

金融機関の信託業務の兼営等に関する法律

Act on Engagement in Trust Business Activities by Financial Institutions

(昭和十八年三月十一日法律第四十三号)
(Act No. 43 of March 11, 1943)

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第一章 総則

Chapter I General Provisions

(兼営の認可)

(Authorization for Engagement in Trust Business Activities by Financial Institutions)

第一条 銀行その他の金融機関（政令で定めるものに限る。以下「金融機関」という。）は、他の法律の規定にかかわらず、内閣総理大臣の認可を受けて、信託業法（平成十六年法律第百五十四号）第二条第一項に規定する信託業及び次に掲げる業務（政令で定めるものを除く。以下「信託業務」という。）を営むことができる。

Article 1 (1) A bank or any other financial institution (limited to those specified by Cabinet Order; hereinafter referred to as a "Financial Institution") may,

notwithstanding the provisions of other Acts, engage in trust business activities as defined in Article 2, paragraph (1) of the Trust Business Act (Act No. 154 of 2004) and the following business activities (excluding those specified by Cabinet Order; hereinafter collectively referred to as "Trust Business Activities") with the authorization of the Prime Minister:

一 信託業法第二条第八項に規定する信託契約代理業

(i) agency for trust agreements defined in Article 2, paragraph (8) of the Trust Business Act;

二 信託受益権売買等業務（信託受益権の売買等（金融商品取引法（昭和二十三年法律第二十五号）第六十五条の五第一項に規定する信託受益権の売買等をいう。）を行う業務をいう。次条第三項及び第四項において同じ。）

(ii) business of the purchase and sale, etc. of a beneficial interest in a trusts (meaning the business of carrying out the purchase and sale, etc. of a beneficial interest in a trust (purchase and sale, etc. of a beneficial interest in a trust as defined in Article 65-5, paragraph (1) of the Financial Instruments and Exchange Act (Act No. 25 of 1948); the same applies in paragraphs (3) and (4) of the following Article);

三 財産の管理（受託する信託財産と同じ種類の財産について、次項の信託業務の種類及び方法に規定する信託財産の管理の方法と同じ方法により管理を行うものに限る。）

(iii) management of property (limited to property of the same type as the trust property to be entrusted to the Financial Institution, managed using the same method as the trust property specified as part of the type and method of Trust Business Activities set forth in the following paragraph);

四 財産に関する遺言の執行

(iv) execution of a will on property;

五 会計の検査

(v) accounting auditing;

六 財産の取得、処分又は貸借に関する代理又は媒介

(vi) agency or intermediary service for the acquisition, disposition, or borrowing or lending of property; and

七 次に掲げる事項に関する代理事務

(vii) agency functions for the following particulars:

イ 第三号に掲げる財産の管理

(a) management of property as listed in item (iii);

ロ 財産の整理又は清算

(b) arrangement or liquidation of property;

ハ 債権の取立て

(c) collection of claims;

ニ 債務の履行

(d) performance of obligations.

2 金融機関は、内閣府令で定めるところにより、信託業務の種類及び方法を定めて、前項の認可を受けなければならない。

(2) Pursuant to the provisions of Cabinet Office Ordinance, a Financial Institution must decide the type and method of Trust Business Activities and obtain authorization under the preceding paragraph.

3 内閣総理大臣は、第一項の認可の申請があったときは、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。

(3) If an application for the authorization under paragraph (1) has been made, the Prime Minister must examine whether the application conforms to the following standards:

一 申請者が、信託業務を健全に遂行するに足りる財産的基礎を有し、かつ、信託業務を的確に遂行することができること。

(i) the applicant has a sufficient financial basis for the sound performance of Trust Business Activities and the ability to perform Trust Business Activities properly; and

二 申請者による信託業務の遂行が金融秩序を乱すおそれがないものであること。

(ii) the implementation of Trust Business Activities by the applicant is unlikely to disturb the order of the financial system.

(信託業法の準用等)

(Application Mutatis Mutandis of the Trust Business Act)

第二条 信託業法第十一条、第二十二條から第二十四條まで、第二十五條から第三十一條まで、第四十二條及び第四十九條の規定は、金融機関が信託業務を営む場合について準用する。この場合において、同法第十一条第十項中「第七条第三項の登録の更新がされなかった場合、第四十四條第一項の規定により第三条の免許が取り消された場合、第四十五條第一項の規定により第七条第一項の登録が取り消された場合若しくは第四十六條第一項の規定により第三条の免許若しくは第七条第一項の登録がその効力を失った」とあるのは「金融機関の信託業務の兼営等に関する法律第十条の規定により同法第一条第一項の認可が取り消された場合若しくは同法第十一条の規定により同法第一条第一項の認可がその効力を失った」と、同法第二十三條の二中「指定紛争解決機関」とあるのは「金融機関の信託業務の兼営等に関する法律第十二條の二第一項第八号に規定する指定紛争解決機関」と、同條第一項第一号中「手続実施基本契約」とあるのは「手続実施基本契約（金融機関の信託業務の兼営等に関する法律第十二條の二第一項第八号に規定する手続実施基本契約をいう。次項において同じ。）」と、同項第二号中「手続対象信託業務」とあるのは「金融機関の信託業務の兼営等に関する法律第十二條の二第四項に規定する特定兼營業務」と、同條第三項中「紛争解決等業務」とあるのは「金融機関の信託業務の兼営等に関する法律第十二條の二第一項に規定する紛争解決等業務」と、「第八十五條の二第一項」とあるのは「金融機関の信託業務の兼営等に関する法律第十二條の二第一項」と、同法第四十二條第二項中「第十七条から第十九條までの届出若しくは措置若しくは当該」とあるのは「当該」と、同法第四十九條第一項中「第七条第三項の登録の更新をしなかった場合、第四十四條

第一項の規定により第三条の免許を取り消した場合又は第四十五条第一項の規定により第七条第一項の登録を取り消した」とあるのは「金融機関の信託業務の兼営等に関する法律第十条の規定により同法第一条第一項の認可を取り消した」と読み替えるものとするほか、必要な技術的読替えは、政令で定める。

Article 2 (1) The provisions of Article 11, Articles 22 to 24 inclusive, Articles 25 to 31 inclusive, and Articles 42 to 49 inclusive of the Trust Business Act apply mutatis mutandis to the cases where a Financial Institution engages in Trust Business Activities. In this case, the phrase "in a case where a renewal of registration under Article 7, paragraph (3) has not been effected, a license under Article 3 has been rescinded pursuant to the provisions of Article 44, paragraph (1), or a case where a registration under Article 7, paragraph (1) has been rescinded pursuant to the provisions of Article 45, paragraph (1), or a license under Article 3 or a registration under Article 7, paragraph (1) has lost its effect pursuant to the provisions of Article 46, paragraph (1)" in Article 11, paragraph (10) of that Act is deemed to be replaced with "in a case where an authorization under Article 1, paragraph (1) of the Act on Engagement in Trust Business Activities by Financial Institutions has been rescinded pursuant to the provisions of Article 10 of that Act, or an authorization under Article 1, paragraph (1) of that Act has lost its effect pursuant to the provisions of Article 11 of that Act," the term "Designated Dispute Resolution Organization" in Article 23-2 of the Trust Business Act is deemed to be replaced with "Designated Dispute Resolution Organization prescribed in Article 12-2, paragraph (1), item (viii) of the Act on Engagement in Trust Business Activities by Financial Institutions," the term "Basic Contract for Implementation of Dispute Resolution Procedures" in Article 23-2, paragraph (1), item (i) of the Trust Business Act is deemed to be replaced with "Basic Contract for Implementation of Dispute Resolution Procedures (meaning a basic contract for implementation of dispute resolution procedures as prescribed in Article 12-2, paragraph (1), item (viii) of the Act on Engagement in Trust Business Activities by Financial Institutions," the term "trust business subject to dispute resolution procedure" in Article 23-2, paragraph (1), item (ii) of the Trust Business Act is deemed to be replaced with "Specific Concurrent Business Activities defined in Article 12-2, paragraph (4) of the Act on Engagement in Trust Business Activities by Financial Institutions," the terms "Dispute Resolution Services, etc." and "Article 85-2, paragraph (1)" in Article 23-2, paragraph (3) of the Trust Business Act are deemed to be replaced with "Dispute Resolution Services, etc. as prescribed in Article 12-2, paragraph (1) of the Act on Engagement in Trust Business Activities by Financial Institutions" and "Article 12-2, paragraph (1) of the Act on Engagement in Trust Business Activities by Financial Institutions" respectively, the phrase "to submit notifications under Articles 17 to 19 inclusive or take measures under

that Article, or" in Article 42, paragraph (2) of the Trust Business Act is deemed to be replaced with "or", the phrase "has not accepted renewal of registration under Article 7, paragraph (3), has rescinded a license under Article 3 pursuant to the provisions of Article 44, paragraph (1), or has rescinded a registration under Article 7, paragraph (1) pursuant to the provisions of Article 45, paragraph (1)" in Article 49, paragraph (1) of the Trust Business Act is deemed to be replaced with "has rescinded an authorization under Article 1, paragraph (1) of the Act on Engagement in Trust Business Activities by Financial Institutions pursuant to the provisions of Article 10 of that Act" and any other necessary technical replacement of terms is specified by Cabinet Order.

2 信託業務を営む金融機関が信託契約（内閣府令で定めるものを除く。）の締結の代理又は媒介を第三者に委託する場合には、当該金融機関を信託会社とみなして、信託業法第二条第八項及び第五章の規定（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、同章中「所属信託会社」とあるのは「所属信託兼営金融機関」と、同法第七十八条第一項中「第三十四条第一項の規定」とあるのは「銀行法（昭和五十六年法律第五十九号）第二十一条第一項その他政令で定める規定」とする。

(2) When the Financial Institution engaged in Trust Business Activities entrusts a third party to act as an agent or intermediary for the conclusion of a trust agreement (excluding that specified by Cabinet Office Ordinance), the Financial Institution is deemed to be a trust company and Article 2, paragraph (8) and the provisions of Chapter V (including penal provisions pertaining to these provisions) of the Trust Business Act apply. In this case, the term "Entrusting Trust Company" in that Chapter is deemed to be replaced with "entrusting financial institution engaged in trust business" and the phrase "the provisions of Article 34, paragraph (1)" in Article 78, paragraph (1) of that Act is deemed to be replaced with "Article 21, paragraph (2) of the Banking Act (Act No. 59 of 1981) and any other provisions specified by Cabinet Order."

