

# 商品投資に係る事業の規制に関する法律（第二条未施行 等）

## Act on Regulation of Commodity Investment (Article 2 unenforced, etc.)

(平成三年五月二日法律第六十六号)

(Act No. 66 of May 2, 1991)

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**第一章 総則**

**Chapter I General Provisions**

(目的)

(Purpose)

第一条 この法律は、商品投資顧問業を営む者に対する許可制度の実施その他の商品投資に係る事業に対する必要な規制を行うことにより、その事業を行う者の業務の適正な運営を確保し、もって商品投資に係る事業を公正かつ円滑にするとともに、投資者の保護を図ることを目的とする。

Article 1 The purpose of this Act is to secure the proper operation of the business activities of persons who engage in commodity investment advising by implementing a licensing system for persons who engage in commodity investment advising and by applying other necessary regulations to commodity investment, thereby ensuring the fair and smooth operation of commodity investment and protecting investors.

(定義)

(Definitions)

第二条 この法律において「商品投資」とは、次に掲げるものをいう。

Article 2 (1) The term "commodity investment" as used in this Act shall mean the following:

一 商品先物取引法（昭和二十五年法律第二百三十九号）第二条第一項に規定する商品（以下「特定商品」という。）又は同条第二項に規定する商品指数（第二十一条第一号及び第二十八条第二号において「特定商品指数」という。）について、同法第二条第三項に規定する先物取引（同条第十三項に規定する外国商品市場取引を含む。）を行うこと。

(i) Engaging in derivatives transactions prescribed in Article 2, paragraph (3) of the Commodity Futures Act (Act No. 239 of 1950) (including transactions in foreign commodity markets prescribed in paragraph (13) of said Article) with regard to the commodities prescribed in Article 2, paragraph (1) of said Act (hereinafter referred to as "specified commodities") or the commodity indices prescribed in paragraph (2) of said Article (referred to as "specified commodity indices" in Article 21, item (i) and Article 28, item (ii))

二 特定商品その他の価格の変動が著しい物品（鉱業権、工業所有権及び施設の利用に関する権利を含む。次号及び次項において同じ。）として政令で定めるもの（第二十一条第一号及び第二十八条第二号において「特定物品」という。）について、当事者の一方の意思表示により当事者間において当該商品の売買取引を成立させることができる権利（同号において「オプション」という。）を相手方が当事者の一方に付与し、当事者の一方がこれに対して対価を支払うことを約する取引を行うこと。

(ii) Engaging in transactions where the parties agree that, upon the manifestation of intention by one of the parties, the other party grants said party a right to execute transactions between the parties in commodities or other goods specified by Cabinet Order as goods whose prices fluctuate widely (including mining rights, industrial property rights and rights to the utilization of facilities; the same shall apply in the following item and the following paragraph) (referred to as "specified goods" in Article 21, item (i) and Article 28, item (ii)) (referred to as an "option" in said item) and said party pays the consideration therefor

三 特定商品その他の価格の変動が著しい物品又はその使用（鉱業権、工業所有権及

び施設の利用に関する権利にあっては、その行使。以下この号において同じ。)により得られる収益の予測が困難な物品として政令で定めるもの(第二十一条第一号及び第二十八条第二号において「指定物品」という。)を取得(生産を含む。)し、これを譲渡し、使用し、又は使用させること。

(iii) Acquiring (including via production), transferring, using or having a person use specified commodities or other goods specified by Cabinet Order as goods whose prices fluctuate widely or as goods for which the income obtained from their use (for mining rights, industrial property rights and rights for the utilization of facilities, the exercise thereof; hereinafter the same shall apply in this item) is difficult to predict (referred to as "designated goods" in Article 21, item (i) and Article 28, item (ii))

2 この法律において「商品投資顧問契約」とは、当事者の一方が、相手方から、商品投資に係る投資判断(投資の対象となる物品の種類、数及び価格並びに売買の別、方法及び時期についての判断(前項第一号に規定する先物取引(特定商品に係る商品先物取引法第二条第三項第一号に規定する取引を除く。))及び前項第二号に規定する取引にあっては、行うべき取引の内容及び時期についての判断)をいう。以下同じ。)の全部又は一部を一任されるとともに、当該投資判断に基づき相手方のため商品投資を行うのに必要な権限を委任されることを内容とする契約をいう。

(2) The term "commodity investment advisory contract" as used in this Act shall mean a contract that provides that one of the parties shall be entrusted with all or part of the investment decision pertaining to commodity investment (which means a decision with regard to the type, number and price of goods subject to investment as well as the distinction between selling or buying and the method and time of selling or buying (in the case of derivatives transactions prescribed in item (i) of the preceding paragraph (excluding the transactions prescribed in Article 2, paragraph (3), item (i) of the Commodity Futures Act pertaining to specified commodities) and transactions prescribed in item (ii) of the preceding paragraph, a decision with regard to the subject matter and timing of the transactions to be engaged in); the same shall apply hereinafter) and shall be delegated the authority required to make a commodity investment on behalf of the other party based on said investment decision.

3 この法律において「商品投資顧問業」とは、商品投資顧問契約に基づいて商品投資を行う営業をいう。

(3) The term "commodity investment advising" as used in this Act shall mean the commercial pursuit of engaging in commodity investment based on commodity investment advisory contracts.

4 この法律において「商品投資顧問業者」とは、次条の許可を受けて商品投資顧問業を営む者をいう。

(4) The term "commodity investment advisor" as used in this Act shall mean an entity that engages in commodity investment advising under the license set

forth in the following Article.

5 この法律において「商品投資契約」とは、次に掲げる契約であって、商品投資に係る事業の公正及び投資者の保護を確保することが必要なものとして政令で定めるものをいう。

(5) The term "commodity investment contract" as used in this Act shall mean the following contracts, which are specified by Cabinet Order as those for which the fairness of the commodity investment and the protection of investors have to be secured:

一 当事者の一方が相手方の営業のために出資を行い、相手方がその出資された財産の全部又は一部を商品投資により運用し、当該運用から生ずる利益の分配及び当該出資の価額（当該出資が損失によって減少した場合にあっては、その残額）の返還（次項第一号において「利益の分配等」という。）を行うことを約する契約

(i) A contract where the parties agree that one of the parties will offer a contribution to the commercial pursuits of the other party, and said other party invests all or part of the contributed property as a commodity investment, distributes profit arising from said investment and returns the value of said contribution (in the case where said contribution has been reduced due to loss, the remaining amount) (referred to as "distribution, etc. of profit" in item (i) of the following paragraph)

二 各当事者が出資を行い、業務の執行を委任された者が共同の事業としてその出資された財産の全部又は一部を商品投資により運用し、当該運用から生ずる収益の分配及び当該出資の価額に応じて分割された残余財産の価額の返還（次項第一号において「収益の分配等」という。）を行うことを約する契約

(ii) A contract where the parties agree that each party will offer a contribution, and a person who has been entrusted with the execution of business activities invests all or part of the contributed property by means of commodity investment as a joint enterprise, distributes income arising from said investment and returns the value of the residual assets divided according to the value of said contribution (referred to as "distribution, etc. of income" in item (i) of the following paragraph)

三 外国の法令に基づく契約であって、前二号に掲げるものに類するもの

(iii) A contract based on the laws and regulations of a foreign state which are similar to those listed in the preceding two items

6 この法律において「商品投資受益権」とは、次に掲げる権利であって、商品投資に係る事業の公正及び投資者の保護を確保することが必要なものとして政令で定めるものをいう。

(6) The term "commodity investment beneficial interest" as used in this Act shall mean the following interests, which are specified by Cabinet Order as those for which the fairness of the commodity investment and the protection of investors have to be secured:

一 商品投資契約に係る利益の分配等又は収益の分配等を受ける権利

- (i) The interest in receiving a distribution, etc. of profit or the distribution, etc. of income pertaining to a commodity investment contract  
二 信託財産の全部又は一部を商品投資により運用することを目的とする信託の収益の分配及び元本の返還を受ける権利
- (ii) The interest in receiving a distribution of income from a trust and the return of the principal for the purpose of investing all or part of a trust fund by means of commodity investment  
三 外国の法令に準拠して設立された法人（次条及び第三十九条において「外国法人」という。）に対する権利であって、前二号に掲げるものに類するもの
- (iii) An interest of a juridical person established in accordance with the laws and regulations of a foreign state (referred to as "foreign juridical person" in the following Article and Article 39) similar to those listed in the preceding two items.

## 第二章 商品投資に係る事業の規制

### Chapter II Regulation of Commodity Investment

#### 第一節 商品投資顧問業の規制

#### Section 1 Regulation of Commodity Investment Advising

##### 第一款 許可

##### Subsection 1 License

(商品投資顧問業者の許可)

(License for Commodity Investment Advisors)

第三条 商品投資顧問業は、主務大臣の許可を受けた株式会社（外国法人については、株式会社と同種類の法人で国内に営業所を有するものに限る。）でなければ、営むことができない。

Article 3 Commodity investment advising may only be engaged in by a stock company which has obtained a license from the competent minister (with regard to foreign juridical persons, limited to juridical persons of the same type as a stock company which has a business office in Japan).

(許可の条件)

(Licensing Conditions)

第四条 主務大臣は、前条の許可に条件を付し、及びこれを変更することができる。

Article 4 (1) The competent minister may attach conditions to the license set forth in the preceding Article and change them.

2 前項の条件は、商品投資に係る事業の公正又は投資者の保護を確保するため必要な最小限度のものでなければならない。

(2) The conditions set forth in the preceding paragraph shall be the minimum conditions necessary for securing the fairness of the commodity investment or the protection of investors.

(許可の申請)

**(Application for a License)**

第五条 第三条の許可を受けようとする者は、次に掲げる事項を記載した許可申請書を主務大臣に提出しなければならない。

Article 5 (1) An entity that intends to obtain a license set forth in Article 3 shall submit a written application for license containing the following matters to the competent minister:

一 商号及び住所

(i) Trade name and address

二 営業所の名称及び所在地

(ii) Names and location of business offices

三 取締役及び監査役（委員会設置会社にあつては、取締役及び執行役）の氏名及び住所並びに政令で定める使用人があるときは、その者の氏名及び住所

(iii) Names and addresses of directors and corporate auditors (in the case of a company with committees, directors and executive officers) and names and addresses of employees specified by Cabinet Order if any

四 会計参与設置会社にあつては、会計参与の氏名又は名称及び住所

(iv) Names and addresses of accounting advisors in the case of a company with accounting advisors

五 資本金の額

(v) Amount of stated capital

六 業務の種類及び方法

(vi) Type and method of business activities

七 他に事業を行っているときは、その事業の種類

(vii) Type of service if the entity provides other services

八 その他主務省令で定める事項

(viii) Other matters specified by ordinance of the competent ministry

2 前項の許可申請書には、主務省令で定める書類を添付しなければならない。

(2) Documents specified by ordinance of the competent ministry shall be attached to the written application for license set forth in the preceding paragraph.

(許可の基準)

**(Criteria for Licensing)**

第六条 主務大臣は、前条の規定による許可の申請があつたときは、その申請が次に掲げる基準に適合するかどうかを審査しなければならない。

Article 6 (1) When an application for license under the provisions of the preceding Article has been filed, the competent minister shall examine whether the application conforms to the following criteria:

一 許可申請者がその営もうとする業務を健全に遂行するに足りる財産的基礎を有し、かつ、その者の当該業務の収支の見込みが良好なものであること。

(i) The applicant for a license has sufficient financial basis for soundly performing the business activities it intends to engage in, and the outlook for the income and expenditures for said business activities of the applicant is favorable

二 許可申請者が、その人的構成に照らして、その営もうとする業務を公正かつ適確に遂行することができる知識及び経験を有し、かつ、十分な社会的信用を有するものであること。

(ii) In light of its personnel structure, the applicant for a license has the knowledge and experience that enable the fair and appropriate performance of the business activities it intends to operate and has sufficient social credibility

2 主務大臣は、前項の規定により審査した結果、その申請が同項の基準に適合していると認めるときは、許可申請者が次の各号のいずれかに該当する場合を除き、第三条の許可をしなければならない。

(2) When the competent minister has found that the application conforms to the criteria set forth in the preceding paragraph as a result of examination pursuant to the provisions of said paragraph, he/she shall grant a license set forth in Article 3, except when the applicant for a license falls under any of the following items:

一 資本金の額が投資者の保護のため必要かつ適当なものとして政令で定める金額以上の株式会社でない者

(i) An entity that is not a stock company of which the amount of stated capital is not less than an amount specified by Cabinet Order as necessary and appropriate to protect investors

二 第三十二条第一項の規定により第三条の許可を取り消され、その取消の日から三年を経過しない会社又はこの法律に相当する外国の法令の規定により当該外国において受けている同種の許可（当該許可に類する登録その他の行政処分を含む。以下「許可等」という。）を取り消され、その取消の日から三年を経過しない会社

(ii) A company whose license set forth in Article 3 has been rescinded pursuant to the provisions of Article 32, paragraph (1) and for whom three years have not lapsed from the day of the rescission, or a company whose similar license obtained in a foreign state pursuant to the provisions of the laws and regulations of said foreign state which are equivalent to this Act (including registration and other administrative dispositions similar to said license; hereinafter referred to as "license, etc.") has been rescinded and for whom three years have not lapsed from the day of the rescission

三 この法律、金融商品取引法（昭和二十三年法律第二十五号）、商品先物取引法、投資信託及び投資法人に関する法律（昭和二十六年法律第九十八号）、出資の受入れ、預り金及び金利等の取締りに関する法律（昭和二十九年法律第九十五号）、特定商品等の預託等取引契約に関する法律（昭和六十一年法律第六十二号）若しくは信託業法（平成十六年法律第五十四号）又はこれらに相当する外国の法令の規

定により罰金の刑（これに相当する外国の法令による刑を含む。）に処せられ、その刑の執行を終わり、又はその刑の執行を受けることがなくなった日から三年を経過しない会社

(iii) A company which has been sentenced to a fine (including punishment equivalent thereto under the laws and regulations of a foreign state) pursuant to the provisions of this Act, the Financial Instruments and Exchange Act (Act No. 25 of 1948), the Commodity Futures Act, the Act Concerning Investment Trusts and Investment Corporations (Act No. 198 of 1951), the Act on Regulation of Acceptance of Contributions, Deposits, and Interest Rates (Act No. 195 of 1954), the Act on Contracts for Deposit of Specified Commodities (Act No. 62 of 1986) or the Trust Business Act (Act No. 154 of 2004), or the provisions of the laws and regulations of a foreign state equivalent thereto and for whom three years have not lapsed from the day on which execution of the sentence ended or from the day on which the sentence ceased to be executed

四 取締役、会計参与、監査役若しくは執行役又は政令で定める使用人のうちに次のいずれかに該当する者のある会社

(iv) A company of which any of the directors, accounting advisors, corporate auditors, executive officers and employees specified by Cabinet Order fall under any of the following:

イ 成年被後見人若しくは被保佐人又は外国の法令上これらと同様に取り扱われている者

(a) An adult ward or a person under curatorship or a person who is treated the same as such a person under the laws and regulations of a foreign state

ロ 破産手続開始の決定を受けて復権を得ない者又は外国の法令上これと同様に取り扱われている者

(b) A person who has received an order of commencement of bankruptcy proceedings and has not yet had his/her rights restored or a person who is treated the same as such a person under the laws and regulations of a foreign state

ハ 禁錮以上の刑（これに相当する外国の法令による刑を含む。）に処せられ、その刑の執行を終わり、又はその刑の執行を受けることがなくなった日から三年を経過しない者

(c) A person who has been sentenced to imprisonment without work or a more severe punishment (including punishment equivalent thereto under the laws and regulations of a foreign state) and for whom three years have not lapsed from the day on which execution of the sentence ended or from the day on which the sentence ceased to be executed

ニ 前号に規定する法律若しくはこれらに相当する外国の法令の規定に違反し、又は刑法（明治四十年法律第四十五号）第二百四条、第二百六条、第二百八条、第二百八条の三、第二百二十二条若しくは第二百四十七条の罪若しくは暴力行為等



処罰に関する法律（大正十五年法律第六十号）の罪を犯し、罰金の刑（これに相当する外国の法令による刑を含む。）に処せられ、その刑の執行を終わり、又はその刑の執行を受けることがなくなった日から三年を経過しない者

(d) A person who has been sentenced to a fine (including punishment equivalent thereto under the laws and regulations of a foreign state) for the violation of the provisions of any of the laws prescribed in the preceding item or the provisions of any of the laws and regulations of a foreign state equivalent thereto or for the commitment of a crime set forth in Article 204, 206, 208, 208-3, 222 or 247 of the Penal Code (Act No. 45 of 1907) or a crime set forth in the Act on Punishment of Physical Violence and Others (Act No. 60 of 1926) and for whom three years have not lapsed from the day on which execution of the sentence ended or from the day on which the sentence ceased to be executed

ホ 商品投資顧問業者が第三十二条第一項の規定により第三条の許可を取り消された場合において、その取消しの日前三十日以内に当該商品投資顧問業者の取締役、会計参与、監査役若しくは執行役又は政令で定める使用人であった者で当該取消しの日から三年を経過しないもの

(e) Where the license set forth in Article 3 given to a commodity investment advisor has been rescinded pursuant to the provisions of Article 32, paragraph (1), a person who was a director, accounting advisor, corporate auditor, executive officer or employee specified by Cabinet Order of said commodity investment advisor within 30 days prior to the day of rescission and for whom three years have not lapsed from the day of said rescission

へ この法律に相当する外国の法令の規定により当該外国において受けている同種の許可等を取り消され、その取消しの日から三年を経過しない者（当該許可等を取り消された法人の当該取消しの日前三十日以内に役員又は政令で定める使用人であった者で当該取消しの日から三年を経過しないものを含む。）

(f) A person whose similar license, etc. obtained in a foreign state pursuant to the provisions of the laws and regulations of said foreign state which are equivalent to this Act has been rescinded and for whom three years have not elapsed from the day of the rescission (including a person who, within 30 days prior to the day on which a juridical person's license, etc. was rescinded, was an employee as specified by Cabinet Order or an officer of said juridical person, where three years have not elapsed from the day of said rescission)

五 業務の種類及び方法が投資者の保護のため必要なものとして主務省令で定める基準に適合しない会社

(v) A company whose business activity types and methods do not conform to the criteria specified by ordinance of the competent ministry as those necessary for the protection of investors.

(許可の有効期間)

(License Validity Period)

第七条 第三条の許可の有効期間は、許可の日から起算して六年とする。

Article 7 The validity period of a license set forth in Article 3 shall be six years from the day it is granted.

(許可の有効期間の更新)

(Renewal of License Validity Period)

第八条 第三条の許可の有効期間（この項の規定による有効期間の更新を受けた場合における当該有効期間の更新に係る同条の許可の有効期間を含む。以下同じ。）の満了の後引き続き当該許可に係る商品投資顧問業を営もうとする者は、主務省令で定めるところにより、主務大臣の行う有効期間の更新を受けなければならない。

Article 8 (1) An entity that intends to continue to engage in commodity investment advising pertaining to a license set forth in Article 3 after the expiration of its validity period (including the validity period of a license renewed under the provisions of this paragraph; the same shall apply hereinafter) shall obtain a renewal of the validity period from the competent minister pursuant to the provisions of ordinance of the competent ministry.

2 第四条から第六条までの規定は、第三条の許可の有効期間の更新について準用する。

(2) The provisions of Articles 4 through 6 shall apply mutatis mutandis to a renewal of the validity period of a license set forth in Article 3.

