factors (hereinafter referred to as the "Net Assets Regulation Ratio") and notify such ratio to the competent minister at the end of every month and at any other time specified by an ordinance of the competent ministry.

２　商品取引員は、純資産額規制比率が百二十パーセントを下回ることのないようにしなければならない。

(2) A Futures Commission Merchant shall ensure that its Net Assets Regulation Ratio does not fall below 120 percent.

３　商品取引員は、毎年三月、六月、九月及び十二月の末日における純資産額規制比率を記載した書面を作成し、当該末日から一月を経過した日から三月間、すべての営業所に備えて置き、公衆の縦覧に供しなければならない。

(3) A Futures Commission Merchant shall draw up a document stating its Net Assets Regulation Ratio as of the final days of March, June, September and December every year and keep copies of such document at all of its business offices and make them available for public inspection for three months from the day one month after such final days.

４　第九十九条第七項の規定は、第一項の純資産額について準用する。

(4) The provisions of Article 99, paragraph (7) shall apply mutatis mutandis to the amount of net assets under paragraph (1).

（のみ行為の禁止）

(Prohibition of trading against)

第二百十二条　商品取引員は、商品市場における取引等の委託を受けたときは、その委託に係る商品市場における取引等をしないで、自己がその相手方となつて取引を成立させてはならない。

Article 212 When a Futures Commission Merchant accepts consignment of a Transaction on a Commodity Market, etc., it shall not close a transaction by becoming the counterparty itself instead of carrying out such Transaction on a Commodity Market, etc. pertaining to such consignment.

（誠実かつ公正の原則）

(Principle of honesty and fairness)

第二百十三条　商品取引員並びにその役員及び使用人は、顧客に対して誠実かつ公正に、その業務を遂行しなければならない。

Article 213 A Futures Commission Merchant and its officers and employees shall execute the business of the Futures Commission Merchant with honesty and fairness with regard to existing and potential customers.

（広告等の規制）

(Restriction of advertising etc.)

第二百十三条の二　商品取引員は、その行う商品取引受託業務の内容について広告その他これに類似するものとして主務省令で定める行為をするときは、主務省令で定めるところにより、次に掲げる事項を表示しなければならない。

Article 213-2 (1) A Futures Commission Merchant shall, when advertising the contents of its Commodity Transactions Brokerage Business or conducting any similar acts specified by an ordinance of the competent ministry, indicate the following matters pursuant to the provisions of an ordinance of the competent ministry:

一　当該商品取引員の商号

(i) The trade name of said Futures Commission Merchant

二　商品取引員である旨

(ii) The fact that said Futures Commission Merchant is a Futures Commission Merchant

三　商品取引受託業務の内容に関する事項であって、顧客の判断に影響を及ぼすこととなる重要なものとして政令で定めるもの

(iii) The matters concerning the contents of the Commodity Transactions Brokerage Business, which are specified by a Cabinet Order as important matters that may have an impact on customers' judgment

２　商品取引員は、その行う商品取引受託業務に関して広告その他これに類似するものとして主務省令で定める行為をするときは、商品市場における取引等を行うことによる利益の見込みその他主務省令で定める事項について、著しく事実に相違する表示をし、又は著しく人を誤認させるような表示をしてはならない。

(2) A Futures Commission Merchant, when advertising the contents of its Commodity Transactions Brokerage Business or conducting any similar acts specified by an ordinance of the competent ministry, shall not make an indication that is significantly contradictory to the facts or seriously misleading with regard to the outlook of profits from conducting a Transaction on a Commodity Market, etc. and other matters specified by an ordinance of the competent ministry.

（不当な勧誘等の禁止）

(Prohibition of unjust solicitation, etc.)

第二百十四条　商品取引員は、次に掲げる行為をしてはならない。

Article 214 A Futures Commission Merchant shall not commit any of the following acts:

一　商品市場における取引等につき、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てその委託を勧誘すること。

(i) Soliciting the consignment of a Transaction on a Commodity Market, etc. from a customer by providing him/her with conclusive evaluations on uncertain matters or with information that misleads him/her into believing the certainty of such matters with regard to the Transaction on a Commodity Market, etc.

二　商品市場における取引等の受託を内容とする契約（第二百十五条、第二百十七条から第二百十九条まで、第二百二十条の三及び第三百六十九条第五号において「受託契約」という。）の締結又はその勧誘に関して、顧客に対し虚偽のことを告げること。

(ii) Providing a customer with false information concerning the conclusion of a contract on brokerage of a Transaction on a Commodity Market, etc. (referred to as a "Brokerage Contract" in Article 215, Articles 217 to 219 inclusive, Article 220-3 and Article 369, item (v)) or solicitation thereof

三　商品市場における取引等につき、数量、対価の額又は約定価格等その他の主務省令で定める事項についての顧客の指示を受けないでその委託を受けること（委託者の保護に欠け、又は取引の公正を害するおそれのないものとして主務省令で定めるものを除く。）。

(iii) Accepting the consignment of a Transaction on a Commodity Market, etc. without receiving instructions from the customer with regard to the volume, the amount of consideration or the Contract Price, etc. or any other matters specified by an ordinance of the competent ministry (excluding those specified by an ordinance of the competent ministry to be matters that are not lacking in protecting the customer or that are not likely to harm the fairness of transactions)

四　商品市場における取引につき、顧客から第二条第八項第一号に掲げる取引の委託を受け、その委託に係る取引の申込みの前に自己の計算においてその委託に係る商品市場における当該委託に係る取引と同一の取引を成立させることを目的として、当該委託に係る取引における対価の額より有利な対価の額（買付けについては当該委託に係る対価の額より低い対価の額を、売付けについては当該委託に係る対価の額より高い対価の額をいう。）で同号に掲げる取引をすること。

(iv) Accepting the consignment of a transaction set forth in Article 2, paragraph (6), item (i) with regard to a Transaction on a Commodity Market from a customer and carrying out a transaction set forth in the same item at an amount of a consideration which is more advantageous than the amount of a consideration for the transaction pertaining to said consignment (which means an amount of a consideration lower than that pertaining to said consignment in the case of buying and an amount of a consideration higher than that pertaining to said consignment in the case of selling) in order to close a transaction identical to the transaction pertaining to said consignment on the Commodity Market pertaining to said consignment based on the Futures Commission Merchant's own account prior to filing an application for the transaction pertaining to said consignment

五　商品市場における取引等につき、その委託を行わない旨の意思（その委託の勧誘を受けることを希望しない旨の意思を含む。）を表示した顧客に対し、その委託を勧誘すること。

(v) Soliciting the consignment of a Transaction on a Commodity Market, etc. from a customer who has manifested his/her intention not to make such consignment (including an intention of not wishing to receive solicitation for such consignment)

六　商品市場における取引等につき、顧客に対し、迷惑を覚えさせるような仕方でその委託を勧誘すること。

(vi) Soliciting the consignment of a Transaction on a Commodity Market, etc. from a customer in a manner that would annoy such customer

七　商品市場における取引等につき、その勧誘に先立つて、顧客に対し、自己の商号及び商品市場における取引等の勧誘である旨を告げた上でその勧誘を受ける意思の有無を確認することをしないで勧誘すること。

(vii) Carrying out solicitation with regard to Transactions on a Commodity Market, etc. without confirming in advance whether or not a customer has any desire to receive such solicitation after telling such customer the trade name of the Futures Commodity Merchant and the fact that it is a solicitation for Transactions on a Commodity Market, etc.

八　商品市場における取引等につき、顧客に対し、特定の上場商品構成物品等の売付け又は買付けその他これに準ずる取引とこれらの取引と対当する取引（これらの取引から生じ得る損失を減少させる取引をいう。）の数量及び期限を同一にすることを勧めること。

(viii) Recommending a customer, with regard to Transactions on a Commodity Market, etc., to make identical the volumes and maturity of certain buying and selling of Listed Commodity Component Products, etc. and equivalent transactions and the volumes and maturity of transactions corresponding to these transactions (which means transactions that would reduce the losses arising from these transactions)

九　前各号に掲げるもののほか、商品市場における取引等又はその受託に関する行為であつて、委託者の保護に欠け、又は取引の公正を害するものとして主務省令で定めるもの

(ix) In addition to what is provided for in the preceding items, acts concerning Transactions on a Commodity Market, etc. or brokerage thereof which are specified by an ordinance of the competent ministry as acts that do not protect customers or that harm the fairness of transactions

（損失補てん等の禁止）

(Prohibition of Compensation of Loss, etc.)

第二百十四条の二　商品取引員は、次に掲げる行為をしてはならない。

Article 214-2 (1) A Futures Commission Merchant shall not conduct any of the following acts:

一　商品市場における取引等につき、当該商品市場における取引等について顧客（信託会社等が、信託契約に基づいて信託をする者の計算において、商品市場における取引等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。）に損失が生ずることとなり、又はあらかじめ定めた額の利益が生じないこととなつた場合には自己又は第三者がその全部又は一部を補てんし、又は補足するため当該顧客又は第三者に財産上の利益を提供する旨を、当該顧客又はその指定した者に対し、申し込み、若しくは約束し、又は第三者に申し込ませ、若しくは約束させる行為

(i) Act of making an offer or promise or having a third party make an offer or promise to a customer or any person designated by a customer, with regard to Transactions on a Commodity Market, etc., to the effect that if the customer (in cases where a Trust Company, etc. conducts Transactions on a Commodity Market, etc. 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) incurs any loss or shortfall in the predetermined amount of profit from the relevant Transactions on a Commodity Market, etc., said Futures Commission Merchant or said third party will provide property benefit to the customer or a third party in order to compensate or make up for the whole or part of such loss or shortfall

二　商品市場における取引等につき、自己又は第三者が当該商品市場における取引等について生じた顧客の損失の全部若しくは一部を補てんし、又はこれらについて生じた顧客の利益に追加するため当該顧客又は第三者に財産上の利益を提供する旨を、当該顧客又はその指定した者に対し、申し込み、若しくは約束し、又は第三者に申し込ませ、若しくは約束させる行為

(ii) Act of making an offer or promise or having a third party make an offer or promise to a customer or any person designated by a customer, with regard to Transactions on a Commodity Market, etc., to the effect that said Futures Commission Merchant or said third party will provide property benefit to the customer or a third party in order to compensate for the whole or part of a loss incurred by the customer as a result of said Transactions on a Commodity Market, etc. or make an addition to the profit accrued to the customer as a result of said Transactions on a Commodity Market, etc.

三　商品市場における取引等につき、当該商品市場における取引等について生じた顧客の損失の全部若しくは一部を補てんし、又はこれらについて生じた顧客の利益に追加するため、当該顧客又は第三者に対し、財産上の利益を提供し、又は第三者に提供させる行為

(iii) Act of providing or having a third party provide property benefit to a customer or a third party, with regard to Transactions on a Commodity Market, etc., in order to compensate for the whole or part of a loss incurred by the customer as a result of said Transactions on a Commodity Market, etc. or make an addition to the profit accrued to the customer as a result of said Transactions on a Commodity Market, etc.

２　商品取引員の顧客は、次に掲げる行為をしてはならない。

(2) A customer of a Futures Commission Merchant shall not conduct any of the following acts:

一　商品市場における取引等につき、商品取引員又は第三者との間で、前項第一号の約束をし、又は第三者に当該約束をさせる行為（当該約束が自己がし、又は第三者にさせた要求による場合に限る。）

(i) Act of gaining the promise set forth in item (i) of the preceding paragraph from a Futures Commission Merchant or a third party with regard to Transactions on a Commodity Market, etc. or having a third party gain such promise (limited to cases where such promise is gained as a result of the request made by the customer him/herself or via a third party)

二　商品市場における取引等につき、商品取引員又は第三者との間で、前項第二号の約束をし、又は第三者に当該約束をさせる行為（当該約束が自己がし、又は第三者にさせた要求による場合に限る。）

(ii) Act of gaining the promise set forth in item (ii) of the preceding paragraph from a Futures Commission Merchant or a third party with regard to Transactions on a Commodity Market, etc. or having a third party gain such promise (limited to cases where such promise is gained as a result of the request made by the customer him/herself or via a third party)

三　商品市場における取引等につき、商品取引員又は第三者から、前項第三号の提供に係る財産上の利益を受け、又は第三者に当該財産上の利益を受けさせる行為（前二号の約束による場合であつて当該約束が自己がし、又は第三者にさせた要求によるとき及び当該財産上の利益の提供が自己がし、又は第三者にさせた要求による場合に限る。）

(iii) Act of receiving property benefit provided under item (iii) of the preceding paragraph from a Futures Commission Merchant or a third party with regard to Transactions on a Commodity Market, etc. or having a third party receive such property benefit (limited to cases where such act is conducted based on the promise set forth in either of the preceding two items that is gained as a result of the request made by the customer him/herself or via a third party, or where such provision of property benefit is conducted as a result of the request made by the customer him/herself or via a third party)

３　第一項の規定は、同項各号の申込み、約束又は提供が事故（第二百二十一条第二項の主務省令で定める事故をいう。以下この項及び次項において同じ。）による損失の全部又は一部を補てんするために行うものである場合については、適用しない。ただし、第一項第二号の申込み又は約束及び同項第三号の提供にあつては、その補てんに係る損失が事故に起因するものであることにつき、当該商品取引員があらかじめ主務大臣の確認を受けている場合その他主務省令で定める場合に限る。

(3) The provisions of paragraph (1) shall not apply where the application, promise or provision prescribed in the respective items of the same paragraph is made or conducted in order to compensate in whole or in part for a loss incurred as a result of a Problematic Conduct (which means the problematic conduct specified by an ordinance of the competent ministry as set forth in Article 221, paragraph (2); hereinafter the same shall apply in this paragraph and the following paragraph); provided, however, that with regard to the offer or promise made under paragraph (1), item (ii) or the provision of property benefit under item (iii) of the same paragraph, this provision shall only apply in cases where said Futures Commission Merchant has obtained confirmation from the competent minister in advance to the effect that the loss to be compensated for was incurred as a result of a Problematic Conduct or in other cases specified by an ordinance of the competent ministry.

４　第二項の規定は、同項第一号又は第二号の約束が事故による損失の全部又は一部を補てんする旨のものである場合及び同項第三号の財産上の利益が事故による損失の全部又は一部を補てんするため提供されたものである場合については、適用しない。

(4) The provisions of paragraph (2) shall not apply where the promise set forth in item (i) or (ii) of the same paragraph is made in order to compensate in whole or in part for a loss incurred as a result of an Problematic Conduct or where the provision of property benefit set forth in item (iii) of the same paragraph is conducted in order to compensate for the whole or part of a loss incurred as a result of a Problematic Conduct.

５　第三項ただし書の確認を受けようとする者は、主務省令で定めるところにより、その確認を受けようとする事実その他の主務省令で定める事項を記載した申請書に当該事実を証するために必要な書類として主務省令で定めるものを添えて主務大臣に提出しなければならない。

(5) A person who intends to obtain the confirmation prescribed in the proviso to paragraph (3) shall, pursuant to the provisions of an ordinance of the competent ministry, submit to the competent minister a written application stating the fact for which confirmation is sought and other matters specified by an ordinance of the competent ministry, with a document specified by an ordinance of the competent ministry as a necessary document for proving such fact attached thereto.

（適合性の原則）

(Principle of suitability)

第二百十五条　商品取引員は、顧客の知識、経験、財産の状況及び受託契約を締結する目的に照らして不適当と認められる勧誘を行つて委託者の保護に欠け、又は欠けることとなるおそれがないように、商品取引受託業務を営まなければならない。

Article 215 A Futures Commission Merchant shall engage in a Commodity Transactions Brokerage Business in such a manner that it does not fail to protect customers by carrying out solicitation which is found to be inappropriate in light of the customers' knowledge and experience or the status of their property or for the purpose of concluding a Brokerage Contract or risk failing to protect such customers.

（受託契約準則への準拠）

(Conformance to brokerage contract rules)

第二百十六条　商品取引員は、商品市場における取引等の受託については、商品取引所の定める受託契約準則によらなければならない。

Article 216 A Futures Commission Merchant shall broker Transactions on a Commodity Market, etc. in accordance with the brokerage contract rules stipulated by a Commodity Exchange.

（受託契約の締結前の書面の交付）

(Delivery of a document prior to conclusion of a Brokerage Contract)

第二百十七条　商品取引員は、受託契約を締結しようとするときは、主務省令で定めるところにより、あらかじめ、顧客に対し次に掲げる事項を記載した書面を交付しなければならない。

Article 217 (1) When a Futures Commission Merchant intends to conclude a Brokerage Contract, the Futures Commission Merchant shall deliver a document stating the following matters to the customer in advance, pursuant to the provisions of an ordinance of the competent ministry:

一　当該受託契約に基づく取引（第二条第八項第四号に掲げる取引にあつては、同号の権利を行使することにより成立する同号イからハまでに掲げる取引）の額（当該受託契約に係る上場商品構成物品又は上場商品指数に係る商品指数ごとに商品取引所の定める取引単位当たりの価額に、当該受託契約に基づく取引の数量を乗じて得た額をいう。）が、当該取引について顧客が預託すべき取引証拠金、委託証拠金、取次証拠金又は清算取次証拠金（次号及び第二百二十条の二第一項において「取引証拠金等」という。）の額に比して著しく大きい旨

(i) The fact that the amount of the transaction based on said Brokerage Contract (in the case of a transactions set forth in Article 2, paragraph (8), item (iv), it shall be any transaction set forth in (a) to (c) inclusive of the same item which is closed by exercising the right under the same item) (such amount means an amount obtained by multiplying the value per transaction unit specified by the Commodity Exchange for each of the Listed Commodity Component Products or each Commodity Index pertaining to the Listed Commodity Index pertaining to said Brokerage Contract by the volume of transaction based on said Brokerage Contract) is extremely high in comparison to the amount of the clearing margin, customer margin, intermediation margin or clearing intermediation margin (referred to as the "Clearing Margin, etc." in the following item and Article 220-2, paragraph (1)) to be deposited by the customer for said transaction

二　商品市場における相場の変動により当該受託契約に基づく取引について当該顧客に損失が生ずることとなるおそれがあり、かつ、当該損失の額が取引証拠金等の額を上回ることとなるおそれがある旨

(ii) The fact that there is a risk of said customer incurring a loss with regard to the transaction based on said Brokerage Contract due to fluctuation in the quotations on the Commodity Market and the risk that the amount of such loss could exceed the amount of the Clearing Margin, etc.

三　前二号に掲げるもののほか、当該受託契約に関する事項であつて、顧客の判断に影響を及ぼすこととなる重要なものとして政令で定めるもの

(iii) In addition to what is provided for in the preceding two items, matters concerning said Brokerage Contract which are specified by a Cabinet Order as important matters that may have an impact on customers' judgment

四　前三号に掲げるもののほか、当該受託契約の概要その他の主務省令で定める事項

(iv) In addition to what is provided for in the preceding three items, the outline of said Brokerage Contract and other matters specified by an ordinance of the competent ministry

２　商品取引員は、前項の規定による書面の交付に代えて、政令で定めるところにより、当該顧客の承諾を得て、当該書面に記載すべき事項を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主務省令で定めるものにより提供することができる。この場合において、当該書面に記載すべき事項を当該方法により提供した商品取引員は、当該書面を交付したものとみなす。

(2) A Futures Commission Merchant may, in lieu of the delivery of a document under the preceding paragraph, provide the matters that should be included in said document by a method using an electronic data processing system or a method using other information communications technology, which is specified by an ordinance of the competent ministry by gaining the consent of said customer, pursuant to the provisions of a Cabinet Order. In this case, the Futures Commission Merchant who has provided the matters that should be included in said document by said method shall be deemed to have delivered the document under the same paragraph.

（商品取引員の説明義務及び損害賠償責任）

(Obligation of explanation and liability for damage of a Futures Commission Merchant)

第二百十八条　商品取引員は、受託契約を締結しようとする場合において、顧客が商品市場における取引に関する専門的知識及び経験を有する者として主務省令で定める者以外の者であるときは、主務省令で定めるところにより、あらかじめ、当該顧客に対し、前条第一項各号に掲げる事項について説明をしなければならない。

Article 218 (1) When a Futures Commission Merchant intends to conclude a Brokerage Contract, if the customer is a person other than the persons specified by an ordinance of the competent ministry as those having expert knowledge and experience of Transactions on a Commodity Market, the Futures Commission Merchant shall explain the matters set forth in the respective items of paragraph (1) of the preceding paragraph to said customer in advance pursuant to the provisions of an ordinance of the competent ministry.

２　前項の説明は、顧客の知識、経験、財産の状況及び当該受託契約を締結しようとする目的に照らして、当該顧客に理解されるために必要な方法及び程度によるものでなければならない。

(2) The explanation set forth in the preceding paragraph shall be provided by a method and to the extent necessary for the customer to understand in light of his/her knowledge and experience or the status of his/her property or for the purpose of concluding a Brokerage Contract.

３　商品取引員は、顧客に対し第一項の規定により説明をしなければならない場合において、第二百十四条（第一号に係る部分に限る。）の規定に違反したとき、又は前条第一項第一号から第三号までに掲げる事項について説明をしなかつたときは、これによつて当該顧客の当該受託契約につき生じた損害を賠償する責めに任ずる。

(3) When a Futures Commission Merchant is required to provide an explanation to a customer pursuant to the provisions of paragraph (1), if it violates the provisions of Article 214 (limited to the part pertaining to item (i)) or if it fails to explain the matters set forth in paragraph (1), items (i) to (iii) inclusive of the preceding Article, the Futures Commission Merchant shall be liable to compensate for any damage that has arisen with regard to said Brokerage Contract of said customer due to such failure.

（取引の方法の別の明示）

(Clear indication of the transaction method)

第二百十九条　商品取引員は、受託契約を締結しようとするときは、あらかじめ、顧客に対し自己が行う行為につき、第二条第十六項各号のいずれに該当するかの別を明らかにしなければならない。

Article 219 When a Futures Commission Merchant intends to conclude a Brokerage Contract, the Futures Commission Merchant shall clarify in advance which category of acts under the respective items of Article 2, paragraph (16) its act to be conducted for the customer falls under.

（取引の成立の通知）

(Notice of the closing of a transaction)

第二百二十条　商品取引員は、その商品取引受託業務に係る商品市場における取引が成立したときは、遅滞なく、書面をもつて、成立した取引の種類ごとの数量及び対価の額又は約定価格等並びに成立の日その他の主務省令で定める事項を委託者に通知しなければならない。

Article 220 (1) When a Transaction on a Commodity Market pertaining to its Commodity Transactions Brokerage Business has been closed, a Futures Commission Merchant shall notify the customer as to the volume and the amount of the consideration or the Contract Price, etc. for each type of transaction closed and any other matters specified by an ordinance of the competent ministry in writing without delay.

２　第二百十七条第二項の規定は、前項の規定による書面による通知について準用する。この場合において、同条第二項中「顧客」とあるのは「委託者」と、「提供する」とあるのは「通知する」と、「提供した」とあるのは「通知した」と、「当該書面を交付したもの」とあるのは「当該書面による通知をしたもの」と読み替えるものとする。

(2) The provisions of Article 217, paragraph (2) shall apply mutatis mutandis to a notice in writing under the preceding paragraph. In this case, the term "existing and potential customer" in paragraph (2) of the same Article shall be deemed to be replaced with "customer," the term "provide" shall be deemed to be replaced with "notify," the term "provided" shall be deemed to be replaced with "notified" and the term "deemed to have delivered the document" shall be deemed to be replaced with "deemed to have given a notice by the document."

（取引証拠金等の受領に係る書面の交付）

(Delivery of Document Pertaining to Receipt of Clearing Margin, etc.)

第二百二十条の二　商品取引員は、その行う商品取引受託業務に関して顧客が預託すべき取引証拠金等を受領したときは、顧客に対し、直ちに、主務省令で定めるところにより、その旨を記載した書面を交付しなければならない。

Article 220-2 (1) A Futures Commission Merchant shall, when having received a Clearing Margin, etc. to be deposited by the customer with regard to its Commodity Transactions Brokerage Business, immediately deliver to the customer, pursuant to the provisions of an ordinance of the competent ministry, a document stating to that effect.

２　第二百十七条第二項の規定は、前項の規定による書面の交付について準用する。

(2) The provisions of Article 217, paragraph (2) shall apply mutatis mutandis to the delivery of a document under the preceding paragraph.

（金融商品の販売等に関する法律の準用）

(Application Mutatis Mutandis of the Act on Sales, etc. of Financial Instruments)

第二百二十条の三　金融商品の販売等に関する法律（平成十二年法律第百一号）第六条から第九条までの規定は、商品取引員が行う受託契約の締結について準用する。この場合において、同法第六条第一項中「前条」とあるのは「商品取引所法第二百十八条第三項」と、同項及び同法第七条中「重要事項について説明をしなかったこと又は断定的判断の提供等を行ったこと」とあるのは「商品取引所法第二百十四条（第一号に係る部分に限る。）の規定に違反したこと又は同法第二百十七条第一項第一号から第三号までに掲げる事項について説明をしなかったこと」と、同法第九条第二項第一号中「当該金融商品の販売に係る契約」とあるのは「商品取引所法第二百十四条第二号の受託契約」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 220-3 The provisions of Articles 6 to 9 inclusive of the Act on Sales, etc. of Financial Products (Act No. 101 of 2000) shall apply mutatis mutandis to the conclusion of a Brokerage Contract by a Futures Commission Merchant. In this case, the term "preceding Article" in Article 6, paragraph (1) of the same Act shall be deemed to be replaced with "Article 218, paragraph (3) of the Commodity Exchange Act," the phrase "failing to explain important matters or making provision, etc. of conclusive evaluations" in Article 7 of the same Act shall be deemed to be replaced with "violating the provisions of Article 214 (limited to the part pertaining to item (i)) of the Commodity Exchange Act or failing to explain the matters listed in Article 217, paragraph (1), items (i) to (iii) inclusive of the same Act," the phrase "contract pertaining to the sale of said financial product" in Article 9, paragraph (2), item (i) of the same Act shall be deemed to be replaced with "Brokerage Contract set forth in Article 214, item (ii) of the Commodity Exchange Act" and any other technical replacement shall be specified by a Cabinet Order.

（商品取引責任準備金）

(Liability reserve for commodity trading)

第二百二十一条　商品取引員は、主務省令で定めるところにより、商品市場における取引等の取引高に応じ、商品取引責任準備金を積み立てなければならない。

Article 221 (1) A Futures Commission Merchant shall set aside a liability reserve for commodity trading according to the transaction volume of Transactions on a Commodity Market, etc. pursuant to the provisions of an ordinance of the competent ministry.

２　前項の商品取引責任準備金は、商品市場における取引等の受託に関して生じた事故であつて主務省令で定めるものによる損失の補てんに充てる場合のほか、使用してはならない。ただし、主務大臣の承認を受けたときは、この限りでない。

(2) A liability reserve for commodity trading under the preceding paragraph shall not be used other than in a case of compensating losses caused by problematic conduct that has occurred in relation to brokerage of Transactions on a Commodity Market, etc. which is specified by an ordinance of the competent ministry; provided, however, that this shall not apply when the approval of the competent minister has been obtained.

（帳簿の作成等）

(Creation of books, etc.)

第二百二十二条　商品取引員は、商品市場における取引について、主務省令で定めるところにより、帳簿を作成し、これを保存しなければならない。

Article 222 A Futures Commission Merchant shall draft books with regard to Transactions on a Commodity Market and preserve them, pursuant to the provisions of an ordinance of the competent ministry.

（帳簿の区分経理）

(Separate accounting in books)

第二百二十三条　商品取引員は、商品市場における取引について、主務省令で定めるところにより、自己の計算による取引と委託者の計算による取引とを帳簿上区分して経理しなければならない。

Article 223 With regard to Transactions on a Commodity Market, a Futures Commission Merchant shall carry out accounting for transactions based on its own account and that for transactions based on its customer's account separately in its books, pursuant to the provisions of an ordinance of the competent ministry.

（報告書の提出）

(Submission of a written report)

第二百二十四条　商品取引員は、事業年度ごとに、主務省令で定めるところにより、事業報告書を作成し、毎事業年度経過後三月以内に、これを主務大臣に提出しなければならない。

Article 224 (1) Every business year, a Futures Commission Merchant shall create a business report and submit it to the competent minister within three months from the end of each business year pursuant to the provisions of an ordinance of the competent ministry.

２　商品取引員は、前項に規定する事業報告書のほか、主務省令で定めるところにより、当該商品取引員の商品取引受託業務又は財産の状況に関する報告書を主務大臣に提出しなければならない。

(2) In addition to the business report prescribed in the preceding paragraph, a Futures Commission Merchant shall submit to the competent minister a written report on the Commodity Transactions Brokerage Business or on the status of the property of said Futures Commission Merchant pursuant to the provisions of an ordinance of the competent ministry.

第三節　合併、分割及び事業の譲渡

Section 3 Merger, Split and Business Transfer

（合併の認可）

(Approval of a Merger)

第二百二十五条　商品取引員を全部又は一部の当事者とする合併（合併後存続する株式会社又は合併により設立される株式会社が商品取引受託業務を営む場合に限る。以下この条及び第二百三十条において単に「合併」という。）は、主務大臣の認可を受けなければ、その効力を生じない。

Article 225 (1) A merger where Futures Commission Merchants are all or part of the parties thereto (limited to a merger where the stock company surviving the merger or the stock company established by the merger engages in the Commodity Transactions Brokerage Business; hereinafter simply referred to as a "Merger" in this Article and Article 230) shall not come into effect without the approval of the competent minister having been obtained.

２　前項の認可を受けようとする商品取引員は、合併後存続する株式会社又は合併により設立される株式会社（以下この条において「合併後の会社」という。）について第百九十二条第一項各号に掲げる事項を記載した申請書を主務大臣に提出しなければならない。

(2) A Futures Commission Merchant which intends to obtain the approval set forth in the preceding paragraph shall submit to the competent minister a written application stating the matters set forth in the respective items of Article 192, paragraph (1) with regard to the stock company surviving the Merger or the stock company established by the Merger (hereinafter referred to as the "Stock Company Resulting from a Merger").

３　前項の申請書には、合併契約書その他主務省令で定める書類を添付しなければならない。

(3) The merger contract and any other documents specified by an ordinance of the competent ministry shall be attached to a written application under the preceding paragraph.

４　主務大臣は、第一項の認可の申請が次の各号のいずれにも適合していると認めるときでなければ、同項の認可をしてはならない。

(4) The competent minister shall not grant the approval under paragraph (1) unless he/she finds that an application for approval under the same paragraph conforms to all of the following items:

一　合併後の会社が第百九十三条第一項各号に掲げる要件に該当すること。

(i) The Stock Company Resulting from a Merger satisfies the requirements set forth in the respective items of Article 193, paragraph (1).

二　商品取引受託業務の承継が円滑かつ適切に行われる見込みが確実であること。

(ii) It is fully expected that the Commodity Transactions Brokerage Business will be transferred smoothly and appropriately.

５　合併後の会社（商品取引員が合併後存続する株式会社である場合を除く。）は、合併の時に第百九十条第一項の許可を受けたものとみなす。

(5) A Stock Company Resulting from a Merger (excluding the case where the Futures Commission Merchant is the stock company surviving the Merger) shall be deemed to have obtained a license under Article 190, paragraph (1) at the time of the Merger.

６　合併後の会社は、合併により消滅した商品取引員の商品取引受託業務に関し、主務大臣の許可その他の処分に基づいて有する権利及び義務を承継する。

(6) A Stock Company Resulting from a Merger shall succeed to the rights and obligations which the Futures Commission Merchant dissolved by a Merger has based on any permission, license or other disposition of the competent minister concerning the Commodity Transactions Brokerage Business of said Futures Commission Merchant dissolved by a Merger.

（新設分割の認可）

(Approval of a Consolidation-Type Split)

第二百二十六条　商品取引員が新たに設立する株式会社に商品取引受託業務の全部又は一部を承継させるために行う新設分割（以下この条及び第二百三十条において単に「新設分割」という。）は、主務大臣の認可を受けなければ、その効力を生じない。

Article 226 (1) A consolidation-type split implemented by a Futures Commission Merchant for the purpose of transferring the whole or a part of its Commodity Transactions Brokerage Business to a newly established stock company (hereinafter simply referred to as an "Consolidation-Type Split" in this Article and Article 230) shall not come into effect without the approval of the competent minister having been obtained.

２　前項の認可を受けようとする商品取引員は、新設分割により設立される株式会社（以下この条において「設立会社」という。）について第百九十二条第一項各号に掲げる事項を記載した申請書を主務大臣に提出しなければならない。

(2) A Futures Commission Merchant which intends to obtain the approval set forth in the preceding paragraph shall submit to the competent minister a written application stating the matters set forth in the respective items of Article 192, paragraph (1) with regard to the stock company established by the Consolidation-Type Split (hereinafter referred to as the "Formed Company").

３　前項の申請書には、分割計画書その他主務省令で定める書類を添付しなければならない。

(3) The split plan and any other documents specified by an ordinance of the competent ministry shall be attached to a written application under the preceding paragraph.

４　主務大臣は、第一項の認可の申請が次の各号のいずれにも適合していると認めるときでなければ、同項の認可をしてはならない。

(4) The competent minister shall not grant the approval under paragraph (1) unless he/she finds that an application for approval under the same paragraph conforms to all of the following items:

一　設立会社が第百九十三条第一項各号に掲げる要件に該当すること。

(i) The Formed Company satisfies the requirements set forth in the respective items of Article 193, paragraph (1).

二　商品取引受託業務の承継が円滑かつ適切に行われる見込みが確実であること。

(ii) It is fully expected that the Commodity Transactions Brokerage Business will be transferred smoothly and appropriately.

５　設立会社は、新設分割の時に第百九十条第一項の許可を受けたものとみなす。

(5) A Formed Company shall be deemed to have obtained a license under Article 190, paragraph (1) at the time of the Consolidation-Type Split.

６　設立会社は、新設分割をした商品取引員の承継の対象となる商品取引受託業務に関し、主務大臣の許可その他の処分に基づいて有する権利及び義務を承継する。

(6) A Formed Company shall succeed to the rights and obligations which the Futures Commission Merchant implementing a Consolidation-Type Split has based on any permission, license or other disposition of the competent minister concerning the Commodity Transactions Brokerage Business of said Futures Commission Merchant which is subject to the transfer.

（吸収分割の認可）

(Approval of an Absorption-Type Split)

第二百二十七条　商品取引員が他の株式会社に商品取引受託業務の全部又は一部を承継させるために行う吸収分割（以下この条及び第二百三十条において単に「吸収分割」という。）は、主務大臣の認可を受けなければ、その効力を生じない。

Article 227 (1) An absorption-type split implemented by a Futures Commission Merchant for the purpose of transferring the whole or a part of its Commodity Transactions Brokerage Business to another stock company (hereinafter simply referred to as an "Absorption-Type Split" in this Article and Article 230) shall not come into effect without the approval of the competent minister having been obtained.

２　前項の認可を受けようとする商品取引員は、吸収分割により商品取引受託業務の全部又は一部を承継する株式会社（以下この条において「承継会社」という。）について第百九十二条第一項各号に掲げる事項を記載した申請書を主務大臣に提出しなければならない。

(2) A Futures Commission Merchant which intends to obtain the approval set forth in the preceding paragraph shall submit to the competent minister a written application stating the matters set forth in the respective items of Article 192, paragraph (1) with regard to the stock company succeeding to the whole or a part of its Commodity Transactions Brokerage Business by the Absorption-Type Split (hereinafter referred to as the "Succeeding Company").

３　前項の申請書には、分割契約書その他主務省令で定める書類を添付しなければならない。

(3) The split contract and any other documents specified by an ordinance of the competent ministry shall be attached to a written application under the preceding paragraph.

４　主務大臣は、第一項の認可の申請が次の各号のいずれにも適合していると認めるときでなければ、同項の認可をしてはならない。

(4) The competent minister shall not grant the approval under paragraph (1) unless he/she finds that an application for approval under the same paragraph conforms to all of the following items:

一　承継会社が第百九十三条第一項各号に掲げる要件に該当すること。

(i) The Succeeding Company satisfies the requirements set forth in the respective items of Article 193, paragraph (1).

二　商品取引受託業務の承継が円滑かつ適切に行われる見込みが確実であること。

(ii) It is fully expected that the Commodity Transactions Brokerage Business will be transferred smoothly and appropriately.

５　承継会社（商品取引員が承継会社である場合を除く。）は、吸収分割の時に第百九十条第一項の許可を受けたものとみなす。

(5) A Succeeding Company (excluding the case where the Futures Commission Merchant is the Succeeding Company) shall be deemed to have obtained a license under Article 190, paragraph (1) at the time of the Absorption-Type Split.

６　承継会社は、吸収分割をした商品取引員の承継の対象となる商品取引受託業務に関し、主務大臣の許可その他の処分に基づいて有する権利及び義務を承継する。

(6) A Succeeding Company shall succeed to the rights and obligations which the Futures Commission Merchant implementing an Absorption-Type Split has based on any permission, license or other disposition of the competent minister concerning the Commodity Transactions Brokerage Business of said Futures Commission Merchant which is subject to the transfer.

（事業譲渡の認可）

(Approval of a business transfer)

第二百二十八条　商品取引員が他の株式会社に行う商品取引受託業務の全部又は一部の譲渡（以下この条及び第二百三十条において「事業譲渡」という。）は、主務大臣の認可を受けなければ、その効力を生じない。

Article 228 (1) A transfer of the whole or a part of its Commodity Transactions Brokerage Business by a Futures Commission Merchant to another stock company (hereinafter referred to as a "Business Transfer" in this Article and Article 230) shall not come into effect without the approval of the competent minister having been obtained.

２　前項の認可を受けようとする商品取引員は、事業譲渡により商品取引受託業務の全部又は一部を譲り受ける株式会社（以下この条において「譲受会社」という。）について第百九十二条第一項各号に掲げる事項を記載した申請書を主務大臣に提出しなければならない。

(2) A Futures Commission Merchant which intends to obtain the approval set forth in the preceding paragraph shall submit to the competent minister a written application stating the matters set forth in the respective items of Article 192, paragraph (1) with regard to the stock company receiving the whole or a part of its Commodity Transactions Brokerage Business by the Business Transfer (hereinafter referred to as the "Transferee Company").

３　前項の申請書には、譲渡契約書その他主務省令で定める書類を添付しなければならない。

(3) The transfer contract and any other documents specified by an ordinance of the competent ministry shall be attached to the written application under the preceding paragraph.

４　主務大臣は、第一項の認可の申請が次の各号のいずれにも適合していると認めるときでなければ、同項の認可をしてはならない。

(4) The competent minister shall not grant the approval under paragraph (1) unless he/she finds that an application for approval under the same paragraph conforms to all of the following items:

一　譲受会社が第百九十三条第一項各号に掲げる要件に該当すること。

(i) The Transferee Company satisfies the requirements set forth in the respective items of Article 193, paragraph (1).

二　商品取引受託業務の承継が円滑かつ適切に行われる見込みが確実であること。

(ii) It is fully expected that the Commodity Transactions Brokerage Business will be transferred smoothly and appropriately.

５　譲受会社（商品取引員が譲受会社である場合を除く。）は、事業譲渡の時に第百九十条第一項の許可を受けたものとみなす。

(5) A Transferee Company (excluding the case where the Futures Commission Merchant is the Receiving Corporation) shall be deemed to have obtained a license under Article 190, paragraph (1) at the time of the Business Transfer.

６　譲受会社は、事業譲渡をした商品取引員の譲渡の対象となる商品取引受託業務に関し、主務大臣の許可その他の処分に基づいて有する権利及び義務を承継する。

(6) A Receiving Company shall succeed to the rights and obligations which the Futures Commission Merchant implementing a Business Transfer has based on any permission, license or other disposition of the competent minister concerning the Commodity Transactions Brokerage Business of said Futures Commission Merchant subject to the transfer.

（処分の手続）

(Procedure of disposition)

第二百二十九条　第十五条第五項から第九項までの規定は、第二百二十五条第一項、第二百二十六条第一項、第二百二十七条第一項及び前条第一項の認可について準用する。

Article 229 The provisions of Article 15, paragraphs (5) to (9) inclusive shall apply mutatis mutandis to the approval under Article 225, paragraph (1), Article 226, paragraph (1), Article 227, paragraph (1) and paragraph (1) of the preceding Article.

（政令への委任）

(Delegation to a Cabinet Order)

第二百三十条　この法律に定めるもののほか、商品取引員の合併、新設分割、吸収分割及び事業譲渡に関し必要な事項は、政令で定める。

Article 230 In addition to what is provided for in this Act, any necessary matters concerning a Merger, Consolidation-Type Merger, Absorption-Type Merger and Business Transfer of a Futures Commission Merchant shall be specified by a Cabinet Order.

第四節　監督

Section 4 Supervision

（報告徴収及び立入検査）

(Request for reports; on-site inspections)

第二百三十一条　主務大臣は、この法律の施行のため必要があると認めるときは、商品取引員に対し、その業務若しくは財産に関し参考となるべき報告若しくは資料の提出を命じ、又はその職員に、商品取引員の営業所に立ち入り、帳簿、書類その他業務に関係のある物件を検査させることができる。

Article 231 (1) When the competent minister finds it necessary for the enforcement of this Act, he/she may order a Futures Commission Merchant to submit a report or materials that provide information about its business or have his/her officials enter a business office of the Futures Commission Merchant to inspect the books, documents and any other articles related to their business.

２　主務大臣は、この法律の施行のため特に必要があると認めるときは、商品取引員と取引をする者に対し、当該商品取引員の業務又は財産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) When the competent minister finds it necessary for the enforcement of this Act, he/she may order a person carrying out transactions with a Futures Commission Merchant to submit a report or materials that provide information about the business property of said Futures Commission Merchant.

３　第一項の規定により立入検査をした場合において、当該職員は、検査の目的を達成するため、当該商品取引員が所有し、又は預託を受けた上場商品でその営業所以外の場所に保管されているものを検査する必要があると認めるときは、当該商品取引員をして当該上場商品の保管を証する書面をその場所の管理者に提示させてその場所に立ち入り、当該商品取引員を立ち会わせて当該上場商品を検査することができる。

(3) In the case where an inspection has been conducted pursuant to the provisions of paragraph (1), if said officials find it necessary, for attaining the purpose of the inspection, to inspect a Listed Commodity which said Futures Commission Merchant possesses or has received on deposit and which is retained at a place other than its business office, they may enter such place by having said Futures Commission Merchant present a document proving retention of said Listed Commodity to the manager of such place and inspect said Listed Commodity in the presence of said Futures Commission Merchant.

４　第百五十七条第三項及び第四項の規定は、第一項及び前項の規定による立入検査について準用する。

(4) The provisions of Article 157, paragraph (3) and paragraph (4) shall apply mutatis mutandis to the inspection under paragraph (1) and the preceding paragraph.

（業務改善命令等）

(Order to improve business operations, etc.)

第二百三十二条　主務大臣は、商品市場における秩序の維持又は委託者の保護のため必要かつ適当であると認めるときは、その必要の限度において、商品取引員に対し、財産の状況又は商品取引受託業務の運営の改善に必要な措置をとることを命ずることができる。

Article 232 (1) When the competent minister finds it necessary and appropriate for maintaining order on the Commodity Market or for protecting customers, he/she may order a Futures Commission Merchant to take the necessary measures for improving the status of its property or the operation of its Commodity Transactions Brokerage Business within the necessary limits.

２　主務大臣は、前項に規定する場合において、商品取引員の財産の状況又は商品取引受託業務の運営が次の各号のいずれかに該当するときは、その必要の限度において、当該商品取引員に対し、三月以内の期間を定めて商品市場における取引又は商品取引受託業務の停止を命ずることができる。

(2) In the case referred to in the preceding paragraph, if the competent minister finds that the status of the property of the Futures Commission Merchant or the operation of its Commodity Transactions Brokerage Business falls under any of the following items, he/she may order the Futures Commission Merchant to suspend its Transactions on a Commodity Market or its Commodity Transactions Brokerage Business for a fixed period not exceeding three months:

一　負債の合計金額の純資産額に対する比率が主務省令で定める率を超えた場合

(i) When the ratio of the total amount of liabilities to the amount of net assets exceeds the ratio specified by an ordinance of the competent ministry

二　流動資産の合計金額の流動負債の合計金額に対する比率が主務省令で定める率を下つた場合

(ii) When the ratio of the total amount of current assets to the total amount of current liabilities falls below the ratio specified by an ordinance of the competent ministry

三　商品取引員が、その営む兼業業務又は第百九十六条第二項に規定する支配関係を持つている法人の業務（これらの業務が同条第三項に規定する主務省令で定める業務に該当するものである場合に限る。）に関し次条の規定による勧告を受けた場合において、正当な理由がなくてその勧告に係る措置をとらなかつたことにより、当該商品取引員の財産の状況が悪化し、又は悪化するおそれがあるとき。

(iii) In the case where a Futures Commission Merchant received a recommendation under the following Article concerning its Subsidiary Business or the business of a juridical person over which the Futures Commission Merchant has a controlling interest under Article 196, paragraph (2) (limited to the case where such businesses fall under the businesses specified by an ordinance of the competent ministry prescribed in paragraph (3) of the same Article), if the status of the property of said Futures Commission Merchant has deteriorated or is likely to deteriorate due to not taking the measure pertaining to such recommendation without a justifiable reason

四　前三号に掲げる場合のほか、財産の状況又は商品取引受託業務の運営につき是正を加えるために商品市場における取引又は商品取引受託業務の停止を命ずることが必要な場合として主務省令で定める場合

(iv) In addition to the cases referred to in the preceding three paragraphs, in the case specified by an ordinance of the competent ministry to be a case where it is necessary to order the suspension of Transactions on a Commodity Market or a Commodity Transactions Brokerage Business in order to rectify the status of a property or the operation of a Commodity Transactions Brokerage Business

３　前項第一号の負債の合計金額並びに同項第二号の流動資産の合計金額及び流動負債の合計金額は、主務省令で定めるところにより計算しなければならない。

(3) The total amount of liabilities set forth in item (i) of the preceding paragraph and the total amount of current assets and the total amount of current liabilities set forth in item (ii) of the same paragraphs shall be calculated pursuant to the provisions of an ordinance of the competent ministry.