3 金融商品取引法第三十三条の二の規定にかかわらず、信託業務を営む金融機関は、信託受益権売買等業務を営むことができる。

(3) Notwithstanding the provisions of Article 33-2 of the Financial Instruments and Exchange Act, a Financial Institution engaged in Trust Business Activities may engage in business of the purchase and sale, etc. of a beneficial interest in a trust.

4 信託業務を営む金融機関が前項の規定により信託受益権売買等業務を営む場合においては、当該金融機関を登録金融機関（金融商品取引法第二条第十一項に規定する登録金融機関をいう。）とみなして、同法第三十四条から第三十四条の五まで、第三十六条第一項、第三十六条の三、第三十七条（第一項第二号を除く。）、第三十七条の二、第三十七条の三（第一項第二号を除く。）、第三十七条の四、第三十七条の六、第三十八条（第七号を除く。）、第三十九条、第四十条、第四十条の四、第四十条の五、第四十五条第一号及び第二号、第四十八条、第四十八条の二、第五十一条の二、

第五十二条の二第一項及び第二項、第五十六条の二第一項、第一百九十条並びに第一百九十四条の五第二項の規定並びにこれらの規定に係る同法第八章及び第八章の二の規定を適用する。この場合において、同法第五十二条の二第一項中「次の各号のいずれか」とあるのは「第三号又は第五号」と、「当該登録金融機関の第三十三条の二の登録を取り消し、又は六月以内の期間を定めて」とあるのは「六月以内の期間を定めて」と、同条第二項中「前項第三号から第五号までのいずれか」とあるのは「前項第三号又は第五号」とする。

- (4) When a Financial Institution engaged in Trust Business Activities engages in the business of the purchase and sale, etc. of a beneficial interest in a trust pursuant to the provisions of the preceding paragraph, the Financial Institution is deemed to be a Registered Financial Institution (meaning a registered financial institution as defined in Article 2, paragraph (11) of the Financial Instruments and Exchange Act) and the provisions of Articles 34 to 34-5 inclusive, Article 36, paragraph (1), Article 36-3, Article 37 (excluding paragraph (1), item (ii)), Article 37-2, Article 37-3 (excluding paragraph (1), item (ii)), Article 37-4, Article 37-6, Article 38 (excluding item (vii)), Article 39, Article 40, Article 40-4, Article 40-5, Article 45, items (i) and (ii), Article 48, Article 48-2, Article 51-2, Article 52-2, paragraphs (1) and (2), Article 56-2, paragraph (1), Article 190, and Article 194-5, paragraph (2) of the Financial Instruments and Exchange Act and the provisions of Chapter VIII and Chapter VIII-2 of that Act pertaining to these provisions apply. In this case, the phrase "any of the following items" and "may rescind its registration under Article 33-2, or order suspension of all or part of its business by specifying a period not exceeding six months" in Article 52-2, paragraph (1) of that Act is deemed to be replaced with "item (iii) or (v)" and "may order suspension of all or part of its business by specifying a period not exceeding six months" respectively, and the phrase "any of items (iii) to (v) of the preceding paragraph" in Article 52-2, paragraph (2) of that Act is deemed to be replaced with "item (iii) or (v) of the preceding paragraph."

(金融商品取引法の準用)

(Application Mutatis Mutandis of the Financial Instruments and Exchange Act)

第二条の二 金融商品取引法第三章第一節第五款（第三十四条の二第六項から第八項まで並びに第三十四条の三第五項及び第六項を除く。）、同章第二節第一款（第三十五条から第三十六条の四まで、第三十七条第一項第二号、第三十七条の二、第三十七条の三第一項第二号から第四号まで及び第六号並びに第三項、第三十七条の四、第三十七条の五、第三十七条の七、第三十八条第一号、第二号及び第七号、第三十八条の二、第三十九条第一項、第二項第二号、第三項及び第五項、第四十条第一号並びに第四十条の二から第四十条の七までを除く。）及び第四十五条（第三号及び第四号を除く。）の規定は、金融機関が行う特定信託契約（信託業法第二十四条の二に規定する

特定信託契約をいう。)による信託の引受けについて準用する。この場合において、これらの規定中「金融商品取引契約」とあるのは「特定信託契約」と、「金融商品取引業」とあるのは「特定信託契約の締結の業務」と、これらの規定（金融商品取引法第三十四条の規定を除く。）中「金融商品取引行為」とあるのは「特定信託契約の締結」と、同法第三十四条中「顧客を相手方とし、又は顧客のために金融商品取引行為（第二条第八項各号に掲げる行為をいう。以下同じ。）を行うことを内容とする契約」とあるのは「信託業法第二十四条の二に規定する特定信託契約」と、同法第三十七条の三第一項第一号中「商号、名称又は氏名及び住所」とあるのは「住所」と、同法第三十七条の六第一項中「第三十七条の四第一項」とあるのは「金融機関の信託業務の兼営等に関する法律第二条第一項において準用する信託業法第二十六条第一項」と、同法第三十九条第二項第一号中「有価証券売買取引等」とあるのは「特定信託契約（金融機関の信託業務の兼営等に関する法律第六条に規定する信託契約を除く。第三号において同じ。）の締結」と、「前項第一号」とあるのは「損失補填等（同法第二条第一項において準用する信託業法第二十四条第一項第四号の損失の補てん又は利益の補足をいう。第三号において同じ。）」と、同項第三号中「有価証券売買取引等」とあるのは「特定信託契約の締結」と、「前項第三号の提供」とあるのは「損失補填等」と、同条第四項中「事故」とあるのは「金融機関（金融機関の信託業務の兼営等に関する法律第一条第一項に規定する金融機関をいう。）の責めに帰すべき事故」と読み替えるものとするほか、必要な技術的読替えは、政令で定める。

Article 2-2 The provisions of Chapter III, Section 1, Subsection 5 (excluding Article 34-2, paragraphs (6) to (8) inclusive and Article 34-3, paragraphs (5) and (6)), the provisions of Chapter III, Section 2, Subsection 1 (excluding Articles 35 to 36-4 inclusive, Article 37, paragraph (1), item (ii), Article 37-2, Article 37-3, paragraph (1), items (ii) to (iv) inclusive and (vi) and paragraph (3), Article 37-4, Article 37-5, Article 37-7, Article 38, items (i), (ii) and (vii), Article 38-2, Article 39, paragraph (1), paragraph (2), item (ii) and paragraphs (3) and (5), Article 40, item (i), and Articles 42-2 to 40-7 inclusive) and Article 45 (excluding items (iii) and (iv)) of the Financial Instruments and Exchange Act apply mutatis mutandis to the acceptance of trust under the Specific Trust Agreement (meaning a specific trust agreement as defined in Article 24-2 of the Trust Business activities Act) by a Financial Institution. In this case, the terms "Contract for Financial Instruments Transaction" and "Financial Instruments Business" in these provisions are deemed to be replaced with "Specific Trust Agreement" and "Business of Conclusion of Specific Trust Agreements" respectively, the term "Act of Financial Instruments Transaction" in these provisions (excluding Article 34 of the Financial Instruments and Exchange Act) is deemed to be replaced with "conclusion of a Specific Trust Agreement," the phrase "a contract to conduct Acts of Financial Instruments Transaction (meaning acts listed in the items of Article 2, paragraph (8); the same applies hereinafter) with a customer as the other party or on behalf of a customer" in Article 34 of that Act is deemed to be replaced with "a Specific

Trust Agreement as defined in Article 24-2 of the Trust Business Act," the phrase "the trade name or name and address" in Article 37-3, paragraph (1), item (i) of the Financial Instruments and Exchange Act is deemed to be replaced with "the address," the term "Article 37-4, paragraph (1)" in Article 37-6, paragraph (1) of that Act is deemed to be replaced with "Article 26, paragraph (1) of the Trust Business Act as applied mutatis mutandis pursuant to Article 2, paragraph (1) of the Act on Engagement in Trust Business Activities by Financial Institutions," the terms "Purchase and Sale or Other Transaction of Securities, etc." and "set forth in item (i) of the preceding paragraph" in Article 39, paragraph (2), item (i) of the Financial Instruments and Exchange Act is deemed to be replaced with "conclusion of a Specific Trust Agreement (excluding a trust agreement prescribed in Article 6 of the Act on Engagement in Trust Business Activities by Financial Institutions" and "Compensations of Losses, etc. (meaning compensation of losses or filling in of income as prescribed in Article 24, paragraph (1), item (iv) of the Trust Business Act as applied mutatis mutandis pursuant to Article 2, paragraph (1) of the Act on Engagement in Trust Business Activities by Financial Institutions; the same applies in item (iii))" respectively, the term and phrase "Purchase and Sale or Other Transaction of Securities, etc." and "provided under item (iii) of the preceding paragraph" in Article 39, paragraph (2), item (iii) of the Financial Instruments and Exchange Act is deemed to be replaced with "conclusion of a Specific Trust Agreement" and "related to Compensation of Losses, etc." respectively, the term "Problematic Conduct" in Article 39, paragraph (4) of the Financial Instruments and Exchange Act is deemed to be replaced with "Problematic Conduct attributable to the Financial Institution (meaning the financial institution as defined in Article 1, paragraph (1) of the Act on Engagement in Trust Business Activities by Financial Institutions)", and any other necessary technical replacement of terms is specified by Cabinet Order.

(信託業務の種類又は方法の変更の認可)

(Authorization for Changes to the Type and Method of Trust Business Activities)

第三条 金融機関が信託業務を営む場合において、当該信託業務の種類又は方法を変更しようとするときは、内閣総理大臣の認可を受けなければならない。

Article 3 When a Financial Institution engages in Trust Business Activities, and the Financial Institution intends to change the type or method of the Trust Business Activities, it must obtain authorization from the Prime Minister.

