

# 預金保険法

## Deposit Insurance Act

(昭和四十六年四月一日法律第三十四号)  
(Act No. 34 of April 1, 1971)

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## 第一章 総則

### Chapter I General Provisions

（目的）

(Purpose)

第一条 この法律は、預金者等の保護及び破綻金融機関に係る資金決済の確保を図るため、金融機関が預金等の払戻しを停止した場合に必要な保険金等の支払と預金等債権の買取りを行うほか、金融機関の破綻の処理に関し、破綻金融機関に係る合併等に対する適切な資金援助、金融整理管財人による管理、破綻金融機関の業務承継及び金融危機に対応するための措置等の制度を確立し、もって信用秩序の維持に資することを目的とする。

Article 1 The purpose of this Act is to protect Depositors, etc. and ensure settlement of funds pertaining to Failed Financial Institutions, by providing for the payment of deposit insurance proceeds and purchase of deposits and other claims necessary in the event that repayment of Deposits, etc. is suspended by a Financial Institution, and, regarding the resolution of Failed Financial Institutions, by establishing a system for providing appropriate financial assistance to facilitate mergers and other resolutions of Failed Financial Institutions, the public management of Failed Financial Institutions by financial administrators, the transfer of business of Failed Financial Institutions, and appropriate measures in response to financial crises, thereby contributing to the maintenance of an orderly financial system.

（金融機関の自主性の尊重）

(Respect for Autonomy of Financial Institutions)

第一条の二 この法律の運用に当たっては、金融機関の自主性を尊重するよう配慮しなければならない。

Article 1-2 In the application of this Act, consideration shall be given to the autonomy of Financial Institutions.

(定義)

(Definitions)

第二条 この法律において「金融機関」とは、次に掲げる者（この法律の施行地外に本店を有するものを除く。）をいう。

Article 2 (1) The term "Financial Institutions" as used in this Act refers to the following persons (excluding those whose head office is located outside the jurisdiction where this Act is effective):

一 銀行法（昭和五十六年法律第五十九号）第二条第一項に規定する銀行（以下「銀行」という。）

(i) Banks prescribed in Article 2, paragraph (1) of the Banking Act (Act No. 59 of 1981) (hereinafter referred to as "Banks");

二 長期信用銀行法（昭和二十七年法律第百八十七号）第二条に規定する長期信用銀行（以下「長期信用銀行」という。）

(ii) Long-Term Credit Banks prescribed in Article 2 of the Long-Term Credit Bank Act (Act No. 187 of 1952) (hereinafter referred to as "Long-Term Credit Banks");

三 信用金庫

(iii) Shinkin banks;

四 信用協同組合

(iv) Credit cooperatives;

五 労働金庫

(v) Labor banks;

六 信用金庫連合会

(vi) Federations of Shinkin Banks;

七 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（以下「信用協同組合連合会」という。）

(vii) Federations of credit cooperatives engaged in the business provided for in Article 9-9, paragraph (1), item (i) of the Small and Medium-Sized Enterprises Cooperatives Act (Act No. 181 of 1949) (hereinafter referred to as "Federations of Credit Cooperatives");

八 労働金庫連合会

(viii) The Rokinren Bank; and

九 株式会社商工組合中央金庫

(ix) The Shoko Chukin Bank, Ltd.

2 この法律において「預金等」とは、次に掲げるものをいう。

(2) The term "Deposits, etc." as used in this Act means the following:

一 預金

(i) Deposits;

二 定期積金

(ii) Installment savings;

三 銀行法第二条第四項に規定する掛金

(iii) Installment deposits prescribed in Article 2, paragraph (4) of the Banking Act;

四 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）第六条の規定により元本の補てんの契約をした金銭信託（貸付信託を含む。）に係る信託契約により受け入れた金銭

(iv) Money received under contracts pertaining to money trusts (including loan trusts) for compensating for a loss of principal pursuant to the provisions of Article 6 of the Act on Provision, etc. of Trust Business by Financial Institutions (Act No. 43 of 1943);

五 長期信用銀行法第八条の規定による長期信用銀行債及び金融機関の合併及び転換に関する法律（昭和四十三年法律第八十六号）第八条第一項（同法第五十五条第四項において準用する場合を含む。）の規定による特定社債（会社法の施行に伴う関係法律の整備等に関する法律（平成十七年法律第八十七号）第百九十九条の規定による改正前の金融機関の合併及び転換に関する法律第十七条の二第一項（同法第二十四条第一項第七号において準用する場合を含む。）の規定により発行される債券を含む。）、信用金庫法（昭和二十六年法律第二百三十八号）第五十四条の二の四第一項の規定による全国連合会債並びに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）第三十三条の規定による商工債（同法附則第三十七条の規定により同法第三十三条の規定により発行された商工債とみなされたものを含む。）（その権利者を確知することができるものとして政令で定めるものに限る。第五十八条の二第一項及び第七十三条第一項において「長期信用銀行債等」という。）の発行により払込みを受けた金銭

(v) Money received through the issuance of Long-Term Credit Bank bonds under Article 8 of the Long-Term Credit Bank Act, specified bonds under Article 8, paragraph (1) of the Act on Financial Institutions' Merger and Conversion (Act No. 86 of 1968) (including the cases where it is applied mutatis mutandis pursuant to the provisions of Article 55, paragraph (4) of said Act) (including debentures issued under Article 17-2, paragraph (1) of the Act on Financial Institutions' Merger and Conversion (including the cases where it is applied mutatis mutandis pursuant to the provisions of Article 24, paragraph (1), item (vii) of said Act) before the revision by Article 199 of the Act on the Development, etc. of Relevant Acts Associated with the Enforcement of the Companies Act (Act No. 87 of 2005)), Federation of Shinkin Banks bonds under Article 54-2-4, paragraph (1) of the Shinkin Bank Act (Act No. 238 of 1951), and commercial and industrial bonds under

Article 33 of The Shoko Chukin Bank, Ltd. Act (Act No. 74 of 2007)  
(including those that are deemed pursuant to the provisions of Article 37 of  
the Supplementary Provisions of said Act to be commercial and industrial  
bonds issued under Article 33 of said Act) (limited to those specified by a  
Cabinet Order as those for which rightholders can be ascertained and  
referred to in Article 58-2, paragraph (1) and Article 73, paragraph (1) as  
"Long-Term Credit Bank Bonds, etc.");

3 この法律において「預金者等」とは、預金者その他の預金等に係る債権者をいう。

(3) The term "Depositors, etc." as used in this Act means depositors and other  
creditors pertaining to the Deposits, etc.

4 この法律において「破綻金融機関」とは、業務若しくは財産の状況に照らし預金等  
の払戻し（預金等に係る債務の弁済をいう。以下同じ。）を停止するおそれのある金  
融機関又は預金等の払戻しを停止した金融機関をいう。

(4) The term "Failed Financial Institution" as used in this Act means a Financial  
Institution that has suspended repayment of Deposits, etc. (meaning the  
performance of obligations pertaining to Deposits, etc.; the same applies  
hereinafter) or is likely to suspend repayment of Deposits, etc. in light of the  
status of its business or property.

5 この法律において「銀行持株会社等」とは、次に掲げる者をいう。

(5) The term "Bank Holding Company, etc." as used in this Act means the  
following:

一 銀行法第二条第十三項に規定する銀行持株会社

(i) A bank holding company prescribed in Article 2, paragraph (13) of the  
Banking Act;

二 破綻金融機関に該当する銀行の株式を取得することにより銀行を子会社とする持  
株会社（銀行法第五十二条の十七第一項に規定する銀行を子会社とする持株会社を  
いう。第六十一条第八項において同じ。）となることについて同法第五十二条の十  
七第一項の認可を受けた会社

(ii) A company that has obtained the authorization under Article 52-17,  
paragraph (1) of the Banking Act to become a holding company which has as  
its subsidiary a bank which falls under the Failed Financial Institution  
through the acquisition of the shares of said bank (meaning a holding  
company which has a bank as its subsidiary company prescribed in Article  
52-17, paragraph (1) of said Act; the same applies in Article 61, paragraph  
(8));

三 長期信用銀行法第十六条の四第一項に規定する長期信用銀行持株会社

(iii) A Long-Term Credit Bank holding company prescribed in Article 16-4,  
paragraph (1) of the Long-Term Credit Bank Act;

四 破綻金融機関に該当する長期信用銀行の株式を取得することにより長期信用銀行  
を子会社とする持株会社（長期信用銀行法第十六条の二の四第一項に規定する長期  
信用銀行を子会社とする持株会社をいう。第六十一条第八項において同じ。）とな

ることについて同法第十六条の二の四第一項の認可を受けた会社

(iv) A company that has obtained the authorization under Article 16-2-4, paragraph (1) of the Long-Term Credit Bank Act to become a holding company which has a Long-Term Credit Bank as its subsidiary company (meaning a holding company which has a Long-Term Credit Bank as its subsidiary company prescribed in Article 16-2-4, paragraph (1) of said Act; hereinafter the same applies in Article 61, paragraph (8)) through the acquisition of shares of a Long-Term Credit Bank that falls under the Failed Financial Institution;

五 前各号に掲げる会社以外の会社（銀行及び長期信用銀行を除く。）で銀行又は長期信用銀行（以下「銀行等」という。）を子会社（会社がその総株主の議決権（株主総会において決議をすることができる事項の全部につき議決権を行使することができない株主の有する株式についての議決権を除き、会社法（平成十七年法律第八十六号）第八百七十九条第三項の規定により議決権を有するものとみなされる株式についての議決権を含む。以下この号及び第十三項において同じ。）の百分の五十を超える議決権を保有する他の会社をいう。以下この号において同じ。）とするもの又は子会社としようとするもの

(v) A company that is not listed in the preceding items (excluding banks and Long-Term Credit Banks) and that has a bank or Long-Term Credit Bank (hereinafter referred to as "Bank, etc.") as its subsidiary company (meaning a company of which voting rights exceeding fifty hundredths of the voting rights held by all of its shareholders are held by another company; hereinafter the same applies in this item) (excluding voting rights relating to shares held by shareholders who may not exercise their voting rights for all of the matters which may be resolved at a shareholders' meeting but including voting rights relating to shares for which holders are deemed to have voting rights pursuant to the provisions of Article 879, paragraph (3) of the Companies Act (Act No. 86 of 2005); hereinafter the same applies in this item and paragraph (13)) or intends to have the Bank, etc. become its subsidiary company;

6 この法律において「優先株式等」とは、優先株式（その発行の時に議決権を行使することができる事項のない株式であつて、剰余金の配当及び残余財産の分配について優先的内容を有するものをいう。以下同じ。）、劣後特約付社債（元利金の支払について劣後的内容を有する特約が付された社債であつて、銀行等若しくは銀行持株会社等又は株式会社商工組合中央金庫の自己資本の充実に資するものとして政令で定める社債に該当するものをいう。以下同じ。）又は優先出資（協同組織金融機関の優先出資に関する法律（平成五年法律第四十四号。第七條の四第一項において「優先出資法」という。）に規定する優先出資をいう。以下同じ。）をいう。

(6) The term "Preferred Shares, etc." as used in this Act means preferred shares (meaning shares for which, at the time of issuance, there are no matters on which voting rights may be exercised, with preferred contents with regard to

dividends of surplus and distribution of residual assets; the same applies hereinafter), subordinated bonds (meaning bonds with a special clause of subordinated contents with regard to the payment of principal and interest, and which fall under bonds specified by a Cabinet Order as contributing to the adequacy of equity capital of a Bank, etc., Bank Holding Company, etc. or The Shoko Chukin Bank, Ltd.; the same applies hereinafter), or preferred equity investments (meaning preferred equity investments prescribed in the Act on Preferred Equity Investment by Cooperative Structured Financial Institution (Act No. 44 of 1993, which is referred to as the "Preferred Equity Investment Act" in Article 107-4, paragraph (1); the same applies hereinafter).

7 この法律において「株式等」とは、優先株式以外の株式及び優先株式等をいう。

(7) The term "Shares, etc." as used in this Act means Preferred Shares, etc. and other shares.

8 この法律において「優先株式等の引受け等」とは、優先株式等の引受け又は劣後特約付金銭消費貸借（元利金の支払について劣後的内容を有する特約が付された金銭の消費貸借であつて、金融機関又は銀行持株会社等の自己資本の充実に資するものとして政令で定める金銭の消費貸借に該当するものをいう。）による貸付けをいう。

(8) The term "Subscription for Preferred Shares, etc." as used in this Act means subscription for Preferred Shares, etc. or loans for consumption made pursuant to subordinated loan agreements (meaning loans for consumption falling under those with a special clause of subordinated contents with regard to the payment of principal and interest, and which are specified by a Cabinet Order as contributing to the adequacy of equity capital of a Financial Institution or Bank Holding Company, etc.).

9 この法律において「株式等の引受け等」とは、優先株式以外の株式の引受け又は優先株式等の引受け等をいう。

(9) The term "Subscription for Shares, etc." as used in this Act means Subscription for Preferred Shares, etc. or subscription for other shares.

10 この法律において「損害担保」とは、貸付けに係る債務の全部又は一部の弁済がなされないこととなつた場合において、あらかじめ締結する契約に基づきその債権者に対してその弁済がなされないこととなつた額の一部を補てんすることをいう。

(10) The term "Securing of Damage" as used in this Act means compensation to creditors, based on a contract concluded in advance, through partial repayment of an unpaid amount of a loan in cases where obligations under the loan have become unsatisfied in whole or in part.

11 この法律において「付保預金移転」とは、破綻金融機関の預金等に係る債務の他の金融機関による引受けであつて、当該債務に第五十四条第一項から第三項まで（同項の規定を第五十四条の二第二項において準用する場合を含む。）及び第五十四条の二第一項の規定（以下「保険金計算規定」という。）により計算した保険金の額に対応する預金等に係る債務を含むもの（事業の譲渡又は譲受け（以下「事業譲渡等」という。）に伴うものを除く。）をいう。

(11) The term "Transfer of Insured Deposits" as used in this Act means assumption of obligations pertaining to the Deposits, etc. of a Failed Financial Institution by another Financial Institution, when such obligations include obligations pertaining to the Deposits, etc. corresponding to amounts of insurance proceeds calculated under the provisions of Article 54, paragraphs (1) to (3) (including the cases where the provisions of said paragraphs are applied mutatis mutandis pursuant to Article 54-2, paragraph (2)) and Article 54-2, paragraph (1) (hereinafter referred to as the "Insurance Claim Calculation Provision") (excluding those associated with the transfer or assumption of business (hereinafter referred to as "Business Transfer, etc.")).

1 2 この法律において「被管理金融機関」とは、第七十四条第一項若しくは第二項又は第百十条第一項の規定により、第七十四条第一項に規定する管理を命ずる処分を受けた金融機関をいう。

(12) The term "Financial Institution under Management" as used in this Act means a Financial Institution that has become subject to the disposition ordering management prescribed in Article 74, paragraph (1) pursuant to the provisions of Article 74, paragraph (1) or (2) or Article 110, paragraph (1).

1 3 この法律において「承継銀行」とは、事業の譲受け、付保預金移転又は合併（以下「事業の譲受け等」という。）により被管理金融機関の業務を引き継ぎ、かつ、当該引き継いだ業務を暫定的に維持継続することを主たる目的とする銀行であつて、預金保険機構の子会社（預金保険機構がその総株主の議決権の百分の五十を超える議決権を保有する会社をいう。以下同じ。）として設立されたものをいう。

(13) The term "Bridge Bank" as used in this Act means a bank that has succeeded to the business of a Financial Institution under Management through the assumption of business, Transfer of Insured Deposits or merger (hereinafter referred to as "Assumption of Business, etc."), whose primary purpose is to maintain and continue said business on a temporary basis, and that has been established as a subsidiary company of the Deposit Insurance Corporation (meaning a company of which voting rights exceeding fifty hundredths of the voting rights held by all of its shareholders are held by the Deposit Insurance Corporation; the same applies hereinafter).

## 第二章 預金保険機構

### Chapter II Deposit Insurance Corporation

#### 第一節 総則

##### Section 1 General Provisions

(法人格)

(Legal Personality)

第三条 預金保険機構（以下「機構」という。）は、法人とする。

Article 3 The Deposit Insurance Corporation (hereinafter referred to as the



"Corporation") is to be a corporation.

(数)

(Number)

第四条 機構は、一を限り、設立されるものとする。

Article 4 Regarding the Corporation, only one is to be established.

(資本金)

(Capital)

第五条 機構の資本金は、その設立に際し、政府及び政府以外の者が出資する額の合計額とする。

Article 5 (1) The capital of the Corporation is to be the total amount of capital contributed by the government and other persons at the time of the Corporation's establishment.

2 機構は、必要があるときは、内閣総理大臣及び財務大臣の認可を受けて、その資本金を増加することができる。

(2) The Corporation may, when necessary, increase its capital with the authorization of the Prime Minister and the Minister of Finance.

(名称)

(Name)

第六条 機構は、その名称中に預金保険機構という文字を用いなければならない。

Article 6 (1) The Corporation shall use the phrase "Deposit Insurance Corporation" in its name.

2 機構でない者は、その名称中に預金保険機構という文字を用いてはならない。

(2) No person other than the Corporation shall use the phrase "Deposit Insurance Corporation" in its name.

(登記)

(Registration)

第七条 機構は、政令で定めるところにより、登記しなければならない。

Article 7 (1) The Corporation shall be registered pursuant to the provisions of a Cabinet Order.

2 前項の規定により登記しなければならない事項は、登記の後でなければ、これをもって第三者に対抗することができない。

(2) The matters required to be registered under the preceding paragraph may not be asserted against a third party until after they have been registered.

(一般社団法人及び一般財団法人に関する法律の準用)

(Application Mutatis Mutandis of Act on General Incorporated Associations and General Incorporated Foundations)

第八条 一般社団法人及び一般財団法人に関する法律（平成十八年法律第四十八号）第四条及び第七十八条の規定は、機構について準用する。

Article 8 The provisions of Article 4 and Article 78 of the Act on General Incorporated Associations and General Incorporated Foundations (Act No. 48 of 2006) applies mutatis mutandis to the Corporation.

## 第二節 設立

### Section 2 Establishment

（発起人）

(Founders)

第九条 機構を設立するには、金融に関して専門的な知識と経験を有する者七人以上が発起人となることを必要とする。

Article 9 Seven or more persons with experience and expertise in financial matters shall act as founders in order to establish the Corporation.

（定款の作成等）

(Preparation of Articles of Incorporation, etc.)

第十条 発起人は、すみやかに、機構の定款を作成し、政府以外の者に対し機構に対する出資を募集しなければならない。

Article 10 (1) The founders shall promptly prepare the articles of incorporation of the Corporation and solicit capital contributions to the Corporation from persons other than the government.

2 前項の定款には、次の事項を記載しなければならない。

(2) The articles of incorporation referred to in the preceding paragraph shall state the following matters:

一 目的

(i) Purpose

二 名称

(ii) Name

三 事務所の所在地

(iii) Location of offices

四 資本金及び出資に関する事項

(iv) Matters concerning capital and capital contribution

五 運営委員会に関する事項

(v) Matters concerning the Operation Committee

六 役員に関する事項

(vi) Matters concerning officers

七 業務及びその執行に関する事項

(vii) Matters concerning operations and their execution

八 財務及び会計に関する事項

(viii) Matters concerning finance and accounting

九 定款の変更に関する事項

(ix) Matters concerning amendment of the articles of incorporation

十 公告の方法

(x) Method of public notice

(設立の認可)

(Authorization for Establishment)

第十一条 発起人は、前条第一項の募集が終わつたときは、すみやかに、定款を内閣総理大臣及び財務大臣に提出して、設立の認可を申請しなければならない。

Article 11 Promptly after the solicitation set forth in paragraph (1) of the preceding Article has been completed, founders shall submit the articles of incorporation to the Prime Minister and the Minister of Finance and apply for authorization for establishment.

(事務の引継ぎ)

(Transfer of Affairs)

第十二条 発起人は、前条の認可を受けたときは、遅滞なく、その事務を機構の理事長となるべき者に引き継がなければならない。

Article 12 (1) When the authorization set forth in the preceding Article is granted, founders shall hand over their affairs without delay to the person who is to become the governor of the Corporation.

2 機構の理事長となるべき者は、前項の規定による事務の引継ぎを受けたときは、遅滞なく、政府及び出資の募集に応じた政府以外の者に対し、出資金の払込みを求めなければならない。

(2) The person who is to become the governor of the Corporation shall, when he/she has taken over the affairs under the preceding paragraph, request without delay the government and persons other than the government who have agreed to make capital contributions in response to the solicitation to pay capital contributions.

(設立の登記)

(Registration of Establishment)

第十三条 機構の理事長となるべき者は、前条第二項の規定による出資金の払込みがあつたときは、遅滞なく、政令で定めるところにより、設立の登記をしなければならない。

Article 13 (1) When capital contributions are paid pursuant to the provisions of paragraph (2) of the preceding Article, the person who is to become the governor of the Corporation shall register its establishment without delay pursuant to the provisions of a Cabinet Order.

2 機構は、設立の登記をすることにより成立する。

(2) The Corporation will be established upon the registration of its establishment.

### 第三節 運営委員会

#### Section 3 Operation Committee

(設置)

(Establishment)

第十四条 機構に、運営委員会（以下「委員会」という。）を置く。

Article 14 An operation committee (hereinafter referred to as the "Operation Committee") will be established within the Corporation.

(権限)

(Authority)

第十五条 この法律（第一章、第二章、第五章及び第九章を除く。）で別に定めるもののほか、次に掲げる事項は、委員会の議決を経なければならない。

Article 15 In addition to matters separately specified by this Act (excluding Chapter I, Chapter II, Chapter V, and Chapter IX), the following matters shall require a resolution of the Operation Committee:

一 定款の変更

(i) Amendment of the articles of incorporation

二 業務方法書の作成及び変更

(ii) Preparation of and amendments to the statement of operation procedures

三 予算及び資金計画

(iii) Budget and funding plans

四 決算

(iv) Settlement of accounts

五 その他委員会が特に必要と認める事項

(v) Other matters deemed particularly necessary by the Operation Committee

(組織)

(Organization)

第十六条 委員会は、委員八人以内並びに機構の理事長及び理事をもつて組織する。

Article 16 (1) The Operation Committee will be composed of not more than eight members in addition to the governor and the deputy governors of the Corporation.

2 委員会に委員長一人を置き、機構の理事長をもつて充てる。

(2) The Operation Committee will have a chairperson, who is the governor of the Corporation.

3 委員長は、委員会の会務を総理する。

(3) The chairperson will preside over the affairs of the Operation Committee.

4 委員会は、あらかじめ、委員及び機構の理事のうちから、委員長に事故がある場合

に委員長の職務を代理する者を定めておかなければならない。

(4) The Operation Committee shall designate in advance, from among its members and the deputy governors of the Corporation, a person who performs the duties of the chairperson in his/her place in the event that the chairperson is unable to attend to his/her duties.

(委員の任命)

(Appointment of Members)

第十七条 委員は、金融に関して専門的な知識と経験を有する者のうちから、機構の理事長が内閣総理大臣及び財務大臣の認可を受けて任命する。

Article 17 Members will be appointed from among persons with experience and expertise in financial matters by the governor of the Corporation with the authorization of the Prime Minister and the Minister of Finance.

(委員の任期)

(Term of Office of Members)

第十八条 委員の任期は、一年とする。ただし、委員が欠けた場合における補欠の委員の任期は、前任者の残任期間とする。

Article 18 (1) The term of office of members is to be one year; provided, however, that the term of office of a member who fills a vacancy is to be the remaining term of such predecessor.

2 委員は、再任されることができる。

(2) Members may be reappointed.

(委員の解任)

(Dismissal of Members)

第十九条 機構の理事長は、委員が次の各号のいずれかに該当するに至ったときは、内閣総理大臣及び財務大臣の認可を受けて、その委員を解任することができる。

Article 19 The governor of the Corporation may dismiss a member with the authorization of the Prime Minister and the Minister of Finance if such member has come to fall under any of the following items:

一 破産手続開始の決定を受けたとき。

(i) The member has received a ruling for the commencement of bankruptcy proceedings;

二 禁錮以上の刑に処せられたとき。

(ii) The member has been sentenced to imprisonment without work or a heavier punishment;

三 心身の故障のため職務を執行することができないと認められるとき。

(iii) The member is deemed unable to execute his/her duties due to mental or physical disability; or

四 職務上の義務違反があるとき。

(iv) The member has breached his/her obligations in the course of duties.

(委員の報酬)

(Remuneration of Members)

第二十条 委員は、報酬を受けない。ただし、旅費その他職務の遂行に伴う実費を受けるものとする。

Article 20 Members will not receive any remuneration; provided, however, that they are to be paid travel expenses and other actual expenses incurred in connection with the execution of their duties.

(議決の方法)

(Method of Resolutions)

第二十一条 委員会は、委員長又は第十六条第四項に規定する委員長の職務を代理する者のほか、委員及び機構の理事のうち六人以上が出席しなければ、会議を開き、議決をすることができない。

Article 21 (1) The Operation Committee may not convene a meeting or adopt a resolution unless the chairperson or the person who performs the duties of the chairperson prescribed in Article 16, paragraph (4) and six or more persons from among the members and deputy governors of the Corporation are present.

2 委員会の議事は、出席した委員長、委員及び機構の理事の過半数をもって決する。可否同数のときは、委員長が決する。

(2) A decision of the Operation Committee will be made by a majority of the votes of the chairperson, members, and deputy governors of the Corporation who are present. In the event of a tie, the chairperson will cast the deciding vote.

3 内閣総理大臣及び財務大臣がそれぞれ指名するその職員は、第一項の会議に出席し、意見を述べることができる。

(3) Staff members appointed by the Prime Minister or the Minister of Finance, may attend the meeting prescribed in paragraph (1) and express opinions.

4 日本銀行政策委員会が指名する日本銀行の理事は、第一項の会議に出席し、意見を述べることができる。

(4) The deputy governors of the Bank of Japan who are appointed by the Bank of Japan's Operation Committee may attend the meeting prescribed in paragraph (1) and express opinions.

(委員の秘密保持義務)

(Confidentiality Obligations of Members)

第二十二条 委員は、その職務上知ることのできた秘密を漏らしてはならない。委員がその職を退いた後も、同様とする。

Article 22 Members must not divulge any secret which may have come to their knowledge in the course of their duties. The same applies after they have left their position.

(委員の公務員たる性質)

(Status of Members as Public Officials)

第二十三条 委員は、刑法（明治四十年法律第四十五号）その他の罰則の適用については、法令により公務に従事する職員とみなす。

Article 23 Members will be deemed to be officials engaging in public duties pursuant to the provisions of laws and regulations with regard to the application of the Penal Code (Act No. 45 of 1907) and other penal provisions.

#### 第四節 役員等

##### Section 4 Officers, etc.

(役員)

(Officers)

第二十四条 機構に、役員として理事長一人、理事四人以内及び監事一人を置く。

Article 24 The Corporation will have, as its officers, one governor, not more than four deputy governors, and one inspector.

(役員職務及び権限)

(Duties and Authority of Officers)

第二十五条 理事長は、機構を代表し、その業務を総理する。

Article 25 (1) The governor will represent the Corporation and preside over its operations.

2 理事は、理事長の定めるところにより、機構を代表し、理事長を補佐して機構の業務を掌理し、理事長に事故があるときはその職務を代理し、理事長が欠員のときはその職務を行う。

(2) The deputy governors will, in accordance with decisions made by the governor, represent the Corporation, assist the governor in administrating the operations of the Corporation, perform the duties of the governor in his/her place in the event that the governor is unable to attend to his/her duties, and perform the duties of the governor when the post is vacant.

3 監事は、機構の業務を監査する。

(3) The inspector will audit the operations of the Corporation.

4 監事は、監査の結果に基づき、必要があると認めるときは、理事長又は内閣総理大臣及び財務大臣に意見を提出することができる。

(4) The inspector may, when he/she finds it necessary based on the audit results, submit his/her opinion to the governor or the Prime Minister and the Minister of Finance.

(役員任命)

(Appointment of Officers)

第二十六条 役員は、両議院の同意を得て、内閣総理大臣が任命する。

Article 26 (1) Officers will be appointed by the Prime Minister with consent from both Houses of the Diet.

2 役員の任期が満了し、又は欠員が生じた場合において、国会の閉会又は衆議院の解散のために両議院の同意を得ることができないときは、内閣総理大臣は、前項の規定にかかわらず、役員を任命することができる。

(2) Notwithstanding the provisions of the preceding paragraph, the Prime Minister may appoint an officer if the term of office of an officer expires or a vacancy occurs at a time when the Diet is out of session or the House of Representatives has been dissolved and it is impossible to obtain consent from both Houses.

3 前項の場合においては、任命後最初の国会において両議院の事後の承認を得なければならない。この場合において、両議院の事後の承認が得られないときは、内閣総理大臣は、直ちにその役員を解任しなければならない。

(3) In the case referred to in the preceding paragraph, ex post facto consent by both Houses of the Diet must be obtained in the first Diet after the appointment. In this case, if the ex post facto consent cannot be obtained by both Houses of the Diet, the Prime Minister must immediately dismiss said officer.

(役員の任期)

(Term of Office of Officers)

第二十七条 役員の任期は、二年とする。

Article 27 (1) The term of office of officers is two years.

2 役員は、再任されることができる。

(2) Officers may be reappointed.

(役員の欠格条項)

(Ineligibility of Officers)

第二十八条 政府又は地方公共団体の職員（非常勤の者を除く。）は、役員となること  
ができない。

Article 28 No employee of the government or a local public entity (excluding part-time employees) is eligible to become an officer.

(役員の解任)

(Dismissal of Officers)

第二十九条 内閣総理大臣は、役員が前条の規定に該当するに至ったときは、その役員  
を解任しなければならない。

Article 29 (1) The Prime Minister must dismiss an officer who has come to fall under the preceding Article.

2 内閣総理大臣は、役員が第十九条各号の一に該当するに至ったとき、その他役員た



るに適しないと認めるときは、その役員を解任することができる。

(2) The Prime Minister may dismiss an officer who has come to fall under any of the items of Article 19 or if he/she otherwise finds that it is inappropriate for the officer to remain in office.

(役員の新職禁止)

(Prohibition of Concurrent Holding of Positions by Officers)

第三十条 役員（監事を除く。）は、営利を目的とする団体の役員となり、又は自ら営利事業に従事してはならない。ただし、内閣総理大臣の承認を受けたときは、この限りでない。

Article 30 No officer (excluding the inspector) shall take office as an officer of a profit-making organization or personally engage in a profit-making business; provided, however, that this does not apply when approval from the Prime Minister has been obtained.

(代表権の制限)

(Restrictions on Authority of Representation)

第三十一条 機構と理事長又は理事との利益が相反する事項については、これらの者は、代表権を有しない。この場合には、監事が機構を代表する。

Article 31 The governor or deputy governors will not have the authority of representation with regard to any matters for which the interests of the Corporation and those of the governor or deputy governors conflict with each other. In this case, an inspector will represent the Corporation.

(代理人の選任)

(Appointment of Representative)

第三十一条の二 理事長は、機構の職員のうちから、機構の業務の一部に関する一切の裁判上又は裁判外の行為を行う権限を有する代理人を選任することができる。

Article 31-2 The governor may appoint from among the employees of the Corporation a representative who has the authority to perform all judicial and non-judicial acts in connection with part of the operations of the Corporation.

(職員の任命)

(Appointment of Staff)

第三十二条 機構の職員は、理事長が任命する。

Article 32 Staff of the Corporation will be appointed by the governor.

(役員等の秘密保持義務等)

(Confidentiality Obligations of Officers, etc.)

第三十三条 第二十二條及び第二十三條の規定は、役員及び職員について準用する。

Article 33 The provisions of Article 22 and Article 23 apply mutatis mutandis to

officers and staff members.

## 第五節 業務 Section 5 Operations

(業務の範囲)

(Scope of Operations)

第三十四条 機構は、第一条の目的を達成するため、次の業務を行う。

Article 34 The Corporation will conduct the following operations in order to achieve the purpose prescribed in Article 1:

一 次章第二節の規定による保険料の収納

(i) Collection of insurance premiums under the provisions of Section 2 of the following Chapter;

二 次章第三節の規定による保険金及び仮払金の支払

(ii) Payment of insurance proceeds and provisional payment under the provisions of Section 3 of the following Chapter;

三 次章第四節の規定による資金援助その他同節の規定による業務

(iii) Financial assistance and other operations under the provisions of Section 4 of the following Chapter;

三の二 第六十九条の三の規定による資金の貸付け

(iii)-2 Loan of funds under the provisions of Article 69-3;

四 第四章の規定による預金等債権の買取り

(iv) Purchase of deposits and other claims under the provisions of Chapter IV;

五 第七十八条第二項の規定による金融整理管財人又は金融整理管財人代理の業務

(v) Operations of a financial administrator or a financial administrator's representative under the provisions of Article 78, paragraph (2);

六 第六章の規定による承継銀行の経営管理その他同章の規定による業務

(vi) Management of a Bridge Bank and other operations under the provisions of Chapter VI;

七 第七章の規定による株式等の引受け等その他同章の規定による業務

(vii) Subscription for Shares, etc. and other operations under the provisions of Chapter VII;

八 第二百二十七条又は第二百二十八条において準用する第六十九条の三の規定による資金の貸付け及び第二百二十九条の規定による資産の買取り

(viii) Loan of funds under the provisions of Article 69-3 as applied mutatis mutandis pursuant to Article 127 or Article 128 and purchase of assets under the provisions of Article 129;

九 金融機関等の更生手続の特例等に関する法律（平成八年法律第九十五号）第四章第四節、第五章第二節及び第六章第二節の規定による預金者表の提出その他これらの規定による業務

(ix) Submission of lists of depositors and other operations under the provisions

of Section 4 of Chapter IV, Section 2 of Chapter V, and Section 2 of Chapter VI of the Act on Special Measures for Corporate Reorganization Proceedings and Other Insolvency Proceedings of Financial Institutions (Act No. 95 of 1996); and

十 前各号に掲げる業務に附帯する業務

(x) Operations incidental to the operations listed in the preceding items.

(業務の委託)

(Entrustment of Operations)

第三十五条 機構は、内閣総理大臣及び財務大臣の認可を受けて、日本銀行、金融機関又は金融機関代理業者（銀行法第二条第十五項に規定する銀行代理業者、長期信用銀行法第十六条の五第三項に規定する長期信用銀行代理業者、信用金庫法第八十五条の二第三項に規定する信用金庫代理業者、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）第六条の三第三項に規定する信用協同組合代理業者、労働金庫法（昭和二十八年法律第二百二十七号）第八十九条の三第三項に規定する労働金庫代理業者及び株式会社商工組合中央金庫法第二条第四項に規定する代理又は媒介に係る契約の相手方をいう。以下同じ。）に対し、その業務の一部を委託することができる。

Article 35 (1) The Corporation may, with the authorization of the Prime Minister and the Minister of Finance, entrust part of its operations to the Bank of Japan, a Financial Institution, or a Financial Institution agent (meaning a bank agent prescribed in Article 2, paragraph (15) of the Banking Act, Long-Term Credit Bank agent prescribed in Article 16-5, paragraph (3) of the Long-Term Credit Bank Act, shinkin bank agent prescribed in Article 85-2, paragraph (3) of the Shinkin Bank Act, credit cooperative agent prescribed in Article 6-3, paragraph (3) of the Act on Financial Business by Cooperatives (Act No. 183 of 1949), labor bank agent prescribed in Article 89-3, paragraph (3) of the Labor Bank Act (Act No. 227 of 1953) and the other party to contracts pertaining to the agency or intermediary prescribed in Article 2, paragraph (4) of The Shoko Chukin Bank, Ltd. Act; the same applies hereinafter).

2 日本銀行、金融機関及び金融機関代理業者は、他の法律の規定にかかわらず、前項の規定による委託を受け、当該業務を行うことができる。

(2) The Bank of Japan, a Financial Institution, and a Financial Institution agent may conduct operations entrusted under the preceding paragraph notwithstanding the provisions of any other Acts.

3 第二十三条の規定は、第一項の規定による委託を受けた金融機関又は金融機関代理業者の役員又は職員で、当該業務に従事するものについて準用する。

(3) The provisions of Article 23 apply mutatis mutandis to officers or staff of a Financial Institution or Financial Institution agent engaged in the operations entrusted to such Financial Institution or Financial Institution agent under paragraph (1).

(業務方法書)

(Statement of Operation Procedures)

第三十六条 機構は、業務開始の際、業務方法書を作成し、内閣総理大臣及び財務大臣の認可を受けなければならない。これを変更しようとするときも、同様とする。

Article 36 (1) The Corporation shall prepare a statement of operation procedures when commencing operations and obtain the authorization of the Prime Minister and the Minister of Finance. The same applies when the Corporation intends to amend such statement.

2 前項の業務方法書には、保険料に関する事項その他内閣府令・財務省令で定める事項を記載しなければならない。

(2) The statement of operation procedures prescribed in the preceding paragraph shall state matters concerning insurance premiums and other matters specified by a Cabinet Office Ordinance and an Ordinance of the Ministry of Finance.

(資料の提出の請求等)

(Request for Submission of Materials, etc.)

第三十七条 機構は、その業務を行うため必要があるときは、金融機関（当該金融機関を所属金融機関（銀行法第二条第十六項に規定する所属銀行、長期信用銀行法第十六条の五第三項に規定する所属長期信用銀行、信用金庫法第八十五条の二第三項に規定する所属信用金庫、協同組合による金融事業に関する法律第六条の三第三項に規定する所属信用協同組合及び労働金庫法第八十九条の三第三項に規定する所属労働金庫をいう。以下同じ。）とする金融機関代理業者及び株式会社商工組合中央金庫法第二条第四項に規定する代理又は媒介に係る契約の相手方を含む。次項において同じ。）又は銀行持株会社等（第三十四条第三号、第六号又は第七号に掲げる業務に係る銀行持株会社等に限る。）に対し、資料の提出を求めることができる。

Article 37 (1) The Corporation may, when necessary for conducting its operations, request a Financial Institution (including a Financial Institution agent having said Financial Institution as its principal Financial Institution (meaning the principal bank prescribed in Article 2, paragraph (16) of the Banking Act, principal Long-Term Credit Bank prescribed in Article 16-5, paragraph (3) of the Long-Term Credit Bank Act, principal shinkin bank prescribed in Article 85-2, paragraph (3) of the Shinkin Bank Act, principal credit cooperative prescribed in Article 6-3, paragraph (3) of the Act on Financial Business by Cooperatives, principal labor bank prescribed in Article 89-3, paragraph (3) of the Labor Bank Act; the same applies hereinafter) and the other party to contracts pertaining to the agency or intermediary prescribed in Article 2, paragraph (4) of The Shoko Chukin Bank, Ltd. Act; the same applies in the following paragraph) or Bank Holding Company, etc. (limited to the Bank Holding Company, etc. pertaining to the operations listed in Article 34, item (iii), (vi) or (vii)) to submit relevant materials.

2 前項の規定により資料の提出を求められた金融機関又は銀行持株会社等は、遅滞なく、これを提出しなければならない。

(2) A Financial Institution or Bank Holding Company, etc. shall submit relevant materials without delay when requested to do so under the preceding paragraph.

3 機構は、破綻金融機関の取締役、会計参与、監査役及び会計監査人（破綻金融機関が委員会設置会社である場合にあつては取締役、執行役、会計参与及び会計監査人、破綻金融機関が信用金庫若しくは信用金庫連合会、信用協同組合若しくは信用協同組合連合会又は労働金庫若しくは労働金庫連合会（以下「信用金庫等」という。）である場合にあつては理事、監事及び会計監査人）並びに支配人（破綻金融機関が信用協同組合若しくは信用協同組合連合会又は労働金庫若しくは労働金庫連合会である場合にあつては、参事）その他の使用人並びに破綻金融機関を所属金融機関とする金融機関代理業者（金融機関代理業者が法人である場合にあつては、役員及び使用人）並びにこれらの者であつた者に対し、破綻金融機関の業務及び財産の状況（これらの者であつた者については、その者が当該破綻金融機関の業務に従事していた期間内に知ることのできた事項に係るものに限る。）につき報告を求め、又は破綻金融機関及び破綻金融機関を所属金融機関とする金融機関代理業者の帳簿、書類その他の物件を検査することができる。

(3) The Corporation may request a director, accounting advisor, corporate auditor, and accounting auditor (a director, executive officer, accounting advisor and accounting auditor in the event that a Failed Financial Institution is a company with committees, and a director, inspector and accounting auditor in the event that a Failed Financial Institution is a shinkin bank, Federation of Shinkin Banks, credit cooperative, Federation of Credit Cooperatives, labor bank or The Rokinren Bank (hereinafter referred to as "Shinkin Bank, etc.)), manager (a counselor in the event that a Failed Financial Institution is a credit cooperative, Federation of Credit Cooperatives, labor bank or The Rokinren Bank), and any other employee of a Failed Financial Institution and a Financial Institution agent having a Failed Financial Institution as its principal Financial Institution (in the event that the Financial Institution agent is a corporation, any of its officers and employees), and a person who previously held any of these positions (with regard to any person who previously held any of these positions, limited to those items pertaining to matters that could have been known by him/her during the period when he/she was engaged in the operations of the Failed Financial Institution) to report on the status of business and property of the Failed Financial Institution, or inspect the books, documents, and any other items of the Failed Financial Institution and Financial Institution agent having the Failed Financial Institution as its principal Financial Institution.

4 国、都道府県又は日本銀行は、機構がその業務を行うため特に必要があると認めて要請をしたときは、機構に対し、資料を交付し、又はこれを閲覧させることができる。

- (4) The national or prefectural government or the Bank of Japan may deliver relevant materials to the Corporation or make them available for inspection by the Corporation if the Corporation finds it particularly necessary for conducting its operations and makes a request for such delivery or inspection.

## 第六節 財務及び会計

### Section 6 Finance and Accounting

(事業年度)

(Business Year)

第三十八条 機構の事業年度は、毎年四月一日に始まり、翌年三月三十一日に終わる。  
Article 38 The business year of the Corporation will be from April 1 to March 31 of the following year.

(予算等の認可)

(Authorization for Budget, etc.)

第三十九条 機構は、毎事業年度、予算及び資金計画を作成し、当該事業年度の開始前に、内閣総理大臣及び財務大臣の認可を受けなければならない。これを変更しようとするときも、同様とする。

Article 39 The Corporation shall prepare a budget and funding plan for each business year and obtain the authorization of the Prime Minister and the Minister of Finance before the start of that business year. The same applies when the Corporation intends to amend such budget and/or funding plan.

(財務諸表等)

(Financial Statements, etc.)

第四十条 機構は、毎事業年度、財産目録、貸借対照表及び損益計算書（以下この条において「財務諸表」という。）を作成し、当該事業年度の終了後三月以内に内閣総理大臣及び財務大臣に提出し、その承認を受けなければならない。

Article 40 (1) The Corporation shall prepare an inventory of property, balance sheet, and profit and loss statement (hereinafter referred to as "Financial Statements" in this Article) for each business year and submit the Financial Statements for approval to the Prime Minister and the Minister of Finance within three months of the end of that business year.

2 機構は、前項の規定により財務諸表を内閣総理大臣及び財務大臣に提出するときは、これに当該事業年度の事業報告書及び予算の区分に従い作成した決算報告書並びに財務諸表及び決算報告書に関する監事の意見書を添付しなければならない。

(2) When submitting the Financial Statements to the Prime Minister and the Minister of Finance under the preceding paragraph, the Corporation shall attach thereto a business report, statement of accounts prepared according to the classification of budget, and written opinion of the inspector on the

Financial Statements and statement of accounts for that business year.

3 機構は、第一項の規定による内閣総理大臣及び財務大臣の承認を受けたときは、遅滞なく、財務諸表を官報に公告し、かつ、財務諸表及び附属明細書並びに前項の事業報告書、決算報告書及び監事の意見書を、各事務所に備えて置き、内閣府令・財務省令で定める期間、一般の閲覧に供しなければならない。

(3) Upon obtaining approval from the Prime Minister and the Minister of Finance pursuant to the provisions of paragraph (1), the Corporation shall give public notice of the Financial Statements in the official gazette without delay, keep at each of the Corporation's offices the Financial Statements and supplementary schedules, business report, statement of accounts, and written opinion of the inspector prescribed in the preceding paragraph, and make them available for public inspection for a period specified by a Cabinet Office Ordinance and an Ordinance of the Ministry of Finance.

(区分経理)

(Separate Accounting)

第四十条の二 機構は、次に掲げる業務ごとに経理を区分し、それぞれ勘定を設けて整理しなければならない。

Article 40-2 The Corporation shall separate the accounting and prepare separate accounts for each of the following operations:

一 第三十四条各号に掲げる業務（次号に掲げるものを除く。）

(i) Operations listed in each item of Article 34 (excluding those listed in the following item); and

二 第七十条第一項の規定による株式等の引受け等に係る業務、第二百二十二条第一項の規定による負担金の収納及びこれらの業務に附帯する業務

(ii) Operations pertaining to the Subscription for Shares, etc. prescribed in Article 107, paragraph (1) and receipt of contributions pursuant to the provisions of Article 122, paragraph (1) and operations incidental thereto.

(責任準備金の積立て)

(Accumulation of Liability Reserve)

第四十一条 機構は、一般勘定（前条第一号に掲げる業務に係る勘定をいう。以下同じ。）について、内閣府令・財務省令で定めるところにより、毎事業年度末において、責任準備金を計算し、これを積み立てなければならない。

Article 41 At the end of each business year, the Corporation shall calculate a liability reserve for the general account (meaning the account pertaining to operations listed in item (i) of the preceding Article; the same applies hereinafter) to be set aside pursuant to the provisions of a Cabinet Office Ordinance and an Ordinance of the Ministry of Finance.

(借入金及び預金保険機構債)

(Borrowing and Deposit Insurance Corporation Bonds)

第四十二条 機構は、第四十条の二第一号に掲げる業務を行うため必要があると認めるときは、内閣総理大臣及び財務大臣の認可を受けて、金融機関その他の者（日本銀行を除く。）から資金の借入れ（借換えを含む。）をし、又は預金保険機構債（以下「機構債」という。）の発行（機構債の借換えのための発行を含む。）をすることができる。この場合において、機構は、機構債の債券を発行することができる。

Article 42 (1) The Corporation may, with the authorization of the Prime Minister and the Minister of Finance, borrow funds (including refinancing) from a Financial Institution or any other person (excluding the Bank of Japan) or issue Deposit Insurance Corporation bonds (hereinafter referred to as "Corporation Bonds") (including issuance for the purpose of refinancing Corporation Bonds) if the Corporation finds it necessary for conducting the operations listed in Article 40-2, item (i). In this case, the Corporation may issue Corporation Bonds.

2 機構は、前項に規定する業務を行う場合における一時的な資金繰りのために必要があると認めるときは、内閣総理大臣及び財務大臣の認可を受けて、日本銀行から資金の借入れ（借換えを含む。）をすることができる。

(2) The Corporation may, with the authorization of the Prime Minister and the Minister of Finance, borrow funds (including refinancing) from the Bank of Japan if the Corporation finds it necessary for temporary cash flow in the event of conducting the operations prescribed in the preceding paragraph.

3 第一項の規定による借入金の現在額、同項の規定により発行する機構債の元本に係る債務の現在額及び前項の規定による借入金の現在額の合計額は、政令で定める金額を超えることとなつてはならない。

(3) The total of the current amount of borrowing carried out under paragraph (1), the current amount of obligations pertaining to the principal of the Corporation Bonds issued under that paragraph, and the current amount of borrowing carried out under the preceding paragraph must not exceed the limit specified by a Cabinet Order.

4 日本銀行は、日本銀行法（平成九年法律第八十九号）第四十三条第一項の規定にかかわらず、機構に対し、第二項の資金の貸付けをすることができる。

(4) Notwithstanding the provisions of Article 43, paragraph (1) of the Bank of Japan Act (Act No. 89 of 1997), the Bank of Japan may loan funds prescribed in paragraph (2) to the Corporation.

5 第一項の規定による機構債の債権者は、機構の財産について他の債権者に先立つて自己の債権の弁済を受ける権利を有する。

(5) Holders of the Corporation Bonds issued under paragraph (1) will have the right to have their claims satisfied out of the assets of the Corporation in preference over other creditors.

6 前項の先取特権の順位は、民法（明治二十九年法律第八十九号）の規定による一般の先取特権に次ぐものとする。



(6) The order of the statutory lien under the preceding paragraph is to be next to the general statutory lien under the provisions of the Civil Code (Act No. 89 of 1896).

7 機構は、内閣総理大臣及び財務大臣の認可を受けて、機構債の発行に関する事務の全部又は一部を銀行等又は信託会社に委託することができる。

(7) The Corporation may, with the authorization of the Prime Minister and the Minister of Finance, entrust all or part of the affairs relating to the issuance of the Corporation Bonds to a Bank, etc. or trust company.

8 会社法第七百五条及び第七百九条の規定は、前項の規定により委託を受けた銀行等又は信託会社について準用する。

(8) The provisions of Article 705 or Article 709 of the Companies Act apply mutatis mutandis to the Bank, etc. or trust company entrusted pursuant to the provisions of the preceding paragraph.

9 第一項及び第五項から前項までに定めるもののほか、機構債に関し必要な事項は、政令で定める。

(9) In addition to what is provided for in paragraph (1) and paragraph (5) to the preceding paragraph, necessary matters for the Corporation Bonds will be specified by a Cabinet Order.

(政府保証)

(Government Guarantee)

第四十二条の二 政府は、法人に対する政府の財政援助の制限に関する法律（昭和二十一年法律第二十四号）第三条の規定にかかわらず、国会の議決を経た金額の範囲内において、機構の前条第一項若しくは第二項の借入れ又は同条第一項の機構債に係る債務の保証をすることができる。

Article 42-2 Notwithstanding the provisions of Article 3 of the Act on Restrictions on Government Financial Assistance for Corporations (Act No. 24 of 1946), the government may provide guarantees for obligations pertaining to the borrowing by the Corporation under paragraph (1) or (2) of the preceding Article or Corporation Bonds under paragraph (1) of the preceding Article within the limit of the amount approved by the Diet.

(余裕金の運用)

(Investment of Surplus Funds)

第四十三条 機構は、次の方法によるほか、業務上の余裕金を運用してはならない。

Article 43 The Corporation must not invest surplus funds from operations except by the following methods:

一 国債その他内閣総理大臣及び財務大臣の指定する有価証券の保有

(i) Holding of national government bonds or other securities designated by the Prime Minister and the Minister of Finance;

二 内閣総理大臣及び財務大臣の指定する金融機関への預金

(ii) Deposits in the Financial Institutions designated by the Prime Minister and the Minister of Finance; or

三 その他内閣府令・財務省令で定める方法

(iii) Other methods specified by a Cabinet Office Ordinance and an Ordinance of the Ministry of Finance.

(内閣府令・財務省令への委任)

(Delegation to Cabinet Office Ordinance and an Ordinance of the Ministry of Finance)

第四十四条 この法律に規定するもののほか、機構の財務及び会計に関し必要な事項は、内閣府令・財務省令で定める。

Article 44 In addition to what is provided for in this Act, necessary matters for the finance and accounting of the Corporation will be specified by a Cabinet Office Ordinance and an Ordinance of the Ministry of Finance.

## 第七節 監督

### Section 7 Supervision

(監督)

(Supervision)

第四十五条 機構は、内閣総理大臣及び財務大臣が監督する。

Article 45 (1) The Corporation will be supervised by the Prime Minister and the Minister of Finance.

2 内閣総理大臣及び財務大臣は、この法律を施行するため必要があると認めるときは、機構に対し、その業務に関して監督上必要な命令をすることができる。

(2) The Prime Minister and the Minister of Finance may, if they find it necessary for the enforcement of this Act, give the Corporation orders necessary for the supervision of its operations.

(報告及び検査)

(Report and Inspection)

第四十六条 内閣総理大臣及び財務大臣は、この法律を施行するため必要があると認めるときは、機構に対しその業務に関し報告をさせ、又はその職員に機構の事務所に立ち入り、帳簿、書類その他の物件を検査させることができる。

Article 46 (1) The Prime Minister and the Minister of Finance may, if they find it necessary for the enforcement of this Act, have the Corporation report on its operations or have their officials enter the offices of the Corporation to inspect books, documents and other items.

2 前項の規定により職員が立入検査をする場合には、その身分を示す証明書を携帯し、関係人にこれを提示しなければならない。

(2) When conducting on-site inspections under the preceding paragraph, the

officials shall carry a certificate of identification and display it to those concerned.

3 第一項の規定による立入検査の権限は、犯罪捜査のために認められたものと解してはならない。

(3) The authority for conducting on-site inspections prescribed in paragraph (1) shall not be construed as given for any criminal investigation.

## 第八節 補則

### Section 8 Auxiliary Provisions

(定款の変更)

(Amendments of Articles of Incorporation)

第四十七条 定款の変更は、内閣総理大臣及び財務大臣の認可を受けなければ、その効力を生じない。

Article 47 No amendment of the articles of incorporation shall be effective unless authorized by the Prime Minister and the Minister of Finance.