3 第三条の許可の有効期間の満了の日までに有効期間の更新の申請があった場合において、その申請について有効期間の更新の承認又は拒否の通知があるまでの間は、当該申請に係る同条の許可は、当該許可の有効期間の満了後も、なおその効力を有する。

(3) In a case where an application for renewal of the validity period of a license set forth in Article 3 has been filed by the time of the expiration of its validity period, the license shall remain in force after the expiration of its validity period until notice of the approval or refusal of the renewal is given.

4 前項の場合において、有効期間の更新が承認されたときは、当該有効期間の更新に係る第三条の許可の有効期間は、従前のその許可の有効期間の満了する日の翌日から起算するものとする。

(4) In the case referred to in the preceding paragraph, when the renewal of the validity period is approved, the validity period of a license set forth in Article 3 pertaining to the renewal of said validity period shall be counted as being from the day following the day of expiration of the previous validity period of the license.

(変更の認可)

(Approval of Change)

第九条 商品投資顧問業者は、第五条第一項第六号に掲げる事項を変更しようとするとき、又はその資本金の額を減少しようとするときは、主務大臣の認可を受けなければ

ならない。

**Article 9** When a commodity investment advisor intends to change any of the matters listed in Article 5, paragraph (1), item (vi) or intends to reduce the amount of its stated capital, it shall obtain the approval of the competent minister.

(変更の届出)

(Notification of Change)

第十条 商品投資顧問業者は、第五条第一項第一号から第四号まで、第七号若しくは第八号に掲げる事項に変更があったとき、又はその資本金の額を増加したときは、その日から二週間以内に、その旨を主務大臣に届け出なければならない。

**Article 10** A commodity investment advisor shall, when there has been a change to any of the matters listed in Article 5, paragraph (1), items (i) through (iv), (vii) and (viii) or when it has increased the amount of its stated capital, notify the competent minister to that effect within two weeks from such day.

(廃業の届出等)

(Notification of Discontinuance of Business)

第十一条 商品投資顧問業者が次の各号のいずれかに該当することとなったときは、当該各号に定める者は、その日から三十日以内に、その旨を主務大臣に届け出なければならない。

**Article 11** (1) When a commodity investment advisor has come to fall under any of the following items, the person set forth respectively in those items shall notify the competent minister to that effect within 30 days from such day:

一 合併により消滅したときその会社の代表取締役又は代表執行役であった者

(i) When the commodity investment advisor was extinguished as a result of a merger: A person who was the representative director or representative executive officer of the company

二 破産手続開始の決定により解散したときその破産管財人

(ii) When the commodity investment advisor was dissolved by an order of commencement of bankruptcy proceedings: The bankruptcy trustee

三 合併及び破産手続開始の決定以外の理由により解散したときその清算人

(iii) When the commodity investment advisor was dissolved by a reason other than a merger or an order of commencement of bankruptcy proceedings: The liquidator

四 商品投資顧問業を廃止したとき商品投資顧問業者であった会社の代表取締役又は代表執行役

(iv) When the commodity investment advisor terminated its commodity investment advising: The representative director or representative executive officer of the company that was the commodity investment advisor

2 商品投資顧問業者が前項各号のいずれかに該当することとなったときは、当該商品

投資顧問業者の第三条の許可は、その効力を失う。

(2) When a commodity investment advisor has come to fall under any of the items of the preceding paragraph, the license set forth in Article 3 of said commodity investment advisor shall cease to be effective.

(手数料)

(Fee)

第十二条 第八条第一項の有効期間の更新を受けようとする者は、実費を勘案して政令で定める額の手数料を納めなければならない。

Article 12 An entity that intends to obtain a renewal of the validity period set forth in Article 8, paragraph (1) shall pay the fee of the amount specified by Cabinet Order by taking actual cost into consideration.

## 第二款 業務

### Subsection 2 Business Activities

(標識の掲示)

(Posting of a Sign)

第十三条 商品投資顧問業者は、営業所ごとに、公衆の見やすい場所に、主務省令で定める様式の標識を掲示しなければならない。

Article 13 (1) A commodity investment advisor shall post a sign of the form specified by ordinance of the competent ministry in a place that is easy to see for the public at each business office.

2 商品投資顧問業者以外の者は、前項の標識又はこれに類似する標識を掲示してはならない。

(2) No person other than commodity investment advisors shall post a sign set forth in the preceding paragraph or a sign similar thereto.

(名義貸しの禁止)

(Prohibition of Name Lending)

第十四条 商品投資顧問業者は、自己の名義をもって、他人に商品投資顧問業を営ませてはならない。

Article 14 A commodity investment advisor shall not have another person engage in commodity investment advising in its name.

(広告等の規制)

(Regulation of Advertising, etc.)

第十五条 商品投資顧問業者は、その行う商品投資顧問業の内容について広告をするときは、主務省令で定めるところにより、第二十五条に規定する事項を表示しなければならない。

Article 15 (1) A commodity investment advisor shall, when advertising the

contents of its commodity investment advising, indicate the matters prescribed in Article 25 pursuant to the provisions of ordinance of the competent ministry.

2 商品投資顧問業者は、その行う商品投資顧問業に関して広告をするときは、商品投資顧問契約を締結している顧客から一任されて行った投資の実績その他主務省令で定める事項について、著しく事実に相違する表示をし、又は著しく人を誤認させるような表示をしてはならない。

(2) A commodity investment advisor, when advertising its commodity investment advising, shall not make an indication that is significantly contradictory to the facts or seriously misleading with regard to the record of investments it has made based on entrustment from clients with which it has concluded a commodity investment advisory contract and other matters specified by ordinance of the competent ministry.

(商品投資顧問契約の締結又は更新についての勧誘等)

(Solicitation of Conclusion or Renewal of a Commodity Investment advisory Contract)

第十六条 商品投資顧問業者は、商品投資顧問契約の締結又は更新について勧誘をするに際し、商品投資顧問契約に関する事項であつて、顧客の判断に影響を及ぼすこととなる重要なものにつき、故意に事実を告げず、又は不実のことを告げる行為をしてはならない。

Article 16 (1) A commodity investment advisor shall, when soliciting the conclusion or renewal of a commodity investment advisory contract, not commit the act of intentionally failing to report facts or reporting untruths with regard to matters concerning the commodity investment advisory contract which are important matters that will have an impact on the judgment of the client.

2 商品投資顧問業者は、商品投資顧問契約の解除を妨げるため、商品投資顧問契約に関する事項であつて、顧客の判断に影響を及ぼすこととなる重要なものにつき、不実のことを告げる行為をしてはならない。

(2) A commodity investment advisor shall not commit the act of reporting untruths with regard to matters concerning a commodity investment advisory contract which are important matters that will have an impact on the judgment of the client for the purpose of preventing the cancellation of the commodity investment advisory contract.

(不当な勧誘等の禁止)

(Prohibition of Unjust Solicitation, etc.)

第十七条 商品投資顧問業者又はその代理人、使用人その他の従業者は、次に掲げる行為をしてはならない。

Article 17 A commodity investment advisor or an agent, employee, or other worker thereof shall not commit the following acts:

一 顧客に対し、利益を生ずることが確実であると誤解させるべき断定的判断を提供

して、商品投資顧問契約の締結又は更新を勧誘すること。

(i) Soliciting a client to conclude or renew a commodity investment advisory contract by providing him/her with a conclusive judgment that should mislead him/her into believing that profits are certainly produced

二 顧客に対し、損失の全部若しくは一部を負担することを約し、又は利益を保証して、商品投資顧問契約の締結又は更新を勧誘すること。

(ii) Soliciting a client to conclude or renew a commodity investment advisory contract by promising him/her to bear the whole or part of loss or by guaranteeing profits

三 前二号に掲げるもののほか、商品投資顧問業に関する行為であって、投資者の保護に欠けるものとして主務省令で定めるもの

(iii) In addition to what is listed in the preceding two items, acts concerning commodity investment advising which are specified by ordinance of the competent ministry as those that lack protection for investors

(商品投資顧問契約の締結前の書面の交付)

**(Delivery of a Document Prior to Conclusion of a Commodity Investment Advisory Contract)**

第十八条 商品投資顧問業者は、商品投資顧問契約を締結しようとするときは、顧客に対し、当該商品投資顧問契約を締結するまでに、主務省令で定めるところにより、商品投資顧問契約の内容及びその履行に関する事項であって主務省令で定めるものについて当該商品投資顧問契約に係る概要を記載した書面を交付しなければならない。

**Article 18** A commodity investment advisor shall, prior to concluding a commodity investment advisory contract, deliver a document to the competent minister containing the contents of the commodity investment advisory contract and an outline of the matters concerning performance of said commodity investment advisory contract which are specified by ordinance of the competent ministry, pursuant to the provisions of ordinance of the competent minister, before the conclusion of said commodity investment advisory contract.

(商品投資顧問契約の締結時の書面の交付)

**(Delivery of a Document at the Time a Commodity Investment Advisory Contract is Concluded)**

第十九条 商品投資顧問業者は、商品投資顧問契約を締結したときは、顧客に対し、遅滞なく、主務省令で定めるところにより、当該商品投資顧問契約の内容及びその履行に関する次に掲げる事項を記載した書面を交付しなければならない。

**Article 19** A commodity investment advisor shall, when a commodity investment advisory contract has been concluded, deliver a document to the client without delay containing the contents of said commodity investment advisory contract and the following matters concerning the performance thereof pursuant to the

provisions of ordinance of the competent ministry:

一 投資判断の一任の範囲及び投資の実行に関する事項

(i) Scope of the entrustment of investment decisions and matters concerning the execution of investments

二 報酬の額及び支払の時期

(ii) Amount of remuneration and time of payment

三 契約の解除に関する事項

(iii) Matters concerning cancellation of the contract

四 損害賠償額の予定（違約金を含む。）に関する定めがあるときは、その内容

(iv) When there is a liquidated damages provision (including penalty), the contents of the provision

五 前各号に掲げるもののほか、主務省令で定める事項

(v) In addition to what is listed in the preceding items, matters specified by ordinance of the competent ministry

（報告書の交付）

**(Delivery of a Report)**

第二十条 商品投資顧問業者は、商品投資顧問契約を締結している顧客に対し、主務省令で定めるところにより、当該商品投資顧問契約に係る当該顧客の資産の現状について説明した報告書を交付しなければならない。

Article 20 A commodity investment advisor shall deliver to a client with which it has concluded a commodity investment advisory contract a report explaining the existing state of the assets of said client pertaining to said commodity investment advisory contract pursuant to the provisions of ordinance of the competent ministry.

（契約を締結している顧客に対する書面の交付）

**(Delivery of a Document to a Client with Which a Commodity Investment Advisor Has Concluded a Contract)**

第二十一条 商品投資顧問業者は、商品投資顧問契約を締結している顧客に対し、主務省令で定めるところにより、次に掲げる事項を明らかにする書面を交付しなければならない。

Article 21 A commodity investment advisor shall deliver to a client with which it has concluded a commodity investment advisory contract a document clarifying the following matters pursuant to the provisions of ordinance of the competent ministry:

一 当該商品投資顧問業者が自己の計算で行った商品投資に係る取引のうち当該顧客から一任されて投資を行ったものと同じの特定商品、特定商品指数、特定物品又は指定物品について取引を行った事実の有無

(i) Whether or not there is the fact that said commodity investment advisor has engaged in transactions with regard to the same specified commodities,

specified commodity indices, specified goods or designated goods as those for which the commodity investment advisor made investment based on entrustment from said client out of transactions pertaining to commodity investment based on its own account

二 前号の場合において、取引を行った事実があるときは、その売買の別（第二条第一項第一号に規定する先物取引（特定商品に係る商品先物取引法第二条第三項第一号に規定する取引を除く。）又は第二条第一項第二号に規定する取引にあつては、主務省令で定める事項）

(ii) In the case referred to in the preceding item, when there is a fact of having engaged in such transactions, the distinction of selling or buying (in the case of derivatives transactions prescribed in Article 2, paragraph (1), item (i) (excluding transactions prescribed in Article 2, paragraph (3), item (i) of the Commodity Futures Act pertaining to specified commodities) or transactions prescribed in Article 2, paragraph (1), item (ii), matters specified by ordinance of the competent ministry)

三 前二号に掲げるもののほか、主務省令で定める事項

(iii) In addition to what is listed in the preceding two items, matters specified by ordinance of the competent ministry

（情報通信の技術を利用する方法）

(Method of Using Information and Communications Technology)

第二十二條 商品投資顧問業者は、第十八條、第十九條若しくは前條の規定による書面の交付又は第二十條の規定による報告書の交付に代えて、政令で定めるところにより、当該顧客の承諾を得て、当該書面又は報告書に記載すべき事項に係る情報を電子情報処理組織を使用する方法その他の情報通信の技術を利用する方法であつて主務省令で定めるものにより提供することができる。この場合において、当該商品投資顧問業者は、当該書面又は報告書を交付したものとみなす。

Article 22 With the consent of the client, a commodity investment advisor may, in lieu of the delivery of a document under the provisions of Article 18, 19 or 21 or the delivery of a report under the provisions of Article 20, provide information pertaining to the matters that should be stated in said document or report by a method using an electronic data processing system or a method using other information and communications technology, which is specified by ordinance of the competent ministry, pursuant to the provisions of Cabinet Order. In this case, said commodity investment advisor shall be deemed to have delivered said document or report.

（書類の閲覧等）

(Inspection, etc. of Documents)

第二十三條 商品投資顧問業者は、主務省令で定めるところにより、当該商品投資顧問業者の業務及び財産の状況を記載した書類を、営業所ごとに備え置き、顧客の求めに



応じ、閲覧させなければならない。

**Article 23** A commodity investment advisor shall, pursuant to the provisions of ordinance of the competent ministry, keep documents containing the status of the business activities and property of said commodity investment advisor at each business office and have its clients inspect them upon the request of the clients.

第二十四条 商品投資顧問契約を締結している顧客は、当該商品投資顧問契約に係る商品投資顧問業者に対し、主務省令で定めるところにより、当該商品投資顧問契約に係る当該顧客の財産に関する帳簿書類の閲覧又は謄写を請求することができる。

**Article 24** (1) A client who has concluded a commodity investment advisory contract may, pursuant to the provisions of ordinance of the competent ministry, request a commodity investment advisor pertaining to said commodity investment advisory contract for the inspection or copy of books and documents concerning the property of said client pertaining to said commodity investment advisory contract.

2 前項の場合において、商品投資顧問業者は、その請求が次の各号のいずれかに該当すると認められる相当の理由があるときを除くほか、その請求を拒むことができない。

(2) In the case referred to in the preceding paragraph, the commodity investment advisor may not refuse the request except when there are reasonable grounds for finding that the request falls under any of the following items:

一 自己の権利の確保又はその行使に関する調査を目的とするものでないこと。

(i) Not for the purpose of securing own rights or engaging in investigation concerning the exercise of the rights

二 当該商品投資顧問業者の業務の運営を害することを目的としていること。

(ii) For the purpose of harming the operation of the business activities of said commodity investment advisor

(金銭又は有価証券の預託の受入れ等の禁止)

(Prohibition of Acceptance of Deposit of Money or Securities)

第二十五条 商品投資顧問業者は、いかなる名目によるかを問わず、その行う商品投資顧問業に関して、顧客から金銭若しくは有価証券の預託を受け、又は当該商品投資顧問業者と密接な関係を有する者として政令で定める者に顧客の金銭若しくは有価証券を預託させてはならない。ただし、商品先物取引法第二条第二十三項に規定する商品先物取引業者である商品投資顧問業者が、その行う商品先物取引業（同法第二条第二十二項に規定する商品先物取引業をいう。第二十八条の二において同じ。）の顧客を相手方とするときは、この限りでない。

**Article 25** A commodity investment advisor shall not, under any pretense, accept the deposit of money or securities from a client, or have a person specified by Cabinet Order as a person who has a close relationship with said commodity investment advisor deposit the money or securities of a client, with regard to

its commodity investment advising; provided, however, that this shall not apply when a commodity investment advisor which is a commodity futures business operator prescribed in Article 2, paragraph (23) of the Commodity Futures Act does so in relation to the client of its commodity futures business (which means commodity futures business activities prescribed in Article 2, paragraph (22) of said Act; the same shall apply in Article 28-2).

(金銭等の貸付け又はその媒介等の禁止)

(Prohibition of Lending or Mediation Thereof, etc.)

第二十六条 商品投資顧問業者は、その行う商品投資顧問業に関して、顧客に対し金銭若しくは有価証券を貸し付け、又は顧客への第三者による金銭若しくは有価証券の貸付けにつき媒介、取次ぎ若しくは代理をしてはならない。

Article 26 A commodity investment advisor shall not loan a client money or securities, or act as an intermediary, agent or other representative for the loaning of money or securities to a client by a third party, with regard to its commodity investment advising.

(忠実義務)

(Duty of Loyalty)

第二十七条 商品投資顧問業者は、法令の規定及び商品投資顧問契約の本旨に従い、顧客のため忠実に商品投資顧問業を行わなければならない。

Article 27 A commodity investment advisor shall faithfully engage in commodity investment advising on behalf of clients in accordance with the provisions of laws and regulations and the purpose of commodity investment advisory contracts.

(禁止行為)

(Prohibited Acts)

第二十八条 商品投資顧問業者は、その行う商品投資顧問業に関して、次に掲げる行為をしてはならない。

Article 28 A commodity investment advisor shall not commit the following acts with regard to its commodity investment advising:

一 顧客を相手方として商品投資に係る取引を行うこと。

(i) Engaging in transactions pertaining to commodity investment with a client as the other party

二 特定の商品等（特定商品、特定商品指数、特定物品に係るオプション又は指定物品をいう。）に関し、商品投資顧問業者が顧客から一任されて行った商品投資に基づく価格、数値又は対価の額の変動を利用して自己又は当該顧客以外の第三者の利益を図る目的をもって、正当な根拠を有しない投資判断に基づく商品投資を行うこと。

(ii) Making commodity investment based on an investment decision that does

not have justifiable grounds by using the change of price, numerical value or amount of consideration based on the commodity investment which the commodity investment advisor has made with regard to specified commodities, etc. (which means specified commodities, specified commodity indices, options pertaining to specified goods or designated goods) based on entrustment from the client, for the purpose of looking after its own profit or the profit of a third party other than said client

三 前二号に掲げるもののほか、投資者の保護に欠け、又は商品投資に係る事業の公正を害するものとして主務省令で定める行為

(iii) In addition to what is listed in the preceding two items, acts specified by ordinance of the competent ministry as those that lack protection for investors or those that harm the fairness of the commodity investment

(商品先物取引業を行う場合の禁止行為)

(Acts Prohibited when Carrying Out Commodity Futures Business Activities)

第二十八条の二 商品投資顧問業者は、商品先物取引業を行う場合においては、商品投資顧問契約を締結した顧客に対して、次に掲げる行為をしてはならない。

Article 28-2 When engaging in commodity futures business, a commodity investment advisor shall not engage in the following acts with regard to a client with whom said commodity investment advisor has concluded a commodity investment advisory contract:

一 商品先物取引業による利益を図るため、その行う商品投資顧問業に関して取引の方針、取引の額又は市場の状況に照らして不必要な取引を行うことを内容とした商品投資を行うこと。

(i) Making a commodity investment in a transaction that is unnecessary in light of its objective, amount, or the market conditions, with regard to commodity investment advising for the purpose of realizing profits from the commodity futures business

二 前号に掲げるもののほか、投資者の保護に欠け、又は商品投資に係る事業の公正を害するものとして主務省令で定める行為。

(ii) In addition to what is listed in the preceding item, acts specified by ordinance of the competent ministry as lacking protection for investors or harming the fairness of the commodity investment

### 第三款 監督

#### Subsection 3 Supervision

(業務に関する帳簿書類)

(Books and Documents Related to Business Activities)

第二十九条 商品投資顧問業者は、主務省令で定めるところにより、その業務に関する帳簿書類を作成し、これを保存しなければならない。

Article 29 A commodity investment advisor shall, pursuant to the provisions of ordinance of the competent ministry, prepare and preserve books and documents related to its business activities.