第二章 業務

Chapter II Business Activities

(同一人に対する信用の供与等)

(Granting of Credit to One Person)

第四条 信託業務を営む金融機関に対し、銀行法（昭和五十六年法律第五十九号）第十三条の規定その他の金融機関の同一人に対する信用の供与等に係る規定を適用する場合には、これらの規定に規定する信用の供与の区分及び信用供与等限度額について政令で別段の定めをすることができる。

Article 4 When the provisions of Article 13 of the Banking Act (Act No. 59 of 1981) or other provisions pertaining to the granting of credit, etc. to one person by a Financial Institution are applied to a Financial Institution engaged in Trust Business Activities, different provisions may be provided for the credit grant category or the credit grant limit, etc. prescribed in these provisions.

(定型的信託契約約款の変更等)

(Changes to the Basic Terms and Conditions for a Standard Trust Agreement)

第五条 信託業務を営む金融機関は、多数人を委託者又は受益者とする定型的信託契約（貸付信託又は投資信託に係る信託契約を除く。）について約款の変更をしようとするときは、当該定型的信託契約における委託者及び受益者のすべての同意を得る方法によるほか、内閣総理大臣の認可を受けて、当該変更に関する異議のある委託者又は受益者は一定の期間内にその異議を述べるべき旨を公告する方法によりすることができる。

Article 5 (1) When a Financial Institution engaged in Trust Business Activities intends to change the basic terms and conditions of a standard trust agreement (excluding trust agreements pertaining to a loan trust or an investment trust) that involves a large number of persons as the settlors or beneficiaries, the Financial Institution engaged in Trust Business Activities may do so either by obtaining the consent of all settlors and beneficiaries of the standard trust agreement, or by obtaining authorization from the Prime Minister and giving public notice to the effect that any settlor or beneficiary who opposes the changes is to state the objection within a certain period of time.

2 前項の期間は、一月を下ることができない。

(2) The period of time under the preceding paragraph must be at least one month.

3 委託者又は受益者が第一項の期間内に異議を述べなかった場合には、当該委託者又は受益者は、当該契約の変更を承諾したものとみなす。

(3) When a settlor or beneficiary does not state an objection within the period of time under paragraph (1), the settlor or beneficiary is deemed to have accepted the changes to the contract.

4 第一項の期間内に異議を述べた受益者は、信託業務を営む金融機関に対して、その変更がなかったならば有したであろう公正な価格で受益権を買い取ることを請求することができる。

(4) Any beneficiary who has stated an objection within the period of time under paragraph (1) may demand the Financial Institution engaged in Trust

Business Activities to purchase the beneficial interest at a fair price which would have been enjoyed if the changes had not been made.

- 5 信託法（平成十八年法律第百八号）第百三条第七項及び第百四条の規定は、前項の請求があつた場合について準用する。この場合において、同条第十二項ただし書中「信託行為又は当該重要な信託の変更等の意思決定」とあるのは「定型的信託契約約款」と、同条第十三項中「前条第一項又は第二項」とあるのは「金融機関の信託業務の兼営等に関する法律第五条第四項」と、同項ただし書中「信託行為又は当該重要な信託の変更等の意思決定」とあるのは「定型的信託契約約款」と読み替えるものとする。

- (5) The provisions of Article 103, paragraph (7) and Article 104 of the Trust Act (Act No. 108 of 2006) apply mutatis mutandis to cases where the demand under the preceding paragraph has been made. In this case, the phrase "act of trust or decision making on major changes, etc. to a trust" in the proviso to Article 104, paragraph (12) of that Act is deemed to be replaced with "basic terms and conditions for a standard trust agreement," the phrase "paragraph (1) or (2) of the preceding Article" in Article 104, paragraph (13) of that Act is deemed to be replaced with "Article 5, paragraph (4) of the Act on Engagement in Trust Business Activities by Financial Institutions" and the phrase "act of trust or decision making on major changes, etc. to a trust" in the proviso to Article 104, paragraph (13) of that Act is deemed to be replaced with "basic terms and conditions for a standard trust agreement."

（損失の補てん等を行う旨の信託契約の締結）

(Conclusion of a Trust Agreement on Compensation of Loss)

- 第六条 信託業務を営む金融機関は、第二条第一項において準用する信託業法第二十四条第一項第四号の規定にかかわらず、内閣府令で定めるところにより、運用方法の特定しない金銭信託に限り、元本に損失を生じた場合又はあらかじめ一定額の利益を得なかった場合にこれを補てんし又は補足する旨を定める信託契約（内閣府令で定めるものに限る。）を締結することができる。

- Article 6 Notwithstanding the provisions of Article 24, paragraph (1), item (iv) of the Trust Business Act as applied mutatis mutandis pursuant to Article 2, paragraph (1), a Financial Institution engaged in Trust Business Activities may, pursuant to the provisions of Cabinet Office Ordinance, conclude a trust agreement (limited to that specified by Cabinet Office Ordinance) which provides to the effect that if a loss in principal has occurred or a certain amount of income has not been obtained the loss will be compensated or the gap in the profits will be filled, only for a money trust for which the method of investment is not specified.

第三章 監督

Chapter III Supervision

(信託業務報告書等)

(Trust Business Activities Report)

第七条 信託業務を営む金融機関は、事業年度ごとに、信託業務及び信託業務に係る財産の状況を記載した当該事業年度の間接事業年度（当該事業年度の四月一日から九月三十日までの期間をいう。）に係る中間業務報告書及び当該事業年度に係る業務報告書を作成し、内閣総理大臣に提出しなければならない。

Article 7 For each business year, a Financial Institution engaged in Trust Business Activities must prepare an interim business activities report pertaining to the Interim Business Year (meaning the period from April 1 to September 30 of the relevant business year) of the relevant business year in which the Trust Business Activities and status of property pertaining to the Trust Business Activities are stated and a business report pertaining to the relevant business year and submit them to the Prime Minister.

(届出等)

(Notification)

第八条 信託業務を営む金融機関は、次の各号のいずれかに該当することとなったときは、遅滞なく、その旨を内閣総理大臣に届け出なければならない。

Article 8 (1) If a Financial Institution engaged in Trust Business Activities has come to fall under any of the following items, it must notify the Prime Minister to that effect without delay:

一 信託業務を開始したとき。

(i) if the Financial Institution has commenced Trust Business Activities;

二 信託業務を廃止したとき（会社分割により信託業務の全部を承継させたとき、及び信託業務の全部の譲渡をしたときを含む。）。

(ii) if the Financial Institution has terminated Trust Business Activities

(including cases where the Financial Institution has had all of its Trust Business Activities succeeded to through a company split or has transferred all of its Trust Business Activities);

三 合併（当該信託業務を営む金融機関が合併により消滅する場合を除く。）をし、会社分割により信託業務の一部の承継をさせ、又は信託業務の一部の譲渡をしたとき。

(iii) if the Financial Institution has implemented a merger (excluding cases where the Financial Institution engaged in Trust Business Activities disappears as a result of the merger) and if the Financial Institution has had part of its Trust Business Activities succeeded to through a company split or has transferred part of its Trust Business Activities; or

四 その他内閣府令で定める場合に該当するとき。

(iv) when the Financial Institution falls under the cases specified by Cabinet Office Ordinance.

2 信託業務を営む金融機関は、次の各号のいずれかに該当するときは、その旨を内閣総理大臣に届け出なければならない。

(2) When a Financial Institution engaged in Trust Business Activities falls under any of the following items, it must notify the Prime Minister to that effect:

一 信託業務の全部若しくは一部を営む営業所若しくは事務所の設置、位置の変更若しくは廃止又は当該営業所若しくは事務所において行う信託業務の内容の変更をしようとするとき。

(i) when the relevant Financial Institution intends to establish, change the location of, or close the business office or office at which all or part of the Trust Business Activities are to be conducted, or to change the contents of the Trust Business Activities which are to be conducted at the business office or office; or

二 その他内閣府令で定める場合に該当するとき。

(ii) when the Financial Institution falls under the cases specified by Cabinet Office Ordinance.

3 信託業務を営む金融機関は、信託業務の廃止をし、合併（当該信託業務を営む金融機関が消滅するものに限る。）をし、合併及び破産手続開始の決定以外の理由による解散をし、会社分割による信託業務の全部若しくは一部の承継をさせ、又は信託業務の全部若しくは一部の譲渡をしようとするときは、その日の三十日前までに、内閣府令で定めるところにより、その旨を公告するとともに、すべての営業所の公衆の目につきやすい場所に掲示しなければならない。

(3) When a Financial Institution engaged in Trust Business Activities intends to eliminate its Trust Business Activities, implement a merger (limited to a merger through which the Financial Institution engaged in Trust Business Activities disappears), dissolve due to reasons other than merger or the decision of commencement of bankruptcy proceedings, have all or part of its Trust Business Activities succeeded to through a company split, or transfer all or part of its Trust Business Activities, it must give public notice at least 30 days in advance to that effect and post a notice to that effect in a place easily seen by the public at all of its business offices, pursuant to the provisions of Cabinet Office Ordinance.

4 信託業務を営む金融機関は、前項の公告をしたときは、直ちに、その旨を内閣総理大臣に届け出なければならない。

(4) If a Financial Institution engaged in Trust Business Activities has given the public notice under the preceding paragraph, it must immediately notify to that effect to the Prime Minister.

(業務の停止等)

(Suspension of Business Activities)

第九条 内閣総理大臣は、信託業務を営む金融機関の業務又は財産の状況に照らして、当該信託業務を営む金融機関の信託業務の健全かつ適切な運営を確保するため必要が

あると認めるときは、当該信託業務を営む金融機関に対し、その必要の限度において、期限を付して信託業務の全部若しくは一部の停止を命じ、又は信託業務の種類若しくは方法の変更、財産の供託その他監督上必要な措置を命ずることができる。

Article 9 When the Prime Minister finds it necessary for the sound and appropriate operations of Trust Business Activities by a Financial Institution engaged in Trust Business Activities in light of the status of business activities or property of the Financial Institution engaged in Trust Business Activities, the Prime Minister may order suspension of all or part of Trust Business Activities by setting a time limit, or order changes to the type or method of Trust Business Activities, deposit of property, or any other measures necessary for supervision, within the limit necessary.

