

資金移動業者に関する内閣府令 Cabinet Office Ordinance on Funds Transfer Service Providers

(平成二十二年三月一日内閣府令第四号)
(Cabinet Office Ordinance No. 4 of March 1, 2010)

資金決済に関する法律（平成二十一年法律第五十九号）及び資金決済に関する法律施行令（平成二十二年政令第十九号）の規定に基づき、並びに同法及び同令を実施するため、資金移動業者に関する内閣府令を次のように定める。

The Prime Minister hereby issues the Cabinet Office Ordinance on Funds Transfer Service Providers based on the provisions of and for the purpose of enforcing the Payment Services Act (Act No. 59 of 2009) and the Order for Enforcement of the Payment Services Act (Cabinet Order No. 19 of 2010).

第一章 総則（第一条—第十条）

Chapter I General Provisions (Article 1 - Article 10)

第二章 業務（第十一条—第三十二条）

Chapter II Business (Article 11 - Article 32)

第三章 監督（第三十三条—第三十六条）

Chapter III Supervision (Article 33 - Article 36)

第四章 雑則（第三十七条—第四十二条）

Chapter IV Miscellaneous Provisions (Article 37 - Article 42)

附則

Supplementary Provisions

第一章 総則

Chapter I General Provisions

(定義)

(Definition)

第一条 この府令において「資金移動業」、「資金移動業者」、「外国資金移動業者」、「認定資金決済事業者協会」、「信託会社等」又は「銀行等」とは、それぞれ資金決済に関する法律（以下「法」という。）第二条に規定する資金移動業、資金移動業者、外国資金移動業者、認定資金決済事業者協会、信託会社等又は銀行等をいう。

Article 1 The terms "Funds Transfer Service", "Funds Transfer Service Provider", "Foreign Funds Transfer Service Provider", "Certified Association for Payment Service Providers", "Trust Company, etc." and "Deposit-taking Institutions" as used in this Cabinet Office Ordinance mean Funds Transfer Service, Funds Transfer Service Provider, Foreign Funds Transfer Service Provider, Certified

Association for Payment Service Providers, Trust Company, etc. and Deposit-taking Institutions as prescribed in Article 2 of the Payment Services Act (hereinafter referred to as the "Act"), respectively.

(訳文の添付)

(Attachment of a Translation)

第二条 法（第三章に限る。次条において同じ。） 、 資金決済に関する法律施行令（以下「令」といい、第三章に限る。次条において同じ。） 又はこの府令の規定により金融庁長官（令第二十九条第一項の規定により財務局長又は福岡財務支局長（以下「財務局長等」という。） に金融庁長官の権限が委任されている場合にあっては、当該財務局長等。第十二条、第十九条第五号及び第二十条を除き、以下同じ。） に提出する書類で、特別の事情により日本語をもって記載することができないものがあるときは、その訳文を付さなければならない。ただし、当該書類が定款であり、かつ、英語で記載されたものであるときは、その概要の訳文を付すことをもって足りるものとする。

Article 2 If there is a document to be submitted to the Commissioner of the Financial Services Agency (in the case where the authority of the Commissioner of the Financial Services Agency has been delegated to the Directors-General of Local Finance Bureaus or the Director General of the Fukuoka Local Finance Branch Bureau (hereinafter referred to as the "Directors-General of Local Finance Bureaus, etc.") pursuant to the provisions of Article 29 (1) of the Order for Enforcement of the Payment Services Act (hereinafter referred to as the "Order"), said Directors-General of Local Finance Bureaus, etc.; hereinafter the same shall apply except in Article 12, Article 19 (v), and Article 20) pursuant to the provisions of the Act (limited to Chapter III; the same shall apply in the following Article), the Order (limited to Chapter III; the same shall apply in the following Article), or this Cabinet Office Ordinance that cannot be prepared in Japanese under special circumstances, a Japanese translation shall be attached to said document; provided, however, that if said document is the articles of incorporation prepared in English, it is sufficient to attach a Japanese translation of the summary thereof.

(外国通貨の換算)

(Foreign Currency Conversion)

第三条 法、令又はこの府令の規定により金融庁長官に提出する書類中、外国通貨をもって金額を表示するものがあるときは、当該金額を本邦通貨に換算した金額及びその換算に用いた標準を付記しなければならない。

Article 3 If a document to be submitted to the Commissioner of the Financial Services Agency pursuant to the provisions of the Act, the Order, or this Cabinet Office Ordinance contains items indicated in a foreign currency, the equivalent amounts converted to Japanese currency and the standard used for

the conversion shall be included in the supplementary notes to said document.

(登録の申請)

(Application for Registration)

第四条 法第三十七条の登録を受けようとする者は、別紙様式第一号（外国資金移動業者にあつては、別紙様式第二号）により作成した法第三十八条第一項の登録申請書に、当該登録申請書の写し二通及び同条第二項の書類を添付して、金融庁長官に提出しなければならない。

Article 4 A person intending to obtain a registration under Article 37 of the Act shall submit to the Commissioner of the Financial Services Agency a written application for registration set forth in Article 38 (1) of the Act prepared using appended Form 1 (in the case of a Foreign Funds Transfer Service Provider, appended Form 2) by attaching two copies of said written application for registration and the documents set forth in paragraph (2) of said Article.

(登録申請書のその他の記載事項)

(Other Matters to be Stated in Written Application for Registration)

第五条 法第三十八条第一項第十号に規定する内閣府令で定める事項は、次に掲げる事項とする。

Article 5 Matters specified by a Cabinet Office Ordinance as prescribed in Article 38 (1) (x) of the Act shall be the following matters:

一 各営業日における未達債務の額（法第四十三条第二項に規定する未達債務の額をいう。以下同じ。）の算出時点及びその算出方法

(i) The time of day at which the amount of outstanding obligations in the process of funds transfer (meaning the amount of outstanding obligations in the process of funds transfer prescribed in Article 43 (2) of the Act) is calculated on each business day and the method for calculation;

二 資金移動業の利用者からの苦情又は相談に応ずる営業所の所在地及び連絡先

(ii) The location and contact address of the business office that will respond to complaints or requests for consultation from the users of the Funds Transfer Service; and

三 加入する認定資金決済事業者協会の名称

(iii) Name of the Certified Association for Payment Service Providers of which the person who submits the written application for registration is a member.

(登録申請書の添付書類)

(Documents to be Attached to Written Application for Registration)

第六条 法第三十八条第二項に規定する内閣府令で定める書類は、次に掲げる書類（官公署が証明する書類については、申請の日前三月以内に発行されたものに限る。）とする。

Article 6 Documents specified by a Cabinet Office Ordinance as prescribed in

Article 38 (2) of the Act shall be the following documents (in the case of a document certified by a public agency, limited to one issued within three months prior to the date of application):

一 別紙様式第三号により作成した法第四十条第一項各号に該当しないことを誓約する書面

(i) A document prepared using appended Form 3 pledging to the effect that the applicant does not fall under any of the items of Article 40 (1) of the Act;

二 取締役等（法第四十条第一項第十号に規定する取締役等をいう。以下同じ。）の住民票の抄本（当該取締役等が外国人である場合には、外国人登録証明書の写し又は外国人登録済証明書）又はこれに代わる書面

(ii) Extract of the certificate of residence of its Directors, etc. (meaning Directors, etc. prescribed in Article 40 (1) (x) of the Act; hereinafter the same shall apply) (in the case where said Directors, etc. are foreign nationals, a copy of an alien registration certificate or a certificate of completion of alien registration) or any substitute thereof;

三 取締役等が法第四十条第一項第十号イ及びロに該当しない旨の官公署の証明書（当該取締役等が外国人である場合には、別紙様式第四号により作成した誓約書）又はこれに代わる書面

(iii) A certificate by a public agency proving to the effect that its Directors, etc. do not fall under Article 40 (1) (x) (a) or (b) of the Act (in the case where said Directors, etc. are foreign nationals, a written pledge prepared using appended Form 4) or any substitute thereof;

四 別紙様式第五号又は第六号により作成した取締役等の履歴書又は沿革

(iv) A curriculum vitae of Directors, etc. of the applicant or a history of the applicant prepared by using appended Form 5 or Form 6;

五 別紙様式第七号により作成した株主の名簿並びに定款及び登記事項証明書又はこれに代わる書面

(v) The register of shareholders prepared using appended Form 7 and the articles of incorporation and a certificate of registered matters or any substitute thereof;

六 外国資金移動業者である場合にあっては、外国の法令の規定により当該外国において法第三十七条の登録と同種類の登録（当該登録に類する許可その他の行政処分を含む。）を受けて為替取引を業として営む者であることを証する書面

(vi) In the case of a Foreign Funds Transfer Service Provider, a document proving that it is a person who carries out funds transfer transactions (Kawase transactions) in the course of trade in a foreign state under the registration of the same kind as the registration under Article 37 of the Act pursuant to the provisions of laws and regulations of said foreign state (including permission or other administrative dispositions similar to said registration);

七 最終の貸借対照表（関連する注記を含む。）及び損益計算書（関連する注記を含

む。)又はこれらに代わる書面(登録の申請の日を含む事業年度に設立された法人にあっては、会社法(平成十七年法律第八十六号)第四百三十五条第一項の規定により作成するその成立の日における貸借対照表又はこれに代わる書面)

(vii) The latest balance sheet (including the related notes) and profit and loss statement (including the related notes) or any substitute thereof (in the case of a juridical person established in a business year that includes the date of the application for registration, the balance sheet as of the date of establishment prepared pursuant to the provisions of Article 435 (1) of the Companies Act (Act No. 86 of 2005) or any substitute thereof);

八 会計監査人設置会社である場合にあっては、登録の申請の日を含む事業年度の前事業年度の会社法第三百九十六条第一項の規定による会計監査報告の内容を記載した書面

(viii) In the case of a company with accounting auditors, a document containing the contents of the accounting audit report prepared pursuant to the provisions of Article 396 (1) of the Companies Act for the business year immediately preceding the business year that includes the date of the application for registration;

九 事業開始後三事業年度における資金移動業に係る収支の見込みを記載した書面

(ix) A document stating the expected income and expenditure from the Funds Transfer Service for the three business years after the commencement of the business;

十 資金移動業に関する組織図(内部管理に関する業務を行う組織を含む。)

(x) An organization chart concerning the Funds Transfer Service (including organizations that perform the operations pertaining to internal controls);

十一 資金移動業を管理する責任者の履歴書

(xi) A curriculum vitae of the person responsible for the management of the Funds Transfer Service;

十二 資金移動業に関する社内規則等(社内規則その他これに準ずるものをいう。第三十二条において同じ。)

(xii) Internal rules concerning the Funds Transfer Service (meaning internal rules and other documents equivalent thereto; the same shall apply in Article 32);

十三 資金移動業の利用者と為替取引を行う際に使用する契約書類

(xiii) Contract documents used in carrying out funds transfer transactions (Kawase transactions) with the users of the Funds Transfer Service;

十四 資金移動業を第三者に委託する場合にあっては、当該委託に係る契約の契約書

(xiv) In the case where the Funds Transfer Service is entrusted to a third party, the contract document pertaining to said entrustment contract; and

十五 その他参考となる事項を記載した書面

(xv) Other documents containing other relevant matters.

(登録申請者への通知)

(Notice to Applicant)

第七条 金融庁長官は、法第三十九条第二項に規定する登録の通知をするときは、別紙様式第八号により作成した登録済通知書により行うものとする。

Article 7 When the Commissioner of the Financial Services Agency gives a notice of registration prescribed in Article 39 (2) of the Act, he/she shall give it by a written notice of completion of registration prepared using appended Form 8.

(資金移動業者登録簿の縦覧)

(Public Inspections of Funds Transfer Service Provider Registry)

第八条 金融庁長官は、その登録をした資金移動業者に係る資金移動業者登録簿を当該資金移動業者の本店（外国資金移動業者にあつては、国内における主たる営業所。以下同じ。）の所在地を管轄する財務局又は福岡財務支局に備え置き、公衆の縦覧に供するものとする。

Article 8 The Commissioner of the Financial Services Agency shall keep the registry of Funds Transfer Service Providers pertaining to the registered Funds Transfer Service Provider at the Local Finance Bureau or the Fukuoka Local Finance Branch Bureau having jurisdiction over the location of the head office of said Funds Transfer Service Provider (in the case of a Foreign Funds Transfer Service Provider, its principal business office in Japan; hereinafter the same shall apply) and make it available for public inspection.

(登録の拒否の通知)

(Notice of Refusal of Registration)

第九条 金融庁長官は、法第四十条第二項の規定による通知をするときは、別紙様式第九号により作成した登録拒否通知書により行うものとする。

Article 9 If the Commissioner of the Financial Services Agency gives a notice prescribed in Article 40 (2) of the Act, he/she shall give it by a written notice of refusal of registration prepared using appended Form 9.