４　第九十九条第七項の規定は、第二項第一号の純資産額について準用する。

(4) The provisions of Article 99, paragraph (7) shall apply mutatis mutandis to the amount of net assets under paragraph (2), item (i).

（勧告）

(Recommendation)

第二百三十三条　主務大臣は、商品取引員の商品取引受託業務の健全な遂行を確保するため必要があると認めるときは、当該商品取引員に対し、兼業業務又は当該商品取引員が第百九十六条第二項に規定する支配関係を持つている法人の業務に関し必要な措置をとるべきことを勧告することができる。

Article 233 When the competent minister finds it necessary for securing the sound implementation of the Commodity Transactions Brokerage Business of a Futures Commission Merchant, he/she may recommend said Futures Commission Merchant to take any necessary measures concerning its Subsidiary Business or the business of a juridical person over which said Futures Commission Merchant has a controlling interest under Article 196, paragraph (2).

（資産の国内保有）

(Retention of assets within Japan)

第二百三十四条　主務大臣は、商品市場における秩序の維持又は委託者の保護のため必要かつ適当であると認める場合には、商品取引員に対し、その資産のうち政令で定める部分を国内において保有することを命ずることができる。

Article 234 When the competent minister finds it necessary and appropriate for maintaining order on the Commodity Market or for protecting customers, he/she may order a Futures Commission Merchant to retain the portion of its assets which is specified by a Cabinet Order within Japan.

（純資産額規制比率についての命令）

(Order concerning the Net Assets Regulation Ratio)

第二百三十五条　主務大臣は、商品取引員が第二百十一条第二項の規定に違反している場合において、委託者の保護のため必要かつ適当であると認めるときは、その必要の限度において、商品取引受託業務の方法の変更を命じ、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 235 (1) In the case where a Futures Commission Merchant is in violation of Article 211, paragraph (2), if the competent minister finds it necessary and appropriate for protecting customers, he/she may order said Futures Commission Merchant to change the method of its Commodity Transactions Brokerage Business, deposit its property or take any other measures necessary for the purpose of supervision within the necessary limits.

２　主務大臣は、商品取引員が第二百十一条第二項の規定に違反している場合（純資産額規制比率が、百パーセントを下回るときに限る。）において、委託者を保護するため必要かつ適当であると認めるときは、その必要の限度において、三月以内の期間を定めて商品取引受託業務の停止を命ずることができる。

(2) In the case a Futures Commission Merchant is in violation of Article 211, paragraph (2) (limited to the case where the Net Assets Regulation Ratio is below 100 percent), if the competent minister finds it necessary and appropriate for protecting customers, he/she may order said Futures Commission Merchant to suspend its Commodity Transactions Brokerage Business for a fixed term not exceeding three months within the necessary limits.

３　主務大臣は、前項の規定により商品取引受託業務の停止を命じた場合において、その日から三月を経過した日における当該商品取引員の純資産額規制比率が引き続き百パーセントを下回り、かつ、当該商品取引員の純資産額規制比率の状況が回復する見込みがないと認められるときは、当該商品取引員の第百九十条第一項の許可を取り消すことができる。

(3) In the case where the competent minister ordered the suspension of a Commodity Transactions Brokerage Business pursuant to the provisions of the preceding paragraph, if he/she finds that the Net Assets Regulation Ratio of said Futures Commission Merchant on the day when three months have elapsed from the day of such order continues to be below 100 percent and that the status of the Net Assets Regulation Ratio of said Futures Commission Merchant is not likely to recover, he/she may rescind the license under Article 190, paragraph (1) of said Futures Commission Merchant.

（監督上の処分）

(Disposition rendered for the purpose of supervision)

第二百三十六条　主務大臣は、商品取引員が次の各号のいずれかに該当する場合においては、当該商品取引員の第百九十条第一項の許可を取り消し、又は六月以内の期間を定めて商品市場における取引若しくは商品取引受託業務の停止を命ずることができる。

Article 236 (1) In the case where a Futures Commission Merchant falls under any of the following items, the competent minister may rescind the license under Article 190, paragraph (1) of said Futures Commission Merchant and order the suspension of its Transactions on a Commodity Market or its Commodity Transactions Brokerage Business for a fixed period not exceeding six months:

一　第十五条第二項第一号ハ、ニ（第三百三十二条第一項及び第三百四十二条第一項の許可の取消しに係る部分並びにこの法律に相当する外国の法令の規定に係る部分に限る。）、ホ、リ又はヲのいずれかに該当することとなつたとき。

(i) When the Futures Commission Merchant has fallen under Article 15, paragraph (2), item (i) (c), (d) (limited to the part pertaining to the rescission of the permission under Article 332, paragraph (1) and Article 342, paragraph (1) and the part pertaining to the provisions of the laws and regulations of a foreign state equivalent to this Act), (e), (i) or (l)

二　第百九十三条第一項第一号に適合しなくなつたとき。

(ii) When the Futures Commission Merchant no longer conforms to Article 193, paragraph (1), item (i)

三　商品取引員の純資産額が第百九十三条第二項の主務省令で定める額を下回るとき。

(iii) When the amount of net assets of the Futures Commission Merchant falls under the amount specified by an ordinance of the competent ministry set forth in Article 193, paragraph (2)

四　不正の手段により第百九十条第一項の許可を受けたとき。

(iv) When the Futures Commission Merchant has obtained the license under Article 190, paragraph (1) by wrongful means

五　この法律（第二百十一条第二項を除く。）、この法律に基づく命令若しくはこの法律に基づいてする主務大臣の処分又は第百九十条第一項の許可に付された条件に違反したとき。

(v) When the Futures Commission Merchant has violated this Act (excluding Article 211, paragraph (2)), an order based on this Act or a disposition by the competent minister based on this Act or the conditions attached to a license under Article 190, paragraph (1)

六　正当な理由がないのに、商品取引受託業務を開始することができることとなつた日から三月以内にその業務を開始しないとき、又は引き続き三月以上その業務を休止したとき。

(vi) When the Futures Commission Merchant has failed to commence a Commodity Transactions Brokerage Business within three months from the day on which it became possible to commence said business or when it has continuously suspended said business for three months or more without a justifiable reason

七　業務又は財産の状況に照らし支払不能に陥るおそれがあるとき。

(vii) When there is a risk of the Futures Commission Merchant becoming insolvent in light of the status of its business or property

２　主務大臣は、商品取引員の役員が前項第五号に該当する行為をしたときは、当該商品取引員に対し、当該役員の解任を命ずることができる。

(2) When an officer of a Futures Commission Merchant has committed an act that falls under item (v) of the preceding paragraph, the competent minister may order the Futures Commission Merchant to dismiss said officer.

（聴聞等の方法の特例の規定の準用）

(Application mutatis mutandis of special provisions on the method of hearing, etc.)

第二百三十七条　第百五十八条第二項の規定は第二百三十二条第一項若しくは第二項又は前三条の規定による処分について、第百五十九条第四項の規定は第二百三十五条第三項又は前条の規定による許可の取消し又は役員の解任の命令に係る聴聞について準用する。

Article 237 The provisions of Article 158, paragraph (2) shall apply mutatis mutandis to the dispositions under Article 232, paragraph (1) or paragraph (2) or the preceding three Articles and the provisions of Article 159, paragraph (4) shall apply mutatis mutandis to the rescission of a license or a hearing pertaining to an order to rescind an officer pursuant to Article 235, paragraph (3) or the preceding Article.

（取引の決済の結了）

(Completion of settlement of transactions)

第二百三十八条　第百九十七条第五項の規定は、商品取引員が次の各号のいずれかに該当するに至つた場合における当該商品取引員であつた者について準用する。

Article 238 (1) The provisions of Article 197, paragraph (5) shall apply mutatis mutandis to a person who was a Futures Commission Merchant in the case where said Futures Commission Merchant has fallen under any of the following items:

一　第二百三十五条第三項又は第二百三十六条第一項の規定により第百九十条第一項の許可を取り消されたとき。

(i) When the license under Article 190, paragraph (1) has been rescinded pursuant to the provisions of Article 235, paragraph (3) or Article 236, paragraph (1)

二　第百九十条第二項又は第百九十七条第二項（同条第一項第一号から第四号まで（同項第二号にあつては、合併後存続する法人又は合併により設立される法人が商品取引受託業務を営まない場合の当該合併に係る部分に限る。）に係る部分に限る。）の規定により第百九十条第一項の許可が効力を失つたとき。

(ii) When the license under Article 190, paragraph (1) ceased to be effective pursuant to the provisions of Article 190, paragraph (2) or Article 197, paragraph (2) (limited to the part pertaining to paragraph (1), items (i) to (iv) inclusive of this Article [with regard to item (ii) of the same paragraph, limited to the part pertaining to a merger in the case where the juridical person surviving a merger or a juridical person established by a merger does not engage in Commodity Transactions Brokerage Business])

２　前項各号に掲げる場合において、当該商品取引員であつた者は、委託者の計算による商品市場における取引を結了する目的の範囲内において、商品取引員とみなす。

(2) A person who had been said Futures Commission Merchant in the cases set forth in the respective items of the preceding paragraph shall be deemed to be a Futures Commission Merchant within the scope of the purpose to complete Transactions on a Commodity Market based on a customer's account.

３　第一項の規定にかかわらず、商品取引所は、商品市場における取引の公正を確保し、又は委託者を保護するため、当該商品取引員であつた者をして商品市場における取引の決済を結了させることが適当でないと認めるときは、定款（株式会社商品取引所にあつては、業務規程）で定めるところにより、他の会員等（当該商品市場において取引をすることができる他の会員等に限る。以下この条において同じ。）をして当該取引の決済を結了させなければならない。

(3) Notwithstanding the provisions of paragraph (1), if a Commodity Exchange finds it inappropriate to have said Futures Commission Merchant complete the settlement of Transactions on a Commodity Market for securing the fairness of Transactions on a Commodity Market or protecting customers, it shall have another Member, etc. (limited to another Member, etc. who may carry out transactions on said Commodity Market; hereinafter the same shall apply in this Article) pursuant to the provisions of its articles of incorporation (market rules in the case of a Incorporated Commodity Exchange ).

４　前項の規定により商品取引所が他の会員等をして当該取引の決済を結了させるときは、当該会員等と当該取引の委託者との間には委任契約が成立しているものとみなす。

(4) When a Commodity Exchange has another Member, etc. complete settlement of said transactions pursuant to the provisions of the preceding paragraph, it shall be deemed that a Brokerage Contract is established between said Member, etc. and the customer of said transactions.

（非会員等商品取引員に対する監督）

(Supervision of a Futures Commission Merchant who is not a Member, etc.)

第二百三十九条　主務大臣は、協会に加入せず、又は商品取引所の会員等となつていない商品取引員の業務について、商品市場における秩序を乱し、又は委託者の保護に欠けることのないよう、協会又は商品取引所の定款その他の規則を考慮し、適切な監督を行わなければならない。

Article 239 The competent minister shall supervise appropriately the business of a Futures Commission Merchant who has not joined an Association or who is not a Member, etc. of a Commodity Exchange, while considering the articles of incorporation and any other rules of the Association or the Commodity Exchange so that such business does not disturb order on the Commodity Market or fail to protect customers.

（商品取引員の自主的努力の尊重）

(Respecting the voluntary efforts of a Futures Commission Merchant)

第二百四十条　主務大臣は、商品取引員を監督するに当たつては、業務の運営についての商品取引員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。

Article 240 When supervising a Futures Commission Merchant, the competent minister shall give consideration to respect the voluntary efforts of the Futures Commission Merchant with respect to the operation of its business.

第五章　商品先物取引協会

Chapter V Commodity Futures Association

第一節　総則

Section 1 General Provisions

（目的及び法人格）

(Purpose and juridical personality)

第二百四十一条　商品先物取引協会（以下この章及び第八章において「協会」という。）は、商品市場における取引等（商品清算取引を除く。以下この章において同じ。）の受託を公正かつ円滑ならしめ、かつ、委託者の保護を図ることを目的とする。

Article 241 (1) The purpose of a commodity futures association (hereinafter referred to as an "Association" in this Chapter and in Chapter VIII) shall be to achieve a fair and smooth brokerage of Transactions on a Commodity Market, etc. (excluding Commodity Clearing Transactions) and to protect customers.

２　協会は、法人とする。

(2) An Association shall be a juridical person.

（業務の制限）

(Restriction on business)

第二百四十二条　協会は、営利の目的をもつて業務を営んではならない。

Article 242 (1) An Association shall not engage in business for the purpose of profit.

２　協会は、その目的を達成するために直接必要な業務及びその業務に附帯する業務以外の業務を営んではならない。

(2) An Association shall not engage in business other than the business directly necessary for achieving its purpose and any other businesses incidental thereto.

（住所）

(Address)

第二百四十三条　協会の住所は、その主たる事務所の所在地にあるものとする。

Article 243 The address of an Association shall be at the location of its principal office.

（名称）

(Name)

第二百四十四条　協会でない者は、その名称中に商品先物取引協会であると誤認されるおそれのある文字を用いてはならない。

Article 244 (1) No person other than an Association shall use in his/her name characters that are likely to mislead the public into believing that such person is a commodity futures association.

２　協会に加入していない者は、その名称中に商品先物取引協会の会員（以下この章において「協会員」という。）であると誤認されるおそれのある文字を用いてはならない。

(2) A person who has not joined an Association shall not use in his/her name characters that are likely to mislead the public into believing that such person is a member of a commodity futures association (hereinafter referred to as an "Association Member" in this Chapter).

第二節　設立

Section 2 Establishment

（設立の認可）

(Approval for establishment)

第二百四十五条　商品取引員は、協会を設立しようとするときは、主務大臣の認可を受けなければならない。

Article 245 Any Futures Commission Merchant which intends to establish an Association shall obtain the approval of the competent minister.

（定款記載事項）

(Matters to be included in the articles of incorporation)

第二百四十六条　協会の定款には、次に掲げる事項を記載しなければならない。

Article 246 The following matters shall be included in the articles of incorporation of an Association:

一　目的

(i) Purpose

二　名称

(ii) Name

三　事務所の所在地

(iii) Office address

四　協会員たる資格に関する事項

(iv) Matters concerning the Association membership qualification

五　協会員の加入及び脱退に関する事項

(v) Matters concerning the membership and withdrawal of Association Members

六　協会員の経費の分担に関する事項

(vi) Matters concerning the sharing of costs among Association Members

七　協会員に対する監査及び制裁に関する事項

(vii) Matters concerning audits of and sanctions against Association Members

八　役員の定数、任期、選任及び構成に関する事項

(viii) Matters concerning the fixed number, term of office, appointment and composition of officers

九　協会員の役員及び使用人の資質の向上に関する事項

(ix) Matters concerning the improvement of the skills of officers and employees of Association Members

十　協会員総会に関する事項

(x) Matters concerning the general meeting of Association Members

十一　理事会その他の会議に関する事項

(xi) Matters concerning councils and other meetings

十二　商品市場における取引等の受託に関して協会員間又は協会員と顧客との間に生じた紛争についてのあつせん及び調停その他の紛争の解決に関する事項

(xii) Matters concerning mediation and conciliation with respect to a dispute that has occurred between Association Members or between an Association Member and a customer concerning brokerage of Transactions on a Commodity Market, etc. and any other dispute resolution

十三　会計及び資産に関する事項

(xiii) Matters concerning accounting and assets

十四　公告の方法

(xiv) Method of public notice

（認可の申請）

(Application for approval)

第二百四十七条　第二百四十五条の認可を受けようとする者は、次に掲げる事項を記載した申請書を主務大臣に提出しなければならない。

Article 247 (1) A person who intends to obtain the approval under Article 245 shall submit a written application stating the following matters to the competent minister:

一　名称

(i) Name

二　事務所の所在地

(ii) Office address

三　役員の氏名及び住所並びに協会員の商号

(iii) Names and addresses of officers and trade names of Association Members

２　前項の申請書には、定款、制裁規程、紛争処理規程その他主務省令で定める書類を添付しなければならない。

(2) The articles of incorporation, sanction rules, dispute resolution rules and any other documents specified by an ordinance of the competent ministry shall be attached to the written application under the preceding paragraph.

（認可の基準）

(Criteria for approval)

第二百四十八条　主務大臣は、第二百四十五条の認可の申請が次の各号のいずれにも適合していると認めるときは、認可をしなければならない。

Article 248 (1) If the competent minister finds that the application for approval under Article 245 conforms to the following criteria, he/she shall grant the approval:

一　定款、制裁規程、紛争処理規程その他の規則の規定が法令に違反せず、かつ、定款、制裁規程又は紛争処理規程に規定する業務の方法、協会員の資格その他の事項が適当であつて、商品市場における取引等の受託を公正かつ円滑ならしめ、及び委託者を保護するために十分であること。

(i) The provisions of the articles of incorporation, sanction rules, dispute resolution rules and any other rules do not violate laws and regulations, and the method of business, qualification of an Association Member and any other matters prescribed in the articles of incorporation, sanction rules or dispute resolution rules are appropriate and sufficient for achieving the fair and smooth brokerage of Transactions on a Commodity Market and protecting customers.

二　当該申請に係る協会がこの法律の規定に適合するように組織されるものであること。

(ii) The Association pertaining to said application is organized in such a way as to conform to the provisions of this Act.

三　申請書又はこれに添付すべき書類のうちに重要な事項について虚偽の記載がないこと。

(iii) The written application or the documents that should be attached thereto includes no false entry regarding an important matter.

四　認可申請者が第十五条第二項第一号ハからホまで、リ又はヲのいずれかに該当する者でないこと。

(iv) The applicant for approval is not a person who falls under any category of the persons in Article 15, paragraph (2), item (i) (c) to (e) inclusive or (i) or (l).

五　役員のうちに第十五条第二項第一号イからルまでのいずれかに該当する者がないこと。

(v) None of the officers is a person who falls under any category of the persons in Article 15, paragraph (2), item (i) (a) to (k).

２　第十五条第五項から第九項までの規定は、第二百四十五条の認可について準用する。

(2) The provisions of Article 15, paragraphs (5) to (9) inclusive shall apply mutatis mutandis to the approval under Article 245.

（登記）

(Registration)

第二百四十九条　協会は、政令で定めるところにより、登記しなければならない。

Article 249 (1) An Association shall complete registration pursuant to the provisions of a Cabinet Order.

２　協会は、その主たる事務所の所在地において、設立の登記をすることによつて成立する。

(2) An Association shall be established by registering its establishment at the location of its principal office.

３　第一項の規定により登記しなければならない事項は、登記の後でなければ、これをもつて第三者に対抗することができない。

(3) The matters that require registration pursuant to the provisions of paragraph (1) may not be asserted against a third party until after such registration.

（定款等の変更）

(An amendment to the articles of incorporation, etc.)

第二百五十条　協会の定款、制裁規程又は紛争処理規程の変更は、主務大臣の認可を受けなければ、その効力を生じない。

Article 250 (1) An amendment to the articles of incorporation, sanction rules or dispute resolution rules of an Association shall not come into effect without the approval of the competent minister having been obtained.

２　協会は、前項の認可を受けようとするときは、申請書に主務省令で定める書類を添付して、主務大臣に提出しなければならない。

(2) When an Association intends to obtain the approval under the preceding paragraph, it shall submit a written application to the competent minister by attaching documents specified by an ordinance of the competent ministry.

３　協会は、第二百四十七条第一項第二号又は第三号に掲げる事項について変更があつたときは、遅滞なく、その旨を主務大臣に届け出なければならない。協会の規則（定款、制裁規程及び紛争処理規程を除く。）の作成、変更又は廃止があつたときも、同様とする。

(3) When there is any change to the matters set forth in Article 247, paragraph (1), item (ii) or item (iii), an Association shall notify the competent minister to that effect without delay. The same shall apply when an Association has created, amended or abolished its rules (excluding the articles of incorporation, sanction rules and dispute resolution rules).

４　第二百四十八条第一項第一号の規定は、第一項の認可について準用する。

(4) The provisions of Article 248, paragraph (1), item (i) shall apply mutatis mutandis to the approval under paragraph (1).

第三節　協会員

Section 3 Association Members

（協会員たる資格）

(Association membership qualification)

第二百五十一条　協会員たる資格を有する者は、商品取引員に限る。

Article 251 (1) A person having the membership qualification for an Association shall be limited to a Futures Commission Merchant.

２　協会は、その定款において、第五項に定める場合を除くほか、商品取引員は何人も協会員として加入することができる旨を定めなければならない。

(2) An Association shall stipulate in its articles of incorporation that any Futures Commission Merchant may join as an Association Member except in the case set forth in paragraph (5).

３　協会は、その定款において、詐欺行為、相場を操縦する行為又は不当な手数料若しくは費用の徴収その他協会員の不当な利得行為を防止して、取引の信義則を助長することに努める旨を定めなければならない。

(3) An Association shall stipulate in its articles of incorporation that it will endeavor to prevent any fraudulent act, act of manipulating quotations, collection of an unreasonable fee or cost or profiteering by an Association Member and to promote the fair and equitable principles of transactions.

４　協会は、その定款において、協会員に法令及び協会の定款その他の規則を遵守するための社内規則及び管理体制を整備させることにより、法令又は協会の定款その他の規則に違反する行為を防止して、委託者の信頼を確保することに努める旨を定めなければならない。

(4) An Association shall stipulate in its articles of incorporation that it will endeavor to prevent any acts in violation of laws and regulations or the articles of incorporation or other rules of the Association and to secure customer confidence by having Association Members establish internal rules and an administrative system for observing laws and regulations and the articles of incorporation and other rules of the Association.

５　協会は、その定款において、この法律、この法律に基づく命令若しくはこの法律に基づいてする主務大臣の処分若しくは協会若しくは商品取引所の定款その他の規則に違反し、又は取引の信義則に背反する行為をして、商品市場における取引若しくは商品取引受託業務の停止を命ぜられ、又は協会若しくは商品取引所から除名若しくは取引資格の取消しの処分を受けたことのある者については、その者が協会員として加入することを拒否することができる旨を定めることができる。

(5) An Association may stipulate in its articles of incorporation that if a person has ever received an order to suspend Transactions on a Commodity Market or a Commodity Transactions Brokerage Business or has been expelled from an Association or a Commodity Exchange or has received a disposition to rescind the trading qualification as a result of violating this Act, an order based on this Act or a disposition by the competent minister based on this Act or the articles of incorporation or other rules of an Association or a Commodity Exchange or committing an act in contrary to the fair and equitable principles of transactions, the Association may refuse such person to join as an Association Member.

（名簿の縦覧）

(Public inspection of register)

第二百五十二条　協会は、協会員の名簿を公衆の縦覧に供しなければならない。

Article 252 An Association shall provide its register of Association Members for public inspection.

（制裁規程）

(Sanction rules)

第二百五十三条　協会は、その定款において、協会員が、この法律、この法律に基づく命令若しくはこの法律に基づいてする主務大臣の処分若しくは当該協会の定款、紛争処理規程その他の規則に違反し、又は取引の信義則に背反する行為をしたときは、制裁規程の定めるところにより、当該協会員に対し、過怠金を課し、若しくは定款の定める協会員の権利の停止若しくは制限を命じ、又は当該協会員を除名する旨を定めなければならない。

Article 253 An Association shall stipulate in its articles of incorporation that in the event an Association Member violates this Act, an order based on this Act or a disposition by the competent minister based on this Act or the articles of incorporation or other rules of an Association or a Commodity Exchange or commits an act in contrary to the fair and equitable principles of transactions, it will impose a fine for default on said Association Member or order suspension or restriction of the rights of the Association Member prescribed in the articles of incorporation or expel said Association Member pursuant to the provisions of the sanction rules.

第四節　機関

Section 4 Organization

（役員）

(Officers)

第二百五十四条　協会に、役員として、会長一人、理事二人以上及び監事二人以上を置く。

Article 254 An Association shall appoint one president, two or more directors and two or more auditors as officers.

（会長及び理事の権限）

(Authority of the president and directors)

第二百五十五条　会長は、協会を代表し、その事務を総理する。

Article 255 (1) The president shall represent the Association and preside over its affairs.

２　理事は、定款の定めるところにより、協会を代表し、会長を補佐して協会の事務を掌理し、会長に事故があるときにはその職務を代理し、会長が欠員のときにはその職務を行う。

(2) The directors shall, pursuant to the provisions of the articles of incorporation, represent the Association, administer the affairs of the Association assisting the president, perform the duties of the president in his/her place when the president is unable to attend to his/her duties, and perform the duties of the president when the post is vacant.

（監事の権限）

(Authority of the auditors)

第二百五十六条　監事は、協会の事務を監査する。

Article 256 (1) The auditor shall audit the affairs of an Association.

２　監事は、いつでも会長若しくは理事に対して事務の報告を求め、又は協会の事務及び財産の状況を調査することができる。

(2) The auditors may require the president or directors to report on the affairs or examine the status of the affairs and property of the Association at any time.

３　監事は、会長が協会員総会に提出しようとする書類を調査し、協会員総会にその意見を報告しなければならない。

(3) The auditors shall examine the documents that the president intends to submit to a general meeting of Association Members and report their opinions to the general meeting of Association Members.

（役員の欠格条件）

(Disqualifying conditions for officers)

第二百五十七条　第四十九条の規定は、協会の役員について準用する。

Article 257 The provisions of Article 49 shall apply mutatis mutandis to officers of an Association.

（仮理事又は仮監事）

(Provisional director and provisional auditor)

第二百五十八条　主務大臣は、理事又は監事の職を行う者がない場合において、必要があると認めるときは、仮理事又は仮監事を選任することができる。

Article 258 The competent minister may, when there is no person to perform the duties of a director or auditor and if he/she finds it necessary, appoint a provisional director or provisional auditor.

第五節　紛争の解決

Section 5 Dispute Resolution

（苦情の解決）

(Complaint resolution)

第二百五十九条　協会は、委託者等から協会員の行う商品取引受託業務に関する苦情について解決の申出があつたときは、その相談に応じ、申出人に必要な助言をし、その苦情に係る事情を調査するとともに、当該協会員に対し、その苦情の内容を通知してその迅速な処理を求めなければならない。

Article 259 (1) When a person such as a customer files an application for resolution of a complaint concerning the Commodity Transactions Brokerage Business carried out by an Association Member, an Association shall respond to a request for consultation, provide the necessary advice to the applicant, investigate the circumstances pertaining to such complaint and demand that said Association Member should notify the details of such complaint and process the complaint expeditiously.

２　協会は、前項の申出に係る苦情の解決について必要があると認めるときは、当該協会員に対し、文書若しくは口頭による説明を求め、又は資料の提出を求めることができる。

(2) When an Association finds it necessary for resolving the complaint pertaining to an application under the preceding paragraph, it may demand that said Association Member should provide a written or oral explanation or submit materials.

３　協会員は、協会から前項の規定による求めがあつたときは、正当な理由がないのに、これを拒んではならない。

(3) When there has been a demand under the preceding paragraph from an Association, an Association Member shall not refuse the demand without a justifiable reason.

４　協会は、第一項の申出、当該苦情に係る事情及びその解決の結果について協会員に周知させなければならない。

(4) An Association shall fully inform its Association Members about any applications under paragraph (1), circumstances pertaining to said complaints and the outcome of any resolution.

（あつせん・調停委員会）

(Mediation/conciliation committee)

第二百六十条　協会は、紛争処理規程において、商品市場における取引等の受託に関して協会員間又は協会員と顧客との間に生じた紛争（次条において「受託に係る紛争」という。）について、あつせん及び調停を行うため、先物取引について学識経験を有することその他主務省令で定める要件に該当する委員をもつて組織されるあつせん・調停委員会（次条において「委員会」という。）を置く旨を定めなければならない。

Article 260 An Association shall stipulate in its dispute resolution rules that it will establish a mediation/conciliation committee (referred to as a "Committee" in the following Article) organized by committee members who have relevant knowledge and experience of Futures Transactions and who satisfy other requirements specified by an ordinance of the competent ministry for the purpose of implementing mediation and conciliation with regard to any dispute that arises between Association Members or between an Association Member and a customer concerning the brokerage of Transactions on a Commodity Market, etc. (referred to as a "Dispute Pertaining to Brokerage" in the following Article).

（あつせん及び調停の実施）

(Implementation of mediation and conciliation)

第二百六十一条　協会は、受託に係る紛争について当事者である協会員又は顧客からあつせん又は調停の申出があつたときは、遅滞なく、紛争処理規程で定めるところにより、委員会によるあつせん又は調停を行うものとする。

Article 261 (1) When an application has been filed for mediation or conciliation with regard to a Dispute Pertaining to Brokerage by an Association Member or a customer who is a party thereto, an Association shall implement mediation or conciliation through the Committee without delay, pursuant to the provisions of its dispute resolution rules.

２　協会は、その紛争処理規程において、次に掲げる事項に関する細則を定めなければならない。

(2) An Association shall specify detailed regulations on the following matters in its dispute resolution rules:

一　あつせん及び調停の申出手続

(i) Procedure to apply for mediation and conciliation

二　あつせん及び調停の方法

(ii) Method of mediation and conciliation

三　前二号に掲げる事項のほか、あつせん及び調停に関し必要な事項

(iii) In addition to the matters listed in the preceding two items, necessary matters concerning mediation and conciliation

３　協会は、あつせん及び調停の円滑な実施を図るため必要があるときは、商品取引所に対し、資料の提出その他必要な協力を求めることができる。

(3) When it is necessary for the smooth implementation of mediation and conciliation, an Association may demand a Commodity Exchange to submit materials or to provide any other necessary cooperation.

第六節　解散

Section 6 Dissolution

第二百六十二条　協会は、次の事由によつて解散する。

Article 262 (1) An Association shall be dissolved based on the following grounds:

一　定款で定めた解散事由の発生

(i) Occurrence of grounds for dissolution specified by the articles of incorporation

二　協会員総会の決議

(ii) Resolution of a general meeting of Association Members

三　破産手続開始の決定

(iii) Decision for commencement of bankruptcy proceedings

四　設立の認可の取消し

(iv) Rescission of the approval for establishment

２　協会は、前項第一号から第三号までの規定により解散したときは、遅滞なく、その旨を主務大臣に届け出なければならない。

(2) When an Association has dissolved pursuant to the provisions of items (i) to (iii) inclusive of the preceding paragraph, the Association shall notify the competent minister to that effect without delay.

３　前二項に定めるもののほか、協会の解散に関し必要な事項は、政令で定める。

(3) In addition to what is provided for in the preceding two paragraphs, the necessary matters concerning dissolution of an Association shall be specified by a Cabinet Order.

第七節　監督

Section 7 Supervision

（報告徴収及び立入検査）

(Request for reports; on-site inspections)

第二百六十三条　主務大臣は、この法律の施行のため必要があると認めるときは、協会若しくはその協会員に対し、その業務若しくは財産に関し参考となるべき報告若しくは資料の提出を命じ、又はその職員に、協会若しくはその協会員の事務所若しくは営業所に立ち入り、帳簿、書類その他業務に関係のある物件を検査させることができる。

Article 263 (1) When the competent minister finds it necessary for the enforcement of this Act, he/she may order an Association or an Association Member to submit a report or materials that provide information about their business or have his/her officials enter an office or a business office of the Association or the Association Member to inspect the books, documents and any other articles related to their business.

２　第百五十七条第三項及び第四項の規定は、前項の規定による立入検査について準用する。

(2) The provisions of Article 157, paragraph (3) and paragraph (4) shall apply mutatis mutandis to the inspection under the preceding paragraph.

（業務改善命令）

(Order to improve business operations)

第二百六十四条　主務大臣は、商品市場における取引等の受託を公正かつ円滑ならしめ、又は委託者を保護するため必要かつ適当であると認めるときは、その必要の限度において、協会に対し、当該協会の定款、制裁規程、紛争処理規程その他の規則の変更その他業務の運営の改善に必要な措置をとるべきことを命ずることができる。

Article 264 When the competent minister finds it necessary and appropriate for achieving fair and smooth brokerage of Transactions on a Commodity Market, etc. or for protecting customers, he/she may order an Association to amend its articles of incorporation, sanction rules, dispute resolution rules or other rules or take any other necessary measures for improving the operation of its business within the necessary limits.

（協会に対する監督上の処分）

(Disposition rendered to an Association for the purpose of supervision)

第二百六十五条　主務大臣は、協会がこの法律、この法律に基づく命令若しくはこの法律に基づいてする主務大臣の処分若しくは定款その他の規則（以下この条において「この法律等」という。）に違反した場合又は協会員がこの法律等に違反する行為をしたにもかかわらず、当該協会員に対しこの法律等を遵守させるために当該協会がこの法律、この法律に基づく命令若しくは当該定款により認められた権能の行使その他必要な措置をすることを怠つた場合において、商品市場における取引等の受託を公正かつ円滑ならしめ、又は委託者を保護するため必要かつ適当であると認めるときは、その設立の認可を取り消し、一年以内の期間を定めてその業務の全部若しくは一部の停止を命じ、その業務の一部の禁止を命じ、又はその役員の解任を命ずることができる。

Article 265 (1) In the case where an Association has violated this Act, an order based on this Act or a disposition by the competent minister based on this Act or its articles of incorporation or other rules (hereinafter referred to as "This Act, etc." in this Article) or, in the case where, regardless of the fact that an Association Member has violated This Act, etc., said Association has failed to exercise its powers recognized pursuant to this Act, an order based on this Act or its articles of incorporation or has failed to take any other necessary measures for having said Association Member observe this Act, etc., if the competent minister finds it necessary and appropriate for achieving fair and smooth brokerage of Transactions on a Commodity Market, etc. or for protecting customers, he/she may rescind the approval of the establishment of said Association, order the suspension of the whole or a part of its business for a fixed period not exceeding one year, order the prohibition of a part of its business or order the dismissal of its officer.

２　主務大臣は、第二百四十五条若しくは第二百五十条第一項の認可の申請書又はこれらの書面の添付書類の記載事項のうちに、重要な事項について虚偽の記載があり、又は重要な事実の記載が欠けていることを発見したときは、当該認可を取り消すことができる。

(2) If the competent minister discovers that the contents of a written application for the approval under Article 245 or Article 250, paragraph (1) or documents attached thereto include a false entry regarding an important matter or lack the statement of an important fact, he/she may rescind said approval.

３　主務大臣は、不正の手段により協会の役員になつた者のあつたことを発見したとき、又は協会の役員がこの法律、この法律に基づく命令若しくはこの法律に基づいてする主務大臣の処分に違反したときは、当該協会に対し、当該役員の解任を命ずることができる。

(3) If the competent minister discovers that a person has become an officer of an Association by wrongful means or if an officer of an Association has violated this Act, an order based on this Act or a disposition by the competent minister based on this Act, he/she may order said Association to dismiss said officer.

（聴聞等の方法の特例の規定の準用）

(Application mutatis mutandis of special provisions on the method of hearing, etc.)

第二百六十六条　第百五十八条第二項の規定は前二条の規定による処分について、第百五十九条第四項の規定は前条の規定による認可の取消し又は役員の解任の命令に係る聴聞について準用する。

Article 266 The provisions of Article 158, paragraph (2) shall apply mutatis mutandis to the dispositions under the preceding two Articles and the provisions of Article 159, paragraph (4) shall apply mutatis mutandis to a hearing pertaining to the rescission of approval or pertaining to an order to dismiss an officer under the provisions of the preceding Article.

第八節　雑則

Section 8 Miscellaneous Provisions

（協会の役員及び職員等の秘密保持義務）

(Confidentiality obligation of officers, employees, etc. of an Association)

第二百六十七条　協会の役員若しくは職員又はこれらの職にあつた者は、その職務に関して知り得た秘密を漏らし、又は盗用してはならない。

Article 267 An officer or an employee of an Association or a person who was formerly in such a position shall not disclose to another person or appropriate any confidential information he/she has learned in the course of his/her duties.

（事業概況報告書等の提出）

(Submission of a business summary report, etc.)

第二百六十八条　協会は、毎事業年度の開始の日から三月以内に、次に掲げる書類を主務大臣に提出しなければならない。

Article 268 An Association shall submit the following documents to the competent minister within three months from the day of the commencement of every business year:

一　前事業年度の事業概況報告書及び当該事業年度の事業計画書

(i) The business summary report for the previous business year and the business plan for the current business year

二　前事業年度末における財産目録

(ii) The inventory of property as of the end of the previous business year

三　前事業年度の収支決算書及び当該事業年度の収支予算書

(iii) The settlement of accounts for the previous business year and the budget statements for the current business year

第六章　委託者保護基金等

Chapter VI Consumer Protection Fund, etc.

第一節　定義

Section 1 Definitions

第二百六十九条　この章において「一般委託者」とは、商品取引員に対し商品市場における取引等（商品清算取引を除く。次項において同じ。）を委託した者（商品取引員、金融商品取引法第二条第三項第一号に規定する適格機関投資家、商品投資に係る事業の規制に関する法律（平成三年法律第六十六号）第二条第四項に規定する商品投資顧問業者その他の政令で定める者を除く。）をいう。

Article 269 (1) The term "General Customer" as used in this Chapter shall mean a person who has consigned a Transaction on a Commodity Market, etc. (excluding a Commodity Clearing Transaction; the same shall apply in this paragraph) to a Futures Commission Merchant (excluding a Futures Commission Merchant, a qualified institutional investor under Article 2, paragraph (3), item (i) of the Financial Instruments and Exchange Act, a commodities investment advisor under Article 2, paragraph (4) of the Act on Regulation of Business Pertaining to Commodity Investment [Act No. 66 of 1991] and any other person specified by a Cabinet Order).

２　商品取引員がその一般委託者の計算において他の商品取引員に対し商品市場における取引等（第二条第十六項第一号又は第三号に掲げるものに限る。）を委託した場合には、前項の規定にかかわらず、当該商品取引員を当該他の商品取引員の一般委託者とみなして、この章の規定を適用する。

(2) In the case where a Futures Commission Merchant has consigned a Transaction on a Commodity Market, etc. (limited to that set forth in Article 2, paragraph (16), item (i) or item (iii)) to another Futures Commission Merchant based on its General Customer's account, the provisions of this Chapter shall apply mutatis mutandis by deeming said Futures Commission Merchant to be a General Customer of said other Futures Commission Merchant, notwithstanding the provisions of the preceding paragraph.

３　この章及び第八章において「委託者保護業務」とは、次に掲げる業務をいう。

(3) The term "Consignor Protection Business" as used in this Article and Article 8 shall mean the following businesses:

一　第三百六条第一項の規定による一般委託者に対する支払

(i) Payment to a General Customer under Article 306, paragraph (1)

二　第三百八条第一項の規定による資金の貸付け

(ii) Loan of funds under Article 308, paragraph (1)

三　第三百九条の規定による保全対象財産の預託の受入れ及び管理

(iii) Acceptance and management of the deposit of Property Subject to Preservation under Article 309

四　第三百十条に規定する一般委託者債務の迅速な弁済に資するための業務

(iv) Business that contributes to expeditious repayment of the liabilities of a General Customer under Article 310

五　第三百十一条第一項に規定する裁判上又は裁判外の行為

(v) Judicial or extra-judicial acts under Article 311, paragraph (1)

六　負担金（第三百条第三項及び第三百十四条第一項に規定する負担金をいう。第三百二条第二項において同じ。）の徴収及び管理

(vi) Collection and management of a Burden Charge (which means the burden charge prescribed in Article 300, paragraph (3) and Article 314, paragraph (1); the same shall apply in Article 302, paragraph (2))

七　前各号に掲げる業務に附帯する業務

(vii) Any business incidental to the business set forth in the preceding items

４　この章及び第八章において「委託者保護会員制法人」とは、委託者保護業務を行うことを目的として次節第二款の規定に基づいて設立された会員組織の社団をいう。

(4) The term "Consignor Protection Membership Corporation" as used in this Article and Article 8 shall mean a membership corporation established based on the provisions of Subsection 2 of the following Section for the purpose of conducting a Consignor Protection Business.

第二節　委託者保護会員制法人

Section 2 Consignor Protection Membership Corporation

第一款　総則

Subsection 1 General Provisions

（法人格）

(Juridical personality)

第二百七十条　委託者保護会員制法人は、法人とする。

Article 270 A Consignor Protection Membership Corporation shall be a juridical person.

（名称）

(Name)

第二百七十一条　委託者保護会員制法人は、その名称中に「委託者保護会員制法人」という文字を用いなければならない。

Article 271 (1) A Consignor Protection Membership Corporation shall use the characters "委託者保護会員制法人" (Itakusha Hogokaiinsei Hojin [Consignor Protection Membership Corporation]) in its name.

２　委託者保護会員制法人でない者は、その名称中に「委託者保護会員制法人」という文字を用いてはならない。

(2) No person other than a Consignor Protection Membership Corporation shall use the characters "委託者保護会員制法人" (Itakusha Hogokaiinsei Hojin [Consignor Protection Membership Corporation]) in its name.

（一般社団法人及び一般財団法人に関する法律の準用）

(Application mutatis mutandis of the Act Concerning General Corporations and General Foundations)

第二百七十二条　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）第四条及び第七十八条の規定は、委託者保護会員制法人について準用する。

Article 272 The provisions of Article 4 and Article 78 of the Act Concerning General Corporations and General Foundations (Act No. 48 of 2006) shall apply mutatis mutandis to a Consignor Protection Membership Corporation.

第二款　設立

Subsection 2 Establishment

（設立要件）

(Requirements for establishment)

第二百七十三条　委託者保護会員制法人を設立するには、その会員になろうとする二十以上の商品取引員が発起人とならなければならない。

Article 273 (1) In order to establish a Consignor Protection Membership Corporation, 20 or more Futures Commission Merchants who intend to become its members shall become the founders.

２　発起人は、定款を作成した後、会員になろうとする者を募り、これを会議の日時及び場所とともにその会議開催日の二週間前までに公告して、創立総会を開かなければならない。

(2) After creating the articles of incorporation, the founders shall invite persons to become members, and hold an organizational meeting by giving a public notice of said articles of incorporation as well as the time and place of the meeting by two weeks prior to the day of the meeting..

３　定款の承認その他設立に必要な事項の決定は、創立総会の決議によらなければならない。

(3) Approval of the articles of incorporation and decisions on any other necessary matters for the establishment of the Consignor Protection Membership Corporation shall be made by a resolution of an organizational meeting.

４　創立総会では、定款を修正することができる。

(4) The articles of incorporation may be revised at an organizational meeting.

５　第三項の規定による創立総会の議事は、その開会までに発起人に対して会員となる旨を申し出た商品取引員及び発起人の半数以上が出席し、その出席者の議決権の三分の二以上で決する。

(5) A decision at an organizational meeting under paragraph (3) shall be made by at least two-thirds of the votes of those present when at least half of the Futures Commission Merchants who have proposed themselves to the founders to become members before the opening of the meeting and the founders are present.

６　委託者保護会員制法人の成立の日を含む事業年度の業務の運営に必要な事項（予算及び資金計画を含む。）の決定は、第二百八十五条第二項の規定にかかわらず、創立総会の決議によることができる。

(6) Any necessary matters for the operation of the business in the business year which includes the day of establishment of a Consignor Protection Membership Corporation (including the budget and funding plans) may be decided by a resolution of an organizational meeting.

７　第二百八十六条本文の規定は、前項の規定による創立総会の議事について準用する。この場合において、同条本文中「総会員」とあるのは、「その開会までに発起人に対して会員となる旨を申し出た商品取引員及び発起人」と読み替えるものとする。

(7) The provisions of the main clause of Article 286 shall apply mutatis mutandis to decisions at an organizational meeting under the preceding paragraph. In this case, the term "all members" in the main clause of the same Article shall be deemed to be replaced with "the Futures Commission Merchants who have proposed themselves to the founders to become members before the opening of the meeting and the founders."

８　第二百八十五条の二及び第二百八十五条の三の規定は、創立総会の決議について準用する。

(8) The provisions of Article 285-2 and Article 285-3 shall apply mutatis mutandis to a resolution of an organizational meeting.

（定款記載事項）

(Matters to be included in the articles of incorporation)

第二百七十四条　委託者保護会員制法人の定款には、次に掲げる事項を記載しなければならない。

Article 274 The following matters shall be included in the articles of incorporation of a Consignor Protection Membership Corporation:

一　目的

(i) Purpose

二　名称

(ii) Name

三　事務所の所在地

(iii) Office address

四　会員に関する次に掲げる事項

(iv) The following matters concerning members:

イ　会員たる資格

(a) Membership qualification

ロ　会員の加入及び脱退

(b) Membership and withdrawal of members

ハ　会員に対する監査及び制裁

(c) Audits of and sanctions against members

五　総会に関する事項

(v) Matters concerning the general meeting

六　役員に関する事項

(vi) Matters concerning officers

七　運営審議会に関する事項

(vii) Matters concerning the governing council

八　財務及び会計に関する事項

(viii) Matters concerning finance and accounting

九　定款の変更に関する事項

(ix) Matters concerning amendments to the articles of incorporation

十　解散に関する事項

(x) Matters concerning dissolution

十一　公告の方法

(xi) Method of public notice

（理事長への事務引継）

(Transfer of affairs to the president)

第二百七十五条　発起人は、創立総会の終了後遅滞なく、その事務を理事長に引き継がなければならない。

Article 275 Founders shall transfer their affairs to the president after the closing of the organizational meeting without delay.

（登記）

(Registration)

第二百七十六条　委託者保護会員制法人は、政令で定めるところにより、登記しなければならない。

Article 276 (1) A Consignor Protection Membership Corporation shall complete registration pursuant to the provisions of a Cabinet Order.

２　委託者保護会員制法人は、その主たる事務所の所在地において設立の登記をすることによつて成立する。

(2) A Consignor Protection Membership Corporation shall be established by registering its establishment at the location of its principal office.

