

電子記録債権法

Electronically Recorded Monetary Claims Act

(平成十九年六月二十七日法律第百二号)

(Act No. 102 of June 27, 2007)

第一章 総則

Chapter I General Provisions

(趣旨)

(Purpose)

第一条 この法律は、電子記録債権の発生、譲渡等について定めるとともに、電子記録債権に係る電子記録を行う電子債権記録機関の業務、監督等について必要な事項を定めるものとする。

Article 1 This Act provides for the accrual and assignment, etc. of Electronically Recorded Monetary Claims, as well as the necessary matters regarding the business and supervision, etc. of Electronic Monetary Claim Recording Institutions that are engaged in the Electronic Recording of said Monetary Claims.

(定義)

(Definitions)

第二条 この法律において「電子記録債権」とは、その発生又は譲渡についてこの法律の規定による電子記録（以下単に「電子記録」という。）を要件とする金銭債権をいう。

Article 2 (1) The term "Electronically Recorded Monetary Claims" as used in this Act means monetary claims for which electronic recording under this Act (hereinafter referred to simply as "Electronic Recording") is required for accrual or assignment.

2 この法律において「電子債権記録機関」とは、第五十一条第一項の規定により主務大臣の指定を受けた株式会社をいう。

(2) The term "Electronic Monetary Claim Recording Institution" as used in this Act means a stock company designated by the competent minister in accordance with the provision of Article 51 (1)

3 この法律において「記録原簿」とは、債権記録が記録される帳簿であつて、磁気ディスク（これに準ずる方法により一定の事項を確実に記録することができる物として主務省令で定めるものを含む。）をもって電子債権記録機関が調製するものをいう。

(3) The term "Registry" in this Act means a book in which a Monetary Claims Record is recorded, and which is prepared by the Electronic Monetary Claim Recording Institution using a magnetic disk (which includes media specified by

the ordinance of the competent ministry as being capable of unfailingly recording certain matters by means equivalent to those of magnetic disks).

4 この法律において「債権記録」とは、発生記録により発生する電子記録債権又は電子記録債権から第四十三条第一項に規定する分割をする電子記録債権ごとに作成される電磁的記録（電子的方式、磁気的方式その他人の知覚によっては認識することができない方式で作られる記録であって、電子計算機による情報処理の用に供されるものをいう。以下同じ。）をいう。

(4) The term "Monetary Claims Record" in this Act means the electromagnetic record (a record which is produced by electronic, magnetic, or any other means unrecognizable by natural perceptive function, and is used for information processing by a computer; the same shall apply hereinafter) that is prepared for each Electronically Recorded Monetary Claim that accrues through the recording of its accrual, and for each Electronically Recorded Monetary Claim that is divided from Electronically Recorded Monetary Claims as prescribed in Article 43 (1).

5 この法律において「記録事項」とは、この法律の規定に基づき債権記録に記録すべき事項をいう。

(5) The term "Matters Recorded" in this Act means the matters that are required to be recorded in the Monetary Claims Record pursuant to the provisions of this Act.

6 この法律において「電子記録名義人」とは、債権記録に電子記録債権の債権者又は質権者として記録されている者をいう。

(6) The term "Electronically Recorded Person" in this Act means the person recorded in the Monetary Claims Record as the obligee or pledgee of the Electronically Recorded Monetary Claims.

7 この法律において「電子記録権利者」とは、電子記録をすることにより、電子記録上、直接に利益を受ける者をいい、間接に利益を受ける者を除く。

(7) The term "Electronically Recorded Claim Holder" in this Act means any person in the Electronic Recording who directly benefits from the making of the Electronic Recording, and excludes any person who receives indirect benefits.

8 この法律において「電子記録義務者」とは、電子記録をすることにより、電子記録上、直接に不利益を受ける者をいい、間接に不利益を受ける者を除く。

(8) The term "Electronically Recorded Claim Obligor" in this Act means any person in the Electronic Recording who suffers direct disadvantages from the making of the Electronic Recording, and excludes any person who suffers indirect disadvantages.

9 この法律において「電子記録保証」とは、電子記録債権に係る債務を主たる債務とする保証であって、保証記録をしたものをいう。

(9) The term "Electronically Recorded Guarantee" in this Act means a guarantee recorded in a record of guarantee, whose principal obligation is connected with an Electronically Recorded Monetary Claim.

第二章 電子記録債権の発生、譲渡等

Chapter II Accrual, Assignment, etc. of Electronically Recorded Monetary Claims

第一節 通則

Section 1 General Rules

第一款 電子記録

Subsection 1 Electronic Recording

(電子記録の方法)

(Method of Electronic Recording)

第三条 電子記録は、電子債権記録機関が記録原簿に記録事項を記録することによって行う。

Article 3 An Electronic Recording shall be made by the Electronic Monetary Claim Recording Institution by recording of the Matters Recorded into the Registry.

(当事者の請求又は官公署の嘱託による電子記録)

(Electronic Recording by a Party's Request or Public Agency's Commission)

第四条 電子記録は、法令に別段の定めがある場合を除き、当事者の請求又は官庁若しくは公署の嘱託がなければ、することができない。

Article 4 (1) An Electronic Recording may not be made, unless otherwise prescribed by laws and regulations, if there is no request from a party or if there is no commission from a government agency or a public office.

2 請求による電子記録の手續に関するこの法律の規定は、法令に別段の定めがある場合を除き、官庁又は公署の嘱託による電子記録の手續について準用する。

(2) The provisions of this Act on the procedures for Electronic Recording by request shall, unless otherwise prescribed by laws and regulations, be applied mutatis mutandis to the procedure for Electronic Recording by commission from a government agency or a public office.

(請求の当事者)

(Requesting Party)

第五条 電子記録の請求は、法令に別段の定めがある場合を除き、電子記録権利者及び電子記録義務者（これらの者について相続その他の一般承継があったときは、その相続人その他の一般承継人。第三項において同じ。）双方がしなければならない。

Article 5 (1) The request for an Electronic Recording to be made shall, unless otherwise prescribed by laws and regulations, be made by both the Electronically Recorded Claim Holder and the Electronically Recorded Claim Obligor. (In case of general succession such as inheritance regarding said holder, meaning his/her heir or other general successor; the same shall apply to

paragraph (3).)

2 電子記録権利者又は電子記録義務者（これらの者について相続その他の一般承継があったときは、その相続人その他の一般承継人。以下この項において同じ。）に電子記録の請求をすべきことを命ずる確定判決による電子記録は、当該請求をしなければならない他の電子記録権利者又は電子記録義務者だけで請求することができる。

(2) An Electronic Recording based on a final and binding judgment ordering the Electronically Recorded Claim Holder or Electronically Recorded Claim Obligor (in case of general succession such as inheritance regarding said holder, meaning his/her heir or other general successor; the same shall apply to this paragraph) to file a request for the Electronic Recording to be made, may be requested by other Electronically Recorded Claim Holders or Electronically Recorded Claim Obligors that are required to file said request.

3 電子記録権利者及び電子記録義務者が電子記録の請求を共同してしない場合における電子記録の請求は、これらの者のすべてが電子記録の請求をした時に、その効力を生ずる。

(3) In the case where the Electronically Recorded Claim Holder and the Electronically Recorded Claim Obligor do not file a joint request for an Electronic Recording to be made, the request for the Electronic Recording to be made shall be put into effect when all such persons have filed requests for the Electronic Recording to be made.

(請求の方法)

(Method of Request)

第六条 電子記録の請求は、請求者の氏名又は名称及び住所その他の電子記録の請求に必要な情報として政令で定めるものを電子債権記録機関に提供してしなければならない。

Article 6 A request for an Electronic Recording to be made shall be filed by submitting to the Electronic Monetary Claim Recording Institution, the name and address and other information of the person filing the request, specified by the Cabinet Order as necessary for requesting an Electronic Recording to be made.

(電子債権記録機関による電子記録)

(Electronic Recording by an Electronic Monetary Claim Recording Institution)

第七条 電子債権記録機関は、この法律又はこの法律に基づく命令の規定による電子記録の請求があったときは、遅滞なく、当該請求に係る電子記録をしなければならない。

Article 7 (1) The Electronic Monetary Claim Recording Institution shall, when a request for an Electronic Recording to be made is filed pursuant to the provision of this Act or an order based on this Act, make the Electronic Recording pertaining to said request without delay.

2 電子債権記録機関は、第五十一条第一項第五号に規定する業務規程（以下この章に

において単に「業務規程」という。)の定めるところにより、保証記録、質権設定記録若しくは分割記録をしないこととし、又はこれらの電子記録若しくは譲渡記録について回数制限その他の制限をすることができる。この場合において、電子債権記録機関が第十六条第二項第十五号に掲げる事項を債権記録に記録していないときは、何人も、当該業務規程の定め効力を主張することができない。

(2) Pursuant to the provisions of the rules of operation prescribed in Article 51

(1) (i) (hereinafter referred to simply as "Rules of Operation" in this chapter), the Electronic Monetary Claim Recording Institution may decide not to make a record of a guarantee, a record of a pledge's creation, or a record of a division, or may impose restrictions on the number of times for making Electronic Recordings or records of assignment or other restrictions. In this case, if the Electronic Monetary Claim Recording Institution has not recorded the Matters listed in Article 16 (2) (xv) in the Monetary Claims Record, no person may claim the validity of the provisions of said Rules of Operation.

(電子記録の順序)

(Order of Electronic Recordings)

第八条 電子債権記録機関は、同一の電子記録債権に関し二以上の電子記録の請求があったときは、当該請求の順序に従って電子記録をしなければならない。

Article 8 (1) If two or more requests for Electronic Recordings to be made are filed for the same Electronically Recorded Monetary Claim, the Electronic Monetary Claim Recording Institution shall make the Electronic Recordings in the chronological order of said requests.

2 同一の電子記録債権に関し同時に二以上の電子記録が請求された場合において、請求に係る電子記録の内容が相互に矛盾するときは、前条第一項の規定にかかわらず、電子債権記録機関は、いずれの請求に基づく電子記録もしてはならない。

(2) In the case where two or more requests are made simultaneously for the same Electronically Recorded Monetary Claim, if the contents of the Electronic Recordings pertaining to these requests contradict each other, notwithstanding the provision of Article 7 (1), the Electronic Monetary Claim Recording Institution shall not make Electronic Recordings based on either request.

3 同一の電子記録債権に関し二以上の電子記録が請求された場合において、その前後が明らかでないときは、これらの請求は、同時にされたものとみなす。

(3) In the case where two or more requests are made for the same Electronically Recorded Monetary Claims, if the chronological order of said requests is not clear, these requests shall be deemed as having been made simultaneously.

(電子記録の効力)

(Validity of an Electronic Recording)

第九条 電子記録債権の内容は、債権記録の記録により定まるものとする。

Article 9 (1) The contents of the Electronically Recorded Monetary Claims shall

be determined by the records contained in the Monetary Claims Records.

2 電子記録名義人は、電子記録に係る電子記録債権についての権利を適法に有するものと推定する。

(2) The Electronically Recorded Person shall be presumed to legitimately hold the right to the Electronically Recorded Monetary Claim pertaining to the Electronic Recording in question.

(電子記録の訂正等)

(Correction, etc. to Electronic Recordings)

第十条 電子債権記録機関は、次に掲げる場合には、電子記録の訂正をしなければならない。ただし、電子記録上の利害関係を有する第三者がある場合にあっては、当該第三者の承諾があるときに限る。

Article 10 (1) The Electronic Monetary Claim Recording Institution shall make corrections to Electronic Recordings in the following cases, provided, however, that in a case where a third party with an interest in the Electronic Recordings exists, the correction shall be made only with the consent of that third party.

一 電子記録の請求に当たって電子債権記録機関に提供された情報の内容と異なる内容の記録がされている場合

(i) In a case where the information provided to the Electronic Monetary Claim Recording Institution in a request for an Electronic Recording to be made differs from that which has been recorded.

二 請求がなければすることができない電子記録が、請求がないのにされている場合

(ii) In a case where an Electronic Recording that cannot be made without a request has been made without a request.

三 電子債権記録機関が自らの権限により記録すべき記録事項について、記録すべき内容と異なる内容の記録がされている場合

(iii) In a case where as regards the Matters Recorded that the Electronic Monetary Claim Recording Institution is required to record by its own authority, contents that differ from the contents to be recorded have been recorded.

四 電子債権記録機関が自らの権限により記録すべき記録事項について、その記録がされていない場合（一の電子記録の記録事項の全部が記録されていないときを除く。）

(iv) In a case where the Matters Recorded which the Electronic Monetary Claim Recording Institution is required to record by its own authority have not been recorded (excluding cases where all the Matters Recorded in one Electronic Recording have not been recorded).

2 電子債権記録機関は、第八十六条各号に掲げる期間のうちいずれかが経過する日までに電子記録が消去されたときは、当該電子記録の回復をしなければならない。この場合においては、前項ただし書の規定を準用する。

(2) Electronic Monetary Claim Recording Institution shall, if an Electronic

Recording has been deleted before one of respective periods listed in items of Article 86 expires, restore said Electronic Recording. In this case, the provision of the proviso of the preceding paragraph shall apply mutatis mutandis.

3 電子債権記録機関は、前二項の規定により電子記録の訂正又は回復をするときは、当該訂正又は回復後の電子記録の内容と矛盾する電子記録について、電子記録の訂正をしなければならない。

(3) If the Electronic Monetary Claim Recording Institution is to make a correction or restoration pursuant to the provision of the preceding two paragraphs, it shall correct any Electronic Recording that contradicts the content of the corrected or restored Electronic Recording.

4 電子債権記録機関が第一項又は第二項の規定により電子記録の訂正又は回復をしたときは、その内容を電子記録権利者及び電子記録義務者（電子記録権利者及び電子記録義務者がいない場合にあっては、電子記録名義人）に通知しなければならない。

(4) If the electronic Monetary Claim Recording Institution corrects or restores an Electronic Recording pursuant to the provisions of paragraph (1) or (2), said Institution shall notify the Electronically Recorded Claim Holder and Electronically Recorded Claim Obligor (if neither the Electronically Recorded Claim Holder or the Electronically Recorded Claim Obligor exist, Electronically Recorded Person), of the contents of the correction or restoration.

5 前項の規定による通知は、民法（明治二十九年法律第八十九号）第四百二十三条その他の法令の規定により他人に代わって電子記録の請求をした者にもしなければならない。ただし、その者が二人以上あるときは、その一人に対し通知すれば足りる。

(5) The notice pursuant to the provision of the preceding paragraph shall also be made to the person who filed the request for the Electronic Recording to be made in lieu of another person pursuant to the provision of Article 423 of the Civil Code (Act no.89 of 1896) or other laws and regulations. However, if there are two or more persons who have made the request for the Electronic Recording to be made in lieu of another person, it will be sufficient to notify one of them.

（不実の電子記録等についての電子債権記録機関の責任）

(Responsibility of the Electronic Monetary Claim Recording Institution
Regarding a False Electronic Recording, etc.)

第十一条 電子債権記録機関は、前条第一項各号に掲げる場合又は同条第二項に規定するときは、これらの規定に規定する事由によって当該電子記録の請求をした者その他の第三者に生じた損害を賠償する責任を負う。ただし、電子債権記録機関の代表者及び使用人その他の従業者がその職務を行うについて注意を怠らなかつたことを証明したときは、この限りでない。

Article 11 In the cases listed in the respective items of paragraph (1) of the preceding Article, or in the cases prescribed in paragraph (2) of the preceding Article, the Electronic Monetary Claim Recording Institution shall be

responsible for compensating for the damage suffered by the person requesting that the Electronic Recording be made and other third parties, from the cause prescribed in these provisions; provided, however, that this shall not apply to the cases where the representative person and employees and other workers at the Electronic Monetary Claim Recording Institution has proved that they did not neglect to exercise care in conducting their duty.

第二款 電子記録債権に係る意思表示等

Subsection 2 Manifestation of Intention, etc. Pertaining to Electronically Recorded Monetary Claims

(意思表示の無効又は取消しの特則)

(Special Provision for Nullity or Rescission of Manifestation of Intention)

第十二条 電子記録の請求における相手方に対する意思表示についての民法第九十三条ただし書若しくは第九十五条の規定による無効又は同法第九十六条第一項若しくは第二項の規定による取消しは、善意でかつ重大な過失がない第三者（同条第一項及び第二項の規定による取消しにあっては、取消し後の第三者に限る。）に対抗することができない。

Article 12 (1) The nullity by virtue of the provisions of the proviso of Article 93, or provisions of Article 95 of the Civil Code and the rescission by virtue of Article 96 (1) or (2) of the Civil Code, of the manifestation of intention made to the counterparty in the request for an Electronic Recording to be made, may not be asserted against a third party in good faith (limited to the third party after rescission regarding to the rescission based on the provision of Article 96 (1) and (2) of the Civil Code) that has not been grossly negligent.

2 前項の規定は、次に掲げる場合には、適用しない。

(2) The provision in the preceding paragraph shall not be applied in the following cases.

一 前項に規定する第三者が、支払期日以後に電子記録債権の譲渡、質入れ、差押え、仮差押え又は破産手続開始の決定（分割払の方法により支払う電子記録債権の場合には、到来した支払期日に係る部分についてのものに限る。）があった場合におけるその譲受人、質権者、差押債権者、仮差押債権者又は破産管財人であるとき。

(i) In a case where the third party prescribed in the preceding paragraph is a person who is the assignee or pledgee or attaching creditor or provisional attaching creditor or bankruptcy trustee of an Electronically Recorded Monetary Claim, when the assignment or pledge or attachment or provisional attachment or a ruling for the commencement of bankruptcy proceedings with regard to the Electronically Recorded Monetary Claims (regarding Electronically Recorded Monetary Claims to be paid in installment, these are limited to the part of the Claims whose payment date had arrived) was made after the payment date.

二 前項の意思表示の無効又は取消しを対抗しようとする者が個人（当該電子記録において個人事業者（消費者契約法（平成十二年法律第六十一号）第二条第二項に規定する事業者である個人をいう。以下同じ。）である旨の記録がされている者を除く。）である場合

(ii) In a case where a person who attempts to assert the nullity or rescission of manifestation of intention under the preceding paragraph is an individual (excluding those who are recorded as individual business operator (This refers to an individual who is also a business operator as provided in Article 2 (2) of the Consumer Contract Act (Act No. 61 of 2000). The same shall apply hereinafter.) in the relevant Electronic Recording).

（無権代理人の責任の特則）

(Special Provision Regarding the Responsibility of Unauthorized Agent)

第十三条 電子記録の請求における相手方に対する意思表示についての民法第百十七条第二項の規定の適用については、同項中「過失」とあるのは、「重大な過失」とする。

Article 13 In applying the provision of Article 117 (2) of the Civil Code regarding the manifestation of intention towards the other party in filing a request for an Electronic Recording to be made, the term "negligence" in said paragraph shall be read as "gross negligence".

（権限がない者の請求による電子記録についての電子債権記録機関の責任）

(Responsibility of the Electronic Monetary Claim Recording Institution

Regarding a Request for an Electronic Recording to Be Made Which Is Filed by Person without Authority)

第十四条 電子債権記録機関は、次に掲げる者の請求により電子記録をした場合には、これによって第三者に生じた損害を賠償する責任を負う。ただし、電子債権記録機関の代表者及び使用人その他の従業者がその職務を行うについて注意を怠らなかったことを証明したときは、この限りでない。

Article 14 The Electronic Monetary Claim Recording Institution shall be responsible for compensating damage suffered by a third party in a case where it has made an Electronic Recording based on the request of the following persons; provided, however, that this shall not apply to cases where the representative person and employee, and other worker of the Electronic Monetary Claim Recording Institution, can prove that he/she did not neglect to exercise care in conducting his/her duty:

一 代理権を有しない者

(i) Person without authority of representation; or

二 他人になりすました者

(ii) Person who impersonates another person.

第二節 発生

Section 2 Accrual

(電子記録債権の発生)

(Accrual of Electronically Recorded Monetary Claims)

第十五条 電子記録債権（保証記録に係るもの及び電子記録保証をした者（以下「電子記録保証人」という。）が第三十五条第一項（同条第二項及び第三項において準用する場合を含む。）の規定により取得する電子記録債権（以下「特別求償権」という。）を除く。次条において同じ。）は、発生記録をすることによって生ずる。

Article 15 An Electronically Recorded Monetary Claim (excluding an Electronically Recorded Monetary Claim connected with a record of guarantee and an Electronically Recorded Monetary Claim acquired by a person that has provided an Electronically Recorded Guarantee (hereinafter referred to as "Electronically Recorded Guarantor") pursuant to the provision of paragraph (1) of Article 35 (including cases where the provision is applied mutatis mutandis to paragraphs (2) and (3) of the same Article) (such an Electronically Recorded Monetary Claim is hereinafter referred to as "Special Right to Reimbursement"). The same shall apply to the following Article) accrues as a result of a record being made of its accrual.