(変更の届出)

(Notification of Changes)

第十条 資金移動業者は、法第四十一条第一項の規定による届出をしようとするときは、別紙様式第十号により作成した変更届出書に、当該変更届出書の写し二通及び次の各号に掲げる場合の区分に応じ当該各号に定める書類（官公署が証明する書類については、届出の日前三月以内に発行されたものに限る。）を添付して、金融庁長官に提出しなければならない。

Article 10 (1) If a Funds Transfer Service Provider intends to make a notification pursuant to the provisions of Article 41 (1) of the Act, he/she shall submit to the Commissioner of the Financial Services Agency a written notice of changes prepared using appended Form 10 by attaching two copies of said

written notice of changes and documents specified in the following items for the categories of cases respectively prescribed therein (in the case of a document certified by a public agency, limited to one issued within three months prior to the date of notification):

一 商号を変更した場合 当該変更に係る事項を記載した登記事項証明書又はこれに代わる書面及び別紙様式第三号により作成した法第四十条第一項各号に該当しないことを誓約する書面

(i) In the case of a change in the trade name: A certificate of registered matters that contains the matters pertaining to said change or any substitute thereof, and a document prepared using appended Form 3 pledging to the effect that the Funds Transfer Service Provider does not fall under any of the items of Article 40 (1) of the Act;

二 資本金の額を変更した場合 当該変更に係る事項を記載した登記事項証明書又はこれに代わる書面

(ii) In the case of a change in the amount of capital: A certificate of registered matters that contains the matters pertaining to said change or any substitute thereof;

三 営業所の設置、位置の変更又は廃止をした場合（第九号に掲げる場合を除く。）当該変更に係る事項を記載した登記事項証明書

(iii) In the case of establishment or abolition of a business office or a change in the location of a business office (excluding cases as listed in item (ix)): A certificate of registered matters that contains the matters pertaining to said change;

四 取締役等に変更があった場合 新たに取り締役等になった者に係る第六条第二号から第四号までに掲げる書類及び当該変更に係る同条第五号に掲げる書類並びに別紙様式第三号により作成した法第四十条第一項各号に該当しないことを誓約する書面

(iv) In the case of a change in the Directors, etc. : Documents listed in Article 6 (ii) through (iv) that pertain to the person who newly became a Director, etc. , documents listed in item (v) of said Article that pertain to said change, and a document prepared using appended Form 3 pledging to the effect that the Funds Transfer Service Provider does not fall under any of the items of Article 40 (1) of the Act;

五 主要株主（総株主の議決権（株主総会において決議をすることができる事項の全部につき議決権を行使することができない株式会社についての議決権を除き、会社法第八百七十九条第三項の規定により議決権を有するものとみなされる株式会社についての議決権を含む。）の百分の十以上の議決権を保有している株主をいう。）に変更があった場合 別紙様式第七号により作成した株主の名簿

(v) In the case of a change in the major shareholders (meaning a shareholder who holds voting rights exceeding ten percent of the voting rights held by all the Shareholders (excluding the voting rights of the shares which cannot be exercised for all matters that are subject to a resolution at a general meeting

of shareholders and including the voting rights of the shares for which the shareholder shall be deemed to have voting rights under the provisions of Article 879 (3) of the Companies Act)): The register of shareholders prepared using appended Form 7;

六 資金移動業の内容又は方法に変更があった場合 当該変更があった事項に係る第六条第十号から第十三号までに掲げる書類

(vi) In the case of a change in the contents or methods of the Funds Transfer Service: The documents listed in Article 6 (x) through (xiii) that pertain to the matters that have been changed;

七 委託に係る業務の内容又は委託先に変更があった場合 当該変更があった事項に係る第六条第十四号に掲げる書類

(vii) In the case of a change in the contents of business that has been entrusted or a person to whom business is entrusted: The documents listed in Article 6 (xiv) that pertain to the matters that have been changed;

八 他に行っている事業に変更があった場合 当該変更に係る事項を記載した登記事項証明書又はこれに代わる書面

(viii) In the case of a change in the other businesses: A certificate of registered matters that contains the matters pertaining to said change or any substitute thereof;

九 法第三十七条の登録を財務局長等から受けている資金移動業者が本店の所在地を他の財務局長等の管轄する区域に変更した場合 第三号に定める書類及び当該変更前に交付を受けた第七条の登録済通知書

(ix) In the case where a Funds Transfer Service Provider who has obtained the registration under Article 37 of the Act from the Director-General of a Local Finance Bureau, etc. has changed the location of its head office to an area over which another Director-General of another Local Finance Bureau, etc. has jurisdiction: The document prescribed in item (iii) and a written notice of completion of registration under Article 7 that was delivered prior to said change; and

十 認定資金決済事業者協会に加入し、又は脱退した場合 認定資金決済事業者協会に加入し、又は脱退した事実が確認できる書面

(x) In the case where the Funds Transfer Service Provider has become a member of a Certified Association for Payment Service Providers or has withdrawn from one: A document that can demonstrate the fact that the Funds Transfer Service Provider has become a member of a Certified Association for Payment Service Providers or has withdrawn from one.

2 財務局長等は、前項第九号に掲げる場合における同項の規定による届出があったときは、同号の他の財務局長等に当該届出があった旨を通知しなければならない。

(2) If a notification is made under the preceding paragraph in the case set forth in item (ix) of said paragraph, the Director-General of a Local Finance Bureau, etc. shall notify the Directors-General of the other Local Finance Bureau, etc.

referred to in said item to the effect that said notification has been made.

3 前項の通知を受けた財務局長等は、通知を受けた事項を資金移動業者登録簿に登録するとともに、当該届出をした者に対し第七条の登録済通知書により通知するものとする。

(3) The Director-General of a Local Finance Bureau, etc. who has received the notification under the preceding paragraph shall register the matters notified of in the registry of Funds Transfer Service Providers and notify the person who made said notification of said registration by the written notice of completion of registration prescribed in Article 7.

第二章 業務

Chapter II Business

(履行保証金の供託)

(Making of Security Deposit for Providing Funds Transfer Services to the Local Deposit Office)

第十一条 法第四十三条第一項に規定する内閣府令で定める期間は、一週間とする。

Article 11 (1) The period specified by a Cabinet Office Ordinance as prescribed in Article 43 (1) of the Act shall be one week.

2 法第四十三条第二項に規定する未達債務の額は、各営業日における未達債務算出時点において、当該資金移動業者が国内にある利用者に対して負担する為替取引に係る債務の額（国内にある利用者に対して負担する債務の額と国外にある利用者に対して負担する債務の額を区分できない場合には、当該資金移動業者がすべての利用者に対して負担する為替取引に係る債務の額）とする。

(2) The amount of outstanding obligations in the process of funds transfer prescribed in Article 43 (2) of the Act shall be the amount of obligations borne by said Funds Transfer Service Provider to the users in Japan pertaining to funds transfer transactions (Kawase transactions) (in the case where the amount of obligations borne to the users in Japan cannot be distinguished from those borne to the overseas users, the amount of obligations borne by said Funds Transfer Service Provider to all users pertaining to funds transfer transactions (Kawase transactions)) at the time of calculation of the amount of outstanding obligations in the process of funds transfer on each business day.

3 資金移動業者がその行う為替取引に関し負担する債務に係る債権者である利用者に対して当該為替取引に関する債権を有する場合には、当該利用者ごとに算定した当該債務の額から当該債権の額を控除した額の合計額をもって前項に掲げる未達債務の額を算出することができる。

(3) In the case where a Funds Transfer Service Provider has claims against users who are creditors pertaining to obligations borne by the Funds Transfer Service Provider in relation to funds transfer transactions (Kawase transactions) that it carries out, the Funds Transfer Service Provider may

calculate the amount of outstanding obligations in the process of funds transfer set forth in the preceding paragraph as a total of the amounts calculated for each of said users by deducting the amount of said claims from the amount of said obligations.

- 4 為替取引が外国通貨で表示された金額で行われる場合における第二項の未達債務の額の算出は、各営業日における外国為替の売買相場により、外国通貨で表示された金額を本邦通貨で表示された金額へ換算して行うものとする。
- (4) In the case where a funds transfer transaction (Kawase transaction) is carried out in an amount indicated in foreign currency, the amount of outstanding obligations in the process of funds transfer set forth in paragraph (2) shall be calculated by converting the amount indicated in foreign currency to an amount indicated in Japanese currency using the foreign exchange rate on each business day.
- 5 法第四十三条第二項に規定する権利の実行の手続に関する費用の額は、次の各号に掲げる区分に応じ当該各号に掲げる方法により算出した額とする。
- (5) The amount of costs pertaining to the procedure for the execution of the right as prescribed in Article 43 (2) of the Act shall be the amount calculated in accordance with the methods listed in the following items for the categories respectively prescribed therein:
- 一 第二項の規定により算出した未達債務の額が一億円以下であるとき 当該未達債務の額に百分の五を乗じて得た額
- (i) In the case where the amount of outstanding obligations in the process of funds transfer calculated in accordance with the provisions of paragraph (2) is not more than one hundred million yen: The amount obtained by multiplying said amount of outstanding obligations in the process of funds transfer by five percent; and
- 二 第二項の規定により算出した未達債務の額が一億円を超えるとき 当該未達債務の額から一億円を控除した残額に百分の一を乗じて得た額に五百万円を加えた額
- (ii) In the case where the amount of outstanding obligations in the process of funds transfer calculated in accordance with the provisions of paragraph (2) is more than one hundred million yen: The amount obtained by adding five million yen to an amount obtained by multiplying the amount remaining after deducting one hundred million yen from said amount of outstanding obligations in the process of funds transfer by one percent.
- 6 資金移動業に係る業務の承継が行われた場合には、当該業務を承継した者が法第四十三条第一項の規定により要供託額（同項に規定する要供託額をいう。以下同じ。）以上の額の履行保証金の供託（履行保証金の全部又は一部の供託に代えて法第四十四条の規定により履行保証金保全契約（同条に規定する履行保証金保全契約をいう。以下同じ。）を締結し、その旨を金融庁長官に届け出る場合を含む。）を行うまでの間及び法第四十五条第一項の規定により履行保証金信託契約（同項に規定する履行保証金信託契約をいう。以下同じ。）を締結し、金融庁長官の承認を受けて、当該承認の

日の次の当該資金移動業者の営業日においてその直前の営業日における要履行保証額（法第四十三条第二項に規定する要履行保証額をいう。以下同じ。）以上の額の信託財産を信託するまでの間は、当該業務の承継を行った者が供託した履行保証金又は締結した履行保証金保全契約若しくは履行保証金信託契約は、当該業務を承継した者のために供託され、又は締結されたものとみなす。

- (6) In the case where succession of the Funds Transfer Service occurs, until the person who has succeeded to said business makes a security deposit for providing Funds Transfer Services to the Local Deposit Office in an amount not less than the Required Amount of Deposit (meaning the Required Amount of Deposit prescribed in Article 43 (1) of the Act; hereinafter the same shall apply) pursuant to the provisions of said paragraph (including the case where said person concludes a guarantee contract of security deposit of providing Funds Transfer Services (meaning the guarantee contract of security deposit of providing Funds Transfer Services prescribed in Article 44 of the Act; hereinafter the same shall apply) in lieu of making of the whole or part of the security deposit for providing Funds Transfer Services to the Local Deposit Office pursuant to the provisions of said Article and notifies the Commissioner of the Financial Services Agency to that effect) or concludes a trust contract of security deposit of providing Funds Transfer Services (meaning the trust contract of security deposit of providing Funds Transfer Services prescribed in Article 45 (1) of the Act; hereinafter the same shall apply) pursuant to the provisions of said Article by obtaining the approval of the Commissioner of the Financial Services Agency and places trust property in the trust under the trust contract in lieu of making of the whole or part of the security deposit for providing Funds Transfer Services to the Local Deposit Office on the business day of said Funds Transfer Service Provider immediately following the date of approval in an amount not less than the Required Amount as Security for Providing Funds Transfer Services (meaning the Required Amount as Security for Providing Funds Transfer Services prescribed in Article 43 (2) of the Act; hereinafter the same shall apply) on the immediately preceding business day, the security deposit for providing Funds Transfer Services, guarantee contract of security deposit of providing Funds Transfer Services, or trust contract of security deposit of providing Funds Transfer Services that has been made or concluded by the person from whom said business has been succeeded shall be deemed to be made or concluded on behalf of the person who has succeeded to said business.

（履行保証金に充てることのできる債券の種類）

(Types of Bond Certificates That Can Be Used for Security Deposit for Providing Funds Transfer Services)

第十二条 法第四十三条第三項に規定する内閣府令で定める債券は、次に掲げる債券と

する。

Article 12 Bond certificates specified by a Cabinet Office Ordinance as

prescribed in Article 43 (3) of the Act shall be the following bond certificates:

一 国債証券（その権利の帰属が社債、株式等の振替に関する法律（平成十三年法律第七十五号）の規定による振替口座簿の記載又は記録により定まるものとされるものを含む。第十九条第五号において同じ。）

(i) National government bond certificates (including those the ownership of the right of which is determined based on the statement or record in the book-entry transfer account registry under the provisions of the Act on Transfer of Bonds, Shares, etc. (Act No. 75 of 2001); the same shall apply in Article 19 (v));

二 地方債証券

(ii) Local government bond certificates:

三 政府保証債券（金融商品取引法（昭和二十三年法律第二十五号）第二条第一項第三号に掲げる有価証券のうち政府が元本の償還及び利息の支払について保証しているものをいう。第二十条第二項第三号において同じ。）

(iii) Government guaranteed bond certificates (meaning those securities listed in Article 2 (1) (iii) of the Financial Instruments and Exchange Act (Act No. 25 of 1948) for which the government guarantees payment of the principal and interest; the same shall apply in Article 20 (2) (iii)), and

四 金融庁長官の指定する社債券その他の債券

(iv) Corporate bond certificates or any other bond certificates specified by the Commissioner of the Financial Services Agency.

