口座管理機関に関する命令

Order Regarding Account Management Institutions

（平成十四年十二月六日内閣府・法務省・財務省令第二号）

((Ordinance of the Cabinet Office, the Ministry of Justice, and the Ministry of Finance No. 2 of December 6, 2002))

社債等の振替に関する法律（平成十三年法律第七十五号）第四十四条の規定に基づき、及び同法を実施するため、口座管理機関に関する命令を次のように定める。

Pursuant to the provisions of Article 44 of the Act on Book-Entry of Corporate Bonds, Shares, etc. (Act No. 75 of 2001) and to implement the same Act, the Order Regarding Account Management Institutions is established as follows:

（上位機関としての口座管理機関から除かれる者）

(Persons Excluded from Definition of Account Management Institutions as Superior Institutions)

第一条　社債、株式等の振替に関する法律（平成十三年法律第七十五号。以下「法」という。）第四十四条第一項（各号列記以外の部分に限る。）及び第二項に規定する主務省令で定める者は、同条第一項第十三号に掲げる者（同項の規定により口座を開設する者が同号に該当する者である場合を除く。）とする。

Article 1 The persons to be specified by Ordinance of the Competent Ministry as prescribed in Article 44, paragraphs (1) (limited to the non-itemized part thereof) and (2) of the Act on Book-Entry of Corporate Bonds, Shares, etc. (Act No. 75 of 2001; hereinafter referred to as the "Act") are the persons set forth in item (xiii), paragraph (1) of the same Article (excluding the case where the person who opens an account pursuant to the provision of the same paragraph falls under the same item).

（口座管理機関となることができる者）

(Persons Eligible to Become Account Management Institutions)

第二条　法第四十四条第一項第十二号に規定する主務省令で定める者は、次に掲げるものとする。

Article 2 The persons to be specified by Ordinance of the Competent Ministry as prescribed in Article 44, paragraph (1), item (xii) of the Act are as follows:

一　金融商品取引法（昭和二十三年法律第二十五号）第二条第九項に規定する金融商品取引業者（同条第八項第七号イに掲げる有価証券に表示されるべき権利であって同条第二項の規定により有価証券とみなされるもの（以下この号において「投資信託受益権」という。）についての同条第八項第七号に掲げる行為に係る業務を行う者が、その発行する投資信託受益権（同法第四十三条の二第一項及び第二項に規定する方法に準ずる方法により、自己の固有財産と分別して管理をするもの（当該管理の状況について、同条第三項に定めるところに準じて行う監査を受けているものに限る。）に限る。）について振替業（法第三条第一項に規定する振替業をいう。）を行う範囲に限る。）

(i) a financial services provider as prescribed in Article 2, paragraph (9) of the Financial Instruments and Exchange Act (Act No. 25 of 1948) (limited to the scope of services of a person engaged in business pertaining to the act set forth in item (vii) of paragraph (8) of the same Article in relation to a right to be indicated on a security as set forth in sub-item (a), item (vii), paragraph (8) of the same Article which is deemed as a security pursuant to the provision of paragraph (2) of the same Article (hereinafter referred to as "Beneficial Interests in Investment Trust" in this item)) conducts a book-entry transfer business (meaning a book-entry transfer business as prescribed in Article 3, paragraph (1) of the Act) for a Beneficial Interests in Investment Trust issued by such person (limited to assets managed separately from its own properties in accordance with a method equivalent to the method prescribed in Article 43-2, paragraphs (1) and (2) of the same Act (limited to assets which are subject to an inspection on the status of management performed in an equivalent manner as prescribed in paragraph (3) of the same Article));

二　金融商品取引法第二条第三十項に規定する証券金融会社

(ii) a securities finance company as prescribed in Article 2, paragraph (30) of the Financial Instruments and Exchange Act;

三　保険業法（平成七年法律第百五号）第二条第二項に規定する保険会社

(iii) an insurance company as prescribed in Article 2, paragraph (2) of the Insurance Business Act (Act No. 105 of 1995); and

四　金融商品取引法施行令（昭和四十年政令第三百二十一号）第一条の九第五号に掲げる者

(iv) a person set forth in Article 1-9, item (v) of the Order for Enforcement of the Financial Instruments and Exchange Act (Cabinet Order No. 321 of 1965).