(報告及び立入検査)

(Report and Inspection)

第三十条 主務大臣は、この法律の施行のため必要があると認めるときは、商品投資顧問業者又はこれと取引する者に対し報告をさせ、又はその職員に、商品投資顧問業者の営業所に立ち入り、帳簿、書類その他の物件を検査させることができる。

Article 30 (1) When the competent minister finds it necessary for the enforcement of this Act, he/she may have a commodity investment advisor or a person who deals with a commodity investment advisor make a report or have his/her officials enter the business office of the commodity investment advisor to inspect the books, documents and other articles of the commodity investment advisor.

2 前項の規定により立入検査をする職員は、その身分を示す証明書を携帯し、関係人に提示しなければならない。

(2) The officials who engage in an inspection pursuant to the provisions of the preceding paragraph shall carry identification cards and present them to the persons 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釈してはならない。

(3) The authority for the inspections under the provisions of paragraph (1) shall not be interpreted as being that recognized for criminal investigation.

(業務改善命令)

(Order to Improve Business Activities)

第三十一条 主務大臣は、商品投資顧問業者の業務の運営に関し、商品投資に係る事業の公正又は投資者の利益を害する事実があると認めるときは、商品投資に係る事業の公正又は投資者の保護を確保するため必要な限度において、当該商品投資顧問業者に対し、業務の種類及び方法の変更、財産の供託その他業務の運営の改善に必要な措置をとるべきことを命ずることができる。

Article 31 When the competent minister finds that there is a fact that harms the fairness of the commodity investment or the interests of investors with regard to the operation of the business activities of a commodity investment advisor, he/she shall order said commodity investment advisor to change the type and method of the business activities, deposit its property or take any other necessary measures for improving the operation of the business activities within the limit necessary for securing the fairness of the commodity investment or the protection of investors.

(許可の取消し等)

**(Rescission of License)**

第三十二条 主務大臣は、商品投資顧問業者が次の各号のいずれかに該当するときは、第三条の許可を取り消し、又は六月以内の期間を定めてその業務の全部若しくは一部の停止を命ずることができる。

Article 32 (1) When a commodity investment advisor falls under any of the following items, the competent minister may rescind his/her license set forth in Article 3, or order the suspension of the whole or part of the business activities of the commodity investment advisor for a fixed period not exceeding six months:

一 第六条第二項第一号から第四号まで（同項第二号については、この法律に相当する外国の法令の規定に係る部分に限る。）のいずれかに該当することとなったとき。

(i) When the commodity investment advisor has come to fall under any of Article 6, paragraph (2), items (i) through (iv) (with regard to item (ii) of said paragraph, limited to the part pertaining to the provisions of the laws and regulations of a foreign state equivalent to this Act)

二 不正の手段により第三条の許可又は第八条第一項の有効期間の更新を受けたとき。

(ii) When the commodity investment advisor has obtained a license set forth in Article 3 or a renewal of the validity period set forth in Article 8, paragraph (1) by wrongful means

三 この法律若しくはこの法律に基づく命令若しくはこれらに基づく処分又は第四条第一項に規定する許可に付した条件に違反したとき。

(iii) When the commodity investment advisor has violated this Act or an order based on this Act, or a disposition based thereon, or any of the conditions attached to a license prescribed in Article 4, paragraph (1)

四 商品投資顧問業に関し、不正又は著しく不当な行為をした場合において、その情状が特に重いとき。

(iv) In the case where the commodity investment advisor has committed a wrongful or remarkably unjust act with regard to its commodity investment advising, when the circumstances related to the act are especially serious

2 主務大臣は、前項の規定による処分をしたときは、その旨を公表しなければならない。

(2) When the competent minister has rendered a disposition under the provisions of the preceding paragraph, he/she shall publicize that effect.

**第二節 その他の商品投資に係る事業の規制**

**Section 2 Regulation of Other Commodity Investment**

(商品投資契約の締結等に関する制限)

**(Restriction on Conclusion of a Commodity Investment Contract)**

第三十三条 商品投資契約の締結又はその代理若しくは媒介（以下この項及び第三十五

条において「締結等」という。)を業として行う者は、商品投資顧問業者その他これに類する者として政令で定めるもの(次項において「商品投資顧問業者等」という。)に対して商品投資に係る投資判断を一任する商品投資契約でなければ、その締結等をしてはならない。ただし、金融商品取引法第二十九条の登録を受けて投資運用業(同法第二十八条第四項に規定する投資運用業をいう。)を行う者(以下この条及び第四十条第二項において単に「投資運用業を行う者」という。)が投資信託及び投資法人に関する法律第三条第二号に規定する投資信託財産又は同法第二条第十三項に規定する登録投資法人の資産(次項ただし書及び第四十条第二項において「投資信託財産等」という。)を商品投資により運用することを内容とする商品投資契約及び投資運用業を行う者の運用財産(金融商品取引法第三十五条第一項第十五号に規定する運用財産をいう。次項ただし書、次条及び第四十条第二項において同じ。)の運用上生じた余裕金その他これに類するものとして政令で定める資金を商品投資により運用することを内容とする商品投資契約については、この限りでない。

Article 33 (1) A person who concludes a commodity investment contract or acts as an agency or mediate for the conclusion of such a contract (hereinafter referred to as "conclusion, etc." in this paragraph and Article 35) in the course of trade shall not engage in conclusion, etc. unless the contract is a commodity investment contract that entrusts a commodity investment advisor or any other person specified by Cabinet Order as a person similar thereto (referred to as "commodity investment advisor, etc." in the following paragraph) with an investment decision pertaining to commodity investment; provided, however, that this shall not apply to commodity investment contracts where a person who engages in investment management business activities with the registration set forth in Article 29 of the Financial Instruments and Exchange Act (which means investment management business activities prescribed in Article 28, paragraph (4) of said Act) (hereinafter simply referred to as a "person who engages in investment management business activities" in this Article and Article 40, paragraph (2)) invests investment trust assets prescribed in Article 3, item (ii) of the Act Concerning Investment Trusts and Investment Corporations or assets of a registered investment corporation prescribed in Article 2, paragraph (13) of said Act (referred to as "investment trust assets, etc." in the proviso to the following paragraph and Article 40, paragraph (2)) by means of commodity investment, and commodity investment contracts for the investment of surplus funds that have arisen from the investment of invested assets of a person who engages in investment management business activities (which means invested assets prescribed in Article 35, paragraph (1), item (xv) of the Financial Instruments and Exchange Act; the same shall apply in the proviso to the following paragraph, the following Article and Article 40, paragraph (2)) and any other funds specified by Cabinet Order as similar thereto by means of commodity investment.

2 商品投資受益権の販売又はその代理若しくは媒介(以下この項及び第三十五条にお

いて「販売等」という。)を業として行う者は、商品投資顧問業者等に対して商品投資に係る投資判断を一任する契約に係る商品投資受益権でなければ、その販売等をしてはならない。ただし、信託会社(信託業法第三条又は第五十三条第一項の免許を受けたものに限る。第四十条第二項において同じ。)又は信託業務を兼営する金融機関が委託者又は委託者から指図の権限の委託を受けた者からの指図を受けないで行う商品投資に係る商品投資受益権並びに投資運用業を行う者が投資信託財産等を商品投資により運用することを内容とする契約に係る商品投資受益権及び投資運用業を行う者の運用財産の運用上生じた余裕金その他これに類するものとして政令で定める資金を商品投資により運用することを内容とする契約に係る商品投資受益権については、この限りでない。

(2) A person who sells a beneficial interest of commodity investment or acts as an agency or mediate for selling such an interest (hereinafter referred to as "selling, etc." in this paragraph and Article 35) in the course of trade shall not engage in selling, etc. unless the interest is a beneficial interest of commodity investment pertaining to a contract that entrusts a commodity investment advisor, etc. with an investment decision pertaining to commodity investment; provided, however, that this shall not apply to beneficial interests of commodity investment pertaining to commodity investment which is made by a trust company (limited to those that have obtained a license set forth in Article 3 or Article 53, paragraph (1) of the Trust Business Act; the same shall apply in Article 40, paragraph (2)) or a financial institution that additionally engages in trust business activities without being instructed by a settlor or a person who has received the entrustment of the authority to give instructions from a settlor, beneficial interests of commodity investment pertaining to a contract where a person who engages in investment management business activities invests investment trust assets, etc. by means of commodity investment, and beneficial interests of commodity investment pertaining to a contract for the investment of surplus funds that have arisen from the investment of invested assets of a person who engages in investment management business activities and any other funds specified by Cabinet Order as similar thereto by means of commodity investment.

(財産の分別管理)

(Separate Management of Property)

第三十四条 商品投資契約に基づいて出資された財産を管理する者(商品投資契約の締結を業として行う者に限る。)は、主務省令で定めるところにより、当該財産(運用財産に該当するものを除く。)を、自己の固有財産及び他の商品投資契約に基づいて出資された財産と分別して管理しなければならない。

Article 34 A person who manages property that has been contributed based on a commodity investment contract (limited to those who conclude commodity investment contracts in the course of trade) shall manage said property

(excluding that which falls under invested property) separately from his/her private property and property that has been contributed based on other commodity investment contracts pursuant to the provisions of ordinance of the competent ministry.

(指示)

**(Instruction)**

第三十五条 主務大臣は、商品投資契約の締結等を業として行う者が第三十三条第一項若しくは前条の規定に違反し、又は商品投資受益権の販売等を業として行う者が第三十三条第二項の規定に違反した場合において、商品投資に係る事業の公正又は投資者の利益が害されるおそれがあると認めるときは、当該商品投資契約の締結等又は商品投資受益権の販売等を業として行う者（以下この節及び第四十三条において「商品投資販売業者」という。）に対し、必要な措置をとるべきことを指示することができる。

Article 35 Where a person who concludes, etc. commodity investment contracts in the course of trade has violated the provisions of Article 33, paragraph (1) or the preceding Article, or where a person who sells, etc. beneficial interests in commodity investments in the course of trade has violated the provisions of Article 33, paragraph (2), the competent minister may, when he/she finds that the fairness of the commodity investment or the interest of investors is likely to be harmed, instruct said person who concludes, etc. commodity investment contracts or sells beneficial interests in commodity investments in the course of trade (hereinafter referred to as a "commodity investment sales manager" in this Section and Article 43) to take necessary measures.

(業務の停止等)

**(Suspension of Business Activities)**

第三十六条 主務大臣は、商品投資販売業者が第三十三条若しくは第三十四条の規定に違反した場合において商品投資に係る事業の公正若しくは投資者の利益が著しく害されるおそれがあると認めるとき、又は商品投資販売業者が前条の規定による指示に従わないときは、当該商品投資販売業者に対し、六月以内の期間を定めてその業務の全部又は一部の停止を命ずることができる。

Article 36 (1) Where a commodity investment sales manager has violated the provisions of Article 33 or 34, the competent minister may, when he/she finds that the fairness of the commodity investment or the interest of investors is likely to be substantially harmed or when the commodity investment sales manager does not follow an instruction under the provisions of the preceding paragraph, order said commodity investment sales manager to suspend all or part of its business activities for a fixed period not exceeding six months.

2 主務大臣は、前項の規定による命令をしたときは、その旨を公表しなければならない。

(2) When the competent minister has issued an order under the provisions of the



preceding paragraph, he/she shall publicize that effect.

(準用規定)

(Provisions Applied Mutatis Mutandis)

第三十七条 第三十条の規定は、商品投資販売業者について準用する。

Article 37 The provisions of Article 30 shall apply mutatis mutandis to commodity investment sales managers.

### 第三章 雑則

#### Chapter III Miscellaneous Provisions

(許可の取消し等に伴う業務の終了)

(Completion of Business Activities Incidental to Rescission of a License)

第三十八条 第十一条第二項の規定により第三条の許可が効力を失ったとき、又は第三十二条第一項の規定により第三条の許可が取り消されたときは、当該許可に係る商品投資顧問業者であった者又はその一般承継人は、当該商品投資顧問業者が締結した商品投資顧問契約に基づく業務を終了する目的の範囲内においては、なお商品投資顧問業者とみなす。

Article 38 When a license set forth in Article 3 has ceased to be effective pursuant to the provisions of Article 11, paragraph (2) or when a license set forth in Article 3 has been rescinded pursuant to the provisions of Article 32, paragraph (1), an entity that was a commodity investment advisor pertaining to said license or its general successor shall be deemed to remain to be a commodity investment advisor within the scope of the purpose to complete business activities based on the commodity investment advisory contracts that said commodity investment advisor has concluded.

(外国法人に対するこの法律の規定の適用に当たっての技術的読替え等)

(Technical Replacement of Terms in Applying the Provisions of This Act to a Foreign Juridical Person)

第三十九条 商品投資顧問業者が外国法人である場合において、当該商品投資顧問業者に対するこの法律の規定の適用に当たっての技術的読替えその他この法律の規定の適用に関し必要な事項は、政令で定める。

Article 39 Where a commodity investment advisor is a foreign juridical person, the technical replacement of the terms in applying the provisions of this Act to said commodity investment advisor and any other necessary matters for the application of the provisions of this Act shall be specified by Cabinet Order.

(商品投資顧問業の規制に関する規定の適用除外)

(Exemption from Provisions on Regulation of Commodity Investment Advising)

第四十条 第十六条から第二十二條まで、第二十六条及び第二十八條（第一号に係る部

分に限る。)の規定は、商品投資顧問契約であって、商品投資顧問業者が当該商品投資顧問契約の締結をする者(第十八条から第二十二條までの規定については、資本金の額が主務省令で定める金額以上の株式会社その他主務省令で定める者に限る。)が営業のために又は営業として締結し、又は締結しようとするものについては、適用しない。

Article 40 (1) The provisions of Articles 16 through 22, 26 and 28 (limited to the part pertaining to item (i)) shall not apply to a commodity investment advisory contract which a commodity investment advisor concludes or intends to conclude with a person (with regard to the provisions of Articles 18 through 22, limited to stock companies of which the amount of stated capital is not less than the amount specified by ordinance of the competent ministry and other persons specified by ordinance of the competent ministry) who has concluded or is attempting to conclude said contract for the purpose of a commercial pursuit or as part of a commercial pursuit.

2 前章第一節の規定は、信託会社及び信託業務を兼営する金融機関並びに投資運用業を行う者(投資信託財産等を商品投資により運用する場合及びその運用財産の運用上生じた余裕金その他これに類するものとして政令で定める資金を商品投資により運用する場合に限る。)については、適用しない。

(2) The provisions of Section 1 of the preceding Chapter shall not apply to trust companies, financial institutions that additionally engage in trust business activities or persons who engage in investment management business activities (limited to the cases where investment trust assets, etc. are invested by means of commodity investment and where surplus funds that have arisen from the investment of invested assets and any other funds specified by Cabinet Order as similar thereto by means of commodity investment).

第四十一条 削除

Article 41 Deleted

(主務大臣等)

(Competent Minister)

第四十二条 前章第一節における主務大臣は、政令で定めるところにより、農林水産大臣又は経済産業大臣とし、同章第二節における主務大臣は、政令で定めるところにより、内閣総理大臣、農林水産大臣又は経済産業大臣とする。

Article 42 (1) The competent minister mentioned in Section 1 of the preceding Chapter shall be the Minister of Agriculture, Forestry and Fisheries or the Minister of Economy, Trade and Industry pursuant to the provisions of Cabinet Order, and the competent minister mentioned in Section 2 of said Chapter shall be the Prime Minister, the Minister of Agriculture, Forestry and Fisheries or the Minister of Economy, Trade and Industry pursuant to the provisions of Cabinet Order.

2 この法律における主務省令は、政令で定めるところにより、内閣総理大臣、農林水産大臣又は経済産業大臣の発する命令とする。

(2) The ordinance of the competent ministry mentioned in this Act shall be an order issued by the Prime Minister, the Minister of Agriculture, Forestry and Fisheries or the Minister of Economy, Trade and Industry pursuant to the provisions of Cabinet Order.

3 内閣総理大臣は、前章第二節の規定による権限（政令で定めるものを除く。）を金融庁長官に委任する。

(3) The Prime Minister shall delegate his/her authority under the provisions of Section 2 of the preceding Chapter (excluding that specified by Cabinet Order) to the Commissioner of the Financial Services Agency.

4 前項の規定により金融庁長官に委任された権限並びにこの法律による農林水産大臣及び経済産業大臣の権限については、政令で定めるところにより、その一部を地方支分部局の長（当該金融庁長官に委任された権限にあつては、財務局長又は財務支局長）に委任することができる。

(4) The part of the authority delegated to the Commissioner of the Financial Services Agency pursuant to the provisions of the preceding paragraph and the authority of the Minister of Agriculture, Forestry and Fisheries and the Minister of Economy, Trade and Industry under this Act may be delegated to the head of a local branch office (with regard to the authority delegated to said Commissioner of the Financial Services Agency, the head of a Local Finance Bureau or the head of a Local Finance Branch Bureau) pursuant to the provisions of Cabinet Order.

（財務大臣への資料提出等）

(Submission of Materials to the Minister of Finance)

第四十三条 財務大臣は、その所掌に係る金融破綻たん処理制度及び金融危機管理に関し、商品投資販売業者に係る制度の企画又は立案をするため必要があると認めるときは、内閣総理大臣に対し、必要な資料の提出及び説明を求めることができる。

Article 43 When the Minister of Finance finds it necessary for planning or drafting a system pertaining to commodity investment sales managers, he/she may request the Prime Minister to submit necessary materials and to give explanations with regard to the system for the disposal of collapsed financial institutions and the management of financial crises pertaining to his/her jurisdiction.

（主務省令への委任）

(Delegation to Ordinance of the Competent Ministry)

第四十四条 この法律に定めるもののほか、この法律を実施するため必要な事項は、主務省令で定める。

Article 44 In addition to what is provided for in this Act, matters necessary for

the enforcement of this Act shall be specified by ordinance of the competent ministry.

(経過措置)

(Transitional Measures)

第四十五条 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（罰則に係る経過措置を含む。）を定めることができる。

Article 45 Where an order is established or revised or abolished pursuant to this Act, said order may specify required transitional measures (including transitional measures pertaining to penal provisions) within the scope that is considered to be reasonably necessary in accordance with said establishment or revision or abolition.