(認可の取消し等)

(Rescission of Authorization)

第十条 内閣総理大臣は、信託業務を営む金融機関が、信託業務の遂行に当たり、法令若しくは法令に基づく内閣総理大臣の命令に違反したとき、又は公益を害する行為をしたときは、当該信託業務を営む金融機関に対し、信託業務の全部若しくは一部の停止を命じ、又は第一条第一項の認可を取り消すことができる。

Article 10 If a Financial Institution engaged in Trust Business Activities has violated laws and regulations, or orders from the Prime Minister based on laws and regulations, or has committed an act that is harmful to the public interest in the implementation of Trust Business Activities, the Prime Minister may order the Financial Institution engaged in Trust Business Activities to suspend all or part of its Trust Business Activities or may rescind the authorization under Article 1, paragraph (1).

(認可の失効)

(Lapse of Authorization)

第十一条 信託業務を営む金融機関が次の各号のいずれかに該当するときは、第一条第一項の認可は、その効力を失う。

Article 11 When a Financial Institution engaged in Trust Business Activities falls under any of the following items, the authorization under Article 1, paragraph (1) loses its effect:

一 信託業務の全部を廃止したとき。

(i) if the relevant Financial Institution has terminated all of its Trust Business Activities;

二 会社分割により信託業務の全部を承継させ、又は信託業務の全部の譲渡をしたとき。

(ii) if the relevant Financial Institution has had all of its Trust Business Activities succeeded to through a company split or has transferred all of its Trust Business Activities;

三 解散したとき（設立、株式移転、合併（当該合併により信託業務を営む金融機関を設立するものに限る。）又は新設分割を無効とする判決が確定したときを含む。）。

(iii) if the relevant Financial Institution has dissolved (including cases where a judgment nullifying the incorporation, share transfer, merger (limited to a merger through which a Financial Institution engaged in Trust Business Activities is incorporated) or incorporation-type company split has become final and binding); or

四 当該認可を受けた日から六月以内に当該認可を受けた事項を実行しなかったとき（やむを得ない理由がある場合において、あらかじめ内閣総理大臣の承認を受けたときを除く。）。

(iv) if the relevant Financial Institution has failed to perform the actions which have been authorized within six months from the day on which the authorization was granted (excluding cases where there are unavoidable reasons and the approval from the Prime Minister has been obtained in advance).

（監督処分公告）

(Public Notice of Supervisory Disposition)

第十二条 内閣総理大臣は、第十条の規定により第一条第一項の認可を取り消したとき、又は第九条若しくは第十条の規定により信託業務の全部若しくは一部の停止を命じたときは、その旨を公告しなければならない。

Article 12 If the Prime Minister has rescinded the authorization under Article 1, paragraph (1) pursuant to the provisions of Article 10, or has ordered the suspension of all or part of the Trust Business Activities pursuant to the provisions of Article 9 or Article 10, the Prime Minister must give public notice to that effect.

第四章 指定紛争解決機関

Chapter IV Designated Dispute Resolution Organization

（紛争解決等業務を行う者の指定）

(Designation of a Person to Conduct Dispute Resolution Services)

第十二条の二 内閣総理大臣は、次に掲げる要件を備える者を、その申請により、紛争解決等業務（苦情処理手続（特定兼営業務関連苦情を処理する手続をいう。）及び紛争解決手続（特定兼営業務関連紛争について訴訟手続によらずに解決を図る手続をいう。）の業務並びにこれに付随する業務をいう。以下この条、次条及び第十九条の三において同じ。）を行う者として、指定することができる。

Article 12-2 (1) The Prime Minister may, upon an application, designate a person (or persons) satisfying the following requirements to conduct the Dispute Resolution Services, etc. (meaning the business of Complaint

Processing Procedures (meaning procedures to process Complaints Related to Specific Concurrent Business) and Dispute Resolution Procedures (meaning procedures seeking resolution of a Dispute Related to Specific Concurrent Business without using court proceeding(s)) and business incidental thereto; hereinafter the same applies in this Article, the following Article and Article 19-3):

一 法人（人格のない社団又は財団で代表者又は管理人の定めのあるものを含み、外国の法令に準拠して設立された法人その他の外国の団体を除く。第四号ニにおいて同じ。）であること。

(i) the relevant person is a corporation (including an association or foundation without legal personality for which a representative person or administrator has been designated and excluding a corporation established in compliance with laws and regulations of a foreign state and any other foreign associations; the same applies in item (iv), sub-item (d));

二 第十二条の四において準用する信託業法第八十五条の二十四第一項の規定によりこの項の規定による指定を取り消され、その取消しの日から五年を経過しない者又は他の法律の規定による指定であって紛争解決等業務に相当する業務に係るものとして政令で定めるものを取り消され、その取消しの日から五年を経過しない者でないこと。

(ii) the relevant person has not, in the past, had the designation under the provisions of this paragraph rescinded pursuant to the provisions of Article 85-24, paragraph (1) of the Trust Business Act as applied mutatis mutandis pursuant to Article 12-4 less than five years prior to the current designation under the provisions of this paragraph, or a person who has not had a designation under the provisions of another Act specified by Cabinet Order as pertaining to Business Activities equivalent to Dispute Resolution Services, etc. rescinded less than five years prior to the current designation;

三 この法律若しくは弁護士法（昭和二十四年法律第二百五号）又はこれらに相当する外国の法令の規定に違反し、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五年を経過しない者でないこと。

(iii) the relevant person has been ordered to pay a fine (including a penalty under the law and regulations of a foreign state equivalent thereto) for violating the provisions of this Act, the Attorney Act (Act No. 205 of 1949) or a law or regulation of a foreign state equivalent thereto, and at least five years have not elapsed since the day on which the sentence ended or the person became exempt from its execution;

四 役員のうち、次のいずれかに該当する者がいないこと。

(iv) the relevant person has no officers falling under any of the following categories:

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 a conservatorship, or a person who is treated in the same manner under the laws and regulations of a foreign state;
- ロ 破産者で復権を得ないもの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 bankrupt person whose rights have not been restored or a person who is treated in the same manner under 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五年を経過しない者
- (c) a person who has been sentenced to imprisonment without work or a more severe punishment (including punishment under the laws and regulations of a foreign state equivalent thereto) and at least five years have not elapsed since the day on which the sentence ended or the person became exempt from the execution of the sentence;
- ニ 第十二条の四において準用する信託業法第八十五条の二十四第一項の規定によりこの項の規定による指定を取り消された場合若しく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当該指定に類する行政処分を取り消された場合において、その取消しの日前一月以内にその法人の役員（外国の法令上これと同様に取り扱われている者を含む。ニにおいて同じ。）であった者でその取消しの日から五年を経過しない者又は他の法律の規定による指定であって紛争解決等業務に相当する業務に係るものとして政令で定めるもの若しくは当該他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当該政令で定める指定に類する行政処分を取り消された場合において、その取消しの日前一月以内にその法人の役員であった者でその取消しの日から五年を経過しない者
- (d) if the designation under this paragraph has been rescinded pursuant to the provisions of Article 85-24, paragraph (1) of the Trust Business Act as applied mutatis mutandis pursuant to Article 12-4, or if an administrative disposition similar to the relevant designation obtained in a foreign state pursuant to the provisions of laws and regulations of a foreign state equivalent to this Act has been rescinded, a person who was an officer of the corporation (including a person who is treated in the same manner under laws and regulations of a foreign state; the same applies in sub-item (d)) within one month prior to the day of rescission and for whom five years have not elapsed from the day of rescission, or if a designation under the provisions of other Acts specified by Cabinet Order as being related to business activities equivalent to Dispute Resolution Services, etc. or an administrative disposition similar to designation as specified by Cabinet Order obtained in a foreign state pursuant to laws and regulations of a foreign state has been rescinded, a person who was an officer of the

corporation within one month prior to the day of rescission and for whom five years have not elapsed from that day of rescission; or

ホ この法律若しくは弁護士法又はこれらに相当する外国の法令の規定に違反し、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五年を経過しない者

(e) a person who has been sentenced to a fine (including a punishment under laws and regulations of a foreign state equivalent thereto) for having violated the provisions of this Act, the Attorney Act, or laws and regulations of a foreign state equivalent thereto, and for whom five years have not elapsed since the day on which the sentence ended or the person became exempt from the execution of the sentence;

五 紛争解決等業務を的確に実施するに足る経理的及び技術的な基礎を有すること。

(v) the relevant person has accounting and technical foundations sufficient for the proper implementation of Dispute Resolution Services, etc.;

六 役員又は職員の構成が紛争解決等業務の公正な実施に支障を及ぼすおそれがないものであること。

(vi) there is no risk that the composition of officers or employees will hinder the fair implementation of Dispute Resolution Services, etc.;

七 紛争解決等業務の実施に関する規程（以下「業務規程」という。）が法令に適合し、かつ、この法律の定めるところにより紛争解決等業務を公正かつ的確に実施するために十分であると認められること。

(vii) the rules concerning the implementation of Dispute Resolution Services, etc. (hereinafter referred to as "Operational Rules") conform to laws and regulations and are found sufficient for the fair and proper implementation of Dispute Resolution Services, etc. pursuant to the provisions of this Act; and

八 次項の規定により意見を聴取した結果、手続実施基本契約（紛争解決等業務の実施に関し指定紛争解決機関（この項の規定により指定を受けた者をいう。第五項、次条及び第十二条の四において同じ。）と信託業務を営む金融機関との間で締結される契約をいう。以下この号及び次条において同じ。）の解除に関する事項その他の手続実施基本契約の内容（第十二条の四において準用する信託業法第八十五条の七第二項各号に掲げる事項を除く。）その他の業務規程の内容（同条第三項の規定によりその内容とするものでなければならないこととされる事項並びに同条第四項各号及び第五項第一号に掲げる基準に適合するために必要な事項を除く。）について異議（合理的な理由が付されたものに限る。）を述べた信託業務を営む金融機関の数の信託業務を営む金融機関の総数に占める割合が政令で定める割合以下の割合となったこと。

(viii) as a result of hearing opinions pursuant to the following paragraph, the proportion of the number of Financial Institutions engaged in Trust Business Activities who have stated their objections (limited to those with reasonable

reasons therefor) to the particulars concerning the cancellation of the Basic Contract for Implementation of Dispute Resolution Procedures (meaning a contract concluded between the Designated Dispute Resolution Organization (meaning the one designated pursuant to the provisions of this paragraph; the same applies in paragraph (5), the following Article and Article 12-4) and a Financial Institution engaged in Trust Business Activities; hereinafter the same applies in this item and the following Article), other contents of the Basic Contract for Implementation of Dispute Resolution Procedures (excluding the particulars listed in the items of Article 85-7, paragraph (2) of the Trust Business Activities Act as applied mutatis mutandis pursuant to Article 12-4), or the contents of other Operational Rules (excluding particulars which are to be the contents thereof pursuant to the provisions of Article 85-7, paragraph (3) of that Act and the particulars necessary to conform to the standards listed in the items of Article 85-7, paragraph (4) and paragraph (5), item (i) of that Act) to the total number of Financial Institutions engaged in Trust Business Activities has become less than the proportion specified by Cabinet Order.