(発生記録)

(Record of Accrual)

第十六条 発生記録においては、次に掲げる事項を記録しなければならない。

Article 16 (1) In the record of an accrual, the following matters shall be recorded:

一 債務者が一定の金額を支払う旨

(i) A statement that the obligor pays a fixed amount of money;

二 支払期日（確定日に限るものとし、分割払の方法により債務を支払う場合には、各支払期日とする。）

(ii) The payment date (limited to a fixed date. In a case where the obligation is paid in installments, each of the payment dates);

三 債権者の氏名又は名称及び住所

(iii) Name and address of the obligee;

四 債権者が二人以上ある場合において、その債権が不可分債権であるときはその旨、可分債権であるときは債権者ごとの債権の金額

(iv) In a case where there are two or more obligees, and if the claim is an indivisible claim, a statement to this effect. If the claim is divisible, an amount of the claims for each respective obligees;

五 債務者の氏名又は名称及び住所

(v) Name and address of the obligor;

六 債務者が二人以上ある場合において、その債務が不可分債務又は連帯債務であるときはその旨、可分債務であるときは債務者ごとの債務の金額

(vi) In a case where there are two or more obligors, and if the obligation is an indivisible or joint and several obligation, a statement to this effect. If the obligation is divisible, an amount of the obligation for each respective obligors;

七 記録番号（発生記録又は分割記録をする際に一の債権記録ごとに付す番号をいう。以下同じ。）

(vii) The record number (this refers to a number attached to the respective Monetary Claims Record, which is given when a record of accrual or record of a division is made; the same shall apply hereinafter); and

八 電子記録の年月日

(viii) The date that the Electronic Recording was made.

2 発生記録においては、次に掲げる事項を記録することができる。

(2) In the record of an accrual, the following matters may be recorded:

一 第六十二条第一項に規定する口座間送金決済に関する契約に係る支払をするときは、その旨並びに債務者の預金又は貯金の口座（以下「債務者口座」という。）及び債権者の預金又は貯金の口座（以下「債権者口座」という。）

(i) In a case where making a payment pertaining to a contract regarding settlement of remittance between accounts provided in Article 62 (1), records to this effect and the obligor's account of deposits or postal savings (hereinafter referred to as "Obligor's Account") and the obligee's account of deposits or postal savings (hereinafter referred to as "Obligee's Account");

二 第六十四条に規定する契約に係る支払をするときは、その旨

(ii) In a case where making a payment pertaining to the contract provided in Article 64, a statement to this effect;

三 前二号に規定するもののほか、支払方法についての定めをするときは、その定め（分割払の方法により債務を支払う場合にあつては、各支払期日ごとに支払うべき金額を含む。）

(iii) In addition to the cases prescribed in the preceding two items, in a case where there are other provisions stipulating the payment method, those provisions (In a case where an obligation is paid in installments, the amount payable on each of the payment dates shall be included.);

四 利息、遅延損害金又は違約金についての定めをするときは、その定め

(iv) In a case where there are provisions stipulating interest, delinquency charges or penalties, those provisions;

五 期限の利益の喪失についての定めをするときは、その定め

(v) In a case where there are provisions stipulating acceleration (or forfeiture of benefit of time), those provisions;

六 相殺又は代物弁済についての定めをするときは、その定め

(vi) In a case where there are provisions stipulating set-off or substitute performance, those provisions;

七 弁済の充当の指定についての定めをするときは、その定め

- (vii) In a case where there are provisions stipulating the appropriation of payments, those provisions;
- 八 第十九条第一項（第三十八条において読み替えて準用する場合を含む。）の規定を適用しない旨の定めをするときは、その定め
- (viii) In a case where there are provisions stipulating that the provision of paragraph 1, Article 19 (including cases in which the provision is applied mutatis mutandis to Article 38 by replacing the terms of the provision as prescribed in Article 38) does not apply, those provisions;
- 九 債権者又は債務者が個人事業者であるときは、その旨
- (ix) In a case where the obligee or the obligor is an individual business operator, a statement to this effect;
- 十 債務者が法人又は個人事業者（その旨の記録がされる者に限る。）である場合において、第二十条第一項（第三十八条において読み替えて準用する場合を含む。）の規定を適用しない旨の定めをするときは、その定め
- (x) In a case where the obligor is a corporation or an individual business operator (limited to those who are recorded to that effect) and when there are provisions stipulating that the provision of paragraph (1) of Article 20 (including cases where the provision is applied mutatis mutandis to Article 38 by replacing the terms of the provision as prescribed in Article 38) does not apply, those provisions;
- 十一 債務者が法人又は個人事業者（その旨の記録がされる者に限る。）であって前号に掲げる定めが記録されない場合において、債務者が債権者（譲渡記録における譲受人を含む。以下この項において同じ。）に対抗することができる抗弁についての定めをするときは、その定め
- (xi) In a case where the obligor is a corporation or an individual business operator (limited to those who are recorded to that effect), and when the provisions listed in the preceding item have not been recorded, if there are provisions stipulating a defense that the obligor can assert against the obligee (including the assignee in the record of assignment; hereinafter the same shall apply in this paragraph), those provisions;
- 十二 譲渡記録、保証記録、質権設定記録若しくは分割記録をすることができないこととし、又はこれらの電子記録について回数制限その他の制限をする旨の定めをするときは、その定め
- (xii) In a case where there are provisions stipulating that a record of an assignment, record of a guarantee, record of a pledge's creation or record of a division may not be made, or in a case where there are provisions stipulating a restriction on the number of times for making Electronic Recordings or other restrictions, those provisions;
- 十三 債権者と債務者との間の通知の方法についての定めをするときは、その定め
- (xiii) In a case where there are provisions stipulating the method of notice between obligee and obligor, those provisions;

十四 債権者と債務者との間の紛争の解決の方法についての定めをするときは、その定め

(xiv) In a case where there are provisions stipulating the method of the settlement of disputes between obligee and obligor, those provisions;

十五 電子債権記録機関が第七条第二項の規定により保証記録、質権設定記録若しくは分割記録をしないこととし、又はこれらの電子記録若しくは譲渡記録について回数
の制限その他の制限をしたときは、その定め

(xv) In a case where there are provisions stipulating that the Electronic Monetary Claim Recording Institution will not make a record of guarantee, record of pledge creation, or record of division pursuant to the provision of Article 7 (2), or in a case where there are provisions stipulating a restriction on the number of times for making Electronic Recordings or records of assignment or other restrictions, those provisions; or

十六 前各号に掲げるもののほか、電子記録債権の内容となるものとして政令で定める事項

(xvi) In addition to the matters listed in the respective preceding items, matters that are specified by the Cabinet Order that may be the contents of the Electronically Recorded Monetary Claims.

3 第一項第一号から第六号までに掲げる事項のいずれかの記録が欠けているときは、電子記録債権は、発生しない。

(3) If any matter listed in items (i) to (vi) of paragraph (1) is lacking, relevant Electronically Recorded Monetary Claims do not accrue.

4 消費者契約法第二条第一項に規定する消費者（以下単に「消費者」という。）についてされた第二項第九号に掲げる事項の記録は、その効力を有しない。

(4) As regard to records made on the matters listed in Article 2 (2) (ix) of the Consumer Contract Act pertaining to the consumer defined by Article 2 (1) of the same Act (hereinafter simply referred to as "Consumer"), these records shall not be effective.

5 第一項及び第二項の規定にかかわらず、電子債権記録機関は、業務規程の定めるところにより、第一項第二号（分割払の方法により債務を支払う場合における各支払期日の部分に限る。）及び第二項各号（第一号、第二号及び第九号を除く。）に掲げる事項について、その記録をしないこととし、又はその記録を制限することができる。

(5) Despite the provisions in paragraphs (1) and (2), Electronic Monetary Claim Recording Institutions may decide, pursuant to the provision of its Rules of Operation, not to record the matters listed in item (ii) of paragraph (1)(in a case where the obligation is paid in installments, limited to the installment pertaining to each payment date) and respective items in paragraph (2) (excluding items (i), (ii), and (ix)), or to restrict the recording of said matters.

第三節 譲渡

Section 3 Assignment

(電子記録債権の譲渡)

(Assignment of Electronically Recorded Monetary Claims)

第十七条 電子記録債権の譲渡は、譲渡記録をしなければ、その効力を生じない。

Article 17 The assignment of Electronically Recorded Monetary Claims shall not be effective unless a record has been made of that assignment.

(譲渡記録)

(Record of Assignment)

第十八条 譲渡記録においては、次に掲げる事項を記録しなければならない。

Article 18 (1) In the record of an assignment, the following matters shall be recorded:

一 電子記録債権の譲渡をする旨

(i) A statement to the effect that the Electronically Recorded Monetary Claims are being assigned;

二 譲渡人が電子記録義務者の相続人であるときは、譲渡人の氏名及び住所

(ii) In a case where the assignor is the heir to the Electronically Recorded Claim Obligor, the name and address of the assignor;

三 譲受人の氏名又は名称及び住所

(iii) Name and address of the assignee; and

四 電子記録の年月日

(iv) The date that the Electronic Recording was made.

2 譲渡記録においては、次に掲げる事項を記録することができる。

(2) In the record of an assignment, the following matters may be recorded:

一 発生記録（当該発生記録の記録事項について変更記録がされているときは、当該変更記録を含む。以下同じ。）において債務の支払を債権者口座に対する払込みによってする旨の定めが記録されている場合において、譲渡記録に当たり譲受人が譲受人の預金又は貯金の口座に対する払込みによって支払を受けようとするときは、当該口座（発生記録において払込みをする預金又は貯金の口座の変更に関する定めが記録されているときは、これと抵触しないものに限る。）

(i) In a case where provisions have been recorded in the record of accrual stipulating that payment of the obligation shall be made to the Obligee's Account (if the record of an alteration has been made with regard to a Matter Recorded in the recording of the accrual, the record of this alteration is included; the same shall apply hereinafter), and when, in the recording of the assignment, the assignee intends to receive the payment by payment to his/her deposit account or postal savings account, said account (limited to those that do not conflict with the record of accrual if provisions regarding a change in the deposit or postal savings account used for payments have been recorded in the record of accrual);

二 譲渡人が個人事業者であるときは、その旨

(ii) In a case where the assignor is an individual business operator, a statement to this effect;

三 譲渡人と譲受人（譲渡記録後に譲受人として記録された者を含む。次号において同じ。）との間の通知の方法についての定めをするときは、その定め

(iii) In a case where there are provisions stipulating the method of notice between assignor and assignee (including those who are recorded as assignee after the recording of the assignment; the same shall apply in the following item), those provisions;

四 譲渡人と譲受人との間の紛争の解決の方法についての定めをするときは、その定め

(iv) In a case where there are provisions stipulating the method for settling disputes between assignor and assignee, those provisions; or

五 前各号に掲げるもののほか、政令で定める事項

(v) In addition to those listed in the respective preceding items, matters specified by the Cabinet Order.

3 消費者についてされた前項第二号に掲げる事項の記録は、その効力を有しない。

(3) Records on matters listed in item (ii) of the preceding paragraph regarding Consumer shall not be effective.

4 電子債権記録機関は、発生記録において第十六条第二項第十二号又は第十五号に掲げる事項（譲渡記録に係る部分に限る。）が記録されているときは、その記録の内容に抵触する譲渡記録をしてはならない。

(4) In a case where matters listed in item (xii) or (xv) of Article 16 (2) have been recorded in the record of accrual (limited to the part involving the record of assignment) the Electronic Monetary Claim Recording Institution shall not make a record of assignment that conflicts with the contents of the record of accrual.

（善意取得）

(Acquisition by a Bona Fide Third Party)

第十九条 譲渡記録の請求により電子記録債権の譲受人として記録された者は、当該電子記録債権を取得する。ただし、その者に悪意又は重大な過失があるときは、この限りでない。

Article 19 (1) The person recorded as the assignee of the Electronically Recorded Monetary Claims due to a request for the recording of an assignment shall acquire said Electronically Recorded Monetary Claims; provided, however that this does not apply to cases in which the person has acted in bad faith or with gross negligence.

2 前項の規定は、次に掲げる場合には、適用しない。

(2) The provision of the preceding paragraph shall not apply in the following cases:

一 第十六条第二項第八号に掲げる事項が記録されている場合

- (i) In a case where matters listed in item (viii) of Article 16 (2) are recorded;
二 前項に規定する者が、支払期日以後にされた譲渡記録の請求により電子記録債権（分割払の方法により支払うものにあつては、到来した支払期日に係る部分に限る。）の譲受人として記録されたものである場合
- (ii) In a case where the person prescribed in the preceding paragraph has been recorded as the assignee of the Electronically Recorded Monetary Claims (in cases where payments are made in installments, being limited to the portion whose payment date has arrived) by a request for the recording of an assignment which was filed after the payment date; or
三 個人（個人事業者である旨の記録がされている者を除く。）である電子記録債権の譲渡人がした譲渡記録の請求における譲受人に対する意思表示が効力を有しない場合において、前項に規定する者が当該譲渡記録後にされた譲渡記録の請求により記録されたものであるとき。
- (iii) In a case where the manifestation of intention that the individual who is the assignor of the Electronically Recorded Monetary Claim (excluding those recorded as individual business operators) makes to the assignee in the request for the recording of an assignment, is not valid; and when the person prescribed in the preceding paragraph has been recorded due to a request for the recording of an assignment which was filed after the recording of the relevant assignment.

(抗弁の切断)

(Restriction on Assertion of Defense)

第二十条 発生記録における債務者又は電子記録保証人（以下「電子記録債務者」という。）は、電子記録債権の債権者に当該電子記録債権を譲渡した者に対する人的関係に基づく抗弁をもって当該債権者に対抗することができない。ただし、当該債権者が、当該電子記録債務者を害することを知って当該電子記録債権を取得したときは、この限りでない。

Article 20 (1) The obligor in the record of accrual or an Electronically Recorded Guarantor (hereinafter referred to as "Electronically Recorded Obligor") may not assert a defense arising from an in personal relationship with the person who assigned said Electronically Recorded Monetary Claims to the obligee of those claims, against the obligee of the Electronically Recorded Monetary Claims using; provided, however, that this shall not apply in a case where said obligee acquired those Electronically Recorded Monetary Claims knowing that said obligor would be harmed.

2 前項の規定は、次に掲げる場合には、適用しない。

(2) The provision in the preceding paragraph shall not apply in the following cases:

- 一 第十六条第二項第十号又は第三十二条第二項第六号に掲げる事項が記録されている場合

(i) In a case where the matters listed in item (x) of Article 16 (2) or item (vi) of Article 32 (2) are recorded;

二 前項の債権者が、支払期日以後にされた譲渡記録の請求により電子記録債権（分割払の方法により支払うものにあつては、到来した支払期日に係る部分に限る。）の譲受人として記録されたものである場合

(ii) In a case where the obligee in the preceding paragraph is recorded as an assignee of the Electronically Recorded Monetary Claims (in cases where payments are made in installments, being limited to the part whose payment date has arrived) due to a request for the recording of an assignment which was filed after the payment date; or

三 前項の電子記録債務者が個人（個人事業者である旨の記録がされている者を除く。）である場合

(iii) In a case where the Electronically Recorded Obligor in the preceding paragraph is an individual (excluding those recorded as an individual business operator).

第四節 消滅

Section 4 Extinguishment

(支払免責)

(Payment Discharge)

第二十一条 電子記録名義人に対してした電子記録債権についての支払は、当該電子記録名義人がその支払を受ける権利を有しない場合であっても、その効力を有する。ただし、その支払をした者に悪意又は重大な過失があるときは、この限りでない。

Article 21 Payments of Electronically Recorded Monetary Claims made to the Electronically Recorded Person are effective even in a case where said Electronically Recorded Person does not have the right to receive the payment; provided, however, that this shall not apply to cases in which the person who made the payment has acted in bad faith or with gross negligence.

(混同等)

(Merger, etc.)

第二十二条 電子記録債務者（その相続人その他の一般承継人を含む。以下この項において同じ。）が電子記録債権を取得した場合には、民法第五百二十条本文の規定にかかわらず、当該電子記録債権は消滅しない。ただし、当該電子記録債務者又は当該電子記録債務者の承諾を得た他の電子記録債務者の請求により、当該電子記録債権の取得に伴う混同を原因とする支払等記録がされたときは、この限りでない。

Article 22 (1) In a case where the Electronically Recorded Obligor (including his/her heir and other general successors; hereinafter the same shall apply in this paragraph) has acquired the Electronically Recorded Monetary Claims, notwithstanding the provision of the main clause in Article 520 of the Civil

Code, said Claims shall not be extinguished, provided, however, that this shall not apply in a case where a record of a Payment, etc. has been made due to the merger accompanying the acquisition of said Electronically Recorded Monetary Claims based on a request by said Electronically Recorded Obligor or by another Electronically Recorded Obligor with the approval of the former.

2 次の各号に掲げる者は、電子記録債権を取得しても、当該各号に定める者に対して電子記録保証によって生じた債務（以下「電子記録保証債務」という。）の履行を請求することができない。

(2) Persons listed in the following respective items may not request the performance of obligations that arises from the Electronically Recorded Guarantee (hereinafter referred to as "Electronically Recorded Guarantee Obligation") against the persons prescribed in said respective items, even if they acquire the Electronically Recorded Monetary Claims:

一 発生記録における債務者 電子記録保証人

(i) Obligor in the record of accrual: Electronically Recorded Guarantor; and

二 電子記録保証人 他の電子記録保証人（弁済その他自己の財産をもって主たる債務として記録された債務を消滅させるべき行為をしたとするならば、この号に掲げる電子記録保証人に対して特別求償権を行使することができるものに限る。）

(ii) Electronically Recorded Guarantor: Other Electronically Recorded Guarantors (limited to those who could exercise a Special Right to Reimbursement against the Electronically Recorded Guarantor listed in this item if payment or other act to extinguish the obligation recorded as principal obligation in exchange for his/her property had been conducted).

（消滅時効）

（Extinctive Prescription）

第二十三条 電子記録債権は、三年間行使しないときは、時効によって消滅する。

Article 23 Electronically Recorded Monetary Claims shall be extinguished in a case where said Claims have not been exercised for three years for reason of prescription.

（支払等記録の記録事項）

（Matters Recorded in the Record of a Payment, etc.）

第二十四条 支払等記録においては、次に掲げる事項を記録しなければならない。

Article 24 In the record of a Payment, etc. , the following matters shall be recorded:

一 支払、相殺その他の債務の全部若しくは一部を消滅させる行為又は混同（以下「支払等」という。）により消滅し、又は消滅することとなる電子記録名義人に対する債務を特定するために必要な事項

(i) Matters that are needed to identify such obligation to the Electronically Recorded Person that has been or is to be extinguished by an act that

- extinguishes all or a part of an obligation, such as payment, set-off or merger (hereinafter referred to as "Payment, etc.");
- 二 支払等をした金額その他の当該支払等の内容（利息、遅延損害金、違約金又は費用が生じている場合にあっては、消滅した元本の額を含む。）
- (ii) The amount in which the Payment, etc. was made and other information regarding said Payment, etc. (including the amount of principal that has been extinguished in a case where there are interest payments, delinquency charges, penalties or expenses);
- 三 支払等があった日
- (iii) The date the Payment, etc. was made;
- 四 支払等をした者（支払等が相殺による債務の消滅である場合にあっては、電子記録名義人が当該相殺によって免れた債務の債権者。以下同じ。）の氏名又は名称及び住所
- (iv) Name and address of the person who made the Payment, etc. (in a case where the Payment, etc. is made in the form of extinguishment of obligation by setting-off, the obligee to the Electronically Recorded Person's obligation thus extinguished; the same shall apply hereinafter);
- 五 支払等をした者が当該支払等をするについて民法第五百条の正当な利益を有する者であるときは、その事由
- (v) In a case where the person who has made the Payment, etc. has a legitimate interest prescribed in Article 500 of the Civil Code in regard to making said Payment, etc. , its reason;
- 六 電子記録の年月日
- (vi) The date that the Electronic Recording was made; and
- 七 前各号に掲げるもののほか、政令で定める事項
- (vii) In addition to what is listed in the respective preceding items, matters that are specified by the Cabinet Order.