(解散)

(Dissolution)

第四十八条 機構は、解散した場合において、その債務を弁済してなお残余財産があるときは、これを各出資者に対し、その出資額を限度として分配するものとする。

Article 48 (1) If, upon dissolution of the Corporation and payment of all its obligations, there are any residual assets, such assets are to be distributed to each capital contributor of the Corporation up to the amount of each contributor's capital contributions.

2 前項に規定するもののほか、機構の解散については、別に法律で定める。

(2) In addition to what is provided for in the preceding paragraph, the dissolution of the Corporation will be prescribed separately by an Act.

## 第三章 預金保険

### Chapter III Deposit Insurance

#### 第一節 保険関係

##### Section 1 Insurance Relationship

(保険関係)

(Insurance Relationship)

第四十九条 金融機関がその業務を営み又は事業を行うときは、当該金融機関が預金等に係る債務を負うことにより、各預金者等ごとに一定の金額の範囲内において、当該預金等の払戻しにつき、機構と当該金融機関及び預金者等との間に保険関係が成立するものとする。

Article 49 (1) When a Financial Institution conducts its operations or business,

an insurance relationship is to be formed between the Corporation, Financial Institution and Depositors, etc. whereby each of the Depositors, etc. is to be repaid within a specified limit by virtue of the obligations pertaining to the Deposits, etc. assumed by the Financial Institution.

2 前項の保険関係においては、預金等に係る債権の額を保険金額とし、次に掲げるものを保険事故とする。

(2) Under the insurance relationship prescribed in the preceding paragraph, the insured amount is to be taken as a claim pertaining to the Deposits, etc. and either of the following is to be construed as an insurable contingency:

一 金融機関の預金等の払戻しの停止（以下「第一種保険事故」という。）

(i) Suspension of repayment of the Deposits, etc. by a Financial Institution (hereinafter referred to as "Category One Insurable Contingency"); and

二 金融機関の営業免許の取消し（信用金庫若しくは信用金庫連合会又は労働金庫若しくは労働金庫連合会にあつては事業免許の取消しとし、信用協同組合又は信用協同組合連合会にあつては解散の命令。第五十五条第二項第一号において同じ。）、破産手続開始の決定又は解散の決議（以下「第二種保険事故」という。）

(ii) Rescission of business license of a Financial Institution (in the case of a shinkin bank, Federation of Shinkin Banks, labor bank, or The Rokinren Bank, rescission of operational license, and in the case of a credit cooperative or Federation of Credit Cooperatives, an order for dissolution; the same applies in Article 55, paragraph (2), item (i)), a ruling for the commencement of bankruptcy proceedings or resolution on dissolution (hereinafter referred to as "Category Two Insurable Contingency").

## 第二節 保険料の納付

### Section 2 Payment of Insurance Premiums

(保険料の納付)

(Payment of Insurance Premiums)

第五十条 金融機関は、事業年度ごとに、当該事業年度の開始後三月以内に、機構に対し、内閣府令・財務省令で定める書類を提出して、保険料を納付しなければならない。ただし、当該保険料の額の二分の一に相当する金額については、当該事業年度開始の日以後六月を経過した日から三月以内に納付することができる。

Article 50 (1) A Financial Institution shall submit to the Corporation documents specified by a Cabinet Office Ordinance and an Ordinance of the Ministry of Finance and pay insurance premiums for each business year within three months of the beginning of that business year; provided, however, that an amount equivalent to one-half of the amount of said insurance premiums may be paid within three months of the day on which six months have elapsed from the beginning of that business year.

2 機構は、次の各号に掲げる場合には、前項の規定にかかわらず、定款で定めるとこ

ろにより、当該各号に定める金融機関の保険料を免除することができる。

(2) Notwithstanding the provisions of the preceding paragraph, the Corporation may, pursuant to the provisions of the articles of incorporation, exempt a Financial Institution falling under any of the following items from paying insurance premiums:

一 保険事故が発生したとき。 当該保険事故に係る金融機関

(i) When an insurable contingency has occurred; the Financial Institution pertaining to the insurable contingency

二 第六十五条に規定する適格性の認定等が行われたとき。 当該適格性の認定等に係る破綻金融機関

(ii) When authorization of eligibility, etc. prescribed in Article 65 is given; the Failed Financial Institution pertaining to the authorization of eligibility, etc.

三 第七十四条第一項に規定する管理を命ずる処分があつたとき。 当該管理を命ずる処分に係る被管理金融機関

(iii) When a Disposition Ordering Management prescribed in Article 74, paragraph (1) is issued; the Financial Institution under Management pertaining to the Disposition Ordering Management;

四 承継銀行が設立されたとき。 当該承継銀行

(iv) When a Bridge Bank is established; the Bridge Bank

五 第百十一条第一項の規定による決定があつたとき。 当該決定に係る銀行等

(v) When a decision under Article 111, paragraph (1) is made; the Bank, etc. pertaining to the decision

(一般預金等に係る保険料の額)

(Amount of Insurance Premiums Pertaining to General Deposits, etc.)

第五十一条 預金等（決済用預金（次条第一項に規定する決済用預金をいう。次項において同じ。）以外の預金等に限るものとし、外貨預金その他政令で定める預金等を除く。以下「一般預金等」という。）に係る保険料の額は、各金融機関につき、当該保険料を納付すべき日を含む事業年度の直前の事業年度の各日（銀行法第十五条第一項（長期信用銀行法第十七条、信用金庫法第八十九条第一項、協同組合による金融事業に関する法律第六条第一項及び労働金庫法第九十四条第一項において準用する場合を含む。）又は株式会社商工組合中央金庫法第三十一条第一項に規定する休日を除く。次条第一項において同じ。）における一般預金等の額の合計額を平均した額を十二で除し、これに当該保険料を納付すべき日を含む事業年度の月数を乗じて計算した金額に、機構が委員会の議決を経て定める率（以下この条において「保険料率」という。）を乗じて計算した金額とする。

Article 51 (1) The amount of insurance premiums pertaining to Deposits, etc. (limited to those that are not Deposits for payment and settlement purposes (meaning the Deposits for payment and settlement purposes prescribed in paragraph (1) of the following Article; the same applies in the following paragraph) but excluding foreign currency deposits and other Deposits, etc.

specified by a Cabinet Order; hereinafter referred to as "General Deposits, etc.") is to be the amount calculated for each Financial Institution by dividing the average total amount of General Deposits, etc. for each day (excluding holidays specified in Article 15, paragraph (1) of the Banking Act (including the cases where it is applied mutatis mutandis pursuant to Article 17 of the Long-Term Credit Bank Act, Article 89, paragraph (1) of the Shinkin Bank Act, Article 6, paragraph (1) of the Act on Financial Business by Cooperatives, and Article 94, paragraph (1) of the Labor Bank Act) or Article 31, paragraph (1) of The Shoko Chukin Bank, Ltd. Act; the same applies in paragraph (1) of the following Article) of the business year immediately preceding the business year including the day on which said insurance premiums are to be paid by twelve (12), multiplied by the number of months in the business year including the day on which the said insurance premiums are to be paid, and multiplying the amount thus calculated by a rate determined by the Corporation following a resolution by the Operation Committee (hereinafter referred to as "Insurance Premiums Rate" in this Article).

2 保険料率は、保険金の支払、資金援助その他の機構の業務（第四十条の二第二号に掲げる業務を除く。）に要する費用（決済用預金に係るものを除く。）の予想額に照らし、長期的に機構の財政が均衡するように、かつ、特定の金融機関に対し差別的取扱い（金融機関の経営の健全性に応じてするものを除く。）をしないように定められなければならない。

(2) The Insurance Premiums Rate shall be established such that the Corporation's long-term finances will be balanced in light of the estimated amount of expenses (excluding those pertaining to Deposits for payment and settlement purposes) to be incurred through payment of insurance proceeds, financial assistance and other operations of the Corporation (except those listed in Article 40-2, item (ii)) and that no specific Financial Institution will be subject to any discriminatory treatment (except that which is applied according to the soundness of management of a Financial Institution).

3 機構は、第四十二条第一項若しくは第二項の資金の借入れ又は同条第一項の機構債の発行をした場合において、その借入金を返済し、又はその機構債を償還することが困難であると認められるときは、委員会の議決を経て、保険料率を変更するものとする。

(3) When the Corporation finds it difficult to repay any funds borrowed under Article 42, paragraph (1) or (2) or to redeem the Corporation Bonds issued under Article 42, paragraph (1), the Corporation is to change the Insurance Premiums Rate following a resolution by the Operation Committee.

4 機構は、保険料率を定め、又はこれを変更しようとするときは、内閣総理大臣及び財務大臣の認可を受けなければならない。

(4) When the Corporation intends to establish or change the Insurance Premiums Rate, the Corporation shall obtain the authorization of the Prime Minister and

the Minister of Finance.

5 機構は、前項の認可を受けたときは、遅滞なく、その認可に係る保険料率を公告しなければならない。

(5) Upon receiving the authorization set forth in the preceding paragraph, the Corporation shall give public notice of the Insurance Premiums Rate pertaining to the authorization without delay.

(決済用預金に係る保険料の額)

(Amount of Insurance Premiums Pertaining to Deposits for payment and settlement purposes)

第五十一条の二 次に掲げる要件のすべてに該当する預金（外貨預金その他政令で定める預金を除く。以下「決済用預金」という。）に係る保険料の額は、各金融機関につき、当該保険料を納付すべき日を含む事業年度の直前の事業年度の各日における決済用預金の額の合計額を平均した額を十二で除し、これに当該保険料を納付すべき日を含む事業年度の月数を乗じて計算した金額に、機構が委員会の議決を経て定める率を乗じて計算した金額とする。

Article 51-2 (1) The amount of insurance premiums pertaining to deposits that satisfy all of the following requirements (excluding foreign currency deposits and other deposits specified by a Cabinet Order; hereinafter referred to as "Deposits for payment and settlement purposes") is to be the amount calculated for each Financial Institution by dividing the total average amount of Deposits for payment and settlement purposes for each day of the business year immediately preceding the business year including the day on which said insurance premiums are to be paid by twelve (12), multiplied by the number of months in the business year including the day on which the said insurance premiums are to be paid, and multiplying the amount thus calculated by a rate determined by the Corporation following a resolution by the Operation Committee.

一 その契約又は取引慣行に基づき第六十九条の二第一項に規定する政令で定める取引に用いることができるものであること。

(i) The deposits can be used for a transaction specified by a Cabinet Order as prescribed in Article 69-2, paragraph (1) based on the contract or practice of such transaction.

二 その預金者がその払戻しをいつでも請求することができるものであること。

(ii) The deposits are repayable to their depositors on demand.

三 利息が付されていないものであること。

(iii) The deposits bear no interest.

2 前条第二項から第五項までの規定は、前項に規定する率について準用する。この場合において、同条第二項中「係るものを除く。」とあるのは、「係るものに限る。」と読み替えるものとする。

(2) The provisions of paragraphs (2) to (5) of the preceding Article apply mutatis

mutandis to the rate prescribed in the preceding paragraph. In this case, the term "excluding those pertaining to" in paragraph (2) of the preceding Article is deemed to be replaced with "limited to those pertaining to."

(延滞金)

(Late Payment Charge)

第五十二条 金融機関は、保険料をその納期限までに納付しない場合には、機構に対し、延滞金を納付しなければならない。

Article 52 (1) A Financial Institution shall pay a late payment charge to the Corporation in the event that such Financial Institution fails to pay insurance premiums by the due date.

2 延滞金の額は、未納の保険料の額に納期限の翌日からその納付の日までの日数に応じ年十四・五パーセントの割合を乗じて計算した金額とする。

(2) The amount of the late payment charge is to be an amount calculated by multiplying the amount of unpaid insurance premiums by 14.5% per annum prorated for the number of days from the day following the due date of payment until the day of payment.

### 第三節 保険金等の支払

#### Section 3 Payment of Insurance Claims, etc.

(保険金等の支払)

(Payment of Insurance Claims, etc.)

第五十三条 機構は、保険事故が発生したときは、当該保険事故に係る預金者等に対し、その請求に基づいて、保険金の支払をするものとする。ただし、第一種保険事故については、機構が第五十六条第一項の規定により保険金の支払をする旨の決定をすることを要件とする。

Article 53 (1) When an insurable contingency has occurred, the Corporation is to pay insurance proceeds to Depositors, etc. pertaining to the insurable contingency based on a request by said Depositors, etc.; provided, however, that any payment of claims for Category One Insurable Contingencies is to be conditional upon a decision by the Corporation to pay said amounts under the provisions of Article 56, paragraph (1).

2 前項に規定する保険事故には、当該保険事故が発生した金融機関につき、その発生した後（同項ただし書の規定が適用される場合には、機構が同項ただし書の決定をした後）に当該保険事故に関連して他の保険事故が発生した場合における当該他の保険事故（第五十七条第一項第二号において「関連保険事故」という。）を含まないものとする。

(2) The insurable contingency prescribed in the preceding paragraph is not to include any other insurable contingency occurring thereafter (in the event that the proviso to the preceding paragraph applies, after the Corporation has made



a decision referred to in said proviso) in relation to said insurable contingency with respect to the Financial Institution subject to said insurable contingency (referred to as "Related Insurable Contingency" in Article 57, paragraph (1), item (ii)).

3 保険金の支払は、機構が、保険事故に係る各預金者等ごとに当該保険事故に係る保険金に相当する金額を金融機関に預金として預入し、当該預金に係る債権を当該保険事故に係る預金者等に対して譲渡する方法により行うことができる。

(3) The Corporation may pay insurance proceeds by depositing with a Financial Institution an amount equivalent to the insurance proceeds of each of the Depositors, etc. pertaining to said insurable contingency and by transferring the claims pertaining to said deposits to the Depositors, etc. pertaining to said insurable contingency.

4 機構は、保険事故が発生したときは、当該保険事故に係る預金者等に対し、その請求に基づいて、政令で定める金額の範囲内で政令で定めるところにより、仮払金の支払をすることができる。

(4) When an insurable contingency has occurred, the Corporation may, based on a request by Depositors, etc. pertaining to said insurable contingency, make a provisional payment to such Depositors, etc. in accordance with a Cabinet Order within an amount specified by a Cabinet Order.

5 第一項又は前項の請求は、第五十七条第一項、第二項又は第四項の規定により公告した支払期間内でなければ、することができない。ただし、その支払期間内に請求しなかつたことにつき災害その他やむを得ない事情があると機構が認めるときは、この限りでない。

(5) The request prescribed in paragraph (1) or the preceding paragraph may only be made within the payment period for which public notice was given under Article 57, paragraph (1), (2) or (4); provided, however, that this does not apply at the time of a natural disaster or if the Corporation finds any other unavoidable reason for the failure to make the request within the payment period.

(一般預金等に係る保険金の額等)

(Amount of Insurance Claims, etc. Pertaining to General Deposits, etc.)

第五十四条 一般預金等（他人の名義をもつて有するものその他の政令で定める一般預金等を除く。以下「支払対象一般預金等」という。）に係る保険金の額は、一の保険事故が発生した金融機関の各預金者等につき、その発生した日において現にその者が当該金融機関に対して有する支払対象一般預金等に係る債権（その者が前条第一項の請求をした時において現に有するものに限るものとし、同条第四項の仮払金（支払対象一般預金等に係るものに限る。以下この条において同じ。）の支払又は第二百二十七条において準用する第六十九条の三第一項の貸付けに係る支払対象一般預金等の払戻しにより現に有しないこととなつたものを含む。次項において同じ。）のうち元本の額（支払対象一般預金等のうち第二条第二項第五号に掲げるものにあつては、当該金

銭の額。以下同じ。) 及び利息等 (当該元本以外の部分であつて利息その他の政令で定めるものをいう。以下同じ。) の額の合算額 (その合算額が同一人について二以上ある場合には、その合計額) に相当する金額とする。

Article 54 (1) The amount of insurance proceeds pertaining to the General Deposits, etc. (excluding those held under the name of another person and other General Deposits, etc. specified by a Cabinet Order; hereinafter referred to as "Covered General Deposits, etc.") of each of the Depositors, etc. in a Financial Institution subject to a single insurable contingency is to be an amount equivalent to the aggregate amount (if there is more than one aggregate amount for the same person, the total of such amounts) of the principal (in the case of the money specified in Article 2, paragraph (2), item (v) within the Covered General Deposits, etc., the amount of such money; the same applies hereinafter) and interest, etc. (meaning the portion that is not the principal but is interest and other items specified by a Cabinet Order; the same applies hereinafter) of the claims pertaining to the Covered General Deposits, etc. actually held by said person in said Financial Institution on the day of occurrence of said insurable contingency (limited to those actually held by said person at the time of making a request under paragraph (1) of the preceding Article and including those no longer held due to the provisional payment under paragraph (4) of the preceding Article (limited to those pertaining to the Covered General Deposits, etc.; hereinafter the same applies in this Article) and the repayment of the Covered General Deposits, etc. pertaining to the loan under Article 69-3, paragraph (1) or as applied mutatis mutandis pursuant to Article 127; the same applies in the following paragraph).

2 支払対象一般預金等に係る保険金の額は、前項の元本の額 (その額が同一人について二以上あるときは、その合計額) が政令で定める金額 (以下「保険基準額」という。) を超えるときは、保険基準額及び保険基準額に対応する元本に係る利息等の額を合算した額とする。この場合において、元本の額が同一人について二以上あるときは、保険基準額に対応する元本は、次の各号に定めるところにより保険基準額に達するまで当該各号に規定する元本の額を合計した場合の当該元本とする。

(2) If the amount of principal (if there is more than one amount for the same person, the total of such amounts) under the preceding paragraph exceeds an amount specified by a Cabinet Order (hereinafter referred to as "Base Insurance Amount"), the amount of insurance proceeds pertaining to the Covered General Deposits, etc. is to be the total of the Base Insurance Amount and the amount of interest, etc. pertaining to the principal corresponding to the Base Insurance Amount. In this case, if there is more than one amount of principal for the same person, the principal corresponding to the Base Insurance Amount is to be the total of the amounts of principal prescribed in the following items up to the Base Insurance Amount:

一 支払対象一般預金等に係る債権のうち担保権の目的となつているものと担保権

の目的となっていないものがあるときは、担保権の目的となっていないものに係る元本を先とする。

(i) When there are claims pertaining to the Covered General Deposits, etc., some of which are the subject matter of a security interest, the principal pertaining to those that are not the subject matter of a security interest is to have priority;

二 支払対象一般預金等に係る債権で担保権の目的となっていないものが同一人について二以上あるときは、その弁済期の早いものに係る元本を先とする。

(ii) When two or more claims pertaining to the Covered General Deposits, etc., which are not the subject matter of a security interest, are held by the same person, the principal pertaining to those with an earlier due date is to have priority;

三 前号の場合において、支払対象一般預金等に係る債権で弁済期の同じものが同一人について二以上あるときは、その金利（利率その他これに準ずるもので政令で定めるものをいう。次号において同じ。）の低いものに係る元本を先とする。

(iii) In the case referred to in the preceding item, if two or more claims with the same due date pertaining to the Covered General Deposits, etc. are held by the same person, the principal pertaining to those with a lower interest rate (meaning the rate of interest and other similar matters specified by a Cabinet Order; the same applies in the following item) is to have priority;

四 前号の場合において、支払対象一般預金等に係る債権で金利の同じものが同一人について二以上あるときは、機構が指定するものに係る元本を先とする。

(iv) In the case referred to in the preceding item, if two or more claims with the same interest rate pertaining to the Covered General Deposits, etc. are held by the same person, the principal pertaining to those designated by the Corporation is to have priority;

五 支払対象一般預金等に係る債権で担保権の目的となっているものが同一人について二以上あるときは、機構が指定するものに係る元本を先とする。

(v) When two or more claims pertaining to the Covered General Deposits, etc., which are the subject matter of a security interest, are held by the same person, the principal pertaining to those designated by the Corporation is to have priority;

3 保険事故に係る預金者等が当該保険事故について前条第四項の仮払金の支払を受けている場合又は第百二十七条において準用する第六十九条の三第一項の貸付けに係る支払対象一般預金等の払戻しを受けている場合におけるその者の支払対象一般預金等に係る保険金の額は、前二項の規定にかかわらず、これらの規定による金額につき政令で定めるところにより当該仮払金の支払及び第百二十七条において準用する第六十九条の三第一項の貸付けに係る支払対象一般預金等の払戻しを受けた額（次項の規定により機構に払い戻されるべき額を除く。）を控除した金額に相当する金額とする。

(3) Notwithstanding the provisions of the preceding two paragraphs, in the event that any of the Depositors, etc. pertaining to an insurable contingency have

received provisional payment under paragraph (4) of the preceding Article or repayment of the Covered General Deposits, etc. pertaining to the loan under Article 69-3, paragraph (1) as applied mutatis mutandis pursuant to Article 127 with respect to said insurable contingency, the amount of insurance proceeds for the Covered General Deposits, etc. of said person is to be reduced by the amount of said provisional payment and repayment of the Covered General Deposits, etc. pertaining to the loan under Article 69-3, paragraph (1) as applied mutatis mutandis pursuant to Article 127 (excluding any amount to be repaid to the Corporation under the following paragraph) pursuant to the provisions of a Cabinet Order concerning the amounts prescribed in these provisions.

4 保険事故に係る預金者等について支払われた前条第四項の仮払金の額が、第一項及び第二項の規定による保険金の額のうち政令で定めるところにより計算した額を超えるときは、その者は、その超える金額を機構に払い戻さなければならない。

(4) When the amount of provisional payment made under paragraph (4) of the preceding Article to any of the Depositors, etc. pertaining to an insurable contingency exceeds an amount calculated pursuant to the provisions of a Cabinet Order within the amounts of insurance proceeds prescribed in paragraph (1) and (2), said persons shall repay to the Corporation the amount of such excess.

(決済用預金に係る保険金の額)

(Amount of Insurance Claims Pertaining to Deposits for payment and settlement purposes)

第五十四条の二 決済用預金（他人の名義をもつて有するものその他の政令で定める決済用預金を除く。以下「支払対象決済用預金」という。）に係る保険金の額は、一の保険事故が発生した金融機関の各預金者につき、その発生した日において現にその者が当該金融機関に対して有する支払対象決済用預金に係る債権（その者が第五十三条第一項の請求をした時において現に有するものに限るものとし、同条第四項の仮払金（支払対象決済用預金に係るものに限る。次項において同じ。）の支払又は第六十九条の三第一項（第百二十七条において準用する場合を含む。次項において同じ。）の貸付けに係る支払対象決済用預金の払戻しにより現に有しないこととなつたものを含む。）のうち元本の額（その額が同一人について二以上あるときは、その合計額）に相当する金額とする。

Article 54-2 (1) The amount of insurance proceeds pertaining to the Deposits for payment and settlement purposes (excluding those held under the name of another person and other Deposits for payment and settlement purposes specified by a Cabinet Order; hereinafter referred to as "Covered Deposits for Settlement") of each of the Depositors, etc. in a Financial Institution subject to a single insurable contingency is to be an amount equivalent to the amount of principal (if there is more than one amount for the same person, the total of

such amounts) of the claims pertaining to the Covered Deposits for payment and settlement purposes actually held by said Depositors, etc. in said Financial Institution on the day of occurrence of said insurable contingency (limited to those actually held by said Depositors, etc. at the time of making a request under Article 53, paragraph (1) and including those no longer held due to the provisional payment under Article 53, paragraph (4) (limited to those pertaining to the Covered Deposits for Settlement; the same applies in the following paragraph) or repayment of the Covered Deposits for Settlement pertaining to the loan under Article 69-3, paragraph (1) (including the cases where it is applied mutatis mutandis pursuant to Article 127; the same applies in the following paragraph)).

2 前条第三項の規定は、その有する支払対象決済用預金に関し保険事故に係る預金者が当該保険事故について第五十三条第四項の仮払金の支払を受けている場合又は第六十九条の三第一項の貸付けに係る支払対象決済用預金の払戻しを受けている場合について準用する。この場合において、前条第三項中「前二項の規定にかかわらず、これらの規定」とあるのは、「第五十四条の二第一項の規定にかかわらず、当該規定」と読み替えるものとする。

(2) The provisions of paragraph (3) of the preceding Article apply mutatis mutandis to cases where the Depositors, etc. pertaining to an insurable contingency have received, with regard to the Covered Deposits for Settlement held thereby, the provisional payment under Article 53, paragraph (4) or repayment of the Covered Deposits for payment and settlement purposes pertaining to the loan under Article 69-3, paragraph (1) with respect to said insurable contingency. In this case, the terms "Notwithstanding the provisions of the preceding two paragraphs" and "these provisions" in paragraph (3) of the preceding Article are deemed to be replaced with "Notwithstanding the provisions of Article 54-2, paragraph (1)" and "said provisions."

(確定拠出年金に係る預金等の特例)

(Special Provisions for Deposits, etc. Pertaining to Defined Contribution Pension)

第五十四条の三 一の保険事故が発生した金融機関の預金者等が確定拠出年金法（平成十三年法律第八十八号）第二条第七項第一号ロに規定する資産管理機関（同法第八条第一項第一号に規定する信託の受託者に限る。）又は同法第二条第五項に規定する連合会若しくは同法第六十一条第一項第三号に規定する事務の受託者（信託会社（信託業務を営む金融機関を含む。））に限る。）（以下「資産管理機関等」という。）である場合におけるその者の保険金の額は、保険金計算規定にかかわらず、第一号に掲げる金額から第二号に掲げる金額を控除した残額に第三号に掲げる金額を加えた金額とする。

Article 54-3 (1) In the event that any of the Depositors, etc. of a Financial Institution subject to a single insurable contingency is an Asset Management

Institution (limited to the trustee of a trust prescribed in Article 8, paragraph (1), item (i) of the Defined Contribution Pension Act (Act No. 88 of 2001)) prescribed in Article 2, paragraph (7), item (i), (b) of said Act, an Association prescribed in Article 2, paragraph (5) of said Act, or a trustee (limited to trust companies (including the Financial Institutions engaged in trust operations)) of affairs prescribed in Article 61, paragraph (1), item (iii) of said Act (hereinafter referred to as "Asset Management Institution, etc."), the amount of insurance proceeds of said person is to, notwithstanding the provisions of the Insurance Claim Calculation Provision, be the remaining amount after deducting the amount specified in item (ii) from the amount specified in item (i), adding thereto the amount specified in item (iii).

一 当該資産管理機関等の支払対象預金等（支払対象一般預金等又は支払対象決済用預金をいう。以下同じ。）に係る債権（当該支払対象預金等を有する預金者等が第五十三条第一項の請求をした時において現に有するものに限るものとし、同条第四項の仮払金の支払又は第六十九条の三第一項（第百二十七条において準用する場合を含む。）の貸付けに係る支払対象預金等の払戻しにより現に有しないこととなつたものを含む。以下この条において同じ。）のうち確定拠出年金の積立金（確定拠出年金法第八条第一項に規定する積立金をいう。以下この条において同じ。）の運用に係るものについて、当該運用を指図した加入者等（同法第二条第七項第一号イに規定する加入者等をいう。以下この条において同じ。）のそれぞれにつき、当該保険事故が発生した日（以下この項において「保険事故日」という。）において現に当該資産管理機関等が当該金融機関に対して有する支払対象預金等に係る債権のうち当該加入者等の個人別管理資産額（同法第二条第十三項に規定する個人別管理資産額をいう。）に相当する金額の部分（次項において「個人別管理資産額相当支払対象預金等債権」という。）を当該加入者等の支払対象預金等に係る債権とみなして保険金計算規定を適用した場合に保険金の額とされる金額の合計額

(i) With regard to claims pertaining to the covered Deposits, etc. (meaning the Covered General Deposits, etc. or Covered Deposits for payment and settlement purposes; the same applies hereinafter) of said Asset Management Institution, etc. (limited to those actually held by the Depositors, etc. holding said covered Deposits, etc. at the time of making a request under Article 53, paragraph (1) and including those no longer held due to the provisional payment under Article 53, paragraph (4) or repayment of the covered Deposits, etc. pertaining to the loan under Article 69-3, paragraph (1) (including the cases where it is applied mutatis mutandis pursuant to Article 127); hereinafter the same applies in this Article) that pertain to the investment of reserves of defined contribution pensions (meaning the reserves prescribed in Article 8, paragraph (1) of the Defined Contribution Pension Act; hereinafter the same applies in this Article), the total of the amounts that are deemed to be the amount of insurance proceeds for each of the subscribers, etc. (meaning the subscribers, etc. prescribed in

Article 2, paragraph (7), item (i), (a) of said Act; hereinafter the same applies in this Article) who have instructed said investment, when the Insurance Claim Calculation Provision is applied in the event that, within the claims pertaining to the covered Deposits, etc. actually held by said Asset Management Institution, etc. in said Financial Institution on the day of occurrence of said insurable contingency (hereinafter referred to as "Insurable Contingency Date" in this paragraph), those portions that are equivalent to the amount of managed assets per individual (meaning the amount of managed assets per individual prescribed in Article 2, paragraph (13) of said Act) of said subscribers, etc. (referred to as "Deposit Claims Equivalent to Amount of Managed Assets Per Individual" in the following paragraph) are deemed to be claims pertaining to the covered Deposits, etc. of said subscribers, etc.

二 保険事故日において現に当該加入者等が当該金融機関に対して有する支払対象預金等に係る債権について保険金計算規定によりそれぞれ保険金の額とされる金額の合計額

(ii) The total of the amounts of insurance proceeds under the Insurance Claim Calculation Provision with respect to each of the claims pertaining to the covered Deposits, etc. actually held by said subscribers, etc. in said Financial Institution on the Insurable Contingency Date.

三 保険事故日において現に当該資産管理機関等が当該金融機関に対して有する支払対象預金等に係る債権のうち確定拠出年金の積立金の運用に係るもの以外のものについて保険金計算規定により保険金の額とされる金額

(iii) The amount of insurance proceeds under the Insurance Claim Calculation Provision other than those pertaining to the investment of the reserves of defined contribution pensions, within the claims pertaining to the covered Deposits, etc. actually held by said Asset Management Institution, etc. in said Financial Institution on the Insurable Contingency Date.

2 前項第一号の規定により第五十四条第二項の規定を適用する場合における保険基準額に対応する元本は、次の各号に定めるところにより、保険基準額に達するまで当該各号に規定する元本の額を合計した場合の元本とする。

(2) In the event that the provisions of Article 54, paragraph (2) are applied under item (i) of the preceding paragraph, the principal corresponding to Base Insurance Amount is to be the total of the amounts of principal prescribed in the following items up to the Base Insurance Amount:

一 前項第一号の規定を適用する前の当該加入者等の支払対象預金等に係る債権と当該資産管理機関等の支払対象預金等に係る債権のうち当該加入者等の個人別管理資産額相当支払対象預金等債権があるときは、当該加入者等の支払対象預金等に係る債権の元本を先とする。

(i) When there are Deposit Claims Equivalent to Amount of Managed Assets Per Individual of subscribers, etc., within the claims pertaining to the

covered Deposits, etc. of said subscribers, etc. and those of said Asset Management Institution, etc. before the application of the provisions of item (i) of the preceding paragraph, the principal of the claims pertaining to the covered Deposits, etc. of said subscribers, etc. is to have priority.

二 当該資産管理機関等の支払対象預金等に係る債権のうち当該加入者等の個人別管理資産額相当支払対象預金等債権が二以上あるときは、機構が指定するものに係る元本を先とする。

(ii) When there are two or more Deposit Claims Equivalent to Amount of Managed Assets Per Individual of subscribers, etc. within the claims pertaining to the covered Deposits, etc. of said Asset Management Institution, etc., the principal pertaining to those designated by the Corporation is to have priority.

3 第一項の場合において、第五十三条第一項の規定により資産管理機関等に保険金の支払が行われたときは、当該保険金のうち加入者等に係る第一項第一号に掲げる金額から同項第二号に掲げる金額を控除した額に相当する額は、当該加入者等の個人別管理資産（確定拠出年金法第二条第十二項に規定する個人別管理資産をいう。）に積み立てられたものとみなす。

(3) In the case referred to in paragraph (1), if the payment of insurance proceeds is made to an Asset Management Institution, etc. under Article 53, paragraph (1), the amount after deducting the amount specified in paragraph (1), item (ii) from the amount specified in paragraph (1), item (i) pertaining to subscribers, etc. within said insurance proceeds is to be deemed to be reserved in the managed assets per individual (meaning the managed assets per individual prescribed in Article 2, paragraph (12) of the Defined Contribution Pension Act) of said subscribers, etc.

4 第一項の場合における第二条第十一項の規定の適用については、同項中「及び第五十四条の二第一項」とあるのは、「、第五十四条の二第一項並びに第五十四条の三第一項及び第二項」とする。

(4) In applying the provisions of Article 2, paragraph (11) in the case referred to in paragraph (1), the term "and Article 54-2, paragraph (1)" in Article 2, paragraph (11) is to be taken as meaning ", Article 54-2, paragraph (1), and Article 54-3, paragraphs (1) and (2)."

(保険事故の通知)

(Notice of Insurable Contingency)

第五十五条 金融機関は、当該金融機関に係る保険事故が発生したときは、直ちに、その旨を機構に通知しなければならない。

Article 55 (1) A Financial Institution shall immediately notify the Corporation upon the occurrence of an insurable contingency pertaining to the Financial Institution.

2 内閣総理大臣、財務大臣、厚生労働大臣又は経済産業大臣は、次に掲げる場合には、



直ちに、その旨を機構に通知しなければならない。

(2) The Prime Minister, the Minister of Finance, the Minister of Health, Labour and Welfare, or the Minister of Economy, Trade and Industry shall immediately notify the Corporation upon the occurrence of any of the following events:

一 その監督に係る金融機関の営業免許の取消し又は解散の決議に係る認可をしたとき。

(i) When they have rescinded the business license of, or passed a resolution on the authorization to dissolve, a Financial Institution under their supervision.

二 その監督に係る金融機関の第一種保険事故の発生を知ったとき。

(ii) When they have become aware that a Financial Institution under their supervision has become subject to Category One Insurable Contingency.

三 第三百三十七条の二第一項の規定による通知を受けたとき。

(iii) When they have received notice under Article 137-2, paragraph (1).

3 機構は、第一項の規定による通知を受けたとき又は前項の規定により厚生労働大臣又は経済産業大臣から通知を受けたときは、直ちに、その旨を内閣総理大臣及び財務大臣に報告しなければならない。

(3) Upon receiving notice under paragraph (1) or notice from the Minister of Health, Labour and Welfare or Minister of Economy, Trade and Industry under the preceding paragraph, the Corporation shall immediately report to that effect to the Prime Minister and the Minister of Finance.

4 機構は、第二項の規定により内閣総理大臣から通知を受けたときは、直ちに、その旨を財務大臣に報告しなければならない。

(4) Upon receiving notice from the Prime Minister under paragraph (2), the Corporation shall immediately report to that effect to the Minister of Finance.

5 機構は、第二項の規定により財務大臣から通知を受けたときは、直ちに、その旨を内閣総理大臣に報告しなければならない。

(5) Upon receiving notice from the Minister of Finance under paragraph (2), the Corporation shall immediately report to that effect to the Prime Minister.

(預金等に係る債権の額の把握)

(Ascertaining Amount of Claims Pertaining to Deposits, etc.)

第五十五条の二 機構は、保険事故が発生したことを知ったときは、速やかに、当該保険事故が発生した金融機関の各預金者等がその発生した日において現に当該金融機関に対して有する預金等に係る債権の額を把握しなければならない。

Article 55-2 (1) Upon becoming aware that a Financial Institution has become subject to an insurable contingency, the Corporation shall promptly ascertain the amount of claims pertaining to the Deposits, etc. actually held in said Financial Institution as of the day of the occurrence of said insurable contingency by each of the Depositors, etc. of said Financial Institution.

2 機構は、前項に規定する預金等に係る債権の額を速やかに把握するため必要がある

と認めるときは、金融機関に対し、その旨を明示して、預金者等の氏名又は名称及び住所、預金等に係る債権の内容その他内閣府令・財務省令で定める事項について資料の提出を求めることができる。

- (2) When the Corporation finds it necessary for promptly ascertaining the amount of claims pertaining to the Deposits, etc. prescribed in the preceding paragraph, the Corporation may, by clearly indicating to that effect, request the Financial Institution to submit materials concerning the names and addresses of the Depositors, etc., details of claims pertaining to the Deposits, etc. and other matters specified by a Cabinet Office Ordinance and an Ordinance of the Ministry of Finance.
- 3 前項の規定により資料の提出を求められた金融機関は、内閣府令・財務省令で定めるところにより、電子情報処理組織を使用して又は磁気テープ（これに準ずる方法により一定の事項を確実に記録しておくことができる物を含む。）により、遅滞なく、これを提出しなければならない。
- (3) A Financial Institution shall, if requested to submit materials under the preceding paragraph, submit them without delay using electronic data processing systems or magnetic tapes (including any other medium in which certain matters can be securely recorded by equivalent means) pursuant to the provisions of a Cabinet Office Ordinance and an Ordinance of the Ministry of Finance.
- 4 金融機関は、前項の規定による資料の提出に必要な預金等に関するデータベース（預金等に係る情報の集合物であつて、それらの情報を電子計算機を用いて検索することができるように体系的に構成したものをいう。）及び電子情報処理組織の整備その他の措置を講じなければならない。
- (4) A Financial Institution shall prepare a database pertaining to the Deposits, etc. (meaning the collection of information pertaining to the Deposits, etc. that is systematically organized so that the information may be retrieved by using computers) and electronic data processing systems and take any other measures necessary for submitting materials under the preceding paragraph.

（支払の決定）

#### (Decision on Payment)

第五十六条 機構は、次の各号に掲げる場合には、当該各号に掲げる日から一月以内に、委員会の議決を経て、当該各号の保険事故につき保険金の支払をするかどうかを決定しなければならない。

Article 56 (1) If any of the events listed in the following items occurs, the Corporation shall, following a resolution by the Operation Committee, decide whether to pay insurance proceeds with respect to the insurable contingency prescribed in each of the following items within one month of the day specified in such item:

- 一 第一種保険事故に関して第五十五条第一項又は第二項の規定による通知があつた

とき。 その通知があつた日

(i) When notice is received under Article 55, paragraph (1) or (2) concerning the Category One Insurable Contingency: the day on which the notice is received.

二 前号に掲げる場合のほか、第一種保険事故が発生したことを機構が知つたとき。 その知つた日

(ii) In addition to the case referred to in the preceding item, if the Corporation has become aware that the Category One Insurable Contingency has occurred: the day on which the Corporation has become aware of such occurrence.

三 第一種保険事故の発生した金融機関を一部の当事者とする合併、事業譲渡等、付保預金移転、株式交換又は株式移転に係る第六十六条第一項の決議若しくは議決又は同意が得られなかつた旨の同項の規定による通知があつたとき。 その通知があつた日

(iii) When notice is received under Article 66, paragraph (1) to the effect that the resolution, decision, or consent prescribed in Article 66, paragraph (1) has failed to be obtained for a merger, the Business Transfer, etc., Transfer of Insured Deposits, share exchange or share transfer involving a Financial Institution subject to the Category One Insurable Contingency as a party thereto: the day on which the notice is received.

四 前号に掲げる場合のほか、第一種保険事故の発生した金融機関を一部の当事者とする合併、事業譲渡等、付保預金移転、株式交換又は株式移転に係る第六十六条第一項の決議若しくは議決又は同意が得られなかつたことを機構が知つたとき。 その知つた日

(iv) In addition to the case referred to in the preceding item, if the Corporation has become aware that the resolution, decision, or consent prescribed in Article 66, paragraph (1) has failed to be obtained for a merger, Business Transfer, etc., Transfer of Insured Deposits, share exchange or share transfer involving a Financial Institution subject to the Category One Insurable Contingency as a party thereto: the day on which the Corporation has become aware of such fact.

2 内閣総理大臣及び財務大臣は、機構が、委員会の議決を経て、前項の期限の延長を申請した場合には、一月を超えない期間を限り、同項の期限を延長することができる。

(2) In the event that the Corporation applies for an extension of the time limit under the preceding paragraph following a resolution of the Operation Committee, the Prime Minister and the Minister of Finance may grant the extension for a period not exceeding one month.

3 機構は、次の各号に掲げる場合には、当該各号に掲げる日から一週間以内に、委員会の議決を経て、当該各号の保険事故につき第五十三条第四項の仮払金の支払をするかどうかを決定しなければならない。

(3) If any of the events listed in the following items occurs, the Corporation shall, following a resolution of the Operation Committee, decide whether to make

provisional payment under Article 53, paragraph (4) with respect to an insurable contingency prescribed in each of the following items within one week of the day specified in such item:

一 保険事故に関して第五十五条第一項又は第二項の規定による通知があつたとき。  
その通知があつた日

(i) When notice is received under Article 55, paragraph (1) or (2) concerning an insurable contingency: the day on which the notice is received.

二 前号に掲げる場合のほか、保険事故が発生したことを機構が知つたとき。その知つた日

(ii) In addition to the case referred to in the preceding item, if the Corporation has become aware that an insurable contingency has occurred: the day on which the Corporation has become aware of such occurrence.

三 第一種保険事故の発生した金融機関を一部の当事者とする合併、事業譲渡等、付保預金移転、株式交換又は株式移転に係る第六十六条第一項の決議若しくは議決又は同意が得られなかつた旨の同項の規定による通知があつたとき。その通知があつた日

(iii) If notice is received under Article 66, paragraph (1) to the effect that the resolution, decision, or consent prescribed in Article 66, paragraph (1) has failed to be obtained for a merger, Business Transfer, etc., Transfer of Insured Deposits, share exchange or share transfer involving a Financial Institution subject to the Category One Insurable Contingency as a party thereto: the day on which the notice is received.

四 前号に掲げる場合のほか、第一種保険事故の発生した金融機関を一部の当事者とする合併、事業譲渡等、付保預金移転、株式交換又は株式移転に係る第六十六条第一項の決議若しくは議決又は同意が得られなかつたことを機構が知つたとき。その知つた日

(iv) In addition to the case referred to in the preceding item, if the Corporation has become aware that the resolution, decision, or consent prescribed in Article 66, paragraph (1) has failed to be obtained for a merger, Business Transfer, etc., Transfer of Insured Deposits, share exchange or share transfer involving a Financial Institution subject to the Category One Insurable Contingency as a party thereto: the day on which the Corporation has become aware of such fact.

4 機構は、第一項又は前項の規定による決定をしたときは、直ちに、その決定に係る事項を内閣総理大臣及び財務大臣（当該決定が労働金庫又は労働金庫連合会に関するものである場合には内閣総理大臣及び財務大臣並びに厚生労働大臣とし、株式会社商工組合中央金庫に関するものである場合には内閣総理大臣及び財務大臣並びに経済産業大臣とする。）に報告しなければならない。

(4) Upon making a decision under paragraph (1) or the preceding paragraph, the Corporation shall immediately report matters pertaining to the decision to the Prime Minister and the Minister of Finance (to the Prime Minister, the

Minister of Finance, and the Minister of Health, Labour and Welfare if the decision relates to a labor bank or The Rokinren Bank, and to the Prime Minister, the Minister of Finance, and the Minister of Economy, Trade and Industry if the decision relates to The Shoko Chukin Bank, Ltd.).

(支払の公告等)

(Public Notice of Payment, etc.)

第五十七条 機構は、次に掲げる場合には、速やかに、委員会の議決を経て保険金の支払期間、支払場所、支払方法その他政令で定める事項を定め、これを公告しなければならない。

Article 57 (1) The Corporation shall, following a resolution of the Operation Committee, promptly determine the period, place, and method of payment of insurance proceeds and other matters specified by a Cabinet Order and give public notice thereof in the following cases:

一 前条第一項の規定により第一種保険事故に係る保険金の支払をする旨の決定をしたとき。

(i) When the Corporation has made a decision under paragraph (1) of the preceding Article to pay insurance proceeds pertaining to the Category One Insurable Contingency;

二 第二種保険事故（関連保険事故を除く。次号において同じ。）に関して第五十五条第一項又は第二項の規定による通知があつたとき。

(ii) When the Corporation has received notice under Article 55, paragraph (1) or (2) concerning the Category Two Insurable Contingency (excluding the Related Insurable Contingency; the same applies in the following item);

三 前号に掲げる場合のほか、第二種保険事故が発生したことを機構が知つたとき。

(iii) In addition to the case referred to in the preceding item, if the Corporation has become aware that the Category Two Insurable Contingency has occurred;

2 機構は、前条第三項の規定により第五十三条第四項の仮払金の支払をする旨の決定をしたときは、速やかに、委員会の議決を経て当該仮払金の支払期間、支払場所その他政令で定める事項を定め、これを公告しなければならない。

(2) When the Corporation has made a decision pursuant to the provisions of paragraph (3) of the preceding Article to make provisional payment under Article 53, paragraph (4), the Corporation shall, following a resolution by the Operation Committee, promptly determine the period, place, and method of payment of said provisional payment and other matters specified by a Cabinet Order and give public notice thereof.

3 機構は、前二項の公告をした後に当該金融機関について破産法（平成十六年法律第七十五号）第百九十七条第一項（同法第二百九条第三項において準用する場合を含む。）の規定による公告、第百三十七条の二第二項の規定による通知その他の政令で定める事由があつたときは、政令で定めるところにより、前二項の規定により公告し

た支払期間を変更することができる。

(3) If, after giving public notice under the preceding two paragraphs, there is public notice under Article 197, paragraph (1) of the Bankruptcy Act (Act No. 75 of 2004) (including the cases where it is applied mutatis mutandis pursuant to Article 209, paragraph (3) of said Act), notice under Article 137-2, paragraph (2), or any other event specified by a Cabinet Order with respect to said Financial Institution, the Corporation may, pursuant to the provisions of a Cabinet Order, change the payment period that was publicly announced under the provisions of the preceding two paragraphs.

4 機構は、前項の規定により支払期間を変更したときは、遅滞なく、その変更に係る事項を公告しなければならない。

(4) When the Corporation has changed the payment period under the preceding paragraph, the Corporation shall give public notice of matters pertaining to said change without delay.

5 前条第四項の規定は、第一項又は第二項に規定する事項を定めた場合及び第三項の規定により支払期間を変更した場合について準用する。

(5) The provisions of paragraph (4) of the preceding Article apply mutatis mutandis to cases where the matters prescribed in paragraph (1) or (2) have been decided and where the payment period has been changed under paragraph (3).

(債権の取得等)

(Acquisition of Claims, etc.)

第五十八条 機構は、第五十三条第一項に規定する保険金の支払の請求があつたときは、当該請求に係る預金者等に対して保険金計算規定により支払われるべき保険金の額に応じ、政令で定めるところにより、当該預金者等が金融機関に対して有する支払対象預金等に係る債権を取得する。

Article 58 (1) When a request is made for the payment of insurance proceeds under Article 53, paragraph (1), the Corporation will, pursuant to the provisions of a Cabinet Order, acquire claims pertaining to the covered Deposits, etc. held in a Financial Institution by the Depositors, etc. pertaining to said request, according to the amount of insurance proceeds that are required to be paid to said Depositors, etc. under the Insurance Claim Calculation Provision.

2 機構は、前項の規定により取得した支払対象預金等に係る債権のうちに担保権の目的となつているものがあるときは、当該担保権に係る被担保債権が消滅するまでを限り、当該担保権の目的となつている支払対象預金等に係る債権（機構が取得した部分に限る。）の額に相当する金額を限度として、政令で定めるところにより、保険金の支払を保留することができる。

(2) When the claims pertaining to the covered Deposits, etc. acquired under the preceding paragraph include any claim that is subject to a security interest,

the Corporation may, pursuant to the provisions of a Cabinet Order, defer the payment of insurance proceeds up to an amount equivalent to the claim pertaining to the covered Deposits, etc. (limited to the portion that has been acquired by the Corporation) that are subject to said security interest until the extinction of the secured claim pertaining to said security interest.

3 機構は、預金者等に対し第五十三条第四項の仮払金の支払をしたときは、その支払金額（第五十四条第四項の規定により機構に払い戻されるべき金額を除く。）に応じ、当該預金者等が金融機関に対して有する支払対象預金等に係る債権を取得する。

(3) When the Corporation has made provisional payment to the Depositors, etc. under Article 53, paragraph (4), the Corporation will, according to the amount of such payment (excluding the amount to be repaid to the Corporation under Article 54, paragraph (4)), acquire claims pertaining to the covered Deposits, etc. held in a Financial Institution by said Depositors, etc.

(課税関係)

(Concerning Taxation)

第五十八条の二 預金者等がその有する支払対象預金等（第二条第二項第五号に掲げるもののうち割引の方法により発行される長期信用銀行債等に係るものを除く。）に係る債権（以下この項において「預金等債権」という。）について保険金の支払を受ける場合において、当該支払を受ける保険金の額に応じて機構が取得する預金等債権のうち利息等があるときは、当該利息等の額に相当する金額は、当該預金等債権に係る支払対象預金等の次の各号に掲げる区分に応じ当該各号に定めるものの額とみなして、所得税法（昭和四十年法律第三十三号）その他の所得税に関する法令の規定を適用する。

Article 58-2 (1) In the event that Depositors, etc. receive payment of insurance proceeds in connection with claims pertaining to the covered Deposits, etc. (excluding those pertaining to the Long-Term Credit Bank Bonds, etc. issued by means of a discount, among those listed in Article 2, paragraph (2), item (v)) held by said Depositors, etc. (hereinafter referred to as "Deposits and Other Claims" in this paragraph), when the Deposits and Other Claims acquired by the Corporation according to the amount of insurance proceeds for which said payment is received include any interest, etc., an amount equivalent to said interest, etc. is deemed to be the amount prescribed in each of the following items according to the category of the covered Deposits, etc. pertaining to said Deposits and Other Claims prescribed in each respective item, in applying the provisions of the Income Tax Act (Act No. 33 of 1965) and other laws and regulations concerning income tax:

一 預金 当該預金の利子

(i) Deposits: Interests on said deposits

二 定期積金 当該定期積金に係る契約に基づく給付補てん金（所得税法第七十四条第三号に掲げる給付補てん金をいう。）

(ii) Installment savings: Compensation money for benefits (meaning the compensation money for benefits specified in Article 174, item (iii) of the Income Tax Act) based on contracts for said installment savings

三 第二条第二項第三号に掲げる掛金 当該掛金に係る契約に基づく給付補てん金（所得税法第一百七十四条第四号に掲げる給付補てん金をいう。）

(iii) Installment deposits specified in Article 2, paragraph (2), item (iii): Compensation money for benefits (meaning the compensation money for benefits specified in Article 174, item (iv) of the Income Tax Act) based on contracts for said installment deposits

四 第二条第二項第四号に掲げる金銭 当該金銭に係る同号に規定する金銭信託の収益の分配

(iv) Money specified in Article 2, paragraph (2), item (iv): Distribution of profits under money trusts prescribed in Article 2, paragraph (2), item (iv) pertaining to said money

五 第二条第二項第五号に掲げる金銭 長期信用銀行債等（割引の方法により発行されるものを除く。）の利子

(v) Money specified in Article 2, paragraph (2), item (v): Interests on the Long-Term Credit Bank Bonds, etc. (excluding those issued by means of a discount)

2 前項の規定の適用がある場合における租税特別措置法（昭和三十二年法律第二十六号）第四条の二及び第四条の三の規定の特例その他同項の規定の適用に関し必要な事項は、政令で定める。

(2) In the event that the provisions of the preceding paragraph apply, any necessary matters for the application of special provisions for Article 4-2 and Article 4-3 of the Act on Special Measures Concerning Taxation (Act No. 26 of 1957) and other provisions of the preceding paragraph will be specified by a Cabinet Order.

（決済用預金に係る保険金の支払等のための措置）

(Measures for Payment of Insurance Claims, etc. Pertaining to Deposits for payment and settlement purposes)

第五十八条の三 金融機関は、保険事故が発生した場合における支払対象決済用預金に係る保険金の支払又はその払戻しの円滑の確保を図るため、電子情報処理組織の整備その他の内閣府令で定める措置を講じなければならない。

Article 58-3 (1) A Financial Institution shall develop electronic data processing systems and take any other measures specified by a Cabinet Office Ordinance in order to secure the smooth payment of insurance proceeds pertaining to the Covered Deposits for Settlement or repayment thereof in the event of occurrence of an insurable contingency.

2 内閣総理大臣は、前項に規定する措置が講ぜられていないと認めるときは、金融機関に対し、その必要の限度において、期限を付して当該措置を講ずるよう命ずること



ができる。

- (2) The Prime Minister may, if he/she finds that the measures prescribed in the preceding paragraph have not been taken, order a Financial Institution to take said measures to the extent necessary, by a specified time.

#### 第四節 資金援助

#### Section 4 Financial Assistance

(資金援助の申込み)

(Application for Financial Assistance)

第五十九条 合併等を行う金融機関で破綻金融機関でない者（以下「救済金融機関」という。）又は合併等を行う銀行持株会社等（以下「救済銀行持株会社等」という。）は、機構が、合併等を援助するため、次に掲げる措置（第六号に掲げる措置にあつては、第二条第五項第五号に掲げる会社に対して行うものを除く。以下「資金援助」という。）を行うことを、機構に申し込むことができる。

Article 59 (1) A Financial Institution undertaking a merger, etc. that is not a Failed Financial Institution (hereinafter referred to as an "Assuming Financial Institution") or a Bank Holding Company, etc. undertaking a merger, etc. (hereinafter referred to as an "Assuming Bank Holding Company, etc.") may apply to have the Corporation take the following measures (in the case of measures specified in item (vi), excluding those provided to the companies specified in Article 2, paragraph (5), item (v); hereinafter referred to as "Financial Assistance") to support the merger, etc.:

一 金銭の贈与

(i) Donation of money

二 資金の貸付け又は預入れ

(ii) Loan or deposit of funds

三 資産の買取り

(iii) Purchase of assets

四 債務の保証

(iv) Guarantee of obligations

五 債務の引受け

(v) Assumption of obligations

六 優先株式等の引受け等

(vi) Subscription for Preferred Shares, etc.