３　第一項の規定により登記しなければならない事項は、登記の後でなければ、これをもつて第三者に対抗することができない。

(3) The matters that require registration pursuant to the provisions of paragraph (1) may not be asserted against a third party until after the registration.

第三款　会員

Subsection 3 Members

（会員の資格）

(Membership qualification)

第二百七十七条　委託者保護会員制法人の会員たる資格を有する者は、商品取引員に限る。

Article 277 A person having the membership qualification for a Consignor Protection Membership Corporation shall be limited to a Futures Commission Merchant.

（脱退）

(Withdrawal)

第二百七十八条　委託者保護会員制法人の会員である商品取引員は、次に掲げる事由により、当然、その所属する委託者保護会員制法人を脱退する。

Article 278 A Futures Commission Merchant who is a member of a Consignor Protection Membership Corporation shall involuntarily withdraw from the Consignor Protection Membership Corporation to which he/she belongs based on the following grounds:

一　第二百三十五条第三項又は第二百三十六条第一項の規定による第百九十条第一項の許可の取消し

(i) Rescission of the license under Article 190, paragraph (1) pursuant to the provisions of Article 235, paragraph (3) or Article 236, paragraph (1)

二　第百九十条第二項又は第百九十七条第二項の規定による第百九十条第一項の許可の失効

(ii) Lapse of the license under Article 190, paragraph (1) pursuant to the provisions of Article 190, paragraph (2) or Article 197, paragraph (2)

第四款　機関

Subsection 4 Organization

（役員）

(Officers)

第二百七十九条　委託者保護会員制法人に、役員として、理事長一人、理事二人以上及び監事一人以上を置く。

Article 279 A Consignor Protection Membership Corporation shall appoint one president, two or more directors and one or more auditors as officers.

（役員の権限）

(Authority of the officers)

第二百八十条　理事長は、委託者保護会員制法人を代表し、その業務を総理する。

Article 280 (1) The president shall represent the Consignor Protection Membership Corporation and preside over its affairs.

２　理事は、定款で定めるところにより、委託者保護会員制法人を代表し、理事長を補佐して委託者保護会員制法人の業務を掌理し、理事長に事故があるときはその職務を代理し、理事長が欠員のときにはその職務を行う。

(2) The directors shall, pursuant to the provisions of the articles of incorporation, represent the Consignor Protection Membership Corporation, administer the affairs of the Consignor Protection Membership Corporation assisting the president, perform the duties of the president in his/her place when the president is unable to attend to his/her duties, and perform the duties of the president when the post is vacant.

３　委託者保護会員制法人の業務の執行は、この法律又は定款に別段の定めがないときは、理事長及び理事の過半数で決する。

(3) Execution of the affairs of a Consignor Protection Membership Corporation shall be decided by a majority vote of the president and directors unless otherwise specified by the articles of incorporation.

４　監事は、委託者保護会員制法人の業務を監査する。

(4) The auditors shall audit the affairs of a Consignor Protection Membership Corporation.

５　監事は、監査の結果に基づき、必要があると認めるときは、理事長に意見を提出することができる。

(5) The auditors may submit their opinions to the president based on the audit results if they find it necessary.

（役員の選任、任期及び解任）

(Appointment, term of office and dismissal of officers)

第二百八十一条　役員は、定款で定めるところにより、総会において選任し、又は解任する。ただし、設立当時の役員は、創立総会において選任する。

Article 281 (1) Officers shall be appointed or dismissed at a general meeting pursuant to the provisions of the articles of incorporation; provided, however, that the officers at the time of establishment shall be appointed at the organizational meeting.

２　役員の任期は、二年以内において定款で定める期間とする。

(2) The term of office of an officer shall be a period of not more than two years as specified by the articles of incorporation.

３　役員は、再任されることができる。

(3) Officers may be reappointed.

４　第四十九条の規定は、委託者保護会員制法人の役員について準用する。

(4) The provisions of Article 49 shall apply mutatis mutandis to officers of a Consignor Protection Membership Corporation.

（監事の兼職禁止）

(Prohibition of concurrent holding of positions by auditors)

第二百八十二条　監事は、理事長、理事、運営審議会の委員又は委託者保護会員制法人の職員を兼ねてはならない。

Article 282 An auditor shall not hold the position of the president, an officer, a member of the governing .council or an employee of the Consignor Protection Membership Corporation.

（代表権の制限）

(Restriction on the representation power)

第二百八十三条　委託者保護会員制法人と理事長又は理事との利益が相反する事項については、これらの者は、代表権を有しない。この場合には、監事が委託者保護会員制法人を代表する。

Article 283 With regard to matters for which the interests of the Consignor Protection Membership Corporation and the president or directors conflict with each other, such person shall not have the representation power. In this case, an auditor shall represent the Consignor Protection Membership Corporation.

（総会）

(General meeting)

第二百八十四条　理事長は、定款で定めるところにより、毎事業年度一回通常総会を招集しなければならない。

Article 284 (1) The president shall convene an ordinary general meeting once in every business year pursuant to the provisions of the articles of incorporation.

２　理事長は、必要があると認めるときは、臨時総会を招集することができる。

(2) The president may, if he/she finds it necessary, convene an extraordinary general meeting.

３　総会員の五分の一以上から会議の目的である事項を示して請求があつたときは、理事長は、臨時総会を招集しなければならない。ただし、総会員の五分の一の割合については、定款でこれと異なる割合を定めることができる。

(3) When the convocation of a general meeting has been requested by at least one-fifth of all members by presenting the subject matter of the meeting, the president shall convene an extraordinary general meeting; provided, however, that a proportion different from one-fifth of all members may be specified by the articles of incorporation.

（総会の招集）

(Convocation of a general meeting)

第二百八十四条の二　総会（前条第一項の通常総会及び同条第二項の臨時総会をいう。以下この章において同じ。）の招集の通知は、会日より少なくとも五日前に、その会議の目的である事項を示し、定款で定めた方法に従つてしなければならない。

Article 284-2 A notice of convocation of a General Meeting (which means an ordinary general meeting under paragraph (1) of the preceding Article and an extraordinary general meeting under paragraph (2) of the same Article; hereinafter the same shall apply in this Chapter) shall be given by presenting the subject matter of the meeting in accordance with the method specified by the articles of incorporation by at least five days prior to the day of the meeting.

（総会の決議事項）

(Matters that require a resolution of a General Meeting)

第二百八十五条　総会においては、前条の規定によりあらかじめ通知をした事項についてのみ、決議をすることができる。ただし、定款に別段の定めがあるときは、この限りでない。

Article 285 (1) Only the matters that have been notified in advance pursuant to the provisions of the preceding paragraph may be resolved at a General Meeting; provided, however, that this shall not apply when otherwise provided for by the articles of incorporation.

２　この法律に特別の定めがあるもののほか、次に掲げる事項は、総会の決議を経なければならない。

(2) In addition to matters for which special provisions exist in this Act, the following matters shall require a resolution of a General Meeting:

一　定款の変更

(i) Amendments to the articles of incorporation

二　予算及び資金計画の決定又は変更

(ii) Decisions on or changes to the budget and funding plans

三　決算

(iii) Settlement

四　解散

(iv) Dissolution

五　前各号に掲げるもののほか、定款で定める事項

(v) In addition to what is provided for in the preceding items, matters specified by the articles of incorporation

３　総会は、監事に対し委託者保護会員制法人の業務に関する監査を求め、その結果の報告を請求することができる。

(3) A General Meeting may demand an auditor to implement an audit concerning the affairs of the Consignor Protection Membership Corporation and request a report on the results.

（会員の議決権）

(Voting rights of members)

第二百八十五条の二　各会員の議決権は、平等とする。

Article 285-2 (1) The voting right of each member shall be equal.

２　総会に出席しない会員は、書面で、又は代理人によつて議決をすることができる。

(2) A member not attending a General Meeting may vote by a written ballot or a proxy.

３　前二項の規定は、定款に別段の定めがある場合には、適用しない。

(3) The provisions of the preceding two paragraphs shall not apply in the case where special provisions exist in the articles of incorporation.

（議決権のない場合）

(No voting right)

第二百八十五条の三　委託者保護会員制法人と特定の会員との関係について議決をする場合には、その会員は、議決権を有しない。

Article 285-3 When voting on a relationship between a Consignor Protection Membership Corporation and a specific member, such member shall not have a voting right.

（総会の議事）

(Decisions at a General Meeting)

第二百八十六条　総会の議事は、総会員の半数以上が出席し、その議決権の過半数で決し、可否同数のときは、議長の決するところによる。ただし、第二百八十五条第二項第一号及び第四号の議事は、出席した会員の議決権の三分の二以上の多数で決する。

Article 286 Decisions at a General Meeting shall be made by a majority vote of the members present when at least half of all members are present and by the chairperson in the event of a tie; provided, however, that decisions on the matters set forth in Article 285, paragraph (2), item (i) and item (iv) shall be made by at least a two-thirds majority vote of the members present.

第二百八十七条　削除

Article 287 Deleted

（運営審議会）

(Governing council)

第二百八十八条　委託者保護会員制法人の業務の適正な運営を図るため、委託者保護会員制法人に運営審議会を置く。

Article 288 (1) A Consignor Protection Membership Corporation shall establish a governing council in order to achieve proper operation of its affairs.

２　次に掲げる場合には、理事長は、あらかじめ、運営審議会の意見を聴かなければならない。

(2) In the following cases, the president shall hear the opinion of the governing council in advance:

一　第三百四条の規定により行う認定を行う場合

(i) When making recognition pursuant to the provisions of Article 304

二　第三百五条第一項の規定により定めるべき事項を定める場合

(ii) When specifying the matters that should be specified pursuant to the provisions of Article 305, paragraph (1)

三　第三百八条第四項の規定による貸付けを行うかどうかの決定を行う場合

(iii) When making a decision of whether or not to provide a loan under Article 308, paragraph (4)

四　その他委託者保護業務の運営に関する重要事項を決定する場合

(iv) When deciding other important matters concerning the operation of the Consignor Protection Business

３　運営審議会は、委員八人以内で組織する。

(3) A governing council shall be organized by up to eight members.

４　委員は、委託者保護会員制法人の業務の適正な運営に必要な学識経験を有する者のうちから、理事長が任命する。

(4) The members shall be appointed by the president from those who have the necessary knowledge and experience for properly operating the affairs of the Consignor Protection Membership Corporation.

（職員の任命）

(Appointment of employees)

第二百八十九条　委託者保護会員制法人の職員は、理事長が任命する。

Article 289 Employees of a Consignor Protection Membership Corporation shall be appointed by the president.

第五款　解散及び清算

Subsection 5 Dissolution and Liquidation

（解散事由）

(Grounds for dissolution)

第二百九十条　委託者保護会員制法人は、次に掲げる事由により解散する。

Article 290 A Consignor Protection Membership Corporation shall be dissolved based on the following grounds:

一　総会の決議

(i) Resolution of a General Meeting

二　成立の日から二週間以内に第二百九十四条第一項の規定による登録の申請を行わなかつたこと。

(ii) Failure to file an application for registration under Article 294, paragraph (1) within two weeks from the day of establishment

三　主務大臣が第二百九十三条の登録をしないこととしたこと。

(iii) Decision of the competent minister not to make the registration set forth in Article 293

四　第三百二十四条第一項の規定による第二百九十三条の登録の取消し

(iv) Rescission of registration under Article 293 pursuant to the provisions of Article 324, paragraph (1)

（清算人の就任及び選任）

(Assumption of office and appointment of liquidators)

第二百九十一条　委託者保護会員制法人が解散したときは、合併及び破産手続開始の決定による解散の場合を除き、理事長及び理事は、その清算人となる。ただし、定款に別段の定めがある場合又は総会において他の者を選任した場合は、この限りでない。

Article 291 When a Consignor Protection Membership Corporation dissolves, the president and directors become the liquidators except for the cases of a dissolution based on a merger and a decision for the commencement of bankruptcy proceedings; provided, however, that this shall not apply when special provisions exist in the articles of incorporation or another person has been appointed at a General Meeting.

（残余財産の処理）

(Disposal of residual assets)

第二百九十二条　清算人は、委託者保護会員制法人の債務を弁済してなお残余財産があるときは、主務省令で定めるところにより、当該残余財産をその会員がそれぞれ加入している又は加入することとなる委託者保護基金（第二百九十六条に規定する委託者保護基金をいう。）に帰属させなければならない。

Article 292 The liquidators shall, when there are still residual assets after repaying the liabilities of the Consignor Protection Membership Corporation, have said residual assets assigned to the Consumer Protection Funds which the members have respectively joined or will join (which means the Consumer Protection Funds prescribed in Article 296) pursuant to the provisions of an ordinance of the competent ministry.

第三節　委託者保護基金

Section 3 Consumer Protection Fund

第一款　登録

Subsection 1 Registration

（委託者保護業務の登録）

(Registration of the Consignor Protection Business)

第二百九十三条　委託者保護会員制法人は、委託者保護業務を行おうとするときは、主務大臣の登録を受けなければならない。

Article 293 When a Consignor Protection Membership Corporation intends to conduct a Consignor Protection Business, it shall receive a registration from the competent minister.

（登録の申請）

(Application for registration)

第二百九十四条　前条の登録を受けようとする委託者保護会員制法人は、主務省令で定めるところにより、次に掲げる事項を記載した申請書を主務大臣に提出しなければならない。

Article 294 (1) A Consignor Protection Membership Corporation which intends to receive a registration under the preceding Article shall submit a written application stating the following matters to the competent minister pursuant to the provisions of an ordinance of the competent ministry:

一　名称

(i) Name

二　純資産額

(ii) Amount of net assets

三　事務所の所在地

(iii) Office address

四　役員の氏名及び住所並びに会員の商号

(iv) Names and addresses of officers and trade names of members

２　第九十九条第七項の規定は、前項第二号の純資産額について準用する。

(2) The provisions of Article 99, paragraph (7) shall apply mutatis mutandis to the amount of net assets under item (ii) of the preceding paragraph.

（登録の基準）

(Criteria for registration)

第二百九十五条　主務大臣は、第二百九十三条の登録の申請が次の各号のいずれにも適合していると認めるときは、登録をしなければならない。この場合において、登録に関して必要な手続は、主務省令で定める。

Article 295 (1) If the competent minister finds that an application for registration under Article 293 conforms to all of the following items, he/she shall make the registration. In this case, the necessary procedure concerning registration shall be specified by an ordinance of the competent ministry.

一　純資産額が三十億円以上であること。

(i) The amount of net assets is three billion yen or more.

二　申請書のうちに重要な事項について虚の記載がないこと。

(ii) The written application includes no false entry regarding an important matter.

三　役員のうちに第十五条第二項第一号イからルまでのいずれかに該当する者がないこと。

(iii) None of the officers is a person who falls under any category of the persons in Article 15, paragraph (2), item (i) (a) to (k).

２　第十五条第五項から第九項までの規定は、第二百九十三条の登録について準用する。

(2) The provisions of Article 15, paragraph (5) shall apply mutatis mutandis to the registration under Article 293.

（変更の届出）

(Notification of a change)

第二百九十六条　第二百九十三条の登録を受けた委託者保護会員制法人（以下この章及び第八章において「委託者保護基金」という。）は、第二百九十四条第一項第一号、第三号又は第四号に掲げる事項について変更があつたときは、遅滞なく、その旨を記載した変更届出書を主務大臣に提出しなければならない。

Article 296 When there is a change to the matters listed in Article 294, paragraph (1), item (ii), item (iii) or item (iv), a Consignor Protection Membership Corporation which has received the registration under Article 293 (hereinafter referred to as the "Consumer Protection Fund" in this Article and Article 8) shall submit a written notification of change stating to that effect to the competent minister without delay.

（名称）

(Name)

第二百九十七条　委託者保護基金は、その名称中に「委託者保護基金」という文字を用いなければならない。

Article 297 (1) A Consumer Protection Fund shall use the characters "委託者保護基金" (Itakusha Hogo Kikin [Consumer Protection Fund]) in its name.

２　委託者保護基金でない者は、その名称中に「委託者保護基金」という文字を用いてはならない。

(2) No person other than a Consumer Protection Fund shall use the characters "委託者保護基金" (Itakusha Hogo Kikin [Consumer Protection Fund]) in its name.

第二款　商品取引員の加入及び脱退

Subsection 2 Membership and Withdrawal of a Futures Commission Merchant

（加入）

(Membership)

第二百九十八条　委託者保護基金は、商品取引員が当該委託者保護基金に加入しようとするときは、正当な事由により加入を制限する場合を除き、その加入を拒み、又はその加入について不当な条件を付してはならない。

Article 298 When a Futures Commission Merchant intends to join a Consumer Protection Fund, the Consumer Protection Fund shall not refuse membership to said Futures Commission Merchant or attach unfair conditions to its membership except in the case of restraining such membership based on justifiable grounds.

（加入義務等）

(Obligation to join, etc.)

第二百九十九条　商品取引員は、いずれか一の委託者保護基金にその会員として加入しなければならない。

Article 299 (1) A Futures Commission Merchant shall join any one of the Consumer Protection Funds as a member.

２　第百九十条第一項の許可を受けようとする者は、その許可の申請と同時に、いずれか一の委託者保護基金に加入する手続をとらなければならない。

(2) A person who intends to obtain a license under Article 190, paragraph (1) shall take steps to join any one of the Consumer Protection Funds at the same time as the filing of an application for such license.

３　前項の規定により委託者保護基金に加入する手続をとつた者は、同項の許可を受けた時に、当該委託者保護基金の会員となる。

(3) A person who has taken such steps to join a Consumer Protection Fund pursuant to the provisions of the preceding paragraph shall become a member of said Consumer Protection Fund.

４　商品取引員は、委託者保護基金に加入した場合又は所属する委託者保護基金を変更した場合には、遅滞なく、その旨を主務大臣に届け出なければならない。

(4) When a Futures Commission Merchant has joined a Consumer Protection Fund or has changed the Consumer Protection Fund, it shall notify the competent minister to that effect without delay.

（脱退等）

(Withdrawal, etc.)

第三百条　第二百七十八条の規定により委託者保護基金を脱退した者は、第三百三条から第三百十一条までの規定の適用については、なお当該委託者保護基金の会員である商品取引員とみなす。

Article 300 (1) A person who has withdrawn from a Consumer Protection Fund pursuant to the provisions of Article 278 shall be deemed to be a Futures Commission Merchant who is still a member of said Consumer Protection Fund with regard to the application of the provisions of Articles 303 to 311 inclusive.

２　商品取引員は、第二百七十八条各号に掲げる事由による場合又は主務大臣の承認を受けて他の委託者保護基金の会員となる場合を除き、その所属する委託者保護基金を脱退することができない。

(2) A Futures Commission Merchant may not withdraw from a Consumer Protection Fund to which it belongs except in the case of a withdrawal based on the grounds set forth in the respective items of Article 278 or in the case of becoming a member of another Consumer Protection Fund by obtaining the approval of the competent minister.

３　商品取引員は、その所属する委託者保護基金を脱退した場合（第二百七十八条の規定により脱退した場合を除く。）においても、当該商品取引員が当該委託者保護基金を脱退するまでに第三百三条第一項各号又は第三項各号のいずれかに該当することとなつた商品取引員のために当該委託者保護基金が行う業務（第二百六十九条第三項第一号及び第二号に掲げる業務に限る。）に要する費用のうち、当該脱退した商品取引員の負担すべき費用の額として業務規程で定めるところにより当該委託者保護基金が算定した額を負担金として納付する義務を負う。

(3) Even when a Futures Commission Merchant has withdrawn from a Consumer Protection Fund to which it belongs (excluding the case of withdrawal pursuant to the provisions of Article 278), the Futures Commission Merchant shall be liable to pay as a Burden Charge an amount calculated by said Consumer Protection Fund pursuant to the provisions of the market rules as an amount of the costs that should be borne by said withdrawn Futures Commission Merchant out of the amount of the costs required for the business conducted by said Consumer Protection Fund for any Futures Commission Merchant which has fallen under any of the items of Article 303, paragraph (1) or any of the items of paragraph (3) (limited to the business set forth in Article 269, paragraph (3), item (i) and item (ii)) before said Futures Commission Merchant withdrew from said Consumer Protection Fund.

４　主務大臣は、第二項の承認の申請があつたときは、次に掲げる要件を満たしている場合でなければ、その承認をしてはならない。

(4) When an application for the approval under paragraph (2) has been filed, the competent minister shall not grant the approval unless the application satisfies the following requirements:

一　当該商品取引員が、その承認の申請の時においてその脱退しようとする委託者保護基金に対し会員として負担する債務を完済しており、かつ、前項に規定する義務を履行することが確実と見込まれること。

(i) Said Futures Commission Merchant has completely repaid to the Consumer Protection Fund, from which it intends to withdraw, the liabilities it has borne as a member by the time of filing such application for approval and said Futures Commission Merchant is expected to perform the obligation prescribed in the preceding paragraph without fail.

二　当該商品取引員が、他の委託者保護基金に会員として加入する手続をとつていること。

(ii) Said Futures Commission Merchant has taken steps to join another Consumer Protection Fund as a member.

第三款　業務

Subsection 3 Business

（業務の制限）

(Restriction on business)

第三百一条　委託者保護基金は、委託者保護業務のほか、他の業務を営むことができない。

Article 301 A Consumer Protection Fund may not engage in any business other than a Consignor Protection Business.

（業務規程）

(Market rules)

第三百二条　委託者保護基金は、委託者保護業務を行うときは、その開始前に、業務規程を定め、主務大臣の認可を受けなければならない。これを変更するときも、同様とする。

Article 302 (1) When a Consumer Protection Fund conducts a Consignor Protection Business, it shall stipulate the market rules and obtain the approval of the competent minister before commencement of such business.

２　業務規程には、次に掲げる事項を記載しなければならない。

(2) The following matters shall be included in the market rules:

一　業務及びその執行に関する事項

(i) Matters concerning the business and its execution

二　負担金に関する事項（その算定方法及び納付に関する事項を含む。）

(ii) Matters concerning the Burden Charge (including matters concerning its method of calculation and payment)

三　その他主務省令で定める事項

(iii) Other matters specified by an ordinance of the competent ministry

（委託者保護基金への通知）

(Notice to the Consumer Protection Fund)

第三百三条　委託者保護基金の会員である商品取引員は、次の各号のいずれかに該当する場合には、直ちに、その旨をその所属する委託者保護基金に通知しなければならない。

Article 303 (1) When a Futures Commission Merchant who is a member of a Consumer Protection Fund falls under any of the following items, it shall immediately notify the Consumer Protection Fund to which it belongs to that effect:

一　第二百三十五条第三項又は第二百三十六条第一項の規定により第百九十条第一項の許可を取り消されたとき。

(i) When the license under Article 190, paragraph (1) was rescinded pursuant to the provisions of Article 235, paragraph (3) or Article 236, paragraph (1)

二　第百九十条第二項の規定により同条第一項の許可が効力を失つたとき。

(ii) When the license under Article 190, paragraph (1) ceased to be effective pursuant to the provisions of paragraph (2) of the same Article

三　破産手続開始、再生手続開始、更生手続開始又は特別清算開始の申立てを行つたとき。

(iii) When the Futures Commission Merchant filed a motion for commencement of bankruptcy proceedings, commencement of rehabilitation proceedings, commencement of reorganization proceedings or commencement of special liquidation proceedings

四　商品取引受託業務の廃止をしたとき若しくは解散をしたとき、又は第百九十七条第三項の規定による商品取引受託業務の廃止若しくは解散の公告をしたとき。

(iv) When the Futures Commission Merchant abolished its Commodity Transactions Brokerage Business or when it has given a public notice of abolition of its Commodity Transactions Brokerage Business or dissolution under Article 197, paragraph (3)

五　第二百三十六条第一項の規定による商品取引受託業務の停止の命令（同項第七号に該当する場合に限る。）を受けたとき。

(v) When the Futures Commission Merchant received an order for suspension of its Commodity Transactions Brokerage Business under Article 236, paragraph (1) (limited to the case which falls under item (vii) of the same paragraph)

六　前各号に掲げる場合のほか、委託者の保護に欠けるおそれがあるものとして政令で定めるとき。

(vi) In addition to the cases set forth in the preceding items, cases specified by a Cabinet Order to be cases lacking in protection for customers

２　委託者保護基金は、前項の規定による通知を受けたときは、直ちに、その旨を主務大臣に報告しなければならない。

(2) When a Consumer Protection Fund has received a notice under the preceding paragraph, it shall immediately report to the competent minister to that effect.

３　主務大臣は、委託者保護基金の会員である商品取引員について次に掲げる事由が生じたときは、直ちに、その旨を当該商品取引員が所属する委託者保護基金に通知しなければならない。

(3) When the following situation has occurred with regard to a Futures Commission Merchant who is a member of a Consumer Protection Fund, the competent minister shall immediately notify the Consumer Protection Fund to which said Futures Commission Merchant belongs to that effect:

一　第二百三十五条第三項又は第二百三十六条第一項の規定により第百九十条第一項の許可を取り消したとき。

(i) When the competent minister has rescinded the license under Article 190, paragraph (1) pursuant to the provisions of Article 235, paragraph (3) or Article 236, paragraph (1)

二　第二百三十六条第一項の規定により商品取引受託業務の停止を命じたとき（同項第七号に該当する場合に限る。）。

(ii) When the competent minister has ordered the suspension of a Commodity Transactions Brokerage Business pursuant to the provisions of Article 236, paragraph (1) (limited to the case that falls under item (vii) of the same paragraph)

三　第百九十条第二項の規定により同条第一項の許可が効力を失つたとき。

(iii) When the license under Article 190, paragraph (1) ceased to be effective pursuant to the provisions of paragraph (2) of the same Article

四　その他前三号に準ずる場合であつて、主務大臣が必要と認めるとき。

(iv) In any case equivalent to the preceding three items and when the competent minister finds it to be necessary

（一般委託者債務の弁済困難の認定）

(Recognition of a difficulty to repay the liabilities of a General Customer)

第三百四条　委託者保護基金は、前条第一項又は第三項の規定による通知を受けた場合（同条第一項の通知がない場合であつて、当該委託者保護基金の会員が同項各号のいずれかに該当することを知つたときを含む。）には、委託者の保護に欠けるおそれがないことが明らかであると認められるときを除き、当該通知に係る商品取引員（同条第一項の通知がない場合に当該委託者保護基金が同項各号のいずれかに該当することを知つた商品取引員を含む。以下「通知商品取引員」という。）につき、その一般委託者に対する委託者資産の返還に係る債務（以下この章において「一般委託者債務」という。）の円滑な弁済が困難であるかどうかの認定を遅滞なく行わなければならない。

Article 304 When a Consumer Protection Fund has received a notice under paragraph (1) or paragraph (3) of the preceding Article (including the case where there is no notice under paragraph (1) of the same Article but when said Consumer Protection Fund learns that its member has fallen under any of the items in the same paragraph), it shall make recognition of whether or not it is difficult for the Futures Commission Merchant pertaining to said notice (including a Futures Commission Merchant which said Consumer Protection Fund has learned has fallen under any of the respective items of the same paragraph in the case where there is no notice under the same paragraph; hereinafter referred to as the "Futures Commission Merchant Subject to a Notice") to repay smoothly any liabilities pertaining to the return of Customer Assets to the Futures Commission Merchant's General Customer (hereinafter referred to as "General Customer Liabilities" in this Chapter), except when it is found that there is clearly no risk of a lack of protection of customers.

（認定の公告）

(Public notice of the recognition)

第三百五条　委託者保護基金は、通知商品取引員につき、前条の規定により一般委託者債務の円滑な弁済が困難であるとの認定を行つた場合には、速やかに、次条第一項の請求の届出期間、届出場所その他政令で定める事項を定め、これを公告しなければならない。

Article 305 (1) When a Consumer Protection Fund has recognized that it is difficult for the Futures Commission Merchant Subject to a Notice to repay smoothly the General Customer Liabilities pursuant to the preceding Article, the Consumer Protection Fund shall promptly specify the period for notification and the place of notification for the request under paragraph (1) of the following Article and any other matters specified by a Cabinet Order and give a public notice thereof.

２　委託者保護基金は、前項の規定により公告した後に、同項の認定に係る商品取引員（以下「認定商品取引員」という。）について破産法（平成十六年法律第七十五号）第百九十七条第一項（同法第二百九条第三項において準用する場合を含む。）の規定による公告、第五項の規定による通知その他の政令で定める事由が生じたときは、前項の規定により公告した届出期間を変更することができる。

(2) If a public notice under Article 197, paragraph (1) of the Bankruptcy Act [Act No. 75 of 2004] (including the case where it is applied mutatis mutandis in Article 209, paragraph (3) of the same Act) has been given, a notice under paragraph (5) has been given, or any other situation specified by a Cabinet Order has occurred with regard to the Futures Commission Merchant pertaining to the recognition under the preceding paragraph (hereinafter referred to as the "Recognized Futures Commission Merchant") after giving the public notice pursuant to the provisions of the preceding paragraph, the Consumer Protection Fund may change the period of notification prescribed in the preceding paragraph.

３　委託者保護基金は、前項の規定により届出期間を変更したときは、遅滞なく、その変更に係る事項を公告しなければならない。

(3) When a Consumer Protection Fund has changed the period of notification pursuant to the provisions of the preceding paragraph, the Consumer Protection Fund shall give a public notice of the matters pertaining to such change without delay.

４　委託者保護基金は、第一項に規定する事項を定めた場合又は第二項の規定により届出期間を変更した場合には、直ちに、その旨を主務大臣に報告しなければならない。

(4) When a Consumer Protection Fund has specified the matters prescribed in paragraph (1) or changed the period of notification pursuant to the provisions of paragraph (2), the Consumer Protection Fund shall immediately report to the competent minister to that effect.

５　認定商品取引員の破産手続において、破産法第百九十七条第一項（同法第二百九条第三項において準用する場合を含む。）若しくは第二百四条第二項の規定による通知をしたとき、又は同法第二百八条第一項の規定による許可を受けたときは、破産管財人は、その旨を委託者保護基金に通知しなければならない。

(5) In bankruptcy proceedings against a Recognized Futures Commission Merchant, if the trustee in bankruptcy has given a notice under Article 197, paragraph (1) of the Bankruptcy Act (including the case where it is applied mutatis mutandis pursuant to Article 209, paragraph (3) of the same Act) or Article 204, paragraph (2) of the same Act or if he/she has received a permission under Article 208, paragraph (1) of the same Act, the trustee in bankruptcy shall notify the Consumer Protection Fund to that effect.

（補償対象債権の支払）

(Payment of Claims Subject to Compensation)

第三百六条　委託者保護基金は、認定商品取引員の一般委託者の請求に基づいて、前条第一項の規定により公告した日において現に当該一般委託者が当該認定商品取引員に対して有する債権（当該一般委託者の委託者資産に係るものに限る。）であつて委託者保護基金が政令で定めるところにより当該認定商品取引員による円滑な弁済が困難であると認めるもの（以下「補償対象債権」という。）につき、主務省令で定めるところにより算出した金額の支払を行うものとする。

Article 306 (1) Based on a request by a General Customer of a Recognized Futures Commission Merchant, a Consumer Protection Fund shall pay an amount calculated pursuant to the provisions of an ordinance of the competent ministry with respect to the claims which said General Customer had held against said Recognized Futures Commission Merchant on the day a public notice was given pursuant to the provisions of paragraph (1) of the preceding Article (limited to those pertaining to Customer Assets of said General Customer) and which the Consumer Protection Fund finds it difficult for said Recognized Futures Commission Merchant to repay smoothly, pursuant to the provisions of a Cabinet Order (hereinafter referred to as the "Claims Subject to Compensation").

２　委託者保護基金は、前項の規定にかかわらず、認定商品取引員の役員その他の政令で定める者に対しては、同項の支払を行わないものとする。

(2) Notwithstanding the preceding paragraph, a Consumer Protection Fund shall not make the payment under the same paragraph to an officer of the Recognized Futures Commission Merchant or to any other person as specified by a Cabinet Order.

３　第一項の請求は、前条第一項又は第三項の規定により公告した届出期間内でなければ、することができない。ただし、その届出期間内に請求しなかつたことにつき、災害その他やむを得ない事情があると委託者保護基金が認めるときは、この限りでない。

(3) A request under paragraph (1) may only be made within the period of notification which has been publicly notified pursuant to the provisions of paragraph (1) or paragraph (3) of the preceding Article; provided, however, that this shall not apply at the time of a natural disaster or when the Consumer Protection Fund finds an unavoidable reason regarding its inability to make the request within such period of notification.

（支払金額等）

(Amount to be paid, etc.)

第三百七条　前条第一項の請求をした認定商品取引員の一般委託者が当該認定商品取引員に対して債務を負つている場合において委託者保護基金が同項の規定により支払をすべき金額は、同項の規定にかかわらず、同項の規定による金額からその債務の額を控除した金額に相当する金額とする。

Article 307 (1) In the case where a General Customer of a Recognized Futures Commission Merchant who made a request under paragraph (1) of the preceding paragraph has incurred liabilities against said Recognized Futures Commission Merchant, the amount to be paid by the Consumer Protection Fund pursuant to the provisions of the same paragraph shall be an amount equivalent to an amount deducting the amount of such liabilities from the amount prescribed in the same paragraph, notwithstanding the provisions of the same paragraph.

２　商品取引員が第二百六十九条第二項の規定により一般委託者とみなされる場合における前条第一項及び前項の規定の適用については、当該商品取引員が一般委託者とみなされる起因となつている一般委託者ごとに一般委託者としての地位を有するものとする。

(2) In the case where a Futures Commission Merchant is deemed to be a General Customer pursuant to the provisions of Article 269, paragraph (2), with regard to the application of the provisions of paragraph (1) of the preceding Article and the preceding paragraph, each General Customer causing said Futures Commission Merchant to be deemed to be a General Customer shall have the status of a General Customer.

３　前条第一項及び第一項の規定により支払をすべき金額が政令で定める金額を超えるときは、当該政令で定める金額を当該支払をすべき金額とする。

(3) When an amount to be paid pursuant to the provisions of paragraph (1) and paragraph (1) of the preceding Article exceeds the amount specified by a Cabinet Order, the amount specified by said Cabinet Order shall be the amount to be paid.

４　委託者保護基金は、前条第一項の支払をしたときは、その支払をした金額に応じ、政令で定めるところにより、当該支払に係る補償対象債権を取得する。

(4) When a Consumer Protection Fund has made the payment under paragraph (1) of the preceding Article, the Consumer Protection Fund shall acquire Credits Subject to Compensation pertaining to said payment pursuant to the provisions of a Cabinet Order, in accordance with the amount paid.

（返還資金融資）

(Repayment Funding Loan)

第三百八条　委託者保護基金は、通知商品取引員（認定商品取引員を除く。）の申込みに基づき、その必要と認められる金額の範囲内において、当該通知商品取引員に対し、一般委託者債務の迅速な弁済に必要な資金の貸付け（以下「返還資金融資」という。）を行うことができる。

Article 308 (1) A Consumer Protection Fund may provide a loan of funds necessary for the expeditious repayment of liabilities of General Customers (hereinafter referred to as the "Repayment Funding Loan") to a Futures Commission Merchant Subject to a Notice (excluding a Recognized Futures Commission Merchant) within the scope of the amount found to be necessary, based on an application by said Futures Commission Merchant Subject to a Notice.

２　返還資金融資の申込みを行う通知商品取引員は、当該申込みを行う時までに、当該返還資金融資に関し、次に掲げる要件のすべてに該当することについて、主務大臣の認定（以下この条において「適格性の認定」という。）を受けなければならない。

(2) A Futures Commission Merchant filing an application for a Repayment Funding Loan shall obtain the approval of the competent minister with regard to the fact that it satisfies all of the following requirements concerning said Repayment Funding Loan (hereinafter referred to as "Recognition of Eligibility" in this Article) by the time of filing said application:

一　返還資金融資が行われることが一般委託者債務の迅速な弁済に必要であると認められること。

(i) Provision of a Repayment Funding Loan is found to be necessary for expeditiously repaying the liabilities of a General Customer.

二　返還資金融資による貸付金が一般委託者債務の迅速な弁済のために使用されることが確実であると認められること。

(ii) It is found that the money lent by a Repayment Funding Loan will certainly be used for expeditiously repaying the liabilities of a General Customer.

３　主務大臣は、適格性の認定を行つたときは、その旨を当該適格性の認定を受けた商品取引員が所属する委託者保護基金に通知しなければならない。

(3) When the competent minister has carried out Recognition of Eligibility, he/she shall notify to that effect to the Consumer Protection Fund to which the Futures Commission Merchant who received said Recognition of Eligibility belongs.

４　委託者保護基金は、通知商品取引員から返還資金融資の申込みがあつたときは、当該申込みに係る返還資金融資を行うかどうかの決定をしなければならない。

(4) When an application for a Repayment Funding Loan has been filed by a Futures Commission Merchant, a Consumer Protection Fund shall decide whether or not to provide the Repayment Funding Loan pertaining to said application.

５　委託者保護基金は、前項の決定をしたときは、直ちに、その決定に係る事項を主務大臣に報告しなければならない。

(5) When a Consumer Protection Fund makes a decision under the preceding paragraph, the Consumer Protection Fund shall immediately report any matters pertaining to such decision to the competent minister.

（保全対象財産の預託の受入れ及び管理）

(Acceptance and management of deposit of Property Subject to Preservation)

第三百九条　委託者保護基金は、主務省令で定めるところにより、会員である商品取引員から保全対象財産の全部又は一部の預託を受け、これを管理することができる。

Article 309 A Consumer Protection Fund may accept and manage a deposit of the whole or a part of the Property Subject to Preservation from a Futures Commission Merchant which is its member, pursuant to the provisions of an ordinance of the competent ministry.

（迅速な弁済に資するための業務）

(Business for expeditious repayment)

第三百十条　委託者保護基金は、会員である商品取引員の委託を受けて、一般委託者債務の迅速な弁済に資するため、当該商品取引員の信託管理人としての業務その他の主務省令で定める業務を行うことができる。

Article 310 On a consignment of a Futures Commission Merchant which is its member, a Consumer Protection Fund may conduct business as a trust administrator of said Futures Commission Merchant and any other business specified by an ordinance of the competent ministry in order to contribute to the expeditious repayment of liabilities of a General Customer.

（一般委託者の債権の保全）

(Preservation of claims of a General Customer)

第三百十一条　委託者保護基金は、通知商品取引員の一般委託者の委託を受けて、当該一般委託者のため、当該一般委託者が当該通知商品取引員に対して有する債権（当該一般委託者の委託者資産に係るものに限る。）の実現を保全するために必要な一切の裁判上又は裁判外の行為を行うことができる。

Article 311 (1) On a consignment of a General Customer of a Futures Commission Merchant Subject to a Notice, a Consumer Protection Fund may conduct any and all judicial or extra-judicial acts which are necessary for preserving fulfillment of the claims which said General Customer has on said Futures Commission Merchant Subject to a Notice (limited to those pertaining to Customer Assets of said General Customer) for the sake of said General Customer.

２　委託者保護基金は、一般委託者のために、公平かつ誠実に前項の行為をしなければならない。

(2) A Consumer Protection Fund shall conduct the acts under the preceding Article fairly and honestly on behalf of the General Customer.

３　委託者保護基金は、一般委託者に対し、善良な管理者の注意をもつて第一項の行為をしなければならない。

(3) A Consumer Protection Fund shall conduct the acts under paragraph (1) to a General Customer with the due care of a prudent manager.

（業務の廃止）

(Abolition of business)

第三百十二条　委託者保護基金は、主務大臣の許可を受けなければ、委託者保護業務を廃止してはならない。

Article 312 A Consumer Protection Fund shall not abolish its Consignor Protection Business without the permission of the competent minister having been obtained.

第四款　負担金

Subsection 4 Burden Charge

（委託者保護資金）

(Funds for Consignor Protection)

第三百十三条　委託者保護基金は、第二百六十九条第三項第一号及び第二号に掲げる業務に要する費用に充てるための資金（以下「委託者保護資金」という。）を設けるものとする。

Article 313 (1) A Consumer Protection Fund shall establish funds to be allocated to the costs required for the business set forth in Article 269, paragraph (3), item (i) and item (ii) (hereinafter referred to as "Funds for Consignor Protection").

２　委託者保護資金は、第二百六十九条第三項第一号及び第二号に掲げる業務に要する費用に充てる場合でなければ、これを使用してはならない。

(2) Funds for Consignor Protection shall not be used except in cases where they are allocated to the costs required for the business set forth in Article 269, paragraph (3), item (i) and item (ii).

（負担金）

(Burden Charge)

第三百十四条　商品取引員は、委託者保護資金に充てるため、業務規程で定めるところにより、その所属する委託者保護基金に対し、負担金を納付しなければならない。

Article 314 (1) A Futures Commission Merchant shall pay a Burden Charge to the Consumer Protection Fund to which it belongs pursuant to the provisions of the market rules, in order to allocate it to the Funds for Consignor Protection.

２　委託者保護基金は、前項の規定にかかわらず、業務規程で定めるところにより、通知商品取引員の負担金を免除することができる。

(2) Notwithstanding the preceding paragraph, a Consumer Protection Fund may exempt a Futures Commission Merchant Subject to a Notice from paying a Burden Charge pursuant to the provisions of its market rules.

（負担金の額の算定方法等）

(Method of calculating the amount of a Burden Charge, etc.)

第三百十五条　前条第一項の負担金の額は、業務規程で定める算定方法により算定される額とする。

Article 315 (1) The amount of a Burden Charge in paragraph (1) of the preceding Article shall be an amount calculated by the method of calculation specified by the market rules.

２　前項の負担金の算定方法は、次に掲げる基準に適合するように定めなければならない。

(2) The method of calculation of a Burden Charge under the preceding paragraph shall be stipulated to conform to the following standards:

一　第三百六条第一項の支払及び第三百八条第一項の返還資金融資に要する費用の予想額に照らし、長期的に委託者保護基金の財政が均衡するものであること。

(i) The finance of the Consumer Protection Fund will be balanced in the long term in light of the estimated amount of the payment to be made under Article 306, paragraph (1) and that of the costs necessary for the Repayment Funding Loan under Article 308, paragraph (1).

二　特定の商品取引員に対し差別的取扱いをしないものであること。

(ii) The method of calculation shall not provide discriminatory treatment to a specific Futures Commission Merchant.

３　商品取引員は、負担金を業務規程で定める納期限までに納付しない場合には、その所属する委託者保護基金に対し、延滞金を納付しなければならない。

(3) When a Futures Commission Merchant fails to pay a Burden Charge by the time limit for payment specified by the market rules, it shall pay a delinquent charge to the Consumer Protection Fund to which it belongs.

４　延滞金の額は、未納の負担金の額に納期限の翌日からその納付の日までの日数に応じ年十四・五パーセントの割合を乗じて計算した金額とする。

(4) The amount of the delinquent charge shall be an amount calculated by multiplying the amount of the unpaid Burden Charge by an annual rate of 14.5 percent according to the number of days from the day following the time limit for payment until the day of the payment.

第五款　財務及び会計

Subsection 5 Finance and Accounting

（事業年度及び区分経理）

(Business year and separate accounting)

第三百十六条　委託者保護基金の事業年度は、四月一日から翌年三月三十一日までとする。ただし、第二百九十三条の登録を受けた日を含む事業年度は、その登録の日からその後最初の三月三十一日までとする。

Article 316 (1) The business year of a Consumer Protection Fund shall be from April 1 to March 31 of the following year; provided, however, that the business year including the day of registration under Article 293 shall be from the day of registration until the following March 31.

２　委託者保護基金は、その会計を主務省令で定める勘定区分ごとに経理しなければならない。

(2) A Consumer Protection Fund shall carry out separate accounting for each account specified by an ordinance of the competent ministry.

（予算及び資金計画の提出）

(Submission of the budget and funding plans)

第三百十七条　委託者保護基金は、毎事業年度、主務省令で定めるところにより、予算及び資金計画を作成し、当該事業年度の開始前に（第二百九十三条の登録を受けた日を含む事業年度にあつては、登録後遅滞なく）、主務大臣に提出しなければならない。これを変更したときも、同様とする。

Article 317 Every business year, a Consumer Protection Fund shall draft the budget and funding plans and submit them to the competent minister before the commencement of the current business year (in the case of the business year which includes the day of registration under Article 293, it shall be after the registration with no delay) pursuant to the provisions of an ordinance of the competent ministry. The same shall apply when the budget and funding plans have been changed.

（財務諸表等の提出）

(Submission of Financial Statements, etc.)

第三百十八条　委託者保護基金は、事業年度（第二百九十三条の登録を受けた日を含む事業年度を除く。）の開始の日から三月以内に、主務省令で定めるところにより、前事業年度の財産目録、貸借対照表、損益計算書、事業報告書及び決算報告書（以下この条において「財務諸表等」という。）を作成し、これを主務大臣に提出しなければならない。

Article 318 (1) A Consumer Protection Fund shall draft an inventory of property, a balance sheet, a profit and loss statement, a business report and a settlement of accounts (hereinafter referred to as "Financial Statements, etc." in this Article ) for the previous business year and submit them to the competent minister pursuant to the provisions of an ordinance of the competent ministry within three months from the day of commencement of a business year (excluding the business year which includes the day of registration under Article 293).

２　委託者保護基金は、前項の規定により財務諸表等を主務大臣に提出するときは、これに財務諸表等に関する監事の意見書を添付しなければならない。

(2) When a Consumer Protection Fund submits the Financial Statements, etc. to the competent minister pursuant to the provisions of the preceding paragraph, the Consumer Protection Fund shall attach thereto a written opinion of an auditor concerning the Financial Statements, etc.

３　委託者保護基金は、第一項の規定により作成した財務諸表等を当該委託者保護基金の事務所に備えて置き、公衆の縦覧に供しなければならない。

(3) A Consumer Protection Fund shall keep a copy of the Financial Statements, etc. drafted pursuant to the provisions of paragraph (1) at the office of said Consumer Protection Fund and provide them for public inspection.