2 前項の申請をしようとする者は、あらかじめ、内閣府令で定めるところにより、信託業務を営む金融機関に対し、業務規程の内容を説明し、これについて異議がないかどうかの意見（異議がある場合には、その理由を含む。）を聴取し、及びその結果を記載した書類を作成しなければならない。

(2) Any person who intends to make the application under the preceding paragraph must give an explanation on the contents of the Operational Rules to the Financial Institution engaged in Trust Business Activities, hear opinions therefrom as to whether they have any objections thereto (when there are objections, the reasons therefore are to be included) and prepare documents stating the results thereof, in advance and pursuant to the provisions of Cabinet Office Ordinance.

3 内閣総理大臣は、第一項の規定による指定をしようとするときは、同項第五号から第七号までに掲げる要件（紛争解決手続の業務に係る部分に限り、同号に掲げる要件にあっては、第十二条の四において準用する信託業法第八十五条の七第四項各号及び第五項各号に掲げる基準に係るものに限る。）に該当していることについて、あらかじめ、法務大臣に協議しなければならない。

(3) When the Prime Minister intends to make a designation under the provisions of paragraph (1), the Prime Minister must consult with the Minister of Justice in advance with regard to the fact that the relevant person satisfies the requirements listed in items (v) to (vii) inclusive of that paragraph (limited to the portion related to the operation of Dispute Resolution Procedures, and with regard to the requirement set forth in item (vii), limited to that related to the standard listed in the items under Article 85-7, paragraph (4) and (5) of the Trust Business Act as applied mutatis mutandis pursuant to Article 12-4).

4 第一項に規定する「特定兼營業務関連苦情」とは、特定兼營業務（金融機関が営む信託業法第二条第一項に規定する信託業及び第一条第一項第一号から第三号までに掲げる業務並びに当該金融機関のために同法第二条第九項に規定する信託契約代理店が営む信託契約代理業をいう。以下この項において同じ。）に関する苦情をいい、「特定兼營業務関連紛争」とは、特定兼營業務に関する紛争で当事者が和解をすることができるものをいう。

(4) The term "Complaints Related to Specific Concurrent Business Activities" as used in paragraph (1) means complaints related to Specific Concurrent Business Activities (meaning the trust business activities provided in Article 2, paragraph (1) of the Trust Business Act conducted by a Financial Institution, Business Activities listed in Article 1, paragraph (1), item (i) to (iii) inclusive, and agency for trust agreements carried out by an agent for trust agreement defined in Article 2, paragraph (9) of the Act on behalf of the Financial Institution; hereinafter the same applies in this paragraph) and the term "Dispute Related to Specific Concurrent Business Activities" means a dispute related to Specific Concurrent Business Activities which may be settled between the parties.

5 内閣総理大臣は、第一項の規定による指定をしたときは、指定紛争解決機関の商号又は名称及び主たる営業所又は事務所の所在地並びに当該指定をした日を公告しなければならない。

(5) When the Prime Minister makes the designation under the provisions of paragraph (1), the Prime Minister must give public notice of the trade name or name and the location of the principal business office or office of the Designated Dispute Resolution Organization and the day on which the Prime Minister made the designation.

(業務規程)

(Operational Rules)

第十二条の三 指定紛争解決機関は、次に掲げる事項に関する業務規程を定めなければならない。

Article 12-3 A Designated Dispute Resolution Organization must provide the following particulars in its Operational Rules:

一 手続実施基本契約の内容に関する事項

(i) particulars concerning the contents of the Basic Contract for Implementation of Dispute Resolution Procedures;

二 手続実施基本契約の締結に関する事項

(ii) particulars concerning the conclusion of the Basic Contract for Implementation of Dispute Resolution Procedures;

三 紛争解決等業務の実施に関する事項

(iii) particulars concerning the implementation of Dispute Resolution Services, etc.;

四 紛争解決等業務に要する費用について加入金融機関（手続実施基本契約を締結した相手方である信託業務を営む金融機関をいう。次号において同じ。）が負担する負担金に関する事項

(iv) particulars concerning the charge to be borne by the Member Financial Institution (meaning the Financial Institution engaged in Trust Business Activities that is the counterparty to the Basic Contract for Implementation of Dispute Resolution Procedures; the same applies in the following item) with regard to the costs necessary for the Dispute Resolution Services, etc.;

五 当事者である加入金融機関又はその顧客から紛争解決等業務の実施に関する料金を徴収する場合にあっては、当該料金に関する事項

(v) when collecting fees concerning the implementation of Dispute Resolution Services, etc. from the Member Financial Institution that is the party to the dispute or from its customer, particulars concerning the fees;

六 他の指定紛争解決機関その他相談、苦情の処理又は紛争の解決を実施する国の機関、地方公共団体、民間事業者その他の者との連携に関する事項

(vi) particulars concerning coordination with another Designated Dispute Resolution Organization, national organ, local governments, private business operators, or any other person providing consultation, processing complaints, or implementing dispute resolution;

七 紛争解決等業務に関する苦情の処理に関する事項

(vii) particulars concerning the processing of complaints related to Dispute Resolution Services, etc.; and

八 前各号に掲げるもののほか、紛争解決等業務の実施に必要な事項として内閣府令で定めるもの

(viii) in addition to those listed in the preceding items, particulars specified by Cabinet Office Ordinance as those necessary for the implementation of Dispute Resolution Services, etc.

(信託業法の準用)

(Application Mutatis Mutandis of the Trust Business Act)

第十二条の四 信託業法第五章の二（第八十五条の二及び第八十五条の七第一項を除く。）の規定は、指定紛争解決機関について準用する。この場合において、同法第八十五条の三第一項中「前条第一項」とあるのは「金融機関の信託業務の兼営等に関する法律第十二条の二第一項」と、同条第二項第一号中「前条第一項第三号」とあるのは「金融機関の信託業務の兼営等に関する法律第十二条の二第一項第三号」と、同項第六号中「前条第二項」とあるのは「金融機関の信託業務の兼営等に関する法律第十二条の二第二項」と、同法第八十五条の五第一項中「この法律」とあるのは「金融機関の信託業務の兼営等に関する法律」と、同法第八十五条の六中「他の法律」とあるのは「金融機関の信託業務の兼営等に関する法律以外の法律」と、同法第八十五条の七第二項中「前項第一号」とあるのは「金融機関の信託業務の兼営等に関する法律第十二条の三第一号」と、同条第三項中「第一項第二号」とあるのは「金融機関の信託

業務の兼営等に関する法律第十二条の三第二号」と、同条第四項中「第一項第三号」とあるのは「金融機関の信託業務の兼営等に関する法律第十二条の三第三号」と、同条第五項中「第一項第四号」とあるのは「金融機関の信託業務の兼営等に関する法律第十二条の三第四号」と、「同項第五号」とあるのは「同条第五号」と、同法第八十五条の十四第二項中「第八十五条の二第一項」とあるのは「金融機関の信託業務の兼営等に関する法律第十二条の二第一項」と、同法第八十五条の二十二第二項第一号中「第八十五条の二第一項第五号から第七号までに掲げる要件（）」とあるのは「金融機関の信託業務の兼営等に関する法律第十二条の二第一項第五号から第七号までに掲げる要件（）」と、「又は第八十五条の二第一項第五号」とあるのは「又は同法第十二条の二第一項第五号」と、同法第八十五条の二十三第三項中「他の法律」とあるのは「金融機関の信託業務の兼営等に関する法律以外の法律」と、同法第八十五条の二十四第一項中「、第八十五条の二第一項」とあるのは「、金融機関の信託業務の兼営等に関する法律第十二条の二第一項」と、同項第一号中「第八十五条の二第一項第二号」とあるのは「金融機関の信託業務の兼営等に関する法律第十二条の二第一項第二号」と、同項第二号中「第八十五条の二第一項」とあるのは「金融機関の信託業務の兼営等に関する法律第十二条の二第一項」と、同条第二項第一号中「第八十五条の二第一項第五号」とあるのは「金融機関の信託業務の兼営等に関する法律第十二条の二第一項第五号」と、「第八十五条の二第一項の」とあるのは「同法第十二条の二第一項の」と、同条第三項及び第四項中「第八十五条の二第一項」とあるのは「金融機関の信託業務の兼営等に関する法律第十二条の二第一項」と読み替えるものとするほか、必要な技術的読替えは、政令で定める。

Article 12-4 The provisions of Chapter V-2 of the Trust Business Act (excluding Article 85-2 and Article 85-7, paragraph (1)) apply mutatis mutandis to Designated Dispute Resolution Organizations. In this case, the phrase "paragraph (1) of the preceding Article" in Article 85-3, paragraph (1) of that Act is deemed to be replaced with "Article 12-2, paragraph (1) of the Act on Engagement in Trust Business Activities by Financial Institutions," the phrase "paragraph (1), items (iii) and (iv) of the preceding Article" in Article 85-3, paragraph (2), item (i) of the Trust Business Act is deemed to be replaced with "Article 12-2, paragraph (1), item (iii) and (iv) of the Act on Engagement in Trust Business Activities by Financial Institutions," the phrase "paragraph (2) of the preceding Article" in Article 85-3, paragraph (2), item (vi) of the Trust Business Act is deemed to be replaced with "Article 12-2, paragraph (2) of the Act on Engagement in Trust Business Activities by Financial Institutions," the phrase "this Act" in Article 85-5, paragraph (1) of the Trust Business Act is deemed to be replaced with "the Act on Engagement in Trust Business Activities by Financial Institutions," the phrase "other Acts" in Article 85-6 of the Trust Business Act is deemed to be replaced with "Acts other than the Act on Engagement in Trust Business Activities by Financial Institutions," the phrase "item (i) of the preceding paragraph" in Article 85-7, paragraph (2) of the Trust Business Act is deemed to be replaced with "Article 12-3, item (i) of the Act on