（外国口座管理機関の指定の公示）

(Public Notice of Designation of Foreign Account Management Institutions)

第三条　金融庁長官、法務大臣及び財務大臣は、法第四十四条第一項第十三号の指定（以下「指定」という。）をしたときは、その指定を受けた者の商号又は名称及び本店又は主たる事務所の所在地を官報で公示しなければならない。

Article 3 When the Commissioner of the Financial Services Agency, the Minister of Justice, and the Minister of Finance make a designation under Article 44, paragraph (1), item (xiii) of the Act (hereinafter referred to as "Designation"), they must make a public notice of the trade name or name and the location of the head office or principal office of the person who received such Designation in the official gazette.

（外国口座管理機関の指定の申請）

(Application for Designation of Foreign Account Management Institution)

第四条　指定を受けようとする者（以下「指定申請者」という。）は、次に掲げる事項を記載した指定申請書を金融庁長官、法務大臣及び財務大臣に提出して申請しなければならない。

Article 4 (1) A person who intends to receive a Designation (hereinafter referred to as "Designation Applicant") must make an application by submitting a written application for designation containing the following matters to the Commissioner of the Financial Services Agency, the Minister of Justice, and the Minister of Finance.

一　商号又は名称及び本店又は主たる事務所の所在地

(i) trade name or name, and location of head office or principal office;

二　代表者の氏名

(ii) name of representative;

三　外国において他人の社債等（法第二条第一項に規定する社債等をいう。以下同じ。）又は社債等に類する権利の管理を行うことにつき、当該外国の法令の規定により当該外国において免許又は登録その他これに類する処分を受けている旨

(iii) The fact of such person having obtained a license, registration or any other disposition similar thereto in a foreign state for the management of Corporate Bonds, etc. (meaning Corporate Bonds, etc. as prescribed in Article 2, paragraph (1) of the Act; the same applies hereinafter) or rights similar to Corporate Bonds, etc., of another person in the foreign state, pursuant to the laws and regulations of the foreign state; and

四　指定国内上位機関（指定申請者の上位機関（法第二条第七項に規定する上位機関をいう。以下同じ。）又は次項第三号の意思の表明をした振替機関等（法第二条第五項に規定する振替機関等をいう。以下同じ。）若しくはその上位機関のうち、国内に営業所又は事務所を有する者をいう。以下同じ。）の商号又は名称

(iv) the trade name or name of the Designated Domestic Superior Institution (meaning the Superior Institution (meaning a Superior Institution as prescribed in Article 2, paragraph (7) of the Act; the same applies hereinafter) of the Designation Applicant, or a Book-Entry Transfer Institution, etc. (meaning a Book-Entry Transfer Institution, etc. as prescribed in Article 2, paragraph (5) of the Act; the same applies hereinafter) which made a manifestation of an intention under item (iii) of the following paragraph or its Superior Institution, which has a business office or office in Japan; the same applies hereinafter).

２　前項の指定申請書には、次に掲げる書類を添付しなければならない。

(2) The following documents must be attached to the written application for designation set forth in the preceding paragraph:

一　登記事項証明書又はこれに代わる書面

(i) a certificate of registered information or a substitute document therefor;

二　外国において他人の社債等又は社債等に類する権利の管理を行うことにつき、当該外国の法令の規定により当該外国において免許又は登録その他これに類する処分を受けていることを証する書面

(ii) a document certifying that the Designation Applicant has obtained a license, registration or other disposition similar thereto in a foreign state for the management of Corporate Bonds, etc. or rights similar to Corporate Bonds, etc. of another person in the foreign state, pursuant to the laws and regulations of the foreign state;

三　指定申請者が法第四十四条第一項の規定により口座の開設を受けていることを証する書面（指定申請者が同項の規定により口座の開設を受けていない場合にあっては、振替機関等から当該指定申請者のために同項の規定により口座を開設する見込みである旨の意思の表明があったことを証する書面）

(iii) a document certifying that the Designation Applicant has opened an account pursuant to the provisions of Article 44, paragraph (1) of the Act (in the case where the Designation Applicant has not opened an account pursuant to the provision of the same paragraph, a document certifying that a Book-Entry Transfer Institution, etc. has manifested an intention to open an account for the Designation Applicant pursuant to the provision of the same paragraph); and

四　その他指定に関し参考となる書類

(iv) any other document(s) which would serve as reference in relation to the Designation.