（支払等記録の請求）

（Request for the Recording of a Payment, etc.）

第二十五条 支払等記録は、次に掲げる者だけで請求することができる。

Article 25 (1) Requests for the recording of a Payment, etc. may be made only by the persons listed in the following items:

一 当該支払等記録についての電子記録義務者

(i) Electronically Recorded Claim Obligor for the recording of said Payment, etc. ;

二 前号に掲げる者の相続人その他の一般承継人

(ii) Heirs or other general successors to the person listed in the preceding item;
or

三 次に掲げる者であって、前二号に掲げる者全員の承諾を得たもの

(iii) Any persons listed in the following sub-items who have obtained an

approval from all the persons listed in the two preceding items, and those who are:

イ 電子記録債務者

(a) Electronically Recorded Obligors;

ロ 支払等をした者（前二号及びイに掲げる者を除く。）

(b) Persons who have made the Payment, etc. (excluding those who are listed in the preceding two items and (a)); or

ハ イ又はロに掲げる者の相続人その他の一般承継人

(c) Heirs or other general successors to the person listed in (a) or (b).

2 電子記録債権又はこれを目的とする質権の被担保債権（次項において「電子記録債権等」という。）について支払等がされた場合には、前項第三号イからハまでに掲げる者は、同項第一号又は第二号に掲げる者に対し、同項第三号の承諾をすることを請求することができる。

(2) In a case where Payments, etc. have been made for Electronically Recorded Monetary Claims or secured claims of pledges on Electronically Recorded Monetary Claims (referred to as "Electronically Recorded Monetary Claims, etc." in the next paragraph), persons listed in (a) to (c) of item (iii) of the preceding paragraph may request persons listed in item (i) or item (ii) of the same paragraph to give approval regarding item (iii) of the same paragraph.

3 電子記録債権等について支払をする者は、第一項第一号又は第二号に掲げる者に対し、当該支払をするのと引換えに、同項第三号の承諾をすることを請求することができる。

(3) A person who makes the payment for Electronically Recorded Monetary Claims, etc. may request approval under item (iii) of paragraph (1), in exchange for said payment to the person listed in item (i) or item (ii) of the same paragraph.

4 根質権の担保すべき債権についての支払等をしたことによる支払等記録の請求は、当該支払等が当該根質権の担保すべき元本の確定後にされたものであり、かつ、当該確定の電子記録がされている場合でなければ、することができない。

(4) A request for the recording of a Payment, etc. because of a Payment, etc. that was made for claims secured by revolving pledge, may not be filed unless said Payment, etc. was made after the determination of the principal secured by said revolving pledge and unless an Electronic Recording has been made of the determination.

第五節 記録事項の変更

Section 5 Alteration of a Matter Recorded

（電子記録債権の内容等の意思表示による変更）

(Alteration of the Contents, etc. of the Electronically Recorded Monetary Claims by means of the Manifestation of Intention, etc.)

第二十六条 電子記録債権又はこれを目的とする質権の内容の意思表示による変更は、この法律に別段の定めがある場合を除き、変更記録をしなければ、その効力を生じない。

Article 26 Alteration of the contents of Electronically Recorded Monetary Claims or pledges on the Electronically Recorded Monetary Claims by manifestation of intention shall not be effective unless a record is made of the alteration, unless otherwise prescribed by this Act.

(変更記録の記録事項)

(Matters Recorded in a Record of Alteration)

第二十七条 変更記録においては、次に掲げる事項を記録しなければならない。

Article 27 In the record of an alteration, the following matters shall be recorded:

一 変更する記録事項

(i) The Matter Recorded which is being altered;

二 前号の記録事項を変更する旨及びその原因

(ii) A statement to the effect that an alteration is being made to the Matter

Recorded prescribed in the preceding item and the cause of the alteration;

三 第一号の記録事項についての変更後の内容（当該記録事項を記録しないこととする場合にあっては、当該記録事項を削除する旨）

(iii) Contents of the Matter Recorded prescribed in item (i) after the alteration

(in a case where said Matter Recorded will no longer be recorded, a

statement to the effect that said Matter Recorded is being deleted); and

四 電子記録の年月日

(iv) The date that the Electronic Recording was made.

(求償権の譲渡に伴い電子記録債権が移転した場合の変更記録)

(Record of Alteration to Be Made when an Electronically Recorded Monetary

Claim Is Transferred with the Assignment of the Right to Reimbursement)

第二十八条 債権記録に支払等をした者として記録されている者であって当該支払等により電子記録債権の債権者に代位したものがした求償権（特別求償権を除く。）の譲渡に伴い当該電子記録債権が移転した場合における変更記録は、その者の氏名又は名称及び住所を当該求償権の譲受人の氏名又は名称及び住所に変更する記録をすることによって行う。

Article 28 A record of alteration for a case where Electronically Recorded Monetary Claims have been transferred as the result of an assignment of the right to reimbursement (excluding a Special Right to Reimbursement) by the person who is recorded to have made a Payment, etc. in the Monetary Claims Record and who has become the obligee of the claims by subrogation for reason of said Payment, etc. , shall be made through a recording that alters the name and address of the person to those of the assignee of said right to reimbursement.

(変更記録の請求)

(Request for the Recording of an Alteration)

第二十九条 変更記録の請求は、当該変更記録につき電子記録上の利害関係を有する者（その者について相続その他の一般承継があったときは、その相続人その他の一般承継人）の全員がしなければならない。

Article 29 (1) Requests for the recording of an alteration shall be filed by all persons that have interests (in case of inheritance or other general succession regarding these persons, meaning his/her heir or other general successors) in the Electronic Recording with regard to the recording of the alteration.

2 前項の規定にかかわらず、相続又は法人の合併による電子記録名義人又は電子記録債務者の変更を内容とする変更記録は、相続人又は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だけで請求することができる。ただし、相続人が二人以上ある場合には、その全員が当該変更記録を請求しなければならない。

(2) Notwithstanding the provision of the preceding paragraph, the recording of an alteration to alter the Electronically Recorded Persons or Electronically Recorded Obligors due to inheritance or merger of corporations may be requested solely by the heir, or the corporation that will continue to exist after the merger, or the corporation established by the merger. However, if there are two or more heirs, all of them shall file requests for the recording of the alteration.

3 第五条第二項及び第三項の規定は、第一項及び前項ただし書の場合について準用する。

(3) The provision of Article 5 (2) and (3) shall be applied mutatis mutandis to cases prescribed in paragraph (1) and proviso of the preceding paragraph.

4 第一項の規定にかかわらず、電子記録名義人又は電子記録債務者の氏名若しくは名称又は住所についての変更記録は、その者が単独で請求することができる。他の者の権利義務に影響を及ぼさないことが明らかな変更記録であって業務規程の定めるものについても、同様とする。

(4) Notwithstanding the provision of paragraph (1), requests for the recording of an alteration involving the name or address of the Electronically Recorded Person or Electronically Recorded Obligor may be filed independently by such person. The same shall apply to the record of an alteration that it is clear will not have any influence upon other persons' rights and obligations and which is prescribed in the Rules of Operation.

(変更記録が無効な場合における電子記録債務者の責任)

(Responsibility of the Electronically Recorded Obligor when a Record of Alteration Is Invalid)

第三十条 変更記録がその請求の無効、取消しその他の事由により効力を有しない場合には、当該変更記録前に債務を負担した電子記録債務者は、当該変更記録前の債権記

録の内容に従って責任を負う。ただし、当該変更記録の請求における相手方に対する意思表示を適法にした者の間においては、当該意思表示をした電子記録債務者は、当該変更記録後の債権記録の内容に従って責任を負う。

Article 30 (1) In a case where a record of alteration is not in effect due to the invalidity or rescission of the request or for other reasons, the Electronically Recorded Obligor who owed the obligation before the recording of the alteration shall have the obligation in accordance with the contents of the Monetary Claims Record before the recording of the alteration. However, between a person who made a legitimate manifestation of intention in the request for the recording of said alteration and the counterparty, the Electronically Recorded Obligor who manifested his/her intention shall be responsible in accordance with the contents of the Monetary Claims Record after the recording of said alteration.

2 前項本文に規定する場合には、当該変更記録後に債務を負担した電子記録債務者は、当該変更記録後の債権記録の内容に従って責任を負う。

(2) In case provided for in the main clause of the preceding paragraph, the Electronically Recorded Obligor who came to owe the obligation after the recording of the alteration shall have the obligation in accordance with the contents of the Monetary Claims Record after the recording of said alteration.

第六節 電子記録保証

Section 6 Electronically Recorded Guarantee

(保証記録による電子記録債権の発生)

(Accrual of Electronically Recorded Monetary Claims through the Recording of a Guarantee)

第三十一条 電子記録保証に係る電子記録債権は、保証記録をすることによって生ずる。

Article 31 An Electronically Recorded Monetary Claims connected with an Electronically Recorded Guarantee accrues through the recording of the guarantee.

(保証記録)

(Recording of a Guarantee)

第三十二条 保証記録においては、次に掲げる事項を記録しなければならない。

Article 32 (1) The following matters shall be recorded in the record of a guarantee:

一 保証をする旨

(i) A statement to the effect that a guarantee is being provided;

二 保証人の氏名又は名称及び住所

(ii) Name and address of the guarantor;

三 主たる債務者の氏名又は名称及び住所その他主たる債務を特定するために必要な

事項

(iii) Name and address of the principal obligor and other matters that are required to identify the principal obligation; and

四 電子記録の年月日

(iv) The date that the Electronic Recording was made.

2 保証記録においては、次に掲げる事項を記録することができる。

(2) The following matters may be recorded in the record of a guarantee:

一 保証の範囲を限定する旨の定めをするときは、その定め

(i) In a case where there are provisions limiting the scope of guarantee, those provisions;

二 遅延損害金又は違約金についての定めをするときは、その定め

(ii) In a case where there are provisions stipulating delinquency charges or penalties, those provisions;

三 相殺又は代物弁済についての定めをするときは、その定め

(iii) In a case where there are provisions stipulating set-off or substitute performance, those provisions;

四 弁済の充当の指定についての定めをするときは、その定め

(iv) In a case where there are provisions stipulating the appropriation of payments, those provisions;

五 保証人が個人事業者であるときは、その旨

(v) In a case where the guarantor is an individual business operator, a statement to this effect;

六 保証人が法人又は個人事業者（その旨の記録がされる者に限る。）である場合において、保証記録をした時の債権者に対抗することができる事由について第二十条第一項（第三十八条において読み替えて準用する場合を含む。）の規定を適用しない旨の定めをするときは、その定め

(vi) In a case where the guarantor is a corporation or an individual business operator (limited to those who are recorded as such) and there are provisions stipulating that the provision of paragraph (1) of Article 20 (including cases where the provision is applied mutatis mutandis to Article 38 by replacing the terms of the provision as prescribed in Article 38) does not apply regarding matters which the guarantor may assert against the obligee as at the time of the recording of the guarantee, those provisions;

七 保証人が法人又は個人事業者（その旨の記録がされる者に限る。）であって前号に掲げる定めが記録されない場合において、保証人が債権者（譲渡記録における譲受人を含む。以下この項において同じ。）に対抗することができる抗弁についての定めをするときは、その定め

(vii) In a case where the guarantor is a corporation or an individual business operator (limited to those who are recorded as such) and when the provisions provided for in the preceding item have not been recorded, if there are provisions stipulating a defense that the guarantor may assert against the

obligee (including assignee under the record of assignment; hereinafter the same shall apply in this paragraph), those provisions;

八 債権者と保証人との間の通知の方法についての定めをするときは、その定め

(viii) In a case where there are provisions stipulating the method of notice between obligee and guarantor, those provisions;

九 債権者と保証人との間の紛争の解決の方法についての定めをするときは、その定め

(ix) In a case where there are provisions stipulating the method for settling disputes between obligee and guarantor, those provisions; or

十 前各号に掲げるもののほか、政令で定める事項

(x) In addition to the matters listed in the respective preceding items, matters specified by the Cabinet Order.

3 第一項第一号から第三号までに掲げる事項のいずれかの記録が欠けているときは、電子記録保証に係る電子記録債権は、発生しない。

(3) In a case where there is no record of a matter listed in items (i) to (iii) in paragraph (1), Electronically Recorded Monetary Claims pertaining to the Electronically Recorded Guarantee shall not accrue.

4 消費者についてされた第二項第五号に掲げる事項の記録は、その効力を有しない。

(4) Records on matters listed in item (v) of paragraph (2) regarding Consumer shall not be effective.

5 電子債権記録機関は、発生記録において第十六条第二項第十二号又は第十五号に掲げる事項（保証記録に係る部分に限る。）が記録されているときは、その記録の内容に抵触する保証記録をしてはならない。

(5) In cases where a matter listed in item (xii) or item (xv) of Article 16 (2) (limited to those pertaining to the record of a guarantee) has been recorded in the record of accrual, the Electronic Monetary Claim Recording Institution shall not make a record of guarantee that conflicts with the contents of the record of accrual.

（電子記録保証の独立性）

(Independence of Electronically Recorded Guarantees)

第三十三条 電子記録保証債務は、その主たる債務者として記録されている者がその主たる債務を負担しない場合（第十六条第一項第一号から第六号まで又は前条第一項第一号から第三号までに掲げる事項の記録が欠けている場合を除く。）においても、その効力を妨げられない。

Article 33 (1) The validity of the Electronically Recorded Guarantee Obligation shall not be impaired, even in a case where the person who is recorded as the principal obligor does not owe his/her principal obligation (excluding cases where the record of matters listed in items (i) to (vi) of Article 16 (1) or items (i) to (iii), paragraph (1) of the preceding Article is not made).

2 前項の規定は、電子記録保証人が個人（個人事業者である旨の記録がされている者

を除く。) である場合には、適用しない。

(2) The provision in the preceding paragraph shall not apply in a case where the Electronically Recorded Guarantor is an individual (excluding those who are recorded as individual business operators).

(民法等の適用除外)

(Exclusion from Application of the Civil Code, etc.)

第三十四条 民法第四百五十二条、第四百五十三条及び第四百五十六条から第四百五十八条まで並びに商法（明治三十二年法律第四十八号）第五百十一条第二項の規定は、電子記録保証については、適用しない。

Article 34 (1) Provisions for Articles 452, 453 and 456 to 458 of the Civil Code and Article 511 (2) of the Commercial Code (Act No. 48 of 1899) shall not apply to Electronically Recorded Guarantees.

2 前項の規定にかかわらず、電子記録保証人が個人（個人事業者である旨の記録がされている者を除く。）である場合には、当該電子記録保証人は、主たる債務者の債権による相殺をもって債権者に対抗することができる。

(2) Notwithstanding the provision of the preceding paragraph, in a case where the Electronically Recorded Guarantor is an individual (excluding those who are recorded as individual business operators), said Electronically Recorded Guarantor may assert against the obligee set-off with any claim which the principal obligor may have against the obligee.

(特別求償権)

(Special Right to Reimbursement)

第三十五条 発生記録によって生じた債務を主たる債務とする電子記録保証人が出えん（弁済その他自己の財産をもって主たる債務として記録された債務を消滅させるべき行為をいう。以下この条において同じ。）をした場合において、その旨の支払等記録がされたときは、民法第四百五十九条、第四百六十二条、第四百六十三条及び第四百六十五条の規定にかかわらず、当該電子記録保証人は、次に掲げる者に対し、出えんにより共同の免責を得た額、出えんをした日以後の遅延損害金の額及び避けることができなかつた費用の額の合計額について電子記録債権を取得する。ただし、第三号に掲げる者に対しては、自己の負担部分を超えて出えんをした額のうち同号に掲げる者の負担部分の額に限る。

Article 35 (1) In the case where an Electronically Recorded Guarantor whose principal obligation accrued through the recording of the accrual, makes a disbursement (meaning payment or other acts purporting to extinguish an obligation recorded as the principal obligation with his/her property; the same shall apply hereinafter in this Article), and a record of a Payment, etc. is made to that effect, notwithstanding the provisions of Articles 459, 462, 463 and 465 of the Civil Code, said guarantor shall acquire the Electronically Recorded Monetary Claims of the amount equal to the aggregate of the amount jointly

discharged with the disbursement, the amount of delinquency charges accrued after the date of the disbursement, and the amount of unavoidable expenses, against the persons listed in the following sub-items, provided, however, that as against the person listed in item (iii), the Electronically Recorded Monetary Claim so acquired shall be limited to the share to be borne by such person out of the amount of the disbursement that an Electronically Recorded Guarantor made over his/her share:

一 主たる債務者

(i) Principal obligor;

二 当該出えんをした者が電子記録保証人となる前に当該者を債権者として当該主たる債務と同一の債務を主たる債務とする電子記録保証をしていた他の電子記録保証人

(ii) Other Electronically Recorded Guarantors who have extended

Electronically Recorded Guaranties for the same principal obligation whose creditor is the person who made said disbursement, before the person became an Electronically Recorded Guarantor of the obligation; and

三 当該主たる債務と同一の債務を主たる債務とする他の電子記録保証人（前号に掲げる者及び電子記録保証人となる前に当該出えんをした者の電子記録保証に係る債権者であったものを除く。）

(iii) Other Electronically Recorded Guarantors whose principal obligation is the same as said principal obligation (excluding persons listed in the preceding item and the person who was the obligee under the Electronically Recorded Guarantee of the person who made said disbursement before the person became the Electronically Recorded Guarantor).

2 前項の規定は、同項の規定によって生じた債務を主たる債務とする電子記録保証人が出えんをした場合について準用する。

(2) The provision of the preceding paragraph shall be applied mutatis mutandis to case where an Electronically Recorded Guarantor whose principal obligation is the obligation accrued pursuant to the provision of the preceding paragraph, makes a disbursement.

3 第一項の規定は、電子記録保証債務を主たる債務とする電子記録保証人が出えんをした場合について準用する。この場合において、同項中「次に掲げる者」とあるのは、「次に掲げる者及びその出えんを主たる債務者として記録されている電子記録保証人がしたとするならば、次に掲げる者に該当することとなるもの」と読み替えるものとする。

(3) The provision of the first paragraph shall apply mutatis mutandis to case where an Electronically Recorded Guarantor whose principal obligation is an Electronically Recorded Guarantee Obligation, makes a disbursement. In this case, the term "persons listed in the following sub-items" shall be deemed to have been replaced with the term "persons listed in the following sub-items and the persons who would fall under the category of those listed in the

following sub-items if the disbursement were made by the Electronically Recorded Guarantor who is recorded as the principal obligor."

第七節 質権 Section 7 Pledges

(電子記録債権の質入れ)

(Pledging of Electronically Recorded Monetary Claims)

第三十六条 電子記録債権を目的とする質権の設定は、質権設定記録をしなければ、その効力を生じない。

Article 36 (1) The creation of a pledge on Electronically Recorded Monetary Claims shall not be effective unless a record is made of the pledge's creation.

2 民法第三百六十二条第二項の規定は、前項の質権については、適用しない。

(2) Provision of Article 362 (2) of the Civil Code shall not apply to pledges in the preceding paragraph.

3 民法第二百九十六条から第三百条まで、第三百四条、第三百四十二条、第三百四十三条、第三百四十六条、第三百四十八条、第三百四十九条、第三百五十一条、第三百七十三条、第三百七十四条、第三百七十八条、第三百九十条、第三百九十一条、第三百九十八条の二から第三百九十八条の十まで、第三百九十八条の十九、第三百九十八条の二十（第一項第三号を除く。）及び第三百九十八条の二十二の規定は、第一項の質権について準用する。

(3) Provisions of Articles 296 to 300, Articles 304, 342, 343, 346, 348, 349, 351, 373, 374, 378, 390, 391, Articles 398-2 to 398-10, 398-19, 398-20 (excluding item (iii) of paragraph (1)), and 398-22 of the Civil Code, shall apply mutatis mutandis to pledges in paragraph (1).