Engagement in Trust Business Activities by Financial Institutions," the phrase "paragraph (1), item (ii)" in Article 85-7, paragraph (3) of the Trust Business Act is deemed to be replaced with "Article 12-3, item (ii) of the Act on Engagement in Trust Business Activities by Financial Institutions," the phrase "paragraph (1), item (iii)" in Article 85-7, paragraph (4) of the Trust Business Act is deemed to be replaced with "Article 12-3, item (iii) of the Act on Engagement in Trust Business Activities by Financial Institutions," the phrases "paragraph (1), items (iv) and (v)" and "item (v) of that paragraph" in Article 85-7, paragraph (5) of the Trust Business Act are deemed to be replaced with "Article 12-3, items (iv) and (v) of the Act on Engagement in Trust Business Activities by Financial Institutions" and "item (v) of that Article" respectively, and the phrase "Article 85-2, paragraph (1)" in Article 85-14, paragraph (2) of the Trust Business Act is deemed to be replaced with "Article 12-2, paragraph (1) of the Act on Engagement in Trust Business Activities by Financial Institutions," the phrases "the requirements set forth in Article 85-2, paragraph (1), items (v) to (vii) inclusive (" and "Article 85-2, paragraph (1), item (v)" in Article 85-22, paragraph (2), item (i) of the Trust Business Act are deemed to be replaced with "the requirements set forth in Article 12-2, paragraph (1), items (v) to (vii) inclusive of the Act on Engagement in Trust Business Activities by Financial Institutions (" and "Article 12-2, paragraph (1), item (v) of that Act" respectively, the phrase "other Acts" in Article 85-23, paragraph (3) of the Trust Business Act is deemed to be replaced with "Acts other than the Act on Engagement in Trust Business Activities by Financial Institutions," the phrase "Article 85-2, paragraph (1)" in Article 85-24, paragraph (1) of the Trust Business Act is deemed to be replaced with "Article 12-2, paragraph (1) of the Act on Engagement in Trust Business Activities by Financial Institutions," the phrase "Article 85-2, paragraph (1), items (ii) to (vii) inclusive" in Article 85-24, paragraph (1), item (i) of the Trust Business Act is deemed to be replaced with "Article 12-2, paragraph (1), items (ii) to (vii) inclusive of the Act on Engagement in Trust Business Activities by Financial Institutions," the phrase "Article 85-2, paragraph (1)" in Article 85-24, paragraph (1), item (ii) of the Trust Business Act is deemed to be replaced with "Article 12-2, paragraph (1) of the Act on Engagement in Trust Business Activities by Financial Institutions," the phrases "Article 85-2, paragraph (1), items (v) to (vii) inclusive" and "Article 85-2, paragraph (1)" in Article 85-24, paragraph (2), item (i) of the Trust Business Act are deemed to be replaced with "Article 12-2, paragraph (1), items (v) to (vii) inclusive of the Act on Engagement in Trust Business Activities by Financial Institutions" and "Article 12-2, paragraph (1) of that Act" respectively, the phrase "Article 85-2, paragraph (1)" in Article 85-24, paragraphs (3) and (4) of the Trust Business Act is deemed to be replaced with "Article 12-2, paragraph (1) of the Act on

Engagement in Trust Business Activities by Financial Institutions" and any other necessary technical replacement of terms is specified by Cabinet Order.

第五章 雑則

Chapter V Miscellaneous Provisions

(財務大臣への資料提出等)

(Submission of Materials to the Minister of Finance)

第十三条 財務大臣は、その所掌に係る金融破綻処理制度及び金融危機管理に関し、信託業務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 13 (1) When the Minister of Finance finds it necessary for planning or drafting a system pertaining to Trust Business Activities in relation to a system for the disposition of failed financial institutions and financial risk management under the minister's jurisdiction, the minister may request the Prime Minister to provide the necessary materials and an explanation thereof.

2 財務大臣は、その所掌に係る金融破綻処理制度及び金融危機管理に関し、信託業務に係る制度の企画又は立案をするため特に必要があると認めるときは、その必要の限度において、信託業務を営む金融機関その他の関係者に対し、資料の提出、説明その他の協力を求めることができる。

(2) When the Minister of Finance finds it necessary for planning or drafting a system pertaining to Trust Business Activities in relation to a system for the disposition of a failed financial institution and financial risk management under the minister's jurisdiction, the minister may, within the limit necessary, request a Financial Institution engaged in Trust Business Activities or any other persons concerned to provide materials or an explanation thereof or any other cooperation.

(権限の委任)

(Delegation of Authority)

第十四条 内閣総理大臣は、この法律による権限（政令で定めるものを除く。）を金融庁長官に委任する。

Article 14 (1) The Prime Minister delegates the authority vested under this Act (excluding that specified by Cabinet Order) to the Commissioner of the Financial Services Agency.

2 金融庁長官は、政令で定めるところにより、前項の規定により委任された権限の一部を財務局長又は財務支局長に委任することができる。

(2) Pursuant to the provisions of Cabinet Order, the Commissioner of the Financial Services Agency may delegate part of the authority delegated pursuant to the preceding paragraph, to the Director-General of the Finance Bureau or Director-General of the Local Finance Branch Bureau.

(内閣府令への委任)

(Delegation to Cabinet Office Ordinance)

第十五条 この法律に定めるもののほか、第一条第一項の認可の申請の手續その他この法律を実施するため必要な事項は、内閣府令で定める。

Article 15 Beyond what is provided for in this Act, the application procedures for the authorization under Article 1, paragraph (1) and any other particulars necessary for the enforcement of this Act are specified by Cabinet Office Ordinance.

第六章 罰則

Chapter VI Penal Provisions

第十五条の二 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 15-2 A person who falls under any of the following items is sentenced to imprisonment with work for not more than three years or a fine of not more than three million yen, or both:

一 第二条第一項において準用する信託業法第二十四条第一項第一号の規定に違反して、同号に掲げる行為（同法第二条第三項各号に掲げる信託の引受けに係るものを除く。）をした者

(i) a person who has carried out the acts set forth in, Article 24, paragraph (1), item (i) of the Trust Business Act (excluding those pertaining to the acceptance of trust set forth in the items of Article 2, paragraph (3) of that Act), in violation of the provisions of that item as applied mutatis mutandis pursuant to Article 2, paragraph (1); or

二 第二条第一項において準用する信託業法第二十七条第一項の規定による報告書（同法第二条第三項各号に掲げる信託の引受けに係るものを除く。以下この号において同じ。）を交付せず、又は虚偽の記載をした報告書を交付した者

(ii) a person who has failed to submit a report under Article 27, paragraph (1) of the Trust Business Act as applied mutatis mutandis pursuant to Article 2, paragraph (1) (excluding those pertaining to the acceptance of trust set forth in the items of Article 2, paragraph (3) of that Act; hereinafter the same applies in this item) or who has submitted a false report.

第十六条 第九条又は第十条の規定による信託業務の停止の命令に違反した者は、二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 16 Any person who has violated an order of suspension of Trust Business Activities under the provisions of Article 9 or Article 10 is sentenced to imprisonment with work for not more than two years or a fine of not more than three million yen, or both.

第十七条 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三百万円以下の罰金に処し、又はこれを併科する。

Article 17 Any person who falls under any of the following items is sentenced to imprisonment with work for not more than one year or a fine of not more than three million yen, or both:

一 第二条第一項において準用する信託業法第二十四条第一項第一号の規定に違反して、同号に掲げる行為（同法第二条第三項各号に掲げる信託の引受けに係るものに限る。）をした者又は第二条第一項において準用する同法第二十四条第一項第三号若しくは第四号の規定に違反して、これらの規定に掲げる行為をした者

(i) a person who has carried out the acts set forth in Article 24, paragraph (1), item (i) of the Trust Business Act (excluding those pertaining to the acceptance of trust set forth in the items of Article 2, paragraph (3) of that Act) as applied mutatis mutandis pursuant to Article 2, paragraph (1), in violation of the provisions of that item, or a person who has carried out the acts set forth in Article 24, paragraph (1), items (i), (iii), or (iv) of that Act as applied mutatis mutandis pursuant to Article 2, paragraph (1), in violation of the provisions of those items;

二 第二条第一項において準用する信託業法第二十七条第一項の規定による報告書（同法第二条第三項各号に掲げる信託の引受けに係るものに限る。以下この号において同じ。）を交付せず、又は虚偽の記載をした報告書を交付した者

(ii) a person who has failed to submit a report under Article 27, paragraph (1) of the Trust Business Act as applied mutatis mutandis pursuant to Article 2, paragraph (1) (excluding those pertaining to the acceptance of trust set forth in the items of Article 2, paragraph (3) of that Act; hereinafter the same applies in this item) or who has submitted a false report;

三 第二条第一項において準用する信託業法第二十九条第二項の規定に違反した者

(iii) a person who has violated the provisions of Article 29, paragraph (2) of the Trust Business Act as applied mutatis mutandis pursuant to Article 2, paragraph (1);

四 第二条第一項において準用する信託業法第四十二条第一項から第三項までの規定による報告若しくは資料の提出をせず、又は虚偽の報告若しくは資料の提出をした者

(iv) a person who has failed to submit a report or materials under Article 42, paragraphs (1) to (3) inclusive of the Trust Business Act as applied mutatis mutandis pursuant to Article 2, paragraph (1) or who has submitted a false report or false materials;

五 第二条第一項において準用する信託業法第四十二条第一項から第三項までの規定による当該職員の質問に対して答弁をせず、若しくは虚偽の答弁をし、又はこれらの規定による検査を拒み、妨げ、若しくは忌避した者

(v) a person who has failed to answer or who has given a false answer to

questions asked by the relevant officials under the provisions of Article 42, paragraphs (1) to (3) inclusive of the Trust Business Act as applied mutatis mutandis pursuant to Article 2, paragraph (1) or who has refused, hindered, or avoided inspection under these provisions;

六 第七条の規定による中間業務報告書若しくは業務報告書を提出せず、又はこれらに記載すべき事項のうち重要な事項を記載せず、若しくは重要な事項について虚偽の記載をした者