（履行保証金に充てることのできる債券の評価額）

(Appraised Value of Bond Certificates That Can Be Used for Security Deposit for Providing Funds Transfer Services)

第十三条 法第四十三条第三項の規定により債券を履行保証金に充てる場合における当該債券の評価額は、次の各号に掲げる債券の区分に応じ、当該各号に定める額とする。

Article 13 (1) The appraised value of bond certificates that are deposited to fulfill the security deposit for providing Funds Transfer Services requirement pursuant to the provisions of Article 43 (3) of the Act shall be the amount specified in the following items for the categories of bond certificates respectively prescribed therein:

一 前条第一号に掲げる債券 額面金額（その権利の帰属が社債、株式等の振替に関する法律の規定による振替口座簿の記載又は記録により定まるものにあつては、振替口座簿に記載又は記録された金額。以下この条において同じ。）

(i) Bond certificates specified in item (i) of the preceding Article: The face value (for those the ownership of the right of which is determined based on the statement or record in the book-entry transfer account registry under the provisions of the Act on Transfer of Bonds, Shares, etc., the amount stated or

recorded in the book-entry transfer account registry; hereinafter the same shall apply in this Article);

二 前条第二号に掲げる債券 額面金額百円につき九十円として計算した額

(ii) Bond certificates specified in item (ii) of the preceding Article: The amount calculated by deeming every one hundred yen of the face value to be ninety yen;

三 前条第三号に掲げる債券 額面金額百円につき九十五円として計算した額

(iii) Bond certificates specified in item (iii) of the preceding Article: The amount calculated by deeming every one hundred yen of the face value to be ninety-five yen; and

四 前条第四号に掲げる債券 額面金額百円につき八十円として計算した額

(iv) Bond certificates specified in item (iv) of the preceding Article: The amount calculated by deeming every one hundred yen of the face value to be eighty yen.

2 割引の方法により発行した債券については、その発行価額に次の算式により算出した額を加えた額を額面金額とみなして、前項の規定を適用する。

(2) With regard to bond certificates that have been issued on a discount basis, the provisions of the preceding paragraph shall apply by deeming the amount obtained by adding the amount calculated by the following formula to the issue price to be the face value:

((額面金額—発行価額) ÷ 発行の日から償還の日までの年数) × 発行の日から供託の日までの年数

((face value - issue price) / number of years from the issue date to the redemption date) x (number of years from the issue date to the deposit date)

3 前項の算式による計算において、発行の日から償還の日までの年数及び発行の日から供託の日までの年数について生じた一年未満の端数並びに額面金額と発行価額との差額を発行の日から償還の日までの年数で除した金額について生じた一元未満の端数は、切り捨てる。

(3) In the calculation by the formula set forth in the preceding paragraph, fractions below one year shall be omitted for the number of years from the issue date to the redemption date and the number of years from the issue date to the deposit date, and fractions below one yen shall be omitted for the amount obtained by dividing the difference between the face value and the issue price by the number of years from the issue date to the redemption date.

(履行保証金保全契約の届出)

(Notification of Guarantee Contract of Security Deposit of Providing Funds Transfer Services)

第十四条 法第四十四条の規定による届出をする者は、別紙様式第十一号により作成した履行保証金保全契約届出書に、履行保証金保全契約に係る契約書の写しを添付して、金融庁長官に提出しなければならない。

Article 14 A person who makes a notification under Article 44 of the Act shall submit to the Commissioner of the Financial Services Agency a written notice of guarantee contract of security deposit of providing Funds Transfer Services prepared using appended Form 11 by attaching a copy of the guarantee contract of security deposit of providing Funds Transfer Services document.

(履行保証金保全契約を締結することができる銀行等が満たすべき要件等)

(Requirements to Be Satisfied by Banks, etc. for Conclusion of a Guarantee Contract of Security Deposit of Providing Funds Transfer Services)

第十五条 令第十六条第一項に規定する内閣府令で定める健全な自己資本の状況にある旨の区分は、次の各号に掲げる銀行等の種類に応じ、当該各号に掲げる区分とする。

Article 15 (1) The category for one that is determined to have sound equity capital as specified by Cabinet Office Ordinances as prescribed in Article 16 (1) of the Order shall be the category specified in the following items for the type of Deposit-taking Institutions respectively prescribed therein:

一 海外営業拠点を有する銀行（外国銀行支店（銀行法（昭和五十六年法律第五十九号）第四十七条第二項に規定する外国銀行支店をいう。第六号において同じ。）を除く。次号において同じ。）、長期信用銀行又は信用金庫連合会 最終の業務及び財産の状況に関する説明書類（当該説明書類に係る事業年度の翌事業年度の間事業年度に係る説明書類がある場合にあつては、当該説明書類）における国際統一基準に係る単体自己資本比率が八パーセント以上であること。

(i) Banks (excluding Branch Offices of Foreign Banks (meaning the Branch Offices of Foreign Banks prescribed in Article 47 (2) of the Banking Act (Act No. 59 of 1981); the same shall apply in item (vi)); the same shall apply in the following item), Long-term Credit Banks, or federations of Shinkin Banks that have Overseas Business Locations: The Non-consolidated Capital Adequacy Ratio under the International Uniform Standard included in the latest explanatory document on the status of business and property (in the case where there is a explanatory document pertaining to the interim business year of the business year immediately following the business year pertaining to said explanatory document, said explanatory document) shall be not less than eight percent;

二 海外営業拠点を有しない銀行、長期信用銀行又は信用金庫連合会若しくは信用金庫 最終の業務及び財産の状況に関する説明書類（当該説明書類に係る事業年度の翌事業年度の間事業年度に係る説明書類がある場合にあつては、当該説明書類）における国内基準に係る単体自己資本比率が四パーセント以上であること。

(ii) Banks, Long-term Credit Banks, or federations of Shinkin Banks or Shinkin Banks that do not have Overseas Business Locations: The Non-consolidated Capital Adequacy Ratio under the Domestic Standard included in the latest explanatory document on the status of business and property (in the case where there is a explanatory document pertaining to the interim

business year of the business year immediately following the business year pertaining to said explanatory document, said explanatory document) shall be not less than four percent;

三 労働金庫、労働金庫連合会、信用協同組合、中小企業等協同組合法（昭和二十四年法律第百八十一号）第九条の九第一項第一号の事業を行う協同組合連合会、農業協同組合法（昭和二十二年法律第百三十二号）第十条第一項第三号の事業を行う農業協同組合若しくは農業協同組合連合会、水産業協同組合法（昭和二十三年法律第二百四十二号）第十一条第一項第四号の事業を行う漁業協同組合、同法第八十七条第一項第四号の事業を行う漁業協同組合連合会、同法第九十三条第一項第二号の事業を行う水産加工業協同組合又は同法第九十七条第一項第二号の事業を行う水産加工業協同組合連合会 最終の業務及び財産の状況に関する説明書類における単体自己資本比率が四パーセント以上であること。

(iii) Labor banks, federations of labor banks, credit cooperatives, federations of credit cooperatives engaging in the business prescribed in Article 9-9 (1) (i) of the Small and Medium Sized Enterprises, etc. Cooperatives Act (Act No. 181 of 1949), agricultural cooperative or federations of agricultural cooperative engaging in the business prescribed in Article 10 (1) (iii) of the Agricultural Cooperatives Act (Act No. 132 of 1947), fisheries cooperative engaging in the business prescribed in Article 11 (1) (iv) of the Fisheries Cooperatives Act (Act No. 242 of 1948), federations of fisheries cooperatives engaging in the business prescribed in Article 87 (1) (iv) of said Act, fishery processing cooperative engaging in the business prescribed in Article 93 (1) (ii) of said Act, or federations of fishery processing cooperatives engaging in the business prescribed in Article 97 (1) (ii) of said Act: The Non-consolidated Capital Adequacy Ratio included in the latest explanatory document on the status of business and property shall be not less than four percent;

四 農林中央金庫 最終の業務及び財産の状況に関する説明書類における単体自己資本比率が八パーセント以上であること。

(iv) Norinchukin Bank: The Non-consolidated Capital Adequacy Ratio included in the latest explanatory document on the status of business and property shall be not less than eight percent;

五 株式会社商工組合中央金庫 最終の業務及び財産の状況に関する説明書類（当該説明書類に係る事業年度の翌事業年度の間事業年度に係る説明書類がある場合にあっては、当該説明書類）における単体自己資本比率が八パーセント以上であること。

(v) The Shoko Chukin Bank Limited: The Non-consolidated Capital Adequacy Ratio included in the latest explanatory document on the status of business and property (in the case where there is a explanatory document pertaining to the interim business year of the business year immediately following the business year pertaining to said explanatory document, said explanatory document) shall be not less than eight percent; and

六 外国銀行支店 当該外国銀行支店に係る外国銀行（銀行法第十条第二項第八号に規定する外国銀行をいう。）が外国において適用される同法第十四条の二に規定する基準に相当する基準を満たしていること。

(vi) Branch Offices of Foreign Banks: The Foreign Banks (meaning the Foreign Banks prescribed in Article 10 (2) (viii) of the Banking Act) pertaining to said Branch Offices of Foreign Banks shall satisfy the criteria that are equivalent to the criteria prescribed in Article 14-2 of said Act and apply to said Foreign Banks in their respective foreign states.

2 前項第一号及び第二号の「海外営業拠点」とは、海外に所在する支店若しくは従たる事務所又は銀行業を営む外国の会社（銀行、長期信用銀行又は信用金庫連合会が総株主、総社員又は総出資者の議決権の百分の五十を超える議決権を保有しているものに限る。）であって、その所在地において常勤の役員又は従業員を持つものをいう。

(2) The term "Overseas Business Locations" as used in items (i) and (ii) of the preceding paragraph means branches or secondary offices located overseas or foreign companies engaging in the banking business (limited to those more than fifty percent of voting rights held by all the shareholders, members or equity investors of which are held by Banks, Long-term Credit Banks, or federations of Shinkin Banks) that have full-time officers or employees at their location.

3 第一項第一号の「国際統一基準」とは、次項に規定する基準のうち海外営業拠点（前項に規定する海外営業拠点をいう。第五項において同じ。）を有する銀行、長期信用銀行又は信用金庫連合会に係るものをいう。

(3) The term "International Uniform Standard" as used in paragraph (1) (i) means the standard prescribed in the following paragraph that pertains to Banks, Long-term Credit Banks, or federations of Shinkin Banks that have Overseas Business Locations (meaning the Overseas Business Locations prescribed in the preceding paragraph; the same shall apply in paragraph (5)).

4 第一項第一号及び第二号の「単体自己資本比率」とは、銀行法第十四条の二第一号（長期信用銀行法（昭和二十七年法律第百八十七号）第十七条又は信用金庫法（昭和二十六年法律第二百三十八号）第八十九条第一項において準用する場合を含む。）に規定する基準に係る算式により得られる比率をいう。

(4) The term "Non-consolidated Capital Adequacy Ratio" as used in paragraph (1) (i) and (ii) means the ratio obtained by the formula pertaining to the standard prescribed in Article 14-2 (i) of the Banking Act (including the cases where it is applied mutatis mutandis pursuant to Article 17 of the Long-term Credit Bank Act (Act No. 187 of 1952) or Article 89 (1) of the Shinkin Bank Act (Act No. 238 of 1951)).

5 第一項第二号の「国内基準」とは、前項に規定する基準のうち海外営業拠点を有しない銀行、長期信用銀行又は信用金庫連合会若しくは信用金庫に係るものをいう。

(5) The term "Domestic Standard" as used in paragraph (1) (ii) means the standard prescribed in the preceding paragraph that pertains to Banks, Long-

term Credit Banks, or federations of Shinkin Banks or Shinkin Banks that do not have Overseas Business Locations.

6 第一項第三号の「単体自己資本比率」とは、労働金庫、労働金庫連合会、信用協同組合又は中小企業等協同組合法第九条の九第一項第一号の事業を行う協同組合連合会にあっては労働金庫法（昭和二十八年法律第二百二十七号）第九十四条第一項又は協同組合による金融事業に関する法律（昭和二十四年法律第百八十三号）第六条第一項において準用する銀行法第十四条の二第一号に規定する基準に係る算式により得られる比率を、農業協同組合法第十条第一項第三号の事業を行う農業協同組合又は農業協同組合連合会にあっては同法第十一条の二第一項第一号に規定する基準に係る算式により得られる比率を、水産業協同組合法第十一条第一項第四号の事業を行う漁業協同組合、同法第八十七条第一項第四号の事業を行う漁業協同組合連合会、同法第九十三条第一項第二号の事業を行う水産加工業協同組合又は同法第九十七条第一項第二号の事業を行う水産加工業協同組合連合会にあっては同法第十一条の六第一項第一号（同法第九十二条第一項、第九十六条第一項又は第百条第一項において準用する場合を含む。）に規定する基準に係る算式により得られる比率をいう。

(6) The term "Non-consolidated Capital Adequacy Ratio" as used in paragraph (1) (iii) means: for labor banks, federations of labor banks, credit cooperatives, federations of cooperatives engaging in the business prescribed in Article 9-9 (1) (i) of the Small and Medium Sized Enterprises, etc. Cooperatives Act, the ratio obtained by the formula pertaining to the standard prescribed in Article 14-2 (i) of the Banking Act as applied mutatis mutandis pursuant to Article 94 (1) of the Labor Bank Act (Act No. 227 of 1953) or Article 6 (1) of the Act on Financial Businesses by Cooperative (Act No. 183 of 1949); for agricultural cooperative or federations of agricultural cooperative engaging in the business prescribed in Article 10 (1) (iii) of the Agricultural Cooperatives Act, the ratio obtained by the formula pertaining to the standard prescribed in Article 11-2 (1) (i) of said Act, and for fisheries cooperative engaging in the business prescribed in Article 11 (1) (iv) of the Fisheries Cooperatives Act, federations of fisheries cooperatives engaging in the business prescribed in Article 87 (1) (iv) of said Act, fishery processing cooperative engaging in the business prescribed in Article 93 (1) (ii) of said Act, or federations of fishery processing cooperatives engaging in the business prescribed in Article 97 (1) (ii) of said Act, the ratio obtained by the formula pertaining to the standard prescribed in Article 11-6 (1) (i) of said Act (including the cases where it is applied mutatis mutandis pursuant to Article 92 (1), Article 96 (1), or Article 100 (1) of said Act).