（準備金）

(Reserve)

第三百十九条　委託者保護基金は、毎事業年度の剰余金の全部を、準備金として積み立てなければならない。

Article 319 (1) A Consumer Protection Fund shall set aside all of the surplus in every business year as a reserve.

２　前項の準備金は、前事業年度から繰り越した欠損のてん補に充て、又は委託者保護資金に繰り入れることができる。

(2) The reserve in the preceding paragraph may be allocated to compensate for the deficit carried over from the previous business year or may be transferred to the Funds for Consignor Protection.

３　第一項の準備金は、前項の場合を除き、取り崩してはならない。

(3) The reserve under paragraph (1) shall not be broken into except in the cases set forth in the preceding paragraph.

（資金運用の制限）

(Restriction on fund management)

第三百二十条　委託者保護基金は、次に掲げる方法によるほか、業務上の余裕金及び委託者保護資金を運用してはならない。

Article 320 A Consumer Protection Fund may not manage any surplus funds that have come into existence in its business and the Funds for Consignor Protection except by the following methods:

一　国債その他主務大臣の指定する有価証券の保有

(i) Possession of national government bonds and other Securities designated by the competent minister

二　主務大臣の指定する金融機関への預金

(ii) Deposit to a financial institution designated by the competent minister

三　その他主務省令で定める方法

(iii) Any other method specified by an ordinance of the competent ministry

第六款　監督

Subsection 6 Supervision

（報告徴収及び立入検査）

(Request for reports; on-site inspections)

第三百二十一条　主務大臣は、この法律の施行のため必要があると認めるときは、委託者保護基金若しくはその会員に対し、その委託者保護業務若しくは財産に関し参考となるべき報告若しくは資料の提出を命じ、又はその職員に、委託者保護基金若しくはその会員の事務所若しくは営業所に立ち入り、帳簿、書類その他業務に関係のある物件を検査させることができる。

Article 321 (1) When the competent minister finds it necessary for the enforcement of this Act, he/she may order a Consumer Protection Fund or a member thereof to submit a report or materials that provide information about on their Consignor Protection Business or property or have his/her officials enter into an office or a business office of the Consumer Protection Fund or a member thereof to inspect the books, documents and other articles related to their business.

２　第百五十七条第三項及び第四項の規定は、前項の規定による立入検査について準用する。

(2) The provisions of Article 157, paragraph (3) and paragraph (4) shall apply mutatis mutandis to the inspection under the preceding paragraph.

（適合命令）

(Order to conform)

第三百二十二条　主務大臣は、委託者保護基金が第二百九十五条第一項各号に適合しなくなつたと認めるときは、その委託者保護基金に対し、これらの規定に適合するため必要な措置をとるべきことを命ずることができる。

Article 322 When the competent minister finds that a Consumer Protection Fund no longer conforms to the respective items of Article 295, paragraph (1), he/she may order such Consumer Protection Fund to take the necessary measures for conforming to these provisions.

（改善命令）

(Improvement order)

第三百二十三条　主務大臣は、委託者保護基金が第三款の規定に違反していると認めるときは、その委託者保護基金に対し、委託者保護業務を行うべきこと又は業務規程の変更その他委託者保護業務の方法の改善に関し必要な措置をとるべきことを命ずることができる。

Article 323 When the competent minister finds that a Consumer Protection Fund is in violation of provisions of Subsection 3, he/she may order said Consumer Protection Fund to conduct Consignor Protection Business, change its market rules or take other necessary measures for improving the method of Consignor Protection Business.

（委託者保護基金に対する監督上の処分）

(Disposition rendered to a Consumer Protection Fund for the purpose of supervision)

第三百二十四条　主務大臣は、委託者保護基金が次の各号のいずれかに該当するときは、その登録を取り消すことができる。

Article 324 (1) When a Consumer Protection Fund falls under any of the following items, the competent minister may rescind its registration:

一　第二百九十五条第一項各号に該当しないこととなつたとき。

(i) When the Consumer Protection Fund no longer falls under the respective items of Article 295, paragraph (1)

二　この節の規定又は当該規定に基づく命令若しくは処分に違反したとき。

(ii) When the Consumer Protection Fund has violated any provisions of this Section or any order or disposition based on said provisions

三　不正の手段により第二百九十三条の登録を受けたとき。

(iii) When the Consumer Protection Fund has received the registration under Article 293 by wrongful means

２　第百五十八条第二項の規定は前二条及び前項の規定による処分について、第百五十九条第四項の規定は前項の規定による登録の取消しに係る聴聞について準用する。

(2) The provisions of Article 158, paragraph (2) shall apply mutatis mutandis to the dispositions under the preceding two Articles and the preceding paragraph and the provisions of Article 159, paragraph (4) shall apply mutatis mutandis to a hearing pertaining to the rescission of registration under the preceding paragraph.

第七款　雑則

Subsection 7 Miscellaneous Provisions

（役員及び職員等の秘密保持義務）

(Confidentiality obligation of officers, employees, etc. of a Commodity Exchange)

第三百二十五条　委託者保護基金の役員若しくは職員若しくは運営審議会の委員又はこれらの職にあつた者は、その職務に関して知り得た秘密を漏らし、又は盗用してはならない。

Article 325 An officer, an employee or a governing council member of a Consumer Protection Fund or a person who was formerly in such a position shall not disclose to another person or appropriate any confidential information he/she has become aware of during the course of his/her duties.

（仮理事又は仮監事）

(Provisional director and provisional auditor)

第三百二十六条　主務大臣は、委託者保護基金の理事又は監事の職を行う者がない場合において、必要があると認めるときは、仮理事又は仮監事を選任することができる。

Article 326 The competent minister may, when there is no person to perform the duties of a director or an auditor of a Consumer Protection Fund and if he/she finds it necessary, appoint a provisional director or provisional auditor.

第四節　雑則

Section 4 Miscellaneous Provisions

第三百二十七条　この法律で規定するもののほか、委託者保護会員制法人及び委託者保護基金に関し必要な事項は、政令で定める。

Article 327 In addition to what is provided for in this Act, the necessary matters concerning a Consignor Protection Membership Corporation and a Consumer Protection Fund shall be specified by a Cabinet Order.

第七章　雑則

Chapter VII Miscellaneous Provisions

（裁判所の禁止命令）

(Prohibition order by the court)

第三百二十八条　裁判所は、緊急の必要があり、且つ、公益を保護するため必要且つ適当であると認めるときは、主務大臣の申立により、この法律に違反する行為をし、又はしようとする者に対し、その行為の禁止を命ずることができる。

Article 328 (1) The court may issue an order to prohibit acts violating this Act to a person who has committed or intends to commit said acts, when there is an urgent necessity and the court finds it necessary and appropriate for protecting public interest, upon a motion of the competent minister.

２　前項の禁止命令は、回復しがたい事態が生じた場合にのみ発せられ、その必要がなくなつた場合には、すみやかに撤回されるものとする。

(2) A prohibition order set forth in the preceding paragraph shall be issued only in the case where unrecoverable situations have occurred and shall be revoked immediately when the necessity has disappeared.

３　裁判所は、前項の規定により発した命令を取り消し、又は変更することができる。

(3) The court may rescind or change an order issued pursuant to the provisions of the preceding paragraph.

４　第一項及び前項に規定する事件は、被申立人の住所地の地方裁判所の管轄とする。

(4) Cases prescribed in paragraph (1) and the preceding paragraph shall fall under the jurisdiction of a district court in the place where the respondent's domicile is located.

５　第一項及び第三項に規定する裁判は、非訟事件手続法（明治三十一年法律第十四号）によつて行う。

(5) Judgment prescribed in paragraph (1) and paragraph (3) shall be carried out pursuant to the Non-Contentious Cases Procedure Act (Act No. 14 of 1898).

（相場による賭博行為等の禁止）

(Prohibition of gambling acts, etc. by quotations)

第三百二十九条　何人も、商品市場における取引によらないで、商品市場における相場を利用して、差金を授受することを目的とする行為及び次に掲げる取引と類似の取引をしてはならない。

Article 329 No person may conduct acts for the purpose of exchanging the difference between the selling price and the buying price by using quotations on a Commodity Market instead of through Transactions on a Commodity Market, or carry out transactions similar to the following transactions:

一　第二条第八項第二号又は第三号に掲げる取引

(i) Transactions set forth in Article 2, paragraph (8), item (ii) or item (iii)

二　第二条第八項第四号ロ又はハに掲げる取引に係る同号に掲げる取引

(ii) Transactions set forth in Article 2, paragraph (8), item (iv) pertaining to transactions set forth in (b) or (c) of the same item

（委託の媒介等の禁止）

(Prohibition of introducing brokerage, etc. of entrustment)

第三百三十条　何人も、業として、商品市場における取引の委託の媒介又は代理をしてはならない。

Article 330 No person may, in the course of trade, act as an introducing broker or agent for the consignment of Transactions on a Commodity Market.

（商品市場類似施設の開設の禁止の適用除外）

(Exemption from the prohibition of establishing facilities similar to a Commodity Market)

第三百三十一条　第六条の規定は、次に掲げる施設については、適用しない。

Article 331 The provisions of Article 6 shall not apply to the following facilities:

一　商品（第三百五十二条の規定による公示に係る上場商品に該当しないものに限る。以下この条において同じ。）又は商品指数（同条の規定による公示に係る上場商品指数に該当するか又は類似するもの以外のものに限る。以下この条において同じ。）について次に掲げる取引のみをするための施設として政令で定める要件に該当するもの

(i) Facilities which meet the requirements specified by a Cabinet Order as being facilities for carrying out only the following transactions with regard to a Commodity (limited to one that does not fall under a Listed Commodity pertaining to public notice under Article 352; hereinafter the same shall apply in this Article) or a Commodity Index (limited to one other than those falling under or similar to a Listed Commodity Index pertaining to public notice under the same Article; hereinafter the same shall apply in this Article)

イ　商品について当該商品の売買等を業として行つている者が自己の営業のためにその計算において行う先物取引に類似する取引

(a) Transactions similar to Futures Transactions which a person who, in the course of trade, engages in the Buying and Selling, etc. of a Commodity carries out with regard to said Commodity for his/her own business based on his/her own account

ロ　商品指数について当該商品指数の対象となる商品の売買等を業として行つている者が自己の営業のためにその計算において行う先物取引に類似する取引

(b) Transactions similar to Futures Transactions which a person who, in the course of trade, engages in the Buying and Selling, etc. of a Commodity subject to a Commodity Index carries out with regard to said Commodity Index for his/her own business based on his/her own account

二　次条第一項の許可を受けた者（第三百三十四条から第三百四十一条までにおいて「第一種特定施設開設者」という。）が開設する同項に規定する施設

(ii) Facilities prescribed in paragraph (1) of the following Article which are established by a person who obtained the permission under the same item (referred to as an "Establisher of a Type 1 Specified Facility" in Articles 334 to 341 inclusive)

三　第三百四十二条第一項の許可を受けた者（第三百四十四条及び第三百四十五条において「第二種特定施設開設者」という。）が開設する同項に規定する施設

(iii) Facilities prescribed in Article 342, paragraph (1) which are established by a person who obtained the permission under the same item (referred to as an "Establisher of a Type 2 Specified Facility" in Article 344 and Article 345)

（第一種特定商品市場類似施設の開設の許可）

(Permission for establishment of a Facility Similar to Type 1 Specified Commodity Market)

第三百三十二条　商品（第三百五十二条の規定による公示に係る上場商品に該当しないものに限る。以下この項において同じ。）又は商品指数（同条の規定による公示に係る上場商品指数に該当するか又は類似するもの以外のものに限る。以下この項において同じ。）について次に掲げる取引をするための施設（第一号及び第二号に掲げる取引のみをするためのものを除く。）として政令で定める要件に該当するもの（以下「第一種特定商品市場類似施設」という。）を開設しようとする者は、主務大臣の許可を受けなければならない。

Article 332 (1) A person who intends to establish a facility which meets the requirements specified by a Cabinet Order as a facility for carrying out only the following transactions (excluding a facility for carrying out only the transactions set forth in item (i) and item (ii)) with regard to a Commodity (limited to one that does not fall under a Listed Commodity pertaining to public notice under Article 352; hereinafter the same shall apply in this paragraph) or a Commodity Index (limited to one other than those falling under or similar to a Listed Commodity Index pertaining to public notice under the same Article; hereinafter the same shall apply in this paragraph) (hereinafter such facility shall be referred to as a "Facility Similar to Type 1 Specified Commodity Market") shall obtain the permission of the competent minister.

一　商品について当該商品の売買等を業として行つている者が自己の営業のためにその計算において、当該施設を介した当事者間の交渉に基づき価格その他の取引条件を決定する方法その他主務省令で定める方法により行う先物取引に類似する取引

(i) Transactions similar to Futures Transactions which a person who, in the course of trade, engages in the Buying and Selling, etc. of a Commodity carries out with regard to said Commodity for his/her own business based on his/her own account by a method of deciding on prices and other trade terms based on negotiations between parties through said facility or by other methods specified by an ordinance of the competent ministry

二　商品指数について当該商品指数の対象となる商品の売買等を業として行つている者が自己の営業のためにその計算において、前号に規定する方法により行う先物取引に類似する取引

(ii) Transactions similar to Futures Transactions which a person who, in the course of trade, engages in the Buying and Selling, etc. of a Commodity subject to a Commodity Index carries out with regard to said Commodity Index for his/her own business based on his/her own account by the method prescribed in the preceding item

三　商品又は商品指数について銀行その他の政令で定める者が自己の営業のためにその計算において、第一号に規定する方法により行う先物取引に類似する取引

(iii) Transactions with regard to a Commodity or a Commodity Index similar to Futures Transactions which a bank or other person specified by a Cabinet Order carries out for his/her own business based on his/her own account by the method prescribed in item (i)

２　前項の規定により許可を受けようとする者は、次に掲げる事項を記載した申請書を主務大臣に提出しなければならない。

(2) A person who intends to obtain permission pursuant to the provisions of the preceding paragraph shall submit a written application containing the following matters to the competent minister:

一　氏名又は商号若しくは名称及び住所

(i) Name or trade name and address

二　法人にあつては、その役員の氏名及び住所

(ii) In the case of a juridical person, names and addresses of its officers

三　取引の対象となる商品又は商品指数

(iii) The Commodity or Commodity Index subject to transactions

四　取引方法

(iv) Method of transaction

五　取引の対象となる商品又は商品指数ごとの第一種特定商品市場類似施設における取引に参加する者（以下この項及び次条において「第一種特定施設取引参加者」という。）の氏名又は商号若しくは名称

(v) Names or trade names of the persons who participate in transactions at the Facility Similar to Type 1 Specified Commodity Market for each Commodity or Commodity Index subject to transactions (hereinafter such persons shall be referred to as "Type 1 Specified Facility Trading Participants" in this paragraph and the following Article)

六　第一種特定施設取引参加者が商品（申請に係る商品及び申請に係る商品指数の対象となる商品に限る。）の売買等を業として行つている場合の当該商品

(vi) In the case where Type 1 Specified Facility Trading Participants, in the course of trade, engage in the Buying and Selling, etc. of a Commodity (limited to the Commodity pertaining to the application and a Commodity subject to the Commodity Index pertaining to the application), said Commodity

七　第一種特定商品市場類似施設の開設の予定年月日

(vii) Date on which a Facility Similar to Type 1 Specified Commodity Market is scheduled to be established

八　その他主務省令で定める事項

(viii) Other matters specified by an ordinance of the competent ministry

３　前項の申請書には、事業計画書その他主務省令で定める書類を添付しなければならない。

(3) A business plan and other documents specified by an ordinance of the competent ministry shall be attached to a written application set forth in the preceding paragraph.

（許可の基準）

(Criteria for permission)

第三百三十三条　主務大臣は、前条第一項の許可の申請が次に掲げる基準に適合していると認めるときは、許可をしなければならない。

Article 333 (1) If the competent minister finds that an application for permission under paragraph (1) of the preceding Article conforms to the following criteria, he/she shall grant the permission:

一　前条第一項第一号から第三号までに掲げる取引のみをするための施設であること。

(i) The facility is intended for carrying out only the transactions set forth in paragraph (1), items (i) to (iii) inclusive of the preceding Article.

二　申請に係る商品が第三百五十二条の規定による公示に係る上場商品に該当しないものであること又は申請に係る商品指数が同条の規定による上場商品指数に該当するか若しくは類似するもの以外のものであること。

(ii) The Commodity pertaining to the application does not fall under a Listed Commodity pertaining to public notice under Article 352, or the Commodity Index pertaining to the application is other than those falling under or similar to a Listed Commodity Index under the same Article.

三　申請に係る取引方法が前条第一項第一号に規定する取引の方法に適合していること。

(iii) The method of transaction pertaining to the application conforms to the method of transaction prescribed in paragraph (1), item (i) of the preceding Article.

四　取引の対象となる商品又は取引の対象となる商品指数ごとに、当該商品の売買等を業として行つている者又は当該商品指数の対象となる商品の売買等を業として行つている者が第一種特定施設取引参加者の過半数を占めること。

(iv) Persons who, in the course of trade, engage in the Buying and Selling, etc. of the Commodity subject to transaction or persons who, in the course of trade, engage in the Buying and Selling, etc. of the Commodity Index subject to transaction account for the majority of the entire Type 1 Specified Facility Trading Participants for each of said Commodity and said Commodity Index.

五　その他業務の内容及び方法が公益又は取引の公正の確保のため必要かつ適当なものであること。

(v) Other particulars and methods of business which are necessary and appropriate for ensuring public interest or the fairness of transactions.

２　主務大臣は、前条第一項の許可の申請が次の各号のいずれかに該当する場合には、前項の規定にかかわらず、同条第一項の許可をしてはならない。

(2) If an application for permission under paragraph (1) of the preceding Article falls under any of the following items, the competent minister shall not grant the permission under paragraph (1) of the same Article, notwithstanding the provisions of the preceding paragraph:

一　許可申請者が第十五条第二項第一号イからヲまでのいずれかに該当する者であるとき。

(i) If an applicant for permission falls under any category of the persons in Article 15, paragraph (2), item (i) (a) to (l) inclusive

二　申請書又はこれに添付すべき書類のうち重要な事項について虚偽の記載があるとき。

(ii) If the written application or the documents that should be attached thereto include a false entry regarding an important matter

３　第十五条第五項から第九項までの規定は、前条第一項の許可について準用する。

(3) The provisions of Article 15, paragraphs (5) to (9) inclusive shall apply mutatis mutandis to the permission under paragraph (1) of the preceding Article.

（承継）

(Succession)

第三百三十四条　第一種特定施設開設者がその事業の全部を譲り渡し、又は第一種特定施設開設者について相続、合併若しくは分割（その事業の全部を承継させるものに限る。）があつたときは、その事業の全部を譲り受けた者又は相続人（相続人が二人以上ある場合において、その全員の同意により事業を承継すべき相続人を選定したときは、その者。以下この条において同じ。）、合併後存続する法人若しくは合併により設立された法人若しくは分割によりその事業の全部を承継した法人は、その第一種特定施設開設者の地位を承継する。ただし、当該事業の全部を譲り受けた者又は当該相続人、合併後存続する法人若しくは合併により設立された法人若しくは分割により当該事業の全部を承継した法人が第十五条第二項第一号イからヲまでに該当するときは、この限りでない。

Article 334 (1) In the case where an Establisher of a Type 1 Specified Facility has transferred the establisher's entire business or an Establisher of a Type 1 Specified Facility has been subject to inheritance, merger, or split (limited to those involving the transfer of its entire business), a person who took over the establisher's entire business or an heir (when there are two or more heirs and an heir to succeed to the business has been selected by their unanimous consent, said person; hereinafter the same shall apply in this Article), a juridical person surviving a merger, a juridical person established by a merger or a juridical person who succeeded to the establisher's entire business due to a split shall succeed to the status of the Establisher of a Type 1 Specified Facility; provided, however, that this shall not apply to the case where a juridical person surviving a merger, a juridical person established by a merger, or a juridical person who succeeded to said entire business due to the split falls under any category of the persons in Article 15, paragraph (2), item (i) (a) to (l) inclusive.

２　前項の規定により第一種特定施設開設者の地位を承継した者は、遅滞なく、その旨を主務大臣に届け出なければならない。

(2) A person who has succeeded to the status of an Establisher of a Type 1 Specified Facility pursuant to the provisions of the preceding paragraph shall report to the competent minister to that effect without delay.

（変更の許可等）

(Permission for change, etc.)

第三百三十五条　第一種特定施設開設者は、第三百三十二条第二項第三号又は第四号に掲げる事項を変更しようとするときは、主務大臣の許可を受けなければならない。

Article 335 (1) When an Establisher of a Type 1 Specified Facility intends to change matters set forth in Article 332, paragraph (2), item (iii) or item (iv), he/she shall obtain the permission of the competent minister.

２　第一種特定施設開設者は、前項の許可を受けようとするときは、申請書に主務省令で定める書類を添付して、主務大臣に提出しなければならない。

(2) When an Establisher of a Type 1 Specified Facility intends to obtain the permission under the preceding paragraph, he/she shall submit a written application to the competent minister by attaching documents specified by an ordinance of the competent ministry.

３　第一種特定施設開設者は、第三百三十二条第二項第一号、第二号、第五号、第六号又は第八号に掲げる事項に変更があつたときは遅滞なく、同項第七号に掲げる事項を変更しようとするときはあらかじめ、その旨を主務大臣に届け出なければならない。

(3) When there is any change to the matters set forth in Article 332, paragraph (2), item (i), item (ii), item (v), item (vi) or item (viii), an Establisher of a Type 1 Specified Facility shall report to the competent minister to that effect without delay, and when he/she intends to change the matters set forth in item (vii) of the same paragraph, he/she shall report to the competent minister to that effect in advance.

４　第三百三十三条の規定は、第一項の許可について準用する。

(4) The provisions of Article 333 shall apply mutatis mutandis to the permission under paragraph (1).

（帳簿の作成等）

(Creation, etc. of books)

第三百三十六条　第一種特定施設開設者は、第一種特定商品市場類似施設における取引について、主務省令で定めるところにより、帳簿を作成し、これを保存しなければならない。

Article 336 (1) An Establisher of a Type 1 Specified Facility shall create and preserve books with regard to transactions at a Facility Similar to Type 1 Specified Commodity Market pursuant to the provisions of an ordinance of the competent ministry.

２　第一種特定施設開設者は、毎月、主務省令で定めるところにより、その業務に関し主務省令で定める事項を主務大臣に報告しなければならない。

(2) An Establisher of a Type 1 Specified Facility shall report matters specified by an ordinance of the competent ministry regarding its business to the competent minister every month pursuant to the provisions of an ordinance of the competent ministry.

（施設の廃止の届出等）

(Notification, etc. of abolition of a facility)

第三百三十七条　第一種特定施設開設者は、第一種特定商品市場類似施設を廃止したときは、遅滞なく、その旨を主務大臣に届け出なければならない。

Article 337 (1) When an Establisher of a Type 1 Specified Facility has abolished a Facility Similar to Type 1 Specified Commodity Market, he/she shall notify the competent minister to that effect without delay.

２　第一種特定施設開設者が第一種特定商品市場類似施設を廃止したときは、その許可は効力を失う。

(2) When an Establisher of a Type 1 Specified Facility has abolished a Facility Similar to Type 1 Specified Commodity Market, the permission thereof shall cease to be effective.

（報告及び立入検査）

(Report and inspection)

第三百三十八条　主務大臣は、この法律の施行のため必要があると認めるときは、第一種特定施設開設者に対し、その業務に関し参考となるべき報告若しくは資料の提出を命じ、又はその職員に、第一種特定施設開設者の事務所若しくは営業所に立ち入り、帳簿、書類その他業務に関係のある物件を検査させることができる。

Article 338 (1) When the competent minister finds it necessary for the enforcement of this Act, he/she may order an Establisher of a Type 1 Specified Facility to submit a report or materials that provide information about its business or have his/her officials enter an office or a business office of the Establisher of a Type 1 Specified Facility to inspect the books, documents and other articles related to its business.

２　第百五十七条第三項及び第四項の規定は、前項の規定による立入検査について準用する。

(2) The provisions of Article 157, paragraph (3) and paragraph (4) shall apply mutatis mutandis to inspection under the preceding paragraph.

（業務改善命令）

(Order to improve business operations)

第三百三十九条　主務大臣は、第一種特定施設開設者の業務の運営に関し、取引の対象となつている商品の売買等を業として行つている者又は取引の対象となつている商品指数の対象となる商品の売買等を業として行つている者の利益を害するおそれがあると認めるときその他公益又は取引の公正の確保のため必要かつ適当であると認めるときは、当該第一種特定施設開設者に対し、その業務の運営の改善に必要な措置をとるべきことを命ずることができる。

Article 339 (1) With regard to the operation of the business of an Establisher of a Type 1 Specified Facility, when the competent minister finds that there is a risk of harming the interests of a person who, in the course of trade, engages in the Buying and Selling, etc. of a Commodity subject to transactions or a person who, in the course of trade, engages in the Buying and Selling, etc. of a Commodity subject to a Commodity Index, or he/she finds it necessary and appropriate in order to ensure public interest or the fairness of transactions, he/she may order said Establisher of a Type 1 Specified Facility to take the necessary measures for improving the operation of its business.

２　第百五十八条第二項の規定は、前項の規定による処分について準用する。

(2) The provisions of Article 158, paragraph (2) shall apply mutatis mutandis to a disposition under the preceding paragraph.

（許可の取消し等）

(Rescission, etc. of the permission)

第三百四十条　主務大臣は、第一種特定施設開設者が次の各号のいずれかに該当するときは、その許可を取り消し、又は六月以内の期間を定めて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。

Article 340 (1) When an Establisher of a Type 1 Specified Facility falls under any of the following items, the competent minister may rescind the permission thereof, or order the suspension of the whole or a part of its business for a fixed period not exceeding six months.

一　この法律若しくはこの法律に基づく命令又はこれらに基づく処分に違反したとき。

(i) When an Establisher of a Type 1 Specified Facility has violated this Act, an order based on this Act, or a disposition based on this Act or such order

二　第十五条第二項第一号イからヲまで（同号ニについては、第百九十条第一項及び第三百四十二条第一項の許可の取消しに係る部分並びにこの法律に相当する外国の法令の規定に係る部分に限る。）のいずれかに該当することとなつたとき。

(ii) When an Establisher of a Type 1 Specified Facility has fallen under any category of the persons in Article 15, paragraph (2), item (i) (a) to (l) inclusive (with regard to (d) of the same item, limited to the part pertaining to rescission of a license under Article 190, paragraph (1) and the permission under Article 342, paragraph (1), and the part pertaining to the provisions of the laws and regulations of a foreign state equivalent to this Act)

三　正当な理由がないのに、許可を受けてから三月以内に第一種特定商品市場類似施設を開設せず、又は引き続き三月以上当該施設における取引を停止したとき。

(iii) When an Establisher of a Type 1 Specified Facility has failed to establish a Facility Similar to Type 1 Specified Commodity Market within three months after receiving permission, or has suspended transactions at said facility continuously for three months or more, without justifiable grounds

四　不正の手段により第三百三十二条第一項又は第三百三十五条第一項の許可を受けたとき。

(iv) When an Establisher of a Type 1 Specified Facility has obtained the permission under Article 332, paragraph (1) or Article 335, paragraph (1) by wrongful means

五　第一種特定施設開設者が開設する第一種特定商品市場類似施設が第三百三十三条第一項各号に掲げる基準に適合しないこととなつたとき。

(v) When a Facility Similar to Type 1 Specified Commodity Market established by an Establisher of a Type 1 Specified Facility has ceased to conform to the criteria set forth in the respective items of Article 333, paragraph (1)

２　第百五十八条第二項の規定は前項の規定による処分について、第百五十九条第四項の規定は前項の規定による許可の取消しに係る聴聞について準用する。

(2) The provisions of Article 158, paragraph (2) and the provisions of Article 159, paragraph (4) shall apply mutatis mutandis to a disposition under the preceding paragraph and to a hearing pertaining to the rescission of permission under the preceding paragraph, respectively.

（名簿）

(Member register)

第三百四十一条　主務大臣は、第一種特定施設開設者に関する第三百三十二条第二項第一号、第三号及び第四号に掲げる事項その他主務省令で定める事項を記載した第一種特定施設開設者名簿を備えなければならない。

Article 341 (1) The competent minister shall keep a member register of Establishers of a Type 1 Specified Facility which contains matters set forth in Article 332, paragraph (2), item (i), item (iii) and item (iv) and other matters specified by an ordinance of the competent ministry concerning Establishers of a Type 1 Specified Facility.

２　主務大臣は、第一種特定施設開設者名簿を公衆の縦覧に供しなければならない。

(2) The competent minister shall provide for public inspection a member register of Establishers of a Type 1 Specified Facility.

（第二種特定商品市場類似施設の開設の許可）

(Permission for establishment of a Facility Similar to Type 2 Specified Commodity Market)

第三百四十二条　商品（第三百五十二条の規定による公示に係る上場商品に該当するものであつて、主務省令で定めるものに限る。以下この項において同じ。）又は商品指数（同条の規定による公示に係る上場商品指数に該当するか又は類似するものであつて、主務省令で定めるものに限る。以下この項において同じ。）について次に掲げる取引をするための施設として政令で定める要件に該当するもの（以下「第二種特定商品市場類似施設」という。）を開設しようとする者は、主務大臣の許可を受けなければならない。

Article 342 (1) A person who intends to establish a facility which meets the requirements specified by a Cabinet Order as being a facility for carrying out only the following transactions with regard to a Commodity (limited to one that falls under a Listed Commodity pertaining to public notice under Article 352 and which is specified by an ordinance of the competent ministry; hereinafter the same shall apply in this paragraph) or a Commodity Index (limited to one falling under or similar to a Listed Commodity Index pertaining to public notice under the same Article and which is specified by an ordinance of the competent ministry; hereinafter the same shall apply in this paragraph) (hereinafter such facility shall be referred to as a "Facility Similar to Type 2 Specified Commodity Market") shall obtain the permission of the competent minister.

一　商品について当該商品の売買等を業として行つている者が自己の営業のためにその計算において、当該施設を介した当事者間の交渉に基づき価格その他の取引条件を決定する方法その他主務省令で定める方法により行う先物取引に類似する取引

(i) Transactions similar to Futures Transactions which a person who, in the course of trade, engages in the Buying and Selling, etc. of a Commodity carries out with regard to said Commodity for his/her own business based on his/her own account by a method of deciding on prices and other trade terms based on negotiations between parties through said facility or other methods specified by an ordinance of the competent ministry

二　商品指数について当該商品指数の対象となる商品の売買等を業として行つている者が自己の営業のためにその計算において、前号に規定する方法により行う先物取引に類似する取引

(ii) Transactions similar to Futures Transactions which a person who, in the course of trade, engages in the Buying and Selling, etc. of a Commodity subject to a Commodity Index carries out with regard to said Commodity Index for his/her own business based on his/her own account by the method prescribed in the preceding item

三　商品又は商品指数について銀行その他の政令で定める者が自己の営業のためにその計算において、第一号に規定する方法により行う先物取引に類似する取引

(iii) Transactions with regard to a Commodity or a Commodity Index similar to Futures Transactions which a bank or another person specified by a Cabinet Order carries out for his/her own business based on his/her own account by the method prescribed in item (i)

２　前項の規定により許可を受けようとする者は、次に掲げる事項を記載した申請書を主務大臣に提出しなければならない。

(2) A person who intends to obtain permission pursuant to the provisions of the preceding paragraph shall submit a written application containing the following matters to the competent minister:

一　氏名又は商号若しくは名称及び住所

(i) Name or trade name and address

二　法人にあつては、その役員の氏名及び住所

(ii) In the case of a juridical person, names and addresses of its officers

三　取引の対象となる商品又は商品指数

(iii) The Commodity or Commodity Index subject to transactions

四　取引方法

(iv) Method of transaction

五　取引の対象となる商品又は商品指数ごとの第二種特定商品市場類似施設における取引に参加する者（以下この項及び次条において「第二種特定施設取引参加者」という。）の氏名又は商号若しくは名称

(v) Names or trade names of the persons who participate in transactions at the Facility Similar to Type 2 Specified Commodity Market for each Commodity or Commodity Index subject to transactions (hereinafter such persons shall be referred to as "Type 2 Specified Facility Trading Participants" in this paragraph and the following Article)

六　第二種特定施設取引参加者が商品（申請に係る商品及び申請に係る商品指数の対象となる商品に限る。）の売買等を業として行つている場合の当該商品

(vi) In the case where Type 2 Specified Facility Trading Participants, in the course of trade, engage in the Buying and Selling, etc. of a Commodity (limited to the Commodity pertaining to the application and a Commodity subject to the Commodity Index pertaining to the application), said Commodity

七　第二種特定商品市場類似施設の開設の予定年月日

(vii) Date on which a Facility Similar to Type 2 Specified Commodity Market is scheduled to be established

八　その他主務省令で定める事項

(viii) Other matters specified by an ordinance of the competent ministry

３　前項の申請書には、事業計画書その他主務省令で定める書類を添付しなければならない。

(3) A business plan and other documents specified by an ordinance of the competent ministry shall be attached to a written application set forth in the preceding paragraph.

（許可の基準）

(Criteria for permission)

第三百四十三条　主務大臣は、前条第一項の許可の申請が次に掲げる基準に適合していると認めるときは、許可をしなければならない。

Article 343 (1) If the competent minister finds that an application for permission under paragraph (1) of the preceding Article conforms to the following criteria, he/she shall grant the permission:

一　前条第一項第一号から第三号までに掲げる取引のみをするための施設であること。

(i) The facility is intended for carrying out only the transactions set forth in paragraph (1), items (i) to (iii) inclusive of the preceding Article.

二　申請に係る取引方法が前条第一項第一号に規定する取引の方法に適合していること。

(ii) The method of transaction pertaining to the application conforms to the method of transaction prescribed in paragraph (1), item (i) of the preceding Article.

三　取引の対象となる商品又は取引の対象となる商品指数若しくは当該商品指数に類似する商品指数を上場している商品取引所の健全な運営に支障を及ぼすおそれがないこと。

(iii) There is no risk of causing a hindrance to the sound operation of a Commodity Exchange which lists the Commodity subject to transaction, the Commodity Index subject to transaction, or a Commodity Index similar to said Commodity Index.

四　取引の対象となる商品又は取引の対象となる商品指数ごとに、当該商品の売買等を業として行つている者又は当該商品指数の対象となる商品の売買等を業として行つている者が第二種特定施設取引参加者の過半数を占めること。

(iv) Persons who, in the course of trade, engage in the Buying and Selling, etc. of the Commodity subject to transaction or persons who, in the course of trade, engage in the Buying and Selling, etc. of a Commodity Index subject to transaction account for the majority of the entire Type 2 Specified Facility Trading Participants for each said Commodity and said Commodity Index.

五　その他業務の内容及び方法が公益又は取引の公正の確保のため必要かつ適当なものであること。

(v) Other particulars and methods of business which are necessary and appropriate in order to ensure public interest or the fairness of transactions.

２　主務大臣は、前条第一項の許可の申請が次の各号のいずれかに該当する場合には、前項の規定にかかわらず、同条第一項の許可をしてはならない。

(2) If an application for permission under paragraph (1) of the preceding Article falls under any of the following items, the competent minister shall not grant the permission under paragraph (1) of the same Article, notwithstanding the provisions of the preceding paragraph:

一　許可申請者が第十五条第二項第一号イからヲまでのいずれかに該当する者であるとき。

(i) If an applicant for permission falls under any category of the persons in Article 15, paragraph (2), item (i) (a) to (l) inclusive

二　申請書又はこれに添付すべき書類のうち重要な事項について虚偽の記載があるとき。

(ii) If the written application or the documents that should be attached thereto include a false entry regarding an important matter

３　第十五条第五項から第九項までの規定は、前条第一項の許可について準用する。

(3) The provisions of Article 15, paragraphs (5) to (9) inclusive shall apply mutatis mutandis to permission under paragraph (1) of the preceding Article.

（業務改善命令）

(Order to improve business operations)

第三百四十四条　主務大臣は、第二種特定施設開設者の業務の運営に関し、取引の対象となつている商品又は取引の対象となつている商品指数若しくは当該商品指数に類似する商品指数を上場している商品取引所の健全な運営に支障を及ぼすおそれがあると認めるとき、取引の対象となつている商品の売買等を業として行つている者又は取引の対象となつている商品指数の対象となる商品の売買等を業として行つている者の利益を害するおそれがあると認めるときその他公益又は取引の公正の確保のため必要かつ適当であると認めるときは、当該第二種特定施設開設者に対し、その業務の運営の改善に必要な措置をとるべきことを命ずることができる。

Article 344 (1) With regard to the operation of the business of an Establisher of a Type 2 Specified Facility, when the competent minister finds that there is a risk of causing a hindrance to the sound operation of a Commodity Exchange which lists the Commodity subject to transaction, the Commodity Index subject to transaction, or a Commodity Index similar to said Commodity Index, or a risk of harming the interests of a person who, in the course of trade, engages in the Buying and Selling, etc. of the Commodity subject to transaction or a person who, in the course of trade, engages in the Buying and Selling, etc. of a Commodity subject to the Commodity Index subject to transaction, or he/she finds it necessary and appropriate in order to ensure public interest or the fairness of transactions, he/she may order said Establisher of a Type 2 Specified Facility to take the necessary measures for improving the operation of its business.

２　第百五十八条第二項の規定は、前項の規定による処分について準用する。

(2) The provisions of Article 158, paragraph (2) shall apply mutatis mutandis to a disposition pursuant to the provisions of the preceding paragraph.

（準用）

(Application mutatis mutandis)

第三百四十五条　第三百三十四条から第三百三十八条まで、第三百四十条及び第三百四十一条の規定は、第二種特定施設開設者について準用する。この場合において、第三百三十五条第一項中「第三百三十二条第二項第三号又は第四号」とあるのは「第三百四十二条第二項第三号又は第四号」と、同条第三項中「第三百三十二条第二項第一号、第二号、第五号、第六号又は第八号」とあるのは「第三百四十二条第二項第一号、第二号、第五号、第六号又は第八号」と、同条第四項中「第三百三十三条」とあるのは「第三百四十三条」と、第三百三十六条第一項及び第三百三十七条中「第一種特定商品市場類似施設」とあるのは「第二種特定商品市場類似施設」と、第三百四十条第一項第二号中「第三百四十二条第一項」とあるのは「第三百三十二条第一項」と、同項第三号中「第一種特定商品市場類似施設」とあるのは「第二種特定商品市場類似施設」と、同項第四号中「第三百三十二条第一項又は第三百三十五条第一項」とあるのは「第三百四十二条第一項又は第三百四十五条において準用する第三百三十五条第一項」と、同項第五号中「第一種特定商品市場類似施設」とあるのは「第二種特定商品市場類似施設」と、「第三百三十三条第一項各号」とあるのは「第三百四十三条第一項各号」と、第三百四十一条第一項中「第三百三十二条第二項第一号、第三号及び第四号」とあるのは「第三百四十二条第二項第一号、第三号及び第四号」と、「第一種特定施設開設者名簿」とあるのは「第二種特定施設開設者名簿」と、同条第二項中「第一種特定施設開設者名簿」とあるのは「第二種特定施設開設者名簿」と読み替えるものとする。

Article 345 The provisions of Articles 334 to 338 inclusive, Article 340 and Article 341 shall apply mutatis mutandis to an Establisher of a Type 2 Specified Facility. In this case, the phrase "Article 332, paragraph (2), item (iii) or item (iv)" in Article 335, paragraph (1) shall be deemed to be replaced with "Article 342, paragraph (2), item (iii) or item (iv)," the phrase "Article 332, paragraph (2), item (i), item (ii), item (v), item (vi) or item (viii)" in paragraph (3) of the same Article shall be deemed to be replaced with "Article 342, paragraph (2), item (i), item (ii), item (v), item (vi) or item (viii)," the term "Article 333" in paragraph (4) of the same Article shall be deemed to be replaced with "Article 343," the term "a Facility Similar to Type 1 Specified Commodity Market" in Article 336, paragraph (1) and Article 337 shall be deemed to be replaced with "a Facility Similar to Type 2 Specified Commodity Market," the phrase "Article 342, paragraph (1)" in Article 340, paragraph (1), item (ii) shall be deemed to be replaced with "Article 332, paragraph (1)," the term "a Facility Similar to Type 1 Specified Commodity Market" in item (iii) of the same paragraph shall be deemed to be replaced with "a Facility Similar to Type 1 Specified Commodity Market," the phrase "Article 332, paragraph (1) or Article 335, paragraph (1)" in item (iv) of the same paragraph shall be deemed to be replaced with "Article 342, paragraph (1) or Article 335, paragraph (1) as applied mutatis mutandis pursuant to Article 345," the terms "a Facility Similar to Type 1 Specified Commodity Market" and "the respective items of Article 333, paragraph (1)" in item (v) of the same paragraph shall be deemed to be replaced with "a Facility Similar to Type 2 Specified Commodity Market" and "the respective items of Article 343, paragraph (1)," respectively, the terms "Article 332, paragraph (2), item (i), item (iii) and item (iv)" and "a member register of Establishers of a Type 1 Specified Facility" in Article 341, paragraph (1) shall be deemed to be replaced with "Article 342, paragraph (2), item (i), item (iii) and item (iv)" and "a member register of Establishers of a Type 2 Specified Facility," respectively, and the term "a member register of Establishers of a Type 1 Specified Facility" in paragraph (2) of the same Article shall be deemed to be replaced with "a member register of Establishers of a Type 2 Specified Facility."

（商品市場の開設等に係る経過措置）

(Transitional measures pertaining to the opening, etc. of a Commodity Market)

第三百四十六条　商品又は商品指数が上場商品又は上場商品指数となり、かつ、その旨が第三百五十二条の規定により公示された場合において、当該公示の際現に当該商品又は当該商品指数に係る第三百三十一条第一号又は第二号に掲げる施設が開設されており、かつ、当該施設において決済を結了していない先物取引に類似する取引が存するときは、当該取引の決済のためにする先物取引に類似する取引及びその取引がなされる施設の開設については、第六条の規定は適用しない。

Article 346 (1) In the case where a Commodity or a Commodity Index has become a Listed Commodity or a Listed Commodity Index and such fact has been publicly notified pursuant to the provisions of Article 352, if a facility set forth in Article 331, item (i) or item (ii) pertaining to said Commodity or said Commodity Index has been established at the time of said public notice and there are transactions similar to Futures Transactions where settlement has not been completed at said facility, the provisions of Article 6 shall not apply to transactions similar to Futures Transactions carried out for the settlement of said transactions and to the establishment of a facility where said transactions are carried out.

２　商品又は商品指数が上場商品（第三百四十二条第一項に規定する商品に限る。）又は上場商品指数（同項に規定する商品指数に限る。）となり、かつ、その旨が第三百五十二条の規定により公示された場合において、当該公示の際現に当該商品又は当該商品指数に係る第三百三十一条第二号に掲げる施設が開設されているときは、当該公示の日から起算して一月を経過する日までの間に限り、当該施設の開設者は、第三百四十二条第一項の許可を受けたものとみなす。

(2) In the case where a Commodity or a Commodity Index has become a Listed Commodity (limited to a Commodity prescribed in Article 342, paragraph (1)) or a Listed Commodity Index (limited to a Commodity Index prescribed in the same paragraph) and such fact has been publicly notified pursuant to the provisions of Article 352, if a facility set forth in Article 331, item (ii) pertaining to said Commodity or said Commodity Index has been established at the time of said public notice, an establisher of said facility shall be deemed to have obtained permission under Article 342, paragraph (1) only for the period until the day on which one month has elapsed from the day of said public notice.

３　第一項の規定は、前項の規定により第三百四十二条第一項の許可を受けたものとみなされた者が当該公示の日から一月を経過した日において同項の許可を受けておらず、かつ、当該許可を受けたとみなされた者が開設する施設において決済を結了していない先物取引に類似する取引が存する場合における当該取引の決済のためにする先物取引に類似する取引及びその取引がなされる施設の開設について準用する。

(3) In the case where a person who is deemed to have obtained permission under Article 342, paragraph (1) pursuant to the provisions of the preceding paragraph has not obtained the permission under the same paragraph as of the day on which one month has elapsed from the day of said public notice, and there are transactions similar to Futures Transactions where settlement has not been completed at a facility established by the person who is deemed to have obtained said permission, the provisions of paragraph (1) shall apply mutatis mutandis to transactions similar to Futures Transactions carried out for the settlement of said transactions and to the establishment of a facility where said transactions are carried out.

４　商品が第三百五十二条の規定による公示に係る上場商品に該当しないものとなり又は商品指数が同条の規定による公示に係る上場商品指数に該当するか若しくは類似するもの以外のものとなり、かつ、その旨が同条の規定により公示された場合において、当該公示の際現に当該商品又は当該商品指数に係る第三百三十一条第三号に掲げる施設が開設されているときは、当該施設の開設者は第三百三十二条第一項の許可を受けたものとみなす。ただし、当該施設が第三百三十一条第一号に掲げる施設に該当するものであるときは、この限りでない。

(4) In the case where a Commodity has become one that does not fall under a Listed Commodity pertaining to public notice under Article 352 or a Commodity Index has become one other than those falling under or similar to a Listed Commodity Index pertaining to public notice under the same Article and such fact has been publicly notified pursuant to the provisions of the same Article, if when a facility set forth in Article 331, item (iii) pertaining to said Commodity or said Commodity Index has been established at the time of said public notice, an establisher of said facility shall be deemed to have obtained permission under Article 332, paragraph (1); provided, however, this shall not apply when said facility falls under a facility set forth in Article 331, item (i).