七 損害担保

(vii) Securing of Damage

2 前項の「合併等」とは、次に掲げるものをいう。

(2) The term "merger, etc." as used in the preceding paragraph means the following:

一 破綻金融機関と合併する金融機関が存続する合併

- (i) A merger in which a Financial Institution that merges with a Failed Financial Institution survives;
- 二 破綻金融機関と他の金融機関が合併して金融機関を設立する合併
- (ii) A merger in which a Financial Institution is established through the merger of a Failed Financial Institution and another Financial Institution;
- 三 事業譲渡等で破綻金融機関がその事業を他の金融機関に譲渡するもの（事業の一部を譲渡するものにあつては、破綻金融機関の預金等に係る債務の引受けであつて当該債務に保険金計算規定により計算した保険金の額に対応する預金等に係る債務を含むものが伴うものに限る。）
- (iii) A Business Transfer, etc. in which a Failed Financial Institution transfers its business to another Financial Institution (in the case of transfer of part of the business, limited to those accompanied by the assumption of obligations pertaining to the Deposits, etc. of a Failed Financial Institution that include obligations pertaining to the Deposits, etc. corresponding to the amount of insurance proceeds calculated under the Insurance Claim Calculation Provision)
- 三の二 付保預金移転
- (iii)-2 Transfer of Insured Deposits
- 四 破綻金融機関の株式の他の金融機関又は銀行持株会社等による取得で当該破綻金融機関の業務の健全かつ適切な運営を確保するために必要な事項として内閣総理大臣及び財務大臣が定めるものを実施するために行うもの
- (iv) An acquisition of shares of a Failed Financial Institution by another Financial Institution or Bank Holding Company, etc. to implement matters specified by the Prime Minister and the Minister of Finance as being necessary for ensuring sound and appropriate operation of said Failed Financial Institution.
- 3 第一項に規定する資金援助のうち前項第二号に掲げる合併を援助するために行うものは、救済金融機関又は当該合併により設立される金融機関に対して行うものとし、当該合併を行う金融機関のうち二以上の救済金融機関がある場合には、第一項の規定による申込みは、当該二以上の救済金融機関の連名で行うものとする。
- (3) The Financial Assistance prescribed in paragraph (1) provided to support a merger specified in item (ii) of the preceding paragraph is to be provided to the Assuming Financial Institution or Financial Institution that will be established by the merger, and if there are two or more Assuming Financial Institutions involved in the merger, the application prescribed in paragraph (1) is to be made in the joint names of said Assuming Financial Institutions.
- 4 第一項第三号に掲げる資産の買取りは、合併等（第二項に規定する合併等をいう。以下同じ。）に係る破綻金融機関の資産又は次の各号に掲げる合併等の区分に応じ当該各号に定める資産について行うものとし、第一項の規定による申込みに係る資金援助のうち合併等に係る破綻金融機関の資産の買取りが含まれているときは、当該合併等に係る救済金融機関又は救済銀行持株会社等は、当該破綻金融機関と連名で、機

構が当該資産の買取りを行うことを機構に申し込むものとする。

- (4) The purchase of assets specified in item (iii) of paragraph (1) is to be conducted with respect to the assets of a Failed Financial Institution pertaining to a merger, etc. (meaning the merger, etc. prescribed in paragraph (2); the same applies hereinafter) or assets specified in each of the following items according to the category of merger, etc. specified in such item, and if the Financial Assistance pertaining to the application prescribed in paragraph (1) includes the purchase of assets of a Failed Financial Institution pertaining to a merger, etc., the Assuming Financial Institution or Assuming Bank Holding Company, etc. pertaining to the merger, etc. is to apply to the Corporation in the joint names of said Failed Financial Institution for the Corporation to purchase said assets:
- 一 第二項第一号に掲げる合併 当該合併により存続する金融機関の資産（当該合併前に破綻金融機関の資産であつたものに限る。）
  - (i) A merger specified in item (i) of paragraph (2): the assets of the Financial Institution surviving through the merger (limited to those that were the assets of the Failed Financial Institution prior to the merger);
  - 二 第二項第二号に掲げる合併 当該合併により設立される金融機関の資産（当該合併前に破綻金融機関の資産であつたものに限る。）
  - (ii) A merger specified in item (ii) of paragraph (2): the assets of the Financial Institution that will be established by the merger (limited to those that were the assets of the Failed Financial Institution prior to the merger);
  - 三 第二項第三号に掲げる事業譲渡等 同号の他の金融機関の資産で当該事業譲渡等により譲り受けたもの
  - (iii) A Business Transfer, etc. specified in item (iii) of paragraph (2): the assets of another Financial Institution prescribed in item (iii) of paragraph (2) that have been received through said Business Transfer, etc.; and
  - 四 第二項第四号に掲げる株式の取得 当該株式の取得をされた金融機関の資産
  - (iv) The acquisition of shares specified in item (iv) of paragraph (2): the assets of a Financial Institution whose shares have been so acquired.
- 5 第一項第七号に掲げる損害担保は、前項各号に掲げる合併等の区分に応じ当該各号に定める資産である貸付債権について行うものとする。
- (5) The Securing of Damage specified in item (vii) of paragraph (1) is to be performed with respect to the loan claims that are the assets prescribed in each of the preceding paragraphs according to the category of merger, etc. specified in such item.
- 6 第一項又は第四項の規定による申込みを行つた金融機関及び銀行持株会社等は、速やかに、その旨を内閣総理大臣（労働金庫又は労働金庫連合会にあつては内閣総理大臣及び厚生労働大臣とし、株式会社商工組合中央金庫にあつては内閣総理大臣、財務大臣及び経済産業大臣とする。）に報告しなければならない。
- (6) A Financial Institution and Bank Holding Company, etc. that has made an

application under paragraph (1) or (4) shall promptly report to that effect to the Prime Minister (in the case of a labor bank or The Rokinren Bank, to the Prime Minister and the Minister of Health, Labour and Welfare, and in the case of The Shoko Chukin Bank, Ltd., to the Prime Minister, the Minister of Finance, and the Minister of Economy, Trade and Industry).

7 機構は、第一項又は第四項の規定による申込みを受けたときは、速やかに、その旨を財務大臣に報告しなければならない。ただし、当該申込みを行つた金融機関が株式会社商工組合中央金庫である場合は、この限りでない。

(7) Upon receiving an application under paragraph (1) or (4), the Corporation shall promptly report to that effect to the Minister of Finance; provided, however, that this does not apply to cases where the Financial Institution that has made said application is The Shoko Chukin Bank, Ltd.

(資金援助の申込みの特例)

(Special Provisions for Application of Financial Assistance)

第五十九条の二 合併等（前条第二項第三号に掲げる事業譲渡等のうち破綻金融機関がその事業の一部を他の金融機関に譲渡するもの又は付保預金移転に限る。）を行う救済金融機関は、機構が、破綻金融機関の債権者間の衡平を図るため、当該破綻金融機関に対して資金援助（同条第一項第一号に掲げるものに限る。）を行うことを、機構に申し込むことができる。

Article 59-2 (1) An Assuming Financial Institution undertaking a merger, etc. (limited to the Business Transfer, etc. specified in item (iii) of paragraph (2) of the preceding Article whereby a Failed Financial Institution transfers part of its business to another Financial Institution or the Transfer of Insured Deposits) may apply to have the Corporation provide Financial Assistance to said Failed Financial Institution (limited to those specified in item (i) of paragraph (1) of the preceding Article) in order to ensure equity between creditors of the Failed Financial Institution.

2 前項の規定による申込みは、当該合併等に係る破綻金融機関と連名で行うものとする。

(2) The application under the preceding paragraph is to be made in joint names with the Failed Financial Institution pertaining to the merger, etc.

3 前条第六項の規定は前二項の規定による申込みを行つた救済金融機関及び破綻金融機関について、同条第七項の規定は前二項の規定による申込みを受けた機構について、それぞれ準用する。

(3) The provisions of paragraph (6) of the preceding Article apply mutatis mutandis to an Assuming Financial Institution and Failed Financial Institution that have made an application under the provisions of the preceding two paragraphs, and the provisions of paragraph (7) of the preceding Article apply mutatis mutandis to the Corporation that has received an application under the provisions of the preceding two paragraphs.

第六十条 内閣総理大臣の指定する金融機関で合併等を援助するため当該合併等に係る金融機関（破綻金融機関を除く。）又は当該合併等に係る銀行持株会社等に対し資金の貸付けその他の政令で定める行為を行うものは、機構が資金援助（第五十九条第一項第二号又は第四号に掲げるものに限る。）を行うことを、機構に申し込むことができる。

Article 60 (1) A Financial Institution designated by the Prime Minister that, in order to support a merger, etc., loans funds to a Financial Institution pertaining to the merger, etc. (excluding the Failed Financial Institution) or to a Bank Holding Company, etc. pertaining to the merger, etc. or conducts any other act specified by a Cabinet Order may apply to the Corporation for Financial Assistance (limited to those specified in Article 59, paragraph (1), item (ii) or (iv)).

2 前項の規定による申込みを行つた金融機関は、速やかに、その旨を内閣総理大臣（労働金庫又は労働金庫連合会にあつては、内閣総理大臣及び厚生労働大臣）に報告しなければならない。

(2) A Financial Institution that has made an application under the preceding paragraph shall promptly report to that effect to the Prime Minister (in the case of a labor bank or The Rokinren Bank, to the Prime Minister and the Minister of Health, Labour and Welfare).

3 機構は、第一項の規定による申込みを受けたときは、速やかに、その旨を財務大臣に報告しなければならない。

(3) Upon receiving an application under paragraph (1), the Corporation shall promptly report to that effect to the Minister of Finance.

（適格性の認定）

(Authorization of Eligibility)

第六十一条 第五十九条第一項、第五十九条の二第一項又は前条第一項の規定による申込みに係る合併等については、当該合併等に係る破綻金融機関及び救済金融機関又は破綻金融機関及び救済銀行持株会社等は、これらの規定による申込みが行われる時までに、当該合併等について、内閣総理大臣の認定を受けなければならない。

Article 61 (1) With regard to a merger, etc. pertaining to an application prescribed in Article 59, paragraph (1), Article 59-2, paragraph (1), or paragraph (1) of the preceding Article, a Failed Financial Institution and Assuming Financial Institution or Failed Financial Institution and Assuming Bank Holding Company, etc. pertaining to said merger, etc. shall obtain the authorization of the Prime Minister by the time the application under these provisions is made.

2 前項の認定の申請は、同項の破綻金融機関及び救済金融機関又は破綻金融機関及び救済銀行持株会社等の連名で行わなければならない。

(2) The authorization under the preceding paragraph shall be made in the joint

names of the Failed Financial Institution and Assuming Financial Institution or Failed Financial Institution and Assuming Bank Holding Company, etc. prescribed in the preceding paragraph.

3 内閣総理大臣は、次に掲げる要件のすべてに該当する場合に限り、第一項の認定を行うことができる。

(3) The Prime Minister may not grant authorization under paragraph (1) unless all of the following requirements are satisfied:

一 当該合併等が行われることが預金者等その他の債権者の保護に資すること。

(i) The merger, etc. contributes to the protection of the Depositors, etc. and other creditors;

二 機構による資金援助が行われることが、当該合併等を行うために不可欠であること。

(ii) The Financial Assistance by the Corporation is indispensable for carrying out the merger, etc.

三 当該合併等に係る破綻金融機関について、合併等が行われることなく、その業務の全部の廃止又は解散が行われる場合には、当該破綻金融機関が業務を行っている地域又は分野における資金の円滑な需給及び利用者の利便に大きな支障が生ずるおそれがあること。

(iii) If the merger, etc. is not carried out for the Failed Financial Institution pertaining thereto and such Failed Financial Institution abolishes all its business or is dissolved, it is likely to cause considerable detriment to the smooth supply and demand of funds and convenience of consumers in the region or fields in which said Failed Financial Institution conducts its business.

4 内閣総理大臣は、労働金庫又は労働金庫連合会に対し第一項の認定を行うときは厚生労働大臣の同意を、株式会社商工組合中央金庫に対し同項の認定を行うときは財務大臣及び経済産業大臣の同意を、それぞれ得なければならない。

(4) The Prime Minister shall, when granting authorization under paragraph (1) to a labor bank or The Rokinren Bank, obtain consent from the Minister of Health, Labour and Welfare, and when granting authorization under paragraph (1) to The Shoko Chukin Bank, Ltd., obtain consent from the Minister of Finance and the Minister of Economy, Trade and Industry.

5 内閣総理大臣は、第一項の認定を行うときは、当該認定に係る金融機関のうち、いずれが破綻金融機関であるかを明らかにしなければならない。

(5) The Prime Minister shall, when granting authorization under paragraph (1), make clear which Financial Institution pertaining to said authorization is a Failed Financial Institution.

6 内閣総理大臣は、第一項の認定を行ったときは、その旨を機構に通知しなければならない。

(6) Upon granting the authorization under paragraph (1), the Prime Minister shall notify the Corporation to that effect.

7 機構は、前項の規定による通知を受けたときは、速やかに、その旨を財務大臣に報告しなければならない。

(7) Upon receiving notice under the preceding paragraph, the Corporation shall promptly report to that effect to the Minister of Finance.

8 破綻金融機関の株式を取得しようとする会社が、当該株式の取得により銀行を子会社とする持株会社又は長期信用銀行を子会社とする持株会社になることについて、銀行法第五十二条の十七第一項又は長期信用銀行法第十六条の二の四第一項の認可（以下この項において「持株会社認可」という。）の申請をしている場合には、内閣総理大臣は、当該会社について持株会社認可をした後でなければ、第一項の規定による認定を行うことができない。

(8) In the event that a company seeking to acquire the shares of a Failed Financial Institution has applied for authorization set forth in Article 52-17, paragraph (1) of the Banking Act or Article 16-2-4, paragraph (1) of the Long-Term Credit Bank Act with regard to the fact that, as a result of such acquisition, said company will become a holding company which has a Bank as its subsidiary company or Holding company which has a Long-Term Credit Bank as its subsidiary company (hereinafter referred to as "Holding Company Authorization" in this paragraph), the Prime Minister may not grant authorization under paragraph (1) until after she/he has granted the Holding Company Authorization to said company.

（合併等のあつせん）

(Mediation of Merger, etc.)

第六十二条 内閣総理大臣は、前条第二項の申請が行われない場合においても、金融機関が破綻金融機関に該当し、かつ、当該破綻金融機関が同条第三項第三号に掲げる要件に該当すると認めるときは、当該破綻金融機関及び他の金融機関又は当該破綻金融機関及び銀行持株会社等に対し、書面により、合併等（第五十九条第二項第二号に掲げる合併を除くものとし、当該合併等が行われることが預金者等その他の債権者の保護に資するものであり、かつ、機構による資金援助が行われることが当該合併等を行うために不可欠であるものに限る。）のあつせんを行うことができる。

Article 62 (1) Even in cases where no application is being made under paragraph (2) of the preceding Article, if a Financial Institution falls under a Failed Financial Institution and the Prime Minister finds that such Failed Financial Institution satisfies the requirements specified in item (iii) of paragraph (3) of the preceding Article, he/she may provide mediation in writing with regard to said merger, etc. (excluding those specified in Article 59, paragraph (2), item (ii) and limited to those that contribute to the protection of the Depositors, etc. and other creditors and for which the Financial Assistance by the Corporation is indispensable) between said Failed Financial Institution and another Financial Institution or said Failed Financial Institution and a Bank Holding Company, etc.

- 2 前項のあつせんを受けた同項の他の金融機関又は銀行持株会社等は、前条第一項の規定にかかわらず、第五十九条第一項又は第五十九条の二第一項の規定による申込みを行うことができる。
- (2) Notwithstanding the provisions of paragraph (1) of the preceding Article, another Financial Institution or Bank Holding Company, etc. prescribed in the preceding paragraph that has received the mediation under the preceding paragraph may make an application under Article 59, paragraph (1) or Article 59-2, paragraph (1).
- 3 第六十条第一項に規定する内閣総理大臣の指定する金融機関で、第一項のあつせんを受けた同項の他の金融機関又は銀行持株会社等に対し当該あつせんに係る合併等を援助するため同条第一項に規定する資金の貸付けその他の政令で定める行為を行うものは、前条第一項の規定にかかわらず、第六十条第一項の規定による申込みを行うことができる。
- (3) Notwithstanding the provisions of paragraph (1) of the preceding Article, a Financial Institution designated by the Prime Minister under Article 60, paragraph (1) that, in order to support a merger, etc. pertaining to the mediation under paragraph (1), loans funds under Article 60, paragraph (1) to another Financial Institution or Bank Holding Company, etc. that has received said mediation, or conducts any other act specified by a Cabinet Order, may make an application under Article 60, paragraph (1).
- 4 前条第四項から第七項までの規定は、第一項のあつせんを行う場合について準用する。
- (4) The provisions of paragraphs (4) to (7) of the preceding Article apply mutatis mutandis to cases where the mediation is provided under paragraph (1).
- 5 内閣総理大臣は、第一項のあつせんを行うため必要があると認めるときは、その必要の限度において、破綻金融機関又は破綻金融機関となる蓋然性が高いと認められる金融機関につきその業務又は財産の状況に関する資料を他の金融機関又は銀行持株会社等に対して交付し、その他当該あつせんに必要な準備行為を行うことができる。
- (5) The Prime Minister may, if he/she finds it necessary for providing the mediation set forth in paragraph (1), within the limit of that necessity, deliver material related to the status of business and property of a Failed Financial Institution or a Financial Institution recognized as having a high probability of becoming a Failed Financial Institution to another Financial Institution or Bank Holding Company, etc. and make any other preparations for said mediation.
- 6 内閣総理大臣は、機構に対し、第一項のあつせん又は前項の準備行為の実施に関し、必要な協力を求めることができる。
- (6) The Prime Minister may request necessary cooperation from the Corporation for the mediation under paragraph (1) or preparations under the preceding paragraph.



第六十三条 削除

Article 63 Deleted.

(資金援助)

(Financial Assistance)

第六十四条 機構は、第五十九条第一項若しくは第四項、第五十九条の二第一項又は第六十条第一項の規定による申込みがあつたときは、遅滞なく、委員会の議決を経て、当該申込みに係る資金援助を行うかどうかを決定しなければならない。

Article 64 (1) Upon receiving an application under Article 59, paragraph (1) or (4), Article 59-2, paragraph (1), or Article 60, paragraph (1), the Corporation shall, following a resolution of the Operation Committee, decide whether to grant the Financial Assistance pertaining to the application without delay.

2 委員会は、前項の議決を行う場合には、機構の財務の状況並びに当該議決に係る資金援助に要すると見込まれる費用及び当該資金援助に係る破綻金融機関の保険事故につき保険金の支払を行うときに要すると見込まれる費用を考慮し、機構の資産の効率的な利用に配慮しなければならない。

(2) When making a decision under the preceding paragraph, the Operation Committee shall take into consideration the financial conditions of the Corporation, expected costs of the Financial Assistance pertaining to said decision, and expected costs for the payment of insurance proceeds with respect to an insurable contingency of the Failed Financial Institution pertaining to said Financial Assistance, and give due consideration to the efficient use of the Corporation's assets.

3 機構は、第一項の規定による決定をしたときは、直ちに、その決定に係る事項を内閣総理大臣及び財務大臣（当該決定が労働金庫又は労働金庫連合会を当事者とする合併等に係るものである場合には内閣総理大臣及び財務大臣並びに厚生労働大臣とし、当該決定が株式会社商工組合中央金庫を当事者とする合併等に係るものである場合には内閣総理大臣及び財務大臣並びに経済産業大臣とする。）に報告しなければならない。

(3) Upon making a decision under paragraph (1), the Corporation shall immediately report matters pertaining to said decision to the Prime Minister and the Minister of Finance (if said decision pertains to a merger, etc. to which a labor bank or The Rokinren Bank is a party, to the Prime Minister, the Minister of Finance, and the Minister of Health, Labour and Welfare, and if said decision pertains to a merger, etc. to which The Shoko Chukin Bank, Ltd. is a party, to the Prime Minister, the Minister of Finance, and the Minister of Economy, Trade and Industry).

4 機構は、第一項の規定による資金援助を行う旨の決定をしたときは、当該資金援助の申込みに係る金融機関又は銀行持株会社等との間で当該資金援助に関する契約を締結するものとする。

(4) Upon making a decision to provide the Financial Assistance under paragraph

(1), the Corporation is to conclude a contract concerning said Financial Assistance with a Financial Institution or Bank Holding Company, etc. pertaining to the application for said Financial Assistance.

5 前項の契約に係る資金援助のうちに損害担保が含まれているときは、当該契約に係る金融機関又は銀行持株会社等は、当該契約において、当該損害担保に係る貸付債権について利益が生じたときは当該利益の額の一部を機構に納付し、又は当該合併等により当該貸付債権を有することとなる者をして機構に納付させるための措置を講ずる旨を約するものとする。

(5) When the Financial Assistance pertaining to the contract prescribed in the preceding paragraph includes the Securing of Damage, the Financial Institution or Bank Holding Company, etc. pertaining to said contract is to stipulate therein that, if profits are accrued with respect to loan claims pertaining to the Securing of Damage, it is to pay part of said profits to the Corporation, or take measures to cause a person who is to hold said loan claims as a result of said merger, etc. to pay part of said profits to the Corporation.

(優先株式等の引受け等に係る資金援助)

(Financial Assistance Pertaining to Subscription for Preferred Shares, etc.)

第六十四条の二 第五十九条第一項の規定による申込みが優先株式等の引受け等に係るものであるときは、当該申込みに係る救済金融機関又は救済銀行持株会社等（第二条第五項第五号に掲げる会社を除く。以下この条において同じ。）は、第五十九条第一項の規定による申込みと同時に、機構に対し、財務内容の健全性の確保等のための方策として政令で定める方策を定めた計画を提出しなければならない。

Article 64-2 (1) When an application is made under Article 59, paragraph (1) for the Subscription for Preferred Shares, etc., the Assuming Financial Institution or Assuming Bank Holding Company, etc. (excluding the companies specified in Article 2, paragraph (5), item (v); hereinafter the same applies in this Article) pertaining to said application shall, at the time of making said application, submit to the Corporation a plan setting forth measures specified by a Cabinet Order as measures to ensure the soundness of financial conditions, etc.

2 委員会は、前条第一項の規定により行う議決が優先株式等の引受け等の申込みに係るものであるときは、当該優先株式等の引受け等が当該申込みに係る救済金融機関又は救済銀行持株会社等の自己資本の充実の状況に照らし当該合併等の円滑な実施のために必要な範囲を超えないことその他の内閣総理大臣及び財務大臣並びに厚生労働大臣及び経済産業大臣が定めて公表する基準に適合するものである場合に限り、当該優先株式等の引受け等を行う旨の決議をすることができる。

(2) When a resolution prescribed in paragraph (1) of the preceding Article relates to an application for the Subscription for Preferred Shares, etc., the Operation Committee may not adopt a resolution to carry out said Subscription for Preferred Shares, etc. unless, in light of the adequacy of equity capital of the Assuming Financial Institution or Assuming Bank Holding Company, etc.

pertaining to said application, said Subscription for Preferred Shares, etc. does not exceed the scope necessary for the smooth implementation of said merger, etc. and conforms to other standards prescribed by the Prime Minister, the Minister of Finance, the Minister of Health, Labour and Welfare, and the Minister of Economy, Trade and Industry.

3 機構は、第五十九条第一項の規定による申込みが優先株式等の引受け等に係るものである場合において、当該資金援助を行う旨の決定をしようとするときは、前項の決議を経た後、あらかじめ、内閣総理大臣及び財務大臣（当該申込みをした者が労働金庫又は労働金庫連合会である場合には内閣総理大臣及び財務大臣並びに厚生労働大臣とし、当該申込みをした者が株式会社商工組合中央金庫である場合には内閣総理大臣及び財務大臣並びに経済産業大臣とする。）の承認を受けなければならない。

(3) In the event that an application is made under Article 59, paragraph (1) for the Subscription for Preferred Shares, etc., if the Corporation intends to make a decision to provide the Financial Assistance, it shall, following a resolution prescribed in the preceding paragraph, obtain prior approval from the Prime Minister and the Minister of Finance (if said application is made by a labor bank or The Rokinren Bank, from the Prime Minister, the Minister of Finance, and the Minister of Health, Labour and Welfare, and if said application is made by The Shoko Chukin Bank, Ltd., from the Prime Minister, the Minister of Finance, and the Minister of Economy, Trade and Industry).

4 第五十九条第一項の規定による申込みが合併等（同条第二項第二号に掲げるものに限る。）を援助するための優先株式等の引受け等に係るものである場合において、機構が前条第一項の決定をしたときは、第一項の規定により提出された計画は、当該合併等の後においては、当該合併等により設立された金融機関が提出したものとみなして、この条の規定を適用する。

(4) In the event that an application under Article 59, paragraph (1) for the Subscription for Preferred Shares, etc. is made to support a merger, etc. (limited to those specified in Article 59, paragraph (2), item (ii)), if the Corporation has made a decision under paragraph (1) of the preceding Article, a plan submitted pursuant to the provisions of paragraph (1) is to, following said merger, etc., be deemed to have been submitted by a Financial Institution established by said merger, etc. for the purpose of applying the provisions of this Article.

5 機構は、取得優先株式等又は取得貸付債権（機構が前条第一項の決定に基づいてした優先株式等の引受け等により取得した貸付債権をいう。以下この条から第六十八条の三までにおいて同じ。）の全部につきその処分をし、又は償還若しくは返済を受けるまでの間、救済金融機関（当該優先株式等の引受け等に係る合併により設立された金融機関を含む。以下この条から第六十八条の三までにおいて同じ。）又は救済銀行持株会社等であつて、機構が現に保有する当該取得優先株式等又は取得貸付債権に係る発行者又は債務者であるものに対し、第一項の規定により提出を受けた計画の履行状況につき報告を求め、これを公表することができる。

(5) Until the Corporation disposes or receives redemption or repayment of all acquired Preferred Shares, etc. or acquired loan claims (meaning those loan claims acquired by the Corporation through the Subscription for Preferred Shares, etc. based on a decision under paragraph (1) of the preceding Article; hereinafter the same applies in this Article to Article 68-3), the Corporation may request an Assuming Financial Institution (including the Financial Institutions established by the merger pertaining to Subscription for Preferred Shares, etc.; hereinafter the same applies in this Article to Article 68-3) or Assuming Bank Holding Company, etc. that is an issuer of said acquired Preferred Shares, etc. or obligor pertaining to acquired loan claims actually held by the Corporation to report the status of implementation of the plan that was submitted under paragraph (1) and make such report public.

6 前項の「取得優先株式等」とは、次に掲げるものをいう。

(6) The term "acquired Preferred Shares, etc." as used in the preceding paragraph means the following:

一 機構が前条第一項の決定に基づいてした優先株式等の引受け等により取得した優先株式等（次に掲げるものを含む。）その他の政令で定める株式等

(i) The Preferred Shares, etc. (including the following) and other Shares, etc. specified by a Cabinet Order acquired by the Corporation through the Subscription for Preferred Shares, etc. based on a decision under paragraph (1) of the preceding Article;

イ 当該優先株式等が優先株式である場合にあつては、次に掲げる株式

(a) In the event that the Preferred Shares, etc. are preferred shares, the following shares;

(1) 当該優先株式が他の種類の株式への転換（当該優先株式がその発行会社を取得され、その引換えに他の種類の株式が交付されることをいう。以下この項において同じ。）の請求が可能とされるものである場合にあつては、その請求により転換された他の種類の株式

1. In the event that a request can be made for the conversion of the preferred shares into shares of another class (meaning the delivery of shares of another class in exchange for the acquisition of said preferred shares by their issuing company; hereinafter the same applies in this paragraph), shares of another class into which said shares are converted pursuant to the request.

(2) 当該優先株式が一定の事由が生じたことを条件として転換されるものである場合にあつては、その事由が生じたことにより転換された他の種類の株式

2. In the event that the preferred shares are convertible upon the occurrence of certain events, shares of another class into which the preferred shares are converted as a result of such occurrence.

(3) 当該優先株式又は（1）若しくは（2）に掲げる他の種類の株式について

て分割され又は併合された株式

3. Shares split or consolidated with respect to the preferred shares or the shares of another class specified in 1 or 2.

ロ 当該優先株式等が劣後特約付社債である場合にあつては、当該劣後特約付社債に新株予約権が付されているときにその行使により交付された株式及びこれについて分割され又は併合された株式

(b) In the event that the Preferred Shares, etc. are subordinated bonds, shares delivered through the exercise of share options attached to said subordinated bonds and shares split or consolidated with respect thereto.

ハ 当該優先株式等が優先出資である場合にあつては、当該優先出資について分割された優先出資

(c) In the event that the Preferred Shares, etc. are preferred equity investments, preferred equity investments split with respect to said preferred equity investments.

二 機構が前条第一項の決定により優先株式等の引受け等を行つた金融機関又は銀行持株会社等が行う株式交換又は株式移転により当該金融機関又は銀行持株会社等の株式交換完全親株式会社（会社法第七百六十八条第一項第一号に規定する株式交換完全親株式会社をいう。以下同じ。）又は株式移転設立完全親会社（同法第七百七十三条第一項第一号に規定する株式移転設立完全親会社をいう。以下同じ。）となつた会社から機構が割当てを受けた優先株式（次に掲げるものを含む。）その他の政令で定める株式等

(ii) Preferred shares (including the following) allotted to the Corporation by a company that has become a wholly owning parent stock company in a share exchange (meaning the wholly owning parent stock company in share exchange prescribed in Article 768, paragraph (1), item (i) of the Companies Act; the same applies hereinafter) or wholly owning parent company incorporated through a share transfer (meaning the wholly owning parent company incorporated through share transfer prescribed in Article 773, paragraph (1), item (i) of said Act; the same applies hereinafter) through share exchange or share transfer effected by a Financial Institution or Bank Holding Company, etc. for which the Corporation conducted the Subscription for Preferred Shares, etc. pursuant to a decision under paragraph (1) of the preceding Article, and other Shares, etc. specified by a Cabinet Order.

イ 当該優先株式が他の種類の株式への転換の請求が可能とされるものである場合にあつては、その請求により転換された他の種類の株式

(a) In the event that a request can be made for the conversion of the preferred shares into shares of another class, shares of another class into which said shares are converted pursuant to the request.

ロ 当該優先株式が一定の事由が生じたことを条件として転換されるものである場合にあつては、その事由が生じたことにより転換された他の種類の株式

(b) In the event that the preferred shares are convertible upon the occurrence

of certain events, shares of another class into which the preferred shares are converted as a result of such occurrence.

ハ 当該優先株式又はイ若しくはロに掲げる他の種類の株式について分割され又は併合された株式

(c) Shares split or consolidated with respect to said preferred shares or the shares of another class specified in (a) or (b).

(合併等の契約の報告等)

(Reporting of Agreement for Merger, etc.)

第六十五条 第六十一条第一項の認定又は第六十二条第一項のあつせん（以下「適格性の認定等」という。）を受けた金融機関又は銀行持株会社等は、当該適格性の認定等に係る合併等の契約を締結したときは、直ちに、内閣総理大臣（労働金庫又は労働金庫連合会にあつては内閣総理大臣及び厚生労働大臣とし、株式会社商工組合中央金庫にあつては内閣総理大臣、財務大臣及び経済産業大臣とする。）に、その旨を報告し、かつ、当該合併等の契約書（機構と第六十四条第四項の契約を締結した金融機関又は銀行持株会社等にあつては、当該合併等の契約書及び同項の契約の内容を記載した書面）を提出しなければならない。

Article 65 A Financial Institution or Bank Holding Company, etc. that has received the authorization under Article 61, paragraph (1) or mediation under Article 62, paragraph (1) (hereinafter referred to as "Authorization of Eligibility, etc.") shall, upon concluding an agreement for merger, etc. pertaining to the Authorization of Eligibility, etc., immediately report to that effect to the Prime Minister (in the case of a labor bank or The Rokinren Bank, to the Prime Minister and the Minister of Health, Labour and Welfare, and in the case of The Shoko Chukin Bank, Ltd., to the Prime Minister, the Minister of Finance, and the Minister of Economy, Trade and Industry) and submit a copy of said agreement for merger, etc. (in the case of a Financial Institution or Bank Holding Company, etc. that has concluded a contract with the Corporation under Article 64, paragraph (4), a copy of said agreement for merger, etc. and documents stating the details of the contract under Article 64, paragraph (4)).

(株主総会等の決議の報告等)

(Reporting of Resolution of Shareholders Meeting, etc.)

第六十六条 適格性の認定等を受けた金融機関は、この法律若しくは会社法その他の法律の規定又は定款の定めに基づき合併、事業譲渡等、付保預金移転、株式交換又は株式移転について株主総会等の決議若しくは議決又は総株主若しくはすべての種類株主の同意（会社法第七百八十三条第二項又は第四項に規定する同意をいう。以下同じ。）を必要とする場合において、当該適格性の認定等に係る合併、事業譲渡等、付保預金移転、株式交換又は株式移転についての決議若しくは議決又は総株主若しくはすべての種類株主の同意を得たとき又は得られなかつたときは、直ちに、内閣総理大

臣（労働金庫又は労働金庫連合会にあつては内閣総理大臣及び厚生労働大臣とし、株式会社商工組合中央金庫にあつては内閣総理大臣、財務大臣及び経済産業大臣とする。）に、その旨を報告し、かつ、当該株主総会等の議事録その他政令で定める書面（電磁的記録（電子的方式、磁気的方式その他人の知覚によつては認識することができない方式で作られる記録であつて、電子計算機による情報処理の用に供されるものとして内閣府令・財務省令で定めるものをいう。）で作成されているものを含む。第百六条第三項において同じ。）を提出し、併せて、機構にその旨を通知しなければならない。適格性の認定等を受けた銀行持株会社等が、この法律若しくは会社法の規定又は定款の定めに基づき株式交換について株主総会等の決議又は総株主若しくはすべての種類株主の同意を必要とする場合において、当該適格性の認定等に係る株式交換についての決議又は同意を得たとき又は得られなかつたときも、同様とする。

Article 66 (1) In the event that a resolution or decision of shareholders meeting, etc. or consent of all shareholders or all class shareholders (meaning the consent prescribed in Article 783, paragraph (2) or (4) of the Companies Act; the same applies hereinafter) is required for a merger, Business Transfer, etc., Transfer of Insured Deposits, share exchange, or share transfer under the provisions of this Act, the Companies Act, other Acts, or the articles of incorporation, a Financial Institution that has received the Authorization of Eligibility, etc. shall, when it has obtained or failed to obtain a resolution or decision, or consent of all shareholders or all class shareholders for a merger, Business Transfer, etc., Transfer of Insured Deposits, share exchange or share transfer pertaining to said Authorization of Eligibility, etc., immediately report to that effect to the Prime Minister (in the case of a labor bank or The Rokinren Bank, to the Prime Minister and the Minister of Health, Labour and Welfare, and in the case of The Shoko Chukin Bank, Ltd., to the Prime Minister, the Minister of Finance, and the Minister of Economy, Trade and Industry) and submit the minutes of said shareholders meeting, etc. and other documents specified by a Cabinet Order (including those prepared in the form of an electromagnetic record (meaning a record that is created by an electronic method, magnetic method, or another method which cannot be recognized by human sensory perception, specified by a Cabinet Office Ordinance and an Ordinance of the Ministry of Finance as used for data processing with computers); the same applies in Article 106, paragraph (3)), and shall also notify the Corporation to that effect. The same applies when, in the event that a resolution of shareholders meeting, etc. or consent of all shareholders or all class shareholders is required for share exchange under the provisions of this Act, the Companies Act, or the articles of incorporation, a Bank Holding Company, etc. that has received the Authorization of Eligibility, etc. has obtained or failed to obtain such resolution or consent for share exchange pertaining to said Authorization of Eligibility, etc.

2 前項の「株主総会等」とは、銀行等、銀行持株会社等又は株式会社商工組合中央金

庫にあつては株主総会又は種類株主総会（金融機関の合併及び転換に関する法律第二十二條第六項に規定する場合にあつては、株主総会及び同項の株主総会）を、信用金庫等にあつては総会又は総代会をいう。

(2) The term "shareholders meeting, etc." as used in the preceding paragraph means, in the case of a Bank, etc., Bank Holding Company, etc., or The Shoko Chukin Bank, Ltd., a shareholders meeting or class meeting (meaning, in the case prescribed in Article 22, paragraph (6) of the Act on Financial Institutions' Merger and Conversion, a shareholders meeting and the shareholders meeting prescribed in Article 22, paragraph (6)), and in the case of the Shinkin Bank, etc., a general meeting or general meeting of representatives.

3 第一項の適格性の認定等を受けた金融機関又は銀行持株会社等は、次に掲げる場合には、直ちに、内閣総理大臣（労働金庫又は労働金庫連合会にあつては内閣総理大臣及び厚生労働大臣とし、株式会社商工組合中央金庫にあつては内閣総理大臣、財務大臣及び経済産業大臣とする。）にその旨を報告し、あわせて、機構にその旨を通知しなければならない。

(3) A Financial Institution or Bank Holding Company, etc. that has received the Authorization of Eligibility, etc. under paragraph (1) shall, in the following cases, immediately report to that effect to the Prime Minister (in the case of a labor bank or The Rokinren Bank, to the Prime Minister and the Minister of Health, Labour and Welfare, and in the case of The Shoko Chukin Bank, Ltd., to the Prime Minister, the Minister of Finance, and the Minister of Economy, Trade and Industry) and also notify the Corporation to that effect:

一 第一項の適格性の認定等を受けた金融機関又は銀行持株会社等が会社法第四百六十八條第二項若しくは第七百九十六條第三項、信用金庫法第五十八條第二項ただし書若しくは第六十一條の三第三項ただし書、中小企業等協同組合法第五十七條の三第二項後段若しくは第六十三條の五第三項ただし書、労働金庫法第六十二條第二項ただし書若しくは第六十二條の六第三項ただし書又は金融機関の合併及び転換に関する法律第三十條第一項若しくは第四十二條第一項の規定により、株主総会等（前項に規定する株主総会等をいう。次号において同じ。）の決議又は議決による承認を受けることなく事業の全部若しくは一部の譲受け、合併又は株式交換を行おうとしたものである場合において、当該金融機関又は銀行持株会社等が会社法第四百六十八條第三項若しくは第七百九十六條第四項、信用金庫法第五十八條第四項若しくは第六十一條の三第五項、中小企業等協同組合法第五十七條の三第三項若しくは第六十三條の五第四項、労働金庫法第六十二條第四項若しくは第六十二條の六第五項又は金融機関の合併及び転換に関する法律第三十條第二項若しくは第四十二條第二項に規定する場合に該当することとなつたとき。

(i) In the event that a Financial Institution or Bank Holding Company, etc. that has received the Authorization of Eligibility, etc. under paragraph (1) seeks to receive the whole or part of business or undertake a merger or share exchange without obtaining approval by a resolution or decision of a



shareholders meeting, etc. (meaning the shareholders meeting, etc. prescribed in the preceding paragraph; the same applies in the following item) under Article 468, paragraph (2) or Article 796, paragraph (3) of the Companies Act, the proviso to Article 58, paragraph (2) or the proviso to Article 61-3, paragraph (3) of the Shinkin Bank Act, the second sentence of Article 57-3, paragraph (2) or the proviso to Article 63-5, paragraph (3) of the Small and Medium-Sized Enterprises Cooperatives Act, the proviso to Article 62, paragraph (2) or the proviso to Article 62-6, paragraph (3) of the Labor Bank Act, or Article 30, paragraph (1) or Article 42, paragraph (1) of the Act on Financial Institutions' Merger and Conversion, when said Financial Institution or Bank Holding Company, etc. has come to fall under the case prescribed in Article 468, paragraph (3) or Article 796, paragraph (4) of the Companies Act, Article 58, paragraph (4) or Article 61-3, paragraph (5) of the Shinkin Bank Act, Article 57-3, paragraph (3) or Article 63-5, paragraph (4) of the Small and Medium-Sized Enterprises Cooperatives Act, Article 62, paragraph (4) or Article 62-6, paragraph (5) of the Labor Bank Act, or Article 30, paragraph (2) or Article 42, paragraph (2) of the Act on Financial Institutions' Merger and Conversion; and

二 第一項の適格性の認定等を受けた金融機関が第八十七条又は民事再生法（平成十一年法律第二百二十五号）第四十三条（金融機関等の更生手続の特例等に関する法律第四百五十四条において準用する場合を含む。）の規定により株主総会等の決議若しくは議決又は総株主若しくはすべての種類株主の同意に代わる裁判所の許可を得て事業譲渡等を行おうとしたものである場合において、当該金融機関が当該許可を得られなかつたとき。

(ii) In the event that a Financial Institution that has received the Authorization of Eligibility, etc. under paragraph (1) seeks to conduct a Business Transfer, etc. with the permission of the court in lieu of a resolution or decision of a shareholders meeting, etc. or consent of all shareholders or all class shareholders under Article 87 or Article 43 of the Civil Rehabilitation Act (Act No. 225 of 1999) (including the cases where it is applied *mutatis mutandis* pursuant to Article 454 of the Act on Special Measures of Corporate Reorganization Proceedings and Other Insolvency Proceedings of Financial Institutions), if said Financial Institution has failed to obtain said permission.

4 機構は、第一項又は前項の規定による通知を受けたときは、直ちに、その旨を財務大臣に報告しなければならない。ただし、当該通知を行つた金融機関が株式会社商工組合中央金庫である場合は、この限りでない。

(4) Upon receiving notice under paragraph (1) or the preceding paragraph, the Corporation shall immediately report to that effect to the Minister of Finance; provided, however, that this does not apply in cases where the Financial Institution that gave said notice is The Shoko Chukin Bank, Ltd.

(業務の継続の特例)

(Special Provisions for Continuation of Business)

第六十七条 適格性の認定等を受けた救済金融機関は、その営業若しくは事業に関する法令により行うことができない業務に属する契約又は制限されている契約に係る権利義務を当該適格性の認定等に係る事業の譲受け又は付保預金移転により承継した場合には、これらの契約のうち、期限の定めのあるものについては期限満了まで、期限の定めのないものについては承継の日から二年以内の期間に限り、これらの契約に関する業務を継続することができる。

Article 67 (1) In the event that an Assuming Financial Institution that has received the Authorization of Eligibility, etc. has, through the transfer of business pertaining to said Authorization of Eligibility, etc. or the Transfer of Insured Deposits, succeeded to the rights and obligations pertaining to a contract belonging to any business that said Financial Institution is prohibited or restricted from carrying out by laws and regulations concerning the business or operations of said Financial Institution, said Financial Institution may continue the business concerning such contract until the period of contract expires, if the contract prescribes a period, and for a period limited to two years from the date of succession, if the contract does not prescribe a period.

2 適格性の認定等を受けた救済金融機関は、前項に規定する契約に関する業務の利用者の利便等に照らし特別の事情がある場合において、期間を定めて当該業務を整理することを内容とする計画を作成し、当該計画につき内閣総理大臣（労働金庫又は労働金庫連合会にあつては内閣総理大臣及び厚生労働大臣とし、株式会社商工組合中央金庫にあつては内閣総理大臣、財務大臣及び経済産業大臣とする。）の承認を受けたときは、事業の譲受け又は付保預金移転の日における当該契約の総額を超えない範囲内において、かつ、当該計画に従い、同項の期限が満了した契約を更新して、又は同項の期間を超えて、当該業務を継続することができる。

(2) An Assuming Financial Institution that has received the Authorization of Eligibility, etc. may, in the event that there are special circumstances in light of the convenience of the users of the business concerning the contract prescribed in the preceding paragraph, etc., prepare a plan as to how said business is to be concluded within a specified period of time, and if said plan is approved by the Prime Minister (in the case of a labor bank or The Rokinren Bank, by the Prime Minister and the Minister of Health, Labour and Welfare, and in the case of The Shoko Chukin Bank, Ltd., by the Prime Minister, the Minister of Finance, and the Minister of Economy, Trade and Industry), continue said business in accordance with said plan and within a scope not exceeding the total amount of said contract as of the date of the assumption of business or Transfer of Insured Deposits, by renewing the contract following the expiration of the period prescribed in the preceding paragraph or beyond the period prescribed in the preceding paragraph.

(財務大臣への協議)

(Consultation with Minister of Finance)

第六十八条 内閣総理大臣は、その行おうとする適格性の認定等に係る合併等のために機構による資金援助が行われたならば、機構の財務の状況が著しく悪化し信用秩序の維持に重大な影響を与えるおそれがあると認めるときは、あらかじめ、信用秩序の維持を図るために必要な措置に関し、財務大臣に協議しなければならない。

Article 68 The Prime Minister shall, if he/she finds that if the Corporation is to provide Financial Assistance for a merger, etc. pertaining to the Authorization of Eligibility, etc., the financial conditions of the Corporation would deteriorate extremely and have a serious impact on the maintenance of an orderly credit system, consult in advance with the Minister of Finance concerning measures necessary for the maintenance of an orderly credit system.

(資金援助に係る株式交換等の承認)

(Approval of Share Exchange, etc. Pertaining to Financial Assistance)

第六十八条の二 第六十四条第一項の決定に基づいて機構が優先株式等の引受け等を行った救済金融機関又は救済銀行持株会社等（この項の承認を受けた場合における次項に規定する会社及び次条第一項の承認を受けた場合における同条第四項に規定する承継金融機関等を含む。次条において同じ。）であつて、機構が現に保有する取得優先株式等である株式の発行者であるもの（以下この条において「発行救済金融機関等」という。）は、株式交換（当該発行救済金融機関等が株式交換完全子会社（会社法第七百六十八条第一項第一号に規定する株式交換完全子会社をいう。第百八条の二第一項において同じ。）となるものに限る。）又は株式移転（以下この条において「株式交換等」という。）を行おうとするときは、あらかじめ、機構の承認を受けなければならない。

Article 68-2 (1) An Assuming Financial Institution for which the Corporation conducted the Subscription for Preferred Shares, etc. based on a decision under Article 64, paragraph (1) or an Assuming Bank Holding Company, etc. (including companies prescribed in the following paragraph in the event that an approval is obtained under this paragraph and the succeeding Financial Institution, etc. prescribed in paragraph (4) of the following Article in the event that an approval is obtained under paragraph (1) of the following Article; the same applies in the following Article), which has issued shares that are acquired Preferred Shares, etc. actually held by the Corporation (hereinafter referred to as "Issuing Assuming Financial Institution, etc." in this Article), shall obtain approval from the Corporation before effecting a share exchange (limited to those through which the Issuing Assuming Financial Institution, etc. becomes a wholly owned subsidiary company in the share exchange (meaning a wholly owned subsidiary company in the share exchange prescribed in Article 768, paragraph (1), item (i) of the Companies Act; the same applies in Article

108-2, paragraph (1))) or share transfer (hereinafter referred to as "Share Exchange, etc." in this Article).

2 機構は、株式交換等により当該発行救済金融機関等の株式交換完全親株式会社又は株式移転設立完全親会社となる会社が金融機関又は銀行持株会社等（新たに設立されるものを含み、銀行持株会社等にあつては、第二条第五項第一号又は第三号に掲げるものに限る。）であることその他の内閣総理大臣及び財務大臣が定めて公表する基準に適合するものである場合に限り、前項の承認をするものとする。

(2) The Corporation may not grant the approval under the preceding paragraph unless a company that becomes, through the Share Exchange, etc., a wholly owning parent stock company in a share exchange or wholly owning parent company incorporated through a share transfer of the Issuing Assuming Financial Institution, etc. is a Financial Institution or Bank Holding Company, etc. (including those that will be newly established and, in the case of a Bank Holding Company, etc., limited to those specified in Article 2, paragraph (5), item (i) or (iii)) and conforms to other standards prescribed and publicly announced by the Prime Minister and the Minister of Finance.

3 機構は、第一項の承認をしようとするときは、あらかじめ、内閣総理大臣及び財務大臣の承認を受けなければならない。

(3) The Corporation shall obtain the prior approval of the Prime Minister and the Minister of Finance before granting the approval under paragraph (1).

4 発行救済金融機関等が第一項の承認を受けて株式交換等を行ったときは、当該株式交換等により当該発行救済金融機関等の株式交換完全親株式会社又は株式移転設立完全親会社となつた会社は、機構に対し、財務内容の健全性の確保等のための方策として政令で定める方策を定めた計画を提出しなければならない。

(4) When an Issuing Assuming Financial Institution, etc. has effected the Share Exchange, etc. following the approval under paragraph (1), a company that has become, through said Share Exchange, etc., a wholly owning parent stock company in the share exchange or wholly owning parent company incorporated through a share transfer of said Issuing Assuming Financial Institution, etc. shall submit to the Corporation a plan setting forth measures specified by a Cabinet Order as measures to ensure the soundness of financial conditions, etc.

5 第六十四条の二第五項の規定は、機構が前項の規定により提出を受けた計画について準用する。この場合において、同条第五項中「救済金融機関（当該優先株式等の引受け等に係る合併により設立された金融機関を含む。以下この条から第六十八条の三までにおいて同じ。）又は救済銀行持株会社等」とあるのは「第六十八条の二第四項の規定により計画を提出した会社」と、「又は取得貸付債権に係る発行者又は債務者」とあるのは「に係る発行者」と読み替えるものとする。

(5) The provisions of Article 64-2, paragraph (5) apply mutatis mutandis to the plan submitted to the Corporation under the preceding paragraph. In this case, the terms "an Assuming Financial Institution (including the Financial Institutions established by the merger pertaining to Subscription for Preferred

Shares, etc.; hereinafter the same applies in this Article to Article 68-3) or Assuming Bank Holding Company, etc." and "issuer ... or obligor pertaining to acquired loan claims" in Article 64-2, paragraph (5) are to be deemed to be replaced with "a company that has submitted a plan under Article 68-2, paragraph (4)," and "issuer pertaining to", respectively.

(資金援助に係る組織再編成の承認)

(Approval for Corporate Reorganization Pertaining to Financial Assistance)

第六十八条の三 第六十四条第一項の決定に基づいて機構が優先株式等の引受け等を行った救済金融機関又は救済銀行持株会社等であつて、機構が現に保有する取得優先株式等（第六十四条の二第六項に規定する取得優先株式等をいう。以下この項及び次条第四項において同じ。）又は取得貸付債権に係る発行者又は債務者であるもの（以下この条において「資金援助対象金融機関等」という。）は、組織再編成（合併、会社分割又は事業の全部若しくは一部の譲渡であつて、当該合併、会社分割又は事業の譲渡の後において取得優先株式等の発行者又は取得貸付債権に係る債務者となる法人が当該資金援助対象金融機関等以外の法人（新たに設立されるものを含む。）であるものをいう。以下この条において同じ。）を行おうとするときは、あらかじめ、機構の承認を受けなければならない。

Article 68-3 (1) An Assuming Financial Institution or Assuming Bank Holding Company, etc., for which the Corporation conducted the Subscription for Preferred Shares, etc. based on a decision under Article 64, paragraph (1), and which is an issuer or obligor pertaining to acquired Preferred Shares, etc. (meaning the acquired Preferred Shares, etc. prescribed in Article 64-2, paragraph (6); hereinafter the same applies in this paragraph and paragraph (4) of the following Article) or acquired loan claims actually held by the Corporation (hereinafter referred to as "Financial Institution Eligible for Financial Assistance, etc." in this Article), shall obtain approval from the Corporation before implementing a corporate reorganization (meaning a merger, company split or transfer of the whole or part of business, in which an issuer of acquired Preferred Shares, etc. or obligor pertaining to acquired loan claims after the merger, company split or business transfer will be a corporation (including those that will be newly established) other than the Financial Institution Eligible for Financial Assistance, etc.; hereinafter the same applies in this Article).

2 機構は、前項に規定する資金援助対象金融機関等以外の法人が金融機関又は銀行持株会社等（第二条第五項第一号及び第三号に掲げるものに限る。）であることその他の内閣総理大臣及び財務大臣並びに厚生労働大臣及び経済産業大臣が定めて公表する基準に適合するものである場合に限り、前項の承認をするものとする。

(2) The Corporation may not grant the approval under the preceding paragraph unless the corporation other than the Financial Institution Eligible for Financial Assistance, etc. prescribed in the preceding paragraph is a Financial

Institution or Bank Holding Company, etc. (limited to those specified in Article 2, paragraph (5), items (i) and (iii)) and conforms to other standards prescribed and publicly announced by the Prime Minister, the Minister of Finance, the Minister of Health, Labour and Welfare, and the Minister of Economy, Trade and Industry.