(質権設定記録の記録事項)

(Matters Recorded in a Record of Pledge Creation)

第三十七条 質権設定記録（根質権の質権設定記録を除く。次項において同じ。）においては、次に掲げる事項を記録しなければならない。

Article 37 (1) In a record of pledge creation (excluding the record of a revolving pledge's creation; the same shall apply in the following paragraph), the following matters shall be recorded:

一 質権を設定する旨

(i) A statement creating the pledge;

二 質権者の氏名又は名称及び住所

(ii) Name and address of pledgee;

三 被担保債権の債務者の氏名又は名称及び住所、被担保債権の額（一定の金額を目的としない債権については、その価額。以下同じ。）その他被担保債権を特定するために必要な事項

(iii) Name and address of the obligor of the secured claim, the amount of

secured claim (regarding claims for an unfixed amount of money, their values; the same shall apply hereinafter), and other matters necessary in order to identify the secured claim;

四 一の債権記録における質権設定記録及び転質の電子記録がされた順序を示す番号（以下「質権番号」という。）

(iv) Number showing the order of the recording of the pledge's creation and the Electronic Recording of the sub-pledge, in one Monetary Claim Record (hereinafter referred to as "Pledge Number"); and

五 電子記録の年月日

(v) The date that the Electronic Recording was made.

2 質権設定記録においては、次に掲げる事項を記録することができる。

(2) In the record of a pledge's creation, the following matters may be recorded:

一 被担保債権につき利息、遅延損害金又は違約金についての定めがあるときは、その定め

(i) In a case where there are provisions regarding the interest on secured claims, delinquency charges or penalty, those provisions;

二 被担保債権に付した条件があるときは、その条件

(ii) If a condition is attached to secured claims, the condition;

三 前条第三項において準用する民法第三百四十六条ただし書の別段の定めをするときは、その定め

(iii) In a case where the special provisions referred to in the proviso of Article 346 of the Civil Code as applied mutatis mutandis to paragraph (3) of preceding Article are stipulated, those provisions;

四 質権の実行に関し、その方法、条件その他の事項について定めをするときは、その定め

(iv) In a case where there are provisions stipulating the method, conditions and other matters regarding the execution of pledge, those provisions;

五 発生記録において電子記録債権に係る債務の支払を債権者口座に対する払込みによってする旨の定めが記録されている場合において、質権設定記録に当たり質権者が質権者の預金又は貯金の口座に対する払込みによって支払を受けようとするときは、当該口座（発生記録において払込みをする預金又は貯金の口座の変更に関する定めが記録されているときは、これと抵触しないものに限る。）

(v) In a case where provisions that the payment of the obligation pertaining to Electronically Recorded Monetary Claims shall be made to the Obligee's Account have been recorded in the record of accrual, and when, in the recording of the pledge's creation, the pledgee intends to receive the payment by payment to his/her deposit account or postal savings account, said account (limited to those that do not conflict with the record of accrual if there are provisions regarding a change in the deposit or postal savings account used for payments is recorded in the record of accrual);

六 質権設定者と質権者（質権設定記録後に当該質権についての質権者として記録さ

れた者を含む。次号において同じ。) との間の通知の方法についての定めをするときは、その定め

(vi) In a case where there are provisions stipulating the method of notice between the pledgor and the pledgee (including those who are recorded as pledgee for said pledge after the recording of the pledge's creation; the same shall apply in the following item), those provisions;

七 質権設定者と質権者との間の紛争の解決の方法についての定めをするときは、その定め

(vii) In a case where there are provisions stipulating the method for settling disputes between the pledgor and the pledgee, those provisions; or

八 前各号に掲げるもののほか、政令で定める事項

(viii) In addition to what is listed in the respective preceding items, matters specified by the Cabinet Order.

3 根質権の質権設定記録においては、次に掲げる事項を記録しなければならない。

(3) In the record of a revolving pledge's creation, the following matters shall be recorded:

一 根質権を設定する旨

(i) A statement creating the revolving pledge;

二 根質権者の氏名又は名称及び住所

(ii) Name and address of the revolving pledgee;

三 担保すべき債権の債務者の氏名又は名称及び住所

(iii) Name and address of the obligor of secured claims;

四 担保すべき債権の範囲及び極度額

(iv) Scope and maximum amount of secured claims;

五 質権番号

(v) Pledge Number; and

六 電子記録の年月日

(vi) The date that the Electronic Recording was made.

4 根質権の質権設定記録においては、次に掲げる事項を記録することができる。

(4) In the record of a revolving pledge's creation, the following matters may be recorded;

一 担保すべき元本の確定すべき期日の定めをするときは、その定め

(i) In a case where there are provisions stipulating the date on which the principal of the secured claim is to be determined, those provisions;

二 根質権の実行に関し、その方法、条件その他の事項について定めをするときは、その定め

(ii) In a case where there are provisions stipulating the method, condition and other matters regarding the execution of revolving pledge, those provisions;

三 発生記録において電子記録債権に係る債務の支払を債権者口座に対する払込みによってする旨の定めが記録されている場合において、根質権の質権設定記録に当たり根質権者が根質権者の預金又は貯金の口座に対する払込みによって支払を受けよ

うとするときは、当該口座（発生記録において払込みをする預金又は貯金の口座の変更に関する定めが記録されているときは、これと抵触しないものに限る。）

(iii) In a case where provisions that the payment of the obligation pertaining to Electronically Recorded Monetary Claims shall be made to the Obligee's Account have been recorded in the record of accrual, and when, in the recording of a revolving pledge's creation, the revolving pledgee intends to receive the payment by payment to his/her deposit account or postal savings account, said account (limited to those that do not conflict with the record of accrual if provisions regarding a change in the deposit or postal savings account for payments have been recorded in the record of accrual);

四 根質権設定者と根質権者（根質権の質権設定記録後に当該根質権についての根質権者として記録された者を含む。次号において同じ。）との間の通知の方法についての定めをするときは、その定め

(iv) In a case where there are provisions stipulating the method of notice between revolving pledgor and revolving pledgee (including those who are recorded as revolving pledgee with regard to said revolving pledge after the recording of the revolving pledge's creation; the same shall apply in regards to the following item), those provisions;

五 根質権設定者と根質権者との間の紛争の解決の方法についての定めをするときは、その定め

(v) In a case where there are provisions stipulating the method for settlement of disputes between revolving pledgor and revolving pledgee, those provisions; or

六 前各号に掲げるもののほか、政令で定める事項

(vi) In addition to what is listed in the respective preceding items, matters specified by the Cabinet Order.

5 電子債権記録機関は、発生記録において第十六条第二項第十二号又は第十五号に掲げる事項（質権設定記録に係る部分に限る。）が記録されているときは、その記録の内容に抵触する質権設定記録をしてはならない。

(5) In a case where matters listed in item (xii) or item (xv) of Article 16 (2) (limited to the part pertaining to a record of pledge creation) have been recorded in the record of accrual, the Electronic Monetary Claim Recording Institution shall not make a record of pledge creation that conflicts with the contents of said record of accrual.

（善意取得及び抗弁の切断）

(Acquisition by bone fide third party and Restriction on Assertion of Defense)

第三十八条 第十九条及び第二十条の規定は、質権設定記録について準用する。この場合において、第十九条第一項中「譲受人」とあるのは「質権者」と、「当該電子記録債権」とあるのは「その質権」と、同条第二項第二号中「譲受人」とあるのは「質権者」と、同項第三号中「された譲渡記録」とあるのは「された質権設定記録」と、第

二十条第一項中「債権者に当該電子記録債権を譲渡した」とあるのは「質権者にその質権を設定した」と、「当該債権者に」とあるのは「当該質権者に」と、同項ただし書中「当該債権者が」とあるのは「当該質権者が」と、「当該電子記録債権を取得した」とあるのは「当該質権を取得した」と、同条第二項第二号中「債権者」とあり、及び「譲受人」とあるのは「質権者」と読み替えるものとする。

Article 38 The provision of Articles 19 and 20 shall apply mutatis mutandis to records of pledge creation. In this case, the term "assignee" shall be deemed as having been replaced with "pledgee", and the term "said Electronically Recorded Monetary Claims" shall be deemed to have been replaced with "said pledge" in Article 19 (1), the term "assignee" shall be deemed to have been replaced with "pledgee" in item (ii), paragraph (2) of the same Article, the term "the recording of the assignment" shall be deemed to have been replaced with "the recording of the pledge's creation" in item (iii), paragraph (2) of the same Article, the term "against the obligee...assigned said Electronically Recorded Monetary Claims to said obligee" shall be deemed to have been replaced with "against the pledgee...created the pledge for said pledgee" in Article 20 (1), the term "said obligee" shall be deemed to have been replaced with "said pledgee" and the term "acquired said Electronically Recorded Monetary Claims" shall be deemed to have been replaced with "acquired said pledge" in the proviso of Article 20 (1), and the term "obligee" and the term "assignee" shall be deemed to have been replaced with "pledgee" in item (ii), paragraph (2) of the same Article.

(質権の順位の変更の電子記録)

(Electronic Recording of a Change in the Order of Pledges)

第三十九条 第三十六条第三項において準用する民法第三百七十四条第一項の規定による質権の順位の変更の電子記録においては、次に掲げる事項を記録しなければならない。

Article 39 (1) In the Electronic Recording of a change in the order of pledges pursuant to the provision of Article 374 (1) of the Civil Code as applied mutatis mutandis to Article 36 (3), the following matters shall be recorded:

一 質権の順位を変更する旨

(i) A statement to the effect that the order of pledges is being changed;

二 順位を変更する質権の質権番号

(ii) Pledge Number of the pledges whose order is being changed;

三 変更後の質権の順位

(iii) Order of pledges after the change; and

四 電子記録の年月日

(iv) The date that the Electronic Recording was made.

2 前項の電子記録の請求は、順位を変更する質権の電子記録名義人の全員がしなければならない。この場合においては、第五条第二項及び第三項の規定を準用する。

(2) The request for an Electronic Recording to be made as referred to in the preceding paragraph shall be filled by all Electronically Recorded Persons for which the order of pledges is to be changed. In this case, the provision of Article 5 (2) and (3) shall apply mutatis mutandis.

(転質)

(Sub-Pledges)

第四十条 第三十六条第三項において準用する民法第三百四十八条の規定による転質は、転質の電子記録をしなければ、その効力を生じない。

Article 40 (1) A sub-pledge pursuant to the provision of Article 348 of the Civil Code applied mutatis mutandis to Article 36 (3) shall not be effective unless an Electronic Recording is made of the sub-pledge.

2 第三十七条第一項から第四項までの規定は、転質の電子記録について準用する。

(2) Provisions in paragraphs (1) to (4) of Article 37 shall apply mutatis mutandis to the Electronic Recording of a sub-pledge.

3 転質の電子記録においては、転質の目的である質権の質権番号をも記録しなければならない。

(3) The Pledge Number of the pledge that is the subject matter of a sub-pledge shall also be recorded in the Electronic Recording of the sub-pledge.

4 質権者が二以上の者のために転質をしたときは、その転質の順位は、転質の電子記録の前後による。

(4) In cases where a pledgee creates a sub-pledge for two or more persons, the order of priority of these sub-pledges shall follow the chronological order of their Electronic Recording.

(被担保債権の譲渡に伴う質権等の移転による変更記録の特則)

(Special Provisions on the Recording of an Alteration Due to the Transfer of a Pledge, etc. Accompanying the Assignment of a Secured Claim)

第四十一条 被担保債権の一部について譲渡がされた場合における質権又は転質の移転による変更記録においては、第二十七条各号に掲げる事項のほか、当該譲渡の目的である被担保債権の額をも記録しなければならない。

Article 41 (1) In the recording of an alteration due the transfer of pledges or sub-pledges in a case of partial assignment of secured claims, the amount of secured claim that is the subject of said assignment shall also be recorded in addition to the matters listed in respective items of Article 27.

2 根質権の担保すべき債権の譲渡がされた場合における根質権の移転による変更記録の請求は、当該譲渡が当該根質権の担保すべき元本の確定後にされたものであり、かつ、当該確定の電子記録がされている場合でなければ、することができない。

(2) When a claim to be secured by a revolving pledge has been assigned, a request for the recording of an alteration due to the transfer of the revolving pledge may not be made unless said assignment has been made after the

determination of the principal amount secured by said revolving pledge, and an Electronic Recording has been made of said determination.

(根質権の担保すべき元本の確定の電子記録)

(Electronic Recording of the Determination of the Principal Secured by Revolving Pledge)

第四十二条 根質権の担保すべき元本（以下この条において単に「元本」という。）の確定の電子記録においては、次に掲げる事項を記録しなければならない。

Article 42 (1) In the Electronic Recording of the determination of the principal secured by revolving pledge (hereinafter simply referred to as "Principal" in this Article), the following matters shall be recorded:

一 元本が確定した旨

(i) A statement to the effect that the Principal has been determined;

二 元本が確定した根質権の質権番号

(ii) The Pledge Number of the revolving pledge whose Principal has been determined;

三 元本の確定の年月日

(iii) Date of determination of Principal; and

四 電子記録の年月日

(iv) The date that the Electronic Recording was made.

2 第三十六条第三項において準用する民法第三百九十八条の十九第二項又は第三百九十八条の二十第一項第四号の規定により元本が確定した場合の電子記録は、当該根質権の電子記録名義人だけで請求することができる。ただし、同号の規定により元本が確定した場合における請求は、当該根質権又はこれを目的とする権利の取得の電子記録の請求と併せてしなければならない。

(2) Electronic Recording for the Principal that has been determined pursuant to the provision of Article 398-19(2) or item (iv) of Article 398-20 (1) of the Civil Code, applied mutatis mutandis to Article 36 (3) may be requested solely by the Electronically Recorded Person of said revolving pledge. However, when a request is made after the Principal is determined pursuant to the provision of item (iv) of Article 398-20 of the Civil Code, the request shall be made jointly with the request for an Electronic Recording to be made of the acquisition of said revolving pledge or the right whose subject is said revolving pledge.

第八節 分割

Section 8 Division

(分割記録)

(Recording of a Division)

第四十三条 電子記録債権は、分割（債権者又は債務者として記録されている者が二人以上ある場合において、特定の債権者又は債務者について分離をすることを含む。）

をすることができる。

Article 43 (1) Electronically Recorded Monetary Claims may be divided

(including cases where a separation is made with respect to specific obligees or obligors when there are two or more recorded obligees or obligors).

2 電子記録債権の分割は、次条から第四十七条までの規定により、分割をする電子記録債権が記録されている債権記録（以下「原債権記録」という。）及び新たに作成する債権記録（以下「分割債権記録」という。）に分割記録をすると同時に原債権記録に記録されている事項の一部を分割債権記録に記録することによって行う。

(2) Electronically Recorded Monetary Claims shall be divided pursuant to the provision of the next Article to Article 47, by a record of the division being made in the Monetary Claims Record in which the Electronically Recorded Monetary Claims being divided have been recorded (hereinafter referred to as "Original Monetary Claims Record"), and in the Monetary Claims Record which is being newly created (hereinafter referred to as "Divided Monetary Claims Record"), and by a part of the matters recorded in the Original Monetary Claims Record being recorded in the Divided Monetary Claims Record simultaneously with the recording of the division.

3 分割記録の請求は、分割債権記録に債権者として記録される者だけであることができる。

(3) Requests for the recording of a division may be filed independently by the person that will be recorded as the obligee in the Divided Monetary Claims Record.

(分割記録の記録事項)

(Matters Recorded in the Recording of a Division)

第四十四条 分割記録においては、分割債権記録に次に掲げる事項を記録しなければならない。

Article 44 (1) In the recording of a division, the following matters shall be recorded in the Divided Monetary Claims Record:

一 原債権記録から分割をした旨

(i) A statement that the claim has been divided from the Original Monetary Claims Record;

二 原債権記録及び分割債権記録の記録番号

(ii) Record numbers of the Original Monetary Claims Record and the Divided Monetary Claims Record;

三 発生記録における債務者であって分割債権記録に記録されるものが一定の金額を支払う旨

(iii) A statement that the person recorded in the Divided Monetary Claims Record, who is the obligor in the record of accrual, pays a fixed amount of money;

四 債権者の氏名又は名称及び住所

(iv) Name and address of the obligee; and

五 電子記録の年月日

(v) The date that the Electronic Recording was made.

2 分割記録においては、原債権記録に次に掲げる事項を記録しなければならない。

(2) In the recording of a division, the following matters shall be recorded in the Original Monetary Claims Record:

一 分割をした旨

(i) A statement that the claim has been divided;

二 分割債権記録の記録番号

(ii) The record number of the Divided Monetary Claims Record; and

三 電子記録の年月日

(iii) The date that the Electronic Recording was made.

3 電子債権記録機関は、発生記録において第十六条第二項第十二号又は第十五号に掲げる事項（分割記録に係る部分に限る。）が記録されているときは、その記録の内容に抵触する分割記録をしてはならない。

(3) In a case where matters listed in item (xii) or item (xv) of Article 16 (2) (limited to the part pertaining to the record of a division) have been recorded in the record of accrual, the Electronic Monetary Claim Recording Institution shall not make a record of a division that conflicts with the contents of said record of accrual.

(分割記録に伴う分割債権記録への記録)

(Recording in Divided Monetary Claims Records Accompanying the Recording of a Division)

第四十五条 電子債権記録機関は、分割記録と同時に、分割債権記録に次に掲げる事項を記録しなければならない。

Article 45 (1) Electronic Monetary Claim Recording Institutions shall record the following matters in the Divided Monetary Claims Record simultaneously with the recording of a division:

一 分割債権記録に記録される電子記録債権についての原債権記録中の現に効力を有する電子記録において記録されている事項（次に掲げるものを除く。）

(i) Matters recorded in the currently valid Electronic Recordings made in the Original Monetary Claims Record with regard to the Electronically Recorded Monetary Claims being recorded in the Divided Monetary Claims Record (excluding the following matters):

イ 債務者が一定の金額を支払う旨

(a) A statement that the obligor pays a fixed amount of money;

ロ 当該電子記録債権が分割払の方法により債務を支払うものである場合における各支払期日及び当該支払期日ごとに支払うべき金額

(b) In a case where the obligation pertaining to said Electronically Recorded Monetary Claim is to be paid in installments, the payment dates and the

- amount payable on each of said payment dates;
- ハ 譲渡記録、保証記録、質権設定記録又は分割記録をすることができる回数（以下「記録可能回数」という。）が記録されている場合におけるその記録可能回数
- (c) In cases where a ceiling for the number of times it is permitted to make a record of assignments, a record of guarantees, a record of pledge creation, or a record of division has been recorded (hereinafter referred to as "Recording Ceiling Number"), the Recording Ceiling Number;
- ニ 原債権記録の記録番号
- (d) The record number of Original Monetary Claims Record; or
- ホ 原債権記録に分割記録がされている場合における当該分割記録において記録されている事項（イに掲げるものを除く。）
- (e) Matters recorded in the recording of the division, if a record of the division has been made in the Original Monetary Claims Record (excluding those listed in (a)).
- 二 分割債権記録に記録される電子記録債権が原債権記録において分割払の方法により債務を支払うものとして記録されている場合には、当該電子記録債権の支払期日（原債権記録に支払期日として記録されているものに限る。）
- (ii) In cases where the Electronically Recorded Monetary Claim being recorded in the Divided Monetary Claims Record has been recorded in the Original Monetary Claims Record as an obligation to be paid in installments, the payment dates for said Electronically Recorded Monetary Claim (limited to those that are recorded in Original Monetary Claims Record as payment dates);
- 三 前号に規定する場合において、分割債権記録に記録される電子記録債権が分割払の方法により債務を支払うものであるときは、当該電子記録債権の各支払期日ごとに支払うべき金額（原債権記録に記録されている対応する各支払期日ごとに支払うべき金額の範囲内のものに限る。）
- (iii) In the case prescribed in the preceding item, when the Electronically Recorded Monetary Claims recorded in the Divided Monetary Claims Record, are to be paid in installments, the amount payable on each payment date for said Electronically Recorded Monetary Claims (limited to those that are within the amount payable on corresponding payment dates recorded in the Original Monetary Claims Record); and
- 四 原債権記録に記録可能回数が記録されている場合には、当該記録可能回数（分割記録の記録可能回数にあっては、当該記録可能回数から一を控除した残りの記録可能回数）のうち、分割債権記録における記録可能回数
- (iv) In cases where a Recording Ceiling Number has been recorded in the Original Monetary Claims Record, the portion of said Recording Ceiling Number (or the portion of the Recording Ceiling Number that remains for the recording of divisions after deducting one from the Recording Ceiling Number for the recording of divisions) that constitutes the Recording Ceiling

Number for the Divided Monetary Claims Record.