（政令への委任）

(Delegation to a Cabinet Order)

第三百四十七条　第三百三十一条から前条までに定めるもののほか、第一種特定商品市場類似施設及び第二種特定商品市場類似施設の開設等に関し必要な事項は、政令で定める。

Article 347 In addition to what is provided for from Article 331 to the preceding Article, the necessary matters concerning establishment, etc. of a Facility Similar to Type 1 Specified Commodity Market or a Facility Similar to Type 2 Specified Commodity Market shall be specified by a Cabinet Order.

（他の法令との関係）

(Relationship with other laws and regulations)

第三百四十八条　取引所金融商品市場に類似する施設に該当するものについては、第六条の規定を適用せず、金融商品取引法の定めるところによるものとする。

Article 348 With regard to the facilities similar to Financial Instruments Exchange Markets , the provisions of the Financial Instruments and Exchange Act shall apply instead of the provisions of Article 6:

（店頭商品先物取引）

(Over-the-Counter Commodity Futures Transactions)

第三百四十九条　この条において「店頭商品先物取引」とは、上場商品構成物品等（主務省令で定めるものに限る。以下この条において同じ。）の売買等を業として行つている者（以下この条において「特定業者」という。）を相手方として、商品市場における取引によらないで、当該上場商品構成物品等について商品市場における相場を利用して自己の計算で行う次に掲げる行為又は取引であつて、その相手方たる特定業者にとつて自己の営業のためにその計算において行われるものをいう。

Article 349 (1) The term "Over-the-Counter Commodity Futures Transactions" as used in this Act shall mean the following acts or transactions carried out with a person who, in the course of trade, engages in the Buying and Selling, etc. of Listed Commodity Component Products, etc. (limited to those specified by an ordinance of the competent ministry; hereinafter the same shall apply in this Article) (hereinafter such person shall be referred to as a "Specified Commercial Dealer" in this Article) as the counterparty, based on his/her own account by using quotations on a Commodity Market with regard to said Listed Commodity Component Products, etc. instead of through Transactions on a Commodity Market, and those which said Specified Commercial Dealer, who is the counterparty, carries out for his/her own business based on his/her own account:

一　差金を授受することを目的とする行為

(i) Acts for the purpose of exchanging the difference

二　第三百二十九条各号に掲げる取引と類似の取引

(ii) Transactions similar to the transactions set forth in the respective items of Article 329

２　店頭商品先物取引を営業として行おうとする者は、主務省令で定めるところにより、次に掲げる事項を主務大臣に届け出なければならない。店頭商品先物取引を営業として行う者（以下「店頭商品先物取引業者」という。）が届け出た事項を変更しようとするときも同様とする。

(2) A person who intends to engage in Over-the-Counter Commodity Futures Transactions as business shall notify the following matters to the competent minister pursuant to the provisions of an ordinance of the competent ministry. The same shall apply to the case where a person who engages in Over-the-Counter Commodity Futures Transactions as business (hereinafter referred to as an "Over-the-Counter Commodity Futures Transactions Dealer") intends to change matters which he/she has notified.

一　氏名又は商号若しくは名称

(i) Name or trade name

二　営業所の名称及び位置

(ii) Name and location of the business office

三　店頭商品先物取引においてその相場を利用する商品市場

(iii) The Commodity Market whose quotations are used in Over-the-Counter Commodity Futures Transactions

四　その他主務省令で定める事項

(iv) Other matters specified by an ordinance of the competent ministry

３　主務大臣は、店頭商品先物取引業者の名簿を作成し、これを公衆の縦覧に供しなければならない。

(3) The competent minister shall create and provide for public inspection a member register of Over-the-Counter Commodity Futures Transactions Dealers.

４　店頭商品先物取引業者は、第三百二十九条の規定にかかわらず、店頭商品先物取引を行うことができる。

(4) An Over-the-Counter Commodity Futures Transactions Dealer may carry out Over-the-Counter Commodity Futures Transactions, notwithstanding the provisions of Article 329.

５　店頭商品先物取引業者は、店頭商品先物取引を行つた場合には、第三百二十九条の規定にかかわらず、商品市場における相場の変動に伴つて当該店頭商品先物取引から生ずるおそれのある損失を軽減するために必要な限度において、商品市場における取引によらないで、第一項各号に掲げる行為又は取引であつて次に掲げる基準に適合するもの（以下この条において「店頭商品先物取引業者間取引」という。）を行うことができる。

(5) In the case where an Over-the-Counter Commodity Futures Transactions Dealer has carried out Over-the-Counter Commodity Futures Transactions, he/she may carry out acts or transactions set forth in the respective items of paragraph (1) which meet the following criteria (hereinafter referred to as "Transactions between Over-the-Counter Commodity Futures Transactions Dealers" in this Article) without carrying out Transactions on a Commodity Market, within the limit necessary for reducing the losses that are likely to be caused by Over-the-Counter Commodity Futures Transactions due to fluctuations in quotations on the Commodity Market, notwithstanding the provisions of Article 329:

一　他の店頭商品先物取引業者を相手方として自己の計算で行うものであること。

(i) The acts or transactions are carried out with an Over-the-Counter Commodity Futures Transactions Dealer as the counterparty based on his/her own account.

二　当該店頭商品先物取引においてその相場を利用した上場商品構成物品等についての商品市場と同一の上場商品構成物品等についての同一の商品市場において形成される相場を利用して行うものであること。

(ii) The acts or transactions are carried out by using the quotations given on the same Commodity Market for the same Listed Commodity Component Products, etc. as the Commodity Market for Listed Commodity Component Products, etc. whose quotations are used in said Over-the-Counter Commodity Futures Transactions.

三　当該行為又は当該取引の相手方たる店頭商品先物取引業者にとつて自己の営業のためにその計算において行われるものであること。

(iii) The acts or transactions are carried out by the Over-the-Counter Commodity Futures Transactions Dealer who is the counterparty of said acts or said transactions for his/her own business based on his/her own account.

６　店頭商品先物取引業者は、店頭商品先物取引又は店頭商品先物取引業者間取引（以下この条及び第三百五十四条において「店頭商品先物取引等」という。）の契約を締結しようとするときは、主務省令で定めるところにより、当該店頭商品先物取引等の相手方たる特定業者又は店頭商品先物取引業者が自己の営業のためにその計算において当該取引を行うことについて確認しなければならない。

(6) When an Over-the-Counter Commodity Futures Transactions Dealer intends to conclude a contract on Over-the-Counter Commodity Futures Transactions or Transactions between Over-the-Counter Commodity Futures Transactions Dealers (hereinafter referred to as "Over-the-Counter Commodity Futures Transactions, etc." in this Article and Article 354), he/she shall confirm that a Specified Commercial Dealer or an Over-the-Counter Commodity Futures Transactions Dealer who is the counterparty of said Over-the-Counter Commodity Futures Transactions, etc. carries out said transactions for his/her own business based on his/her own account, pursuant to the provisions of an ordinance of the competent ministry.

７　店頭商品先物取引業者は、店頭商品先物取引の契約を締結しようとするときは、主務省令で定めるところにより、あらかじめ、取引の相手方たる特定業者に対し、当該店頭商品先物取引においてその相場を利用する商品市場その他の主務省令で定める事項を記載した書面を交付しなければならない。

(7) When an Over-the-Counter Commodity Futures Transactions Dealer intends to conclude a contract on Over-the-Counter Commodity Futures Transactions, he/she shall deliver in advance a document stating which Commodity Market's quotations are to be used in said Over-the-Counter Commodity Futures Transactions and any other matters specified by an ordinance of the competent ministry to a Specified Commercial Dealer who is the counterparty in the transaction, pursuant to the provisions of an ordinance of the competent ministry.

８　第二百十七条第二項の規定は、前項の規定による書面の交付について準用する。この場合において、同条第二項中「商品取引員」とあるのは「店頭商品先物取引業者」と、「顧客」とあるのは「特定業者」と読み替えるものとする。

(8) The provisions of Article 217, paragraph (2) shall apply mutatis mutandis to the delivery of a document under the preceding paragraph. In this case, the terms "a Commodity Futures Commission Merchant" and "a customer" in paragraph (2) of the same Article shall be deemed to be replaced with "an Over-the-Counter Commodity Futures Transactions Dealer" and "a Specified Commercial Dealer," respectively.

９　店頭商品先物取引業者は、店頭商品先物取引等について、主務省令で定めるところにより、帳簿を作成し、これを保存しなければならない。

(9) An Over-the-Counter Commodity Futures Transactions Dealer shall create and keep books with regard to the Over-the-Counter Commodity Futures Transactions, pursuant to the provisions of an ordinance of the competent ministry.

１０　主務大臣は、この法律の施行のため必要があると認めるときは、店頭商品先物取引業者に対し、その店頭商品先物取引等業務（第六項に規定する店頭商品先物取引等に関する業務をいう。以下この条において同じ。）に関し報告若しくは資料の提出を求め、又はその職員に、店頭商品先物取引業者の営業所に立ち入り、店頭商品先物取引等業務の状況若しくは店頭商品先物取引等業務に関する帳簿、書類その他の物件を検査させることができる。

(10) When the competent minister finds it necessary for the enforcement of this Act, he/she may order an Over-the-Counter Commodity Futures Transactions Dealer to submit a report or materials pertaining to its Business of Over-the-Counter Commodity Futures Transactions, etc. (which means businesses concerning Over-the-Counter Commodity Futures Transactions, etc. prescribed in paragraph (6); hereinafter the same shall apply in this Article) or have his/her officials enter a business office of the Over-the-Counter Commodity Futures Transactions Dealer to inspect the status of its Business of Over-the-Counter Commodity Futures Transactions, etc. or the books, documents and other articles related to its Businesses of Over-the-Counter Commodity Futures Transactions, etc.

１１　第百五十七条第三項及び第四項の規定は、前項の規定による立入検査について準用する。

(11) The provisions of Article 157, paragraph (3) and paragraph (4) shall apply mutatis mutandis to the inspection under the preceding paragraph.

１２　主務大臣は、店頭商品先物取引業者が第六項、第七項又は第九項の規定に違反したと認める場合その他の場合において、店頭商品先物取引等の公正が害されるおそれがあると認めるときは、当該店頭商品先物取引業者に対し、店頭商品先物取引等業務の運営を改善するため必要な措置をとるべきことを命ずることができる。

(12) In the case where the competent minister finds that an Over-the-Counter Commodity Futures Transactions Dealer has violated the provisions of paragraph (6), paragraph (7), or paragraph (9) or in other cases, if he/she finds a risk of harming the fairness of Over-the-Counter Commodity Futures Transactions, etc., he/she may order said Over-the-Counter Commodity Futures Transactions Dealer to take the necessary measures for improving the operation of its Business of Over-the-Counter Commodity Futures Transactions, etc..

１３　主務大臣は、店頭商品先物取引業者がこの法律、この法律に基づく命令又はこの法律に基づいてする主務大臣の処分に違反したときは、当該店頭商品先物取引業者に対し、三月以内の期間を定めて店頭商品先物取引等業務の全部又は一部の停止を命ずることができる。

(13) When an Over-the-Counter Commodity Futures Transactions Dealer has violated this Act, an order based on this Act or a disposition by the competent minister based on this Act, the competent minister may order said Over-the-Counter Commodity Futures Transactions Dealer to suspend the whole or a part of its Business of Over-the-Counter Commodity Futures Transactions, etc. for a fixed period not exceeding three months.

（参考人等の費用の請求）

(Claim for costs for a witness, etc.)

第三百五十条　第十五条第九項（第八十条第四項、第百三十三条第三項、第百四十六条第四項、第百五十五条第六項、第百五十六条第四項、第百六十九条第三項（第百七十三条第四項において準用する場合を含む。）、第百九十四条、第二百一条第二項、第二百二十九条、第二百四十八条第二項、第二百九十五条第二項、第三百三十三条第三項（第三百三十五条第四項において準用する場合を含む。）及び第三百四十三条第三項（第三百四十五条において読み替えて準用する第三百三十五条第四項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。）又は第百五十八条第二項（第百五十九条第五項、第百六十条第二項、第百八十七条、第二百四条第三項、第二百六条第六項、第二百三十七条、第二百六十六条、第三百二十四条第二項、第三百三十九条第二項、第三百四十条第二項（第三百四十五条において準用する場合を含む。）及び第三百四十四条第二項において準用する場合を含む。）の規定により出頭又は鑑定を命ぜられた参考人又は鑑定人は、政令で定めるところにより、旅費、日当その他の費用を請求することができる。

Article 350 A witness or an expert witness who is ordered to appear or provide an expert opinion pursuant to the provisions of Article 15, paragraph (9) (including the case where it is applied mutatis mutandis pursuant to Article 80, paragraph (4), Article 133, paragraph (3), Article 146, paragraph (4), Article 155, paragraph (6), Article 156, paragraph (4), Article 169, paragraph (3) [including the case where it is applied mutatis mutandis pursuant to Article 173, paragraph (4)], Article 194, Article 201, paragraph (2), Article 229, Article 248, paragraph (2), Article 295, paragraph (2), Article 333, paragraph (3) [including the case where it is applied mutatis mutandis pursuant to Article 335, paragraph (4)], and Article 343, paragraph (3) [including the case where it is applied mutatis mutandis pursuant to Article 335, paragraph (4) as is applied mutatis mutandis by replacing the terms pursuant to Article 345]) or Article 158, paragraph (2) (including the case where it is applied mutatis mutandis pursuant to Article 159, paragraph (5), Article 160, paragraph (2), Article 187, Article 204, paragraph (3), Article 206, paragraph (6), Article 237, Article 266, Article 324, paragraph (2), Article 339, paragraph (2), Article 340, paragraph (2) [including the case where it is applied mutatis mutandis pursuant to Article 345], and Article 344, paragraph (2)) may claim for travel expenses, daily allowance, and other costs, pursuant to the provisions of a Cabinet Order.

（発起人等の数の計算）

(Calculation of the number of founders, etc.)

第三百五十一条　第十条、第六十九条第六号、第七十条、第八十条第一項第二号、第九十四条第一項第三号、第九十五条又は第百五十五条第三項第一号イに規定する発起人、会員若しくは会員になろうとする者又は取引参加者の数の計算については、二以上の商品市場について上場商品構成物品等の売買等を業として行つている者は、当該商品市場の一ごとに一人とみなす。

Article 351 With regard to the calculation of the number of founders, members or persons who intend to become members or Trading Participants prescribed in Article 10, Article 69, item (vi), Article 70, Article 80, paragraph (1), item (ii), Article 94, paragraph (1), item (iii), Article 95 or Article 155, paragraph (3), item (i) (a), a person who, in the course of trade, engages in the Buying and Selling, etc. of Listed Commodity Component Products, etc. on two or more Commodity Markets shall be deemed to be one person for each of said Commodity Markets.

（公示）

(Public notice)

第三百五十二条　主務大臣は、次に掲げる場合は、上場商品又は上場商品指数に関する事項その他の主務省令で定める事項を、遅滞なく、官報に公示しなければならない。

Article 352 In the following cases, the competent minister shall publicly notify in an official gazette the matters concerning a Listed Commodity or a Listed Commodity Index and any other matters specified by an ordinance of the competent ministry, without delay:

一　第九条又は第七十八条の規定による許可又は不許可の処分をしたとき（第十五条第十一項（第八十条第四項及び第百四十六条第四項において準用する場合を含む。）の規定による場合を含む。）。

(i) When the competent minister has rendered a disposition for the granting or otherwise of the permission under Article 9 or a license under Article 78 (including the case under Article 15, paragraph (11) [including the case where it is applied mutatis mutandis pursuant to Article 80, paragraph (4), and Article 146, paragraph (4)])

二　商品市場について第十一条第四項又は第八十一条第二項の開設期限を経過したとき。

(ii) When the expiration date set forth in Article 11, paragraph (4) or Article 81, paragraph (2) has passed with regard to the Commodity Market

三　第十四条第一項又は第七十九条第一項の規定による許可の申請書の提出があつたとき。

(iii) When a written application for permission has been submitted pursuant to the provisions of Article 14, paragraph (1) or Article 79, paragraph (1)

四　第六十九条の規定による解散（同条第五号に掲げる事由による解散を除く。）又は第九十四条第一項の規定による許可の失効があつたとき。

(iv) When there has been a dissolution under Article 69 (excluding a dissolution due to the reason set forth in item (v) of the same Article) or a lapse of a license pursuant to the provisions of Article 94, paragraph (1)

五　第百三十二条第一項又は第百四十五条第一項の規定による認可又は不認可の処分をしたとき。

(v) When the competent minister has rendered a disposition of approval or disapproval under Article 132, paragraph (1) or Article 145, paragraph (1)

六　第百三十二条第二項又は第百四十五条第二項の規定による認可の申請書の提出があつたとき。

(vi) When a written application for approval has been submitted pursuant to the provisions of Article 132, paragraph (2) or Article 145, paragraph (2)

七　第百五十五条第一項の規定による認可又は不認可の処分（上場商品又は上場商品指数の範囲の変更に係るものに限る。）をしたとき（同条第六項第二号において準用する第十五条第十一項の規定による場合を含む。）。

(vii) When the competent minister has rendered a disposition of approval or disapproval under Article 155, paragraph (1) (limited to a disposition pertaining to a change in the scope of a Listed Commodity or a Listed Commodity Index) (including the case under Article 15, paragraph (11) as applied mutatis mutandis pursuant to paragraph (6), item (ii) of the same Article)

八　第百五十五条第二項の規定による認可（上場商品又は上場商品指数の範囲の変更（廃止又は範囲の縮小を除く。）に係るものに限る。）の申請書の提出があつたとき。

(viii) When a written application for approval has been submitted pursuant to the provisions of Article 155, paragraph (2) (limited to one pertaining to a change in the scope [except for abolition or narrowing of the scope] of a Listed Commodity or a Listed Commodity Index)

九　第百五十九条第一項第一号若しくは第二号又は第二項の規定により第九条又は第七十八条の許可の取消しをしたとき

(ix) When the competent minister has rescinded the permission under Article 9 or a license under Article 78 pursuant to the provisions of Article 159, paragraph (1), item (i) or item (ii), or paragraph (2)

十　第百五十九条第一項第二号又は第二項の規定による定款の変更の認可（上場商品又は上場商品指数の範囲の変更に係るものに限る。）の取消しをしたとき。

(x) When the competent minister has rescinded approval of an amendment to the articles of incorporation pursuant to the provisions of Article 159, paragraph (1), item (ii) or paragraph (2) (limited to one pertaining to a change in the scope of a Listed Commodity or a Listed Commodity Index)

（外国法人等に対するこの法律の規定の適用に当たつての技術的読替え等）

(Technical replacement of terms in applying the provisions of this Act to a foreign juridical person, etc.)

第三百五十三条　商品取引員が外国の法令に準拠して設立された法人である場合において、当該商品取引員に対するこの法律の規定の適用に当たつての技術的読替えその他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 353 In the case where a Futures Commission Merchant is a juridical person established pursuant to the laws and regulations of a foreign state, the technical replacement of the terms in applying the provisions of this Act to said Futures Commission Merchant and any other necessary matters pertaining to the application of the provisions this Act shall be specified by a Cabinet Order.

（主務大臣、主務省令及び権限の委任）

(Competent minister, ordinance of the competent ministry and delegation of authority)

第三百五十四条　この法律における主務大臣は、次のとおりとする。

Article 354 (1) The competent ministers in this Act shall be as follows:

一　農林水産省関係商品（商品のうち政令で指定するものをいう。以下同じ。）のみを上場商品とする商品市場若しくはその対象となる物品が農林水産省関係商品のみである商品指数を上場商品指数とする商品市場（以下「農林水産省関係商品市場」という。）のみを開設する商品取引所、農林水産省関係商品市場のみに係る商品取引債務引受業を行う商品取引清算機関、農林水産省関係商品のみ若しくはその対象となる物品が農林水産省関係商品のみである商品指数のみについて取引をするための第一種特定商品市場類似施設若しくは第二種特定商品市場類似施設の開設者又は農林水産省関係商品市場における相場のみを利用した店頭商品先物取引等に係る店頭商品先物取引業者については、農林水産大臣

(i) Minister of Agriculture, Forestry and Fisheries: with regard to Commodity Exchanges which open only the Commodity Markets on which the Listed Commodities consist solely of Commodities related to the Ministry of Agriculture, Forestry and Fisheries (which refers to such Commodities specified by a Cabinet Order; the same shall apply hereinafter) or the Commodity Markets on which the Listed Commodities consist solely of Commodity Indices whose sole target Goods are Commodities related to the Ministry of Agriculture, Forestry and Fisheries (hereinafter referred to as "Commodity Markets related to the Ministry of Agriculture, Forestry and Fisheries"), Commodity Clearing Organizations which conduct Business of Assuming Commodity Transaction Debts solely pertaining to Commodity Markets related to the Ministry of Agriculture, Forestry and Fisheries, establishers of Facilities Similar to Type 1 Specified Commodity Market or Facilities Similar to Type 2 Specified Commodity Market for carrying out transactions solely for Commodities related to the Ministry of Agriculture, Forestry and Fisheries or for Commodity Indices of which the sole target Goods are Commodities related to the Ministry of Agriculture, Forestry and Fisheries, or Over-the-Counter Commodity Futures Transactions Dealers pertaining to Over-the-Counter Commodity Futures Transactions, etc. solely using quotations on the Commodity Markets related to the Ministry of Agriculture, Forestry and Fisheries

二　経済産業省関係商品（商品のうち農林水産省関係商品以外のものをいう。以下同じ。）のみを上場商品とする商品市場若しくはその対象となる物品が経済産業省関係商品のみである商品指数を上場商品指数とする商品市場（以下「経済産業省関係商品市場」という。）のみを開設する商品取引所、経済産業省関係商品市場のみに係る商品取引債務引受業を行う商品取引清算機関、経済産業省関係商品のみ若しくはその対象となる物品が経済産業省関係商品のみである商品指数のみについて取引をするための第一種特定商品市場類似施設若しくは第二種特定商品市場類似施設の開設者又は経済産業省関係商品市場における相場のみを利用した店頭商品先物取引等に係る店頭商品先物取引業者については、経済産業大臣

(ii) Minister of Economy, Trade and Industry: with regard to Commodity Exchanges which open only the Commodity Markets where Listed Commodities consist solely of Commodities related to the Ministry of Economy, Trade and Industry (which refers to such Commodities other than Commodities related to the Ministry of Agriculture, Forestry and Fisheries; the same shall apply hereinafter) or the Commodity Markets where Listed Commodities consist solely of Commodity Indices of which the sole target Goods are Commodities related to the Ministry of Economy, Trade and Industry (hereinafter referred to as "Commodity Markets related to the Ministry of Economy, Trade and Industry"), Commodity Clearing Organizations which conduct Business of Assuming Commodity Transaction Debts solely pertaining to Commodity Markets related to the Ministry of Economy, Trade and Industry, establishers of Facilities Similar to Type 1 Specified Commodity Market or Facilities Similar to Type 2 Specified Commodity Market for carrying out transactions solely for Commodities related to the Ministry of Economy, Trade and Industry or for Commodity Indices where the sole target Goods are Commodities related to the Ministry of Economy, Trade and Industry, or Over-the-Counter Commodity Futures Transactions Dealers pertaining to Over-the-Counter Commodity Futures Transactions solely using quotations on the Commodity Markets related to the Ministry of Economy, Trade and Industry

三　商品取引所、商品取引清算機関、第一種特定商品市場類似施設の開設者、第二種特定商品市場類似施設の開設者若しくは店頭商品先物取引業者であつて前二号に掲げるもの以外のもの又は商品取引員、商品先物取引協会若しくは委託者保護基金については、農林水産大臣及び経済産業大臣

(iii) Minister of Agriculture, Forestry and Fisheries, and Minister of Economy, Trade and Industry: with regard to Commodity Exchanges, Commodity Clearing Organizations, establishers of Facilities Similar to Type 1 Specified Commodity Market, establishers of Facilities Similar to Type 2 Specified Commodity Market, or Over-the-Counter Commodity Futures Transactions Dealers who are other than those set forth in the preceding two items, or Futures Commission Merchants, commodity futures associations or Consumer Protection Funds

２　この法律において主務省令は、農林水産省令、経済産業省令とする。

(2) In this Act, an ordinance of the competent ministry shall be an Ordinance of the Ministry of Agriculture, Forestry and Fisheries or an Ordinance of the Ministry of Economy, Trade and Industry.

３　主務大臣は、政令で定めるところにより、この法律に基づく権限の一部を地方支分部局の長に行わせることができる。

(3) The competent minister may delegate a part of his/her authority based on this Act to the head of a local branch office, pursuant to the provisions of a Cabinet Order.

（経過措置）

(Transitional measures)

第三百五十五条　この法律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される範囲内において、所要の経過措置（罰則に係る経過措置を含む。）を定めることができる。

Article 355 In the case where an order is established or revised or abolished based on this Act, said order may specify required transitional measures (including transitional measures pertaining to penal provisions) within the scope reasonably necessary in accordance with said establishment or revision or abolition.

第八章　罰則

Chapter VIII Penal Provisions

第三百五十六条　次の各号のいずれかに該当する者は、五年以下の懲役若しくは五百万円以下の罰金に処し、又はこれを併科する。

Article 356 A person who falls under any of the following items shall be punished by imprisonment with work for not more than five years or by a fine of not more than five million yen, or shall be subject to the cumulative imposition thereof:

一　商品市場における取引若しくはその受託のため、又は相場の変動を図る目的をもつて、風説を流布し、偽計を用い、又は暴行若しくは脅迫をした者

(i) A person who has spread rumors, used fraudulent means, or resorted to physical violence or intimidation for the purpose of carrying out or brokering Transactions on a Commodity Market or causing a fluctuation of quotations on a Commodity Market

二　第百十六条の規定に違反した者

(ii) A person who has violated the provisions of Article 116

三　第百二十九条の規定により発行する株式を引き受ける者の募集をするに当たり、目論見書、当該募集の広告その他の当該募集に関する文書であつて重要な事項について虚偽の記載のあるものを行使し、又は当該文書の作成に代えて電磁的記録の作成がされている場合における当該電磁的記録であつて重要な事項について虚偽の記録のあるものをその募集の事務の用に供した会員商品取引所の役員（仮理事及び仮監事を含む。次号において同じ。）又は事業に関するある種類若しくは特定の事項の委任を受けた使用人

(iii) An officer (including a provisional director and a provisional auditor; the same shall apply in the following item) of a Member Commodity Exchange or an employee to whom authority has been delegated with regard to a certain kind of or specified matters concerning the business who, in inviting subscribers for the shares to be issued pursuant to the provisions of Article 129, has used a prospectus or an advertisement or other documents pertaining to said subscription which includes a false entry regarding an important matter or who has offered an Electromagnetic Record which includes a false entry regarding an important matter for carrying out affairs for said invitation for subscription in the case where an Electromagnetic Record has been created in lieu of the creation of said documents

四　第百二十九条の規定により発行する株式の払込みを仮装するため預合いを行つた会員商品取引所の役員若しくは事業に関するある種類若しくは特定の事項の委任を受けた使用人又は当該預合いに応じた者

(iv) An officer of a Member Commodity Exchange or an employee to whom authority has been delegated with regard to a certain kind of or specified matters concerning the business who has borrowed and deposited money for disguising the payment for shares to be issued pursuant to the provisions of Article 129, or a person who has participated in said disguise by borrowing and depositing money

第三百五十七条　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 357 A person who falls under any of the following items shall be punished by imprisonment with work for not more than three years or by a fine of not more than three million yen, or shall be subject to the cumulative imposition thereof:

一　第六条第一項の規定に違反した者

(i) A person who has violated the provisions of Article 6, paragraph (1)

二　第百二十九条の規定により発行する株式の総数の引受け、払込み若しくは現物出資の給付又は同条第三号に掲げる事項について、主務大臣、裁判所又は会員総会に対して虚偽の申述を行い、又は事実を隠ぺいした会員商品取引所の役員（仮理事及び仮監事を含む。）若しくは検査役又は株式会社商品取引所の取締役若しくは監査役となるべき者

(ii) A person who shall become an officer (including a provisional director and a provisional auditor) or an inspector of a Member Commodity Exchange or a person who shall become a director or a corporate auditor of a Incorporated Commodity Exchange who has made a false statement to or suppressed a fact against the competent minister, the court or a general meeting of members with regard to the subscription, payment or delivery of contribution in kind for the entire shares to be issued pursuant to the provisions of Article 129 or matters set forth in item (iii) of the same Article

三　第百六十七条の規定に違反して商品取引債務引受業を営んだ者

(iii) A person who, in violation of the provisions of Article 167, has engaged in Business of Assuming Commodity Transaction Debts

四　第百九十条第一項の規定に違反して商品取引受託業務を営んだ者

(iv) A person who, in violation of the provisions of Article 190, paragraph (1), has engaged in Commodity Transactions Brokerage Business

五　第百九十九条の規定に違反して、他人に商品取引受託業務を営ませた者

(v) A person who, in violation of the provisions of Article 199, has had another person engage in Commodity Transactions Brokerage Business

六　第三百二十八条第一項の規定による命令に違反した者

(vi) A person who has violated an order under the provisions of Article 328, paragraph (1)

第三百五十八条　第五条第一項又は第二項の規定に違反した場合においては、その行為をした商品取引所の代表者、代理人、使用人その他の従業者は、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 358 In the case where a Commodity Exchange has violated the provisions of Article 5, paragraph (1) or paragraph (2), the representative, an agent, an employee, or other worker thereof shall be punished by imprisonment with work for not more than three years or by a fine of not more than three million yen, or shall be subject to the cumulative imposition thereof.

第三百五十八条の二　第二百十四条の二第一項の規定に違反した場合においては、その行為をした商品取引員の代表者、代理人、使用人その他の従業者は、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 358-2 In the case where a Commodity Exchange has violated the provisions of Article 214-2, paragraph (1), the representative, an agent, an employee or any other worker thereof shall be punished by imprisonment with work for not more than three years or by a fine of not more than three million yen, or shall be subject to the cumulative imposition thereof.

第三百五十九条　商品取引所又は協会の役員（会計参与が法人である場合にあつてはその職務を行う社員とし、仮理事及び仮監事並びに仮取締役、仮執行役及び仮監査役を含む。）又は職員がその職務に関して、賄賂を収受し、又はその要求若しくは約束をしたときは、五年以下の懲役に処する。

Article 359 (1) In the case where an officer (in the case where an accounting advisor is a juridical person, a member who performs such duties; including a provisional director, a provisional auditor, a provisional representative director, a provisional executive officer and a provisional corporate auditor) or an official of a Commodity Exchange or an association has received, or requested or promised to receive a bribe with regard to his/her duties, he/she shall be punished by imprisonment with work for not more than five years.

２　前項の場合において、収受した賄賂は、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。

(2) In the case set forth in the preceding paragraph, the accepted bribe shall be confiscated. In the case where the whole or a part of the bribe cannot be confiscated, the value equivalent to it shall be charged.

３　第一項の賄賂を供与し、又はその申込み若しくは約束をした者は、三年以下の懲役又は三百万円以下の罰金に処する。

(3) A person who has given, or offered or promised to give a bribe set forth in paragraph (1) shall be punished by imprisonment with work for not more than three years or by a fine of not more than three million yen.

第三百五十九条の二　前条第一項の罪は、日本国外においてこれらの罪を犯した者にも適用する。

Article 359-2 (1) The crimes set forth in paragraph (1) of the preceding Article shall also apply to a person who has committed these crimes outside Japan.

２　前条第三項の罪は、刑法（明治四十年法律第四十五号）第二条の例に従う。

(2) The crimes set forth in paragraph (3) of the preceding Article shall be dealt with according to the provisions of Article 2 of the Penal Code (Act No. 45 of 1907).

第三百六十条　第百五十八条第一項、第百五十九条第一項から第三項まで、第百六十条第一項、第百八十六条第一項若しくは第四項又は第二百六十五条第一項若しくは第三項の規定による処分に違反した場合においては、その行為をした商品取引所、商品取引清算機関又は協会の代表者、代理人、使用人その他の従業者は、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 360 In the case where a person has violated the disposition under the provisions of Article 158, paragraph (1), Article 159, paragraphs (1) to (3) inclusive, Article 160, paragraph (1), Article 186, paragraph (1) or paragraph (4) or Article 265, paragraph (1) or paragraph (3), the representative, an agent, an employee or other worker of a Commodity Exchange, a Commodity Clearing Organization or an association which has committed such act shall be punished by imprisonment with work for not more than two years or by a fine of not more than three million yen, or shall be subject to the cumulative imposition thereof.

第三百六十一条　次の各号のいずれかに該当する者は、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 361 A person who falls under any of the following items shall be punished by imprisonment with work for not more than two years or by a fine of not more than three million yen, or shall be subject to the cumulative imposition thereof:

一　第二百十条の規定に違反した者

(i) A person who has violated the provisions of Article 210

二　第二百三十二条第二項、第二百三十五条第二項、第二百三十六条、第三百四十条第一項（第三百四十五条において準用する場合を含む。）又は第三百四十九条第十三項の規定による命令に違反した者

(ii) A person who has violated an order under the provisions of Article 232, paragraph (2), Article 235, paragraph (2), Article 236, Article 340, paragraph (1) (including the case where it is applied mutatis mutandis pursuant to Article 345) or Article 349, paragraph (13)

第三百六十二条　次の各号のいずれかに該当する者は、一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 362 A person who falls under any of the following items shall be punished by imprisonment with work for not more than one year or by a fine of not more than three million yen, or shall be subject to the cumulative imposition thereof:

一　第十四条、第七十九条、第百六十八条、第百九十二条第一項若しくは第二項、第二百二十五条第二項若しくは第三項、第二百二十六条第二項若しくは第三項、第二百二十七条第二項若しくは第三項、第二百二十八条第二項若しくは第三項、第二百四十七条、第二百九十四条第一項、第三百三十二条第二項若しくは第三項又は第三百四十二条第二項若しくは第三項の規定による申請書又は添付書類に虚偽の記載をして提出した者

(i) A person who has entered a false statement into a written application or an attached document under Article 14, Article 79, Article 168, Article 192, paragraph (1) or paragraph (2), Article 225, paragraph (2) or paragraph (3), Article 226, paragraph (2) or paragraph (3), Article 227, paragraph (2) or paragraph (3), Article 228, paragraph (2) or paragraph (3), Article 247, Article 294, paragraph (1), Article 332, paragraph (2) or paragraph (3) or Article 342, paragraph (2) or paragraph (3) and has submitted such document

二　第百五十七条第一項、第百八十四条第一項、第二百三十一条第一項、第二百六十三条第一項、第三百二十一条第一項、第三百三十八条第一項（第三百四十五条において準用する場合を含む。）又は第三百四十九条第十項の規定による報告をせず、若しくは資料を提出せず、又は虚偽の報告をし、若しくは虚偽の資料を提出した者

(ii) A person who has failed to make a report or has failed to submit material under Article 157, paragraph (1), Article 184, paragraph (1), Article 231, paragraph (1), Article 263, paragraph (1), Article 321, paragraph (1), Article 338, paragraph (1) (including the case where it is applied mutatis mutandis pursuant to Article 345) or Article 349, paragraph (10) or who has made a false report or has submitted false material

三　第百五十七条第一項若しくは第二項、第百八十四条第一項、第二百三十一条第一項若しくは第三項、第二百六十三条第一項、第三百二十一条第一項、第三百三十八条第一項（第三百四十五条において準用する場合を含む。）又は第三百四十九条第十項の規定による検査を拒み、妨げ、又は忌避した者

(iii) A person who has refused, prevented or recused an inspection under Article 157, paragraph (1) or paragraph (2), Article 184, paragraph (1), Article 231, paragraph (1) or paragraph (3), Article 263, paragraph (1), Article 321, paragraph (1), Article 338, paragraph (1) (including the case where it is applied mutatis mutandis pursuant to Article 345) or Article 349, paragraph (10)

四　第百九十七条第一項又は第四項の規定による届出をせず、又は虚偽の届出をした者

(iv) A person who has failed to make a notification under Article 197, paragraph (1) or paragraph (4) or who has made a false notification

五　第百九十七条第三項の規定による公告をせず、又は虚偽の公告をした者

(v) A person who has failed to give a public notice under Article 197, paragraph (3) or who has given a false public notice

六　第二百十一条第一項の規定による届出をせず、又は虚偽の届出をした者

(vi) A person who has failed to make a notification under Article 211, paragraph (1) or who has made a false notification

七　第二百十一条第三項の規定による書面を公衆の縦覧に供せず、又は虚偽の記載をした書面を公衆の縦覧に供した者

(vii) A person who has failed to provide for public inspection a document under Article 211, paragraph (3) or who has provided for public inspection a document including a false entry

八　第二百十四条第二号の規定に違反した者

(viii) A person who has violated the provisions of Article 214, item (ii)

九　第二百二十二条、第三百三十六条第一項（第三百四十五条において準用する場合を含む。）又は第三百四十九条第九項の規定による帳簿の作成若しくは保存をせず、又は虚偽の帳簿を作成した者

(ix) A person who has failed to create or keep books under Article 222, Article 336, paragraph (1) (including the case where it is applied mutatis mutandis pursuant to Article 345) or Article 349, paragraph (9) or who has created false books

十　第二百二十三条の規定に違反した者

(x) A person who has violated the provisions of Article 223

十一　第二百二十四条の規定による報告書若しくは第二百六十八条の規定による書類を提出せず、又は虚偽の記載をした報告書若しくは書類を提出した者

(xi) A person who has failed to submit a report under Article 224 or a document under Article 268 or a person who has submitted a report or a document including a false entry

十二　第二百三十二条第一項、第二百三十四条又は第二百三十五条第一項の規定による命令に違反した者

(xii) A person who has violated an order under Article 232, paragraph (1), Article 234 or Article 235, paragraph (1)

十三　第三百三条第一項の規定に違反して通知をせず、又は虚偽の通知をした者

(xiii) A person who, in violation of the provisions of Article 303, paragraph (1), has not given a notice or who has given a false notice

十四　第三百三十六条第二項（第三百四十五条において準用する場合を含む。）の規定による報告をせず、又は虚偽の報告をした者

(xiv) A person who has failed to make a report under Article 336, paragraph (2) (including the case where it is applied mutatis mutandis pursuant to Article 345) or who has made a false report

第三百六十三条　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 363 A person who falls under any of the following items shall be punished by imprisonment with work for not more than one year or by a fine of not more than one million yen, or shall be subject to the cumulative imposition thereof:

一　第六条第二項又は第九十七条第一項若しくは第二項の規定に違反して取引をした者

(i) A person who, in violation of the provisions of Article 6, paragraph (2), Article 97, paragraph (1) or paragraph (2), has carried out transactions

二　第八十六条第一項又は第二項ただし書の規定に違反した者

(ii) A person who has violated the provisions of Article 86, paragraph (1) or the proviso of paragraph (2)

三　第百十八条の規定による制限に違反した者

(iii) A person who has violated the restriction under the provisions of Article 118

四　第二百条第二項の規定に違反した者

(iv) A person who has violated the provisions of Article 200, paragraph (2)

五　第二百九条又は第二百十二条の規定に違反した者

(v) A person who has violated the provisions of Article 209 or Article 212

六　第二百十四条の二第二項の規定に違反した者

(vi) A person who has violated the provisions of Article 214-2, paragraph (2)

七　第二百十四条の二第五項の規定による申請書又は書類に虚偽の記載をして提出した者

(vii) A person who has entered a false statement into a written application or a document under Article 214-2, paragraph (5) and has submitted it

八　第二百四十四条第二項の規定に違反して、その名称中に商品先物取引協会の会員であると誤認されるおそれのある文字を用いた者

(viii) A person who, in violation of the provisions of Article 244, paragraph (2), has used in his/her name certain characters which are likely to mislead the public into believing that such person is a member of a commodity futures association

九　第三百三十条の規定に違反した者

(ix) A person who has violated the provisions of Article 330

十　商品市場における相場を偽つて公示した者

(x) A person who has given a false public notice of quotations on a Commodity Market

十一　公示若しくは領布する目的をもつて商品市場における相場を偽つて記載した文書を作成し、又はこれを領布した者

(xi) A person who has created a document including false statements with regard to quotations on a Commodity Market for the purpose of giving a public notice or distributing it or who has distributed such document

十二　第三百三十五条第一項の許可を受けないで第三百三十二条第二項第三号又は第四号に掲げる事項を変更した者

(xii) A person who has changed the matters set forth in Article 332, paragraph (2), item (iii) or item (iv) without obtaining the permission under Article 335, paragraph (1)

十三　第三百三十九条第一項、第三百四十四条第一項又は第三百四十九条第十二項の規定による命令に違反した者

(xiii) A person who has violated an order under Article 339, paragraph (1), Article 344, paragraph (1) or Article 349, paragraph (12)

十四　第三百四十五条において準用する第三百三十五条第一項の許可を受けないで第三百四十二条第二項第三号又は第四号に掲げる事項を変更した者

(xiv) A person who has changed the matters set forth in Article 342, paragraph (2), item (iii) or item (iv) without obtaining the permission under Article 335, paragraph (1) as applied mutatis mutandis pursuant to Article 345

第三百六十四条　次の各号に掲げる違反があつた場合においては、その行為をした商品取引所、商品取引清算機関、協会又は委託者保護基金の代表者、代理人、使用人その他の従業者は、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 364 In the case where there was a violation set forth in the following items, the representative, an agent, an employee, or other worker of a Commodity Exchange, a Commodity Clearing Organization, an association or a Consumer Protection Fund which committed such act shall be punished by imprisonment with work for not more than one year or by a fine of not more than one million yen, or shall be subject to the cumulative imposition thereof:

一　第七条第二項、第二百四十二条第一項、第二百九十八条又は第三百二条第一項の規定に違反したとき。

(i) When a person has violated the provisions of Article 7, paragraph (2), Article 242, paragraph (1), Article 298 or Article 302, paragraph (1)

二　第六十五条、第百三条第四項（第百七十九条第五項において準用する場合を含む。）又は第百十条（第百八十条第五項において準用する場合を含む。）の規定に違反したとき。

(ii) When a person has violated the provisions of Article 65, Article 103, paragraph (4) (including the case where it is applied mutatis mutandis pursuant to Article 179, paragraph (5)) or Article 110 (including the case where it is applied mutatis mutandis pursuant to Article 180, paragraph (5))

三　第百八十五条、第二百六十四条、第三百二十二条又は第三百二十三条の命令に違反したとき。

(iii) When a person has violated an order under Article 185, Article 264, Article 322 or Article 323

四　第三百十二条の規定による許可を受けないで委託者保護業務を廃止したとき。

(iv) When a person has abolished Consignor Protection Business without obtaining the permission under Article 312

第三百六十五条　第三百二十九条の規定に違反して差金を授受することを目的とする行為又は同条各号に掲げる取引と類似の取引をした者は、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。ただし、刑法第百八十六条の規定の適用を妨げない。

Article 365 A person who, in violation of the provisions of Article 329, has committed an act for the purpose of exchanging the difference or has carried out transactions similar to those set forth in the respective items of the same Article shall be punished by imprisonment with work for not more than one year or by a fine of not more than one million yen, or shall be subject to the cumulative imposition thereof; provided, however, that it shall not preclude the application of the provisions of Article 186 of the Penal Code.

第三百六十六条　第百六十一条、第百七十六条、第二百六十七条又は第三百二十五条の規定に違反した者は、一年以下の懲役又は五十万円以下の罰金に処する。

Article 366 A person who has violated the provisions of Article 161, Article 176, Article 267, or Article 325 shall be punished by imprisonment with work for not more than one year or by a fine of not more than 500 thousand yen.