3 機構は、第一項の承認をしようとするときは、あらかじめ、内閣総理大臣及び財務大臣（当該資金援助対象金融機関等が労働金庫又は労働金庫連合会である場合にあつては内閣総理大臣及び財務大臣並びに厚生労働大臣とし、当該資金援助対象金融機関等が株式会社商工組合中央金庫である場合にあつては内閣総理大臣及び財務大臣並びに経済産業大臣とする。）の承認を受けなければならない。

(3) The Corporation shall obtain approval from the Prime Minister and the Minister of Finance (in the event that the Financial Institution Eligible for Financial Assistance, etc. is a labor bank or The Rokinren Bank, from the Prime Minister, the Minister of Finance, and the Minister of Health, Labour and Welfare, and in the event that the Financial Institution Eligible for Financial Assistance, etc. is The Shoko Chukin Bank, Ltd., from the Prime Minister, the Minister of Finance, and the Minister of Economy, Trade and Industry) before granting the approval under paragraph (1).

4 資金援助対象金融機関等が第一項の承認を受けて組織再編成を行つた場合において、当該組織再編成に係る承継金融機関等（同項に規定する資金援助対象金融機関等以外の法人をいう。）があるときは、当該承継金融機関等は、機構に対し、財務内容の健全性の確保等のための方策として政令で定める方策を定めた計画を提出しなければならない。

(4) In the event that a Financial Institution Eligible for Financial Assistance, etc. has implemented a corporate reorganization after receiving the approval under paragraph (1), if there is a succeeding Financial Institution, etc. pertaining to said corporate reorganization (meaning a corporation other than the Financial Institution Eligible for Financial Assistance, etc. prescribed in paragraph (1)), said succeeding Financial Institution, etc. shall submit to the Corporation a plan setting forth measures specified by a Cabinet Order as measures to ensure the soundness of financial conditions, etc.

5 第六十四条の二第五項の規定は、機構が前項の規定により提出を受けた計画について準用する。この場合において、同条第五項中「救済金融機関（当該優先株式等の引受け等に係る合併により設立された金融機関を含む。以下この条から第六十八条の三までにおいて同じ。）又は救済銀行持株会社等」とあるのは、「第六十八条の三第四項に規定する承継金融機関等」と読み替えるものとする。

(5) The provisions of Article 64-2, paragraph (5) apply mutatis mutandis to a plan submitted to the Corporation under the preceding paragraph. In this case, the term "Assuming Financial Institution (including the Financial Institutions established by the merger pertaining to Subscription for Preferred Shares, etc.; hereinafter the same applies in this Article to Article 68-3) or Assuming Bank

Holding Company, etc." in Article 64-2, paragraph (5) is to be deemed to be replaced with "succeeding Financial Institution, etc. prescribed in Article 68-3, paragraph (4)."

(追加的資金援助)

(Additional Financial Assistance)

第六十九条 機構は、資金援助に係る合併等の後、当該資金援助に係る救済金融機関若しくは救済銀行持株会社等又は当該資金援助に係る合併により設立された金融機関から追加の資金援助の申込みを受けた場合において、必要があると認めるときは、当該申込みを行つた金融機関又は銀行持株会社等に対する追加の資金援助（第四項において「追加的資金援助」という。）を行うことができる。

Article 69 (1) In the event that, subsequent to a merger, etc. pertaining to Financial Assistance, an Assuming Financial Institution or Assuming Bank Holding Company, etc. pertaining to said Financial Assistance or a Financial Institution established by the merger pertaining to said Financial Assistance applies for additional Financial Assistance (referred to as "Additional Financial Assistance" in paragraph (4)), the Corporation may, if it finds it necessary, provide the Additional Financial Assistance to the Financial Institution that has made said application.

2 前項の規定による申込みに係る資産の買取りは、合併等（第五十九条第二項第三号に掲げる事業譲渡等のうち破綻金融機関がその事業の一部を他の金融機関に譲渡するもの又は付保預金移転に限る。）に係る破綻金融機関の資産又は次の各号に掲げる合併等の区分に応じ当該各号に定める資産について行うものとし、前項の規定による申込みに係る資金援助のうち合併等（同条第二項第三号に掲げる事業譲渡等のうち破綻金融機関がその事業の一部を他の金融機関に譲渡するもの又は付保預金移転に限る。以下この項及び第四項において同じ。）に係る破綻金融機関の資産の買取りが含まれているときは、当該合併等に係る救済金融機関は、当該破綻金融機関と連名で、機構が当該資産の買取りを行うことを機構に申し込むものとする。

(2) The purchase of assets pertaining to the application under the preceding paragraph is to be conducted with respect to the assets of the Failed Financial Institution pertaining to a merger, etc. (limited to the Business Transfer, etc. specified in Article 59, paragraph (2), item (iii) in which a Failed Financial Institution transfers part of its business to another Financial Institution or the Transfer of Insured Deposits) or assets prescribed in each of the following items according to the category of merger, etc. specified in each respective item, and if the Financial Assistance pertaining to the application under the preceding paragraph includes the purchase of assets of the Failed Financial Institution pertaining to a merger, etc. (limited to the Business Transfer, etc. specified in Article 59, paragraph (2), item (iii) in which a Failed Financial Institution transfers part of its business to another Financial Institution or the Transfer of Insured Deposits; hereinafter the same applies in this paragraph

and paragraph (4)), an Assuming Financial Institution pertaining to said merger, etc. is to apply to the Corporation for the purchase of said assets in joint names with said Failed Financial Institution:

一 第五十九条第二項第一号に掲げる合併 当該合併により存続する金融機関の資産（当該合併前に破綻金融機関の資産であつたものに限る。）

(i) A merger specified in Article 59, paragraph (2), item (i): the assets of the Financial Institution surviving through the merger (limited to those that were the assets of the Failed Financial Institution prior to the merger);

二 第五十九条第二項第二号に掲げる合併 当該合併により設立された金融機関の資産（当該合併前に破綻金融機関の資産であつたものに限る。）

(ii) A merger specified in Article 59, paragraph (2), item (ii): the assets of the Financial Institution established by the merger (limited to those that were the assets of the Failed Financial Institution prior to the merger);

三 第五十九条第二項第三号に掲げる事業譲渡等 同号の他の金融機関の資産で当該事業譲渡等により譲り受けたもの

(iii) A Business Transfer, etc. specified in Article 59, paragraph (2), item (iii): the assets of another Financial Institution prescribed in Article 59, paragraph (2), item (iii) that have been received through the Business Transfer, etc.;

四 第五十九条第二項第四号に掲げる株式の取得 当該株式の取得をされた金融機関の資産

(iv) An acquisition of shares specified in Article 59, paragraph (2), item (iv): the assets of the Financial Institution subject to the acquisition of shares.

3 第一項の規定による申込みに係る損害担保は、前項各号に掲げる合併等の区分に応じ当該各号に定める資産である貸付債権について行うものとする。

(3) The Securing of Damage pertaining to the application under paragraph (1) is to be conducted with respect to loan claims that are the assets prescribed in each item of the preceding paragraph according to the category of merger, etc. specified in each respective item.

4 第五十九条第六項及び第七項、第六十四条並びに第六十四条の二の規定は第一項又は第二項の規定による申込みについて、第五十九条の二の規定は資金援助に係る合併等を行つた救済金融機関について、第六十七条及び第六十八条の規定は追加的資金援助について、前二条の規定は機構が追加的資金援助（優先株式等の引受け等に係るものに限る。）を行つた救済金融機関、救済銀行持株会社等又は資金援助に係る合併により設立された金融機関（機構が優先株式等の引受け等に係る資金援助を行い、かつ、現に当該資金援助に係る取得優先株式等を保有しているものを除くものとし、この項において準用する第六十八条の二第一項の承認を受けた場合におけるこの項において準用する同条第二項に規定する会社及びこの項において準用する前条第一項の承認を受けた場合におけるこの項において準用する同条第四項に規定する承継金融機関等を含む。）について、それぞれ準用する。この場合において、第六十四条第二項中「及び当該資金援助に係る破綻金融機関の保険事故につき保険金の支払を行うときに要す



ると見込まれる」とあるのは「及び当該資金援助に係る破綻金融機関につき当該議決前に行われた委員会の議決に係る資金援助に要すると見込まれた費用並びに当該破綻金融機関の保険事故につき保険金の支払を行うときに要すると見込まれた」と、第六十八条中「その行おうとする適格性の認定等に係る合併等のために機構による資金援助」とあるのは「追加的資金援助」と読み替えるものとするほか、必要な技術的読替えは、政令で定める。

- (4) The provisions of Article 59, paragraph (6) and (7), Article 64, and Article 64-2 apply mutatis mutandis to the application under paragraph (1) or (2), the provisions of Article 59-2 apply mutatis mutandis to the Assuming Financial Institution that has conducted the merger, etc. pertaining to the Financial Assistance, the provisions of Article 67 and Article 68 apply mutatis mutandis to the Additional Financial Assistance, and the provisions of the preceding two Articles apply mutatis mutandis to the Assuming Financial Institution, Assuming Bank Holding Company, etc. or the Financial Institutions established by the merger pertaining to the Financial Assistance (excluding the Financial Institutions to which the Corporation has provided the Financial Assistance pertaining to the Subscription for Preferred Shares, etc. and in which the Corporation actually holds acquired Preferred Shares, etc. pertaining to said Financial Assistance, but including companies prescribed in Article 68-2, paragraph (2) as applied mutatis mutandis pursuant to this paragraph in the event that approval is obtained under Article 68-2, paragraph (1) as applied mutatis mutandis pursuant to this paragraph and the succeeding Financial Institution, etc. prescribed in Article 68-2, paragraph (4) as applied mutatis mutandis pursuant to this paragraph in the event that an approval is obtained under paragraph (1) of the preceding Article as applied mutatis mutandis pursuant to this paragraph) to which the Corporation has provided the Additional Financial Assistance (limited to those pertaining to the Subscription for Preferred Shares, etc.). In this case, the term "expected costs for the payment of insurance proceeds with respect to an insurable contingency of the Failed Financial Institution pertaining to said Financial Assistance" in Article 64, paragraph (2) is to be deemed to be replaced with "expected costs of the Financial Assistance pertaining to the decision of the Operation Committee made prior to said decision with respect to the Failed Financial Institution pertaining to said Financial Assistance and expected costs for the payment of insurance proceeds with respect to an insurable contingency of said Failed Financial Institution," and the term "the Corporation is to provide Financial Assistance for a merger, etc. pertaining to the Authorization of Eligibility, etc.," in Article 68 is to be deemed to be replaced with " the Additional Financial Assistance is to be provided", and any other necessary technical replacement of terms will be specified by a Cabinet Order.

### 第三章の二 資金決済に関する債権者の保護

#### Chapter III-2 Protection of Creditors Concerning Settlement of Funds

(決済債務の保護)

(Protection of Settlement Obligations)

第六十九条の二 為替取引その他の金融機関が行う資金決済に係る取引として政令で定める取引に関し金融機関が負担する債務（外国通貨で支払が行われるものを除き、金融機関その他の金融業を営む者で政令で定める者以外の者の委託に起因するものその他政令で定めるものに限る。以下この章において「決済債務」という。）であつて、かつ、支払対象決済用預金の払戻しを行う場合に消滅するもの以外のもの（以下この項及び次条第一項において「特定決済債務」という。）については、これを支払対象決済用預金に係る債務と、特定決済債務に係る債権を支払対象決済用預金に係る債権と、特定決済債務に係る債権者を預金者と、特定決済債務の額を支払対象決済用預金の額と、特定決済債務の弁済を支払対象決済用預金の払戻しとそれぞれみなして、この法律の規定（第五十八条の二、この章及び第七十三条の規定並びに第二百二十七条の規定及び当該規定に係る罰則を除く。）を適用する。この場合において、第五十一条の二第一項中「次に掲げる要件のすべてに該当する預金（外貨預金その他政令で定める預金を除く。以下「決済用預金」という。）に係る保険料」とあるのは「特定決済債務に係る保険料」と、第五十四条の二第一項中「決済用預金（他人の名義をもつて有するものその他の政令で定める決済用預金を除く。以下「支払対象決済用預金」という。）に係る保険金」とあるのは「特定決済債務に係る保険金」と、「のうち元本の額」とあるのは「の額」と、同条第二項中「その有する支払対象決済用預金」とあるのは「その有する特定決済債務に係る債権」と、第五十五条の二第四項中「預金等」とあるのは「特定決済債務」と、第五十八条の三第一項中「支払対象決済用預金」とあるのは「特定決済債務」とする。

Article 69-2 (1) With regard to obligations borne by a Financial Institution with regard to exchange transactions and other transactions specified by a Cabinet Order as transactions pertaining to the settlement of funds undertaken by a Financial Institution (excluding those for which payment is made in a foreign country, and limited to those resulting from entrustment by a Financial Institution and by other persons who engage in financial business other than persons specified by a Cabinet Order and to those specified by a Cabinet Order; hereinafter referred to as "Settlement Obligations" in this Chapter), other than those that will be extinguished if there is repayment of the Covered Deposits for Settlement (hereinafter referred to as "Specified Settlement Obligations" in this paragraph and paragraph (1) of the following Article), the Specified Settlement Obligations are to be deemed to be obligations pertaining to the Covered Deposits for Settlement, claims pertaining to the Specified Settlement Obligations are to be deemed to be claims pertaining to the Covered Deposits for Settlement, creditors pertaining to the Specified Settlement Obligations are to be deemed to be the Depositors, etc., the amount of the Specified Settlement

Obligations is to be deemed to be the amount of the Covered Deposits for Settlement, and the repayment of the Specified Settlement Obligations is to be deemed to be the repayment of the Covered Deposits for Settlement, for the purpose of applying the provisions of this Act (excluding Article 58-2, this Chapter, Article 73, and Article 127 and penal provisions pertaining thereto). In this case, the term "insurance premiums pertaining to deposits that satisfy all of the following requirements (excluding foreign currency deposits and other deposits specified by a Cabinet Order; hereinafter referred to as "Deposits for payment and settlement purposes")" in Article 51-2, paragraph (1) is to be deemed to be replaced with "insurance premiums pertaining to the Specified Settlement Obligations," the term "insurance proceeds pertaining to the Deposits for payment and settlement purposes (excluding those held under the name of another person and other Deposits for payment and settlement purposes specified by a Cabinet Order; hereinafter referred to as "Covered Deposits for Settlement")" in Article 54-2, paragraph (1) is to be deemed to be replaced with "insurance proceeds pertaining to the Specified Settlement Obligations," and the term "the amount of the principal of" is to be deemed to be replaced with "the amount of," the term "the Covered Deposits for Settlement held thereby" in Article 54-2, paragraph (2) is to be deemed to be replaced with "the claims pertaining to the Specified Settlement Obligations held thereby," the term "Deposits, etc." in Article 55-2, paragraph (4) is to be deemed to be replaced with "Specified Settlement Obligations," and the term "Covered Deposits for Settlement" in Article 58-3, paragraph (1) is to be deemed to be replaced with "Specified Settlement Obligations."

2 決済債務が一般預金等の払戻しを行う場合に消滅するものであるときは、当該決済債務の額に相当する金額の当該一般預金等については、決済用預金とみなす。

(2) Where the Settlement Obligations will be extinguished if there is repayment of the General Deposits, etc., the General Deposits, etc. whose amount is equivalent to the amount of said Settlement Obligations are deemed to be the Deposits for payment and settlement purposes.

(決済債務の弁済のための資金の貸付け)

(Loan of Funds for Repayment of Settlement Obligations)

第六十九条の三 機構は、次に掲げる者から決済債務の弁済（第五十四条の二第一項の規定及び同条第二項において準用する第五十四条第三項の規定により計算した保険金の額に対応する支払対象決済用預金又は特定決済債務につき行うものに限る。）のために必要とする資金の貸付けの申込みを受けた場合において、必要があると認めるときは、委員会の議決を経て、当該決済債務に係る第五十四条の二第一項の規定及び同条第二項において準用する第五十四条第三項の規定により計算した保険金の額の合計額に達するまでを限り、当該申込みに係る貸付けを行う旨の決定をすることができる。

Article 69-3 (1) In the event that the Corporation receives from any of the

following persons an application for a loan of funds necessary for the repayment of the Settlement Obligations (limited to those carried out with respect to the Covered Deposits for Settlement or Specified Settlement Obligations corresponding to the amount of insurance proceeds calculated under Article 54-2, paragraph (1) and Article 54, paragraph (3) as applied mutatis mutandis pursuant to Article 54-2, paragraph (2)), the Corporation may, if it finds it necessary, and following a resolution of the Operation Committee, decide to provide the loan pertaining to said application up to the total amount of insurance proceeds pertaining to said Settlement Obligations calculated under Article 54-2, paragraph (1) and Article 54, paragraph (3) as applied mutatis mutandis pursuant to Article 54-2, paragraph (2):

一 第七十四条第一項又は第二項の規定により管理を命ずる処分を受けた金融機関

(i) A Financial Institution that has become subject to a disposition ordering management under Article 74, paragraph (1) or (2);

二 破産手続開始の決定を受けた者（当該破産手続開始の決定を受ける前において金融機関であつた者に限る。）

(ii) A person who has become subject to a ruling for the commencement of bankruptcy proceedings (limited to a person who was a Financial Institution prior to becoming subject to said ruling for the commencement of bankruptcy proceedings);

三 破産法第九十一条第一項の規定による保全管理人による管理を命ずる処分を受けた破綻金融機関

(iii) A Failed Financial Institution that has become subject to a disposition by a provisional administrator ordering management under Article 91, paragraph (1) of the Bankruptcy Act;

四 更生手続開始の決定を受けた破綻金融機関

(iv) A Failed Financial Institution that has become subject to a ruling for the commencement of reorganization proceedings;

五 会社更生法（平成十四年法律第五十四号）第三十条第一項又は金融機関等の更生手続の特例等に関する法律第二十二条第一項の規定による保全管理人による管理を命ずる処分を受けた破綻金融機関

(v) A Failed Financial Institution that has become subject to a disposition by a provisional administrator ordering management under Article 30, paragraph (1) of the Corporate Reorganization Act (Act No. 154 of 2002) or Article 22, paragraph (1) of the Act on Special Measures of Corporate Reorganization Proceedings and Other Insolvency Proceedings of Financial Institutions;

六 民事再生法第六十四条第一項の規定による管財人による管理を命ずる処分を受けた破綻金融機関

(vi) A Failed Financial Institution that has become subject to a disposition by a trustee ordering management under Article 64, paragraph (1) of the Civil Rehabilitation Act;

七 民事再生法第七十九条第一項の規定による保全管理人による管理を命ずる処分を受けた破綻金融機関

(vii) A Failed Financial Institution that has become subject to a disposition by a provisional administrator ordering management under Article 79, paragraph (1) of the Civil Rehabilitation Act; and

八 特別清算開始の命令を受けた者（当該命令に係る解散をする前において金融機関であつた者に限る。）

(viii) A person who has become subject to an order for commencement of special liquidation (limited to a person who was a Financial Institution prior to its dissolution pertaining to said order);

2 第六十四条第三項の規定は前項の規定による決定をしたときについて、同条第四項の規定は前項の規定により貸付けを行う旨の決定をしたときについて、それぞれ準用する。この場合において、同条第三項中「を当事者とする合併等に係る」とあるのは、「に係る」と読み替えるものとする。

(2) The provisions of Article 64, paragraph (3) apply mutatis mutandis to the cases where a decision is made under the preceding paragraph, and the provisions of Article 64, paragraph (4) apply mutatis mutandis to the cases where a decision to provide a loan is made under the preceding paragraph. In this case, the term "pertains to a merger, etc. to which ... is a party" in Article 64, paragraph (3) is deemed to be replaced with "pertains to ..."

3 第一項の規定により次の各号に掲げる者に対してされた貸付けは、当該金融機関に係る破産手続、更生手続、再生手続又は特別清算手続における機構以外の債権者との関係においては、当該各号に定める決定より前にされたものとみなす。

(3) The loan provided under paragraph (1) to a person specified in each of the following items is to, in relation to creditors other than the Corporation in bankruptcy proceedings, reorganization proceedings, rehabilitation proceedings or special liquidation proceedings pertaining to said Financial Institution, be deemed to be provided prior to the decision prescribed in each respective item:

一 第一項第二号に掲げる者 当該破産手続開始の決定

(i) A person specified in paragraph (1), item (ii): said ruling for the commencement of bankruptcy proceedings;

二 第一項第四号に掲げる破綻金融機関 当該更生手続開始の決定

(ii) A Failed Financial Institution specified in paragraph (1), item (iv): said ruling for the commencement of reorganization proceedings;

三 再生手続開始の決定を受けた破綻金融機関 当該再生手続開始の決定

(iii) A Failed Financial Institution that has become subject to a ruling for the commencement of rehabilitation proceedings: said ruling for the commencement of rehabilitation proceedings; and

四 第一項第八号に掲げる者 当該特別清算開始の命令

(iv) A person specified in paragraph (1), item (viii): said order for commencement of special liquidation.

4 第一項の決定に基づく資金の貸付けに要すると見込まれる費用は、第六十四条第二項の適用については、同項の資金援助に要すると見込まれる費用とみなす。

(4) The expected costs of the loan of funds provided pursuant to a decision under paragraph (1) are deemed to be the expected costs of the Financial Assistance prescribed in Article 64, paragraph (2) for the purpose of applying Article 64, paragraph (2).

5 第一項第二号又は第八号に掲げる者は、同項の貸付けに係るこの法律の適用については、金融機関とみなす。

(5) The person specified in paragraph (1), item (ii) or (viii) is deemed to be a Financial Institution for the purpose of the application of this Act pertaining to the loan prescribed in paragraph (1).

(決済債務に係る破産法等の特例)

(Special Provisions of the Bankruptcy Act, etc. Pertaining to Settlement Obligations)

第六十九条の四 決済債務を負担する金融機関及び決済債権者（当該決済債務に係る債権を有し、かつ、当該金融機関に対して他の決済債務を負担する他の金融機関（当該他の金融機関から当該決済債務に係る債権を取得し、又は当該他の決済債務を引き受けた者を含む。）をいう。以下この項において同じ。）が、相互に負担する決済債務を継続的に相殺することによりその全部又は一部を消滅させることを内容とする契約を当該金融機関に係る保険事故が発生する前に締結している場合において、当該契約の対象となる決済債務が当該金融機関に係る支払不能等（支払不能（当該金融機関が、支払能力を欠くために、その債務のうち弁済期にあるものにつき、一般的かつ継続的に弁済することができない状態にあることをいう。）、支払の停止又は破産手続開始、更生手続開始、再生手続開始若しくは特別清算開始の申立てをいう。以下この項において同じ。）より後に生じたときであつて当該金融機関に係る前条第一項（第二百二十七条において準用する場合を含む。）の規定による貸付けを行う旨の決定があつたときは、当該決済債権者は、会社法第五百十七条及び第五百十八条、破産法第七十一条及び第七十二条、会社更生法第四十九条及び第四十九条の二（これらの規定を金融機関等の更生手続の特例等に関する法律第三十五条において準用する場合を含む。）並びに民事再生法第九十三条及び第九十三条の二の規定にかかわらず、その有する債権に係る当該金融機関が負担する次の各号に掲げる決済債務をその負担する当該各号に定める決済債務と相殺することができる。

Article 69-4 (1) In the event that a Financial Institution that owes the Settlement Obligations and settlement creditors (meaning other Financial Institutions that hold claims pertaining to said Settlement Obligations and also owe other Settlement Obligations to said Financial Institution (including other persons who have acquired from said other Financial Institutions the claims pertaining to said Settlement Obligations or assumed said other Settlement Obligations); hereinafter the same applies in this paragraph) have, prior to the occurrence of an insurable contingency pertaining to said Financial

Institution, concluded a contract, under which the whole or part of the Settlement Obligations owed to each other is to be extinguished by way of continuous set-off thereof, if the Settlement Obligations subject to said contract arose after said Financial Institution's insolvency, etc. (meaning insolvency (meaning the condition in which said Financial Institution, due to the lack of ability to pay, is generally and continuously unable to pay its debts as they become due), suspension of payments, or a petition for the commencement of bankruptcy proceedings, commencement of reorganization proceedings, commencement of rehabilitation proceedings or commencement of special liquidation; hereinafter the same applies in this paragraph) and there has been a decision pertaining to said Financial Institution for the provision of a loan under paragraph (1) of the preceding Article (including the cases where it is applied mutatis mutandis pursuant to Article 127), said settlement creditors may, notwithstanding the provisions of Article 517 and Article 518 of the Companies Act, Article 71 and Article 72 of the Bankruptcy Act, Article 49 and Article 49-2 of the Corporate Reorganization Act (including the cases where these provisions are applied mutatis mutandis pursuant to Article 35 of the Act on Special Measures of Corporate Reorganization Proceedings and Other Insolvency Proceedings of Financial Institutions) and Article 93 and Article 93-2 of the Civil Rehabilitation Act, set off the Settlement Obligations specified in the following items that are owed by said Financial Institution pertaining to claims held by such creditors against the Settlement Obligations owed by such creditors prescribed in such item:

一 当該支払不能等より前に生じた決済債務 当該支払不能等から当該支払不能等に係る破産手続開始の決定、更生手続開始の決定、再生手続開始の決定若しくは特別清算開始の命令（以下この号において「破産手続開始決定等」という。）までの間に生じた当該金融機関に対して負担する決済債務（当該支払不能等より前に生じた原因に基づくものを除く。）又は当該破産手続開始決定等より後に生じた当該金融機関に対して負担する決済債務

(i) The Settlement Obligations that arose prior to said insolvency, etc.: the Settlement Obligations owed to said Financial Institution (excluding those based on a cause that arose prior to said insolvency, etc.) that arose between the time of said insolvency, etc. and a ruling for the commencement of bankruptcy proceedings, commencement of reorganization proceedings, or commencement of rehabilitation proceedings, or an order for commencement of special liquidation (hereinafter referred to as "Ruling for Commencement of Bankruptcy Proceedings, etc." in this item) pertaining to said insolvency, etc., or the Settlement Obligations owed to said Financial Institution that arose after said Ruling for Commencement of Bankruptcy Proceedings, etc.:

二 当該支払不能等より後に生じた決済債務 当該金融機関に対して負担する決済債務

- (ii) The Settlement Obligations that arose after said insolvency, etc.: the Settlement Obligations owed to said Financial Institution.
- 2 民法第六百五十三条の規定は、決済債務に係る当該金融機関が締結している委任契約については、適用しない。
- (2) The provisions of Article 653 of the Civil Code do not apply to a consignment contract concluded by said Financial Institution pertaining to the Settlement Obligations.
- 3 特別清算開始の命令を受けた破綻金融機関に対し前条第一項の規定による資金の貸付けを行う旨の決定があるときは、会社法第五百条第一項及び第五百三十七条第一項の規定にかかわらず、裁判所は、当該破綻金融機関の申立てにより、前条第一項に規定する決済債務の弁済を許可することができる。
- (3) When a decision has been made to loan funds under paragraph (1) of the preceding Article to a Failed Financial Institution that has become subject to an order for commencement of special liquidation, the court may, notwithstanding the provisions of Article 500, paragraph (1) and Article 537, paragraph (1) of the Companies Act, in response to a petition filed by said Failed Financial Institution, grant permission for the repayment of the Settlement Obligations prescribed in paragraph (1) of the preceding Article.
- 4 裁判所は、前項の許可と同時に、弁済を行う決済債務の種類、弁済の限度額及び弁済をする期間（前項の場合においては、当該期間の末日は、会社法第五百四十九条第一項の通知を行う日より前の日でなければならないものとする。）を定めなければならない。
- (4) The court shall, upon granting the permission under the preceding paragraph, specify the types of the Settlement Obligations to be repaid, limit of the amount of repayment, and period of repayment (in the case of the preceding paragraph, the last day of said period shall precede the date of notice under Article 549, paragraph (1) of the Companies Act).
- 5 裁判所は、前項の規定により、弁済を行う決済債務の種類、弁済の限度額及び弁済をする期間を定めるときは、あらかじめ、機構の意見を聴かなければならない。
- (5) When specifying the types of the Settlement Obligations to be repaid, limit of the amount of repayment, and period of repayment under the preceding paragraph, the court shall hear the opinion of the Corporation in advance.

#### 第四章 預金等債権の買取り

#### Chapter IV Purchase of Deposits and Other Claims

（預金等債権の買取り）

（Purchase of Deposits and Other Claims）

第七十条 機構は、第五十七条第一項に規定する場合（第一種保険事故の発生した金融機関の預金者等の保護のため必要があると認める場合を含む。）には、委員会の議決を経て、同項各号に規定する保険事故に係る預金等債権（預金者等が当該保険事故の



発生した金融機関に対して有する預金等（政令で定める預金等を除く。）に係る債権であつて、担保権の目的となつていないものをいう。以下同じ。）の買取りをすることを決定することができる。

Article 70 (1) In the cases prescribed in Article 57, paragraph (1) (including the cases where the Corporation finds it necessary for the protection of the Depositors, etc. of a Financial Institution subject to the Category One Insurable Contingency), the Corporation may, following a resolution by the Operation Committee, decide to purchase deposits and other claims pertaining to an insurable contingency prescribed in each item of Article 57, paragraph (1) (meaning claims pertaining to the Deposits, etc. held by the Depositors, etc. in the Financial Institution subject to the insurable contingency (excluding the Deposits, etc. specified by a Cabinet Order) that are not subject to a security interest; the same applies hereinafter).

2 前項の買取りは、第七十二条第一項又は第三項の規定により公告した買取期間内に、前項の保険事故に係る預金者等が有する預金等債権を、その請求に基づいて、概算払額に相当する金額で買い取るにより行うものとする。ただし、機構は、その買取りに係る預金等債権の回収をした場合において、当該回収によつて得た金額から当該買取りに要した費用として政令で定めるものの額を控除した金額が、当該買取りに係る概算払額に相当する金額を超えるときは、その超える部分の金額を当該預金者等に対して支払うものとする。

(2) The purchase under the preceding paragraph is to be made within the purchase period publicly announced under Article 72, paragraph (1) or (3), upon request by the Depositors, etc. who hold deposits and other claims pertaining to the insurable contingency prescribed in the preceding paragraph based on an approximate estimate of said deposits and other claims; provided, however, that in the event that the Corporation has collected the deposits and other claims pertaining to the purchase, if an amount obtained by deducting from the amount so collected the amount of costs specified by a Cabinet Order as being required for said purchase exceeds the amount equivalent to estimated proceeds payment pertaining to said purchase, the Corporation is to pay such excess to said Depositors, etc.

3 前項に規定する概算払額は、機構が預金者等から買い取る預金等債権の額から、保険事故が発生した日から当該買取りの日までの期間に対応する利息、収益の分配その他これらに準ずるもので政令で定めるものの額を控除した額に、次条第一項の規定により機構が定める率（以下「概算払率」という。）を乗じて計算した金額とする。

(3) The amount of estimated proceeds payment prescribed in the preceding paragraph is to be calculated by deducting from the amount of deposits and other claims to be purchased by the Corporation from the Depositors, etc. the amount of interest, distribution of profits and any other amount equivalent thereto specified by a Cabinet Order corresponding to the period between the date of the insurable contingency and the date of said purchase, and

multiplying the amount thus calculated by a rate determined by the Corporation under paragraph (1) of the following Article (hereinafter referred to as "Estimated Proceeds Payment Rate").

- 4 第五十三条第三項の規定は、第二項の規定による買取りに係る概算払額に相当する金額の支払（以下「概算払額の支払」という。）について準用する。
- (4) The provisions of Article 53, paragraph (3) apply mutatis mutandis to the payment of an amount equivalent to estimated proceeds payment pertaining to the purchase under paragraph (2) (hereinafter referred to as "Estimated Proceeds Payment").
- 5 機構は、預金者等が第二項の買取期間内に同項の請求をしなかつたことにつき災害その他やむを得ない事情があると認めるときは、同項の規定にかかわらず、当該買取期間経過後であつても、当該預金者等の預金等債権の買取りをすることができる。
- (5) When the Corporation finds that the Depositors, etc. did not make a request within the purchase period prescribed in paragraph (2) due to natural disaster or any other unavoidable reason, the Corporation may, notwithstanding the provisions of paragraph (2), purchase deposits and other claims of said Depositors, etc. even after the lapse of said purchase period.

（概算払率）

(Estimated Proceeds Payment Rate)

第七十一条 機構は、前条第一項の決定においては、委員会の議決を経て、当該決定に係る買取りの概算払率を定めるものとし、当該決定について内閣総理大臣及び財務大臣の認可を受けなければならない。

Article 71 (1) In making a decision under paragraph (1) of the preceding Article, the Corporation shall, following a resolution of the Operation Committee, specify the Estimated Proceeds Payment Rate for the purchase pertaining to said decision and obtain the authorization of the Prime Minister and the Minister of Finance for said decision.

2 委員会は、前項の概算払率に係る議決を行う場合には、前条第一項の決定に係る金融機関の財務の状況に照らし、当該金融機関について破産手続が行われたならば当該金融機関に係る預金等債権について弁済を受けることができると見込まれる額を考慮し、機構の資産の効率的な利用に配慮しなければならない。

(2) When making a decision on the Estimated Proceeds Payment Rate under the preceding paragraph, the Operation Committee shall take into consideration, in light of the financial conditions of the Financial Institution pertaining to the decision under paragraph (1) of the preceding Article, the expected amount of payment to be received for deposits and other claims pertaining to said Financial Institution in the event that it becomes subject to bankruptcy proceedings, and give due consideration to the efficient use of the Corporation's assets.

3 内閣総理大臣及び財務大臣は、第一項の認可を行う場合において、当該金融機関が

労働金庫又は労働金庫連合会であるときは厚生労働大臣の同意を、当該金融機関が株式会社商工組合中央金庫であるときは経済産業大臣の同意を、それぞれ得なければならない。

- (3) When granting the authorization set forth in paragraph (1), the Prime Minister and the Minister of Finance shall obtain consent from the Minister of Health, Labour and Welfare if said Financial Institution is a labor bank or The Rokinren Bank, and shall obtain consent from the Minister of Economy, Trade and Industry if said Financial Institution is The Shoko Chukin Bank, Ltd.

(買取りの公告等)

(Public Notice of Purchase, etc.)

第七十二条 機構は、前条第一項の認可を受けたときは、速やかに、委員会の議決を経て、預金等債権の買取りに係る買取期間、買取場所、概算払額の支払方法その他政令で定める事項を定め、これを当該認可に係る概算払率とともに公告しなければならない。

Article 72 (1) Upon receiving the authorization set forth in paragraph (1) of the preceding Article, the Corporation shall, following a resolution by the Operation Committee, promptly specify the period, location, and method of the Estimated Proceeds Payment pertaining to the purchase of deposits and other claims and other matters specified by a Cabinet Order and give public notice thereof together with the Estimated Proceeds Payment Rate pertaining to said authorization.

- 2 機構は、前項の公告をした後に当該金融機関について破産法第九十七条第一項（同法第二百九条第三項において準用する場合を含む。）の規定による公告、第三百三十七條の二第二項の規定による通知その他の政令で定める事由があつたときは、政令で定めるところにより、前項の規定により公告した買取期間を変更することができる。

(2) If, after giving public notice under the preceding paragraph, there is public notice under Article 197, paragraph (1) of the Bankruptcy Act (including the cases where it is applied mutatis mutandis pursuant to Article 209, paragraph (3) of said Act), notice under Article 137-2, paragraph (2), or any other event specified by a Cabinet Order with respect to said Financial Institution, the Corporation may, pursuant to the provisions of a Cabinet Order, change the purchase period that was publicly announced under the provisions of the preceding paragraph.

- 3 機構は、前項の規定により買取期間を変更したときは、遅滞なく、その変更に係る事項を公告しなければならない。

(3) If the Corporation has changed the payment period under the preceding paragraph, the Corporation shall give public notice of matters pertaining to said change without delay.

- 4 機構は、第七十条第二項ただし書の規定による支払をするときは、あらかじめ、委員会の議決を経て、支払額、支払期間その他政令で定める事項を定め、これを公告し

なければならない。

(4) When making payment under the proviso to Article 70, paragraph (2), the Corporation shall, following a resolution of the Operation Committee, specify the amount and period of payment and other matters specified by a Cabinet Order and give public notice thereof in advance.

5 第五十六条第四項の規定は、第一項に規定する事項を定めた場合、第二項の規定により買取期間を変更した場合及び前項に規定する事項を定めた場合について準用する。

(5) The provisions of Article 56, paragraph (4) apply mutatis mutandis to cases where the Corporation has specified the matters prescribed in paragraph (1), changed the purchase period under paragraph (2), and specified the matters prescribed in the preceding paragraph.

(課税関係)

(Concerning Taxation)

第七十三条 預金者等がその有する預金等債権（第二条第二項第五号に掲げる預金等に係るもののうち割引の方法により発行される長期信用銀行債等に係るものを除く。以下この条において同じ。）について概算払額の支払を受けた場合には、当該概算払額の支払を受けた金額（以下この条において「概算払の金額」という。）が当該概算払額の支払の日における当該預金等債権のうち元本の額として政令で定める金額（以下この条において「基準日における元本額」という。）以下であるときにあつては当該概算払の金額は当該預金等債権のうち元本の払戻しの額とみなし、当該概算払の金額が当該基準日における元本額を超えるときにあつては当該概算払の金額のうち当該基準日における元本額に相当する部分の金額は当該預金等債権のうち元本の払戻しの額と、当該概算払の金額のうちその超える部分の金額は当該預金等債権に係る預金等の次の各号に掲げる区分に応じ当該各号に定めるものの額とみなして、所得税法その他の所得税に関する法令の規定を適用する。

Article 73 (1) In the event that Depositors, etc. have received the Estimated Proceeds Payment for the deposits and other claims which they hold (excluding those pertaining to the Long-Term Credit Bank Bonds, etc. issued by means of a discount, among those listed in Article 2, paragraph (2), item (v); hereinafter the same applies in this Article), if the amount of said Estimated Proceeds Payment (hereinafter referred to as "Amount of Estimated Proceeds Payment" in this Article) is equal to or less than the amount specified by a Cabinet Order as the amount of principal of said deposits and other claims on the date of said Estimated Proceeds Payment (hereinafter referred to as "Amount of Principal on the Reference Date" in this Article), the Amount of Estimated Proceeds Payment is deemed to be the amount of principal to be repaid with respect to said deposits and other claims, and in the event that the Amount of Estimated Proceeds Payment exceeds the Amount of Principal on the Reference Date, the portion of said Amount of Estimated Proceeds Payment equivalent to said Amount of Principal on the Reference Date is deemed to be the amount of

principal to be repaid with respect to said deposits and other claims, and the portion of said Amount of Estimated Proceeds Payment that exceeds said Amount of Principal on the Reference Date is deemed to be the amount prescribed in each of the following items according to the category of the Deposits, etc. pertaining to said deposits and other claims prescribed in each respective item, in applying the provisions of the Income Tax Act and other laws and regulations concerning income tax:

一 預金 当該預金の利子

(i) Deposits: interests on said deposits;

二 定期積金 当該定期積金に係る契約に基づく給付補てん金（所得税法第一百七十四条第三号に掲げる給付補てん金をいう。）

(ii) Installment savings: compensation money for benefits (meaning the compensation money for benefits specified in Article 174, item (iii) of the Income Tax Act) based on contracts for said installment savings;

三 第二条第二項第三号に掲げる掛金 当該掛金に係る契約に基づく給付補てん金（所得税法第一百七十四条第四号に掲げる給付補てん金をいう。）

(iii) Installment deposits specified in Article 2, paragraph (2), item (iii): compensation money for benefits (meaning the compensation money for benefits specified in Article 174, item (iv) of the Income Tax Act) based on contracts for said installment deposits;

四 第二条第二項第四号に掲げる金銭 当該金銭に係る同号に規定する金銭信託の収益の分配

(iv) Money specified in Article 2, paragraph (2), item (iv): distribution of profits under money trusts prescribed in Article 2, paragraph (2), item (iv) pertaining to said money;

五 第二条第二項第五号に掲げる金銭 長期信用銀行債等（割引の方法により発行されるものを除く。）の利子

(v) Money specified in Article 2, paragraph (2), item (v): interests on the Long-Term Credit Bank Bonds, etc. (excluding those issued by means of a discount).

2 預金者等が第七十条第二項ただし書の規定による支払を受けた場合には、当該支払に係る預金等債権につき支払を受けた金額（以下この項において「精算払の金額」という。）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額とみなして、所得税法その他の所得税に関する法令の規定を適用する。

(2) In the event that the Depositors, etc. have received payment under the proviso to Article 70, paragraph (2), the amount of money received for deposits and other claims pertaining to said payment (hereinafter referred to as "Amount of Settlement Payment" in this paragraph) is deemed to be the amount prescribed in each of the following items according to the category prescribed in such item, in applying the provisions of the Income Tax Act and other laws and regulations concerning income tax:

- 一 精算払の金額と当該預金等債権に係る概算払の金額との合計額（次号において「精算払の金額と概算払の金額との合計額」という。）が、当該預金等債権に係る基準日における元本額以下である場合 当該預金等債権のうち元本の払戻しの額
- (i) In the event that the total amount of the Amount of Settlement Payment and the Amount of Estimated Proceeds Payment pertaining to said deposits and other claims (referred to as "Total Amount of Settlement and Estimated Proceeds Payments" in the following items) is equal to or less than the Amount of Principal on the Reference Date pertaining to said deposits and other claims: the amount of principal to be repaid with respect to said deposits and other claims;
- 二 精算払の金額と概算払の金額との合計額が当該預金等債権に係る基準日における元本額を超え、かつ、当該預金等債権に係る概算払の金額が当該基準日における元本額以下である場合 次に掲げる精算払の金額の区分に応じそれぞれ次に定める額
- (ii) In the event that the Total Amount of Settlement and Estimated Proceeds Payments exceeds the Amount of Principal on the Reference Date pertaining to said deposits and other claims, and the Amount of Estimated Proceeds Payment pertaining to said deposits and other claims is equal to or less than said Amount of Principal on the Reference Date: the amount prescribed in each of the following according to the category of Amount of Settlement Payment specified therein;
- イ 当該精算払の金額のうち、当該基準日における元本額から当該概算払の金額を控除した金額に相当する金額 当該預金等債権のうち元本の払戻しの額
- (a) Within said Amount of Settlement Payment, an amount corresponding to the balance after deducting from said Amount of Principal on the Reference Date said Amount of Estimated Proceeds Payment: an amount of principal to be repaid with respect to said deposits and other claims;
- ロ 当該精算払の金額のうち、精算払の金額と概算払の金額との合計額から当該基準日における元本額を控除した金額に相当する金額 当該預金等債権に係る預金等の前項各号に掲げる区分に応じ当該各号に定めるものの額
- (b) Within said Amount of Settlement Payment, an amount corresponding to the balance after deducting from the Total Amount of Settlement and Estimated Proceeds Payments said Amount of Principal on the Reference Date: an amount of the Deposits, etc. pertaining to said deposits and other claims prescribed in each item of the preceding paragraph according to the category specified in each respective item;
- 三 当該預金等債権に係る概算払の金額が当該預金等債権に係る基準日における元本額を超える場合 当該預金等債権に係る預金等の前項各号に掲げる区分に応じ当該各号に定めるものの額
- (iii) In the event that the Amount of Estimated Proceeds Payment pertaining to said deposits and other claims exceeds the Amount of Principal on the Reference Date pertaining to said deposits and other claims: an amount of

the Deposits, etc. pertaining to said deposits and other claims prescribed in each item of the preceding paragraph according to the category specified in each respective item.

3 前二項の規定の適用がある場合における租税特別措置法第四条の二及び第四条の三の規定の特例その他前二項の規定の適用に関し必要な事項は、政令で定める。

(3) In the event that the provisions of the preceding two paragraphs applies, necessary matters for the application of the special provisions of Article 4-2 and Article 4-3 of the Act on Special Measures Concerning Taxation and other provisions of the preceding two paragraphs will be specified by a Cabinet Order.

## 第五章 金融整理管財人による管理

### Chapter V Management by Financial Administrator

(業務及び財産の管理を命ずる処分)

(Disposition Ordering Management of Business and Property)

第七十四条 内閣総理大臣（この項に規定する処分に係る金融機関が労働金庫又は労働金庫連合会である場合にあつては内閣総理大臣及び厚生労働大臣とし、株式会社商工組合中央金庫である場合にあつては内閣総理大臣、財務大臣及び経済産業大臣とする。次項、第四項（次条第二項において準用する場合を含む。）及び第五項、同条第一項、第七十七条第二項から第四項まで、第七十九条第一項（同条第三項において準用する場合を含む。）、第八十条、第八十四条第一項並びに第九十条において同じ。）は、金融機関がその財産をもつて債務を完済することができないと認める場合又は金融機関がその業務若しくは財産の状況に照らし預金等の払戻しを停止するおそれがあると認める場合若しくは金融機関が預金等の払戻しを停止した場合であつて、次に掲げる要件のいずれかに該当すると認めるときは、当該金融機関に対し、金融整理管財人による業務及び財産の管理を命ずる処分（以下「管理を命ずる処分」という。）をすることができる。

Article 74 (1) In cases where the Prime Minister (in the event that a Financial Institution pertaining to the disposition prescribed in this paragraph is a labor bank or The Rokinren Bank, the Prime Minister and the Minister of Health, Labour and Welfare, and in the event that such Financial Institution is The Shoko Chukin Bank, Ltd., the Prime Minister, the Minister of Finance, and the Minister of Economy, Trade and Industry; the same applies in the following paragraph, paragraph (4) (including the cases where it is applied mutatis mutandis pursuant to paragraph (2) of the following Article), paragraph (5), paragraph (1) of the following Article, Article 77, paragraphs (2) to (4), Article 79, paragraph (1) (including the cases where it is applied mutatis mutandis pursuant to Article 79, paragraph (3)), Article 80, Article 84, paragraph (1), and Article 90) finds that a Financial Institution is unable to satisfy its obligations in full with its assets, or that, in light of the status of its business or assets, a Financial Institution is likely to suspend repayment of Deposits,

etc. or a Financial Institution has suspended repayment of Deposits, etc., and that any of the following requirements is satisfied, the Prime Minister may order that the business and property of said Financial Institution be placed under the management of a financial administrator (hereinafter referred to as "Disposition Ordering Management"):

一 当該金融機関の業務の運営が著しく不適切であること。

(i) The operation of said Financial Institution's business is extremely inappropriate; or

二 当該金融機関について、合併等が行われることなく、その業務の全部の廃止又は解散が行われる場合には、当該金融機関が業務を行っている地域又は分野における資金の円滑な需給及び利用者の利便に大きな支障が生ずるおそれがあること。

(ii) If a merger, etc. is not carried out for the Financial Institution pertaining thereto and such Failed Financial Institution abolishes all its businesses or is dissolved, it is likely to cause considerable detriment to the smooth supply and demand of funds and convenience of consumers in the region or fields in which said Failed Financial Institution conducts its business.

2 内閣総理大臣は、金融機関からその財産をもつて債務を完済することができない事態が生ずるおそれがあると認める旨の申出があつた場合において、当該事態が生ずるおそれがあり、かつ、前項各号に掲げる要件のいずれかに該当すると認めるときは、当該金融機関に対し、管理を命ずる処分をすることができる。

(2) Upon receiving notification from a Financial Institution that a situation is likely to arise in which the Financial Institution is unable to satisfy its obligations in full with its assets, the Prime Minister may, if he/she finds that said situation is likely to arise and any of the requirements specified in the preceding paragraph is satisfied, issue the Disposition Ordering Management with respect to said Financial Institution.

3 前二項の規定による管理を命ずる処分があつた場合におけるこの法律の適用については、当該処分を受けた金融機関（破綻金融機関を除く。）は、破綻金融機関とみなす。

(3) A Financial Institution (excluding Failed Financial Institutions) that has become subject to the Disposition Ordering Management under the provisions of the preceding two paragraphs is deemed to be a Failed Financial Institution for the purpose of the application of this Act.

4 内閣総理大臣は、管理を命ずる処分をしたときは、官報により、これを公告しなければならない。

(4) Upon issuing the Disposition Ordering Management, the Prime Minister shall give public notice thereof in the official gazette.

5 金融機関は、その財産をもつて債務を完済することができないとき又はその業務若しくは財産の状況に照らし預金等の払戻しを停止するおそれがあるときは、その旨及びその理由を、文書をもつて、内閣総理大臣に申し出なければならない。

(5) A Financial Institution shall, if it is unable to satisfy its obligations in full



with its assets or is likely to suspend repayment of Deposits, etc. in light of the status of its business or property, give written notification of such fact and reasons thereof to the Prime Minister.

(管理を命ずる処分の取消し)

(Rescission of Disposition Ordering Management)

第七十五条 内閣総理大臣は、管理を命ずる処分について、その必要がなくなつたと認めるときは、当該管理を命ずる処分を取り消さなければならない。

Article 75 (1) The Prime Minister shall rescind the Disposition Ordering Management, if he/she finds that there is no longer any need for said Disposition Ordering Management.

2 前条第四項の規定は、前項の場合について準用する。

(2) The provisions of paragraph (4) of the preceding Article apply mutatis mutandis to the case referred to in the preceding paragraph.

(株主の名義書換の禁止)

(Prohibition of Name Change of Shareholders)

第七十六条 被管理金融機関が銀行等又は株式会社商工組合中央金庫である場合において、内閣総理大臣は、必要があると認めるときは、株主の名義書換を禁止することができる。

Article 76 (1) In the event that a Financial Institution under Management is a Bank, etc. or The Shoko Chukin Bank, Ltd., the Prime Minister may, if he/she finds it necessary, prohibit any entry of name change of shareholders.

2 前項の被管理金融機関が株式会社商工組合中央金庫である場合における同項の規定の適用については、同項中「内閣総理大臣」とあるのは、「内閣総理大臣、財務大臣及び経済産業大臣」とする。

(2) For the purpose of applying the provisions of the preceding paragraph, in the event that a Financial Institution under Management is The Shoko Chukin Bank, Ltd. as prescribed in said paragraph, the term "the Prime Minister" is deemed to be "the Prime Minister, the Minister of Finance, and the Minister of Economy, Trade and Industry."

(金融整理管財人の選任等)

(Appointment of Financial Administrator, etc.)

第七十七条 管理を命ずる処分があつたときは、被管理金融機関を代表し、業務の執行並びに財産の管理及び処分を行う権利は、金融整理管財人に専属する。会社法第八百二十八条第一項及び第二項（これらの規定を信用金庫法第二十八条、第五十二条の二（同法第五十八条第七項において準用する場合を含む。）及び第六十一条の七、中小企業等協同組合法第三十二条、第五十七条（同法第五十七条の三第六項において準用する場合を含む。）及び第六十七条並びに労働金庫法第二十八条、第五十七条の二（同法第六十二条第七項において準用する場合を含む。）及び第六十五条において準

用する場合を含む。)並びに会社法第八百三十一条(信用金庫法第二十四条第十項及び第四十八条の八、中小企業等協同組合法第二十七条第八項、第五十四条、第八十二条第四項及び第八十二条の十第四項並びに労働金庫法第二十四条第十一項及び第五十四条において準用する場合を含む。)の規定による取締役及び執行役(被管理金融機関が信用金庫等である場合にあつては、理事)の権利についても、同様とする。

Article 77 (1) When a Disposition Ordering Management has been issued, the right to represent a Financial Institution under Management, execute its business, and manage and dispose of its assets is vested exclusively in a financial administrator. The same applies to the rights of a director and executive officer (in the event that the Financial Institution under Management is a Shinkin Bank, etc., a deputy governor) prescribed in Article 828, paragraphs (1) and (2) of the Companies Act (including the cases where these provisions are applied mutatis mutandis pursuant to Article 28 of the Shinkin Bank Act, Article 52-2 (including the cases where it is applied mutatis mutandis pursuant to Article 58, paragraph (7) of said Act) and Article 61-7 of said Act, Article 32 of the Small and Medium-Sized Enterprises Cooperatives Act, Article 57 (including the cases where it is applied mutatis mutandis pursuant to Article 57-3, paragraph (6) of said Act) and Article 67 of said Act, Article 28 of the Labor Bank Act, Article 57-2 (including the cases where it is applied mutatis mutandis pursuant to Article 62, paragraph (7) of said Act) and Article 65 of said Act), and Article 831 of the Companies Act (including the cases where it is applied mutatis mutandis pursuant to Article 24, paragraph (10) and Article 48-8 of the Shinkin Bank Act, Article 27, paragraph (8), Article 54, Article 82, paragraph (4) and Article 82-10, paragraph (4) of the Small and Medium-Sized Enterprises Cooperatives Act, and Article 24, paragraph (11) and Article 54 of the Labor Bank Act).

2 内閣総理大臣は、管理を命ずる処分と同時に、一人又は数人の金融整理管財人を選任しなければならない。

(2) The Prime Minister shall, at the time of issuing a Disposition Ordering Management, appoint one or more financial administrator.

3 内閣総理大臣は、必要があると認めるときは、前項の規定により金融整理管財人を選任した後においても、更に金融整理管財人を選任し、又は金融整理管財人が被管理金融機関の業務及び財産の管理を適切に行っていないと認めるときは、金融整理管財人を解任することができる。

(3) The Prime Minister may, if he/she finds it necessary, appoint another financial administrator after the appointment of a financial administrator under the preceding paragraph, or, if he/she finds that the financial administrator has failed to properly manage the business and assets of the Financial Institution under Management, dismiss the financial administrator.