#### 第四章 罰則

#### Chapter IV Penal Provisions

第四十六条 次の各号のいずれかに該当する者は、三年以下の懲役若しくは三百万円以下の罰金に処し、又はこれを併科する。

Article 46 A person who falls under any of the following items shall be punished by imprisonment with work for not more than three years or by a fine of not more than three million yen, or shall be subject to the cumulative imposition thereof:

一 第三条の許可を受けずに商品投資顧問業を営んだ者

(i) A person who has engaged in commodity investment advising without obtaining the license set forth in Article 3

二 第十四条の規定に違反して、他人に商品投資顧問業を営ませた者

(ii) A person who, in violation of the provisions of Article 14, has had another person engage in commodity investment advising

三 第二十八条第二号の規定に違反して、正当な根拠を有しない投資判断に基づく商品投資を行った者

(iii) A person who, in violation of the provisions of Article 28, item (ii), has made commodity investment based on an investment decision that does not have justifiable grounds

第四十七条 次の各号のいずれかに該当する者は、一年以下の懲役若しくは百万円以下の罰金に処し、又はこれを併科する。

Article 47 A person who falls under any of the following items shall be punished by imprisonment with work for not more than one year or by a fine of not more than one million yen, or both:

一 第四条第一項（第八条第二項において準用する場合を含む。）の規定により付し

た条件に違反した者

(i) A person who has violated any of the conditions attached pursuant to the provisions of Article 4, paragraph (1) (including where applied mutatis mutandis pursuant to Article 8, paragraph (2))

二 第九条の規定に違反して、第五条第一項第六号に掲げる事項を変更し、又は資本金の額を減少した者

(ii) A person who, in violation of the provisions of Article 9, has changed any of the matters listed in Article 5, paragraph (1), item (vi) or who has decreased the amount of stated capital

三 第十六条第一項の規定に違反して、故意に事実を告げず、又は不実のことを告げた者

(iii) A person who, in violation of the provisions of Article 16, paragraph (1), has intentionally failed to report facts or who has reported untruths

四 第十六条第二項の規定に違反して、不実のことを告げた者

(iv) A person who, in violation of the provisions of Article 16, paragraph (2), has reported untruths

五 第二十五条の規定に違反して、顧客から金銭若しくは有価証券の預託を受け、又は顧客の金銭若しくは有価証券を預託させた者

(v) A person who, in violation of the provisions of Article 25, has received a deposit of money or securities from a client or has had another person deposit the money or securities of a client

六 第二十六条の規定に違反して、顧客に対し金銭若しくは有価証券を貸し付け、又は顧客への第三者による金銭若しくは有価証券の貸付けにつき媒介、取次ぎ若しくは代理をした者

(vi) A person who, in violation of the provisions of Article 26, has loaned a client money or securities or has acted as an intermediary, agent, or other representative for the loaning of money or securities to a client by a third party

七 第二十八条第一号の規定に違反して、顧客を相手方として商品投資に係る取引を行った者

(vii) A person who, in violation of the provisions of Article 28, item (i), has engaged in a commodity investment transaction with a client as the other party

八 第三十二条第一項又は第三十六条第一項の規定による業務の停止の命令に違反した者

(viii) A person who has violated an order of suspension of business activities under the provisions of Article 32, paragraph (1) or Article 36, paragraph (1)

第四十八条 次の各号のいずれかに該当する者は、六月以下の懲役若しくは五十万円以下の罰金に処し、又はこれを併科する。

Article 48 A person who falls under any of the following items shall be punished

by imprisonment with work for not more than six months or by a fine of not more than 500 thousand yen, or shall be subject to the cumulative imposition thereof:

一 第五条（第八条第二項において準用する場合を含む。）の許可申請書又は添付書類に虚偽の記載をして提出した者

(i) A person who has entered a false statement in a written application for license or attached document set forth in Article 5 (including the cases where applied mutatis mutandis pursuant to Article 8, paragraph (2)) and submitted them

二 第十五条第一項の規定に違反して、同項に規定する事項を表示しなかった者

(ii) A person who, in violation of the provisions of Article 15, paragraph (1), has failed to indicate the matters prescribed in said paragraph

三 第十五条第二項の規定に違反して、著しく事実に相違する表示をし、又は著しく人を誤認させるような表示をした者

(iii) A person who, in violation of the provisions of Article 15, paragraph (2), has made an indication that is significantly contradictory to the facts or is seriously misleading

四 第十八条、第十九条又は第二十一条の規定に違反して、書面を交付せず、又はこれらの規定に規定する概要若しくは事項を記載しない書面若しくは虚偽の記載のある書面を交付した者

(iv) A person who, in violation of the provisions of Article 18, 19 or 21, has failed to deliver a document or has delivered a document not containing the outline or matters prescribed in these provisions or a document containing a false statement

五 第二十条の規定に違反して、報告書を交付せず、又は同条に規定する事項を記載しない報告書若しくは虚偽の記載のある報告書を交付した者

(v) A person who, in violation of the provisions of Article 20, has failed to deliver a report or has delivered a report not containing the matters prescribed in said Article or a report containing a false statement

第四十九条 次の各号のいずれかに該当する者は、三十万円以下の罰金に処する。

Article 49 A person who falls under any of the following items shall be punished by a fine of not more than 300 thousand yen:

一 第十条の規定による届出をせず、又は虚偽の届出をした者

(i) A person who has failed to make a notification under the provisions of Article 10 or has made a false notification

二 第十三条第一項の規定に違反して、主務省令で定める様式の標識を掲示しなかった者

(ii) A person who, in violation of the provisions of Article 13, paragraph (1), has failed to post a sign of the form specified by ordinance of the competent ministry

三 第十三条第二項の規定に違反して、同条第一項の規定による標識又はこれに類似する標識を掲示した者

(iii) A person who, in violation of the provisions of Article 13, paragraph (2), has posted a sign under the provisions of paragraph (1) of said Article or a sign similar thereto

四 第二十三条の規定に違反して、書類を備え置かず、若しくは顧客の求めに応じて閲覧させず、又は虚偽の記載のある書類を備え置き、若しくは顧客に閲覧させた者

(iv) A person who, in violation of the provisions of Article 23, has failed to keep documents or to have clients inspect them upon request of the clients, or has kept documents containing a false statement or has had clients inspect such documents

五 第二十四条第二項の規定に違反して、相当の理由がないのに、帳簿書類の閲覧又は謄写の請求を拒んだ者

(v) A person who, in violation of the provisions of Article 24, paragraph (2), has refused a request for the inspection or copy of books and documents without reasonable grounds

六 第二十九条の規定による帳簿書類の作成若しくは保存をせず、又は虚偽の帳簿書類の作成をした者

(vi) A person who has failed to prepare or preserve books and documents under the provisions of Article 29 or has prepared false books and documents

七 第三十条第一項（第三十七条において準用する場合を含む。）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、若しくは忌避した者

(vii) A person who has failed to make a report under the provisions of Article 30, paragraph (1) (including the cases where applied mutatis mutandis pursuant to Article 37) or has made a false report, or has refused, prevented or avoided an inspection under the provisions of said paragraph

八 第三十一条の規定による命令に違反した者

(viii) A person who has violated an order under the provisions of Article 31

第五十条 法人の代表者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に関し、第四十六条から前条までの違反行為をしたときは、行為者を罰するほか、その法人又は人に対して各本条の罰金刑を科する。

Article 50 When the representative of a juridical person or an agent, employee or other person engaged by a juridical person or individual has committed any of the violations set forth in Articles 46 through the preceding Article with regard to the business activities of said juridical person or individual, not only the offender but also said juridical person or individual shall be punished by the fine prescribed in the respective Articles.

第五十一条 第十一条第一項の規定による届出をせず、又は虚偽の届出をした者は、百

万円以下の過料に処する。

**Article 51** A person who has failed to make a notification under the provisions of Article 11, paragraph (1) or has made a false notification shall be punished by a non-penal fine of not more than one million yen.

#### 附 則 [抄]

#### Supplementary Provisions [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して一年を超えない範囲内において政令で定める日から施行する。

**Article 1** This Act shall come into effect as from the day specified by Cabinet Order within a period not exceeding one year from the day of promulgation.

(経過措置)

(Transitional Measures)

第二条 この法律の施行の際現に商品投資販売業を営んでいる者は、この法律の施行の日から六月間（当該期間内に第六条第一項の規定に基づく不許可の処分があったとき、又は次項の規定により読み替えて適用される第二十八条第一項の規定により商品投資販売業の廃止を命じられたときは、当該処分のあった日又は当該廃止を命じられた日までの間）は、第三条の規定にかかわらず、引き続き商品投資販売業を営むことができる。その者がその期間内に同条の許可の申請をした場合において、その期間を経過したときは、その申請について許可又は不許可の処分があるまでの間も、同様とする。

**Article 2** (1) A person who engages in commodity investment sales business activities at the time of the enforcement of this Act may continue to engage in the commodity investment sales business activities for a period of six months from the effective date of this Act (when a disposition of non-licensing pursuant to Article 6, paragraph (1) has been rendered within said period or when the termination of the commodity investment sales business activities has been ordered pursuant to the provisions of Article 28, paragraph (1) applied by replacing terms pursuant to the provisions of the following paragraph, the period until the day on which said disposition was rendered or the day on which said abolition was ordered) notwithstanding the provisions of Article 3. In the case where said person has filed an application for license set forth in said Article during said period, when the period has lapsed, the same shall apply for the period until a disposition of licensing or non-licensing is rendered with regard to the application.

2 前項の規定により引き続き商品投資販売業を営むことができる場合においては、その者を商品投資販売業者とみなして、第十五条から第二十七条まで及び第二十八条（第一項第二号を除く。）の規定（これらの規定に係る罰則を含む。）を適用する。



この場合において、第二十八条第一項中「第三条の許可を取り消し」とあるのは「商品投資販売業の廃止を命じ」と、「第六条第一項第一号から第四号まで」とあるのは「第六条第一項第二号から第四号まで」とする。

(2) Where a person who engages in commodity investment sales business activities at the time of enforcement of this Act may continue to engage in the commodity investment sales business activities pursuant to the provisions of the preceding paragraph, the provisions of Articles 15 through 27 and 28 (excluding paragraph (1), item (ii)) (including penal provisions pertaining to these provisions) shall apply, deeming said person to be a commodity investment sales manager. In this case, the phrase "rescind the license set forth in Article 3" in Article 28, paragraph (1) shall be deemed to be replaced with "order the abolition of the commodity investment sales business activities," and the phrase "Article 6, paragraph (1), items (i) through (iv)" in said paragraph shall be deemed to be replaced with "Article 6, paragraph (1), items (ii) through (iv)."

3 前項の規定により読み替えて適用される第二十八条第一項の規定により商品投資販売業の廃止が命じられた場合における第六条第一項の規定の適用については、当該廃止が命じられた者を第二十八条第一項の規定により第三条の許可を取り消された者と、当該廃止を命じられた日を第二十八条第一項の規定による第三条の許可の取消の日とみなす。

(3) With regard to the application of the provisions of Article 6, paragraph (1) in the case where the termination of commodity investment sales business activities has been ordered pursuant to the provisions of Article 28, paragraph (1) applied by replacing terms pursuant to the provisions of the preceding paragraph, the person who has been ordered to engage in said abolition shall be deemed to be a person whose license set forth in Article 3 has been rescinded pursuant to the provisions of Article 28, paragraph (1), and the day on which said abolition was ordered shall be deemed to be the day on which the license set forth in Article 3 was rescinded under the provisions of Article 28, paragraph (1).

4 前三項の規定は、この法律の施行の際現に商品投資顧問業を営んでいる者について準用する。この場合において、第一項及び前項中「第六条第一項」とあるのは「第三十二条第二項」と、「第二十八条第一項」とあるのは「第四十四条において準用する第二十八条第一項」と、「第三条」とあるのは「第三十条」と、第二項中「第十五条から第二十七条まで及び第二十八条（第一項第二号を除く。）」とあるのは「第三十四条から第四十二条まで、第四十三条において準用する第二十条及び第二十二から第二十四条まで並びに第四十四条において準用する第二十五条から第二十七条まで及び第二十八条（第一項第二号を除く。）」と、「第二十八条第一項」とあるのは「第四十四条の規定により読み替えて準用される第二十八条第一項」と、「第三条」とあるのは「第三十条」と、「第六条第一項第一号から第四号まで」とあるのは「第三十二条第二項第一号から第四号まで」と、「第六条第一項第二号から第四号まで」とあ

るのは「第三十二条第二項第二号から第四号まで」と読み替えるものとする。

(4) The provisions of the preceding three paragraphs shall apply mutatis mutandis to those who engage in commodity investment advising at the time of enforcement of this Act. In this case, the phrase "Article 6, paragraph (1)" in paragraph (1) and the preceding paragraph shall be deemed to be replaced with "Article 32, paragraph (2)"; the phrase "Article 28, paragraph (1)" in said paragraphs shall be deemed to be replaced with "Article 28, paragraph (1), as applied mutatis mutandis pursuant to Article 44"; the term "Article 3" in said paragraphs shall be deemed to be replaced with "Article 30"; the phrase "Articles 15 through 27 and 28 (excluding paragraph (1), item (ii))" in paragraph (2) shall be deemed to be replaced with "Articles 34 through 42, Articles 20 and 22 through 24, as applied mutatis mutandis pursuant to Article 43, and Articles 25 through 27 and 28 (excluding paragraph (1), item (ii)), as applied mutatis mutandis pursuant to Article 44"; the phrase "Article 28, paragraph (1)" in said paragraph shall be deemed to be replaced with "Article 28, paragraph (1) applied mutatis mutandis by replacing terms pursuant to the provisions of Article 44"; "Article 3" in said paragraph shall be deemed to be replaced with "Article 30"; the phrase "Article 6, paragraph (1), items (i) through (iv)" in said paragraph shall be deemed to be replaced with "Article 32, paragraph (2), items (i) through (iv)"; and the phrase "Article 6, paragraph (1), items (ii) through (iv)" in said paragraph shall be deemed to be replaced with "Article 32, paragraph (2), items (ii) through (iv)."

第三条 第十七条から第十九条まで及び第三十六条から第三十八条までの規定は、この法律の施行前に締結された商品投資契約等及び商品投資顧問契約については、適用しない。

Article 3 The provisions of Articles 17 through 19 and Articles 36 through 38 shall not apply to commodity investment contracts, etc. or commodity investment advisory contracts which have been concluded prior to the enforcement of this Act.

附 則 [平成五年十一月十二日法律第八十九号] [抄]

**Supplementary Provisions [Act No. 89 of November 12, 1993] [Extract]**

(施行期日)

(Effective Date)

第一条 この法律は、行政手続法（平成五年法律第八十八号）の施行の日から施行する。

Article 1 This Act shall come into effect as from the effective date of the Administrative Procedure Act (Act No. 88 of 1993).

(諮問等がされた不利益処分に関する経過措置)

(Transitional Measures Concerning Adverse Disposition Pertaining to a Consultation)

第二条 この法律の施行前に法令に基づき審議会その他の合議制の機関に対し行政手続法第十三条に規定する聴聞又は弁明の機会の付与の手続その他の意見陳述のための手続に相当する手続を執るべきことの諮問その他の求めがされた場合においては、当該諮問その他の求めに係る不利益処分の手続に関しては、この法律による改正後の関係法律の規定にかかわらず、なお従前の例による。

Article 2 Where, prior to the enforcement of this Act, a consultation or any other request has been made, based on laws and regulations, to a council or any other panel to the effect that procedures to hold hearings or grant the opportunity for explanation prescribed in Article 13 of the Administrative Procedure Act or any other procedures equivalent to procedures to hear statements of opinions should be taken, with regard to the procedures for adverse disposition pertaining to said consultation or other request, the provisions then in force shall remain applicable, notwithstanding the provisions of related Acts revised by this Act.

(罰則に関する経過措置)

(Transitional Measures Concerning Penal Provisions)

第十三条 この法律の施行前にした行為に対する罰則の適用については、なお従前の例による。

Article 13 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

(聴聞に関する規定の整理に伴う経過措置)

(Transitional Measures Associated with Adjustment of Provisions on Hearings)

第十四条 この法律の施行前に法律の規定により行われた聴聞、聴問若しくは聴聞会（不利益処分に係るものを除く。）又はこれらのための手続は、この法律による改正後の関係法律の相当規定により行われたものとみなす。

Article 14 A hearing or a council for hearing (excluding those pertaining to adverse dispositions) implemented pursuant to the provisions of Acts prior to the enforcement of this Act or procedures for these shall be deemed to have been implemented pursuant to the equivalent provisions of the related Acts revised by this Act.

(政令への委任)

(Delegation to Cabinet Order)

第十五条 附則第二条から前条までに定めるもののほか、この法律の施行に関して必要な経過措置は、政令で定める。

Article 15 In addition to what is provided for in Articles 2 through 14 of the

supplementary provisions, transitional measures necessary for the enforcement of this Act shall be specified by Cabinet Order.

附 則 〔平成七年五月十二日法律第九十一号〕〔抄〕

**Supplementary Provisions [Act No. 91 of May 12, 1995] [Extract]**

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して二十日を経過した日から施行する。

Article 1 This Act shall come into effect as from the day on which 20 days have elapsed from the day of promulgation.

附 則 〔平成九年六月二十日法律第百二号〕〔抄〕

**Supplementary Provisions [Act No. 102 of June 20, 1997] [Extract]**

(施行期日)

(Effective Date)

第一条 この法律は、金融監督庁設置法（平成九年法律第百一号）の施行の日から施行する。

Article 1 This Act shall come into effect as from the effective date of the Finance Supervisory Agency Establishment Act (Act No. 101 of 1997).

(大蔵大臣等がした処分等に関する経過措置)

(Transitional Measures Concerning a Disposition that Has Been Rendered by the Minister of Finance)

第二条 この法律による改正前の担保附社債信託法、信託業法、農林中央金庫法、無尽業法、銀行等の事務の簡素化に関する法律、金融機関の信託業務の兼営等に関する法律、私的独占の禁止及び公正取引の確保に関する法律、農業協同組合法、証券取引法、損害保険料率算出団体に関する法律、水産業協同組合法、中小企業等協同組合法、協同組合による金融事業に関する法律、船主相互保険組合法、証券投資信託法、信用金庫法、長期信用銀行法、貸付信託法、中小漁業融資保証法、信用保証協会法、労働金庫法、外国為替銀行法、自動車損害賠償保障法、農業信用保証保険法、金融機関の合併及び転換に関する法律、外国証券業者に関する法律、預金保険法、農村地域工業等導入促進法、農水産業協同組合貯金保険法、銀行法、貸金業の規制等に関する法律、有価証券に係る投資顧問業の規制等に関する法律、抵当証券業の規制等に関する法律、金融先物取引法、前払式証券の規制等に関する法律、商品投資に係る事業の規制に関する法律、国際的な協力の下に規制薬物に係る不正行為を助長する行為等の防止を図るための麻薬及び向精神薬取締法等の特例等に関する法律、特定債権等に係る事業の規制に関する法律、金融制度及び証券取引制度の改革のための関係法律の整備等に関する法律、協同組織金融機関の優先出資に関する法律、不動産特定共同事業法、保険業法、金融機関の更生手続の特例等に関する法律、農林中央金庫と信用農業協同組合

連合会との合併等に関する法律、日本銀行法又は銀行持株会社の創設のための銀行等に係る合併手続の特例等に関する法律（以下「旧担保附社債信託法等」という。）の規定により大蔵大臣その他の国の機関がした免許、許可、認可、承認、指定その他の処分又は通知その他の行為は、この法律による改正後の担保附社債信託法、信託業法、農林中央金庫法、無尽業法、銀行等の事務の簡素化に関する法律、金融機関の信託業務の兼営等に関する法律、私的独占の禁止及び公正取引の確保に関する法律、農業協同組合法、証券取引法、損害保険料率算出団体に関する法律、水産業協同組合法、中小企業等協同組合法、協同組合による金融事業に関する法律、船主相互保険組合法、証券投資信託法、信用金庫法、長期信用銀行法、貸付信託法、中小漁業融資保証法、信用保証協会法、労働金庫法、外国為替銀行法、自動車損害賠償保障法、農業信用保証保険法、金融機関の合併及び転換に関する法律、外国証券業者に関する法律、預金保険法、農村地域工業等導入促進法、農水産業協同組合貯金保険法、銀行法、貸金業の規制等に関する法律、有価証券に係る投資顧問業の規制等に関する法律、抵当証券業の規制等に関する法律、金融先物取引法、前払式証票の規制等に関する法律、商品投資に係る事業の規制に関する法律、国際的な協力の下に規制薬物に係る不正行為を助長する行為等の防止を図るための麻薬及び向精神薬取締法等の特例等に関する法律、特定債権等に係る事業の規制に関する法律、金融制度及び証券取引制度の改革のための関係法律の整備等に関する法律、協同組織金融機関の優先出資に関する法律、不動産特定共同事業法、保険業法、金融機関の更生手続の特例等に関する法律、農林中央金庫と信用農業協同組合連合会との合併等に関する法律、日本銀行法又は銀行持株会社の創設のための銀行等に係る合併手続の特例等に関する法律（以下「新担保附社債信託法等」という。）の相当規定に基づいて、内閣総理大臣その他の相当の国の機関がした免許、許可、認可、承認、指定その他の処分又は通知その他の行為とみなす。