2 電子債権記録機関は、分割債権記録に前項第一号に掲げる事項を記録したときは当該事項を原債権記録から転写した旨及びその年月日を、同項第二号から第四号までに掲げる事項を記録したときはその記録の年月日を当該分割債権記録に記録しなければならない。

(2) In cases when the Electronic Monetary Claim Recording Institution has recorded matters listed in item (i) of preceding paragraph in the Divided Monetary Claims Record, a statement that said matter has been transferred from the Original Monetary Claims Record and the date of the transfer shall be recorded in said Divided Monetary Claims Record; and in cases when the Electronic Monetary Claim Recording Institution has recorded matters listed in item (ii) to item (iv) of the same paragraph, the date of the records shall be recorded in said Divided Monetary Claims Record.

(分割記録に伴う原債権記録への記録)

(Recording in the Original Monetary Claims Record Accompanying the Recording of a Division)

第四十六条 電子債権記録機関は、分割記録と同時に、原債権記録に次に掲げる事項を記録しなければならない。

Article 46 (1) Electronic Monetary Claim Recording Institutions shall record the following matters in the Original Monetary Claims Record simultaneously with the recording of a division:

一 分割債権記録に記録される電子記録債権について原債権記録に記録されている事項のうち、前条第一項第一号イからハまでに掲げる事項の記録を削除する旨

(i) A statement that, among the matters recorded in the Original Monetary Claims Record with regard to the Electronically Recorded Monetary Claims being recorded in the Divided Monetary Claims Record, the record of matters listed in (a) to (c), item (i), paragraph (1) of the preceding Article are being deleted;

二 発生記録における債務者が分割記録の直前に原債権記録に記録されていた第十六条第一項第一号（当該原債権記録が他の分割における分割債権記録である場合にあつては、第四十四条第一項第三号）に規定する一定の金額から分割債権記録に記録される第四十四条第一項第三号に規定する一定の金額を控除して得た金額を支払う旨

(ii) A statement that the obligor in the record of accrual pays an amount calculated by deducting the fixed amount of money provided for in item (iii) of Article 44 (1) which is being recorded in the Divided Monetary Claims Record, from the fixed amount of money provided for in item (i) of Article 16 (1) (or in item (iii) of Article 44 (1), in the case where said Original Monetary Claims Record is a Divided Monetary Claims Record arising from other division of monetary claims) which was recorded in the Original Monetary

Claims Record just before the recording of the division;

三 分割債権記録に記録される電子記録債権が原債権記録において分割払の方法により債務を支払うものとして記録されている場合には、分割記録の後も原債権記録に引き続き記録されることとなる支払期日

(iii) In a case where the Electronically Recorded Monetary Claims being recorded in the Divided Monetary Claims Records have been recorded in the Original Monetary Claims Record as obligations to be paid in installments, the payment dates that will continue to be recorded in the Original Monetary Claims Record even after the recording of the division;

四 前号に規定する場合において、分割記録の後も原債権記録に引き続き記録されることとなる電子記録債権が分割払の方法により債務を支払うものであるときは、当該電子記録債権の各支払期日ごとに支払うべき金額

(iv) In the case prescribed in the preceding item, when Electronically Recorded Monetary Claims that will continue to be recorded in the Original Monetary Claims Record even after the recording of the division, are to be paid in installments, the amounts payable for said Electronically Recorded Monetary Claims on each payment date; and

五 原債権記録に記録可能回数が記録されている場合には、当該記録可能回数（分割記録の記録可能回数にあっては、当該記録可能回数から一を控除した残りの記録可能回数）から分割債権記録における記録可能回数を控除した残りの記録可能回数

(v) In cases where a Recording Ceiling Number has been recorded in the Original Monetary Claims Record, the portion of said Recording Ceiling Number that remains after deducting the Recording Ceiling Number in the Divided Monetary Claims Record from the Recording Ceiling Number in the Original Monetary Claims Record (or after deducting it from the Recording Ceiling Number for the recording of divisions, after deducting one from the Recording Ceiling Number for the recording of divisions).

2 電子債権記録機関は、原債権記録に前項各号に掲げる事項を記録したときは、その記録の年月日を当該原債権記録に記録しなければならない。

(2) When an Electronic Monetary Claim Recording Institution records matters listed in the respective items of the preceding paragraphs in the Original Monetary Claims Record, it shall record the date of the record in said Original Monetary Claims Record.

(主務省令への委任)

(Delegation to the Ordinance of the Competent Ministry)

第四十七条 第四十三条第三項及び前三条の規定にかかわらず、次に掲げる場合における分割記録の請求、分割記録の記録事項並びに分割記録に伴う分割債権記録及び原債権記録への記録について必要な事項は、これらの規定の例に準じて主務省令で定める。

Article 47 Notwithstanding the provision of Article 43 (3) and the preceding three Articles, necessary matters regarding a request for the recording of a

division, the Matters Recorded in the record of the division, and recording in Divided Monetary Claims Records and in Original Monetary Claims Records accompanying the recording of the division in the following cases shall be specified by the ordinance of the competent ministry, in accordance with the examples of these provision:

一 原債権記録に債権者ごとの債権の金額又は債務者ごとの債務の金額が記録されている場合

(i) In cases where the amount of claim of respective obligee or the amount of obligation owed by respective obligor is recorded in the Original Monetary Claims Record;

二 原債権記録に第三十二条第二項第一号に掲げる事項が記録された保証記録がされている場合

(ii) In a case where the record of a guarantee in which matters listed in item (i) of Article 32 (2) have been recorded, is included in the Original Monetary Claims Record;

三 原債権記録に特別求償権が記録されている場合

(iii) In a case where a Special Right to Reimbursement has been recorded in the Original Monetary Claims Record; or

四 前三号に掲げるもののほか、主務省令で定める場合

(iv) In case specified by the ordinance of the competent ministry in addition to what is listed in the preceding three items.

第九節 雑則

Section 9 Miscellaneous Provisions

(信託の電子記録)

(Electronic Recording for a Trust)

第四十八条 電子記録債権又はこれを目的とする質権（以下この項において「電子記録債権等」という。）については、信託の電子記録をしなければ、電子記録債権等が信託財産に属することを第三者に対抗することができない。

Article 48 (1) As for Electronically Recorded Monetary Claims or pledges on these Electronically Recorded Monetary Claims (hereinafter, referred to as "Electronically Recorded Monetary Claims, etc." in this paragraph), it may not be asserted against a third party that the Electronically Recorded Monetary Claims, etc. are a part of the trust property unless an Electronic Recording has been made for the trust.

2 この法律に定めるもののほか、信託の電子記録に関し必要な事項は、政令で定める。

(2) In addition to what is provided for in this Act, matters necessary for Electronic Recording for a trust shall be provided for by the Cabinet Order.

(電子記録債権に関する強制執行等)

(Execution, etc. on Electronically Recorded Monetary Claims)

第四十九条 電子債権記録機関は、電子記録債権に関する強制執行、滞納処分その他の処分の制限がされた場合において、これらの処分の制限に係る書類の送達を受けたときは、遅滞なく、強制執行等の電子記録をしなければならない。

Article 49 (1) In a case where compulsory execution, disposition for tax delinquency or other restriction on the disposition regarding Electronically Recorded Monetary Claims is made, and when documents pertaining to these restrictions of dispositions have been delivered, the Electronic Monetary Claim Recording Institution shall make an Electronic Recording of the execution, etc. without delay.

2 強制執行等の電子記録に関し必要な事項は、政令で定める。

(2) Necessary matters in connection with the Electronic Recording of execution, etc. shall be specified by the Cabinet Order.

3 電子記録債権に関する強制執行、仮差押え及び仮処分、競売並びに没収保全の手續に関し必要な事項は、最高裁判所規則で定める。

(3) Necessary matters concerning the procedures on execution, provisional attachment and provisional disposition, auction and injunction in anticipation of confiscation of Electronically Recorded Monetary Claims shall be provided by way of rules of the Supreme Court.

(政令への委任)

(Delegation to Cabinet Order)

第五十条 この法律に定めるもののほか、電子記録債権の電子記録の手續その他電子記録に関し必要な事項は、政令で定める。

Article 50 In addition to what is provided for in this Act, the procedures for the Electronic Recording of Electronically Recorded Monetary Claims and other matters necessary for Electronic Recording shall be specified by Cabinet Order.

第三章 電子債権記録機関

Chapter III Electronic Monetary Claim Recording Institution

第一節 通則

Section 1 General Rules

(電子債権記録業を営む者の指定)

(Designation of those performing Electronic Monetary Claims Recording Business)

第五十一条 主務大臣は、次に掲げる要件を備える者を、その申請により、第五十六条に規定する業務（以下「電子債権記録業」という。）を営む者として、指定することができる。

Article 51 (1) A competent minister may designate those who meet the following requirements as those performing business prescribed in Article 56

(hereinafter referred to as "Electronic Monetary Claims Recording Business") upon its application:

一 次に掲げる機関を置く株式会社であること。

(i) The person shall be a stock company with bodies listed as follows:

イ 取締役会

(a) Board of directors;

ロ 監査役会又は委員会（会社法（平成十七年法律第八十六号）第二条第十二号に規定する委員会をいう。）

(b) Board of company auditors or Committees (referring to "Committees" prescribed in item (xii) of Article 2, Companies Act (Act No. 86 of 2005)>);

or

ハ 会計監査人

(c) Accounting auditor.

二 第七十五条第一項の規定によりこの項の指定を取り消された日から五年を経過しない者でないこと。

(ii) The person shall not be the one whose designation was rescinded pursuant to the provision of Article 75 (1), within the last five years;

三 この法律又はこれに相当する外国の法令の規定に違反し、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、その刑の執行を終わり、又はその刑の執行を受けることがなくなった日から五年を経過しない者でないこと。

(iii) The person shall not be the one who violated a provision of this Act or the foreign laws and regulations equivalent to this Act, was punished by a fine (including punishment by foreign laws and regulations equivalent to this) and five years has not elapsed from the completion of the execution of the punishment or from the date on which it became clear that no more would be executed; or

四 取締役、会計参与、監査役又は執行役のうちに次のいずれかに該当する者がいないこと。

(iv) None of its director, accounting advisor, company auditor or executive officer shall fall 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に相当する者

(a) Adult ward or person under curatorship, or person equivalent to these in foreign laws and regulations;

ロ 破産手続開始の決定を受けて復権を得ない者又は外国の法令上これに相当する者

(b) A person who has not had their rights restored after receiving an order for commencement of bankruptcy, or a person equivalent to under foreign laws and regulations;

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。）に処せられ、その刑の執行を終わり、又はその刑の執行を受けることがなくなった日から五年を経過しない者

- (c) Those who was punished with that heavier than imprisonment without work (including equivalent punishment under foreign laws and regulations), and five years have not passed from the completion of the execution of the punishment or from the date when it became clear that that no more punishment would be executed;
- ニ 第七十五条第一項の規定によりこの項の指定を取り消された場合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この項の指定に類する行政処分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その会社の取締役、会計参与、監査役又は執行役（外国会社における外国の法令上これらに相当する者を含む。ホにおいて同じ。）であった者でその取消しの日から五年を経過しない者
- (d) In cases where the designation under this paragraph has been rescinded by provision of Article 75 (1) or the administrative disposition in a foreign state, similar to the designation under this paragraph has been rescinded by provision of foreign laws and regulations equivalent to this Act, those who had been company's director, accounting advisor, company auditor or executive officer (including those of equivalent to these persons in foreign companies under foreign laws and regulations. The same shall apply in (e)) within thirty days prior to the date of rescission, and for whom five years have not passed from the rescission;
- ホ 第七十五条第一項の規定又はこの法律に相当する外国の法令の規定により解任を命ぜられた取締役、会計参与、監査役又は執行役でその処分を受けた日から五年を経過しない者
- (e) Director, accounting advisor, company auditor, or executive officer who has been dismissed under the provisions of paragraph (1) of Article 75 or provisions of foreign laws and regulations equivalent to this Act and those for whom five years have not passed since the day said dismissal; or
- へ この法律、会社法若しくはこれらに相当する外国の法令の規定に違反し、又は刑法（明治四十年法律第四十五号）第二百四条、第二百六条、第二百八条、第二百八条の三、第二百二十二条若しくは第二百四十七条の罪、暴力行為等処罰に関する法律（大正十五年法律第六十号）の罪若しくは暴力団員による不当な行為の防止等に関する法律（平成三年法律第七十七号）第四十六条、第四十七条、第四十九条若しくは第五十条の罪を犯し、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、その刑の執行を終わり、又はその刑の執行を受けることがなくなった日から五年を経過しない者
- (f) Any persons who have violated this Act, Companies Act or provision of foreign laws and regulations equivalent to those Acts or who have committed a crime under Article 204, 206, 208, 208-3, 222, or 247 of Penal Code (Act No.45 of 1907), or a crime under Act on Punishment of Violent Act, etc. (Act No. 60 of 1926), or a crime under Article 46, 47, 49 or 50 of Act on the Prevention of Wrongful Acts by a Member of Organized Crime

(Act No. 77 of 1991), and who have been punished by a penalty of fine (including equivalent punishment by foreign laws and regulations) and for whom five years have not passed since completion of the punishment or the day when it became clear that no more punishment will be executed.

五 定款及び電子債権記録業の実施に関する規程（以下「業務規程」という。）が、法令に適合し、かつ、この法律の定めるところにより電子債権記録業を適正かつ確実に遂行するために十分であると認められること。

(v) Its Articles of incorporation and rules relating to the performance of the Electronic Monetary Claims Recording Business (hereinafter referred to as "Rules of Operation") are recognized as being in accordance with laws and regulations and sufficient for the performance of the Electronic Monetary Claims Recording Business in an appropriate and reliable manner, pursuant to the provision of this Act;

六 電子債権記録業を健全に遂行するに足りる財産的基礎を有し、かつ、電子債権記録業に係る収支の見込みが良好であると認められること。

(vi) It is recognized as having a sufficient financial basis for the healthy performance of Electronic Monetary Claims Recording Business, and having good prospects of balance of payments pertaining to the Electronic Monetary Claims Recording Business; and

七 その人的構成に照らして、電子債権記録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と認められること。

(vii) It is recognized as having, knowledge and experience necessary for appropriate and reliable performance of the Electronic Monetary Claims Recording Business and having sufficient social credibility.

2 主務大臣は、前項の指定をしたときは、その指定した電子債権記録機関の商号及び本店の所在地を官報で公示しなければならない。

(2) In the case the competent minister has made a designation provided for in the preceding paragraph, he/she shall make public notice regarding the trade name and address of the head office of the designated Electronic Monetary Claim Recording Institution on the Official Gazette.

(指定の申請)

(Application for Designation)

第五十二条 前条第一項の指定を受けようとする者は、次に掲げる事項を記載した指定申請書を主務大臣に提出しなければならない。

Article 52 (1) An applicant intending to receive a designation provided for in paragraph (1) of the preceding Article shall submit to the competent minister a written application for designation that prescribes the following matters:

一 商号

(i) Trade name;

二 資本金の額及び純資産額

(ii) Amount of stated capital and net assets;

三 本店その他の営業所の名称及び所在地

(iii) Names and addresses of head office and other business offices;

四 取締役及び監査役（委員会設置会社にあつては、取締役及び執行役）の氏名

(iv) Names of directors and company auditors (as for company with committees, directors and executive officers); and

五 会計参与設置会社にあつては、会計参与の氏名又は名称

(v) As for companies with accounting advisors, the names of the accounting advisors.

2 指定申請書には、次に掲げる書類を添付しなければならない。

(2) The following documents shall be attached to the written application for designation:

一 前条第一項第三号及び第四号に掲げる要件に該当する旨を誓約する書面

(i) Documents pledging the compliance with the requirements listed in item (iii) and (iv), paragraph (1) of the preceding Article;

二 定款

(ii) Articles of incorporation;

三 会社の登記事項証明書

(iii) A certificate of registered matters of the company;

四 業務規程

(iv) Rules of Operation;

五 貸借対照表及び損益計算書

(v) A balance sheet and a profit and loss statement;

六 収支の見込みを記載した書類

(vi) Documents stating prospects for income and expenditures; and

七 前各号に掲げるもののほか、主務省令で定める書類

(vii) In addition to the matters listed in respective preceding items, the documents specified by the ordinance of the competent ministry.

3 前項の場合において、定款、貸借対照表又は損益計算書が電磁的記録で作成されているときは、書類に代えて電磁的記録（主務省令で定めるものに限る。）を添付することができる。

(3) In the case referred to in the preceding paragraph, when articles of incorporation, a balance sheet or a profit and loss statement is prepared in the form of electromagnetic records, the electromagnetic records (limited to those specified by the ordinance of the competent ministry) may be attached in lieu of documents.

（資本金の額等）

(Amount of Stated Capital, etc.)

第五十三条 電子債権記録機関の資本金の額は、政令で定める金額以上でなければならない。

Article 53 (1) The amount of stated capital of Electronic Monetary Claim Recording Institutions shall not be less than the amount specified by the Cabinet Order.

2 前項の政令で定める金額は、五億円を下回ってはならない。

(2) The amount specified by the Cabinet Order in the preceding paragraph shall not be under 500,000,000 yen.

3 電子債権記録機関の純資産額は、第一項の政令で定める金額以上でなければならない。

(3) The amount of net assets of Electronic Monetary Claim Recording Institutions shall not be less than the amount specified by the Cabinet Order referred to in paragraph (1).

(適用除外)

(Exclusion from Application)

第五十四条 会社法第三百三十一条第二項ただし書（同法第三百三十五条第一項において準用する場合を含む。）、第三百三十二条第二項（同法第三百三十四条第一項において準用する場合を含む。）、第三百三十六條第二項及び第四百二条第五項ただし書の規定は、電子債権記録機関については、適用しない。

Article 54 The provision of proviso of paragraph (2) of, Article 331(including cases in which it is applied mutatis mutandis to Article 335 (1) of Companies Act), paragraph (2) of Article 332 (including cases in which it is applied mutatis mutandis to Article 334 (1) of the Companies Act), Article 336 (2), and the proviso of Article 402 (5) of the Companies Act, shall not be applied to Electronic Monetary Claim Recording Institutions.

(秘密保持義務)

(Confidentiality Obligations)

第五十五条 電子債権記録機関の取締役、会計参与（会計参与が法人であるときは、その職務を行うべき社員）、監査役、執行役若しくは職員又はこれらの職にあった者は、電子債権記録業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 55 Directors, accounting advisors (when an accounting advisor is a corporation, its members who are to perform the duty), company auditors, executive officers or employees of the Electronic Monetary Claim Recording Institution, and those who were formerly at those positions, shall not disclose or misuse any secrets obtained in the course of his/her duties relating to the Electronic Monetary Claims Recording Business.

第二節 業務

Section 2 Business

(電子債権記録機関の業務)

(Business of Electronic Monetary Claim Recording Institution)

第五十六条 電子債権記録機関は、この法律及び業務規程の定めるところにより、電子記録債権に係る電子記録に関する業務を行うものとする。

Article 56 Electronic Monetary Claim Recording Institutions shall conduct business for the Electronic Recording of Electronically Recorded Monetary Claims, in accordance with the provision of this Act and Rules of Operation.

(兼業の禁止)

(Prohibition of Subsidiary Business)

第五十七条 電子債権記録機関は、電子債権記録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。

Article 57 Electronic Monetary Claim Recording Institutions may not engage in business other than Electronic Monetary Claims Recording Business and ancillary business.

(電子債権記録業の一部の委託)

(Partial Entrustment of Electronic Monetary Claims Recording Business)

第五十八条 電子債権記録機関は、主務省令で定めるところにより、電子債権記録業の一部を、主務大臣の承認を受けて、銀行等（銀行（銀行法（昭和五十六年法律第五十九号）第二条第一項に規定する銀行をいう。）、協同組織金融機関（協同組織金融機関の優先出資に関する法律（平成五年法律第四十四号）第二条第一項に規定する協同組織金融機関をいう。）その他の政令で定める金融機関をいう。以下同じ。）その他の者に委託することができる。

Article 58 (1) Pursuant to provisions of the ordinance of the competent ministry, Electronic Monetary Claim Recording Institutions may entrust a part of their Electronic Monetary Claims Recording Business to banks, etc. (banks (referring to banks prescribed in Article 2 (1) of Banking Act (Act No. 59 of 1981)), cooperative financial institutions (referring to the cooperative financial institution prescribed in Article 2 (1) of Act on Preferred Equity investment by Cooperative Financial Institutions (Act No. 44 of 1993)) and other financial institutions specified by the Cabinet Order; the same shall apply hereinafter) and other organizations, with the approval of the competent minister.

2 銀行等は、他の法律の規定にかかわらず、前項の規定による委託を受け、当該委託に係る業務を行うことができる。

(2) Notwithstanding the provisions of other laws, banks, etc. may be entrusted, pursuant to the provision of the preceding paragraph, to perform said entrusted business.