7 第一項第四号の「単体自己資本比率」とは、農林中央金庫法（平成十三年法律第九十三号）第五十六条第一号に規定する基準に係る算式により得られる比率をいう。

(7) The term "Non-consolidated Capital Adequacy Ratio" as used in paragraph (1) (iv) means the ratio obtained by the formula pertaining to the standard prescribed in Article 56 (i) of the Norinchukin Bank Act (Act No. 93 of 2001).

8 第一項第五号の「単体自己資本比率」とは、株式会社商工組合中央金庫法（平成十九年法律第七十四号）第二十三条第一項第一号に規定する基準に係る算式により得られる比率をいう。

(8) The term "Non-consolidated Capital Adequacy Ratio" as used in paragraph (1) (v) means the ratio obtained by the formula pertaining to the standard prescribed in Article 23 (1) (i) of the Shoko Chukin Bank Limited Act (Act No. 74 of 2007).

(履行保証金保全契約を締結することができる銀行等以外の者が満たすべき要件等)
(Requirements to Be Satisfied by Persons Other Than Banks, etc. for
Conclusion of Guarantee Contract of Security Deposit of Providing Funds
Transfer Services, etc.)

第十六条 令第十六条第二項に規定する内閣府令で定める健全な保険金等の支払能力の充実の状況にある旨の区分は、最終の業務及び財産の状況に関する説明書類における保険金等の支払能力の充実の状況を示す比率が二百パーセント以上であることとする。

Article 16 (1) The category for one that is determined to have a sound status with regard to capital adequacy to support the payment of Insurance Claims, etc. as specified by a Cabinet Office Ordinance as prescribed in Article 16 (2) of the Order shall be for one whose Ratio Indicating the Sound Status with Regard to Capital Adequacy to Support the Payment of Insurance Claims, etc. included in the latest explanatory documents on the status of business and property is not less than two hundred percent.

2 前項に規定する「保険金等の支払能力の充実の状況を示す比率」とは、保険業法（平成七年法律第百五号）第百三十条、第二百二条又は第二百二十八条に規定する基準に係る算式により得られる比率をいう。

(2) The term "Ratio Indicating the Sound Status with Regard to Capital Adequacy to Support the Payment of Insurance Claims, etc." as prescribed in the preceding paragraph means the ratio obtained by the formula pertaining to the standard prescribed in Article 130, Article 202, or Article 228 of the Insurance Business Act (Act No. 105 of 1995).

3 令第十六条第二項に規定する内閣府令で定める者は、保険業法第二条第二項に規定する保険会社、同条第七項に規定する外国保険会社等又は同法第二百十九条第一項の免許を受けた者の引受社員（同項に規定する引受社員をいう。）とする。

(3) Persons specified by a Cabinet Office Ordinance as prescribed in Article 16 (2) of the Order shall be Insurance Companies prescribed in Article 2 (2) of the Insurance Business Act, Foreign Insurance Companies, etc. prescribed in paragraph (7) of said Article, or Underwriting Members (meaning Underwriting Members prescribed in Article 219 (1) of said Act) who have obtained the license under said paragraph.

(履行保証金保全契約の解除)

(Cancellation of Guarantee Contract of Security Deposit of Providing Funds Transfer Services)

第十七条 履行保証金保全契約を締結している資金移動業者は、次の各号に掲げる場合に該当することとなったときは、金融庁長官の承認を受けて、当該各号に定める履行保証金保全契約の全部又は一部を解除することができる。

Article 17 (1) If a Funds Transfer Service Provider who has concluded a guarantee contract of security deposit of providing Funds Transfer Services comes to fall under any of the following items, it may cancel the whole or part of the guarantee contract of security deposit of providing Funds Transfer Services respectively prescribed therein by obtaining the approval of the Commissioner of the Financial Services Agency:

一 基準日における要供託額が、その直前の基準日における履行保証金の額と法第四十四条に規定する保全金額の合計額を下回る場合 当該保全金額の範囲内において、その下回る額に達するまでの額に係る履行保証金保全契約

(i) In the case where the Required Amount of Deposit on the Record Date is less than the total of the amount of security deposit for providing Funds Transfer Services and the secured amount prescribed in Article 44 of the Act on the immediately preceding Record Date: A guarantee contract of security deposit of providing Funds Transfer Services pertaining to any amount within the limit of the amount of said security deposit for providing Funds Transfer Services up to the amount that would cause said total amount to decrease to said Required Amount of Deposit;

二 法第五十九条第一項の権利の実行の手續が終了した場合 当該履行保証金保全契約の全部

(ii) If the procedure for the execution of the right set forth in Article 59 (1) of the Act has been completed: The whole of the relevant guarantee contract of security deposit of providing Funds Transfer Services;

三 為替取引に関し負担する債務の履行を完了した場合として令第十七条第二項に定める場合 当該履行保証金保全契約の全部

(iii) In cases where, as specified by Article 17 (2) of the Order, the performance of obligations borne in relation to funds transfer transactions (Kawase transactions) has been completed: The whole of the relevant guarantee contract of security deposit of providing Funds Transfer Services; and

四 資金移動業者が履行保証金信託契約を締結し、金融庁長官の承認を受けた場合において、当該承認の日の次の当該資金移動業者の営業日においてその直前の営業日における要履行保証額以上の額の信託財産を信託したとき 当該履行保証金保全契約の全部

(iv) In the case where a Funds Transfer Service Provider has concluded a trust contract of security deposit of providing Funds Transfer Services and has obtained the approval of the Commissioner of the Financial Services Agency, if the Funds Transfer Service Provider has placed trust property in the trust

under the trust contract on the business day of said Funds Transfer Service Provider immediately following the date of approval in an amount not less than the Required Amount as Security for Providing Funds Transfer Services on the immediately preceding business day: The whole of the relevant guarantee contract of security deposit of providing Funds Transfer Services.

2 資金移動業者は、前項の承認を受けようとするときは、別紙様式第十二号により作成した履行保証金保全契約解除承認申請書に、第三十三条第一項第四号から第七号までに掲げる帳簿書類（前項の事実を証するものに限る。）の写しを添付して、金融庁長官に提出しなければならない。

(2) A Funds Transfer Service Provider intending to obtain the approval under the preceding paragraph shall submit to the Commissioner of the Financial Services Agency a written application for approval of cancellation of guarantee contract of security deposit of providing Funds Transfer Services prepared using appended Form 12 by attaching copies of the books and documents listed in Article 33 (1) (iv) through (vii) (limited to those to prove the facts listed in the preceding paragraph).

3 金融庁長官は、第一項の承認をしたときは、別紙様式第十三号により作成した履行保証金保全契約解除承認書により資金移動業者に通知するものとする。

(3) If the Commissioner of the Financial Services Agency has granted the approval set forth in paragraph (1), he/she shall notify the Funds Transfer Service Provider to that effect by issuing a written approval of cancellation of the guarantee contract of security deposit of providing Funds Transfer Services prepared using appended Form 13.

4 資金移動業者は、第一項の承認を受けて履行保証金保全契約の全部又は一部を解除したときは、別紙様式第十四号により作成した履行保証金保全契約解除届出書に、当該解除後の契約書の写しを添付して、金融庁長官に提出しなければならない。

(4) If a Funds Transfer Service Provider has cancelled the whole or part of the guarantee contract of security deposit of providing Funds Transfer Services by obtaining the approval under paragraph (1), it shall submit to the Commissioner of the Financial Services Agency a written notice of cancellation of the guarantee contract of security deposit of providing Funds Transfer Services prepared using appended Form 14 by attaching a copy of the guarantee contract of security deposit of providing Funds Transfer Services document reflecting said cancellation.

（履行保証金信託契約の承認の申請）

(Application for Approval of a Trust Contract of Security Deposit of Providing Funds Transfer Services)

第十八条 資金移動業者は、法第四十五条第一項の承認を受けようとするときは、別紙様式第十五号により作成した履行保証金信託契約承認申請書に、当該履行保証金信託契約承認申請書の写し二通及び履行保証金信託契約に係る契約書の写しを添付して、

金融庁長官に提出しなければならない。

Article 18 (1) A Funds Transfer Service Provider intending to obtain the approval under Article 45 (1) of the Act shall submit to the Commissioner of the Financial Services Agency a written application for approval of a trust contract of security deposit of providing Funds Transfer Services prepared using appended Form 15 by attaching two copies of said written application for approval of the trust contract of security deposit of providing Funds Transfer Services and a copy of the security deposit for providing Funds Transfer Services trust contract document.

2 金融庁長官は、前項の承認をしたときは、別紙様式第十六号により作成した履行保証金信託契約承認書により資金移動業者に通知するものとする。

(2) If the Commissioner of the Financial Services Agency has granted the approval set forth in the preceding paragraph, he/she shall notify the Funds Transfer Service Provider to that effect by issuing a written approval of the trust contract of security deposit of providing Funds Transfer Services prepared using appended Form 16.

3 資金移動業者は、第一項の承認後最初に履行保証金信託契約に基づき財産を信託したときは、別紙様式第十七号により作成した履行保証金信託契約届出書に、信託財産の額及び当該届出の日前三営業日における要履行保証額を証する書面を添付して、金融庁長官に提出しなければならない。

(3) If a Funds Transfer Service Provider has placed property in the trust under the trust contract of security deposit of providing Funds Transfer Services for the first time after obtaining the approval under paragraph (1), it shall submit to the Commissioner of the Financial Services Agency a written notice of trust contract of security deposit of providing Funds Transfer Services prepared using appended Form 17 by attaching a document proving the amount of the trust property and the Required Amount as Security for Providing Funds Transfer Services on each of the three business days immediately preceding the date of said notice.

(履行保証金信託契約の内容)

(Contents of the Trust contract of Security Deposit of Providing Funds Transfer Services)

第十九条 法第四十五条第二項第七号に規定する内閣府令で定める事項は、次に掲げる事項とする。

Article 19 Matters specified by a Cabinet Office Ordinance as prescribed in Article 45 (2) (vii) of the Act shall be the following matters:

一 信託契約資金移動業者（法第四十五条第二項第一号に規定する信託契約資金移動業者をいう。以下同じ。）を委託者とし、信託会社等を受託者とし、かつ、当該信託契約資金移動業者がその行う為替取引の利用者のうち国内にある利用者（信託契約資金移動業者が国内にある利用者に対して負担する債務の額と国外にある利用者

に対して負担する債務の額を区分できない場合にあつては、当該資金移動業者が行う為替取引のすべての利用者) を信託財産の元本の受益者とすること。

(i) The settlor, the trustee, and the beneficiaries of the principal of the trust property under the trust contract of security deposit of providing Funds Transfer Services shall be a Trust Contract Funds Transfer Service Provider (meaning the Trust Contract Funds Transfer Service Provider prescribed in Article 45 (2) (i) of the Act; hereinafter the same shall apply), a Trust Company, etc. , and the users in Japan of funds transfer transactions (Kawase transactions) carried out by said Trust Contract Funds Transfer Service Provider (in the case where the amount of obligations borne by said Trust Contract Funds Transfer Service Provider to the users in Japan cannot be distinguished from those borne to the overseas users, all users of funds transfer transactions (Kawase transactions) carried out by said Trust Contract Funds Transfer Service Provider), respectively;

二 複数の履行保証金信託契約を締結する場合にあつては、当該複数の履行保証金信託契約について同一の受益者代理人を選任すること。

(ii) In the case where more than one trust contract of security deposit of providing Funds Transfer Services is concluded, the same person shall be appointed as the agent of the beneficiaries for all of the said contracts;

三 信託契約資金移動業者が次に掲げる要件に該当することとなった場合には、信託契約資金移動業者が信託会社等に対して信託財産の運用の指図を行わないこと。

(iii) In the case where the Trust Contract Funds Transfer Service Provider has come to fall under any of the following conditions, the Trust Contract Funds Transfer Service Provider shall not give any instructions to the Trust Company, etc. regarding investment of trust property:

イ 法第五十六条第一項又は第二項の規定により法第三十七条の登録を取り消されたとき。

(a) If it has had its registration under Article 37 of the Act rescinded pursuant to the provisions of Article 56 (1) or (2) of the Act;

ロ 破産手続開始の申立て等（法第二条第十項に規定する破産手続開始の申立て等をいう。）が行われたとき。

(b) If a Petition for Commencement of Bankruptcy Proceedings, etc. (meaning the Petition for Commencement of Bankruptcy Proceedings, etc. prescribed in Article 2 (10) of the Act) has been filed against the Trust Contract Funds Transfer Service Provider;

ハ 資金移動業の廃止（外国資金移動業者にあつては、国内に設けたすべての営業所における資金移動業の廃止。ハにおいて同じ。）をしたとき、又は法第六十一条第三項の規定による資金移動業の廃止の公告をしたとき。

(c) If it has abolished the Funds Transfer Service (in the case of a Foreign Funds Transfer Service Provider, abolition of the Funds Transfer Service at all business offices in Japan; the same shall apply in (c)) or has given a