Article 2 (1) A license, permission, authorization, approval, designation or any other disposition or a notice or any other act that has been granted, given, rendered or committed by the Minister of Finance or any other national government organ pursuant to the provisions of the Secured Bonds Trust Act, the Trust Business Act, the Norinchukin Bank Act, the Mutual Loan Business Act, the Act on Simplifying Business Affairs of Banks, etc., the Act on Additional Operation of Trust Business by a Financial Institution, the Act on Prohibition of Private Monopolization and Maintenance of Fair Trade, the Agricultural Cooperatives Act, the Securities and Exchange Act, the Act on Non-Life Insurance Rating Organization of Japan, the Fisheries Cooperatives Act, the Small and Medium-Sized Enterprise Cooperatives Act, the Act on Financial Businesses by Cooperative, the Ship Owner's Mutual Insurance Union Act, the Securities Investment Trust Act, the Shinkin Bank Act, the Long-Term Credit Bank Act, the Loan Trust Act, the Small and Medium-sized Fishery Finance Guarantee Act, the Credit Guarantee Association Act, the Labor Bank Act, the Foreign Exchange Bank Act, the Automobile Liability Security Act, the Agricultural Credit Guarantee Insurance Act, the Act on Financial Institutions' Merger and Conversion, the Act on Foreign Security

Business Entities, the Deposit Insurance Act, the Act on the Promotion of Introduction of Industry into Agricultural Regions, the Agricultural and Fishery Cooperation Savings Insurance Act, the Banking Act, the Act on Controls, etc. on Money Lending, the Act on Regulation, etc. of Investment Advisory Business Pertaining to Securities, the Act on Regulation, etc. of Mortgage Security Business, the Financial Future Transaction Act, the Act on Regulation, etc. of Advanced Payment Certificates, the Act on Regulation of Commodity Investment, the Act on Special Measures, etc. of the Narcotic and Stimulation Spirit Medicine Regulation Act for Prevention of Conduct Encouraging Illegal Conduct Relating to Regulated Medicine under International Cooperation, the Act on Regulation of Business Pertaining to Specified Claims, etc., the Act on Preparation, etc. of Related Acts for Reform of Finance System and Security Exchange System, the Act on Preferred Equity Investment by Cooperative Structured Financial Institution, the Real Estate Specified Joint Enterprise Act, the Insurance Business Act, the Act on Special Measures, etc. of Reorganization Procedure of Financial Institutions, the Act on Merger between the Norinchukin Bank and Prefectural Credit Federations of Agricultural Cooperatives, the Bank of Japan Act, or the Act on Special Measures, etc. for Merger Procedures for Banks, etc. for Establishing Bank Holding Companies prior to the revision by this Act (hereinafter referred to as the "Former Secured Bonds Trust Act, etc.") shall be deemed to be a license, permission, authorization, approval, designation or any other disposition or a notice or any other act that has been granted, given, rendered or committed by the Prime Minister or any other equivalent national government organ pursuant to the equivalent provisions of the Secured Bonds Trust Act, the Trust Business Act, the Norinchukin Bank Act, the Mutual Loan Business Act, the Act on Simplifying Business Affairs of Banks, etc., the Act on Additional Operation of Trust Business by a Financial Institution, the Act on Prohibition of Private Monopolization and Maintenance of Fair Trade, the Agricultural Cooperatives Act, the Securities and Exchange Act, the Act on Non-Life Insurance Rating Organization of Japan, the Fisheries Cooperatives Act, the Small and Medium-Sized Enterprise Cooperatives Act, the Act on Financial Businesses by Cooperative, the Ship Owner's Mutual Insurance Union Act, the Securities Investment Trust Act, the Shinkin Bank Act, the Long-Term Credit Bank Act, the Loan Trust Act, the Small and Medium-sized Fishery Finance Guarantee Act, the Credit Guarantee Association Act, the Labor Bank Act, the Foreign Exchange Bank Act, the Automobile Liability Security Act, the Agricultural Credit Guarantee Insurance Act, the Act on Financial Institutions' Merger and Conversion, the Act on Foreign Security Business Entities, the Deposit Insurance Act, the Act on the Promotion of Introduction of Industry into Agricultural Regions, the Agricultural and Fishery

Cooperation Savings Insurance Act, the Banking Act, the Act on Controls, etc. on Money Lending, the Act on Regulation, etc. of Investment Advisory Business Pertaining to Securities, the Act on Regulation, etc. of Mortgage Security Business, the Financial Future Transaction Act, the Act on Regulation, etc. of Advanced Payment Certificates, the Act on Regulation of Commodity Investment, the Act on Special Measures, etc. of the Narcotic and Stimulation Spirit Medicine Regulation Act for Prevention of Conduct Encouraging Illegal Conduct Relating to Regulated Medicine under International Cooperation, the Act on Regulation of Business Pertaining to Specified Claims, etc., the Act on Preparation, etc. of Related Acts for Reform of Finance System and Security Exchange System, the Act on Preferred Equity Investment by Cooperative Structured Financial Institution, the Real Estate Specified Joint Enterprise Act, the Insurance Business Act, the Act on Special Measures, etc. of Reorganization Procedure of Financial Institutions, the Act on Merger between the Norinchukin Bank and Prefectural Credit Federations of Agricultural Cooperatives, the Bank of Japan Act, or the Act on Special Measures, etc. for Merger Procedures for Banks, etc. for Establishing Bank Holding Companies revised by this Act (hereinafter referred to as the "New Secured Bonds Trust Act, etc.").

2 この法律の施行の際現に旧担保附社債信託法等の規定により大蔵大臣その他の国の機関に対してされている申請、届出その他の行為は、新担保附社債信託法等の相当規定に基づいて、内閣総理大臣その他の相当の国の機関に対してされた申請、届出その他の行為とみなす。

(2) An application, notification or any other act that has been filed or made with or committed toward the Minister of Finance or any other national government organ pursuant to the provisions of the Former Secured Bonds Trust Act, etc. prior to the enforcement of this Act shall be deemed to be an application, notification or any other act that has been filed or made with or committed toward the Prime Minister or any other equivalent national government organ pursuant to the equivalent provisions of the New Secured Bonds Trust Act, etc.

3 旧担保附社債信託法等の規定により大蔵大臣その他の国の機関に対し報告、届出、提出その他の手続をしなければならない事項で、この法律の施行の日前にその手続がされていないものについては、これを、新担保附社債信託法等の相当規定により内閣総理大臣その他の相当の国の機関に対して報告、届出、提出その他の手続をしなければならない事項についてその手続がされていないものとみなして、新担保附社債信託法等の規定を適用する。

(3) With regard to matters for which a report, notification, submission or any other procedure shall be given to or taken with the Minister of Finance or any other national government organ pursuant to the provisions of the Former Secured Bonds Trust Act, etc. for which such procedure has not been taken prior to the effective date of this Act, the provisions of the New Secured Bonds

Trust Act, etc. shall apply, deeming this to be the situation in which a report, notification, submission or any other procedure has not been made to or taken with the Prime Minister or any other equivalent national government organ with regard to the matters for which such procedure shall be taken pursuant to the equivalent provisions of the New Secured Bonds Trust Act, etc.

(大蔵省令等に関する経過措置)

(Transitional Measures Concerning Ordinance of the Ministry of Finance)

第三条 この法律の施行の際現に効力を有する旧担保附社債信託法等の規定に基づく命令は、新担保附社債信託法等の相当規定に基づく命令としての効力を有するものとする。

Article 3 An order pursuant to the provisions of the Former Secured Bonds Trust Act, etc. which is in force at the time of the enforcement of this Act shall be in force as an order pursuant to the equivalent provisions of the New Secured Bonds Trust Act, etc.

(政令への委任)

(Delegation to Cabinet Order)

第六条 附則第二条から前条までに定めるもののほか、この法律の施行に関し必要な経過措置は、政令で定める。

Article 6 In addition to what is provided for in Articles 2 through 5 of the supplementary provisions, transitional measures necessary for the enforcement of this Act shall be specified by Cabinet Order.

附 則 〔平成九年十一月二十一日法律第百五号〕 〔抄〕

**Supplementary Provisions [Act No. 105 of November 21, 1997] [Extract]**

(施行期日)

(Effective Date)

1 この法律は、公布の日から施行する。

(1) This Act shall come into effect as from the day of promulgation.

附 則 〔平成九年十二月十二日法律第百二十一号〕 〔抄〕

**Supplementary Provisions [Act No. 121 of December 12, 1997] [Extract]**

(施行期日)

(Effective Date)

第一条 この法律は、持株会社の設立等の禁止の解除に伴う金融関係法律の整備等に関する法律（平成九年法律第百二十号）の施行の日から施行する。

Article 1 This Act shall come into effect as from the effective date of the Act on Preparation of Relevant Financial Acts Accompanying Cancellation of



Prohibition of Establishment, etc. of Holding Companies (Act No. 120 of 1997).

附 則 〔平成十年六月十五日法律第百七号〕 〔抄〕

**Supplementary Provisions [Act No. 107 of June 15, 1998] [Extract]**

(施行期日)

(Effective Date)

第一条 この法律は、平成十年十二月一日から施行する。

Article 1 This Act shall come into effect as from December 1, 1998.

(処分等の効力)

(Effect of a Disposition)

第百八十八条 この法律（附則第一条各号に掲げる規定にあつては、当該規定）の施行前に改正前のそれぞれの法律（これに基づく命令を含む。以下この条において同じ。）の規定によってした処分、手続その他の行為であつて、改正後のそれぞれの法律の規定に相当の規定があるものは、この附則に別段の定めがあるものを除き、改正後のそれぞれの法律の相当の規定によってしたものとみなす。

Article 188 A disposition, procedure or any other act rendered, taken or committed pursuant to the provisions of the respective Act prior to revision (including orders based thereon; hereinafter the same shall apply in this Article) prior to the enforcement of this Act (with regard to the provisions listed in the items of Article 1 of the supplementary provisions, said provisions), for which the respective revised Act has equivalent provisions, shall be deemed to have been rendered, taken or committed pursuant to the equivalent provisions of the respective revised Act, unless otherwise provided for in these supplementary provisions.

(罰則の適用に関する経過措置)

(Transitional Measures Concerning Application of Penal Provisions)

第百八十九条 この法律（附則第一条各号に掲げる規定にあつては、当該規定）の施行前にした行為並びにこの附則の規定によりなお従前の例によることとされる場合及びこの附則の規定によりなおその効力を有することとされる場合におけるこの法律の施行後にした行為に対する罰則の適用については、なお従前の例による。

Article 189 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act (with regard to the provisions listed in the items of Article 1 of the supplementary provisions, said provisions) and acts committed after the enforcement of this Act in cases where the provisions then in force shall remain applicable pursuant to the provisions of these supplementary provisions and in cases where the provisions prior to the revision shall remain in force pursuant to the provisions of these supplementary provisions, the provisions then in force shall remain applicable.

(その他の経過措置の政令への委任)

**(Delegation of Other Transitional Measures to Cabinet Order)**

第九十条 附則第二条から第四十六条まで、第五十三条、第六十九条及び前条に定めるもののほか、この法律の施行に関し必要な経過措置は、政令で定める。

Article 190 In addition to what is provided for in Articles 2 through 146, Article 153, Article 169 and the preceding Article of the supplementary provisions, transitional measures necessary for the enforcement of this Act shall be specified by Cabinet Order.

**附 則 〔平成十年十月十六日法律第百三十一号〕**

**Supplementary Provisions [Act No. 131 of October 16, 1998]**

(施行期日)

**(Effective Date)**

第一条 この法律は、金融再生委員会設置法（平成十年法律第百三十号）の施行の日から施行する。

Article 1 This Act shall come into effect as from the effective date of the Act for Establishment of the Financial Reconstruction Commission (Act No. 130 of 1998).

(経過措置)

**(Transitional Measures)**

第二条 この法律による改正前の担保附社債信託法、信託業法、農林中央金庫法、無尽業法、銀行等の事務の簡素化に関する法律、金融機関の信託業務の兼営等に関する法律、私的独占の禁止及び公正取引の確保に関する法律、農業協同組合法、証券取引法、損害保険料率算出団体に関する法律、水産業協同組合法、中小企業等協同組合法、協同組合による金融事業に関する法律、船主相互保険組合法、地方税法、証券投資信託及び証券投資法人に関する法律、信用金庫法、長期信用銀行法、貸付信託法、中小漁業融資保証法、信用保証協会法、労働金庫法、自動車損害賠償保障法、農業信用保証保険法、地震保険に関する法律、登録免許税法、金融機関の合併及び転換に関する法律、外国証券業者に関する法律、農村地域工業等導入促進法、農水産業協同組合貯金保険法、銀行法、貸金業の規制等に関する法律、有価証券に係る投資顧問業の規制等に関する法律、抵当証券業の規制等に関する法律、金融先物取引法、前払式証券の規制等に関する法律、商品投資に係る事業の規制に関する法律、国際的な協力の下に規制薬物に係る不正行為を助長する行為等の防止を図るための麻薬及び向精神薬取締法等の特例等に関する法律、特定債権等に係る事業の規制に関する法律、金融制度及び証券取引制度の改革のための関係法律の整備等に関する法律、協同組織金融機関の優先出資に関する法律、不動産特定共同事業法、保険業法、金融機関等の更生手続の特例等に関する法律、農林中央金庫と信用農業協同組合連合会との合併等に関する法律、日本銀行法、銀行持株会社の創設のための銀行等に係る合併手続の特例等に関する法

律、特定目的会社による特定資産の流動化に関する法律又は金融システム改革のための関係法律の整備等に関する法律（以下「旧担保附社債信託法等」という。）の規定により内閣総理大臣その他の国の機関がした免許、許可、認可、承認、指定その他の処分又は通知その他の行為は、この法律による改正後の担保附社債信託法、信託業法、農林中央金庫法、無尽業法、銀行等の事務の簡素化に関する法律、金融機関の信託業務の兼営等に関する法律、私的独占の禁止及び公正取引の確保に関する法律、農業協同組合法、証券取引法、損害保険料率算出団体に関する法律、水産業協同組合法、中小企業等協同組合法、協同組合による金融事業に関する法律、船主相互保険組合法、地方税法、証券投資信託及び証券投資法人に関する法律、信用金庫法、長期信用銀行法、貸付信託法、中小漁業融資保証法、信用保証協会法、労働金庫法、自動車損害賠償保障法、農業信用保証保険法、地震保険に関する法律、登録免許税法、金融機関の合併及び転換に関する法律、外国証券業者に関する法律、農村地域工業等導入促進法、農水産業協同組合貯金保険法、銀行法、貸金業の規制等に関する法律、有価証券に係る投資顧問業の規制等に関する法律、抵当証券業の規制等に関する法律、金融先物取引法、前払式証票の規制等に関する法律、商品投資に係る事業の規制に関する法律、国際的な協力の下に規制薬物に係る不正行為を助長する行為等の防止を図るための麻薬及び向精神薬取締法等の特例等に関する法律、特定債権等に係る事業の規制に関する法律、金融制度及び証券取引制度の改革のための関係法律の整備等に関する法律、協同組織金融機関の優先出資に関する法律、不動産特定共同事業法、保険業法、金融機関等の更生手続の特例等に関する法律、農林中央金庫と信用農業協同組合連合会との合併等に関する法律、日本銀行法、銀行持株会社の創設のための銀行等に係る合併手続の特例等に関する法律、特定目的会社による特定資産の流動化に関する法律又は金融システム改革のための関係法律の整備等に関する法律（以下「新担保附社債信託法等」という。）の相当規定に基づいて、金融再生委員会その他の相当の国の機関がした免許、許可、認可、承認、指定その他の処分又は通知その他の行為とみなす。

Article 2 (1) A license, permission, authorization, approval, designation or any other disposition or a notice or any other act that has been granted, given, rendered or committed by the Prime Minister or any other national government organ pursuant to the provisions of the Secured Bonds Trust Act, the Trust Business Act, the Norinchukin Bank Act, the Mutual Loan Business Act, the Act on Simplifying Business Affairs of Banks, etc., the Act on Additional Operation of Trust Business by a Financial Institution, the Act on Prohibition of Private Monopolization and Maintenance of Fair Trade, the Agricultural Cooperatives Act, the Securities and Exchange Act, the Act on Non-Life Insurance Rating Organization of Japan, the Fisheries Cooperatives Act, the Small and Medium-Sized Enterprise Cooperatives Act, the Act on Financial Businesses by Cooperative, the Ship Owner's Mutual Insurance Union Act, the Local Tax Act, the Act on Securities Investment Trust and Securities Investment Corporations, the Shinkin Bank Act, the Long-Term Credit Bank Act, the Loan Trust Act, the Small and Medium-sized Fishery Finance Guarantee Act, the Credit Guarantee Association Act, the Labor Bank

Act, the Automobile Liability Security Act, the Agricultural Credit Guarantee Insurance Act, the Act on Earthquake Insurance, the Registration and License Tax Act, the Act on Financial Institutions' Merger and Conversion, the Act on Foreign Security Business Entities, the Act on the Promotion of Introduction of Industry into Agricultural Regions, the Agricultural and Fishery Cooperation Savings Insurance Act, the Banking Act, the Act on Controls, etc. on Money Lending, the Act on Regulation, etc. of Investment Advisory Business Pertaining to Securities, the Act on Regulation, etc. of Mortgage Security Business, the Financial Future Transaction Act, the Act on Regulation, etc. of Advanced Payment Certificates, the Act on Regulation of Commodity Investment, the Act on Special Measures, etc. of the Narcotic and Stimulation Spirit Medicine Regulation Act for Prevention of Conduct Encouraging Illegal Conduct Relating to Regulated Medicine under International Cooperation, the Act on Regulation of Business Pertaining to Specified Claims, etc., the Act on Preparation, etc. of Related Acts for Reform of Finance System and Security Exchange System, the Act on Preferred Equity Investment by Cooperative Structured Financial Institution, the Real Estate Specified Joint Enterprise Act, the Insurance Business Act, the Act on Special Treatment of Corporate Reorganization Proceedings and Other Insolvency Proceedings of Financial Institutions, the Act on Merger between the Norinchukin Bank and Prefectural Credit Federations of Agricultural Cooperatives, the Bank of Japan Act, the Act on Special Measures, etc. for Merger Procedures for Banks, etc. for Establishing Bank Holding Companies, the Act on Liquidation of Special Assets by Special Purpose Companies, or the Act on Preparation of Relevant Acts for Financial System Reform prior to the revision by this Act (hereinafter referred to as the "Former Secured Bonds Trust Act, etc.") shall be deemed to be a license, permission, authorization, approval, designation or any other disposition or a notice or any other act that has been granted, given, rendered or committed by the Financial Reconstruction Commission or any other equivalent national government organ pursuant to the equivalent provisions of the Secured Bonds Trust Act, the Trust Business Act, the Norinchukin Bank Act, the Mutual Loan Business Act, the Act on Simplifying Business Affairs of Banks, etc., the Act on Additional Operation of Trust Business by a Financial Institution, the Act on Prohibition of Private Monopolization and Maintenance of Fair Trade, the Agricultural Cooperatives Act, the Securities and Exchange Act, the Act on Non-Life Insurance Rating Organization of Japan, the Fisheries Cooperatives Act, the Small and Medium-Sized Enterprise Cooperatives Act, the Act on Financial Businesses by Cooperative, the Ship Owner's Mutual Insurance Union Act, the Local Tax Act, the Act on Securities Investment Trust and Securities Investment Corporations, the Shinkin Bank Act, the Long-Term Credit Bank Act, the Loan Trust Act, the Small and Medium-sized

Fishery Finance Guarantee Act, the Credit Guarantee Association Act, the Labor Bank Act, the Automobile Liability Security Act, the Agricultural Credit Guarantee Insurance Act, the Act on Earthquake Insurance, the Registration and License Tax Act, the Act on Financial Institutions' Merger and Conversion, the Act on Foreign Security Business Entities, the Act on the Promotion of Introduction of Industry into Agricultural Regions, the Agricultural and Fishery Cooperation Savings Insurance Act, the Banking Act, the Act on Controls, etc. on Money Lending, the Act on Regulation, etc. of Investment Advisory Business Pertaining to Securities, the Act on Regulation, etc. of Mortgage Security Business, the Financial Future Transaction Act, the Act on Regulation, etc. of Advanced Payment Certificates, the Act on Regulation of Commodity Investment, the Act on Special Measures, etc. of the Narcotic and Stimulation Spirit Medicine Regulation Act for Prevention of Conduct Encouraging Illegal Conduct Relating to Regulated Medicine under International Cooperation, the Act on Regulation of Business Pertaining to Specified Claims, etc., the Act on Preparation, etc. of Related Acts for Reform of Finance System and Security Exchange System, the Act on Preferred Equity Investment by Cooperative Structured Financial Institution, the Real Estate Specified Joint Enterprise Act, the Insurance Business Act, the Act on Special Treatment of Corporate Reorganization Proceedings and Other Insolvency Proceedings of Financial Institutions, the Act on Merger between the Norinchukin Bank and Prefectural Credit Federations of Agricultural Cooperatives, the Bank of Japan Act, the Act on Special Measures, etc. for Merger Procedures for Banks, etc. for Establishing Bank Holding Companies, the Act on Liquidation of Special Assets by Special Purpose Companies, or the Act on Preparation of Relevant Acts for Financial System Reform revised by this Act (hereinafter referred to as the "New Secured Bonds Trust Act, etc.").