(業務規程)

(Rules of Operation)

第五十九条 電子債権記録機関は、業務規程において、電子記録の実施の方法、第六十

二条第一項に規定する口座間送金決済に関する契約又は第六十四条に規定する契約に係る事項その他の主務省令で定める事項を定めなければならない。

Article 59 Electronic Monetary Claim Recording Institutions shall prescribe procedures, in its Rules of Operation, for Electronic Recording, contracts regarding settlement of remittance between accounts provided in Article 62 (1), or matters pertaining to the contract provided in Article 64 and other matters specified by the ordinances of the competent ministry.

(電子債権記録機関を利用する者の保護)

(Protection of those who use Electronic Monetary Claim Recording Institutions)

第六十条 電子債権記録機関は、当該電子債権記録機関を利用する者の保護に欠けることのないように業務を営まなければならない。

Article 60 Electronic Monetary Claim Recording Institutions shall perform their business so as not to provide insufficient protection for those who use said Electronic Monetary Claim Recording Institutions.

(差別的取扱いの禁止)

(Prohibition of Discriminatory Treatment)

第六十一条 電子債権記録機関は、特定の者に対し不当な差別的取扱いをしてはならない。

Article 61 Electronic Monetary Claim Recording Institutions shall not unreasonably discriminate against specific persons.

第三節 口座間送金決済等に係る措置

Section 3 Measures for Settlement of Remittance between Accounts, etc.

(口座間送金決済に関する契約の締結)

(Concluding Contract Regarding Settlement of Remittance between Accounts)

第六十二条 電子債権記録機関は、債務者及び銀行等と口座間送金決済に関する契約を締結することができる。

Article 62 (1) The Electronic Monetary Claim Recording Institution may conclude a contract regarding the settlement of remittances between accounts with the obligor and banks, etc.

2 前項及び次条第二項に規定する「口座間送金決済」とは、電子記録債権（保証記録に係るもの及び特別求償権を除く。以下この節において同じ。）に係る債務について、電子債権記録機関、債務者及び銀行等の合意に基づき、あらかじめ電子債権記録機関が当該銀行等に対し債権記録に記録されている支払期日、支払うべき金額、債務者口座及び債権者口座に係る情報を提供し、当該支払期日に当該銀行等が当該債務者口座から当該債権者口座に対する払込みの取扱いをすることによって行われる支払をいう。

(2) The phrase "Settlement of remittances between accounts" prescribed in the preceding paragraph and paragraph (2) of the next Article means a form of

payment, used with regard to the obligation under an Electronically Recorded Monetary Claim (excluding one involving a record of guarantee and a Special Right to Reimbursement; hereinafter the same shall apply in this section), in which, based on an agreement between the Electronic Monetary Claim Recording Institution, the obligor, and the bank, etc. , the institution provides said bank, etc. with information, in advance, regarding the payment date that is recorded in the Monetary Claims Records, the amount payable, and the obligor's and Obligee's Accounts; and on the payment date, the bank, etc. transfers a payment from said Obligor's Account to said Obligee's Account.

(口座間送金決済についての支払等記録)

(Recording of a Payment, etc. for the Settlement of Remittance between Accounts)

第六十三条 電子債権記録機関は、前条第一項に規定する口座間送金決済に関する契約を締結した場合において、第十六条第二項第一号に掲げる事項が債権記録に記録されているときは、当該契約に係る銀行等に対し、前条第二項に規定する情報を提供しなければならない。

Article 63 (1) In the case where an Electronic Monetary Claim Recording Institution concludes a contract regarding settlements of remittance between accounts provided in paragraph (1) of the preceding Article, when the matters listed in item (i) of Article 16 (2) are recorded in the Monetary Claims Record, the Electronic Monetary Claim Recording Institution shall provide the bank, etc. pertaining to said contract with the information prescribed in paragraph (2) of the preceding Article.

2 前項の場合において、支払期日に支払うべき電子記録債権に係る債務の全額について口座間送金決済があった旨の通知を同項に規定する銀行等から受けたときは、電子債権記録機関は、遅滞なく、当該口座間送金決済についての支払等記録をしなければならない。

(2) In the case referred to in the preceding paragraph, when Electronic Monetary Claim Recording Institutions receive a notice from the banks, etc. prescribed in the same paragraph, that there has been a settlement of remittance between accounts for the full amount of the obligation pertaining to the Electronically Recorded Monetary Claims to be paid on the payment date, the Electronic Monetary Claim Recording Institutions shall make a record of the Payment, etc. regarding said settlement of remittance between accounts without delay.

(支払に関するその他の契約の締結)

(Concluding other Contracts Pertaining to Payment)

第六十四条 電子債権記録機関は、第六十二条第一項に規定する口座間送金決済に関する契約のほか、債務者又は債権者及び銀行等と電子記録債権に係る債務の債権者口座に対する払込みによる支払に関する契約を締結することができる。

Article 64 In addition to the contract regarding a settlement of remittance between accounts provided in Article 62 (1), an Electronic Monetary Claim Recording Institution may conclude a contract regarding payment of obligations pertaining to Electronically Recorded Monetary Claims to the Obligee's Account, with the obligor or obligee, and the bank, etc.

(その他の契約に係る支払についての支払等記録)

(Record of a Payment, etc. Record for Payment pertaining to Other Contracts)

第六十五条 電子債権記録機関は、前条に規定する契約を締結し、第十六条第二項第二号に掲げる事項が債権記録に記録されている場合において、電子記録債権に係る債務の債権者口座に対する払込みによる支払に関する通知を当該契約に係る銀行等から受けたとき（電子記録債権に係る債務の支払があったことを電子債権記録機関において確実に知り得る場合として主務省令で定める場合に限る。）は、遅滞なく、当該支払についての支払等記録をしなければならない。

Article 65 In cases where Electronic Monetary Claim Recording Institutions conclude a contract provided by the preceding Article and when the matters listed in item (ii) of Article 16 (2) have been recorded in the Monetary Claims Record, if the Electronic Monetary Claim Recording Institutions receive a notice regarding the transfer payment of obligations pertaining to Electronically Recorded Monetary Claims to the Obligee's Account from the bank, etc. pertaining to said contract (limited to cases specified by the ordinance of the competent ministry as cases in which it is possible for the Electronic Monetary Claim Recording Institution to be certain that the obligation pertaining to an Electronically Recorded Monetary Claims has been paid), the Electronic Monetary Claim Recording Institution shall make a record of Payment, etc. for said payment without delay.

(口座間送金決済等の通知に係る第八条の適用)

(Application of Article 8 pertaining to Notice of Settlement of Remittance between Accounts, etc.)

第六十六条 第六十三条第二項及び前条に規定する通知は、電子記録の請求とみなして、第八条の規定を適用する。

Article 66 The notice prescribed in Article 63 (2) and the preceding Article shall be deemed to be a request for an Electronic Recording to be made and the provision of Article 8 shall apply.

第四節 監督

Section 4 Supervision

(帳簿書類等の作成及び保存)

(Preparation and keeping of Books and Documents, etc.)

第六十七条 電子債権記録機関は、主務省令で定めるところにより、業務に関する帳簿書類その他の記録を作成し、保存しなければならない。

Article 67 Electronic Monetary Claim Recording Institutions shall prepare books and documents, etc. and other records on its business and keep these documents, pursuant to the ordinance of the competent ministry.

(業務及び財産に関する報告書の提出)

(Submission of report on business and assets)

第六十八条 電子債権記録機関は、事業年度ごとに、業務及び財産に関する報告書を作成し、主務大臣に提出しなければならない。

Article 68 (1) Electronic Monetary Claim Recording Institutions shall prepare a report on business and assets every business year and submit it to the competent minister.

2 前項の報告書の記載事項、提出期日その他同項の報告書に関し必要な事項は、主務省令で定める。

(2) Matters that are stated in the report of the preceding paragraph, submission date and other matters necessary regarding the report of the same paragraph shall be specified by the ordinance of the competent ministry.

(資本金の額の変更)

(Alteration in the Amount of Stated Capital)

第六十九条 電子債権記録機関は、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 69 (1) In cases in which Electronic Monetary Claim Recording Institutions intend to reduce the amount of their stated capital, they shall obtain an approval of the competent minister, pursuant to the ordinance of the competent ministry.

2 電子債権記録機関は、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) In cases in which Electronic Monetary Claim Recording Institutions intend to increase the amount of their stated capital, they shall give notice to the competent minister, pursuant to the ordinance of the competent ministry.

(定款又は業務規程の変更)

(Alteration of Articles of Incorporation or Rules of Operation)

第七十条 電子債権記録機関の定款又は業務規程の変更は、主務大臣の認可を受けなければ、その効力を生じない。

Article 70 The alteration of the articles of incorporation or Rules of Operation of Electronic Monetary Claim Recording Institutions shall not be effective unless the competent minister approves such alteration.

(電子債権記録業の休止の認可)

(Approval for discontinuation of Electronic Monetary Claims Recording Business)

第七十一条 電子債権記録機関は、電子債権記録業を休止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 71 In cases in which Electronic Monetary Claim Recording Institutions intend to discontinue Electronic Monetary Claims Recording Business, it shall obtain an approval of the competent minister, pursuant to the ordinance of the competent ministry.

(商号等の変更の届出)

(Notification regarding a Change of Trade Name, etc.)

第七十二条 電子債権記録機関は、第五十二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に変更があったときは、その旨及び同条第二項第一号又は第三号に掲げる書類を、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。

Article 72 (1) In cases in which a matter listed in item (i) or item (iii) to (v) of Article 52 (1) has changed, the Electronic Monetary Claim Recording Institutions shall give notification to this effect and submit the documents listed in item (i) or (iii) of Article 52 (2) to the competent minister, pursuant to the ordinance of the competent ministry.

2 主務大臣は、前項の規定により電子債権記録機関の商号又は本店の所在地の変更の届出があったときは、その旨を官報で公示しなければならない。

(2) In case in which a notification of changes to the Electronic Monetary Claim Recording Institution's trade name or the address of its head office has been given pursuant to the provisions of the preceding paragraph, the competent minister shall make a public notice to this effect in the Official Gazette.

(報告及び検査)

(Report and Inspection)

第七十三条 主務大臣は、電子債権記録業の適正かつ確実な遂行のため必要があると認めるときは、電子債権記録機関若しくは当該電子債権記録機関から業務の委託を受けた者に対し、当該電子債権記録機関の業務若しくは財産に関して報告若しくは資料の提出を命じ、又は当該職員に、電子債権記録機関若しくは当該電子債権記録機関から業務の委託を受けた者の営業所若しくは事務所に立ち入り、当該電子債権記録機関若しくは当該電子債権記録機関から業務の委託を受けた者の業務若しくは財産の状況若しくは帳簿書類その他の物件の検査（当該電子債権記録機関から業務の委託を受けた者にあつては、当該電子債権記録機関の業務又は財産に関し必要なものに限る。）をさせ、若しくは関係者に質問（当該電子債権記録機関から業務の委託を受けた者の関係者にあつては、当該電子債権記録機関の業務又は財産に関し必要なものに限る。）をさせることができる。

Article 73 (1) When the competent minister finds it necessary for the

appropriate and reliable performance of Electronic Monetary Claims Recording Business, the competent minister may issue an order the Electronic Monetary Claim Recording Institution or the person that has been entrusted with the business by said Institution, to submit reports or materials regarding the Electronic Monetary Claim Recording Institution's business or assets, or may have the employees [of the competent ministry] conduct on-site inspections of said Institution or the business office or office of the person who has been entrusted with the business from said Institution regarding its business operation or financial conditions or books and documents, and other materials (as to those who have been entrusted with the business from said Institution, limited to articles necessary for the inspection of the business of said Institution or its financial conditions) or [the competent minister may have the employees] ask the relevant persons questions (as to the relevant person of those who have been entrusted with the business from said Institution, limited to matters pertinent to the questioning regarding the business of said Institution or its financial conditions).

2 前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、関係者に提示しなければならない。

(2) The employees making on-site inspections, pursuant to the provision of the preceding paragraph, shall carry identification cards certifying their status and show it to the relevant persons.

3 第一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してはならない。

(3) The authority to conduct on-site inspection prescribed in the provision of paragraph (1) shall not be construed as being accorded for the purposes of carrying out criminal investigations.

(業務改善命令)

(Order for Business Improvement)

第七十四条 主務大臣は、電子債権記録業の適正かつ確実な遂行のため必要があると認めるときは、その必要の限度において、電子債権記録機関に対し、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 74 When the competent minister finds it necessary for the appropriate and reliable performance of Electronic Monetary Claims Recording Business, he/she may, to the extent necessary, order Electronic Monetary Claim Recording Institutions to take necessary measures for the improvement of business operation or conditions of assets.

(指定の取消し等)

(Rescission, etc. of Designation)

第七十五条 主務大臣は、電子債権記録機関が次の各号のいずれかに該当するときは、

第五十一条第一項の指定を取り消し、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じ、又はその取締役、会計参与、監査役若しくは執行役の解任を命ずることができる。

Article 75 (1) When an Electronic Monetary Claim Recording Institution fall under any of the following respective items, the competent minister may rescind the designation of Article 51 (1), order the suspension of the whole or a part of its business for a period not exceeding six months or order the dismissal of the director, the accounting advisor, the company auditor or executive officers:

一 第五十一条第一項第三号又は第四号に掲げる要件に該当しないこととなったとき。

(i) When it no longer falls under any of the requirements listed in item (iii) or item (iv) of Article 51 (1);

二 第五十一条第一項の指定当時に同項各号のいずれかに該当していなかったことが判明したとき。

(ii) In a case where it is found that it did not fall under any of the items of Article 51 (1) at the time of designation under Article 51 (1);

三 不正の手段により第五十一条第一項の指定を受けたことが判明したとき。

(iii) In a case where it has been found that it obtained the designation as described in Article 51(1) by wrongful means; or

四 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。

(iv) In a case where it violated this Act or orders based on this Act or dispositions based on the aforementioned edicts.

2 主務大臣は、前項の規定により第五十一条第一項の指定を取り消したときは、その旨を官報で公示しなければならない。

(2) In a case where the competent minister rescinds the designation under Article 51 (1) pursuant to the provision of the preceding paragraph, he/she shall make a public notice to this effect in the Official Gazette.

(業務移転命令)

(Business Transfer Order)

第七十六条 主務大臣は、電子債権記録機関が次の各号のいずれかに該当するときは、期限を定めて、電子債権記録業を他の株式会社に移転することを命ずることができる。

Article 76 (1) In cases where an Electronic Monetary Claim Recording Institution falls under any of following items, the competent minister may order it to transfer its Electronic Monetary Claims Recording Business to another stock company within a period fixed by him/her:

一 前条第一項の規定により第五十一条第一項の指定を取り消されたとき。

(i) In a case where the designation of Article 51 (1) has been rescinded pursuant to the provision of paragraph (1) of the preceding Article;

二 電子債権記録業を廃止したとき。

(ii) In case it terminates Electronic Monetary Claims Recording Business;

三 解散したとき（設立、新設合併又は新設分割を無効とする判決が確定したときを含む。）。

(iii) In case it dissolves (including cases when a judgment confirming the nullity of establishment, consolidation-type merger or incorporation-type company split has become final); or

四 電子債権記録業の継続に著しい支障を来すことなく弁済期にある債務を弁済することができない事態又は破産手続開始の原因となる事実の生ずるおそれがあると認められるとき。

(iv) In the case where it is likely that it is unable to pay its debts when due without materially impeding the continuity of Electronic Monetary Claims Recording Business, or that a fact constituting a cause of bankruptcy is going to happen.

2 前項の規定による命令を受けた電子債権記録機関における会社法第三百二十二条第一項、第四百六十六条、第四百六十七条第一項、第七百八十三条第一項又は第七百九十五条第一項の規定による決議（同法第七百八十三条第一項の規定による決議にあっては、同法第三百九条第三項第二号の株主総会の決議を除く。）は、同法第三百九条第二項及び第三百二十四条第二項の規定にかかわらず、出席した株主の議決権の三分の二以上に当たる多数をもって、仮にすることができる。

(2) A resolution of the shareholders meeting of an Electronic Monetary Claim Recording Institution that has received an order under the provisions of the preceding paragraph, pursuant to the provision of Article 322 (1), Article 466, Article 467 (1), Article 783 (1) or Article 795 (1) of the Companies Act (excluding a resolution by shareholders meeting provided for in item (ii) of Article 309 (3) of the Companies Act with regard to the resolution made pursuant to the provision of Article 783 (1) of the Companies Act), may be made provisionally with a two-thirds majority of the voting rights of the shareholders present, notwithstanding the provisions of Article 309 (2) and Article 324 (2) of the Companies Act.

3 第一項の規定による命令を受けた電子債権記録機関における会社法第三百九条第三項第二号の株主総会の決議は、同項の規定にかかわらず、出席した株主の過半数であって出席した株主の議決権の三分の二以上に当たる多数をもって、仮にすることができる。

(3) A resolution of the shareholders meeting of an Electronic Monetary Claim Recording Institution that has received an order under the provisions of the paragraph (1), in accordance with item (ii) of Article 309 (3) of the Companies Act, may be made provisionally with the majority of the shareholders present and a two-thirds majority of the voting rights of the shareholders present, notwithstanding the provisions of Article 309 (3) of the Companies Act.

4 第二項の規定により仮にした決議（以下この項及び次項において「仮決議」という。）があった場合においては、各株主に対し、当該仮決議の趣旨を通知し、当該仮決議の日から一月以内に再度の株主総会を招集しなければならない。

(4) In a case where resolution was made provisionally pursuant to the provisions of paragraph (2) (hereinafter referred to as "Provisional Resolution" in this paragraph and the following paragraph), a notice regarding the purpose of said Provisional Resolution shall be given to respective shareholders, and another shareholders meeting shall be convened within one month from the day of said Provisional Resolution.

5 前項の株主総会において第二項に規定する多数をもって仮決議を承認した場合には、当該承認のあった時に、当該仮決議をした事項に係る決議があったものとみなす。

(5) In cases where a Provisional Resolution was approved by the majority prescribed in paragraph (2) in the shareholders meeting referred to in the preceding paragraph, it shall be deemed that the resolution pertaining to the matter which was provisionally resolved was made at the time when said Provisional Resolution was approved.

6 前二項の規定は、第三項の規定により仮にした決議があった場合について準用する。この場合において、前項中「第二項」とあるのは、「第三項」と読み替えるものとする。

(6) The preceding two paragraphs shall apply mutatis mutandis to cases where a resolution is provisionally made pursuant to the provision of paragraph (3). In this case, the term "paragraph (2)" in the preceding paragraph shall be deemed as having been replaced with the term "paragraph (3)".

(債権記録の失効)

(Lapse of Monetary Claims Record)

第七十七条 電子債権記録機関が前条第一項の規定による命令を受けた場合において、当該命令において定められた期限内にその電子債権記録業を移転することなく当該期限を経過したときは、当該期限を経過した日にその備える記録原簿に記録されている債権記録は、その効力を失う。

Article 77 (1) In cases where the Electronic Monetary Claim Recording Institution receives an order pursuant to the provision of paragraph (1) of the preceding Article, and when it does not transfer the Electronic Monetary Claims Recording Business within the period provided by the aforementioned order and allows the due date to pass, the Monetary Claims Record in the Registry of the Electronic Monetary Claim Recording Institution shall cease to be effective as of the day after the last date of said period.

2 電子記録債権及びこれを目的とする質権は、前項の規定により債権記録がその効力を失った日（以下この条において「効力失効日」という。）以後は、当該債権記録に記録された電子記録債権の内容をその権利の内容とする指名債権及びこれを目的とする質権として存続するものとする。

(2) After the day the Monetary Claims Record ceases to be effective pursuant to the provision of the preceding paragraph (hereinafter referred to as "Validity Lapse Day" in this Article), Electronically Recorded Monetary Claims and

pledges created on it shall continue to exist as nominative claims and pledges on it with the contents of the Electronically Recorded Monetary Claims which were recorded in said Record.

3 効力失効日に電子記録保証人であった者が前項の指名債権についての弁済その他自己の財産をもって主たる債務として記録されていた債務を消滅させるべき行為をしたときは、その者は、特別求償権と同一の内容の求償権を取得する。

(3) In cases where a person who was an Electronically Recorded Guarantor on the Validity Lapse Day, performed an action to extinguish the obligation recorded as the principal obligation with regard to the nominative claim in the preceding paragraph such as payment in exchange for his/her own property, he/she shall acquire the right to reimbursement, with the same contents as a Special Right to Reimbursement.