4 内閣総理大臣は、第二項若しくは前項の規定により金融整理管財人を選任したとき又は同項の規定により金融整理管財人を解任したときは、被管理金融機関にその旨を

通知するとともに、官報により、これを公告しなければならない。

(4) The Prime Minister shall, if he/she has appointed or dismissed a financial administrator under paragraph (2) or the preceding paragraph, notify the Financial Institution under Management to that effect and give public notice thereof in the official gazette.

5 会社更生法第六十九条、第七十条、第八十条並びに第八十一条第一項及び第五項の規定は金融整理管財人について、一般社団法人及び一般財団法人に関する法律第七十八条の規定は被管理金融機関について、それぞれ準用する。この場合において、会社更生法第六十九条第一項中「裁判所の許可」とあるのは「内閣総理大臣（当該金融整理管財人の管理に係る金融機関が労働金庫又は労働金庫連合会である場合にあつては内閣総理大臣及び厚生労働大臣とし、当該金融機関が株式会社商工組合中央金庫である場合にあつては内閣総理大臣、財務大臣及び経済産業大臣とする。以下同じ。）の承認」と、同法第七十条中「管財人代理」とあるのは「金融整理管財人代理」と、同条第二項中「裁判所の許可」とあるのは「内閣総理大臣の承認」と、同法第八十一条第一項中「裁判所」とあるのは「内閣総理大臣」と、同条第五項中「管財人代理」とあるのは「金融整理管財人代理」と、一般社団法人及び一般財団法人に関する法律第七十八条中「代表理事その他の代表者」とあるのは「金融整理管財人」と読み替えるものとする。

(5) The provisions of Article 69, Article 70, Article 80, and Article 81, paragraphs (1) and (5) of the Corporate Reorganization Act apply mutatis mutandis to a financial administrator and the provisions of Article 78 of the Act on General Incorporated Associations and General Incorporated Foundations apply mutatis mutandis to a Financial Institution under Management. In this case, the term "the permission of the court" in Article 69, paragraph (1) of the Corporate Reorganization Act is deemed to be replaced with "approval from the Prime Minister" (in the event that the Financial Institution under the management of the financial administrator is a labor bank or The Rokinren Bank, of the Prime Minister and the Minister of Health, Labour and Welfare, and in the event that the Financial Institution is The Shoko Chukin Bank, Ltd., of the Prime Minister, the Minister of Finance, and the Minister of Economy, Trade and Industry; the same applies hereinafter), the term "trustee representative" in Article 70 of said Act is deemed to be replaced with "financial administrator representative," the term "the permission of the court" in Article 70, paragraph (2) of said Act is deemed to be replaced with "approval from the Prime Minister," the term "the court" in Article 81, paragraph (1) of said Act is deemed to be replaced with "the Prime Minister," the term "trustee representative" in Article 81, paragraph (5) of said Act is deemed to be replaced with "financial administrator representative," and the term "representative director and other representatives" in Article 78 of the Act on General Incorporated Associations and General Incorporated Foundations is deemed to be replaced with "financial administrator."

第七十八条 法人は、金融整理管財人又は金融整理管財人代理となることができる。

Article 78 (1) A corporation may be appointed as a financial administrator or financial administrator representative.

2 機構は、金融整理管財人又は金融整理管財人代理となり、その業務を行うことができる。

(2) The Corporation may be appointed as a financial administrator or financial administrator representative and carry out the operations thereof.

(通知及び登記)

(Notice and Registration)

第七十九条 内閣総理大臣は、管理を命ずる処分をしたとき又は管理を命ずる処分を取り消したときは、直ちに、被管理金融機関の本店又は主たる事務所の所在地を管轄する地方裁判所にその旨を通知し、かつ、嘱託書に当該命令書の謄本を添付して、被管理金融機関の本店又は主たる事務所の所在地の登記所に、その登記を嘱託しなければならない。

Article 79 (1) The Prime Minister shall, if he/she has issued a Disposition Ordering Management or rescinded a Disposition Ordering Management, immediately notify the district court having jurisdiction over the location of the head office or principal office of the Financial Institution under Management to that effect, attach a transcript of the written order to a written commission, and commission its registration in the registry office having jurisdiction over the location of the head office or principal office of the Financial Institution under Management.

2 前項の登記には、金融整理管財人の氏名又は名称及び住所をも登記しなければならない。

(2) The registration under the preceding paragraph shall include the name and address of a financial administrator.

3 第一項の規定は、前項に掲げる事項に変更が生じた場合について準用する。

(3) The provisions of paragraph (1) apply mutatis mutandis to cases where any changes occur to the matters specified in the preceding paragraph.

(報告又は資料の提出)

(Submission of Reports or Materials)

第八十条 内閣総理大臣は、必要があると認めるときは、金融整理管財人に対し、被管理金融機関の業務及び財産の状況等に関し報告若しくは資料の提出を求め、又はその経営に関する計画の作成及び提出その他必要な措置を命ずることができる。

Article 80 The Prime Minister may, if he/she finds it necessary, request a financial administrator to report or submit material with regard to the status of business and property, etc. of a Financial Institution under Management or order a financial administrator to prepare and submit a plan for its

management and take other necessary measures.

(金融整理管財人の調査等)

(Investigation of Financial Administrator, etc.)

第八十一条 金融整理管財人は、被管理金融機関の取締役、会計参与、監査役及び会計監査人（被管理金融機関が委員会設置会社である場合にあつては取締役、執行役、会計参与及び会計監査人、被管理金融機関が信用金庫等である場合にあつては理事、監事及び会計監査人。第八十七条第五項において同じ。）並びに支配人（被管理金融機関が信用協同組合若しくは信用協同組合連合会又は労働金庫若しくは労働金庫連合会である場合にあつては、参事）その他の使用人並びに被管理金融機関を所属金融機関とする金融機関代理業者（金融機関代理業者が法人である場合にあつては、役員及び使用人）並びにこれらの者であつた者に対し、被管理金融機関の業務及び財産の状況（これらの者であつた者については、その者が当該被管理金融機関の業務に従事していた期間内に知ることのできた事項に係るものに限る。）につき報告を求め、又は被管理金融機関及び被管理金融機関を所属金融機関とする金融機関代理業者の帳簿、書類その他の物件を検査することができる。

Article 81 (1) A financial administrator may request a director, accounting advisor, corporate auditor, and accounting auditor (in the event that the Financial Institution under Management is a company with committees, a director, executive officer, accounting advisor and accounting auditor, and in the event that the Financial Institution under Management is a Shinkin Bank, etc., a deputy governor, inspector and accounting auditor; the same applies in Article 87, paragraph (5)), manager (in the event that the Financial Institution under Management is a credit cooperative, the Federation of Credit Cooperatives, labor bank or The Rokinren Bank, a counselor), and any other employee of a Financial Institution under Management, a Financial Institution agent (in the event that the Financial Institution agent is a corporation, an officer and employee) having a Financial Institution under Management as its principal Financial Institution, and a person who previously held any of these positions (with regard to any person who previously held any of these positions, limited to those items pertaining to matters that could have been known by him/her during the period when he/she was engaged in the operations of the Financial Institution under Management) to report on the status of business and assets of the Financial Institution under Management, or inspect the books, documents, and any other items of the Financial Institution under Management and the Financial Institution agent having the Financial Institution under Management as its principal Financial Institution.

2 金融整理管財人は、その職務を行うため必要があるときは、官庁、公共団体その他の者に照会し、又は協力を求めることができる。

(2) A financial administrator may, if it is necessary for carrying out his/her duties, inquire with, or request the cooperation of, government agencies, public

entities, or any other person.

(金融整理管財人等の秘密保持義務)

(Confidentiality Obligation of Financial Administrator, etc.)

第八十二条 金融整理管財人及び金融整理管財人代理（以下この条において「金融整理管財人等」という。）は、その職務上知ることのできた秘密を漏らしてはならない。金融整理管財人等がその職を退いた後も、同様とする。

Article 82 (1) A financial administrator and financial administrator representative (hereinafter referred to as "Financial Administrator, etc." in this Article) must not divulge any secret which may have come to his/her knowledge in the course of his/her duties. The same applies after a financial administrator, etc. resigns from office.

2 金融整理管財人等が法人であるときは、金融整理管財人等の職務に従事するその役員及び職員は、その職務上知ることのできた秘密を漏らしてはならない。その役員又は職員が金融整理管財人等の職務に従事しなくなつた後においても、同様とする。

(2) If a financial administrator, etc. is a corporation, its officers and staff who are engaged in the duty of the financial administrator, etc. must not divulge any secret which may have come to his/her knowledge in the course of his/her duties. The same applies after said officers or staff members are no longer engaged in the duties of the financial administrator, etc.

(被管理金融機関の経営者等の破綻の責任を明確にするための措置)

(Measures to Clarify Liability of Management, etc. for Failure of a Financial Institution under Management.)

第八十三条 金融整理管財人は、被管理金融機関の取締役、会計参与、監査役若しくは会計監査人（被管理金融機関が委員会設置会社である場合にあつては取締役、執行役、会計参与又は会計監査人、被管理金融機関が信用金庫等である場合にあつては理事、監事又は会計監査人）又はこれらの者であつた者の職務上の義務違反に基づく民事上の責任を履行させるため、訴えの提起その他の必要な措置をとらなければならない。

Article 83 (1) A financial administrator shall, in order to have a director, accounting advisor, corporate auditor or accounting auditor of a Financial Institution under Management (a director, executive officer, accounting advisor or accounting auditor in the event that the Financial Institution under Management is a company with committees, and a deputy governor, inspector or accounting auditor in the event that the Financial Institution under Management is a Shinkin Bank, etc.) or a person who previously held any of these positions perform civil liability based on a breach of obligations in the course of duties, file an action or take other necessary measures.

2 金融整理管財人は、その職務を行うことにより犯罪があると思料するときは、告発に向けて所要の措置をとらなければならない。

(2) A financial administrator shall, when by carrying out his/her duty he/she

believes that an offense has been committed, take necessary measures toward filing an accusation.

(金融整理管財人と被管理金融機関との取引)

(Transactions between Financial Administrator and Financial Institution under Management)

第八十四条 金融整理管財人は、自己又は第三者のために被管理金融機関と取引をするときは、内閣総理大臣の承認を得なければならない。この場合においては、民法第百八条の規定は、適用しない。

Article 84 (1) A financial administrator shall obtain approval from the Prime Minister when carrying out, for himself/herself or for a third party, any transaction with a Financial Institution under Management. In this case, Article 108 of the Civil Code does not apply.

2 前項の承認を得ないでした行為は、無効とする。ただし、善意の第三者に対抗することができない。

(2) An act is null and void if the approval set forth in the preceding paragraph has not been obtained; provided, however, that it may not be duly asserted against a third party without knowledge of the requirement to obtain such approval.

第八十五条 削除

Article 85 Deleted.

(株主総会等の特別決議等に関する特例)

(Special Provisions on Extraordinary Resolutions, etc. of Shareholders Meeting, etc.)

第八十六条 被管理金融機関における会社法第三百九条第二項第四号、第五号、第九号、第十一号若しくは第十二号若しくは第三百二十四条第二項第一号若しくは第四号に掲げる株主総会若しくは種類株主総会の決議、信用金庫法第四十八条の三、中小企業等協同組合法第五十三条若しくは労働金庫法第五十三条の規定による決議若しくは議決又は金融機関の合併及び転換に関する法律第二十二条第二項、第二十九条第四項若しくは第三十五条第二項の規定による決議若しくは議決は、これらの規定にかかわらず、出席した株主又は会員、組合員若しくは代議員若しくは総代（第四項において「株主等」という。）の議決権の三分の二以上に当たる多数をもって、仮にすることができる。

Article 86 (1) In a Financial Institution under Management, resolutions by a shareholders meeting or class meeting specified in Article 309, paragraph (2), item (iv), (v), (ix), (xi), or (xii) or Article 324, paragraph (2), item (i) or (iv) of the Companies Act, resolutions or decisions under Article 48-3 of the Shinkin Bank Act, Article 53 of the Small and Medium-Sized Enterprises Cooperatives Act, or Article 53 of the Labor Bank Act, and resolutions or decisions under

Article 22, paragraph (2), Article 29, paragraph (4) or Article 35, paragraph (2) of the Act on Financial Institutions' Merger and Conversion may, notwithstanding these provisions, be made provisionally by two-thirds or more of the votes held by the shareholders, members, association members, substitute members, or representatives (referred to in paragraph (4) as "Shareholders, etc.") present.

2 被管理金融機関における会社法第三百九条第三項各号若しくは第三百二十四条第三項各号に掲げる株主総会若しくは種類株主総会の決議又は金融機関の合併及び転換に関する法律第二十二条第三項の規定による決議は、これらの規定にかかわらず、出席した株主の半数以上であつて出席した株主の議決権の三分の二以上に当たる多数をもつて、仮にすることができる。

(2) In a Financial Institution under Management, resolutions of a shareholders meeting or class meeting specified in each item of Article 309, paragraph (3) or Article 324, paragraph (3) of the Companies Act and resolutions under Article 22, paragraph (3) of the Act on Financial Institutions' Merger and Conversion may, notwithstanding these provisions, be made provisionally by a majority of the shareholders present and two-thirds or more of the votes held by the shareholders present.

3 被管理金融機関における会社法第三百九条第四項の規定による株主総会の決議は、同項の規定にかかわらず、出席した株主の半数以上であつて出席した株主の議決権の四分の三以上に当たる多数をもつて、仮にすることができる。

(3) In a Financial Institution under Management, resolutions of a shareholders meeting under Article 309, paragraph (4) of the Companies Act may, notwithstanding the provisions of the same paragraph, be made provisionally by a majority of the shareholders present and three-quarters or more of the votes held by the shareholders present.

4 第一項の規定により仮にした決議又は議決（以下この項及び次項において「仮決議等」という。）があつた場合においては、各株主等に対し、当該仮決議等の趣旨を通知し、当該仮決議等の日から一月以内に再度の株主総会等（第六十六条第二項に規定する株主総会等をいう。次項及び次条第六項において同じ。）を招集しなければならない。

(4) In the event that a resolution or decision is provisionally made under paragraph (1) (hereinafter referred to as "Provisional Resolution, etc." in this paragraph and the following paragraph), the Financial Institution under Management shall notify its Shareholders, etc. of the purpose of said Provisional Resolution, etc. and shall call a subsequent shareholders meeting, etc. (meaning the shareholders meeting, etc. prescribed in Article 66, paragraph (2); the same applies in the following paragraph and paragraph (6) of the following Article) within one month of the date of adoption of said Provisional Resolution, etc.

5 前項の株主総会等において第一項に規定する多数をもつて仮決議等を承認した場合



には、当該承認のあつた時に、当該仮決議等をした事項に係る決議又は議決があつたものとみなす。

(5) In the event that a Provisional Resolution is approved by a majority as prescribed in paragraph (1) at a shareholders meeting, etc. under the preceding paragraph, a resolution or decision pertaining to the matters of said Provisional Resolution, etc. is deemed to have existed when said approval was given.

6 前二項の規定は、第二項の規定により仮にした決議があつた場合について準用する。この場合において、前項中「第一項に規定する多数」とあるのは、「第二項に規定する多数」と読み替えるものとする。

(6) The provisions of the preceding two paragraphs apply mutatis mutandis to cases where a resolution is provisionally made under paragraph (2). In this case, the term "a majority prescribed in paragraph (1)" in the preceding paragraph is deemed to be replaced with "a majority as prescribed in paragraph (2)."

7 第四項及び第五項の規定は、第三項の規定により仮にした決議があつた場合について準用する。この場合において、第五項中「第一項に規定する多数」とあるのは、「第三項に規定する多数」と読み替えるものとする。

(7) The provisions of paragraphs (4) and (5) apply mutatis mutandis to cases where a resolution is provisionally made under paragraph (3). In this case, the term "a majority as prescribed in paragraph (1)" in paragraph (5) is deemed to be replaced with "a majority as prescribed in paragraph (3)."

(株主総会等の特別決議等に代わる許可)

(Permission in Lieu of Extraordinary Resolution of Shareholders Meeting, etc.)

第八十七条 銀行等又は株式会社商工組合中央金庫である被管理金融機関がその財産をもつて債務を完済することができない場合には、当該被管理金融機関は、会社法第四百四十七条第一項、第四百六十七条第一項第一号及び第二号並びに第四百七十一条第三号の規定にかかわらず、裁判所の許可を得て、次に掲げる事項を行うことができる。

Article 87 (1) In the event that a Financial Institution under Management that is a Bank, etc. or The Shoko Chukin Bank, Ltd. is unable to satisfy its obligations in full with its property, said Financial Institution under Management may, notwithstanding the provisions of Article 447, paragraph (1), Article 467, paragraph (1), items (i) and (ii), and Article 471, item (iii) of the Companies Act, carry out the following matters with the permission of the court:

一 資本金の額の減少

(i) Reduction in the amount of stated capital;

二 事業の全部又は重要な一部の譲渡

(ii) Assignment of all or a material portion of its business;

三 解散

(iii) Dissolution.

2 信用金庫等である被管理金融機関がその財産をもつて債務を完済することができない場合には、当該被管理金融機関は、信用金庫法第四十八条の三及び第五十八条第一項、中小企業等協同組合法第五十三条及び第五十七条の三第一項並びに労働金庫法第五十三条及び第六十二条第一項の規定にかかわらず、裁判所の許可を得て、次に掲げる事項を行うことができる。

(2) In the event that a Financial Institution under Management that is a Shinkin Bank, etc. is unable to satisfy its obligations in full with its property, said Financial Institution under Management may, notwithstanding the provisions of Article 48-3 and Article 58, paragraph (1) of the Shinkin Bank Act, Article 53 and Article 57-3, paragraph (1) of the Small and Medium-Sized Enterprises Cooperatives Act, and Article 53 and Article 62, paragraph (1) of the Labor Bank Act, carry out the following matters with permission by the court:

一 解散

(i) Dissolution;

二 事業の譲渡

(ii) Assignment of its business;

3 金融整理管財人は、会社法第三百三十九条第一項（同法第三百四十七条第一項の規定により読み替えて適用する場合を含む。）及び第四百三条第一項、信用金庫法第三十五条の八第一項、中小企業等協同組合法第四十二条第一項並びに労働金庫法第三十七条の六第一項の規定にかかわらず、裁判所の許可を得て、被管理金融機関の取締役、会計参与、監査役又は会計監査人（被管理金融機関が委員会設置会社である場合にあつては取締役、執行役、会計参与又は会計監査人、被管理金融機関が信用金庫等である場合にあつては理事、監事又は会計監査人。次項において同じ。）を解任することができる。

(3) Notwithstanding the provisions of Article 339, paragraph (1) and Article 403, paragraph (1) of the Companies Act (including the cases where it is applied mutatis mutandis pursuant to the provisions of Article 347, paragraph (1) of said Act), Article 35-8, paragraph (1), of the Shinkin Bank Act, Article 42, paragraph (1) of the Small and Medium-Sized Enterprises Cooperatives Act, and Article 37-6, paragraph (1) of the Labor Bank Act, a financial administrator may, with the permission of the court, dismiss a director, accounting advisor, corporate auditor or accounting auditor of a Financial Institution under Management (in the event that the Financial Institution under Management is a company with committees, a director, executive officer, accounting advisor or accounting auditor, and in the event that the Financial Institution under Management is a Shinkin Bank, etc., a director, inspector or accounting auditor; the same applies in the following paragraph).

4 前項の規定により被管理金融機関の取締役、会計参与、監査役又は会計監査人を解任しようとする場合において、解任により法律又は定款に定めた取締役、会計参与、監査役又は会計監査人の員数を欠くこととなるときは、金融整理管財人は、会社法第

三百二十九条第一項及び第四百二条第二項、信用金庫法第三十二条第三項、中小企業等協同組合法第三十五条第三項並びに労働金庫法第三十二条第三項の規定にかかわらず、裁判所の許可を得て、被管理金融機関の取締役、会計参与、監査役又は会計監査人を選任することができる。

(4) In the event that a financial administrator intends to dismiss any director, accounting advisor, corporate auditor or accounting auditor of a Financial Institution under Management under the preceding paragraph, if the number of directors, accounting advisors, corporate auditors or accounting auditors fails to meet the number prescribed by an Act or by the articles of incorporation, the financial administrator may, notwithstanding the provisions of Article 329, paragraph (1) and Article 402, paragraph (2) of the Companies Act, Article 32, paragraph (3) of the Shinkin Bank Act, Article 35, paragraph (3) of the Small and Medium-Sized Enterprises Cooperatives Act, and Article 32, paragraph (3) of the Labor Bank Act, appoint a director, accounting advisor, corporate auditor or accounting auditor of the Financial Institution under Management with permission from the court.

5 前項の規定により選任された被管理金融機関の取締役、会計参与、監査役及び会計監査人は選任時の属する事業年度の終了後最初に招集される定時総会又は通常総会（総代会を設けている場合において、その総代会で役員を選任をすることができるときは、通常総代会）の終結の時に、執行役は選任時の属する事業年度の終了後最初に招集される定時総会が終結した後最初に開催される取締役会の終結の時に退任する。

(5) The director, accounting advisor, corporate auditor and accounting auditor of a Financial Institution under Management appointed under the preceding paragraph will resign at the conclusion of the first annual general meeting or ordinary general meeting (in cases where a general meeting of representatives is established, at which it is possible to appoint officers, the ordinary general meeting of representatives) convened after the end of the business year during which he/she was appointed, and an executive officer will resign at the completion of the first meeting of the board of directors held after the first annual general meeting convened after the end of the business year during which he/she was appointed.

6 第一項から第四項までに規定する許可（以下この条及び次条において「代替許可」という。）があつたときは、当該代替許可に係る事項について株主総会等又は取締役会の決議があつたものとみなす。

(6) When the permission prescribed in paragraphs (1) to (4) has been granted (hereinafter referred to as "Substituted Permission" in this Article and the following Article), it is to be deemed that a resolution of a shareholders meeting, etc. or board of directors meeting has been adopted concerning matters pertaining to said Substituted Permission.

7 代替許可に係る事件は、当該被管理金融機関の本店又は主たる事務所の所在地を管轄する地方裁判所が管轄する。

- (7) The district court having jurisdiction over the location of the head office or principal office of a Financial Institution under Management will have jurisdiction over cases pertaining to the Substituted Permission.
- 8 裁判所は、代替許可の決定をしたときは、その決定書を被管理金融機関に送達するとともに、その決定の要旨を公告しなければならない。
- (8) The court shall, when it has made a Substituted Permission, serve a written decision thereof on the Financial Institution under Management and give public notice of the gist of the decision.
- 9 前項の規定によつてする公告は、官報に掲載してする。
- (9) The public notice under the preceding paragraph will be published in the official gazette.
- 10 代替許可の決定は、第八項の規定による被管理金融機関に対する送達がされた時から、効力を生ずる。
- (10) A decision on the Substituted Permission will take effect as from the time of service thereof on the Financial Institution under Management under paragraph (8).
- 11 代替許可の決定に対しては、株主、会員又は組合員は、第八項の公告のあつた日から一週間の不変期間内に、即時抗告をすることができる。この場合において、当該即時抗告が解散に係る代替許可の決定に対するものであるときは、執行停止の効力を有する。
- (11) Shareholders, members, or association members may make an immediate appeal against a decision on the Substituted Permission within an unextendable period of one week from the date of the public notice set forth in paragraph (8). In this case, if the immediate appeal is against a decision on the Substituted Permission pertaining to dissolution, it has the effect of a stay of execution.
- 12 第七項から前項までに規定するもののほか、代替許可に係る事件に関しては、非訟事件手続法（明治三十一年法律第十四号）第一編（第二条から第四条まで、第十五条、第十六条、第十八条第一項及び第二項並びに第二十条を除く。）の規定を準用する。
- (12) In addition to what is provided for in paragraph (7) to the preceding paragraph, Part I of the Non-Contentious Cases Procedure Act (Act No. 14 of 1898) (excluding Article 2 to Article 4, Article 15, Article 16, Article 18, paragraphs (1) and (2) and Article 20) apply mutatis mutandis to cases pertaining to the Substituted Permission.

（代替許可に係る登記の特例）

（Special Provisions for Registration Pertaining to Substituted Permission）

第八十八条 前条第一項第一号若しくは第三号若しくは第二項第一号に掲げる事項又は同条第三項若しくは第四項に定める事項に係る代替許可があつた場合においては、当該事項に係る登記の申請書には、当該代替許可の決定書の謄本又は抄本を添付しなけ

ればならない。

**Article 88** In the event that a Substituted Permission pertaining to matters specified in item (i) or (iii) of paragraph (1) of the preceding Article or item (i) of paragraph (2) or matters prescribed in paragraph (3) or (4) of the preceding Article, a transcript or extract of a written decision of said Substituted Permission shall be attached to a written application for registration pertaining to said matters.

(債権者保護手続の特例)

(Special Provisions for Procedures for Protection of Creditors)

第八十九条 銀行等又は株式会社商工組合中央金庫である被管理金融機関が資本金の額の減少の決議をした場合においては、預金者その他政令で定める債権者に対する会社法第四百四十九条第二項の規定による催告は、することを要しない。

**Article 89** In the event that a Financial Institution under Management that is a Bank, etc. or The Shoko Chukin Bank, Ltd. has adopted a resolution for reduction in the amount of stated capital, the notice prescribed in Article 449, paragraph (2) of the Companies Act is not required to be given to the Depositors, etc. or any other creditors specified by a Cabinet Order.

(管理の終了)

(Conclusion of Management)

第九十条 金融整理管財人は、管理を命ずる処分の日から一年以内に、被管理金融機関の事業の譲渡その他の措置を講ずることにより、その管理を終えるものとする。ただし、やむを得ない事情によりこの期限内に当該管理を終えることができない場合には、内閣総理大臣の承認を得て、一年を限り、この期限を延長することができる。

**Article 90** A financial administrator is to conclude the management of a Financial Institution under Management by transferring its business or taking other measures within one year from the date of the Disposition Ordering Management; provided, however, that in cases where it is impossible to conclude the management within said period due to unavoidable circumstances, said period may be extended for a period not exceeding one year with approval from the Prime Minister.

## 第六章 破綻した金融機関の業務承継

### Chapter VI Succession of Business of Failed Financial Institutions

(承継銀行の設立の決定)

(Decision to Establish Bridge Bank)

第九十一条 内閣総理大臣は、被管理金融機関の業務承継（承継銀行が事業の譲受け等により業務を引き継ぎ、かつ、その業務を暫定的に維持継続することをいう。以下この章において同じ。）のため承継銀行を活用する必要があると認めるときは、次に掲

げる決定を行うことができる。

Article 91 (1) The Prime Minister may, if he/she finds it necessary to use a Bridge Bank for the succession of business of a Financial Institution under Management (meaning the succession of business by a Bridge Bank through the Assumption of Business, etc. and the provisional maintenance and continuation of said business by the Bridge Bank; hereinafter the same applies in this Chapter), make the following decisions:

一 機構が被管理金融機関から業務を引き継ぐため事業の譲受け等を行う承継銀行を子会社として設立する旨の決定

(i) That a Bridge Bank be established by the Corporation as a subsidiary company to carry out the Assumption of Business, etc. in order to succeed to the business of a Financial Institution under Management; and

二 承継銀行が被管理金融機関から業務を引き継ぐため事業の譲受け等を行うべき旨の決定

(ii) That a Bridge Bank should carry out the Assumption of Business, etc. in order to succeed to the business of a Financial Institution under Management.

2 内閣総理大臣は、必要があると認めるときは、前項の決定を取り消し、又は変更する決定を行うことができる。

(2) The Prime Minister may, if he/she finds it necessary, rescind or modify a decision under the preceding paragraph.

3 金融整理管財人は、必要があると認めるときは、内閣総理大臣に第一項又は前項の規定による決定を行うことを求めることができる。

(3) A financial administrator may, if he/she finds it necessary, request the Prime Minister to make a decision under paragraph (1) or the preceding paragraph.

(承継銀行の設立等)

(Establishment of Bridge Bank, etc.)

第九十二条 機構は、前条第一項又は第二項の規定による同条第一項第一号に掲げる決定があつたときは、当該決定に係る出資の内容について委員会の議決を経て、承継銀行となる株式会社の設立の発起人となり、及び当該設立の発起人となつた株式会社を子会社として設立するための出資をしなければならない。

Article 92 (1) When a decision prescribed in paragraph (1), item (i) of the preceding Article is made under paragraph (1) or (2) of the preceding Article, the Corporation shall, following a resolution by the Operation Committee on the details of contribution pertaining to said decision, become the incorporator of a stock company that is to become a Bridge Bank, and provide contribution for the incorporation of said stock company as a subsidiary company of the Corporation.

2 機構は、前項に規定する場合のほか、承継銀行に対する出資を行おうとするときは、委員会の議決を経なければならない。

(2) Any contribution by the Corporation to the Bridge Bank prescribed in the preceding paragraph shall require a resolution by the Operation Committee.

3 機構は、前二項に規定する出資をしたときは、速やかに、その内容を内閣総理大臣及び財務大臣に報告しなければならない。

(3) Upon providing the contribution prescribed in the preceding two paragraphs, the Corporation shall promptly report the details thereof to the Prime Minister and the Minister of Finance.

(承継資産の確認)

(Confirmation of Succeeded Assets)

第九十三条 第九十一条第一項又は第二項の規定による同条第一項第二号に掲げる決定があつたときは、当該被管理金融機関の金融整理管財人は、同項の業務承継により承継銀行が引き継ぐべき当該被管理金融機関の貸付債権その他の資産を選定し、内閣総理大臣に対し、これらが承継銀行の保有する資産として適当であることの確認を求めるものとする。

Article 93 (1) When a decision specified in Article 91, paragraph (1), item (ii) is made under Article 91, paragraph (1) or (2), a financial administrator of the Financial Institution under Management is to select loan claims and other assets of said Financial Institution under Management to be succeeded to by the Bridge Bank pursuant to the succession of business prescribed in Article 91, paragraph (1) and request the Prime Minister to confirm that they are appropriate assets to be held by the Bridge Bank.

2 内閣総理大臣は、前項の規定による求めがあつたときは、円滑な業務承継を図る観点及び承継銀行の業務の健全かつ適切な運営を図る観点から、同項の確認を行うものとする。

(2) Upon receiving the request prescribed in the preceding paragraph, the Prime Minister is to carry out the confirmation under the preceding paragraph from the viewpoint of facilitating the smooth succession of business and ensuring the sound and appropriate operation of the business of the Bridge Bank.

3 内閣総理大臣及び財務大臣は、前項の確認を行うための基準をあらかじめ定め、これを公表しなければならない。

(3) The Prime Minister and the Minister of Finance shall prescribe standards in advance for carrying out the confirmation under the preceding paragraph and make the standards public.

4 前項の基準は、第二項の確認の対象となる債権に係る債務者の債務の履行状況に関する基準を含むものでなければならない。

(4) The standards prescribed in the preceding paragraph shall include standards concerning the status of performance by an obligor of obligations pertaining to claims subject to the confirmation prescribed in paragraph (2).

(承継銀行の経営管理)

(Management of Bridge Bank)

第九十四条 機構は、承継銀行が次に掲げる事項を適確に実施できるようその経営管理を行わなければならない。

Article 94 (1) The Corporation shall manage the Bridge Bank to ensure the proper performance of the following matters:

一 第九十一条第一項又は第二項の規定による同条第一項第二号に掲げる決定があつたときは、当該決定の対象とされた被管理金融機関から業務を引き継ぐため事業の譲受け等を行うこと。

(i) To carry out the Assumption of Business, etc. in order to succeed the business of the Financial Institution under Management that is subject to said decision, when a decision specified in Article 91, paragraph (1), item (ii) is made under Article 91, paragraph (1) or (2);

二 前条第二項の規定により承継銀行が保有する資産として適当であることの確認がされた資産を引き継ぐこと。

(ii) To succeed to the assets that have been confirmed under paragraph (2) of the preceding Article as appropriate assets to be held by a Bridge Bank;

三 預金等の受払事務、資金の貸付けその他の業務の実施に際しては、次項に規定する指針に従うこと。

(iii) To comply with the guidelines prescribed in the following paragraph in administering the receipt and payment of the Deposits, etc., loaning funds, and carrying out other operations.

2 機構は、承継銀行の預金等の受払事務、資金の貸付けその他の業務についての指針を次に定めるところにより作成し、内閣総理大臣の承認を受けた後、公表しなければならない。

(2) The Corporation shall prepare guidelines for the administration of receipt and payment of the Deposits, etc., loan of funds, and other operations of a Bridge Bank in accordance with the following and, following approval from the Prime Minister, make such guidelines public:

一 当該指針は、預金等の受払事務、資金の貸付けその他の業務の暫定的な維持継続を図るという承継銀行の目的を踏まえ、前条第三項に規定する基準との整合性に配慮しつつ、承継銀行の業務の健全かつ適切な運営を確保する観点に立つて作成されるものであること。

(i) The guidelines must be prepared, taking into account that the purpose of a Bridge Bank to facilitate the provisional maintenance and continuation of the administration of receipt and payment of the Deposits, etc., loan of funds, and other operations, giving consideration to ensuring consistency with the standards prescribed in paragraph (3) of the preceding Article, and with a view to ensuring the sound and appropriate operation of the business of a Bridge Bank;

二 当該指針は、承継銀行が資金の貸付けその他の業務のうち機構の指定する取引について機構の承認を受けて行うことを内容として含むものであること。



(ii) The guidelines must include a statement of matters approved by the Corporation concerning transactions designated by the Corporation among the loan of funds and other operations to be carried out by a Bridge Bank.

3 機構は、承継銀行に対し、その経営に必要な指導及び助言を行うことができる。

(3) The Corporation may give instructions and advice necessary for the management of a Bridge Bank.

(事業譲渡等の承認を要しない場合)

(Cases Where Approval for Business Transfer, etc. Is not Required)

第九十五条 会社法第四百六十七条第一項（第五号に係る部分に限る。）の規定は、機構が承継銀行の発行済株式の全部を所有する場合における第九十三条第二項の規定による確認がされた資産については、適用しない。

Article 95 The provisions of Article 467, paragraph (1) of the Companies Act (limited to the part pertaining to item (v)) do not apply to the assets for which confirmation has been rendered under Article 93, paragraph (2) in the event that all of the issued shares of the Bridge Bank are held by the Corporation.

(経営管理の終了等)

(Conclusion of Management, etc.)

第九十六条 機構は、承継銀行が最初に業務を引き継いだ被管理金融機関に対する管理を命ずる処分の日から二年以内に、次に掲げる措置を講ずることにより当該承継銀行の経営管理を終えるものとする。ただし、やむを得ない事情によりこの期限内に当該経営管理を終えることができない場合には、一年を限り、この期限を延長することができる。

Article 96 (1) The Corporation is to conclude the management of a Bridge Bank within two years from the date of the Disposition Ordering Management of the first Financial Institution under Management for which the Bridge Bank receives the transfer of business by taking the following measures; provided, however, that if said management cannot be concluded within said period due to unavoidable circumstances, the time limit may be extended for a period not exceeding one year.

一 当該承継銀行の合併（当該合併後存続する法人又は当該合併により設立された法人が機構の子会社でないものに限る。）

(i) The merger (limited to a corporation surviving said merger or corporation established by the merger that is not a subsidiary company of the Corporation) of said Bridge Bank;

二 当該承継銀行の事業の全部の譲渡

(ii) Transfer of the whole of the business of said Bridge Bank;

三 当該承継銀行の株式の譲渡（当該譲渡により当該承継銀行が機構の子会社でなくなるものに限る。）

(iii) Transfer of shares of the Bridge Bank (limited to transfers through which

the Bridge Bank will cease to be a subsidiary company of the Corporation);  
四 株主総会の決議による当該承継銀行の解散

(iv) Dissolution of the Bridge Bank by resolution of shareholders meeting.

2 機構は、前項本文の規定による経営管理の終了又は同項ただし書の規定による期限の延長をしようとするときは、内閣総理大臣の承認を受けなければならない。

(2) The Corporation shall, if it intends to conclude management under the main clause of the preceding paragraph or extend the time limit under the proviso to the preceding paragraph, obtain approval from the Prime Minister.

3 機構は、第一項の規定により承継銀行の経営管理を終了したとき又は承継銀行（承継銀行であつた銀行を含む。）の株式の譲渡その他の処分（同項第三号に掲げるものを除く。）を行つたときは、速やかに、その旨を内閣総理大臣及び財務大臣に報告しなければならない。

(3) The Corporation shall, when it has concluded the management of a Bridge Bank under paragraph (1) or transferred or made another disposition of shares of a Bridge Bank (including a bank that was formerly a Bridge Bank) (excluding those specified in paragraph (1), item (iii)), shall promptly report to that effect to the Prime Minister and the Minister of Finance.

(承継協定)

(Succession Agreement)

第九十七条 機構は、承継銀行と次に掲げる事項を含む協定（以下この章において「承継協定」という。）を締結するものとする。

Article 97 (1) The Corporation is to conclude an agreement with the Bridge Bank including the following matters (hereinafter referred to as "Succession Agreement" in this Chapter):

一 承継協定を締結した承継銀行（以下「協定承継銀行」という。）は、第九十四条第一項各号に掲げる事項を実施すること。

(i) The Bridge Bank that has concluded the Succession Agreement (hereinafter referred to as "Contracted Bridge Bank") shall carry out the matters specified in each item of Article 94, paragraph (1);

二 協定承継銀行は、機構が当該協定承継銀行の資産の買取りを行うことを機構に申し込むことができること。

(ii) The Contracted Bridge Bank may apply to have the Corporation purchase the assets of the Contracted Bridge Bank; and

三 協定承継銀行は、次条第一項に規定する債務の保証の対象となる資金の借入れに関する契約の締結をしようとするときは、当該締結をしようとする契約の内容について機構の承認を受けること。

(iii) The Contracted Bridge Bank shall, if it seeks to conclude a contract concerning the borrowing of funds subject to the guarantee of obligations prescribed in paragraph (1) of the following Article, obtain approval from the Corporation for the contents of such contract.

2 機構は、承継協定を締結したときは、直ちに、その承継協定の内容を内閣総理大臣及び財務大臣に報告しなければならない。

(2) Upon concluding the Succession Agreement, the Corporation shall immediately report the details thereof to the Prime Minister and the Minister of Finance.

(資金の貸付け及び債務の保証)

(Guarantee of Loan of Funds and Obligations)

第九十八条 機構は、協定承継銀行から、協定承継銀行の業務の円滑な実施のために必要とする資金について、その資金の貸付け又は協定承継銀行によるその資金の借入れに係る債務の保証の申込みを受けた場合において、必要があると認めるときは、委員会の議決を経て、当該貸付け又は債務の保証を行うことができる。

Article 98 (1) In the event that the Corporation has received an application from a Contracted Bridge Bank for a loan of funds necessary to ensure the smooth execution of its business or for a guarantee of obligations pertaining to the borrowing of such funds by the Contracted Bridge Bank, the Corporation may, if it finds it necessary, provide said loan or guarantee of obligations, following a resolution by the Operation Committee.

2 機構は、前項の規定により協定承継銀行との間で同項の貸付け又は債務の保証に係る契約を締結したときは、直ちに、その契約内容を内閣総理大臣及び財務大臣に報告しなければならない。

(2) When the Corporation has concluded a contract with a Contracted Bridge Bank under the preceding paragraph for a loan or guarantee of obligations prescribed therein, the Corporation shall immediately report the details of the contract to the Prime Minister and the Minister of Finance.

(損失の補てん)

(Compensation for Loss)

第九十九条 機構は、承継協定の定めによる業務の実施により協定承継銀行に生じた損失の額として政令で定めるところにより計算した金額があるときは、委員会の議決を経て、当該金額の範囲内において、当該損失の補てんを行うことができる。

Article 99 When any loss is caused to a Contracted Bridge Bank, the amount of which is calculated pursuant to the provisions of a Cabinet Order, as a result of operations carried out under the Succession Agreement, the Corporation may, following a resolution by the Operation Committee, compensate the Contracted Bridge Bank for said loss within the scope of the amount prescribed in said Cabinet Order.

(報告の徴求)

(Request for Report)

第一百条 機構は、この章の規定による業務を行うため必要があるときは、承継銀行に対

し、承継協定の実施又は財務の状況に関し報告を求めることができる。

Article 100 The Corporation may, if it finds it necessary for carrying out the operations prescribed in this Chapter, request the Bridge Bank to report on the implementation of the Succession Agreement or financial conditions in connection therewith.

(再承継金融機関等に対する資金援助)

(Financial Assistance to Re-assuming Financial Institution, etc.)

第百一条 再承継を行う金融機関で承継銀行でない者（以下この条において「再承継金融機関」という。）又は再承継を行う銀行持株会社等（以下この条において「再承継銀行持株会社等」という。）は、機構が、再承継を援助するため、資金援助（第五十九条第一項第三号、第六号又は第七号に掲げるものに限る。）を行うことを、機構に申し込むことができる。

Article 101 (1) A Financial Institution that is undertaking a re-succession to business and is not a Bridge Bank (hereinafter referred to as "Re-assuming Financial Institution" in this Article), or a Bank Holding Company, etc. undertaking a re-succession to business (hereinafter referred to as a "Re-assuming Bank Holding Company, etc." in this Article) may apply to have the Corporation provide Financial Assistance (limited to that specified in Article 59, paragraph (1), item (iii), (vi) or (vii)) to support the re-succession to business.

2 前項の「再承継」とは、次に掲げるものをいう。

(2) The term "re-succession to business" as used in the preceding paragraph means the following:

一 承継銀行と合併する金融機関が存続する合併

(i) A merger in which a Financial Institution that merges with a Bridge Bank survives;

二 承継銀行と他の金融機関が合併して金融機関を設立する合併

(ii) A merger in which a Financial Institution is established through the merger of a Bridge Bank and another Financial Institution;

三 承継銀行がその事業の全部（当該承継銀行の資産の一部を機構が買い取る場合にあっては、その買い取られる資産に係る部分を除く。）を他の金融機関に譲渡するもの

(iii) A transfer by a Bridge Bank of the whole of its business to another Financial Institution (excluding the assets of said Bridge Bank pertaining to the portion of its business, if any, to be purchased by the Corporation); and

四 承継銀行の株式の他の金融機関又は銀行持株会社等による取得で当該承継銀行の業務の健全かつ適切な運営を確保するために必要な事項として内閣総理大臣及び財務大臣が定めるものを実施するために行うもの

(iv) The acquisition of shares of a Bridge Bank by another Financial Institution or Bank Holding Company, etc. conducted to carry out matters specified by

- the Prime Minister and the Minister of Finance as the matters necessary to ensure sound and appropriate operation of the business of said Bridge Bank.
- 3 第一項の規定による資産の買取りは、次の各号に掲げる再承継の区分に応じ、当該各号に定める資産について行うものとする。
- (3) The purchase of assets prescribed in paragraph (1) is to be conducted with respect to the assets prescribed in each of the following items according to the category of the re-succeSSION of business specified in each respective item:
- 一 前項第一号に掲げる合併 当該合併により存続する金融機関の資産（当該合併前に承継銀行の資産であつたものに限る。）
- (i) A merger specified in item (i) of the preceding paragraph: the assets of the Financial Institution surviving through the merger (limited to those that were the assets of the Bridge Bank prior to the merger);
- 二 前項第二号に掲げる合併 当該合併により設立される金融機関の資産（当該合併前に承継銀行の資産であつたものに限る。）
- (ii) A merger specified in item (ii) of the preceding paragraph: the assets of the Financial Institution that will be established by the merger (limited to those that were the assets of the Bridge Bank prior to the merger);
- 三 前項第三号に掲げる事業の譲渡 同号の他の金融機関の資産で当該事業の譲渡により譲り受けたもの
- (iii) Transfer of the business specified in item (iii) of the preceding paragraph: the assets of another Financial Institution prescribed in said item that have been received through the transfer of said business;
- 四 前項第四号に掲げる株式の取得 当該株式の取得をされた銀行の資産
- (iv) The acquisition of shares specified in item (iv) of the preceding paragraph: the assets of the bank whose shares have been acquired;
- 4 第一項の規定による損害担保は、前項各号に掲げる再承継の区分に応じ、当該各号に定める資産である貸付債権について行うものとする。
- (4) The Securing of Damage prescribed in paragraph (1) is to be conducted with respect to loan claims that are the assets prescribed in each item of the preceding paragraph according to the category of the re-succeSSION to business specified in each respective item of the preceding paragraph.
- 5 第五十九条第三項、第六項及び第七項並びに第六十一条第一項の規定は第一項の規定による申込みについて、同条第二項から第四項まで及び第六項から第八項までの規定はこの項において準用する同条第一項の認定について、それぞれ準用する。この場合において、第五十九条第三項中「救済金融機関」とあるのは「再承継金融機関」と、第六十一条中「合併等」とあるのは「再承継」と、「破綻金融機関」とあるのは「承継銀行」と、「救済金融機関」とあるのは「再承継金融機関」と、「救済銀行持株会社等」とあるのは「再承継銀行持株会社等」と読み替えるものとする。
- (5) The provisions of Article 59, paragraphs (3), (6) and (7) and Article 61, paragraph (1) apply mutatis mutandis to the application prescribed in paragraph (1), and the provisions of Article 61, paragraphs (2) to (4) and (6) to

(8) apply mutatis mutandis to the authorization prescribed in Article 61, paragraph (1) as applied mutatis mutandis pursuant to this paragraph. In this case, the term "Assuming Financial Institution" in Article 59, paragraph (3) is deemed to be replaced with "Re-assuming Financial Institution," and the terms "merger, etc.," "Failed Financial Institution," "Assuming Financial Institution," and "Assuming Bank Holding Company, etc." in Article 61 are to be deemed to be replaced with "re-succeSSION of business," "Bridge Bank," "Re-assuming Financial Institution," and "Re-assuming Bank Holding Company, etc.," respectively.

6 内閣総理大臣は、前項において準用する第六十一条第二項の申請が行われない場合においても、承継銀行が前項において準用する同条第三項第三号に掲げる要件に該当すると認めるときは、当該承継銀行及び他の金融機関又は当該承継銀行及び銀行持株会社等に対し、書面により、再承継（第二項第二号に掲げる合併を除くものとし、当該再承継が行われることが預金者等その他の債権者の保護に資するものであり、かつ、機構による資金援助が行われることが当該再承継を行うために不可欠であるものに限る。）のあつせんを行うことができる。

(6) Even in cases where no application is made under Article 61, paragraph (2) as applied mutatis mutandis pursuant to the preceding paragraph, the Prime Minister may, if he/she finds that a Bridge Bank satisfies the requirements specified in item (iii) of paragraph (3) as applied mutatis mutandis pursuant to the preceding paragraph, provide mediation in writing with regard to the re-succeSSION to business (excluding the merger specified in item (ii) of paragraph (2) and limited to those that contribute to the protection of Depositors, etc. and other creditors and for which Financial Assistance by the Corporation is indispensable) between said Bridge Bank and another Financial Institution or said Bridge Bank and a Bank Holding Company, etc.

7 第六十二条第二項及び第四項から第六項までの規定は前項のあつせんについて、第六十四条（第二項を除く。）及び第六十四条の二の規定は第一項の規定による申込みについて、第六十五条及び第六十六条の規定は第五項において準用する第六十一条第一項の認定又は前項のあつせんを受けた金融機関又は銀行持株会社等について、第六十七条の規定は再承継金融機関について、第六十八条の規定は再承継のための機構による資金援助について、第六十八条の二及び第六十八条の三の規定は当該資金援助（優先株式等の引受け等に係るものに限る。）を受けた再承継金融機関（当該優先株式等の引受け等に係る合併により設立された金融機関を含む。）又は再承継銀行持株会社等（この項において準用する第六十八条の二第一項の承認を受けた場合におけるこの項において準用する同条第二項に規定する会社及びこの項において準用する第六十八条の三第一項の承認を受けた場合におけるこの項において準用する同条第四項に規定する承継金融機関等を含む。）について、それぞれ準用する。この場合において、第六十二条第二項中「第五十九条第一項又は第五十九条の二第一項」とあるのは「第一百一条第一項」と、同条第四項中「第四項から第七項まで」とあるのは「第四項、第六項及び第七項」と、同条第五項中「破綻金融機関又は破綻金融機関となる蓋然性が

高いと認められる金融機関」とあるのは「承継銀行」と、第六十四条第三項及び第五項中「合併等」とあるのは「再承継」と、第六十四条の二第一項及び第二項中「救済金融機関」とあるのは「再承継金融機関」と、「救済銀行持株会社等」とあるのは「再承継銀行持株会社等」と、同項中「合併等」とあるのは「再承継」と、同条第四項中「合併等（同条第二項第二号）」とあるのは「再承継（第百一条第二項第二号）」と、「当該合併等」とあるのは「当該再承継」と、同条第五項中「救済金融機関」とあるのは「再承継金融機関」と、「救済銀行持株会社等」とあるのは「再承継銀行持株会社等」と、第六十五条及び第六十八条中「合併等」とあるのは「再承継」と読み替えるものとするほか、必要な技術的読替えは、政令で定める。

(7) The provisions of Article 62, paragraphs (2) and (4) to (6) apply mutatis mutandis to the mediation prescribed in the preceding paragraph, the provisions of Article 64 (excluding paragraph (2)) and Article 64-2 apply mutatis mutandis to the application prescribed in paragraph (1), the provisions of Article 65 and Article 66 apply mutatis mutandis to the Financial Institution or Bank Holding Company, etc. that has received the authorization prescribed in Article 61, paragraph (1) as applied mutatis mutandis pursuant to paragraph (5) or that has received the mediation prescribed in the preceding paragraph, the provisions of Article 67 apply mutatis mutandis to the Re-assuming Financial Institution, the provisions of Article 68 apply mutatis mutandis to the Financial Assistance provided by the Corporation for re-succession to business, and the provisions of Article 68-2 and Article 68-3 apply mutatis mutandis to the Re-assuming Financial Institution that has received said Financial Assistance (limited to those pertaining to the Subscription for Preferred Shares, etc.) (including the Financial Institutions established by the merger pertaining to said Subscription for Preferred Shares, etc.) or the Re-assuming Bank Holding Company, etc. (including the company prescribed in Article 68-2, paragraph (2) as applied mutatis mutandis pursuant to this paragraph in the event that the approval prescribed in Article 68-2, paragraph (1) as applied mutatis mutandis pursuant to this paragraph is granted, and the succeeding Financial Institution, etc. prescribed in Article 68-3, paragraph (4) as applied mutatis mutandis pursuant to this paragraph in the event that the approval prescribed in Article 68-3, paragraph (1) as applied mutatis mutandis pursuant to this paragraph is granted). In this case, the term "Article 59, paragraph (1) or Article 59-2, paragraph (1)" in Article 62, paragraph (2) is to be deemed to be replaced with "Article 101, paragraph (1)," the term "paragraphs (4) to (7)" in Article 62, paragraph (4) is to be deemed to be replaced with "paragraphs (4), (6) and (7)," the term "a Failed Financial Institution or a Financial Institution recognized as having a high probability of becoming a Failed Financial Institution" in Article 62, paragraph (5) is to be deemed to be replaced with "Bridge Bank," the term "merger, etc." in Article 64, paragraph (3) and (5) is to be deemed to be replaced with "re-succession to

business," the term "Assuming Financial Institution" and "Assuming Bank Holding Company, etc." in Article 64-2, paragraphs (1) and (2) are to be deemed to be replaced with "Re-assuming Financial Institution" and "Re-assuming Bank Holding Company, etc.," respectively, and the term "merger, etc." in said paragraph is to be deemed to be replaced with "re-succession to business," the terms "merger, etc. (limited to those specified in Article 59, paragraph (2), item (ii))" and "said merger, etc." in Article 64-2, paragraph (4) are to be deemed to be replaced with "re-succession of business (limited to those specified in Article 101, paragraph (2), item (ii))" and "said re-succession of business," respectively, the terms "Assuming Financial Institution" and "Assuming Bank Holding Company, etc." in Article 64-2, paragraph (5) are to be deemed to be replaced with "Re-assuming Financial Institution" and "Re-assuming Bank Holding Company, etc.," respectively, and the term "merger, etc." in Article 65 and Article 68 is to be deemed to be replaced with "re-succession of business," and any other necessary technical replacement of terms will be specified by a Cabinet Order.