- public notice of the abolition of the Funds Transfer Service pursuant to the provisions of Article 61 (3) of the Act;
- ニ 法第五十六条第一項の規定による資金移動業の全部又は一部の停止の命令（同項第三号に該当する場合に限る。）を受けたとき。
- (d) If it has received an order to suspend the whole or part of the Funds Transfer Service under the provisions of Article 56 (1) of the Act (limited to cases falling under item (iii) of said paragraph); or
- ホ 金融庁長官が供託命令を発したとき。
- (e) If the Commissioner of the Financial Services Agency has issued an order to make a deposit;
- 四 信託契約資金移動業者が前号に掲げる要件に該当することとなった場合には、受益者及び受益者代理人が信託会社等に対して受益債権を行使することができないこと。
- (iv) In the case where the Trust Contract Funds Transfer Service Provider has come to fall under any of the conditions listed in the preceding item, the beneficiaries and the agent of the beneficiaries may not exercise beneficial claims against the Trust Company, etc. ;
- 五 履行保証金信託契約（信託業務を営む金融機関（金融機関の信託業務の兼営等に関する法律（昭和十八年法律第四十三号）第一条第一項の認可を受けた金融機関をいう。以下この条において同じ。）へ金銭を信託するものであって元本補てんがあるものを除く。次号において同じ。）に基づき信託される信託財産の運用を行う場合にあつては、その運用が次に掲げる方法によること。
- (v) In the case where the trust property under the trust contract of security deposit of providing Funds Transfer Services (excluding those under which money is placed in the trust with a financial institution engaging in the trust business (meaning a financial institution that has obtained the authorization under Article 1 (1) of the Act on Concurrent Operation of Trust Business by a Financial Institution (Act No. 43 of 1943); hereinafter the same shall apply in this Article) and compensation for the principal is provided; the same shall apply in the following item) is invested, the investment shall be made in the following manner:
- イ 国債証券その他金融庁長官の指定する債券の保有
- (a) Holding of government bond certificates and other bond certificates specified by the Commissioner of the Financial Services Agency;
- ロ 銀行等に対する預貯金
- (b) Bank deposits and savings with a Deposit-taking Institution; or
- ハ 次に掲げる方法
- (c) In any of the following manners:
- (1) コール資金の貸付け
1. Call money lending;
- (2) 受託者である信託業務を営む金融機関に対する銀行勘定貸

2. Due from bank accounts of a financial institution engaging in the trust business that is the trustee; or
- (3) 金融機関の信託業務の兼営等に関する法律第六条の規定により元本の補てんの契約をした金銭信託
3. Money in trust for which compensation for the principal is provided under the terms and conditions of the contract pursuant to the provisions of Article 6 of the Act on Concurrent Operation of Trust Business by a Financial Institution;
- 六 信託契約資金移動業者が信託財産を債券とし、又は履行保証金信託契約に基づき信託される信託財産を前号イに掲げる方法により運用する場合にあっては、信託会社等又は信託契約資金移動業者がその評価額を第二十一条に規定する方法により算定すること。
- (vi) In the case where the Trust Contract Funds Transfer Service Provider maintains the trust property in the form of bond certificates or invests the trust property under the trust contract of security deposit of providing Funds Transfer Services in a manner listed in (a) of the preceding item, the Trust Company, etc. or the Trust Contract Funds Transfer Service Provider shall determine the appraised value thereof in accordance with the method prescribed in Article 21;
- 七 履行保証金信託契約が信託業務を営む金融機関への金銭信託契約で元本補てんがある場合にあっては、その信託財産の元本の評価額を当該金銭信託契約の元本額とすること。
- (vii) In the case where the trust contract of security deposit of providing Funds Transfer Services is a money in trust contract with a financial institution engaging in the trust business under which compensation for the principal is provided, the appraised value of the principal of the trust property shall be the principal amount of said money in trust contract;
- 八 複数の履行保証金信託契約を締結する場合にあっては、信託契約資金移動業者が、すべての信託会社等が、適時に、当該複数の履行保証金信託契約に基づき信託される信託財産の合計額を把握するために必要な措置を講じること。
- (viii) In the case where more than one trust contract of security deposit of providing Funds Transfer Services is concluded, the Trust Contract Funds Transfer Service Provider shall take necessary measures to enable all Trust Companies, etc. to grasp, on a timely basis, the total amount of trust property that is placed in the trust under said more than one trust contract of security deposit of providing Funds Transfer Services;
- 九 信託会社等が、信託契約資金移動業者から通知を受けた要履行保証額が大幅かつ急激に減少した場合、信託契約資金移動業者が要履行保証額を通知しない場合その他信託契約資金移動業者の履行保証金信託契約を履行せず、又は履行しないおそれがあると認めた場合には、直ちに金融庁長官にその旨を届け出ること。
- (ix) In the cases where the Required Amount as Security for Providing Funds

Transfer Services notified to the Trust Company, etc. by the Trust Contract Funds Transfer Service Provider has decreased significantly and rapidly, where the Trust Contract Funds Transfer Service Provider fails to report the Required Amount as Security for Providing Funds Transfer Services, and where it is otherwise determined by the Trust Company, etc. that the Trust Contract Funds Transfer Service Provider has failed or is likely to fail to perform its obligations under the trust contract of security deposit of providing Funds Transfer Services, the Trust Company, etc. shall immediately notify the Commissioner of the Financial Services Agency to that effect;

十 次に掲げる場合以外の場合には、履行保証金信託契約の全部又は一部の解除を行うことができないこと。

(x) Except in the following cases, the whole or part of the trust contract of security deposit of providing Funds Transfer Services may not be cancelled;

イ 各営業日において信託されている信託財産の元本の評価額が、その直前の営業日における要履行保証額を超過する場合に、その超過額の範囲内で履行保証金信託契約の全部又は一部の解除を行う場合

(a) In the case where the appraised value of the trust property maintained in the trust on a business day exceeds the Required Amount as Security for Providing Funds Transfer Services on the immediately preceding business day, the whole or part of the trust contract of security deposit of providing Funds Transfer Services may be canceled within the limit of said excess amount;

ロ 履行保証金信託契約に基づき信託されている信託財産を他の履行保証金信託契約に基づき信託される信託財産として信託することを目的として履行保証金信託契約の全部又は一部の解除を行う場合

(b) In the case where the trust property maintained in the trust under one trust contract of security deposit of providing Funds Transfer Services is intended to be placed in the trust under another trust contract of security deposit of providing Funds Transfer Services, the whole or part of the trust contract of security deposit of providing Funds Transfer Services may be canceled to the extent of such purpose;

ハ 基準日における履行保証金の額と保全金額の合計額が、その直前の基準日における要供託額を上回る場合

(c) In the case where the total of the amount of security deposit for providing Funds Transfer Services and the secured amount on a Record Date exceeds the Required Amount of Deposit on the immediately preceding Record Date;

十一 前号に掲げる場合に行う履行保証金信託契約の全部又は一部の解除に係る信託財産を信託契約資金移動業者に帰属させるものであること。

(xi) The trust property pertaining to the cancellation of the whole or part of the

trust contract of security deposit of providing Funds Transfer Services under the preceding item shall be imputed to the Trust Contract Funds Transfer Service Provider;

十二 信託会社等が法第四十六条の規定による命令に応じて、信託財産を換価し、金融庁長官が指定する供託所に供託すること。

(xii) The Trust Company, etc. shall, in response to the order under the provisions of Article 46 of the Act, realize the trust property and deposit the proceeds to the Local Deposit Office specified by the Commissioner of the Financial Services Agency;

十三 信託会社等が法第四十六条の規定による命令に応じて供託した場合には、当該履行保証金信託契約を終了することができること。

(xiii) In the case where the Trust Company, etc. has made a deposit in response to the order under the provisions of Article 46 of the Act, it may terminate said trust contract of security deposit of providing Funds Transfer Services;

十四 前号の場合であって、当該履行保証金信託契約の全部が終了したときにおける残余財産を信託契約資金移動業者に帰属させることができること。

(xiv) In the case referred to in the preceding item, any residual property remaining after the termination of the whole of said trust contract of security deposit of providing Funds Transfer Services may be imputed to the Trust Contract Funds Transfer Service Provider; and

十五 信託契約資金移動業者が信託会社等又は受益者代理人に支払うべき報酬その他一切の費用及び当該信託会社等が信託財産の換価に要する費用が信託財産の元本以外の財産をもって充てられること。

(xv) Remuneration and any other costs to be paid by the Trust Contract Funds Transfer Service Provider to the Trust Company, etc. or the agent of the beneficiaries and the costs required for the realization of the trust property by said Trust Company, etc. shall be paid out of property other than the principal of the trust property.

(信託財産とすることができる預貯金等の種類)

(Types of Bank Deposits and Savings Qualified to Be Trust Property)

第二十条 法第四十五条第三項に規定する内閣府令で定める預貯金は、銀行等に対する預貯金とする。

Article 20 (1) Bank deposits and savings specified by a Cabinet Office Ordinance as prescribed in Article 45 (3) of the Act shall be bank deposits and savings with a Deposit-taking Institution (in the case where the Trust Contract Funds Transfer Service Provider is a Deposit-taking Institution, excluding bank deposits and savings with oneself).

2 法第四十五条第三項に規定する内閣府令で定める債券は、次に掲げる債券（その権利の帰属が社債、株式等の振替に関する法律の規定による振替口座簿の記載又は記録により定まるものとされるものを含む。以下同じ。）とする。

(2) Bond certificates specified by a Cabinet Office Ordinance as prescribed in Article 45 (3) of the Act shall be the following bond certificates (including those the ownership of the right of which is determined based on the statement or record in the book-entry transfer account registry under the provisions of the Act on Transfer of Bonds, Shares, etc.; hereinafter the same shall apply):

一 国債証券

(i) National government bond certificates;

二 地方債証券

(ii) Local government bond certificates;

三 政府保証債券

(iii) Government guaranteed bond certificates;

四 金融商品取引法施行令（昭和四十年政令第三百二十一号）第二条の十一に規定する債券

(iv) Bond certificates prescribed in Article 2-11 of the Order for Enforcement of the Financial Instruments and Exchange Act (Cabinet Order No. 321 of 1965);

五 外国の発行する債券（証券情報等の提供又は公表に関する内閣府令（平成二十年内閣府令第七十八号）第十三条第三号に掲げる場合に該当するものに限る。）

(v) Bond certificates issued by a foreign state (limited to those falling under Article 13 (iii) of the Cabinet Office Ordinance on the Provision or Publication of Securities Information, etc. (Cabinet Office Ordinance No. 78 of 2008)); and

六 金融庁長官の指定する社債券その他の債券

(vi) Corporate bond certificates or any other bond certificates specified by the Commissioner of the Financial Services Agency.

（信託財産とすることができる債券の評価額）

(Appraised Value of Bond Certificates Qualified to be Trust Property)

第二十一条 法第四十五条第三項の規定により債券を信託財産とし、又は第十九条第五号イの規定により信託財産の運用として債券を保有する場合の当該債券の評価額は、次の各号に掲げる債券の区分に応じ、当該各号に定める率を資金移動業者の各営業日における当該債券の時価に乗じて得た額を超えない額とする。

Article 21 In the case where the trust property is maintained in the form of bond certificates pursuant to the provisions of Article 45 (3) of the Act or is invested in bond certificates pursuant to the provisions of Article 19 (v) (a), the appraised value of said bond certificates shall be an amount not exceeding the amount obtained by multiplying the market value of said bond certificates as of each business day of the Funds Transfer Service Provider by the ratio specified in the following items for the categories of bond certificates respectively prescribed therein:

一 前条第二項第一号に掲げる債券 百分の百

- (i) Bond certificates specified in paragraph (2) (i) of the preceding Article: One hundred percent;
- 二 前条第二項第二号に掲げる債券 百分の九十
- (ii) Bond certificates specified in paragraph (2) (ii) of the preceding Article: Ninety percent;
- 三 前条第二項第三号に掲げる債券 百分の九十五
- (iii) Bond certificates specified in paragraph (2) (iii) of the preceding Article: Ninety-five percent;
- 四 前条第二項第四号に掲げる債券 百分の九十
- (iv) Bond certificates specified in paragraph (2) (iv) of the preceding Article: Ninety percent;
- 五 前条第二項第五号に掲げる債券 百分の八十五
- (v) Bond certificates specified in paragraph (2) (v) of the preceding Article: Eighty-five percent; and
- 六 前条第二項第六号に掲げる債券 百分の八十
- (vi) Bond certificates specified in paragraph (2) (vi) of the preceding Article: Eighty percent.

(金融庁長官の命令に基づく履行保証金の供託)

(Making of Security Deposit for Providing Funds Transfer Services to the Local Deposit Office Based on the Order of the Commissioner of the Financial Services Agency)

第二十二條 法第四十六條の規定による命令に基づき履行保証金の供託を行う場合においては、履行保証金保全契約又は履行保証金信託契約を締結した資金移動業者の本店の最寄りの供託所に供託しなければならない。

Article 22 (1) In the case where any security deposit for providing Funds Transfer Services is required based on the order under Article 46 of the Act, such deposit shall be made to the Local Deposit Office nearest to the head office of the Funds Transfer Service Provider who concluded the relevant guarantee contract of security deposit of providing Funds Transfer Services or trust contract of security deposit of providing Funds Transfer Services.

2 前項の供託をした者は、遅滞なく、別紙様式第十八号により作成した届出書に、当該供託に係る供託書正本を添付して、金融庁長官に提出しなければならない。

(2) The person who made the deposit set forth in the preceding paragraph shall, without delay, submit to the Commissioner of the Financial Services Agency a written notice prepared using appended Form 18 by attaching the authenticated copy of the deposit document pertaining to said deposit.

(債務の履行をすることができない場合の公告)

(Public Notice When Performance of Obligations is Impossible)

第二十三條 令第十七条第二項第二号の規定による公告は、時事に関する事項を掲載す

る日刊新聞紙により行うものとする。

Article 23 The public notice prescribed in Article 17 (2) (ii) of the Order shall be published in a daily newspaper that publishes items on current events.