4 主務大臣は、効力失効日以後、速やかに、第一項に規定する債権記録がその効力を失った旨を官報で公示しなければならない。

(4) The competent minister shall, after the Validity Lapse Day, promptly, make a public notice to the effect that the Monetary Claims Record referred to in paragraph (1) ceases to be effective, in the Official Gazette.

5 電子債権記録機関であった者又は一般承継人（合併により消滅した電子債権記録機関の権利義務を承継した者であって、電子債権記録業を営まないものに限る。以下この章において同じ。）は、効力失効日以後、直ちに、次の各号に掲げる者に対し、それぞれ当該各号に定める事項（債務者口座を除く。）について、当該事項の全部を証明した書面を送付しなければならない。

(5) The person who was an Electronic Monetary Claims Recording Institution or a general successor (limited to the person who has succeeded to the rights and obligations of the Electronic Monetary Claims Recording Institution that ceases to exist after the merger, and does not perform Electronic Monetary Claims Recording Business. Hereinafter the same shall apply in this chapter.) shall, after the Validity Lapse Day, immediately send documents evidencing all the matters provided for in the following respective items (excluding Obligor's Account) to persons listed in the following respective items.

一 効力失効日に電子記録名義人であった者 効力失効日に債権記録に記録されていた事項（この号に掲げる者が分割債権記録に記録されていた者であるときは、当該分割債権記録に至るまでの各原債権記録中の当該分割債権記録に至る分割記録がされる前に記録された事項を含む。）のうち、譲渡記録又は質権設定記録若しくは転質の電子記録（これらの電子記録の記録事項について変更記録がされていたときは、当該変更記録を含む。以下「譲渡記録等」という。）であって電子記録名義人以外の者が譲受人又は質権者として記録されていたもの（次に掲げるものを除く。）において記録されている事項を除き、すべての事項

(i) The person who was an Electronically Recorded Person on the Validity Lapse Day: All the matters recorded in the Monetary Claims Record on the Validity Lapse Day (when the person listed this item is a person that was

recorded in a Divided Monetary Claims Record, these include matters recorded in the Original Monetary Claims Records as of the creation of the relevant Divided Monetary Claims Record, before the record of the division at the creation of said Divided Monetary Claims Record was made in the Original Monetary Claims Records), except matters recorded in the record of assignment, or record of pledge creation or the Electronic Recording of a sub-pledge (when a record of alteration has been made regarding a Matter Recorded in these Electronic Recordings, the record of said alteration is included; hereinafter referred to as the "Record of Assignment, etc.") in which assignee or pledgee (excluding those who are listed in the following) who is not the Electronically Recorded Person is recorded.

イ 第十八条第二項第三号若しくは第四号、第三十七条第二項第六号若しくは第七号又は同条第四項第四号若しくは第五号に掲げる事項が記録されていた譲渡記録等

(a) The Record of Assignment, etc. in which the matters listed in item (iii) or item (iv) of Article 18 (2) or item (vi) or item (vii) of Article 37 (2), or item (iv) or item (v) of Article 37 (4) were recorded.

ロ 個人が譲渡人又は譲受人として記録されていた譲渡記録

(b) The record of assignment in which an individual was recorded as an assignor or an assignee.

ハ 効力失効日に電子記録名義人であった者が変更記録において記録されていた場合における当該変更記録に係る譲渡記録等

(c) The Record of Assignment, etc. in connection with the relevant record of alteration in cases where a person who was the Electronically Recorded Person on the Validity Lapse Day was recorded in said record of alteration.

二 効力失効日に電子記録債務者として記録されていた者 効力失効日に債権記録に記録されていた事項（この号に掲げる者が分割債権記録に記録されていた者であるときは、当該分割債権記録に至るまでの各原債権記録中の当該分割債権記録に至る分割記録がされる前に記録された事項を含む。）

(ii) The person who was recorded as the Electronically Recorded Obligor on the Validity Lapse Day: Matters recorded in the Monetary Claims Record as of the Validity Lapse Day (when the person listed in this item is a person that was recorded in a Divided Monetary Claims Record, these include matters recorded in the Original Monetary Claims Records as of the creation of the relevant Divided Monetary Claims Record, before the record of the division at the creation of said Divided Monetary Claims Record was made in the Original Monetary Claims Records).

第五節 合併、分割及び事業の譲渡

Section 5 Merger, Company Split, and Transfer of Business

(特定合併の認可)

(Approval to Specified Merger)

第七十八条 電子債権記録機関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電子債権記録業を営む場合に限る。以下この条において「特定合併」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 78 (1) A merger (limited to case where a stock company that continues to exist after the merger or a stock company that is established by the merger performs Electronic Monetary Claims Recording Business; hereinafter referred to as "Specified Merger" in this Article) where Electronic Monetary Claim Recording Institution(s) are the only parties or is one of the parties shall not be effective without the approval of the competent minister.

2 前項の認可を受けようとする電子債権記録機関は、特定合併後存続する株式会社又は特定合併により設立される株式会社（以下この条において「特定合併後の電子債権記録機関」という。）について第五十二条第一項各号に掲げる事項を記載した合併認可申請書を主務大臣に提出しなければならない。

(2) An Electronic Monetary Claim Recording Institution that intends to receive the approval under the preceding paragraph shall submit to the competent minister a written application for merger approval that states matters listed in respective items of Article 52 (1) regarding a stock company that will continue to exist after the Specified Merger or a stock company that will be established by the Specified Merger (hereinafter referred to as "Electronic Monetary Claim Recording Institution after the Specified Merger" in this Article).

3 合併認可申請書には、合併契約の内容を記載し、又は記録した書面又は電磁的記録（主務省令で定めるものに限る。以下この項において同じ。）その他主務省令で定める書面又は電磁的記録を添付しなければならない。

(3) Documents or electromagnetic records in which the contents of the merger agreement are stated or recorded (limited to those specified by the ordinance of the competent ministry; hereinafter the same shall apply in this paragraph) and other documents or electromagnetic records specified by the ordinance of the competent ministry shall be attached to the written application for merger approval.

4 主務大臣は、第一項の認可の申請があった場合においては、その申請が次に掲げる基準に適合しているかどうかを審査しなければならない。

(4) In cases where an application for approval under paragraph (1) is made, the competent minister shall examine whether the application meets the following standards:

一 特定合併後の電子債権記録機関が第五十一条第一項各号に掲げる要件に該当すること。

(i) The Electronic Monetary Claim Recording Institution after the Specified Merger satisfies with the requirements listed in respective items of Article

51 (1); and

二 電子債権記録業の承継が円滑かつ適切に行われると見込まれること。

(ii) A smooth and appropriate succession of Electronic Monetary Claims Recording Business is expected.

5 特定合併後の電子債権記録機関（電子債権記録機関が特定合併後存続する株式会社である場合を除く。）は、特定合併の時に第五十一条第一項の指定を受けたものとみなす。

(5) The Electronic Monetary Claim Recording Institution after the Specified Merger (excluding cases where the Electronic Monetary Claim Recording Institution is a stock company that continues to exist after the Specified Merger) shall be deemed to have obtained the designation under Article 51 (1) at the time of the Specified Merger.

6 特定合併後の電子債権記録機関は、特定合併により消滅した電子債権記録機関の業務に関し、行政官庁の認可その他の処分に基づいて有する権利義務を承継する。

(6) The Electronic Monetary Claim Recording Institution after the Specified Merger shall succeed to the rights and obligations arising out of the administrative authority's approval and other dispositions regarding the business of the Electronic Monetary Claim Recording Institution extinguished after the Specified Merger.

（新設分割の認可）

(Approval of Incorporation-type Company Split)

第七十九条 電子債権記録機関が新たに設立する株式会社に電子債権記録業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 79 (1) An incorporation-type company split conducted by an Electronic Monetary Claim Recording Institution where a newly formed stock company succeeds to whole or a part of its Electronic Monetary Claims Recording Business (hereinafter simply referred to as "Incorporation-type Company Split" in this Article) shall not be effective without a competent minister's approval.

2 前項の認可を受けようとする電子債権記録機関は、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。）について次に掲げる事項を記載した新設分割認可申請書を主務大臣に提出しなければならない。

(2) The Electronic Monetary Claim Recording Institution that intends to receive an approval under the preceding paragraph shall submit to the competent minister a written application for Incorporation-type Company Split approval that states the following matters regarding the stock company to be established by the Incorporation-type Company Split (hereinafter referred to as "Formed Company" in this Article):

一 第五十二条第一項各号に掲げる事項

(i) Matters provided for in the items of Article 52 (1); and

二 設立会社が承継する電子債権記録業

(ii) The Electronic Monetary Claims Recording Business to be taken over by the Formed Company.

3 新設分割認可申請書には、新設分割計画の内容を記載し、又は記録した書面又は電磁的記録（主務省令で定めるものに限る。以下この項において同じ。）その他主務省令で定める書面又は電磁的記録を添付しなければならない。

(3) Documents or electromagnetic records in which the contents of the Incorporation-type Company Split plan are stated or recorded (limited to those specified by the ordinance of the competent ministry; hereinafter the same shall apply in this paragraph) and other documents or electromagnetic records specified by the ordinance of the competent ministry shall be attached to the written application for Incorporation-type Company Split approval.

4 主務大臣は、第一項の認可の申請があった場合においては、その申請が次に掲げる基準に適合しているかどうかを審査しなければならない。

(4) In cases where an application for approval under paragraph (1) is made, the competent minister shall examine whether the application meets the following standards:

一 設立会社が第五十一条第一項第一号及び第四号から第七号までに掲げる要件に該当すること。

(i) The Formed Company falls under the requirements listed in item (i) and items (iv) to (vii) of Article 51 (1); and

二 電子債権記録業の承継が円滑かつ適切に行われると見込まれること。

(ii) A smooth and appropriate succession of Electronic Monetary Claims Recording Business is expected.

5 設立会社は、新設分割の時に第五十一条第一項の指定を受けたものとみなす。

(5) The Formed Company shall be deemed to have obtained the designation under Article 51 (1) at the time of the Incorporation-type Company Split.

6 設立会社は、新設分割をした電子債権記録機関の承継の対象となる業務に関し、行政官庁の認可その他の処分に基づいて有する権利義務を承継する。

(6) The Formed Company shall succeed to the rights and obligations arising out of the administrative authority's approval and other dispositions regarding the business that constitute the subject matter of succession from the Electronic Monetary Claim Recording Institution that conducted the Incorporation-type Company Split.

(吸収分割の認可)

(Approval for Absorption-type Company Split)

第八十条 電子債権記録機関が他の株式会社に電子債権記録業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 80 (1) An absorption-type company split conducted by Electronic

Monetary Claim Recording Institutions for the purpose of having another stock company succeeds to whole or a part of its Electronic Monetary Claims Recording Business (hereinafter simply referred to as "Absorption-type Company Split" in this Article) shall not be effective without a competent minister's approval.

2 前項の認可を受けようとする電子債権記録機関は、吸収分割により電子債権記録業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。）について次に掲げる事項を記載した吸収分割認可申請書を主務大臣に提出しなければならない。

(2) The Electronic Monetary Claim Recording Institution that intends to obtain an approval under the preceding paragraph shall submit to the competent minister a written application for Absorption-type Company Split approval that states the following matters regarding a stock company that is taking over whole or a part of its Electronic Monetary Claims Recording Business by the Absorption-type Company Split (hereinafter referred to as the "Succeeding Company" in this Article):

一 第五十二条第一項各号に掲げる事項

(1) Matters provided for in the items of Article 52 (1); and

二 承継会社が承継する電子債権記録業

(2) Electronic Monetary Claims Recording Business succeeded by the Succeeding Company.

3 吸収分割認可申請書には、吸収分割契約の内容を記載し、又は記録した書面又は電磁的記録（主務省令で定めるものに限る。以下この項において同じ。）その他主務省令で定める書面又は電磁的記録を添付しなければならない。

(3) Documents or electromagnetic records in which the contents of the Absorption-type Company Split agreement are stated or recorded (limited to those specified by the ordinance of the competent ministry; hereinafter the same shall apply in this paragraph) and other documents or electromagnetic records specified by the ordinance of the competent ministry shall be attached to the written application for an Absorption-type Company Split approval.

4 主務大臣は、第一項の認可の申請があった場合においては、その申請が次に掲げる基準に適合しているかどうかを審査しなければならない。

(4) In cases where an application for approval under paragraph (1) is made, the competent minister shall examine whether the application meets the following standards:

一 承継会社が第五十一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 provided for in the respective items of Article 51 (1); and

二 電子債権記録業の承継が円滑かつ適切に行われると見込まれること。

(ii) A smooth and appropriate succession of Electronic Monetary Claims Recording Business is expected.

5 承継会社（電子債権記録機関が承継会社である場合を除く。）は、吸収分割の時に第五十一条第一項の指定を受けたものとみなす。

(5) The Succeeding Company (excluding cases where an Electronic Monetary Claim Recording Institution is the Succeeding Company) shall be deemed to have obtained the designation under Article 51 (1) at the time of the Absorption-type Company Split.

6 承継会社は、吸収分割をした電子債権記録機関の承継の対象となる業務に関し、行政官庁の認可その他の処分に基づいて有する権利義務を承継する。

(6) The Succeeding Company shall succeed to the rights and obligations arising out of the administrative authority's approval and other dispositions regarding the business activities that constitute the subject matter of succession from the Electronic Monetary Claim Recording Institution that conducted the Absorption-type Company Split.

（事業譲渡の認可）

(Approval for Business Transfer)

第八十一条 電子債権記録機関が他の株式会社に行う電子債権記録業の全部又は一部の譲渡（以下この条において「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 81 (1) The transfer of the whole or a part of Electronic Monetary Claims Recording Business conducted by an Electronic Monetary Claim Recording Institution to other stock company (hereinafter referred to as "Business Transfer" in this Article) shall not be effective without the competent minister's approval.

2 前項の認可を受けようとする電子債権記録機関は、事業譲渡により電子債権記録業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。）について次に掲げる事項を記載した事業譲渡認可申請書を主務大臣に提出しなければならない。

(2) The Electronic Monetary Claim Recording Institution that intends to obtain an approval under the preceding paragraph shall submit to the competent minister a written application for Business Transfer approval that states the following matters regarding the stock company to be transferred the whole or a part of its Electronic Monetary Claims Recording Business by the Business Transfer (hereinafter referred to as "Transferee Company" in this Article):

一 第五十二条第一項各号に掲げる事項

(i) Matters provided for in the respective items of Article 52 (1); and

二 譲受会社が承継する電子債権記録業

(ii) Electronic Monetary Claims Recording Business succeeded by the Transferee Company.

3 事業譲渡認可申請書には、譲渡契約の内容を記載し、又は記録した書面又は電磁的記録（主務省令で定めるものに限る。以下この項において同じ。）その他主務省令で

定める書面又は電磁的記録を添付しなければならない。

(3) Documents or electromagnetic records in which the contents of the transfer contract are stated or recorded (limited to those specified by the ordinance of the competent ministry; hereinafter the same shall apply in this paragraph) and other documents or electromagnetic records specified by the ordinance of the competent ministry shall be attached to the written application for Business Transfer approval.

4 主務大臣は、第一項の認可の申請があった場合においては、その申請が次に掲げる基準に適合しているかどうかを審査しなければならない。

(4) In a case where an application for approval under paragraph (1) is made, the competent minister shall examine whether the application meets the following standards:

一 譲受会社が第五十一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 listed in the items of Article 51 (1); and

二 電子債権記録業の承継が円滑かつ適切に行われると見込まれること。

(ii) A smooth and appropriate succession of Electronic Monetary Claims Recording Business is expected.

5 譲受会社（電子債権記録機関が譲受会社である場合を除く。）は、事業譲渡の時に第五十一条第一項の指定を受けたものとみなす。

(5) The Transferee Company (excluding cases where the Electronic Monetary Claim Recording Institution is an Transferee Company) shall be deemed to have obtained the designation under Article 51 (1) at the time of Business Transfer.

6 譲受会社は、事業譲渡をした電子債権記録機関の譲渡の対象となる業務に関し、行政官庁の認可その他の処分に基づいて有する権利義務を承継する。

(6) The Transferee Company shall succeed to the rights and obligations arising out of the administrative authority's approval and other dispositions regarding the business activities that constitute the subject matter of the transfer of the Electronic Monetary Claim Recording Institution that made the Business Transfer.

第六節 解散等

Section VI Dissolution, etc.

(解散等の認可)

(Approval for Dissolution, etc.)

第八十二条 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 82 The following matters shall not be effective without the competent minister's approval:

一 電子債権記録機関の解散についての株主総会の決議

- (i) A resolution at shareholders meeting for the dissolution of the Electronic Monetary Claim Recording Institution; or
二 電子債権記録機関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電子債権記録業を営まない場合に限る。）
- (ii) A merger (limited to cases where a stock company that continues to exist after the merger or a stock company that is established by the merger does not perform Electronic Monetary Claims Recording Business) where the Electronic Monetary Claim Recording Institution(s) are the only parties or one of the parties involved.

(指定の失効)

(Lapse of Designation)

第八十三条 電子債権記録機関が次の各号のいずれかに該当するときは、第五十一条第一項の指定は、その効力を失う。

Article 83 (1) In a case where an Electronic Monetary Claim Recording Institution falls under any of the following items, their designation under Article 51 (1) shall cease to be effective.

一 電子債権記録業を廃止したとき。

(i) In a case where it has terminated the Electronic Monetary Claims Recording Business;

二 解散したとき（設立、新設合併又は新設分割を無効とする判決が確定したときを含む。）。

(ii) In a case where it dissolves (including case where a judgment confirming the nullity of establishment, of consolidation-type merger or of Incorporation-type Company Split has become final and binding); or

三 第七十六条第一項の規定による命令を受けた場合（同項第四号に該当する場合に限る。）において、当該命令において定められた期限内にその電子債権記録業を移転しなかったとき。

(iii) In a case where an Electronic Monetary Claim Recording Institution has received an order under the provision of Article 76 (1) (limited to cases that fall under item (iv) of the same paragraph) and it failed to transfer the Electronic Monetary Claims Recording Business within the period stated in said order.

2 前項の規定により第五十一条第一項の指定が効力を失ったときは、その電子債権記録機関であった者又は一般承継人は、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) In a case where the designation under Article 51 (1) ceased to be effective pursuant to the provision of the preceding paragraph, a person who was an Electronic Monetary Claim Recording Institution or a general successor shall notify the competent minister to that effect, as specified by the ordinance of the competent ministry.

3 主務大臣は、前項の規定による届出があったときは、その旨を官報で公示しなければならない。

(3) In a case where the notification has been made under the provision of the preceding paragraph, the competent minister shall publicly notify to this effect in the Official Gazette.

(指定取消し等の場合のみなし電子債権記録機関)

(A deemed Electronic Monetary Claim Recording Institution in case of Rescission of Designation, etc.)

第八十四条 電子債権記録機関が第七十五条第一項の規定により第五十一条第一項の指定を取り消された場合又は前条第一項の規定により当該指定が効力を失った場合（同項第三号に該当する場合を除く。）においては、その電子債権記録機関であった者又は一般承継人は、当該電子債権記録機関が行った電子債権記録業を速やかに終了しなければならない。この場合において、当該電子債権記録機関であった者又は一般承継人は、その電子債権記録業の終了の目的の範囲内において、なおこれを電子債権記録機関とみなす。

Article 84 In a case where the designation under Article 51 (1) is rescinded pursuant to the provision of Article 75 (1) or where said designation ceases to be effective pursuant to the provision of paragraph (1) of the preceding Article (excluding case that fall under item (iii) of the same paragraph), the person who was an Electronic Monetary Claim Recording Institution or a general successor shall promptly finish the Electronic Monetary Claims Recording Business performed by said Institution. In this case, the person who was said Institution or a general successor shall still be deemed an Electronic Monetary Claim Recording Institution for the purpose of finishing the Electronic Monetary Claims Recording Business.

(清算手続等における主務大臣の意見等)

(Competent Minister's Opinion, etc. in Liquidation Procedures, etc.)

第八十五条 裁判所は、電子債権記録機関の清算手続、破産手続、再生手続、更生手続又は承認援助手続において、主務大臣に対し、意見を求め、又は検査若しくは調査を依頼することができる。

Article 85 (1) In liquidation procedures, bankruptcy procedures, rehabilitation proceedings, reorganization proceedings, or procedures for the recognition and assistance of an Electronic Monetary Claim Recording Institution, the court may ask for an opinion or may request to conduct inspection or investigation, to the competent minister.