第三百六十七条　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 367 A person who falls under any of the following items shall be punished by imprisonment with work for not more than six months or by a fine of not more than 500 thousand yen, or shall be subject to the cumulative imposition thereof:

一　第四条第二項、第五十五条（第七十七条第二項において準用する場合を含む。）、第九十一条第一項（同条第二項において準用する場合を含む。）、第百五条、第百六条、第二百七十一条第二項又は第二百九十七条第二項の規定に違反した者

(i) A person who has violated the provisions of Article 4, paragraph (2), Article 55 (including the case where it is applied mutatis mutandis pursuant to Article 77, paragraph (2)), Article 91, paragraph (1) (including the case where it is applied mutatis mutandis pursuant to paragraph (2) of the same Article), Article 105, Article 106, Article 271, paragraph (2) or Article 297, paragraph (2)

二　第二百条第三項若しくは第四項又は第三百三十五条第二項（第三百四十五条において準用する場合を含む。）の規定による申請書又は添付書類に虚偽の記載をして提出した者

(ii) A person who has entered a false statement into a written application or an attached document under Article 200, paragraph (3) or paragraph (4) or Article 335, paragraph (2) (including the case where it is applied mutatis mutandis pursuant to Article 345) and has submitted such document

三　第二百十三条の二第一項（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

(iii) A person who has failed to represent or has misrepresented the matters prescribed in Article 213-2, paragraph (1) (excluding item (ii))

四　第二百十三条の二第二項の規定に違反した者

(iv) A person who has violated the provisions of Article 213-2, paragraph (2)

五　第二百十七条第一項又は第三百四十九条第七項の規定に違反して、書面を交付せず、又はこれらの規定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

(v) A person who, in violation of the provisions of Article 217, paragraph (1) or Article 349, paragraph (7), has failed to deliver a document or has delivered a document which does not include the matters prescribed in these provisions or a document including a false entry

六　第二百二十条第一項の規定に違反して、通知せず、又は同条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により通知した者

(vi) A person who, in violation of the provisions of Article 220, paragraph (1), has failed to give a notice or has given a notice with a document which does not include the matters prescribed in the same Article or a document including a false entry

七　第二百二十条の二第一項の規定に違反して、書面を交付せず、若しく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又は同条第二項において準用する第二百十七条第二項に規定する方法により当該事項を欠いた提供若しくは虚偽の事項の提供をした者

(vii) A person who, in violation of the provisions of Article 220-2, paragraph (1), has failed to deliver a document or has delivered a document which does not include the matters prescribed in the same Article or a document including a false entry, or a person who has provided information lacking said matters or who has provided false matters by the method prescribed in Article 217, paragraph (2) as applied mutatis mutandis pursuant to Article 220-2, paragraph (2)

八　第二百四十四条第一項の規定に違反して、その名称中に商品先物取引協会であると誤認されるおそれのある文字を用いた者

(viii) A person who, in violation of the provisions of Article 244, paragraph (1), has used in his/her name certain characters which are likely to mislead the public into believing that such person is a commodity futures association

九　第三百四十九条第六項の規定に違反して確認を行わずに契約を締結した者

(ix) A person who, in violation of the provisions of Article 349, paragraph (6), has concluded a contract without having confirmation

第三百六十八条　次の各号に掲げる違反があつた場合においては、その行為をした商品取引所、商品取引清算機関、協会又は委託者保護基金の代表者、代理人、使用人その他の従業者は、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 368 In the case of a violation set forth in the following items, the representative, an agent, an employee or other worker of a Commodity Exchange, a Commodity Clearing Organization, an association or a Consumer Protection Fund which committed such act shall be punished by imprisonment with work for not more than six months or by a fine of not more than 500 thousand yen, or shall be subject to the cumulative imposition thereof:

一　第三条、第六十四条、第百七十条第一項又は第二百四十二条第二項の規定に違反したとき。

(i) When a person has violated the provisions of Article 3, Article 64, Article 170, paragraph (1), or Article 242, paragraph (2)

二　第百五十五条第二項又は第百五十六条第二項の規定による申請書又は添付書類に虚偽の記載をして提出したとき。

(ii) When a person has entered a false statement into a written application or an attached document under Article 155, paragraph (2) or Article 156, paragraph (2) and has submitted such document

三　第三百一条の規定に違反して、委託者保護業務以外の業務を行つたとき。

(iii) When a person has carried out business other than Consignor Protection Business in violation of the provisions of Article 301

第三百六十九条　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 369 A person who falls under any of the following items shall be punished by a fine of not more than 300 thousand yen:

一　第百一条第二項又は第百十五条の規定に違反した者

(i) A person who has violated the provisions of Article 101, paragraph (2) or Article 115

二　第百九十五条第一項若しくは第百九十六条の規定による届出書を提出せず、若しくは虚偽の記載をした届出書を提出し、又は第百九十五条第二項の規定による添付書類を提出せず、若しくは添付書類に虚偽の記載をして提出した者

(ii) A person who has failed to submit a written notification under Article 195, paragraph (1) or Article 196 or has submitted a written notification including a false entry or who has failed to submit an attached document under Article 195, paragraph (2) or has entered a false statement into an attached document and submitted such document

三　第百九十八条第二項の規定に違反して、同条第一項の規定による標識又はこれに類似する標識を掲示した者

(iii) A person who, in violation of the provisions of Article 198, paragraph (2), has posted a sign under the provisions of paragraph (1) of the same Article or a sign similar thereto

四　第二百三条又は第二百九十九条第四項の規定による届出をせず、又は虚偽の届出をした者

(iv) A person who has failed to make a notification under Article 203 or Article 299, paragraph (4) or who has made a false notification

五　第二百十六条の規定に違反して、商品取引所の定める受託契約準則によらないで受託契約を締結した者

(v) A person who, in violation of the provisions of Article 216, has concluded a Brokerage Contract without following the brokerage contract rules provided by a Commodity Exchange

六　第二百三十一条第二項の規定による報告をせず、若しくは資料を提出せず、又は虚偽の報告をし、若しくは虚偽の資料の提出をした者

(vi) A person who has failed to make a report or has failed to submit material under Article 231, paragraph (2) or who has made a false report or has submitted false material

七　第三百三十四条第二項（第三百四十五条において準用する場合を含む。）、第三百三十五条第三項（第三百四十五条において準用する場合を含む。）、第三百三十七条第一項（第三百四十五条において準用する場合を含む。）又は第三百四十九条第二項の規定による届出をせず、又は虚偽の届出をした者

(vii) A person who has failed to make a notification under Article 334, paragraph (2) (including the case where it is applied mutatis mutandis pursuant to Article 345), Article 335, paragraph (3) (including the case where it is applied mutatis mutandis pursuant to Article 345), Article 337, paragraph (1) (including the case where it is applied mutatis mutandis pursuant to Article 345) or Article 349, paragraph (2) or who has made a false notification

第三百七十条　次の各号に掲げる違反があつた場合においては、その行為をした商品取引所、商品取引清算機関、協会又は委託者保護基金の代表者、代理人、使用人その他の従業者は、三十万円以下の罰金に処する。

Article 370 In the case where there was a violation set forth in the following items, the representative, an agent, an employee or other worker of a Commodity Exchange, a Commodity Clearing Organization, an association or a Consumer Protection Fund which committed such act shall be punished by a fine of not more than 300 thousand yen:

一　第十九条第一項若しくは第八十五条第一項の規定による届出書を提出せず、若しくは虚偽の記載をした届出書を提出し、又は第十九条第二項若しくは第八十五条第二項の規定による添付書類を提出せず、若しくは添付書類に虚偽の記載をして提出したとき。

(i) When a person has failed to submit a written report under Article 19, paragraph (1) or Article 85, paragraph (1) or has submitted a written report including a false entry or who has failed to submit an attached document under Article 19, paragraph (2) or Article 85, paragraph (2) or has entered a false statement into an attached document and submitted such document

二　第七十条又は第九十五条の規定に違反したとき。

(ii) When a person has violated the provisions of Article 70 or Article 95

三　第八十八条第一項又は第二百六条第三項の規定に違反したとき。

(iii) When a person has violated the provisions of Article 88, paragraph (1) or Article 206, paragraph (3)

四　第百七十条第二項、第二百五十条第三項前段又は第二百九十六条の規定による届出をせず、又は虚偽の届出をしたとき。

(iv) When a person has failed to make a notification under Article 170, paragraph (2), the first sentence of Article 250, paragraph (3) or Article 296 or who has made a false notification

五　第百七十一条の規定による届出をせず、若しくは虚偽の届出をし、又は同条の規定による書類を添付せず、若しくは虚偽の記載をした書類を添付したとき。

(v) When a person has failed to make a notification under Article 171 or has made a false notification or who has failed to attach a document under the same Article or has attached a document including a false entry

六　第二百五十条第二項の規定による申請書又は添付書類に虚偽の記載をして提出したとき。

(vi) When a person has entered a false statement into a written application or an attached document under Article 250, paragraph (2) and has submitted such document

七　第三百五条第四項又は第三百八条第五項の規定に違反して報告をせず、又は虚偽の報告をしたとき。

(vii) When a person has failed to make a report in violation of the provisions of Article 305, paragraph (4) or Article 308, paragraph (5) or who has made a false report

第三百七十条の二　第十一条第九項において準用する会社法第九百五十五条第一項の規定に違反して、同項に規定する調査記録簿等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、又は調査記録簿等を保存しなかつた者は、三十万円以下の罰金に処する。

Article 370-2 A person who, in violation of the provisions of Article 955, paragraph (1) of the Companies Act as applied mutatis mutandis pursuant to Article 11, paragraph (9), has failed to include matters specified by an Ordinance of the Ministry of Justice concerning an investigation on Electronic Public Notice prescribed in the same paragraph in an investigation record, etc. prescribed in the same paragraph or who has included a false statement or who has failed to keep said investigation record, etc. shall be punished by a fine of not more than 300 thousand yen.

第三百七十一条　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。以下この条において同じ。）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 371 (1) When the representative of a juridical person (including an organization which is not a juridical person and which has rules concerning the representative or an administrator; hereinafter the same shall apply in this Article) or an agent, an employee or other worker of a juridical person or an individual has committed an offense referred to in the provisions set forth in the following items, not only the offender shall be punished, but also said juridical person shall be punished by the fine set forth respectively in those items and said individual shall be punished by the fine prescribed in the respective Articles:

一　第三百五十六条（第三号及び第四号を除く。）　五億円以下の罰金刑

(i) Article 356 (excluding item (iii) and item (iv))-a fine of not more than 500 million yen

二　第三百五十八条の二、第三百六十条及び第三百六十一条　三億円以下の罰金刑

(ii) Article 358-2, Article 360 and Article 361-a fine of not more than 300 million yen

三　第三百六十二条（第四号及び第五号を除く。）　二億円以下の罰金刑

(iii) Article 362 (excluding item (iv) and item (v))-a fine of not more than 200 million yen

四　第三百六十三条第七号、第十号及び第十一号　一億円以下の罰金刑

(iv) Article 363, item (vii), item (x) and item (xi)-a fine of not more than 100 million yen

五　第三百五十七条第一号及び第三号から第五号まで、第三百五十八条、第三百六十二条第四号及び第五号、第三百六十三条（第七号、第十号及び第十一号を除く。）、第三百六十四条並びに第三百六十七条から前条まで　各本条の罰金刑

(v) Article 357, item (i) and items (iii) to (v) inclusive, Article 358, Article 362, item (iv) and item (v), Article 363 (excluding item (vii), item (x) and item (xi)), Article 364 and Articles 367 to the preceding Article inclusive-the fine prescribed in the respective Articles

２　前項の規定により第三百五十六条（第三号及び第四号を除く。）の違反行為につき法人又は人に罰金刑を科する場合における時効の期間は、同条の罪についての時効の期間による。

(2) The period of prescription in the case where a juridical person or an individual has been punished by a fine due to a violation set forth in Article 356 (excluding item (iii) and item (iv)) pursuant to the provisions of the preceding paragraph shall be in accordance with the period of prescription for the offenses set forth in the same Article.

３　第一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。

(3) In the case where an organization which is not a juridical person is punished pursuant to the provisions of paragraph (1), the representative or an administrator thereof shall represent said organization with regard to said procedural action, and the provisions of Acts concerning criminal actions in the cases where a juridical person is the accused or a suspect shall apply mutatis mutandis.

第三百七十二条　次の各号に掲げる違反があつた場合においては、その行為をした商品取引所の役員（仮理事並びに仮取締役及び仮執行役を含む。）又は清算人は、百万円以下の過料に処する。

Article 372 In the case where there was a violation set forth in the following items, an officer (including a provisional director, a provisional representative director and a provisional executive officer) or a liquidator of a Commodity Exchange which committed such act shall be punished by a civil fine of not more than one million yen:

一　第七十七条第一項において準用する会社法第四百八十四条第一項の規定に違反して、破産手続開始の申立てをすることを怠つたとき。

(i) When a person has failed to file a motion for commencement of bankruptcy proceedings in violation of the provisions of Article 484, paragraph (1) of the Companies Act as applied mutatis mutandis pursuant to Article 77, paragraph (1)

二　清算の結了を遅延させる目的をもつて第七十七条第一項において準用する会社法第四百九十九条第一項の期間を不当に定めたとき。

(ii) When a person has unreasonably determined a period set forth in Article 499, paragraph (1) of the Companies Act as applied mutatis mutandis pursuant to Article 77, paragraph (1) for the purpose of delaying completion of liquidation

三　第七十七条第一項において準用する会社法第五百条第一項の規定に違反して、債務を弁済したとき。

(iii) When a person has paid liabilities in violation of the provisions of Article 500, paragraph (1) of the Companies Act as applied mutatis mutandis pursuant to Article 77, paragraph (1)

四　第百三十条第一項又は第四項の規定による通知をすることを怠り、又は不正の通知をしたとき。

(iv) When a person has failed to give a notice under Article 130, paragraph (1) or paragraph (4) or has given a false notice

五　第百三十四条第一項の規定による登記をすることを怠つたとき。

(v) When a person has failed to make a registration under Article 134, paragraph (1)

第三百七十二条の二　次の各号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 372-2 A person who falls under any of the following items shall be punished by a civil fine of not more than one million yen:

一　第十一条第九項において準用する会社法第九百四十六条第三項の規定に違反して、報告をせず、又は虚偽の報告をした者

(i) A person who, in violation of the provisions of Article 946, paragraph (3) of the Companies Act as applied mutatis mutandis pursuant to Article 11, paragraph (9), has failed to make a report or has made a false report

二　正当な理由がないのに、第十一条第九項において準用する会社法第九百五十一条第二項各号又は第九百五十五条第二項各号に掲げる請求を拒んだ者

(ii) A person who has rejected a claim set forth in the respective items of Article 951, paragraph (2) or the respective items of Article 955, paragraph (2) of the Companies Act as applied mutatis mutandis pursuant to Article 11, paragraph (9), without a justifiable reason

第三百七十三条　次の各号のいずれかに該当する者は、五十万円以下の過料に処する。

Article 373 A person who falls under any of the following items shall be punished by a civil fine of not more than 500 thousand yen:

一　第百九十八条第一項の規定に違反した者

(i) A person who has violated the provisions of Article 198, paragraph (1)

二　第二百二十条の三において準用する金融商品の販売等に関する法律第九条第一項の規定に違反して勧誘方針を定めず、又は同条第三項の規定に違反してこれを公表しなかつた者

(ii) A person who, in violation of the provisions of Article 9, paragraph (1) of the Act on Sales, etc. of Financial Products as applied mutatis mutandis pursuant to Article 220-3, has failed to establish a solicitation policy or who, in violation of the provisions of paragraph (3) of said Article, has failed to publish the solicitation policy

三　第二百二十一条第一項又は第二項の規定に違反して商品取引責任準備金を積み立てず、又はこれを使用した者

(iii) A person who, in violation of the provisions of Article 221, paragraph (1) or paragraph (2), has failed to reserve a liability reserve for commodity trading or has used such reserve

第三百七十四条　次の各号に掲げる違反があつた場合においては、その行為をした商品取引所の発起人、役員（仮理事並びに仮取締役及び仮執行役を含む。）若しくは清算人、協会の役員（仮理事を含む。）、委託者保護会員制法人の役員若しくは清算人又は委託者保護基金の役員（仮理事及び仮監事を含む。）若しくは清算人は、三十万円以下の過料に処する。

Article 374 In the case where there was a violation set forth in the following items, a founder, an officer (including a provisional director, a provisional representative director and a provisional executive officer) or a liquidator of a Commodity Exchange, an officer (including a provisional director) of an association, an officer or a liquidator of a Consignor Protection Membership Corporation or an officer (including a provisional director and a provisional auditor) or a liquidator of a Consumer Protection Fund which committed such act shall be punished by a civil fine of not more than 300 thousand yen:

一　第十一条第九項において準用する会社法第九百四十一条の規定に違反して、同条の調査を求めなかつたとき。

(i) When a person has failed to request investigation set forth in Article 941 of the Companies Act in violation of the provisions of the same Article as applied mutatis mutandis pursuant to Article 11, paragraph (9)

二　第十六条第二項の規定による届出をしなかつたとき。

(ii) When a person has failed to make a notification under Article 16, paragraph (2)

三　第五十七条第一項から第三項まで、第六十七条若しくは第六十八条の二第一項若しくは第二項（第七十七条第二項においてこれらの規定を準用する場合を含む。）、第七十六条第二項、第九十三条第一項若しくは第二項、第九十四条第二項、第九十六条第二項、第百三条第一項、第百七条、第百十一条、第百十二条、第百二十三条第一項、第百二十五条第一項、第百四十四条第一項、第百四十四条の二第一項若しくは第五項、第百四十四条の三第一項、第百四十四条の四第四項、第百四十四条の五第一項、第百四十四条の十一第二項、第百四十四条の十二第一項、第百四十四条の十九第二項又は第百七十九条第一項の規定に違反したとき。

(iii) When a person has violated the provisions of Article 57, paragraphs (1) to (3) inclusive, Article 67 or Article 68-2, paragraph (1) or paragraph (2) (including the case where these provisions are applied mutatis mutandis pursuant to Article 77, paragraph (2)), Article 76, paragraph (2), Article 93, paragraph (1) or paragraph (2), Article 94, paragraph (2), Article 96, paragraph (2), Article 103, paragraph (1), Article 107, Article 111, Article 112, Article 123, paragraph (1), Article 125, paragraph (1), Article 144, paragraph (1), Article 144-2, paragraph (1) or paragraph (5), Article 144-3, paragraph (1), Article 144-4, paragraph (4), Article 144-5, paragraph (1), Article 144-11, paragraph (2), Article 144-12, paragraph (1), Article 144-19, paragraph (2) or Article 179, paragraph (1)

四　第五十七条第五項（第七十七条第二項及び第九十三条第三項において準用する場合を含む。）、第百二十三条第三項、第百二十五条第三項、第百四十四条第三項、第百四十四条の二第七項、第百四十四条の三第三項、第百四十四条の四第六項、第百四十四条の五第三項、第百四十四条の十一第四項、第百四十四条の十二第三項又は第百四十四条の十九第四項の規定に違反して、正当な理由がないのに、書面若しくは電磁的記録に記録された事項を主務省令で定める方法により表示したものの閲覧又は書面の謄本若しくは抄本の交付若しくは電磁的記録に記録された事項を電磁的方法であつて主務省令で定めるものにより提供すること若しくは当該事項を記載した書面の交付を拒んだとき。

(iv) When a person has refused to offer for public inspection matters contained in a document or an Electromagnetic Record which are indicated by a method specified by an ordinance of the competent ministry, has refused to deliver a transcript or an extract of a document, has refused to provide matters contained in an Electromagnetic Record by an Electromagnetic Means which is specified by an ordinance of the competent ministry or has refused to deliver a document containing said matters without a justifiable reason in violation of the provisions of Article 57, paragraph (5) (including the case where it is applied mutatis mutandis pursuant to Article 77, paragraph (2) and Article 93, paragraph (3)), Article 123, paragraph (3), Article 125, paragraph (3), Article 144, paragraph (3), Article 144-2, paragraph (7), Article 144-3, paragraph (3), Article 144-4, paragraph (6), Article 144-5, paragraph (3), Article 144-11, paragraph (4), Article 144-12, paragraph (3) or Article 144-19, paragraph (4)

五　第七十七条第一項において準用する会社法第五百二条の規定に違反して、会員商品取引所の財産を分配したとき。

(v) When a person has distributed property of a Member Commodity Exchange in violation of the provisions of Article 502 of the Companies Act as applied mutatis mutandis pursuant to Article 77, paragraph (1)

六　第八十七条の規定に違反して、同条に規定する事項を公衆の縦覧に供しないとき。

(vi) When a person has failed to provide for public inspection matters prescribed in Article 87, in violation of the provisions of the same Article

七　第八十八条第二項、第二百六条第四項、第二百五十条第三項後段又は第二百六十二条第二項の規定に違反して、届出を怠つたとき。

(vii) When a person has failed to make a notification in violation of the provisions of Article 88, paragraph (2), Article 206, paragraph (4), the second sentence of Article 250, paragraph (3) or Article 262, paragraph (2)

八　第九十九条第三項又は第四項の規定による報告をしなかつたとき。

(viii) When a person has failed to make a report under Article 99, paragraph (3) or paragraph (4)

九　第百二十二条第一項の規定に違反して組織変更の手続をしたとき。

(ix) When a person has implemented an Entity Conversion procedure in violation of the provisions of Article 122, paragraph (1)

十　第百二十四条第二項若しくは第五項の規定（これらの規定を第百四十四条第五項、第百四十四条の二第三項及び第百四十四条の三第五項において準用する場合を含む。）又は第百四十四条の十第二項若しくは第五項の規定（これらの規定を第百四十四条の十七において準用する場合を含む。）に違反して、商品取引所の組織変更又は合併をしたとき。

(x) When a person has implemented Entity Conversion or a merger of a Commodity Exchange in violation of the provisions of Article 124, paragraph (2) or paragraph (5) (including the case where these provisions are applied mutatis mutandis pursuant to Article 144, paragraph (5), Article 144-2, paragraph (3) and Article 144-3, paragraph (5)) or Article 144-10, paragraph (2) or paragraph (5) (including the case where these provisions are applied mutatis mutandis pursuant to Article 144-17)

十一　この法律の規定による公告又はこの法律において準用する会社法の規定による公告をすることを怠り、又は不正の公告をしたとき。

(xi) When a person has failed to give a public notice under the provisions of this Act or a public notice under the provisions of the Companies Act as applied mutatis mutandis pursuant to this Act or has given a false public notice

十二　この法律の規定による登記（第百三十四条第一項の規定によるものを除く。）をすることを怠つたとき。

(xii) When a person has failed to make a registration (except for one under Article 134, paragraph (1)) under the provisions of this Act

十三　この法律において準用する会社法の規定に定める調査を妨げたとき。

(xiii) When a person has prevented an investigation specified by the provisions of the Companies Act as applied mutatis mutandis pursuant to this Act

十四　商品取引所の創立総会又は会員総会に対し、虚偽の申述を行い、又は事実を隠ぺいしたとき。

(xiv) When a person has made a false statement to or has concealed a fact from an organizational meeting or a general meeting of members of a Commodity Exchange

十五　定款、会員名簿、取引参加者名簿、議事録、財産目録、貸借対照表、損益計算書、業務報告書、剰余金処分案、損失処理案又は決算報告書に記載し、若しくは記録すべき事項を記載せず、若しくは記録せず、又は虚偽の記載若しくは記録をしたとき。

(xv) When a person has failed to include matters which should be included in the articles of incorporation, a member register, a Trading Participant register, minutes, an inventory of property, a balance sheet, a profit and loss statement, a business report, a proposed appropriation of surplus, a proposed appropriation of loss or a settlement of accounts or has included a false statement

十六　第二百五十二条の規定に違反して、同条の協会員の名簿を公衆の縦覧に供しないとき。

(xvi) When a person has failed to provide for public inspection an Association Member register set forth in Article 252 in violation of the provisions of the same Article

十七　第二百九十二条の規定に違反して、委託者保護会員制法人の残余財産を処分したとき。

(xvii) When a person has disposed of the residual assets of a Consignor Protection Membership Corporation in violation of the provisions of Article 292

十八　第三百三条第二項の規定による報告をせず、又は虚偽の報告をしたとき。

(xviii) When a person has failed to make a report under Article 303, paragraph (2) or has made a false report

十九　第三百十七条又は第三百十八条第一項若しくは第二項に規定する書類を提出せず、又は虚偽の書類を提出したとき。

(xix) When a person has failed to submit a document under Article 317, Article 318, paragraph (1) or paragraph (2) or has submitted a false document

二十　第三百十九条の規定に違反して経理をしたとき。

(xx) When a person has carried out accounting in violation of the provisions of Article 319

二十一　第三百二十条の規定に違反したとき。

(xxi) When a person has violated the provisions of Article 320

第三百七十五条　第十五条第九項（第八十条第四項、第百三十三条第三項、第百四十六条第四項、第百五十五条第六項、第百五十六条第四項、第百六十九条第三項（第百七十三条第四項において準用する場合を含む。）、第百九十四条、第二百一条第二項、第二百二十九条、第二百四十八条第二項、第二百九十五条第二項、第三百三十三条第三項（第三百三十五条第四項において準用する場合を含む。）及び第三百四十三条第三項（第三百四十五条において読み替えて準用する第三百三十五条第四項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。）又は第百五十八条第二項（第百五十九条第五項、第百六十条第二項、第百八十七条、第二百四条第三項、第二百六条第六項、第二百三十七条、第二百六十六条、第三百二十四条第二項、第三百三十九条第二項、第三百四十条第二項（第三百四十五条において準用する場合を含む。）及び第三百四十四条第二項において準用する場合を含む。）の規定による参考人に対する処分に違反して、陳述せず、若しくは虚偽の陳述をし、若しくは報告せず、若しくは虚偽の報告をした者又は鑑定人に対する処分に違反して、鑑定せず、若しくは虚偽の鑑定をした者は、十万円以下の過料に処する。

Article 375 A person who has failed to offer a statement or has offered a false statement or who has failed to make a report or has made a false report in violation of a disposition for a witness, or a person who has failed to offer an expert opinion or has offered a false expert opinion in violation of a disposition for an expert witness under the provisions of Article 15, paragraph (9) (including the case where it is applied mutatis mutandis pursuant to Article 80, paragraph (4), Article 133, paragraph (3), Article 146, paragraph (4), Article 155, paragraph (6), Article 156, paragraph (4), Article 169, paragraph (3) [including the case where it is applied mutatis mutandis pursuant to Article 173, paragraph (4)], Article 194, Article 201, paragraph (2), Article 229, Article 248, paragraph (2), Article 295, paragraph (2), Article 333, paragraph (3) [including the case where it is applied mutatis mutandis pursuant to Article 335, paragraph (4)], and Article 343, paragraph (3) [including the case where it is applied mutatis mutandis pursuant to Article 335, paragraph (4) as are applied mutatis mutandis by replacing the terms pursuant to Article 345]), or Article 158, paragraph (2) (including the case where it is applied mutatis mutandis pursuant to Article 159, paragraph (5), Article 160, paragraph (2), Article 187, Article 204, paragraph (3), Article 206, paragraph (6), Article 237, Article 266, Article 324, paragraph (2), Article 339, paragraph (2), Article 340, paragraph (2) [including the case where it is applied mutatis mutandis pursuant to Article 345] and Article 344, paragraph (2)) shall be punished by a civil fine of not more than 100 thousand yen.

附　則　〔抄〕

Supplementary Provisions [Extract]

（施行の期日）

(Effective date)

１　この法律は、公布の日から起算して十五日を経過した日から施行する。但し、第八条（これに係る罰則の規定を含む。）及び第十五章並びに附則第二項、第三項及び第七項から第十一項までの規定は、公布の日から施行する。

(1) This Act shall come into force as from the day on which 15 days have elapsed from the day of promulgation; provided, however, that the provisions of Article 8 (including penal provisions pertaining to such Article) and Article 15 of this Act and the provisions of paragraph (2), paragraph (3), and paragraphs (7) to (11) inclusive of the Supplementary Provisions shall come into force as from the day of promulgation.

（商品取引所法の廃止）

(Abolition of the Commodity Exchange Act)

２　商品取引所法（明治二十六年法律第五号。以下「旧法」という。）は、廃止する。

(2) The Commodity Exchange Act (Act No. 5 of 1893; hereinafter referred to as the "Former Act") shall be abolished.

３　旧法廃止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。

(3) With regard to the application of penal provisions to acts committed prior to the enforcement of the Former Act, the provisions then in force shall remain applicable.

（会員の欠格条件の特例）

(Special provisions on disqualifying conditions for members)

６　旧法又は旧日本証券取引所法（昭和十八年法律第四十四号）の規定により罰金の刑に処せられた者は、第二十四条第一項第二号の規定の適用については、この法律により罰金の刑に処せられた者とみなす。

(6) With regard to the application of the provisions of Article 24, paragraph (1), item (ii), those punished by the fine pursuant to the provisions of the Former Act or the Old Stock Exchange Act of Japan (Act No. 44 of 1943) shall be deemed to be those punished by the fine pursuant to this Act.

（審議会の会長及び委員の任命の特例）

(Special provisions on appointment of the chairperson and members of the council)

７　第十五章の規定施行の際国会が閉会中である場合においては、内閣総理大臣は、第百三十九条第二項の規定にかかわらず、両議院の同意を得ないで審議会の最初の会長又は委員を任命することができる。

(7) When enforcing the provisions of Chapter IV while the Diet is closed, the Prime Minister may appoint the initial chairperson and members of the council without gaining consent of both Houses, notwithstanding the provisions of Article 139, paragraph (2).

８　内閣総理大臣は、前項の規定により審議会の最初の会長又は委員を任命したときは、任命後最初の国会で、前項の任命について両議院の事後の承認を求めなければならない。この場合において、両議院の事後の承認が得られなかつたときは、内閣総理大臣は、直ちに、その会長又は委員を罷免しなければならない。

(8) When the Prime Minister has appointed the initial chairperson and members of the council pursuant to the provisions of the preceding paragraph, he/she shall request post facto approval from both Houses on the appointment referred to in the preceding paragraph at the first Diet session held after the appointment. In this case, if post facto approval from both Houses is not obtained, the Prime Minister shall dismiss said chairperson and members immediately.

附　則　〔昭和二十六年六月一日法律第百七十六号〕〔抄〕

Supplementary Provisions [Act No. 176 of June 1, 1951] [Extract]

１　この法律は、公布の日から施行する。

(1) This Act shall come into force as from the day of promulgation.

３　この法律の施行前にした行為に対する罰則の適用に関しては、第七条の規定にかかわらず、なお従前の例による。

(3) 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, notwithstanding the provisions of Article 7.

附　則　〔昭和二十六年六月八日法律第二百十一号〕〔抄〕

Supplementary Provisions [Act No. 211 of June 8, 1951] [Extract]

１　この法律は、昭和二十六年七月一日から施行する。

(1) This Act shall come into force as from July 1, 1951.

４　この法律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。

(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.

附　則　〔昭和二十七年四月十二日法律第九十号〕

Supplementary Provisions [Act No. 90 of April 12, 1952]

１　この法律は、公布の日から施行する。

(1) This Act shall come into force as from the day of promulgation.

２　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。

(2) 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.

附　則　〔昭和二十九年五月十日法律第九十二号〕〔抄〕

Supplementary Provisions [Act No. 92 of May 10, 1954] [Extract]

１　この法律の施行期日は、公布の日から起算して三月をこえない範囲内において政令で定める。

(1) The effective date of this Act shall be specified by a Cabinet Order within a period not exceeding three months from the day of promulgation.

２　この法律の施行の際現に改正前の第九条第五項の登録を受けている商品取引所は、改正後の第八条の二の許可を受けたものとみなす。

(2) A Commodity Exchange which has received the registration set forth in Article 9, paragraph (5) prior to the revision at the time of the enforcement of this Act shall be deemed to have received the permission set forth in Article 8-2 after the revision.

３　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。

(3) 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.

附　則　〔昭和三十七年四月二十日法律第八十二号〕〔抄〕

Supplementary Provisions [Act No. 82 of April 20, 1962] [Extract]

（施行期日）

(Effective date)

第一条　この法律は、昭和三十八年四月一日から施行する。

Article 1 This Act shall come into force as from April 1, 1963.

（定義）

(Definitions)

第二条　この附則で、「新法」とは、この法律による改正後の商法をいい、「旧法」とは、従前の商法をいう。

Article 2 The term "New Act" as used in these Supplementary Provisions shall mean the Commercial Code revised by this Act, and the "Former Act" shall mean the Commercial Code then in force.

（原則）

(Principle)

第三条　新法は、特別の定めがある場合を除いては、この法律の施行前に生じた事項にも適用する。ただし、旧法によつて生じた効力を妨げない。

Article 3 The New Act shall also apply to matters which took place prior to the enforcement of this Act except as otherwise provided; provided, however, that it shall not preclude the effect derived from the Former Act.

附　則　〔昭和三十八年七月九日法律第百二十六号〕〔抄〕

Supplementary Provisions [Act No. 126 of July 9, 1963] [Extract]

この法律は、商業登記法の施行の日（昭和三十九年四月一日）から施行する。

This Act shall come into force as from the effective date of the Commercial Registration Act (April 1, 1964).

附　則　〔昭和四十二年七月二十九日法律第九十七号〕〔抄〕

Supplementary Provisions [Act No. 97 of July 29, 1967] [Extract]

１　この法律は、公布の日から起算して六月をこ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 force as from the date specified by a Cabinet Order within six months from the day of promulgation.

２　この法律の施行の際現に改正前の商品取引所法（以下「旧法」という。）の規定による商品仲買人の登録を受けている者（以下「商品仲買人」という。）については、当該登録に係る商品（改正後の商品取引所法（以下新法」という。）第四十一条第一項の許可に係るものを除く。以下同じ。）に限り、この法律の施行の日から三年間は、旧法（第四十二条、第四十二条の二、第四十四条、第四十六条第二項（仲買保証金に係る部分に限る。）、第四十七条、第四十九条（営業所若しくは事務所の設置又は商品の追加に係る部分に限る。）、第五十条、第九十一条第一項（委託の勧誘の制限に係る部分に限る。）、第九十三条、第九十四条及び第九十七条並びにこれらの規定に係る罰則を除く。）の規定は、なおその効力を有する。

(2) With regard to a person who has received registration as a commodity broker (hereinafter referred to as a "Commodity Broker") pursuant to the provisions of the Commodity Exchange Act prior to the revision (hereinafter referred to the "Former Act") at the time of the enforcement of this Act, the provisions of the Former Act (excluding Article 42, Article 42-2, Article 44, Article 46, paragraph (2) [limited to the part pertaining to brokerage deposits], Article 47, Article 49 [limited to the parts pertaining to establishment of business offices or offices or addition of Commodities], Article 50, Article 91, paragraph (1) [limited to the parts pertaining to restriction on solicitation of consignment], Article 93, Article 94, and Article 97, and penal provisions pertaining to these provisions) shall remain in force only for Commodities pertaining to said registration (excluding those pertaining to the license under Article 41, paragraph (1) of the Commodity Exchange Act after the revision [hereinafter referred to as the "New Act"] the same shall apply hereinafter), for three years from the effective date of this Act.

３　商品仲買人については、当該登録に係る商品に限り、前項に規定する期間内は、新法第四十九条、第五十条、第五十三条の三、第九十一条の二、第九十三条、第九十四条第一項、第九十七条から第九十七条の六まで、第百十九条第二項及び第百二十条第二項から第四項まで並びにこれらの規定による改正後の租税特別措置法（昭和三十二年法律第二十六号）第二十条の三及び第五十七条の規定は、その者をその商品ごとに新法の規定による商品取引員とみなして、適用する。この場合において、第九十七条の二第三項中「受託業務を開始してはならない」とあるのは、「商品市場における売買取引の委託を受けてはならない。ただし、その受託に係る商品市場における売買取引の決済を結了する目的の範囲内でする場合は、この限りでない」とする。

(3) With regard to a Commodity Broker, the provisions of Article 49, Article 50, Article 53-3, Article 91-2, Article 93, Article 94, paragraph (1), Articles 97 to 97-6 inclusive, Article 119, paragraph (2), and Article 120, paragraphs (2) to (4) inclusive of the New Act and the provisions of Article 20-3 and Article 57 of the Act on Special Measures Concerning Taxation (Act No. 26 of 1957) revised by said provisions shall, only for Commodities pertaining to said registration, apply to said person by deeming him/her as a Futures Commission Merchant set forth in the New Act for each such Commodity, during the period prescribed in the preceding paragraph. In this case, "shall not start the brokerage" in Article 97-2, paragraph (3) shall be deemed to be replaced with "shall not broker buying and selling transactions on a Commodity Market; provided, however, that this shall not apply to cases where the transactions are carried out within the scope of the purpose to complete settlement of the buying and selling transactions on a Commodity Market pertaining to said brokerage."

５　この法律の施行前に商品仲買人に対し商品市場における売買取引を委託した者は、新法第九十七条の三第一項の規定の適用については、商品取引員に対し商品市場における売買取引を委託したものとみなす。

(5) With regard to the application of the provisions of Article 97-3, paragraph (1), a person who had entrusted a Commodity Broker with buying and selling transactions on a Commodity Market prior to the enforcement of this Act shall be deemed to have entrusted a Futures Commission Merchant with buying and selling transactions on a Commodity Market.

６　旧法第五十二条第一項又は第百二十三条の規定により商品仲買人の登録を取り消された者は、その取消しの日において、新法第五十二条第一項又は第百二十三条の規定により許可を取り消されたものとみなす。

(6) A person who has his/her registration as a Commodity Broker rescinded pursuant to the provisions of Article 52, paragraph (1) or Article 123 of the Former Act shall be deemed to have had his/her license rescinded pursuant to the provisions of Article 52, paragraph (1) or Article 123 of the New Act as on the day of the rescission.

７　この法律の施行前（商品仲買人については、第二項の規定により旧法がなお効力を有する期間の経過前）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。

(7) With regard to the application of penal provisions to acts committed prior to the enforcement of this Act (with regard to a Commodity Broker, prior to the expiration of the period during which the Former Act shall remain in force pursuant to the provisions of paragraph (2)), the provisions then in force shall remain applicable.

８　第二項から前項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。

(8) In addition to what is provided for in paragraph (2) to the preceding paragraph, the necessary transitional measures pertaining to the enforcement of this Act shall be specified by a Cabinet Order.

附　則　〔昭和四十九年四月二日法律第二十三号〕〔抄〕

Supplementary Provisions [Act No. 23 of April 2, 1974] [Extract]

この法律は、公布の日から起算して六月をこえない範囲内において政令で定める日から施行する。

This Act shall come into force as from the date specified by a Cabinet Order within six months from the day of promulgation.

附　則　〔昭和五十年七月十五日法律第六十五号〕〔抄〕

Supplementary Provisions [Act No. 65 of July 15, 1975] [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 force as from the date specified by a Cabinet Order within six months from the day of promulgation.

（経過措置）

(Transitional measures)

第二条　この法律の施行の際現に商品取引員である者が受けている改正前の第四十一条第一項の許可についての改正後の同条第四項の規定の適用については、同項中「四年ごとに」とあるのは、「商品取引所法の一部を改正する法律（昭和五十年法律第六十五号）の施行の日から起算して四年を経過する日までにその更新を受けなければ、又はその更新後四年ごとに」とする。

Article 2 With regard to the application of the provisions of Article 41, paragraph (4) after the revision to the license under paragraph (1) of the same Article prior to the revision which a Futures Commission Merchant has obtained at the time of the enforcement of this Act, "every four years" in the same paragraph shall be deemed to be replaced with "if the person did not have his/her license renewed by the day on which four years have elapsed from the effective date of the Act for Partial Revision of the Commodity Exchange Act (Act No. 65 of 1975), or every four years after said renewal."

第三条　この法律の施行の際現に改正後の第四十七条の二第二項に規定する支配関係を持つている商品取引員についての同項の規定の適用については、同項中「遅滞なく」とあるのは、「商品取引所法の一部を改正する法律（昭和五十年法律第六十五号）の施行の日から起算して三十日を経過する日までに」とする。

Article 3 With regard to the application of the provisions of Article 47-2, paragraph (2) after the revision to a Futures Commission Merchant who has had the controlling interest prescribed in the same paragraph at the time of the enforcement of this Act, "without delay" in the same paragraph shall be deemed to be replaced with "by the day on which 30 days have elapsed from the effective date of the Act for Partial Revision of the Commodity Exchange Act (Act No. 65 of 1975)."

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.

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, the necessary transitional measures pertaining to the enforcement of this Act shall be specified by a Cabinet Order.

附　則　〔昭和五十三年七月五日法律第八十七号〕〔抄〕

Supplementary Provisions [Act No. 87 of July 5, 1978] [Extract]

（施行期日）

(Effective date)

第一条　この法律は、公布の日から施行する。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 force as from the day of promulgation; provided, however, that the provisions set forth in the following items shall come into force as from the date specified in each item.

一　第六十四条の四第一項、第六十六条、第六十七条、第六十八条第一項、第二項及び第四項、第六十九条並びに第六十九条の二第二項の改正規定、第六十九条の三の次に一条を加える改正規定、第七十条第一項及び第三項の改正規定、同条を第七十一条とする改正規定並びに第七十二条を削り、第七十一条を第七十二条とする改正規定　昭和五十四年一月一日

(i) The provisions revising Article 64-4, paragraph (1), Article 66, Article 67, Article 68, paragraph (1), paragraph (2) and paragraph (4), Article 69 and Article 69-2, paragraph (2), the provisions which add one Article after Article 69-3, the provisions revising Article 70, paragraph (1) and paragraph (3), the provisions which change the same Article to Article 71, and the provisions which delete Article 72 and change Article 71 to Article 72: January 1, 1979

二　第十八条の八、第二十二条第二項及び第二十二条の三第二項の改正規定、第七十八条第六号を削る改正規定、第八十条第一号及び第八十一条の改正規定、第八十二条第二項の表の改正規定（淡水区水産研究所の項を削る部分に限る。）、第八十三条の改正規定、同条の次に一条を加える改正規定並びに第八十七条の改正規定　昭和五十四年三月三十一日までの間において、各規定につき、政令で定める日

(ii) The provisions revising Article 18-8, Article 22, paragraph (2), and Article 22-3, paragraph (2), the provisions which delete Article 78, item (vi), the provisions revising Article 80, item (i) and Article 81, the provisions revising the table of Article 82, paragraph (2) (limited to the parts deleting the row of the Freshwater Fisheries Research Laboratory), the provisions revising Article 83, the provisions which add one Article after the same Article, and the provisions revising Article 87: the date specified by a Cabinet Order for each provision within the period until March 31, 1979

三　第十八条第三項、第十八条の三第二項及び第二十一条第二項の改正規定　昭和五十五年三月三十一日までの間において、各規定につき、政令で定める日

(iii) The provisions revising Article 18, paragraph (3), Article 18-3, paragraph (2) and Article 21, paragraph (2): the date specified by a Cabinet Order for each provision within the period until March 31, 1980

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 force as from the effective date of the Act for Partial Revision of the Commercial Code, etc. (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 force 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 preceding the effective date of this Act and those which shall be established under the provisions of the National Administrative Organization Act or the provisions of a Cabinet Order based on the provisions of a related Act revised by this Act (hereinafter referred to as a "Related Cabinet Order") after the effective date of this Act, and other transitional measures necessary for the establishment or revision or abolition of a Related Cabinet Order in accordance with the enforcement of this Act may be specified by a Cabinet Order.

附　則　〔昭和六十三年六月十一日法律第八十一号〕〔抄〕

Supplementary Provisions [Act No. 81 of June 11, 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二十日を経過した日から施行する。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 force as from the day on which 20 days have elapsed from the day of promulgation; provided, however, that the provisions set forth in the following items shall come into force as from the date specified in each item.

一　第一条中不動産登記法第四章の次に一章を加える改正規定のうち第百五十一条ノ三第二項から第四項まで、第百五十一条ノ五及び第百五十一条ノ七の規定に係る部分、第二条中商業登記法の目次の改正規定並びに同法第三章の次に一章を加える改正規定のうち第百十三条の二、第百十三条の三、第百十三条の四第一項、第四項及び第五項並びに第百十三条の五の規定に係る部分並びに附則第八条から第十条までの規定　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

(i) The parts pertaining to the provisions of Article 151-3, paragraphs (2) to (4) inclusive, Article 151-5, and Article 151-7 among the provisions which add one Chapter after Chapter IV of the Real Property Registration Act in Article 1 of this Act, the provisions revising the Contents of the Commercial Registration Act, the parts pertaining to the provisions of Article 113-2, Article 113-3, Article 113-4, paragraph (1), paragraph (4) and paragraph (5), and Article 113-5 among the provisions which add one Chapter after Chapter III of the same Act in Article 2 of this Act, and the provisions of Articles 8 to 10 inclusive of the Supplementary Provisions: the date specified by a Cabinet Order within a period not exceeding one year from the day of promulgation

附　則　〔平成元年十二月二十二日法律第九十一号〕〔抄〕

Supplementary Provisions [Act No. 91 of December 22, 1989] [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 force as from the date specified by a Cabinet Order within a period not exceeding two years from the day of promulgation.

附　則　〔平成二年六月二十七日法律第五十二号〕〔抄〕

Supplementary Provisions [Act No. 52 of June 27, 1990] [Extract]

（施行期日）

(Effective date)

第一条　この法律は、平成二年十月一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。ただし、第五十四条の二の改正規定、第九十二条の次に一条を加える改正規定、第九十七条の二の改正規定（同条第二項の改正規定、同条第三項の改正規定中「売買取引」を「取引」に改める部分及び同条第五項の改正規定中「政令で」を「主務省令で」に改める部分を除く。）、第九十七条の三第二項の改正規定、第九十七条の四の改正規定、第九十七条の十一第三項の改正規定（「弁済契約において定める額」を「契約弁済額」に改める部分に限る。）、第百四十六条の改正規定（「第五十二条第三項」の下に「、第五十四条の二第二項」を加える部分に限る。）、第百六十一条第一号の改正規定、第百六十四条の改正規定（同条第二号の次に一号を加える部分に限る。）及び第百六十六条第一号及び第二号の改正規定（「第五十二条第三項」の下に「、第五十四条の二第二項」を加える部分に限る。）は、平成三年四月一日から施行する。

Article 1 This Act shall come into force as from the date specified by a Cabinet Order within a period not exceeding three months from October 1, 1990; provided, however, that the provisions revising Article 54-2, the provisions which add one Article after Article 92, the provisions revising Article 97-2 (excluding the provisions revising paragraph (2) of the same Article, the part which revises "buying and selling transactions" in the provisions revising paragraph (3) of the same Article to "transactions" and the part which revises "by a Cabinet Order" in the provisions revising paragraph (5) of the same Article to "by an ordinance of the competent ministry"), the provisions revising Article 97-3, paragraph (2), the provisions revising Article 97-4, the provisions revising Article 97-11, paragraph (3) (limited to the part which revises "the amount as specified in the payment contract" to "the contracted payment amount"), the provisions revising Article 146 (limited to the part which adds "Article 54-2, paragraph (2)" under "Article 52, paragraph (3)"), the provisions revising Article 161, item (i), the provisions revising Article 164 (limited to the part which adds one item after item (ii) of the same Article), and the provisions revising Article 166, item (i) and item (ii) (limited to the part which adds "Article 54-2, paragraph (2)" under "Article 52, paragraph (3)") shall come into force as from April 1, 1991.

（取引所の許可等に関する経過措置）

(Transitional measures pertaining to permission for exchanges)

第二条　この法律の施行の際現に改正前の商品取引所法（以下「旧法」という。）第八条の二の許可を受けている商品取引所は、改正後の商品取引所法（以下「新法」という。）第八条の二の許可を受けて設立された商品取引所とみなす。

Article 2 (1) A Commodity Exchange which has received the permission under Article 8-2 of the Commodity Exchange Act prior to revision (hereinafter referred to as the "Former Act") at the time of the enforcement of this Act shall be deemed to be a Commodity Exchange established with the permission under Article 8-2 of the Commodity Exchange Act after the revision (hereinafter referred to as the "New Act").