2 この法律の施行の際現に旧担保附社債信託法等の規定により内閣総理大臣その他の国の機関に対してされている申請、届出その他の行為は、新担保附社債信託法等の相当規定に基づいて、金融再生委員会その他の相当の国の機関に対してされた申請、届出その他の行為とみなす。

(2) An application, notification or any other act that has been filed or made with or committed toward the Prime Minister or any other national government organ pursuant to the provisions of the Former Secured Bonds Trust Act, etc. prior to the enforcement of this Act shall be deemed to be an application, notification or any other act that has been filed or made with or committed toward the Financial Reconstruction Commission or any other equivalent national government organ pursuant to the equivalent provisions of the New Secured Bonds Trust Act, etc.

3 旧担保附社債信託法等の規定により内閣総理大臣その他の国の機関に対し報告、届出、提出その他の手続をしなければならない事項で、この法律の施行の日前にその手

続がされていないものについては、これを、新担保附社債信託法等の相当規定により金融再生委員会その他の相当の国の機関に対して報告、届出、提出その他の手続をしなければならない事項についてその手続がされていないものとみなして、新担保附社債信託法等の規定を適用する。

(3) With regard to matters for which a report, notification, submission or any other procedure shall be given to or taken with the Prime Minister or any other national government organ pursuant to the provisions of the Former Secured Bonds Trust Act, etc. for which such procedure has not been taken prior to the effective date of this Act, the provisions of the New Secured Bonds Trust Act, etc. shall apply, deeming this to be the situation in which a report, notification, submission or any other procedure has not been given to or taken with the Financial Reconstruction Commission or any other equivalent national government organ with regard to the matters for which such procedure shall be taken pursuant to the equivalent provisions of the New Secured Bonds Trust Act, etc.

第三条 この法律の施行の際現に効力を有する旧担保附社債信託法等の規定に基づく命令は、新担保附社債信託法等の相当規定に基づく命令としての効力を有するものとする。

Article 3 An order pursuant to the provisions of the Former Secured Bonds Trust Act, etc. which is in force at the time of the enforcement of this Act shall be in force as an order pursuant to the equivalent provisions of the New Secured Bonds Trust Act, etc.

第四条 この法律の施行前にした行為に対する罰則の適用については、なお従前の例による。

Article 4 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

(政令への委任)

(Delegation to Cabinet Order)

第五条 前三条に定めるもののほか、この法律の施行に関し必要な経過措置は、政令で定める。

Article 5 In addition to what is provided for in the preceding three Articles, transitional measures necessary for the enforcement of this Act shall be specified by Cabinet Order.

附 則 〔平成十一年百十二月八日法律第百五十一号〕 〔抄〕

Supplementary Provisions [Act No. 151 of December 8, 1999] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、平成十二年四月一日から施行する。

Article 1 This Act shall come into effect as of April 1, 2000.

(経過措置)

(Transitional Measures)

第三条 民法の一部を改正する法律（平成十一年法律第百四十九号）附則第三条第三項の規定により従前の例によることとされる準禁治産者及びその保佐人に関するこの法律による改正規定の適用については、次に掲げる改正規定を除き、なお従前の例による。

Article 3 (1) With regard to the application of the provisions revised by this Act to quasi-incompetent persons and the curators thereof for whom the provisions then in force shall be applicable pursuant to the provisions of Article 3, paragraph (3) of the supplementary provisions of the Act for Partial Revision of the Civil Code (Act No. 149 of 1999), the provisions then in force shall remain applicable except for the following provisions revised by this Act:

一から二十五まで略

(i) through (xxv) Omitted

第四条 この法律の施行前にした行為に対する罰則の適用については、なお従前の例による。

Article 4 (1) With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

中央省庁等改革関係法施行法（平成十一年十二月二十二日法律第百六十号）（抄）

Act for Enforcement of Acts Related to the Central Government Reform [Act No. 160 of 1999] [Extract]

(大蔵大臣等がした処分、申請等に関する経過措置)

(Transitional Measures Concerning Disposition and Application by the Minister of Finance)

第七十一条 組織関係整備法第一条の規定による改正前の金融再生委員会設置法（平成十年法律第百三十号。次項、第七十五条第一項及び第七十六条において「旧金融再生委員会設置法」という。）又は第四条から前条までの規定による改正前の担保附社債信託法、信託業法、農林中央金庫法、無尽業法、社債等登録法、銀行等の事務の簡素化に関する法律、金融機関の信託業務の兼営等に関する法律、金融機関再建整備法、私的独占の禁止及び公正取引の確保に関する法律、農業協同組合法、臨時金利調整法、証券取引法、会社の配当する利益又は利息の支払に関する法律、公認会計士法、損害保険料率算出団体に関する法律、水産業協同組合法、中小企業等協同組合法、協同組合による金融事業に関する法律、資産再評価法、船主相互保険組合法、証券投資信託

及び証券投資法人に関する法律、信用金庫法、会社更生法、長期信用銀行法、貸付信託法、中小漁業融資保証法、信用保証協会法、労働金庫法、自動車損害賠償保障法、農業信用保証保険法、地震保険に関する法律、金融機関の合併及び転換に関する法律、外国証券業者に関する法律、預金保険法、勤労者財産形成促進法、農村地域工業等導入促進法、農水産業協同組合貯金保険法、銀行法、貸金業の規制等に関する法律、出資の受入れ、預り金及び金利等の取締りに関する法律の一部を改正する法律、株券等の保管及び振替に関する法律、有価証券に係る投資顧問業の規制等に関する法律、抵当証券業の規制等に関する法律、金融先物取引法、前払式証票の規制等に関する法律、商品投資に係る事業の規制に関する法律、特定債権等に係る事業の規制に関する法律、協同組織金融機関の優先出資に関する法律、不動産特定共同事業法、保険業法、金融機関等の更生手続の特例等に関する法律、農林中央金庫と信用農業協同組合連合会との合併等に関する法律、株式の消却の手続に関する商法の特例に関する法律、日本銀行法、銀行持株会社の創設のための銀行等に係る合併手続の特例等に関する法律、スポーツ振興投票の実施等に関する法律、特定目的会社による特定資産の流動化に関する法律、金融システム改革のための関係法律の整備等に関する法律、金融機関等が行う特定金融取引の一括清算に関する法律、金融機能の再生のための緊急措置に関する法律、預金保険法の一部を改正する法律、金融機能の早期健全化のための緊急措置に関する法律、金融業者の貸付業務のための社債の発行等に関する法律若しくは組織的な犯罪の処罰及び犯罪収益の規制等に関する法律（以下この条及び第七十四条において「旧法」という。）の規定により大蔵大臣その他の国の機関がした免許、許可、認可、承認、指定その他の処分又は通知その他の行為は、組織関係整備法第一条の規定による改正後の金融再生委員会設置法（次項、第七十五条第一項及び第七十六条において「新金融再生委員会設置法」という。）又は第四条から前条までの規定による改正後の担保附社債信託法、信託業法、農林中央金庫法、無尽業法、社債等登録法、銀行等の事務の簡素化に関する法律、金融機関の信託業務の兼営等に関する法律、金融機関再建整備法、私的独占の禁止及び公正取引の確保に関する法律、農業協同組合法、臨時金利調整法、証券取引法、会社の配当する利益又は利息の支払に関する法律、公認会計士法、損害保険料率算出団体に関する法律、水産業協同組合法、中小企業等協同組合法、協同組合による金融事業に関する法律、資産再評価法、船主相互保険組合法、証券投資信託及び証券投資法人に関する法律、信用金庫法、会社更生法、長期信用銀行法、貸付信託法、中小漁業融資保証法、信用保証協会法、労働金庫法、自動車損害賠償保障法、農業信用保証保険法、地震保険に関する法律、金融機関の合併及び転換に関する法律、外国証券業者に関する法律、預金保険法、勤労者財産形成促進法、農村地域工業等導入促進法、農水産業協同組合貯金保険法、銀行法、貸金業の規制等に関する法律、出資の受入れ、預り金及び金利等の取締りに関する法律の一部を改正する法律、株券等の保管及び振替に関する法律、有価証券に係る投資顧問業の規制等に関する法律、抵当証券業の規制等に関する法律、金融先物取引法、前払式証票の規制等に関する法律、商品投資に係る事業の規制に関する法律、特定債権等に係る事業の規制に関する法律、協同組織金融機関の優先出資に関する法律、不動産特定共同事業法、保険業法、金融機関等の更生手続の特例等に関する法律、農林中央金庫と信用農業協同組合連合会との合併等に関する法律、株式の消却の手続に関する商法の特例



に関する法律、日本銀行法、銀行持株会社の創設のための銀行等に係る合併手続の特例等に関する法律、スポーツ振興投票の実施等に関する法律、特定目的会社による特定資産の流動化に関する法律、金融システム改革のための関係法律の整備等に関する法律、金融機関等が行う特定金融取引の一括清算に関する法律、金融機能の再生のための緊急措置に関する法律、預金保険法の一部を改正する法律、金融機能の早期健全化のための緊急措置に関する法律、金融業者の貸付業務のための社債の発行等に関する法律若しくは組織的な犯罪の処罰及び犯罪収益の規制等に関する法律（以下この条及び第七十四条において「新法」という。）の相当規定に基づいて、金融再生委員会その他の相当の国の機関がした免許、許可、認可、承認、指定その他の処分又は通知その他の行為とみなす。

Article 71 (1) A license, permission, authorization, approval, designation or any other disposition or a notice or any other act that has been granted, given, rendered or committed by the Minister of Finance or any other national government organ pursuant to the provisions of the Act for Establishment of the Financial Reconstruction Commission prior to revision by the provisions of Article 1 of the Act on Preparation of Acts Related to National Government Administrative Organizations for Central Government Reform (Act No. 130 of 1998; referred to as the "Former Act for Establishment of the Financial Reconstruction Commission" in the following paragraph, Article 75, paragraph (1) and Article 76) or the provisions of the Secured Bonds Trust Act, the Trust Business Act, the Norinchukin Bank Act, the Mutual Loan Business Act, the Company Bond Registration Act, the Act on Simplifying Business Affairs of Banks, etc., the Act on Additional Operation of Trust Business by a Financial Institution, the Act on Reconstruction and Readjustment of Financial Institutions, the Act on Prohibition of Private Monopolization and Maintenance of Fair Trade, the Agricultural Cooperatives Act, the Temporary Interest Rate Adjustment Act, the Securities and Exchange Act, the Act on Payment of Profit and Interest Distributed by Companies, the Certified Public Accountants Act, the Act on Non-Life Insurance Rating Organization of Japan, the Fisheries Cooperatives Act, the Small and Medium-Sized Enterprise Cooperatives Act, the Act on Financial Businesses by Cooperative, the Assets Revaluation Act, the Ship Owner's Mutual Insurance Union Act, the Act on Securities Investment Trust and Securities Investment Corporations, the Shinkin Bank Act, the Corporate Reorganization Act, the Long-Term Credit Bank Act, the Loan Trust Act, the Small and Medium-sized Fishery Finance Guarantee Act, the Credit Guarantee Association Act, the Labor Bank Act, the Automobile Liability Security Act, the Agricultural Credit Guarantee Insurance Act, the Act on Earthquake Insurance, the Act on Financial Institutions' Merger and Conversion, the Act on Foreign Security Business Entities, the Deposit Insurance Act, the Act on the Promotion of Workers' Property Accumulation, the Act on the Promotion of Introduction of Industry into Agricultural Regions,

the Agricultural and Fishery Cooperation Savings Insurance Act, the Banking Act, the Act on Controls, etc. on Money Lending, the Act for Partial Revision of the Act on Regulation of Acceptance of Contributions, Deposits, and Interest Rates, the Act on the Retainment and Transfer of Share Certificates, the Act on Regulation, etc. of Investment Advisory Business Pertaining to Securities, the Act on Regulation, etc. of Mortgage Security Business, the Financial Future Transaction Act, the Act on Regulation, etc. of Advanced Payment Certificates, the Act on Regulation of Commodity Investment, the Act on Regulation of Business Pertaining to Specified Claims, etc., the Act on Preferred Equity Investment by Cooperative Structured Financial Institution, the Real Estate Specified Joint Enterprise Act, the Insurance Business Act, the Act on Special Treatment of Corporate Reorganization Proceedings and Other Insolvency Proceedings of Financial Institutions, the Act on Merger between the Norinchukin Bank and Prefectural Credit Federations of Agricultural Cooperatives, the Act on Special Measures under the Commercial Code Concerning Procedures for Canceling Shares, the Bank of Japan Act, the Act on Special Measures, etc. for Merger Procedures for Banks, etc. for Establishing Bank Holding Companies, the Act on Implementation of Sports Promotion Vote, the Act on Liquidation of Special Assets by Special Purpose Companies, the Act on Preparation of Relevant Acts for Financial System Reform, the Act on Collective Clearing of Specified Financial Transactions Engaged in by Financial Institutions, etc., the Act on Emergency Measures for Revitalization of Financial Functions, the Act for Partial Revision of the Deposit Insurance Act, the Act on Emergency Measures for Early Strengthening of Financial Functions, the Act on Issuance of Company Bonds for Loan Business of Financial Specialists, or the Act for Punishment of Organized Crimes, Control of Crime Proceeds and Other Matters prior to the revision by the provisions of Articles 4 through 70 (hereinafter referred to as the "Former Act" in this Article and Article 74) shall be deemed to be a license, permission, authorization, approval, designation or any other disposition or a notice or any other act that has been granted, given, rendered or committed by the Financial Reconstruction Commission or any other equivalent national government organ pursuant to the equivalent provisions of the Act for Establishment of the Financial Reconstruction Commission revised by the provisions of Article 1 of the Act on Preparation of Acts Related to National Government Administrative Organizations for Central Government Reform (referred to as the "New Act for Establishment of the Financial Reconstruction Commission" in the following paragraph, Article 75, paragraph (1) and Article 76) or the Secured Bonds Trust Act, the Trust Business Act, the Norinchukin Bank Act, the Mutual Loan Business Act, the Company Bond Registration Act, the Act on Simplifying Business Affairs of Banks, etc., the Act on Additional Operation of Trust

Business by a Financial Institution, the Act on Reconstruction and Readjustment of Financial Institutions, the Act on Prohibition of Private Monopolization and Maintenance of Fair Trade, the Agricultural Cooperatives Act, the Temporary Interest Rate Adjustment Act, the Securities and Exchange Act, the Act on Payment of Profit and Interest Distributed by Companies, the Certified Public Accountants Act, the Act on Non-Life Insurance Rating Organization of Japan, the Fisheries Cooperatives Act, the Small and Medium-Sized Enterprise Cooperatives Act, the Act on Financial Businesses by Cooperative, the Assets Revaluation Act, the Ship Owner's Mutual Insurance Union Act, the Act on Securities Investment Trust and Securities Investment Corporations, the Shinkin Bank Act, the Corporate Reorganization Act, the Long-Term Credit Bank Act, the Loan Trust Act, the Small and Medium-sized Fishery Finance Guarantee Act, the Credit Guarantee Association Act, the Labor Bank Act, the Automobile Liability Security Act, the Agricultural Credit Guarantee Insurance Act, the Act on Earthquake Insurance, the Act on Financial Institutions' Merger and Conversion, the Act on Foreign Security Business Entities, the Deposit Insurance Act, the Act on the Promotion of Workers' Property Accumulation, the Act on the Promotion of Introduction of Industry into Agricultural Regions, the Agricultural and Fishery Cooperation Savings Insurance Act, the Banking Act, the Act on Controls, etc. on Money Lending, the Act for Partial Revision of the Act on Regulation of Acceptance of Contributions, Deposits, and Interest Rates, the Act on the Retainment and Transfer of Share Certificates, the Act on Regulation, etc. of Investment Advisory Business Pertaining to Securities, the Act on Regulation, etc. of Mortgage Security Business, the Financial Future Transaction Act, the Act on Regulation, etc. of Advanced Payment Certificates, the Act on Regulation of Commodity Investment, the Act on Regulation of Business Pertaining to Specified Claims, etc., the Act on Preferred Equity Investment by Cooperative Structured Financial Institution, the Real Estate Specified Joint Enterprise Act, the Insurance Business Act, the Act on Special Treatment of Corporate Reorganization Proceedings and Other Insolvency Proceedings of Financial Institutions, the Act on Merger between the Norinchukin Bank and Prefectural Credit Federations of Agricultural Cooperatives, the Act on Special Measures under the Commercial Code Concerning Procedures for Canceling Shares, the Bank of Japan Act, the Act on Special Measures, etc. for Merger Procedures for Banks, etc. for Establishing Bank Holding Companies, the Act on Implementation of Sports Promotion Vote, the Act on Liquidation of Special Assets by Special Purpose Companies, the Act on Preparation of Relevant Acts for Financial System Reform, the Act on Collective Clearing of Specified Financial Transactions Engaged in by Financial Institutions, etc., the Act on Emergency Measures for Revitalization of Financial Functions, the Act for

Partial Revision of the Deposit Insurance Act, the Act on Emergency Measures for Early Strengthening of Financial Functions, the Act on Issuance of Company Bonds for Loan Business of Financial Specialists, or the Act for Punishment of Organized Crimes, Control of Crime Proceeds and Other Matters revised by the provisions of Articles 4 through 70 (hereinafter referred to as the "New Act" in this Article and Article 74).