(vi) a person who has failed to submit an interim business report or a business report under the provisions of Article 7, who has failed to state important particulars from among those to be stated therein, or who has made a false statement on the important particulars;

七 第八条第三項の規定による公告をせず、又は虚偽の公告をした者

(vii) a person who has failed to give the public notice under Article 8, paragraph (3) or who has given false public notice;

八 第十二条の四において準用する信託業法第八十五条の三第一項の規定による指定申請書又は同条第二項の規定によりこれに添付すべき書類若しくは電磁的記録に虚偽の記載又は記録をしてこれらを提出した者

(viii) a person who has made a false statement or record in the written application for designation under Article 85-3, paragraph (1) of the Trust Business Act as applied mutatis mutandis pursuant to Article 12-4 or in the documents or electronic or magnetic record to be attached thereto pursuant to Article 85-3, paragraph (2) of the Trust Business Act;

九 第十二条の四において準用する信託業法第八十五条の九の規定に違反した者

(ix) a person who has violated the provisions of Article 85-9 of the Trust Business Act as applied mutatis mutandis pursuant to Article 12-4;

十 第十二条の四において準用する信託業法第八十五条の二十第一項の規定による報告書を提出せず、又は虚偽の記載をした報告書を提出した者

(x) a person who has failed to submit the written reports under Article 85-20, paragraph (1) of the Trust Business Act as applied mutatis mutandis pursuant to Article 12-4 or who has submitted a written report containing false statements;

十一 第十二条の四において準用する信託業法第八十五条の二十一第一項若しくは第二項の規定による報告若しくは資料の提出をせず、若しくは虚偽の報告若しくは資料の提出をし、又はこれらの規定による当該職員の質問に対して答弁をせず、若しくは虚偽の答弁をし、若しくはこれらの規定による検査を拒み、妨げ、若しくは忌避した者

(xi) a person who has failed to make a report or submit materials under Article 85-21, paragraph (1) or (2) of the Trust Business Act as applied mutatis mutandis pursuant to Article 12-4 or who has made a false report or submitted false materials, or who has failed to answer or given a false answer to the questions asked by the relevant officials, or who has refused,

hindered, or avoided the inspection under these provisions; or
十二 第十二条の四において準用する信託業法第八十五条の二十二第一項の規定による命令に違反した者

(xii) a person who has violated an order under the provisions of Article 85-22, paragraph (1) of the Trust Business Act as applied mutatis mutandis pursuant to Article 12-4.

第十八条 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 18 Any person who falls under any of the following items is sentenced to imprisonment with work for not more than one year or a fine of not more than one million yen, or both:

一 第二条第一項において準用する信託業法第十一条第五項の規定に違反して、信託業務を開始した者

(i) a person who has commenced Trust Business Activities in violation of Article 11, paragraph (5) of the Trust Business Act as applied mutatis mutandis pursuant to Article 2, paragraph (1);

二 第二条の二において準用する金融商品取引法第三十九条第二項（第二号を除く。）の規定に違反した者

(ii) a person who has violated the provisions of Article 39, paragraph (2) (excluding item (ii)) of the Financial Instruments and Exchange Act as applied mutatis mutandis pursuant to Article 2-2;

三 第三条の規定に違反して、認可を受けないで業務の内容又は方法を変更した者

(iii) a person who has, in violation of Article 3, changed the contents or method of business activities without obtaining authorization; or

四 第十二条の四において準用する信託業法第八十五条の四第一項の規定に違反して、その職務に関して知り得た秘密を漏らし、又は自己の利益のために使用した者

(iv) a person who has divulged or used for the person's own interest a secret learned during the course of the person's duties in violation of Article 85-4, paragraph (1) of the Trust Business Act as applied mutatis mutandis pursuant to Article 12-4;

第十八条の二 前条第二号の場合において、犯人又は情を知った第三者が受けた財産上の利益は、没収する。その全部又は一部を没収することができないときは、その価額を追徴する。

Article 18-2 (1) In the case referred to in item (ii) of the preceding Article, a property benefit obtained by an offender or a third party is confiscated. When the whole or a part of the property benefit cannot be confiscated, the equivalent monetary value is collected.

2 金融商品取引法第二百九条の二及び第二百九条の三第二項の規定は、前項の規定による没収について準用する。この場合において、同法第二百九条の二第一項中「第百

九十八条の二第一項又は第二百条の二」とあるのは「金融機関の信託業務の兼営等に関する法律第十八条の二第一項」と、「この条、次条第一項及び第二百九条の四第一項」とあるのは「この項」と、「次項及び次条第一項」とあるのは「次項」と、同条第二項中「混和財産（第二百条の二の規定に係る不法財産が混和したものに限り。）」とあるのは「混和財産」と、同法第二百九条の三第二項中「第九十八条の二第一項又は第二百条の二」とあるのは「金融機関の信託業務の兼営等に関する法律第十八条の二第一項」と読み替えるものとする。

(2) The provisions of Article 209-2 and 209-3, paragraph (2) of the Financial Instruments and Exchange Act apply mutatis mutandis to confiscation under the provisions of the preceding paragraph. In this case, the phrases "Article 198-2, paragraph (1) or Article 200-2," "this Article, paragraph (1) of the following Article and Article 209-4, paragraph (1)" and "the following paragraph and paragraph (1) of the following Article" in Article 209-2, paragraph (1) of that Act are deemed to be replaced with "Article 18-2, paragraph (1) of the Act on Engagement in Trust Business Activities by Financial Institutions," "this paragraph" and "the following paragraph" respectively, the phrase "mixed property (limited to property in which illegal property pertaining to the provisions of Article 200-2 is mixed)" in Article 209-2, paragraph (2) of that Act is deemed to be replaced with "mixed property" and the phrase "Article 198-2, paragraph (1) or Article 200-2" in Article 209-3, paragraph (2) of that Act is deemed to be replaced with "Article 18-2, paragraph (1) of the Act on Engagement in Trust Business Activities by Financial Institutions."

第十九条 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 19 Any person who falls under any of the following items is sentenced to imprisonment with work for not more than six months or a fine of not more than 500,000 yen, or both:

一 第二条第一項において準用する信託業法第十一条第八項の規定に違反して、供託を行わなかった者

(i) a person who has failed to make a deposit in violation of the provisions of Article 11, paragraph (8) of the Trust Business Act as applied mutatis mutandis pursuant to Article 2, paragraph (1);

二 第二条第一項において準用する信託業法第二十六条第一項の規定による書面を交付せず、又は虚偽の書面を交付した者

(ii) a person who has failed to deliver documents required under Article 26, paragraph (1) of the Trust Business Act as applied mutatis mutandis pursuant to Article 2, paragraph (1) or who has delivered false documents;

三 第二条第一項において準用する信託業法第二十九条第三項の規定による書面を交付せず、又は虚偽の書面を交付した者

(iii) a person who has failed to deliver documents under Article 29, paragraph (3) of the Trust Business Act as applied mutatis mutandis pursuant to Article 2, paragraph (1) or who has delivered false documents;

四 第二条の二において準用する金融商品取引法第三十七条第一項（第二号を除く。）に規定する事項を表示せず、又は虚偽の表示をした者

(iv) a person who has failed to indicate the particulars specified in Article 37, paragraph (1) (excluding item (ii)) of the Financial Instruments and Exchange Act as applied mutatis mutandis pursuant to Article 2-2 or who has made a false indication;

五 第二条の二において準用する金融商品取引法第三十七条第二項の規定に違反した者

(v) a person who has violated the provisions of Article 37, paragraph (2) of the Financial Instruments and Exchange Act as applied mutatis mutandis pursuant to Article 2-2;

六 第二条の二において準用する金融商品取引法第三十七条の三第一項（第二号から第四号まで及び第六号を除く。）の規定に違反して、書面を交付せず、若しくは同項に規定する事項を記載しない書面若しくは虚偽の記載をした書面を交付した者又は同条第二項において準用する同法第三十四条の二第四項に規定する方法により当該事項を欠いた提供若しくは虚偽の事項の提供をした者

(vi) a person who has failed to deliver documents, delivered documents without stating the facts specified in Article 37-3, paragraph (1) of that Act, delivered documents containing false statements, provided documents lacking the aforementioned facts or containing false facts using the method prescribed in Article 34-2, paragraph (4) of that Act as applied mutatis mutandis pursuant to Article 37-3, paragraph (2) of that Act, in violation of Article 37-3, paragraph (1) (excluding items (ii) to (iv) inclusive and (vi)) of the Financial Instruments and Exchange Act as applied mutatis mutandis pursuant to Article 2-2.

第十九条の二 第十二条の四において準用する信託業法第八十五条の十一若しくは第八十五条の十三第九項の規定による記録の作成若しくは保存をせず、又は虚偽の記録を作成した者は、百万円以下の罰金に処する。

Article 19-2 Any person who has failed to prepare or preserve the records under Article 85-11 or Article 85-13, paragraph (9) of the Trust Business Act as applied mutatis mutandis pursuant to Article 12-4 or who has prepared a false record is punished by a fine of not more than one million yen.

第十九条の三 第十二条の四において準用する信託業法第八十五条の二十三第一項の認可を受けないで紛争解決等業務の全部若しくは一部の休止又は廃止をした者は、五十万円以下の罰金に処する。

Article 19-3 Any person who has suspended or terminated Dispute Resolution

Services, etc. in whole or in part without obtaining the authorization under Article 85-23, paragraph (1) of the Trust Business Act as applied mutatis mutandis pursuant to Article 12-4, is punished by a fine of not more than 500,000 yen.