２　この法律の施行の際現に前項の規定により新法第八条の二の許可を受けて設立されたとみなされた商品取引所（以下「旧法取引所」という。）が開設している商品市場（以下「旧市場」という。）は、旧法取引所が開設している新法第二条第七項の商品市場とみなす。

(2) A Commodity Market which has been opened by a Commodity Exchange deemed to have been established with the permission under Article 8-2 of the New Act (hereinafter referred to as an "Exchange under the Former Act") pursuant to the provisions of the preceding paragraph (hereinafter referred to as an "Old Market") at the time of the enforcement of this Act shall be deemed to be a Commodity Market set forth in Article 2, paragraph (7) of the New Act opened by an Exchange under the Former Act.

３　この法律の施行の際現に上場されている旧市場に係る上場商品は、旧法取引所が新法第二条第四項の上場商品として定款で定めたものとみなす。

(3) A Listed Commodity pertaining to an Old Market which is listed at the time of the enforcement of this Act shall be deemed to be one that an Exchange under the Former Act has specified in its articles of incorporation as a Listed Commodity set forth in Article 2, paragraph (4) of the New Act.

４　この法律の施行の際現に旧市場で行われている売買取引の種類は、旧法取引所が上場商品に係る新法第二条第六項第一号又は第八項第一号ニに掲げる取引として定款で定めたものとみなす。

(4) Types of buying and selling transactions which have been carried out on an Old Market at the time of the enforcement of this Act shall be deemed to be those that an Exchange under the Former Act had determined in its articles of incorporation to be transactions set forth in Article 2, paragraph (6), item (i), or paragraph (8), item (i) (d) of the New Act pertaining to Listed Commodities.

（商品取引員の許可に関する経過措置）

(Transitional measures pertaining to license for a Futures Commission Merchant)

第三条　この法律の施行の際現に旧法第四十一条第一項の許可（以下「旧法の許可」という。）を受けている者は、新法第四十一条第二項第一号に掲げる者に係る同条第一項の許可（以下「新法の許可」という。）を受けたものとみなす。

Article 3 (1) A person who has obtained a license under Article 41, paragraph (1) of the Former Act (hereinafter referred to as a "License under the Former Act") at the time of the enforcement of this Act shall be deemed to have obtained a license under Article 41, paragraph (1) pertaining to a person set forth in paragraph (2), item (i) of the same Article of the New Act (hereinafter referred to as a "License under the New Act").

２　前項の規定により新法の許可を受けたものとみなされた者についての新法第四十一条第四項の規定の適用については、その者が旧法の許可を受けた日を新法の許可を受けた日とみなす。

(2) With regard to the application of the provisions of Article 41, paragraph (4) of the New Act to a person who is deemed to have obtained a License under the New Act pursuant to the provisions of the preceding paragraph, the day when said person obtained a License under the Former Act shall be deemed to be the day when said person obtained a License under the New Act.

３　第一項の規定により新法の許可を受けたものとみなされた者に対する新法第四十六条第一項及び新法第四十七条第一項第一号の規定の適用については、この法律の施行の日からその者が新法第四十一条第四項の許可の更新を受けるまでの間は、新法第四十六条第一項中「次に掲げる場合（第二種商品取引受託業の許可を受けた商品取引員にあつては、第二号又は第三号に掲げる場合）」とあるのは「第二号又は第三号に掲げる場合」と、新法第四十七条第一項第一号中「第四十三条第一項第一号、第一号の二又は第三号に掲げる事項（第二種商品取引受託業の許可を受けた商品取引員にあつては、同項第一号又は第三号に掲げる事項）」とあるのは「第四十三条第一項第一号又は第三号に掲げる事項」とする。

(3) With regard to the application of the provisions of Article 46, paragraph (1) and Article 47, paragraph (1), item (i) of the New Act to a person who is deemed to have obtained a License under the New Act pursuant to the provisions of paragraph (1), "in the following cases (in the cases set forth in item (ii) or item (iii) for a Futures Commission Merchant who obtained a license for Second Class Commodity Transactions Brokerage Business)" in Article 46, paragraph (1) of the New Act shall be deemed to be replaced with "in the cases set forth in item (ii) or item (iii)," and "matters set forth in Article 43, paragraph (1), item (i), item (i)-2 or item (iii) (matters set forth in item (i) or item (iii) of the same paragraph for a Futures Commission Merchant who obtained a license for Second Class Commodity Transactions Brokerage Business)" in Article 47, paragraph (1), item (i) of the New Act shall be deemed to be replaced with "matters set forth in Article 43, paragraph (1), item (i) or item (iii)," during the period from the effective date of this Act to the day on which said person has his/her license renewed as prescribed in Article 41, paragraph (4) of the New Act.

４　旧法第五十二条第一項又は旧法第百二十三条の規定により旧法の許可を取り消された者についての新法第二十四条第一項第三号及び第四号の規定の適用については、その者は、その取消しの日において、新法第五十二条第一項又は新法第百二十三条の規定により新法の許可を取り消されたものとみなす。

(4) With regard to the application of the provisions of Article 24, paragraph (1), item (iii) and item (iv) of the New Act to a person who had his/her License under the Former Act rescinded pursuant to the provisions of Article 52, paragraph (1) or Article 123 of the Former Act, said person shall be deemed to have had his/her License under the New Act rescinded pursuant to the provisions of Article 52, paragraph (1) or Article 123 of the New Act on the day of said rescission.

（商品取引員協会等の名称の使用制限に関する経過措置）

(Transitional measures pertaining to restriction on use of "Futures Commission Merchant Association," etc. in names)

第四条　この法律の施行の際現にその名称中に商品取引員協会又は商品取引員協会会員であると誤認されるおそれのある文字を用いている者については、新法第五十四条の四の規定は、この法律の施行後六月間は、適用しない。

Article 4 The provisions of Article 54-4 of the New Act shall not apply to a person who has, at the time of the enforcement of this Act, used certain characters which would be likely to mislead the public into believing that such person is the Futures Commission Merchant Association or a member thereof in his/her name, for six months after the enforcement of this Act.

（売買証拠金に関する経過措置）

(Transitional measures pertaining to buying and selling margins)

第五条　この法律の施行の際現に会員が旧法第七十九条第一項の規定により旧法取引所に預託している売買証拠金は、当該会員が新法第七十九条第一項の規定により当該旧法取引所に預託した取引証拠金とみなす。

Article 5 Buying and selling margins which a member has deposited with an Exchange under the Former Act pursuant to the provisions of Article 79, paragraph (1) of the Former Act at the time of the enforcement of this Act shall be deemed to be clearing margins that said member has deposited with said Exchange under the Former Act pursuant to the provisions of Article 79, paragraph (1) of the New Act.

（弁済機関の指定に関する経過措置）

(Transitional measures pertaining to designation of a payment organization)

第六条　この法律の施行の際現に旧法第九十七条の二第三項の指定を受けている者は、新法第九十七条の二第三項の指定を受けたものとみなす。

Article 6 A person who has received a designation under Article 97-2, paragraph (3) of the Former Act at the time of the enforcement of this Act shall be deemed to have received a designation under Article 97-2, paragraph (3) of the New Act.

（紛争処理規程の認可に関する経過措置）

(Transitional measures pertaining to approval for dispute resolution rules)

第七条　旧法取引所は、この法律の施行の日から三十日以内に、紛争処理規程を作成し、主務大臣の認可を受けなければならない。

Article 7 (1) An Exchange under the Former Act shall create dispute resolution rules and obtain the approval of the competent minister within 30 days from the effective date of this Act.

２　新法第十五条第一項第四号及び第九項の規定は、前項の認可について準用する。

(2) The provisions of Article 15, paragraph (1), item (iv) and paragraph (9) of the New Act shall apply mutatis mutandis to the approval under the preceding paragraph.

３　主務大臣は、旧法取引所が第一項の規定に違反した場合には、その設立の許可を取り消し、又は一年以内の期間を定めてその業務の全部又は一部の停止を命ずることができる。

(3) In the case where an Exchange under the Former Act violated the provisions of paragraph (1), the competent minister may rescind the permission for establishment thereof or order suspension of the whole or a part of its business for a fixed period not exceeding one year.

４　前項の規定による処分に違反したときは、その行為をした旧法取引所の代表者、代理人、使用人その他の従業者は、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。

(4) In the case where an Exchange under the Former Act violated the disposition under the provisions of the preceding paragraph, the representative, an agent, an employee, or other worker thereof who has committed such act shall be punished by imprisonment with work for not more than one year or by a fine of not more than a million yen, or shall be subject to cumulative imposition thereof.

５　旧法取引所の代表者、代理人、使用人その他の従業者が前項の違反行為をしたときは、その行為者を罰するほか、その旧法取引所に対して前項の罰金刑を科する。

(5) In the case where the representative, an agent, an employee, or other worker of an Exchange under the Former Act committed a violation set forth in the preceding paragraph, not only the offender shall be punished but also said Exchange under the Former Act shall be punished by the fine set forth in the preceding paragraph.

（商品市場類似施設の開設の禁止の適用除外規定の適用に関する経過措置）

(Transitional measures pertaining to the application of the provisions on exemption to the prohibition of establishing facilities similar to a Commodity Market)

第八条　主務大臣は、旧市場の開設の地及びこの法律の施行の際現に上場されている旧市場に係る上場商品を、この法律の施行の日に、官報に公示するものとする。

Article 8 (1) The competent minister shall give public notice with regard to the locations where Old Markets have been opened and Listed Commodities pertaining to the Old Markets which have been listed at the time of the enforcement of this Act, in an official gazette as on the effective date of this Act.

２　前項の規定による公示に係る上場商品については、当該上場商品を新法第百四十七条の二の規定により公示された上場商品とみなして、新法第百四十五条の三の規定を適用する。

(2) With regard to the Listed Commodities pertaining to the public notice under the provisions of the preceding paragraph, said Listed Commodities shall be deemed to be Listed Commodities publicly notified pursuant to the provisions of Article 147-2 of the New Act when applying the provisions of Article 145-3 of the New Act.

３　新法第百四十八条第一項の規定は、第一項の主務大臣について準用する。

(3) The provisions of Article 148, paragraph (1) of the New Act shall apply mutatis mutandis to the competent minister set forth in paragraph (1).

（罰則に関する経過措置）

(Transitional measures pertaining to penal provisions)

第九条　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 9 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 a Cabinet Order)

第十条　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 10 In addition to what is provided for in Article 2 to the preceding Article of the Supplementary Provisions, the necessary transitional measures pertaining to the enforcement of this Act shall be specified by a Cabinet Order.

附　則　〔平成四年六月五日法律第七十三号〕〔抄〕

Supplementary Provisions [Act No. 73 of June 5, 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 force as from the date specified by a Cabinet Order within six months from the day of promulgation.

附　則　〔平成五年十一月十二日法律第八十九号〕〔抄〕

Supplementary Provisions [Act No. 89 of November 12, 1993] [Extract]

（施行期日）

(Effective date)

第一条　この法律は、行政手続法（平成五年法律第八十八号）の施行の日から施行する。

Article 1 This Act shall come into force as from the effective date of the Administrative Procedures Act (Act No. 88 of 1993).

（諮問等がされた不利益処分に関する経過措置）

(Transitional measures pertaining to adverse disposition pertaining to an inquiry, etc.)

第二条　この法律の施行前に法令に基づき審議会その他の合議制の機関に対し行政手続法第十三条に規定する聴聞又は弁明の機会の付与の手続その他の意見陳述のための手続に相当する手続を執るべきことの諮問その他の求めがされた場合においては、当該諮問その他の求めに係る不利益処分の手続に関しては、この法律による改正後の関係法律の規定にかかわらず、なお従前の例による。

Article 2 In cases where, based on laws and regulations prior to the revision by this Act, an inquiry or any other request was made to a council or other collegiate organization to take procedures for presenting opinions, such as procedures for a hearing or the grant of opportunities for explanation as prescribed in Article 13 of the Administrative Procedures Act, the provisions then in force shall remain applicable to procedures for adverse dispositions pertaining to said inquiry or other request, notwithstanding the provisions of related Acts revised by this Act.

（罰則に関する経過措置）

(Transitional measures pertaining to penal provisions)

第十三条　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 13 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.

（聴聞に関する規定の整理に伴う経過措置）

(Transitional measures in accordance with adjustment of provisions pertaining to hearing)

第十四条　この法律の施行前に法律の規定により行われた聴聞、聴問若しくは聴聞会（不利益処分に係るものを除く。）又はこれらのための手続は、この法律による改正後の関係法律の相当規定により行われたものとみなす。

Article 14 A hearing or a council for hearing (excluding those pertaining to adverse dispositions) implemented pursuant to the provisions of Acts prior to the enforcement of this Act or procedures for these shall be deemed to have been implemented pursuant to the equivalent provisions of the related Acts revised by this Act.

（政令への委任）

(Delegation to a Cabinet Order)

第十五条　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て必要な経過措置は、政令で定める。

Article 15 In addition to what is provided for in Article 2 to the preceding Article of the Supplementary Provisions, the necessary transitional measures pertaining to the enforcement of this Act shall be specified by a Cabinet Order.

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 force as from the effective date of the Act for Partial Revision of the Commercial Code, etc. (Act No. 71 of 1997).

（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 pertaining to a merger contract concluded prior to the enforcement of this Act, the provisions then in force shall remain applicable even after the enforcement of this Act.

（罰則の適用に関する経過措置）

(Transitional measures pertaining to the 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 prior to the enforcement of this Act and acts committed after the enforcement of this Act in cases where the provisions then in force shall remain applicable pursuant to the provisions of the preceding paragraph, the provisions then in force shall remain applicable.

附　則　〔平成十年四月二十二日法律第四十二号〕〔抄〕

Supplementary Provisions [Act No. 42 of April 22, 1998] [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。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 force as from the date specified by a Cabinet Order within one year from the day of promulgation; provided, however, that the provisions set forth in the following items shall come into force as from the date specified in each item.

一　附則第八条の規定　公布の日

(i) The provisions of Article 8 of the Supplementary Provisions: the day of promulgation

二　第十五条の改正規定（同条第一項第四号の改正規定を除く。）、第十七条の改正規定、第二十条の改正規定及び第百四十七条の二の改正規定　公布の日から起算して三月を経過した日

(ii) The provisions revising Article 15 (excluding the provisions revising paragraph (1), item (iv) of the same Article), the provisions revising Article 17, the provisions revising Article 20, and the provisions revising Article 147-2: the day on which three months have elapsed from the day of promulgation

三　第九十七条の見出しの改正規定及び同条第一項の改正規定（「委託手数料を徴し、及び」を削る部分に限る。）　平成十六年十二月三十一日

(iii) The provisions revising the title of Article 97 and the provisions revising paragraph (1) of the same Article (limited to the part deleting "collecting commission fees and"): December 31, 2004

（取引所の許可等に関する経過措置）

(Transitional measures pertaining to permission for exchanges)

第二条　前条第二号に掲げる規定の施行前に同号の規定による改正前の商品取引所法第八条の二の規定によりされた許可の申請であって、同号に掲げる規定の施行の際、許可又は不許可の処分がされていないものについての許可又は不許可の処分については、なお従前の例による。

Article 2 (1) With regard to an application for permission filed prior to the enforcement of the provisions set forth in item (ii) of the preceding Article, pursuant to the provisions of Article 8-2 of the Commodity Exchange Act prior to the revision pursuant to the provisions of the same item, and for which a disposition of permission or non-permission has not been made at the time of enforcing the provisions set forth in the same item, the provisions then in force shall remain applicable to the disposition of permission or non-permission for such application.

２　前条第二号に掲げる規定の施行前に同号の規定による改正前の商品取引所法第二十条第一項の規定によりされた認可の申請であって、同号に掲げる規定の施行の際、認可又は不認可の処分がされていないものについての認可又は不認可の処分については、なお従前の例による。

(2) With regard to an application for approval filed prior to the enforcement of the provisions set forth in item (ii) of the preceding Article, pursuant to the provisions of Article 20, paragraph (1) of the Commodity Exchange Act prior to the revision pursuant to the provisions of the same item, and for which a disposition of permission or non-permission has not been made at the time of enforcing the provisions set forth in the same item, the provisions then in force shall remain applicable to the disposition of approval or disapproval for such application.

（市場取引監視委員会規程の認可に関する経過措置）

(Transitional measures pertaining to approval for market transactions surveillance committee rules)

第三条　この法律の施行の際現にこの法律による改正前の商品取引所法（以下「旧法」という。）第八条の二の許可を受けている商品取引所（以下「旧法取引所」という。）は、この法律の施行の日（以下「施行日」という。）から三十日以内に、市場取引監視委員会規程を作成し、主務大臣に認可の申請をしなければならない。

Article 3 (1) A Commodity Exchange which has received the permission under Article 8-2 of the Commodity Exchange Act prior to the revision by this Act (hereinafter referred to as the "Former Act") at the time of the enforcement of this Act shall create market transactions surveillance committee rules and file an application for approval with the competent minister within 30 days from the effective date of this Act (hereinafter referred to as the "Effective Date").

２　この法律による改正後の商品取引所法（以下「新法」という。）第十五条第一項第四号の規定は、前項の認可について準用する。

(2) The provisions of Article 15, paragraph (1), item (iv) of the Commodity Exchange Act revised by this Act (hereinafter referred to as the "New Act") shall apply mutatis mutandis to approval under the preceding paragraph.

３　主務大臣は、旧法取引所が第一項の規定に違反した場合には、その設立の許可を取り消し、又は一年以内の期間を定めてその業務の全部又は一部の停止を命ずることができる。

(3) In the case where an Exchange under the Former Act violated the provisions of paragraph (1), the competent minister may rescind the permission for establishment thereof or order suspension of the whole or a part of its business for a fixed period not exceeding one year.

４　前項の規定による処分に違反したときは、その行為をした旧法取引所の代表者、代理人、使用人その他の従業者は、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。

(4) In the case where an Exchange under the Former Act violated the disposition under the provisions of the preceding paragraph, the representative, an agent, an employee, or other worker thereof who has committed such act shall be punished by imprisonment with work for not more than two years or by a fine of not more than three million yen, or shall be subject to the cumulative imposition thereof.

５　旧法取引所の代表者、代理人、使用人その他の従業者が前項の違反行為をしたときは、その行為者を罰するほか、その旧法取引所に対して三億円以下の罰金刑を科する。

(5) In the case where the representative, an agent, an employee, or other worker of an Exchange under the Former Act committed a violation set forth in the preceding paragraph, not only the offender shall be punished but also said Exchange under the Former Act shall be punished by a fine of not more than 300 million yen.

（商品取引員の許可に関する経過措置）

(Transitional measures pertaining to a license for a Futures Commission Merchant)

第四条　この法律の施行の際現に旧法第四十一条第二項第一号に掲げる者又は同項第二号に掲げる者に係る同条第一項の許可（以下「旧法の許可」という。）を受けている者は、当該旧法の許可に係る商品市場を含む許可の種類（新法第百二十六条第二項に規定する許可の種類をいう。以下同じ。）につき、旧法の許可に係る商品市場を新法第百二十八条第一項第四号の商品市場における取引の受託等を行う商品市場として、それぞれ新法第百二十六条第二項第一号に掲げる者又は同項第二号に掲げる者に係る同条第一項の許可（以下「新法の許可」という。）を受けたものとみなす。

Article 4 (1) A person who has, at the time of the enforcement of this Act, obtained a license under Article 41, paragraph (1) of the Former Act pertaining to a person set forth in paragraph (2), item (i) of the same Article or a person set forth in item (ii) of the same paragraph (hereinafter referred to as a "License under the Former Act") shall be deemed to have obtained a license under Article 126, paragraph (1) of the New Act pertaining to a person set forth in paragraph (2), item (i) of the same Article or a person set forth in item (ii) of the same paragraph of the New Act (hereinafter referred to as a "License under the New Act"), respectively, with regard to Types of Licenses including a Commodity Market pertaining to said License under the Former Act (which refer to types of licenses prescribed in Article 126, paragraph (2) of the New Act; the same shall apply hereinafter), deeming a Commodity Market pertaining to a License under the Former Act to be a Commodity Market where brokerage of Transactions on a Commodity Market under Article 128, paragraph (1), item (iv) of the New Act is carried out.

２　前項の規定により新法の許可を受けたものとみなされる者であって、同項の規定により、一の許可の種類について二以上の許可を受けたものとみなされるものについては、当該二以上の許可を一の許可とみなして、この法律の規定を適用する。

(2) With regard to a person who is deemed to have obtained a License under the New Act pursuant to the provisions of the preceding paragraph and to have obtained two or more licenses for a single Kind of License, the provisions of this Act shall apply, deeming said two or more licenses to be one license.

３　前二項の規定により新法の許可を受けたものとみなされた者についての新法第百二十六条第四項の規定の適用については、その者が旧法の許可を受けた日（前項の規定により二以上の許可を一の許可とみなされた者にあっては、当該二以上の許可のうち最後の許可を受けた日）を新法の許可を受けた日とみなす。

(3) With regard to the application of the provisions of Article 126, paragraph (4) of the New Act to a person who is deemed to have obtained a License under the New Act pursuant to the provisions of the preceding two paragraphs, the day on which said person obtained a License under the Former Act (with regard to a person whose two or more licenses are deemed to be one license pursuant to the provisions of the preceding paragraph, the day on which said person obtained the last license of said two or more licenses) shall be deemed to be the day on which said person obtained a License under the New Act.

４　旧法第四十二条第一項の規定により旧法の許可に付された条件は、新法第百二十七条第一項の規定により新法の許可に付された条件とみなす。

(4) Conditions attached to a License under the Former Act pursuant to the provisions of Article 42, paragraph (1) of the Former Act shall be deemed to be conditions attached to a License under the New Act pursuant to the provisions of Article 127, paragraph (1) of the New Act.

５　旧法第五十二条第一項又は旧法第百二十三条の規定により旧法の許可を取り消された者についての新法第二十四条第一項第三号及び第四号、第百二十九条第一項第五号及び第八号並びに第二項、第百三十六条の六第一項第一号、第百三十六条の八第二号、第百三十六条の九第一項第一号、第百三十六条の二十八第一項第一号、第百三十六条の三十二第一項第一号、第百三十六条の四十三第一項第四号及び第五号並びに第百三十六条の五十二の規定の適用については、その者は、その取消しの日において、新法第百三十六条の二十七第一項又は新法第百三十六条の三十二第一項の規定により新法の許可を取り消されたものとみなす。

(5) With regard to the application of the provisions of Article 24, paragraph (1), item (iii) and item (iv), Article 129, paragraph (1), item (v), item (viii) and paragraph (2), Article 136-6, paragraph (1), item (i), Article 136-8, item (ii), Article 136-9, paragraph (1), item (i), Article 136-28, paragraph (1), item (i), Article 136-32, paragraph (1), item (i), Article 136-43, paragraph (1), item (iv) and item (v), and Article 136-52 of the New Act to a person who has his/her License under the Former Act rescinded pursuant to the provisions of Article 52, paragraph (1) of the Former Act or Article 123 of the Former Act, said person shall be deemed to have had his/her License under the New Act rescinded pursuant to the provisions of Article 136-27, paragraph (1) of the New Act or Article 136-32, paragraph (1) of the New Act as on the day of said rescission.

（従たる営業所の開設等に関する経過措置）

(Transitional measures pertaining to establishment, etc. of a secondary business office)

第五条　施行日前に旧法第四十六条第一項第二号又は第三号に掲げる場合についての同項の許可が行われたものであって、施行日後に従たる営業所の開設又は本店若しくは従たる営業所の位置の変更がされるものについては、新法第百三十二条第一項の規定による届出を要しない。

Article 5 When a license under Article 46, paragraph (1) has been obtained prior to the Effective Date in cases set forth in paragraph (1), item (ii) or item (iii) of the same Article of the Former Act, and where a secondary business office is established or the location of the head office or a secondary business office is changed after the Effective Date, the notification under the provisions of Article 132, paragraph (1) of the New Act shall not be necessary.

（外務員に関する経過措置）

(Transitional measures pertaining to a Sales Representative)

第六条　この法律の施行の際現に旧法第九十一条の二第一項の規定により商品取引員（旧法第四十一条第三項に規定するものをいう。以下同じ。）が旧法取引所の行う登録を受けている外務員（旧法第九十一条の二第一項に規定するものをいう。以下同じ。）については、新法第百三十六条の四第一項の規定により主務大臣の行う登録を受けたものとみなす。

Article 6 (1) A Futures Commission Merchant (which means one prescribed in Article 41, paragraph (3) of the Former Act; the same shall apply hereinafter) who has, at the time of the enforcement of this Act, received registration as a Sales Representative (which means one prescribed in Article 91-2, paragraph (1) of the Former Act; the same shall apply hereinafter) governed by an Exchange under the Former Act pursuant to the provisions of Article 91-2, paragraph (1) of the Former Act shall be deemed to have received registration governed by the competent minister pursuant to the provisions of Article 136-4, paragraph (1) of the New Act.

２　旧法取引所は、旧法第九十一条の二第一項の規定による登録を受けている事項を施行日から十日以内に主務大臣に通知しなければならない。

(2) An Exchange under the Former Act shall notify matters for which it has received registration pursuant to the provisions of Article 91-2, paragraph (1) of the Former Act to the competent minister within 10 days from the Effective Date.

３　第一項の規定により新法第百三十六条の四第一項の規定により商品取引員が登録を受けたものとみなされる外務員についての同条第七項の規定の適用については、当該商品取引員が旧法第九十一条の二第一項の規定による登録を最後に受けた日を新法第百三十六条の四第一項の規定による登録を受けた日とみなす。

(3) With regard to the application of the provisions of Article 136-4, paragraph (7) of the New Act to a Futures Commission Merchant which is deemed to have received registration as a Sales Representative pursuant to the provisions of paragraph (1) of the same Article pursuant to the provisions of paragraph (1), the day on which said Futures Commission Merchant lastly received registration under the provisions of Article 91-2, paragraph (1) of the Former Act shall be deemed to be the day on which it received registration under the provisions of Article 136-4, paragraph (1) of the New Act.

（商品先物取引協会等の名称の使用制限に関する経過措置）

(Transitional measures pertaining to restriction on use of "commodity futures association," etc. in names)

第七条　この法律の施行の際現にその名称中に商品先物取引協会又は商品先物取引協会の会員であると誤認されるおそれのある文字を用いている者については、新法第百三十六条の三十九の規定は、この法律の施行後六月間は、適用しない。

Article 7 The provisions of Article 136-39 of the New Act shall not apply to a person who has, at the time of the enforcement of this Act, used certain characters which are likely to mislead the public into believing that such person is a commodity futures association or a member thereof in his/her name, for six months after the enforcement of this Act.

（商品取引員協会に関する経過措置）

(Transitional measures pertaining to the Futures Commission Merchant Association)

第八条　この法律の公布の際既に旧法第五十四条の三第一項に規定する商品取引員協会（以下「旧法協会」という。）が設立されている場合においては、当該旧法協会は、施行日前においても、新法第百三十六条の四十一及び第百三十六条の四十四の規定の例により、定款を変更し、主務大臣の認可を受けることができる。

Article 8 (1) In the case where the Futures Commission Merchant Association prescribed in Article 54-3, paragraph (1) of the Former Act (hereinafter referred to as the "Association under the Former Act") has been established at the time of the enforcement of this Act, said Association under the Former Act may amend its articles of incorporation and receive the approval of the competent minister, even prior to the Effective Date, in accordance with the provisions of Article 136-41 and Article 136-44 of the New Act.

２　旧法協会は、前項の認可を受けようとする場合には、制裁規程及び紛争処理規程を定め、主務大臣の認可を併せて受けなければならない。

(2) In the case where the Association under the Former Act intends to receive the approval set forth in the preceding paragraph, it shall provide sanction rules and dispute resolution rules and receive the approval of the competent minister in addition.

３　新法第百三十六条の四十三第一項第一号の規定は、前項の認可について準用する。

(3) The provisions of Article 136-43, paragraph (1), item (i) of the New Act shall apply mutatis mutandis to the approval set forth in the preceding paragraph.

４　第一項の認可を受けた定款の変更並びに第二項の認可を受けた制裁規程及び紛争処理規程は、施行日にその効力を生ずるものとする。

(4) An amendment to the articles of incorporation which received the approval set forth in paragraph (1) and the sanction rules and dispute resolution rules which received the approval set forth in paragraph (2) shall come into force as from the Effective Date.

（罰則に関する経過措置）

(Transitional measures pertaining to penal provisions)

第九条　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 9 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 a Cabinet Order)

第十条　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 10 In addition to what is provided for in Article 2 to the preceding Article of the Supplementary Provisions, the necessary transitional measures pertaining to the enforcement of this Act shall be specified by a Cabinet Order.

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 force as from December 1, 1998; provided, however, that the provisions set forth in the following items shall come into force as from the date specified in each item.

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 which add one Chapter after Chapter IV of the Securities Exchange Act (limited to the part pertaining to Article 79-29, paragraph (1)) and the provisions revising Article 189, paragraph (2) and paragraph (4) in Article 1, the provisions of Article 21, the provisions revising Part II, Chapter X, Section 2, Subsection 1 of the Insurance Business Act (limited to the part pertaining to Article 265-6) in Article 22, the provisions of Article 23 and the provisions of Article 25 of this Act, and the provisions of Article 40, Article 42, Article 58, Article 136, Article 140, Article 143, Article 147, Article 149, Article 158, Article 164, Article 187 (excluding the provisions revising Article 4, item (lxxix) of the Ministry of Finance Establishment Act [Act No.144 of 1949]), and Articles 188 to 190 inclusive of the Supplementary Provisions: July 1, 1998

（処分等の効力）

(Effect of dispositions, etc.)

第百八十八条　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）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って、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, procedures, and other acts committed pursuant to the provisions of the respective Acts prior to revision (including any orders based on them; hereinafter the same shall apply in this Article) prior to the enforcement of this Act (with regard to the provisions set forth in the respective items of Article 1 of the Supplementary Provisions, said provisions), for which the provisions of the respective Acts after the revision have relevant provisions, shall be deemed to have been made pursuant to the relevant 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 pertaining to the 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っては、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 prior to the enforcement of this Act (with regard to the provisions set forth in the respective items of Article 1 of the Supplementary Provisions, said provisions) and acts committed after the enforcement of this Act in cases where the provisions then in force shall remain applicable pursuant to the provisions of these Supplementary Provisions and in cases where the provisions prior to the revision shall remain in force pursuant to 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 a 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, Article 153, Article 169, and the preceding Article of the Supplementary Provisions, the necessary transitional measures pertaining to the enforcement 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) Even after the enforcement of this Act, the government shall take the necessary measures for maintaining the credibility of the insurance business when the government deems it necessary in consideration of the status of the implementation of systems pertaining to special measures for protecting insurance policyholders and the soundness of the management of the insurance business pursuant to the provisions of the New Insurance Business Act.

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 carry out a review of the financial systems revised by this Act within five years after the enforcement of this Act, in consideration of the status of the implementation of the provisions revised by this Act and the changes in social and economic situations surrounding the financial systems, and shall take the required measures based on the results, when the government deems it necessary.

附　則　〔平成十一年七月十六日法律第百二号〕〔抄〕

Supplementary Provisions [Act No. 102 of July 16, 1999] [Extract]

（施行期日）

(Effective date)

第一条　この法律は、内閣法の一部を改正する法律（平成十一年法律第八十八号）の施行の日から施行する。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 force as from the effective date of the Act for Partial Revision of the Cabinet Act (Act No. 88 of 1999); provided, however, that the provisions set forth in the following items shall come into force as from the date specified in each item.

二　附則第十条第一項及び第五項、第十四条第三項、第二十三条、第二十八条並びに第三十条の規定　公布の日

(ii) The provisions of Article 10, paragraph (1) and paragraph (5), Article 14, paragraph (3), Article 23, Article 28, and Article 30 of the Supplementary Provisions: the day of promulgation

（職員の身分引継ぎ）

(Succession of a status of an official)

第三条　この法律の施行の際現に従前の総理府、法務省、外務省、大蔵省、文部省、厚生省、農林水産省、通商産業省、運輸省、郵政省、労働省、建設省又は自治省（以下この条において「従前の府省」という。）の職員（国家行政組織法（昭和二十三年法律第百二十号）第八条の審議会等の会長又は委員長及び委員、中央防災会議の委員、日本工業標準調査会の会長及び委員並びにこれらに類する者として政令で定めるものを除く。）である者は、別に辞令を発せられない限り、同一の勤務条件をもって、この法律の施行後の内閣府、総務省、法務省、外務省、財務省、文部科学省、厚生労働省、農林水産省、経済産業省、国土交通省若しくは環境省（以下この条において「新府省」という。）又はこれに置かれる部局若しくは機関のうち、この法律の施行の際現に当該職員が属する従前の府省又はこれに置かれる部局若しくは機関の相当の新府省又はこれに置かれる部局若しくは機関として政令で定めるものの相当の職員となるものとする。

Article 3 A person who, at the time of the enforcement of this Act, has been an official (excluding a chairperson and a member of councils, etc. set forth in Article 8 of the National Government Organization Act [Act No. 120 of 1948], a member of the Central Disaster Prevention Council, a chairperson and a member of the Japanese Industrial Standards Committee, and those specified as similar persons by a Cabinet Order) of the prior and existing Prime Minister's Office, the Ministry of Justice, the Ministry of Foreign Affairs, the Ministry of Finance, the Ministry of Education, the Ministry of Health and Welfare, the Ministry of Agriculture, Forestry and Fisheries, the Ministry of International Trade and Industry, the Ministry of Transport, the Ministry of Posts and Telecommunications, the Ministry of Labor, the Ministry of Construction or the Ministry of Home Affairs (hereinafter referred to as a "Prior and Existing Ministry or Agency" in this Article) shall, unless an appointment is announced separately, become a relevant official of the Cabinet Office, the Ministry of Internal Affairs and Communications, the Ministry of Justice, the Ministry of Foreign Affairs, the Ministry of Finance, the Ministry of Education, Culture, Sports, Science and Technology, the Ministry of Health, Labour and Welfare, the Ministry of Agriculture, Forestry and Fisheries, the Ministry of Economy, Trade and Industry, the Ministry of Land, Infrastructure and Transport, or the Ministry of the Environment after the enforcement of this Act (hereinafter referred to as a "New Ministry or Agency" in this Article), or a department or organization established thereunder, which is specified by a Cabinet Order as the New Office or Ministry or the department or organization established thereunder that corresponds to the Former Office or Ministry or the department or organization established thereunder to which said official belongs at the time of the enforcement of this Act, with the same working conditions.

（別に定める経過措置）

(Transitional measures specified separately)

第三十条　第二条から前条までに規定するもののほか、この法律の施行に伴い必要となる経過措置は、別に法律で定める。

Article 30 In addition to what is provided for in Article 2 to the preceding Article, the necessary transitional measures pertaining to the enforcement of this Act shall be specified separately by an Act.

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。

Article 1 This Act shall come into force as from the date specified by a Cabinet Order within six months from the day of promulgation.

附　則　〔平成十一年十二月八日法律第百五十一号〕〔抄〕

Supplementary Provisions [Act No. 151 of December 8, 1999] [Extract]

（施行期日）

(Effective date)

第一条　この法律は、平成十二年四月一日から施行する。

Article 1 This Act shall come into force as from April 1, 2000.

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.

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。

Article 1 This Act (excluding Article 2 and Article 3) shall come into force as from January 6, 2001.

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 force 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っては、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って、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, procedures, and other acts conducted pursuant to the provisions of the respective Acts before the revision prior to the enforcement of this Act (with regard to the provisions set forth in the respective items of Article 1 of the Supplementary Provisions, said provisions) for which the provisions of the respective Acts after the revision have relevant provisions, shall be deemed to have been made pursuant to the relevant 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 pertaining to the 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 a 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 the Supplementary Provisions, the necessary transitional measures pertaining to the enforcement 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 In the case where five years have elapsed after the enforcement of this Act, the government shall carry out a review of the systems pertaining to securities exchanges prescribed in Article 2, paragraph (16) of the New Securities Exchange Act and financial futures exchanges prescribed in Article 2, paragraph (6) of the New Financial Futures Transactions Act, in consideration of the status of implementation of the New Securities Exchange Act and the New Financial Futures Transactions Act and the changes in social and economic situations, and shall take any required measures based on the results, when the government deems it necessary.

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 force as from April 1, 2002.

（罰則の適用に関する経過措置）

(Transitional measures pertaining to the 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 prior to the enforcement of this Act and acts committed after the enforcement of this Act in cases where the provisions then in force shall remain applicable pursuant to the provisions of this Act, the provisions then in force 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 force as from the date specified by a Cabinet Order within 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日前である場合には、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) In the case where the Effective Date of this Act is prior to the effective date of the provisions of Article 2 of the Act for Partial Revision of the Agricultural Cooperative Association Act, etc. (Act No. 94 of 2001), in Article 9, "Article 30, paragraph (12)" in the provisions revising Article 30, paragraph (12) of the Agricultural Cooperatives Act shall be replaced with "Article 30, paragraph (11)."

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 force as from April 1, 2004.

（罰則の適用に関する経過措置）

(Transitional measures pertaining to the 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 a 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 this Act, the necessary transitional measures pertaining to the enforcement 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 In the case where five years have elapsed after the enforcement of this Act, the government shall carry out a review of the financial systems revised by this Act, in consideration of the status of the implementation of the provisions revised by this Act and the changes in social and economic situations, and shall take any required measures based on the results, when the government deems it necessary.

附　則　〔平成十六年五月十二日法律第四十三号〕〔抄〕

Supplementary Provisions [Act No. 43 of May 12, 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、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 force as from the date specified by a Cabinet Order within one year from the day of promulgation; provided, however, that the provisions set forth in the following items shall come into force as from the date specified in each item.

一　第六章を第七章とし、同章の前に一章を加える改正規定（第二百九十九条及び第三百十四条に係る部分に限る。）　この法律による改正後の商品取引所法（以下「新法」という。）第二百九十三条の登録のうち最初のものの効力が生じた日

(i) The provisions which change Chapter VI to Chapter VII and add one Chapter before the same Chapter (limited to the part pertaining to Article 299 and Article 314): the day on which the first registration under Article 293 of the Commodity Exchange Act revised by this Act (hereinafter referred to as the "New Act") becomes effective

二　附則第五条、第七条第一項、第十四条第一項及び第二項、第十八条、第十九条第一項から第四項まで及び第七項並びに第二十三条の規定　この法律の公布の日

(ii) The provisions of Article 5, Article 7, paragraph (1), Article 14, paragraph (1) and paragraph (2), Article 18, Article 19, paragraphs (1) to (4) inclusive and paragraph (7), and Article 23 of the Supplementary Provisions: the day of promulgation of this Act

三　附則第三十条及び第三十三条の規定　公布の日から九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 30 and Article 33 of the Supplementary Provisions: the day specified by a Cabinet Order within nine months from the day of promulgation

四　附則第三十一条の規定　電子公告制度の導入のための商法等の一部を改正する法律（平成十六年法律第八十七号）の公布の日又はこの法律の公布の日のいずれか遅い日

(iv) The provisions of Article 31 of the Supplementary Provisions: the day of the promulgation of the Act for Partial Revision of the Commercial Code, etc. for Introducing a System of Electronic Public Notice (Act No. 87 of 2004) or the day of promulgation of this Act, whichever comes later

（商品取引所の許可に関する経過措置）

(Transitional measures pertaining to permission for a Commodity Exchange)

第二条　この法律の施行の際現にこの法律による改正前の商品取引所法（以下「旧法」という。）第八条の二の許可を受けている商品取引所は、新法第九条の許可を受けて設立された会員商品取引所とみなす。

Article 2 A Commodity Exchange which has, at the time of the enforcement of this Act, received the permission under Article 8-2 of the Commodity Exchange Act prior to the revision by this Act (hereinafter referred to as the "Former Act") shall be deemed to be a Member Commodity Exchange established with the permission under Article 9 of the New Act.

（商品取引所の登記に関する経過措置）

(Transitional measures pertaining to registration of a Commodity Exchange)

第三条　新法の施行前に商品取引所について旧法第百二条から第百八条までの規定により旧法第百九条第二項の商品取引所登記簿に登記された事項は、この法律の施行の日（以下「施行日」という。）において新法第二十条から第二十四条まで、第七十二条、第七十三条又は第百四十七条の規定により新法第二十五条第二項の会員商品取引所登記簿に登記されたものとみなす。

Article 3 Matters registered in a Commodity Exchange register set forth in Article 109, paragraph (2) of the Former Act with regard to a Commodity Exchange prior to the enforcement of the New Act pursuant to the provisions of Articles 102 to 108 inclusive of the Former Act shall be deemed to have been registered in a Member Commodity Exchange register set forth in Article 25, paragraph (2) of the New Act as on the Effective Date of this Act (hereinafter referred to as the "Effective Date") pursuant to the provisions of Articles 20 to 24 inclusive, Article 72, Article 73, or Article 147 of the New Act.

（会員信認金に関する経過措置）

(Transitional measures pertaining to membership guarantee funds)

第四条　この法律の施行の際現に旧法第三十八条第一項の規定により預託されている会員信認金（附則第九条の規定によりなお従前の例によることとされる損害の賠償に充てるべきものを除く。）は、新法第百一条第一項の規定により預託されている信認金とみなす。

Article 4 Membership guarantee funds (except for those to be allocated for damages, for which the provisions then in force shall remain applicable pursuant to the provisions of Article 9 of the Supplementary Provisions) which have been deposited pursuant to the provisions of Article 38, paragraph (1) of the Former Act at the time of the enforcement of this Act shall be deemed to be the guarantee funds deposited pursuant to the provisions of Article 101, paragraph (1) of the New Act.

（商品取引所の定款等の変更に関する経過措置）

(Transitional measures pertaining to amendment of articles of incorporation, etc. of a Commodity Exchange)

第五条　商品取引所は、施行日までに、新法第百五十五条及び第百五十六条の規定の例により、この法律の施行に伴い必要となる定款、業務規程、受託契約準則、紛争処理規程及び市場取引監視委員会規程の変更をし、主務大臣の認可を受けなければならない。この場合において、これらの認可の効力は、施行日から生ずるものとする。

Article 5 A Commodity Exchange shall amend its articles of incorporation, market rules, brokerage contract rules, dispute resolution rules, and market transactions surveillance committee rules in accordance with the provisions of Article 155 and Article 156 of the New Act and receive the approval of the competent minister by the Effective Date. In this case, such approval shall become effective as from the Effective Date.

（取引証拠金に関する経過措置）

(Transitional measures pertaining to clearing margins)

第六条　この法律の施行の際現に旧法第七十九条第一項の規定により預託されている取引証拠金（商品取引所の会員の自己の計算による取引についてのものに限り、附則第九条の規定によりなお従前の例によることとされる損害の賠償に充てるべきものを除く。）は、当該取引証拠金が新法第百五条第一号に掲げる方法による決済が行われる取引についてのものである場合にあっては新法第百三条第一項の規定により預託されている取引証拠金（同項第一号に掲げる場合において同号の会員等が自己の計算において行う商品市場における取引について預託すべきものに限る。）と、当該取引証拠金が新法第百五条第二号に掲げる方法による決済が行われる取引についてのものである場合にあっては新法第百七十九条第一項の規定により預託されている取引証拠金（同項第一号に掲げる場合にあっては同号イに掲げる場合において同号イの会員等が自己の計算において行う商品市場における取引について預託すべきものに、同項第二号に掲げる場合にあっては同号イに掲げる場合において同号イの会員等が自己の計算において清算参加者に委託した商品清算取引について預託すべきものに限る。）とみなす。

Article 6 (1) Clearing margins (limited to those for transactions carried out based on a Commodity Exchange member's own account and except for those to be allocated for damages, for which the provisions then in force shall remain applicable pursuant to the provisions of Article 9 of the Supplementary Provisions) which have been deposited pursuant to the provisions of Article 79, paragraph (1) of the Former Act at the time of the enforcement of this Act shall be deemed to be clearing margins (limited to those which a Member, etc. set forth in item (i) of the same paragraph deposits for Transactions on a Commodity Market carried out based on his/her own account in the case set forth in the same item) which are deposited pursuant to the provisions of Article 103, paragraph (1) of the New Act in the case where said clearing margins are for transactions for which settlement is made by the method set forth in Article 105, item (i) of the New Act, and as clearing margins (limited to those, in the case set forth in item (i) of the same paragraph, which are deposited for Transactions on a Commodity Market carried out based on a Member, etc.'s own account set forth in (a) of the same item in the case set forth in (a) of the same item, and those, in the case set forth in item (ii) of the same paragraph, which are deposited for Commodity Clearing Transactions which a Member, etc. set forth in item (a) of the same item deposits with a Clearing Participant based on his/her own account in the case set forth in (a) of the same item) which are deposited pursuant to the provisions of Article 179, paragraph (1) of the New Act in the case where said clearing margins are for transactions for which settlement is made by the method set forth in Article 105, item (ii) of the New Act.

２　商品取引所は、この法律の施行の際現に旧法第七十九条第一項の規定により預託されている取引証拠金（商品取引所の会員に対し取引を委託した者の計算による取引についてのものに限り、附則第九条の規定によりなお従前の例によることとされる損害の賠償に充てるべきものを除く。）を、この法律の施行後遅滞なく、当該取引証拠金を預託した会員に返還しなければならない。

(2) A Commodity Exchange shall return clearing margins (limited to those for transactions which a person has consigned to a member of the Commodity Exchange to be carried out based on such person's own account and except for those to be allocated for damages, for which the provisions then in force shall remain applicable pursuant to the provisions of Article 9 of the Supplementary Provisions) which have been, at the time of the enforcement of this Act, deposited pursuant to the provisions of Article 79, paragraph (1) of the Former Act, to the member who deposited said clearing margins, without delay, after the enforcement of this Act.