2 組織関係整備法第一条の規定及び第四条から前条までの規定の施行の際現に旧金融再生委員会設置法又は旧法の規定により大蔵大臣その他の国の機関に対してされている申請、届出その他の行為は、新金融再生委員会設置法又は新法の相当規定に基づいて、金融再生委員会その他の相当の国の機関に対してされた申請、届出その他の行為とみなす。

(2) An application, notification or any other act that has been filed or made with or committed toward the Minister of Finance or any other national government organ pursuant to the provisions of the Former Act for Establishment of the Financial Reconstruction Commission or the Former Act prior to the enforcement of the provisions of Article 1 of the Act on Preparation of Acts Related to National Government Administrative Organizations for Central Government Reform and the provisions of Articles 4 through 70 shall be deemed to be an application, notification or any other act that has been filed or made with or committed toward the Financial Reconstruction Commission or any other equivalent national government organ pursuant to the equivalent provisions of the New Act for Establishment of the Financial Reconstruction Commission or the New Act.

3 旧法の規定により大蔵大臣その他の国の機関に対し報告、届出、提出その他の手続をしなければならない事項で、第四条から前条までの規定の施行の日前にその手続がされていないものについては、これを新法の相当規定により金融再生委員会その他の相当の国の機関に対して報告、届出、提出その他の手続をしなければならない事項についてその手続がされていないものとみなして、新法の規定を適用する。

(3) With regard to matters for which a report, notification, submission or any other procedure shall be given to or taken with the Minister of Finance or any other national government organ pursuant to the provisions of the Former Act for which such procedure has not been taken prior to the effective date of the provisions of Articles 4 through 70, the provisions of the New Act shall apply, deeming this to be the situation in which a report, notification, submission or any other procedure has not been given to or taken with the Financial Reconstruction Commission or any other equivalent national government organ with regard to the matters for which such procedure shall be taken pursuant to the equivalent provisions of the New Act.

(罰則に関する経過措置)

(Transitional Measures Concerning Penal Provisions)

第七十三条 金融庁関係規定の施行前にした行為に対する罰則の適用については、なお従前の例による。

**Article 73** With regard to the application of penal provisions to acts committed prior to the enforcement of the provisions related to the Financial Services Agency, the provisions then in force shall remain applicable.

(大蔵省令等に関する経過措置)

(Transitional Measures Concerning Ordinance of the Ministry of Finance)

第七十四条 金融庁関係規定の施行の際現に効力を有する旧法の規定に基づく命令は、新法の相当規定に基づく命令としての効力を有するものとする。

**Article 74** An order pursuant to the provisions of the Former Act which is in force at the time of the enforcement of the provisions related to the Financial Services Agency shall remain in force as an order pursuant to the equivalent provisions of the New Act.

(処分、申請等に関する経過措置)

(Transitional Measures Concerning Disposition and Application)

第千三百一条 中央省庁等改革関係法及びこの法律（以下「改革関係法等」と総称する。）の施行前に法令の規定により従前の国の機関がした免許、許可、認可、承認、指定その他の処分又は通知その他の行為は、法令に別段の定めがあるもののほか、改革関係法等の施行後は、改革関係法等の施行後の法令の相当規定に基づいて、相当の国の機関がした免許、許可、認可、承認、指定その他の処分又は通知その他の行為とみなす。

**Article 1301** (1) A license, permission, authorization, approval, designation or any other disposition or notice or any other act that has been granted, given, rendered or committed by an existing national government organ pursuant to the provisions of laws and regulations prior to the enforcement of any of the Acts related to the central government reform and this Act (hereinafter collectively referred to as the "Reform Related Acts, etc.") shall be deemed, after the enforcement of the Reform Related Acts, etc., to be a license, permission, authorization, approval, designation or other disposition or notice or any other act that has been granted, given, rendered or committed by the equivalent national government organ pursuant to the equivalent provisions of the laws and regulations after the enforcement of the Reform Related Acts, etc., unless otherwise provided for in laws and regulations.

2 改革関係法等の施行の際現に法令の規定により従前の国の機関に対してされている申請、届出その他の行為は、法令に別段の定めがあるもののほか、改革関係法等の施行後は、改革関係法等の施行後の法令の相当規定に基づいて、相当の国の機関に対してされた申請、届出その他の行為とみなす。

(2) An application, notification or any other act that has been filed or made with or committed toward an existing national government organ pursuant to the

provisions of the laws and regulations prior to the enforcement of the Reform Related Acts, etc. shall be deemed, after the enforcement of the Reform Related Acts, etc., to be an application, notification or any other act that has been filed or made with or committed toward the equivalent national government organ pursuant to the equivalent provisions of the laws and regulations after the enforcement of the Reform Related Acts, etc., unless otherwise provided for in the laws and regulations.

3 改革関係法等の施行前に法令の規定により従前の国の機関に対し報告、届出、提出その他の手続をしなければならないとされている事項で、改革関係法等の施行の日前にその手続がされていないものについては、法令に別段の定めがあるもののほか、改革関係法等の施行後は、これを、改革関係法等の施行後の法令の相当規定により相当の国の機関に対して報告、届出、提出その他の手続をしなければならないとされた事項についてその手続がされていないものとみなして、改革関係法等の施行後の法令の規定を適用する。

(3) With regard to matters for which a report, notification, submission or any other procedure shall be given to or taken with an existing national government organ pursuant to the provisions of the laws and regulations prior to the enforcement of the Reform Related Acts, etc. for which such procedure has not been taken prior to the effective date of the Reform Related Acts, etc., the provisions of the laws and regulations after the enforcement of the Reform Related Acts, etc. shall apply, deeming this to be the situation in which a report, notification, submission or any other procedure has not been given to or taken with the equivalent national government organ with regard to the matters for which such procedure shall be taken pursuant to the equivalent provisions of the laws and regulations after the enforcement of the Reform Related Acts, etc., unless otherwise provided for in the laws and regulations.

(従前の例による処分等に関する経過措置)

(Transitional Measures Concerning a Disposition Pursuant to Provisions Then in Force)

第千三百二条 なお従前の例によることとする法令の規定により、従前の国の機関がすべき免許、許可、認可、承認、指定その他の処分若しくは通知その他の行為又は従前の国の機関に対してすべき申請、届出その他の行為については、法令に別段の定めがあるもののほか、改革関係法等の施行後は、改革関係法等の施行後の法令の規定に基づくその任務及び所掌事務の区分に応じ、それぞれ、相当の国の機関がすべきものとし、又は相当の国の機関に対してすべきものとする。

Article 1302 With regard to a license, permission, authorization, approval, designation or any other disposition or a notice or any other act which shall be granted, given, rendered or committed by an existing national government organ, or an application, notification or any other act which shall be filed or made with or committed toward an existing national organ, pursuant to the

provisions of the laws and regulations to the effect that the provisions then in force shall remain applicable, such disposition or act shall be rendered or committed by the equivalent national government organ or such act shall be committed toward the equivalent national government organ after the enforcement of the Reform Related Acts, etc. according to the classification of its duty and affairs under the jurisdiction pursuant to the provisions of the laws and regulations after the enforcement of the Reform Related Acts, etc., unless otherwise provided for in the laws and regulations.

(罰則に関する経過措置)

(Transitional Measures Concerning Penal Provisions)

第千三百三条 改革関係法等の施行前にした行為に対する罰則の適用については、なお従前の例による。

Article 1303 With regard to the application of penal provisions to acts committed prior to the enforcement of the Reform Related Acts, etc., the provisions then in force shall remain applicable.

(政令への委任)

(Delegation to Cabinet Order)

第千三百四十四条 第七十一条から第七十六条まで及び第千三百一条から前条まで並びに中央省庁等改革関係法に定めるもののほか、改革関係法等の施行に関し必要な経過措置（罰則に関する経過措置を含む。）は、政令で定める。

Article 1344 In addition to what is provided for in Articles 71 through 76 and Articles 1301 through 1343 and in Acts related to the central government reform, transitional measures necessary for the enforcement of the Reform Related Acts, etc. (including transitional measures concerning penal provisions) shall be specified by Cabinet Order.

附 則 〔平成十一年十二月二十二日法律第百六十号〕 〔抄〕

Supplementary Provisions [Act No. 160 of December 22, 1999] [Extract]

(施行期日)

(Effective Date)

第一条 この法律（第二条及び第三条を除く。）は、平成十三年一月六日から施行する。ただし、次の各号に掲げる規定は、当該各号に定める日から施行する。

Article 1 This Act (excluding Articles 2 and 3) shall come into effect as from January 6, 2001; provided, however, that the provisions listed in the following items shall come into effect as from the date specified respectively in those items:

一 第九百九十五条（核原料物質、核燃料物質及び原子炉の規制に関する法律の一部を改正する法律附則の改正規定に係る部分に限る。）、第千三百五条、第千三百六

条、第千三百二十四条第二項、第千三百二十六条第二項及び第千三百四十四条の規定公布の日

(i) The provisions of Articles 995 (limited to the part pertaining to the provisions revised of the supplementary provisions of the Act for Partial Revision of the Act on the Regulation of Nuclear Source Material, Nuclear Fuel Material and Reactors), 1305 and 1306, Article 1324, paragraph (2), Article 1326, paragraph (2) and Article 1344: Day of promulgation

二 第三章（第三条を除く。）及び次条の規定平成十二年七月一日

(ii) The provisions of Chapter III (excluding Article 3) and the following Article: July 1, 2000

附 則 〔平成十二年五月三十一日法律第九十七号〕 〔抄〕

**Supplementary Provisions [Act No. 97 of May 31, 2000] [Extract]**

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して六月を超えない範囲内において政令で定める日（以下「施行日」という。）から施行する。

Article 1 This Act shall come into effect as from the day specified by Cabinet Order within a period not exceeding six months from the day of promulgation (hereinafter referred to as the "effective date").

(処分等の効力)

(Effect of a Disposition)

第六十四条 この法律（附則第一条ただし書の規定にあつては、当該規定）の施行前に改正前のそれぞれの法律（これに基づく命令を含む。以下この条において同じ。）の規定によってした処分、手続その他の行為であつて、改正後のそれぞれの法律の規定に相当の規定があるものは、この附則に別段の定めがあるものを除き、改正後のそれぞれの法律の相当の規定によってしたものとみなす。

Article 64 A disposition, procedure or any other act rendered, taken or committed pursuant to the provisions of the respective Act prior to revision (including orders based thereon; hereinafter the same shall apply in this Article) prior to the enforcement of this Act (with regard to the provisions of the proviso to Article 1 of the supplementary provisions, said provisions), for which the respective revised Act has equivalent provisions, shall be deemed to have been rendered, taken or committed pursuant to the equivalent provisions of the respective revised Act, unless otherwise provided for in these supplementary provisions.

(罰則の適用に関する経過措置)

(Transitional Measures Concerning Application of Penal Provisions)



第六十五条 この法律（附則第一条ただし書の規定にあつては、当該規定）の施行前にした行為及びこの附則の規定によりなお従前の例によることとされる場合におけるこの法律の施行後にした行為に対する罰則の適用については、なお従前の例による。

Article 65 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act (with regard to the provisions of the proviso to Article 1 of the supplementary provisions, said provisions) and acts committed after the enforcement of this Act in cases where the provisions then in force shall remain applicable pursuant to the provisions of these supplementary provisions, the provisions then in force shall remain applicable.

（その他の経過措置の政令への委任）

(Delegation of Other Transitional Measures to Cabinet Order)

第六十七条 この附則に規定するもののほか、この法律の施行に関し必要な経過措置は、政令で定める。

Article 67 In addition to what is provided for in these supplementary provisions, transitional measures necessary for the enforcement of this Act shall be specified by Cabinet Order.

附 則 〔平成十二年十一月二十七日法律第百二十六号〕〔抄〕

Supplementary Provisions [Act No. 126 of November 27, 2000] [Extract]

（施行期日）

(Effective Date)

第一条 この法律は、公布の日から起算して五月を超えない範囲内において政令で定める日から施行する。

Article 1 This Act shall come into effect as from the day specified by Cabinet Order within a period not exceeding five months from the day of promulgation.

（罰則に関する経過措置）

(Transitional Measures Concerning Penal Provisions)

第二条 この法律の施行前にした行為に対する罰則の適用については、なお従前の例による。

Article 2 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

附 則 〔平成十三年十二月五日法律第百三十八号〕〔抄〕

Supplementary Provisions [Act No. 138 of December 5, 2001] [Extract]

（施行期日）

(Effective Date)

第一条 この法律は、公布の日から起算して二十日を経過した日から施行する。  
Article 1 This Act shall come into effect as of the day on which 20 days have elapsed from the day of its promulgation.

附 則 〔平成十四年五月二十九日法律第四十五号〕〔抄〕  
**Supplementary Provisions [Act No. 45 of May 29, 2002] [Extract]**

(施行期日)

(Effective Date)

1 この法律は、公布の日から起算して一年を超えない範囲内において政令で定める日から施行する。

(1) This Act shall come into effect as of the day specified by Cabinet Order within a period not exceeding one year from the day of its promulgation.

附 則 〔平成十六年五月十二日法律第四十三号〕〔抄〕  
**Supplementary Provisions [Act No. 43 of May 12, 2004] [Extract]**

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して一年を超えない範囲内において政令で定める日から施行する。

Article 1 This Act shall come into effect as of the day specified by Cabinet Order within a period not exceeding one year from the day of its promulgation.

附 則 〔平成十六年六月二日法律第七十六号〕〔抄〕  
**Supplementary Provisions [Act No. 76 of June 2, 2004] [Extract]**

(施行期日)

(Effective Date)

第一条 この法律は、破産法（平成十六年法律第七十五号。次条第八項並びに附則第三条第八項、第五条第八項、第十六項及び第二十一項、第八条第三項並びに第十三条において「新破産法」という。）の施行の日から施行する。

Article 1 This Act shall come into effect as of the effective date of the Bankruptcy Act (Act No. 75 of 2004; referred to as the "New Bankruptcy Act" in paragraph (8) of the following Article, and Article 3, paragraph (8), Article 5, paragraphs (8), (16) and (21), Article 8, paragraph (3) and Article 13 of the supplementary provisions).

(罰則の適用等に関する経過措置)

(Transitional Measures Concerning Application of Penal Provisions)

第十二条 施行日前にした行為並びに附則第二条第一項、第三条第一項、第四条、第五

条第一項、第九項、第十七項、第十九項及び第二十一項並びに第六条第一項及び第三項の規定によりなお従前の例によることとされる場合における施行日以後にした行為に対する罰則の適用については、なお従前の例による。

Article 12 (1) With regard to the application of penal provisions to acts committed prior to the effective date and after the effective date in cases where the provisions then in force shall remain applicable pursuant to the provisions of Article 2, paragraph (1), Article 3, paragraph (1), Article 4, Article 5, paragraphs (1), (9), (17), (19) and (21) and Article 6, paragraphs (1) and (3) of the supplementary provisions, the provisions then in force shall remain applicable.

5 施行日前にされた破産の宣告、再生手続開始の決定、更生手続開始の決定又は外国倒産処理手続の承認の決定に係る届出、通知又は報告の義務に関するこの法律による改正前の証券取引法、測量法、国際観光ホテル整備法、建築士法、投資信託及び投資法人に関する法律、電気通信事業法、電気通信役務利用放送法、水洗炭業に関する法律、不動産の鑑定評価に関する法律、外国証券業者に関する法律、積立式宅地建物販売業法、銀行法、貸金業の規制等に関する法律、浄化槽法、有価証券に係る投資顧問業の規制等に関する法律、抵当証券業の規制等に関する法律、金融先物取引法、遊漁船業の適正化に関する法律、前払式証券の規制等に関する法律、商品投資に係る事業の規制に関する法律、不動産特定共同事業法、保険業法、資産の流動化に関する法律、債権管理回収業に関する特別措置法、新事業創出促進法、建設工事に係る資材の再資源化等に関する法律、著作権等管理事業法、マンションの管理の適正化の推進に関する法律、確定給付企業年金法、特定製品に係るフロン類の回収及び破壊の実施の確保等に関する法律、社債等の振替に関する法律、確定拠出年金法、使用済自動車の再資源化等に関する法律、信託業法及び特定目的会社による特定資産の流動化に関する法律等の一部を改正する法律附則第二条第一項の規定によりなおその効力を有するものとされる同法第一条の規定による改正前の特定目的会社による特定資産の流動化に関する法律の規定並びにこれらの規定に係る罰則の適用については、なお従前の例による。

(5) With regard to the application of the provisions of the Securities and Exchange Act, the Survey Act, the Act on Establishment of International Tourist Hotels, the Act on Architects and Building Engineers, the Act Concerning Investment Trusts and Investment Corporations, the Telecommunications Business Act, the Act on Broadcasting Using Telecommunications Services, the Act on Water Washing Coal Business, the Act on Real Estate Appraising and Valuation, the Act on Foreign Security Business Entities, the Advanced-Installment Type Building Lots and Buildings Sales Business Act, the Banking Act, the Act on Controls, etc. on Money Lending, the Act on Septic Tanks, the Act on Regulation, etc. of Investment Advisory Business Pertaining to Securities, the Act on Regulation, etc. of Mortgage Security Business, the Financial Future Transaction Act, the Act on the Achievement of Proper Leisure Fishing Boat Business, the Act on

Regulation, etc. of Advanced Payment Certificates, the Act on Regulation of Commodity Investment, the Real Estate Specified Joint Enterprise Act, the Insurance Business Act, the Act on Securitization of Assets, the Act on Special Measures concerning Business of Management and Collection of Claims, the New Business Creation Promotion Act, the Act on Recycling of Construction Materials, the Copyright Management Business Act, the Act on Promotion of Proper Condominium Management, the Defined-Benefit Corporate Pension Act, the Act for Securing, etc. the Implementation of Recovery and Destruction of Fluorocarbons Contained in Specified Products, the Act on Book-Entry Transfer of Company Bonds, etc., the Defined Contribution Pension Act, the Act on Recycling, etc. of End-of-Life Vehicles, the Trust Business Act, and the Act on Liquidation of Special Assets by Special Purpose Companies prior to revision by the provisions of Article 1 of the Act for Partial Revision of the Act on Liquidation of Special Assets by Special Purpose Companies, which is to remain effective pursuant to the provisions of Article 2, paragraph (1) of the supplementary provisions of said Act, as well as penal provisions pertaining to these provisions, to the obligation to make a notification, notice or report pertaining to an adjudication of bankruptcy, order of commencement of rehabilitation proceedings, order of commencement of reorganization proceedings or order of approval of foreign insolvency proceedings rendered prior to the effective date, the provisions then in force shall remain applicable.

(政令への委任)

(Delegation to Cabinet Order)

第十四条 附則第二条から前条までに規定するもののほか、この法律の施行に関し必要な経過措置は、政令で定める。

Article 14 In addition to what is provided for in Articles 2 through 13 of the supplementary provisions, transitional measures necessary for the enforcement of this Act shall be specified by Cabinet Order.

附 則 〔平成十六年十二月三日法律第百五十四号〕 〔抄〕

**Supplementary Provisions [Act No. 154 of December 3, 2004] [Extract]**

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して六月を超えない範囲内において政令で定める日（以下「施行日」という。）から施行する。

Article 1 This Act shall come into effect as from the day specified by Cabinet Order within a period not exceeding six months from the day of promulgation (hereinafter referred to as the "effective date").