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

(2) In the procedures prescribed in the preceding paragraph, the competent minister may, if he/she finds it necessary, state his/her opinion to the court.

3 第七十三条の規定は、第一項の規定により主務大臣が裁判所から検査又は調査の依頼を受けた場合について準用する。

(3) The provision of Article 73 shall apply mutatis mutandis to case where the competent minister has been requested by the court to conduct inspection or investigation, pursuant to the provision of paragraph (1).

第四章 雑則

Chapter IV Miscellaneous Provisions

(債権記録等の保存)

(Preservation of Monetary Claims Record, etc.)

第八十六条 電子債権記録機関は、次に掲げる期間のうちのいずれかが経過する日までの間、債権記録及び当該債権記録に記録された電子記録の請求に当たって電子債権記録機関に提供された情報が記載され、又は記録されている書面又は電磁的記録を保存しなければならない。

Article 86 Electronic Monetary Claim Recording Institutions shall preserve documents or electromagnetic records in which information provided to the Electronic Monetary Claim Recording Institutions have been stated or recorded in connection with a Monetary Claims Record or in connection with a request for an Electronic Recording recorded in said Monetary Claims Record to be made, until the expiration of any of the following periods:

一 当該債権記録に記録されたすべての電子記録債権に係る債務の全額について支払等記録がされた日又は変更記録により当該債権記録中のすべての記録事項について削除する旨の記録がされた日から五年間

(i) Five years from the day of the recording of the Payment, etc. of the entire amount of the debts pertaining to all the Electronically Recorded Monetary Claims recorded in said Monetary Claims Record or the day that the deletion of all Matters Recorded in said Monetary Claims was recorded through the recording of an alteration; or

二 当該債権記録に記録された支払期日（分割払の方法により債務を支払う場合にあっては、最終の支払期日）又は最後の電子記録がされた日のいずれか遅い日から十年間

(ii) Ten years from the latest of the following days: the payment date recorded in said Monetary Claims Record (in a case where debts are paid in installments, the final payment date) or the day on which the last Electronic Recording was made.

(記録事項の開示)

(Disclosure of Matters Recorded)

第八十七条 次の各号に掲げる者及びその相続人その他の一般承継人並びにこれらの者の財産の管理及び処分をする権利を有する者は、電子債権記録機関に対し、その営業

時間内は、いつでも、業務規程の定める費用を支払って、当該各号に定める事項（債権者口座を除く。）について、主務省令で定める方法により表示したものの閲覧又は当該事項の全部若しくは一部を証明した書面若しくは電磁的記録の提供の請求（以下この条において「開示請求」という。）をすることができる。

Article 87 (1) A Person listed in the following items and his/her heir and other general successor, and a person entitled to manage and dispose of the assets of the person may, after having paid expenses prescribed by the Electronic Monetary Claim Recording Institution's Rules of Operation, request said Institution for inspection of the matters prescribed in said items (excluding the Obligor's Account) that are displayed in the methods specified by the ordinance of the competent ministry, or request said Institution for the provision of documents or electromagnetic records that certify all or a part of said Matters (hereinafter referred to as "Request for Disclosure" in this Article) at any time during the business hours of said Institution.

一 電子記録名義人 債権記録に記録されている事項（当該電子記録名義人が分割債権記録に記録されている者であるときは、当該分割債権記録に至るまでの各原債権記録中の当該分割債権記録に至る分割記録がされる前に記録された事項を含む。）のうち、譲渡記録等であって電子記録名義人以外の者が譲受人又は質権者として記録されているもの（次に掲げるものを除く。）において記録されている事項を除き、すべての事項

(i) The Electronically Recorded Person: All matters recorded in a Monetary Claims Record (if said Electronically Recorded Person is a person that has been recorded in a Divided Monetary Claims Record, these include matters recorded in the Original Monetary Claims Records as of the creation of the relevant Divided Monetary Claims Record, before the record of the division at the creation of said Divided Monetary Claims Record was made in Original Monetary Claims Records), other than those recorded in a Record of Assignment, etc. in which a person who is not the Electronically Recorded Person is recorded as an assignee or a pledgee (excluding the matters listed as follows).

イ 第十八条第二項第三号若しくは第四号、第三十七条第二項第六号若しくは第七号又は同条第四項第四号若しくは第五号に掲げる事項が記録されている譲渡記録等

(a) The Record of Assignment, etc. in which the matters listed in item (iii) or (iv), Article 18 (2), item (vi) or (vii) of Article 37 (2), or item (iv) or (v) of Article 37 (4) have been recorded.

ロ 個人が譲渡人又は譲受人として記録されている譲渡記録

(b) The record of assignment in which an individual is recorded as an assignor or an assignee.

ハ 電子記録名義人が変更記録において記録されている場合における当該変更記録に係る譲渡記録等

(c) The Record of Assignment, etc. connected with the record of the alteration in a case where an Electronically Recorded Person has been recorded in the record of an alteration.

二 電子記録債務者として記録されている者 債権記録に記録されている事項（当該電子記録債務者として記録されている者が分割債権記録に記録されている者であるときは、当該分割債権記録に至るまでの各原債権記録中の当該分割債権記録に至る分割記録がされる前に記録された事項を含む。）のうち、譲渡記録等であって電子記録名義人以外の者が譲受人又は質権者として記録されているものにおいて記録されている事項（次に掲げるものを除く。）を除き、すべての事項

(ii) A person recorded as an Electronically Recorded Obligor: All matters recorded in a Monetary Claims Record (when the person recorded as the Electronically Recorded Obligor is a person that has been recorded in a Divided Monetary Claims Record, these include matters recorded in the Original Monetary Claims Records as of the creation of the relevant Divided Monetary Claims Record, before the record of the division at the creation of said Divided Monetary Claims Record was made in the Original Monetary Claims Records), other than those recorded in a Record of Assignment, etc. in which a person who is not the Electronically Recorded Person is recorded as an assignee or a pledgee (excluding the matters listed as follows).

イ 電子記録名義人が変更記録において記録されている場合における当該変更記録に係る譲渡記録等において記録されている事項

(a) Matters recorded in the Record of Assignment, etc. connected with the record of the alteration in a case where an Electronically Recorded Person has been recorded in the record of the alteration.

ロ 当該電子記録債務者として記録されている者が発生記録若しくは譲渡記録等において債権者、譲受人若しくは質権者として記録されている者又はこれらの者の相続人その他の一般承継人（以下この号において「債権者等」という。）に対して人的関係に基づく抗弁を有するときは、当該債権者等から電子記録名義人に至るまでの一連の譲渡記録等において譲受人又は質権者として記録されている者（電子記録名義人を除く。）の氏名又は名称及び住所

(b) In a case where the person who is recorded as the Electronically Recorded Obligor has a defense based on a personal relationship with a person recorded as an obligee, an assignee or a pledgee or an heir or other general successors in the record of accrual or a Record of Assignment, etc. (hereinafter referred to as "Obligee, etc." in this item), the name and address of persons recorded as assignees or a pledgees (excluding an Electronically Recorded Person) in the series of Records of Assignment, etc. leading from the Obligee, etc. to the Electronically Recorded Person.

三 債権記録に記録されている者であって、前二号に掲げる者以外のもの 債権記録に記録されている事項（この号に掲げる者が原債権記録に記録されている者であるときは、その後の分割債権記録に記録された事項を含む。）のうち、次に掲げる事

項

(iii) A person who is recorded in the Monetary Claims Record other than the one listed in the preceding two items: The following matters among the matters recorded in the Monetary Claims Record (including the matters recorded in the Divided Monetary Claims Record that will be made later, if the person listed in this item is the person recorded in the Original Monetary Claims Record).

イ 当該債権記録中の発生記録及び開示請求をする者（ロにおいて「開示請求者」という。）が電子記録の請求をした者となっている電子記録（当該電子記録の記録事項について変更記録がされているときは、当該変更記録を含む。）において記録されている事項

(a) Matters recorded in record of accrual within the Monetary Claims Record and in the Electronic Recording (including the record of the alteration, if a record of an alteration has been made with regard to a Matter Recorded in said Electronic Recording) in which a person who makes a request for a disclosure (being referred to as "Disclosure Requester" in (b)) is the person who filed the request for the Electronic Recording to be made.

ロ 開示請求者を電子記録義務者とする譲渡記録等がされている場合において、当該電子記録が、代理権を有しない者が当該開示請求者の代理人としてした請求又は当該開示請求者になりすました者の請求によってされたものであるときは、当該開示請求者から電子記録名義人に至るまでの一連の譲渡記録等において譲受人又は質権者として記録されている者の氏名又は名称及び住所

(b) The names and addresses of those who are recorded as an assignee or a pledgee in the series of Records of Assignment, etc. leading from said Disclosure Requester to the Electronically Recorded Person, in cases where a Record of Assignment, etc. has been made in which the Disclosure Requester is the Electronically Recorded Claim Obligor and said Electronic Recording was made by the request of a person without the authority of representation of the Disclosure Requester or by the request of the one who falsely represented as the Disclosure Requester.

2 電子債権記録機関は、前項に規定するもののほか、電子記録の請求をした者が請求に際しその開示について同意をしている記録事項については、主務省令で定めるところにより、その同意の範囲内で一定の者が開示請求をすることを認めることができる。

(2) Regarding Matters Recorded which, at the time of the request, the person who requested that the Electronic Recording be made agrees to disclose, an Electronic Monetary Claim Recording Institution may allow a certain people within the scope of said agreement, to make a Request for Disclosure pursuant to the ordinance of the competent ministry, in addition to those provided for in the preceding paragraph,

（電子記録の請求に当たって提供された情報の開示）

(Disclosure of Information provided in the Requesting of an Electronic Recording to Be Made)

第八十八条 自己の氏名又は名称が電子記録の請求者として電子債権記録機関に提供された者は、電子債権記録機関に対し、その営業時間内は、いつでも、業務規程の定める費用を支払って、当該電子記録の請求に当たって電子債権記録機関に提供された情報について、次に掲げる請求をすることができる。当該電子記録の請求が適法であるかどうかについて利害関係を有する者も、正当な理由があるときは、当該利害関係がある部分に限り、同様とする。

Article 88 A person whose name has been provided to an Electronic Monetary Claim Recording Institution as a person requesting that an Electronic Recording be made may, having paid expenses prescribed in said Institution's Rules of Operation, make a request provided for as follows to said Institution for the information provided to said Institution, at the time it was requested that said Electronic Recording be made, at any time during the business hours of said Institution. Regarding those who have an interest regarding the legitimacy of the request for the Electronic Recording to be made, if there are justifiable grounds, the same shall apply to the extent that the person has an interest.

一 当該情報が書面に記載されているときは、当該書面の閲覧の請求

(i) When said information is stated in a document, a request for inspection of the document.

二 前号の書面の謄本又は抄本の交付の請求

(ii) A request for issuance of a transcript or an extract of said document referred to in the preceding item.

三 当該情報が電磁的記録に記録されているときは、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) When said information is recorded in an electromagnetic record, a request for inspection of the matters recorded in said electromagnetic record in a manner specified by the 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（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って主務省令で定めるものをいう。）であって業務規程の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 the provision of matters recorded in the electromagnetic record under the preceding item by an electromagnetic method (the method which specified by the ordinance of the competent ministry which uses information and communications technology including, but not limited to, the method which uses electronic data processing system) that are prescribed by Rules of Operation, or a request for delivery of a document that contains such matters.

(財務大臣への資料提出等)

(Submission of Materials, etc. to the Minister of Finance)

第八十九条 財務大臣は、その所掌に係る金融破綻処理制度及び金融危機管理に関し、電子記録債権に係る制度の企画又は立案をするため必要があると認めるときは、内閣総理大臣に対し、必要な資料の提出及び説明を求めることができる。

Article 89 The Minister of Finance may request the Prime Minister to submit the necessary materials and explain, if he/she finds it necessary for the projection or planning of system pertaining to Electronically Recorded Monetary Claims for the management of financial failures and financial crisis under the jurisdiction of the Minister of Finance.

(主務省令への委任)

(Delegation to the Ordinance of the Competent Ministry)

第九十条 この法律に定めるもののほか、この法律の実施のため必要な事項は、主務省令で定める。

Article 90 In addition to what is provided for in this Act, matters necessary for the enforcement of this Act shall be set forth by the ordinance of the competent ministry.

(主務大臣及び主務省令)

(Competent Minister and the Ordinance of the Competent Ministry)

第九十一条 この法律において、主務大臣は法務大臣及び内閣総理大臣とし、主務省令は法務省令・内閣府令とする。

Article 91 In this Act, the competent minister shall be the Minister of Justice and the Prime Minister, and the ordinance of the competent ministry shall be Ordinance of the Ministry of Justice and Cabinet Office Ordinance.

(権限の委任)

(Delegation of Authority)

第九十二条 内閣総理大臣は、この法律の規定による権限（政令で定めるものを除く。）を金融庁長官に委任する。

Article 92 (1) The Prime Minister shall delegate the authority under the provisions of this Act (excluding that specified by the Cabinet Order) to the Commissioner of Financial Services Agency.

2 金融庁長官は、政令で定めるところにより、前項の規定により委任された権限の一部を財務局長又は財務支局長に委任することができる。

(2) The Commissioner of Financial Services Agency may, pursuant to the Cabinet Order, delegate a part of its authority delegated pursuant to the provision of the preceding paragraph, to the Director-Generals of the Local Finance Bureaus or the Directors-General of the Local Finance Branch Bureaus.

第五章 罰則

Chapter V Penal Provisions

第九十三条 第七条第一項若しくは第四十九条第一項の規定に違反して、記録原簿に電子記録をすべき事項を記録せず、又はこれに虚偽の記録をした者は、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 93 Any person who, in violation of the provisions of Article 7 (1) or Article 49 (1), did not record a matter to be recorded in the Registry in electronic form or made a false record in the Registry shall be punished by an imprisonment with work for not more than three years or by a fine of not more than 3,000,000 yen, or both.

第九十四条 第七十五条第一項の規定による業務の停止の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。

Article 94 Any person who violated the business suspension order under the provisions of Article 75(1) shall be punished by an imprisonment with work for not more than two years or by a fine of not more than 3,000,000 yen, or both.

第九十五条 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 95 Any person who falls under any of the following items shall be punished by an imprisonment with work for not more than one year or a fine of not more than 3,000,000 yen, or both:

一 第五十二条第一項、第七十八条第二項、第七十九条第二項、第八十条第二項若しくは第八十一条第二項の申請書若しくは第五十二条第二項の書類に虚偽の記載をし、若しくは当該書類に代えて電磁的記録を添付すべき場合における当該電磁的記録に虚偽の記録をし、又は第七十八条第三項、第七十九条第三項、第八十条第三項若しくは第八十一条第三項の書面若しくは電磁的記録に虚偽の記載若しくは記録をして提出した者

(i) A person who made a false statement in a written application referred to in Article 52 (1), Article 78 (2), Article 79 (2), Article 80 (2), or Article 81 (2), or in a document referred to in Article 52 (2), or who made a false record in an electromagnetic record in cases where an electromagnetic record is to be attached instead of the document, or who made a false statement or a false record in the document or electromagnetic record under Article 78 (3), Article 79 (3), Article 80 (3) or Article 81 (3), and submitted the statement or record;

二 第六十七条の規定による記録の作成若しくは保存をせず、又は虚偽の記録を作成した者

(ii) A person who does not prepare or does not preserve records under the provisions of Article 67, or who prepares false records;

三 第六十八条第一項の規定による報告書の提出をせず、又は虚偽の記載をした報告

書を提出した者

(iii) A person who did not submit a report under the provisions of Article 68 (1), or who submitted a report that contained a false statement;

四 第七十三条第一項の規定による報告若しくは資料の提出をせず、若しくは虚偽の報告をし、若しくは虚偽の資料を提出し、又は同項の規定による検査を拒み、妨げ、若しくは忌避し、若しくは同項の規定による質問に対し答弁をせず、若しくは虚偽の答弁をした者

(iv) A person who did not report or submit a material in accordance with the provisions of Article 73 (1), or reported a false report or submitted a false material, or who refused, obstructed, or evaded the inspection under the provisions of the same paragraph, or who failed to answer questions under the provisions of the same paragraph or gave a false answer to said questions;

五 第八十五条第三項において準用する第七十三条第一項の規定による報告若しくは資料の提出をせず、若しくは虚偽の報告をし、若しくは虚偽の資料を提出し、又は同項の規定による検査を拒み、妨げ、若しくは忌避し、若しくは同項の規定による質問に対し答弁をせず、若しくは虚偽の答弁をした者

(v) A person who did not report or submit a material in accordance with the provision of Article 73 (1) applied mutatis mutandis to Article 85 (3), or who reported a false report or submitted a false material, or who refused, obstructed, or evaded the inspection under the provision of the same paragraph, or who failed to answer the question under the provision of the same paragraph or makes a false answer to said question; or

六 第八十六条の規定に違反して、同条の債権記録又は書面若しくは電磁的記録を保存しなかった者

(vi) A person who, in violation of the provisions of Article 86, did not preserve Monetary Claims Records or documents or electromagnetic records in accordance with the same Article.

第九十六条 第五十五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 96 Any person who violated the provisions of Article 55 shall be punished by an imprisonment with work for not more than one year or by a fine of not more than 500,000 yen.

第九十七条 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 97 Any person who falls under any of the following items shall be punished by a fine of not more than 300,000 yen:

一 第六十九条第一項の規定による認可を受けないで資本金の額を減少し、又は虚偽の申請をして同項の認可を受けた者

(i) A person who reduced the amount of stated capital without approval under

- the provisions of Article 69 (1) or a person who received the approval under the same paragraph by way of a false application; or
- 二 第七十二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
- (ii) A person who failed to give the notification under the provisions of Article 72 (1) or provided a false notification.

第九十八条 法人の代表者、代理人、使用人その他の従業者が、その法人の業務に関し、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科する。

Article 98 When a representative, an agent, an employee or any other worker of a corporation committed a violation of any of the provisions set forth in the following items with regard to the business of said corporation, not only the individual offender but also the corporation shall be punished by a fine prescribed in said items:

- 一 第九十三条又は第九十四条 三億円以下の罰金刑
- (i) Article 93 or 94: A fine of not more than 300,000,000 yen;
- 二 第九十五条（第五号を除く。） 二億円以下の罰金刑
- (ii) Article 95 (excluding item (v)): A fine of not more than 200,000,000 yen; and
- 三 第九十五条第五号又は前条 各本条の罰金刑
- (iii) item (v) of Article 95 or Article 97: A fine as prescribed in the respective Articles.

第九十九条 電子債権記録機関（第三号にあつては、第七十七条第五項に規定する電子債権記録機関であった者又は一般承継人）の役員又は清算人が次の各号のいずれかに該当するときは、百万円以下の過料に処する。

Article 99 When an officer or a liquidator of the Electronic Monetary Claim Recording Institution (regarding item (iii), a person who was the Electronic Monetary Claim Recording Institution or the general successor prescribed in Article 77 (5)) falls under any of the following items, shall be punished by a non-penal fine of not more than 1,000,000 yen:

- 一 第六十九条第二項の規定に違反して、届出をせず、又は虚偽の届出をしたとき。
- (i) if he/she failed to give a notice or gave a false notice, in violation of the provisions of Article 69 (2);
- 二 第七十四条又は第七十六条第一項の規定による命令に違反したとき。
- (ii) if he/she violated the order under the provisions of Article 74 or Article 76 (1);
- 三 第七十七条第五項の規定に違反して、同項の書面を送付しなかったとき。
- (iii) if he/she failed to send the document mentioned in the same paragraph, in violation of the provision of Article 77 (5); or
- 四 正当な理由がないのに第八十七条第一項又は第八十八条の規定による請求を拒み、又は虚偽の記載若しくは記録をした書面若しくは電磁的記録を提供したとき。

(iv) if he/she refused the requests under the provisions of Article 87 (1) or Article 88 without a justifiable ground, or provided the documents or the electromagnetic records with a false statement or records.

第百条 第八十三条第二項に規定する電子債権記録機関であった者又は一般承継人の役員又は清算人が同項の規定に違反して、届出を怠ったときは、三十万円以下の過料に処する。

Article 100 When a person who was an officer or a liquidator of a person who was an Electronic Monetary Claim Recording Institution or a general successor prescribed in Article 83 (2), in violation of the provision of the same paragraph, failed to give a notification, the person shall be punished by a non-penal fine of not more than 300,000 yen.