(資金移動業に係る情報の安全管理措置)

(Measures to Ensure Information Security Management Pertaining to the Funds Transfer Service)

第二十四条 資金移動業者は、その業務の内容及び方法に応じ、資金移動業に係る電子情報処理組織の管理を十分に行うための措置を講じなければならない。

Article 24 A Funds Transfer Service Provider shall, in accordance with the contents and methods of its business, take measures to ensure sufficient control of the electronic data processing system pertaining to the Funds Transfer Service.

(個人利用者情報の安全管理措置等)

(Measures to Ensure Information Security Management Pertaining to Personal Information of Individual Users, etc.)

第二十五条 資金移動業者は、その取り扱う個人である資金移動業の利用者に関する情報の安全管理、従業者の監督及び当該情報の取扱いを委託する場合にはその委託先の監督について、当該情報の漏えい、滅失又はき損の防止を図るために必要かつ適切な措置を講じなければならない。

Article 25 A Funds Transfer Service Provider shall, with regard to information security management pertaining to the personal information of users of the Funds Transfer Service who are individuals, supervision of its employees, and in the case where the handling of said information is entrusted to another person, supervision of said other person, take necessary and appropriate measures for preventing leakage, loss, or damage of said information.

(特別の非公開情報の取扱い)

(Handling of Specified Non-public Information)

第二十六条 資金移動業者は、その取り扱う個人である資金移動業の利用者に関する人種、信条、門地、本籍地、保健医療又は犯罪経歴についての情報その他の特別の非公開情報（その業務上知り得た公表されていない情報をいう。）を取り扱うときは、適切な業務の運営の確保その他必要と認められる目的以外の目的のために利用しないことを確保するための措置を講じなければならない。

Article 26 In handling personal information regarding race, creed, family origin, domicile of origin, healthcare, or criminal background of the users of Funds Transfer Service who are individuals and other specified non-public information (meaning information learned in the course of business that has not yet been publicly disclosed), a Funds Transfer Service Provider shall take measures to ensure that said information is not used for a purpose other than

for ensuring the appropriate operation of the business and for other purposes which are determined to be necessary.

(委託業務の適正かつ確実な遂行を確保するための措置)

(Measures to Ensure Proper and Secure Provision/Conduct of the Entrusted Business)

第二十七条 資金移動業者は、その業務を第三者に委託する場合には、当該業務の内容に応じ、次に掲げる措置を講じなければならない。

Article 27 If a Funds Transfer Service Provider entrusts its business to a third party, it shall take the following measures in accordance with the contents of the entrusted business:

一 当該業務を適正かつ確実に遂行することができる能力を有する者に委託するための措置

(i) Measures to ensure that said business is entrusted to a person who has the ability to perform said business in a proper and secure manner;

二 委託先における当該業務の実施状況を、定期的に又は必要に応じて確認すること等により、委託先が当該業務を適正かつ確実に遂行しているかを検証し、必要に応じ改善させる等、委託先に対する必要かつ適切な監督等を行うための措置

(ii) Measures to ensure that necessary and appropriate supervision, etc. is conducted with regard to the person to whom business is entrusted including measures to verify whether said person is performing said business in a proper and secure manner by, among others, checking the status of performance of said business by said person regularly or as necessary and causing said person to make any necessary improvements.

三 委託先が行う資金移動業に係る利用者からの苦情を適切かつ迅速に処理するために必要な措置

(iii) Necessary measures to ensure proper and prompt processing of complaints from the users of the Funds Transfer Service conducted by the person to whom business is entrusted;

四 委託先が当該業務を適切に行うことができない事態が生じた場合には、他の適切な第三者に当該業務を速やかに委託する等、資金移動業の利用者の保護に支障が生じること等を防止するための措置

(iv) Measures to prevent the protection of the users of the Funds Transfer Service from being hindered, etc. including measures to ensure that in the case where circumstances have arisen under which the person to whom business has been entrusted is unable to perform the entrusted business appropriately, said business will be promptly entrusted to another appropriate third party; and

五 資金移動業者の業務の適正かつ確実な遂行を確保し、当該業務に係る利用者の保護を図るため必要がある場合には、当該業務の委託に係る契約の変更又は解除をする等の必要な措置を講ずるための措置

(v) Measures to ensure that, if it is necessary for the purpose of ensuring the proper and secure provision/conduct of the business of a Funds Transfer Service Provider and protection of the users pertaining to said business, necessary measures will be taken such as amending or canceling the contract pertaining to the entrustment of said business.

(銀行等が行う為替取引との誤認防止)

(Prevention of Users from Mistaking Funds Transfer Transactions (Kawase Transactions) Carried Out by a Funds Transfer Service Provider for Those Carried Out by a Deposit-taking Institution)

第二十八条 資金移動業者は、資金移動業の利用者との間で為替取引を行うときは、あらかじめ、当該利用者に対し、書面の交付その他の適切な方法により、銀行等が行う為替取引との誤認を防止するための説明を行わなければならない。

Article 28 (1) In carrying out a funds transfer transaction (Kawase transaction) with the user of the Funds Transfer Service, a Funds Transfer Service Provider shall provide the user in advance with explanation designed to prevent the user from mistaking such funds transfer transaction (Kawase transaction) for funds transfer transactions (Kawase transactions) carried out by a Deposit-taking Institution by delivering documents or any other appropriate methods.

2 資金移動業者は、前項に規定する説明を行う場合には、次に掲げる事項を説明するものとする。

(2) When a Funds Transfer Service Provider provides the explanation prescribed in the preceding paragraph, it shall explain the following matters:

一 銀行等が行う為替取引ではないこと。

(i) The fact that such funds transfer transaction (Kawase transaction) is not a funds transfer transaction (Kawase transaction) carried out by a Deposit-taking Institution;

二 預金若しくは貯金又は定期積金等（銀行法第二条第四項に規定する定期積金等をいう。）を受け入れるものではないこと。

(ii) The fact that such funds transfer transaction (Kawase transaction) does not constitute acceptance of bank deposits or savings or Installment Savings, etc. (meaning the Installment Savings, etc. prescribed in Article 2 (4) of the Banking Act);

三 預金保険法（昭和四十六年法律第三十四号）第五十三条又は農水産業協同組合貯金保険法（昭和四十八年法律第五十三号）第五十五条に規定する保険金の支払の対象とはならないこと。

(iii) The fact that such funds transfer transaction (Kawase transaction) is not entitled to the payment of insurance claims under Article 53 of the Deposit Insurance Act (Act No. 34 of 1971) or Article 55 of the Agricultural and Fishery Cooperation Savings Insurance Act (Act No. 53 of 1973);

四 資金移動業者がその利用者のために行う履行保証金の供託、履行保証金保全契約

又は履行保証金信託契約の別及び履行保証金保全契約若しくは履行保証金信託契約を締結している場合にあっては、これらの契約の相手方の氏名、商号又は名称

(iv) Whether the Funds Transfer Service Provider has made a security deposit for providing Funds Transfer Services to the Local Deposit Office or concluded a guarantee contract of security deposit of providing Funds Transfer Services or a trust contract of security deposit of providing Funds Transfer Services on behalf of the user, and in the case where a guarantee contract of security deposit of providing Funds Transfer Services or a trust contract of security deposit of providing Funds Transfer Services has been concluded, the name, trade name or other name of the other party thereto; and

五 その他銀行等が行う為替取引との誤認防止に関し参考となると認められる事項

(v) Other matters found to be useful for the prevention of the user from mistaking such funds transfer transaction (Kawase transaction) for funds transfer transactions (Kawase transactions) carried out by a Deposit-taking Institution.

3 資金移動業者は、その営業所において、資金移動業の利用者と為替取引を行う場合には、前項第一号から第四号までに掲げる事項を当該利用者の目につきやすいように窓口に掲示しなければならない。

(3) In the case where a Funds Transfer Service Provider carries out funds transfer transactions (Kawase transactions) with the users of the Funds Transfer Service at its business office, it shall post the matters listed in items (i) through (iv) of the preceding paragraph at the service counter in a manner easily seen by said users.

(利用者に対する情報の提供)

(Provision of Information to Users)

第二十九条 資金移動業者は、資金移動業の利用者との間で為替取引を行うときは、次の各号に掲げる場合の区分に応じ、当該各号に定める方法により、当該為替取引に係る契約の内容についての情報を提供しなければならない。

Article 29 (1) In carrying out a funds transfer transaction (Kawase transaction) with the user of the Funds Transfer Service, a Funds Transfer Service Provider shall provide the user with information about the contents of the contract pertaining to said funds transfer transaction (Kawase transaction) by the methods prescribed in the following items for the categories of cases respectively prescribed therein:

一 為替取引を継続的に又は反復して行うことを内容とする契約を締結することなく為替取引を行う場合 為替取引に係る指図を行う利用者に対して次に掲げる事項を明示する方法

(i) In the case where the Funds Transfer Service Provider carries out a funds transfer transactions (Kawase transactions) without concluding a contract

under which funds transfer transactions (Kawase transactions) are carried out on an ongoing or recurring basis: Method in which the following matters are clearly indicated to the user who will give the instructions pertaining to the funds transfer transaction (Kawase transaction):

イ 標準履行期間

(a) Standard performance period;

ロ 利用者が支払うべき手数料、報酬若しくは費用の金額若しくはその上限額又はこれらの計算方法

(b) The amount or the maximum amount of the fees, remuneration, or costs to be paid by the user or the calculation method thereof;

ハ 利用者からの苦情又は相談に応ずる営業所の所在地及び連絡先

(c) The location and contact address of the business office that will respond to complaints or requests for consultation from the users;

ニ 為替取引が外国通貨で表示された金額で行われる場合においては当該金額を本邦通貨に換算した金額及びその換算に用いた標準又はこれらの計算方法

(d) In the case where the funds transfer transaction (Kawase transaction) is carried out in an amount indicated in foreign currency, the amount in Japanese currency converted from said amount and the standard or the method used for the conversion; and

ホ その他当該為替取引の内容に関し参考となると認められる事項

(e) Other matters found to be relevant to the contents of said funds transfer transaction (Kawase transaction).

二 為替取引を継続的に又は反復して行うことを内容とする契約を締結する場合 当該契約の相手方となる利用者に対して次に掲げる事項を明示する方法

(ii) In the case where the Funds Transfer Service Provider concludes a contract under which funds transfer transactions (Kawase transactions) are carried out on an ongoing or recurring basis: Method in which the following matters are clearly indicated to the user who will be the other party to said contract:

イ 取り扱う為替取引の額の上限

(a) The maximum amount of the funds transfer transactions (Kawase transactions) to be carried out;

ロ 前号イからニまでに掲げる事項

(b) Matters listed in (a) through (d) of the preceding item;

ハ 契約期間

(c) The contract period;

ニ 契約期間の途中で解約時の取扱い（手数料、報酬又は費用の計算方法を含む。）

(d) Handling of the cancellation of contract before the expiration of the contract period (including calculation method for fees, remuneration, or costs); and

ホ その他当該契約の内容に関し参考となると認められる事項

(e) Other matters found to be relevant to the contents of said contract.

2 資金移動業者がその行う為替取引に関し負担する債務に係る権利を表章する証書その他の物（以下「為替証書等」という。）を発行して為替取引を行う場合であって、当該為替証書等に次に掲げる事項を表示したときは、前項の規定は、適用しない。

(2) In the case where a Funds Transfer Service Provider carries out funds transfer transactions (Kawase transactions) by issuing an exchange certificate or other instruments representing the rights pertaining to the obligations borne by the Funds Transfer Service Provider in relation to funds transfer transactions (Kawase transactions) that it carries out (hereinafter referred to as "Exchange Certificate, etc."), if the Funds Transfer Service Provider has indicated the following matters on said Exchange Certificate, etc. , the provisions of the preceding paragraph shall not apply:

一 当該為替証書等によって権利を行使することができる額又はその上限

(i) The amount or the maximum amount pertaining to the rights that can be exercised by said Exchange Certificate, etc. ;

二 当該為替証書等によって権利を行使することができる期間又は期限が設けられている場合は、当該期間又は期限

(ii) In the case where a period or expiration date for the exercise of rights by said Exchange Certificate, etc. , said period or expiration date;

三 前項第一号ロからニまでに掲げる事項

(iii) Matters listed in item (i) (b) through (d) of the preceding paragraph;

四 当該為替証書等によって権利を行使することができる施設又は場所の範囲

(iv) The scope of facilities or places where rights can be exercised by said Exchange Certificate, etc. ;

五 当該為替証書等の利用上の必要な注意

(v) Necessary instructions for the use of said Exchange Certificate, etc. ; and

六 電磁的方法（電子的方法、磁気的方法その他の人の知覚によって認識することができない方法をいう。）により金額を記録している為替証書等にあつては、その残高又は当該残高を知ることができる方法

(vi) In the case of an Exchange Certificate, etc. in which the amount is recorded by electromagnetic means (meaning electronic, magnetic, and other means under which the recorded information cannot directly be recognized by human perception), the balance of the amount or the method by which said balance can be ascertained.

（受取証書の交付）

（Delivery of Receipt）

第三十条 資金移動業者は、その行う為替取引に関し、資金移動業の利用者から金銭その他の資金を受領したときは、遅滞なく、次に掲げる事項を記載した書面を当該利用者に交付しなければならない。ただし、資金移動業者が、為替証書等を発行して為替取引を行う場合は、この限りでない。

Article 30 (1) When a Funds Transfer Service Provider has received money or other funds from a user of the Funds Transfer Service in relation to the funds transfer transactions (Kawase transactions) that it carries out, it shall deliver a document containing the following matters to said user without delay; provided, however, that this shall not apply if the Funds Transfer Service Provider carries out funds transfer transactions (Kawase transactions) by issuing Exchange Certificates, etc.