３　前項各号に掲げる書類のうち日本語で作成されていないものがあるときは、その訳文を付さなければならない。

(3) If any of the documents set forth in the items of the preceding paragraph is not prepared in the Japanese language, a translation thereof must be attached.

４　指定申請者は、第一項の申請をするには、指定国内上位機関を経由してしなければならない。

(4) When a Designation Applicant makes an application under paragraph (1), it must file such application through its Designated Domestic Superior Institution.

（商号等の変更の届出）

(Notification of Change of Trade Name)

第五条　前条第一項の申請に基づき指定を受けた者（以下「外国口座管理機関」という。）は、当該申請に係る同項各号に掲げる事項について変更があったときは、遅滞なく、その旨を金融庁長官、法務大臣及び財務大臣に届け出なければならない。

Article 5 (1) If there is any change in the matters set forth in the items of paragraph (1) of the preceding Article in relation to the application, a person who has obtained a Designation based on the application (hereinafter referred to as "Foreign Account Management Institution") must notify the Commissioner of the Financial Services Agency, the Minister of Justice, and the Minister of Finance to that effect without delay.

２　前項の届出には、当該届出に係る事項の変更の事実について確認することができる書類を添付しなければならない。

(2) A document confirming the fact of a change in the matters pertaining to the notification must be attached to the notification set forth in the preceding paragraph.

３　前項の書類が日本語で作成されていないものであるときは、その訳文を付さなければならない。

(3) If the documents set forth in the preceding paragraph are not prepared in the Japanese language, Japanese translations thereof must be attached.

４　外国口座管理機関は、第一項の届出をするには、指定国内上位機関（上位機関がない場合にあっては、上位機関であった者又は前条第二項第三号の意思の表明をした振替機関等若しくはその上位機関のうち、国内に営業所又は事務所を有するもの）を経由してしなければならない。

(4) When a Foreign Account Management Institution makes a notification under paragraph (1), it must file such notification through its Designated Domestic Superior Institution (in the case where it does not have a Superior Institution, the former Superior Institution, or a Book-Entry Transfer Institution, etc. which has manifested its intention under item (iii) of paragraph (2) of the preceding Article or its Superior Institution, which has a business office or office in Japan).

５　金融庁長官、法務大臣及び財務大臣は、第一項の規定により外国口座管理機関の商号若しくは名称又は本店若しくは主たる事務所の所在地の変更の届出があったときは、その旨を官報で公示しなければならない。

(5) When the Commissioner of the Financial Services Agency, the Minister of Justice, and the Minister of Finance receive a notification of change in a Foreign Account Management Institution's trade name or name, or location of its head office or principal office pursuant to the provision of paragraph (1), they must make a public notice to that effect in the official gazette.

（指定の取消し等）

(Rescission of Designation)

第六条　金融庁長官、法務大臣及び財務大臣は、次条の規定による申請があったとき又は指定を受けた者が法若しくは法に基づく命令の規定に違反したときその他特に必要があると認めるときは、その指定を取り消すことができる。

Article 6 (1) When an application as prescribed in the following Article is made, when the person who has received the Designation breaches any provision of laws or orders issued based on laws, or when it is found particularly necessary, the Commissioner of the Financial Services Agency, the Minister of Justice, and the Minister of Finance may rescind the Designation.

２　金融庁長官、法務大臣及び財務大臣は、前項の規定により指定を取り消したときは、その旨を官報で公示しなければならない。

(2) When the Commissioner of the Financial Services Agency, the Minister of Justice, and the Minister of Finance have rescinded a Designation pursuant to the preceding paragraph, they must make a public notice to that effect in the official gazette.

