

金融商品取引法の審判手続等における参考人及び鑑定人の旅費及び手当に関する政令

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

(平成十七年二月十六日政令第二十号)

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

内閣は、証券取引法（昭和二十三年法律第二十五号）第百八十五条の十九の規定に基づき、この政令を制定する。

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).

(旅費)

(Travel Expenses)

第一条 金融商品取引法（以下「法」という。）第百八十五条の十九の規定により参考人又は鑑定人が請求することができる旅費は、鉄道賃、船賃、路程賃及び航空賃の四種とし、鉄道賃は鉄道の便のある区間の陸路旅行に、船賃は船舶の便のある区間の水路旅行に、路程賃は鉄道の便のない区間の陸路旅行又は船舶の便のない区間の水路旅行に、航空賃は航空機を利用すべき特別の事由がある場合における航空旅行について支給する。

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 鉄道賃及び船賃は旅行区間の路程に応ずる旅客運賃（はしけ賃及び栈橋賃を含むものとし、運賃に等級を設ける線路又は船舶による旅行の場合には、運賃の等級を三階級に区分するものについては中級以下で金融庁長官が相当と認める等級の、運賃の等級を二階級に区分するものについては金融庁長官が相当と認める等級の運賃）、急行料金（特別急行列車を運行する線路のある区間の旅行で片道百キロメートル以上のものには特別急行料金、普通急行列車又は準急行列車を運行する線路のある区間の旅行で片道五十キロメートル以上のものには普通急行料金又は準急行料金）並びに金融庁

長官が支給を相当と認める特別車両料金及び特別船室料金並びに座席指定料金（座席指定料金を徴する普通急行列車を運行する線路のある区間の旅行で片道百キロメートル以上のもの又は座席指定料金を徴する船舶を運行する航路のある区間の旅行の場合の座席指定料金に限る。）によって、路程賃は一キロメートルにつき三十七円以内において金融庁長官が相当と認める額によって、航空賃は現に支払った旅客運賃によって、それぞれ算定する。

(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 天災その他やむを得ない事情により前項に定める額の路程賃で旅行の実費を支弁することができない場合には、同項の規定にかかわらず、路程賃の額は、実費額の範囲内とする。

(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.

(手当)

(Allowances)

第二条 法第百八十五条の十九の規定により、参考人又は鑑定人が請求することができる手当は、日当、宿泊料及び特別手当とする。

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 日当は、出頭又は鑑定及びこれらのための旅行（以下「出頭等」という。）に必要な日数に応じて支給し、その額は、参考人については一日当たり八千円以内において、鑑定人については一日当たり七千六百円以内において、それぞれ金融庁長官が相当と認める額とする。

(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 宿泊料は、出頭等に必要な夜数に応じて支給し、その額は、宿泊地が、国家公務員等の旅費に関する法律（昭和二十五年法律第百十四号）別表第一に定める甲地方である場合については一夜当たり八千七百円以内において、同表に定める乙地方である場合については一夜当たり七千八百円以内において、それぞれ金融庁長官が相当と認める額とする。

(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 特別手当は、鑑定について特別の技能若しくは費用又は長時間を要したときに、鑑定人に対して支給するものとし、その額は、金融庁長官が相当と認める額とする。

(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.

（旅費等の計算）

(Calculation of Travel Expenses, etc.)

第三条 旅費（航空賃を除く。）並びに日当及び宿泊料の計算上の旅行日数は、最も経済的な通常の経路及び方法によって旅行した場合の例により計算する。ただし、天災その他やむを得ない事情により最も経済的な通常の経路又は方法によって旅行し難い場合には、その現によった経路及び方法によって計算する。

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.

(請求の手續)

(Claim procedures)

第四条 旅費及び手当は、参考人については出頭後、鑑定人については鑑定後、いずれも三十日以内に請求しなければならない。

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.