

# **Cabinet Order on Travel Expenses and Allowances for Witnesses and Expert Witnesses in Trial Procedures, etc. under Financial Instruments and Exchange Act**

(Cabinet Order No. 20 of February 16, 2005)

The Cabinet hereby enacts this Cabinet Order pursuant to the provisions of Article 185-19 of the Securities and Exchange Act (Act No. 25 of 1948).

(Travel Expenses)

- Article 1 (1) Travel expenses which may be claimed by a witness or an expert witness pursuant to the provisions of Article 185-19 of the Financial Instruments and Exchange Act (hereinafter referred to as "Act") are to be four types: train fare, boat fare, toll fare and airfare. Train fare is paid for travel by land in zones where a train service is available, boat fare is paid for travel by water in zones where a boat service is available, toll fare is paid for travel by land in zones where train service is unavailable or for travel by water in zones where boat service is unavailable, and airfare is paid for travel by air in cases where there are special reasons to use airplanes.
- (2) Train fare and boat fare are calculated based on the passenger fare according to the route in the travel zone (which includes barge fees and pier charges, and in cases where travel involves railroad or boat in which fare classes have been established, the fare in the class deemed reasonable by the Commissioner of the Financial Services Agency no higher than the intermediate class if the fare is divided into three classes, and the fare in the class deemed reasonable by the Commissioner of the Financial Services Agency if the fare is divided into two classes), express charges (special express charges for one-way trip of 100 kilometers or more in railroad zones in which a special express train operates, or ordinary express charges or semi-express charges for one-way trip of 50 kilometers or more in railroad zones in which an ordinary express train or semi-express train operates), and special vehicle charges and special cabin charges, respectively, as well as seat reservation charges of which payment is deemed reasonable by the Commissioner of the Financial Services Agency (limited to seat reservation charges in the case of one-way trip of 100 kilometers or more in railroad zones in which an ordinary express train that imposes seat reservation charges operates or travel in boat zones in which a boat that imposes seat reservation charges operates); toll fare is calculated at 37 yen per kilometer or less in the amount deemed reasonable by the Commissioner of the Financial Services Agency; and airfare is calculated based

on the passenger fare actually paid.

- (3) Notwithstanding the provision of the preceding paragraph, in cases where the toll fare in the amount prescribed in said paragraph cannot be paid at the actual cost of travel due to natural disaster or other unavoidable circumstances, the amount of toll fare is within the limit of the actual cost.

(Allowances)

Article 2 (1) Allowances that a witness or an expert witness may claim pursuant to the provisions of Article 185-19 of the Act are daily allowances, lodging expenses and special allowances.

- (2) Daily allowances are paid according to the number of days required for appearance or presentation of expert opinion and travel therefor (hereinafter referred to as "appearance, etc."), the amount of which is no more than 8,000 yen and 7,600 yen per day for a witness and an expert witness, respectively, as deemed reasonable by the Commissioner of the Financial Services Agency.

- (3) Lodging expenses are paid according to the number of nights required for appearance, etc., the amount of which is no more than 8,700 yen per night in cases where the lodging location is in Area A prescribed in Appended Table 1 of the Act concerning Travel Expenses of National Public Officers, etc. (Act No.114 of 1950) and no more than 7,800 yen per night in cases where the lodging location is in Area B prescribed in said Table, as deemed reasonable by the Commissioner of the Financial Services Agency.

- (4) Special allowance is paid to an expert witness when the presentation of his/her expert opinion has required special skills or expenses or a long period of time, the amount of which is deemed reasonable by the Commissioner of the Financial Services Agency.

(Calculation of Travel Expenses, etc.)

Article 3 The number of days of travel upon calculating travel expenses (excluding airfare) as well as daily allowance and lodging expenses shall be calculated based on an example of travel by the most economical, normal route and method, unless it is difficult to travel by the most economical, normal route or method due to natural disaster or other unavoidable circumstances, in which case such number of days of travel shall be calculated by the actual route and method taken.

(Claim procedures)

Article 4 Travel expenses and allowances both must be claimed within thirty days after the appearance in the case of a witness and after the presentation of expert opinion in the case of an expert witness.