## 第七章 金融危機への対応

### Chapter VII Measures against a Financial Crisis

(金融危機に対応するための措置の必要性の認定)

(Confirmation of Necessity for Measures against a Financial Crisis)

第百二条 内閣総理大臣は、次の各号に掲げる金融機関について当該各号に定める措置が講ぜられなければ、我が国又は当該金融機関が業務を行つている地域の信用秩序の維持に極めて重大な支障が生ずるおそれがあると認めるときは、金融危機対応会議（以下この章において「会議」という。）の議を経て、当該措置を講ずる必要がある旨の認定（以下この章において「認定」という。）を行うことができる。

Article 102 (1) If the Prime Minister finds that, if the measures specified in each of the following items are not taken with respect to the Financial Institution specified in each respective item, it may extremely seriously hinder the maintenance of an orderly credit system in Japan or in a certain region where said Financial Institution conducts its business, the Prime Minister may, following deliberation by a council for financial crises (hereinafter referred to as the "Council" in this Chapter), confirm the necessity to take said measures (hereinafter referred to as "Confirmation" in this Chapter):

一 金融機関（次号に掲げる金融機関を除く。） 当該金融機関の自己資本の充実のために行う機構による当該金融機関に対する株式等の引受け等又は当該金融機関を子会社（銀行法第二条第八項に規定する子会社又は長期信用銀行法第十三条の二第二項に規定する子会社をいう。以下第百八条の三までにおいて同じ。）とする銀行持株会社等（第二条第五項第一号又は第三号に掲げるものに限る。以下第百八条の三までにおいて同じ。）が発行する株式の引受け（以下この章において「第一号措



置」という。)

(i) A Financial Institution (excluding the Financial Institution specified in the following item): the Subscription for Shares, etc. of said Financial Institution by the Corporation for the purpose of enhancing the adequacy of equity capital of said Financial Institution or subscription for shares issued by a Bank Holding Company, etc. (limited to those specified in Article 2, paragraph (5), item (i) or (iii); hereinafter the same applies through to Article 108-3) having said Financial Institution as its subsidiary company (meaning the subsidiary company prescribed in Article 2, paragraph (8) of the Banking Act or the subsidiary company prescribed in Article 13-2, paragraph (2) of the Long-Term Credit Bank Act; hereinafter the same applies through to Article 108-3) (hereinafter referred to as the "Measures Under Item (i)" in this Chapter);

二 破綻金融機関又はその財産をもつて債務を完済することができない金融機関 当該金融機関の保険事故につき保険金の支払を行うときに要すると見込まれる費用の額を超えると見込まれる額の資金援助（以下この章において「第二号措置」という。）

(ii) A Failed Financial Institution or Financial Institution that is unable to satisfy its obligations in full with its assets: the Financial Assistance for an amount that is expected to exceed the expected costs for the payment of insurance proceeds with respect to an insurable contingency of said Financial Institution (hereinafter referred to as the "Measures Under Item (ii)" in this Chapter);

三 破綻金融機関に該当する銀行等であつて、その財産をもつて債務を完済することができないもの 第百十一条から第百十九条までの規定に定める措置（以下この章において「第三号措置」という。）

(iii) A Bank, etc. falling under a Failed Financial Institution that is unable to satisfy its obligations in full with its assets: the measures prescribed in Article 111 to Article 119 (hereinafter referred to as the "Measures Under Item (iii)" in this Chapter).

2 内閣総理大臣は、労働金庫又は労働金庫連合会に対して認定を行おうとするときは、あらかじめ、厚生労働大臣の意見を、株式会社商工組合中央金庫に対して認定を行おうとするときは、あらかじめ、経済産業大臣の意見を、それぞれ聴かなければならない。

(2) If the Prime Minister intends to give Confirmation with respect to a labor bank or The Rokinren Bank, he/she shall hear the opinion of the Minister of Health, Labour and Welfare in advance, and if he/she intends to give Confirmation with respect to The Shoko Chukin Bank, Ltd., he/she shall hear the opinion of the Minister of Economy, Trade and Industry in advance.

3 第三号措置に係る認定は、第二号措置によつては第一項の支障を回避することができないと認める場合でなければ、行うことができない。

(3) Confirmation pertaining to the Measures Under Item (iii) may not be given unless the Prime Minister finds that the Measures Under Item (ii) cannot prevent the hindrance prescribed in paragraph (1).

4 内閣総理大臣は、第一号措置に係る認定を行うときは、当該認定に係る金融機関又は当該金融機関を子会社とする銀行持株会社等が第百五条第一項又は第二項の申込みを行うことができる期限を定めなければならない。

(4) When giving Confirmation pertaining to the Measures Under Item (i), the Prime Minister shall specify a period of time within which an application under Article 105, paragraph (1) or (2) can be made by a Financial Institution subject to said Confirmation or Bank Holding Company, etc. which has said Financial Institution as its subsidiary company.

5 内閣総理大臣は、認定を行ったときは、その旨及び当該認定が第一号措置に係るものであるときは前項の規定により定めた期限を当該認定に係る金融機関、当該金融機関を子会社とする銀行持株会社等及び機構に通知するとともに、官報により、これを公告しなければならない。

(5) Upon giving Confirmation, the Prime Minister shall announce such fact and, if the Confirmation is in relation to the Measures Under Item (i), the period of time specified under the preceding paragraph, to the Financial Institution subject to said Confirmation or Bank Holding Company, etc. which has said Financial Institution as its subsidiary company and the Corporation, and give public notice thereof in the official gazette.

6 内閣総理大臣は、認定を行ったときは、当該認定の内容を国会に報告しなければならない。

(6) Upon giving Confirmation, the Prime Minister shall report the details of said Confirmation to the Diet.

(第一号措置に係る認定の取消し)

(Rescission of Confirmation Pertaining to Measures Under Item (i))

第百三条 内閣総理大臣は、第一号措置に係る認定を行った後、第百五条第四項の決定がされるまでの間に、当該認定に係る金融機関が前条第一項第二号に掲げる金融機関に該当することとなつたときは、会議の議を経て、当該認定を取り消すものとする。

Article 103 (1) If, between the time of Confirmation pertaining to the Measures Under Item (i) and the decision under Article 105, paragraph (4), a Financial Institution subject to said Confirmation comes to fall under the Financial Institution specified in item (ii) of paragraph (1) of the preceding Article, the Prime Minister, following deliberation by the Council, is to rescind said Confirmation.

2 前条第二項、第五項及び第六項の規定は、前項の規定による認定の取消しについて準用する。

(2) The provisions of paragraphs (2), (5), and (6) of the preceding Article apply mutatis mutandis to the rescission of the Confirmation under the preceding

paragraph.

(自己資本の充実のための措置を定めた計画の提出等)

(Submission of Plan Specifying Measures to Enhance the Adequacy of Equity Capital, etc.)

第百四条 第一号措置に係る認定に係る金融機関は、当該金融機関及び当該金融機関を子会社とする銀行持株会社等が次条第一項又は第二項の申込みを行わないときは、内閣総理大臣に対し、第百二条第四項に規定する期限内に、第一号措置以外の方法による自己資本の充実のための措置を定めた計画を提出しなければならない。

Article 104 (1) A Financial Institution subject to Confirmation pertaining to the Measures Under Item (i) shall, if said Financial Institution and Bank Holding Company, etc. which has said Financial Institution as its subsidiary company do not make an application prescribed in paragraph (1) or (2) of the following Article, submit a plan to the Prime Minister within the period prescribed in Article 102, paragraph (4), setting forth measures to enhance the adequacy of equity capital by a method other than the Measures Under Item (i).

2 内閣総理大臣は、前項の規定により同項の金融機関から提出を受けた計画を適当と認めるときは、会議の議を経て、当該金融機関に係る認定を取り消すものとする。

(2) If the Prime Minister finds that the plan submitted under the preceding paragraph by the Financial Institution prescribed in said paragraph is appropriate, he/she is to, following deliberation by the Council, rescind the Confirmation pertaining to said Financial Institution.

3 第百二条第二項、第五項及び第六項の規定は、前項の規定による認定の取消しについて準用する。

(3) The provisions of Article 102, paragraph (2), (5) and (6) apply mutatis mutandis to the rescission of Confirmation under the preceding paragraph.

4 内閣総理大臣は、第一号措置に係る認定に係る金融機関及び当該金融機関を子会社とする銀行持株会社等が第百二条第四項に規定する期限内に次条第一項又は第二項の申込みを行わなかった場合において、当該金融機関が当該期限内に第一項に規定する計画を提出しなかったときは、当該認定を取り消すものとする。

(4) In the event that a Financial Institution subject to Confirmation pertaining to the Measures Under Item (i) and Bank Holding Company, etc. which has said Financial Institution as its subsidiary company have not made an application prescribed in paragraph (1) or (2) of the following Article within the period prescribed in Article 102, paragraph (4), if said Financial Institution does not submit the plan prescribed in paragraph (1) within said period, the Prime Minister is to rescind said Confirmation.

5 内閣総理大臣は、第一項の規定により金融機関が提出した計画を適当と認めないときは、当該認定を取り消すものとする。

(5) If the Prime Minister finds that the plan submitted by a Financial Institution under paragraph (1) is not appropriate, the Prime Minister is to rescind said

Confirmation.

6 内閣総理大臣は、前二項の規定により第一号措置に係る認定を取り消すときは、あらかじめ、財務大臣の意見を聴かなければならない。

(6) If the Prime Minister intends to rescind the Confirmation pertaining to the Measures Under Item (i) under the provisions of the preceding two paragraphs, he/she shall hear the opinion of the Minister of Finance in advance.

7 第二条第二項、第五項及び第六項の規定は、第四項又は第五項の規定による第一号措置に係る認定の取消しについて準用する。

(7) The provisions of Article 102, paragraphs (2), (5) and (6) apply mutatis mutandis to the rescission of the Confirmation pertaining to the Measures Under Item (i) under paragraph (4) or (5).

8 内閣総理大臣は、第四項又は第五項の規定により第一号措置に係る認定が取り消された場合において、当該取消しに係る金融機関がその財産をもって債務を完済することができない事態が生ずるおそれがあるときは、第二条第一項の規定にかかわらず、会議の議を経て、当該金融機関に対し、第二号措置に係る認定を行うことができる。

(8) In the event that Confirmation pertaining to the Measures Under Item (i) has been rescinded under paragraph (4) or (5), when a situation is likely to arise in which the Financial Institution subject to said rescission is unable to satisfy its obligations in full with its assets, the Prime Minister may, notwithstanding the provisions of Article 102, paragraph (1), give the Confirmation pertaining to the Measures Under Item (ii) with respect to said Financial Institution, following deliberation by the Council.

9 第二条第二項、第五項及び第六項の規定は、前項の規定による第二号措置に係る認定について準用する。この場合において、同条第五項中「金融機関、当該金融機関を子会社とする銀行持株会社等」とあるのは、「金融機関」と読み替えるものとする。

(9) The provisions of Article 102, paragraphs (2), (5) and (6) apply mutatis mutandis to the Confirmation pertaining to the Measures Under Item (ii) prescribed in the preceding paragraph. In this case, the term "Financial Institution subject to said Confirmation or Bank Holding Company, etc. which has said Financial Institution as its subsidiary company" in Article 102, paragraph (5) is to be deemed to be replaced with "Financial Institution subject to said Confirmation."

(株式等の引受け等の決定)

(Decision for Subscription for Shares, etc.)

第百五条 機構は、第一号措置に係る認定が行われた場合において、当該認定に係る金融機関から第二条第四項の規定により定められた期限内に第一号措置（当該金融機関に対する株式等の引受け等に限る。以下この項において同じ。）に係る申込みを受けたときは、内閣総理大臣（当該金融機関が労働金庫又は労働金庫連合会である場合にあつては内閣総理大臣及び厚生労働大臣とし、株式会社商工組合中央金庫である場合にあつては内閣総理大臣、財務大臣及び経済産業大臣とする。第三項から第六項ま

で、第百八条及び第百十条第一項において同じ。) に対し、当該金融機関と連名で、当該申込みに係る第一号措置を行うかどうかの決定を求めなければならない。

Article 105 (1) In the event that Confirmation pertaining to the Measures Under Item (i) has been given, when the Corporation has received an application pertaining to the Measures Under Item (i) (limited to the Subscription for Shares, etc. for said Financial Institution; hereinafter the same applies in this paragraph) from the Financial Institution subject to said Confirmation within the period prescribed in Article 102, paragraph (4), the Corporation shall request a decision from the Prime Minister (in the event that the Financial Institution is a labor bank or The Rokinren Bank, from the Prime Minister and the Minister of Health, Labour and Welfare, and in the event that such Financial Institution is The Shoko Chukin Bank, Ltd., from the Prime Minister, the Minister of Finance, and Minister of Economy, Trade and Industry; the same applies in paragraphs (3) to (6), Article 108, and Article 110, paragraph (1)) in joint names with said Financial Institution as to whether or not to implement the Measures Under Item (i) pertaining to said application.

2 機構は、第一号措置に係る認定が行われた場合において、当該認定に係る金融機関を子会社とする銀行持株会社等から第百二条第四項の規定により定められた期限内に第一号措置（当該銀行持株会社等が発行する株式の引受けに限る。以下この項において同じ。）に係る申込みを受けたときは、内閣総理大臣に対し、当該銀行持株会社等と連名で、当該申込みに係る第一号措置を行うかどうかの決定を求めなければならない。

(2) In the event that Confirmation pertaining to the Measures Under Item (i) has been given, when the Corporation has received an application pertaining to the Measures Under Item (i) from the Bank Holding Company, etc. which has as its subsidiary company the Financial Institution subject to said Confirmation (limited to the subscription for shares issued by said Bank Holding Company, etc.; hereinafter the same applies in this paragraph) within the period prescribed in Article 102, paragraph (4), the Corporation shall request a decision from the Prime Minister in joint names with said Bank Holding Company, etc. as to whether or not to implement the Measures Under Item (i) pertaining to said application.

3 第一項の申込みを行つた金融機関又は前項の申込みを行つた銀行持株会社等の子会社である第一号措置に係る認定に係る金融機関（以下この章において「対象子会社」という。）は、内閣総理大臣に対し、経営の合理化のための方策、責任ある経営体制（銀行持株会社等が同項の申込みをした場合にあつては、当該銀行持株会社等の経営体制を含む。）の確立のための方策その他の政令で定める方策を定めた経営健全化計画（経営の健全化のための計画をいう。以下この章において同じ。）を提出しなければならない。この場合において、同項の申込みをする銀行持株会社等の対象子会社は、当該銀行持株会社等と連名で提出するものとする。

(3) A Financial Institution that has made an application prescribed in paragraph

(1) or a Financial Institution subject to the Confirmation pertaining to the Measures Under Item (i) that is a subsidiary company of the Bank Holding Company, etc. and has made an application prescribed in the preceding paragraph (hereinafter referred to as "Subject Subsidiary Company" in this Chapter) is to submit to the Prime Minister a management soundness improvement plan (meaning a plan to ensure the soundness of business management; hereinafter the same applies in this Chapter) setting forth measures to ensure the rationalization of management and to establish a responsible management system (including, in the event that the Bank Holding Company, etc. has made an application prescribed in said paragraph, the management system of said Bank Holding Company, etc.) and other measures specified by a Cabinet Order. In this case, the Subject Subsidiary Company of the Bank Holding Company, etc. that is to make an application prescribed in said paragraph is to submit said plan in joint names with said Bank Holding Company, etc.

4 内閣総理大臣は、次に掲げる要件のすべてに該当する場合に限り、第一項又は第二項の申込みに係る第一号措置を行うべき旨の決定をするものとする。

(4) The Prime Minister is to decide to take the Measures Under Item (i) pertaining to an application prescribed in paragraph (1) or (2) only if all of the following requirements are satisfied:

一 機構が第一号措置により取得する株式等（次に掲げるものを含む。）又は貸付債権の処分をすることが著しく困難であると認められる場合でないこと。

(i) There are no serious difficulties associated with the disposal of the Shares, etc. (including the following) or loan claims acquired by the Corporation in connection with the Measures Under Item (i);

イ 当該株式等が株式である場合にあっては、次に掲げる株式

(a) In the event that the Shares, etc. are shares: the shares specified below.

(1) 当該株式が他の種類の株式への転換（当該株式がその発行会社に取得され、その引換えに他の種類の株式が交付されることをいう。以下この章において同じ。）の請求が可能とされるものである場合にあっては、その請求により転換された他の種類の株式

1. In the event that a request can be made for the conversion of said shares into shares of another class (meaning the delivery of shares of another class in exchange for the acquisition of said shares by their issuing company; hereinafter the same applies in this Chapter): shares of another class into which said shares are converted pursuant to the request.

(2) 当該株式が一定の事由が生じたことを条件として転換されるものである場合にあっては、その事由が生じたことにより転換された他の種類の株式

2. In the event that said shares are convertible upon the occurrence of certain events: shares of another class into which said shares are

converted as a result of such occurrence.

(3) 当該株式又は(1)若しくは(2)に掲げる他の種類の株式について分割され又は併合された株式

3. Shares split or consolidated with respect to said shares or the shares of another class specified in 1 or 2.

ロ 当該株式等が劣後特約付社債である場合にあつては、当該劣後特約付社債に新株予約権が付されているときにその行使により交付された株式及びこれについて分割され又は併合された株式

(b) In the event that said Shares, etc. are subordinated bonds: shares delivered through the exercise of share options attached to said subordinated bonds and shares split or consolidated with respect thereto.

ハ 当該株式等が優先出資である場合にあつては、当該優先出資について分割された優先出資

(c) In the event that said Shares, etc. are preferred equity investments: preferred equity investments split with respect to said preferred equity investments.

二 銀行持株会社等が第二項の申込みをしたときは、当該銀行持株会社等がその財産をもつて債務を完済することができない銀行持株会社等でないこと。

(ii) When a Bank Holding Company, etc. has made an application prescribed in paragraph (2), the Bank Holding Company, etc. is not unable to satisfy its obligations in full with its property;

三 経営健全化計画の確実な履行等を通じて、当該金融機関の次に掲げる方策の実行が見込まれること。

(iii) The Financial Institution is expected to implement the following measures through the reliable execution of the management soundness improvement plan, etc.;

イ 経営の合理化のための方策

(a) Measures to ensure the rational management of business

ロ 経営責任の明確化のための方策

(b) Measures to clarify management responsibilities

ハ 株主責任の明確化のための方策

(c) Measures to clarify shareholder responsibilities

5 内閣総理大臣は、前項の決定を行うときは、財務大臣の同意を得なければならない。ただし、当該決定が株式会社商工組合中央金庫に係るものである場合は、この限りでない。

(5) The Prime Minister shall obtain consent from the Minister of Finance when making a decision under the preceding paragraph; provided, however, that this does not apply if said decision relates to The Shoko Chukin Bank, Ltd.

6 内閣総理大臣は、第一項又は第二項の決定を行つたときは、その旨を第一項の申込みをした金融機関又は第二項の申込みをした銀行持株会社等及び機構に通知しなければならない。

(6) Upon making a decision under paragraph (1) or (2), the Prime Minister shall report such fact to the Financial Institution that has made the application prescribed in paragraph (1) or the Bank Holding Company, etc. that has made the application prescribed in paragraph (2) and the Corporation.

7 内閣総理大臣は、第一項又は第二項の申込みに係る第一号措置を行わない旨の決定がされたときは、直ちに、第一項の申込みをした金融機関又は第二項の申込みをした銀行持株会社等の対象子会社が受けた第一号措置に係る認定を取り消すものとする。

(7) When a decision is made not to implement the Measures Under Item (i) pertaining to an application prescribed in paragraph (1) or (2), the Prime Minister is to immediately rescind the Confirmation pertaining to the Measures Under Item (i) with respect to the Financial Institution that has made the application prescribed in paragraph (1) or the Subject Subsidiary Company of the Bank Holding Company, etc. that has made the application prescribed in paragraph (2).

8 第百二条第二項、第五項及び第六項並びに前条第六項及び第八項の規定は前項の規定による第一号措置に係る認定の取消しについて、同条第九項の規定はこの項において準用する同条第八項の規定による第二号措置に係る認定について、それぞれ準用する。

(8) The provisions of Article 102, paragraphs (2), (5) and (6), and paragraphs (6) and (8) of the preceding Article apply mutatis mutandis to the rescission of Confirmation under the preceding paragraph pertaining to the Measures Under Item (i) and the provisions of paragraph (9) of the preceding Article apply mutatis mutandis to Confirmation pertaining to the Measures Under Item (ii) under paragraph (8) of the preceding Article as applied mutatis mutandis pursuant to the provisions of this paragraph.

(資本金の額の減少を行う場合の特例)

(Special Provisions for Reduction in Amount of Stated Capital)

第百六条 内閣総理大臣は、前条第一項又は第二項の申込みがあつた場合（同条第一項の申込みがあつた場合にあつては、当該申込みが株式の引受けに係るものである場合に限る。）において、必要があると認めるときは、当該申込みに係る同条第四項の決定において、当該決定を受けた銀行等若しくは当該決定を受けた銀行持株会社等若しくはその対象子会社又は当該決定を受けた株式会社商工組合中央金庫の資本金の額の減少を当該株式の引受けの条件とすることができる。

Article 106 (1) In the event that an application prescribed in paragraph (1) or (2) of the preceding Article has been made (in the event that an application prescribed in paragraph (1) of the preceding Article has been made, limited to applications pertaining to subscription for shares), the Prime Minister may, if he/she finds it necessary in making a decision under paragraph (4) of the preceding Article pertaining to said application, require that said subscription for shares be conditioned upon a reduction in the amount of stated capital of a



Bank, etc., Bank Holding Company, etc., the Subject Subsidiary Company of said Bank Holding Company, etc., or The Shoko Chukin Bank, Ltd. that is subject to said decision.

2 第八十九条の規定は、前項の規定により資本金の額の減少を当該株式の引受けの条件とする前条第四項の決定がされた場合における当該資本金の額の減少について準用する。

(2) The provisions of Article 89 apply mutatis mutandis to a reduction in the amount of stated capital in the event that a decision is made under paragraph (4) of the preceding Article whereby the subscription for shares is conditioned upon a reduction in the amount of stated capital being made pursuant to the provisions of the preceding paragraph.

3 第一項の規定により資本金の額の減少を当該株式の引受けの条件とする前条第四項の決定がされた場合において、当該決定を受けた銀行等若しくは当該決定を受けた銀行持株会社等若しくはその対象子会社又は当該決定を受けた株式会社商工組合中央金庫は、当該条件とされた資本金の額の減少についての株主総会又は種類株主総会の決議を得たとき又は得られなかつたときは、直ちに、内閣総理大臣に、その旨を報告し、かつ、当該株主総会の議事録その他政令で定める書面を提出し、あわせて、機構にその旨を通知しなければならない。

(3) In the event that a decision is made under paragraph (4) of the preceding Article whereby the subscription for shares is conditioned upon a reduction in the amount of stated capital made pursuant to the provisions of paragraph (1), the Bank, etc. or Bank Holding Company, etc. or the Subject Subsidiary Company of said Bank Holding Company, etc. or The Shoko Chukin Bank, Ltd. that is subject to said decision shall, when it has obtained or failed to obtain a resolution of a shareholders meeting or class meeting with respect to said reduction in the amount of stated capital, immediately report such fact and submit the minutes of the shareholders meeting and other documents specified by a Cabinet Order to the Prime Minister, and shall also notify the Corporation to that effect.

4 内閣総理大臣は、前項に規定する場合において、同項の条件とされた資本金の額の減少についての株主総会又は種類株主総会の決議を得られなかつたときは、当該銀行等若しくは対象子会社又は株式会社商工組合中央金庫について第一号措置に係る認定を取り消すとともに、当該銀行等若しくは銀行持株会社等又は株式会社商工組合中央金庫について前条第四項の決定を取り消すものとする。

(4) In the case prescribed in the preceding paragraph, if a resolution by a shareholders meeting or class meeting is not obtained for the reduction in the amount of stated capital that is prescribed as the condition under said paragraph, the Prime Minister is to rescind the Confirmation pertaining to the Measures Under Item (i) with respect to said Bank, etc., Subject Subsidiary Company, or The Shoko Chukin Bank, Ltd. and also rescind the decision under paragraph (4) of the preceding Article with respect to said Bank, etc., Bank

Holding Company, etc., or The Shoko Chukin Bank, Ltd.

5 第二条第五項及び第六項並びに第四条第六項及び第八項の規定は前項の規定による第一号措置に係る認定の取消しについて、同条第九項（第二条第二項に係る部分を除く。）の規定はこの項において準用する第四条第八項の規定による第二号措置に係る認定について、前条第六項の規定は前項の規定により同条第四項の決定を取り消したときについて、それぞれ準用する。

(5) The provisions of Article 102, paragraphs (5) and (6) and Article 104, paragraphs (6) and (8) apply mutatis mutandis to the rescission of Confirmation pertaining to the Measures Under Item (i) under the preceding paragraph, the provisions of Article 104, paragraph (9) (excluding the part pertaining to Article 102, paragraph (2)) apply mutatis mutandis to the Confirmation pertaining to the Measures Under Item (ii) under Article 104, paragraph (8) as applied mutatis mutandis pursuant to this paragraph, and the provisions of paragraph (6) of the preceding Article apply mutatis mutandis to the event that a decision under paragraph (4) of the preceding Article is rescinded pursuant to the provisions of the preceding paragraph.

6 前条第四項の決定を受ける金融機関が株式会社商工組合中央金庫である場合における第一項及び第三項の規定の適用については、これらの規定中「内閣総理大臣」とあるのは、「内閣総理大臣、財務大臣及び経済産業大臣」とする。

(6) For the purpose of applying the provisions of paragraphs (1) and (3) in the event that a Financial Institution subject to a decision under paragraph (4) of the preceding Article is The Shoko Chukin Bank, Ltd., the term "the Prime Minister" in these provisions is to be deemed to be "the Prime Minister, the Minister of Finance, and the Minister of Economy, Trade and Industry."

(機構による株式等の引受け等)

(Subscription for Shares, etc. by Corporation)

第百七条 機構は、第百五条第四項の決定がされたときは、当該決定に従い、株式等の引受け等を行うものとする。

Article 107 (1) When a decision is made under Article 105, paragraph (4), the Corporation is to execute the Subscription for Shares, etc. in accordance with said decision.

2 機構は、前項の規定に基づき株式等の引受け等を行ったときは、速やかに、その内容を内閣総理大臣及び財務大臣（当該株式等の発行者が労働金庫又は労働金庫連合会である場合にあつては内閣総理大臣及び財務大臣並びに厚生労働大臣とし、当該株式等の発行者が株式会社商工組合中央金庫である場合にあつては内閣総理大臣及び財務大臣並びに経済産業大臣とする。）に報告しなければならない。

(2) The Corporation shall, when it has executed the Subscription for Shares, etc. under the preceding paragraph, promptly report the details thereof to the Prime Minister and the Minister of Finance (in the event that the issuer of the Shares, etc. is a labor bank or The Rokinren Bank, the Prime Minister, the

Minister of Finance, and the Minister of Health, Labour and Welfare, and in the event that the issuer of the Shares, etc. is The Shoko Chukin Bank, Ltd., the Prime Minister, the Minister of Finance, and the Minister of Economy, Trade and Industry).

3 銀行持株会社等が第百五条第二項の申込みをした場合において、機構が、同条第四項の決定に従い、当該銀行持株会社等が発行する株式の引受けを行つたときは、当該銀行持株会社等は、遅滞なく、その対象子会社に対して株式等の引受け等（当該株式等の引受け等の額が当該株式の引受けの額を下回らないものに限る。）を行わなければならない。

(3) In the case of a Bank Holding Company, etc. that has made an application prescribed in Article 105, paragraph (2), if the Corporation has executed the subscription for shares issued by the Bank Holding Company, etc. in accordance with a decision under Article 105, paragraph (4), said Bank Holding Company, etc. shall execute the Subscription for Shares, etc. (limited to the cases where the amount of said Subscription for Shares, etc. is not less than the amount of said subscription for shares) without delay with respect to the Subject Subsidiary Company.

(会社が発行する株式の総数の増加の特例)

(Special Provisions for Restrictions on Increase in Total Number of Shares Issued by Company)

第百七条の二 第百五条第一項又は第二項の申込みが株式又は劣後特約付社債（新株予約権が付されているものに限る。以下この条において同じ。）の引受けである場合において、内閣総理大臣（当該株式又は劣後特約付社債の発行者が株式会社商工組合中央金庫である場合にあつては、内閣総理大臣、財務大臣及び経済産業大臣）が当該申込みに係る同条第四項の決定を行つたときは、当該申込みをした金融機関又は銀行持株会社等の発行済株式の総数、当該発行済株式に係る転換の請求による転換又は一定の事由が生じたことを原因とする転換によつて増加すべき株式の数及び既に発行された新株予約権の行使による交付によつて増加すべき株式の数に、当該引受けに係る株式の数、当該引受けに係る株式の転換の請求による発行によつて増加すべき株式の数及び当該引受けに係る劣後特約付社債に付された新株予約権の行使による発行によつて増加すべき株式の数を加えた数（以下この項において「引受後株式総数」という。）が、当該発行済株式の総数の四倍を超えるときは、当該金融機関又は当該銀行持株会社等は、会社法第百十三条第三項の規定にかかわらず、第百五条第四項の決定に従つた株式又は劣後特約付社債の引受けが行われることを条件として、引受後株式総数の四倍に相当する数に達するまで当該金融機関又は当該銀行持株会社等が発行する株式の総数を増加させることができる。

Article 107-2 (1) In the event that an application prescribed in Article 105, paragraph (1) or (2) is for subscription for shares or subordinated bonds (limited to those with share options; hereinafter the same applies in this Article), when the Prime Minister (in the event that the issuer of shares or

subordinated bonds is The Shoko Chukin Bank, Ltd., the Prime Minister, the Minister of Finance, and the Minister of Economy, Trade and Industry) has made a decision under Article 105, paragraph (4) pertaining to said application, if the total number of issued shares of the Financial Institution or Bank Holding Company, etc. that has made said application, the number of shares to be increased as a result of conversion pursuant to a request for conversion pertaining to said issued shares or conversion upon the occurrence of certain events, and the number of shares to be increased as a result of the delivery of shares following the exercise of share options which have already been issued, coupled with the number of shares pertaining to said subscription, the number of shares to be increased as a result of the issuance of shares pursuant to a request for conversion pertaining to said subscription, and the number of shares to be increased as a result of the issuance of shares following the exercise of share options attached to subordinated bonds pertaining to said subscription (hereinafter referred to as the "Total Number of Shares after Subscription" in this paragraph) exceeds the number four times the total number of issued shares, said Financial Institution or Bank Holding Company, etc. may, notwithstanding the provisions of Article 113, paragraph (3) of the Companies Act, increase the total number of shares issued by said Financial Institution or Bank Holding Company, etc. to the number equal to four times the Total Number of Shares after Subscription, on condition that the subscription for shares or subordinated bonds is executed in accordance with the decision under Article 105, paragraph (4).

2 前項の規定に基づき金融機関又は銀行持株会社等がその発行する株式の総数を増加させる場合における当該増加による変更の登記の申請書に関する商業登記法（昭和三十八年法律第百二十五号）第四十六条第二項の規定の適用については、同項中「その議事録」とあるのは、「その議事録及び預金保険法（昭和四十六年法律第三十四号）第百五条第四項の決定に従った株式又は劣後特約付社債の引受けを証する書面」とする。

(2) In the event that a Financial Institution or Bank Holding Company, etc. increases the total number of shares to be issued based on the provisions of the preceding paragraph, for the purpose of applying the provisions of Article 46, paragraph (2) of the Commercial Registration Act (Act No. 125 of 1963) concerning a written application for a registration of change due to said increase, the term "the minutes" in Article 46, paragraph (2) of said Act is to be deemed to be "the minutes and documents evidencing the subscription for shares or subordinated bonds in accordance with a decision under Article 105, paragraph (4) of the Deposit Insurance Act (Act No. 34 of 1971)."

(議決権制限株式の発行の特例)

(Special Provisions for Issuance of Shares with Restricted Voting Rights)

第一百七条の三 会社法第百十五条の規定の適用については、第一号措置に係る認定に係る金融機関又は当該金融機関を対象子会社とする銀行持株会社等が第百五条第四項の決定に従い発行する議決権制限株式（同法第百十五条に規定する議決権制限株式をいう。以下この条において同じ。）は、ないものとみなす。

Article 107-3 (1) For the purpose of applying the provisions of Article 115 of the Companies Act, it is deemed that no shares with restricted voting rights (meaning the shares with restricted voting rights prescribed in Article 115 of said Act; hereinafter the same applies in this Article) have been issued in accordance with a decision under Article 105, paragraph (4) by a Financial Institution or Bank Holding Company, etc. that has said Financial Institution as its Subject Subsidiary Company and is subject to the Confirmation pertaining to the Measures Under Item (i).

2 前項の金融機関又は銀行持株会社等が第百五条第四項の決定に従い議決権制限株式を発行する場合には、当該議決権制限株式の発行による変更の登記においては、その旨をも登記しなければならない。

(2) In the event that shares with restricted voting rights are issued in accordance with a decision under Article 105, paragraph (4) by a Financial Institution or Bank Holding Company, etc. referred to in the preceding paragraph, registration to that effect shall be made in registering a change resulting from the issuance of said shares with restricted voting right.

3 前項の場合における商業登記法第五十六条の規定の適用については、同条中「次の書面」とあるのは、「次の書面及び預金保険法（昭和四十六年法律第三十四号）第百五条第四項の決定に従った議決権制限株式の発行であることを証する書面」とする。

(3) For the purpose of applying the provisions of Article 56 of the Commercial Registration Act in the case referred to in the preceding paragraph, the term "the following documents" in said Article is to be deemed to be "the following documents and documents evidencing the fact that the issuance of shares with restricted voting right is in accordance with a decision under Article 105, paragraph (4) of the Deposit Insurance Act (Act No. 34 of 1971)."

（優先出資の発行の特例）

(Special Provisions for Issuance of Preferred Equity Investments)

第一百七条の四 優先出資法第四条第二項の規定の適用については、第一号措置に係る認定に係る金融機関が第百五条第四項の決定に従い発行する優先出資は、ないものとみなす。

Article 107-4 (1) For the purpose of applying the provisions of Article 4, paragraph (2) of the Preferred Equity Investment Act, it is deemed that no preferred equity investments have been issued in accordance with a decision under Article 105, paragraph (4) by a Financial Institution that is subject to the Confirmation pertaining to the Measures Under Item (i).

2 前項の金融機関が第百五条第四項の決定に従い優先出資を発行する場合には、当該

優先出資の発行による変更の登記においては、政令で定めるところにより、その旨をも登記しなければならない。

- (2) In the event that preferred equity investments have been issued in accordance with a decision under Article 105, paragraph (4) by a Financial Institution referred to in the preceding paragraph, registration to that effect shall be made pursuant to the provisions of a Cabinet Order in registering a change resulting from the issuance of said preferred equity investments.

(計画の公表等)

(Publication of Plan, etc.)

第百八条 内閣総理大臣は、第百五条第四項の決定をしたときは、同条第三項の規定により提出を受けた経営健全化計画を公表するものとする。ただし、信用秩序を損なうおそれのある事項、当該経営健全化計画を提出した金融機関（当該経営健全化計画を連名で提出した銀行持株会社等及びその子会社等（銀行法第五十二条の二十五（長期信用銀行法第十七条において準用する場合を含む。）に規定する子会社等である銀行等をいう。）を含む。以下この項において同じ。）の預金者等その他の取引者の秘密を害するおそれのある事項及び当該金融機関の業務の遂行に不当な不利益を与えるおそれのある事項については、この限りでない。

Article 108 (1) The Prime Minister is to, upon making a decision under Article 105, paragraph (4), make public the management soundness improvement plan submitted under Article 105, paragraph (3); provided, however, that this does not apply to matters for which disclosure is likely to harm an orderly financial system, divulge any secret of Depositors, etc. or business customers of a Financial Institution that has submitted the management soundness improvement plan (including a Bank Holding Company, etc. and its subsidiary company, etc. (meaning a subsidiary company, etc. that is a Bank, etc. prescribed in Article 52-25 of the Banking Act (including the cases where it is applied mutatis mutandis pursuant to Article 17 of the Long-Term Credit Bank Act)) that have submitted said management soundness improvement plan in joint names; hereinafter the same applies in this paragraph), or bring undue disadvantage to the conduct of business by said Financial Institution.

2 内閣総理大臣は、機構が取得株式等又は取得貸付債権（機構が第一号措置により取得した貸付債権をいう。以下この章において同じ。）の全部につきその処分をし、又は償還若しくは返済を受けるまでの間、当該第一号措置の認定に係る金融機関（第百五条第三項の規定により経営健全化計画を連名で提出した銀行持株会社等を含む。）に対し、同項の規定により提出を受けた経営健全化計画の履行状況につき報告を求め、これを公表することができる。

- (2) Until such time when the Corporation makes a disposition or receives a redemption or repayment with respect to the whole of acquired Shares, etc. or acquired loan claims (meaning loan claims acquired by the Corporation pursuant to the Measures Under Item (i); hereinafter the same applies in this

Chapter), the Prime Minister may request a Financial Institution subject to Confirmation pertaining to said Measures Under Item (i) (including the Bank Holding Company, etc. that has submitted a management soundness improvement plan under Article 105, paragraph (3) in joint names with said Financial Institution) to report the status of implementation of the management soundness improvement plan submitted under Article 105, paragraph (3) and make such report public.

3 前項の「取得株式等」とは、次に掲げるものをいう。

(3) The term "acquired Shares, etc." as used in the preceding paragraph means the following:

一 機構が第一号措置により取得した株式等（次に掲げるものを含む。）その他の政令で定める株式等

(i) The Shares, etc. (including the following) acquired by the Corporation pursuant to the Measures Under Item (i) and other Shares, etc. specified by a Cabinet Order:

イ 当該株式等が株式である場合にあつては、次に掲げる株式

(a) In the event that the Shares, etc. are shares the shares specified below.

(1) 当該株式が他の種類の株式への転換の請求が可能とされるものである場合にあつては、その請求により転換された他の種類の株式

1. In the event that a request can be made for the conversion of said shares into shares of another class: shares of the other class into which said shares are converted pursuant to the request.

(2) 当該株式が一定の事由が生じたことを条件として転換されるものである場合にあつては、その事由が生じたことにより転換された他の種類の株式

2. In the event that said shares are convertible upon the occurrence of certain events: shares of the other class into which said shares are converted as a result of such occurrence.

(3) 当該株式又は(1)若しくは(2)に掲げる他の種類の株式について分割され又は併合された株式

3. Shares split or consolidated with respect to said shares or the shares of another class specified in 1 or 2.

ロ 当該株式等が劣後特約付社債である場合にあつては、当該劣後特約付社債に新株予約権が付されているときにその行使により交付された株式及びこれについて分割され又は併合された株式

(b) In the event that said Shares, etc. are subordinated bonds: shares delivered through the exercise of share options attached to said subordinated bonds and shares split or consolidated with respect thereto.

ハ 当該株式等が優先出資である場合にあつては、当該優先出資について分割された優先出資

(c) In the event that said Shares, etc. are preferred equity investments: preferred equity investments split with respect to said preferred equity

investments.

二 機構が第一号措置により株式等の引受け等を行つた金融機関又は銀行持株会社等の株式交換又は株式移転により当該金融機関又は銀行持株会社等の株式交換完全親株式会社又は株式移転設立完全親会社となつた会社から機構が割当てを受けた株式（次に掲げるものを含む。）その他の政令で定める株式等

(ii) The shares (including the following) allotted to the Corporation by a company that has become a wholly owning parent stock company in a share exchange or wholly owning parent company incorporated through a share transfer of a Financial Institution or Bank Holding Company, etc. with respect to whom the Corporation has executed the Subscription for Shares, etc. pursuant to the Measures Under Item (i) and other Shares, etc. specified by a Cabinet Order.

イ 当該株式が他の種類の株式への転換の請求が可能とされるものである場合にあっては、その請求により転換された他の種類の株式

(a) In the event that a request can be made for the conversion of said shares into shares of another class: shares of the other class into which said shares are converted pursuant to the request.

ロ 当該株式が一定の事由が生じたことを条件として転換されるものである場合にあっては、その事由が生じたことにより転換された他の種類の株式

(b) In the event that said shares are convertible upon the occurrence of certain events, shares of another class into which said shares are converted as a result of such occurrence.

ハ 当該株式又はイ若しくはロに掲げる他の種類の株式について分割され又は併合された株式

(c) The shares split or consolidated with respect to said shares or the shares of another class specified in (a) or (b).

（第一号措置に係る株式交換等の認可）

(Authorization for Share Exchange, etc. Pertaining to Measures Under Item (i))  
第百八条の二 第百五条第四項の決定に従い機構が株式等の引受け等を行つた金融機関又は銀行持株会社等（この項の認可を受けた場合における次項第一号に規定する会社を含む。）であつて、機構が現に保有する取得株式等（前条第三項に規定する取得株式等をいう。以下この章において同じ。）である株式の発行者であるもの（以下この条及び次条において「発行金融機関等」という。）は、株式交換（当該発行金融機関等が株式交換完全子会社となるものに限る。）又は株式移転（以下この条において「株式交換等」という。）を行おうとするときは、あらかじめ、内閣総理大臣の認可を受けなければならない。

Article 108-2 (1) A Financial Institution or Bank Holding Company, etc.

(including a company prescribed in item (i) of the following paragraph in the event that the authorization set forth in this paragraph is given) with respect to which the Corporation has executed the Subscription for Shares, etc. in



accordance with a decision under Article 105, paragraph (4), which has issued acquired Shares, etc. (meaning acquired Shares, etc. prescribed in paragraph (3) of the preceding Article; hereinafter the same applies in this Chapter) actually held by the Corporation (hereinafter referred to as "Issuing Financial Institution, etc." in this Article and the following Article) shall obtain authorization from the Prime Minister in advance if said Financial Institution or Bank Holding Company, etc. intends to effect a share exchange (limited to those through which the Issuing Financial Institution, etc. becomes a wholly owned subsidiary company in share exchange) or share transfer (hereinafter referred to as "Share Exchange, etc." in this Article).

2 内閣総理大臣は、次に掲げる要件のすべてに該当する場合に限り、前項の認可をするものとする。

(2) The Prime Minister is to give the authorization set forth in the preceding paragraph only if all of the following requirements are satisfied:

一 株式交換等により当該発行金融機関等の株式交換完全親株式会社又は株式移転設立完全親会社となる会社が銀行持株会社等（新たに設立されるものを含む。）であること。

(i) A company that is to become, through the Share Exchange, etc., a wholly owning parent stock company in share exchange or wholly owning parent company incorporated through share transfer of the Issuing Financial Institution, etc. is a Bank Holding Company, etc. (including those that will be newly established);

二 株式交換等により機構が割当てを受ける取得株式等となる株式の種類が当該株式交換等の前において機構が保有する取得株式等である株式の種類と同一のものと認められ、かつ、当該株式交換等の後において機構が保有する取得株式等である株式に係る議決権が前号に規定する会社の総株主の議決権に占める割合が、当該株式交換等の前において機構が保有する取得株式等である株式に係る議決権が当該発行金融機関等の総株主の議決権に占める割合と比べて著しく低下する場合でないこと。

(ii) The type of acquired Shares, etc. to be allotted to the Corporation through the Share Exchange, etc. is found to be the same as the type of acquired Shares, etc. actually held by the Corporation prior to said Share Exchange, etc., and the ratio of voting rights pertaining to acquired Shares, etc. actually held by the Corporation after said Share Exchange, etc. to voting rights of all shareholders of the company prescribed in the preceding item is not significantly lower than the ratio of voting rights pertaining to acquired Shares, etc. held by the Corporation prior to said Share Exchange, etc. to voting rights of all shareholders of said Issuing Financial Institution, etc.

三 株式交換等により当該取得株式等である株式の処分をすることが困難になると認められる場合でないこと。

(iii) There will be no difficulty in disposing of the acquired Shares, etc. following the Share Exchange, etc.

3 発行金融機関等が第一項の認可を受けて株式交換等を行つたときは、当該発行金融機関等又はその子会社であつて、第百五条第四項の決定に従い機構が株式等の引受け等を行つた金融機関又は同項の決定に従い機構が株式の引受けを行つた銀行持株会社等の対象子会社（次条第四項に規定する承継子会社を含む。）であるものは、その実施している経営健全化計画（第百五条第三項の規定、この項の規定又は次条第四項において準用する同条第三項の規定により提出したものをいう。）に代えて、当該経営健全化計画に記載された方策（当該経営健全化計画を連名で提出した銀行持株会社等の経営体制に係る部分を除く。）のほか、当該株式交換等により当該発行金融機関等の株式交換完全親株式会社又は株式移転設立完全親会社となつた会社における責任ある経営体制の確立のための方策その他の政令で定める方策を記載した経営健全化計画を、当該株式交換等により当該発行金融機関等の株式交換完全親株式会社又は株式移転設立完全親会社となつた会社と連名で、内閣総理大臣に提出しなければならない。

(3) When the Issuing Financial Institution, etc. has executed a Share Exchange, etc. following the authorization set forth in paragraph (1), said Issuing Financial Institution, etc., a Financial Institution that is a subsidiary company of said Issuing Financial Institution, etc. with respect to which the Corporation has executed the Subscription for Shares, etc. in accordance with a decision under Article 105, paragraph (4), or the Subject Subsidiary Company (including the succeeding subsidiary company prescribed in paragraph (4) of the following Article) of the Bank Holding Company, etc. with respect to which the Corporation has executed the subscription for shares in accordance with a decision under Article 105, paragraph (4) shall submit to the Prime Minister, in joint names with a company that has become, through said Share Exchange, etc., a wholly owning parent stock company in a share exchange or wholly owning parent company incorporated through a share transfer of said Issuing Financial Institution, etc., a new management soundness improvement plan to replace the management soundness improvement plan that has been implemented (meaning the plan submitted under Article 105, paragraph (3), this paragraph, or paragraph (3) of the following Article as applied mutatis mutandis pursuant to the provisions of paragraph (4) of the following Article), stating, in addition to the measures stated in said management soundness improvement plan (excluding the part pertaining to the management system of the Bank Holding Company, etc. in joint names with whom said management soundness improvement plan was submitted), measures to establish a responsible management system in a company that has become, through the Share Exchange, etc., a wholly owning parent stock company in a share exchange or wholly owning parent company incorporated through a share transfer of said Issuing Financial Institution, etc., and other measures specified by a Cabinet Order.

4 前条の規定は、内閣総理大臣が前項の規定により提出を受けた経営健全化計画について準用する。この場合において、同条第二項中「金融機関（第百五条第三項の規定

により」とあるのは、「経営健全化計画を第百八条の二第三項の規定により提出した金融機関（当該」と読み替えるものとする。

- (4) The provisions of the preceding Article apply mutatis mutandis to the management soundness improvement plan submitted to the Prime Minister under the preceding paragraph. In this case, the term "Financial Institution ... (... that has submitted a management soundness improvement plan under Article 105, paragraph (3))" in paragraph (2) of the preceding Article is to be deemed to be replaced with "Financial Institution ... that has submitted a management soundness improvement plan under Article 108-2, paragraph (3) (... that has submitted said management soundness improvement plan."

(第一号措置に係る組織再編成の認可)

(Authorization for Corporate Reorganization Pertaining to Measures Under Item (i))

第百八条の三 第百五条第四項の決定に従い機構が株式等の引受け等を行つた金融機関（この項の認可を受けた場合における次項第一号に規定する承継金融機関を含む。）であつて機構が現に保有する取得株式等又は取得貸付債権に係る発行者又は債務者であるもの（以下この条において「対象金融機関」という。）は、合併、会社分割、会社分割による事業の承継又は事業譲渡等（以下この条において「組織再編成」という。）を行おうとするときは、あらかじめ、内閣総理大臣（当該対象金融機関が労働金庫又は労働金庫連合会である場合にあつては内閣総理大臣及び厚生労働大臣とし、株式会社商工組合中央金庫である場合にあつては内閣総理大臣、財務大臣及び経済産業大臣とする。次項及び第百五十一条第一項において同じ。）の認可を受けなければならない。

Article 108-3 (1) A Financial Institution (including a Succeeding Financial Institution prescribed in item (i) of the following paragraph in the event that the authorization set forth in this paragraph is given) with respect to which the Corporation has executed the Subscription for Shares, etc. in accordance with a decision under Article 105, paragraph (4), which is an issuer of acquired Shares, etc. or obligor of acquired loan claims actually held by the Corporation (hereinafter referred to as "Subject Financial Institution" in this Article) shall, if it intends to undertake the succession to business through a merger, company split, or Business Transfer, etc. (hereinafter referred to as "Corporate Reorganization" in this Article), obtain authorization from the Prime Minister (in the event that the Subject Financial Institution is a labor bank or The Rokinren Bank, the Prime Minister and the Minister of Health, Labour and Welfare, in the event that such Financial Institution is The Shoko Chukin Bank, Ltd., the Prime Minister, the Minister of Finance, and the Minister of Economy, Trade and Industry; the same applies in the following paragraph and Article 151, paragraph (1)) in advance.

2 内閣総理大臣は、次に掲げる要件のすべてに該当する場合に限り、前項の認可をす

るものとする。

(2) The Prime Minister is to give the authorization set forth in the preceding paragraph only if all of the following requirements are satisfied:

一 組織再編成の後において機構が保有する取得株式等又は取得貸付債権に係る発行者又は債務者となる法人が当該対象金融機関であること又は当該対象金融機関が実施している経営健全化計画（第百五条第三項又は次項の規定により提出したものをいう。）に係る事業（以下この項において「経営健全化関連業務」という。）の全部を承継する他の金融機関（新たに設立されるものを含む。以下この条において「承継金融機関」という。）であること。

(i) A corporation who is to become an issuer of acquired Shares, etc. or obligor of acquired loan claims held by the Corporation after the Corporate Reorganization is the Subject Financial Institution or is another Financial Institution (including those that will be newly established; hereinafter referred to as the "Succeeding Financial Institution" in this Article) that succeeds to the whole of the business pertaining to said management soundness improvement plan (meaning the plan submitted under Article 105, paragraph (3) or the following paragraph) that has been implemented by said Subject Financial Institution (hereinafter referred to as "Management Soundness Improvement Operations" in this paragraph);

二 組織再編成により当該対象金融機関（承継金融機関を含む。）の経営の健全化が阻害されないこと。

(ii) The management soundness improvement of the Subject Financial Institution (including the Succeeding Financial Institution) is not hindered as a result of the Corporate Reorganization;

三 経営健全化関連業務の承継が行われるときは、当該承継が円滑かつ適切に行われる見込みが確実であること。

(iii) It can be expected with certainty that, when the Management Soundness Improvement Operations are to be succeeded to, such succession will be conducted smoothly and appropriately;

四 組織再編成により当該取得株式等又は取得貸付債権につき、その処分をし、又は償還若しくは返済を受けることが困難になると認められる場合でないこと。

(iv) There will be no difficulty in making a disposition or receiving a redemption or repayment with respect to said acquired Shares, etc. or acquired loan claims following the Corporate Reorganization; and

五 その他政令で定める要件

(v) Other requirements specified by a Cabinet Order.

3 対象金融機関が第一項の認可を受けて組織再編成を行った場合において、当該組織再編成に係る承継金融機関があるときは、当該承継金融機関は、経営の合理化のための方策、責任ある経営体制の確立のための方策その他の政令で定める方策を定めた経営健全化計画を内閣総理大臣（当該承継金融機関が労働金庫又は労働金庫連合会である場合にあつては内閣総理大臣及び厚生労働大臣とし、株式会社商工組合中央金庫で

ある場合にあつては内閣総理大臣、財務大臣及び経済産業大臣とする。第八項において同じ。)に提出しなければならない。

(3) In the event that the Subject Financial Institution has conducted the Corporate Reorganization following the authorization set forth in paragraph (1), when there is any Succeeding Financial Institution pertaining to said Corporate Reorganization, said Succeeding Financial Institution shall submit a management soundness improvement plan, setting forth measures to achieve the rationalization of management, measures to establish a responsible management system, and other measures specified by a Cabinet Order, to the Prime Minister (in the event that said Succeeding Financial Institution is a labor bank or The Rokinren Bank, the Prime Minister and the Minister of Health, Labour and Welfare, and in the event that such Financial Institution is The Shoko Chukin Bank, Ltd., the Prime Minister, the Minister of Finance, and the Minister of Economy, Trade and Industry; the same applies in paragraph (8)).