（指定の取消しの申請手続）

(Application Procedures for Rescission of Designation)

第七条　外国口座管理機関が指定の取消しを受けようとするときは、次に掲げる事項を記載した指定取消申請書を金融庁長官、法務大臣及び財務大臣に提出して申請しなければならない。

Article 7 (1) When a Foreign Account Management Institution intends to seek rescission of its Designation, it must make an application by submitting a written application for rescission of designation containing the following matters to the Commissioner of the Financial Services Agency, the Minister of Justice, and the Minister of Finance.

一　指定の取消しを受けようとする理由

(i) the reason for seeking rescission of the Designation;

二　指定の取消しを受けようとする期日

(ii) the date on which the Designation is to be rescinded; and

三　法第四十四条第一項の規定により他の者のために口座を開設していない旨

(iii) the fact that the Foreign Account Management Institution has not opened an account for other persons pursuant to the provision of Article 44, paragraph (1) of the Act.

２　外国口座管理機関は、前項の申請をするには、指定国内上位機関（上位機関がない場合にあっては、上位機関であった者又は第四条第二項第三号の意思の表明をした振替機関等若しくはその上位機関のうち、国内に営業所又は事務所を有するもの）を経由してしなければならない。

(2) When a Foreign Account Management Institution makes an application under the preceding paragraph, it must file such application through its Designated Domestic Superior Institution (in the case where it does not have a Superior Institution, its former Superior Institution, or the Book-Entry Transfer Institution, etc. which has manifested its intention under Article 4, paragraph (2), item (iii) or its Superior Institution, which has a business office or office in Japan).

（振替口座簿の記載又は記録事項を証明する書面の交付等の請求）

(Request for Issuance of Document Certifying Matters Stated or Recorded in Book-entry Transfer Account Registry)

第八条　加入者又は法第二百七十七条に規定する利害関係を有する者は、口座管理機関に対して同条の規定による請求をするときは、次に掲げる方法のいずれかにより、請求者の氏名又は名称及び住所並びに請求の目的その他の当該請求に必要な情報を当該口座管理機関に提供しなければならない。

Article 8 (1) When a participant or a person who has an interest as prescribed in Article 277 of the Act makes a request under the same Article with an Account Management Institution, such person must provide the Account Management Institution with the name and address of the requester, the purpose of the request, and any other information which would be necessary for the request, by any of the following methods:

一　次条第一項に掲げる方法

(i) the method set forth in paragraph (1) of the following Article; or

二　書面を提出する方法

(ii) the submission of a document.

２　法第二百七十七条に規定する利害関係を有する者が同条の規定による請求をするときは、当該請求において、当該利害関係を明らかにする資料を提出しなければならない。

(2) When a person who has an interest as prescribed in Article 277 of the Act makes a request as prescribed in the same Article, such person must submit a document which clarifies the interest in relation to the request.

（電磁的方法による情報の提供）

(Provision of Information by Electromagnetic Means)

第九条　法第二百七十七条に規定する主務省令で定める方法は、次に掲げる方法とする。

Article 9 (1) The means specified by Ordinance of the Competent Ministry as prescribed in Article 277 of the Act are the following means:

一　口座管理機関の使用に係る電子計算機とその加入者の使用に係る電子計算機とを接続する電気通信回線を通じて送信し、当該加入者の使用に係る電子計算機に備えられたファイルに記録する方法

(i) in such a way that the data is transmitted over a telecommunications line that connects the computer used by an Account Management Institution and the computer used by its participant, and recorded in a file on the computer used by the participant;

二　口座管理機関の使用に係る電子計算機に備えられたファイルに記録された情報の内容を電気通信回線を通じてその加入者の閲覧に供し、当該加入者の使用に係る電子計算機に備えられたファイルに当該情報を記録する方法

(ii) in such a way that data content recorded in a file on the computer used by an Account Management Institution is provided over a telecommunications line for the recipient to inspect and recorded in a file on the computer used by the participant; or

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

(iii) delivering a magnetic disc, or anything else onto which a fixed set of data can be securely recorded through an equivalent means, containing a file into which the data has been recorded.

２　前項各号に掲げる方法は、加入者がファイルへの記録を出力することにより書面を作成することができるものでなければならない。

(2) The methods set forth in the items of the preceding paragraph allowed the participant to create a paper e documents by outputting that has been recorded in the file.