（商品取引債務引受業に関する経過措置）

(Transitional measures pertaining to Business of Assuming Commodity Transaction Debts)

第七条　この法律の施行前から旧法第八十一条第二項の規定により商品取引債務引受業（新法第二条第十二項に規定する商品取引債務引受業をいう。以下同じ。）に相当する業務を営んでいた商品取引所は、継続して当該業務を行う場合には、施行日までに、新法第百七十三条の規定の例により、主務大臣の承認を受けなければならない。この場合において、その承認の効力は、施行日から生ずるものとする。

Article 7 (1) In the case where a Commodity Exchange which has operated a business equivalent to the Business of Assuming Commodity Transaction Debts (which refers to the Business of Assuming Commodity Transaction Debts prescribed in Article 2, paragraph (12) of the New Act; the same shall apply hereinafter) pursuant to the provisions of Article 81, paragraph (2) of the Former Act since before the enforcement of this Act intends to continue said business, it shall receive the approval of the competent minister by the Effective Date in accordance with the provisions of Article 173 of the New Act. In this case, the approval shall become effective as from the Effective Date.

２　商品取引所が前項の規定による承認を受けたときは、この法律の施行の際現に旧法第八十一条第三項の規定により当該商品取引所に預託されている特別清算負担金（施行日において商品取引清算機関としての当該商品取引所の清算参加者となった会員が預託しているものに限り、附則第九条の規定によりなお従前の例によることとされる損害の賠償に充てるべきものを除く。）は、新法第百八十条第一項の規定により商品取引清算機関としての当該商品取引所に預託されている清算預託金とみなす。

(2) When a Commodity Exchange received approval pursuant to the provisions of the preceding paragraph, special clearing funds (limited to those deposited by a member who became a Clearing Participant of said Commodity Exchange as a Commodity Clearing Organization as on the Effective Date, and except for those to be allocated for damages, for which the provisions then in force shall remain applicable pursuant to the provisions of Article 9 of the Supplementary Provisions) which have been deposited with said Commodity Exchange pursuant to the provisions of Article 81, paragraph (3) of the Former Act at the time of the enforcement of this Act shall be deemed to be clearing deposits deposited with said Commodity Exchange as a Commodity Clearing Organization pursuant to the provisions of Article 180, paragraph (1) of the New Act.

３　商品取引所は、この法律の施行の際現に旧法第八十一条第三項の規定により預託されている特別清算負担金（附則第九条の規定によりなお従前の例によることとされる損害の賠償に充てるべきものを除く。）のうち、前項の規定により清算預託金とみなされたもの以外のものを、この法律の施行後遅滞なく、当該特別清算負担金を預託した会員に返還しなければならない。

(3) A Commodity Exchange shall return the portions other than those deemed to be clearing deposits pursuant to the provisions of the preceding paragraph among special clearing funds (except for those to be allocated for damages, for which the provisions then in force shall remain applicable pursuant to the provisions of Article 9 of the Supplementary Provisions) which have been deposited pursuant to the provisions of Article 81, paragraph (3) of the Former Act at the time of the enforcement of this Act, to the member who deposited said special clearing fund, without delay, after the enforcement of this Act.

（特別担保金に関する経過措置）

(Transitional measures pertaining to special collateral money)

第八条　この法律の施行の際現に旧法第八十四条の二第一項の規定により預託されている特別担保金（次条の規定によりなお従前の例によることとされる損害の賠償に充てるべきものを除く。）は、新法第百九条第一項の規定により預託されている特別担保金とみなす。

Article 8 Special collateral money (except for that to be allocated for damages, for which the provisions then in force shall remain applicable pursuant to the provisions of the following Article) which has been deposited pursuant to the provisions of Article 84-2, paragraph (1) of the Former Act at the time of the enforcement of this Act shall be deemed to be special collateral money deposited pursuant to the provisions of Article 109, paragraph (1) of the New Act.

（債務不履行による損害賠償に関する経過措置）

(Transitional measures pertaining to damages due to default)

第九条　商品取引所の会員が施行日前において商品市場における取引に基づく債務の不履行により他の会員又は商品取引所に与えた損害の賠償については、なお従前の例による。

Article 9 With regard to compensation for damages caused by a member of a Commodity Exchange to other members or to said Commodity Exchange due to a default of obligation based on the Transactions on a Commodity Market prior to the Effective Date, the provisions then in force shall remain applicable.

（受託業務保証金に関する経過措置）

(Transitional measures pertaining to security money for acceptance of consignment)

第十条　商品取引所は、この法律の施行の際現に旧法第九十七条の二第一項の規定により預託されている受託業務保証金（次項又は第三項の規定によりなお従前の例によることとされる払渡し又は取戻しに係るものを除く。）を、この法律の施行後遅滞なく、当該受託業務保証金を預託した会員に返還しなければならない。

Article 10 (1) A Commodity Exchange shall return security money for acceptance of consignment (except for those pertaining to payment or recovery, for which the provisions then in force shall remain applicable pursuant to the provisions of the following paragraph or paragraph (3)) which has been deposited pursuant to the provisions of Article 97-2, paragraph (1) of the Former Act at the time of the enforcement of this Act, to the member who deposited said security money for acceptance of consignment, without delay, after the enforcement of this Act.

２　商品取引所の会員に対し商品市場における取引を委託した者が施行日前において旧法第九十七条の三第一項の規定により行った請求に対する受託業務保証金の払渡しについては、なお従前の例による。

(2) With regard to payment of security money for acceptance of consignment for a claim which was made pursuant to the provisions of Article 97-3, paragraph (1) of the Former Act prior to the Effective Date by a person who consigned to a member of a Commodity Exchange Transactions on a Commodity Market, the provisions then in force shall remain applicable.

３　施行日前において、旧法第百二十六条第一項の許可が効力を失ったとき、又は同項の許可が取り消されたときは、商品取引員であった者が預託した受託業務保証金の払渡し及び取戻しについては、なお従前の例による。

(3) With regard to payment and recovery of security money for acceptance of consignment deposited by an entity which was a Futures Commission Merchant when the permission under Article 126, paragraph (1) of the Former Act ceased to be effective or the permission under the same paragraph was rescinded prior to the Effective Date, the provisions then in force shall remain applicable.

（取引の決済の結了に関する経過措置）

(Transitional measures pertaining to completion of settlement of transactions)

第十一条　施行日前において、旧法第百二十六条第一項の許可を取り消された場合、同項の許可が効力を失った場合若しくは商品市場における取引の受託が旧法若しくは商品取引所の定款で定めるところにより停止された場合又は施行日において同項の許可が効力を失った場合（附則第十四条第四項の規定により旧法第百二十六条第一項の許可が効力を失った場合を除く。）であって、商品取引員であった者が施行日までにその受託に係る商品市場における取引の決済を結了していないときは、当該取引については、なお従前の例による。

Article 11 In the case where the permission under Article 126, paragraph (1) of the Former Act was rescinded, the permission under the same paragraph ceased to be effective, or brokerage of Transactions on a Commodity Market was suspended pursuant to the provisions of the Former Act or the articles of incorporation of a Commodity Exchange, prior to the Effective Date, or where the permission under the same paragraph ceased to be effective as on the Effective Date (excluding the case where the permission under Article 126, paragraph (1) of the Former Act ceased to be effective pursuant to the provisions of Article 14, paragraph (4) of the Supplementary Provisions), and when an entity which was a Futures Commission Merchant had not completed settlement of Transactions on a Commodity Market pertaining to said brokerage by the Effective Date, the provisions then in force shall remain applicable with regard to said transactions.

（商品取引所に対する監督上の処分及び罰則）

(Disposition and penal provisions in supervising a Commodity Exchange)

第十二条　主務大臣は、商品取引所が附則第五条、第六条第二項、第七条第三項又は第十条第一項の規定に違反した場合には、その設立の許可を取り消し、又は一年以内の期間を定めて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。

Article 12 (1) In the case where a Commodity Exchange violated the provisions of Article 5, Article 6, paragraph (2), Article 7, paragraph (3), or Article 10, paragraph (1) of the Supplementary Provisions, the competent minister may order a suspension of the whole or a part of its business for a fixed period not exceeding one year.

２　前項の規定による処分に違反したときは、その行為をした商品取引所の代表者、代理人、使用人その他の従業者は、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。

(2) In the case where a Commodity Exchange violated the disposition pursuant to the provisions of the preceding paragraph, the representative, an agent, an employee, or other worker thereof shall be punished by imprisonment with work for not more than two years or by a fine of not more than three million yen, or shall be subject to a cumulative imposition thereof.

３　商品取引所の代表者、代理人、使用人その他の従業者が、その商品取引所の業務又は財産に関し、前項の違反行為をしたときは、その行為者を罰するほか、その商品取引所に対して三億円以下の罰金刑を科する。

(3) In the case where the representative, an agent, an employee, or other worker of a Commodity Exchange committed a violation set forth in the preceding paragraph with regard to the business or property of said Commodity Exchange, not only the offender shall be punished but also said Exchange under the Former Act shall be punished by a fine of not more than 300 million yen.

（委託証拠金に関する経過措置）

(Transitional measures pertaining to customer margins)

第十三条　商品取引員は、この法律の施行の際現に旧法第九十七条第一項の規定により委託証拠金として預託を受けている金銭及び有価証券（主務省令で定めるものを除く。）を、この法律の施行後遅滞なく、当該取引の決済が新法第百五条第一号に掲げる方法により行われる場合にあっては当該取引に係る商品市場を開設する商品取引所に、当該取引の決済が同条第二号に掲げる方法により行われる場合にあっては当該取引について商品取引債務引受業を行う商品取引所に預託しなければならない。

Article 13 (1) A Futures Commission Merchant shall deposit money and securities (except for those specified by an Order of the competent ministry) which have been, at the time of the enforcement of this Act, deposited as customer margins pursuant to the provisions of Article 97, paragraph (1) of the Former Act, to a Commodity Exchange which has opened the Commodity Market pertaining to said transactions in the case settlement of said transactions is made by the method set forth in Article 105, item (i) of the New Act, and to a Commodity Exchange which conducts the Business of Assuming Commodity Transaction Debts pertaining to said transactions in the case settlement of said transactions is made by the method set forth in item (ii) of the same Article.

２　前項の規定により商品取引所に預託された金銭及び有価証券は、新法第百五条第一号に掲げる方法により決済が行われる取引についてのものにあっては新法第百三条第一項の規定により預託されている取引証拠金（同項第二号に掲げる場合において同号の委託者が預託すべきものに限る。）と、新法第百五条第二号に掲げる方法により決済が行われる取引についてのものにあっては新法第百七十九条第一項の規定により預託されている取引証拠金（同項第一号に掲げる場合にあっては同号ロに掲げる場合において同号ロの委託者が預託すべきものに、同項第二号に掲げる場合にあっては同号ロに掲げる場合において同号ロの清算取次委託者が預託すべきものに限る。）とみなす。

(2) Money and securities deposited with a Commodity Exchange pursuant to the provisions of the preceding paragraph shall be deemed to be clearing margins which are deposited pursuant to the provisions of Article 103, paragraph (1) of the New Act (limited to those to be deposited by a customer set forth in item (ii) of the same paragraph in the case set forth in the same item) with regard to transactions whose settlement is made by the method set forth in the Article 105, item (i) of the New Act, and as clearing margins which are deposited pursuant to the provisions of Article 179, paragraph (1) of the New Act (limited to those, in the case set forth in item (i) of the same paragraph, to be deposited by a customer set forth in (b) of the same item in the case set forth in (b) of the same item, and to those, in the case set forth in item (ii) of the same paragraph, to be deposited by a clearing intermediation customer set forth in (b) of the same item in the case set forth in (b) of the same item) with regard to transactions whose settlement is made by the method set forth in Article 105, item (ii) of the New Act.

３　主務大臣は、商品取引員が第一項の規定に違反した場合には、当該商品取引員の新法第百九十条の許可を取り消し、六月以内の期間を定めて商品市場における取引若しくは商品取引受託業務（新法第二条第十七項に規定する商品取引受託業務をいう。以下同じ。）の停止を命じ、商品取引受託業務の方法の変更を命じ、その他監督上必要な事項を命ずることができる。

(3) In the case where a Futures Commission Merchant violated the provisions of paragraph (1), the competent minister may rescind the license for said Futures Commission Merchant under Article 190 of the New Act, order the suspension of Transactions on a Commodity Market or Commodity Transactions Brokerage Business (which refers to the Commodity Transactions Brokerage Business prescribed in Article 2, paragraph (17) of the New Act; the same shall apply hereinafter) for a fixed period not exceeding six months, order a change to the method of the Commodity Transactions Brokerage Business, and order other matters necessary for supervision.

４　前項の規定による命令に違反した者は、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。

(4) A person who violated an order pursuant to the provisions of the preceding paragraph shall be punished by imprisonment with work for not more than two years or by a fine of not more than three million yen, or shall be subject to the cumulative imposition thereof.

５　商品取引員の代表者、代理人、使用人その他の従業者が、その商品取引員の業務又は財産に関し、前項の違反行為をしたときは、その行為者を罰するほか、その商品取引員に対して三億円以下の罰金刑を科する。

(5) In the case where the representative, an agent, an employee, or other worker of a Futures Commission Merchant committed a violation set forth in the preceding paragraph with regard to the business or property of said Futures Commission Merchant, not only the offender shall be punished but also said Futures Commission Merchant shall be punished by a fine of not more than 300 million yen.

（商品取引員の許可に関する経過措置）

(Transitional measures pertaining to license for a Futures Commission Merchant)

第十四条　新法第百九十条第一項の許可を受けようとする者は、施行日前においても、新法第百九十二条の規定の例により、その許可の申請をすることができる。

Article 14 (1) A person who intends to obtain a license under Article 190, paragraph (1) of the New Act may file an application for the license in accordance with the provisions of Article 192 of the New Act even prior to the Effective Date.

２　主務大臣は、前項の規定により許可の申請があった場合には、施行日前においても、新法第百九十条から第百九十四条までの規定の例により、その許可をすることができる。この場合において、その許可を受けた者は、施行日において新法第百九十条第一項の許可を受けたものとみなす。

(2) In the case where an application for a license was filed pursuant to the provisions of the preceding paragraph, the competent minister may grant the license in accordance with the provisions of Articles 190 to 194 inclusive of the New Act even prior to the Effective Date. In this case, a person who obtained said license shall be deemed to have obtained the license under Article 190, paragraph (1) of the New Act as on the Effective Date.

３　この法律の施行の際第一項の許可の申請について処分が行われていない場合においては、その処分が行われるまでの間は、当該申請を行った者（この法律の施行の際現に旧法第百二十六条第一項の許可を受けている者に限る。）は、新法第百九十条第一項の許可を受けたものとみなす。

(3) In the case where a disposition has not been made with regard to an application for a license set forth in paragraph (1) at the time of the enforcement of this Act, a person who filed said application (limited to a person who has presently obtained a license under Article 126, paragraph (1) of the Former Act at the time of the enforcement of this Act) shall be deemed to have obtained a license under Article 190, paragraph (1) of the New Act until said disposition is made.

４　前二項の規定により新法第百九十条第一項の許可を受けたものとみなされた者については、旧法第百二十六条第一項の許可は、施行日に、その効力を失う。

(4) With regard to a person who is deemed to have obtained a license under Article 190, paragraph (1) of the New Act pursuant to the provisions of the preceding two paragraphs, the license under Article 126, paragraph (1) of the Former Act shall cease to be effective as on the Effective Date.

（廃業等の公告等に関する経過措置）

(Transitional measures pertaining to public notice, etc. of discontinuance of business, etc.)

第十五条　新法第百九十七条第三項の規定は、施行日から起算して三十日を経過した日以後の商品取引受託業務の廃止、合併（合併後存続する法人又は合併により設立される法人が商品取引受託業務を営まない場合の当該合併に限る。）又は合併及び破産以外の理由による解散について適用する。

Article 15 The provisions of Article 197, paragraph (3) of the New Act shall apply to abolition, merger (limited to a merger in the case where a juridical person surviving the merger or a juridical person established by the merger does not engage in Commodity Transactions Brokerage Business), or dissolution due to any reason other than the merger or bankruptcy of a Commodity Transactions Brokerage Business on and after the day on which 30 days have elapsed from the Effective Date.

（受託契約の締結前の書面の交付及び説明に関する経過措置）

(Transitional measures pertaining to delivery of a document and explanation prior to conclusion of Brokerage Contracts)

第十六条　新法第二百十七条及び第二百十八条の規定は、この法律の施行後に商品取引員が締結した受託契約（新法第二百十七条第一項に規定する受託契約をいう。）について適用する。

Article 16 The provisions of Article 217 and Article 218 of the New Act shall apply to Brokerage Contracts (which means Brokerage Contracts prescribed in Article 217, paragraph (1) of the New Act) which is concluded by a Futures Commission Merchant after the enforcement of this Act.

（外務員の登録に関する経過措置）

(Transitional measures pertaining to registration of a Sales Representative)

第十七条　この法律の施行の際現に旧法第百三十六条の四第一項の規定による登録を受けている外務員（附則第十四条第二項又は第三項の規定により新法第百九十条第一項の許可を受けたものとみなされた者に係るものに限る。）は、施行日において新法第二百条第一項の規定により登録を受けたものとみなす。この場合において、同条第六項の規定は、適用しない。

Article 17 (1) A Sales Representative (limited to one pertaining to a person who is deemed to have obtained a license under Article 190, paragraph (1) of the New Act pursuant to the provisions of Article 14, paragraph (2) or paragraph (3) of the Supplementary Provisions) who has received registration pursuant to the provisions of Article 136-4, paragraph (1) of the Former Act at the time of the enforcement of this Act shall be deemed to have received registration pursuant to the provisions of Article 200, paragraph (1) of the New Act as on the Effective Date. In this case, the provisions of paragraph (6) of the same Article shall not apply.

２　前項の場合において、新法第二百条第七項に規定する期間は、旧法による登録又は登録の更新の日から起算するものとする。

(2) In the case set forth in the preceding paragraph, the period prescribed in Article 200, paragraph (7) of the New Act shall be counted as being from the day of registration or renewal of registration under the Former Act.

（委託者保護会員制法人の設立等に関する経過措置）

(Transitional measures pertaining to establishment of a Consignor Protection Membership Corporation)

第十八条　委託者保護会員制法人（新法第二百六十九条第四項に規定する委託者保護会員制法人をいう。以下同じ。）の発起人又は会員になろうとする者（附則第十四条第二項の規定により新法第百九十条から第百九十四条までの規定の例による許可を受けた者に限る。）は、施行日前においても、新法第六章第二節の規定の例により、定款の作成、創立総会の開催その他委託者保護会員制法人の設立に必要な行為及び委託者保護会員制法人への加入に必要な行為をすることができる。

Article 18 (1) A person (limited to a person who has obtained a license in accordance with the provisions of Articles 190 to 194 inclusive of the New Act, pursuant to the provisions of Article 14, paragraph (2) of the Supplementary Provisions) who intends to become a founder or a member of a Consignor Protection Membership Corporation (which refers to a Consignor Protection Membership Corporation prescribed in Article 269, paragraph (4) of the New Act; the same shall apply hereinafter) may create articles of incorporation, hold an organizational meeting, and carry out other acts necessary for establishing the Consignor Protection Membership Corporation and any acts necessary for joining the Consignor Protection Membership Corporation, in accordance with the provisions of Chapter VI, Section 2 of the New Act, even prior to the Effective Date.

２　前項の規定により施行日前において設立された委託者保護会員制法人は、施行日前においても、新法第六章第三節の規定の例により、新法第二百九十三条の登録の申請及び新法第三百二条第一項の業務規程の認可の申請並びにこれらに必要な準備行為をすることができる。

(2) A Consignor Protection Membership Corporation established prior to the Effective Date pursuant to the provisions of the preceding paragraph may file an application for registration under Article 293 of the New Act, file an application for the approval of market rules under Article 302, paragraph (1) of the New Act, and carry out preparatory acts necessary for these, in accordance with the provisions of Chapter VI, Section 3 of the New Act, even prior to the Effective Date.

３　主務大臣は、前項の規定により新法第二百九十三条の登録の申請又は新法第三百二条第一項の業務規程の認可の申請があった場合には、新法第二百九十三条から第二百九十五条まで又は第三百二条の規定の例により、施行日前においても、その登録又は認可をすることができる。この場合において、その登録又は認可の効力は、施行日から生ずるものとする。

(3) In the case where an application for registration under Article 293 of the New Act or an application for approval for market rules under Article 302, paragraph (1) of the New Act was made pursuant to the provisions of the preceding paragraph, the competent minister may grant said registration or approval even prior to the Effective Date in accordance with the provisions of Articles 293 to 295 inclusive, or Article 302 of the New Act. In this case, said registration or approval shall become effective as from the Effective Date.

（委託者保護基金への業務等の承継に関する経過措置）

(Transitional measures pertaining to succession of businesses, etc. to the Consumer Protection Fund)

第十九条　昭和五十年十月三十一日に設立された社団法人商品取引受託債務補償基金協会（以下この条において「補償基金協会」という。）は、政令で定める日までの間、委託者保護会員制法人に対し、当該補償基金協会が行う一切の業務並びにその有する一切の資産及び負債を当該委託者保護会員制法人において承継すべき旨を申し出ることができる。

Article 19 (1) The Association of Compensation Funds for Consigned Liabilities in Commodity Futures, Inc. (hereinafter referred to as the "Association of Compensation Funds" in this Article) established on October 31, 1975 may propose to the Consignor Protection Membership Corporation that said Consignor Protection Membership Corporation should succeed to the entire businesses operated by and the entire assets and liabilities held by said Association of Compensation Funds during the period until the day specified by a Cabinet Order.

２　委託者保護会員制法人は、前項の規定による申出があった場合において、当該申出を承諾しようとするときは、当該委託者保護会員制法人の総会（新法第二百八十五条第一項に規定する総会をいう。次項及び第四項において同じ。）でその承認を得なければならない。

(2) In the case where a proposal pursuant to the provisions of the preceding paragraph was made, a Consignor Protection Membership Corporation shall obtain approval at a General Meeting (which refers to a general meeting prescribed in Article 285, paragraph (1) of the New Act; the same shall apply in the following paragraph and paragraph (4)) of said Consignor Protection Membership Corporation when it intends to consent to said proposal.

３　委託者保護会員制法人は、新法第二百九十三条の登録（前条第三項の規定により施行日前において行う新法第二百九十三条の規定の例による登録を含む。以下この条において同じ。）の申請を行う場合において、既に前項の規定による総会の承認の決議を得ているときは、その登録の申請と併せて補償基金協会からの承継についての認可を主務大臣に申請しなければならない。

(3) In the case where a Consignor Protection Membership Corporation files an application for registration under Article 293 of the New Act (including registration in accordance with the provisions of Article 293 of the New Act which is made prior to the Effective Date pursuant to the provisions of paragraph (3) of the preceding Article; hereinafter the same shall apply in this Article), and when it has already obtained a resolution of approval from a General Meeting pursuant to the provisions of the preceding paragraph, it shall file an application with the competent minister for approval for succession from the Association of Compensation Funds, along with an application for said registration.

４　委託者保護会員制法人は、新法第二百九十三条の登録の申請の後に第二項の規定による総会の承認の決議を得たときは、遅滞なく、主務大臣の認可を申請しなければならない。

(4) When a Consignor Protection Membership Corporation obtained a resolution of approval from a General Meeting pursuant to the provisions of paragraph (2) after an application for registration under Article 293 of the New Act, it shall file an application for the approval of the competent minister without delay.

５　第三項又は前項の認可があったときは、補償基金協会の行う業務並びにその有する資産及び負債は、当該認可を受けた日（その日が当該認可に係る委託者保護会員制法人が新法第二百九十三条の登録を受けた日（前条第三項の規定により施行日前において新法第二百九十三条の規定の例による登録を受けた場合にあっては施行日）前であるときは、同日）において、委託者保護基金（新法第二百九十六条に規定する委託者保護基金をいう。以下同じ。）としての当該委託者保護会員制法人（第八項及び第九項において「委託者保護基金」という。）に承継されるものとし、補償基金協会は、その時において解散するものとする。この場合においては、他の法令中法人の解散及び清算に関する規定は、適用しない。

(5) When approval under paragraph (3) or the preceding paragraph was granted, businesses operated by and assets and liabilities held by the Association of Compensation Funds shall be succeeded by said Consignor Protection Membership Corporation (referred to as the "Consumer Protection Fund" in paragraph (8) and paragraph (9)) as a Consumer Protection Fund (which means the Consumer Protection Fund prescribed in Article 296 of the New Act; the same shall apply hereinafter) as on the day on which the Consignor Protection Membership Corporation received said approval (when the day is prior to the day on which the Consignor Protection Membership Corporation pertaining to said approval received registration under Article 293 of the New Act [the Effective Date in the case where the Consignor Protection Membership Corporation received registration in accordance with the provisions of Article 293 of the New Act prior to the Effective Date pursuant to the provisions of paragraph (3) of the preceding Article], the same day), and the Association of Compensation Funds shall be dissolved at that time. In this case, the provisions pertaining to the dissolution and liquidation of juridical persons in other laws and regulations shall not apply.

６　前項の規定により補償基金協会が解散した場合における解散の登記については、政令で定める。

(6) Registration of a dissolution in the case where the Association of Compensation Funds was dissolved pursuant to the provisions of the preceding paragraph shall be specified by a Cabinet Order.

７　委託者保護会員制法人が第三項の規定により新法第二百九十三条の登録の申請及び補償基金協会からの承継の認可の申請を同時に行った場合における新法第二百九十五条第一項（第一号に係る部分に限る。）の規定の適用については、同号中「であること」とあるのは、「であること（商品取引所法の一部を改正する法律（平成十六年法律第四十三号）附則第十九条第三項の規定により認可の申請が併せてされた登録の申請にあつては、主務大臣が当該認可をしようとする場合には、当該認可の申請に係る補償基金協会の資産及び負債を含めて算定するものとする。）」とする。

(7) With regard to the application of the provisions of Article 295, paragraph (1) (limited to the part pertaining to item (i)) in the case where a Consignor Protection Membership Corporation filed an application for registration under Article 293 of the New Act and an application for approval for succession from the Association of Compensation Funds simultaneously pursuant to the provisions of paragraph (3), "shall be" in the same item shall be deemed to be replaced with "shall be (with regard to an application for registration filed along with an application for approval pursuant to the provisions of Article 19, paragraph (3) of the Supplementary Provisions of the Act for Partial Revision of the Commodity Exchange Act [Act No. 43 of 2004], calculation shall be done including assets and liabilities held by the Association of Compensation Fund pertaining to said application for approval, if the competent minister intends to grant said approval)".

８　第五項の規定により補償基金協会の業務の承継を受けた委託者保護基金は、新法第三百一条の規定にかかわらず、当該承継に係る補償基金協会の業務（次項において「承継業務」という。）を行うことができる。

(8) The Consumer Protection Fund which succeeded to the business of the Association of Compensation Funds pursuant to the provisions of paragraph (5) may operate businesses (referred to as "Succeeded Businesses" in the following paragraph) of the Association of Compensation Funds pertaining to said succession, notwithstanding the provisions of Article 301 of the New Act.

９　前項の委託者保護基金が承継業務のうち新法第二百六十九条第三項第一号に掲げる業務に類似する業務として主務省令で定める業務を行う場合には、当該業務は同号に掲げる業務とみなす。

(9) In the case where the Consumer Protection Fund set forth in the preceding paragraph operates businesses specified by an ordinance of the competent ministry as being similar businesses to those set forth in Article 269, paragraph (3), item (i) of the New Act among Succeeded Businesses, said businesses shall be deemed to be businesses set forth in the same item.

（委託者保護基金等の名称の使用制限に関する経過措置）

(Transitional measures pertaining to restriction on use of "Consumer Protection Fund," etc. in names)

第二十条　この法律の施行の際現にその名称のうちに「委託者保護会員制法人」という文字を用いている者については、新法第二百七十一条第二項の規定は、施行日から起算して六月を経過する日までの間は、適用しない。

Article 20 (1) The provisions of Article 271, paragraph (2) of the New Act shall not apply to a person who has used characters of the "Consignor Protection Membership Corporation" in his/her name at the time of the enforcement of this Act, until the day on which six months have elapsed from the Effective Date.

２　この法律の施行の際現にその名称のうちに「委託者保護基金」という文字を用いている者については、新法第二百九十七条第二項の規定は、施行日から起算して六月を経過する日までの間は、適用しない。

(2) The provisions of Article 297, paragraph (2) of the New Act shall not apply to a person who has used characters of the "Consumer Protection Fund" in his/her name at the time of the enforcement of this Act, until the day on which six months have elapsed from the Effective Date.

（処分等の効力）

(Effect of dispositions, etc.)

第二十一条　施行日前に旧法の規定によってした処分、手続その他の行為であって、新法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、新法の相当の規定によってしたものとみなす。

Article 21 Dispositions, procedures, and other acts conducted pursuant to the provisions of the Former Act prior to the Effective Date, for which the New Act has relevant provisions, shall be deemed to have been made pursuant to the relevant provisions of the New Act, except as otherwise provided by these Supplementary Provisions.

（罰則の適用に関する経過措置）

(Transitional measures pertaining to the application of penal provisions)

第二十二条　施行日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 22 With regard to the application of penal provisions to acts committed prior to the Effective Date, 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 a Cabinet Order)

第二十三条　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（罰則に関する経過措置を含む。）は、政令で定める。

Article 23 In addition to what is provided for in Article 2 to the preceding Article of the Supplementary Provisions, the necessary transitional measures pertaining to the enforcement of this Act (including transitional measures pertaining to penal provisions) 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以内に、この法律による改正後の規定の実施状況、商品先物市場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商品取引所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 The government shall carry out a review of the Commodity Exchange system revised by this Act within five years after the enforcement of this Act, in consideration of the status of the implementation of the provisions revised by this Act and the changes in social and economic situations surrounding the commodity futures markets, and shall take the required measures based on the results, when the government deems it necessary.

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 force as from the effective date of the Bankruptcy Act (Act No. 75 of 2004; referred to as the "New Bankruptcy Act" in paragraph (8) of the following Article of this Act and Article 3, paragraph (8), Article 5, paragraph (8), paragraph (16), and paragraph (21), Article 8, paragraph (3) and Article 13 of the Supplementary Provisions).

（政令への委任）

(Delegation to a Cabinet Order)

第十四条　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て必要な経過措置は、政令で定める。

Article 14 In addition to what is provided for in Article 2 to the preceding Article of the Supplementary Provisions, the necessary transitional measures pertaining to the enforcement of this Act shall be specified by a Cabinet Order.

附　則　〔平成十六年六月九日法律第八十七号〕〔抄〕

Supplementary Provisions [Act No. 87 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 force as from the date specified by a Cabinet Order within one year from the day of promulgation.

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 force as from the date specified by a Cabinet Order within 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 pertaining to the 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 prior to the enforcement of this Act and acts committed after the enforcement of this Act in cases where the provisions then in force shall remain applicable pursuant to the provisions of these Supplementary Provisions and cases where the provisions prior to the revision shall remain in force pursuant to 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 a 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, the necessary transitional measures pertaining to the enforcement 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 In the case where five years have elapsed after the enforcement of this Act, the government shall carry out a review of the settlement system pertaining to transactions of shares, etc. revised by this Act, in consideration of the status of implementation of the provisions revised by this Act and the changes in social and economic situations, and shall take required measures based on the results, when the government deems it necessary.

附　則　〔平成十六年六月十八日法律第百二十四号〕〔抄〕

Supplementary Provisions [Act No. 124 of June 18, 2004] [Extract]

（施行期日）

(Effective date)

第一条　この法律は、新不動産登記法の施行の日から施行する。

Article 1 This Act shall come into force as from the effective date of the New Real Property Registration Act.

（経過措置）

(Transitional measures)

第二条　この法律の施行の日が行政機関の保有する個人情報の保護に関する法律の施行の日後である場合には、第五十二条のうち商業登記法第百十四条の三及び第百十七条から第百十九条までの改正規定中「第百十四条の三」とあるのは、「第百十四条の四」とする。

Article 2 In the case where the Effective Date of this Act comes after the effective date of the Act Concerning the Protection of Personal Information Held by Administrative Organs, in Article 52, "Article 114-3" in the provisions revising Article 114-3, and Articles 117 to 119 inclusive of the Commercial Registration Act shall be deemed to be replaced with "Article 114-4."

附　則　〔平成十六年十二月一日法律第百四十七号〕〔抄〕

Supplementary Provisions [Act No. 147 of December 1, 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から施行する。

Article 1 This Act shall come into force as from the date specified by a Cabinet Order within six months from the day of promulgation.

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 force as from the date specified by a Cabinet Order within six months from the day of promulgation (hereinafter referred to as the "Effective Date").

（処分等の効力）

(Effect of dispositions, etc.)

第百二十一条　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って、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, procedures, and other acts conducted pursuant to the provisions of the respective Acts (including orders based on them; hereinafter the same shall apply in this Article) prior to the enforcement of this Act, for which the provisions of the respective Acts after the revision have relevant provisions, shall be deemed to have been made pursuant to the relevant 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 pertaining to penal provisions)

第百二十二条　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 prior to the enforcement of this Act and acts committed after the enforcement of this Act in cases where the provisions then in force shall remain applicable pursuant to the provisions of these Supplementary Provisions and in cases where the provisions prior to the revision shall remain in force pursuant to 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 a Cabinet Order)

第百二十三条　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 123 In addition to what is provided for in these Supplementary Provisions, the necessary transitional measures pertaining to the enforcement of this Act shall be specified by a Cabinet Order.

（検討）

(Review)

第百二十四条　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 The government shall carry out a review of the status of the implementation of this Act within three years after the enforcement of this Act, and take any required measures based on the results, when the government deems it necessary.

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 force as from July 1, 2005.

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 force as from the effective date of the Companies Act.

附　則　〔平成十八年六月二日法律第五十号〕〔抄〕

Supplementary Provisions [Act No. 50 of June 2, 2006] [Extract]

（施行期日）

(Effective date)

１　この法律は、一般社団・財団法人法の施行の日から施行する。

(1) This Act shall come into force as from the effective date of the General Association and Foundation Act.

（調整規定）

(Adjustment provisions)

２　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）の施行の日が施行日後となる場合には、施行日から同法の施行の日の前日までの間における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（平成十一年法律第百三十六号。次項において「組織的犯罪処罰法」という。）別表第六十二号の規定の適用については、同号中「中間法人法（平成十三年法律第四十九号）第百五十七条（理事等の特別背任）の罪」とあるのは、「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）第三百三十四条（理事等の特別背任）の罪」とする。

(2) In the case where the effective date of the Act for Partial Revision of the Penal Code, etc. for Coping with Internationalization and Organization of Crimes and Advancement of Information Processing (Act No. of 2006) comes after the Effective Date, with regard to the application of the provisions of item (lxii) of the appended table of the Act on Punishment of Organized Crimes and Control of Crime Proceeds (Act No. 136 of 1999; referred to as the "Organized Crime Punishment Act" in the following paragraph) during the period between the Effective Date and the day preceding the effective date of the same Act, "the crime set forth in Article 157 (aggravated breach of trust of directors, etc.) of the Intermediate Corporation Act (Act No. 49 of 2001)" in the same item shall be deemed to be replaced with "the crime set forth in Article 334 (aggravated breach of trust of directors, etc.) of the Act Concerning General Corporations and General Foundations (Act No. 48 of 2006)."

３　前項に規定するもののほか、同項の場合において、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の施行の日の前日までの間における組織的犯罪処罰法の規定の適用については、第四百五十七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中間法人法第百五十七条（理事等の特別背任）の罪は、組織的犯罪処罰法別表第六十二号に掲げる罪とみなす。

(3) In addition to what is provided for in the preceding paragraph, in the case set forth in the same paragraph, with regard to the application of the provisions of the Organized Crime Punishment Act during the period until the day preceding the effective date of the Act for Partial Revision of the Penal Code, etc. for Coping with Internationalization and Organization of Crimes and Advancement of Information Processing, the crime of Article 157 (aggravated breach of trust of directors, etc.) of the Old Intermediate Corporation Act in the case where the provisions then in force shall remain applicable pursuant to the provisions of Article 457 shall be deemed to be the crime set forth in item (lxii) of the appended table of the Organized Crime Punishment Act.

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 force as from the date specified by a Cabinet Order within one year and six months from the day of promulgation (hereinafter referred to as the "Effective Date"); provided, however, that the provisions set forth in the following items shall come into force as from the date specified in each item.

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 provisions revising Article 30-4, paragraph (2), item (ii) of the Agricultural Cooperatives Act in Article 8 (limited to the portion revising "Article 197, paragraph (1), items (i) to (iv) or item (vii) or paragraph (2), Article 198, items (i) to (x), item (xviii) or item (xix)" to "Article 197, Article 197-2, items (i) to (x) or item (xiii), Article 198, item (viii)"), the provisions revising Article 34-4, paragraph (2), item (ii) of the Fisheries Cooperative Association Act in Article 9 (limited to the portion revising "Article 197, paragraph (1), items (i) to (iv) or item (vii) or paragraph (2), Article 198, items (i) to (x), item (xviii) or item (xix)" to "Article 197, Article 197-2, items (i) to (x) or item (xiii), Article 198, item (viii)"), the provisions revising Article 5-4, item (iv) of the Act on Financial Businesses by Cooperative in Article 11 (limited to the portions revising "Article 197, paragraph (1), items (i) to (iv) or item (vii) or paragraph (2)" to "Article 197," and "Article 198, items (i) to (x), item (xviii) or item (xix) (Offense of Solicitation Without Notification, etc. of Securities)" to "Article 197-2, items (i) to (x) or item (xiii) (Offense of Solicitation Without Notification, etc. of Securities), Article 198, item (viii) (Offense of Violation of Prohibition or Suspension Order by a Court)"), the provisions revising Article 34, item (iv) of the Shinkin Bank Act in Article 13 (limited to the portions revising "Article 197, paragraph (1), items (i) to (iv) or item (vii) or paragraph (2)" to "Article 197" and "Article 198, items (i) to (x), item (xviii) or item (xix) (Offense of Solicitation Without Notification, etc. of Securities)" to "Article 197-2, items (i) to (x) or item (xiii) (Offense of Solicitation Without Notification, etc. of Securities), Article 198, item (viii) (Offense of Violation of Prohibition or Suspension Order by a Court)"), the provisions revising Article 34, item (iv) of the Labor Bank Act in Article 15 (limited to the portions revising "Article 197, paragraph (1), items (i) to (iv) or item (vii) or paragraph (2)" to "Article 197" and "Article 198, items (i) to (x), item (xviii) or item (xix) (Offense of Solicitation Without Notification, etc. of Securities)" to "Article 197-2, items (i) to (x) or item (xiii) (Offense of Solicitation Without Notification, etc. of Securities), Article 198, item (viii) (Offense of Violation of Prohibition or Suspension Order by a Court)"), the provisions revising Article 53-2, paragraph (1), item (iii) of the Insurance Business Act in Article 18 (limited to the portions revising "Article 197, paragraph (1), items (i) to (iv) or item (vii) or paragraph (2)" to "Article 197" and "Article 198, items (i) to (x), item (xviii) or item (xix) (Offense of Solicitation Without Notification, etc. of Securities)" to "Article 197-2, items (i) to (x) or item (xiii) (Offense of Solicitation Without Notification, etc. of Securities), Article 198, item (viii) (Offense of Violation of Prohibition or Suspension Order by a Court)"), the provisions revising Article 24-4, item (iv) of the Norinchukin Bank Act in Article 19 (limited to the portions revising "Article 197, paragraph (1), items (i) to (iv) or item (vii) or paragraph (2), Article 198, items (i) to (x), item (xviii) or item (xix)" to "Article 197, Article 197-2, items (i) to (x) or item (xiii), Article 198, item (viii)"), and the provisions of Article 2, Article 4, Article 182, paragraph (1), Article 184, paragraph (1), Article 187, paragraph (1), Article 190, paragraph (1), Article 193, paragraph (1), Article 196, paragraph (1) and Article 198, paragraph (1) of the Supplementary Provisions : The day on which 20 days have elapsed from the day of promulgation

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 provisions of Article 3 of the Supplementary Provisions : The day of enforcement of the Act for Partial Revision of the Penal Code, etc. for Coping with Internationalization and Organization of Crimes and Advancement of Information Processing (Act No. of 2006) or the day of enforcement of the provisions set forth in the preceding item, whichever comes 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 revising Article 27-23 of the Securities Exchange Act [excluding the portion adding "and Article 27-26" after "Article 27-25, paragraph (1)"], the provisions revising Article 27-24 of the same Act, the provisions revising Article 27-25 of the same Act, the provisions revising Article 27-26 of the same Act [excluding the portion revising "controlling the business activities of the company which is the issuer of said Share Certificates, etc." to "effecting material changes in or giving material effect to the business activities of the issuer of said Share Certificates, etc., as specified by a Cabinet Order (referred to as "Act of Making Important Suggestion, etc." in paragraphs (4) and (5))" and the portion adding paragraph (3) to the same Article], the provisions revising Article 27-27 of the same Act and the provisions revising Article 27-30-2 of the same Act [excluding the portion revising "Article 27-10, paragraph (2)" to "Article 27-10, paragraph (8) and paragraph (12)" and the portion adding "or paragraph (11)" after "Article 27-10, paragraph (1)"]) and the provisions of Article 7, Article 8 and Article 12 of the Supplementary Provisions : The date specified by a Cabinet Order within 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 revising Article 27-23 of the Securities Exchange Act in Article 2 (excluding the portion adding "and Article 27-26" after "Article 27-25, paragraph (1)"), the provisions revising Article 27-24 of the same Act, the provisions revising Article 27-25 of the same Act, the provisions revising Article 27-26 of the same Act (excluding the portion revising "controlling the business activities of the company which is the issuer of said Share Certificates, etc." to "effecting material changes in or giving material effect to the business activities of the issuer of said Share Certificates, etc., as specified by a Cabinet Order (referred to as "Act of Making Important Suggestion, etc." in paragraphs (4) and (5))" and the portion adding paragraph (3) to the same Article), the provisions revising Article 27-27 of the same Act and the provisions revising Article 27-30-2 of the same Act (excluding the portion revising "Article 27-10, paragraph (2)" to "Article 27-10, paragraph (8) and paragraph (12)" and the portion adding "or paragraph (11)" after "Article 27-10, paragraph (1)") and the provisions of Articles 9 to 11 and Article 13 of the Supplementary Provisions : The date specified by a Cabinet Order within 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 provisions of Article 4 : The day of enforcement of the Act Concerning General Corporations and General Foundations (Act No. 48 of 2006)

（商品取引所法の一部改正に伴う経過措置）

(Transitional measures in accordance with partial revision of the Commodity Exchange Act)

第百八十九条　第十二条の規定による改正後の商品取引所法（以下この条において「新商品取引所法」という。）の規定は、この法律の施行後に行われる新商品取引所法第二条第十七項に規定する商品取引受託業務について適用し、この法律の施行前に行われた第十二条の規定による改正前の商品取引所法第二条第十七項に規定する商品取引受託業務については、なお従前の例による。

Article 189 (1) The provisions of the Commodity Exchange Act revised by the provisions of Article 12 (hereinafter referred to as the "New Commodity Exchange Act" in this Article) shall apply to the Commodity Transactions Brokerage Business prescribed in Article 2, paragraph (17) of the New Commodity Exchange Act that are carried out after the enforcement of this Act, and the provisions then in force shall remain applicable to the Commodity Transactions Brokerage Business prescribed in Article 2, paragraph (17) of the Commodity Exchange Act prior to the revision by the provisions of Article 12 that are carried out prior to the enforcement of this Act.

２　商品取引員（新商品取引所法第二条第十八項に規定する商品取引員をいう。）が、この法律の施行前に新商品取引所法第二百十七条第一項に規定する事項に相当する事項について新商品取引所法第二百十八条第一項の規定の例により説明を行った場合には、当該説明を同項の規定により行った説明とみなして、新商品取引所法の規定を適用する。

(2) In cases where a Futures Commission Merchant (which means the Futures Commission Merchant prescribed in Article 2, paragraph (18) of the New Commodity Exchange Act) has, prior to the enforcement of this Act, given an explanation in accordance with the provisions of Article 218, paragraph (1) of the New Commodity Exchange Act with regard to matters equivalent to the matters prescribed in Article 217, paragraph (1) of the New Commodity Exchange Act, the provisions of the New Commodity Exchange Act shall apply by deeming said explanation as those given pursuant to the provisions of Article 218, paragraph (1) of the same 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 may delegate his/her authority under the provisions of 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) A part of the authority delegated to the Commissioner of the Financial Services Agency pursuant to the provisions of the preceding paragraph may be delegated to the head of a Local Finance Bureau or the head of a Local Finance Branch Bureau pursuant to the provisions of a Cabinet Order.

（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ってした処分、手続その他の行為であって、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ってしたものとみなす。

Article 217 Dispositions, procedures, and other acts issued or carried out prior to the enforcement of this Act pursuant to the provisions of the Old Securities Exchange Act, the Old Investment Trust Act, or the Old Trust Business Act, or an order based on any of these Acts for which corresponding provisions exist in the New Financial Instruments and Exchange Act shall be deemed to have been issued or carried out pursuant to the corresponding provisions of the New Financial Instruments and Exchange Act, except as otherwise provided for by these Supplementary Provisions.

（罰則の適用に関する経過措置）

(Transitional measures pertaining to the 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 prior to the enforcement of this Act (for the provisions listed in the items of Article 1 of the Supplementary Provisions, such provisions; hereinafter the same shall apply in this Article) and acts committed after the enforcement of this Act in cases where the provisions then in force shall remain applicable pursuant to the provisions of these Supplementary Provisions and cases where the provisions prior to the revision shall remain in force pursuant to 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等への委任）

(Delegation of other transitional measures to a 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, the necessary transitional measures pertaining to the enforcement 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) The necessary transitional measures concerning registration procedures in line with the partial revision of the Securities Exchange Act by the provisions of 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 The government shall carry out a review of the status of the implementation of this Act within five years after the enforcement of this Act, and take any required measures based on the results, when the government deems it necessary.