4 前三項の規定は、第百五条第四項の決定に従い機構が株式の引受けを行つた銀行持株会社等の対象子会社又は同項の決定に従い機構が株式等の引受け等を行つた金融機関(承継金融機関を含む。)であつて当該金融機関が行う株式交換若しくは株式移転により対象金融機関でなくなつたもの(承継子会社(この項において準用する第二項第一号に規定する他の金融機関をいう。以下この条において同じ。))を含む。以下この条において「対象子会社等」という。)のうち、経営健全化計画(第百五条第三項の規定、前条第三項(第八項において準用する場合を含む。))の規定、この項において準用する前項の規定又は第七項の規定により提出したものをいう。)を実施しているものについて準用する。この場合において、第一項中「合併、会社分割」とあるのは「機構が当該経営健全化計画に係る第百五条第四項の決定に従い株式等の引受け等を行つた金融機関又は銀行持株会社等に係る取得株式等又は取得貸付債権の全部につきその処分をし、又は償還若しくは返済を受けるまでの間、合併、会社分割」と、第二項中「組織再編成の後において機構が保有する取得株式等又は取得貸付債権に係る発行者又は債務者となる法人が当該対象金融機関であること又は当該対象金融機関が実施している経営健全化計画(第百五条第三項又は次項の規定により提出したものをいう。)に係る事業」とあるのは「当該経営健全化計画を当該対象子会社等と連名で提出した銀行持株会社等が、当該対象子会社等又は組織再編成の後において当該経営健全化計画に係る事業」と、「以下この条において「承継金融機関」という。)であること」とあるのは「)を子会社とする銀行持株会社等であること」と、「承継金融機関を含む」とあるのは「承継子会社を含む」と、前項中「承継金融機関」とあるのは「承継子会社」と、「経営の合理化のための方策」とあるのは「第二項第一号に規定する銀行持株会社等と連名で、経営の合理化のための方策」と読み替えるものとする。

(4) The provisions of the preceding three paragraphs apply mutatis mutandis to the Subject Subsidiary Company of the Bank Holding Company, etc. with respect to which the Corporation has executed the subscription for shares in

accordance with a decision under Article 105, paragraph (4) or the Financial Institution (including the Succeeding Financial Institution) with respect to which the Corporation has executed the Subscription for Shares, etc. in accordance with a decision under Article 105, paragraph (4) that has ceased to be a Subject Financial Institution as a result of said share exchange or share transfer effected by said Financial Institution (including a succeeding subsidiary company (meaning another Financial Institution prescribed in item (i) of paragraph (2) as applied mutatis mutandis pursuant to this paragraph; hereinafter the same applies in this Article); hereinafter referred to as "Subject Subsidiary Company, etc." in this Article) that has been implementing a management soundness improvement plan (meaning a plan submitted under Article 105, paragraph (3), paragraph (3) of the preceding Article (including the cases where it is applied mutatis mutandis pursuant to paragraph (8)), the preceding paragraph as applied mutatis mutandis pursuant to this paragraph, or paragraph (7)). In this case, the term "if it intends to undertake the succession to business through a merger, company split" in paragraph (1) is to be deemed to be replaced with "until such time that the Corporation has made a disposition or received a redemption or repayment with respect to all of the acquired Shares, etc. or acquired loan claims pertaining to the Financial Institution or Bank Holding Company, etc. that has executed the Subscription for Shares, etc. in accordance with a decision under Article 105, paragraph (4) pertaining to the relevant management soundness improvement plan, if it intends to undertake the succession to business through a merger, company split," the terms "A corporation who is to become an issuer of acquired Shares, etc. or obligor of acquired loan claims held by the Corporation after the Corporate Reorganization is the Subject Financial Institution or is another... (meaning the plan submitted under Article 105, paragraph (3) or the following paragraph) that has been implemented by said Subject Financial Institution (meaning the plan submitted under Article 105, paragraph (3) or the following paragraph) that has been implemented by said Subject Financial Institution (hereinafter referred to as "Management Soundness Improvement Operations" in this paragraph)" and "including the Succeeding Financial Institution" in paragraph (2) are to be deemed to be replaced with "A Bank Holding Company, etc. that has submitted said management soundness improvement plan in joint names with said Subject Subsidiary Company, etc. is a Bank Holding Company, etc. having as its subsidiary ... (hereinafter referred to as "Management Soundness Improvement Operations" in this paragraph) or to said Subject Subsidiary Company, etc.", and "including a succeeding subsidiary company," respectively, and the terms "Succeeding Financial Institution" and "setting forth measures to achieve the rationalization of management" in the preceding paragraph are to be deemed to be replaced with "succeeding subsidiary

company" and "in joint names with the Bank Holding Company, etc. prescribed in item (i) of paragraph (2), setting forth measures to achieve the rationalization of management" respectively.

- 5 対象金融機関以外の発行金融機関等（この項の認可を受けた場合における次項第一号に規定する他の銀行持株会社等又は第八項において準用する前条第一項の認可を受けた場合における第八項において準用する同条第二項第一号に規定する会社であつて、機構が現に保有する取得株式等である株式の発行者であるもの（以下この条において「組織再編成後発行銀行持株会社等」という。）を含む。次項において同じ。）は、組織再編成を行おうとするときは、あらかじめ、内閣総理大臣の認可を受けなければならない。

(5) The Issuing Financial Institution, etc. other than the Subject Financial Institution (including another Bank Holding Company, etc. prescribed in item (i) of the following paragraph in the event that the authorization set forth in this paragraph is granted, or company prescribed in item (i) of paragraph (2) of the preceding Article as applied mutatis mutandis pursuant to paragraph (8) in the event that the authorization set forth in paragraph (1) of the preceding Article as applied mutatis mutandis pursuant to paragraph (8) is granted which is an issuer of acquired Shares, etc. actually held by the Corporation (hereinafter referred to as "Issuing Bank Holding Company, etc. after Corporate Reorganization" in this Article); the same applies in the following paragraph) shall, if it intends to conduct Corporate Reorganization, obtain authorization from the Prime Minister in advance.

- 6 内閣総理大臣は、次に掲げる要件のすべてに該当する場合に限り、前項の認可をするものとする。

(6) The Prime Minister is to give the authorization set forth in the preceding paragraph only if all of the following requirements are satisfied:

- 一 組織再編成の後において機構が保有する取得株式等である株式の発行者となる会社が当該発行金融機関等であること又は当該発行金融機関等に係る対象子会社等を子会社とする他の銀行持株会社等（新たに設立されるものを含む。）であること。

(i) A company that is to become an issuer of acquired Shares, etc. held by the Corporation after the Corporate Reorganization is the Issuing Financial Institution, etc. or another Bank Holding Company, etc. (including those that will be newly established) having as its subsidiary the Subject Subsidiary Company, etc. pertaining to said Issuing Financial Institution, etc.;

- 二 組織再編成により当該発行金融機関等（前号に規定する他の銀行持株会社等を含む。）による当該発行金融機関等に係る対象子会社等の経営管理が阻害されないこと。

(ii) The business management by the Issuing Financial Institution, etc. (including another Bank Holding Company, etc. prescribed in the preceding item) of the Subject Financial Institution, etc. pertaining to said Issuing Financial Institution, etc. is not hindered as a result of the Corporate

**Reorganization;**

三 組織再編成により当該取得株式等である株式の処分をすることが困難になると認められる場合でないこと。

(iii) There will be no difficulty in disposing of the acquired Shares, etc. following the Corporate Reorganization; and

四 その他政令で定める要件

(iv) Other requirements specified by a Cabinet Order.

7 対象金融機関以外の発行金融機関等又は組織再編成後発行銀行持株会社等が第五項の認可を受けて組織再編成を行った場合において、前項第一号に規定する他の銀行持株会社等があるときは、当該発行金融機関等又は組織再編成後発行銀行持株会社等に係る対象子会社等は、その実施している経営健全化計画（第四項に規定する経営健全化計画をいう。）に代えて、当該経営健全化計画に記載された方策（当該経営健全化計画を連名で提出した銀行持株会社等の経営体制に係る部分を除く。）のほか、当該他の銀行持株会社等における責任ある経営体制の確立のための方策その他の政令で定める方策を記載した経営健全化計画を、当該他の銀行持株会社等と連名で、内閣総理大臣に提出しなければならない。

(7) In the event that the Issuing Financial Institution, etc. other than the Subject Financial Institution or the Issuing Bank Holding Company, etc. after Corporate Reorganization has conducted Corporate Reorganization following the authorization set forth in paragraph (5), if there is another Bank Holding Company, etc. prescribed in item (i) of the preceding paragraph, said Issuing Financial Institution, etc. or the Subject Subsidiary Company, etc. pertaining to the Issuing Bank Holding Company, etc. after Corporate Reorganization shall submit to the Prime Minister, in joint names with said another Bank Holding Company, etc., a new management soundness improvement plan to replace the management soundness improvement plan that has been implemented (meaning the management soundness improvement plan prescribed in paragraph (4)), stating, in addition to the measures stated in said management soundness improvement plan (excluding the part pertaining to the management system of the Bank Holding Company, etc. in joint names with whom said management soundness improvement plan was submitted), measures to establish a responsible management system in said another Bank Holding Company, etc., and other measures specified by a Cabinet Order.

8 第百八条第一項の規定は内閣総理大臣が第三項（第四項において準用する場合を含む。）又は前項の規定により提出を受けた経営健全化計画について、同条第二項の規定はこれらの経営健全化計画を提出した金融機関（これらの経営健全化計画を連名で提出した銀行持株会社等を含む。）について、前条の規定は承継金融機関であつて機構が現に保有する取得株式等である株式の発行者であるもの又は組織再編成後発行銀行持株会社等について、それぞれ準用する。この場合において、同条第三項中「第百五条第四項の決定に従い機構が株式等の引受け等を行った金融機関又は同項の決定に従い機構が株式の引受けを行った銀行持株会社等の対象子会社（次条第四項に規定す



る承継子会社を含む。）」とあるのは「対象子会社等」と、「第百五条第三項の規定、この項の規定又は次条第四項において準用する同条第三項の規定により提出したもの」とあるのは「第百八条の三第三項（同条第四項において準用する場合を含む。）の規定、同条第七項の規定又は同条第八項において準用する第百八条の二第三項の規定により提出したもの」と読み替えるものとする。

(8) The provisions of Article 108, paragraph (1) apply mutatis mutandis to the management soundness improvement plans submitted to the Prime Minister under paragraph (3) (including the cases where it is applied mutatis mutandis pursuant to paragraph (4)) or the preceding paragraph, the provisions of Article 108, paragraph (2) apply mutatis mutandis to the Financial Institution (including the Bank Holding Company, etc. in joint names with whom these management soundness improvement plans have been submitted) that has submitted these management soundness improvement plans, and the provisions of Article 108-2 apply mutatis mutandis to a Succeeding Financial Institution that is an issuer of acquired Shares, etc. actually held by the Corporation or the Issuing Bank Holding Company, etc. after Corporate Reorganization. In this case, the terms "a Financial Institution that is a subsidiary company of said Bank Holding Company, etc. with respect to which the Corporation has executed the Subscription for Shares, etc. in accordance with a decision under Article 105, paragraph (4), or the Subject Subsidiary Company (including the succeeding subsidiary company prescribed in paragraph (4) of the following Article)" and "the plan submitted under Article 105, paragraph (3), this paragraph, or paragraph (3) of the following Article as applied mutatis mutandis pursuant to the provisions of paragraph (4) of the following Article" in Article 108-2, paragraph (3) are to be deemed to be replaced with "the Subject Subsidiary Company, etc.," and "the plan submitted under Article 108-3, paragraph (3) (including the cases where it is applied mutatis mutandis pursuant to Article 108-3, paragraph (4)), Article 108-3, paragraph (7), or Article 108-2, paragraph (3) as applied mutatis mutandis pursuant to Article 108-3, paragraph (8)" respectively.

(取得株式等又は取得貸付債権の処分)

(Disposition of Acquired Shares, etc. or Acquired Loan Claims)

第百九条 機構は、取得株式等若しくは取得貸付債権について譲渡その他の処分を行おうとするときは、内閣総理大臣及び財務大臣（当該取得株式等又は取得貸付債権に係る発行者又は債務者が労働金庫又は労働金庫連合会である場合にあつては内閣総理大臣及び財務大臣並びに厚生労働大臣とし、当該取得株式等又は取得貸付債権に係る発行者又は債務者が株式会社商工組合中央金庫である場合にあつては内閣総理大臣及び財務大臣並びに経済産業大臣とする。次項において同じ。）の承認を受けなければならない。

Article 109 (1) The Corporation shall, if it intends to transfer or make any other

disposition of acquired Shares, etc. or acquired loan claims, obtain approval from the Prime Minister and the Minister of Finance (in the event that an issuer of said acquired Shares, etc. or obligor of acquired loan claims is a labor bank or The Rokinren Bank, from the Prime Minister, the Minister of Finance, and the Minister of Health, Labour and Welfare, and in the event that an issuer of said acquired Shares, etc. or obligor of acquired loan claims is The Shoko Chukin Bank, Ltd., from the Prime Minister, the Minister of Finance, and the Minister of Economy, Trade and Industry; the same applies in the following paragraph).

2 機構は、前項の処分を行ったときは、速やかに、その内容を内閣総理大臣及び財務大臣に報告しなければならない。

(2) Upon making a disposition prescribed in the preceding paragraph, the Corporation shall promptly report the details thereof to the Prime Minister and the Minister of Finance.

(管理を命ずる処分及び資金援助の特例)

(Special Provisions for Disposition Ordering Management and Financial Assistance)

第百十条 内閣総理大臣は、第百二条第一項又は第百四条第八項（第百五条第八項及び第百六条第五項において準用する場合を含む。）の規定による第二号措置に係る認定が行われた場合には、第七十四条第一項及び第二項の規定にかかわらず、直ちに、当該認定に係る金融機関に対し、管理を命ずる処分をするものとする。

Article 110 (1) When Confirmation pertaining to the Measures Under Item (ii) is given under Article 102, paragraph (1) or Article 104, paragraph (8) (including the cases where it is applied mutatis mutandis pursuant to Article 105, paragraph (8) and Article 106, paragraph (5)), the Prime Minister is to, notwithstanding the provisions of Article 74, paragraph (1) and (2), immediately issue a Disposition Ordering Management with respect to the Financial Institution subject to said Confirmation.

2 前項の規定による管理を命ずる処分があった場合におけるこの法律の適用については、当該処分を受けた金融機関（破綻金融機関を除く。）は、破綻金融機関とみなす。

(2) For the purpose of applying this Act in the event that a Disposition Ordering Management is issued under the preceding paragraph, the Financial Institution (excluding the Failed Financial Institution) subject to said Disposition Ordering Management is deemed to be the Failed Financial Institution.

3 第六十四条第二項の規定は、第一項の規定により管理を命ずる処分を受けた金融機関を破綻金融機関として行う合併等に係る資金援助について同条第一項の委員会の議決を行う場合には、適用しない。この場合において、委員会は、当該資金援助が当該金融機関の財務の状況に照らし当該資金援助に係る合併等が行われるために必要な範囲を超えていないと認めるときは、当該資金援助を行う旨の決議をすることができる。

(3) The provisions of Article 64, paragraph (2) do not apply to cases where a resolution by the Operation Committee prescribed in Article 64, paragraph (1) is to be adopted with respect to the Financial Assistance for a merger, etc. in which a Financial Institution that is subject to a Disposition Ordering Management under paragraph (1) is deemed to be the Failed Financial Institution. In this case, the Operation Committee may, if it finds, in light of the financial conditions of said Financial Institution, that the Financial Assistance does not exceed the scope necessary to carry out said merger, etc., adopt a resolution to provide Financial Assistance.

(特別危機管理銀行の株式の取得の決定)

(Decision on Acquisition of Shares of a Bank Under Special Crisis Management)

第百十一条 内閣総理大臣は、第三号措置に係る認定と同時に、機構が当該認定に係る銀行等の株式を取得することの決定（次項において「特別危機管理開始決定」という。）をするものとする。

Article 111 (1) The Prime Minister is to, at the time of granting the Confirmation pertaining to the Measures Under Item (iii), decide that the Corporation will acquire shares of the Bank, etc. subject to the Confirmation (referred to as "Decision on Commencement of Special Crisis Management" in the following paragraph).

2 内閣総理大臣は、特別危機管理開始決定をしたときは、その旨を機構及び当該特別危機管理開始決定を受けた銀行等（以下「特別危機管理銀行」という。）に通知するとともに、官報により、これを公告しなければならない。

(2) Upon making the Decision on Commencement of Special Crisis Management, the Prime Minister shall notify the Corporation and the Bank, etc. subject to said Decision on Commencement of Special Crisis Management (hereinafter referred to as "Bank Under Special Crisis Management") to that effect and give public notice thereof in the official gazette.

(株式の取得等)

(Acquisition of Shares, etc.)

第百十二条 前条第二項の規定による公告があつた場合には、特別危機管理銀行の株式は、当該公告があつた時（以下この章において「公告時」という。）に、機構が取得する。

Article 112 (1) When public notice is given under paragraph (2) of the preceding Article, the shares of the Bank Under Special Crisis Management will be acquired by the Corporation at the time of said public notice (hereinafter referred to as "Time of Public Notice" in this Chapter).

2 前項の規定により機構が取得した株式に係る株券は、公告時において無効とする。

(2) Share certificates for the shares acquired by the Corporation under the

preceding paragraph become invalid at the Time of Public Notice.

3 第一項の規定による株式の取得については、会社法第二百二十八条第一項本文及び第三百三十条第一項の規定は、適用しない。

(3) The provisions of the main clause of Article 128, paragraph (1) and Article 130, paragraph (1) of the Companies Act do not apply to the acquisition of shares under paragraph (1).

4 第一項の規定により機構が取得した株式を目的とする質権その他の担保権は、公告時において消滅する。

(4) Any pledge and other security interest in the shares acquired by the Corporation under paragraph (1) will be extinguished at the Time of Public Notice.

5 特別危機管理銀行が会社法第八十八条第二項（第九号に係る部分に限る。）の定款の定めをしているときは、当該定めは、公告時において廃止されたものとみなす。

(5) When the articles of incorporation of the Bank Under Special Crisis Management has provisions prescribed in Article 108, paragraph (2) of the Companies Act (limited to the part pertaining to item (ix)), said provisions are deemed to be abolished at the Time of Public Notice.

（特別危機管理銀行の財務の公表）

(Publication of Finances of Bank Under Special Crisis Management)

第百十三条 内閣総理大臣は、第百十一条第二項の公告をしたときは、内閣府令・財務省令で定めるところにより、公告時における特別危機管理銀行の資産及び負債の状況を公表するものとする。

Article 113 Upon giving public notice under Article 111, paragraph (2), the Prime Minister is to make public the conditions of assets and liabilities of the Bank Under Special Crisis Management as of the Time of Public Notice pursuant to the provisions of a Cabinet Office Ordinance and an Ordinance of the Ministry of Finance.

（特別危機管理銀行の役員等の選任及び解任の特例）

(Special Provisions for Appointment and Dismissal of Officers of Bank Under Special Crisis Management, etc.)

第百十四条 機構は、会社法第三百二十九条第一項及び第四百二条第二項の規定にかかわらず、内閣総理大臣の指名に基づき、特別危機管理銀行の取締役、執行役、会計参与、監査役及び会計監査人を選任することができる。この場合において、特別危機管理銀行の取締役、執行役、会計参与、監査役又は会計監査人の変更の登記の申請書には、指名及び選任を証する書面を添付しなければならない。

Article 114 (1) Notwithstanding the provisions of Article 329, paragraph (1) and Article 402, paragraph (2) of the Companies Act, the Corporation may, based on the designation of the Prime Minister, appoint a director, executive officer, accounting advisor, corporate auditor and accounting auditor of the Bank

Under Special Crisis Management. In this case, documents evidencing such designation and appointment shall be attached to a written application for a registration of change of director, executive officer, accounting advisor, corporate auditor or accounting auditor of the Bank Under Special Crisis Management.

2 機構は、会社法第三百三十九条第一項及び第四百三条第一項の規定にかかわらず、内閣総理大臣の承認を得て、特別危機管理銀行の取締役、執行役、会計参与、監査役又は会計監査人を解任することができる。

(2) Notwithstanding the provisions of Article 339, paragraph (1) and Article 403, paragraph (1) of the Companies Act, the Corporation may, with approval from the Prime Minister, dismiss a director, executive officer, accounting advisor, corporate auditor or accounting auditor of the Bank Under Special Crisis Management.

3 第一項の規定による選任又は前項の規定による解任があつたときは、会社法第三百二十九条第一項若しくは第三百三十九条第一項に規定する株主総会の決議又は同法第四百二条第二項若しくは第四百三条第一項に規定する取締役会の決議があつたものとみなす。

(3) When an appointment under paragraph (1) or dismissal under the preceding paragraph is made, it is to be deemed that there has been a resolution by shareholders meeting prescribed in Article 329, paragraph (1) or Article 339, paragraph (1) of the Companies Act or resolution by the board of directors prescribed in Article 402, paragraph (2) or Article 403, paragraph (1) of said Act.

(報告又は資料の提出等)

(Submission of Reports or Materials, etc.)

第百十五条 内閣総理大臣は、必要があると認めるときは、特別危機管理銀行及び特別危機管理銀行を所属金融機関とする金融機関代理業者に対し、その業務及び財産の状況等に関し報告若しくは資料の提出を求め、又はその経営に関する計画の作成及び提出その他必要な措置を命ずることができる。

Article 115 The Prime Minister may, if he/she finds it necessary, request the Bank Under Special Crisis Management and a Financial Institution agent having said Bank Under Special Crisis Management as its principal Financial Institution to submit reports or materials concerning the status of business and property, etc. or order the preparation and submission of a management plan and other necessary measures.

(特別危機管理銀行の経営者等の破綻の責任を明確にするための措置)

(Measures for Ascertaining Liability of Management, etc. for Failure of a Bank Under Special Crisis Management)

第百十六条 特別危機管理銀行は、その取締役、執行役、会計参与、監査役若しくは会

計監査人又はこれらの者であつた者の職務上の義務違反に基づく民事上の責任を履行させるため、訴えの提起その他の必要な措置をとらなければならない。

Article 116 (1) The Bank Under Special Crisis Management shall, in order to have its director, executive officer, accounting advisor, corporate auditor or accounting auditor or a person who previously held any of these positions perform civil liability based on a breach of obligations in the course of duties, file an action or take other necessary measures.

2 特別危機管理銀行の取締役、執行役、会計参与、監査役及び会計監査人は、その職務を行うことにより犯罪があると思料するときは、告発に向けて所要の措置をとらなければならない。

(2) A director, executive officer, accounting advisor, corporate auditor and accounting auditor of the Bank Under Special Crisis Management shall, when by carrying out his/her duty he/she considers that an offense has been committed, he/she shall take necessary measures toward filing an accusation.

(債権者保護手続の特例)

(Special Provisions for Procedures for Protection of Creditors)

第百十七条 第八十九条の規定は、特別危機管理銀行が資本金の額の減少の決議をした場合について準用する。

Article 117 The provisions of Article 89 apply mutatis mutandis to cases where the Bank Under Special Crisis Management has adopted a resolution for reduction in the amount of stated capital.

(特別危機管理銀行に係る資金援助の特例)

(Special Provisions for Financial Assistance Pertaining to a Bank Under Special Crisis Management)

第百十八条 特別危機管理銀行を破綻金融機関とする合併等（第五十九条第二項第一号、第二号及び第四号に掲げるものに限る。第五項において同じ。）を行う救済金融機関又は救済銀行持株会社等は、同条第一項の規定にかかわらず、当該特別危機管理銀行と連名で、機構が当該特別危機管理銀行に対して資金援助（同項第一号に掲げるものに限る。第三項から第五項までにおいて同じ。）を行うことを機構に申し込むことができる。

Article 118 (1) An Assuming Financial Institution or Assuming Bank Holding Company, etc. undertaking a merger, etc. (limited to those specified in Article 59, paragraph (2), items (i), (ii) and (iv); the same applies in paragraph (5)) in which the Bank Under Special Crisis Management is the Failed Financial Institution may, notwithstanding the provisions of Article 59, paragraph (1), apply for the Corporation, in joint names with said Bank Under Special Crisis Management, to provide Financial Assistance (limited to those specified in Article 59, paragraph (1), item (i); the same applies in paragraphs (3) to (5)) to said Bank Under Special Crisis Management.

2 第五十九条第六項及び第七項並びに第六十一条第一項の規定は前項の規定による申込みについて、同条第二項、第三項及び第六項から第八項までの規定はこの項において準用する同条第一項の認定について、それぞれ準用する。この場合において、同条第一項から第三項まで及び第八項中「破綻金融機関」とあるのは、「特別危機管理銀行」と読み替えるものとするほか、必要な技術的読替えは、政令で定める。

(2) The provisions of Article 59, paragraphs (6) and (7) and Article 61, paragraph (1) apply mutatis mutandis to an application under the preceding paragraph and the provisions of Article 61, paragraphs (2), (3) and (6) to (8) apply mutatis mutandis to the Confirmation prescribed in Article 61, paragraph (1) as applied mutatis mutandis pursuant to this paragraph. In this case, the term "Failed Financial Institution" in Article 61, paragraphs (1) to (3) and (8) is to be deemed to be replaced with "Bank Under Special Crisis Management," and any other necessary technical replacement of terms will be specified by a Cabinet Order.

3 内閣総理大臣は、前項において準用する第六十一条第二項の申請が行われない場合においても、特別危機管理銀行が前項において準用する同条第三項第三号に掲げる要件に該当すると認めるときは、当該特別危機管理銀行及び他の金融機関又は当該特別危機管理銀行及び銀行持株会社等に対し、書面により、合併等（第五十九条第二項第一号及び第四号に掲げるものに限るものとし、当該合併等が行われることが預金者等その他の債権者の保護に資するものであり、かつ、機構による資金援助が行われることが当該合併等を行うために不可欠であるものに限る。）のあつせんを行うことができる。

(3) Even in cases where no application is made under Article 61, paragraph (2) as applied mutatis mutandis pursuant to the preceding paragraph, the Prime Minister may, if he/she finds that the Bank Under Special Crisis Management satisfies the requirements specified in Article 61, paragraph (3), item (iii) as applied mutatis mutandis pursuant to the preceding paragraph, provide mediation in writing with regard to a merger, etc. (limited to those specified in Article 59, paragraph (2), items (i) and (iv) and those that contribute to the protection of the Depositors, etc. and other creditors and for which the Financial Assistance by the Corporation is indispensable) between said Bank Under Special Crisis Management and another Financial Institution or said Bank Under Special Crisis Management and Bank Holding Company, etc.

4 第六十二条第二項及び第四項から第六項までの規定は前項のあつせんについて、第六十四条（第二項及び第五項を除く。）の規定は第一項の規定による申込みについて、第六十五条及び第六十六条の規定は第二項において準用する第六十一条第一項の認定又は前項のあつせんを受けた金融機関又は銀行持株会社等について、第六十八条の規定は第一項の資金援助について、それぞれ準用する。この場合において、第六十二条第二項中「第五十九条第一項又は第五十九条の二第一項」とあるのは「第百十八条第一項」と、同条第四項から第六項までの規定中「第一項」とあるのは「第百十八条第三項」と、同条第四項中「第四項から第七項まで」とあるのは「第六項及び第七項」

と読み替えるものとするほか、必要な技術的読替えは、政令で定める。

- (4) The provisions of Article 62, paragraphs (2) and (4) to (6) apply mutatis mutandis to the mediation prescribed in the preceding paragraph, the provisions of Article 64 (excluding paragraphs (2) and (5)) apply mutatis mutandis to the application prescribed in paragraph (1), the provisions of Article 65 and Article 66 apply mutatis mutandis to the Financial Institution or Bank Holding Company, etc. that has received the Confirmation prescribed in Article 61, paragraph (1) as applied mutatis mutandis pursuant to paragraph (2) or that has received the mediation prescribed in the preceding paragraph, and the provisions of Article 68 apply mutatis mutandis to the Financial Assistance prescribed in paragraph (1). In this case, the term "Article 59, paragraph (1) or Article 59-2, paragraph (1)" in Article 62, paragraph (2) is to be deemed to be replaced with "Article 118, paragraph (1)," the term "paragraph (1)" in Article 62, paragraphs (4) to (6) is to be deemed to be replaced with "Article 118, paragraph (3)," the term "paragraphs (4) to (7)" in Article 62, paragraph (4) is to be deemed to be replaced with "paragraphs (6) and (7)," and any other necessary technical replacement of terms will be specified by a Cabinet Order.
- 5 委員会は、第一項に規定する申込みに係る資金援助について前項において準用する第六十四条第一項の議決を行う場合において、当該資金援助が特別危機管理銀行の財務の状況に照らし当該資金援助に係る合併等が行われるために必要な範囲を超えていないと認めるときは、当該資金援助を行う旨の決議をすることができる。
- (5) In the event that a resolution by the Operation Committee prescribed in Article 64, paragraph (1) as applied mutatis mutandis pursuant to the preceding paragraph is to be adopted with respect to the Financial Assistance prescribed in paragraph (1), the Operation Committee may, if it finds that, in light of the financial conditions of the Bank Under Special Crisis Management, the Financial Assistance does not exceed the scope necessary to carry out said merger, etc., adopt a resolution to provide Financial Assistance.

第百十九条 第一百条第三項の規定は、第五十九条第一項の規定による申込みに係る特別危機管理銀行を破綻金融機関として行う合併等に係る資金援助について準用する。

Article 119 The provisions of Article 110, paragraph (3) apply mutatis mutandis to the Financial Assistance pertaining to an application under Article 59, paragraph (1) for a merger, etc. in which the Bank Under Special Crisis Management is the Failed Financial Institution.

(第三号措置の終了)

(Conclusion of Measures Under Item (iii))

第百二十条 内閣総理大臣は、できる限り早期に、機構又は特別危機管理銀行に次に掲げる措置を講じさせることにより、第三号措置を終えるものとする。



Article 120 (1) The Prime Minister is to conclude the Measures Under Item (iii) as promptly as possible by causing the Corporation or Bank Under Special Crisis Management to take the following measures:

一 当該特別危機管理銀行と合併する金融機関が存続する合併（当該合併後に存続する法人が機構の子会社でないものに限る。）

(i) A merger in which a Financial Institution that merges with the Bank Under Special Crisis Management survives (limited to those in which a corporation surviving after the merger is not a subsidiary of the Corporation);

二 当該特別危機管理銀行と他の金融機関が合併して金融機関を設立する合併（当該合併により設立された法人が機構の子会社でないものに限る。）

(ii) A merger in which a Financial Institution is established through the merger of the Bank Under Special Crisis Management and another Financial Institution (limited to those in which a corporation established by the merger is not a subsidiary of the Corporation);

三 当該特別危機管理銀行の事業の譲渡

(iii) A transfer of business of the Bank Under Special Crisis Management; and

四 当該特別危機管理銀行の株式の譲渡（当該譲渡により当該特別危機管理銀行が機構の子会社でなくなるものに限る。）

(iv) The transfer of shares of the Bank Under Special Crisis Management (limited to those through which the Bank Under Special Crisis Management ceases to be a subsidiary company of the Corporation).

2 特別危機管理銀行は、前項第一号から第三号までに掲げる措置を講ずるときは、内閣総理大臣にその旨を報告し、あわせて、機構にその旨を通知しなければならない。

(2) The Bank Under Special Crisis Management shall, if it intends to take the measures specified in items (i) to (iii) of the preceding paragraph, report to that effect to the Prime Minister and shall also notify the Corporation thereof.

3 機構は、前項の規定による通知を受けたときは、直ちに、その旨を財務大臣に報告しなければならない。

(3) Upon receiving notice under the preceding paragraph, the Corporation shall immediately report to that effect to the Minister of Finance.

4 機構は、第一項第四号に掲げる措置を講じたときは、速やかに、その旨を内閣総理大臣及び財務大臣に報告しなければならない。

(4) Upon taking the measures specified in paragraph (1), item (iv), the Corporation shall promptly report to that effect to the Prime Minister and the Minister of Finance.

(危機対応勘定)

(Crisis Management Account)

第二百一十一条 機構は、第一百十条第三項（第一百十九条において準用する場合を含む。）

又は第一百十八条第五項の規定による決議に係る資金援助を行うときは、第四十条の二第二号に掲げる業務（以下「危機対応業務」という。）に係る勘定（以下「危機対応

勘定」という。) から、当該資金援助に要すると見込まれる費用から当該資金援助に係る金融機関の保険事故につき保険金の支払を行うときに要すると見込まれる費用を控除した残額に相当する金額を、一般勘定に繰り入れるものとする。

Article 121 (1) When Financial Assistance is provided pursuant to a resolution under Article 110, paragraph (3) (including the cases where it is applied *mutatis mutandis* pursuant to Article 119) or Article 118, paragraph (5), the Corporation is to transfer from an account (hereinafter referred to as "Crisis Management Account") pertaining to operations specified in Article 40-2, item (ii) (hereinafter referred to as "Crisis Management Operations") to a general account the amount remaining after deducting expected costs for the payment of insurance proceeds with respect to an insurable contingency of the Financial Institution pertaining to said Financial Assistance from the expected costs of said Financial Assistance.

2 前項の規定による危機対応勘定から一般勘定への繰入れは、危機対応業務とみなす。

(2) Any transfer from the Crisis Management Account to the general account under the preceding paragraph is deemed to be the Crisis Management Operations.

(負担金の納付等)

(Payment of Contributions, etc.)

第百二十二条 金融機関は、次条第四項（第百二十四条第三項において準用する場合を含む。）の規定による公告がされたときは、当該公告において定められた期間、機構の危機対応業務の実施に要した費用に充てるため、機構に対し、負担金を納付しなければならない。

Article 122 (1) When public notice is given under paragraph (4) of the following Article (including the cases where it is applied *mutatis mutandis* pursuant to Article 124, paragraph (3)), a Financial Institution shall, during the period specified in said public notice, pay contributions to the Corporation to cover the costs incurred in carrying out the Crisis Management Operations.

2 前項の公告がされたときは、金融機関は、当該公告において定められた期間に含まれる各事業年度の末日までに、機構に対し、内閣府令・財務省令で定める書類を提出して、負担金を納付するものとする。

(2) When public notice is given under the preceding paragraph, a Financial Institution is to submit documents specified by a Cabinet Office Ordinance and an Ordinance of the Ministry of Finance and pay contributions to the Corporation by the last day of each business year included in the period specified in said public notice.

3 第一項の負担金の額は、各金融機関につき、当該負担金を納付すべき日を含む事業年度の直前の事業年度の末日における負債（内閣府令・財務省令で定めるものを除く。）の額の合計額を十二で除し、これに当該負担金を納付すべき日を含む事業年度の月数を乗じて計算した金額に、次条第二項の規定により定められた負担率を乗じて

計算した金額とする。

(3) The amount of contributions prescribed in paragraph (1) is to be calculated for each Financial Institution by dividing by twelve the total amount of its liabilities outstanding on the last day of the business year immediately preceding the business year that includes the due date for payment of said contributions (excluding those specified by a Cabinet Office Ordinance and an Ordinance of the Ministry of Finance), multiplying the resulting amount by the number of months in the business year that includes the due date for payment of said contributions, and multiplying the resulting amount by the contribution rate specified under paragraph (2) of the following Article.

4 第五十条第二項及び第五十二条の規定は、第一項の負担金について準用する。

(4) The provisions of Article 50, paragraph (2) and Article 52 apply mutatis mutandis to the contributions prescribed in paragraph (1).

(負担金に係る決定)

(Decision on Contributions)

第二百二十三条 機構は、毎事業年度、当該事業年度における危機対応勘定の収支につき、次に掲げる事項を、当該事業年度の終了後三月以内に、内閣総理大臣及び財務大臣に報告しなければならない。

Article 123 (1) Within three months of the end of each business year, the Corporation shall report the following matters to the Prime Minister and the Minister of Finance with regard to income and expenditure in the Crisis Management Account during said business year:

一 第二百二十一条第一項の規定により危機対応勘定から一般勘定に繰り入れた金額

(i) The amount transferred from the Crisis Management Account to the general account under Article 121, paragraph (1);

二 取得株式等又は取得貸付債権につきその取得価額を下回る金額で譲渡したことその他の事由により生じた損失の金額

(ii) The amount of loss arising from the transfer of acquired Shares, etc. or acquired loan claims below their acquisition value or other causes;

三 取得株式等又は取得貸付債権につきその取得価額を上回る金額で譲渡したことその他の事由により生じた利益の金額

(iii) The amount of profit arising from the transfer of acquired Shares, etc. or acquired loan claims above their acquisition value and other reasons;

四 収納した負担金の金額

(iv) The amount of contributions that has been received; and

五 その他政令で定める事項

(v) Other matters specified by a Cabinet Order.

2 内閣総理大臣及び財務大臣は、前項の報告を受けた場合において、必要があると認めるときは、当該報告を受けた時（以下この項において「報告時」という。）の属する事業年度以後の各事業年度において前条第一項の規定により金融機関が納付すべき

負担金（以下「負担金」という。）に係る負担率及び納付期間を定めなければならない。ただし、当該報告時の属する事業年度前の事業年度において、当該報告時の属する事業年度以後の各事業年度における負担金に係る負担率及び納付期間が定められているときは、当該負担率及び納付期間を変更する方法により当該報告時の属する事業年度以後の各事業年度における負担金に係る負担率及び納付期間を定めるものとする。

(2) In the event that a report prescribed in the preceding paragraph is received, the Prime Minister and the Minister of Finance are to, if they find it necessary, prescribe a contribution rate and payment period for contributions to be paid by a Financial Institution under paragraph (1) of the preceding Article (hereinafter referred to as "Contributions") in each business year following the business year that includes the time of receipt of said report (hereinafter referred to as "Time of Report" in this paragraph); provided, however, that in any business year preceding the business year in which the Time of Report falls, when a contribution rate and payment period for the Contributions in each business year after the business year in which the Time of Report falls are prescribed, the contribution rate and payment period after the business year in which said Time of Report falls are to be prescribed by changing said contribution rate and payment period.

3 負担率及び納付期間は、次に掲げる事項を勘案し、危機対応勘定の欠損金が負担金で賄われるように、かつ、特定の金融機関に対し差別的取扱いをしないように定めなければならない。

(3) The contribution rate and payment period shall be established by taking the following matters into consideration and in a manner that covers loss in the Crisis Management Account with the Contributions and does not subject any specific Financial Institution to discriminatory treatment.

一 第一項の報告に係る事業年度における同項各号に掲げる事項

(i) Matters specified in each item of paragraph (1) in the business year pertaining to said report prescribed in paragraph (1); and

二 金融機関の財務の状況

(ii) The financial conditions of a Financial Institution.

4 内閣総理大臣及び財務大臣は、第二項の規定により負担率及び納付期間を定めたときは、官報により、これを公告しなければならない。

(4) Upon prescribing a contribution rate and payment period under paragraph (2), the Prime Minister and the Minister of Finance shall give public notice thereof in the official gazette.

5 内閣総理大臣及び財務大臣は、第二項の規定により負担率及び納付期間を定めるため必要があると認めるときは、機構に対し、意見の陳述、報告又は資料の提出を求めることができる。

(5) The Prime Minister and the Minister of Finance may, if they find it necessary, request the Corporation to state its opinion or submit reports or materials in order to prescribe the contribution rate and payment period under paragraph

(2).

(負担率等の変更)

(Change of Contribution Rate, etc.)

第二百二十四条 機構は、その借入金の金利の変動、次条第一項の規定による政府の補助その他の事由（前条第一項各号に掲げる事項に係るものを除く。）により、負担金に過不足が生ずることが明らかとなつた場合には、その旨を内閣総理大臣及び財務大臣に報告しなければならない。

Article 124 (1) When it becomes evident that there will be an excess or deficiency in the Contributions due to fluctuations in interest on the borrowings of the Corporation, government subsidies prescribed in paragraph (1) of the following Article, or other causes (excluding those pertaining to the matters specified in each item of paragraph (1) of the preceding Article), the Corporation shall report to that effect to the Prime Minister and the Minister of Finance.

2 内閣総理大臣及び財務大臣は、前項の報告に係る負担金の過不足を調整するために必要な限度で、前条第二項の規定により定められた負担率及び納付期間を変更することができる。

(2) The Prime Minister and the Minister of Finance may change a contribution rate and payment period prescribed under paragraph (2) of the preceding Article to the extent necessary to make adjustments for any excess or deficiency in the Contributions pertaining to the report prescribed in the preceding paragraph.

3 前条第四項及び第五項の規定は、前項の規定により内閣総理大臣及び財務大臣が負担率及び納付期間を変更する場合について準用する。

(3) The provisions of paragraphs (4) and (5) of the preceding Article apply mutatis mutandis to cases where the Prime Minister and the Minister of Finance change a contribution rate and payment period under the preceding paragraph.

(政府の補助)

(Government Subsidies)

第二百二十五条 政府は、負担金のみで危機対応業務に係る費用を賄うとしたならば、金融機関の財務の状況を著しく悪化させ、我が国の信用秩序の維持に極めて重大な支障が生ずるおそれがあると認められるときに限り、予算で定める金額の範囲内において、機構に対し、当該業務に要する費用の一部を補助することができる。

Article 125 (1) The government may provide subsidies to the Corporation for part of the costs required for the Crisis Management Operations within the limit specified in a budget, only if it is found that, if the costs of such operations are to be funded solely with the Contributions, the financial conditions of a Financial Institution would deteriorate significantly and it may cause an extremely serious hindrance to the maintenance of an orderly credit

system in Japan.

2 機構は、負担金が納付されない事業年度（前項の規定により政府の補助を受けた日を含む事業年度の後の事業年度に限る。）において、危機対応勘定に損益計算上の利益金として内閣府令・財務省令で定めるところにより計算した金額があるときは、当該金額を、前項の規定により既に政府の補助を受けた金額の合計額からこの項の規定により既に国庫に納付した金額を控除した金額までを限り、国庫に納付しなければならない。

(2) In any business year in which no Contributions are paid (limited to the business year following the business year that includes the day on which a government subsidy is received under the preceding paragraph), if there is any amount calculated as profit in the Crisis Management Account resulting from the settlement of profits and losses pursuant to the provisions of a Cabinet Office Ordinance and an Ordinance of the Ministry of Finance, the Corporation shall pay said amount to the national treasury after deducting the amount already paid to the national treasury under this paragraph from the total amount of government subsidies already received under the preceding paragraph.

3 前項の規定による納付金に関し、納付の手續その他必要な事項は、政令で定める。

(3) Procedures for payment and other necessary matters concerning the amount prescribed in the preceding paragraph will be specified by a Cabinet Order.

（借入金及び機構債等）

(Borrowing and Corporation Bonds, etc.)

第二百六条 機構は、危機対応業務を行うため必要があると認めるときは、政令で定める金額の範囲内において、内閣総理大臣及び財務大臣の認可を受けて、日本銀行、金融機関その他の者から資金の借入れ（借換えを含む。）をし、又は機構債の発行（機構債の借換えのための発行を含む。）をすることができる。

Article 126 (1) The Corporation may, if it finds it necessary for carrying out the Crisis Management Operations, borrow funds (including refinancing) from the Bank of Japan, a Financial Institution, or any other person or issue the Corporation Bonds (including issuance for the purpose of refinancing the Corporation Bonds) up to the amount specified by a Cabinet Order with authorization from the Prime Minister and the Minister of Finance.

2 第四十二条第四項及び第四十二条の二の規定は、前項の規定により機構が資金の借入れ又は機構債の発行をする場合について準用する。

(2) The provisions of Article 42, paragraph (4) and Article 42-2 apply mutatis mutandis to cases where the Corporation borrows funds or issues the Corporation Bonds under the preceding paragraph.

3 第一項の規定により発行される機構債については、これを第四十二条第一項の規定により発行される機構債とみなして、同条第五項から第九項までの規定を適用する。

(3) The Corporation Bonds to be issued under paragraph (1) are deemed to be the

Corporation Bonds issued under Article 42, paragraph (1) for the purpose of applying the provisions of Article 42, paragraphs (5) to (9).

## 第八章 雑則

### Chapter VIII Miscellaneous Provisions

(預金等の払戻しのための資金の貸付け)

(Loan of Funds for Repayment of Deposits, etc.)

第二百二十七条 第六十九条の三の規定は、同条第一項各号に掲げる者から支払対象預金等の払戻し（保険金計算規定により計算した保険金の額に対応する支払対象預金等につき行うものに限る。）のために必要とする資金の貸付けの申込みを受けた場合について準用する。この場合において、同項中「当該決済債務に係る第五十四条の二第一項の規定及び同条第二項において準用する第五十四条第三項の規定」とあるのは、「当該支払対象預金等に係る保険金計算規定」と読み替えるものとする。

Article 127 The provisions of Article 69-3 apply mutatis mutandis to cases where an application is received from a person specified in each item of Article 69-3, paragraph (1) for the loan of funds necessary for the repayment of the covered Deposits, etc. (limited to the repayment for the covered Deposits, etc. corresponding to the amount of insurance proceeds calculated under the Insurance Claim Calculation Provision). In this case, the term "pertaining to said Settlement Obligations calculated under Article 54-2, paragraph (1) and Article 54, paragraph (3) as applied mutatis mutandis pursuant to Article 54-2, paragraph (2)" in Article 69-3, paragraph (1) is to be deemed to be replaced with "pertaining to said covered Deposits, etc calculated under the Insurance Claim Calculation Provision."

(預金等の払戻しに関する商法の特例)

(Special Provisions of Commercial Code Concerning Repayment of Deposits, etc.)

第二百二十七条の二 第六十九条の四第三項から第五項までの規定は、前条において準用する第六十九条の三第一項の規定による資金の貸付けを行う旨の決定があるときについて準用する。この場合において、第六十九条の四第三項中「前条第一項に規定する決済債務の弁済」とあるのは「第二百二十七条において準用する前条第一項に規定する預金等の払戻し」と、同条第四項及び第五項中「弁済を行う決済債務の種類」とあるのは「払戻しを行う預金等の種別」と、「弁済の」とあるのは「払戻しの」と、「弁済をする」とあるのは「払戻しをする」と読み替えるものとする。

Article 127-2 The provisions of Article 69-4, paragraphs (3) to (5) apply mutatis mutandis to cases where a decision has been made to make the loan of funds under Article 69-3, paragraph (1) as applied mutatis mutandis pursuant to the preceding Article. In this case, the term "the repayment of the Settlement Obligations prescribed in paragraph (1) of the preceding Article" in Article 69-4,

paragraph (3) is to be deemed to be replaced with "the repayment of the Deposits, etc. prescribed in paragraph (1) of the preceding Article as applied mutatis mutandis pursuant to Article 127," the terms "the types of the Settlement Obligations to be repaid", "repayment" and "repaid" in Article 69-4, paragraphs (4) and (5) are to be deemed to be replaced with "the types of the Deposits, etc. to be returned," "return" and "returned", respectively.

(資産価値の減少防止のための資金の貸付け)

(Loan of Funds to Prevent Decline in Asset Value)

第百二十八条 第六十九条の三（第三項及び第四項を除く。）の規定は、同条第一項各号に掲げる者（同項第一号に掲げる者にあつては、破産手続開始、更生手続開始若しくは再生手続開始の申立て又は特別清算開始の命令があつた後に限る。）からその保有する貸付債権その他の資産の価値の減少を防止するために必要とする資金の貸付けの申込みを受けた場合について準用する。この場合において、同項中「当該決済債務に係る第五十四条の二第一項の規定及び同条第二項において準用する第五十四条第三項の規定により計算した保険金の額の合計額に達するまでを限り」とあるのは、「その必要の限度において」と読み替えるものとする。

Article 128 The provisions of Article 69-3 (excluding paragraphs (3) and (4)) apply mutatis mutandis to cases where an application is received from a person specified in each item of Article 69-3, paragraph (1) (in the case of any person specified in Article 69-3, paragraph (1), item (i), limited to the time after a petition is filed for the commencement of bankruptcy proceedings, commencement of reorganization proceedings or commencement of rehabilitation proceedings or after an order for commencement of special liquidation is issued) for the loan of funds necessary to prevent a decline in the value of loan claims or other assets held by such person. In this case, the term "up to the total amount of insurance proceeds pertaining to said Settlement Obligations calculated under Article 54-2, paragraph (1) and Article 54, paragraph (3) as applied mutatis mutandis pursuant to Article 54-2, paragraph (2)" in Article 69-3, paragraph (1) is to be deemed to be replaced with "within the limit necessary."

(資産の買取り)

(Purchase of Assets)

第百二十九条 機構は、第三章第四節の規定による場合のほか、協定承継銀行又は特別危機管理銀行が保有する資産の買取りを行うことができる。

Article 129 (1) In addition to cases prescribed in Section 4 of Chapter III, the Corporation may purchase assets held by a Contracted Bridge Bank or Bank Under Special Crisis Management.

2 機構は、前項の規定による資産の買取りを行う場合には、内閣総理大臣及び財務大臣があらかじめ定めて公表する基準に従わなければならない。



(2) In cases where the Corporation is to purchase assets under the preceding paragraph, it shall comply with standards prescribed and publicly announced in advance by the Prime Minister and the Minister of Finance.

3 機構は、協定承継銀行又は特別危機管理銀行から第一項の資産の買取りに係る申込みがあつたときは、遅滞なく、委員会の議決を経て、当該申込みに係る資産の買取りを行うかどうかを決定しなければならない。

(3) Upon receiving an application under paragraph (1) for the purchase of assets from a Contracted Bridge Bank or Bank Under Special Crisis Management, the Corporation shall, following a resolution of the Operation Committee, decide without delay whether or not to carry out the purchase of assets pertaining to said application.

4 機構は、前項の規定による決定をしたときは、直ちに、その決定に係る事項を内閣総理大臣及び財務大臣に報告しなければならない。

(4) Upon making a decision under the preceding paragraph, the Corporation shall immediately report matters pertaining to the decision to the Prime Minister and the Minister of Finance.

5 機構は、第三項の規定による資産の買取りを行う旨の決定をしたときは、当該協定承継銀行又は特別危機管理銀行との間で当該資産の買取りに関する契約を締結するものとする。

(5) Upon making a decision to purchase assets under paragraph (3), the Corporation is to conclude a contract for the purchase of assets with said Contracted Bridge Bank or Bank Under Special Crisis Management.

(信用金庫等の総会等の招集手続の特例)

(Special Provisions for Convocation Procedure for General Meeting of Shinkin Bank, etc.)

第百三十条 適格性の認定等を受けた信用金庫等が行う事業譲渡等及びその実施に必要な定款の変更について議決するための当該信用金庫等の総会は、総会員（労働金庫にあつては、労働金庫法第十三条第一項に規定する個人会員を除く。）又は総組合員の同意があるときは、信用金庫法第四十五条、中小企業等協同組合法第四十九条及び労働金庫法第四十九条の規定にかかわらず、招集の手続を経ることなく開催することができる。

Article 130 (1) Notwithstanding the provisions of Article 45 of the Shinkin Bank Act, Article 49 of the Small and Medium-Sized Enterprises Cooperatives Act, and Article 49 of the Labor Bank Act, a general meeting of a Shinkin Bank, etc. that has received the Authorization of Eligibility, etc. may be held without the procedures of calling if all members (in the case of a labor bank, excluding individual members prescribed in Article 13, paragraph (1) of the Labor Bank Act) or all association members consent, for the purpose of adopting a resolution to approve a Business Transfer, etc. and any amendment to the articles of incorporation necessary to carry out the Business Transfer, etc.

2 前項の規定は、同項に規定する事項について議決するための総代会について準用する。この場合において、同項中「総会員（労働金庫にあつては、労働金庫法第十三条第一項に規定する個人会員を除く。）又は総組合員」とあるのは「総代の全員」と、「信用金庫法第四十五条、中小企業等協同組合法第四十九条及び労働金庫法第四十九条」とあるのは「信用金庫法第四十九条第五項において準用する同法第四十五条、中小企業等協同組合法第五十五条第六項において準用する同法第四十九条及び労働金庫法第五十五条第五項において準用する同法第四十九条」と読み替えるものとする。

(2) The provisions of the preceding paragraph apply mutatis mutandis to a general meeting of representatives for the purpose of adopting a resolution to approve the matters prescribed in the preceding paragraph. In this case, the terms "all members (in the case of a labor bank, excluding individual members prescribed in Article 13, paragraph (1) of the Labor Bank Act) or all association members" and "Article 45 of the Shinkin Bank Act, Article 49 of the Small and Medium-Sized Enterprises Cooperatives Act, and Article 49 of the Labor Bank Act" in said paragraph are to be deemed to be replaced with "all representatives" and "Article 45 of the Shinkin Bank Act as applied mutatis mutandis pursuant to Article 49, paragraph (5) of said Act, Article 49 of the Small and Medium-Sized Enterprises Cooperatives Act as applied mutatis mutandis pursuant to Article 55, paragraph (6) of said Act, and Article 49 of the Labor Bank Act as applied mutatis mutandis pursuant to Article 55, paragraph (5) of said Act", respectively.

（事業譲渡等における債権者保護手続の特例）

(Special Provisions for Procedures for Protection of Creditors in Business Transfer, etc.)

第百三十一条 第五十九条第二項第三号に掲げる事業譲渡等又は付保預金移転を援助するための第六十四条第一項の規定による資金援助を行う旨の決定があつたときは、当該事業譲渡等又は付保預金移転に係る債務の引受けは、当該事業譲渡等又は付保預金移転により救済金融機関が引き受ける債務に係る債権者（第五項において「移転債権者」という。）の承諾を得ないでこれを行うことができる。

Article 131 (1) When a decision to provide Financial Assistance is made under Article 64, paragraph (1) for the purpose of supporting a Business Transfer, etc. or a Transfer of Insured Deposits prescribed in Article 59, paragraph (2), item (iii), the assumption of obligations pertaining to said Business Transfer, etc. or the Transfer of Insured Deposits may be carried out without consent from creditors pertaining to obligations assumed by the Assuming Financial Institution through said Business Transfer, etc. or the Transfer of Insured Deposits (referred to as "Transfer Creditors" in paragraph (5)).