一 資金移動業者の商号及び登録番号

(i) The trade name and the registration number of the Funds Transfer Service Provider;

二 当該利用者から受領した資金の額

(ii) The amount of the funds received from said user; and

三 受領年月日

(iii) Date of receipt.

2 前項の規定は、預金又は貯金の口座に対する払込みにより資金を受領する場合にあつては、当該利用者の請求があつたときに限り、適用する。

(2) In the case where funds are received by way of transfer of funds to a bank account for bank deposits or savings, the provisions of the preceding paragraph shall apply only if the delivery of said document is requested by said user.

3 資金移動業者は、第一項に規定する書面の交付に代えて、次項の規定により当該利用者の承諾を得て、第一項に掲げる事項を電磁的方法により提供することができる。この場合において、資金移動業者は、同項に規定する書面の交付を行ったものとみなす。

(3) A Funds Transfer Service Provider may, by obtaining the approval of said user pursuant to the provisions of the following paragraph, provide said user with the matters listed in paragraph (1) by electromagnetic means in lieu of the delivery of the document prescribed in said paragraph. In this case, the Funds Transfer Service Provider shall be deemed to have delivered the document prescribed in said paragraph.

4 資金移動業者は、前項の規定により第一項に掲げる事項を提供しようとするときは、あらかじめ、当該利用者に対し、その用いる電磁的方法の種類及び内容を示し、書面又は電磁的方法による承諾を得なければならない。

(4) A Funds Transfer Service Provider intending to provide the matters listed in paragraph (1) pursuant to the provisions of the preceding paragraph shall indicate to said user the type and contents of the electromagnetic means to be used and obtain the approval of said user in advance in writing or by electromagnetic means.

5 前項に規定する承諾を得た資金移動業者は、当該利用者から書面又は電磁的方法により電磁的方法による提供を受けない旨の申出があつたときは、当該利用者に対し、第一項に掲げる事項の提供を電磁的方法によつてしてはならない。ただし、当該利用者が再び前項の規定による承諾をした場合は、この限りでない。

(5) If a Funds Transfer Service Provider who had received the approval under the preceding paragraph has received a notice from said user in writing or by electromagnetic means to the effect that the user will no longer accept provision of information by electromagnetic means, the Funds Transfer Service Provider shall not provide said user with the matters listed in paragraph (1) by electromagnetic means; provided, however, that this shall not apply if said user gives another approval under the preceding paragraph again at a later time.

6 前三項の「電磁的方法」とは、電子情報処理組織を使用する方法その他の情報通信の技術を利用する方法であつて次の各号に掲げる場合の区分に応じ、当該各号に定める方法とする。

(6) The "electromagnetic means" referred to in the preceding three paragraphs shall be the methods that use an electronic data processing system and other methods that use the information communication technology as prescribed in the following items for the categories of cases respectively prescribed therein:

一 電磁的方法による提供を受ける旨の承諾又は受けない旨の申出をする場合 次に掲げる方法

(i) In the case where an approval or notice is given indicating either that the user will or will not accept provision of information by electromagnetic means: The following methods:

イ 承諾若しくは申出を受ける者又は同意を得る者の使用に係る電子機器に備えられたファイルにその旨を記録する方法

(a) A method in which the approval or notice to that effect is recorded in a file installed in the electronic equipment used by the person who receives such approval or notice or the person who obtains the consent; and

ロ 磁気ディスク、シー・ディー・ロムその他これに準ずる方法により一定の情報を確実に記録しておくことができる物をもって調製するファイルにその旨を記録したものを交付する方法

(b) A method in which a file containing a record of the approval or notice to that effect that is prepared by using a medium that allows for secure recording of certain information such as a magnetic disk, CD-R, or other method equivalent thereto is delivered to the user; or

二 前号に掲げる場合以外の場合 次に掲げる方法

(ii) In cases other than those prescribed in the preceding item: The following methods:

イ 電子情報処理組織を使用する方法のうち次に掲げるもの

(a) The following methods that use an electronic data processing system:

(1) 送信者の使用に係る電子機器と受信者の使用に係る電子機器とを接続する電気通信回線を通じて送信し、当該受信者の使用に係る電子機器に備えられたファイルに記録する方法

1. A method in which information is transmitted through electric

telecommunication lines connecting the electric equipment used by the sender with the electric equipment used by the recipient and recorded in a file installed in the electric equipment used by said recipient;

(2) 送信者の使用に係る電子機器に備えられたファイルに記録された情報の内容を電気通信回線を通じて受信者の閲覧に供し、当該受信者の使用に係る電子機器に備えられたファイルに当該情報を記録する方法

2. A method in which information recorded in a file installed in the electric equipment used by the sender is made available for inspection by the recipient through electric telecommunication lines and recorded in a file installed in the electric equipment used by said recipient; and

ロ 磁気ディスク、シー・ディー・ロムその他これに準ずる方法により一定の情報を確実に記録しておくことができる物をもって調製するファイルに情報を記録したものを交付する方法

(b) A method in which a file containing a record of information that is prepared by using a medium that allows for secure recording of certain information such as magnetic disk, CD-R, or other method equivalent thereto is delivered to the user.

7 前項各号に定める方法は、次に掲げる基準に適合するものでなければならない。

(7) The methods prescribed in the items of the preceding paragraph shall satisfy the following criteria:

一 前項第一号に定める方法にあつては、承諾又は申出を受ける者が承諾又は申出をする者に対し、電磁的方法による提供を受ける旨の承諾又は受けない旨の申出の内容を書面その他の適切な方法により通知するものであること。

(i) In the case of the method prescribed in item (i) of the preceding paragraph, the person who receive an approval or notice shall notify, in writing or by other appropriate methods, the person who gives an approval or notice of the contents of the approval or notice indicating either that he/she will or will not accept provision of information by electromagnetic means;

二 前項第二号に定める方法にあつては、受信者がファイルへの記録を出力すること（当該記録を他の電子機器に送信することその他の方法を用いて出力することを含む。）により書面を作成できるものであること。

(ii) The method prescribed in item (ii) of the preceding paragraph shall be the one that enables the recipient to create a document by outputting the information recorded in the file (including outputting said recorded information by transmitting it to other electronic equipment or any other method); and

三 前項第二号イに掲げる方法のうち受信者の電子機器として携帯電話又はPHSを用いるものにあつては、送信した日又は閲覧に供した日から三月間、受信者の請求により、送信者が電磁的方法により提供した事項に係る書面の交付を行うものであること。

(iii) In the case of the method prescribed in item (ii) (a) of the preceding

paragraph, if a mobile phone or PHS phone is used as the electronic equipment of the recipient, the sender shall, at the request of the recipient, deliver a document pertaining to the matters provided by the sender by electromagnetic means for three months from the day on which the information was transmitted to or made available for inspection by the recipient.

- 8 第六項第二号イの「電子情報処理組織」とは、送信者の使用に係る電子機器と、受信者の使用に係る電子機器とを電気通信回線で接続した電子情報処理組織をいう。
- (8) The term "electronic data processing system" as used in paragraph (6) (ii) (a) means an electronic data processing system that connects the electronic device used by the sender with the electronic device used by the recipient through electric telecommunication lines.

(その他利用者保護を図るための措置)

(Other Measures to Ensure Protection of Users)

第三十一条 資金移動業者は、その行う為替取引に関し、資金移動業の利用者の保護を図るため、次の各号に掲げる措置を講じなければならない。

Article 31 A Funds Transfer Service Provider shall take the following measures to ensure the protection of the users of the Funds Transfer Service with regard to funds transfer transactions (Kawase transactions) that it carries out:

一 資金移動業者が、その行う為替取引について、捜査機関等から当該為替取引が詐欺等の犯罪行為に利用された旨の情報の提供があることその他の事情を勘案して犯罪行為が行われた疑いがあると認めるときは、当該為替取引の停止等を行う措置

(i) If a Funds Transfer Service Provider finds a possibility that a criminal act has been committed with regard to the funds transfer transactions (Kawase transactions) that it carries out after considering any provision of information by the investigative authority, etc. to the effect that said funds transfer transactions (Kawase transactions) were used for the purpose of committing a fraud or other criminal acts and other circumstances, measures to suspend said funds transfer transactions (Kawase transactions), etc. ;

二 資金移動業者が、電気通信回線に接続している電子計算機を利用して、資金移動業の利用者と為替取引を行う場合にあっては、当該利用者が当該資金移動業者と他の者を誤認することを防止するための適切な措置

(ii) In the case where a Funds Transfer Service Provider carries out funds transfer transactions (Kawase transactions) with the users of the Funds Transfer Service by using a computer connected with electric telecommunication lines, appropriate measures to prevent said users from mistaking said Funds Transfer Service Provider for another person; and

三 資金移動業者が、資金移動業の利用者から電気通信回線に接続している電子計算機を利用して為替取引に係る指図を受ける場合にあっては、当該指図の内容を、当該利用者が当該指図に係る電子計算機の操作を行う際に容易に確認し及び訂正する

ことができるようにするための適切な措置

(iii) In the case where a Funds Transfer Service Provider receives instructions regarding funds transfer transactions (Kawase transactions) from the users of the Funds Transfer Service by using a computer connected with electric telecommunication lines, appropriate measures to enable said users to easily confirm or correct the contents of said instructions when using the computer pertaining to said instructions.

(社内規則等)

(Internal Rules, etc.)

第三十二条 資金移動業者は、その業務の内容及び方法に応じ、資金移動業の利用者の保護を図り、及び資金移動業の適正かつ確実な遂行を確保するための措置（犯罪を防止するための措置を含む。）に関する社内規則等を定めるとともに、従業者に対する研修、委託先に対する指導その他の当該社内規則等に基づいて業務が運営されるための十分な体制を整備しなければならない。

Article 32 A Funds Transfer Service Provider shall, in accordance with the contents and methods of its business, prescribe internal rules, etc. concerning the measures to ensure the protection of the users of the Funds Transfer Service and the proper and secure provision/conduct of Funds Transfer Services (including the measures to prevent crimes) and establish a system for providing training to employees, a system for providing guidance to the person to whom business is entrusted, and other systems sufficient to ensure that the business is operated based on said internal rules, etc.

第三章 監督

Chapter III Supervision

(資金移動業に関する帳簿書類の作成及び保存)

(Preparation and Preservation of Books and Documents Pertaining to the Funds Transfer Service)

第三十三条 法第五十二条に規定する資金移動業に関する帳簿書類は、次に掲げる帳簿書類とする。

Article 33 (1) The books and documents pertaining to the Funds Transfer Service as prescribed in Article 52 of the Act shall be the following books and documents:

一 資金移動業に係る取引記録

(i) Transaction records pertaining to the Funds Transfer Service;

二 総勘定元帳

(ii) General ledger;

三 顧客勘定元帳（資金移動業の利用者との間で為替取引を継続的に又は反復して行うことを内容とする契約を締結する場合に限る。）

(iii) Customer ledger (limited to cases where a Funds Transfer Service Provider concludes a contract with the users of the Funds Transfer Service under which funds transfer transactions (Kawase transactions) are carried out on an ongoing or recurring basis);

四 各営業日における未達債務の額及び要履行保証額の記録

(iv) Records of the amount of outstanding obligations in the process of funds transfer and the Required Amount as Security for Providing Funds Transfer Services on each business day;

五 各基準日における要供託額の記録（信託契約資金移動業者を除く。）

(v) Records of the Required Amount of Deposit on each Record Date (excluding Trust Contract Funds Transfer Service Providers);

六 各基準日に係る履行保証金の額の記録（履行保証金を供託している場合に限る。）

(vi) Records of the amount of security deposit for providing funds transfer services on each Record Date (limited to cases where such deposit is made);

七 各営業日における信託財産の額の記録（信託契約資金移動業者に限る。）

(vii) Records of the amount of trust property on each business day (limited to Trust Contract Funds Transfer Service Providers); and

八 各営業日における資金移動業の利用者ごとの為替取引に関し負担する債務の額及び当該為替取引に関し有する債権の額の記録（第十一条第三項の規定により未達債務の額を算出する場合に限る。）

(viii) For each user of the Funds Transfer Service, records of the amount of obligations borne in relation to funds transfer transactions (Kawase transactions) and the amount of claims held in relation to said funds transfer transactions (Kawase transactions) on each business day (limited to cases where the amount of outstanding obligations in the process of funds transfer is calculated pursuant to the provisions of Article 11 (3)).

2 資金移動業者は、帳簿の閉鎖の日から、前項第一号から第三号まで及び第八号に掲げる帳簿書類にあつては少なくとも十年間、同項第四号から第七号までに掲げる帳簿書類にあつては少なくとも五年間、当該帳簿書類を保存しなければならない。

(2) A Funds Transfer Service Provider shall preserve the books and documents listed in items (i) through (iii) and item (viii) of the preceding paragraph for at least ten years from the day of the closing of the books and books and documents listed in items (iv) through (vii) of the preceding paragraph for at least five years from the day of the closing of the books.

（資金移動業に関する報告書）

(Reports on the Funds Transfer Service)

第三十四条 法第五十三条第一項の資金移動業に関する報告書は、事業概況書及び資金移動業に係る収支の状況を記載した書面に分けて、別紙様式第十九号（外国資金移動業者にあつては、別紙様式第二十号）により作成して、事業年度の末日から三月以内

に金融庁長官に提出しなければならない。

Article 34 (1) The written report on the Funds Transfer Service prescribed in Article 53 (1) of the Act shall be prepared using appended Form 19 (in the case of a Foreign Funds Transfer Service Provider, appended Form 20) by separating it into a business summary and a document containing the status of income and expenditure pertaining to the Funds Transfer Service and submitted to the Commissioner of the Financial Services Agency within three months from the last day of the relevant business year.