第二十条 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 20 Any person who falls under any of the following items is punished by a fine of not more than 300,000 yen:

一 第八条第一項、第二項若しくは第四項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 the notification under Article 8, paragraph (1), (2) or (4) or who has made a false notification;

二 第十二条の四において準用する信託業法第八十五条の八第一項の規定による報告をせず、又は虚偽の報告をした者

(ii) a person who has failed to make the report under Article 85-8, paragraph (1) of the Trust Business Act as applied mutatis mutandis pursuant to Article 12-4, or who has made a false report;

三 第十二条の四において準用する信託業法第八十五条の十八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

(iii) a person who has failed to make the notification under Article 85-18, paragraph (1) of the Trust Business Act as applied mutatis mutandis pursuant to Article 12-4, or who has made a false notification;

四 第十二条の四において準用する信託業法第八十五条の十九の規定による届出をせず、又は虚偽の届出をした者

(iv) a person who has failed to make the notification under Article 85-19 of the Trust Business Act as applied mutatis mutandis pursuant to Article 12-4, or who has made a false notification;

五 第十二条の四において準用する信託業法第八十五条の二十三第二項の規定による届出をせず、又は虚偽の届出をした者

(v) a person who has failed to make the notification under Article 85-23, paragraph (2) of the Trust Business Act as applied mutatis mutandis pursuant to Article 12-4, or who has made a false notification;

六 第十二条の四において準用する信託業法第八十五条の二十三第三項の規定による通知をせず、又は虚偽の通知をした者

(vi) a person who has failed to give the notice under Article 85-23, paragraph (3) of the Trust Business Act as applied mutatis mutandis pursuant to Article 12-4, or who has given false notice;

七 第十二条の四において準用する信託業法第八十五条の二十四第三項の規定による通知をせず、又は虚偽の通知をした者

(vii) a person who has failed to give the notice under Article 85-24, paragraph (3) of the Trust Business Act as applied mutatis mutandis pursuant to

Article 12-4, or who has given false notice.

第二十一条 法人（人格のない社団又は財団で代表者又は管理人の定めのあるものを含む。以下この項において同じ。）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又は財産に関し、次の各号に掲げる規定の違反行為をしたときは、行為者を罰するほか、その法人に対して当該各号に定める罰金刑を、その人に対して各本条の罰金刑を科する。

Article 21 (1) If the representative person of a corporation (including an association or foundation without legal personality for which a representative person or administrator has been designated; hereinafter the same applies in this paragraph) or an agent, employee, or any other worker of a corporation or individual has committed an act in violation of the following provisions with regard to the business activities or property of the corporation or individual, in addition to the offender being punished by the fine prescribed in the provisions set forth in the respective items the corporation is also punished by the fine in the respective articles:

一 第十五条の二又は第十六条 三億円以下の罰金刑

(i) Article 15-2 or Article 16: a fine of not more than 300 million yen;

二 第十七条（第九号を除く。） 二億円以下の罰金刑

(ii) Article 17 (excluding item (ix)): a fine of not more than 200 million yen;

三 第十八条第二号 一億円以下の罰金刑

(iii) Article 18, item (ii): a fine of not more than 100 million yen; and

四 第十七条第九号、第十八条（第二号を除く。）又は第十九条から前条まで 各本条の罰金刑

(iv) Article 17, item (ix), Article 18 (excluding item (ii)), or Article 19 to the preceding Article inclusive: the fine prescribed in the respective Articles.

2 前項の規定により法人でない団体を処罰する場合には、その代表者又は管理人がその訴訟行為につきその団体を代表するほか、法人を被告人又は被疑者とする場合の刑事訴訟に関する法律の規定を準用する。

(2) When an organization that is not a corporation is to be punished pursuant to the preceding paragraph, in addition to the representative person and administrator thereof representing the organization with regard to the procedural act, criminal procedures applicable to corporations apply mutatis mutandis.

第二十二条 次の各号のいずれかに該当する場合には、信託業務を営む金融機関の役員、支配人、参事又は清算人は、百万円以下の過料に処する。

Article 22 When an officer, manager, counselor, or liquidator of a Financial Institution engaged in Trust Business Activities falls under any of the following items, the person is punished by a non-penal fine of not more than one million yen:

- 一 第六条の規定に基づく内閣府令に違反して、同条に規定する信託契約を締結したとき。
- (i) if the relevant person has concluded a trust agreement prescribed in Article 6 in violation of the Cabinet Office Ordinance under that Article 6;
- 二 第九条の規定による内閣総理大臣の命令（信託業務の停止の命令を除く。）に違反したとき。
- (ii) if the relevant person has violated an order (excluding an order of suspension of Trust Business Activities) of the Prime Minister under the provisions of Article 9; or
- 三 信託法第三十四条の規定により行うべき信託財産の管理を行わないとき。
- (iii) if the relevant person has failed to manage trust property to be managed pursuant to the provisions of Article 34 of the Trust Business Act.

第二十三条 次の各号のいずれかに該当する者は、百万円以下の過料に処する。

Article 23 Any person who falls under any of the following items is punished by a non-penal fine of not more than one million yen:

- 一 第二条第一項において準用する信託業法第十一条第四項の規定による命令に違反して、供託を行わなかった者
- (i) a person who has failed to make a deposit in violation of the order under Article 11, paragraph (4) of the Trust Business Act as applied mutatis mutandis pursuant to Article 2, paragraph (1);
- 二 第二条第一項において準用する信託業法第二十九条の二の規定に違反して、重要な信託の変更又は信託の併合若しくは信託の分割をした者
- (ii) a person who has made major changes to, consolidated or split a trust in violation of Article 29-2 of the Trust Business Act as applied mutatis mutandis pursuant to Article 2, paragraph (1); or
- 三 第十二条の四において準用する信託業法第八十五条の十六の規定に違反した者
- (iii) a person who has violated the provisions of Article 85-16 of the Trust Business Act as applied mutatis mutandis pursuant to Article 12-4.

第二十四条 第十二条の四において準用する信託業法第八十五条の十七の規定に違反した者は、十万円以下の過料に処する。

Article 24 Any person who has violated the provisions of Article 85-17 of the Trust Business Act as applied mutatis mutandis pursuant to Article 12-4 is punished by a non-penal fine of not more than 100,000 yen.

第七章 没収に関する手続等の特例

Chapter VII Special Provisions on Procedures Concerning Confiscation

(第三者の財産の没収手続等)

(Procedure for Confiscation of Property of a Third Party)

第二十五条 第十八条の二第一項の規定により没収すべき財産である債権等（不動産及び動産以外の財産をいう。次条及び第二十七条において同じ。）が被告人以外の者（以下この条において「第三者」という。）に帰属する場合において、当該第三者が被告事件の手續への参加を許されていないときは、没収の裁判をすることができない。

Article 25 (1) Where a Claim, etc. (meaning property other than real property and movables; the same applies in the following Article and Article 27) which is property to be confiscated pursuant to the provisions of Article 18-2, paragraph (1), belongs to a person other than the accused (hereinafter referred to as a "Third Party" in this Article), and the Third Party is not allowed to participate in the proceedings of the case under public prosecution, a judicial decision for confiscation may not be made.

2 第十八条の二第一項の規定により、地上権、抵当権その他の第三者の権利がその上に存在する財産を没収しようとする場合において、当該第三者が被告事件の手續への参加を許されていないときも、前項と同様とする。

(2) The preceding paragraph also applies to the case of intending to confiscate property on which a superficies, a mortgage or any other right of a Third Party exists pursuant to the provisions of Article 18-2, paragraph (1), and the Third Party is not allowed to participate in the proceedings of the case under public prosecution.

3 金融商品取引法第二百九条の四第三項から第五項までの規定は、地上権、抵当権その他の第三者の権利がその上に存在する財産を没収する場合において、第十八条の二第二項において準用する同法第二百九条の三第二項の規定により当該権利を存続させるべきときについて準用する。この場合において、同法第二百九条の四第三項及び第四項中「前条第二項」とあるのは、「金融機関の信託業務の兼営等に関する法律第十八条の二第二項において準用する前条第二項」と読み替えるものとする。

(3) The provisions of Article 209-4, paragraphs (3) to (5) inclusive of the Financial Instruments and Exchange Act apply mutatis mutandis to the case of confiscating property on which a superficies, a mortgage or any other right of a Third Party exists and the right is to be kept in existence pursuant to the provisions of Article 209-3, paragraph (2) of that Act as applied mutatis mutandis pursuant to Article 18-2, paragraph (2). In this case, the phrase "paragraph (2) of the preceding Article" in Article 209-4, paragraphs (3) and (4) of that Act is deemed to be replaced with "paragraph (2) of the preceding Article as applied mutatis mutandis pursuant to Article 18-2, paragraph (2) of the Act on Engagement in Trust Business Activities by Financial Institutions."

4 第一項及び第二項に規定する財産の没収に関する手續については、この法律に特別の定めがあるもののほか、刑事事件における第三者所有物の没収手續に関する応急措置法（昭和三十八年法律第百三十八号）の規定を準用する。

(4) With regard to the procedures concerning confiscation of property provided in paragraphs (1) and (2), beyond what is specially provided for in this Act, the provisions of the Act on Emergency Measures on Criminal Procedure to

Confiscate Items Owned by Third Parties (Act No. 138 of 1963) apply mutatis mutandis.

(没収された債権等の処分等)

(Disposition of a Confiscated Claim)

第二十六条 金融商品取引法第二百九条の五第一項の規定は第十八条第二号の罪に関し没収された債権等について、同法第二百九条の五第二項の規定は同号の罪に関し没収すべき債権の没収の裁判が確定したときについて、同法第二百九条の六の規定は権利の移転について登記又は登録を要する財産を同号の罪に関し没収する裁判に基づき権利の移転の登記又は登録を関係機関に嘱託する場合について、それぞれ準用する。

Article 26 The provisions of Article 209-5, paragraph (1) of the Financial Instruments and Exchange Act apply mutatis mutandis to a Claim, etc. that has been confiscated with regard to the crime set forth in Article 18, item (ii), the provisions of Article 209-5, paragraph (2) of that Act apply mutatis mutandis to the case where a judicial decision for confiscation of the claim to be confiscated with regard to the crime set forth in Article 18, item (ii) has become final and binding, and the provisions of Article 209-6 of that Act apply mutatis mutandis to the case of commissioning a relevant organization to make registration of transfer of the right based on a judicial decision for confiscation, with regard to the crime set forth in Article 18, item (ii), of property that requires registration of transfer of a right.

(刑事補償の特例)

(Special Provisions on Criminal Compensation)

第二十七条 第十八条第二号の罪に関し没収すべき債権等の没収の執行に対する刑事補償法（昭和二十五年法律第一号）による補償の内容については、同法第四条第六項の規定を準用する。

Article 27 With regard to the contents of compensation under the Criminal Compensation Act (Act No. 1 of 1950) for execution of compensation of a Claim, etc. to be confiscated with regard to the crime set forth in Article 18, item (ii), the provisions of Article 4, paragraph (6) of that Act apply mutatis mutandis.