2 銀行法第三十四条及び第三十五条（これらの規定を長期信用銀行法第十七条、信用金庫法第八十九条第一項、協同組合による金融事業に関する法律第六条第一項及び労働金庫法第九十四条第一項において準用する場合を含む。）の規定は、前項の決定が

あつた場合における当該決定に係る事業譲渡等については、適用しない。

- (2) The provisions of Article 34 and Article 35 of the Banking Act (including the cases where these provisions are applied mutatis mutandis pursuant to Article 17 of the Long-Term Credit Bank Act, Article 89, paragraph (1) of the Shinkin Bank Act, Article 6, paragraph (1) of the Act on Financial Business by Cooperatives, and Article 94, paragraph (1) of the Labor Bank Act) do not apply to the Business Transfer, etc. pertaining to a decision under the preceding paragraph.
- 3 第一項の決定があつた場合における当該決定に係る事業譲渡等又は付保預金移転がされたときは、当該破綻金融機関及び救済金融機関は、その日から二週間以内に、当該事業譲渡等又は付保預金移転の内容の要旨及びこれに対し異議のある債権者は一定の期間内に異議を述べるべき旨を公告し、かつ、預金者等その他政令で定める債権者以外の知れている債権者には、各別にこれを催告しなければならない。
- (3) Upon executing the Business Transfer, etc. or the Transfer of Insured Deposits pertaining to a decision under paragraph (1), the Failed Financial Institution and Assuming Financial Institution shall, within two weeks of the day of said execution, give public notice of the gist of the contents of said Business Transfer, etc. or the Transfer of Insured Deposits and to the effect that any creditors who have any objection thereto should state the objection within a specified period of time, and shall also give notice of the same individually to each known creditor other than the Depositors, etc. and other creditors specified by a Cabinet Order.
- 4 前項の期間は、一月を下つてはならない。
- (4) The period under the preceding paragraph cannot be less than one month.
- 5 第三項の規定にかかわらず、破綻金融機関及び救済金融機関が同項の規定による公告を、官報のほか、その定款で定めた公告の方法によりするとき、当該破綻金融機関及び救済金融機関による同項の規定による各別の催告は、することを要しない。
- (5) Notwithstanding the provisions of paragraph (3), if a Failed Financial Institution and Assuming Financial Institution give public notice under that paragraph by the method of public notice prescribed in the articles of incorporation, in addition to the official gazette, the Failed Financial Institution and Assuming Financial Institution will not be required to give separate notices under the provisions of that paragraph.
- 6 移転債権者が第三項に規定する期間内に異議を述べたときは、当該移転債権者に係る債務の引受けは当該債務の引受けの時にさかのぼつてその効力を失う。ただし、第三者の権利を害することができない。
- (6) In the event that the Transfer Creditors state objections within the period under paragraph (3), the assumption of obligations pertaining to said Transfer Creditors will lose its effect retroactively as of the time of said assumption of obligations; provided, however, that this does not prejudice the rights of a third party.

7 破綻金融機関の債権者（第一項に規定する事業譲渡等又は付保預金移転により救済金融機関が引き受けた債務以外の破綻金融機関の債務に係る債権者に限る。）が第三項の期間内に異議を述べた場合において、当該債権者の債権につき第一項に規定する事業譲渡等又は付保預金移転により弁済を受けることができないこととなつた金額があるときは、当該債権者は、救済金融機関に対し、当該金額に相当する金銭の支払を請求することができる。

(7) In the event that creditors of a Failed Financial Institution (limited to creditors pertaining to the obligations of the Failed Financial Institution other than those assumed by the Assuming Financial Institution through the Business Transfer, etc. or the Transfer of Insured Deposits prescribed in paragraph (1)) state objections within the period under paragraph (3), when any amount is owed to creditors with respect to their claims that can no longer be satisfied due to the Business Transfer, etc. or the Transfer of Insured Deposits prescribed in paragraph (1), said creditors may claim the payment of said amount from the Assuming Financial Institution.

8 救済金融機関の債権者（第一項に規定する事業譲渡等又は付保預金移転により救済金融機関が引き受けた債務以外の救済金融機関の債務に係る債権者に限る。）が第三項の期間内に異議を述べたときは、当該救済金融機関は、弁済し、又は相当の担保を提供し、若しくは当該債権者に弁済を受けさせることを目的として信託会社若しくは信託業務を営む金融機関に相当の財産を信託しなければならない。ただし、当該事業譲渡等又は付保預金移転が当該債権者を害するおそれがないときは、この限りでない。

(8) In the event that creditors of an Assuming Financial Institution (limited to creditors pertaining to the obligations of the Assuming Financial Institution other than those assumed by the Assuming Financial Institution through the Business Transfer, etc. or the Transfer of Insured Deposits prescribed in paragraph (1)) state objections within the period under paragraph (3), the Assuming Financial Institution shall make payment or provide equivalent security to such creditors or entrust equivalent assets to a trust company or Financial Institutions that conducts trust business for the purpose of ensuring that such creditors receive the payment; provided, however, that this does not apply when said Business Transfer, etc. or the Transfer of Insured Deposits is unlikely to be detrimental to such creditors.

（信託業務の承継における受託者の変更手続の特例）

(Special Provisions for Procedure for Change of Trustees in Succession of Trust Business)

第百三十二条 破綻金融機関であつて金融機関の信託業務の兼営等に関する法律第一条第一項の規定により信託業務を営む者が同項の規定により信託業務を営む金融機関に対してする事業の譲渡を援助するための第六十四条第一項の規定による資金援助を行う旨の決定があつたときは、当該破綻金融機関は、その引き受けた信託につき、信託法（平成十八年法律第百八号）第五十六条第一項並びに第五十七条第一項及び第二項

並びに公益信託ニ関スル法律（大正十一年法律第六十二号）第七条の規定にかかわらず、当該資金援助に係る救済金融機関（以下この条及び次条において「新受託者」という。）との間の事業の譲渡の契約をもつて受託者の変更をすることができる。

Article 132 (1) Notwithstanding the provisions of Article 56, paragraph (1) and Article 57, paragraph (1) and paragraph (2) of the Trust Act (Act No. 108 of 2006) and Article 7 of the Act on Charitable Trusts (Act No. 62 of 1922), when there is a decision to provide Financial Assistance under Article 64, paragraph (1) to support the transfer of business of a Failed Financial Institution that conducts trust business under Article 1, paragraph (1) of the Act on Provision, etc. of Trust Business by Financial Institutions to a Financial Institution that conducts trust business under Article 1, paragraph (1) of said Act, said Failed Financial Institution may, under a contract for the transfer of business with an Assuming Financial Institution pertaining to said Financial Assistance (hereinafter referred to as "New Trustee" in this Article and the following Article), effect a change of trustee for trusts that have been assumed.

2 新受託者（特定目的信託（資産の流動化に関する法律（平成十年法律第百五号）第二条第十三項に規定する特定目的信託をいう。次条において同じ。）の新受託者を除く。以下この条において同じ。）は、前項の規定による変更が行われたときは、直ちに、当該変更に係る信託の委託者（以下この条において「移転委託者」という。）又は受益者（以下この条において「移転受益者」という。）であつて当該変更に興議のある者は一定の期間内に異議を述べるべき旨を公告し、かつ、貸付信託その他の定型的信託契約に係る信託として政令で定めるもの（第五項において「定型的信託」という。）に係る移転委託者及び移転受益者以外の知れている移転委託者及び移転受益者には、各別にこれを催告しなければならない。

(2) When a change of trustee is effected under the preceding paragraph, the New Trustee (excluding the New Trustee of the special purpose trust (meaning those prescribed in Article 2, paragraph (13) of the Act on Securitization of Assets (Act No. 105 of 1998); the same applies in the following Article); hereinafter the same applies in this Article) shall immediately give public notice to the effect that any consignors of a trust subject to said change (hereinafter referred to as "Transfer Consignors" in this Article) or beneficiaries (hereinafter referred to as "Transfer Beneficiaries" in this Article) who have any objection thereto should state the objection within a specified period of time, and shall also give notice of the same individually to all known Transfer Consignors and Transfer Beneficiaries other than those pertaining to loan trusts and other trusts specified by a Cabinet Order as trust pertaining to standard trust contracts (referred to as "Standard Trusts" in paragraph (5)).

3 前項の期間は、一月を下つてはならない。

(3) The period under the preceding paragraph cannot be less than one month.

4 第二項の規定にかかわらず、新受託者が同項の規定による公告を、官報のほか、その定款で定めた公告の方法によりするときは、当該新受託者による同項の規定による

各別の催告は、することを要しない。

- (4) Notwithstanding the provisions of paragraph (2), if the New Trustee gives public notice under that paragraph by the method of public notice prescribed in the articles of incorporation, in addition to the official gazette, the New Trustee will not be required to give separate notices under the provisions of that paragraph.
- 5 第二項の期間内に異議を述べた貸付信託等（定型的信託であつて委託者が信託の利益の全部を享受するものとして政令で定めるものをいう。）に係る移転受益者は、新受託者に対し、第一項の規定による変更が行われなければ有したであろう公正な価格で自己の受益権を買い取ることを請求することができる。
- (5) The Transfer Beneficiaries of loan trusts, etc. (meaning the Standard Trusts specified by a Cabinet Order as those to which consignors are entitled to all profits derived therefrom) who have raised objections within the period under paragraph (2) may demand that the New Trustee purchase the beneficiary rights of said Transfer Beneficiaries at a fair price to which they would have been entitled if the change prescribed in paragraph (1) had not occurred.
- 6 新受託者は、前項の請求があつた場合には、当該請求に係る受益権をその固有財産をもつて買い取らなければならない。この場合においては、貸付信託法（昭和二十七年法律第百九十五号）第十一条の規定は適用しない。
- (6) If a demand is made under the preceding paragraph, the New Trustee shall purchase beneficiary rights subject to said demand with the New Trustee's own assets. In this case, Article 11 of the Loan Trust Act (Act No. 195 of 1952) does not apply.
- 7 信託法第七十五条第一項、第七十六条及び第七十七条の規定は第一項の規定による変更が行われた場合について、同法第百三条第六項及び第七項、第百四条第一項から第十項まで、第二百六十二条第一項及び第二項、第二百六十三条並びに第二百六十四条の規定は第五項の規定による自己の受益権の買取請求について、それぞれ準用する。この場合において、必要な技術的読替えは、政令で定める。
- (7) The provisions of Article 75, paragraph (1), Article 76 and Article 77 of the Trust Act apply mutatis mutandis to cases where the change prescribed in paragraph (1) is made, and the provisions of Article 103, paragraph (6) and (7), Article 104, paragraphs (1) to (10), Article 262, paragraph (1) and (2), Article 263, and Article 264 of said Act apply mutatis mutandis to the purchase demand of own beneficiary rights under paragraph (5). In this case, any necessary technical replacement of terms will be specified by a Cabinet Order.

第百三十二条の二 特定目的信託の受託者たる破綻金融機関について前条第一項の規定による変更が行われた場合は、新受託者は、遅滞なく、権利者集会（資産の流動化に関する法律第三編第三章第三節第一款に規定する権利者集会をいう。次項において同じ。）を招集し、当該変更についてその承認を求めなければならない。この場合において、同法第二百四十四条第三項の規定は、適用しない。

Article 132-2 (1) In the event that a change is made under paragraph (1) of the preceding Article with respect to a Failed Financial Institution that is a trustee of a special purpose trust, the New Trustee shall convene a meeting of rightholders (meaning the meeting of rightholders prescribed in Subsection 1 of Section 3 of Chapter III of Part III of the Act on Securitization of Assets; the same applies in the following paragraph) without delay and seek approval for said change. In this case, the provisions of Article 244, paragraph (3) of said Act do not apply.

2 権利者集会が前項の承認を求める議案を否決したときは、新受託者の当該特定目的信託に係る任務は、終了する。

(2) When a meeting of rightholders rejects a proposal for the approval prescribed in the preceding paragraph, the duties of the New Trustee pertaining to said special purpose trust will end.

3 信託法第五十九条第四項本文の規定は、前項の規定により任務を終了した新受託者について準用する。

(3) The provisions of the main clause of Article 59, paragraph (4) of the Trust Act apply mutatis mutandis to the New Trustee whose duties have ended pursuant to the preceding paragraph.

4 信託法第七十五条第一項、第七十六条及び第七十七条の規定は、特定目的信託の受託者たる破綻金融機関について前条第一項の規定による変更が行われた場合について準用する。

(4) The provisions of Article 75, paragraph (1), Article 76 and Article 77 of the Trust Act apply mutatis mutandis to cases where a change is made under paragraph (1) of the preceding Article with respect to a Failed Financial Institution that is a trustee of a special purpose trust.

(根抵当権の譲渡に係る特例)

(Special Provisions for Assignment of Revolving Mortgage)

第三百三十三条 被管理金融機関が承継銀行その他の金融機関（以下この条において「承継金融機関」という。）に対する事業の譲渡により元本の確定前に根抵当権をその担保すべき債権の全部とともに譲渡しようとするときは、当該被管理金融機関及び当該承継金融機関は、次に掲げる事項について異議のある根抵当権設定者は当該被管理金融機関に対し一定の期間内に異議を述べるべき旨を公告し、又はこれを催告することができる。

Article 133 (1) When a Financial Institution under Management intends to assign a revolving mortgage together with all of the claims it should secure before the principal is established, through the transfer of business to a Bridge Bank or another Financial Institution (hereinafter referred to as the "Succeeding Financial Institution" in this Article), said Financial Institution under Management and the Succeeding Financial Institution may give public notice to the effect that any revolving mortgagors who have any objection to

the following matters should state the objection to said Financial Institution under Management within a specified period of time, or may give individual notice of the same:

一 当該被管理金融機関から当該承継金融機関に当該根抵当権が譲渡されること及びその期日

(i) The fact that said revolving mortgage is to be assigned by said Financial Institution under Management to said Succeeding Financial Institution and the date thereof.

二 当該根抵当権の譲渡の後においても当該根抵当権が当該債権を担保すべきものとする事。

(ii) The fact that said claims are to continue to be secured by said revolving mortgage even after it is assigned.

2 前項の期間は、二週間を下つてはならない。

(2) The period under the preceding paragraph cannot be less than two weeks.

3 第一項の規定にかかわらず、被管理金融機関及び承継金融機関が同項の規定による公告を、官報のほか、その定款で定めた方法によりするときは、当該被管理金融機関及び承継金融機関による同項の規定による各別の催告は、することを要しない。

(3) Notwithstanding the provisions of paragraph (1), if a Financial Institution under Management and the Succeeding Financial Institution give public notice under that paragraph by the method of public notice prescribed in the articles of incorporation, in addition to the official gazette, said Financial Institution under Management and Succeeding Financial Institution will not be required to give separate notices under the provisions of that paragraph.

4 第一項の公告又は催告に係る根抵当権設定者が同項各号に掲げる事項について同項の期間内に異議を述べなかつたときは、同項第一号に掲げる事項について当該根抵当権設定者の承諾が、同項第二号に掲げる事項について当該根抵当権設定者と同項の公告又は催告に係る承継金融機関の合意が、それぞれあつたものとみなす。

(4) When a revolving mortgagor pertaining to the public notice or notice under paragraph (1) does not raise any objections with respect to the matters prescribed in each item of that paragraph within the period under that paragraph, it is deemed that the revolving mortgagor has consented to the matters specified in item (i) of paragraph (1) and that there has been an agreement on the matters specified in item (ii) of paragraph (1) between the revolving mortgagors and the Succeeding Financial Institution pertaining to the public notice or notice prescribed in paragraph (1).

5 根抵当権設定者が第一項各号に掲げる事項の一部について異議を述べたときは、同項各号に掲げる事項の全部について異議を述べたものとみなす。

(5) When the revolving mortgagor has stated its objection to part of the matters specified in each item of paragraph (1), it is deemed that it has stated objections to all of the matters specified in such item.

6 前各項の規定は、承継銀行又は特別危機管理銀行が他の金融機関に対する事業の譲



渡により元本の確定前に根抵当権をその担保すべき債権の全部とともに譲渡しようとする場合について準用する。

- (6) The provisions of all preceding paragraphs apply mutatis mutandis to cases where a Bridge Bank or Bank Under Special Crisis Management seeks to assign the revolving mortgage together with all of the claims to be secured thereby, before the principal is established through the transfer of business to another Financial Institution.

(根抵当権移転登記等の申請手続の特例)

(Special Provisions for Application Procedure for Registration of Revolving Mortgage Transfer, etc.)

第百三十四条 前条第四項（同条第六項において準用する場合を含む。）の場合における根抵当権の移転の登記の申請には、その申請情報と併せて公告又は催告をしたこと及び根抵当権設定者が同条第一項（同条第六項において準用する場合を含む。）の期間内に異議を述べなかつたことを証する情報を提供しなければならない。

Article 134 (1) An application for registration of a transfer of a revolving mortgage in the cases prescribed in paragraph (4) of the preceding Article (including the cases where it is applied mutatis mutandis pursuant to Article 133, paragraph (6)) shall be accompanied by information proving that public notice or individual notice was given and that the revolving mortgagors did not raise any objection within the period under paragraph (1) of the preceding Article (including the cases where it is applied mutatis mutandis pursuant to Article 133, paragraph (6)).

2 前条第四項（同条第六項において準用する場合を含む。）の場合における根抵当権の担保すべき債権の範囲に譲渡に係る債権を追加することを内容とする根抵当権の変更の登記は、その申請情報と併せて前項に規定する情報を提供したときは、根抵当権者のみで申請することができる。

- (2) An application for the registration of transfer of a revolving mortgage to the effect of adding claims pertaining to transfer to the scope of claims to be secured by the revolving mortgage in the cases prescribed in paragraph (4) of the preceding Article (including the cases where it is applied mutatis mutandis pursuant to Article 133, paragraph (6)) may be made by the revolving mortgagee alone when the application is accompanied by the information prescribed in the preceding paragraph.

(課税の特例)

(Special Provisions for Taxation)

第百三十五条 第七十九条の規定による登記については、登録免許税を課さない。

Article 135 (1) The registration under Article 79 is not subject to the registration and license tax.

2 承継銀行が第九十一条第一項又は第二項の規定による同条第一項第二号に掲げる決

定を受けて行う被管理金融機関の事業の譲受け等（次項において「決定に基づく譲受け等」という。）により不動産に関する権利（第九十三条第二項の規定により当該承継銀行が保有する資産として適当であることの確認がされたものに限る。）の取得をした場合には、当該不動産に関する権利の移転の登記については、財務省令で定めるところにより当該取得後一年以内に登記を受けるもの限り、登録免許税を課さない。

(2) In the event that a Bridge Bank has acquired any right relating to real property through the Assumption of Business, etc. of a Financial Institution under Management based on a decision specified in Article 91, paragraph (1), item (ii) under Article 91, paragraph (1) or (2) (referred to as "Assumption of Business, etc. Based on Decision" in the following paragraph) (limited to those that have been confirmed as appropriate assets to be held by said Bridge Bank under Article 93, paragraph (2)), the registration of said right relating to real property transfer is not subject to the registration and license tax, as long as such registration is made within one year from said acquisition as pursuant to the provisions of an Ordinance of the Ministry of Finance.

3 承継銀行が決定に基づく譲受け等により取得した土地又は土地の上に存する権利（第九十三条第二項の規定により当該承継銀行が保有する資産として適当であることの確認がされたものに限る。）の譲渡（租税特別措置法第六十二条の三第二項第一号イに規定する譲渡をいう。）は、承継銀行に係る同条並びに同法第六十三条、第六十八条の六十八及び第六十八条の六十九の規定の適用については、同法第六十二条の三第二項第一号に規定する土地の譲渡等には該当しないものとする。

(3) For the purpose of applying to a Bridge Bank, the provisions of Article 62-3, Article 63, Article 68-68, and Article 68-69 of the Act on Special Measures Concerning Taxation, the transfer of land or any right on land acquired through the Assumption of Business, etc. Based on Decision (limited to those that have been confirmed as appropriate assets to be held by said Bridge Bank under Article 93, paragraph (2)) (meaning the transfer prescribed in Article 62-3, paragraph (2), item (i), (a) of said Act) do not constitute the transfer of land, etc. under Article 62-3, paragraph (2), item (i) of said Act.

（報告又は資料の提出）

(Submission of Reports or Materials)

第三百三十六条 内閣総理大臣（労働金庫又は労働金庫連合会にあつては内閣総理大臣及び厚生労働大臣とし、株式会社商工組合中央金庫にあつては内閣総理大臣、財務大臣及び経済産業大臣とする。次項及び次条において同じ。）は、この法律の円滑な実施を確保するため必要があると認めるときは、金融機関（金融機関代理業者を含む。）又は銀行持株会社等に対し、その業務又は財産の状況に関し報告又は資料の提出を求めることができる。

Article 136 (1) The Prime Minister (in the case of a labor bank or The Rokinren Bank, the Prime Minister and the Minister of Health, Labour and Welfare, and in the case of The Shoko Chukin Bank, Ltd., the Prime Minister, the Minister

of Finance, and the Minister of Economy, Trade and Industry; the same applies in the following paragraph and the following Article) may, if he/she finds it necessary to ensure the smooth implementation of this Act, require a Financial Institution (including a Financial Institution agent) or Bank Holding Company, etc. to report or submit material with regard to the status of its business and property.

2 内閣総理大臣は、この法律の円滑な実施を確保するため特に必要があると認めるときは、その必要の限度において、当該金融機関又は銀行持株会社等（以下この条及び次条において「金融機関等」という。）の子会社（当該金融機関等が銀行又は銀行持株会社（第二条第五項第一号に規定する銀行持株会社をいう。）である場合には銀行法第二条第八項に、長期信用銀行又は長期信用銀行持株会社（第二条第五項第三号に規定する長期信用銀行持株会社をいう。）である場合には長期信用銀行法第十三条の二第二項に、信用金庫又は信用金庫連合会である場合には信用金庫法第三十二条第六項に、信用協同組合又は信用協同組合連合会である場合には協同組合による金融事業に関する法律第四条第一項に、労働金庫又は労働金庫連合会である場合には労働金庫法第三十二条第五項に、株式会社商工組合中央金庫である場合には株式会社商工組合中央金庫法第二十三条第二項にそれぞれ規定する子会社（子会社とみなされる会社を含む。）をいう。次項及び次条において同じ。）又は当該金融機関等から業務の委託を受けた者（金融機関代理業者を除く。次項並びに次条第二項及び第五項において同じ。）に対し、当該金融機関等の業務又は財産の状況に関し参考となるべき報告又は資料の提出を求めることができる。

(2) The Prime Minister may, when and to the extent that he/she finds it particularly necessary to ensure the smooth implementation of this Act, require a subsidiary company of the Financial Institution or Bank Holding Company, etc. (hereinafter referred to as "Financial Institution, etc." in this Article and the following Article) (meaning a subsidiary company prescribed, respectively, in Article 2, paragraph (8) of the Banking Act in the event that the Financial Institution, etc. is a bank or bank holding company (meaning a bank holding company prescribed in Article 2, paragraph (5), item (i)), in Article 13-2, paragraph (2) of the Long-Term Credit Bank Act in the event that the Financial Institution, etc. is a Long-Term Credit Bank or Long-Term Credit Bank holding company (meaning a Long-Term Credit Bank holding company prescribed in Article 2, paragraph (5), item (iii)), in Article 32, paragraph (6) of the Shinkin Bank Act in the event that the Financial Institution, etc. is a Shinkin Bank or Federation of Shinkin Bank, in Article 4, paragraph (1) of the Act on Financial Business by Cooperatives in the event that the Financial Institution, etc. is a credit cooperative or Federation of Credit Cooperatives, in Article 32, paragraph (5) of the Labor Bank Act in the event that the Financial Institution, etc. is a labor bank or The Rokinren Bank, and in Article 23, paragraph (2) of The Shoko Chukin Bank, Ltd. Act in the event that the Financial Institution, etc. is The Shoko Chukin Bank, Ltd. (including a

company that is deemed to be a subsidiary company); the same applies in the following paragraph and the following Article) or a person to whom business has been entrusted by the Financial Institution, etc. (excluding a Financial Institution agent; the same applies in the following paragraph and paragraphs (2) and (5) of the following Article) to report or submit material with regard to the status of business and property of said Financial Institution, etc.

3 金融機関等の子会社又は金融機関等から業務の委託を受けた者は、正当な理由があるときは、前項の規定による報告又は資料の提出を拒むことができる。

(3) A person to whom business has been entrusted by a subsidiary of the Financial Institution, etc. or the Financial Institution, etc. may, if there are justifiable grounds, refuse to report or submit material under the preceding paragraph.

(立入検査)

(On-Site Inspection)

第百三十七条 内閣総理大臣は、この法律の円滑な実施を確保するため必要があると認めるときは、当該職員に金融機関等（金融機関代理業者を含む。）の営業所（信用金庫等にあつては、事務所）その他の施設に立ち入らせ、その業務若しくは財産の状況に関し質問させ、又は帳簿書類その他の物件を検査させることができる。

Article 137 (1) The Prime Minister may, if he/she finds it necessary to ensure the smooth implementation of this Act, authorize his/her officials to enter a business office (in the case of a Shinkin Bank, etc., an office) or any other facilities of a Financial Institution, etc. (including a Financial Institution agent) and ask questions on the status of its business and property or inspect books, documents, and other items.

2 内閣総理大臣は、前項の規定による立入り、質問又は検査を行う場合において特に必要があると認めるときは、その必要の限度において、当該職員に当該金融機関等の子会社又は当該金融機関等から業務の委託を受けた者の施設に立ち入らせ、当該金融機関等に対する質問若しくは検査に必要な事項に関し質問させ、又は帳簿書類その他の物件を検査させることができる。

(2) The Prime Minister may, when and to the extent he/she finds it particularly necessary in authorizing the entry, questioning, or inspection under the preceding paragraph, authorize said officials to enter the facilities of a subsidiary company of the Financial Institution, etc. or the person to whom business has been entrusted by the Financial Institution, etc. and ask necessary questions concerning the questioning or inspection of said Financial Institution, etc. or inspect books, documents, and other items.

3 前二項の場合において、当該職員は、その身分を示す証明書を携帯し、関係人の請求があつたときは、これを提示しなければならない。

(3) In the case referred to in the preceding two paragraphs, the officials shall carry a certificate of identification and produce it if requested by those

concerned.

4 第一項及び第二項の規定による権限は、犯罪捜査のために認められたものと解してはならない。

(4) The authority to conduct on-site inspections prescribed in paragraphs (1) and (2) must not be construed as given for any criminal investigation.

5 前条第三項の規定は、第二項の規定による金融機関等の子会社又は金融機関等から業務の委託を受けた者に対する質問及び検査について準用する。

(5) The provisions of paragraph (3) of the preceding Article apply mutatis mutandis to the questioning and inspection under paragraph (2) of a person to whom business has been entrusted by a subsidiary of the Financial Institution, etc. or the Financial Institution, etc.

6 内閣総理大臣は、必要があると認めるときは、機構に、第一項又は第二項の規定による立入り、質問又は検査（次に掲げる事項を調査するために行うものに限る。）を行わせることができる。この場合において、機構は、その職員に当該立入り、質問又は検査を行わせるものとする。

(6) The Prime Minister may, if he/she finds it necessary, authorize the Corporation to conduct the entry, questioning, or inspection (limited to those conducted to investigate the following matters) under paragraph (1) or (2). In this case, the Corporation is to authorize its officials to conduct said entry, questioning, or inspection.

一 第五十条第一項の規定による保険料の納付が適正に行われていること。

(i) That the payment of insurance premiums under Article 50, paragraph (1) has been made appropriately.

二 第五十五条の二第四項及び第五十八条の三第一項に規定する措置が講ぜられていること。

(ii) That measures prescribed in Article 55-2, paragraph (4) and Article 58-3, paragraph (1) have been taken.

三 第七十一条第二項の預金等債権について弁済を受けることができると見込まれる額

(iii) The expected amount of payment to be received for deposits and other claims prescribed in Article 71, paragraph (2).

7 第三項から第五項までの規定は、前項の規定による立入り、質問又は検査について準用する。

(7) The provisions of paragraph (3) to (5) apply mutatis mutandis to the entry, questioning, or inspection under the preceding paragraph.

(金融機関の破産手続開始の通知等)

(Notice of Commencement of Bankruptcy Proceedings of a Financial Institution, etc.)

第百三十七条の二 金融機関について破産手続開始の決定があつたときは、裁判所書記官は、その旨を内閣総理大臣（労働金庫又は労働金庫連合会にあつては内閣総理大臣

及び厚生労働大臣とし、株式会社商工組合中央金庫にあつては内閣総理大臣、財務大臣及び経済産業大臣とする。)に通知しなければならない。

Article 137-2 (1) When a ruling for the commencement of bankruptcy proceedings is made with respect to a Financial Institution, the court clerk shall notify to that effect the Prime Minister (in the case of a labor bank or The Rokinren Bank, the Prime Minister and the Minister of Health, Labour and Welfare, and in the case of The Shoko Chukin Bank, Ltd., the Prime Minister, the Minister of Finance, and the Minister of Economy, Trade and Industry).

2 金融機関の破産手続において、破産法第九十七条第一項（同法第二百九条第三項において準用する場合を含む。）若しくは第二百四条第二項の規定による通知をしたとき、又は同法第二百八条第一項の規定による許可を受けたときは、破産管財人は、その旨を機構に通知しなければならない。

(2) In bankruptcy proceedings of a Financial Institution, when notice is given under Article 197, paragraph (1) of the Bankruptcy Act (including the cases where it is applied mutatis mutandis pursuant to Article 209, paragraph (3) of said Act) or Article 204, paragraph (2) of the Bankruptcy Act, or permission is granted under Article 208, paragraph (1) of said Act, a bankruptcy trustee shall notify the Corporation to that effect.

(政令への委任)

(Delegation to Cabinet Order)

第三百三十八条 この法律に規定するもののほか、この法律の実施のため必要な事項は、政令で定める。

Article 138 In addition to what is provided for in this Act, necessary matters for the implementation of this Act will be specified by a Cabinet Order.

(権限の委任)

(Delegation of Authority)

第三百三十九条 内閣総理大臣は、次に掲げるものを除き、この法律による権限を金融庁長官に委任する。

Article 139 (1) The Prime Minister delegates the authority under this Act to the Commissioner of the Financial Services Agency, except those specified below:

一 第二十六条第一項又は第二項の規定による任命

(i) Appointment under Article 26, paragraph (1) or (2);

二 第二十六条第三項又は第二十九条の規定による解任

(ii) Dismissal under Article 26, paragraph (3) or Article 29;

三 第三十条の規定による承認

(iii) Approval under Article 30; and

四 その他政令で定めるもの

(iv) Any other matter specified by a Cabinet Order.

2 金融庁長官は、政令で定めるところにより、前項の規定により委任された権限の一

部を財務局長又は財務支局長に委任することができる。

- (2) The Commissioner of the Financial Services Agency may, pursuant to the provisions of a Cabinet Order, delegate part of the authority that has been delegated under the preceding paragraph to the Director-Generals of Local Finance Bureaus or Director-Generals of Local Finance Branch Bureaus.

(経過措置)

(Transitional Measures)

第百四十条 この法律の規定に基づき命令を制定し、又は改廃する場合においては、その命令で、その制定又は改廃に伴い合理的に必要と判断される範囲内において、所要の経過措置（罰則に関する経過措置を含む。）を定めることができる。

Article 140 When enacting, revising or abolishing an order pursuant to this Act, necessary transitional measures (including transitional measures concerning penal provisions) may be provided for by that order, to the extent considered reasonably necessary for its enactment, revision or abolition.

## 第九章 罰則

### Chapter IX Penal Provisions

第百四十一条 金融整理管財人又は金融整理管財人代理がその職務に関し賄賂を收受し、又はこれを要求し、若しくは約束したときは、三年以下の懲役又は百万円以下の罰金に処する。

Article 141 (1) Any financial administrator or financial administrator representative who has accepted, solicited, or promised to accept a bribe in connection with his/her duties will be punished by imprisonment with work for not more than three years or a fine of up to one million yen.

2 金融整理管財人又は金融整理管財人代理が法人であるときは、金融整理管財人又は金融整理管財人代理の職務に従事するその役員又は職員がその職務に関し賄賂を收受し、又はこれを要求し、若しくは約束したときは、三年以下の懲役又は百万円以下の罰金に処する。金融整理管財人又は金融整理管財人代理が法人である場合において、その役員又は職員が金融整理管財人又は金融整理管財人代理の職務に関し金融整理管財人又は金融整理管財人代理に賄賂を收受させ、又はその供与を要求し、若しくは約束したときも、同様とする。

(2) When a financial administrator or financial administrator representative is a corporation, any officer or staff member of such financial administrator or financial administrator representative who has accepted, solicited, or promised to accept a bribe in connection with his/her duties will be punished by imprisonment with labor for not more than three years or a fine of up to one million yen. The same applies when, in the event that a financial administrator or financial administrator representative is a corporation, any officer or staff thereof has caused the financial administrator or financial administrator

representative to accept, solicit an offer of or promise of a bribe in connection with the duties of a financial administrator or financial administrator representative.

3 犯人又は法人たる金融整理管財人若しくは金融整理管財人代理の收受した賄賂は、没収する。その全部又は一部を没収することができないときは、その価額を追徴する。

(3) Any bribe accepted by an offender or financial administrator or financial administrator representative who is a corporation will be confiscated. If it is not possible to confiscate the whole or part of the bribe, an equivalent value thereof will be collected.

第百四十二条 前条第一項若しくは第二項に規定する賄賂を供与し、又はその申込み若しくは約束をした者は、三年以下の懲役又は百万円以下の罰金に処する。

Article 142 Any person who has given, or offered or promised to give the bribe prescribed in paragraph (1) or (2) of the preceding Article will be punished by imprisonment with labor for not more than three years or a fine of up to one million yen.

第百四十三条 第百三十六条第一項又は第二項の規定による報告若しくは資料の提出をせず、又は虚偽の報告若しくは資料の提出をした者は、一年以下の懲役又は三百万円以下の罰金に処する。

Article 143 (1) Any person who has failed to submit reports or materials under Article 136, paragraph (1) or (2) or submitted false reports or materials will be punished by an imprisonment with labor for not more than one year or a fine of up to three million yen.

2 第百三十七条第一項、第二項又は第六項の規定による当該職員又は機構の職員の質問に対して答弁をせず、若しくは虚偽の答弁をし、又はこれらの規定による検査を拒み、妨げ、若しくは忌避した者も、前項と同様とする。

(2) The provisions of the preceding paragraph apply to any person who has refused to answer questions or given false answers to the officials or staff of the Corporation under Article 137, paragraph (1), (2) or (6) or has refused, obstructed, or avoided any inspection under these provisions.

第百四十四条 第二十二條（第三十三條において準用する場合を含む。）又は第八十二條の規定に違反してその職務上知ることのできた秘密を漏らした者は、一年以下の懲役又は五十万円以下の罰金に処する。

Article 144 Any person who has divulged any secret which may have come to his/her knowledge in the course of his/her duties in violation of the provisions of Article 22 (including the cases where it is applied mutatis mutandis pursuant to Article 33) or Article 82 will be punished by an imprisonment with labor for not more than one year or a fine of not more than five hundred thousand yen.



第百四十五条 破綻金融機関の取締役、執行役若しくは理事、会計参与（会計参与が法人である場合にあつては、その職務を行うべき社員）、監査役、会計監査人（会計監査人が法人である場合にあつては、その職務を行うべき社員）若しくは監事若しくは支配人若しくは参事その他の使用人若しくは当該破綻金融機関を所属金融機関とする金融機関代理業者（金融機関代理業者が法人である場合にあつては、その役員及び使用人）又はこれらの者であつた者が第三十七条第三項の規定による報告をせず、若しくは虚偽の報告をし、又は同項の規定による検査を拒み、妨げ、若しくは忌避したときは、一年以下の懲役又は五十万円以下の罰金に処する。

Article 145 (1) Any director, executive officer or deputy governor, accounting advisor (in the event that the accounting advisor is a corporation, a member who is to perform the duties of the accounting advisor), corporate auditor, accounting auditor (in the event that the accounting auditor is a corporation, a member who is to perform the duties of the corporate auditor), any inspector, manager, counselor, or any other employee of a Failed Financial Institution, a Financial Institution agent having said Failed Financial Institution as its principal Financial Institution (in the event that the Financial Institution agent is a corporation, any of its officers and employees), or a person who previously held any of these positions has failed to submit reports or submitted false reports under Article 37, paragraph (3) or refused, obstructed, or avoided any inspection under Article 37, paragraph (3) will be punished by an imprisonment with work for not more than one year or a fine of not more than five hundred thousand yen.

2 被管理金融機関の取締役、執行役若しくは理事、会計参与（会計参与が法人である場合にあつては、その職務を行うべき社員）、監査役、会計監査人（会計監査人が法人である場合にあつては、その職務を行うべき社員）若しくは監事若しくは支配人若しくは参事その他の使用人若しくは当該被管理金融機関を所属金融機関とする金融機関代理業者（金融機関代理業者が法人である場合にあつては、その役員及び使用人）又はこれらの者であつた者が第八十一条第一項（第七十七条第一項の規定により読み替えて適用される場合を含む。以下この項において同じ。）の規定による報告をせず、若しくは虚偽の報告をし、又は第八十一条第一項の規定による検査を拒み、妨げ、若しくは忌避したときも、前項と同様とする。

(2) The provisions of the preceding paragraph apply to any director, executive officer or deputy governor, accounting advisor (in the event that the accounting advisor is a corporation, a member who is to perform the duties of the accounting advisor), corporate auditor, accounting auditor (in the event that the accounting auditor is a corporation, a member who is to perform the duties of the corporate auditor), inspector, manager, counselor, or any other employee of a Financial Institution under Management, a Financial Institution agent having the Financial Institution under Management as its principal Financial Institution (in the event that the Financial Institution agent is a corporation,

any of its officers and employees), or a person who previously held any of these positions who has failed to submit reports or submitted false reports under Article 81, paragraph (1) (including the cases where it is applied by replacing the term pursuant to the provisions of Article 77, paragraph (1); hereinafter the same applies in this paragraph) or refused, obstructed, or avoided any inspection under Article 81, paragraph (1).

第百四十六条 次の各号のいずれかに該当する者は、五十万円以下の罰金に処する。

Article 146 Any person who falls under any of the following items will be subject to a fine of not more than five hundred thousand yen:

一 第六十四条の二第五項（第六十八条の二第五項（第六十九条第四項及び第一百一条第七項において準用する場合を含む。）、第六十八条の三第五項（第六十九条第四項及び第一百一条第七項において準用する場合を含む。）、第六十九条第四項及び第一百一条第七項において準用する場合を含む。）、第百条又は第百八条第二項（第百八条の二第四項（第百八条の三第八項において準用する場合を含む。）及び第百八条の三第八項において準用する場合を含む。）の規定による報告をせず、又は虚偽の報告をした者

(i) Any person who has failed to submit reports or submitted false reports under Article 64-2, paragraph (5) (including the cases where it is applied mutatis mutandis pursuant to Article 68-2, paragraph (5) (including the cases where it is applied mutatis mutandis pursuant to Article 69, paragraph (4) and Article 101, paragraph (7)), Article 68-3, paragraph (5) (including the cases where it is applied mutatis mutandis pursuant to Article 69, paragraph (4) and Article 101, paragraph (7)), Article 69, paragraph (4) and Article 101, paragraph (7)), Article 100 or Article 108, paragraph (2) (including the cases where it is applied mutatis mutandis pursuant to Article 108-2, paragraph (4) (including the cases where it is applied mutatis mutandis pursuant to Article 108-3, paragraph (8)) and Article 108-3, paragraph (8));

二 第八十条又は第百十五条の規定による報告若しくは資料の提出をせず、又は虚偽の報告若しくは資料の提出をした者

(ii) Any person who has failed to submit reports or materials under Article 80 or Article 115 or submitted false reports or materials.

第百四十七条 次の各号のいずれかに該当する場合には、その違反行為をした機構の役員又は職員は、五十万円以下の罰金に処する。

Article 147 Any officer or staff of the Corporation who has committed any of the following violations is subject to a fine of not more than five hundred thousand yen:

一 第四十六条第一項の規定による報告をせず、若しくは虚偽の報告をし、又は同項の規定による検査を拒み、妨げ、若しくは忌避したとき。

(i) When he/she has failed to submit reports or submitted false reports under

Article 46, paragraph (1) or has refused, obstructed or avoided any inspection under Article 46, paragraph (1);

二 第五十六条第四項（第五十七条第五項及び第七十二条第五項において準用する場合を含む。）、第六十四条第三項（第六十九条第四項、第六十九条の三第二項（第二百二十七条及び第二百二十八条において準用する場合を含む。）、第百一条第七項及び第百十八条第四項において準用する場合を含む。）、第九十二条第三項、第九十六条第三項、第九十七条第二項、第九十八条第二項、第百七条第二項、第百九条第二項、第百二十条第四項、第百二十三条第一項又は第二百二十九条第四項の規定による報告をせず、又は虚偽の報告をしたとき。

(ii) When he/she has failed to submit reports or submitted false reports under Article 56, paragraph (4) (including the cases where it is applied mutatis mutandis pursuant to Article 57, paragraph (5) and Article 72, paragraph (5)), Article 64, paragraph (3) (including the cases where it is applied mutatis mutandis pursuant to Article 69, paragraph (4), Article 69-3, paragraph (2) (including the cases where it is applied mutatis mutandis pursuant to Article 127 and Article 128), Article 101, paragraph (7) and Article 118, paragraph (4)), Article 92, paragraph (3), Article 96, paragraph (3), Article 97, paragraph (2), Article 98, paragraph (2), Article 107, paragraph (2), Article 109, paragraph (2), Article 120, paragraph (4), Article 123, paragraph (1) or Article 129, paragraph (4).

第百四十八条 第三十七条第一項又は第五十五条の二第二項の規定による資料を提出せず、又は虚偽の資料を提出した者は、三十万円以下の罰金に処する。

Article 148 Any person who has failed to submit materials or submitted false materials under Article 37, paragraph (1) or Article 55-2, paragraph (2) will be charged with a fine of not more than 300,000 yen.

第百四十九条 法人（法人でない社団又は財団で代表者又は管理人の定めがあるもの（以下この条において「人格のない社団等」という。）を含む。以下この項において同じ。）の代表者（人格のない社団等の管理人を含む。）又は法人若しくは人の代理人、使用人その他の従業者が、その法人又は人の業務又は財産に関し、次の各号に掲げる規定の違反行為をしたときは、その行為者を罰するほか、その法人に対して当該各号に定める罰金刑を、その人に対して各本条の罰金刑を科する。

Article 149 (1) When a representative (including an administrator of an Association Without Legal Personality, etc.) of a corporation (including an association or foundation which is not a corporation but for which a representative or an administrator has been designated (hereinafter referred to as an "Association Without Legal Personality, etc." in this Article); hereinafter the same applies in this paragraph) or an agent, employee, or other worker of a corporation or individual has committed any violation specified in each of the following items with regard to the business or property of such corporation or

individual, not only the offender will be punished, but also said corporation will be charged with the fine set forth in each respective item and said individual will be charged by the fine prescribed in the respective Articles.

一 第四百四十三条 二億円以下の罰金刑

(i) Article 143: A fine of not more than 200,000,000 yen

二 第四百四十五条（次に掲げる者に係る部分に限る。）、第四百四十六条又は第四百四十八条 各本条の罰金刑

(ii) Article 145 (limited to the part pertaining to the following persons), Article 146 or Article 148: The fine prescribed in the respective Articles

イ 金融機関代理業者（法人に限る。）

(a) Financial Institution agent (limited to corporations)

ロ 会計参与（法人に限る。）

(b) Accounting advisor (limited to corporations)

ハ 会計監査人（法人に限る。）

(c) Accounting auditor (limited to corporations)

2 人格のない社団等について前項の規定の適用がある場合においては、その代表者又は管理人がその訴訟行為につき当該人格のない社団等を代表するほか、法人を被告人又は被疑者とする場合の刑事訴訟に関する法律の規定を適用する。

(2) In the event that the provisions of the preceding paragraph apply to an Association Without Legal Personality, etc., its representative or administrator will represent the Association Without Legal Personality, etc. in its procedural action, and the provisions of Acts concerning criminal procedure in the cases where a corporation is accused or suspected will be applied.

第百五十条 第四百四十一条の罪は、日本国外においてこれらの罪を犯した者にも適用する。

Article 150 (1) The crimes set forth in Article 141 apply to any person who has committed these crimes outside Japan.

2 第四百四十二条の罪は、刑法第二条の例に従う。

(2) The crimes set forth in Article 142 are governed by Article 2 of the Penal Code.

第百五十一条 次の各号のいずれかに該当する場合には、その違反行為をした金融機関又は銀行持株会社等の取締役、執行役又は理事は、百万円以下の過料に処する。ただし、その行為について刑を科すべきときは、この限りでない。

Article 151 (1) Any director, executive officer or deputy governor of a Financial Institution or Bank Holding Company, etc. who has committed any of the following violations will be charged with a non-criminal fine of not more than one million yen; provided, however, that this does not apply when such act should be made subject to a criminal punishment:

一 この法律に定める公告、報告、通知若しくは催告をすることを怠り、又は不正の公告、報告若しくは通知をしたとき。

- (i) When he/she has failed to give public notice, report, notice or demand prescribed in this Act or has given unauthorized public notice, report, or notice;
- 二 第五十八条の三第二項の規定による命令に違反したとき。
- (ii) When he/she has violated an order under Article 58-3, paragraph (2);
- 三 第六十八条の二第四項若しくは第六十八条の三第四項（これらの規定を第六十九条第四項及び第百一条第七項において準用する場合を含む。）、第百八条の二第三項（第百八条の三第八項において準用する場合を含む。）、第百八条の三第三項（同条第四項において準用する場合を含む。）又は同条第七項の規定による提出をせず、又は虚偽の提出をしたとき。
- (iii) When he/she has failed to make submission or has made false submission pursuant to the provision of Article 68-2, paragraph (4) or Article 68-3, paragraph (4) (including the cases where these provisions are applied mutatis mutandis pursuant to Article 69, paragraph (4) and Article 101, paragraph (7)), Article 108-2, paragraph (3) (including the cases where it is applied mutatis mutandis pursuant to Article 108-3, paragraph (8)), Article 108-3, paragraph (3) (including the cases where it is applied mutatis mutandis pursuant to Article 108-3, paragraph (4)) or Article 108-3, paragraph (7);
- 四 第七十条の三第二項又は第七十条の四第二項の規定に違反して登記することを怠ったとき。
- (iv) When he/she has failed to make registration in violation of the provisions of Article 107-3, paragraph (2) or Article 107-4, paragraph (2);
- 五 第百八条の二第一項（第百八条の三第八項において準用する場合を含む。）、第百八条の三第一項（同条第四項において準用する場合を含む。）又は同条第五項の規定による内閣総理大臣の認可を受けないでこれらの規定に規定する行為をしたとき。
- (v) When he/she has committed any act prescribed in Article 108-2, paragraph (1) (including the cases where it is applied mutatis mutandis pursuant to Article 108-3, paragraph (8)), Article 108-3, paragraph (1) (including the cases where it is applied mutatis mutandis pursuant to Article 108-3, paragraph (4)) or Article 108-3, paragraph (5) without the authorization of the Prime Minister prescribed in these provisions;
- 六 第七十四条第五項の規定に違反して、申出をせず、又は虚偽の申出をしたとき。
- (vi) When he/she has failed to provide notification or provided false notification in violation of the provisions of Article 74, paragraph (5);
- 七 第七十七条第二項の規定により選任された金融整理管財人に事務の引渡しをしないとき。
- (vii) When he/she fails to transfer affairs to a financial administrator who has been appointed under Article 77, paragraph (2);
- 八 第三百三十一条第八項の規定による弁済又は担保の提供若しくは財産の信託を怠つ

たとき。

(viii) When he/she has failed to make payment, provide security, or entrust property under Article 131, paragraph (8).

2 金融整理管財人が、第七十五条の規定により管理を命ずる処分が取り消されたにもかかわらず、被管理金融機関の取締役、執行役若しくは理事又は清算人に事務の引渡しをしないときは、百万円以下の過料に処する。ただし、その行為について刑を科すべきときは、この限りでない。

(2) When a financial administrator fails to transfer his/her affairs to a director, executive officer, deputy governor, or liquidator of a Financial Institution under Management despite the rescission of a Disposition Ordering Management under Article 75, such financial administrator will be charged with a non-criminal fine of not more than one million yen; provided, however, that this does not apply when a criminal punishment should be imposed for the act in question.

3 次の各号に掲げる金融機関の金融整理管財人は、当該各号に定める規定のいずれかに該当する場合には、百万円以下の過料に処する。ただし、その行為について刑を科すべきときは、この限りでない。

(3) A financial administrator of the Financial Institutions specified in each of the following items will be charged with a non-criminal fine of not more than one million yen if he/she falls under any of the provisions prescribed in each respective item; provided, however, that this does not apply when a criminal punishment should be imposed for the act in question:

一 銀行 会社法第九百七十六条各号又は銀行法第六十五条各号

(i) A Bank: Each item of Article 976 of the Companies Act or each item of Article 65 of the Banking Act

二 長期信用銀行 会社法第九百七十六条各号又は長期信用銀行法第二十七条各号

(ii) A Long-Term Credit Bank: Each item of Article 976 of the Companies Act or each item of Article 27 of the Long-Term Credit Bank Act

三 金融機関の信託業務の兼営等に関する法律第一条第一項の規定により信託業務を営む金融機関 同法第十五条各号

(iii) A Financial Institution that conducts trust business under Article 1, paragraph (1) of the Act on Provision, etc. of Trust Business by Financial Institutions: Each item of Article 15 of said Act

四 信用金庫又は信用金庫連合会 信用金庫法第九十一条第一項各号

(iv) A credit cooperative or Shinkin Central Bank: Each item of Article 91, paragraph (1) of the Shinkin Bank Act

五 信用協同組合又は信用協同組合連合会 協同組合による金融事業に関する法律第十二条第一項各号

(v) A credit cooperative or Federation of Credit Cooperatives: Each item of Article 12, paragraph (1) of the Act on Financial Business by Cooperatives

六 労働金庫又は労働金庫連合会 労働金庫法第一百一条第一項各号

(vi) A labor bank or The Rokinren Bank: Each item of Article 101, paragraph (1) of the Labor Bank Act

七 株式会社商工組合中央金庫 会社法第九百七十六条各号又は株式会社商工組合中央金庫法第七十六条各号

(vii) The Shoko Chukin Bank, Ltd.: Each item of Article 976 of the Companies Act or Article 76 of The Shoko Chukin Bank, Ltd. Act

4 信用協同組合又は信用協同組合連合会の金融整理管財人は、中小企業等協同組合法第百十五条第一項各号のいずれかに該当する場合には、二十万円以下の過料に処する。ただし、その行為について刑を科すべきときは、この限りでない。

(4) A financial administrator of a credit cooperative or Federation of Credit Cooperatives who falls under any item of Article 115, paragraph (1) of the Small and Medium-Sized Enterprises Cooperatives Act will be charged with a non-criminal fine of not more than 200,000 yen; provided, however, that this does not apply when a criminal punishment should be imposed for the act in question.

第百五十二条 次の各号のいずれかに該当する場合には、その違反行為をした機構の役員は、二十万円以下の過料に処する。

Article 152 Any officer of the Corporation who falls under any of the following items will be charged with a non-criminal fine of not more than 200,000 yen:

一 この法律により内閣総理大臣及び財務大臣の認可又は承認を受けなければならない場合において、その認可又は承認を受けなかつたとき。

(i) When he/she is required under this Act to obtain the authorization or approval of the Prime Minister and the Minister of Finance but has failed to obtain such authorization or approval;

二 第七条第一項の規定による政令に違反して登記することを怠つたとき。

(ii) When he/she has failed to make registration in violation of the Cabinet Order prescribed in Article 7, paragraph (1);

三 第三十四条に規定する業務以外の業務を行つたとき。

(iii) When he/she has carried out operations other than those prescribed in Article 34;

四 第四十条第三項の規定に違反して、書類を備え置かず、又は閲覧に供しなかつたとき。

(iv) When he/she has failed to keep documents or make them available for public inspection in violation of the provisions of Article 40, paragraph (3);

五 第四十一条の規定に違反して責任準備金を計算せず、又はこれを積み立てなかつたとき。

(v) When he/she has failed to calculate or set aside a liability reserve in violation of the provisions of Article 41;

六 第四十三条の規定に違反して業務上の余裕金を運用したとき。

(vi) When he/she has invested surplus funds from operations in violation of the

provisions of Article 43;

七 第四十五条第二項の規定による内閣総理大臣及び財務大臣の命令に違反したとき。

(vii) When he/she has violated an order of the Prime Minister and the Minister of Finance under Article 45, paragraph (2);

八 第五十五条第三項及び第四項、第五十九条第七項（第五十九条の二第三項（第六十九条第四項において準用する場合を含む。）、第六十九条第四項、第一百一条第五項及び第一百十八条第二項において準用する場合を含む。）、第六十条第三項、第六十一条第七項（第六十二条第四項（第一百一条第七項及び第一百十八条第四項において準用する場合を含む。）、第一百一条第五項及び第一百十八条第二項において準用する場合を含む。）、第六十六条第四項（第一百一条第七項及び第一百十八条第四項において準用する場合を含む。）又は第一百二十条第三項の規定による報告をせず、又は虚偽の報告をしたとき。

(viii) When he/she has failed to submit reports or submitted false reports under Article 55, paragraphs (3) and (4), Article 59, paragraph (7) (including the cases where it is applied mutatis mutandis pursuant to Article 59-2, paragraph (3) (including the cases where it is applied mutatis mutandis pursuant to Article 69, paragraph (4)), Article 69, paragraph (4), Article 101, paragraph (5) and Article 118, paragraph (2)), Article 60, paragraph (3), Article 61, paragraph (7) (including the cases where it is applied mutatis mutandis pursuant to Article 62, paragraph (4) (including the cases where it is applied mutatis mutandis pursuant to Article 101, paragraph (7) and Article 118, paragraph (4)), Article 101, paragraph (5) and Article 118, paragraph (2)), Article 66, paragraph (4) (including the cases where it is applied mutatis mutandis pursuant to Article 101, paragraph (7) and Article 118, paragraph (4)) or Article 120, paragraph (3).

第一百五十三条 第六条第二項の規定に違反した者は、二十万円以下の過料に処する。

Article 153 Any person who has violated the provisions of Article 6, paragraph (2) will be charged with a non-criminal fine of not more than 200,000 yen.