2 前項の報告書を提出しようとするときは、当該報告書にその写し二通並びに最終の貸借対照表（関連する注記を含む。）及び損益計算書（関連する注記を含む。）を添付して、金融庁長官に提出しなければならない。

(2) A Funds Transfer Service Provider intending to submit the written report set forth in the preceding paragraph shall submit it to the Commissioner of the Financial Services Agency by attaching two copies of said written report and the latest balance sheet (including the related notes) and profit and loss statement (including the related notes).

（未達債務の額等に関する報告書）

(Reports on the Amount of Outstanding Obligations in the Process of Funds Transfer, etc.)

第三十五条 法第五十三条第二項の報告書は、別紙様式第二十一号により作成し、次の各号に掲げる場合の区分に応じ当該各号に定める日（以下この条において「基準日」という。）ごとに、当該基準日から一月以内に金融庁長官に提出しなければならない。

Article 35 (1) The written report prescribed in Article 53 (2) of the Act shall be prepared using appended Form 21 and submitted for each day specified in the following items for the categories of cases respectively prescribed therein (hereinafter referred to as "Record Date" in this Article) to the Commissioner of the Financial Services Agency within one month from said Record Date:

一 法第四十三条第一項の履行保証金の全部の供託に代えて、履行保証金保全契約を締結し、その旨を金融庁長官に届け出ている資金移動業者 毎年三月三十一日及び九月三十日

(i) A Funds Transfer Service Provider who has concluded a guarantee contract of security deposit of providing Funds Transfer Services in lieu of making of the whole of the security deposit for providing Funds Transfer Services to the Local Deposit Office prescribed in Article 43 (1) of the Act and has notified the Commissioner of the Financial Services Agency to that effect: March 31 and September 30 each year;

二 法第四十三条第一項の履行保証金の供託を行う資金移動業者 毎年三月三十一日、六月三十日、九月三十日及び十二月三十一日

(ii) A Funds Transfer Service Provider who makes a security deposit for providing Funds Transfer Services to the Local Deposit Office prescribed in

Article 43 (1) of the Act: March 31, June 30, September 30, and December 31 each year; and

三 信託契約資金移動業者 毎月末日

(iii) A Trust Contract Funds Transfer Service Provider: Last day of each month.

2 前項の報告書を提出しようとするときは、当該報告書にその写し二通を添付して、金融庁長官に提出しなければならない。

(2) A Funds Transfer Service Provider intending to submit the written report set forth in the preceding paragraph shall submit it to the Commissioner of the Financial Services Agency by attaching two copies of said written report.

3 法第四十三条第一項の規定による供託をした資金移動業者は、第一項の報告書に、供託に係る供託書正本の写しを添付して、金融庁長官に提出しなければならない。

(3) A Funds Transfer Service Provider who has made the deposit under Article 43 (1) of the Act shall submit to the Commissioner of the Financial Services Agency the written report set forth in paragraph (1) by attaching a copy of the authenticated copy of the deposit document pertaining to said deposit.

4 法第四十四条の規定による届出をした資金移動業者が履行保証金保全契約の内容の変更（当該履行保証金保全契約の一部の解除を除く。）をし、又は履行保証金保全契約を更新した場合には、第一項の報告書に、その契約書又はその旨を証する書面の写しを添付して、金融庁長官に提出しなければならない。

(4) In the case where a Funds Transfer Service Provider who made a notification pursuant to the provisions of Article 44 of the Act has subsequently changed the terms and conditions of the guarantee contract of security deposit of providing Funds Transfer Services (excluding the cancellation of part of the said guarantee contract of security deposit of providing Funds Transfer Services) or has renewed the guarantee contract of security deposit of providing Funds Transfer Services, the Funds Transfer Service Provider shall submit to the Commissioner of the Financial Services Agency the written report set forth in paragraph (1) by attaching a copy of the contract document or a document verifying said fact.

5 信託契約資金移動業者は、第一項の報告書に、信託会社等が発行する基準日における信託財産の額を証明する書面を添付して、金融庁長官に提出しなければならない。

(5) A Trust Contract Funds Transfer Service Provider shall submit to the Commissioner of the Financial Services Agency the written report set forth in paragraph (1) by attaching a document issued by a Trust Company, etc. verifying the amount of trust property as of the relevant Record Date.

6 金融庁長官は、必要があると認めるときは、資金移動業者に対し、第三項の供託書正本又は第四項の契約書の正本の提出を命ずることができる。

(6) The Commissioner of the Financial Services Agency may, if he/she finds it necessary, order a Funds Transfer Service Provider to submit the authenticated copy of the deposit document set forth in paragraph (3) or the original of the contract document set forth in paragraph (4).

(公告の方法)

(Method of Public Notice)

第三十六条 法第五十六条第二項及び第五十八条の規定による公告は、官報によるものとする。

Article 36 The public notice prescribed in Article 56 (2) and Article 58 of the Act shall be given in the official gazette.

第四章 雑則

Chapter IV Miscellaneous Provisions

(権利実行事務代行者への委託)

(Entrustment to Agents for Local Finance Office in the Distribution

Proceedings of Security Deposit to Holders of Prepaid Payment Instruments)

第三十七条 金融庁長官は、法第五十九条第三項に規定する権利実行事務代行者に対し、同条第二項の規定による公示に係る事務、令第十九条第二項の規定による通知に係る事務、同条第四項の規定による権利の調査（同項に規定する公示又は機会の付与を含む。）に係る事務、同条第五項の規定による配当表の作成、公示又は通知に係る事務、同条第十項及び第十一項の規定による仮配当に係る事務その他の権利の実行の手續に関する事務の全部又は一部を委託することができる。

Article 37 The Commissioner of the Financial Services Agency may entrust to the Agents for Local Finance Office in the Distribution Proceedings of Security Deposit to Holders of Prepaid Payment Instruments prescribed in Article 59 (3) of the Act the whole or part of the affairs pertaining to the public notice prescribed in paragraph (2) of said Article, the affairs pertaining to the notification prescribed in Article 19 (2) of the Order, the affairs pertaining to the investigation of the rights prescribed in paragraph (4) of said Article (including the public notice or provision of an opportunity prescribed in said paragraph), the affairs pertaining to preparation, public notice, and notification of the distribution table prescribed in paragraph (5) said Article, the affairs pertaining to the provisional distribution prescribed in paragraphs (10) and (11) of said Article, and other affairs pertaining to the procedure for the execution of the rights.

(廃止の届出等)

(Notification of Abolition of Business, etc.)

第三十八条 法第六十一条第一項の規定による届出をしようとする者は、別紙様式第二十二号により作成した届出書に、当該届出書の写し二通を添付して、金融庁長官に提出しなければならない。

Article 38 (1) A person intending to make a notification pursuant to the provisions of Article 61 (1) of the Act shall submit to the Commissioner of the

Financial Services Agency a written notice prepared using appended Form 22 by attaching two copies of said written notice.

2 前項の届出書には、次に掲げる事項を記載するものとする。

(2) The written notice set forth in the preceding paragraph shall contain the following matters:

一 商号

(i) Trade name;

二 登録年月日及び登録番号

(ii) Date of registration and registration number;

三 届出事由

(iii) Reason for notification;

四 法第六十一条第一項各号のいずれかに該当することとなった年月日

(iv) The date on which the Funds Transfer Service Provider came to fall under any of the items of Article 61 (1) of the Act;

五 資金移動業を廃止したときは、その理由

(v) In the case where the Funds Transfer Service Provider has abolished the Funds Transfer Service, the reason therefor;

六 事業譲渡、合併又は会社分割その他の事由により資金移動業を廃止したときは、当該業務の承継方法及びその承継先

(vi) In the case where the Funds Transfer Service Provider has abolished the Funds Transfer Service by way of assignment of business, merger or company split, or for other reasons, the method for succession of said business and the successor.

3 法第六十一条第三項の規定による公告は、官報又は時事に関する事項を掲載する日刊新聞紙により行うものとする。

(3) The public notice prescribed in Article 61 (3) of the Act shall be published in the official gazette or in a daily newspaper that publishes matters on current events.

4 法第六十一条第三項の規定による公告及び営業所での掲示には、同条第五項の規定による債務の履行の完了の方法を示すものとする（事業譲渡、合併又は会社分割その他の事由により当該承継に係る公告をする場合を除く。）。

(4) The public notice and the posting at business offices prescribed in Article 61 (3) of the Act shall include the method for completing the performance of obligations pursuant to the provisions of paragraph (5) of said Article (excluding cases where a public notice is given due to succession of business by way of assignment of business, merger or company split, or for other reasons).

5 資金移動業者は、法第六十一条第三項の規定による公告をしたときは、直ちに、別紙様式第二十三号により作成した届出書に、当該公告の写しを添付して、金融庁長官に提出しなければならない。

(5) A Funds Transfer Service Provider who has given a public notice pursuant to the provisions of Article 61 (3) of the Act shall immediately submit to the

Commissioner of the Financial Services Agency a written notice prepared using appended Form 23 by attaching a copy of said public notice.

6 資金移動業者が事業譲渡、合併又は会社分割その他の事由により資金移動業を廃止したときは、前項の届出書には、当該業務の承継に係る契約の内容及び当該業務の承継方法を記載した書面を添付しなければならない。

(6) If a Funds Transfer Service Provider has abolished the Funds Transfer Service by way of assignment of business, merger or company split, or for other reasons, a document containing the contents of the contract pertaining to the succession of said business and the method for succession of said business shall be attached to the written notice set forth in the preceding paragraph.

(法令違反行為等の届出)

(Notification of Violation of Laws and Regulations)

第三十九条 資金移動業者は、取締役等又は従業者に資金移動業に関し法令に違反する行為又は資金移動業の適正かつ確実な遂行に支障を来す行為があったことを知った場合には、当該事実を知った日から二週間以内に、別紙様式第二十四号に従い、次に掲げる事項を記載した届出書を財務局長等に提出しなければならない。

Article 39 If a Funds Transfer Service Provider comes to know that its Director, etc. or employee has committed violation of laws and regulations with regard to the Funds Transfer Service or an act that hinders the proper and secure provision/conduct of Funds Transfer Services, it shall submit to the Director-General of a Local Finance Bureau, etc. a written notice prepared using appended Form 24 containing the following matters within two weeks from the day on which it came to know said fact:

一 当該行為が発生した営業所の名称

(i) The name of the business office at which such act occurred;

二 当該行為を行った取締役等又は従業者の氏名又は名称及び役職名

(ii) The name and the title of the Director, etc. or employee who committed said act; and

三 当該行為の概要

(iii) Summary of said act.

(経由官庁)

(Government Agency Through Which to Submit Written Notice, etc.)

第四十条 資金移動業者は、第四条に規定する登録申請書その他法及びこの府令に規定する書類（以下この条及び次条において「申請書等」という。）を財務局長等に提出しようとする場合において、当該資金移動業者の本店の所在地を管轄する財務事務所又は小樽出張所若しくは北見出張所があるときは、当該資金移動業者は、当該申請書等を当該財務事務所長又は出張所長を経由してこれを提出しなければならない。

Article 40 In the case where a Funds Transfer Service Provider intends to submit to the Director-General of a Local Finance Bureau, etc. the written

application for registration prescribed in Article 4 and other documents prescribed in the Act and this Cabinet Office Ordinance (hereinafter referred to as "Written Application, etc." in this Article and the following Article), if there is an office of a Local Finance Bureau, Otaru Sub-office of Hokkaido Local Finance Bureau, or Kitami Sub-office of Hokkaido Local Finance Bureau having jurisdiction over the location of the head office of said Funds Transfer Service Provider, said Funds Transfer Service Provider shall submit said Written Application, etc. through the head of said office or sub-offices.

(申請書等の認定資金決済事業者協会の経由)

(Submission of Written Application, etc. through Certified Association for Payment Service Providers)

第四十一条 資金移動業者は、申請書等を財務局長等に提出しようとするとき（前条の規定により財務事務所長又は出張所長を経由するときを含む。）は、認定資金決済事業者協会を経由して提出することができる。

Article 41 A Funds Transfer Service Provider intending to submit a Written Application, etc. to the Director-General of a Local Finance Bureau, etc. (including submission through the head of an office or sub-office of a Local Finance Bureau prescribed in the preceding Article) may submit it through a Certified Association for Payment Service Providers.

(標準処理期間)

(Standard Processing Period)

第四十二条 金融庁長官は、法、令又はこの府令の規定による登録に関する申請がその事務所に到達してから二月以内に、当該申請に対する処分をするよう努めるものとする。

Article 42 (1) The Commissioner of the Financial Services Agency shall endeavor to process any application for registration made pursuant to the provisions of the Act, the Order, or this Cabinet Office Ordinance within two months from the day on which said application has arrived at his/her office.

2 第十七条第一項に規定する履行保証金保全契約の解除の承認に関する申請に対する処分は、二十日以内にするよう努めるものとする。

(2) The Commissioner of the Financial Services Agency shall endeavor to process an application for approval of cancellation of the guarantee contract of security deposit of providing Funds Transfer Services prescribed in Article 17 (1) within twenty days.

3 前二項に規定する期間には、次に掲げる期間を含まないものとする。

(3) The period prescribed in the preceding two paragraphs shall not include the following period:

一 当該申請を補正するために要する期間

(i) The period required to amend said application;

二 当該申請をした者が当該申請の内容を変更するために要する期間

(ii) The period required for the applicant to change the contents of said application; and

三 当該申請をした者が当該申請に係る審査に必要と認められる資料を追加するために要する期間

(iii) The period required for the applicant to add materials that are found to be necessary for the examination pertaining to said application.