(処分等の効力)

**(Effect of a Disposition)**

第二百十一条 この法律の施行前のそれぞれの法律（これに基づく命令を含む。以下この条において同じ。）の規定によってした処分、手続その他の行為であつて、改正後のそれぞれの法律の規定に相当の規定があるものは、この附則に別段の定めがあるものを除き、改正後のそれぞれの法律の相当の規定によってしたものとみなす。

**Article 121** A disposition, procedure or any other act rendered, taken or committed pursuant to the provisions of the respective Act prior to the enforcement of this Act (including orders based thereon; hereinafter the same shall apply in this Article), for which the respective Act revised has equivalent provisions, shall be deemed to have been rendered, taken or committed pursuant to the equivalent provisions of the respective revised Act, unless otherwise provided for in these supplementary provisions.

(罰則に関する経過措置)

**(Transitional Measures Concerning Penal Provisions)**

第二百二十二条 この法律の施行前にした行為並びにこの附則の規定によりなお従前の例によることとされる場合及びこの附則の規定によりなおその効力を有することとされる場合におけるこの法律の施行後にした行為に対する罰則の適用については、なお従前の例による。

**Article 122** With regard to the application of penal provisions to acts committed prior to the enforcement of this Act and acts committed after the enforcement of this act in cases where the provisions then in force shall remain applicable pursuant to the provisions of these supplementary provisions and in cases where the provisions then in force shall remain in force pursuant to the provisions of these supplementary provisions, the provisions then in force shall remain applicable.

(その他の経過措置の政令への委任)

**(Delegation of Other Transitional Measures to Cabinet Order)**

第二百二十三条 この附則に規定するもののほか、この法律の施行に伴い必要な経過措置は、政令で定める。

**Article 123** (1) In addition to what is provided for in these supplementary provisions, transitional measures necessary for the enforcement of this Act shall be specified by Cabinet Order.

会社法の施行に伴う関係法律の整備等に関する法律（平成十七年七月二十六日法律第八十七号）（抄）

Act on Arrangement of Relevant Acts Incidental to Enforcement of the Companies Act [Act No. 87 of 2005] [Extract]

(罰則に関する経過措置)

(Transitional Measures Concerning Penal Provisions)

第五百二十七条 施行日前にした行為及びこの法律の規定によりなお従前の例によることとされる場合における施行日以後にした行為に対する罰則の適用については、なお従前の例による。

Article 527 With regard to the application of penal provisions to acts committed prior to the effective date and acts committed after the effective date in cases where the provisions then in force shall remain applicable pursuant to the provisions of this Act, the provisions then in force shall remain applicable.

(政令への委任)

(Delegation to Cabinet Order)

第五百二十八条 この法律に定めるもののほか、この法律の規定による法律の廃止又は改正に伴い必要な経過措置は、政令で定める。

Article 528 In addition to what is provided for in this Act, transitional measures necessary for the abolition or revision of any Act by the provisions of this Act shall be specified by Cabinet Order.

附 則 〔平成十七年七月二十六日法律第八十七号〕〔抄〕

**Supplementary Provisions [Act No. 87 of July 26, 2005] [Extract]**

この法律は、会社法の施行の日から施行する。

This Act shall come into effect as from the effective date of the Companies Act.

附 則 〔平成十八年三月三十一日法律第十号〕〔抄〕

**Supplementary Provisions [Act No. 10 of March 31, 2006] [Extract]**

(施行期日)

(Effective Date)

第一条 この法律は、平成十八年四月一日から施行する。

Article 1 This Act shall come into effect as from April 1, 2006.

(罰則に関する経過措置)

(Transitional Measures Concerning Penal Provisions)

第二百十一条 この法律（附則第一条各号に掲げる規定にあつては、当該規定。以下この条において同じ。）の施行前にした行為及びこの附則の規定によりなお従前の例によることとされる場合におけるこの法律の施行後にした行為に対する罰則の適用については、なお従前の例による。

Article 211 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act (with regard to the provisions listed in the items under Article 1 of the supplementary provisions, said provisions; hereinafter the same shall apply in this Article) and acts committed after the

enforcement of this Act in cases where the provisions then in force shall remain applicable pursuant to the provisions of these supplementary provisions, the provisions then in force shall remain applicable.

(その他の経過措置の政令への委任)

(Delegation of Other Transitional Measures to Cabinet Order)

第二百十二条 この附則に規定するもののほか、この法律の施行に関し必要な経過措置は、政令で定める。

Article 212 (1) In addition to what is provided for in these supplementary provisions, transitional measures necessary for the enforcement of this Act shall be specified by Cabinet Order.

証券取引法等の一部を改正する法律の施行に伴う関係法律の整備等に関する法律（平成十八年六月十四日法律第六十六号）（抄）

Act on Arrangement of Relevant Acts Incidental to Enforcement of the Act for Partial Revision of the Securities and Exchange Act [Act No. 66 of 2006]

[Extract]

(商品投資に係る事業の規制に関する法律の一部改正に伴う経過措置)

(Transitional Measures Incidental to Partial Revision of the Act on Regulation of Commodity Investment)

第百五十一条 この法律の施行の際現に前条の規定による改正前の商品投資に係る事業の規制に関する法律（以下「旧商品投資事業規制法」という。）第三条の許可を受けている者は、施行日において新金融商品取引法第二十九条の登録（当該登録を受けたものとみなされる金融商品取引業者が第二種金融商品取引業を行うものに限る。）を受けたものとみなす。この場合において、新金融商品取引法第五十七条第三項及び第百九十四条の四第一項の規定は、適用しない。

Article 151 (1) An entity that has obtained a license set forth in Article 3 of the Act on Regulation of Commodity Investment prior to revision by the provisions of the preceding Article (hereinafter referred to as the "Former Act on Regulation of Commodity Investment Business") prior to the enforcement of this Act shall be deemed to have obtained registration set forth in Article 29 of the New Financial Instruments and Exchange Act (limited to those in which a financial instruments specialist who is deemed to have obtained said registration engages in type II financial instruments services) as of the effective date. In this case, the provisions of Article 57, paragraph (3) and Article 194-4, paragraph (1) of the New Financial Instruments and Exchange Act shall not apply.

2 前項の規定により新金融商品取引法第二十九条の登録を受けたものとみなされる者（第百五十三条及び第百五十七条において「みなし登録第二種業者」という。）は、施行日から起算して三月以内に新金融商品取引法第二十九条の二第一項各号に掲げる事項を記載した書類及び同条第二項各号に掲げる書類を内閣総理大臣に提出しなけれ

ばならない。

(2) An entity that is deemed to have obtained a registration set forth in Article 29 of the New Financial Instruments and Exchange Act pursuant to the provisions of the preceding paragraph (referred to as "type II specialist deemed to have been registered" in Articles 153 and 157) shall submit to the Prime Minister a document containing the matters listed in the items of Article 29-2, paragraph (1) of the New Financial Instruments and Exchange Act and the documents listed in the items of paragraph (2) of said Article within three months from the effective date.

3 内閣総理大臣は、前項の規定による書類の提出があったときは、当該書類に記載された新金融商品取引法第二十九条の二第一項各号に掲げる事項及び新金融商品取引法第二十九条の三第一項第二号に掲げる事項を金融商品取引業者登録簿に登録するものとする。

(3) When documents have been submitted under the provisions of the preceding paragraph, the Prime Minister shall register the matters listed in the items of Article 29-2, paragraph (1) of the New Financial Instruments and Exchange Act and the matters listed in Article 29-3, paragraph (1), item (ii) of the New Financial Instruments and Exchange Act, which are contained in said documents, in the registry of financial instruments specialists.

第百五十二条 旧商品投資事業規制法第二十八条の規定により許可を取り消された者は、その処分を受けた日において、新金融商品取引法第五十二条第一項の規定により登録を取り消されたものとみなす。

Article 152 An entity whose license has been rescinded pursuant to the provisions of Article 28 of the Former Act on Regulation of Commodity Investment Business shall be deemed to have had its registration rescinded pursuant to the provisions of Article 52, paragraph (1) of the New Financial Instruments and Exchange Act as of the day on which it received said disposition.

第百五十三条 新金融商品取引法第三十一条第一項から第三項までの規定は、みなし登録第二種業者については、当該みなし登録第二種業者が第百五十一条第二項の規定により同項に規定する書類を提出する日までの間は、適用しない。

Article 153 The provisions of Article 31, paragraphs (1) through (3) of the New Financial Instruments and Exchange Act shall not apply to a type II specialist deemed to have been registered until the day on which said type II specialist deemed to have been registered submits the documents prescribed in Article 151, paragraph (2) pursuant to the provisions of said paragraph.

第百五十四条 新金融商品取引法第四十七条の二の規定は、施行日以後に終了する事業年度に係る同条の事業報告書について適用し、施行日前に終了した事業年度について



は、なお従前の例による。

Article 154 The provisions of Article 47-2 of the New Financial Instruments and Exchange Act shall apply to a business report set forth in said Article pertaining to a business year that ends after the effective date, and with regard to a business year that ended prior to the effective date, the provisions then in force shall remain applicable.

第百五十五条 新金融商品取引法第四十七条の三の規定は、施行日以後に終了する事業年度に係る同条に規定する説明書類について適用し、施行日前に終了した事業年度については、なお従前の例による。

Article 155 The provisions of Article 47-3 of the New Financial Instruments and Exchange Act shall apply to an explanatory document prescribed in said Article pertaining to a business year that ends after the effective date, and with regard to a business year that ended prior to the effective date, the provisions then in force shall remain applicable.

第百五十六条 施行日前にされた旧商品投資事業規制法第二十七条の規定による処分は、新金融商品取引法第五十一条の規定による処分とみなす。

Article 156 A disposition under the provisions of Article 27 of the Former Act on Regulation of Commodity Investment Business prior to the effective date shall be deemed to be a disposition under the provisions of Article 51 of the New Financial Instruments and Exchange Act.

第百五十七条 みなし登録第二種業者が施行日前にした旧商品投資事業規制法第二十八条第三号に該当する行為は、新金融商品取引法第五十二条第一項第六号に該当する行為とみなして、同項の規定を適用する。

Article 157 (1) The provisions of Article 52, paragraph (1) of the New Financial Instruments and Exchange Act shall apply, deeming an act that falls under Article 28, item (iii) of the Former Act on Regulation of Commodity Investment Business which has been committed by a type II specialist deemed to have been registered prior to the effective date to be an act that falls under Article 52, paragraph (1), item (vi) of the New Financial Instruments and Exchange Act.

2 新金融商品取引法第五十二条第二項の規定は、この法律の施行の際現に新金融商品取引法第二十九条の四第一項第二号イからトまでのいずれかに該当しているみなし登録第二種業者の役員である者（旧商品投資事業規制法第六条第一項第四号イからへまでのいずれかに該当している者を除く。）が、引き続き新金融商品取引法第二十九条の四第一項第二号イからトまでのいずれかに該当している場合については、施行日から起算して五年を経過する日までの間は、適用しない。

(2) The provisions of Article 52, paragraph (2) of the New Financial Instruments and Exchange Act shall not apply until the day on which five years have elapsed from the effective date in cases where a person who is an officer of a

type II specialist deemed to have been registered that falls under any of Article 29-4, paragraph (1), item (ii), (a) through (g) of the New Financial Instruments and Exchange Act at the time of enforcement of this Act (excluding those who fall under any of Article 6, paragraph (1), item (iv), (a) through (f) of the Former Act on Regulation of Commodity Investment Business) continues to fall under any of Article 29-4, paragraph (1), item (ii), (a) through (g) of the New Financial Instruments and Exchange Act.

3 施行日前にされた旧商品投資事業規制法第二十八条の規定による処分は、新金融商品取引法第五十二条第一項の規定による処分とみなす。

(3) A disposition under the provisions of Article 28 of the Former Act on Regulation of Commodity Investment Business which has been rendered prior to the effective date shall be deemed to be a disposition under the provisions of Article 52, paragraph (1) of the New Financial Instruments and Exchange Act.

第百五十八条 新金融商品取引法第五十四条の規定の適用については、この法律の施行の際現に旧商品投資事業規制法第三条の許可を受けている者は、第百五十一条第一項の規定にかかわらず、その許可を受けた日において、新金融商品取引法第二十九条の登録を受けたものとみなす。

Article 158 With regard to the application of the provisions of Article 54 of the New Financial Instruments and Exchange Act, an entity that has obtained a license set forth in Article 3 of the Former Act on Regulation of Commodity Investment Business prior to the enforcement of this Act shall be deemed to have obtained a registration set forth in Article 29 of the New Financial Instruments and Exchange Act as of the day on which it obtained said license, notwithstanding the provisions of Article 151, paragraph (1).

第百五十九条 第百五十条の規定による改正後の商品投資に係る事業の規制に関する法律（以下この条において「新商品投資事業規制法」という。）第六条第二項第三号（新商品投資事業規制法第八条第二項において準用する場合を含む。以下この条において同じ。）の規定の適用については、旧証券取引法の規定（平成十八年証券取引法改正法附則第二百十八条の規定によりなお従前の例によることとされる場合における旧証券取引法の規定を含む。）若しくは旧証券投資顧問業法、旧抵当証券業規制法（第五十七条第二項及び第五十八条の規定によりなお効力を有することとされる場合における旧抵当証券業規制法を含む。）若しくは旧金融先物取引法の規定（第二百七条の規定によりなお従前の例によることとされる場合におけるこれらの規定を含む。）又はこれらに相当する外国の法令の規定により罰金の刑（これに相当する外国の法令による刑を含む。）に処せられ、その刑の執行を終わり、又はその刑の執行を受けることがなくなった日から三年を経過しない会社については、新商品投資事業規制法第六条第二項第三号に該当する会社とみなす。

Article 159 With regard to the application of the provisions of Article 6, paragraph (2), item (iii) (including the cases where applied mutatis mutandis

pursuant to Article 8, paragraph (2) of the Act on Regulation of Commodity Investment revised by the provisions of Article 150 (hereinafter referred to as the "New Act on Regulation of Commodity Investment Business" in this Article); hereinafter the same shall apply in this Article) of the New Act on Regulation of Commodity Investment Business, a company which has been sentenced to a fine (including punishment equivalent thereto under the laws and regulations of a foreign state) pursuant to the provisions of the Former Securities and Exchange Act (including the provisions of the Former Securities and Exchange Act in cases where the provisions then in force shall remain applicable pursuant to the provisions of Article 218 of the supplementary provisions of the revised Securities and Exchange Act of 2006), or the provisions of the Former Securities Investment Advisory Business Act, the Former Act on Regulation of Mortgage Securities Business (including the Former Act on Regulation of Mortgage Securities Business in cases where the provisions then in force shall remain in force pursuant to the provisions of Article 57, paragraph (2) and Article 58) or the Former Financial Future Transaction Act (including these provisions in cases where the provisions then in force shall remain applicable pursuant to the provisions of Article 217) or the provisions of the laws and regulations of a foreign state equivalent thereto and for which three years have not lapsed from the day on which execution of the sentence ended or from the day on which the sentence ceased to be executed shall be deemed to be a company that falls under Article 6, paragraph (2), item (iii) of the New Act on Regulation of Commodity Investment Business.

(権限の委任)

(Delegation of Authority)

第二百十五条 内閣総理大臣は、この法律の規定による権限（政令で定めるものを除く。）を金融庁長官に委任する。

Article 215 The Prime Minister shall delegate his/her authority under the provisions of this Act (excluding that specified by Cabinet Order) to the Commissioner of the Financial Services Agency.

(処分等の効力)

(Effect of a Disposition)

第二百十六条 この法律の施行前にした旧外国証券業者法、旧証券投資顧問業法、旧抵当証券業規制法、旧金融先物取引法若しくは旧商品投資事業規制法又はこれらに基づく命令の規定によってした処分、手続その他の行為であつて、新金融商品取引法の規定に相当の規定があるものは、この法律に別段の定めがあるものを除き、新金融商品取引法の相当の規定によってしたものとみなす。

Article 216 A disposition, procedure or any other act rendered, taken or engaged in pursuant to the provisions of the Former Act on Foreign Security Business

Entities, the Former Securities Investment Advisory Business Act, the Former Act on Regulation of Mortgage Securities Business, the Former Financial Future Transaction Act or the Former Act on Regulation of Commodity Investment Business, or the provisions of any order based thereon for which the provisions of the New Financial Instruments and Exchange Act include equivalent provisions, shall be deemed to have been rendered, taken or engaged in pursuant to the equivalent provisions of the New Financial Instruments and Exchange Act, unless otherwise provided for in this Act.

(罰則の適用に関する経過措置)

(Transitional Measures Concerning Penal Provisions)

第二百十七条 この法律（附則各号に掲げる規定にあつては、当該規定。以下この条において同じ。）の施行前にした行為並びにこの法律の規定によりなお従前の例によることとされる場合及びなおその効力を有することとされる場合におけるこの法律の施行後にした行為に対する罰則の適用については、なお従前の例による。

Article 217 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act (with regard to the provisions listed in the items of the supplementary provisions, said provisions; hereinafter the same shall apply in this Article) and acts committed after the enforcement of this Act in cases where the provisions then in force shall remain applicable pursuant to the provisions of this Act and in cases where the provisions then in force shall remain in force, the provisions then in force shall remain applicable.

(その他の経過措置の政令等への委任)

(Delegation of Other Transitional Measures to Cabinet Order)

第二百十八条 この法律に規定するもののほか、この法律の施行に関し必要な経過措置は、政令で定める。

Article 218 In addition to what is provided for in this Act, transitional measures necessary for the enforcement of this Act shall be specified by Cabinet Order.

附 則 〔平成十八年六月十四日法律第六十六号〕〔抄〕

**Supplementary Provisions [Act No. 66 of June 14, 2006] [Extract]**

この法律は、平成十八年証券取引法改正法の施行の日から施行する。

This Act shall come into effect as from the effective date of the revised Securities and Exchange Act of 2006.

附 則 〔平成二十年六月十三日法律第六十五号〕〔抄〕

**Supplementary Provisions [Act No. 65 of June 13, 2008] [Extract]**

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して六月を超えない範囲内において政令で定める日から施行する。

Article 1 This Act shall come into effect as from the day specified by Cabinet Order within a period not exceeding six months from the day of promulgation.

(罰則の適用に関する経過措置)

(Transitional Measures Concerning Penal Provisions)

第四十条 この法律（附則第一条各号に掲げる規定にあっては、当該規定。以下この条において同じ。）の施行前にした行為及びこの附則の規定によりなお従前の例によることとされる場合におけるこの法律の施行後にした行為に対する罰則の適用については、なお従前の例による。

Article 40 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act (with regard to the provisions listed in the items of Article 1 of the supplementary provisions, said provisions; hereinafter the same shall apply in this Article) and acts committed after the enforcement of this Act in cases where the provisions then in force shall remain applicable pursuant to the provisions of these supplementary provisions, the provisions then in force shall remain applicable.

(政令への委任)

(Delegation to Cabinet Order)

第四十一条 附則第二条から第十九条までに定めるもののほか、この法律の施行に関し必要な経過措置は、政令で定める。

Article 41 In addition to what is provided for in Articles 2 through 19 of the supplementary provisions, transitional measures necessary for the enforcement of this Act shall be specified by Cabinet Order.

(検討)

(Review)

第四十二条 政府は、この法律の施行後五年以内に、この法律による改正後の規定の実施状況について検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を講ずるものとする。

Article 42 The government shall engage in a review of the status of the implementation of the provisions revised by this Act within five years from the enforcement of this Act, and shall take any required measures based on the results, when it deems necessary.

附 則 〔平成二十一年七月十日法律第七十四号〕 〔抄〕

Supplementary Provisions [Act No. 74 of July 10, 2009] [Extract]

(施行期日)

**(Effective Date)**

第一条 この法律は、公布の日から起算して一年六月を超えない範囲内において政令で定める日（以下「施行日」という。）から施行する。

Article 1 This Act shall come into effect as of the day specified by Cabinet Order within a period not exceeding 18 months from the day of its promulgation (hereinafter referred to as the "effective date").